

REPORT TO COUNCIL



Date: June 15, 2020

To: Council

From: City Manager

Department: Development Planning

Application: OCP18-0005, TA18-0011, Z18-0019 **Owner:** Reid's Crossing Development Inc., Inc. No. BC1165652
City of Kelowna

Address: 175 Old Vernon Road **Applicant:** Garry Fawley
2053, 2065, and 2115 Rutland Court

Subject: OCP Amendment and Rezoning Application

Existing OCP Designation: Resource Protection Area (REP) and Service Commercial (SC)

Proposed OCP Designation: Service Commercial (SC)

Existing Zone: A1 – Agriculture 1

Proposed Zone: C10lp Service Commercial (Liquor Primary)

1.0 Recommendation

THAT Official Community Plan Amendment Application No. OCP18-0005 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of portions of Lot A Section 35 Township 26 ODYD Plan EPP56074; Lot 1 Section 35 Township 26 ODYD Plan 4375 Except Plan EPP56072; Lot 4 Section 35 Township 26 ODYD Plan 4170; and Lot A Section 35 Township 26 ODYD Plan 23482 Except Plan EPP56073, located at 175 Old Vernon Road and 2053, 2065, and 2115 Rutland Court Kelowna, BC, from the REP – Resource Protection Area designation to the SC – Service Commercial designation, as shown on Map “A” attached to the report from the Development Planning Department dated June 15, 2020, 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 Development Planning Department dated June 15, 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 Development Planning Department dated June 15, 2020;

AND THAT Rezoning Application No. Z18-0019 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Section 35 Township 26 ODYD Plan EPP56074; Lot 1 Section 35 Township 26 ODYD Plan 4375 Except Plan EPP56072; Lot 4 Section 35 Township 26 ODYD Plan 4170; and Lot A Section 35 Township 26 ODYD Plan 23482 Except Plan EPP 56073, located at 175 Old Vernon Road and 2053, 2065, and 2115 Rutland Court, Kelowna, BC, from the A1 – Agriculture 1 zone to the C10lp – Service Commercial (Liquor Primary) 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 outstanding conditions of approval as set out in Schedule "A" attached to the report from the Development Planning Department dated June 15, 2020;

AND THAT Zoning Bylaw Text Amendment Application No. TA18-0011 to amend Zoning Bylaw No. 8000 as outlined in the report from the Development Planning Department dated June 15, 2020 to allow additional retail and commercial uses be considered by Council;

AND THAT the Zoning Bylaw Text Amendment Bylaw be forwarded to a Public Hearing for further consideration;

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

2.0 Purpose

To amend the Official Community Plan to change the future land use designation of the subject properties to SC – Service Commercial to facilitate the rezoning of the subject property to the C10lp – Service Commercial (Liquor Primary) zone with the following additional permitted uses: Retail Store, Convenience; Retail Store, General; Health Services, Major and Minor; Personal Service Establishments; Contractor Services, Limited; and Financial Services.

3.0 Development Planning

Development Planning staff recommend support for the proposed OCP and Zoning Bylaw amendments. If approved, the amendments will result in a new multi-building shopping complex that could accommodate a range of service commercial and light industrial businesses. The proposed amendments are consistent with the Official Community Plan SC - Service Commercial Future Land Use designation which is meant to provide land for business support services and other commercial uses that may require on-site storage. The property is located within the Permanent Growth Boundary and has full urban services.

The proposed development is appropriately located in an area characterized by light industrial and service commercial businesses. The proposed C10lp zone accommodates a mix of commercial uses, including vehicular oriented uses. The proposed rezoning would also allow for 'Liquor Primary Establishments', provided that future tenants obtain required license approvals from the Liquor & Cannabis Regulation Branch. No applications for liquor primary establishment have been submitted to date.

In addition to the uses permitted in the C10lp zone the following additional uses are proposed: Retail Store, Convenience; Retail Store, General; Health Services, Major and Minor; Personal Service Establishments; Contractor Services, Limited; and Financial Services. These additional uses are meant to provide convenient retail shops and services for residents working and living in the surrounding area with the exception of

'Contractor Services, Limited' which is meant to accommodate light industrial business that provide services primarily to individual households such as plumbing and heating services.

4.0 Proposal

4.1 Background

The subject site is located on the southwest corner of Old Vernon Road and Rutland Road North. The site also has road frontage along Rutland Court and Commercial Drive. The road network in this area was reconfigured in 2018, and a roundabout at the intersection of Old Vernon Road and Rutland Road North was constructed as part of that project.

