

REPORT TO COUNCIL



Date: September 12, 2016

RIM No. 1250-30

To: City Manager

From: Community Planning Department (RR)

Application: Z16-0046 / OCP16-0010 **Owner:** Valley Land Subdivision Ltd.

Address: 720 Valley Road **Applicant:** Kent MacPherson

Subject: Rezoning and Official Community Plan Amendment

Existing OCP Designation: MRM - Medium Density Multiple Family

Proposed OCP Designation: MRM - Medium Density Multiple Family and MRL - Low Density Multiple Family

Existing Zone: A1 - Agricultural

Proposed Zone: CD27 - Comprehensive Development Zone

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP16-0010 to amend Map 4.1 in the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of a portion of Lot A Sections 32 and 29 Township 26 ODYD Plan EPP54061, located at 720 Valley Road, Kelowna, BC from the MRM - Multiple Unit Residential (Medium Density) designation to the MRL - Multiple Unit Residential (Low Density) designation, as shown on Map "A" attached to the Report from the Community Planning Department dated September 12, 2016 be considered by Council;

AND THAT Rezoning Application No. Z15-0000 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Sections 32 and 29 Township 26 ODYD Plan EPP54061, located at 720 Valley Road, Kelowna, BC from the A1 - Agricultural zone to the CD27 - Comprehensive Development Zone be considered by Council;

AND THAT Zoning Bylaw Text Amendment Application No. TA16-0009 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report from the Community Planning Department dated September 12, 2016 be considered by Council;

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the Purpose of Section 475 of the Local Government Act, as outlined in the Report from the Community Planning Department dated September 12, 2016;

AND THAT the OCP Amending Bylaw, Rezoning Bylaw and Text Amendment 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 Community Planning Department dated September 16, 2016;

AND THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Master Development Permit for the subject property;

AND THAT Council authorizes staff to release the Housing Agreements registered on title under numbers KN110164 and KN111083;

AND THAT Council consider a Bylaw which would authorize the City of Kelowna to repeal Bylaw No. 8477 being Housing Agreement Authorization Bylaw Marona Estates Ltd, and all amendments thereto, for Lot A Sections 32 and 29 Township 26 ODYD Plan EPP54061;

AND FURTHER THAT the repeal of Bylaw No. 8477, being Housing Agreement Authorization, be forwarded for reading consideration.

2.0 Purpose

To consider a rezoning bylaw application, an official community plan amendment application, a zoning bylaw text amendment for density transfer and a request to discharge a defunct housing agreement covenant for the subject property at 720 Valley Road.

3.0 Community Planning

Community Planning staff support the proposed development, and recommend that the associated bylaws be advanced to a public hearing for further consideration. These applications are the results of extensive work between the applicants and staff.

The development site is designated for higher density residential development in the Official Community Plan. However, previous development proposals have proven uneconomical. The proposed development is attainable and appropriate for the site, acting as a transition between the existing Conservatory building and the neighbouring properties, including the adjacent ALR lands and low density residential housing to the north.

The site is located on a major roadway with access to transit. It is on major multi-modal transportation corridors with direct access to Downtown and the Landmark areas. It has ready access to commercial and service nodes. The site has ready access to schools and services, with commercial services on site.

The proposed development and density is well suited for the site and location.

4.0 Proposal

4.1 Background

The proposed developments will be the final projects on the former Conservatory site. There have been multiple developments approved on the site since the late 1990's, with developments moving in fits and starts as new owners took over the project.

Recently, Council approved a commercial development on the south west corner of the larger Conservatory site, which is well underway. Council has also approved an 87 unit multiple-family building which will complete the original tower building, which will start construction in the near future.

The subject property under consideration is the land not rezoned during the initial approvals of the Conservatory. The property has been designated for future multiple family development in the Official Community Plan, but was not zoned during the approvals of the initial phases of the Conservatory.



4.2 Approvals Process

The proposed development is a large scale and complex project that will require a number of applications to be considered by Council as part of the approvals process. At this time, the process is expected to go through the following steps:

1. OCP / Rezoning application (Council approval)
2. Removal of Housing Agreement Covenants (Council approval)
3. Master Development Permit (Council approval)
4. Subdivision (Staff approval)
5. Development Variance Permits (if required) (Council approval)
6. Environmental Development Permit(s) (Staff approval)

7. Individual Form and Character Development Permits - between 4 to 8 (Council approvals)
8. Building Permits (staff approval)
9. Rental Grants (if applicable) (Council approval)

4.3 Project Description

The applicant has applied to re-designate a portion of the property from future MRM to MRL in the Official Community Plan, and to re-zone the property from A1 - Agriculture to a Comprehensive Development zone modelled on the RM3 - Low Density Multiple Family and RM5 - Medium Density Multiple Family. The applicant's long run goals are to develop the property with approximately 448 multi-family units and 48 townhome units.

