

Memo



Date: February 19/10

To: City Manager

From: Community Sustainability Division

File No: OCP09-0017/Z09-0079 **Applicant:** Meiklejohn Architects Inc.

At: 3441, 3451, 3461 & 3471 **Owner:** Natisa Development Corp. /
Lakeshore Road City of Kelowna

Purpose: TO AMEND THE OFFICIAL COMMUNITY PLAN FUTURE LAND USE DESIGNATION FOR TWO OF THE SUBJECT PROPERTIES FROM THE "MAJOR PARK/OPEN SPACE" DESIGNATION TO THE "COMMERCIAL" DESIGNATION TO ACCOMMODATE THE PROPOSED MIXED-USE DEVELOPMENT

TO REZONE THREE OF THE SUBJECT PROPERTIES FROM P3 - PARKS & OPEN SPACE AND RU6 - TWO DWELLING HOUSING ZONES TO THE C9 - TOURIST COMMERCIAL ZONE TO ACCOMMODATE THE PROPOSED MIXED-USE DEVELOPMENT

Existing Zones: C9 - Tourist Commercial
 P3 - Parks & Open Space
 RU6 - Two Dwelling Housing

Proposed Zone: C9 - Tourist Commercial

Existing Future Land Uses: Commercial and Major Park/Open Space

Proposed Future Land Use: Commercial

Report Prepared by: Luke Turri

1.0 RECOMMENDATION:

THAT OCP Bylaw Amendment No. OCP09-0017 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 3, District Lot 134 ODYD Plan 38150, and Lot 39 District Lot 134 ODYD Plan 3886 except Plan KAP76671, located at 3441 & 3451 Lakeshore Road, Kelowna BC from the Major Park/Open Space designation to the Commercial designation as shown on Map "A" attached to the report of Land Use Management Department, dated February 19, 2010, be considered by Council;

THAT Rezoning Application No. Z09-0079 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, District Lot 134 ODYD Plan 38150, and Lot 39 District Lot 134 ODYD Plan 3886 except Plan KAP76671, located at 3441 & 3451 Lakeshore Road, Kelowna BC from the P3 - Parks & Open Space zone to the C9 - Tourist Commercial zone; and changing the zoning classification of Lot 36 District Lot 134 ODYD Plan 3886 located at 3471 Lakeshore Road, Kelowna BC, from the RU6 - Two Dwelling Housing zone to the C9 - Tourist Commercial zone, be considered by Council;

THAT the OCP Bylaw Amendment No. OCP09-0017 bylaw and the zone amending bylaw be forwarded to a Public Hearing for further consideration;

A handwritten signature in blue ink, located in the bottom right corner of the page.

THAT final adoption of the zone amending bylaw be considered subsequent to lane closure and the registration of a plan of subdivision to consolidate the properties into one title;

THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit on the subject properties;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

2.0 SUMMARY:

An eight storey mixed-use building is proposed. The applicant seeks to consolidate the five subject properties and to rezone three of the properties from the P3 - Parks & Open Space, and the RU6 - Two Dwelling Housing zone to the C9 - Tourist Commercial zone. The OCP Future Land Use designation for two of the properties would also be amended to allow the zoning change. Pending Council approval of the OCP amendment and rezoning bylaw, a Development Permit and Development Variance Permit would be required at a later date.

3.0 ADVISORY PLANNING COMMISSION:

The above noted application was reviewed by the Advisory Planning Commission at the meeting on February 2, 2010 and the following recommendations were passed:

THAT the Advisory Planning Commission support Official Community Plan Application No. OCP09-0017, for 3441, 3451, 3461 and 3471 Lakeshore Road; to amend the Official Community Plan future land use designation for two of the subject properties from the "Major Park/Open Space" designation to the "Commercial" designation.

THAT the Advisory Planning Commission support Rezoning Application No. Z09 0079, for 3441, 3451, 3461 and 3471 Lakeshore Road; to rezone the subject properties from the P3 - Parks & Open Space and RU6 - Two Dwelling Housing zones to the C9 - Tourist Commercial zone.

APC Comment: The Commission agreed that the proposed land use was appropriate for the site. A traffic and pedestrian safety study was recommended for the Gyro Beach area. As well, it was also suggested that the developer and the City consider health risks associated with the electrical substation and possible architectural elements to further buffer the substation from the units.

4.0 BACKGROUND AND PROPOSAL:

Two of the subject properties (3441, 3451 Lakeshore Rd) are currently owned by the City of Kelowna, accommodating a visitor parking lot for the adjacent Gyro Beach Park. The City is currently in the process of creating a parking lot at the former Pandosy Mobile Home Park (corner of Lakeshore Rd and Watt Rd) to better service Gyro Beach. As such, the parking capacity at 3441 and 3451 Lakeshore Road is no longer required by the City and the lands may be disposed of.

