

REPORT TO COUNCIL



Date: August 26, 2019

To: Council

From: City Manager

Department: Development Planning

Application: LUCT19-0016 / Z19-0084

Owner: Multiple Owners

Address: 2040 Gordon Drive & 1050
Springfield Road

Applicant: City of Kelowna

Subject: Land Use Contract Termination and Rezoning Application

Existing OCP Designation: MRL – Multiple Unit Residential (Low Density)
MRM – Multiple Unit Residential (Medium Density)

Existing Zone: RU6 – Two Dwelling Housing

Proposed Zone: RM3 – Low Density Multiple Housing
RM5 – Medium Density Multiple Housing

1.0 Recommendation

WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying RU6 – Two Dwelling Housing zone for the subject properties under Land Use Contract LUC77-1027 and LUC78-1030 outlined in 'Schedule A' does not meet the land use requirements under City of Kelowna Zoning Bylaw No. 8000;

THAT Application No. LUCT 19-0016 to terminate LUC77-1027 and LUC78-1030 from properties identified in 'Schedule A', located on Gordon Drive and Springfield Road, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z19-0084 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for the subject properties identified in 'Schedule B', located on Springfield Road, Kelowna, BC from the RU6 – Two Dwelling Housing zone to RM3 – Low Density Multiple Housing be considered by Council;

AND THAT Rezoning Application No. Z19-0084 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for the subject property identified in 'Schedule C', located on Gordon

Drive, Kelowna, BC from the RU6 – Two Dwelling Housing zone to RM5 – Medium Density Multiple Housing be considered by Council;

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

AND THAT Council, in accordance with the *Local Government Act* s.464(2), waive the Public Hearing for zoning Bylaw No. 11863;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of Ministry of Transportation and Infrastructure;

2.0 Purpose

To consider an application for the early termination of Land Use Contract LUC77-1027 and LUC78-1030 and rezone the parcels to the RM3 – Low Density Multiple Housing and RM5 – Medium Density Multiple Housing zones as identified in 'Schedule A, B and C'.

3.0 Development Planning

Staff are bringing forth and recommending this Land Use Contract (LUC77-1027 and LUC78-1030) be terminated and for the subject properties to be rezoned. The underlying zoning (RU6 – Two Dwelling Housing) does not fit within the established neighbourhood and is not appropriate to support the existing land use. Staff are proposing to adopt the adjacent RM3 – Low Density Multiple Housing to the subject properties identified in 'Schedule B'. In addition, staff are proposing to also adopt the RM5 – Medium Density Multiple Housing zone for the subject properties identified in 'Schedule C'. Two rezonings are required as the two properties have different development forms and Future Land Uses.



RM3 Properties (Refer to 'Schedule B')



RM5 Property (Refer to 'Schedule C')

The existing Land Use Contract (LUC) affects two properties at 2040 Gordon Drive and 1050 Springfield Road, and currently restricts the use to multi-family residential buildings with heights of one to three storey's. The Land Use Contract uses and regulations fit within the RM3 – Low Density Multiple Housing and RM5 – Medium Density Multiple Housing 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 send additional letters after the one-year grace period is complete informing the property owners of which land use regulations apply to their properties.

Staff are recommending Council Notification Policy #367 including early notification and development signage be waived for all Land Use Contract terminations. Public consultation in this case is not recommended as the notification policy is a City initiative. Staff are suggesting the standard development notification, as outlined above, be sent to properties affected by the LUC under consideration for termination.

4.3 Site Context

The subject property has a total area of 12,454 m² and is located at 2040 Gordon Drive and 1050 Springfield Road. The property is designated MRL – Multiple Unit Residential (Low Density) and MRM – Multiple Unit Residential (Medium Density) in the Official Community Plan and the surrounding area is residential.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 – Parks & Open Space RM5 – Medium Density Multiple Housing	Millbridge Park Multi-family Residential
East	RM3 – Low Density Multiple Housing C4 – Urban Central commercial	Multi-family Residential Commercial Stores
South	P2 – Public Institutional	Elementary School
West	P3 – Parks & Open Space RM3 – Low Density Multiple Housing	Millbridge Park Multi-family Residential

Subject Property Map: 2040 Gordon Drive and 1050 Springfield Road



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

Multiple Unit Residential (Low Density) (MRL). Townhouses, garden apartments, apartments, buildings containing three or more residential units. Complementary uses (i.e. care centres, minor public services/utilities, and neighbourhood parks), that are integral components of urban neighbourhoods would also be permitted. Building densities would be consistent with the provisions of the RM1 – Four-plex Housing, RM2 – Low Density Row Housing, or RM3 – Low Density Multiple Housing zones of the Zoning Bylaw and may include CD Comprehensive Development zoning for similar densities or land uses.

Multiple Unit Residential (Medium Density) (MRM). Townhouses, garden apartments, and apartment buildings. Complementary uses (i.e. care centres, minor public services/utilities, and neighbourhood parks) which are integral components of urban neighbourhoods would also be permitted. Building densities would be consistent with the provisions of the RM4 – Transitional Low Density Housing and RM5 – Medium Density Multiple Housing zones of the Zoning Bylaw and may include CD Comprehensive Development zoning for similar densities or land uses.

6.0 Technical Comments

6.1 Development Engineering Department

No Concerns

6.2 Ministry of Transportation and Infrastructure

No Concerns

7.0 Application Chronology

N/A

Report prepared by: Jenna Ratzlaff, Planner

Reviewed by: Laura Bentley, Urban Planning & Development Policy Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: Properties affected by LUC77-1027 and LUC78-1030

Schedule B: Properties to be rezoned to RM₃

Schedule C: Property to be rezoned to RM₅