
CITY OF KELOWNA

MEMORANDUM

Date: July 22, 2009
To: City Manager
From: Community Sustainability Division
Purpose: Discharge a Land Use Contract
File No.: LUC09-0002 **Owner(s):** WGP-241 HOLDINGS LTD.

At: 2009-2015 ENTERPRISE WAY **Applicant(s):** WGP-241 HOLDINGS LTD. (Gordon Anton)

Existing Zone: LUC77-1028 **Proposed Zone:** C4 – URBAN CENTRE COMMERCIAL

Supplemental Report Prepared by: PAUL McVEY

1.0 RECOMMENDATION

THAT Council receive as information the report of the Community Sustainability Division dated July 22, 2009;

AND THAT Bylaw No. 10210 be forwarded to the August 25, 2009 Public Hearing for further consideration.

2.0 SUMMARY

This application to discharge Land Use Contract LUC77-1028 was initially considered on June 15, 2009. Staff have prepared this supplemental report to provide further clarification to procedural requirements and lands uses.

3.0 BACKGROUND

The subject property is controlled by a Land Use Contract, LUC77-1028, which was created in 1977. Generally, this contract regulated the siting, as well as the form and character of the site development, and authorized a limited range of industrial uses. This land use contract was amended (By DP83-10,041) in 1983 in order to add "coffee shops" as a principal use.

This current application seeks to discharge the Land Use Contract in order that the uses permitted in the underlying C4 – Urban Centre Commercial zone may be applied to the uses of the property.

The existing site development as compared to the C4 zone requirements is as follows:

CRITERIA	PROPOSAL	C4 ZONE REQ.	L.U.C. REQ.
Site Area (m ²)	2,371 m ²	460 m ² with Lane 1,300 m ² without Lane	2371m ²
Lot Width	121 m	13 m with lane 40 m without lane	
Lot Depth	22m	30 m	
Site Coverage (%)	34.9%	75%	
Total Floor Area (m ²)	682.7 m ²	Max 2,371 m ² @ FAR = 1.0	
F.A.R.	0.29	Max FAR = 1.0 for comm.	Max FAR = 0.3
Storeys (#)	6.6m (2 storeys)	15 m or 4 storeys	Max 5.4m + 1.2m parapets
Setbacks (m)			
- Front (Enterprise Way)	6.2 m (min.)	0.0 m	6.1m to Enterprise Way
- Rear	0.0 m	0.0 m	0.0m
- West Side	38.3 m	0.0 m	38.1m
- East Side	15.8 m	0.0 m	15.25m to Hardy St.
Parking Stalls (#)	12 stalls existing	1.75 stalls per 100 m ² GFA 682.7 m ² = 12 stalls req'd	7 stalls required
Loading Stalls (#)	1 stall existing	1 stall per 1,900 m ² GFA 1 loading stall req'd	1 stall per m ² 1,900
Bicycle Parking		Class I: .20 per 100m ² GLA 682.7m ² = 2 required Class II: .60 per 100m ² GLA 682.7m ² = 5 required	N/A

Parking requirements under Land Use Contract (ref. Zoning Bylaw 4500)

Warehouse uses	-	1 stall per 200m ² @ 489 m ² =	2.4 stalls
Manufacturing uses	-	1 stall per 50m ² @ 148.6m ² =	3.0 stalls
Office	-	1 stall per 40m ² @ 44.6 m ² =	1.12 stalls
Stalls required under <u>Zoning Bylaw 4500</u> 7 stalls required			

The applicant has committed to the installation of bike storage as required by City of Kelowna Zoning Bylaw 8000, as well as the installation of additional landscaping along the Enterprise Way frontage, in compliance with Zoning Bylaw 8000.

At the time the original drawings were submitted, the site plan indicated landscaping along the Enterprise Way frontage. However, this was not done. As well, it appears that in 1978, the loading dock area facing Enterprise Way frontage was filled in to create additional building space, and the existing paved area was converted into additional parking stalls. There is still a loading stall available at the west end of the building.

