
CITY OF KELOWNA
MEMORANDUM

Date: May 3, 2005
File No.: (3060-20) **DP04-0158/DVP04-0159**
To: City Manager
From: Planning & Corporate Services Department
Subject:

DEVELOPMENT PERMIT APPLICATION NO. DP04-0158/
DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP04-0159 OWNER: AL STOBER
CONSTRUCTION LTD. &
T 186 ENTERPRISES LTD.
(INC. NO. 618540)

AT: 1607 SUTHERLAND AVE., 1610 APPLICANT: AL STOBER
& 1620 – 1632 DICKSON AVE. CONSTRUCTION LTD.

PURPOSE: TO ATTAIN A DEVELOPMENT VARIANCE PERMIT TO VARY
THE MAXIMUM BUILDING HEIGHT OF THE CD14 –
COMPREHENSIVE HIGH TECH BUSINESS CAMPUS ZONE
FROM THE MAXIMUM HEIGHT OF 6 STOREYS (22m)
PERMITTED TO THE 7 STOREY (26.0m) BUILDING HEIGHT
PROPOSED FOR THE PHASE II BUILDING (only) TO PERMIT
CONVERSION OF THE EXISTING “SUN ROOM” TO OFFICE
USES,

TO ATTAIN A DEVELOPMENT PERMIT FOR THE FORM AND
CHARACTER OF THE PHASE III BUILDING TO AUTHORIZE
CONSTRUCTION OF A 6 STOREY, 6,256 M² BUILDING

EXISTING ZONE: C10 – SERVICE COMMERCIAL

PROPOSED ZONE CD 14 – COMPREHENSIVE HIGH TECH BUSINESS CAMPUS

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP04-0159; Lots A & 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.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 CD14 – Comprehensive High Tech Business Campus be granted:

Section 1.5 (c) **Development Regulations** be varied from 22 m or 6 storeys permitted to 26 m or 7 storeys existing, as shown on the revised CD 14 Map B, for the Phase II building only

THAT Final Adoption of OCP Amending Bylaw No. 9392 be considered by Council;

THAT Final Adoption of Text Amending Bylaw No. 9393 be considered by Council;

THAT Final Adoption of Zone Amending Bylaw No. 9394 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP04-0158 for Lots A & 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. 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 FURTHER 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

This Development Permit application seeks permission to construct a 6,256 m², 6 storey building for the Phase III building of the CD 14 – Comprehensive High Tech Business Campus zone. The proposed form and character of the proposed Phase III building will replicate the form and character of the recently completed Phase I & II buildings.

Development Variance Permit application (DVP04-0159) has been submitted concurrently to vary the maximum building height from 6 storeys permitted to 7 storeys in order to permit the conversion of the "sunroom" constructed on the roof level of the Phase II building (DP02-0099) as an office area.

Now that the outstanding issues have been addressed, it is now appropriate for Council to consider this Development Permit application, and final adoption consideration of the associated zone amending bylaws.

2.1 Advisory Planning Commission

The above noted applications (DP04-0158/DVP04-0159) 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 recommendations were passed:

THAT the Advisory Planning Commission supports Development Permit Application No. DP04-0158 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 obtain a Development Permit to authorize construction of a 6 storey, 6256 m² building as the third phase building;

AND THAT Advisory Planning Commission **not** support Development Variance Permit Application No. DVP04-0159 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 obtain a Development Variance Permit to allow development of the 7th storey for uses permitted in the CD-14 zone.

3.0 BACKGROUND

3.1 The Proposal

Council recently considered the associated applications for OCP amendment, Text amendment, and Rezoning for the proposed Phase III building development, after a successful public hearing was held April 19, 2005. Those applications proposed 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 and part of Lot A, Plan KAP68374 to the existing development site, to rezone Lots A & D, DL 141, O.D.Y.D., Plan 20443 and part of Lot A, Plan KAP68374 to the amended “CD14 – Comprehensive High Tech Business Campus” zone. The associated Development Permit application seeks permission to construct a 6,256 m², 6 storey building as the third and last phase of construction in the “CD14 - – Comprehensive High Tech Business Campus” zone.

This Development Permit application for the last Phase III building is designed as a 5 storey building on top of a parking structure. However, 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.

The form and character of the proposed buildings is designed to use the same details, materials, and colours as the recently completed Phase I & II buildings. The site plan

shows the new building located in the southwest corner of the revised development property, north of Dickson Avenue, adjacent to the west property line. There is a new vehicle access from Dickson Ave. located under the Phase III building to provide access to an under building parking area that was created as part of Phase II. The site plan also shows a new access from Sutherland Ave. near the intersection of Sutherland Ave. and Harvey Avenue. This portion of the site has the parking structure set back from the road frontage in order to provide additional space for open space and associated landscaping.

