
CITY OF KELOWNA

MEMORANDUM

Date: December 20, 2002
File No.: (3060-20/3090-20) **DP02-0089/DVP02-0098**

To: City Manager

From: Planning & Development Services Department

Subject:

DEVELOPMENT PERMIT APPLICATION OWNER: PETER G. & MARLENE R.
NO. DP02-0089 SIEBEN
DEVELOPMENT VARIANCE PERMIT
APPLICATION NO. DVP02-0098

AT: 1915 ENTERPRISE WAY APPLICANT: M105 ENTERPRISES LTD.

PURPOSE: TO SEEK A DEVELOPMENT PERMIT TO AUTHORIZE
CONSTRUCTION OF A 2 ½ STOREY, 4,226 M² COMMERCIAL
DEVELOPMENT

TO SEEK A DEVELOPMENT VARIANCE PERMIT TO
AUTHORIZE ON-SITE PARKING THAT PROVIDES 232% OF
REQUIRED PARKING

EXISTING ZONE: RM5 – MEDIUM DENSITY MULTIPLE HOUSING

PROPOSED ZONE: C4 – TOWN CENTRE COMMERCIAL ZONE

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Final Adoption of Zone Amending Bylaw No. 8943 be considered by the Municipal Council;

THAT Municipal Council authorize the issuance of Development Permit No. DP02-0089; for Lot A, 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 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;

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP02-0098; M105 Enterprises Ltd.; Lot A, 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 232% of required parking proposed

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 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. As the outstanding issues relating to the Works and Utilities Department have been addressed, it is now appropriate for Council to consider 4^h reading and adoption of the zone amending bylaw, and consider the Development Permit and Development Variance Permit applications.

2.1 Advisory Planning Commission

The above noted applications (DP02-0089/DVP02-0098) were 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 Development Permit Application No. DP02-0089, 1915 Enterprise Way, Lot A, Plan 58184, Sec. 20, Twp. 26, ODYD, M105 Enterprises Ltd. (Gordon Anton), to seek a development permit to authorize construction of a 3,805 m², 2 ½ storey commercial building;

AND THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP02-0098, 1915 Enterprise Way, Lot A, Plan 58184, Sec. 20, Twp. 26, ODYD, M105 Enterprises Ltd. (Gordon Anton), to vary the maximum allowable parking from 125% to 259%.

Please note that the building design has been amended to increase the building size to 4226 m² which reduces the over-supply of parking to 232%.

3.0 BACKGROUND

3.1 The Proposal

The applicants have proposed the development of the subject property with a 2½ storey, commercial development built over a concrete parking structure that is partially buried in the ground for 74 vehicles. There is a substantial amount of surface parking for 98 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.

The applicant has worked with the owners and their prospective tenants with a view to reduce the scale of the requested parking variance. Since the time that Council had originally considered the application for Rezoning, the applicant has increased the size of the proposed floor area from 3,798 m² to 4,226 m². This has had the effect of increasing the site coverage of the building and increasing the amount of required parking, and increasing the amount of parking provided under the proposed building. This has now reduced the requested parking variance from the original 259% of required parking down to 232%.

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

CRITERIA	PROPOSAL	C4 ZONE REQUIREMENTS
Site Area (m ²)	7176.3 m ²	1,300 m ² without lane
Site Width (m)	167.4 m	40 m without lane
Site Coverage (%)	40%	75%
Total Floor Area (m ²)	4,226 m ² (Gross)	Max 7,176m ² @ FAR = 1.0
F.A.R.	0.59	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 lot)	2.0 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 (#)	172 stalls provided ❶ 98 surface stalls 74 underbuilding stalls	1.75 per 100 m ² 4,226 m ² = 74 stall required @ 125% = 93 stalls max.
Loading Stalls (#)	2 stalls provided	1 per 1,900 m ² 3,805 m ² = 2 stalls required

- ❶ Development Variance Permit application (DVP02-0098) has been made to authorize provision of 232% of required parking where bylaw limits maximum parking to 125% of required parking

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.

Subject Property Map

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 Pandosy 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 City of Kelowna Crime Prevention Through Environmental Design guidelines include the following suggestions for Commercial Developments;

Territorial Reinforcement

- property boundaries, where possible, should be marked with hedges, low fences or gates;
- private and semi-private areas should be easily distinguishable from public areas;
- lanes should be well-maintained with pavement treatment and landscaping, wherever possible;
- entrances onto lanes and use of the space in the lane (e.g. shopping entrances or outdoor cafes), increases public ownership and safety of the lane;
- blank walls should be avoided, but can be improved by the installation of windows, vertical landscaping (e.g. ivy), non-paint-able surfaces, or the use of mural art; which all discourage graffiti;
- all public and semi-private areas should be well-maintained to convey pride and ownership, which discourage negative activity;
- benches should be placed in public spaces and along paths or sidewalks to provide a resting place, particularly for seniors or those with disabilities; elevated seating positions allow for broad observation and give users a greater sense of control.

