

October 24, 2019

Subject Property:

1675 Fairview Road

Lot 1, District Lot 5, Group 7, Similkameen
Division Yale (Formerly Yale-Lytton) District,
Plan KAP75189

Application:

Development Variance Permit PL2019-8571

The applicant(s) are proposing to construct a
car wash with a building footprint of 210m².



The applicant is requesting a Development Variance Permit to vary the following section of Zoning Bylaw 2017-08:

- Section 10.8.2.5: to reduce the front yard setback from 4.5m to 0.3m

Information:

The staff report to Council and Development Variance Permit PL2019-8571 will be available for public inspection from **Friday, October 25, 2019 to Tuesday, November 5, 2019** at the following locations during hours of operation:

- Penticton City Hall, 171 Main Street
- Penticton Library, 785 Main Street
- Penticton Community Centre, 325 Power Street

You can also find this information on the City's website at www.penticton.ca/publicnotice.

Please contact the Planning Department at (250) 490-2501 with any questions.

Council Consideration:

Council will consider this application at its Regular Council Meeting scheduled for **6:00 pm, Tuesday, November 5, 2019** in Council Chambers at Penticton City Hall, 171 Main Street.

Public Comments:

You may appear in person, or by agent, the evening of the Council meeting, or submit a petition or written comments by mail or email no later than **9:30 am, Tuesday, November 5, 2019** to:

Attention: Corporate Officer, City of Penticton

171 Main Street, Penticton, B.C. V2A 5A9

Email: corpadmin@penticton.ca

No letter, report or representation from the public will be received by Council after the conclusion of the November 5, 2019 Council Meeting.

Please note that all correspondence submitted to the City of Penticton in response to this Notice must include your name and address and will form part of the public record and will be published in a meeting agenda when this matter is before the Council or a Committee of Council. The City considers the author's name and address relevant to Council's consideration of this matter and will disclose this personal information. The author's phone number and email address is not relevant and should not be included in the correspondence if the author does not wish this personal information disclosed.

Blake Laven, RPP, MCIP

Manager of Planning

Date: November 5, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Audrey Tanguay, Senior Planner
Address: 1675 Fairview Road

Subject: Development Variance Permit PL2019-8571
Development Permit PL2019-8570

File No: PRJ19-121

Staff Recommendation

Development Variance Permit

THAT Council approve "Development Variance Permit PL2019-8571", for Lot 1, District Lot 5, Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan KAP75189, located at 1675 Fairview Road, a permit to reduce the front yard from 4.5m to 0.3m for the construction of a car wash building.

AND THAT staff be directed to issue "Development Variance Permit PL2019-8571".

Development Permit

THAT Council, approve "Development Permit PL2019-8570" for 1675 Fairview Road, a permit to allow for the construction of a car wash building subject to approval of "Development Variance Permit PL2019-8571";

Strategic priority objective

Community Design: The City of Penticton will attract, promote and support sustainable growth and development congruent with the community's vision for the future.

Background

The subject property (Attachment A) is zoned C8 (Vehicle Service Station) and is designated within the City's Official Community Plan as 'Commercial'. The subject property is approximately 2,987m² (0.738 Acres) in area and contains a gas station. The applicant is proposing to build a new car wash building on the property.

As indicated on the Zoning Map, the surrounding neighbourhood currently contains similarly-zoned service commercial properties. The subject property is located on Fairview Road, which is an appropriate location for commercial development to occur.

The property is within the Commercial/Mixed-Use Development Permit Area, which is intended to create areas that are attractive, comfortable and safe for pedestrians and vehicle traffic, and to encourage development of high quality buildings, site planning and landscaping.

In addition to the proposed construction of the car wash, the property owner is also reorienting access to the property. The new design will replace the existing Fairview Road driveway access point to the Shell site and the adjacent Tim Horton's site with a new access/egress shared by both properties. The new building location will result in one new combined entrance/exit that is further setback from the Channel Parkway and the Industrial Avenue intersection therefore enhancing vehicle safety.

