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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** March 11, 2002  
**File No.:** (3090-20) **DVP02-10,006**

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:**

DEVELOPMENT PERMIT APPLICATION OWNER: CITY OF KELOWNA &  
NO. DVP02-10,006 CANADA LANDS  
COMPANY CLC LTD.

AT: 1175 & 1195 SUNSET DRIVE APPLICANT: BKDI ARCHITECTS INC.  
AND 1150 ELLIS,

PURPOSE: TO SEEK A DEVELOPMENT VARIANCE PERMIT TO VARY  
FLANKING SIDE YARD SETBACK FROM 2.0 M REQUIRED TO  
0.0 M PROPOSED

EXISTING ZONE: C4 – TOWN CENTRE COMMERCIAL  
RM6 – HIGH RISE APARTMENT HOUSING

PROPOSED ZONE: C4 – TOWN CENTRE COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

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**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

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**1.0 RECOMMENDATION**

THAT Municipal Council authorize the issuance of Development Variance Permit No. DP02-10,006; BKDI Architects Inc.; Part of lot 7, Lots 8, 9, & 10, DL 139, O.D.Y.D., Plan KAP68693, located on Sunset Drive, Clement Avenue and Ellis Street, Kelowna, B.C.;

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

**Vary Section 14.4.5(e) Development Regulations**, minimum south side yard from 2.0 m required from a flanking street to 0.0 m side yard proposed.

**2.0 SUMMARY**

The applicant proposes the development of a 358 room, 7 storey hotel facility on the subject properties. This proposed development is the result of a Request for Proposals by Canada Lands to develop the subject properties for a hotel use. There have been applications made by Canada Lands Company for an Official Community Plan amendment (OCP01-007) and to rezone (Z01-1047) for both part of Lot 7 and for Lot 8,

to change the zone to the C4 – Town Centre Commercial zone. These applications have been reviewed separately by the APC and have been presented to Council. The OCP amendment and Rezoning applications have had successful Public Hearing and are currently at 3<sup>rd</sup>. reading, pending Council's consideration of a Development Permit to address proposed form and character issues, and a Development Variance Permit to vary the flanking street setback from 2.0 m required to the 0.0 m setback proposed from the south property line adjacent to Clement Ave.

### 3.0 BACKGROUND

#### 3.1 The Proposal

The subject properties are 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. There is an application by Canada Lands (Z01-1047) to rezone the Lot 8 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.

The current application for a Development Permit seeks permission to construct a 358 unit, 7 storey hotel development and a 2 storey parking structure in 2 construction phases. It is anticipated that the first phase of construction will consist of 250 rooms and provision of 270 surface parking stalls. Of the 270 surface parking stalls created at this time, there will be 17 stalls that are located in front of the hotel and will be accessible from the main entry loop. The remaining surface stalls will have access controlled by means of a control gate located at the northern end of the 17 stall lot.

In the future, as Phase 2, there will be a 108 room addition to the hotel and construction of a 3 level, 2 storey parking structure for 352 vehicles located adjacent to the north property line of the consolidated properties. The surface parking lot is proposed to be reconfigured to provide 14 stalls adjacent to the entry loop, and a further 9 stalls located beyond the control gate. The remaining 352 stalls will be provided for within the parking structure. This provides for a total of 378 parking stalls for the entire 2 phases of development. The associated landscape plan indicates a substantial amount of plantings located in planters on the terrace level above the meeting rooms. The landscape plan shows a berm feature with substantial amount of landscaping located adjacent to the surface parking located near the main entrance from Sunset Drive. The landscape plan also shows a substantial level of landscaping around the Phase 1 surface parking lot located to the north of the proposed building along with a substantial number of landscaped islands within the parking lot. For Phase 2, the surface parking located at the north end of the site will be replaced with the parking structure, and the landscaping along Ellis Street will be replaced by the proposed retail units that are designed as part of the parking structure located adjacent to Ellis Street.

