

# REPORT TO COUNCIL



**Date:** March 23, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** OCP20-0001 & Z20-0001

**Owner:** 1409493 Alberta Inc., Inc. No.  
2014094938

**Address:** 815-831 Leon Avenue

**Applicant:** Corey Makus; 815 Leon  
Developments Ltd.

**Subject:** OCP Amendment and Rezoning Application

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

**Proposed OCP Designation:** MRH – Multiple Unit Residential (High Density)

**Existing Zone:** RU6 – Two Dwelling Housing

**Proposed Zone:** RM6 – High Rise Apartment Housing

---

## 1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP20-0002 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot A District Lot 138 ODYD Plan EPP78759, located at 815-831 Leon Ave., Kelowna, BC from the MRM – Multiple Unit Residential (Medium Density) designation to the MRH – Multiple Unit Residential (High Density) designation, be considered by Council;

AND THAT the Official Community Plan Map Amending Bylaw be forwarded to a Public Hearing for further consideration;

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 the Report from the Community Planning Department dated March 23, 2020;

AND THAT final adoption of the Official Community Plan Map Amending 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 March 23, 2020.

AND THAT Rezoning Application No. Z20-0001 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 138 ODYD Plan EPP78759, located at 815-831 Leon Ave., Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM6 – High Rise Apartment Housing zone, 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 approval of the Ministry of Transportation and Infrastructure;

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 March 23, 2020;

AND 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;

AND FURTHER THAT a covenant be placed on Title limiting development to 6 ½ storeys and 24m in height.

## **2.0 Purpose**

To amend the Official Community Plan to change the future land use designation of the subject property from MRM – Multiple Unit Residential Medium Density to MRH – Multiple Unit Residential High Density; and rezone the subject property from the RU2 – Medium Lot Housing zone to the RM6 – High Rise Apartment Housing zone to facilitate the development of a 6 ½ storey rental apartment building.

## **3.0 Development Planning**

Development Planning supports the proposal to change the future land use designation of the subject property to MRH – Multiple Unit Residential High Density and to rezone the property to RM6 – High Rise Apartment Housing to facilitate the development of a 6 ½ storey rental apartment building.

The proposed OCP Amendment and Rezoning are meant to accommodate a 6 ½ storey rental apartment building with a floor area ratio (FAR) of 1.64. The maximum FAR achievable under the RM5 zone, consistent with the property's existing MRM future land use designation, is 1.4. Thus the proposed development requires both a rezoning to RM6 and an OCP Amendment to MRH.

Despite the fact that the proposed development exceeds the FAR permitted in the RM5 zone, the size and scale of the proposed development reflects that of a mid-rise apartment building, which the future land use designation of MRM is meant to accommodate. Accordingly, the massing of the proposed development is generally consistent with the massing of newer developments in the area. In addition, the development is near the City Centre Urban Centre, as well as the Ethel St. multi-use pathway and is therefore in an area of the city where development of this size and scale is desirable.

The maximum height allowance under the RM6 zone is 55m or 16.0 storeys. However, Staff wish to limit the height of development in this area to mid-rise buildings, as is the intention of the MRM designation; and therefore, Staff are requesting a covenant be placed on Title limiting height to 6 ½ storeys and 24m.

## **4.0 Proposal**

### **4.1 Background**

In 2015 a similar application came forward to change the future land use designation of the subject property to MRH and rezone to RM6 (OCP15-0010 & Z15-0027). Both the rezoning and OCP Amendment passed 2<sup>nd</sup> and 3<sup>rd</sup> Reading by Council on February 21, 2017; However, the associated development was never achieved. A new applicant has now come forward proposing the same future land use designation and zone, but with a new development proposal.

#### 4.2 Project Description

The applicant proposes to change the future land use designation and rezone the subject property to facilitate the development of a 6 ½ storey rental apartment building. The proposed development has a FAR of 1.64 which exceeds that of the RM5 zone, which is supported by the existing future land use designation of MRM – Multiple Unit Residential Medium Density. Therefore, both a rezoning (to RM6) and an amendment to the future land use designation (to MRH) are required.

Staff are tracking three variances related to the proposed development, and these variances will be evaluated and formally considered at Development Permit stage, should the zoning and OCP Amendment be approved by Council.

