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## CITY OF KELOWNA

# MEMORANDUM

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**Date:** June 26, 2001  
**File No.:** (3060-20) **DP01-10,020**

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:**

DEVELOPMENT PERMIT APPLICATION OWNER: 423183 BC LTD.  
NO. DP01-10,020

AT: 1912 ENTERPRISE WAY APPLICANT: TURIK MCKENZIE  
ARCHITECTS INC. /  
BOB TURIK

PURPOSE: TO SEEK PERMISSION TO BUILD A 3,368 M<sup>2</sup>, 3 STOREY  
BUILDING FOR OFFICE USE, AND

EXISTING ZONE: C4 – TOWN CENTRE COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

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SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

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### 1.0 RECOMMENDATION

THAT Municipal Council authorize the issuance of Development Permit No. DP01-10,020; for Lot B, DL 140, O.D.Y.D., Plan KAP58184, located on Enterprise Way, Kelowna, B.C., 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 Signage to be constructed on the land be in general conformance with Schedule "D";
5. 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 professional landscaper;

AND THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued;

## 2.0 SUMMARY

The applicant wishes to construct a 3,368 m<sup>2</sup>, 3 storey office building over an under-building parking structure for 56 vehicles. The building is sited on the subject property in such a manner that it is possible to use the no-build area adjacent to Mill Creek as an outdoor amenity area for limited use of the occupants of the building. The applicant has also made application for a Development Variance Permit concurrently with the Development Permit application in order to vary the requirements of the Zoning Bylaw which limit the maximum amount of parking provided to 125% of required parking to 202% of required parking as proposed. The Development Variance Permit has been forwarded to Council under a separate report.

### 2.1 Advisory Planning Commission

The above-noted application was reviewed by the Advisory Planning Commission at the meeting of May 1, 2001 and the following recommendations were passed:

THAT the Advisory Planning Commission supports Application No. DP01-10,020 by Turik McKenzie Architects Inc., (Bob Turik), to authorize the construction of a 3,368 m<sup>2</sup>, 3 storey office building;

## 3.0 BACKGROUND

### 3.1 The Proposal

The subject property was created in 1996 as part of a comprehensive development of the area to facilitate the realignment of Enterprise Way.

The applicant has made application to construct a new commercial building for professional office uses. The building is designed in a "L" shaped configuration, oriented with the open portion of the "L" facing the corner of Spall Rd. and Enterprise Way. The building is proposed as a 3 storey building constructed over a concrete parking structure for 56 vehicles set into the ground. The access to the parking structure is located adjacent to the Spall Road end of the building.

The building is designed as a 3 storey, 3,368 m<sup>2</sup> building for professional office use. The roof line of the proposed building steps down towards the ends of the building adjacent to both the Spall Rd and Enterprise Way frontages. The main entrance is located in the lobby area located in the corner of the angle of the “L”. This lobby area is repeated on all three floors and provides access to a recessed outdoor patio area facing Mill Creek. The ground floor patio area also provides access to a lawn area adjacent to Mill Creek. The location of the main building entrance is further identified through the use of a canopy feature, facing the parking lot area. The commercial rental units located on the ground floor have direct access to grade through glazed store front units. The remainder of the units on the second and third floors are accessed internally. The store front glazing for the units located on the ground floor have provision for a sign band above the doors and windows.

The exterior of the building is designed to be finished with a blend of “brown” coloured cultured stone located at the base of the wall, light “tan” coloured stucco finishes to the main wall areas, and a darker “tan” colour to the trim areas around the windows. The wall areas are also detailed with the addition of stucco column build-outs at regular intervals, which introduce a rhythm to the window spacing. The door and window trim elements are proposed to be painted a darker “tan” colour to complement the wall finishes. The exposed portions of the roof are designed to be finished with “dark brown” coloured asphalt roof shingles. The roof area also incorporates a number of dormer elements and changes of roof plane to break up the expanse of roof surfaces. There are also a number of dormer style roof vents used that also break up the expanse of roof. There are also a number of arched windows used which reinforce the rhythm of the column spacing.

