

City of Kelowna Public Hearing AGENDA



Tuesday, November 3, 2015
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

1. (a) The purpose of this Hearing is to consider certain bylaws which, if adopted, shall amend *Kelowna 2030* - Official Community Plan Bylaw No. 10500 and Zoning Bylaw No. 8000.

(b) All persons who believe that their interest in property is affected by the proposed bylaws shall be afforded a reason-able opportunity to be heard or to present written submissions respecting matters contained in the bylaws that are the subject of this hearing. This Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.

(c) All information, correspondence, petitions or reports that have been received concerning the subject bylaws have been made available to the public. The correspondence and petitions received after October 20, 2015 (date of notification) are available for inspection during the course of this hearing and are located on the information table in the foyer of the Council Chamber.

(d) Council debate on the proposed bylaws is scheduled to take place during the Regular Council meeting after the conclusion of this Hearing. It should be noted, however, that for some items a final decision may not be able to be reached tonight.

(e) It must be emphasized that Council will not receive any representation from the applicant or members of the public after conclusion of this Public Hearing.

2. Notification of Meeting

The City Clerk will provide information as to how the Hearing was publicized.

3. Individual Bylaw Submissions

3.1 653 Harvey Avenue, 1770 Richter Street, 1800 Richter Street, 1775 Chapman Place, BL11118 (TA15-0003) & BL11119 (OCP15-0008) - 1017476 BC Ltd. et al

3 - 22

To amend the Official Community Plan and Zoning Bylaw by changing the proposed site plan and setback requirements in the CD22 Central Green Comprehensive Development Zone.

4. Termination

5. Procedure on each Bylaw Submission

- (a) Brief description of the application by City Staff (Land Use Management);
- (b) The Chair will request that the City Clerk indicate all information, correspondence, petitions or reports received for the record.
- (c) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.
- (d) The Chair will call for representation from the public in attendance as follows:
 - (i) The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.
 - (ii) The Chair will recognize ONLY speakers at the podium.
 - (iii) Speakers are encouraged to limit their remarks to 5 minutes, however, if they have additional information they may address Council again after all other members of the public have been heard a first time.
- (e) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total of 10 minutes maximum.
- (f) Questions by staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.
- (g) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

Note: Any applicant or member of the public may use visual aids (e.g. photographs, sketches, slideshows, etc.) to assist in their presentation or questions. The computer and ELMO document camera at the public podium are available. Please ask staff for assistance prior to your item if required.

REPORT TO COUNCIL



Date: September 28, 2015

RIM No. 1250-04

To: City Manager

From: Urban Planning, Community Planning & Real Estate

Application:	TA15-0003, OCP15-0008	Owner:	1017476 BC LTD
			1017482 BC LTD
			1017489 BC LTD
			1017496 BC LTD

Address:	653 Harvey Ave, 1770 Richter St., 1800 Richter St., 1775 Chapman Pl.	Applicant:	Mission Group Homes
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Subject: Text Amendment - Central Green

Existing OCP Designation: MXR - Mixed Use (Residential/Commercial), MRM (Multiple Unit Residential (Medium Density))

Existing Zone: CD22 - Central Green Comprehensive Development Zone

Proposed Zone: CD22 - Central Green Comprehensive Development Zone

1.0 Recommendation

THAT Official Community Plan Bylaw Text Amendment No. OCP15-0008 to amend Kelowna 2030 - Official Community Plan Bylaw No. 10500 as outlined in the Report of the Community Planning Department dated July 13, 2015 be considered by Council.

AND THAT prior to the public hearing, that the Applicant conduct an additional public information session to inform interested stakeholders of the proposed bylaw amendments.

AND THAT Zoning Bylaw Text Amendment No. TA15-0003 to amend City of Kelowna Zoning Bylaw No. 8000 by amending the CD22 Zone as outlined in the Report of the Community Planning Department dated September 28, 2015, be considered by Council.

AND FURTHER THAT prior to adoption, the applicant and property owner enter into a Servicing Brief with the Development Engineering Branch.

2.0 Purpose

To amend the Official Community Plan and Zoning Bylaw by changing the proposed site plan and setback requirements in the CD22 Central Green Comprehensive Development Zone.

3.0 Urban Planning

Urban Planning staff support this application. Staff have worked for almost a year with the proponents in developing a site plan that meets the community objectives for the Central Green site while also being economical to develop.

The proposed amendments allow building massing to be pulled away from the highway and south towards Rowcliffe Park.

The proposed setback amendments will allow the commercial building to be built to the property line at Harvey and Richter, keeping with City urban design principles and avoiding a variance application in the future.

