

REPORT TO COUNCIL



Date: 2/1/2016

RIM No. 1250-30

To: City Manager

From: Community Planning Department (AC)

Application: Z15-0041

Owner: Kneller Holdings Ltd.

Address: 1170 Hwy 33 W

Applicant: New Town Planning - Lisa Fraser

Subject: Rezoning Application

Existing OCP Designation: MRL - Multiple Unit Residential (Low Density)

Existing Zone: RU1 - Large Lot Housing

Proposed Zone: RM3 - Low Density Multiple Housing

1.0 Recommendation

THAT Rezoning Application No. Z15-0041 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Parcel B (Plan B1566) of Lot 4, Section 26 & 27, Township 26, ODYD, Plan 426 Except Plans 8449, 21711, 24898, KAP58053 and KAP58054, located on 1170 Hwy 33 W, Kelowna, BC from the RU1 - Large Lot Housing zone to RM3 - Low Density Multiple Housing zone, be considered by Council;

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

AND THAT final adoption of the Zone Amending Bylaw be subsequent to the outstanding conditions of approval as set out in Attachment "A" connected to the Report from Community Planning Department dated February 1st 2015;

AND THAT final adoption of the Zone Amending Bylaw be subsequent to the closure of Kneller Road;

AND THAT final adoption of the Zone Amending Bylaw be subsequent to the registration of a subdivision that creates the newly aligned Gertsmar Road extension and consolidates the subject property with closed portions of Kneller Road;

AND THAT final adoption of the Zone Amending Bylaw be subsequent to the legal description noted in the Zone Amending Bylaw be amended to only include the portions of the property south of Gertsmar Road and the Kneller Road closed portions;

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

2.0 Purpose

To rezone the subject property from RU1 - Large Lot Housing to RM3 - Low Density Multiple Housing to allow for a 78-unit multiple family residential project located on the subject property.

3.0 Community Planning

The Community Planning department supports the proposed rezoning application. In the OCP Future Land Use Map, the subject property is currently designated as MRL - Multiple Unit Residential (Low Density), allowing for RM3 - Low Density Multiple Housing zoning with the condition that the Gertsmar Road realignment be constructed. This application supports the City's broad goals of residential intensification within the Urban Core and for providing affordable housing. This affordable housing project is a rental housing building sponsored by BC Housing and administered by the Okanagan Métis and Aboriginal Housing Society.

The site is well suited for redevelopment and intensification. The property is within an urban neighbourhood and has good access to services and amenities in the Rutland Urban Centre and nearby Hollywood commercial area. The site is a corner lot adjoining similar residential densities on all sides. Further site design and architectural detailing will be addressed by Staff at the Development Permit and Development Variance Permit stage.

The site is also located immediately adjacent to a BC Transit stop on Highway 33 W which is a corridor identified as part of the Frequent Transit Network within the City's 25 Year Transit Vision. Further, many transportation and safety goals identified by the City of Kelowna and MOTI will be achieved by the development of this lot such as:

- intersection improvements at the corner of Gerstmar Road and Highway 33;
- the construction of Gertsmar Road;
- the closing and decommissioning of Kneller Road; and
- frontage improvements along Highway 33 and Gerstmar Rd.

3.1 Public Notification

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by individually contacting the neighbours within 50 metres and holding a public information session on August 20th 2015 from 4-7pm at the Rutland Seventh Day Adventist Church. Flyers were delivered (or mailed per attached list) to the surrounding area two weeks before and an advertisement was posted in the Capital News on August 5th and again on August 12th.

The Public Information Session had (16) residences represented at the meeting. According to the applicant's report on the public information session, the overall responses to the proposed development were positive in their nature. Many participants commented on the building design and landscape features. Attendees were encouraged to complete an exit survey and 15 completed surveys were received. A summary of the responses is outlined within the public notification attachments (See Attachment 'B').

3.2 Neighbouring Parcel

The neighbouring parcel at 1220 Hwy 33 W has their access at the north of their property on Kneller Road. As a part of the closure of Kneller Road, this property will need physical driveway access to the newly realigned Gertsmar Road. This is necessary as the Ministry of Transportation and Infrastructure (MOTI) will only approve a rezoning if Kneller Road is closed and if 1220 Hwy 33 W is prevented from having any access to the highway. There are a couple of options available to achieve this objective. These options are continuing to be explored as part of the Development Permit and Development Variance Permit and will be considered at a later date by Council.

