
CITY OF KELOWNA

MEMORANDUM

Date: December 31, 2001
File No.: (3360-20) **OCP01-012/Z01-1047**

To: City Manager

From: Planning & Development Services Department

Subject:

APPLICATION NO. OCP01-012 / OWNER: CANADA LANDS CO. CLC
Z01-1047 LTD.

AT: 1175 SUNSET DRIVE APPLICANT: CANADA LANDS
COMPANY /
DALE KNOWLAN

PURPOSE: TO AMEND THE CITY OF KELOWNA OFFICIAL COMMUNITY
PLAN TO CHANGE FUTURE LAND USE DESIGNATION OF
THE SUBJECT PROPERTIES FROM MULTIPLE FAMILY
RESIDENTIAL – HIGH DENSITY TO COMMERCIAL FUTURE
LAND USE,

TO REZONE THE SUBJECT PROPERTIES FROM THE RM6 –
HIGH RISE APARTMENT HOUSING ZONE TO THE C4 – TOWN
CENTRE COMMERCIAL ZONE TO PERMIT THE USE OF THE
SUBJECT PROPERTY IN CONJUNCTION WITH ADJACENT
LOTS FOR A HOTEL USE

EXISTING ZONE: RM6 – HIGH RISE APARTMENT HOUSING

PROPOSED ZONE: C4 – TOWN CENTRE COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT OCP Bylaw Amendment No. OCP01-012 to amend Map 15.1 Schedule “A” of the Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600 be amended by changing the Future Land Use designation of; Lot 8, DL 139, O.D.Y.D., Plan KAP68693, and part of Lot 7, DL 139, O.D.Y.D., Plan KAP68693, Located on Sunset Drive, from Multiple Family Residential – High Density to Commercial as shown on Map “A” attached to the report of the Planning and Development Services Department, dated December 31, 2001, be considered by Council;

THAT Rezoning Application No. Z01-1057 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8, DL 139, O.D.Y.D., Plan KAP68693, and part of Lot 7, DL 139, O.D.Y.D., Plan KAP68693, as shown on Map "A" attached to the report of the Planning and Development Services Department, dated December 31, 2001, located on Sunset Drive, Kelowna, B.C., from the RM6 – High Rise Apartment Housing zone to the C4 – Town Centre Commercial zone;

AND THAT the Official Community Plan Bylaw Amendment No. OCP01-012 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a plan of subdivision in the Land Titles Office in Kamloops for the required lot consolidation;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna.

2.0 SUMMARY

The applicant wishes to rezone the subject property from the existing RM6 – High Rise Apartment Housing zone to the C4 – Town Centre Commercial zone in order to facilitate the consolidation of the subject property and part of lot 7, Plan 68693 with two adjacent lots (Lots 9 & 10, Plan 68693) to form a development site to permit the construction of a new hotel complex. As the future land use designation of the subject property is shown in the Official Community Plan as "Multiple Family Residential – high density", an application for an OCP amendment had been made concurrently with the rezoning application to change the future land use designation to Commercial to support the change in zoning. It will be necessary for a Development Permit application to be considered by Council prior to final adoption of the zone amending bylaw.

2.1 Advisory Planning Commission

The above noted applications were reviewed by the Advisory Planning Commission at the meeting of October 9, 2001 and the following recommendations were passed:

THAT the Advisory Planning Commission supports development applications OCP01-012 and Z01-1047 by Canada Lands Company (Dale Knowlan) to amend the future land use Designation of the Official Community Plan from Multiple Family Residential – High Density to Commercial, and to rezone from the RM6 – High rise apartment Housing Zone to the C4 – Town Centre commercial zone , to allow for a future hotel development.

3.0 BACKGROUND

3.1 The Proposal

The subject property is located within the Downtown North Area Structure Plan boundaries (Canada Lands). An Area Structure Plan was commenced in 1996 and adopted by Council in December 2000. This current application seeks to rezone the subject property and part of Lot 7, Plan 86893 with a view to consolidating it with the adjacent Lots 9 & 10, Plan 86893 in order to create a 1.542 Ha. (3.8ac). development site. It is anticipated that the site will be developed with a hotel complex in the future.

At this time, the applicant has made application for rezoning only on the understanding that there will be a Development Permit application being made prior to final adoption of the zone amending bylaw. Canada Lands has advertised for a "Request for Proposals" for a hotel project on Lots 8, 9, & 10 Plan 68693 on August 1, 2001, and anticipate the successful proponent making application for a Development Permit in the near future.

