

City of Kelowna

Public Hearing

AGENDA



Tuesday, April 23, 2019
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

1. (a) The purpose of this Hearing is to consider certain bylaws which, if adopted, shall amend Kelowna 2030 - Official Community Plan Bylaw No. 10500 and Zoning Bylaw No. 8000.

(b) All persons who believe that their interest in property is affected by the proposed bylaws shall be afforded a reason-able opportunity to be heard or to present written submissions respecting matters contained in the bylaws that are the subject of this hearing. This Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.

(c) All information, correspondence, petitions or reports that have been received concerning the subject bylaws have been made available to the public. The correspondence and petitions received after April 10, 2019 (date of notification) are available for inspection during the course of this hearing and are located on the information table in the foyer of the Council Chamber.

(d) Council debate on the proposed bylaws is scheduled to take place during the Regular Council meeting after the conclusion of this Hearing. It should be noted, however, that for some items a final decision may not be able to be reached tonight.

(e) It must be emphasized that Council will not receive any representation from the applicant or members of the public after conclusion of this Public Hearing.

2. Notification of Meeting

The City Clerk will provide information as to how the Hearing was publicized.

3. Individual Bylaw Submissions

- | | | |
|-----|--|---------|
| 3.1 | Commercial Frontage Amendment, BL11796 (TA19-0005) - City of Kelowna | 4 - 10 |
| | To amend the C4 – Urban Centre Commercial zone to require functional commercial space on appropriate streets. | |
| 3.2 | Kelly Rd 1050, BL11797 (Z18-0112) - Jonathan D.C. Tyre and Heather E. Tyre | 11 - 15 |
| | To consider the rezoning of the subject property from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone to facilitate a two-lot subdivision, and development on the new lot. | |
| 3.3 | TO BE DEFERRED - Laurier Ave 913, BL11798 (Z18-0105) - 1128826 B.C. Ltd, Inc.No. BC1128826 | |
| | To defer the rezoning application due to the development sign not being posted in time. | |
| 3.4 | TO BE DEFERRED - Laurier Ave 934, BL11799 (Z18-0103) - 1079687 B.C. Ltd, Inc.No. BC1079687 | |
| | To defer the rezoning application due to the development sign not being posted in time. | |
| 3.5 | Groves Ave 448,458 and 460, BL11801 (OCP18-0019) & BL11802 (Z17-0032) - Abbott Park Holdings Inc., Inc No. BC1096096 | 16 - 27 |
| | To amend the Official Community Plan to change the Future Land Use designation and to rezone the subject properties to allow for the future development of multiple dwelling housing. | |
| 3.6 | Byrns Rd 2089, BL11810 (OCP18-0018) & BL11811 (Z18-0094) - Mohammed Maizal Munif | 28 - 41 |
| | To amend the Official Community Plan designation from REP - Resource Protection Area to the S2RES - Single/Two Unit Residential designation, and to rezone the subject property from the A1 - Agriculture 1 zone to RU6 - Two Dwelling Housing zone. | |

4. Termination

5. Procedure on each Bylaw Submission

- (a) Brief description of the application by City Staff (Community Planning);

- (b) The Chair will request that the City Clerk indicate all information, correspondence, petitions or reports received for the record.

- (c) The applicant is requested to make representation to Council regarding the project and is

encouraged to limit their presentation to 15 minutes.

(d) The Chair will call for representation from the public in attendance as follows:

(i) The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.

(ii) The Chair will recognize ONLY speakers at the podium.

(iii) Speakers are encouraged to limit their remarks to 5 minutes, however, if they have additional information they may address Council again after all other members of the public have been heard a first time.

(e) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total of 10 minutes maximum.

(f) Questions by staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.

(g) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

Note: Any applicant or member of the public may use visual aids (e.g. photographs, sketches, slideshows, etc.) to assist in their presentation or questions. The computer and ELMO document camera at the public podium are available. Please ask staff for assistance prior to your item if required.

REPORT TO COUNCIL



Date: April 8, 2019

RIM No. 1250-40

To: City Manager

From: Community Planning Department (LK)

Application: TA19-0005

Applicant: City of Kelowna

Subject: Text Amendment Application

Existing OCP Designation: MXR – Mixed Use (Residential/Commercial)

Existing Zone: C4 – Urban Centre Commercial

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA19-0005 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule A, attached to the Report from the Community Planning Department dated April 8, 2019 be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Zoning Bylaw Text Amendment Application No. TA19-0005 be considered subsequent to the approval of the Ministry of Transportation;

2.0 Purpose

To amend the C4 – Urban Centre Commercial zone to require functional commercial space on appropriate streets.

3.0 Community Planning

Currently, any parcel with the C4 – Urban Commercial zone requires the provision of commercial space on the main floor even when the street is considered not to be a retail corridor (i.e. primarily residential). The C4- Urban Centre Commercial zone requires a site to provide a functional commercial space on the first floor which must occupy 90% of the street frontage. The proposed amendment would focus the commercial development to the areas located on major streets as indicated by Map 7.3 – 20 Year Major Road Network and Road Classification Plan. This will ensure functional commercial space is provided appropriately on retail streets, and not required in the more residential areas of the Urban Centres. Staff have analyzed the proposed changes in the context of all 5 Urban Centres to ensure appropriateness.

4.0 Proposal

4.1 Project Description

An application for a multiple dwelling housing project at 2080 Benvoulin Court has triggered the proposed Text Amendment. The applicant is proposing a 64-unit multiple dwelling housing project on the site. The 5-storey building would include 18 micro-suite units on the main floor and 16 bachelor units per floor for the remain four floors. The project is aimed at providing housing for youth that are capable of living on their own with some minor levels of support provided. The main floor units would be rented to a youth service provider who would determine the candidates to live in the building and the other units would be regular market rental units.

The Zoning Bylaw currently requires the street facing frontage to be occupied by commercial units. When staff reviewed the project site in context with the neighbourhood, it was determined that Benvoulin Court is not an appropriate area for commercial development. Staff would prefer to see the commercial nodes focused on the appropriate roadways as indicated on the excerpt of the 20 Year Major Roads Map below.

Staff are supportive of the Text Amendment to the C₄ – Urban Commercial zone to limit the location of required commercial development to collector and arterial roads as identified in the OCP Map 7.3 – 20 Year Major Roads.

4.2 Context

Example Subject Property Map: 2080 Benvoulin Court



Map 7.3 – 20 Year Major Roads:

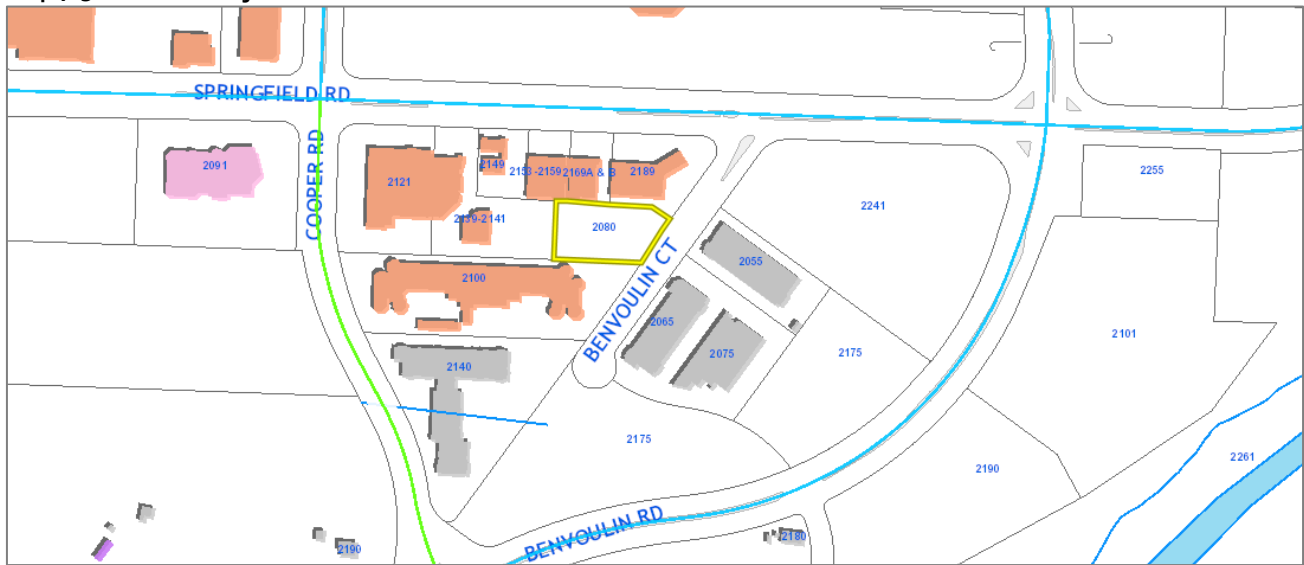


Figure 1 – Green indicates a 2-lane arterial road and light blue indicates a 4-lane arterial road.