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 circular access drive. There is an access driveway to the surface parking area 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 level, 2 storey parking structure proposed to be constructed as part of phase 2. There is an area located adjacent to Ellis Street behind the hotel building that provides a "loading court", which provides for a total of 8 loading stalls. The site plan also shows a 5 storey high tower feature located on top of the terrace deck that

is designed with detail features reminiscent of a railway water tower which provides for a launching platform for a proposed water slide feature which is designed to terminate at an outdoor swimming pool. The roof area of the “Porte Cochere” feature is accessed from grade by means of a semi-circular stairway feature that surrounds a water fall feature. The roof deck terrace area provides an outdoor amenity space that has a swimming pool and splash-down landing area from the water slide, and a hot tub area.

This application for a Development Variance Permit seeks to vary the minimum side yard set back for a flanking street from the 2.0 m set back required in the C4 – Town Centre Commercial zone to the 0.0 m set back proposed for the Clement Avenue frontage. This proposed variance will enhance the pedestrian connection of the building to the street, and is supported by the Planning and Development Services Department.

Council will have an opportunity to review the associated Development Permit application regarding proposed form and character issues concurrently with this Development Variance Permit application.

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

CRITERIA	PROPOSAL	C4 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	15,430 m <sup>2</sup>	1,300 m <sup>2</sup>
Site Width (m)	71 m	40 m
Site Coverage (%)	65% (Phases 1 & 2)	75%
Total Floor Area (m <sup>2</sup> )	20,955 m <sup>2</sup> (gross) 15,329 m <sup>2</sup> (net)	15,430 m <sup>2</sup> max floor area at FAR = 1.0
F.A.R.	0.99 FAR	FAR = 1.0 (max)
Storeys (#)	7 storeys (22.3 m)	7 storeys (apartment hotel)
Setbacks (m)		
- Front (Sunset Drive.)	0.0 m	0.0 m
- Front (Ellis St.)	0.0 m	0.0 m
- North Side	4.5 m	2.0 m for residential zones other than RU1, RU2, RU3, & RU4
- South Side (Clement Ave.)	0.0 m <sup>❶</sup>	2.0 m for flanking side yard
Parking Stalls (#)	370 stalls provided	1.75 stalls per 100 m <sup>2</sup> GFA 20955/100x1.75= 367 stalls req'd
Loading Stalls (#)	8 loading stalls provided	1 loading stall per 2800 m <sup>2</sup> GFA 20955/2800= 8 loading stalls

Variance Required:

- ❶ Section 14.4.5.(e) minimum side yard of 2.0 m from a flanking street be varied to 0.0 m.

