
CITY OF KELOWNA
MEMORANDUM

Date: August 19, 2004
File No.: TA04-0005/Z04-0046/OCP04-0011/DP04-0075

To: Advisory Planning Commission

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. TA04-0005/Z04-0046/OCP04-0011/DP04-0075 **OWNER:** LAKE PLACID DEVELOPMENTS INC.

AT: 1120/1134/1148/1158/1168 **APPLICANT:** BKDI ARCHITECTS
BERNARD AVENUE

PURPOSE: TO AMEND THE OFFICIAL COMMUNITY PLAN FUTURE LAND USE DESIGNATION FROM SINGLE/TWO UNIT RESIDENTIAL ON LOTS 2 AND 3 PLAN 17857 AND LOT B PLAN 18052 TO COMMERCIAL

TO AMEND ZONING BYLAW NO.8000 BY ADDING A COMPREHENSIVE DEVELOPMENT ZONE TO ACCOMMODATE THE DEVELOPMENT OF A 16 – STOREY MIXED USE COMMERCIAL/RESIDENTIAL DEVELOPMENT

TO REZONE THE SUBJECT PROPERTIES FROM THE RU6 – TWO DWELLING HOUSING ZONE AND C4 – URBAN CENTRE COMMERCIAL ZONE TO THE CD17 – HIGH DENSITY MIXED USE COMMERCIAL ZONE

TO OBTAIN A DEVELOPMENT PERMIT IN ORDER TO ALLOW A MIXED USE DEVELOPMENT WITH A 16 STOREY RESIDENTIAL TOWER (148 UNITS), WITH 3148M² OF COMMERCIAL/RETAIL SPACE, A SPA AND NINE GROUND LEVEL ENTRY TOWN-HOUSE UNITS

EXISTING ZONE: RU6 – TWO DWELLING HOUSING / C4 - URBAN CENTRE COMMERCIAL

PROPOSED ZONE: CD17- HIGH DENSITY MIXED USE COMMERCIAL

REPORT PREPARED BY: RYAN SMITH

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 **RECOMMENDATION**

THAT OCP Bylaw Amendment No. OCP04-0011 to amend Map 15.1 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the Future Land Use designation Lot 3, D.L. 137, ODYD Plan 17333, Lot 2, D.L. 137, ODYD Plan 17857 and Lot B, D.L. 137, ODYD Plan 18052, located on Bernard Avenue, Kelowna, B.C., from the Single/Two Unit Residential designation to the Commercial designation, as shown on Map “A” attached to the report of Planning & Development Services Department, dated August 10, 2004, not be considered by Council;

THAT Rezoning Application No. Z04-0046 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, D.L. 137, ODYD Plan 31667/Lot A, D.L. 137, ODYD Plan 31666/ Lot 2, D.L. 137, ODYD Plan 17333, located on Bernard Avenue, Kelowna, B.C. from the C4 – Urban Centre Commercial zone to the CD17 – Mixed Use Commercial – High Density zone and by changing the zoning classification of Lot 3, D.L. 137, ODYD Plan 17333 and Lot 2, D.L. 137, ODYD Plan 17857 and Lot B, D.L. 137, ODYD Plan 18052, located on Bernard Avenue, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the CD17 – Mixed Use Commercial – High Density zone, not be considered by Council;

THAT Zoning Bylaw Text Amendment No. TA04-0005 to amend City of Kelowna Zoning Bylaw No. 8000 by adding the CD17 – Mixed Use Commercial High Density Zone as outlined in the report of the Planning & Development Services Department dated August 10, 2004 not be considered by Council;

2.0 **SUMMARY**

The applicants are proposing to construct a 16 storey mixed use development on the subject properties.

3.0 **ADVISORY PLANNING COMMISSION**

At the regular meeting of July 20, 2004 it was resolved:

THAT the Advisory Planning Commission supports Official Community Plan Amendment No. OCP04-0011, for 1148, 1158, 1168 Bernard Avenue, Lot 3, Plan 17333, Lot 2, Plan 17857, Lot B, Plan 18052, Sec. 19, Twp. 26, ODYD, by BKDI Architects (Brian Kilpatrick) to amend the OCP future land use designation from single/two family residential to commercial to facilitate a proposed mixed use development;

