

City of Kelowna

Regular Council Meeting

AGENDA



Monday, February 1, 2021
 1:30 pm
 Council Chamber
 City Hall, 1435 Water Street

Pages

1. Call to Order

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

In accordance with the most recent Provincial Health Officer Order regarding gatherings and events, the public is currently not permitted to attend Council meetings in-person. As an open meeting, a live audio-video feed is being broadcast and recorded on kelowna.ca.

2. Confirmation of Minutes

5 - 10

PM Meeting - January 25, 2021

3. Development Application Reports & Related Bylaws

- | | | |
|------|--|---------|
| 3.1. | Hwy 97 N 2690 - LUCT20-0002 (BL12067) Z20-0061 (BL12068) - Miltco Investments Limited, Inc.No. 0111450 | 11 - 28 |
|------|--|---------|

To proceed with early termination of Land Use Contract 75-76 and to consider an application to rezone the subject property.

- | | | |
|------|--|---------|
| 3.2. | Hwy 97 N 2690 - BL12067 (LUCT20-0002) - Miltco Investments Limited, Inc. No. 0111450 | 29 - 29 |
|------|--|---------|

To give Bylaw No. 12067 first reading in order to proceed with early termination of Land Use Contract 75-76.

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|------|--|---------|
| 3.3. | Hwy 97 N 2690 - BL12068 (Z20-0061) - Miltco Investments Limited, Inc.No. 0111450 | 30 - 31 |
|------|--|---------|

To give Bylaw No. 12068 first reading in order to rezone a portion of the subject property from the A1 - Agriculture 1 zone to the C10 - Service Commercial zone.

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|------|--|---------|
| 3.4. | Fenwick Rd 2821 - LUCT20-0008 (BL12158) Z20-0073 (BL12159) - McIntosh Properties Ltd., Inc.No. 0846631 | 32 - 47 |
|------|--|---------|

To proceed with early termination of Land Use Contract 77-1004 and to consider an application to rezone the subject property.

3.5.	Fenwick Rd 2821 - BL12158 (LUCT20-0008) McIntosh Properties Ltd., Inc.No. 0846631	48 - 48
	To give Bylaw No. 12158 first reading in order to proceed with early termination of Land Use Contract 77-1004.	
3.6.	Fenwick Rd 2821 - BL12159 (Z20-0073) - McIntosh Properties Ltd., Inc.No. 0846631	49 - 50
	To give Bylaw No. 12159 first reading in order to rezone a portion of the subject property from the A1 - Agriculture 1 zone to the I2 - General Industrial zone.	
3.7.	Hwy 97 N 3646-3652 - LUCT20-0009 (BL12160) Z20-0074 (BL12161) - BCJ Properties Ltd., Inc.No. 472355	51 - 66
	To proceed with early termination of Land Use Contract 77-1040 and to consider an application to rezone the subject property.	
3.8.	Hwy 97 N 3646-3652 - BL12160 (LUCT20-0009) - BCJ Properties Ltd., Inc.No. 472355	67 - 67
	To give Bylaw No. 12160 first reading in order to proceed with early termination of Land Use Contract 77-1040.	
3.9.	Hwy 97 N 3646-3652 - BL12161 (Z20-0074) - BCJ Properties Ltd., Inc.No. 472355	68 - 69
	To give Bylaw No. 12161 first reading in order to rezone a portion of the subject property from the A1 - Agriculture 1 zone to the I2 - General Industrial zone.	
3.10.	Fleming Rd 395 - Z20-0099 (BL12155) - Terry Orlan and Karen Shalom Peters	70 - 87
	To rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, and to waive the Public Hearing.	
3.11.	Fleming Rd 395 - BL12155 (Z20-0099) - Terry Orlan and Karen Shalom Peters	88 - 88
	To give Bylaw No. 12155 first 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, and to waive the Public Hearing.	
3.12.	Moubray Rd 387 - Z20-0092 (BL12156) - Ravdeep S. Tiwana and Kulwinder K. Khatra	89 - 110
	To rezone the subject property from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone to facilitate a 2-lot subdivision, and to waive the Public Hearing.	
3.13.	Moubray Rd 387 - BL12156 (Z20-0092) - Ravdeep S. Tiwana and Kulwinder K. Khatra	111 - 111
	To give Bylaw No. 12156 first reading in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing, and to waive the Public Hearing.	

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|--------------|---|------------------|
| 3.14. | Joe Riche Rd 1788 - Z20-0087 (BL12157) - Balraj Singh and Gurinderjeet Kaur Sidhu | 112 - 132 |
| | To consider an application to rezone the subject property from the A1 – Agriculture 1 zone to the RU6 – Two Dwelling Housing zone to facilitate a 2-lot subdivision, and to waive the Public Hearing. | |
| 3.15. | Joe Riche Rd 1788 - BL12157 (Z20-0087) - Balraj Singh and Gurinderjeet Kaur Sidhu | 133 - 133 |
| | To give Bylaw No. 12157 first reading in order to rezone the subject property from the A1 – Agriculture 1 zone to the RU6 – Two Dwelling Housing zone, and to waive the Public Hearing. | |
| 3.16. | Laurier Ave 913, BL11798 (Z18-0105) - 1128826 B.C. Ltd, Inc.No. BC1128826 | 134 - 134 |
| | To adopt Bylaw No. 11798 in order to rezone the subject property from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone. | |
| 3.17. | Laurier Ave 913 - DP18-0195 - 913 Laurier GP Ltd., Inc. No. BC1231985 | 135 - 170 |
| | To consider the form and character of a multi-family development. | |
| 3.18. | Radant Rd 575 Z18-0063 Bylaw 11698 Extension | 171 - 172 |
| | To extend the deadline for adoption of Rezoning Bylaw No. 11698 to May 4, 2021. | |

4. Non-Development Reports & Related Bylaws

- | | | |
|-------------|---|------------------|
| 4.1. | RDCO Fringe Area Planning | 173 - 183 |
| | To consider renewal of the existing Fringe Area Planning agreement. | |
| 4.2. | Implications of Exclusivity for Shared E-bike and E-scooter Services | 184 - 198 |
| | To update Council on the implications of creating an RFP for exclusivity of a multi modal fleet including e-scooters and e-bikes for the 2021 season. | |
| 4.3. | Road Closure - Rose Road | 199 - 202 |
| | To close a 0.43-acre (1,740 square meter) portion of excess road adjacent to 3455 & 3565 Rose Road for consolidation with the adjacent residential properties of 3455 and 3565 Rose Road. | |
| 4.4. | BL12125 - Road Closure Bylaw - Portion of Rose Road | 203 - 204 |
| | To give Bylaw No. 12125 first, second and third readings to close a portion of Rose Road. | |

5. Bylaws for Adoption (Non-Development Related)

- | | | |
|-------------|---|------------------|
| 5.1. | Taylor Road 151 - BL12149 - Repeal Housing Agreement Bylaw No. 10182 | 205 - 205 |
| | To adopt Bylaw No. 12149. | |
| 5.2. | BL12154 - Delegation of Authority - Property Management | 206 - 206 |
| | To adopt Bylaw No. 12154. | |

6. Mayor and Councillor Items

7. Termination



City of Kelowna Regular Council Meeting Minutes

Date: Monday, January 25, 2021
 Location: Council Chamber
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Mohini Singh and Loyal Wooldridge

Members participating remotely Councillors Charlie Hodge, Brad Sieben* and Luke Stack

Staff Present City Manager, Doug Gilchrist; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith*; Community Planning & Development Manager, Dean Strachan*; Revenue Supervisor, Angie Schumacher*; Transit and Programs Manager, Jerry Dombowsky*; Property Management Manager, JoAnne Adamson*; Long Range Policy Planning Manager, James Moore*; Planner, Arlene Janousek*; Planner Specialist, Ross Soward*

Staff participating remotely Arlene McClelland, Legislative Coordinator (Confidential)

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:32 p.m.

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

In accordance with the most recent Provincial Health Officer Order regarding gatherings and events, the public is currently not permitted to attend Council meetings in-person. As an open meeting, a live audio-video feed is being broadcast and recorded on kelowna.ca.

2. Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

R0109/21/01/25 THAT the Minutes of the Regular Meetings of January 18, 2021 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 Multiple Addresses - OCP19-0005 (BL11928) Z19-0107 (BL11929) - Multiple Owners

Staff:

- Displayed a PowerPoint Presentation outlining the context and rationale for the proposed bylaw amendments.

Moved By Councillor Stack/Seconded By Councillor Wooldridge

R0110/21/01/25 THAT Official Community Plan Map Amendment Application No. OCP19-0005 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of multiple properties, as indicated on Schedule 'A' and shown on Maps "A" to "D" attached to the Report from the Development Planning Department dated January 25, 2021, be considered by Council;

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

THAT Rezoning Application No. Z19-0107 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of multiple properties, as indicated on Schedule 'B' and shown on Maps "E" to "K" attached to the Report from the Development Planning Department dated January 25, 2021, be considered by Council;

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

AND THAT Council considers the Public Hearing process to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*.

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

Carried

3.2 Multiple Addresses - BL11928 (OCP19-0005) - Multiple Owners

Councillor Sieben joined the meeting at 1:35 p.m.

Moved By Councillor Given/Seconded By Councillor Singh

R0111/21/01/25 THAT Bylaw No.11928 be read a first time.

AND THAT the bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

3.3 Multiple Addresses - BL11929 (Z19-0107) - Multiple Owners

Moved By Councillor Singh/Seconded By Councillor Given

R0112/21/01/25 THAT Bylaw No.11929 be read a first time.

Carried

3.4 Cary Rd 1624 - DP20-0169 - 1087253 B.C. Ltd., Inc. No. BC1087253

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Singh/Seconded By Councillor Stack

R0113/21/01/25 THAT Council authorizes the issuance of Development Permit No. DP20-0169 for Lot 1 District Lot 125 ODYD, Plan EPP100025, located at 1624 Cary Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

4. Bylaws for Adoption (Development Related)

- 4.1 Water Street 1570-1580, BL12037 (Z19-0098) - Tri-Moor Holdings Ltd., Inc. No. 1050685; Rayal Enterprises Ltd., Inc. No. 70194**

Moved By Councillor Given/Seconded By Councillor Singh

R0114/21/01/25 THAT Bylaw No. 12037 be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1 Transit 2020-2021 Annual Operating Agreement

Staff:

- Displayed a PowerPoint Presentation summarizing the proposed Transit Annual Operating Agreement and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Donn

R0115/21/01/25 THAT Council receives, for information, the report from the Revenue Department dated January 25, 2021 regarding the Transit 2020/2021 Annual Operating Agreement:

AND THAT Council approve the 2020/2021 Annual Operating Agreement between BC Transit and City of Kelowna for Conventional, Community, and Custom transit;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the Annual Operating Agreement between BC Transit and the City of Kelowna covering the period April 1, 2020 to March 31, 2021.

Carried

5.2 Transit Program 3-year Proposed Budgets

Staff:

- Displayed a PowerPoint Presentation providing an overview of the proposed 3-year transit budget forecasts.

- Spoke to anticipated ridership recovery levels.
- Responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0116/21/01/25 THAT Council receives for information, the report from Integrated Transportation dated January 25, 2021, with respect to the Transit Program 3-year proposed budgets.

Carried

5.3 Delegation of Authority - Property Management

Staff:

- Displayed a PowerPoint Presentation summarizing the use of the delegated authority in 2020 and the proposed increase in maximum value and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Hodge

R0117/21/01/25 THAT Council receives, for information, the Report from the Real Estate Department, dated January 18, 2021, summarizing the use of the Delegation of Authority – Property Management in 2020;

AND THAT Bylaw No. 11250 being, Delegation of Authority to Enter into Leases and Licenses of Occupation Bylaw, be amended to a maximum fair market value of \$60,000/year.

Carried

5.4 BL12154 - Delegation of Authority - Property Management

Moved By Councillor Donn/Seconded By Councillor DeHart

R0118/21/01/25 THAT Bylaw No. 12154 be read a first, second and third time.

Carried

5.5 Temporary Construction Agreement - Aurora Cres 245

Staff:

- Displayed a PowerPoint Presentation summarizing the proposed temporary construction agreement and responded to questions from Council.

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R0119/21/01/25 THAT Council approve the City entering into a 14-month Licence of Occupation, with Ironclad Developments Inc, for the use of 245 Aurora Crescent, in the form attached to the Report from Property Management, dated January 25, 2021;

AND THAT the 2021 Financial Plan be amended to include the License of Occupation revenues and that the net revenue be contributed to the General – Park Development reserve;

AND THAT the one-time non-refundable soil remediation fee of \$16,000 be contributed to the General- Park Development reserve to be used to fund the remediation of the soil compaction at the end of the term;

AND FURTHER THAT the Manager, Property Management be authorized to execute all documents necessary to complete the transaction.

Carried

5.6 Regional Housing Needs Assessment

Staff:

- Displayed a PowerPoint Presentation providing an overview of the Regional Housing Needs Assessment and its application to the City.

Moved By Councillor DeHart/Seconded By Councillor Donn

R0120/21/01/25 THAT Council receives the Regional Housing Needs Assessment dated November 2019 which includes detailed information about current and anticipated housing needs in Kelowna.

Carried

5.7 Rescind Housing Agreement - 151 Taylor Road

Staff:

- Provided an overview of the Housing Agreement and rationale for the proposed rescindment.

Moved By Councillor Donn/Seconded By Councillor Hodge

R0121/21/01/25 THAT Council, receives for information, the report from the Planner Specialist dated January 25, 2021 recommending that Council repeal the Housing Agreement Bylaw No. 10182 for 151 Taylor Road;

AND THAT Council consider Bylaw No. 12149 which would authorize the City of Kelowna to repeal Bylaw No. 10182 being Housing Agreement Authorization Bylaw Rohit Communities Kelowna Ltd. Inc. No. BC0763831- 151 Taylor Road and all amendments thereto, for the lands known as: Strata Lots 12,13,30,31,48 and 49 Section 22, Township 26, ODYD, Strata Plan KAS3631;

AND THAT Bylaw No. 12149. being Repeal Housing Agreement Authorization Bylaw No. 10182 be forwarded for reading consideration.

Carried

5.8 Taylor Road 151 - BL12149 - Repeal Housing Agreement Bylaw No. 10182

Moved By Councillor DeHart/Seconded By Councillor Donn

R0122/21/01/25 THAT Bylaw No. 12149 be read a first, second and third time.

Carried

6. Mayor and Councillor Items

Councillor Sieben:

- Made comment to the inspiring poem from Poet Amanda Gorman at the recent U.S. Presidential Inauguration.

Councillor Stack:

- Made comment on the U.S. Presidential Inauguration Ceremony.
- Applauded technology improvements allowing for remote participation at Council meetings.

Councillor Donn:

- Acknowledged UBCO's launching engagement on the downtown Campus project.
- Made comment on the importance of micromobility and attracting tech companies.

Councillor Wooldridge:

- Thanked citizens for following the Provincial Health Orders.

Councillor Given:

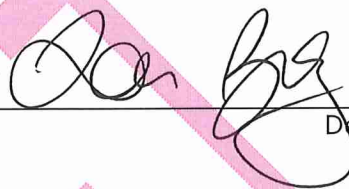
- Spoke to the OK GO Program that is a collaboration between Tourism Kelowna, Central Okanagan Economic Development Commission and Accelerate Okanagan Technology to assist with economic recovery.

7. Termination

This meeting was declared terminated at 2:16 p.m.

Mayor Basran

/acm



Deputy City Clerk

DRAFT

REPORT TO COUNCIL



Date: February 1, 2021

To: Council

From: City Manager

Department: Development Planning Department

Application: LUCT20-0002 / Z20-0061

Owner: Miltco Investments Limited,
Inc.No. 0111450

Address: 2690 Hwy 97 N

Applicant: The City of Kelowna

Subject: Land Use Contract Termination and Rezoning Application

Existing OCP Designation: SC – Service Commercial, IND – Industrial and PARK – Major Park /
Open Space (public)

Existing Zone: A1 – Agriculture 1 and C10 – Service Commercial

Proposed Zone: A1 – Agriculture 1 and C10 – Service Commercial

1.0 Recommendation

THAT Land Use Contract Termination Application No. LUCT20-0002 to terminate LUC75-76 from Lot B District Lots 124 and 125 and of Section 27 Township 26 ODYD Plan KAP92754 Except Plan EPP58799, located at 2690 Hwy 97 N, Kelowna, B.C. be considered by Council;

AND THAT Rezoning Application No. Z20-0061 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot B District Lots 124 and 125 and of Section 27 Township 26 ODYD Plan KAP92754 Except Plan EPP58799, located at 2690 Hwy 97 N, Kelowna, B.C. from the A1 – Agriculture 1 zone to the C10 – Service Commercial zone as shown in Map "A" attached to the Report from the Development Planning Department dated February 1, 2021 be considered by Council;

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

AND THAT the notice sign requirements under Council Policy No. 367 be altered to allow for placement on the City of Kelowna's boulevard;

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

2.0 Purpose

To proceed with early termination of Land Use Contract 75-76 and to consider an application to rezone the subject property.

3.0 Development Planning

Staff are recommending the Land Use Contract (75-76) be terminated and for the subject property to be rezoned. Portions of the property has the underlying zone of A1 – Agriculture 1 and is not appropriate for the current land use, which is automotive sales. This use is currently permitted in the Land Use Contract, under the former Zoning Bylaw 4500's C12 – Sales Lot zone. The Zoning Bylaw has since been updated and obtains different uses, requirements and zonings.

The lot in question is a hooked parcel, with a portion of the parcel north of Enterprise Way and a portion of the parcel south of Enterprise Way. The portion of the parcel north of Enterprise Way is zoned A1 – Agriculture 1, while the portion of the parcel south of Enterprise Way is partly zoned A1 and partly zoned C10 – Service Commercial. Staff recommend that the portion of the parcel south of Enterprise Way zoned A1 be rezoned to C10, such that the entire portion of the parcel south of Enterprise Way be zoned C10.

Further, Staff recommend that the portion of the parcel north of Enterprise Way not be rezoned, but instead remain A1. The reason for this is that this portion of the parcel is within the riparian area of Mill Creek wherein development is prohibited under provincial law. To reinforce this, there is a no-build and no disturb covenant of the property. As this portion of the property cannot be further developed, it should not be rezoned.

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 apply when Council adopts the bylaw. Terminations require a one-year grace period as outlined by the Local Government Act.

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 also send an additional letter within 30 days of adoption, informing the owners and providing information about the Board of Variance. Due to the file being Staff initiated, Staff suggest Council Policy #367 development signage requirements be altered to allow for the development signs to be placed on the City of Kelowna's boulevard, rather than on the subject property.

4.3 Site Context

The subject property has a total area of 11,906m² and is located on 2690 Hwy 97 N. The property has been designated SC – Service Commercial, IND – Industrial and PARK – Major Park / Open Space (public) in the Official Community Plan. The surrounding area is a mix of SC – Service Commercial, IND – Industrial, COMM – Commercial and PARK – Major Park / Open Space (public).

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C10 – Service Commercial and A1 – Agriculture 1	General Service Commercial Businesses, Car Rental, Mill Creek and Rail Trail
East	C10 – Service Commercial and C9 – Tourist Commercial	Hotel and Gas Bar
South	C10 – Service Commercial	Car Dealership
West	C10 – Service Commercial and P3 – Parks and Open Space	Car Dealership, Mill Creek and Rail Trail

Subject Property Map: 2690 Hwy 97 N



5.0 **Current Development Policies**

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

Council Policy No. 282. Includes the following statement:

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

5.2 Kelowna Official Community Plan (OCP)

Chapter 4: Future Land Use

Service Commercial: Developments for the provision of business support services and other commercial uses requiring extensive on-site storage. Building densities would be consistent with the provision of the C10 zone of the Zoning Bylaw.

6.o Application Chronology

Date of Application Received: August 5th, 2020

Date of Owner Notification: October 1st, 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: Map 'A' – Proposed Rezoning

ATTACHMENT

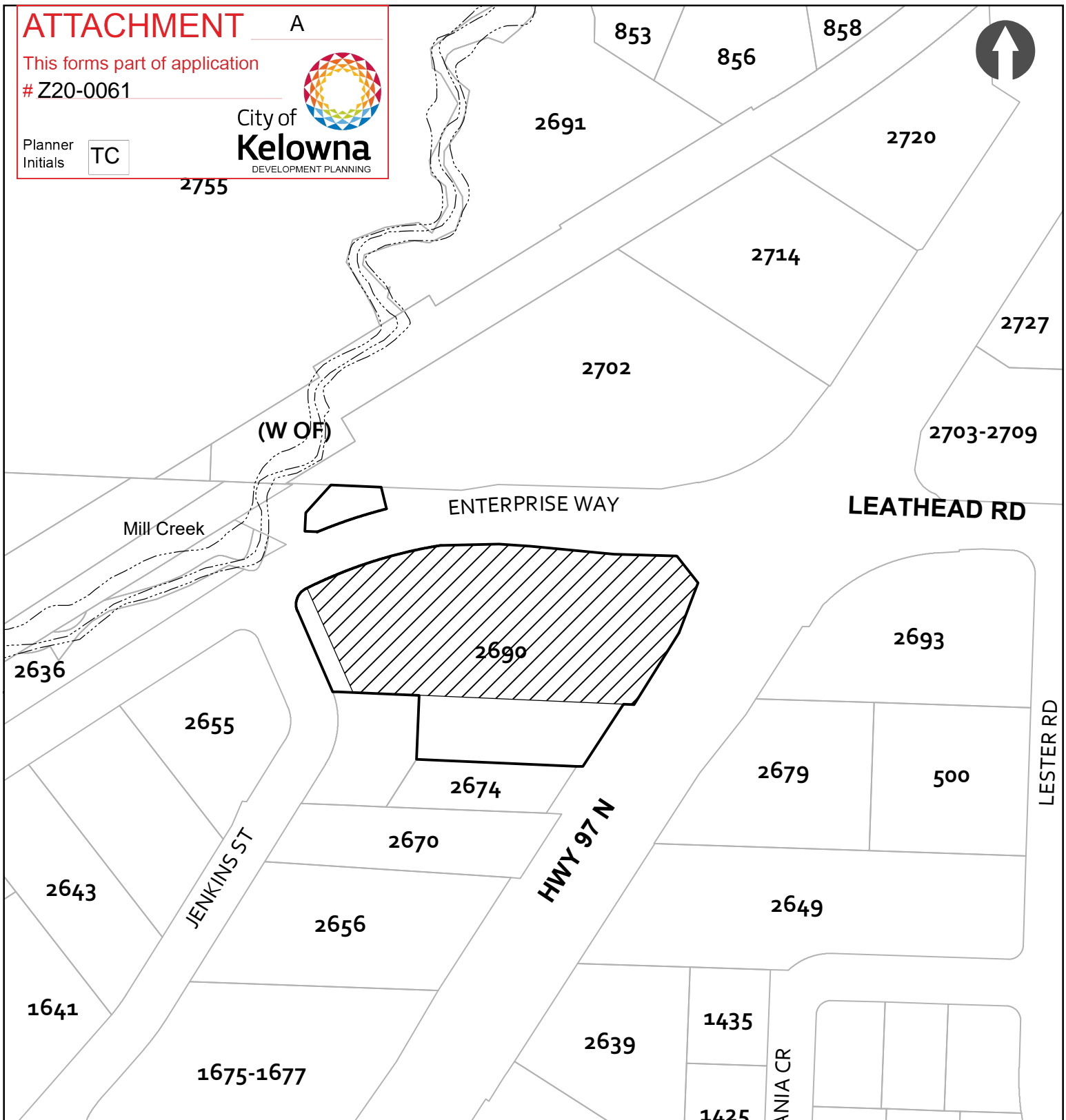
A

This forms part of application

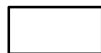
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Planner
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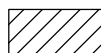
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Kelowna
DEVELOPMENT PLANNING



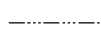
MAP "A" Proposed Rezoning File Z20-0061



Subject Property



A1 - Agriculture 1 to C10 - Service Commercial



Mill Creek

TC

0 40 80 Metres

Rev. Wednesday, January 13, 2021

City of
Kelowna



LUCT20-0002 / Z20-0061

2690 Hwy 97 N

Land Use Contract Termination and Rezoning Application



Proposal

- ▶ To terminate the Land Use Contract (LUC75-76) and to rezone a portion of the subject property from A1 – Agriculture 1 zone to C10 – Service Commercial zone.

