

# REPORT TO COUNCIL



**Date:** June 21, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** Z21-0007 & TA21-0006      **Owner:** Jose Antonio Maciel

**Address:** 2251 Burnett Street      **Applicant:** Joe Maciel

**Subject:** Rezoning and Text Amendment Application (Site Specific)

**Existing OCP Designation:** HLTH – Health District

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

**Proposed Zone:** HD2 – Hospital and Health Support Services

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## 1.0 Recommendation

THAT Rezoning Application No. Z21-0007 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 16 District Lot 136 ODYD Plan 11811, located at 2251 Burnett Street, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the HD2 – Hospital and Health Support Services zone, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Zoning Bylaw Text Amendment Application No. TA21-0006 to amend City of Kelowna Zoning Bylaw No. 8000 for Lot 16 District Lot 136 ODYD Plan 11811, located at 2251 Burnett Street, as outlined in the Report from the Development Planning Department dated June 21, 2021 be considered by Council;

AND THAT the Zoning Bylaw Text Amending 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 21, 2021;

AND FURTHER 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.

## **2.0 Purpose**

To rezone the property from the RU6 – Two Dwelling Housing zone to the HD2 – Hospital and Health Support Services zone; and to amend the Zoning Bylaw by allowing multiple dwelling housing as a principal use under the HD2 – Hospital and Health Support Services zone for a lot less than 900m<sup>2</sup> for Lot 16 District Lot 136 ODYD Plan 11811, known municipally as 2251 Burnett Street. Both the rezoning and the site specific Text Amendment are proposed to facilitate a multiple dwelling housing development consisting of a 3 storey 6-plex.

## **3.0 Development Planning**

Development Planning supports rezoning the lot to HD2 – Hospital and Health Support Services; and also supports the site specific Text Amendment to allow multiple dwelling housing as a principal use under the HD2 – Hospital and Health Support Services zone for a lot less than 900m<sup>2</sup> for the property at 2251 Burnett St.

To begin with, the property is located in the City's Hospital Area, and has a future land use designation of HLTH – Hospital and Health Support Services which does support the proposed HD2 zone.

The future land use and zone were developed under the understanding that the area in and around the Kelowna General Hospital (KGH) and associated institutions presents special circumstances that call for a tailored land use approach. In recognition of this, the Zoning Bylaw describes the purpose of the HD2 zone in the following way: "to provide for the conversion and new development of buildings that provide services to the medical community associated with the Kelowna General Hospital, Interior Health Authority, and UBC Medical Programs including staff, clients, patients and their families. This zone" the Zoning Bylaw continues, "will provide for a range of institutional, medical-related commercial and complimentary residential uses within the Official Community Plan Health District future land use designation" (Zoning Bylaw s. 17.2.1).

In recognition that increased residential densities are appropriate in certain areas of the Hospital Area (as noted in the quote above), the HD2 zone allows for multiple dwelling housing as a principal use; however, this use is only permitted on lots greater than 900m<sup>2</sup> (s. 17.2.2.1.a). In this case, the lot is 816m<sup>2</sup>. As such, a site-specific Text Amendment is required to allow for multiple dwelling housing as a principal use on the lot.

The HD2 zone is an outlier among the City's zones for having different principal uses based on lot size. Related to this, it is true that the City's zones do have subdivision regulations that specify minimum lot size. However, it is still possible to rezone to these zones without meeting the minimum lot size—provided, that is, the applicant can demonstrate, to Staff's satisfaction, that a development under the zone's regulations can be successfully accomplished on the lot. In this case, the applicant has demonstrated, to the satisfaction of Staff, that a development can be successfully accomplished under the regulations for the HD2 zone for lots greater than 900m<sup>2</sup>.

In addition, considerations raised out of the City's Hospital Area Plan also pertain here. In the Hospital Area Plan carried out by Staff between 2018-2019, a review of the HD2 zone was conducted. As a result of this review a number of amendments to the HD2 zone were recommended. One of the recommended amendments was to eliminate the minimum lot size required to develop certain uses. Specifically, the Report recommended "removing the connection between lot area and permitted uses to make it more consistent with other zones". Planning Staff have not since had an opportunity to make the recommended changes to

the HD2 zone (which were endorsed by Council on February 11, 2019); however, the site specific Text Amendment in question would, in effect, make this change for this particular lot.

#### 4.0 Proposal

##### 4.1 Project Description

The applicant proposes to rezone the property to HD2 – Hospital and Health Services. In addition, the applicant proposes a site specific Text Amendment to allow multiple dwelling housing as a principal use under the HD2 – Hospital and Health Support Services zone for a lot less than 9000m<sup>2</sup> for the property at 2251 Burnett St.

The rezoning and Text Amendment are needed to facilitate a multiple dwelling housing development consisting of a 3 storey 6-plex.

