
CITY OF KELOWNA
MEMORANDUM

Date: October 11, 2006
File No.: OCP06-0014, B/L 9632
To: **City Manager**
From: **Planning and Development Services Department**
Subject: **Bylaw 7600 Official Community Plan - Amendment Bylaw No. 9632**

Report prepared by: Gary L. Stephen

RECOMMENDATION

THAT OCP Text Amendment Bylaw No.OCP06-0014 to amend *Kelowna 2020* – Official Community Plan Bylaw No. 7600 as outlined in Schedule 1 attached to the report of the Planning and Development Services Department dated October 11, 2006 be considered by Council;

AND THAT OCP Bylaw Text Amendment No. 9632 be forwarded for First Reading and Public Hearing.

BACKGROUND

At the Council Meeting of July 24, 2006 staff presented background on the Commercial Land Use Review process, summarized the proposed recommendations to be brought forward as an OCP amendment and proposed a consultation phase.

At the Regular Meeting of July 24, 2006, Council adopted the following resolution:

THAT the Review of Commercial Land Use in Kelowna as outlined in the report of the Planning and Development Services Department dated July 19, 2006 be received for information;

AND THAT staff be directed to follow the consultation process outlined in the report of the Planning and Development Services Department dated July 19, 2006, prior to forwarding OCP Bylaw Text Amendment No. 9632 for First Reading and Public Hearing.

Council also suggested that, in order to allow ample time for public consultation, the bylaw not be advanced to first reading consideration and Public Hearing until at least mid-September.

The staff report and Commercial Land Use Policy Review document were placed on the website with direct access from the home page. Advertising in local newspapers advised interested citizens how to access the material and indicated a response deadline of September 15, 2006.

To date only two responses have been received (copies attached). One response focused on a desire to see the service commercial area east of Spall Road become a mix of residential, retail, restaurant and personal services uses to clean up the appearance of the area. This response also expressed concern regarding lack of pedestrian facilities (sidewalks, mid-block Highway 97 crossings, mid-block Spall Road crossings) in the area. While staff recognize that there could be potential improvements in neighbourhood quality through redevelopment, our primary concern would be that these displaced service commercial uses would then likely move further out Hwy 97 and compound the travel distance, traffic congestion and industrial land base problems we are trying to balance. Infrastructure upgrades in the area (sidewalks) could be achieved through redevelopment (which staff are not supporting), as a local improvement initiative on the part of local property owners, or as a City investment funded from the sidewalk budget.

The second response was more focused on the interpretation of zoning regulations than the overall OCP recommendations put forward in the staff report. It is suggested that this information be referred to future discussions on Zoning Bylaw amendments when that component of the Commercial Land Use Review is brought forward.

Staff have reviewed the proposed OCP amendment package, and it may move forward without affecting either the City's financial plan or waste management plan.

CONCLUSION

With the public consultation process directed by Council now being complete, it is recommended that Bylaw 9632 as outlined in Schedule 1 attached to the report of the Planning and Development Services Department dated October 11, 2006 be given favourable consideration and forwarded to First Reading and Public Hearing.

Signe K. Bagh
Manager – Policy Research and Strategic Planning

Approved for inclusion

Mary Pynenburg, MRAIC MCIP B. Arch M. Pl.
Director of Planning & Development Services

GLS

Attachment

Schedule 1

(OCP Amendments for Bylaw 9632)

1. OCP Text Amendments

Definitions:

- Replacing the definition of **Village Centre** with the following:

Village Centre (Glenmore / North Mission / Kettle Valley / Neighbourhood 3 / University / Black Mountain / Guisachan / Capri / other villages within the City Centre) - means a cluster of small-scale, residential, retail, and office uses, which provide for convenience needs of area residents. Village Centres are located along an arterial or collector road and would typically be located more than two kilometres from other City or Town Centre commercial facilities. The total commercial component of such a centre is no larger than 9,300m². One “anchor” may account for up to 30% of the total floor space, but individual stores would typically be a maximum of 140m² (restaurants might be slightly larger). Typical zoning would be C3 Community Commercial.

- Replacing the definition of **Neighbourhood Centre** with the following:

Neighbourhood Centre (Glenmore Highlands / Okanagan Mission – means a small node (max. 3,000m²) of retail/service outlets located along an arterial or collector road. Neighbourhood Centres provide limited goods/services for the convenience needs of nearby residents. One “anchor store” may account for up to 235m² of floor space, but individual stores are rarely larger than 140m² (restaurants might be somewhat larger). Generally, Neighbourhood Centres would be located more than one kilometre from City or Town Centre commercial facilities. Typical zoning would be C2 Neighbourhood Commercial.

- Adding a new definition **Convenience Facility**:

Convenience Facility – means is a small node (max. 525m²) of retail/service outlets located along an arterial or collector road. Convenience Facilities provide limited goods/services for the convenience needs of nearby residents. One “anchor store” may account for up to 235m² of floor space, but individual stores are rarely larger than 140m². Businesses with drive through windows are not considered appropriate in a neighbourhood convenience setting. Convenience Facilities should not be located within one kilometre of City, Town or Village Centre commercial facilities. Typical zoning would be C1 Local Commercial.

