

REPORT TO COUNCIL



Date: May 2, 2012
File: 1200-30
OCP12-0004 / BL 10702
To: City Manager
From: Long Range Planning Manager
Subject: OCP 2030 Bylaw 10500 - Miscellaneous Amendments

Recommendation:

THAT Council receives, for information, the report from the Long Range Planning Manager dated May 2, 2012 with respect to Council directed and staff initiated miscellaneous amendments to OCP 2030 Bylaw 10500;

AND THAT Amendment Bylaw No. 10702 being an amendment to Bylaw No. 10500 Kelowna 2030 - Official Community Plan be given First Reading as outlined in the report from the Long Range Planning Manager dated April 18, 2012;

AND THAT after 1st reading Council directs staff to forward OCP Amendment Bylaw No. 10702 being an amendment to Bylaw No. 10500 Kelowna 2030 - Official Community Plan to the Agricultural Land Commission (ALC) for comments as per Local Government Act Section 882(3)(c);

AND FURTHER THAT once the ALC comments have been received, OCP Amendment Bylaw No. 10702 being an amendment to Bylaw No. 10500 Kelowna 2030 Official Community Plan - Bylaw 10500 be forwarded to a Public Hearing.

Purpose:

To proceed with miscellaneous amendments to the OCP based on Council direction from previous meetings as well as staff initiated policy changes.

Background:

At the Council Meeting of October 24, 2011 the following resolutions were adopted:

THAT Council receives, for information, the report from the Long Range Planning Manager dated October 19, 2011 with respect to Council directed and staff initiated housekeeping amendments to OCP 2030 Bylaw 10500;

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AND THAT Council gives First Reading consideration to OCP Amendment Bylaw No. 10621 being an amendment to Bylaw No. 10500 Kelowna 2030 - Official Community Plan;

AND THAT after 1st reading Council directs staff to forward OCP Amendment Bylaw No. 10621 being an amendment to Bylaw No. 10500 Kelowna 2030 - Official Community Plan to the Agricultural Land Commission for comments as per LGA Section 882(3)(c);

AND FURTHER THAT Council forwards OCP Amendment Bylaw No. 10621 being an amendment to Bylaw No. 10500 Kelowna 2030 Official Community Plan - Bylaw 10500 to Public Hearing.

The October 2011 report included both housekeeping and other more significant miscellaneous changes. That package has now been split into three reports and separate bylaws - housekeeping amendments; miscellaneous amendments (the subject of this report); and amendments to address future land use designations and Permanent Growth Boundary policy relating to UBCO lands. UBCO related policy will be the subject of a third report to come forward when related ALC / UBCO discussions have been completed.

This report and amendment package is intended to deal with more significant miscellaneous OCP changes, some as directed by Council from May 30, 2011 adoption of the OCP, as well as staff initiated changes, including new policy resulting from completion of the Housing Strategy. The list of proposed changes is itemized in Attachment 1.

During the consideration of the OCP on May 30, 2011 Council directed staff to bring back two amendments to the Generalized Future Land Use Map. The first one was for properties at 1510 Hwy 33 W and 1500 Mayden Road to change from Multiple Unit Residential - low density to Commercial (Attachment 2). The second one was for properties at 1000, 1040 & 1060 Manhattan Drive to change from Industrial and Major Park & Open Space to Commercial (Attachment 3).

A further change to the Future Land Use Map is to consider the removal of a linear corridor through the middle of the Rutland Town Centre designated as Major Park & Open Space. The intention is to re-designate these properties as Mixed Use (Residential / Commercial) as is the rest of the town centre (Attachment 4). Through further investigation of the need for and location of this linear corridor, it has been determined that a more appropriate location for a public access corridor would be along the extension of Shepherd Road through to Rutland Centennial Park, in conjunction with the Rutland Transit Exchange. As that corridor would be contained within the road right-of-way it will not show on the Future Land Use Map. Park acquisition budget no longer necessary to acquire these properties would be retained to acquire other lands in Rutland as needed.

Another change to the Future Land Use Map is to consider the re-designation of 2765 Dunster Road from Resource Protection Area to Major Park & Open Space (Attachment 5) at the request of the Regional District of Central Okanagan (RDCO). This site is owned by the RDCO and it is their intention to rezone the property as part of Mission Creek Regional Park. As this property is in the ALR it will be necessary to refer this proposed change to the Agricultural Land Commission (ALC) for their comments. Any comments provided by the ALC will be available at Public Hearing.

Two other minor changes as also proposed to the Future Land Use (FLU) Map. Two properties (1939 Pandosy & 504 Sutherland - Attachment 6) at the northeast corner of Pandosy have been identified in the Parkland Acquisition Strategy, however, these properties have not been designated on the FLU Map as have other properties on the acquisition list. Three properties at 5007 & 5019 Chute Lake Road and 5059 Treadgold Court (Attachment 7) are partially designated as Major Park & Open Space to acknowledge a stand of trees as a natural area. That stand of trees was removed for beetle kill / fire mitigation reasons and there is no longer a reason for retention as park area. It is proposed that the area be re-designated as Single / Two Unit Residential consistent with the remainder of these properties.

On November 7, 2011 Council endorsed the Housing Strategy and there are a number of policy recommendations related to Sensitive Infill, Healthy Communities, Embracing Diversity, Neighbourhood Impact, Adaptable Housing, Housing Mix, Secondary Suites and Secondary Suites in Light Industrial Areas (Items 6 - 11 & Item 13 in Attachment 1). Housing policy in the OCP was not fully elaborated at adoption, pending the completion of the Housing Strategy, and now it would be appropriate to incorporate that new policy language into the OCP.

