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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** September 9, 2005  
**File No.:** **DVP05-0134**

**To:** City Manager

**From:** Planning & Corporate Services Department

**Subject:**

DEVELOPMENT VARIANCE PERMIT  
APPLICATION NO. DVP05-0134

OWNER: AL STOBER  
CONSTRUCTION LTD. &  
T 186 ENTERPRISES LTD.  
(INC. NO. 618540)

AT: 1607 SUTHERLAND AVE., 1610  
& 1620 – 1632 DICKSON AVE.

APPLICANT: AL STOBER  
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 III BUILDING TO PERMIT THE  
USE OF THE “SUN ROOM” TO OFFICE USES,

EXISTING ZONE CD 14 – COMPREHENSIVE HIGH TECH BUSINESS CAMPUS

REPORT PREPARED BY: PAUL McVEY

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**1.0 RECOMMENDATION**

THAT Development Variance Permit No. DVP05-0134, as outlined in the report dated September 9, 2005 from the Planning & Development Services Department on lands described as Lots A & D, DL 141, O.D.Y.D., Plan 20443 and part of Lot A, DL 129, O.D.Y.D., Plan KAP68674, located on Dickson Avenue and Harvey Avenue, Kelowna, B.C., not be approved by the Municipal Council;

**2.0 SUMMARY**

This Development Variance Permit application seeks permission to add another storey on top of the proposed 6 storey, Phase III building as was approved by DP04-0158. This would result in a 6 storey building constructed on top of the parking structure, similar to the recently completed Phase II building. It is only because of the slope of the site grade adjacent to the parking structure at the west end of the property which exposes the ends of the parking structure that the parking structure in this area has to be considered as a storey when reviewing building height for the propose development. Otherwise, the overall building height could be considered as 6 storeys, a height that is permitted in the zone.

### 3.0 BACKGROUND

#### 3.1 The Proposal

Council considered the applications for OCP amendment (OCP04-0025), Text amendment (TA04-0013), and Rezoning (Z04-0088) for the proposed Phase III building development, after a successful public hearing was held May 24, 2005. Those applications amended 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 (DP04-0158) which authorized construction of a 6,256 m<sup>2</sup>, 6 storey building as the third and last phase of construction in the “CD14 - – Comprehensive High Tech Business Campus” zone was reviewed by Council on May 25, 2005. The associated Development Permit Application DVP04-0159 permitted the use of the “Sunroom” located on top of the Phase III building as leaseable space.

Development Permit application DP04-0158 for the Phase III building was 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 applicant now wishes to add another full storey to the previously approved building in order to construct a 6 storey office building on top of a 1 storey parking structure, for a total building height of 7 storeys. As the CD14 zone only permits a 6 storey building height, it has been necessary for a Development Variance Permit application to be made in order to authorize the construction of the additional storey.

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

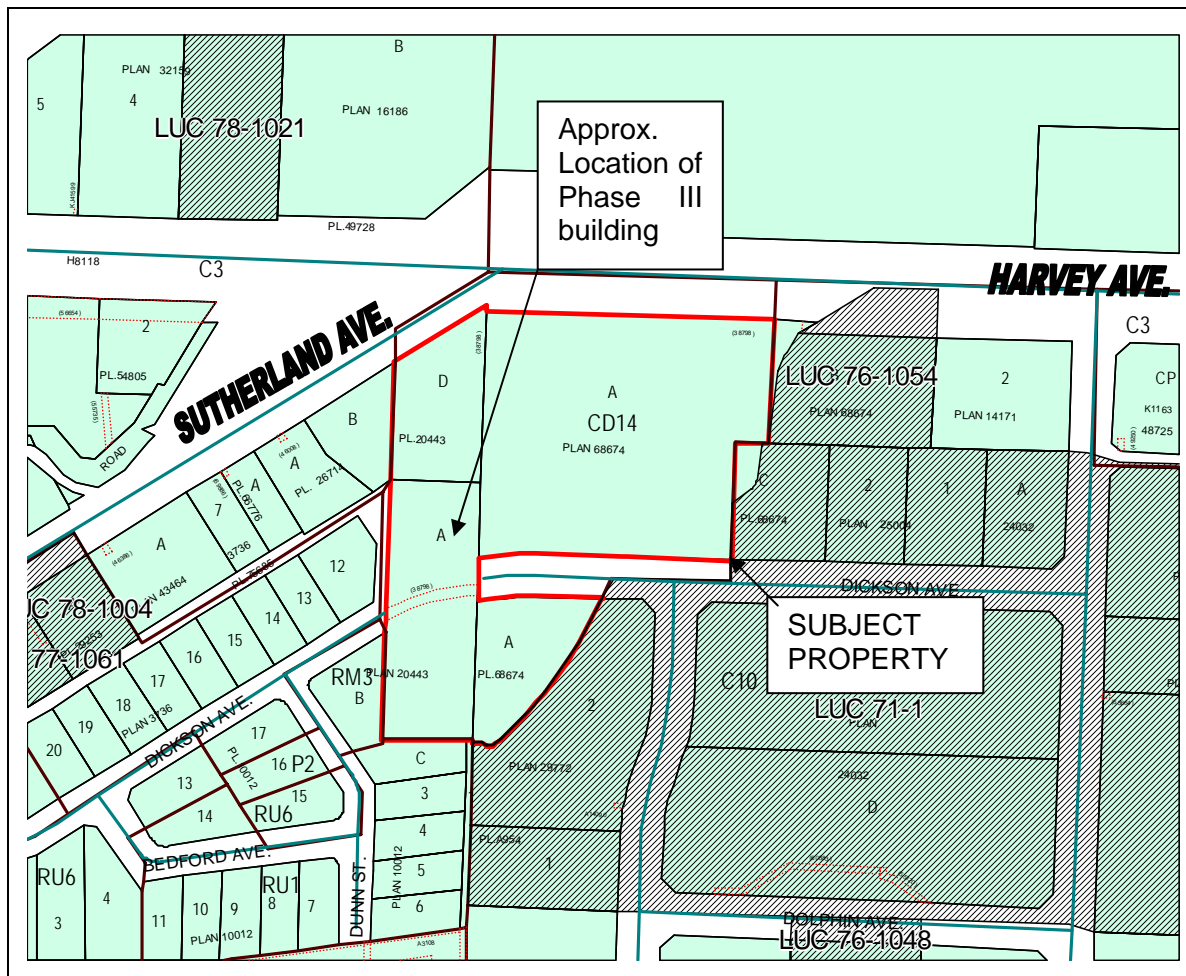
Total site development as proposed compared to the CD14 – zone (for the subject properties located on both sides of Dickson Avenue, as proposed by the applicant) is as follows;

