
**CITY OF KELOWNA
MEMORANDUM**

Date: October 28, 2005
To: City Manager
From: Planning & Corporate Services Department
Subject:

APPLICATION NO. Z05-0040 **APPLICANT:** Northland Properties Limited
(Scott Thomson)
AT: 2130 Harvey Ave. **OWNER:** Northland Properties Limited

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM THE C9LP – TOURIST COMMERCIAL (LIQUOR PRIMARY) ZONE TO THE C4LP – URBAN CENTRE COMMERCIAL (LIQUOR PRIMARY) ZONE TO ALLOW FOR AN EXPANSION TO THE EXISTING HOTEL.

EXISTING ZONE: C9lp – TOURIST COMMERCIAL (LIQUOR PRIMARY)

PROPOSED ZONE C4lp – URBAN CENTRE COMMERCIAL (LIQUOR PRIMARY)

REPORT PREPARED BY: NELSON WIGHT

1.0 RECOMMENDATION

THAT Rezoning Application No. Z05-0040 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 127 O.D.Y.D. Plan 23746, located on Harvey Avenue, Kelowna, B.C. from the C9lp – Tourist Commercial (Liquor Primary) zone to the C4lp – Urban Centre Commercial (Liquor Primary) zone, be considered by Council;

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 the accompanying Development Permit and Development Variance Permit for the subject property.

2.0 SUMMARY

This application seeks to rezone the subject property from the C9lp – Tourist Commercial (Liquor Primary) zone to the C4lp – Urban Centre Commercial (Liquor Primary) zone to allow for an expansion to the existing hotel. The project would include the construction of an 11-storey tower, accommodating 82-unit hotel units.

There is an accompanying development permit and a development variance permit application made with respect to this development. The variance application seeks to reduce the required number of loading spaces from five (5) spaces to one (1) space, vary certain elements of the Sign Bylaw, and vary the required number of parking spaces.

3.0 ADVISORY PLANNING COMMISSION

At a meeting held on August 2, 2005 the Advisory Planning Commission reviewed this application, and the following recommendation was passed:

THAT the Advisory Planning Commission not support Rezoning Application No. Z05-0040, for 2130 Harvey Avenue, Lot A, Plan 23746, Sec. 21, Twp. 26, ODYD, by Northland Properties Corporation (Scott Thompson), to rezone from the C9l-Tourist Commercial (Liquor Primary) zone to the C4lp- Urban Centre Commercial Liquor Primary zone to allow for an expansion to the existing hotel.

As a result of the Advisory Planning Commission not supporting the rezoning application, there is no recommendation for Development Permit Application DP05-0-090 and Development Variance Permit Application DVP05-0119

4.0 BACKGROUND

4.1 The Proposal

Construction of an 11-storey, apartment hotel tower is proposed for the subject property. There are 82 one-bedroom units to be accommodated in a tower, which is to be constructed on the northwest portion of the existing Sandman Inn hotel site. All of the required parking is to be provided at grade.

The main floor of the proposed tower addition contains the lobby area, mechanical room, storage, and an exercise room. There is also one apartment hotel unit and one hotel unit on this floor. The southern portion of this building footprint is not enclosed, and is to accommodate 9 parking spaces in between the supporting columns for the upper floors. Floors 2 to 11 consist of 8 hotel units each surrounding a central elevator shaft and stairway. A second floor walkway connecting the existing hotel with the proposed tower addition is also proposed.

The table below shows this application's compliance with the C4 zoning requirements:

| | | |
|-------------------------|--|--|
| Project details | Site area: 11,817 m ² (2.92 ac) | |
| | Existing Bldg. Footprint: 2,536 m ² | |
| | New Bldg. Footprint: 526 m ² | |
| | Existing Floor Area: 6,977 m ² | |
| | New Floor Area: 5,790 m ² | |
| | Existing Restaurant 130 seats | |
| | Existing Lounge: 70 seats | |
| | Existing Units: 120 hotel units | |
| | Proposed Units 80 hotel units | |
| | <u>2 apartment hotel units</u> | |
| 202 total | | |
| CRITERIA | PROPOSAL | C4 ZONE REQUIREMENTS |
| Subdivision Regulations | | |
| Lot Area | 11,817 m ² (2.92 ac) | 1,300 m ² |
| Lot Width | 94 m | 40.0 m |
| Lot Depth | 122 m | 30.0 m |
| Development Regulations | | |
| Floor Area Ratio | 1.08 ^A | 1.0 (commercial only) 1.3 (mixed-use) |
| Site Coverage | 26% | 75% |
| Height | 35.2 m / 11-storeys | 37.0 m or 12-storeys |
| Front Yard (south) | 38.6 m | 0.0 m |
| Side Yard (west) | 4.5 m | 0.0 m |
| Side Yard (east) | 13.2 m | 0.0 m |
| Front Yard (north) | 5.7 m | 0.0 m |

