

City of Kelowna

Public Hearing

AGENDA



Tuesday, October 27, 2020
4:30 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. **Due to COVID-19 a Public Hearing Agenda will also include Regular Meeting Items**
2. **Call to Order the Public Hearing - START TIME 4:30 PM - East Kelowna Area - LUCT18-0012 (BL11727) - Various Owners**

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 - 4:30 PM - East Kelowna Area - LUCT18-0012 (BL11727) - Various Owners**

To consider the Land Use Contract Termination on the subject properties identified in 'Schedule A'.

4. Termination

5. Call to Order the Regular Meeting

6. Bylaws Considered at Public Hearing

6.1. START TIME 4:30 PM - East Kelowna Area - BL11727 (LUCT18-0012) - Various Owners

24 - 26

To give Bylaw No. 11727 second and third reading and be adopted in order to early terminate LUC78-1034 from multiple properties as per Schedule 'A'.

7. Termination

8. Call to Order the Public Hearing -START TIME 4:30 - Willow Cr 1715 - Z20-0057 (BL12104) - Faith Jenelle McKenzie and Clint Douglas McKenzie

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9. Individual Bylaw Submissions

9.1. START TIME 4:30 PM - Willow Cr 1715 - Z20-0057 (BL12104) - Faith Jenelle McKenzie and Clint Douglas McKenzie

27 - 40

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

10. Termination

11. Call to Order the Regular Meeting

12. Bylaws Considered at Public Hearing

12.1. START TIME 4:30 PM - Willow Cr 1715 - BL12104 (Z20-0057) - Faith Jenelle McKenzie and Clint Douglas McKenzie

41 - 41

To give Bylaw No. 12104 second and third reading and be adopted in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone.

13. Termination

14. Call to Order the Public Hearing - START TIME 4:30 PM - Tataryn Rd 916 - Z20-0056 (BL12105) - Tomasius Floire Phoebus

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15. Individual Bylaw Submissions

15.1. START TIME 4:30 PM - Tataryn Rd 916 - Z20-0056 (BL12105) - Tomasius Floire Phoebus

42 - 57

To rezone the subject property to facilitate the conversion of the existing dwelling into a carriage house.

16. Termination

17. Call to Order the Regular Meeting

18. Bylaws Considered at Public Hearing

18.1. START TIME 4:30 PM - Tataryn Rd 916 - BL12105 (Z20-0056) - Tomasius Floire Phoebus

58 - 58

To give Bylaw No. 12105 second and third reading in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone.

19. Termination

20. Call to Order the Public Hearing - START TIME 4:30 PM - Pinehurst Cres 1508 - Z20-0054 (BL12108) - David and Marti Gramlich

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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21. Individual Bylaw Submission

21.1. START TIME 4:30 PM - Pinehurst Cres 1508 - Z20-0054 (BL12108) - David and Marti Gramlich

59 - 78

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone to allow for the conversion of an existing detached garage into a carriage house.

22. Termination

23. Call to Order the Regular Meeting

24. Bylaws Considered at Public Hearing

24.1. START TIME 4:30 PM - Pinehurst Cres 1508 - BL12108 (Z20-0054) - David and Marti Gramlich

79 - 79

To give Bylaw No. 12108 second and third reading and be adopted in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone.

25. Termination

26. Call to Order the Public Hearing - START TIME 5:00 PM - Abbott St 3031 and 3041 - OCP20-0004 (BL12106) Z20-0007 (BL12107) - 1176909 B.C. Ltd., Inc. No. BC1176909

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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27. Individual Bylaw Submissions

27.1. START TIME 5:00 PM - Abbott St 3031 and 3041 - OCP20-0004 (BL12106) Z20-0007 (BL12107) - 1176909 B.C. Ltd., Inc. No. BC1176909

80 - 119

To amend the Official Community Plan from the MRM - Multiple Unit Residential (Medium Density) designation to the MXR - Mixed Use (Residential/Commercial) designation and to rezone the subject properties from the RU1- Large Lot Housing zone to the C4- Urban Centre Commercial zone to facilitate the development of a mixed-use building.

28. Termination

29. Call to Order the Regular Meeting

30. Bylaws Considered at Public Hearing

- 30.1. START TIME 5:00 PM - Abbott St 3031 and 3041 - BL12106 (OCP20-0004) - 1176909 B.C. Ltd., Inc. No. BC1176909** 120 - 120

Requires a majority of all members of Council (5).

To give Bylaw No. 12106 second and third reading to amend the Official Community Plan from the MRM - Multiple Unit Residential (Medium Density) designation to the MXR - Mixed Use (Residential/Commercial) designation.

- 30.2. START TIME 5:00 PM - Abbott St 3031 and 3041 - BL12107 (Z20-0007) - 1176909 B.C. Ltd., Inc. No. BC1176909** 121 - 121

To give Bylaw No. 12107 second and third reading in order to rezone the subject property from the RU1- Large Lot Housing zone to the C4- Urban Centre Commercial zone.

31. Termination

32. Procedure on each Bylaw Submission

- (a) Brief description of the application by City Staff (Development 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: October 5, 2020

To: Council

From: City Manager

Department: Development Planning Department

Application: LUCT18-0012

Owner: Multiple Owners

Address: Multiple Addresses

Applicant: The City of Kelowna

Subject: Land Use Contract Termination (LUC78-1034)

Existing OCP Designation: S2RES – Single/Two Unit Residential
PARK – Major Park / Open Space (Public)

Existing Zone: RR3 – Rural Residential 3
P3 – Parks and Open Space

1.0 Recommendation

THAT Land Use Contract Termination Application No. LUCT18-0012 to terminate LUC78-1034 from properties identified in 'Schedule A', located on Eastwood Drive, Eastwood Court, Sunshine Road, Summerside Drive and Suncrest Court, Kelowna, B.C. be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration.

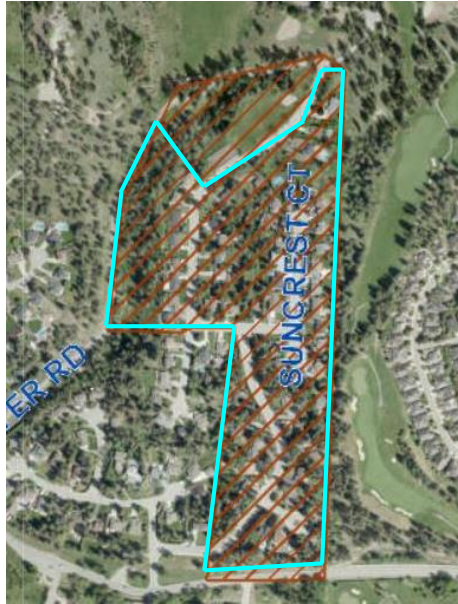
2.0 Purpose

To consider the Land Use Contract Termination on the subject properties identified in 'Schedule A'.

3.0 Development Planning

Staff are bringing forth and are recommending this Land Use Contract (LUC78-1034) be terminated for the subject properties. The current LUC affects 57 properties, located on Eastwood Drive, Eastwood Court, Sunshine Road, Summerside Drive and Suncrest Court. The Land Use Contract currently restricts the use to single family residential.

The underlying zoning (RR3 – Rural Residential 3 & P3 – Parks and Open Space) fits with the established neighbourhood and is an appropriate zone for the existing land use. The P3 zoned property is used for the neighbourhood park, known as Summerside Park.



Properties to revert to RR3



Property to revert to P3

The Land Use Contract uses and regulations fit within the RR3 – Rural Residential 3 & P3 – Parks and Open Space zone however, the new zone does permit more uses (e.g. secondary suite).

4.0 Proposal

4.1 Background

Land Use Contracts were a tool regularly used in the 1970's before it was eliminated on November 15th 1978. The purpose of the tool was to allow local governments to arrive at agreements with specific developers to grant development rights over and above what was allowed under current zoning. This was typically done in exchange for commitments by developers to help finance the infrastructure costs of development.

Issues have arisen, specifically with the continued application of land use contracts as they supersede any subsequent bylaw dealing with land use and development including: Zoning Bylaws, Development Cost Charge Bylaws, and Development Permits. The Local Government Act was amended in 2014 stating all land use contracts in the province will be terminated as of June 30th 2024. Land use contracts will remain in force until that date unless terminated early by the municipality. By June 20th 2022, local governments must have appropriate zoning regulations in place to replace land use contracts upon their termination. However, LUC terminations (unlike LUC discharges) do not initially apply when Council adopts the bylaw. Terminations require a one-year grace period as outlined by the Local Government Act before the LUC is removed and the underlying zone comes into effect.

4.2 Project Description

Local governments must provide notice to each owner that the termination of land use contract is occurring and must provide notice of what the new zoning regulations apply to the land. The municipality must send additional letters after the one-year grace period is complete informing the property owners of which land use regulations apply to their properties.

Staff are recommending Council Notification Policy #367 including early notification and development signage be waived for all Land Use Contract terminations. Public consultation in this case is not

recommended as the notification policy is a City initiative and the elimination is mandate by the Local Government Act. Staff are suggesting the standard development notification, as outlined above, be sent to properties affected by the LUC under consideration for termination.

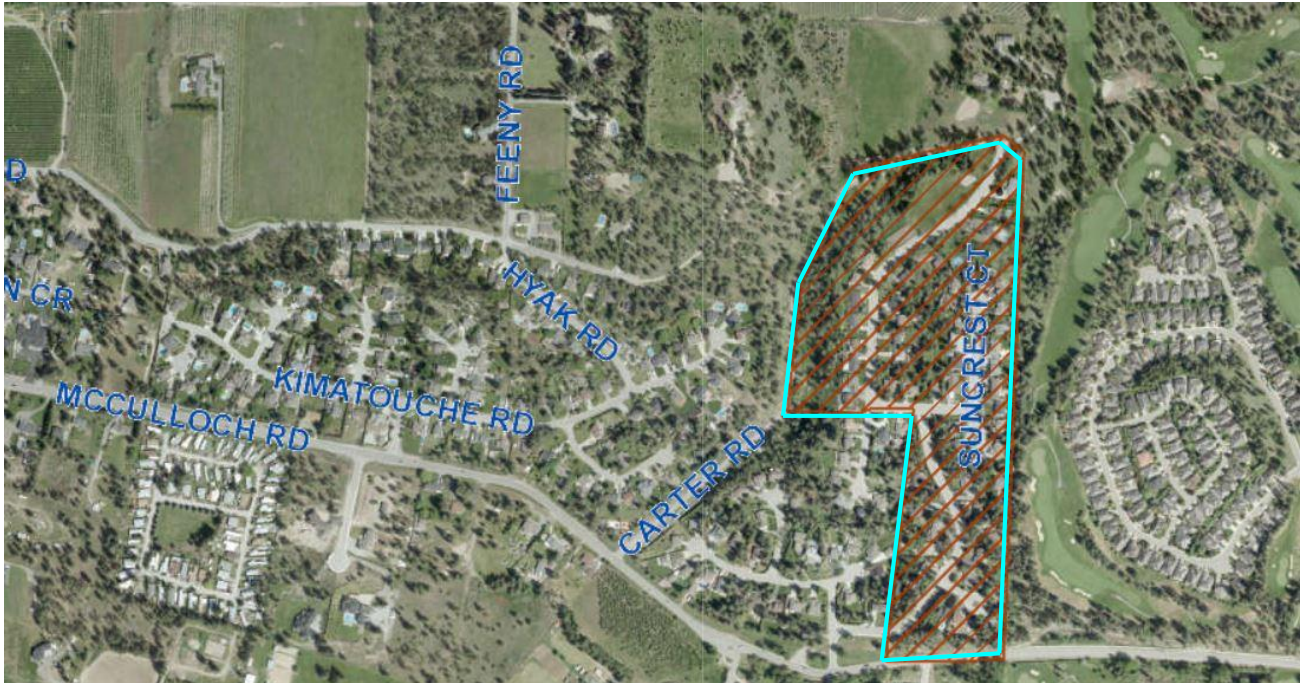
4.3 Site Context

The subject 57 properties have a total area of 144,713m² and are located in South East Kelowna. The properties are designated S2RES – Single / Two Unit Residential and PARK – Major Park/Open Space (public) in the Official Community Plan and the surrounding area is single family residential, agriculture and recreational park space.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1 (within the ALR)	Agriculture – farming
East	P3LP – Parks and Open Space (Liquor Primary)	Gallaghers Canyon Golf Course
South	RR3 – Rural Residential 3	Single Family Residential
West	RR3 – Rural Residential 3 A1 – Agriculture 1 (within the ALR)	Single Family Residential Agriculture - farming

Subject Property Map: Eastwood Drive, Eastwood Court, Sunshine Road, Summerside Drive and Suncrest Court



5.0 **Current Development Policies**

5.1 Council Policy No. 282 – Strategy for Elimination of Remaining Land Use Contracts

Council Policy No. 282.² Includes the following statement:

That the City of Kelowna initiate proceedings to discharge the contacts subject to consultation with affected owners of the land and subject to prior approval by council with regard to affected contracts

6.o Application Chronology

Date of Application Received: July 23rd, 2018

Date Public Consultation Completed: July 30th, 2018 and September 18th, 2020

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Dean Strachan, Community Planning & Development Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments

Schedule A: Land Use Contract Termination LUC78-1034

Schedule A: LUC78-1034						
No.	Legal Description	Address	Parcel Identifier Number	Land Use Contract	Underlying Zone	
1	Lot 31 Section 2 Township 26 ODYD Plan KAP32380	4010 Sunshine Rd	003-473-449	LUC78-1034	RR3 - Rural Residential 3 zone	
2	Lot 30 Section 2 Township 26 ODYD Plan KAP32380	4030 Sunshine Rd	003-473-422	LUC78-1034	RR3 - Rural Residential 3 zone	
3	Lot 29 Section 2 Township 26 ODYD Plan KAP32380	4050 Sunshine Rd	002-374-340	LUC78-1034	RR3 - Rural Residential 3 zone	
4	Lot Q Section 2 Township 26 ODYD Plan KAP34626	3860 Suncrest Crt	002-941-384	LUC78-1034	RR3 - Rural Residential 3 zone	
5	Lot R Section 2 Township 26 ODYD Plan KAP34626	3869 Suncrest Crt	002-359-928	LUC78-1034	RR3 - Rural Residential 3 zone	
6	Lot 23 Section 2 Township 26 ODYD Plan KAP32380	3870 Suncrest Crt	002-374-331	LUC78-1034	RR3 - Rural Residential 3 zone	
7	Lot 22 Section 2 Township 26 ODYD Plan KAP32380	3879 Suncrest Crt	002-374-374	LUC78-1034	RR3 - Rural Residential 3 zone	
8	Lot 24 Section 2 Township 26 ODYD Plan KAP32380	3880 Suncrest Crt	003-473-333	LUC78-1034	RR3 - Rural Residential 3 zone	
9	Lot 21 Section 2 Township 26 ODYD Plan KAP32380	3889 Suncrest Crt	003-473-317	LUC78-1034	RR3 - Rural Residential 3 zone	
10	Lot 25 Section 2 Township 26 ODYD Plan KAP32380	3890 Suncrest Crt	003-473-341	LUC78-1034	RR3 - Rural Residential 3 zone	
11	Lot 20 Section 2 Township 26 ODYD Plan KAP32380	3899 Suncrest Crt	003-473-309	LUC78-1034	RR3 - Rural Residential 3 zone	
12	Lot 19 Section 2 Township 26 ODYD Plan KAP32380	3905 Suncrest Crt	003-473-287	LUC78-1034	RR3 - Rural Residential 3 zone	
13	Lot 26 Section 2 Township 26 ODYD Plan KAP32380	3910 Suncrest Crt	003-473-350	LUC78-1034	RR3 - Rural Residential 3 zone	
14	Lot 18 Section 2 Township 26 ODYD Plan KAP32380	3915 Suncrest Crt	002-359-791	LUC78-1034	RR3 - Rural Residential 3 zone	
15	Lot 27 Section 2 Township 26 ODYD Plan KAP32380	3920 Suncrest Crt	003-473-406	LUC78-1034	RR3 - Rural Residential 3 zone	
16	Lot 17 Section 2 Township 26 ODYD Plan KAP32380	3925 Suncrest Crt	003-473-279	LUC78-1034	RR3 - Rural Residential 3 zone	
17	Lot 28 Section 2 Township 26 ODYD Plan KAP32380	3926 Suncrest Crt	002-359-782	LUC78-1034	RR3 - Rural Residential 3 zone	
18	Lot 16 Section 2 Township 26 ODYD Plan KAP32380	3935 Suncrest Crt	002-359-774	LUC78-1034	RR3 - Rural Residential 3 zone	
19	Lot 11 Section 2 Township 26 ODYD Plan KAP32380	3942 Suncrest Crt	002-359-758	LUC78-1034	RR3 - Rural Residential 3 zone	
20	Lot 15 Section 2 Township 26 ODYD Plan KAP32380	3945 Suncrest Crt	003-473-244	LUC78-1034	RR3 - Rural Residential 3 zone	
21	Lot 12 Section 2 Township 26 ODYD Plan KAP32380	3952 Suncrest Crt	001-793-501	LUC78-1034	RR3 - Rural Residential 3 zone	
22	Lot 14 Section 2 Township 26 ODYD Plan KAP32380	3955 Suncrest Crt	003-473-228	LUC78-1034	RR3 - Rural Residential 3 zone	
23	Lot 13 Section 2 Township 26 ODYD Plan KAP32380	3962 Suncrest Crt	001-647-440	LUC78-1034	RR3 - Rural Residential 3 zone	
24	Lot U Section 2 Township 26 ODYD Plan KAP34626	3821 Summerside Dr	002-941-406	LUC78-1034	RR3 - Rural Residential 3 zone	
25	Lot T Section 2 Township 26 ODYD Plan KAP34626	3831 Summerside Dr	002-941-392	LUC78-1034	RR3 - Rural Residential 3 zone	
26	Lot S Section 2 Township 26 ODYD Plan KAP34626	3833 Summerside Dr	002-374-412	LUC78-1034	RR3 - Rural Residential 3 zone	
27	Lot P Section 2 Township 26 ODYD Plan KAP34626	3857 Summerside Dr	002-359-901	LUC78-1034	RR3 - Rural Residential 3 zone	
28	Lot N Section 2 Township 26 ODYD Plan KAP34626	3868 Summerside Dr	001-788-477	LUC78-1034	RR3 - Rural Residential 3 zone	
29	Lot O Section 2 Township 26 ODYD Plan KAP34626	3877 Summerside Dr	002-374-439	LUC78-1034	RR3 - Rural Residential 3 zone	
30	Lot M Section 2 Township 26 ODYD Plan KAP34626	3878 Summerside Dr	002-941-376	LUC78-1034	RR3 - Rural Residential 3 zone	

31	Lot 35 Section 2 Township 26 ODYD Plan KAP32380	3887 Summerside Dr	003-473-481	LUC78-1034	RR3 - Rural Residential 3 zone
32	Lot L Section 2 Township 26 ODYD Plan KAP34626	3888 Summerside Dr	001-554-565	LUC78-1034	RR3 - Rural Residential 3 zone
33	Lot 34 Section 2 Township 26 ODYD Plan KAP32380	3897 Summerside Dr	003-473-465	LUC78-1034	RR3 - Rural Residential 3 zone
34	Lot K Section 2 Township 26 ODYD Plan KAP34626	3898 Summerside Dr	002-359-871	LUC78-1034	RR3 - Rural Residential 3 zone
35	Lot 33 Section 2 Township 26 ODYD Plan KAP32380	3907 Summerside Dr	002-078-538	LUC78-1034	RR3 - Rural Residential 3 zone
36	Lot J Section 2 Township 26 ODYD Plan KAP34626	3908 Summerside Dr	001-992-783	LUC78-1034	RR3 - Rural Residential 3 zone
37	Lot 32 Section 2 Township 26 ODYD Plan KAP32380	3917 Summerside Dr	002-359-804	LUC78-1034	RR3 - Rural Residential 3 zone
38	Lot I Section 2 Township 26 ODYD Plan KAP34626	3918 Summerside Dr	002-359-898	LUC78-1034	RR3 - Rural Residential 3 zone
39	Lot H Section 2 Township 26 ODYD Plan KAP34626	3928 Summerside Dr	002-374-421	LUC78-1034	RR3 - Rural Residential 3 zone
40	Lot G Section 2 Township 26 ODYD Plan KAP34626	3938 Summerside Dr	002-941-368	LUC78-1034	RR3 - Rural Residential 3 zone
41	Lot F Section 2 Township 26 ODYD Plan KAP34626	3946 Eastwood Dr	002-941-350	LUC78-1034	RR3 - Rural Residential 3 zone
42	Lot 10 Section 2 Township 26 ODYD Plan KAP32380	3947 Eastwood Dr	001-904-744	LUC78-1034	RR3 - Rural Residential 3 zone
43	Lot E Section 2 Township 26 ODYD Plan KAP34626	3956 Eastwood Dr	002-374-391	LUC78-1034	RR3 - Rural Residential 3 zone
44	Lot 9 Section 2 Township 26 ODYD Plan KAP32380	3957 Eastwood Dr	003-473-201	LUC78-1034	RR3 - Rural Residential 3 zone
45	Lot D Section 2 Township 26 ODYD Plan KAP34626	3966 Eastwood Dr	002-359-847	LUC78-1034	RR3 - Rural Residential 3 zone
46	Lot 8 Section 2 Township 26 ODYD Plan KAP32380	3967 Eastwood Dr	002-374-358	LUC78-1034	RR3 - Rural Residential 3 zone
47	Lot 7 Section 2 Township 26 ODYD Plan KAP32380	3977 Eastwood Dr	003-473-198	LUC78-1034	RR3 - Rural Residential 3 zone
48	Lot C Section 2 Township 26 ODYD Plan KAP34626	3986 Eastwood Dr	001-724-932	LUC78-1034	RR3 - Rural Residential 3 zone
49	Lot 6 Section 2 Township 26 ODYD Plan KAP32380	3987 Eastwood Dr	003-374-180	LUC78-1034	RR3 - Rural Residential 3 zone
50	Lot B Section 2 Township 26 ODYD Plan KAP34626	3990 Eastwood Dr	002-374-382	LUC78-1034	RR3 - Rural Residential 3 zone
51	Lot A Section 2 Township 26 ODYD Plan KAP34626	3998 Eastwood Dr	002-076-772	LUC78-1034	RR3 - Rural Residential 3 zone
52	Lot 5 Section 2 Township 26 ODYD Plan KAP32380	3991 Eastwood Crt	003-473-163	LUC78-1034	RR3 - Rural Residential 3 zone
53	Lot 4 Section 2 Township 26 ODYD Plan KAP32380	3993 Eastwood Crt	002-068-044	LUC78-1034	RR3 - Rural Residential 3 zone
54	Lot 3 Section 2 Township 26 ODYD Plan KAP32380	3995 Eastwood Crt	003-473-155	LUC78-1034	RR3 - Rural Residential 3 zone
55	Lot 2 Section 2 Township 26 ODYD Plan KAP32380	3997 Eastwood Crt	003-473-147	LUC78-1034	RR3 - Rural Residential 3 zone
56	Lot 1 Section 2 Township 26 ODYD Plan KAP32380	3999 Eastwood Crt	001-605-704	LUC78-1034	RR3 - Rural Residential 3 zone
57	Lot 36 Section 2 Township 26 ODYD Plan KAP32380	3858 Summerside Dr	003-473-490	LUC78-1034	P3 – Parks and Open Space



LUCT18-0012

Eastwood Dr, Eastwood Ct, Sunshine Rd,
Summerside Rd and Suncrest Ct.

