REPORT TO COUNCIL

Date:	May 29, 2017		
RIM No.	1250-30		
To:	City Manager		
From:	Community Planning Department (AC)		
Application:	Z17-0023	**Owner:**	Pannu, Gurpreet
Address:	1360 Belaire Ave	**Applicant:**	New Town Services Inc. (Jesse Alexander)
Subject:	Rezoning Application		
Existing OCP Designation:	MRM – Multiple Unit Residential (Medium Density)		
Existing Zone:	RU6 – Two Dwelling Housing		
Proposed Zone:	RM5 – Medium Density Multiple Housing		

1.0 Recommendation

THAT Rezoning Application No. Z17-0023 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 34 District Lot 137 ODYD Plan 10011, located at 1360 Belaire Ave, Kelowna, BC from the RU6 – Two Dwelling Housing to the RM5 – Medium Density Multiple Housing Zone, be NOT considered by Council;

2.0 Purpose

To consider a Staff recommendation to NOT rezone the subject property from RU6 – Two Dwelling Housing to the RM5 – Medium Density Multiple Housing Zone.

3.0 Community Planning

The Official Community Plan (OCP) designated the subject property as MRM – Multiple Unit Residential (Medium Density) with the vision of achieving large apartment style buildings under the RM5 zone. This land use vision is evident in the surrounding neighborhood with residential projects such as the Dorchester, the Murano, the recently approved Cambridge House and the numerous apartment buildings along Harvey Ave.

The proposed application for the subject property is not consistent with this vision as the applicant is proposing to utilize the RM5 zone on one small urban lot. The lot is 34% below the minimum subdivision regulation for new RM5 lots. This results in a significantly smaller apartment building form then the typical RM5 apartment building as well as a relatively low residential density as expressed with the proposed 0.6 Floor Area Ratio (FAR). Apartment buildings are typically in the 1.1 – 1.3 FAR range. As this proposal

represents the first major development along Belaire Avenue, staff do not feel deviating from the OCP vision appropriate. In addition, due to the fact that there is no lot consolidation, the proposal leaves one urban lot directly to the east minimizing its future development potential.

Overall, achieving a higher residential density is an important community objective in this Harvey Avenue area due to its close proximity to the downtown and surrounding urban amenities (e.g. parks, schools, transit, cycling routes, shops and services). Furthermore, if small apartment buildings are permitted on single urban lots, this may discourage other developers from land assembly and consolidating larger sites. As a consequence, the City would not achieve its residential density goals. Therefore, Staff do not support the proposed rezoning from RU6 zone to the RM5 zone.

4.0 Proposal

4.1 Project Description

The applicant has applied for a Rezoning and Development Permit application to facilitate a 17-unit multiple residential building located at 1360 Belaire Ave. The proposal is for 16 rental micro-suites with 1 care-taker unit. The project is within 400 metres of a bus stop and is located in an urban centre which is the prerequisite to allow micro-suite developments.

The subject property is 931m^2. The minimum lot size for subdivision in the RM5 zone is 1,400m^2. Although, the subdivision regulations are not required to be adhered to when rezoning a property, Staff do use the minimums as a guide to indicate whether a particular lot is large enough for the intended densities within that zone (in this case apartment housing).

If the rezoning is successful, the applicant has proposed to build a 4 storey building with 17 parking stalls. Staff are currently tracking two variances and would provide comprehensive comments on the form & character within the Development Permit Council report, should the zoning proceed.

4.2 Background

The subject property contains a restrictive covenant and building scheme registered on the property in 1959 that restricts the property owner to the following structures: single detached dwelling, duplex, garage, and carport. Further, the covenant restricts the property owner from developing a detached dwelling or duplex less than 750ft^2 in floor area. However, this is a private agreement without the municipality, regional district, or provincial government's involvement. Therefore, the City does not consider these private agreements relevant in terms of enforcement or allowable land uses.