5.0 Application Chronology

Date of Application Received: Jan 9, 2019
Date Public Consultation Completed: February 24, 2019

Report prepared by: Lydia Korolchuk, Planner
Reviewed by: Terry Barton, Urban Planning Manager
Approved for Inclusion by: Ryan Smith, Community Planning Department Manager

Attachments:

Schedule A: Proposed Text Amendment
Site Plan & Rendering

Schedule A – C4 Zoning Bylaw No. 8000 Text Amendments

Part I – Text Amendment Table

No.	Section	Existing Text	Proposed Text	Rationale
1.	Section 14.4.6 Other Regulations	<p>Other Regulations</p> <p>(a) Apartment housing and major group homes require access to grade separate from the commercial uses. In the case of elevator equipped buildings, uses can share elevators provided security measures are in place to restrict access to residential areas.</p> <p>(b) A minimum area of 6.0 m² of private open space shall be provided per bachelor dwelling, congregate housing bedroom or group home bedroom, 10.0 m² of private open space shall be provided per 1 bedroom dwelling, and 15.0 m² of private open space shall be provided per dwelling with more than 1 bedroom.</p> <p>(c) Drive-in food services shall only be permitted on properties fronting a provincial highway.</p> <p>(d) Financial services shall have a maximum total gross floor area of 500 m² unless a larger branch of the Financial services establishment is located within the Downtown Urban Centre.</p>	<p>Other Regulations</p> <p>(a) Apartment housing and major group homes require access to grade separate from the commercial uses. In the case of elevator equipped buildings, uses can share elevators provided security measures are in place to restrict access to residential areas.</p> <p>(b) A minimum area of 6.0 m² of private open space shall be provided per bachelor dwelling, congregate housing bedroom or group home bedroom, 10.0 m² of private open space shall be provided per 1 bedroom dwelling, and 15.0 m² of private open space shall be provided per dwelling with more than 1 bedroom.</p> <p>(c) Drive-in food services shall only be permitted on properties fronting a provincial highway.</p> <p>(d) Financial services shall have a maximum total gross floor area of 500 m² unless a larger branch of the Financial services establishment is located within the Downtown Urban Centre.</p>	The intent of the amendment is to focus commercial development to the major streets as identified in the OCP.

No.	Section	Existing Text	Proposed Text	Rationale
		<p>(e) A building incorporating residential uses shall provide a functional commercial space on the first floor, which must occupy a minimum of 90% of all street frontages, OR a minimum of 75% on secondary street frontages provided 100% of the principal frontage has a functional commercial space. Access driveways or other portions of the street frontage not used as building will not be considered for the purpose of this calculation.</p> <p>(f) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 6 (accessory development, yards, projections into yards, accessory development, lighting, stream protection, etc.), the landscaping and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific use regulations of Section 9.</p>	<p>(e) Any building located on streets classified as a collector or arterial as identified in the OCP Map 7.3 - 20 Year Major Road Network and Road Classification Plan shall provide a functional commercial space on the first floor, which must occupy a minimum of 90% of all street frontages, OR a minimum of 75% on secondary street frontages provided 100% of the principal frontage has a functional commercial space. Access driveways or other portions of the street frontage not used as building will not be considered for the purpose of this calculation.</p> <p>(f) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 6 (accessory development, yards, projections into yards, accessory development, lighting, stream protection, etc.), the landscaping and fencing provisions of Section 7, the parking and loading</p>	

No.	Section	Existing Text	Proposed Text	Rationale
			regulations of Section 8, and the specific use regulations of Section 9.	

2080 Benvoulin CT., Kelowna, BC



PROPERTY DESCRIPTION

CIVIC: 2080 Benvoulin Court, Kelowna, BC
LEGAL: Plan KAP83889; Lot B; DL 128

ZONING CALCULATIONS:

City of Kelowna C4 Zoning

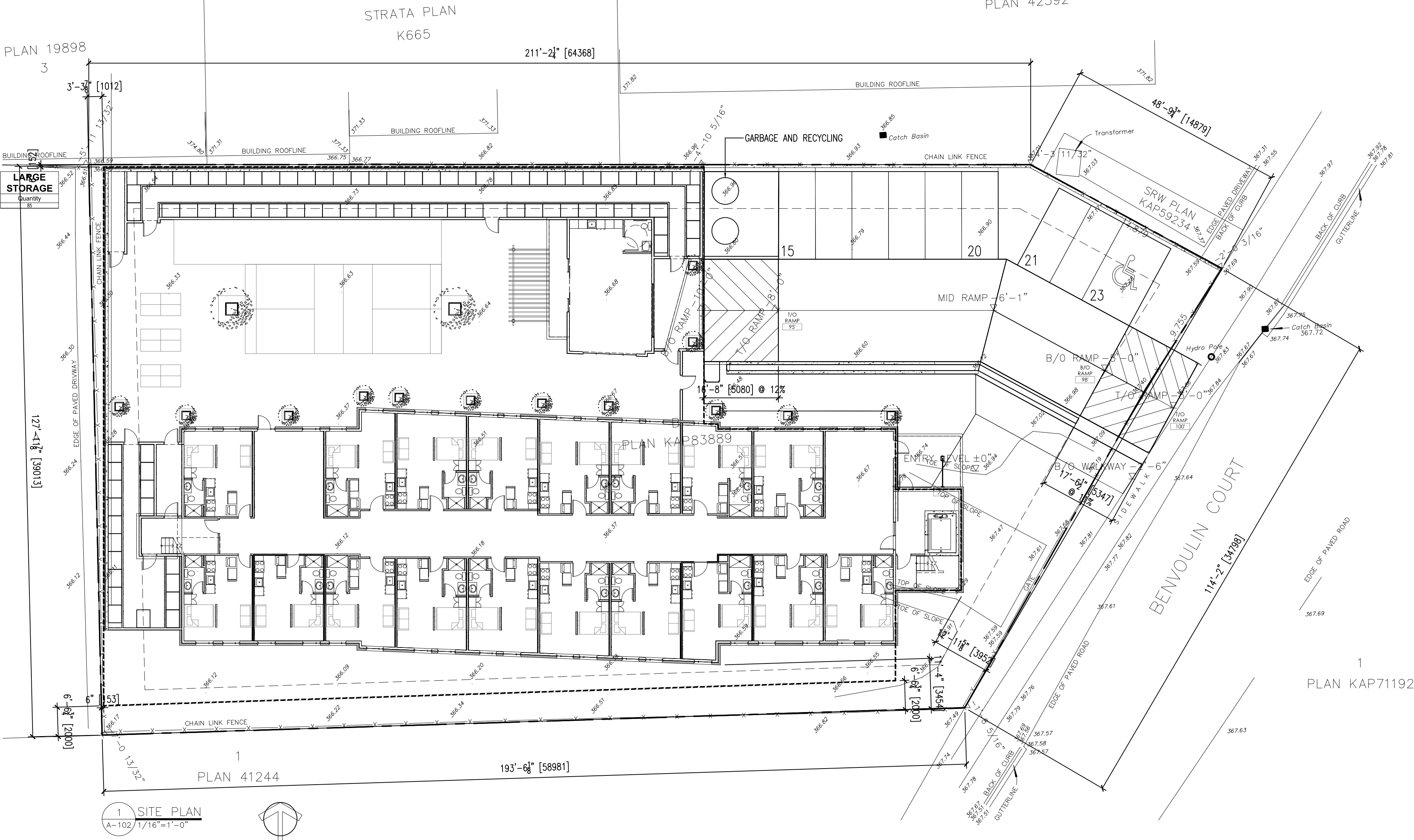
SITE INFORMATION:

Gross Site Area=	28,031 sf (2,604.2 sm)	Allowed	Proposed
Allowable Site Coverage=		75% (21,226sf)	18,773sf
F.A.R. =		1.3 + .18 = 1.48 (41,486sf)	1.22 (34,292sf)
Unit Area Calculations:			
NET FLOOR AREA		PRIVATE OPEN SPACE	
ENTRY LEVEL ALL UNITS 18 micro suites	5,660 SF (526 SM)	64.6sf/unitx84=5,426.4sf total	5,790sf Community Spaces
SECOND LEVEL ALL UNITS 16 bachelor suites	7,182 SF (667 SM)		
THIRD LEVEL ALL UNITS 16 bachelor suites	7,350 SF (683 SM)		
FOURTH LEVEL ALL UNITS 16 bachelor suites	7,350 SF (683 SM)		
FIFTH LEVEL ALL UNITS 16 bachelor suites	6,750 SF (627 SM)		

TOTAL	34,292 SF (3,186 SM)	
Building Height:	Allowed: 37m (59.1 ft) or 12 storeys	Proposed: 17.8 m (58.5 ft) - 5 storeys
Yard setbacks:	Allowed: Front yard - 0.0 m Side yard - 0.0 m/2.0 m abutting residential Rear yard - 0.0 m/6.0 m abutting residential	Proposed: 3m Landscape Buffer 0.0m/2.0 m 0.0m
Parking Calculations:	Required: 1 per / bachelor (floors 2 to 5)= 1 x 64 = 64 Supportive Housing (floor 1)= 1 per 3 beds (floor 1) = 6 (Required) 70	Proposed: 64 6 72
Bicycle Storage:	Required: Class I, .5/unit Class II, .1/unit 5X82=41 (Required) .1X82=9 (Required)	Proposed: 85 (dedicated storage lockers) 9 (per Landscape Plan)

DRAWINGS:

ARCHITECTURAL:	PROJECT & SITE INFORMATION
A-001	PARKADE LEVEL FLOOR PLAN
A-100	ENTRY LEVEL FLOOR PLAN
A-101	SECOND LEVEL FLOOR PLAN
A-102	THIRD LEVEL FLOOR PLAN
A-103	FOURTH LEVEL FLOOR PLAN
A-104	FIFTH LEVEL FLOOR PLAN
A-105	ROOF PLAN
A-106	ELEVATIONS
A-200	ELEVATIONS
A-201	SECTIONS
A-300	RENDERS
A-700	



FOR DP



architecturally
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All trades are to execute the work in accordance with the current municipality building by-laws and requirements of other local authorities having jurisdiction as well as the British Columbia Building Code - (most recent edition) including all published revisions and addenda. All trades shall assume full responsibility for the location and protection of all under and above ground utilities, wires and conduit connections, including (but not limited to) water, sewer, gas, hydro and telephone.