Existing policy on the requirement of a Retail Impact Analysis (Item 12 in Attachment 1) for all developments greater than 2,300 m² that also require an OCP land use amendment has generated some concern from development interests and staff. It is suggested that the language could be softened to indicate that a Retail Impact Analysis may be required, providing some discretion for when and if such a study would be required.

Item 14 is a change to the OCP definition of Purpose-Built Rental Housing. Currently the definition provides for three (3) or more dwelling units. However, staff intend to use this definition as criteria for Housing Grants and possible Revitalization Tax Exemptions and anything less than 5 units would allow duplexes being converted to four-plexes or the addition of secondary suites to a duplex to take advantage of these programs. There is no shortage of these types of applications or housing units so there is no reason to incent them further. The proposed change would increase the minimum limit from 3 to 5 or more dwelling units.

Internal Circulation:

General Manager of Community Sustainability
Community Planning Manager
Urban Land Use Manager
Manager, Parks & Public Spaces

Legal / Statutory Authority:

Local Government Act Part 26: Division 2 - Official Community Plans, Sections 875 - 882.

Legal/Statutory Procedural Requirements:

Local Government Act Section 882(3) specifies that after first reading (and prior to Public Hearing) of an Official Community Plan bylaw the local government must, in sequence, consider the plan in conjunction with its financial plan and any waste management plan applicable. The local government must also refer the plan to the Agricultural Land Commission (ALC) for comment if the plan applies to land in an agricultural land reserve established under the Agricultural Land Commission Act.

The only amendment likely to be of interest to the ALC is with respect to the proposed Future Land Use change for RDCO Park on Dunster Rd.

External Agency/Public Comments:

Local Government Act Section 879 (1) specifies that a local government must, during the development, repeal or amendment of an official community plan, provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected. This consultation is in addition to the required public hearing.

The requirement for consultation over and above the Public Hearing will be addressed by advertising in a local newspaper, posting information on the website and notification through e-subscribe, with contact information for the Long Range Planning Manager to field inquiries and comments. The results of that consultation will be provided to Council at the Public Hearing.

Existing Policy:

Kelowna OCP 2030 Bylaw 10500.

Considerations not applicable to this report:

Financial/Budgetary Considerations:

Communications Comments:

Personnel Implications:

Alternate Recommendation:

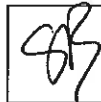
Submitted by:



Gary Stephen, Long Range Planning Manager
Policy and Planning

Approved for inclusion:

Signe Bagh, Director of Policy & Planning



cc: General Manager, Community Sustainability
Community Planning Manager
Urban Land Use Manager
Manager, Parks & Public Spaces

Attachment 1

Proposed OCP Amendments - Bylaw 10702

1. Amend Map 4.1 - Generalized Future Land Use to change the designation of properties located at 1510 Hwy 33 W and 1500 Mayden Rd from Multiple Unit Residential - low density to Commercial.
2. Amend Map 4.1 - Generalized Future Land Use to change the designation of properties located at 1000, 1040 & 1060 Manhattan Dr from Industrial to Commercial.
3. Amend Map 4.1 - Generalized Future Land Use to change the designation of a portion properties located at 145-163 Asher Rd, 160-168 Asher Rd; 165 Dougall Rd, 110-150 Hwy 33 W, 160 Hwy 33 W, 190 Hwy 33 W, 250 Hwy 33 W, 115-135 Roxby Rd, 166-170 Rutland Rd N from Major Park & Open Space to Mixed Use (Residential / Commercial).
4. Amend Map 4.1 - Generalized Future Land Use to change the designation of property located at 2765 Dunster Rd from Resource Protection Area to Major Park & Open Space.
5. Amend Map 4.1 - Generalized Future Land Use to change the designation of properties located at 1939 Pandosy St and 504 Sutherland Ave from Multiple Unit Residential - medium density to Major Park & Open Space.
6. Amend Map 4.1 - Generalized Future Land Use to change the designation of a portion of properties located at 5007 & 5019 Chute Lake Road and 5059 Treadgold Court from Major Park & Open Space to Single / Two Unit Residential.
7. Add a new policy under Objective 5.22 as Policy 5.22.6 as well as adding the Economic Sustainability and Social Sustainability icons as follows:

Sensitive Infill. 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.
8. Add a new policy under Objective 5.22 as Policy 5.22.7 as well as adding the Economic Sustainability and Social Sustainability icons as follows:

Healthy Communities. Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.
9. Add a new policy under Objective 5.22 as Policy 5.22.8 as well as adding the Economic Sustainability and Social Sustainability icons as follows:

Embracing Diversity. Increase understanding of various forms of housing needs and styles toward increasing acceptance of housing meeting the needs of diverse populations by encouraging applicants to undertake early and on-going consultation relating to their project, including provision of support material where appropriate.
10. Add a new policy under Objective 5.22 as Policy 5.22.9 as well as adding the Economic Sustainability and Social Sustainability icons as follows:

Neighbourhood Impact. When considering an OCP Amendment, the City will seek information with respect to the impact on land values related to the likelihood that other properties in the immediate neighbourhood will remain or develop as indicated in the OCP.

11. Add a new policy under Objective 5.22 as Policy 5.22.10 as well as adding the Economic Sustainability and Social Sustainability icons as follows:

Adaptable Housing. Encourage the use of adaptable design to increase flexibility of housing by referring developers to adaptable design guidelines.

