

REPORT TO COUNCIL



Date: April 24, 2023

To: Council

From: City Manager

Department: Development Planning

Application: TA22-0018 **Owner:** ASI BARBER ROAD GP INC.,
INC.NO. A0122606

Address: 135 Barber Rd, 155 Barber Rd and 765 Hwy 33 W **Applicant:** ASI BARBER ROAD GP INC.

Subject: Text Amendment Application

Existing OCP Designation: UC – Urban Centre

Existing Zone: UC₄ – Rutland Urban Centre

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA22-0018 to amend City of Kelowna Zoning Bylaw No. 12375 as outlined in Schedule "A" attached to the Report from the Development Planning Department dated April 24, 2023 for LOT 1 SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 17229 EXCEPT PLAN 39372 located at 765 Hwy 33 W, LOT 2 SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 17229 located at 135 Barber Rd and LOT 3 SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 17229 located at 155 Barber Rd 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 Zoning Bylaw Text Amending Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure;

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 amend the Zoning Bylaw with a Site-Specific Text Amendment to permit ground-floor commercial uses to occupy a minimum of 0% of the Hwy 33 W street frontage.

3.0 Development Planning

Staff recommend support for this Site-Specific Text Amendment application. Map 4.8 in the 2040 Official Community Plan (OCP) identifies the envisioned street character of roads within the Rutland Urban Centre. The portion of Hwy 33 W, fronting these properties, is identified as a Retail Street in the OCP. The street character of Hwy 33 W changes to Mixed-Residential Street to the west of Barber Rd, and Barber Rd is identified as a Residential Street. Given the Residential Street designation for Barber Rd, Staff feel the request to not include any commercial uses for this proposed development is reasonable. There are other locations within the Rutland Urban Centre that are appropriate for commercial uses, and as this proposed development is on the edge of the Retail Street Character Map, Planning feels this request would not deteriorate from establishing commercial in the heart of the Rutland Urban Centre.

Zoning Bylaw No. 12375 (Section 14.11) requires a minimum of 90% of the street frontage to be ground-floor commercial. As the request for the proposal to not include any commercial use pertains to the removal of a land-use requirement, this request cannot be handled as a variance and needs to be processed as a site-specific text amendment, in accordance with Local Government Act S. 498(2)(a).

4.0 Site Context & Background

4.1 Site Context

Orientation	Zoning	Land Use
North	P1 – Major Institutional P2 – Education and Minor Institutional UC4dt-fg – Rutland Urban Centre (Drive Through and Fuelling and Gas Stations)	Apartment Housing Health Services Gas Bar, Food Primary with Drive Through
East	UC4dt-rcs - Rutland Urban Centre (Drive Through and Retail Cannabis Sales)	Retail, Retail Cannabis Sales
South	RU1 – Large Lot Housing	Single Detached Housing
West	UC4 – Rutland Urban Centre	Apartment Housing Single Detached Housing

Subject Property Map: 135 Barber Rd, 155 Barber Rd and 765 Hwy 33 W



4.2 Background

The development proposal is for the three lots on the northeast corner of Barber Rd at Hwy 33 W, which front on to Hwy 33 W. They currently contain single detached housing.

5.0 **Technical Comments**

5.1 Development Engineering Department

Development Engineering Requirements are associated with the related Development Permit (DP22-0225)

6.0 **Application Chronology**

Date of Application Accepted: November 24, 2022

Date Public Consultation Completed: February 18, 2023

Report prepared by: Kimberly Brunet, 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: Site-Specific Text Amendment Table