Revision No., Date and Description
10.14.18 - FOR DISCUSSION
10.19.18 - FOR DISCUSSION
12.10.18 - FOR DISCUSSION
12.20.18 - FOR DP

Plot Date	Drawing No.
20-Dec-18	A-001

PROJECT
2080 BENVOLIN COURT

DRAWING TITLE
PROJECT INFORMATION



10

REPORT TO COUNCIL



Date: April 8, 2019

RIM No. 0920-20

To: City Manager

From: Community Planning Department (BBC)

Application: Z18-0112

Owner: Jonathan David Clark Tyre and
Heather Elizabeth Tyre

Address: 1050 Kelly Road

Applicant: Jonathan D. Tyre

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RU1 - Large Lot Housing

Proposed Zone: RU2 – Medium Lot Housing

1.0 Recommendation

THAT Rezoning Application No. Z18-0112 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, District Lot 135, Osoyoos Division, Yale District, Plan 18974, located at 1050 Kelly Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone, be considered by Council;

AND FURTHER THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration.

2.0 Purpose

To consider the rezoning of the subject property from RU1 – Large Lot Housing to RU2 – Medium Lot Housing to facilitate a two-lot subdivision, and development on the new lot.

3.0 Community Planning

Community Planning supports the proposed rezoning of the subject property from RU1 – Large Lot Housing to RU2 – Medium Lot Housing, to facilitate a two-lot subdivision, as illustrated in Schedule A.

The property is located within the Permanent Growth Boundary in the South Pandosy – KLO City Sector. The parcel is designated as S2RES – Single/Two Unit Residential in the Official Community Plan (OCP). The application to rezone the parcel meets the OCP urban infill policy of supporting the densification of neighbourhoods through appropriate infill development, including the use of smaller lots. The modest increase in density is supported by local amenities such as parks, schools, transit and recreational opportunities in the immediate area.

To fulfill Council Policy No. 367, the applicant submitted a Neighbour Consultation Summary Form to Staff on March 14, 2019, outlining that the neighbours within 50 m of the subject property were notified.

4.0 Proposal

4.1 Project Description

The subject property currently has a single family dwelling and a detached accessory structure located adjacent to the principle dwelling. The principle dwelling will be retained and the existing secondary structure will be demolished.

The proposal is to rezone the subject property from the existing RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone, to facilitate a two-lot subdivision and the development of a single detached dwelling on the newly created lot.

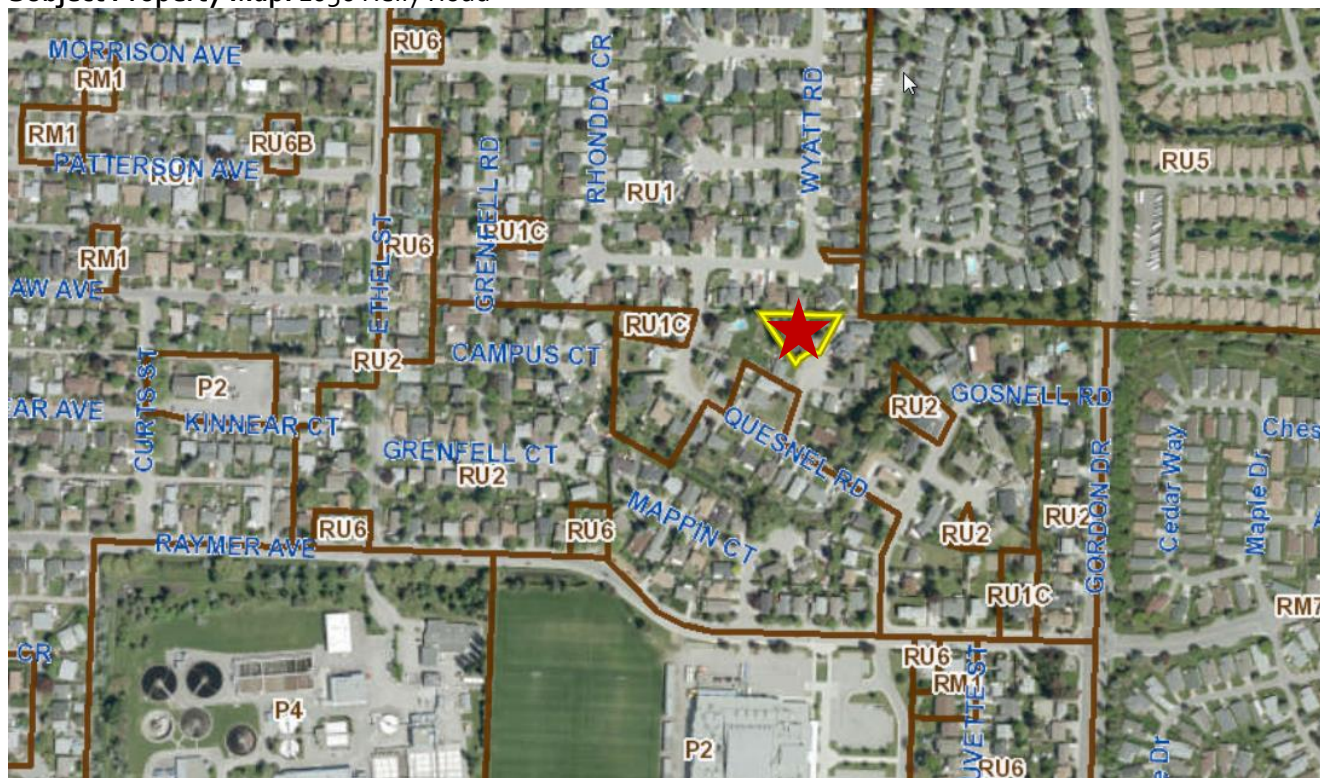
Should the rezoning be supported by Council, the applicant would be able to proceed with the subdivision application followed by a building permit application to construct a single family dwelling on the new lot. The Zoning Bylaw Development Regulations and parking requirements would be reviewed at time of Building Permit application to ensure compliance.

4.2 Site Context

The subject property is accessed from the end of Kelly Road, a cul-de-sac, and is approximately 230 meters north of intersection of Raymer Avenue. The area is characterized primarily by single family dwellings, with parks, public schools and transit within walking distance, including the Okanagan College Campus located within 400 m to the south.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing RU5 – Bareland Strata Housing	Residential
East	RU1 – Large Lot Housing RM7 – Mobile Home Park	Residential
South	RU1 – Large Lot Housing RU2 – Medium Lot Housing RU6 – Two Dwelling Housing	Residential
West	RU1 – Large Lot Housing RU1C – Large Lot Housing with Carriage House RU2 - Medium Lot Housing	Residential

Subject Property Map: 1050 Kelly Road**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.

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

² City of Kelowna Official Community Plan, Policy 5.27.6 (Development Process Chapter)

6.0 Technical Comments

6.1 Building & Permitting Department

- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

7.0 Application Chronology

Date of Application Received: November 19, 2018

Date of Additional Documents Received: January 14, 2019

Date Public Consultation Completed: March 14, 2019

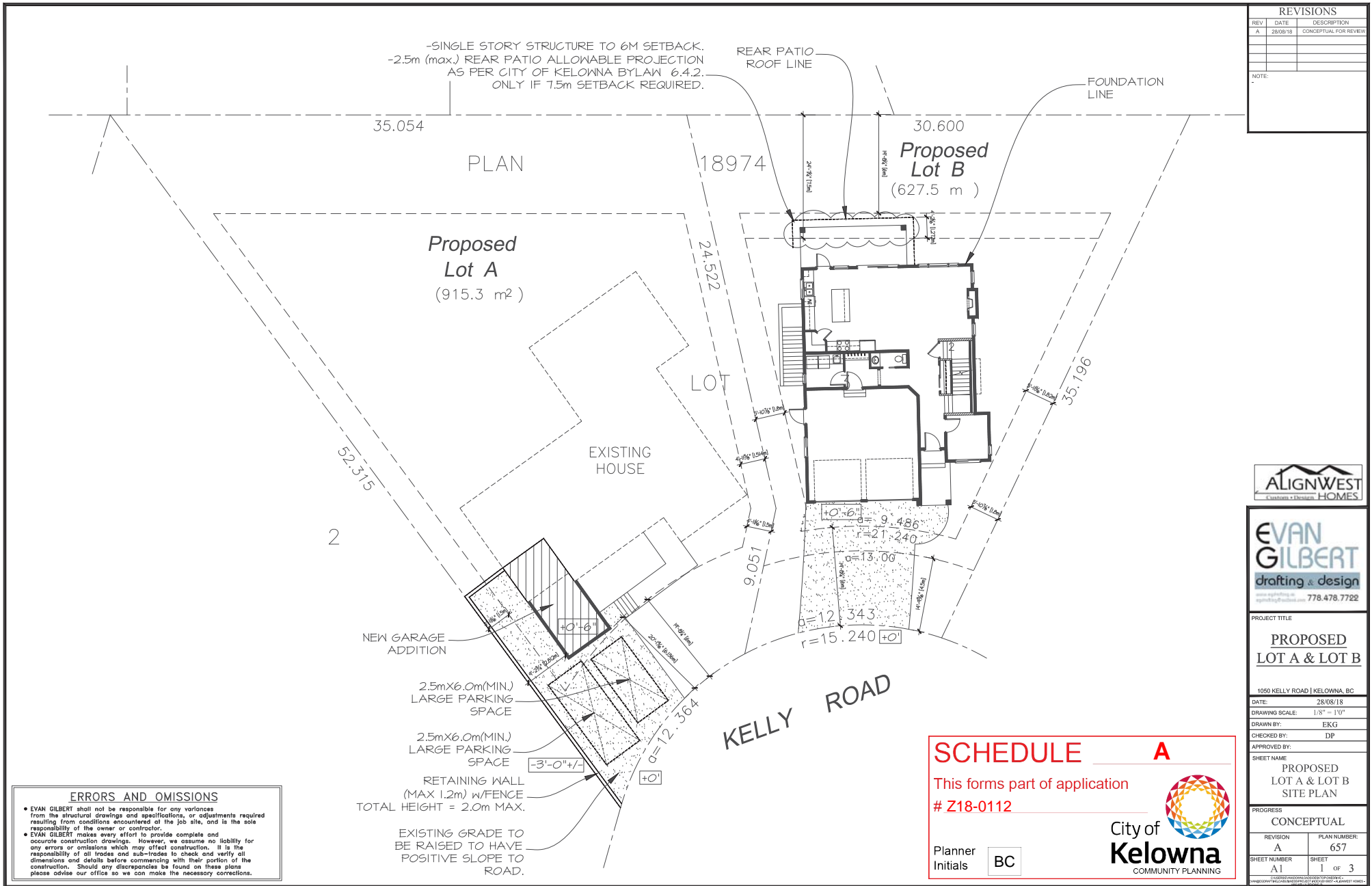
Report prepared by: Barbara B. Crawford, Planner

