
CITY OF KELOWNA
MEMORANDUM

Date: MAY 2, 2007

To: CITY MANAGER

From: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

APPLICATION NO. Z07-0025

OWNER: 622632 BC Ltd.

AT: 110-150 Hwy.33 West

APPLICANT: Matrix Architecture and
Planning Inc.

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM THE C4 –
URBAN CENTRE COMMERCIAL ZONE TO THE C7 – CENTRAL
BUSINESS COMMERCIAL ZONE IN ORDER TO CONSTRUCT
A NEW FOURTEEN STOREY MIXED-USE
COMMERCIAL/RESIDENTIAL BUILDING ON THE SUBJECT
PROPERTY

EXISTING ZONE: C4 – URBAN CENTRE COMMERCIAL
C4LP – URBAN CENTRE COMMERCIAL-LIQUOR PRIMARY

PROPOSED ZONE: C7LP – CENTRAL BUSINESS COMMERCIAL-LIQUOR
PRIMARY

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Rezoning Application No. Z07-0025 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 26, Township 26, ODYD, Plan KAP79622, located on Highway 33 West, Kelowna, B.C. from the C4 – Urban Centre Commercial zone and C4LP – Urban Centre Commercial Liquor Primary Zone to the C7LP – Central Business 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 subsequent to the requirements of the Works & Utilities Department and Ministry of Transportation being completed to their satisfaction;

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 in conjunction with Council's consideration of a Development Variance Permit on the subject property;

2.0 SUMMARY

The applicant is proposing to construct a fourteen storey mixed use building with commercial space on the first four storeys and nine storeys of residential units above. In order to accommodate the additional building height/density on-site the applicants are proposing to rezone the subject property from the C4-Urban Centre Commercial zone to the C7 – Central Business Commercial zone. The associated Development Permit application addresses the form and character of the proposed development and through a Development Variance Permit the applicant is seeking relaxations to the maximum building height and maximum allowable parking.

3.0 ADVISORY PLANNING COMMISSION

At the regular meeting of March 27, 2007 it was resolved:

THAT Advisory Planning Commission supports Rezoning Application No. Z07-0025 for 110 – 150 Highway 33 W, Lot A, Plan KAP79622, Sec. 26 Twp. 26, ODYD., by Matrix Architect and Planning Inc., to rezone from the C4-Urban Centre Commercial zone to the C7-Central Business Commercial zone to allow a 14 storey mixed use commercial building.

4.0 BACKGROUND

The proposed development will encompass property at the corner of Highway 33 and Rutland Road which is currently vacant but at one time was home to the Four –Way Food Market. The lot which fronts both onto Highway 33 and Rutland Road has one building located at its rear which is currently occupied by the North Forty Saloon (a liquor primary licensed establishment).

5.0 PROPOSAL

The applicant has designed the proposed development in a manner which places the building as close to both Rutland Road and Highway 33 as possible. The parking and drive-through elements of the development are oriented towards the rear of the site. The applicant has also designed two levels of underground parking. The proposed building will house several commercial retail units at grade with 3 floors of office space above. Also located at grade will be the building's residential lobby with access to two elevators.

Above the fourth storey the building will step back and rise nine more storeys. These nine storeys will house a total of 54 residential units. The building's flat roof will house a rooftop terrace with hot tub and amenity space. In addition, each unit will have access to a balcony area. The proposed building will be constructed of concrete and the applicant has proposed to paint the majority of the building a light tan colour with several darker accent blocks.

The applicant has also submitted a comprehensive landscape plan which includes ornamental paving around the building's perimeter with a landscape buffer on the eastern property line and bicycle parking in front of the building.

6.0 DEVELOPMENT ANALYSIS

The application meets the requirements of the C7LP – Central Business Commercial Liquor Primary zone as follows:

