# CITY OF KELOWNA **MEMORANDUM**

DATE:

FEBRUARY 2, 2007

TO:

CITY MANAGER

FROM:

PLANNING & DEVELOPMENT SERVICES DEPARTMENT

APPLICATION NO. Z06-0029

APPLICANT: Gordon McKenzie Architect Inc.

LUC06-0002

AT: 2300 Leckie Road

OWNERS: Shaw Cablesystem Ltd.

PURPOSE:

TO DISCHARGE THE LAND USE CONTRACT (LUC77-1085)

REGISTERED ON TITLE OF THE SUBJECT PROPERTY.

TO REZONE THE SUBJECT PROPERTY FROM THE A1 -AGRICULTURAL 1 ZONE TO C4- URBAN COMMERCIAL ZONE.

**EXISTING ZONE:** 

LUC 77-1085 (underlying zoning: A1 – AGRICULTURAL 1)

PROPOSED ZONE C4 – URBAN COMMERCIAL

REPORT PREPARED BY: NELSON WIGHT

#### 1.0 RECOMMENDATION

THAT Application No. LUC06-0002 to discharge Land Use Contract No.77-1085 from Lot 1, District Lot 125, O.D.Y.D. Plan KAP80864, located on Leckie Road be considered by Council:

AND THAT Rezoning Application No. Z06-0029 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, District Lot 125, O.D.Y.D. Plan, on Leckie Road, Kelowna, B.C. from A1 – Agriculture 1 to C4 – Urban Commercial be considered by Council, subject to the conditions contained within the Staff report, dated February 2, 2007;

AND THAT the Land Use Contract discharge bylaw and Zone amending bylaw be forwarded to a Public Hearing for further consideration:

AND FURTHER THAT final adoption of the Land Use Contract discharge bylaw and zone amending bylaw be withheld until the applicant has addressed the requirements of the Works and Utilities department.

#### 2.0 SUMMARY

These applications seek to remove the land use contract currently registered on title and have the subject property rezoned from the A1 - Agricultural 1 zone to C4 - Urban Commercial zone to allow for the construction of a new commercial building in up to four separate phases. The following table details the proposed phasing plan:

Phase I	Construct 6,207 m <sup>2</sup> office building plus mechanical room to house generator, electrical equipment, etc.	
Phase II	Add 2,200 m <sup>2</sup> of office space to existing 6,207 m <sup>2</sup> building, for a combined net floor area of 8,407 m <sup>2</sup> .	

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Phase III	Add 3,180 m <sup>2</sup> of warehousing space to existing 8,407 m <sup>2</sup> office building, for a combined net floor area of 11,586 m <sup>2</sup> .  Add 3 level parking structure.	
Phase IV	Demolish existing Shaw building at 2340 Hunter Road, and convert site to surface parking lot.	

Under the full build-out scenario, development on the site would consist of a five-storey, 11,586 m² office/utility building with a three-level parkade structure, accommodating operations for Shaw Cablesystems Ltd. In its current form, the project requires approval of a Development Variance Permit to address the following:

- HEIGHT 5-storey building proposed, where maximum height is 4-storeys
- LOADING SPACES 3 loading spaces provided, where a minimum of 8 loading spaces are required
- CLASS II BICYCLE PARKING although there are no Class II bicycle parking stalls shown on the drawings, the Applicant has verbally committed to provide some stalls for this purpose. There is ample room at the Leckie Road entrance to provide these stalls, and the exact number and location will be shown on new drawings to accompany a forthcoming DVP/DP report for Council's consideration.

This project also triggers a text amendment application to add the "broadcast studio" use to the C4 – Urban Commercial zone (file # TA06-0004).

#### 3.0 BACKGROUND

#### 3.1 Proposal

The proposed development will consist of an office building, utility building and three-level parkade. The office building will face onto Leckie Road with the utility building and parkade behind. Vehicle access for office workers and utility vehicles is to be from the Hunter Road side. The office building will have a visitor parking area, lay by and pedestrian entrance accessed via Leckie Road.

