

# Memo



**Date:** March 11, 2011  
**To:** City Manager  
**From:** Land Use Management, Community Sustainability (LT)  
**Application:** DVP11-0015                      **Owner:** RGKKK Holdings Ltd.  
**Address:** 2643 Enterprise Way                      **Applicant:** Meiklejohn Architects Inc.  
**Subject:** Development Variance Permit Application  
**Existing OCP Designation:** Commercial  
**Existing Zone:** C10 - Service Commercial

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## 1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP11-0015 for Lot 9, District Lot 125, ODYD, Plan KAP73825, located at 2643 Enterprise Way, Kelowna BC;

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

**Section 8 (Table 8.1) - Parking Schedule:** To vary the minimum total parking requirements from 51 spaces required to 38 spaces proposed.

**Section 8 (Table 8.2) - Loading Schedule:** To vary the minimum total loading space requirements from 2 spaces required to 1 space proposed.

AND FURTHER THAT Development Variance Permit issuance be subject to the requirements of Fortis BC being completed to their satisfaction.

## 2.0 Purpose

This application seeks a Development Variance Permit to vary minimum parking and loading space requirements for a mezzanine addition to an existing commercial building.

## 3.0 Land Use Management

The applicant has provided rationale for the variance request within the attached letter of intent. The applicant and owner have stated that the parking currently provided far exceeds the needs of their business, and that the existing parking would still be sufficient with the additional floor area of the proposed mezzanine. The neighbouring business owner to the north (office furniture store) agrees with the proposed parking variance, stating that the bylaw requirements exceed the needs of this type of retail use. Further, existing mutual-access easements shown on the site plan limit the ability to redesign the parking area to add additional stalls.

The applicant has also stated that the existing loading space provides more than enough capacity to handle this size of business, and a second loading space would be unwarranted.

The parking requirements fall under the “warehouse sales” category, which includes a number of different large-scale retail formats. The Land Use Management Department recognizes that the parking requirements for this parking category may be punitive for this particular type of business, and it may be appropriate to have a separate use category that would encompass furniture sales at a lower parking stall requirement. Similarly, the loading space requirement for this particular business may not warrant an additional space. Any refinements to existing parking and loading requirements would be confirmed in future comprehensive changes to Zoning Bylaw No. 8000.

In consideration of the above, the Land Use Management Department recommends that the parking and loading space variances be supported.

#### 4.0 Proposal

##### 4.1 Background

Hometown Furniture has occupied the building since 2005. When the building was constructed, a Development Variance Permit was approved for a 2 stall parking shortfall (38 provided where 40 was required). Currently, 13 parking stalls are located at the front of the building near the Enterprise Way frontage, while an additional 25 stalls are located at the rear of the building. The existing loading space is also located at the rear of the building.

##### 4.2 Project Description

The applicant is proposing the addition of a 534m<sup>2</sup> mezzanine within the existing building. No changes to the building footprint or external elevations are proposed. This additional floor area has triggered a variance for the required number of parking stalls and loading spaces. The mezzanine would add an additional requirement of 11 parking stalls (totaling 51) and 1 additional loading space.

The proposal conforms to Zoning Bylaw No. 8000 (with variances noted) as follows:

| Criteria   | Proposal               | C10 Zone Requirements  |
|--|------------------------|--|
| <b>Development Regulations</b>   |                        |  |
| Floor Area Ratio   | 0.65                   | 0.65   |
| Site Coverage  | 51%                    | 60%  |
| <b>Other Regulations</b>   |                        |  |
| Parking Spaces (#)   | 38 spaces <sup>①</sup> | Warehouse Sales = 2.5/100m <sup>2</sup> GFA<br>Warehousing/Storage = 0.5/100m <sup>2</sup> GFA<br><br>Existing Main Floor: 40 spaces<br>Proposed Mezzanine: 11 spaces<br><br><b>Total: 51 spaces</b> |
| Bicycle Stalls (#)   | 15 spaces              | Class I: 1 spaces<br>Class II: 14 spaces<br><b>Total: 15 spaces required</b>   |
| Loading Spaces (#)   | 1 space <sup>②</sup>   | 1 stall/1,900m <sup>2</sup> = 2 spaces   |
| <sup>①</sup> Indicates a requested variance to minimum parking stalls from 51 required to 38 proposed.<br><sup>②</sup> Indicates a requested variance to loading spaces from 2 required to 1 proposed. |                        |  |