| Other Regulations | | |
|------------------------------|--|--|
| Minimum Parking Requirements | 202 spaces ^B (99 out of 221 or 45% small car) ^C | <u>Residential (apartment hotel):</u> 1 per sleeping unit 1 x 2 units = 2 <u>Commercial:</u> 1.75 per 100m ² GFA 1.75 x 12,502 m ² /100 = 219 Total required: 221 spaces (max. 40% of required spaces can be small car) |
| Setback to parking | 3.0 m | 2.0 m to any front property line, or flanking street. |
| Bicycle Parking | Class I: 11 spaces Class II: 16 ^D | <u>Residential</u> Class I: 1 per 20 sleeping units = 1/20 x 202 = 10.1 Class II: 1 per 20 sleeping units = 1/20 x 202 = 10.1 <u>Commercial (food/liquor):</u> Class 1: 0.10 per 100 m ² GFA; or 1 per 10 employees = 1/10 x 50 = 5 spaces Total Class I: 16 spaces Total Class II: 10 spaces |
| Loading | 1 space ^E | <u>Hotels/Motels, Food Primary, and Liquor Primary:</u> 1 per 2,800 m ² GFA 1 x 12,504 / 2,800 = 4.5 5 loading spaces required |
| Drive Aisle | 7.0 m | 7.0 m min. for 2-way |
| Landscaping | North – meets requirements East – meets requirements South – meets requirements West – meets requirements | North – Level 2 buffer East – Level 3 buffer South – Level 4 buffer West – Level 3 buffer |

^A This development proposes a mix of “hotel” and “apartment hotel” uses, qualifying the site for the higher mixed-use F.A.R.

^B The Applicant has shown 203 parking spaces, but stall 71 does not meet the required width, due to that area also being used as a pedestrian walkway.

^C The Applicant will need to meet the parking requirement or resolve the parking shortfall through the development variance permit process.

^D The Applicant will be required to provide detail on the bicycle racks proposed for the south side of the new building.

^E The Applicant has applied to vary the loading requirements, providing one (1) loading space where five (5) are required.

The subject property is located north, across Harvey Avenue from Orchard Park Shopping Centre, ½-block west of Dilworth drive. The surrounding land has been developed primarily for commercial uses, with some industrial uses north across Enterprise Way. More specifically, the adjacent land uses are as follows:

Site Location Map

The map displays the Orchard Park Shopping Centre area. The subject property is highlighted with a thick black border and labeled 'Subject Property' with a callout arrow. It is located at the intersection of Enterprise Way and Harvey Ave. The property is identified by area numbers 2130, 23746, and C9L. Surrounding properties are also labeled with their area numbers and codes. The map includes a scale bar for 103m and a north arrow.

| Property Label | Area Numbers | Code |
|------------------|------------------|------|
| Subject Property | 2130, 23746 | C9L |
| Property 1 | 1670, 39540 | I3 |
| Property 2 | 39540, 2160 | I2 |
| Property 3 | 2092, 54290 | |
| Property 4 | 24849, 2106-2112 | C4 |
| Property 5 | 1730, 34162 | |
| Property 6 | 2090, 31862 | |
| Property 7 | 1640-1656, 25294 | I1 |
| Property 8 | 2150, 25294 | C5 |
| Property 9 | 1655, 25469 | |
| Property 10 | 1755, 31209 | C9 |
| Property 11 | 2170, 42733 | C9LR |
| Property 12 | 1835, 34535 | |
| Property 13 | 2091, 31862 | |

4.3 Existing Development Potential

The purpose is to provide a zone for the development of community commercial centres to serve more than one neighbourhood.

4.4 Current Development Policy

4.4.1 City of Kelowna Strategic Plan (2004)

Goal #1 – To maintain, respect, and enhance our natural environment.

Goal #2 – To foster a strong, stable, and expanding economy.

Goal #3 – To foster the social and physical well-being of residents and visitors.

4.4.2 Kelowna Official Community Plan (OCP)

Future Land Use

The subject properties are designated as “commercial” in the OCP. Consequently, the proposal to rezone to the C4 – Urban Centre Commercial zone is consistent with that designation.

Objectives for Commercial Development

- All development should be an appropriate response to its physical context, or anticipated future context where an area is designated for increased density or land use transition in the OCP;
- All development should provide visual interest and human scale;
- All development should contribute to a sense of community identity and sense of place (integration of development within larger community belonging, community cohesiveness);
- All development should facilitate access by, and minimize conflicts among pedestrian, bicycle, and vehicular modes of transportation (access, mobility);
- All development should promote safety and security of persons and property within the urban environment (CPTED);
- All development within Urban Centres and Village Centres should contribute to the creation of pedestrian-oriented streets and public spaces (connections, social interaction).