AND THAT the Advisory Planning Commission supports Text Amendment Application No. TA04-0005 and Rezoning Application No. Z04-0046, for 1120, 1134, 1148, 1158, 1168 Bernard Ave/Lot A, Plan 31667 & Lot A, Plan 31666, Lots 2 & 3, Plan 17333, Lot 2, Plan 17857, Lot B, Plan 18052, Sec. 19, Twp. 26, ODYD, by BKDI Architects (Brian Kilpatrick) to create a CD zone to accommodate a proposed mixed use development, and to rezone from the C4-Urban Centre Commercial zone and the RU6 – Two Dwelling Housing zone to the proposed Comprehensive Development zone;

AND THAT the Advisory Planning Commission supports Development Permit Application No. DP04-0075, for 1148, 1158, 1168 Bernard Avenue, Lot 3, Plan 17333, Lot 2, Plan 17857, Lot B, Plan 18052, Sec. 19, Twp. 26, ODYD, to obtain a Development Permit in order to allow a mixed use development with a 16 storey residential tower (136 units), with 25,150m² of commercial/retail space, a spa and nine ground level entry town-house units.

4.0 BACKGROUND

The subject properties were formerly occupied by an IGA Grocery Store, Funeral home and three single family dwellings. The grocery store and funeral home are both vacant at this time.

4.1 The Proposal

The applicant is proposing to create a Comprehensive Development zone for the subject properties that would accommodate a high density residential/commercial mixed use development. The proposed Comprehensive Development zone is based on the RM6 and C4 zones with some minor modifications. The proposal requires a text amendment to the zoning bylaw, OCP amendment, rezoning and development permit.

The proposed development would encompass 6 legal lots. The primary portion of the development site comprises the site formerly occupied by an IGA grocery store and an adjacent site formerly occupied by a funeral home. Three residential lots abutting Bernard Avenue are also included as part of the development proposal.

The applicant is proposing 3125M² of commercial/retail space at grade and 1200m² on a second storey. The commercial units will wrap around the exterior of the Gordon Drive and Bernard Avenue frontages and parking will be located in the interior of the lot – accessed via Lawson Avenue. An urban plaza of stamped concrete will adorn the Gordon/Bernard corner of the development. A break in the buildings will also occur at this point in order to provide pedestrian access to the interior of the site (parking area). Proposed uses for the retail units includes a large pharmacy, coffee shop, bakery and restaurant. The commercial portions of the development will range in height from 1-2 storeys (restaurant will be located on second storey overlooking Bernard/Gordon intersection). The applicant is also proposing a future 2nd storey commercial expansion space above the pharmacy. All commercial retail units fronting onto Bernard Avenue and Gordon Drive will have pedestrian access from the sidewalk. The applicant is proposing to provide 57 stalls at grade to accommodate the commercial portion of this development.

A spa measuring 785m² is proposed for the north-east corner of the property adjacent to Lawson Avenue. The spa will be a single storey structure that is connected to the residential portion of the development to the south. The space will have pedestrian access from Lawson Avenue and will be buffered from adjacent residential development by a landscape buffer.

The residential portion of the development will take on two different forms. Surrounding the base of proposed 16 storey residential tower are 9 townhouse style units. Six of these units open on Bernard Avenue while three units face the interior of the development. The 16 storey residential tower will house 139 residential units. The main access to the residential development will be via a drive aisle from Bernard Avenue and parking will be provided below the development. The applicant is proposing to provide 300 stalls under the development.

The proposed development is of a contemporary style and presents a mainly brick façade that is anchored at the first storey level by architectural concrete elements. The building rises in a series of terraces and is capped by a steeply sloping pre-finished metal roof. All of the proposed terraces will be landscaped and the applicant is exploring the possibility of a living roof feature above the pharmacy. The north and east sides of the site area also landscaped heavily in order to provide both public open space and a buffer from abutting residential areas. The applicant is proposing an urban plaza feature at the corner of Bernard and Gordon that will shaded by street trees and possibly some additional landscape features.

The application meets the requirements of the CD17- High Density Mixed Use Commercial zone as follows:

CRITERIA	PROPOSAL	CD17 ZONE REQUIREMENTS
Lot Area (m ²)	11,729m ²	11,729m ²
Lot Depth (m)	144.6m	
Lot Width (m)	92.3m	
Area of Buildings at Grade	4767.6m ²	75%
Area of Pavement, Accessory Buildings, etc...	3047m ²	
Site Coverage (%) (Buildings)	43%	50%
Site Coverage (%) (Buildings and paved areas)	69%	69%
Site Coverage (Soft/Hard Landscaped Areas at grade)	3701m ²	
Gross Floor Area (m ²)	27,394m ²	
Floor Area Ratio (FAR)	2.1	2.2
Parking Spaces (Residential)	300 stalls	224 stalls
Parking Spaces (Commercial)	77 stalls	70 stalls
Total Parking	377 stalls	294 stalls
Bicycle Parking	As required by Zoning Bylaw No.8000	As required by Zoning Bylaw No.8000
Storeys (#)		
Setbacks(m)(Apartment)		
Front	0.0m	0.0m
Rear	22m+	6.0m
Side (n)	0.0m	0.0m
Side (s)	0.0m	0.0m
Private Open Space	2,646m ²	952m ²
Drive Aisle Width	7.0m	7.0m
Refuse Bins (Setback from abutting residential areas)	No refuse bins in close proximity to property lines	N/A

4.2 Site Context

The subject properties on the northeast corner of Gordon Drive and Bernard Avenue in the Capri Village Centre.