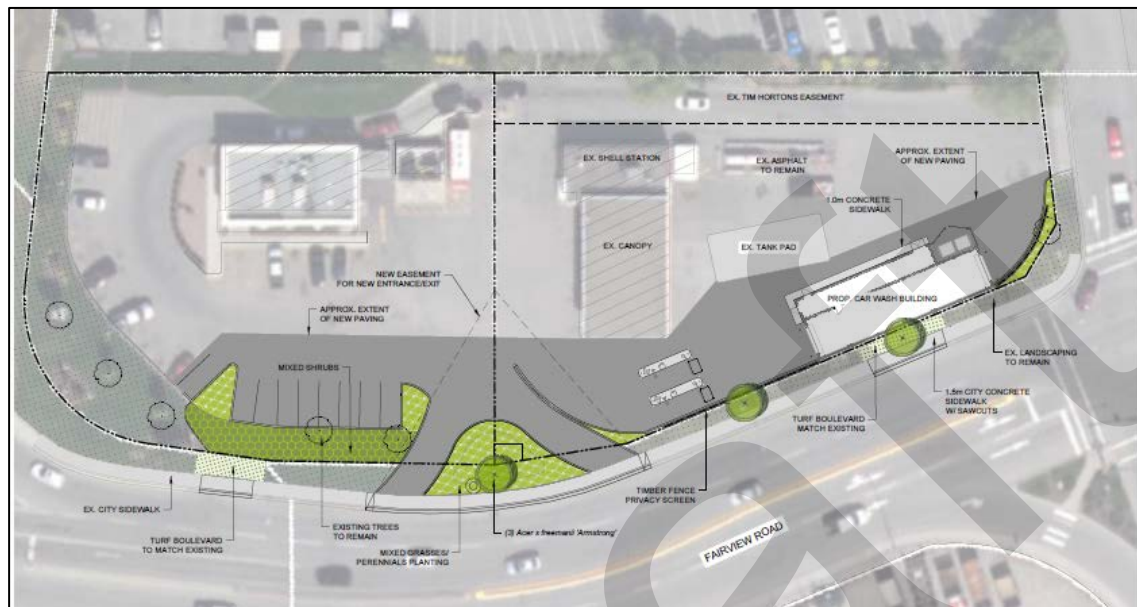


Figure 1: Landscape Plan

Proposal

The applicant(s) are proposing to construct a car wash with a building footprint of 210m². The applicant is requesting a Development Variance Permit to vary the following section of Zoning Bylaw No. 2017-08:

- Section 10.8.2.5: to reduce the front yard setback from 4.5m to 0.3m

Subject to the Development Variance Permit being supported, the applicant are also seeking approval for a Development Permit to allow for the construction of the new building.

Financial implication

This application does not pose any financial implications to the City. All development costs are the responsibility of the applicant.

Technical Review

This application was reviewed by the City's Technical Planning Committee. Servicing and building code requirements have been identified to the applicant(s) and will be addressed as part of the building permit process. It is the property owner(s) responsibility to provide services and/or upgrade existing services as required.

Analysis

Approve Development Variance Permit

When considering a variance to a City bylaw, staff encourages Council to be mindful as to whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable.

The proposed variance and staff's analysis is as follows:

- Section 10.8.2.5: to decrease the front yard setback from 4.5m to 0.3m

The minimum required setback from Fairview Road is 4.5m. The applicant is proposing to reduce this to 0.3m. The request for the reduction is to accommodate the service station on-site vehicle movements and the required setback from the underground fuel tanks. The setback to the property line needs to be reduced to allow proper separation between the building and the fuel tanks. The developer is proposing additional landscaping along the 2.5m wide boulevard to improve the appearance on Fairview Road (Figure 1). The enhanced landscaping will extend to the full length of the frontage of the property as well as into the new on-site traffic island. Decorative fencing to screen the vehicles waiting in line is also proposed and provides a decorative feature along the street frontage.

Given the above, staff consider the requested variance is reasonable and meets the intent of OCP policy and guidelines. The fuel tanks on the property limit the available development space which provides a rational to support of the variance. Additional landscaping and fencing are also proposed. Staff recommend that Council support the variance application and direct staff to issue the Development Variance Permit.

Deny Development Variance Permit

Council may consider that the car wash building should be designed to fit within the regulations in the Zoning Bylaw. If this is the case, Council should deny the variance or refer the permit back to staff to work with the applicant as directed by Council.

Development Permit

Support Development Permit

The City's Official Community Plan (OCP) designation (Attachment 'B') for the subject property is 'commercial', which supports commercial uses including office, retail, goods and services. The existing land use is supported through this OCP designation. The subject property is considered within the Commercial/Mixed-Use Development Permit Area, which requires a Development Permit be obtained prior to the proposed works occurring. The objective of the Commercial/Mixed-Use Development Permit Area is to:

1. Produce streetscapes defined by attractive buildings and landscaping,
2. Transition extensive areas of surface parking to more pedestrian friendly and amenity-rich neighbourhood commercial,
3. Provide an attractive, comfortable, safe environment for pedestrians as well as vehicular traffic,
4. Establish building forms, site planning principles and landscape standards appropriate to quality urban spaces thus avoiding the appearance that characterizes some 'strip plaza' type development, and
5. Reflect multi-family residential design guidelines for mixed-use residential development.

