

REPORT TO COUNCIL



Date: May 15, 2017

RIM No. 1250-30

To: City Manager

From: Community Planning Department (EW)

Application: Z16-0080

Owner: Chi Quang Ly

Address: 105 – 115 Hwy 33 W

Applicant: Fox Architecture

Subject: Rezoning Application

Existing OCP Designation: MXR – Mixed Use Residential

Existing Zone: C4 – Urban Centre Commercial

Proposed Zone: C3 – Community Commercial

1.0 Recommendation

THAT Rezoning Application No. Z16-0080 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 23, Township 26, ODYD, Plan 8678, located at 105-115 Hwy 33 W, Kelowna, BC from the C4 — Urban Center Commercial zone to the C3 — Community Commercial 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 a set out in Schedule "A" attached to the Report from the Community Planning Department dated March 27, 2017;

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 consider rezoning the subject property from C4 – Urban Centre Commercial to C3 – Community Commercial.

3.0 Community Planning

Community Planning Staff support the proposed rezoning and the concept of adding additional residential units to the subject property. The purpose of the rezoning application is to permit the applicant to construct a full storey of residential uses above the existing street-level commercial businesses. This project meets several OCP objectives including sensitive infill and adding residential density to a commercial neighbourhood.

The subject parcel is a small lot with a unique urban location and configuration (e.g. no laneway access), there is no room for off-street parking spaces. As the property is located within the Rutland Urban Centre, the applicant qualifies for the Cash-in-Lieu of Parking program. Staff consider this project to be a test case for future mixed-use developments with reduced vehicle parking. It is limited in scope to five residential units and well supported by amenities and services in the area including shops, transit and local parks.

If the zoning application is advanced to third reading, a Development Permit will be necessary to approve the form and character of the proposed development. Preliminary plans show a 2-storey building with two commercial units on the ground floor and five bachelor suites on the second floor.

4.0 Proposal

4.1 Background

The subject property is currently used as a jewelry store and a pharmacy.



Figure 1. The subject property: 105-115 Hwy 33 W.

4.2 Project Description

The applicant is applying to rezone the subject property to add a residential storey above the existing building. The proposed addition would add 5 residential units and expand the commercial floor space on the street-level.

The property is currently zoned C₄ – Urban Centre Commercial. While the existing zone allows the proposed uses, the Floor Area Ratio (FAR) limits the potential development of the site. The C₄ zone allows a maximum FAR of 1.3 and the applicant's proposal has a FAR of 1.5. As use of density cannot be varied, rezoning is required for the project to proceed. The applicant has applied to rezone to the C₃ – Village Commercial zone which allows unlimited residential FAR where a commercial use exists. It is intended for small scale projects where traditional commercial zoning is not appropriate.

The form and character of the building will require a Council issued development permit and at this time Staff are tracking three (3) variances (see Section 4.4 Zoning Analysis Table). Further discussion of the design will occur when a Development Permit and Development Variance Permit application go to Council.

The applicant has proposed no parking spaces for the project. The property is within the area identified for Payment in Lieu of Parking, where the applicant may pay a flat fee to the City in exchange for reduced parking. However, there will be no off-street parking associated with the project and residents will either park somewhere else or have no vehicle.

Because of the proximity to Highway 33, the project will require several approvals from the Ministry of Transportation. In addition to signing off on the bylaw amendment, the Ministry will also require that the applicant submit for setback variances for Highway setbacks. The Ministry has indicated that they do not have concerns with the proposed variances.