The guiding principal of Central Green was to create a community in the core of Kelowna that would "set a new standard for development within the city and exemplify sustainable planning and building practices in an economically responsible manner." The concept of a pedestrian walkway running from Harvey to Rowcliffe park through a master planned group of multi-family homes and small scale commercial uses remains central to the new design.

The proposed amendments do not compromise other City goals for the project, including a requirement that buildings be built to a LEED Certified Standard and the entire site, including the park, achieve LEED ND (neighbourhood level) certification.

4.0 Proposal

4.1 Background

The Central Green project is intended to be a large scale mixed use development at the corner of Richter and Harvey. Between 2007 and 2012, the City led a major planning exercise to determine the future land use and form on the site, which ended up including both market rental and affordable housing components.

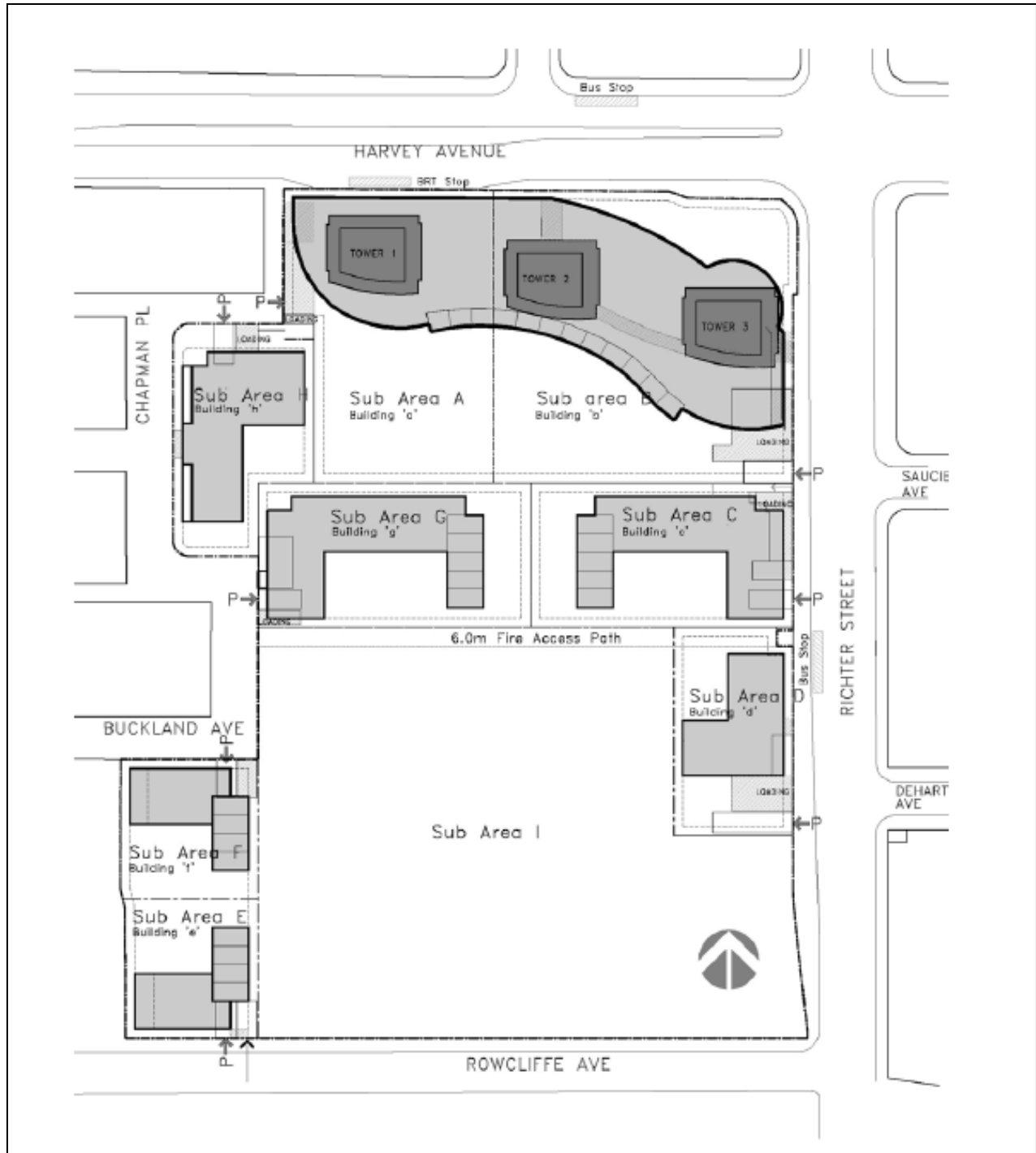
Council has already approved the two affordable housing projects on the Central Green site. One of these projects is currently under construction and one has recently received a development permit. These projects will achieve the City's affordable housing goals for the site well ahead of schedule.