The perimeter of the property is proposed to be landscaped with areas of lawn and a denser vegetative buffer adjacent to the property lines. An urban plaza/entry feature is also provided at the entrance to the proposed office building. Loading and refuse areas are proposed to be provided on the Hunter Road side of the development. The satellite farm will also be located along the Hunter Court road frontage and buffered with landscaping.

The proposed development meets the requirements of the C4 – Urban Commercial zone, as follows; conflicts with the Zoning Bylaw requirements are detailed immediately following the table:

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PROJECT DETAILS	Site area: Footprint: Net Floor Area: Gross Floor Area: Projected employee count:  PROPOSAL	11,587 m <sup>2</sup> (2.86 ac) approx. 5,656 m <sup>2</sup> 11,586 m <sup>2</sup> 14,663 m <sup>2</sup> 742 employees <b>C4 ZONE REQUIREMENTS</b>			
Subdivision Regulations					
Lot Area	11,586 m² (2.86 ac)	1300 m <sup>2</sup>			
Lot Width	100.51 m	40.0m			
Lot Depth	112.23 m	30.0 m			
Development Regulations					
Floor Area Ratio	1.0	1.0			
Site Coverage	66%	75%			
Height	5 storeys <sup>A</sup>	15.0m/4 storey			
Front Yard (Leckie Rd)	5.0 m	0.0 m			
Side Yard (west)	0.0m	0.0 m			
Side Yard (east)	0.0 m	0.0 m			
Front Yard (Hunter Rd)	6.0 m	0.0 m			
Other Regulations					
Minimum Parking Requirements	284 spaces	Commercial: 1.75 per 100m² GFA Total required: 257 spaces			
Maximum Parking Requirements	284 spaces	< 125% of required parking 257 x 125% = <b>321</b>			
Bicycle Parking	Class I: 90 stalls Class II: (none shown) <sup>B</sup>	Commercial Class I: 0.2 per100 m <sup>2</sup> or 1 per 10 employees = 75 Class II: 0.6 per100 m <sup>2</sup> = 69			
Loading	3 loading spaces <sup>c</sup>	1 per 1,900 m² GFA 14,663 m² / 1,900 m² = 8 loading spaces			

<sup>&</sup>lt;sup>A</sup> The applicant is applying to vary this requirement to allow a 6-storey (28.5 m) building, where the maximum height permitted is 4-storeys (15 m).

<sup>&</sup>lt;sup>B</sup> The applicant is applying to vary this requirement. The exact count of Class II bicycle parking stalls and location are to be detailed on the drawing that accompany a forthcoming Development Variance Permit report.

<sup>&</sup>lt;sup>c</sup> The applicant is applying to vary this requirement to allow 3 loading spaces where a minimum of 8 are required.

#### 3.2 Site Context

The subject property is located on the east side of Leckie Road, mid-block between Hunter Road and Enterprise Way: The adjacent land uses are as follows:

North

A1 – Agricultural 1 (LUC77-1085)

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East

A1 – Agricultural 1 (LUC77-1085)

South

A1 - Agricultural 1 (LUC77-1085)

I1 – Business Industrial

C10 - Service Commercial

West

A1 - Agricultural 1 (LUC77-1085)

# 3.3 Existing Development Potential

The purpose is to provide a zone for the development of community commercial centres to serve more than one neighbourhood.

#### 4.0 TECHNICAL COMMENTS

# 4.1 Fire Department

Fire department access, fire flows and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. Engineered fire flows should determine hydrant requirements.

#### 4.2 Fortis BC

No comments.

# 4.3 Inspections Department

Spatial calculation required for two storey storage area and the parkade. Travel distance calculation required for office area's two exits. Provide a building code analysis prior to issuance of rezoning.

