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

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**Date:** May 5, 2003  
**File No.:** (3060-20) **DP02-0099**

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:**

DEVELOPMENT PERMIT APPLICATION OWNER: AL STOBER  
NO. DP02-0099 CONSTRUCTION LTD

AT: HARVEY AVENUE & DICKSON AVENUE APPLICANT: WATER STREET  
ARCHITECTURE  
(DOUG LANE)

PURPOSE: TO SEEK A DEVELOPMENT PERMIT TO AUTHORIZE  
CONSTRUCTION OF A NEW 6 STOREY 7,257 M<sup>2</sup> BUILDING  
FOR REVISED PHASE II

EXISTING ZONE: CD14 – COMPREHENSIVE HIGH TECH BUSINESS CAMPUS

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 Final Adoption of Text Amending Bylaw No. 8999 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP02-0099 for Lot A, D.L. 129, O.D.Y.D., Plan KAP68674, located on Dolphin Ave., 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;

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 applicant has made application to amend the CD14 – Comprehensive High Tech Business Campus zone in order to permit the construction of a 6 storey, 7,257 m<sup>2</sup> building for the second phase of construction. The current CD 14 zone only identifies a 4 storey, 4,355 m<sup>2</sup> building as the second phase of construction. This text amendment is currently at 3<sup>d</sup> reading pending the Ministry of Transportation signature on the text amendment bylaw. As the Ministry has now signed the bylaw, it is appropriate for Council to consider final adoption of the bylaw.

The proposed form and character of the Phase II building will replicate the form and character of the recently completed Phase I building.

### 2.1 Advisory Planning Commission (Z02-1049)

The above-noted application was reviewed by the Advisory Planning Commission at the meeting of December 10, 2002 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Development Permit Application No. DP02-0099, 1640/1706 Dickson Avenue, Lot D and Part of Lot A, Plan 20443, Twp. 26, Sec. 20, ODYD, Al Stober Construction Ltd. (Al Stober) to seek a Development Permit to authorize construction of a new 6 storey, 7,257 m<sup>2</sup> building for Phase II only.

## 3.0 BACKGROUND

### 3.1 The Proposal

The subject property is located north of Dickson Avenue and south of Harvey Avenue (Highway 97), adjacent to the north end of Dayton Street. The applicant had rezoned (Z00-1020) the subject property to the CD14 – Comprehensive High Tech Business Campus zone in order to develop the property to accommodate “high tech” and “knowledge based” businesses in 2000. That original development proposal anticipated construction of two buildings in two phases, with Phase I being designed as a 6 storey, 6,582 m<sup>2</sup> building, and Phase 2 designed as a 4 storey, 4,388 m<sup>2</sup> building. The phase I building has been completed.

Rezoning application (Z02-1049) has been made to apply the CD14 – Comprehensive High Tech Business Campus zone to the adjacent properties to the west (Part of Lot A, Plan 20443 and Lot D, Plan 20443). That application to rezone the above noted properties and the associated text amendment to the revised CD14 zone will be forwarded to Council in the future once there has been an opportunity for the applicant's consultants to complete the review of the Traffic Impact Study work that had been performed in conjunction with the original application (Z00-1020). It is anticipated that the amended report will identify traffic infrastructure requirements as required by the application for the rezoning of the adjacent properties to add them to the CD14 zone and to permit the development of the future third phase of construction.

As an interim step, the applicants have made application to amend the existing CD14 zone (TA03-0003) in order to permit the construction of the revised phase 2 building as a 6 storey, 7,257 m<sup>2</sup> building. The traffic consultant has reviewed the implications of the addition of 2 storeys to the proposed phase II building height to the 4 storey and the increase in floor area from 4,355 m<sup>2</sup> as originally proposed to the revised 7,257 m<sup>2</sup> area. This review has determined that there will be a minimal increase to the anticipated traffic volumes for this revised phase II building above what was anticipated for the original 4 storey proposal. That application for Text Amendment to the CD14 zone is currently at 3<sup>rd</sup> reading. Now that the Ministry of Transportation has signed the zone amending bylaw, it is now appropriate for Council to consider adoption of that bylaw.

