

# City of Kelowna

## Public Hearing

### AGENDA



Tuesday, August 25, 2020  
6:00 pm  
Council Chamber  
City Hall, 1435 Water Street

Pages

1. Due to COVID-19 a Public Hearing Agenda will also include Regular Council Meeting Items
2. Call to Order the Public Hearing - START TIME - 6:00 pm - Lawson Ave 1021 - Z20-0041 (BL12065) - Susan D. Glendinning

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-video feed is being broadcast and recorded on kelowna.ca.

In accordance with Order of the Provincial Health Officer on Gatherings and Events, the City is required to collect the first and last name and telephone number or email address of everyone attending a Council meeting. Thank you for your co-operation.

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

3. Individual Bylaw Submissions

**3.1 START TIME - 6:00 PM - Lawson Ave 1021 - Z20-0041 (BL12065) - Susan D. Glendinning**

7 - 36

To consider an application to rezone the subject property from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone to facilitate an apartment building.

**4. Termination**

**5. Call to Order the Regular Meeting**

**6. Bylaws Considered at Public Hearing**

**6.1 START TIME 6:00 PM - Lawson Ave 1021 - BL12065 (Z20-0041) - Susan D. Glendinning**

37 - 37

To give Bylaw No. 12065 second and third reading in order to rezone the subject property from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone to facilitate an apartment building.

**7. Termination**

**8. Call to Order the Public Hearing - START TIME - 6:40 pm - Park Ave. 374, Z20-0039 (BL12087) - Kevin L. Fierbach and Jacqueline A. Fierbach**

THE CHAIR WILL CALL THE HEARING TO ORDER:

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.

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**9. Individual Bylaw Submissions**

**9.1 START TIME 6:40 PM - Park Ave. 374, Z20-0039 (BL12087) - Kevin L. Fierbach and Jacqueline A. Fierbach**

38 - 69

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to facilitate the development of a second single family home and detached garage.

**10. Termination**

**11. Call to Order the Regular Meeting**

**12. Bylaws Considered at a Public Hearing**

**12.1 START TIME 6:40 PM - Park Ave. 374, BL12087 (Z20-0039) - Kevin L. Fierbach and Jacqueline A. Fierbach**

70 - 70

To give Bylaw No. 12087 second and third reading in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to facilitate the development of a second single family home and detached garage.

**13. Termination**

**14. Call to Order the Public Hearing - START TIME - 7:30PM - Mugford Rd 595 - Z19-0143 (BL12088) - Corey Knorr Construction Ltd., Inc. No. BCo380398**

THE CHAIR WILL CALL THE HEARING TO ORDER:

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.

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

**15. Individual Bylaw Submissions**

**15.1 START TIME - 7:30 PM - Mugford Rd 595 - Z19-0143 (BL12088) - Corey Knorr Construction Ltd., Inc. No. BCo380398**

71 - 91

To consider an application to rezone the subject property from the RU1 – Large Lot

Housing zone to the RU2 – Medium Lot Housing zone to facilitate a future 2-lot subdivision.

**16. Termination**

**17. Call to Order the Regular Meeting**

**18. Bylaws Considered at Public Hearing**

**18.1 START TIME - 7:30 PM - Mugford Rd 595 - BL12088 (Z19-0143) - Corey Knorr Construction Ltd., Inc. No. BC0380398**

92 - 92

To give Bylaw No. 12088 second and third reading in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone to facilitate a future 2-lot subdivision.

**19. Termination**

**20. Call to Order the Public Hearing - START TIME - 7:45 PM - Summit Dr 1920-1936, TA20-0018 (BL12089) - Summit Real Estate Holdings Ltd., Inc.No. BC1098449**

THE CHAIR WILL CALL THE HEARING TO ORDER:

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-video feed is being broadcast and recorded on kelowna.ca.

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

**21. Individual Bylaw Submissions**

**21.1 START TIME - 7:45 PM - Summit Dr 1920-1936, TA20-0018 (BL12089) - Summit Real Estate Holdings Ltd., Inc.No. BC1098449**

93 - 108

To amend the Zoning Bylaw by removing the maximum Gross Floor Area for Retail Liquor Sales, removing the limit on the number of Retail Liquor Sales businesses, and addressing how the Retail Cannabis Sales subzone was created within Area 2 of



the CD3 zone.

**22. Termination**

**23. Call to Order the Regular Meeting**

**24. Bylaws Considered at a Public Hearing**

**24.1 START TIME - 7:45 PM - Summit Dr 1920-1936, BL12089 (TA20-0018) - Summit Real Estate Holdings Ltd., Inc.No. BC1098449** 109 - 110

To give Bylaw No. 12089 second and third reading and be adopted in order to amend the Zoning Bylaw by removing the maximum Gross Floor Area for Retail Liquor Sales, removing the limit on the number of Retail Liquor Sales businesses, and addressing how the Retail Cannabis Sales subzone was created within Area 2 of the CD3 zone.

**25. Confirmation of Minutes** 111 - 119

Public Hearing - August 11, 2020  
Regular Meeting - August 11, 2020

**26. Reminders**

**27. Termination**

**28. 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:** August 10, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning Department

**Application:** Z20-0041      **Owner:** Susan Dorothy Glendinning

**Address:** 1021 Lawson Ave      **Applicant:** BlueGreen Architecture Inc.

**Subject:** Rezoning Application

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

**Existing Zone:** RU6 – Two Dwelling Housing

**Proposed Zone:** RM5 – Medium Density Multiple Housing

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## 1.0 Recommendation

That Rezoning Application No. Z20-0041 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, District Lot 138, ODYD, Plan 5065, located at 1021 Lawson Ave, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM5 – 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 August 10<sup>th</sup> 2020;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure;

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 property.

## 2.0 Purpose

To consider an application to rezone the subject property from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone to facilitate an apartment building.

### 3.0 Development Planning

The subject property is located between the downtown Urban Centre and the Capri-Landmark Urban Centre within close proximity to the Bernard Avenue corridor. The subject property is within close proximity to services, employments, and nearby amenities including parks, restaurants, and shops. The property is also close to the Ethel Street Active Transportation corridor providing good cycling connectivity to various core destinations. The properties' Walk Score is 72 (Very Walkable – most errands can be accomplished on foot).

The application is a rezoning to the RM5 – Medium Density Multiple Housing in order to facilitate the construction of a proposed four floor apartment building with half sunk parkade. The zone and the proposed land use are consistent with the Official Community Plan future land use designation of MRM – Multiple Unit Residential (Medium Density). Staff are recommending support for the proposed rezoning.

### 4.0 Proposal

#### 4.1 Project Description

There is an existing single-family dwelling on the lot which is proposed to be demolished. The applicant is proposing a construction of a new apartment building. The proposal contains four floors with a parkade sunk halfway into the ground.

Staff are currently tracking five variances proposed for the initial application. The first three variances are related to setbacks and the last two variances are related to parking stall sizes. Should the land use be supported by Council, Staff will bring forth a Council report for the Development Permit and Development Variance Permit detailing the form and character conformance to the design guidelines with analysis on the proposed variances.

#### 4.2 Site Context

The subject property is located between two urban centres: Capri-Landmark to the South-East and the City Centre to the West. The surrounding area is mixed between apartment buildings and RU7 lots with existing single-family dwellings. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU7 - Infill Housing	Single / Two Unit Residential
East	RM5 – Medium Density Multiple Housing	Medium Density Residential
South	RM5 – Medium Density Multiple Housing	Medium Density Residential
West	RU7 - Infill Housing	Single / Two Unit Residential

**Subject Property Map: 1021 Lawson Ave****5.0 Current Development Policies****5.1 Kelowna Official Community Plan (OCP)**

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

Complete Communities. Support the development of complete communities with a minimum intensity of approximately 35-40 people and/or jobs per hectare to support basic transit service – a bus every 30 minutes. (approx. 114 people / hectare proposed).

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 5.9. Support the creation of affordable and safe rental, non-market and / or special needs housing.

Objective 5.10. Ensure opportunities are available for greater use of active transportation and transit to: improve community health; reduce greenhouse gas emissions; and increase resilience in the face of higher energy prices.

Objective 5.11. Support parking management programs that promote reduced vehicle ownerships, reduced vehicle trips and increased use of active modes of transportation.

Objective 5.18. Ensure efficient land use.

Objective 5.19. Ensure development is compatible with surrounding land uses.

## **6.0 Technical Comments**

### **6.1 Development Engineering Department**

6.1.1 See Attachment 'B', memorandum dated May 20, 2020

### **6.2 Ministry of Transportation**

6.2.1 No objection to proposal.

## **7.0 Application Chronology**

Date of Application Received: May 13, 2020

Date Public Consultation Completed: June 15, 2020

**Report prepared by:** Adam Cseke, Planning Specialist

**Reviewed by:** Terry Barton, Development Planning Department Manager

**Approved by:** Ryan Smith, Divisional Director, Planning and Development Services

### **Attachments:**

Schedule A: Development Engineering Memo

Attachment 'B': Conceptual Drawing Package

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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** May 20, 2020  
**File No.:** Z20-0041  
**To:** Community Planning (AC)  
**From:** Development Engineering Manager (JK)  
**Subject:** 1021 Lawson Ave



RU6 to RM5

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The Development Engineering Department has the following comments and requirements associated with this rezoning 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 Ryan O'Sullivan

### 1. Domestic Water and Fire Protection

- a) Property 1021 Lawson Ave is currently serviced with a 13mm-diameter water service. The developer's consulting mechanical engineer will determine the domestic, fire protection requirements of this proposed development and establish hydrant requirements and service needs. The applicant will arrange for the removal and disconnection of the existing services and the installation of one new larger service at the applicants cost.
- b) A water meter is mandatory for this development and must be installed inside the 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. Boulevard landscaping, complete with underground irrigation system, must be integrated with the on-site irrigation system
- c) 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

Our records indicate that these properties are currently serviced with a 100mm-diameter sanitary sewer service. The applicant's consulting mechanical engineer will determine the requirements of the proposed development and establish the service needs. Only one service will be permitted for this development. If required, the applicant will arrange for the removal and disconnection of the existing service and the installation of one new larger service at the applicants cost.

<b>SCHEDULE</b>		<b>A</b>
This forms part of application # Z20-0041		
Planner Initials	AC	 City of <b>Kelowna</b> DEVELOPMENT PLANNING

### 3. **Storm Drainage**

The developer must engage a consulting civil engineer to provide a storm water management plan for this site 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

### 4. **Road Improvements**

- (a) Lawson Ave has been upgraded to a urban standard however, the existing driveway let-down will need to be removed and new Curb, Gutter and sidewalk and BLVD will be constructed. Due to the likelihood of larger services for this development, the entire sidewalk fronting this development will need to be re-constructed.
- (b) The Laneway fronting this development will need to be constructed to a SS-C7 standard.

### 4. **Road Dedication and Subdivision Requirements**

- (a) Grant Statutory Rights of Way if required for utility services.
- (b) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, TELUS, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.
- (c) 2.0m dedication to road right of way will be required on Lawson Ave
- (d) Laneway dedication is needed for this development. Due to safety reasons and access issue to this property, a minimum of 1.0m will need to be dedicated as laneway right-of-way.


### 5. **Development Permit and Site Related Issues**

- a) Direct the roof drains into on-site rock pits or splash pads.
- b) The vehicle access to this site must be from a fully constructed 6.0m laneway. City of Kelowna will not allow access to Lawson Ave for this development.

### 6. **Electric Power and Telecommunication Services**

The electrical and telecommunication services to this building must be installed in an underground duct system, and the building must be connected by an underground service. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.



<b>SCHEDULE</b>		<b>A</b>
This forms part of application # Z20-0041		
Planner Initials	AC	 City of <b>Kelowna</b> DEVELOPMENT PLANNING

## **7. 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.

## **8. Servicing Agreement 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 named on the insurance policy as an additional insured.

## **9. 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).

## **9. Survey, Monument 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.


## 10. 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.

## 11. Bonding and Levy Summary

- (a) Bonding
  - (i) Offsite improvements **TBD**

  
 James Kay, P. Eng.  
 Development Engineering Manager  
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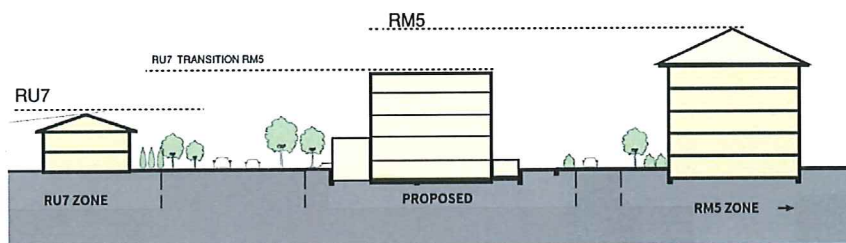
<b>SCHEDULE</b>		<b>A</b>
This forms part of application		
# Z20-0041		
Planner Initials	AC	 <b>City of Kelowna</b> <small>DEVELOPMENT PLANNING</small>



## 1.0 PROJECT DESCRIPTION

• The building site is located in the Cities Eastern End, close to the corner of Gordon Drive and Bernard Ave, both major traffic arteries. The site is flanked by adjacent existing single family homes to either side and to the rear. The project will be a Modern esthetic, multi-level apartment style building form. The units will be creatively expressed within the main structure, evoking a sense of class and style found in the upscale neighborhoods of many large North American cities. The layouts, features, and quality materials will define these units apart as being a positive contribution to the neighbourhood streetscape. The building is four stories in height with a low level parkade floor that is set lower into the ground 3'-3" (1.2m), while remaining above the high-water table designated by soils. Construction will consist of one floor of concrete construction for the parkade podium with wood-frame above, and will use finish materials and construction techniques appropriate to an upper-end residential offering. The proposed gross floor area is 13,393 sq. ft. which consists of approximately 9,875 sq. ft. gross living area making up the 16 units. The remaining 9,764 sq. ft. is for the basement parkade level to provide private storage and ancillary space. The required parking is satisfied by 18 private parking stalls (1 per unit and 2 visitor) in the parkade. Space has also been provided for class 1 bonus bicycle parking and refuse bins located within the property. The project has an abundance of space on the podium that provides extensive landscaped open space. This will be used for private yard space for all the units. The circulation and surrounding green space garden planting areas will encourage outdoor social interaction.

Our project proposes to address the transition from RU7 developments on the North side of Lawson Avenue to RM5 & the MRM (Multiple Unit Residential (Medium Density) designation for the South & East side of the property, extending East to Gordon Drive. The OCP is supportive of rezoning the block between Lawson Avenue and Bernard Avenue which is essentially RM5. This permits a floor area ratio of up to 1.2 and building heights of up to 4.5 storeys. This project manages the challenge of an abrupt change in building form and character from RU7 to RM5. The lane to the West of the site helps soften the transition to the higher density RM5. Set Back to the rear yard and side yard variance set backs allow the building form and character to adjust in a way that acknowledges the existing built form context and allows the intent of to RM5 zoning bylaw to be met while maximizing the opportunity for architectural quality.



With pedestrian friendly ground-oriented units placed along Lawson Avenue the project also responds to the surrounding houses character, as well as any future projects that the RU7 zoning allows and encourages.

Beyond the benefits of the improved streetscape, the ground-oriented units form was designed to appeal to a local demographic that is under served with housing options. The majority of options in the Central City area are either older, traditional single detached homes or older condo developments.

It's our hope that this project will set precedent for future development along Gordon Street to continue this transitional format of housing.

## VARIANCES REQUESTED

In addition to the proposed zoning change the following variances from the RM5 zoning are required to accommodate the format envisioned:

### VARIANCES:

1. Parcel Size: 1400sm required/843sm proposed.
2. Parcel Width: 30m required/22.9m proposed.
3. Rear yard requirements for the parkade, building areas (BA) under 2.5 storeys and areas over 2.5 storeys are all exceeded.
4. East Side Yard for BA under 2.5 storeys and over 2.5 storeys.
5. West Side Yard for BA over 2.5 Storey.
6. Parking ratio. See table on A2.0.
7. Parking – Accessible Van Stall. See table on A2.0.

Site Coverage: The RM5 zone permits an increase in FAR from 1.1 to 1.2 if all parking is screened from view. This project provides all the required parking within a below grade parking structure screened from view. The parking structure projects above the natural grade by a half storey, similar to the basement of the single-family homes in the area. This allows the building to present a 1 ½ storey façade to the street, with the required setback to the second, third and fourth floor breaking up the building mass. This creates a gentle transition from the two storey massing of the RU7 zone across the street and provides a pedestrian friendly interface. The parking access ramp, utility, and refuse areas at the rear of the building will be similar to that of any future RM5 development.

Utilizing the area of the parkade podium for greenspace provides ample opportunity for soft landscaping. The growing medium for the grass and planters will retain significant amounts of rainwater, and once saturated, the potential of on-site storage tanks will further reduce the infiltration rate into municipal storm drains. Extensive exterior flatwork (drive lanes, sidewalks) will be of permeable construction to accelerate absorption into the natural grade and further softens the landscape.

The alternating rhythm of the third-floor terraces allows more natural light to reach the interiors of the units.

The rear yard is primarily service oriented, providing access to the parkade, access to refuse, and bicycle parking. Our proposed setback takes the distance that's usually intended as a minimum rear yard and shifts it to the greenspaces to provide a more desirable outdoor living space.

Having the rear windows and decks looking over the greenspace has the benefits of additional resident safety and security. The immediate presence and visibility from windows will help discourage undesirable behaviour.

### SITE and parking ACCESS

All of the project parking is located under the building in a covered and secured parkade. The parkade is accessed by ramp located off the side lane. There is one accessible parking stall located in the underground parkade. Access from the private garage to the building is facilitated by the elevator and central stair core.

Access to the electrical/mechanical room and refuse and bicycle areas are provided off the rear lane.

[www.bluegreenarchitecture.com](http://www.bluegreenarchitecture.com)



The front facade along Lawson Avenue has ground oriented access to the street similar to other recently built developments. All residences have access to the back communal greenspace, which is accessed through a handicapped accessible zone or the amenity room located in the building off the lobby.