The site plan shows the vehicle access to the site from Enterprise Way, located at the east property line, utilizing a shared access easement with Lot C to the east. The site is developed with 63 surface parking stalls. The access to the under building parking garage is taken from the southern access aisle through the parking lot, and curves to run parallel to Spall Road, descending to the level of the floor of the parking structure, while the grade of Spall Road rises. The proposed building layout provides 56 parking stalls located under the building and an additional 63 stalls located outdoors in front of the building, for a total provision of 119 parking stalls. However, the zoning bylaw permits a maximum provision of 125% of required number of parking stalls, which works out to a maximum of 74 parking stalls. The applicant has made application for a Development Variance Permit concurrently with the Development Permit application to address this parking issue.

The design of the proposed landscaping indicates a substantial level of plantings around the perimeter of the subject property. The site plan indicates a low free-standing sign adjacent to the south west corner of the property. There is a patio area proposed to be installed near the lobby area, facing Mill Creek corridor in the rear of the property.

The proposal as compared to the C4 – Town Centre Commercial zone requirements is as follows:

CRITERIA	PROPOSAL	C4 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	5,565m <sup>2</sup>	1,300m <sup>2</sup>
Site Width (m)	47.6m	40m (without lane)
Site Coverage (%)	24.7%	75% max.
Total Floor Area (m <sup>2</sup> ) inc. parkade	5,068m <sup>2</sup>	5,565m <sup>2</sup> @ FAR = 1.0
F.A.R. (inc. parkade)	0.91	FAR = 1.0 max.
Storeys (#)	31/2 storeys	4 storey (15.0m)
Setbacks (m)		
- South Side (flanking)	22.0m	2.0 m
- North Side	15m	0.0 m
- rear East Side	6.85m	0.0 m (6.0 m adj. to residential)
- front West Side	4.5m	0.0 m
Parking Stalls (#)	119 stalls provided *	1.75 stall per 100 m <sup>2</sup> GFA = 59 59 x 125% = 74 stalls maximum
Loading Stalls (#)	2 loading stalls required	1 per 1,900 m <sup>2</sup>

\* Parking provided is  $(119/59 = 2.02)$  202% of required parking – Variance required.