12. Add a new policy under Objective 5.22 as Policy 5.22.11 as well as adding the Economic Sustainability and Social Sustainability icons as follows:

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

13. Add a new policy under Objective 5.22 as Policy 5.22.12 as well as adding the Economic Sustainability and Social Sustainability icons as follows:

Secondary Suites and Accessory Apartments. Support secondary suites and accessory apartments through appropriate zoning regulations.

14. Amend Policy 5.25.1 **Retail Impact Analysis** by adding new wording as follows (proposed new wording is underlined; wording to be deleted in ~~strikethrough~~):

Retail Impact Analysis. Commercial developments greater than 2,300 m² that would require an amendment to the OCP ~~will~~ may be required to prepare, at the discretion of staff and at the applicants' expense, a Retail Impact Analysis (see Chapter 17 for a definition) using Terms of Reference developed by the City.

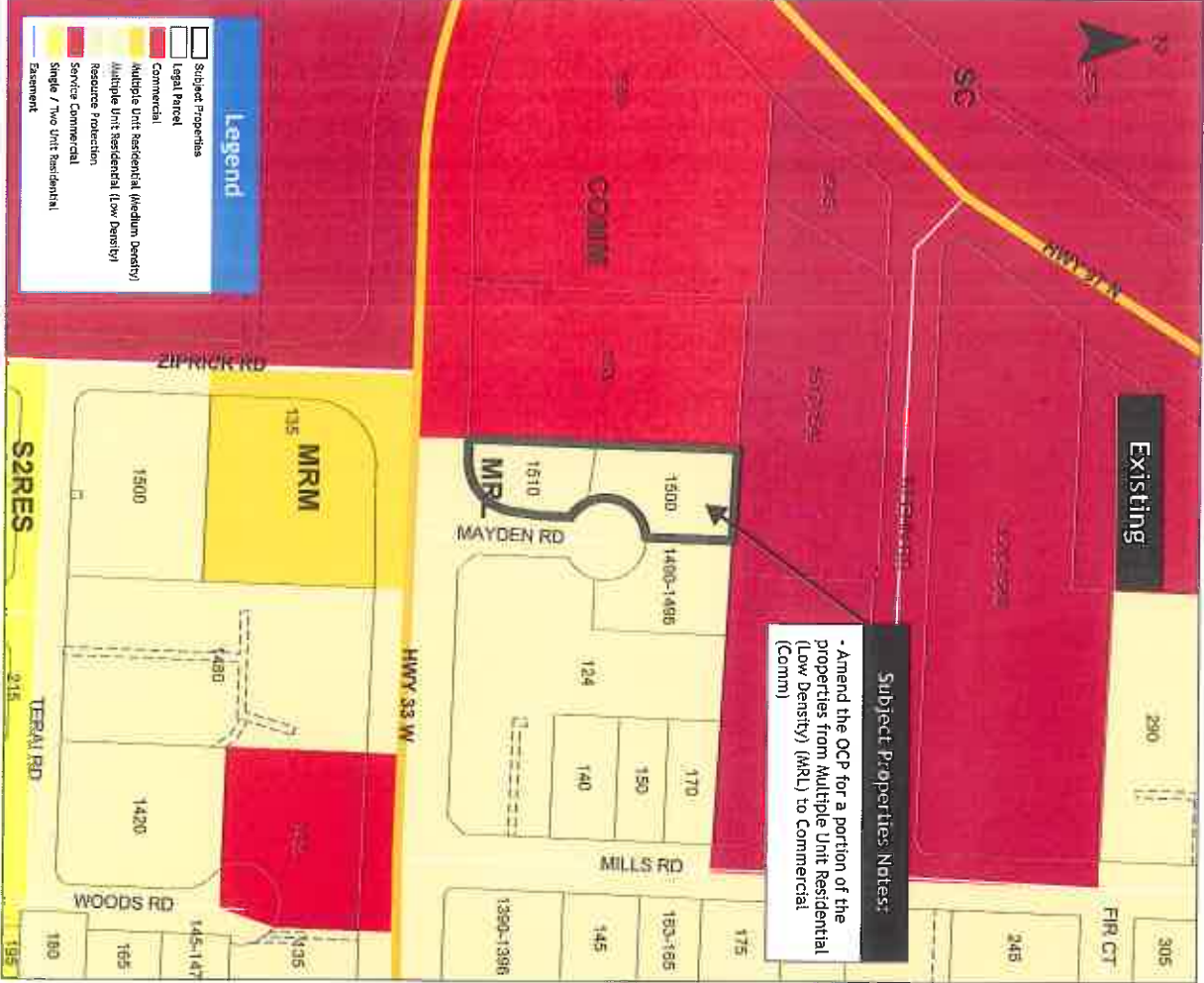
15. Add a new policy under Objective 5.29 as Policy 5.29.2 as well as adding the Economic Sustainability and Social Sustainability icons as follows:

Secondary Housing in Light Industrial Areas. Consider the limited expansion of housing as a secondary use within industrial buildings in light or transitional industrial areas.

16. Amend Chapter 17 - **Definitions** to revise the language of Purpose-Built Rental Housing as follows (proposed new wording is underlined; wording to be deleted in ~~strikethrough~~):

Purpose-Built Rental Housing

A self-contained building(s) containing ~~three~~ five or more ~~D~~dwelling ~~U~~units that are intended to be used for rental housing and does not include buildings that are stratified. Purpose-built rental housing meets an identified need for affordable housing in the city. Since rent is controlled within rental buildings under the Residential Tenancy Act, this is a form of affordable housing.

