

REPORT TO COUNCIL



Date: November 28, 2012

To: City Manager

From: Land Use Management, Community Sustainability (AR)

Application: Z12-0060 **Owner:** 989677 Alberta Ltd.

Address: 2486 Highway 97 North **Applicant:** New Town Architectural Services Inc. (Paul Schuster)

Subject: Rezoning Application

Existing OCP Designation: Commercial (located in the Midtown Urban Centre)

Existing Zone: C9 - Tourist Commercial

Proposed Zone: C4 - Urban Centre Commercial

1.0 Recommendation

THAT Rezoning Application No. Z12-0060 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, District Lot 125, ODYD, Plan 18724, except plans KAP78413 and KAP80632, located at 2486 Highway 97 North, Kelowna, BC from C9 - Tourist Commercial to C4 - Urban Centre Commercial be considered by Council;

AND THAT the zone amending bylaw be deferred from a Public Hearing until Staff's comprehensive review of the Transportation Impact Assessment, and Development Engineering Branch and Ministry of Transportation and Infrastructure requirements have been fully assessed to the satisfaction of each group's technical requirements.

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit for the subject property;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch, Ministry of Transportation and Infrastructure, and Fortis BC Energy Inc. being completed to their satisfaction.

2.0 Purpose

The application seeks to rezone the subject property from C9 - Tourist Commercial to C4 - Urban Centre Commercial in order to allow the site to be redeveloped for office, retail and service uses.

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3.0 Land Use Management

The subject property is designated Commercial in the OCP and located in the Midtown Urban Centre. The proposed rezoning from C9 - Tourist Commercial to C4 - Urban Centre Commercial to enable office, retail and service uses is consistent with the Commercial future land use designation. The Commercial land use designation also encourages the integration of residential uses into commercial developments as mixed-use projects in Urban Centres. While the proposed concept as presented, does not anticipate residential uses for the site, the C4 zone would enable the development of mixed-use buildings with a residential component in the future. The applicant is encouraged to incorporate principles in support of innovative green office space into the proposed development, consistent with OCP Policy 5.17.1.

The applicant has chosen to advance the rezoning application prior to receiving technical comments relating to transportation requirements to evaluate the level of support for the land use. While this is not typical procedural practice, the applicant would like some certainty as the parcel is listed for sale. Accordingly, a Development Permit application has not yet been submitted in conjunction with the rezoning application; however, one will be required prior to final adoption of a zone amending bylaw. The Comprehensive and Revitalization Urban Design Guidelines will apply to proposed development on this site. A detailed design review will be undertaken upon receipt of the required Development Permit application.

In future design work for the subject site, due consideration should be given to its prominent location at a key intersection – of Highways 97 and 33 – which is a primary gateway to Kelowna, as well as at the eastern entry point to the Midtown Urban Centre. It is anticipated that the site's visual and locational importance will inform the ultimate development proposal for the site relative to the design and layout of the site and associated buildings. The development should have a strong design response and street presence along the highway frontages, augmented by enhanced streetscape elements, to reinforce this key City entry point.

4.0 Proposal

4.1 Project Description

The purpose of this application is to rezone the subject property from C9 - Tourist Commercial to C4 - Urban Centre Commercial in order to allow the site to be redeveloped for office, retail and service uses. The site was previously the location of the Vineyard Inn motel, which was demolished in early 2012. The applicant opines that developing the site for visitor accommodation is not economically beneficial, given other recent hotel development in the area, and that the intention of the proposed rezoning is to enable development of an "urban destination centre", with office space supported by other commercial uses, benefiting both tourists and residents of Kelowna on a non-seasonal basis.

To date a Development Permit application has not been submitted to supplement the Rezoning application; however conceptual plans been received. The conceptual plans contemplate a larger, 4 storey building at the rear (west side) of the site, as well as lower profile, multi-tenant commercial building parallel to Powick Road, and two freestanding, single-tenant commercial buildings – one at the corner of Highway 97 and Highway 33, and the other along the Highway 33 frontage. The possibility of a drive-through business is contemplated at the corner of Highway 97 and Highway 33. Parking is illustrated at the centre of the site and along the Highway 97 and Highway 33 frontages. Two vehicular accesses are shown, on Highway 33 at the west end of the site, and on Powick Road, which are subject to review under a pending Traffic Impact Assessment (TIA). It is possible that potential adjustments to site access necessitated by TIA outcomes could influence ultimate building and parking locations. The site is presently listed for sale.

