

# City of Kelowna

## Public Hearing

### AGENDA



Tuesday, March 1, 2022  
6:00 pm  
Council Chamber  
City Hall, 1435 Water Street

Pages

1. **Call to Order the Public Hearing - START TIME 6:00 PM - Hwy 33 W 260-262 - LUCT20-0013 (BL12272) - My Neighbourhood Restaurant Ltd., Inc. No. BCo775737**

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 2040* - Official Community Plan Bylaw No. 12300 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 the most recent Provincial Health Officer Order regarding face coverings, a mask or face covering must be worn in the gallery of Council Chambers except when presenting to Council.

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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. **START TIME 6:00 PM - Hwy 33 W 260-262 - LUCT20-0013 (BL12272) - My Neighbourhood Restaurant Ltd., Inc.No. BCo775737**

7 - 20

To proceed with the early termination of Land Use Contract LUC76-11 and to revert the parcel to the underlying C4 – Urban Centre Commercial zone.

## 3. Termination

## 4. Call to Order the Regular Meeting

## 5. Bylaws Considered at Public Hearing

### 5.1. **START TIME 6:00 PM - Hwy 33 W 260-262 - BL12272 (LUCT20-0013) - My Neighbourhood Restaurant Ltd., Inc.No. BCo775737**

21 - 21

To give Bylaw No. 12272 second and third reading and adopt in order to proceed with the early termination of Land Use Contract LUC76-11.

## 6. Termination

## 7. **Call to Order the Public Hearing - START TIME 6:00 PM - Harvey Ave 1574 - LUCT20-0019 (BL12317) - PMC (Harvey) Holdings Corp., Inc. No. BCo783456**

The purpose of the Hearing is to hear from the public on matters contained in the various bylaws which, if adopted, will amend *Kelowna 2040* - Official Community Plan Bylaw No. 12300 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.

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Following the close of the Public Hearing, no further information from the applicant or

members of the public will be accepted by Council.

## **8. Individual Bylaw Submissions**

### **8.1. START TIME 6:00 PM - Harvey Ave 1574 - LUCT20-0019 (BL12317) - PMC (Harvey) Holdings Corp., Inc.No. BCo783456**

22 - 34

To proceed with early termination of Land Use Contract LUC78-1021 and to revert the parcel to the underlying zones of C10 – Service Commercial & C3 – Community Commercial.

## **9. Termination**

## **10. Call to Order the Regular Meeting**

## **11. Bylaws Considered at Public Hearing**

### **11.1. START TIME 6:00 PM - Harvey Ave 1574 - BL12317 (LUCT20-0019) - PMC (Harvey) Holdings Corp., Inc. No. BCo783456**

35 - 35

To give Bylaw No. 12317 second and third reading and adopt in order to proceed with early termination of Land Use Contract LUC78-1021.

## **12. Termination**

## **13. Call to Order the Public Hearing - START TIME 6:00 PM - Rutland Rd 155 -179 - TA21-0017 (BL12325) - ASI CENTRAL GP INC., INC.NO. Ao117887**

The purpose of the Hearing is to hear from the public on matters contained in the various bylaws which, if adopted, will amend *Kelowna 2040* - Official Community Plan Bylaw No. 12300 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.

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presenting to Council.

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

**14. Individual Bylaw Submissions**

- 14.1. START TIME 6:00 PM - Rutland Rd 155 -179 - TA21-0017 (BL12325) - ASI CENTRAL GP INC., INC.NO. A0117887** 36 - 52

To amend the Zoning Bylaw with a Site-Specific Text Amendment to allow a maximum density of 2.35 FAR and a maximum height of 8 storeys and 32.0 m for the subject properties.

**15. Termination**

**16. Call to Order the Regular Meeting**

**17. Bylaws Considered at Public Hearing**

- 17.1. START TIME 6:00 PM - Rutland Rd 155 -179 - BL12325 (TA21-0017) - ASI CENTRAL GP INC., INC.NO. A0117887** 53 - 54

To give Bylaw No. 12325 second and third reading in order to increase the maximum density and maximum height in the C4 - Urban Centre Commercial zone for the subject properties.

**18. Termination**

**19. Call to Order the Public Hearing - START TIME 6:00 PM - St Paul St 1310 - Z21-0062 (BL12326) - Vibona Enterprises Ltd. Inc. No BCo458875**

The purpose of the Hearing is to hear from the public on matters contained in the various bylaws which, if adopted, will amend *Kelowna 2040* - Official Community Plan Bylaw No. 12300 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.

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

**20. Individual Bylaw Submissions**

- 20.1. START TIME 6:00 PM - St Paul St 1310 - Z21-0062 (BL12326) - Vibona Enterprises Ltd. Inc. No BCo458875** 55 - 82

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

**21. Termination**

**22. Call to Order the Regular Meeting**

**23. Bylaws Considered at Public Hearing**

- 23.1. START TIME 6:00 PM - St Paul St 1310 - BL12326 (Z21-0062) - Vibona Enterprises Ltd. Inc. No BCo458875** 83 - 83

To give Bylaw No. 12326 second and third reading in order to rezone the subject property from an I2 - General Industrial zone to the C7rcs - Central Business Commercial (Retail Cannabis Sales) zone.

**24. Termination**

**25. 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 representations to Council regarding the project.
- (c) The Chair will call for representation from the public participating in person and online as follows:
  - (i) Any person wishing to make representations 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 questions be held open, the Chair shall state to participants the the Public Hearing on the Bylaw is closed.

(e) Once the public has had an opportunity to comment, the application 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. Online participants must be able to share their screen to display the item.

# REPORT TO COUNCIL



**Date:** February 7<sup>th</sup>, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** LUCT20-0013

**Owner:** My Neighbourhood Restaurant Ltd., Inc. No. BCo775737

**Address:** 260-262 Hwy 33 W

**Applicant:** The City of Kelowna

**Subject:** Land Use Contract Termination

**Existing OCP Designation:** UC – Urban Centre

**Existing Zone:** C4 – Urban Centre Commercial

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## 1.0 Recommendation

THAT Land Use Contract Termination Application No. LUCT20-0013 to terminate LUC76-11 from Lot 2 Section 26 Township 26 ODYD Plan 4338 Except Plan 39372 located at 260-262 Hwy 33 W, 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 Land Use Contract LUC76-11 and to revert the parcel to the underlying C4 – Urban Centre Commercial zone.

## 3.0 Development Planning

Staff are recommending support for the proposed Land Use Contract Termination to terminate LUC76-11 from the subject property. The current LUC affects one property at 260-262 Hwy 33 W and restricts the property to Zoning Bylaw No. 4500's C3 – Community Commercial zone with the ability to also operate a veterinary services, animal hospital and animal beauty parlor including boarding and training of dogs and cats. The underlying zone of C4 – Urban Centre Commercial is appropriate because this property is in the Rutland Urban Centre and the use of food-primary establishment is a principal use within the existing land use.

#### 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 apply when Council adopts the bylaw. Terminations require a one-year grace period as outlined by the Local Government Act.

##### 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 zoning 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 subject property has a total area of 548.94m<sup>2</sup> and is located on Hwy 33 W. The property has been designated UC – Urban Centre in the Official Community Plan and the surrounding area is also UC.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4 – Urban Centre Commercial	Parking Lot
East	C4 – Urban Centre Commercial	Public Park
South	Highway 33 W	Highway 33 W
West	C4 – Urban Centre Commercial	Offices

**Subject Property Map: 260-262 Hwy 33 W**



**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.

**5.2 Kelowna Official Community Plan (OCP)**

**Chapter 4: Future Land Use**

Urban Centres (UC) – Urban Centres are the City's largest activity hubs. They are characterized by the largest concentration of commercial and employment uses in the city, art and cultural services, a mix of high density residential development, and a high quality public realm. They offer the most walkable environments, have the best transit service and the greatest access to active transportation and shared mobility options.

**6.0 Application Chronology**

Date of Application Received: December 9<sup>th</sup>, 2020

Date of Owner Notification: December 18<sup>th</sup>, 2020 & January 18, 2022

**Report prepared by:** Tyler Caswell, Planner

**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



# LUCT20-0013

260-262 Hwy 33 W

Land Use Contract Termination



# Proposal

- ▶ To terminate the Land Use Contract (LUC76-11) from the subject property and revert the parcel to the underlying C<sub>4</sub> – Urban Centre Commercial zone.



# Development Process

Dec 9, 2020

LUC Termination Initiated by Staff



Dec 18, 2020 &  
Jan 18, 2022

Owner Notification Completed



Feb 7, 2022

Initial Consideration



Public Hearing (LUCT)  
Second & Third Readings

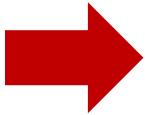


Final Reading

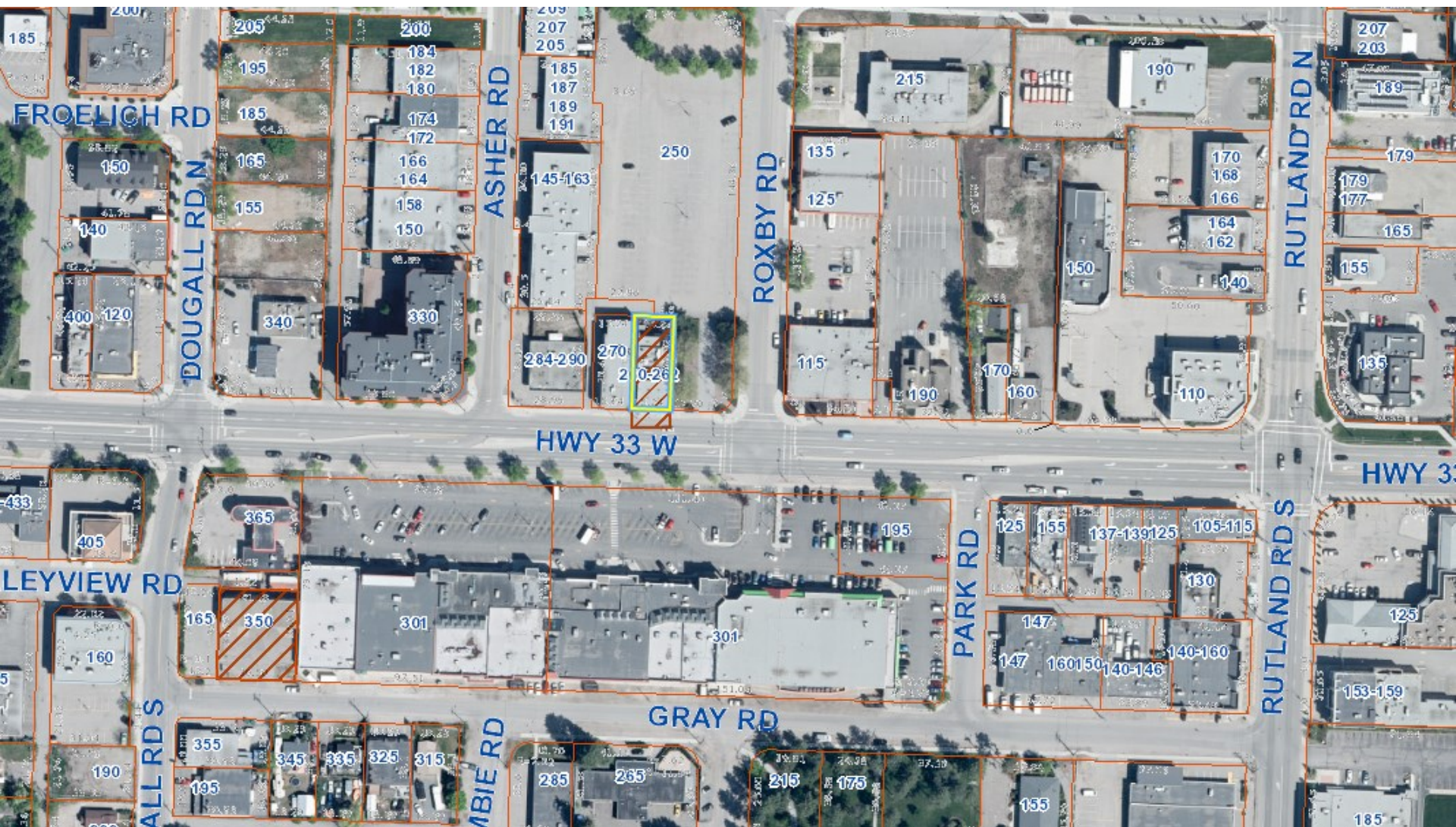


LUC Eliminated (1 year later)

