

City of Kelowna

Public Hearing

AGENDA



Tuesday, June 22, 2021
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. **Due to COVID-19 a Public Hearing Agenda will also include Regular Meeting Items**
2. **Call to Order the Public Hearing - START TIME 6:00 PM - Banks-Baron Road Area - LUCT21-0002 (BL12205) - Multiple Owners**

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-video feed is being broadcast and recorded on kelowna.ca.

In accordance with Order of the Provincial Health Officer on Gatherings and Events, applicants and the public are not permitted to attend in person. Participation by applicants and the public will be by electronic means only. Thank you for your co-operation.

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

3. **Individual Bylaw Submissions**

- 3.1. **START TIME 6:00 PM - Banks-Baron Road Area - LUCT21-0002 (BL12205) - Multiple Owners**

To proceed with the early termination of LUC76-1114 and to revert the parcels as identified in 'Schedule A' back to the underlying C10 – Service Commercial zone.

4. Termination

5. Call to Order the Regular Meeting

6. Bylaws Considered at Public Hearing

6.1. START TIME 6:00 PM - Banks-Baron Road Area - BL12205 (LUCT21-0002) - Multiple Owners

20 - 21

To give Bylaw No. 12205 second and third reading and be adopted in order to proceed with early termination of Land Use Contract LUC76-1114.

7. Termination

8. Call to Order the Public Hearing - START TIME 6:00 PM - TA21-0007 (BL12216) - Car Share Agreement Review

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-video feed is being broadcast and recorded on kelowna.ca.

In accordance with Order of the Provincial Health Officer on Gatherings and Events, applicants and the public are not permitted to attend in person. Participation by applicants and the public will be by electronic means only. Thank you for your co-operation.

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

9. Individual Bylaw Submissions

9.1. START TIME 6:00 PM - TA21-0007 (BL12216) - Car Share Agreement Review

22 - 32

To consider a text amendment application to Zoning Bylaw No. 8000 to remove Section 8.2.11 Car-Share Incentives.

10. Termination

11. Call to Order the Regular Meeting

12. Bylaws Considered at Public Hearing

12.1. START TIME 6:00 PM - Section 8 - Car Share Incentives - BL12216 (TA21-0007) - City of Kelowna

33 - 33

To give Bylaw No. 12216 second and third reading.

13. Termination

14. Call to Order the Public Hearing - START TIME 6:00 PM - Upper Mission Dr 5347 - OCP20-0016 (BL12217) Z20-0079 (BL12218) - Essential Idea Ltd., Inc. No. BCo134064

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-video feed is being broadcast and recorded on kelowna.ca.

In accordance with Order of the Provincial Health Officer on Gatherings and Events, applicants and the public are not permitted to attend in person. Participation by applicants and the public will be by electronic means only. Thank you for your co-operation.

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

15. Individual Bylaw Submissions

15.1. START TIME 6:00 PM - Upper Mission Dr 5347 - OCP20-0016 (BL12217) Z20-0079 (BL12218) - Essential Idea Ltd., Inc.No. BCo134064

34 - 53

To amend the Official Community Plan designation from the PARK – Major Park/Open Space (public) designation to the S2RES – Single/Two Unit Residential designation and rezone the subject property from RR2c – Rural Residential 2 with Carriage House, RR3 – Rural Residential 3, and RR3c – Rural Residential 3 with Carriage House zones to the Ru5 – Bareland Strata Housing and P3 – Parks and Open Space zones to accommodate a bareland strata subdivision.

16. Termination

17. Call to Order the Regular Meeting

18. Bylaws Considered at Public Hearing

- 18.1. START TIME 6:00 PM - Upper Mission Dr 5347 - BL12217 (OCP20-0016) - Essential Idea Ltd., Inc.No. BCo134064** 54 - 55

Requires a majority of all members of Council (5)

To give Bylaw No. 12217 second and third reading in order to amend the Official Community Plan to change the future land use designation of a portion of the subject property from the PARK – Major Park/Open Space (public) designation to the S2RES – Single/Two Unit Residential designation.

- 18.2. START TIME 6:00 PM - Upper Mission Dr 5347 - BL12218 Z20-0079 - Essential Idea Ltd., Inc.No. BCo134064** 56 - 57

To give Bylaw No. 12218 second and third reading in order to rezone the subject property from the RR2c – Rural Residential 2 with Carriage House, RR3 – Rural Residential 3, and RR3c – Rural Residential 3 with Carriage House zones to the Ru5 – Bareland Strata Housing and P3 – Parks and Open Space zones to accommodate a bareland strata subdivision.

19. Termination

20. Procedure on each Bylaw Submission

- (a) Brief description of the application by City Staff (Development Planning);
- (b) The applicant has up to 15 minutes to make representation to Council regarding the project.
- (c) The Chair will call for representation from the public participating online as follows:
 - (i) Any person wishing to make representation during the Hearing will have the opportunity to do so.
 - (ii) Speakers have up to 5 minutes to share their remarks.
- (d) 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 participants that the Public Hearing on the Bylaw is closed.
- (e) Once the public has had an opportunity to comment, the applicant is given up to 10 minutes to respond to any questions raised.
- (f) Questions of 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.

Note: Any applicant or member of the public may use electronic visual aids to assist in their presentation or questions. The participant must be able to share their screen to display the

item.

REPORT TO COUNCIL



Date: May 31st, 2021

To: Council

From: City Manager

Department: Development Planning Department

Application: LUCT21-0002

Owner: Multiple Owners

Address: Multiple Addresses

Applicant: The City of Kelowna

Subject: Land Use Contract Termination

Existing OCP Designation: SC – Service Commercial

Existing Zone: C10 – Service Commercial

1.0 Recommendation

THAT Land Use Contract Termination Application No. LUCT21-0002 to terminate LUC76-1114 from properties identified in 'Schedule A', located at Banks Road and Baron Road, Kelowna, BC be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration.

2.0 Purpose

To proceed with the early termination of LUC76-1114 and to revert the parcels as identified in 'Schedule A' back to the underlying C10 – Service Commercial zone.

3.0 Development Planning

Staff are recommending support for the proposed Land Use Contract Termination to terminate LUC76-1114 from the subject properties. The current Land Use Contract affects sixteen properties on Banks Road and Baron Road and restricts the properties to the former Zoning Bylaw No. 4500's C7 – Service Commercial. Staff believe the underlying zone of C10 – Service Commercial is appropriate as it best matches the uses allowed in the Land Use Contract, the Future Land Use Designation, and the existing uses at the affected addresses. Therefore, Staff are proposing to adopt the C10 – Service Commercial zone to the subject properties.

4.0 Proposal

4.1 Background

Land Use Contracts were a tool regularly used in the 1970's before it was eliminated on November 15th 1978. The purpose of the tool was to allow local governments to arrive at agreements with specific developers to grant development rights over and above what was allowed under current zoning. This was typically done in exchange for commitments by developers to help finance the infrastructure costs of development.

Issues have arisen, specifically with the continued application of land use contracts as they supersede any subsequent bylaw dealing with land use and development including: Zoning Bylaws, Development Cost Charge Bylaws, and Development Permits. The Local Government Act was amended in 2014 stating all land use contracts in the province will be terminated as of June 30th, 2024. Land use contracts will remain in force until that date unless terminated early by the municipality. By June 20th 2022, local governments must have appropriate zoning regulations in place to replace land use contracts upon their termination. However, LUC terminations (unlike LUC discharges) do not initially apply when Council adopts the bylaw. Terminations require a one-year grace period as outlined by the Local Government Act before the LUC is removed, and the underlying zone comes into effect.