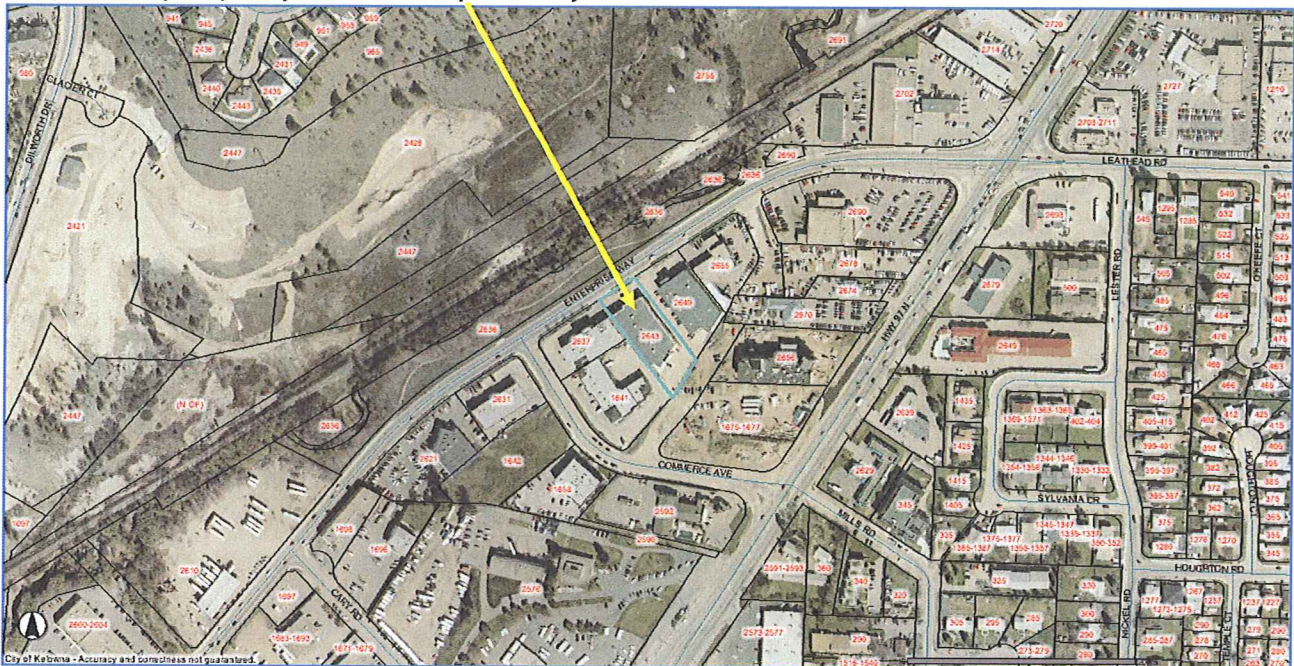
### 4.3 Site Context

The subject property is located along the northern arm of Enterprise Way, near Leathead Road. The prevailing land use is service commercial and hotel/motel uses. As the property is not located within an Urban Centre, there is no opportunity to make a cash-in-lieu of parking payment.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning  | Land Use                               |
|-------------|---|--|
| North       | P3 - Parks & Open Space                                   | Mill Creek                             |
| East        | C10 - Service Commercial                                  | Warehouse Sales                        |
| South       | C10lp/rls - Service Commercial<br>C9 - Tourist Commercial | Future Commercial Site/<br>Comfort Inn |
| West        | C10 - Service Commercial                                  | General Commercial                     |

Subject Property Map: 2643 Enterprise Way



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

**Development and Redevelopment.**<sup>1</sup> Require consideration of TDM (Transportation Demand Management) strategies in the planning and approval of development and redevelopment applications;

**Off-Street Parking.**<sup>2</sup> Require adequate off-street parking and loading facilities throughout the City as a condition of development or redevelopment. These standards may vary by land use type and area of the City.