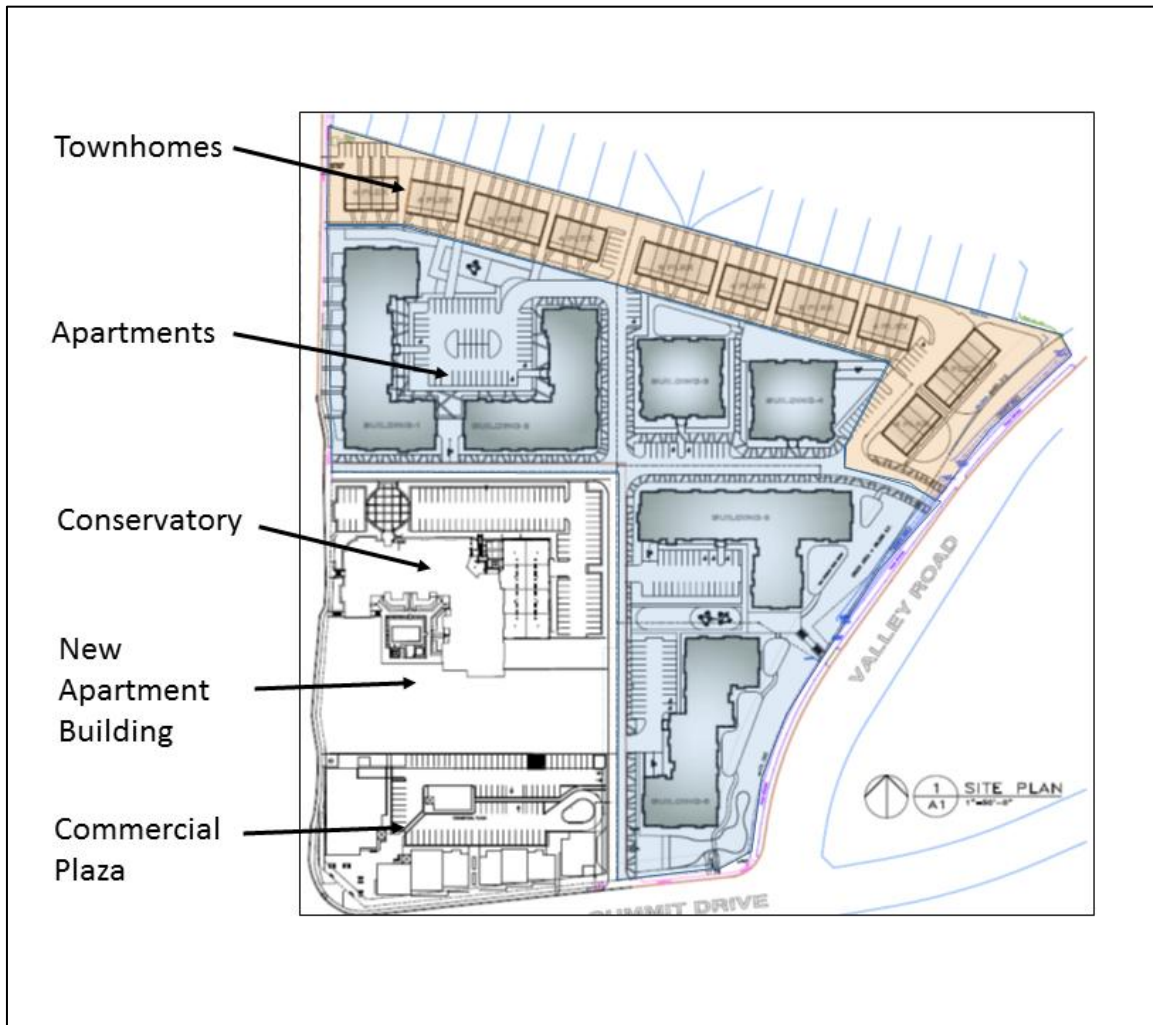


Figure 1 Site Plan

The proposed site layout would see the northern part of the property developed with townhomes to allow a sensitive transition to the existing low density housing to the north. The townhomes would not exceed 3 stories, rather than higher apartment buildings.

