

REPORT TO COUNCIL



Date: June 12, 2016

RIM No. 1250-30

To: City Manager

From: Community Planning Department (AC)

Application: Z16-0077 **Owner:** Sunset Drive Properties Ltd.

Address: 1187 Sunset Drive **Applicant:** North American Development Group (Russ Watson)

Subject: Rezoning Application

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

Existing Zone: C4 – Urban Centre Commercial

Proposed Zone: C7 – Central Business Commercial

1.0 Recommendation

THAT Rezoning Application No. Z16-0077 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, District Lot 139, ODYD Plan KAP76304, located at 1187 Sunset Dr, Kelowna, BC from the C4 – Urban Centre Commercial 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 May 29th 2017.
- Discharge the restrictive land use covenant (LA11939) from Title.

2.0 Purpose

To consider a rezoning application on the subject property from the C4 – Urban Centre Commercial Zone to the C7 – Central Business Commercial Zone.

3.0 Community Planning

Staff support the rezoning from the C4 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. The applicant intends to utilize the C7 zone to realize a mixed-use development with commercial at-grade, and two residential towers with a structured parkade.

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 two variances associated with the current proposal. One minor variance to increase the maximum allowable parking stalls and a major variance to significantly increase the maximum height. Staff have asked the applicant to provide architectural justification including an urban design rationale for various tower heights as well as shadow study and skyline analysis. The merit of the variances will be reviewed and analyzed within a Development Variance Permit report, if the rezoning is successful.

There is a restrictive covenant on title related to the previous hotel proposal registered with the City of Kelowna limiting the project to "a mixed-use building containing both hotel and apartment hotel uses." Staff recommends this be discharged prior to granting 4th reading. Discharging this covenant will ensure that the proposed development can maintain a high degree of flexibility with regard to land use.

The rezoning triggered a traffic impact assessment. 'Bunt & Associates Engineering Ltd' produced a report dated May 17th 2017 which is attached to this report. The main conclusion was due to high southbound delays at the intersection of Sunset Drive and Water Street, this intersection currently warrants an intersection upgrade. A signalized intersection was recommended, which can be coordinated with the adjacent signal at Ellis Street and Clement Avenue. The applicant has agreed to pay for the intersection improvement subject to registering a latecomer agreement on all future benefiting properties.

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;
- 3 floors of parking;
- 2 residential towers upper;
 - North Tower proposed at 29 stories;
 - South Tower proposed at 36 stories;
- 399 residential units proposed in the towers with 6 live/work units proposed along Ellis Street;
- Proposed daycare located on 3rd floor;
- Parkade rooftop amenities including:
 - Sports courts;
 - Adult pool;
 - Children's pool;
 - Bbq area;
 - Landscape area;
 - Dog run / dog park;
- Access from Sunset Drive and from Ellis Street.

If Council supports the rezoning, the applicant will finalize the design and staff will update the project description within the Development Permit Council report.

4.2 Site Context

The subject property is located at the north end of downtown. The site is located across from Prospera Arena and is located on a street that has many residential towers.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4 – Urban Centre Commercial & RM6 – High Rise Apartment Housing	Vacant & Residential
East	I2 – General Industrial I4 – Central Industrial	Industrial & Commercial
South	CD5 – Multi-Purpose Facility	Arena & Parking Lot
West	RM6 – High Rise Apartment Housing; C7 – Central Business Commercial; & P3 - Parks	Mixed use (residential / commercial) Residential Park

