

REPORT TO COUNCIL



Date: December 2, 2019

To: Council

From: City Manager

Department: Development Planning

Application: LUC19-0003/Z19-0111

Owner: Hillahan Holdings Inc. & Go West Investments Inc.

Address: 2280-2290 Hunter Road

Applicant: Birte Decloux, Urban Options and Permitting

Subject: Land Use Contract Discharge (LUC77-1085) and Rezoning Application

Existing OCP Designation: Service Commercial

Existing Zone: A1 - Agriculture

Proposed Zone: C3 – Community Commercial

1.0 Recommendation

THAT Application No. LUC19-0003 to discharge LUC77-1085 from Parcel A (KD82312) District Lot 125 Osoyoos Division Yale District, Plan 31272 located at 2280-2290 Hunter Road, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z19-0111 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification Parcel A (KD82312) District Lot 125 Osoyoos Division Yale District, Plan 31272 located at 2280-2290 Hunter Road, Kelowna, BC from the A1 – Agriculture 1 zone to the C3 – Community Commercial zone be considered by Council;

AND THAT the Land Use Contract Discharge and Zone Amending Bylaws 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 Development Planning Department dated December 2nd, 2019;

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

2.0 Purpose

To consider a Land Use Contract discharge and rezoning to C₃ – Community Commercial to accommodate a range of commercial services, including dental health services, within an existing building.

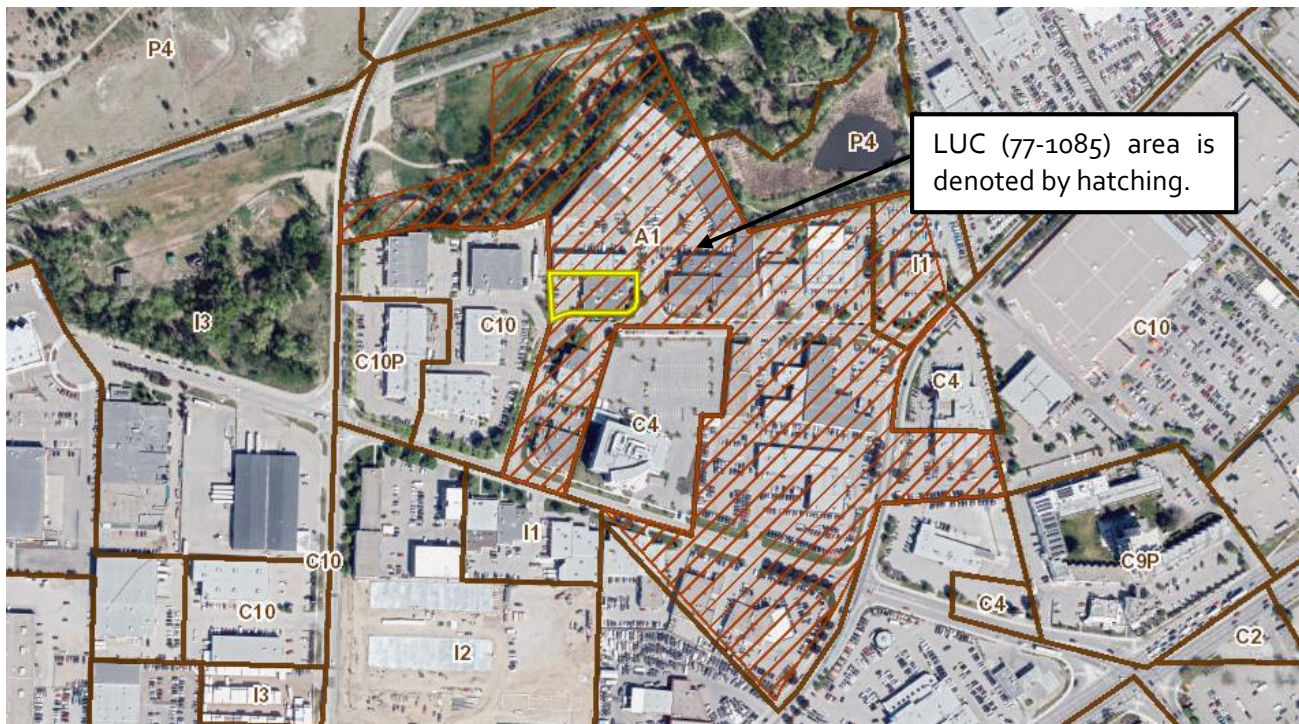
3.0 Development Planning

Development Planning Staff support the Land Use Contract (LUC) discharge and proposed rezoning to allow for community commercial use and the related dental health services proposed. The proposed land use is compatible with surrounding land uses and meets the intent of the Official Community Plan. The C₃ zone is also best to accommodate the existing uses on site which include a range of dental health services, production and training.

4.0 Proposal

4.1 Project Description

The current LUC affects twenty properties in the Hunter Road, Hunter Court and Leckie Road area and has varying restrictions based on the specific property and Schedules indicated within the LUC. The provisions of the LUC for the subject property do not allow for the Health Services use which includes dental health services. The underlying A₁ – Agriculture zone is not appropriate for the current or proposed land use.



In conformance with Council Policy No. 282, Staff will bring a bylaw terminating the Land Use Contract on the remaining adjacent parcel. This is a separate process from the discharge of an LUC, as termination eliminates the LUC one year after Council adoption (whereas a discharge is immediate).

4.2 Project Description

The applicant has proposed to rezone the subject property to allow for a range of dental health services. This includes the creation of dental restoration products and training/education of dental professionals in use of high-tech materials, treatments and processes. The uses will be carried out within the existing

building with no proposed changes to the currently developed property. Prior to moving forward with the rezoning application, the LUC must be discharged as it does not permit the proposed use.

4.3 Site Context

The subject property is located at 2280-2290 Hunter Road, near the intersection of Leckie Road and Enterprise Way.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture	Commercial
East	A1 – Agriculture	Commercial
South	C4 – Urban Centre Commercial	Commercial
West	C10 – Service Commercial	Commercial

Subject Property Map: 2280 – 2290 Hunter 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.

6.0 **Technical Comments**

6.1 Development Engineering Department

See Attachment 'A'.

7.0 Application Chronology

Date of Application Received: August 2, 2019
Date Public Consultation Completed: September 13, 2019

Report prepared by: Wesley Miles, Acting Community Planning and Development Manager
Reviewed by: Laura Bentley, Urban Planning & Development Policy Manager
Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment 'A': Development Engineering Memo