
CITY OF KELOWNA

MEMORANDUM

Date: May 10, 2006
File No.: TA06-0001

To: City Manager

From: Planning & Corporate Services Department

Subject:

APPLICATION NO. TA06-0001

OWNER: PROSPERO CANADIAN
LAND INVESTMENT FUND
LTD (INC. NO. 556799)

AT: 1835 GORDON
1171 HARVEY AVE.

APPLICANT: 584121 BC LTD
(KIM McKECHNIE)

PURPOSE: TO AMEND THE C4 – URBAN CENTRE COMMERCIAL ZONE
TO PERMIT A MAXIMUM BUILDING HEIGHT OF 16 STOREYS
FOR MIXED-USE DEVELOPMENT PROJECTS ON THE CAPRI
CENTRE MALL PROPERTY

EXISTING ZONE: C4lp – URBAN CENTRE COMMERCIAL (Liquor Primary)
C4lp/rls – URBAN CENTRE COMMERCIAL (Liquor Primary /
Retail Liquor Sales)

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT Zoning Bylaw Text Amendment No. TA06-0001 to amend City of Kelowna Zoning Bylaw No. 8000 by amending Section 14.4.5 (c) **Development Regulations** by adding following to the existing section;

“Notwithstanding any other requirements in this sub-paragraph 14.4.5 (c), the maximum permitted height for Lot A, D.L. 137, O.D.Y.D., Plan KAP64836, is the lesser of 55m or 16 storeys“

as outlined in the report of the Planning & Corporate Services Department dated May 10, 2006 **NOT** be considered by Council;

2.0 SUMMARY

The applicant is seeking a text amendment to the C4 – Urban Centre Commercial zone to change the maximum permitted building height from the current limit of 15.0m or 4 storeys, up to a maximum of 55m or 16 storeys for Mixed-Use Developments located within the Capri Village Centre. This request has been made in preparation for a pending comprehensive redevelopment of Capri Mall development located on the subject property.

2.1 Advisory Planning Commission

The above noted application (TA06-0001) was reviewed by the Advisory Planning Commission at the meeting of February 14, 2006 and the following recommendation was passed:

THAT the Advisory Planning Commission **not** support Text Amendment No. TA06-0001, for 1835 Gordon Drive, Lot A, Plan 64836, Twp. 26, Sec. 19, O.D.Y.D, by 584121 BC Ltd. (Kim McKechnie), to amend Zoning Bylaw 8000 to permit a maximum building height of 16 storeys in the C4-Urban Centre Commercial zone for the Capri Village Centre.

3.0 BACKGROUND

3.1 The Proposal

The current C4 – Urban Centre Commercial zone generally limits building heights to a maximum of 15.0m or 4 storeys, or 25.0m or 7 storeys for hotels or apartment hotels, unless the property is located within the South Pandosy or Rutland urban centres. However, there are specific provisions which permit 15.0 m or 4 storeys, except that the maximum building height is 37.0m or 12 storeys for hotels, apartment hotels, and apartment housing located within the Highway Urban Centre.

This application has been made for a text amendment to the C4 – Urban Centre Commercial zone to increase the maximum permitted building height for Mixed-Use development in the C4 – Urban Centre Commercial zone to 55m or 16 storeys for the property bounded by Harvey Ave, Gordon Dr, Sutherland Ave, and Capri Street. (Lot A, Plan 64836, Twp. 26, Sec. 19, O.D.Y.D.), which is currently developed with the Capri Centre Mall.

The owners of the existing Capri Centre Mall are contemplating a comprehensive redevelopment of the subject property that includes a major residential component in order to create a mixed-use development on that site. Their desire is to increase the permitted building height in the C4 – Urban Centre Commercial zone so that the permitted floor area may be constructed on the site in a “point tower” configuration in order that there is the potential to create larger openings between the proposed buildings to provide better views and to permit more sunlight on the site.

The existing zone permits a maximum building height of 15.0m or 4 storeys for buildings located within the Village Centre, unless the building is used for hotel, or apartment hotel uses, which then would permit a maximum building height of 25.0m or 7 storeys. The concern of the developer is that a 4 storey high would have the potential to occupy a large portion of the site and possibly create a 4 storey building mass close to the pedestrian realm and adjacent roads. The proposed increase in building height would permit the same amount of floor space to be constructed on the site without occupying a more massive amount of the ground level plane while providing the potential to create a

variety of building forms on the site. This would also provide open space between the proposed building to improve views and sun penetration to the interior of the site.