The balance of the site was purchased by Al Stober Construction, whom, in conjunction with Mission Group Homes, have worked with City staff to develop a proposal for a combination of market rental housing and market strata units.

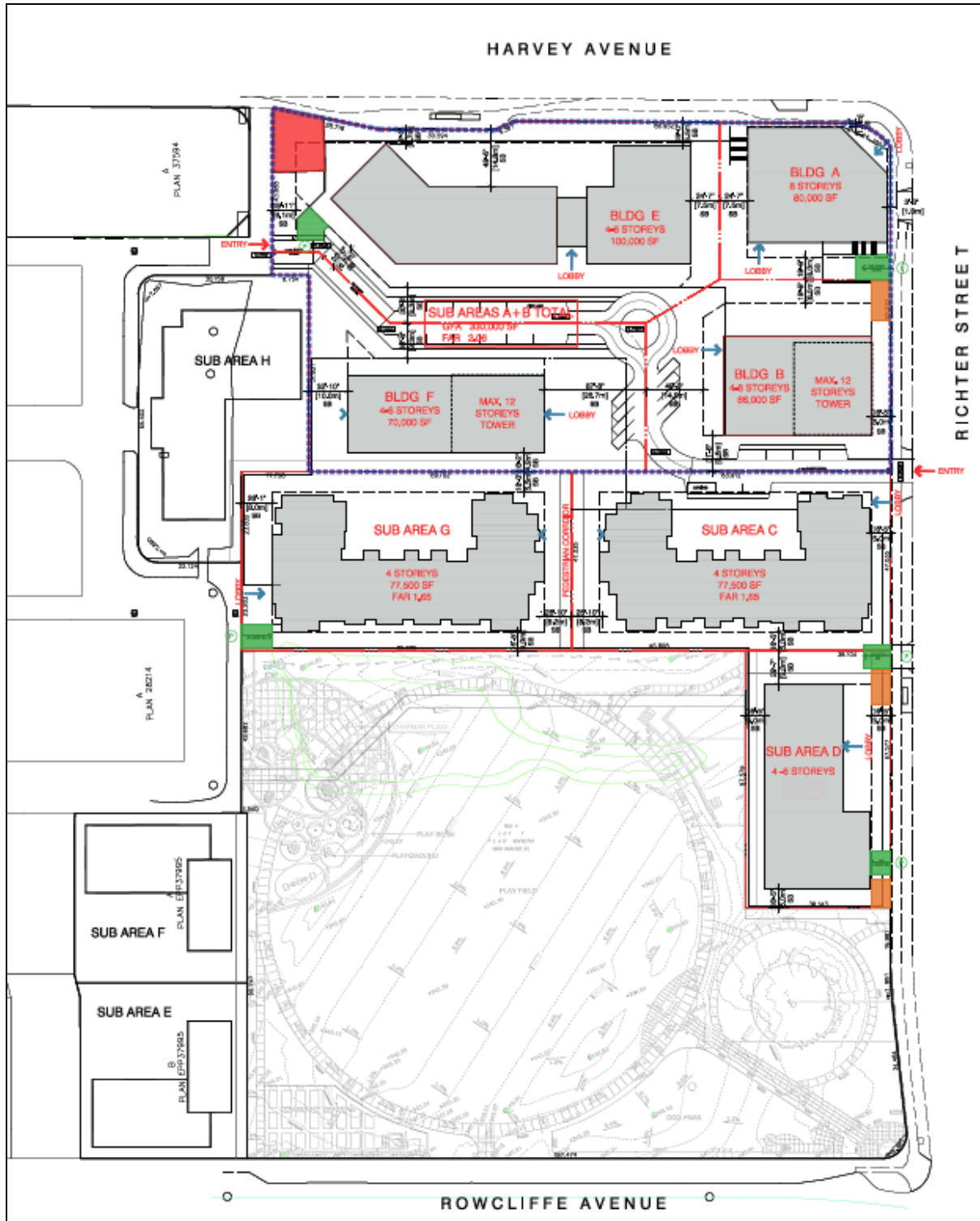
4.2 Zoning Bylaw Amendment

The CD22 zone is highly prescriptive in terms of building form and layout and lays out maximum densities and FARs on different portions of the site. The applicants have developed a plan which sees density pulled away from Harvey and closer to Rowcliffe Park.