Reviewed by: Dean Strachan, Suburban and Rural Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Schedule A – Proposed Site Plan



ERRORS AND OMISSIONS

- EVAN GILBERT shall not be responsible for any variances from the structural drawings and specifications, or adjustments required resulting from conditions encountered at the job site, and is the sole responsibility of the owner or contractor.
- EVAN GILBERT makes every effort to provide complete and accurate construction drawings. However, we assume no liability for any errors or omissions which may affect construction. It is the responsibility of all trades and sub-trades to check and verify all dimensions and details before commencing with their portion of the construction. Should any discrepancies be found on these plans please advise our office so we can make the necessary corrections.

REVISIONS		
REV	DATE	DESCRIPTION
A	28/08/18	CONCEPTUAL FOR REVIEW
NOTE:		

ALIGNWEST
Custom • Design • HOMES

EVAN GILBERT
drafting & design
www.evan-gilbert.com 778.478.7722

PROJECT TITLE

PROPOSED LOT A & LOT B

1080 KELLY ROAD | KELOWNA, BC

DATE: 28/08/18

DRAWING SCALE: 1/8" = 1'0"

DRAWN BY: EKG

CHECKED BY: DP

APPROVED BY:

SHEET NAME

PROPOSED LOT A & LOT B SITE PLAN

PROGRESS

CONCEPTUAL

REVISION	PLAN NUMBER
A	657

SHEET NUMBER	SHEET
A1	1 OF 3

EVAN GILBERT DRAFTING & DESIGN
1080 KELLY ROAD, SUITE 101, KELOWNA, BC V1Y 1A8
778.478.7722

REPORT TO COUNCIL



Date: April 8, 2019

RIM No. 0920-20

To: City Manager

From: Community Planning Department (JB)

Application: OCP18-0019 and Z17-0032 **Owner:** Abbott Park Holdings Inc., Inc.
No. BC1096096

Address: 448, 458, & 460 Groves Ave **Applicant:** Zeidler Architecture

Subject: OCP Amendment (minor) and Rezoning Applications

Existing OCP Designation: MRM- Multiple Unit Residential (Medium Density)

Proposed OCP Designation: MRH- Multiple Unit Residential (High Density)

Existing Zone: RU1- Large Lot Housing

Proposed Zone: RM6- High Rise Apartment Housing

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP18-0019 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of lots 6, 7, and 8, District Lot 14, ODYD, Plan 3856 located at 448, 458, & 460 Groves Ave Kelowna, BC from the MRM- Multiple Unit Residential (Medium Density) designation to the MRH- Multiple Unit Residential (High Density) designation, be considered by Council;

AND THAT the Official Community Plan Map Amending Bylaw be forwarded to a Public Hearing for further consideration;

THAT Rezoning Application No. Z17-0032 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of lots 6, 7, and 8, District Lot 14, ODYD, Plan 3856, located at 448, 458, & 460 Groves Ave, Kelowna, BC from the RU1- Large Lot Housing zone to the RM6- High Rise Apartment Housing 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 Official Community Plan Map Amending Bylaw and the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated March 26, 2018;

AND THAT final adoption of the Official Community Plan Map Amending Bylaw and the Rezoning Bylaw be considered subsequent to the registration of a height restriction covenant to a maximum of six (6) storeys and a land use restriction covenant limiting the types of allowable commercial on the subject property;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit and a Development Variance Permit for the subject properties.

2.0 Purpose

To amend the Official Community Plan to change the Future Land Use designation and to rezone the subject properties to allow for the future development of multiple dwelling housing.

3.0 Community Planning

Community Planning Staff are supportive of the proposed Official Community Plan (OCP) amendment and rezoning application to facilitate the development of a 6 storey, 22-unit apartment housing development with a proposed floor area ratio (FAR) of 1.8. The subject properties are in the heart of the South Pandosy Urban Centre and requires the consolidation of three lots located at 448, 458, & 460 Groves Ave. It is a highly walkable location with a walkscore of 81 (most errands can be accomplished on foot), and a transit score of 38. Bordering the site immediately to the north is an existing laneway and Abbott Park.

The maximum FAR achievable under the RM5- Medium Density Multiple Housing zone, consistent with the subject properties current MRM- Multiple Unit Residential (Medium Density) future land use designation, is 1.4. The project's proposed floor area ratio of 1.8 exceeds the maximum permitted floor area ratio in the RM5 zone. In order to proceed with the proposed development an Official Community Plan Amendment and rezoning are required. In consideration of the subject properties urban context Community Planning Staff are supportive of the proposed Official Community Plan Amendment to MRH – Multiple Unit Residential (High Density) and rezoning to RM6 – High Rise Apartment Housing to facilitate the construction of a six-storey apartment building. Staff are supportive of achieving significant residential density within the Urban Centre, especially when the land assembly is significant and allows for comprehensive development.

At the request of Community Planning Staff, the applicant provided a shadow study to show potential impacts of future development on the existing mature trees of Abbott Park. The study did not show any significant impact on the existing trees or use and enjoyment of the park.

On March 14, 2019, Council gave 4th reading to the road closure of the laneway, which is to remain as a separately titled lot. The landowner and property owners to the west of the subject site will register an access easement over the laneway to allow for pedestrian access, including stairway access and landscape treatment. A height caveat which limits the future building height to 6 storeys will be implemented as a condition of rezoning. Additionally, a land use restriction covenant will restrict the following commercial uses currently permitted in the RM6 zone: hotel/motel accommodation within a multiple residential unit, household repair service, personal service establishments, and retail stores, convenience. This is to ensure that the maximum height prescribed in the RM6 zone (at 16 stories) will not be utilized in any future development scenarios and commercial uses will be restricted.

As per Council Policy 367, the applicant completed the neighbourhood consultation required for a minor OCP amendment and minor rezoning application.

4.0 Proposal

4.1 Background

The subject property is currently three separate lots, each containing an existing single-family home.

4.2 Project Description

The 'Abbott Park Residences' proposes the construction of a 6 storey, 22 unit condo building. A Development Permit and Development Variance Permit application have been submitted with the OCP amendment and rezoning application. Community Planning Staff are tracking multiple variances relating to setbacks and parking.

4.3 Site Context

The subject property is located within the South Pandosy Urban Centre on Groves Ave. The site is bordered by Abbott Park to the north, commercial to the east, and single family dwelling units to the south and west. Sopa Square is located southeast of the site.

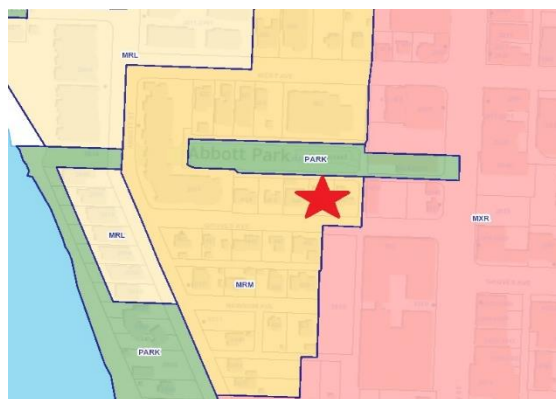
Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3- Parks and Open Space	Public Park
East	C4- Urban Centre Commercial	Health Service
South	RU1- Large Lot Housing & C4- Urban Centre Commercial	Single family dwellings & Commercial
West	RM5- Medium Density Multiple Housing	Multiple dwelling housing

Context Map:



Future Land Use:



Subject Property Map: 448, 458, & 460 Groves Ave



5.0 Current Development Policies

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.

Neighbourhood Impact.² 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.

Ensure appropriate and context sensitive built form.³

South Pandosy.⁴ Generally 4 storeys. Six storeys within C₄ or C₉ zoned areas. Potential for 8 storeys where an architecturally distinct and significant buildings is placed at a corner, gateway or view terminus location that is significant to the community or where a building is of cultural significance to the community.

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

² City of Kelowna Official Community Plan, Policy 5.27.9 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Policy 5.5.1 (Development Process Chapter).

⁴ City of Kelowna Official Community Plan, Policy 5.5.1 (Development Process Chapter).

Kelowna Rezoning Bylaw No. 8000

RM6- High Rise Apartment Housing

The purpose of this zone is to provide for high density development. Principal uses provide opportunity for high density development such as multiple dwelling housing and supportive housing. Key development regulations include a maximum floor area ratio of 2.0.