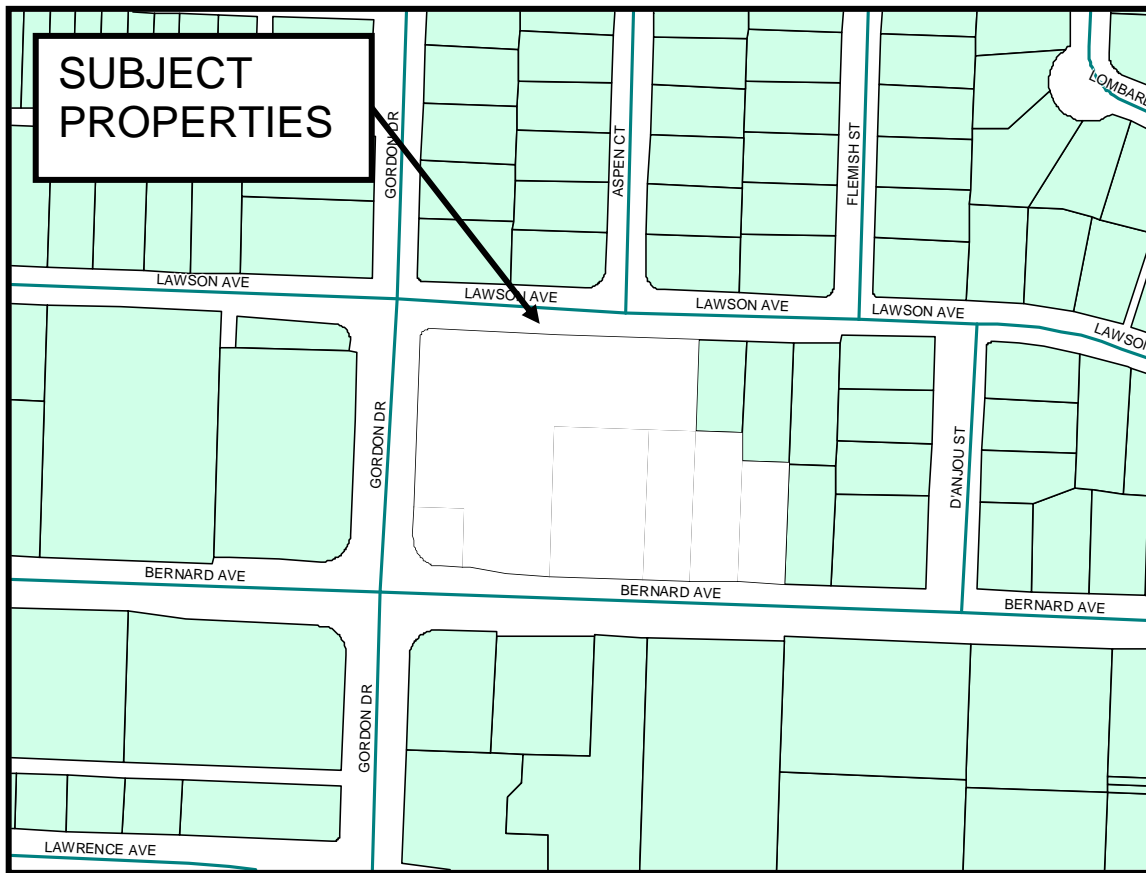
Adjacent zones and uses are:

North - RU6 – Two Dwelling Housing – Single Family Dwelling

East - RU6 – Two Dwelling Housing – Single Family Dwelling
South - C4 – Urban Centre Commercial – 7-Eleven / New Mixed Use Development
West - RM5 – Medium Density Multiple Family – Apartment Development

4.3 Site Location Map

Subject Properties: 1120/1134/1148/1158/1168 Bernard Avenue



4.4 Existing Development Potential

The subject properties are currently zoned C4 – Urban Centre Commercial and RU1 – Large Lot Housing. The purpose of the C4 – Urban Centre Commercial zone is to provide for the development of community commercial centres to serve more than one neighbourhood. The purpose of the RU1 – Large Lot Housing zone is to provide for single detached housing, and compatible secondary uses, on larger serviced urban lots.