This associated Development Permit application seeks permission to construct a 7,257 m<sup>2</sup>, 6 storey building for Phase II. The form and character of the proposed buildings is anticipated to use the same details, materials, and colours as the recently completed Phase I building. The site plan shows the same access points as the original CD14 zone, and the same level of proposed landscaping. This new application anticipates the development of a total of 270 parking stalls located on the surface, and an additional of 296 parking stalls located below grade within a parking structure.

Proposed Phase I and Phase II development as proposed compared to the CD14 – zone is as follows;

CRITERIA	PROPOSAL	CD14 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> ) (after subdivision, and road dedications)	16,833 m <sup>2</sup> (14,250 m <sup>2</sup> zoned area)	18,800 m <sup>2</sup>
Site Width (m)	130 m	N/A
Site Depth (m)	115 m	N/A
Site Coverage (%)	35% (Ph 1 & 2)	50%
Total Floor Area (m <sup>2</sup> ) Phase One Phase Two Total Floor area	7,651 m <sup>2</sup> (excluding u/g parking) 7,257 m <sup>2</sup> (excluding u/g parking) 14,908 m <sup>2</sup>	Maximum 16,833 m <sup>2</sup> @ FAR = 1.0
F.A.R.	.88 (excluding u/g parking)	1.0 max.
Storeys (#)	22 m & 6 storeys	22 m
Setbacks (m)		
- Front (Dickson Ave) Ph 1	6 m	4.5 m
- Front (Highway 97) Ph 2	7.5 m *	DVP00-10,023 authorized a 4.5 m setback from Provincial Hwy
- East Side	6 m	0 m
- West Side	9 m	0 m
Landscaping (m)		
- Front	4.5 metres	Level 2: 3 metres
- Rear	4 metres	Level 3: 3 meters or opaque barrier
- East Side	6 metres	0
- West Side	6 metres	0
Parking Stalls (#) (Phase 1 & Phase 2)	157 open 129 underground = 286	2.5 stalls per 100m <sup>2</sup> (GFA) 275 required
Loading Stalls (#)	3	3 loading spaces
Landscaped Parking	1900 m <sup>2</sup> (approx.)	2.0 m <sup>2</sup> landscaping / per required surface parking space = 272 m <sup>2</sup>
Bicycle Stalls (#) **	32	Class I : 16 Class II: 16

