
**CITY OF KELOWNA
MEMORANDUM**

Date: November 23, 2005
To: City Manager
From: Planning & Corporate Services Department
Subject:

APPLICATION NO. DP05-0090 **APPLICANT:** Northland Properties Limited
(Scott Thomson)

AT: 2130 Harvey Ave. **OWNER:** Northland Properties Limited

PURPOSE: TO OBTAIN A DEVELOPMENT PERMIT TO ALLOW FOR THE CONSTRUCTION OF AN 11 STOREY, 5,790 M² ADDITION TO THE EXISTING HOTEL, PROVIDING AN ADDITIONAL 82 HOTEL UNITS.

EXISTING ZONE: C9lp – TOURIST COMMERCIAL (LIQUOR PRIMARY)

PROPOSED ZONE C4lp – URBAN CENTRE COMMERCIAL (LIQUOR PRIMARY)

REPORT PREPARED BY: NELSON WIGHT

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DP05-0090 for Lot A, D.L. 127 O.D.Y.D. Plan 23746, located on Harvey Avenue, Kelowna, B.C., subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. The landscaping be in general accordance with Schedule "C";
4. The Applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;
5. There are to be no cooking facilities in any of the proposed hotel units.

2.0 SUMMARY

This application seeks to allow for the construction of a 5,790 m² addition to the existing hotel. This addition is in the form of an 11-storey tower, which is to be built in the northwest corner of the site, and provide an additional 82 hotel units.

In order to accommodate this tower addition, variances to vehicle parking and loading are required (DVP05-0119). Under the accompanying development variance permit application, additional variances are being sought to allow signage that does not conform to the Sign Bylaw.

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 C9I-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 hotel 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 parking is to be provided at grade.

The table below shows this application's compliance and non-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: 6,797 m ²	
	New Floor Area: 5,790 m ²	
	Existing Restaurant 130 seats	
	Existing Lounge: 70 seats	
	Existing Units: 120 hotel units	
	Proposed Units <u>82 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	0.92	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 ^A (43 out of 221 or 21% small car)	<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	2.0 m	2.0 m to any front property line, or flanking street.
Bicycle Parking	Meets requirements	<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 ^B	<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 The Applicant has applied to vary the minimum number of vehicle parking stalls to allow 202 stalls where 221 are required as per Table 8.1.

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

The table below shows this application's compliance and non-compliance with the Sign Bylaw:

Building Frontage	94.36 m	
Free-Standing Signs		
Free-standing Signs (number)	2 free-standing signs on Harvey Avenue, 1 free-standing sign on Enterprise Way ^C	1 per building frontage, except for a flanking lot over 45 m long which may have 1 on each frontage, except a lot may have 1 additional for every additional 150 m frontage over 150 m to a maximum of 4 signs
Free-standing Signs (sightline triangle)	Meets requirements ^D	does not obscure a pedestrian or drivers' line of vision from a street, access road or sidewalk to oncoming traffic. The line of vision shall be measured a distance of 8.0 m back along both abutting and intersecting streets along the abutting property lines of the lot from the point of intersection of the streets. In the case of an access road, the 8.0 m shall be measured back along the edge of the access road from the point of intersection with the street;
Free-standing Signs (minimum clearance above vehicle traffic area)	Does not meet this requirement ^E	maintains a minimum clearance of 4.4 m when it projects over a vehicular traffic area such as a parking lot aisle or driveway; and
Free-standing Signs (setback to street)	Meets requirements ^F	is not located closer than 1.5 m to a lot line, within 1.0 m of any building, or within 30.0 m of another free standing sign.
Fascia Signs		
"Sandman" Sign on Parapet	Does not meet this requirement ^G	Section 5.5.2: No fascia signs shall be allowed on a wall which is not a business frontage.

<p>“Sandman” Sign on Parapet</p>	<p>Does not meet this requirement^H</p>	<p>A fascia sign may only be located more than 1.0 m above the second story provided that:</p> <p>(a) the sign consists only of a logo, the name of a building, the street address, or a particular tenant;</p> <p>(b) the sign, in the form of individual letters, symbols or logos is directly attached to or inscribed on the building face; and</p> <p>(c) there are no more than one sign per building face and no more than 4 per building provided all signs are identical and identify the same business.</p>
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^C The Applicant will be required to remove one of the two free-standing signs on Harvey Ave. or successfully vary this requirement of the Sign Bylaw.

^D Subsequent to the drafting of the Council report for DVP05-0119, the Applicant has proposed relocating to Sign #2 to comply with this requirement.

^E The Applicant will need to comply with, or successfully vary this requirement of the Sign Bylaw.

^F Subsequent to the drafting of the Council report for DVP05-0119, the Applicant has proposed relocating free-standing signs #1, #2, and #3, in order to comply with the 1.5 m setback to the street.

^G The Applicant is applying to vary this requirement of the Sign Bylaw

^H The Applicant is applying to vary this requirement of the Sign Bylaw.