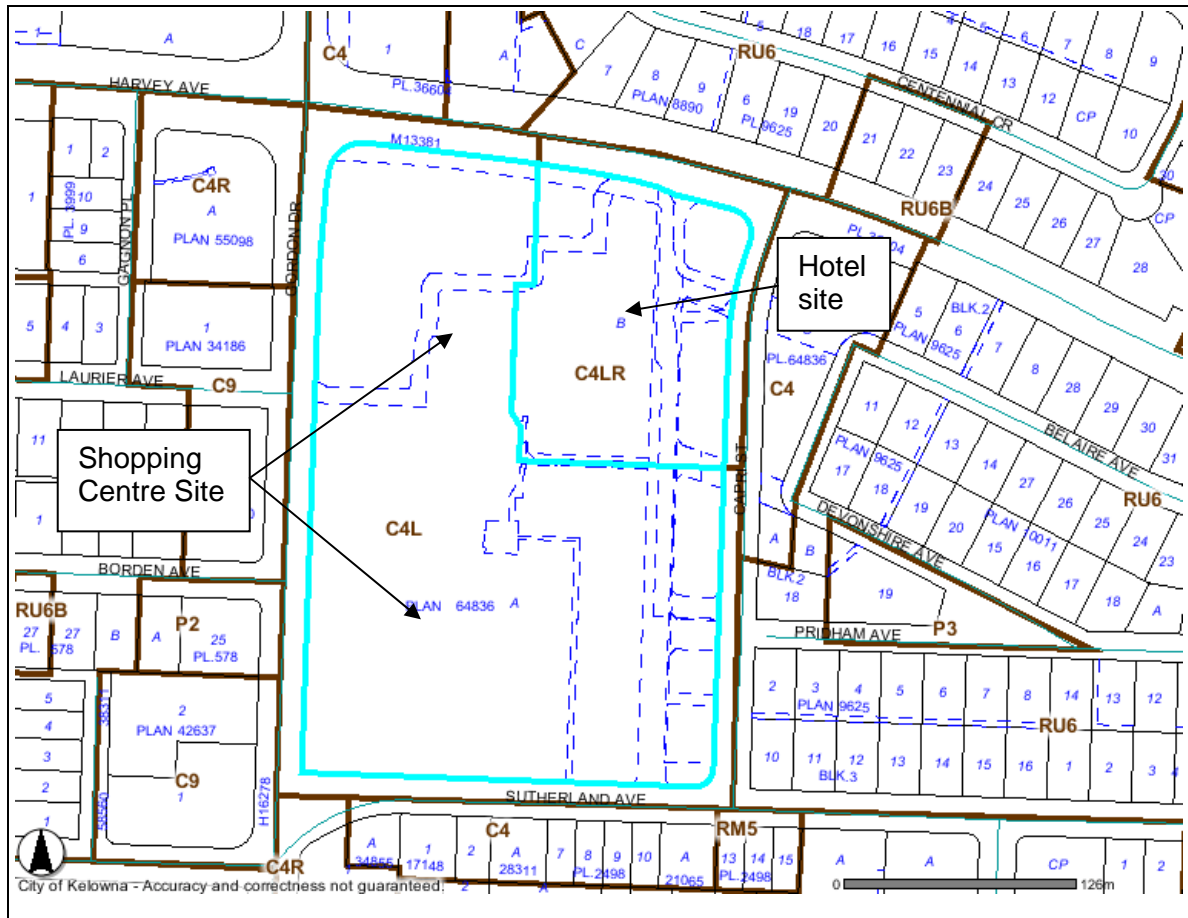
The proposal as compared to the C4 zone requirements is as follows:

CRITERIA	PROPOSAL	C4 ZONE REQUIREMENTS
Site Area (m ²)		460 m ² 1,300 m ² if no abutting lane
Site Width (m)		13.0m 40.0m if no abutting lane
Site Coverage (%)	Keep the existing Provisions	Max 75%
F.A.R.	Keep the existing Provisions	Max FAR commercial only = 1.0 Max FAR mixed use = 1.3 Max FAR mixed use with housing agreement = 1.4 Density Bonus of up to 0.2 for parking under the habitable space
Storeys (#)	Proposed Text Amendment Capri Centre Mall property only 55m or 16 storeys	<u>South Pandosy and Rutland Ctrs</u> 15.0 m or 4 storeys <u>Springfield/HWY 97 Urban Ctr</u> 15.0 m or 4 storeys, exc. 37.0m or 12 storeys for hotels, apartment hotels, and apartment housing <u>All Other Areas</u> 15.0 m or 4 storeys exc. 25.0m or 7 storeys for hotels or apartment hotels

3.2 Site Context

The subject property is the site of the Capri Centre Mall development, which was constructed on the site in early 1960's. The current development is generally a single storey building development covering a substantial portion of the site, with large amounts of the site devoted to outdoor parking. There are portions of the building that are 2 storeys in height. The smaller adjacent property is developed with the Coast Capri Hotel, a building that is up to 7 storeys in height.