Six apartment buildings would be constructed around the existing Conservatory site. At this time, the CD27 zone would allow the buildings to be as high as 4 ½ stories. The Conservatory building itself is 6 stories above ground. The developer has indicated that there may be variance requests for building height at a later date, but those variances are not required at this time.

4.4 Total Buildout

Overall, if the entire Conservatory site (all phases, all ownership groups) were to build out as planned, there would be almost 700 residential units at this location.

Buildings	Units
Conservatory (existing)	108 units
Conservatory (new)	87 units under construction
Proposed Apartments	448 units
Proposed Townhomes	48 units

Additionally, there is a 22,000 sq. ft commercial plaza currently under construction on the site.

4.5 Density Transfer

At this time, the subject parcel is designated MRM in the Official Community Plan, which allows for apartment building level zoning over the entire site. As part of the design process, staff and the applicant agreed that locating 4 ½ storey apartment buildings directly adjacent to the Chartwell subdivision to the north was inappropriate, and would unduly effect the established neighbourhood. Staff requested that the applicant “down-designate” a portion of the property to restrict development to townhomes in order to provide a more sensitive land use transition.

The applicant agreed to “down-designate” the property from MRM to MRL, reducing the development potential on the north portion of the site. However, the developer has requested that that foregone density be transferred to the remainder of the site, allowing the apartment portion of the property to develop to a slightly higher density in exchange for the reduced density on the northern portion of the property.

Staff consider this an appropriate request. The applicant purchased the property as an MRM designated property, with the expectation that it could be fully built out. Staff have requested that the northern portion of the property be under-developed to minimize impact on the neighbours, so it seems an appropriate compromise to allow additional development on the remaining portions of the property.

The down-designation of the northern portion of the site will reduce the potential development on the site by 4870 m². The applicant has requested that 3260 m² of this density be transferred to the remainder of the site.

To accommodate this request, the CD27 zone has been designed to incorporate a density gradient across the site, allowing additional development along the south areas at the expense of limiting density along the north property line.



Figure 2 Building Massing

4.6 Site Design and Master Development Permit

The applicant has submitted a site plan as part of the rezoning application. The current owner does not intend to develop all of the buildings on the site itself. The owner, Trane Construction, intends to develop between 2 to 4 of the apartment buildings, and sell other apartment sites and townhomes to other developers.

To ensure the orderly development of the site, a Master Development Permit will be required. This permit will enshrine the site plan, including road layout, landscaping generalities and building footprints. Future developers will be required to apply for individual Development Permits for the building designs.

This strategy is similar to the strategy employed by the City as part of the Central Green approvals process. It allows Council to have assurances as to an orderly building layout while still giving some flexibility to amend building designs as styles or needs change.

Staff are recommending that consideration of a Master Site Development Permit be made a condition of bylaw adoption.

