

City of Kelowna

Public Hearing

AGENDA



Tuesday, June 18, 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 Clement Ave 816, TA18-0006 (BL11711), Z18-0059 (BL11712) - PC Urban Clement Holdings Ltd., Inc. No. BC1099980

4 - 25

To consider a development application to rezone the split-zoned subject property

from the I4 – Central Industrial zone and I2 – General Industrial zone to the I4 – Central Industrial zone and consider a Zoning Bylaw Text Amendment to allow for additional commercial uses on the subject property.

3.2 St. Paul St 1310, Z19-0024 (BL11822), Vibona Enterprises Ltd., Inc. No. BCo458875 26 - 33

To consider a development application to rezone the subject property from I2 – General Industrial zone to the C7rcs – Central Business Commercial (Retail Cannabis Sales) to allow for a retail cannabis sales establishment.

3.3 Valley Rd 330, OCP19-0002 (BL11830) and Z19-0041 (BL11831) - Springdale Properties Ltd., Inc. No. BCo864963 34 - 51

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

3.4 Lawrence Ave 1100, LUC19-0001 (BL11846) and Z19-0031 (BL11847) - M.R.D. Holdings Inc. No. BCo681200 52 - 58

To consider a Land Use Contract discharge and rezoning from the RM3 - Low Density Multiple Housing zone to the C4rcs – Urban Centre Commercial (Retail Cannabis Sales) to accommodate Retail Cannabis Sales.

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.

SUPPLEMENTAL REPORT TO COUNCIL



Date: May 27, 2019

RIM No. 1250-30

To: City Manager

From: Community Planning Department (AC)

Application: Z18-0059 TA18-0006

Owners: PC Urban Clement Holdings Ltd., Inc. No. BC 1099980

Addresses: 816 Clement Ave

Applicant: PC Urban – Shawn Oh

Subject: Rezoning and Text Amendment Application

OCP Designation: IND – Industrial

Existing Zone: I₂ – General Industrial & I₄ – Central Industrial

Proposed Zone: I₄ – Central Industrial

1.0 Recommendation

THAT the Rezoning (Z18-0059) and Text Amendment (TA18-0006) Bylaws be forwarded to a Public Hearing for further consideration.

2.0 Purpose

To forward the Rezoning (Z18-0059) and Text Amendment (TA18-0006) bylaws to a Public Hearing.

3.0 Community Planning

Staff forwarded the bylaws to first reading on November 5th 2018. The applicant has applied to rezone the entirety of the property to the I₄ zone with plans to build two light – industrial buildings. In combination with the previously submitted mixed-use residential / commercial proposal on the adjacent Lot A, this proposal facilitates the vision of this site as a transition away from residential and towards industrial land uses. Staff recommended the bylaws not be forwarded to public hearing until final reading and Development Permit on Lot A could be considered by Council. This occurred on May 7th and Staff are now recommending the bylaws for the Phase 2 project at 816 Clement Avenue be forwarded to a Public Hearing.

4.0 Proposal

4.1 Project Description

The applicant has applied to rezone the property from a split I₂ / I₄ zone to the whole I₄ zone with plans to build two light – industrial buildings. Staff are not tracking any variances with the current plans. Should Council support the Text Amendment and Rezoning bylaws, staff will bring forward a detailed report evaluating the design guidelines for Council's consideration of the Development Permit.

Subject Properties Map: 816 Clement Ave



5.0 Current Development Policies

n/a

6.0 Technical Comments

n/a

7.0 Application Chronology

Date of Application Received:	May 22, 2018
Date Public Consultation Completed:	Nov 3, 2018
Date of First Reading:	November 5 th 2018

Report prepared by:	Adam Cseke, Planner Specialist
Reviewed by:	Terry Barton, Urban Planning Manager

REPORT TO COUNCIL



Date: December 3, 2018

RIM No. 1250-30

To: City Manager

From: Community Planning Department (AC)

Application: Z18-0059 TA18-0006

Owners: PC Urban Clement Holdings Ltd., Inc. No. BC 1099980

Addresses: 816 Clement Ave

Applicant: PC Urban – Shawn Oh

Subject: Rezoning and Text Amendment Application

OCP Designation: IND – Industrial

Existing Zone: I2 – General Industrial & I4 – Central Industrial

Proposed Zone: I4 – Central Industrial

1.0 Recommendation

THAT Rezoning Application No. Z18-0059 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of LOT B SECTION 30 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN EPP83554, located at 816 Clement Ave, Kelowna, BC from the I2 – General Industrial & I4 – Central Industrial zones to the I4 – Central Industrial zone.

AND THAT the Zoning Bylaw Text Amendment Bylaw Application No. TA18-0006 to amend the City of Kelowna Zoning Bylaw No. 8000 as described in Attachment 'B' outlined in the Report from the Community Planning Department dated November 29th 2017, be considered by Council;

AND THAT the Rezoning and Text Amendment Bylaws NOT be forwarded to a Public Hearing for further consideration until such time as OCP Amending Bylaw No. 11604 (OCP17-0021) and Rezoning Bylaw No. 11605 (Z17-0093) for the property located at 726 Clement Ave are adopted;

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 November 29th, 2018;

AND 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 split-zoned subject property from the I₄ – Central Industrial zone and I₂ – General Industrial zone to the I₄ – Central Industrial zone and consider a Zoning Bylaw Text Amendment to allow for additional commercial uses on the subject property.

3.0 Community Planning

The applicant has applied to rezone the entirety of the property to the I₄ zone with plans to build two light – industrial buildings. In combination with the previously submitted mixed-use residential / commercial proposal on the adjacent Lot A, this proposal facilitates the vision of this site as a transition away from residential and towards industrial uses. In an effort to facilitate that vision, the applicant is seeking a Text Amendment to the Zoning Bylaw to add a number of principal land uses to the I₄ zone. Staff are recommending these land uses be applied only to this lot due to the unique circumstances and only be permitted for the building fronting along Clement Ave. This will help the transition to the industrial properties to the east and north. The proposed principal land uses are:

- Offices
- Business Support Services
- Financial Services
- Government services
- Health Services
- Retail liquor sales establishment
- Retail stores, service commercial
- Retail stores, general
- Commercial Schools

Staff are recommending support for the proposed rezoning and Text Amendment as these changes will help facilitate the transitional land uses as part of the overall plan for the block. However, the applicant's first phase rezoning (from I₂/I₄ to C₄) on 726 Clement Avenue is currently sitting at 3rd reading. The applicant needs to complete the Development Engineering requirements prior to final adoption which includes signing a servicing agreement and paying the associated performance bond. The applicant has stated the financing is taking some time for that project and they desired to proceed with first reading for phase 2. Staff are recommending that Council delay scheduling the public hearing for phase 2 until such time as the adoption of final reading for phase 1 as Staff's recommendation for phase 2 is contingent upon phase 1 adoption.

4.0 Proposal

4.1 Background

This site has a long history of varied development proposals following the sale of the former BC Tree Fruit packing house. See Staff's Report to Council (dated April 26th 2018) for the development and site history. That report went to Public Hearing on May 15th 2018.

The applicant also completed the neighbourhood notification process by contacting all properties within 50m of the subject properties.

4.2 Project Description

The applicant has applied to rezone the property from a split I₂ / I₄ zone to the whole I₄ zone with plans to build two light – industrial buildings. Staff are not tracking any variances with the current plans. Should

Council support the Text Amendment and Rezoning bylaws, staff will bring forward a detailed report evaluating the design guidelines for Council's consideration of the Development Permit.

4.3 Site Context

The subject properties are currently vacant as the former BC Tree Fruit Packinghouse was demolished in 2017. The total properties owned by the applicant represent 3.6 acres (1.5 ha) of under-developed land in a strategic location on the edge of the 'City Centre' Urban Centre at the corner of Clement Avenue and Richter Street. The site is connected to urban services and is located within the Permanent Growth Boundary.

Subject Properties Map: 816 Clement Ave



5.0 **Current Development Policies**

5.1 Kelowna Official Community Plan (OCP)

Industrial Land Use Policies

Objective 5.28. Focus industrial development to areas suitable for industrial use.

Objective 5.29. Ensure efficient use of industrial land supply.

North End Industrial (High Tech and Incubator).¹ Encourage the redevelopment of industrially designated lands north of the Downtown Urban Centre for high-tech projects and buildings, including the potential for "incubator space" for smaller businesses.

¹ Policy 5.19.6 (Development Process Chapter 5).

Industrial Land Use Intensification.² Encourage more intensive industrial use of currently under-utilized industrial sites during site redevelopment or by permitting lot subdivision where new lots can meet the minimum lot size requirements of the Zoning Bylaw.

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.

Objective 5.30. Ensure adequate industrial land supply.

Industrial Supply Protection. 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

6.0 Technical Comments

6.1 Building & Permitting Department

- Full plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

- See Attachment 'A', memorandum dated May 31, 2018.

6.3 Fire Department

- No comments related to zoning.

7.0 Application Chronology

Date of Application Received: May 22, 2018

Date Public Consultation Completed: Nov 3, 2018

Report prepared by:

Adam Cseke, Planner Specialist

Reviewed by:

Terry Barton, Urban Planning Manager

Reviewed by:

Ryan Smith, Community Planning Department Manager

Attachments:

Attachment 'A' – Development Engineering Memorandum dated May 31, 2018

Attachment 'B' – TA18-0006 language changes to Zoning Bylaw No. 8000

Schedule 'A & B' – Preliminary Development Plans

² Policy 5.29.1 (Development Process Chapter 5).

³ Policy 5.29.2 (Development Process Chapter 5).

October 18, 2018

Mr. Adam Cseke, Planner
City of Kelowna Planning Department
1435 Water Street
Kelowna, BC V1Y 1J4

RE: Development Proposal for 816 Clement Ave, Kelowna, BC – Development Rationale

Dear Adam:

Further to our prior meetings and correspondence we hereby submit this rationale letter, rezoning application, development permit application, text amendment application, and supporting documents in support of the above referenced property.

Introduction

The Clement corridor provides exciting opportunities for the City as it grows and evolves, and PC Urban's acquisition of the subject property two years ago was based on understanding of the complex dynamics in play in this area and to see beyond the current physical environment to a future that is evolving beyond its traditional industrial past to a more transitional – and eventually more urban - future.