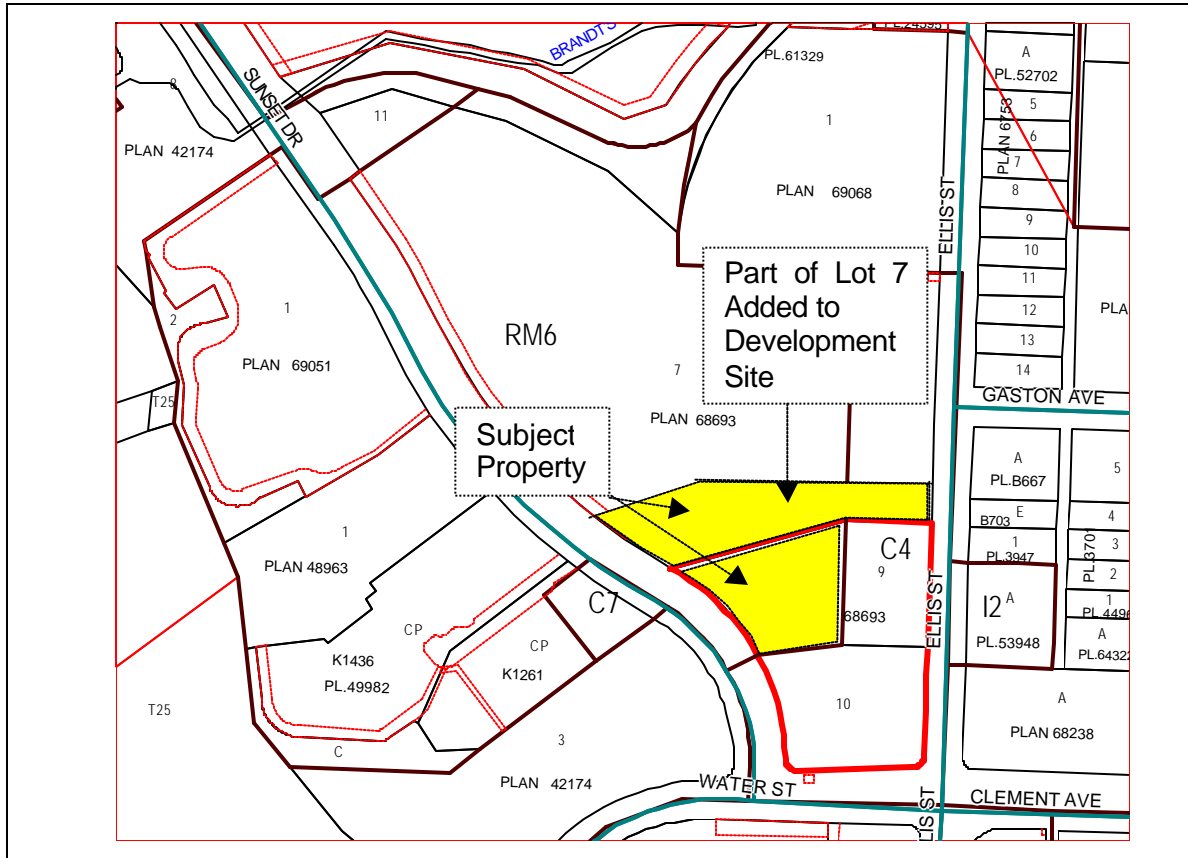
However, subsequent to the presentation to the Advisory Planning Commission, the proponents of the proposed hotel development have requested some additional land area to be added to the subject property in order to meet the functional requirements of the proposed hotel. At this time, the applicant has not submitted the Development Permit application, but has provided a revised site plan which indicates the site layout of the proposed hotel development, as well as revised statistics for the revised site area. It is anticipated that there will be an application for a Development Permit made in the near future.

The site plan indicates the main vehicle access is taken from Sunset Drive, located across from the parking lot access to the City Owned parking lot across Sunset Drive from the subject property. The main entry to the hotel is in the form of a porte cochere feature constructed over a portion of this access drive. There is also an access driveway to the surface parking located in front of the hotel building which provides access to the parking lot beyond. In the future, this surface parking and driveway will provide access to the 3 storey parking structure proposed for phase 2. There is an area located adjacent to Ellis Street behind the hotel building that provides a "loading court", which provides for 6 loading stalls.

The development proposed is anticipated to consist of a new 7 storey, 358 room hotel, constructed in 2 phases. The first phase is designed to consist of the construction of 250 rooms, and provision of 258 parking stalls located at grade level. The second phase is designed to add 108 rooms and provides surface parking for 20 vehicles and parking for 350 vehicles in a 3 level parking structure that includes a number of retail units facing Ellis Street.

Council will have the opportunity to review the proposed hotel development in more detail when Council considers the Development Permit Application. The conceptual site plan would also require a Development Variance Permit for the reduction of setbacks along the Ellis Street frontage as well as a reduction in the rear yard setback. These variances will be confirmed at the time of the Development Permit submission.

