

REPORT TO COUNCIL



Date: April 23, 2018

RIM No. 1250-30

To: City Manager

From: Community Planning Department (AC)

Application: Z17-0077 **Owners:** 4638 Lakeshore Road Ltd. Inc.
No. BC1079452

Addresses: 4638 Lakeshore Road **Applicant:** Strandhaus Development Inc –
Steve Nicholson

Subject: Rezoning Application

Existing OCP Designation: COMM – Commercial

Existing Zone: C2 – Neighbourhood Commercial

Proposed Zone: C3 – Community Commercial

1.0 Recommendation

THAT Rezoning Application No. Z17-0077 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 25, Township 28, SDYD, Plan 29078 Except Plan H13734 located at 4638 Lakeshore Road, Kelowna, BC from the C2 – Neighbourhood Commercial zone to the C3 – Community Commercial zone NOT be considered by Council;

2.0 Purpose

To consider a Staff recommendation to NOT rezone the subject property that would facilitate the development a four storey mixed use building.

3.0 Community Planning

Staff do not support the proposed rezoning. The existing C2 zone allows for maximum 2 ½ storey commercial buildings which is consistent with the surrounding commercial node on Lakeshore Road and compatible with the single family homes to the west. The proposed C3 zone would permit a four storey mixed-use building as proposed by the applicant. This results in a large building mass as defined with the proposed 1.51 FAR. The Official Community Plan directs mixed-use developments of this scale and height within one of Kelowna's urban centres where it is in context with other similar developments and the density is well supported by surrounding urban services and amenities.

The subject property is within a small neighbourhood commercial area, however it is located well outside an Urban Centre and is within an ALR interface area. The application was considered by the Agricultural Advisory Committee (AAC) on January 25th 2018 to discuss both the rezoning and the proposed landscape buffer reduction. After that meeting, the applicant revised their plans in order to remove the associated variance. However, at the meeting the AAC did not support the landscape buffer reduction nor the proposed rezoning. Neither City policies nor the AAC encourage intensification of land uses in ALR interface areas. It was also noted that the current landscape buffer of 3.0 metres proposed would be inconsistent with the proposed new ALR landscape buffer changes identified within the Agriculture Plan. If the Zoning Bylaw was updated today to reflect the approved Agriculture Plan, then the buffer requirement would be 15 metres and the setback to the building would be 20 m. See Section 4.0 below to read the minutes from the Agricultural Advisory Committee.

Further, the proposal would require a Farm Protection Development Permit (DP) since it is adjacent to the ALR. The objectives of a Farm Protection DP are to:

- Protect farm land and farm operations;
- Minimize the impact of urban encroachment and land use conflicts on agricultural land;
- Minimize conflicts created by activities designated as farm use by ALC regulation and non-farm uses within agricultural areas.

Among other items, Farm Protection DP Guideline 1.3 speaks to establishing and maintaining a landscape buffer along the boundary with agricultural land, consistent with Ministry of Agriculture and ALC guides. For urban residential development adjacent to agricultural land, the Ministry of Agriculture Guide to Edge Planning identifies a 15 m wide landscape buffer (on the urban side) with plant design specifications. As such, the proposed development would not meet Farm Protection DP Guidelines.

An alternative recommendation for supporting the applicant's proposed land use changes has been included in Section 9.0 of this report for Council's consideration.

3.1 Public Notification

To fulfill Council Policy No. 367 for 'Zoning Major' applications, the applicant was required to hold a public information session. The applicant held a public open house on October 5th, 6th, & 7th from 4:00pm to 6:00pm at the subject property. The applicant also completed the neighbourhood notification process by contacting all properties within 50m of the subject properties.

4.0 **Agriculture Advisory Committee**

4.1 Meeting: January 25th 2018

Staff:

- Displayed a PowerPoint presentation summarizing the application before the Committee.
- The property is located in an agricultural interface area.
- Staff would like the Committee to comment on the proposed rezoning and the agricultural buffer design located along the southern parcel boundary.

AAC/Staff Discussion:

- Staff responded to an inquiry regarding the agricultural buffer and the variance.
- Staff clarified the plantings proposed for the landscape buffer.
- Staff clarified the setback for ALR lands facing the commercial properties.

- Staff provided information regarding the setbacks for commercial and residential properties.
- Staff provided information regarding site coverage.

