

Memo



Date: April 15, 2011

To: City Manager

From: Land Use Management, Community Sustainability (LT)

Application: Z10-0103

Owner: T&A Synergy Enterprises Ltd.

Address: 1810-1824 Gordon Drive

Applicant: Worman Commercial

Subject: Rezoning Application

Existing OCP Designation: Commercial

Existing Zone: C9 - Tourist Commercial

Proposed Zone: C4 - Urban Centre Commercial

1.0 Recommendation

THAT first, second and third readings of Bylaw No. 10503 be rescinded;

THAT Rezoning Application No. Z10-0103 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot A, District Lot 138, ODYD, Plan KAP73230, located at 1810-1824 Gordon Drive, Kelowna, BC from the C9 - Tourist Commercial zone to the C4 - Urban Centre Commercial 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 Development Engineering Branch and Fortis BC being completed to their satisfaction;

AND FURTHER THAT final adoption of Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit on the subject property.

2.0 Purpose

This application seeks to rezone the subject property from the C9 - Tourist Commercial zone to the C4 - Urban Centre Commercial zone to facilitate the construction of two, 2-storey buildings for mixed commercial uses.

3.0 Land Use Management

The requested zoning change replaces the remnant C9 - Tourist Commercial zoning, which is no longer viewed as the ideal land-use for this property. The proposed street level retail component



assists on-going efforts to create a pedestrian-friendly environment in the Capri Village Centre. The resulting street edge will help to guide new development in the area and establish a streetscape rhythm.

The applicant has amended their original request for C3 - Community Commercial zoning to the C4 - Urban Centre Commercial zone. During the April 5, 2011 Public Hearing to consider C3 zoning, Council requested additional information on staff's rationale for preferring the C3 zone as opposed to the C4 zone for the subject property. The Policy & Planning Department has provided the following comments in this regard:

- The subject property is currently not located within an Urban Centre (as defined in the 2020 OCP), which would typically have C4 zoning. This site is located within a Village Centre which would typically have C3 zoning.
- The C4 zoning that applies to the Capri Centre Mall and other properties in the area is a vestige of the former Downtown Urban Centre that once included the Capri Area. When Zoning Bylaw 8000 was approved, C4 zoning was automatically conferred on sites within what was the Downtown Urban Centre at that time. However, the majority of the properties on the west side of Gordon were zoned C9 - Tourist Commercial to reflect the hotel/motel uses on these sites. The OCP was amended to change the Capri area to a Village Centre in 2002.
- The draft OCP proposes a new Capri / Landmark Urban Centre. However, that boundary does not extend to the west side of Gordon Drive. The rationale for supporting C3 zoning rather than C4 for the preliminary application was to seek a transition from the Capri Centre Mall to lower order commercial uses west of Gordon, towards residential areas.
- In addition, the draft OCP will designate the area west of Gordon Drive as a Character Neighbourhood Development Permit Area, which implies that development would need to be in character with the retention of low density residential uses to the west.

Notwithstanding the above rationale, staff have reconsidered the request for C4 zoning at the subject property based on the Public Hearing discussion, including the following factors:

- The subject property is located on a major arterial roadway (Gordon Avenue).
- C4 zoning is prevalent in the immediate area, including the Capri Centre Mall, and commercial properties on the south side of Sutherland Avenue.
- The building scale and siting proposed represents an appropriate transition to future residential uses to the west.
- The C4 zone would negate the need for previously required building setback variances, and significantly reduces the total parking requirement.

As such, the Land Use Management Department recommends that the revised application to achieve C4 - Urban Centre Commercial zoning be considered favorably by Council.

Subject to Council's approval of the zone amending bylaw, a Development Permit to approve the form & character would be forwarded to Council for consideration. The revised zoning would also require a Development Variance Permit for the percentage of parking stalls allowed in excess of Zoning Bylaw requirements. For the proposed development, 38 stalls are required, where 60 stalls are provided. This is in excess of the 125% of the required number of stalls. This variance would be forwarded to Council in conjunction with the Development Permit.