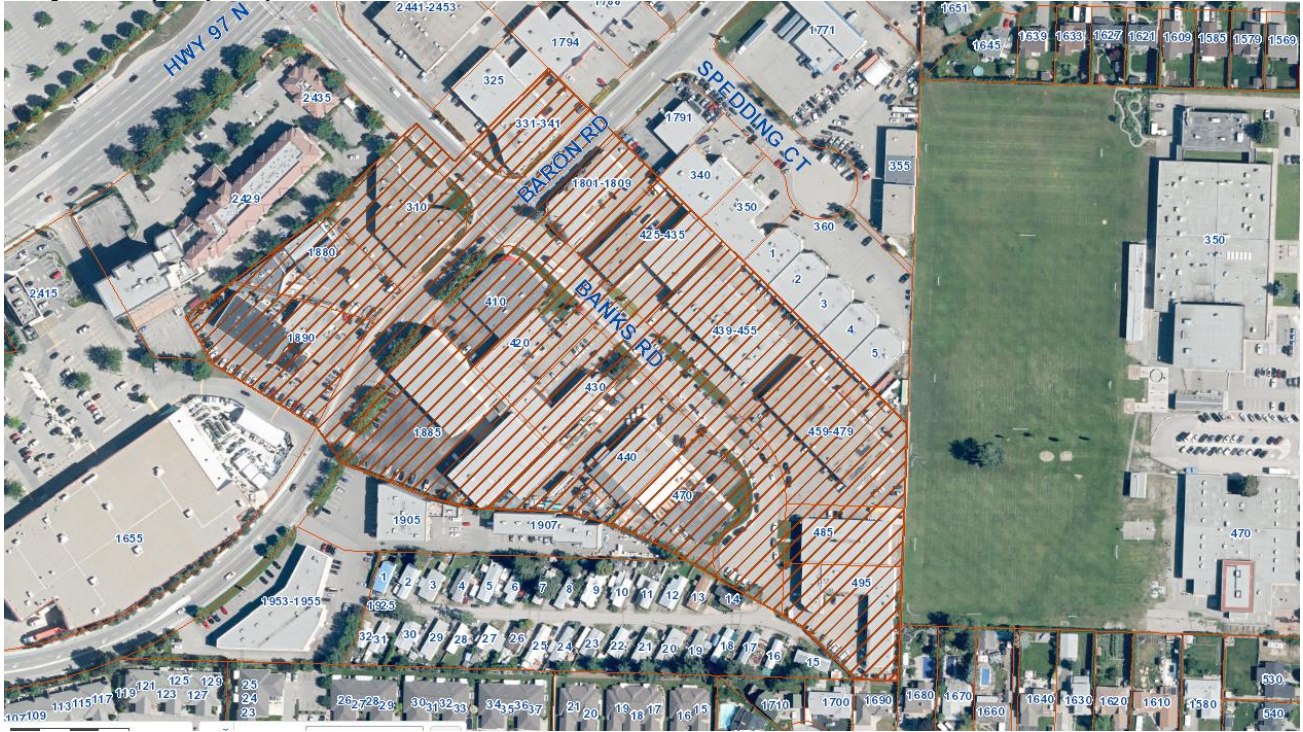
4.2 Notification

Local governments must provide notice to each owner that the termination of Land Use Contract is occurring and must provide notice of what the new development regulations apply to the land. The municipality must also send an additional letter within 30 days of adoption, informing the owners and providing information about the Board of Variance.

4.3 Site Context

The Land Use Contract encompasses 16 properties on Banks and Baron Road and are in the Central City OCP Sector. The properties all have the Future Land Use Designation of SC – Service Commercial. The surrounding area is primarily Service Commercial, Commercial, and Residential.

Subject Property Map: Banks Road and Baron 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 Application Chronology

Date of Application Set Up: April 29th, 2021

Date of Owner Notification: May 3rd, 2021

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Dean Strachan, Community Planning & Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

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

Attachments:

Schedule A: Affected Addresses

Schedule A: Legal Description LUCT21-0002 / Bylaw No. 12205 / Charge No. M46624

No.	Re: For Adoption Letter	Legal Description	Address	Parcel Identifier Number	LUC being Terminated	Underlying Zone
1	Early Termination of Land Use Contract LUC76-1114 (BL12205) - Banks Road and Baron Road	LOT A DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 39720 EXCEPT PLAN KAP68109	310 Banks Road	011-217-367	LUC76-1114	C10 - Service Commercial
2	Early Termination of Land Use Contract LUC76-1114 (BL12205) - Banks Road and Baron Road	LOT C DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 30858 EXCEPT PLAN KAP68644	331-341 Banks Road	001-970-607	LUC76-1114	C10 - Service Commercial
3	Early Termination of Land Use Contract LUC76-1114 (BL12205) - Banks Road and Baron Road	LOT 7 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 29522	410 Banks Road	004-273-681	LUC76-1114	C10 - Service Commercial
4	Early Termination of Land Use Contract LUC76-1114 (BL12205) - Banks Road and Baron Road	LOT 8 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 29522	420 Banks Road	004-273-699	LUC76-1114	C10 - Service Commercial
5	Early Termination of Land Use Contract LUC76-1114 (BL12205) - Banks Road and Baron Road	LOT A DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 43336	425-435 Banks Road	016-214-765	LUC76-1114	C10 - Service Commercial
6	Early Termination of Land Use Contract LUC76-1114 (BL12205) - Banks Road and Baron Road	LOT 9 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 29522	430 Banks Road	004-273-702	LUC76-1114	C10 - Service Commercial
7	Early Termination of Land Use Contract LUC76-1114 (BL12205) - Banks Road and Baron Road	LOT A DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 32433	439-455 Banks Road	003-465-233	LUC76-1114	C10 - Service Commercial
8	Early Termination of Land Use Contract LUC76-1114 (BL12205) - Banks Road and Baron Road	LOT C DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN KAP83213	440 Banks Road	026-991-853	LUC76-1114	C10 - Service Commercial
9	Early Termination of Land Use Contract LUC76-1114 (BL12205) - Banks Road and Baron Road	LOT A DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31458	459-479 Banks Road	003-714-012	LUC76-1114	C10 - Service Commercial
10	Early Termination of Land Use Contract LUC76-1114 (BL12205) - Banks Road and Baron Road	LOT D DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN KAP83213	470 Banks Road	026-991-870	LUC76-1114	C10 - Service Commercial
11	Early Termination of Land Use Contract LUC76-1114 (BL12205) - Banks Road and Baron Road	LOT 13 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 29522	485 Banks Road	004-273-729	LUC76-1114	C10 - Service Commercial
12	Early Termination of Land Use Contract LUC76-1114 (BL12205) - Banks Road and Baron Road	LOT 12 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 29522	495 Banks Road	002-009-340	LUC76-1114	C10 - Service Commercial
13	Early Termination of Land Use Contract LUC76-1114 (BL12205) - Banks Road and Baron Road	LOT 20 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 29522 EXCEPT PLAN KAP68252	1801-1809 Baron Road	004-273-761	LUC76-1114	C10 - Service Commercial
14	Early Termination of Land Use Contract LUC76-1114 (BL12205) - Banks Road and Baron Road	LOT 3 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 29522	1880 Baron Road	004-273-664	LUC76-1114	C10 - Service Commercial
15	Early Termination of Land Use Contract LUC76-1114 (BL12205) - Banks Road and Baron Road	LOT B DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN KAP83213	1885 Baron Road	026-991-845	LUC76-1114	C10 - Service Commercial
16	Early Termination of Land Use Contract LUC76-1114 (BL12205) - Banks Road and Baron Road	LOT A DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN KAP64377 EXCEPT PLAN EPP51237	1890 Baron Road	024-500-151	LUC76-1114	C10 - Service Commercial

SCHEDULE


A

This forms part of application
LUCT21-0002

Planner
Initials

TC

City of
Kelowna
DEVELOPMENT PLANNING





LUCT21-0002

Banks Road and Baron Road

Land Use Contract Termination



Proposal

- ▶ To terminate the Land Use Contract (LUC76-1114)

Development Process

April 29, 2021

LUC Termination Initiated by Staff



May 3rd, 2021

Public Notification Completed



May 31st, 2021

Initial Consideration



Public Hearing (LUC)
Second & Third Readings



Final Reading



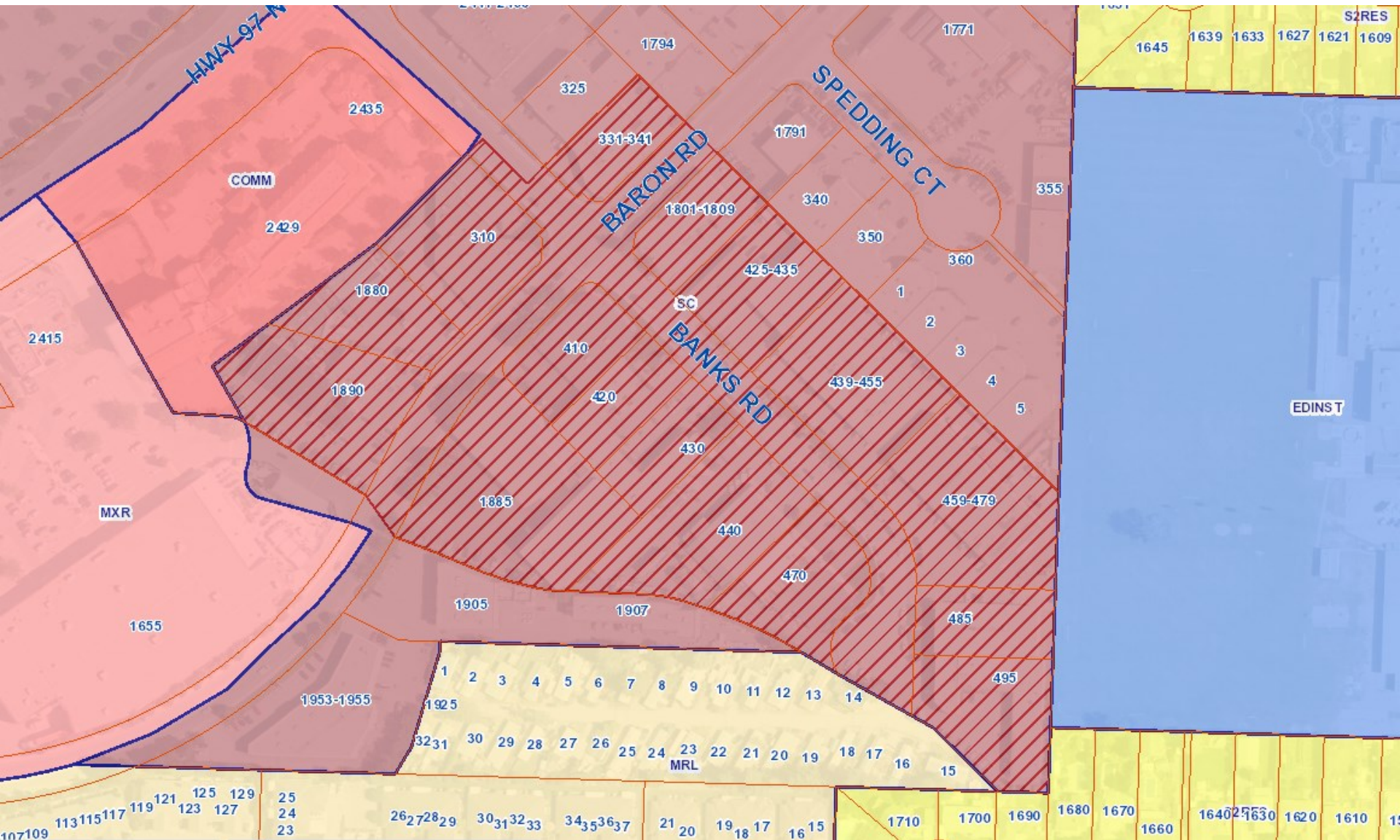
LUC Eliminated (1 year later)

Council
Approvals

Context Map



OCP Future Land Use



Background

- ▶ Land Use Contracts: 1970's tool
- ▶ Allow local governments to grant development rights above and beyond current zoning
- ▶ Exchange for commitments from developers to help infrastructure costs
- ▶ BC Government requires all contracts to be discharged and/or terminated by 2024 and the appropriate zoning in place by 2022.