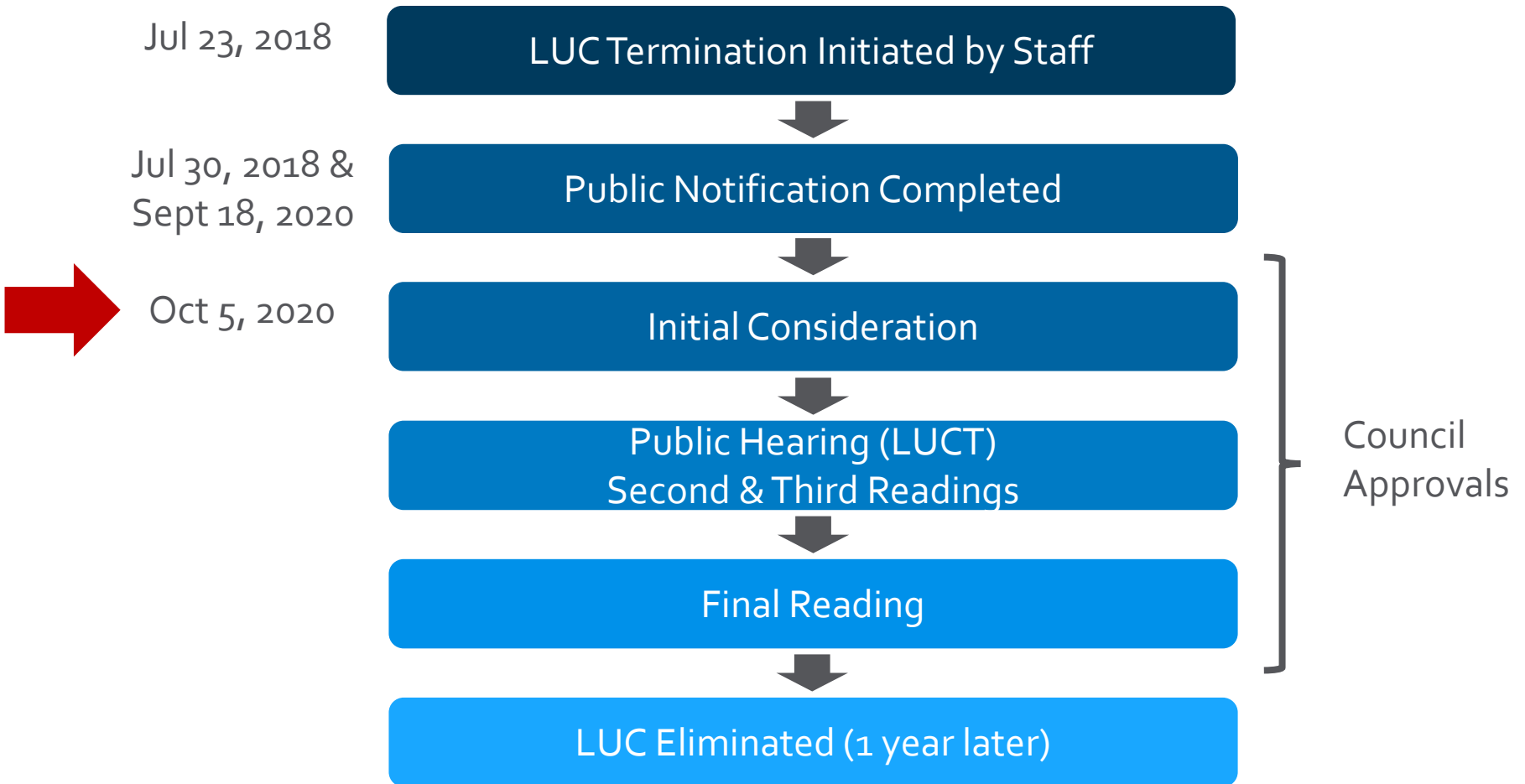
Land Use Contract Termination



Proposal

- ▶ To terminate the Land Use Contract (LUC78-1034)

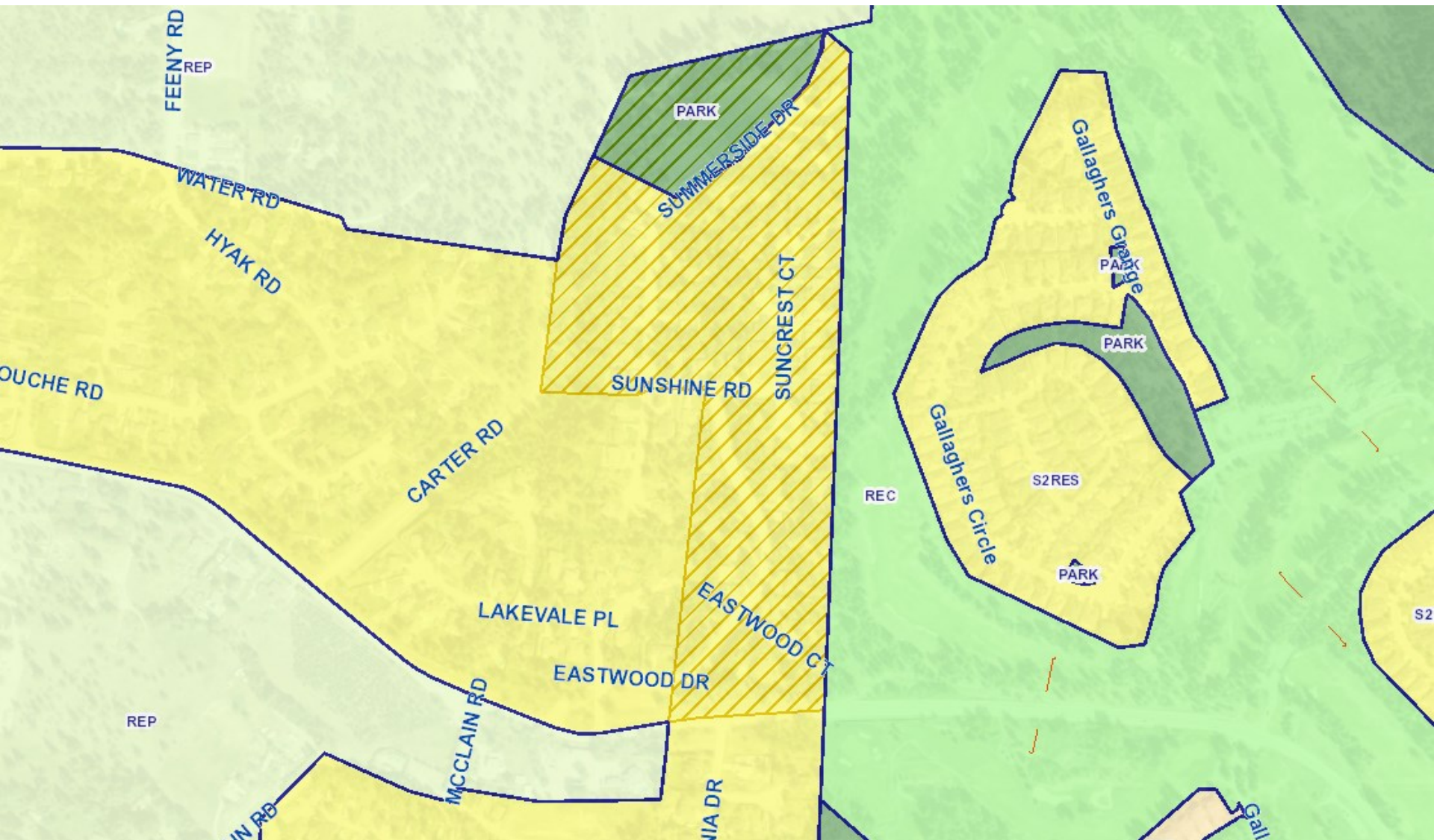
Development Process



Context Map



OCP Future Land Use



Background

- ▶ Land Use Contracts: 1970's tool
- ▶ Allow local governments to grant development rights above and beyond current zoning
- ▶ Exchange for commitments from developers to help infrastructure costs
- ▶ BC Government requires all contracts to be discharged and/or terminated by 2024 and the appropriate zoning in place by 2022.

Project Details

- ▶ 57 properties affected:
 - ▶ 56 to be reverted to RR3 – Rural Residential 3
 - ▶ 1 to be reverted to P3 – Parks and Open Space
- ▶ City of Kelowna Staff initiated the LUC Termination of the area.
- ▶ If successful, all properties will get full use of current RR3 and P3 zones, one year after termination date.

Public Notification Policy #367

- ▶ Staff sent a letter of Proposed Termination of Land Use Contract to all properties within the LUC Area
 - ▶ Sent on July 30th, 2018 and September 18th, 2020.
- ▶ One-year grace period from Council consideration before full uses of RR3 – Rural Residential 3 zone (as per Zoning Bylaw no. 8000).

Staff Recommendation

- ▶ Development Planning Staff recommend **support** for the proposed land use contract termination:
 - ▶ The existing zone (RR3 & P3) is appropriate for the area.
 - ▶ Province of BC requires all LUC's to be discharged/terminated.



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 11727

LUCT18-0012

Early Termination of Land Use Contract - LUC78-1034

Summerside Drive, Sunshine Road, Suncrest Court, Eastwood Court and Eastwood Drive

WHEREAS a land use contract (the "Land Use Contract LUC78-1034") is registered at the Kamloops Land Title Office under the charge numbers N64390 and all amendments thereto against lands in the City of Kelowna particularly known and described as in Schedule "A" attached (the "Lands"), located on Summerside Drive, Sunshine Road, Suncrest Court, Eastwood Court and Eastwood Drive, Kelowna, B.C.;

AND WHEREAS Section 548 of the *Local Government Act* provides that a local government may impose an early termination to land use contracts registered in a Land Title Office that applies to land within the jurisdiction of the local government;

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

1. This Bylaw may be cited for all purposes as "Early Termination of Land Use Contract LUC78-1034 Bylaw";
2. Bylaw No.4674-78 establishing Land Use Contract LUC78-1034 and all amendments thereto, are hereby repealed and the Land Use Contract is terminated as of the date of adoption; and
3. This bylaw will come into force and effect one year after the adoption date.

Read a first time by the Municipal Council this 5th day of October, 2020.

Considered at a Public Hearing this

Read a second and third time by Municipal Council this

Adopted by the Municipal Council this

Mayor

City Clerk

Schedule A: LUC78-1034 Charge No. N64390

No.	Legal Description	Address	Parcel Identifier Number	Land Use Contract	Underlying Zone
1	Lot 31 Section 2 Township 26 ODYD Plan KAP32380	4010 Sunshine Rd	003-473-449	LUC78-1034	RR3 - Rural Residential 3 zone
2	Lot 30 Section 2 Township 26 ODYD Plan KAP32380	4030 Sunshine Rd	003-473-422	LUC78-1034	RR3 - Rural Residential 3 zone
3	Lot 29 Section 2 Township 26 ODYD Plan KAP32380	4050 Sunshine Rd	002-374-340	LUC78-1034	RR3 - Rural Residential 3 zone
4	Lot Q Section 2 Township 26 ODYD Plan KAP34626	3860 Suncrest Crt	002-941-384	LUC78-1034	RR3 - Rural Residential 3 zone
5	Lot R Section 2 Township 26 ODYD Plan KAP34626	3869 Suncrest Crt	002-359-928	LUC78-1034	RR3 - Rural Residential 3 zone
6	Lot 23 Section 2 Township 26 ODYD Plan KAP32380	3870 Suncrest Crt	002-374-331	LUC78-1034	RR3 - Rural Residential 3 zone
7	Lot 22 Section 2 Township 26 ODYD Plan KAP32380	3879 Suncrest Crt	002-374-374	LUC78-1034	RR3 - Rural Residential 3 zone
8	Lot 24 Section 2 Township 26 ODYD Plan KAP32380	3880 Suncrest Crt	003-473-333	LUC78-1034	RR3 - Rural Residential 3 zone
9	Lot 21 Section 2 Township 26 ODYD Plan KAP32380	3889 Suncrest Crt	003-473-317	LUC78-1034	RR3 - Rural Residential 3 zone
10	Lot 25 Section 2 Township 26 ODYD Plan KAP32380	3890 Suncrest Crt	003-473-341	LUC78-1034	RR3 - Rural Residential 3 zone
11	Lot 20 Section 2 Township 26 ODYD Plan KAP32380	3899 Suncrest Crt	003-473-309	LUC78-1034	RR3 - Rural Residential 3 zone
12	Lot 19 Section 2 Township 26 ODYD Plan KAP32380	3905 Suncrest Crt	003-473-287	LUC78-1034	RR3 - Rural Residential 3 zone
13	Lot 26 Section 2 Township 26 ODYD Plan KAP32380	3910 Suncrest Crt	003-473-350	LUC78-1034	RR3 - Rural Residential 3 zone
14	Lot 18 Section 2 Township 26 ODYD Plan KAP32380	3915 Suncrest Crt	002-359-791	LUC78-1034	RR3 - Rural Residential 3 zone
15	Lot 27 Section 2 Township 26 ODYD Plan KAP32380	3920 Suncrest Crt	003-473-406	LUC78-1034	RR3 - Rural Residential 3 zone
16	Lot 17 Section 2 Township 26 ODYD Plan KAP32380	3925 Suncrest Crt	003-473-279	LUC78-1034	RR3 - Rural Residential 3 zone
17	Lot 28 Section 2 Township 26 ODYD Plan KAP32380	3926 Suncrest Crt	002-359-782	LUC78-1034	RR3 - Rural Residential 3 zone
18	Lot 16 Section 2 Township 26 ODYD Plan KAP32380	3935 Suncrest Crt	002-359-774	LUC78-1034	RR3 - Rural Residential 3 zone
19	Lot 11 Section 2 Township 26 ODYD Plan KAP32380	3942 Suncrest Crt	002-359-758	LUC78-1034	RR3 - Rural Residential 3 zone
20	Lot 15 Section 2 Township 26 ODYD Plan KAP32380	3945 Suncrest Crt	003-473-244	LUC78-1034	RR3 - Rural Residential 3 zone
21	Lot 12 Section 2 Township 26 ODYD Plan KAP32380	3952 Suncrest Crt	001-793-501	LUC78-1034	RR3 - Rural Residential 3 zone
22	Lot 14 Section 2 Township 26 ODYD Plan KAP32380	3955 Suncrest Crt	003-473-228	LUC78-1034	RR3 - Rural Residential 3 zone
23	Lot 13 Section 2 Township 26 ODYD Plan KAP32380	3962 Suncrest Crt	001-647-440	LUC78-1034	RR3 - Rural Residential 3 zone
24	Lot U Section 2 Township 26 ODYD Plan KAP34626	3821 Summerside Dr	002-941-406	LUC78-1034	RR3 - Rural Residential 3 zone
25	Lot T Section 2 Township 26 ODYD Plan KAP34626	3831 Summerside Dr	002-941-392	LUC78-1034	RR3 - Rural Residential 3 zone
26	Lot S Section 2 Township 26 ODYD Plan KAP34626	3833 Summerside Dr	002-374-412	LUC78-1034	RR3 - Rural Residential 3 zone
27	Lot P Section 2 Township 26 ODYD Plan KAP34626	3857 Summerside Dr	002-359-901	LUC78-1034	RR3 - Rural Residential 3 zone
28	Lot N Section 2 Township 26 ODYD Plan KAP34626	3868 Summerside Dr	001-788-477	LUC78-1034	RR3 - Rural Residential 3 zone
29	Lot O Section 2 Township 26 ODYD Plan KAP34626	3877 Summerside Dr	002-374-439	LUC78-1034	RR3 - Rural Residential 3 zone
30	Lot M Section 2 Township 26 ODYD Plan KAP34626	3878 Summerside Dr	002-941-376	LUC78-1034	RR3 - Rural Residential 3 zone

Schedule A: LUC78-1034 Charge No. N64390					
No.	Legal Description	Address	Parcel Identifier Number	Land Use Contract	Underlying Zone
31	Lot 35 Section 2 Township 26 ODYD Plan KAP32380	3887 Summerside Dr	003-473-481	LUC78-1034	RR3 - Rural Residential 3 zone
32	Lot L Section 2 Township 26 ODYD Plan KAP34626	3888 Summerside Dr	001-554-565	LUC78-1034	RR3 - Rural Residential 3 zone
33	Lot 34 Section 2 Township 26 ODYD Plan KAP32380	3897 Summerside Dr	003-473-465	LUC78-1034	RR3 - Rural Residential 3 zone
34	Lot K Section 2 Township 26 ODYD Plan KAP34626	3898 Summerside Dr	002-359-871	LUC78-1034	RR3 - Rural Residential 3 zone
35	Lot 33 Section 2 Township 26 ODYD Plan KAP32380	3907 Summerside Dr	002-078-538	LUC78-1034	RR3 - Rural Residential 3 zone
36	Lot J Section 2 Township 26 ODYD Plan KAP34626	3908 Summerside Dr	001-992-783	LUC78-1034	RR3 - Rural Residential 3 zone
37	Lot 32 Section 2 Township 26 ODYD Plan KAP32380	3917 Summerside Dr	002-359-804	LUC78-1034	RR3 - Rural Residential 3 zone
38	Lot I Section 2 Township 26 ODYD Plan KAP34626	3918 Summerside Dr	002-359-898	LUC78-1034	RR3 - Rural Residential 3 zone
39	Lot H Section 2 Township 26 ODYD Plan KAP34626	3928 Summerside Dr	002-374-421	LUC78-1034	RR3 - Rural Residential 3 zone
40	Lot G Section 2 Township 26 ODYD Plan KAP34626	3938 Summerside Dr	002-941-368	LUC78-1034	RR3 - Rural Residential 3 zone
41	Lot F Section 2 Township 26 ODYD Plan KAP34626	3946 Eastwood Dr	002-941-350	LUC78-1034	RR3 - Rural Residential 3 zone
42	Lot 10 Section 2 Township 26 ODYD Plan KAP32380	3947 Eastwood Dr	001-904-744	LUC78-1034	RR3 - Rural Residential 3 zone
43	Lot E Section 2 Township 26 ODYD Plan KAP34626	3956 Eastwood Dr	002-374-391	LUC78-1034	RR3 - Rural Residential 3 zone
44	Lot 9 Section 2 Township 26 ODYD Plan KAP32380	3957 Eastwood Dr	003-473-201	LUC78-1034	RR3 - Rural Residential 3 zone
45	Lot D Section 2 Township 26 ODYD Plan KAP34626	3966 Eastwood Dr	002-359-847	LUC78-1034	RR3 - Rural Residential 3 zone
46	Lot 8 Section 2 Township 26 ODYD Plan KAP32380	3967 Eastwood Dr	002-374-358	LUC78-1034	RR3 - Rural Residential 3 zone
47	Lot 7 Section 2 Township 26 ODYD Plan KAP32380	3977 Eastwood Dr	003-473-198	LUC78-1034	RR3 - Rural Residential 3 zone
48	Lot C Section 2 Township 26 ODYD Plan KAP34626	3986 Eastwood Dr	001-724-932	LUC78-1034	RR3 - Rural Residential 3 zone
49	Lot 6 Section 2 Township 26 ODYD Plan KAP32380	3987 Eastwood Dr	003-473-180	LUC78-1034	RR3 - Rural Residential 3 zone
50	Lot B Section 2 Township 26 ODYD Plan KAP34626	3990 Eastwood Dr	002-374-382	LUC78-1034	RR3 - Rural Residential 3 zone
51	Lot A Section 2 Township 26 ODYD Plan KAP34626	3998 Eastwood Dr	002-076-772	LUC78-1034	RR3 - Rural Residential 3 zone
52	Lot 5 Section 2 Township 26 ODYD Plan KAP32380	3991 Eastwood Crt	003-473-163	LUC78-1034	RR3 - Rural Residential 3 zone
53	Lot 4 Section 2 Township 26 ODYD Plan KAP32380	3993 Eastwood Crt	002-068-044	LUC78-1034	RR3 - Rural Residential 3 zone
54	Lot 3 Section 2 Township 26 ODYD Plan KAP32380	3995 Eastwood Crt	003-473-155	LUC78-1034	RR3 - Rural Residential 3 zone
55	Lot 2 Section 2 Township 26 ODYD Plan KAP32380	3997 Eastwood Crt	003-473-147	LUC78-1034	RR3 - Rural Residential 3 zone
56	Lot 1 Section 2 Township 26 ODYD Plan KAP32380	3999 Eastwood Crt	001-605-704	LUC78-1034	RR3 - Rural Residential 3 zone
57	Lot 36 Section 2 Township 26 ODYD Plan KAP32380	3858 Summerside Dr	003-473-490	LUC78-1034	P3 – Parks and Open Space

REPORT TO COUNCIL



Date: September 28, 2020

To: Council

From: City Manager

Department: Development Planning

Application: Z20-0057

Owner: Faith Jenelle McKenzie and
Clint Douglas McKenzie

Address: 1715 Willow Crescent

Applicant: Clint McKenzie

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU1c – Large Lot Housing with Carriage House

1.0 Recommendation

THAT Rezoning Application No. Z20-0057 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 Section 29 Township 26 ODYD Plan 14444, located at 1715 Willow Crescent, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone be considered by Council;

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

2.0 Purpose

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

3.0 Development Planning

Development Planning staff support the proposed rezoning to allow a carriage house to be built on the subject property. The Official Community Plan (OCP) Future Land Use designation of the property is S2RES – Single / Two Unit Residential, which supports building forms including single detached homes with secondary suites or carriage houses. Neighbourhood notification was undertaken by the applicant in accordance with Council Policy No. 367.