PC Urban purchased the property with a commitment to the transition concept and a belief in the power of a mixed-use formula to create interesting and functional enclaves that serve the City's objectives and the needs of a spectrum of users within the growing and changing neighbourhood.

The subject property is located mid-block on north side of Clement Avenue between Richter and Ethel streets in Kelowna, BC (the "Property"). In September 2018, PC Urban completed technical subdivision of three legal lots into two legal lots including a road dedication to the City: Lot A (1.21 ha) and Lot B (0.675 ha), and 0.277 ha of road – a 10-meter dedication to allow for widening of Clement Ave. Lot B is the subject of this application.

In May 2018, PC Urban applied to rezone the Property from current I2 (General Industrial) and I4 (Central Industrial) to I4 (Central Industrial) with plans to build two light-industrial buildings on Lot B which complies with the current Official Community Plan (OCP) designation as Industrial (IND) land. In combination with the previously submitted mixed-use residential proposal on Lot A, this proposal compliments and completes the vision for this site. The transition from residential on Lot A to light-industrial on Lot B signifies the eastern boundary of residential zoning along Clement Avenue and maintains preservation of the industrial land.

The application on Lot A is currently under development review by the City of Kelowna and consists of retail at grade with residential units above. In contrast this proposal focuses on employment and industry related uses and will set a precedent for and encourage similar uses in the area. Based on pre-application discussions and meetings with the Planning Department and councilmembers, we understand the proposed form of development is strongly aligned with the City's objectives. This development proposal application reflects these previous discussions with Staff.

Our proposed plan takes into consideration the strong support for creation of light-industrial spaces for businesses near the downtown core. PC Urban has developed similar projects in North Vancouver (Barrow Centre -1515 Barrow Street) and Vancouver (IntraUrban – 8811, 8855 & 8889 Laurel Street). Both projects have been well received by their respective community's and provide an attainable ownership option for small businesses interested in locating close to city centres with proximity to established transportation networks and shorter commute times than those found in the outer suburbs.

The Property neighbours industrial users to the north (BC Tree Fruits, Sun Ripe, Sandhill Wines), a vacant lot to the east, single family homes to the south, and a new regional RCMP station to the west. In the larger context, the Property is a few blocks northeast of downtown and Bernard Street corridor, and nearby several large scale residential and mixed-use developments. Currently the Property has had all former improvements removed and remediated with three commercial Certificates of Compliance ("CoC") issued from the Ministry of Environment.

Development Rationale

The current application proposes two buildings. South building fronting Clement Avenue accommodates double height units at grade with mezzanines and glazed overhead doors facing an interior "mews". Upper floor will consist of general office space with generous outdoor amenity areas for employees. The north building fronting Vaughan Avenue is proposed to provide double height flex units which could accommodate a range of light industrial and office uses.

The units at the western end of each building are intended to house restaurant or café style uses to provide amenity for the employees of this development and the residents of surrounding areas, including the residents who will live within the rental units being proposed for our adjacent site. These uses will also help animating the shared service lane between the two phases.

Within the industrial space, and in addition to the users who would currently fit the I4 zoning parameters, we also envision local 'crafty' artisan and lifestyle businesses which we believe will serve the residential population to the west and south, along with patrons from throughout the downtown and beyond.

Examples of the types of businesses we envision but are not currently allowed in the I4 zone include local food purveyors (butcher/produce merchants), yoga studios, guitar manufacture and sales, bike repair classes and sales, and musical venue within the lower industrial floor and creative marketing agencies, walk-in clinics, and tech startups within the upper office floor.

A key component of what we believe needs to characterize the allowable range of uses on this site is creating a synergy that serves and attracts both employees who will work here along with the surrounding and growing residents. This type of mixed-use cross-pollination, we believe, is becoming a necessary component for all forms of new industrial development.

We also believe that this mixed-use concept would create a unique enclave in Kelowna, an interesting and attractive neighbourhood amenity for residents and also a vibrant ‘edge’ between the urban core and the traditional industrial lands behind and beyond.

In an effort to facilitate our vision for the site, we are seeking the following text amendments to the I4 zoning bylaw, limited to the building facing Clement Avenue:

- Offices
- Business support services
- Financial services
- Government services
- Health services
- Retail liquor sales establishment
- Retail stores, convenience
- Retail stores, service commercial
- Retail stores, general
- Commercial schools

The Property has strong potential to serve in a unique and functional transitional role within a broader definition of ‘industrial’ development. A broader development vision also reflects a contemporary economy that works within transitioning industrial areas, especially in the context of more urban, live-work neighbourhoods.

An example of where this type of transition is thriving can be found in the Mt. Pleasant neighbourhood in Vancouver, where a growing number of tech industry and modern industrial users are locating in enclaves which also accommodate commercial amenities and services. What is being created is a strong, people-friendly synergistic dynamic providing both ‘new-industrial’ employment and amenity areas for the employees and neighbouring residents. For further reference, please see the following articles:

- <https://vancouver.sun.com/opinion/opinion-redefining-industrial-real-estate>
- <https://biv.com/article/2016/02/yuppie-industrial-development-meets-vancouver-dema>

Design Rationale

Site Organization

The site is organized to provide maximum animation to the street frontages with Clement assuming the primary focus in the hierarchy. The “mews” environment, which accommodates all visitor and employee parking for the site, will act as the primary entry for all units and is heavily landscaped to provide a tranquil and enjoyable pedestrian environment. The outdoor dining areas for the two restaurants are

oriented to receive south and western sun in Winter and Spring and will be shaded by Street trees in the hot summer months.

Form & Character

The project has been developed with a simple and rigorous design philosophy that draws up the areas industrial heritage. The Clement frontage incorporates a simple but harmonious rhythm of solid and void elements with transparent and opaque materials that provide both animation as well as individual identity and exposure for each of the tenants. Each unit entry is identified by wood lined framing elements that are reinforced by a recessed second storey balcony above them. These balconies provide south facing exposure with deep overhangs that shade the office windows from harsh summer sun while allow access to the sun in winter and spring.

Materials are warm and robust and reinforce the industrial heritage that include board-form and tilt-up concrete, “Weathered Zinc” prefinished metal cladding with Natural Wood and weathered steel accents.

Landscape Design Rationale

Use of textured concrete paving, and concrete seat and wall elements reflect on the traditional industrial materials and forms. Feature paving will have a wood pattern, along with chunky timber elements and weathered steel, to express and reflect the historic patterns and materials of the area. Elements will be durable and simple in a modern manner by using the material textures to generate historic impressions without trying to imitate historic forms.

Plantings will also help the project fit in with the context and the local ecology. Drought tolerant, local, and native plant choices will be expressive of Kelowna while being durable and attractive in all seasons. Mixed with natural stone and wood elements, plantings will feel very expressive of the area.

Clean and simple materials will be fitting to the style of the architecture and help reduce maintenance demands. Detailing for landscape elements will look to the architectural forms for inspiration as plans develop. Plant materials are in addition selected based on low-maintenance and highly attractive characteristics with low water requirements. These components combined are designed to maximize the year-round visual interest and function of the landscape designs.

Civil & Storm Water Management

Draft civil drawings including servicing, grading, and erosion & sediment control drawings have been included in the submission. A storm water management plan has also been included in the submission which proposes use of infiltration tanks for Lot A. Lot B will use an Oil Grit Separator, impermeable underground storage tanks and discharge controlled runoff to the Lot A stormwater management system via an SRW in favour of Lot B. The storm sewer on Clement frontage of Lot B is far too shallow to connect the Lot B stormwater tank via gravity. Hence an SRW through Lot A allows for a connect to a deeper gravity outlet near Richter Street.

Summary

We believe the proposed form of development is consistent with and compliments the existing industrial and residential neighborhood, provides employment generating opportunities to the City, and maintains continuity of the urban environment. Based on the successful completion of our previous urban Industrial projects, we are confident that the form of development is balanced and will function well for land use, parking, and tenant operations.

We are anxious to continue to move the vision and our development plans forward and toward that end, we look forward to advancing this application through the approval process. Please contact PC Urban should you require any additional information or would like to meet to discuss the application.

Thank you for your consideration.

Yours truly,

PC Urban Clement Holdings Ltd.

A handwritten signature in black ink, appearing to be 'Shawn Oh', with a stylized, cursive-like flow.

Shawn Oh
Assistant Development Manager

CITY OF KELOWNA

MEMORANDUM

Date: May 31, 2018
File No.: TA18-0006
To: Community Planning (AC)
From: Development Engineering Manager (JK)
Subject: 726-816 Clement Ave

The Development Engineering comments and requirements regarding this Text Amendment application are as follows:

1. **General.**

- a) All the offsite infrastructure and services upgrades are addressed in the Rezoning Engineering Report under file Z18-0059.

James Kay, P. Eng.
Development Engineering Manager

JA

ATTACHMENT		A
This forms part of application		
# <u>TA18-0006</u>		
Planner Initials	AC	 City of Kelowna <small>COMMUNITY PLANNING</small>

CITY OF KELOWNA

MEMORANDUM

Date: May 31, 2018
File No.: Z18-0059
To: Community Planning (AC)
From: Development Engineering Manager (JK)
Subject: 816 Clement Ave I2 to I4

Development Engineering Department have the following comments and requirements associated with this 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

- a) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement buildings may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- b) Provide easements as may be required.
- c) The proposed Development triggers a traffic impact assessment that should have been completed with zoning application Z17-0093. Recommendations from the Traffic Impact Analysis (TIA) will become requirements of rezoning.

.2) Road Dedication and Subdivision Requirements

- a) On the Clement Ave frontage, provide a 10m dedication for a roadway allowance totalling 30m road right of way.
- b) Lot consolidation with 726 Clement must be completed.
- c) Access to the development should be via Vaughan Ave and the proposed lane.
- d) All access points should be designed to the SS-C7 standard with a continuous sidewalk at property line.

