

City of Kelowna

Public Hearing

AGENDA



Tuesday, January 21, 2020
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 the information, correspondence, petitions or reports that have been received concerning the subject bylaws. This information is available to the public on the table in the foyer of Council Chamber. Reports are also available to the public online under *Council* at Kelowna.ca.

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. Individual Bylaw Submissions

2.1 Ellis St. 1095, Z19-0071 (BL11962) - BMK 140 Holdings Inc., Inc.No. BC0748760

3 - 11

To consider an application to rezone the subject property from the I4 – Central Industrial zone to the C7 – Central Business Commercial zone to facilitate adaptive re-use of the existing buildings towards retail, and to facilitate future redevelopment of the site.

To consider a Land Use Contract discharge and rezoning to C3 – Community Commercial to accommodate a range of commercial services, including dental health services, within an existing building.

3. Termination

4. Procedure on each Bylaw Submission

- (a) Brief description of the application by City Staff (Community Planning);
- (b) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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: November 25, 2019

To: Council

From: City Manager

Department: Development Planning - Urban

Application: Z19-0071

Owner: BMK 140 Holdings Inc., Inc.No.
BC0748760

Address: 1095 Ellis Street

Applicant: New Town Services

Subject: Rezoning Application

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

Existing Zone: I4 – Central Industrial

Proposed Zone: C7 – Central Business Commercial

1.0 Recommendation

THAT Rezoning Application No. Z19-0071 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 10, 11, 12, 13, 14 District Lot 139 ODYD Plan 6753, located at 1095 Ellis St., Kelowna, BC from the I4 – Central Industrial zone to the C7 – Central Business Commercial zone, be considered by Council;

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

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated November 25, 2019.

2.0 Purpose

To consider an application to rezone the subject property from the I4 – Central Industrial zone to the C7 – Central Business Commercial zone to facilitate adaptive re-use of the existing buildings towards retail, and to facilitate future redevelopment of the site.

3.0 Development Planning

Development Planning supports the proposal to rezone the subject property to the C7 – Central Business Commercial zone. The subject property has a Future Land Use designation of Mixed Use Residential / Commercial (MXR) in the Official Community Plan (OCP), which supports the C7 zone. Also, the property is

in the City Centre Urban Centre, which the OCP designates as the highest priority for incorporating a mix of residential and commercial uses, as is accommodated by the C7 zone. In this case, the planned adaptive reuse of the existing buildings towards retail uses is consistent with the vision of incorporating a mix of commercial and residential uses in the area.

In addition, the opportunity to eventually redevelop the site with greater density and a mix of residential and commercial uses, as is permitted under the C7 zone, is consistent with the long-term vision for the area. To reinforce this, the subject property is in an amenity-rich location within walking distance of Knox Mountain; Waterfront Park; Rotary Marsh Park; Sunset Dr. Park; Recreation Ave. Park; the Civic Precinct; and numerous high density residential developments. The WalkScore for the property is 82, as most errands can be accomplished on foot. As such, allowing for more residential density as well as commercial uses to cater to local residents, as is permitted under the C7 zone, is welcome.

4.0 Proposal

4.1 Background

The subject property was formerly the site of the OK Builders Supplies company, but now sits vacant. The property owner plans to lease the existing buildings to a new tenant or tenants with a more retail-oriented focus. Application for a Development Permit is expected once specific tenants are secured and plans are solidified to modify the buildings to accommodate the new tenant(s).

In addition, the owner expects to redevelop the site in the longer term, and seeks to have zoning in place that is consistent with the vision for the area outlined in the OCP, which envisions a mix of residential and commercial uses.

4.2 Project Description

The applicant seeks to rezone the property to C7 – Central Business Commercial. This would allow the existing buildings, which formerly housed industrial uses, to accommodate more retail-oriented uses. In addition, the zoning would allow the site to eventually be redeveloped with greater density and a mix of uses.

The purpose of the C7 zone, as described in the Zoning Bylaw, is to preserve land for the orderly development of the financial, retail and entertainment, governmental, cultural and civic core of the Downtown while also encouraging high density mixed-use buildings. In this particular area, the C7 zone would allow a height of up to 22 m (approximately 6-7 storeys) and a floor area ratio of 9.0.