4.0 Proposal

4.1 Background

The subject property is currently vacant, but was previously two separate motel sites. The two former lots have since been consolidated. The C9 zoning reflects the historic motel use of the property.

The original application requested to rezone from C9 - Tourist Commercial to C3 - Community Commercial. The zone amending bylaw is currently sitting at Third Reading. The applicant was directed to the C3 zone in pre-application discussion by staff as the subject property is located within a Village Centre. Site-specific background and rationale is described in Section 3.0 above.

Following discussions at the April 5, 2011 Public Hearing, the applicant has requested to amend their application to pursue the C4 - Urban Centre Commercial zone.

4.2 Project Description

The applicant is requesting to rezone the property from the existing C9 - Tourist Commercial zone to the C4 - Urban Centre Commercial zone. The C4 zone provides greater commercial tenant possibilities than the C9 zone, particularly for general retail and office uses.

The proponent is contemplating a phased commercial project, consisting of two separate buildings. One building would be orientated to the Gordon Dr/Borden Ave corner, while the other would face the Gordon Dr/Laurier Ave corner. Both buildings are to be two storeys in height. The buildings comprise a total of 2,135m² of commercial floor area, with the lower levels intended to accommodate general commercial/retail, and office space planned for the upper storeys. Individual tenant spaces would have entrances from the frontage roads and/or the internal parking area, as well as the internal lobby spaces.

Site access would be limited to secondary roads - Laurier Ave and Borden Ave - with no vehicular access from Gordon Drive. A total of 60 surface parking stalls are provided behind the two buildings.

The original application for C3 zoning included a Development Variance Permit request to relax minimum building setback requirements (front and side yards) and the minimum parking stall requirement. Amending the application to C4 zoning has eliminated the need for these variances.

4.3 Site Context

The subject property is located on the west side of Gordon Drive in the Capri Village Centre. The Capri Centre Mall is immediately to the east. The surrounding area to the west is designated for future multi-family (Multiple Unit Residential - Low Density).

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C9 - Tourist Commercial	Motel
East	C4LP - Urban Centre Commercial (with Liquor Primary)	Capri Centre Mall
South	P2 - Educational & Minor Institutional	Kelowna Buddhist Temple
West	RU6 - Two Dwelling Housing	Single/Two Unit Residential Future Townhome Development

Subject Property Map: 1810-1824 Gordon Drive



The proposal conforms to Zoning Bylaw No. 8000 (with variance noted) as follows:

Criteria	Proposal	C3 Zone Regulations	C4 Zone Requirements
Existing Lot/Subdivision Regulations			
Site Area (m ²)	3558m ²	1300m ²	1300m ²
Site Width (m)	83.1m	40.0m	13.0m
Site Depth (m)	42.8m	30.0m	30.0m
Development Regulations			
F.A.R.	0.4	1.0	1.0 (bonuses available for mixed-use developments up to 2.35)
Height (m)	9.2m	15.0m	15.0m
Height (storeys)	2 storeys	4 storeys	4 storeys
Site Coverage	33%	50%	75%
Required Setbacks			
Front (Gordon Dr)	0.1m	3.0m	0.0m
Side (Laurier Ave)	0.1m	2.0m	0.0m
Side (Borden Ave)	0.1m	2.0m	0.0m
Rear (west)	20.2m	6.0m	6.0m
Other Regulations			
Parking Spaces	60 stalls	Ground Floor - Retail (@ 2.0/100m ²) = 19.44 stalls Second Floor - Health Services (@ 5.0/100m ²) = 58.15 stalls Total = 78 stalls	1.75 per 100 m ² GFA Total = 38 stalls
Maximum number of parking spaces as a percentage of minimum number required ^①	158% (12 more than maximum permitted)	125% (max. 98 stalls)	125% (max. 48 stalls)
Bicycle Stalls	Class I: 5 spaces Class II: 14 spaces Total: 19 spaces	Class I: 5 spaces Class II: 14 spaces Total: 19 spaces	Class I: 5 spaces Class II: 14 spaces Total: 19 spaces

① Denotes requested variance to maximum number of stalls permitted.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Location of New Commercial.¹ Direct new commercial ventures to locate in areas designated for commercial purposes;

Office Space.² Consider rezoning applications with the objective of ensuring that there is a competitive supply of office space.

