
CITY OF KELOWNA
MEMORANDUM

Date: May 12, 2003
File No.: (3090-20) **DVP03-0012**

To: City Manager

From: Planning & Development Services Department

Subject:

DEVELOPMENT VARIANCE PERMIT
APPLICATION NO. DVP03-0012

OWNER: THE GRAND OKANAGAN
RESORT LTD.
(reg. #30660A)

AT: 1310 WATER STREET

APPLICANT: BKDI ARCHITECTS

PURPOSE: TO SEEK A DEVELOPMENT VARIANCE PERMIT TO VARY
THE NORTH SIDE YARD FROM 26.0 M REQUIRED TO 12.0 M
PROPOSED FOR A 5 STOREY BUILDING HEIGHT FOR
APARTMENT HOTEL,

TO SEEK A DEVELOPMENT VARIANCE PERMIT TO VARY
THE NORTH SIDE YARD FROM 15.0 M REQUIRED TO 9.0 M
PROPOSED FOR A 4 STOREY BUILDING HEIGHT FOR THE
PARKING STRUCTURE,

TO SEEK A DEVELOPMENT VARIANCE PERMIT TO VARY
THE REAR YARD FROM 41.0 M REQUIRED TO 9.0 M
PROPOSED FOR A 5 STOREY BUILDING HEIGHT FOR
APARTMENT HOTEL

EXISTING ZONE: C8 – CONVENTION HOTEL COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP03-0012; BKDI Architects; Lot B, DL 139,3454,& 4082, O.D.Y.D., Plan KAP47378, located on Water Street, Kelowna, B.C.;

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

- a) Vary Section 14.8.5(e) from 26.0 m required to 12.0 m proposed for the North Side Yard for any portion of a building over 4 storeys for apartment hotel,

- b) Vary Section 14.8.5(e) from 15.0 m required to 9.0 m proposed for the North Side Yard for a 4 storey portion of a building for the parking structure,
- c) Vary Section 14.8.5(f) from 41.0 m required to 9.0 m proposed for the Rear Yard for any portion of a building over 4 storeys for the apartment hotel,

2.0 SUMMARY

The applicant wishes authorization to construct the last phase of development for the Grand Okanagan Resort hotel complex. The proposed development is designed as a 5 storey, 8,490 m² building with 61 apartment hotel units and a 60 seat restaurant facility on the 5th storey. Because the anticipated location of the 5 storey portion of the proposed building does not comply with the building setback provisions of the C8 – Convention Hotel Commercial zone, this application for a Development Variance Permit has been made concurrently with the Development Permit application to address these setbacks. The associated Development Permit will be sent to Council separately for consideration.

2.1 Advisory Planning Commission

The above-noted application was reviewed by the Advisory Planning Commission at the meeting of February 25, 2003 and the following recommendations were passed:

THAT the Advisory Planning Commission support application DVP03-0012 to seek a Development Variance Permit to vary the rear yard setback from the 41 m required to the 6.0 m proposed, for any portion over 4 storeys, and to vary the side yard setback from the 26 m required for any portion over 4 storeys, to 0.0 m for the west side and 5.0 m for the east side.

3.0 BACKGROUND

3.1 The Proposal

The applicants have made application to seek authorization for development of the last phase of construction for the Okanagan Grand Resort hotel development. The associated development permit application (DP03-0011) proposes the development of the last phase of construction as a 5 storey, 8,490m², 61 unit apartment hotel with a 60 seat restaurant located on the 5th storey, identified as the “Royal Private Residence Club”, as well as the addition of a storey to the existing parking structure.

The proposed development site for the “Royal Private Residence Club” is located at the west end of the northern lot that the Grand Okanagan Resort hotel is located on. This lot is currently developed with the smaller tower of the hotel building, the recreation and entertainment (casino) building, and the existing phase 1 parking structure.

DP02-0101 recently authorized the construction of the second phase of construction of the parking structure. The applicant has revisited the parking structure, and wishes to add a 4th storey to both the existing portion adjacent to Water Street and the recently approved portion. As the 4th storey is located only 9.0 m from the north property line and the zone requires 15.0 m, a variance has been requested as part of this application.

