

REPORT TO COUNCIL



Date: June 28, 2018

RIM No. 1250-30

To: City Manager

From: Community Planning Department (TA)

Application: Z17-0065 **Owner:** Ki-Low-Na Friendship Society, Inc. No. S-10638

Address: 1759 Highway 33 E
(Margaret's Landing) **Applicant:** Patrick McCusker

Subject: Rezoning Application

Existing OCP Designation: MRL – Multiple Unit Residential (Low Density)
PARK – Major Park/Open Space (Public)

Existing Zone: RU₁ – Large Lot Housing

Proposed Zone: RM₃ – Low Density Multiple Housing

1.0 Recommendation

THAT Rezoning Application No. Z17-0065 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot B, Section 18, Township 27, ODYD, Plan 29386, located at 1759 Highway 33 E, Kelowna, BC from the RU₁ – Large Lot Housing zone and P₂ – Educational & Minor Institutional zone to the RM₃ – Low Density Multiple Housing zone as shown on Map "A" attached to the Report from the Community Planning Department dated May 28, 2018, 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 issuance of an Environmental Development Permit to establish required protection of the environmentally sensitive areas and the SROW for public access;

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 Community Planning Department dated May 28, 2018;

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 subject property.

2.0 Purpose

To rezone the subject property from RU1 – Large Lot Housing zone and P2 – Educational & Minor Institutional zone to RM3 – Low Density Multiple Housing zone to facilitate the development of a multi-family complex.

3.0 Community Planning

Community Planning supports the proposed rezoning from RU1 – Large Lot Housing zone and P2 – Educational & Minor Institutional zone to RM3 – Low Density Multiple Housing zone as it is consistent with several key Official Community Plan objectives including aligning with the Future Land Use, protection of environmentally sensitive areas (ESA), establishing a section of public trail as part of Gopher Creek Linear Park, and providing affordable housing.

The northern portion of the subject property is predominantly flat and has a Future Land Use of MRL – Multiple Unit Residential (Low Density) which supports RM3 rezoning to allow for townhomes and apartment style housing. The southern portion of the subject property features steep slopes and riparian areas associated with Gopher Creek. This portion has a future land use designation of PARK – Major Park/Open Space (Public) which will remain. An Environmental Development Permit is required to be issued for the subject property which will ensure the necessary Section 219 Restrictive Covenants are put in place to protect the environmentally sensitive steep slopes and riparian areas as determined by a qualified environmental professional (OCP Policy 5.15.7). Along with the protection of the ESAs, the applicant will be required to register a Public Statutory Right-of-Way that allows the public to connect through the subject property as part of the larger Gopher Creek Linear Park Plan (OCP Policy 5.14.2).