4.3 Site Context

The subject property is in the north end of the City Centre Urban Centre, approximately 200 m north of the Civic Precinct. The property is surrounded on most sides by industrial properties with a variety of industrial uses ranging from light (warehouses) to heavy (a concrete mixing plant to the south, across Gaston Ave.). The property to the west is zoned C4 – Urban Centre Commercial and is vacant except for a parking garage that is mostly below ground. Though the immediate vicinity contains numerous industrial uses, the area is in the process of transitioning to a mix of residential and commercial uses, as is appropriate for an amenity-rich area in the City Centre in close proximity to the Civic Precinct.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I ₄ – Central Industrial	Storage Warehouse
East	I ₄ – Central Industrial	Distribution Warehouse
South	I ₄ – Central Industrial	Concrete Mixing Plant
West	C ₄ – Urban Centre Commercial	Parking Garage / Vacant

Subject Property Map: 1095 Ellis St.



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 1: Introduction

Goals for a Sustainable Future:

Contain Urban Growth – Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

Policy .2 Compact Urban Form. 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.

Objective 5.24 Encourage mixed-use commercial development

Chapter 14: Future Land Use

Land Use Designation Definitions

Mixed Use Residential / Commercial (MXR): Developments that provide for commercial floor space on the ground floor or above, with additional potential for residential units above the ground floor. For Urban Centres other than the City Centre, building densities should decrease as the distance from the core of the Urban Centre increases. Other relevant policies include Policy 5.5.1 Building Height and Chapter 17 – Urban Centre definition. Maximum density at the centre of the core would be consistent with zoning as follows: City Centre – C7 zone; Rutland – C7 zone; Pandosy – C4 zone; Midtown – C6 zone; Capri/Landmark – C4 zone.

Chapter 17: Definitions

City Centre (Downtown): A vibrant, amenity-rich area wherein different land uses frequently occur within the same building and almost always occur within any given one block area. City Centres contain a variety of housing types, the presence of which contributes to social diversity. City Centres are highly urbanized environments in which non-automobile forms of transportation are given highest priority. Cars will primarily be parked in parkades, at on-street parking meters, or at small, common surface parking lots. In addition to being a primary tourist and entertainment draw, City Centres will draw people for work, shopping, and recreation from a city population of at least 80,000. City Centres are located at least 2 kilometres from the core of a Highway Centre or Town Centre. Density will decrease as the distance from the core increases.

6.0 Technical Comments

6.1 Development Engineering Department

See Schedule A.

7.0 Application Chronology

Date of Application Received: June 5, 2019

Date Public Consultation Completed: July 11, 2019

Report prepared by: Aaron Thibeault, Planner II

Reviewed by: Laura Bentley, Urban Planning & Development Policy Manager

Reviewed by: Terry Barton, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Schedule A: Development Engineering Memo

Attachment A: Applicant Rationale

SCHEDULE

A

This forms part of application

Z19-0071

Planner
Initials

AT



CITY OF KELOWNA MEMORANDUM

Date: October 31, 2019 (Revised)
File No.: Z19-0071
To: Community Planning (AT)
From: Development Engineering Manager (JK)
Subject: 1095 Ellis Street 5 Lots from I4 – C7

Development Engineering has the following comments and requirements associated with this application.

1. General

Road frontage improvements are triggered by this rezoning application. However, Development Engineering will defer the requirements to redevelopment of the site as triggered by a development permit application or building permit application proposing an increase in floor area.

Required road frontage improvements will be determined according to the requirements in the Subdivision, Development & Servicing Bylaw at the time a development permit application or building permit application is received proposing an increase in floor area.

The consolidation of the lots and required road dedications will also be deferred until such time as a development permit application or building permit application is received proposing an increase in floor area.

2. Water

- (a) The property is located within the City of Kelowna service area. The existing lots are serviced with a 19mm 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 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.

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

3. Sanitary Sewer

The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal and disconnection of the existing services and the installation of one new larger service

4. Road Improvements

The driveway letdown on Ellis St. is to be removed and replaced with barrier curb and sidewalk. This work can be done under a third party work order by City Crews. Contact Mike Thomas at Infrastructure Delivery 250-469-8797 for a quote.

5. 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.

Before any construction related to the requirements of this 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.