5.0 Application Chronology

Date of Application Received: March 23, 2017

Date of Amended Plans Received: September 21, 2018

Date Public Consultation Completed: November 24-26, 2018

Report prepared by: Jocelyn Black, Planner

Reviewed by: Terry Barton, Urban Planning Manager

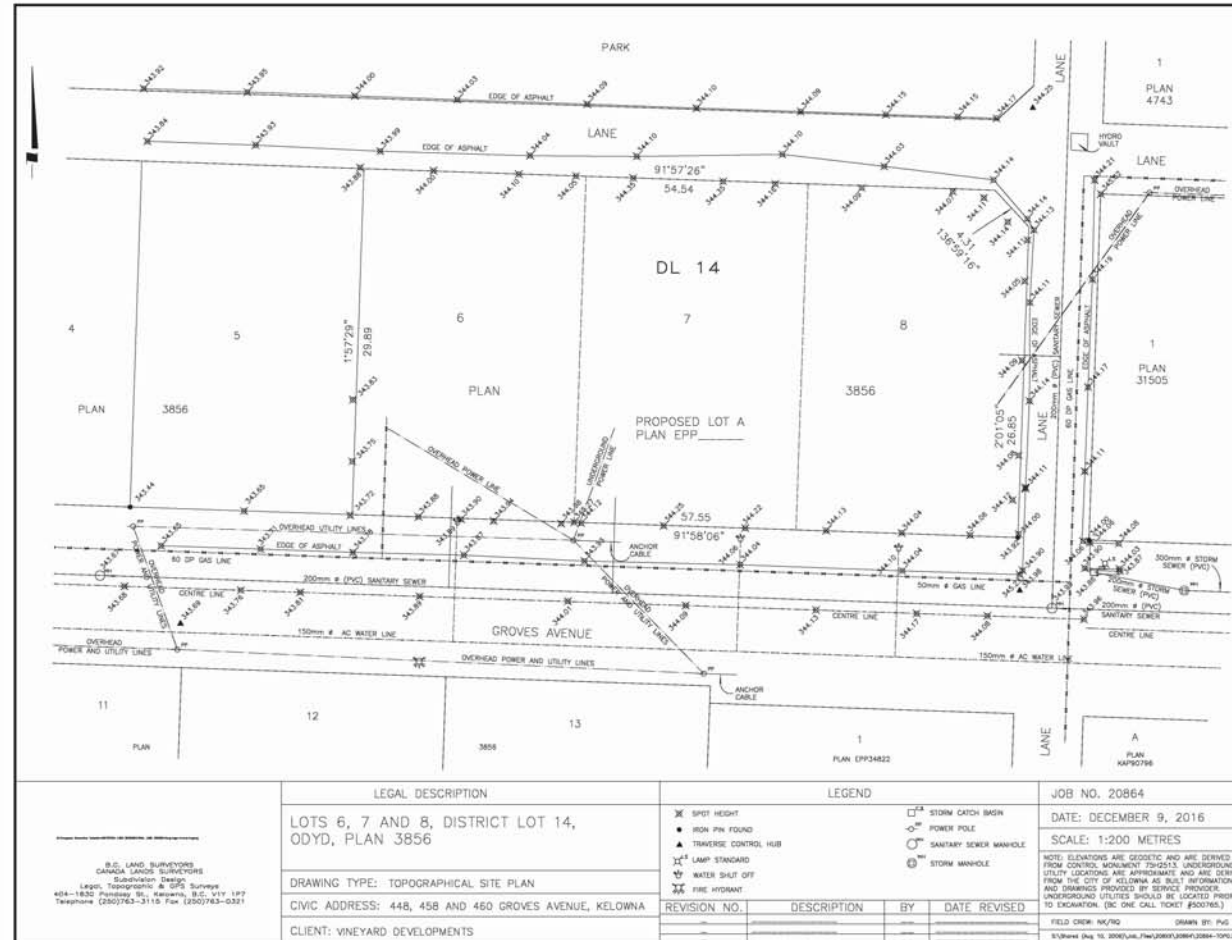
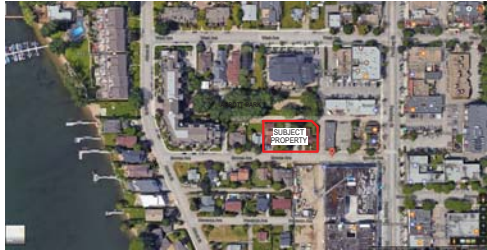
Approved for Inclusion by: Ryan Smith, Community Planning Department Manager


Attachments:

Attachment A: Development Engineering Memo

Schedule A: Site Plan

Schedule B: Conceptual Elevations & Renderings



SCHEDULE		A
This forms part of application		
# OCP18-0019/Z17-0032		
Planner Initials	JB	 City of Kelowna <small>community in progress</small>

NOTE: ALL INFORMATION OBTAINED FROM EXISTING SITE SURVEY PERFORMED BY "BC LAND SURVEYORS CANADA LANDS SURVEYORS" PROFESSIONAL LAND SURVEYORS IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYORS ACT. SURVEY COMPLETED DECEMBER 9, 2016. THE LEGAL SURVEY DEPICTED ON THIS SHEET IS FOR REFERENCE ONLY. "ZEIDLER ARCHITECTURE" ASSUMES NO RESPONSIBILITY FOR THE ACCURACY AND CONTENT OF THIS SURVEY INFORMATION DEPICTED HEREIN

1 SITE SURVEY (BY OTHERS)
DP1.0 SCALE: 1:200



300, 640 - 8 Avenue S.W.
Calgary, AB T2P 1G7
T +1 403 233 2525

seal

NOT FOR CONSTRUCTION

consultants

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client

VINEYARD DEVELOPMENTS
LTD.

#101, 1885 DILWORTH DR.
KELOWNA, B.C. V1Y9T1

project title

ABBOTT PARK RESIDENCES

460 Groves Avenue
Kelowna, B.C.

drawing title

SITE SURVEY (BY OTHERS)
& SITE CONTEXT PHOTOS

scale: 1 : 200
drawn by: Author
checked by: Checker
project no: 216-140
date issued: 2018-09-21

re-issue no:  sheet no: **DP1.0**



3 SOUTHEAST 3D VIEW
DP3.2 SCALE



2 NORTHEAST 3D VIEW
DP3.2 SCALE

SCHEDULE B

This forms part of application
OCP18-0019/Z17-0032

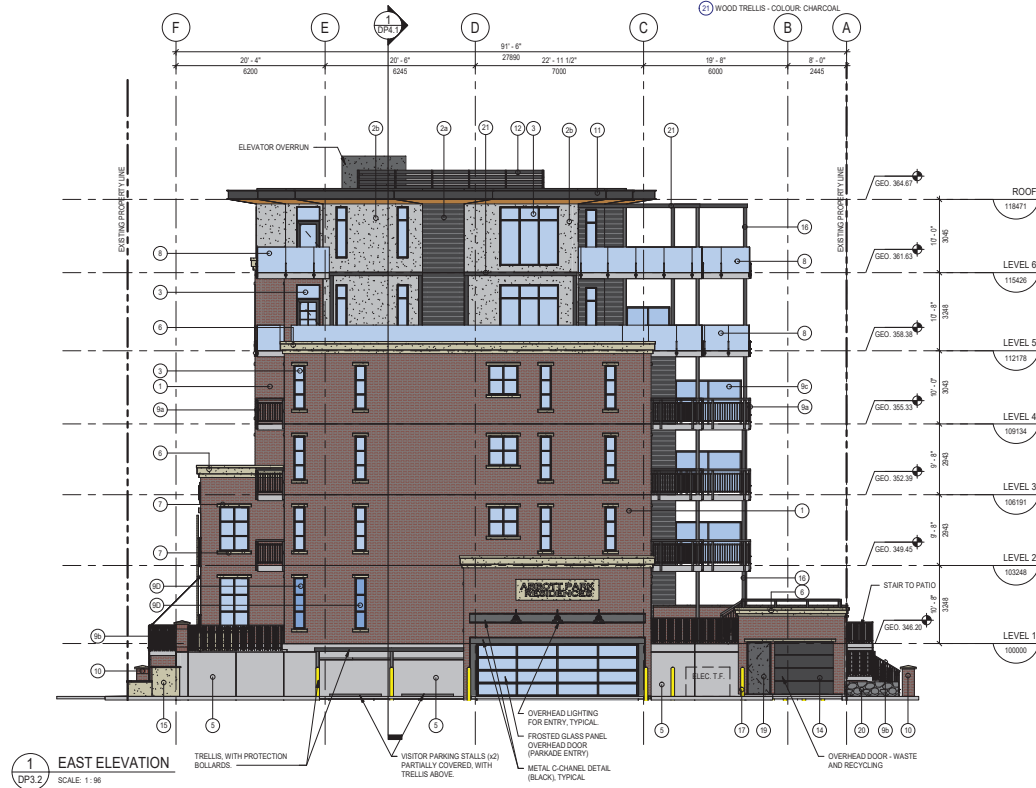
Planner Initials

JB

City of Kelowna
COMMUNITY PLANNING

MATERIALS LEGEND

- 1 BRICK VENEER - COLOUR: HISTORIC RED
- 2 PREFINISHED CEMENTITIOUS SIDING PANEL - COLOUR: DARK GREY / CHARCOAL
- 3 ACRYLIC STUCCO - COLOUR: LIGHT GREY / OFF-WHITE
- 4 WINDOW GLAZING IN BLACK FRAMES
- 5 FRAMELESS WINDOW GLAZING
- 6 CONCRETE WALLS CW REVEALS
- 7 DECORATIVE PRECAST CORNICES - COLOUR: SANDSTONE
- 8 PRECAST WINDOW HEADS / SILLS - COLOUR: SANDSTONE
- 9 GLASS BALCONY GUARDRAIL - BLACK POSTS
- 10 METAL PICKET GUARDRAIL AND RAILING - COLOUR: BLACK
- 11 GLASS PRIVACY SCREEN
- 12 SPANDREL PANEL GLAZING IN BLACK FRAMES
- 13 BRICK CLAD (HISTORIC RED) GUARDRAIL COLUMNS WITH COLUMN CAPS (SANDSTONE)
- 14 EYEBROW CANOPY - PREFINISHED BLACK CW WOOD SOFFIT
- 15 MECHANICAL SCREENING FENCE: BLACK FRAME WITH SLAT SCREENS
- 16 ARCHITECTURAL MESH SCREEN
- 17 METAL C-CHANNEL FRAME PAINTED BLACK
- 18 CONCRETE LANDSCAPE PLANTERS CW CAP AT T.O. WALL - STUCCO FINISH (SANDSTONE)
- 19 STEEL COLUMNS - BLACK
- 20 BOLLARD, PAINTED - COLOUR: SAFETY YELLOW
- 21 MECHANICAL LOUVER - COLOUR: CHARCOAL
- 22 HOLLOW METAL DOOR - COLOUR: CHARCOAL
- 23 NATURAL ROCK LANDSCAPE PLANTER
- 24 WOOD TRELLIS - COLOUR: CHARCOAL



