

# REPORT TO COUNCIL



**Date:** August 22, 2016

**RIM No.** 1250-30

**To:** City Manager

**From:** Community Planning Department (RR)

**Application:** Z16-0001

**Owner:** Kelowna Hwy 97/33 Holdings  
Ltd., Inc. No.BC1003626

**Address:** 2486 Highway 97 N

**Applicant:** Calnitsky Architecture

**Subject:** Rezoning Application

**Existing OCP Designation:** COMM - Commercial

**Existing Zone:** C9 - Tourist Commercial

**Proposed Zone:** C4 - Urban Center Commercial

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## 1.0 Recommendation

THAT Rezoning Application No. Z16-0001 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 DL 125 ODYD Plan 18724 Except Plans KAP78413 and KAP80632 located at 2486 Hwy 97 North, Kelowna, BC from the C9 - Tourist Commercial zone to the C4 - Urban Center Commercial zone be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated August 8, 2016.

## 2.0 Purpose

To consider a zoning bylaw amendment application for an approved hotel and retail center from C9 - Tourist Commercial to C4 - Urban Center Residential to alter the potential tenant mix for the retail component.

## 3.0 Community Planning

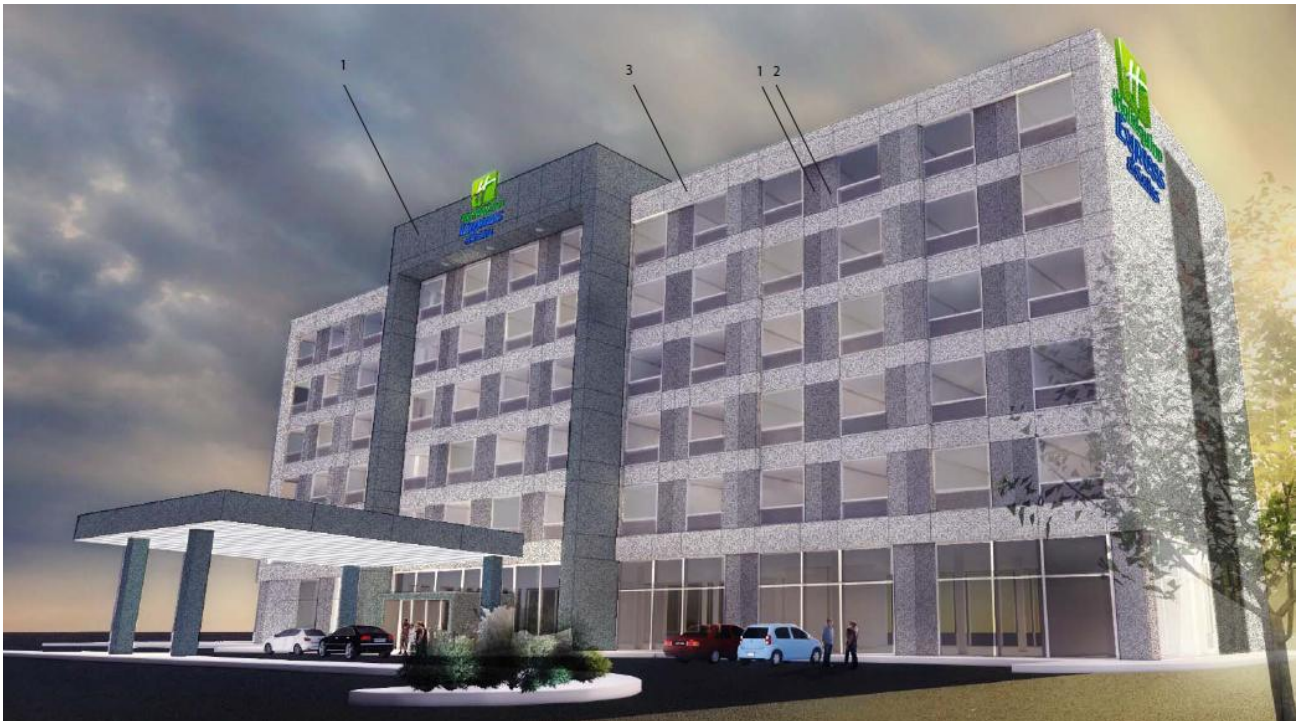
Community Planning supports the proposed zoning bylaw amendment. Council has already given approval for the proposed hotel and retail center on the property, and the bylaw amendment will allow the developer to appeal to a broader mix of tenants. The C4 - Urban Center Commercial zone allows the hotel use.

## 4.0 Proposal

### 4.1 Background

On June 28<sup>th</sup>, Council approved DP16-0001 and DVP16-0002, allowing the development of the subject property with a 6 storey hotel and a one storey retail center. At the time, staff advised council that while all of the proposed uses were permitted under the C9-Tourism Commercial Zone, that the applicant would also be seeking to rezone the property to C4 - Urban Center Commercial. The purpose of the rezoning would be to allow a broader mix of non-tourism tenants in the retail center.

Traditionally, the City of Kelowna practice is always to complete a rezoning prior to the issuance of the development permit. In this instance, because the uses were permitted by both zones, the process was reversed to allow the project to hit an earlier building window.



### 4.2 Bylaw Amendment

The property is currently zoned C9 - Tourist Commercial. The Tourist Commercial zone allows hotels, and limited retail and restaurant use. Retail uses are limited to 90 m<sup>2</sup> per unit, and no financial, medical or other services are permitted. Because of the size of the commercial development, the applicant is seeking to expand on permitted uses.

The proposed zone, the C4 - Urban Center Commercial zone, allows a large range of commercial uses, including medical, office, financial and larger scale retail uses. The applicant believes this will help ensure the viability of the commercial development.

