

City of Kelowna

Public Hearing

AGENDA



Tuesday, July 16, 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. Notice has been given as per the appropriate bylaws.

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 - see above

3. Individual Bylaw Submissions

3.1 Commerce Ave 1675-1677, Z19-0004 (BL11855) - Braemar Properties Ltd, Inc No BC1023360

3 - 6

To rezone the subject property from the C10lp/rls – Service Commercial (Liquor Primary/Retail Liquor Sales) zone to the C10lp/rls/rcs - Service Commercial (Liquor

Primary/Retail Liquor Sales/Retail Cannabis Sales) zone to facilitate the development of a retail cannabis sales establishment.

3.2 Benvoulin Ct 2175, Z18-0091 (BL11856) - Jabs Construction Ltd., Inc. No. BC0060327

7 - 16

To rezone the subject property from the A1 – Agriculture 1 zone to the RM5 – Medium Density Multiple Housing zone to facilitate the development of apartment housing.

4. Termination

5. Procedure on each Bylaw Submission

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

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

REPORT TO COUNCIL



Date: June 17, 2019

RIM No. 1250-30

To: City Manager

From: Community Planning Department (KB)

Application: Z19-0004

Owner: Braemar Properties Ltd, Inc.
No. BC1023360

Address: 1675-1677 Commerce Avenue

Applicant: Gerald Bugera

Subject: Rezoning Application

Existing OCP Designation: SC – Service Commercial

Existing Zone: C10lp/rls – Service Commercial (Liquor Primary/Retail Liquor Sales)

Proposed Zone: C10lp/rls/rcs - Service Commercial (Liquor Primary/Retail Liquor Sales/Retail Cannabis Sales)

1.0 Recommendation

THAT Rezoning Application No. Z19-0004 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 125, Osoyoos Division Yale District Plan KAP90858, except part in Plan EPP52444, located at 1675-1677 Commerce Avenue, Kelowna, BC from the C10lp/rls – Service Commercial (Liquor Primary/Retail Liquor Sales) zone to the C10lp/rls/rcs - Service Commercial (Liquor Primary/Retail Liquor Sales/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 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 rezone the subject property to facilitate the development of a retail cannabis sales establishment.

3.0 Community Planning

Community Planning Staff recommend support for the rezoning application to allow for a retail cannabis sales establishment on the subject property. 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, based on its score, to move forward with the City's standard rezoning process, established in the Development Application Procedures Bylaw. This application received a score of 67.14, and the average overall score of all applications evaluated was 69.53. There were no other applications received that were located within a 500 metre radius of this application.

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

A retail cannabis sales establishment is proposed to be located in a ground floor retail unit.

4.2 Site Context

Retail Liquor Sales Establishment (on same property) and Supportive Housing were identified as sensitive uses within a 150 metre radius.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C9- Tourist Commercial	Hotel
East	C9- Tourist Commercial	Hotel
South	C9- Tourist Commercial	Hotel
West	C10- Service Commercial	Retail stores, service commercial

Subject Property Map: 1675-1677 Commerce Ave



5.0 Technical Comments

5.1 Development Engineering Department

This application does not compromise any City of Kelowna municipal infrastructure.

