

City of Kelowna

Public Hearing

AGENDA



Tuesday, June 4, 2019
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

I would like to acknowledge that we are gathered today on the traditional, ancestral, unceded territory of the syilx/Okanagan people.

This evening, Council will hold both a Public Hearing and a Regular Meeting.

The purpose of the Hearing is to hear from the public on matters contained in the various bylaws which, if adopted, will amend *Kelowna 2030* - Official Community Plan Bylaw No. 10500 and Zoning Bylaw No. 8000.

After the close of the Public Hearing, Council will then debate and vote on the proposed bylaws at the Regular Meeting that follows.

Council has been provided with all information, correspondence, petitions or reports that have been received concerning the subject bylaws. This information is also available to the public online and on the table in the foyer of Council Chamber.

For those in attendance this evening, or who have already submitted letters to Council, a reminder that this Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may also be broadcast and recorded by Castanet.

Following the close of the Public Hearing, no further information from the applicant or members of the public will be accepted by Council.

2. Notification of Meeting

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

3. Individual Bylaw Submissions

3.1 Energy Step Code Zoning Bylaw Amendments - City of Kelowna

4 - 14

To amend the City of Kelowna Zoning Bylaw No. 8000 to ensure that the thicker walls required at Step 5 of the Energy Step Code or for certified Passive House do not

inadvertently impact the footprint size of a home built.

3.2 West Ave 454-464, OCP18-0021 and Z18-0118 - West Avenue - Mission Group Rentals Ltd 15 - 26

To amend the Official Community Plan to change the future land use designation and to rezone the subject properties to facilitate the development of apartment housing.

3.3 Sexsmith Rd 3130, Z18-0049 - DL Capital Inc., Inc. No. BCo820774 27 - 33

To amend the City of Kelowna Zoning Bylaw No. 8000 to rezone the subject property from the A1 – Agriculture 1 Zone to the I6 – Low Impact Transitional Industrial Zone.

4. Termination

5. Procedure on each Bylaw Submission

- (a) Brief description of the application by City Staff (Community Planning);
- (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: May 13, 2019
File: 1250-30
To: City Manager
From: Tracy Guidi and Michelle Kam, Sustainability Coordinators
Subject: Energy Step Code Zoning Bylaw Amendments

Recommendation:

THAT Council receives, for information, the Report from the Sustainability Coordinators dated May 13, 2019 with respect to the Energy Step Code Zoning Bylaw Amendments;

AND THAT Zoning Bylaw Text Amendment Application No. TA18-0007 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Appendix A in the Report from the Sustainability Coordinators, dated May 13, 2019 be considered by Council;

AND THAT the Zoning Text Amending Bylaw be forwarded to Public Hearing for reading consideration;

AND THAT final adoption of the Zoning Text Amending Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.

Purpose:

To amend the Zoning Bylaw to ensure that the thicker walls required at Step 5 of the Energy Step Code or for certified Passive House do not inadvertently impact the footprint size of a home built.

Background:

The BC Energy Step Code is provincial standard part of the BC Building Code that is designed to improve the efficiency of new construction by incrementally moving toward a future in which all new construction across the province is "net-zero energy ready" by 2032.¹

For Part 9² residential buildings, there are five steps to the Energy Step Code. In order to achieve Step 5 (net-zero energy ready), thicker insulated walls are required to meet the metrics defined in the Energy

¹ Net-Zero Energy Ready is a building built to high energy efficiency standards such that it could – with additional measures – generate enough on-site energy to meet its own energy needs.

Step Code. Builders that choose to build to certified Passive House, a voluntary standard to build homes that consume up to 90 per cent less energy than conventional buildings, also require thicker insulated walls to achieve that standard.³

As recommended in the City of Kelowna's Energy Step Code Implementation Strategy for Part 9 Buildings (May 2019), staff are proposing amendments to the Zoning Bylaw to ensure that incremental additions of insulation do not inadvertently impact the size of home built, particularly on urban lots for those builders achieving Step 5 of the Energy Step Code or certified Passive House (as outlined in Appendix A). This amendment proactively adjusts the footprint of typical houses to ensure that Development Variance Permits are not inadvertently being triggered and/or adding delay to a Building Permit approval.

Existing Policy:

The City of Kelowna has established a number of climate action goals and programs that are delivering on Council's commitment to low-carbon energy, including:

Official Community Plan

- OCP Objective 5.16. "Improve the energy efficiency and environmental performance of new buildings."
- OCP Policy 5.16.3 "Variances for "Green" Features. Staff will give favourable regard to variance applications to reduce setbacks whose sole purpose is to accommodate green building features (e.g. solar panels etc.), provided that safety and neighbourhood impact issues can be addressed.
- OCP Objective 6.2. "Improve energy efficiency and reduce community greenhouse gas emissions."
- OCP Policy 6.2.1 GHG Reduction Target and Actions. The City of Kelowna will, in partnership with: senior governments; local residents and businesses; NGOs; external agencies; and utility providers, work towards reducing absolute community greenhouse gas emissions by:
 - 4% below 2007 levels by 2023;
 - 25% below 2007 levels by 2033; and
 - 80% below 2007 levels by 2050.