4.0 Proposal

4.1 Project Description

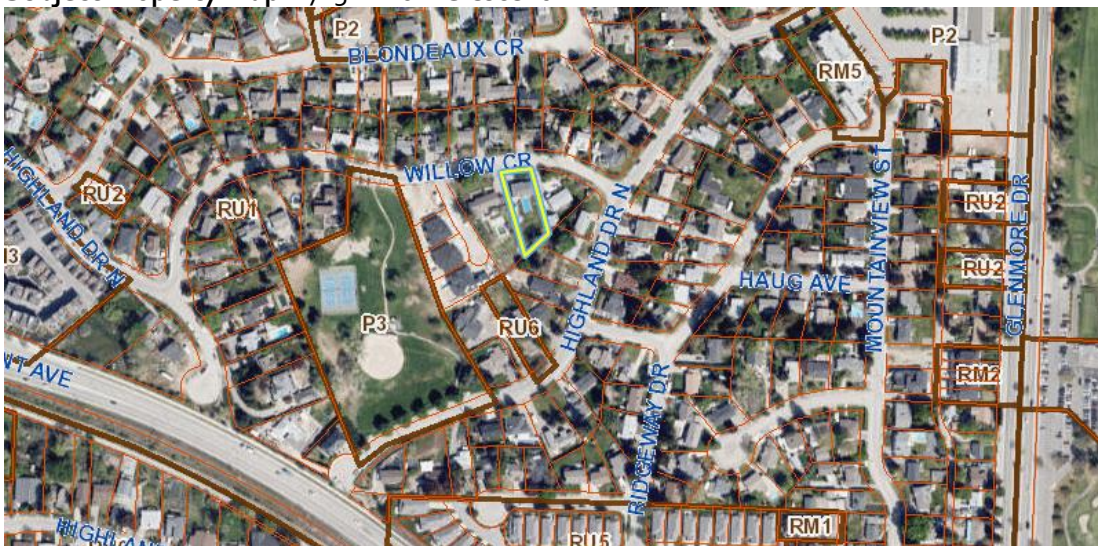
The applicant is proposing to build a carriage house in the rear of the property behind an existing single-family dwelling. The applicant has provided a site plan showing that a one-storey carriage house and required parking can be accommodated on-site without any variances.

4.2 Site Context

The subject property is located within the Permanent Growth Boundary, north of Clement Avenue and west of Glenmore Drive. The neighbourhood mainly consists of single-family housing. Adjacent land uses are listed below:

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

Subject Property Map: 1715 Willow Crescent



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 1: Introduction

Goals for a Sustainable Future:

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

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

Policy .1 Permanent Growth Boundary. Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. The City of Kelowna will support development of properties outside the PGB

for more intensive use only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except for Agri-Business designated sites or as per Council's specific amendment of this policy. The PGB may be reviewed as part of the next major OCP update.

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, conservation, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Objective 5.22 Ensure context sensitive housing

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

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

5.2 Zoning Bylaw No. 8000

RU1c – Large Lot Housing with Carriage House. The purpose of this zone is to provide a zone for single detached housing, and compatible secondary uses including carriage houses, on larger serviced urban lots.

6.o Application Chronology

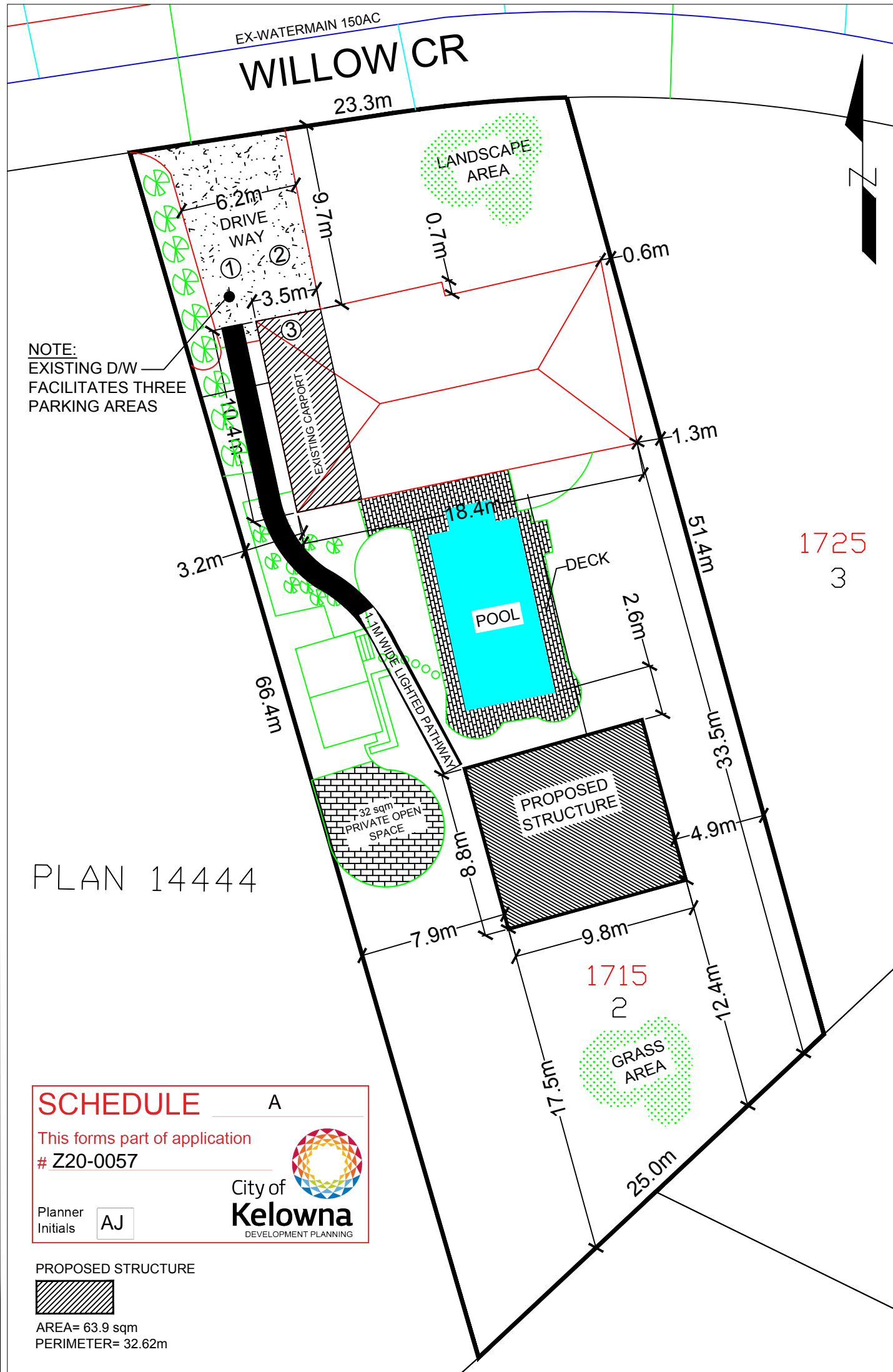
Date of Application Received: July 14, 2020
Date Public Consultation Completed: September 1, 2020

Report prepared by: Arlene Janousek, Planner

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

Attachments:

Schedule A: Site Plan



SCHEDULE

A

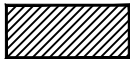
This forms part of application
Z20-0057

Planner
Initials

AJ

City of
Kelowna
DEVELOPMENT PLANNING

PROPOSED STRUCTURE



AREA= 63.9 sqm
PERIMETER= 32.62m

REGISTERED OWNER: CLINT & FAITH MCKENZIE

LEGAL DESCRIPTION:

ADDRESS: 1715 WILLOW CRES.
LOT NUMBER: LOT-2
PLAN NUMBER: PLAN-14444
SECTION: SEC.-29
LOT AREA: 1,340 sqm ±
PERIMETER: 166.10m±



TITLE:

PROPOSED STRUCTURE
PLOT PLAN

DRAWN BY:

Peter Falvo

REV:

1

DATE:

8/27/2020

DWG NO:

A-02

SCALE:

1:250

SHT: 2 OF 2

30



Z20-0057 1715 Willow Crescent

Rezoning Application



Proposal

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

Development Process

July 14, 2020

Development Application Submitted

Staff Review & Circulation

Sept 1, 2020

Public Notification Received

Sept 28, 2020

Initial Consideration

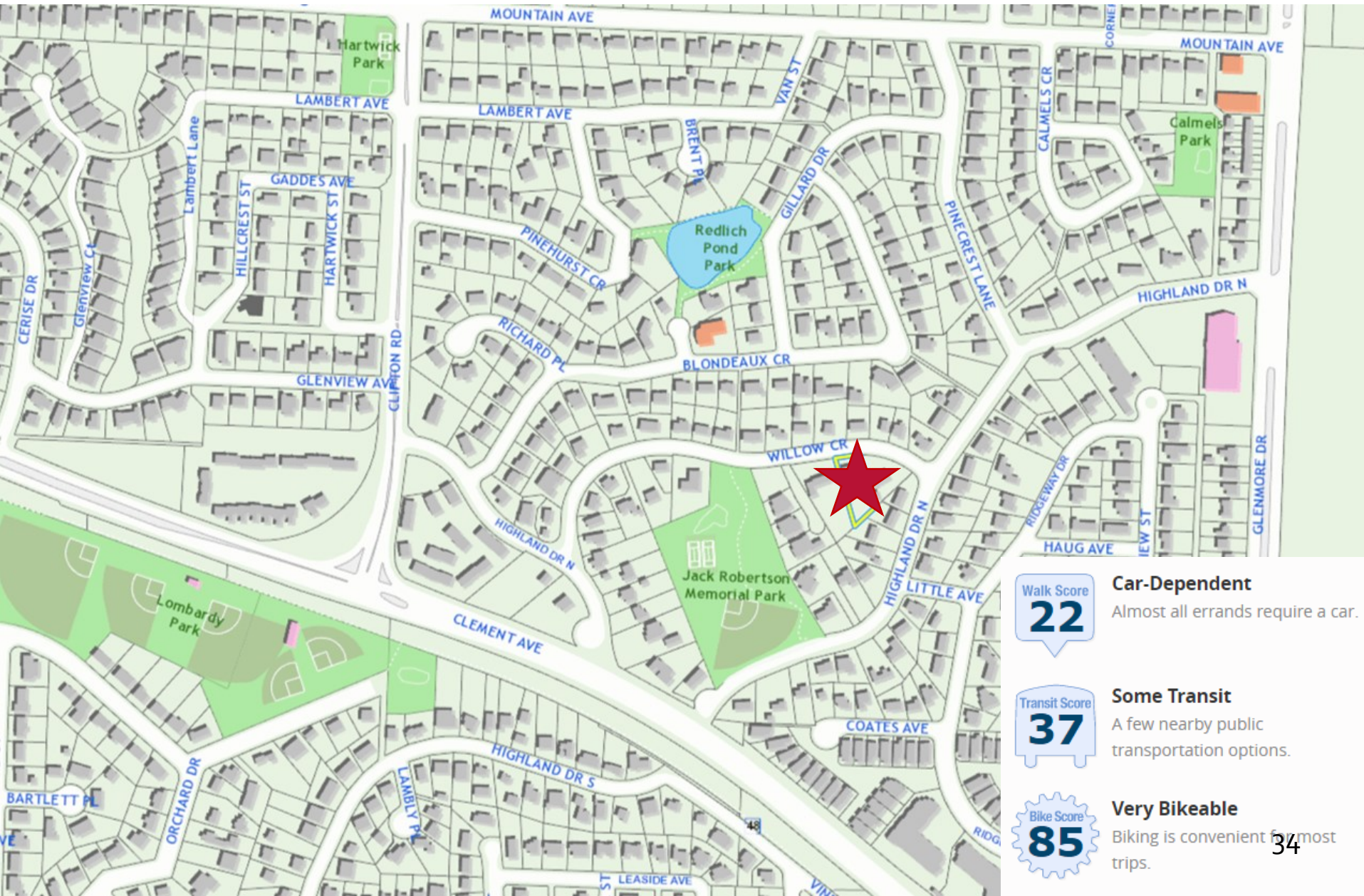
Public Hearing
Second & Third Readings

Final Reading

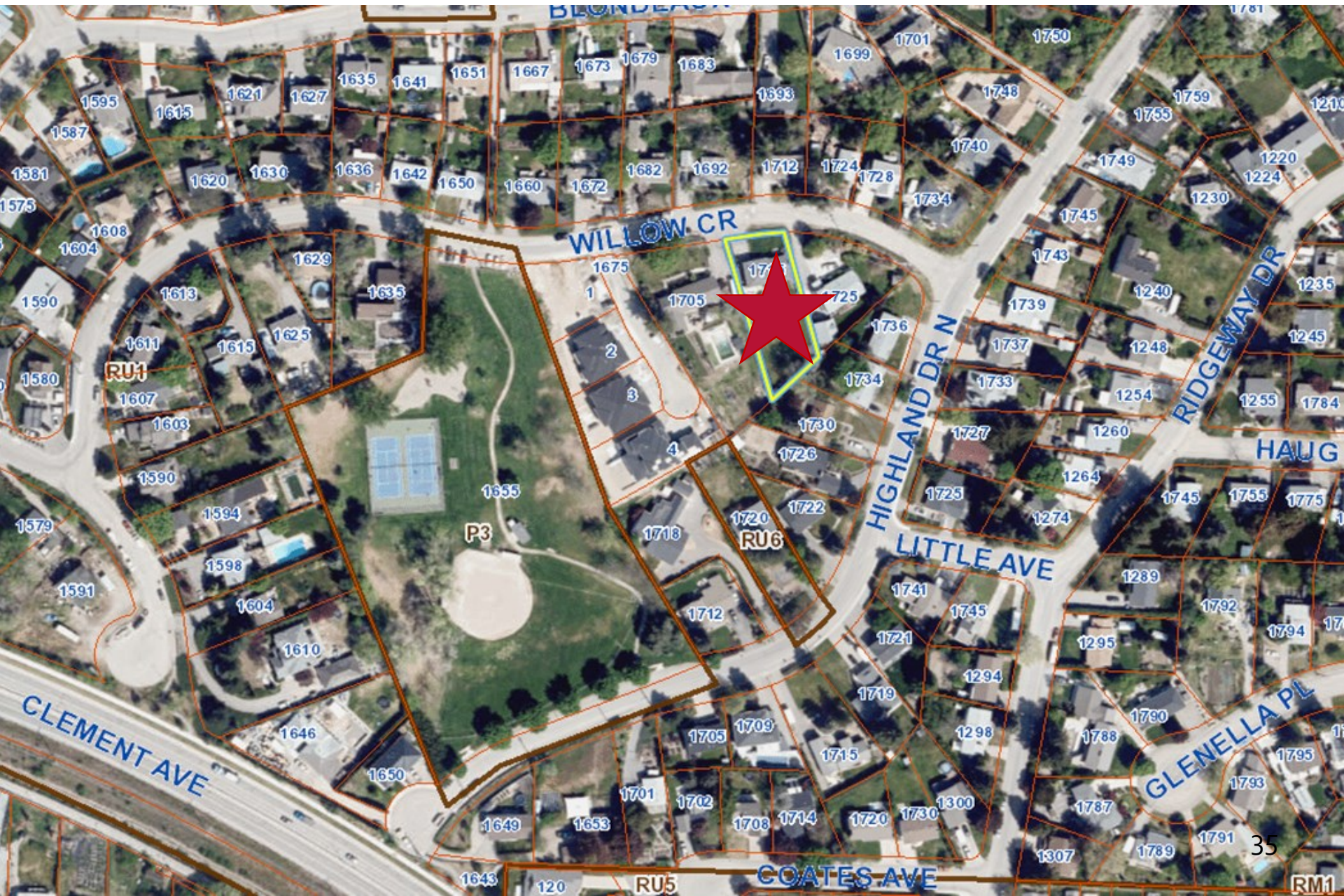
Building Permit

Council
Approvals

Context Map



Subject Property Map



Subject Property Photo



EX-WATERMAIN 150AC

WILLOW CR

23.3m

LANDSCAPE AREA

0.7m

0.6m

1.3m

51.4m

1725 3

32.5m

4.9m

12.4m

25.0m

17.5m

9.8m

7.9m

8.8m

32 sqm PRIVATE OPEN SPACE

1.5m WIDE LIGHTED PATHWAY

POOL

DECK

18.4m

2.6m

66.4m

3.2m

10.4m

3.5m

9.7m

6.2m DRIVE WAY

NOTE: EXISTING D/W FACILITATES THREE PARKING AREAS

PLAN 14444

1715 2

GRASS AREA

PROPOSED STRUCTURE

AREA= 63.9 sqm

PERIMETER= 32.62m

Development Policy

- ▶ Meets the intent of Official Community Plan Urban Infill Policies:
 - ▶ Within Permanent Growth Boundary
 - ▶ Complete Communities
 - ▶ Sensitive Infill
 - ▶ Carriage Houses and Accessory Apartments
- ▶ Consistent with Zoning Bylaw – no variances

Staff Recommendation

- ▶ Staff recommend **support** of the proposed rezoning to facilitate development of a carriage house
 - ▶ 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. 12104
Z20-0057 – 1715 Willow Crescent

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 Section 9 Township 26 ODYD Plan 14444 located at Willow Crescent, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House 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 28th day of September, 2020.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: September 28, 2020

To: Council

From: City Manager

Department: Development Planning

Application: Z20-0056

Owner: Tomasius Floire Phoebus

Address: 916 Tataryn Road

Applicant: Tomasius Phoebus

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU1c – Large Lot Housing with Carriage House

1.0 Recommendation

THAT Rezoning Application No. Z20-0056 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6 District Lot 137 Osoyoos Division Yale District Plan 17047, located at 916 Tataryn Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, be considered by Council;

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

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 rezone the subject property to facilitate the conversion of the existing dwelling into a carriage house.

3.0 Development Planning

Development Planning Staff support the rezoning application to RU1c – Large Lot Housing with Carriage House to facilitate the conversion of the existing dwelling into a carriage house. The Official Community Plan (OCP) Future Land Use designation of the subject property is S2RES – Single / Two Unit Residential, which

supports this zoning change. The concept of the carriage house is aligned with the OCP Policies of Compact Urban Form – increasing density where infrastructure already exists, and of Carriage Houses & Accessory Apartments. The property is connected to City sanitary sewer and within the Permanent Growth Boundary.

To convert the existing single storey dwelling into a carriage house, a variance to the minimum front yard would be required. Should this rezoning application be supported, Development Planning Staff would bring this variance forward for Council consideration prior to any building permits being issued for a new dwelling.

4.0 Proposal

4.1 Project Description

There is an existing single family dwelling on the subject property that is proposed to be converted to a carriage house. For this to occur, the applicant is requesting to rezone to the RU1c – Large Lot Housing with Carriage House zone, and for a Development Variance Permit to the minimum required front yard for a carriage house.

The applicant currently has an open building permit application for the existing dwelling, and it has undergone substantial renovations, including to the roof and exterior materials. A 3.0 m wide drive aisle on the east side of the property would provide access to the proposed new dwelling, as well as provide access to the required parking stalls.

4.2 Site Context

The subject property is located mid-block on the north side of Tataryn Rd, between Davie Rd and Stirling Rd. The surrounding area is characterized by single and two dwelling housing and the rear property line is adjacent to Hollydell Park. It is within the City's Permanent Growth Boundary and the walk score is 30, indicating that most errands require a car.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 – Parks and Open Spaces	Public Parks
East	RU1 – Large Lot Housing	Single Dwelling Housing
South	RU1 – Large Lot Housing	Single Dwelling Housing
West	RU1 – Large Lot Housing	Single Dwelling Housing

Subject Property Map: 916 Tataryn Rd



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 5.3.2 Compact Urban Form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Objective 5.22 Ensure context sensitive housing development.

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

6.0 Technical Comments

6.1 Development Engineering Department

See Attachment A: Development Engineering Memorandum

7.0 Application Chronology

Date of Application Received: July 8, 2020

Date Public Consultation Completed: July 25, 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:

Attachment A: Development Engineering Memorandum

Attachment B: Draft Site Plan

CITY OF KELOWNA MEMORANDUM

Date: July 20, 2020
File No.: Z20-0056
To: Urban Planning Management (JB)
From: Development Engineering Manager (JK)
Subject: 916 Tataryn Rd RU1 to RU1C

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

1. **GENERAL**

- a) The following requirements are valid for two (2) years from the reference date of this memo, or until the application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.
- b) Only a single driveway access (maximum 6.0 m wide) will be permitted for this development.

2) **DOMESTIC WATER AND FIRE PROTECTION**

- a) The subject lot is within the Rutland Waterworks District (RWD) water supply area. The Developer is required to make satisfactory arrangements with RWD for all water and fire protection-related issues. All charges for service connection(s) and upgrading costs, as well as any costs to decommission existing services, shall be the responsibility of the Developer.

3) **SANITARY SEWER SYSTEM**

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

4) **POWER AND TELECOMMUNICATION SERVICES**

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

James Kay

James Kay, P.Eng.
Development Engineering Manager

JKH

SITE PLAN OF PROPOSED BUILDING ON LOT B, SECTION 22, TOWNSHIP 26, ODYD, PLAN 25630.

PID: 005-384-761
CIVIC ADDRESS: 916 TATARYN ROAD
CLIENT: PHOEBUS

This document shows the relative location of improvement(s) named above with respect to the boundaries of the described parcel.

This document was prepared for the exclusive use of the client named herein, for building permit purposes.

Lot dimensions shown are derived from Land Title Office records.

This document shall not be used to define property lines or corners.

AllTerra Land Surveying Ltd. and the signatory accept no responsibility for, and hereby disclaim all obligations and liabilities for:

- any damages arising out of any direct or indirect use or reliance upon this document beyond its intended use,
- any damages suffered by a third party as a result of actions taken or decisions made based upon this document.