<sup>1</sup> City of Kelowna Official Community Plan, Policy No. 12.1.80, Transportation Chapter

<sup>2</sup> City of Kelowna Official Community Plan, Policy No. 12.1.90, Transportation Chapter

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

Building code review for mezzanine addition to be completed through Building Permit application.

### 6.2 Development Engineering Department

See attached.

### 6.3 Fire Department

Construction Fire Safety Plan is required. A Fire Department lock box is required to be installed near the primary entrance. A Fire Safety Plan is required as per section 2.8 of the BCFC. The plan is to be submitted to the Kelowna Fire Prevention Branch for review prior to occupancy of the new construction.

### 6.4 Fortis BC

Service right-of-way required for existing works along Enterprise Way frontage. Applicant to confirm requirements with Fortis prior to DVP issuance.

### 6.5 Rutland Waterworks District

Water Service Certificate issued. Capital Expenditure Charges applicable through Building Permit application.

## 7.0 Application Chronology

|                               |                  |
|-------------------------------|------------------|
| Date of Application Received: | January 31, 2011 |
| Advisory Planning Commission  | March 1, 2011    |

The above noted application was reviewed by the Advisory Planning Commission at the meeting on March 1, 2011 and the following recommendations were passed:

THAT the Advisory Planning Commission support Development Variance Application No. DVP11-0015, for 2643 Enterprise Way, to vary the minimum parking stall requirements from 51 stalls required to 38 stalls proposed to facilitate a mezzanine addition.

THAT the Advisory Planning Commission support Development Variance Application No. DVP11-0015, for 2643 Enterprise Way, to vary the loading spaces from 2 required to 1 proposed.

### APC Comment:

The Advisory Planning Commission supported this Application based on the nature of the use of the building which justifies the variances; however, the Commission strongly recommends that staff work on a text amendment within the Zoning Bylaw for this particular use.

*Staff will be researching changes to overall parking requirements through future revisions of Zoning Bylaw No. 8000.*