The main vehicle access to this new lot will be through the existing entry court and drop off area that is located between the north end of the existing hotel development and the parking structure. Please note that Section 237(2)(b) of the Strata Property Act, allows the municipality to “treat the development of the subsequent phase as if it were a part of the phased development rather than a separate parcel.” For the purposes of this application, this permits the building setback to the south end of the new proposed building to be measured to the outer limit of the development, rather than the currently adjacent existing lot line. If the phased strata plan had been registered during the development process, this lot line would have disappeared.

The building is designed in a “V” configuration, with the point of the “V” facing west towards the lake. The interior area of the “V” is designed to have an octagonal shaped lobby area that provides access to the new “Royal Private Residence Club” facility. There is also a stairway access to the 2 storey high wine tasting area that is located on the lower floor. The south end of the building is connected to the existing building Okanagan Grand Resort hotel development by means of an elevated pedestrian bridge.

The proposed location of the new 5 storey “Royal Private Residence Club” facility is located 9.0 m from the adjacent rear property line, where the zone requires any portion of the building over 4 storeys be located 41.0 m from property line. A similar situation occurs at the north side, where the proposed new 5 storey building is located 12.0 m from the adjacent side property line where the zone requires any portion of the building over 4 storeys be located 26.0 m from property line. This situation also exists at the location of the parking structure, where the proposed 4 storey level is required to be a minimum of 15.0 m from the north property line, and the parking structure is located 9.0 m from the adjacent property line.

There is also a pending subdivision application to create the site of the “Royal Private Residence Club” as a separate titled lot.

Council will have the opportunity to review the form and character issues of the associated Development Permit application, which has been circulated to Council separately from this Development Variance Permit application.

The proposal as compared to the C8 zone requirements is as follows:

CRITERIA	PROPOSAL	C8 ZONE REQUIREMENTS
Site Area (m ²)	1.68 ha entire lot 5,800 m ² site only	1.0 ha
Site Width (m)	118 m	40.0m
Site Coverage (%)	78.5 % site only	50%
Total Floor Area (m ²)	8,490m ² (net)	
F.A.R.	1.46	FAR = 1.5 max.
Storeys (#)	5 storeys	12 storeys or 37.0 m
Setbacks (m)		
- Front	97.5 m	The minimum front yard is 4.5 m for a building 3 storeys or less, 15.0 m for a 4 storey portion of a building, and 26.0 m for any portion of a building over 4 storeys.
- Rear	9.0 m ❶	The minimum rear yard is 4.5 m for a building 3 storeys or less, 30.0 m for a 4 storey portion of a building, and 41.0 m for any portion of a building over 4 storeys.
- North Side Parking structure (4 storey) Apartment Hotel (over 4 Storey)	9.0 m ❷ 12.0 m ❸	The minimum side yard is 4.5 m for a building 3 storeys or less, 15.0 m for a 4 storey portion of a building, and 26.0 m for any portion of a building over 4 storeys.
- South Side	89 m	The minimum side yard is 4.5 m for a building 3 storeys or less, 15.0 m for a 4 storey portion of a building, and 26.0 m for any portion of a building over 4 storeys.
Parking Stalls (#)	582 stalls provided	574 stalls required
Loading Stalls (#)		1 stall per 2,800m ²