4.5 Current Development Policy

4.5.1 Kelowna Official Community Plan

The future land use designation of the subject properties in the Official Community Plan is Commercial and Single/Two Unit Residential. The subject properties are not in an Urban Centre designated area; however, they are on the fringe of such an area. The OCP contains the following policy which relates to this proposal (commercial development permit guidelines are not included below but are considered by staff):

Encourage the development of a variety of housing forms to ensure that housing supply meets the needs of Kelowna's diverse population and satisfies a range of life cycle and lifestyle choices.

Encourage commercial projects with Urban Centers to include a residential component wherever appropriate.

Encourage the sensitive integration of different housing forms in the various sectors of the City, in support of neighborhood diversity and healthy communities;

The OCP also supports amendments and rezoning to densities greater than those provided for on the general land-use map in cases where:

- Supporting infrastructure is sufficient to accommodate the proposed development;
- Proposed densities do not exceed the densities provided for on map 19.1 by more than one increment;
- Provided the project can be sensitively integrated into the surrounding neighbourhood;
- Contributes to the City's goal of over the 1994-2013 timeframe of having 67% of new residential units to be in the form of apartments, townhouses and multi-unit dwellings;
- Support a land use approach where residential densities increase as proximity to the core of Urban Centres increases, as shown on future land use map 19.1.

The OCP also contains the following policies relating to building form/height which would not generally support the proposal:

Policy 6.1.25.

Encourage a general decrease in building height and density as the distance from the Urban Centre core increases.

Policy 8.1.32

Support a land use approach where residential densities increase as proximity to the core of Urban Centres increases . . .

4.5.2 Kelowna Strategic Plan (1992)

The City of Kelowna Strategic Plan encourages the development of a more compact urban form by increasing densities through infill and redevelopment within existing urban areas and to provide for increased densities within future urban areas. Also redeveloping transitional areas to increase densities for more efficient use of existing land. In addition it is recommended that the City will emphasize a density of development higher than presently occurring to allow for more efficient use of the land.

4.5.3 Glenmore/Clifton/Dilworth Sector Plan

Provide for a diversity of housing in all neighborhoods which addresses the full spectrum of life cycles, life styles, social needs and income levels.

Create sensitive transitions between differing uses.

Use building form, character, roof slopes, design details, landscaping, street orientation and other methods to reduce the impression of mass in multiple unit housing developments.

Incorporate urban design elements (e.g. plazas, focal points, view points) which reinforce continuity with the surrounding neighborhood.

Examine the use of zoning to provide innovative ways of increasing housing alternatives. Examples include:

- Increasing density through infilling
- Mixed use zoning (more residential above commercial)

4.5.4 Crime Prevention Through Environmental Design

Natural Surveillance

- dumpsters should not create blind spots or hiding areas;

- lighting should be even to avoid casting shadows where people can hide; using numerous low wattage lights accomplishes this better than a few high wattage lights;
- loading areas should not create hiding places;
- all four facades of a building should have windows;
- the lower branches of existing trees should be kept at least ten feet (3 metres) off the ground;
- exterior of buildings should be well-lit;
- wherever it is appropriate, a mix of uses should be encouraged to increase natural surveillance at different times of the day; placement of residential uses above commercial is a good example of this;
- elevators and stairwells should be clearly visible from windows and doors;
- shrubbery should be no more than three feet (one metre) high for clear visibility;
- stairwells should be well-lit and open to view; not behind solid walls.

Territorial Reinforcement

- property boundaries, where possible, should be marked with hedges, low fences or gates;
- private and semi-private areas should be easily distinguishable from public areas;
- all public and semi-private areas should be well-maintained to convey pride and ownership, which discourage negative activity;

Natural Access Control

- Public paths should be clearly marked;
- signs should direct patrons to parking and entrances;
- there should be no easy access to the roof;
- entrances to dwellings within a commercial building should be separate from the commercial entrance to enable distinction of residential visitors from those frequenting businesses;
- rear access to shops should be provided from rear parking lots.

5.0 TECHNICAL COMMENTS

This application was circulated to various internal departments and technical agencies and the following comments were received:

5.1 Ministry of Transportation

Applicant has submitted a traffic impact study for MOT review and the developer will be required to address all MOT requirements prior to public hearing.

5.2 Parks Manager

All entry feature signs for the proposed development will be located on private property and not on City Boulevard.

