

# City of Kelowna Public Hearing AGENDA



Tuesday, August 13, 2019  
6:00 pm  
Council Chamber  
City Hall, 1435 Water Street

Pages

## 1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

I would like to acknowledge that we are gathered today on the traditional, ancestral, unceded territory of the syilx/Okanagan people.

This evening, Council will hold both a Public Hearing and a Regular Meeting.

The purpose of the Hearing is to hear from the public on matters contained in the various bylaws which, if adopted, will amend *Kelowna 2030* - Official Community Plan Bylaw No. 10500 and Zoning Bylaw No. 8000.

After the close of the Public Hearing, Council will then debate and vote on the proposed bylaws at the Regular Meeting that follows.

Council has been provided with the information, correspondence, petitions or reports that have been received concerning the subject bylaws. This information is available to the public on the table in the foyer of Council Chamber. Reports are also available to the public online under *Council* at Kelowna.ca.

For those in attendance this evening, or who have already submitted letters to Council, a reminder that this Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may also be broadcast and recorded by Castanet.

Following the close of the Public Hearing, no further information from the applicant or members of the public will be accepted by Council.

## 2. Individual Bylaw Submissions

### 2.1 Vaughan Ave 889, Z19-0025 (BL11866) - 1568447 Alberta Ltd

4 - 7

To consider an application to rezone the subject property from the I4 - Central Industrial zone to the I4rcs - Central Industrial (Retail Cannabis Sales) zone to facilitate the development of a retail cannabis sales establishment.

### 2.2 \*DEFERRED\* - Glenwood Ave 455, Z19-0038 (BL11914) - Mark Procknow

8 - 14

**\*Deferred to August 27th due to lack of signage\***

To consider an application to rezone from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone to facilitate the construction of a proposed carriage house on the subject property.

**2.3 Fitzpatrick Rd 249, Z19-0064 (BL11915) - Patrick and Hendrika Hayden 15 - 22**

To consider an application to rezone the subject property from the RU1- Large Lot Housing zone to the RU1c-Large Lot Housing with Carriage House zone to facilitate the development of a carriage house.

**2.4 Gordon Drive 1450 and Lawson Avenue 1094, Z19-0058 (BL11916) - 1094 Lawson Avenue Ltd. Inc. No. BC1176688 23 - 36**

To consider an application to rezone the subject properties from the RM4 – Transitional Low Density Housing and RU6 – Two Dwelling Housing zones to RM5 – Medium Density Multiple Housing zone to facilitate the development of an apartment building.

**3. Termination**

**4. Procedure on each Bylaw Submission**

- (a) Brief description of the application by City Staff (Community Planning);
- (b) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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:** July 15, 2019  
**RIM No.** 1250-30  
**To:** Council  
**From:** City Manager  
**Application:** Z19-0025 **Owner:** 1568447 Alberta Ltd.  
**Address:** 889 Vaughan Avenue **Applicant:** Grasshopper Cannabis Inc.  
**Subject:** Rezoning Application

Existing OCP Designation: IND - Industrial  
Existing Zone: I4 – Central Industrial  
Proposed Zone: I4rcs – Central Industrial (Retail Cannabis Sales)

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## 1.0 Recommendation

THAT Rezoning Application No. Z19-0025 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 Section 30 Township 26 ODYD Plan EPP34493, located at 889 Vaughan Avenue, Kelowna, BC from the I4 – Central Industrial zone to the I4rcs – Central Industrial (Retail Cannabis Sales) zone, be considered by Council;

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

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered;

AND FURTHER THAT if the Rezoning Bylaw is adopted, Council direct Staff to send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch that they support issuance of a non-medical cannabis retail store license for this legal lot with the following comments:

- The proposed location meets local government bylaw requirements and as such, no negative impact is anticipated;
- The views of the residents were captured during a public hearing process for the rezoning of the property and Council meeting minutes summarizing those views are attached; and
- Local government recommends that the application be approved because of compliance with local regulations and policies.

## 2.0 Purpose

To rezone the subject property to facilitate the development of a retail cannabis sales establishment.

### 3.0 Community Planning

Community Planning Staff recommend support for the rezoning application to allow for a retail cannabis sales establishment on the subject property. This application was received prior to the close of the first intake of retail cannabis sales establishment applications on November 30, 2018. As such, it was evaluated in accordance with a Council-endorsed process and was selected to move forward with the City's standard rezoning process established in the Development Application Procedures Bylaw. This application received a score of 77.14, and the overall average score of all applications evaluated was 69.53.

Should Council support the proposed Rezoning Bylaw, the property would be rezoned to a retail cannabis sales subzone, and Staff would send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch indicating support for issuance of a non-medical cannabis retail store license for this property.

The application meets the Zoning Bylaw No. 8000 and there are no variances being requested. Further, the applicant has confirmed the completion of public notification in accordance with Council Policy No. 367.

### 4.0 Proposal

#### 4.1 Background

- October 11, 2017 – Rezoning application Z17-0094 was accepted to amend the split zoned parcel from I2 – General Industrial and I4 – Central Industrial zones to the I4 - Central Industrial zone.
- October 11, 2017 – Development Permit (DP17-0214) and Development Variance Permit (DVP17-0215) applications were accepted with the above noted Rezoning application.
- September 25, 2018 – Public Hearing and 3<sup>rd</sup> reading for Z17-0094 (Bylaw 11676).
- November 29, 2018 – Cannabis Retail Sales Rezoning Application received by Planning Staff.
- June 18, 2019 – Rezoning Bylaw 11676(Z17-0094) adopted by Council, DP17-0214 and DVP17-0215 approved by Council.

#### 4.2 Site Context

The project site is located to the east of the City Centre Urban Centre along Clement Avenue. The site has street frontage along three sides (Clement Avenue, Vaughan Avenue and Ethel Street).

Sensitive uses that were identified within 150 metre radius include a Brewery with lounge endorsement (Rustic Reel).

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I4 – Central Industrial Zone	Warehouse/ Storage
East	I4 – Central Industrial Zone	Warehouse/ Storage, Vacant
South	RU6 – Two Dwelling Housing	Single Family Dwellings
West	I2 General Industrial, I4 – Central Industrial Zone	Vacant (PC Urban Development site)

**Subject Property Map: 88g Vaughan Avenue**



**5.0 Application Chronology**

Date of Application Received:	November 29, 2018
Date of Committee Evaluation:	January 16, 2019
Date of Application Accepted:	February 27, 2019
Date Public Notification Completed:	June 13, 2019

<b>Report prepared by:</b>	Lydia Korolchuk, Planner II
<b>Reviewed by:</b>	Dean Strachan, Subdivision and Rural Planning Manager
<b>Approved for Inclusion:</b>	Terry Barton, Development Planning Department Manager

**Attachments:**  
Attachment A: Site Plan



Grasshopper  
Cannabis Inc.  
Unit #23

**ATTACHMENT A**

This forms part of application  
# Z19-0025

Planner  
Initials **LK**



SITE PLAN



CEMENT BUSINESS PARK  
KEOWNA BC

DATE: 2018-05-03  
SCALE: 1:200  
ISSUED FOR: DP  
PROJECT: 17-548

# REPORT TO COUNCIL



**Date:** July 29, 2019

**RIM No.** 1250-30

**To:** Council

**From:** City Manager

**Application:** Z19-0038

**Owner:** Mark Procknow

**Address:** 455 Glenwood Avenue

**Applicant:** Mark Procknow

**Subject:** Rezoning Application

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU1c – Large Lot Housing with Carriage House

## 1.0 Recommendation

THAT Rezoning Application No. Z19-0038 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot C, District Lot 14, ODYD, Plan 5742, located at 455 Glenwood Avenue, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone;

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

## 2.0 Purpose

To consider an application to rezone to the RU1c – Large Lot Housing with Carriage House zone to facilitate the construction of a proposed carriage house on the subject property.

## 3.0 Development Planning

Development Planning Staff recommend support for the rezoning of the subject property to RU1c – Large Lot Housing with Carriage House zone to facilitate the construction of a carriage house. It is consistent with the Official Community Plan (OCP) Future Land Use designation and infill growth policies in the area. The property is located within the Permanent Growth Boundary, is fully serviced, and is located near Kelowna General Hospital. The subject property has a Walk Score of 72, so most errands can be accomplished on foot.



#### 4.0 Proposal

##### 4.1 Project Description

The subject property has an existing 1 ½ storey dwelling located on the north side of the lot. The property fronts Glenwood Avenue and has access to a rear lane. The proposed rezoning is necessary to permit the development of a carriage house on the property. The proposed carriage house is 1 ½ storeys and conforms to the requirements of Zoning Bylaw No. 8000. The subject property is located within the Heritage Conservation Area, and a Heritage Alteration Permit application for the carriage house has been submitted.