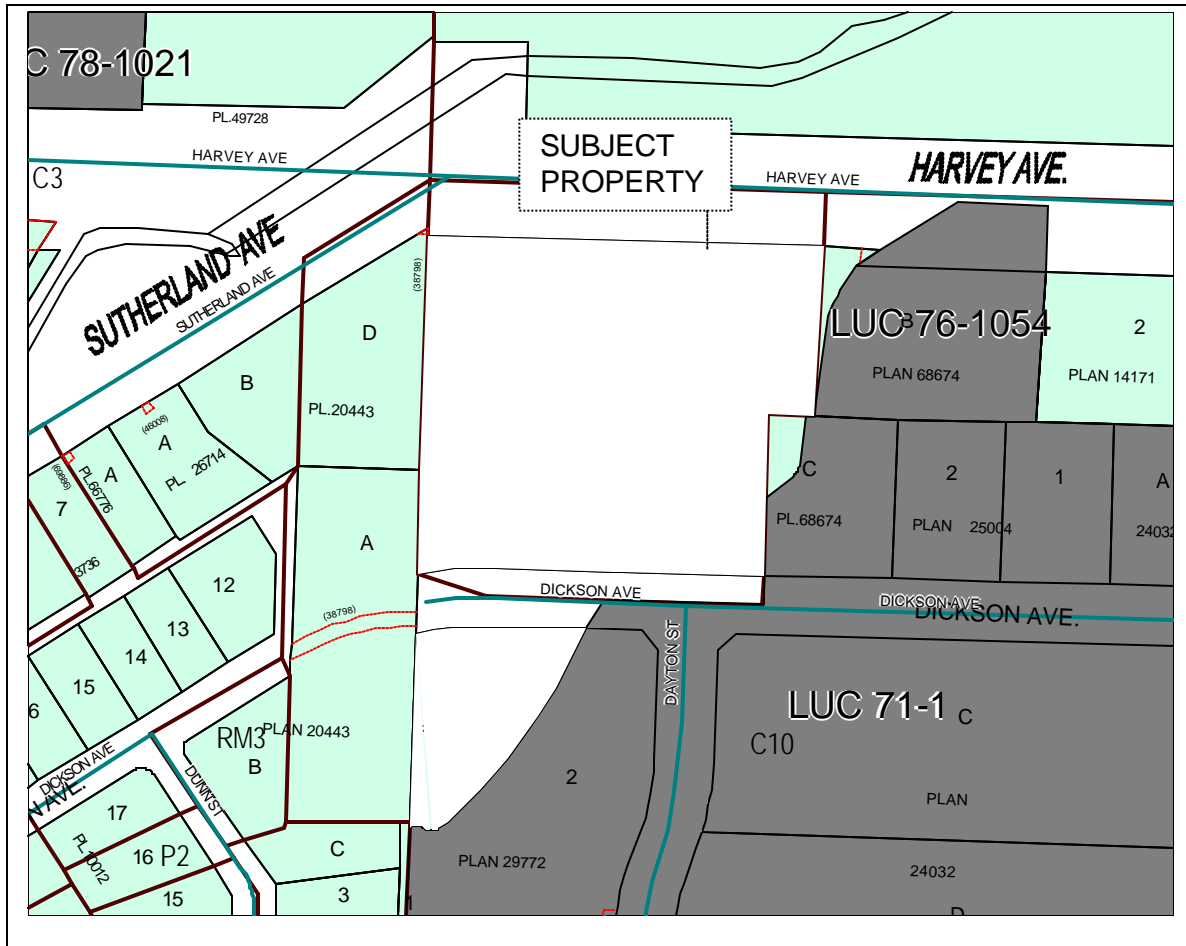
**Notes:**

\* Development Variance Permit (DVP00-10,023) was made to reduce the required building setback from a Provincial Highway from the 15 m required to the 4.5 m setback proposed, and was approved on January 8<sup>th</sup>, 2001.

\*\* The application has provided the required number of bicycle stalls. However, a minimum of sixteen will need to be accommodated on the site in a location that is readily accessible for visitors.

### 3.2 Site Context

#### SUBJECT PROPERTY MAP



The property is situated on the south side of Highway 97. The site, and the broader area, are largely zoned for commercial land uses. Commercial uses to the south include a variety of office, warehouse, retail, and automotive services. The adjacent zones and uses are, to the:

- North - P1- Major Institutional - Highway 97 and Parkinson Recreation Centre
- East - C10 – Service Commercial – Land Use Contract - Car sales
- South - C10 – Service Commercial – Office, commercial, retail
- West - C10 – Service Commercial – Car sales and vacant lot

### 3.3 Current Development Policy

#### 3.3.1 Kelowna Official Community Plan

The proposed rezoning is consistent with the Official Community Plan Future Commercial Land Use designation of the subject property.

The Official Community Plan also contains the following statements;

**Objectives for Commercial Development;**

- All development should be an appropriate response to its physical context, or anticipated future context where an area is designated for increased density or land use transition in the OCP.
- All development should provide visual interest and human scale.
- All development should contribute to a sense of community identity and sense of place (integration of development within larger community, belonging, community cohesiveness).
- All development should facilitate access by, and minimize conflicts among pedestrian, bicycle, and vehicular modes of transportation (access, mobility).
- All development should promote safety and security of persons and property within the urban environment (CPTED).

**Guidelines for Commercial Development:**

**Access**

- Design should facilitate pedestrian and bicycle access.
- Within multiple unit residential projects, vehicle access and on-site circulation shall minimize interference with pedestrian movement.
- Within multiple unit residential projects, vehicle access from arterial or collector roads is discouraged. Where possible, such access should be achieved from a local road or lane.
- Vehicle access should not interfere with pedestrian movement.
- Vehicle access (including parking and loading) should be, wherever possible, from a lane.
- Pedestrian access should be clearly marked.

**Buildings, Structures and Additions**

- Buildings, structures and additions should be designed and sited in a manner compatible with adjacent buildings and open areas.

**Landscaping**

Landscaping should:

- enhance public views
- provide noise buffering
- complement building's architectural features
- enhance the edges of buildings
- screen parking areas from view (with vegetation, berms, low walls, fences etc.)
- provide visual buffers of new buildings
- provide colour
- create shade
- create design interest
- retain required sight distances (from roadways)
- contribute towards a sense of personal safety and security
- facilitate the access, enjoyment and social activities for all authorized users
- provide equal access for mobility-challenged individuals

### 3.3.2 City of Kelowna Strategic Plan (1992)

The Strategic Plan encourages the development of a more compact urban form by increasing densities through infill and re-development within existing urban areas and to provide for higher densities within future urban area. The Strategic Plan did not develop objectives or strategies for employment generation.