CRITERIA	PROPOSAL	CD14 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> ) (after subdivision, and road dedications)	23,887 m <sup>2</sup>	18,800 m <sup>2</sup>
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 Previous approved	7,950 m <sup>2</sup> 7,066 m <sup>2</sup> 7,745 m <sup>2</sup> 22,761 m <sup>2</sup> 21,752 m <sup>2</sup>	Maximum 23,887 m <sup>2</sup> @ FAR = 1.0
F.A.R. (net floor area) revised Previous approved	.952 .91	1.0 max.
Storeys (#) Phase III building	29.5 m & 7 storeys ①	22 m or 6 storeys
Loading Stalls (#)	3	3 loading spaces

Notes:

- ① Development Variance Permit (DVP05-0134) has been made to vary the building height of the CD 14 zone from the maximum 6 storey (22m) permitted to 7 storeys (29.5m) proposed to allow the addition of a storey to the Phase III building. Net building area includes floor area of this additional storey.

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

- Application OCP04-0025 changed the future land use designation of the subject properties to “Commercial”. The proposed development is consistent with that designation.

#### 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 it 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”.

### 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 Fire Department

Fire Dept access, fireflows and hydrants as per BC Building Code and City of Kelowna Subdivision Bylaw. Engineered fire flows should determine hydrant requirements. Subject to BCBC and BCFC compliance.

4.2 Inspection Services Department

Subject to full compliance with BC Building Code

4.3 Works and Utilities Department

The requested height variance to allow for a sixth floor on the existing building, does not compromise Works and Utilities servicing requirements

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The Development Permit (DP04-0158) which authorized construction of the Phase III building, was reviewed by Council on May 24, 2005 and authorized construction of a 5 storey building with a sunroom (penthouse), to be built on top of a 1 storey parking structure, for a total building height of 6 storeys.

This current application seeks permission to add another building level to the proposed office building. As this proposed construction is located above the 6 storey, it would be considered a 7 storey building, which is not permitted in the CD-14 zone.

The resulting form and character of the proposed building development will not change the exterior appearance from the proposed building reviewed by Council at the May 24, 2005 meeting, except for the resulting building height, which will result in a building form that is the same height as the recently completed Phase II building.

The inclusion of the floor area for the additional storey complies with the FAR provisions of the CD-14 zone.

However, the Planning and Corporate Services Department has concerns with the resulting building height at the west end of the development site. The building form authorized by DP04-0158 resulted in an overall building height of 6 storeys. This created a 5 storey building on top of the parking structure, which was 1 full storey shorter than the adjacent phase II building. This change in building height at least provided a minor stepping down of the building mass as the building development approached the existing residential and commercial uses along Sutherland Avenue to the west of the development site. This application, should it be approved, will result in all three commercial buildings for the high tech campus being essentially equal in height, form, character, and massing. The original intent for this project, as stated by the developer and supported by staff, was to generally produce smaller buildings towards the western side of the development in order to create a transition in building mass from this commercial site to the existing lower density neighbourhood to the west.

## 6.0 ALTERNATE RECOMMENDATION

Should Council wish to support the building design as proposed, staff provide the following alternate recommendation for consideration.

Past experience has demonstrated that the applicant has used the resulting sunroom/observation (penthouse) area on the roof level as leaseable space.

Therefore staff recommend that the alternate recommendation include the sunroom/observation (penthouse) area as leaseable space because it will inevitably be used for that purpose. The building permit plans should therefore address this leaseable area.

### Alternate Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP05-0134; Lots A & D, DL 141, O.D.Y.D., Plan 20443 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 17 – Comprehensive Zones, Schedule B – CD14 – Comprehensive High Tech Business Campus**

Section 1.5 (c) **Development Regulations** be varied from 22 m or 6 storeys permitted to 29.5 m or 8 storeys proposed for the Phase III building

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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

7 pages of site plan, building elevations and cross sections