.3) 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

.4) Water

- a) The property is located within the City of Kelowna service area. The existing lot is serviced with small -diameter water services (4). Only one service will be permitted to the site or per property. The applicant, at his cost, will arrange for the removal of all existing services and the installation of one new larger metered water service.
- b) The developer's consulting engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. The bylaw requirement for commercial zoning is 150l/s and is available at the site. If it is determined that upgrades to any other existing water distribution system must be made to achieve the required fire flows, additional bonding will be required.
- c) An approved backflow protection device must also be installed on site as required by the City Plumbing Regulation and Water Regulation bylaws.
- d) A water meter is mandatory for this development and must be installed inside a building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost

.5) Sanitary Sewer

ATTACHMENT		A
This forms part of application		
# Z18-0059		
Planner Initials	AC	 City of Kelowna <small>COMMUNITY PLANNING</small>

- a) 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 (2) and the installation of one new larger service.
- b) A flow analysis check is required by the developer's civil engineering consultant to determine if there are any down stream impacts to the sewer system triggered by this development.

.6) Drainage

- a) 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 provision of a storm drainage service for the development and / or recommendations for onsite drainage containment and disposal systems.
- b) It will be necessary for the developer to construct storm drainage facilities on Clement Ave, and Vaughan Ave, to accommodate road drainage fronting the proposed development.
- c) Provide a detailed Stormwater Management Plan for this development as per the Subdivision, Development and Servicing Bylaw #7900.
- d) 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.

.7) Roads

- a) Clement Ave is designated an urban arterial road. Frontage improvements required include curb and gutter, separate sidewalk, piped storm drainage system, road works, landscaped boulevard complete with underground irrigation system and irrigation sleeves to the treed middle median, street lights. A modified SS-R9 cross section will be used and provided at the time of design. The design should include up to centreline of the Clement ROW
- b) Vaughan Ave is designated an urban local road. Frontage improvements required include Curb and Gutter, separate sidewalk, piped storm drainage system, landscaped boulevard complete with underground irrigation system, curb extensions at the intersections and access points, and street lights. Parallel parking only is permitted on Vaughan Ave. A modified SS-R5 cross section will be used and provided at the time of design.
- c) Proposed lane from the development will be restricted to a right in and right out at the intersection of the lane and Clement Ave unless otherwise agreed upon with the City of Kelowna.
- d) Provide a Street Sign, Markings and Traffic Control Devices design drawing for review and costing.
- e) Landscaped boulevards, complete with underground irrigation design drawing as per bylaw, is required on Clement Ave and Vaughan Ave.

.9) Power and Telecommunication Services and Street Lights



- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground as the subject properties are within the “City Center Urban Center”.
- b) Streetlights must be installed on all roads.
- c) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City’s approval before commencing construction.
- d) Re-locate existing poles and utilities, where necessary. Remove aerial trespass (es).

.10) 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.

.11) Other Engineering Comments

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands, and for public access to Vaughan Ave via the proposed lane.
- 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.

.12) Servicing Agreements for Works and Services

ATTACHMENT A	
This forms part of application # Z18-0059	
Planner Initials	AC
 City of Kelowna COMMUNITY PLANNING	

- b) 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.
- c) 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.

.13) Charges and Fees

- a) Development Cost Charges (DCC's) are payable
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
 - ii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - iii) Engineering and Inspection Fee: 3.5% of construction value (plus GST).
- c) A hydrant levy charge of **\$250.00** (\$250.00 per new lot)

James Kay, P.Eng.
Development Engineering Manager

JA

ATTACHMENT		A
This forms part of application		
# Z18-0059		
Planner Initials	AC	 City of Kelowna COMMUNITY PLANNING

Zoning Bylaw 8000 – Amending C4 – Urban Centre Commercial Zone				
No.	Section	Existing Text	Proposed Text	Rationale
1.	15.4.2 – Principal Uses	<p>The principal uses in this zone are:</p> <p>(a) analytical testing</p> <p>(b) animal clinics, major</p> <p>(c) auctioneering establishments</p> <p>(d) automotive and equipment repair shops</p> <p>(e) automotive and minor recreation vehicle sales/rentals</p> <p>(f) breweries and distilleries, major</p> <p>(g) breweries and distilleries, minor</p> <p>(h) broadcasting studios</p> <p>(i) bulk fuel depots</p> <p>(j) child care centre, major</p> <p>(k) concrete and asphalt plants</p> <p>(l) contractor services, limited</p> <p>(m) contractor services, general</p> <p>(n) custom indoor manufacturing</p> <p>(o) equipment rentals</p> <p>(p) fleet services</p> <p>(q) food primary establishment</p> <p>(r) gas bars</p> <p>(s) general industrial uses</p> <p>(t) industrial high technology research and product design</p> <p>(u) liquor primary establishment, minor</p> <p>(v) medical marihuana production facilities</p> <p>(w) mobile catering food services</p> <p>(x) non- accessory parking</p> <p>(y) participant recreation services, indoor</p> <p>(z) pawnshop</p> <p>(aa) private clubs</p> <p>(bb) rapid drive-through vehicle services</p> <p>(cc) recycled materials drop-off centres</p> <p>(dd) service stations, major</p> <p>(ee) service stations, minor</p> <p>(ff) temporary parking lot</p> <p>(gg) temporary shelter services</p> <p>(hh) utility services, minor impact</p> <p>(ii) warehouse sales</p>	<p>keep existing and add the following:</p> <p>(jj) The following land uses are permitted only within buildings fronting onto Clement Ave and on LOT B SECTION 30 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN EPP83554, located at 816 Clement Ave:</p> <ul style="list-style-type: none"> - Offices - Business Support Services - Financial Services - Government services - Health Services - Retail liquor sales establishment - Retail stores, service commercial - Retail stores, general - Commercial Schools 	See Report

ATTACHMENT B

This forms part of application

TA18-0006

Planner
Initials

AC

City of
Kelowna
COMMUNITY PLANNING





816 CLEMENT AVENUE

816 Clement Avenue, Kelowna, BC

Applicant: Robert Spencer
PC Urban
604.408.5687
Suite 880, 1090 West Georgia Street, Vancouver, BC

Architect: Craig Taylor
Taylor Kurtz Architecture + Design Inc.
604.569.3499
1183 Odium Drive, Vancouver, BC V5L 2P6

Landscape Architect: David Stoyko
Connect Landscape Architecture
604.681.3303
2305 Hemlock Street, Vancouver, BC V6H 2V1

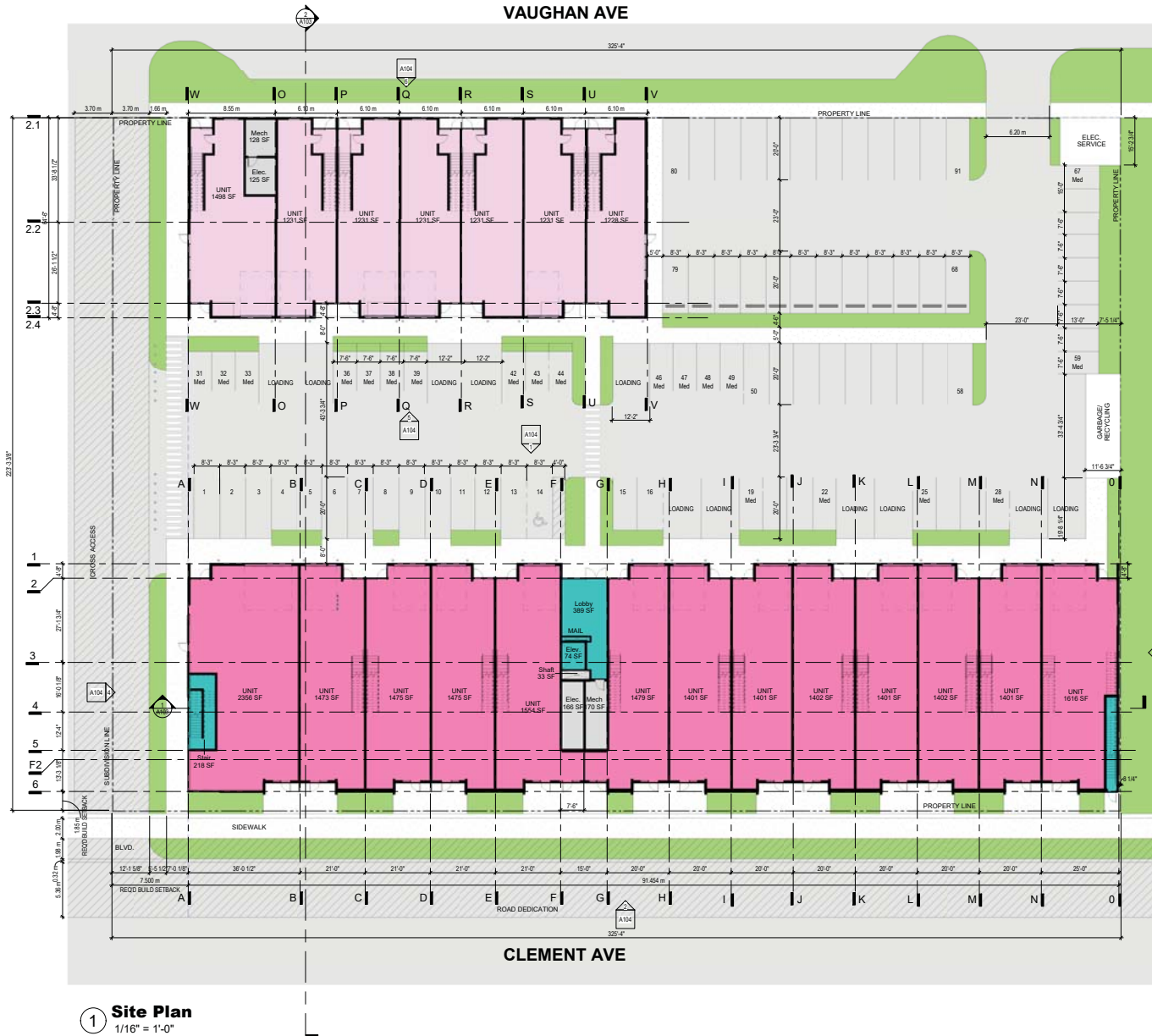
Land Surveyor: -

Drawing Index (Master)											
Discipline	Sort Order	Sheet Type	Sheet Number	Sheet Name	Sheet Issue Date	Drawn By	Checked By	Designed By	Approved By	Sort	Disc
			A102	Building 2 - Plans	10/03/17	Author	Checker	Designer	Approver		
			A109	Unnamed	10/05/17	Author	Checker	Designer	Approver		
Architectural			.	Cover Page	06/22/17	LJ	CT	CT	Approver		
Architectural			A100	Site Plan	02/20/17	LJ	CT	CT	Approver		
Architectural			A101	Building 1 - Plans	02/21/17	LJ	CT	CT	Approver		
Architectural			A103	Sections	04/18/17	LJ	CT	CT	Approver		
Architectural			A104	Elevations	04/04/17	LJ	CT	CT	Approver		
Architectural			A105	3D Views	04/04/17	LJ	CT	CT	Approver		
Architectural			A106	Precedent Images	04/19/17	LJ	CT	CT	Approver		
Architectural			A107	View Looking North East	06/06/17	LJ	CT	CT	Approver		
Architectural			A108	View Looking South East	06/06/17	LJ	CT	CT	Approver		

PCurban
property re-imagined™

TAYLORKURTZ
ARCHITECTURE + DESIGN INC.