**Report prepared by:**



Luke Turri, Land Use Planner

**Reviewed by:**



Danielle Noble, Manager, Urban Land Use Management

**Approved for Inclusion:**



Shelley Gambacort, Director, Land Use Management

**Attachments:**

Subject Property Map

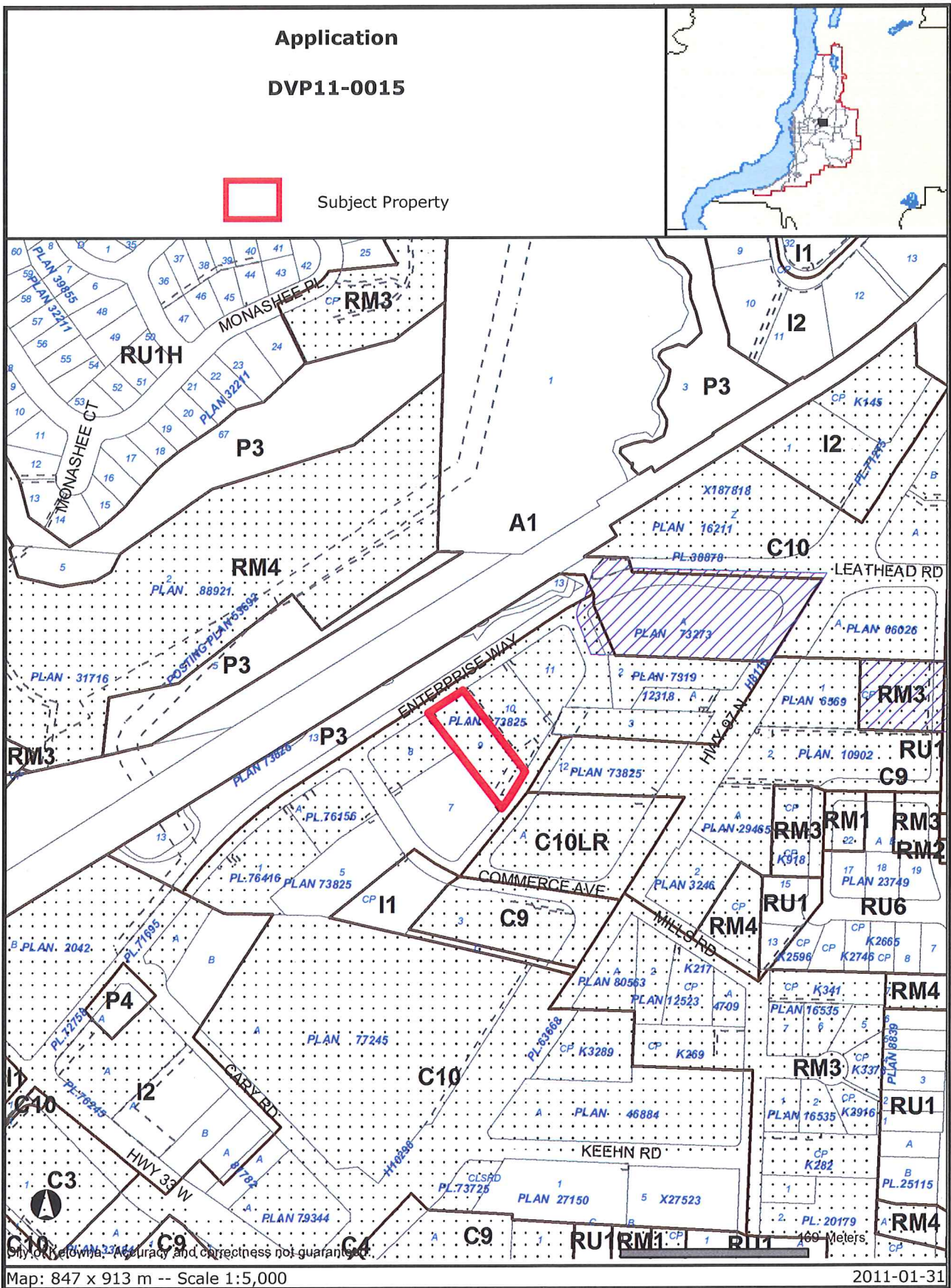
Site Plan

Letter of Intent from Meiklejohn Architects Inc, dated January 6, 2011

Letter from Property Owner dated January 6, 2011

Development Engineering Comments

Draft Development Variance Permit (DVP11-0015)



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

322 MAIN STREET  
 WYOMING, WY 82001, U.S.A.  
 TEL: 307.462.2114  
 FAX: 307.462.2114  
 EMAIL: info@m+m.com



MEKLEJOHN ARCHITECTS INC.

R.G.K.K.K.  
 HOLDINGS LTD.