## 2.0 URBAN CONNECTIVITY

The project is located within close proximity to Downtown and the Clement Cultural District, allowing pedestrians and cyclists easy access to all the shopping, recreational opportunities and cultural events without the need to take a vehicle. Bernard Avenue is always going to be a major Corridor for pedestrian, cycling & automobiles to downtown and to the east end of the City. Transit is available on Bernard and on Gordon. When going further from the immediate area, and a car is the only option, Bernard Ave & Gordon street offer excellent connectivity to the rest of the City and the region.

## 3.0 SUSTAINABILITY

The use of naturally sourced materials is used to a large extent, and thereby reduces the carbon foot print as much as possible. Envelope details that prevent water and moisture ingress while still allowing the assemblies to dry are being incorporated. Minimizing thermal bridging combined with appropriate continuous insulation will reduce heating and cooling loads. South and west facing windows will be specified to have appropriate shading and glazing coefficients to utilize the summer sun by blocking the heat while still allowing the winter sun to penetrate, reducing cooling and heating loads in the summer and winter seasons respectively. Providing windows in all of the occupied spaces allows natural day lighting and views reducing energy consumption required for illumination. Operable windows on opposite sides allow for cross ventilation and give residents the option to naturally ventilate the units reducing the demand for mechanical ventilation to provide fresh air.

Other sustainable measures will include drought resistant landscaping and a geo-exchange system for internal climate management. Eco-friendly waste receptacles and electric charging stations will be incorporated into the parking structure and lane development.

## 4.0 CRIME PREVENTION

The intentions of CPTED have been addressed with well-maintained entrances and frontages that promote pride in ownership amongst the residents, and with the reduced setback increasing the buildings presence. The sight lines of the occupants from decks and windows will discourage vandalism and crime.

Site lighting along Lawson Avenue, the side lane, and pathways will be balanced to provide enough illumination to ensure there are no high contrast areas that could conceal potential offenders, but not so much that the site is excessively contributing to local light pollution.

## 5.0 LANDSCAPING

The Owner has selected Outland Design Landscape Architecture to create an interesting and aesthetically pleasing landscape solution that responds to the architectural style of the project. This will also compliment the character of the surrounding neighborhood. A number of annual and perennial shrubs have been selected for along the planters throughout the site, and in special groupings in the courtyard.

Trees will be planted in the front and rear yards, and also in the greenspaces. Given enough time to mature, the trees will help the project blend with the existing neighbourhoods numerous established and mature trees lining Lawson Avenue and in back yards.



The landscape concept for the setback areas, will provide a visually exciting and high volume of green space. If viewed from above, there would appear to be significantly more "green" than building.

## 6.0 SUMMARY

Bluegreen Architectures design team feel that the combination of a modern design esthetic coupled with pedestrian friendly landscape features and contemporary building materials will provide for a very functional and highly desirable residential neighbourhood project.

By bridging the RU7 zone on Lawson Avenue and the future RM5 zone that's supported by OCP with appropriate transitional massing, it's our intent that this project will set precedent for future development in the area to follow a similar form.

We look forward to your support for all this project brings to our community, and this unique opportunity to create a bridge between RU7 or RM5 zones.

Respectfully submitted,

**Signature**

**Mark Aquilon**, Architect AIBC,  
Associate, M.Arch., B.A. BEC  
BLUEGREEN ARCHITECTURE INC  
[www.bluegreenarchitecture.com](http://www.bluegreenarchitecture.com)  
100 – 1353 Ellis Street, Kelowna, BC V1Y 1Z9  
P - 236.420.3550 ex 211

<b>ATTACHMENT</b>		<b>B</b>
This forms part of application		
# Z20-0041		
Planner Initials	AC	 City of <b>Kelowna</b> DEVELOPMENT PLANNING

April 13, 2020

**1021 Lawson Avenue**  
C/o BlueGreen Architecture  
#100-1353 Ellis Street  
Kelowna, BC V1Y 1Z9  
Attn: Aaron Whalen, Building Designer  
Tel: (236) 420-3550 ex. 204  
Email: awhalen@bluegreenarch.com



**Re: 1021 Lawson Avenue – Preliminary Cost Estimate for Bonding**

Dear Aaron:

Please be advised of the following preliminary cost estimate for bonding of the proposed landscape works shown in the 1021 Lawson Avenue conceptual landscape plan dated 20.04.13;

- On-site Improvements: 238 square metres (2,562 square feet) = \$38,530.50
- Off-site Improvements: 11 square metres (118 square feet) of = \$1,079.00

This preliminary cost estimate is inclusive of hardscapes, site furnishings, trees, shrubs, turf, mulch, topsoil & irrigation.

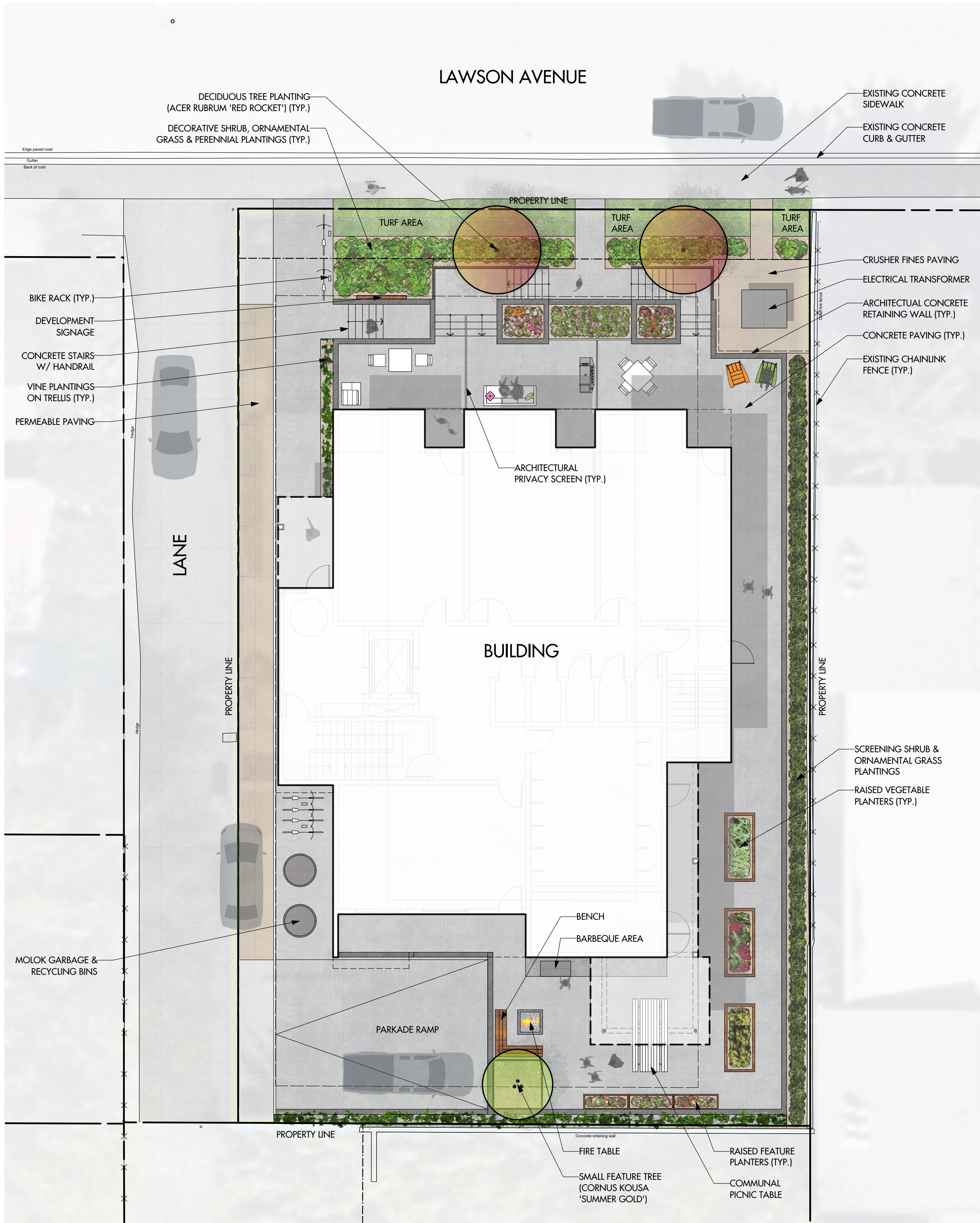
You will be required to submit a performance bond to the City of Kelowna in the amount of 125% of the preliminary cost estimate. Please do not hesitate to contact me with any questions about the landscape plan.

Best regards,



Fiona Barton, MBCSLA, CSLA  
*as per*  
Outland Design Landscape Architecture





ATTACHMENT B

This forms part of application

# Z20-0041

Planner Initials AC

City of Kelowna  
DEVELOPMENT PLANNING

NOTES

1. PLANT MATERIAL AND CONSTRUCTION METHODS SHALL MEET OR EXCEED CNLA STANDARDS.
2. ALL OFFSITE LANDSCAPE WORKS TO MEET CITY OF KELOWNA BYLAW 7900 STANDARDS.
3. ALL SOFT LANDSCAPE AREAS SHALL BE WATERED BY A FULLY AUTOMATIC TIMED UNDERGROUND IRRIGATION SYSTEM.
4. TREE AND SHRUB BEDS TO BE DRESSED IN A MINIMUM 50mm DEPTH MOUNTAIN ASH ROCK MULCH, AS SHOWN IN PLANS. DO NOT PLACE WEED MAT UNDERNEATH TREE AND SHRUB BEDS.
5. TREE AND SHRUB BEDS TO RECEIVE A MINIMUM 300mm DEPTH TOPSOIL PLACEMENT.
6. TURF AREAS FROM SOD SHALL BE NO. 1 GRADE GROWN FROM CERTIFIED SEED OF IMPROVED CULTIVARS REGISTERED FOR SALE IN B.C. AND SHALL BE TOLERANT OF DROUGHT CONDITIONS. A MINIMUM OF 150mm DEPTH OF GROWING MEDIUM IS REQUIRED BENEATH TURF AREAS. TURF AREAS SHALL MEET EXISTING GRADES AND HARD SURFACES FLUSH.
7. SITE GRADING AND DRAINAGE WILL ENSURE THAT ALL STRUCTURES HAVE POSITIVE DRAINAGE, AND THAT NO WATER OR LOOSE IMPEDIMENTS WILL BE DISCHARGED FROM THE LOT ONTO ADJACENT PUBLIC, COMMON, OR PRIVATE PROPERTIES.

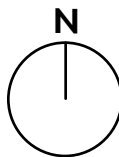
PLANT LIST

BOTANICAL NAME	COMMON NAME	QTY	SIZE/SPACING & REMARKS
<strong>TREES</strong>			
ACER RUBRUM 'RED ROCKET'	RED ROCKET MAPLE	2	6cm CAL.
CORNUS KOUSA 'SUMMER GOLD'	SUMMER GOLD DOGWOOD	1	6cm CAL.
<strong>SHRUBS</strong>			
HYDRANGEA SERRATA 'TUFF STUFF AH-HA'	REBLOOMING MOUNTAIN HYDRANGEA	5	#02 CONT. /1.5M O.C. SPACING
JUNIPERUS VIRGINIANA 'BLUE ARROW'	BLUE ARROW JUNIPER	8	MIN. 1.5m HT./1.2M O.C. SPACING
PICEA ABIES NIDIFORMIS	NEST SPRUCE	2	#02 CONT. /2.0M O.C. SPACING
SPIREA BULMALDA 'ANTHONY WATERER'	ANTHONY WATERER SPIREA	5	#02 CONT. /1.5M O.C. SPACING
<strong>PERENNIALS, GRASSES &amp; VINES</strong>			
ATHYRIUM FILIX-FEMINA	LADY FERN	6	#01 CONT. /1.2M O.C. SPACING
CALAMAGROSTIS ACUTIFLORA 'KARL FOERSTER'	FOERSTER'S FEATHER REED GRASS	6	#01 CONT. /1.2M O.C. SPACING
CLEMATIS JACKMANII	JACKMAN'S CLEMATIS	12	#01 CONT. /2.0M O.C. SPACING
COREOPSIS VERTICILLATA 'MOONBEAM'	MOONBEAM THREADLEAF COREOPSIS	4	#01 CONT. /1.0M O.C. SPACING
EUPATORIUM DUBIUM 'LITTLE JOE'	LITTLE JOE DWARF JOE PYE	4	#01 CONT. /1.8M O.C. SPACING
LAVANDULA ANGUSTIFOLIA 'HIDECOTE'	HIDECOTE ENGUSH LAVENDER	5	#01 CONT. /1.0M O.C. SPACING
SCHIZACHYRIUM SCOPARIUM 'THE BLUES'	LITTLE BLUESTEM	4	#01 CONT. /1.5M O.C. SPACING



OUTLAND DESIGN  
LANDSCAPE ARCHITECTURE

303 - 590 KLO Road  
Kelowna, BC V1Y 7S2  
T (250) 868-9270  
www.outlanddesign.ca



PROJECT TITLE

1021 LAWSON AVENUE

Kelowna, BC

DRAWING TITLE

CONCEPTUAL LANDSCAPE  
PLAN

ISSUED FOR / REVISION

1	20.03.31	Review
2	20.04.13	Development Permit
3		
4		
5		

PROJECT NO. 20035

DESIGN BY KM

DRAWN BY KM

CHECKED BY FB

DATE APR. 13, 2020

SCALE 1:100

PAGE SIZE 24"x36"

SEAL



DRAWING NUMBER

L1/2

ISSUED FOR REVIEW ONLY  
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# Lawson Avenue

MATERIAL BOARD

April. 15 2020



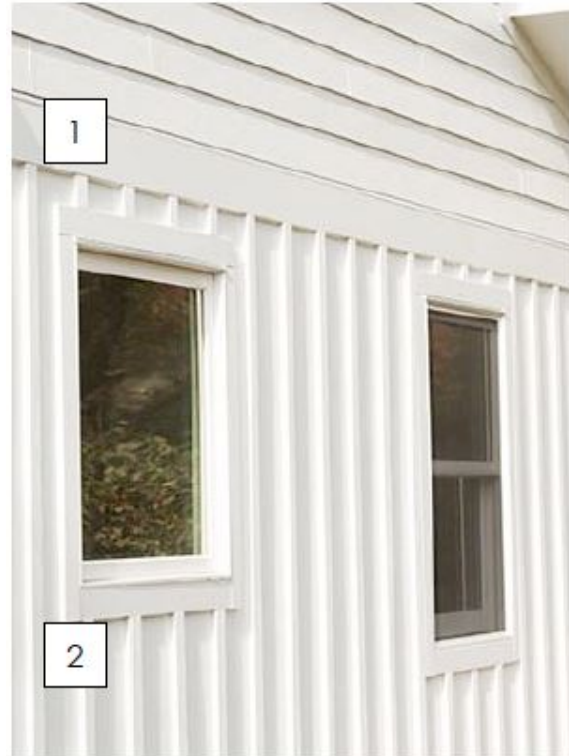
ALUMINUM STOREFRONT GLAZING SYS-



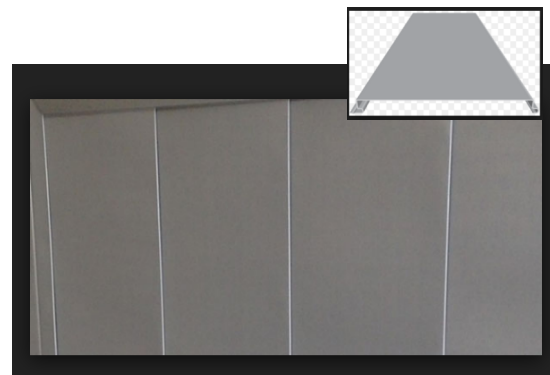
ARCHITECTURALALLY EXPOSED CONCRETE



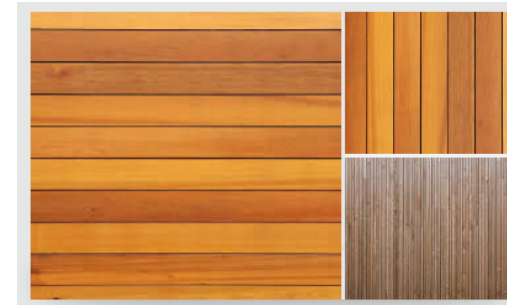
RAILING SYSTEM



FIBER CEMENT  
WOLF GREY HDC



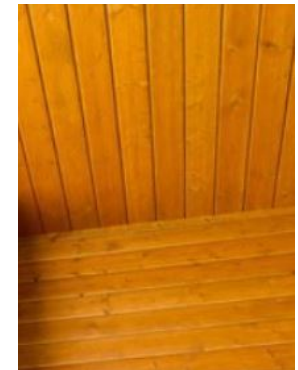
CEMENT PANEL SYSTEM  
DARK CHARCOL



EXTERIOR CLADDING WOODTONE



DOUGLAS FIR ACCENTS



SOFFIT PERFERATED WOODTONE

**ATTACHMENT B**

This forms part of application  
# Z20-0041

Planner Initials **AC**

City of Kelowna  
DEVELOPMENT PLANNING



VINLY, METAL CLAD WINDOW SYSTEM



PERMIABLE PAVING





A0.0	COVER SHEET & DRAWING LIST
A1.0	LEGAL SURVEY & AERIAL PHOTOS
A1.1	SITE PLAN , BUILDING & ZONING INFORMATION
A2.0-A2.2	FLOOR PLANS
A3.0-A3.1	BUILDING ELEVATIONS
A4.0-A4.1	BUILDING SECTIONS

ISSUED FOR DEVELOPMENT PERMIT - 2020.04.08

CITY OF KELOWNA, BRITISH COLUMBIA



ARCHITECT :

**Bluegreen Architecture Inc.**  
**#100 - 1353 Ellis Street**  
**Kelowna, BC.**  
**V1Y 6Y9**

**Contact:**

**Aaron Whalen, Building Designer**  
awhalen@bluegreenarch.com

**Kevin Ryan, Architect**  
kryan@bluegreenarch.com

[www.bluegreenarchitecture.com](http://www.bluegreenarchitecture.com)

LANDSCAPE ARCHITECT

**Outland Design Landscape Architecture**  
590 K.L.O. Road, Suite 303  
Kelowna, BC  
V1Y 7S2



**BLUE GREEN  
ARCHITECTURE INC.**

#100 - 1353 Ellis Street,  
Kelowna, BC, V1Y 1Z9  
p: 236.420.3550

[www.bluegreenarchitecture.com](http://www.bluegreenarchitecture.com)

☐ KAMLOOPS  
☒ KELOWNA

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drawing must not be scaled. The general contractor shall verify all dimensions, datums and levels prior to commencement of work. Any errors or omissions are to be reported immediately to the architect.