##### 4.2 Site Context

The subject property is designated S2RES – Single / Two Unit Residential, is zoned RU1 – Large Lot Housing and is in the Central City sector of the city. It is within the Abbott Street Heritage Conservation Area and the surrounding area is characterized by single detached homes. Kelowna General Hospital is to the south, with the emergency parking lot immediately south of the subject property on the other side of the lane.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1c – Large Lot Housing with Carriage House	Residential
East	RU1 – Large Lot Housing	Residential
South	RU1 – Large Lot Housing	Residential
West	RU1 – Large Lot Housing	Residential

Subject Property Map: 455 Glenwood Avenue



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 5: Development Process

##### *Objective 5.3 Focus development to designated growth areas*

*Policy .2 Compact Urban Form.* 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.

##### *Objective 5.22 Ensure context sensitive housing development*

*Policy .12 Carriage Houses & Accessory Apartments.* Support carriage houses and accessory apartments through appropriate zoning regulations.

#### Chapter 16: Heritage Conservation Areas

##### *Objectives*

Encourage new development, additions and renovations to existing development which are compatible with the form and character of the existing context

## 6.0 Technical Comments

### 6.1 Development Engineering Department

- See attached memo. Requirements will be fulfilled at time of Building Permit.

## 7.0 Application Chronology

Date of Application Received: December 12, 2018

Date Public Consultation Completed: July 5, 2019

**Report prepared by:** Jenna Ratzlaff, Planner

**Reviewed by:** Laura Bentley, Urban Planning & Development Policy Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

### **Attachments:**

Attachment A: Development Engineering Memo

Attachment B: Conceptual Drawing Package

Attachment C: Applicant's Rationale

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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** January 10, 2019  
**File No.:** Z19-0038  
**To:** Community Planning (LKC)  
**From:** Development Engineering Manager (JK)  
**Subject:** 455 Glenwood Ave                                      RU1 to RU1c                                      Carriage House

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

1.    Domestic Water and Fire Protection

This property is currently serviced with a 19mm-diameter water service. The service will be adequate for this application. One metered water service will supply both the main residence and the carriage house.

2.    Sanitary Sewer

Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service. The service will be adequate for this application.

3.    Development Permit and Site Related Issues

Direct the roof drains onto splash pads.

Driveway access is permitted from the lane as per bylaw.

4.    Electric Power and Telecommunication Services

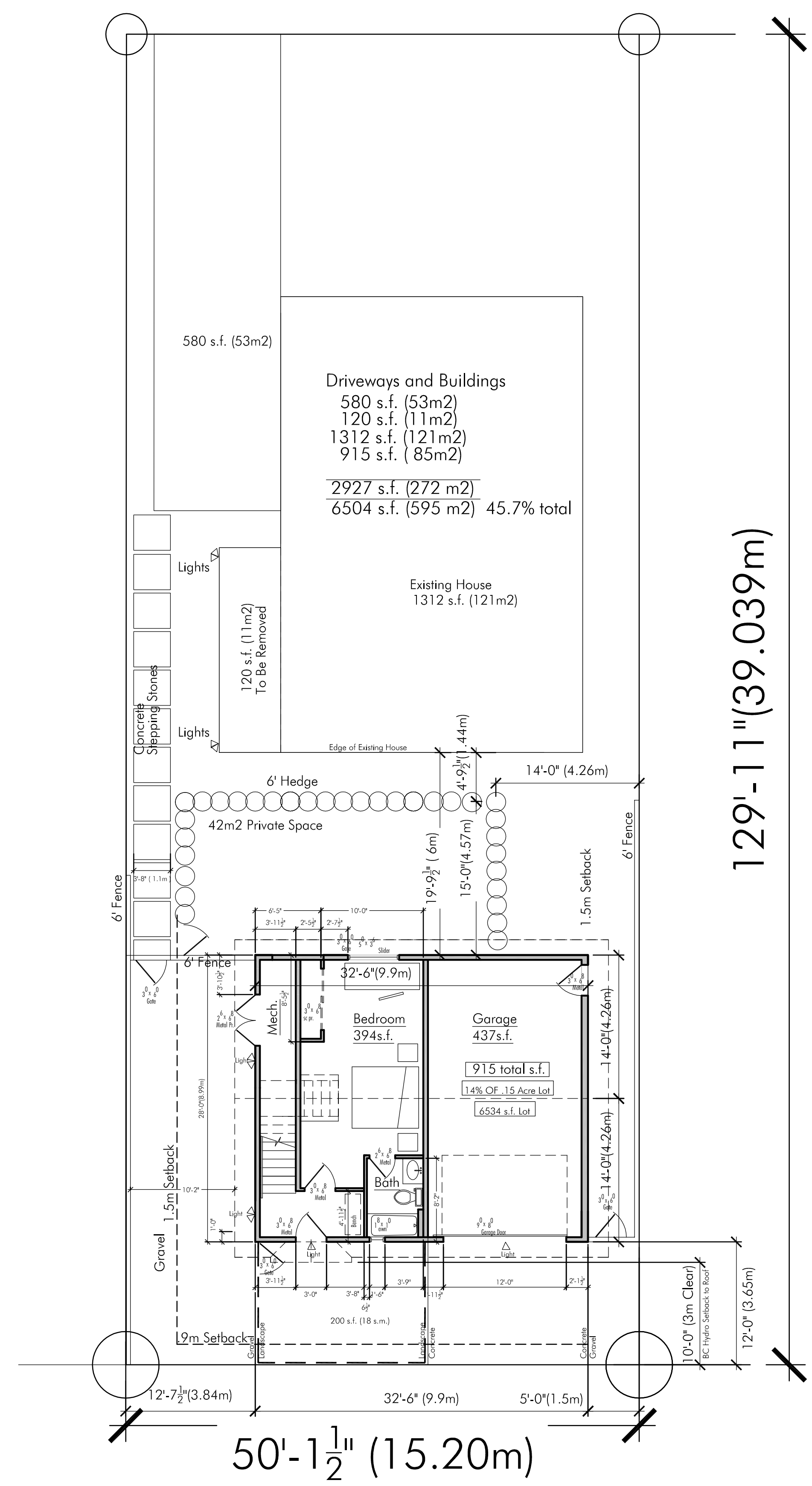
It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.

  
\_\_\_\_\_  
James Kay, P. Eng.  
Development Engineering Manager

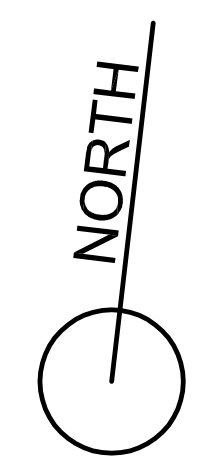
JA

<b>ATTACHMENT</b>		<b>A</b>
This forms part of application # Z19-0038		
Planner Initials	JR	 City of <b>Kelowna</b> DEVELOPMENT PLANNING





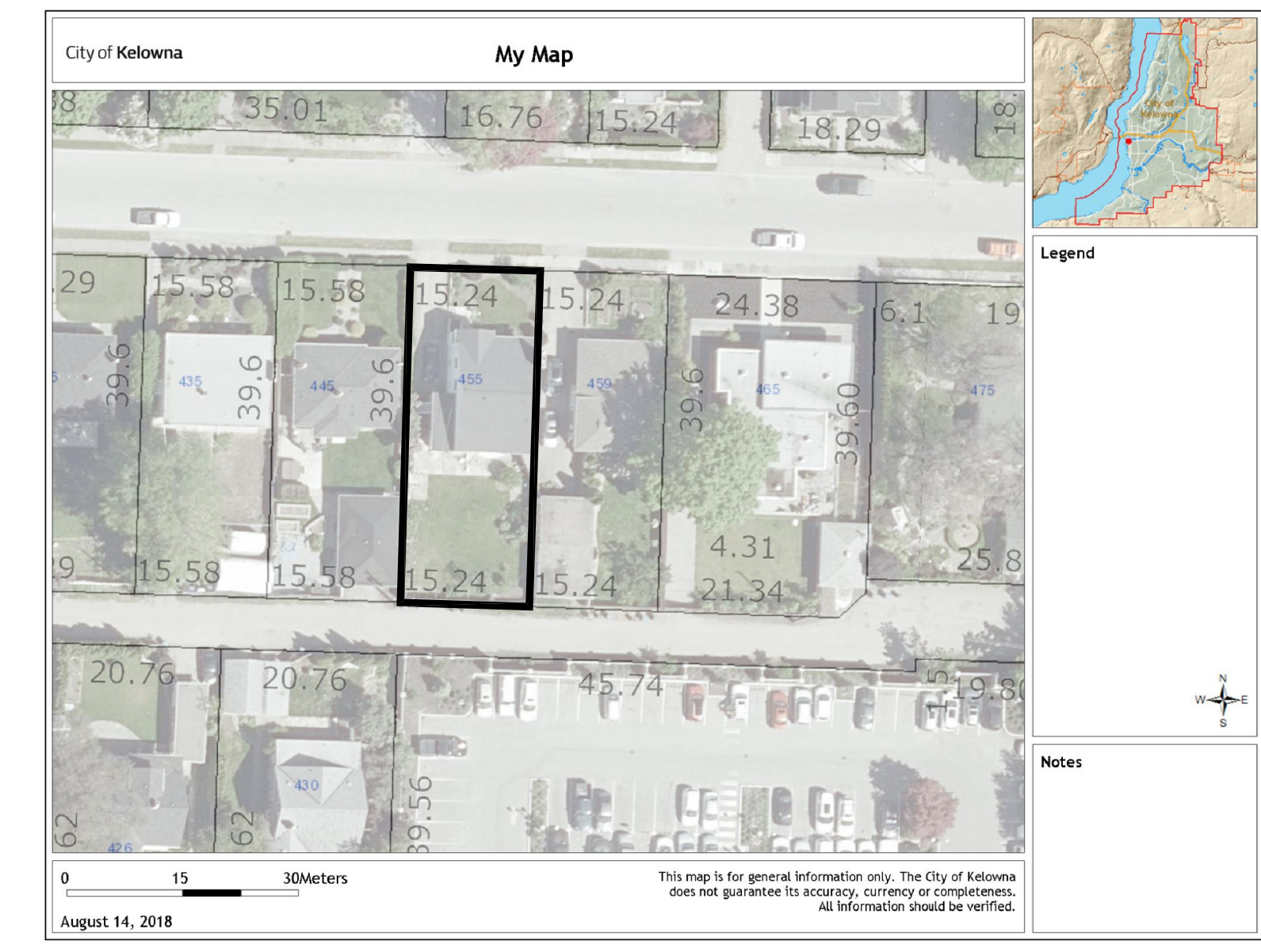
1 SITE  
 A-0 1/8"=1'-0"