Subject Property Map: 1187 Sunset Dr



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)	29 storey tower (~99m) & 36 storey tower (~123m) ❶
Development Regulations			
Max. Floor Area Ratio	9.0	9.0	~4.8
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	tbd
	(east) 3.0 m	n/a	tbd
	(south) 4.0 m	n/a	tbd
	(west) 3.0 m	n/a	tbd
Setbacks above 12 metres	n/a	(north) 4.0 m	tbd
	n/a	(east) 3.0 m	tbd
	n/a	(south) 4.0 m	tbd
	n/a	(west) 3.0 m	tbd
Max. floor plate above 15.0 m	676 m ²	n/a	tbd
Max. floor plate	n/a	956 m ²	~ 649 m2 (north tower) ~ 649 m2 (south tower)
Max. angle of setback above 15.0m	80 degrees	n/a	tbd
Max. continuous horizontal dimension above 15.0m	26.0 m	n/a	tbd
Max. diagonal dimension for a floor plate above 15.0m	39.0m	n/a	tbd
Other Regulations (The Draft C7 zone would not affect this section)			
Min. Parking Stalls	~444 stalls		559 stalls ❷
Min. Class I Bicycle Stalls	~207		208
Min. Class II Bicycle Stalls	56		56
Two-drive aisle minimum	7.0m		7.0m
Min. Loading Spaces	1 stall		1 stall
Minimum Parking ratio	Full size: Min 50% Medium Size: Max 40% Compact Car: Max 10%		tbd

Potential variances being tracked:

- ❶ A height variance will be required.
- ❷ Zoning Bylaw has a maximum number of parking stalls (125% of the minimum required). This may need a 4 stall variance.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ 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.² 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.

Commercial Land Use Policies.³ Encourage mixed-use commercial development.

Residential Land Use Policies.⁴

- Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.
- Ensure context sensitive housing development.

Building Height.⁵ In determining appropriate building height, the City will take into account such factors as:

- Contextual fit into the surrounding urban fabric;
- Shadowing of the public realm;
- View impacts;
- Overlook and privacy impacts on neighbouring buildings;
- Impacts on the overall skyline;
- Distance between adjacent buildings above 22m in height;
- Impacts on adjacent or nearby heritage structures;
- Building form and massing to mitigate negative impacts of buildings over 22m in height.

For all properties where height variances are required, a minimum separation distance of 36.5 m (120 ft.) will be sought between adjacent towers where there are floor plates larger than 697 sq. m (7,500 sq. ft.) and a minimum separation distance of 30.5 m (100 ft) will be sought between towers where floor plates are less than 697 sq. m. (7500 sq. ft.). In addition, where a height variance is required, adequate view corridors shall be provided between towers. For blocks a minimum of

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

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

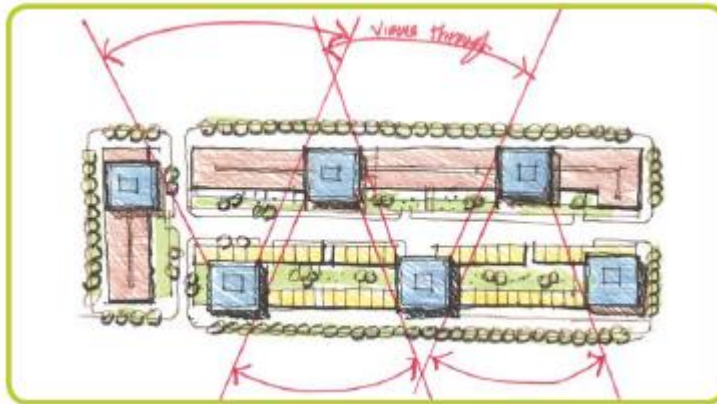
³ City of Kelowna Official Community Plan, Objective 5.24 (Development Process Chapter).

⁴ City of Kelowna Official Community Plan, Objective 5.22 (Development Process Chapter).

⁵ City of Kelowna Official Community Plan, Objective 5.5 (Development Process Chapter).

100m in width, any portion of a building above 44.0m should be sited to afford existing surrounding tower development on the same block a 40 degree panoramic view, measured from the closest building face parallel to the lot line fronting a street. (See Diagram 5.1)

Diagram 5.1



6.0 Technical Comments

6.1 Building & Permitting Department

No comment on rezoning.

6.2 Development Engineering Department

See attached memorandum dated May 29th 2017.

6.3 Fire Department

No comment on rezoning.

7.0 Application Chronology

Date of Application Received: October 5th 2016

Date Public Consultation Completed: January 3rd 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:

Attachment 'A' Development Engineering Memo dated May 29th 2017

Initial Architectural Drawing Package

Attachment 'B' Traffic Impact Assessment dated May 17th 2017