Our Kelowna as We Take Action: Kelowna's Community Climate Action Plan (2018-2023):

- Action # B6 Relax the setback requirements in Kelowna's Zoning Bylaw to ensure thicker walls to accommodate more insulation (common to buildings constructed to Steps 4 and 5 of the Energy Step Code).

Submitted by:

T. Guidi and M. Kam, Sustainability Coordinators

² Part 9 buildings are buildings that are three storeys or less and have a building area no more than 600 m². It includes single family homes, duplexes, townhomes, small apartment buildings and small stores, offices, and industrial shops.

³ Passive House Canada, 2019. About Passive House. <https://www.passivehousecanada.com/about-passive-house/>

Approved for inclusion:



Danielle Noble-Brandt, Policy & Planning Dept. Manager

Attachments:

Appendix A: Zoning Bylaw Amendments for Step 5 of Energy Step Code

cc:

Divisional Director, Planning and Development Services

Development Services Director

Building & Permitting Manager

Energy Program Manager

Community Energy Specialist

Community Planning Supervisor

Legislative Coordinator

Communications Coordinator

Appendix A

TA18 -0007

Amendments to Bylaw No. 8000 to incent achieving higher steps of the Energy Step Code

No.	Section	Existing	Proposed	Explanation
1	Section 6 – General Development Regulations Add a new section as 6.17		6.17 Energy Efficiency	
2	Section 6 – General Development Regulations Add a new regulation as 6.17.1		<p>6.17.1 Any Part 9 residential building, as defined by the BC Building Code, that is constructed to Step 5 of the BC Building Code's Energy Step Code or is constructed as a certified Passive House, may reduce the minimum side yard, rear yard, front yard, and/or flanking street requirements of the zone by up to 0.25 metres, except:</p> <p>(a) Where there is a minimum requirement of 6.0 m for a front yard or from a flanking street to a garage or carport, that 6.0 m may not be reduced;</p> <p>(b) Where there is a minimum requirement of 1.2 m for a side yard, that 1.2 m may not be reduced; and</p> <p>(c) Where there is a minimum requirement of 1.5 m or less for a rear yard, that 1.5 m or less may not be reduced.</p>	<p>- OCP Policy 5.16.3 Variances for "Green" Features. Staff will give favourable regard to variance applications to reduce setbacks whose sole purpose is to accommodate green building features (e.g. solar panels etc.), provided that safety and neighbourhood impact issues can be addressed.</p> <p>- The Energy Step Code is a provincial standard designed to transition new construction across the province to "net-zero energy ready" by 2032. This amendment seeks to remove the barrier associated with thicker walls needed to achieve Step 5 of the Standard.</p>



Updated Energy Step Code Implementation Strategy

May 6, 2019

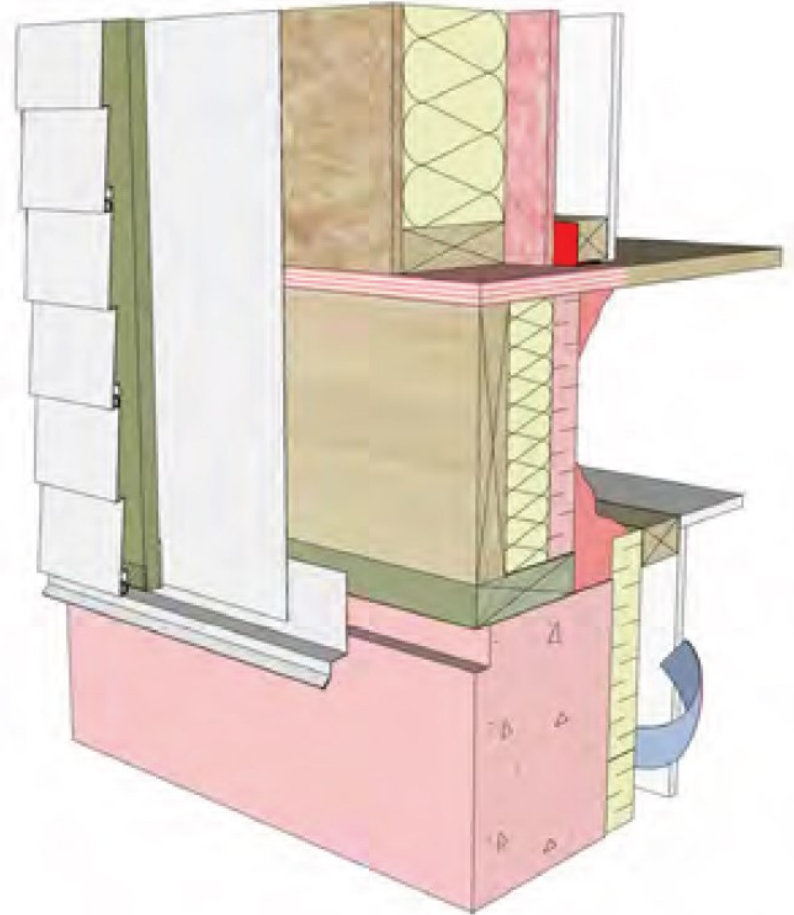


Energy Step Code “Steps”



