

# REPORT TO COUNCIL



**Date:** February 1, 2015

**RIM No.** 0940-40

**To:** City Manager

**From:** Community Planning Department (AC)

**Application:** DP16-0008

**Owner:** 0942484 BC Ltd.

**Address:** 1750 Pier Mac Way

**Applicant:** Mission Group Commercial Ltd.

**Title:** Development Permit

**Existing OCP Designation:** COMM - Commercial

**Existing Zone:** CD15 - Airport Business Park

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## 1.0 Recommendation

THAT Council NOT authorize the issuance of Development Permit No. DP16-0008 for Lot A, Section 14, Township 23, ODYD, Plan EPP47885, located on 1750 Pier Mac Way, Kelowna.

## 2.0 Purpose

To consider a Staff recommendation to NOT issue a Development Permit for the form and Character addition of a Tim Horton's drive-thru in the Airport Village commercial development.

## 3.0 Community Planning

Staff are not supportive of the proposed Development Permit. A Development Permit is necessary in this case as the subject property is located within a Comprehensive Development Permit Area. Although Staff have provided positive recommendations for many drive-thrus in the past, a stricter interpretation of the design guidelines is being taken for new drive-thrus and for high profile locations along the highway. The proposed change and expansion of the drive-thru goes against the following design guidelines outlined in Chapter 14 of the Official Community Plan (OCP):

1. Ensure vehicular and service access has minimal impact on the streetscape (Ch.14; S.8.10);
2. Locate loading, garbage, storage, utilities and other ancillary services away from public view. All such areas shall be screened and designed as an integral part of the building to minimize impact (Ch.14; S.11.1).

The intersection of Highway 97 and Airport Way represents a high profile gateway area to and from the City of Kelowna. A full drive-thru along the Airport Way frontage represents a significant vehicular expansion from the previous Development Permit coupled with a negative visual appeal. The originally approved drive-thru was approximately 15% of the Airport Way

frontage. The proposed expanded drive-thru is approximately 54% of the Airport Way frontage representing queuing capacity of 10 vehicles. While not meeting design guidelines identified above, the applicant has proposed to mitigate the impact of the drive-thru by providing screening and landscaping along the length of the drive-thru in order to improve the streetscape appeal.

### 3.1 Public Notification

Development Permits without any variances do not require public consultation as per Council Policy No. 367.

## 4.0 Proposal

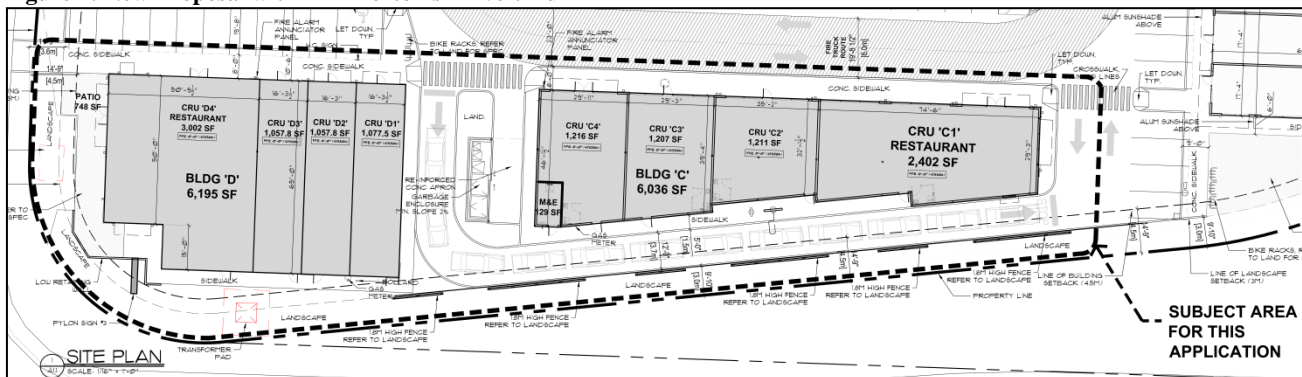
## 4.1 Project Description

This Development Permit is effectively an amendment to the previously Council approved Development Permit (DP14-260). After approval of the previous Development Permit, the applicant has been in discussions with Tim Horton's as a potential tenant. Tim Horton's interest is specific to Building C and D at the south west corner of the site due to the exposure from the Highway 97 and Airport Way intersection. Their interest is contingent upon re-orienting the Council approved drive-thru to circulate along the south side of the building. Therefore, the proposal is to split up Building C and D into two separate buildings with an access to the drive-thru in between the two buildings. Staff suggested to the applicant that the drive-thru could be accommodated elsewhere onsite in a lower profile location, however, the applicant was not interested in pursuing this option.