The proposed land assembly and redevelopment triggers a substantial road reserve covering approximately 2245m² (36%) of the original land area. This road reserve is taken in consideration of the significant improvements to the Lakeshore/Richer intersection contemplated in the future. As the intersection improvements are only at a preliminary design stage, the road reserve request encompasses the widest ultimate alignment considered for the intersection, recognizing that the full extent of this road reserve may not be required in the future.

While two of the five lots are already zoned C9 - Tourist Commercial, the two northern lots used as a parking lot (currently zoned P3 - Parks & Open Space), and the vacant southern corner lot

(currently zoned RU6) are proposed for rezoning to C9 - Tourist Commercial. While the OCP Future Land Use designation for the two northern lots is currently "Major Park/Open Space", this provision references the parking lot which is no longer necessary. As such, the proposed change to the Commercial designation is warranted and is congruent with the three neighbouring lots to the south.

The applicant is proposing an eight-storey mixed use building including six storeys of apartment housing above one storey of commercial/retail space. The commercial/retail space is placed in front of a two storey parkade, which brings the total building height to eight storeys.

Should Council give favourable consideration to the OCP and zone amendment applications, a Development Permit and Development Variance Permit would be presented at a later date. Variances to the project include setback and height variances.

The application meeting the requirements of Zoning Bylaw No. 8000 as follows:

Criteria	Proposal		C9 Zone Requirements
Existing Lot			
	Before Road Reserve	After Road Reserve	
Site Area (m ²)	6286m ²	4041m ²	1800m ²
Site Width (m)	55.5m	40.0m	30.0m
Site Depth (m)	139.36m	119.0m	35.5m
Development Regulations			
Site Coverage (%)	54% (before reserve)		n/a
F.A.R.	1.27		1.5
Height (m)	25.3m ^①		22.0m
Storeys (#)	8 storeys ^①		6 storeys
Required Setbacks			
	Before Road Reserve	After Road Reserve	
Front (Swordy Rd)	6.0m		6.0m
Side (east)	0.0m ^②		3.0m
Side (Lakeshore Rd)	16.5m	0.0m	4.5m
Rear (Richter St)	5.0m ^③	0.0m	15.0m
Other Regulations			
Private Open Space	3200m ²		n/a
Parking Spaces (#)	89 Accessible Spaces 34 Tandem Spaces Total: 123 spaces		11 one-bedroom units x 1.25 49 two-bedroom units x 1.5 4 three-bedroom units x 2.0 Residential Total: 96 spaces Commercial Space with GFA less than 1000m ² (2.2 space per 100m ² GFA) Commercial Total: 19 spaces Total Parking Req'd: 115 spaces
Bicycle Stalls (#)	Class I: 34 spaces Class II: 16 space		Total: 46 spaces required
Loading Spaces (#)	1 space		1 space
^① Indicates a requested variance to the maximum building height (meters/storeys). ^② Indicates a requested variance to the minimum side yard setback. ^③ Indicates a requested variance to the minimum rear yard setback.			

4.1 Site Context

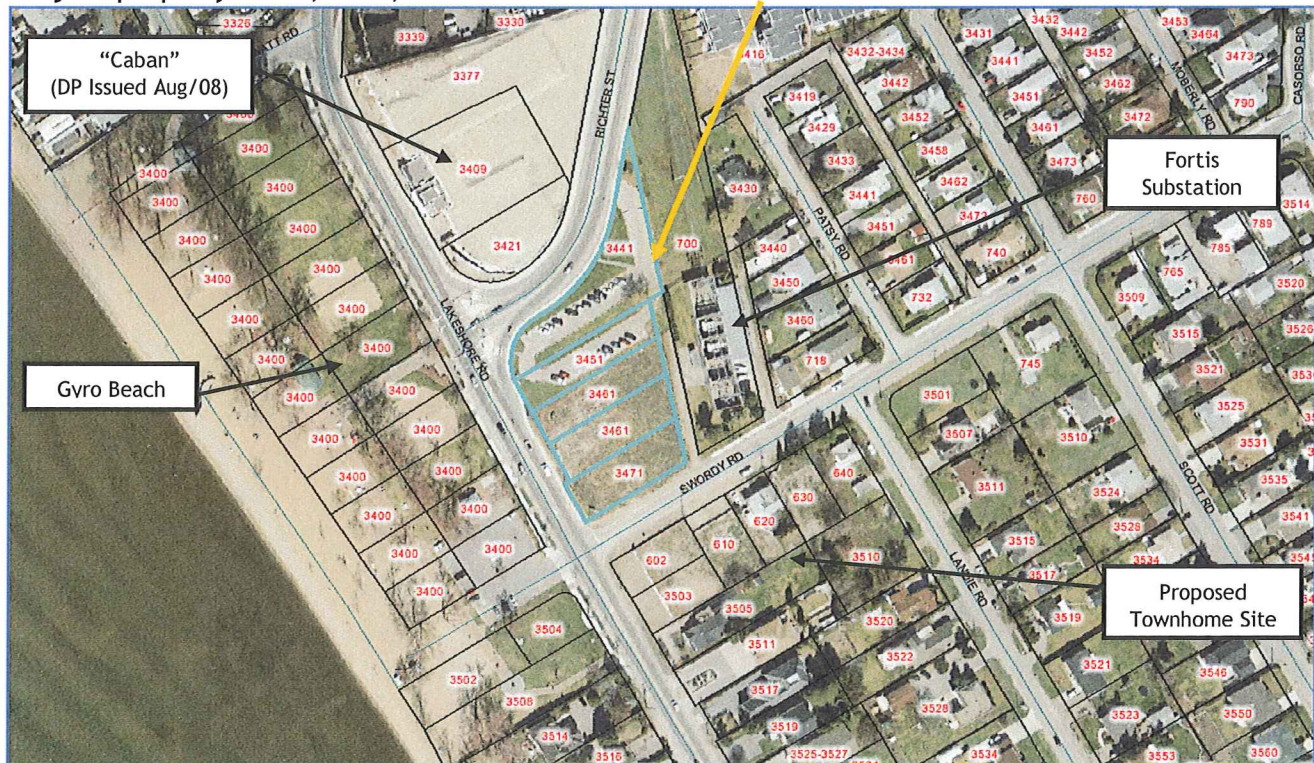
The subject property is located at the southwest boundary of the South Pandosy Urban Centre, within the South Pandosy/KLO Sector, and directly across from Gyro Beach.