Project Details

- ▶ City of Kelowna Staff initiated the LUC Termination of the area.
- ▶ 16 properties all to be reverted to underlying C10 – Service Commercial Zone.
- ▶ If successful, all properties will get full use of current C10 zone, one year after termination date.

Public Notification Policy #367

- ▶ Staff sent a letter of Proposed Termination of Land Use Contract to all properties within the LUC Area
 - ▶ Sent on May 3rd, 2021
- ▶ One-year grace period from Council consideration before full uses of C10 – Service Commercial Zone(as per Zoning Bylaw no. 8000).

Staff Recommendation

- ▶ Development Planning Staff recommend **support** for the proposed land use contract termination:
 - ▶ The existing C10 zone is appropriate for the area.
 - ▶ Province of BC requires all LUC's to be discharged/terminated.



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12205

LUCT21-0002

Early Termination of Land Use Contract - LUC76-1114

Banks Road and Baron Road

WHEREAS a land use contract (the "Land Use Contract LUC76-1114") is registered at the Kamloops Land Title Office under the charge numbers M46624 and all amendments thereto against lands in the City of Kelowna particularly known and described as in Schedule "A" attached (the "Lands"), located on Banks Road and Baron Road, Kelowna, B.C.;

AND WHEREAS Section 548 of the *Local Government Act* provides that a local government may impose an early termination to land use contracts registered in a Land Title Office that applies to land within the jurisdiction of the local government;

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

1. This Bylaw may be cited for all purposes as "Bylaw No. 12205 - Early Termination of Land Use Contract LUC76-1114";
2. Bylaw No.4299-77 establishing Land Use Contract LUC76-1114 and all amendments thereto, are hereby repealed and the Land Use Contract is terminated as of the date of adoption; and
3. This bylaw will come into force and effect one year after the adoption date.

Read a first time by the Municipal Council this 31st day of May, 2021.

Considered at a Public Hearing this

Read a second and third time by Municipal Council this

Adopted by the Municipal Council this

Mayor

City Clerk

Schedule A: LUC76-1114 Charge No. M46624					
No.	Legal Description	Address	Parcel Identifier Number	Land Use Contract	Underlying Zone
1	LOT A DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 39720 EXCEPT PLAN KAP68109	310 Banks Road	011-217-367	LUC76-1114	C10 – Service Commercial
2	LOT C DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 30858 EXCEPT PLAN KAP68644	331-341 Banks Road	001-970-607	LUC76-1114	C10 – Service Commercial
3	LOT 7 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 29522	410 Banks Road	004-273-681	LUC76-1114	C10 – Service Commercial
4	LOT 8 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 29522	420 Banks Road	004-273-699	LUC76-1114	C10 – Service Commercial
5	LOT A DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 43336	425-435 Banks Road	016-214-765	LUC76-1114	C10 – Service Commercial
6	LOT 9 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 29522	430 Banks Road	004-273-702	LUC76-1114	C10 – Service Commercial
7	LOT A DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 32433	439-455 Banks Road	003-465-233	LUC76-1114	C10 – Service Commercial
8	LOT C DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN KAP83213	440 Banks Road	026-991-853	LUC76-1114	C10 – Service Commercial
9	LOT A DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31458	459-479 Banks Road	003-714-012	LUC76-1114	C10 – Service Commercial
10	LOT D DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN KAP83213	470 Banks Road	026-991-870	LUC76-1114	C10 – Service Commercial
11	LOT 13 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 29522	485 Banks Road	004-273-729	LUC76-1114	C10 – Service Commercial
12	LOT 12 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 29522	495 Banks Road	002-009-340	LUC76-1114	C10 – Service Commercial
13	LOT 20 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 29522 EXCEPT PLAN KAP68252	1801-1809 Baron Road	004-273-761	LUC76-1114	C10 – Service Commercial
14	LOT 3 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 29522	1880 Baron Road	004-273-664	LUC76-1114	C10 – Service Commercial
15	LOT B DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN KAP83213	1885 Baron Road	026-991-845	LUC76-1114	C10 – Service Commercial
16	LOT A DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN KAP64377 EXCEPT PLAN EPP51237	1890 Baron Road	024-500-151	LUC76-1114	C10 – Service Commercial

Report to Council



Date: May 31, 2021
To: Council
From: City Manager
Subject: Car Share Agreement Review
Department: Development Planning

Recommendation:

THAT Zoning Bylaw Text Amendment Application No. TA21-0007 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report from the Development Planning Department dated March 31 be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw No. 12216 be forwarded to a Public Hearing for further consideration;

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

Purpose:

To consider a text amendment application to Zoning Bylaw No. 8000 to remove Section 8.2.11 Car-Share Incentives.

Background:

Car-share regulations were introduced into the Zoning Bylaw to encourage greater diversity and choice in transportation alternatives. In November 2019, Council adopted updates to Section 8- Parking and Loading of the Zoning Bylaw which included a car-share incentive that allowed for a reduction in the number of required off-street parking subject to the provision of a car-share vehicle. This allows for a 5-stall reduction for every car share vehicle that is provided.

To date, multiple development proposals have utilized this development regulation in partnership with Modo Co-operative.

Discussion:

Staff are recommending that Council approve the temporary removal of 8.2.11 Car Share Incentives from the Zoning Bylaw. The intention is not to permanently end the car share program, but to give Staff an opportunity to review it and collaborate with stakeholders to seek an opportunity for improvement. Following a review, Staff will return to Council with recommendations based on the findings of the review and subsequent proposal will be made.

Generally, Staff are concerned that the level of density required to enable a successful car-share program that off sets potential negative impacts of the reduction of off-street parking stalls is not yet achieved. Staff remain committed to the City's efforts to build vibrant and sustainable urban centres, which includes ensuring diversity in transportation alternatives.

Conclusion:

Staff are seeking Council support to remove the current car-share incentives from the zoning bylaw that allow an off-site parking reduction if a car share is provided. The temporary removal will allow Staff to review the program, consult with internal and external stakeholders and seek opportunities to improve it.

Internal Circulation:

Policy and Planning
Parking Services

Submitted by: J. Black- Urban Planning Manager

Approved for inclusion: Terry Barton- Development Planning Department Manager

CC:

D. Duncan- Parking Services Manager
Policy and Planning

Schedule A – Proposed Text Amendments

No.	Section	Current Wording	Proposed Wording	Reason for Change
1.	Section 8.2.11 Car-Share Incentives	8.2.11 Car-Share Incentives: Within the Urban Core, University South Village Centre, and Glenmore Valley Village Centre as defined in the Official Community Plan, the total minimum off-street vehicle parking requirements for multiple dwelling housing and any commercial use (e.g. office and retail) can be reduced by five (5) parking spaces per car share vehicle (must provide a new vehicle to a car-share organization) subject to the following regulations: (a) The maximum reduction in total required parking is 20% (for base parking requirement); (b) The car-share vehicle parking space must be located on-site or within 100 metres of the subject property, in a highly visible spot, at-grade, publicly accessible at all times (i.e. not within an enclosed parkade), clearly marked for the exclusive use of the shared vehicle, and guaranteed to operate for a minimum of two years;	No proposed wording- delete the entire existing section.	Staff are seeking support to temporarily remove the car share incentives to conduct a review of the program.

