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## CITY OF KELOWNA

# MEMORANDUM

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**Date:** November 20, 2002  
**File No.:** (3360-20) **Z02-1041**

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:**

APPLICATION NO. Z02-1041

OWNER: PETER G. & MARLENE R.  
SIEBEN

AT: 1915 ENTERPRISE WAY

APPLICANT: M105 ENTERPRISES LTD.

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM RM5 – MEDIUM DENSITY MULTIPLE HOUSING ZONE TO C4 – TOWN CENTRE COMMERCIAL ZONE TO PERMIT THE CONSTRUCTION OF A 2 ½ STOREY, 3,798 M<sup>2</sup> COMMERCIAL DEVELOPMENT

EXISTING ZONE: RM5 – MEDIUM DENSITY MULTIPLE HOUSING

PROPOSED ZONE: C4 – TOWN CENTRE COMMERCIAL ZONE

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 City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, DL 140, O.D.Y.D., Plan KAP58184, located on Enterprise Way, Kelowna, B.C., from the RM5 – Medium Density Multiple Housing zone to the C4 – Town Centre Commercial zone;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit and a Development Variance Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Inspection Services Department and the Works & Utilities Department being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna.

## 2.0 SUMMARY

The applicants have recently completed construction of the commercial project located across Enterprise Way from the subject property (Mill Creek Crossing). They now wish to construct a commercial building on the subject property. The area has been designated as part of a Mixed Use Development area #7, which had identified a blend of Public Open Space, General Commercial, Multiple Family Residential – Low and Medium Density. The subject property is currently zoned RM5 – Medium Density Multiple Housing.

### 2.1 Advisory Planning Commission

The above noted application (Z02-1041) was reviewed by the Advisory Planning Commission at the meeting of October 29, 2002 and the following recommendation was passed:

That the Advisory Planning Commission supports Rezoning Application No. Z02-1041, 1915 Enterprise Way, Lot A, Plan 58184, Sec. 20, Twp. 26, ODYD, M105 Enterprises Ltd. (Gordon Anton), to rezone from the RM5-Medium Density Multiple Housing zone to the C4-Town Centre Commercial zone in order to permit the development of a commercial building;

## 3.0 BACKGROUND

### 3.1 The Proposal

The applicants have proposed the development of the subject property with a 2 ½ storey, commercial development built over a concrete parking structure for 70 vehicles that is partially buried in the ground. There is a substantial amount of surface parking for 104 vehicles located between the road and the front of the proposed building. The site plan indicates a vehicle access to the site from Enterprise Way, located directly across from the entrance to “Mill Creek Crossing” project located across Enterprise Way. The site plan locates the bulk of the surface parking between the proposed building and Enterprise Way.

The landscape plan shows a number of stepped retaining walls and a substantial amount of landscape materials located between the property line and the parking structure in order to reduce the perceived height difference between the level of the exterior parking lot and to the surrounding grade. The corner of Enterprise Way and Spall Road has a sloped access ramp and stepped retaining walls which incorporate a low level free standing sign as a design feature located at this major intersection. There is also a pedestrian plaza area proposed to be located at the corner, as part of the ramp.

The proposed building is divided into five distinct design elements facing the surface parking lot and Enterprise Way. The form and character of the proposed building incorporates a substantial amount of brick detailing and stucco wall finishes, and utilizes a flat roof profile and strong cornice molding elements. The building facades incorporate a substantial amount of store-front glazing along the ground floor, and include a number of canopy units over the ground floor windows and doors. The roof line is stepped up and down along the frontage to reduce the perceived length of the building, while there are several horizontal steps in the building façade to reinforce the creation of a number of distinct units. The design of the proposed facades utilize brick finishes, reminiscent of early 1900's urban commercial development. The design theme of the façade facing Enterprise Way attempts to replicate a typical streetscape from the turn of the previous

century. The proposed building facades incorporate a variety of details rendered with the brick and include built-out plinth and column details, corbelled cornice details, and additional horizontal design elements rendered in brick above the ground floor windows to replicate period building details up to the parapet walls. The wall areas also include surface mounted lights. The roof areas above some of the single storey high building areas have post and rail style balustrade added to provide for outdoor deck area accessible from the adjacent two storey building areas. The building facades also utilize a number of marquee style canopies above the storefront window glazing on the ground floor.