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seal

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CITY OF KELOWNA

MEMORANDUM

ATTACHMENT A

Date: March 26, 2018
File No.: Z17-0032
To: Community Planning (TB)
From: Development Engineering Manager(SM)
Subject: 448, 458 & 460 Groves Ave (REVISED)

RMS

This forms part of application	
#	OCP18-0019/Z17-0032
Planner Initials	JB
 City of Kelowna COMMUNITY PLANNING	

Development Engineering has the following requirements associated with this application. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

The Development Engineering Technologist for this project is Jason Angus

.1) Domestic Water and Fire Protection

- a) The development site is presently serviced with small water services. The developer's consulting mechanical engineer will determine the domestic, fire protection requirements of this proposed development and establish hydrant requirements and service needs. Only one service will be permitted for this development.
 - b) The applicant, at his cost, will arrange for the removal of the existing services and the installation of one new larger metered water service. The new service should tie in to the main on Groves Ave. The estimated cost of this construction for bonding purposes is **\$10,000.00**.
 - c) It is apparent that the existing 150mm diameter watermain within Groves Avenue is substandard and will not support this development. The applicant, at his cost, will arrange for upgrading ~65m of watermain and the installation of a fire hydrant and one new larger water service. The estimated cost of this construction for bonding purposes is **\$76,000.00**.
 - d) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures. The City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters.
- .2) Sanitary Sewer
- a) The development site is presently serviced with small diameter sanitary sewer services. Only one service will be permitted for this development. The developer's consulting civil engineer will determine sanitary sizing for this development. The applicant, at his cost, will arrange for the removal of the existing services and and the installation of one new larger service. The estimated cost of this construction for bonding purposes is **\$15,000.00**

Z17-0032 448,458 460 Groves Ave RM5 (REVISED) JA.doc

.3) Storm Drainage

- (a) The developer must engage a consulting civil engineer to provide a storm water management plan for these sites which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and provision of a storm drainage service and recommendations for onsite drainage containment and disposal systems.

- (b) Only one service will be permitted for this development. The applicant, at his cost, will arrange the installation of one overflow service. The estimated cost of this construction is included in the road improvements.

.4) Road Improvements

- (a) Groves Ave fronting this development must be upgraded to an urban standard to including barrier curb & gutter, a separate sidewalk, storm drainage, road fillet & landscaped boulevard and relocation or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The estimated cost of the road improvements for bonding purposes is **\$65,000.00**

- (a) Lane fronting this development must be upgraded to SS-R2 standard to including road fillet and relocation or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The estimated cost of the road improvements for bonding purposes is **\$6,000.00**

.5) Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- a) *Dedicate 0.8m width along the full frontage of the North/South lane.*
- b) Dedicate 1.5m width along the full frontage of Groves Ave.
- c) Lot consolidation.
- d) Grant statutory rights-of-way if required for utility services.

.6) Electric Power and Telecommunication Services

- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground as this site is located within the South Pandosy urban town centre.
- b) LED Streetlights must be installed on Groves Ave.
- c) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- d) Re-locate existing poles and utilities, where necessary. Remove aerial trespass (es).

Z17-0032 448,458 460 Groves Ave RM5 (REVISED) JA.doc

.7) Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked "issued for construction" by the City Engineer before construction may begin.

.8) Design and Construction

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

.9) Servicing Agreements for Works and Services

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be

.10) Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

.11) Bonding and Levy Summary

(a) Bonding

Water works upgrade	\$86,000.00
Sanitary service upgrade	\$15,000.00
Road Frontage Improvements	<u>\$71,000.00</u>

Z17-0032 448,458 460 Groves Ave RM5 (REVISED) JA.doc

Total Bonding

\$172,000.00

ATTACHMENT A

This forms part of application

OCP18-0019/Z17-0032



Planner
Initials

JB

NOTE: The bonding amounts shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so. Bonding for required off-site construction must be provided, and may be in the form of cash or an irrevocable letter of credit, in an approved format. The owner must also enter into a servicing agreement in a form provided by the City.

.12) Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as (3.5% of Total Off-Site Construction Cost plus GST).

14) Development Permit and Site Related Issues

Access and Manoeuvrability

- (i) Access to the site is permitted from the lane as per bylaw.
- (ii) Review and confirm that the development and development site access does not adversely affect the lane operation as a two-way roadway. The minimum clear throat lane width must be 6.4m.

15. Geotechnical Report

As a requirement of this application the owner must provide a geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics.
- (b) Site suitability for development, unstable soils, etc.
- (c) Drill and / or excavate test holes on the site and install pisometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.
- (e) Additional geotechnical survey may be necessary for building foundations, etc.

James Kay, P. Eng.
Development Engineering Manager
JA

Report to Council



Date: April 8, 2019
File: 0610-50
To: City Manager
From: Karen Needham, Deputy City Clerk
Subject: Byrns Rd 2089, OCP18-0018 Z18-0094 - Mohammed Maizal Munif
Report Prepared by: Clint McKenzie, Legislative Coordinator

Recommendation:

THAT Official Community Plan Bylaw No 11810 and Rezoning Bylaw No.11811 be given first reading as approved by Council at the April 01, 2019 Regular PM Meeting.

Purpose:

To give OCP Bylaw No.11810 and Rezoning Bylaw No.11811 first reading and forward to Public Hearing.

Background:

At the April 1, 2019 PM Council Meeting, Council supported the alternate recommendation for the application at 2080 Byrns Road, to consider amendments to the OCP by changing the Future Land Use designation from REP – Resource Protection Area designation to the S2RES – Single/Two Unit Residential designation, and to rezone the subject property from the A1 – Agriculture 1 zone to RU6 – Two Dwelling Housing zone.

The bylaws will be forwarded to the April 23, 2019 Public Hearing.

Considerations not applicable to this report:

Internal Circulation:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:
Alternate Recommendation:

Submitted by:

K. Needham, Deputy City Clerk

REPORT TO COUNCIL



Date: April 1, 2019

RIM No. 0920-20

To: City Manager

From: Community Planning Department (BBC)

Application: OCP18-0018 and Z18-0094

Owner: Mohammed Maizal Munif

Address: 2089 Byrns Rd

Applicant: Urban Options Planning &
Permits – Birte Decloux

Subject: Official Community Plan (OCP) Amendment and Rezoning Application

Existing OCP Designation: REP – Resource Protection Area

Proposed OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: A1 – Agriculture 1

Proposed Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP18-0018 to amend Map 4.1 of the Kelowna 2030 – Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of Lot 24, Block 3, District Lot 130, Osoyoos Division, Yale District, Plan 415B, located at 2089 Byrns Road, Kelowna, BC, from the REP – Resource Protection Area designation to the S2RES – Single/Two Unit Residential designation NOT be considered by Council;

AND THAT Rezoning Application No. Z18-0094 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 24, Block 3, District Lot 130, Osoyoos Division, Yale District, Plan 415B, located at 2089 Byrns Road, Kelowna, BC from the A1 – Agriculture 1 zone to the RU6 – Two Dwelling Housing zone NOT be considered by Council.

2.0 Purpose

To consider Staff recommendation to NOT amend the Official Community Plan from REP – Resource Protection Area to S2RES – Single/Two Unit Residential, and to NOT rezone the subject property from A1 – Agricultural to RU6 – Two Dwelling Housing that would facilitate the development of a second dwelling on the subject property.

3.0 Community Planning

Community Planning Staff do not recommend support to amend the future land use and to rezone the subject property to facilitate the development of a second dwelling on the subject property. The property and the neighbouring residential lots are outside of the Permanent Growth Boundary (PGB), designated as Resource Protection in the Official Community Plan (OCP) and located within a farming area.

While the subject property is not within the Agriculture Land Reserve (ALR), it is adjacent to ALR lands and is within an agricultural interface area. The OCP directs growth and development inside the PGB in order to reduce speculative pressure on agricultural lands, avoid isolated development pockets (both within the ALR and outside the ALR), and ensure the long-term viability of surrounding farmland. As the property is surrounded by active agricultural lands, additional residential dwellings have the potential to increase urban encroachment and agricultural / urban land use conflicts created by non-farm activities within agricultural areas. It is important to acknowledge the difficulties farmers have due to complaints and possible perceived restrictions regarding normal farming practices.