Staff have reviewed how the proposed development meets the Commercial/Mixed Use Guidelines. A development permit analysis is included in Attachment "E" for Council's reference.

In summary, the building and landscaping meets the intent of the development permit for the following reasons:

- The proposed building screens the existing large paved access and parking areas for the current service station.
- The building features large windows along the street frontage and provides interest.
- Enhanced landscaping along Fairview Road includes mixed shrubs on the neighboring property (Tim Horton's site), grasses and perennials in the new traffic island and boulevard tree along the frontage of the Shell stations.

With the above guidelines in mind, staff consider that the intent of the Commercial/Mixed-Use Development Permit Area guidelines of the OCP are being adhered to and recommend approval and issuance of the permit.

Deny/Refer Development Permit

Council may consider that the applicant(s) can change the design to more accurately reflect the development permit area guidelines. If this is the case, Council should refer the permit back to staff to work with the applicant(s) as directed by Council.

Alternate recommendations

THAT Council deny "Development Variance Permit PL2019-8571" and "Development Permit PL2019-8570".

Attachments

Attachment A – Location Map
Attachment B – Official Community Plan Map of Subject Property
Attachment C – Zoning Map of Subject Property
Attachment D – Images of Subject Property
Attachment E – Development Permit Analysis
Attachment F – Proposed Site Plan
Attachment G – Letter of Intent
Attachment H – Draft Development Variance Permit (DVP)
Attachment I – Draft Development Permit (DP)

Respectfully submitted,

Audrey Tanguay
Senior Planner

Concurrence

Acting DS Director 	Chief Administrative Officer
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Attachment A – Location Map



Figure 2: Location Map



Figure 3: OCP Map

Attachment C– Zoning Map of Subject Property





Figure 5: View Looking North on Fairview Road



Figure 6: View looking towards the Channel parkway

Attachment E – Development Permit Analysis

The following analysis demonstrates in general how the proposal is aligned with this development permit area:

- Guideline CM1* *Retail building frontage shall meet the sidewalk at grade and are encouraged to be built to the property line so continues street frontage is maintained. **The building is two storey construction and is proposed to be closer to the street frontage.***
- Guideline CM9* *Clearly signed and generously sized entries to indicate pedestrian access. **Placing the building closer to the sidewalk allow the exiting parking to be screened.***
- Guideline CM10* *Visual connection to the store interior maintained through at least 75% glazing along the primary store frontage. **The building feature large windows along the street frontage.***
- Guideline CM17* *Notwithstanding the City of Penticton's Sign Regulations Bylaw, the following are preferred or acceptable types of commercial signage:*
- *Projecting two-dimensional or blade signs suspended from canopies and awnings, maintaining minimum clearances from sidewalks and driveways for safety and to reduce vandalism,*
 - *Flush-mounted fascia signs,*
 - *Externally lit signs,*
 - *Small vertical banners and projecting signs,*
 - *Cut-out or silhouette letter signs mounted on storefronts.*
- The proposal includes signage, which will be externally-lit, and face towards the street, as well as internally towards the parking areas of the property. The signage proposed will comply with all regulations of the Sign Regulations Bylaw.**
- Guideline G35* *Tree planting, the planting of additional trees is strongly encouraged. **New boulevard trees are proposed along the frontage.***
- Guideline G61* *Fencing located along a street edge should be low and /or create a solid barrier. **A decorative fence of 1.2m high provide a decorative feature along the street frontage***
- Guideline G62* *Fencing along the street edge should be supplemented with low profile landscape plantings. **Improve landscaping along Fairview Road is proposed and includes mixed shrubs, grasses and perennials and new boulevard Trees.***