SUBJECT PROPERTY MAP



- North - C9 – Tourist Commercial – motel uses
- C4 – Urban Centre Commercial - Vacant
- RU6 – Two Dwelling Housing – duplex housing
- Harvey Avenue (Highway 97)
- East - C4 – Urban Centre Commercial – Restaurant
- RU6 – Two Dwelling Housing – duplex housing
- Capri Street
- South - C4 – Urban Centre Commercial – Commercial/Retail uses
- Sutherland Avenue
- West - C4R – Urban Centre Commercial (retail liquor store) -
- C9 – Tourist Commercial – Motel uses
- P2 – Education and Minor Institutional – Church uses
- Gordon Drive

3.3 Existing Development Potential

The existing zone of C4 – Urban Centre Commercial allows for: amusement arcades – major, animal clinics – minor, apartment hotels, boarding or lodging houses, business support services, care centres - major, commercial schools, congregate housing, custom indoor manufacturing, drive in food services, emergency and protective services, financial services, food primary establishment, funeral services, gas bars, government services, group homes – major, health services, hotels, liquor primary establishment - major (C4lp and C4lp/rls only), liquor primary establishment – minor, motels, non-accessory parking, offices, participant recreation services – indoor, personal service establishments, private clubs, public libraries and cultural exhibits, recycled materials drop-off centres, religious assemblies, retail liquor sales establishment (C4rls and C4lp/rls only), retail stores - convenience, retail stores – general, spectator entertainment establishments, temporary shelter services, used goods stores, utility services - minor impact, as principal permitted uses. The C4 zone also permits; amusement arcades – minor, apartment housing, care centres – minor, and home based businesses - minor as permitted secondary uses.

3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The Kelowna Official Community Plan designates the subject property as a “Commercial” future land use.

Chapter 6 – Urban Centres section of the Official Community Plan includes the following statements in support of Mixed-Use developments in Urban Centres;

Implementation

6.25 Building Height and Density. Encourage a general decrease in building height and density as the distance from the Urban Centre core increases;

6.26 Height Gradient. Encourage building heights adjacent to Okanagan Lake to remain low and support an increase in building height as the distance from the lake increases, except in circumstances where a landmark development is proposed and a total comprehensive development that still preserves sight lines can occur.

Considerations in Reviewing Development Applications

Uses to be Encouraged

6.30 Mixed Uses. Work towards increasing the number of buildings with mixed uses by encouraging developers to incorporate retail uses on the lower storeys with office and/or residential above. Hotel uses could also be incorporated in all Urban Centres except Neighbourhood Centres;

6.31 Employment Opportunities. Encourage increased employment opportunities within Urban Centres to support the Transportation Demand Management (TDM) strategies of Chapter 12 - Transportation;

6.33 Entertainment Establishments. Encourage entertainment facilities to locate on lands within the City Centre, Town Centres and Highway

Centre that are designated for commercial uses provided that the proposed entertainment uses are compatible with any surrounding residential uses;

Guidelines for Development within Urban Centres

Access

- Design should facilitate pedestrian and bicycle access.
- Vehicle access and on-site circulation should minimize interference with pedestrian movement
- Vehicle access from arterial or collector roads is discouraged. Where possible, such access should be achieved from a local road or lane.
- Pedestrian access should be clearly marked.

Building Massing

- Developments with multiple, separate buildings should be designed in such a manner that individual buildings are of different, but compatible shapes, masses, and exterior finishes.
- The front of buildings within “Village Centres” that are taller than two storeys, should “stepback” the upper floors to reduce visual impact.
- Buildings within “Village Centres” should have sloped roofs, unless a rooftop patio is incorporated.
- Building heights within “Neighbourhood Centres” should be limited to 2.5 storeys. Where buildings are taller than 2 storeys, the top storey should be incorporated into the roofline to reduce visual impact.
- Commercial, industrial and multiple-unit residential developments should be sensitive to and compatible with the massing and rhythm of the established streetscape. Detailed design features of existing buildings should be emulated if such features are of design value.
- Commercial, industrial, and multiple-unit residential developments should have no more than a one storey height gain between adjacent uses within 5.0 m of the side property line where the adjacent property is not designated for higher density redevelopment. Height gains will also need to comply with Zoning Bylaw provisions.
- Within multiple-unit residential developments, sub-roofs, dormers, balconies, and bay windows are encouraged.
- Within multiple-unit residential developments, variation between architectural bays within each façade is encouraged.

Parking

- Parking areas should, wherever possible and safe, be located either under buildings or at the rear or side of main buildings.
- Mutual access agreements providing for co-ordination and connection of parking lots should be encouraged.
- Pedestrian circulation areas within parking lots should be convenient and clearly identified, preferably with distinct paving and/or landscaping treatment.
- Within multiple unit residential projects, underground parking is encouraged.