# 4.4 Parks

The City of Kelowna Boulevard Maintenance By-Law No. 5708-84 requires the residents to be responsible to weed, water and mow the boulevards adjacent to their properties. They will also be responsible for maintaining the boulevard in a reasonably tidy condition, free and clear of garbage, litter or debris.

All proposed plant material (trees, shrubs, ground covers and sod) within the roadway boulevard will need to be reviewed and approved by Parks Staff.

# 4.5 Works and Utilities Department

The Works & utilities Department comments and requirements regarding this application to rezone from LUC77-1085 to C-4 are as follows:

# 4.5.1 Subdivision

Provide easements as may be required.

#### 4.5.2 Geotechnical Study.

We recommend that a comprehensive geotechnical study be undertaken over the entire site. The geotechnical study should be undertaken by a Professional Engineer or a Geoscientist competent in this field. This study should analyse the soil characteristics and suitability for development of the requested zoning. As well, the study should address drainage patterns including the identification of ground water and the presence of any surface springs and the suitability of the lands for

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disposal of storm drainage on the site. In addition this study must describe soil sulphate contents, the presence or absence of swelling clays and fill areas.

#### 4.5.3 Domestic water and fire protection.

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This development is within the service area of the City of Kelowna. The developer is required to provide a confirmation that the system is capable of supplying fire flow in accordance with current requirements.

A water meter is mandatory as well as a sewer credit meter to measure all the irrigation water. Water meters must be housed in an above-ground, heated, accessible and secure building, either as part of the main site buildings or in a separate building. Remote readers units are also mandatory on all meters.

# 4.5.4 Sanitary Sewer.

The subject property is connected to the municipal wastewater collection system and any service size upgrade required to accommodate the proposed development will be at the cost of the developer.

# 4.5.5 Drainage.

A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual, is a requirement of this application. The drainage study should indicate the size and location of the detention pond(s) and provide for a positive outflow to the existing municipal storm drainage system. This plan can become part of the geotechnical study to identify possible ground recharge/detention areas.

# 4.5.6 Power and Telecommunication Services.

The services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the City's approval before commencing their works.

# 4.5.7 Leckie and Hunter Road.

The applicant is responsible to upgrade both road frontages to a full urban standard. The construction consists of a separate concrete sidewalk, boulevard landscaping and removal and/or relocation of utilities as may be required, etc. The estimated cost for this work, for bonding purpose, would be \$25,000.00, inclusive of a bonding contingency. A servicing agreement must be signed by the property owners.

#### 4.5.8 Street lights.

Street lights must be installed on all fronting roads as determined by the Manager of Electrical Utilities.

#### 4.5.9 Engineering.

Design, construction, supervision and inspection of all off-site civil works and site servicing must be performed by a consulting civil Engineer and all such work is subject to the approval of the city engineer and subject to the 3% Administration and Inspection fee.

# 4.5.10 Bonding and Levies Summary.

Performance Bonding for Leckie and

\$25,000.00

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# Hunter frontages upgrade

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# 5.0 Current Development Policy

### 5.1 <u>City of Kelowna Strategic Plan (2004)</u>

Goal #1 - To maintain, respect, and enhance our natural environment.

Goal #2 – To foster a strong, stable, and expanding economy.

Goal #3 - To foster the social and physical well-being of residents and visitors.

# 5.2 Council Strategy for the Elimination of Remaining Land Use Contracts

- that a Land Use Contract be discharged for any contract where there
  has been a change in use or density from what was originally intended
  by the Land Use Contract;
- that where the City of Kelowna had entered into a Land Use Contract that contains a cancellation clause contingent on failure to develop and use the lands, the City proceed to discharge the Land Use Contract;
- that the City of Kelowna initiate proceedings to discharge Land Use Contracts that have provisions enabling the City to unilaterally discharge the contracts subject to consultation with affected owners of the land and subject to prior approval by Council with regard to affected contracts;
- that staff negotiate with owners of land under Land Use Contracts that only enabled the subdivision of land, to discharge contracts where the subdivision has been completed;
- that priority be given to terminate Land Use Contracts having a significant financial impact or those Land Use Contracts that enable development contrary to the fulfillment of community objectives.