Steve Nicholson, Applicant:

- Displayed a PowerPoint presentation summarizing the rationale for the rezoning and variance.
- Responded to questions from the Committee.
- Provided the rationale for the location of the staircase.
- Advised that the variance along the pedestrian walkway shown in the drawings was done in error and will be removed.
- Provided the rationale for the siting of the building on the subject property.
- Will be erecting signage that the property is next to an active farm and will be registering a covenant on title to indicate it is adjacent to an active farm.
- Provided an overview of the exterior materials being proposed.

Staff/AAC Discussion:

- Responded to questions from the Committee.

Motions:

Moved by Dominic Rampone/**Seconded by** Ed Schiller

THAT the Agricultural Advisory Committee recommends that Council support Rezoning Application No. Z17-0077 for the property located at 4638 Lakeshore Road in order to rezone the subject property from the C2 - Neighbourhood Commercial zone to the C3 - Community Commercial zone.

Defeated

John Janmaat, Yvonne Herbison, Pete Spencer and Jeff Ricketts – Opposed.

Moved by Dominic Rampone/**Seconded by** Pete Spencer

THAT the Agricultural Advisory Committee recommends that Council support Development Variance Permit Application No. DVP17-0181 for the property located at 4638 Lakeshore Road in order to reduce the agriculture buffer width from 3.0m to 2.0m for an 8.0m portion along the southern property line.

Defeated

John Janmaat, Yvonne Herbison and Jeff Ricketts – Opposed.

Anecdotal Comments:

The Agricultural Advisory Committee raised the following concerns with the proposed application as it relates to the proposed rezoning:

- the higher density residential use and taller buildings allowed in the C3 zone will have negative impacts on the adjacent ALR land;
- additional density and residential use creates speculative pressure on ALR land; and
- there is no benefit to agriculture.

The Agricultural Advisory Committee raised the following concerns with the proposed application as it relates the proposed variance:

- increases to buffering in both width and height should be considered;
- a taller building needs a larger buffer;
- the variance would not be necessary if the structure was moved;

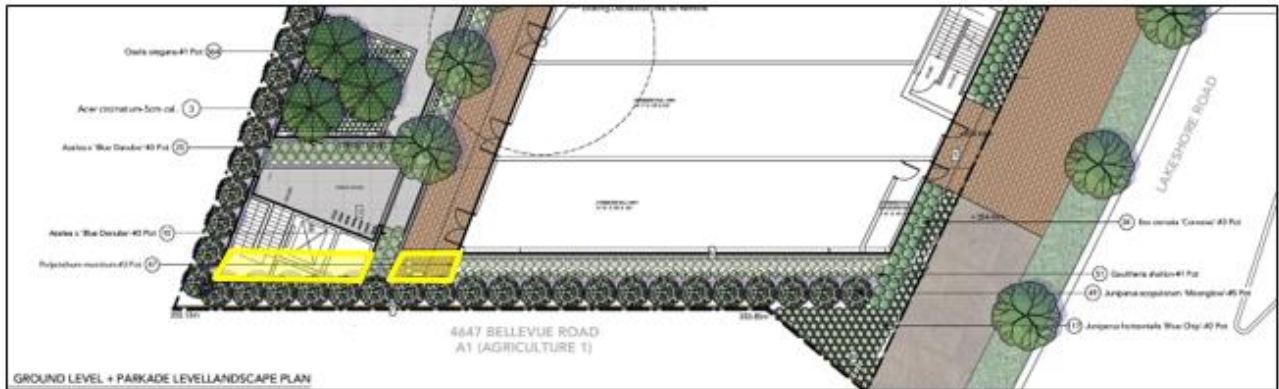
- the proposed buffering needs to be intensified; and
- it is possible that the agricultural use of the adjacent property may change in the future and there appears to be no flexibility for buffering should a change in use occur.

5.0 Proposal

5.1 Project Description

The applicant is proposing to rezone the subject property from the C2 – Neighbourhood Commercial zone to the C3 – Community Commercial zone. The applicant has also applied for a Development Permit to construct 9 residential units above a 10,400 square feet of commercial space and two floors of underground parking. Each residential unit has 3 bedrooms and is approximately 2,000 ft².