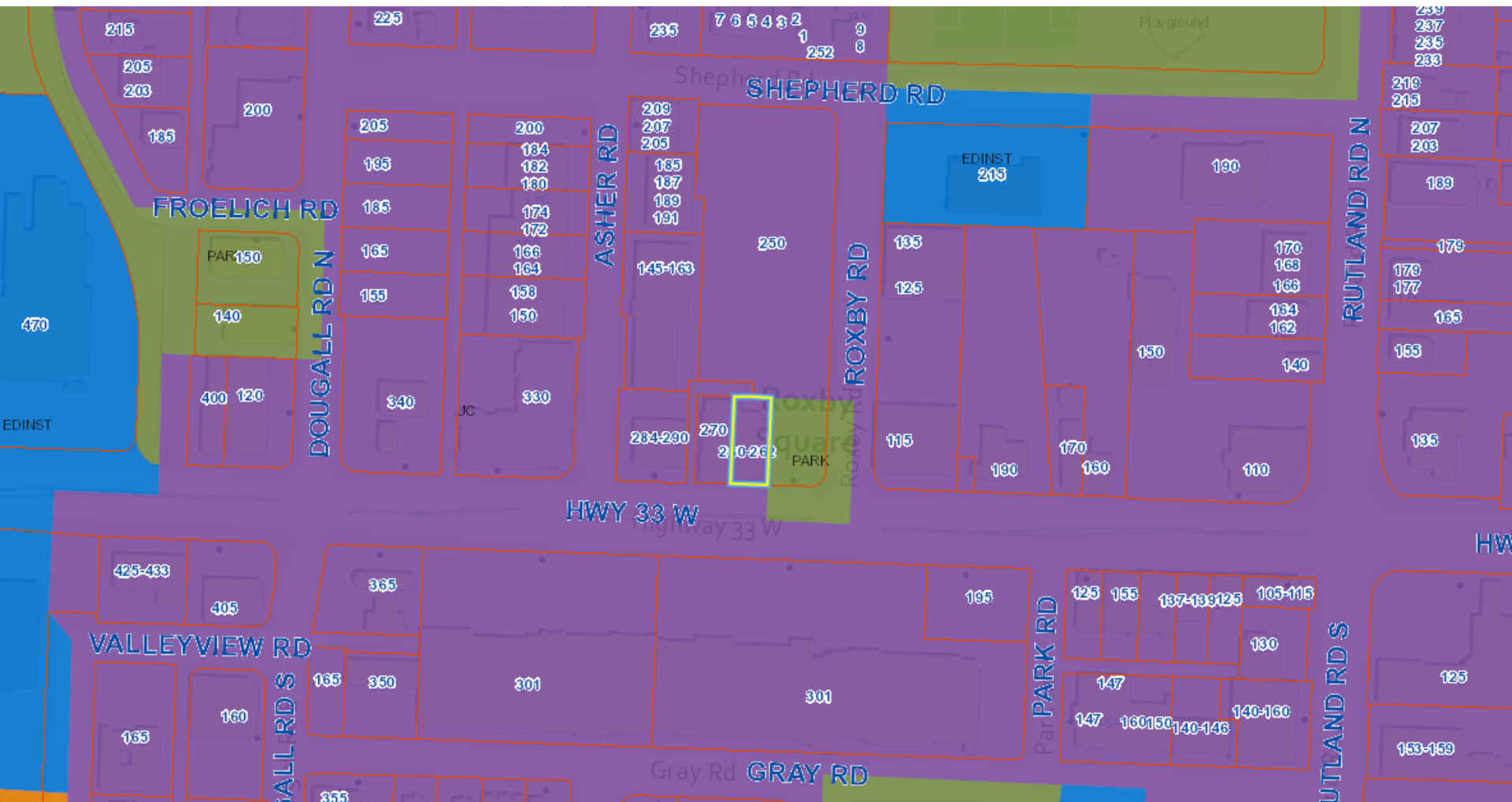
Council  
Approvals



# 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

- ▶ Staff initiated the termination of LUC76-11.
- ▶ Staff are proposing to revert the parcel back to the C<sub>4</sub> – Urban Centre Commercial zone, as the property is in the Rutland Urban Centre and the existing use is permitted in the zone.
- ▶ If successful, the property will get the full use of current C<sub>4</sub> zone, one year after termination date.

# Public Notification Policy #367

- ▶ Staff sent a letter to the property owner of the Proposed Land Use Contract Termination on December 18<sup>th</sup>, 2020.
  - ▶ A copy of the C<sub>4</sub> zone was included in the letter.
- ▶ Staff also restarted the notification process on January 18<sup>th</sup>, 2022.

# Staff Recommendation

- ▶ Development Planning Staff recommend **support** for the proposed land use contract termination:
  - ▶ The underlying zone is appropriate for the existing use and the property is in the Rutland Urban Centre.
  - ▶ Province of BC requires all LUC's to be discharged/terminated.



## *Conclusion of Staff Remarks*



**CITY OF KELOWNA**  
**BYLAW NO. 12272**  
**LUCT20-0013**

**Early Termination of Land Use Contract – LUC76-11**  
**260-262 Highway 33 West**

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WHEREAS a land use contract (the "Land Use Contract LUC76-11) is registered at the Kamloops Land Title Office under the charge number M4165 against lands in the City of Kelowna particularly known and described as Lot 2 Section 26 Township 26 ODYD Plan 4338 Except Plan 39372 (the "Lands"), located on Highway 33 West, 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 "Early Termination of Land Use Contract LUC76-11 Bylaw No. 12272";
2. "Lakeshore Animal Clinic Land Use Contract Authorizing By-Law, 1976, No. 4183" establishing Land Use Contract LUC76-11 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 7<sup>th</sup> day of February, 2022.

Considered at a Public Hearing this

Read a second and third time by Municipal Council this

Adopted by the Municipal Council this

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Mayor

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City Clerk

# REPORT TO COUNCIL



**Date:** February 7<sup>th</sup>, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** LUCT20-0019

**Owner:** PMC (Harvey) Holdings Corp.,  
Inc.No. BCo783456

**Address:** 1574 Harvey Avenue

**Applicant:** The City of Kelowna

**Subject:** Land Use Contract Termination

**Existing OCP Designation:** C-NHD – Core Area Neighbourhood

**Existing Zone:** C10 – Service Commercial & C3 – Community Commercial

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## 1.0 Recommendation

THAT Land Use Contract Termination Application No. LUCT20-0019 to terminate LUC78-1021 from Lot 3 Section 20 Township 26 ODYD Plan 32159 located at 1574 Harvey Avenue, Kelowna, BC, be considered by Council;

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

AND FURTHER THAT the notice sign requirements under Council Policy No. 367 be altered to allow for placement on the City of Kelowna's boulevard.

## 2.0 Purpose

To proceed with early termination of Land Use Contract LUC78-1021 and to revert the parcel to the underlying zones of C10 – Service Commercial & C3 – Community Commercial.

## 3.0 Development Planning

Staff are recommending support for the proposed Land Use Contract Termination to terminate LUC78-1021 from the subject property. The LUC affects one property at 1574 Harvey Avenue and restricts the property to the Zoning Bylaw No. 4500's C3 – Community Commercial zone. The underlying zones of C3 – Community Commercial and C10 – Service Commercial are appropriate because the existing fitness and racquet centre is within the C10 portion of the property, while the commercial portion of the site is within the C3 portion. The existing uses fit within the underlying zones.

#### 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 apply when Council adopts the bylaw. Terminations require a one-year grace period as outlined by the Local Government Act.

##### 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 zoning 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.

Due to the file being Staff initiated, Staff suggest Council Policy #367 development signage requirements be altered to allow for the development signs to be placed on the City of Kelowna's boulevard, rather than on the subject property.

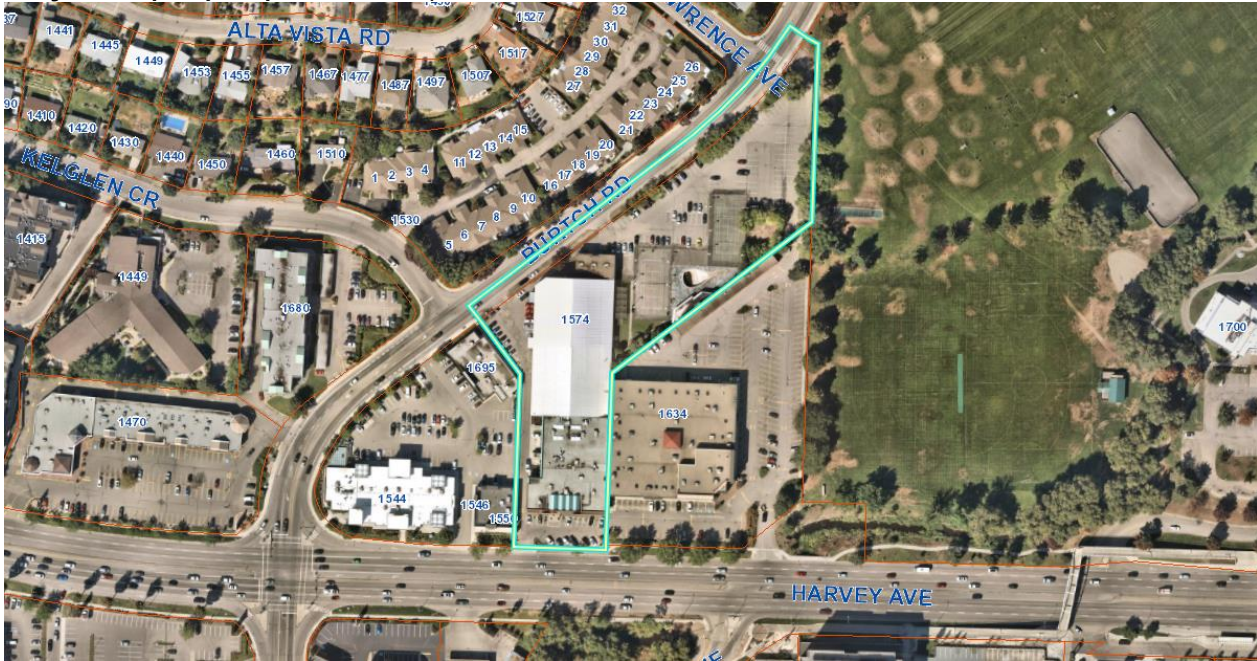
##### 4.3 Site Context

The subject property is located on both Burtch Road and Harvey Avenue. The property has been designated Core Area Neighbourhood in the Official Community Plan, which is largely consistent with the surrounding area.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM3 – Low Density Multiple Housing	Apartment Housing
East	C3 – Community Commercial & P1P – Major Institutional (Liquor Primary)	Service Commercial and Parkinson Rec Centre
South	C3 – Community Commercial	Service Commercial
West	C3 – Community Commercial	General Commercial Uses

**Subject Property Map: 1574 Harvey Avenue**



**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 Received: December 10<sup>th</sup>, 2020

Date Public Consultation Completed: December 18<sup>th</sup>, 2020 & January 10<sup>th</sup>, 2022

**Report prepared by:** Tyler Caswell, Planner

**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



# LUCT20-0019

1574 Harvey Avenue

Land Use Contract Termination



# Proposal

- ▶ To terminate the Land Use Contract (LUC78-1021) from the subject property and revert the parcel to the underlying C10 – Service Commercial and C3 – Community Commercial zones.