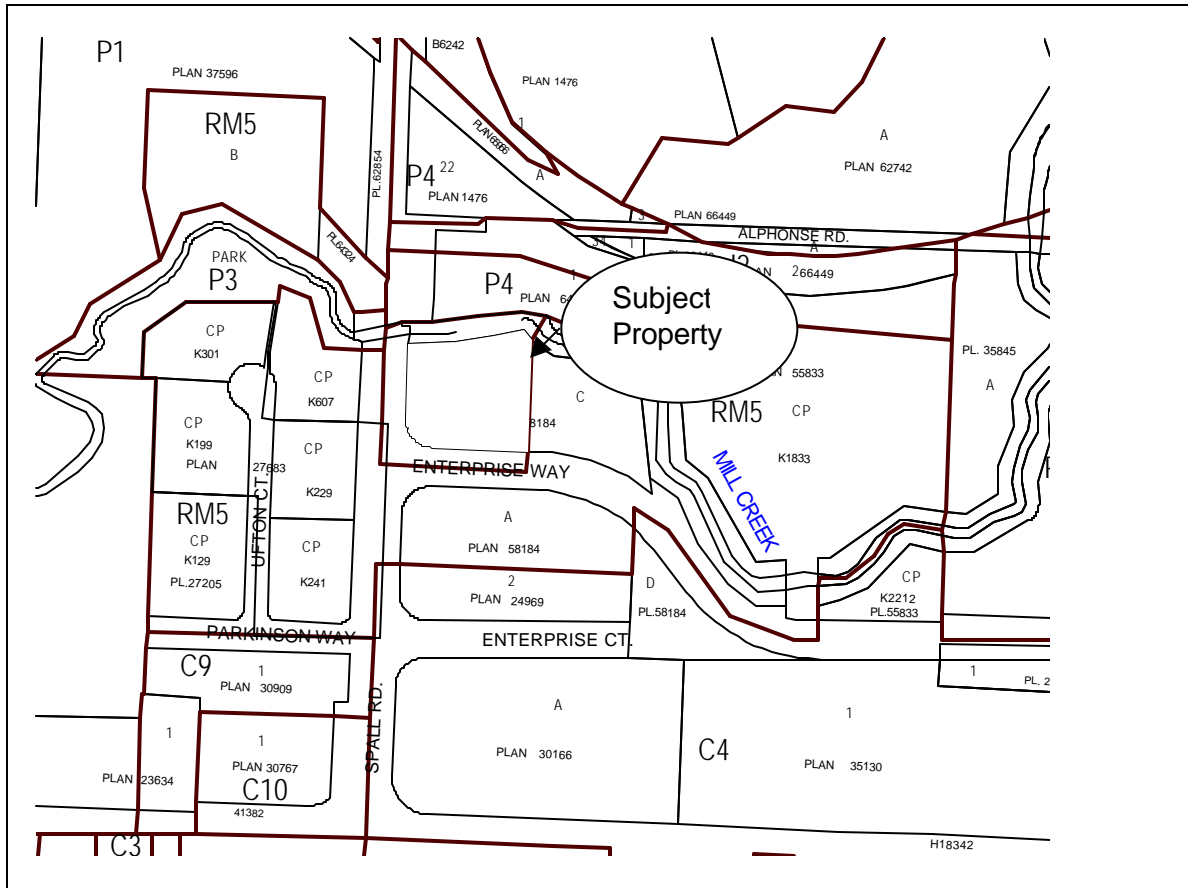
### 3.2 Site Context

The subject property is located at the north east corner of Spall Road and Enterprise Way. The property is generally level, and is bounded by Mill Creek along the northern boundary of the lot. At the time of the subdivision which created the lot, there was an 8m no-build covenant registered on the property in the form of a restrictive covenant to protect the riparian habitat of Mill Creek. There is also a shared access easement registered at the south east corner of the lot to provide for a joint access to Lot B and Lot C, as well as a restrictive covenant registered to prohibit access to Spall Road.

Adjacent zones and uses are, to the:

- North - P4 – Utilities / Mill Creek, BC Gas valve facility
- East - RM 5 – Medium Density Multiple Housing / Vacant
- South - RM 5 – Medium Density Multiple Housing / Enterprise Way, ext'g SFD
- West - RM 5 – Medium Density Multiple Housing / Spall Rd, Apartments

### Subject Property Map



### 3.3 Current Development Policy

#### 3.3.1 Kelowna Official Community Plan

The proposed zone is consistent with the “Commercial” Future Land Use designation of the City of Kelowna Official Community Plan.

The proposed building form and character are consistent with the Official Community Plan which also includes general Commercial Development Permit Guidelines. The proposal is generally consistent with the following guidelines;

- All buildings, structures, and additions thereto shall be designed in a manner which gives consideration to the relationship with adjacent building and open areas, the efficiency of the circulation system, and the design and siting compatibility with surrounding development,
- All facades of commercial buildings shall be designed in a manner which appropriately addresses adjacent uses and structures,

- External lighting shall enhance the safety of persons on the site after dark but shall not be of an intensity or cast in such a way which would interfere with nearby residential properties.

Table 2.2 of the Official Community Plan requires a minimum Stream Corridor Leave Strip of 15m for Commercial land uses where there has been previous disturbance and there are fish present in the creek. This area of Mill Creek falls into this category. The proposed building is sited in such a manner that there will be a minimum setback of 15m from the High Water Mark of Mill Creek to the building.

### 3.3.2 City of Kelowna Strategic Plan (1992)

The application is consistent with the Strategic Plan, as follows:

“The City will, in its plans and policies concerning future urban development, place an emphasis on more efficiently using serviced land within existing urban areas through infill and will provide for an increased density of development within established urban areas through redevelopment of areas which are in transition. Urban areas which are targeted include the Central City area with emphasis on the waterfront and north end, Rutland, and South Padosy particularly along major traffic arteries and near the town centres, the Glenmore Valley and Highway 97 corridor.”