Chapter 8 – Housing

- Replacing existing policy 8.1.33 **Uses within Residential Neighbourhoods** with the following:

8.1.33 **Uses within Residential Neighbourhoods.** In the areas where Map 19.1 shows future land uses as being Single / Two Unit Residential housing, generally limit non-residential activities to neighbourhood parks, care centres (up to 25 people) and minor utility / public service uses (see Land Use chapter for definition) which do not cause substantial increases in traffic, parking demands or noise;

Chapter 9 – Commercial

- Adding new policies in **Chapter 9 - Commercial** and renumbering all subsequent policies:

9.1.11 **Non-Commercial Areas.** Direct commercial developments seeking rezoning (to other than C1) not supported by the OCP Future Land Use Map to locate on currently designated and/or zoned commercial sites. If there are no suitable designated or zoned commercial sites, other sites may be considered provided that such sites are indicated in the City's Servicing Plan as being provided with full urban services, including sanitary sewer as indicated on OCP Map 13.2, within the OCP's time horizon. Furthermore, if the argument is made that there are no suitable sites, the City should require the development proponent to fund a Retail Impact Analysis identifying the Urban Centre impacts of allowing the requested rezoning, using Terms of Reference developed by the City.

9.1.12 **Transportation Network Impacts.** Consider the rezoning of properties along the Highway Commercial corridor (including Enterprise and Springfield Roads) to allow commercial use beyond those currently provided for by the Official Community Plan only once the City has completed a comprehensive review to determine:

- how much additional traffic will be generated by future development within existing zoning;
- how much additional traffic can be accommodated on the roads within the Highway 97 corridor;
- when road capacity limits are likely to be reached;
- potential measures to reduce congestion in the corridor;
- potential implications for the OCP 20-year Major Road Network plan; and
- need for implementation of additional phases of the Central Okanagan Bypass.

9.1.13 **Land Use Contracts.** Support efforts to discharge or remove Land Use Contracts, especially those with potential major impact to OCP objectives.

- Replacing existing policy 9.1.17 **Office Building Locations** with the following:

9.1.17 **Office Building Locations.** Encourage office buildings providing more than 929m² (10,000 sq. ft.) of leasable space to locate in the City Centre or the Town Centres. This policy does not include offices integral to business park / industrial uses and "corporate offices" allowable under relevant industrial zones;

- Adding new policies in **Chapter 9 - Commercial** and renumbering all subsequent policies:
 - 9.1.34 **Southwest Mission Commercial.** Encourage the commercial component of the Southwest Mission Sector Plan to accommodate approximately 14,000 to 18,600m², between Kettle Valley and Neighbourhood 3, in line with the OCP Village Centre definition.
 - 9.1.35 **Corner Lot Development.** Generally encourage commercial developments in transition areas, consistent with OCP Future Land Use direction but requiring rezoning, to occur on corner locations first, rather than on mid-block locations.
 - 9.1.36 **Commercial Along Major Roads.** Discourage new commercial developments (other than C1 developments) along the City's major roads where such uses have not been provided for on the OCP Future Land Use map.
 - 9.1.37 **Conversion from C10.** Discourage the conversion of C10 Service Commercial zoned areas to C3, C4 or C7 zoning, outside of Urban Centres. The City, depending on site-specific circumstances, may support the conversion of C10 Service Commercial zoned sites to C3, C4 or C7, within Urban Centres.
 - 9.1.38 **Retail Impact Analysis.** Require that any commercial rezoning application over 2,300 m² and outside designated Urban / Village / Neighbourhood Centres, as identified in OCP Map 6.2 and the Urban Centre definitions, fund a Retail Impact Analysis identifying associated Urban Centre impacts.

Chapter 10 – Industrial

- Adding a new policy in **Chapter 10 - Industrial** and renumbering all subsequent policies:
 - 10.1.33 **New Industrial Zone.** Discourage properties from being rezoned to I1 Business Industrial. Instead, applicants should be encouraged to pursue a new industrial zone which would be based on the I1 Zone, but would preclude “offices” as a permitted use.

Chapter 19 – Future Land Use

- Replacing the Land Use Designation **Single / Two Unit Residential** with the following;

Single/Two Unit Residential

Single detached homes for occupancy by one family, single detached homes with a secondary suite, semi-detached buildings used for two dwelling units, modular homes, bareland strata, and those complementary uses (i.e. minor care centres, minor public services/utilities, and neighbourhood parks), which are integral components of urban neighbourhoods. Suitability of non-residential developments within the neighbourhood environment will be determined on a site-specific basis, or according to policies developed in local area or other plans.

Cross-Referencing

- Update cross-referencing resulting from the insertion of new policies within Chapters 9 and 10.

OCP Map Amendments

Map 6.2 Urban Development Permit Area Designation

- Replacing **Map 6.2 Urban Development Permit Area Designation** a new **Map 6.2 Urban Development Permit Area Designation** (amends the boundary of the Hwy Urban Centre)

Map 19.1 Generalized Future Land Use

- Replacing **Map 19.1 Generalized Future Land Use** a new **Map 19.1 Generalized Future Land Use** (extends the commercial designation east of Drysdale Boulevard / north of Kane Road and removes the reference to local commercial as an associated use in the Single / Two Unit designation)