

REPORT TO COUNCIL



Date: April 25th 2017

RIM No. 0940-00 & 0940-50

To: City Manager

From: Community Planning Department (AC)

Application: DP16-0275 & DVP16-0276 **Owner:** City of Kelowna

Address: 238 Queensway Ave **Applicant:** Tourism Kelowna

Subject: Development Permit and Development Variance Permit

Existing OCP Designation: Major Park / Open Space (PARK)
Proposed OCP Designation: Educational / Major Institutional (EDINST)
Existing Zone: P3 - Parks and Open Space
Proposed Zone: P1 - Major Institutional

1.0 Recommendation

THAT final adoption of OCP Amendment Bylaw No. 11335 (OCP16-0026) & Rezoning Bylaw No. 11336 (Z16-0074) be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No DP16-0275 for Block F, District Lot 1527, ODYD located at 238 Queensway Ave, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";

AND THAT Council authorize the issuance of Development Variance Permit DVP16-0276 for Block F, District Lot 1527, ODYD, located at 238 Queensway Ave, Kelowna, BC;

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A, B, & C":

S.16.1.5 (d) P1 - Major Institutional Development Regulations

To vary the front yard setback from 6.0m to 3.8m.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit applications in order for the permits to be issued;

AND FURTHER THAT this Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To review the Form & Character Development Permit and consider the Development Variance Permit for a new Visitor Information Centre.

3.0 Community Planning

3.1 Development Permit

Staff are recommending support for the proposed Development Permit due to the proposal's consistency with the Official Community Plan's (OCP) urban design guidelines. The applicant has worked with City staff to review and refine the proposed building design, with particular consideration given to breaking up the scale and mass of the building and determining an appropriate response to the waterfront location.

Based upon the City of Kelowna's Official Community Plan (OCP) objectives and guidelines, Staff have been working with the applicant to achieve the following:

- Convey a strong sense of authenticity through urban design that is distinctive for Kelowna;
- Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures;
- Integrate new development with existing site conditions and preserve the character amenities of the surrounding area;
- Incorporate architectural features and detailing of buildings and landscapes that define an area's character.

The building has a board-formed concrete base with other complimentary building materials consisting of steel, wood and glass. Expansive 'curtain wall' glass panels connect the building's interior to the surrounding park. This maintains transparency through the building which minimizes lake view obstructions. The proposed metal roof has a sweeping curved feature. The design inspiration of the concrete base and sweeping curved metal roof was taken from the nearby structures (see images below) which includes the: marina kiosks, Stuart Park, City Park washroom building, base of the 'Bear' sculpture in Stuart Park and new Kelowna Yacht club. The proposed colouring of the concrete (from grey to beige) will help add visual warmth and intrigue to the Tourism Kelowna building.

Figure 1: Nearby structures used for design inspiration



3.2 Conditions of Rezoning

There were three conditions of rezoning:

1. Meet the Development Engineering Conditions;
2. Release the provincial flooding covenant;
3. Execute the lease agreement between the City and Tourism Kelowna.

The provincial flood covenant was released earlier this year by the Province and the lease agreement was authorized by the City in January 2017. The applicant has met all the engineering conditions. As outlined in the lease agreement, the City will service the subject property and incur those expenses. Funding will be available to cover these expenses. Works required include storm, sewer relocation, water, and roadworks.

3.3 Conditions of Development Permit

Typically, with every Development Permit application, the applicant is responsible to provide landscape bonding. In this case, due to the lease agreement, the City of Kelowna is responsible for landscape costs on the subject property as they are related to the Kerry Park re-development. The initial cost estimate of Kerry Park Phase 1 is \$790,000. However, this cost estimate includes off-site area that is located between the future Queensway roundabout and the subject property. There is no bonding necessary for the landscaping and the City will budget for these costs as part of the overall Kerry Park project, approved as a priority in the City's 10 Year Capital Plan.

3.4 Development Variance Permit

There is one proposed variance associated with this permit:

1. Reduce the front yard setback from 6.0m to 3.8m;

This variance is needed in order to maintain a 15.0 metre setback to the lake on the western side of the building and to remain outside the Kelowna Sawmill Community Trust area on the east side of the building. Beyond the front property line is excessive road right-of-way that provides further separation between the building and the future Queensway Cul-de-sac that will be incorporated in the redevelopment of Kerry Park. The proposed Visitor Information Centre will be approximately 17-20 metres from the future Queensway curb. Staff do not anticipate any concerns with granting the variance.

3.5 Notification

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant did notify all the neighbours within the required 50 metre radius. Further, the applicant held a public open house on Wednesday November 9th 2016.

4.0 **Proposal**

4.1 Project Description

The proposed building is for a single storey public visitor information centre with a mezzanine (400 ft²) operated by Tourism Kelowna. The total building floor area is 3,150 ft². The Zoning Bylaw requires the development to provide 8 parking stalls. However, the Payment in Lieu of Parking Bylaw permits the applicant to provide \$22,500 per stall instead of physically providing the parking stalls for a total of \$180,000. Tourism Kelowna anticipates the Visitor Information Centre will be catered towards walk-by pedestrian traffic, reducing the reliance on vehicular trips.