Consultants

[illegible]

DATE	RECORD OF REVISION
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20.04.08	ISSUED FOR REPLACEMENT OF
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DEVELOPMENT PERMITS

DATE	RECORD OF ISSUES
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ject

**LAWSON AVE**  
RESIDENTIAL  
DEVELOPMENT

1021 LAWSON AVE  
KELOWNA, BC

Sheet Title

COVER SHEET

Number 20 781

2020.04.08

Table
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Division Number

Drawing Number

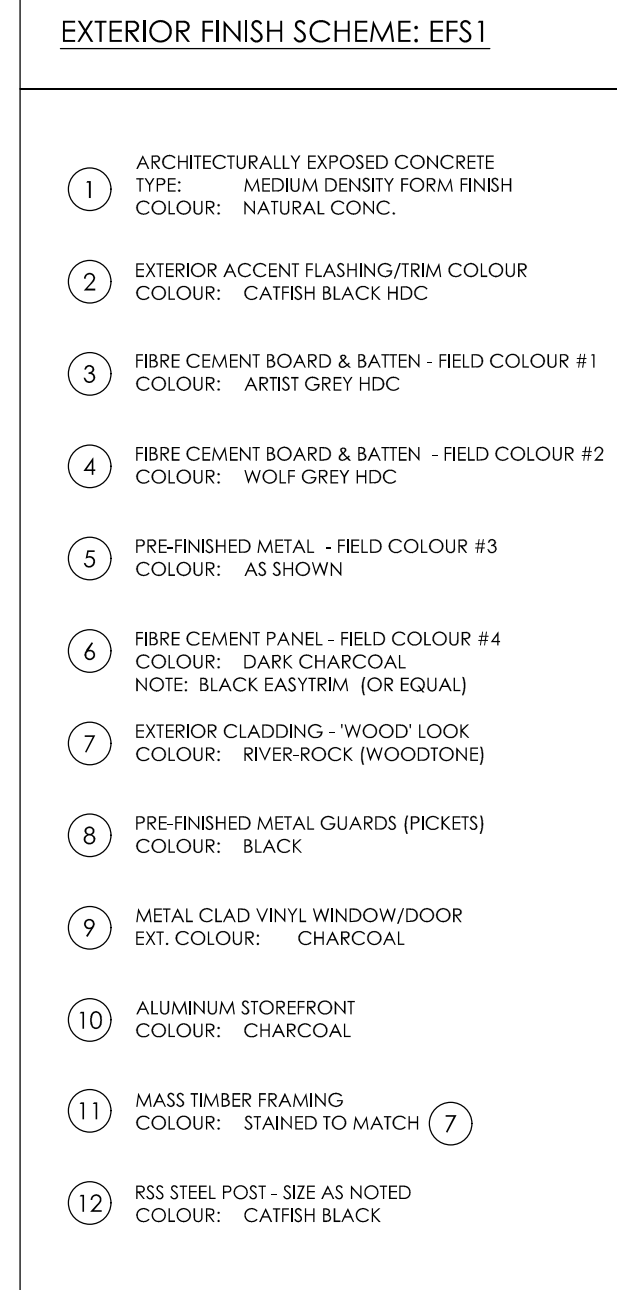
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# Z20-0041 1021 Lawson Ave

Rezoning Application



# Proposal

- ▶ To consider a Rezoning application to rezone the subject property from RU6 to RM5 zone to facilitate an apartment building.

# Development Process

May 13<sup>th</sup> 2020

Development Application Submitted

Staff Review & Circulation

June 15<sup>th</sup> 2020

Public Notification Received

July 13, 2020

Initial Consideration

Public Hearing  
Second & Third Readings

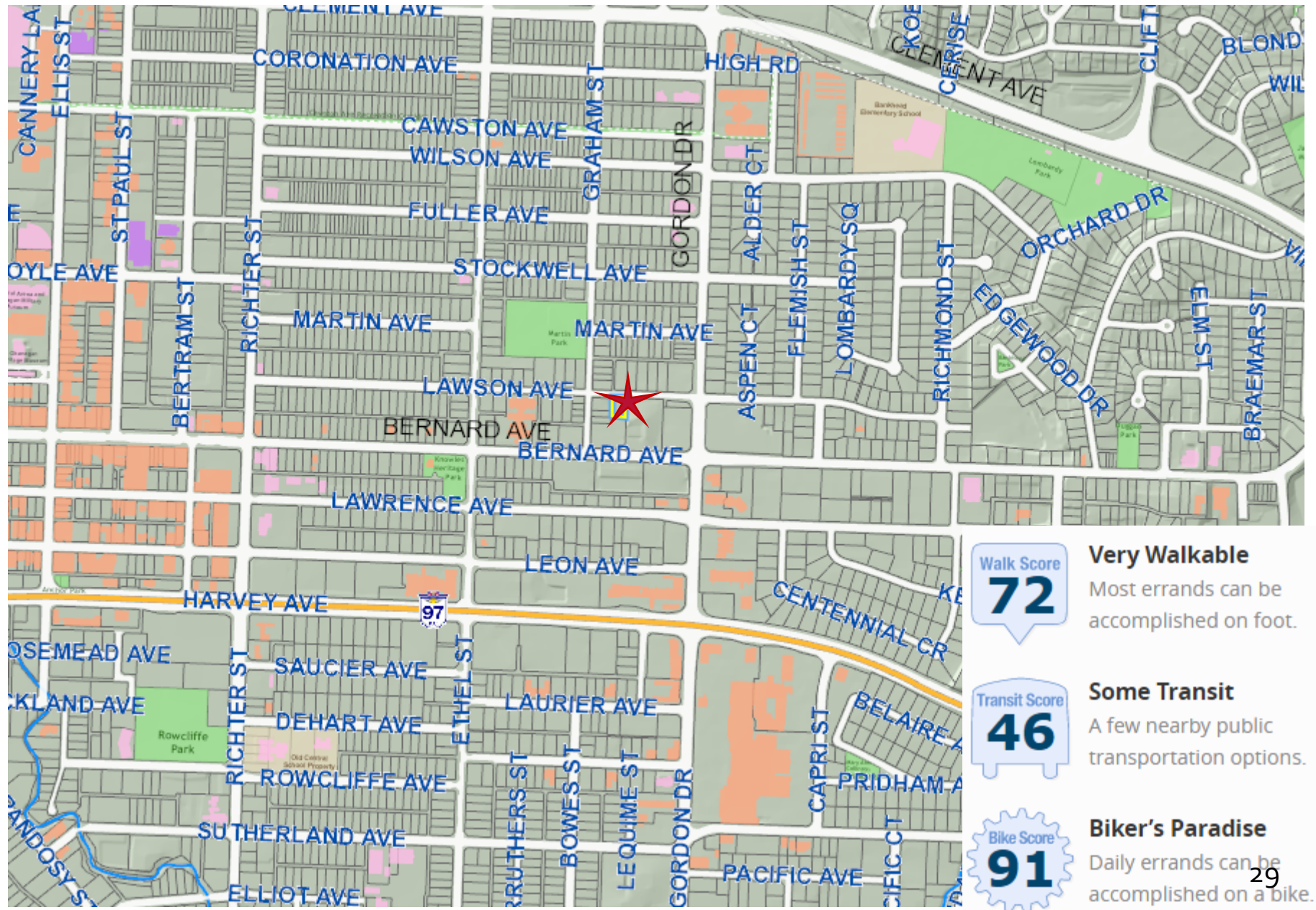
Final Reading

Building Permit

Council  
Approvals



# Context Map





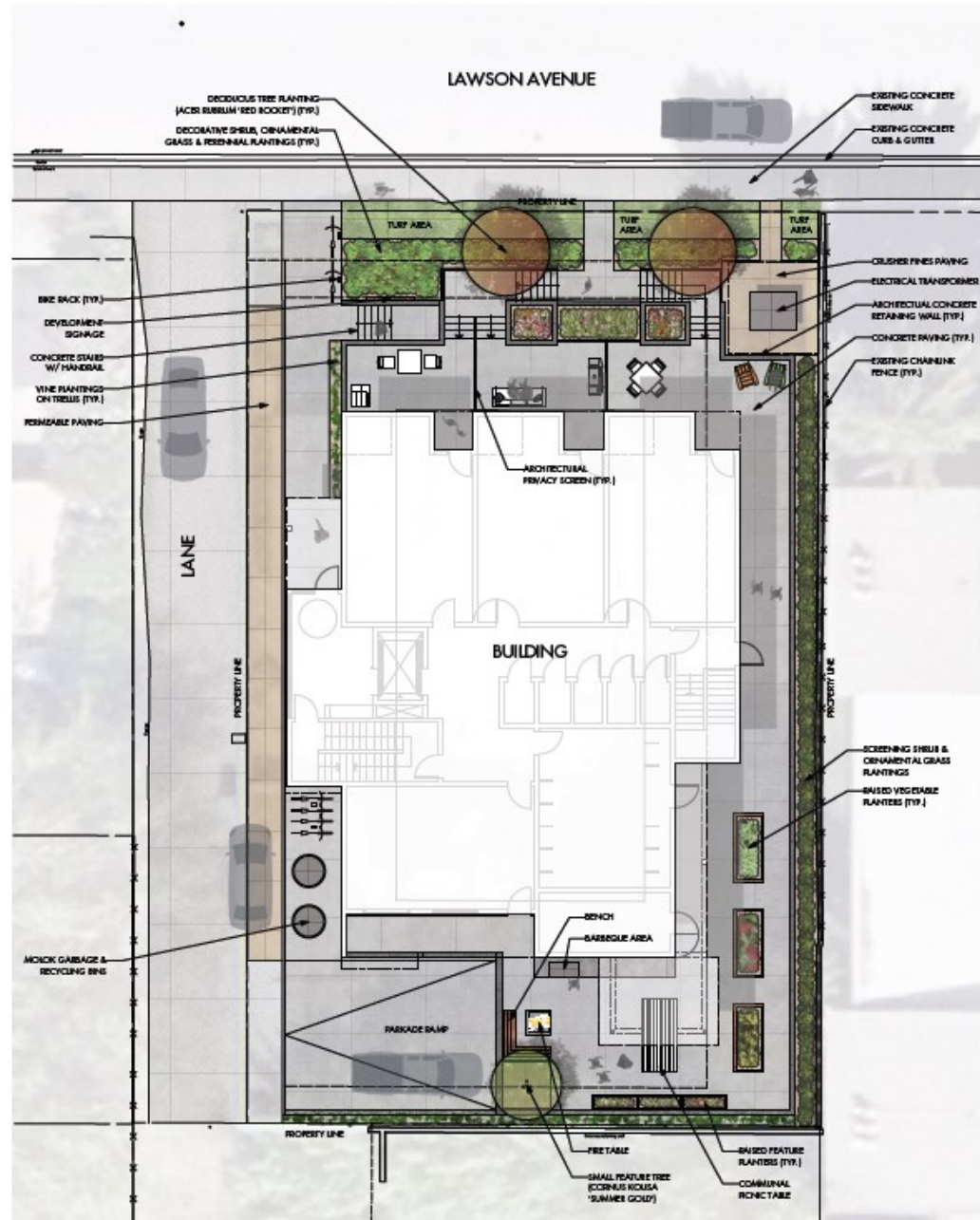
# Subject Property Map







# Conceptual Site Plan





# Rendering



# Development Policy

- ▶ Meets the intent of Official Community Plan Urban Infill Policies:
  - ▶ Within Permanent Growth Boundary
  - ▶ Complete Communities
  - ▶ Sensitive Infill
  - ▶ Compact Urban Form
- ▶ Consistent with Future Land Use **MRM – Multiple Residential (Medium Density)**
- ▶ Currently 5 proposed variances
  - ▶ 3 related to setbacks
  - ▶ 2 related to parking stall sizes

# Staff Recommendation

- ▶ Staff recommend **support** of the proposed rezoning
  - ▶ Meets the intent of the Official Community Plan
    - ▶ Urban Infill Policies
    - ▶ Appropriate location for adding residential density
- ▶ Recommend the Bylaw be forwarded to Public Hearing



## *Conclusion of Staff Remarks*



**CITY OF KELOWNA**  
**BYLAW NO. 12065**  
**Z20-0041 – 1021 Lawson Avenue**

---

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, District Lot 138, ODYD, Plan 5065 located at Lawson Avenue, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 10<sup>th</sup> day of August, 2020.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

---

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

---

Mayor

---

City Clerk

# REPORT TO COUNCIL



**Date:** August 10, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** Z20-0039

**Owner:** Kevin L. Fierbach & Jacqueline A. Fierbach

**Address:** 374 Park Ave.

**Applicant:** Birte Decloux; Urban Options Planning and Permits

**Subject:** Rezoning Application

**Existing OCP Designation:** S2RES – Single / Two Unit Residential

**Existing Zone:** RU1 – Large Lot Housing

**Proposed Zone:** RU6 – Two Dwelling Housing

---

## 1.0 Recommendation

THAT Rezoning Application No. Z20-0039 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 4 District Lot 14 ODYD Plan 482, located at 374 Park Ave., Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling 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 August 10, 2020;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure;

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

## 2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to facilitate the development of a second single family home and detached garage.

## 3.0 Development Planning

Development Planning supports the proposal to rezone the property to RU6 – Two Dwelling Housing to facilitate the development of a second single family home and detached garage.

To begin with, the property is in the City's Heritage Conservation Area. The proposal is to retain the existing heritage home on the lot and add a second single family home and detached garage at the back of the property.

The lot is an area of the city with existing infrastructure (including roads, sewer and water) that is able to accommodate a moderate amount of infill. Also, the lot is in relatively close proximity to the city's downtown urban centre with its associated amenities and destinations. As such, the lot is in an appropriate location to accommodate a moderate amount of infill, and the proposal does advance the Official Community Plan (OCP) goal of promoting a compact urban form. Accordingly, the lot has a future land use designation of S2RES in the OCP, which does support the RU6 zone. For these reasons, Staff support the proposed rezoning.

## 4.0 Proposal

### 4.1 Project Description

The applicant proposes to rezone the property to RU6 – Two Dwelling Housing to facilitate the development of a second single family home and detached garage. The proposal is to keep the existing heritage home on the property and add a second single family home and detached garage at the back of the lot. The second home would have car access from Knox Cr. through an existing access easement on the adjacent property to the north.

The proposed development will yet require a Heritage Alteration Permit for amending a lot in the City's Heritage Conservation Area. Staff are tracking one variance at this stage, related to reducing the minimum distance between an accessory building (the proposed detached garage) and a principal dwelling (the proposed single family home).

The Heritage Advisory Committee (HAC) was not in operations at the time of application; however, the applicant was required to provide a Heritage Review to help determine whether the proposed development is consistent with the City's Heritage Conservation Area Guidelines. That said, specifics related to heritage design will not be addressed formally until the Heritage Alteration Permit is considered.

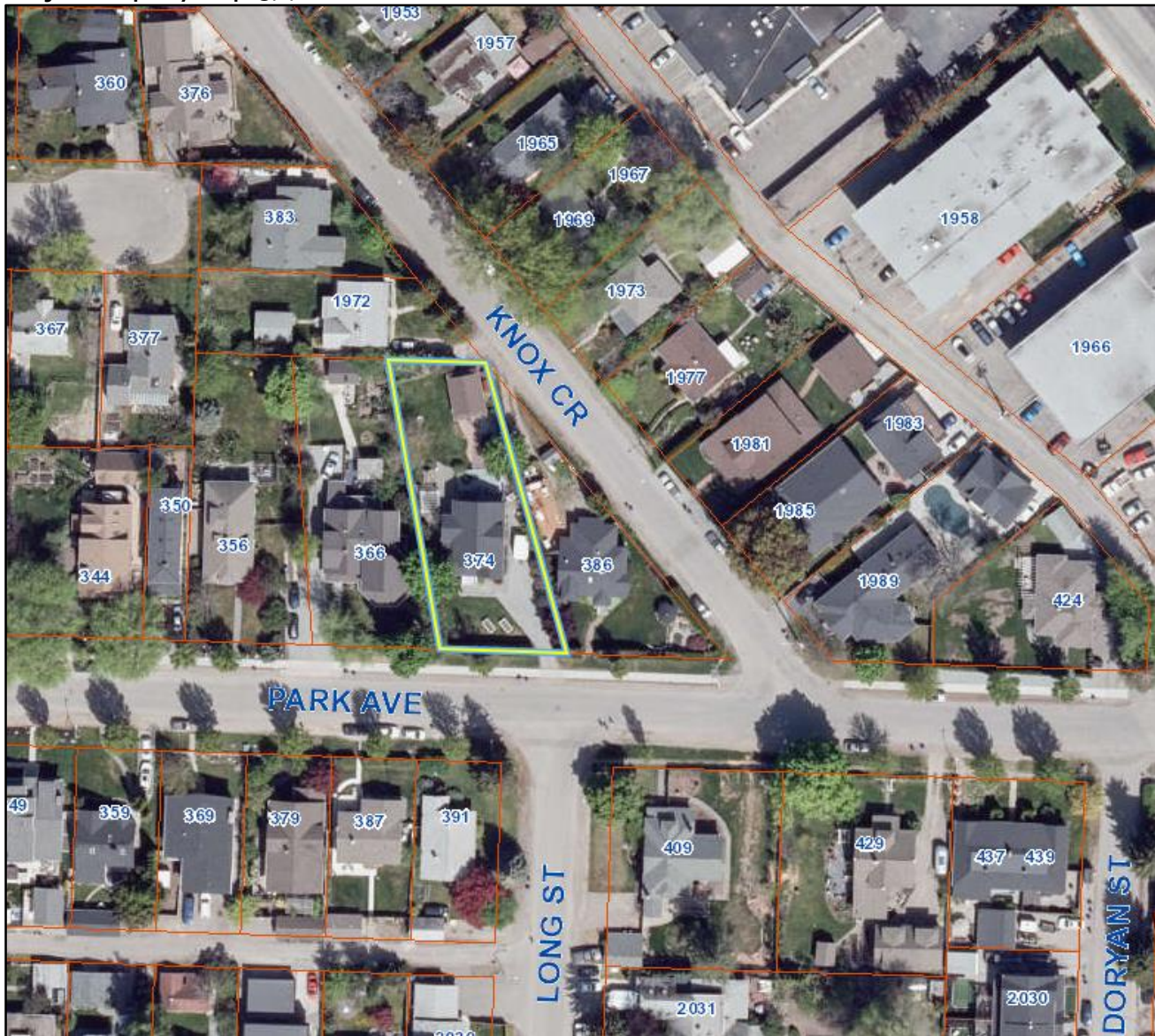
### 4.2 Site Context

The property is in the City's Heritage Conservation Area in the Central City Sector and is in close proximity to the City Centre Urban Centre (within 200m). As such, the property has good access to the downtown core, with its amenities and destinations. Accordingly, the lot has a WalkScore of 73, where 'most errands can be accomplished on foot'.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Family Housing
East	RU1 – Large Lot Housing	Single Family Housing
South	RU1 – Large Lot Housing	Single Family Housing
West	RU1 – Large Lot Housing	Single Family Housing

**Subject Property Map: 374 Park 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.

## Chapter 16: Heritage Conservation Area Guidelines

**JUSTIFICATION:** The purpose of the Heritage Conservation Area is to sustain the historical legacy of the neighbourhoods shown on Map 9.1. The special qualities of these neighbourhoods will be preserved by ensuring changes complement the established streetscape and maintain the integrity of traditional architectural forms.