Clement Ave
816 Clement Ave, Kelowna, BC
Cover Page
PLOT DATE: 2018-05-14 10:29:43 AM



ZONING SUMMARY:

LEGAL DESCRIPTION:	TBA
BUILDING SETBACKS:	
Front Yard Setback (Vaughan Ave):	Proposed: 0m Required: 0m
Side Yard Setback (West):	Proposed: 7.5m Required: 7.5m
Side Yard Setback (East):	Proposed: 0m Required: 0m
Rear Yard Setback (Clement Ave):	Proposed: 1.85m Required: 0m
EASEMENTS:	TBA
ZONE:	I-4
USES:	Commercial/Office
Gross Floor Area:	(see table below)
Site Area:	72,620.02 sf
Site Cover:	Proposed: 41% Permitted: 75%

Area Summary (Gross Floor Area - By Building and Level)

Building	Area (SF)	Area (SM)
Ground Floor Level		
Building 1	20670 SF	1920 m ²
Mezz		
Building 1	6930 SF	644 m ²
Second Floor - Building 1		
Building 1	10590 SF	984 m ²
Building 1	38190 SF	3548 m ²
Ground Floor Level		
Building 2	9010 SF	837 m ²
Mezz		
Building 2	4830 SF	448 m ²
	13830 SF	1285 m ²
	52020 SF	4833 m ²

Area Summary (Net Floor Area - By Building and Level)

Building	Area (SF)	Area (SM)
Ground Floor Level		
Building 1	19840 SF	1843 m ²
Mezz		
Building 1	6510 SF	605 m ²
Second Floor - Building 1		
Building 1	10090 SF	937 m ²
Building 1	36430 SF	3385 m ²
Ground Floor Level		
Building 2	8880 SF	825 m ²
Mezz		
Building 2	4830 SF	448 m ²
	13710 SF	1273 m ²
	50140 SF	4658 m ²

FSR:	Proposed: 0.69 Permitted: 1.48
Height:	Proposed: 14.9m (49') Permitted: 14.9m (49')

Parking:	Proposed: 91 Required: 91
----------	------------------------------

Parking Provided	
Description	Count
Kelowna 3.7m x 6m LOADING: 3700 X 6000	11
Parking Space1: 7'-6" X 15'-8" - 90 deg	11
Parking Space1: 8'-3" x 20' - 90 deg	53
Parking Space: 7'-6" X 15'-8" - 90 deg	16
	91

Loading	Required: 1/1900 sm GFA = 2
---------	-----------------------------

Off-Street Bicycle Parking	Required:
	Class I: = TBD
	Class II: = TBD

Landscaping Area Required	2sm x 91 spaces = 182 SQ. M.
Landscaping Area Proposed	= 778 SQ. M.

CITY OF KELOWNA

BYLAW NO. 11711

TA18-0006 – I4 – Central Industrial – 816 Clement Avenue

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT **Section 15.4.2 – I4 – Central Industrial – Principal Uses**, be amended by adding in its appropriate location a new subsection (kk) that reads as follows:

(kk) The following land uses are permitted only within buildings fronting onto Clement Ave and on LOT B Section 30 Township 26 ODYD PLAN EPP83554 located on Clement Ave:

- offices
- business support services
- financial services
- government services
- health services
- retail liquor sales establishment
- retail stores, service commercial
- retail stores, general
- commercial schools

2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 3rd day of December, 2018.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11712
Z18-0059 – 816 Clement Avenue

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of LOT B, Section 30, Township 26, ODYD, PLAN EPP83554 located on Clement Ave, Kelowna, BC from the I2 – General Industrial and I4 – Central Industrial zones to the I4 – Central Industrial zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 3rd day of December, 2018.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: May 27, 2019

RIM No. 1250-30

To: City Manager

From: Community Planning Department (AF)

Application: Z19-0024

Owner: Vibona Enterprises LTD., Inc.
No. BCo458875

Address: 1310 St. Paul St

Applicant: Kent-Macpherson

Subject: Rezoning

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

Existing Zone: I2 – General Industrial

Proposed Zone: C7rcs – Central Business Commercial (Retail Cannabis Sales)

1.0 Recommendation

THAT Rezoning Application No. Z19-0024 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 12 District Lot 139 Osoyoos Division Yale District Plan 645, located at 1310 St. Paul St, Kelowna, BC from the I2 – General Industrial zone to the C7rcs – Central Business Commercial (Retail Cannabis Sales) 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 in conjunction with Council's consideration of a Development Permit for the subject property.

AND FURTHER THAT if the Rezoning Bylaw is adopted, Council direct Staff to send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch that they support issuance of a non-medical cannabis retail store license for this legal lot with the following comments:

- The proposed location meets local government bylaw requirements and as such, no negative impact is anticipated;
- The views of the residents were captured during a public hearing process for the rezoning of the property and Council meeting minutes summarizing those views are attached; and
- Local government recommends that the application be approved because of compliance with local regulations and policies.

2.0 Purpose

To consider a development application to rezone the subject property from I2 – General Industrial zone to the C7rcs – Central Business Commercial (Retail Cannabis Sales) to allow for a retail cannabis sales establishment.

3.0 Community Planning

Community Planning Staff recommend support for the proposed rezoning to C7rcs – Central Business Commercial (Retail Cannabis Sales) to allow for a retail cannabis sales establishment on the subject property as it is in line with the Official Community Plan (OCP) Future Land Use Designation of MXR – Mixed Use (Residential / Commercial).

This application was received prior to the close of the first intake of retail cannabis sales establishment applications on November 30, 2018. As such, it was evaluated in accordance with the Council-endorsed process and was selected to move forward with the City's standard rezoning process, established in the Development Application Procedures Bylaw. This application received a score of 71.43, and the overall average overall score of all applications evaluated was 69.53.

Should Council support the proposed Rezoning Bylaw, the property would be rezoned to a retail cannabis sales subzone, and Staff would send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch indicating support for issuance of a non-medical cannabis retail store license for this property.

The application meets the Zoning Bylaw No. 8000 and there are no variances being requested. Further, the applicant has confirmed the completion of public notification in accordance with Council Policy No. 367.

4.0 Proposal

4.1 Background

The existing building located on-site originally received an approved building permit in the early 1960's as a single family dwelling and has since transitioned into a food primary establishment. Should Council support the proposed rezoning application a tenant improvement building permit would be required for the conversion of use to allow for a retail cannabis establishment. Any exterior form and character changes to the existing building and overall site will require an approved Development Permit.

4.2 Project Description

Should the rezoning application be supported by Council and the applicant move forward with a Development Permit, the applicant has proposed that the existing building be renovated in conjunction with a new paved surface parking lot at the rear of the building, accessed off of the rear lane, a connecting hard surfaced walkway from the parking lot to the building frontage and new landscaping in the front and side yards along St Paul Street and between the adjacent property to the north. The applicant will be required to dedicate 0.75 m of the rear property to achieve a standard 6.0 m wide laneway at the rear.

4.3 Site Context

The subject property is centrally situated within the Downtown Urban Centre on the west side of St. Paul St, just south of the Cawston Ave and St. Paul St intersection. Sensitive uses that were identified within a 150 metre radius include a Liquor Primary Establishment (1304 Ellis St, 421 Cawston Ave and 1250-1298 Ellis St).

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C7 – Central Business Commercial	Commercial / Retail Building
East	C7 – Central Business Commercial	Public Parking Lot
South	I2 – General Industrial	Bottle Depot
West	C7 – Central Business Commercial	Private Parking Lot

Subject Property Map: 1310 St Paul Street



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

6.0 Technical Comments

6.1 Building & Permitting Department

- Full Plan check for Building Code related issues will be done at time of Building Permit applications

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).

6.2 Development Engineering Department

- See attached memorandum dated February 22, 2019

6.3 Fire Department

- No objections to rezoning

6.4 FortisBC Energy Inc - Gas

- FortisBC Energy Inc. has reviewed the subject proposal and has no objections or concerns. If existing building to be demolished, owner will need to request gas service abandonment prior to demolition.

6.5 For FortisBC Energy Inc - Gas

- There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along St. Paul Street and within the lane adjacent the subject's west property line. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

7.0 Application Chronology

Date of Committee Evaluation of Application: January 16, 2019

Date of Application Received: December 14, 2018

Date Public Consultation Completed: April 25, 2019

Report prepared by: Andrew Ferguson, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A: Site Plan

Development Engineering Memorandum

Schedule I – Site Plan



ATTACHMENT A

This forms part of application
Z19-0024

Planner
Initials AF

City of
Kelowna
COMMUNITY PLANNING



CITY OF KELOWNA
MEMORANDUM

Date: February 22, 2019
File No.: Z19-0024
To: Community Planning (KB)
From: Development Engineering Manager (JK)
Subject: 1310 St Paul Street I2 – C7 RCS

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) Domestic Water and Fire Protection

- a) Property 1310 St Paul Street is currently serviced with a 38mm-diameter water service. The developer's consulting mechanical engineer will determine the domestic, fire protection requirements of this proposed development and establish hydrant requirements and service needs. The applicant will arrange for the removal and disconnection of the existing services and the installation of one new larger service at the applicants cost.
- b) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost. Boulevard landscaping, complete with underground irrigation system, must be integrated with the on-site irrigation system
- c) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures. The City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters.