Development Process

Aug 5, 2020

LUC Termination Initiated by Staff



Oct 1, 2020

Public Notification Completed



Feb 1, 2021

Initial Consideration



Public Hearing
Second & Third Readings

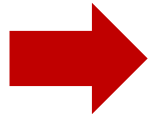


Final Reading



LUC Eliminated (1 year later)

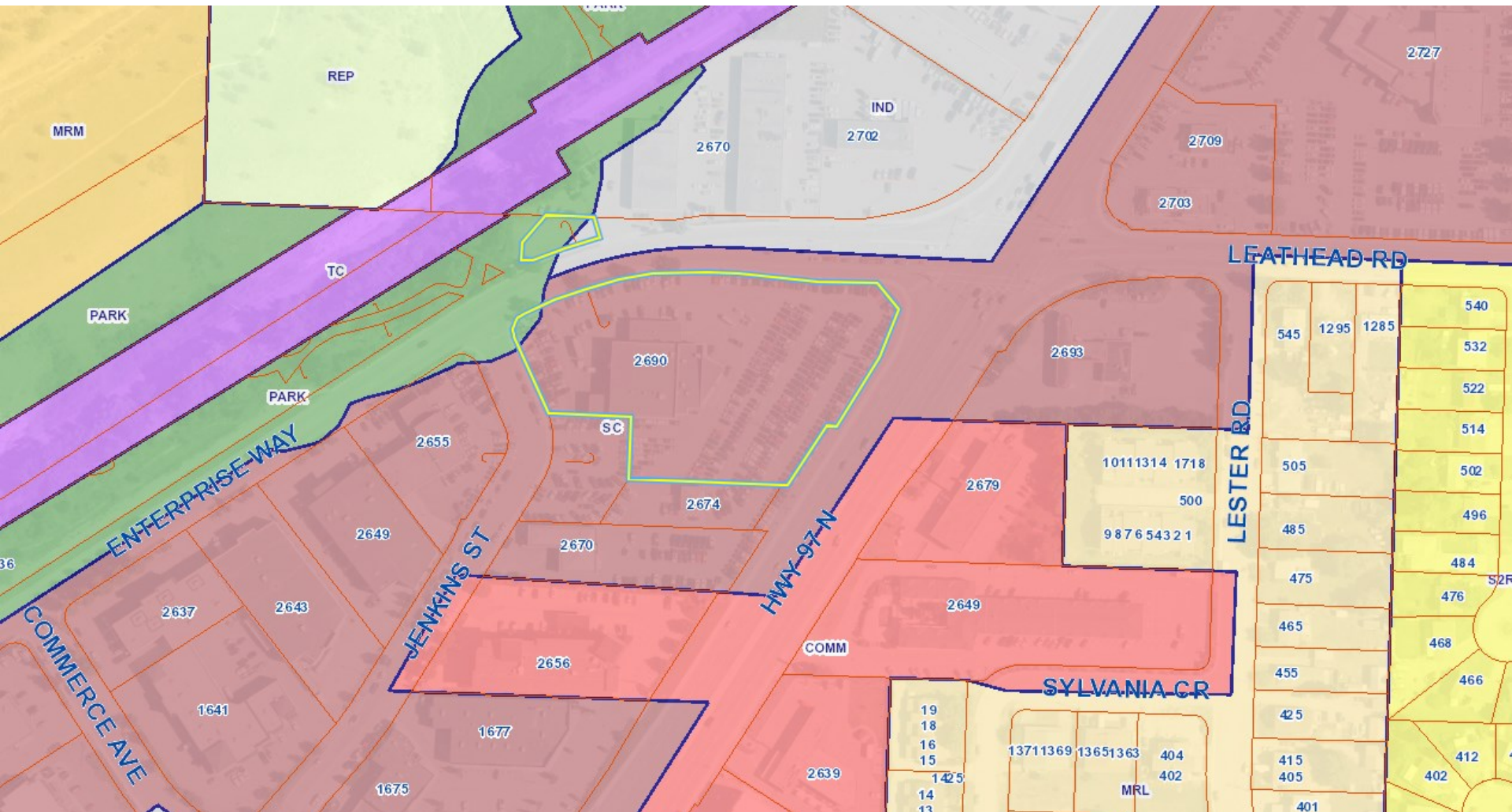
Council
Approvals



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.
- ▶ If an applicant initiates a discharge – Staff initiate a termination

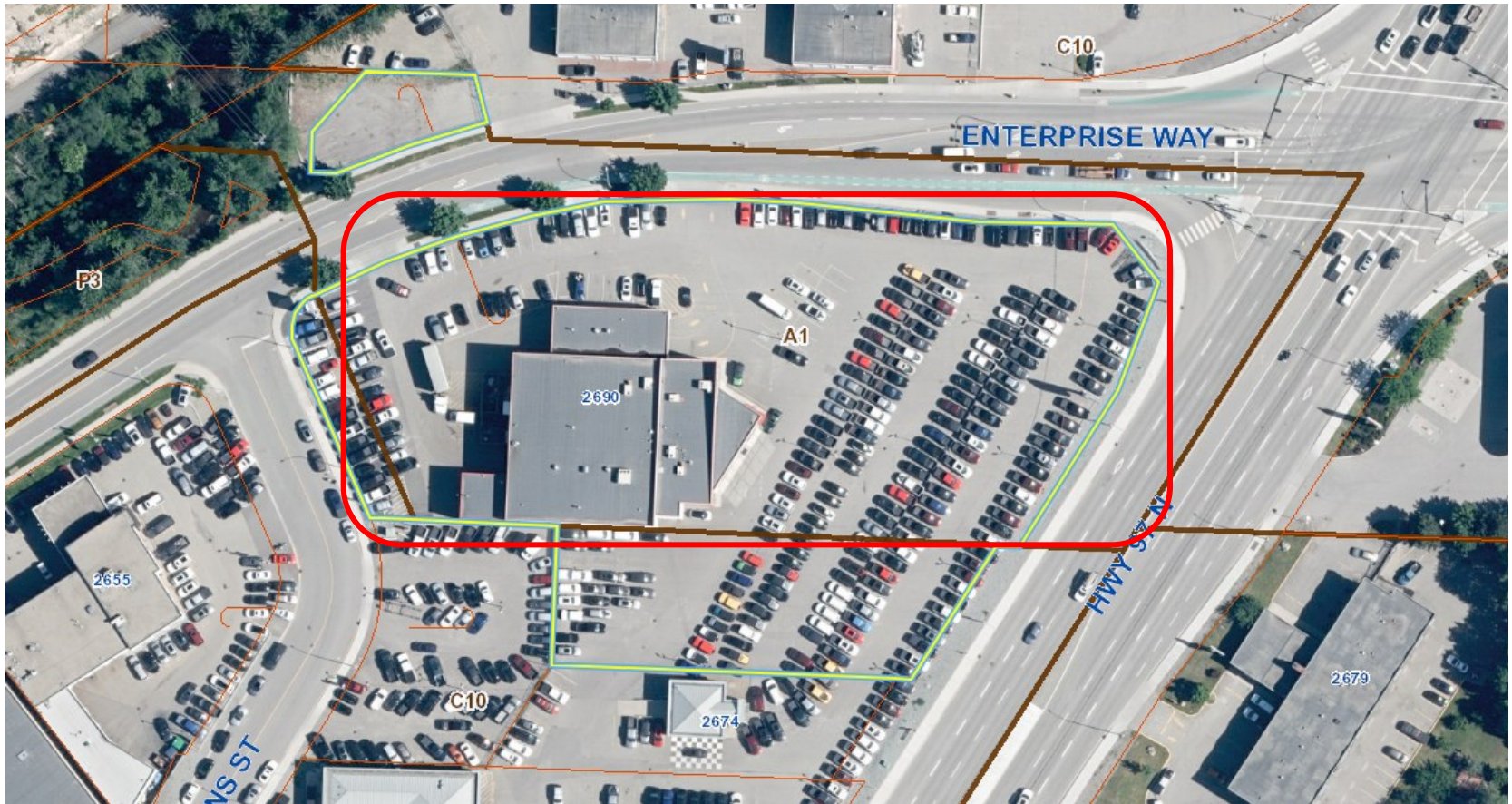
Project Details

- ▶ Staff initiated termination of LUC75-76 for the subject property.
- ▶ The LUC allows them to operate a car dealership and all uses within C12 – Sales Lot zone in Zoning Bylaw no. 4500.
- ▶ Staff are proposing to rezone a portion of the property to the C10 – Service Commercial zone.

Project Details



Project Details



Project Details



Public Notification Policy #367

- ▶ Staff sent a letter of Proposed Termination of Land Use Contract to both property owners.
 - ▶ Sent on Oct 1st, 2020
- ▶ One-year grace period from Council consideration before the rezoning comes into effect.

Staff Recommendation

- ▶ Development Planning Staff recommend **support** for the proposed rezoning and land use contract termination:
 - ▶ C10 zone is appropriate to support existing use.
 - ▶ North portion of the property to remain A1 to meet the riparian management bylaws and regulations.
 - ▶ Province of BC requires all LUC's to be discharged/terminated.



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12067

LUCT20-0002

Early Termination of Land Use Contract – LUC75-76 2690 Highway 97 North

WHEREAS a land use contract (the "Land Use Contract LUC75-76) is registered at the Kamloops Land Title Office under the charge number M31703 against lands in the City of Kelowna particularly known and described as Lot B District Lots 124 and 125 and of Section 27 Township 26 ODYD Plan KAP92754 Except Plan EPP58799 (the "Lands"), located on Highway 97 North, 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 Bylaw No. 12067";
2. "A M Automotive Limited Land Use Contract Authorizing Bylaw No. 4207-77" establishing Land Use Contract LUC75-76 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

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

CITY OF KELOWNA
BYLAW NO. 12068
Z20-0061 -
2690 Highway 97 North

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 a portion of Lot B District Lots 124 and 125 and of Section 27 Township 26 ODYD Plan KAP92754 Except Plan EPP58799 located at Highway 97 North, Kelowna, BC from the A1 – Agriculture 1 zone to the C10 – Service Commercial zone as shown on Map "A" attached to and forming part of this bylaw;
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

Public Hearing by the Municipal Council on the

Read a second and third time by the Municipal Council this

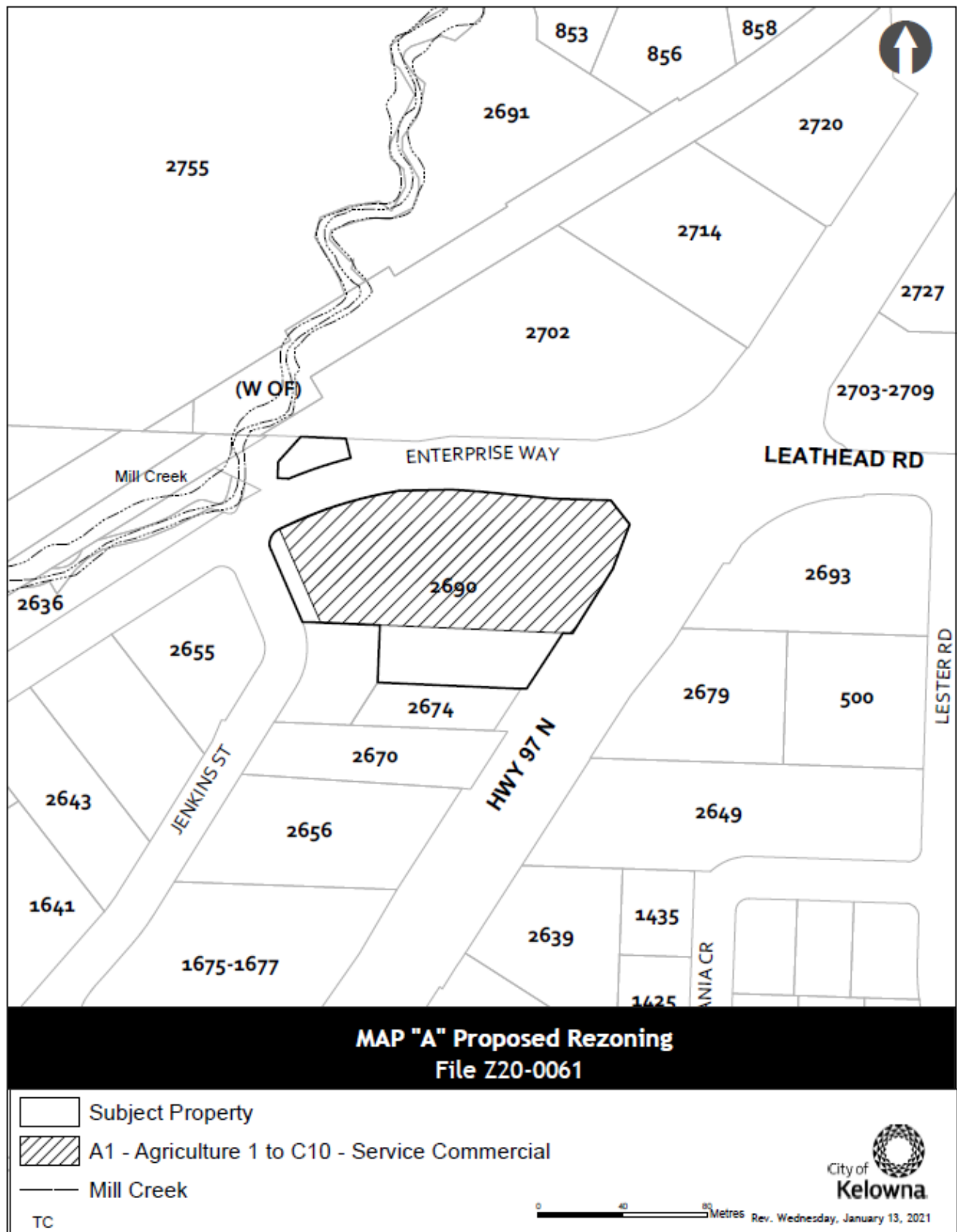
Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



REPORT TO COUNCIL



Date: February 1, 2021

To: Council

From: City Manager

Department: Development Planning Department

Application: LUCT20-0008 / Z20-0073

Owner: McIntosh Properties Ltd.,
Inc.No. 0846631

Address: 2821 Fenwick Rd

Applicant: The City of Kelowna

Subject: Land Use Contract Termination and Rezoning Application

Existing OCP Designation: IND – Industrial and PARK – Major Park / Open Space (public)

Existing Zone: A1 – Agriculture 1

Proposed Zone: A1 – Agriculture 1 and I2 – General Industrial

1.0 Recommendation

THAT Land Use Contract Termination Application No. LUCT20-0008 to terminate LUC77-1004 from Lot 1 Section 34 Township 26 ODYD Plan 29162, located at 2821 Fenwick Road, Kelowna, B.C. be considered by Council;

AND THAT Rezoning Application No. Z20-0073 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot 1 Section 34 Township 26 ODYD Plan 29162, located at 2821 Fenwick Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the I2 – General Industrial zone as shown on Map "A" attached to the Report from the Development Planning Department dated February 1, 2021 be considered by Council;

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

AND THAT the notice sign requirements under Council Policy No. 367 be altered to allow for placement on the City of Kelowna's boulevard;

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

2.0 Purpose

To proceed with early termination of Land Use Contract 77-1004 and to consider an application to rezone the subject property.

3.0 Development Planning

Staff are recommending the Land Use Contract (77-1004) be terminated and for the subject property to be rezoned. Portions of the property has the underlying zone of A1 – Agriculture 1 and is not appropriate for the current land use, which are general industrial uses. Currently the Land Use contract allows the uses in the former Zoning Bylaw 4500 I3 – Heavy Industrial Uses, in addition to steel fabrication and sales. The former steel fabrication business on site is no longer active. The Zoning Bylaw has since been updated and obtains different uses, requirements and zonings.

The lot in question is a hooked parcel, with a portion of the parcel north of Mill Creek and a portion of the parcel south of Mill Creek. Both portions of this site are zoned A1 – Agriculture 1. Since a large portion of this site falls within the riparian area of Mill Creek, wherein development is prohibited under provincial law, Staff are proposing that only the area south of Mill Creek that has the Future Land Use Designation of Industrial be rezoned to I2 – General Industrial. This would result in the area in the riparian setback with the Future Land Use Designation of PARK, remain A1. This portion of the property cannot be further developed, it should not be rezoned.

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 apply when Council adopts the bylaw. Terminations require a one-year grace period as outlined by the Local Government Act.

4.2 Public Notification

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 also send an additional letter within 30 days of adoption, informing the owners and providing information about the Board of Variance. Due to the file being Staff initiated, Staff suggest Council Policy #367 development signage requirements be altered to allow for the development signs to be placed on the City of Kelowna's boulevard, rather than on the subject property.

4.3 Site Context

The subject property has a total area of roughly 12,869m² and is located on 2821 Fenwick Road. The property has been designated IND – Industrial and PARK – Major Park / Open Space (public) in the Official

Community Plan. The surrounding area is a mix of SC – Service Commercial, IND – Industrial, COMM – Commercial and PARK – Major Park / Open Space (public).

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	IND – Industrial and PARK – Major Park / Open Space (public)	Mill Creek, Industrial Land and Vacant Land
East	TC – Transit Corridor	Rail Trail
South	REP – Resource Protection and PARK – Major Park / Open Space (public)	Active Farm in the ALR
West	REP – Resource Protection and PARK – Major Park / Open Space (public)	Mill Creek and Vacant Land

Subject Property Map: 2821 Fenwick Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

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

Council Policy No. 282. Includes the following statement:

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

5.2 Kelowna Official Community Plan (OCP)

Chapter 4: Future Land Use

Industrial (IND): Light and heavy industrial uses as well as Industrial/Business activities and airport related industrial uses. Industrial/business refers to uses that provide services and support to industrial and business customers. This designation may also include CD Comprehensive Development zoning that provides for industrial uses.

6.o Application Chronology

Date of Application Received: August 25, 2020

Date Public Consultation Completed: October 1, 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: Map 'A' – Proposed Rezoning

ATTACHMENT

A

This forms part of application

Z20-0073

Planner
Initials

TC



2920

3010

(W OF)

2840

2898

2810

(END OF)

STREMEL RD

2821

FENWICK RD

2890

2755

Mill Creek

911

2800

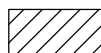
HWY 97 N

2850

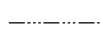
MAP "A" Proposed Rezoning File Z20-0073



Subject Property



A1 - Agriculture 1 to I2 - General Industrial



Mill Creek

TC

0 40 80 Metres Rev. Wednesday, January 13, 2021





LUCT20-0008 / Z20-0073

2821 Fenwick Road

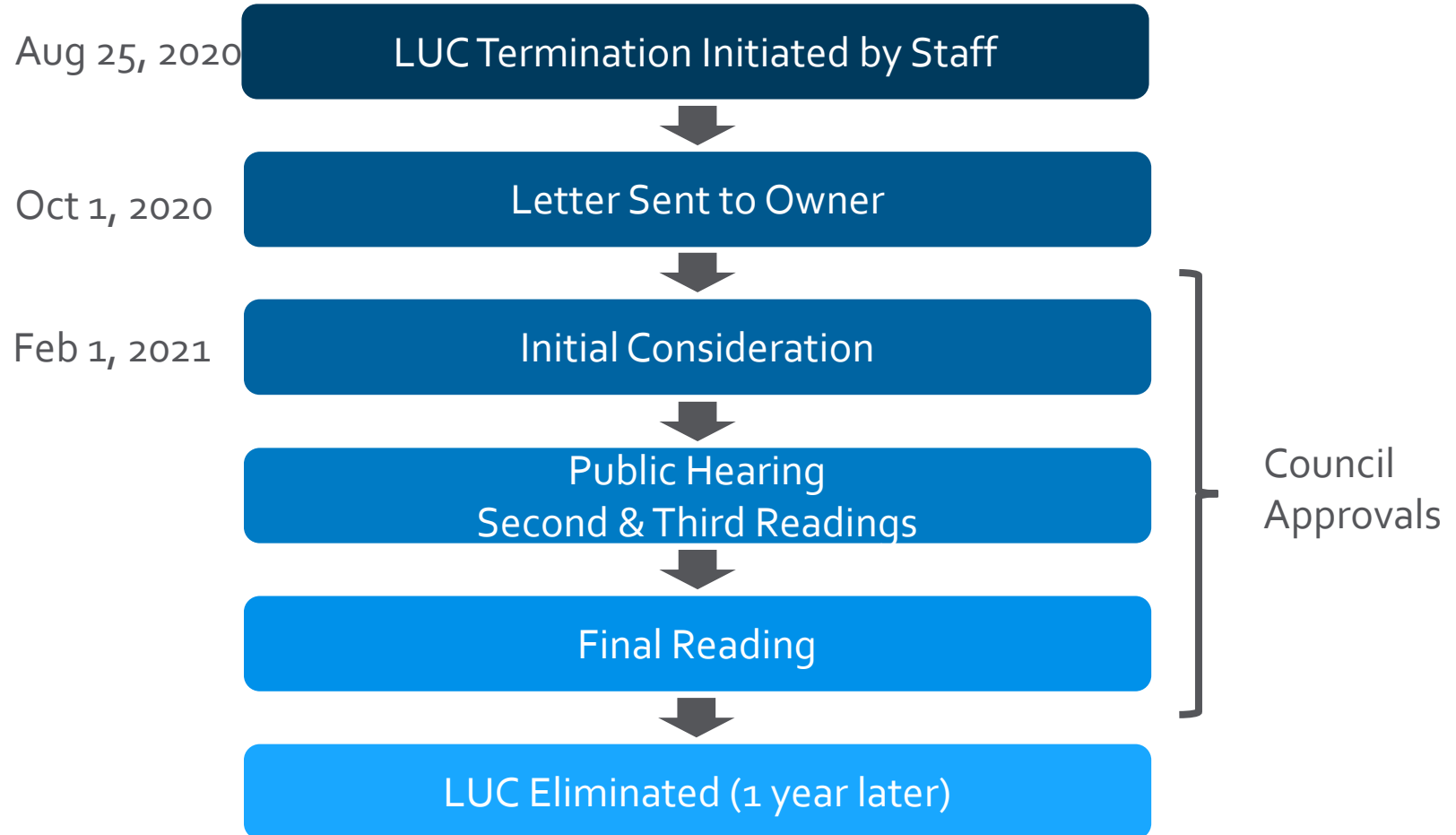
Land Use Contract Termination and Rezoning Application



Proposal

- ▶ To terminate the Land Use Contract (LUC77-1004) and to rezone a portion of the subject property from A1 – Agriculture 1 zone to I2 – General Industrial.

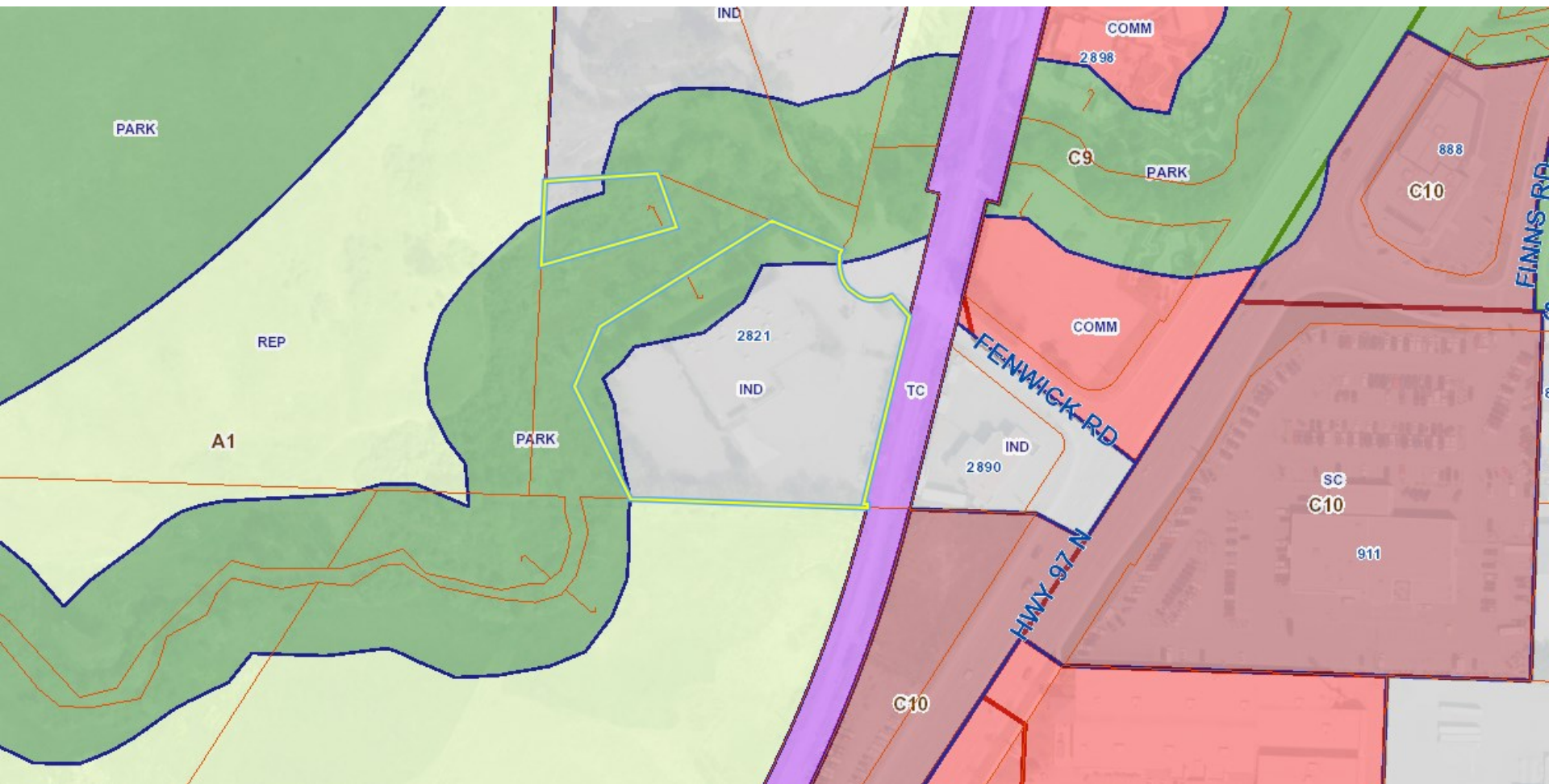
Development Process



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.
- ▶ If an applicant initiates a discharge – Staff initiate a termination

Project Details

- ▶ Staff initiated termination of LUC77-1004 for the subject property.
- ▶ The LUC allows them to operate a steel fabrication business under Zoning Bylaw no. 4500's I3 – Heavy Industrial zone. This steel fabrication business is no longer active on site.
- ▶ Staff are proposing to rezone a portion of the property to the I2 – General Industrial zone.

Project Details



Public Notification Policy #367

- ▶ Staff sent a letter of Proposed Termination of Land Use Contract to both property owners.
 - ▶ Sent on Oct 1st, 2020
- ▶ One-year grace period from Council consideration before the rezoning comes into effect.

Staff Recommendation

- ▶ Development Planning Staff recommend **support** for the proposed rezoning and land use contract termination:
 - ▶ I2 zone is appropriate to support existing use.
 - ▶ North portion of the property to remain A1, as well as the hooked portion to the north, as it meets the riparian management bylaws and regulations.
 - ▶ Province of BC requires all LUC's to be discharged/terminated.