CRITERIA	PROPOSAL	C7 ZONE REQUIREMENTS
Lot Area (m ²)	5275m ²	200m ²
Lot Width (m)	64m (approx.)	6.0m
Lot Depth (m)	110m (approx.)	30.0m
Height (m)	47.4m ^①	44m
Floor Area Ratio	1.9	9.0
Floor Area Existing (m ²)(North 40)	589m ²	
Floor Area Proposed (m ²)	9668m ²	
Total Floor Area (site) (m ²)	10,257m ²	
Setbacks at Grade		
Front Yard (Hwy.33) (m)	4.5m	4.5m
Flanking Side Yard (m) (Rutland Road)	0.0m	0.0m
Internal Side Yard (m)	varies	0.0m
Rear Yard (north)	varies	0.0m
Setbacks above 15m in Height		
Front Yard (Hwy.33) (m)	7.3m	3.0m
Flanking Side Yard (m) (Rutland Road)	4.7m	3.0m
Internal Side Yard (m)	15.2m	4.0m
Rear Yard (north)	40.3m	4.0m
Parking		
Parking Spaces	Residential: 91 (below grade) Commercial: 60 (44 stalls at grade) (16 stalls below grade) Total: 151 Stalls^②	Residential: 54 Stalls Commercial 58 Stalls Total: 112 Stalls
Bicycle Parking	Residential: Class 1 – 27 Stalls Class 2 – 6 Stalls Commercial: Class 1 – 8 Stalls Class 2 – 24 Stalls	Residential: 27 6 Commercial: 8 24
Loading	3	3

①Vary maximum height for a building in the C7 – Central Business Commercial zone from 44m permitted to 47.4m proposed.

②Vary the maximum number of allowable parking stalls from 125% of the required parking to 134% of the required parking.

7.0 SITE CONTEXT

The subject properties are located on the northwest corner of Highway 33 and Rutland Road and form part of the Rutland Urban Centre.

Adjacent zones and uses are:

- North - C4 – Urban Centre Commercial – Burger Baron
- East - C4 – Urban Centre Commercial – Vacant
- South - C4 – Urban Centre Commercial – Retail Commercial use
- West - C4 – Urban Centre Commercial – Rutland Water Works

8.0 SITE LOCATION MAP

See attached map.

9.0 CURRENT DEVELOPMENT POLICY

9.1 Kelowna Official Community Plan

The Official Community Plan future land use designation for these properties is commercial. The proposed development is consistent with this future land use designation. This development is also subject to Guidelines for Development within Urban Centers contained in the OCP.

Objectives for Development within Urban Centres

- 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 contribute to the creation of pedestrian-oriented streets and public spaces (connections, social interaction).
- 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).

Guidelines for Development within Urban Centres

Access

- Design facilitates pedestrian and bicycle access. Building abuts the sidewalks on both Hwy.33 and Rutland Road.
- Vehicle access and on-site circulation minimizes interference with pedestrian movement
- Pedestrian access to the building is at the corner of Highway 33 and Rutland Road and is clearly marked.

Amenities

- Residential units are provided with access to balconies as well as roof-top patio areas.

Ancillary Services/Utilities

- Garbage and other ancillary services are located at the rear of the building.
- The applicant has also provided loading zone for each building on the site.
- Utility service connections are to be screened from view or be located so as to minimize visual intrusion.

Building Massing

- The proposed mixed-use development is reasonably sensitive to and compatible with the massing and rhythm of the established streetscape.
- The proposed development will present a significant height gain when compared to existing developments in the general area; however, staff the OCP and Rutland Sector Plan and OCP to allow for greater heights and densities in this general area.

Landscaping

Landscaping should:

- complement buildings' architectural features
- enhance the edges of buildings
- screen parking areas from view (with vegetation, berms, low walls, fences etc.)
- provide visual buffers of new buildings, particularly of blank walls
- provide colour
- create design interest

- retain required sight distances (from roadways)
- contribute towards a sense of personal safety and security
- incorporate xeri-scape vegetation and principles

Lighting

- Lighting shall be used to create a safe and comfortable environment for pedestrians.

Parking

- Parking areas should, wherever possible and safe, be located either under buildings or at the rear or side of main buildings.
- Pedestrian circulation areas within parking lots should be convenient and clearly identified, preferably with distinct paving and/or landscaping treatment.

Relationship to the Street

- 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.

Signs

- The placement, size and format of signs shall be such that signs can be easily read by pedestrians (e.g. store signs should be at pedestrian eye level, not just on awnings).

Walls

- End walls visible from a public street or residential lot should be finished to provide an attractive appearance.
- Blank or solid walls (without glazing) should not be longer than 5 m. Walls longer than 5 m should incorporate wall detailing that will provide visual interest.

Crime Prevention (CEPTED)

a) 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.

b) 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;

c) 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.