A development variance permit was sought to reduce the agriculture buffer width from 3.0m to 2.0m for an 8.0m portion along the southern property line (See Figure 1 below). However, since going to the AAC the applicant has revised their plans and are no longer requesting the landscape buffer reduction variance.



Variance area for landscape buffer reduction

Should Council support the Rezoning bylaw, Staff will bring forward a detailed report evaluating the design guidelines for the Development Permit for Council’s consideration.

5.2 Site Context

The subject property lies at the edge, but within the Permanent Growth Boundary. The surrounding neighbourhood has a mix of commercial, institutional, park, residential, and agricultural land uses. The subject property only borders ALR agricultural land on one side (southern property line). Specifically, the Zoning and adjacent land uses are as follows:

Table 1: Zoning and Land Use of Adjacent Property

Direction	Zoning	ALR	Land Use
North	C2 – Community Commercial	No	Commercial
South	A1 – Agriculture 1	Yes	Agriculture
East	RU1 – Single Detached Housing P3 – Public Parks (with HRA)	No	Park, Commercial & Residential
West	RU1 – Single Detached Housing	No	Residential

Subject Properties Map: 4638 Lakeshore Road



6.0 Current Development Policies

6.1 Kelowna Official Community Plan (OCP)

Goals for A Sustainable Future

Contain Urban Growth.¹ Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

¹ Goal 1. (Introduction Chapter 1).

Agriculture Land Use Policies

Protect Agricultural Land.² Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Transitional Uses.³ Consider complementary agricultural land uses such as urban agriculture (as defined in the Zoning Bylaw) along the urban-rural interface that act as a transition between existing urban development and farming operations.

Urban Uses.⁴ Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

Infrastructure Policies

Objective 7.4: Ensure that densification of existing neighbourhoods happens in a context of directly contributing to enhanced livability.

Urban Centres and Densifying Neighbourhoods.⁵ Allocate resources to ensure civic capital (e.g. signage, street furniture, sidewalks, bike lanes, parks, leisure facilities and other infrastructure investments) is, as a priority, invested in Urban Core Areas indicated on Map 5.3 and areas slated for significant multiple unit infill, with the purpose of making these safe, accessible, high-quality living and working environments so that redevelopment consistent with the OCP Future Land Use map will be encouraged.

Residential Land Use Policies

Sensitive Infill⁶. Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighborhood with respect to building design, height and siting.

Healthy Communities⁷. Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

6.2 Agriculture Plan

Theme 1: Strengthen local policies and regulations to protect agriculture.

Zoning Bylaw Action 1.3f: Update vegetative buffer specifications as outlined in *Edge Planning White Paper*.

7.0 Technical Comments

7.1 Building & Permitting Department

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

7.2 Development Engineering Department

² Policy 5.33.1 (Development Process Chapter 5).

³ Policy 5.33.4 (Development Process Chapter 5).

⁴ Policy 5.33.3 (Development Process Chapter 5).

⁵ Policy 7.4.1 (Infrastructure Chapter 7).

⁶ Policy 5.22.6 (Development Process Chapter 5).

⁷ Policy 5.22.7 (Development Process Chapter 5).

- See Attachment 'A', memorandum dated October 2nd, 2017.

7.3 Fire Department

- No comments related to zoning.

8.o **Application Chronology**

Date of Application Received: July 31, 2017
Date Public Consultation Completed: Oct 5, 2017
Date of Agriculture Advisory Committee: Jan 25, 2018

9.o **Alternate Recommendation**

THAT Rezoning Application No. Z17-0077 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 25, Township 28, SDYD, Plan 29078 Except Plan H13734 located at 4638 Lakeshore Road, Kelowna, BC from the C2 – Neighbourhood Commercial zone to the C3 – Community Commercial zone, be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated April 23, 2018;

AND FURTHER THAT final adoption the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit for the subject property.

Report prepared by: Adam Cseke, Planner Specialist
Reviewed by: Terry Barton, Urban Planning Manager
Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment 'A' – Development Engineering Memorandum dated November 21, 2017

Draft Permit:

- Schedule 'A & B' – Site Plan and Conceptual Renderings
- Schedule 'C' – Landscaping & Buffers

Attachment 'B' - Applicant Rationale

Attachment 'C' - Agrology Report

Attachment 'D' - Trip Generation (traffic) report

Attachment 'E' – Public Notification Summary