### Drawing List

- A-0 Site Plan
- A-1 Foundation Plan
- A-2 Main Plan
- A-3 Upper Plan
- A-4 Roof Plan
- A-5 Elevations ( Existing House )
- A-6 Elevations ( Carriage House )
- A-7 Section/ General Notes

### Vicinity Map



### Project Notes:

PROJECT DESCRIPTION		PROJECT DATA	
New Carriage House 394 s.f. Lower 560 s.f. Up Garage 493 s.f. ( 966 s.f. Total Lower )	REQUIRED PARKING	2.05/street spaces	
Driveways and Buildings 580 s.f. (53m <sup>2</sup> ) 120 s.f. (11m <sup>2</sup> ) 1312 s.f. (121m <sup>2</sup> ) 915 s.f. (85m <sup>2</sup> )	GOVERNING CODES	B.C. Building Code Classification: Group C Single Family Occupancy Part 9 Code Review Single Family Residence	
2927 s.f. (272 m <sup>2</sup> ) 6504 s.f. (595 m <sup>2</sup> ) 45.7% total	BUILDING USES	Part 9 Code Review Single Family Residence	
PROJECT LOCATION 455 Glenwood Ave. Kelowna BC	DENSITY	Single Family Residence	
LEGAL DESCRIPTION Plan 5899 Lot2	SEPARATE PERMITS	Type V Non-rated	
PROJECT DESCRIPTION	TYPE OF CONSTRUCTION	Type V Non-rated	
ZONING RU1	LOT COVERAGE	37% with addition of Carriage House	
SETBACKS 6m Front, 3m Side	HEIGHT/STORIES	15'-0" (4.5m) to Roof Midpoint	
	SOIL	Compact F#	
	SEISMIC DESIGN PARAMETERS	N/A	
	CODES	B.C. Building code Classification: Group C Single Family Occupancy Part 9 Code Review Most Current BC Building Code Energy Code Review Provided by Others	

### Procknow Carriage House

455  
 Glenwood Ave.  
 Kelowna BC

DRAWN BY: KJH

PROJECT: 17-18

ISSUE: 6/12/19  
 DATE: Drawing Issued

SCALE:

### Site Plan

# A-0

Procknow  
 Carriage  
 House

455  
 Glenwood Ave.  
 Kelowna BC

DRAWN BY: KJH  
 PROJECT: 17-18  
 FILE:  
 ISSUE DATE  
 Drawing Issued 6/12/19  
 SCALE:

Elevations

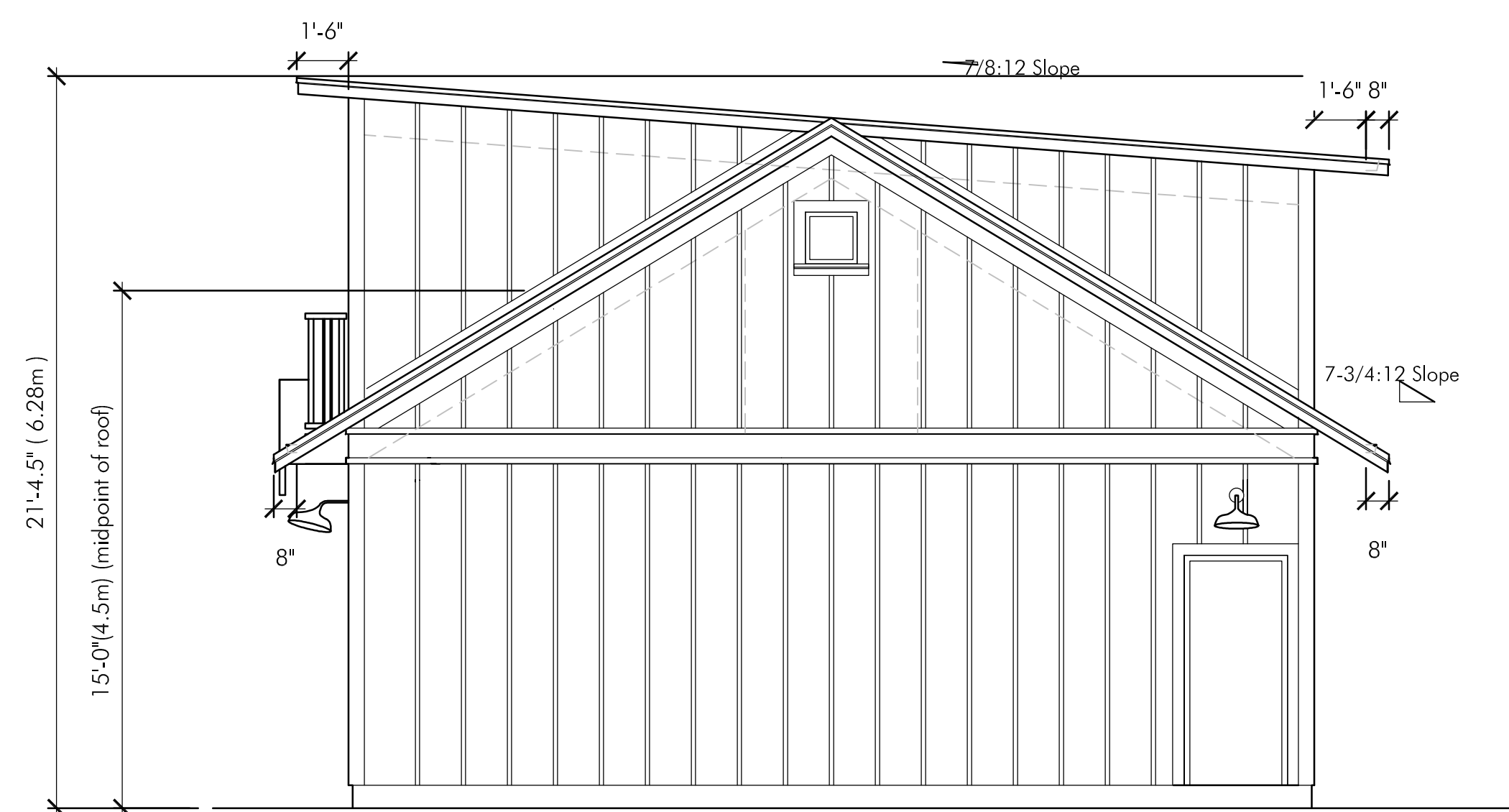
A-6



1 WEST  
 A-6 1/4"=1'-0"



2 SOUTH  
 A-6 1/4"=1'-0"



3 EAST  
 A-6 1/4"=1'-0"



4 NORTH  
 A-6 1/4"=1'-0"



**Letter of Rationale to Rezone from RU1 to RU1-C**

**455 Glenwood Avenue, Kelowna, BC**

I purchased the Glenwood home in 2018, as it represented a convenient lakeside location in a mature urban neighborhood, with the visually appealing streetscape that the Abbott-Pandosy corridor is known for.