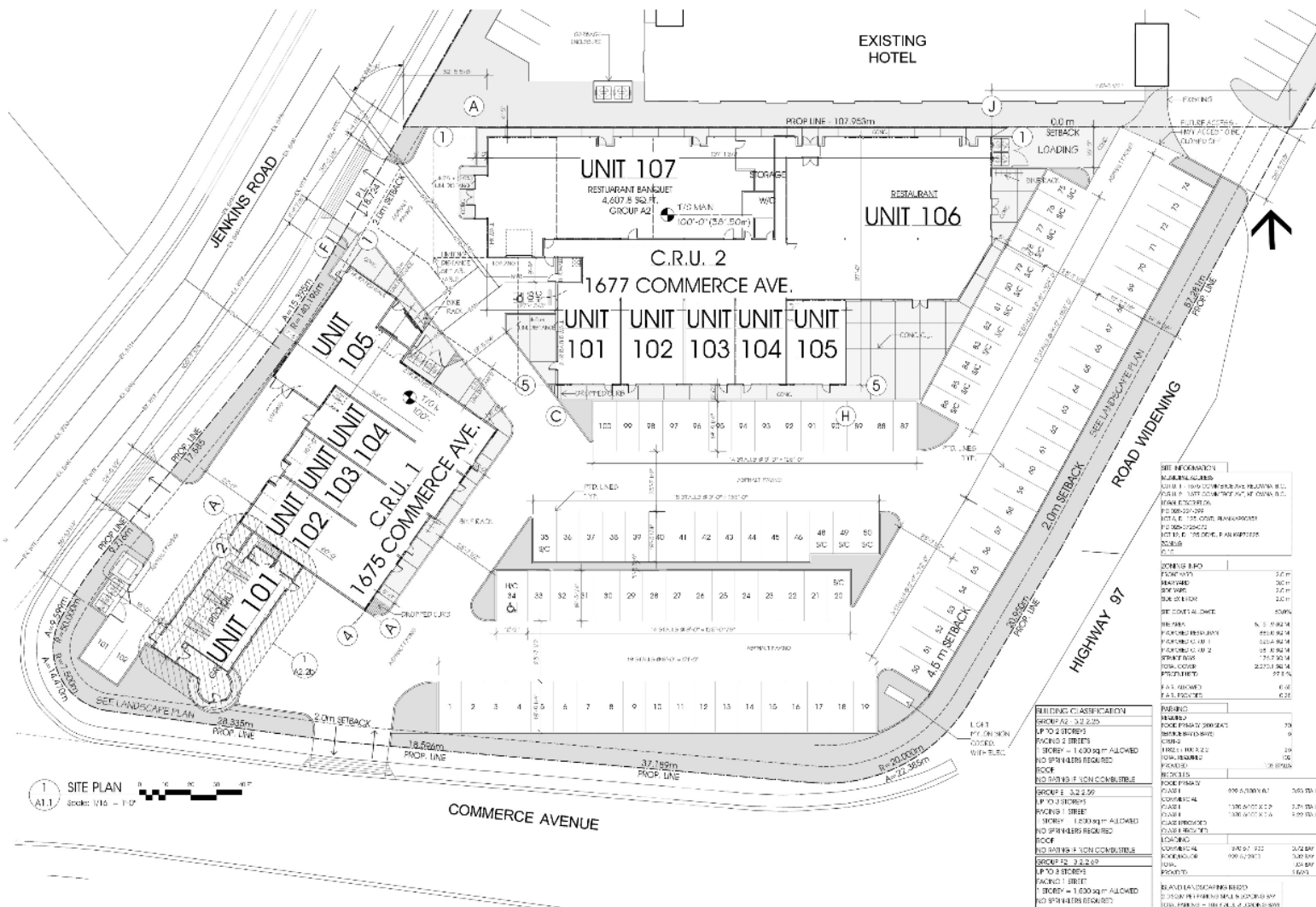
6.0 Application Chronology

Date of Committee Evaluation of Application: January 9, 2019
Date of Application Accepted: February 4, 2019
Date Public Notification Completed: May 25, 2019

Report prepared by: Kimberly Brunet, Planner
Approved for Inclusion: Dean Strachan, Suburban and Rural Planning Manager

Attachments:

Attachment "A" - Site Plan



1 SITE PLAN
Scale: 1/16" = 1'-0"

SITE INFORMATION
 BUILDING CLASSIFICATION
 UNIT 107: 1000 COMMERCIAL RESIDENTIAL BLD.
 UNIT 106: 1000 COMMERCIAL RESIDENTIAL BLD.
 UNIT 101-105: 1000 COMMERCIAL RESIDENTIAL BLD.
 C.R.U. 1: 1000 COMMERCIAL RESIDENTIAL BLD.
 C.R.U. 2: 1000 COMMERCIAL RESIDENTIAL BLD.
 UNIT 107: 4,607.8 SQ. FT. (42,200 SQ. FT. TOTAL)
 UNIT 106: 1,000 SQ. FT. (10,000 SQ. FT. TOTAL)
 UNIT 101-105: 1,000 SQ. FT. (10,000 SQ. FT. TOTAL)
 C.R.U. 1: 1,000 SQ. FT. (10,000 SQ. FT. TOTAL)
 C.R.U. 2: 1,000 SQ. FT. (10,000 SQ. FT. TOTAL)