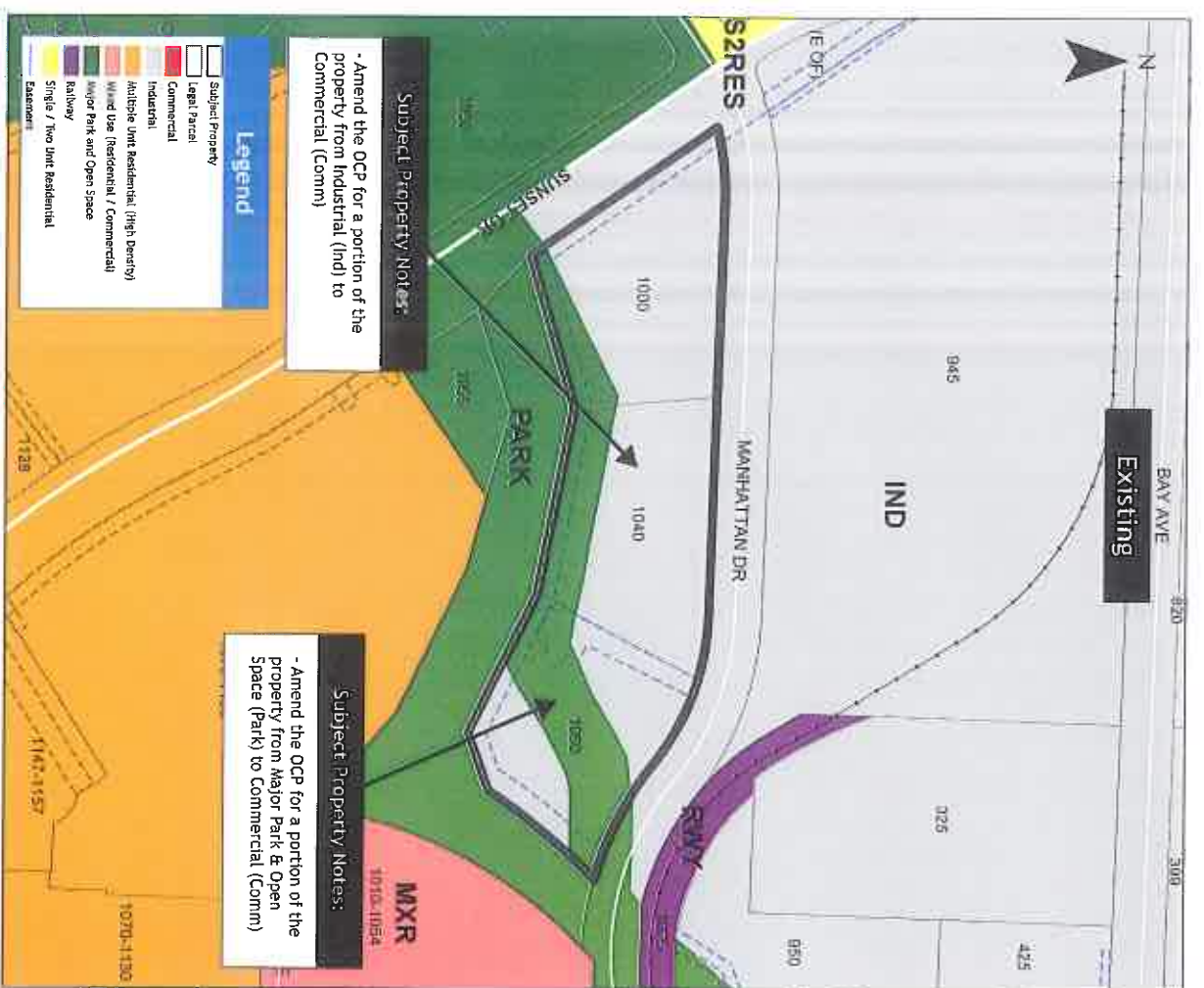


Proposed OCP Land Use Amendments

Bylaw 10702 - Attachment # 2

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