The dwelling was built in 1959 by T.A Haugseth, with an original purpose-built basement suite, and has had multiple owners throughout its life. The ownership from circa 2002-2007 appears responsible for most of the cosmetic repairs on the house. Repairs on the property from 2007 onwards appear to be done on an as-required basis due to the tenant occupancy. When I purchased the property in 2018 the landscaping was beyond salvage, and the curb appeal from the front and back yards was displeasing. The chimney was in need of repairs or replacement.

It is my intention to rezone to RU1-C and subsequently build a carriage home on the back yard to the South. The result would be basement tenants would be moved out of the main dwelling into the rear laneway, while undertaking much-needed maintenance of the main dwelling. On November 28, 2018, the legal suite in the basement has been de-commissioned (BP # 59727 ) in accordance with the Carriage house Requirements Bulletin #14-01. The maintenance underway on the main home shall include front landscaping, front door replacement, foundation shim, and chimney replacement.

The Heritage Conservation Area Design Guidelines have identified this property as ‘vernacular cottage’ style, and the dominant style for the block is deemed ‘Mediterranean Revival’. Glenwood Avenue has a visually attractive mix of Flat-Roofed Mid Century modern revivals and Gable Roofed cottage homes.

It is my desire to build a Carriage home that would be congruent with the neighborhood carriage homes. With that in mind, I contracted Kevin Halchuk who has experience designing carriage homes. My instructions were to design a two story carriage home that matched main dwelling while meeting current guidelines, and drawing on facets of the Vernacular Cottage designation in the 1997 Heritage Guidelines Document.


No mature trees exist on the property, however I have recently planted 3, Autumn Blaze Maple trees (12’) in the front yard facing Glenwood Avenue, which are congruent with the species of trees in the neighborhood. Sod and extensive landscaping replacement will follow in the Spring of 2019.

Neighbors directly across the Street at 454 Glenwood have recently rezoned to Ru1-C and constructed a carriage home. Neighbors the North, East, and West on Glenwood were verbally supportive of the application to rezone. The general tone was that the carriage home would be a welcome addition to the neighborhood, as it would add visual value to the alleyway on the South. Immediately behind 455 Glenwood, (South facing) is the parking lot for the Emergency Room at KGH, resulting in unaffected neighboring resident views. Please give me a call for any clarification or questions.

Warm Regards,



Mark Procknow

<b>ATTACHMENT</b>	<b>C</b>
This forms part of application # Z19-0038	
Planner Initials	JR
 City of <b>Kelowna</b> DEVELOPMENT PLANNING	

# REPORT TO COUNCIL



**Date:** July 29, 2019

**RIM No.** 1250-30

**To:** Council

**From:** City Manager

**Application:** Z19-0064

**Owner:** Patrick and Hendrika Hayden

**Address:** 249 Fitzpatrick Rd

**Applicant:** Urban Options Planning & Permits

**Subject:** Rezoning Application

Existing OCP Designation: S2Res- Single/Two Unit Residential

Existing Zone: RU1- Large Lot Housing

Proposed Zone: RU1c- Large Lot Housing with Carriage House

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## **1.0 Recommendation**

THAT Rezoning Application No. Z19-0064 to amend the City of Kelowna Zoning bylaw No. 8000 by changing the zoning classification of Lot 1, Section 35, Township 26, Osoyoos Division Yale District Plan KAP55899, located at 249 Fitzpatrick Rd, Kelowna, BC from the RU1-Large Lot Housing zone to the RU1c- Large Lot Housing with Carriage House zone, be considered by Council;

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

## **2.0 Purpose**

To rezone the subject property from RU1- Large Lot Housing to RU1c-Large Lot Housing with Carriage House to facilitate the development of a carriage house.

## **3.0 Development Planning**

Development Planning Staff is supportive of the proposed rezoning application from RU1- Large Lot Housing to RU1c- Large Lot Housing with Carriage House. The application is consistent with the Future Land Use designation in the Official Community Plan and is located within the Permanent Growth Boundary. The site is serviced by City sewer and storm and is located within the Black Mountain Irrigation District.

**4.0 Proposal**

**4.1 Background**

The subject property currently has an existing accessory structure located at the rear of the property that is used as a studio. The accessory structure is proposed to be converted into a carriage house.

**4.2 Project Description**

The subject property contains an existing two-storey dwelling fronting onto Fitzpatrick Rd. A single storey detached garage is also located at the front of the property. Access to the site is provided by an existing driveway from Fitzpatrick Rd. The rezoning application will facilitate the conversion of an accessory structure located at the rear of the property into a carriage house.

**4.3 Site Context**

The subject property is in Rutland on the south side of Fitzpatrick Road. The site is located at the edge of the Permanent Growth Boundary. The neighbourhood is predominantly single-family housing with agricultural land to the north.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1- Agriculture 1	Agriculture
East	RU1- Large Lot Housing	Single Dwelling Housing
South	RU1- Large Lot Housing	Single Dwelling Housing
West	RU1- Large Lot Housing	Single Dwelling Housing

**Subject Property Map: 249 Fitzpatrick Rd**





## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 5: Development Process

Objective 5.22 Ensure context sensitive housing development

Policy .6 *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.

Policy .12 *Carriage Houses & Accessory Apartments*. Support carriage houses and accessory apartments through appropriate zoning regulations.

## 6.0 Technical Comments

### 6.1 Development Engineering Department

Development Engineering memo attached. Requirements will be fulfilled at time of Building Permit.

## 7.0 Application Chronology

Date of Application Received: May 7, 2019

Date Public Consultation Completed: June 7, 2019

**Report prepared by:** Jocelyn Black, Planner Specialist

**Reviewed by:** Laura Bentley, Urban Planning & Development Policy Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

### **Attachments:**

Attachment A: Development Engineering Memo

Attachment B: Conceptual Drawing Package

Attachment C: Applicant's Rationale



## CITY OF KELOWNA

## MEMORANDUM

**Date:** May 22, 2019  
**File No.:** Z19-0064  
**To:** Urban Planning Management (JB)  
**From:** Development Engineering Manager (JK)  
**Subject:** 249 Fitzpatrick Rd RU1 to RU1c

Development Engineering has the following comments and requirements associated with this application to rezone from RU1 to RU1c to facilitate the development of a carriage house. The servicing requirements outlined in this report will be a requirement of this development.

1. Domestic Water and Fire Protection

The property is located within the Black Mountain Irrigation District (BMID) service area. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. The developer is responsible, if necessary, to arrange with RWD staff for any service improvements.

2. Sanitary Sewer

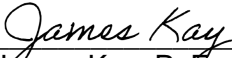
- a) Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service with an inspection chamber which is adequate for this application. A brooks box will be required to be placed on the inspection chamber.

3. Development Permit and Site Related Issues

- a) Direct the roof drains onto splash pads.  
b) Original driveway width is acceptable for this application.