### 6.0 Technical Comments

#### 6.1 Development Engineering Department

- See Schedule A

### 7.0 Application Chronology

Date of Application Received: May 8, 2020  
Date Public Consultation Completed: May 26, 2020

Heritage Advisory Committee: N/A

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

**Reviewed by:** Terry Barton, Development Planning Department Manager

**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services

#### **Attachments:**

Schedule A: Development Engineering Memo

Attachment A: Applicant Rationale

Attachment B: Conceptual Drawing Package



---

## CITY OF KELOWNA

# MEMORANDUM

**Date:** May 21, 2020  
**File No.:** Z20-0039  
**To:** Community Planning (AT)  
**From:** Development Engineering Manager (JK)  
**Subject:** 374 Park Ave.

### SCHEDULE

**A**

This forms part of application

# Z20-0039

Planner  
Initials

AT



RU1 to RU6

---

The Development Engineering Department has the following comments and requirements associated with this application to rezone the subject property from RU1 to RU6. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technician for this project is Aaron Sangster.

### 1. Domestic Water and Fire Protection

- a) The subject property is currently serviced with a 19mm water service. One metered water service will be required for the development. The disconnection of the existing small diameter water services and the tie-in of a larger service is the developer's responsibility. You can engage an engineer and contractor to manage the work on your behalf or it can be provided by City forces at the developer's expense. If you chose to have it completed by City forces, you will be required to sign a Third-Party Work Order and pre-pay for the cost of the water service upgrades. For estimate inquiries please contact Mike Thomas, by email [mthomas@kelowna.ca](mailto:mthomas@kelowna.ca) or phone, 250-469-8797.

### 2. Sanitary Sewer

- a) This property is currently serviced with a 100-mm sanitary service. 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 their cost, will arrange for the removal and disconnection of the existing services and the installation of one new larger service, if necessary.

### 3. Storm 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 Subdivision, Development and Servicing Bylaw No. 7900. 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. Only one service will be permitted for this development. The applicant, at his cost, will arrange the installation of one overflow service if required.



#### 4. **Electric Power and Telecommunication Services**

- a) All proposed service connections are to be ~~installed underground. It is the~~ developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.

#### 5. **Road Improvements**

- a) Park Ave. must be upgraded to a local standard along the full frontage of this proposed development, curb and gutter, drainage system, catch basin, manholes, pavement removal and replacement, and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The road cross section to be used is a SS-R3. 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 **\$26,892.56. not including utility service cost.** Knox Cr. driveway must be constructed now.

#### 6. **Road Dedication and Subdivision Requirements**

- a) Grant Statutory Rights of Way if required for utility services.
- b) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

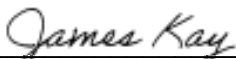
#### 7. **Geotechnical Report**

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 (Subdivision Approving officer) 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.

**8. Charges and Fees**

- a) Development Cost Charges (DCC's) are payable.
- b) Fees per the "Development Application Fees Bylaw" include:
  - i) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.

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

AS

<b>SCHEDULE</b>		<b>A</b>
This forms part of application		
# <b>Z20-0039</b>		
Planner Initials	<b>AT</b>	 City of <b>Kelowna</b> COMMUNITY PLANNING



January 31, 2020

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

<b>ATTACHMENT A</b>	
This forms part of application	
# Z20-0039	
Planner Initials	AT
 City of <b>Kelowna</b> COMMUNITY PLANNING	

RE: Proposed Rezoning and Heritage Alteration Permit at 374 Park Avenue

Dear Urban Planner:

The purpose of this application is to rezone the subject property from the existing "RU1 – Large Lot Housing" zone to the "RU6 – Two Dwelling Housing" zone to permit the construction of a new single-family dwelling. The property exceeds the minimum frontage and area required in the RU6 zone to allow for two full houses. The dwelling that is currently located on the property is to remain in place with no alterations.

The subject property is located within the Abbott Street Heritage Conservation area and thus requires an application for a Heritage Alteration Permit to authorize construction of the new dwelling. The existing dwelling is not listed on the Heritage Register but is identified as within the "Victorian Revival" dominant style in the "Abbott Street & Marshall Street Heritage Conservation Area Development Guidelines."

Owing to challenges with the site plan, the proposed location of the new garage building is located only 1.2m from the new dwelling, where the zoning bylaw requires a separation of 3.0m. As part of this application, we are seeking a development variance permit to authorize this request.

Despite its modern architectural design, the proposed dwelling is incorporated with elements reminiscent of the "Victorian Revival" style in order to complement the heritage design elements of other dwellings located in the neighbourhood. The building meets the following character defining qualities:

- Gable roof forms
- Gable dormer forms
- Returned eaves & projecting verges
- Up to 2.5 storey massing
- Vertical double-hung window openings
- Multiple pane windows (leaded glass)
- Side or rear yard parking

The new dwelling adjacent to the Knox Crescent frontage is 2 storeys in height. Plenty of outdoor spaces are provided, including a patio and garden area which extends from the kitchen on the west side of the dwelling, in addition to a patio extending from the master bedroom on the east side. Other small outdoor spaces are located around the proposed dwelling. Victorian style gardens are known for various types stonework and patio space in combination with beautiful vegetation to compliment the property. In turn, the outdoor space of the proposed dwelling has been designed for the owner to take advantage of the opportunity to contribute to the Victorian fashion of the neighbourhood.

The proposed dwelling will be located to the north of the existing dwelling, with a privacy fence being built to provide separation. Two vehicle parking stalls have been allocated to the north of the proposed dwelling. The colour palette of the proposed building compliments the existing dwelling on the site, and much care has been taken to ensure the design of the building blends seamlessly into the existing dwelling. With regards to access, the driveway for the proposed dwelling will be connected to Knox Crescent through an easement that is currently registered on title (KF35403). The easement covers a small corner of Lot 2, which is located at the northeast corner of the subject property.

The downtown area was developed with single unit dwellings on large lots dating back to the early 1900's, a time associated with the early incorporation of the City of Kelowna. The neighbourhood has seen a resurgence of development in the last 20 years. The construction of the proposed dwelling will create density in a desirable area of Kelowna, providing walkable access to many employment and commercial uses in the nearby downtown business district as well as to several parks and beaches on Okanagan Lake.

We believe this proposal is a good fit within the foundation of the neighbourhood and will contribute to positive infill in this area of Kelowna.

Regards

Birte Decloux on behalf of the owners

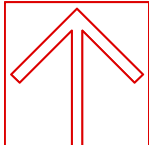
<b>ATTACHMENT</b>		<b>A</b>
This forms part of application		
# <b>Z20-0039</b>		
Planner Initials	<b>AT</b>	 <b>City of Kelowna</b> <small>COMMUNITY PLANNING</small>





IHS DESIGN

#202-1470 ST. PAUL ST.  
KELOWNA, BC  
250.212.7938  
info@ihdesign.ca

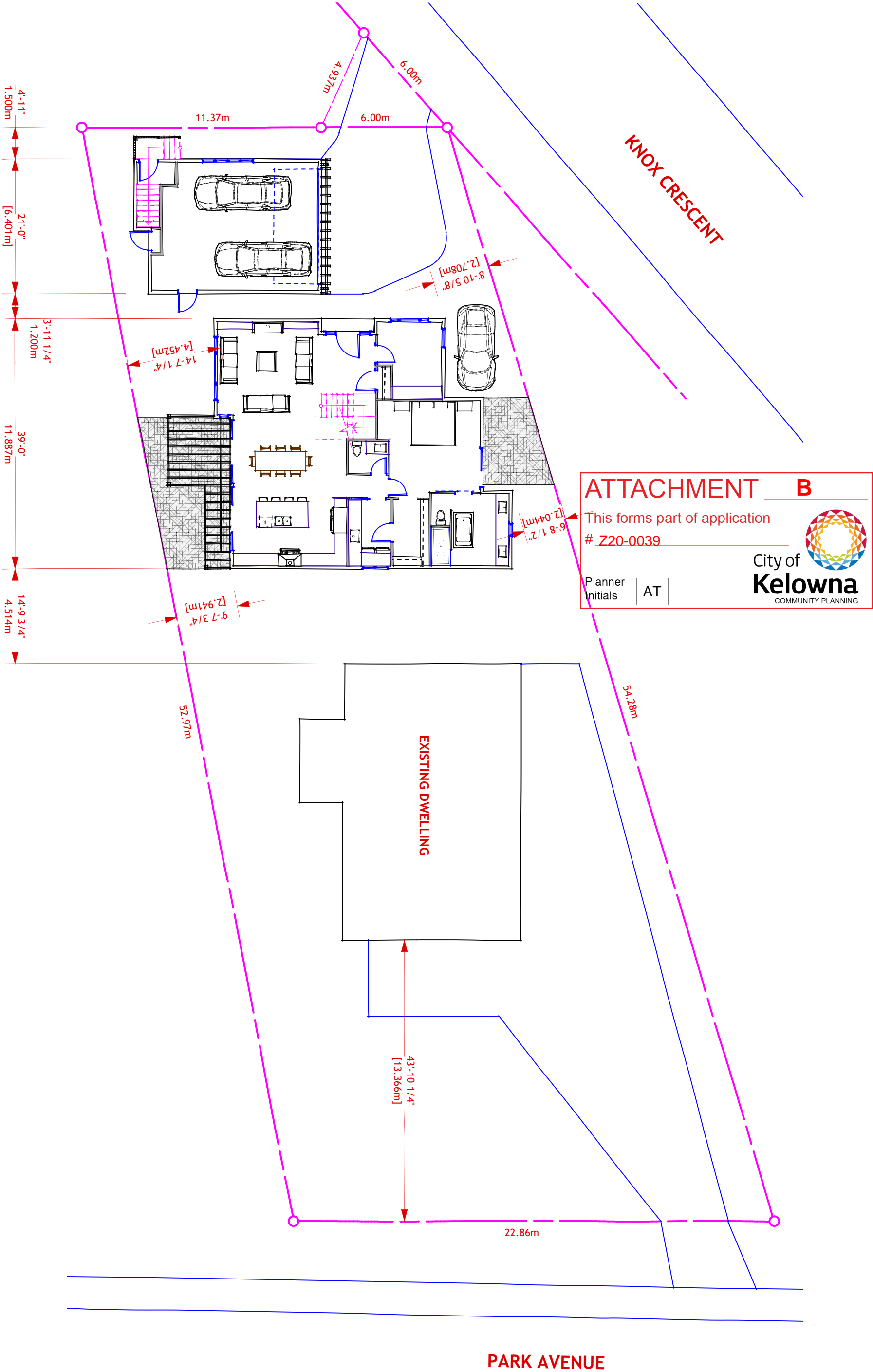


FIERBACH RESIDENCE  
374 PARK AVENUE  
KELOWNA, BC

SITE PLAN

DATE: Thu, 9 Jul 2020

SCALE: 3/16" = 1'-0"  
ISSUED FOR: HAP/REZONE  
SHEET: A2



ATTACHMENT B

This forms part of application  
# Z20-0039



City of  
**Kelowna**  
COMMUNITY PLANNING

Planner  
Initials AT



PROJECT INFORMATION

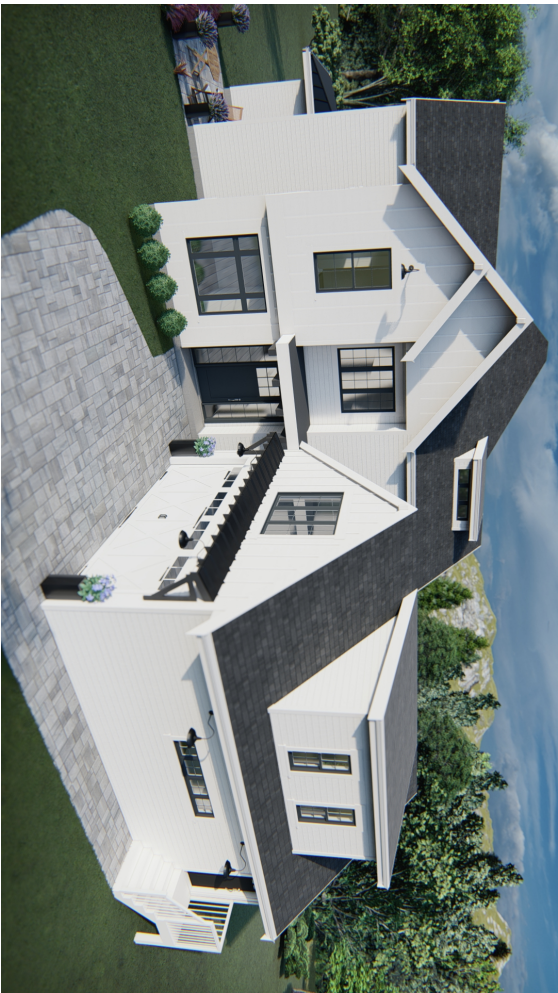
LEGAL DESCRIPTION: LOT 4, PLAN KAP485, ODYD  
CIVIC ADDRESS: 374 PARK AVENUE, KELOWNA, BC V1Y 5P8  
PID: 010-666-133

CURRENT ZONING: RU1 - LARGE LOT HOUSING  
PROPOSED ZONING: RU6 - TWO DWELLING HOUSING  
FUTURE LAND USE: SZRES - SINGLE / TWO UNIT RESIDENTIAL

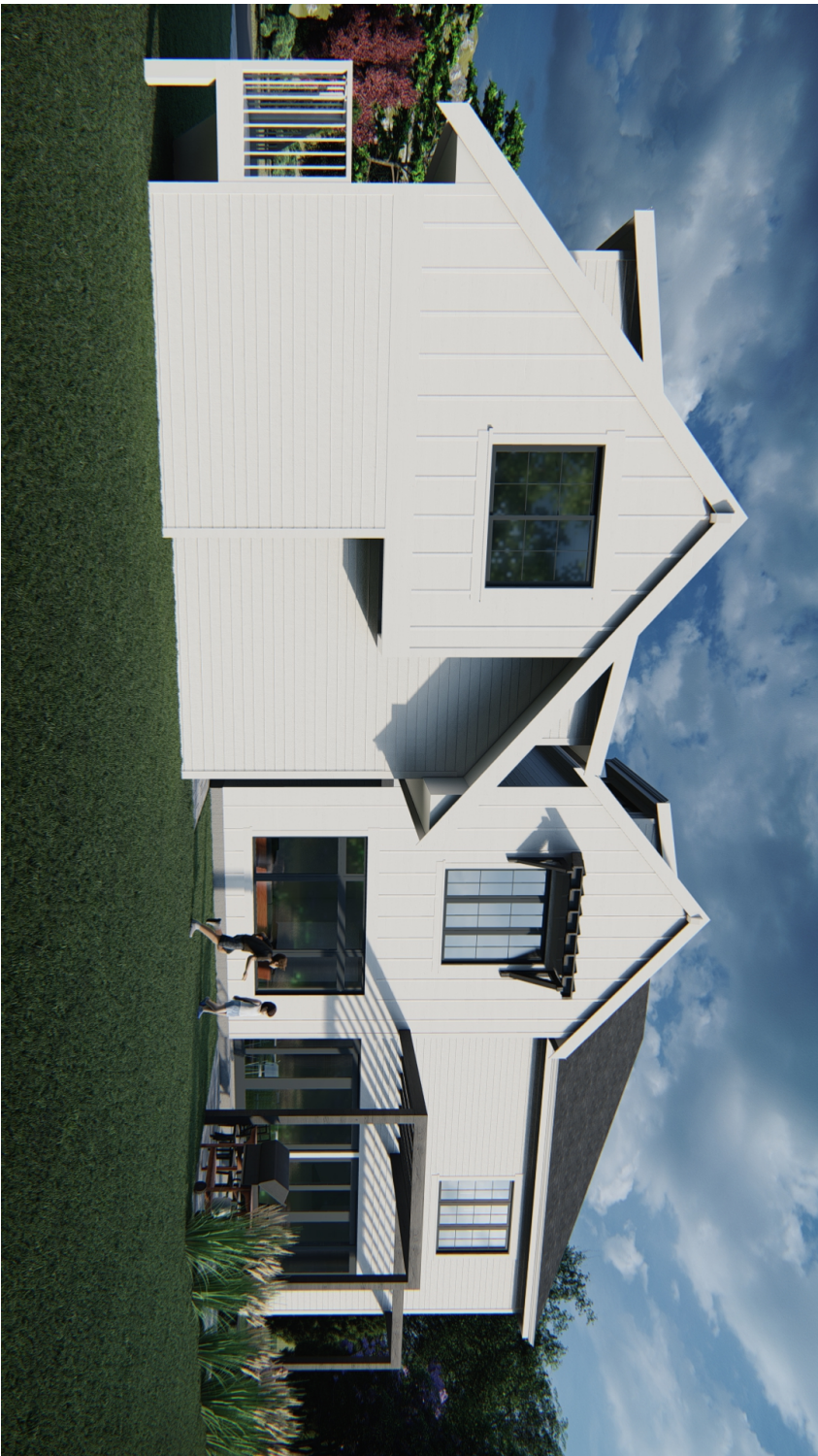
OWNER INFORMATION

KEVIN & JACKIE FIERBACH  
PH 250.681.2029

CONTACT: JACKIE FIERBACH  
fierbachs@outlook.com



374 PARK AVENUE DEVELOPMENT



ATTACHMENT

B

This forms part of application  
# Z20-0039

Planner  
Initials

AT



City of  
Kelowna  
COMMUNITY PLANNING

DRAWING LIST

ARCHITECTURAL DRAWING INDEX

- |     |                                      |
|-----|--------------------------------------|
| A1  | PROJECT SHEET                        |
| A2  | SITE PLAN                            |
| A3  | SITE PLAN DETAIL/ZONING CALCULATIONS |
| A4  | ELEVATIONS                           |
| A5  | ELEVATIONS                           |
| A6  | PRINCIPAL DWELLING MAIN FLOOR PLAN   |
| A7  | PRINCIPAL DWELLING SECOND FLOOR PLAN |
| A8  | ACCESSORY GARAGE MAIN FLOOR PLAN     |
| A9  | ACCESSORY GARAGE SECOND FLOOR PLAN   |
| A10 | BUILDING/SITE SECTIONS               |
| A11 | EXTERIOR MATERIALS                   |
| L1  | LANDSCAPE PLAN                       |

