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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** March 16, 2005  
**File No.:** (3360-20) **Z04-0088/OCP04-0025/TA04-0013**

**To:** City Manager

**From:** Planning & Corporate Services Department

**Subject:**

APPLICATION NO.	Z04-0088/ OCP04-0025/ TA04-0013	OWNER:	AL STOBER CONSTRUCTION LTD. & T 186 ENTERPRISES LTD. (INC. NO. 618540)
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AT:	1607 SUTHERLAND AVE., 1610 & 1620 – 1632 DICKSON AVE.	APPLICANT:	AL STOBER CONSTRUCTION LTD.
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**PURPOSE:** TO AMEND THE OFFICIAL COMMUNITY PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION OF PART OF LOT A, PLAN 20443 FROM THE EXISTING MULTIPLE UNIT RESIDENTIAL – LOW DENSITY DESIGNATION TO THE PROPOSED COMMERCIAL DESIGNATION,

TO AMEND THE CD14 – COMPREHENSIVE HIGH TECH BUSINESS CAMPUS ZONE BY ADDING THE TWO SUBJECT PROPERTIES TO THE CD14 ZONE, AND SUBSTITUTING REVISED DRAWINGS AS ATTACHMENTS,

TO REZONE THE SUBJECT PROPERTIES FROM THE EXISTING C10 – SERVICE COMMERCIAL ZONE TO THE PROPOSED CD14 – COMPREHENSIVE HIGH TECH BUSINESS CAMPUS TO PERMIT DEVELOPMENT OF THE PHASE III (LAST PHASE) BUILDING

**EXISTING ZONE:** C10 – SERVICE COMMERCIAL

**PROPOSED ZONE:** CD 14 – COMPREHENSIVE HIGH TECH BUSINESS CAMPUS

**REPORT PREPARED BY:** PAUL McVEY

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**1.0 RECOMMENDATION**

THAT Municipal Council NOT consider the application to amend the OCP, the application to amend the CD14 zone, and the application to rezone Lot A & Lot D, DL 141, O.D.Y.D., and part of Lot A, DL 129, O.D.Y.D., Plan KAP68674 as submitted by the applicant,

AND THAT OCP Bylaw Amendment No. OCP04-0025 to amend Map 19.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of Part of Lot A, DL 141, O.D.Y.D., located on Dickson Avenue, Kelowna, B.C., from the existing “Multiple Unit Residential – low density” designation to the “Commercial” designation, as shown on Map “A” being those portions of the subject properties located north of Dickson Avenue road alignment, attached to the report of Planning & Corporate Services Department, dated March 16, 2005, be considered by Council;

THAT Zoning Bylaw Text Amendment No. TA04-0013 to amend City of Kelowna Zoning Bylaw No. 8000 by replacing existing “CD14 Map A” and “CD14 Map B” with revised CD14 Map A (site plan) and CD14 Map B (building elevations) as amended to reflect the reduction in land area to be zoned to the CD14 zone, as outlined in the report of the Planning & Corporate Services Department dated March 16, 2005 be considered by Council;

THAT Rezoning Application No. Z04-0088 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Part of Lot A & Lot D, DL 141, O.D.Y.D., and part of Lot A, DL 129, O.D.Y.D., Plan KAP68674, located on Dickson Avenue and Harvey Avenue, Kelowna, B.C., as shown on Map “B” being those portions of the subject properties located north of Dickson Avenue road alignment, from the C10 – Service Commercial zone to the CD 14 – Comprehensive High Tech Business Campus zone as shown on Map “B”, be considered by Council;

AND THAT the Zoning Bylaw Text Amendment No. TA04-0013, OCP Bylaw Amendment No. OCP04-0025, and 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 Development Variance Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of 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 “CD 14 – Comprehensive High Tech Business Campus” zone was originally created in 2000 to facilitate the construction of the first phase of development of the “High Tech Business Campus”. Application TA03-0003 was made in 2002 to amend the “CD14” zone in order to permit construction of the Phase II building as a 6 storey building, where the original “CD14” zone anticipated a 4 storey building height. The construction of that building was authorized by DP02-0099.