DATE: 2015.01.09  
 PROJECT: HOMETOWN FLOOR & MATTRESSES MEZZANINE ADDITION

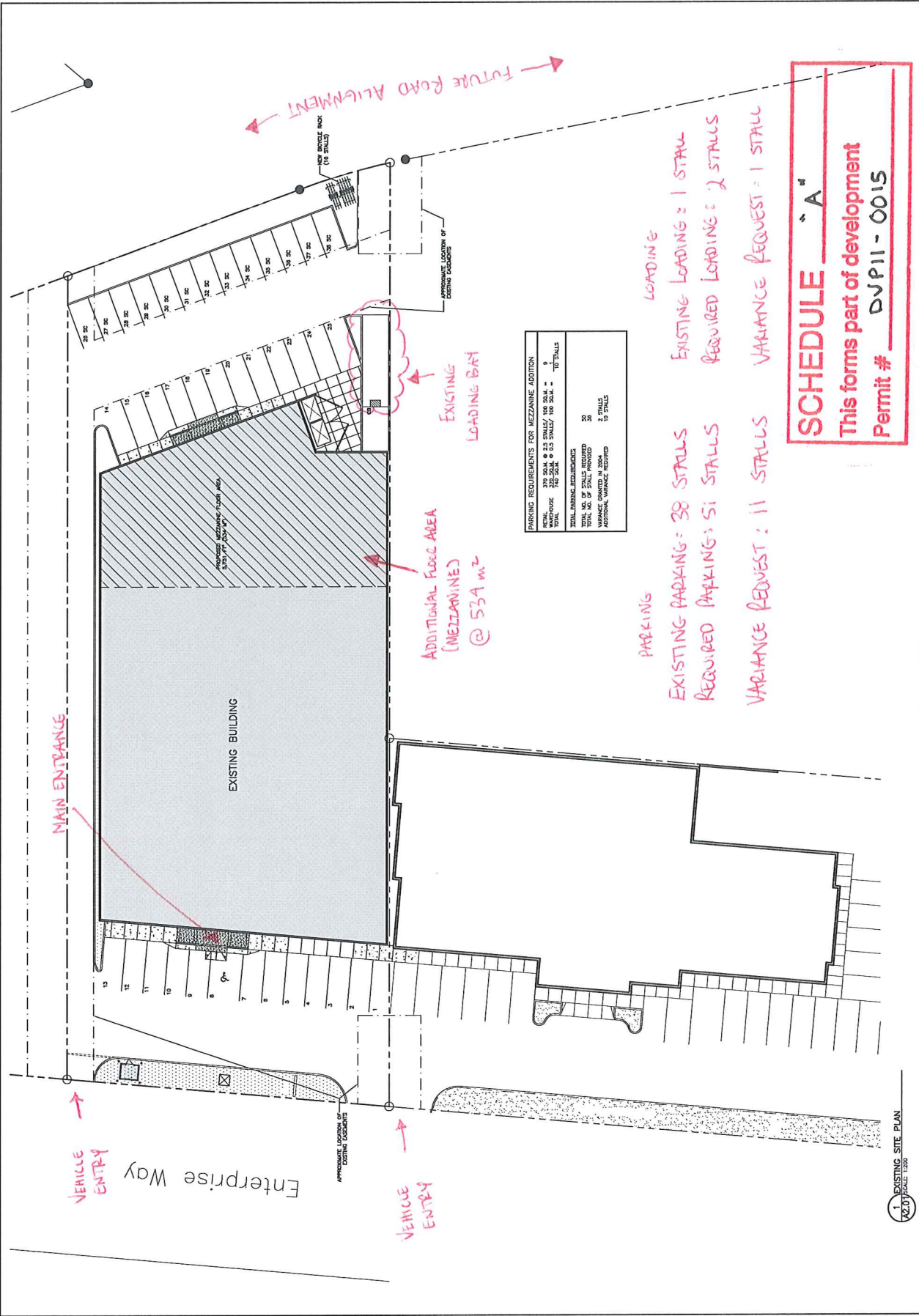
| No. | Date       | Description                 |
|-----|------------|-----------------------------|
| 1   | 2015.01.09 | ISSUED FOR PERMITS/VARIANCE |
| 2   | 2015.01.29 | ISSUED FOR PERMITS/VARIANCE |

Project Title:  
 HOMETOWN FLOOR  
 & MATTRESSES  
 MEZZANINE ADDITION

Drawing Number:  
**A2.01**

SCALE: AS SHOWN  
 DATE: DECEMBER 17, 2015  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