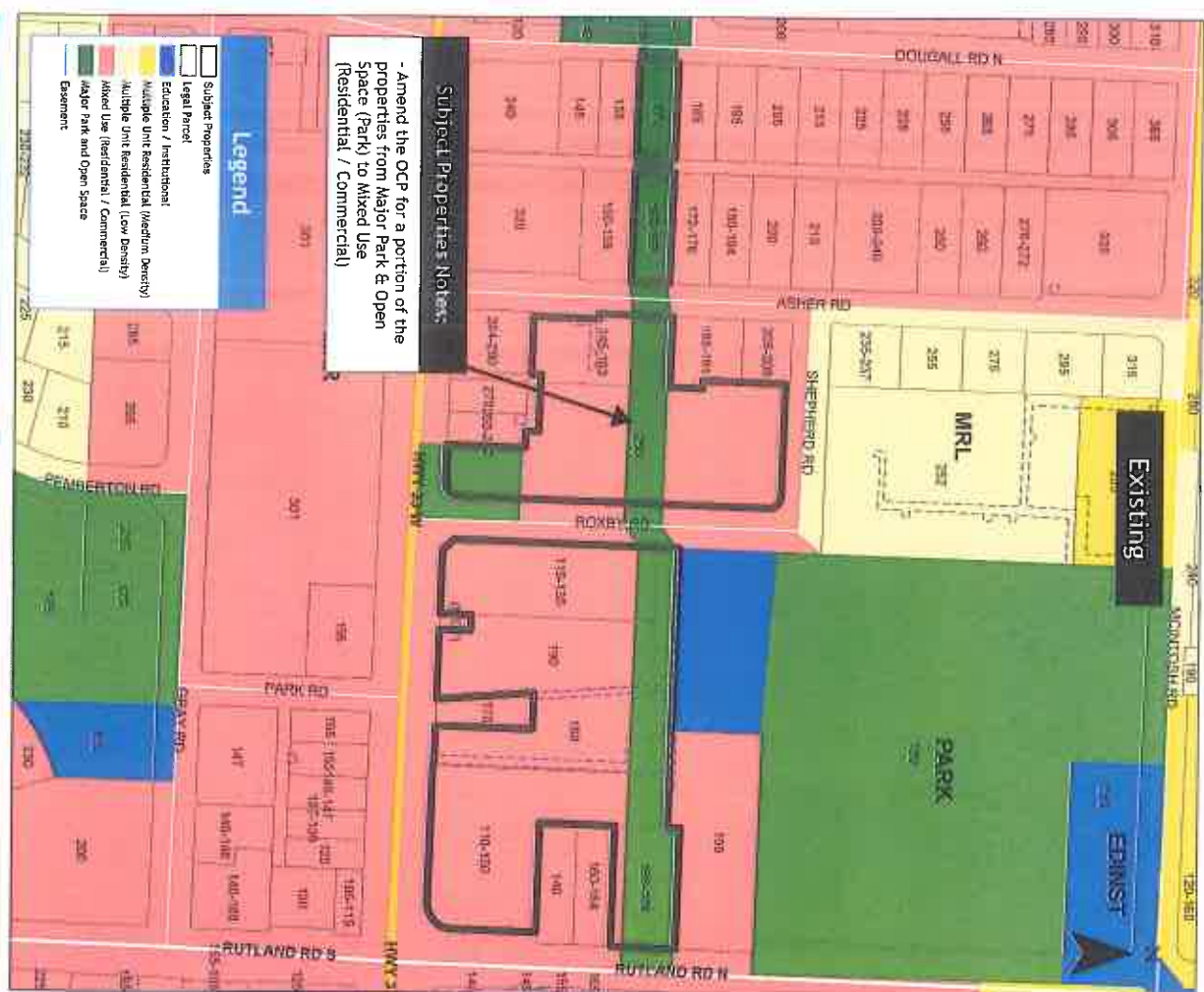




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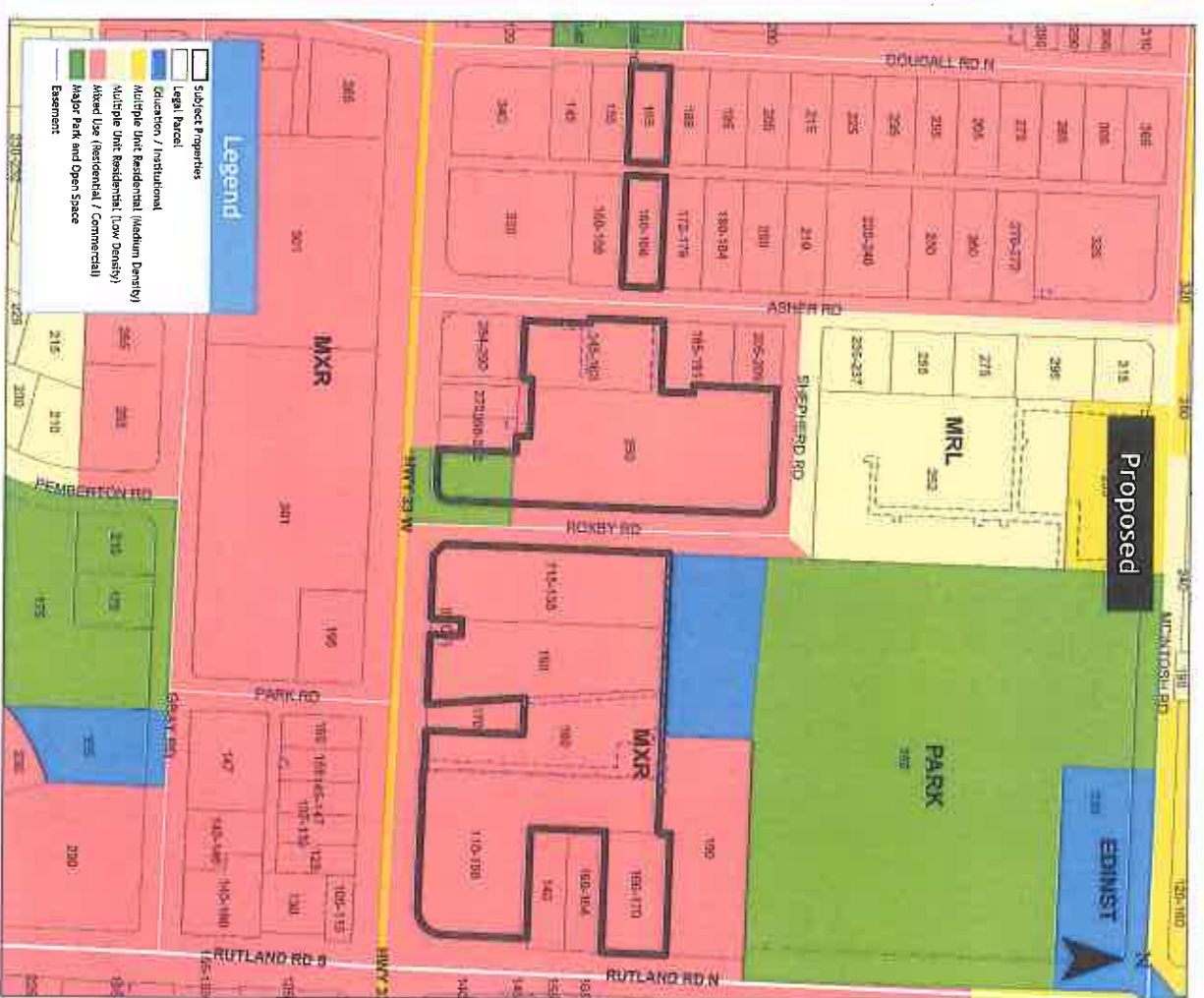
Bylaw 10702 - Attachment # 3