Subject Property Map



3.2 Site Context

The subject property is located on the east side of Sunset Drive, north of the intersection of Sunset Dr. with Clement Ave. The property is generally level with the adjacent properties. It is anticipated that as part of the development program, that the subject property (Lot 8, Plan 68693) will be consolidated with the adjacent lots (Lots 9 & 10, Plan 68693) to create a development site of approximately 3.8ac (15,420m²) proposed for the development of a hotel complex.

Adjacent zones and uses are, to the:

- North - RM6 – High Rise Apartment Housing / vacant
- East - C4 – Town Centre Commercial / vacant
- South - C4 – Town Centre Commercial / vacant
- West - C7 – Central Business Commercial / Sunset Dr. - Dolphins complex
P3 – Parks and Open Space / Sunset Dr. – Waterfront Park fountain

The proposal as compared to the C4 zone requirements is as follows:

CRITERIA	PROPOSAL	C4 ZONE REQUIREMENTS
Site Area (m ²)	15,430 m ²	1,300 m ²
Site Width (m)	71 m	40 m
Site Coverage (%)	65%	75%
Total Floor Area (m ²)	20,955 m ² (gross) 15,329 m ² (net)	15,430 m ² max floor area at FAR = 1.0
F.A.R.	0.99 FAR	FAR = 1.0 (max)
Storeys (#)	7 storeys	7storeys (apartment hotel)
Setbacks (m)		
- Front (Clement Ave.)	0.0 m	0.0 m
- Rear	4.5 m ^①	6.0 m abutting a residential zone
- West Side (Sunset Dr.)	0.0 m ^②	2.0 m for flanking side yard
- East Side (Ellis St.)	0.0 m ^②	2.0 m for flanking side yard
Parking Stalls (#)	370 stalls provided	1.75 stalls per 100 m ² GFA 20955/100x1.75= 367 stalls req'd
Loading Stalls (#)	8 loading stalls provided	1 loading stall per 2800 m ² GFA 20955/2800= 8 loading stalls

Variance Required:

- ① Section 14.4.5.(f) minimum rear yard from 6.0 m where there is abutting residential zone be varied to 4.5 m rear yard,
- ② Section 14.4.5.(e) minimum side yard of 2.0 m from a flanking street be varied to 0.0 m.

Please note that it will be necessary for a Development Permit application to be made prior to final adoption of the zone amending bylaw.

3.3 Existing Development Potential

The existing zone of RM6 – High Rise Apartment Housing permits apartment housing, congregate housing, group homes – major, stacked row housing as principal uses, and care centre – minor, intermediate, major, home based businesses – minor, hotel/motel accommodation within a multiple residential unit, participant recreation services indoor, retail stores – convenience as permitted secondary uses.

3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The Kelowna Official Community Plan designates the subject property as a “Multiple Family Residential – high density” future land use. An application to change the future land use designation to “Commercial” has been made as part to this rezoning application.

3.4.2 City of Kelowna Strategic Plan (1992)

The project is consistent with the Urban Form objectives of the Strategic Plan which encourages a “more compact urban form by increasing densities through infill and redevelopment within existing urban areas...”.

3.4.3 North End Neighbourhood Structure Plan

North End Neighbourhood Structure Plan identifies the subject property as part of a “mixed use district”.

3.4.4 Downtown North Area Structure Plan

The Downtown North Area Structure Plan identifies the subject properties as for “Residential”, and is anticipated for medium or high density residential development.

3.4.5 Kelowna Centre Plan

The subject properties are located north of Clement Avenue, the northern boundary of the Kelowna Centre Plan. The Kelowna Centre Plan identified the potential future land use of a mixed residential and hotel development on what has become the Skyreach Place, Multi-Use facility site. At the time that the Kelowna Centre Plan was written, it was acknowledged that the anticipated hotel development would be “good quality, but not high end. It would offer overflow space for the nearby convention hotel and possibly offer a lower priced accommodation alternative for convention delegates.”

4.0 TECHNICAL COMMENTS

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

4.1 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law.

4.2 Parks Manager

1. A landscape plan will be required at development/building permit review.
2. All entry feature signs for the proposed development to be located on private property and not on city Blvd. This includes any landscape treatment.
3. All trees planted in sidewalk and not in grass Blvd will require a vault and grate and/or root shield barriers. Trees in grass Blvd to use root shield barriers if blvd width less than 2m.
4. The following applies for all boulevard (BLVD) landscape and park and is standard information required on a landscape plan:
 - A. Planting plan to include a proper plant materials list:
 - i) Latin name
 - ii) common name
 - iii) size at planting
 - iv) plant symbol key
 - iv) indicate existing trees
 - B. Plant material specifications are as follows:
 - i) Deciduous Tree – caliper @ 300mm above rootball (min. 60mm)