This current application seeks to amend the “CD14” zone by adding Part of Lot A & Lot D, DL 141, O.D.Y.D., Plan 20443 to the existing “CD14” area, and to rezone Part of Lot A & Lot D, DL 141, O.D.Y.D., Plan 20443 to the amended “CD14” zone. As Lot A, DL 141, O.D.Y.D., Plan 20443 currently has a future land use designation of “Multiple Unit Residential – low density”, there has also been an application made to change the future land use designation to “Commercial” in order to support the commercial zone under application.

## 2.1 Advisory Planning Commission

The above noted applications (OCP04-0025, Z04-0088 & TA04-0013) were reviewed in the original configuration provided by the applicant, by the Advisory Planning Commission at the meeting of February 1, 2005 and the following recommendation were passed:

THAT the Advisory Planning Commission supports Official Community Plan Application No. OCP04-0025 and Rezoning Application No. Z04-0088, for 1610, 1620-1632 Dickson Avenue & 1607 Sutherland Avenue, Lot A, Plan 20443, Lot A, Plan 68674, and Lot D, Plan 20443, Sec. 20, Twp. 26, ODYD, by Al Stober Construction (Al Stober), to amend the Official Community Plan Future Land Use designation of Lot A, Plan 20443, from Multi-Unit Residential – Low Density to Commercial, and to rezone Plan 20443, from the existing C10-Service Commercial zone to the CD14-Comprehensive High Tech Business Campus zone in order to allow for development of the last phase of construction.

AND THAT the Advisory Planning Commission supports Text Amendment No. TA04-0013, for 1610, 1620-1632 Dickson Avenue & 1607 Sutherland Avenue, Lot A, Plan 20443, Lot A, Plan 68674, and Lot D, Plan 20443, Sec. 20, Twp. 26, ODYD, by Al Stober Construction (Al Stober), to amend the CD14-Comprehensive High Tech Business Campus zone to add Lots A & D, Plan 20443, to the CD14 zone, and to replace the attachments to add the third phase building to the attachments;

## 3.0 BACKGROUND

### 3.1 The Proposal

The subject properties are 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) what became Lot A, Plan 68674 to the “CD14 – Comprehensive High Tech Business Campus” zone in 2000 in order to accommodate the development of “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 was completed in January 2003.

Rezoning application (Z02-1049) had been made in October 2002 to apply the CD14 – Comprehensive High Tech Business Campus zone to the adjacent properties to the west (Lots A & D, Plan 20443). That application to rezone the above noted properties and the associated text amendment to the revised CD14 zone was to have proceeded to Council as part of the associated Text Amendment and Development Permit applications that were part of the Phase II building approval. However, there were a number of associated servicing issues connected to the pending extension of Dickson Avenue that had to be resolved prior to proceeding with that rezoning application. Application Z02-1049 has been closed and replaced with this current rezoning application.

As an interim step, the applicants made application to amend the CD14 zone of the day (TA03-0003) in order to permit the construction of the revised Phase II building as a 6 storey, 7,066 m<sup>2</sup> building. The associated Development Permit application (DP02-10,020) authorized construction of a 7,066 m<sup>2</sup>, 6 storey building for Phase II which was recently completed in January 2005.

This new application package contains Text Amendment TA04-0013, which seeks to amend the “CD14 – Comprehensive High Tech Business Campus” zone in order to add Lots A & D, DL 141, O.D.Y.D., Plan 20443 to the land area covered by that zone. This new application package also contains Rezoning application Z04-0088 which seeks to rezone Lots A & D, DL 141, O.D.Y.D., Plan 20443 to the amended “CD14 – Comprehensive High Tech Business Campus” zone.

As Lot A, DL 141, O.D.Y.D., Plan 20443 currently has a future land use designation of “Multiple Unit Residential – low density”, there has also been an Official Community Plan amendment application (OCP04-0025) made to change the future land use designation to “Commercial” in order to support the commercial zone under application.

This last Phase III building was originally designed as a 5 storey building on top of a parking structure. As the parking structure projects greater than 2m above grade, it must be considered as a storey when calculating building heights, which results in an overall building height of 6 storeys. However, Planning and Corporate Services Department staff have concerns with the amount of building floor area that is being created in the location, that was not part of the original proposals. As a result of the staff review of the application, staff are only willing to consider the portion of the development site that is located north of Dickson Avenue. This will reduce the lot area to approximately 5,075 m<sup>2</sup>, which will in turn limit the maximum net floor area to 18,812m<sup>2</sup>. This will result in the phase III building being limited to a maximum building height of 4 storeys, not the 6 storeys as originally proposed by the applicant. The applicant will have to provide revised drawings to reflect this change prior to Public Hearing, should Council support the Staff recommendation.