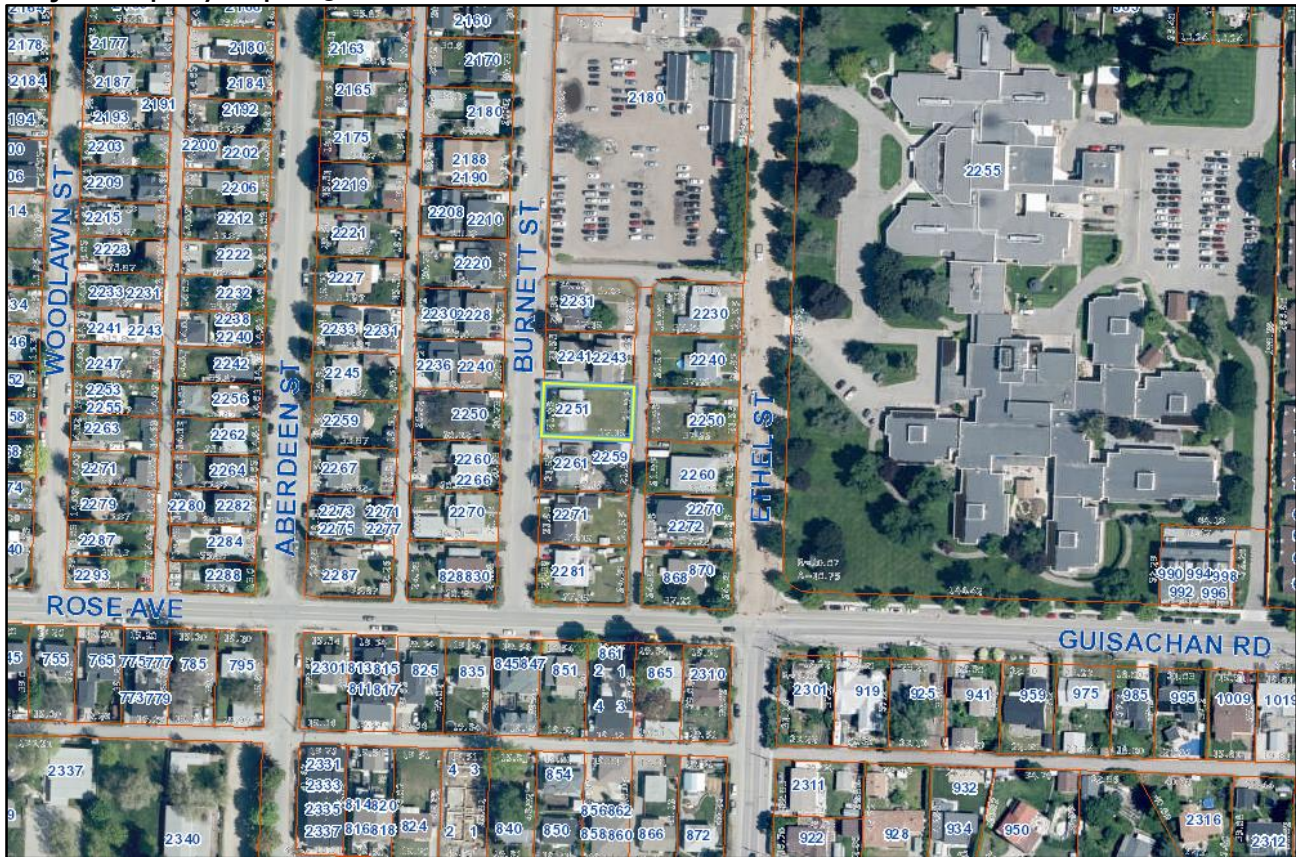
##### 4.2 Site Context

The lot is in the Central City Sector in an area near the Kelowna General Hospital (KGH) known as the Hospital Area. The nearest major intersection is Ethel St. and Rose Ave. The property is also within a short distance of the Cottonwoods Care Centre as well as Cameron Park. The properties immediately to the west were recently rezoned to RU7 – Infill Housing through a Staff-initiated rezoning.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Semi-detached housing
East	RU6 – Two Dwelling Housing	Single family housing
South	RU6 – Two Dwelling Housing	Semi-detached housing
West	RU7 – Infill Housing	Semi-detached housing

**Subject Property Map: 2251 Burnett St.**



**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 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.

Chapter 14: Future Land Use

*Future Land Use Definitions*

Health District (HLTH)

To integrate uses in support of the regional KGH campus both physically and functionally with the surrounding communities and to provide a moderating transition in scale from a major institutional centre to adjacent established residential areas that incorporate heritage components, where included in the Heritage Conservation Area boundary. This designation is to encompass development that supports the operations of the Kelowna General Hospital or other health administration, health education, patient services or care facility operation.

Other uses may include multiple unit residential uses consistent with the RM<sub>3</sub>, RM<sub>4</sub> or RM<sub>5</sub> zones of the Zoning Bylaw. Limited health and service related commercial uses as defined by the Zoning Bylaw may be supported.

## **6.0 Technical Comments**

### **6.1 Development Engineering Department**

- See Schedule A

## **7.0 Application Chronology**

Date of Application Accepted: January 26, 2021

Date Public Consultation Completed: May 20, 2021

**Report prepared by:** A.D. Thibeault, Planner II

**Reviewed by:** Jocelyn Black, Urban Planning Manager

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

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

### **Attachments:**

Schedule A: Development Engineering Memo

Schedule B: Text Amendment

Attachment A: Applicant Rationale

Attachment B: Conceptual Drawing Package