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12158

LUCT20-0008

Early Termination of Land Use Contract – LUC77-1004 2821 Fenwick Road

WHEREAS a land use contract (the "Land Use Contract LUC77-1004") is registered at the Kamloops Land Title Office under the charge number N43913 against land in the City of Kelowna particularly known and described as Lot 1 Section 34 Township 26 ODYD Plan 29162 (the "Land"), located on Fenwick Road, 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 Bylaw No. 12158";
2. Land Use Contract Bylaw No. 4491-77 establishing Land Use Contract LUC77-1004 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

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

CITY OF KELOWNA

BYLAW NO. 12159

Z20-0073

2821 Fenwick 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 a portion of Lot 1 Section 34 Township 26 ODYD Plan 29162 located at Fenwick Road, Kelowna, BC from the A1 – Agriculture 1 zone to the I2 – General Industrial zone as shown on Map "A" attached to and forming part of this bylaw.
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

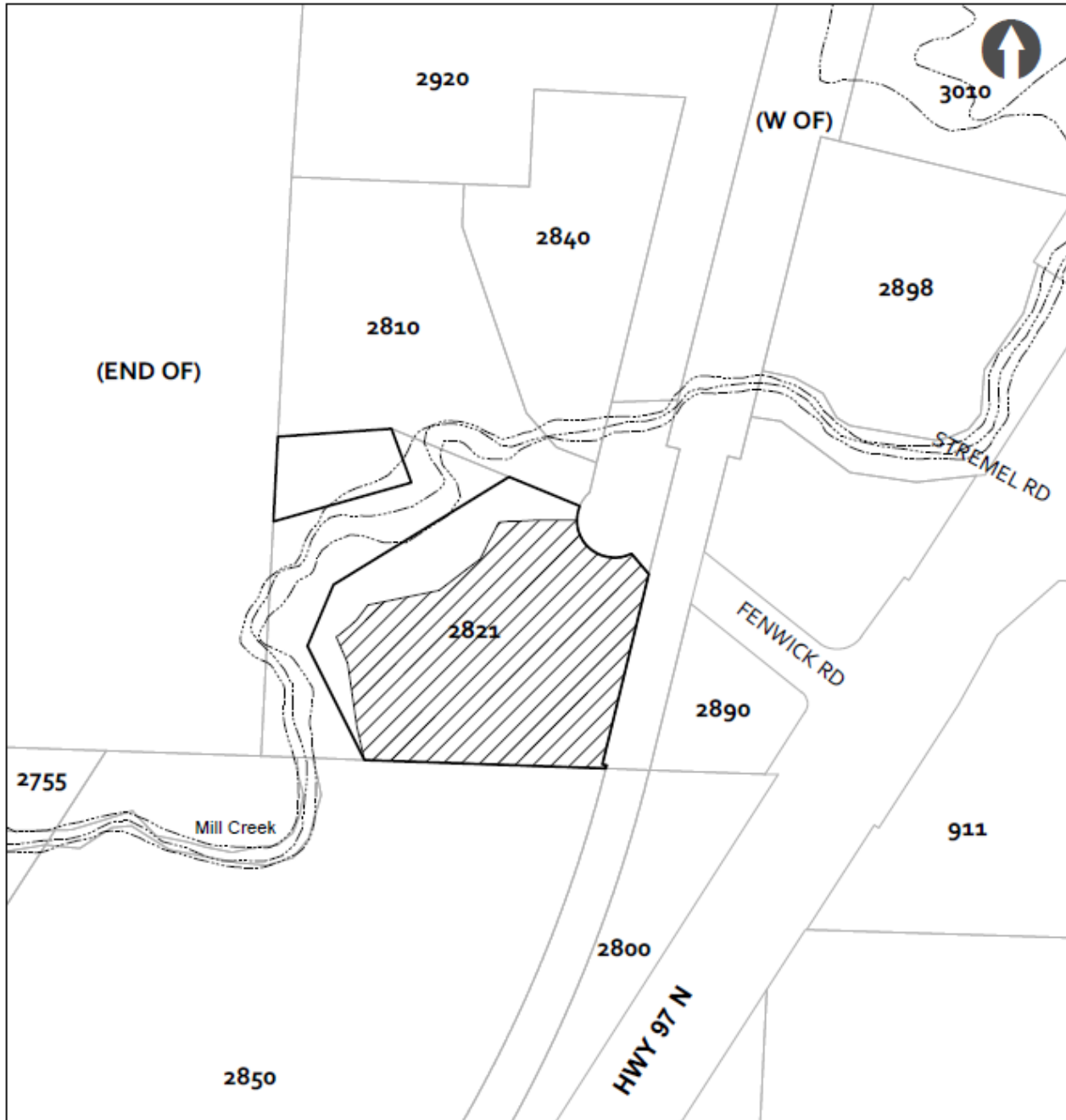
Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)




Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



**MAP "A" Proposed Rezoning
File Z20-0073**

-  Subject Property
-  A1 - Agriculture 1 to I2 - General Industrial
-  Mill Creek

TC

0 40 80 Metres Rev. Wednesday, January 13, 2021



REPORT TO COUNCIL



Date: February 1, 2021

To: Council

From: City Manager

Department: Development Planning Department

Application: LUCT20-0009 / Z20-0074 **Owner:** BCJ Properties Ltd., Inc.No. 472355

Address: 3646-3652 Hwy 97 N **Applicant:** The City of Kelowna

Subject: Land Use Contract Termination and Rezoning Application

Existing OCP Designation: IND – Industrial and PARK – Major Park / Open Space (public)

Existing Zone: A1 – Agriculture 1

Proposed Zone: A1 – Agriculture 1 and I2 – General Industrial

1.0 Recommendation

THAT Land Use Contract Termination Application No. LUCT20-0009 to terminate LUC77-1040 from Lot A Section 35 Township 26 ODYD Plan 37430, located at 3646-3652 Hwy 97 N, Kelowna, B.C. be considered by Council;

AND THAT Rezoning Application No. Z20-0074 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot A Section 35 Township 26 ODYD Plan 37430, located at 3646-3652 Hwy 97 N, Kelowna, B.C. from the A1 – Agriculture 1 zone to the I2 – General Industrial zone as shown on Map "A" attached to the Report from Development Planning Department dated February 1, 2021 be considered by Council;

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

AND THAT the notice sign requirements under Council Policy No. 367 be altered to allow for placement on the City of Kelowna's boulevard;

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

2.0 Purpose

To proceed with early termination of Land Use Contract 77-1040 and to consider an application to rezone the subject property.

3.0 Development Planning

Staff are recommending the Land Use Contract (77-1040) be terminated and for the subject property to be rezoned. The property has the underlying zone of A1 – Agriculture 1 and is not appropriate for the current land uses, which is general automotive repairs and a gas bar/service station. These uses are currently permitted in the Land Use Contract, under the former Zoning Bylaw 4500's A6 – Rural-Industrial Reserve with the additional uses of: service station, automatic transmission repairs, general automotive repairs and automotive body shop. The Zoning Bylaw has since been updated and obtains different uses, requirements and zonings.

The lot in question has the Future Land Use Designation of both IND – Industrial and PARK – Major Park / Open Space (public). The reason for this is because the north section of the property falls within the Mill Creek riparian setback. Staff recommend that only the portion with the Future Land Use Designation of IND be rezoned to I2 and the northern portion to remain A1. The reason for this is that this portion of the parcel is within the riparian area of Mill Creek wherein development is prohibited under provincial law. As this portion of the property cannot be further developed, it should not be rezoned.

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 apply when Council adopts the bylaw. Terminations require a one-year grace period as outlined by the Local Government Act.

4.2 Public Notification

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 also send an additional letter within 30 days of adoption, informing the owners and providing information about the Board of Variance. Due to the file being Staff initiated, Staff suggest Council Policy #367 development signage requirements be altered to allow for the development signs to be placed on the City of Kelowna's boulevard, rather than on the subject property.

4.3 Site Context

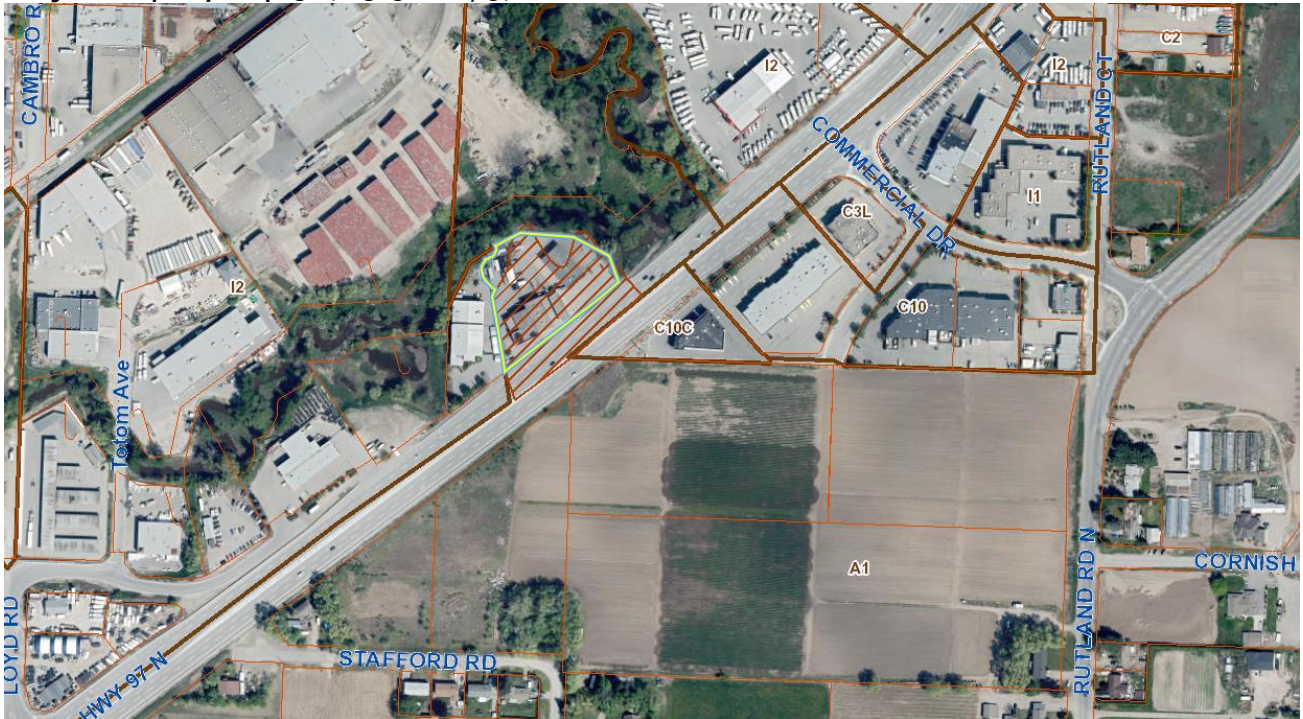
The subject property has a total area of roughly 6,380m² and is located on 3646-3652 Hwy 97 N. The property has been designated IND – Industrial and PARK – Major Park / Open Space (public) in the Official

Community Plan. The surrounding area is a mix of SC – Service Commercial, IND – Industrial, COMM – Commercial, PARK – Major Park / Open Space (public) and REP – Resource Protection.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Mill Creek
East	A1 – Agriculture 1 and C10C – Service Commercial with Retail Cannabis	General service commercial businesses and Mill Creek
South	A1 – Agriculture 1	Active Farm within ALR
West	I2 – General Industrial	Automotive shop

Subject Property Map: 3646-3652 Hwy 97 N



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

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

Council Policy No. 282. Includes the following statement:

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

5.2 Kelowna Official Community Plan (OCP)

Chapter 4: Future Land Use

Industrial (IND): Light and heavy industrial uses as well as Industrial/Business activities and airport related industrial uses. Industrial/business refers to uses that provide services and support to industrial and business customers. This designation may also include CD Comprehensive Development zoning that provides for industrial uses.

6.o Application Chronology

Date of Application Received: August 26, 2020
Date of Owner Notification: October 1, 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: Map 'A' – Proposed Rezoning

ATTACHMENT

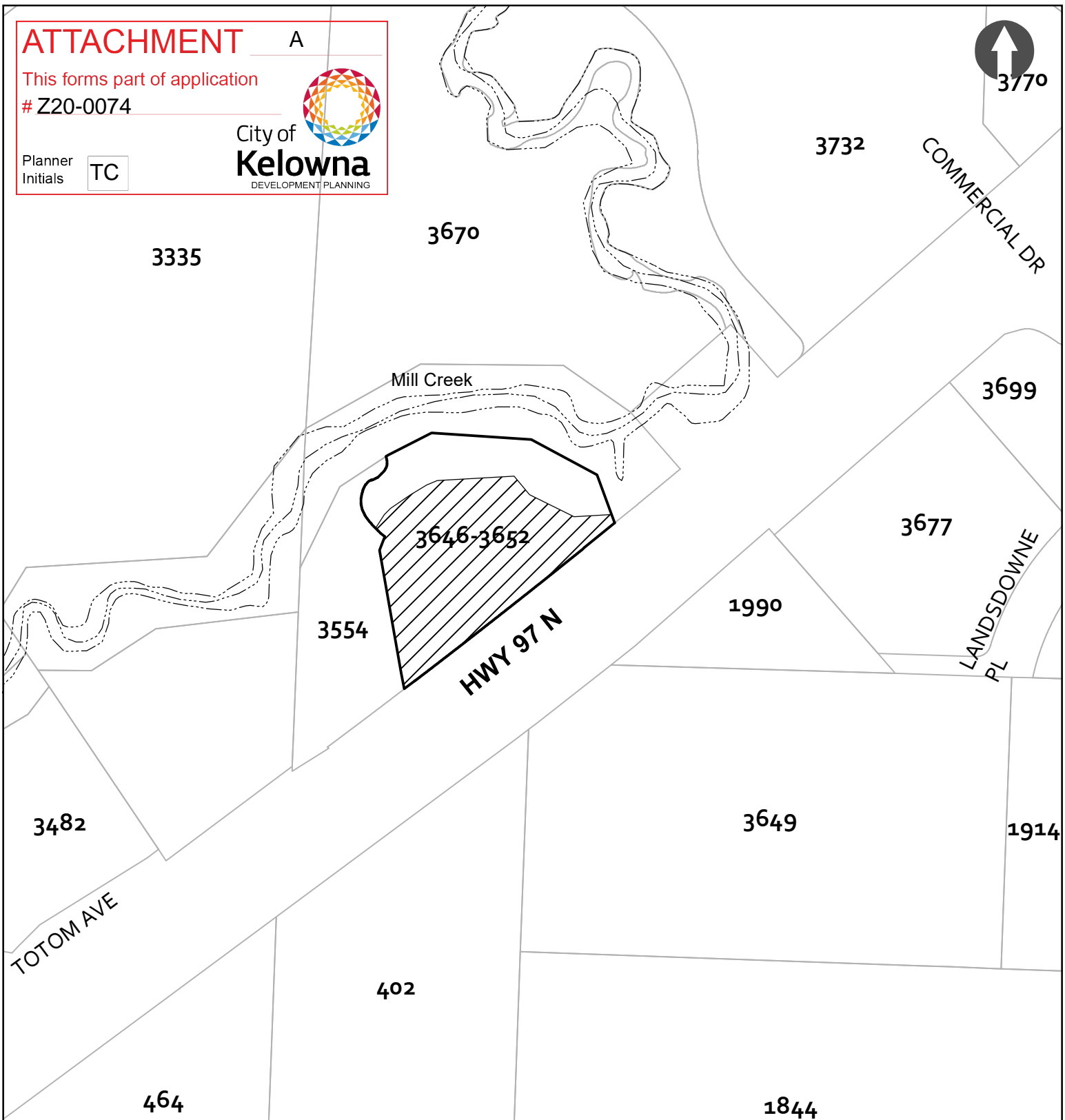
A

This forms part of application

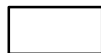
Z20-0074

Planner
Initials TC

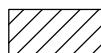
City of
Kelowna
DEVELOPMENT PLANNING



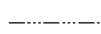
MAP "A" Proposed Rezoning File Z20-0074



Subject Property



A1 - Agriculture 1 to I2 - General Industrial



Mill Creek

TC

City of
Kelowna

0 40 80 Metres Rev. Wednesday, January 13, 2021



LUCT20-0009 / Z20-0074

3646-3652 Hwy 97 N

Land Use Contract Termination and Rezoning Application



Proposal

- ▶ To terminate the Land Use Contract (LUC77-1040) and to rezone a portion of the subject properties from A1 – Agriculture 1 zone to I2 – General Industrial zone.

Development Process

Aug 26, 2020

LUC Termination Initiated by Staff



Oct 1, 2020

Notice to Subject Property Owner



Feb 1, 2021

Initial Consideration



Public Hearing
Second & Third Readings

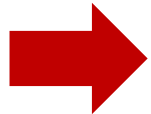


Final Reading



LUC Eliminated (1 year later)

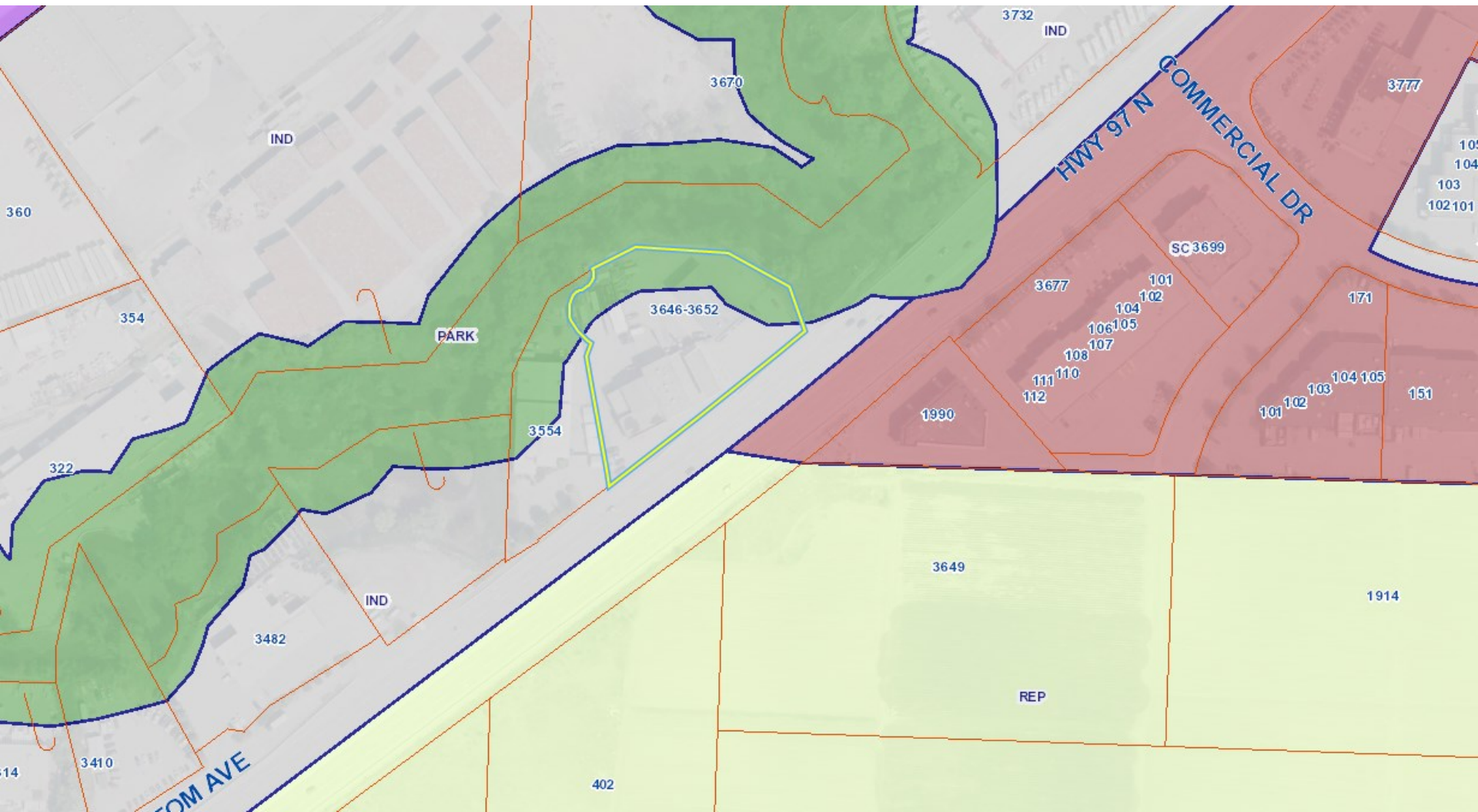
Council
Approvals



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.
- ▶ If an applicant initiates a discharge – Staff initiate a termination

Project Details

- ▶ Staff initiated termination of LUC77-1040 for the subject property.
- ▶ The LUC allows them to operate a service station and automotive-related businesses and all uses within A6 – Rural Industrial zone in Zoning Bylaw no. 4500.
- ▶ Staff are proposing to rezone a portion of the property to I2 – General Industrial, which allows for all existing uses and meets the Future Land Use.

Project Details



Public Notification Policy #367

- ▶ Staff sent a letter of Proposed Termination of Land Use Contract to the property owner.
 - ▶ Sent on Oct 1st, 2020
- ▶ One-year grace period from Council consideration before the rezoning comes into effect.

Staff Recommendation

- ▶ Development Planning Staff recommend **support** for the proposed rezoning and land use contract termination:
 - ▶ I2 zone is appropriate to support existing use.
 - ▶ Province of BC requires all LUC's to be discharged/terminated.



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12160

LUCT20-0009

Early Termination of Land Use Contract – LUC77-1040 3646-3652 Highway 97 North

WHEREAS a land use contract (the “Land Use Contract LUC77-1040”) is registered at the Kamloops Land Title Office under the charge number N39778 against land in the City of Kelowna particularly known and described as Lot A Section 35 Township 26 ODYD Plan 37430 (the “Land”), located on Highway 97 North, 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 Bylaw No. 12160”;
2. Land Use Contract Bylaw No. 4606-78 establishing Land Use Contract LUC77-1040 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

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

CITY OF KELOWNA
BYLAW NO. 12161
Z20-0074
3646-3652 Highway 97 North

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 a portion of Lot A Section 34 Township 26 ODYD Plan 37430 located at Highway 97 North, Kelowna, BC from the A1 – Agriculture 1 zone to the I2 – General Industrial zone as shown on Map "A" attached to and forming part of this bylaw.
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

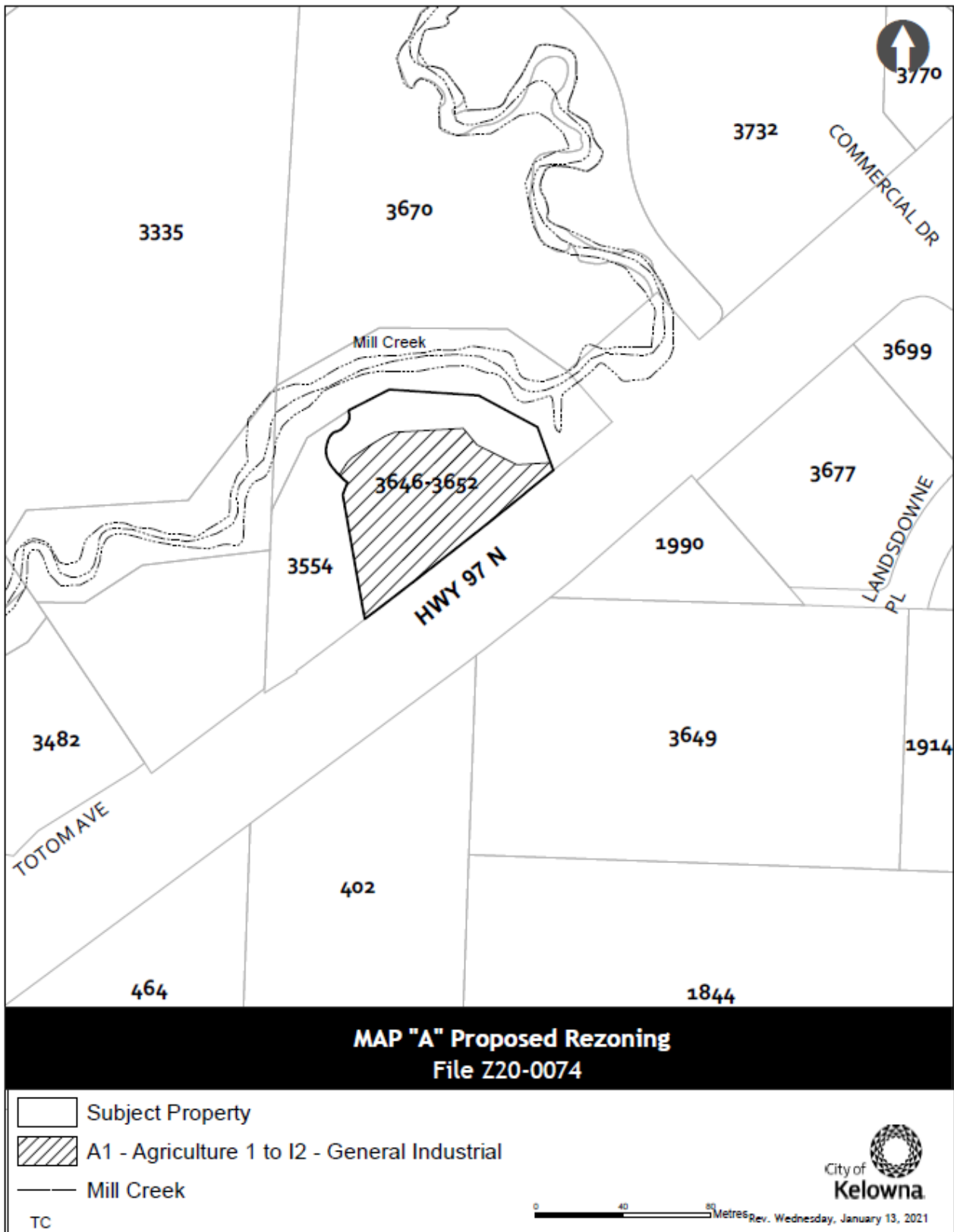
Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



REPORT TO COUNCIL



Date: February 1, 2021

To: Council

From: City Manager

Department: Development Planning Department

Application: Z20-0099

Owner: Terry Orlan & Karen Shalom Peters

Address: 395 Fleming Road

Applicant: Birte Decloux - Urban Options Planning & Permits

Subject: Rezoning Application

Existing OCP Designation: MRL – Multiple Unit Residential (Low Density)

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU1c – Large Lot Housing with Carriage House

1.0 Recommendation

THAT Rezoning Application No. Z20-0099 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Section 27 Township 26 ODYD Plan 26972, located at 395 Fleming 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 Council, in accordance with Local Government Act s. 464 (2), waive the Public Hearing for the Rezoning Bylaw;

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

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, and to waive the Public Hearing.

3.0 Development Planning

Development Planning Staff support the proposed rezoning application to RU1c to facilitate the development of a carriage house. The Official Community Plan (OCP) Future Land Use Designation of the subject property and neighbouring properties is MRL – Multiple Unit Residential (Low Density). The purpose

of MRL is low density, multi-family housing such as townhouses or garden apartments. This application is considered a minor rezoning, which does not depart from the overarching RU1 zone. On this basis, the application is seen to be consistent with the OCP. The application meets several OCP policies including sensitive infill and compact urban form. The property is connected to City sanitary sewer and is within the Permanent Growth Boundary.

4.0 Proposal

4.1 Project Description

The proposed rezoning from RU1 to RU1c is to facilitate the development of a new carriage house. The applicant has submitted conceptual drawings showing the carriage house on the property. The proposed carriage house will be located in the rear of the property and accessed through a 3.6m drive aisle on the north side of the property. The proposal indicates that the carriage house can be constructed to meet all Zoning Bylaw Regulations without any variances. The subject property is near parks, schools, and nearby transit on Leathead Rd and Hwy 33 W making this a suitable location for increased density.

4.2 Site Context

The subject property is in the Rutland OCP Sector and the surrounding area is primarily zoned RU1 – Large Lot Housing, RU1C – Large Lot Housing with Carriage House, RU6 – Two Dwelling Housing and RM3 – Low Density Housing. The surrounding area has a Future Land Use Designation of MRL – Multiple Unit Residential (Low Density) and MRM – Multiple Unit Residential (Medium Density).

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single-Family Dwelling
East	RU1 – Large Lot Housing & RM3 – Low Density Multiple Housing	Single-Family Dwelling and Row Houses
South	RU1 – Large Lot Housing	Single-Family Dwelling
West	RU1 – Large Lot Housing & RU1c – Large Lot Housing with Carriage House	Single-Family Dwellings and Carriage House

Subject Property Map: 395 Fleming Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

Policy .2 Compact Urban Form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 – 100 people and/or jobs 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.

