
CITY OF KELOWNA
MEMORANDUM

Date: June 28, 2001
File No.: (3090-20) **DVP01-10,021**

To: City Manager

From: Planning & Development Services Department

Subject:

DEVELOPMENT VARIANCE PERMIT
APPLICATION NO. DVP01-10,021

OWNER: 423183 BC LTD.

AT: 1912 ENTERPRISE WAY

APPLICANT: TURIK MCKENZIE
ARCHITECTS INC. /
BOB TURIK

PURPOSE: TO VARY PARKING STANDARDS TO PERMIT 200% OF
REQUIRED PARKING TO BE PROVIDED WHERE THE ZONING
BYLAW LIMITS PARKING TO A MAXIMUM OF 125% OF
REQUIRED PARKING

EXISTING ZONE: C4 – TOWN CENTRE COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP01-10,021; Turik McKenzie Architects Inc.; Lot B, DL 140, O.D.Y.D., Plan KAP58184, located on Enterprise Way, Kelowna, B.C.;

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

Section 8.1.2 Off-Street Parking - Number of Spaces be varied from a maximum of 125% of required parking permitted to a maximum of 200% of required parking proposed.

2.0 SUMMARY

The applicant wishes to construct a 3,368 m², 3 storey office building over an under-building parking structure for 56 vehicles on the subject. 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 to vary the

requirements of the Zoning Bylaw which limit the maximum amount of parking provided to 125% of required parking to 200% of required parking as proposed.

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. DVP01-10,021 by Turik McKenzie Architects Inc., (Bob Turik), to vary the maximum parking provisions of 125% of the required parking up to 200% of the required parking proposed.

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 m² 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 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 this application for a Development Variance Permit concurrently with the Development Permit application to address this parking issue. However, the Development Variance Permit application is being circulated to Council separately from the Development Permit application to allow for the required advertising for the DVP in a timely manner.

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

CRITERIA	PROPOSAL	C4 ZONE REQUIREMENTS
Site Area (m ²)	5,565m ²	1,300m ²
Site Width (m)	47.6m	40m (without lane)
Site Coverage (%)	24.7%	75% max.
Total Floor Area (m ²) inc. parkade	5,068m ²	5,565m ² @ FAR = 1.0
F.A.R. (inc. parkade)	0.91	FAR = 1.0 max.
Storeys (#)	3 1/2 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 ² GFA = 59 59 x 125% = 74 stalls maximum
Loading Stalls (#)	2 loading stalls required	1 per 1,900 m ²

* Parking provided is $(119/59 = 2.02)$ 200% 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

- 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 to the Development Variance Permit Application have been submitted:

4.1 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. 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) The site plan does not indicate a location for a garbage bin. This must be addressed and provided for in an accessible location.
- (d) We do not have any concerns with the parking development variance requested.

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 Development Variance Permit application has been circulated to Council separately from the Development Permit application in order that the required advertising and notification of affected neighbours can occur, while there are still issues relating to the Development Permit application that need to be resolved. The Development Permit application and Development Variance Permit applications will be presented to Council for consideration at the same meeting.

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 m² 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 m² 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 Variance Permit, and recommends for Council's positive consideration.

Andrew Bruce
Current Planning Manager

Approved for inclusion

☐

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

PMc/pmc
Attach.

FACT SHEET

- | | |
|---|--|
| 1. APPLICATION NO.: | DVP01-10,021 |
| 2. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER: | 423183 BC Ltd. C/O Scott Brown |
| . ADDRESS | 628 Tomby Crt. |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1W 2K9 |
| 4. APPLICANT/CONTACT PERSON: | Turik McKenzie Architects Inc. / |
| . ADDRESS | Bob Turik |
| . CITY | 2263 Leckie Road |
| . POSTAL CODE | Kelowna, BC |
| . TELEPHONE/FAX NO.: | V1X 6Y5 |
| 5. APPLICATION PROGRESS: | 762-4407/762-7033 |
| Date of Application: | April 5, 2001 |
| Date Application Complete: | April 18, 2001 |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to APC: | April 25, 2001 |
| 6. LEGAL DESCRIPTION: | Lot B, DL 140, O.D.Y.D., Plan KAP58184 |
| 7. SITE LOCATION: | North East corner of Spall Road and Enterprise Way |
| 8. CIVIC ADDRESS: | 1912 Enterprise Way |
| 9. AREA OF SUBJECT PROPERTY: | 5,565 m ² |
| 10. TYPE OF DEVELOPMENT PERMIT AREA: | Urban Town Centre – Springfield and Hwy 97 |
| 11. EXISTING ZONE CATEGORY: | C4 – Town Centre Commercial |
| 12. PURPOSE OF THE APPLICATION: | To Seek permission to build a 3,368m ² , 3 storey building for office use, and
To vary parking standards to permit 200% of required parking where the zoning bylaw limits parking to a maximum of 125% of required parking |
| 13. DEVELOPMENT VARIANCE PERMIT VARIANCES: | N/A |

- | | |
|---|---|
| 14. VARIANCE UNDER DEVELOPMENT PERMIT: | Section 8.1.2 Number of Spaces be varied from a maximum of 125% of required parking permitted to a maximum of 200% of required parking proposed |
| 15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | N/A |

Attachments

Subject Property Map
Schedule A & C (pages)
3 pages of site elevations / diagrams