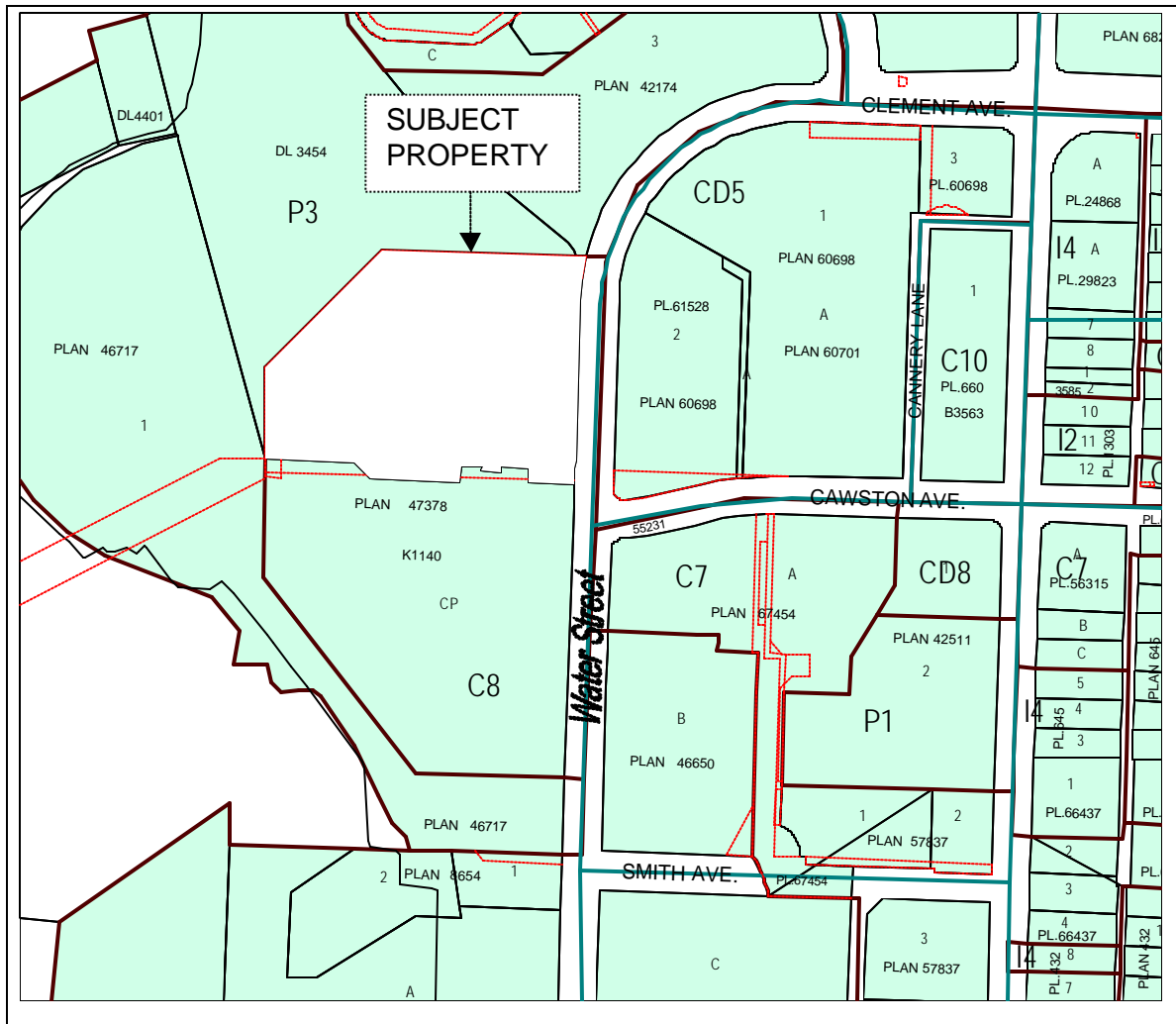
Notes;

Variance requested;

- ❶ Vary rear yard from 41.0 m required to 9.0 m proposed for any portion of a building over 4 storeys,
- ❷ Vary north side yard from 15.0 m required to 9.0 m proposed for a 4 storey portion of a building (parking structure),
- ❸ Vary north side yard from 26.0 m required to 12.0 m proposed for any portion of a building over 4 storeys (apartment hotel)

3.2 Site Context

SUBJECT PROPERTY MAP



The subject site is the last remaining undeveloped area of the Grand Okanagan Resort Hotel site. The site is located on the west side of the property, adjacent to the lagoons and Okanagan Lake.

Adjacent zones and uses are, to the:

- North - P3 – Parks and Open Space/City Park (Waterfront Park)
- East - CD5 – Multi-Purpose Facility/Water St., Sky Reach Place
- South - C8 – Convention Hotel Commercial, existing hotel and time share
- West - P3 – Parks and Open Space/City Park (Waterfront Park)

3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

The proposal is consistent with the commercial land use designation of the Official Community Plan.