Council will have an opportunity to review the associated Development Permit application at a future meeting date.

Total site development as proposed compared to the CD14 – zone (for the portion of the subject properties located north of Dickson Avenue) is as follows;

CRITERIA	PROPOSAL	CD14 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> ) (after subdivision, and road dedications)	18,812 m <sup>2</sup>	18,800 m <sup>2</sup> (min.)
Site Width (m)	164 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 I (exc. u/g parking) Phase II Phase III Total Floor area	7,950 m <sup>2</sup> 7,066 m <sup>2</sup> 3,796 m <sup>2</sup> 18,812 m <sup>2</sup>	Maximum 18,812 m <sup>2</sup> @ FAR = 1.0
F.A.R. (net floor area)	1.0	1.0 max.
Storeys (#)	25.8 m & 7 storeys ❷	22 m or 6 storeys
Setbacks (m)		
- Front (Dickson Ave) Ph 1	6 m	4.5 m
- Front (Highway 97) Ph 2	4.5 m ❶	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	6 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)	634 stall provided	2.5 stalls per 100m <sup>2</sup> (GFA) 532 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:

❶ The applicant had made application for a Development Variance Permit (DVP00-10,023) to reduce the required building setback from a Provincial Highway from the 15 m required to the 4.5 m setback proposed.

❷ Development Variance Permit (DVP04-0159) has been made to vary the building height of the CD 14 zone from the maximum 6 storey (22m) permitted to 7 storeys (25.8m) existing to allow the use of the “sunroom” located on top of the Phase II building as office space

**THE APPLICATION AS PROPOSED BY THE APPLICANT**

The application as originally submitted by the applicant proposed the development of the Phase III building as a 5 storey building on top of a 1 storey parking structure, for a total building height. The proposed building area for the Phase III building is designed as 6,256 m<sup>2</sup>.

Total site development as proposed compared to the CD14 – zone (for the subject properties located on both sides of Dickson Avenue, as proposed by the applicant) is as follows;