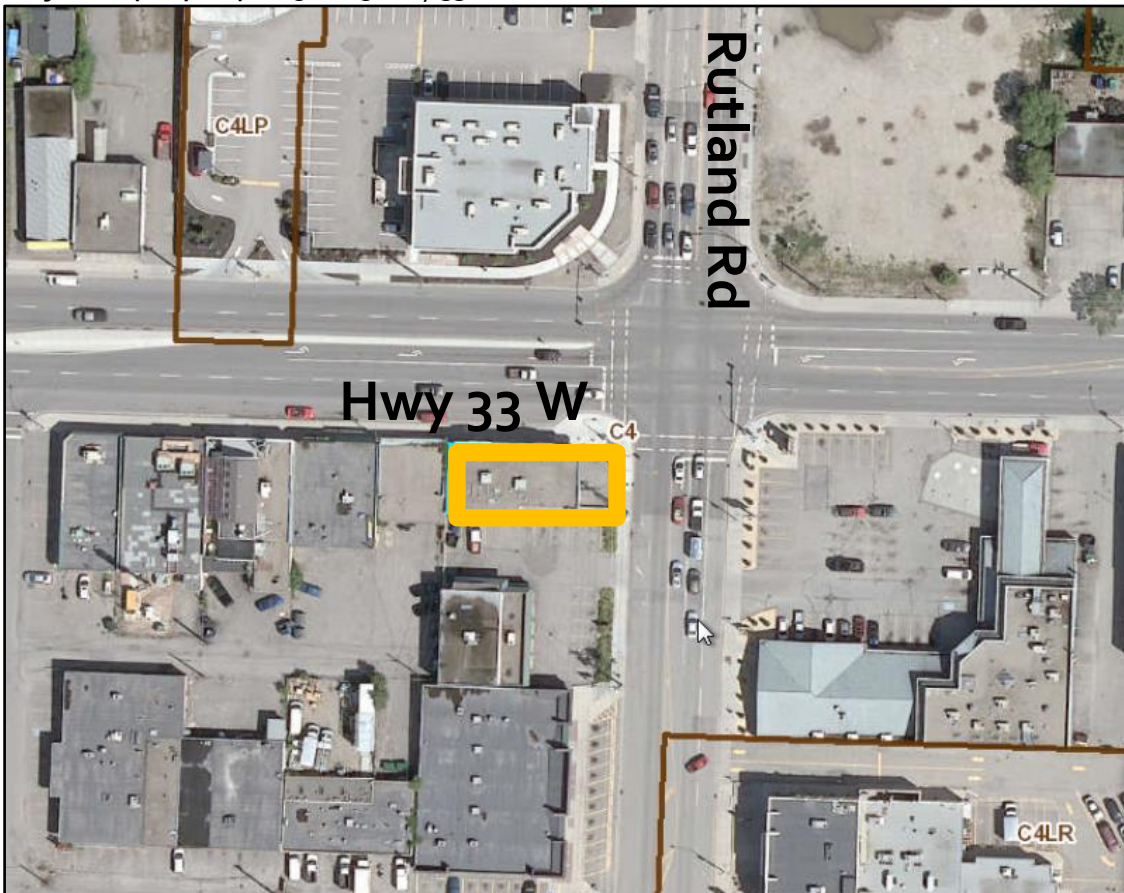
4.3 Site Context

The subject property is located on the corner of Hwy 33 W and Rutland Rd, in the Rutland city sector and the Rutland Urban Centre. The property is in a commercialized area of Rutland with services including grocery stores, shopping, restaurants, and transit within walking distance.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4 – Urban Centre Commercial	Financial Service
East	C4 – Urban Centre Commercial	Shopping Plaza
South	C4 – Urban Centre Commercial	Food Service
West	C4 – Urban Centre Commercial	Retail

Subject Property Map: 105 – 115 Hwy 33 W



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C ₃ ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	1300 m ²	378 m ²
Lot Width	40.0 m	30.28 m
Lot Depth	30.0 m	12.49 m
Development Regulations		
Floor Area Ratio	1.0 (commercial only)	1.5
Site Coverage	50%	92% ^❶
Height	4 storeys/ 15 m	2 storeys/ 9.75 m
Front Yard	3.0 m	0 m ^❷
Side Yard (east)	2.0 m	0 m ^❸
Side Yard (west)	0.0 m	0 m
Rear Yard	0.0 m	0 m
Other Regulations		
Minimum Parking Requirements	10	0
Bicycle Parking	Class I: 1 Class II: 2	3-5
Private Open Space	30 m ²	70 m ²
Loading Space	m ²	m ²
^❶ Indicates a requested variance to site coverage from 50% permitted to 92% proposed. ^❷ Indicates a requested variance to the minimum front yard setback from 3.0 m permitted to 0.0 m proposed. ^❸ Indicates a requested variance to the minimum side yard setback from a flanking street from 2.0 m permitted to 0.0 m proposed.		

5.0 **Current Development Policies**5.1 Kelowna Official Community Plan (OCP)**Development Process**

Compact Urban Form.¹ 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.

Sensitive Infill.² Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height, and siting.

Housing Mix.³ Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed-use developments.

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Policy 5.22.11 (Development Process Chapter)

6.0 Technical Comments

6.1 Building & Permitting Department

- Comments will be provided with DP report.

6.2 Development Engineering Department

- See attached memorandum dated January 17, 2017 (Schedule "A")

7.0 Application Chronology

Date of Application Received: November 28, 2016

Report prepared by: Emily Williamson, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Schedule "A" – Development Engineering Memorandum dated January 17, 2017

Attachment "A" – Preliminary Project Proposal