BUILDING DESIGN

IHS DESIGN

#202 - 1470 ST. PAUL STREET  
KELOWNA, BC V1Y 2E6  
PH 250.212.7938

CONTACT: CHRIS VICKERY  
chris@ihdesign.com

URBAN PLANNING CONSULTANT

URBAN OPTIONS PLANNING & PERMITS

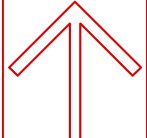
287 RIALTO DRIVE  
KELOWNA, BC V1V 1E9  
PH 250.575.6707

CONTACT: BIRTE DECLoux  
birt@urbanoptions.ca



IHS DESIGN

#202-1470 ST. PAUL ST.  
KELOWNA, BC  
250.212.7938  
info@ihdesign.ca



FIERBACH RESIDENCE  
374 PARK AVENUE  
KELOWNA, BC

PROJECT INFORMATION

DATE:  
Thursday, July 9, 2020

SCALE: 1:200

ISSUED FOR: HAP/REZONE

SHEET: A1





# Z20-0039 374 Park Ave.

Rezoning Application



# Proposal

- ▶ To rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to facilitate the development of a second single family home and detached garage.

# Development Process

May 8, 2020

Development Application Submitted



Staff Review & Circulation



May 26, 2020

Public Notification Received



Aug. 10, 2020

Initial Consideration



Public Hearing  
Second & Third Readings



Final Reading  
DP & Variances

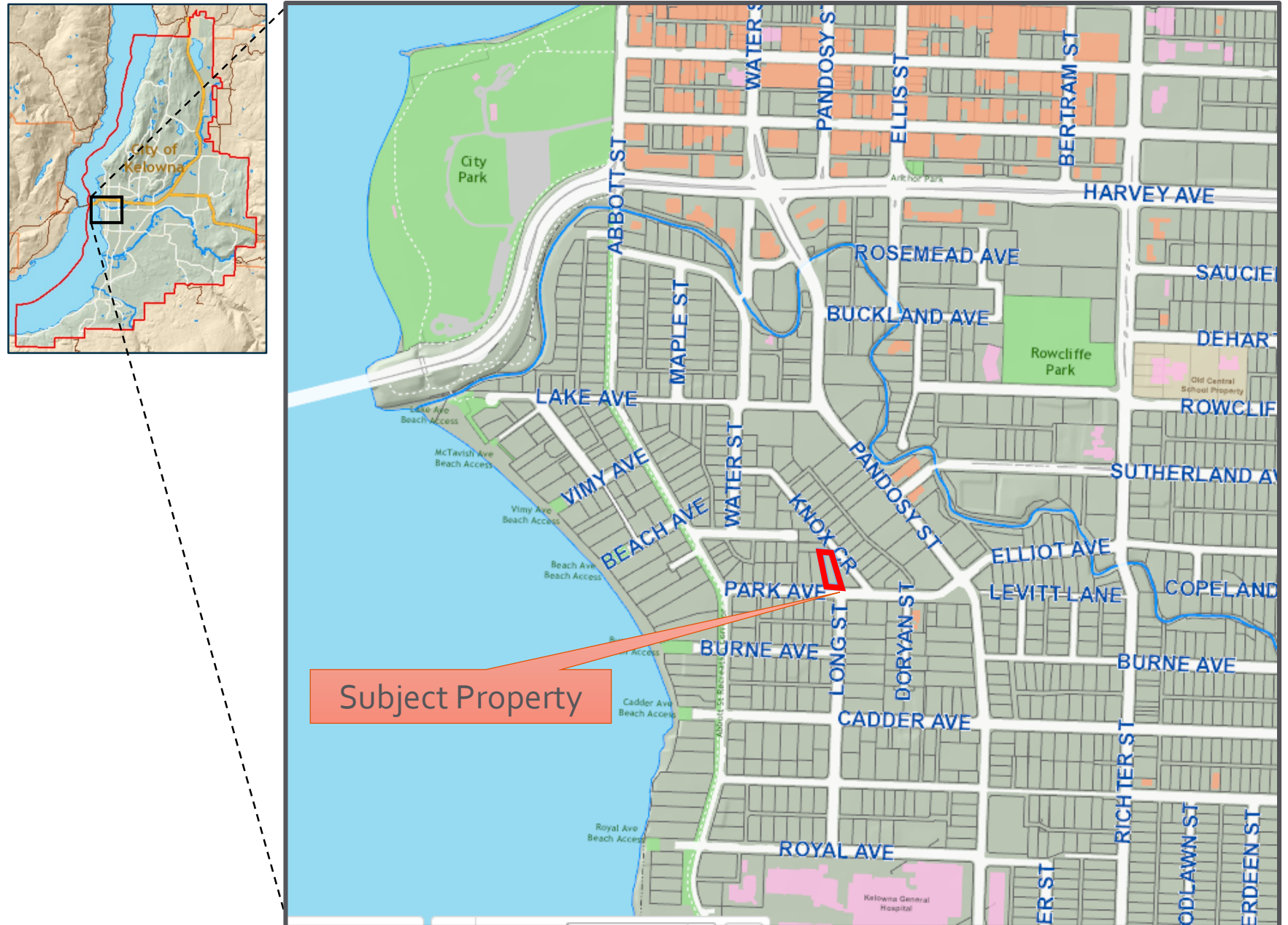


Building Permit



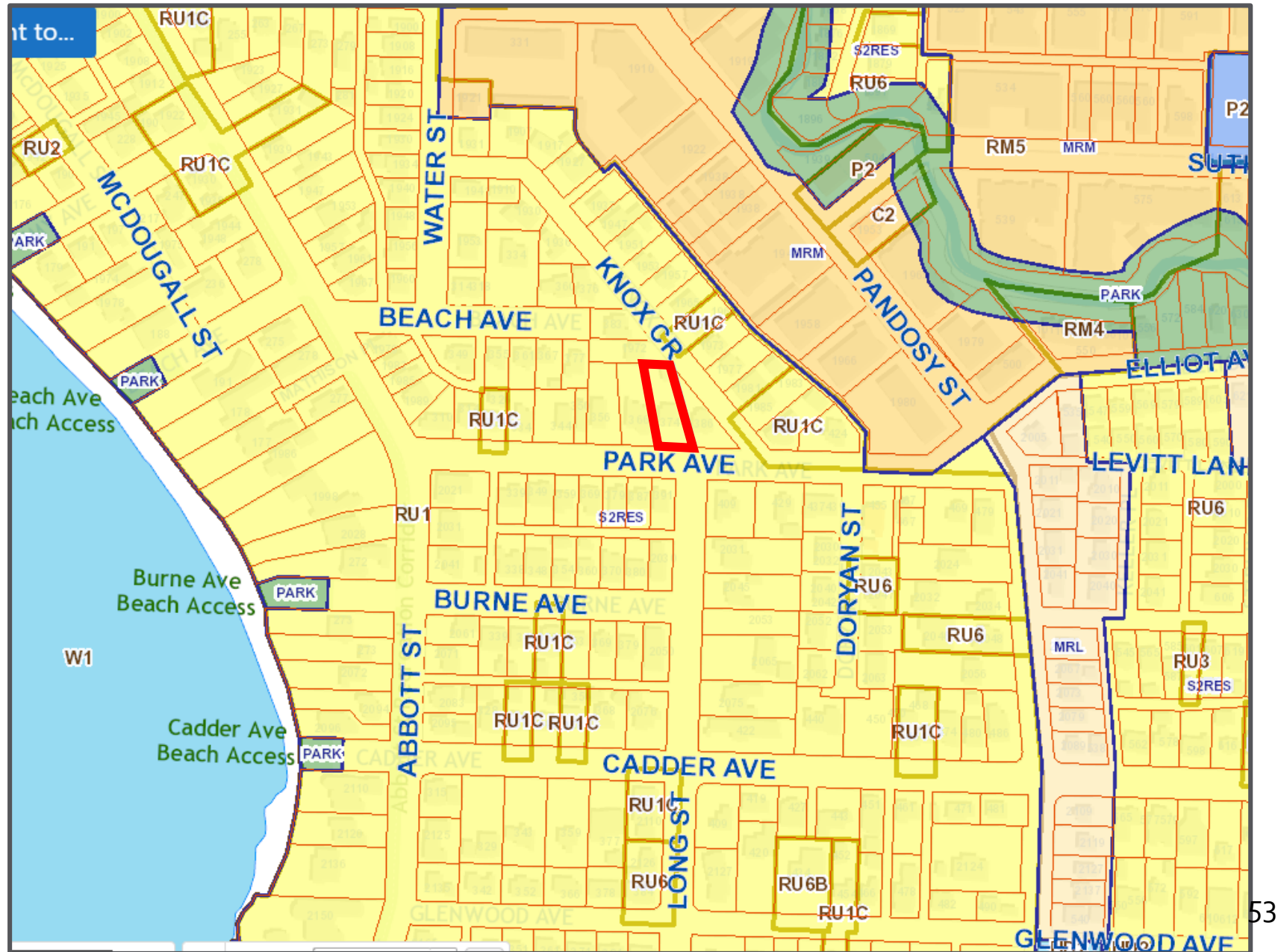
Council  
Approvals

# Context Map

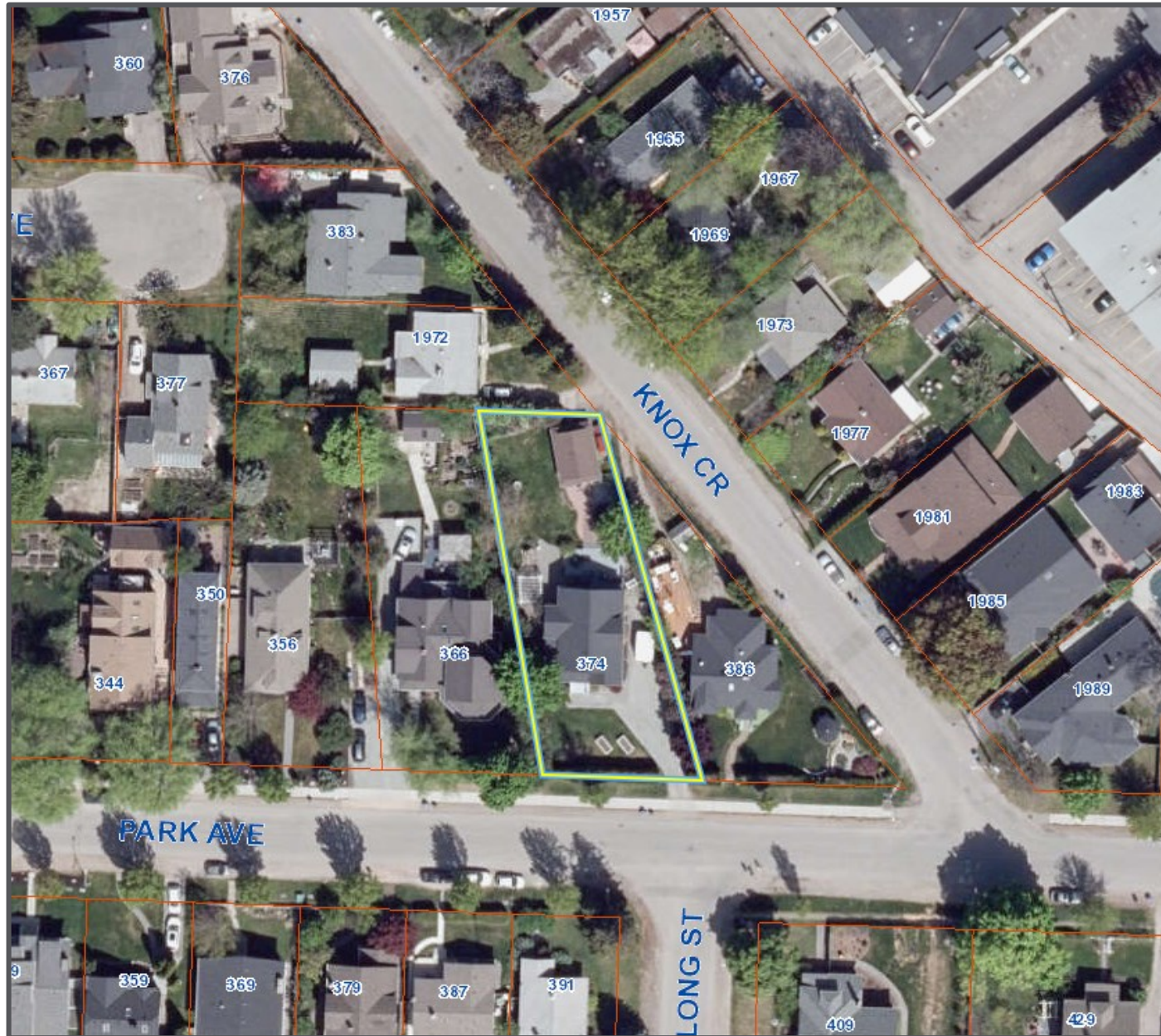




# OCP Future Land Use / Zoning



# Subject Property Map



# Project/technical details

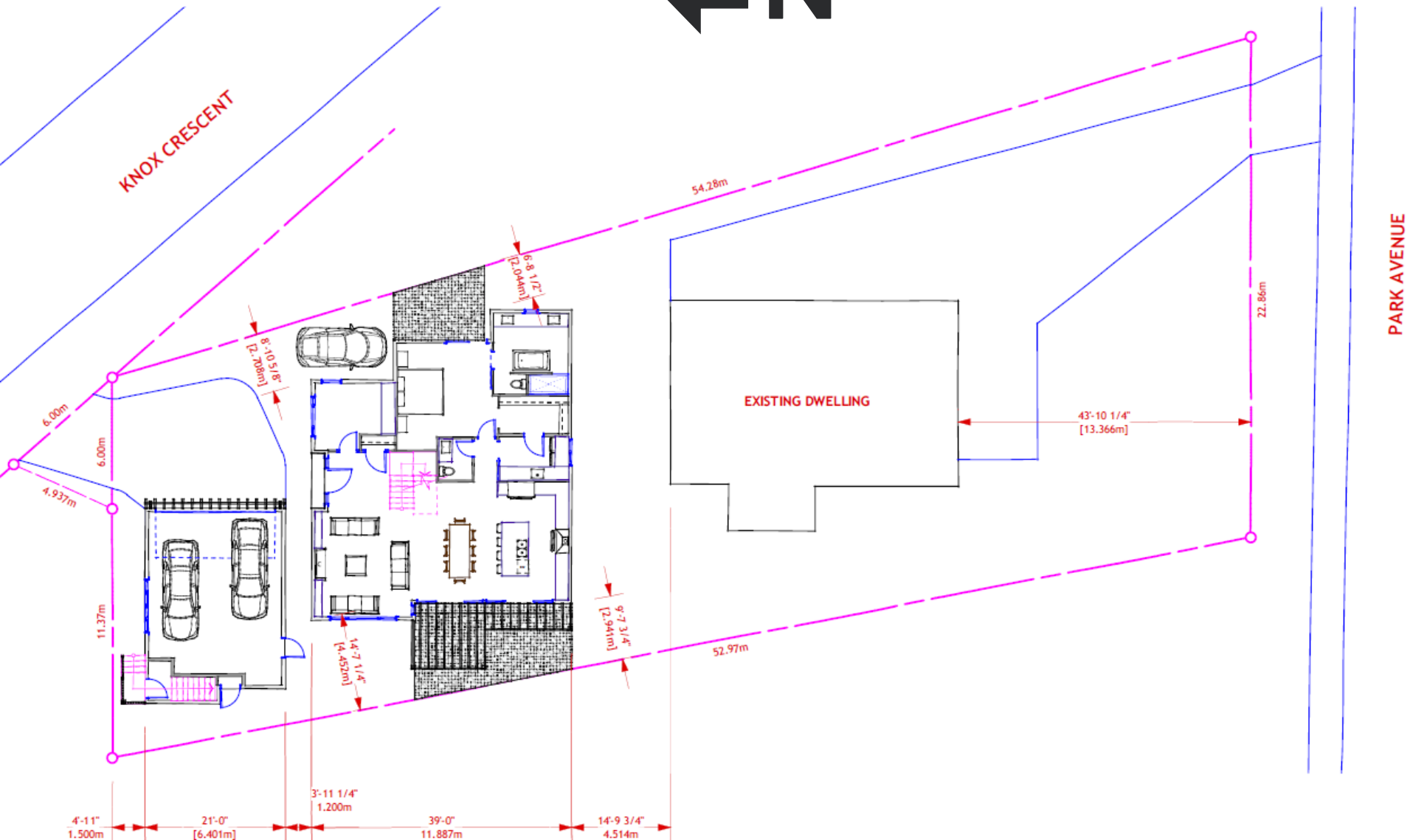
- ▶ Rezone the property to RU6 – Two Dwelling Housing to facilitate the development of a second single family home and detached garage.
- ▶ Keep the existing heritage home on the property.
- ▶ Second home would have car access from Knox Cr. through an existing access easement on the adjacent property to the north.