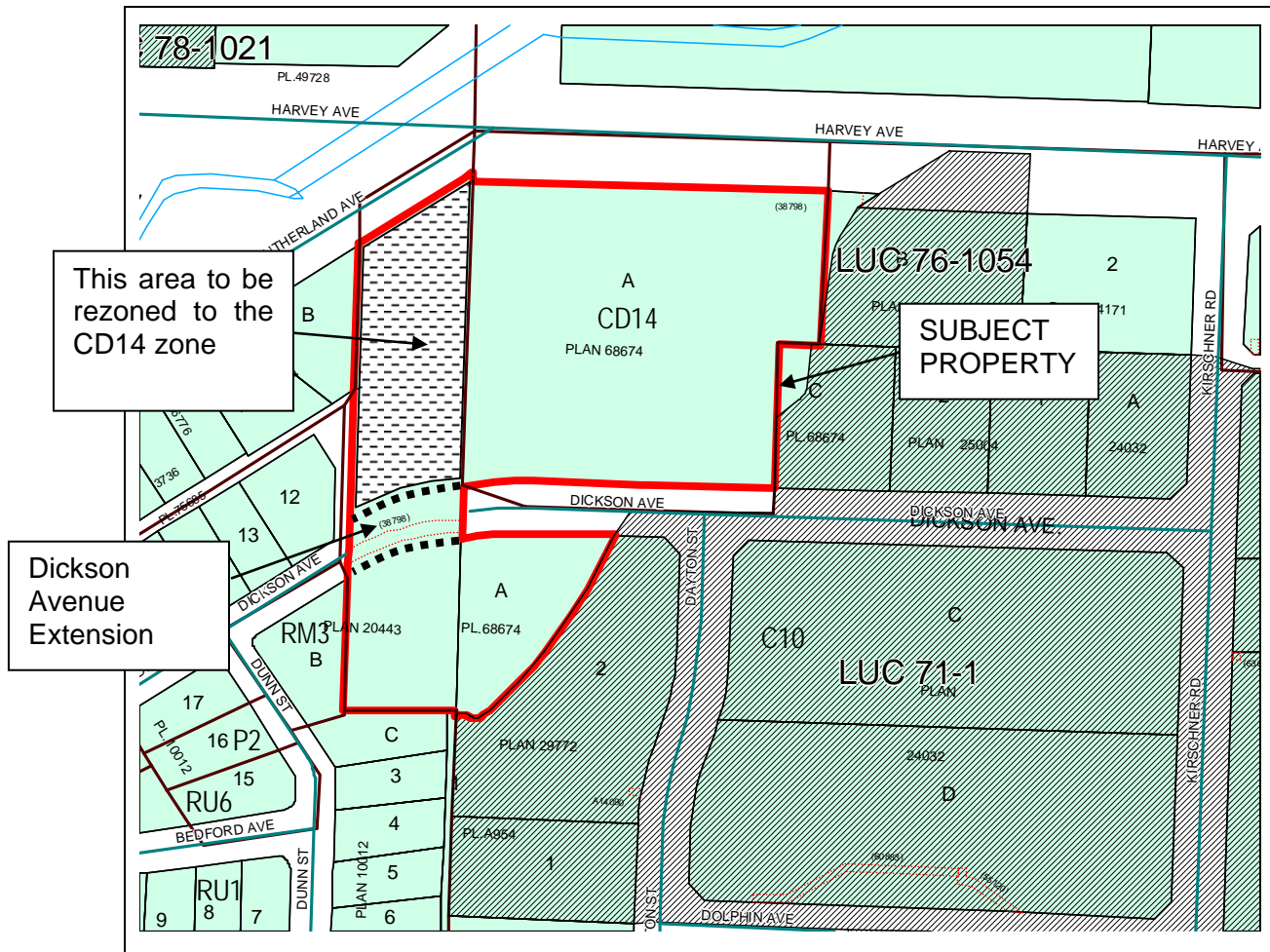
<b>CRITERIA</b>	<b>PROPOSAL</b>	<b>CD14 ZONE REQUIREMENTS</b>
Site Area (m <sup>2</sup> ) (after subdivision, and road dedications)	23,887 m <sup>2</sup>	18,800 m <sup>2</sup>
Site Width (m)	164 m	N/A
Site Depth (m)	115 m	N/A
Site Coverage (%)	35% (Ph 1 & 2)	50%
Total Floor Area (m <sup>2</sup> ) Phase I (exc. u/g parking) Phase II Phase III Total Floor area	7,950 m <sup>2</sup> 7,066 m <sup>2</sup> <u>6,256 m<sup>2</sup></u> 21,272 m <sup>2</sup>	Maximum 23,887 m <sup>2</sup> @ FAR = 1.0
F.A.R. (net floor area)	.89	1.0 max.
Storeys (#)	25.8 m & 7 storeys ②	22 m or 6 storeys
Setbacks (m)		
- Front (Dickson Ave) Ph 1	6 m	4.5 m
- Front (Highway 97) Ph 2	4.5 m ①	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	6 metres	Level 2: 3 metres
- Rear	4 metres	Level 3: 3 metres or opaque barrier
- East Side	6 metres	0
- West Side	6 metres	0
Parking Stalls (#) (Phase 1 & Phase 2)	634 stall provided	2.5 stalls per 100m <sup>2</sup> (GFA) 532 required
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**Notes:**

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② Development Variance Permit (DVP04-0159) has been made to vary the building height of the CD 14 zone from the maximum 6 storey (22m) permitted to 7 storeys (25.8m) existing to allow the use of the “sunroom” located on top of the Phase II building as office space

SUBJECT PROPERTY MAP (as per Staff Recommendation)



**3.2 Site Context**

The property is situated on the south side of Highway 97, adjacent to Sutherland Avenue. 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. Adjacent zones and uses are, to the:

- North - P1 – Major Institutional – Harvey Avenue / Parkinson Recreation Ctr.
- East - LUC 76-1054 – Used Car / New Car dealerships
- South - LUC71-1 – office uses permitted in the Land Use Contract  
RU1 – Large Lot Housing / Single Unit residential uses
- West - C3 – Community Commercial / Domino's Pizza  
RU1 – Large Lot Housing / Single Unit residential uses  
RM3 – Low Density Multiple Housing /existing 3 unit building

### 3.3 Development Potential

#### Proposed Development Potential

The proposed CD14 – Comprehensive High Tech Business Campus zone permits “High Technology Research and Product Design” as the principal permitted use, and; accounting services, amusement arcades - major and minor, amusement arcades – minor, apartment housing, apartment hotels, broadcasting studios, business support services, care centres – major, commercial school, custom indoor manufacturing, , financial services, food primary establishment government services, health services, home based business – minor, liquor primary establishment, offices, participant recreation – indoor, personal service establishments, private clubs, religious assemblies, retail stores - convenience, and utility services - minor impact as secondary permitted uses.