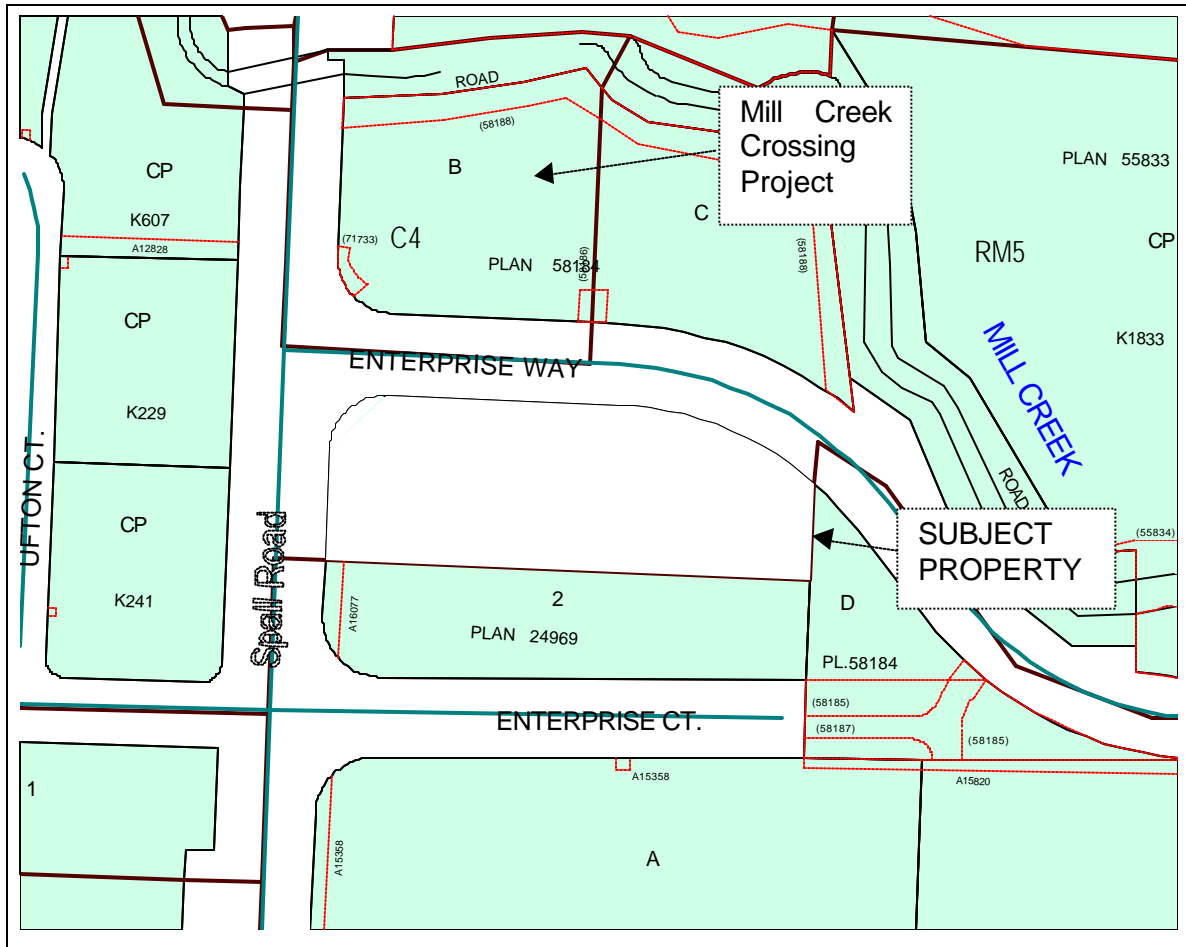
Council will have an opportunity for further review of the proposed building form and character as part of the associated Development Permit consideration.