CONCRETE FLOOR	3.75"
CEILING	3.75"
ROOF VENT	3.75"
ROOF DRAIN	3.75"
ROOF COVER ALLOWED	4500%
ROOF AREA	5,500.00
ROOF AREA ALLOWED	5,500.00
ROOF AREA USED	5,500.00
ROOF AREA REMAINING	0.00
ROOF AREA TOTAL	5,500.00
ROOF AREA USED	5,500.00
ROOF AREA REMAINING	0.00
ROOF AREA TOTAL	5,500.00
ROOF AREA USED	5,500.00
ROOF AREA REMAINING	0.00
ROOF AREA TOTAL	5,500.00

BUILDING CLASSIFICATION	GROUP 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 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2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2
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REPORT TO COUNCIL



Date: June 24, 2019

RIM No. 1250-30

To: City Manager

From: Community Planning Department (LK)

Application: Z18-0091

Owner: Jabs Construction Ltd., Inc. No. BC00060327

Address: 2175 Benvoulin Court

Applicant: GTA Architecture Ltd.

Subject: Rezoning Application

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

Existing Zone: A1 – Agriculture 1

Proposed Zone: RM5 – Medium Density Multiple Housing

1.0 Recommendation

THAT Rezoning Application No. Z18-0091 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 128 ODYD Plan KAP89861, located at 2175 Benvoulin Court, Kelowna, BC from the A1 – Agriculture 1 zone to the RM5 – Medium Density Multiple Housing zone, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated June 24, 2019;

AND FURTHER THAT final adoption of 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 rezone the subject property to facilitate the development of apartment housing.

3.0 Community Planning

Community Planning Staff are supportive of the rezoning application. The applicant is seeking to rezone the subject property from A1 – Agriculture 1 to RM5 – Medium Density Multiple Housing zone in order to facilitate the development of three purpose-built rental apartment buildings on a parkade podium. The

project meets the Official Community Plan (OCP) Future Land Use designation of MRM – Multiple Unit Residential (Medium Density).

The development will trigger the requirement for the construction of Mayer Road to connect from Benvoulin Road to Benvoulin Court along the north property line. The Benvoulin Rd/Mayer Rd intersection will be a right-in/right-out intersection with the cost of the road construction shared between the subject site and the Society of Hope site to the North.

The subject property is well served by nearby amenities including parks, restaurants, shopping centres, farmers' market as well as transportation options. The property is in close proximity to the Mission Park Greenway and multiple bicycle network choices. The site has a Walk Score of 58 (Somewhat Walkable – some errands can be accomplished on foot) and a Transit Score of 48 (Some Transit- A few nearby public transportation options). The development proposal includes three proposed apartment buildings which should fit the context of the neighbourhood with several existing apartment buildings on Benvoulin Court.

Public consultation was undertaken by the applicant in accordance with Council Policy No. 367 by contacting all of the neighbours within a 50 m radius of the subject property. The applicant also hosted a public information session on Tuesday, May 14 from 5-7 pm at the Ramada Hotel and Conference Centre.

4.0 Proposal

4.1 Project Description

The applicant is proposing to construct three 5-storey apartment buildings, including a partially buried single level parkade podium. The project would be completed in three phases consisting of 169 rental units that range in size from bachelor to two-bedroom units. Variance requests to height and site coverage are expected, and will be considered by Council at a later date in conjunction with the Development Permit.

Parking requirements will be met through the provision of underground parking providing 164 stalls along with 90 at-grade parking stalls along the west side of the site. The primary site access is from Benvoulin Court for the at-grade and underground parking for two of the three buildings. The third building will have separate access from Mayer Road, which will be extended along the north property line.

The parkade podium level provides a vast amenity area for the use of the residents, including a plaza, seating, and open green space. Extensive landscaping will be provided on the podium with enhanced landscape buffers along Benvoulin Road to meet the Ministry of Agriculture's edge planning guidelines for properties adjacent to the Agricultural Land Reserve (ALR).

Currently, there is an open-air irrigation channel extending across the parcel. This channel will be piped and re-aligned around the perimeter of the parcel. The alignment is still under discussion and will be further addressed upon review of the applications for the Development Permit and associated variances.

4.2 Site Context

The subject property 3.31 acres in area and is within the Midtown Urban Centre. It is on Benvoulin Court, which is accessed from Springfield Road. Cooper Road is situated to the west of the site and Benvoulin Road extends along the southeast of the site. Mayer Road will be constructed to connect between Benvoulin Court and Benvoulin Road. The properties to the east, south, and southwest are within the ALR. The parcel is within both the Permanent Growth Boundary and the Midtown Urban Centre.