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Subject Properties Notes:

- Amend the OCP for a portion of the properties from Major Park & Open Space (Park) to Mixed Use (Residential / Commercial)

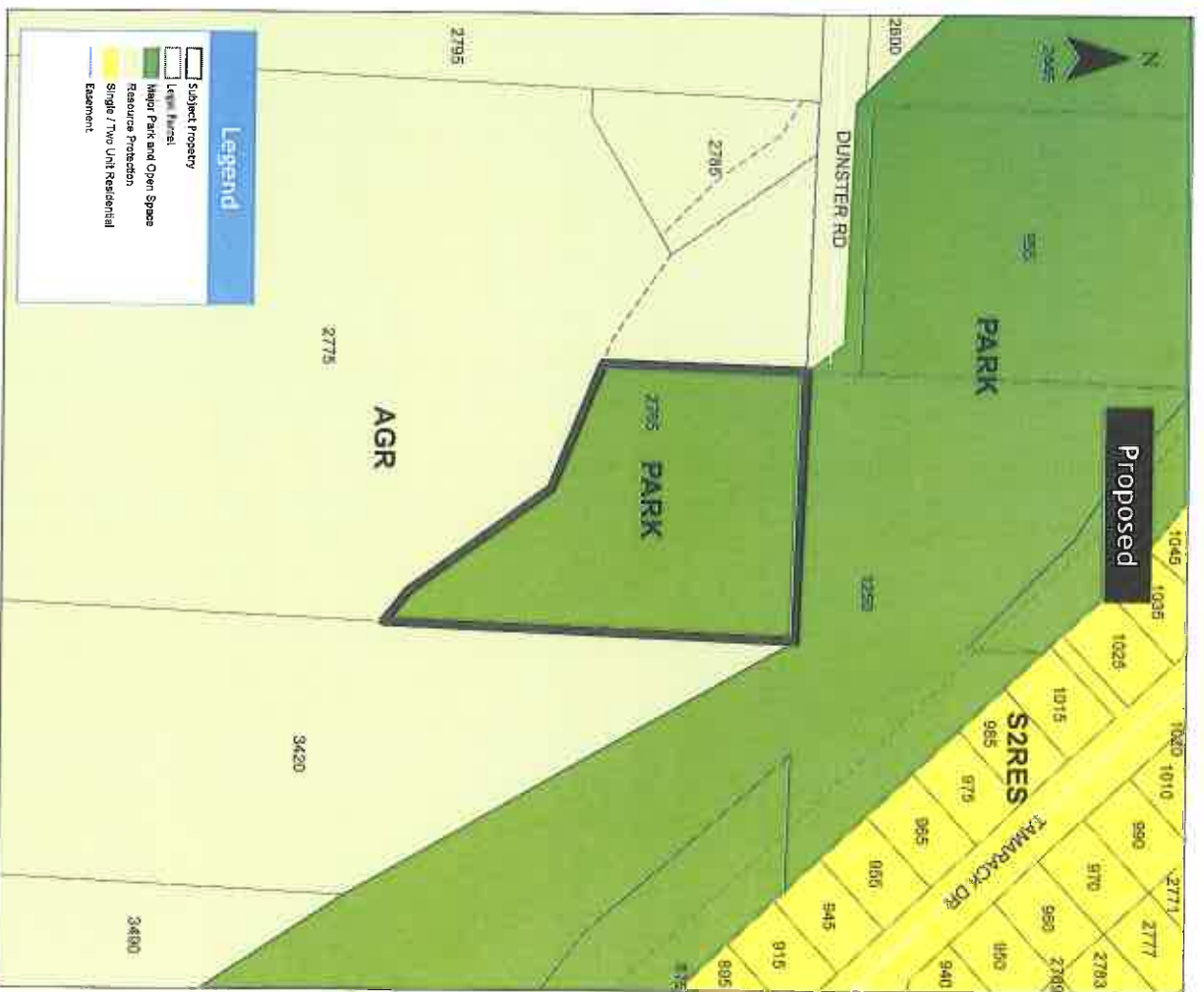
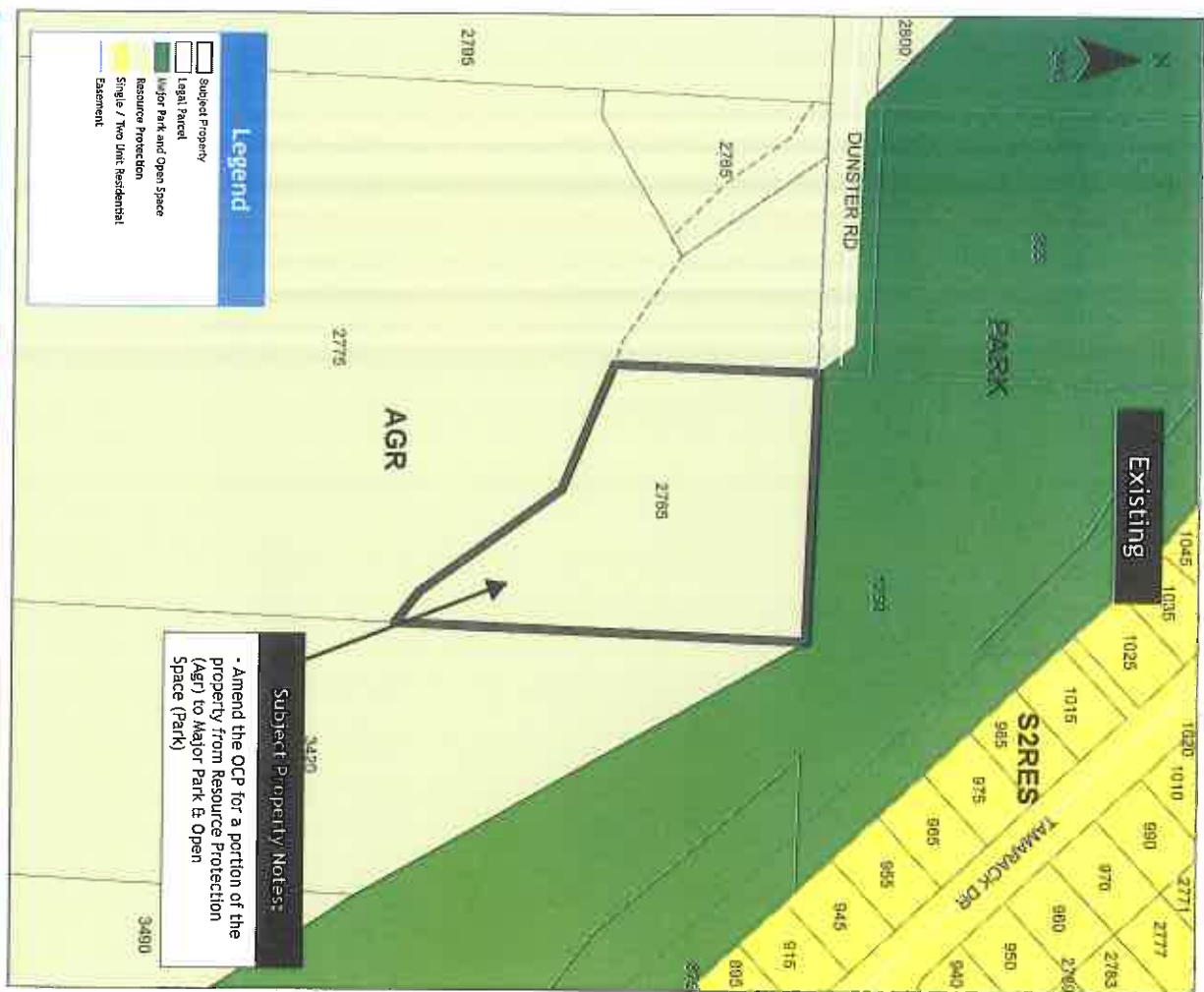