In alignment with the OCP and Agricultural Plan objectives to preserve agricultural land, in recent years the City has committed significant resources to regain viable agricultural land along the Benvoulin agricultural corridor, successfully increasing agricultural uses on a number of lots. These include several properties along Benvoulin between Byrns Road and KLO Road. The Agricultural Land Commission (ALC) strongly endorses the protection and preservation of the Benvoulin agricultural corridor to re-establish active farming on lands located within this corridor. Allowing additional density in the isolated residential areas may undermine the success gained to date along this corridor due to land use conflicts.

Further, the OCP sets clear goals for creating a sustainable future and community, and the proposal contradicts the following objectives: contain urban growth and focusing development into a compact urban form that maximizes the use of existing infrastructure in urban centers; contribute to energy efficient settlement patterns; promote healthy and productive agriculture through diverse strategies that protect farmlands and food production. The addition of a second dwelling in this location does not support the infill role of the RU6 zone as the property does not have easy access to adequate transit, active transportation, schools, parks, and employment districts.

Standard urban neighbourhood amenities such as curb, gutter and sidewalk are not present in this area. Permitting urban development and density increase at this and other similar interface areas would require City investment and resources to be re-allocated from urban and village centers, and other priority infill areas as identified by the OCP.

The applicant has confirmed the completion of neighbourhood consultation and public information session in accordance with Council Policy No. 367.

4.0 Proposal

4.1 Background

The subject property along with the surrounding lots located immediately to the west, east, and southeast resulted from a subdivision dating June of 1967. Throughout the late 1960s and early 1970s, prime agricultural lands were being lost each year to urban development. The provincial government responded by establishing the ALC and the ALR in 1973. Had the ALR been established at the time of the subdivision, it is unlikely the subdivision that created this and the surrounding lots would have been permitted.

In August of 2014, a nearby property located at 2049 Byrns Road received an OCP amendment approval from REP – Resource Protection Area to S2RES - Single/Two Unit Residential and was rezoned from A1 – Agriculture to RU6 – Two Dwelling Housing (OCP13-0012/Z13-0019, Bylaw #10897 and #10898).

At the time of application, three structures existed on that property: a legal non-conforming duplex, an accessory structure (garage) with an illegal dwelling unit, and an illegal carriage house. Both the duplex and the garage structure were permitted in 1973 by the Regional District, however the carriage house did not appear to be authorized by way of Building Permits.

An initial application for 2049 Byrns Road proposed to amend the OCP to higher density (from REP – Resource Protection to MRL – Multiple Unit Residential, Low Density) on a portion of the property. A recommendation of non-support for the OCP amendment was considered and deferred by Council. An alternate proposal for S2RES - Single/Two Unit Residential and RU6 – Two Dwelling Housing was ultimately adopted by Council; however, it is important to note that Staff identified and outlined a number of land use related conflicts and concerns, many of which are identified in this report and share commonality with the current proposal at the subject property.

4.2 Project Description

The applicant is proposing to amend the Future Land Use designation for the subject property from REP – Resource Protection Area to S2RES - Single/Two Unit Residential, and rezone from A1 – Agriculture 1 to RU6 – Two Dwelling Housing to facilitate the development of a second dwelling on the property. If the application to rezone the land is successful, the applicant proposes to relocate an existing house onto the subject property, which has been recently renovated and is similar in character to the existing dwelling on the property.

The applicant has provided an on-site parking plan that meets zoning requirements for the proposal. However, Staff has received comments of concern from neighbouring residents regarding parking practices and the potential number of vehicles parked on and off-site.

There are no variances being tracked at this time. Should Council support the proposed OCP amendment and rezoning, issuance of a Farm Protection Development Permit would be required prior to any construction on the property.

4.3 Site Context

The subject property is located along the south side of Byrns Road, between Benvoulin Road and Burtch Road. The 1,052 m² (0.26 acre) subject property is in an agricultural / rural residential interface area and is outside of the City's PGB. With the exception of the two RU6 lots located west of the subject property, the subject lot along with all other properties fronting Byrns and Benvoulin Road are non-conforming A1 – Agriculture zoned properties given their parcel size; all are significantly less than 4.0 ha. All properties are connected to community water and sewer. Byrns Road is constructed to a rural standard and contains no storm sewer, curb, gutter or sidewalk.

The properties to the north and south of the subject property are large agricultural properties, while the properties to the east and west are rural residential, consistent with the subject property

Adjacent land uses are as follows:

Orientation	Zoning	ALR (Yes/No)	Land Use
North	A1 – Agriculture 1	Yes	Agriculture
East	A1 – Agriculture 1	No	Rural Residential
South	A1 – Agriculture 1	No – abutting Yes – adjacent	Agriculture
West	A1 – Agriculture 1 RU6 – Two Dwelling Housing	No	Rural Residential

Subject Property Map: 2089 Byrns Road. Current ALR lands are shown in dark green, future land use designated REP lands (non-ALR) are shown in light green.



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 1: Introduction

Goals for a Sustainable Future:

Contain Urban Growth - Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

Policy .1 Permanent Growth Boundary. Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. The City of Kelowna will support development of properties outside the PGB for more intensive use only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except for Agri-Business designated sites or as per Council's specific amendment of this policy. The PGB may be reviewed as part of the next major OCP update.

Objective 5.33 Protect and enhance local agriculture

Policy .3 Urban Uses. Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

Policy .8 Housing in Agricultural Areas. Discourage residential development (both expansions and new developments) in areas isolated within agricultural environments (both ALR and non-ALR).

Chapter 15: Farm Protection DP Guidelines

Objectives:

- Protect farm land and farm operations;

- Minimize the impact of urban encroachment and land use conflicts on agricultural land;
- Minimize conflicts created by activities designated as farm use by ALC regulation and non-farm uses within agricultural areas.

5.2 City of Kelowna Agriculture Plan (2017)

Official Community Plan Recommendations

- Restrict additional density outside the Permanent Growth Boundary.

6.0 Technical Comments

6.1 Development Engineering Department

- See Attachment C – Development Engineering Memorandum

7.0 Application Chronology

Date of Application Received:	April 18, 2018
Date of Neighbourhood Consultation Completed:	November 12, 2018
Date of Public Information Session Completed:	November 18, 2018

8.0 Alternate Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP18-0018 to amend Map 4.1 of the Kelowna 2030 – Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of Lot 24, Block 3, District Lot 130, Osoyoos Division, Yale District, Plan 415B, located at 2089 Byrns Road, Kelowna, BC, from the REP – Resource Protection Area destination to the S2RES – Single/Two Unit Residential be considered by Council;

AND THAT Rezoning Application No. Z18-0094 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 24, Block 3, District Lot 130, Osoyoos Division, Yale District, Plan 415B, located at 2089 Byrns Road, Kelowna, BC from the A1 – Agriculture 1 zone to RU6 – Two Dwelling Housing zone be considered by Council;

AND THAT the Official Community Plan Amendment Bylaw and Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment C attached to the Report from the Community Planning Department.

Report prepared by:	Barbara B. Crawford, Planner
Reviewed by:	Laura Bentley, Community Planning Supervisor
Reviewed by:	Terry Barton, Urban Planning Manager
Approved for Inclusion:	Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A – Applicant’s Letter of Rationale
 Attachment B – Conceptual Site and Landscape Plans
 Attachment C – Development Engineering Memorandum



ATTACHMENT A	
This forms part of application # OCP18-0018 Z18-0094	
Planner Initials	BC
City of Kelowna COMMUNITY PLANNING	

March 26, 2018

City of Kelowna
Planning Department
1435 Water Street
Kelowna, BC

RE: OCP Amendment / Rezoning at 2089 Byrns Road

Dear Planning Department:

This application seeks to rezone the property at 2089 Byrns Road to the RU6 – Two Dwelling Housing zone to allow a second home to be moved to the property. Although the property is located outside of the Permanent Growth Boundary and the future land use is “Resource Protection”, we ask you to consider the following reasons to support and send the application to Council for their consideration:

- Infill density in the immediate area
- Unique situation
- Rescue of a home
- Good quality affordable rental housing
- Neighbourhood support

In 2013 the property at 2049 Byrns Road sought to change the future land use designation to MRL (Multiple residential low density). The land had all the attributes for this designation, however, it was felt to be too intensive for the area given the proximity of active agriculture land and being outside of the Permanent Growth Boundary. A compromise was found, and Planning staff supported the change to the S/2RES (single two unit residential) and the associated RU6-Two Dwelling Housing zone was approved by Council. The file number associated with this change is OCP13-0012/Z13-0019.

The neighbourhood is unique given that it consists of 11 residential properties surrounded on all sides by agricultural land within the Agricultural Land Reserve. Interestingly, the neighbourhood is across from the Benvoulin Heritage Church which was constructed here in 1892 and the church was expected to be the center of the Benvoulin townsite. It is suspected that the subject property and its neighbours to the east (with 3-digit plan numbers) were created at that time as part of the town center.

If the application to rezone the land is successful, the house (below) will be placed directly behind the existing home on the parcel. This “new” home was purchased because the interior

had been recently renovated, its structural integrity and how it is similar in character to the existing dwelling. The benefits to bring the home to the site are:

- the mature vegetation can be retained,
- no additional driveway access needed, and
- no changes to the front home or how the property presents to the street are required.

To move the home onto the site, access to the property has been secured through 2430 Benvoulin Road. The house is in storage awaiting its fate.