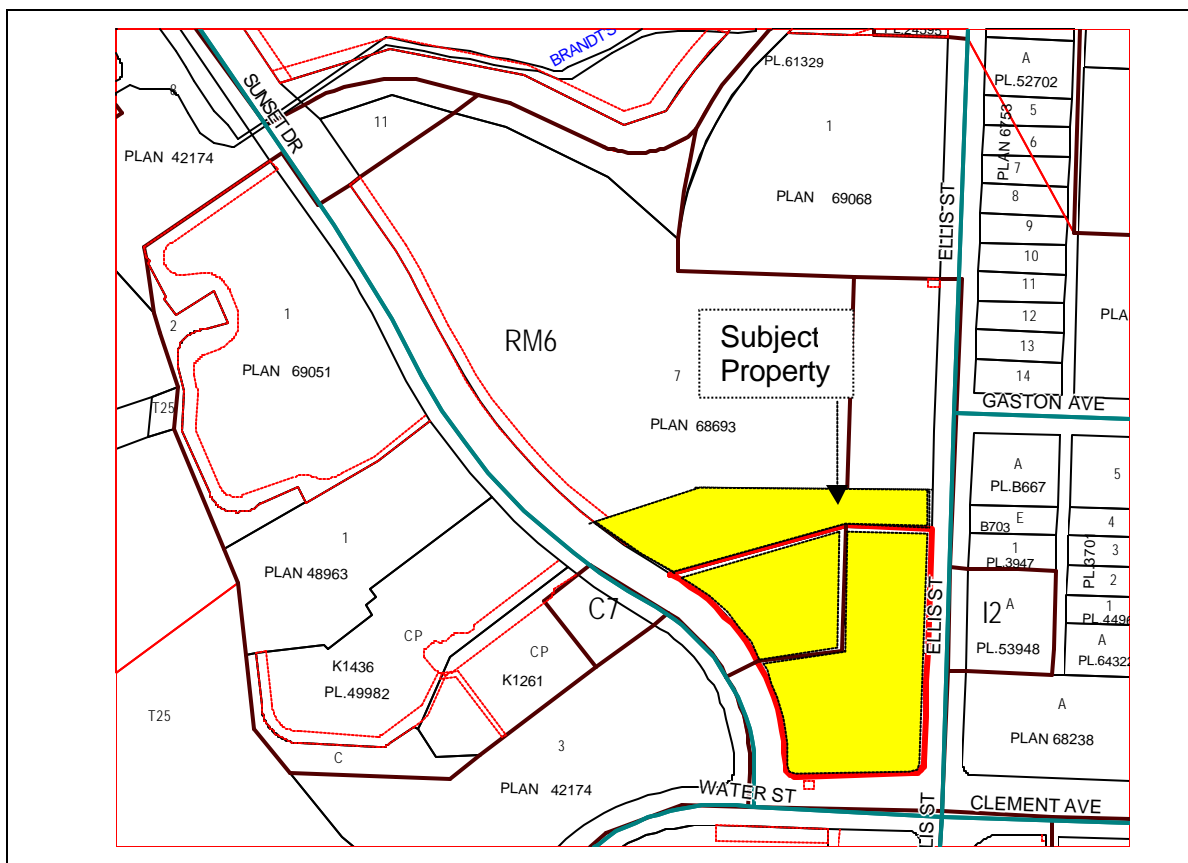
### 3.2 Site Context

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 Part of Lot 7 and 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 (15,420m<sup>2</sup>) proposed for the development of a hotel complex.

Adjacent zones and uses are, to the:

- North - RM6 – High Rise Apartment Housing / vacant
- East - I2 – General Industrial, Ellis Street / various industrial uses  
I4 – Central Industrial, former CN Rail Station
- South - CD5 – Comprehensive Development 5 zone, Clement Avenue /  
Skyreach Place facility
- West - C7 – Central Business Commercial / Sunset Dr. - Dolphins complex  
P3 – Parks and Open Space / Sunset Dr. – Waterfront Park fountain

Subject Property Map



### 3.3 Current Development Policy

#### 3.3.1 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.

The Official Community Plan also contains the following statements;

General Commercial Development Permit Areas Objectives;

- Ensure that the siting, form and character of commercial development enhances the positive qualities of the area and that site access, parking, storage and landscaping matters are satisfactorily resolved,
- Improve the visual qualities of roadways and marketability of commercial establishments by situating new commercial buildings adjacent to the street and incorporation parking areas behind the structure,

General Commercial Development Permit Areas Guidelines;

- All buildings structures, and additions thereto shall be designed in a manner which gives consideration to the relationship with adjacent buildings and open area, the efficiency of the circulation system, and the design and siting compatibility with surrounding development,
- All facades of commercial buildings shall be designed in a manner which appropriately addresses adjacent uses and structures,
- Courtyard style of development with parking at the rear is to be encouraged rather than commercial strip development

### 3.3.2 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...”.

### 3.3.3 North End Neighbourhood Structure Plan

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

### 3.3.4 Downtown North Area Structure Plan

The Downtown North Area Structure Plan identifies the subject properties as for “Mixed Use Commercial/Residential”. The ASP also states that the purpose is to “promote the redevelopment of the area in a consistent manner based on the character of the Railway Station Historic Village Theme. This theme will enhance the image of the Downtown North Area and create a unique neighbourhood within the City of Kelowna”.

The Downtown North Area Structure Plan also states that “Development as an urban village will provide for:

- a variety of conveniences such as dry cleaners, grocers, coffee houses, and restaurants
- the consistent use and style of signage, lighting, landscape treatments, and street furnishings to create a distinguishable district
- architectural integrity in which facades will use consistent materials and massing to give buildings human scale and a character that is rooted in the area’s history”

The Downtown North Area Structure Plan for the specific Mixed Use Commercial/Residential area includes the following recommendations;

“all setbacks shall conform to the City of Kelowna Zoning Bylaw, a zero setback is encouraged along Ellis Street in order to promote an enhanced sense of street density and activity”.