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

6.0 Application Chronology

Date of Application Received: December 1st, 2020
Date Public Consultation Completed: December 9th, 2020

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Jocelyn Black, Urban Planning Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Conceptual Drawing Package

ATTACHMENT A

This forms part of application
Z20-0099

Planner
Initials **TC**

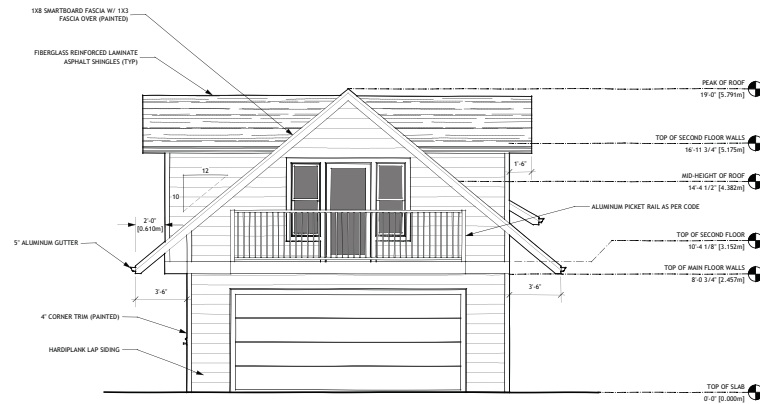
City of
Kelowna
DEVELOPMENT PLANNING



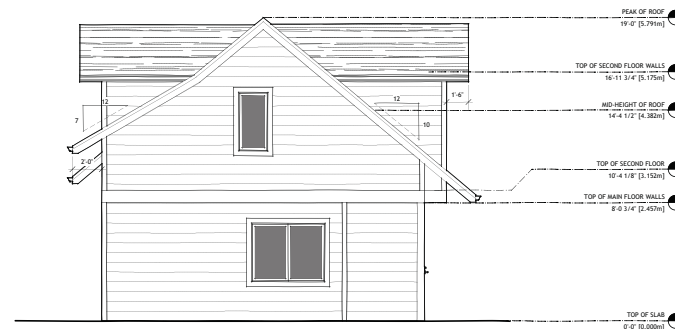
1 CARRIAGE HOUSE NORTH ELEVATION
Scale: 1/4" = 1'-0"



3 CARRIAGE HOUSE SOUTH ELEVATION
Scale: 1/4" = 1'-0"



2 CARRIAGE HOUSE WEST ELEVATION
Scale: 1/4" = 1'-0"



4 CARRIAGE HOUSE EAST ELEVATION
Scale: 1/4" = 1'-0"



IHS DESIGN

#202 - 1470 ST. PAUL STREET
KELOWNA, BC V1Y 2E6
www.ihsdesign.com
250.212.7938

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PROJECT NORTH

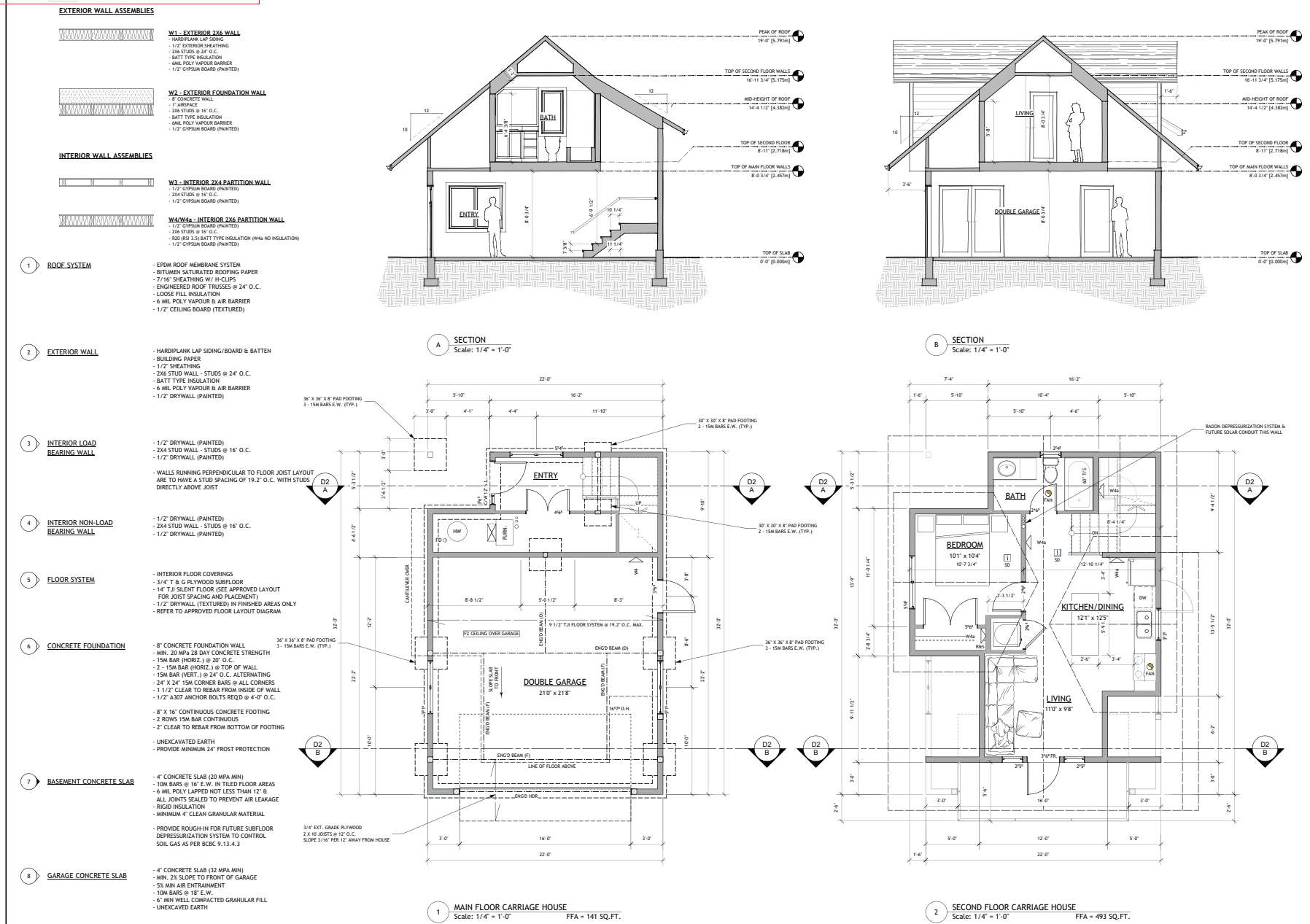
REVISION	DATE	DESCRIPTION


PROJECT
CARRIAGE HOUSE
395 FLEMING ROAD
KELOWNA, BC V1X 3Z4
LOT A PLAN KAP26972

DRAWING TITLE
ELEVATIONS

DATE
NOVEMBER 4, 2020

DRAWING NUMBER
1 of 3






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PROJECT NORTH

REVISION	DATE	DESCRIPTION

PROJECT

CARRIAGE HOUSE
395 FLEMING ROAD
KELOWNA, BC V1X 3Z4
LOT A PLAN KAP26972

DRAWING TITLE

FLOOR PLANS/SECTIONS

DATE

NOVEMBER 4, 2020

DRAWING NUMBER

2 of 3



Planner
Initials TC

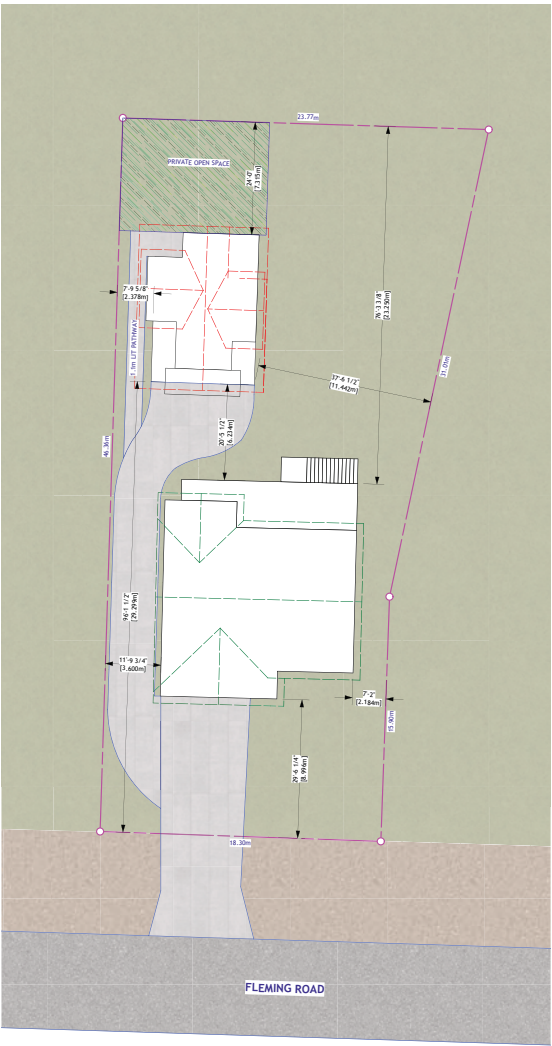
City of
Kelowna
DEVELOPMENT PLANNING

PROJECT DATA: CIVIC ADDRESS 395 FLEMING ROAD
KELOWNA, BC V1X 3Z4
LEGAL ADDRESS LOT A PLAN KAP26972 SEC. 27 TWP. 26 ODO
CURRENT ZONING RU-1 LARGE LOT HOUSING
PROPOSED ZONING RU-1 LARGE LOT HOUSING WITH CARRIAGE HOUSE
FUTURE LAND USE MRL - MULTIPLE UNIT RESIDENTIAL (LOW DENSITY)

RU-1-C ZONING ANALYSIS	PERMITTED	PROPOSED
PROJECT INFORMATION		
SITE AREA	550.00m ²	931.85m ²
EXISTING BUILDING FOOTPRINT AT GRADE		137.20m ²
EXISTING DECK		28.66m ²
PROPOSED CARRIAGE HOUSE FOOTPRINT AT GRADE		42.54m ²
PRINCIPAL DWELLING NET FLOOR AREA		236.90m ²
PROPOSED CARRIAGE HOUSE NET FLOOR AREA		58.90m ²
EXISTING DRIVEWAY		49.93m ²
PROPOSED DRIVEWAY		110.23m ²
8.3.1.1 RESIDENTIAL PARKING		
SINGLE DETACHED HOUSING	2.0	2.0
SECONDARY SUITE	1.0	1.0
REGULAR SIZE VEHICLE PARKING SPACE 6.0m X 2.5m	50.0%	2.0
SMALL SIZE VEHICLE PARKING SPACE 4.8m X 2.3m	50.0%	1.0
9.5b CARRIAGE HOUSE REGULATIONS		
MAXIMUM SITE COVERAGE	14.0%	6.7%
MAXIMUM FOOTPRINT	90.00m ²	62.54m ²
MAXIMUM FLOOR AREA	90.00m ²	58.90m ²
CARRIAGE HOUSE NFA PERCENTAGE OF PRINCIPAL	75.0%	24.9%
MAXIMUM HEIGHT	4.8m / 1 1/2 STOREYS	4.382m / 1 1/2 STOREYS
PRINCIPAL ROOF PEAK TO CH ROOF PEAK	5.822m	5.791m
MINIMUM FRONT YARD (WEST)	9.000m	31.593m
MINIMUM REAR YARD (EAST)	1.500m	7.315m
MINIMUM SIDE YARD (NORTH)	1.500m	2.378m
MINIMUM SIDE YARD (SOUTH)	1.500m	11.847m
MINIMUM DISTANCE TO PRINCIPAL DWELLING	3.000m	8.528m
PRIVATE OPEN SPACE	30.00m ²	51.52m ²
12.3.6 DEVELOPMENT REGULATIONS		
SITE COVERAGE	40.0%	21.4%
SITE COVERAGE WITH DRIVEWAYS	50.0%	38.6%
PRINCIPAL DWELLING BUILDING HEIGHT	9.5m / 2 1/2 STOREYS	5.822m / 2 STOREYS
FRONT (WEST) YARD SETBACK (HOUSE TO P.L.)	6.000m	8.996m
REAR (EAST) YARD SETBACK	7.500m	23.250m
SIDE (NORTH) YARD SETBACK	2.000m	3.600m
SIDE (SOUTH) YARD SETBACK	2.000m	2.184m



SITE CONTEXT



1 SITE PLAN
Scale: 1:150



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PROJECT NORTH

REVISION	DATE	DISCUSSION

PROJECT
CARRIAGE HOUSE
395 FLEMING ROAD
KELOWNA, BC V1X 3Z4
LOT A PLAN KAP26972

DRAWING TITLE
SITE PLAN/ZONING ANALYSIS

DATE
NOVEMBER 4, 2020

DRAWING NUMBER
3 of 3



Z20-0099

395 Fleming Road

Rezoning Application



Proposal

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

Development Process

Dec 1, 2020

Development Application Submitted



Staff Review & Circulation



Dec 9, 2020

Public Notification Received



Feb 1, 2021

Initial Consideration



Public Hearing
Second & Third Readings

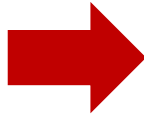


Final Reading
DP & Variances



Building Permit

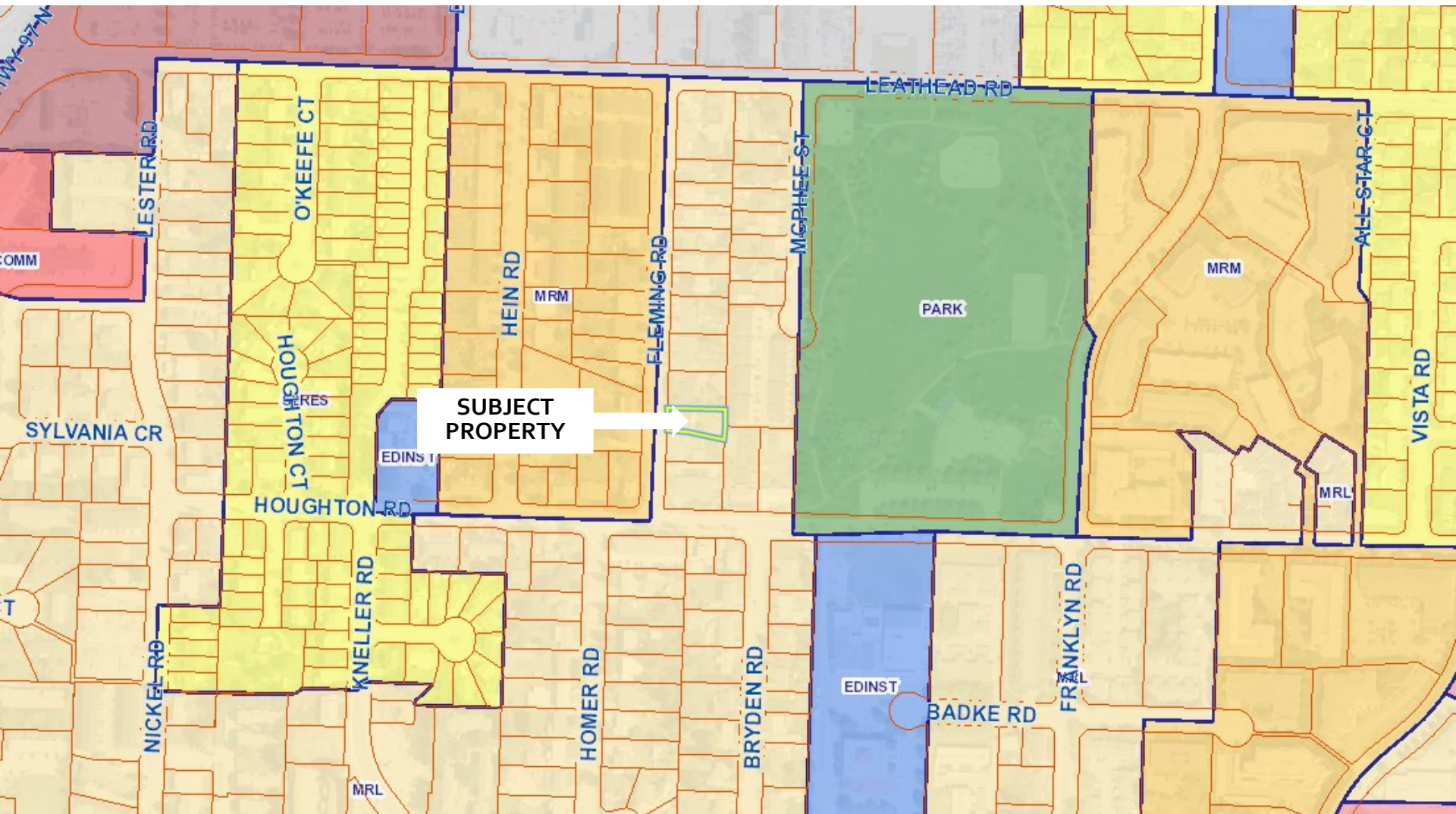
Council
Approvals



Context Map



OCP Future Land Use / Zoning



Subject Property Map



Project details

- ▶ The proposed carriage house will be 1 ½ storeys tall and located in the rear of the property.
- ▶ The carriage house is proposed to have a footprint of 65.5m² (705ft²) in size.
- ▶ The proposed carriage house will meet all Zoning Bylaw Regulations.

Site Photos

395 Fleming Rd. — Frontage and Access



Subject property frontage (west)



Side-yard access (north)



Proposed carriage house location
(trees to remain)



Rear yard (tree to remain)

Site Plan



1 SITE PLAN
Scale: 1:150



Staff Recommendation

- ▶ Development Planning Staff recommend **support** of the proposed Rezoning:
 - ▶ Subject property is within the Permanent Growth Boundary.
 - ▶ The Future Land Use Designation is MRL – Multiple Unit Residential (Low Density), however, this is considered a modest increase in density and generally meets the intent of the Official Community Plan.



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12155

Z20-0099

395 Fleming 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 A Section 27 Township 26 ODYD Plan 26972 located at Fleming 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

Public Hearing waived by the Municipal Council this

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: February 1, 2021

To: Council

From: City Manager

Department: Development Planning

Application: Z20-0092

Owner: Ravdeep S. Tiwana & Kulwinder K. Khatra

Address: 387 Moubray Road

Applicant: Ravdeep Tiwana

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU2 – Medium Lot Housing

1.0 Recommendation

THAT Rezoning Application No. Z20-0092 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 13 Section 32 Township 26 ODYD Plan 14234, located at 387 Moubray Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone, be considered by Council;

AND THAT Council, in accordance with Local Government Act s. 464(2), waive the Public Hearing for the Rezoning Bylaw;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated February 1, 2021.

2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone to facilitate a 2-lot subdivision, and to waive the Public Hearing.

3.0 Development Planning

Development Planning supports the proposal to rezone the subject property to the RU2 – Medium Lot Housing zone to facilitate a 2-lot subdivision.

The property is in an area of the city where existing infrastructure is able to accommodate a modest amount of infill development in line with the RU2 – Medium Lot Housing zone. Accordingly, the lot has a future land use designation of S2RES – Single / Two Unit Residential in the Official Community Plan (OCP) which does support the RU2 zone. This being the case, the rezoning is consistent with the OCP goal of incrementally increasing residential densities in existing neighbourhoods.

In addition, there are numerous properties in the area that have already been rezoned to RU2 and that have similar lot dimensions to the 2 proposed lots. As such, the proposed zone and lots should fit in with the context of the neighbourhood.

4.0 Proposal

4.1 Project Description

The applicant proposes to rezone the subject lot to RU2 – Medium Lot Housing to allow for a 2-lot subdivision. The two proposed lots each meet the minimum lot dimensions of the RU2 zone. Specifically, regards to lot width, the two proposed lots are 13.7m wide, while the minimum lot width for the RU2 zone is 13m.

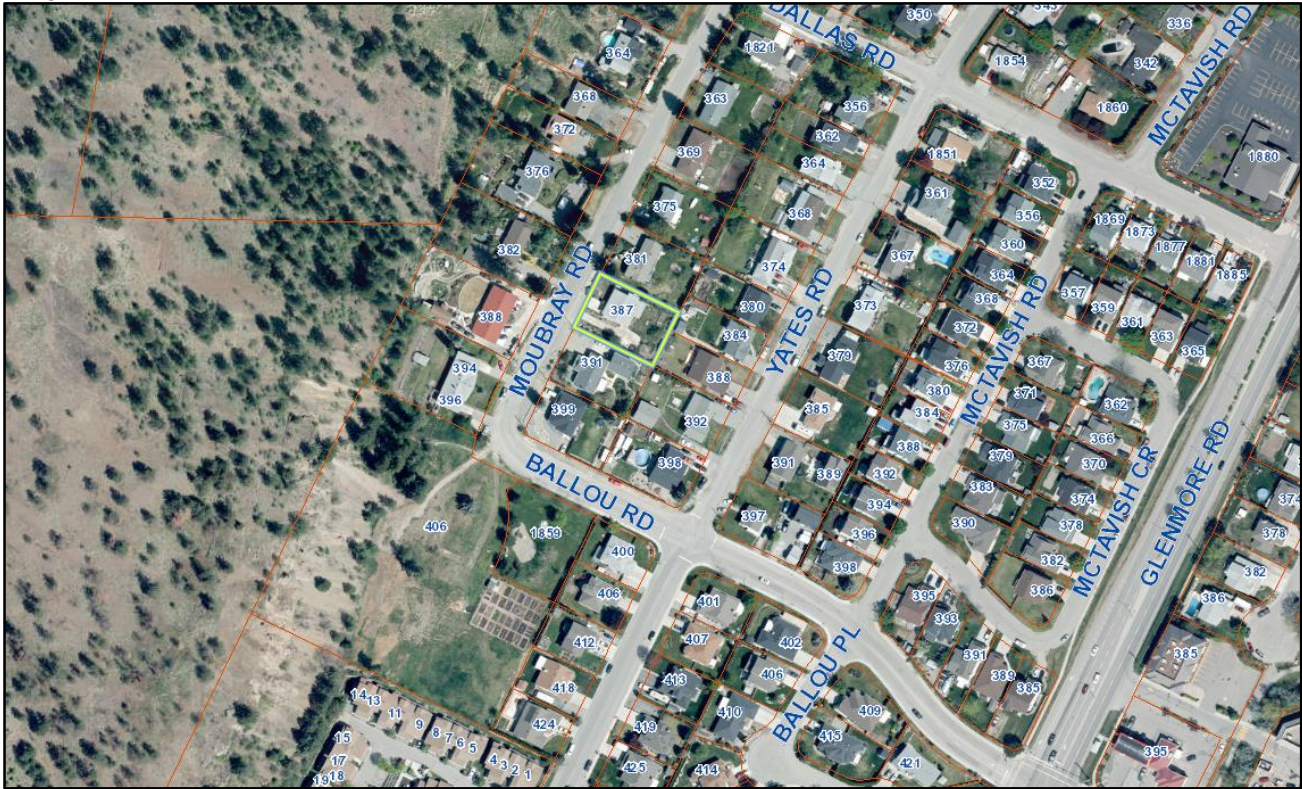
4.2 Site Context

The property is located in the Glenmore City Sector and the nearest major intersection is Glenmore Rd. and Kane Rd. The lot is approximately a 5-minute walk from the neighbourhood commercial node on Kane Rd. east of Glenmore Rd. and is less than a 5-minute walk to Glenmore Rd., considered to be a Transit Supportive Corridor. The property is also nearby Watson Road Elementary School.

Specifically, adjacent land uses are as follows:

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

Subject Property Map: 387 Moubray 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 .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 400m 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 Schedule A

7.0 Application Chronology

Date of Application Received: October 22, 2020
Date Public Consultation Completed: November 23, 2020

Report prepared by: A.D. Thibeault, Planner II
Reviewed by: Jocelyn Black, Urban Planning Manager
Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: Development Engineering Memo
Attachment A: Conceptual Drawing Package

CITY OF KELOWNA

MEMORANDUM

Date: December 18, 2020
File No.: Z20-0092 Rev 1
To: Suburban and Rural Planning (AT)
From: Development Engineering Manager (JK)
Subject: 387 Moubray Rd

SCHEDULE

A

This forms part of application
Z20-0092

Planner
Initials

AT

City of
Kelowna
COMMUNITY PLANNING



RU1 to RU2

The Development Engineering Department has the following comments and requirements associated with this application to rezone the subject property from RU1 to RU2. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technician for this project is Ryan O'Sullivan.

1. Domestic Water and Fire Protection

This development is within the service area of the Glenmore Ellison Irrigation District (GEID). The developer is required to make satisfactory arrangements with the GEID for these items. All charges for service connection and upgrading costs are to be paid directly to the GEID. The developer is required to provide a confirmation that the district is capable of supplying fire flow in accordance with the City of Kelowna current Bylaws and Policies.

2. Sanitary Sewer


- a) This property is currently serviced with a 100-mm sanitary service. The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service per lot will be permitted for this development. The applicant, at their cost.

3. Storm Drainage

- a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the Subdivision, Development and Servicing Bylaw No. 7900. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the development and / or recommendations for onsite drainage containment and disposal systems. Only one service per lot will be permitted for this development. The applicant, at his cost,

4. Electric Power and Telecommunication Services

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

SCHEDULE		A
This forms part of application		
# Z20-0092		
Planner Initials	AT	 City of Kelowna

5. Road Improvements

- a) Moubray Rd. must be upgraded to a local standard along the full frontage of this proposed development, curb and gutter, drainage system, catch basin, manholes, irrigated landscaped boulevard, pavement removal and replacement, and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The road cross section to be used is a SS-R5.

6. Erosion Servicing Control Plan

- a) Provide a detailed ESC Plan for this development as per the Subdivision, Development and Servicing Bylaw #7900.
- b) The developer must engage a consulting civil engineer to provide an ESC plan for this site which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900.
- c) Civil consultant is responsible for all inspection and maintenance.
- d) A Security Deposit for ESC Works equal to 3.0% of the Consulting Engineer's opinion of probable costs of civil earthworks and infrastructure will be added to the Servicing Agreement.

7. Road Dedication and Subdivision Requirements

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

8. Geotechnical Report

Provide a geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision. The Geotechnical reports must be submitted to the Development Services Department (Subdivision Approving officer) for distribution to the Development Engineering Branch and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

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

- (vi) Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
- (vii) Any items required in other sections of this document.

