

# REPORT TO COUNCIL



**Date:** January 9, 2016

**RIM No.** 1250-30

**To:** City Manager

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

**Application:** Z16-0067

**Owner:** Burro Developments Ltd., Inc.  
No. BC0971320

**Address:** 1330 St Paul St

**Applicant:** Hans P. Neumann Architect Inc.

**Subject:** Rezoning Application

Existing OCP Designation: MXR – Mixed Use (Residential/Commercial)

Existing Zone: I2 – General Industrial

Proposed Zone: C7 – Central Business Commercial

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## 1.0 Recommendation

THAT Rezoning Application No. Z16-0067 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 16 District Lot 139 ODYD Plan 645, located at 1330 St Paul St, Kelowna, BC from the I2 – General Industrial Zone to the C7 – Central Business 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 subsequent to the following:

To the outstanding conditions identified in Attachment "A" associated with the report from the Community Planning Department dated January 9<sup>th</sup> 2016.

## 2.0 Purpose

To consider a rezoning application on the subject property from I2 – General Industrial Zone to the C7 – Central Business Commercial Zone.

## 3.0 Community Planning

Staff support the rezoning from the I2 zone to the C7 zone. The Official Community Plan (OCP) designates the property as MXR – Mixed Use (Residential/Commercial) and encourages the C7 zoning on most downtown lots including the subject property. Industrial uses within the downtown core have the potential for land use conflicts with existing uses and conflict with the vision of the Downtown Plan & OCP of an

urban high density residential / commercial mixed use City Centre. Further, the OCP strongly encourages office buildings greater than 929m<sup>2</sup> to locate within the City Centre. This project fits that criteria and is consistent with all the Official Community Plan land use guidelines.

If the rezoning is successful, Staff will review the form and character of the proposed building within a Development Permit report. Currently, Staff are tracking nine (9) variances associated with the current proposal. The variances are mostly related to setbacks and reducing parking stall sizes within the parkade. However, Staff are currently reviewing the C7 zone for potential changes. In the 'Draft C7 zone' the number of variances would be reduced to seven (7) variances. Regardless of the potential C7 zoning changes, the merit of the variances will be reviewed and analyzed within a Development Variance Permit report, if the rezoning is successful.

#### 4.0 Proposal

##### 4.1 Project Description

If the rezoning is successful, the applicant has proposed to build a mixed commercial use development with ground floor retail and upper floor offices. The current proposal is to have a six storey building that steps back from the property line and contains approximately 20,000 ft<sup>2</sup> of commercial space.