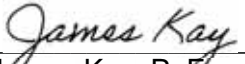
6. Servicing Agreements for Works and Services

- (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.

7. Charges and Fees

Fees per the "Development Application Fees Bylaw" include:

- (i) Engineering and Inspection Fee: 3.5% of construction value (plus GST).



James Kay, P. Eng.
Development Engineering Manager

JA

ATTACHMENT A

This forms part of application

Z19-0071

Planner
Initials

AT



Applicant Rationale

With the OK Builder's Supply Centre closing down, the owner has lost their anchor (and only) tenant for that building. With several residential towers being built within 1-2 blocks, they are recognizing that the area is transforming and that there is now critical mass to support commercial development in the area (which is consistent with the OCP Land Use Designation). As of right now, the owner would like to utilize the existing building for a deli restaurant, and perhaps a boutique grocery store with a couple of other small commercial CRUs. The owner doesn't have any tenants lined up yet, so the City could expect to see form/character DP applications in the short term future as needed once tenants are secured and their needs are understood. Same goes for building permits.

In the longer term future, the owner may look to redevelop the overall site as a higher density mixed use project, hence the request for C7 vs something like C4. Both zones are consistent with the OCP Land Use Designation, but zoning C7 now will save the owner and the City having to complete 2 zoning processes.

REPORT TO COUNCIL



Date: December 2, 2019

To: Council

From: City Manager

Department: Development Planning

Application: LUC19-0003/Z19-0111

Owner: Hillahan Holdings Inc. & Go West Investments Inc.

Address: 2280-2290 Hunter Road

Applicant: Birte Decloux, Urban Options and Permitting

Subject: Land Use Contract Discharge (LUC77-1085) and Rezoning Application

Existing OCP Designation: Service Commercial

Existing Zone: A1 - Agriculture

Proposed Zone: C3 – Community Commercial

1.0 Recommendation

THAT Application No. LUC19-0003 to discharge LUC77-1085 from Parcel A (KD82312) District Lot 125 Osoyoos Division Yale District, Plan 31272 located at 2280-2290 Hunter Road, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z19-0111 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification Parcel A (KD82312) District Lot 125 Osoyoos Division Yale District, Plan 31272 located at 2280-2290 Hunter Road, Kelowna, BC from the A1 – Agriculture 1 zone to the C3 – Community Commercial zone 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 "A" attached to the Report from the Development Planning Department dated December 2nd, 2019;

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

2.0 Purpose

To consider a Land Use Contract discharge and rezoning to C₃ – Community Commercial to accommodate a range of commercial services, including dental health services, within an existing building.