2) Sanitary Sewer

- a) Our records indicate that these properties are currently serviced with a 150mm-diameter sanitary sewer service. The applicant's consulting mechanical engineer will determine the requirements of the proposed development and establish the service needs. Only one service will be permitted for this development. If required, the applicant will arrange for the removal and disconnection of the existing service and the installation of one new larger service at the applicants cost.

3) Storm Drainage

- a) The developer must engage a consulting civil engineer to provide a storm water management plan for this site which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and provision of a storm drainage service and recommendations for onsite drainage containment and disposal systems

4) Road Improvements

- a) St Paul Street must be upgraded to a full urban standard along the full frontage of this proposed development, including sidewalk, pavement removal and replacement, boulevard landscaping, underground irrigation system, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- b) The Laneway fronting this development will need to be constructed to a SS-C7 standard.

5) Road Dedication and Subdivision Requirements

- a) Grant Statutory Rights of Way if required for utility services.
- b) 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.
- c) 0.75m laneway dedication is needed for this development.

6) Development Permit and Site Related Issues

- a) Direct the roof drains into on-site rock pits or splash pads.
- b) The vehicle access to this site must be from a fully constructed 7.6m laneway.

7) Electric Power and Telecommunication Services

- a) The electrical and telecommunication services to this building must be installed in an underground duct system, and the building must be connected by an underground service. 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.

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 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.

9) Servicing Agreement for Works and Services

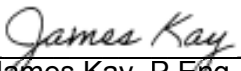
- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The 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.

10) Administration Charge

- a) An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as (3.5% of Total Off-Site Construction Cost plus GST).

11) Survey, Monument and Iron Pins

- a) If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.



James Kay P.Eng.
Development Engineering Manager

JA

REPORT TO COUNCIL



Date: May 27, 2019

RIM No. 1250-30

To: City Manager

From: Community Planning Department (LK)

Application: OCP19-0002 & Z19-0041

Owner: Springdale Properties Ltd., INC.
No. BCo864963

Address: 330 Valley Road

Applicant: Kent Macpherson

Subject: OCP Amendment & Rezoning Applications

Existing OCP Designation: MRL – Multiple Unit Residential (Low Density)

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

Existing Zone: A1 – Agriculture 1

Proposed Zone: RM3 – Low Density Multiple Housing, RM5 – Medium Density Multiple Housing

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP19-0002 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of portions of Lot 2 Section 33 Township 26 ODYD Plan 4043 Except Parcel A (DD 130155F and Plan B6158), located at 330 Valley Road, Kelowna, BC from the MRL – Multiple Unit Residential (Low Density) designation to the MRM – Multiple Unit Residential (Medium Density) designation, as shown on Map “A” attached to the Report from the Community Planning Department dated May 13, 2019, be considered by Council;

AND THAT the Official Community Plan 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 13, 2019;

THAT Rezoning Application No. Z19-0014 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 Section 33 Township 26 ODYD Plan 4043 Except Parcel A (DD 130155F and Plan B6158), located at 330 Valley Road, Kelowna, BC from the A1 – Agriculture 1 zone to the RM3 – Low Density Multiple Housing and RM5 – Medium Density Multiple Housing zone as shown on Map “B” attached to the Report from the Community Planning Department dated May 13, 2019, 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 the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated May 13, 2019;

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

2.0 Purpose

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

3.0 Community Planning

The applicant is requesting an Official Community Plan amendment from MRL – Multiple Unit Residential (Low Density) to MRM – Multiple Unit Residential (Medium Density) and rezoning from A1 – Agriculture 1 to the RM3 – Low Density Multiple Housing and RM5 – Medium Density Multiple Housing. Staff supports the Official Community Plan (OCP) amendment and the rezoning applications to facilitate the development of 30 townhouses and 158 supportive housing (senior's Independent living) on the subject 4.59 acre site.

The subject property is located within a village centre and in close proximity to several other similar scale multi-family projects. It is within walking distance of the shops and services along Kane Rd and immediately across from the developing Glenmore Recreation Park. As such, staff recommend that this subject property is an appropriate location for the proposed townhouse and supportive housing property which general contributes to the OCP goal of densifying Kelowna's urban areas.

The multi-family development to the North triggered the partial construction of Glenpark Drive. The subject application would require the remaining portion of Glenpark Drive to be constructed to provide the primary site access for both the townhouses and the supportive housing projects.

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

3.1 Public Notification

In fulfillment of Council Policy No. 367, the applicant completed public notification and consultation with property owners within 50 m of the subject property. The applicant held a public open house on Wednesday, February 20, 2019.

4.0 Proposal

4.1 Project Description

Supportive Housing (RM5)

The subject property will be subdivided into two titled lots. The south parcel will be for supportive housing (senior's independent living) and will include 158 independent living units. The building will have numerous amenities for the residents. The development provides 127 parking stalls with 64 in structured underground parking and the remaining at grade at the rear of the parcel with access from Glenpark Drive. A secondary access to the site from Valley Road is limited to visitor parking, loading and emergency vehicles.

Townhouses (RM3)

The north parcel will be for the development of 30 townhomes. The owners are working closely with the NOW Canada Society and the Kelowna Women's Shelter to help meet this housing need. The property will be leased to the Society with a restrictive covenant registered on title to ensure the tenure is secured.

The units facing onto Glenpark Drive have ground-oriented front entries with direct access to the street. This aids in providing a pedestrian friendly street realm. The units will range in size from one to four bedrooms to provide a variety of housing options. The site will have an amenity building, a playground and a community garden.

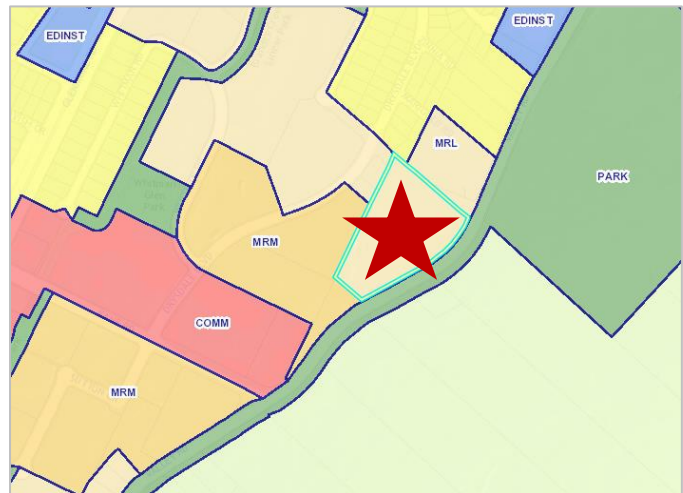
4.2 Site Context

The subject proposal consists of three properties located in the Glenmore Valley area along Valley Road, connected to urban services, and located within the Permanent Growth Boundary.

Context Map:



Future Land Use:



Subject Property Map: 330 Valley Road



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.

Healthy Communities.² 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.³ Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed-use developments.

6.0 Technical Comments

6.1 Building & Permitting Department

- No comments related to the OCP Amendment or Rezoning.

6.2 Development Engineering Department

- Refer to Attachment 'A' dated January 14, 2019.

7.0 Application Chronology

Date of Application Received: January 11, 2019

Date Public Consultation Completed: February 20, 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:

Map A: Proposed OCP Amendment Map (OCP19-0002)

Map B: Proposed Zoning Amendment Map (Z19-0041)

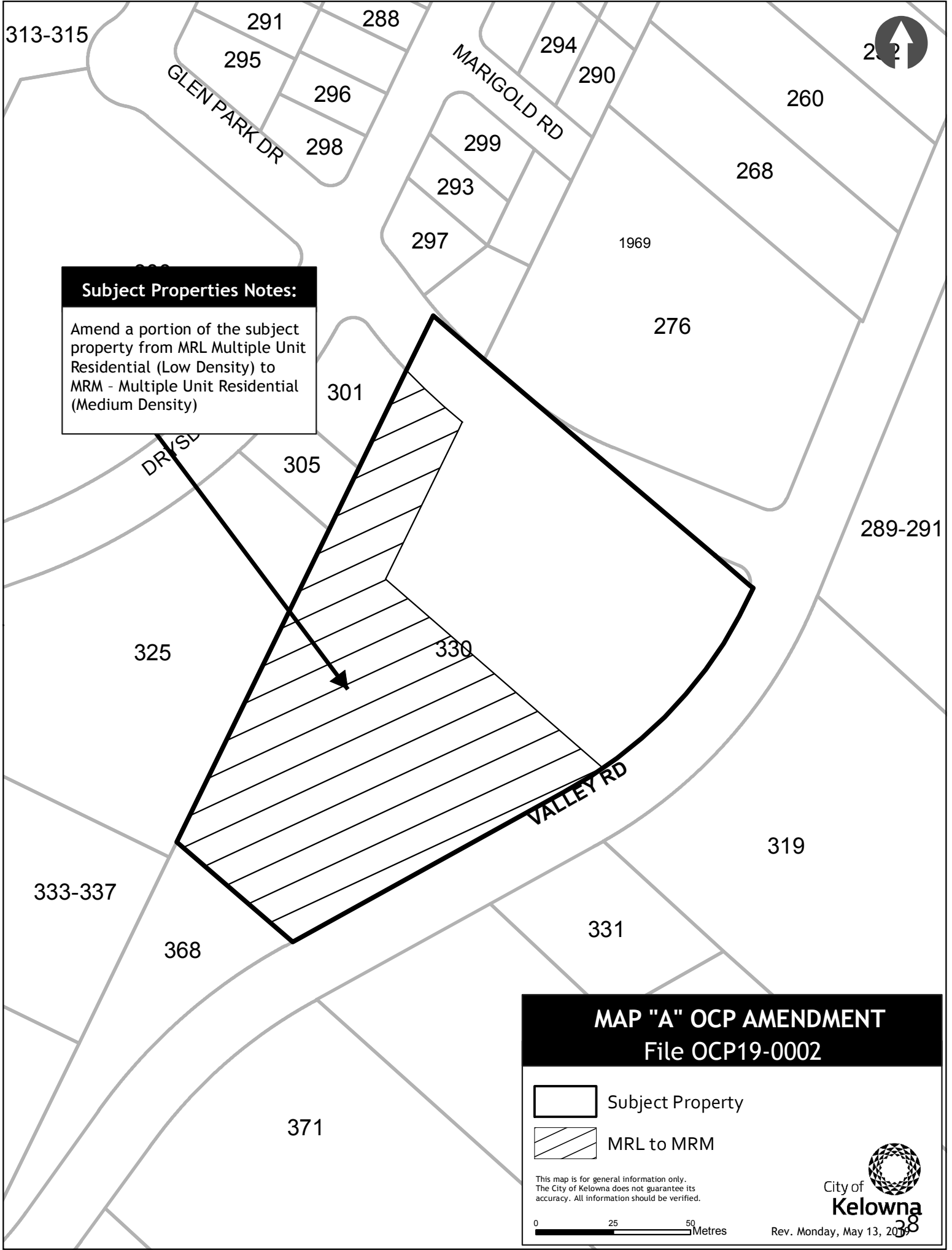
Attachment A: Development Engineering Memorandum

Attachment B: Site Plan

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.22.7 (Development Process Chapter).