Specifically, the adjacent zones and uses are as follows:

Orientation	Zoning	Land Use
North	C9 - Tourist Commercial	Future “Caban” Mixed Use Development Site
East	P4 - Utilities	Fortis Electrical Substation
South	RU1 - Large Lot Housing	Future Townhome Development Site Single Family Neighbourhood
West	P3 - Parks & Open Space	Gyro Beach Park

4.2 Site Location Map

Subject property: 3441, 3451, 3461 & 3471 Lakeshore Road



5.0 CURRENT DEVELOPMENT POLICY:

Staff recommends that the APC public process should be considered appropriate consultation for the purpose of Section 879 of the Local Government Act, and that the process is sufficiently early and does not need to be further ongoing in this case. Furthermore, additional consultation with the Regional District of Central Okanagan is not required in this case. Staff have reviewed this application and it may move forward without affecting either the City’s financial plan or waste management plan.

5.1 South Pandosy/KLO Sector Plan (1997)

- Section 7.2 - Urban Form & Design
 - *Policy 1.8:* Encourage the development of landmark buildings at key intersections within the precinct and at the terminus of significant sight lines. Landmark buildings should be distinguished from other buildings through the conscientious

use of siting, common entrances, additional stories, articulation of the footprint or roofline, decorative structures, colour and other means appropriate to the setting and desired effect.

- *Policy 1.15:* Provide a strong gateway or sense of entry to the urban town centre along the north-south arterials (Northbound: Lakeshore Rd at Richter St, Southbound: Pandosy St. at Wardlaw Ave). The gateway should be established by the appropriate use of land use, site planning, building design, landscaping and street section, including landscape treatment.

5.2 Official Community Plan

- *Section 6.32 - 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.
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6.0 TECHNICAL COMMENTS:

6.1 Building & Permitting

Architectural and engineered drawings and schedules required. Comprehensive building code analysis is to be provided. Structural and geotechnical engineer peer review required. It is recommended to work with a code consultant to address all requirements pertaining to the high rise (to be completed at time of Building Permit application).

6.2 Development Engineering Branch

See attached.

6.3 Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. Engineered fire flows required to determine if present hydrant location, number of hydrants, and hydrant volume will be adequate. Code analysis required confirming all life safety issues in BC Building Code and BC Fire code are met (detail equivalencies, if any). Additional comments may be required at the Building Permit review. Fire Department access is to be within 3-15M of the primary entrance as per the 3.2.5.5 of the BCBC. Standpipe connections in the stairwells are to be installed on the intermediate landings as per NFPA 13.

6.4 Public Health Inspector

No comment.

7.0 LAND USE MANAGEMENT DEPARTMENT:

Acknowledging the challenges with vehicular access, an irregular lot shape, the neighbouring substation and the substantial road reserve requested, the consolidated site is a challenging development site. That being said, the fronting road arterials of Lakeshore Rd and Richter St meet at the southern gateway of the South Pandosy Urban Centre. Combining the intersection with the approved six storey mixed-use project to the north ("Caban") and a proposed townhome development to the south, the proposed land use and density could be considered appropriate for the site which is within the Urban Centre.