# Development Process

Dec 10, 2020

LUC Termination Initiated by Staff



Dec 18, 2020 &  
Jan 10, 2022

Owner Notification Completed



Feb 7, 2022

Initial Consideration



Public Hearing (LUCT)  
Second & Third Readings

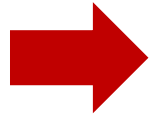


Final Reading



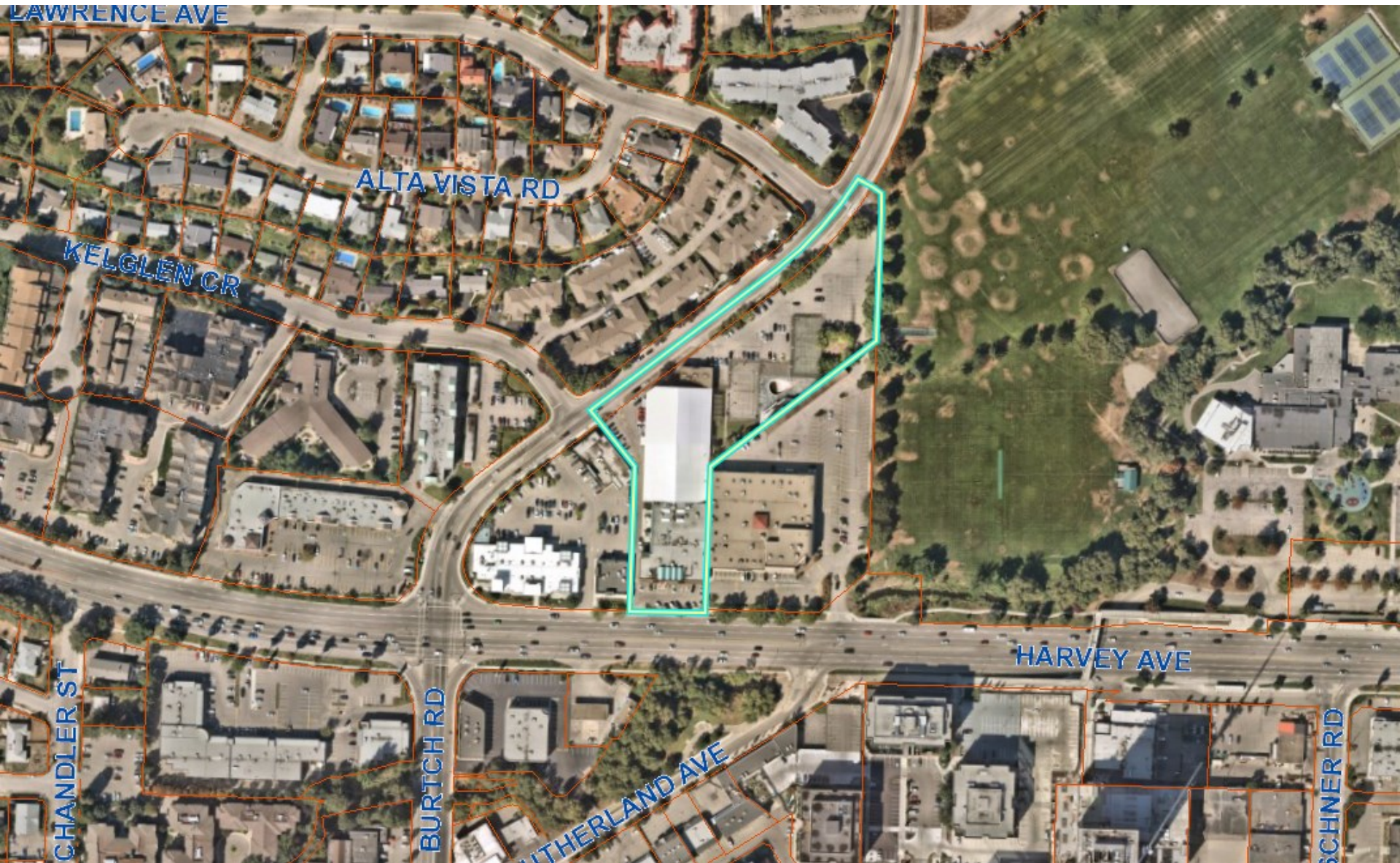
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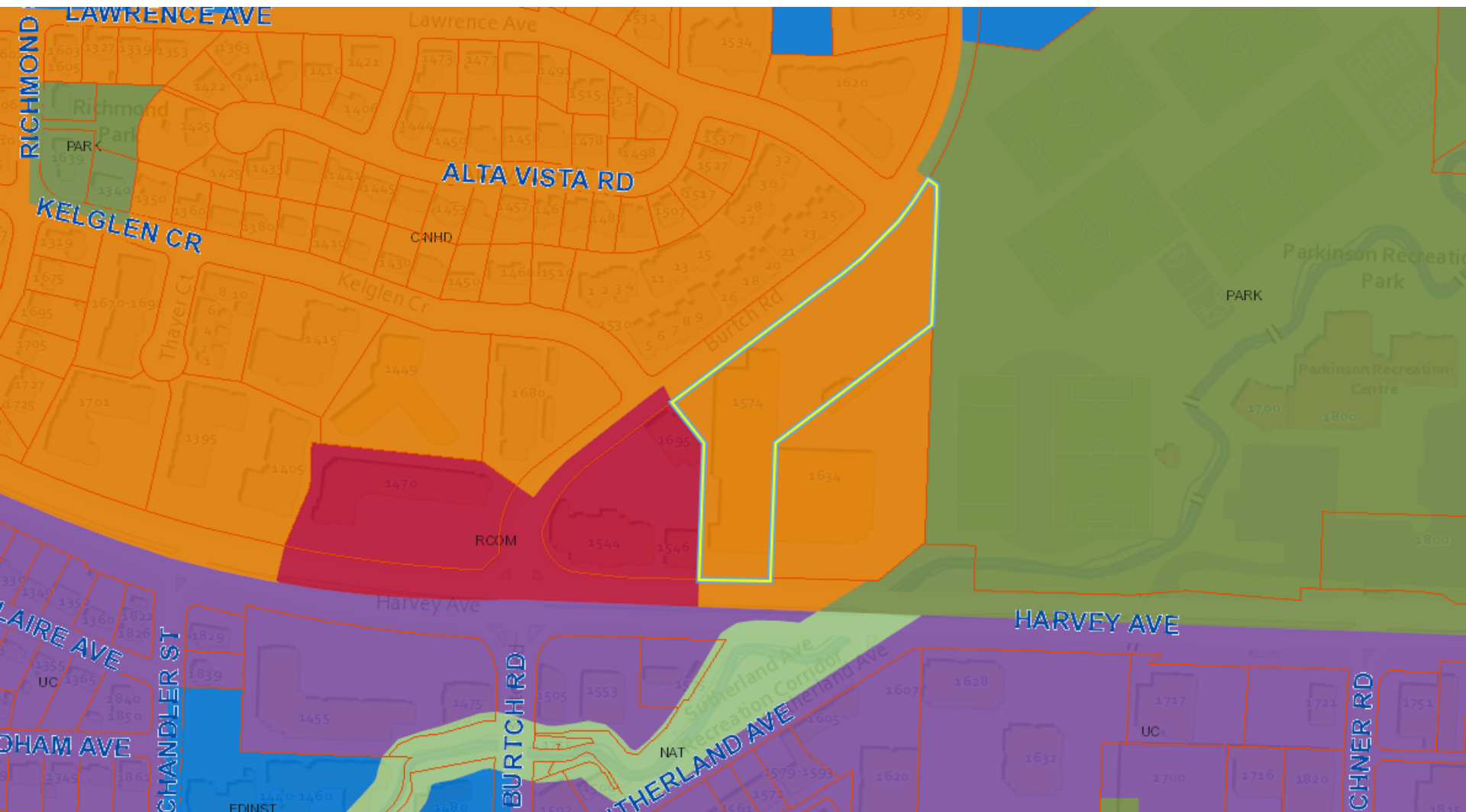


# Context Map





# 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

- ▶ Staff initiated the termination of LUC78-1021.
- ▶ Staff are proposing to revert the parcel back to the C<sub>3</sub> – Community Commercial and C<sub>10</sub> – Service Commercial zones.
  - ▶ The existing uses are consistent with the underlying zones.
- ▶ If successful, the property will get the full use of current C<sub>4</sub> zone, one year after termination date.

# Public Notification Policy #367

- ▶ Staff sent a letter to the property owner of the Proposed Land Use Contract Termination on December 18<sup>th</sup>, 2020.
  - ▶ A copy of the C3 zone was included in the letter.
- ▶ Staff also restarted the notification process on January 10<sup>th</sup>, 2022.

# Staff Recommendation

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



## *Conclusion of Staff Remarks*

# CITY OF KELOWNA

## BYLAW NO. 12317

LUCT20-0019

### Early Termination of Land Use Contract – LUC78-1021 1574 Harvey Avenue

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WHEREAS a land use contract (the "Land Use Contract LUC78-1021) is registered at the Kamloops Land Title Office under the charge number N71529 against lands in the City of Kelowna particularly known and described as Lot 3 Section 20 Township 26 ODYD Plan 32159 (the "Lands"), located on Harvey Avenue, 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 "Early Termination of Land Use Contract LUC78-1021 Bylaw No.12317";
2. Land Use Contract Bylaw No. 4653 establishing Land Use Contract LUC78-1021 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 7<sup>th</sup> day of February, 2022.

Considered at a Public Hearing on the

Read a second and third time by Municipal Council this

Adopted by the Municipal Council this

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Mayor

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City Clerk

# REPORT TO COUNCIL



**Date:** February 7, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** TA21-0017

**Owner:** ASI Central GP INC., INC.NO.  
A0117887

**Address:** 155, 165, 175-179 & 179 Rutland Road N

**Applicant:** Arlington Street Investments  
Inc.

**Subject:** Text Amendment Application

**Existing OCP Designation:** UC – Urban Centres

**Existing Zone:** C4 – Urban Centre Commercial

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## 1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA21-0017 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report from the Development Planning Department dated February 7, 2022 for Lot 2 Section 26 Township 26 ODYD Plan 11269 Except Plan 37956, The North ½ of Lot 2 Section 26 Township 26 ODYD Plan 2478 Except Plans B7413 and 37956, That Part of the North ½ of Lot 2 Shown on Plan B7413; Section 26 Township 26 ODYD Plan 2478 Except Plan 37956 and Lot 1 Section 26 Township 26 ODYD Plan 2773 Except: (1) Part Outlined Red on Plan B5413 (2) Plan 8824 (3) Plan 37956 located at 155, 165, 175-179 and 179 Rutland Rd N be considered by Council;

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

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 amend the Zoning Bylaw with a Site-Specific Text Amendment to allow a maximum density of 2.35 FAR and a maximum height of 8 storeys and 32.0 m for the subject properties.

## 3.0 Development Planning



Staff supports the Text Amendment application to allow a height of 8 storeys and 32.0 m and a maximum density of 2.35 FAR for the subject properties. The proposal is consistent with many policies in the 2040 Official Community Plan (OCP) and the Urban Centres Roadmap. The increase in density at this location is supported by local amenities such as parks, schools, transit, shopping and recreational opportunities in the immediate area.