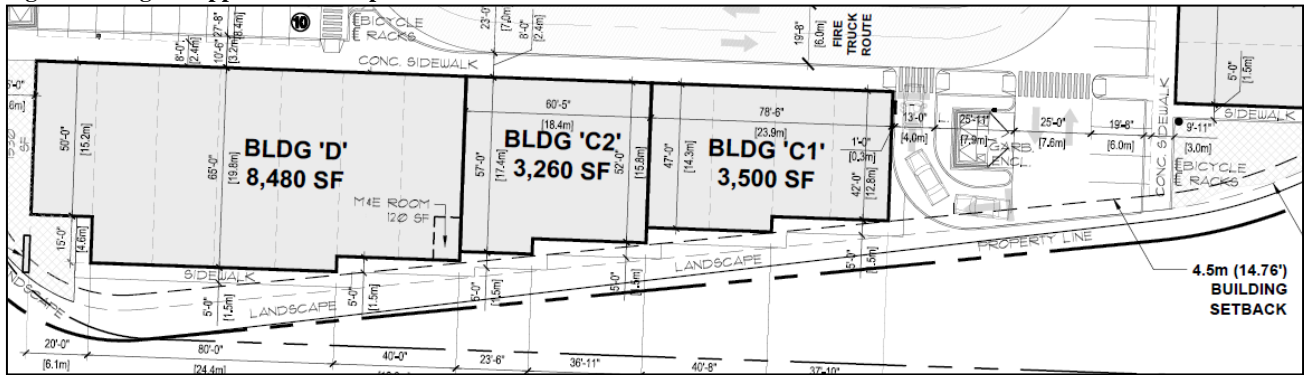
This Development Permit also includes a modification to the grocery anchor store, Nesters Food Market (Building A). The footprint of the building is proposed to be enlarged by approx. 112 ft<sup>2</sup> (10.4 m<sup>2</sup>) at the loading area to accommodate an in-house compactor room. Additionally, a new second floor mezzanine is proposed of 1,633 ft<sup>2</sup> (151.7 m<sup>2</sup>).

Combining the floor area increase in Building A with the floor area reduction in Building C and D results in a net reduction in floor area when compared to the original Development. The floor area reduction reduces the project's parking requirement from 162 parking stalls to 157 stalls. However, the original number of parking stalls (162) is still being provided.