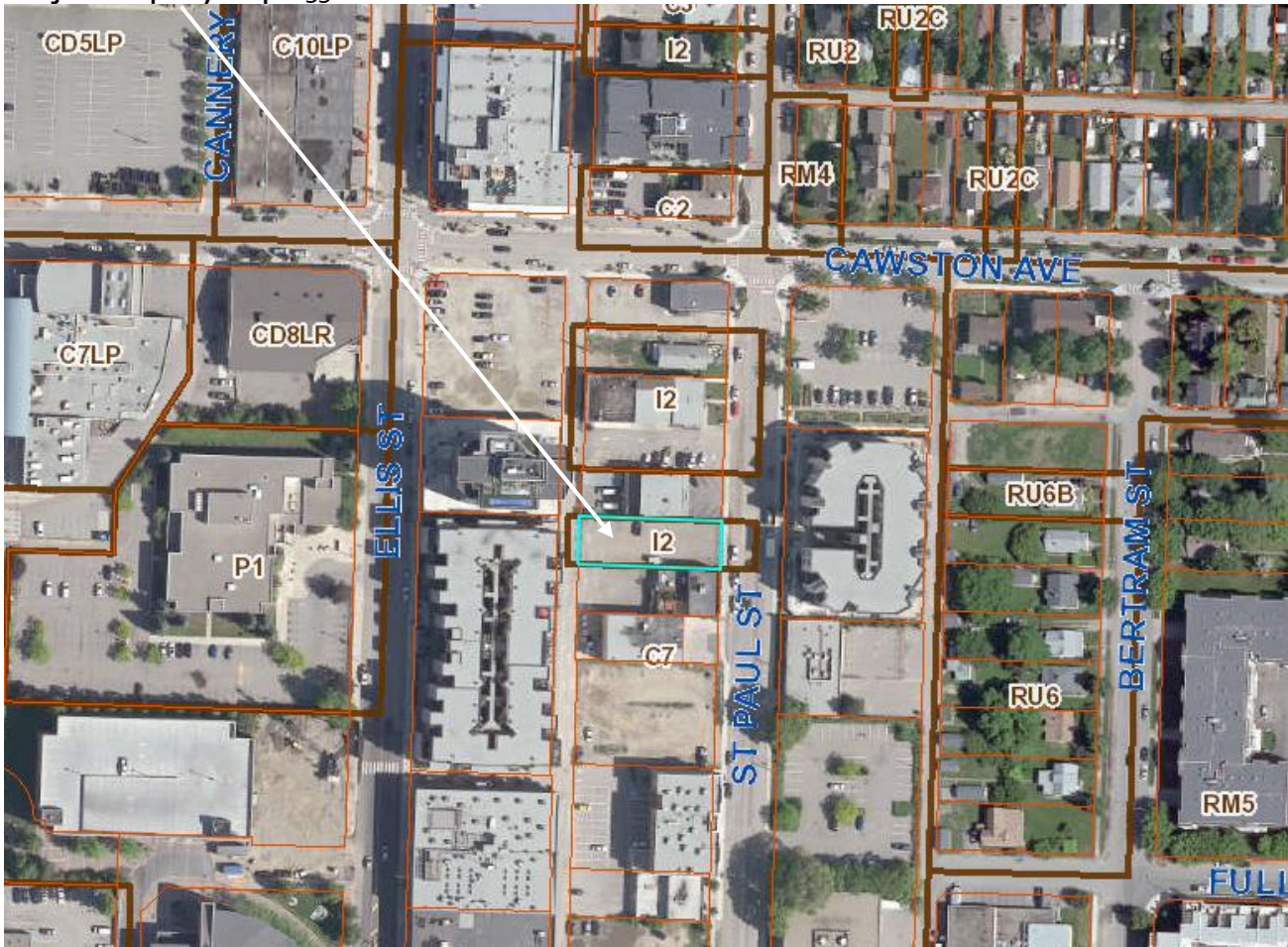
##### 4.2 Site Context

The subject property is located at the east side of St Paul Street between Cawston Avenue & Doye Avenue. The site is also located between two mixed use projects; Ellis Courtyard located to the west and St Paul Place located to the east.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C7 – Central Business Commercial, I2 – General Industrial	MXR – Mixed Use (Residential / Commercial)
East	C7 – Central Business Commercial, P1 – Major Institutional	MXR – Mixed Use (Residential / Commercial) EDINST – Educational / Institutional
South	C7 – Central Business Commercial	MXR – Mixed Use (Residential / Commercial)
West	C7 – Central Business Commercial	MXR – Mixed Use (Residential / Commercial)

Subject Property Map: 1330 St Paul St



4.3 Zoning Analysis Table

The zoning analysis table shows the requirements of the C7 zone compared to the proposal:

Zoning Analysis Table			
CRITERIA	ZONE REQUIREMENTS		PROPOSAL
	C7	Draft C7	
Existing Lot/Subdivision Regulations			
Max. Height	44.0m	76.5m (~26 stories)	6 storeys / 21 m
Development Regulations			
Max. Floor Area Ratio	9.0	9.0	2.36
Min. setback front	0.0m	0.0m	0.0m
Min. setback Side	0.0m	0.0m	0.0m
Min. Setback Rear	0.0m	0.0m	0.0m
Setback above 15 metres	(north) 4.0 m	n/a	0 m ①
	(east) 3.0 m	n/a	0.775m ②
	(south) 4.0 m	n/a	2.72m ③
	(west) 3.0 m	n/a	0 m ④