### 3.4 Current Development Policy

#### 3.4.1 Kelowna Official Community Plan

The proposed rezoning is consistent with the Official Community Plan Future Commercial Land Use designation for Lot D, Plan 20443. There has been application made to change the Future Land Use designation for Lot A, Plan 20443 from Multiple Unit Residential – low density to Commercial.

#### 3.4.2 City of Kelowna Strategic Plan (2004)

The City of Kelowna Strategic Plan 2004 describes a vision of what residents hope Kelowna will be like in the future and has identified as one of the themes that overall, residents aspire to live in a community that: works to develop and maintain a strong, diversified local economy that offers residents opportunities for high-paying jobs.

The City of Kelowna Strategic Plan 2004 also states as an action statement under Goal #2, Objective #3,;

“Work with growth industries, including health care, agriculture, education, high tech, manufacturing and aerospace industries, in an effort to promote their continued growth in our region”.

### 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 Fire Department

Fire Department access and hydrants as per BC Building Code and City of Kelowna Subdivision By-Law. Engineered fire flows required. Hydrant 45m travel distance to fire dept. connection.

#### 4.2 FortisBC

Significant upgrading of FortisBC facilities by the developer, is required before this proposal can proceed.



4.3 Inspection Services Department

Verify that sufficient capacity (sewer) is existing on Dickson & /or Kirschner/Springfield. Full building code analysis required for building permits - review spatial limits at east side to property line for glazing limits.

Is grade line shown on elevations at the building or the retaining along property line (Basement or 1st storey)?

4.4 Ministry of Transportation

The Ministry has no objections to the amendments subject to the following:

- Restrict Sutherland Avenue access to right in/out and lefts out only - NO LEFTS into the site from Sutherland Avenue as the access is too close to the highway intersection.
- Connection of the two existing Dickson Avenues.

4.4 Parks Manager

All plant material (trees, shrubs, ground covers and seed/sod) used in the boulevard to be reviewed by City Parks Division. All materials located in the boulevard to meet City standard for size and method of installation.

Outstanding Issues:

Please inform the applicant a landscape plan must be reviewed and approved by Parks for boulevard plantings and general streetscaping.

Landscape Plan Requirements:

The Landscape Plan will have the following standard information and requirements:

- A. Planting plan will include a plant materials list:
  - i) latin name
  - ii) common name
  - iii) size at planting
  - iv) plant symbol key
  - v) indicate existing trees
  - vi) indicate existing trees to be removed
- B. Minimum plant material specifications for the boulevards as follows:
  - i) Deciduous Trees ? minimum calliper 60 mm @ 300mm above rootball
  - ii) Deciduous Shrub - minimum spread 450mm
  - iii) Evergreen Trees - minimum height 2500 mm
  - iv) Evergreen Shrub ? minimum spread 450mm
  - v) Seed/Sod Mix according to location and proposed activity use
- C. Shrub and flower beds will require plastic edging beside all areas abutting a City sidewalk, BLVD, or city land to prevent migration of mulch.

4.5 Shaw Cable

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

4.6 Telus

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

4.7 Works and Utilities Department

The Works & Utilities Department has the following requirements associated with this rezoning and development application. The road and utility upgrading requirements for the property frontages outlined in this report will be a requirement of the issuance of a building permit, but are outlined in this report for information only. The bonding requirements identified in the Bonding Summary represents the bonding required for public works identified as Phase 5 off-site construction requirements. The previous files were Z00-1020 and DP00-10,020.

Offsite requirements for Phase 1 & 2 were addressed in the previous applications, further requirements for the proposed rezoning and development applications are as follows:

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 this phase of development if it is of sufficient size.
- (c) 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.
- (b) Our records indicate that Lot A Plan 20443 (north west corner) is serviced with a 200mm-diameter stub from the terminal manhole for the sewer system within the lane.
- (c) A downstream flow analysis check is required to determine the impact of additional flow contributions on the existing pipe system.