Step 5 / Passive House

- ▶ Net Zero Energy Ready
- ▶ 80 per cent more efficient than current BCBC
- ▶ Builders can voluntarily choose to build to this standard
- ▶ Requires thicker insulated walls to meet metrics



Example of insulated wall construction
source: BC Energy Step Code Builder Guide

Zoning Bylaw Amendments

- ▶ For Part 9 residential buildings constructed to either Step 5 or certified passive house may
 - ▶ Reduce minimum side yard, rear yard, front yard, and/or flanking street requirements by up to 0.25 meters.



Delivering on our plans

- ▶ Kelowna's Community Climate Action Plan
 - ▶ Relax setback requirements in Zoning bylaw



Aligning with Council Priorities

- ▶ Environmental Protection
 - ▶ Adapatable in the face of climate change.
 - ▶ Reducing Greenhouse Gas Emissions





Questions?

For more information, visit kelowna.ca.

REPORT TO COUNCIL



Date: May 6, 2019

RIM No. 1250-30

To: City Manager

From: Community Planning Department (LK)

Application: OCP18-0021 & Z18-0118 **Owner:** West Avenue – Mission Group Rentals Ltd., Inc. No. BC1151526

Address: 454 & 464 West Avenue **Applicant:** Mission Group Rentals Ltd.

Subject: OCP Amendment & Rezoning Application

Existing OCP Designation: MRM – Multiple Unit Residential (Medium Density)

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

Existing Zone: RU1 – Large Lot Housing and RU6 – Two Dwelling Housing

Proposed Zone: C4 – Urban Centre Commercial

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP18-0021 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Amended Lot 3 (DD 138121F) and Amended Lot 4 (DD 138122F) District Lot 14 ODYD Plan 3056, located at 454 and 464 West Avenue, Kelowna, BC from the MRM – Multiple Unit Residential (Medium Density) designation to the MXR – Mixed Use (Residential/Commercial) designation, be considered by Council;

AND THAT the Official Community Plan Future Land Use Map Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the *Purpose* of Section 879 of the *Local Government Act*, as outlined in the Report from the Community Planning Department dated May 6, 2019;

THAT Rezoning Application No. Z18-0118 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Amended Lot 3 (DD 138121F) and Amended Lot 4 (DD 138122F) District Lot 14 ODYD Plan 3056, located at 454 and 464 West Avenue, Kelowna, BC from the RU6 – Two Dwelling Housing and the RU1 – Large Lot Housing zones to the C4 – Urban Centre 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 Official Community Plan Map Amending Bylaw and Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated May 6, 2019;

AND THAT final adoption of the Official Community Plan Map Amending Bylaw and Rezoning Bylaw be considered subsequent to the Applicant registering on title a Section 219 Covenant (to restrict commercial uses to the main floor and that the remainder of the building be residential uses);

AND FURTHER THAT final adoption of the Official Community Plan Map Amending Bylaw and Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit for the subject properties.

2.0 Purpose

To amend the Official Community Plan to change the future land use designation and to rezone the subject properties to facilitate the development of apartment housing.

3.0 Community Planning

The applicant is requesting an Official Community Plan amendment from MRM – Multiple Unit Residential (Medium Density) to MXR – Mixed Use (Residential/Commercial) and rezoning from RU1 – Large Lot Housing and RU6 – Two Dwelling Housing zone to the C4 – Urban Centre Commercial zone.

Community Planning Staff are supportive of the applications to facilitate the development of apartment housing mixed-use project. The subject development site is located within the South Pandosy Urban Centre on West Avenue half a block west of Pandosy Street. The parcel has a Walk Score of 86 (Very Walkable – Most errands can be accomplished on foot) and a Transit Score of 38 with a few nearby transportation options in the area. The development is in proximity of many nearby amenities including parks, restaurants, shops and recreational opportunities in the immediate area.

The C4 – Urban Central Commercial zone allows the applicant to design a building with greater density and no setback requirements (appropriate in the urban context) as compared with the RM5 – Medium Density Housing zone. The OCP Amendment and Rezoning would also allow the building to contain main floor commercial development of which Staff are supportive to contribute to the South Pandosy shopping and retail experience. To ensure that commercial development is limited to the main floor only and that the remainder of the building is residential in nature, the applicant will be required to register on title a Section 219 Covenant prior to adoption of the Rezoning Bylaw.

To fulfill Council Policy No. 367 for 'OCP Amendment Major' and 'Zoning Major' applications, the applicant held a public information session on April 2, 2019 at Raymer Elementary School Gymnasium located at 627 Raymer Avenue. The open house was held from 4:30 - 6:30 p.m. The session was advertised in the Kelowna Daily Courier on Tuesday, March 19, 2019.