³ City of Kelowna Official Community Plan, Policy 5.22.11 (Development Process Chapter).



Subject Properties Notes:

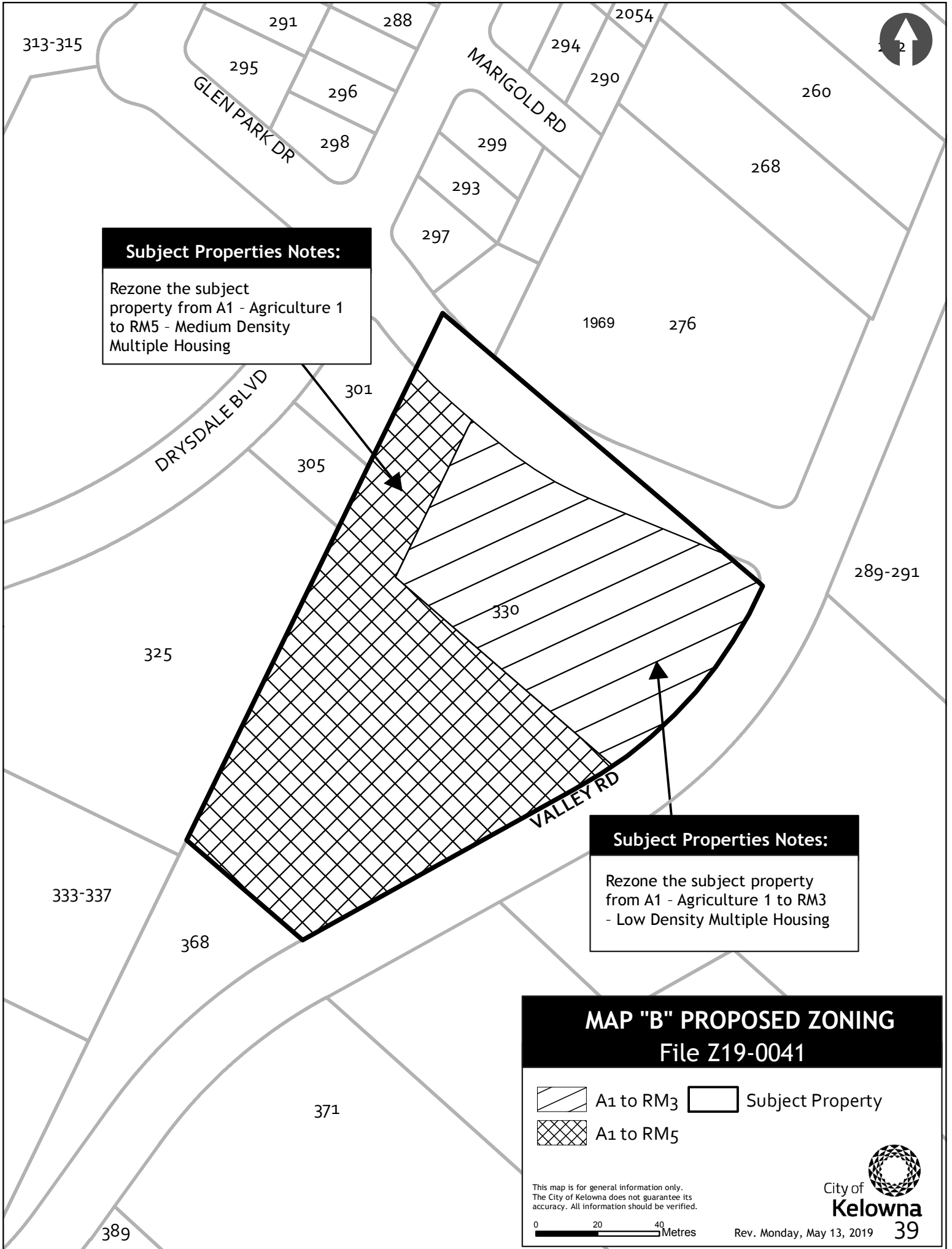
Amend a portion of the subject property from MRL Multiple Unit Residential (Low Density) to MRM - Multiple Unit Residential (Medium Density)

MAP "A" OCP AMENDMENT
File OCP19-0002

-  Subject Property
-  MRL to MRM

This map is for general information only.
The City of Kelowna does not guarantee its
accuracy. All information should be verified.

0 25 50 Metres



CITY OF KELOWNA MEMORANDUM

ATTACHMENT A	
This forms part of application	
# <u>OCP19-0002</u> <u>Z19-0041</u>	
Planner Initials	LK
 City of Kelowna <small>COMMUNITY PLANNING</small>	

Date: January 14, 2019
File No.: Z19-0041 Revised
To: Land Use Management Department (LK)
From: Development Engineering Manager (JK)
Subject: 330 Valley Rd. Plan 4043 Lot 2 A1 to RM3 and RM5

Development Engineering has the following comments and requirements associated with this application to A Rezoning application to rezone the subject property from A1 – Agricultural 1 to RM3 – Low Density Multiple Housing and RM5 – Medium Density Multiple Housing to facilitate the development of townhouses and supportive housing.

The road and utility upgrading requirements outlined in this report will be a requirement of this application. All servicing and Road requirements will be address in this Rezoning memo.

Technologist for this project is Ryan O'Sullivan.

The following Works & Services are required for this Rezoning:

.1) General

- a) This proposed subdivision may require the installation of centralized mail delivery equipment. Please contact Arif Bhatia, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC V1Y 2K0 to obtain further information and to determine suitable location(s) within the development.
- b) 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.
- c) Due to the restrictive access of common driveways and emergency and maintenance issues, we recommend that all lots have direct physical access to a public road rather than by common driveways, unless accepted by the Approving Officer.
- d) The Fire Department and Environment Division requirements and comments are addressed separately by them.

.2) Geotechnical Report

- a) Provide a comprehensive geotechnical report (3 copies), 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 Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department 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) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.
- (vi) Slope stability, rock fall hazard and slippage including the effects of drainage and septic tank effluent on the site.
- (vii) Identify slopes greater than 30%.
- ii) Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
- iii) Recommendations for items that should be included in a Restrictive Covenant.
- iv) Any special requirements that the proposed subdivision should undertake so that it will not impact the bank(s). The report must consider erosion and structural requirements.
- v) Any items required in other sections of this document.
- vi) Recommendations for erosion and sedimentation controls for water and wind.
- vii) Recommendations for roof drains and perimeter drains.

.3) Water

- a) The property is located within the GEID service area.
- b) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. Two of the three Service connection must be removed. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. Provide water calculations for this subdivision to confirm this.
- c) Ensure every building site is located at an elevation that ensures water pressure is within the bylaw pressure limits. Note: Private pumps are not acceptable for addressing marginal pressure.

- d) Hydrants are to be spaced at 200m but also must be located within 100m of a building. Due to the length of the common driveway access and the distance of homes from the roads, another watermain may be required within the common driveway to service hydrants closer to the homes.
- e) Design drawings must be reviewed by GEID prior to the City issuing the drawings for construction. Confirmation of their review must be provided to the City.

.4) Sanitary Sewer

- a) Provide an adequately sized sanitary sewer system complete with individual lot connections in accordance with the Subdivision, Development & Servicing Bylaw. Only one service is to be provided per lot.

.5) Drainage

- a) Provide an adequately sized drainage system complete with individual lot connections. The Subdivision, Development and Servicing Bylaw requires that each lot be provided with an individual connection; however, the City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydrogeotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.
- b) Provide the following drawings:
 - i) A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
 - ii) A detailed Stormwater Management Plan for this subdivision; and,
 - iii) An Erosion and Sediment Control Plan.
- c) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- d) Significant banks are located on this site. The slopes appear to be sensitive to erosion; temporary and permanent measures must be taken to prevent erosion and sediment transport.
- e) Identify clearly on a contour map, or lot grading plan, the top of bank(s). Provide cross sections along the top of the bank at each property corner and at locations where there are significant changes in slope. Cross sections are to be perpendicular to the contour of the slope. Show the proposed property lines on the cross sections. Not all areas have a clear top of bank; and therefore, field reconnaissance by City staff and the applicant may be needed to verify a suitable location for property lines.
- f) Where ditches are provided they must be adequately lined and protected for the design flows.
- g) The drainage gullies are to be protected by way of Statutory Rights-of Way suitable to the Drainage Manager.