9. **Charges and Fees**

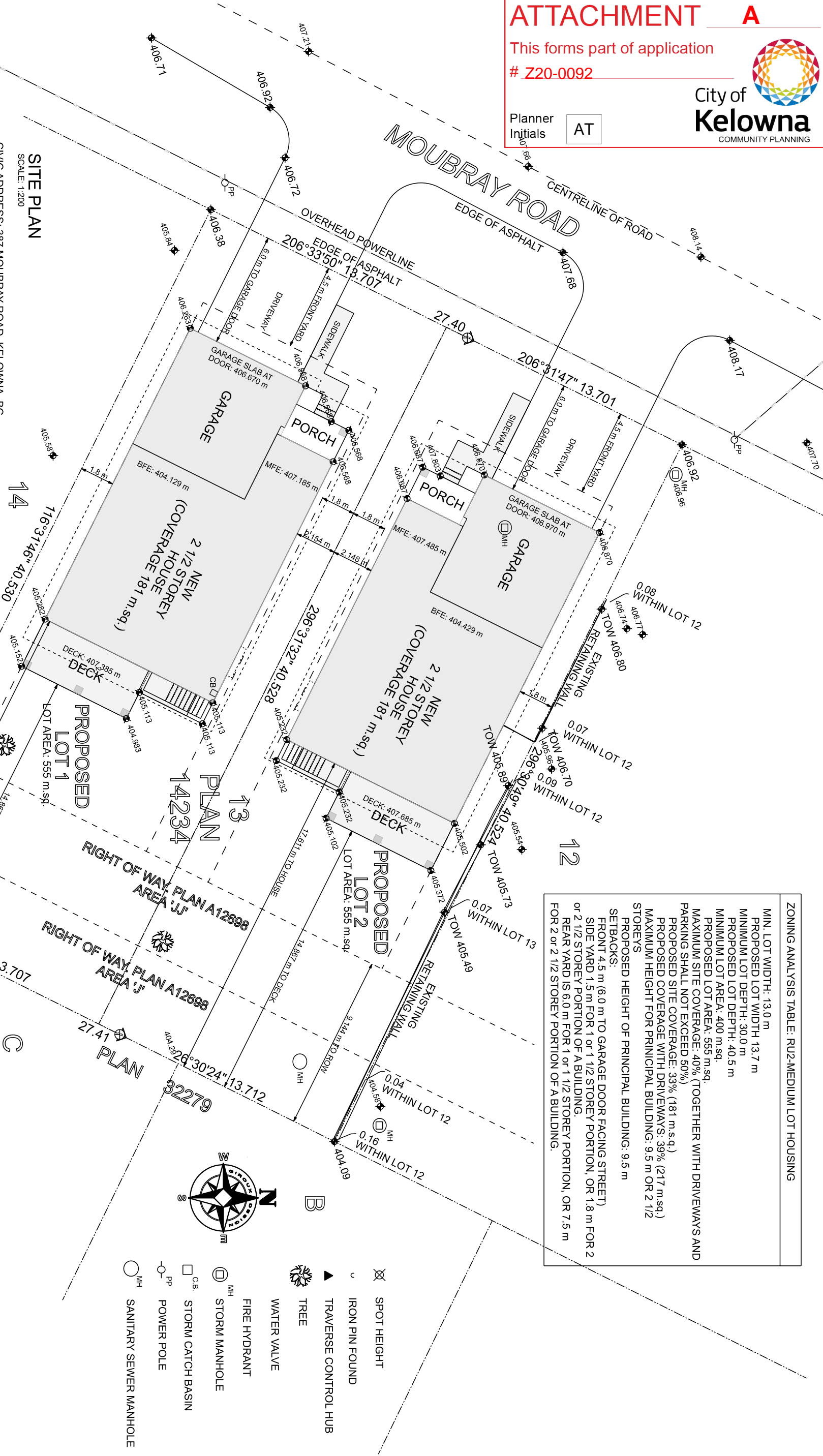
- a) Development Cost Charges (DCC's) are payable.
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - ii) A hydrant levy charge of \$250.00 (250.00 per new lot).
 - iii) Engineering and Inspection Fee: 3.5% of construction value (plus GST).

James Kay, P.Eng.
Development Engineering Manager
RO

SCHEDULE		A
This forms part of application # Z20-0092		
Planner Initials	AT	 City of Kelowna COMMUNITY PLANNING



SITE PLAN
SCALE: 1:200
CIVIC ADDRESS: 387 MOUBRAY ROAD, KELOWNA, BC
LEGAL DESCRIPTION: LOT 13, SECTION 32, TOWNSHIP 26, ODYD, PLAN 14234
PID: 004-017-331
PROPOSED SUBDIVISION AND REZONING PLAN FOR KIRVI CONSTRUCTION (RAVI TIWANA)
Phone: 250-809-4733 Email: kirviconstruction@gmail.com
CURRENT ZONING: RU1-LARGE LOT HOUSING
PROPOSED ZONING: RU2-MEDIUM LOT HOUSING



ZONING ANALYSIS TABLE: RU2-MEDIUM LOT HOUSING	
MIN. LOT WIDTH: 13.0 m	
PROPOSED LOT WIDTH 13.7 m	
MINIMUM LOT DEPTH: 30.0 m	
PROPOSED LOT DEPTH: 40.5 m	
MINIMUM LOT AREA: 400 m.sq.	
PROPOSED LOT AREA: 555 m.sq.	
MAXIMUM SITE COVERAGE: 40% (TOGETHER WITH DRIVEWAYS AND PARKING SHALL NOT EXCEED 50%)	
PROPOSED SITE COVERAGE: 33% (181 m.s.q.)	
PROPOSED COVERAGE WITH DRIVEWAYS: 39% (217 m.s.q.)	
MAXIMUM HEIGHT FOR PRINCIPAL BUILDING: 9.5 m OR 2 1/2 STOREYS	
PROPOSED HEIGHT OF PRINCIPAL BUILDING: 9.5 m	
SETBACKS:	
FRONT 4.5 m (6.0 m TO GARAGE DOOR FACING STREET)	
SIDE YARD 1.5 m FOR 1 or 1 1/2 STOREY PORTION, OR 1.8 m FOR 2 or 2 1/2 STOREY PORTION OF A BUILDING.	
REAR YARD IS 6.0 m FOR 1 or 1 1/2 STOREY PORTION, OR 7.5 m FOR 2 or 2 1/2 STOREY PORTION OF A BUILDING.	

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Site Plan



Z20-0092

387 Moubray Rd.

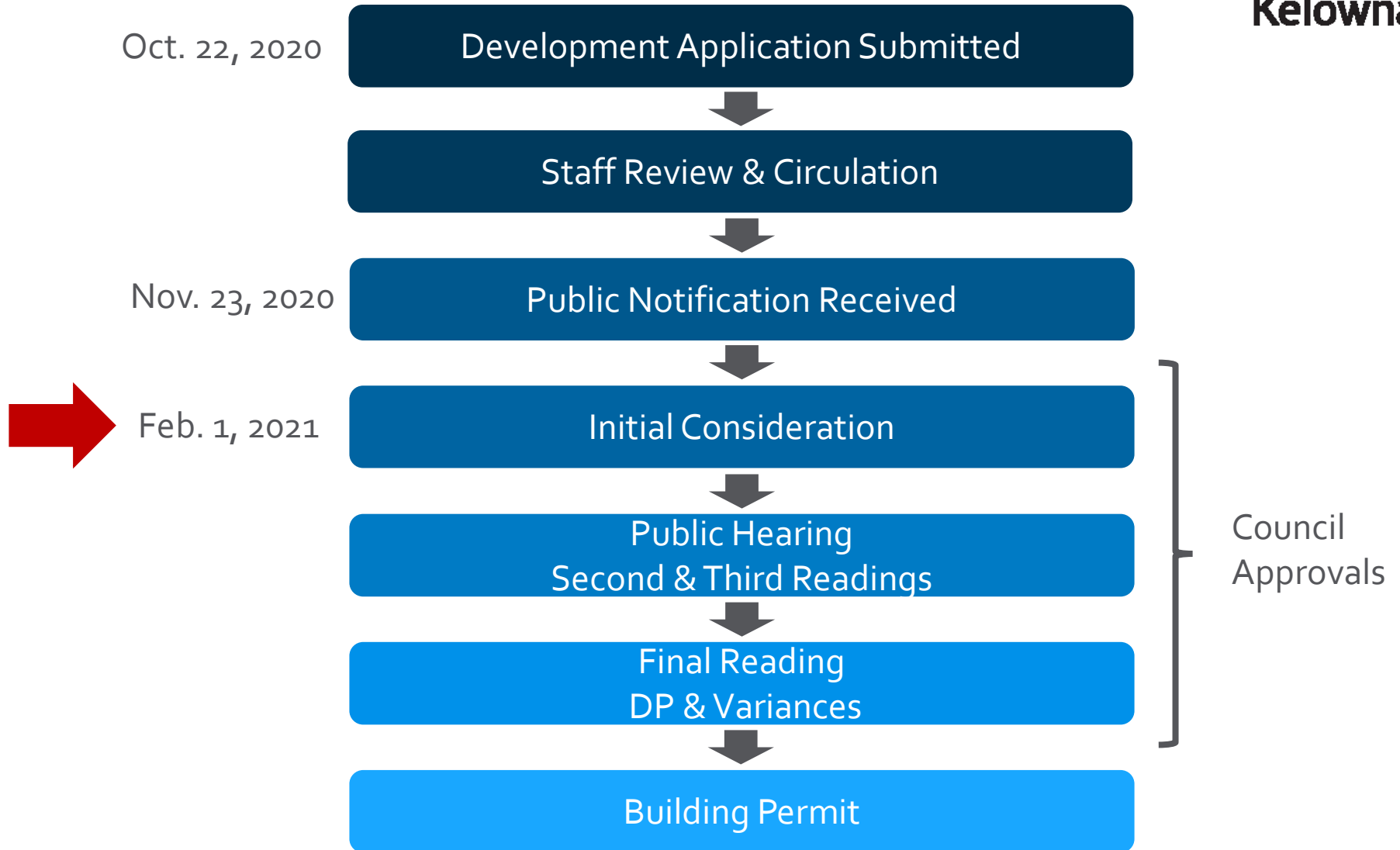
Rezoning Application



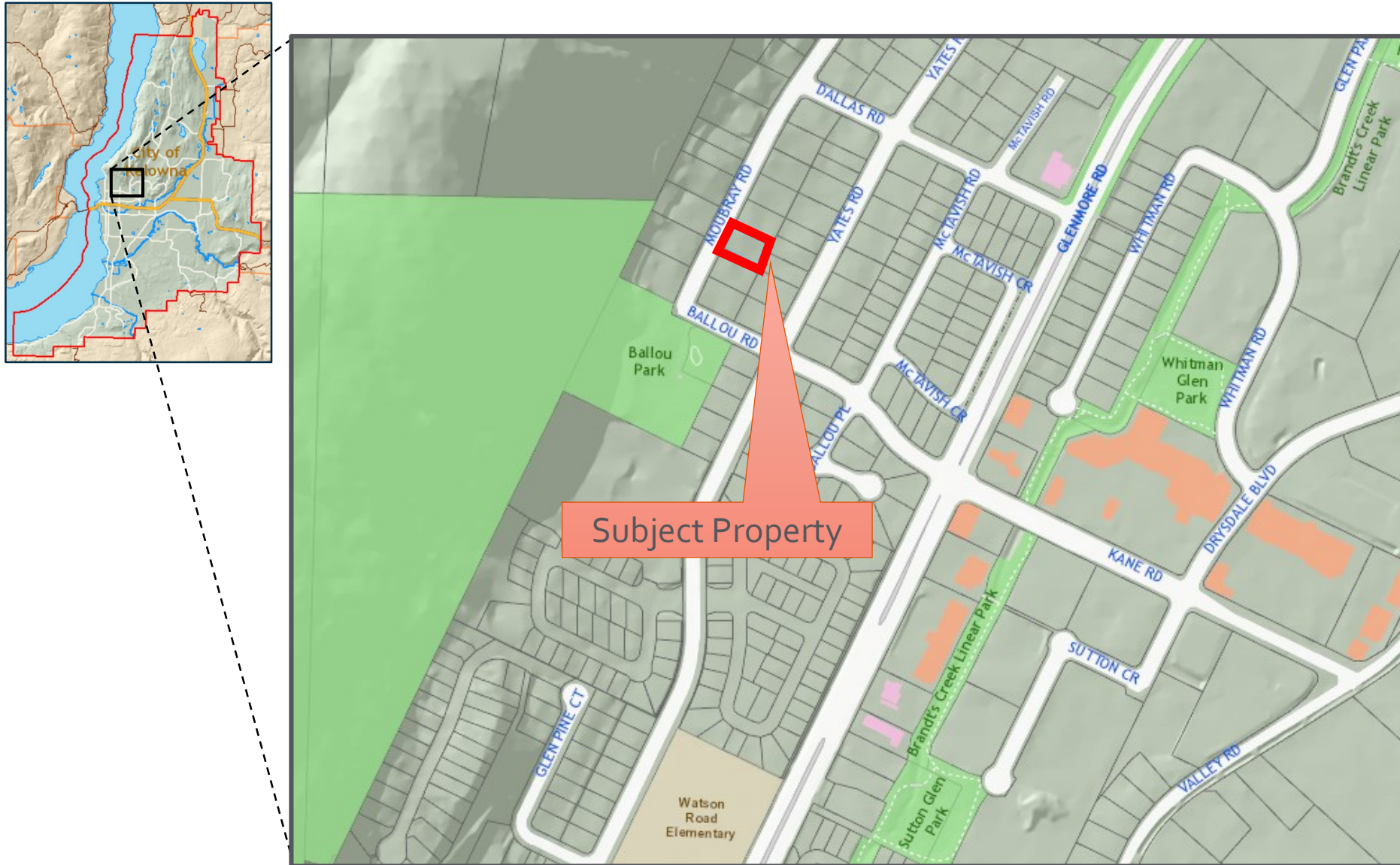
Proposal

- ▶ To rezone the subject property from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone to facilitate a 2-lot subdivision
- ▶ To waive the Public Hearing, in accordance with Local Government Act s. 464(2).

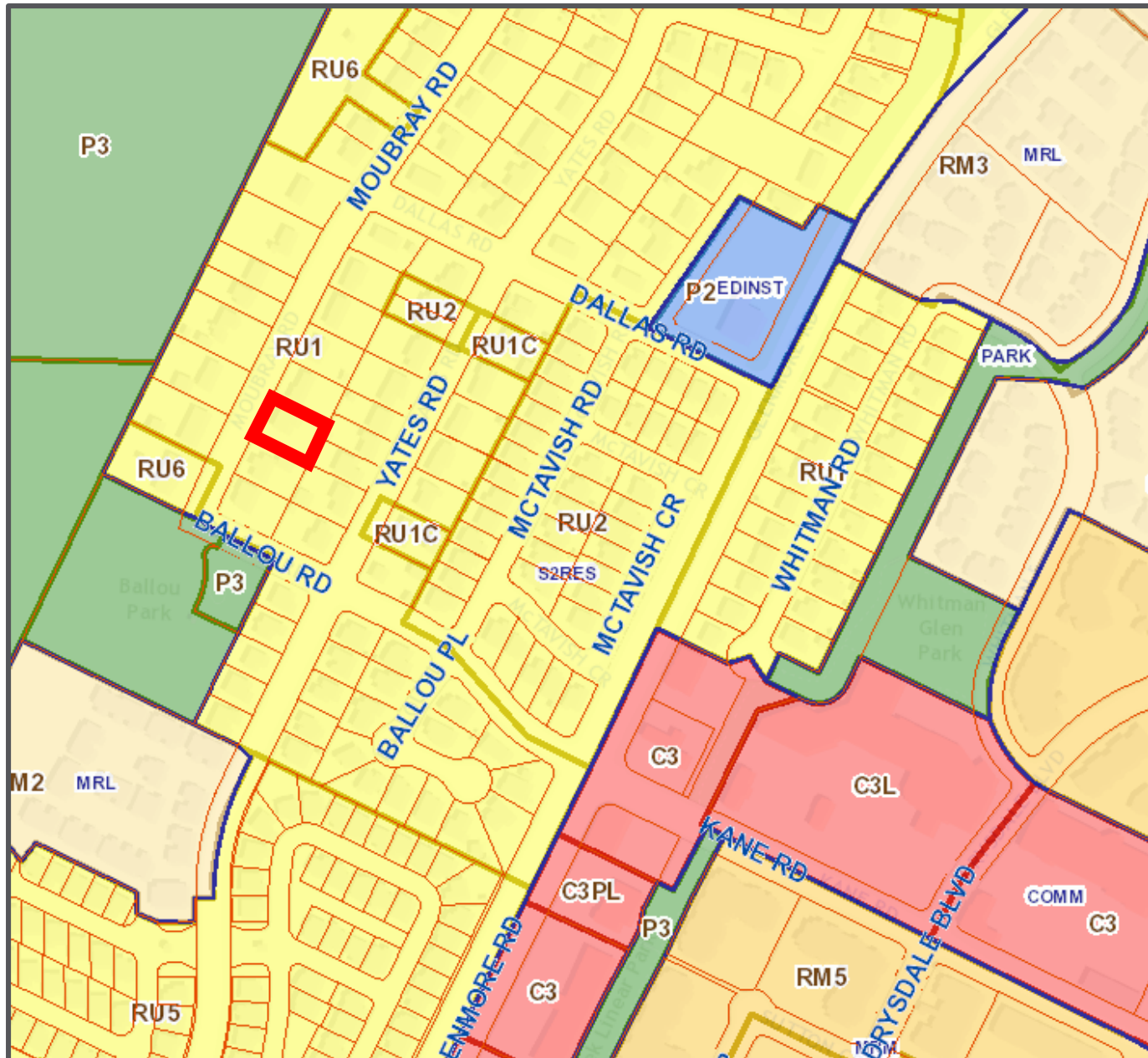
Development Process



Context Map



OCP Future Land Use / Zoning



Subject Property Map

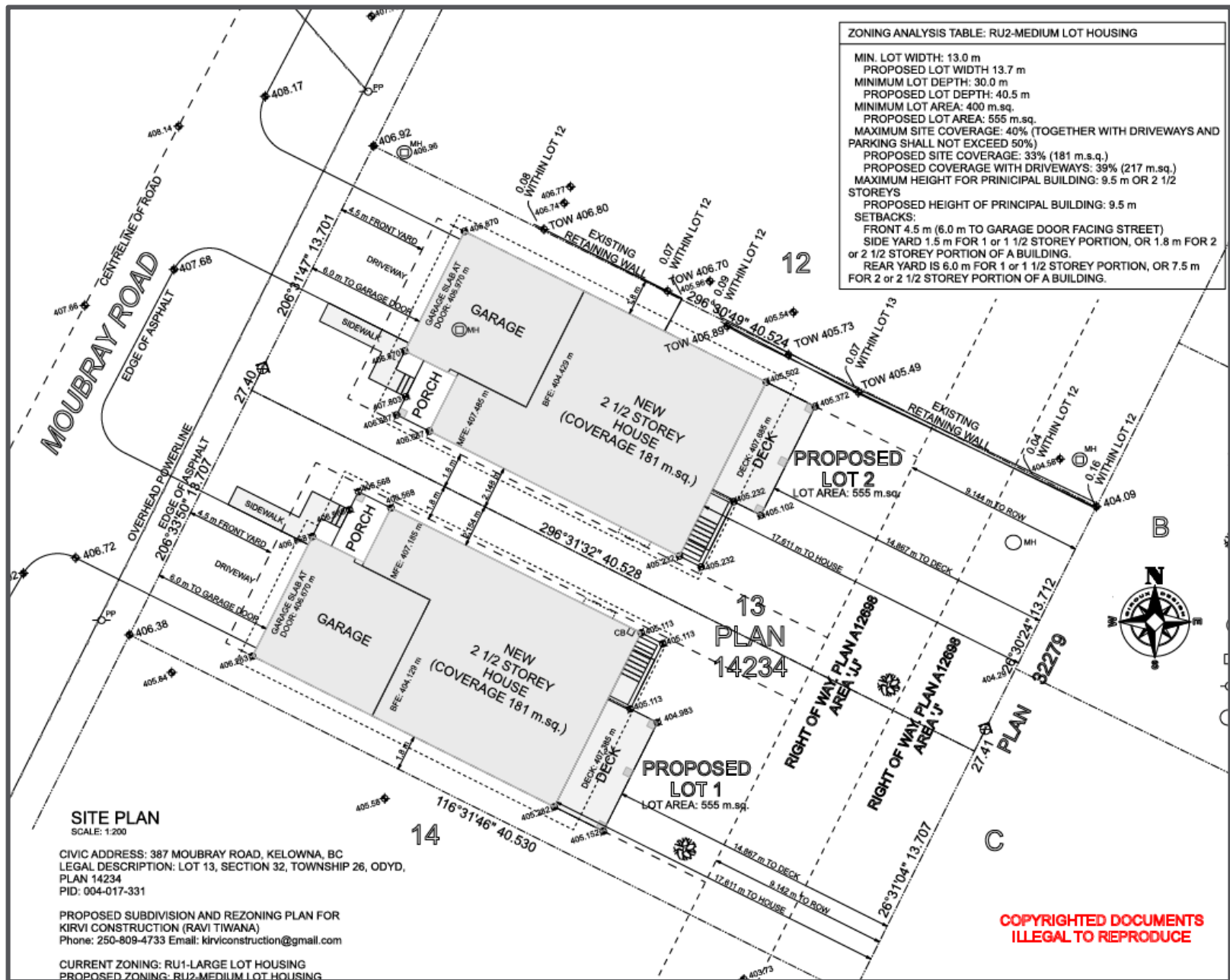


Project/technical details

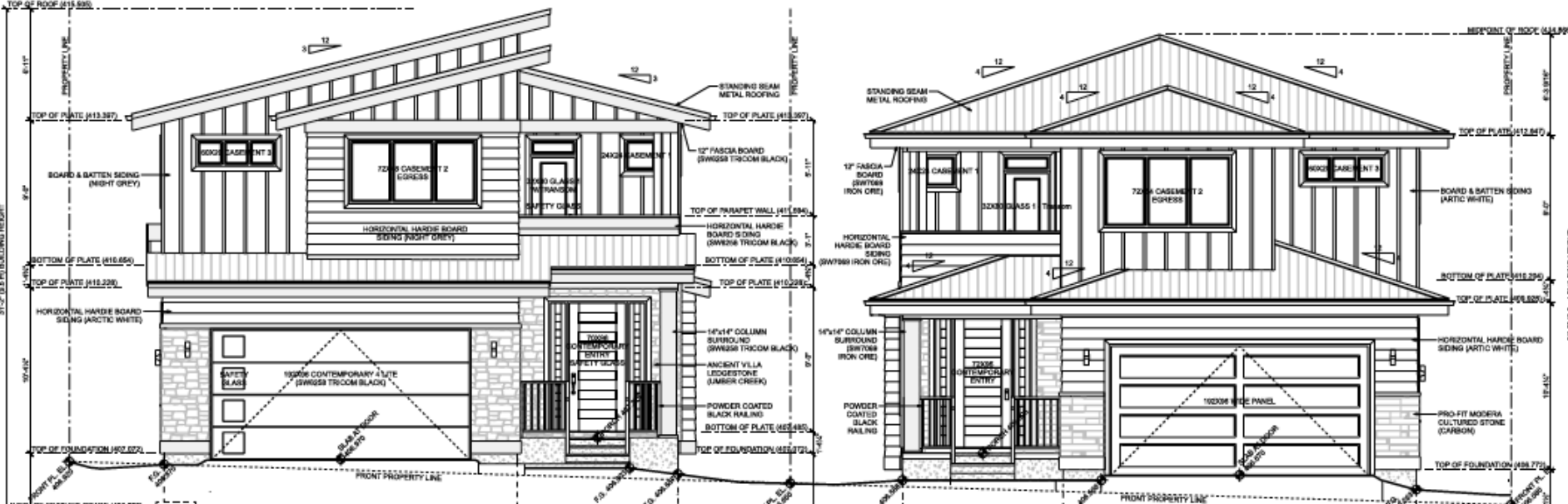
- ▶ Rezone to RU2 – Medium Lot Housing to facilitate a 2-lot subdivision.
- ▶ Proposed lots meet the minimum lot dimensions of the RU2 zone.

	RU2 Min. Dimensions	Proposed Lots	RU1 Min. Dimensions
Width	13m	13.7m	16.5m
Depth	30m	40.5m	30m
Area	400m ²	555m ²	550m ²

Site Plan



Conceptual Elevations



Development Policy

▶ ***OCP Policy 5.3.2 Compact Urban Form:***

- ▶ In an area of the city where existing infrastructure is able to accommodate a moderate amount of infill development, in line with the RU2 zone
- ▶ Close to parks, schools and a neighbourhood commercial node
- ▶ S2RES future land use designation supports RU2 zone

▶ ***OCP Policy 5.3.6 Sensitive Infill:***

- ▶ Several lots in the area have already been rezoned to RU2/RU1c/RU6 and are of similar lot dimensions

Staff Recommendation

- ▶ Staff support rezoning the lot to RU2 to facilitate a 2-lot subdivision
 - ▶ Promotes compact urban form
 - ▶ Context-sensitive infill development



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12156

Z20-0092

387 Moubray 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 13 Section 32 Township 26 ODYD Plan 14234 located at Moubray Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Public Hearing waived by the Municipal Council this

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: February 1, 2021

To: Council

From: City Manager

Department: Development Planning

Application: Z20-0087

Owner: Balraj Singh Sidhu &
Gurinderjeet Kaur Sidhu

Address: 1788 Joe Riche Road

Applicant: NAI Commercial Okanagan Ltd,
Tony Parmar

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: A1 – Agriculture 1

Proposed Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Rezoning Application No. Z20-0087 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 165 Section 18 Township 27 Osoyoos Division Yale District Plan 24361 Except Plan KAP46606, located at 1788 Joe Riche Road, Kelowna, BC from the A1 – Agriculture 1 zone to the RU6 – Two Dwelling Housing zone, be considered by Council;

AND THAT Council, in accordance with Local Government Act s. 464(2), waive the Public Hearing for the Rezoning Bylaw;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval a set out in Schedule "A" attached to the Report from the Development Planning Department dated February 1, 2021;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer;

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

2.0 Purpose

To consider an application to rezone the subject property from the A1 – Agriculture 1 zone to the RU6 – Two Dwelling Housing zone to facilitate a 2-lot subdivision, and to waive the Public Hearing.

3.0 Development Planning

Development Planning Staff support the rezoning application to facilitate a 2-lot subdivision. The RU6 – Two Dwelling Housing zone meets the form and density objectives of the Official Community Plan (OCP) S2RES – Single / Two Unit Residential designation, and as such, the application is in compliance with the designated Future Land Use for the property. In addition, the OCP urban infill policies support the densification of urban residential neighbourhoods where infrastructure already exists, and through sensitive development including the use of smaller lots. The subject property is fully serviced and meets the minimum lot width and area for two RU6 – Two Dwelling Housing zoned lots.

The applicant has confirmed the completion of neighbourhood notification in accordance with Council Policy No. 367.

4.0 Proposal

4.1 Project Description

The subject property is located on and has access from Joe Riche Road. The property is located adjacent to Hwy 33 East and where Joe Riche Road terminates. The applicant is proposing to rezone to the RU6 – Two Dwelling Housing zone to facilitate a 2-lot subdivision. The existing single-family dwelling is proposed to be demolished upon rezoning approval. Proposed Lot A meets the width requirements for single detached housing, and proposed Lot B meets the width requirements for two dwelling housing, each lot is proposed to have separate access off Joe Riche Road. Both lots meet the minimum dimensions of the RU6 zone, and no variances are required.

4.2 Site Context

The property is in the Belgo – Black Mountain OCP sector and is within the Permanent Growth Boundary (PGB). The surrounding area is primarily A1 – Agriculture 1 and RU1 – Large Lot Housing, with some Commercial, Multi-Family and Public and Institutional zoned properties. The surrounding Future Land use is primarily S2RES – Single/Two Unit Residential, Commercial, Park, Educational / Major Institutional and Multiple Unit Residential (Low Density).

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Single Dwelling Housing
East	A1 – Agriculture 1	Single Dwelling Housing
South	C10 – Service Commercial	Gas Station
West	A1 – Agriculture 1	Single Dwelling Housing

Subject Property Map: 1788 Joe Riche Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

Policy 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.