Setbacks above 12 metres	n/a	(north) 4.0 m	0 m <sup>①</sup>
	n/a	(east) 3.0 m	0.775m <sup>②</sup>
	n/a	(south) 4.0 m	2.72m <sup>③</sup>
	n/a	(west) 3.0 m	0 m <sup>④</sup>
Max. floor plate above 15.0 m	676 m <sup>2</sup>	n/a	461 m <sup>2</sup>
Max. floor plate	n/a	956 m <sup>2</sup>	461 m <sup>2</sup>
Max. angle of setback above 15.0m	80 degrees	n/a	80 degrees
Max. continuous horizontal dimension above 15.0m	26.0 m	n/a	44.65 m <sup>⑤</sup>
Max. diagonal dimension for a floor plate above 15.0m	39.0m	n/a	46.4 m <sup>⑥</sup>
Other Regulations (The Draft C7 zone would not affect this section)			
Min. Parking Stalls	25 stalls		13 stalls (12 cash-in-lieu stalls)
Min. Class I Bicycle Stalls	0.2 per 100m <sup>2</sup> of GLA or 1 per 10 employees 4 stalls for GLA but 7 stalls (assume 1 employee per office / unit)		7 stalls
Min. Class II Bicycle Stalls	12 stalls (0.6 per 100m <sup>2</sup> of GLA)		12
Two-drive aisle minimum	7.0m		6.0 m <sup>⑦</sup>
Min. Loading Spaces	1 stall		1 stall
Minimum Parking ratio	Full size: Min 50% Medium Size: Max 40% Compact Car: Max 10%		Full size: 60% Medium Size: 33.3% Compact Car: 6.6%
The minimum addition parking width for stalls that abuts an obstruction	0.2m when obstruction abuts one side (affects 6 stalls)		0.0 m <sup>⑧</sup>
	0.5m when obstruction abuts two side (affects 4 stalls)		0.0 m <sup>⑨</sup>
<p><u>Current C7 zone variances:</u></p> <p>① Indicates a requested variance to the minimum lane setback above 15m.</p> <p>② &amp; ④ Indicates a requested variance to the minimum side setbacks above 15m.</p> <p>③ Indicates a requested variance to the minimum front setback above 15m.</p> <p>⑤ Indicates a requested variance to the maximum continuous horizontal dimension above 15m.</p> <p>⑥ Indicates a requested variance to the maximum diagonal dimension for a floor plate above 15m.</p> <p>⑦ Indicates a requested variance to the minimum drive aisle width.</p> <p>⑧ Indicates a requested variance to the minimum additional width for a parking stall when abutting an obstruction on one side.</p> <p>⑨ Indicates a requested variance to the minimum additional width for a parking stall when abutting an obstruction on two sides.</p>			

Draft C7 zone variances:

①, ②, ③ & ④ Variances remain the same except the setbacks being measured of above 15m would be measured above 12m.

Indicates a requested variance to the minimum front setback above 15m.

⑤ & ⑥ Variance would no longer be necessary.

⑦ Indicates a requested variance to the minimum drive aisle width.

⑧ Indicates a requested variance to the minimum additional width for a parking stall when abutting an obstruction on one side.

⑨ Indicates a requested variance to the minimum additional width for a parking stall when abutting an obstruction on two sides.

## 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.

**Downtown Development.**<sup>2</sup> Support rezoning to C7 use in the downtown Urban Centre area only where properties are surrounded on a minimum of 3 sides by existing C7 zoning. The intent of this policy is to support intensification within the existing core areas of Downtown.

**Office Building Location.**<sup>3</sup> Encourage office buildings providing more than 929 m<sup>2</sup> of useable space to locate in the City Centre or the Town Centres. This policy does not include offices integral to business park / industrial uses and "corporate offices" allowable under relevant industrial zones.

**Offices Near Transit.**<sup>4</sup> Direct new office development to areas served by public transit.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

No comment on rezoning.

### 6.2 Development Engineering Department

See attached memorandum dated November 7, 2016.

### 6.3 Fire Department

No comment on rezoning.

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.3.4 (Development Process Chapter).

<sup>3</sup> City of Kelowna Official Community Plan, Policy 5.25.2 (Development Process Chapter).

<sup>4</sup> City of Kelowna Official Community Plan, Policy 5.27.2 (Development Process Chapter).

**7.0 Application Chronology**

Date of Application Received: October 5<sup>th</sup> 2016  
Date Public Consultation Completed: January 3<sup>rd</sup> 2016

**Report prepared by:** Adam Cseke, Planner 2  
**Reviewed by:** Terry Barton, Urban Planning Manager  
**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

**Attachments:**

Development Engineering Memo dated November 7<sup>th</sup> 2016  
Initial Architectural Drawing Package