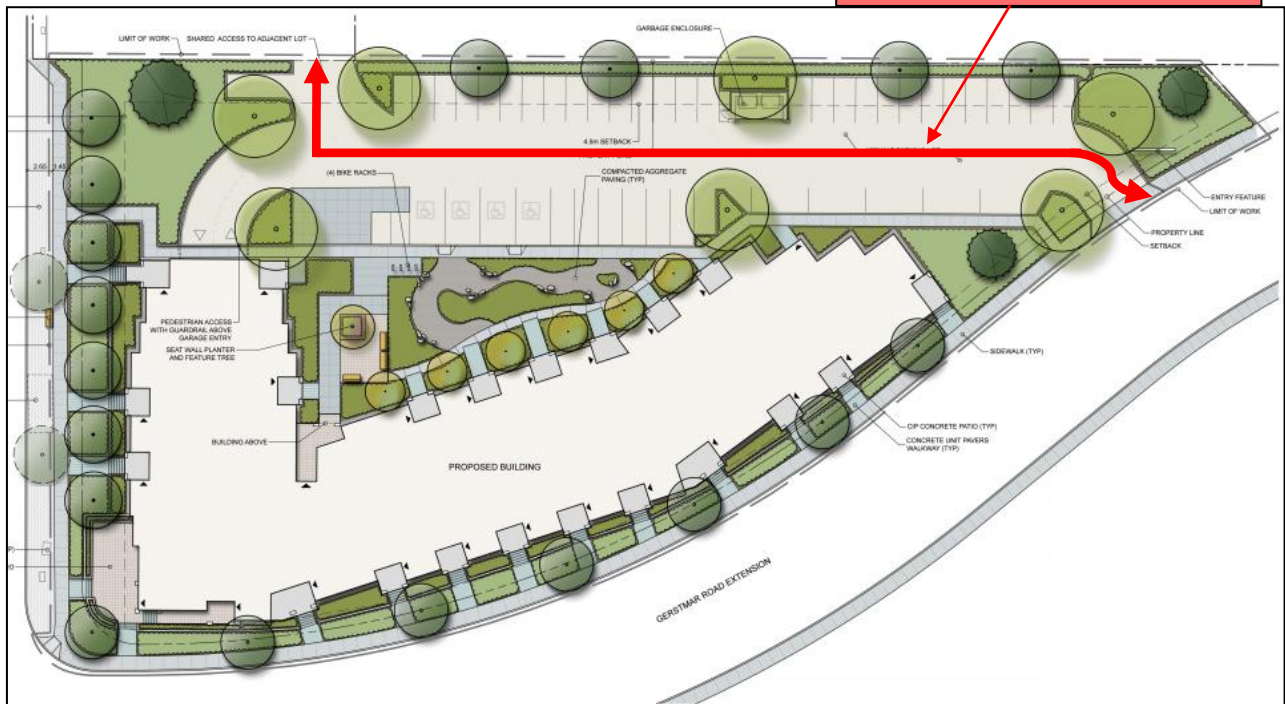
Location of Driveway



Option 1:

The original development proposal had access to 1220 Hwy 33 W through the private parking lot of the development. This option provided the minimum number of parking stalls (114) as per the zoning bylaw however the proposal would still need a variance to the proportion of vehicle stall size types. This means the proportion of small vehicle parking would be greater than the bylaw would permit. From a site design perspective this proposal utilizes the available space on the subject property most efficiently. However, a private easement would need to be secured with the neighbouring property. The neighbour is reluctant to agree to a private easement due to potential operating conflicts with the future parking lot and the unconventional nature of the solution.

Proposed Private Easement



The Okanagan Métis and Aboriginal Housing Society (OMAHS) is a registered non-profit society dedicated to the provision of subsidized housing for the community and is the organization that will operate this facility. This type of housing is in high demand within Kelowna. OMAHS has secured support from BC Housing to fund the land purchase and the development for the provision of the apartment housing to be rented at 85% of market value.

OMAHs presently owns and manages several housing developments within Kelowna and West Kelowna, including 28 town house units at 115 Gerstmar Road, adjacent to the Subject Site. The new apartment building will become home to the OMAHS main office, allowing for on-site rental management for the new building and satellite management of their other properties.

The planned Gerstmar Road extension will be triggered by this development. The Ministry of Transportation and Infrastructure (MOTI) has requested that Kneller Road be closed to through traffic. The applicant proposes to acquire the unused portion of Kneller Road right-of-way and consolidate it with the subject site. MOTI will have to approve the zone amending bylaw as the site abuts Highway 33 and is within 800m of the Provincial Highway.

4.2 Project Description

The current proposal is for a 78-unit, 3 storey apartment building placed on a single level concrete underground parkade with additional parking provided on the surface. The 3 storey wood-frame structure is proposed to be constructed in contemporary Okanagan styling incorporating a flat roof, balconies and large frame windows with solar shading. The exterior is finished with fiber cement siding, shingles, and paneling. The first floor provides ground-oriented access including private access from the street and a patio.