#### **4.0 Proposal**

##### **4.1 Background**

The subject properties are located on the east side of Rutland Road to the north of Hwy 33E (directly north of the Starbucks). The site is designated as UC – Urban Centre as it is within the Rutland Urban Centre. The project site is located within walking distance of the Shepherd Road transit exchange and near multiple bus stops situated on both Rutland Rd and Hwy 33E and Rutland Road is designated as a Retail Street within the 2040 Official Community Plan.

The proposal consists of four parcels which are zoned C<sub>4</sub> – Urban Centre Commercial. Under the current development regulations, the project would be able to achieve a maximum FAR of 2.08 though meeting bonusing provisions. The C<sub>4</sub> – Urban Centre Commercial development regulations have a base FAR of 1.3 without bonuses and a maximum height of 4 storeys or 15.0 m within the Rutland Urban Centre.

##### **4.2 Project Description**

The applicant is proposing a 98-unit purpose-built rental apartment building in the heart of the Rutland Urban Centre. The multiple properties for this development will be consolidated to a single parcel. The OCP has policy direction for greater heights and densities than what is currently available in the base zoning regulations of C<sub>4</sub>. The OCP provides even greater emphasis when the proposal contains a significant benefit such as affordable, supportive and/or rental housing component that further advances Urban Centre housing objectives. The applicant is proposing a Site-Specific Text Amendment in order to achieve a FAR of 2.35 and a maximum height of 8 storeys and 32.0 m for this site. This density is similar to developments in the same zone in South Pandosy as there is a specific density bonus in that neighbourhood.

As noted, the maximum density that is currently achievable within the Rutland Urban Centre is 2.08 under c<sub>4</sub>. The redevelopment of the site provides at-grade commercial units along Rutland Road. This, along with zero lot lines side setbacks, will help elevate the quality of the urban streetscape experience. Redevelopment of this Retail Street is a long-term goal which is more readily achievable by allowing increased height and density at key locations. As further redevelopment occurs, more pedestrian and cycling infrastructure will be provided as upgrades to Rutland Road.

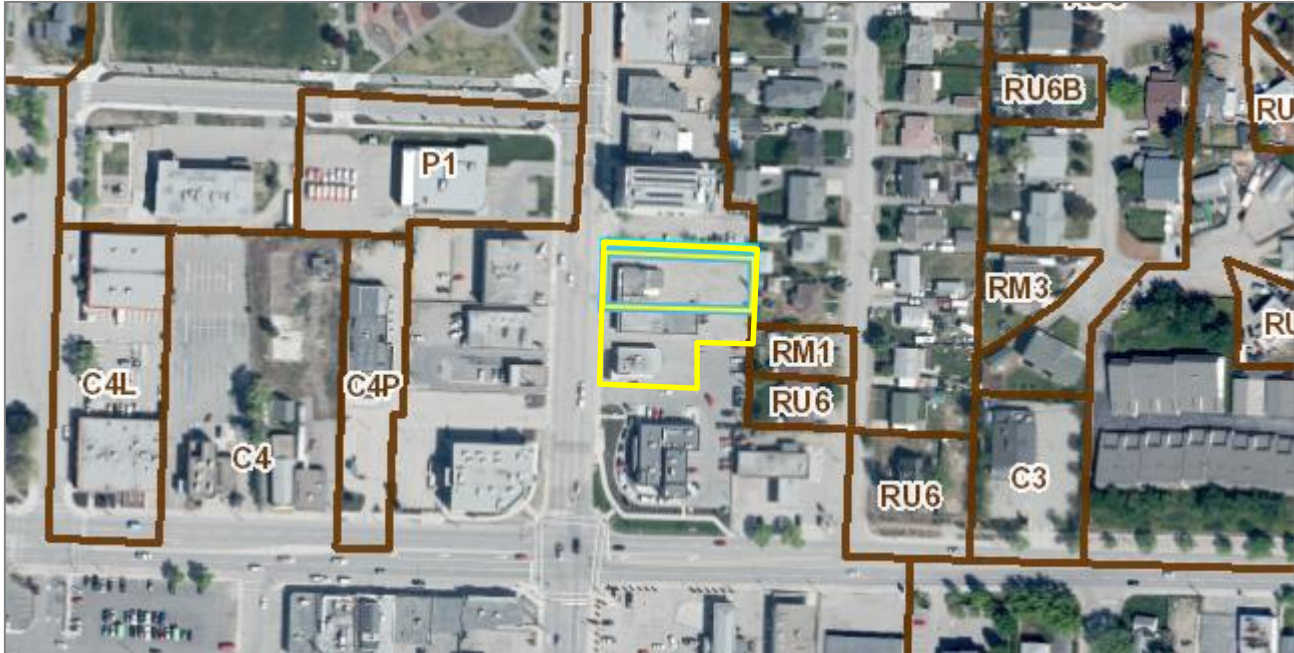
##### **Site Context**

The subject properties are located on the east side of Rutland Road to the north of Hwy 33E. The site is designated as UC – Urban Centre and is within the Rutland Urban Centre. The properties are located within walking distance of the Shepherd Road transit exchange along with bus tops situated on both Rutland Rd and Hwy 33E. Rutland Road is designated as a Retail Street within the 2040 Official Community Plan.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4 – Urban Centre Commercial	Supportive Housing
East	RU1 – Large Lot Housing	Single Dwelling Housing
South	C4 – Urban Centre Commercial	Retail Businesses
West	C4 – Urban Centre Commercial P1 – Major Institutional	Retail Businesses, Canada Post Depot

**Subject Property Map: 155, 167, 175-179 & 179 Rutland Road**



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Objective 4.1 Strengthen the Urban Centres as the primary hubs of activity

Policy 4.1.1. Live/Work Balance.	Direct growth in <a href="#">Urban Centres</a> to achieve densities of 150-250 combined residents and jobs per hectare, with a composition of 2:1 residents to jobs or as outlined in an Urban Centre Plan. Refine these density targets as Urban Centre Plans are developed.
	<i>Higher density redevelopment has been slow to occur within the Rutland Urban Centre. Supporting additional height and density at key locations will aide with improving the urban form within the Rutland Urban Centre.</i>
Policy 4.1.3. Urban Centres Roadmap.	Continue to use the Urban Centres Roadmap to provide guidance for growth and development in Urban Centres.
	<i>Refer to 5.2 Urban Centres Roadmap key considerations below.</i>
Policy 4.1.6. High Density Residential Development.	Direct medium and high-density residential development to Urban Centres to provide a greater mix of housing near employment and to maximize use of existing and new infrastructure, services and amenities.

	<i>Supporting more height and density at key locations within the Rutland Urban Centre will be a vehicle for change to help transform the urban centre into an area that delivers a higher quality of life to current and future residents..</i>
<b>Objective 4.7 Focus new development in Rutland strategically to create new high-density business and residential hub to support improved services and amenities.</b>	
Policy 4.7.1 Rutland Building Heights.	<p>Undertake a building heights study as part of an Urban Centre Plan process for the Rutland Urban Centre. Until this process is complete, support development in the Rutland Urban Centre that is generally consistent with the building heights outlined in Map 4.7 to accomplish the following:</p> <ul style="list-style-type: none"> <li>• Focusing taller buildings between Shepherd Road, Dougall Road, Rutland Road and Highway 33 to support the viability of Rutland's designated high streets, the Rutland Transit Exchange and Rutland Centennial Park;</li> <li>• Directing more modest heights along the Highway 33 and Rutland Road corridors to support transit use and the viability of commercial uses in those two corridors;</li> <li>• Tapering heights down towards surrounding Core Area Neighbourhoods</li> </ul>
	<i>The subject site does not front directly onto the adjacent Transit Supportive Corridors surrounding the property, however, it is located in a transition area.</i>
Policy 4.7.2 Taller Rutland Buildings.	<p>Prior to the development of a neighbourhood plan for the Rutland Urban Centre, and with due consideration of the objectives of Policy 4.7.1, consider support for development that is higher than the heights outlined in Map 4.7, where the proposal contains significant benefit to Kelowna citizens, including some or a combination of the following:</p> <ul style="list-style-type: none"> <li>• An affordable, supportive and/or rental housing component that further advances Urban Centre housing objectives;</li> <li>• A significant public amenity that supports the fostering of more inclusive and socially connected Urban Centres, such as parks, public spaces, schools, post-secondary institutions or childcare facilities;</li> <li>• Offsite considerations, including enhanced streetscapes, provision of Active Transportation Corridors, tree canopy protection and enhancement, or green infrastructure within the road right of way;</li> <li>• Smaller tower floorplates to mitigate the impact on views and shadowing; and/or</li> <li>• Outstanding and extraordinary architectural design.</li> </ul>
	<i>This purpose-built rental project will add approximately 98 additional rental units to the heart of the Rutland Urban Centre. Additional height and density at this key centrally located property will encourage further redevelopment within the area.</i>

## 5.2 Urban Centres Roadmap

### **Type 2 Mid-Sized Projects – Key Considerations (Pg 38):**

Appropriate occupancies: Achieving moderate to high residential densities on sites designated for mixed-use residential will be fundamental to realizing the goal of dense and livable Urban Centres.

Priorities for Early-Stage Urban Centres (Midtown, Capri-Landmark, Rutland):

- Improve urban form of the area by encouraging multi-storey building with strong relationships to the street.
- Ensure sidewalks and street trees are added through frontage improvements.
- Shift Surface parking to the rear of the site.

**6.o Application Chronology**

Date of Application Accepted: October 1, 2021

Date Public Consultation Completed: December 7, 2021

**Report prepared by:** Lydia Korolchuk, Planner Specialist

**Reviewed by:** Jocelyn Black, Urban Planning Manager

**Reviewed by:** Terry Barton, Development Planning Department Manager

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

**Attachments:**

Schedule A: Text Amendment

## Schedule A – Proposed Site Specific Text Amendments to Zoning Bylaw No. 8000 TA21-0017

No.	Section	Current Wording	Proposed Wording	Reason for Change						
1.	Section 14-Commercial Zones, 14.4 C4 - Urban Centre Commercial	N/A	<p><b>14.4.7 Site Specific Uses and Regulations</b></p> <p>Uses and regulations apply to the C4 - Urban Centre Commercial on a site-specific basis as follows:</p> <table><tr><th>Legal Description</th><th>Civic Address</th><th>Regulation</th></tr><tr><td>Lot 2 Section 26 Township 26 ODYD Plan 11269 Except Plan 37956, The North ½ of Lot 2 Section 26 Township 26 ODYD Plan 2478 Except Plans B7413 and 37956, That Part of the North ½ of Lot 2 Shown on Plan B7413; Section 26 Township 26 ODYD Plan 2478 Except Plan 37956 and Lot 1 Section 26 Township 26 ODYD Plan 2773 Except: (1) Part Outlined Red on Plan B5413 (2) Plan 8824 (3) Plan 37956.</td><td>155 Rutland Rd N 165 Rutland Rd N 175-179 Rutland Rd N 179 Rutland Rd N</td><td>Notwithstanding Section 14.4.5(a), the maximum floor area ratio is 2.35 and Notwithstanding Section 14.4.5(c), the maximum height is 8 storeys and 32.0 m.</td></tr></table>	Legal Description	Civic Address	Regulation	Lot 2 Section 26 Township 26 ODYD Plan 11269 Except Plan 37956, The North ½ of Lot 2 Section 26 Township 26 ODYD Plan 2478 Except Plans B7413 and 37956, That Part of the North ½ of Lot 2 Shown on Plan B7413; Section 26 Township 26 ODYD Plan 2478 Except Plan 37956 and Lot 1 Section 26 Township 26 ODYD Plan 2773 Except: (1) Part Outlined Red on Plan B5413 (2) Plan 8824 (3) Plan 37956.	155 Rutland Rd N 165 Rutland Rd N 175-179 Rutland Rd N 179 Rutland Rd N	Notwithstanding Section 14.4.5(a), the maximum floor area ratio is 2.35 and Notwithstanding Section 14.4.5(c), the maximum height is 8 storeys and 32.0 m.	To allow a maximum density of 2.35 FAR and a maximum height of 8 storeys and 32 m on the subject property.
Legal Description	Civic Address	Regulation								
Lot 2 Section 26 Township 26 ODYD Plan 11269 Except Plan 37956, The North ½ of Lot 2 Section 26 Township 26 ODYD Plan 2478 Except Plans B7413 and 37956, That Part of the North ½ of Lot 2 Shown on Plan B7413; Section 26 Township 26 ODYD Plan 2478 Except Plan 37956 and Lot 1 Section 26 Township 26 ODYD Plan 2773 Except: (1) Part Outlined Red on Plan B5413 (2) Plan 8824 (3) Plan 37956.	155 Rutland Rd N 165 Rutland Rd N 175-179 Rutland Rd N 179 Rutland Rd N	Notwithstanding Section 14.4.5(a), the maximum floor area ratio is 2.35 and Notwithstanding Section 14.4.5(c), the maximum height is 8 storeys and 32.0 m.								