### 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 have been submitted:

4.1 Aquila Networks Canada

Aquila will provide underground electrical service to development.

4.2 B.C. Gas

Gas available. Customer to make application at time of construction.

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

The parkade is one building as presented. The existing parkade will not comply with the with regulation required for this new larger parkade.

4.5 Ministry of Transportation

December 11, 2002

The Ministry has no objection to the proposed rezoning and development permit upon the following conditions;

- Sutherland is designated as a network element on the Major Street Network plan and should be protected accordingly,
- Harvey Avenue is a controlled access highway and must be dedicated to 22 m from centreline,
- The Dickson Avenue connector must be constructed to municipal standards in order to complete the Dickson Avenue connection.

In response to the February 28, 2003 referral and subsequent information received on March 18, 2003, it appears that the Phase 1 building was also increased in size from 6,582 m<sup>2</sup> shown in the original CD zone to 8,975 m<sup>2</sup> shown on the applicants drawings dated February 20, 2003.

The Ministry has reviewed the traffic impact of the overall proposed development size of 17,400 m<sup>2</sup> identified on the February 20, 2003 drawings for both phases 1 & 2 and have determined that the increase in development will not trigger additional road infrastructure improvements at this time.

4.6 Shaw Cable

Owner/contractor to supply/install conduit system as per Shaw Cable drawings & specifications.

4.7 Telus

This property has already been provided with telecommunication services.



#### 4.8 Works and Utilities Department

The Works & Utilities Department has the following requirements associated with this Development Permit application (DP02-0099). The previous files were Z00-1020. DP00-10,020. Offsite requirements for Phase 1 were addressed in the previous applications.

##### 1. Domestic Water and Fire Protection

- (a) Existing water mains in Harvey Ave., Sutherland Ave. and within the constructed portion of Dickson Ave. are of sufficient capacity to support the proposed development, presuming that proposed domestic water and fire flow requirements for the proposed development do not exceed the available system capacity. If proposed uses of the system exceed the capacity of the existing water supply mains, upstream upgrading will have to be constructed at the owner's cost.
- (b) A water service of sufficient size to satisfy the hydraulic and fire protection requirements of the proposed development phase must be installed at the developer's cost. A new 200mm-diameter service connection was installed during the phase 1 frontage improvements on Dickson Avenue. This metered service can be extended for phase 2 development if it is of sufficient size.
- (c) The two existing small diameter water services will be removed by City Crews at the developer's expense.

##### 2. Sanitary Sewer

- (a) The development has been serviced with a 200mm-diameter sewer connection from the terminal manhole on Dickson Ave during phase 1 construction. A downstream flow analysis check is required to determine the impact of additional flow contributions on the existing pipe system.
- (b) The two existing small diameter sanitary services will be decommissioned by City Crews at the developer's expense.

##### 3. Storm Drainage

- (a) It will be necessary for the developer to construct storm drainage systems in all existing and proposed fronting roads as required to provide street drainage and overflow storm drainage relief for the proposed development site. The cost of these works will be included in the road upgrading and road construction items and must be constructed as a condition of subdivision or building permit application.
- (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 a lot grading plan, minimum basement elevations (MBE), storm water

service 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 at the developer's cost, with approval from the City drainage engineer.

4. Electric Power and Telecommunication Services

The electrical services, power transmission cables and telecommunication systems in the public roads in front of this property must be installed in underground duct systems. The buildings must be connected by 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.

5. Street Lighting

Ornamental street lighting including underground ducts must be installed on all roads fronting on the proposed development as a part of the road upgrading requirements.

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 and/or prior to issue of subdivision preliminary layout review (PLR) by the Approving Officer, 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. Development Permit and Site Related Issues

(a) 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.

(b) Bike racks must be provided in accordance with current bylaws and policies.

10. 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 and frontage road upgrading construction costs, not including design. 7% GST will be added.