An application for Development Permit and Development Variance Permit has been submitted concurrently with the rezoning application. Initial drawings have been submitted identifying conceptual building elevations along with a detailed site plan, parking plan and landscaping plan. After initial review of the Development Permit, the proposed development is complementary in nature to the existing developments along the Hwy 33 corridor. The Development Permit and Development Variance Permit will be brought forward to Council if the project receives third reading and pending the outcome of the neighbour's driveway issue.

4.3 Site Context

The subject site is approximately two acres. There are currently three residential dwellings situated on the property. The site is surrounded on the north, east and west by established residential properties. There is a small development of single-family residential to the north (Kneller Road and Kneller Court), with multiple-family residential beyond. Multiple family residential developments are also located to the east and west of the Subject Site. Land uses to the south and southeast, across Highway 33, are institutional (Rutland Seventh-Day Adventist Church) and commercial (Shell gas station). The subject property is designated as MRL - Multiple Unit Residential (Low Density) and is within the Permanent Growth Boundary. Specifically, the adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot house RU6 - Two Dwelling Housing	Residential
East	RM3 - (Low Density Multiple Housing)	Residential
South	P2 - Education and Minor Institutional C1 - Local Commercial	Institutional Commercial
West	RU1 - Large Lot house RM3 - (Low Density Multiple Housing)	Residential

Subject Property Map: 1170 Hwy 33 W



5.0 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM3 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Lot Area	900 m ²	5,377 m ²
Height	10.0 m / 3 storeys	9.3m / 3 storeys
FAR	0.75	0.75
Front Yard (south)	4.5 m	4.5 m
Flanking Side Yard (east)	1.5 m for ground oriented housing	1.5 m
Side Yard (west)	4.0 m	20.9 m
Rear Yard (north)	1.5 m for ground oriented housing	8.6 m
Site coverage of buildings	40 %	32 %
Site coverage of buildings, driveways & parking	60 %	58 %
Other Regulations		
Minimum Parking Requirements	114 parking stalls	Unknown - potentially: 114 parking stalls ①

Zoning Analysis Table		
CRITERIA	RM3 ZONE REQUIREMENTS	PROPOSAL
Parking Ratio	Large Car: 50 % Medium Car: 40 % Small Car: 10 %	Unknown - potentially: Large Car: 33 % Medium Car: 49 % Small Car: 18 % ②
Minimum Bicycle Parking Requirements	Class 1: 39 bikes Class 2: 8 bikes	47+ bike stalls ③
Private Open Space	1,070 m ²	2,651 m ²
<p>① & ② The only potential variance the applicant will need is the amount and size of onsite parking in relation to the driveway issue with the adjacent property.</p> <p>③ The break down and exact quantity of bike stalls will be identified with the Development Permit.</p>		

6.0 Current Development Policies

6.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Sensitive Infill.² Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height, and siting.

Objective 5.9. Support the creation of affordable and safe rental, non-market and/or special needs housing.

7.0 Technical Comments

7.1 Building & Permitting Department

- a) No comment.

7.2 Development Engineering

- See Attachment 'A' dated August 20th 2015.

7.3 Fire Department

- a) Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required. Template available online at Kelowna.ca
- b) Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900. A minimum of 150litres/sec is required. Should a hydrant be required on this property it shall be deemed private and shall be operational prior to the start of construction.

¹ City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Chapter 4 (Future Land Use).

- c) Fire Department access is to be met as per BCBC 3.2.5.6 - Will there be a turnaround for Fire department vehicles on Kneller should the road be closed?
- d) A visible address must be posted as per City of Kelowna By-Laws
- e) Sprinkler drawings are to be submitted to the Fire Dept. for review when available
- f) A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD
- g) Approved Fire Department steel lock box or key tube acceptable to the fire dept. is required by the fire dept. entrance.
- h) All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met.
- i) Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.
- j) Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- k) Fire department connection is to be within 45M of a fire hydrant- unobstructed.
- l) Ensure FD connection is clearly marked and visible from the street
- m) Dumpster/refuse container must be 3 meters from structures or if inside the parking garage, it shall be enclosed within a rated room
- n) Do not issue BP unless all life safety issues are confirmed.

8.0 Application Chronology

Date of Application Received:	July 29 th 2015
Date of Public consultation:	Aug 25 th 2015
Date of Ministry of Transportation & Infrastructure meeting / comments:	Sept 1 st 2015

Report prepared by:

Adam Cseke, Planner

Reviewed by:

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Terry Barton, Urban Planning Manager

Approved for Inclusion by:

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Ryan Smith, Community Planning Manager

Attachments:

Subject Property Map

Map A

Public Notification Summary

Development Engineering Memo dated August 20th 2015 (Attachment 'A')

Ministry of Transportation & Infrastructure Letter dated August 13th 2015