#### 3.3.5 Kelowna Centre Plan

The subject properties are located north of Clement Avenue, which is 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 as part of the application to rezone the subject lands. Council will have an opportunity to review these requirements as part of the associated Development Permit application. As well, there will be an opportunity for review of servicing to the site as part of the building permit application process.

#### 5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department does not have concerns with this application for a Development Variance Permit to reduce the flanking side yard set back from 2.0 m to 0.0 m. While the Downtown North Area Structure Plan does not specifically support the reduction of the building setback along Clement Avenue, there is specific mention of the 0.0 m setback along Ellis Street. The reduction of the required building setback along Clement Avenue to 0.0 m will locate the proposed building closer to the sidewalk and the pedestrian corridor. The Downtown North Area Structure Plan identifies Ellis Street, Clement Avenue, and Sunset Drive as major pedestrian connections throughout the Downtown North Area Structure Plan area. The continuation of the single storey building height, the richness of building detail incorporating elements of the railway heritage of the area, and the reduction of the building setbacks to 0.0 m along the Clement Avenue and Ellis Street frontages will serve to reinforce the pedestrian connection of the proposed building with the neighbourhood.

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

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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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| <b>1. APPLICATION NO.:</b>                              | DVP02-10,006   |
| <b>2. APPLICATION TYPE:</b>                             | Development Variance Permit  |
| <b>3a. OWNER:</b>                                       | Canada Lands Company CLC Ltd.<br>Inc.No. A47912  |
| . ADDRESS   | #1500 – 200 King St. W.  |
| . CITY/POSTAL CODE                                      | Toronto, ON / M5H 3T4  |
| <b>3b. OWNER:</b>                                       | City of Kelowna  |
| . ADDRESS   | 1435 Water St.   |
| . CITY/POSTAL CODE                                      | Kelowna, BC / V1Y 1J4  |
| <b>4. APPLICANT/CONTACT PERSON:</b>                     | BKDI Architects Inc. / Brian Kilpatrick  |
| . ADDRESS   | #300 – 640 8 <sup>th</sup> Ave. SW   |
| . CITY/POSTAL CODE                                      | Calgary, AB / T2P 1G7  |
| . TELEPHONE/FAX NO.:                                    | 860-8604/(403)262-2055   |
| <b>5. APPLICATION PROGRESS:</b>                         |  |
| Date of Application:                                    | February 12, 2002  |
| Date Application Complete:                              | February 12, 2002  |
| Servicing Agreement Forwarded to Applicant:             | N/A  |
| Servicing Agreement Concluded:                          | N/A  |
| Staff Report to Council:                                | March 11, 2002   |
| <b>6. LEGAL DESCRIPTION:</b>                            | Part of lot 7, Lots 8, 9, & 10, DL 139,<br>O.D.Y.D., Plan KAP68693   |
| <b>7. SITE LOCATION:</b>                                | North Side of Clement Ave. Between<br>Sunset Drive, and Ellis Street.  |
| <b>8. CIVIC ADDRESS:</b>                                | 1175 Sunset Dr., 1195 Sunset Dr.,<br>and 1150 Ellis St.  |
| <b>9. AREA OF SUBJECT PROPERTY:</b>                     | 1.54 ha.   |
| <b>10. TYPE OF DEVELOPMENT PERMIT AREA:</b>             | Urban Town Centre – Downtown   |
| <b>11. EXISTING ZONE CATEGORY:</b>                      | C4 – Town Centre Commercial &<br>RM6 – High Rise Apartment Housing   |
| <b>12. PROPOSED ZONE:</b>                               | C4 – Town Centre Commercial  |
| <b>13. PURPOSE OF THE APPLICATION:</b>                  | To Seek A Development Variance<br>Permit To Vary Flanking Side Yard<br>Setback From 2.0 M Required To 0.0<br>M Proposed                  |
| <b>14. DEVELOPMENT VARIANCE PERMIT<br/>VARIANCES:</b>   | Vary Section 14.4.5(e) Development<br>Regulations, minimum side yard from<br>2.0 m from a flanking street required<br>to 0.0 m proposed. |
| <b>15. DEVELOPMENT PERMIT MAP 13.2<br/>IMPLICATIONS</b> | N/A  |



Attachments

Subject Property Map

3 pages of site elevations / diagrams