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

4.0 Proposal

4.1 Project Description

The applicant is proposing to construct a 6-storey 48-unit purpose built rental housing project on the subject property. The units will vary in size to include 25 one-bedroom units, 21 two-bedroom units and 2 three-bedroom units. The development fronts onto West Avenue and would incorporate street level retail uses to provide a stronger, contiguous urban interface to the street along with the existing commercial on

the north side of West Avenue. The building massing is focused to the east side of the site, away from the residential uses to the west. The additional two storeys of building height allows for a reduced building footprint above the main floor which also reduces the amount of shadowing cast on adjacent parcels. The building design provides for a landscaped rooftop amenity area at the second-floor level.

One level of at-grade structured parking is provided with access from the rear laneway. Additional visitor and commercial at-grade parking stalls are provided along the laneway. There are five floors of dwelling units above the retail/parking podium. Each unit provides balconies to meet the amenity space requirements.

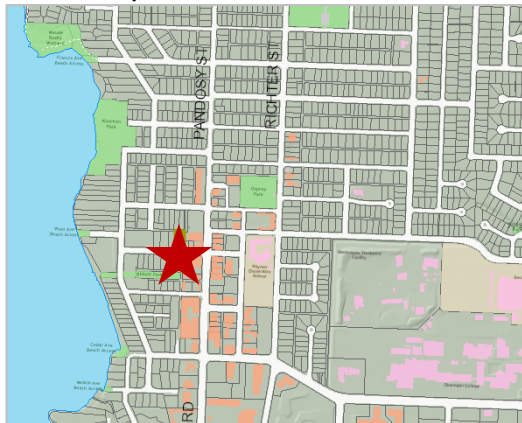
Staff is supportive of the OCP Amendment and Rezoning applications as there has been limited redevelopment in the South Pandosy Area which includes residential rental units. Staff are tracking one variance to increase the maximum building height from four to six storeys. The applicant would be providing payment for five parking stalls to the Cash In Lieu of Parking Bylaw No. 8125 and will not require a parking variance.

The proposed development is supported by OCP Policies for Healthy Communities and Housing Mix which encourages a diversity of housing types, tenure, and size.

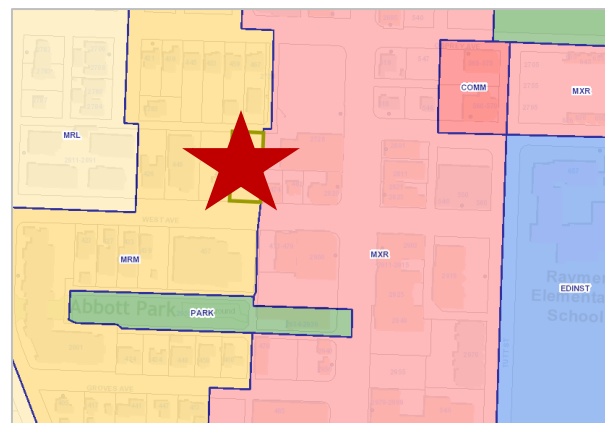
4.2 Site Context

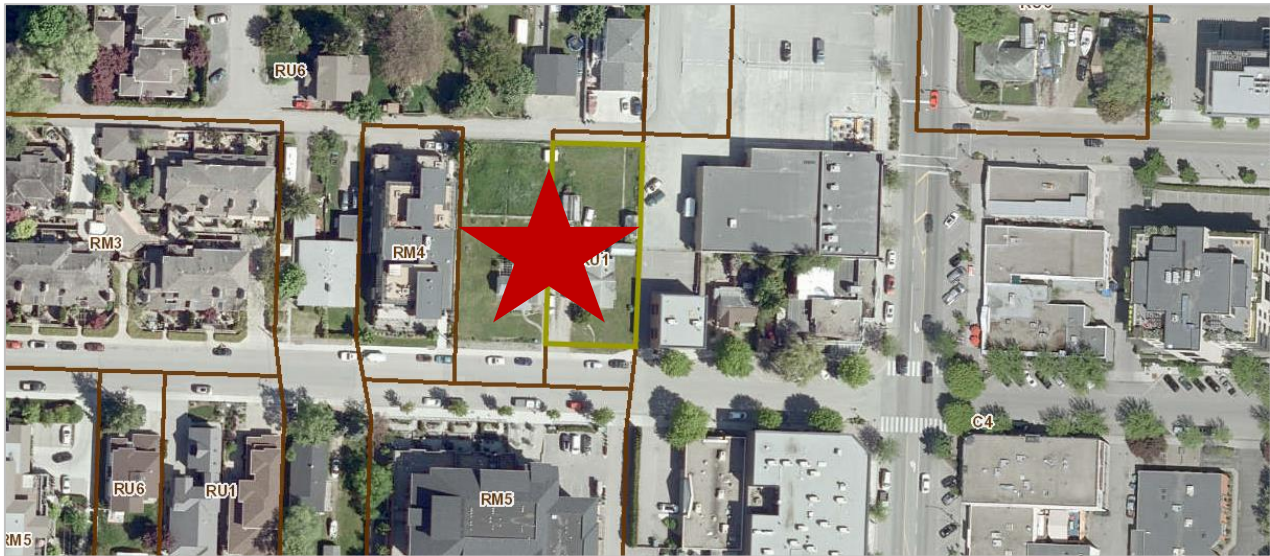
The subject property is located within the South Pandosy Urban Centre and is half a block off of Pandosy Street on West Avenue.