The following lists are the permitted uses under both the existing Land Use Contract, and the proposed C4 – Urban Centre Commercial zone;

Uses permitted in the existing **Land Use Contract** (as revised)

Principal Uses

- i. Warehousing and storage facilities
- ii. Light manufacturing and assembly which produce no dust, odour, glare, or noise beyond their property line
- iii. Coffee shops

Secondary Uses

- i. Office
 - ii. Minor ancillary sales
 - iii. Construction trade offices
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Uses permitted in the proposed **C4 – Urban Centre Commercial zone**

The principal uses in this zone are:

- (a) amusement arcades, major
- (b) animal clinics, minor
- (c) apartment hotels
- (c.1) apartment housing
- (d) boarding or lodging houses
- (d.1) broadcasting studios
- (e) business support services
- (f) care centres, major
- (g) commercial schools
- (h) congregate housing
- (i) custom indoor manufacturing
- (j) emergency and protective services
- (k) financial services
- (l) food primary establishment
- (m) funeral services
- (n) gas bars
- (o) government services
- (p) group homes, major
- (q) health services
- (r) hotels
- (s) liquor primary establishment, major (C4lp and C4lp/rls only)
- (t) liquor primary establishment, minor
- (u) motels
- (v) non-accessory parking
- (w) offices

- (x) participant recreation services, indoor
- (y) personal service establishments
- (z) private clubs
- (aa) public libraries and cultural exhibits
- (bb) recycled materials drop-off centres
- (cc) religious assemblies
- (dd) retail liquor sales establishment (C4rls and C4lp/rls only)
- (ee) retail stores, convenience
- (ff) retail stores, general
- (gg) spectator entertainment establishments
- (hh) supportive housing
- (ii) temporary shelter services
- (jj) used goods stores
- (kk) utility services, minor impact

The secondary uses in this zone are:

- (a) amusement arcades, minor
- (b) [deleted]
- (c) care centres, minor
- (d) home based businesses, minor

The current building on the subject property has a number of business licenses issued. The following table summarizes the business name, business use category, and approximate time located at the subject property;

Business License Number	Business Name	Business License Code	Business Description	Address	Approximate Date at this location	Current License Status
13270	Sun Country Travel	(8088)	Travel Agency	2011A Enterprise Way	[June 24, 2009]	on hold
24640	Stroma Sign Group	(3405)	Manu-facturing signs	2009B Enterprise Way	1995	Active
35761	Just Ink Services	(9000)	Refill Ink Cartridges	2015 Enterprise Way	2003	Active
37464	Meals on Wheels	(9000)	Private Club/Non-profit	2009A Enterprise Way	2008	Active
58008	Enterprise Flower Studio	(7910)	Wholesale Flowers	2009A Enterprise Way	2008	Active
67429	Big City Cupcakes	(700)	Baker	2015 Enterprise Way	2008	Active
4305	Ogopogo Engraving Services	(3405)	Manu-facturer	Unknown	Moved to new location in 2009	

Business Located on subject property **without** an active Business License

Business License Number	Business Name	Business License Code	Business Description	Address	Approximate Date at this location	Current License Status
58705	Sherry's Tan and Travel Services	(7205)	Retail and Tanning	Was located at #520 – 1950 Harvey Ave	Unknown	Active at Old Address

4.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

The applicant is proposing to discharge the Land Use Contract which currently governs the use of the property. The property has been fully developed and some of the current commercial uses - a tanning salon, flower shop and travel agency - are not permitted uses under the Land Use Contract. If the property was not governed by the Land Use Contract it would come under the C4 - Urban Centre Commercial zoning, under which the existing uses would be permitted. By discharging the Land Use Contract, the use of the property would be governed by the C4 zoning.

Staff have reviewed the existing development and compared that development to the current regulation under City of Kelowna Zoning Bylaw 8000, and have provided the results of that review in the table above.

That review has demonstrated that the parking provided on the property complies to the required parking under the proposed C4 – Urban Centre Commercial zone. The only deficiencies discovered relate to the required 2.0m setback and landscaping between Enterprise Way and the parking lot as required under Zoning Bylaw 8000. There is also a lack of bicycle parking as is required under Zoning Bylaw 8000. The applicant has committed to providing both the additional landscaping and the bicycle parking.



Urban Land Use Manager
Danielle Noble

Approved for inclusion



Shelley Gambacort
Director of Land Use Management

PMc/pmc
Attach.