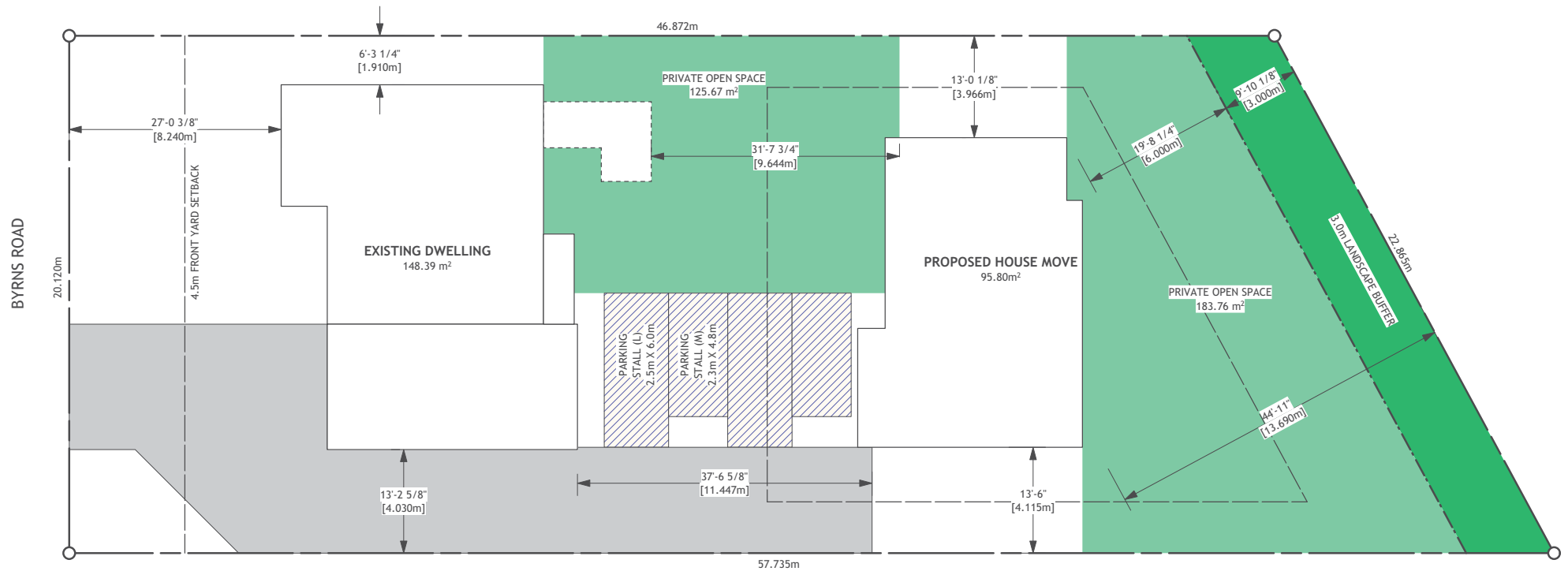
In this case, it is believed that the infill is affordable. The cost of construction is limited to a foundation, associated water and sewer accesses, and moving the building to the site. The existing house is currently being rented and the land owner (who is renting elsewhere) plans to move in to the second home. Given the age of the homes, it will be difficult to strata title them for individual sale and it is expected that at least one home will continue as a rental dwelling.

To strengthen the case for a positive Staff recommendation, the landowner conducted a neighbourhood canvass to secure support from the neighbours. The results, site plan and letter supplied are provided as part of the submission. Fifteen immediate neighbours were contacted for a face-to-face visit with thirteen providing signatures of support and two remaining neutral. The properties that abut the subject property all agreed with the project.

We are seeking to rezone the property to allow a “rescue” house to be placed on the site which will provide additional housing stock while keeping the integrity of the neighbourhood intact. Support of the neighbours has been provided as part of the submission package. Now we ask you, Planning Staff and City Council to support this application.

Regards,

Birte Decloux on behalf of M. Maizal Munif



2089 BYRNS ROAD, KELOWNA, BC

PRELIMINARY SITE PLAN



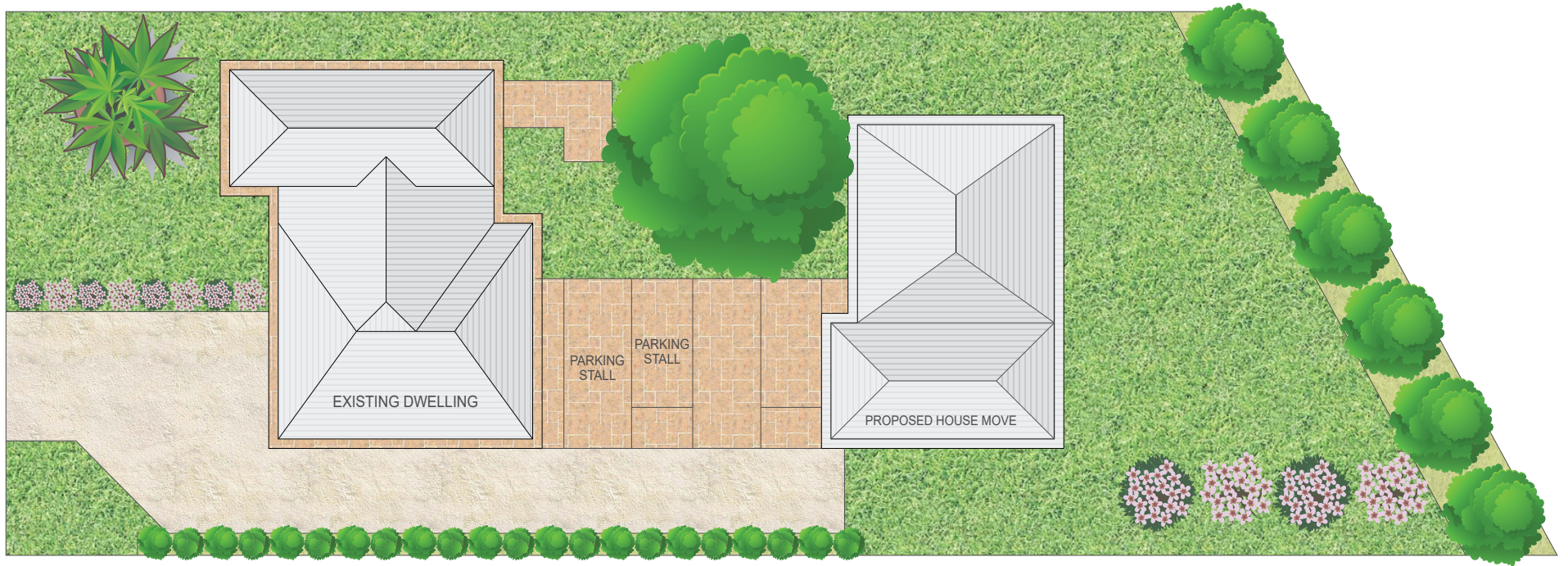
IHS DESIGN

1392 MINE HILL DRIVE
KELOWNA, BC V1P 1S5
(250) 212-7938
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MARCH 27, 2018

SCALE = 1:150

1 OF 1



SITE PLAN

CITY OF KELOWNA

MEMORANDUM

Date: August 28, 2108

File No.: Z18-0094

To: Community Planning (BC)

From: Development Engineering Manager (JK)

Subject: 2089 Byrns Road A1 to RU6

Development Engineering Department have the following comments and requirements associated with this application. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technologist for this project is Jason Angus.

1) General

- i) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement buildings may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- ii) Provide easements as may be required.

2) Geotechnical Study.

- i) Provide a geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision. The Geotechnical reports must be submitted to the Development Services Department for distribution to the Development Engineering Branch and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval:
 - (a) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
 - (b) Site suitability for development.
 - (c) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
 - (d) Any special requirements for construction of roads, utilities and building structures.

- (e) Recommendations for items that should be included in a Restrictive Covenant.
- (f) Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
- (g) Any items required in other sections of this document.
- (h) Additional geotechnical survey may be necessary for building foundations, etc

1) Water

- i) The This property is currently serviced with a 19mm-diameter copper water service. One 50mm water service c/w two curb stops are required to meet current by-law requirements. One new water service can be provided by the City at the owner's cost. The applicant will be required to sign a Third Party Work Order for the cost of the water service upgrades. For estimate inquiry's please contact Jason Angus, by email jangus@kelowna.ca or phone, 250-469-8783
- ii) An approved backflow protection device must also be installed on site as required by the City Plumbing Regulation and Water Regulation bylaws.
- iii) A water meter is mandatory for this development and must be installed inside a building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost

3) Sanitary Sewer

- i) Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service complete with inspection chamber (IC) which is adequate for this application.

4) Roads

- i) Byrns Road is designated an urban arterial road. Frontage improvements required include curb and gutter, separate sidewalk, piped storm drainage system, road works, landscaped boulevard complete with underground irrigation system, street lights, treed middle median and left turn bays. A one-time cash payment in lieu of construction must be collected from the applicant for future construction by the City. The cash-in-lieu amount is determined to be **\$31,895.50** not including utility service cost.

5) Power and Telecommunication Services and Street Lights

- i) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground.
- ii) Streetlights must be installed on all roads.

- iii) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- iv) Remove existing poles and utilities, where necessary. Remove aerial trespass (es).

6) Other Engineering Comments

- i) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands, and for public access to Vaughan Ave via the proposed lane.
- ii) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.
- iii) Direct the roof drains into on-site rock pits.
- iv) A maximum driveway width of 6m is to be designed to.

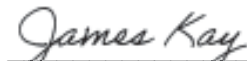
7) Bonding and Cash-in-lieu Summary

- i) Cash-in-lieu

(a) General Requirements	
1. Byrns Road Improvements	\$31,895.50

- ii) Bonding

(a) General Requirements	
1. Utility Improvements	\$ TBD



James Kay, P.Eng.
Development Engineering Manager

JA