Context Map:



Future Land Use:



Subject Property Map: 454 & 464 West Avenue**5.0 Current Development Policies****5.1 Kelowna Official Community Plan (OCP)****Development Process**

New Housing Distribution.¹ The development of new housing between 2010 and 2030 is projected to occur as a function of both development / redevelopment in some areas, and development initiatives in new growth areas. Based on previous planning initiatives, and approved projects within the community, a pattern of housing growth is projected to occur on a distribution of 57% multiple unit and 43% single / two unit. To meet these goals, Table 3.5 in the OCP calls for an additional 1150 multi-family units added to the South Pandosy area.

Compact Urban Form.² 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.

Healthy Communities.³ Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

Housing Mix.⁴ Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed-use developments.

¹ City of Kelowna Official Community Plan, Table 3.5 (Growth Projections Chapter).

² City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Policy 5.22.7 (Development Process Chapter).

⁴ City of Kelowna Official Community Plan, Policy 5.22.11 (Development Process Chapter).

6.0 Technical Comments

6.1 Building & Permitting Department

- No comments applicable to the OCP Amendment and Rezoning applications.

6.2 Development Engineering Department

- Refer to Attachment 'A' dated June 7, 2018.

7.0 Application Chronology

Date of Application Received: December 11, 2018

Date Public Consultation Completed: April 2, 2019

Report prepared by: Lydia Korolchuk, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion by: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A: Development Engineering Memorandum

Site Plan

Conceptual Rendering

CITY OF KELOWNA

MEMORANDUM

Date: December 12, 2018
File No.: Z18-0118
To: Community Planning (LK)
From: Development Engineering Manager (JK)
Subject: 454-464 West Ave

ATTACHMENT		A
This forms part of application		
# OCP18-0021		
Z18-0118		
Planner Initials	LK	 City of Kelowna COMMUNITY PLANNING

RU1 & RU6 to C4

The Development Engineering Department has the following comments and requirements associated with this rezoning application. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

The Development Engineering Technologist for this project is Jason Angus

1. General

- Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- The Fire Department and Environment Division requirements and comments are addressed separately by them.

2. Domestic Water and Fire Protection

- The subject properties are currently serviced by 19mm-diameter water services. The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development. The applicant, at his cost, will arrange for the installation of a new service to this development as well as the decommissioning of the existing services at the main.

3. Sanitary Sewer

- The subject properties are currently serviced with 100mm-diameter sanitary service. The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal and disconnection of the existing services and the installation of one new larger service.

4. Storm Drainage

- The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of lot grading plan, minimum basement elevation

(MBE) if applicable, and recommendations for onsite drainage containment and disposal systems.

- b. On site storm drainage systems for the site will be reviewed and approved by Engineering when a site servicing design is submitted.
- c. There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.

5. Road Improvements

- a. West Ave. must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, sidewalk that matches what is built to the east, BLVD trees, and pavement removal and replacement, street lighting, re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- b. The Laneway on the Northside of this development will need to be upgraded to an asphalt standard c/w a storm drainage system. Lane cross section to be used is a SS-R2.

6. Road Dedication and Subdivision Requirements

- a. By Registered plan to provide the following
 - i. Grant statutory rights-of-way if required for utility services
 - ii. Lot consolidation is required
 - iii. Access to the development will be from the East-West Laneway

7. Electric Power and Telecommunication Services

- a. All proposed service connections are to be installed underground. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost
- b. Re-locate existing utilities, where necessary

8. Design and Construction

- a. Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b. Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c. Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d. A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e. Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Development Engineering Department. The design

drawings must first be “Issued for Construction” by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs

9. Servicing Agreements for Works and Services

- a. A Servicing Agreement is required for all offsite works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b. Part 3, “Security for Works and Services”, of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

10. Other Engineering Comments

- a. Provide all necessary Statutory Rights-of-Way for any utility corridors as required.
- b. If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager

11. Development Permit and Site Related Issues


- a. Provide all necessary Statutory Rights-of-Way for any utility corridors as required.
- b. If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.
- c. Access to the development will be from the lane only.

12. Geotechnical Study

- (a) Provide a geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below. NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision. The Geotechnical reports must be submitted to the Development Services Department for distribution to the Development Engineering Branch and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval:
 - i. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
 - ii. Site suitability for development.
 - iii. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).