The properties surrounding the site are not zoned for Tourist Commercial use. Predominantly, the properties are zoned for Service Commercial use. Staff are not concerned that the re-zoning will impugn on tourist amenities, and in fact believe that additional commercial uses may make the site more appealing to potential tourists or business travellers.

At the time of approval, the project needed several setback variances, which Council granted. If the zoning bylaw is amendment, those variances would no longer be required under the C4 Zone.



#### 4.3 Site Context

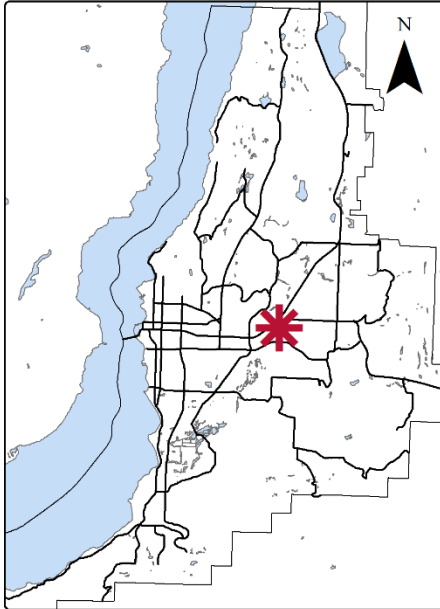
The property is in a heavily urbanized area of the city, at the junction of two major highways. The site is adjacent to another large hotel to the south. The large warehouse retailer Costco is directly across Highway 97.

As Highway 33 is extended, it is anticipated that this intersection will grow more and more busy and prominent.

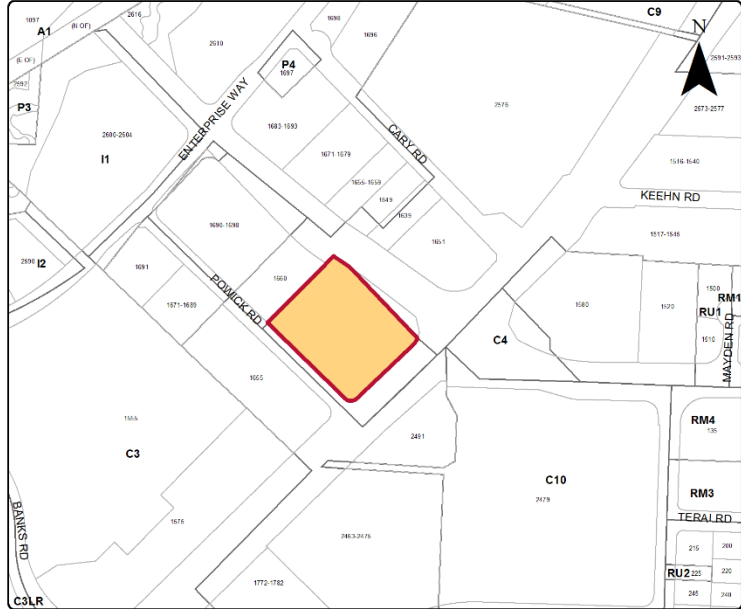
Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C10 - Service Commercial	Ashley Furniture
East	C10 - Service Commercial	Costco
South	C4 - Urban Centre Commercial	Fairfield Hotel
West	C10 - Service Commercial	Event Rentals Store

Subject Property Map:



CONTEXT



NEIGHBOURING ZONING



SUBJECT PROPERTY



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Compact Urban Form.**<sup>1</sup> Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- 1 Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- 2 Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- 3 A Hoarding permit may be required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP
- 4 A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
  - a. Any security system that limits access to exiting needs to be addressed in the code analysis by the architect. This includes separations of the parkade into restricted areas if any.
  - b. Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
- 5 A Structural peer review may be required at time of building permit application for the 6 storey structure.
- 6 A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. This property falls within the Mill Creek flood plain bylaw area and compliance is required. Minimum building elevations are required to be established prior to the release of the Development Permit. This minimum Geodetic elevation is required for all habitable spaces. This building may be designed to low, which may affect the form and character of the building.
- 7 Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located.

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<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

## 6.2 Development Engineering Department

See attached Memorandum dated February 23, 2016

## 6.3 Fire Department

- 1 Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- 2 Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900. Should a hydrant be required on this property it shall be operational prior to the start of construction.
- 3 A visible address must be posted as per City of Kelowna By-Laws . As the only access to this site is off of Powick Rd, the buildings should be addressed off of Powick Rd.
- 4 Sprinkler drawings are to be submitted to the Fire Dept. for review when available.
- 5 A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD
- 6 Fire Department access is to be met as per BCBC 3.2.5. -
- 7 Approved Fire Department steel lock box or key tube acceptable to the fire dept. is required by the fire dept. entrance.
- 8 All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met
- 9 Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.
- 10 Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- 11 Fire department connection is to be within 45M of a fire hydrant - unobstructed
  - 11.1 \*ensure FD connection is clearly marked and visible from the street
  - 11.2 \*standpipes to be located on intermediate landings.
  - 11.3 \*sprinkler zone valves shall be accessible as per fire prevention bylaw
  - 11.4 \*dumpster/refuse container must be 3 meters from structures or overhangs
  - 11.5 \* do not issue BP unless all life safety issues are confirmed

## 7.0 Application Chronology

Date of Application Received:	January 4 <sup>th</sup> , 2016
Date Development Permit Approval:	June 28 <sup>th</sup> , 2016

**Report prepared by:**

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Ryan Roycroft, Planner

**Reviewed by:**

Terry Barton, Urban Planning Manager

**Approved for Inclusion:**

Ryan Smith, Community Planning Department Manager

**Attachments:**

Memorandum from Development Engineering