### 3.3.3 Crime Prevention Through Environmental Design

The proposal is consistent with the Commercial Building guidelines of the Crime Prevention Through Environmental Design (CPTED) Guidelines for the City of Kelowna, which supports;

- Parking areas are clearly visible from both the building and the street,
- Public paths are clearly marked,
- Exterior doors are well lit,
- Windows and exterior doors are visible from both the street and neighbours,
- All four facades have windows,
- Building entrances are accentuated through architectural elements and lighting,
- Property perimeter is defined by landscaping

## 4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

### 4.1 B.C. Gas

Existing live stub into property off Spall is marked. No gas main in Enterprise Way at this site.

#### 4.2 Environmental Manager

Proposed development occurs outside of the 15m leave strip area. Landscape plan includes acceptable creekside restoration. No Concerns.

#### 4.3 Inspection Services Department

Applicant should contact Insp. Services to discuss the exiting of this building. It does not comply with code.

#### 4.4 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law. A new hydrant appears to be required to be installed. Contact FPO for preferred location. Engineered fire flows will be required.

#### 4.5 Parks Manager

1. This landscape plan shows a better level of information appropriate to a planting plan beyond a concept plan.
2. Are any areas to be seeded?
3. No *Acer platanoides* sp. (Norway Maple) to be planted within 50m of Mill Creek. This is an introduced species that may out compete native indigenous trees and shrubs.
4. The following applies for all boulevard (BLVD) landscape and is standard information required on a landscape plan:
  - A. Planting plan to include a proper plant materials list:
    - i) Latin name
    - ii) common name
    - iii) size at planting
    - iv) plant symbol key
    - v) indicate existing trees
  - B. Plant material specifications are as follows:
    - i) Deciduous Tree - caliper @300mm above rootball (min. 60mm)
    - ii) Deciduous Shrub - spread (min. 450mm)
    - iii) Coniferous Tree - height (min. 2.5m)
    - iv) Coniferous Shrub - spread (min. 450mm)
    - v) Seed/Sod Mix according to location and proposed activity use.
  - C. Shrub beds require plastic edge beside all areas abutting a city sidewalk.
  - D. Scale of plan and north arrow clearly indicated on plan.
  - E. All plant materials (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by Parks Division. All materials located in BLVD to meet city standard for size and method of installation.
5. All mulched areas on private property that abut city lands to use acceptable plastic edge to prevent rock migrating into grass blvd or sidewalks.
6. All plant material (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by City Parks Division. All materials located in BLVD to meet city standard for size and method of installation.
7. BLVD maintenance (irrigation, shrubs, ground cover, sod, and seeded areas) is the responsibility of owner/occupant.
8. All BLVD tree maintenance is responsibility of Parks Division.
9. Planting plan to include all u/g utility locations in BLVD.

#### 4.6 Shaw Cable

Owner/Developer to supply and install an underground conduit system as per Shaw Cable drawings and specifications.

#### 4.7 Telus

Telus will provide underground facilities to this development. Developer will be required to supply and install as per Telus policy.

#### 4.8 West Kootenay Power

Requirement easement for existing electrical equipment along Spall Road. Vegetation must be 3.5 m. away from existing electric equipment.

#### 4.9 Works and Utilities Department

The Works & Utilities Department has the following requirements associated with this development application. The road and utility upgrading requirements outlined in this report will be a requirement of the issuance of a building permit or the subdivision approval, but are outlined in this report for information only.

##### 1. Domestic Water and Fire Protection

- (a) This lot was pre-serviced with a 150 mm-diameter water service at the time of realignment of Enterprise Way. It may be necessary to have the lot serviced with a different service size, at the applicant's cost. If an additional service or one of a different size is required, the applicant will be responsible for the removal of the existing service. The cost will be determined when the size and location of the water service is known, and will be installed by City of Kelowna Works crews.
- (b) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost.