The proposal as compared to the C4 zone requirements is as follows:

CRITERIA	PROPOSAL	C4 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	7176.3 m <sup>2</sup>	1,300 m <sup>2</sup> without lane
Site Width (m)	167.4 m	40 m without lane
Site Coverage (%)	38%	75%
Total Floor Area (m <sup>2</sup> )	3,805 m <sup>2</sup> (Gross)	
F.A.R.	0.58	FAR = 1.0 max
Storeys (#)	2 ½ Storeys	4 Storeys max
Setbacks (m)		
- Front (Enterprise Way)	21.9 m	0.0 m min.
- (To parking structure)	0.0 m	
- Rear (to building)	2.0 m	0.0 m
- (To stairway)	0.0 m	
- West Side (flanking)	2.0 m	2.0 m
- East Side	39.6 m	0.0 m
Parking Stalls (#)	174 stalls provided ❶ 104 surface stalls 70 underbuilding stalls	1.75 per 100 m <sup>2</sup> 3,805 m <sup>2</sup> = 67 stall required @ 125% = 84 stalls max.
Loading Stalls (#)	2 stalls provided	1 per 1,900 m <sup>2</sup> 3,805 m <sup>2</sup> = 2 stalls required

- ❶ A Development Variance Permit application (DVP02-0098) has been made to authorize provision of 259% of required parking where bylaw limits maximum parking to 125% of required parking

### Subject Property Map



### 3.2 Site Context

The subject property is located at the south east corner of Spall Road and Enterprise Way, within an area identified as the Spall / Enterprise Mixed use development area.

Adjacent zones and uses are, to the:

- North - C4 – Town Centre Commercial / recently completed commercial project (Mill Creek Crossing),  
RM 5 – Medium Density Multiple Housing / Vacant – Enterprise Way
- East - C4 – Town Centre Commercial / Vacant
- South - C4 – Town Centre Commercial / existing commercial uses
- West - RM 5 – Medium Density Multiple Housing (Land Use Contract 73-116)  
Existing apartment buildings, Spall Rd.

### 3.3 Existing Development Potential

The existing zone of RM5 – Medium Density Multiple Housing permits; apartment housing, congregate housing, group homes – major, and stacked row housing as principal permitted uses, and care centres – minor, intermediate, & major, and home based businesses – minor are permitted as secondary uses.

### 3.4 Current Development Policy

#### 3.4.1 Kelowna Official Community Plan

The subject property is located in an area identified as the “Enterprise / Spall Mixed Use Development area #7”, which supports a combination of; Parks and Open Space, General Commercial, Multiple Unit Residential – Low and Medium density. There has been a detailed planning study completed for the area in 1996. The subject property is identified for future Multiple Unit residential – Medium density uses. However, the change in land use from this Multiple Unit residential use to the proposed commercial use is considered consistent within the area plan.

#### 3.4.2 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 Pandosy particularly along major traffic arteries and near the town centres, the Glenmore Valley and Highway 97 corridor.”

### 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 Aquila Networks Canada

No further requirements. The lot is preserviced with primary power as part of original subdivision.

#### 4.2 B.C. Gas

Existing gas service to site. Would require abandonment or if useable, alteration before site is developed

#### 4.3 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law.

4.4 Inspection Services Department

- Exit door at the rear of the building (south elevation) shall be recessed to ensure minimum exit passage (1100mm).
- The limiting distance of the south side of the building does not comply with the BC Building Code (27% openings). Openings shall be limited to 7% of the wall area. Sprinklering the building only permits 14% openings.