Proposed OCP Land Use Amendments

Bylaw 10702 - Attachment # 4

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Proposed OCP Land Use Amendments

Bylaw 10702 - Attachment # 5

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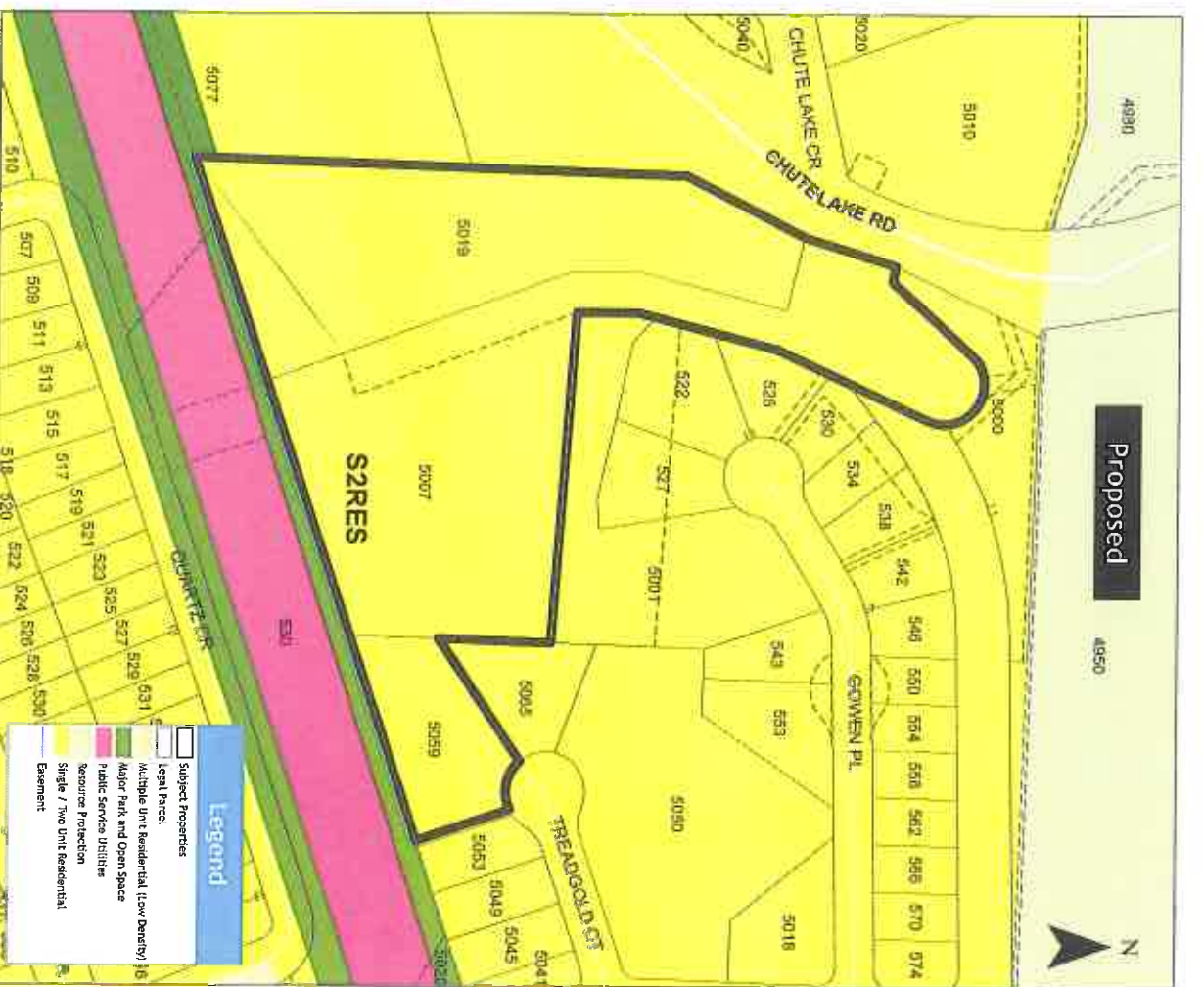