If there is to be landscaping on the site, the developer must also purchase an irrigation sewer credit meter from the City and prepare a meter setter at his cost.

##### 2. Sanitary Sewer

This lot has an existing 150mm-diameter sanitary sewer service that was placed when Enterprise Way was realigned. If a larger sanitary sewer service is installed the cost of that service must include a sum to decommission the existing 150mm-diameter service.

3. Storm Drainage

- (a) This lot was not pre-serviced with a storm drainage connection at the time of subdivision, as it was unknown what size or type of building was contemplated for this site. It is now necessary to have the lot serviced with the desired service size, at the applicant's cost. The cost will be determined when the size and location of the water service is known, and will be installed by City of Kelowna Works crews.
- (b) The developer must engage a consulting civil engineer to provide a storm water management plan for this site which meets the requirements of the City Storm Water Management Policy and Design Manual. The plan must accommodate the requirements to contain a 1 in 10-year storm event within pipes and identify overland drainage routes for a 100-year storm event with consideration for upstream water sources and downstream facility upgrading and/or provision of storm water retention facilities. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), storm water services for each lot created and/or on-site drainage containment and disposal systems. The on-site drainage system may be connected to the street drainage system with an overflow service at the developer's cost, with approval from the City drainage engineer.

4. Road Improvements

Spall Road and Enterprise Way have been constructed to an urban arterial standard, however some additional construction is still required as follows:

- Construct a 1.50-meter wide separate sidewalk on Spall Road fronting this lot.
- Landscape the boulevard on Spall Road including underground irrigation system.
- An additional street light may be required on Spall Road. This must be determined by an electrical engineer.
- Landscape the boulevard on Enterprise Way including underground irrigation system.

The cost of this road upgrading is \$ 18,100.00 for bonding purposes.

5. Electric Power and Telecommunication Services

The electrical and telecommunication services to this building as well as the local distribution wiring must be installed in an underground duct system, and the building must be connected by a underground services. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost.

6. Street Lighting

See item 4 above.

7. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked “issued for construction” by the City Engineer before construction may begin.

8. Geotechnical Report

As a requirement of this application and/or prior to issue of subdivision preliminary layout review (PLR) by the Approving Officer, the applicant must provide a comprehensive geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics, including water sources on the site and overland surface drainage courses traversing across or influencing this property.
- (b) Site suitability for development; i.e. hillside, unstable soils, etc.
- (c) Drill and/or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyze soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

9. Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

10. Bonding and Levy Summary

(a) Bonding

Total Bonding	Future Road Improvements	\$ 18,100.00
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NOTE: The bonding amounts shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so. Bonding for required off-site construction must be provided as a condition of subdivision

approval or building permit issuance, and may be in the form of cash or an irrevocable letter of credit, in an approved format.

The owner must also enter into a servicing agreement in a form provided by the City prior to 4<sup>th</sup> reading of the zone amending bylaw or issuance of a building permit.

11. Development Variance Permit and Site Related Issues

(a) The development will be required to contain and dispose of site generated storm water on the site by installing a ground recharge system consisting of drywells and perforated pipe bedded in drain rock.

(b) Access and Manoeuvrability

The site plan should illustrate the ability of an SU-9 vehicle to manoeuvre onto and off-site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles, the site plan should be modified and illustrated accordingly.

(c) We do not have any concerns with the parking development variance requested.

12. Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as 3% of the total off-site construction costs, not including design 7% GST will be added.

PLEASE NOTE:

The outstanding servicing issues identified in this report are included for information only. The execution of the servicing agreement will be associated with the building permit required for pending building construction.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department does not have concerns with this development proposal. The proposed development represents a reasonable form of commercial development for the subject property and incorporates a reasonable level of architectural detailing consistent with Commercial Development Permit Guidelines which complements the nearby Meadowbrook Estates development. The proposed development is consistent with the Commercial Future Land use designation of the Official Community Plan, and incorporates design features consistent with the General Commercial Development Permit guidelines of the Official Community Plan.