# 5.3 Kelowna 2020 – Official Community Plan (OCP)

# Objectives for Commercial Development (Chapter 9)

- 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);

# Objectives for Development within Urban Centres (Chapter 6)

 All development within Urban Centres and Village Centres should contribute to the creation of pedestrian-oriented streets and public spaces (connections, social interaction).

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# Commercial Recommendation adopted by Council:

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That the OCP be amended to discourage the conversion of C10 Service Commercial zoned areas to C3, C4, or C7 zoning, outside of Urban Centres. The City, depending on site-specific circumstances, may support the conversion of C10 Service Commercial zoned sites to C3, C4 or C7, within Urban Centres.

# Commercial Recommendation NOT adopted by Council:

That the Highway Urban Centre boundaries on Map 6.1 Urban Development Permit Area Designation be revised to focus primarily on retail/personal service commercial areas and higher density residential areas as outlined in the OCP definition of Highway Centre.

These policy changes do not affect this project, given the timing of the applications. However they are noted here for Council, because possible future amendments to the Highway Urban Centre boundaries could have a significant impact on a similar rezoning application in this area in the future.

#### 6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department supports the investment of the company in the local economy and has no concerns with discharging the land use contract and rezoning of the subject property. The proposal to rezone the subject property to the C4 – Urban Commercial zone is consistent with the Official Community Plan's future land use designation of commercial and existing policy direction. The proposed changes to the OCP regarding commercial development in this area should be noted, however, for possible future applications of a similar nature.

Staff support for the rezoning and LUC discharge applications should not be construed, however, as unconditional support for the project. Although the proposed development is well-suited to the site in terms of use, density, and site configuration, Staff considers that the design could be improved, and recommends support with conditions.

The Applicant has chosen to develop within the C4 zone, which is intended for urban centre areas of Kelowna outside of the "Downtown Urban Centre" (e.g.: Highway 97 Urban Centre, Rutland Town centre, etc.). The C4 zone accommodates a range of uses, including retail commercial, office, and residential uses – with the intention being to promote activities that result in a vibrant, pedestrian-oriented environment. Despite (a) the existing development in the area tending more towards the "service commercial" type, and (b) the proposed policy changes that would remove this area from the Highway 97 Urban Centre, to encourage a more "service commercial"-oriented pattern of use, the project should be given the same level of scrutiny as applied to our urban centres. This would entail a stronger emphasis on urban design features that enhance the streetscape.

This building will set a design precedent for the area. So, in reviewing the building design in the context of Objectives for Commercial Development, pursuant to Chapter 9, as well as the Objectives for Development within Urban Centres, pursuant to Chapter 6 of the OCP, Staff considers that the design should be improved in the following areas:

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9, as well as the Objectives for Development within Urban Centres, pursuant to Chapter 6 of the OCP, Staff considers that the design should be improved in the following areas:

- Further effort should be made to break up the mass of the 5-storey building. For example, this could be achieved through a better balance of the vertical and horizontal elements, introducing a broader range of materials, etc.
- Provide visual interest and human scale, particularly at street levels and the main entrance. This can be accomplished by using a range of materials that provide texture and shadow to the building. For example, using nonreflective/untinted glass provides for a greater connection between the interior activity of the building and the street.
- Detail landscaping elements that enhance the usability of the open space for the users of this building (e.g.: patio areas for staff lunch room).
- The size and location of the signage work against the "contribut[ion] to a sense of community identity and sense of place" objectives outlined in the City's policy (as noted above). In an urban centre environment, signage is more appropriately scaled and located to address the pedestrian or passing motorist, not fast-moving vehicles travelling two blocks away on Highway 97. This signage should be reduced in size substantially, and lowered to assist the identification of the building and its entrance for visitors.
- Although separated from Hunter Road by some distance, as well as the intervening satellite dishes, greater efforts should be made to design the parking structure façade. Local examples of parkades that enhance the streetscape include the Library Parkade and Chapman Parkade.
- Uses that could assist with the animation of the street level (e.g.: staff lunchroom or future fitness area) are encouraged to locate at the ground level.
- Large scale details of the main entrance (door, lobby, signage) will help Staff better evaluate the building's contribution to the streetscape;
- Consider less colour contrast between glass and white metal panels.