4.2 Site Context

The subject site is located prominently at the southwest corner of Highway 97 and Highway 33, a primary gateway to Kelowna. It is also located at the eastern boundary of the Midtown Urban Centre at Highway 33, thereby demarking entry to this anticipated urban-intensified area.

The site is bound by Powick Road to the south, and commercially zoned and developed properties to the west. A narrow, City-owned remnant parcel addressed at 2490 Highway 97 North is located immediately north of the subject site, between the subject site and Highway 33. At present, there are Fortis BC Energy Inc. electrical equipment/facilities located on this parcel.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C10 - Service Commercial	Commercial
East	C4 - Urban Centre Commercial / C10 - Service Commercial	Commercial
South	C4 - Urban Centre Commercial	Commercial (hotel)
West	C10 - Service Commercial	Commercial

Subject Property Map: 2486 Highway 97 North



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Future Land Use (Chapter 4)

Commercial: Developments for the sale of goods and services. Integration of residential uses into commercial developments as mixed-use projects is encouraged in Urban Centres, provided that the ground floor use remains commercial. This designation may also include CD Comprehensive Development zoning that includes commercial uses.

Development Process (Chapter 5)

Achieve high quality urban design (Objective 5.8)

- Policy 1 - Public Space. Integrate safe, high-quality, human-scaled multi-use public spaces, such as parks, plazas and squares, as part of the development or redevelopment within Urban and Village Centres.
- Policy 2 - Streetscaping. Urban Centre roads should be considered as part of the public space and streetscaped with full amenities (i.e., sidewalks, trees and other planting, furniture, bike facilities, boulevards, etc.).

Encourage mixed-use commercial development (Objective 5.24)

- Policy 1 - Auto-Oriented Sites. Support (but not require) inclusion of residential uses when auto-oriented commercial sites and strip malls redevelop. Live-work, student and rental housing is particularly encouraged. Where auto-oriented sites are redeveloped within Urban Centres, redevelopment should create a higher-density, more walkable, and higher amenity site.

Increase supply of green office space (Objective 5.27)

- Policy 1 - Green Office Space. Support rezoning that results in
 - innovative, green office spaces;
 - an ability to locate close to other innovative firms (clustering);
 - proximity to collective green space (park or courtyard); and
 - low-rise (max. 3 storey) buildings with a centre courtyard (to provide for interaction between businesses).

Where such can be provided within the Permanent Growth boundary, with preferred locations being the Urban Centres (see Map 5.11 Urban/Village Centres).

- Policy 2 - Offices Near Transit. Direct new office development to areas served by public transit.

6.0 Technical Comments

6.1 Building & Permitting Department

No comment.

6.2 Development Engineering Department

See attached.

6.3 Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900. The Subdivision Bylaw requires a minimum of 150 ltr/sec flow. Additional comments will be required when the development permit is submitted.

6.4 Infrastructure Planning Department

The City of Kelowna Boulevard Maintenance By-Law No. 5708-84 requires the property owner to be responsible to weed, water and mow the boulevards adjacent to their

properties. They will also be responsible for maintaining the boulevard in a reasonably tidy condition, free and clear of garbage, litter or debris.

6.5 Real Estate & Building Services Department

No comment.

6.6 Fortis BC Energy Inc. (Electrical)

In our review of this proposal, new electrical service to any proposed development on the subject property will need to be extended from existing electrical facilities located at the intersection of Hwy 33 and Hwy 97 on adjacent City of Kelowna owned property, Lot 1 Plan 9963. Research of the property title of the City owned property shows that Fortis will require SRW over Lot 1 Plan 6693 for its existing facilities located there and additional SRW contemplated for the extension of these facilities to the subject property for development.

The applicants must contact FortisBC at 1-866-436-7847 and quote their file Z12-0060 or a further development permit number to initiate all necessary arrangements for electrical service requirements with this proposal. It is the developer's responsibility to ensure that all of FortisBC's requirements including construction fees and any SRWs that may be required with the development of the subject property, have been addressed prior to receiving final approach.

6.7 Irrigation District - RWD

No objections to the rezoning. Future development will require further consultation.


6.8 Ministry of Transportation Infrastructure

File 2012-04029 - comments pending TIA submittal and review.

