

# REPORT TO COUNCIL



**Date:** April 29, 2019

**RIM No.** 1250-30

**To:** City Manager

**From:** Community Planning Department (AC)

**Application:** Z19-0039, OCP19-0001 & TA19-0002    **Owner:** Bharosa Developments Ltd.  
Inc. No. BC1177705

**Address:** 140 Bach Rd, 615 & 625 Rutland Rd N    **Applicant:** Kevin Edgecombe

**Subject:** OCP Amendment, Rezoning, and Text Amendment Application

Existing OCP Designation:	MRL – Multiple Residential (Low Density) & S2RES (Single Two Unit Residential)
Proposed OCP Designation:	MXR – Mixed Use (Residential/Commercial)
Existing Zone:	RU1 – Large Lot Housing
Proposed Zone:	C4 – Urban Centre Commercial

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## 1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA19-0002 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined within this Community Planning Department Report and within Attachment 'B' be considered by Council;

THAT Official Community Plan Map Amendment Application No. OCP19-0001 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of:

- Lot 25, Section 26, Township 26, ODYD, Plan 19679 except Plan 41879, located at 140 Bach, Kelowna, BC from the S2RES (Single Two Unit Residential) designation to the MXR – Mixed Use (Residential/Commercial) designation;
- Lot 26, Section 26, Township 26, ODYD, Plan 19679 except Plan 41879, located at 615 Rutland Rd N, Kelowna, BC from the MRL – Multiple Unit Residential (Low Density) designation to the MXR – Mixed Use (Residential/Commercial) designation; and
- Lot A, Section 26, Township 26, ODYD, Plan 5624 except Plan 41879, located at 625 Rutland Rd N, Kelowna, BC from the MRL – Multiple Unit Residential (Low Density) designation to the MXR – Mixed Use (Residential/Commercial) designation;

be considered by Council;

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the *Purpose* of Section 879 of the *Local Government Act*, as outlined in this Community Planning Department Report;

THAT Rezoning Application No. Z19-0039 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of:

- Lot 25, Section 26, Township 26, ODYD, Plan 19679 except Plan 41879, located at 140 Bach, Kelowna, BC from the RU1 – Large Lot Housing zone to the C4 – Urban Centre Commercial zone;
- Lot 26, Section 26, Township 26, ODYD, Plan 19679 except Plan 41879, located at 615 Rutland Rd N, Kelowna, BC from the RU1 – Large Lot Housing zone to the C4 – Urban Centre Commercial zone;
- Lot A, Section 26, Township 26, ODYD, Plan 5624 except Plan 41879, located at 625 Rutland Rd N, Kelowna, BC from the RU1 – Large Lot Housing zone to the C4 – Urban Centre Commercial zone;

be considered by Council;

AND THAT the Zoning Bylaw Text Amendment Bylaw, the Official Community Plan Map Amendment Bylaw, and the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the OCP Map Amending Bylaw and the Rezoning Bylaw be considered subsequent to the outstanding conditions identified in Attachment "A" of this Community Planning Department report.

## **2.0 Purpose**

To consider an OCP amendment application from the existing OCP designations to MXR – Mixed Use (Residential/Commercial) designation and to consider a rezoning application from the RU1 – Large Lot Housing zone to the C4 – Urban Centre Commercial zone as well as to consider a Text Amendment application to the C4 zone to add extra Floor Area Ratio for five and six storey buildings.

## **3.0 Community Planning**

Staff supports the Rezoning, Official Community Plan (OCP) amendment and the C4 Text Amendment applications. The project will achieve several important City objectives in terms of its contribution to housing options, intensifying development along arterial routes like Rutland Rd and having convenient access to services, transit, amenities and schools within the Rutland Urban Centre. Future residents should have good opportunity to walk and cycle within the area promoting the City's objective of creating walkable communities and decreasing reliance on vehicular transportation.

In order to allow for commercial land uses to occur on the ground floor, the OCP needs to be amended to permit MXR (Mixed Use – Residential/Commercial) and rezone the property to the C4 zone. Consequently, the OCP amendment and rezoning applications would also add additional residential density to be built on the site. The current OCP designation of MRL and accompanying RM3 zone would only permit a 3 storey multi-family building as the highest permitted land uses and would not permit any commercial land uses.

There are some site layout issues with access and parking but those will be discussed with the Applicant and further analyzed in a future Development Permit Council Report. The first step is to approve the increase in residential density and permitting commercial land uses on the subject property. The Official Community Plan encourages mixed use (commercial and residential) development to occur in Urban Centres and along arterial roads. Additionally, commercial uses in close proximity to the high school is seen as a beneficial land use. Therefore, Staff are supporting and encouraging the OCP amendment and the rezoning applications to achieve a higher intensity mixed-use development.