# Project/technical details

- ▶ Proposed development will yet require a Heritage Alteration Permit.
- ▶ Heritage Review was required to help determine whether the proposed development is consistent with the City's Heritage Conservation Area Guidelines.
  - ▶ Specifics related to heritage design will not be addressed formally until the Heritage Alteration Permit is considered.
- ▶ Staff are tracking one variance, related to reducing the minimum distance between an accessory building (the proposed detached garage) and a principal dwelling (the proposed single family home).

# Site Plan





# Conceptual Rendering



# Development Policy

- ▶ Compact urban form
- ▶ Heritage Conservation Area
  - ▶ Special qualities will be preserved by ensuring changes complement the established streetscape and maintain the integrity of traditional architectural forms
    - ▶ Upheld via Heritage Conservation Area Guidelines

# Public Notification Policy #367

- ▶ Public consultation conducted in full compliance with Policy 367
  - ▶ Complete by May 26, 2020

# Staff Recommendation

- ▶ Staff support rezoning the property to RU6 – Two Dwelling Housing to facilitate the development of a second home and detached garage.
  - ▶ Compact urban form
  - ▶ Heritage Conservation Area
    - ▶ Special qualities will be preserved by ensuring changes complement the established streetscape and maintain the integrity of traditional architectural forms
      - ▶ Upheld via Heritage Conservation Area Guidelines





## *Conclusion of Staff Remarks*

# 374 Park Avenue

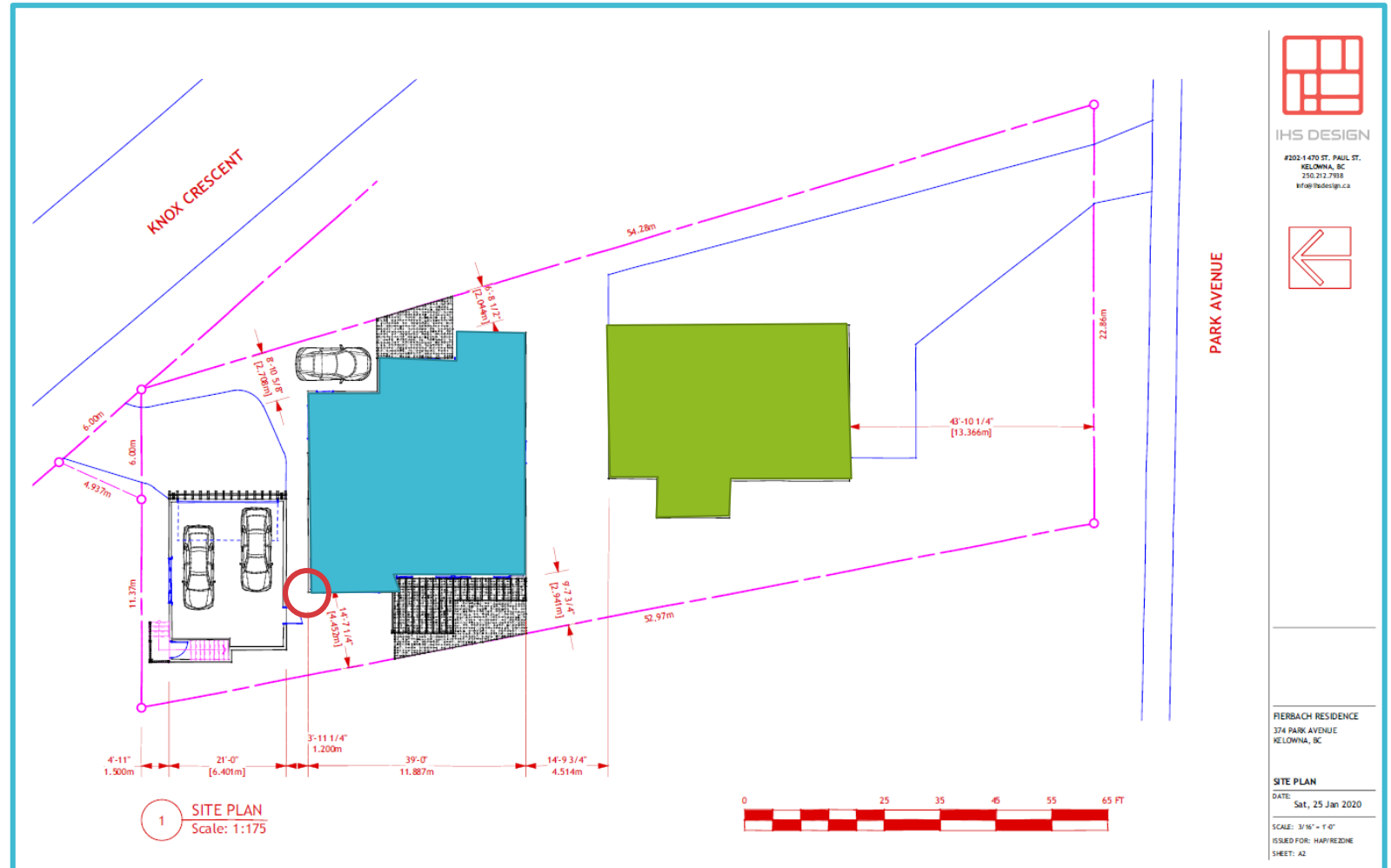
Seeking rezoning to RU6-Two dwelling housing to add a second single family dwelling to the site.



# RU6 attributes

	Bylaw Regulations	Property characteristics
Minimum property size	700 m2	1,046m2
Minimum frontage	18m	22.86m
Site coverage – Buildings	40%	30.9%  (for both existing and proposed dwelling)
Site coverage- Building driveways, parking	50%	49%

# The plan....





# Neighbourhood concerns



View of 374 Park looking west

# Current rear view from Knox Crescent





# Community Benefits

- SMART Infill development
- Better utilization of land close to amenities and Kelowna Downtown and Pandosy village center
- Walkability Score
  - **58** / 100 Somewhat Walkable
  - **47** / 100 Some Transit
  - **98** / 100 Biker's Paradise
- Consistent with Kelowna OCP directives

# Positive Heritage Attributes

- Existing home and street frontage are NOT being altered
- Property initially not chosen to be included on the register
- No land subdivision proposed
- Site is relatively large in relation to property's in the area
- Area is desirable due to its beauty and proximity
- Proposed dwelling incorporates elements reminiscent of the "Victorian Revival" and has been positively reviewed by a Professional Heritage Consultant
- Minimizes future develop pressure which may compromise Heritage area principles



• ***QUESTIONS?***



**CITY OF KELOWNA**  
**BYLAW NO. 12087**  
**Z20-0039 – 374 Park Avenue**

---

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 4, District Lot 14, ODYD, Plan 482 located at Park Avenue, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 10<sup>th</sup> day of August, 2020.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

---

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

---

Mayor

---

City Clerk

# REPORT TO COUNCIL



**Date:** August 10, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** Z19-0143

**Owner:** Corey Knorr Construction Ltd.,  
Inc. No. BCo380398

**Address:** 595 Mugford Road

**Applicant:** Ryan Knorr

**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. Z19-0143 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 Section 26 Township 26 ODYD, Plan 17560, located at 595 Mugford Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone be considered by Council;

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 August 10, 2020;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.

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

## 2.0 Purpose

To consider an application to rezone the subject property from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone to facilitate a future 2-lot subdivision.

### 3.0 Development Planning

Development Planning Staff are recommending support for the proposed rezoning from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone to facilitate a future 2-lot subdivision as it is consistent with the Official Community Plan (OCP) Future Land Use designation of S2RES – Single / Two Unit Residential. The property is located within the Permanent Growth Boundary (PGB), is fully serviced, and is located in close proximity to parks and schools.

The intent of the application is to rezone the property to facilitate a future 2-lot subdivision. The applicant has proposed to keep the existing dwelling and accessory garage located on the eastern most lot identified as Lot B. Should the rezoning application be supported, the applicant would proceed with a subdivision application. Currently, Staff are tracking a variance to lot width in the RU2 zone, which would come to Council for consideration.

### 4.0 Proposal

#### 4.1 Background

The property as it stands today comprises an existing single-family dwelling with two detached accessory buildings and with existing access off of both Mugford Rd and Merrifield Rd. Should a Rezoning application be supported and the applicant move forward with a 2-lot subdivision application, the applicant will be required to remove the existing driveway access on Mugford Rd at the northeast site corner and formalize the other existing access located off of Merrifield Rd to be consistent with the site access provisions in City of Kelowna Subdivision, Development & Servicing Bylaw No. 7900.

#### 4.2 Project Description

The purpose of the rezoning application is to facilitate a 2-lot subdivision.

#### 4.3 Site Context

The subject property is located in the Rutland City Sector at the intersection of Mugford and Merrifield roads and just west of Mugford Park. The surrounding neighbourhood is largely comprised of single-family properties predominantly zoned RU1 – Large Lot Housing with some RU2 – Medium Lot Housing and RU6 – Two Dwelling Housing zoned sites. Other surrounding zones include P3 – Parks and Open Space, A1 – Agriculture 1 and RU4 – Low Density Cluster Housing. Surrounding Future Land Use designations include predominantly S2RES – Single / Two Unit Residential with some MRL – Multiple Unit Residential (Low Density), PARK – Major Park / Open Space (Public), REP – Resource Protection Area and EDINST – Educational / Major Institutional. The subject property has a walk score of 31 meaning most errands require a vehicle.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Dwelling Housing
East	RU1 – Large Lot Housing	Single Dwelling Housing
South	RU2 – Medium Lot Housing	Single Dwelling Housing
West	RU1 – Large Lot Housing	Single Dwelling Housing

**Subject Property Map: 595 Mugford Road**



**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 per ha 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.

**Chapter 5: Development Process**

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



*Policy .6 Sensitive Infill.* Encourage new development or re-development in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

## **6.0 Technical Comments**

### **6.1 Development Engineering Department**

- See attached memorandum dated January 15, 2020.

## **7.0 Application Chronology**

Date of Application Received: December 19, 2019

Date Public Consultation Completed: June 30, 2020

**Report prepared by:** Andrew Ferguson, Planner II

**Reviewed by:** James Moore, Acting Urban Planning & Development Policy Manager

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

### **Attachments:**

Schedule A: Development Engineering Memo

Attachment A: Conceptual Site Plan

---

## CITY OF KELOWNA

# MEMORANDUM

**Date:** January 15, 2020  
**File No.:** Z19-0143  
**To:** Urban Planning Management (AF)  
**From:** Development Engineering Manager (JK)  
**Subject:** 595 Mugford Rd

<b>SCHEDULE</b>		<b>A</b>
This forms part of application # Z19-0143		
Planner Initials	AF	 City of <b>Kelowna</b> DEVELOPMENT PLANNING

RU1 to RU2

The Development Engineering Branch has the following comments and requirements associated with this application to rezone the subject property from RU1 (Large-lot housing) to RU2 (Medium-lot housing) to support a two-lot subdivision. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technician for this project is Jim Hager.

**1. General**

- a) These are the Development Engineering Branch comments/requirements and are subject to the review and requirements from the Ministry of Transportation and Infrastructure (MoTI).

**2. Domestic Water and Fire Protection**

- a) The subject lot is within the Rutland Waterworks District (RWD) water service area. The developer is required to make satisfactory arrangements with RWD for all water and fire protection-related issues. All charges for service connection and upgrading costs, as well as any costs to decommission existing services, shall be the responsibility of the developer.
- b) The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. All fire flow calculations approved by RWD are to be shared with the Development Engineering Branch upon submittal of off-site civil engineering drawings.
- c) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw No. 7900.

**3. Sanitary Sewer**

- a) Each legal lot shall require an individual sanitary service connection complete with an inspection chamber (SS-S7) and Brooks Box (SS-S9).
- b) The existing lot is currently serviced with a 200-mm sanitary service. The existing service connection is to be completed with an inspection chamber and Brooks box.
- c) Proposed LOT A requires a new 100-mm sanitary service connection (c/w inspection

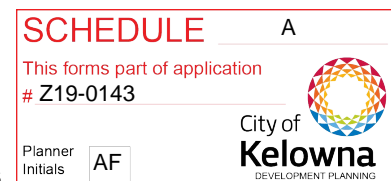
chamber and Brooks box), to be installed at the applicant's cost.

#### 4. **Storm 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 Subdivision, Development and Servicing Bylaw No. 7900. 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. Only one service will be permitted for this development. The applicant, at his cost, will arrange the installation of one overflow service if required.
- b) Provide the following drawings:
  - i. A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
  - ii. A detailed Stormwater Management Plan; and
  - iii. An Erosion and Sediment Control Plan.

#### 5. **Subdivision Requirements**

- a) Grant statutory rights-of-way if required for utility services.




#### 6. **Electric Power and Telecommunication Services**

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

#### 7. **Road Improvements**

- a) The subject lot's frontage on Mugford Rd is to be fully urbanized to an SS-R5 standard, including catch basins, barrier curb and gutter, fillet paving, a concrete letdown (SS-S7) for LOT A access, landscaped and irrigated boulevard, 1.5-m wide sidewalk, and re-location or adjustment of utility appurtenances if required. The existing access and driveway letdown to LOT B on Mugford Rd is to be removed and the existing curb bulge to be re-established.
- b) The subject lot's frontage along Merrifield Rd is to be fully urbanized to an SS-R3 standard, including catch basins, barrier curb and gutter, fillet paving, a concrete letdown for LOT B access, landscaped and irrigated boulevard, 1.5-m wide sidewalk, and re-location or adjustment of utility appurtenances if required. The existing access and driveway letdown to LOT B on Merrifield Rd is to be formalized by a concrete letdown (SS-C7).
- c) The City has collected cash-in-lieu for the off-site upgrades at 330 and 350 Merrifield Rd. At the City's cost, the applicant is to have their Civil Engineer design an additional 30 m of sidewalk (c/w concrete letdowns), fillet paving, and drainage for the frontage of 330 and 350 Merrifield Rd. Based on the Civil Engineer's design and cost estimate, the applicant, at the City's cost, will be required to complete the construction of the urbanization along 330 and 350 Mugford Rd. Please contact Jim Hager ([jhager@kelowna.ca](mailto:jhager@kelowna.ca)) for more

<b>SCHEDULE</b>		<b>A</b>
This forms part of application # Z19-0143		
Planner Initials	<b>AF</b>	 <b>City of Kelowna</b> DEVELOPMENT PLANNING

information on this request.

- d) The estimated cost of off-site construction, for performance security purposes, is to be submitted by the Developer's Consulting Engineer.

## 8. **Land Dedication**

- a) A 6.0-m corner rounding will be required on the northeast corner of proposed LOT B.

## 9. **Geotechnical Report**

- (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.
- (b) The Geotechnical reports must be submitted to the Development Services Department (Subdivision Approving officer) 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.

## 9. **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.



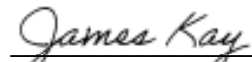
- (c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- (d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- (e) 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.

## 10. **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 named on the insurance policy as an additional insured.

## 12. **Charges and Fees**

- a) Development Cost Charges (DCC's) are payable.
- b) Fees per the "Development Application Fees Bylaw" include:
  - i) Engineering and Inspection Fee: 3.5% of construction value (plus GST).

  
 James Kay, P.Eng.  
 Development Engineering Manager

JKH

<b>SCHEDULE</b>		<b>A</b>
This forms part of application		
# Z19-0143		
Planner Initials	AF	 City of <b>Kelowna</b> <small>DEVELOPMENT PLANNING</small>

PID: 008-391-246  
CIVIC ADDRESS: 595 MUGFORD ROAD, KELOWNA  
CLIENT: COREY KNORR

Proposed lot sizes based on RU2 zoning.

City of Kelowna  
DEVELOPMENT PLANNING





# Z19-0143

# 595 Mugford Road

## Rezoning Application



# Proposal

- ▶ To consider an application to rezone the subject property from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone to facilitate a future 2-lot subdivision.