The requested C9 - Tourist Commercial reflects the nature of the area - across from popular Gyro Beach Park, between the commercial core of South Pandosy and the major hotel/residential uses in the Capozzi/Truswell area. The mixed-use development would provide residential units with optimal access to Okanagan Lake with commercial uses servicing Gyro Beach and surrounding residents. The Official Community Plan amendment to from Major Park/Open Space to Commercial simply references the existing beach parking lot to be replaced by the Lakeshore/Watt Rd parking lot, and is considered to be consistent with OCP policies.

Based on the above considerations, the Land Use Management Department is supportive of the proposed zoning and OCP amendment applications. Pending Council's favourable consideration, further discussion on the form and character of the proposed building and the variances being sought would be heard at a later date.

In October 2007, Council passed a recommendation directing Staff to withhold support from OCP amendments within the South Pandosy sector of the City where such amendments would provide for more residential units than are currently permitted. However, no net increase in residential units exempts this project from the interim policy direction. The Commercial designation being sought would be replacing the land which was formerly designated as Commercial at the Lakeshore/Watt Rd site (future Gyro Beach Parking lot). In addition, the Development Engineering Branch has expressed no concerns regarding the OCP amendment.



Danielle Noble
Manager, Urban Land Use

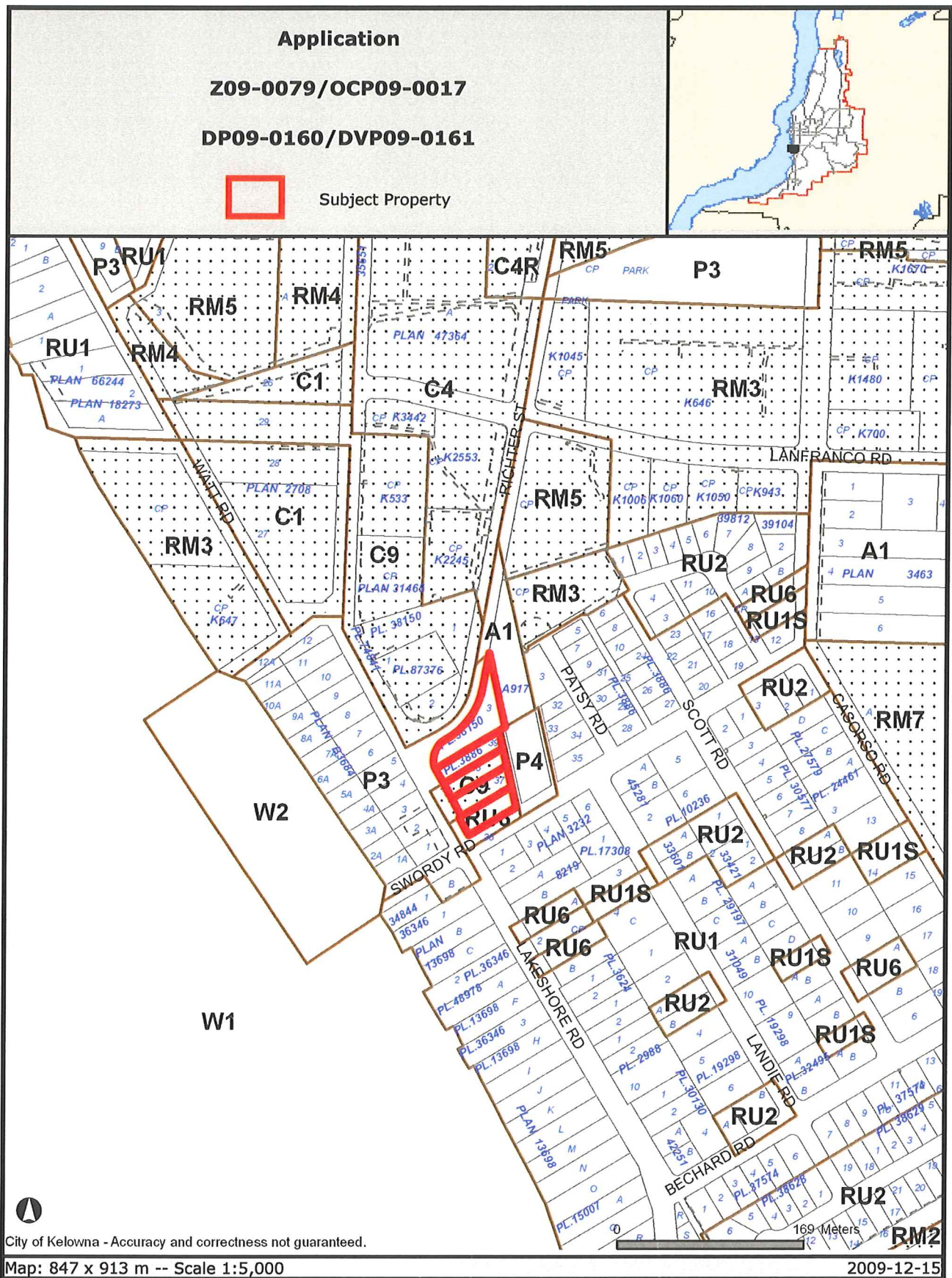
Approved for inclusion:



Shelley Gambacort
Director, Land Use Management

Attachments:

Subject Property Map
Future Land Use Map "A"
Site / Landscape Plan
Design Perspectives/Elevations
Sustainability Checklist (3 pages)



City of Kelowna - Accuracy and correctness not guaranteed.