4.5 Ministry of Transportation

No Objection

4.6 Parks Manager

1. Prepare a landscape plan to show proposed treatment of the Boulevard (BLVD) and 2 m setback area,
2. Landscape the boulevard to be sod and deciduous trees using the following standards for the BLVD landscaping;
  - A. All plant material (trees & sod) used in BLVD to be reviewed by City Parks Division. All material located in the BLVD are to meet city standards for size and method of installation.
  - B. Plant material specifications are as follows for;
    - i) Deciduous Tree – min. 60mm caliper measured 300mm above the root ball
    - ii) Sod type – according to location and proposed level of use.
  - C. BLVD maintenance to be the responsibility of the owner/occupant
  - D. All BLVD tree maintenance is the responsibility of the Park Division
  - E. All planting plans are to include a proper plant materials list including;
    - i) Latin name
    - ii) Common name
    - iii) size at planting
    - iv) plant symbol key
3. Landscape of area is setback between the side walk and the car stalls should include planting that will help screen the parking lot while respecting safety standards for visibility
4. As the main entrance to Enterprise way, a larger landscape area should be considered at the Northeast corner
5. Landscape construction drawings are to include all underground or overhead utility locations in the BLVD
6. BLVD landscape is to be approved by the Parks Department.
7. The location of the sign at the Northeast corner appears to be too close to the pedestrian ramp and the parking stalls. A minimum of 0.5 metres setback is suggested adjacent to the ramp and parking lot. The sign should respect intersection sightline standards

4.7 School District #23

No impact on SD 23.

#### 4.8 Shaw Cable

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

#### 4.9 Telus

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

#### 4.10 Works and Utilities Department

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

The proposed application to rezone from RM5 to C4 does not compromise Works and Utilities requirements.

### 1. Domestic Water and Fire Protection

- (a) This lot is serviced with a 19mm-diameter water service and was also pre-serviced with a 150 mm-diameter water service at the time of realignment of Enterprise Way. The developer must engage a consulting mechanical engineer to determine the domestic and fire flow requirements of this building, and establish if the 150mm service can be utilized, or if a larger service is required. Unused water services must be removed at the applicant's cost, and if a larger service is required it can be provided at the applicant's cost.
- (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.
- (c) 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 is serviced with a 100mm-diameter sanitary service and was also pre-serviced with a 150mm-diameter sanitary sewer service that was placed when Enterprise Way was realigned. An inspection chamber (IC) must be installed by the City of Kelowna on the 150mm-diameter service at the owner's cost. If a larger sanitary sewer service is required the cost of that service will be at the applicant's cost. All unused sewer services must be decommissioned at the applicant's cost.

### 3. Storm Drainage

- (a) This lot has been pre-serviced with a 150mm-diameter overflow storm sewer service that was placed when Enterprise Way was realigned. If a new storm sewer service is required, the cost of that service must include a sum to decommission the existing 150mm-diameter service.
- (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 with approval from the City drainage engineer.

4. Road Improvements

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

The existing driveway access to Spall Road will need to be removed. This work will require curb letdown and asphalt driveway removal and curb replacement. The work must be constructed to City of Kelowna Standards.

Landscape the boulevard on Spall Road including underground irrigation system.

Landscape the boulevard on Enterprise Way including underground irrigation system.

The estimated cost of the road upgrading and access removal for bonding purposes is \$14,000.00, which includes a bonding escalation

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. 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.

7. Geotechnical Report

As a requirement of this application, 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. 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.

8. 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.

9. Bonding and Levy Summary

(a) Bonding

Driveway removal and Frontage Improvements	\$ 14,000.00
Total Bonding	<b><u>\$14,000.00</u></b>

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.

10. Development Permit, Variance 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
  - (i) 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.
  - (ii) An SU-9 vehicle would have difficulties manoeuvring into the proposed loading bays when there are cars parked in the spaces on the opposite side of the drive isle.
  - (iii) The landscaped area at the Northeast corner of the building should be hard surfaced to provide a walking surface for people coming from their cars. There are a few pinched points in here that need to be widened.
  - (iv) Provide five bicycle racks with a capacity of five bikes each distributed evenly across the frontage of the building.
  - (v) The TDM section does not support such a high variance to the parking requirements (over 200%).
  - (vi) The parking spaces at the bottom of the ramp should be eliminated, as should the ones adjacent to the underground parking entrance/exit. Backing out of these spaces would be particularly hazardous.
  - (vii) The sidewalk along the back of the building stops dead at its east end. It should continue at least to the drive aisle.