# Development Process

Dec 19, 2019

Development Application Submitted

Staff Review & Circulation

June 30, 2020

Public Notification Received

Aug 10, 2020

Initial Consideration

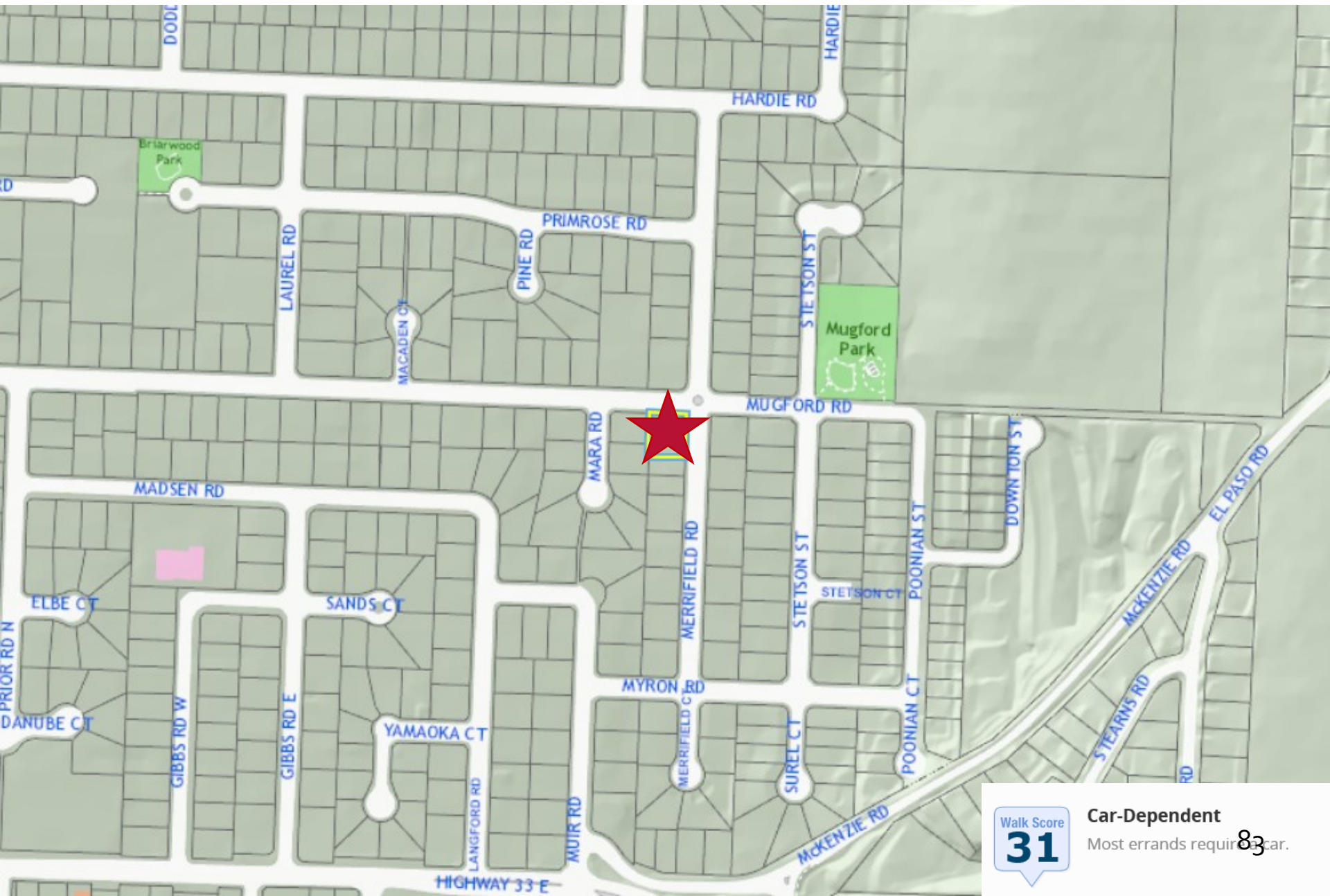
Public Hearing – Request to Waive  
Second, Third Readings, DVP

Final Reading

Subdivision Application

Council  
Approvals

# Context Map



Walk Score  
**31**

**Car-Dependent**  
Most errands require a car.

83



# Subject Property Map





# Street View Image

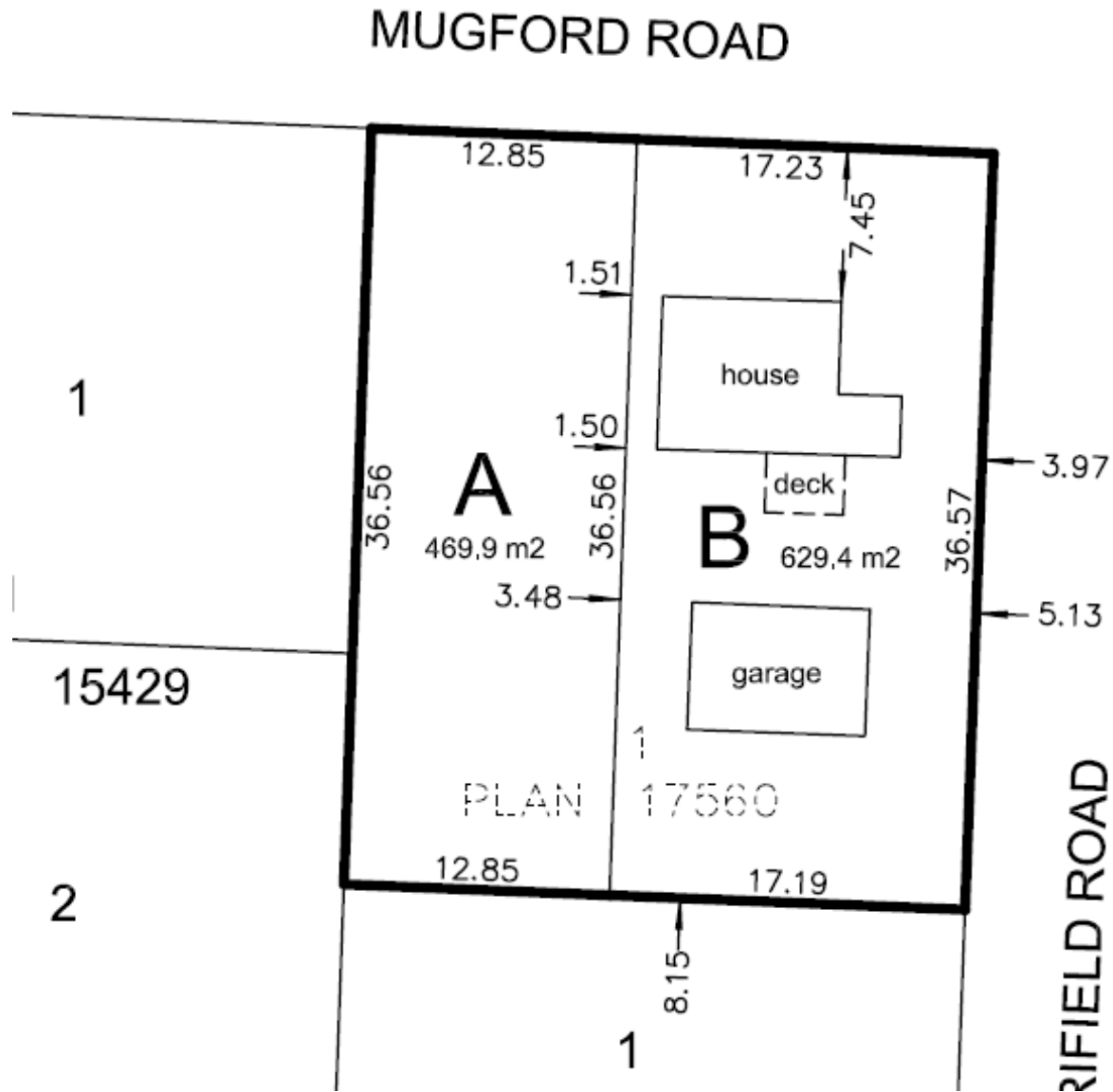


# Street View Image





# Conceptual Site Plan





# Development Policy

- ▶ Meets the intent of Official Community Plan Urban Infill Policies:
  - ▶ Within Permanent Growth Boundary
  - ▶ Sensitive Infill
  - ▶ Compact Urban Form
- ▶ Consistent with Future Land Use of S2RES.

# Staff Recommendation

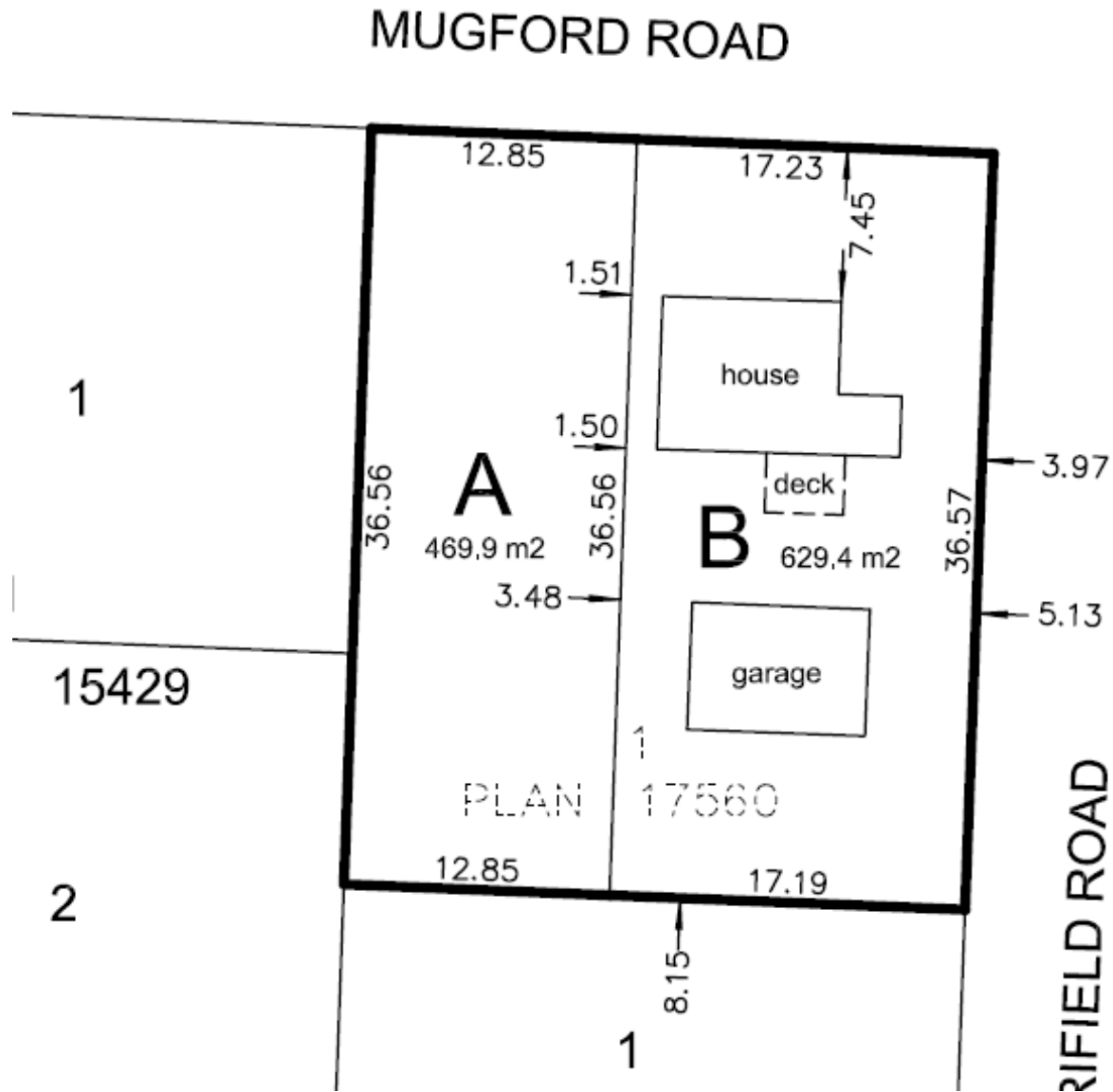
- ▶ Staff recommend **support** of the proposed rezoning
  - ▶ Meets the intent of the Official Community Plan
    - ▶ Urban Infill Policies
    - ▶ Appropriate location for adding residential density
- ▶ Recommend Public Hearing be waived for rezoning bylaw



## *Conclusion of Staff Remarks*



# Conceptual Site Plan



**CITY OF KELOWNA**  
**BYLAW NO. 12088**  
**Z19-0143 – 595 Mugford Road**

---

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1 Section 26 Township 26 ODYD Plan 17500 located on Mugford Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 10<sup>th</sup> day of August, 2020.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

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(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

# REPORT TO COUNCIL



**Date:** August 10, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** TA20-0018

**Owner:** Summit Real Estate Holdings Ltd., Inc. No. BC1098449

**Address:** 1920-1936 Summit Drive

**Applicant:** Kent-Macpherson

**Subject:** Text Amendment Application

**Existing OCP Designation:** COMM - Commercial

**Existing Zone:** CD3rcs – Comprehensive Development 3 (Retail Cannabis Sales)

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## 1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA20-0018 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" attached to the Report from the Development Planning Department dated August 10, 2020 be considered by Council;

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

## 2.0 Purpose

To amend the Zoning Bylaw by removing the maximum Gross Floor Area for Retail Liquor Sales, removing the limit on the number of Retail Liquor Sales businesses, and addressing how the Retail Cannabis Sales subzone was created within Area 2 of the CD3 zone.

## 3.0 Development Planning

Development Planning Staff support the Text Amendment application to remove the maximum size of a retail liquor sales establishment, and to remove the limit of one retail liquor sales business within Area 2 of the CD3 zone. The original intent of this size regulation was to not have retail liquor sales occupying a predominant or dominate portion of a site. Now that the development is complete and units are occupied, a large liquor store on this property is no longer a concern of staff.

Development Planning Staff further support the removal of regulation allowing one Retail Liquor Sale Business within Area 2 only. This is because the provincial *Liquor Control and Licensing Regulation* restricts



Retail Liquor Stores from opening if they are within 1 km of any other Retail Liquor Store, so it would not be possible for another Retail Liquor Store to open on this property.

Council supported a Text Amendment and Rezoning application relating to retail cannabis sales establishments within Area 2 of the CD3 zone in November 2019. An amendment is needed to address how this subzone was created in the Zoning Bylaw, and has been included as part of this application.

The applicant completed neighbourhood notification in accordance with Council Policy No. 367.

#### **4.0 Proposal**

##### **4.1 Background**

Retail Liquor Sales was added as a permitted use to Area 2 of the CD3 zone through a Text Amendment that was adopted by Council in 2017. This Text Amendment also included regulations that there only be one Retail Liquor Sales establishment located in Area 2, and that it is limited to a maximum Gross Floor Area of 185 m<sup>2</sup>. A Retail Liquor Sales establishment has been in a unit on the property since 2018.

##### **4.2 Project Description**

The applicant is requesting a Text Amendment to the CD3 zone which would allow for the existing Retail Liquor Sales establishment to relocate from their current unit on the site to a slightly larger commercial unit located on the perimeter.

##### **4.3 Site Context**

The property is located at the northeast corner of the Glenmore Rd and Summit Dr intersection and has a Future Land Use Designation of Commercial. The surrounding area has a mix of residential uses and densities as well as retail and personal service use.

Specifically, adjacent land uses are as follows:

<b>Orientation</b>	<b>Zoning</b>	<b>Land Use</b>
North	CD3 – Comprehensive Development 3	Apartment housing
East	CD27 – Comprehensive Development 27	Apartment housing
South	P3 – Parks and Open Space	Participant recreation services, outdoor
West	RU1 – Large Lot Housing	Single dwelling housing

**Subject Property Map: 1920-1936 Summit Dr**



**5.0 Application Chronology**

Date of Application Received: June 30, 2020

Date Public Consultation Completed: July 16, 2020

**Report prepared by:** Kimberly Brunet, Planner II

**Reviewed by:** Terry Barton, Development Planning Department Manager

**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services

**Attachments:**

Schedule A: Amendments to the City of Kelowna Zoning Bylaw No. 8000

# SCHEDULE "A" – Proposed Amendments to the City of Kelowna Zoning

## Bylaw No. 8000

TA20-0018

Zoning Bylaw No. 8000					
No.	Section	Existing Text		Proposed Text	Rationale
1.	Section 1 – General Administration  1.3 Zoning Map	<div>CD3</div> <div>Comprehensive Development Three</div>		<div>CD3</div> <div>Comprehensive Development Three</div> <div>CD3rcs</div> <div>Comprehensive Development Three (Retail Cannabis Sales)</div>	Creation of a retail cannabis sales subzone in the CD3 zone
2.	Section 18 - Schedule 'B' – Comprehensive Development Zones  CD3 – Comprehensive Development Three	CD3 - Comprehensive Development Three		CD3 - Comprehensive Development Three  CD3rcs - Comprehensive Development Three (Retail Cannabis Sales)	Addition of a retail cannabis sales subzone to the CD3 zone
3.	Section 18 - Schedule 'B' – Comprehensive Development Zones  CD3 – Comprehensive Development Three  1.2 Permitted Uses	The permitted principal uses in Area 2 of this zone, as shown on Figure CD 3.1, are:  (k) retail cannabis sales establishment		The permitted principal uses in Area 2 of this zone, as shown on Figure CD 3.1, are:  (k) retail cannabis sales establishment (CD3rcs only)	Specification that retail cannabis sales is only permitted on properties zoned CD3rcs
4.	Section 18 - Schedule 'B' – Comprehensive Development Zones	(f) Only one Retail Liquor Sale business is permitted in Area 2.		(f) Deleted	Removal of the limit to the number of Retail Liquor Sales businesses within Area 2



	CD3 – Comprehensive Development Three 1.5 Other Regulations			
5.	Section 18 - Schedule 'B' – Comprehensive Development Zones CD3 – Comprehensive Development Three 1.5 Other Regulations	(g) Retail Liquor Sales within Area 2 shall be limited to a maximum Gross Floor Area of 185 m <sup>2</sup>	(g) Deleted	Removal of maximum Gross Floor Area for Retail Liquor Sales within Area 2



# TA20-0018

# 1920-1936 Summit Dr.

Text Amendment Application



# Proposal

- ▶ To amend the Zoning Bylaw by removing the maximum Gross Floor Area for Retail Liquor Sales and removing the limit on the number of Retail Liquor Sales businesses within Area 2 of the CD<sub>3</sub> zone.
- ▶ To amend the Zoning Bylaw to address how the Retail Cannabis Sales subzone was created within Area 2 of the CD<sub>3</sub> zone.