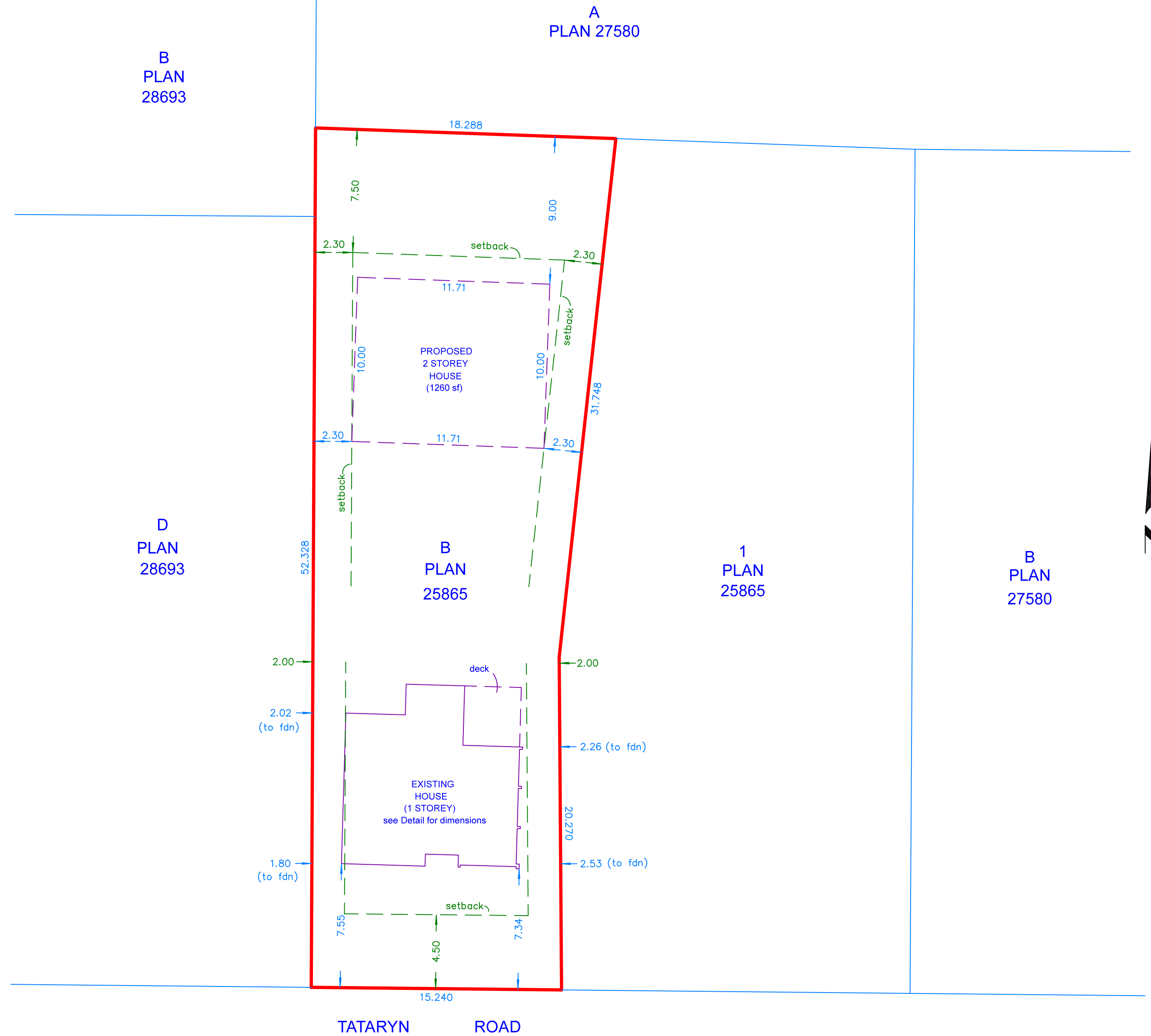
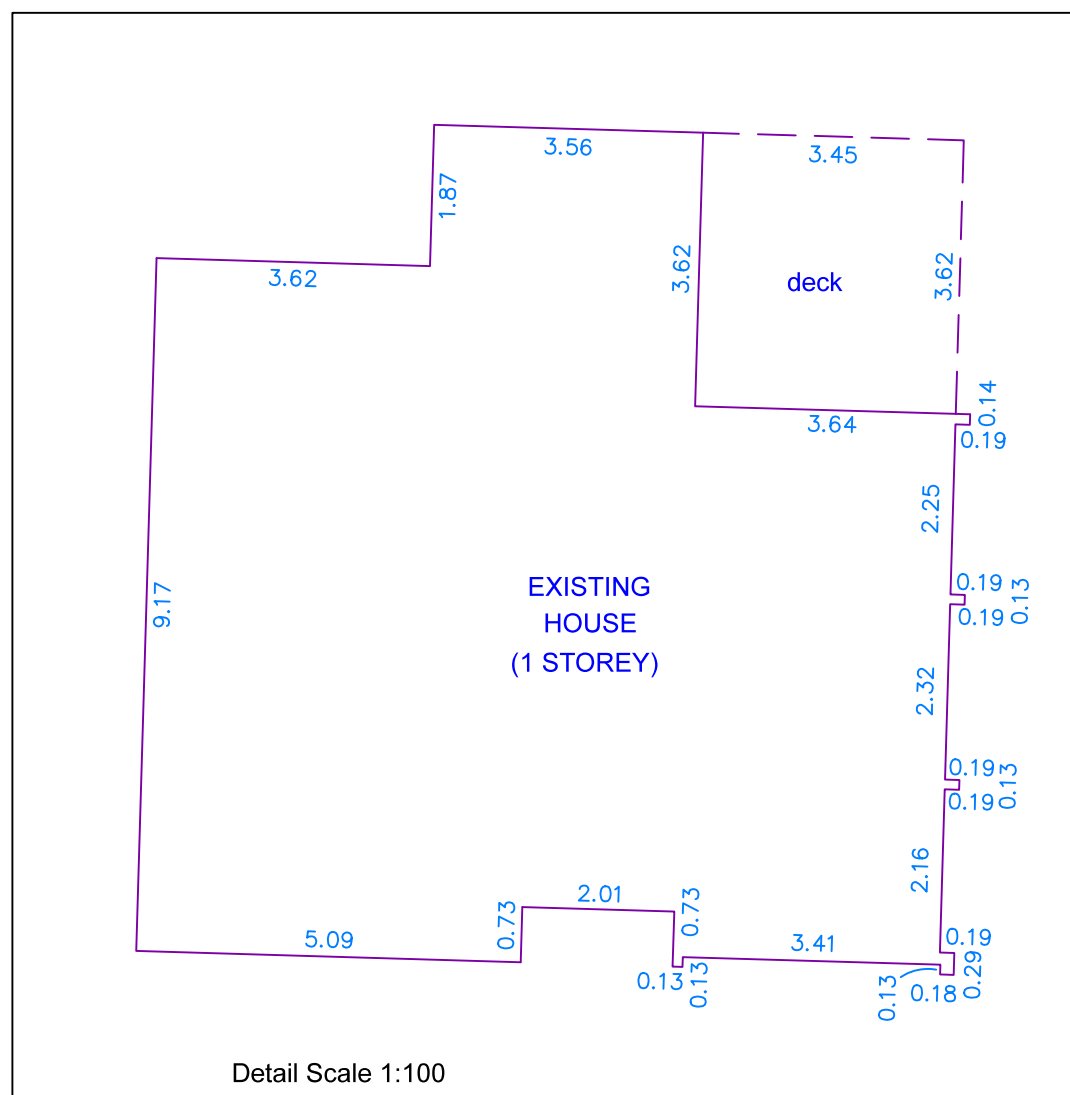
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Scale 1:200 Metric.
Distances shown are in metres and decimals thereof.

Notes:

- Unregistered interests have not been included or considered.
- Setbacks included based on RU1 Zoning from City of Kelowna Consolidated Zoning Bylaw No. 8000.

Charges on Title:
Judgement LC530533





Z20-0056 916 Tataryn Rd

Rezoning Application



Proposal

- ▶ To rezone the subject property from RU1 – Large Lot Housing to RU1c – Large Lot Housing with Carriage House to facilitate the conversion of the existing dwelling into a carriage house.

Development Process

July 8, 2020

Development Application Submitted

Staff Review & Circulation

July 25, 2020

Public Notification Received

Sept 28, 2020

Initial Consideration

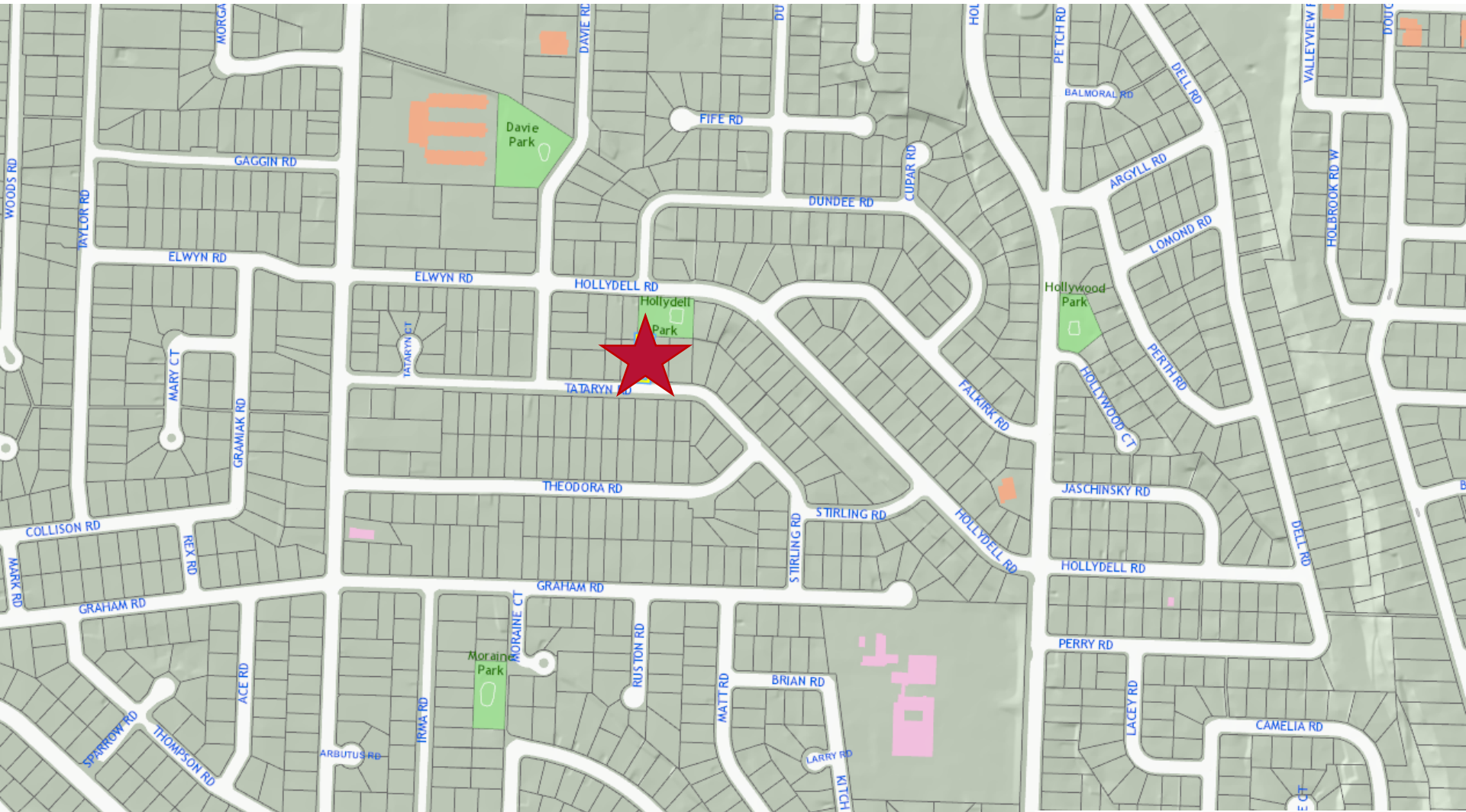
Public Hearing
Second & Third Readings

Final Reading & Development Variance Permit

Building Permit

Council
Approvals

Context Map

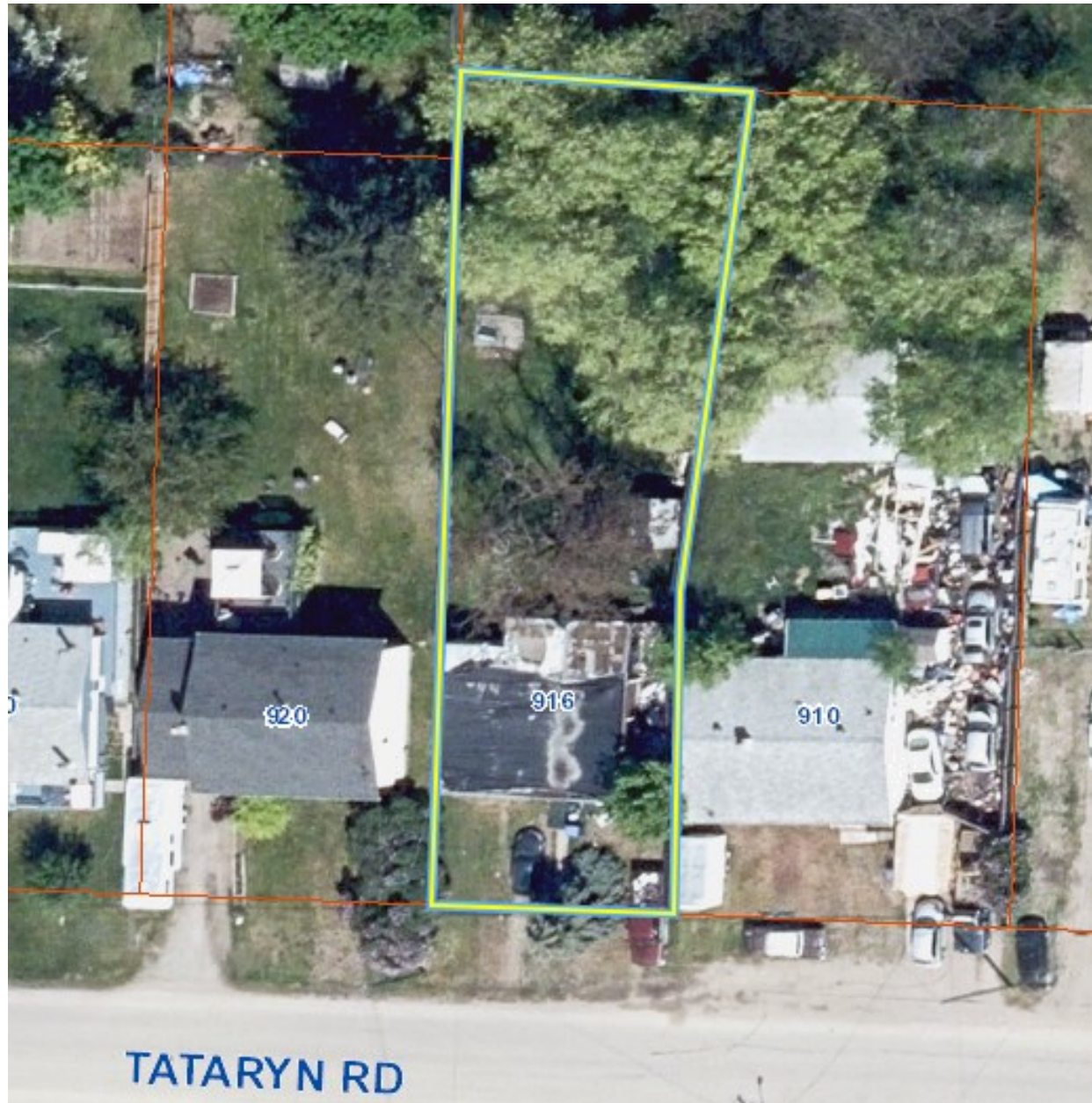


City of Kelowna



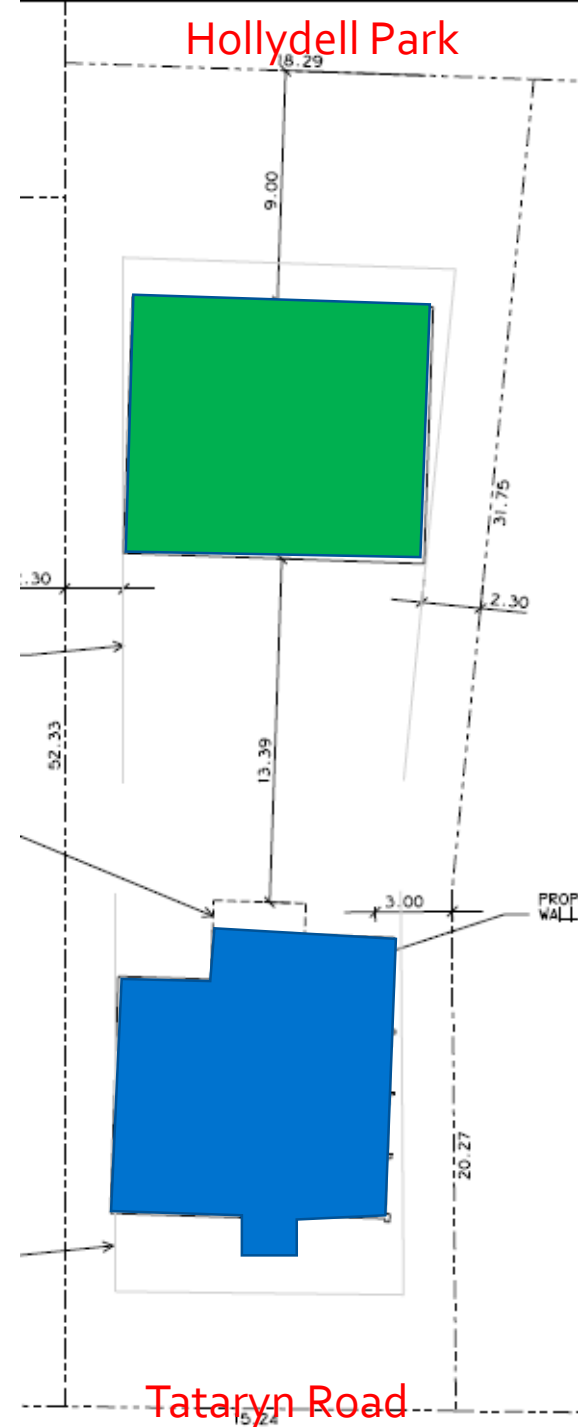
Car-Dependent
Most errands require a car.

Subject Property Map



Proposal Details

- Existing single storey dwelling would become a carriage house
 - Variance for minimum front yard setback would be required
- New dwelling would be constructed in the rear
 - Demonstrated this can occur without any variances



Existing Dwelling/Proposed Carriage House



Development Policy

- ▶ Meets the intent of Official Community Plan Urban Infill Policies:
 - ▶ Within Permanent Growth Boundary
 - ▶ Compact Urban Form
 - ▶ Sensitive Infill
 - ▶ Carriage Houses and Accessory Apartments

Staff Recommendation

- ▶ Staff recommend **support** of the proposed rezoning to facilitate the conversion of the existing dwelling into a carriage house
 - ▶ Meets the intent of the Official Community Plan
 - ▶ Urban Infill Policies
 - ▶ Within Permanent Growth Boundary
- ▶ Recommend the Bylaw be forwarded to Public Hearing



Conclusion of Staff Remarks

CITY OF KELOWNA
BYLAW NO. 12105
Z20-0056 – 916 Tataryn 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 6 District Lot 137 ODYD Plan 17047 located at Tataryn Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House 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 28th day of September, 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: October 5, 2020

To: Council

From: City Manager

Department: Development Planning Department

Application: Z20-0054 **Owner:** David & Marti Gramlich

Address: 1508 Pinehurst Crescent **Applicant:** David & Marti Gramlich

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU1c – Large Lot Housing with Carriage House

1.0 Recommendation

THAT Rezoning Application No. Z20-0054 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 9 Section 29 Township 26 ODYD Plan 9247, located at 1508 Pinehurst Crescent, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, be considered by Council;

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

2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone.

3.0 Development Planning

Development Planning staff support the proposed rezoning from RU1 – Large Lot Housing to RU1c – Large Lot Housing with Carriage House. The subject property is within the Permanent Growth Boundary, is serviced (ie. sewer) and the plans align with the Official Community Plan (OCP) Future Land Use Designation of S2RES – Single/Two Unit Residential. Rezoning the subject property to add the 'c' designation would meet policy objectives including fostering a mix of housing forms and concentrating growth within the Permanent Growth Boundary.

4.0 Proposal

4.1 Project Description

The proposed rezoning from RU1 to RU1c is to allow for the conversion of an existing detached garage into a carriage house. This detached garage was built in 1963, at the same time as the construction of the principal dwelling. A Building Permit will be required before an occupancy permit can be granted for the carriage house. The proposed carriage house will be 45m² (484ft²) in size and be in the rear of the property, accessed off the main driveway. The proposal indicates that the carriage house will meet all Zoning Bylaw Regulations without any variances. The subject property is near parks, schools, recreational facilities and transit along Clifton Road, making this a suitable location for the increased density.

4.2 Site Context

The subject property is in the Glenmore – Clifton – Dilworth OCP Sector and the surrounding area is primarily zoned RU1 – Large Lot Housing and RU6 – Two Dwelling Housing. The surrounding area also has a Future Land Use Designation of S2RES – Single/Two Unit Residential.

Specifically, adjacent land uses are as follows:

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

Subject Property Map: 1508 Pinehurst Cr.



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU _{1c} ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	550m ²	1012m ²
Min. Lot Width	16.5m	23.06m
Min. Lot Depth	30.0m	44.87m
Development Regulations		
Max. Site Coverage (buildings)	40%	18.8%
Max. Site Coverage (buildings, parking, driveways)	50%	42.6%
Carriage Housing Development Regulations		
Max. Accessory Site Coverage	20%	4.5%
Max. Net Floor Area	100m ²	45m ²
Max. Net Floor Area to Principal Building	75%	31%
Max. Height (to mid-point)	4.8m	3.2m
Min. Front Yard	9.0m	33.7m
Min. Side Yard (East)	1.5m	2.4m
Min. Side Yard (West)	1.5m	14.3m
Min. Rear Yard	1.5m	2.6m
Min. Distance to Principal	3.0m	12.0m
Other Regulations		
Min. Parking Requirements	3 stalls	3 stalls
Min. Private Open Space	30m ²	30m ²

5.0 **Current Development Policies**5.1 Kelowna Official Community Plan (OCP)Chapter 1: Introduction*Goals for a Sustainable Future:*

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

Chapter 5: Development Process*Objective 5.3 Focus development to designated growth areas*

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

6.o Application Chronology

Date of Application Received: July 13th, 2020
Date Public Consultation Completed: August 8th, 2020

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Dean Strachan, Community Planning & Development Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Conceptual Drawing Package

GENERAL NOTES:

GENERAL

1. ALL DIMENSIONS ARE MADE FROM EXTERIOR FACE OF WALL SHEATHING TO CENTER OF PARTY WALLS AND INTERIOR WALLS UNLESS NOTED OTHERWISE ON PLANS. OUTSIDE EDGE OF EXTERIOR WALL SHEATHING TO BE FLUSH WITH FOUNDATION WALL BELOW. DO NOT SCALE DRAWINGS. THE GENERAL CONTRACTOR IS TO CHECK ALL DIMENSIONS AND CONFIRM ALL PROPERTY LINE BEARINGS AND DIMENSIONS WITH LEGAL SURVEY.

2. IN THE CASE OF DISCREPANCY, THE ARCHITECT IS TO BE NOTIFIED BEFORE WORK CAN COMMENCE. COMMENCEMENT OF CONSTRUCTION SHALL CONSTITUTE ACCEPTANCE OF CONDITIONS AS SATISFACTORY.

