

REPORT TO COUNCIL



Date: May 29, 2018

RIM No. 0940-00

To: City Manager

From: Community Planning Department (TA)

Application: DP17-0223 & DVP17-0224

Owner: Serra Holdings (No. 9) Ltd. Inc.
No. BC0950182

Address: 120 – 144 Old Vernon Road

Applicant: Urban Design Group Architects
Ltd.

Subject: Development Permit and Development Variance Permit

Existing OCP Designation: IND - Industrial

Existing Zone: C2 – Neighbourhood Commercial

1.0 Recommendation

THAT final adoption of Land Use Contract Discharge Bylaw No. 11598 (LUC17-0003) be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0223 and DVP17-0224 for Lot 1, Section 2, Township 23, ODYD, Plan 7301 located at 120 Old Vernon Road, Kelowna, BC; and Lot A (X26413), Section 2, Township 23, ODYD, Plan 7301, located at 144 Old Vernon Road, Kelowna, BC; subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 14.2.6 (g): C2 – Neighbourhood Commercial Other Regulations

To permit drive-in food services as a form of development;

AND THAT a variance to the following section of the Sign Bylaw No. 8235 be granted:

Section 6.1: Sign Bylaw - Specific Zone Regulations (C2)

To vary the maximum height of a free-standing sign from 3.0m to 5.0m;

AND THAT the subject properties are required to be consolidated;

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

2.0 Purpose

To consider the form and character of a food primary establishment (McDonald's Restaurant) with a variance to allow drive-in food services as a form of development, and a variance to the maximum height of a free-standing sign from 3.0m required to 5.0m proposed.

3.0 Community Planning

Community Planning supports the development permit for the form and character of a food primary establishment with drive-in food services (McDonald's Restaurant) as it is in general accordance with the Official Community Plan Comprehensive Design Guidelines (Attachment "A") and is a typical design for this type of establishment. The associated variance requests are also supported as a drive-in food service and larger free-standing sign are in keeping with the surrounding service commercial area and is not located in an Urban Centre.

3.1 Form and Character

Site layout and circulation has been designed such that the drive-through is mostly shielded from the public road, and any potential stacking would be screened by the building and landscaping. While the position of the building located far back from Old Vernon Road is not consistent with the envisioned streetscape rhythm, it allows potential stacking of cars to be screened from view. There is a right-in right-out access point along Old Vernon Road, and an additional entrance and exit on Rutland Rd N. The drive-through exits behind the building onto Rutland Road N. A pedestrian connection is provided through the parking lot to connect to Old Vernon Road, and a public patio has been provided to activate the site with pedestrian activity. Care has been taken to locate the loading area with easy vehicle access and so as not to interfere with pedestrian safety or circulation.

The exterior elevations and materials have been designed with bold colours and bold architectural elements, that are used to provide visual interest and strongly identify the main entrance and pedestrian areas. The design is a modern design for McDonald's consistent with the evolution of their brand over the years. Durable brick in varying regional colours are used on the facades of buildings that are visible from the public street and are wrapped around the building to ensure a high level of detail on all street facing facades. Signage is incorporated into the facades of the building, with directional signage provided on site, and one free-standing sign.

3.2 Variances

Two variances are requested in the design proposal for McDonald's; to allow drive-in food services in the C2 – Neighbourhood Commercial Zone, and to vary the maximum free-standing sign height from 3.0m maximum to 5.0m requested.

The surrounding area is predominantly industrial zoned I2 and automobile focused, and therefore a drive-in food service will have minimal impact from a traffic perspective. The building has been sited on the northern portion of the site in order to create a visual screen for any potential stacking of vehicles. The site layout is such that pedestrian safety is prioritized by locating the main pedestrian pathway, entrance, and patio in a different location than the drive-in food service. Staff are recommending support for this proposed variance given the above rationale.

Staff are also recommending support for the proposed variance for sign height, to allow a free-standing sign at 5.0m in height. The maximum sign height in the C2 zone is 3.0m, however, in the I2 zone that predominantly surrounds the subject parcel, the maximum is 8.0m. It is anticipated with upcoming changes to the zoning bylaw the maximum sign height for an I2 parcel will be 5.0m. Therefore, the request to allow the maximum sign height of 5.0m is consistent with the new bylaw and with the surrounding area.

4.0 **Proposal**

4.1 Background

The subject properties are currently being for a second hand automobile dealer. In the past they have been used for a variety of service commercial and food primary businesses. The eastern property was under Land Use Contract LUC17-1015 which defined specific uses that were allowed on the property. As a function of this development, the applicant has applied to have the Land Use Contract discharged and absorb the underlying zone of C2 – Neighbourhood Commercial. The C2 zone allows for food-primary establishments, but does not allow for drive-in food services.