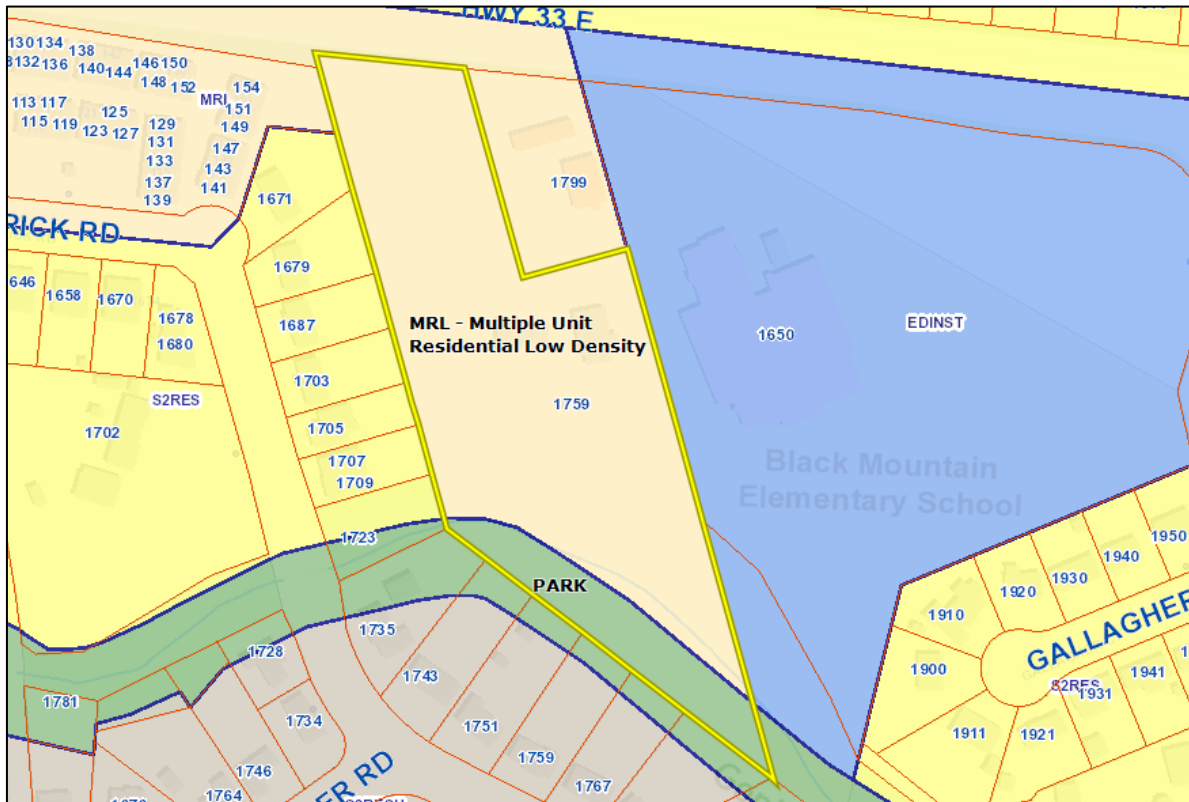


Figure 1: Official Community Plan Future Land Use Designations

The proposed development takes the form of multi-family townhomes and an apartment building for affordable housing as managed through the non-profit Ki-Low-Na Friendship Society. The types of units range from one and two-bedroom apartment units to three and four-bedroom townhomes. The larger units represent family housing stock (OCP Policy 5.22.13) which is currently in low supply in Kelowna as identified in the Housing Needs Assessment. The applicant is considering a future phase on the remainder of the property and in association with the current development proposal which may include a Childhood Education and Care Centre. Should Council support the rezoning, Staff will present a Development Permit and Development Variance Permit to be considered in conjunction with final adoption of the Rezoning Bylaw.



Figure 2: Rendering of proposed development

4.0 Proposal

4.1 Background

The subject property was acquired by the Ki-Low-Na Friendship Society in 2004 and currently has a single family dwelling that was constructed in 1989 with accessory building located on the property which will be removed as a function of this application.

4.2 Project Description

The subject property is currently split zoned between RU₁ – Large Lot Housing, P₂ – Educational & Minor Institutional, and P₃ – Parks & Open Space. The applicant has applied to rezone the RU₁ and P₂ portions to RM₃ – Low Density Multiple Housing to facilitate a multi-family development with future Child Care Centre.