4.3 Site Context

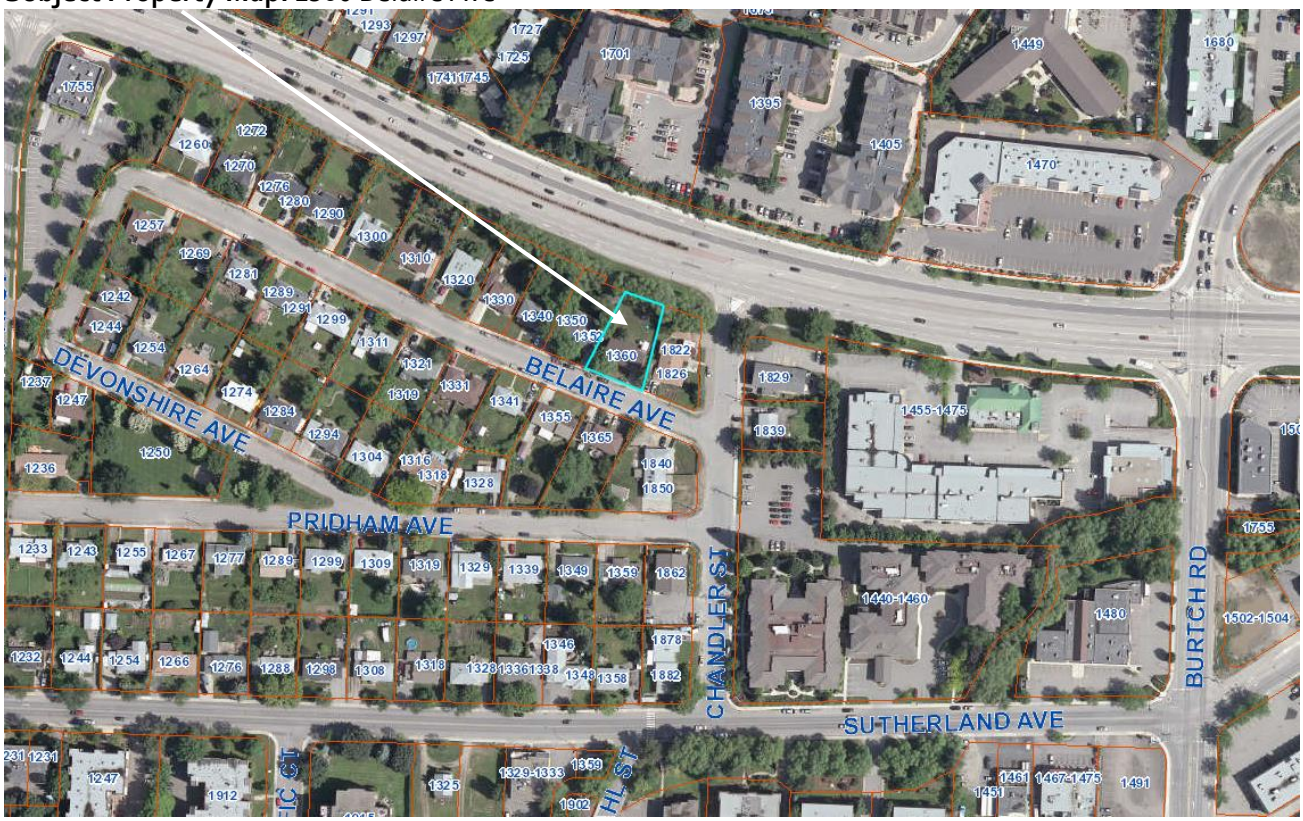
The subject property is located within the Capri-Landmark Urban Centre and within the Urban Core. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM5 – Medium Density Multiple Housing	Residential
East	RU6 – Two Dwelling Housing & C3 – Community Commercial	Residential & Commercial
South	RU6 – Two Dwelling Housing	Residential
West	RU6 – Two Dwelling Housing	Residential

4.4 Site Context

The applicant has met Council Policy No. 367 (Development Notification Policy) by mailing notices to all properties within a 50 metre radius.