6.0 Technical Comments

6.1 Development Engineering Department

See attached.

6.2 Fire Department

Fire department access, fire flows of 150ltr/sec, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900. Additional comments will be required at the building permit application.

6.3 Fortis BC

FortisBC will require a service right-of-way for existing and future electrical works on the property, in favour of the City of Kelowna. Fortis BC to prepare the necessary documentation for signature by land owners.

7.0 Application Chronology

Date of Application Received:	December 21, 2010
Advisory Planning Commission	March 1, 2011

The above noted application was reviewed by the Advisory Planning Commission at the meeting on March 1, 2011 and the following recommendations were passed:

THAT the Advisory Planning Commission support Rezoning Application No. Z10-0103, for 1810-1824 Gordon Drive to rezone from the C9 - Tourist Commercial zone to the C3 - Community Commercial zone.

APC Comment:

The APC commented that the parking requirements for the C3 zone compared to the C4 zone are conflicting and create a disadvantage for C3 Health Services tenants. Future text amendments to the parking requirements should be explored.

¹ City of Kelowna Official Community Plan, Policy No. 9.1.14, Commercial Chapter

² City of Kelowna Official Community Plan, Policy No. 9.1.18, Commercial Chapter

Report prepared by:



Luke Turri, Land Use Planner

Reviewed by:



Danielle Noble Manager, Urban Land Use Management

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

Attachments:

Site Plan

Conceptual Rendering

Landscape Plan

Development Engineering Comments

CITY OF KELOWNA
MEMORANDUM

Date: January 21, 2011
File No.: Z10-0103
To: Planning & Development Services Department (LT)
From: Development Engineering Manager
Subject: 1810 1824 Gordon Drive. Borden Ave., Laurier Ave Lot A Plan 73230

Development Engineering has the following requirements associated with this application. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

The Development Engineering Technologist for this project is John Filipenko. ASCT

1. Domestic Water and Fire Protection

- (a) The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. A application to subdivide the current property into two lots is in place. Separate services will be required for each proposed lot.
- (b) Replace approximately 24m of substandard 150mm CI watermain on Laurier Avenue with 200mm diameter PVC, from the existing reducer west of the hydrant near Gordon Drive, to the westerly property boundary of this development. Remove the existing small diameter service and install a larger metered water service from the new main. The estimated cost of this work for bonding purposes is **\$20,000.00**
- (c) Replace approximately 24m of substandard 100mm CI watermain on Borden Avenue with 200mm diameter PVC, from the existing reducer west of the hydrant near Gordon Drive, to the westerly property boundary of this development. Remove the existing small diameter service and install a larger metered water service from the new main. The estimated cost of this work for bonding purposes is **\$20,000.00**
- (d) If it is determined that further upgrades to the existing water distribution system must be made to achieve the required fire flows, additional bonding will be required.

2. Sanitary Sewer

- (a) The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. A application to subdivide the current property into two lots is in place. Separate services will be required for each proposed lot.

- (b) Our records indicate that the existing property is currently serviced with two 100mm-diameter AC sanitary services. The applicant, at his cost, will arrange for removing and capping of all unused services at the mains and the installation of larger services complete with inspection chambers. The estimated cost for construction for bonding purposes is **\$15,000.00**

3. Storm Drainage

- (a) It will be necessary for the developer to construct storm drainage facilities on both Laurier Avenue and Borden Avenue to accommodate road drainage fronting the proposed development. The cost is included in the Road upgrading item.