The variance under application is not considered to be a major concern. Bylaw 8000 introduced a maximum limit to the total amount of parking that may be provided for a development. As well, Bylaw 8000 also reduced the amount of parking required in

certain zones, most notably in the Urban Town Centre zone. These measures have been taken with a view to meet the City of Kelowna Traffic Demand Management objectives.

However, experience has shown that where there are medical offices involved in an office building, the demand for parking on site is substantially elevated from the minimum parking requirements of the zoning bylaw. While the parking proposed exceeds the limits set out in the zoning bylaw, the function of the proposed development is anticipated to be improved by the provision of extra parking at grade, near the store front office areas, especially if the commercial units in the building are used for health related uses. It is interesting to note, that if the development was occurring on C3 – Community Commercial zoned land, the parking requirement would increase to 2.5 parking stall per 100 m<sup>2</sup> GFA, which calculates to 85 parking stalls. At 125%, the maximum parking that would be permitted to be developed would then be 106 stalls. Also, if the property was not zoned C4 – Town Centre Commercial, and was used entirely for Health Services, the required parking would be calculated at 5 stalls per 100 m<sup>2</sup> GFA, which would require provision of 170 off-street parking stalls.

In light of the above, the Planning and Development Services Department supports this application for Development Permit and Development Variance Permit, and recommends for Council's positive consideration.

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Andrew Bruce  
Current Planning Manager

Approved for inclusion

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R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning & Development Services

PMc/pmc  
Attach.

**FACT SHEET**

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|---|--|
| <b>1. APPLICATION NO.:</b>                        | DP01-10,020  |
| <b>2. APPLICATION TYPE:</b>                       | Development Permit   |
| <b>3. OWNER:</b>                                  | 423183 BC Ltd. C/O Scott Brown   |
| . ADDRESS   | 628 Tomby Crt.   |
| . CITY  | Kelowna, BC  |
| . POSTAL CODE                                     | V1W 2K9  |
| <b>4. APPLICANT/CONTACT PERSON:</b>               | Turik McKenzie Architects Inc. /   |
| . ADDRESS   | Bob Turik  |
| . CITY  | 2263 Leckie Road   |
| . POSTAL CODE                                     | Kelowna, BC  |
| . TELEPHONE/FAX NO.:                              | V1X 6Y5  |
| <b>5. APPLICATION PROGRESS:</b>                   | 762-4407/762-7033  |
| Date of Application:                              | April 5, 2001  |
| Date Application Complete:                        | April 18, 2001   |
| Servicing Agreement Forwarded to Applicant:       | June 4, 2001   |
| Servicing Agreement Concluded:                    | N/A  |
| Staff Report to Council:                          | June 26, 2001  |
| <b>6. LEGAL DESCRIPTION:</b>                      | Lot B, DL 140, O.D.Y.D., Plan KAP58184   |
| <b>7. SITE LOCATION:</b>                          | North East corner of Spall Road and Enterprise Way                                   |
| <b>8. CIVIC ADDRESS:</b>                          | 1912 Enterprise Way  |
| <b>9. AREA OF SUBJECT PROPERTY:</b>               | 5,565 m <sup>2</sup>   |
| <b>10. TYPE OF DEVELOPMENT PERMIT AREA:</b>       | Urban Town Centre – Springfield and Hwy 97   |
| <b>11. EXISTING ZONE CATEGORY:</b>                | C4 – Town Centre Commercial  |
| <b>12. PURPOSE OF THE APPLICATION:</b>            | To Seek permission to build a 3,368m <sup>2</sup> , 3 storey building for office use |
| <b>13. DEVELOPMENT VARIANCE PERMIT VARIANCES:</b> | N/A  |

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|---|---|
| <b>14. VARIANCE UNDER DEVELOPMENT PERMIT:</b>       | Section 8.1.2 Number of Spaces be varied from a maximum of 125% of required parking permitted to a maximum of 202% of required parking proposed |
| <b>15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS</b> | N/A   |

Attachments

State of Title  
Subject Property Map  
Schedule A, B C,& D  
12 pages of site elevations / diagrams