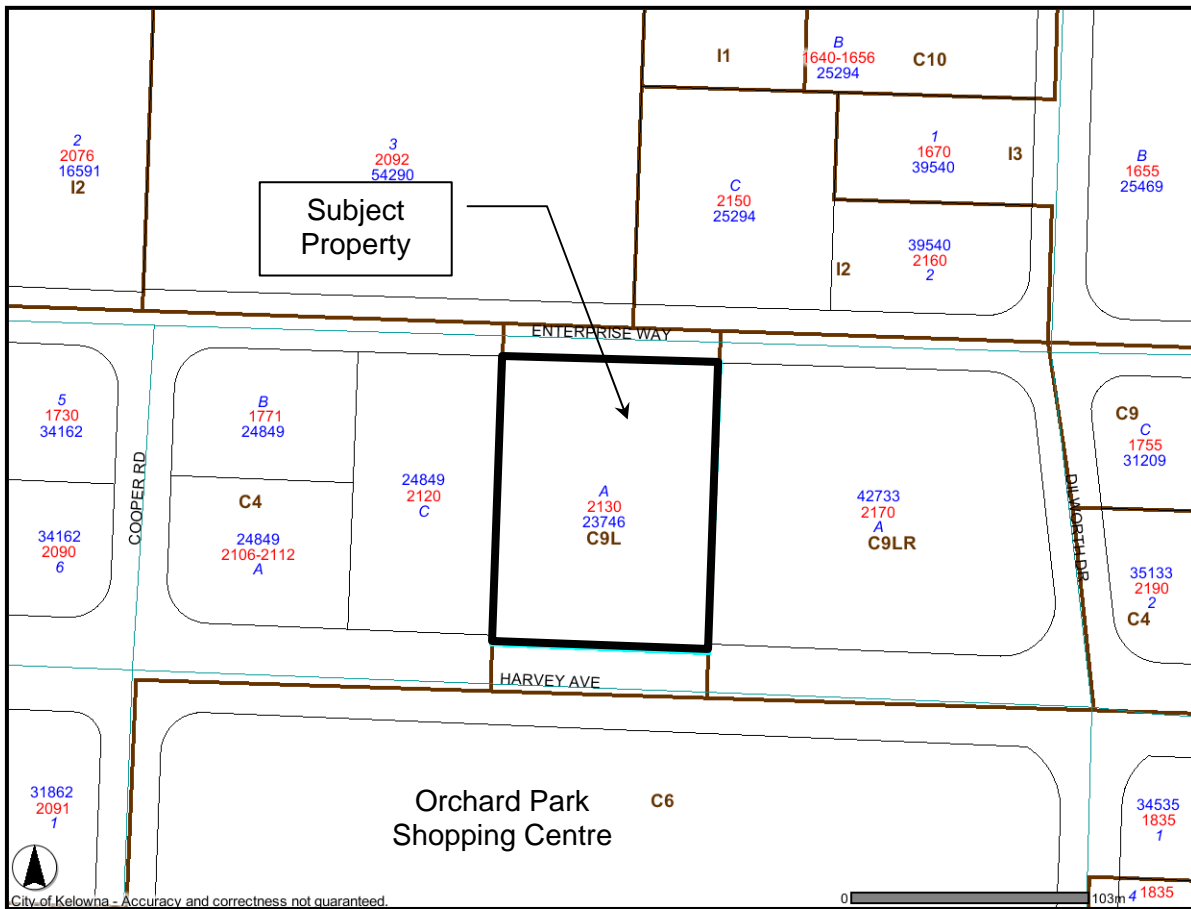
4.2 **Site Context**

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:

North-	I2 – General Industrial
	I3 – Heavy Industrial
East	C9Irs – Tourist Commercial (Liquor Retail Sales)
South	C6 – Regional Commercial
West	C4 – Urban Centre Commercial

Site Location Map

Subject property: 2130 Harvey Avenue



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

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~~

AMENDMENT November 7, 2005: The Ministry would be prepared to accept the deletion of one more parking stall in order to address City requirements. This would bring the total number of required stalls on the site down to 202.

- 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.

Works and Utilities

1. 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.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

Although the proposed tower addition represents the first taller building in the immediate area, and its placement on the site is somewhat arbitrary, the Applicant has worked with Staff to improve the ground floor orientation to Enterprise and has also revised some exterior design elements. There are currently few OCP design guidelines that address tower type buildings beyond the ground floor and roof elements. The height of the tower is also consistent with the provisions of the C4 zone for the Springfield/Hwy 97 Urban Centre. Therefore, Staff recommend support of the development permit application, pursuant to the recommendation on the first page of this report.

It should be stressed that there are to be no cooking facilities in any of the proposed hotel units, as noted under condition #5 on the first page of this report.

The following items have been noted on the drawings:

- Schedule A (1 of 6) – only one free-standing sign permitted on the Harvey Avenue frontage, unless approved by Council under application DVP05-0119.
- Schedule B (1 of 6), Schedule B (2 of 6), and Schedule B (6 of 6) – signage not permitted, unless approved by Council under application DVP05-0119.
- Schedule B (5 of 6) – no tinted glass permitted on windows of lobby or exercise room.

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

ATTACHMENTS

Subject Property
Location of subject property
Schedule A (6 pages)
Schedule B (6 pages)
Schedule C (1 pages)