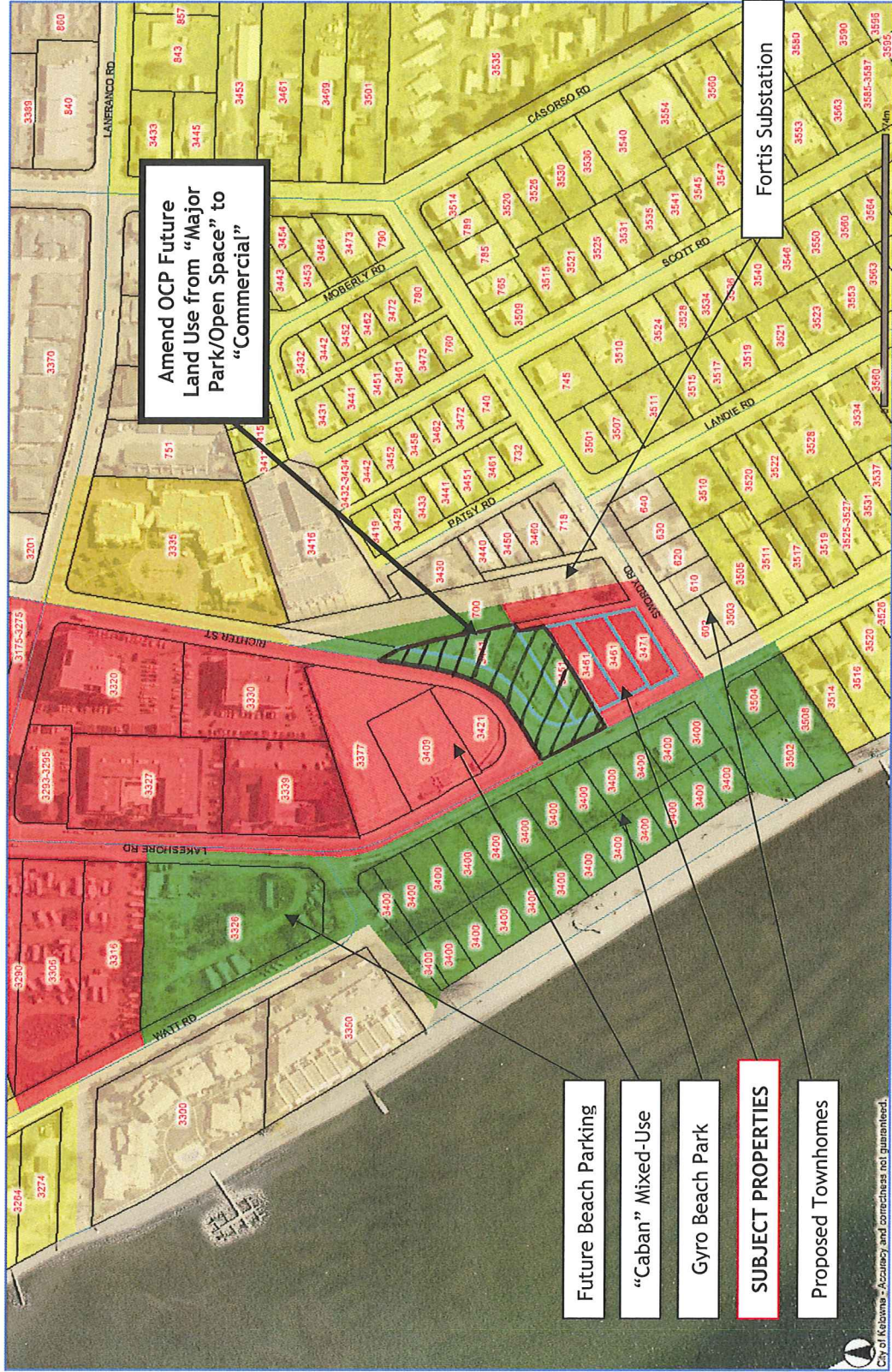
Map: 847 x 913 m -- Scale 1:5,000

2009-12-15

Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

Z09-0079 - Lakeshore/Richter/Swordy - Map "A"