# TA21-0017 155, 165, 175-179 & 179 Rutland Road N

Text Amendment Application

# Proposal

- ▶ To consider a site-specific Text Amendment to the Zoning Bylaw to allow a maximum building height of 8 storeys and 32.0 m and to allow a density of 2.35 FAR for the subject properties.



# Development Process

Oct 1, 2021

Development Application Accepted

Staff Review & Circulation

Dec 7, 2021

Neighbourhood Notification

Feb 7, 2022

Initial Consideration

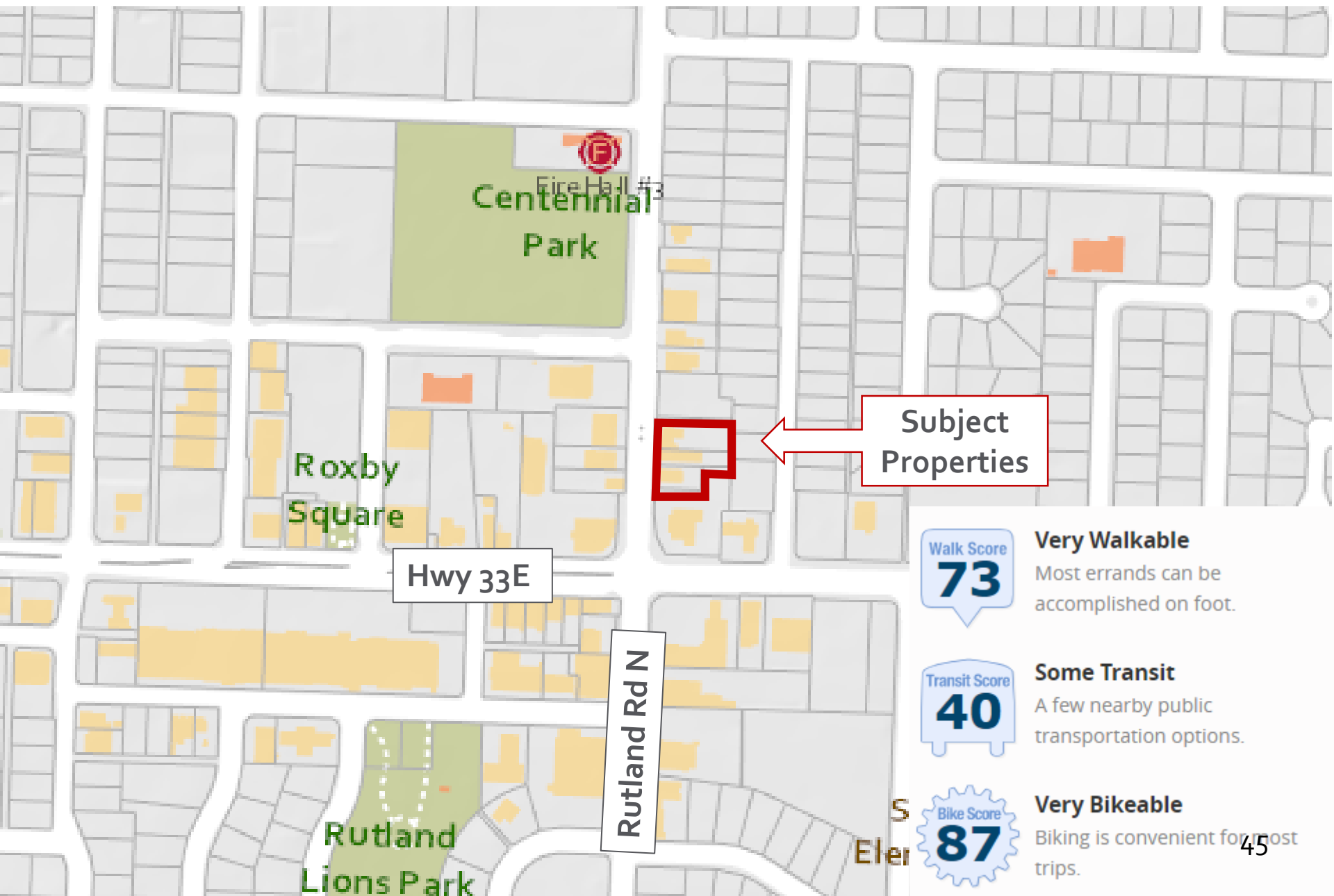
Public Hearing  
Second & Third Readings