- iv. Any special requirements for construction of roads, utilities and building structures.
- v. Recommendations for items that should be included in a Restrictive Covenant.
- vi. Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
- vii. Any items required in other sections of this document.

Additional geotechnical survey may be necessary for building foundations, etc



James Kay, P^{Eng}.
Development Engineering Manager

JA

CITY OF KELOWNA
MEMORANDUM

Date: December 12, 2018
File No.: OCP18-0021
To: Community Planning (LK)
From: Development Engineering Manager (JK)
Subject: 454-464 West Ave

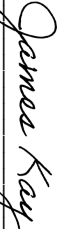
ATTACHMENT	A
This forms part of application	
#	OCP18-0021
	Z18-0118
Planner Initials	LK
City of Kelowna COMMUNITY PLANNING	

MRM - MXR

The Development Engineering Branch comments and requirements regarding this OCP amendment application are as follows:

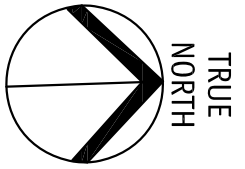
1. **General**

All the offsite infrastructure and services upgrades are addressed in the Rezoning Engineering Report under file Z18-0118


James Kay, P. Eng.
Development Engineering Manager

JA

2018-11-08
update



Copyright reserved. This plan and design is and at all times remains the exclusive property of Meiklejohn Architects Inc. and may not be used without the Architects' consent.