3. REFER TO MECHANICAL DRAWINGS FOR FINAL PLUMBING AND HVAC LAYOUT AND SPECIFICATIONS.

4. REFER TO ELECTRICAL DRAWINGS FOR FINAL LIGHT, OUTLETS AND ELECTRICAL PANEL LOCATIONS AND SPEC.

5. REFER TO CIVIL DRAWINGS FOR OFFSITE CONSTRUCTION AND FINAL SITE DRAINAGE LAYOUT AND SPEC.

6. REFER TO LANDSCAPE DRAWINGS FOR FINAL LANDSCAPE LAYOUT.

7. REFER TO STRUCTURAL DRAWINGS FOR FINAL WALL/FLOOR/ROOF/COLUMN LAYOUT AND SPECIFICATIONS.

ASSURANCE / COMPLIANCE REQUIREMENTS

1. THE CURRENT BCBC 2018 ITS REQUIREMENTS AND ALL AGENDA SHALL FORM AN INTEGRAL PART OF THESE DRAWINGS. ALL CONSTRUCTION MATERIALS AND PROCEDURES SHALL CONFIRM TO THESE STANDARDS.

2. ALL WORK TO CONFORM TO LOCAL BYLAWS AND DEVELOPMENT PERMIT REQUIREMENTS.

3. ALL DRAWINGS ARE TO BE READ AS A COMPLETE SET IN CONJUNCTION WITH SPECIFICATIONS AND CIVIL, STRUCTURAL, MECHANICAL, ELECTRICAL, AND LANDSCAPE DRAWINGS AS APPLICABLE.

4. ALL WORK WILL BE SUBJECT TO FIELD REVIEW BY THE ARCHITECT AND OR OTHER REGISTERED PROFESSIONAL AND BY THE CONSULTING ENGINEERS NAMED ON THESE DRAWINGS TO MEET THE MUNICIPAL LETTERS OF ASSURANCE / COMPLIANCE REQUIREMENTS.

5. ALL WORK MUST MEET THE APPROVAL OF THE PROFESSIONAL CONSULTANTS.

6. ALL WORK MUST MEET THE STANDARDS OF THE B.C. TRADE ASSOCIATIONS GOVERNING EACH TRADE INVOLVED IN THE PROJECT.

7. STARTING WORK ON THIS PROJECT BY ANY SUB-CONTRACTOR MEANS THAT THE ABOVE REQUIREMENTS HAVE BEEN REVIEWED AND NO EXTRA CLAIM FOR COST WILL BE PUT FORWARD TO MEET THE PROFESSIONAL CONSULTANTS FIELD REVIEW REQUIREMENTS.

8. THE SUB-CONTRACTORS ARE RESPONSIBLE FOR SITE SAFETY AND TO MEET ALL REQUIREMENTS OF THE WORKERS COMPENSATION BOARD.

9. ALL SUB-CONTRACTORS WILL BE REQUIRED TO ACKNOWLEDGE COMPLIANCE WITH ABOVE CONDITIONS BY SIGNING A COPY OF THESE REQUIREMENTS WHICH MUCH ACCOMPANY THEIR QUOTATION.

10. GENERAL CONTRACTOR IS TO KEEP RECORD AND PROVIDE ARCHITECT WITH COPIES OF MUNICIPAL INSPECTION SLIPS.

11. THE CONTRACTOR / CLIENT IS TO INFORM THE ARCHITECT IN WRITING 24 HOURS PRIOR TO STARTING CONSTRUCTION OF THE PROJECT.

12. THE SUB CONTRACTOR IS TO CHECK ALL DIMENSIONS AFFECTING HIS TRADE AND IN THE CASE OF DISCREPANCY THE CONTRACTOR IS TO BE NOTIFIED BEFORE WORK CAN COMMENCE.

13. THE CONTRACTOR IS TO NOTIFY THE ARCHITECT 24 HOURS PRIOR TO A REQUIRED INSPECTION.

SYMBOL LEGEND:

BUILDING SECTION

SECTION NUMBER

LOCATION OF SECTION DRAWING

WALL SECTION

SECTION NUMBER

LOCATION OF SECTION DRAWING

DETAIL

SIM

DETAIL NUMBER

LOCATION OF DETAIL DRAWING

DETAIL NUMBER

View Name

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

LOCATION OF DETAIL DRAWING

LOCATION OF FIRST OCCURRENCE

Door Tags

0' - 0" x 0' - 0" DOOR SIZE

Window Tags

WT

WINDOW TYPE -

SEE WINDOW DETAILS

Assembly Tags

11

ASSEMBLY TYPE -

SEE CONSTRUCTION SCHEDULE

CODE ANALYSIS / ZONING:

Zoning Analysis Table

1508 Pinehurst Cr

CRITERIA	RUT ZONE REQUIREMENT	PROPOSAL
Development Regulations		
Maximum Total Site Coverage (buildings)	40%	18.8%
Maximum Total Site Coverage (buildings, driveways & parking)	50%	42.6%
Maximum Height	9.5 m / 2.5 stories	5.8m
Minimum Front Yard/Garage	4.5 m/1.2 m	10.6m
Minimum Side Yard (East)	2.0 m	5.4m
Minimum Side Yard (West)	2.0 m	2.8m
Minimum Rear Yard	4.5 m	22.1m
Carriage House Development Regulations		
Maximum Accessory Site Coverage	20%	4.5%
Maximum Accessory Building Footprint	100 m ² (carriage house) 50 m ² (accessory building) 100 m ² (net)	45m ²
Maximum Net Floor Area	100 m ²	45m ²
Maximum Net Floor Area to Principal Building	75%	31%
Maximum Accessory Site Coverage	14%	N/A
Maximum Accessory Building Footprint	90 m ²	N/A
Maximum Net Floor Area	90 m ²	N/A
Maximum Net Floor Area to Principal Building	75%	N/A
Maximum Upper Storey Floor Area to Building Footprint	75%	N/A
Maximum Height (to mid-point)	4.8 m	3.2m
Maximum Height (to peak)	Height of principal dwelling	5.8m
Minimum Front Yard	9.0m	33.7m
Minimum Side Yard (East)	1.3m	2.4m
Minimum Side Yard (West)	1.3m	14.3m
Minimum Rear Yard	1.5m (no lane)	2.6m
Minimum Distance to Principal Building	3.0 m	12.0m
Other Regulations		
Minimum Parking Requirements	3 stalls	3 stalls
Minimum Private Open Space	30 m ² per dwelling	30m ²

CONTEXT SITE PLAN:

CONSULTANTS:

ARCHITECTURAL
NOVATION ARCHITECTURE
302-2237 LECKIE ROAD
KELOWNA, BC V1Y 9T1
TEL: (250) 620-1144
FAX: (250) 000-0000

ENERGY ADVISOR
TOTAL HOME SOLUTIONS INC
Giles Lesage, EA, AHI
250-575-3015 cell
778-471-6787 office
www.totalhome.ca

DRAWING INDEX:

ARCHITECTURAL DRAWING LIST

NO.	NAME
A0.00	COVER SHEET
A1.00	SITE PLAN
A2.01	MAIN FLOOR PLAN
A2.03	ROOF PLAN
A3.00	EXTERIOR ELEVATIONS
A3.01	EXTERIOR ELEVATIONS
A3.02	SPECIAL SEPERATIONS
A3.03	WINDOW SCHEDULE
A4.00	BUILDING SECTIONS

ILLUSTRATION:

ATTACHMENT A

This forms part of application # Z20-0054

Planner Initials TC

City of Kelowna

DEVELOPMENT PLANNING

1 20200623 FPP

No.	Date	Description
		Revisions

NOVATION

302 - 2237 LECKIE ROAD
KELOWNA B C V1Y 9T5

project title

PINEHURST CARRIAGE HOUSE

1508 Pinehurst Cr, Kelowna, British Columbia

project no. 2012

drawing title

COVER SHEET

designed PS

drawn KA

checked PS

drawing no.

A0.00

sheet

6250308-8-55-15-AM

Project File Name and Location: \\SERVER1\shared\Novation Design Studio\Projects\2012_Pinehurst Carriage\Working Drawings\Rev\dwg\2012_Pinehurst Carriage.rvt

63

ATTACHMENT

A

This forms part of application

Z20-0054

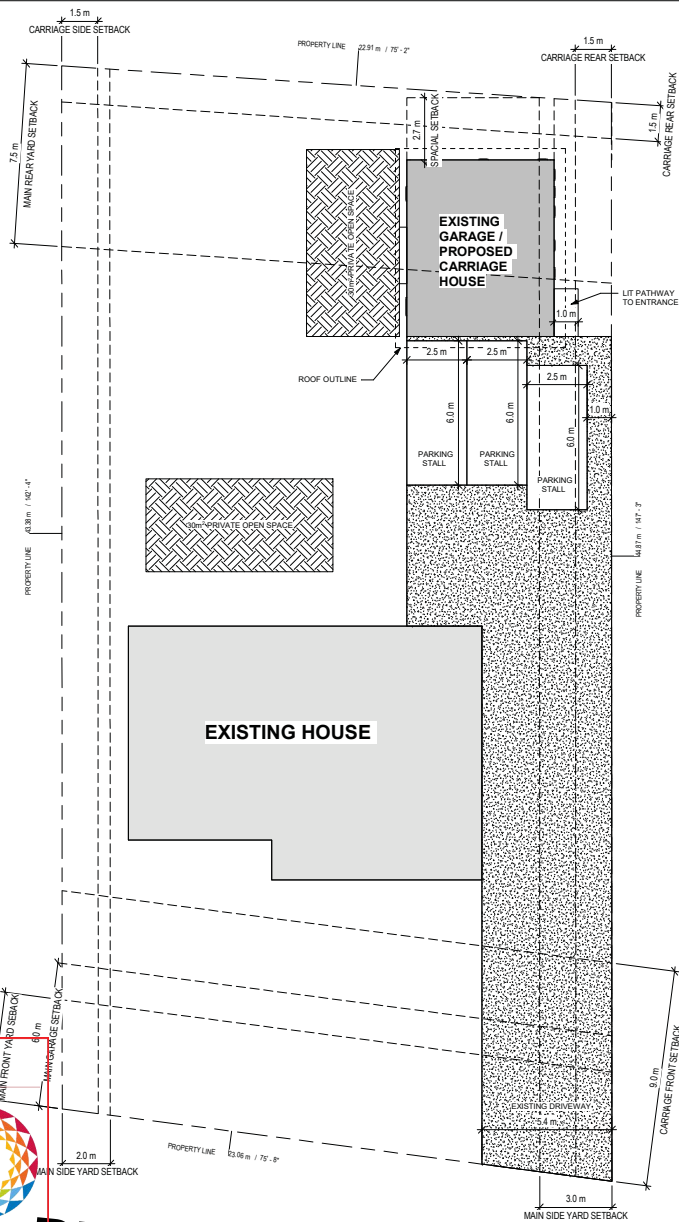
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Initials

TC

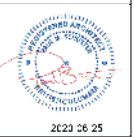
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Kelowna
DEVELOPMENT PLANNING



PINEHURST CRT.

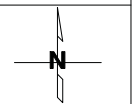


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1 20200623 #BP
No. Date Description
Revisions



NOVATION
302 - 2237 LECHE ROAD
KELOWNA B.C. V1Y 6Y5

project title
PINEHURST CARRIAGE HOUSE
1508 Pinehurst CR, Kelowna, British Columbia
project no. 2012

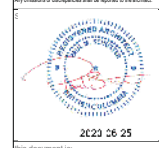
drawing title
SITE PLAN

designed PS scale 1/8" = 1'-0"
drawn KA
checked PS

A1.00

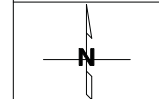
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NOVATION
 302 - 2237 LECHE ROAD
 KELOWNA B.C. V1X 6T5

Project title:
 PINEHURST CARRIAGE HOUSE
 1508 Pinehurst CR, Kelowna, British Columbia
 Project no.: 2012

Drawing title:
 MAIN FLOOR PLAN

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Checked:	PS		
Drawing no.:			

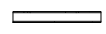
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 6250350-8-55-16-AM

WALL ASSEMBLIES

PLAN



W1 - EXTERIOR WALL
 EXTERIOR FINISH (EXISTING)
 WATERPROOFING BUILDING PAPER (EXISTING)
 1/2" PLYWOOD SHEATHING (EXISTING)
 2x4 WOOD STUD (EXISTING)
 R14 ROXUL BATT
 1/2" GWB, TAPED AND FILLED



W3a - INTERIOR WALL
 1/2" GWB, TAPED AND FILLED
 2x4 WOOD STUD
 SOUND BATT INSULATION (AS NOTED BELOW)
 1/2" GWB, TAPED AND FILLED
 NOTE: BEDROOM TO BEDROOM WALLS, BATHROOM TO COMMON AREAS, BEDROOM TO COMMON AREAS TO BE INSULATED

ROOF ASSEMBLIES

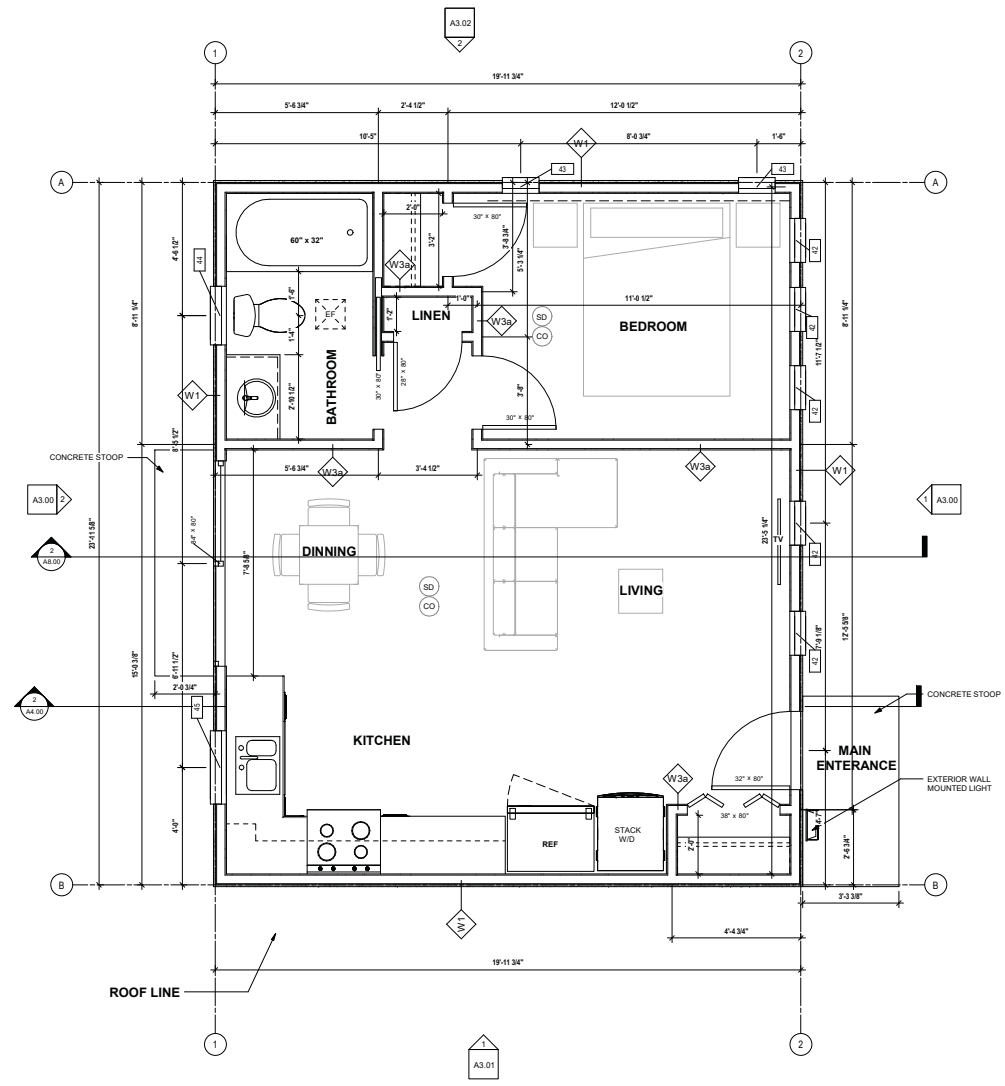
SECTION



R1 - MAIN ROOF
 ROOF 30 YEAR SHINGLES (EXISTING)
 2 LAYERS OF 30MIN ROOFING FELT OR APPROVED EQUIVALENT (EXISTING)
 7/16" SHEATHING (EXISTING)
 ROOF RAFTER SYSTEM (EXISTING)
 5 1/2" SPF
 6 MIL VAPOUR BARRIER
 1/2" GWB

REFER TO ENERGY ANALYSIS FOR RSI

Assemblies
 1/2" = 1'-0"



1 Main Floor 479 SF
 1/2" = 1'-0"

ATTACHMENT A

This forms part of application
 # Z20-0054

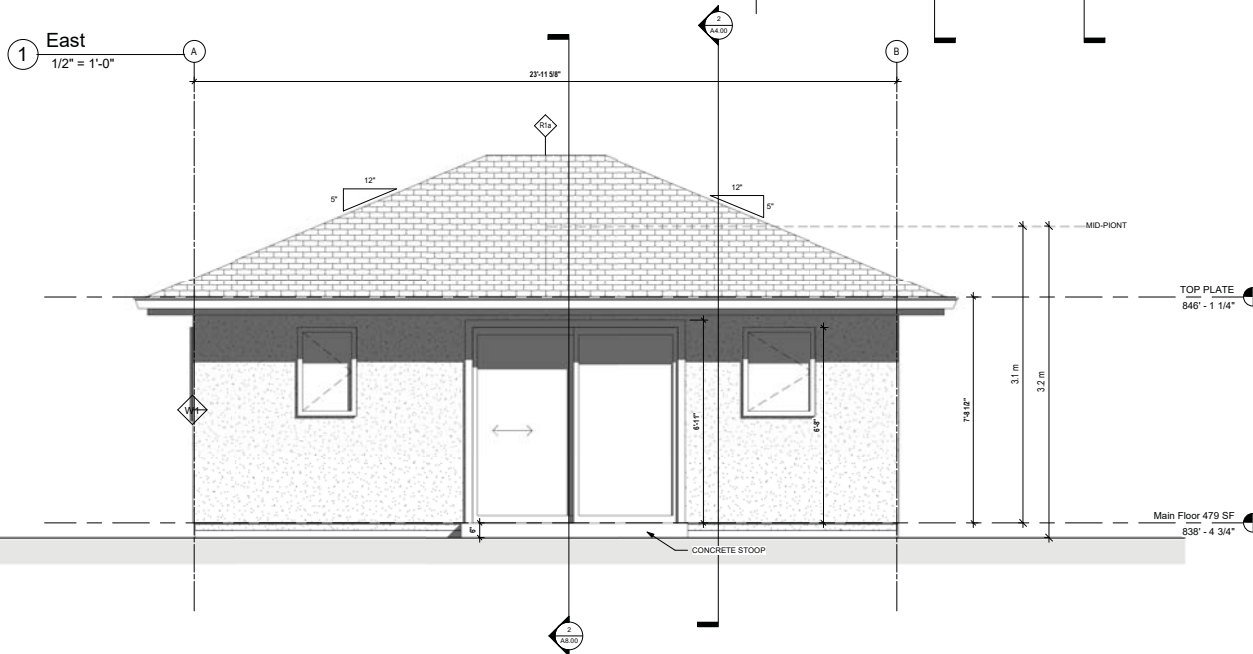
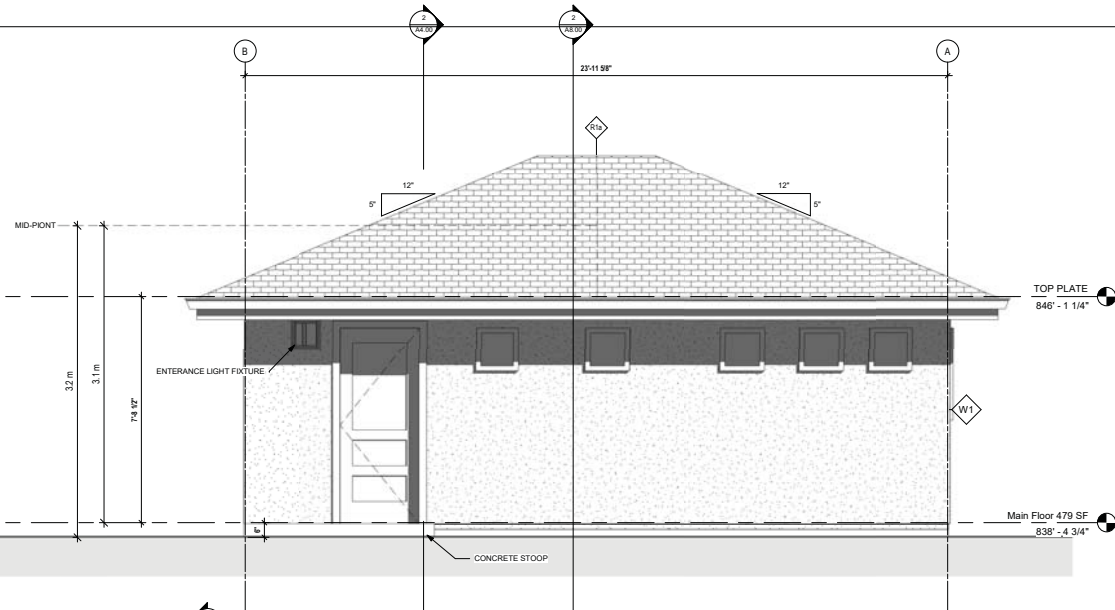
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ATTACHMENT A

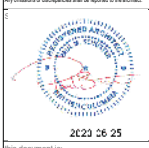
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Z20-0054

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2 West
1/2" = 1'-0"

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No.	Date	Description
1	2020/02/23	IFP



Project title:
PINEHURST CARRIAGE HOUSE
1508 Pinehurst CR, Kelowna, British Columbia
Project no.: 2012

Drawing title:
EXTERIOR ELEVATIONS

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Checked:	PS		
Drawing no.:			

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ATTACHMENT A

This forms part of application

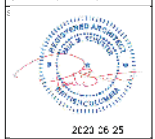
Z20-0054

Planner
Initials
TOP PLATE
846' - 1 1/4"

TC

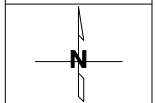


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NOVATION
302 - 2237 LECKIE ROAD
KELOWNA B.C. V1Y 6Y5

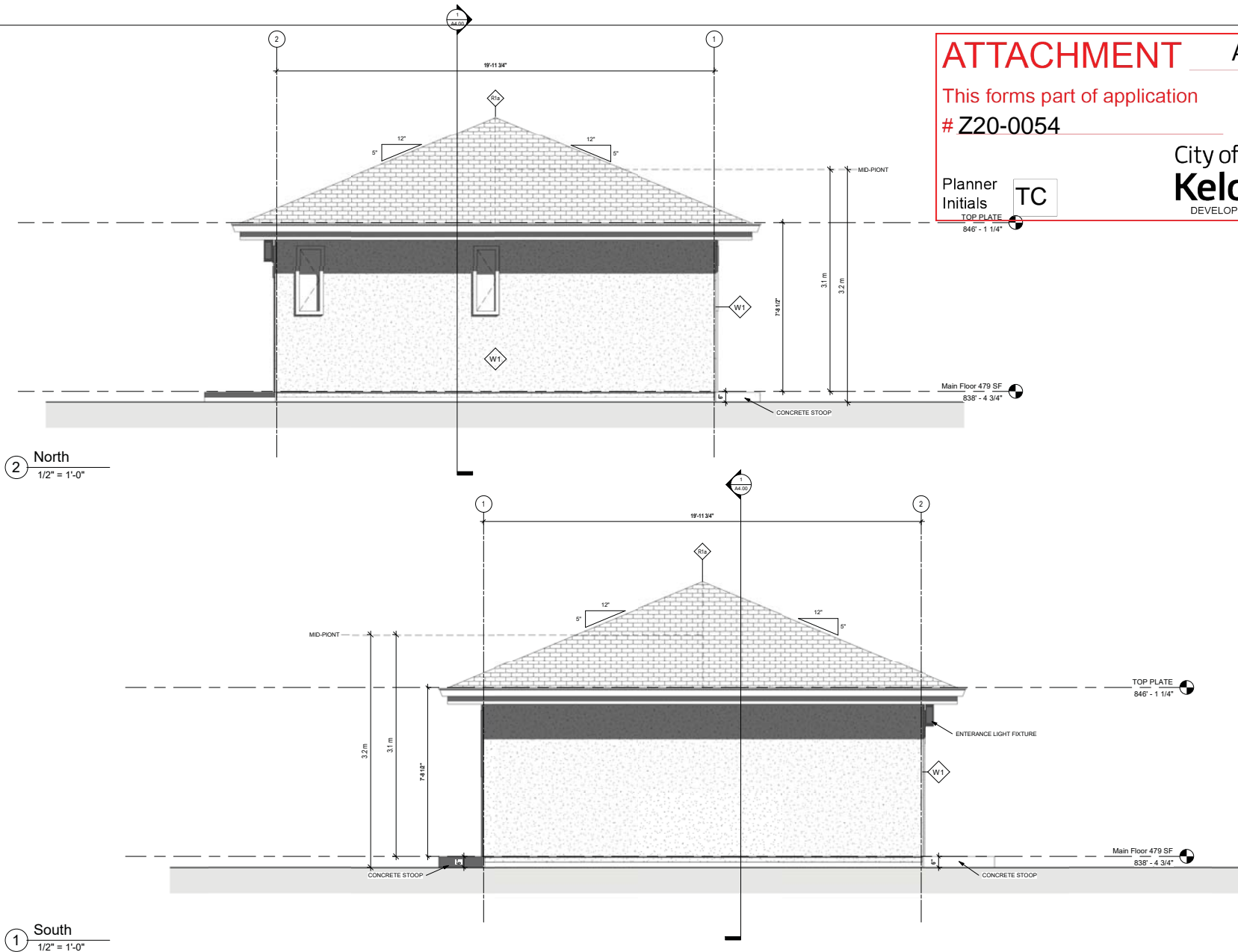
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1508 Pinehurst CR, Kelowna, British Columbia
project no. 2012

drawing title
EXTERIOR ELEVATIONS

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drawn	KA		
checked	PS		
drawing no.			