7.0 Application Chronology

Date of Application Received: August 15, 2012

Report prepared by:


Abigail Riley, Land Use Planner

Reviewed by:



Danielle Noble, Manager, Urban Land Use

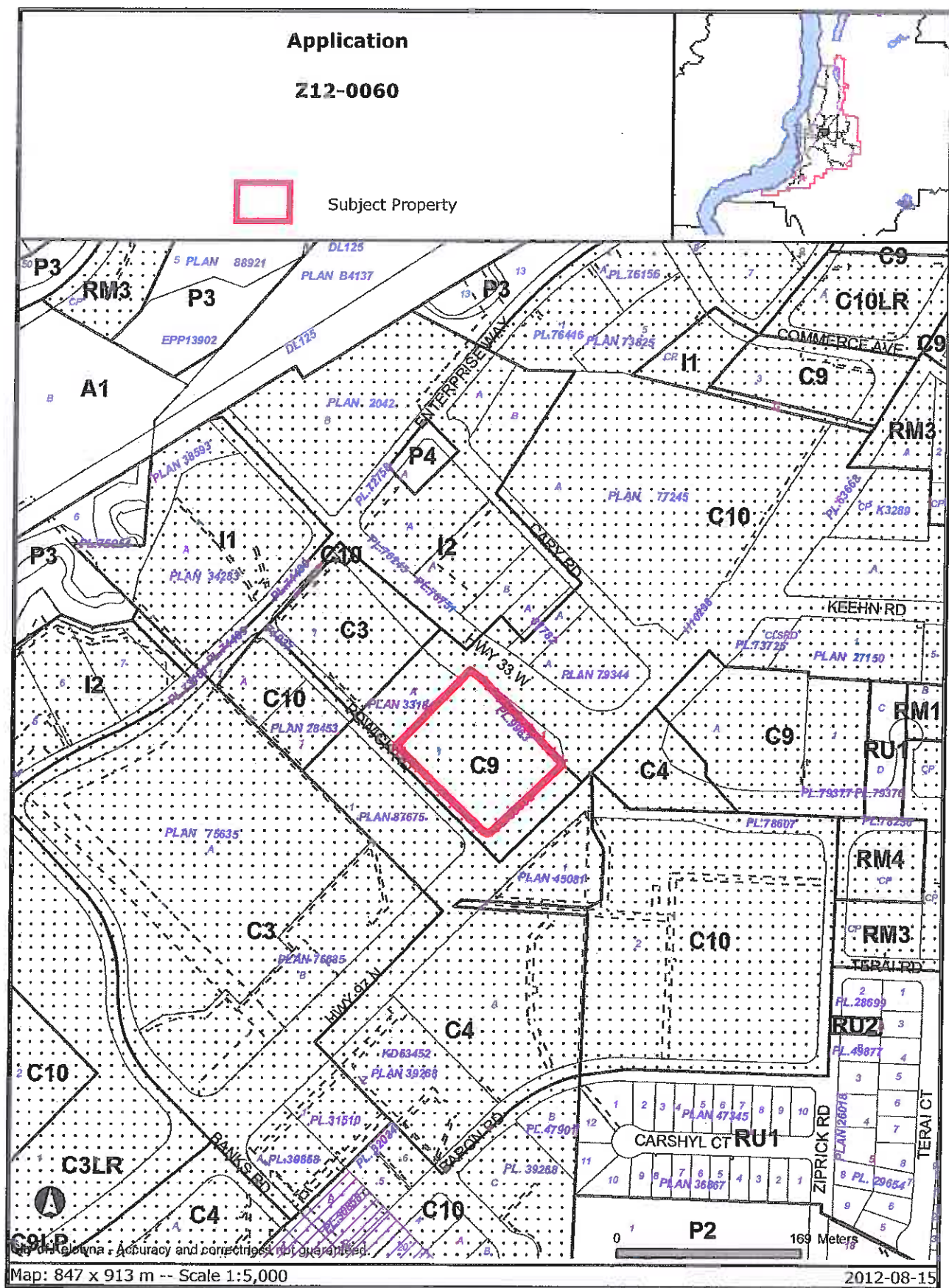
Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

Attachments:

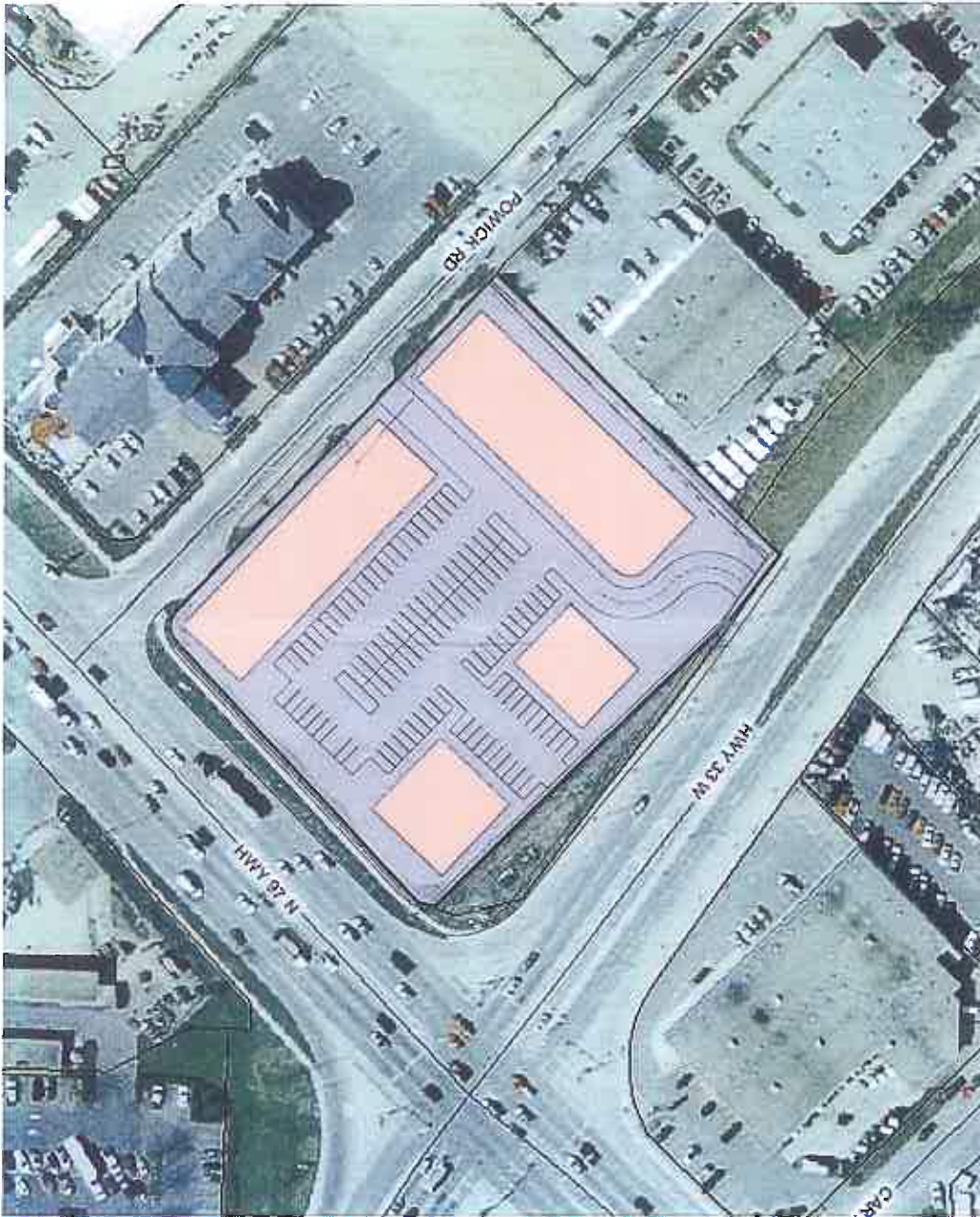
- Conceptual Site Plan
- Conceptual Elevations
- Development Engineering Requirements



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

HIGHWAY 97 REZONING

2012.07.24



CONCEPTUAL SITE PLAN

HIGHWAY 97 REZONING

2012.07.24



Hwy 97

Hwy 33

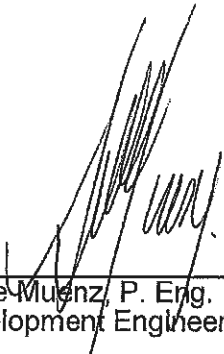
CONCEPTUAL ILLUSTRATION

CITY OF KELOWNA
MEMORANDUM

Date: September 12, 2012
File No.: Z12-0060
To: Urban Land Use Management (AR)
From: Development Engineering Manager (SM)
Subject: 2486 hwy 97 – Lot 1, Plan 18724

Prior to submitting our detailed requirements, the transportation & mobility division has asked for a meeting with the applicant in order to develop the Terms of Reference for a Traffic Impact Study, in collaboration with the MOTI, pertinent to the proposed development and its effect on the area transportation network.

We kindly ask to put this project on hold until the applicant has satisfied the transportation Division requirements.



Steve Muenz, P. Eng.
Development Engineering Manager

BB

Cc: Community Sustainability General Manager (JP)