.6) Roads

- a) It is a requirement to construct an emergency access turnaround at end of proposed development site to the satisfaction of the Fire Department.
- b) Glen Park Rd from Drysdale to Valley Roads to be completed with Application Z17-0099.
- c) Visitor access to this development will be allowed from Valley Road as right in right out only. All resident access must be through Glen Park Road for both properties.
- d) 1.0m Road dedication will be required for 330 Valley road
- e) Valley Rd south bound lane must be constructed to 3.5m south bound lane, 1.5m bike lane, curb, gutter, 1.0m boulevard and 1.5m sidewalk placed 0.20m from new property line.
- f) Provide pavement marking and traffic signs where required. The City will install all signs and traffic control devices at the developer's expense.
- g) Provide a Street Sign, Markings and Traffic Control Devices Drawing.
- h) Re-locate existing poles and utilities, where necessary.
- i) Private access roads must be constructed and paved to the City standard SS-R2.
- j) Temporary asphalt cul-de-sacs or turn-a-round will be required at each terminal end of roads that will be extended in the future. Additional dedication or a Statutory Right-of-Way may be needed.

.7) Power and Telecommunication Services and Street Lights

- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground
- b) Street lights must be installed on all roads.
- c) Before making application for approval of your subdivision plan, please make arrangements with Fortis BC for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application.
- d) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.

.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

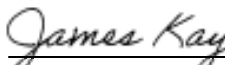
- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. **The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works.** 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 required, including those on proposed or existing City Lands.
- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as FortisGas, 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) Charges and Fees

- a) Development Cost Charges (DCC's) are payable
- b) None of the Works & Services required are items included in the DCC calculations and therefore not eligible for DCC credits.
- c) Fees per the "Development Application Fees Bylaw" include:
 - i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
 - ii) Survey Monument Fee: \$50.00 per newly created lot (HST exempt).
 - iii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - iv) Engineering and Inspection Fee: 3.5% of construction value (plus GST).


James Kay, P.Eng.
Development Engineering Manager
RO

CITY OF KELOWNA
MEMORANDUM

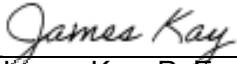
ATTACHMENT A	
This forms part of application # OCP19-0002 Z19-0041	
Planner Initials	<div style="border: 1px solid black; padding: 2px; display: inline-block;">LK</div>
 City of Kelowna <small>COMMUNITY PLANNING</small>	

Date: January 14, 2019
File No.: OCP19-0002
To: Community Planning (LK)
From: Development Engineering Manager (JK)
Subject: 330 Valley Road

The Development Engineering Branch comments and requirements regarding this Official Community Plan Amendment application to amend the Future Land Use for a portion of the site from MRL- Multiple Unit Residential (Low Density) to MRM – Multiple Unit Residential (Medium Density).

1. General

All the offsite infrastructure and services upgrades are addressed in the Rezoning Engineering Report under file Z19-0041.



James Kay, P. Eng.
Development Engineering Manager

RO

CITY OF KELOWNA
MEMORANDUM

ATTACHMENT A	
This forms part of application	
# <u>OCP19-0002</u> <u>Z19-0041</u>	
Planner Initials	<div style="border: 1px solid black; padding: 2px; display: inline-block;">LK</div>
 City of Kelowna <small>COMMUNITY PLANNING</small>	

Date: January 14, 2019
File No.: DP19-0014
To: Community Planning (LK)
From: Development Engineering Manager (JK)
Subject: 330 Valley Road Supportive Housing Form and Character

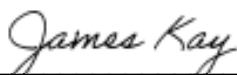
Development Engineering has the following comments and requirements associated with this application to obtain a Development Permit for the form and character

The proposed development is within Proposed Strata Lot A,B

Development Engineering has no comment regarding the form and character of the proposed buildings.

Proposed driveway access and turn around must be acceptable to the City fire department.

For servicing requirements refer to file Z19-0041



James Kay, P.Eng,
Development Engineering Manager
RO

CITY OF KELOWNA
MEMORANDUM

ATTACHMENT A

This forms part of application

OCP19-0002
Z19-0041

Planner
Initials

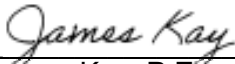
LK



Date: January 14, 2019
File No.: DVP19-0015
To: Suburban and Rural Planning (LK)
From: Development Engineer Manager (JK)
Subject: 330 Valley Road Lot 2 Plan 4043

The Development Engineering comments and requirements regarding this Development Variance Permit are as follows: variances to the rear yard setback from 7.5 m required to 3.6 m proposed and 4.5 m required to 3.1 m proposed and to vary the side yard setback from 4.5 m required to 3.3 m proposed.

- a) This Development Variance Permit does not compromise any Municipal Infrastructure.


James Kay, P.Eng.
Development Engineering Manager

RO

CITY OF KELOWNA
MEMORANDUM

ATTACHMENT		A
This forms part of application		
# OCP19-0002		
Z19-0041		
Planner Initials	LK	 City of Kelowna COMMUNITY PLANNING

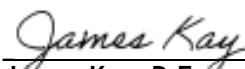
Date: January 14, 2019
File No.: DP19-0016
To: Community Planning (LK)
From: Development Engineering Manager (JK)
Subject: 330 Valley Road Supportive Housing Form and Character

Development Engineering has the following comments and requirements associated with this application to obtain a Development Permit for the form and character of supportive housing.

The proposed development is within Proposed Strata Lot A,B

Development Engineering has no comment regarding the form and character of the proposed buildings.

For servicing requirements refer to file Z19-0041



James Kay, P.Eng,
Development Engineering Manager
RO


CITY OF KELOWNA
MEMORANDUM

Date: January 14, 2019
File No.: DVP19-0017
To: Suburban and Rural Planning (LK)
From: Development Engineer Manager (JK)
Subject: 330 Valley Road Lot 2 Plan 4043

ATTACHMENT A	
This forms part of application	
# OCP19-0002 Z19-0041	
Planner Initials	<div>LK</div>
 City of Kelowna COMMUNITY PLANNING	

The Development Engineering comments and requirements regarding this Development Variance Permit are as follows: variances for supportive housing with variances to the front yard setback from 6.0 m required to 4.2 m proposed and the rear yard landscape buffer from 3.0 m required to 1.2 m proposed and to increase the building height from 4.5 storeys maximum to 5.0 storeys proposed.

- a) This Development Variance Permit does not compromise any Municipal Infrastructure.



James Kay, P.Eng.
Development Engineering Manager

RO

CITY OF KELOWNA
MEMORANDUM

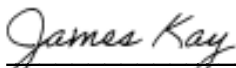
ATTACHMENT A	
This forms part of application	
# OCP19-0002 Z19-0041	
Planner Initials	<div style="border: 1px solid black; padding: 2px; display: inline-block;">LK</div>
 City of Kelowna COMMUNITY PLANNING	

Date: January 14, 2019
File No.: S19-0003
To: Community Planning Department Manager (LK)
From: Development Engineering Manager (JK)
Subject: 2 Lot Subdivision

LOCATION:	330 Valley Road
APPLICANT:	Kent MacPherson
LEGAL:	Plan 4043 Lot 2

The Development Engineering comments and requirements regarding this subdivision application to create two parcels to facilitate the development of two multiple dwelling housing sites.

- All the offsite infrastructure and services upgrades are addressed in the Development Engineering Report under the rezoning application file number Z19- 0041



James Kay, P. Eng.
Development Engineering Manager

RO



ATTACHMENT B


This forms part of application

OCP19-0002
Z19-0041

Planner
Initials LK

City of
Kelowna
COMMUNITY PLANNING



DRAFTING BY:				LANDSCAPE LAYOUT	
 <p>Prestige 250-868-7378 www.prestigelandscapeservice.com</p>		Scale: A5 5/16"V		Approved By: CLC	
		Date: 12 DEC 2018		Checked By: ED HALL	
		REGENCY VALLEY ROAD			
NOTE: THE CONTRACTOR IS RESPONSIBLE FOR THE PROPOSED LOCATION OF THE BUILDING. SITE CONDITIONS TO BE NOTED AND APPROVED ACCORDING TO LOCAL BUILDING AUTHORITY REQUIREMENTS. SUBSTRATE STABILITY AND FROST PENETRATION FOR THE PROPOSED BUILDINGS, RAVEL GRADE REQUIREMENTS TO BE VERIFIED BY THE GENERAL CONTRACTOR TO PROVIDE A POSITIVE SLOPE TO DRAIN AND GROUND WATER DRAINAGE.		DRAWING NUMBER: PRELIMINARY			

NOTE:
GENERAL CONTRACTOR IS RESPONSIBLE FOR THE PROPOSED
LOCATION OF THE BUILDING. SITE CONDITIONS TO BE TESTED AND APPROVED
ACCORDING TO LOCAL BUILDING AUTHORITY REGARDING SUBSTRATE
STABILITY AND PROOF PENETRATION FOR THE PROPOSED BUILDING. PAWL
GRADE REQUIREMENTS TO BE VERIFIED BY THE GENERAL CONTRACTOR TO
PROVIDE A POSITIVE SLOPE TO DRAIN AND GROUND WATER INFILTRATE.



SCALE: 1" = 20'-0"



REPORT TO COUNCIL



Date: June 4, 2019

RIM No. 1250-40

To: City Manager

From: Community Planning Department (WM)

Application: LUC19-0001/Z19-0031 **Owner:** M.R.D. Holdings Inc., INC.No. BCo681200

Address: 1100 Lawrence Avenue **Applicant:** Kevin Keraiff

Subject: Land Use Contract Discharge (LUC73-65) and Rezoning Application

Existing OCP Designation: COMM - Commercial

Existing Zone: RM3 – Low Density Multiple Housing

Proposed Zone: C4rcs – Urban Centre Commercial (Retail Cannabis Sales)

1.0 Recommendation

THAT Application No. LUC19-0001 to discharge LUC73-65 from Lot A, District Lot 137, Osoyoos Division Yale District Plan 25293 located at 1100 Lawrence Avenue, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z19-0031 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 137, Osoyoos Division Yale District Plan 25293 located at 1100 Lawrence Avenue, Kelowna, BC from RM3 – Low Density Multiple Housing to C4rcs – Urban Centre (Retail Cannabis Sales) be considered by Council;

AND THAT the Land Use Contract Discharge and Zone Amending Bylaws 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 "B" attached to the Report from the Community Planning Department dated June 4th, 2019;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure;

AND FURTHER THAT if the Rezoning Bylaw is adopted, Council direct Staff to send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch that they support issuance of a non-medical cannabis retail store license for this legal lot with the following comments:

- The proposed location meets local government bylaw requirements and as such, no negative impact is anticipated;

- The views of the residents were captured during a public hearing process for the rezoning of the property and Council meeting minutes summarizing those views are attached; and
- Local government recommends that the application be approved because of compliance with local regulations and policies.