The subject site consists of four legal parcels and an undeveloped laneway. The parcels located 175 Old Vernon Road and 2115 and 2065 Rutland Court are privately owned. The fourth parcel, located at 2053 Rutland Court, and the laneway are owned by the City of Kelowna. The applicants have entered into a purchase agreement with the City of Kelowna to purchase 2053 Rutland Court and a portion of the lane that runs through the middle of the site. In total, the size of the subject site is 5.55 acres.

The applicant's intention is to consolidate all of the properties and then subdivide the parcel into two lots. The applicant would then proceed with a proposal for a shopping centre development with units leased to a range of retail and service commercial businesses. To facilitate this development a number of applications that require Council consideration have been submitted including:

- **OCP Amendment Application (OCP18-0005):** In terms of OCP Future Land Use Designation, approximately two thirds of the site is designated SC – Service Commercial, with the remaining third of the site designated REP – Resource Protection Area. The Future Land Use designation boundary currently follows the previous road alignment and needs to be amended to reflect the new road alignment; once this is completed, the entire site will be designated Service Commercial.
- **Rezoning Application (Z18-0019):** The entire site is zoned A1 – Agriculture 1. In November of 2018 the owners applied to rezone the property to: C10lp - Service Commercial (Liquor Primary). The proposed C10 zone is meant to accommodate a mix of commercial uses, including vehicular oriented uses. The application includes the use of Liquor Primary Establishments to provide the option for a future tenant to apply for a licence to operate a liquor primary establishment.
- **Zoning Bylaw Text Amendment Application (TA18-0011):** In November of 2018, in addition to the permitted uses allowed in the C10 zone the property owners applied to allow the following uses on the subject property: *Retail Store, Convenience; Retail Store, General; Health Services, Major and Minor; Personal Service Establishments; Contractor Services, Limited; Financial Services*. If approved this text amendment would allow for the proposed commercial units to be leased to a wider range of tenants and offer services that otherwise would not be permitted in the C10 Zone.

In addition to the OCP/Zoning Bylaw amendment applications, a Traffic Impact Analysis was undertaken, and Development Permit and Subdivision application have also been submitted. The Development Permit plans submitted meet the regulations of the C10lps zone with regards to site coverage, parking, and height. Staff do not anticipate that any variances will be required to accommodate the proposed development.

4.2 Project Description

The proposal is to redevelop the entire site. The four existing lots would be consolidated and then subdivided to create two large legal parcels. One of the two lots is proposed to front Rutland Road N and Old Vernon Road. This lot is proposed to include a carwash, shopping centre, and drive-thru food primary establishment. The second of the two lots would front Rutland Court and Commercial Drive. This lot is currently proposed to include a gas station, shopping centre building, and an additional building intended to accommodate

service commercial/light industrial uses that require loading spaces and service bays such as warehouse sales, vehicle and equipment services, and automotive repair shops.



Figure 1. Proposed Shopping Centre.

4.3 Site Context

The site is located at the northern extent of the Rutland City Sector in an area colloquially known as ‘Reid’s Corner’. The subject site has previously been used for residential housing and topsoil storage. The property is mostly vacant with the exception of one single detached house at 2053 Rutland Ct. The properties to the South and East of the site are zoned A1 and located within the ALR. The properties to the North and West of the site are zoned C10 and I2 are being used for a range of service commercial and light industrial uses. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I2	General Industrial
East	A1	Agricultural (ALR)
South	A1	Agricultural (ALR)
West	I1, I2, C10	Light Industrial/Service Commercial

Subject Property Map:



Figure 2. Subject Site Map.

5.0 **Current Development Policies**

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

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 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.

Objective 5.2 Develop sustainably.

Policy .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.

5.2 City of Kelowna Zoning Bylaw No. 8000

Section 14: Commercial Zones

C10 – Service Commercial, Section 14.10.1 Purpose. The purpose is to designate and preserve land for the accommodation of a mix of commercial uses, including vehicular oriented areas, not provided for in other zones.

6.0 Application Chronology

Date of Application Received: Nov 9, 2018 (Revised February 27, 2019)

Date Public Consultation Completed: May 20, 2019

Report prepared by: Arlene Janousek, Environmental Coordinator

Reviewed by: Dean Strachan, Suburban and Rural Planning Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Map "A": Proposed OCP Amendment Map OCP18-0005

Schedule "A": Development Engineering Memo Z18-0019

Schedule "B": Summary Table of Proposed Text Amendments to Zoning Bylaw No. 8000 TA18-0011

Attachment "A": Site Plan