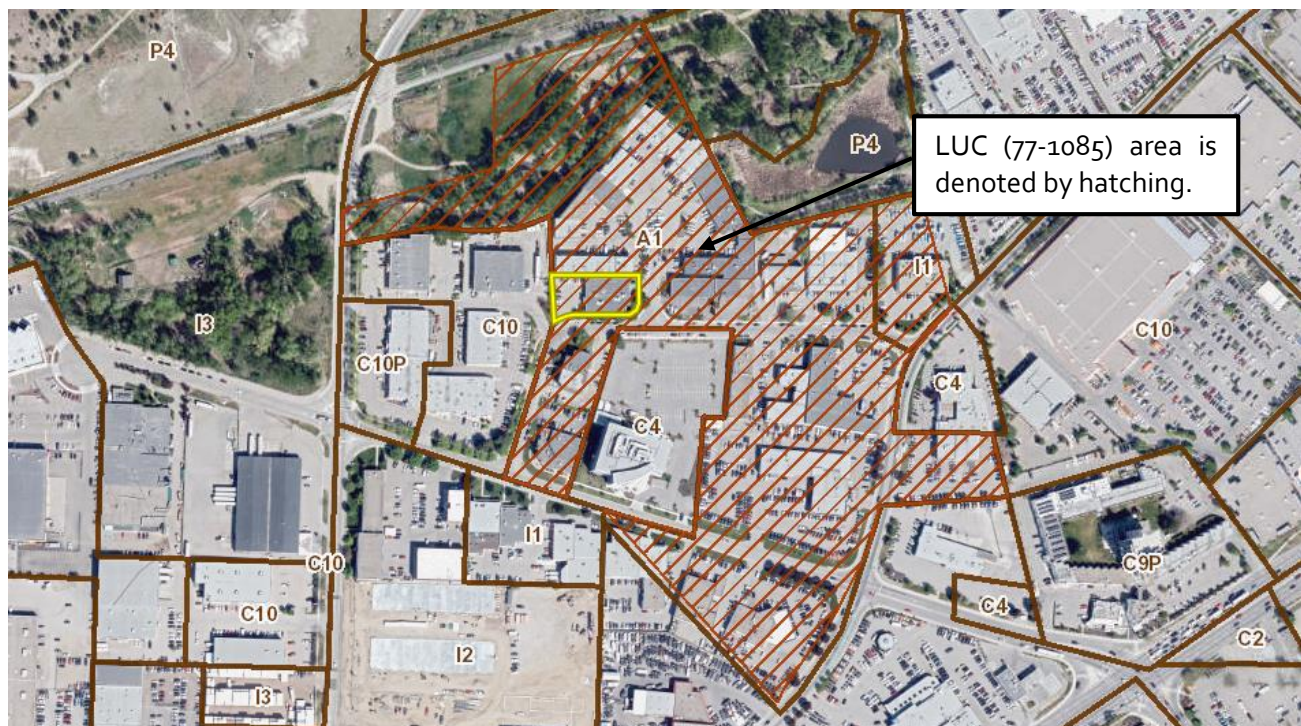
3.0 Development Planning

Development Planning Staff support the Land Use Contract (LUC) discharge and proposed rezoning to allow for community commercial use and the related dental health services proposed. The proposed land use is compatible with surrounding land uses and meets the intent of the Official Community Plan. The C₃ zone is also best to accommodate the existing uses on site which include a range of dental health services, production and training.

4.0 Proposal

4.1 Project Description

The current LUC affects twenty properties in the Hunter Road, Hunter Court and Leckie Road area and has varying restrictions based on the specific property and Schedules indicated within the LUC. The provisions of the LUC for the subject property do not allow for the Health Services use which includes dental health services. The underlying A₁ – Agriculture 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).

4.2 Project Description

The applicant has proposed to rezone the subject property to allow for a range of dental health services. This includes the creation of dental restoration products and training/education of dental professionals in use of high-tech materials, treatments and processes. The uses will be carried out within the existing

building with no proposed changes to the currently developed property. Prior to moving forward with the rezoning application, the LUC must be discharged as it does not permit the proposed use.

4.3 Site Context

The subject property is located at 2280-2290 Hunter Road, near the intersection of Leckie Road and Enterprise Way.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture	Commercial
East	A1 – Agriculture	Commercial
South	C4 – Urban Centre Commercial	Commercial
West	C10 – Service Commercial	Commercial

Subject Property Map: 2280 – 2290 Hunter Road



5.0 **Current Development Policies**

5.1 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 'A'.

7.0 Application Chronology

Date of Application Received: August 2, 2019
Date Public Consultation Completed: September 13, 2019

Report prepared by: Wesley Miles, Acting Community Planning and Development Manager
Reviewed by: Laura Bentley, Urban Planning & Development Policy Manager
Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment 'A': Development Engineering Memo



CITY OF KELOWNA

MEMORANDUM

Date: September 5, 2019
File No.: Z19-0111
To: Community Planning (WM)
From: Development Engineering Manager (JK)
Subject: 2280-2290 Hunter Rd. A1 to C3 _ LUC

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

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) Domestic Water and Fire Protection

- a) Property 2280-2290 is currently serviced with a 50mm-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

3) Sanitary Sewer

- a) Our records indicate that this property is currently serviced with two 100mm-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.

4) Road Improvements

- a) Hunter Rd. has been upgraded to a urban standard and no further works are required.
- b) Hunter Ct. has been upgraded to a urban standard and no further works are required.

5) 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.

6) 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.

7) Charges and Fees

- a) Fees per the "Development Application Fees Bylaw" include:
 - i) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - ii) Survey Monument Fee: \$50.00 per newly created lot for a total of **\$150.00** (GST exempt)
- b) Engineering and Inspection Fee: 3.5% of construction value (plus GST)

James Kay P.Eng.
Development Engineering Manager

AS