SITE PLAN



| PARKING REQUIREMENTS FOR MEZZANINE ADDITION |  |
|---|--|
| MINIMAL REQUIREMENT                         | 378 SQ.M @ 2.5 STALLS/100 SQ.M = 0         |
| TOTAL REQUIREMENT                           | 422 SQ.M @ 2.5 STALLS/100 SQ.M = 10 STALLS |
| TOTAL PARKING REQUIREMENTS                  | 422 SQ.M                                   |
| TOTAL NO. OF STALLS PROVIDED                | 38   |
| ADDITIONAL VARIANCE REQUIRED                | 15 STALLS                                  |

**PARKING**  
 EXISTING PARKING: 38 STALLS  
 REQUIRED PARKING: 53 STALLS  
 VARIANCE REQUEST: 11 STALLS

**LOADING**  
 EXISTING LOADING: 1 STALL  
 REQUIRED LOADING: 2 STALLS  
 VARIANCE REQUEST: 1 STALL

**SCHEDULE "A"**  
 This forms part of development  
 Permit # **DJPII-0015**

January 6, 2011

Our Project No: 10-1188

City of Kelowna  
1435 Water Street  
Kelowna, BC  
V1Y 1J4

Attn: Dani Matsuka

Re: Development & Development Variance Permit Application  
Hometown Furniture  
2643 Enterprise Way, Kelowna BC

Dear Ms. Dani Matsuka,

Meiklejohn Architects Inc. has been commissioned to undertake the design drawings for a project at the Hometown Furniture Store, located at the aforementioned address. On behalf of our client, Joe Kondola, we would like us to express our recommendation and support for a parking variance for the building. We are requesting your support for the variance of eleven stalls for several reasons.

*Nature of the Variance*

In 2004 the building located at 2643 Enterprise Way was constructed. According to the bylaw requirements 40 stalls were required; however, a Development Variance Permit was granted for 2 parking stalls. Presently, there are 38 parking stalls on the site. As the drawings indicate, the total number of stalls required for the additional 7,962 square feet (740 square meters) of floor area (50% of the floor area utilized for warehouse and 50% of the floor area utilized for retail) is 11 parking stalls. With this additional floor area the bylaw requires that there be 51 parking stalls. As an experienced furniture retailer, the owner has advised us that even with the additional floor space, the 38 stalls would be sufficient to meet the patrons' needs.

*Owner Experience*

The proprietor has owned and operated several stores in the Okanagan. In all locations where the number of parking stalls provided met the requirements of the bylaw, there has always been a surplus of parking stalls (please see attached letter). Presently the patrons use the front parking lot which has the capacity for thirteen vehicles. The rear parking lot remains vacant, already providing twenty-five additional underused parking stalls.

*Easements*

There is a shared easement with the adjacent property, in order to accommodate for large truck access to Hometown Furniture's loading bay. There are also two joint easements on Enterprise Way and the future road to allow for joint property access. As demonstrated on the site plan these easements have been designed to accommodate the parking lots; however, they have also restricted the options for a variety of parking layout designs.

*Letters of Support*

The owner has the support for this variance from the adjacent property owners (please see attached letters).



We trust that you find this submission complete and the information provided helpful in your assessment and support of our application. Please call if you have any questions.

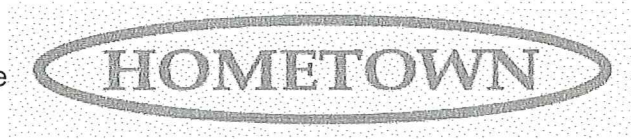
Sincerely,



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Calvin B. Meiklejohn, MAIBC, FRAIC  
Meiklejohn Architects Inc.  
Penticton, BC  
Email: [cal-mai@shaw.ca](mailto:cal-mai@shaw.ca)  
[www.meiklejohn.ca](http://www.meiklejohn.ca)  
/hb

Hometown Furniture Store  
2643 Enterprise Way  
Kelowna, BC  
V1X 7Y6



January 6, 2011

City of Kelowna  
1435 Water Street  
Kelowna, BC  
V1Y 1J4

Re: Hometown Furniture Store – Parking Variance

Dear Ms. Dani Matsuka,

As the property owner of 2643 Enterprise Way, I, Joe Kondola, have worked in the retail furniture business for years. It has been my experience that this line of business tends to have limited vehicle traffic when compare to other types of retail organizations.