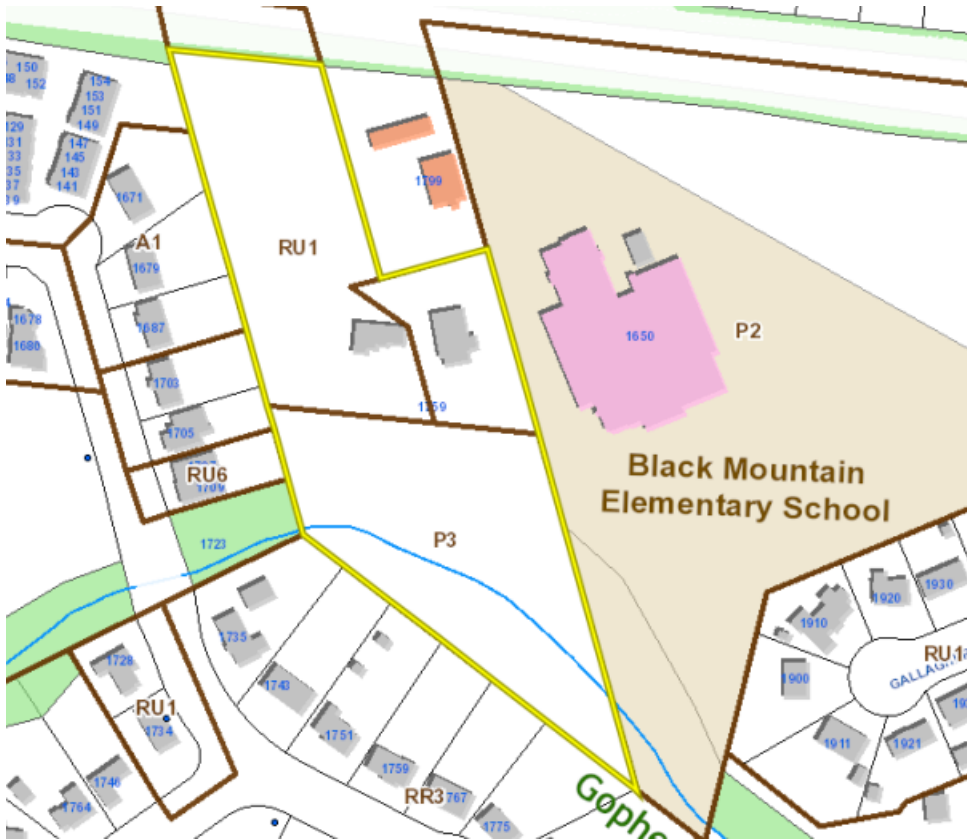


Figure 3: Split zoned property between RU1, P2, and P3

The portion of the property that is zoned P3 will remain and will have a Public Statutory Right-of-Way registered over it to allow for the public to access the Gopher Creek Linear Park. An Environmental Development Permit will be required to establish a “Do Not Disturb” 219 Restrictive Covenant over the steep slopes and riparian areas on the southern portion of the site to provide long term protection for the ESAs. An additional “Do Not Build” 219 Restrictive Covenant will be registered along the top of the steep slopes for a geotechnical setback to the proposed structures. Staff have worked with the applicant and their environmental consultant to determine the specific locations of these setbacks and are confident the Environmental Development Permit will reflect appropriate preservation of the steep slopes and riparian areas.

The applicant has proposed a total of 14 townhomes featuring 3 and 4 bedrooms with two car tandem garages. A 35-unit apartment building will consist of one and two-bedroom units with surface parking. The applicant has identified one variance to absolute height on the apartment building as the design attempts to work with the changing grades on the subject property. Access to the site is from Highway 33 E, and the Ministry of Transportation and Infrastructure has provided preliminary approval for the rezoning. Should Council support the rezoning, Staff will bring forward a Development Permit and Development Variance Permit for Council Consideration.

4.3 Site Context

The subject property is located in the Black Mountain Village Centre on the south side of Highway 33 E. It is located on a bench above Gopher Creek and adjacent to Black Mountain Elementary School. There is a series of single family dwelling homes to the west which are located at a lower elevation than the proposed development.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture	Residential
East	A1 – Agriculture P2 – Educational & Minor Institutional	Gas Bar Public School
South	RR3 – Rural Residential 3	Residential
West	A1 – Agriculture RU1 – Large Lot Housing RU6 – Two Dwelling Housing	Residential

Subject Property Map: 1759 Highway 33 E



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Policy 5.2.3: Complete Suburbs. Support a mix of uses within Kelowna’s suburbs (see Map 5.1 - Urban Core Area), in accordance with “Smart Growth” principles to ensure complete communities. Uses that should be present in all areas of the City (consistent with Map 4.1 - Future Land Use Map), at appropriate locations, include: commercial, institutional, and all types of residential uses (including affordable and special needs housing) at densities appropriate to their context. Building heights in excess of four storeys will not be supported within the suburban areas, unless provided for by zoning existing prior to adoption of OCP Bylaw 10500.

Policy 5.14.2: Dedication of Linear Parks. At subdivision and rezoning for all development types secure a minimum 10-metre wide linear corridor for public access as included in Table 5.1 Linear Park – Public Access and/or are shown on Map 5.9 – Linear Corridors / Paths. The 10-metre wide corridor may be in addition to, and outside, any riparian management area requirements imposed through the Environmental Development Permit (see Chapter 12) requirements of the OCP. On the

private property side of the public access corridor, the City may, as necessary, consider stipulating additional “no disturb” zones. Lot line adjustments or other subdivision applications not resulting in the creation of new lots suitable for the construction of buildings permitted under the applicable zoning will be considered exempt from this policy. Linear trail corridors can have the following tenure which will be determined by staff at the time of subdivision or rezoning:

- Titled property in the name of the city as a park, protected area, or
- Road reserve right of way; or
- Statutory right of way.

Policy 5.15.7: Protection Measures. Protect and preserve environmentally sensitive areas using one or more of the following measures, depending on which measures are appropriate to a given situation:

- Dedication as a City park or trail where the area complements the goals and objectives of sustainable development. ESA’s acquired as parks or trails will be managed to protect their sensitive features in balance with public use;
- Ensure setbacks on adjacent developments are adequate to maintain the integrity of the ESA and to minimize hazards created at the interface between natural areas and development. For example, ensure housing is setback an adequate distance adjacent to an interface area with potential tree, rockfall, flooding or fire hazards;

Policy 5.22.11: Housing Mix. Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.

Policy 5.22.13: Family Housing. Support housing alternatives for families when single detached housing is too costly, including features that are important to families such as: outdoor space, direct access to grade, workshop space, larger units, safe design, and neighborhood characteristics (e.g.: location and amenities).

6.0 Technical Comments

6.1 Building & Permitting Department

Full plan check review will be included with Development Permit.

6.2 Development Engineering Department

Please see the attached memorandum dated August 27, 2017.

6.3 Bylaw Services

Currently there are no outstanding/open Bylaw enforcement files pertaining to property location: 1759 Highway 33 E.

7.0 Application Chronology

Date of Application Received: June 21, 2017
Date Public Consultation Completed: April 25, 2018

Report prepared by: Trisa Atwood, Planner II

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

- Map "A": Proposed Zoning
- Schedule "A": Development Engineering Memorandum
- Applicant's Letter of Rationale
- Proposed Site Plan
- Context/Site Photos
- Sustainability Checklist