4. Road Improvements

- (a) Gordon Drive: The existing accesses to Gordon Drive must be removed. This work will require curb, gutter, sidewalk and ramp removal and replacement. The work must be constructed to City of Kelowna Standards. The estimated cost of the road frontage improvements for bonding purposes is **\$15,000.00**
- (b) Borden Avenue fronting this development must be upgraded to a full urban standard (SS-R5) modified to including a separate sidewalk, barrier curb and gutter, landscaped boulevard complete with trees and underground irrigation, storm drainage system including a catch-basin and drywell, fillet pavement, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction. The estimated cost of the road frontage improvements for bonding purposes is **\$45,000.00**
- (c) Laurier Avenue fronting this development must be upgraded to a full urban standard (SS-R7) modified to include a barrier curb and gutter, commercial width sidewalk, trees with grates, underground irrigation, fillet pavement, storm drainage system including catch basin and drywell and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction. The estimated cost of the road frontage improvements for bonding purposes is **\$45,000.00**

5. Road Dedication and Subdivision Requirements

The developer have made application to subdivide the current property into two parcels. For subdivision requirements refer to comments under file S11-0003

6. Electric Power and Telecommunication Services

The electrical and telecommunication services to this development must be installed in an underground duct system. 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 developer's cost.

7. Street Lighting

Street lighting including underground ducts must be installed on all roads fronting on the proposed development. The cost of this requirement is included in the roads upgrading item.

8. Engineering

- (a) 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.
- (b) For proposed works within the City right-of-way, please submit four (4) sealed sets of drawings for our review and approval.
- (c) A Notice to Proceed and Road Usage Permit will be required prior to commencement of construction within the City right-of-way.

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. Development Permit and Site Related Issues

- (a) Refer to Files DP10-0172 and DVP10-0173 for comments pertaining to site development.

11. Administration Charge

An administration charge is normally assessed for processing an application and for review and approval of engineering designs and construction inspection. A discussion between department managers should be held to decide if an administration charge is required for this application. An administration charge would be calculated as 3% of the total off-site construction costs, not including design. 12% HST is normally added.

12. Cost Estimates for Information Purposes

(a) Estimates

Water main and service upgrades	\$ 40,000.00
Road frontage upgrades	\$105,000.00
Sanitary Service Upgrades	\$ 15,000.00

Total Costs

\$160,000.00

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 and may be in the form of cash or an irrevocable letter of credit, in an approved format.

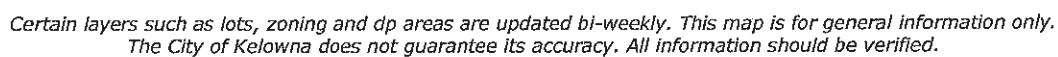
The owner must also enter into a servicing agreement in a form provided by the City.

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 Total Off-Site Construction Cost plus HST)
\$3,840.48 (\$3,429.00 + \$411.48)

Steve Muenz, P. Eng.
Development Engineering Manager
JF/jf





WORMAN
COMMERCIAL HOMES | COMMERCIAL DEVELOPMENT

ILLUSTRATION / THE ARTS ACTIVE

1810 GORDON DRIVE | Kelowna, BC

Worman Homes | Worman Commercial



Landscape Development Data:

1. Plant materials and construction method shall conform to minimum standards established in the B.C. Landscape Standard (7th Edition).
2. The Landscape design designated herein is conceptual but reflects the minimum acceptable quality and size.
3. Plant material selections are conceptual only. Final planting selections may vary depending upon availability.
4. Shrub and tree cluster areas to be placed within planting beds. All planting beds shall have approved mulch.
5. An automatic timed irrigation system shall be installed in all landscaped areas.
6. This drawing depicts form and character and is to be used for Development Permit submission only. It is not intended for use as a construction document.