

# REPORT TO COUNCIL



**Date:** April 7, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** DP19-0199 & DVP19-0200

**Owner:** Central Valley Truck Services Ltd. Inc.No. BC0288380

**Address:** 105 Adams Road

**Applicant:** Laura Jones; Pacific Land Group

**Subject:** Development Permit & Development Variance Permit Application

**Existing OCP Designation:** IND - Industrial

**Existing Zone:** I2 – General Industrial

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## 1.0 Recommendation

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP19-0200 for Lot A Section 2 Township 23 ODYD Plan EPP84870, located at 105 Adams Road, Kelowna, BC;

AND THAT Council NOT authorize the issuance of Development Permit No. DP19-0199 for Lot A Section 2 Township 23 ODYD Plan EPP84870, located at 105 Adams Road, Kelowna, BC.

## 2.0 Purpose

To consider a Staff recommendation to NOT issue a Development Variance Permit to allow for a Drive-In Food Service on the subject property; and to consider a Staff recommendation to NOT issue a Development Permit for the form and character of a Gas Bar with Drive-In Food Service on the subject property.

## 3.0 Development Planning

Development Planning does not support the proposed variance to allow for a Drive-In Food Service on the subject property.

Drive-In Food Services are prohibited from the I2 – General Industrial zone under Zoning Bylaw No. 8000. Specifically, Section 15.2.6.f states that "Drive-in food services are not a permitted form of development in this zone". As such, the proposed drive-in food service on the subject property would require a variance.

On June 25, 2018 Council adopted the policy plan Our Kelowna as We Take Action: Kelowna's Community Climate Action Plan. The Plan charts the City's strategy and policy framework for reducing greenhouse gas

(GHG) emissions to help combat climate change. To achieve this goal the Plan recommends Actions across 6 broad categories. On June 25, 2018 Council also directed Staff to begin implementing these Actions.

One of the broad categories in the Climate Action Plan is The Way We Get Around, which relates to transportation matters. Of the 13 Actions recommended in The Way We Get Around category, one specifically advises amending the Zoning Bylaw to prevent drive-throughs, as these impede walkability and encourage unnecessary idling, which wastes fuel and unnecessarily contributes to GHG emissions. Specifically, Action T7 recommends “updating the Zoning Bylaw to restrict drive-through uses in all applicable zones (include food, financial institutions, pharmacy, liquor) as they restrict walkability and encourage idling” (Table 2: Recommended Transportation Actions).

Though the Zoning Bylaw has not yet been amended to incorporate this recommendation, the policy direction is clear that drive-throughs should be prevented where possible. In this particular case, the applicant proposes varying the Zoning Bylaw to allow for a drive-in food service in a zone where it is not already permitted. Denying this application represents a straightforward way to begin implementing the policy direction in the Community Climate Action Plan, and of advancing the City’s goal of reducing GHG emissions. For this reason, Staff do not support the application.

Staff offered the applicant an opportunity to remove the drive-in food service from the application; however, the applicant declined this opportunity.

#### **4.0 Proposal**

##### **4.1 Background**

On June 6, 2018 Council approved a variance to allow for a drive-in food service on a C2 – Neighbourhood Commercial lot at 120 Old Vernon Rd., which is across the highway from the subject property. The variance application was also supported by Staff. However, this development application was both submitted and approved before the Community Climate Action Plan was considered and adopted by Council on June 25, 2018.

##### **4.2 Project Description**

The applicant proposes a Gas Bar (Chevron) and Drive-In Food Service (Triple-O’s) on the subject property, which is zoned I2 – General Industrial. Drive-In Food Services are prohibited in the I2 – General Industrial zone under Section 15.2.6 of Zoning Bylaw No. 8000. Therefore, the application requires a variance to allow for a Drive-In Food Service on the site.

The applicant has been cooperative with Staff in designing the site in such a way that minimizes the visual impact of the drive-through. Specifically, enhanced landscape screening, including landscaped berms, has been introduced on the eastern part of the site to obscure the drive-through from public view as much as possible. Also, the applicant has introduced two electric vehicle (EV) charging stations into the development in order to address the design guideline that encourages developments to incorporate measures to increase sustainability. Finally, the proposed development does substantially meet the Comprehensive Development Permit Guidelines.

##### **4.3 Site Context**

The subject property is on Highway 97 at the corner of Sexsmith Rd. in the Highway 97 Sector of the city, just north of Rutland.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I2 – General Industrial	Warehouse
East	A1 – Agriculture 1	Vacant
South	C2 – Neighbourhood Commercial	Gas Bar, Drive-In Food Service, Convenience Store
West	I2 – General Industrial	Warehouse

**Subject Property Map: 105 Adams Rd.**



**4.4 Zoning Analysis Table**

Zoning Analysis Table		
CRITERIA	I2 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	4000 m <sup>2</sup>	4338 m <sup>2</sup>
Min. Lot Width	40 m	50 m
Min. Lot Depth	35 m	46 m
Development Regulations		
Max. Floor Area Ratio	1.5	.08
Max. Site Coverage (buildings)	60%	8%
Max. Height	14 m	5.4 m
Min. Front Yard	7.5 m	> 7.5 m
Min. Side Yard (east)	4.5 m	> 4.5 m
Min. Side Yard (west)	6 m	> 6m
Min. Rear Yard	0 m	> 5m

Other Regulations		
Min. Parking Requirements	14	15
Min. Bicycle Parking	2	2
Min. Loading Space	1	1
15.2.6(f) Drive-in food services are not a permitted form of development in this zone. <span style="color: red;">❶</span>		
<span style="color: red;">❶</span> Indicates a requested variance to override this regulation in Zoning Bylaw No. 8000.		