6.0 Technical Comments

6.1 Development Engineering Department

See Schedule "A": Development Engineering Memorandum

7.0 Application Chronology

Date of Application Received: September 16, 2020
 Date Public Consultation Completed: October 20, 2020

Report prepared by: Bronwyn Wydeman, Planner I

Reviewed by: Jocelyn Black, Urban Planning Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: Development Engineering Memorandum

Attachment A: Conceptual Site Plan

CITY OF KELOWNA

MEMORANDUM

Date: October 13, 2020

File No.: Z20-0087

To: Suburban and Rural Planning (BW)

From: Development Engineering Manager (JK)

Subject: 1788 Joe Riche Rd A1 to RU6

WORKS AND SERVICES REQUIREMENTS

The City's Development Engineering Branch has the following comments and requirements with regard to this application to rezone the subject lot from A1 to RU6 to facilitate a future two lot subdivision. The Development Engineering Technician for this project is Sarah Kelly (skelly@kelowna.ca). The following Works and Services will be a requirement of this development.

1. GENERAL

- a) This proposed development may require the installation of centralized mail delivery equipment. Please contact Arif Bhatia, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC, V1Y 2K0, (250) 859-0198, arif.bhatia@canadapost.ca to obtain further information and to determine suitable location(s) within the development.
- b) 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.
- c) These are Development Engineering comments/requirements and area subject to the review and requirements from the Ministry of Transportation (MOTI) Infrastructure Branch.

2. DOMESTIC WATER AND FIRE PROTECTION

- a) The subject lot is within the Black Mountain Irrigation District (BMID) water supply area. The Developer is required to make satisfactory arrangements with BMID 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.
- b) The Developer's Consulting Mechanical Engineer will determine the fire protection requirements of this proposed development and establish hydrant requirements and service needs. All fire flow calculations approved by BMID are to be shared with the Development Engineering Branch upon submittal of off-site civil engineering drawings.

- c) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. No. 7900. Provide water flow calculations for this development to confirm bylaw conformance. Ensure every building site is located at an elevation that ensures water pressure is within the bylaw pressure limits. Note: Private pumps are not acceptable for addressing marginal pressure.

3. **SANITARY SEWER SYSTEM**

- a) Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service. The applicant's consulting mechanical engineer will determine the requirements of the proposed development and establish the service needs. Only one service will be permitted per lot. If required, the applicant will arrange for the removal and disconnection of the existing service and the installation of a new service at the applicants' cost.
- b) Arrange for individual lot connections before submission of the subdivision plan, including payment of connection fees (provide copy of receipt)

4. **STORM DRAINAGE**

- a) The property is located within the City of Kelowna drainage service area. The City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydrogeotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.
- b) Provide the following drawings:
- i. A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
 - ii. A detailed Stormwater Management Plan for this subdivision; and,
 - iii. An Erosion and Sediment Control Plan is to be prepared by a Professional Engineer proficient in the field of erosion and sediment control. The plan is to be prepared as per section 3.14 of Schedule 4 of Bylaw 7900. If a line item for ESC is not included in the Engineer's cost estimate for off-site work, then an additional 3% will be added to the performance security based on the total off-site construction estimate.
- c) Where structures are designed or constructed below the proven high groundwater table, permanent groundwater pumping will not be permitted to discharge to the storm system. The City will approve designs that include provisions for eliminating groundwater penetration into the structure, while addressing buoyancy concerns. These design aspects must be reviewed and approved by the City Engineer.

5. **ROAD IMPROVEMENTS**

- a) Joe Riche Road is designated a local road and will require upgrades along the full frontage including curb and gutter, irrigated landscaped boulevard, driveway let downs, drainage system including catch basin(s) and drywell, pavement removal and replacement, and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. A one-time cash payment in lieu of construction must be collected from the applicant for future construction by the City.

- b) Only the service upgrades must be completed at this time. The City wishes to defer the upgrades to Joe Riche Rd fronting this development. Therefore, cash-in-lieu of immediate construction is required, and the City will initiate the work later, on its own construction schedule. The cash-in-lieu amount is determined to be \$41,616 (\$1,200 x 34.68 meters of frontage) not including utility service cost.

6. POWER AND TELECOMMUNICATION SERVICES

- a) It is the developer's responsibility to make servicing applications to the respective Power and Telecommunication utility companies for these services, which would be at the applicant's cost. The utility companies are required to obtain the City's approval before commencing construction.

7. GEOTECHNICAL STUDY

- a) Provide a geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.
- b) The Geotechnical reports must be submitted to the Development Services Department (Subdivision Approving officer) for distribution to the Development Engineering Branch and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.
- i. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
 - ii. Site suitability for development.
 - iii. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
 - iv. Any special requirements for construction of roads, utilities and building structures.
 - v. Recommendations for items that should be included in a Restrictive Covenant.
 - vi. Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
 - vii. Any items required in other sections of this document.
- c) If any blasting is proposed as part of this subdivision, a Soil Removal and Deposit Application must be made to the City for such works. The proposed blasting work is to comply with Amendment No. 1 to the Soil Removal and Deposit Regulation Bylaw No. 9612, specifically Section 6 PERMIT REQUIREMENTS – (k) and (g).
- d) Should any on-site retaining walls surpass the following limits, an Over Height Retaining Wall Permit will be required:
- “Retaining walls on all lots, except those required as a condition of subdivision approval, must not exceed a height of 1.2 m measured from natural grade on the lower side, and must be constructed so that any retaining walls are spaced to provide a 1.2 m horizontal separation between tiers. The maximum number of tiers is two with a maximum total height of 2.4 m. Any multi-tier structure more

than 2 tiers must be designed and constructed under the direction of a qualified professional engineer.”

The design of all retaining walls is to conform with Engineer & Geoscientists British Columbia's *Professional Practice Guidelines for Retaining Wall Design*. Submission requirements for the Over Height Retaining Wall Permit include Engineer of Record documents (Appendix A of *Retaining Wall Design Guideline*) and any necessary independent reviews (as per EGBC's *Documented Independent Review of Structural Designs*).

- e) Any modified slopes having a finished slope greater than 2H:V1 (50%) and an elevation change greater than 1.2 m must be installed under the direction of a qualified professional engineer.
- f) Any exposed natural rock surface on a lot that has the potential for materials to displace causing a hazardous condition, must be reviewed by a qualified professional engineer with the appropriate and measures undertaken as prescribed by the engineer. For adequate Rockfall Protection adjacent to walls and rock cuts, please consider BC MoTI Supplement to TAC Geometric Design Guide 440, page 440-8, which outlines a ditch bottom width depending on wall height. Sidewalks and utilities should be kept out of this protection area. Additional ROW may be required.

Where walls are on the high side, the City's preference is that the walls remain setback and on private property. Where the walls hold up a public road, the City's preference is that additional dedication be provided, and the walls be owned by the City. Please design any geogrids or tie-backs so that they do not encroach into the required road ROW.

8. ROAD DEDICATION/SUBDIVISION REQUIREMENTS

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands and private lands.

9. OTHER ENGINEERING COMMENTS

- a) As per Bylaw 7900 Schedule 4 Section 4.6, only one driveway access (with a maximum width of 6.0 m) will be permitted per lot.

10. DESIGN AND CONSTRUCTION

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

the City's 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.

11. SERVICING AGREEMENTS FOR WORKS AND SERVICES

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.
- c) Should it be determined that any Park-related work be included under the scope of the Servicing Agreement, the Development Engineering Branch reserves the right to require a performance security for these works. Note: The Development Engineering Branch's Engineering and Inspection Fee will not include the scope of any Parks-related work.

12. CHARGES, FEES, AND SECURITIES

- a) Development Cost Charges (DCC's) are payable
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Survey Monument Fee: \$50.00 per newly created lot (GST exempt).
 - ii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - iii) A hydrant levy charge of \$250.00 per lot
 - iv) Engineering and Inspection Fee: 3.5% of construction value (plus GST).

James Kay, P.Eng.
Development Engineering Manager

SK

City of Kelowna
DEVELOPMENT PLANNING





Z20-0087

1788 Joe Riche Road

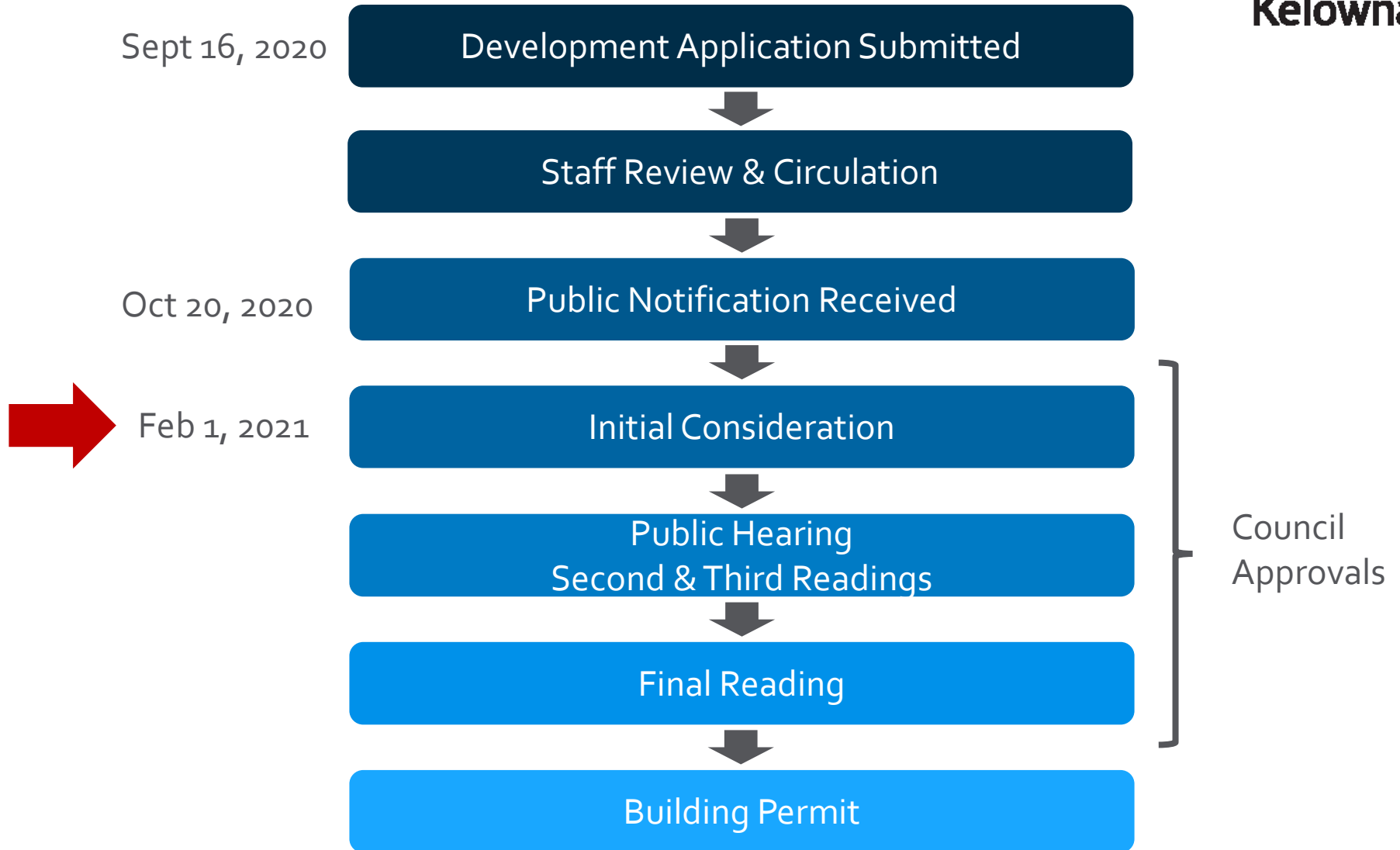
Rezoning Application



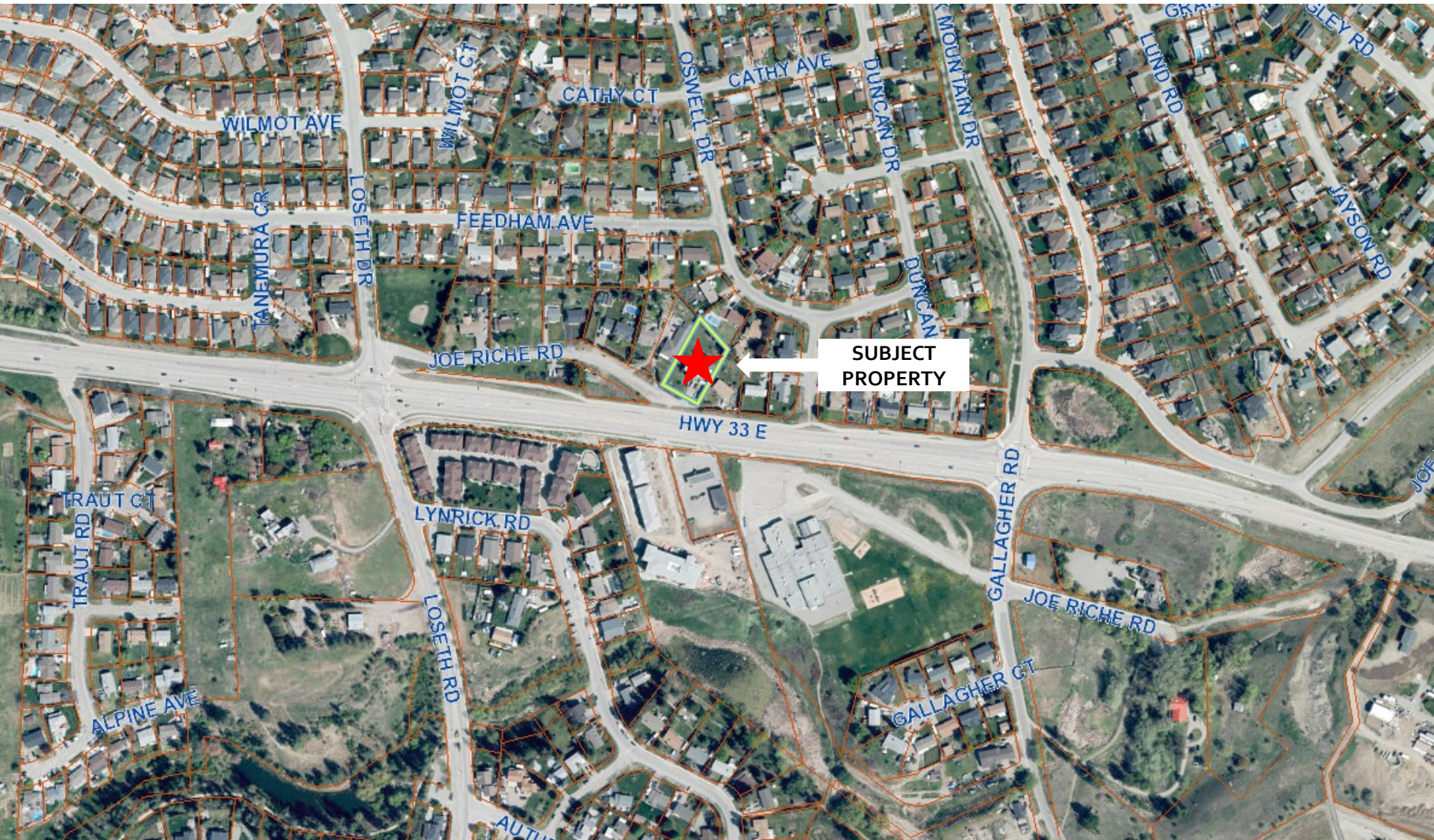
Proposal

- ▶ To rezone the subject property from A1 – Agriculture 1 to RU6 - Two Dwelling Housing to facilitate a 2-lot subdivision.

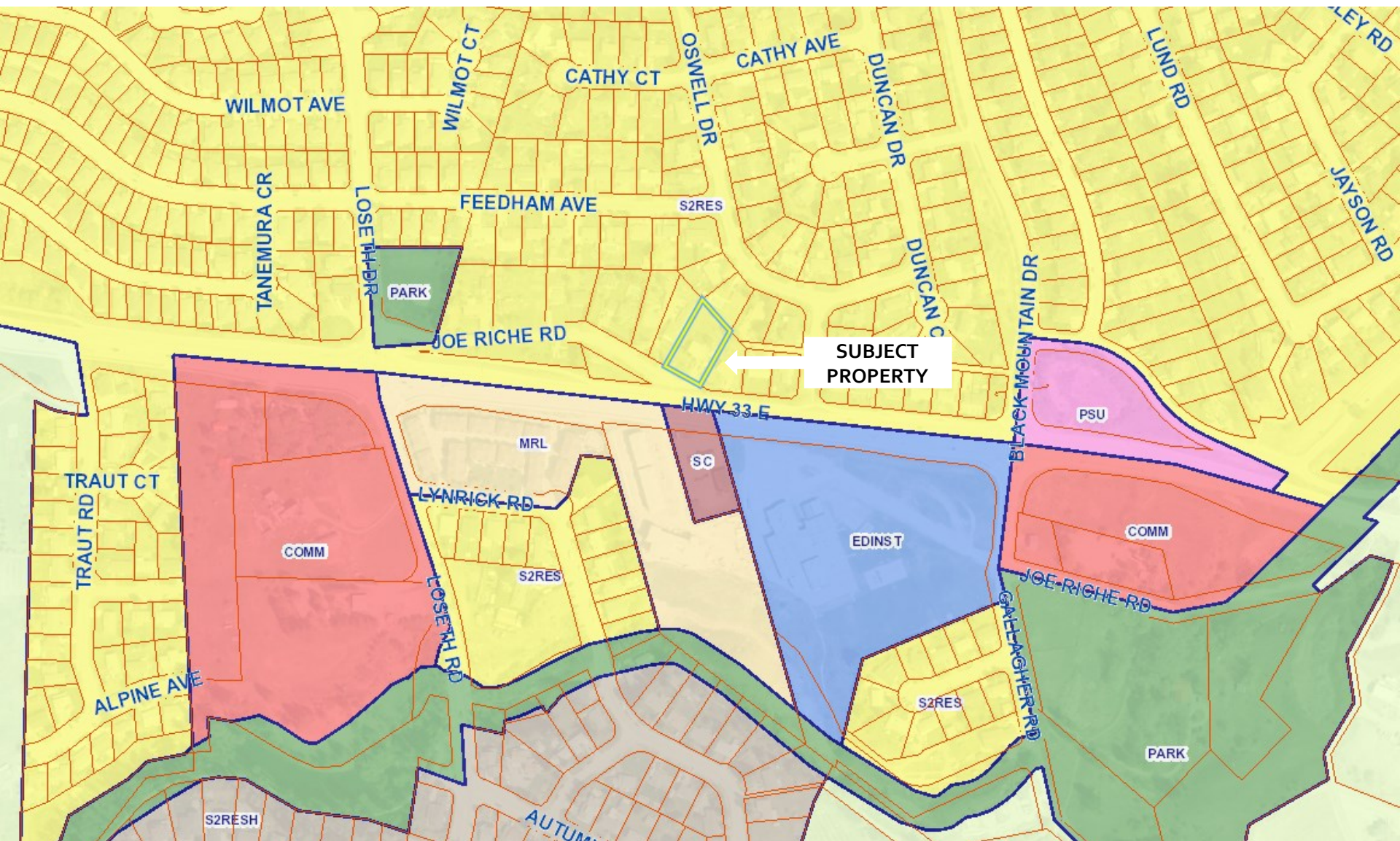
Development Process



Context Map



OCP Future Land Use / Zoning



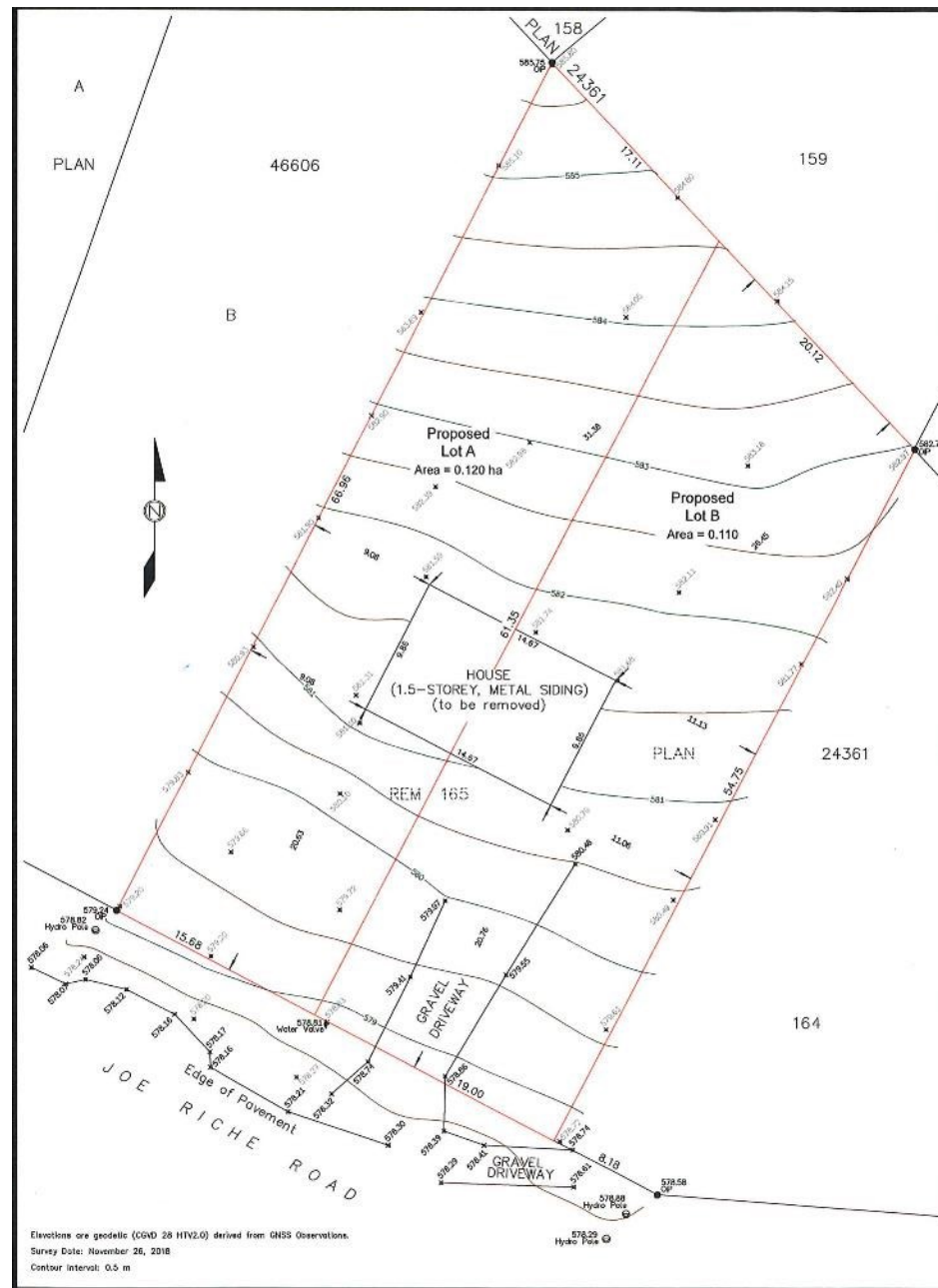
Subject Property Map



Project/technical details

- ▶ Proposed rezoning will facilitate a 2-lot subdivision.
- ▶ The existing dwelling will be demolished.
- ▶ Both lots meet the depth, width and size of the RU6 zone.

Site Plan



Development Policy

- ▶ Meets the intent of Official Community Plan Urban Infill Policies
 - ▶ Within Permanent Growth Boundary
 - ▶ Sensitive Infill
- ▶ Consistent with Zoning Bylaw – no variances

Staff Recommendation

- ▶ Staff recommend **support** of the proposed rezoning to facilitate a 2-lot subdivision
- ▶ 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. 12157 Z20-0087 1788 Joe Riche 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 165 Section 18 Township 27 ODYD Plan 24361 Except Plan KAP46606 located at Joe Riche Road, Kelowna, BC from the A1 – Agriculture 1 zone to the RU6 – Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Public Hearing waived by the Municipal Council this

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11798
Z18-0105 – 913 Laurier Ave

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 A District Lot 138, ODYD, Plan 2255 located on Laurier Avenue, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 8th day of April, 2019.

Considered at a Public Hearing on the 7th day of May, 2019.

Read a second and third time by the Municipal Council this 7th day of May, 2019.

Approved under the Transportation Act this 9th day of May, 2019.

Blaine Garrison

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: February 1, 2021

To: Council

From: City Manager

Department: Development Planning

Application: DP18-0195

Owner: 913 Laurier GP Ltd., Inc. No.
BC1231985

Address: 913 Laurier Avenue

Applicant: New Town Services – Jesse
Alexander

Subject: Development Permit Application

Existing OCP Designation: MRL – Multiple Unit Residential (Low Density)

Existing Zone: RM3 – Low Density Multiple Housing

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11798 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP18-0195 for Lot 1 District Lot 138 ODYD, Plan EPP101501, located at 913 Laurier Avenue, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Purpose

To consider the form and character of a multi-family development.

2.0 Development Planning

Development Planning Staff are recommending support for the issuance of a Development Permit for the proposed townhouse development as it meets zoning regulations for parking, setbacks and landscaping and is in general accordance with the Official Community Plan's (OCP) Comprehensive Design Guidelines.

The applicant is proposing 6 side-by-side townhouse units situated along the western portion of the subject property adjacent to Ethel Street. The project will have vehicle site access from the laneway to the south. Each of the townhouse units has been designed with front doors facing out to streets with a majority of the unit entrances oriented towards Ethel St.

The development will be 3 storeys in height and will include ground level patio spaces, upper storey balconies and individual rooftop patios to meet private open space requirements.

3.0 Proposal

3.1 Background

The existing site currently sits vacant but previously contained a single-family home situated in the center of the property.

3.2 Project Description

The 6-unit townhome development features 3 two-bedroom and 3 three-bedroom units arranged in an offset pattern predominantly facing west towards Ethel Street. Offsetting each individual unit from one another will help to create more building interest and articulation which will subsequently help to reduce building massing and allow for improved privacy between units.

Required parking will be met on-site by parking two vehicles in each garage unit – side by side. The required visitor parking stall will be located opposite to the internal drive aisle and closer to the eastern property line.

The applicant has worked with Staff to ensure that every effort would be made to preserve and protect the two existing deciduous trees located at the north boundary of the site adjacent to Laurier Avenue by registering a section 219 covenant on title to ensure the trees are protected and are unable to be removed from the site.

The development has been designed using modern materials including; white, brown and grey hardi board panels, faux timber horizontal planks, red brick veneer, and black framed windows and railings.