Final Reading and DP & Variances

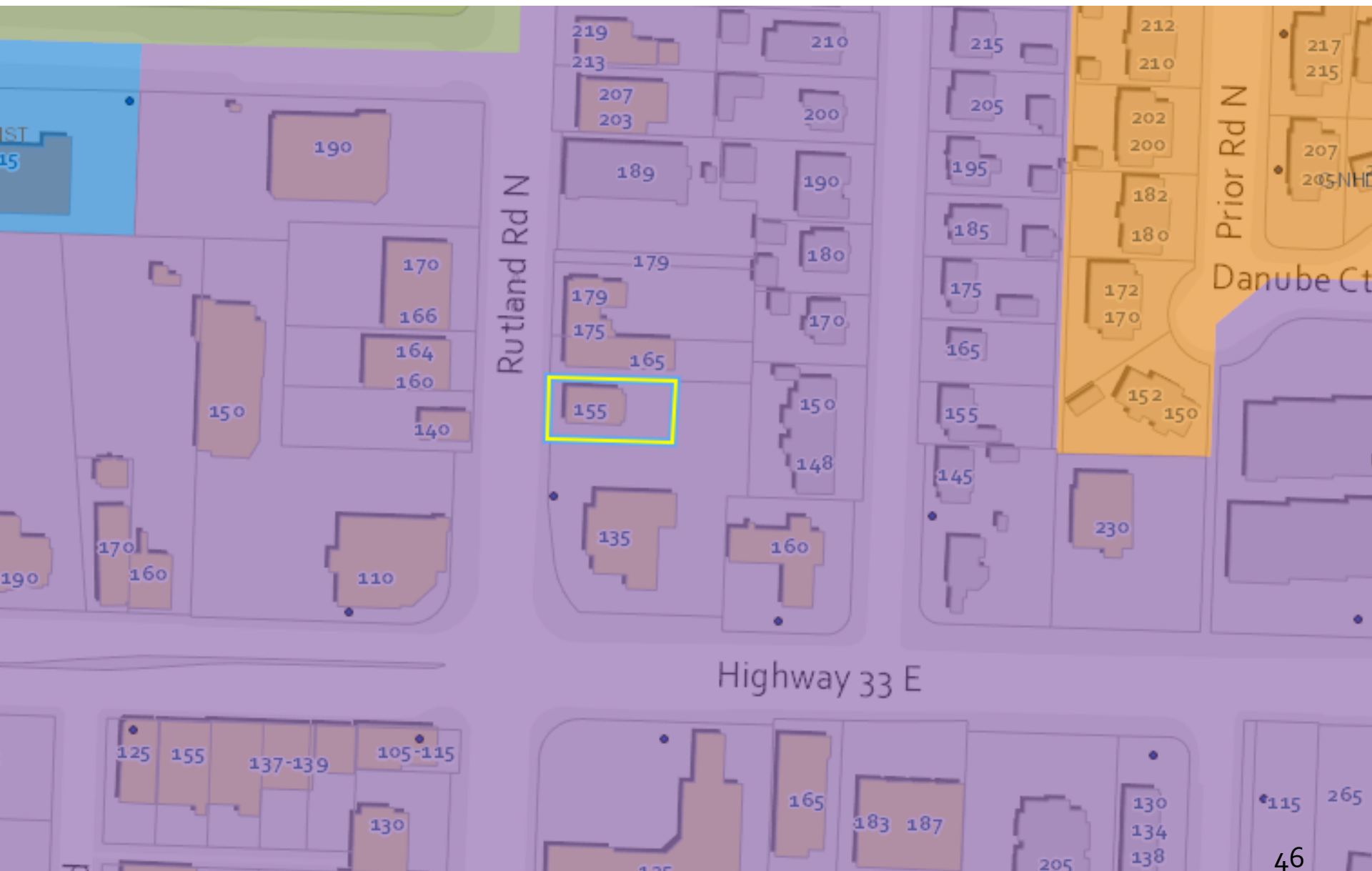
Building Permit

Council  
Approvals

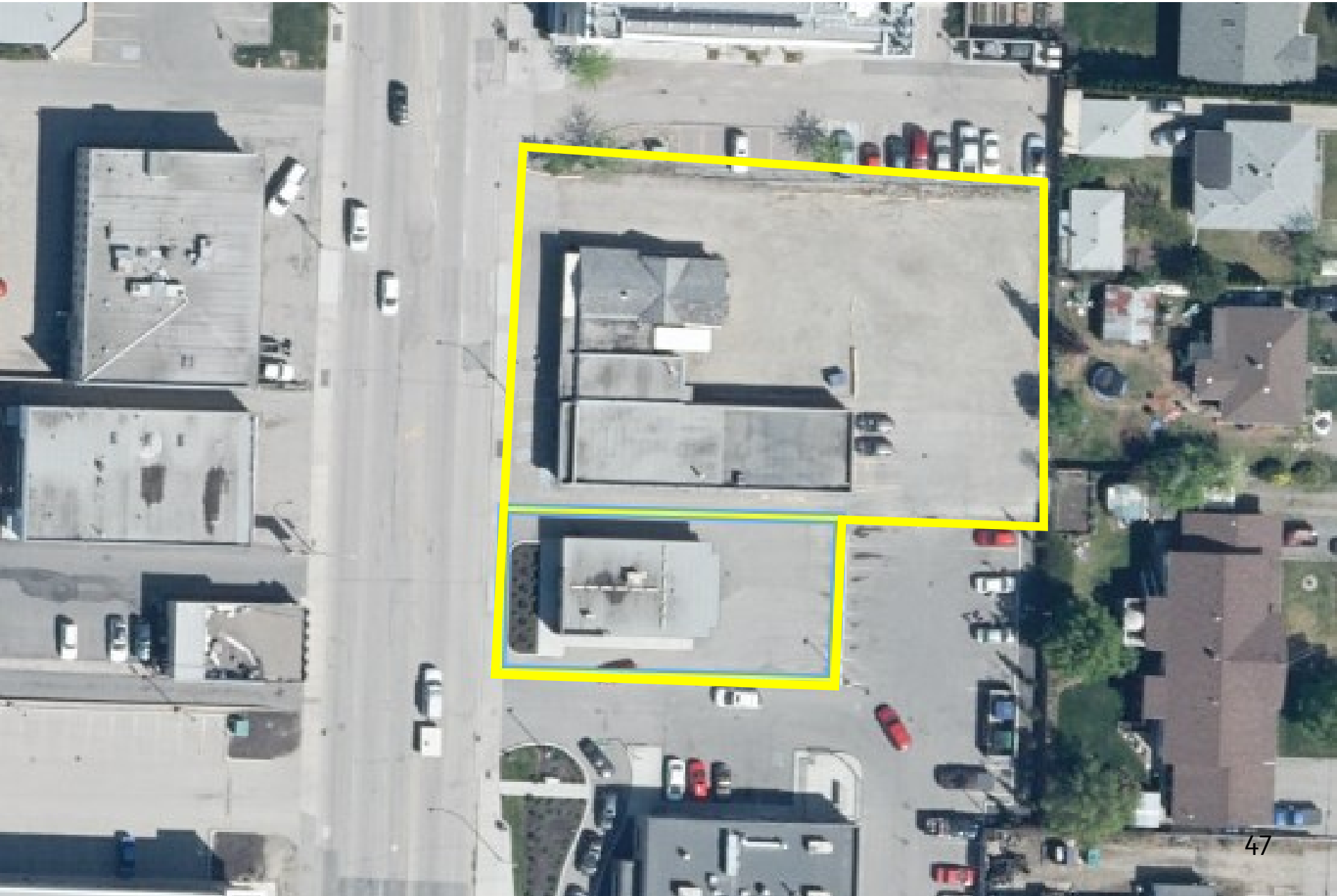
# Context Map



# Future Land Use



# Subject Property Map



# Site Specific Text Amendment

## C<sub>4</sub> – Urban Centre Commercial

- ▶ Height: 4 Storeys and 15.0 m max.
- ▶ Proposing: 8 storeys and 32.0 m
- ▶ Density: Base of 1.3 FAR (to a maximum of 2.35 with bonusing)
- ▶ Maximum density achievable in Rutland Urban Centre is 2.08 FAR
- ▶ Proposing: 2.35 FAR

# Development Policy

- ▶ Consistent with Future Land Use: UC – Urban Centre
- ▶ OCP Urban Centre Policies:
  - ▶ Live/Work Balance:
    - ▶ Direct growth in Urban Centres
  - ▶ Taller Rutland Buildings
    - ▶ Consider higher heights than outlined in Map 4.7, where the proposal contains affordable, supportive and/or rental housing component that further advances Urban Centre housing objectives;
- ▶ Consistent with Key Considerations of the Urban Centres Roadmap:
  - ▶ Achieving moderate to high residential densities is fundamental to realizing the goal of dense, livable Urban Centres.

# Staff Recommendation

- ▶ Development Planning Staff recommend **support** of the proposed site-specific Text Amendment:
  - ▶ Meets many objectives in the OCP and considerations in the Urban Centres Roadmap
- ▶ Recommend the bylaw be forwarded to Public Hearing for further consideration.





## *Conclusion of Staff Remarks*



# CITY OF KELOWNA

## BYLAW NO. 12325

### TA21-0017

## 155, 165, 175-179 & 179 Rutland Road North

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 **Section 14 – Commercial Zones, 14.4 C4 – Urban Centre Commercial** be amended by adding in its appropriate location the following:

#### "14.4.7 Site Specific Uses and Regulations

Uses and regulations apply to the C4 - Urban Centre Commercial on a site-specific basis as follows:

	Legal Description	Civic Address	Regulation
1.	Lot 2 Section 26 Township 26 ODYD Plan 11269 Except Plan 37956, The North ½ of Lot 2 Section 26 Township 26 ODYD Plan 2478 Except Plans B7413 and 37956, That Part of the North ½ of Lot 2 Shown on Plan B7413; Section 26 Township 26 ODYD Plan 2478 Except Plan 37956 and Lot 1 Section 26 Township 26 ODYD Plan 2773 Except: (1) Part Outlined Red on Plan B5413 (2) Plan 8824 (3) Plan 37956.	155 Rutland Rd N 165 Rutland Rd N 175-179 Rutland Rd N 179 Rutland Rd N	Notwithstanding Section 14.4.5 (a)2, the maximum floor area ratio is 2.35 and Notwithstanding Section 14.4.5 (c), the maximum height is 8 storeys and 32.0 m.

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 7<sup>th</sup> day of February, 2022.

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

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Mayor

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City Clerk

# REPORT TO COUNCIL



**Date:** February 7, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning Department

**Application:** Z21-0062

**Owner:** Vibona Enterprises Ltd., Inc.  
No. BCo458875

**Address:** 1310 St Paul St

**Applicant:** Vibona Enterprises Ltd., Inc.  
No. BCo458875

**Subject:** Rezoning Application

**Existing OCP Designation:** UC – Urban Centres

**Existing Zone:** I2 – General Industrial

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

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## 1.0 Recommendation

THAT Rezoning Application No. Z21-0062 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 12 District Lot 139 ODYD Plan 645, located at 1310 St Paul Street, Kelowna, BC from the I2 – General Industrial zone to the C7rcs – Central Business Commercial (Retail Cannabis Sales) zone be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated February 7, 2022;

AND FURTHER THAT if the Rezoning Bylaw is adopted, Council direct Staff to send a recommendation to the Provincial 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 store 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 the compliance with local regulations and policies.

## **2.0 Purpose**

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

## **3.0 Development Planning**

Development Planning Staff are recommending support for the proposed rezoning to the C7rcs – Central Business Commercial (Retail Cannabis Sale) zone to allow for a retail cannabis sales establishment on the subject property as it is consistent with the Official Community Plan (OCP) Future Land Use Designation of UC – Urban Centres.

This application was received prior to the close of the first intake of retail cannabis sales establishment applications as of November 30, 2018, however, the applicant was unable to complete the previous rezoning application (Z19-0024) which expired and was subsequently rescinded. As such the applicant has re-submitted a rezoning application for the same site has come forth for consideration.

The original application was evaluated in accordance with the Council-endorsed Retail Sales Cannabis review process and was selected to move forward with the City's standard rezoning process, established in the Development Application Procedures Bylaw. This application received a score of 71.43, and the overall average score of all applications evaluated with 69.53.

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

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

## **4.0 Proposal**

### **4.1 Background**

The existing building located on-site originally received an approved building permit in the early 1960's as a single-family dwelling. The dwelling was converted into a commercial restaurant named La Petite Maison in 2013 which operated in the building up until 2019. The building has been unoccupied since 2019 when the restaurant's Business License was not renewed. Should Council support the proposed rezoning application a Development Permit application and subsequently a tenant improvement Building Permit application will be required to facilitate the conversion to allow a retail cannabis sales establishment.

### **4.2 Project Description**

The applicant through the rezoning process has explored a number of different development scenarios including redeveloping the entire site versus a tenant improvement-oriented design scope to keep and utilize the existing building on-site. Should the Rezoning application be supported by Council, the applicant will move forward with a Development Permit application.

The applicant is proposing a new paved parking surface situated at the rear of site with all access coming from the lane, complementary site landscaping including new deciduous trees, flowering shrubs and perennials and a new exterior building facade.

#### 4.3 Site Context

The subject property is centrally located within the Downtown Urban Centre on the west side of St Paul Street, just south of Cawston Ave-St Paul St intersection. Sensitive uses that were identified within 150 radius include a Liquor Primary Establishment (1304 Ellis St, 421 Cawston Ave and 1250-1289 Ellis St).

Specifically, adjacent land uses are as follows:

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

#### Subject Property Map: 1310 St Paul Street



#### 5.0 Current Development Policies

##### 5.1 Kelowna Official Community Plan (OCP)

#### **Objective 4.4 Reinforce Downtown as the Urban Centre with the greatest diversity and intensity of uses in the City.**

Policy 4.4.5 Downtown Street Character	Support development in the Downtown Urban Centre that includes the following characteristics at grade, as outlined in Map 4.2 <ul style="list-style-type: none"> <li>Retail space along Bernard Avenue integrated with a high-quality urban streetscape experience, reinforcing the street as Downtown's high street;</li> </ul>
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	<ul style="list-style-type: none"> <li>• Retail space along designated retail streets to create more dynamic spaces with high levels of pedestrian activity; and</li> <li>• Civic and cultural uses, with supporting retail uses along the Art Walk and portions of Water Street designated as civic streets, in keeping with the directions of the Civic Precinct Plan.</li> </ul> <p><i>St Paul Street is designated as a Retail Street in the 2040 OCP and as such, the development will include urban landscaping treatments, exterior facade upgrades and overall site revitalization that will improve the street interface and enhance pedestrian activity.</i></p>
<b>Objective 4.17 Create urban streets that are attractive to live, work and shop on</b>	
Policy 4.17.2 High Streets	<p>Animate the pedestrian realm by creating high streets and retail streets that are attractive destinations, as outlined in Maps 4.2, 4.4, 4.6, 4.8 and 4.10, attracting people and activity throughout the year</p> <p><i>The proposed development will facilitate a revitalization the subject property while creating a friendlier, and more enhanced pedestrian street interface.</i></p>

## 6.0 Technical Comments

### 6.1 Development Engineering Department

- See Schedule A

## 7.0 Application Chronology

Date of Application Accepted: June 8, 2021  
Date Public Consultation Completed: November 25, 2021

**Report prepared by:** Andrew Ferguson, Planner II

**Reviewed by:** Jocelyn Black, Urban Planning 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: Site Plan

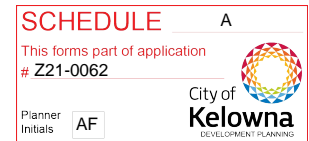
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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** January 15, 2021  
**File No.:** Z21-0062  
**To:** Community Planning (AF)  
**From:** Development Engineering Manager (RO)  
**Subject:** 1310 St Paul St



I2 to C7rcs

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The Development Engineering Department has the following comments and requirements associated with this application to rezone the subject property from I2 to C7rcs to allow for a retail cannabis sales establishment on the subject property

### 1. General

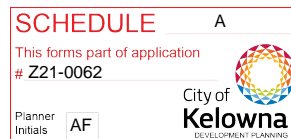
- a. The following requirements are valid for two (2) years from the reference date of this memo, or until the application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.

### 2. Domestic Water and Fire Protection

- a. The subject lot is located within the City of Kelowna water supply area. The existing lot is serviced with a 38-mm diameter water service. If necessary, the Applicant, at their cost, will arrange for the removal of the existing service and the installation of one new larger metered water service. Only one service will be permitted per legal lot.
- 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 zones is 150 L/s. 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.

### 3. Sanitary Sewer

- a. Our records indicate that the subject lot is currently serviced with a 100-mm diameter sanitary sewer service. This service will be adequate for this development.
- b. The existing service connection is to be completed with an inspection chamber (c/w Brooks Box) as per SS-S7.



#### 4. Storm Drainage

- a. The developer must engage a consulting civil engineer to provide a storm water management plan for this site which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and provision of a storm drainage service and recommendations for onsite drainage containment and disposal systems.
- b. Provide the following drawings:
  - i. A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
  - ii. A detailed Stormwater Management Plan for this development that is based off the original grading plan of the subdivision; and,
  - iii. An Erosion and Sediment Control Plan is to be prepared by a Professional Engineer proficient in the field of erosion and sediment control. The plan is to be prepared as per section 3.14 of Schedule 4 of Bylaw 7900. If a line item for ESC is not included in the Engineer's cost estimate for off-site work, then an additional 3% will be added to the performance security based on the total off-site construction estimate.
- c. As per Bylaw 7900, Schedule 4, Section 3.1.3 Climate Change, the capacity of storm works will include an additional 15 percent (15%) upward adjustment and applied to the rainfall intensity curve stage (IDF) in Section 3.7.2.
- d. Where structures are designed or constructed below the proven high groundwater table, permanent groundwater pumping will not be permitted to discharge to the storm system. The City will approve designs that include provisions for eliminating groundwater penetration into the structure, while addressing buoyancy concerns. These design aspects must be reviewed and approved by the City Engineer.