4. Electric Power and Telecommunication Services

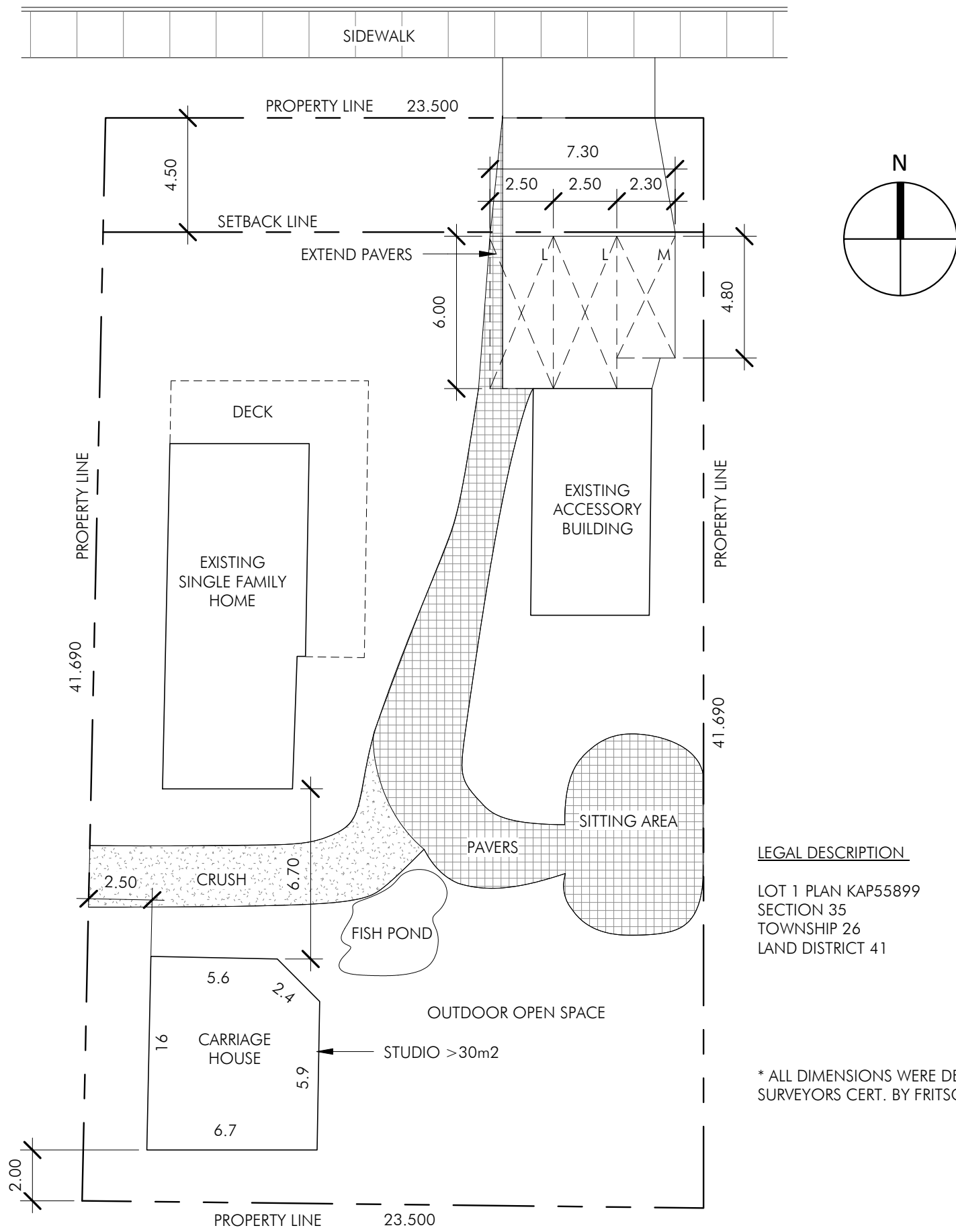
It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.

  
James Kay, P. Eng.  
Development Engineering Manager

agm



FITZPATRICK RD.



LEGAL DESCRIPTION

LOT 1 PLAN KAP55899  
SECTION 35  
TOWNSHIP 26  
LAND DISTRICT 41

\* ALL DIMENSIONS WERE DERIVED FROM SURVEYORS CERT. BY FRITSCH BCLS.

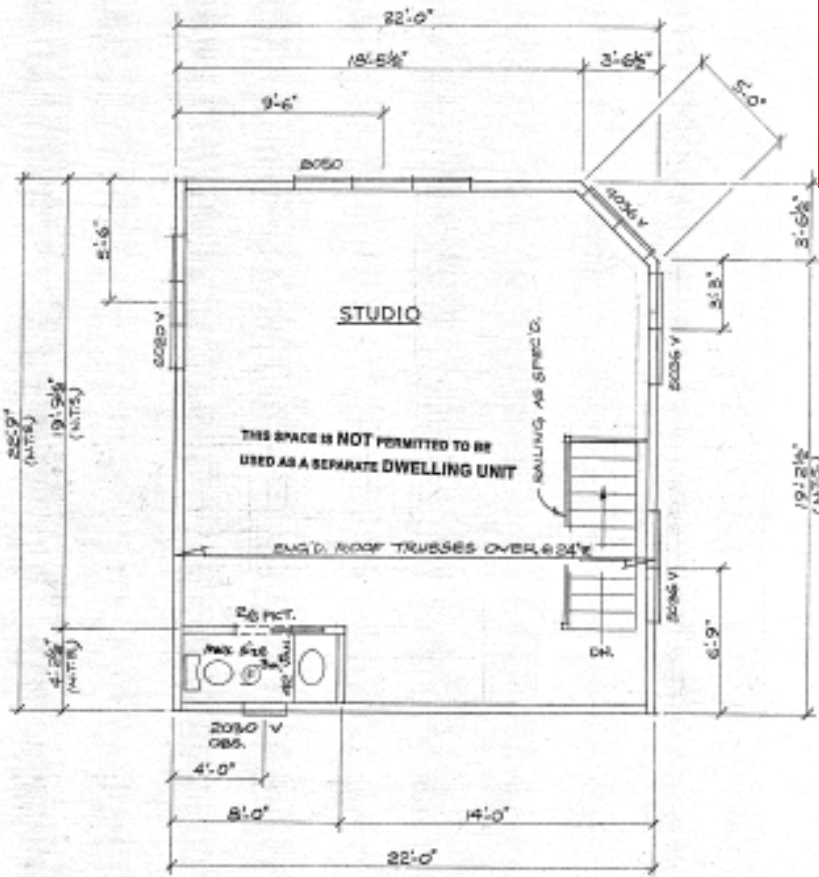
1 PLOT PLAN  
A203 SCALE - 1 : 200

DRAWING: PLOT PLAN		PROJECT NAME: 249 FITZPATRICK RD KELOWNA, B.C.		NO: 01	DATE: 20190607	ISSUE: REVIEW
FORMAT: 11" x 17"	SCALE: 1 : 200					

# ATTACHMENT B

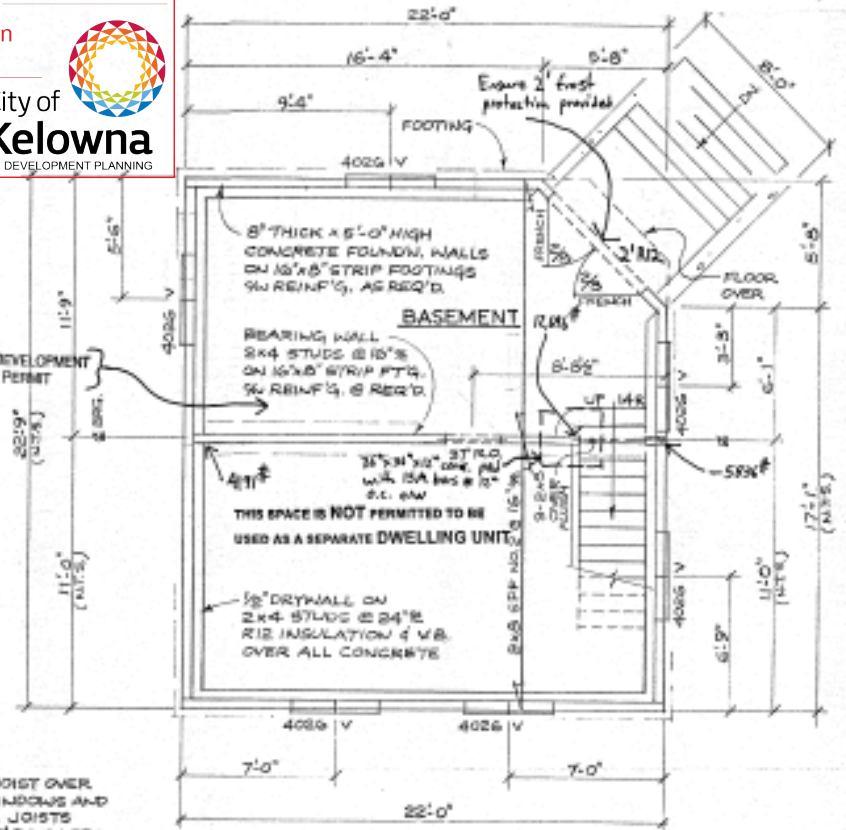
This forms part of application # Z19-0064

Planner Initials JB



MAIN FLOOR PLAN

FUTURE BASEMENT DEVELOPMENT REQUIRES SEPARATE PERMIT

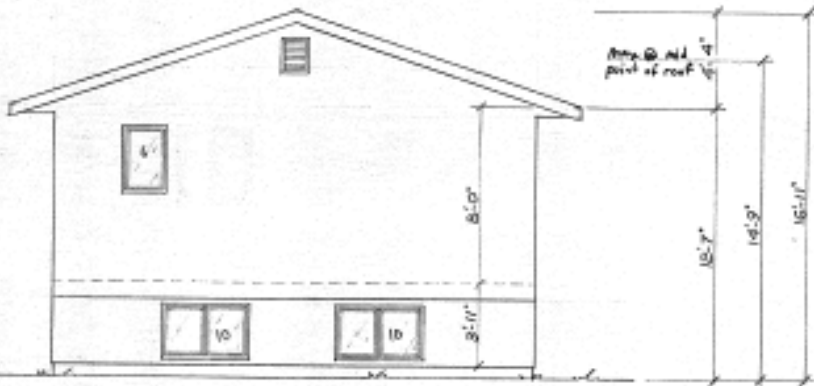


**NOTE:**  
DOUBLE RIM JOIST OVER ALL EXTERIOR WINDOWS AND HANG FLOOR JOISTS WINDOWS @ 2' DOWN FROM CEILING

BASEMENT PLAN

SCALE: 1/4" = 1'-0"

REVIEWED BY CITY OF KELOWNA INSPECTIONS SERVICES  
FORMING PART OF BUILDING PERMIT # BP4489  
THESE DRAWINGS SHALL REMAIN ON SITE AVAILABLE TO CITY BUILDING INSPECTORS  
DATE Dec 9/18 PLAN CHECKER J.F.