9.2 Rutland Sector Plan

The Rutland Sector Plan notes that the Rutland Urban Centre area is very low profile and under built in terms of floor area ratio. Plan advocates the increase of both commercial and residential densities in the urban centre area and also promotes the concept of mixed-use developments.

10.0 TECHNICAL COMMENTS

10.1 Inspection Services

Exit door from roof patio to be in direction of exit travel.

10.2 Works and Utilities

The Works & utilities Department comments and requirements regarding this Development permit application are as follows:

These are W. & U. initial comments and are subject to MOT requirements.

10.2.1 General

The servicing requirements for this application are directly attributable to the proposed development of this vacant property and are triggered in accordance with the City of Kelowna Bylaw No. 8993

10.2.2 Subdivision

Provide easements as may be required.

10.2.3 Geotechnical Study

We recommend that a comprehensive geotechnical study be undertaken over the entire site. The geotechnical study should be undertaken by a Professional Engineer or a Geoscientist competent in this field. This study should analyse the soil characteristics and suitability for development of the requested zoning. As well, the study should address drainage patterns including the identification of ground water and the presence of any surface springs and the suitability of the lands for disposal of site generated storm drainage. In addition this study must describe soil sulphate contents, the presence or absence of swelling clays,

10.2.4 Domestic Water and Fire Protection

This development is within the service area of the Rutland Waterworks District (RWD). The developer is required to make satisfactory arrangements with the RWD for these items. All charges for the service connection and upgrading costs are to be paid directly to the RWD. The developer is required to provide a confirmation that the district is capable of supplying fire flow in accordance with current requirements.

A watermeter is mandatory as well as a sewer credit meter to measure all the irrigation water. Watermeters must be housed in an above-ground, heated, accessible and secure building, either as part of the main site buildings or in a separate building. Remote readers units are also mandatory on all meters.

10.2.5 Sanitary Sewer

The subject properties are serviced by the municipal wastewater collection. Any existing service that will become redundant must permanently be disconnected. The cost of disconnecting the old services and installing a new service, if necessary, will be determined when an application for a plumbing permit is submitted to the City Inspection Services Department.

10.2.6 Drainage

A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual, is a requirement of this application. The drainage study should indicate the size and location of the detention pond(s) and provide for a positive outflow to the existing municipal storm drainage system. This plan can become part of the geotechnical study to identify possible ground recharge/detention areas.

10.2.7 Power and Telecommunication Services

The services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works.

10.2.8 Road improvements

Hwy.33 and Rutland Road corner improvements:

Rutland Road is designated as an urban arterial road, the applicant is responsible for the removal of the existing curb and sidewalk and construct a right turn lane compete with a new curb, gutter, separate sidewalk, landscaped boulevard asphalt fillet, new lane markings, relocation of the traffic lights and relocate/ remove utilities as may be required. The work

must be reviewed and approved by the City of Kelowna and the Ministry Of Transportation. The estimated cost of this work, for bonding purpose would be \$131,600.00 inclusive of a bonding contingency.

10.2.9 Street Lights

Street lights must be installed on all fronting roads as determined by the Manager of Electrical Utilities.

10.2.10 Engineering

Design, construction, supervision and inspection of all off-site civil works and site servicing must be performed by a consulting civil Engineer and all such work is subject to the approval of the city engineer and the Ministry Of Transportation.

10.2.11 DCC Credits

None of the required improvements qualify for DCC credit consideration, as these upgradings are not identified in the current DCC schedules.

10.2.12 Access

The access onto Hwy 33 is subject to the MOT approval.

The accesses onto Rutland Road must be combined into a single access and be located at the furthest practical point from the intersection. The applicant should be made aware that in the future a median will be placed along the centreline of Rutland Road and Highway 33 that would effectively preclude left turn movements.

10.2.13 Bonding and Levies Summary

a) Performance Bonding

Highway 33 / Rutland intersection upgrading	\$131,600.00
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b) Levies	N/A
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6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has no significant concerns with the proposed change in land use as it is consistent with the City's revitalization efforts for the Rutland Urban Centre.

Staff does have some minor design related issues which will be worked out with the applicant prior to Council consideration of the Development Permit. These issues include the proposed colors and the treatment of the southeast corner of the building.

Shelley Gambacort
Acting Manager of Development Services

Approved for inclusion:

Mary Pynenburg, MRAIC MCIP
Director of Planning & Development Services

MP/SG/rs
Attach