Attachment F – Proposed Site Plan

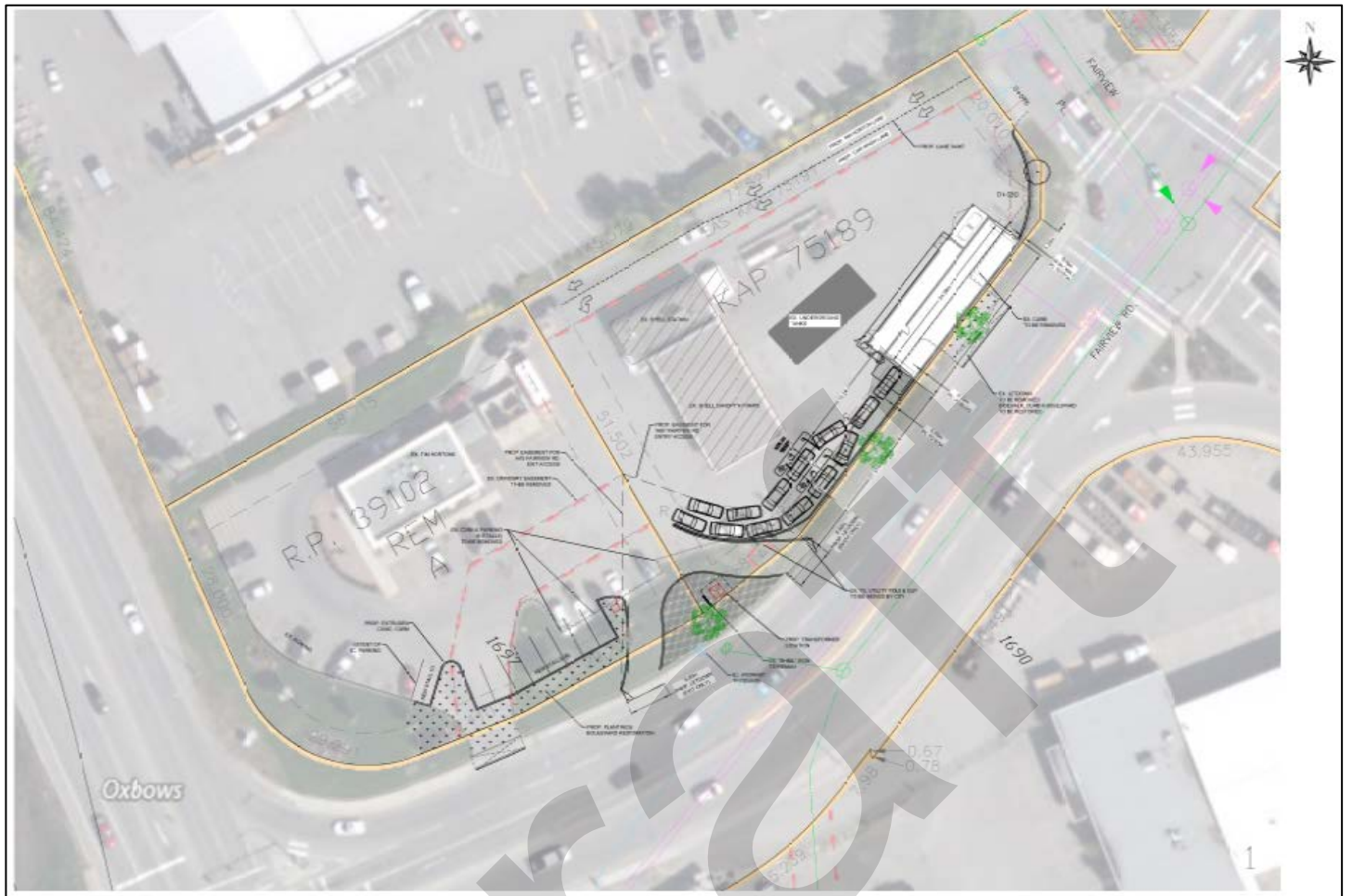


Figure 7: Site Plan

Attachment G – Letter of Intent



June 19, 2019

Ecora File No.: CP-19-44-JOH

City Of Penticton
171 Main Street
Penticton, BC V2A 5A9

Attention: Planning Department

Reference: Development Variance Permit and Development Permit for 1675 Fairview Road

Ecora was requested to undertake a Development Variance and a Development Permit application for a new car wash to be located at the Fairview Shell service station site near the intersection of Fairview Road and the Channel Parkway.

It is proposed to add a new car wash building along the Fairview Road frontage of the Shell property. The building is about 210 m² in area and will have 2 queuing lanes to access the one-bay car wash. To accommodate this development, the owner is also intending on removing the existing driveway access point on the Shell site and on the adjacent Tim Horton's site, with the same owner, and replacing with a new access / egress shared by both properties.