The sign bylaw is currently under review for updating and amending. Under the current regulations, the maximum height for a free-standing sign in the C2 zone is 3.0m, and this is not anticipated to change with the new regulations.

4.2 Project Description

The proposed development is for a single-storey commercial building of 411m² with surface parking for a food primary establishment with drive-in food services (McDonald's Restaurant). With recent road upgrades to Old Vernon Road, site access will be from a right-in right-out driveway access along Old Vernon Road, with a secondary entrance along Rutland Road North. There is an additional exit on the north-west portion of the site for the drive-through exit.

The building is oriented to the north of the site, with parking to the south and a public patio area in front of the building. A sidewalk connection is provided from Old Vernon Road to the main entrance of the building through the 51 stall parking lot. Landscape design includes hardscaping and softscaping with a variety of trees and shrubs and meets the minimum zoning requirements. The development requires a variance to allow drive-in food services which is currently not allowed in the majority of Commercial zones.

Several signs are proposed for the development including fascia signs, menu boards, directional signs, and one free-standing sign. The free-standing sign does require a variance to the Sign Bylaw to increase the maximum height from 3.0m to 5.0m.

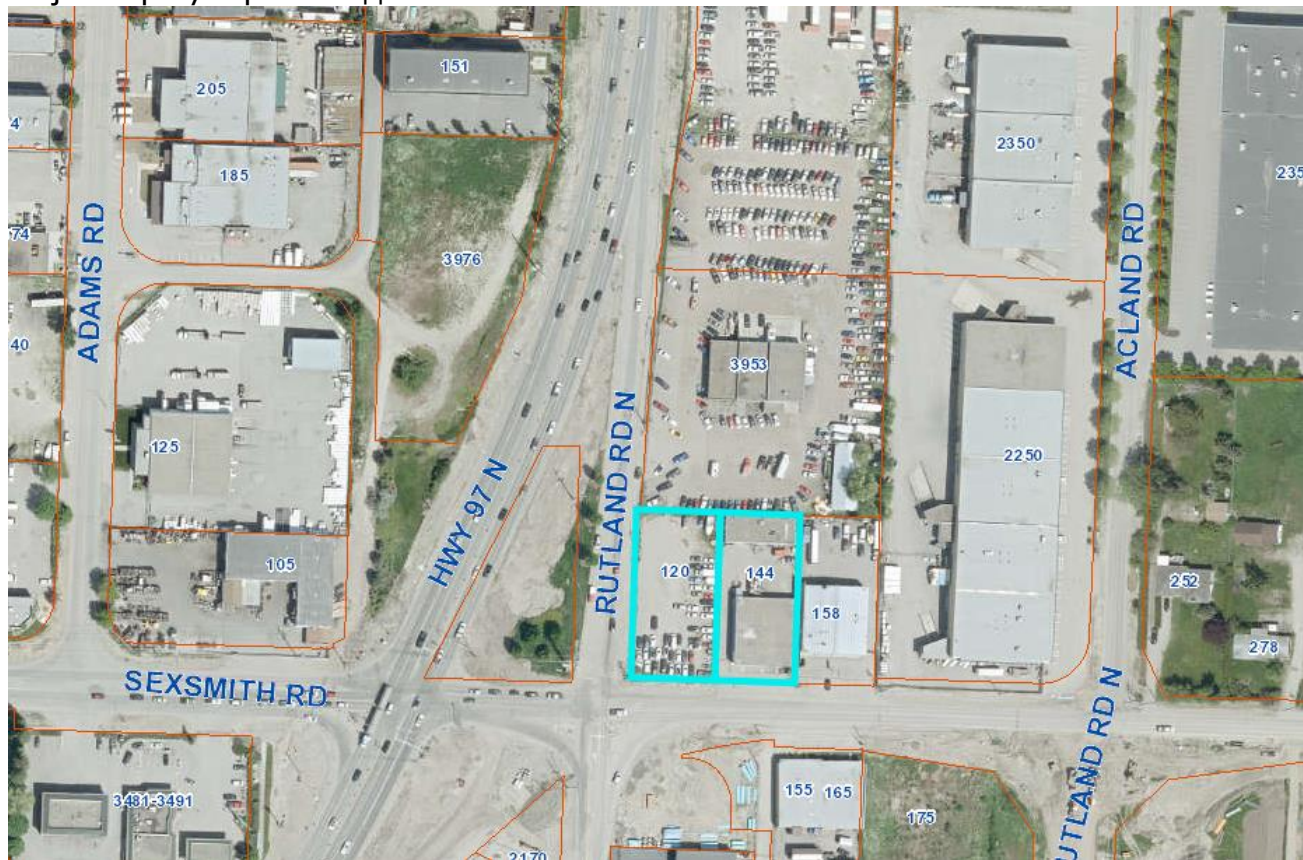
4.3 Site Context

The subject property is located east of Highway 97 N at the corner of Rutland Road N and Old Vernon Road, nearly the new round-about for Rutland Rd N.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|-------------|---|--|
| North | I2 – General Industrial | Auctioneering Establishment |
| East | I2 – General Industrial | Automotive and Minor Recreation Vehicle Sales/Rentals |
| South | C2 – Neighbourhood Commercial LUC77-1015, LUC77-1082 | General Industrial |
| West | NA | Ministry of Transportation Highway Buffer |

Subject Property Map: 120 – 144 Old Vernon Road



4.4 Zoning Analysis Table

| Zoning Analysis Table | | |
|--|----------------------|------------------|
| CRITERIA | C2 ZONE REQUIREMENTS | PROPOSAL |
| Development Regulations | | |
| Floor Area Ratio | 0.30 | .11 |
| Site Coverage of Buildings | 40% | 10% |
| Height | 10.5 m / 2 ½ storeys | 5.9 m / 1 storey |
| Front Yard | 4.5 m | 40.9 m |
| Side Yard (east) | 2.0 m | 15.1 m |
| Side Yard (west) | 4.5 m | 11.5 m |
| Rear Yard | 3.0 m | 9.1 m |
| Other Regulations | | |
| Minimum Parking Requirements | 11 Stalls | 51 Stalls |
| Bicycle Parking | 1 Stall | 5 Stalls |
| Loading Space | 1 Stall | 1 Stall |
| Maximum Sign Height | 3.0 m | 5.0 m ❶ |
| ❶ Indicates a requested variance to Sign Bylaw No. 8235 to vary the maximum sign height from 3.0 m to 5.0 m. | | |

5.0 Technical Comments

5.1 Building & Permitting Department

- 1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s).
- 2) Demolition Permit required for any existing structures
- 3) Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- 4) Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s) / area(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located.