Subject Property Map: 1360 Belaire Ave



4.5 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	**RM5 ZONE REQUIREMENTS**	**PROPOSAL**
Development Regulations		
Height	18.0 m / 4.5 storeys	13.4 m / 4 storeys
Front Yard (south)	6.0m	6.0m
Side Yard (east)	4.5m below 2 ½ stories 7.0m above 2 ½ stories	4.5m below 2 ½ stories 7.0m above 2 ½ stories
Side Yard (west)	4.5m below 2 ½ stories 7.0m above 2 ½ stories	4.5m below 2 ½ stories 7.0m above 2 ½ stories
Rear Yard (north)	9.0m	9.0m
Site coverage of buildings	40 %	34%

Zoning Analysis Table		
CRITERIA	**RM5 ZONE REQUIREMENTS**	**PROPOSAL**
Site coverage of buildings, driveways & parking	65 %	62%
FAR	1.1 Max	0.6
Parking Regulations		
Minimum Parking Requirements	1 per bachelor unit = 17 stalls	17 stalls
Ratio of Parking Stalls	Full size: 50% Min Medium Size: 40% Max Small Size: 10% Max	Full size: 71% (12 stalls) Medium Size: 17% (4 stalls) Small Size: 6% (1 stall)
Minimum Drive Aisle Width	7.0m	6.0m / 6.5m ❶
Setback (Parking)	1.5 m	1.5m or greater
Parking stall size	0.2m wider when abutting an obstruction (e.g. column or wall)	0.0m ❷
	Measured to edge of column	Measured to centre of column ❷
Other Regulations		
Minimum Bicycle Parking Requirements	Class 1: 9 bikes Class 2: 2 bikes	Class 1: 10 bikes Class 2: 6 bikes
Private Open Space	127.5 m^2	134.8 m^2
Landscape Buffer	3.0m or opaque fence	6.0m front 1.5m side & rear & opaque fence
Potential Variances: ❶ Reduce minimum drive aisle widths; ❷ Reduce sizes of parking stalls;		

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.

Capri-Landmark.[2]. Generally, 4 storeys. Greater height (up to 12 storeys) may be supported on the Capri Shopping Centre site and in the area bordered by Dickson Avenue, Dayton Avenue, Springfield Road and Kirschner Road upon approval of a Council-endorsed comprehensive development plan for the site that provides for a variety of housing types (including but not limited

[1] City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).
[2] City of Kelowna Official Community Plan, Policy 5.3.4 (Development Process Chapter).

to ground-oriented and rental apartment housing) and the provision of commercial space that is of an amount that, at minimum, equals that which existed in 2010.

6.0 Technical Comments

6.1 Building & Permitting Department

- No comment on rezoning.

6.2 Development Engineering Department

- See attached memorandum dated April 13, 2017.

6.3 Fire Department

- No comment on rezoning.

6.4 Ministry of Transportation

- With regard to the above noted zoning file, the Ministry has no objection. Please forward the final Bylaw once it has achieved third reading for Ministry approval. If you have any questions, please feel free to call Kelowna Development Approvals at (250) 712-3660.

7.0 Application Chronology

Date of Application Received:	March 9th 2017
Date Public Consultation Completed:	April 6th 2017

8.0 Alternate Recommendation

THAT Rezoning Application No. Z17-0023 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 34 District Lot 137 ODYD Plan 10011, located at 1360 Belaire Ave, Kelowna, BC from the RU6 – Two Dwelling Housing to the RM5 – Medium Density Multiple Housing Zone, be considered by Council;

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration.

AND THAT final adoption of the Zone Amending Bylaw be subsequent to the following:

To the outstanding conditions identified in Attachment "A" associated with the report from the Community Planning Department dated April 13th 2017.

Report prepared by:	Adam Cseke, Planner Specialist
Reviewed by:	Terry Barton, Urban Planning Manager
Approved for Inclusion:	Ryan Smith, Community Planning Department Manager

Attachments:

ATTACHMENT 'A' - Development Engineering Memo dated April 13th 2017
ATTACHEMENT 'B' – Applicant's Rationale & Initial Architectural Drawing Package