The applicants have proposed to amend the Site Plan in the Zoning Bylaw, moving from the initial series of towers along Harvey to a plan which pulls some building massing to the center of the site. The developer would also build a low speed private road through the site, to improve access to internal buildings and commercial retail units.



Current Site Plan



Proposed Site Plan

Overall, the proposed densities are lower than the initial CD22 zone. The initial CD22 zone envisioned three 15 to 20 storey towers along Harvey Avenue. The new layout would see two towers further away from Harvey, surrounded by 4 to 6 storey buildings.

Sub Area AB (Bldgs A, B, E + F)	Current Zoning	Proposed
FAR (Combined)	3.3 / 4.5	4.0
Building Height	3 - 20 storeys	3-20 storeys
Sub Area C	Current Zoning	Proposed
FAR (Combined)	1.55	2.0
Building Height	4 storeys	4 storeys
Sub Area G	Current Zoning	Proposed
FAR (Combined)	1.6	2.0
Building Height	4 storeys	4 storeys
Sub Area D	Current Zoning	Proposed
FAR (Combined)	1.51	2.0
Building Height	4 storeys	4 storeys

In addition to amending the site Floor Area Ratios, the amendments would also remove net floor area restrictions. These restrictions are redundant with the FAR requirements and serve only to add a layer of complexity. FAR would remain the tool to control site density.

The Bylaw Amendments include minor amendments to the required setbacks along Richter Avenue for commercial uses, allowing commercial uses to be built to the property line. There are also additional amendments slightly reducing the minimum distance between Buildings C & G, from 24.0 m to 14.0 m. Additional setback amendments will allow small gaps in the parking structure to accommodate the access roads.

The Bylaw amendments also allow "Financial Services" in the commercial portion of the site, to accommodate a potential bank tenant in the office building. Staff feel that Financial Services are an appropriate use within the office building at the northeast corner of the site.

The bylaw amendments also remove numerical standards from the Development Permit Guidelines attached to the CD22 Zone. These numerical standards contradict or do not match new standards in the zone itself and can be removed without compromising development objectives.

The Bylaw amendments are intended to meet the major objectives of the Central Green plan while also producing a financial feasible and marketable design.

4.3 Official Community Plan Amendment

The Official Community Plan includes similar prescriptive language to the Zoning Bylaw. Within the Future Land Use Section under the requirements for Multiple Unit Residential (Medium Density), there is a stipulation that:

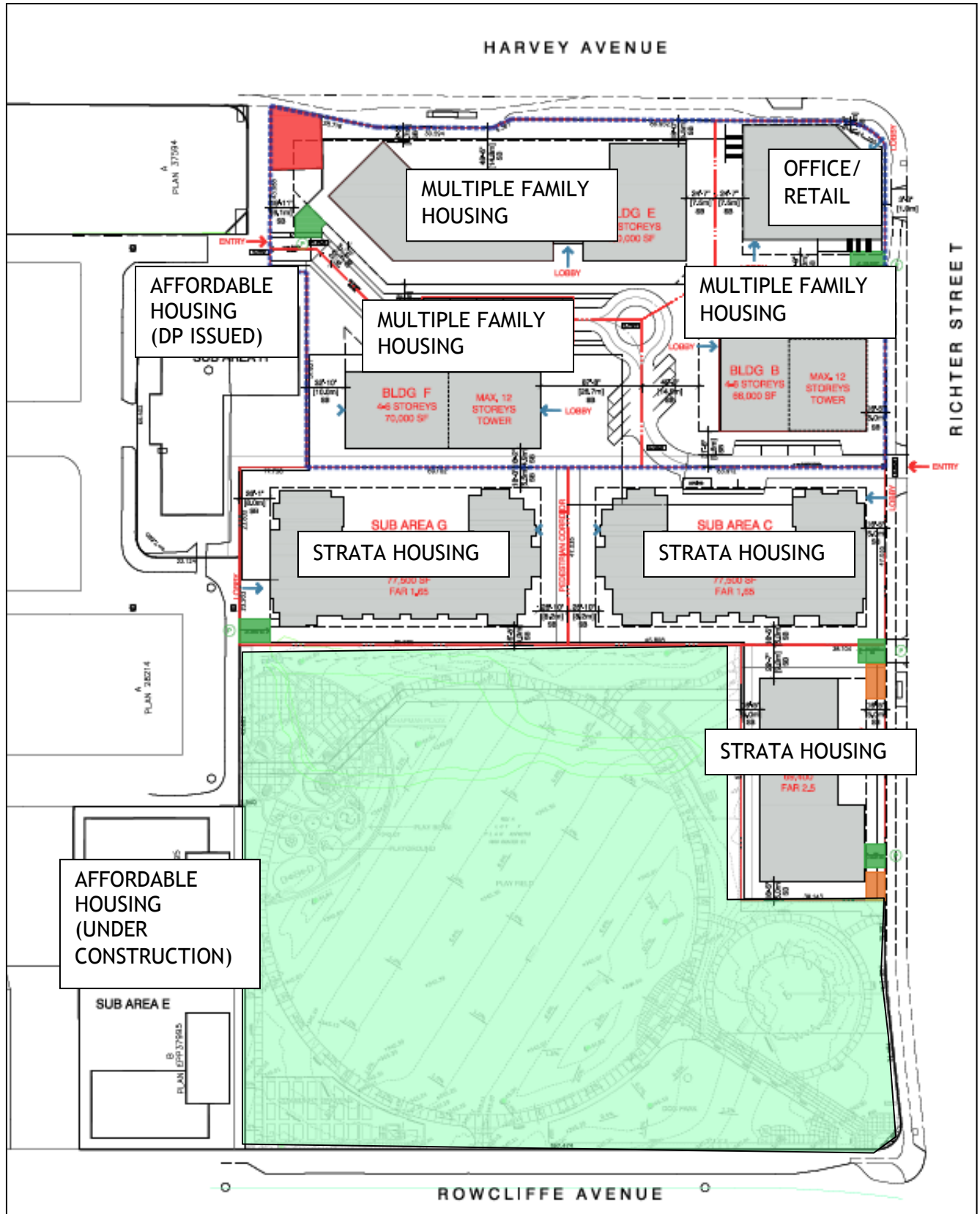
This designation provides potential for increased density specific to four (4) buildings that meet the RM5 Zone height regulations as per the Central Green CD 22 Zone. The maximum of Floor Area Ratio (FAR) for sub-area D is 1.5; for sub-areas C & G it is 1.6 and for sub-area H it is 1.7.

Staff recommend that this stipulation be deleted in its entirety, and that site density be addressed through the Zoning Bylaw. The clause is unnecessary.

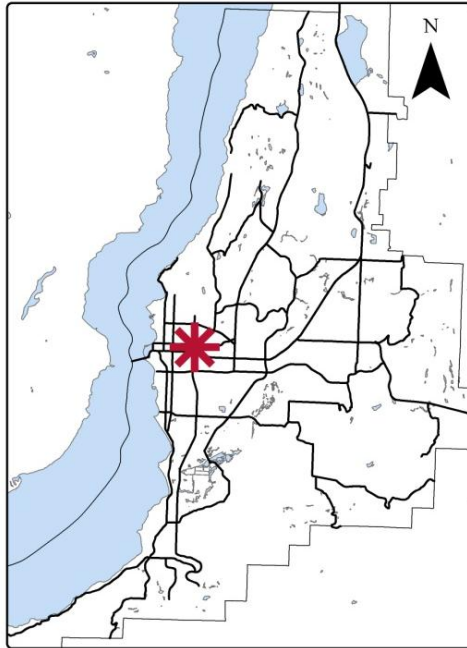
Further amendments remove additional zoning type language from the Central Green Guidelines. These include guidelines about building heights, setbacks, private open space and step-backs. This language will remain in the Zoning portion of the CD22 regulations, but will be removed from the guideline section for ease of implementation.

Major Changes in Site Plan	Rationale
Roadway through site	Low speed roadway enhances site usability, allows safer exit onto Chapman rather than forcing traffic on Richter, supports commercial on site
22 parking stalls on site	Limited parking on site allows better loading/unloading without parking on Harvey or Richter, supports coffee shop in plaza, allows visitor/delivery parking on site
Density moved to middle of site	Pulls residential units away from street noise along Harvey while retaining option for towers on site
Commercial plaza	Small inward facing coffee shop and limited services to serve residents and passers through, reduces size of 'green' in centre of property
Removal of podium	With reduction of size of Harvey fronting buildings, no podium required

Unchanged Elements	
All resident parking underground	Connection to Rowcliffe emphasized
North/South travel line through site emphasized	Mixture of rental, strata and office space
Connectivity across Harvey with pedestrian flyover	15% of site dedicated to affordable housing
LEED Certification for all buildings	LEED ND certification for overall site



Subject Property Map:



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Staff have reviewed this application, and it may move forward without affecting either the City's Financial Plan or Waste Management Plan.

