
CITY OF KELOWNA
MEMORANDUM

DATE: September 4, 2007
FILE NO.: DP07-0185

TO: City Manager

FROM: Planning & Development Services Department

DEVELOPMENT PERMIT APPLICATION OWNER: NAVIGATOR
NO. DP07-0185 DEVELOPMENT ICON
CORPORATION

AT: 1151 SUNSET DR. **APPLICANT:** THE HULBERT GROUP /
VICTOR TAM

PURPOSE: TO SEEK A DEVELOPMENT PERMIT TO AUTHORIZE
CHANGES TO A PREVIOUSLY ISSUED DEVELOPMENT
PERMIT WHICH WILL PERMIT THE TOP OF THE PARKING
STRUCTURE TO BE RAISED 1.29M HIGHER THAN WAS
ORIGINALLY APPROVED.

EXISTING ZONE: RM 6 – HIGH RISE APARTMENT HOUSING ZONE

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DP07-0185 for Lot 5, DL 139, O.D.Y.D., Plan KAP76304, located on Sunset Drive, 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;

2.0 SUMMARY

The applicant is seeking a Development Permit to authorize changes to the previously approved Development Permit DP04-0018 in order to increase the height above grade

of the top of the proposed parking structure 1.29m higher than was originally approved. The overall building height remains the same as was authorized by DVP06-0202.

3.0 BACKGROUND

Applications DP04-0018 and DVP04-0019 were made in 2004 to authorize development of a multiple unit residential development on the site to create 7 town house units, and a 20 storey (64.7m) high residential tower designed to contain 82 residential units. In 2006, there was a Development Variance permit authorized to increase the height of the building to increase the building height to 21 storeys, and adjust the associated daylighting angles accordingly.

3.1 The Proposal

This Development Permit application has been made to raise the parking structure 1.29m higher than was previously approved in order that the building foundation can be raised to ensure that the foundation is constructed above the highest anticipated ground water elevation. This change has been triggered by the developer's structural and geotechnical consultants, and their concerns expressed regarding construction and dewatering required during the construction process. The applicant is not proposing any other changes to the proposed building, as the overall building height and daylighting angles will not change as the top of the proposed building will remain at the same elevation. The increase in the elevation of the top of the parking structure will be absorbed by reducing the floor to ceiling height of the lower two storeys of the proposed residential tower. The remainder of the building will remain the same. As well, there will be no change to the form and character of the proposed building.

There will be minor changes to the landscape plan to accommodate the increase height of the top of the parking structure above the adjacent sidewalk, which will require a longer flight of stairs. As well, the applicant has created several notched areas to the properties adjacent to the subject property to reduce the apparent height of the podium when viewed from the adjacent properties.

This application is being forwarded to Council for consideration, as the applicant was not able to obtain support from the neighbouring property owner.

The proposal as compared to the RM6 zone requirements is as follows:

CRITERIA	PROPOSAL	RM6 ZONE REQUIREMENTS
Site Area (m ²) (proposed lot)	5,868.48 m ²	1,700 m ²
Site Width (m)	92.4 m	30.0 m
Site Depth (m)	76.112 m	35.0 m
Site Coverage (%)	19.3% buildings 39.6% bldgs & pvmt	50% max. bldg, structures, parking areas and driveways
Total Floor Area (m ²)	12,843.55 m ² gross 10,976.42 m ² net	
F.A.R.	1.87	Base FAR = 1.5 + bonuses
Storeys (#)	21 storeys (66.7 m) ❶	16 storeys or 55 m max.
Setbacks (m)		
- Front (Sunset Dr.)	6.0 m	6.0 m min.
- Rear to building to parking structure	20.9 m 0.0 m ❶	9.0 m min.
- Northwest Side to building to parking structure	18.0 m 0.0 m ❶	4.5 m min.
- East Side to building to parking structure	6.0 m 0.0 m ❶	4.5 m min.
Private Open Space	Balconies 1,200 m ² Open space 1,101 m ²	1 - 1 br @ 12 m ² = 12 m ² 78 - 2 br @ 18 m ² = 1,404 m ² 14 - 3 br @ 18 m ² = 252 m ² 1,668 m ² open space req'd
Parking Stalls (#)	150 stalls provided	1 - 1br @ 1.25 = 1.25 78 - 2 br @ 1.5 = 117 14 - 3 br @ 2.0 = 28 147 stalls required
Bicycle Parking Stalls (#)		Class I 93 x 0.5 = 47 Class II 93 x 0.1 = 9

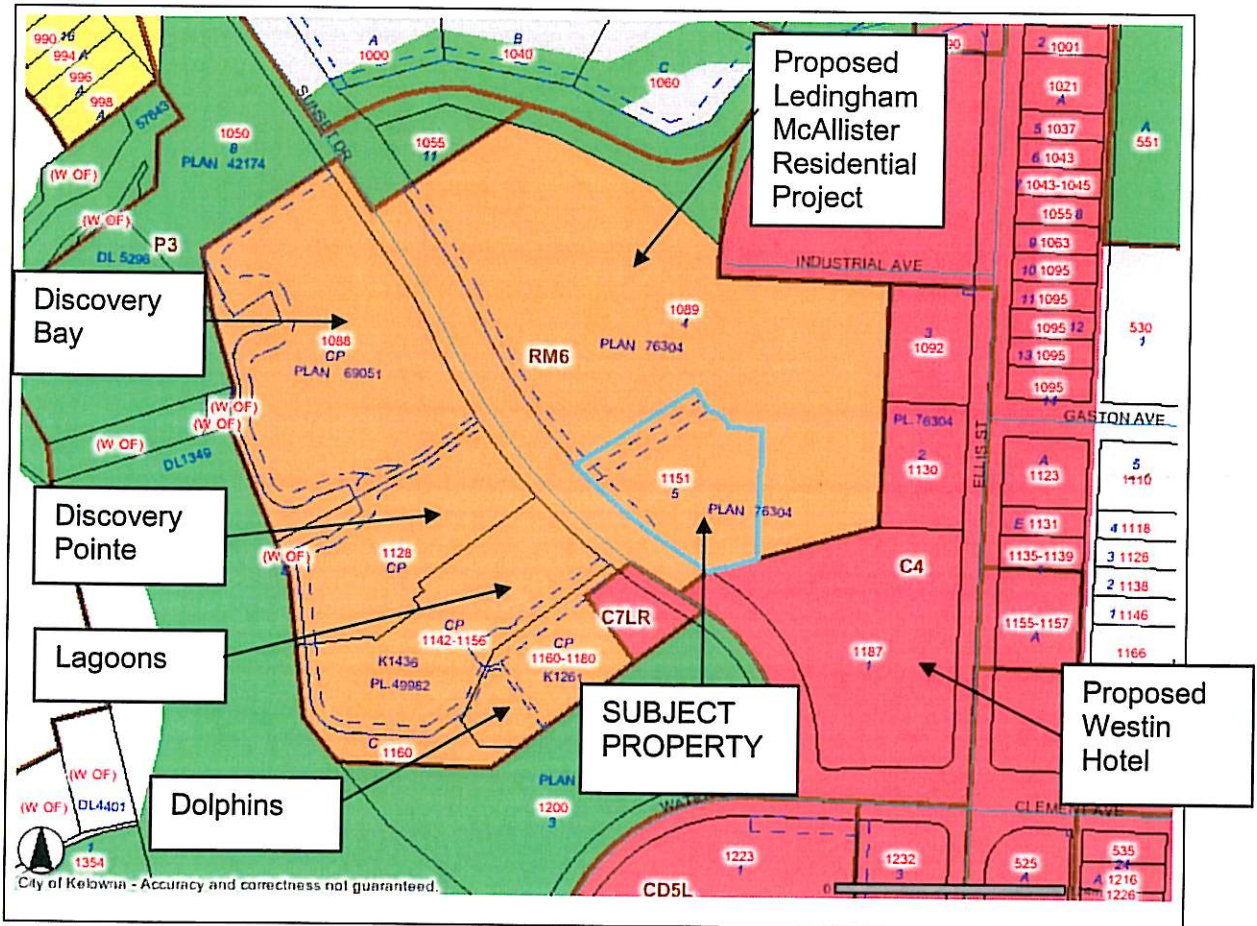
Notes;

❶ Variances approved under DVP06-0202

3.2 Site Context

The subject property is located within the former rail yard that was located on the east side of Sunset Drive, north of the commercial designated sites. The site is generally flat and level.

SUBJECT PROPERTY MAP



The adjacent zone uses are as follows:

- North - RM6 – Highrise Apartment Housing – Ledingham McAllister residential development (Waterscapes)
- East - RM6 – Highrise Apartment Housing – Ledingham McAllister residential development (Waterscapes)
- South - C4 – Urban Centre Commercial – Proposed Westin Hotel
- West - RM6 – Highrise Apartment Housing/Sunset Dr.- Dolphins & Lagoons

4.0 TECHNICAL COMMENTS

The original application had been circulated to various technical agencies and City departments in 2004. Those original DP and DVP applications addressed the major servicing issues.

There will be opportunity during the Building Permit review process for additional review of the technical issues associated with this project.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS


The proposed changes to the under-building parking structure to facilitate the raising of the parking slab and the top of the parking garage is not considered to change the resulting building development substantially. The increase in elevation of the top of the podium will not impact the overall height of the proposed building as the change in elevation is to be absorbed within the previously approved building envelope by reducing the ceiling height of the lower storeys of the proposed residential tower.

This application is being forwarded to Council for consideration as the applicant has not been able to receive support from the neighbouring property developer (letter attached).

Staff feel that the building designer has taken appropriate measures to mitigate the impact of the proposed change in top of slab elevation of the podium by notching the top corners of the parking garage around the perimeter and by revising the proposed landscape plantings in those locations.

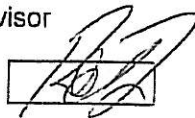
At the time of the previous application, it was agreed that any further changes or enhancements would be brought forward to Council as a separate application.

In conclusion, the Planning and Development Services Department supports this application and recommends for positive consideration by Council.



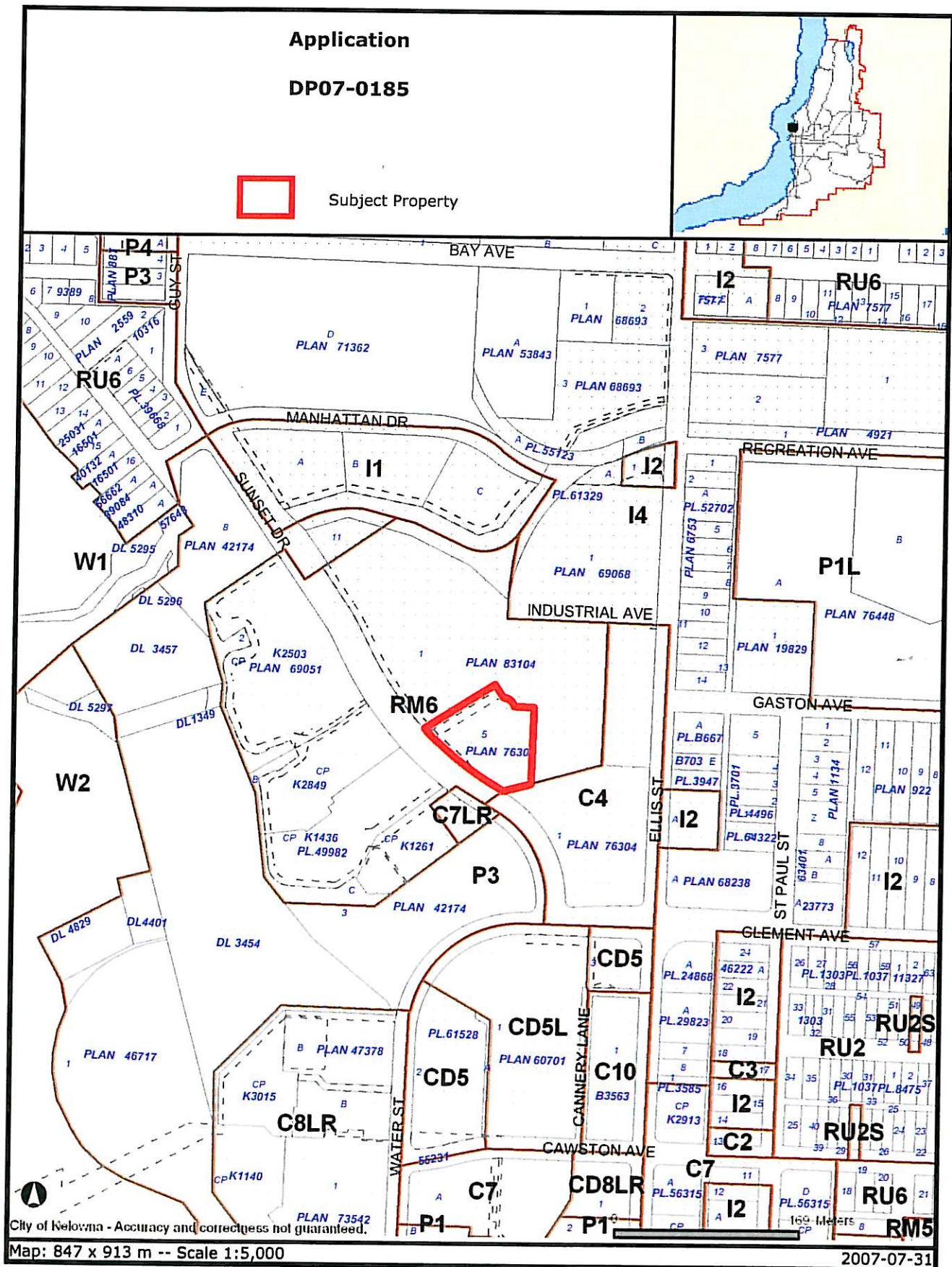
Shelley Gambacort
Current Planning Supervisor

Approved for inclusion




David Shipclark
Acting Director of Planning & Development Services

PMc/pmc
Attach.



City of Kelowna - Accuracy and correctness not guaranteed.

Map: 847 x 913 m -- Scale 1:5,000

2007-07-31

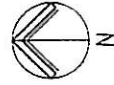
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

THE ICON
 1151 SUNSET DRIVE, KELOWNA, BC
 NAVIGATOR DEVELOPMENT ICON CORPORATION

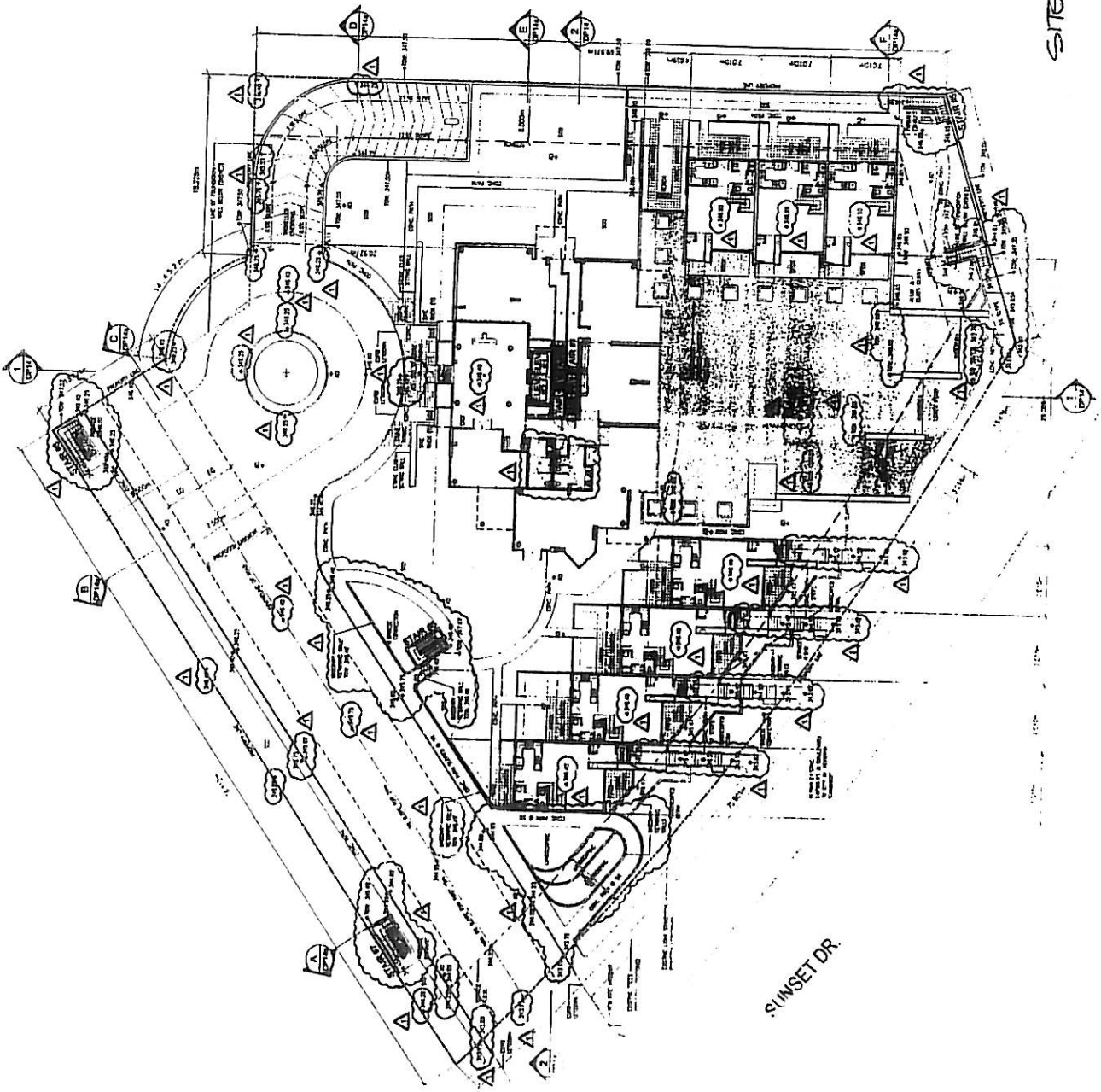
SITE PLAN /	DATE
CONCEPT PLAN	10/27/07
DRAWN BY	VT
CHECKED BY	VT
SCALE	1:200
PROJECT NO	0102

DP2

DATE: 10/27/07
 DRAWN BY: VT



SITE PLAN

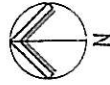


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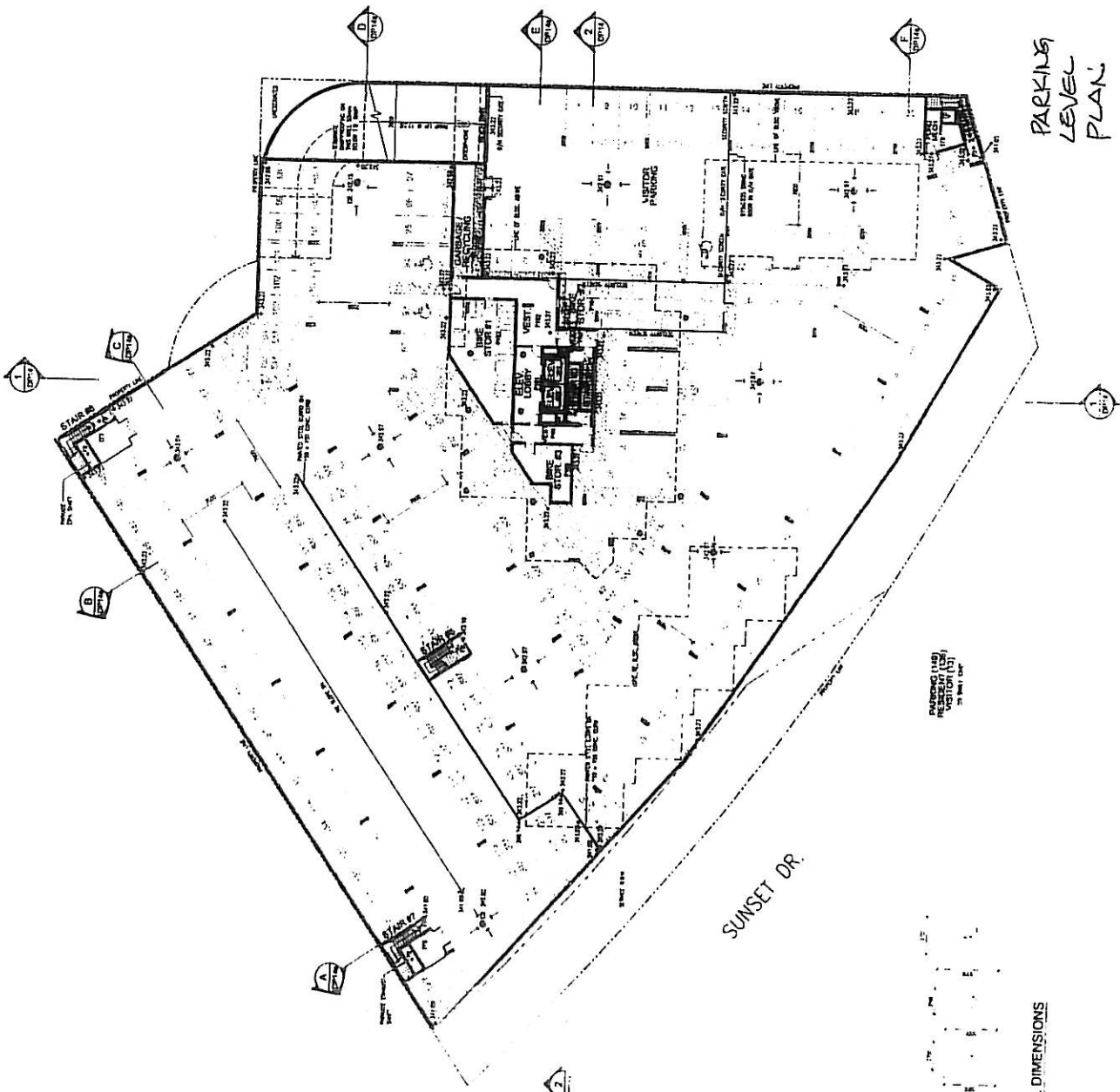
PARKING LEVEL PLAN
 DRAWN BY: VT
 CHECKED BY: VT
 SCALE: 1/200
 PROJECT NO.: 03103

DP3

DATE: 19 JULY 07
 PROJECT NO.: 03103



PARKING LEVEL PLAN



PARKING (110)
 VISITOR (15)
 125 BAY (10)

1) PARKING STALL DIMENSIONS



The Hulbert Group Incorporated, Inc.
 1400 West 10th Street, Suite 100
 Vancouver, British Columbia V6P 3E1
 TEL: (604) 681-1111 FAX: (604) 681-1112

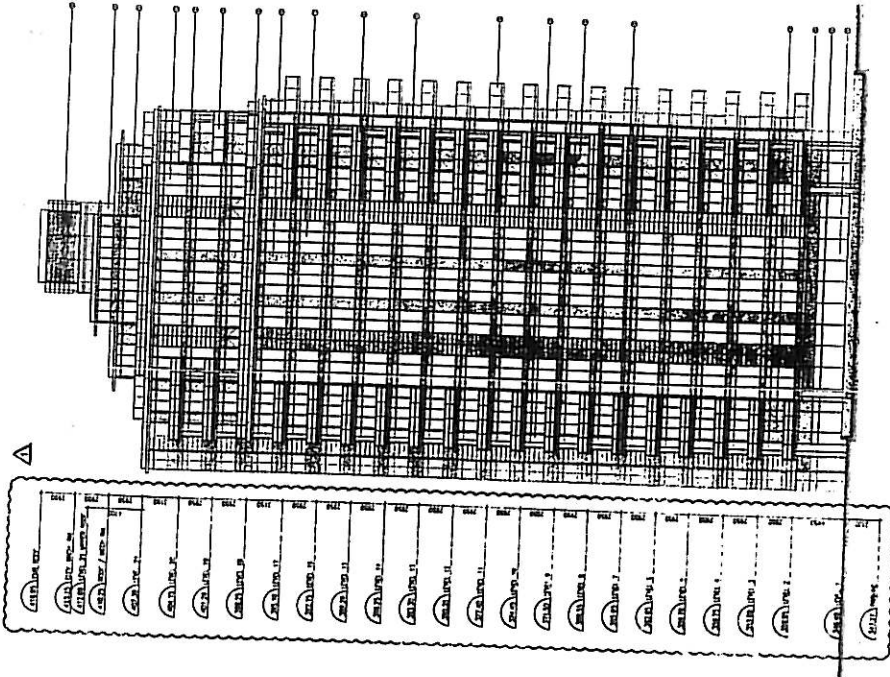
DATE / REVISION DATE
 DEVELOPER 10 OCT 06
 VARIANCE PERMIT
 O.P. APPROVED 18 JAN 07

THE ICON
 1151 SUNSET DRIVE, KELOWNA, BC
 NAVIGATOR DEVELOPMENT ICON CORPORATION

TOWER ELEVATIONS
 EAST & SOUTH
 DRAWN BY VT
 CHECKED BY VT
 SCALE 1:200
 PROJECT NO. 02102

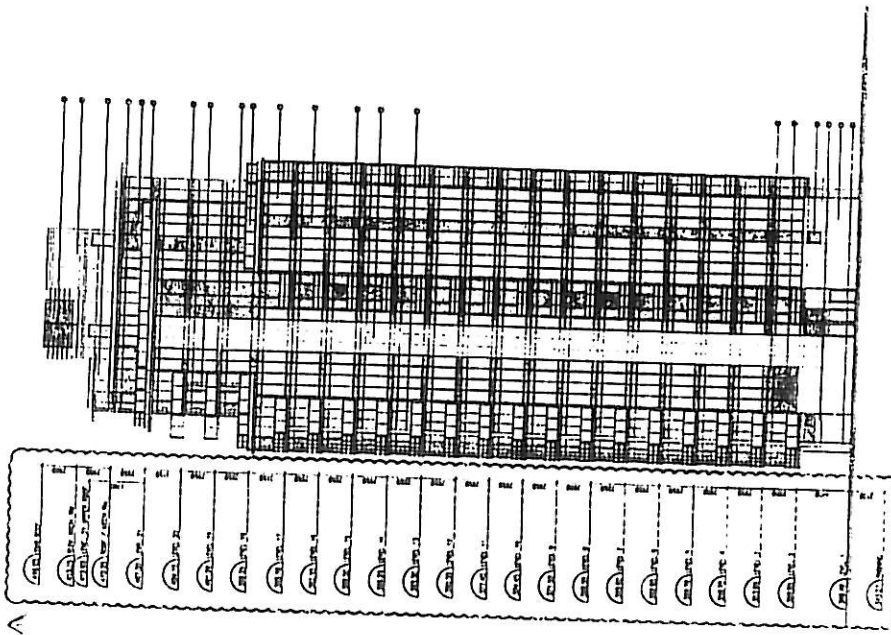
DP10

1151 SUNSET DRIVE
 KELOWNA, BC
 V1Y 1R1



2 SOUTH ELEVATION
 SCALE = 1:200

- MATERIALS LEGEND**
- ① VITRO GLASS IN ALUMINUM FRAMES
 - ② STAINLESS STEEL IN ALUMINUM FRAMES
 - ③ STAINLESS STEEL PANELS
 - ④ ALUMINUM CLADDING
 - ⑤ GLASS CURTAIN WALL SYSTEM
 - ⑥ ALUMINUM CLADDING SYSTEM



1 EAST ELEVATION
 SCALE = 1:200

The Hulbert Group Incorporated
 2180 Highway 10, Suite 100, Vancouver, BC
 V6L 2G6
 Tel: 604-275-7133 Fax: 604-275-7134

REVISION/REV	DATE
1	18 JULY 2007
2	18 JULY 2007
3	18 JULY 2007
4	18 JULY 2007
5	18 JULY 2007
6	18 JULY 2007
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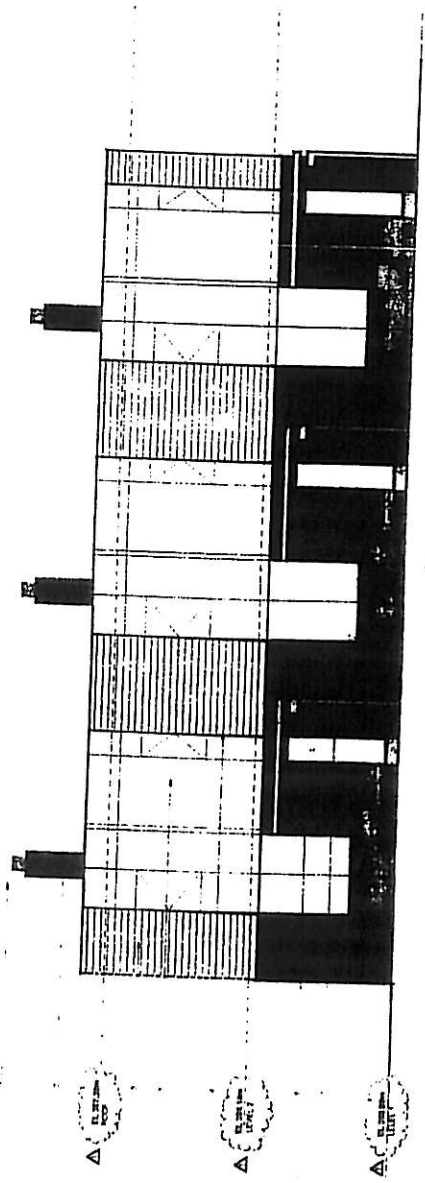
NOTE: NOT FOR CONSTRUCTION
 THIS DRAWING IS TO BE USED FOR INFORMATION AND COORDINATION PURPOSES ONLY

BRANDT'S CREEK CROSSING
 1175 SUNSET DRIVE, KELOWNA, BC
 FOR: CASCADIA PACIFIC DEVELOPMENTS INC.

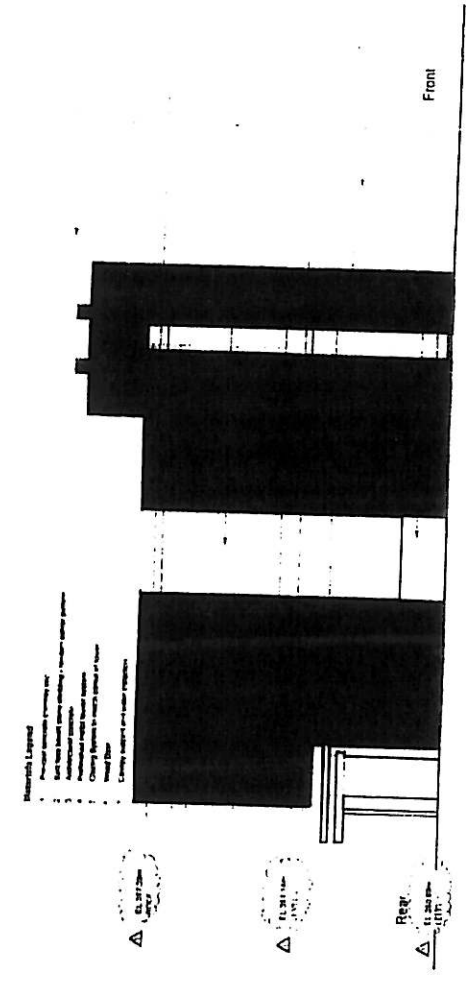
TOWNHOUSE
 ELEVATION REAR &
 ELEVATION SIDE

CD102 1:50
 18 JULY 2007

DP13



Rear Elevation



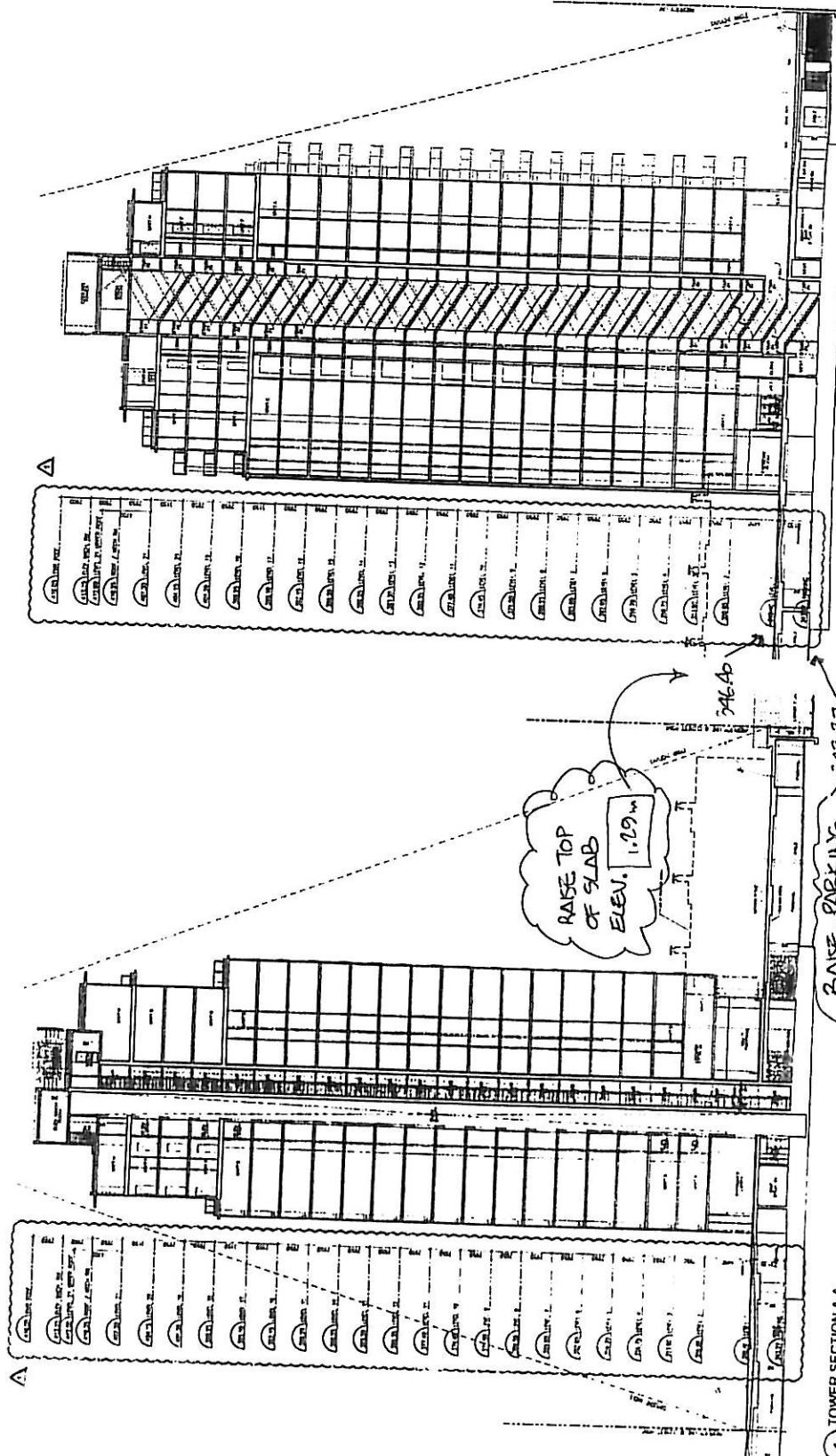
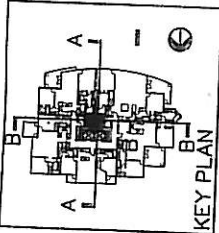
Side Elevation

Front

PROJECT NO. 0120
 SCALE 1/200
 CHECKED BY VI
 DRAWN BY VI
 TOWER SECTIONS
 A-A AND B-B

DP14

DATE: 10 OCT 05
 DRAWN: VI
 CHECKED: VI
 SCALE: 1/200
 PROJECT NO: 0120



REVISED AUG 2007

REVISION / REV.	DATE

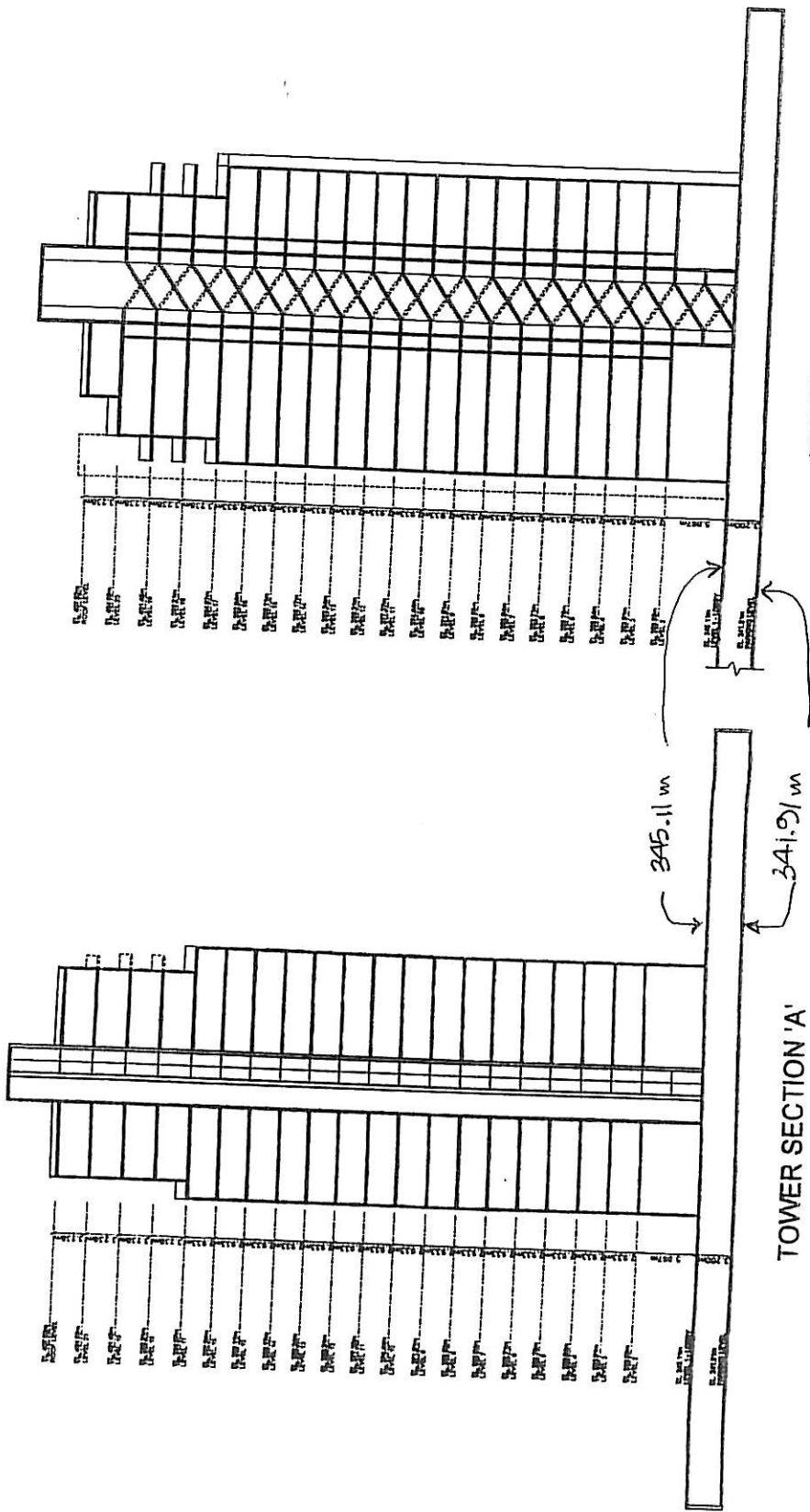
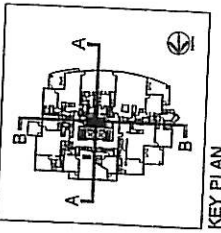
NOTE: NOT FOR CONSTRUCTION
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BRANDT'S CREEK CROSSING
1775 SUNSET DRIVE, KELOWNA, BC
FOR: CASCADIA PACIFIC DEVELOPMENTS INC.

BUILDING SECTIONS

DATE	2004.02.12
PROJECT NO.	03102
DATE	10.20
DATE	FEBRUARY 02, 2004

DP14



TOWER SECTION 'B'
ORIGINAL 2004
— FROM APPROVED SET —
D104-0012



1151 Sunset Drive, Kelowna, BC
 V1Y 9S7
 TEL: (250) 868-1111
 FAX: (250) 868-1112
 WWW: www.hulbertgroup.com

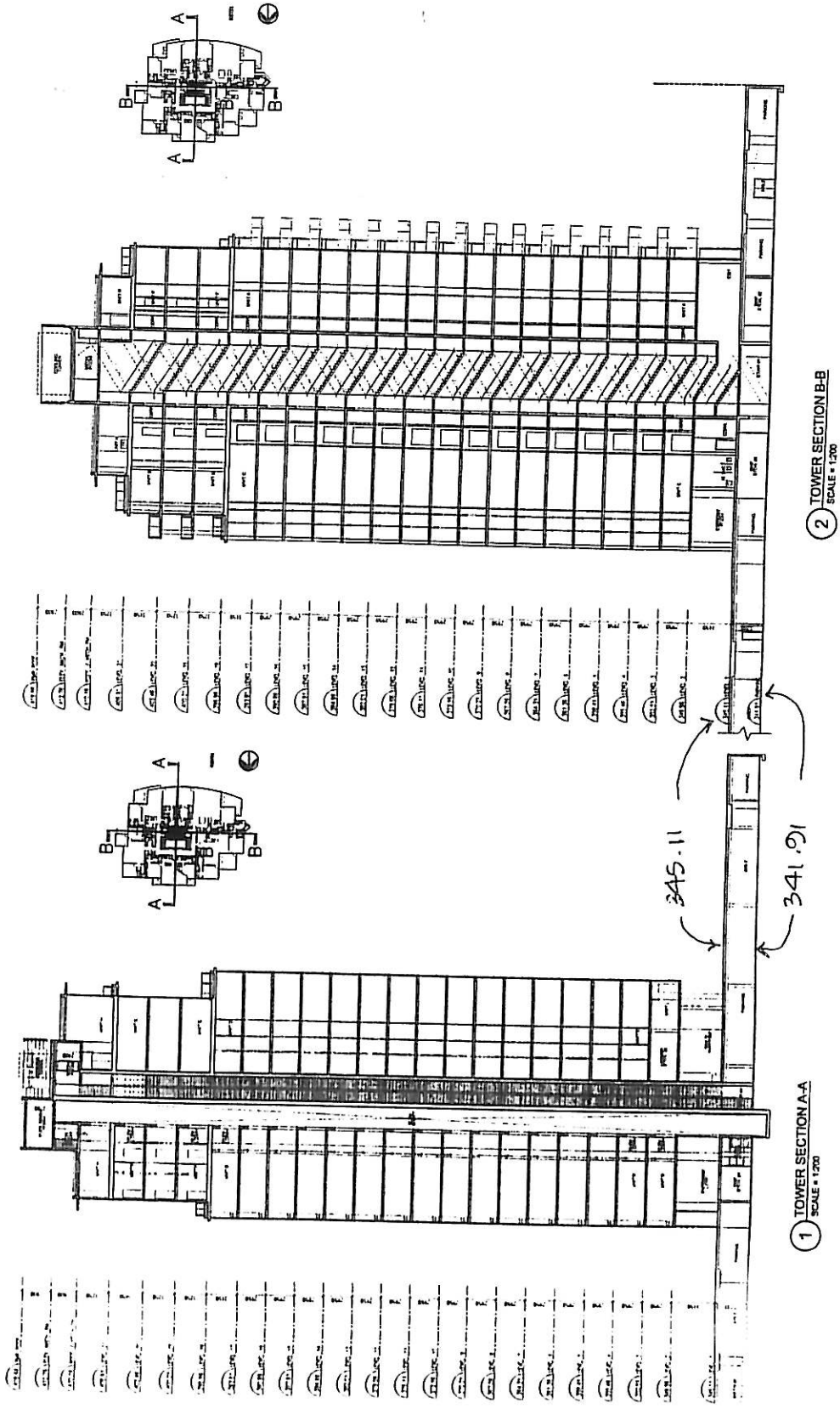
THE ICON
 1151 SUNSET DRIVE, KELOWNA, BC
 NAVIGATOR DEVELOPMENT ICON CORPORATION

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TOWER SECTION A-A 1/8" = 1'-0"
DRAWN BY: VT
CHECKED BY: VT
SCALE: 1/2" = 1'-0"
PROJECT NO.: 0102

DP14

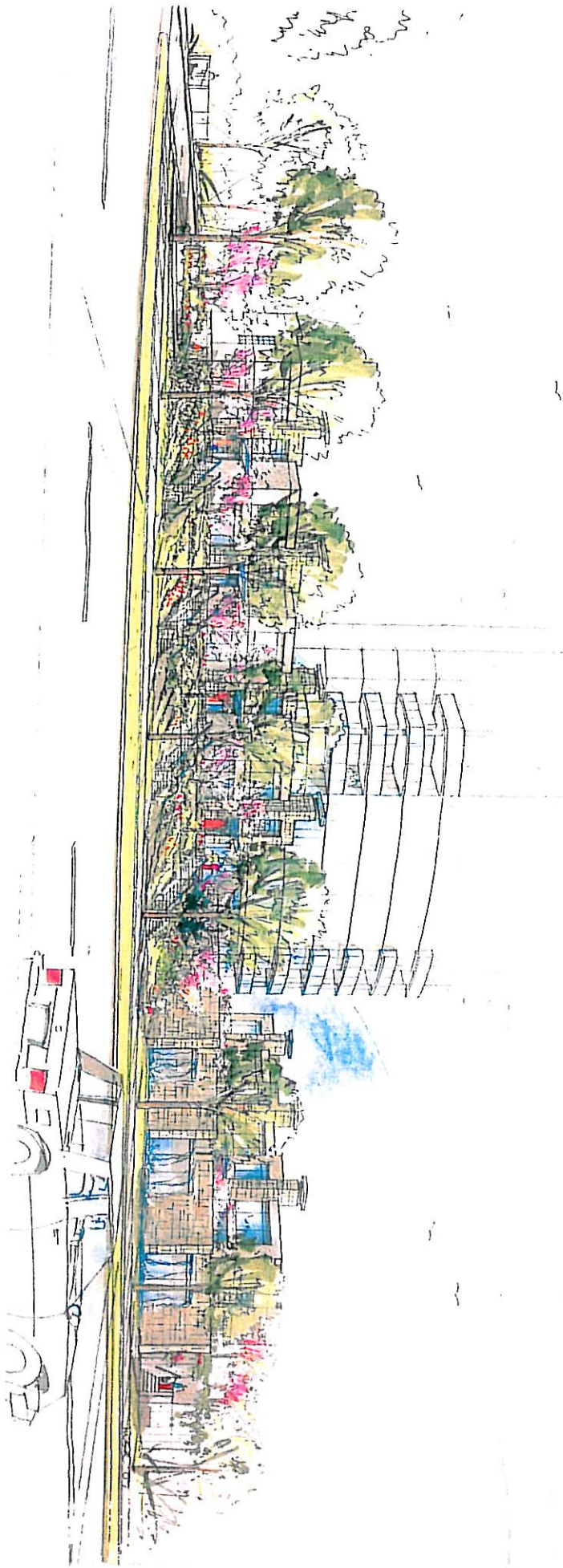
DATE: 10 OCT 06
 PROJECT: 1151 SUNSET DRIVE

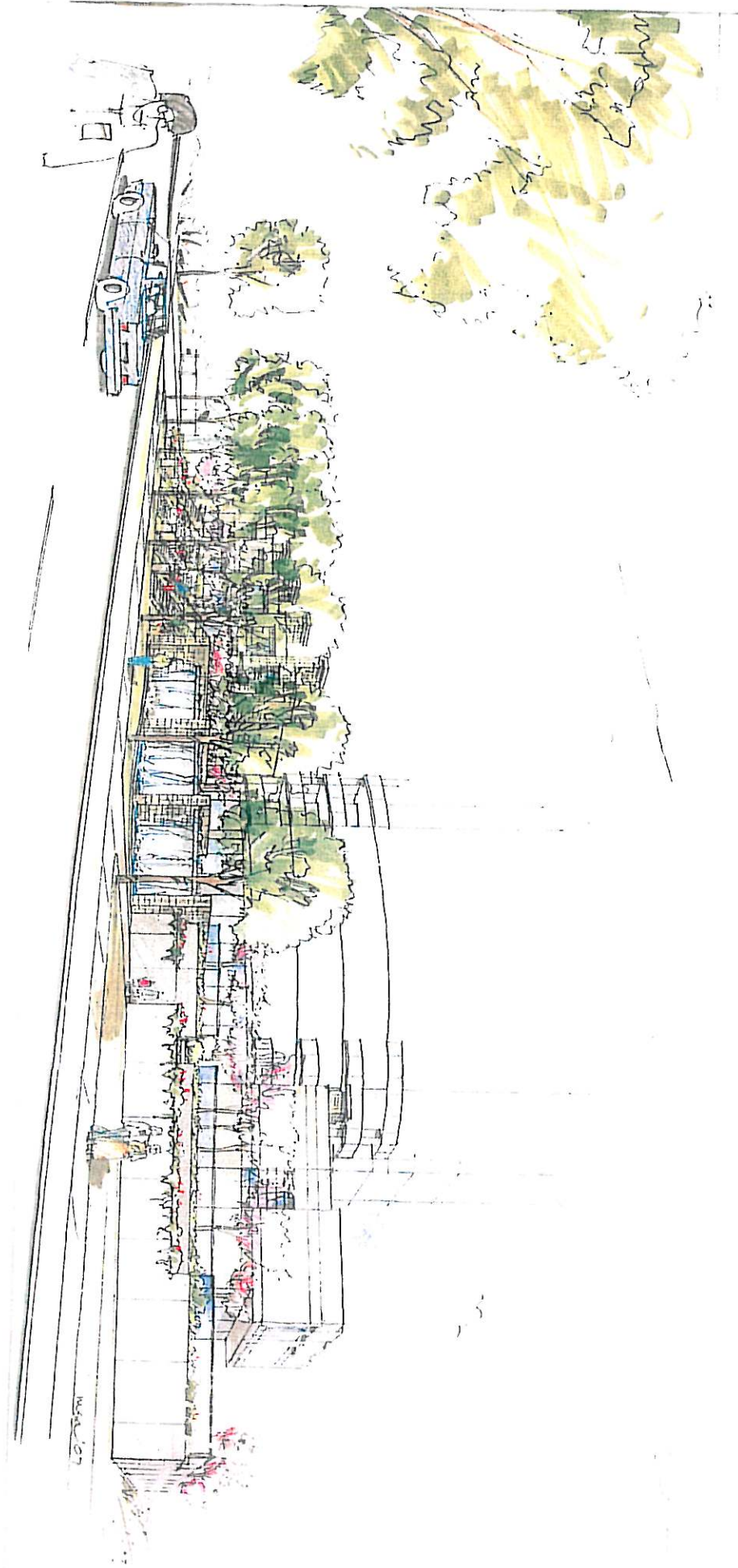


REVISED DUP06-0102
 NOV 2006

1 TOWER SECTION A-A
 SCALE = 1/2" = 1'-0"

2 TOWER SECTION B-B
 SCALE = 1/2" = 1'-0"







SOUTH ELEVATION (SUNSET DRIVE)





LEDINGHAM McALLISTER

#800, 1199 West Hastings Street, Vancouver, BC, Canada V6E 3T5 662-3700 Fax: 684-9004

TRANSMITTAL SHEET

To: Paul McVey Company: City of Kelowna
From: John O'Donnell Project: ICON
Date: August 31, 2007 Copy to:

We are transmitting by FAX 3 pages (including cover sheet) FAX Number: 250 862 3320

Please find enclosed a copy of a letter re DP amendment for the ICON.

**LEDINGHAM McALLISTER**

#800-1199 West Hastings Street, Vancouver, B.C. V6E 3T5 604.662.3700 Fax: 604.684.9004

August 31, 2007

Navigator Development Corporation
1415 – 28 Street N.E.
Calgary, Alberta, T2A 2P6

Attention: R.A. Horness, B.A., CET, President

Dear Sir;

RE: The Icon – City of Kelowna

We are writing in response to the information provided to us on July 20, 2007.

As you know, we started the design of our development subsequent to approval of the Development Permit that defined the form and character of the ICON development. Our design for Waterscapes continued to support a strengthened streetscape with the introduction of our lower scale townhouses and street details.

We have met a number of times with Navigator and their architect to review our concerns with the changes proposed to raise the ICON parkade out of the ground. Navigator has made significant improvements to the edges of their parkade where it abuts our parkade. We were very concerned that our ground floor residents would be looking out their windows to blank parkade walls but this has been improved.

However we remain concerned that the raising of the ICON parkade will totally compromise the appearance and pedestrian feel of the Sunset Drive streetscape. The 8 or 9 foot climb up the townhome stairs will not provide the street friendly connection between the townhome front yards and the Sunset Drive sidewalk that was a feature of the original design.

On a technical note we understand the reason the parkade is being raised out of the ground is to reduce the amount of ground water that must be pumped from under the parkade on an ongoing basis. We note that a significant part of the ICON parkade will still be down at the same level as our parkade and that this area will likely act as a "well point" and still will draw water from under the areas of the parkade that have been raised. We remain concerned that a significant compromise is being made to the original approved design and there is no guarantee that it will result in a significant reduction in ground water pumping.

We understand that the City has asked that we provide a letter of support for the proposed amendment to the Development Permit and while we certainly appreciate the parkade edge refinements that have been made to date we remain very disappointed with and cannot support the proposed Development Permit amendments to the Sunset Drive parkade walls, townhome entry stairs and South elevation of the parkade.



LEDINGHAM McALLISTER

#800-1199 West Hastings Street, Vancouver, B.C. V6E 3T5 604.662.3700 Fax: 604.684.9004

Yours truly,

J Stock

Signed on behalf of
Ward McAllister, President and CEO

cc. J O'Donnell, Vice President Development
Paul McVey, Planning and Development officer, City of Kelowna