# Development Process

June 30, 2020

Text Amendment Application Submitted



Staff Review & Circulation



July 16, 2020

Public Notification Received



Aug 10, 2020

Initial Consideration



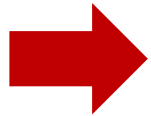
Aug 25, 2020

Public Hearing  
Second & Third Readings



Final Reading

Council  
Approvals





# Context Map



City of Kelowna



**Car-Dependent**  
Most errands require a car.



# Subject Property Map



# Project/technical details

- ▶ Existing Retail Liquor Store is wanting to move to a larger perimeter unit
  - ▶ Currently ~185 m<sup>2</sup>, proposed ~200 m<sup>2</sup> unit
  
- ▶ Current CD3 regulations:
  - ▶ Restricts Retail Liquor Sales to a maximum of 185 m<sup>2</sup> GFA
  - ▶ Specifies only one Retail Liquor Sales business permitted

# Staff Recommendation

- ▶ Development Planning Staff recommend support for the Text Amendment application
  - ▶ Retail Liquor Sales
    - ▶ No longer a concern about a large liquor store on the property
    - ▶ Only one store would be permitted, as per provincial regulations
  - ▶ Retail Cannabis Sales
    - ▶ Amendments address how the subzone was created under a previous Text Amendment





## *Conclusion of Staff Remarks*



# Proposed Amendments – Retail Liquor Sales

4.	Section 18 - Schedule 'B' – Comprehensive Development Zones  CD3 – Comprehensive Development Three  1.5 Other Regulations	(f) Only one Retail Liquor Sale business is permitted in Area 2.	(f) Deleted	Removal of the limit to the number of Retail Liquor Sales businesses within Area 2
5.	Section 18 - Schedule 'B' – Comprehensive Development Zones  CD3 – Comprehensive Development Three  1.5 Other Regulations	(g) Retail Liquor Sales within Area 2 shall be limited to a maximum Gross Floor Area of 185 m <sup>2</sup>	(g) Deleted	Removal of maximum Gross Floor Area for Retail Liquor Sales within Area 2

# Proposed Amendments – Retail Cannabis Sales

## Zoning Bylaw No. 8000

Zoning Bylaw No. 8000											
No.	Section	Existing Text		Proposed Text	Rationale						
1.	Section 1 – General Administration  1.3 Zoning Map	Section 18 – Comprehensive Development Zones  <table border="1"> <tr> <td>CD3</td> <td>Comprehensive Development Three</td> </tr> </table>		CD3	Comprehensive Development Three	Section 18 – Comprehensive Development Zones  <table border="1"> <tr> <td>CD3</td> <td>Comprehensive Development Three</td> </tr> <tr> <td>CD3rcs</td> <td>Comprehensive Development Three (retail cannabis sales)</td> </tr> </table>	CD3	Comprehensive Development Three	CD3rcs	Comprehensive Development Three (retail cannabis sales)	Creation of a retail cannabis sales subzone in the C3 zone
CD3	Comprehensive Development Three										
CD3	Comprehensive Development Three										
CD3rcs	Comprehensive Development Three (retail cannabis sales)										
2.	Section 18 - Schedule 'B' – Comprehensive Development Zones  CD3 – Comprehensive Development Three	CD3 - Comprehensive Development Three		CD3 - Comprehensive Development Three  CD3rcs - Comprehensive Development Three (retail cannabis sales)	Addition of a retail cannabis sales subzone to the C3 zone						
3.	Section 18 - Schedule 'B' – Comprehensive Development Zones  CD3 – Comprehensive Development Three  1.2 Permitted Uses	The permitted principal uses in Area 2 of this zone, as shown on Figure CD 3.1, are:  (k) retail cannabis sales establishment		The permitted principal uses in Area 2 of this zone, as shown on Figure CD 3.1, are:  (k) retail cannabis sales establishment (CD3rcs only)	Specification that retail cannabis sales is only permitted on properties zoned CD3rcs						

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**CITY OF KELOWNA**  
**BYLAW NO. 12089**  
**CD3 – Comprehensive Development Three Zone Amendments**

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT **Section 1 – General Administration, 1.3 Zoning Map, Section 18 – Comprehensive Development Zones** be amended by:

a) Deleting the following:

CD3	Comprehensive Development Three
-----	---------------------------------

And replacing it with:

CD3	Comprehensive Development Three
CD3rcs	Comprehensive Development Three (Retail Cannabis Sales)

2. AND THAT **Section 18 - Schedule 'B' – Comprehensive Development Zones, CD3 – Comprehensive Development Three** be amended by:

b) Adding to the end of the title in **CD3 – Comprehensive Development Three** the following:

**"CD3rcs – Comprehensive Development Three (Retail Cannabis Sales)"**

3. AND THAT **Section 18 - Schedule 'B' – Comprehensive Development Zones, CD3 – Comprehensive Development Three, 1.2 Permitted Uses** be amended by:

c) Deleting the following:

**"(k) retail cannabis sales establishment"**

And replacing it with:

**"(k) retail cannabis sales establishment (CD3rcs only)"**

4. AND THAT **Section 18 - Schedule 'B' – Comprehensive Development Zones, CD3 – Comprehensive Development Three, 1.5 Other Regulations** be amended by deleting:

**"(f) Only one Retail Liquor Sale business is permitted in Area 2."**

5. AND FURTHER THAT **Section 18 - Schedule 'B' – Comprehensive Development Zones, CD3 – Comprehensive Development Three, 1.5 Other Regulations** be amended by deleting:

**"(g) Retail Liquor Sales within Area 2 shall be limited to a maximum Gross Floor Area of 185 m<sup>2</sup>."**

6. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 10<sup>th</sup> day of August, 2020.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

\_\_\_\_\_  
(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



## City of Kelowna Public Hearing Minutes

Date: Tuesday, August 11, 2020  
 Location: Council Chamber  
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Gail Given, Brad Sieben, Mohini Singh, Luke Stack and Loyal Wooldridge

Members Participating Remotely Councillor Charlie Hodge

Members Absent Councillor Ryan Donn

Staff Present City Manager, Doug Gilchrist; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton; Community Planning & Development Manager, Dean Strachan\*; Legislative Coordinator (Confidential), Arlene McClelland

(\* Denotes partial attendance)

1. **Due to COVID-19 a Public Hearing Agenda will also include Regular Council Meeting Items**
2. **Call to Order the Public Hearing - START TIME 6:00 PM - Park Ave 409 - Z20-0042 (BL12085) - Brenda Rusnak**

Mayor Basran called the Hearing to order at 6:06 p.m.

Mayor Basran advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030 - Official Community Plan Bylaw No. 10500" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

### 3. Individual Bylaw Submissions

#### 3.1 START TIME - 6:00 PM - Park Ave 409 - Z20-0042 (BL12085) - Brenda Rusnak

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Dave Cullen, Cadder Avenue, Applicant

- Provided history of living in Kelowna and described the process of purchasing the subject property, along with submitting building and development applications.

- Spoke to the correspondence submitted by Kelowna South-Central Association of Neighbourhoods (KSAN) and The Friends and Residents of the Abbott Street Heritage Conservation Area Society (FRAHCAS) and provided clarification on the information.
- Hired professionals to look at the hazardous materials, trees on the property and structural engineering.
- Previous additions to the house caused structural deficiencies and it was impractical to salvage the home.
- Displayed a map of the Abbott Street Heritage Conservation Area identifying the properties that do not conform to the RU1 zone.
- This proposal is consistent with the Official Community Plan and infill.
- Displayed the proposed subdivision plan, conceptual site plan and proposed rendering of the new house; no variances are required.
- Hired a Heritage Consultant that drafted the plans for a modern farm style home with white brick; an elevator is included in the design to allow aging in place.
- Spoke to the surrounding properties and zoning and believes that this proposal is consistent with the neighbourhood and is also enabling another family to move into the neighbourhood.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

Gallery:

Brian Anderson, West Kelowna

- Spoke to his profession as a Structural Engineer and previous Chair of the City's Heritage Advisory Committee; very familiar with the conservation area and heritage buildings.
- Advised that the roof structure of the building was compromised and the foundation had some damage; the building was not in good condition.
- Outlined previous alterations to the home throughout the years.
- Responded to questions from Council.
- Does not believe the subdivision will alter the character or negatively impact the heritage area.
- The house proposed is a unique design and gives character to the conservation area.

Pat Munro, Cadder Avenue, KSAN Director

- Opposed to the proposed rezoning as this will change the heritage conservation area.
- Believes the new design of the proposed house is not in keeping with character of the neighbourhood.
- Spoke to the heritage conservation area being the top 5 must see of Tourism Kelowna.

David Cullen Sr., Resident

- Lived in a heritage house on Christleton Avenue for 50 years.
- Spoke to the work and expense to maintain a heritage home.
- Supports how much effort the applicants have put into this project.

Sean Upshaw, Knox Crescent

- Raised concern with subdividing and building two homes on a previous single lot.
- Spoke to interactions with the property owner regarding renovations to the heritage house that changed drastically since originally buying the lot.
- Raised concern that this proposal will set a precedent of others subdividing and stratifying lots in the neighbourhood.
- Opposed to this application.

Ian Crichton, Park Avenue

- Asked Council to deny this application as subdividing large lots in the heritage area will only open the door for investors to profit, increases the number of residents and will destroy the character of the area.
- Opposed to this application.



Marilyn Fine, Burtch Avenue

- The lot is huge and can accommodate another home which gives another family a chance to live in the area.
- In support of this application.

Manuella Farnsworth, Park Avenue

- Have no issues with the proposed house specifically.
- Raised concern with rezoning to subdivide into two lots.
- Would support a house and a carriage house that allows for two families but subdividing into two lots changes the character of the neighbourhood.
- Opposed to this application.

Peter Chataway, Cadder Avenue

- Believes that zoning is the largest determinant of form and character; the RU1 zone retains landscaping and mature trees that define an area and supports sustainability.
- Increasing the density negates characteristics of the RU1 zone and is not appropriate everywhere in the city.
- Asked Council to commit to protecting the heritage area that is 0.5% of the city.
- Past changes in the conservation area was for the common good, for example hospital uses but believes this proposal erodes the common good.
- Opposed to this application.

Susan Ames, Abbott Street, KSAN President

- Spoke to the history of the heritage conservation area in Kelowna.
- The heritage conservation area has an economic importance for tourism.
- Raised concern with the process of demolishing a heritage house then subdividing the lot; could present risk for other houses in the area.
- Believes the RU1c zone would be more appropriate without subdividing and would be similar to other homes in the area.
- Opposed to this application.

Valerie Hallford, Sutherland Avenue

- Had lived next door to the subject property for several years.
- Displayed a photo of the vacant subject property and 429 Park Avenue in the background.
- Displayed a photo of what the house at 429 Park Avenue used to look like and a photo during construction.
- Described renovations previously done to the neighbouring house to refurbish and restore its heritage character.
- Does not believe that heritage buildings should be judged on basis of additions made or condition of their structure.
- Opposed to rezoning and subdivision of this property.

Dave Cullen, Applicant

- Outlined the cost incurred on design to retrofit the heritage house, remediation and landscaping; was very much invested in the home.
- Redevelopment requires completing improvements along the entire property frontage.
- Spoke to many people in the neighbourhood; not once was contacted by KSAN or FRAHCAS about this proposal.
- Intention is to live and be a part of this neighbourhood.
- Responded to questions from Council.

Staff:

- Clarified how proposed properties meet subdivision regulations.
- Responded to questions from Council.

There were no further comments.

#### 4. Termination

The Hearing was declared terminated at 7:13 p.m.

## 5. Call to Order the Regular Meeting

Mayor Basran called the meeting to order at 7:13 p.m.

### 5.1 START TIME - 6:00 PM - Park Ave 409 - BL12085 (Z20-0042) - Brenda Rusnak

Staff:

- Clarified the process of Council consideration of Heritage Alteration Permits and the Heritage Advisory Committee Terms of Reference.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0536/20/08/11 THAT Bylaw No. 12085 be read a second and third time.

**Carried**  
Councillor Hodge - Opposed

## 6. Termination

The meeting was declared terminated at 7:37 p.m.

The meeting was adjourned at 7:37 p.m.

## 7. Call to Order Public Hearing - START TIME 7:00 PM - Highway 97 N 2339-2397 - Z20-0014 (BL12083) - Dilworth Shopping Centre Ltd., Inc. No. 319846

Mayor Basran called the Hearing to order at 7:44 p.m.

Mayor Basran advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030 - Official Community Plan Bylaw No. 10500" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

### 7.1 START TIME 7:00 PM - Highway 97 N 2339-2397 - Z20-0014 (BL12083) - Dilworth Shopping Centre Ltd., Inc. No. 319846

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

The Applicant was present and available for questions.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

No one from the Gallery came forward.

There were no further comments.

## 8. Termination

The Hearing was declared terminated at 7:47 p.m.



## 9. Call to Order the Regular Meeting

Mayor Basran called the meeting to order at 7:47 p.m.

### 9.1 START TIME - 7:00 PM - Highway 97 N 2339-2397 - BL12083 (Z20-0014) - Dilworth Shopping Centre Ltd., Inc. No. 319846

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R0537/20/08/11 THAT Bylaw No. 12083 be read a second and third time.

Carried

## 10. Termination

The meeting was declared terminated at 7:47 p.m.

### 11. Call to Order Public Hearing - START TIME 7:00 PM - Pacific Ave 1144 - Z20-0013 (BL12084) - 1217799 BC Ltd., Inc. No. BC1217799

Mayor Basran called the Hearing to order at 7:47 p.m.

Mayor Basran advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030 - Official Community Plan Bylaw No. 10500" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

### 11.1 START TIME 7:00 PM - Pacific Ave 1144 - Z20-0013 (BL12084) - 1217799 BC Ltd., Inc. No. BC1217799

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Jesse Alexander, New Town Architecture & Engineering Inc., Applicant

- The long term plan for Pacific Avenue is to be a collector standard road in this area.
- This proposal for a mixed use building is the first on this portion of the street.
- The proposal meets the Official Community Plan and Urban Centre Plan for the C4 zone.
- The C4 zone is similar in scale as the RM5 zone to the south; massing wise this building will not be out of place.
- Responded to questions from Council.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

Gallery:

Jim Crane, Pacific Avenue

- Posted notices about this project in his building, however, many residents are not computer savvy.
- Pacific Avenue is a short street off of Gordon and raised concern with making a left or right hand turn.
- Commented that there are already several new buildings in the area.
- No issue with the residential component but would rather see commercial fronting Sutherland Avenue only.
- Responded to questions from Council.

There were no further comments.

**12. Termination**

The Hearing was declared terminated at 8:05 p.m.

**13. Call to Order the Regular Meeting**

Mayor Basran called the meeting to order at 8:05 p.m.

**13.1 START TIME - 7:00 PM - Pacific Ave 1144 - BL12084 (Z20-0013) - 1217799 BC Ltd., Inc. No. BC1217799**

Moved By Councillor Stack/Seconded By Councillor DeHart

R0538/20/08/11 THAT Bylaw No. 12084 be read a second and third time.

Carried

**14. Termination**

The meeting was declared terminated at 8:13 p.m.

**15. Call to Order Public Hearing - START TIME 7:00 PM - Robson Rd W 235, 285 and Rutland Rd S 240 - Z20-0010 (BL12086) - 1918951 Alberta Ltd., Inc. No. A0110539**

Mayor Basran called the Hearing to order at 8:13 p.m.

Mayor Basran advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030 - Official Community Plan Bylaw No. 10500" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

**15.1 START TIME 7:00 PM - Robson Rd W 235, 285 and Rutland Rd S 240 - Z20-0010 (BL12086) - 1918951 Alberta Ltd., Inc. No. A0110539**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Jesse Alexander, New Town Architecture & Engineering Inc., Applicant

- Responded to questions from Council.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

No one from the Gallery came forward.

There were no further comments.

**16. Termination**

The Hearing was declared terminated at 8:20 p.m.

**17. Call to Order the Regular Meeting**

Mayor Basran called the meeting to order at 8:20 p.m.



- 17.1 START TIME - 7:00 PM - Robson Rd W 235, 285 and Rutland Rd S 240 - BL12086  
(Z20-0010) - 1918951 Alberta Ltd., Inc. No. A0110539

Moved By Councillor DeHart/Seconded By Councillor Stack

R0539/20/08/11 THAT Bylaw No. 12086 be read a second and third time.

Carried

18. Termination

The meeting was declared terminated at 8:24 p.m.

\_\_\_\_\_  
Mayor Basran

/acm

\_\_\_\_\_  
Deputy City Clerk

DRAFT



**City of Kelowna  
Regular Council Meeting  
Minutes**

Date: Tuesday, August 11, 2020  
Location: Council Chamber  
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Gail Given, Brad Sieben, Mohini Singh, Luke Stack and Loyal Wooldridge

Members Participating Remotely Councillor Charlie Hodge

Members Absent Councillor Ryan Donn

Staff Present City Manager, Doug Gilchrist; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton; Legislative Coordinator (Confidential), Arlene McClelland

(\* Denotes partial attendance)

**1. Call to Order**

Mayor Basran called the meeting to order at 8:24 p.m.

**2. Reaffirmation of Oath of Office**

The Oath of Office was read by Councillor Singh.

**3. Confirmation of Minutes**

Moved By Councillor Wooldridge/Seconded By Councillor Given

R0540/20/08/11 THAT the Minutes of the Regular Meeting of July 28, 2020 be confirmed as circulated.

Carried

**4. Development Permit and Development Variance Permit Reports**

**4.1 Birch Ave 795-797 - DVP19-0233 - Velma Rena Feeny**

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.
- Confirmed that the applicant was unable to attend and provided the reasons.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Sieben

**R0541/20/08/11** THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0233 for Strata Lot 1 & 2 District Lot 136 ODYD Strata Plan KAS1996 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1, located at 795-797 Birch Avenue, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted:

**Table 8.3.6 – Required Off-Street Parking Requirements – Community, Recreational, and Culture**

To vary the required minimum parking spaces from 10 required to 3 proposed.

**Table 8.4 – Minimum Loading Required**

To vary the required minimum on-site loading spaces from 1 required to 0 spaces proposed.

Carried

5. Reminders – Nil.

6. Termination

The meeting was declared terminated at 8:38 p.m.

\_\_\_\_\_  
Mayor Basran

/acm

\_\_\_\_\_  
Deputy City Clerk