- 5) A Hoarding permit is required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP.
- 6) A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
 - a. Any alternative solution must be accepted by the Chief Building Inspector prior to the release of the Building Permit
 - b. Location, heights, colours of mechanical systems and the required screening are to be determined at time of DP
 - c. Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
 - d. If there is to be a caretaker unit located on this lot, it should be defined as part of the DP.
- 7) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. Minimum building elevations are required to be established prior to the release of the Development Permit. If a soil removal or deposit permit is required, this must be provided at time of Development Permit application.

- 8) We strongly recommend that the developer have his professional consultants review and prepare solutions for potential impact of this development on adjacent properties. Any damage to adjacent properties is a civil action which does not involve the city directly. The items of potential damage claims by adjacent properties are items like settlement of foundations (preload), damage to the structure during construction, undermining & underpinning of existing foundation, additional snow drift on neighbour roofs, excessive noise from mechanical units, vibration damage during foundation preparation work, water infiltration systems, etc.
- 9) Size and location of all signage to be clearly defined as part of the development permit. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
- 10) An exit analysis is required as part of the code analysis at time of building permit application. The exit analysis is to address travel distances within the units and all corridors, number of required exits per area, door swing direction, handrails on each side of exit stairs, width of exits, spatial calculation for any windows in exit stairs, etc.
- 11) Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this complex at time of permit application.

5.2 Development Engineering Department

Please see Attachment "B" for Development Engineering Memorandum requirements to be met prior to issuance of Building Permit.

5.3 Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- The building shall be addressed off of road it is accessed from.
- Fire Department access is to be met as per BCBC 3.2.5.
- Ensure appropriate hydrants are installed prior to the start of construction
- Dumpster/refuse container must be 3 meters from structures or overhangs

6.o Application Chronology

| | |
|--|-------------------|
| Date of Application Received: | October 14, 2017 |
| Date of Public Notification: | November 27, 2017 |
| Date of Public Hearing for LUC17-0003 Discharge: | May 1, 2018 |

Report prepared by: Trisa Atwood, Planner II

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment "A": Comprehensive Development Permit Design Guidelines

Attachment "B": Development Engineering Memorandum

DRAFT Development Permit and Development Variance Permit DP17-0223 and DVP17-0224

Schedule "A": Siting and Dimensions

Schedule "B": Elevations and Materials

Schedule "C": Landscape Plan