Car Share Agreement Review

Proposal

- ▶ To consider a text amendment application to Zoning Bylaw No. 8000 to remove Section 8.2.11 Car Share Incentives

Development Process

Staff Initiated

Development Application Submitted



Staff Review & Circulation



N/A

Public Notification Received



May 31, 2021

Initial Consideration



Public Hearing- Second & Third Readings



Final Reading

Council
Approvals

Background

- ▶ Adopted in November 2019;
- ▶ Car share incentive allows for a 5-stall reduction for every car share vehicle provided;
- ▶ Staff have generally seen success:
 - ▶ 9 stalls provided through development
 - ▶ 9 stalls pending (approved and agreement with Modo in place)

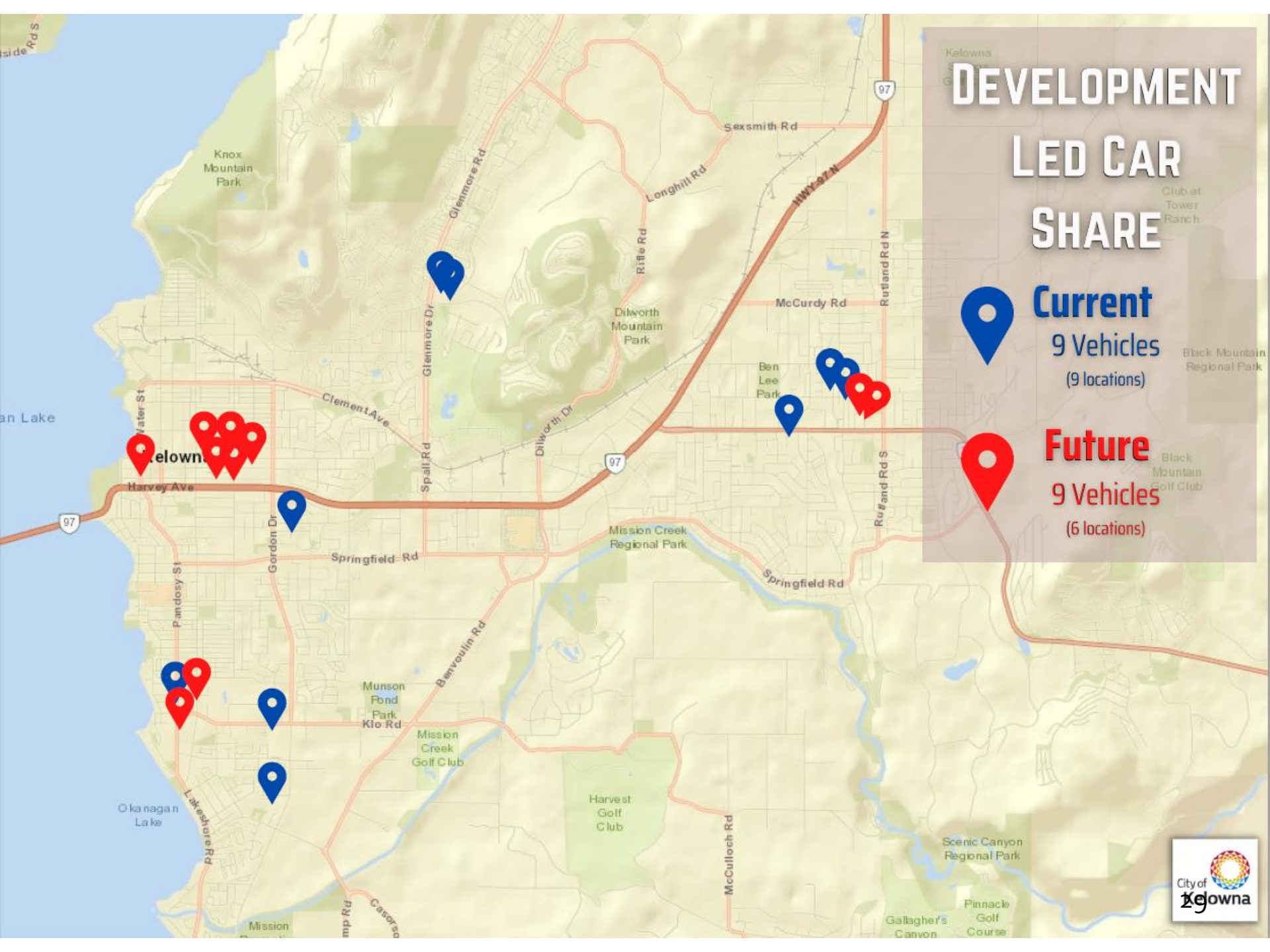
DEVELOPMENT LED CAR SHARE



Current
9 Vehicles
(9 locations)



Future
9 Vehicles
(6 locations)



Considerations

- ▶ 18 car share approved from development applications- what is the impact?
- ▶ Pressure on on-street parking
- ▶ Is the car-share reducing the potential impact of the parking variance?
 - ▶ Parking demand & tools we can use
- ▶ Alternative ways to provide car-share

Staff Recommendation

- ▶ Staff are recommending temporary removal of the car share incentive
- ▶ This gives Staff time to review, collaborate with stakeholders and come back to Council with more information and proposed further improvements
- ▶ Offers time for Covid recovery



Conclusion of Staff Remarks

CITY OF KELOWNA
BYLAW NO. 12216
TA21-0007 – Section 8 – Car Share Incentives

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 8 – Parking and Loading, 8.2 Off-Street Parking Regulations, Number of Spaces, 8.2.11 Car-Share Incentives** be amended by deleting the section in its entirety that reads:

Car-Share Incentives:

Within the Urban Core, University South Village Centre, and Glenmore Valley Village Centre as defined in the Official Community Plan, the total minimum off-street vehicle parking requirements for **multiple dwelling housing** and any **commercial use** (e.g. **office** and **retail**) can be reduced by five (5) **parking spaces** per **car share vehicle** (must provide a new **vehicle** to a **car-share organization**) subject to the following regulations:

- (a) The maximum reduction in total required parking is 20% (for base parking requirement);
 - (b) The **car-share vehicle parking space** must be located on-site or within 100 metres of the subject property, in a highly visible spot, at-grade, publicly accessible at all times (i.e. not within an enclosed parkade), clearly marked for the exclusive use of the shared **vehicle**, and guaranteed to operate for a minimum of two years;
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 31st day of May, 2021.

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 31, 2021

To: Council

From: City Manager

Department: Development Planning

Application: OCP20-0016/Z20-0079 **Owner:** Essential Idea Ltd., Inc.No. BC0134064

Address: 5347 Upper Mission Drive **Applicant:** DE Pilling & Associates Ltd.

Subject: Official Community Plan Amendment and Rezoning Application

Existing OCP Designation: PARK – Major Park/Open Space (public)
S2RES – Single/Two Unit Residential

Proposed OCP Designation: PARK – Major Park/Open Space (public)
S2RES – Single/Two Unit Residential
RR2c – Rural Residential 2 with Carriage House

Existing Zone: RR3 – Rural Residential 3
RR3c – Rural Residential 3 with Carriage House

Proposed Zone: Ru5 – Bareland Strata Housing
P3 – Parks and Open Space

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP20-0016 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation for a portion of Lot 1 District Lots 24 Township 28 SDYD Plan EPP95194 located at 5347 Upper Mission Drive, Kelowna, BC from the PARK - Major Park/Open Space (public) designation to the S2RES – Single/Two Unit Residential, as shown on Map “A” attached to the Report from the Development Planning Department dated May 31, 2021 be considered by Council;

AND THAT Rezoning Application No. Z20-0079 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for portions of Lot 1 District Lots 24 Township 28 SDYD Plan EPP95194 located at 5347 Upper Mission Drive, Kelowna, BC from the RR2c – Rural Residential 2 with Carriage House, RR3 – Rural Residential 3, and RR3c – Rural Residential 3 with Carriage House zones to the Ru5 – Bareland Strata Housing and P3 – Parks and Open Space zones, as shown on Map “B” attached to the Report from the Development Planning Department dated May 31, 2021 be considered by Council;

AND THAT the Official Community Plan Amendment and Rezoning 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 Schedule "A" attached to the Report from the Development Planning Department dated May 31, 2021;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Preliminary Layout Review by the Approving Officer;

2.0 Purpose

To amend the Official Community Plan designation from the PARK – Major Park/Open Space (public) designation to the S2RES – Single/Two Unit Residential designation and rezone the subject property from RR2c – Rural Residential 2 with Carriage House, RR3 – Rural Residential 3, and RR3c – Rural Residential 3 with Carriage House to the Ru5 – Bareland Strata Housing and P3 – Parks and Open Space zone to accommodate a bareland strata subdivision.

3.0 Development Planning

Staff recommend support for the proposed OCP and Rezoning amendments to facilitate future residential development of a nine lot bareland strata subdivision. The proposal maintains over half the subject property as park and open space while allowing for residential development adjacent to Upper Mission Drive. The proposed development is considered compatible with the surrounding land uses and meets a number of policies and objectives of the Official Community Plan (OCP). Staff have reviewed this application, and it may move forward without affecting either the City's Financial Plan or Waste Management Plan.

4.0 Proposal

4.1 Background

The subject parcel is current vacant, previously disturbed and is approximately 1.15 ha in size. It is situated between Upper Mission Drive and Gillard Forest Service Road. It has a Fortis BC electrical transmission line running north west through the property and is adjacent to vacant lands of the South Thompson Flats. The Future Land Use Designations for the property is currently PARK – Major Park/Open Space and S2Res – Single / Two Unit Residential.