REAR ELEVATION



FRONT ELEVATION

T-SQUARE SIGNATURE  
REA  
ON  
JANUARY  
CITY

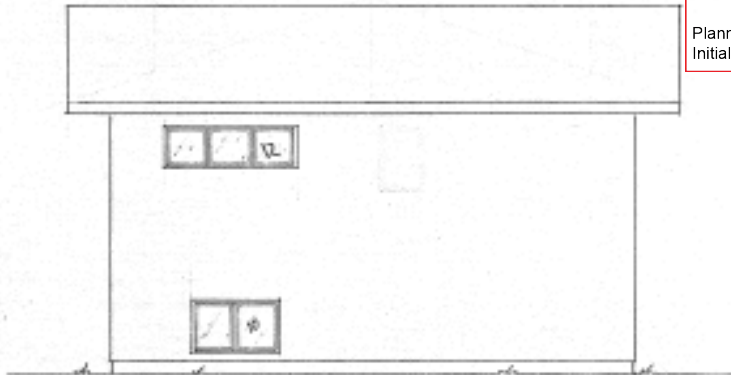
# ATTACHMENT B

This forms part of application  
# Z19-0064



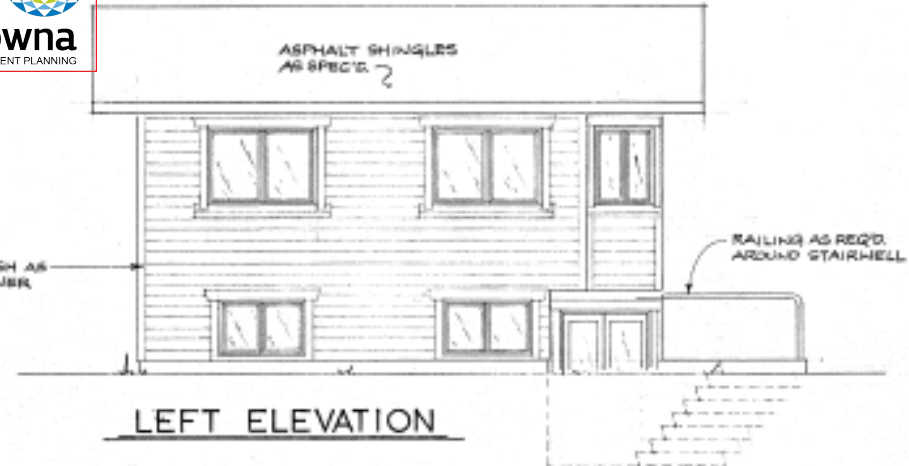
City of  
**Kelowna**  
DEVELOPMENT PLANNING

Planner Initials **JB**

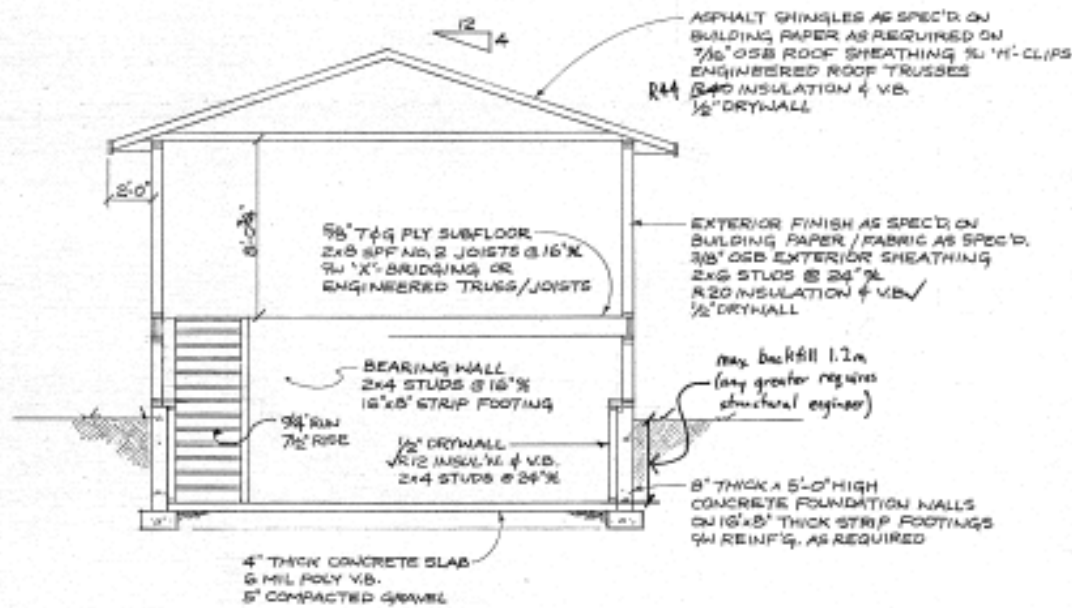


**RIGHT ELEVATION**

SCALE: 1/4" = 1'-0"

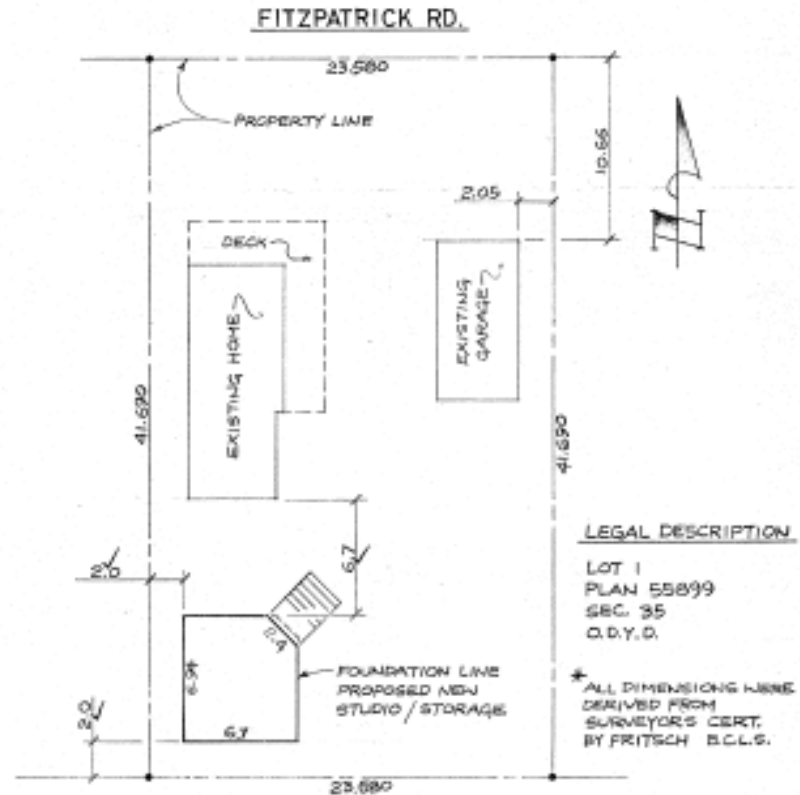


**LEFT ELEVATION**



**SECTION**

SCALE: 1/4" = 1'-0"



**PLOT PLAN**

SCALE = 1:200 (METRIC)





**ATTACHMENT** C

This forms part of application  
# Z19-0064

Planner Initials **JB**

City of Kelowna  
DEVELOPMENT PLANNING

May 7, 2018

City of Kelowna  
**Urban Planning Department**  
1435 Water Street  
Kelowna, BC

**RE: Rezoning and Development Variance Permit at 249 Fitzpatrick Road**

Dear Urban Planning Department:

We are planning to convert the existing accessory building located behind the existing dwelling into a carriage house. We are seeking to rezone the subject property to the RU1c – Large Lot Housing with Carriage House zone. The existing accessory building located near Fitzpatrick Road will be retained. The additional parking stall required for the carriage house will be provided on the east side of existing paved driveway by removing the shrubs that are currently located there.

Owing to the configuration of the existing carriage house, with the main floor being constructed over a basement that is set partially into the ground, the upper floor is approximately the same size as the lower floor. Therefore, we have applied for a Development Variance Permit to allow for the upper level floor area to be larger than the lower level floor area of the carriage house. As well, because we are keeping the existing accessory building, the total site coverage for both the carriage house and the accessory building is 102.32m<sup>2</sup>, where the zoning regulations limit this site coverage to a maximum of 90m<sup>2</sup>. However, this site coverage area is only 10.4% site coverage, where the regulation allows up to 14%.