All plant material (trees, shrubs, ground covers and seed/sod) used in Boulevard to be reviewed by City Parks Division. All materials located in Boulevard to meet city standard for size and method of installation.

Landscape Plan Requirements:

The Landscape Plan will have the following standard information and requirements:

a) Planting plan will include a plant materials list:

- i) latin name
- ii) common name
- iii) size at planting
- iv) plant symbol key
- v) indicate existing trees
- vi) indicate existing trees to be removed

b) Minimum plant material specifications for BLVDs as follows:

- i) Deciduous Trees: minimum calipre 60 mm @ 300mm above rootball
- ii) Deciduous Shrub: minimum spread 450mm
- iii) Evergreen Trees: minimum height 2500 mm
- iv) Evergreen Shrub: minimum spread 450mm

c) Shrub and flower beds will require plastic edging beside all areas abutting a city sidewalk, BLVD, or city land to prevent migration of mulch.

d) Planting plan to include all u/g utility locations in BLVD.

Tree Planting to conform with Master Municipal Specifications (MMCD) Section 02950 and British Columbia Landscape Standard (1997) Section 9.3.

Boulevard maintenance including watering (manual or automated irrigation), shrubs, ground cover, sod, and seeded areas will be the responsibility of owner/occupant.

Boulevard tree maintenance will be the responsibility of Parks Division. However, the adjacent owner will be responsible for

watering and replacement of trees during the establishment period, for at least two growing seasons after planting.

5.3 Fire Department

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

Confirm fire flows. Contact FPO for preferred location(s) of new hydrant(s).

5.4 Fortis BC

No response.

5.5 Inspection Services Department

No concerns subject to detailed plan check to determine compliance with BC Building Code.

5.6 Kelowna Regional Transit Operations Manager

No comment.

5.7 Public Health Inspector

No comment.

5.8 RCMP

No response.

5.9 School District 23

No response.

5.10 Shaw Cable

Owner/developer to supply and install an u/g conduit system.

5.11 Transportation Demand Management

a) This development will need to be serviced by transit directly from the curb lane (North Bound Gordon). No allowance has been considered in their design for a bus bay. At this time we don't have any service North bound on Gordon but I anticipate we will in the future. We do have West bound service but it stops across the intersection of Gordon. And further to the east at D'Anjou. A

nearside stop at this location would not be desirable, given the proximity to the intersection.

b) Bicycle parking to be provided at store frontages (near the entries) as well as in the plaza area at the corner.

c) While I like the plants up against the parking areas, I believe it is more important to provide a walking area for people once they get out of their cars. It is much safer for people to walk on a sidewalk rather than through parking areas, especially for very young and elderly. In a big box environment this isn't as important because people there typically load at the rear of their vehicles and are pushing big carts. If they wanted to accommodate both, they could move the east curb line (stalls # 1...18) and entire parking lot 1m further to the east.

c) The handicapped parking stalls in the middle aisle should be located at stall #15 and 18. This way they would have immediate access to the sidewalk as per point # 3 above.

5.12 Telus

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

5.13 Terasen

No response.

5.14 Works and Utilities Department

The Engineering Transportation Division had requested that a Transportation Impact Study (TIS) be provided by the applicant. After consideration of the TIS submitted by the applicant the following comments were forwarded from the Transportation Division of the Works and Utilities Department:

- A Traffic Impact Study (TIS) for the proposed development was prepared by D.A.Watt Consulting, following a 'terms of reference' agreed to by the City of Kelowna.
- The TIS indicates that the Bernard / Gordon Dr. signalized intersection will operate at a satisfactory level of service, provided that the eastbound approach functions as a left, a through, and a through plus right turn lane. These two Bernard Avenue eastbound lanes, must be extended east beyond their parkade access in order to facilitate left turns into the development without obstructing the through traffic.

These two eastbound lanes may even have to extend to D'Anjon Street.

- While westbound traffic at the intersection does not require any lane changes, the City of Kelowna will still recommend the construction of two westbound lanes from D'Anjon west. This is required in order to deal with traffic safety and capacity issues adjacent to their parkade entrance.
- The above noted four-laning of Bernard Avenue east of Gordon Drive should be at the developer's expense.
- The Lawson Avenue / Gordon Drive intersection is not expected to be congested. The left turn from Lawson Avenue into Gordon Drive will be at capacity in the evening peak by 2010; as a result, as Gordon Drive volumes increase over time, it will become necessary to restrict westerly Lawson approach traffic to right turns only. Faced with this restriction, traffic will have to circle the block via D'Anjon Street.
- The re-routing of this site traffic will increase volumes on both Lawson Avenue and D'Anjon Street to levels higher than usually experienced on local streets. However, the pavement tops on these roads is more typical of collector streets, so we do not expect operational problems to arise.
- The developer will have to provide the necessary number of parking stalls. Please note that, the residential stalls can not exceed the minimum number by more than a factor of 1.25.
- The developer should be required to supply adequate secure bicycle parking, in order to encourage non-motorized travel.