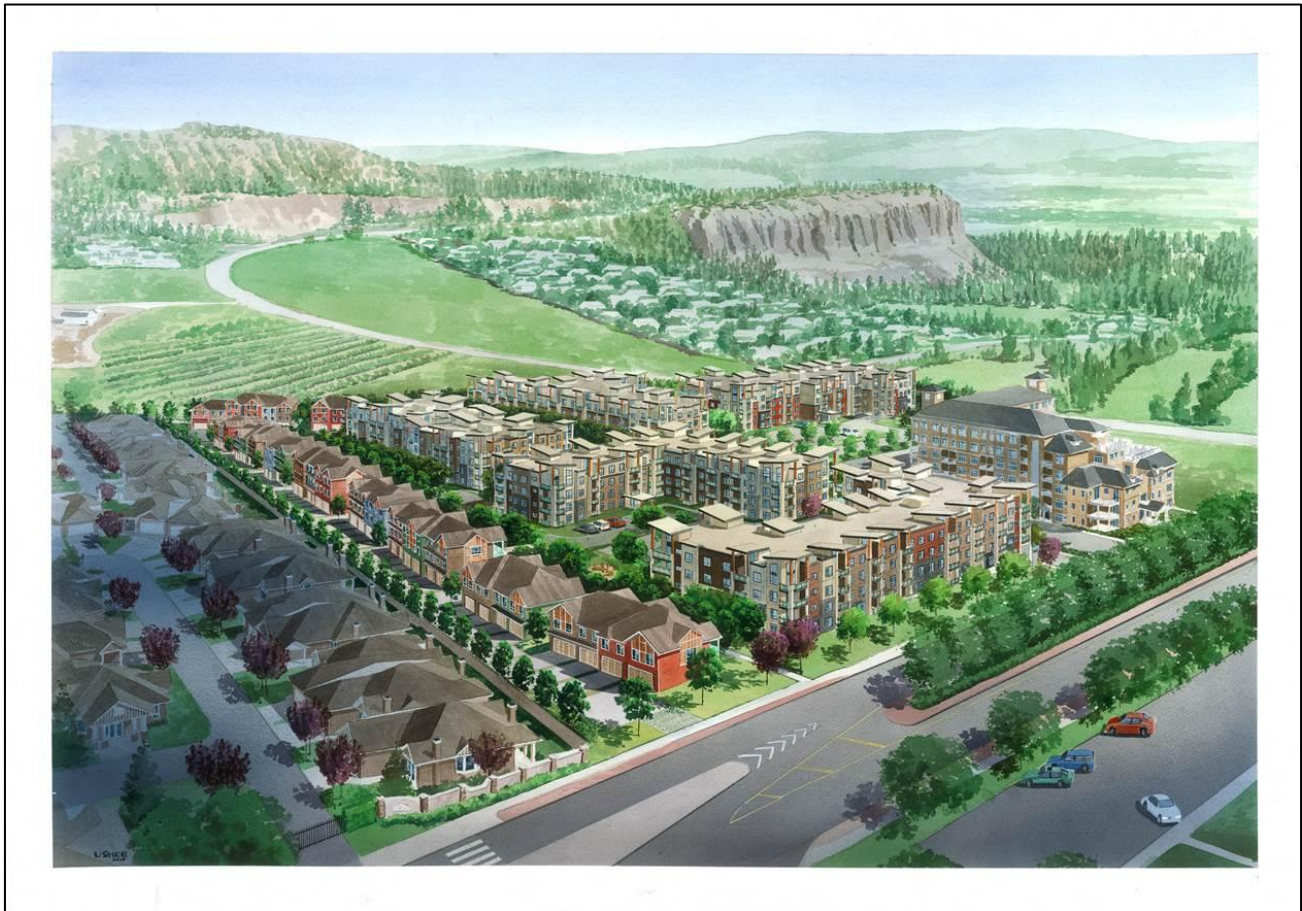


Figure 3 Site Rendering

4.7 Housing Agreement Discharge

During the initial design and approvals of the first Conservatory, a Housing Agreement was registered on site. At the time, the City of Kelowna Zoning Bylaw allowed Housing Agreements to be used as a tool to increase density on a site in exchange for the developer dedicating a certain number of units for affordable housing and seniors housing.

In 2011, Council removed this provision from the zoning bylaw, and requested that Housing Agreements of this nature be discharged as they no longer had any force or meaning. This discharge requires Council approval, and is included in the recommended resolution.

In addition to the Housing Agreement being discharged by bylaw, there are two other Housing Agreements registered on title. These also reference previous iterations of the development, and staff recommend these Housing Agreements be discharged.

The site owner and developer has indicated that at least the first two apartment buildings will be purpose built rental, and that they may be applying for City Rental Grants in the future. As a condition of these grants, registration of a separate covenant would be required.

4.8 Traffic and Road Works

Based on the traffic study conducted as part of the application process, the developer will need to construct several road improvements. Most significantly, a traffic light will be required at the intersection of Valley and Summit Roads. This traffic light will be programmed to coordinate with the light at Glenmore and Summit to improve overall network functionality.

The traffic light and other road works will be required to be fully operational prior to any buildings on the site being granted occupancy.