Relationship to the Street

- Buildings containing uses attracting visits from the general public should be located as close to the front property line as practical and as permitted under prevailing zoning regulations.
- People-oriented facilities (store entrances, café seating areas, displays, signage) should be focused along public streets and in front of buildings.
- Storefronts should incorporate large windows such that passers-by can see in and occupants can “look out”.
- Awnings or overhangs should be included, where suitable, to provide sheltered environments for pedestrians and to aid in energy conservation.
- Buildings at key intersections should be designed to highlight the corner. Design treatments could include setbacks at the corner, accentuated entrances and additional height using, for instance, towers and cupolas.
- Restaurants are encouraged to provide outdoor patio dining areas.
- Within multiple-unit residential projects, first storey units should ideally provide ground-level access and outdoor amenity space
- Within multiple-unit residential projects, the principle front entranceway should be clearly identified and in scale with the development.
- Within multiple-unit residential projects, porches are encouraged where they are part of the established neighbourhood character.

Chapter 9 – Commercial section of the Official Community Plan includes the following statements in support of commercial development;

Considerations in Reviewing Development Applications

Uses to be Encouraged

9.12 Urban Centre Focus. Encourage new retail, service, office, hotel/motel, and entertainment facilities to locate within the Urban Centres, in accordance with the provisions of Map 6.2 and the policies of Chapter 6;

9.27 Visitor Accommodation. Give favourable consideration to allowing new visitor accommodation to be developed in appropriate locations, particularly in larger Urban Centres (please refer to Map 6.2). Consideration will be given to allowing visitor accommodation along the shore zone provided that such a use would be compatible with the neighbourhood and site context and public enjoyment of the lakefront is enhanced as a result of the development;

3.4.2 City of Kelowna Strategic Plan (1992)

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 Goals;

To foster a strong stable and expanding economy

To support this goal, there have been the following objectives identified:

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.

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 Inspection Services Department

No Comment.

4.2 Ministry of Transportation

No Comment.

4.3 Works and Utilities Department

May compromise W & U requirements.

Each service will have to be reviewed so as to ensure sufficient capacity.

This will also include the need for a Traffic Impact Study.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

This application for the text amendment to the C4 – Urban Centre Commercial zone was originally presented to the Advisory Planning Commission as an amendment to the height provisions of the zone to increase the maximum permitted building height to the entire Capri Village Centre. As a result of the negative support to this application by the APC, the applicant has amended the application to apply the increase in permitted height only to the site of the Capri Centre Mall (Lot A, Plan 64836, Twp. 26, Sec. 19, O.D.Y.D.).

The conceptual site plan for the proposed redevelopment of the Capri Mall site, submitted with the Text Amendment application, indicates a pedestrian oriented site development with a “village street” meandering through the site to connect the various retail commercial elements with the proposed residential towers. The proposed concept creates a site that permits residents to live where they work and shop, without having to rely on the use of an automobile for transportation.

As well, the redevelopment of the property into a mixed-use development, will increase the developed floor area on the property to that permitted in the C4 zone, without creating a 4 storey high building mass around the entire perimeter. It is anticipated that the development proposal will provide commercial uses on the first two floors for the mixed-use buildings, and create podium bases for the high-rise residential towers above.

There will be future applications for Development Permits to authorize the proposed redevelopment of the Capri Mall property, and opportunities for review in the future by both the Advisory Planning Commission and City Council.

Although staff generally support the concept of redeveloping the Capri Mall site, the issue of promoting tall buildings (16 storeys) in this part of the City does raise some concerns. Typically, taller buildings represent a higher order of land use. Historically, these types of developments have been encouraged only within defined Urban Centres, and thus support the hierarchy of nodal development with respect to the context of the surrounding neighbourhood.

Supporting a 16 storey building height for this site may erode some objectives for Urban Centre areas and obscure the hierarchy of these centres as supported by the Official Community Plan.

6.0 Alternate Recommendations

Should Council support this application, the following alternate recommendations are provided for consideration;

THAT Zoning Bylaw Text Amendment No. TA06-0001 to amend City of Kelowna Zoning Bylaw No. 8000 by amending Section 14.4.5 (c) **Development Regulations** by adding following to the existing section;

“Notwithstanding any other requirements in this sub-paragraph 14.4.5 (c), the maximum permitted height for Lot A, D.L. 137, O.D.Y.D., Plan KAP64836, is the lesser of 55m or 16 storeys“

as outlined in the report of the Planning & Corporate Services Department dated May 10, 2006 be considered by Council;

THAT Zoning Bylaw Text Amendment No. TA06-0001 be forwarded to a Public Hearing for further consideration.

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

(Not attached to the electronic copy of the report)

Subject Property Map

1 pages of conceptual site plan