The property also has sufficient lot area to provide useable private open space for both the carriage house and the principal dwelling. The existing principal dwelling and the accessory buildings have been recently finished with cement board materials in complementary colours. The property has several mature, well established trees, which will not be disturbed. As well, the site has been landscaped with some deck areas and established walking paths to the dwellings.

The neighbourhood is characterized by an older housing stock. The properties located on the north side of Fitzpatrick Road are located within the Agricultural Land Reserve and represents a more rural standard of development.

The Zoning Analysis is provided as a separate page to provide a ready reference for review.

We hope that you accept this proposal as I believe this carriage house conversion is a good fit for the area and will contribute to positive infill density in this area of Kelowna.

Regards

Birte Decloux for the owners, Patrick and Hendrika Hayden

# REPORT TO COUNCIL



**Date:** July 29, 2019

**RIM No.** 1250-30

**To:** Council

**From:** City Manager

**Application:** Z19-0058 **Owner:** 1094 Lawson Avenue Ltd. Inc. No. BC1176688

**Address:** 1450 Gordon Dr. & 1094 Lawson Ave. **Applicant:** New Town Services

**Subject:** Rezoning Application

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

Existing Zone: RM<sub>4</sub> – Transitional Low Density Housing &  
RU<sub>6</sub> – Two Dwelling Housing

Proposed Zone: RM<sub>5</sub> – Medium Density Multiple Housing

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## 1.0 Recommendation

THAT Rezoning Application No. Z19-0058 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 District Lot 138 ODYD Plan 3809, located at 1450 Gordon Dr., Kelowna, BC from the RU<sub>6</sub> – Two Dwelling Housing zone to the RM<sub>5</sub> – Medium Density Multiple Housing zone;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2 District Lot 138 ODYD Plan 3809, located at 1094 Lawson Ave., Kelowna, BC from the RM<sub>4</sub> – Transitional Low Density Housing zone to the RM<sub>5</sub> – Medium Density Multiple 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 Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated July 29, 2019;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the consolidation of Lots 1 & 2 District Lot 138 ODYD Plan 3809;

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

## **2.0 Purpose**

To consider a proposal to rezone the subject properties from RM<sub>4</sub> – Transitional Low Density Housing and RU6 – Two Dwelling Housing to RM<sub>5</sub> – Medium Density Multiple Housing to facilitate development of an apartment building.

## **3.0 Development Planning**

Development Planning Supports the proposed rezoning to RM<sub>5</sub> – Medium Density Multiple Housing.

To begin with, the subject properties have a Future Land Use Designation of Medium Density Multiple Unit Residential (MRM) in the Official Community Plan (OCP), which supports the proposed RM<sub>5</sub> zone. Second, the subject properties are within the Core Area of the City's Permanent Growth Boundary (PGB), and are in close proximity to both the City Centre and the Capri Landmark Urban Centres and Capri Centre itself. In addition, the site is on Gordon Dr, a major arterial and mixed-use corridor south towards Harvey Avenue, and is within 500 m of the Highway 97 transit corridor. Further, the site has good access to both pedestrian and cycling infrastructure. Finally, the site is in close proximity to numerous amenities, including Martin Park (~200 m) and has a Walk Score of 74, considered to be Very Walkable—most errands can be accomplished on foot. For all these reasons, the site is well suited to additional residential density in line with the RM<sub>5</sub> zone.

## **4.0 Proposal**

### **4.1 Background**

The subject properties currently sit vacant. 1450 Gordon Dr. was previously occupied with a single family home, while 1094 Lawson Ave. was previously used as a parking lot.

The applicant completed Neighbourhood Consultation on July 5, 2019.

### **4.2 Project Description**

The applicant proposes to rezone from RM<sub>4</sub> (1094 Lawson Ave.) and RU6 (1450 Gordon Dr.) to RM<sub>5</sub>.

The applicant has also submitted a Development Permit application for a 4.5 storey apartment building with 40 units (see Attachment "A" for the Concept Plan). The Development Permit application would be considered at a future date, should Council support the rezoning.

### **4.3 Site Context**

The subject properties are located at the northeast corner of Gordon Dr. and Lawson Ave. Single family homes are found to the north, east, and south of the site. These properties are all zoned RU6 – Two Dwelling Housing and have a Future Land Use Designation of Medium Density Multiple Unit Residential (MRM), which anticipates multiple dwelling housing up to 4.5 storeys in height.

The property to the west is zoned RU7 – Infill Housing, and a fourplex was built on the property in 2017.

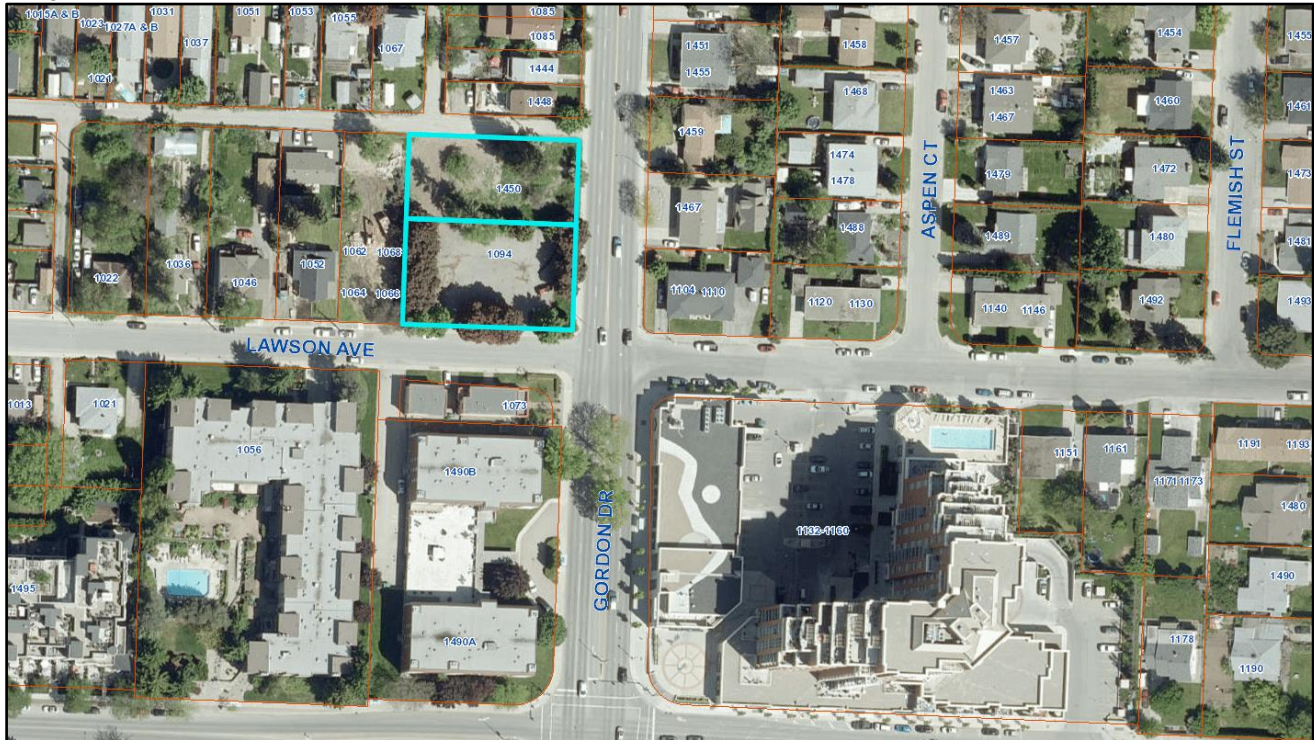
The property to the southeast is the Centuria development, zoned CD<sub>17</sub> – Mixed Use Commercial-High Density with a 16 storey, 147 unit residential tower with commercial retail units at grade.

Specifically, adjacent land uses are as follows:



Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Single Family Home
East	RU6 – Two Dwelling Housing	Single Family Home
South	RU6 – Two Dwelling Housing	Single Family Home
West	RU7 – Infill Housing	Fourplex

**Subject Property Map: 1450 Gordon Dr. & 1094 Lawson Ave.**



**5.0 Current Development Policies**

**5.1 Kelowna Official Community Plan (OCP)**

**Chapter 5: Development Process**

Objective 5.3 Focus development to designated growth areas.

Policy .2 **Compact Urban Form.** 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.

**6.0 Technical Comments**

**6.1 Development Engineering Department**

- See Schedule A.

**7.0 Application Chronology**

Date of Application Received: April 15, 2019  
Date Neighbourhood Consultation Completed: July 5, 2019

**Report prepared by:** Aaron Thibeault, Planner II

**Reviewed by:** Laura Bentley, Urban Planning & Development Policy Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

**Attachments:**

Schedule A: Development Engineering Memo

Attachment A: Conceptual Drawing Package

**CITY OF KELOWNA**

## **MEMORANDUM**

**Date:** April 23, 2019  
**File No.:** Z19-0058  
**To:** Community Planning (LK)  
**From:** Development Engineering Manager (JK)  
**Subject:** 1450 Gordon Drive & 1094 Lawson Ave RU6 to RM4

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**

- a) 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.
- b) Provide easements as may be required.