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 5-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. Road Improvements

- (a) Improvements to the intersection of Sutherland Avenue and Highway 97 require the realignment of the existing east-side curb on Sutherland Avenue as well as modifications to the existing sidewalk, traffic island and landscaped boulevard. The underground irrigation system must be connected to the on-site metered water supply. Also required is the re-location or adjustment of existing streetlights and utility appurtenances to accommodate the road upgrading construction. The cost for bonding purposes is \$25,000.00.
- (b) Dickson Ave must be extended from its terminus to the western property line of the subject parcel and constructed to a full urban cross section standard. This includes curb & gutter & monolithic sidewalk, on sides, full commercial standard pavement, piped storm drainage system, including catch basins & manholes, underground power and telecommunication distribution systems, street lighting and landscaped boulevard with underground irrigation system. The cost for bonding purposes is \$80,000.00.

Dickson Ave to the west of the westerly property line of the subject parcel is required to be open according to the Traffic Impact Assessment. The opening of this link triggers the upgrading of Dickson Ave. The City is partnering with the developer to facilitate this upgrade. If this construction is not complete at the time when the Service Agreement is required, the developer will be required to provide the appropriate bonding for this construction.

- (c) The adjacent lane must be constructed to a commercial paved lane standard complete with a drainage disposal system. The cost for bonding purposes is \$20,000.00.

#### 5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Dedicate sufficient highway widening of Harvey Ave. (HWY. 97) and corner rounding at the Sutherland Avenue intersection as determined by the Ministry of transportation & Highways (M.O.T.).

- (b) Dedicate 20.0m right-of-way for the extension of Dickson Avenue.
- (c) Dedicate 0.70m lane widening along the lane frontage to provide one half of the required widening for a future 7.50m commercial lane.
- (d) Register a 6.00m wide by 6.00m wide right-of-way within lot A Plan 20443 (north-west corner) over the existing sanitary terminal manhole.
- (e) Grant statutory rights-of-way without cost if required for utility services.
- (f) Create the desired lot lines with adjoining lots.

6. 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.

7. Street Lighting

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

8. 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.

9. Development Cost Charge Reduction Consideration

None of the required road upgrading or new road construction is eligible to receive a DCC credit.

10. Latecomer Protection

Under the provisions of the Municipal Act, Latecomer protection is available for the following items:

- 1. Lane improvements adjacent to lot 12 Plan 3736

The developer's consulting engineer must prepare and submit the latecomer information. The City will prepare the actual Latecomer Agreement(s) and forward to the owner(s) for signature. The Latecomer Agreements must be submitted for Council's adoption prior to the notice to proceed with the works and / or subdivision approval.

11. 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 pisometers 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.

12. 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.

13. Bonding Summary

Bonding amounts below do not include the construction of off-site traffic movement improvements that may be triggered by Item 16. Transportation Impact Assessment, Analysis & Requirements

(a) Bonding

Dickson Avenue extension	\$80,000.00
Lane upgrades	\$20,000.00
Sutherland Ave frontage improvements	<u>\$25,000.00</u>
Total Bonding	<u>\$125,000.00</u>

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 rezoning 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.

The City Development Engineering Section will prepare the servicing agreement for execution by the owner and the City.

14. Development Permit and Site Related Issues

(a) Access to Sutherland Avenue

- (i) The applicant is to review the location of this access and determine if it can be moved further to the west.
- (ii) Access will be restricted to rights-in and rights-out. To ensure that violations to the rights-in and rights-out are at a minimum, the developer will be required to do the following at the developer's cost:
  - (1) The existing median at the Highway 97, Sutherland Ave intersection is to be redesigned so as to extend to the driveway of the property to the west.
  - (2) Other modifications to the median will be determined at the time of design.
  - (3) The access to Sutherland Ave will be designed so as to ensure rights-in and rights-out only, which may require a traffic island.
  - (4) Sutherland Ave parking fronting the property to the west will be eliminated so as to create a right-in lane to the subject development.

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

(c) 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.

15. 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.

16. Transportation Impact Assessment, Analysis & Requirements

A Traffic Impact Study (TIS) for the proposed development phase was prepared by Stantec Consulting Ltd.

- (a) The TIS indicates that the Sutherland Avenue and Burtch Road intersection requires a signal control to accommodate the 2013 background traffic.
- (b) The Springfield Road and Dayton Street intersection will require the addition an advance left turn phase for eastbound traffic to accommodate the projected 2013 traffic volumes.