2.0 Purpose

To consider a Land Use Contract discharge and rezoning to C₄rcs – Urban Centre (Retail Cannabis Sales) to accommodate Retail Cannabis Sales.

3.0 Community Planning

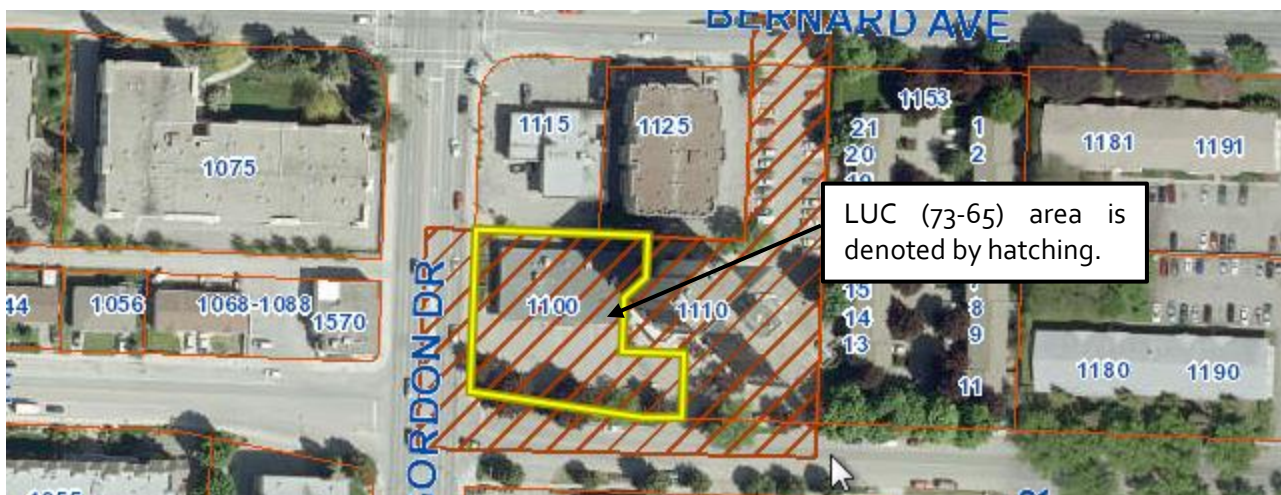
Community Planning Staff support the Land Use Contract discharge and proposed rezoning to allow for commercial use and retail cannabis sales. This application was received prior to the close of the first intake of retail cannabis sales establishment applications on November 30, 2018. As such, it was evaluated in accordance with a Council-endorsed process and was selected, through a lottery process, to move forward with the City's standard rezoning process, established in the Development Application Procedures Bylaw. This application received a score of 76.43, and the average overall score of all applications evaluated was 69.53.

Should Council support the proposed Rezoning Bylaw, the property would be rezoned to a retail cannabis sales subzone, and Staff would send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch indicating support for issuance of a non-medical cannabis retail store license for this property.

In order to accomplish these changes, the Land Use Contract (LUC73-65) currently regulating this property will need to be discharged. The LUC will be discharged in accordance with Council Policy No. 282 (Strategy for Elimination of Remaining Land Use Contracts).

4.0 Proposal

The current LUC affects two properties and generally restricts the use to private residential accommodation for senior citizens and citizens with special needs and commercial facilities including retail stores, professional offices, banks or trust companies, barbershops and/or beauty parlours, florist shops and coffee shops. The underlying RM₃ – Low Density Multiple Housing zone is not appropriate for the current or proposed land use.



In conformance with Council Policy No. 282, Staff will bring a bylaw terminating the Land Use Contract on the remaining adjacent parcel. This is a separate process from the discharge of an LUC, as termination eliminates the LUC one year after Council adoption (whereas a discharge is immediate).

4.1 Project Description

The applicant has proposed to rezone the subject property to allow for Retail Cannabis Sales. The rezoning application (Z19-0031) went through the City's evaluation process and was selected to move forward with rezoning. Prior to moving forward with the rezoning application the LUC must be discharged as it does not permit the proposed use.

4.2 Site Context

The subject property is located at 1100 Lawrence Avenue on the north side of Harvey Avenue, and east of Gordon Drive. Sensitive uses that were identified within a 150 metre radius include a daycare.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4 – Urban Centre Commercial	Commercial
East	RM3 – Low Density Multiple Housing	Residential
South	C4 – Urban Centre Commercial	Commercial
West	C2 – Neighbourhood Commercial	Commercial

Subject Property Map: 1100 Lawrence Ave



5.0 Current Development Policies

5.2 Council Policy No. 282 – Strategy for Elimination of Remaining Land Use Contracts

Council Policy No. 282. Includes the following statement:

That the City of Kelowna initiate proceedings to discharge the contracts subject to consultation with affected owners of the land and subject to prior approval by council with regard to affected contracts.

6.0 Technical Comments

6.1 Development Engineering Department

See Attachment B.

7.0 Application Chronology

Date of Committee Evaluation of Application: January 16, 2019

Date of Application Accepted: February 27, 2019

Date Public Consultation Completed: April 12, 2019

Report prepared by: Wesley Miles, Planner Specialist

Approved for Inclusion: Terry Barton, Urban Planning Manager

Attachments:

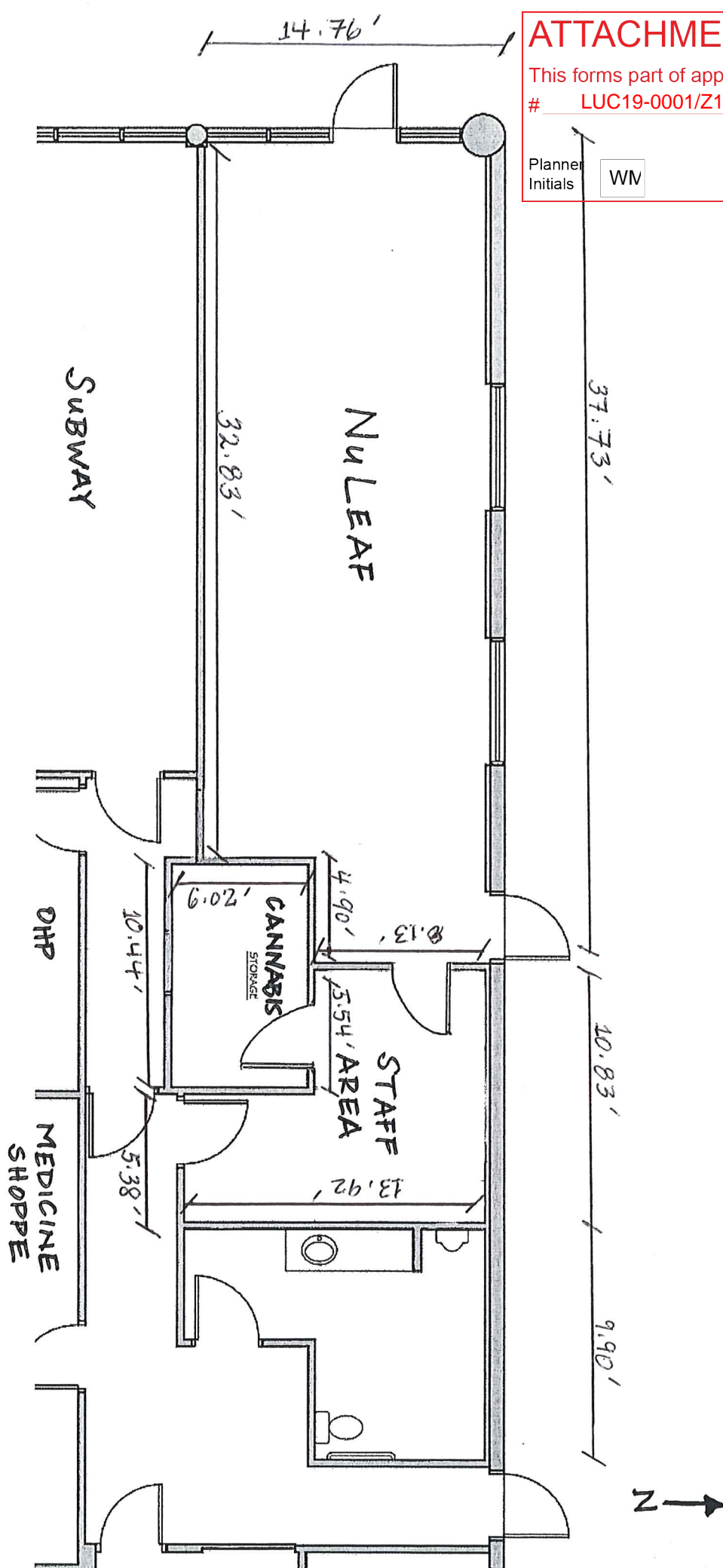
Attachment A: Site Plan

Attachment B: Development Engineering Memorandum



Planner
Initials **WN**

FLOOR PLAN Showing Dispensary Dimensions



CITY OF KELOWNA

MEMORANDUM

Date: February 28, 2019
File No.: Z19-0031
To: Community Planning (AC)
From: Development Engineering Manager (JK)
Subject: 1100 Lawrence Ave RM3 – C4 RCS

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. Road Improvements

- (a) Gordon Drive has been upgraded to an arterial standard however, the existing driveway let-down will need to be removed and new sidewalk will be constructed.

2. Road Dedication and Subdivision Requirements

- (a) Grant Statutory Rights of Way if required for utility services.
- (b) 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.
- (c) By registered plan to provide the following:
 - (i) Dedicate 2.5m width along the Gordon Dr frontage for road reserve
 - (ii) 6.0m corner rounding is needed in the south west corner of the property.

3. 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

4. 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.


James Kay P.Eng.
Development Engineering Manager

JA