The Works and Utilities Department is currently working on the remainder of its servicing requirements relating to this application. Comment will be available for prior to the public hearing. The applicant must also enter into a Servicing Agreement with the City of Kelowna and provide security bonding prior to the Public Hearing. Road dedications must be registered prior to final adoption of the Zone, OCP and Text amending bylaws.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The OCP designates the future land use of the subject properties is Commercial and Single / Two Unit Residential. The proposed CD zone (mixed commercial and high density multiple unit residential) presents uses which are consistent with established policy direction, but at a scale and intensity which are, as currently proposed, not entirely consistent with policy direction.

The zoning being proposed for the site would provide for densities in excess of what were anticipated for this Village Centre commercial-designated site. It should be noted that the subject parcel is in fact not located within either the City or Highway Urban Centres although prior to the last OCP review it was included at part of the downtown Urban Centre and was therefore zoned C4 – Urban Centre Commercial. The subject site is located within the Capri Village Centre. Within Village Centres, typical commercial zoning would be C3 – which would permit a maximum of four storeys. In this case, the zoning on most of the subject site is C4 (a function of the site previously having been included within the Downtown Urban Centre area). Even the C4 zone, however, only allows for a maximum of four storeys, with seven storeys being permitted for hotels and apartment hotels. The height being proposed for this site (16 storeys) is therefore quite a bit in excess of what had been envisioned in the OCP. The applicant argues that “the single 16 storey tower creates a much more open site than would two mid-rise towers allowed under C4”. That may be the case, but “mid-rise” towers would only be permitted under that zone if the use within those towers was “hotel or apartment hotel”. This restriction was presumably intended to limit the number of taller buildings within C4 (Village Centre) areas (since there would be a limit to how many hotels or apartment hotels the market could support). It should not therefore be assumed that if a 16 storey residential tower were to be refused, the existing zoning would allow for the same uses to be distributed in two 7 storey towers. In any case, the FAR being proposed on this site (approximately 2.0) is in excess of the 1.3 permitted within the C4 zone.

In addition to the specifics of the proposed CD zoning being inconsistent with what is typically considered appropriate for a Village Centre, it should be noted that even if the site were located within an Urban Centre (as are the properties across the street), there would be some difficulties in arguing consistency with the OCP. The inconsistency relates to height. The OCP notes that densities should generally *decrease* as distance from the core of the Centre *increases*. Given that 16 storeys is the maximum provided for under conventional zoning, it is difficult to argue that such height is appropriate at the edges of the Urban Centers. Presumably such height would be reserved for the cores, with heights stepping down gradually towards the edges. It should be noted that at a height of 12 storeys, the Kiwanis tower is the tallest structure in this general area.

With respect to densities on the site, there is an OCP policy which provides for more intensive uses than those envisioned in the OCP. The policy, however, requires that certain “preconditions” be met in order to qualify for such consideration. While the infrastructure in the area could be upgraded at the applicant’s cost to accommodate the development according to the Works and Utilities Department,

the lack of other desired components such as affordable housing provide staff with marginal justification for supporting the proposed density.

Having stated the above, staff would like to note that there are many positive attributes to the proposal. The mix of uses proposed relates well to the Village Centre context and is consistent with related policy direction. Other positive aspects of this application including the fact that it is designed to be pedestrian friendly, has high quality design features, is located adjacent to a busy intersection and bus route (Gordon and Bernard), is mixed-use, provides an urban plaza amenity at the corner of a well trafficked intersection, and is located in close proximity to the Downtown Urban Centre. In addition, the subject properties were formerly included in an urban centre designated area and the proposal represents the redevelopment of a large sized land conglomeration (currently occupied by derelict buildings) that would be difficult to achieve in one of the existing urban centre designated areas. The applicant is also proposing a green-roof system for the roof area above the pharmacy. If completed as proposed by the applicant this would be a first of this type of roof system in a Kelowna context.

In addition, although it has been noted above that existing policy is not entirely supportive of the proposal, staff would like to note that correspondence and feedback from the surrounding neighborhood to date has been very positive in nature. The applicant held an open house on-site in July which was well attended by neighbors according to sign-in sheet submitted to staff. The Advisory Planning Commission also supported the proposal as presented with few concerns.