3.3 Site Context

The subject property is located in the Central City Sector nearest to the major intersection of Harvey Avenue and Ethel Street, approximately 440 m east of Rowcliffe Park. A vast majority of the surrounding properties are zoned RU6 – Two Dwelling Housing with a mix of RM1 – Four Dwelling Housing, RM2 – Low Density Housing, RM4 – Transitional Low-Density Housing and RU7 – Infill Housing. Surrounding Future Land Use Designations include; S2RES – Single / Two Unit Residential, MRL – Multiple Unit Residential (Low Density), MRM – Multiple Unit Residential (Medium Density), MRH – Multiple Unit Residential (High Density) and SIH – Sensitive Infill Housing.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Residential
East	RU6 – Two Dwelling Housing	Residential
South	RU6 – Two Dwelling Housing	Residential
West	RU6 – Two Dwelling Housing	Residential

Subject Property Map: 913 Laurier Avenue



3.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM ₃ ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Floor Area Ratio	0.80	0.79
Max. Site Coverage (buildings)	40%	30.5%
Max. Site Coverage (buildings, parking, driveways)	60%	57.7%
Max. Height	13.0 m / 3 storeys	9.49 m / storeys
Min. Front Yard	1.5 m	3.35 m
Min. Side Yard (west)	1.5 m	1.69 m
Min. Side Yard (east)	4.0 m	13.29 m
Min. Rear Yard	1.5 m	1.69 m
Other Regulations		
Min. Parking Requirements	13 stalls (including visitor parking)	13 stalls
Min. Short-term Bicycle Parking	4 bike stalls	4 bike stalls
Min. Private Open Space	150 m ²	412.72 m ²

4.0 Current Development Policies

4.1 Kelowna Official Community Plan (OCP)

DEVELOPMENT PERMIT GUIDELINES

Comprehensive Development Permit Area

Consideration has been given to the following guidelines as identified in Section 14.A. of the City of Kelowna Official Community Plan relating to Comprehensive Development Permit Areas:

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Authenticity and Regional Expression			
Do landscaping and building form convey a character that is distinct to Kelowna and the Central Okanagan?	✓		
Are materials in keeping with the character of the region?	✓		
Are colours used common in the region's natural landscape?	✓		
Does the design provide for a transition between the indoors and outdoors?			✓
Context			
Does the proposal maintain the established or envisioned architectural character of the neighbourhood?	✓		
Does interim development consider neighbouring properties designated for more intensive development?			✓
Are façade treatments facing residential areas attractive and context sensitive?	✓		
Are architectural elements aligned from one building to the next?			✓
For exterior changes, is the original character of the building respected and enhanced?			✓
Is the design unique without visually dominating neighbouring buildings?	✓		
For developments with multiple buildings, is there a sense of architectural unity and cohesiveness?			✓
Relationship to the Street			
Do buildings create the desired streetscape rhythm?	✓		
Are parkade entrances located at grade?			✓
For buildings with multiple street frontages, is equal emphasis given to each frontage?	✓		
Massing and Height			
Does the design mitigate the actual and perceived mass of buildings?	✓		
Does the height consider shading and view impacts for neighbouring properties and transition to less intensive areas?	✓		
Human Scale			

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Are architectural elements scaled for pedestrians?	✓		
Are façades articulated with indentations and projections?	✓		
Are top, middle and bottom building elements distinguished?	✓		
Do proposed buildings have an identifiable base, middle and top?	✓		
Are building facades designed with a balance of vertical and horizontal proportions?	✓		
Are horizontal glazed areas divided into vertically proportioned windows separated by mullions or building structures?	✓		
Does the design incorporate roof overhangs and the use of awnings, louvers, canopies and other window screening techniques?	✓		
Is the visual impact of enclosed elevator shafts reduced through architectural treatments?			✓
Exterior Elevations and Materials			
Are buildings finished with materials that are natural, local, durable and appropriate to the character of the development?	✓		
Are entrances visually prominent, accessible and recognizable?	✓		
Are higher quality materials continued around building corners or edges that are visible to the public?	✓		
Are a variety of materials used to create contrast, enhance the pedestrian environment and reduce the apparent mass of a building?	✓		
Are elements other than colour used as the dominant feature of a building?	✓		
Public and Private Open Space			
Does public open space promote interaction and movement through the site?			✓
Are public and private open spaces oriented to take advantage of and protect from the elements?			✓
Is there an appropriate transition between public and private open spaces?			✓
Are amenities such as benches, garbage receptacles, bicycle stands and community notice boards included on site?	✓		
Site Access			
Is the safe and convenient movement of pedestrians prioritized?	✓		
Are alternative and active modes of transportation supported through the site design?			✓
Are identifiable and well-lit pathways provided to front entrances?	✓		
Do paved surfaces provide visual interest?	✓		

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Is parking located behind or inside buildings, or below grade?	✓		
Are large expanses of parking separated by landscaping or buildings?			✓
Are vehicle and service accesses from lower order roads or lanes?			✓
Do vehicle and service accesses have minimal impact on the streetscape and public views?	✓		
Is visible and secure bicycle parking provided in new parking structures and parking lots?	✓		
Environmental Design and Green Building			
Does the proposal consider solar gain and exposure?	✓		
Are green walls or shade trees incorporated in the design?	✓		
Does the site layout minimize stormwater runoff?	✓		
Are sustainable construction methods and materials used in the project?	✓		
Are green building strategies incorporated into the design?		✓	
Decks, Balconies, Rooftops and Common Outdoor Amenity Space			
Are decks, balconies or common outdoor amenity spaces provided?	✓		
Does hard and soft landscaping enhance the usability of decks, balconies and outdoor amenity spaces?	✓		
Are large flat expanses of roof enhanced with texture, colour or landscaping where they are visible from above or adjacent properties?	✓		
Amenities, Ancillary Services and Utilities			
Are loading, garage, storage, utility and other ancillary services located away from public view?	✓		
Are vents, mechanical rooms / equipment and elevator penthouses integrated with the roof or screened with finishes compatible with the building's design?			✓
Landscape Development and Irrigation Water Conservation			
Does landscaping:	-	-	-
• Compliment and soften the building's architectural features and mitigate undesirable elements?	✓		
• Maintain the dominant pattern of landscaping along the street and surrounding properties?	✓		
• Enhance the pedestrian environment and the sense of personal safety?	✓		
• Screen parking areas, mechanical functions, and garbage and recycling areas?	✓		

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
• Respect required sightlines from roadways and enhance public views?	✓		
• Retain existing healthy mature trees and vegetation?	✓		
• Use native plants that are drought tolerant?	✓		
• Define distinct private outdoor space for all ground-level dwellings?	✓		
Do any fences and retaining walls create visual interest and enhance the pedestrian environment?	✓		
Do parking lots have one shade tree per four parking stalls?	✓		
Does the Landscape Architect's Landscape Water Conservation Report:	-	-	-
• Meet the requirements for Landscape Water Budget calculations for the landscaped area?	✓		
• Indicate how the development complies with or varies from the Landscape Water Conservation Guidelines?	✓		
<i>Landscape Water Conservation Guidelines</i>			
Are plants grouped into "hydro-zones" of high, medium and low or unirrigated / unwatered areas?	✓		
Does at least 25% of the total landscaped area require no irrigation / watering?	✓		
Does at least 25% of the total landscaped area require low water use?	✓		
Does at most 50% of the total landscaped area require medium or high water use?	✓		
Is mulch cover provided for shrubs and groundcover to reduce soil evaporation?	✓		
Do water features such as pools and fountains use recirculated water systems?			✓
Do landscape installation standards meet the requirements of the BC Landscape Standard and / or the Master Municipal Construction Document?			✓
Are the required written declarations signed by a qualified Landscape Architect?	✓		
<i>Irrigation System Guidelines</i>			
Is the Irrigation Plan prepared by a Qualified Professional?	✓		
Are irrigation circuits grouped into "hydro-zones" of high, medium and low or unirrigated / unwatered areas consistent with the landscaping plan?	✓		
Is drip or low volume irrigation used?	✓		
Are the required written declarations signed by a qualified Certified Irrigation Designer?	✓		
Crime prevention			

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Are CPTED practices as related to landscaping, siting, form and exterior design included in the design?	✓		
Are building materials vandalism resistant?	✓		
Universal Accessible Design			
Is access for persons with disabilities integrated into the overall site plan and clearly visible from the principal entrance?			✓
Are the site layout, services and amenities easy to understand and navigate?	✓		
Lakeside Development			
Are lakeside open spaces provided or enhanced?			✓
Are lake views protected?			✓
Does lakeside development act as a transition between the lake and inland development?			✓
Signs			
Do signs contribute to the overall quality and character of the development?			✓
Is signage design consistent with the appearance and scale of the building?			✓
Are signs located and scaled to be easily read by pedestrians?			✓
For culturally significant buildings, is the signage inspired by historical influences?			✓
Lighting			
Does lighting enhance public safety?			✓
Is "light trespass" onto adjacent residential areas minimized?			✓
Does lighting consider the effect on the façade, neighbouring buildings and open spaces?			✓
Is suitably scaled pedestrian lighting provided?			✓
Does exterior street lighting follow the International Dark Sky Model to limit light pollution?			✓

Chapter 5: Development Process

Objective 5.22 Ensure context sensitive housing development

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

Objective 5.23 Address the needs of families with children through the provision of appropriate family-oriented housing

Policy.1 Ground-Oriented Housing. Encourage all multiple-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with 2 or more bedrooms so as to provide a family housing choice with the multi-unit rental or ownership markets.

5.0 Application Chronology

Date of Application Received: August 29, 2018

Date Public Consultation Completed: N/A

Report prepared by: Andrew Ferguson, Planner II

Reviewed by: Jocelyn Black, Urban Planning Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Draft Development Permit DP18-0195

Schedule A: Site, Floor & Roof Plans

Schedule B: Elevation Drawings, Colour and Material Board and Renders

Schedule C: Landscape Plan

Attachment B: Project Render

Development Permit DP18-0195



This permit relates to land in the City of Kelowna municipally known as

913 Laurier Avenue

and legally known as

Lot 1 District Lot 138 ODYD, Plan EPP101501

and permits the land to be used for the following development:

RM3 – Low Density Multiple Housing

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.

<u>Date of Council Decision</u>	February 1, 2021
<u>Decision By:</u>	Council
<u>Development Permit Area:</u>	Comprehensive Development Permit Area
Existing Zone:	RM3 – Low Density Multiple Housing
Future Land Use Designation:	MRL – Multiple Unit Residential (Low Density)

This is NOT a Building Permit.

In addition to your Development Permit, a Building Permit may be required prior to any work commencing. For further information, contact the City of Kelowna, Development Services Branch.

NOTICE

This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Owner:	913 Laurier GP Ltd., Inc. No. BC1231985
Applicant:	New Town Services – Jesse Alexander
Planner:	Andrew Ferguson

Terry Barton
Development Planning Department Manager
Development Planning

Date

1. SCOPE OF APPROVAL

This Development Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Development Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this permit, noted in the Terms and Conditions below.

The issuance of a permit limits the permit holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific variances have been authorized by the Development Permit. No implied variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

2. CONDITIONS OF APPROVAL

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
- c) Landscaping to be provided on the land be in accordance with Schedule "C"; and
- d) The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect.

This Development Permit is valid for two (2) years from the date of approval, with no opportunity to extend.

3. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property owner of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

- a) An Irrevocable Letter of Credit **OR** certified cheque in the amount of **\$ 48,172.50**

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

4. INDEMNIFICATION

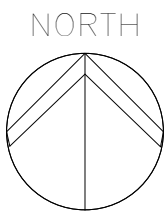
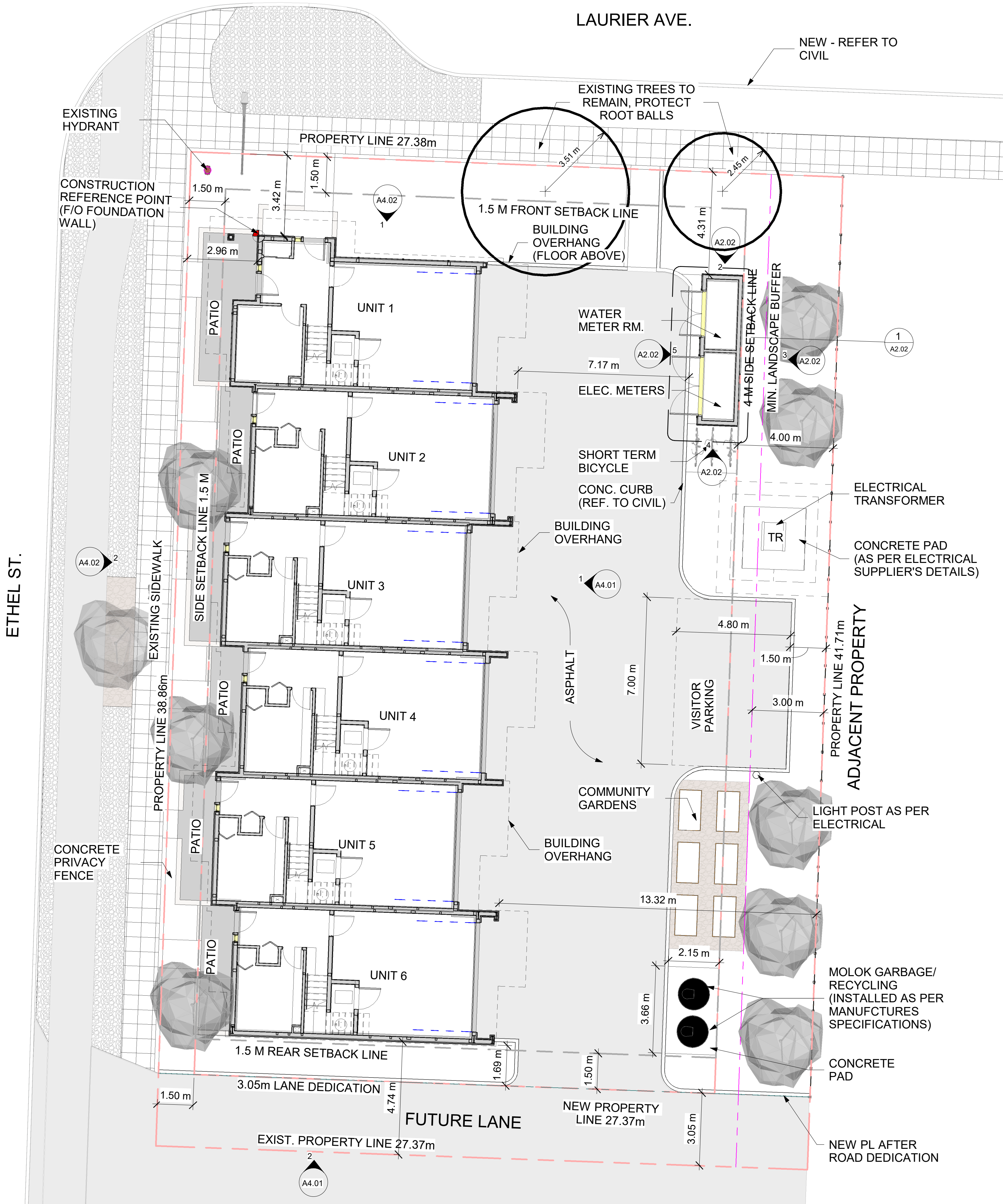
Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.

All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

**The PERMIT HOLDER is the CURRENT LAND OWNER.
Security shall ONLY be returned to the signatory of the
Landscape Agreement or their designates.**

NOTE:
REFER TO CIVIL SET FOR GEODETIC ELEVATIONS
OF FFE/MBE/GFE AND SITE/ADJACENT GRADING



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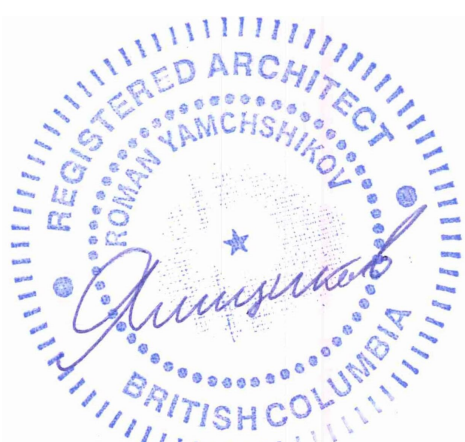
This drawing must not be scaled

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ARCHITECTURE
URBAN PLANNING
CIVIL ENGINEERING
www.newtownservices.ca

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Revisions

No	Date	Description
1	22/04/20	50% COORDINATION
2	06/05/20	75% COORDINATION
3	13/05/20	90% COORDINATION
4	22/12/20	ISSUED FOR BP

project title
LAURIER TOWNHOUSES

project address
913 LAURIER AVE,
KELOWNA, BC

project no. 4109

drawing title
SITE PLAN

designed L.A. scale 1 : 100

drawn L.A.

checked R.Y.

drawing no.

A2.00

plotted 22/01/2021 10:47:04 AM

SCHEDULE

A

This forms part of application

DP18-0195

Planner Initials

AF

City of Kelowna

COMMUNITY PLANNING

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Revisions

No	Date	Description
5	19/10/20	RE-ISSUED FOR DP
6	22/01/21	RE-ISSUED FOR DP

project title
LAURIER TOWNHOUSES

project address
913 LAURIER AVE,
KELOWNA, BC

project no. 4109

file no.

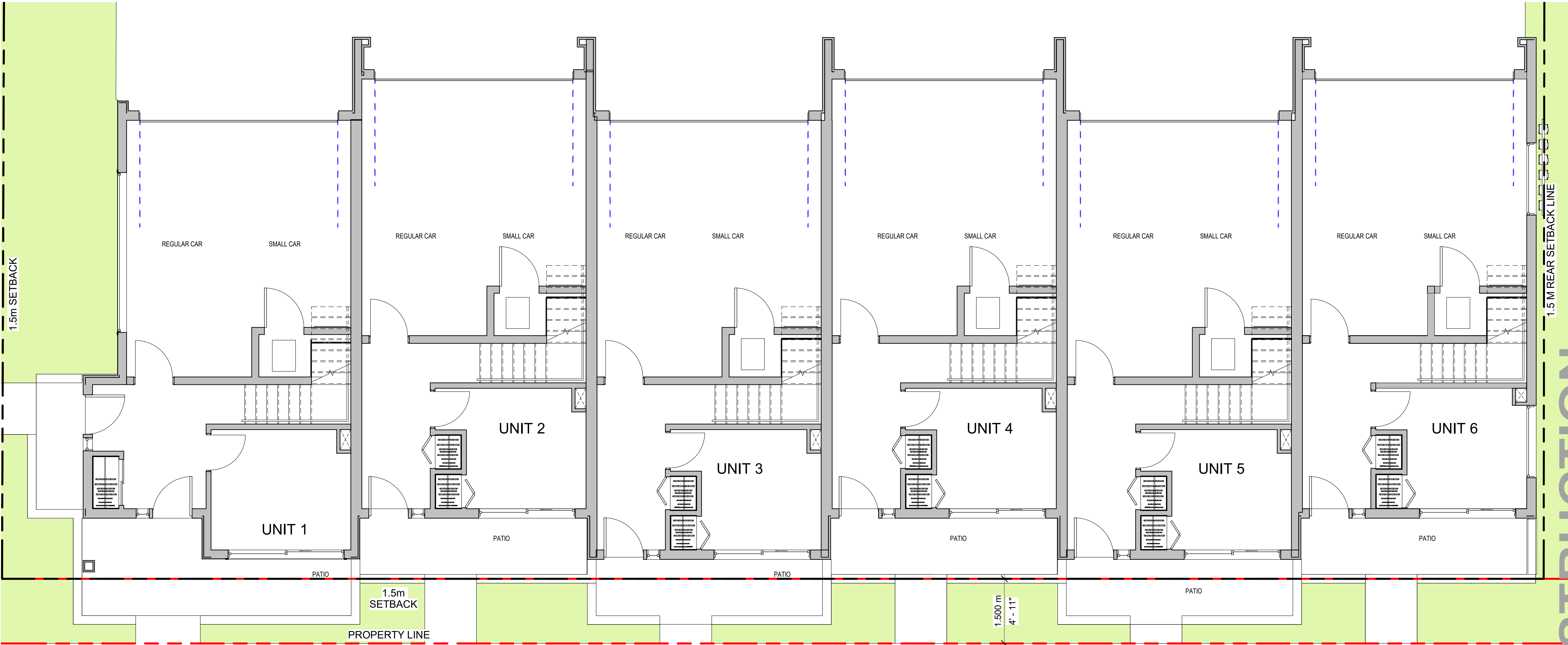
drawing title
LEVEL 1

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drawn	LA		
checked	RY		

drawing no.

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plotted 22/01/2021 10:47:10 AM



SCHEDULE

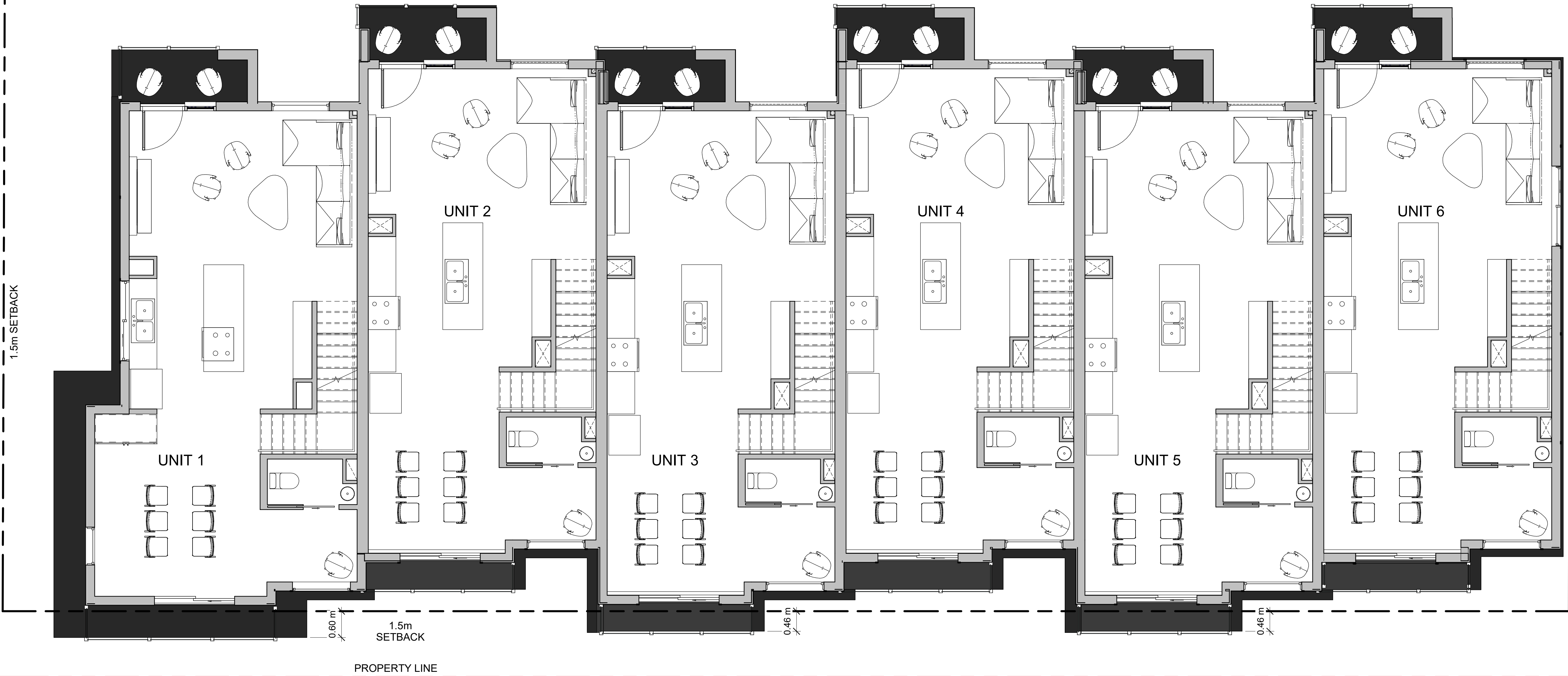
A

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DP18-0195

Planner
Initials AF

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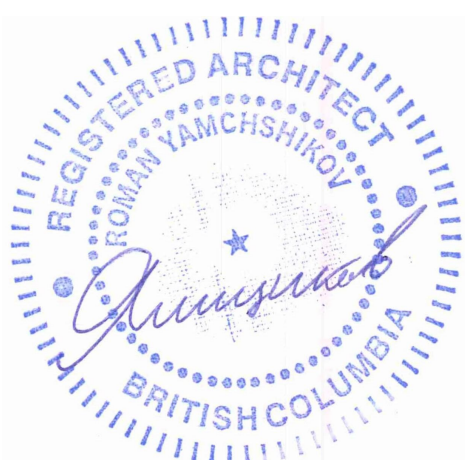
ARCHITECTURE

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Revisions

No	Date	Description
5	19/10/20	RE-ISSUED FOR DP
6	22/01/21	RE-ISSUED FOR DP

project title
LAURIER TOWNHOUSES

project address
913 LAURIER AVE,
KELOWNA, BC

project no. 4109

file no.

drawing title
LEVEL 2

designed	RY/LA	scale	1/4" = 1'-0"
drawn	LA		
checked	RY		

drawing no.

A3.2DP

plotted 22/01/2021 10:47:17 AM

SCHEDULEA

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Revisions

No	Date	Description
5	19/10/20	RE-ISSUED FOR DP
6	22/01/21	RE-ISSUED FOR DP

project title
LAURIER TOWNHOUSES

project address
913 LAURIER AVE,
KELOWNA, BC

project no.4109

file no.

drawing title
LEVEL 3

designed	RY/LA	scale	1/4" = 1'-0"
drawn	LA		
checked	RY		

drawing no.