## 5.0 Current Development Policies

### 5.1 Our Kelowna as We Take Action: Community Climate Action Plan

The Way We Get Around, Table 2: Recommended Transportation Actions.

T7. Update the Zoning Bylaw to restrict drive-through uses in all applicable zones (include food, financial institutions, pharmacy, liquor) as they restrict walkability and encourage idling.

## 6.0 Unnecessary Idling & Drive-Throughs

It has been established that the amount of fuel used to start a car is approximately equivalent to that used for 10 seconds of idling. Based on this, at least some jurisdictions, including Italy and France in Europe, recommend turning off engines when idling for more than 10 seconds, unless it is necessary to keep the engine running, such as when a car is in traffic (Natural Resources Canada. Idling – Frequently Asked Questions. <https://www.nrcan.gc.ca/energy/efficiency/communities-infrastructure/transportation/idling/4463>).

That said, it has been recognized that a certain amount of wear and tear occurs in starting a car, and when this wear and tear is taken into consideration it is estimated that turning off the engine pays off only after 60 seconds of idling. In other words, idling for more than one minute is a waste not only for the environment (6 times over), but for the individual driver themselves. For this reason, Canada's Natural Resources Department recommends turning off the engine when idling for anything more than one minute, except where it is necessary to keep the engine running, such as in traffic (Natural Resources Canada. Idling – Frequently Asked Questions. <https://www.nrcan.gc.ca/energy/efficiency/communities-infrastructure/transportation/idling/4463>).

While drive-throughs represent a convenient way for many to pick up a meal, it cannot be said that they are a necessity. Rather, it is a choice, and a choice that comes with a cost. In the summer of 2015 City of Kelowna Staff undertook a study of vehicle behaviour at one of the city's drive-throughs on Highway 97. The study was performed over a period of 3 days at set times of the day and recorded the behavior of 186 vehicles. The study found that 96% of the cars idled for more than one minute, and the average time spent idling was 4 minutes 12 seconds (3 minutes and 12 seconds longer than what is considered to be a waste both for the environment and the individual driver).

The average car produces 69 grams of CO<sub>2</sub> per minute when idling; thus, according to the study above, the average car moving through a drive-through produces 290 grams of CO<sub>2</sub>. When multiplied by the hundreds of cars moving through Kelowna's drive-throughs daily, the numbers quickly compound. To put these numbers in perspective when we escalate to a national scale, Canada's Natural Resources Department reports that "if Canadian drivers of light-duty vehicles avoided unnecessary idling for just three minutes every day of the year... we would prevent 1.4 million tonnes of CO<sub>2</sub> from entering the atmosphere. That's the equivalent of taking 320,000 cars off the road! Clearly, individual actions, when taken by millions of Canadians, can make a difference" (Natural Resources Canada. Idling – Frequently Asked Questions. <https://www.nrcan.gc.ca/energy/efficiency/communities-infrastructure/transportation/idling/4463>).

Eliminating drive-throughs may represent a small inconvenience to many, but it also represents a relatively easy win in our efforts to reduce GHG emissions and combat climate change, and one that stands to have a significant impact in the long-run.

## **7.0 Technical Comments**

### **7.1 Development Engineering Department**

- See Schedule A

## **8.0 Application Chronology**

Date of Application Received: October 7, 2019

Date Public Consultation Completed: January 24, 2020

## **9.0 Alternate Recommendation**

THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0200 for Lot A Section 2 Township 23 ODYD Plan EPP84870, located at 105 Adams Road, Kelowna, BC;

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

### **Section 15.2.6(f): I2 – General Industrial, Other Regulations**

To vary the requirement prohibiting drive-in food services in the zone.

AND THAT Council authorizes the issuance of Development Permit No. DP19-0199 for Lot A Section 2 Township 23 ODYD Plan EPP84870, located at 105 Adams 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";

**Report prepared by:** Aaron Thibeault, Planner II

**Reviewed by:** Dean Strachan, Manager, Community Planning & Developments

**Approved for Inclusion by:** Ryan Smith, Divisional Director of Planning & Development Services

### **Attachments:**

Attachment A: Draft Development Permit and Development Variance Permit DP19-0199 and DVP19-0200

Attachment B: Comprehensive Development Permit Guidelines Checklist

Attachment C: Applicant Rationale