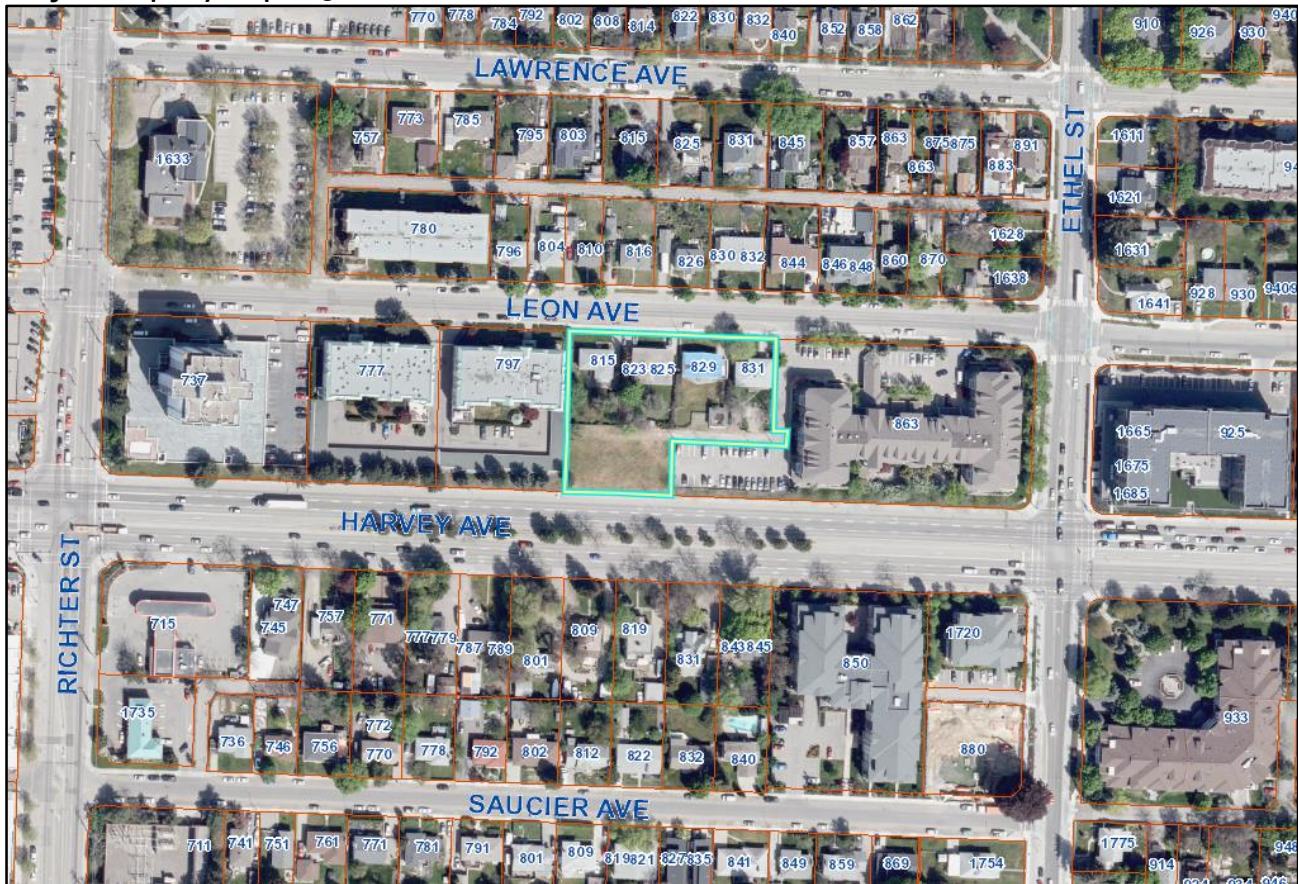
#### 4.3 Site Context

The subject property is located on Leon Ave. between Richter St. and Ethel St. and is 200m east of the City Centre Urban Centre. As the property is in close proximity to the City Centre Urban Centre, the site is within walking distance of a wide range of amenities and destinations, including retail and dining opportunities; employment opportunities; and cultural and recreational facilities. In addition, the lot is within 150m of the Ethel St. multi-use pathway. Related to these points, the lot has a walkscore of 74, where “most errands can be accomplished on foot”; and a bikescore of 96, where “daily errands can be accomplished on a bike”

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Single Family Housing
East	RM6 – High Rise Apartment Housing	Seniors Independent and Assisted Living
South	RU6 – Two Dwelling Housing	Stacked Row Housing
West	RM5 – Medium Density Multiple Housing	Apartment Housing

**Subject Property Map: 815 Leon Ave.**



**5.0 Current Development Policies**

**5.1 Kelowna Official Community Plan (OCP)**

Chapter 1: Introduction

*Goals for a Sustainable Future:*

Contain Urban Growth – Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

Chapter 5: Development Process

*Objective 5.3 Focus development to designated growth areas*

5.2 *Policy .2 Compact Urban Form.* 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 per ha located within a 400m 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.

**6.0 Technical Comments**

**6.1 Development Engineering Department**

- See Schedule A

**7.0 Application Chronology & Public Consultation**

Date of Application Received: December 13, 2019

Date Public Consultation Completed: February 13, 2020

A Public Information Session was held for this project on February 12, 2019; and the public consultation process was conducted in full compliance with Policy No. 367 Public Notification & Consultation for Development Applications.

**Report prepared by:** Aaron Thibeault, Planner II

**Reviewed by:** Terry Barton, Development Planning Department Manager

**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services

**Attachments:**

Schedule A: Development Engineering Memo

Attachment A: Site Plan and Conceptual Rendering

Attachment B: Applicant Rationale