No.	Date	Revision
01	2018-11-08	reworking application

Project Title
**WEST AVE RENTAL
5-STORY WITH
PARKADE LEVEL**

454 & 464 WEST AVENUE KELOWNA V1Y 4Z2

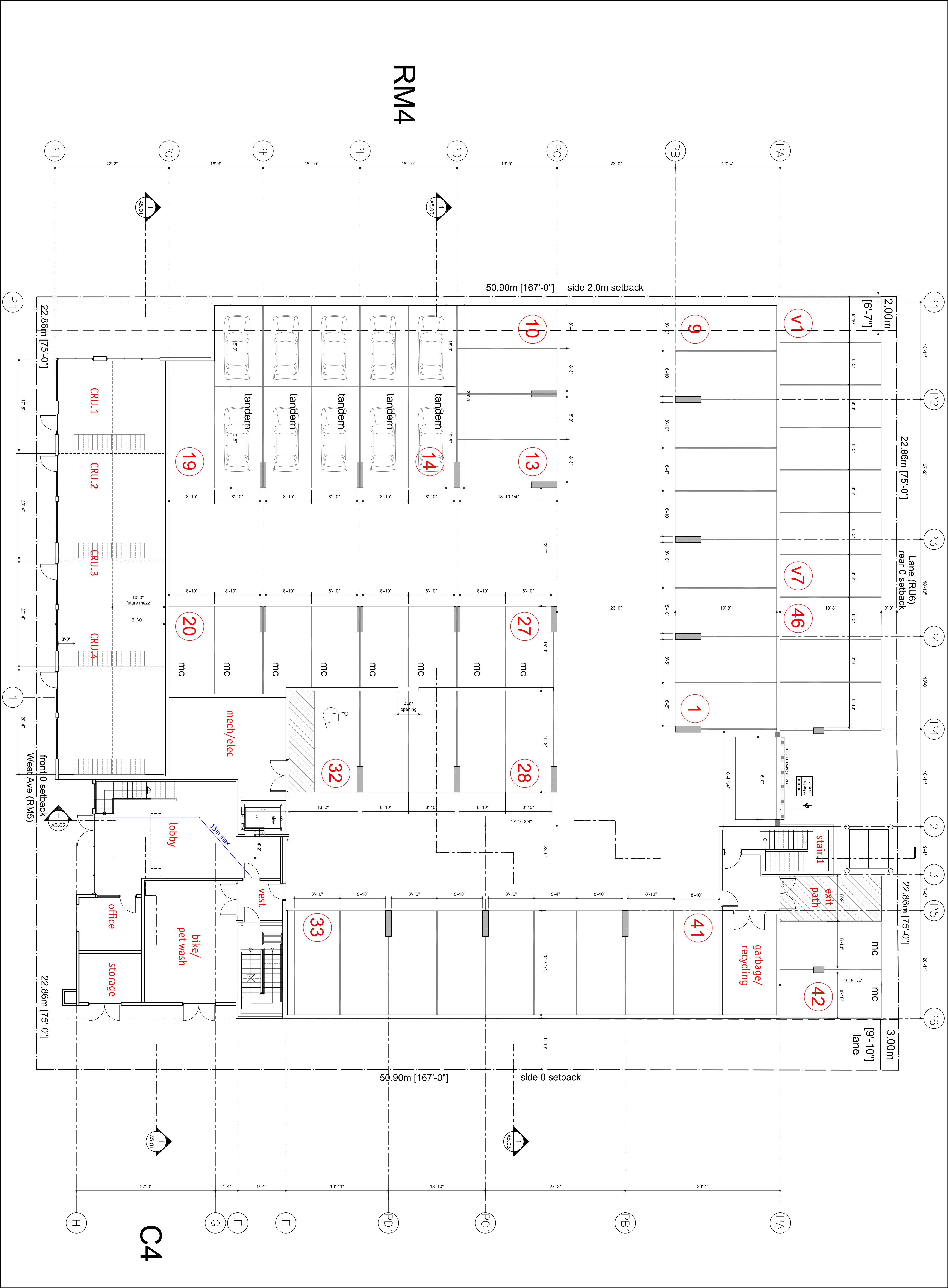
Drawing Number

A3.01

Drawings are NOT TO BE SCALED.
ALL DIMENSIONS SHALL BE VERIFIED ON JOB

Drawing Title
LEVEL 1 PLAN

Date	
Job No.	m+m 17-1781
Scale	AS SHOWN
Drawn	SN
Checked





REPORT TO COUNCIL



Date: May 13, 2019

RIM No. 1250-30

To: City Manager

From: Community Planning Department (AC)

Application: Z18-0049

Owner: DL Capital Inc., Inc.No.
BC0820774

Address: 3130 Sexsmith Rd

Applicant: Protech Consulting - Grant
Maddock

Subject: Rezoning Application

Existing OCP Designation: IND-L – Industrial Limited

Existing Zone: A1 – Agriculture 1

Proposed Zone: I6 – Low Impact Transitional Industrial

1.0 Recommendation

THAT Rezoning Application No. Z18-0049 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 28, Section 3, Township 23, ODYD, Plan 18861, located at 3130 Sexsmith Rd, Kelowna, BC from the A1 – Agriculture 1 Zone to the I6 – Low Impact Transitional Industrial 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 Attachment "A" attached to the Report from the Community Planning Department dated May 2nd 2018;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit for the subject property.

2.0 Purpose

To rezone the subject property from the A1 – Agriculture Zone to the I6 – Low Impact Transitional Industrial Zone.

3.0 Community Planning

Staff support the rezoning application from the A1 zone to the I6 zone. The Official Community Plan (OCP) designates the property as Industrial Limited (IND-L) which was created for the I6 zone. The Industrial – Limited Future Land Use (IND-L) designation was established in 2011 after public consultation associated with the 2030 OCP review. The IND-L designation and I6 zone allow for a range of low-impact industrial land uses that are intended to act as a transition between the general industrial areas to the south and east and the rural residential areas to the north and west. The permitted uses, development regulations, screening requirements, parking restrictions, outdoor storage restrictions, and other regulations in the I6 zone are designed to mitigate the industrial uses on nearby residential, rural and agricultural uses in this area.

4.0 Proposal

4.1 Project Description

Should the rezoning bylaw be supported by Council, the project will need a form and character development permit which will also be considered by Council. The applicant is in the midst of selling the property. The land deal is contingent on rezoning. The buyer will submit a Development Permit and will be reviewed by Council prior to final adoption of the rezoning bylaw. Staff are comfortable with this arrangement as the I6 zone is consistent with the Official Community Plan and the Development Permit will review the site planning details.

4.2 Applicant Rationale Letter – April 24th 2019

"We are writing today to ask for your consideration in deferring our development plan for 3130 Sexsmith Road until the property is successfully rezoned.

As you are aware the above-mentioned property is under contract for purchase. As the buyer we have a significant amount of diligence, including the rezoning that must be completed prior to closing. The sellers are not prepared to provide what would be considered a reasonable amount of time to allow us to complete all the typical city requirements prior to rezoning. This time constraint combined with the availability of our architect is proving to be very problematic for us.

Our intent: We are ready and prepared to meet all the city requirements necessary to rezone the property. We will move quickly and diligently in our development plan application once we receive final rezoning.

We respectfully request that our development plan for 3130 Sexsmith Road be deferred until after the rezoning is final."

4.3 Site Context

The subject parcel is located within the Arab/Appaloosa area. The subject property is designated as Industrial – Transitional (IND-T) in the OCP and the lot is within the Permanent Growth Boundary. Specifically, the adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture	Agriculture/industrial/residential
East	I6 – Low Impact Transitional Industrial	Industrial
South	I2 – General Industrial	Industrial
West	A1 – Agriculture & I6 – Low Impact Transitional Industrial	Agriculture/industrial/residential

Subject Property Map: 3130 Sexsmith Rd



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Industrial Land Use Policies

Objective 5.28.¹ Focus industrial development to areas suitable for industrial use.

Industrial Supply Protection.² Protect existing industrial lands from conversion to other land uses by not supporting the rezoning of industrial land to preclude industrial activities unless there are environmental reasons for encouraging a change of use.

Secondary Housing in Light Industrial Areas.³ Consider the limited expansion of housing as a secondary use within industrial buildings in light or transitional industrial areas.