A3.01

sheet 6250308-855-21 AM





Z20-0054 1508 Pinehurst Cr

Rezoning Application



Proposal

- ▶ To rezone the subject property from RU1 – Large Lot Housing to RU1C – Large Lot Housing with Carriage House.

Development Process

Jul 13, 2020

Development Application Submitted

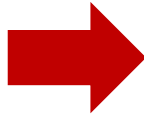


Staff Review & Circulation



Aug 8, 2020

Public Notification Received



Oct 5, 2020

Initial Consideration



Public Hearing
Second & Third Readings



Final Reading
DP & Variances



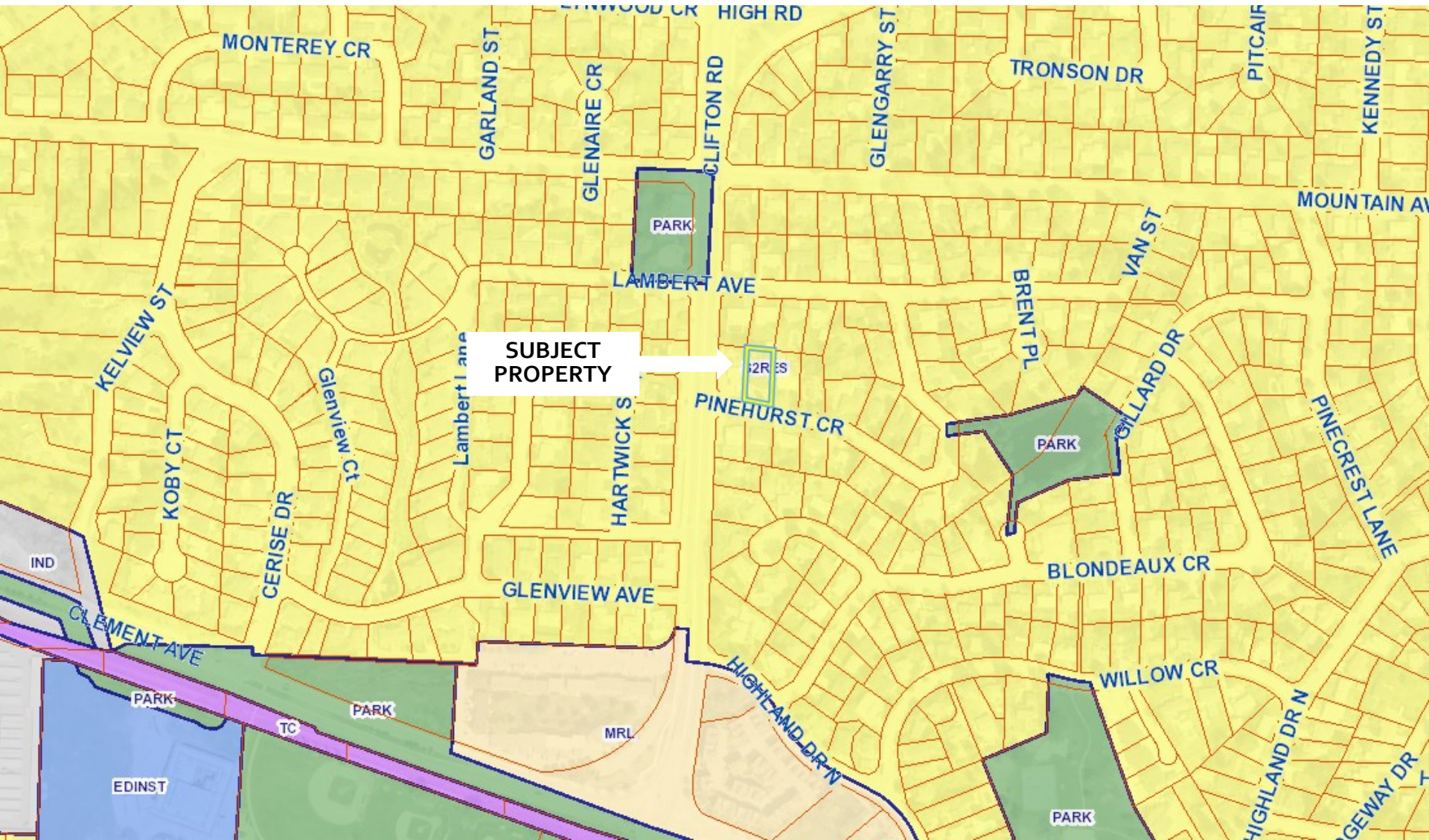
Building Permit

Council
Approvals

Context Map



OCP Future Land Use / Zoning



Subject Property Map



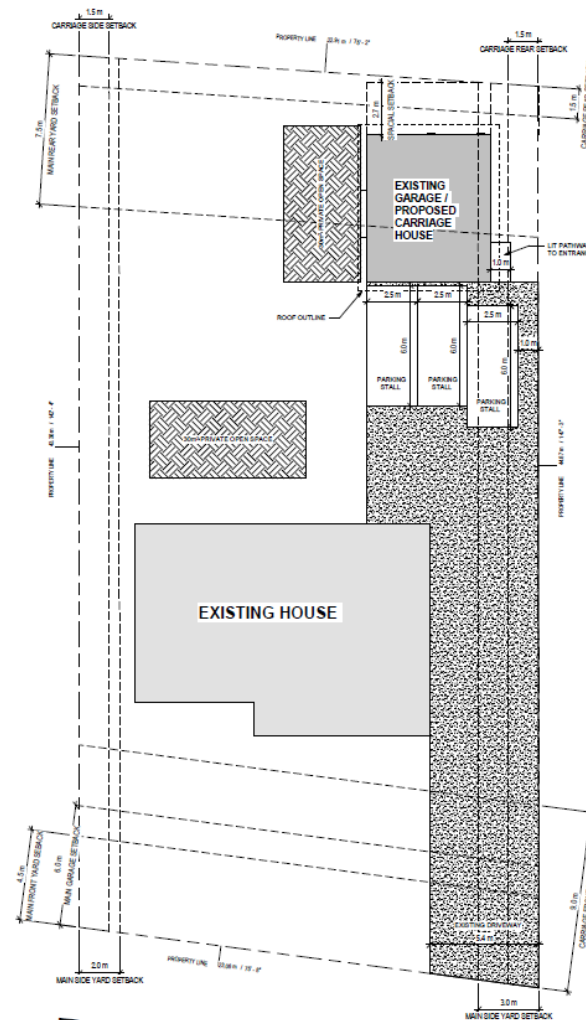
Project details

- ▶ The detached garage was built in 1963, the same year as the principal dwelling.
- ▶ The garage would be converted into a carriage house and it would be 45m² (484ft²) in size.
- ▶ The proposed carriage house will meet all Zoning Bylaw Regulations.

Site Photos



Site Plan



PINEHURST CRT.

Staff Recommendation

- ▶ Development Planning Staff recommend **support** of the proposed Rezoning:
 - ▶ Subject property is within the Permanent Growth Boundary.
 - ▶ Aligns with the Official Community Plan and Future Land Use of S2RES.



Conclusion of Staff Remarks

CITY OF KELOWNA
BYLAW NO. 12108
Z20-0054
1508 Pinehurst Crescent

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 9 Section 29 Township 26 ODYD Plan 9247 located at Pinehurst Crescent, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House 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 5th day of October, 2020.

Considered at a Public Hearing on the

Read a second and third time and adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: September 28, 2020

To: Council

From: City Manager

Department: Development Planning

Application: OCP20-0004 & Z20-0007 **Owner:** 1176909 B.C. Ltd., Inc. No. BC1176909

Address: 3031 & 3041 Abbott Street **Applicant:** 1176909 B.C Ltd.

Subject: Official Community Plan Amendment and Rezoning Application

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

Proposed OCP Designation: MXR- Mixed Use (Residential/Commercial)

Existing Zone: RU1- Large Lot Housing

Proposed Zone: C4- Urban Centre Commercial

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP20-0004 to amend Map 4.1 in the Kelowna 2030- Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lots 7 and Lot 8, Block 2, District Lot 14 Osoyoos Division Yale District Plan 4743, located at 3031 and 3041 Abbott Street, Kelowna, BC from the MRM- Multiple Unit Residential (Medium Density) designation to the MXR- Mixed Use (Residential/Commercial) designation, be considered by Council;

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

AND THAT Rezoning Application No. Z20-0007 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 7 and Lot 8, Block 2, District Lot 14 Osoyoos Division Yale District Plan 4743, located at 3031 and 3041 Abbott Street, Kelowna, BC from the RU1- Large Lot Housing zone to the C4- Urban Centre Commercial zone, be considered by Council;

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

AND THAT the 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 September 28, 2020;

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

2.0 Purpose

To consider an application to amend the Official Community Plan from the MRM - Multiple Unit Residential (Medium Density) designation to the MXR Mixed Use (Residential/Commercial) designation and an application to rezone the subject properties from the RU1- Large Lot Housing zone to the C4- Urban Centre Commercial zone to facilitate the development of a mixed-use building.

3.0 Development Planning

Staff are supportive of the proposed Official Community Plan (OCP) amendment and rezoning application to allow for the development of a mixed-use building with commercial units and live/work units located at the ground level with a residential component above. The subject properties are located in the South Pandosy Urban Centre and will require the consolidation of two lots, plus a portion of the laneway that runs north-south at the rear of the properties. The subject site is highly walkable and accessible by alternative transportation methods due to its location directly across from the Abbott St transportation corridor. Additionally, the future Pandosy Waterfront Park will be developed directly across the street.

The OCP amendment allows for a small component of commercial uses to be incorporated into the development. The Abbott St Corridor is one of the main routes for pedestrians and cycling in the City, and the future development of Pandosy Waterfront Park will enhance this area and contribute to the vibrancy of the Urban Centre. The commercial node located across from the park will allow for services and amenities for area residents and visitors.

In lieu of hosting a public information session, the applicant sent out information packages to neighbours within 50m. This is due to Council's direction to waive Council Policy 367 requirements for in-person interactions.

4.0 Proposal

4.1 Background

The subject property is currently two separate lots. The lot at the corner of Abbott St and Newsom Ave does not contain any structures, and the second lot has a single-family dwelling. A portion of the existing laneway to the east will be purchased by the developer and consolidated into the site.

4.2 Project Description

The project is a 4.5 storey, mixed-use building with 24 residential units and ground-floor commercial. Ground-oriented live-work units are proposed along Newsom Ave and ground-oriented commercial retail units are proposed along Abbott St. A Development Permit and Development Variance Permit have been submitted with the OCP amendment and rezoning application and Staff are tracking variances related to height and setbacks.

4.3 Site Context

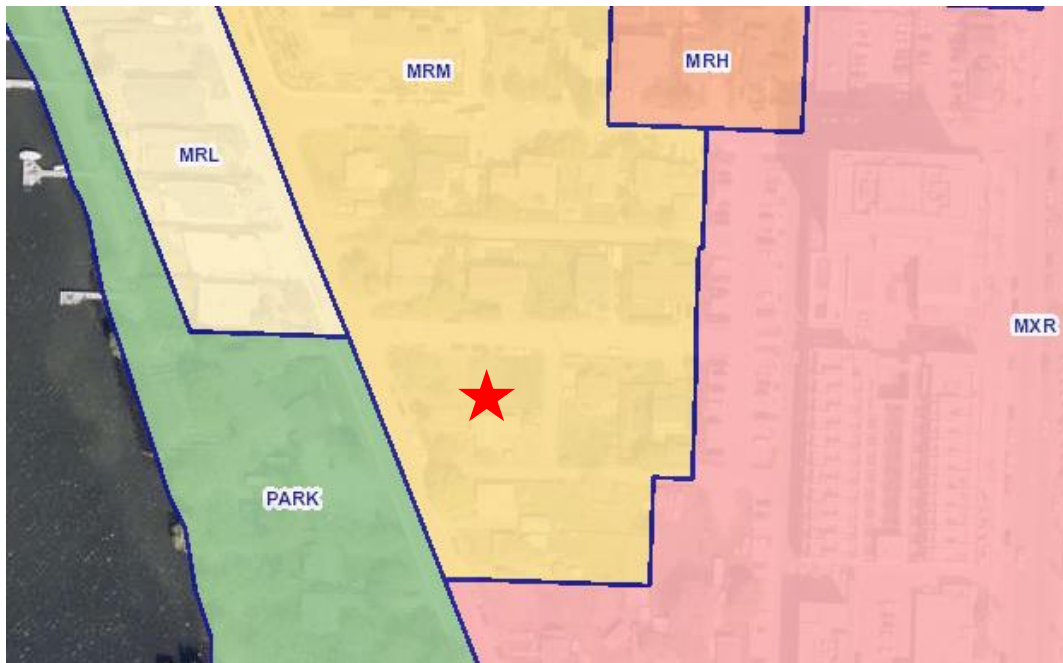
The subject properties are located at the corner of Abbott St and Newsom Ave in the South Pandosy Urban Centre. Pandosy St is located to the east and the Abbott St Corridor to the west. Single family homes are located to the north and south. The future land use of the lots to the north and south are MRM- Multiple Unit

Residential (Medium Density) which allows for future land assembly and medium density development. The future land use for the properties to the west are Park to allow for the future Pandosy Waterfront Park.

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	RU1- Large Lot Housing	Single Dwelling Housing
West	P3- Parks and Open Space	Paddle Centre/Residential

Future Land Use Map:



Subject Property Map:



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.3 Focus development to designate growth areas:

Policy .2 Compact Urban Form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Objective 5.22 Ensure context sensitive housing development.

Policy .11 Housing Mix. Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed-use developments.

5.2 Other Applicable Policies

Urban Centres Roadmap

Principals & Targets

Mix It Up Policy 1: Promote a mix of land use that encourages activity at different times of the day and serves a full spectrum of needs

Social Spaces Policy 4: Ensure all residents are within walking distance of an inviting public space

6.0 Technical Comments

6.1 Development Engineering Department

See attached memorandum.

7.0 Application Chronology

Date of Application Received: January 31, 2020

Date Public Consultation Completed: April 29, 2020

Report prepared by: Jocelyn Black, Planner Specialist

Reviewed by: Dean Strachan, Community Planning and Development Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: Development Engineering Memo

Attachment A: Site Plan & Project Rendering

CITY OF KELOWNA

MEMORANDUM

Date:

February 10, 2020

File No.:

Z20-0007

To:

Community Planning (JB)

From:

Development Engineering Manager (JK)

Subject:

3031-3041 Abbott Street

RU1 to C4

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

- 1) Domestic Water and Fire Protection
- a)

The development site is presently serviced with two 19-mm 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. Only one service will be permitted for this development.
- b)

The applicant, at his cost, will arrange for the removal of the existing service and the installation of one new larger metered water service.
- 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
- a)

The development site is presently serviced with two 100mm-diameter sanitary sewer service. Only one service will be permitted for this development. The developer's consulting civil engineer will determine sanitary sizing for this development. The applicant, at his cost, will arrange for the removal of the existing service and the installation of a new larger service. The new service should tie in to the main on Newsom Ave.
- 3) Storm Drainage
- a)

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

- b) Provide a detailed Stormwater Management Plan for this development as per the Subdivision, Development and Servicing Bylaw #7900.
- c) Ground water will not be allowed to be pumped to City drainage system.

4) Road Improvements

- a) Abbott Street Rd fronting this development must be upgraded to an urban standard to including barrier curb & gutter, separated 1.8m sidewalk, storm drainage, irrigated landscaped boulevard, laneway driveway letdown and relocation or adjustment of existing utility appurtenances if required to accommodate the upgrading construction.
- b) Newsom Ave fronting this development must be upgraded to an urban standard to including barrier curb & gutter, separated 1.8m sidewalk, storm drainage, irrigated landscaped boulevard, laneway driveway letdown and relocation or adjustment of existing utility appurtenances if required to accommodate the upgrading construction

5) Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- a) Dedicate ~1.5m width along the full frontage of Newsom Ave.
- b) Provide a 6m corner rounding at the intersection of Abbott St and Newsom Ave.
- c) Grant statutory rights-of-way if required for utility services.

6) Electric Power and Telecommunication Services

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

7) Engineering

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

8) Design and Construction

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is

subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.

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

9) Servicing Agreements for Works and Services

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

10) Geotechnical Report

- a) Provide a comprehensive 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.**

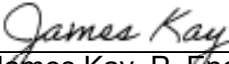
The Geotechnical report must be submitted prior to submission of Engineering drawings or application for subdivision approval.

- 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. Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.
- vi. Slope stability, rock fall hazard and slippage including the effects of drainage and septic tank effluent on the site.
- vii. Identify slopes greater than 30%.
- viii. Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
- ix. Recommendations for items that should be included in a Restrictive Covenant.
- x. Any special requirements that the proposed subdivision should undertake so that it will not impact the bank(s). The report must consider erosion and structural requirements.
- xi. Any items required in other sections of this document.
- xii. Recommendations for erosion and sedimentation controls for water and wind.
- xiii. Recommendations for roof drains and perimeter drains.
- xiv. Recommendations for construction of detention or infiltration ponds if applicable.

11) Charges and Fees

- a) Development Cost Charges (DCC's) are payable
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
 - ii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - iii) Engineering and Inspection Fee: 3.5% of construction value (plus GST).



