

# Report

**City of Merritt**  
**REGULAR Council Meeting**  
**January 28, 2020**

**File Number: DVP2019-04,  
DP2019-06**

**To:** Scott Hildebrand, Chief Administrative Officer

**From:** Don McArthur, Planning and Development Services Manager

**Date:** January 28, 2019

**Subject:** Development Permit and Development Variance Permit for 2302 Nicola Ave, Lot 1, District Lot 123 Kamloops Division Yale District, Plan EPP93760

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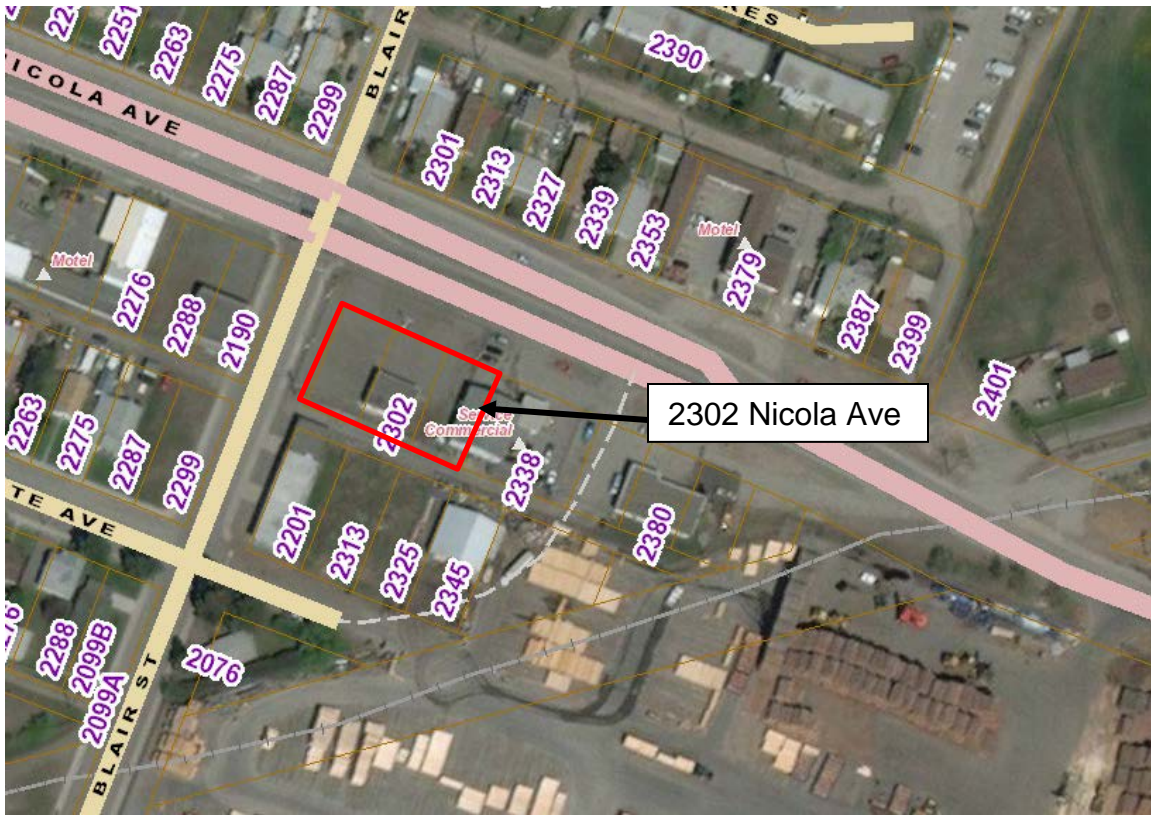
## **RECOMMENDATION:**

THAT Council approve Development Variance Permit DVP2019-04 from Birte Decloux for 2302 Nicola Avenue, Lot 1, District Lot 123 Kamloops Division Yale District, Plan EPP93760 subject to the conditions set out in the permit (see Attachment A).

## **Executive Summary:**

The subject lands located at 2302 Nicola Avenue are currently the site of a vacant service commercial building that was believed to have previously been used as a gas station. The owner is proposing to renovate the existing building by completing façade improvements and extending the western portion of the building to accommodate a gas service station and pizza eatery (see Attachments B and C).

The subject property is within the City Centre sector of the City's Official Community Plan (OCP) Bylaw No. 2116 and is zoned Service Commercial (C3) in Zoning Bylaw No. 2187. A development permit is required as the proposed building is located within Development Permit Area No. 3 – Highway Corridor Gateways as set out in the City's OCP. The proposed building alteration is also subject to a Façade Development Permit as this is required for all new construction and building alterations for properties located along the Nicola Avenue Corridor.