On a regular business day, we have an average of only four to five cars at any given time, with up to a maximum of ten cars during large sales events. Presently at this location we only use the front parking lot, which has capacity for thirteen vehicles, with a remaining twenty-five parking stalls to the rear of the building.

When this building was built in 2004, we were granted a variance of two parking stalls. We had and continue to have the support of neighboring businesses as we are all aware of the excess parking stalls. This variance request will not impact our patrons' requirements beyond our present parking capacity.

I trust that this reflects our position and the required parking for store patrons. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Kondola", is written over a light blue horizontal line.

Joe Kondola  
Owner

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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** March 1<sup>st</sup> 2011  
**File No.:** DVP11-0015  
**To:** Planning & Development Services Department (LT)  
**From:** Development Engineer Manager (SM)  
**Subject:** 2643 enterprise Way, Lot 9, Plan KAP73825, DL 125, ODYD

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The Development Engineering comments and requirements regarding this development variance application for the reduction of parking requirements are as follows:

1. General.
  - a) The variance for the elimination of 11 parking stalls does not compromise any municipal services.
  - b) It should be noted that the variance may be acceptable for the current business on the property; however, in the future, should the property be sold or a different type of establishment be contemplated, the 20% parking reduction may become an irreversible issue.

---

Steve Muenz, P.Eng.  
Development Engineering Manager

BB

# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP11-0015

|                              |  |
|------------------------------|--|
| EXISTING ZONING DESIGNATION: | C10 - Service Commerical                   |
| DEVELOPMENT VARIANCE:        | To vary minimum parking/loading standards. |

|                           |  |
|---------------------------|--|
| ISSUED TO:                | RGKKK Holdings Ltd. (c/o Meiklejohn Architects Inc.) |
| LOCATION OF SUBJECT SITE: | 2463 Enterprise Way                                  |

|                    | LOT | DISTRICT LOT | DIV & DIST | PLAN     |
|--------------------|-----|--------------|------------|----------|
| LEGAL DESCRIPTION: | 9   | 125          | ODYD       | KAP73825 |

### SCOPE OF APPROVAL

- This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

### 1. TERMS AND CONDITIONS:

- a) THAT variances to the following section of Zoning Bylaw No. 8000 be granted:

Section 8 (Table 8.1) - Parking Schedule: To vary the minimum total parking requirements from 51 spaces required to 38 spaces proposed.

Section 8 (Table 8.2) - Loading Schedule: To vary the minimum total loading space requirements from 2 spaces required to 1 space proposed.

Existing parking and loading provisions are shown on Schedule "A"

### 2. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is

returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$           N/A          .
- (b) A Certified Cheque in the amount of \$           N/A          .
- (c) An Irrevocable Letter of Credit in the amount of \$           N/A          .

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

3. DEVELOPMENT:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferrable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

**THIS Permit IS NOT A BUILDING Permit.**

4. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and the Director of Land Use Management.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

\_\_\_\_\_  
Signature of Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

\_\_\_\_\_  
Telephone No.

5. APPROVALS:

AUTHORIZING RESOLUTION PASSED BY MUNICIPAL COUNCIL THE @ DAY OF @, 20@@.

ISSUED BY THE LAND USE MANAGEMENT DEPARTMENT OF THE CITY OF KELOWNA THE @ DAY OF @, 20@@, BY THE DIRECTOR OF LAND USE MANAGEMENT.

\_\_\_\_\_  
Shelley Gambacort  
Director of Land Use Management