5.0 TECHNICAL COMMENTS

Fire Department

Fire department access and hydrants as per BC Building Code and City of Kelowna Subdivision Bylaw. Engineered fire flows should determine fire hydrant requirements and locations.

FortisBC

No comments.

Inspection Services

Bldg dept comments: (1) Will this be residential suite rentals or hotel rooms? Need to confirm for DCC's and accessible requirements under 3.8.2.31 BCBC (2) Detailed site traffic flow drwg required to show Fire dept access routes as per 3.2.5.6. (3) Separate sign permits required. (4) Are they planning upgrades to existing hotel - ie accessibility for pool area and washrooms. (5) BP application will require detailed code analysis, geotechnical report, sealed fire flow calculations with water flow rate confirmation and sealed civil drawings.

Original review based on reduced revised drawings.

Ministry of Transportation and Highways

In response to your September 14, 2005 referral we have reviewed Northland Properties Corporation drawing nos. A1 and A2 dated April 22, 2005 and can advise that we are prepared to approve the rezoning bylaw subject to the following conditions:

- Okanagan Highway #97 to be established an additional 3.672 m wide by legal survey plan fronting Lot A, Plan 23746. This dedication must match the right-of-way that was established by Plan H17519 in front of the adjacent McDonalds property. We require a copy of the legal survey plan to be submitted to our office along with a written undertaking from the owner's solicitor to register the road dedication plan in the Land Title Office in Kamloops immediately upon successful completion of the rezoning.
- A minimum 203 parking stalls to be provided on the site.
- A minimum 22.5 metres of magazine storage to be provided from the new property line into the site for the highway access. Given the parking lot configuration shown this will require the driveway magazine to be protected all the way to the north end of stall 155 with no aisle connections or interruptions for that distance.
- Application for an amended controlled access permit for the right in/right out only access to Highway 97 be submitted to this office for processing. The amendment is to add the proposed new 82 hotel units to the allowable use currently recognized on the property. The application form is available on our website at www.th.gov.bc.ca/permits/forms.asp

Once all items have been addressed to our satisfaction we will be prepared to approve the rezoning bylaw.

Parks Department

The owner will be responsible to weed, water and mow the boulevards adjacent to their properties. The owner will also be responsible for maintaining the boulevard in a reasonably tidy condition, free and clear of garbage, litter or debris.

All plant material (trees, shrubs, ground covers and sod) used in the boulevard will be reviewed and approved by Parks Staff.

Minimum plant material specifications for the boulevards as follows:

- i) Deciduous Trees minimum calliper 60mm @ 300mm above the root ball;
- ii) Evergreen Trees - minimum height 2500mm;

Trees in boulevards less than 3.0m in width shall be installed with root barriers such as "Deep Root" brand, or City-approved equal, installed per the manufacturer's instructions.

Tree Plantings in the boulevard will conform to Master Municipal Specifications (MMCD) Section 02950 and British Columbia Landscape Standard (1997) Section 9.3.

Underground utilities in the boulevard shall be aligned and buried to provide a continuous 1.0m deep utility-free trench to accommodate tree planting, except as required for utility crossings, service connections, boxes and vaults.

Boulevard tree maintenance will be the responsibility of Parks Division. However, the owner will be responsible for watering and replacement of trees during the establishment period, for at least one growing season after planting.

All entry feature signs for the proposed development will be located on private property and not on the City's boulevard lands and will be in compliance with the City's Signage Bylaw No. 8235.

In an effort to conserve water, all automated irrigation systems will be design to minimize over spraying on non-landscaped areas including City sidewalks, courtyards, parking areas, roadways, etc..

Public Health Inspector

No comments.

Shaw Cable

Owner/developer to supply and install an underground conduit system as per specifications.

Telus

Will provide underground facilities. Developer will be required to supply and install conduit.

Terasan

No comment.

Works and Utilities

1. Domestic Water and Fire Protection

- (a) The existing site is serviced with a 100mm-diameter cast iron water service. The developer must engage a consulting mechanical engineer to determine the domestic and fire flow requirements of this development, and establish if this service can be utilized or if a larger service is required. Unused services must be removed at the applicant's cost, and if a larger service is required, it can be provided at the applicant's cost.

2. Sanitary Sewer

- (a) The existing site is serviced with a 200mm-diameter AC sanitary service. The service may be retained for the proposed development if it is suitable. If the existing sanitary service is retained, an inspection chamber (IC) must be installed on the service at the owner's cost as required by the sewer-use bylaw. If a larger sanitary sewer service is required, it can be provided at the owner's cost.