5.2 Kelowna Policy 367 Public Notification & Consultation for Development Applications

The Applicant has conducted an Open House in accordance with the requirements of Policy #367. The Open House was held on August 20, 2015. Approximately 50 people attended.

The Central Green Plan was the result of considerable public process on the part of the City and participating community stakeholders. Because of the magnitude of the level of public engagement during the development of the initial plan, staff are recommending to Council that prior to the public hearing, the applicant conduct an additional on site Public Open House to inform interested stakeholders about the proposed bylaw amendments. Staff will inform stakeholders via e-mail of the time and date of the Open House.

6.0 Technical Comments

6.1 Development Engineering Department

1. See Memo dated June 4, 2015.

7.0 Application Chronology

Date of Application Received: April 13, 2015

Report prepared by:

Ryan Roycroft, Planner

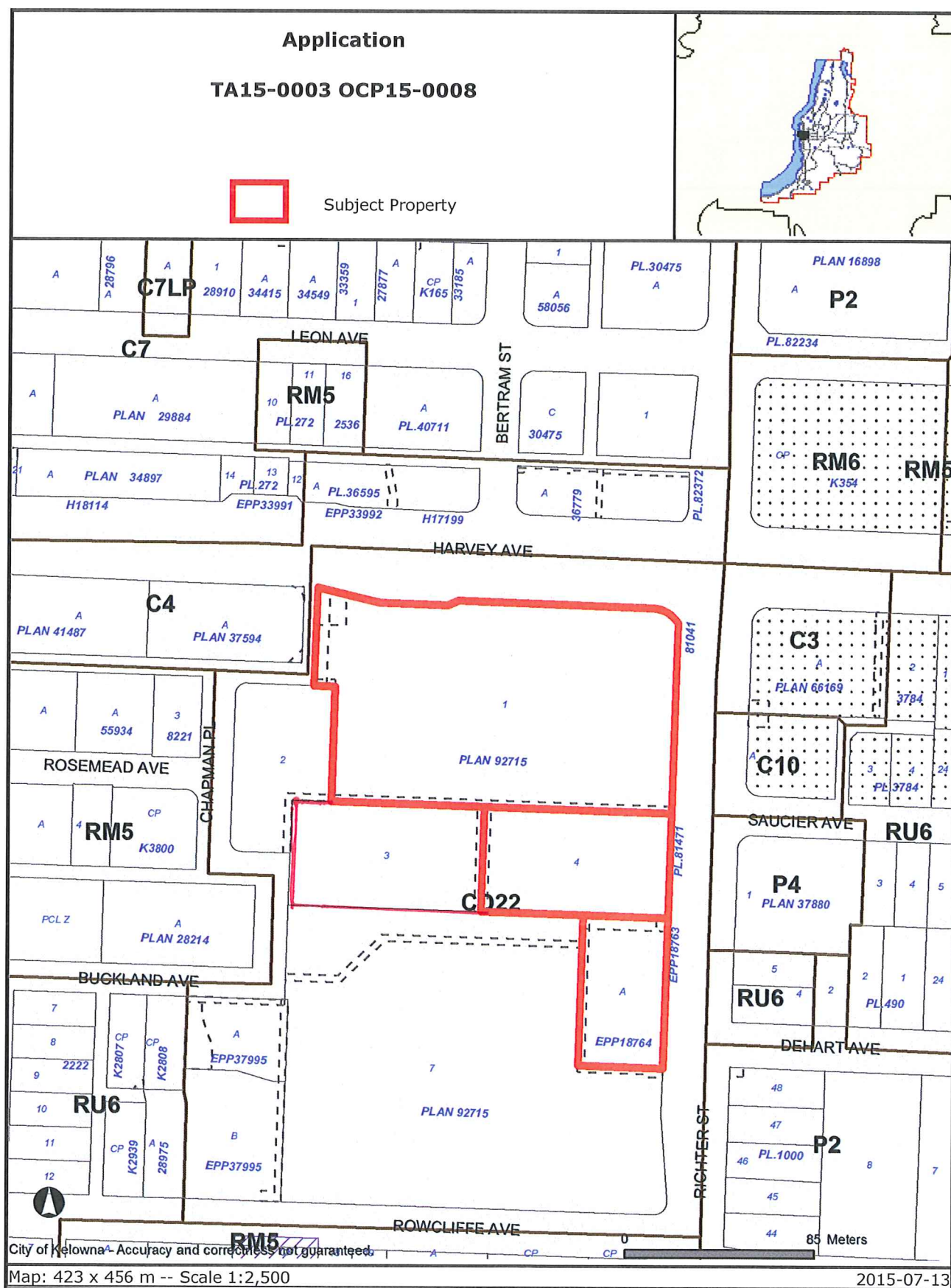
Reviewed by:



Ryan Smith, Department Manager, Community Planning

Attachments:

Bylaw Amendment Table
Memo from Development Engineering
Design Renderings



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

Zoning Bylaw No. 8000				
No.	Section	Existing Text	Proposed Text	Explanation of change
1	1 - CD 22 7.3 Secondary Uses		Add "Financial Services" as Secondary use	<i>Allows Financial Services as a secondary use to accommodate a potential tenant on the commercial building.</i>
2.	CD 22 7.5 Density	7.5 Parcel Size The maximum number of lots to be created from these Sub-Areas A and B is two and if created, such parcels shall have the area, size and shape of CD22 Central Green Sub- Areas A and B, all as shown on Plan CG-1.	7.5 Parcel Size The maximum number of lots to be created from these Sub-Areas A and B is four.	<i>The applicants intend to have a mix of commercial, rental and strata units in Areas A & B, and require flexibility in the number of parcels to accommodate all tenures.</i>
	CD 22 7.6 Density	If the lands in Sub-Areas A and B are subdivided into two parcels, then the maximum permitted density in Sub-Area A shall be the lesser of Gross Floor Area 20,000m² or FAR 3.3, and the maximum permitted density on Sub-Area B shall be the lesser of Gross Floor Area 40,000m² or FAR 4.5; however if the lands on Sub- Area A and B are not subdivided to create two separate parcels and constitute a single parcel then the maximum permitted density permitted shall be 60,000m ² of Gross Floor Area or FAR	7.6 Density (a) The maximum permitted FAR in Sub-Area AB shall be 4.0.	<i>Greatly simplifies density calculations. Reduces maximum density in Area AB to allow additional density elsewhere on site.</i>

		4.0.			
CD 22 Setbacks	7.9	<p>Setbacks</p> <p>(a) The minimum front yard setback along Harvey Avenue is 4.5m.</p> <p>(b) The minimum rear and side yard setbacks, excluding the parking structure, shall be 3.0m.</p> <p>(c) The parking structures must have a 0.0m rear yard setback and must be coordinated with the parking structure of Sub-Areas C and G to ensure a contiguous public open space is created above the parking structures.</p>	<p>Setbacks</p> <p>(a) The minimum setback along Harvey Avenue is 0.0m.</p> <p>(b) The minimum setback along Richter Avenue is 0.0m.</p> <p>(c) The minimum side yard setback where not fronting Richter is 3.0m.</p> <p>(d) The minimum rear yard setback, excluding the parking structure is 3.0m.</p> <p>(e) The parking structures must have a 0.0m rear yard setback and must be coordinated with the parking structure of Sub-Areas C and G to ensure a contiguous public open space is created above the parking structures.</p>	<p>Amends setback for Richter frontage, to allow commercial development to be built directly to property line.</p>	
CD 22 Permitted Uses	8.1	<p>8.1 Permitted Uses</p> <p>The uses set out above are permitted, provided that:</p> <p>(a) Off-street vehicular parking and off-street loading must only be sited and located below grade at street level</p>	<p>Delete</p>	<p>Delete. A small number of business visitor parking lots are proposed for the site, to allow for access and deliveries to the plaza commercial sites.</p>	
CD 22 8.3 Density		<p>Density</p> <p>If the lands Sub-Areas C and G are subdivided into two parcels, then the maximum permitted density in each of Sub-Areas C and G shall be the lesser</p>	<p>8.3 Density</p> <p>(a) The maximum permitted FAR in Sub-Area C shall be 2.0.</p> <p>(b) The maximum permitted FAR in Sub-Area G shall be 2.0.</p>	<p>Increases Density allowed in sub-areas further from Harvey</p>	