The Text Amendment application is to alter the C4 density bonuses by adding 0.2 FAR for five and six storey buildings. Staff are proposing a comprehensive zoning bylaw update that would allow the five and six storey wood framed buildings. Lately, Staff have recommended support for a number of height variances in-lieu of

updating the Zoning Bylaw. This would be the same case here except the Floor Area Ratio (FAR) also needs updating to correspond with the increase in height. Therefore, Staff are recommending a 0.2 FAR bonus be added to the C4 zone for five and six storey buildings until such time as Staff can produce a comprehensive report on C4 densities.

#### **4.0 Proposal**

##### **4.1 Project Description**

The purpose of the numerous applications is to construct a 5 storey building with five floors of residential and one ground floor commercial unit. To make this plan viable a: Zoning Bylaw Text Amendment, a change in the Official Community Plan designation, a Rezoning, a Development Permit, and Development Variance Permit application are necessary. Staff are tracking two variances (height increase from four storeys to five storeys and a reduction in parking from 85 stalls to 76 stalls).

Staff will provide recommendations on the merits of the variances and the cash-in-lieu within the Development Permit Council Report. Staff have provided recommendations and rationale on the land use components and on the Text Amendment proposal within Section 3.0 Community Planning.

If Council supports the OCP amendment, rezoning, and Text Amendment bylaws, then the applicant will finalize the design and Staff will update the project description in a Development Permit Council Report.

**Subject Property Map: 140 Bach Road**



## 4.2 Public Notification & Other City Plans

Staff have reviewed this application and it may proceed without affecting either the City's Financial Plan or Waste Management Plan.

To fulfill Council Policy No. 367 for 'OCP Minor' and 'Zoning Major' applications, the applicant held a public information session on February 26, 2019 at 310 – 1350 St. Paul Street from 6:30pm to 8:00pm. The applicant also completed the neighbourhood notification process by contacting all properties within 50m of the subject properties.

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

**Compact Urban Form.**<sup>1</sup> 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.

**Contain urban growth.**<sup>2</sup> Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

**Mixed Use.**<sup>3</sup> Integration of residential uses into commercial developments as mixed-use projects is encouraged in Urban Centres, provided that the ground floor use remains commercial.

**Building Height.**<sup>4</sup> South Pandosy: Generally 4 stories. Six storeys within c4 or c9 zoned areas.

### Residential Land Use Policies.<sup>5</sup>

- Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.
- Ensure context sensitive housing development.

**Commercial Land Use Policies.**<sup>6</sup> Encourage Mixed-use commercial development.

**Relationship to the Street.**<sup>7</sup> Locate buildings to provide an effective street edge while respecting the established, desired streetscape rhythm;

**Relationship to the Street.**<sup>8</sup> Design buildings with multiple street frontages to give equal emphasis to each frontage with respect to building massing, materials, details, and landscaping.

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

<sup>2</sup> City of Kelowna Official Community Plan, (Chapter 1 Introduction).

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

<sup>4</sup> City of Kelowna Official Community Plan, Policy 5.5.1 (Chapter 5 Development Process).

<sup>5</sup> City of Kelowna Official Community Plan, Objective 5.22 (Chapter 5 Development Process).

<sup>6</sup> City of Kelowna Official Community Plan, Objective 5.24 (Chapter 5 Development Process).

<sup>7</sup> City of Kelowna Official Community Plan, Policy 3.1.1 (Chapter 14 Urban Design Guidelines).

<sup>8</sup> City of Kelowna Official Community Plan, Policy 3.1.1 (Chapter 14 Urban Design Guidelines).

## **6.0 Technical Comments**

### **6.1 Building & Permitting Department**

No comment on rezoning.

### **6.2 Development Engineering Department**

See attached memorandum dated February 4<sup>th</sup> 2019.

## **7.0 Application Chronology**

Date of Application Received: January 8<sup>th</sup> 2019

Date Public Consultation Completed: February 26<sup>th</sup> 2019

**Report prepared by:** Adam Cseke, Planner Specialist

**Reviewed by:** Terry Barton, Urban Planning Manager

**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

### **Attachments:**

1. Attachment 'A' Development Engineering Memo dated February 4<sup>th</sup> 2019
2. Attachment 'B' Zoning Bylaw Text Amendment Summary
3. Sample Drawing Package