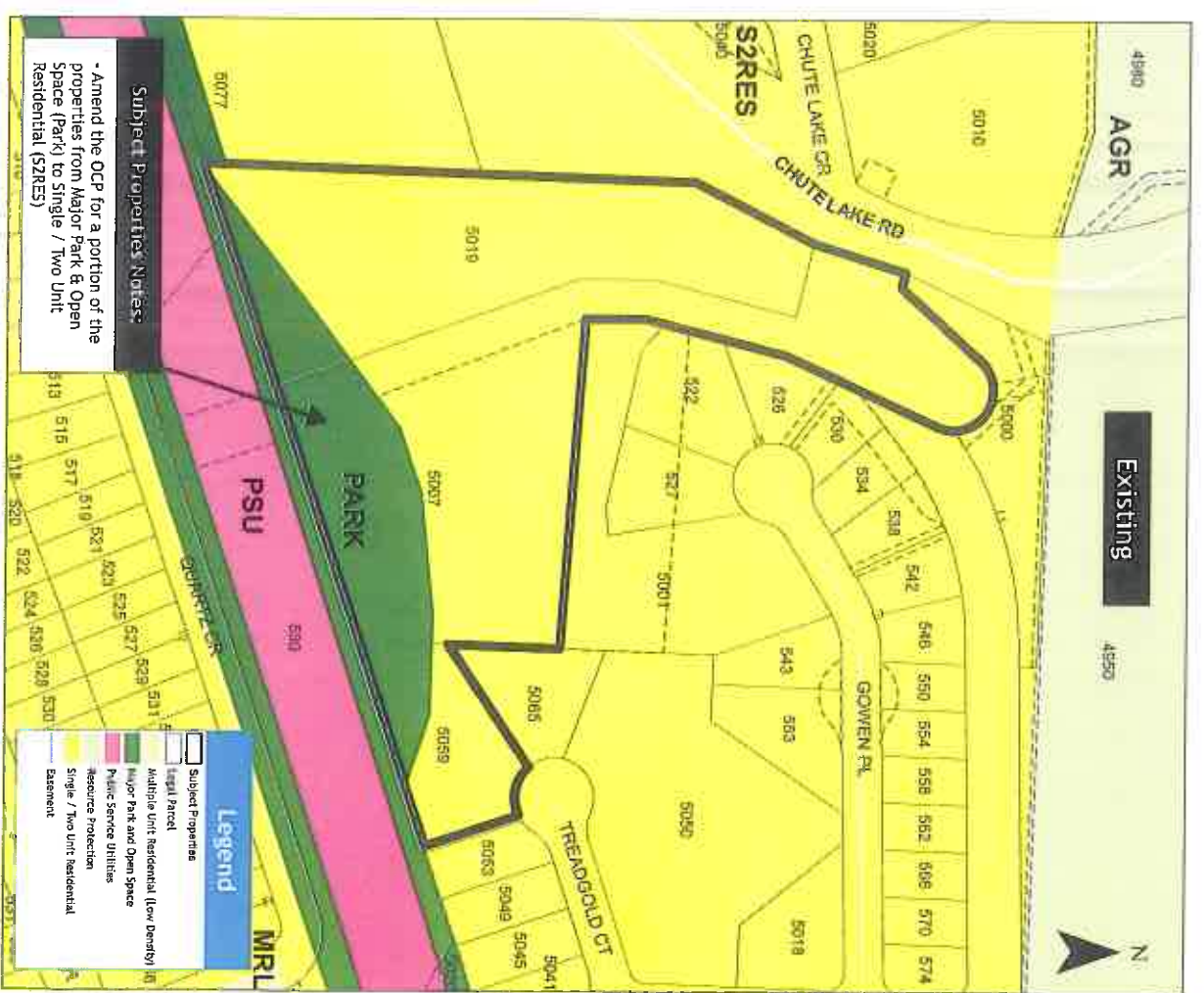




Proposed OCP Land Use Amendments

Bylaw 10702 - Attachment # 6

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Proposed OCP Land Use Amendments

Bylaw 10702 - Attachment # 7

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