4.2 Project Description

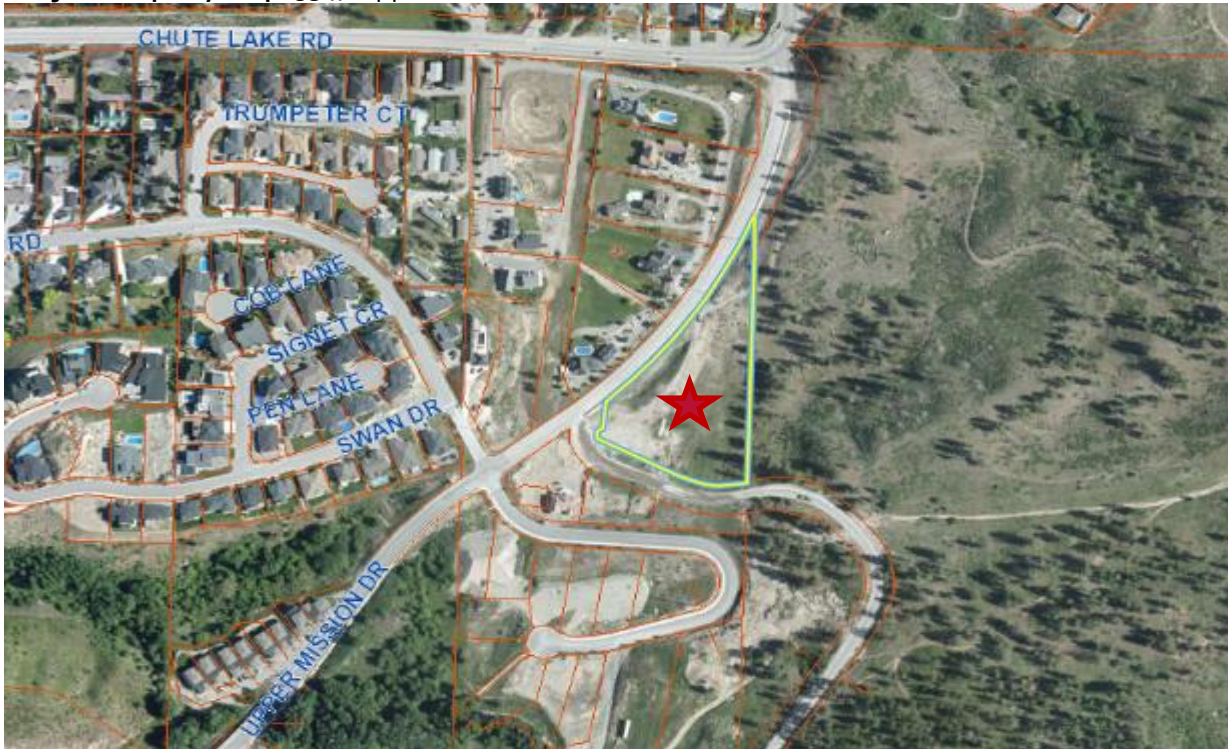
The proposal is to amend the Official Community Plan and rezone the subject property to accommodate a nine lot bareland strata subdivision. The residential portion consists of approximately 0.48 ha of land with the remaining 0.67 ha to be dedicated as park and open space. The bareland strata configuration allows for one access from Upper Mission Drive with a 'T' shaped internal road to provide access to the nine single family lots. This configuration aids in maintaining transportation objectives which include limiting residential accesses onto Upper Mission Drive while still allowing single family housing type development. The nine lots range from 328 m² to 500 m² in size and meets the zoning bylaw requirements. The proposal also maintains over half of the property for park and open space similarly to other developments adjacent to the Fortis BC electric transmission line in the South Mission area. The applicant has received preliminary approval from Fortis BC for the proposed development.

4.3 Site Context

The subject property is located in the South Okanagan Mission City Sector, accessed off of Upper Mission Drive. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR2c – Rural Residential with Carriage House	Upper Mission Drive/Residential
East	A1 – Agriculture 1	Vacant
South	RR2c, RR3, RR3c	Forest Service Road/Residential
West	RR2c, RR3, RR3c	Upper Mission Drive/Residential

Subject Property Map: 5347 Upper Mission Drive



4.4 Zoning Analysis Table

5.0 **Current Development Policies**

5.1 Kelowna Official Community Plan (OCP)

Objective 5.2 Develop Sustainably

Policy .3 Complete Suburbs. Support a mix of uses within Kelowna's suburbs, in accordance with "Smart Growth" principles to ensure complete communities. Uses that should be present in all areas of the City, at appropriate locations, including commercial, institutional, and all types of residential uses (including affordable and special needs housing) at densities appropriate to their context.

Policy .5 Integrated Land Use. Integrate land use approaches wherever possible to improve opportunities for biodiversity, ecosystem connectivity, recreation, agriculture and local food production, while reducing conflicts.

6.0 Technical Comments

6.1 Development Engineering Department

6.2 Refer to Development Engineering Memo Dated October 7, 2020.

7.0 Application Chronology

Date of Application Accepted: September 4, 2020

Date Public Consultation Completed: March 16, 2021

Report prepared by: Wesley Miles, Planner Specialist

Reviewed by: Dean Strachan, Community Planning & Development Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

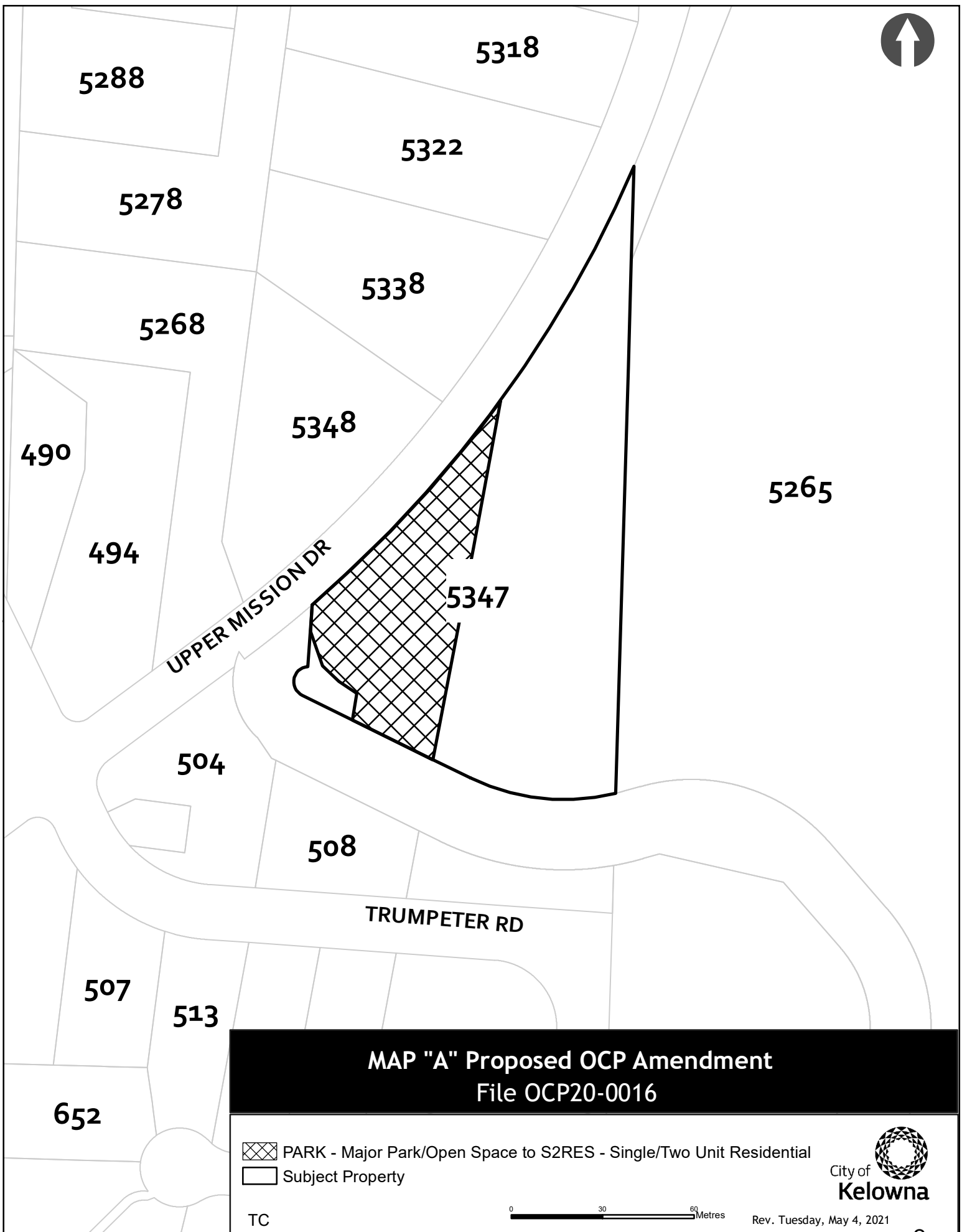
Attachments:

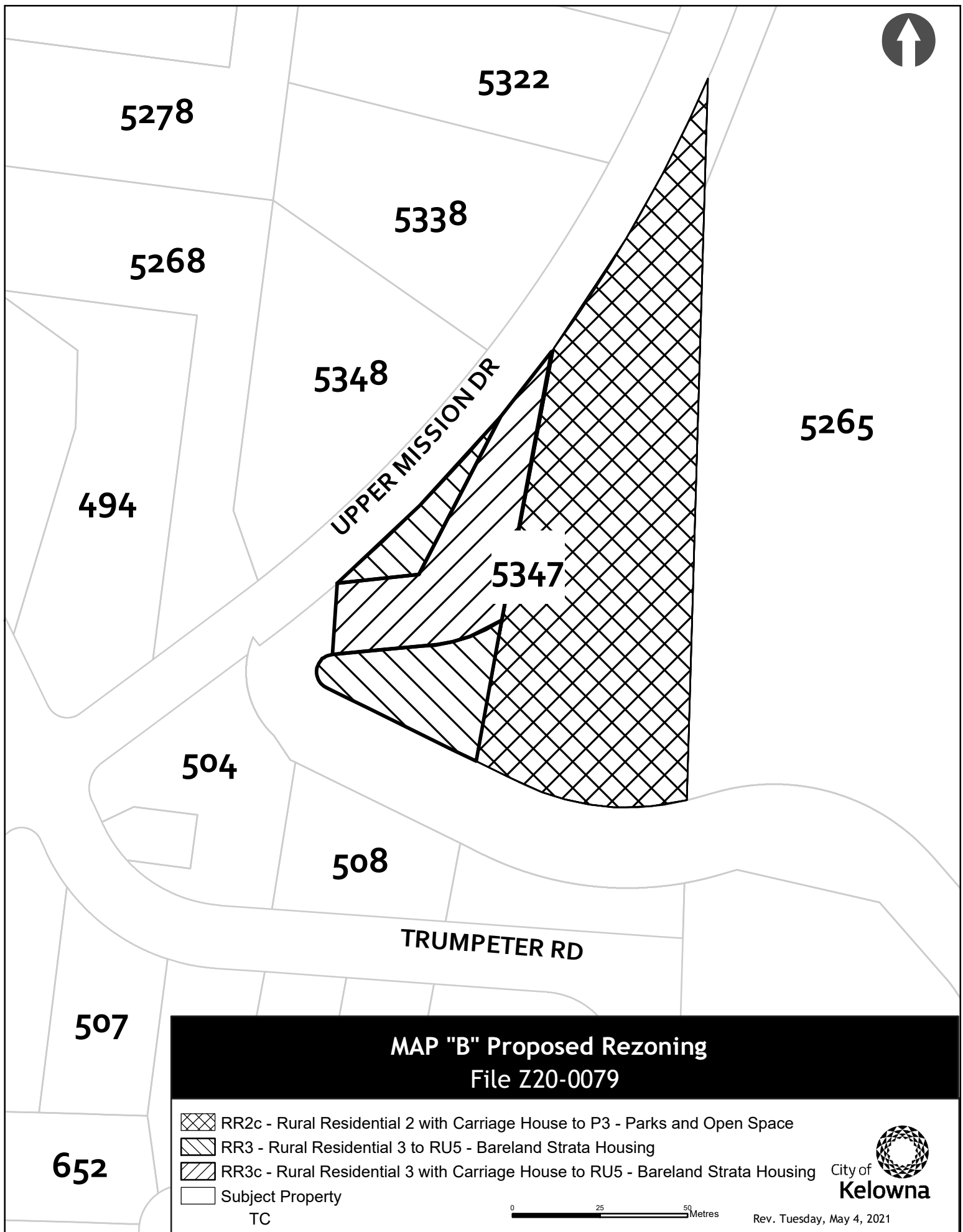
Schedule A: Development Engineering Memorandum

Attachment A: Conceptual Layout





Map A: OCP Amendment

Map B: Zoning Amendment





MAP "B" Proposed Rezoning
File Z20-0079

-  RR2c - Rural Residential 2 with Carriage House to P3 - Parks and Open Space
-  RR3 - Rural Residential 3 to RU5 - Bareland Strata Housing
-  RR3c - Rural Residential 3 with Carriage House to RU5 - Bareland Strata Housing
-  Subject Property
- TC



Rev. Tuesday, May 4, 2021



CITY OF KELOWNA
MEMORANDUM

Date: October 7, 2020
File No.: Z20-0079
To: Community Planning (WM)
From: Development Engineering Manager (JK)
Subject: 5347 Upper Mission Dr Plan EPP95194 Lot 1

Development Engineering has the following comments and requirements associated with this application to rezone from RR2c, RR3, and RR3c to Ru5 and P1 to accommodate a bare-land strata subdivision.

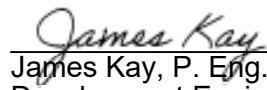
The Development Engineering Technologist for this project is John Filipenko ASCT

1. General

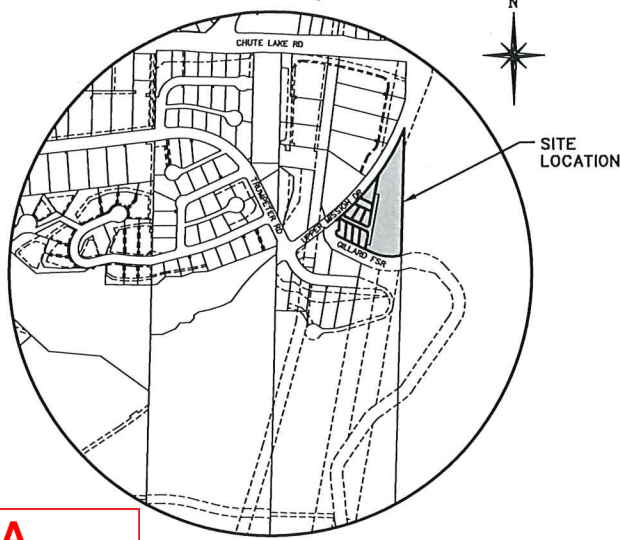
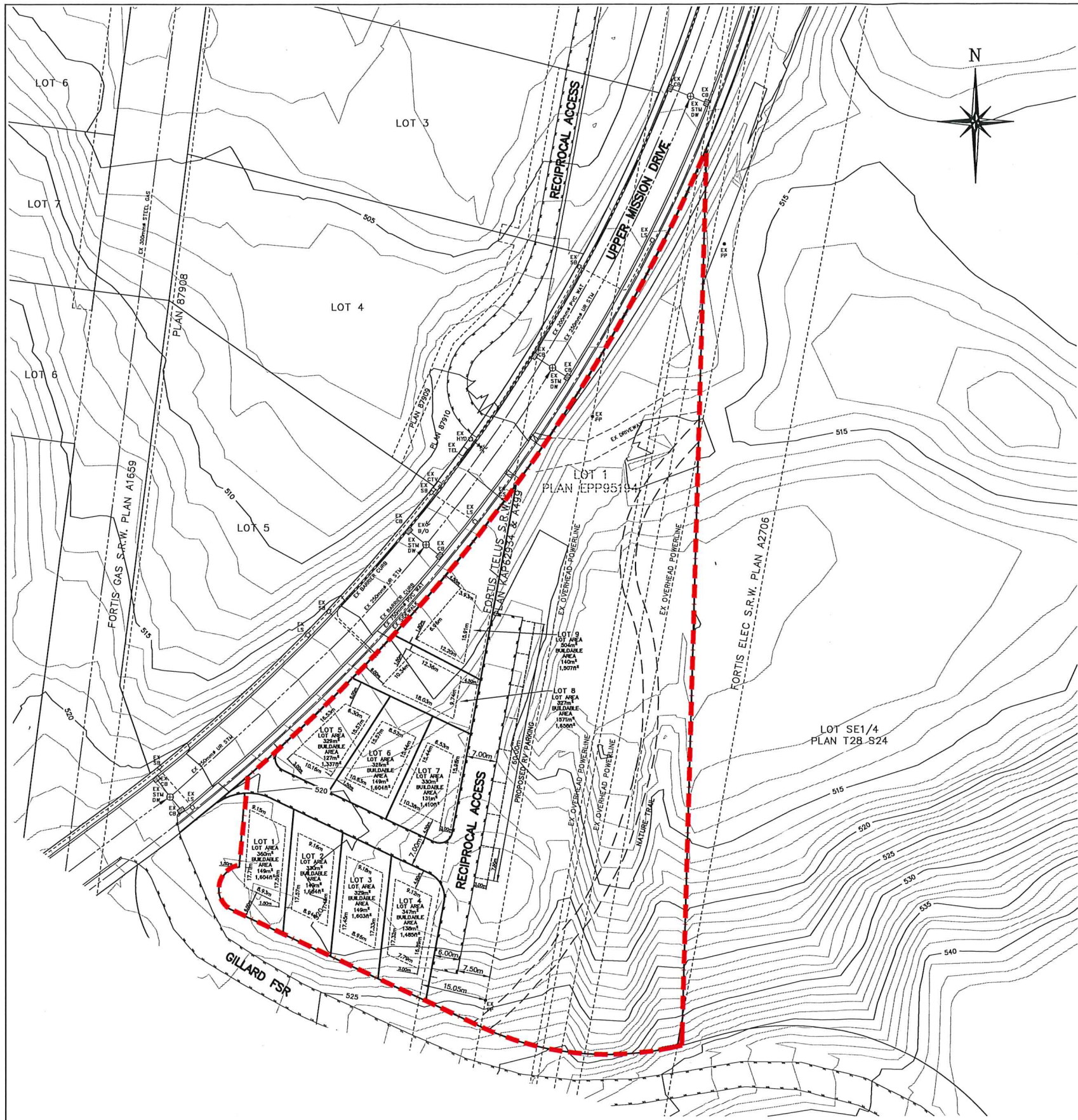
The proposed redevelopment includes the subject parcel being subdivided into 9 bare-land strata lots.