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...”.

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 Works and Utilities Department

The development variance application to reduce the required setbacks does not compromise Works and Utilities servicing requirements.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department does not have concerns with this application for this application for height variances to authorize construction of a 5th storey on the proposed Apartment Hotel building, and a 4th storey on the existing parking structure.

The proposal represents the last phase of construction for the Grand Okanagan Resort hotel development, which has been under construction for the last 12 years. The Grand Okanagan Resort hotel development has been the subject of several Development Permit applications over the years to deal with minor changes in form and character that have occurred as a result of changes in the real estate market. The resulting building generally follows the form and character of the original Development Permit, in terms of architectural detailing, colours and materials for exterior finishes, and landscaping.

The proposed location for this last phase of construction is generally the same as has been identified in previous applications. However, the building differs from those proposals by the addition of a 5th storey to the top of the proposed building to house a restaurant facility. It is only because of this additional height that the previously noted building location no longer conforms to the building height restrictions of the zone.

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

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

PMc/pmc
Attach.

FACT SHEET

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|---|---|
| 1. APPLICATION NO.: | DVP03-0012 |
| 2. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER: | The Grand Okanagan Resort Ltd.
(Reg. No. 30660A)
[The Royal Host Corporation] |
| . ADDRESS | #209 – 5940 MacLeod Trail S. |
| . CITY/POSTAL CODE | Calgary AB |
| 4. APPLICANT/CONTACT PERSON: | BKDI Architects Inc. / Brian Kilpatrick |
| . ADDRESS | #300 – 640 8 th Ave. SW |
| . CITY/POSTAL CODE | Calgary, AB T2P 1G7 |
| . TELEPHONE/FAX NO.: | 860-8604/(403)262-2055 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | February 12, 2003 |
| Date Application Complete: | February 12, 2003 |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to Council: | May 12, 2003 |
| 6. LEGAL DESCRIPTION: | Lot B, DL 139,3454,& 4082, O.D.Y.D.,
Plan KAP47378 |
| 7. SITE LOCATION: | West Side of Water Street, North of
Cawston Avenue |
| 8. CIVIC ADDRESS: | 1310 Water Street |
| 9. AREA OF SUBJECT PROPERTY: | 16,854m ² (before subdivision) |
| 10. TYPE OF DEVELOPMENT PERMIT AREA: | Urban Centre – Downtown |
| 11. EXISTING ZONE CATEGORY: | C8 – Convention Hotel Commercial |

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| 12. PURPOSE OF THE APPLICATION: | <p>To Seek A Development Variance Permit To Vary The North Side Yard From 26.0 M Required To 12.0 M Proposed For A 5 Storey Building Height For Apartment Hotel,</p> <p>To Seek A Development Variance Permit To Vary The North Side Yard From 15.0 M Required To 9.0 M Proposed For A 4 Storey Building Height For The Parking Structure,</p> <p>To Seek A Development Variance Permit To Vary The Rear Yard From 41.0 M Required To 9.0 M Proposed For A 5 Storey Building Height For Apartment Hotel</p> |
| 13. DEVELOPMENT VARIANCE PERMIT VARIANCES: | <p>a) Vary Section 14.8.5(e) from 26.0 m required to 12.0 m proposed for the North Side Yard for any portion of a building over 4 storeys for apartment hotel,</p> <p>b) Vary Section 14.8.5(e) from 15.0 m required to 9.0 m proposed for the North Side Yard for a 4 storey portion of a building for the parking structure,</p> <p>c) Vary Section 14.8.5(f) from 41.0 m required to 9.0 m proposed for the Rear Yard for any portion of a building over 4 storeys for the apartment hotel,</p> |
| 14. VARIANCE UNDER DEVELOPMENT PERMIT: | N/A |
| 15. DEVELOPMENT PERMIT MAP 6.2 IMPLICATIONS | N/A |

Attachments

Subject Property Map

2 pages of site plans