### Figure 1: New Proposal with Tim Horton's Drive-thru



**Figure 2: Original approved Development Permit**



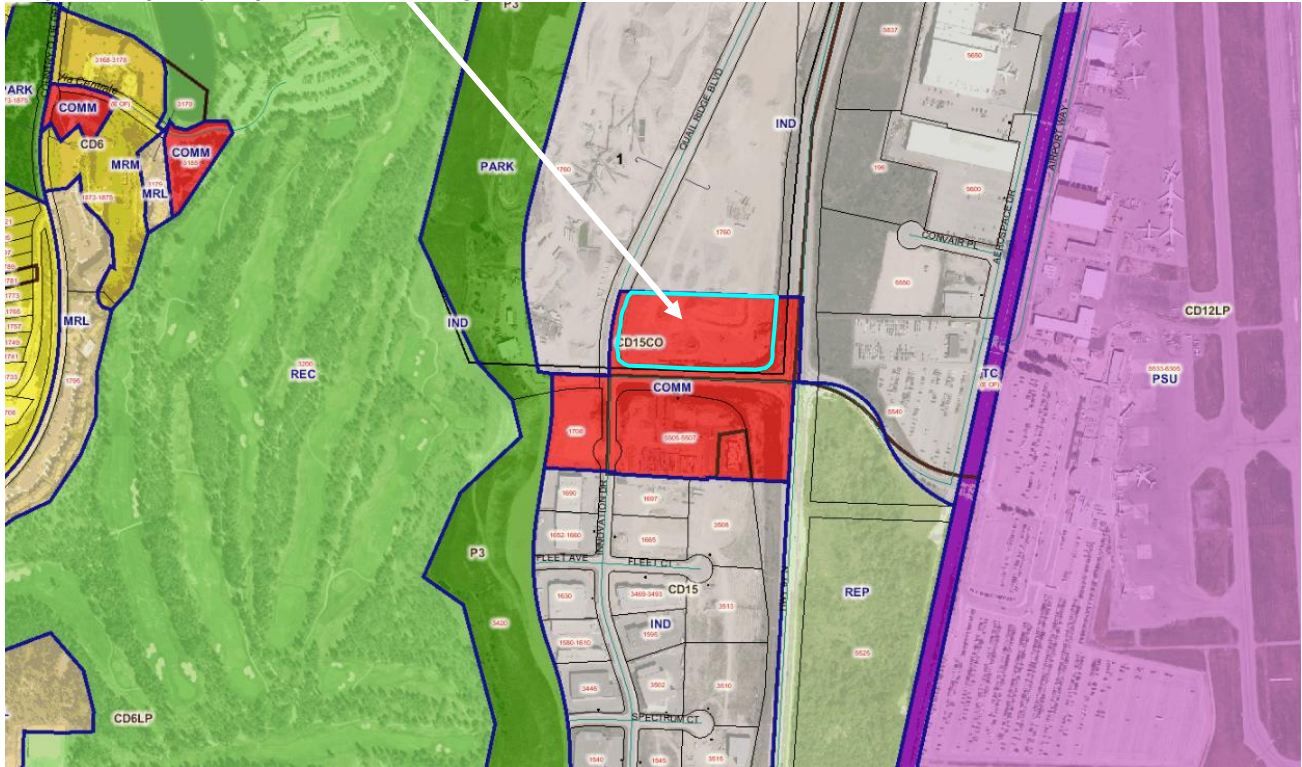
## 4.2 Site Context

The subject property is located north of Airport Way and north of the existing commercial development. The subject property has a Future Land Use designation of COMM - Commercial in the Official Community Plan and is within the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	CD15 - Airport Business Park (Industrial)	Vacant
East	CD12 - Airport	Parking lot and Commercial
South	CD15 - Airport Business Park (Commercial)	Multiple family dwellings
West	CD15 - Airport Business Park (Industrial)	Vacant

## Subject Property Map: 1760 Quail Ridge Blvd



#### 4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	CD15 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	1,500 m <sup>2</sup>	13,790 m <sup>2</sup>
Lot Width	30.0 m	83 m
Lot Depth	35.0 m	163 m
Development Regulations		
Site Coverage (buildings)	50 %	27 %
Max Floor Area for any commercial use	3,000 m <sup>2</sup>	Maximum building area = 1,926 m <sup>2</sup> Maximum commercial use = 1,240m <sup>2</sup>
Height	2 ½ storeys	1 storeys
Front Yard (west)	3.0 m	5.5 m
Side Yard (north)	0.0 m	1.5 m
Flanking Side Yard (south)	4.5 m	4.5 m
Rear Yard (east)	4.5 m	4.5 m
Other Regulations		
Building Material	No Vinyl, Wood Siding, or unfinished concrete block	Stucco, steel, metal siding, and aluminium
Principal Facades articulated with glazing or other relief	Min 30%	Varies from 30% to 35.61%
Loading Space	1 per 1,900 m <sup>2</sup> of Gross Floor Area = 2 loading bays req'd	3 loading bays provided
Parking Stalls	4.4 stalls per 100m <sup>2</sup> of Gross Leasable Area = 157 parking stalls req'd	162
Bicycle Spaces	8 Class 1 spaces 22 Class 2 spaces	8 Class 1 spaces 22 Class 2 spaces
OCP Policy		
Number of Trees	1 shade tree per parking space (41 trees)	58 trees

#### 5.0 Current Development Policies

##### 5.1 Kelowna Official Community Plan (OCP)

##### Development Process

##### Relevant Comprehensive Development Permit Area Guidelines

**S.8.10.** Ensure vehicular and service access has minimal impact on the streetscape;

**S. 11.1.** Locate loading, garbage, storage, utilities and other ancillary services away from public view. All such areas shall be screened and designed as an integral part of the building to minimize impact;

## 6.0 Alternate Recommendation

THAT Council authorizes the issuance of Development Permit No. DP16-0008 for Lot A, Section 14, Township 23, ODYD, Plan EPP47885, located on 1750 Pier Mac Way, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The Landscape Performance Security deposit from the original Development Permit (DP14-0260) be utilized to ensure the works identified in DP16-0008 are provided.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Applications in order for the permit to be issued.

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend

## 7.0 Application Chronology

Date of Application Received: December 22<sup>nd</sup>, 2014

Report prepared by:

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Adam Cseke, Planner

Reviewed by:

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Terry Barton, Urban Planning Manager

Approved for Inclusion by:

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Ryan Smith, Community Planning Manager

## Attachments:

Subject Property Map

Applicant Rationale

Draft Development Permit / Development Variance Permit

- Schedule 'A'
  - Site Plan
  - Floor Plan
- Schedule 'B'
  - Elevations
- Schedule 'C'
  - Landscape Plan