A subdivision application will require servicing that include the installation of additional services and construction of a new access to the site. The work will require road cuts, boulevard and pavement restoration.

Development Engineering is prepared to defer the requirements of the rezoning to the subdivision stage.


James Kay, P. Eng.
Development Engineering Manager

JF



SITE PLAN
NTS

ATTACHMENT A
This forms part of application
OCP20-0016/Z20-0079
Planner Initials **WM**

City of Kelowna
COMMUNITY PLANNING

NOTES
LOCATIONS AND OFFSETS OF EXISTING UTILITIES ARE COMPILED FROM THE MOST RECENT INFORMATION AVAILABLE, BUT ARE NOT GUARANTEED ACCURATE, AND MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. ALL UTILITIES NOT NECESSARILY SHOWN.

LEGAL DESCRIPTION
SUBDIVISION OF LOT 1, PLAN EPP95194,
SEC. 24, TP 28, S.D.Y.D.

LEGEND
[Red dashed line] SUBDIVISION BOUNDARY
[Thin grey line] EXISTING GROUND CONTOUR

UTILITIES
POTABLE WATER _____ CITY OF KELOWNA WATER UTILITY
NATURAL GAS _____ FORTIS BC NATURAL GAS
TELEPHONE _____ TELUS
ELECTRICITY _____ FORTIS BC
SEWAGE DISPOSAL _____ COMMUNITY (CITY OF KELOWNA)
FIRE PROTECTION _____ KELOWNA FIRE DEPARTMENT
GARBAGE COLLECTION _____ COMMUNITY (CITY OF KELOWNA)

PROPOSED ZONING
PROPOSED ZONING _____ RUS
LAND USE _____ SINGLE FAMILY URBAN RESIDENTIAL
PROPOSED SUBDIVISION AREA _____ 1.15 ha.
TOTAL No. OF RUS LOTS _____ 9
MINIMUM LOT AREA _____ 325m²
MINIMUM LOT WIDTH _____ 12.0m
MINIMUM LOT DEPTH _____ 25.0m

EXISTING ZONING
EXISTING ZONING _____ RR3
LAND USE _____ SINGLE FAMILY RURAL RESIDENTIAL
PROPOSED SUBDIVISION AREA _____ 1.15 ha.
MINIMUM LOT AREA _____ 1600m²
MINIMUM LOT WIDTH _____ 18.0m
MINIMUM LOT DEPTH _____ 30.0m

PROPOSED SETBACKS
FRONT YARD _____ 4.5m
SIDE YARD _____ 1.5m
SIDE FLANKING YARD _____ 3.0m
REAR YARD _____ 6.0m

EXISTING SETBACKS
FRONT YARD _____ 6.0m
SIDE YARD _____ 2.0m
SIDE FLANKING YARD _____ 4.5m
REAR YARD _____ 7.5m

LEGEND	
CATCH BASIN	○ SANITARY MH (EXISTING OR FUTURE)
ELECTRICAL BOX	● SANITARY MH (PROPOSED)
HYDRANT	○ STM# STORM MH (EXISTING OR FUTURE)
VALVE	● STM# STORM MH (PROPOSED)
LAMP STANDARD	□ TRANSFORMER
UTILITY JUNCTION BOX	□

No.	DATE	BY	REVISION	CHK'D	No.	DATE	BY	REVISION	CHK'D

D.E. Pilling & Assoc.
CONSULTING ENGINEERING
2200-540 Gower Avenue, Kelowna, B.C. V1Y 4T7
PH: 250.783.3215
FX: 250.783.6559
E: repp@pillings.ca

DATE E. PILLING, P.ENG.	DRAWN A.W.
DESIGN PACE	APPROVED D.E.P.
DATE NOVEMBER 2019	SCALE 1:500

THE CITY OF KELOWNA
ENGINEERING DEPARTMENT
5347 UPPER MISSION DRIVE
ESSENTIAL IDEA LTD.
PRELIMINARY LOT LAYOUT

CITY FILE No.	—
DRAWING NO.	2475-P1
DIVISION	REV. NO.
	0



OCP20-0016 & Z20-0079 5347 Upper Mission Drive

OCP Amendment & Rezoning Application

Proposal

- ▶ To change the Future Land Use designation for a portion of the subject property from the PARK – Major Park/Open Space (public) and S2RES – Single/Two Unit Residential designations to the PARK – Major Park/Open Space (public) and S2Res – Single/Two Unit Residential.
- ▶ To rezone the subject property from RR2c – Rural Residential 2 with Carriage House, RR3 – Rural Residential 3, RR3c – Rural Residential 3 with Carriage House to the Ru5 – Bareland Strata Housing and P3 – Parks and Open Space zone