#### 5. Road Improvements

- a. St Paul Street must be upgraded to an urban standard (modified SS-R5) along the full frontage of this proposed development, including barrier curb and gutter, removal and replacement of deteriorated sidewalk, LED streetlighting, drainage system including catch basins, pavement removal and replacement, fillet paving, landscaped and irrigated boulevard, and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- b. The applicant will be required to tie into the existing curb and gutter to the north of the subject lot.
- c. The Lane fronting the property requires asphalt widening to upgrade to a SS-R2 Commercial Lane standard along the full frontage of this proposed development.
- d. Landscaped and irrigated boulevard required with design and inspection by a Qualified Professional registered with the BCSLA and the IIABC. Landscape and irrigation plans require approval by the Development Engineering Branch at the same time as other "issued for construction" drawings.
- e. Streetlights must be installed on all public roads. All streetlighting designs are to include photometric calculation demonstrating Bylaw 7900 requirements are met and require approval by the Development Engineering Branch at the same time as other "issued for construction" drawings.

## **6. Road Dedication and Subdivision Requirements**

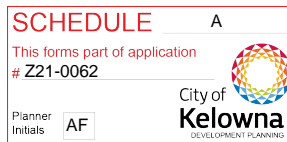
- a. A road dedication of approximately 0.75 m is required along the entire property line fronting the lane to achieve a 7.6m ROW as per SS-R2 Commercial Lane standard detail.
- b. All access to the development must be from the lane, no access from St. Paul St will be permitted.

## **7. Electric Power and Telecommunication Services**

- a. All proposed service connections are to be installed underground. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost
- b. Provide all necessary Statutory Rights-of-Way for any utility corridors as required.

## **8. Geotechnical Study**

- a. Provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.
- b. The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.
  - i. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
  - ii. Site suitability for development.
  - iii. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
  - iv. Any special requirements for construction of roads, utilities, and building structures.
  - v. Recommendations for items that should be included in a Restrictive Covenant.
  - vi. Recommendations for roof drains and perimeter drains.
  - vii. Recommendations for erosion and sedimentation controls for water and wind.
  - viii. Any items required in other sections of this document.



## 9. Design and Construction

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

## 10. Servicing Agreements for Works and Services

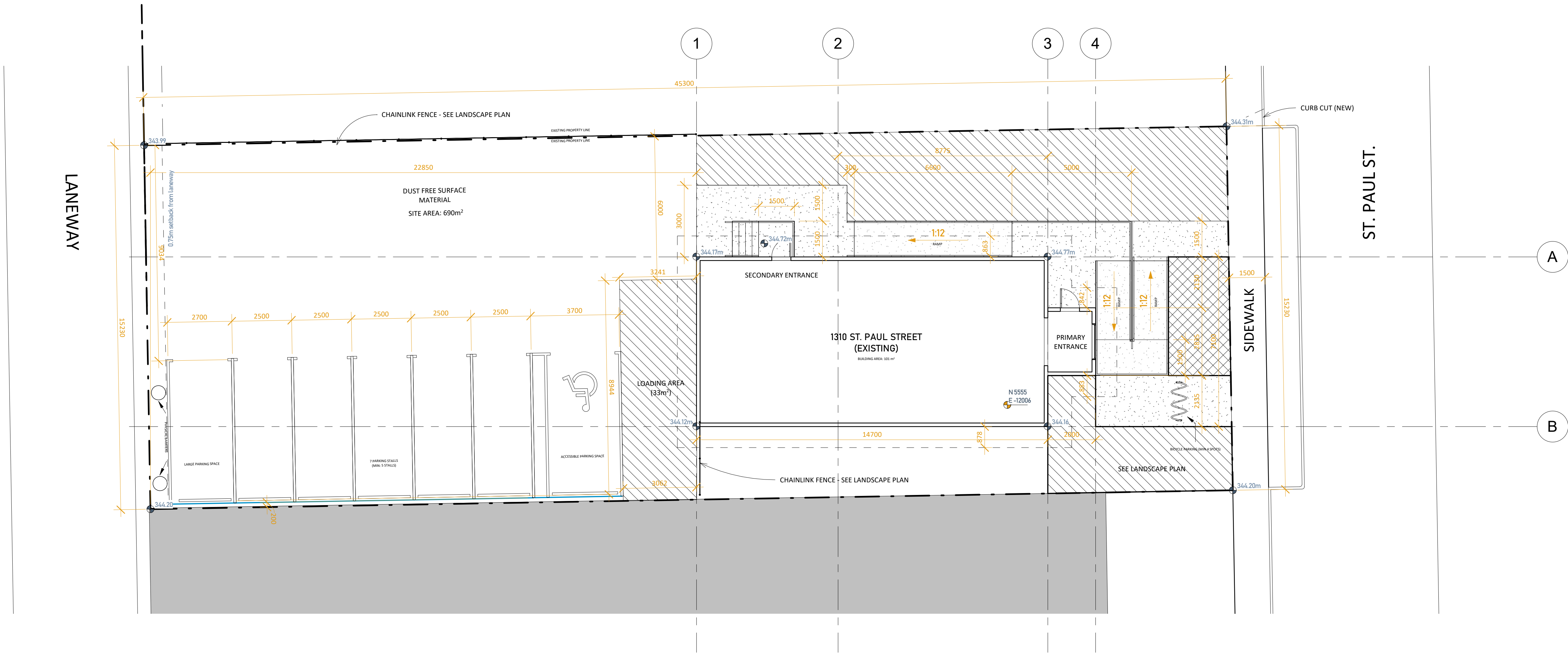
- a. A Servicing Agreement is required for all offsite works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works.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

## 9. Charges and Fees

- a. Development Cost Charges (DCC's) are payable.
- b. Fees per the "Development Application Fees Bylaw" include:
  - i. Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
  - ii. Engineering and Inspection Fee: 3.5% of construction value (plus GST).

Ryan O'Sullivan  
Development Engineering Manager

SK



CLIENT:		VIBONA ENTERPRISES LTD.	
PROJECT:		BUILDING RENOVATION	
TITLE:		SITE PLAN	
DWG NO:		A100	REV: 0
DRAWING SIZE:		A1	MS
SCALE:		1 : 100	DSGN: 63