Public and private open space.⁴ Design industrial developments to include outdoor break areas, green space, bicycle racks, skylights and windows in work areas, and linkages to recreational opportunities (e.g. linear parks).

6.0 Technical Comments

6.1 Development Engineering Department

See attached memorandum dated May 2nd 2018.

¹ City of Kelowna Official Community Plan, Objective 5.28, Chapter 10 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.28.1, Chapter 5 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Policy 2, Objective 5.29, Chapter 5 (Development Process Chapter).

⁴ City of Kelowna Official Community Plan, Policy 7.5, Chapter 14 (Urban Design Development Permit Areas).

7.0 Application Chronology

Date of Application Received: May 1st 2018
Date Public Consultation Completed: April 27th 2018

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

Attachments:

Development Engineering Memo dated May 2nd 2018

CITY OF KELOWNA

MEMORANDUM

ATTACHMENT A

This forms part of application
Z18-0049

Planner
Initials

AC



Date: May 2, 2018
File No.: Z18-0049
To: Planning & Development Services Department (TH)
From: Development Engineer Manager (JK)
Subject: 3130 Sexsmith Rd., Lots 30, Plan 18861 A1 – I6

Development Engineering has the following comments and requirements associated with this application rezone the subject property from A-1 to I6 are as follows:

1. General

- a) Access to the subject lots must ultimately be achieved off of Palomino Road as Sexsmith Road is designated as a 4 lane arterial and access will be restricted. Until such time that Palomino Road is built, the subject property is granted access onto Sexsmith Road under the condition.

2. Geotechnical Study

We recommend that a comprehensive geotechnical study be undertaken over the subject property. The geotechnical study should be undertaken by a Professional Engineer or a Geoscientist competent in this field. This study should analyse the soil characteristics and suitability for development of the requested zoning. As well, the study should address drainage patterns including the identification of ground water and the presence of any surface springs and the suitability of the lands for disposal of site generated storm drainage. In addition this study must describe soil sulphate contents, the presence or absence of swelling clays.

3. Sanitary Sewer System

- a) The developer's consulting mechanical engineer will determine the development requirements of the proposed development and establish the service needs. Only one service per lot will be permitted for this development. There is an existing 100mm PVC sanitary service to lot.
- a) The Connection Area #35 charge is currently set by Bylaw at \$13,300 per Single Family Equivalent (SFE). This Bylaw was reviewed for and accepted by Council in 2018.

determined by the following formula: the first 0.36 acres of developed land or portion thereof equals 1 SFE. Thereafter 2.8 SFE's per acre of developed land.

The assessed value is 5.144 Acres is **\$68,415.20**

4. Water Servicing Requirements

This development is within the service area of the Glenmore Ellison Irrigation District (GEID). The developer is required to make satisfactory arrangements with the GEID for these items. All charges for service connection and upgrading costs are to be paid directly to the GEID. The developer is required to provide a confirmation that the district is capable of supplying fire flow in accordance with the City of Kelowna current Bylaws and Policies.

5. Storm Drainage

A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual By-Law 7900 is required.

6. Road Improvements

- a.) The frontage of Sexsmith Road will be upgraded to a full 4 lane arterial urban standard (SS-R9) in accordance with Bylaw 7900, complete with curb and gutter, storm works, sidewalk, fillet paving, landscaped and irrigated boulevard, lane markings, street lighting, removal and/or relocation existing utilities as may be required, etc. This construction will be deferred until Sexsmith Road is upgraded to a 4 lane standard and a cash in lieu of construction payment of **\$73,209.38** is required for the combined frontage of the subject property.
- b.) Palomino Road at the rear of the property will be constructed to a full urban Standard (SS-R5) in accordance with Bylaw 7900, complete with curb, gutter, sidewalk, fillet paving, storm drainage works which extends and connects to the municipal system, landscaped and irrigated boulevard, lane markings, street lighting, removal and/or relocation existing utilities as may be required, etc. The developer is responsible for contributing for their half of Palomino road for the combined frontage of the subject property. The cash in lieu of construction for these works is **\$80,546.25**

7. Road Dedication and Subdivision Requirements

- (a) The developer is required dedicate 5m of roadway fronting Sexsmith Road to achieve the 4 lane arterial urban standard width in accordance with Bylaw 7900
- (b) Grant Statutory Rights Of Way if required for utility services.
- (c) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

8. Power and Telecommunication Services

The services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works.

9. Design and Construction

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

10. Servicing Agreements for Works and Services

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

11. DCC Credits

None of the required improvements qualify for DCC credit consideration, as these levies are collected as cash in lieu.

12. Bonding and Levies SummaryLevies

Sexsmith Road upgrades	\$73,209.38
Palomino Road construction	\$80,546.25
Connection. Area #35	\$68,415.20
Total levies	<u>\$222,170.83</u>

James Kay, P. Eng.
Development Engineering Manager
RO

ATTACHMENT		A
This forms part of application		
# Z18-0049		
Planner Initials	AC	 City of Kelowna COMMUNITY PLANNING