OCF Future Land Use Designation - Map 19.1

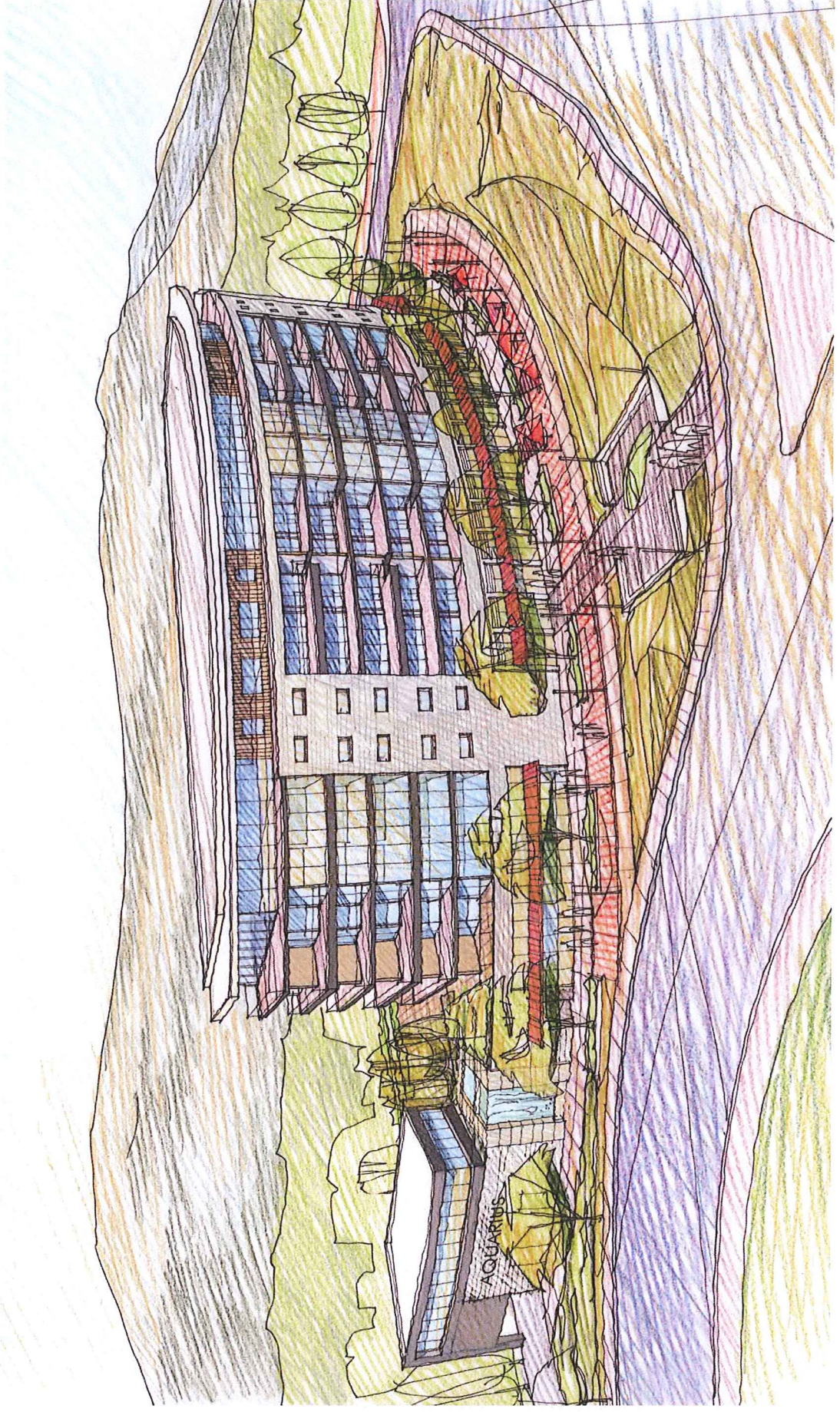


- Legend**
- Selected Features
 - Road Centrelines
 - Lot Hooks
 - Lot Lines
 - Area Structure Plan
 - Future Land Use
 - AGR - Rural/Agricultural
 - SZRES - Single/Two Unit Residential
 - MRC - Multiple Unit Residential - Cluster Housing
 - MRL - Multiple Unit Residential - Low Density
 - MRM - Multiple Unit Residential - Medium Density
 - MRH - Multiple Unit Residential - High Density
 - COMM - Commercial
 - EDINST - Educational/Major Institutional
 - PSU - Public Services/Utilities
 - IND - Industrial
 - PARK - Major Park/Open Space (public or private)
 - REC - Private Recreation
 - FUR - Future Urban Reserve
 - FNR - First Nations Reserve
 - Other
 - Lake Boundary
 - City Boundary

Amend OCP Future Land Use from "Major Park/Open Space" to "Commercial"