**Figure 1: Location of Subject Property**

The Development Permit and Development Variance Permit applications were reviewed by City staff from various departments. The application was also reviewed by Urban Systems, a consulting firm that was retained to assist with the review process. Subject to Council approval of the Development Variance Permit, staff intend to approve and issue the Development Permit.

### **Background:**

#### **Development Variance Permit Requirements**

A Development Variance Permit is required for this application because the proposed redevelopment does not meet all of the requirements outlined in the Zoning Bylaw. Section 6.15.5 a) of the Service Commercial (C3) zone indicates that the maximum parcel coverage of the site shall be 50%. A total parcel coverage of 77.8% is proposed for the site due to the nature of the gasoline service station use and the requirement under Section 5.8.3 of the bylaw that the entire customer service area shall be paved with a permanent surface of asphalt or concrete. The application for a Development Variance Permit is therefore requesting that Section 6.15.5 a) be increased from 50% to 77.8% maximum parcel coverage for this property.

#### **Access**

There are two proposed accesses to the development on Nicola Avenue and one access on Blair Street. The Ministry of Transportation and Infrastructure required the applicant to provide the access on Blair Street, and requested that the applicant submit

an access permit application for the Nicola Avenue accesses, which has been submitted by the applicant.

### Public Notice

In accordance with the City's Land Use Amendment and Development Approval Procedures Bylaw No. 2076, 2009, the applicant posted development signage on their property at least 10 days prior to presentation of the application to Council to notify the public of the submitted application for a Development Variance Permit. Written notice was also mailed to property owners within a 30 metre radius of the subject property, as required by the Local Government Act.

Two inquiries from neighbouring property owners were received. One property owner phoned to express concern regarding the access on Blair Street and increased traffic. Staff explained that the Blair Street access was a MOTI requirement. Another property owner emailed to express concern regarding a perceived increased building size which would obstruct visibility of his business. Staff explained that the increase in parcel coverage is as a result of paving the gas pump area, rather than a substantially larger building. Both property owners were asked if they would like to provide a letter for Council. No letters were received.

### Options

1. THAT Council approve Development Variance Permit DVP2019-04 from Birte Decloux for 2302 Nicola Avenue, Lot 1, District Lot 123 Kamloops Division Yale District, Plan EPP93760 subject to the conditions set out in the permit.

2. That Council deny the application.

### Financial / Risk Implications

#### Development Cost Charges

The application is subject to Development Cost Charges because the value of the work proposed exceeds \$50,000. That being said, the applicable Development Cost Charges are as follows:

$$165.39 \text{ sq. m.} * \$42.24 \text{ per sq. m.} = \mathbf{\$6,986.07}$$

These charges are to be paid to the City at the time an application for a building permit has been approved to begin construction on the site.

#### Landscaping Security

Since a Landscape Plan was required for this Development Permit application, under Section 10. b) of the Development Procedures Bylaw No. 2076, the applicant is required to provide a security deposit in the form of an Irrevocable Letter of Credit, cash, or certified cheque in the amount of 120% of the estimated cost of landscaping.

The applicant has submitted a landscaping cost estimate prepared by a certified member of the British Columbia Society of Landscape Architects. This letter estimates that the landscaping costs will amount to \$18,332.50. The applicant is therefore required to submit the following amount to the City as a landscaping security:

$$\$18,332.50 + 120\% = \mathbf{\$21,999.00}$$

This security is to be submitted to the City as a condition of approval of this Development Permit application. The City may withhold **\$2,199.00**, or 10% of the submitted security, upon the completion of the landscaping works for a period of one growing season.

### **Strategic Plan Reference**

Strategic Goal # 2: Supports Good Governance by striving to be accountable, transparent, equitable, follow the rules of the law, strive for consensus, be participatory and responsive to the public.

Supports the Official Community Plan policies related to the City Centre and Commercial designations.

### **Others Consulted**

#### **Internal**

The following City of Merritt Departments received referrals for the subject application:

- Fire and Rescue;
- Public Works Operations;
- Planning and Development Services;
- Building, Safety and Inspection Services;
- Recreation and Facilities;
- Financial Administration; and
- Economic Development.

No concerns were identified by these agencies.

#### **External**

Referrals were also sent to the following outside agencies:

- BC Hydro;
- Fortis BC;
- Thompson Nicola Regional District;
- Interior Health;
- School District 58;
- Canada Post;
- Nicola Valley Transit;
- BC Assessment Authority;
- Ministry of Transportation and Infrastructure; and
- local First Nations.

The Ministry of Transportation and Infrastructure identified the need for an access permit to Nicola Avenue. At the time of writing this report, a permit application was received by the Ministry and they are working with the applicant to process it.

No other concerns were identified by these agencies.

### **Attachments**

Attachment A – Development Variance Permit

Attachment B – Landscape Plan

Attachment C – Renderings

**Respectfully submitted,**

**Don McArthur**

**Planning and Development Services Manager**