The comments above have been previously shared with the applicant throughout the review process of this application. Efforts made by the applicant have not yet fully addressed these comments, and for that reason Staff is concerned about the variance to height and the development permit. Staff supports the variances for a reduction in loading spaces and Class II bicycle parking. It should be noted that Staff is also prepared to support the Development Permit and variance to height, provided that the applicant:

- supply a detailed design rationale for the project that speaks to the comments listed above and comments on the ways in which the building incorporates features which reflect the local context (i.e. Okanagan-inspired design elements). This rationale will be attached to the Council report forthcoming with the Development Permit/Development Variance Permit applications.
- (b) supply a CPTED analysis for the site.

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A Shelley Gambacoft

Acting Development Services Manager

Approved for inclusion

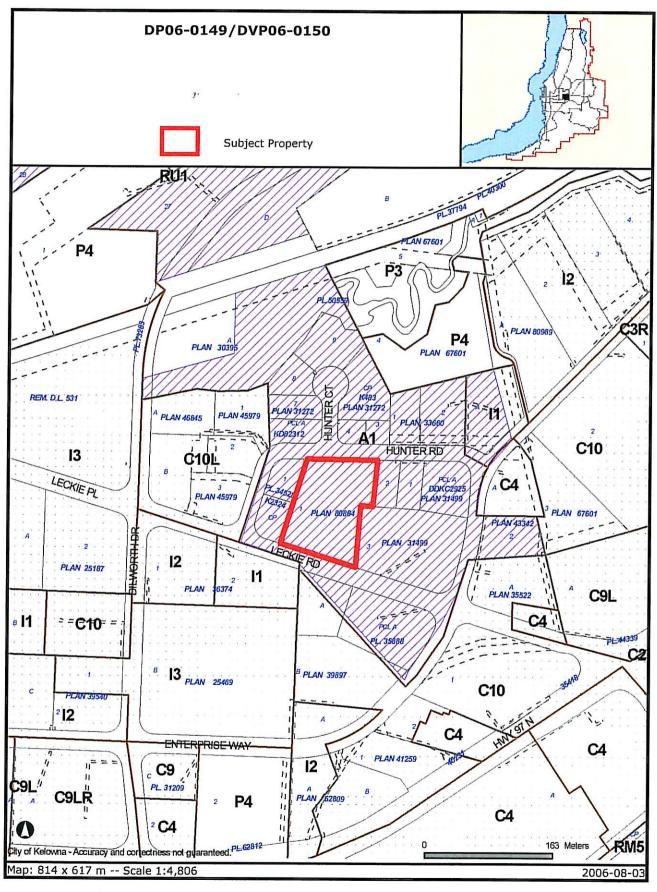
Mary Pynenburg, MRAIC MCIP

Director of Planning & Development Services

NW/nw

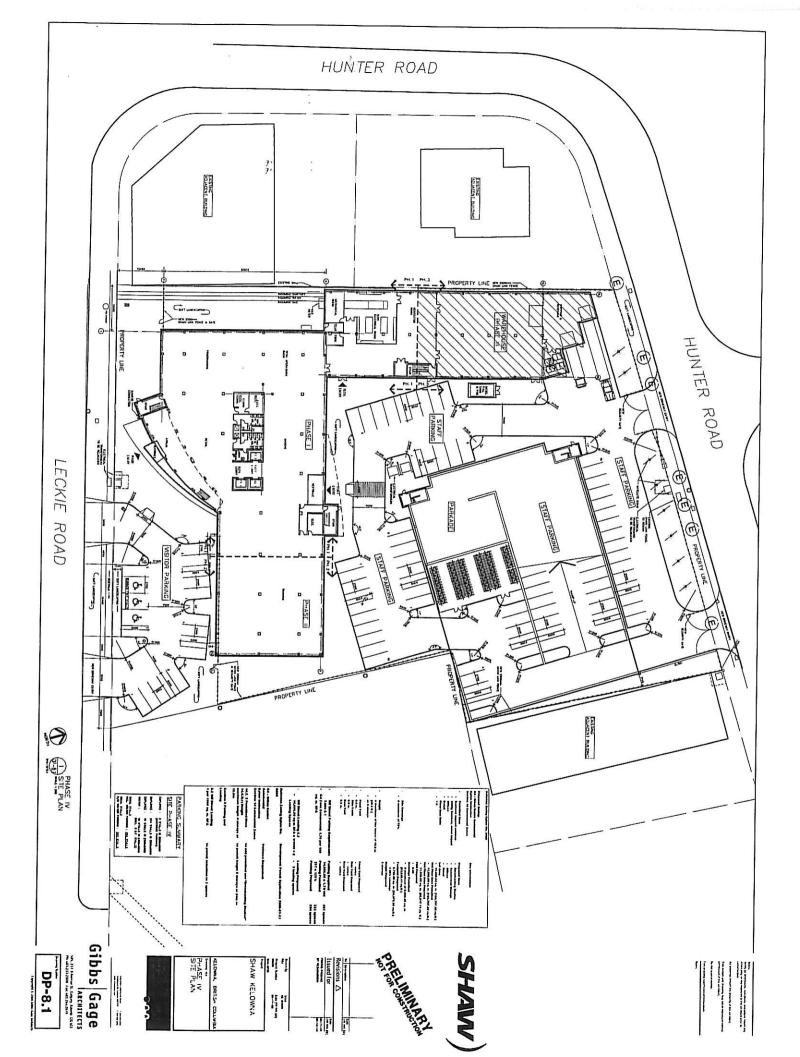
# **ATTACHMENTS**

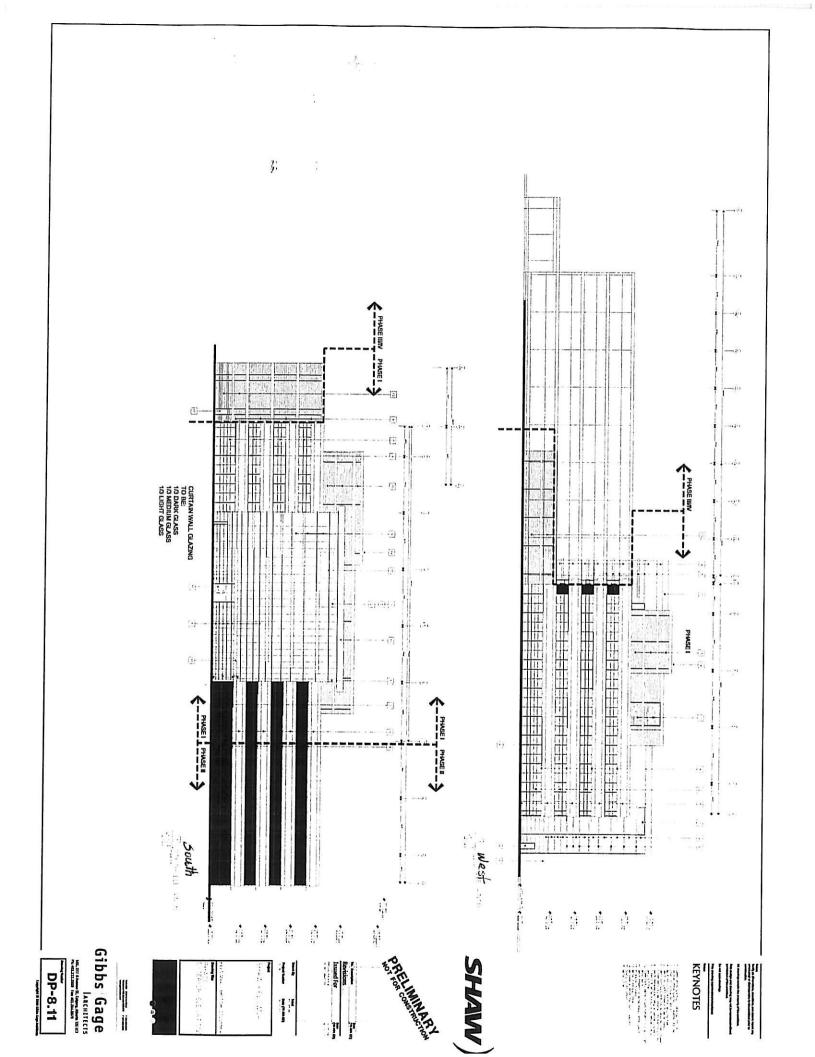
Location of subject property
Site Plan and Site Statistics
South and West Main Building Elevations
East and North Main Building Elevations
Leckie & Hunter Road Elevations
Landscape Plan
Computer-Generated Rendering of Leckie Road Elevation