7.0 ALTERNATE RECOMMENDATION

THAT OCP Bylaw Amendment No. OCP04-0011 to amend Map 15.1 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the Future Land Use designation Lot 3, D.L. 137, ODYD Plan 17333/Lot 2, D.L. 137, ODYD Plan 17857/Lot B, D.L. 137, ODYD Plan 18052, located on Bernard Avenue, Kelowna, B.C., from the Single/Two Unit Residential designation to the Commercial designation, as shown on Map “A” attached to the report of Planning & Development Services Department, dated August 10, 2004, be considered by Council;

THAT Rezoning Application No. Z04-0046 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, D.L. 137, ODYD Plan 31667/Lot A, D.L. 137, ODYD Plan 31666/ Lots 2, D.L. 137, ODYD Plan 17333, located on Bernard Avenue, Kelowna, B.C. from the C4 – Urban Centre Commercial zone to the CD17 – Mixed Use Commercial – High Density zone and by changing the zoning classification of Lot 3, D.L. 137, ODYD Plan 17333 and Lot 2, D.L. 137, ODYD Plan 17857 and Lot B, D.L. 137, ODYD Plan 18052, located on Bernard Avenue, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the CD17 – Mixed Use Commercial – High Density zone, be considered by Council;

THAT Zoning Bylaw Text Amendment No. TA04-0005 to amend City of Kelowna Zoning Bylaw No. 8000 by adding the CD17 – Mixed Use Commercial High Density Zone as outlined in the report of the Planning & Development Services Department dated August 10, 2004 be considered by Council;

THAT Zoning Bylaw Text Amendment No. TA04-0005 and the zone amending bylaw be forwarded to a Public Hearing for further consideration;

THAT OCP Bylaw Text Amendment No. OCP04-0011 be forwarded to a Public Hearing for further consideration;

AND THAT the 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 requirements of the Inspection Services Department, Works & Utilities Department, and Ministry of Transportation being completed to their satisfaction;

Andrew Bruce
Development Services Manager

Approved for inclusion

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

RM/AB/rs

FACT SHEET

1. **APPLICATION NO.:** TA04-0005/Z04-0046/
OCP04-0011/DP04-0075
2. **APPLICATION TYPE:** Rezoning
Official Community Plan Amendment
Development Permit
Text Amendment
3. **OWNER:** Lake Placid Developments
 - **ADDRESS** 2100 840 7th Avenue SW
 - **CITY** Calgary, Alberta
 - **POSTAL CODE** T2P 3G2
4. **APPLICANT/CONTACT PERSON:** Brian Kilpatrick
 - **ADDRESS** 300-640 8th Avenue SW
 - **CITY** Calgary, AB
 - **POSTAL CODE** T2P 1G7
 - **TELEPHONE/FAX NO.:** 250-860-8604
5. **APPLICATION PROGRESS:**
 - Date of Application:** June 28, 2004
 - Date Application Complete:** June 28, 2004
 - Servicing Agreement Forwarded to Applicant:** N/A
 - Servicing Agreement Concluded:** N/A
 - Staff Report to APC:** July 13, 2004
 - Staff Report to Council** N/A
6. **LEGAL DESCRIPTION:** Lot A, ODYD Plan 31667/Lot A, ODYD F
31666/ Lots 2 and 3, ODYD Plan 17333/Lot
ODYD Plan 17857/Lot B, ODYD Plan 18052
7. **SITE LOCATION:** The subject properties on the northeast corner
Gordon Drive and Bernard Avenue in the City
Village Centre.
8. **CIVIC ADDRESS:** 1120/1134/1148/1158/1168 BERNARD
AVENUE
9. **AREA OF SUBJECT PROPERTY:** 11,729m²
10. **AREA OF PROPOSED REZONING:** 11,729m²
11. **EXISTING ZONE CATEGORY:** C4 – Urban Centre Commercial / RU6 – 1
Dwelling Housing
12. **PROPOSED ZONE:** CD17 – High Density Mixed Use Commercial

13. PURPOSE OF THE APPLICATION:

TO AMEND THE OFFICIAL COMMUNITY PLAN FUTURE LAND USE DESIGNATION FROM SINGLE/TWO UNIT RESIDENTIAL ON LOTS 2 AND 3 PLAN 17857 AND LOT B PLAN 18052 TO COMMERCIAL

TO AMEND ZONING BYLAW NO.8000 BY ADDING A COMPREHENSIVE DEVELOPMENT ZONE TO ACCOMMODATE THE DEVELOPMENT OF A 16 – STOREY MIXED USE COMMERCIAL/RESIDENTIAL DEVELOPMENT

TO REZONE THE SUBJECT PROPERTIES FROM THE RU1 - LARGE LOT HOUSING AND C4 – URBAN CENTRE COMMERCIAL ZONE TO THE CD17 – HIGH DENSITY MIXED USE COMMERCIAL ZONE

TO OBTAIN A DEVELOPMENT PERMIT IN ORDER TO ALLOW A MIXED USE DEVELOPMENT WITH A 16 STOREY RESIDENTIAL TOWER (148 UNITS), WITH 3148M² OF COMMERCIAL/RETAIL SPACE, A SPA AND NINE GROUND LEVEL ENTRY TOWN-HOUSE UNITS

**14. MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY**

N/A

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Floor plans
- Elevations
- Landscaping plan
- Colour Rendering

APPENDIX “A”

Add the following to Zoning Bylaw No.8000:

CD17 – Mixed Use Commercial - High Density

1.0 Purpose

The purpose is to provide a **zone** for large scale mixed-use commercial/residential developments.

1.1 Principal Uses

The **principal uses** in this **zone** are:

- (a) **apartment hotels**
- (b) **business support services**
- (c) **commercial schools**
- (d) **financial services**
- (e) **food primary establishment**
- (f) **government services**
- (g) **health services**
- (h) **hotels**
- (i) **liquor primary establishment, major**
- (j) **liquor primary establishment, minor**
- (k) **non-accessory parking**
- (l) **offices**
- (m) **participant recreation services, indoor**
- (n) **personal service establishments**
- (o) **public libraries and cultural exhibits**
- (p) **retail liquor sales establishment**
- (q) **retail stores, convenience**
- (r) **retail stores, general**

1.2 Secondary Uses

The **secondary uses** in this **zone** are:

- (a) **apartment housing**
- (b) **home based businesses, minor**

1.3 Subdivision Regulations

- (a) The minimum **lot width** is 13.0 m, except it is 40.0 m if there is no **abutting lane**.
- (b) The minimum **lot depth** is 30.0 m.
- (c) The minimum **lot area** is 11678m².

***Note:** The strata-titling of lots is not subject to the subdivision regulations listed above.

1.4 Development Regulations

- (a) The maximum **floor area ratio** is 2.0. Where **parking spaces** are provided totally beneath habitable space of a principal **building** or beneath **useable** common amenity areas providing that in all cases, the **parking spaces** are screened from view, an amount may be added to the **floor area ratio** equal to 0.2 multiplied by the ratio of such **parking spaces** to the total required **parking spaces**, but in no case shall this amount exceed 0.2. In no case shall the **floor area ratio** exceed 2.2.
- (b) The maximum **site coverage** for principal buildings, accessory structures, parking areas and driveways is 50%.
- (c) The maximum **height** is the less of 55.0m or 16 storeys.
- (d) The minimum **front yard** is 0.0 m, except **non-accessory parking** shall have a landscaped buffer in accordance with Section 7.
- (e) The minimum **side yard** is 0.0m, except it is 2.0m where the **site** abuts a residential **zone** other than an RU1, RU2, RU3 or RU4 zone, in which case the minimum **side yard** is 4.5m. From a **flanking street** the minimum **side yard** is 0.0m
- (f) The minimum **rear yard** is 0.0 m, except it is 6.0 m where **abutting** a residential **zone**.

1.5 Other Regulations

- (a) Apartment housing and **major group homes** require access to grade separate from the **commercial uses**. In the case of elevator equipped **buildings**, **uses** can share elevators provided security measures are in place to restrict access to residential areas.
- (b) A minimum area of 7.0 m² of **private open space** shall be provided per **bachelor dwelling, congregate housing bedroom or group home bedroom**, 12.0 m² of **private open space** shall be provided per 1 **bedroom dwelling**, and 18.0 m² of **private open space** shall be provided per **dwelling** with more than 1 **bedroom**.
- (c) **Financial services** shall have a maximum total **gross floor area** of 500 m²

unless a larger branch of the **Financial services** establishment is located within the C7 zone.

(d) In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 6 (accessory **development**, **yards**, projections into **yards**, accessory **development**, lighting, stream protection, etc.), the **landscaping** and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific **use** regulations of Section 9.

(e) Commercial parking shall be calculated in accordance with the C4 – Urban Centre Commercial zone and residential parking shall be calculated based on the apartment housing standard.

MAP “A”