**NOTE:**

There is an associated rezoning application (Z02-1049) to apply the CD14 – Comprehensive High Tech Business Campus zone to Lot D Plan 20443 and part of Lot A, Plan 20443. There will be an opportunity to review the servicing and transportation issues related to the final build-out of the subject development site at that time.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The current application for the Text Amendment to the CD14 – Comprehensive High Tech Business Campus zone (TA03-0003) is currently at 3<sup>rd</sup> reading, pending signature by the Ministry of Transportation. The City has just recently received copy of the signed bylaw, so it is now appropriate for Council to consider final adoption of the Text Amendment.

The Planning and Development Services Department does not have concerns with this Development Permit application to revise the size of the Phase II building to 6 storeys and 7,257 m<sup>2</sup>. The proposed form and character is a replication of the Phase I building. As noted above, the increase in size of the phase II building is not anticipated to impact the site development beyond what was proposed originally in 2000.

This current application for the text amendment to the CD14 – Comprehensive High Tech Business Campus zone is an interim step to allow the applicant to commence construction of the Phase II building, while the applicant's consultant reviews the Traffic Impact Study as it relates to the proposed phase III development and the final build-out of the site. The concerns that the Planning and Development Services Department have

relate to the impact of traffic, and the opening of the Dickson Road Extension. It is anticipated that the review of the original TIS will identify the construction necessary to handle the increase in traffic volumes, and the timing of those required improvements. During the review process of the text amendment, it had become apparent that the review of the Traffic Impact Study was going to be a time consuming process, as there were numerous off-site infrastructure implications that had to be addressed. In the interest of moving ahead with the Phase II building in a larger size than what had originally been proposed in the CD 14 zone, the applicant has had their traffic consultant review the traffic figures, and it was determined that the increase in size of the Phase II building will not have a major impact on the Traffic Impact Study that was originally produced for the Phase I & II buildings contemplated with the original CD14 zone. It is on this basis that this application for the text amendment to the CD 14 zone is being supported by the Planning and Development Services Department.

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**

- |   |   |
|---|---|
| 1. APPLICATION NO.:   | DP02-0099   |
| 2. APPLICATION TYPE:  | Development Permit  |
| 3. OWNER:<br>· ADDRESS<br>· CITY/POSTAL CODE  | Al Stober Construction<br>900-1708 Dolphin Ave<br>Kelowna, BC, V1Y 1J6  |
| 4. APPLICANT/CONTACT PERSON:<br>· ADDRESS<br>· CITY/POSTAL CODE<br>· TELEPHONE/FAX NO.:   | Water Street Architecture/Doug Lane<br>#2 - 1562 Water Street<br>Kelowna, B.C. V1Y 1J7<br>762-2235<br>762-4584              |
| 5. APPLICATION PROGRESS:<br>Date of Application:<br>Date Application Complete:<br>Servicing Agreement Forwarded to Applicant:<br>Servicing Agreement Concluded:<br>Staff Report to Council: | October 24, 2002<br>October 25, 2002<br>December 4, 2002<br>N/A<br>May 5, 2003  |
| 6. LEGAL DESCRIPTION:   | Lot A, DL 129, O.D.Y.D., Plan KAP68674,   |
| 7. SITE LOCATION:   | Between Harvey and Dickson Avenues, adjacent to the north end of Dayton Street  |
| 8. CIVIC ADDRESS:   | 1620-1632 Dickson Ave.  |
| 9. AREA OF SUBJECT PROPERTY:  | 16,833 m <sup>2</sup> (lot area)<br>14,250 m <sup>2</sup> (zoned area)  |
| 10. TYPE OF DEVELOPMENT PERMIT AREA:  | General Commercial – Highway 97   |
| 11. EXISTING ZONE CATEGORY:   | CD14 – Comprehensive High Tech Business Campus  |
| 12. PURPOSE OF THE APPLICATION:   | To Seek A Development Permit To Authorize Construction Of A New 6 Storey 7,257 M <sup>2</sup> Building For Revised Phase II |
| 13. DEVELOPMENT VARIANCE PERMIT VARIANCES:  | N/A   |
| 14. VARIANCE UNDER DEVELOPMENT PERMIT:  | N/A   |
| 15. DEVELOPMENT PERMIT MAP 6.2 IMPLICATIONS   | N/A   |

Attachments

Subject Property Map  
Schedule A, B & C (3pages)  
2 pages of floor plans / diagrams