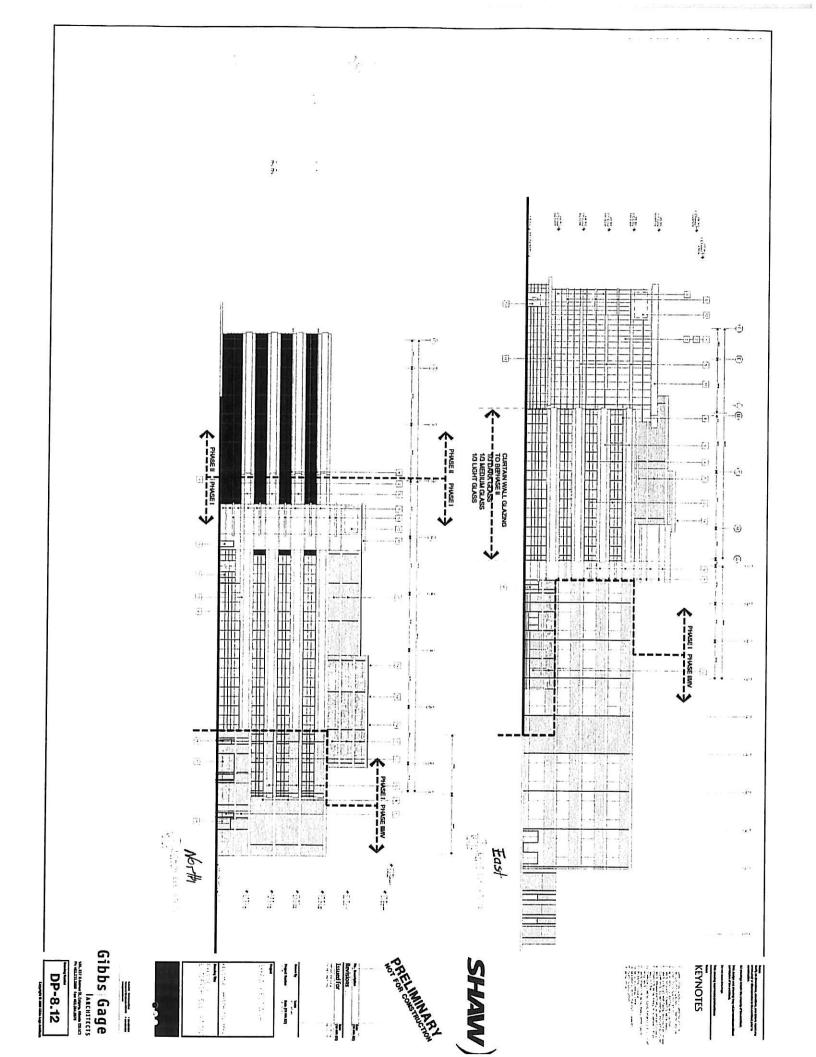


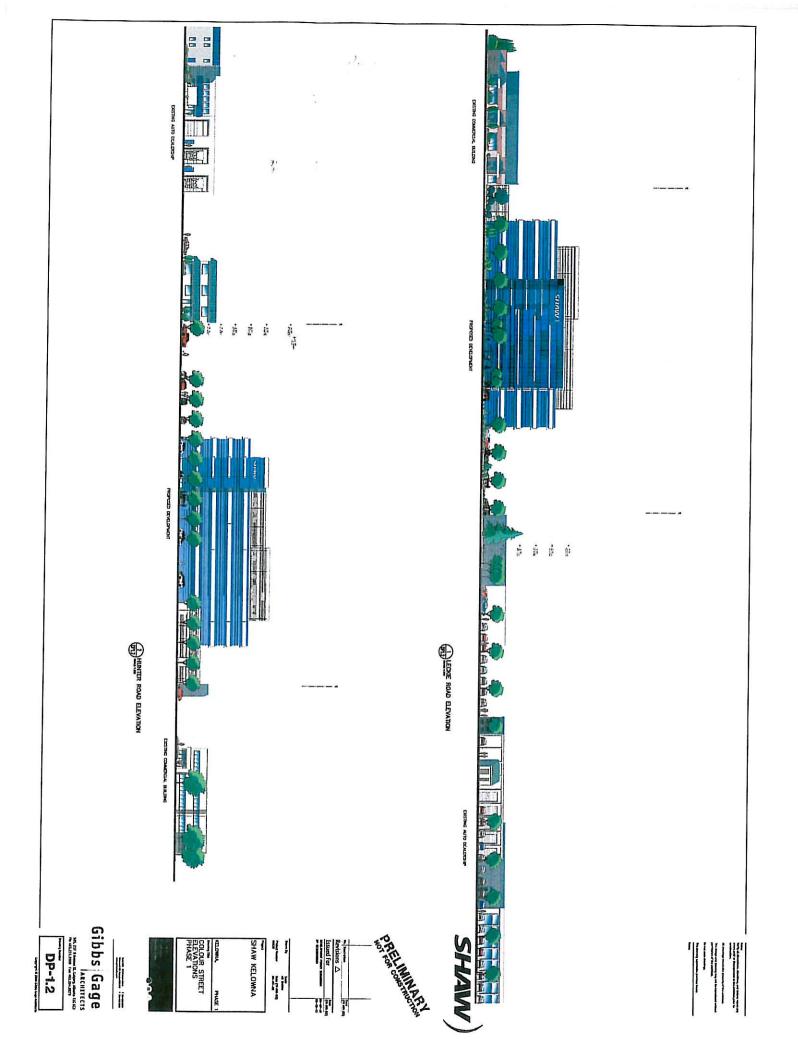
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Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.













# SHAW COMMUNICATIONS **NEW OFFICE BUILDING**

KELOWNA, BRITISH COLUMBIA

ISSUED FOR DEVELOPMENT PERMIT PROJECT 06036

December 13, 2006

505, 237 B Avenue SE, Calgary, Alberta T2G 5C3 Ph: 400.230.2000 Fax: 400.264.0979 Gage IARCHITECTS

Gibbs





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# DRAWING LIST PHASE I

TITLE SHEET
COLOUR SHEET ELEVATIONS PHASE I
SITE STATISTICS / SITE PLAN
PARKING PLAN PHASE I
MAIN FLOOR PLAN
THEO HOOR PLAN
FOURTH FLOOR PLAN
PENTHOUSE FLOOR PLAN
PENTHOUSE FLOOR PLAN
ROOF PLAN
ROOF PLAN
ROTERIOR ELEVATIONS
EXTERIOR ELEVATIONS
WALL SECTIONS
WALL SECTIONS
WALL SECTIONS