- Future Beach Parking
- "Caban" Mixed-Use
- Gyro Beach Park
- SUBJECT PROPERTIES**
- Proposed Townhomes

Fortis Substation

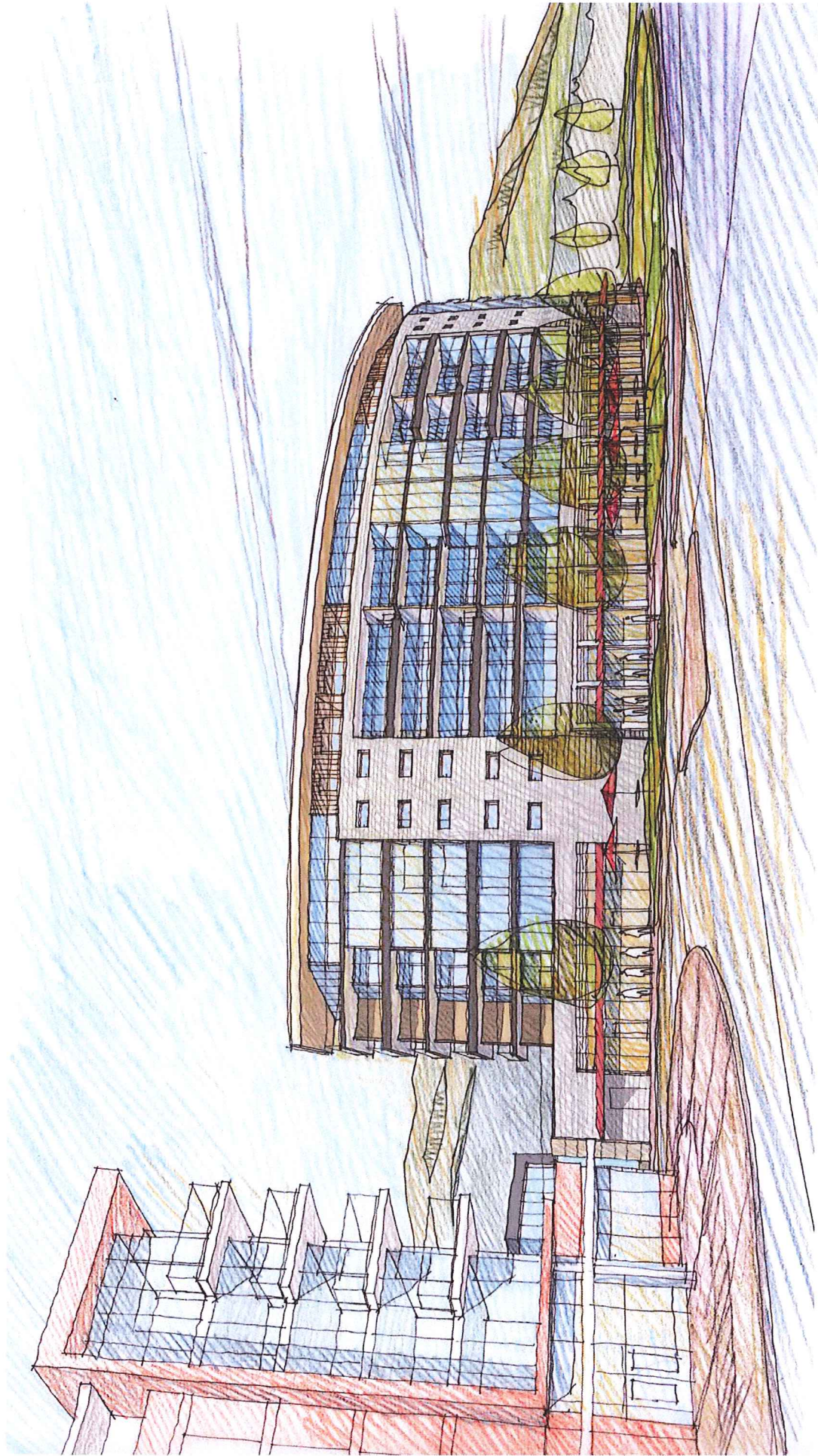


NATISA DEVELOPMENTS
MEIKLEJOHN ARCHITECTS

AQUARIUS, AT GYRO BEACH

AERIAL

JAN 27, 2010



NATISA DEVELOPMENTS
MEIKLEJOHN ARCHITECTS

AQUARIUS, AT GYRO BEACH

VIEW FROM GYRO BEACH

JAN 27, 2010

SUSTAINABILITY CHECKLIST
DEVELOPMENT PERMIT APPLICATION with Rezoning
for Commercial or Multi-Unit Development