 James Kay, P. Eng.
 Development Engineering Manager

AS



OCP20-0004 & Z20-0007 3031 & 3041 Abbott St

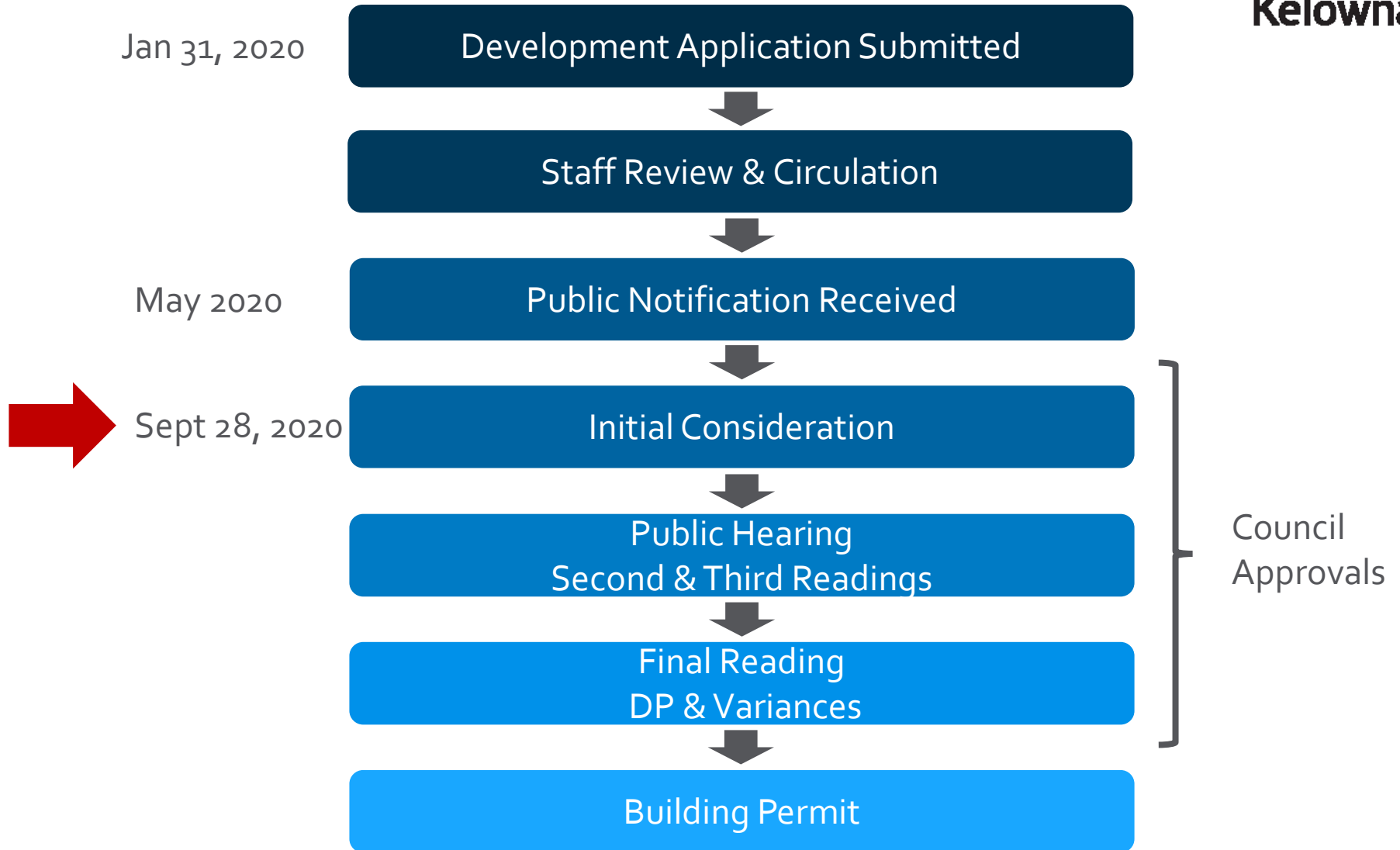
Official Community Plan Amendment and Rezoning
Application



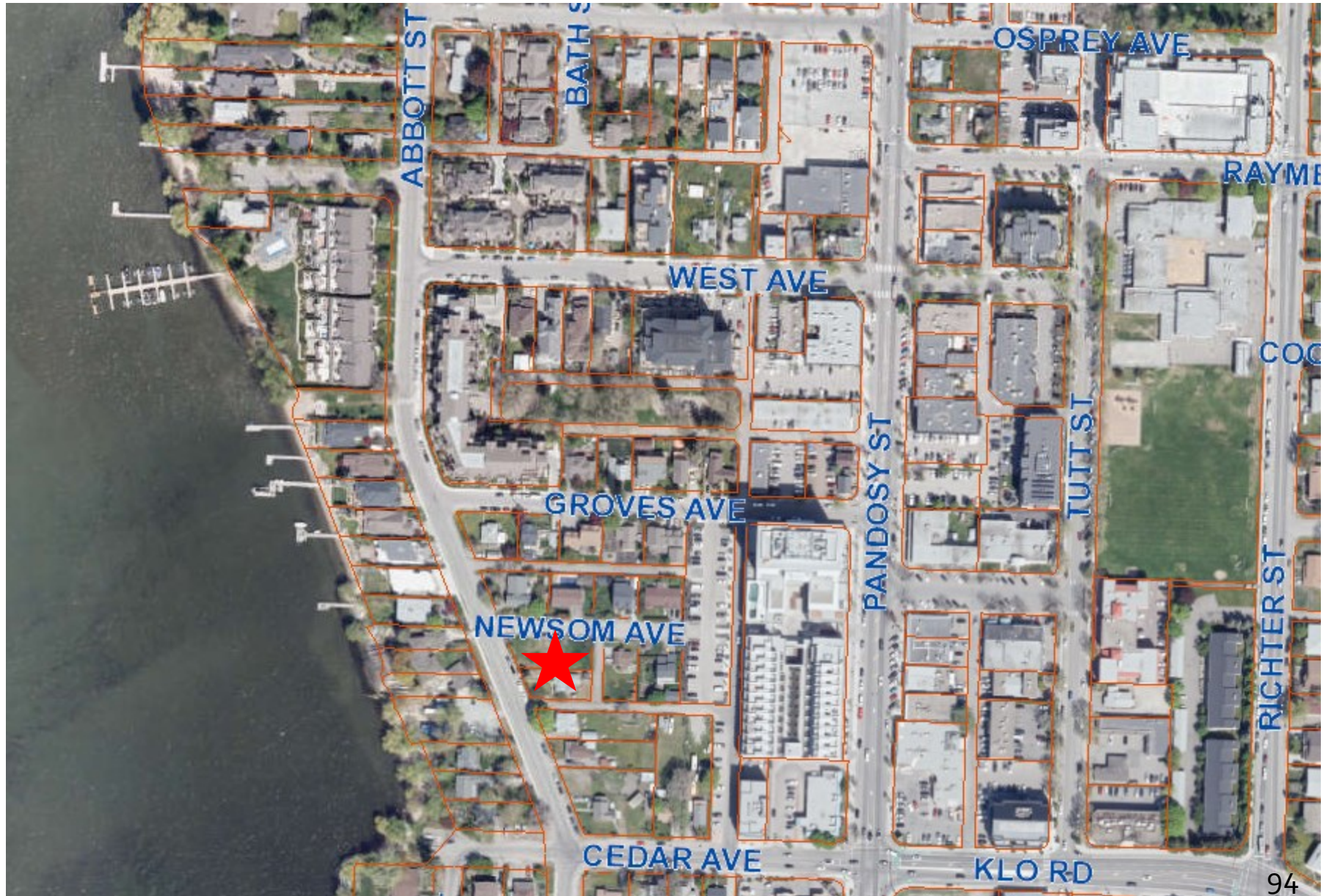
Proposal

- ▶ To consider an application to amend the Official Community Plan from MRM – Multiple Unit Residential (Medium Density) to MXR Mixed Use (Residential/Commercial) and an application to rezone the subject properties from the RU1 – Large Lot Housing zone to C₄ – Urban Centre Commercial zone to facilitate the development of a mixed-use building.

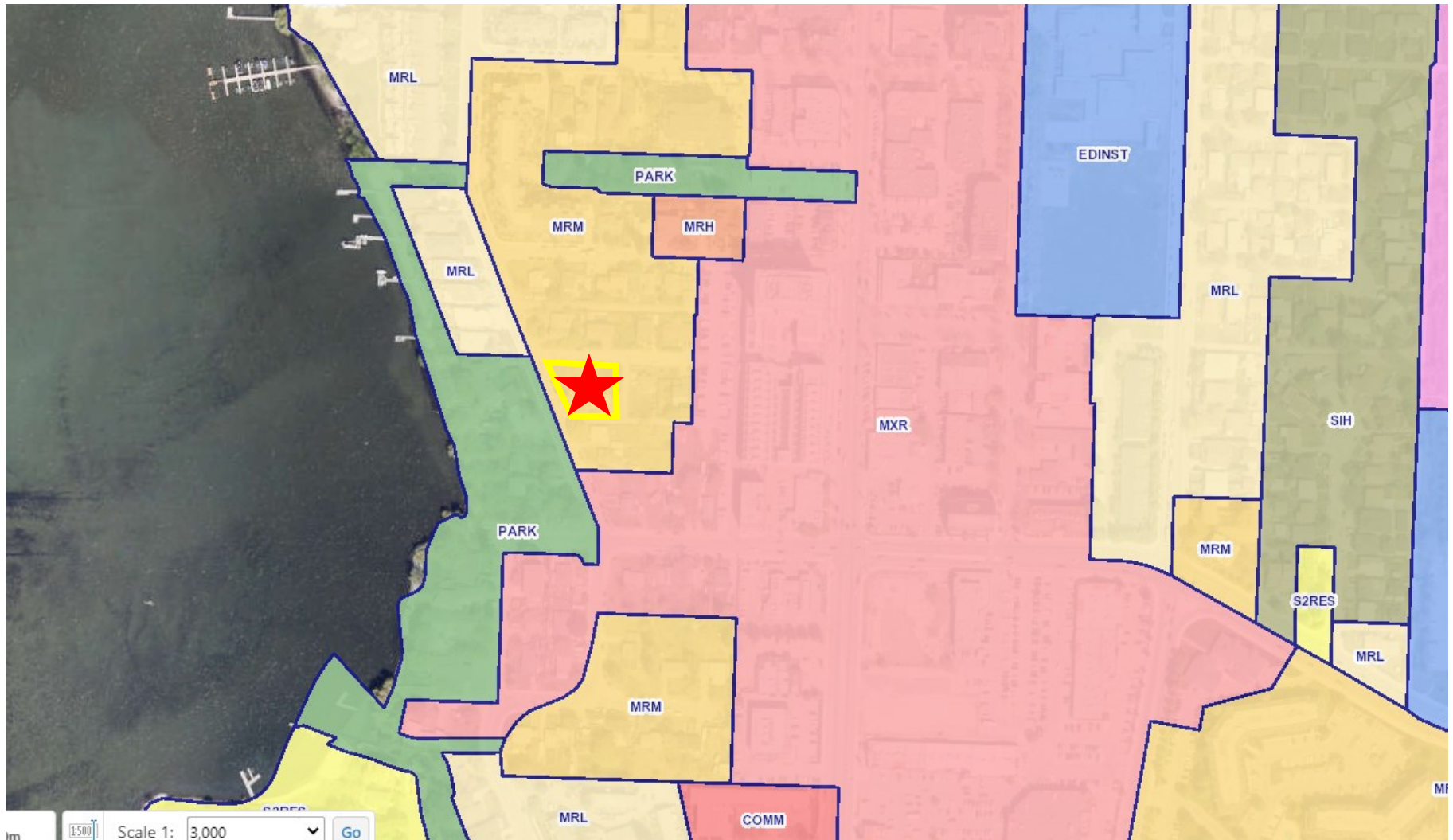
Development Process



Context Map



OCP Future Land Use / Zoning



Subject Property Map



Project/technical details

- ▶ To facilitate the development of a mixed-use building with commercial units and live/work units on the ground level and residential above
- ▶ 4.5 storey building with 24 residential units

The architectural site plan illustrates a 4-story mixed-use building located at the intersection of Newsom Avenue and Abbott Street. The building footprint is highlighted with a red outline. The plan includes detailed interior layouts for various levels, including a ground floor with retail and office spaces, and upper floors with residential units. Key features include a central courtyard, multiple stairwells, and a parking area. The surrounding context shows Newsom Avenue to the north, Abbott Street to the west, and a laneway to the south. Landscaping and site-specific details are also depicted.

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Renderings



Staff Recommendation

- ▶ Staff recommend **support** of the proposed OCP amendment to MXR Mixed Use (Residential/Commercial) and rezoning to C₄ – Urban Centre Commercial zone:
 - ▶ Within the South Pandosy Urban Centre
 - ▶ Would service the future park development
 - ▶ In a highly walkable and accessible location



Conclusion of Staff Remarks

Abbott Street Mixed-Use

Proposed Rezoning, OCP Amendment & Development Permit

3031 & 3041 Abbott Street, Kelowna, BC

OCP20-0004, Z20-0007, DP20-0041, DVP20-0042

Abbott Street Mixed-Use

01

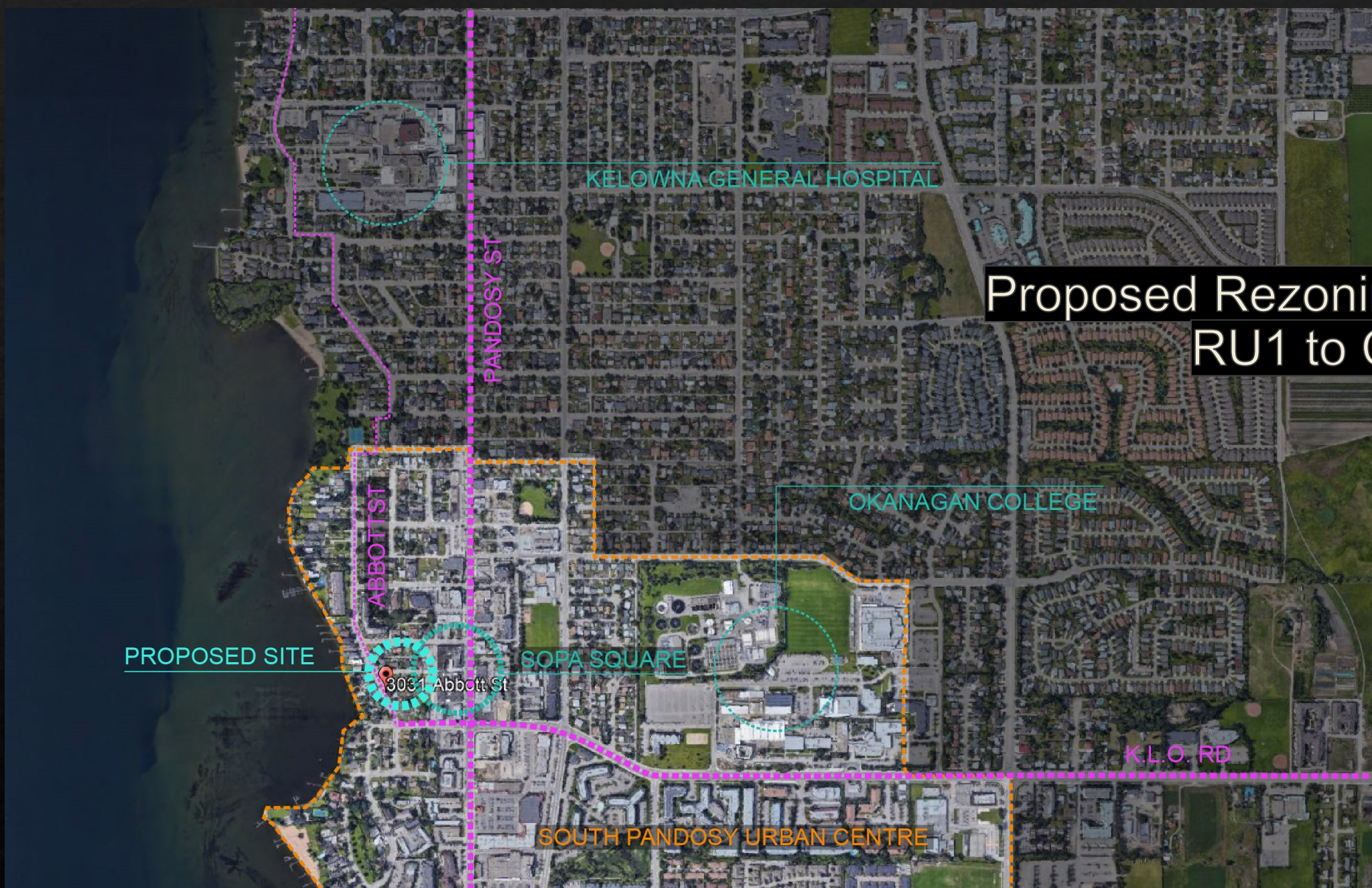
LOCATION

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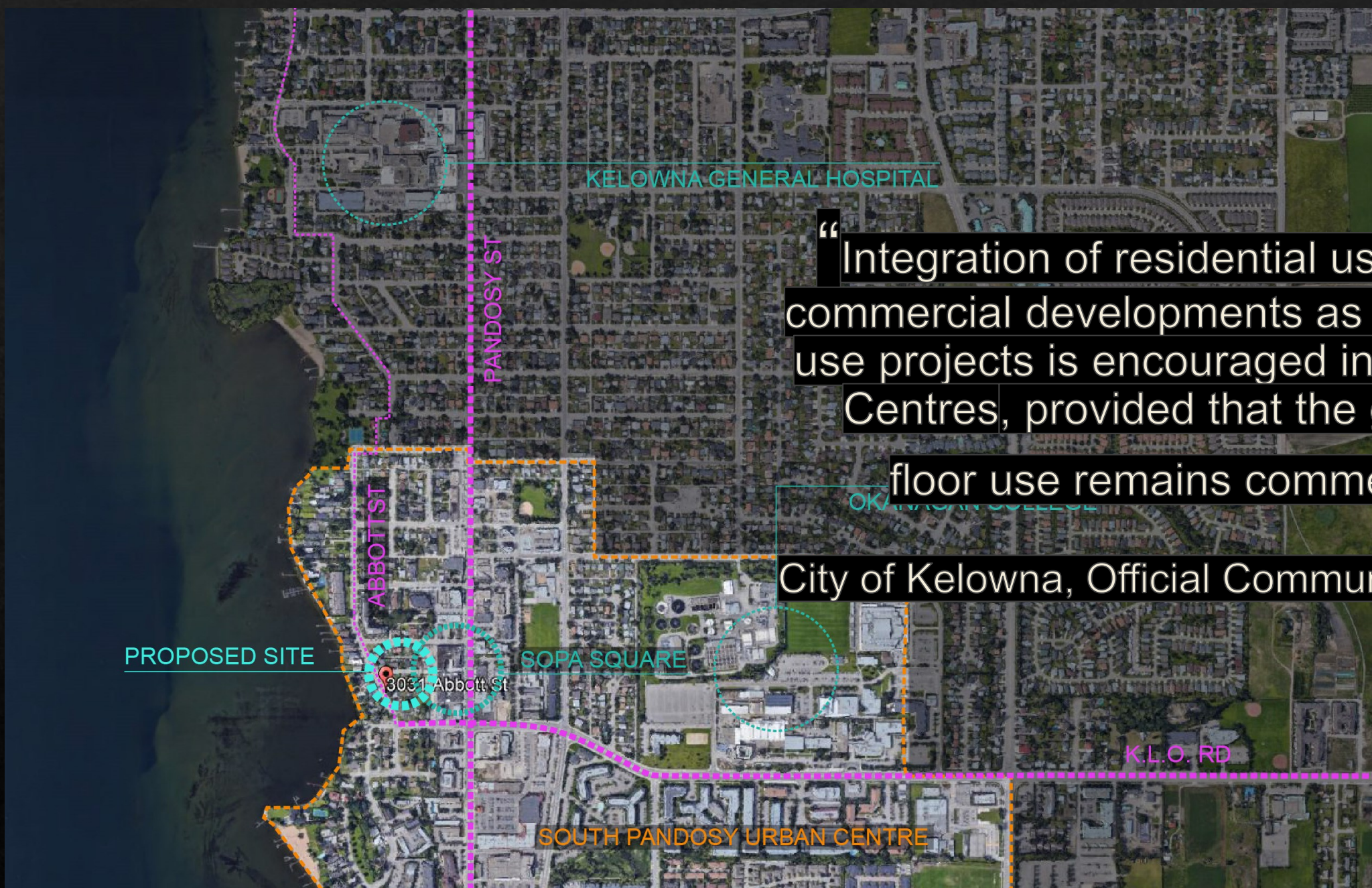
DESIGN
RATIONALE

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VISION

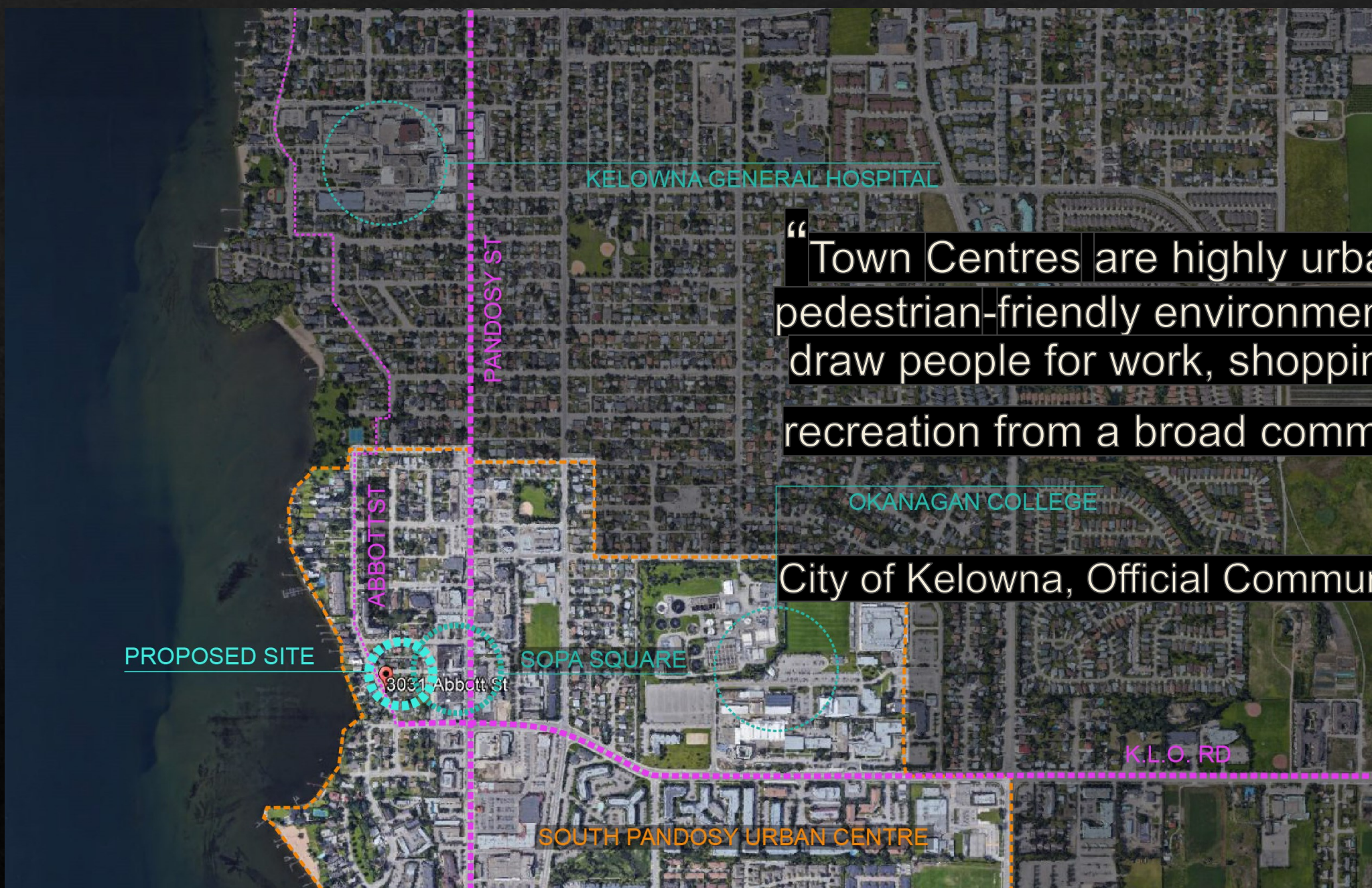


Proposed Rezoning RU1 to C4



“Integration of residential uses into commercial developments as mixed-use projects is encouraged in Urban Centres, provided that the ground floor use remains commercial.”

City of Kelowna, Official Community Plan



“Town Centres are highly urbanized, pedestrian-friendly environments that draw people for work, shopping, and recreation from a broad community.”

