

AND FURTHER THAT the Official Community Plan and zone amending bylaw be forwarded to a Public Hearing for further consideration.

2.0 SUMMARY

The applicant is proposing to build a Community Arts Centre within the emerging Cultural District located between Skyreach Place and the Library Parkade. The new lot will encompass the existing Art Gallery as well as the proposed 3,827 m² Community Arts Centre. The applicant is proposing to adapt the existing building, which was previously occupied by Growers' Supply. The proposal will contain a 300 – seat theatre, a set shop, a theatre/dance rehearsal hall, working studios for visual artists, a pottery studio with a kiln and a community art gallery. In addition, arts compatible retail is proposed as well as a ground floor bistro and a second floor wine bar. The applicant is proposing to add to the existing structure by adding the two-storey theatre portion along the Cawston Avenue frontage, as well as an atrium along the west building frontage which will create additional space for gatherings.

3.0 ADVISORY PLANNING COMMISSION

The Advisory Planning Commission reviewed the proposed application at the October 10, 2000 meeting, and had the following recommendations:

That the Advisory Planning Commission supports rezoning application No. Z00-1045 by the City of Kelowna;

AND THAT, in order that the decision making process is transparent and open, we strongly recommend that a voluntary Development Permit application be processed through the Planning and Development Services Department so that the general public has an opportunity to be heard by forum.

It is also noted at a subsequent meeting of the Advisory Planning Commission, that concerns for public input were again discussed. The Commission wanted to ensure that the general art community has a chance for input into the design and potential uses of the building to ensure their goals of a self sustaining building are able to be achieved. The Commission understands that the Development Permit process does not specifically address public concerns, and therefore, wish City staff to address the use of the building through the rezoning process which includes a public hearing.

3.0 BACKGROUND

3.1 The Proposal

The subject property is located on the south side of Cawston Avenue between Water Street and Ellis Street. Several properties, including some closed lanes, have recently been consolidated to create one parcel which is split zoned P1- Major Institutional and I4

– Central Industrial. The applicant wishes to rezone the consolidated property to the C7 – Central business zone in order to develop the site as a Community Arts Centre. The consolidated site is made up of the existing Art Gallery, the previous Growers Supply building site, and south along the new north spine pedestrian corridor to Smith Avenue (see attached map A.)

The proposed Community Arts Centre is envisioned to be the focal point and heart of the Cultural District. The Cultural District will extend Kelowna's downtown by way of existing streets and a major new pedestrian spine. The intent of the Arts Centre design is to incorporate a new outdoor commons area, a new community theatre, a public “veranda” onto a new pedestrian corridor, and a building with a historical background as it was originally used as a fruit packing warehouse. The purpose of the project is to provide a self sustaining Community Arts Centre.

The site consists of the existing art gallery, a grassed common area with an outdoor stage and seating area, locations for public art, a pedestrian corridor lined with a trellis structure, which provides a grape arbour, as well as the Community Arts Centre.

The Community Arts Centre will utilize the existing building for a gallery, pottery shop, dance studio / multi-media area, administration area, print making area, and a studio area. The proposed rehearsal hall, green room, dressing rooms and set shop are all associated with the new theatre which will be added to the north face of the building along the Cawston Avenue frontage. A second storey will also be added and will include seating for the theatre, an additional wine bar area, as well as additional retail and studio space. Other additions to the main floor of the building include an atrium, bistro and wine bar, and retail area.

The materials of the structure will include the use of red wood screens as a reminder of the humble fruit crate and symbolizing the historical use of the building. Other materials that will be utilized are panelized concrete blocks with wood reveals, glulam structural beams with steel structures, poured concrete plinths, galvanized steel and a prefinished steel roofing system. A Direct Development Permit will be considered subsequent to the final adoption of the Zoning Bylaw.

The proposal meets the requirements of the C7 – Central Commercial zone as set out in the following chart.

CRITERIA	PROPOSAL	C7 ZONE REQUIREMENTS
Site Area (m ²)	12,400 m ²	200 m ²
Site Width (m)	42.489 m	6 m
Total Floor Area (m ²) Gallery Community Arts Centre	1369 m ² 3827 m ² Total 5192 m ²	62,000 m ²
F.A.R.	0.4	5.0 maximum
Storeys (#)	13 m/2 storeys	6 storey or 22 m
Setbacks (m) Community Arts Centre		
- Front (Water Street)	6.15 m	0 m
- Rear (east)	106.7 m	0 m
- North Side (Cawston Avenue)	7.5 m	0 m
- South Side	6.5+ m	0 m
Setbacks (m) Art Gallery		
- Front facing west towards the Art Gallery	+/-85 m	0 m
- Rear (east towards Laurel Building)	+/-6 m	0 m
- North Side (Cawston Avenue)	0 m	0 m
- South Side	+/-17 m	0 m
Bicycle Parking: Art Gallery Community Arts Centre	6 stalls 20 stalls 4 stalls Note 1	6 stalls 20 stalls type 2 4 stalls type 1
Parking Stalls (#)	# possible on site: 58 Purchased 27 Note 2	Total area 5196 multiplied by 1.3 divided by 100 = 67.54 or 68 required:
Loading Stalls (#) Art Gallery	1 Loading	1 Loading

Note 1: The Development Permit diagrams will provide for bicycle parking as part of the overall layout.

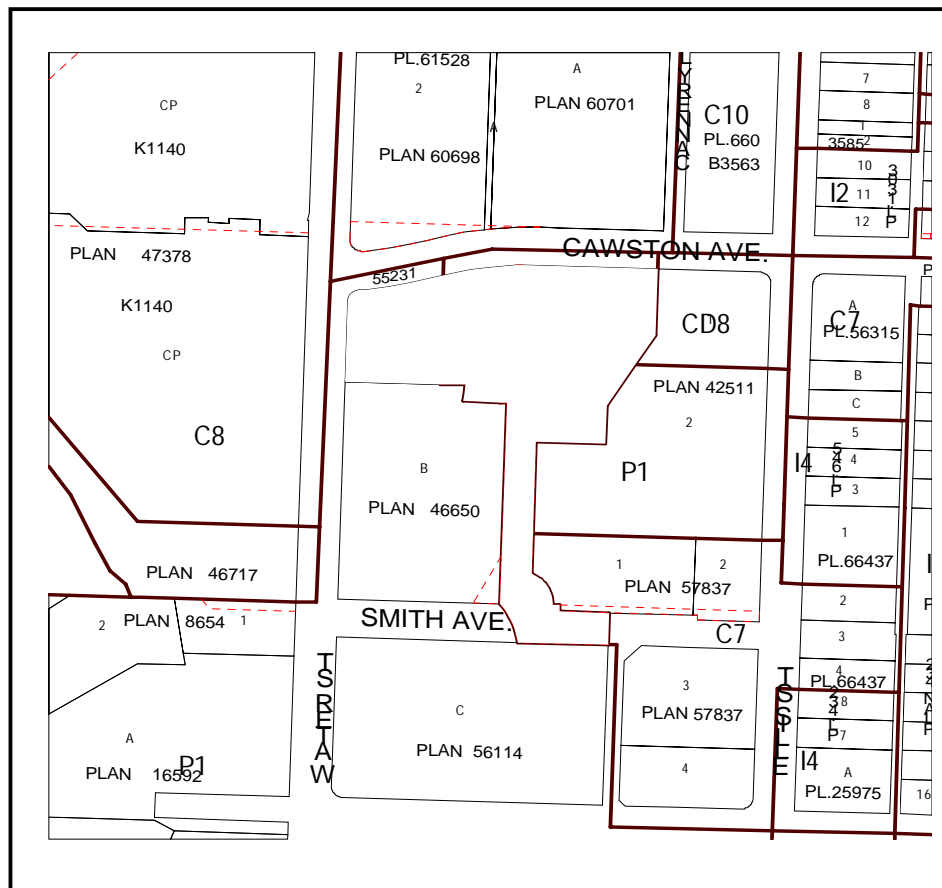
Note 2: The required Parking is 68 stalls with the current estimate for on site parking at 58 stalls. This requires an additional 10 parking stalls for the site. The City paid for 27 parking stalls at the time the Art Gallery was constructed for a total cost of \$205,500.00. There would be a credit of 17 stalls or \$127,500.00 with the current project.

3.2 Site Context

The site is located immediately north and east of the Law Courts Building, on the south east corner of Cawston and Water Street.

The adjacent zones and uses are, to the:

- North - CD5 – Multi- Purpose Facility
- East - CD8 – Laurel Building
- South - P1 – Major Institutional, Health Unit and C7 Central Business zone
Parkade and Library Complex
- West - C8 – Convention Hotel Commercial, The Grand



3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

The proposed zoning of C7- Central Business is not consistent with the Educational/Major Institutional designation of the Official Community Plan. The use, however, is consistent with the objectives of the Arts and Cultural Policies as set out in section 8.8. Three of the policies are clearly met by the addition of a Community Arts Centre as follows:

- Policy #5 which states” Arts Exhibition Space: Co-operate with other agencies to provide to arts exhibition space throughout the City to be made available to the arts community.”
- Policy # 11 which states: ” Development: Support new development and re-development to meet the needs for arts and cultural facilities within the City of Kelowna.”
- Policy # 13. which states “Educational Services to Arts: Collaborate with the Kelowna and District Arts Council and other agencies to support educational services to the arts community, which help artists to market and exhibit their work.”

Furthermore, the proposed commercial use is generally compatible with the uses existing and supported for the future in this general area of the City.

3.3.2 City of Kelowna Strategic Plan (1992)

The proposal is consistent with the Primary Goal #13: To encourage and support a vibrant and lively arts community as well as Objective 4.7 which states “To enable the development of a vibrant arts and cultural community in the City.”

3.3.3 Cultural District Plan

The proposal is consistent with the draft Cultural District Plan which went before Council on October 16, 2000, which designates the site for a Community Arts Centre.

3.3.4 Kelowna Centre Plan (1992)

The Kelowna Centre Plan proposed a mixed use building comprising commercial and multi family. This plan, in some ways, has been superseded by the Cultural District Plan, which went before Council on October 16, 2000.

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

BC Gas

Existing 42 mm PE Gas main falls under ROW KP82789 and registration No. KAP67455 therefore it is unaffected by the proposed changes.

Fire Department:

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

Parks Department

Streetscape landscaping to be done in accordance with the Municipal Tree Bylaw along with the streetscape designs, and will be reviewed by Parks Department staff.

Shaw Cable

Developer/contractor to supply and install conduit system as per Shaw standards and specifications.

Works & Utilities

The Works & Utilities Department have the following comments associated with this rezoning application.

1. Domestic Water and Fire Protection

- (a) The water systems on all fronting streets are adequate to support the proposed land uses.
- (b) Adequately sized water services will be required and must be installed by the City at the time of redevelopment. The existing Community Arts Centre presently has one 50mm diameter water service and one 25mm diameter service. These services may continue to be used until the new building design is finalized, at which time the water service requirements will be reassessed.
- (c) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of

application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost.

If there is to be landscaping on the site, the developer must also purchase an irrigation sewer credit meter from the City and prepare a meter setter at his cost.

2. Sanitary Sewer

- (a) The existing sanitary sewer systems in the fronting streets are sufficient to support the proposed uses.
- (b) The existing Grower's building is provided with a sewer service,

3. Storm Drainage

- (a) There is an existing storm drainage system on Cawston Ave. No additional street system upgrading is required of this property. When the Community Arts Centre is redeveloped, it may be necessary for the development to install a storm drainage service for overflow storm drainage relief for this site.
- (b) The developer must engage a consulting civil engineer to provide a storm water management plan for this site which meets the requirements of the City Storm Water Management Policy and Design Manual. The plan must accommodate the requirements to contain a 1 in 10-year storm event within pipes and identify overland drainage routes for a 100-year storm event with consideration for upstream water sources and downstream facility upgrading and/or provision of storm water retention facilities. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), storm water services for each lot created and/or on-site drainage containment and disposal systems. The on-site drainage system may be connected to the street drainage system with an overflow service at the developer's cost, with approval from the City drainage engineer.

4. Road Improvements

- (a) Cawston Avenue is mostly upgraded to an urban standard, but the existing sidewalk is not a normal monolithic standard. When the Community Arts Centre is redeveloped, the sidewalks can be reconstructed to the style desired at the development's cost.

5. Road Dedication and Subdivision Requirements

No requirements at this time.

6. Electric Power and Telecommunication Services

The electrical and telecommunication services for the proposed development and the local utility distribution cables in the public roads abutting the development, must be installed in an underground duct system. The building should also be connected by an underground service. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost.

7. Street Lighting

Street lighting will be addressed when the development streetscape designs are reviewed.

8. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked "issued for construction" by the City Engineer before construction may begin.

9. Development Cost Charge Reduction Consideration

Not applicable.

10. Latecomer Protection

Not applicable.

11. Geotechnical Report

As a requirement of this application and / or prior to issue of a building permit, comprehensive geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics, including water sources on the site and overland surface drainage courses traversing across or influencing this property.
- (b) Site suitability for development; i.e., unstable soils, etc.

- (c) Drill and/or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyze soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

12. Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

13. Bonding and Levy Summary

No requirements.

14. Development Permit and Site Related Issues

- (a) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures.
- (b) The development will be required to contain and dispose of site generated storm water on the site by installing a ground recharge system consisting of drywells and perforated pipe bedded in drain rock.
- (c) Access and Manoeuvrability

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.

5.0 PLANNING COMMENTS

Civic Properties has been working with the various departments and agencies to advance the proposed project. The subdivision consolidating the lots has now been registered. The design work is currently underway for the building which has been conceptually proposed through the fund raising campaign. The Planning and

Development Services Department has no concerns with the proposal as it meets the intent of the Official Plan and the proposed uses conform to the requested zoning. Although the proposed zone is a commercial zone, it permits the cultural uses as well as the retail and other uses such as commercial schools, which allow the proponents the latitude to develop a self-sustaining centre.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning and Development Services

BW/hb
Attach.

FACT SHEET

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|--|---|
| 1. APPLICATION NO.: | OCP00-009/Z00-1045 |
| 2. APPLICATION TYPE: | Official Community Plan Amendment and Rezoning |
| 3. OWNER: | City of Kelowna |
| • ADDRESS | 1435 Water Street |
| • CITY | Kelowna, BC |
| • POSTAL CODE | V1Y 1J4 |
| 4. APPLICANT/CONTACT PERSON: | Ross Hyatt, Civic Properties |
| • ADDRESS | As above |
| • TELEPHONE/FAX NO.: | 862-3339 ext. 383/470-0699 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | September 19, 2000 |
| Date Application Complete: | N/A |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to Council: | November 10, 2000 |
| 6. LEGAL DESCRIPTION: | Lot A, D.L. 139, Plan KAP67454, ODYD, Sec 25, TWP 25 |
| 7. SITE LOCATION: | The Southeast corner of Water Street and Cawston Avenue and east on Cawston Avenue |
| 8. CIVIC ADDRESS: | 421 Cawston Avenue |
| 9. AREA OF SUBJECT PROPERTY: | 12,400 m ² |
| 10. AREA OF PROPOSED REZONING: | 12,400 m ² |
| 11. EXISTING ZONE CATEGORY: | I4 – Central Industrial |
| 12. PROPOSED ZONE: | P1 – Major Institutional |
| 13. PURPOSE OF THE APPLICATION: | C7 – Central Business Commercial |
| 14. MIN. OF TRANS./HIGHWAYS FILES NO.: | To rezone the site to permit the existing Art Gallery and a New Facility for the Visual and Performing Arts |
| NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY | |
| 15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | Urban Town Centre General Commercial; no modification to map 13.2 will be required. |

Attachments

State of Title
Subject Property Map
8 pages of site elevations / diagrams