Z21-0062

1310 St. Paul Street

Rezoning Application





# Proposal

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

# Development Process

June 8, 2021

Development Application Accepted



Staff Review & Circulation



Nov 25, 2021

Public Notification Received



Feb 7, 2022

Initial Consideration



Public Hearing  
Second & Third Readings



Final Reading



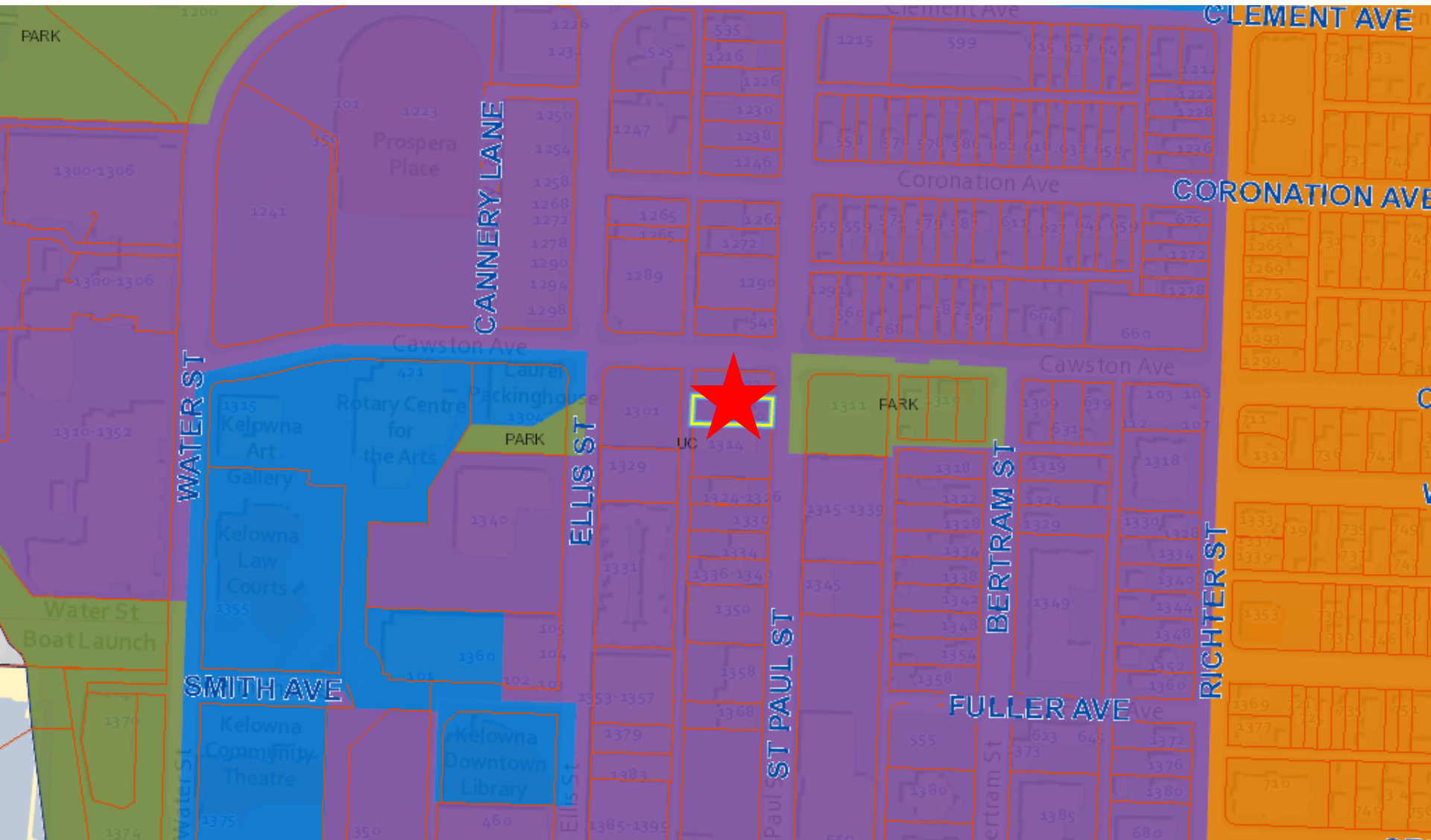
Building Permit

Council  
Approvals

# Context Map



# OCP Future Land Use / Zoning





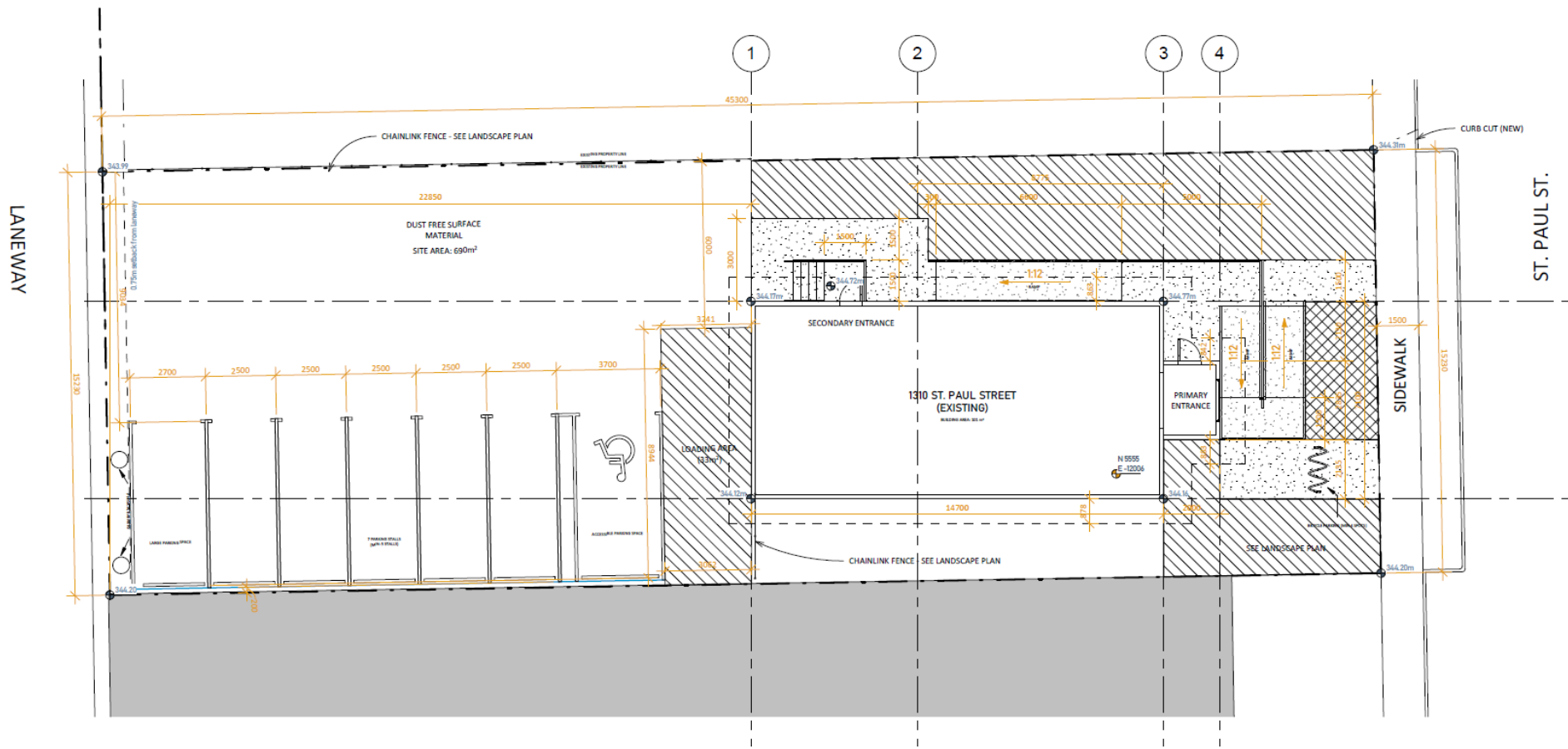
# Subject Property Map



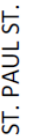
# Project/technical details

- ▶ Rezone property from I2 to C7rcs
  - ▶ Consistent with OCP Future Land Use of UC
- ▶ Site Revitalization
  - ▶ Paved surface parking lot
    - ▶ Existing front access to be removed and ROW restored
    - ▶ Lane access
  - ▶ Complementary site landscaping
  - ▶ New exterior building facade

# Site Plan



## LANEWAY





# Renderings



# Development Policy

## ▶ OCP Urban Centre Policy

### ▶ Downtown Street Character

- ▶ St Paul St designated as Retail Street
- ▶ Creating dynamic spaces
- ▶ Pedestrian Activity

### ▶ High Streets

- ▶ Creating Retail Streets as attractive destinations
- ▶ The proposal will help to revitalize the subject site and subsequently help to create a friendly, enhanced, and active pedestrian streetscape

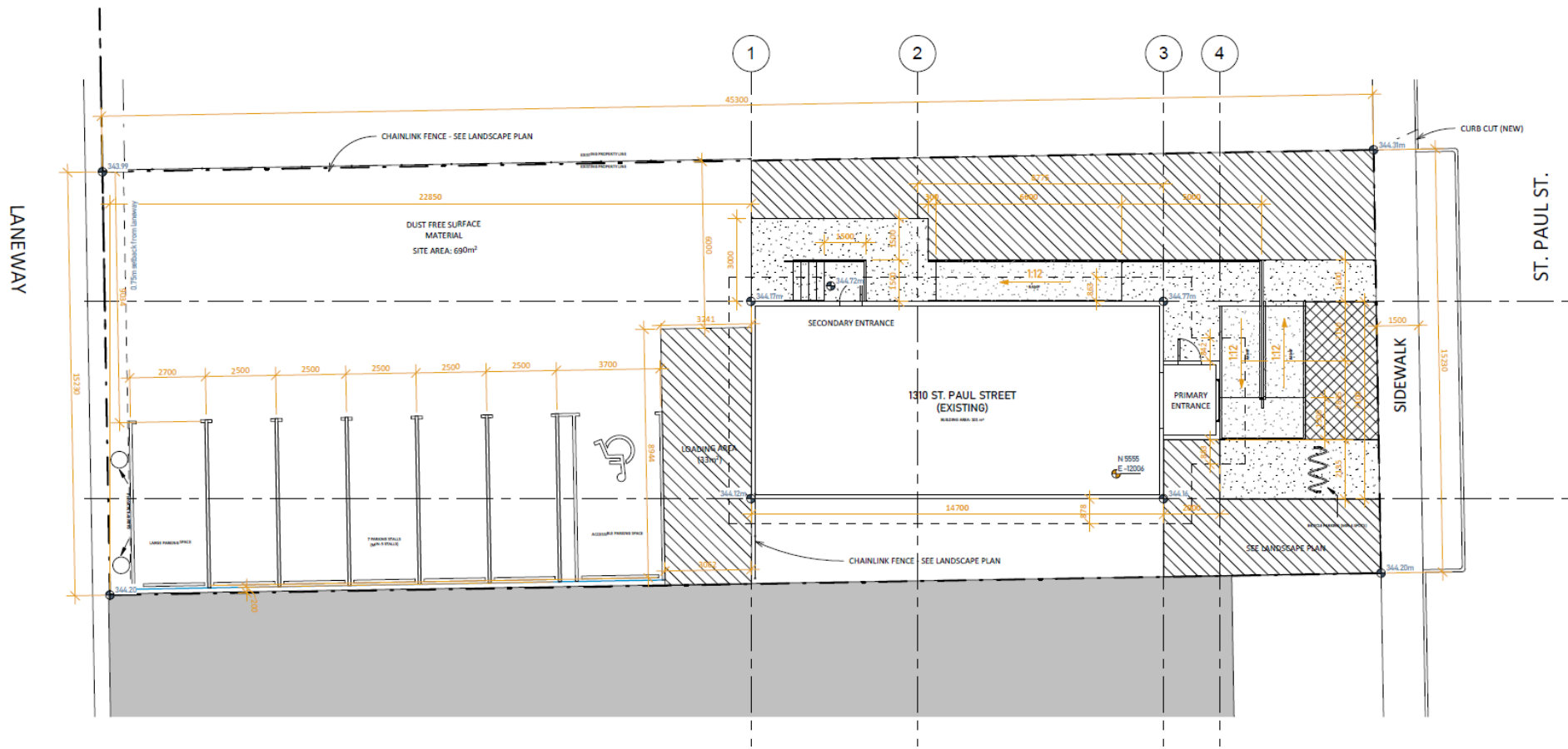
# Staff Recommendation

- ▶ Staff recommend **support** of the proposed rezoning
  - ▶ Meets the intent of the Official Community Plan
  - ▶ Appropriate location for proposed use



## *Conclusion of Staff Remarks*

# Site Plan



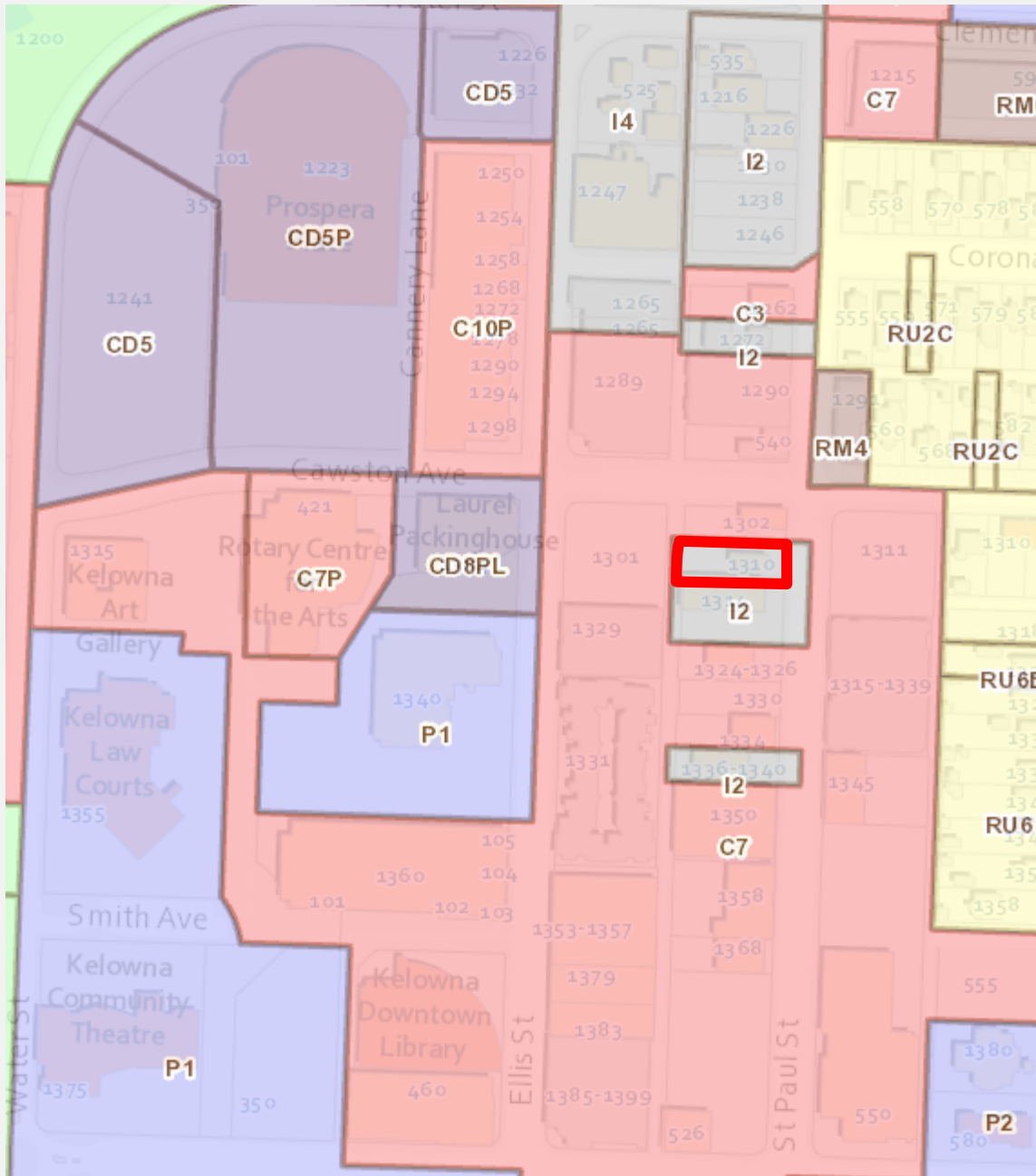
# 1310 ST. PAUL ST

## REZONING

Prepared for City of Kelowna

March 1, 2021





**Subject Property:**



**Current Zoning:**

I2 (General Industrial)

**Proposed Zoning:**

C7rcs (Central Business Commercial –  
Retail Cannabis Sales)









**CITY OF KELOWNA**  
**BYLAW NO. 12326**  
**Z21-0062 – 1310 St Paul Street**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 12 District Lot 139, ODYD, Plan 645 located on St Paul Street, Kelowna, BC from the I2 – General Industrial zone to the C7rcs – Central Business Commercial (Retail Cannabis Sales) zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 7<sup>th</sup> day of February, 2022.

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

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Mayor

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City Clerk