Development Process

Sept 4, 2020

Development Application Submitted

Staff Review & Circulation

Mar 16, 2021

Public Notification Received

May 31, 2021

Initial Consideration

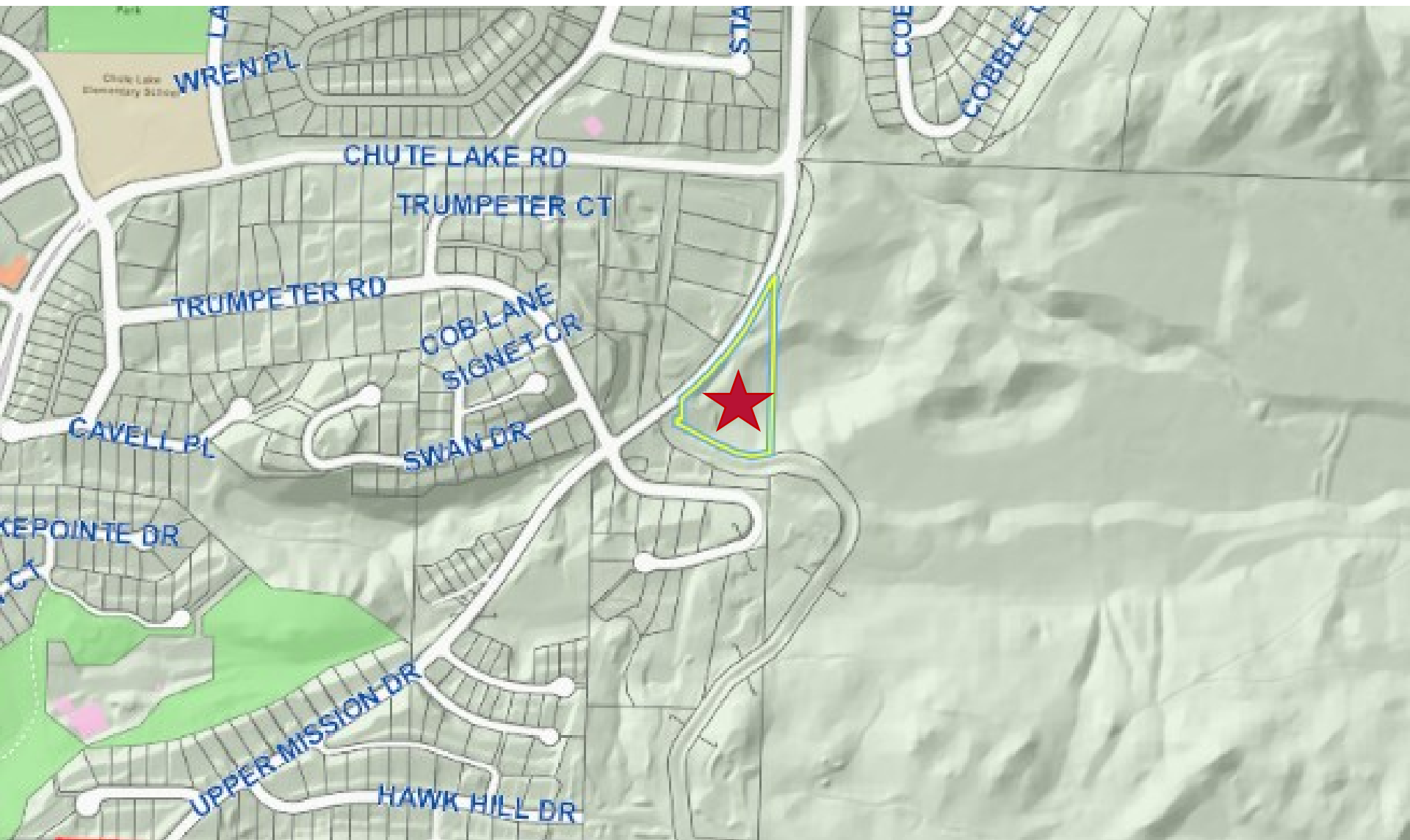
Public Hearing
Second & Third Readings

Final Reading

Subdivision/Building Permit

Council
Approvals

Context Map



OCP Future Land Use / Zoning



Subject Property Map



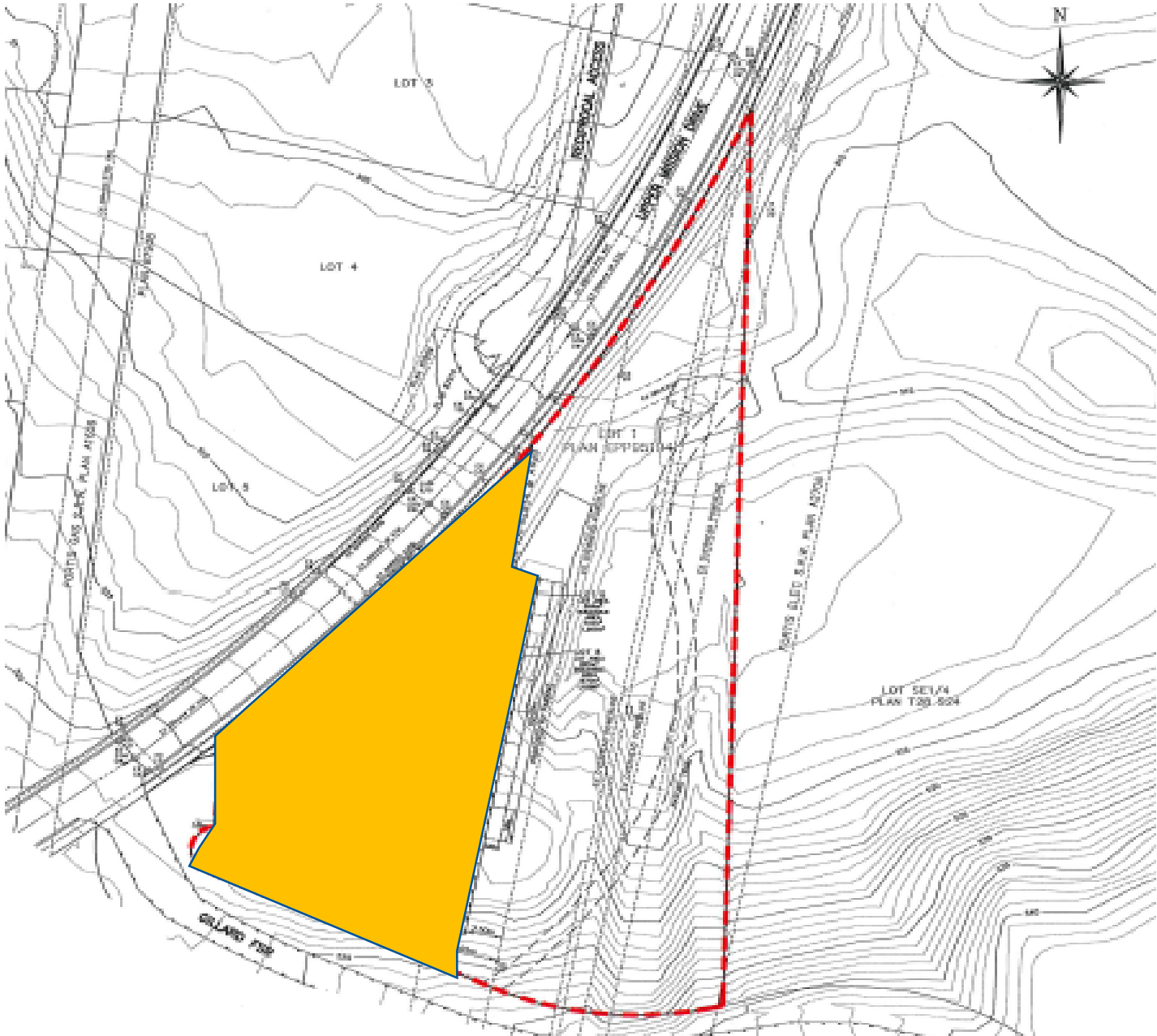
Street View



Proposal Overview



Conceptual Site Plan



Objective 5.2 Develop Sustainably

- ▶ **Policy .3 Complete Suburbs.** Support a mix of uses within Kelowna's suburbs, in accordance with "Smart Growth" principles to ensure complete communities. Uses that should be present in all areas of the City, at appropriate locations, including commercial, institutional, and all types of residential uses (including affordable and special needs housing) at densities appropriate to their context.
- ▶ **Policy .5 Integrated Land Use.** Integrate land use approaches wherever possible to improve opportunities for biodiversity, ecosystem connectivity, recreation, agriculture and local food production, while reducing conflicts.

Staff Recommendation

- ▶ Development Planning Staff recommend **support** for the Official Community Plan and Rezoning Amendment application
 - ▶ Meets suburban residential and park policies and objectives
 - ▶ Maintains over half of the property as park and open space
 - ▶ Limits residential accesses from Upper Mission Drive
 - ▶ Integrates well within existing area
 - ▶ Meets infill growth policies within the Permanent Growth Boundary



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12217

Official Community Plan Amendment No. OCP20-0016 – 5347 Upper Mission Drive

A bylaw to amend the "*Kelowna 2030* – Official Community Plan Bylaw No. 10500".

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation for a portion of Lot 1 District Lots 24 Township 28 SDYD Plan EPP95194, located on Upper Mission Drive, Kelowna, B.C., from the PARK - Major Park/Open Space (public) designation to the S2RES – Single/Two Unit Residential designation as shown on Map A attached to and forming part of this bylaw ;
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 31st day of May, 2021.

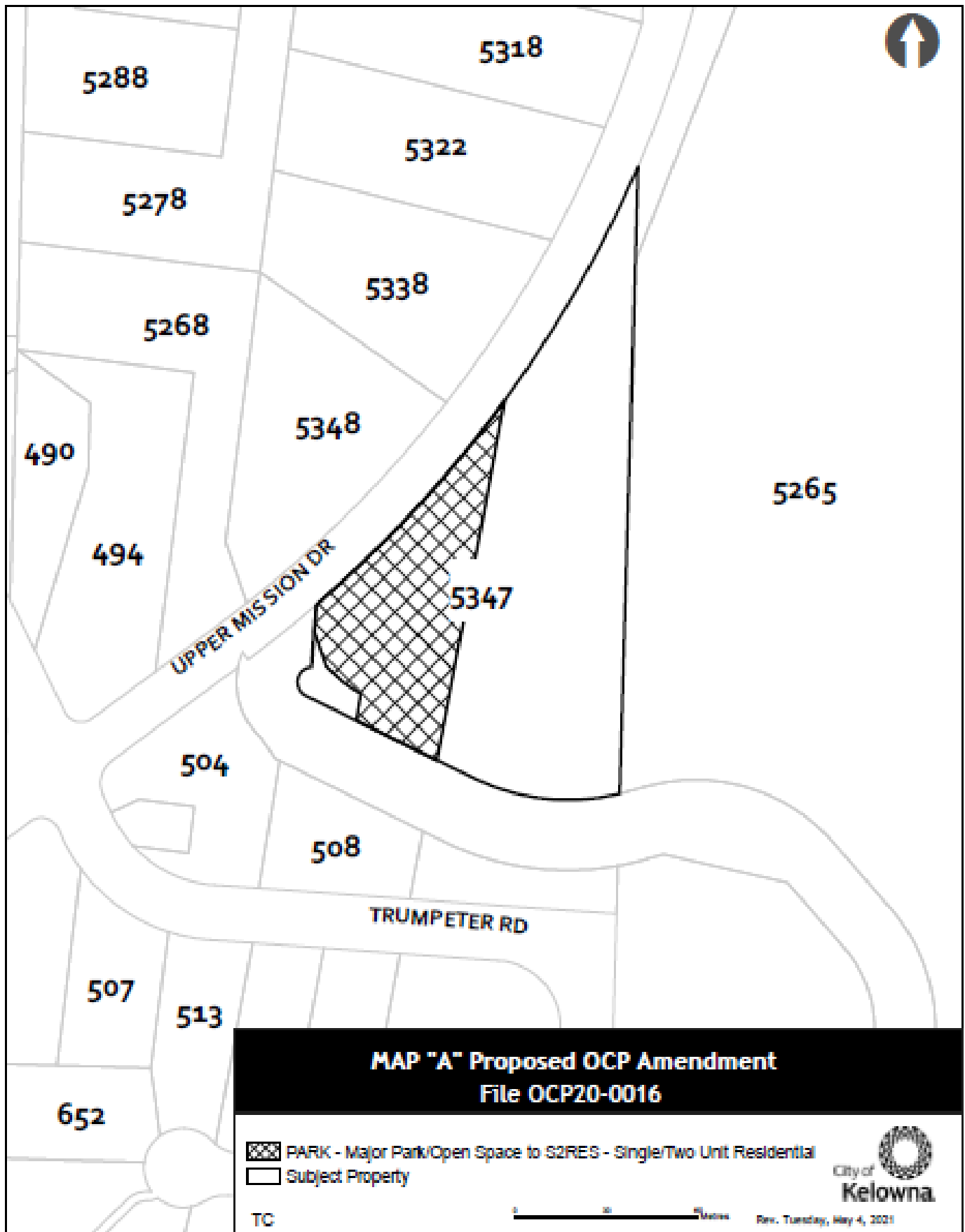
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



CITY OF KELOWNA

BYLAW NO. 12218

Z20-0079 - 5347 Upper Mission Drive

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 portions of Lot 1 District Lots 24 Township 28 SDYD Plan EPP95194 located on Upper Mission Drive, Kelowna, BC from the RR2c – Rural Residential 2 with Carriage House, RR3 – Rural Residential 3, and RR3c – Rural Residential 3 with Carriage House zones to the RU5 – Bareland Strata Housing and P3 – Parks and Open Space zones as shown on Map "B" attached to and forming part of this bylaw;
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 31st day of May, 2021.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