- (c) The Dickson Avenue link to Burtch Road shall be completed and open to through traffic.

## 5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

This application represents the last phase of construction proposed for the CD14 – Comprehensive High Tech Business Campus development site and associated building program. The project has evolved from the original proposal, which envisioned a more “campus” feel, to a proposal which replicates the look and feel of the adjacent “Landmark I & II” buildings. The overall development has also increased in scale – in height, scale and land area – as compared to the original concept. The resulting project for the “Comprehensive High Tech Business Campus” site is still comprised of 3 buildings as was proposed in the original submission. However, the access point that was originally located at the end of Dayton Road has shifted west. As well, the proposed increase in building size (floor area) has also necessitated the inclusion of that portion of the subject properties that are located south of Dickson Avenue with the remainder of the property that is located north of Dickson. This last phase of construction has also required that those remnant areas of the parent properties that are located south of Dickson Avenue to be added to the development site north of Dickson Avenue as additional surface parking. While there is provision of parking on-site in conformance to the City of Kelowna parking standards, the applicant wishes to provide an excess of required parking for their tenants in order to meet their operational needs.

There has been concern expressed from the policy perspective of the Official Community Plan, which encourages office buildings with greater than 929 m<sup>2</sup> leaseable area to locate in the City Centre or Town Centres. As well, there has also been concern expressed in the draft “Review of Commercial Land Use in Kelowna” for the potential impact of the Landmark Development area on the development timelines for the Downtown City Centre. The original concept for the “Comprehensive High Tech Business Campus” was envisioned as a unique campus style development, focused on high-tech knowledge based industries.

This development application will trigger the dedication of the extension of Dickson Avenue, which will provide the physical connection between Kirschner Road and Burtch Road. Through the various preceding applications, the applicant has worked with both the area residents and the City of Kelowna, Works and Utilities Department, Development Engineering section to resolve a number of issues related to the traffic impact study triggered by the original proposed development.

The Planning and Corporate Services Department supports this application for the last phase of development on the subject properties as it has been reduced in scope from the original proposal to a 4 storey phase III building, and recommends for positive consideration by Council on the basis of this amended application.

The Planning and Corporate Services Department is prepared to support the development proposal only for those lands located north of Dickson Avenue in keeping with the original intent of the CD14 – Comprehensive High Tech Business Campus zone and the Landmark High Tech concept.

The applicant has made the request to include the lands south of Dickson Avenue with this proposal in order to achieve a greater amount of floor area. Staff do not support this request. However, should Council wish to consider their applicant's proposal as submitted, the following alternate recommendation is provided for consideration.

## 6.0 ALTERNATE RECOMMENDATION

Should Council support the application for the Phase III building as a 6 storey (5 storey building on 1 storey parking structure), the following alternate recommendations are provided for Council consideration;

THAT OCP Bylaw Amendment No. OCP04-0025 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot A, DL 141, Plan 20443, O.D.Y.D., located on Dickson Avenue, Kelowna, B.C., from the existing "Multiple Unit Residential – low density" designation to the "Commercial" designation, as shown on ALTERNATE Map "A" attached to the report of Planning & Corporate Services Department dated March 16, 2005, be considered by Council;

THAT Zoning Bylaw Text Amendment No. TA04-0013 to amend City of Kelowna Zoning Bylaw No. 8000 by replacing existing "CD14 Map A" and "CD14 Map B" with revised CD14 ALTERNATE Map A (site plan) and CD14 ALTERNATE Map B (building elevations) as outlined in the report of the Planning & Corporate Services Department dated March 16, 2005 be considered by Council;

THAT Rezoning Application No. Z04-0088 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots A & D, DL 141, Plan 20443 O.D.Y.D., and part of Lot A, DL 129, O.D.Y.D., Plan KAP68674, located on Dickson Avenue and Harvey Avenue, Kelowna, B.C., as shown on Map "B", from the C10 – Service Commercial zone to the CD 14 – Comprehensive High Tech Business Campus zone as shown on ALTERNATE Map "B", be considered by Council;

AND THAT the Zoning Bylaw Text Amendment No. TA04-0013, OCP Bylaw Amendment No. OCP04-0025, and zone amending bylaw be forwarded to a Public Hearing for further consideration;