Natural Access Control

- public paths should be clearly marked;
- signs should direct patrons to parking and entrances;
- there should be no easy access to the roof;
- entrances to dwellings within a commercial building should be separate from the commercial entrance to enable distinction of residential visitors from those frequenting businesses;
- wall treatments, such as climbing plants or trellises, should not provide a means to climb the wall;

Management

- operating hours should coincide with those of other neighbouring businesses;
- pay phones should be call-out only and under surveillance at all times;
- interior space should be well-lit.

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments to the Development Permit have been submitted as part of the Rezoning application. The following comments relate to the Development Permit application:

4.1 Fire Department

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

4.2 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.

Note; Window openings to be reviewed at time of Building Permit application for compliance to BC Building Code, and adjusted to suit if required

4.3 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

4.4 Shaw Cable

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

4.5 Telus

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

4.6 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.

1. 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.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The associated rezoning application received a successful public hearing on December 17, 2002, and received 2nd and 3rd readings the same night.

The applicant has addressed the outstanding issues identified as part of the rezoning report, so it is now appropriate for the zone amending bylaw to adopted.

The applicant has been working with his designer to amend the plan to reduce the impact of the parking variance. At this time, the building plan has been revised to increase the size of the building, which increases the demand for parking, while also increasing the amount of parking under the building. This has reduced the parking variance from the original request for 259% of required parking down to 232%.

The applicants are proposing to use the under building parking area for operators and tenants of the building, leaving the surface parking for the public coming to the building. The applicants who have now been operating the Mill Creek Crossing development across Enterprise Way from the subject property, have been operating that development in a similar manner. From that experience, they are still experiencing a shortage of surface parking for their tenants and their customers as the Mill Creek Crossing development, and feel that the request for the 232% variance is necessary to successfully operate the proposed development on the subject property.

The Planning and Development Services Department does not have a concerns with this proposed development. While the requested variance to the amount of parking permitted for this development may seem excessive, their operation experience of the Mill Creek Crossing development indicates a need for that amount of parking. As well, the applicants' consultants have developed a comprehensive landscape plan to buffer the outer edge of the parking structure from view, and to create a public plaza feature to create a pedestrian link of the proposed development to the surrounding pedestrian travel routes.

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

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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|---|---|
| 1. APPLICATION NO.: | DP02-0089/DVP02-0098 |
| 2. APPLICATION TYPE: | Development Permit
Development Variance Permit |
| 3. OWNER: | Peter G. & Marlene R. Sieben |
| . ADDRESS | 529 Bernard Ave. |
| . CITY/POSTAL CODE | Kelowna, BC V1Y 6R8 |
| 4. APPLICANT/CONTACT PERSON: | M105 Enterprises Ltd. |
| . ADDRESS | Gordon Anton – Ted Schoepp |
| . CITY/POSTAL CODE | 628 Tomby Ct. |
| . TELEPHONE/FAX NO.: | Kelowna, BC V1W 2K9
712-0710/712-1018 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | September 18, 2002 |
| Date Application Complete: | September 24, 2002 |
| Servicing Agreement Forwarded to Applicant: | December 16, 2002 |
| Servicing Agreement Concluded: | |
| Staff Report to Council: | |
| 6. LEGAL DESCRIPTION: | Lot A, DL 140, O.D.Y.D., Plan
KAP58184 |
| 7. SITE LOCATION: | South east corner of Spall Road and
Enterprise Way |
| 8. CIVIC ADDRESS: | 1915 Enterprise Way |
| 9. AREA OF SUBJECT PROPERTY: | 7,194 M ² |
| 10. TYPE OF DEVELOPMENT PERMIT AREA: | Highway Centre Urban Town Centre |
| 11. EXISTING ZONE CATEGORY: | RM5 – Medium Density Multiple
Housing |
| 11. EXISTING ZONE CATEGORY: | C4 – Town Centre Commercial |
| 12. PURPOSE OF THE APPLICATION: | To Seek A Development Permit To
Authorize Construction Of A 2 ½
Storey, 4,226 M ² Commercial
Development,
To Seek A Development Variance
Permit To Authorize On-Site Parking
That Provides 232% Of Required
Parking |

- | | |
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| 13. DEVELOPMENT VARIANCE PERMIT
VARIANCES: | 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 232% of
required parking proposed |
| 14. VARIANCE UNDER DEVELOPMENT
PERMIT: | N/A |
| 15. DEVELOPMENT PERMIT MAP 6.2
IMPLICATIONS | N/A |

Attachments

Subject Property Map

Schedule A, B & C (10 pages)