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**CITY OF KELOWNA  
MEMORANDUM**

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**DATE:** FEBRUARY 9, 2007  
**TO:** CITY MANAGER  
**FROM:** PLANNING & DEVELOPMENT SERVICES DEPARTMENT

**APPLICATION NO.** DP06-0149      **APPLICANT:** Gordon McKenzie Architect Inc.  
DVP06-0150

**AT:** 2300 Leckie Road      **OWNERS:** Shaw Cablesystem Ltd.

**PURPOSE:** TO OBTAIN A DEVELOPMENT PERMIT IN ORDER TO CONSTRUCT  
THE FIRST PHASE OF A 5-STOREY OFFICE/UTILITY BUILDING.

TO OBTAIN A DEVELOPMENT VARIANCE PERMIT IN ORDER TO  
VARY CERTAIN REGULATIONS OF ZONING BYLAW NO. 8000,  
INCLUDING: (A) VARYING THE MAXIMUM HEIGHT FROM 4-  
STOREYS TO 5-STOREYS, (B) VARYING THE LOADING STALL  
COUNT TO ALLOW 3 LOADING STALLS WHERE 8 ARE REQUIRED;  
AND (C) VARYING THE BICYCLE STALL COUNT TO ALLOW 10  
VISITOR STALLS, WHERE 69 ARE REQUIRED.

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

**PROPOSED ZONE** C4 – URBAN COMMERCIAL

**REPORT PREPARED BY:** NELSON WIGHT

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**1.0 RECOMMENDATION**

THAT final adoption of Zone Amending Bylaw No. 9739 be considered by Council;

AND THAT final adoption of Land Use Discharge Bylaw No. 9740 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP06-0149 for Lot 1, District Lot 125, O.D.Y.D. Plan KAP80864, located on Leckie Road, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP06-0150 for Lot 1, District Lot 125, O.D.Y.D. Plan KAP80864, located on Leckie Road, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

### **Section 8.1.2 Off-Street Vehicle Parking (Number of Spaces)**

A variance to allow 193 vehicle parking spaces, which exceeds the maximum number of spaces allowed (max. 136 spaces or 125% of minimum number required).

### **Section 8.2.2 Off-Street Loading (Number of Spaces)**

A variance to allow three (3) loading spaces, where eight (8) spaces are required.

### **Section 8.4.2 Off-Street Bicycle Parking (Number of Bicycle Spaces for Visitors)**

A variance to allow 10 bicycle stalls for visitors, where 69 are required.

### **Section 14.4.5 (c) C4 – Urban Centre Commercial Development Regulation (Height)**

A variance to allow a building height of 23.5 m or 5-storeys, where the height cannot exceed the lesser of 15.0 m or 4-storeys.

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**

The Development Permit application is needed to allow for the first phase of construction ( $\pm 6,207 \text{ m}^2$  of net floor area) of an office/utility building for Shaw CableSystems Ltd. Subsequent development permit applications will be required to address the ensuing phases of development that are expected in order to complete the final  $\pm 11,469 \text{ m}^2$  office/utility building and 3-level parkade structure.

The Development Variance Permit application addresses those elements of the project that do not conform to certain regulations of Zoning Bylaw No. 8000. Although not all of these Bylaw conflicts are triggered in this phase, this application covers the full build-out scenario outlined in the accompanying rezoning/LUC discharge applications (Z06-0029 & LUC06-0002). The specific variances are listed in the section above.

Although supportive of the project moving ahead, Staff is willing to work with the applicant as the design proceeds to working drawings to allow changes that enhance the design and make it more in keeping with its Kelowna and Okanagan context (as noted in the planning comments at the end of this report).

## **3.0 BACKGROUND**

### **3.1 Proposal**

Shaw intends to use this subject property in conjunction with the two properties northeast of the site at 2340 and 2350 Hunter Road. Through the subsequent development phases, it is anticipated that Shaw will relocate activities and equipment to the primary site at 2300 Leckie Road.

Phase one of this development contemplates construction of a 5-storey,  $5,867 \text{ m}^2$  office building, with an attached single-storey utility building. This utility building portion provides  $\pm 340 \text{ m}^2$  of floor area for mechanical equipments, electrical equipment, and a backup generator, as well as waste/recycling bins. The remainder of the site will be used primarily for surface parking for the time being. If Shaw's projections are accurate, these areas will be converted in

the future to provide for the additional  $\pm 5,262 \text{ m}^2$  of floor area and the proposed 3-level parking structure.

The office building will face onto Leckie Road, with the utility building portion extending towards Hunter Road. 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. Details on the building design are provided in the attached drawings and renderings. (Please refer also to the applicant's design rationale, which is also attached to this report.)