		of Gross Floor Area of 6500m ² or FAR of 1.6; however, if the lands Sub-Areas C and G are not subdivided to create two parcels and constitute a single parcel, then the maximum density permitted density shall be the lesser of Gross Floor Area 13,000m ² or 1.6 FAR.		
	CD 22 8.6 Setback	(b) The minimum rear yard setback, excluding the parking structure, shall be 12.0m.	(b) The minimum rear yard setback, excluding the parking structure, shall be 7.0 m.	Allows reconfiguration of strata buildings.
	CD 22 9.1 Permitted Uses	<p>9.1 Permitted Uses The uses set out above are permitted, provided that:</p> <p>(a) Off-street vehicular parking and off-street loading must only be sited and located below grade at street level</p>	Delete	Delete. A small number of business visitor parking lots are proposed for the site, to allow for access and deliveries to the plaza commercial sites.
	CD 22 9.3 Density	<p>9.3 Density The permitted density in this CD22 Central Green Sub-Area D must not exceed a Gross Floor Area of the lesser of 3,900 m² or an FAR of 1.50</p>	<p>9.3 Density The maximum permitted FAR in Sub-Area D shall be FAR 2.0.</p>	Increases Density allowed in sub-areas further from Harvey
	CD22 Annexure 1 2.15 Plan CG-1		Replace Plan CG-1 with Amended Plan CG-1	Replace with amended site plan

CD22 Annexure 1 2.16 Plan Central Green Design Guidelines			Delete Plan	Redundant and inconsistent with requirements elsewhere in Zoning Bylaw
CD22 Annexure 1 3.1.2.6 Towers	h) Maximum Gross Floor Area for all floor levels above podium is 750 m2 i) The maximum height of the buildings located within CD22 Sub- Area A & B shall be as follows...		Delete 3.1.2.6.h) and 3.1.2.6.i)	Remove Zoning style language from guidelines

CITY OF KELOWNA

MEMORANDUM

Date: April 27, 2015
File No.: TA15-0003
To: Urban Planning Department (RR)
From: Development Engineer Manager (SM)
Subject: Central Green CD22 - (653 Harvey Av, 1775 Chapman Pl, 1770 & 1800 Richter Street)

Development Engineering Services comments and requirements regarding this text amendment are as follows:

1. The proposed concept plans do presents concerns with access locations and access movements to and from the site. Development Engineering with the support of Transportation is working with the applicant to address these concerns which will satisfy the City's road network and the safety of all vehicular movements to and from the site.
2. The subject properties servicing and upgrades required will be dealt with at Development/Building Permit application.

Steve Muenz, P.Eng.
Development Engineering Manager

SS





SKETCH © JAMES



Report to Council



Date: October 5, 2015
File: 1250-04
To: City Manager
From: Ryan Roycroft, Planner
Subject: 653 Harvey Avenue, 1770 Richter Street, 1800 Richter Street, 1775 Chapman Place, TA15-0003 & OCP15-0008 - 1017476 BC Ltd. et al -Central Green Public Consultation Update - Supplemental Report

Recommendation:

THAT Council receives, for information, the Supplemental Report from the Community Planning Department dated October 5, 2015 with respect an update regarding the Central Green Public Consultation;

AND THAT OCP Amending Bylaw No. 11119 (OCP15-0008) and Zoning Text Amendment Bylaw No. 11118 (TA15-0003) be forwarded to the November 3, 2015 Public Hearing for further consideration.

Purpose:

To update Council on the second public open house held by the Applicants with respect to the Central Green comprehensive development and to advance the application to a Public Hearing.

Background:

Council gave initial consideration to a Text Amendment and Official Community Plan amendment on September 28th, 2015, which would amend the CD22 Central Green Comprehensive zone to reconfigure the site layout.

Because of the level of consultation involved with the development of the CD22 zone, Council required that an additional evening of public consultation be held prior to advancing the bylaws to Public Hearing. The applicant held a neighbourhood consultation session in August, so the intent of the second open house was to target stakeholders involved in the initial Central Green planning process.

City staff issued approximately 1,800 digital invitations to the open house to all stakeholders who had been part of the initial consultation. The open house was held at St. Michael's

Church one block to the south of the development site between 4 to 6 pm on Monday September 28.

Almost one dozen invitees attended the 2 hour information session. Representatives from the applicant and city staff were available to answer questions. Attendees were shown new site plans and informed of the upcoming public hearing.

In addition, the stakeholder invitations issued included instructions to contact staff directly with any concerns or questions. To date, no stakeholders have contacted staff.

The applicant will present a summary of public commentary from both open houses to Council at the public hearing.

Existing Policy:

The applicant has now held two public information sessions, exceeding the requirements of Council Policy 367. The information sessions were advertised through local media, neighbourhood canvassing and 1800 digital invitations. Approximately 60 people attended at least one session.

Considerations not applicable to this report:

Internal Circulation
Legal/Statutory Authority
Financial/Budgetary Considerations
Personnel Implications
External Agency/Public Comments
Communications Comments

Submitted by:

Ryan Roycroft, Planner

Reviewed by: ☐ Terry Barton, Urban Planning Manager

Approved for inclusion: ☐ Ryan Smith, Department Manager, Community Planning