The proposed Phase III building is designed with office space on the ground floor (basement parking level). The remaining 5 storeys above the parking level provide for office lease space surrounding a central service core which contains elevators, washrooms, stairwells, and other services that are common to each floor. The exterior of the proposed building, is designed to be finished with the same combination of tinted store front window glazing and white pre-cast concrete spandrel panels, the same form and character as the Phase I & II buildings.

Included with this application is an application for a Development Variance Permit to address the building height of the phase II building which was constructed with a "sunroom" on the roof level and the elevator penthouse above the roof of the sun room. This configuration creates a building height of 7 storeys, where the CD14 zone only permits a maximum building height of 6 storeys. The Development Variance Permit application seeks to authorize the 7 storey building height, and permit the enclosed "sunroom" area located on top of the Phase II building to be converted into office space. The increase in floor area has been factored into the resulting table located below.

The landscape plan indicates a reasonable amount of plantings around the Sutherland and Harvey Avenue frontages, as well as the Dickson Avenue frontage. The applicant has also provided for additional planters to be located adjacent to the building entrances. The landscape plan indicates a scheme for providing outdoor landscaped amenity areas to the roof space of all three of the building in order to provide additional outdoor space for the use of the building occupants. The portion of the subject property that is located south of Dickson Avenue, is also landscaped around the proposed parking area, to bylaw requirements.

The associated plan of subdivision indicates the consolidation of all 3 of the subject properties into one title, with the portion of the lands located south of Dickson Avenue "hooked" over Dickson Avenue, in order that the entire lot exists under one title.

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;

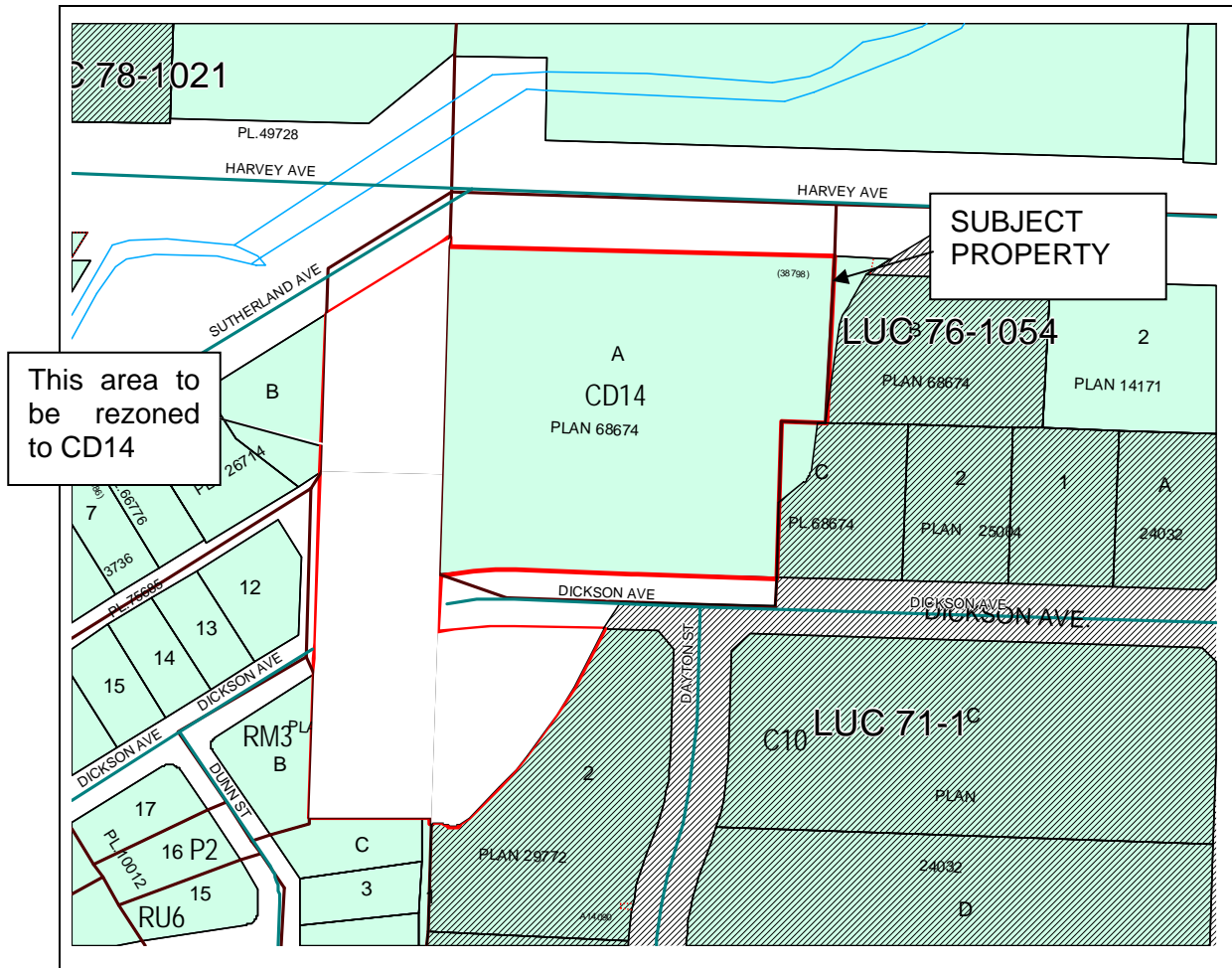
CRITERIA	PROPOSAL	CD14 ZONE REQUIREMENTS
Site Area (m ²) (after subdivision, and road dedications)	23,887 m ²	18,800 m ²
Site Width (m)	164 m	N/A
Site Depth (m)	115 m	N/A
Site Coverage (%)	35% (Ph 1 & 2)	50%
Total Floor Area (m ²) Phase I (exc. u/g parking) Phase II Phase III Total Floor area	7,950 m ² 7,546 m ² <u>6,256 m²</u> 21,752 m ²	Maximum 23,887 m ² @ FAR = 1.0
F.A.R. (net floor area)	.91	1.0 max.
Storeys (#) (Phase II building only)	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 (Max. 662 stalls permitted at 125%)	2.5 stalls per 100m ² (GFA) 532 required
Loading Stalls (#)	3	3 loading spaces
Landscaped Parking	1900 m ² (approx.)	2.0 m ² landscaping / per required surface parking space = 272 m ²
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. Net building area includes floor area of “Sunroom”