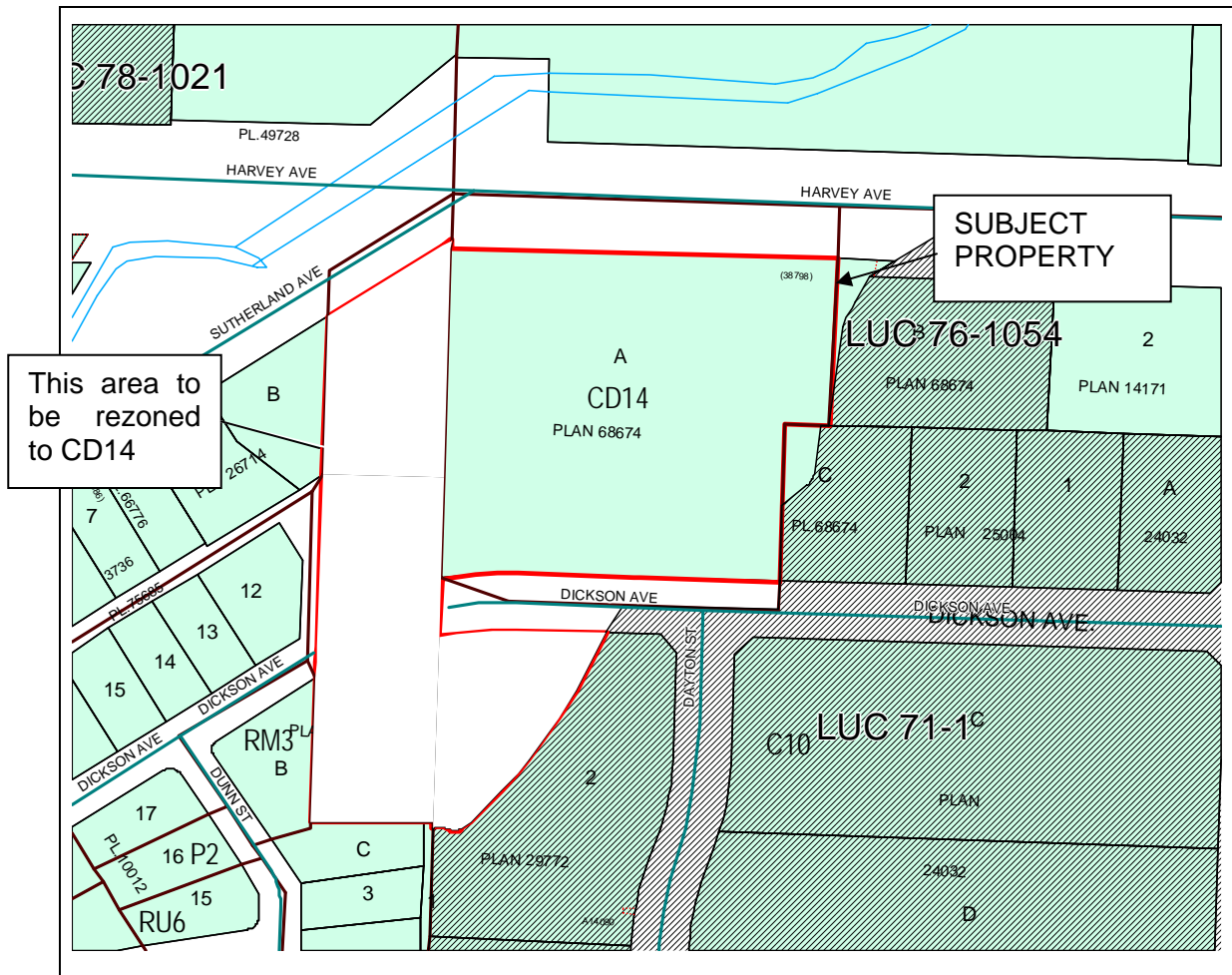
AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of 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.



SUBJECT PROPERTY MAP – Alternative Recommendation



Andrew Bruce  
Manager of Development Services

Approved for inclusion ☐

R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning and Corporate Services

PMc/pmc  
Attach.

Attachments  
(Not attached to the electronic copy of the report)

Subject Property Map

2 pages of OCP and Rezoning maps

2 pages of ALTERNATE OCP and Rezoning maps

8 pages of site plans & building elevations diagrams