3. Storm Drainage

- (a) The existing site is serviced with a 200mm diameter overflow storm service from Enterprise Way. The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and recommendations for onsite drainage containment and disposal systems.

4. Road Improvements

- (a) Harvey Avenue fronting this development must be upgraded to a full urban standard including curb and gutter, piped storm system, separate sidewalk, fillet pavement, irrigated boulevard landscaping and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction. This work will require curb and gutter installation, sidewalk removal and replacement. The proposed work must be approved by Ministry of Transportation and constructed to their Standards.

The estimated cost of the road improvements for bonding purposes is \$53,400.00, which includes a bonding escalation.

- (b) Enterprise Way fronting this development has been upgraded to an urban standard. The proposed access driveway to Enterprise Way will require driveway letdown, curb and gutter removal and replacement. Re-locate utility appurtenances if required to accommodate this construction. The cost for bonding purposes is \$18,000.00

5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Provide an additional highway allowance widening of 3.7 meters for the frontage of Harvey Avenue. This widening is to be accomplished by dedication.
- (b) Grant statutory-rights-of-way without charge, if required for utility services.

6. Electric Power and Telecommunication Services

The electrical and telecommunication services to this building as well as the local distribution wiring must be installed in an underground duct system, and the building must be connected by an underground service. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost.

7. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked "issued for construction" by the City Engineer before construction may begin.

8. Geotechnical Report

As a requirement of this application and building permit approval the applicant must provide a comprehensive geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics, including water sources on the site.
- (b) Site suitability for development; i.e. unstable soils, foundation requirements etc.
- (c) Drill and/or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any.

Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.

- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.
- (e) Additional geotechnical survey may be necessary for building foundations, etc.

9. Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

10. Bonding and Levy Summary

(a) Bonding

| | |
|--|---------------------|
| Frontage improvements on Harvey Avenue | \$ 53,400.00 |
| Access modifications to Enterprise way | \$ 18,000.00 |
| Total Bonding | <u>\$ 71,400.00</u> |

NOTE: The bonding amounts shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so. Bonding for required off-site construction must be provided as a condition of subdivision approval or building permit issuance, and may be in the form of cash or an irrevocable letter of credit, in an approved format.

The owner must also enter into a servicing agreement in a form provided by the City prior to 4th reading of the zone amending bylaw or issuance of a building permit.

11. Development Permit, Development Variance Permit and Site Related Issues

- (a) The development will be required to contain and dispose of site generated storm water on the site by installing a ground recharge system consisting of drywells and perforated pipe bedded in drain rock.
- (b) The requested variance to reduce the loading bay requirements, does not compromise Works and Utilities servicing requirements
- (c) A bike rack must be provided in accordance with current bylaws and policies.

12. Access and Manoeuvrability

- (a) As a result of the new and projected redevelopments within this city block, the Transportation Department is working towards the following ultimate access improvements:
 - (i) A shared Harvey Avenue access which will serve both Lot-C Plan-24849 (McDonald's Restaurants) and Lot-A P-23746 (Sandman Hotel)
- (b) Register a cross access agreement in favour of Lot-C Plan-24849 (McDonald's Restaurants) which will facilitate a future common Harvey Avenue access driveway. This agreement need only cover the obligation of the current

- application, but the site driveway and parking layout must be configured to permit the future common driveways to operate.
- (c) Provide a hard surfaced pedestrian access from the Harvey Avenue sidewalk onto the property.
 - (d) The site plan should illustrate the ability of an SU-9 standard size vehicle to manoeuvre onto and off the site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles, the site plan should be modified and illustrated accordingly.

13. Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as 3% of the total off-site construction costs, not including design. 7% GST will be added.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

There is support in the OCP to allow the transition to the C4 zone in this location. Staff considers that the site is suitable in size, configuration, and location to accommodate additional development.

At this time, however, there are some concerns related to certain elements of this particular design, which will need to be resolved through the development permit and development variance permit process.

It should be noted that the floor plans indicate a kitchenette in 80 out of 82 of the new units. For the purposes of a development cost charge calculation, these units will be considered as “hotel” units. The remaining two units labelled as “suites” will be considered “apartment hotel” units. The “hotel units” must comply with the definition for that use within the Zoning Bylaw, particularly with regard to the requirement that there be no cooking facilities whatsoever (e.g.: no range, no hotplate).

Andrew Bruce

Manager of Development Services

Approved for inclusion

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

NW/nw

ATTACHMENTS

Location of subject property

Site Plan

Floor Plans

Elevations

Section