SUBJECT PROPERTY MAP



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 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 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.

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 (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
- embraces the social, cultural and physical well-being of its residents through the delivery of quality services at a reasonable price, the development and maintenance of quality infrastructure and built forms, and meaningful opportunities to be involved in major decisions made by the City.

The City of Kelowna Strategic Plan 2004 also states as an Objective;

- Aid in the growth and progress of Kelowna as a desirable place to do business.

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”.

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 as part of the Rezoning application. The applicant has entered into a Servicing Agreement to deal with those identified servicing issues. The following relevant comments have been submitted regarding this associated Development Permit application:

4.1 Inspection Services Department

Full building code analysis required for building permits - review spatial limits at east side to property line for glazing limits.

Note; There will be an opportunity for review at the time of the Building Permit application.

4.2 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.

4.3 Works and Utilities Department

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) 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.

Note; The servicing agreement identifies the work required for the required traffic island for Sutherland Ave, and the required frontage improvements for the extension of Dickson Ave.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

This application package represents the last phase of development of what started out as the “High Technology Business Park” development proposal, which commenced in 2000.

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 most notable element of these solutions is the connection of Dickson Avenue through to Burtch Road.

Council supported the application as presented by the applicant at Initial Consideration on March 21, 2005, and gave the associated bylaws 2nd & 3rd readings on April 19, 2005, after a successful Public Hearing held on the same night.

The applicant has provided revised drawings to indicate the final proposed form and character for the proposed Phase III building, as well as providing a reworked landscape plan for the parking area located on the south side of Dickson Road across from proposed phase III building. The applicant has also finalized the subdivision issues related to the identified road dedications.

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 in order to have the density calculations work.

The land area south of Dickson Avenue is 5,000 m² in area, which represents the potential to create an additional 5,000 m² of potential net floor area that could be added to the development proposal if only the lot area north of Dickson Avenue had been used for the site area.

The changes that have occurred during the construction process for the Phase II building have created an additional 480 m² floor area of the “Sun Room” for the phase II building. The additional floor space requested for the Phase III building as submitted by the applicant is 2,487 m² for the phase III building. This creates a total of 21,752 m² of net building area proposed for the resulting CD 14 – Comprehensive High Tech Business Campus zoned lands.

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 m² 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.

However, now that this application has had a successful Public Hearing and that the outstanding servicing issues have been resolved, it is now appropriate for Council to consider these Development Permit and Development Variance Permit applications, and consider the final adoption of the zone amending bylaw.

In light of the above, the Planning and Corporate Services Department recommends for positive consideration by Council.

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

Schedule A, B & C (4 pages)