ECONOMIC SUSTAINABILITY		
		Points
IF APPLICABLE, SELECT ONE:		
<ul style="list-style-type: none"> Includes 3 or More Uses (i.e. office space, retail and residential) Includes 2 Uses (i.e. retail and residential) or two forms of residential (i.e. townhouses and low-rise apartments) 	3 2	2
Employs Local Contractors (some, most or all) during Construction Phase	2-5	4
Construction Products and Supplies Sourced from within Region	1-2	1
ECONOMIC TOTAL	10	7
ENVIRONMENTAL SUSTAINABILITY		
		Points
Green Building Certification Being Sought		
<ul style="list-style-type: none"> LEED BuiltGreen, Green Globe, or Other. Please Specify: _____ 	5 3	5
Recycled Materials used in Building Construction	2	
GREEN SPACE		
Design Includes Shared Green Space (i.e. rooftop garden, community garden, etc.)	2-3	3
Environmentally-Sensitive Area Protected during Construction Phase (i.e. fenced) or No Environmentally-Sensitive Area to Protect	2	2
AIR QUALITY		
Co-op Car(s) or Transit Passes for Building Occupants (secured through agreement)	2	
Natural Ventilation (i.e. windows that open)	2	2
Safe and Accessible Bicycle Storage Facilities	2	2
Trees Planted on Site beyond Zoning Requirements (& not replacement trees)	1 2	2
No Fast Food Drive-Thru Facilities	1	1
WATER QUALITY & QUANTITY		
Recycling of Grey Water	4	
50% of Area Outside of Permitted Site Coverage is Permeable or Unpaved Surface	2	2
Irrigation System Employs Conservation Technology (i.e. drip irrigation) or No irrigation System Required for Landscaping	2	2
Rainwater Collection or Water Conservation Beyond Building Code Requirements (i.e. dual flush toilets)	2	2
Xeriscaping or Landscaping with Indigenous Vegetation (drought resistant)	2	2

SUSTAINABILITY CHECKLIST
DEVELOPMENT PERMIT APPLICATION with Rezoning
for Commercial or Multi-Unit Development



ENVIRONMENTAL SUSTAINABILITY <i>cont'd</i>		
ENERGY CONSERVATION		Points
Renewable Energy Source(s) for Building, such as geo-thermal, solar photovoltaic, air pumps, etc. Please Specify: <u>geo-thermal</u>	2-4	2
Building Orientated and/or Designed to Maximize Energy Savings	2	
Low Energy Windows Installed Throughout Building(s)	2	2
Pre-Heating Water Energy Technology to be Employed	2	2
Energy Efficient Features (lighting, appliances, etc.)	2	2
ENVIRONMENTAL TOTAL	45	33
SOCIAL SUSTAINABILITY		
		Points
Provides Indoor or Outdoor Social/Recreational Amenity (i.e. community meeting space, dog park, public community garden, etc.). Please Specify: <u>community terrace above parking garage</u>	2-3	2
Designed According to Crime Preventions Through Environmental Design (CPTED) Principles (staff can provide document)	2	2
SOCIAL TOTAL	5	4
CULTURAL SUSTAINABILITY		
		Points
Voluntary Streetscaping Improvements, such as benches, planters, or lighting	2-4	3
City Design Guidelines & Staff Comments Addressed in Project Design	1-3	3
Heritage Site Identified and Recommendations for Conservation Followed <i>or</i> No Disturbance to a Heritage Site/No Heritage Site	1-3 <i>or</i> 3	3
Public Art Provision <i>or</i> Significant Public Amenity (i.e. covered walkway, fountain, etc.) Please Specify: <u>Waterfall off terrace at visual terminus of Right</u>	1-3	3
Connectivity from Site to Parks, Bike Paths, Pedestrian Walkways, or Local Amenities (shops, medical centre, etc.)	2	2
CULTURAL TOTAL	15	14
BONUS POINTS: Other Sustainability Measure(s), including but not limited to: <ul style="list-style-type: none"> Rehabilitation of a Natural Feature (i.e. wetland); Green Roof; Accessible Design Beyond Building Code; Child-Friendly Design. Please provide details on attached form.	1-10	8
TOTAL POINTS	85	66
Final		78 %

SUSTAINABILITY CHECKLIST
DEVELOPMENT PERMIT APPLICATION with Rezoning
for Commercial or Multi-Unit Development



FURTHER DETAILS:

Name: Vince Fernandez

Reset Form

Organization: Meiklejohn Architects

Project Name or Location: Aquarius at Gyro Beach, DP Z09-0079

Thank you for taking the time to complete the City of Kelowna Sustainability Checklist. If you have completed the form using Adobe Acrobat Standard or Pro, you will be able to save your copy to your computer. Please note that if you have completed the form using Adobe Acrobat you will not be able to save your copy to your computer; however we will receive a completed copy via email.

In either case once you have completed this form, press "Submit Form" below. Please also either print the Checklist and return the printed form to the attention of the Land Use Planner managing your file, or carbon copy (cc) them in the email that you submit.

Thank you!

Submit Form