**.2) Road Dedication and Subdivision Requirements**

- a) On the Gordon Drive frontage, provide a 2.8m dedication for a future roadway allowance and to protect the existing trees along the frontage.
- b) Provide corner rounding or truncation dedication of 6m radius at Gordon Drive and Lawson Ave.
- c) Lot consolidation is required.
- d) Access to the development should be via Laneway.
- e) Laneway access to Gordon Drive should be designed to the SS-C7 standard with a continuous sidewalk at property line.

**.3) Geotechnical Study.**

- (a) 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:

- i. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- ii. Site suitability for development.
- iii. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- iv. Any special requirements for construction of roads, utilities and building structures.
- v. Recommendations for items that should be included in a Restrictive Covenant.
- vi. Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
- vii. Any items required in other sections of this document.

Additional geotechnical survey may be necessary for building foundations, etc

#### **.4) Water**

- a) The properties are located within the City of Kelowna service area. The existing lots are serviced with small-diameter water services (2). Only one service will be permitted to the development site. The applicant, at his cost, will arrange for the removal of all existing services and the installation of one new larger metered water service.
- b) The developer's consulting engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. The bylaw requirement for commercial zoning is 150l/s and is available at the site. If it is determined that upgrades to any other existing water distribution system must be made to achieve the required fire flows, additional bonding will be required.
- c) An approved backflow protection device must also be installed on site as required by the City Plumbing Regulation and Water Regulation bylaws.
- d) 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

#### **.5) Sanitary Sewer**

- a) The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal and

disconnection of the existing services (2) and the installation of one new larger service.

**.6) Drainage**

- a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the development and / or recommendations for onsite drainage containment and disposal systems.
- b) Provide a detailed Stormwater Management Plan for this development as per the Subdivision, Development and Servicing Bylaw #7900.
- c) There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.

**.7) Roads**

- a) Gordon Drive is designated an urban arterial road. At this time there are no further upgrades needed to Gordon Drive.
- b) Lawson Ave must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, sidewalk, drainage system including catch basins, manholes and pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- c) The lane way is designated to be constructed to a cross section of SS-R2. Storm drainage system will be required for this laneway. Laneway access to Gordon Drive should be designed to the SS-C7 standard with a continuous sidewalk at property line.
- d) Provide a Street Sign, Markings and Traffic Control Devices design drawing for review and costing.
- e) Landscaped boulevards, complete with underground irrigation design drawing as per bylaw, is required on Lawson Ave

**.9) Power and Telecommunication Services and Street Lights**

- 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.
- b) Streetlights must be installed on all roads.
- 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).



**.10) 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 Development Engineering 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.

**.11) Other Engineering Comments**

- a) 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.
- b) 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.

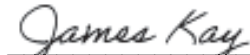
**.12) Servicing Agreements for Works and Services**

- b) 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.
- c) 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 named on the insurance policy as an additional insured.

**.13) Charges and Fees**

- a) Development Cost Charges (DCC's) are payable
- b) Fees per the "Development Application Fees Bylaw" include:

- i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
- ii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
- iii) Engineering and Inspection Fee: 3.5% of construction value (plus GST).

  
\_\_\_\_\_  
James Kay, P.Eng.  
Development Engineering Manager

JA

## Proposal for Rezoning & Development Permit

1094 Lawson Avenue & 1450 Gordon Drive, Kelowna BC

### Introduction

This application is for re-zoning and development permit to accommodate a 40 unit condominium development for 1094 Lawson Avenue & 1450 Gordon Drive. This infill project is characterized by Okanagan Modern styling celebrating generous open living space with bright interiors and outdoor space on large decks.

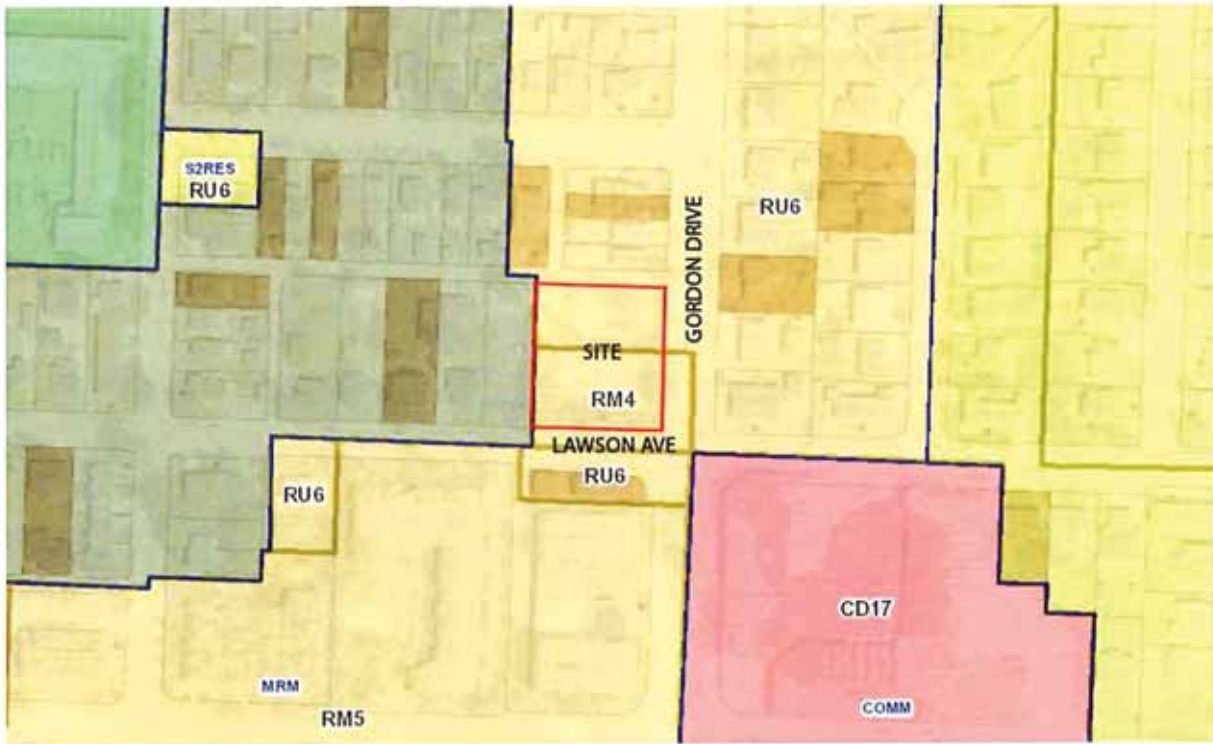


Gordon Drive View – main entrance

### Site Context

The subject site consists of two lots - 0.15ha (0.369 acre) & 0.12ha (0.295acre) which are situated on the corner of Lawson Ave and Gordon Drive. This part of Kelowna is in line with a general Future Land use intent for Multiple Residential Medium density. The properties are presently zoned RU6, Single-Family Residential and RM4, Multi-Family Residential. Both parcels lie vacant and undeveloped. This application requests to amend the zoning to RM5, Multiple Unit Residential (Medium Density).





Site Context Source: Kelowna City Map

## Overview, Form and Character

This application is to rezone the property to RM5, Medium Density Multiple Housing and undertake a Development Permit to facilitate the construction of 40 units of apartment housing on a parkade. The units in this development include 12 two bedroom units with den, 16 one bedroom units with den, 4 one bedroom units and 8 studios.

This proposal offers a significant landmark design at a prominent intersection that celebrates the corner while addressing a low scale interface to the pedestrian realm. The building design is Okanagan contemporary in nature, with many articulations in physical massing, color and material textures. Cladding will be a mixture of high quality textured fiber cement and various colors/profiles of metal panels. These will help form a durable and fire resistant façade that creates an attractive interface to the pedestrian realm.



## Landscape Treatment

The landscape treatment is focused on preserving the existing boulevard trees, bringing shared communal space into the development, buffering the side lot with trees and shrubs and screening the ½ storey parkade wall from the public view.





Landscape Plan of Site



View from Intersection – Note the Boulevard trees to be Retained.

## Summary

The proposed development is consistent with the City's OCP and general goal of increasing density within downtown areas. The Development Permit Application includes **no variances**. It would add 40 units and locate its residents within walking/biking distance of schools, shopping, and services. The redevelopment of this underutilized site adds many new homes close to urban amenities. The applicant kindly seeks support from Staff and Council for this application.



### Very Walkable

Most errands can be accomplished on foot.



### Bikeable