City of Kelowna, Official Community Plan



Rezoning RU1 to C3

24 residential condominium units

(6) 1 bedroom condos

(13) 2 bedroom condos

(2) 3 bedroom condos

(3) 2 bedroom live/work

3 commercial retail units

4.5 storeys

- secure underground parking (partially buried)

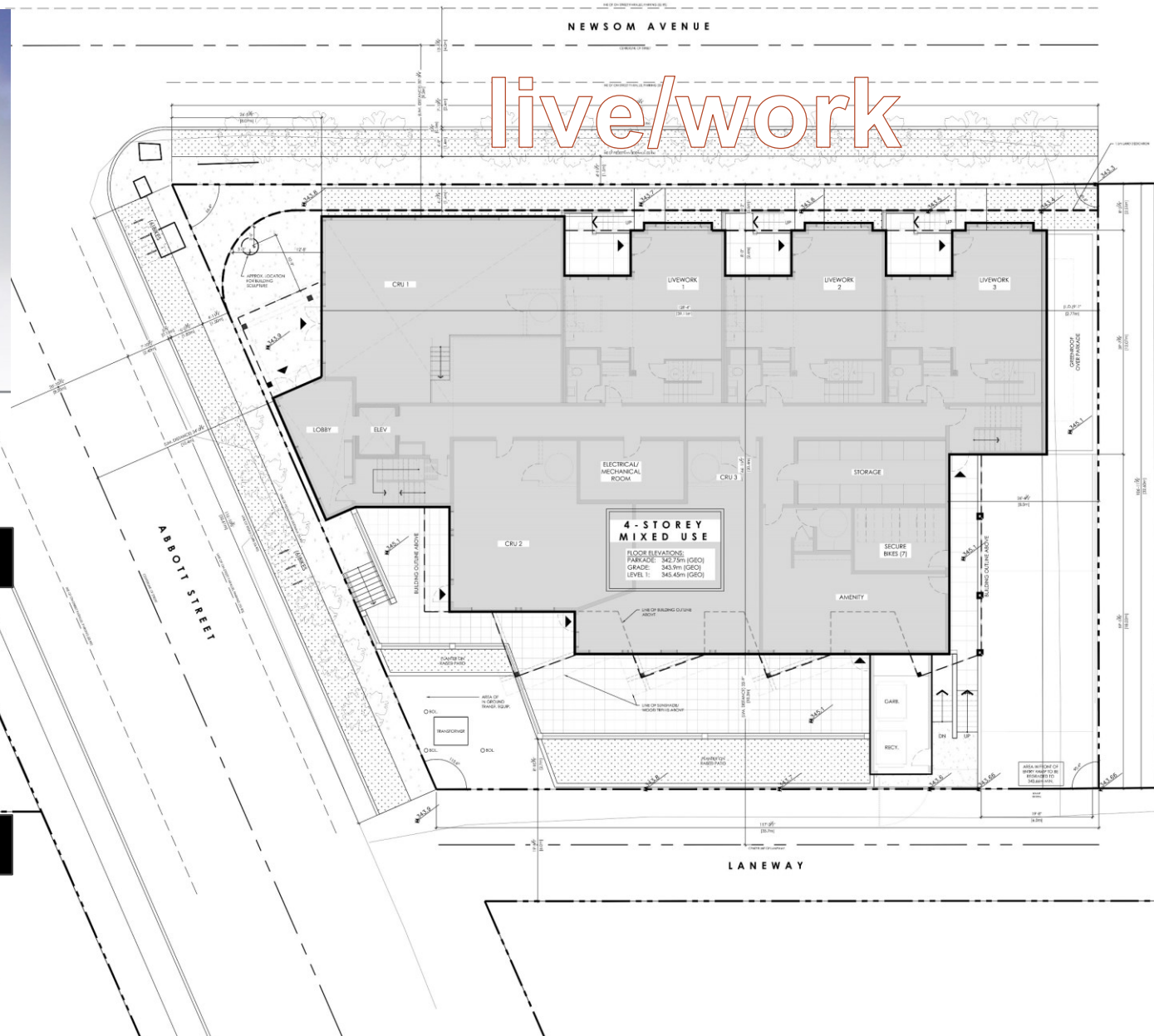
- landscaped terrace podium

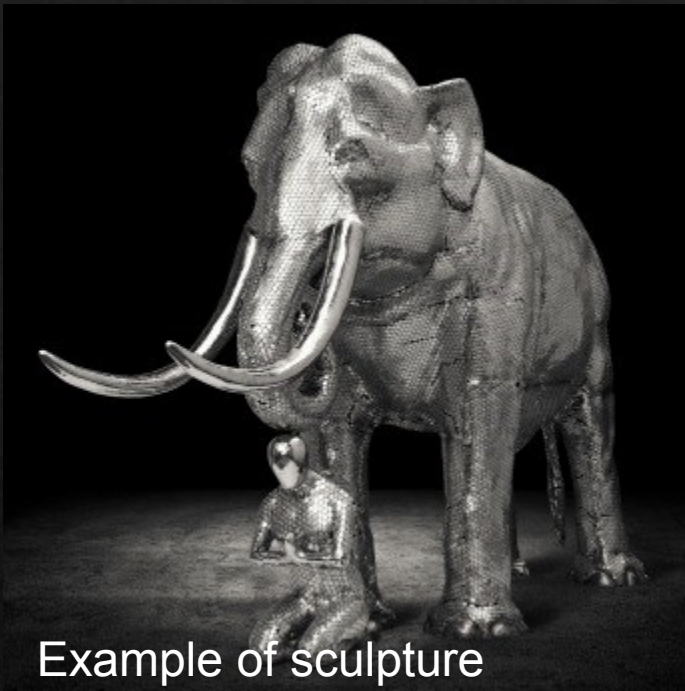
- rooftop terrace (private & amenity)





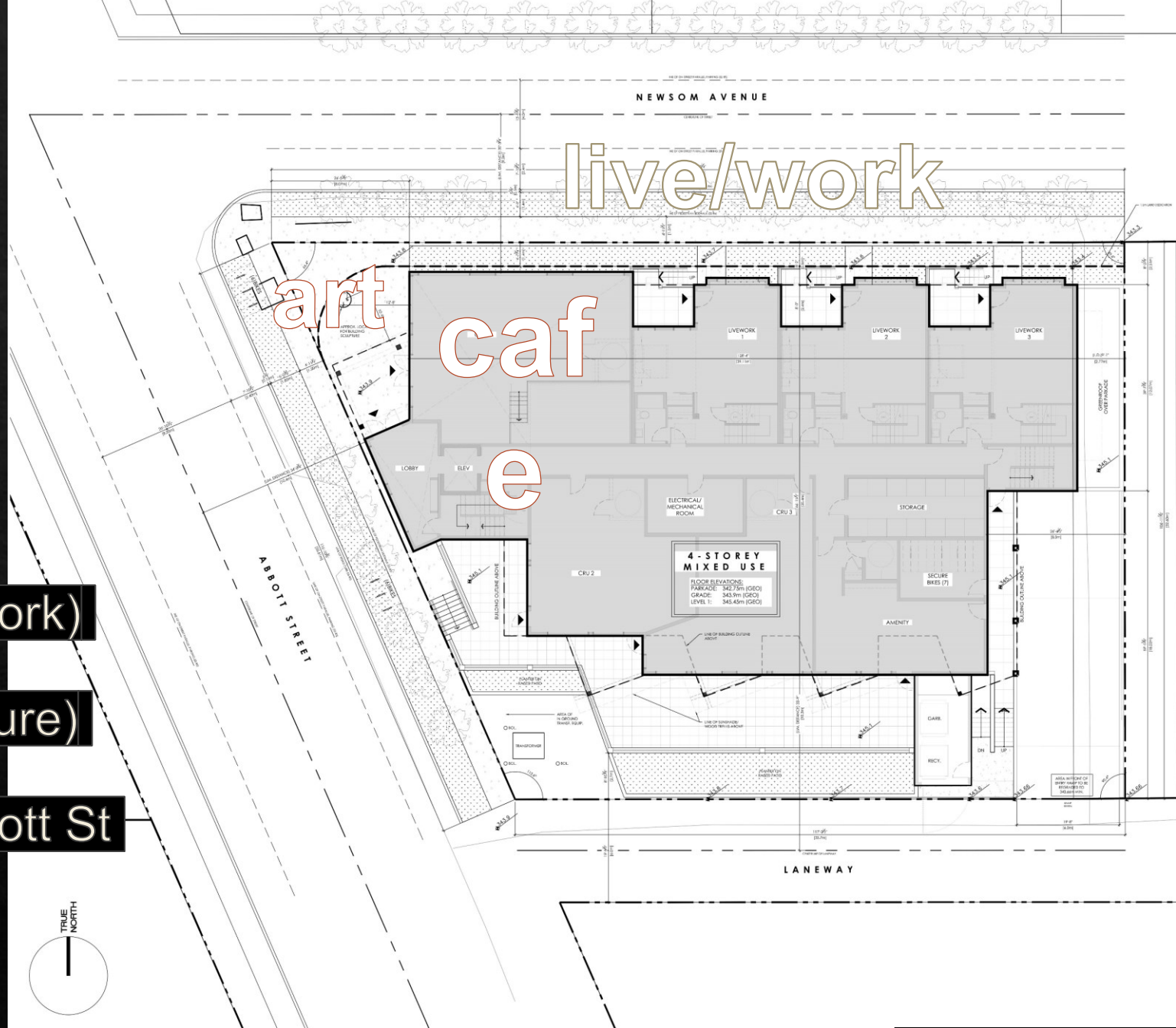
- pedestrian scaled design (live/work & commercial)
- corner café with local art (sculpture)
- timeless design sensitive to Abbott St corridor





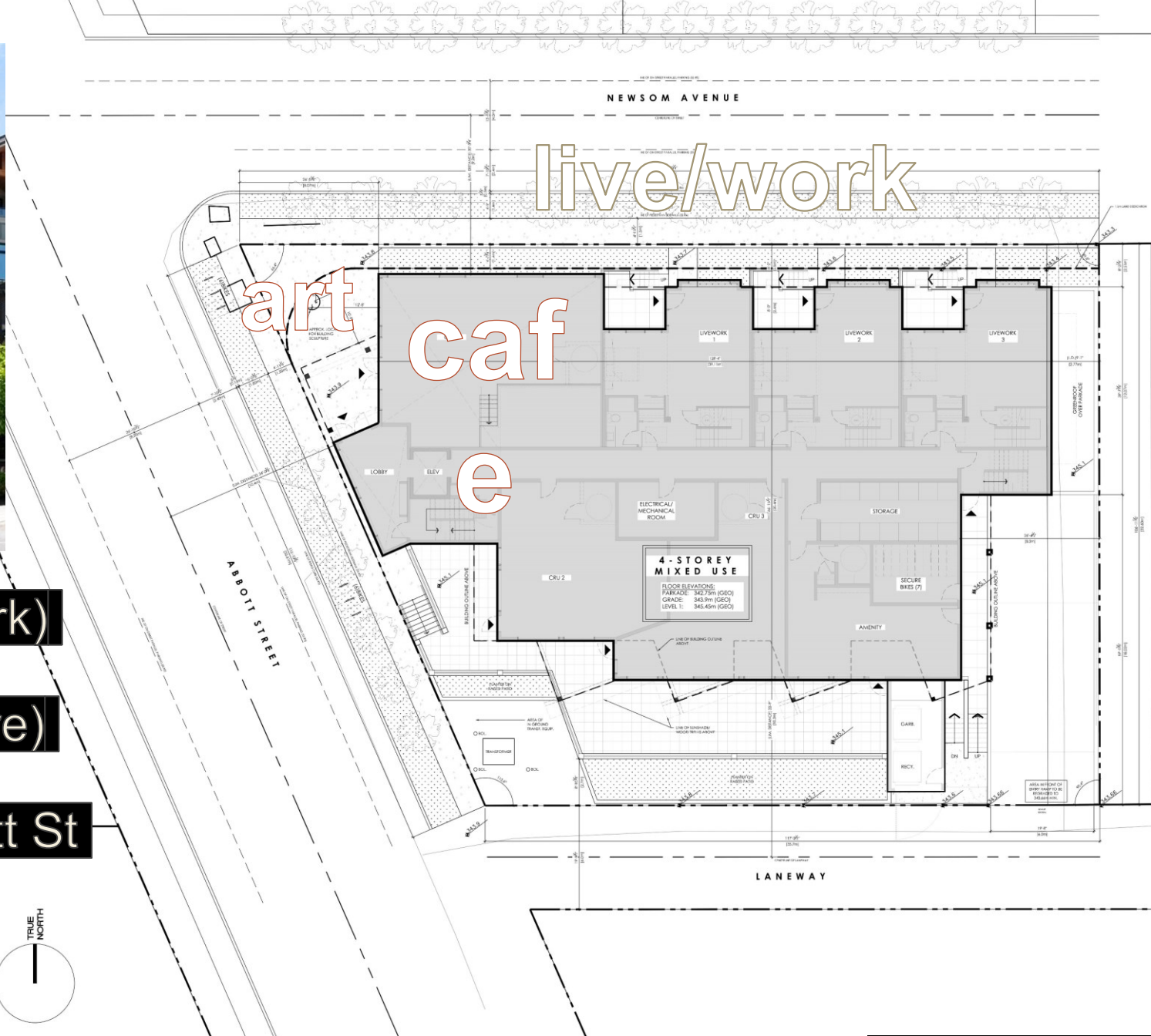
Example of sculpture

- pedestrian scaled design (live/work)
- corner café with local art (sculpture)
- timeless design sensitive to Abbott St corridor

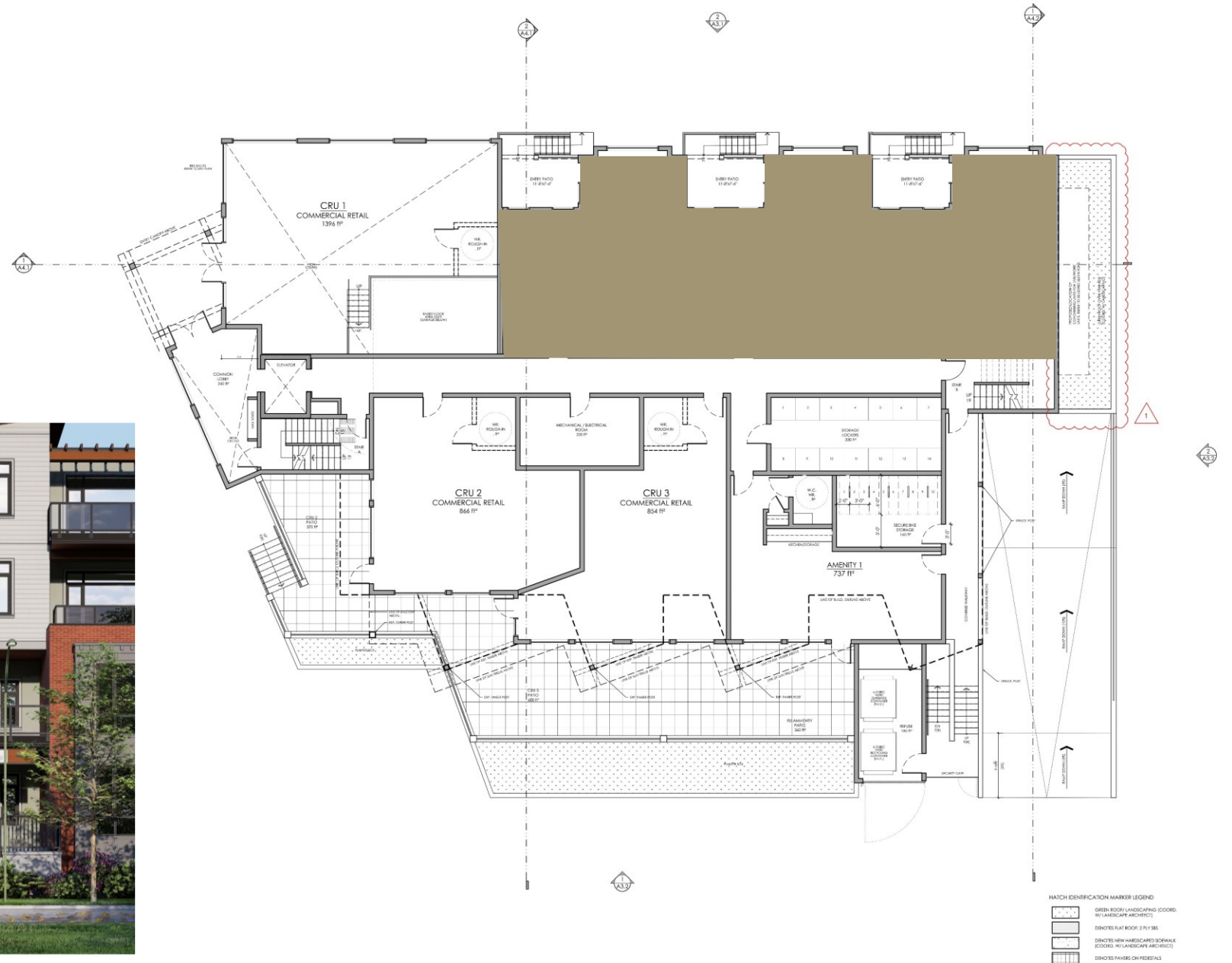




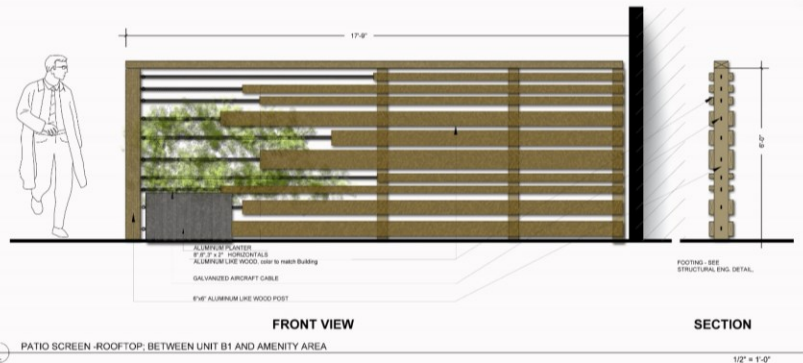
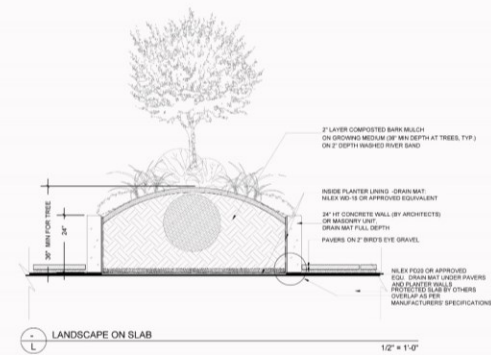
- pedestrian scaled design (live/work)
- corner café with local art (sculpture)
- timeless design sensitive to Abbott St corridor



live/work townhomes







PLANT SCHEDULE-ROOFTOP					PMO PROJECT NUMBER: 19-140
KEY	QTY	BOTANICAL NAME	COMMON NAME	PLANTED SIZE / REMARKS	
TREE					
2	ACER PALMATUM 'SANGO KAKU'	CORAL BARK MAPLE	2.5M - 8.5M		
2	CEANOTHUS THYRSIFLORUS 'VICTORIA'	CALIFORNIA LILAC	# 5 POT. TOPARY STANDARD SPECIMEN		
10	ROSA MEDIALAND 'REPRESENT'	CREeping MEDIALAND ROSE WHITE	#3 POT. 80CM - OXA LISTED - 24' O.C.		
6	HELICTOTRICHON SEMPERVIRENS	BLUE OAT GRASS	#1 POT - OXA LISTED - 18' O.C.		
6	MISCANTHUS SINENSIS 'GRACILLIMUS'	MADEN GRASS	#1 POT - OXA LISTED - 30' O.C.		
17	OPHIOPOGON PLANISCAPUS 'NIGRESCENS'	BLACK MONDO GRASS	#1 POT		
VINE					
4	CLEMATIS ARMANDI	EVERGREEN CLEMATIS	#3 POT. 75CM. STAKED		
PERENNIAL					
26	SEDUM CAUTICOLA 'BETRAM ANDERSON'	BETRAM ANDERSON STONECROP	9CM POT - OXA LISTED - 12' O.C.		

NOTES: * PLANT SIZES IN THIS LIST ARE SPECIFIED ACCORDING TO THE BC LANDSCAPE STANDARD AND CANADIAN LANDSCAPE STANDARD, LATEST EDITION. * CONTAINER SIZES SPECIFIED AS PER CANA STANDARD. BOTH PLANT SIZE AND CONTAINER SIZE ARE THE MINIMUM ACCEPTABLE SIZES. * REFER TO SPECIFICATIONS FOR DEFINED CONTAINER MEASUREMENTS AND OTHER PLANT MATERIAL REQUIREMENTS. * SEARCH AND REVIEW NAME PLANT MATERIAL AVAILABLE FOR OPTIONAL REVIEW BY LANDSCAPE ARCHITECT AT SOURCE OF SUPPLY. AREA OF SEARCH TO INCLUDE LOWER MAINLAND AND FRASER VALLEY. * SUBSTITUTIONS: OBTAIN WRITTEN APPROVAL FROM THE LANDSCAPE ARCHITECT PRIOR TO MAKING ANY SUBSTITUTIONS TO THE SPECIFIED MATERIAL. UNAPPROVED SUBSTITUTIONS WILL BE REJECTED. ALLOW A MINIMUM OF FIVE DAYS PRIOR TO DELIVERY FOR REQUEST TO SUBSTITUTE. SUBSTITUTIONS ARE SUBJECT TO BC LANDSCAPE STANDARD AND CANADIAN LANDSCAPE STANDARD. * DEFINITION OF CONDITIONS OF AVAILABILITY: * ALL LANDSCAPE MATERIAL AND WORKMANSHIP MUST MEET OR EXCEED BC LANDSCAPE STANDARD AND CANADIAN LANDSCAPE STANDARD LATEST EDITION. * ALL PLANT MATERIAL MUST BE PROVIDED FROM CERTIFIED DISEASE FREE NURSERY. * BIO-SOLIDS NOT PERMITTED IN GROWING MEDIUM UNLESS AUTHORIZED BY LANDSCAPE ARCHITECT.



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CITY OF KELOWNA

BYLAW NO. 12106

Official Community Plan Amendment No. OCP20-0004 3031 and 3041 Abbott Street

A bylaw to amend the "*Kelowna 2030* – Official Community Plan Bylaw No. 10500".

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of Lots 7 and 8, Block 2, District Lot 14, ODYD, Plan 4743, located on Abbott Street, Kelowna, B.C., from the MRM – Multiple Unit Residential (Medium Density) designation to the MXR – Mixed Use (Residential/Commercial) designation;
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

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 12107
Z20-0007 -
3031 and 3041 Abbott Street

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 Lots 7 and 8, Block 2, District Lot 14, ODYD, Plan 4743 located at Abbott Street, Kelowna, BC from the RU1 – Large Lot Housing zone to the C4 – Urban Centre Commercial 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

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk