
CITY OF KELOWNA
MEMORANDUM

Date: September 20, 2005
File No.: **DVP05-0144**

To: City Manager

From: Planning & Corporate Services Department

Subject:

DEVELOPMENT VARIANCE PERMIT OWNER: CANADA LANDS CO.
APPLICATION NO. DVP05-0144

AT: 1187 SUNSET DRIVE APPLICANT: VIA ARCHITECTURE

PURPOSE: TO SEEK A DEVELOPMENT VARIANCE PERMIT TO VARY
THE MAXIMUM BUILDING HEIGHT FROM 7 STOREYS (25M)
PERMITTED TO 20 STOREYS (63.39M) PROPOSED,

TO SEEK A DEVELOPMENT VARIANCE PERMIT TO VARY
THE AMOUNT OF PARKING REQUIRED FROM 357 STALLS
REQUIRED TO 332 STALLS PROPOSED,

TO SEEK A DEVELOPMENT VARIANCE PERMIT TO VARY
THE NUMBER OF LOADING STALLS FROM 9 STALLS
REQUIRED TO 3 STALLS PROPOSED.

EXISTING ZONE: C4 – URBAN CENTRE COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP05-0144; Lot 1, DL 139, O.D.Y.D., Plan KAP76304, located on Sunset Drive, Kelowna, B.C.;

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

Section 8.1.2, **Off-Street Vehicle Parking** – number of spaces be varied from 357 stalls required to 332 stalls proposed;

Section 8.2.2, **Off-Street Loading** – number of spaces be varied from 9 stalls required to 3 stalls proposed;

Section 14.4.5 (c) **Development Regulations** – vary maximum permitted height for hotels or apartment hotels, from 25.0 m or 7 storeys permitted, to 63.39 m or 20 storeys proposed.

2.0 SUMMARY

The applicant has applied for a Development Permit (DP05-0143) to authorize development of a 218 unit, 20 storey hotel project for the subject property. This associated application has been made for a Development Variance Permit to vary the maximum building height from 7 storeys permitted for Hotels, to 20 storeys proposed. As well, this application seeks a variance to the amount of off-street parking from 357 stalls required to 332 stalls proposed, and a variance to the number of loading stalls from 9 stalls required to 3 stalls proposed.

2.1 Advisory Planning Commission

The above noted application (DVP05-0144) was reviewed by the Advisory Planning Commission at the meeting of August 30, 2005 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Application #DVP05-0144, which seeks to obtain a Development Variance Permit to vary the building height from the maximum 7 storeys permitted for hotels or apartment hotel, to 20 storeys proposed;

THAT the Advisory Planning Commission does NOT support Application #DVP05-0144, which seeks to vary the number of parking stalls from the 356 required to the 332 provided;

3.0 BACKGROUND

3.1 The Proposal

The subject property had been under application for a Development Permit (DP02-0005) in 2002 for a 358 room 7 storey hotel proposal. That application had been authorized for issuance by Council on April 2, 2002. However, that Development Permit was never issued.

Development Permit application (DP05-0143) seeks permission to construct a 20 storey, 218 unit hotel development on the subject property. The proposed development is designed with a 2 storey high pedestal to provide several street oriented retail units facing Clement Avenue along the south face of the building, a dining facility facing Sunset Drive, a loading area facing Ellis St., and a 2 storey high lobby area facing the parking area located at grade to the north of the proposed building. The second storey of this pedestal provides a location for kitchen facilities, a ball room, and a sports bar. Located to the north of the pedestal, adjacent to Ellis Street is a 3 level parking structure that also has a landscaped, outdoor amenity area that provides space for a garden seating area, as well as outdoor swimming pool and court area.

The 3rd storey commences the hotel units, adjacent to the Clement Avenue frontage. The hotel units are arranged in a “tee” shaped configuration, with the elevator lobby located at the intersection of the “tee”. This portion of the proposed building continues up to the 20th storey. Council will have an opportunity to review the form and character of the proposed development when the associated Development Permit application is presented to Council. The intent is to have the DP application presented at the same meeting as this Development Variance Permit application.

This associated Development Variance Permit application requests a number of variances as part of the associated Development Permit application.

The first request is for a height variance. The rationale for the height variance is to allow the construction of the maximum amount of floor space permitted by the zone without covering the site with building up to the maximum site coverage permitted by the zone. This has been accomplished by taking the volume of the apartment hotel units and arranging this volume in a tower configuration.

The second variance seeks to vary the required parking required for the C4 – Urban Centre Commercial zone which is based on floor area, and to apply the “apartment hotel” parking rate of 1 stall per room. This parking rate would compare to the parking rate required for other apartment hotel projects in Kelowna that have been developed under the C9 – Tourist Commercial zone. Since this development is located within the Arts and Cultural District and is in close proximity to the Downtown Urban Centre, and is a top line destination hotel, the reduction of the amount of parking is not anticipated to be a problem.

The third variance seeks to reduce the number of loading stalls from the 9 stalls which are required by the zoning bylaw to the 3 stalls proposed. The three stalls requested are based on the functional requirements of the hotel operating program, as opposed the general number identified in the zoning bylaw.

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

CRITERIA	PROPOSAL	C4 ZONE REQUIREMENTS
Site Area (m ²)	11,536 m ²	1,300 m ²
Site Width (m)	72m	40 m
Site Coverage (%)	33%	75%
Total Floor Area (m ²)	20,323 m ² 16,550 m ²	
F.A.R.	1.4	Max FAR = 1.3 (mixed-use) Max density bonus of 0.2 for under building parking = 1.43
Storeys (#)	20 storeys (63.39 m)❶	Max 7 storeys (25m) for hotels and apartment hotels
Setbacks (m)		
- Front (Clement)	0.0 m	0.0 m
- Rear	16.7 m	6.0 m abutting a residential zone
- West Side (Sunset Dr.)	6.9 m	0.0 m
- East Side (Ellis St.)	4.7 m	0.0 m
Parking Stalls (#)	332 stalls provided❷	1.75 stalls per 100 m ² GFA 357 stalls required
Loading Stalls (#)	3 proposed ❸	1 stall per 1,900 m ² 9 stalls required

Notes:

- ❶ Height Variance from max 7 storeys (25m) permitted to 20 storeys (63.39 m) proposed,

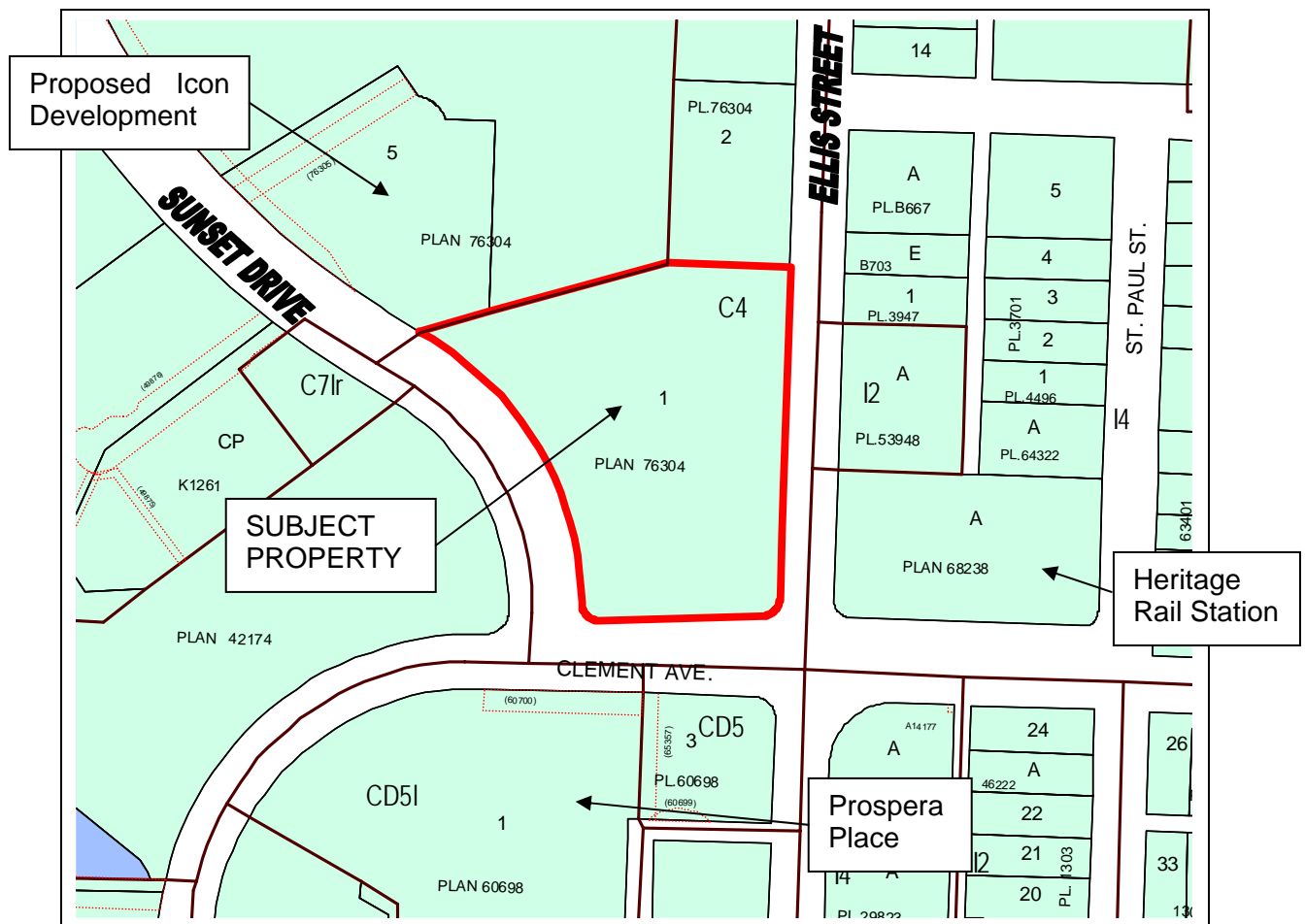
- ② Parking Variance from 357 stalls required to 332 stalls provided, based on 1 stall per hotel unit = 218 stalls (as per C9 – Tourist Commercial zone for Apartment Hotel use), and 114 stalls for other commercial uses
- ③ Loading stall variance from 9 stalls required to 3 stalls provided

The proposed density of development is based on a base density of 1.3 for a Mixed-Use development, and a parking bonus of $357/240 \times 0.2 = 0.13$
Maximum allowable density is $1.3 + 0.13 = \mathbf{1.43 \text{ FAR}}$

3.2 Site Context

The subject property is generally flat and level, bounded by Sunset Drive on the west side, Clement Avenue on the south side, and Ellis Street on the west. The area of the subject property had been the location of the CN Rail yards, and has been included as part of the subject properties of the “Downtown North Area Structure Plan”.

SUBJECT PROPERTY MAP



The adjacent zone uses are as follows:

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

3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

The Kelowna Official Community Plan designates the subject property as a “Commercial” future land use. The proposed development is consistent with that future land use designation.

3.3.2 City of Kelowna Strategic Plan (2004)

The City of Kelowna Strategic Plan 2004 describes a vision of what residents hope Kelowna will be like in the future and has identified as one of the themes that overall, residents aspire to live in a community that:

- works to develop and maintain a strong, diversified local economy that offers residents opportunities for high-paying jobs

The City of Kelowna Strategic Plan 2004 also states as Goal 2;
“To foster a strong, stable and expanding economy “

The City of Kelowna Strategic Plan 2004 also states as Objectives for Goal 2;

1. Aid in the growth and progress of Kelowna as a desirable place to do business.
2. Aid in the growth and progress of Kelowna as a desirable place to visit, shop and tour.
3. Increase the diversity of employment opportunities.

3.3.3 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”.

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and will be included in the associated Development Permit application which will be reviewed at the same Council meeting as this Development Variance Permit application.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

This site had been the subject of an application for a proposed hotel development in 2002. At that time, the proposed hotel development contemplated the creation of 358 units. That application was for a 7 storey building with a site coverage of approximately 67%. However, that application was never issued, and the application file was closed on December 13, 2002 for lack of action.

This current application for a 20 storey apartment hotel development on the subject property represents a comprehensive design proposing a “4 star”, top line hotel development. The applicant has taken care to design the proposed development in a tower configuration, to minimize the site coverage while creating a building with a developed floor area that maximizes the allowable floor area permitted by the zone. However, this design concept required a variance to the allowable building height of the C4 – Urban Centre Commercial zone which limits the maximum building height to 7 storeys or 25 m.

The variance requested for the off-street vehicle parking proposes the provision of parking for the apartment hotel portion of the development at a level comparable to the requirements of either the C9 – Tourist Commercial zone or the C8 – Convention Hotel Commercial zone which permit parking for Apartment Hotel uses at a rate of 1 stall per unit. The C4 – Urban Centre Commercial zone bases the required parking on a rate based on the floor area created.

The variance requested for the off-street loading seeks permission to provided loading stalls based on the designers’ functional experience for the number of loading stalls required for hotel uses, not based on the general provisions of the City of Kelowna Zoning Bylaw requirements.

Although the requested height variance is a significant increase over what is permitted in the C4 zone, staff do not feel that the proposed height is out of character with other developments in the vicinity. The hotel is proposed to function as a top line, 4 star hotel, which requires a high level of service and design. The proposed variance to building height is similar to other high-rise developments in the neighbourhood, which already has buildings constructed in heights ranging from 16 storeys, up to 21 storeys. As well, the nearby Grand Okanagan Resort hotel has tower elements that have been constructed to a 12 storey building height.

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

Andrew Bruce
Manager of Development Services

Approved for inclusion ☐

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

PMc/pmc
Attach.

Attachments

Subject Property Map

3 pages of site elevations / diagrams