Development Variance Permit

The subject property is zoned C8, Vehicle Service Station which requires a front setback of 4.5m from Fairview Road. In order to provide for the service station on-site vehicle movements, including large fuel tankers and a setback from the underground fuel tanks, the only workable location for the new car wash is with a 0.3m setback to the Fairview Road property line. While it is recognized that this is a significant variance, there are a number of benefits to the proposed car wash location including:

- A building close to the property line will provide a visual "street edge" and screen the large sea of asphalt that exists on the gas station property;
- The 0.3m on the property and a boulevard of about 2.5m provides for significant landscaping area with denser trees and shrubs that will provide better screening and a more attractive street frontage than the existing largely grass area. The enhanced landscaping will extend the full length of the Shell property frontage as well as into the new traffic island proposed for the Shell and Tim Horton properties;
- A decorative fence of 1.2m high will also screen the vehicles waiting in line to enter and vehicles leaving the car wash and provide a decorative feature along the street frontage;

- The new building location results in the relocation of the entrances/exits of the Shell and Tim Horton's sites into a new combined entrance/exit that is further setback from the Channel Parkway and Industrial Avenue intersections and enhances vehicle safety.

Development Permit

This property is designated as a **Business Park Development Permit Area** to address the form and character of commercial / industrial development. In terms of the guidelines of the Business Park DPA:

- The building has a height of 7.0m (23'), equivalent to a 2 storey structure. The building shape is rectangular and features large windows along the street frontage and roof detail along the rear portion that provides architectural interest ;
- The character of the building is "modern industrial" with ribbed steel panels, stucco, and black window and building trim. Three metal "arch" features on the roof add interest. Building finish on the side and rear building faces are stucco;
- The building screens the existing large paved access and parking areas for the service station;
- An improved and safer vehicle entrance and exit shared with an adjacent commercial property is provided and on-site traffic circulation, including truck access is accommodated;
- Enhanced landscaping along Fairview Road includes mixed shrubs on the Tim Horton's site, grasses and perennials in the new traffic island, additional grasses /perennials and new boulevard trees on the Shell site. The landscaping has been estimated to cost \$26,090.

This area is on a major entrance route into the City and Community Plan goals to enhance City entrances with improved landscaping and an attractive visual impression are achieved with this new development.

We trust this information meets your present requirements. If you have any questions or comments, please contact the undersigned.

Sincerely

Ecora Engineering & Resource Group Ltd.



Donna M. Butler, MCIP, RPP
Senior Planner

Direct Line: 250.492 2227 (1070)
Email: donna.butler@ecora.ca



City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Development Variance Permit

Permit Number: DVP PL2019-8571

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:

Legal: Lot 1, District Lot 5, Group 7 Similkameen Division Yale (Formerly Yale Lytton) District
Plan KAP75189
Civic: 1675 Fairview Road
PID: 025-880-977
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following section of Zoning Bylaw 2017-08 to allow for the construction of a carwash building as per Schedule "A".

- **Section 10.8.2.5: to decrease the front yard setback from 4.5m to 0.3m**

General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
6. **This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.**
7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the 5th day of November, 2019.

Issued this ____ day of _____, 2019

Angie Collison,
Corporate Officer

Draft

Attachment I – Draft Development Permit (DP)



City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Development Permit

Permit Number: DP PL2019-8571

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:
Legal: Lot 1, District Lot 5, Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan KAP75189
Civic: 1675 Fairview Road
PID: 025-880-977
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a car wash building as shown in the plans attached in Schedule 'A'.
4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of \$104,711.00 must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502(2.1) of the *Local Government Act*, to undertake works or other activities required to:
 - a. correct an unsafe condition that has resulted from a contravention of this permit,
 - b. satisfy the landscaping requirements of this permit as shown in Schedule 'A' or otherwise required by this permit, or
 - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 4 only if:
 - a. The permit has lapsed as described under Condition 8, or
 - b. A completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.

6. Upon completion of the development authorized by this permit, an application for release of securities (Landscape Inspection & Refund Request), must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security as follows:

1 st Inspection	No fee
2 nd Inspection	\$50
3 rd Inspection	\$100
4 th Inspection or additional inspections	\$200

General Conditions

7. In accordance with Section 501(2) of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.
8. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
9. **This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.**
10. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
11. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the 5th day of November, 2019.

Issued this ____ day of _____, 2019.

Angela Collison,
Corporate Officer