The perimeter of the property is proposed to be landscaped with areas of lawn where space permits, and a denser vegetative buffer adjacent to the property lines. Chainlink security fencing with gated access to Hunter Road is proposed. An urban plaza/entry feature is also provided at the entrance to the proposed office building. Refuse/recycling areas are proposed to be provided within the utility portion of the building.

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:

<b>PROJECT DETAILS</b>	Site area: Net Floor Area: Projected Employee Count at full build-out	11,469 m <sup>2</sup> (2.86 ac) 6,207 m <sup>2</sup> 742 employees
<b>CRITERIA</b>	<b>PROPOSAL</b>	<b>C4 ZONE REQUIREMENTS</b>
Subdivision Regulations		
Lot Area	11,586 m <sup>2</sup> (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	0.54	1.0
Site Coverage	19%	75%
Height	23.5 m / 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)	$\pm 45.0 \text{ m}$	0.0 m
Other Regulations		
Minimum Parking Requirements	193 spaces	<u>Commercial:</u> 1.75 per 100m <sup>2</sup> GFA <b>Total required: 108 spaces</b>

Maximum Parking Requirements (Phase One)	193 spaces <sup>B</sup>	< 125% of required parking $108 \times 125\% = \mathbf{135 \text{ spaces}}$
Bicycle Parking (at full build-out)	Class I: 90 stalls Class II: 10 stalls <sup>C</sup>	<u>Commercial</u> Class I: 0.2 per 100 m <sup>2</sup> or 1 per 10 employees $742 / 10 = 75$ Class II: 0.6 per 100 m <sup>2</sup> = 69
Loading (at full build-out)	3 loading spaces <sup>D</sup>	1 per 1,900 m <sup>2</sup> GFA $14,663 \text{ m}^2 / 1,900 \text{ m}^2 = 8$ loading spaces

<sup>A</sup> The applicant is applying to vary this requirement to allow a 5-storey (23.5 m) building, where the maximum height permitted is the lesser of 15.0 m or 4-storeys.

<sup>B</sup> The applicant is applying to vary this requirement to allow parking in excess of the maximum allowable number of spaces.

<sup>C</sup> The applicant is applying to vary this requirement to allow 10 stalls, where 69 stalls are required at full build-out.

<sup>D</sup> The applicant is applying to vary this requirement to allow 3 loading spaces where a minimum of 8 are required at full build-out.

### 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 zones and land uses are as follows:

North	A1 – Agricultural 1 (LUC77-1085), various commercial uses;
East	A1 – Agricultural 1 (LUC77-1085), various commercial uses
South	A1 – Agricultural 1 (LUC77-1085), various commercial uses
	I1 – Business Industrial
	C10 – Service Commercial
West	A1 – Agricultural 1 (LUC77-1085), various commercial uses

### 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. In-rack sprinklers may be required in the high-rack storage.

### 4.2 Fortis BC

No comments.

4.3 Inspections Department

Possible high water table area. Ensure travel distance of 45m max. is met at parkade. Interconnected floor spaces must conform to 3.2.8 may not be permitted if classified as F-2 occupancy. 3rd floor exiting at future Head End Area room not to code. Mechanical Penthouse additional egress may be required (3.3.1.3.7). Handicap elevator access required at parkade and both buildings.

Comments on Revised Plans: Ensure handicap toilet room(s) provided as per BCBC 2006. Interconnected floor spaces to meet section 1.2 BCBC 2006 Div.A, acceptable or alternate solutions. 4th floor Head End room may require additional exit door as per section 3.3 BCBC 2006. Ensure accessibility to parkade as per 3.8.2.38. Parkade exits to be located as per 3.4.2.3. West elevation ensure exterior cladding system and wall assembly conforms to 3.2.3.7 ie: non combustible or alternate solution may be required for cladding.

4.4 Parks

Due to the wide width of the boulevard on both Leckie Rd. and Hunter Rd., we recommend the planting of large deciduous trees i.e. Liriodendron tulipifera (Tulip Tree), Quercus rubra (Red Oak), or Platanus Acerifolia (London Plantree). The trees should be spaced at 10-12 metres on centre and at minimum 6.0 cm caliper.

Tree Plantings in the boulevard will conform with Master Municipal Specifications (MMCD) Section 02950 and British Columbia Landscape Standards (1997) Section 9.3.

The installation of root barriers such as "Deep Root" brand, or City-approved equal, installed per the manufacturer's instructions will be required for all boulevard trees along both Leckie Rd. and Hunter Rd.

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.

Boulevard tree maintenance will be the responsibility of Parks Division. However, the applicant will be responsible for watering and replacement of trees during the establishment period, for at least one growing season after planting.