11. 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.

### 3.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department does not have a concern with the change in land use from the current multi-unit residential zone to the proposed commercial use. The location of the subject property is surrounded by existing commercial uses to the north and the south, and is located on the intersection of Spall Road and Enterprise Way, two busy roads. The use of the site for a ground level residential use is not envisioned to be a successful future land use.

The 1996 OCP amendment application dealt with an application of the RM5 zone to the subject property at the landowners request. The future land use designation for the area identified the site as part of Mixed Use Development Area #7, which includes a blend of uses; Park and Open Space, General Commercial, Low and Medium Density Multiple Unit residential. That application generated the land use distribution that resulted in the orientation of the zoned lands that we see today.

Of greater concern is the request for the associated Development Variance Permit to authorize and increase in permitted parking on site from the maximum of 125% allowed to the 259% requested. This issue can be addressed in the future as part of the future Council consideration of the associated Development Permit application.

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

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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>                  | Z02-1041   |
| <b>2. APPLICATION TYPE:</b>                 | Rezoning   |
| <b>3. OWNER:</b>                            | Peter G. & Marlene R. Sieben   |
| . ADDRESS                                   | 529 Bernard Ave.   |
| . CITY                                      | Kelowna, BC  |
| . POSTAL CODE                               | V1Y 6R8  |
| <b>4. APPLICANT/CONTACT PERSON:</b>         | M105 Enterprises Ltd.  |
| . ADDRESS                                   | Gordon Anton – Ted Schoepp   |
| . CITY                                      | 628 Tomby Ct.  |
| . POSTAL CODE                               | Kelowna, BC  |
| . TELEPHONE/FAX NO.:                        | V1W 2K9  |
| <b>5. APPLICATION PROGRESS:</b>             | 712-0710/712-1018  |
| Date of Application:                        | September 18, 2002   |
| Date Application Complete:                  | September 24, 2002   |
| Servicing Agreement Forwarded to Applicant: | N/A  |
| Servicing Agreement Concluded:              | N/A  |
| Staff Report to Council:                    | November 20, 2002  |
| <b>6. LEGAL DESCRIPTION:</b>                | Lot A, DL 140, O.D.Y.D., Plan KAP58184   |
| <b>7. SITE LOCATION:</b>                    | South east corner of Spall Road and Enterprise Way   |
| <b>8. CIVIC ADDRESS:</b>                    | 1915 Enterprise Way  |
| <b>9. AREA OF SUBJECT PROPERTY:</b>         | 7,194 M  |
| <b>10. AREA OF PROPOSED REZONING:</b>       | 7,194 M  |
| <b>11. EXISTING ZONE CATEGORY:</b>          | RM5 – Medium Density Multiple Housing  |
| <b>12. PROPOSED ZONE:</b>                   | C4 – Town Centre Commercial  |
| <b>13. PURPOSE OF THE APPLICATION:</b>      | To Rezone The Subject Property From RM5 – Medium Density Multiple Housing Zone To C4 – Town Centre Commercial Zone To Permit The Construction Of A 2 ½ Storey, 3,798 M <sup>2</sup> Commercial Development |

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|-----|--|---------|
| 14. | <b>MIN. OF TRANS./HIGHWAYS FILES NO.:</b><br><b>NOTE: IF LANDS ARE WITHIN 800 m OF A</b><br><b>CONTROLLED ACCESS HIGHWAY</b> | Pending |
| 15. | <b>DEVELOPMENT PERMIT MAP 6.2</b><br><b>IMPLICATIONS</b>   | N/A     |

Attachments

Subject Property Map

10 pages of site plan, building elevations / diagrams