Subject Property Map: 2175 Benvoulin Court



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Housing Mix.¹ Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed-use developments.

Family Housing.² Support housing alternatives for families when single detached housing is too costly, including features that are important to families such as: outdoor space, direct access to grade, workshop space, larger units, safe design, and neighbourhood characteristics (e.g.: location and amenities).

6.0 Technical Comments

6.1 Development Engineering Department

- Refer to Attachment 'A' dated September 6, 2018.

¹ City of Kelowna Official Community Plan, Policy 5.22.11 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.22.13 (Development Process Chapter).

7.0 Application Chronology

Date of Application Received: August 15, 2018

Date of Public Information Meeting: May 14, 2019

Report prepared by: Lydia Korolchuk, Planner II

Reviewed by: Laura Bentley, Urban Planning Manager

Approved for Inclusion by: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Development Engineering Memorandum

Schedule A: Site Plan

Schedule B: Project Rendering

CITY OF KELOWNA
MEMORANDUM

ATTACHMENT A

This forms part of application

Z18-0091

Planner
Initials

LK



Date: September 6, 2018 _ *Revised June 7, 2019*

File No.: Z18-0091

To: Community Planning (LK)

From: Development Engineering Manager (JK)

Subject: 2175 Benvoulin Ct

A1 to RM5

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 Aaron Sangster.

1) General

- a) These are Development Engineering comments/requirements and are subject to the review and requirements from the Ministry of Transportation (MOTI) Infrastructure Branch.

2) Water

- a) The property is located within the City of Kelowna service area. The existing lot is serviced with a 200mm diameter water service. Only one service will be permitted to the site or per property. The applicant, at his cost, will arrange for the removal of the existing service and the installation of one new larger metered water service if required.
- b) An approved backflow protection device must also be installed on site as required by the City Plumbing Regulation and Water Regulation bylaws.
- c) 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.
- d) *Existing Benvoulin Water Users Community water channel must be relocated, bypassing the proposed building footprint.*

3) Sanitary Sewer

- a) This property is currently serviced with a 150mm and a 200mm sanitary services. 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 service and the installation of one new larger service.

4) 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) Provide a detailed Stormwater Management Plan for this development as per the Subdivision, Development and Servicing Bylaw #7900.
- c) There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.

5) Road Dedication and Subdivision Requirements

- a) Access to the development should be via cul-de-sac on Benvoulin Ct.
- b) Access driveway should be designed to the SS-C7 standard with a continuous sidewalk. Driveway width must conform to bylaw 7900.

6) Road Improvements

- a) Benvoulin Rd fronting this development has already been upgraded, and no further upgrades are required at this time.
- b) Mayer Rd extention must be built similar to WATT Consulting Group design, (modified SS-R4 urban standard) including curb and gutter, street lights, landscaped & irrigated boulevard, separated sidewalk, drainage system including catch basins, roundabout median, pavement removal and replacement, and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- c) At the intersection Benvoulin Rd. and Mayer Rd extention shall be a temporary right-in/right-out.
- d) The installation of the traffic lights at the intersection of Benvoulin Road and Mayer Road cost was estimated to be **\$240,000.00**, inclusive of a bonding contingency. The City will accept a portion (½ of the west side costs) of the traffic lights contribution in the amount of **\$60,000.00** (if not already paid) and allow an interim right in-right out access at that location until the total amount has been received from all the contributing properties.

7) 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

8) 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

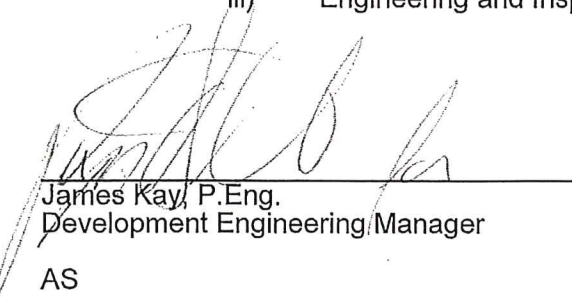
- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands, and for public access to Vaughan Ave via the proposed lane.
- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) 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

- 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).



James Kay, P.Eng.
Development Engineering Manager

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The City of Houston
2011-2012