- ii) Deciduous Shrub - spread (min. 450mm)
 - iii) Coniferous Tree - height (min. 2.5m)
 - iv) Coniferous Shrub - spread (min. 450mm)
 - v) Seed/Sod Mix according to location and proposed activity use.
- C. Shrub beds require plastic edge beside all areas abutting a city sidewalk of city land to prevent migration of mulch.
 - D. Scale of plan and north arrow clearly indicated on plan.
 - E. All plant materials (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by Parks Division. All materials located in BLVD to meet city standard for size and method of installation.
- 5. All plant material (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by City Parks Division. All materials located in BLVD to meet city standard for size and method of installation.
 - 6. **BLVD maintenance** (irrigation, shrubs, ground cover, sod, and seeded areas) is the responsibility of owner/occupant.
 - 7. **BLVD tree maintenance** is responsibility of Parks Division.
 - 8. Planting plan to include all u/g utility locations in BLVD.

4.3 Shaw Cable

Owner/Contractor to supply and install an underground conduit system as per Shaw Cable drawings and specifications.

4.4 Telus

Telus will provide underground facilities to this development. Developer will be required to supply and install as per Telus policy.

4.5 Utilicorp Networks Canada

Site is serviced for proposed zoning already.

4.6 Works and Utilities Department

All of the Works & Utilities Department requirements of this rezoning application has been covered within the file S99-032.

There is an existing servicing agreement in place. All servicing requirements should be completed in the 2002 construction season

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department does not have concerns with this application. The proposed change in zone from RM6 – High Rise Apartment Housing to C4 – Town Centre Commercial is not anticipated to have a major impact on the use of the property, as the applicant has advertised for a Request for Proposals to develop the subject property and the two adjacent properties for hotel use. Planning and Development Services Department staff support the concept of a second major hotel in this precinct as it was originally supported by the Kelowna Centre Plan.

It is interesting to note that the existing RM6 – High Rise Apartment Housing zone permits “hotel/motel accommodation within a multiple residential unit” as a permitted secondary use.

The outstanding issues relating to the form and character of the future development of the site will be addressed with the pending Development Permit application that will be made by the successful proponent of the “Request for Proposal” concurrently with final adoption of the zone amending bylaw.

This application will not proceed to final adoption until such time as there is a Development Permit application for Council to consider. At this time, that application has not been made, but there have been a minor modification to the site plan to include a portion of Lot 7, DL 139, O.D.Y.D., Plan KAP68693 (approx. 0.393 Ha) to the adjacent three lots to the south. This change is lot line was necessitated as part of the negotiations that have occurred as part of the Request for Proposals. It is anticipated that there will be a Development Permit application in the near future.

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

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

PMc/pmc
Attach.

FACT SHEET

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|---|--|
| 1. APPLICATION NO.: | OCP01-012
Z01-1047 |
| 2. APPLICATION TYPE: | OCP Amendment / Rezoning |
| 3. OWNER: | Canada Lands Co. CLC Ltd. |
| . ADDRESS | #1500 – 200 King St. W. |
| . CITY | Toronto On |
| . POSTAL CODE | M5H 3T4 |
| 4. APPLICANT/CONTACT PERSON: | Canada Lands Company /
Dale Knowlan |
| . ADDRESS | #102 – 260 Harvey Ave. |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1Y 7S3 |
| . TELEPHONE/FAX NO.: | 712-4217/712-4218 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | Sept 13, 2001 |
| Date Application Complete: | Sept 13, 2001 |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to Council: | December 31, 2001 |
| 6. LEGAL DESCRIPTION: | Part of Lot 7, and Lot 8, DL 139,
O.D.Y.D., Plan KAP68693 |
| 7. SITE LOCATION: | East side of Sunset Drive, north of
Clement Ave. |
| 8. CIVIC ADDRESS: | 1175 Sunset Drive |
| 9. AREA OF SUBJECT PROPERTIES: | 0.774 Ha
(1.542 Ha after consolidation) |
| 10. AREA OF PROPOSED REZONING: | 0.774 Ha |
| 11. EXISTING ZONE CATEGORY: | RM6 – High Rise Apartment Housing |
| 12. PROPOSED ZONE: | C4 – Town Centre Commercial |

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| 13. PURPOSE OF THE APPLICATION: | <p>To amend the City of Kelowna Official Community Plan to change future land use designation of the subject property from Multiple Family Residential – High Density to Commercial future land use,</p> <p>To rezone the subject property from the RM6 – High Rise Apartment Housing zone to the C4 – Town Centre Commercial zone to permit the use of the subject property in conjunction with adjacent lots for a hotel use</p> |
| 14. MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY | <p>Pending</p> |
| 15. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | <p>Urban Town Centre (General Commercial); notify GIS of addition</p> |

Attachments

Subject Property Map

Site Plan – Phase I & Phase II (2 pages)

Sketch Plan – Proposed subdivision (1 page)