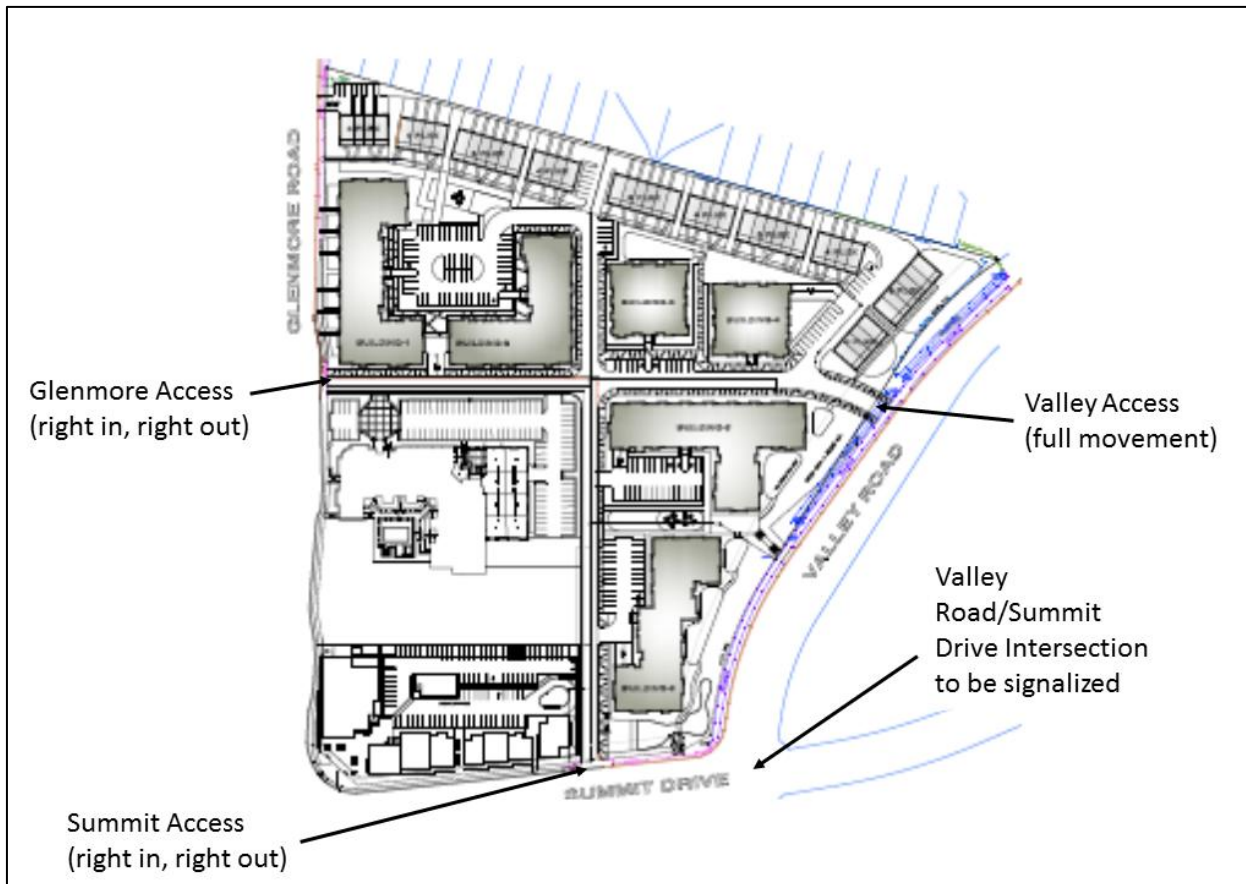


Figure 4 Access Points

4.9 Environmental Considerations

Brandt's Creek runs through a pipeline along the east property line. At a minimum, the developer will be required to daylight Brandt's Creek, removing it from the pipeline and running it through

a semi-naturalised channel along the east property line. The developer would be required to protect a 15 m strip of land along the east property line as riparian area as per the guidelines of the Official Community Plan.

Staff and the developer are exploring an alternative option that would see Brandt’s Creek returned to its natural channel, across Valley Road on the eastern side. Brandt’s Creek originally ran along the east side of Valley, but was moved into a new channel as the Glenmore Valley Neighbourhood developed. Best management practice is to naturalize creeks wherever possible to reduce maintenance costs and best return to natural ecosystems.

The option is currently being explored, and will form part of the Master Development Permit for the site. In either outcome, a 15 m strip along the east property line will be protected as open space, with the use and programming being dependent on the creek configuration.

4.10 Site Context

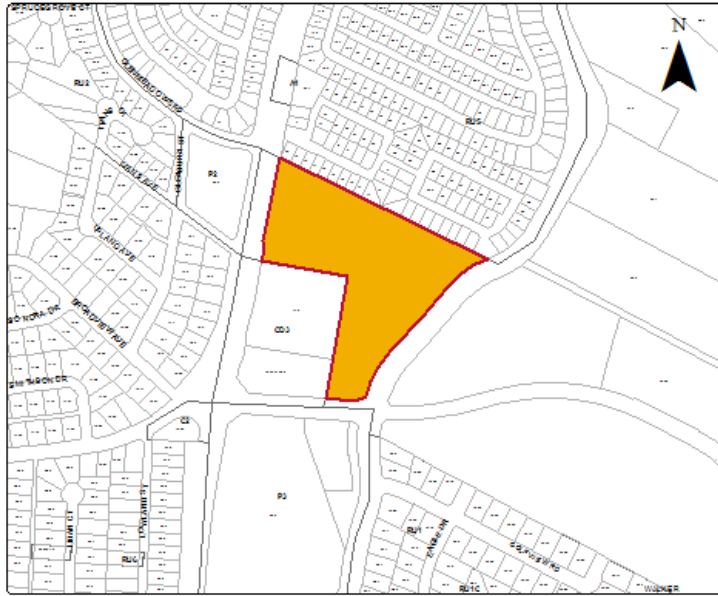
Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU5 - Bareland Strata Housing	Duplex Residential
East	A1 - Agricultural	Agricultural
South	P3 - Parks and Open Space	Golf Course/ Park
West	P2 / RU1	School / Single Family Residential

Subject Property Map:



CONTEXT



NEIGHBOURING ZONING



SUBJECT PROPERTY

4.11 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM3 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	900 m ²	10,826 m ²
Lot Width	30 m	30 m
Lot Depth	30 m	83 m
Development Regulations		
Floor Area Ratio	0.75	0.63
Height	3 stories or 10 m	Up to 3 stories
Front Yard	4.5 m	6.0 m
Side Yard (south)	4.0 m	10.0 m
Side Yard (north)	4.0 m	6.0 m
Rear Yard	7.5 m	10.0 m

Zoning Analysis Table		
CRITERIA	RM5 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	1,400 m ²	32, 591 m ²
Lot Width	30 m	54 m
Lot Depth	35 m	100 m
Development Regulations		
Floor Area Ratio	1.2	1.3 *
Height	4.5 stories	6 stories **
Front Yard	6.0 m	6.0 m
Side Yard (south)	4.5 m	4.5 m
Side Yard (north)	4.5 m	4.5 m
Rear Yard	9.0 m	10.0 m

* Requires density re-allocation ** Will require variances

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Complete Communities. Support the development of complete communities with a minimum intensity of approximately 35 - 40 people and/or jobs per hectare to support basic transit service - a bus every 30 minutes.

5.2 Council Policy 367

In accordance with Council Policy 367, the Developer advertised and held an open house on August 23, 2016. Based on staff observations, approximately 80 residents from nearby neighbourhoods attended.

The developer has also met with the Chartwell strata council, representing residents of the strata development to the north of the site, to solicit design input and build relationships.

6.0 Technical Comments

6.1 Building & Permitting Department

- A Geotechnical report for the requirements in the Glenmore clays should accompany the sub division. Drywells and roof water may require special attention for any future buildings.

6.2 Development Engineering Department

- See attached Memorandum dated August 3, 2016.

6.3 Fire Department

1. Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
2. Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900. New hydrants on this property shall be operational prior to the start of construction and shall be deemed a private hydrant
3. All buildings shall be addressed off of the street it is accessed from.
4. A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD
5. Fire Department access is to be met as per BCBC 3.2.5. - the interior access road does not appear to meet these requirements

6. Approved Fire Department steel lock box acceptable to the fire dept. is required by the fire dept. entrance and shall be flush mounted
7. All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met
8. Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.
9. Contact Fire Prevention Branch for fire extinguisher requirements and placement.
10. Fire department connection is to be within 45M of a fire hydrant - unobstructed.
11. Ensure FD connection is clearly marked and visible from the street.
12. Standpipes to be located on intermediate landings.
13. Sprinkler zone valves shall be accessible as per fire prevention bylaw - less than 7 feet from floor
14. Dumpster/refuse container must be 3 meters from structures or overhangs or in a rated room in the parking garage.

7.0 Application Chronology

Date of Application Received: July 15, 2016
Date Public Consultation Completed: August 23, 2016

Report prepared by:

Ryan Roycroft, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Applicant's Rationale
Site Plan
Conceptual Elevations
Landscape Plan
Shadow Studies
Development Engineering Memorandum
Draft CD27 Zone