4.2 Site Context

The subject property is located in the downtown urban centre along the waterfront. The site is currently being utilized as a municipal parking lot. Specifically, the adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 – Parks and Open Space W2 – Intensive Water Use	Kerry Park & Marina
East	C7LR Central Business Commercial (Liquor Primary / Retail Liquor Sales)	Parking Lot / WestCorp's future hotel site
South	P3 – Parks and Open Space	Kerry Park & Marina
West	W2 – Intensive Water Use	Marina

Subject Property Map: 238 Queensway Ave



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	P1 Zone	Proposed
Development Regulations		
Buildings		
Max FAR	2.0	0.22
Max Site Coverage	50%	18%
Max Height	22.0m /6 storeys	7.3 m / 1 storey + mezzanine
Min Front Yard (east) Setback	6.0 m	3.8 m ❶
Min Side Yard (north) Setback	4.5 m	10.0 m
Min Side Yard (south) Setback	4.5	10.0 m
Rear Yard (west)	7.5	15.0m
Min Parking	2.5 stalls per 100m ² of GFA = 8 stalls	0 Stalls ❷
<u>Variances</u> ❶ Reduce setback in front yard from 6.0 m to 3.8 m <u>Notes</u> ❷ No variance required as applicant will pay cash-in-lieu of parking (\$22,500.00 per stall) totalling \$180,000.00		

5.0 **Current Development Policies**5.1 Kelowna Official Community Plan (OCP)GUIDELINE: Authenticity and Regional Expression

- 1.1 "Incorporate landscaping and building form and character that is distinct to Kelowna and the Central Okanagan and conveys a sense of authenticity."

GUIDELINE: Context

- 2.1 "Emulate desirable form and character of nearby buildings."

GUIDELINE: Human Scale

- 5.2 "Articulate facades by means of indentations and projections of elements (e.g. windows and doors, cornice lines, pilasters, balconies, and other detailing);"
- 5.4 "Design building façades with balance of vertical and horizontal proportions (e.g. vertical elements at regular intervals to strengthen the pedestrian -scale of otherwise horizontal buildings);"

GUIDELINE: Amenities, ancillary services and utilities

- 11.2 "Intergrade service connections, vents, and mechanical rooms and equipment with the architectural treatment of the building, and/or locate to minimize visual intrusion and screen from view with materials and finishes compatible with the building."

GUIDELINE: Lakeside Development

- 15.2 "Minimize the obstruction of lake views."
- 15.3 "Design lakeside development to act as a transition between the lake and inland development (i.e. incorporate lake inspired themes, unique features to take advantage of the lakeside setting, etc.)"

6.0 Technical Comments

All technical comments addressed in the zoning report (Z16-0074).

7.0 Application Chronology

Date of Application Received (complete):	Nov 4 th 2016
Date of Public Open House:	Nov 9 th 2016
Date of First Reading:	Dec 12 th 2016
Date of Public Hearing:	Jan 24 th 2016

Prepared by:	Adam Cseke, Urban Planner
Reviewed by:	Terry Barton, Urban Planning Manager
Approved for:	Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A - Development Engineering Memo
DP16-0275 & DVP16-0276

DEVELOPMENT PERMIT / DEVELOPMENT VARIANCE PERMIT



APPROVED ISSUANCE OF DEVELOPMENT PERMIT NO. DP16-0275 / DEVELOPMENT VARIANCE
PERMIT NO. DVP16-0276

Issued To: City of Kelowna
Site Address: 238 Queensway Ave
Legal Description: Lots 1527, Block F, District Lot 1527, ODYD
Zoning Classification: P1 - Major Institutional
Development Permit Area: Comprehensive Development Permit Area

SCOPE OF APPROVAL

This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.

The issuance of a Permit limits the Permit Holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

1. TERMS AND CONDITIONS

THAT Development Permit No. DP16-0275 for Lots 1527, Block F, District Lot 1527, ODYD, located at 238 Queensway Ave, Kelowna, BC to allow the construction of a P1 - Major Institutional development to be approved subject to the following:

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
- c) Landscaping to be provided on the land be in accordance with Schedule "C";

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A, B, & C":

S.16.1.5 (d) P1 - Major Institutional Development Regulations

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AND FURTHER THAT this Development Permit / Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2. PERFORMANCE SECURITY

None required.

3. DEVELOPMENT

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit that shall form a part hereof.

If the Permit Holder does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

This Permit IS NOT a Building Permit.

4. Indemnification

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.
- b) All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

5. APPROVALS

Issued and approved by Council on the _____ day of _____, 2017 .

Ryan Smith, Community Planning Department Manager
Community Planning & Real Estate

Date

**The PERMIT HOLDER is the CURRENT LAND OWNER.
Security shall ONLY be returned to the signatory of the
Landscape Agreement or his or her designates**

Date:	April 25 th 2017	Owner:	City of Kelowna
Application DP#:	DP16-0275	Applicant:	Tourism Kelowna
Application DVP#:	DVP16-0276	Legal Description:	Lots 1527, Block F, District Lot 1527, ODYD
Subject:	Development Permit and Development Variance Permit	Address:	238 Queensway Ave
Existing OCP Designation:	Major Park / Open Space (PARK)	Proposed OCP Designation:	Educational / Major Institutional (EDINST)
Existing Zone:	P3 - Parks and Open Space	Proposed Zone:	P1 - Major Institutional
Engineering Date:	Nov 29 th 2016		