4.5 Works and Utilities Department

Requirements of the rezoning application no. Z06-0029 have been satisfied, allowing for the issuance of this Development Permit.

Revised Plans

The overall changes of this development including the variance for building height, permitted uses and loading bay reduction for the proposed development do not compromise Works and Utilities servicing requirements.

**5.0 Current Development Policy**

5.1 City of Kelowna Strategic Plan (2004)

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 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).

5.3 Proposed Amendment to Kelowna 2020 – Official Community Plan relating to the Commercial Study (recently reviewed by Council)

Commercial Recommendation adopted by Council:

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.

Highway Urban Centre Boundaries

Although the Highway Urban Centre boundaries on Map 6.1 Urban Development Permit Area Designation are not to be revised at this time to focus primarily on retail/personal service commercial areas and higher density residential areas as outlined in the OCP definition of Highway Centre, Council did provide direction to Staff to bring this item back for further review in the future.

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**

Development Permit Comments

With regard to the form and character of the propose building, some improvements have been made over the past year by the applicant in response to Staff direction.

Staff has consistently stressed the need to focus on a design influenced specifically by its Okanagan context, and one that enhances the urban streetscape. Although Staff is largely supportive of this project in its current form, further fine-tuning as the design proceeds to working drawings is encouraged.

It should be noted that this building will set a design precedent for the area. Ideally, there is an opportunity for a signature building that can be Shaw's flagship in the Okanagan. In reviewing the building design, therefore (with reference to the 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 has suggested that design improvements be made in the following areas:

- As the design proceeds to working drawings, consider breaking up the mass of the 5-storey building (e.g. better balance of the vertical and horizontal elements, introducing a broader range of materials, etc.).
- Provide greater visual interest and human scale, particularly at street levels and the main entrance. Improvements such as the urban plaza, the use of non-reflective glazing at the ground floor, and entry element are good. The addition of alternate materials to provide texture and interest at the ground floor is encouraged. The ground floor glazing could also be non-reflective and untinted to provide for a greater connection between the interior activity of the building and the street. The choice of hard and soft landscape treatments will become more important in this plaza area as a result, in order to provide a more positive pedestrian environment.
- Landscaping elements that enhance the usability of the open space for the users of this building (e.g.: patio areas for staff lunch room) is suggested. The area along the west side of the building would be suited well for this activity, and also remove a CPTED concern of this space in its current form.
- Chainlink fencing to be replaced with a material that achieves a more urban (i.e. less industrial) feel, such as vertical metal pickets. Details of the fence and gate are to be submitted for review by Staff. This element can be further enhanced with shrubbery (e.g. roses) that is attractive but also contributes to defining the edge and reinforcing the sense of barrier.
- 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. 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 could be reduced in size substantially, and lowered to assist the identification of the building and its entrance for visitors.
- As the design proceeds to working drawings, consider a more subtle colour contrast between glass and white metal panels.
- The three required handicapped stalls should be moved to the north side of the parking lot, so that no crossing of the driveway is required to access the building entrance.

Development Variance Permit Comments

Variance to Maximum Parking Requirements – Staff is supportive of the variance to allow parking in excess of the maximum number allowed, recognizing that this is likely an interim situation that will be resolved in the subsequent phases of development. Although there are 58 stalls provided in excess of the maximum allowed (193 proposed, where a maximum of 135 is allowed), these stalls are provided in areas that are intended to be built upon in Phases II and III.

Variance to Height – Staff is supportive of the variance to building height in this case.

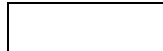
Variance to Loading Stalls – Staff is supportive of this variance to allow a reduction in the number of loading stalls from eight (8) to three (3). The applicant has designed the site to accommodate the specific needs of Shaw, such that there should be no spill-over onto adjacent properties or the public roads.

Variance to Bicycle Parking – Staff is supportive of this variance to allow a reduction in the number of visitor bicycle stalls to ten (10), where sixty-nine (69) would be required. In this case, the Bylaw requirement is excessively high for the proposed activity on the site. Trip-generation will be greatly reduced for visitors to the site since there is little retail activity, and Staff agrees with the applicant that 10 bicycle stalls should adequately accommodate that demand.

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Shelley Gambacort  
Acting Development Services Manager

Approved for inclusion



Mary Pynenburg, MRAIC MCIP  
Director of Planning & Development Services

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**ATTACHMENTS**

Location of subject property  
Rendering of Leckie Road Elevation  
Site Plan and Site Statistics  
Floor Plans (5 pages)  
Elevations (3 pages)  
Building Sections  
Landscape Plan  
3-D Rendering of Entrance  
Design Rationale (3 pages)  
Conceptual Images  
CPTED Analysis (2 pages)