A3.3DP

plotted22/01/2021 10:47:20 AM



Seal



Revisions

No	Date	Description
5	19/10/20	RE-ISSUED FOR DP
6	22/01/21	RE-ISSUED FOR DP

project title

LAURIER TOWNHOUSES

project address

913 LAURIER AVE,
KELOWNA, BC

project no. 4109

file no.

drawing title

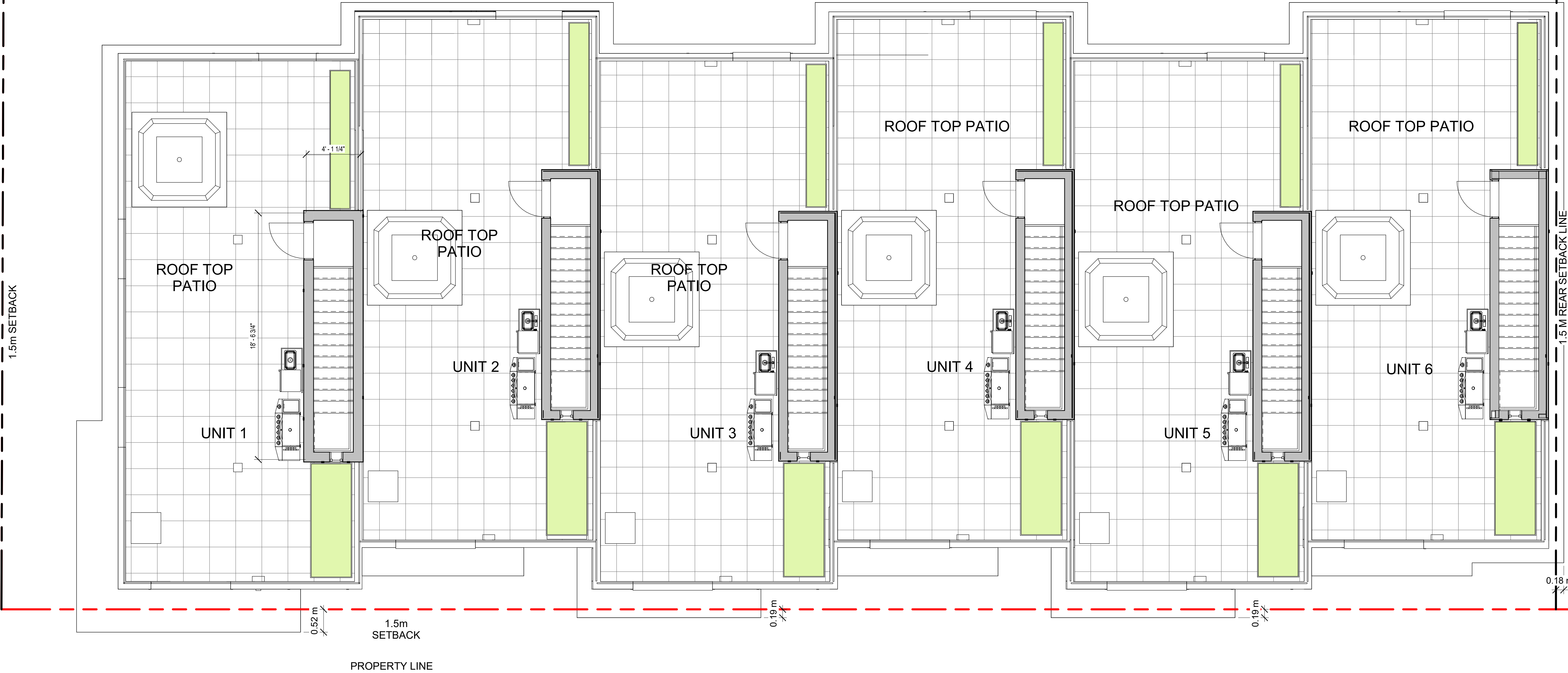
ROOF DECK

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drawn	LA		
checked	RY		

drawing no.

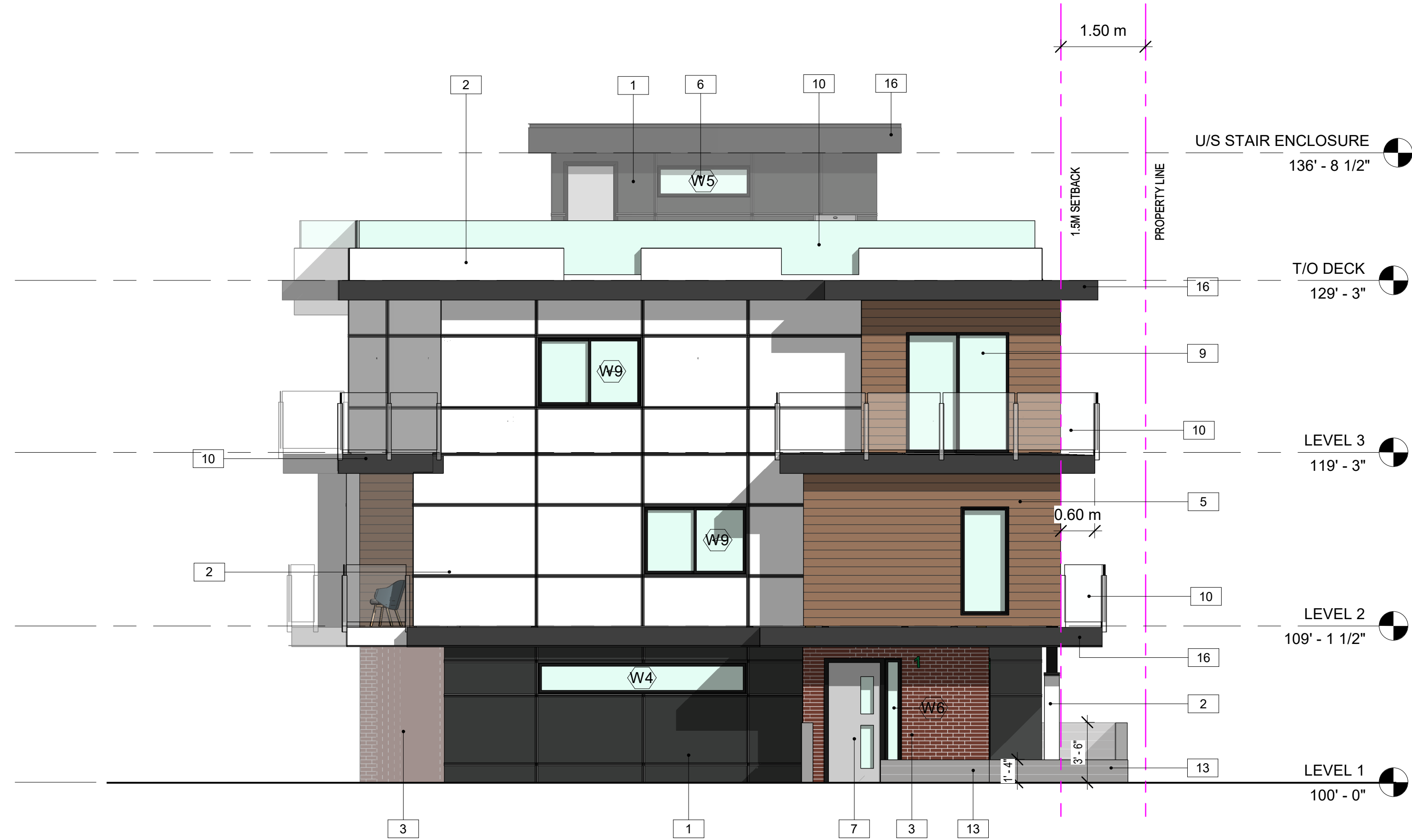
A3.4DP

plotted 22/01/2021 10:47:21 AM





1 West Elevation
3/16" = 1'-0"



2 North Elevation
3/16" = 1'-0"

MATERIAL KEYNOTE LEGEND	
1.	HARDIE PANEL (SMOOTH) W/ EASY TRIM REVEAL & PAINTED EXP. FASTENERS; COLOUR MONUMENT
2.	HARDIE PANEL W/ EASY TRIM REVEAL & PAINTED EXP. FASTENERS; COLOUR PURE WHITE SW 7005
3.	THIN BRICK VENEER - IMPERIAL RED
4.	HARDIE PANEL PLANK SIDING/W/ EASY TRIM REVEAL & PAINTED EXP. FASTENERS; COLOUR CHESTNUT BROWN JH80-30
5.	FIBER CEMENT LAP SIDING - TIMBER LOOK
6.	DOUBLE GLAZED SEALED UNIT WINDOW W/ BLACK FRAME (W/ SPANDREL PANEL AS PER ELEVATIONS)
7.	INSULATED EXTERIOR DOOR W/ BLACK FRAME
8.	INSULATED OVERHEAD GARAGE DOOR
9.	SLIDING PATIO DOOR (DOUBLE GLAZED SEALED UNITS) W/ BLACK FRAME
10.	GLASS GUARDRAIL (PREMANUFACTURED PROVIDE ENGINEERED SHOP DWG'S)
11.	GLAZED SWING PATIO DOOR (DOUBLE GLAZED SEALED UNITS)
12.	UNIT NUMBER IDENTIFICATION, ALUMINIUM
13.	PATIO PRIVACY WALL - TEXTURED CONCRETE WOOD GRAIN PRIVACY FENCE
14.	MOLOK GARBAGE CONTAINERS (INSTALLED AS PER MANUFACTURES DETAILS)
15.	1.8m SOLID SCREEN WOOD FENCE
16.	FIBER CEMENT FASCIA BOARD; COLOUR MONUMENT
17.	PRE-FINISHED ALU FLASHING (COLOUR BLACK)

SCHEDULE

B

This forms part of application
DP18-0195

Planner
Initials

AF

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Kelowna
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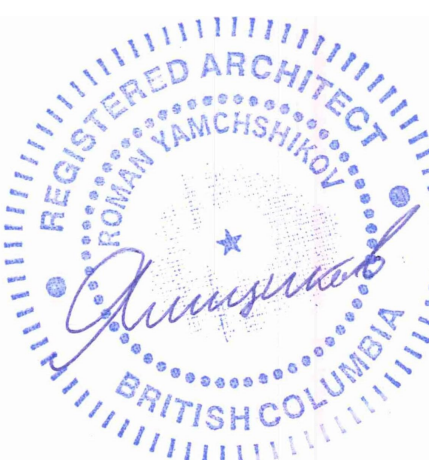
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Revisions

No	Date	Description
5	19/10/20	RE-ISSUED FOR DP
6	22/01/21	RE-ISSUED FOR DP

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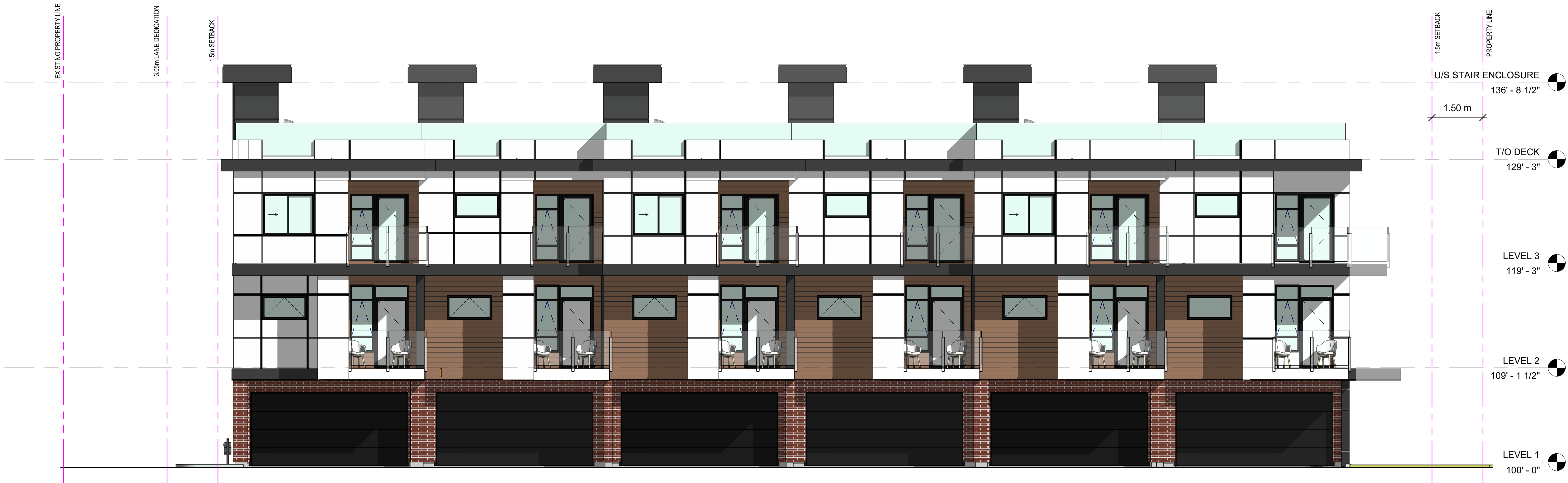
project title
LAURIER TOWNHOUSES

project address
913 LAURIER AVE,
KELOWNA, BC
project no. 4109

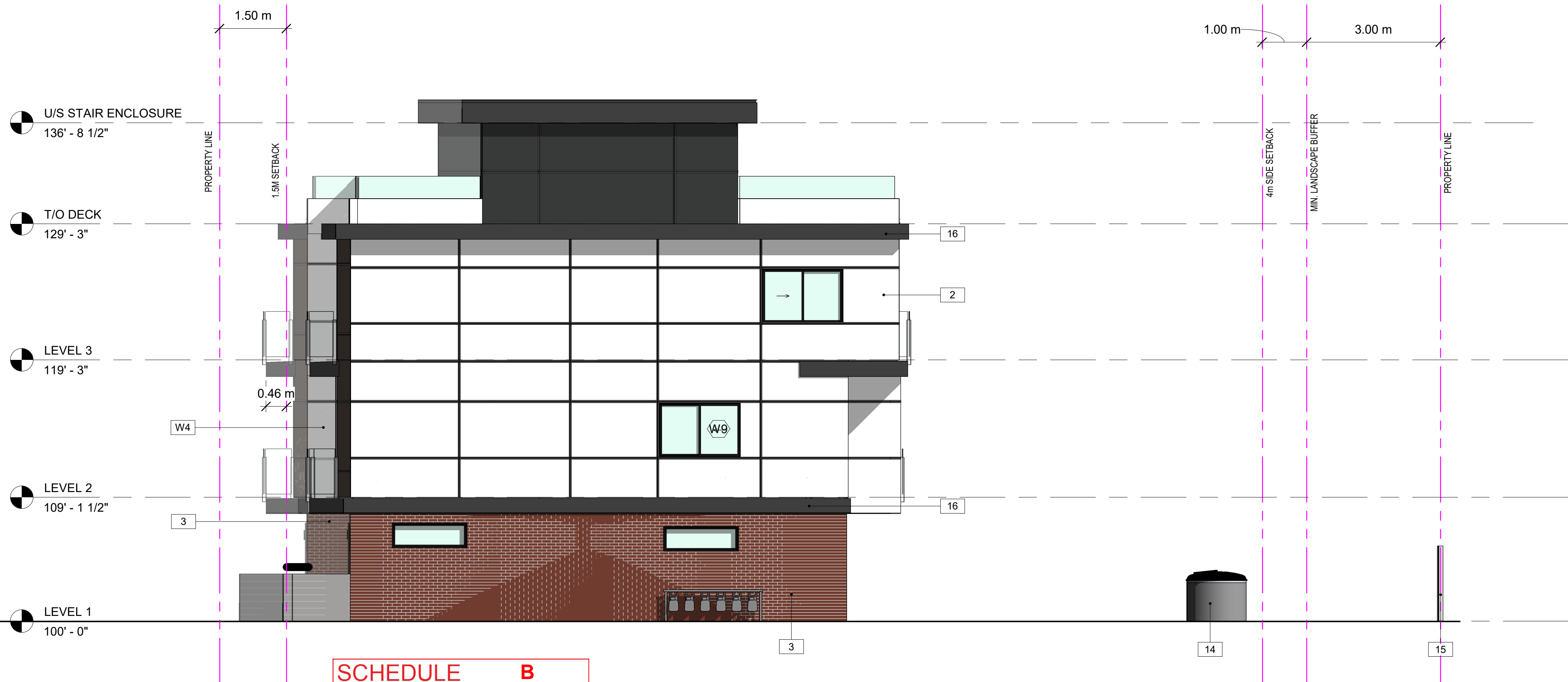
drawing title
BUILDING
ELEVATIONS

designed L.A. scale As indicated
drawn L.A.
checked R.Y.

drawing no.
A4.1DP
plotted 22/01/2021 10:47:34 AM



1 East Elevation
3/16" = 1'-0"



2 South Elevation
3/16" = 1'-0"

SCHEDULE B

This forms part of application
DP18-0195

Planner Initials AF

City of Kelowna

COMMUNITY PLANNING

MATERIAL KEYNOTE LEGEND

- HARDIE PANEL (SMOOTH) W/ EASY TRIM REVEAL & PAINTED EXP. FASTENERS; **COLOUR MONUMENT**
- HARDIE PANEL W/ EASY TRIM REVEAL & PAINTED EXP. FASTENERS; **COLOUR PURE WHITE SW 7005**
- THIN BRICK VENEER - IMPERIAL RED
- HARDIE PANEL PLANK SIDING;W/ EASY TRIM REVEAL & PAINTED EXP. FASTENERS; **COLOUR CHESTNUT BROWN JH80-30**
- FIBER CEMENT LAP SIDING - TIMBER LOOK
- DOUBLE GLAZED SEALED UNIT WINDOW W/ BLACK FRAME (W/ SPANDREL PANEL AS PER ELEVATIONS)
- INSULATED EXTERIOR DOOR W/ BLACK FRAME
- INSULATED OVERHEAD GARAGE DOOR
- SLIDING PATIO DOOR (DOUBLE GLAZED SEALED UNITS) W/ BLACK FRAME
- GLASS GUARDRAIL (PREMANUFACTURED PROVIDE ENGINEERED SHOP DWG'S)
- GLAZED SWING PATIO DOOR (DOUBLE GLAZED SEALED UNITS)
- UNIT NUMBER IDENTIFICATION, ALUMINIUM
- PATIO PRIVACY WALL - TEXTURED CONCRETE WOOD GRAIN PRIVACY FENCE
- MOLOK GARBAGE CONTAINERS (INSTALLED AS PER MANUFACTURES DETAILS)
- 1.8m SOLID SCREEN WOOD FENCE
- FIBER CEMENT FASCIA BOARD; **COLOUR MONUMENT**
- PRE-FINISHED ALU FLASHING (COLOUR BLACK)

NOT FOR CONSTRUCTION

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Revisions

No	Date	Description
5	19/10/20	RE-ISSUED FOR DP
6	22/01/21	RE-ISSUED FOR DP

project title
LAURIER TOWNHOUSES

project address
913 LAURIER AVE,
KELOWNA, BC

project no. 4109

file no.

drawing title

BUILDING
ELEVATIONS

designed RY/LA scale As indicated

drawn LA

checked RY

drawing no.

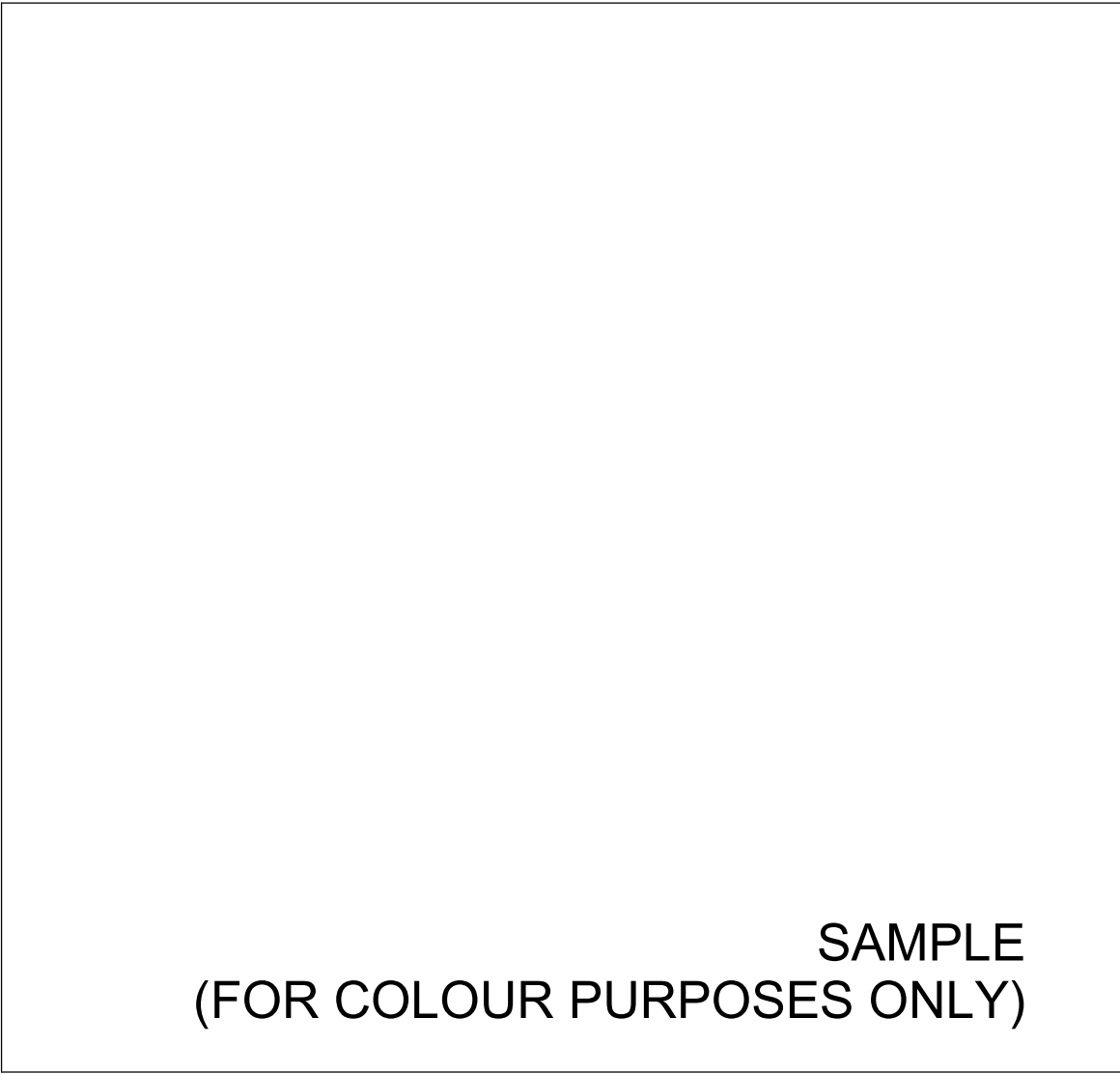
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plotted 22/01/2021 10:47:47 AM

HARDIE PANEL (SMOOTH) W/ PREFIN. ALU BREAK
SHAPE (COLOR TO MATCH) & PAINTED EXP.
FASTENERS; **COLOUR MONUMENT (#1)**



HARDIE REVEAL PANEL (SMOOTH) W/ EASY TRIM REVEAL &
PAINTED EXP. FASTENERS; **COLOUR PURE WHITE SW 7005 (#2)**



BRICK VENEER - IMPERIAL RED (#3)



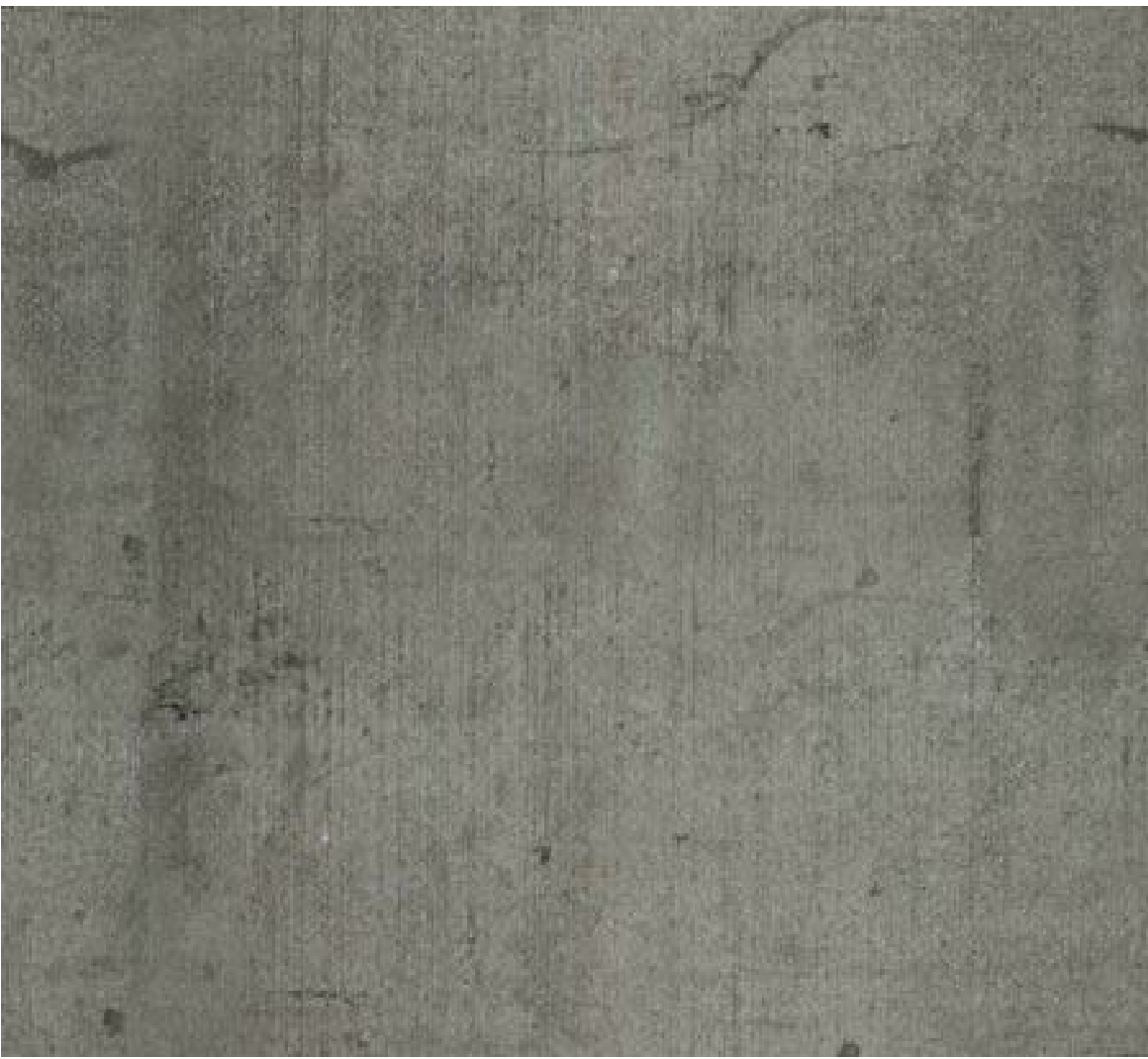
HARDIE PANEL SIDING;
COLOUR CHESTNUT BROWN JH80-30 (#4)



HORIZONTAL PLANKS - TIMBER LOOK (#5)



PATIO PRIVACY WALL - CONCRETE FINISH (#13)



WINDOWS - CLEAR VISION GLASS
W/ BLACK FRAME (#6)



MOLOK GARBAGE CONTAINERS (#14)



TEXTURED CONCRETE WOOD GRAIN
PRIVACY FENCE (#13)



SCHEDULE

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This forms part of application

DP18-0195

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COMMUNITY PLANNING

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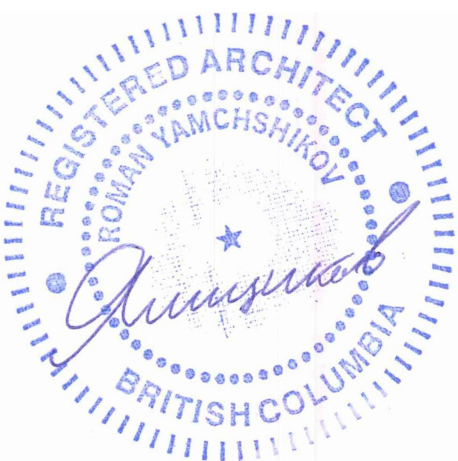
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Revisions

No	Date	Description
1	22/04/20	50% COORDINATION
2	06/05/20	75% COORDINATION
3	13/05/20	90% COORDINATION
4	22/12/20	ISSUED FOR BP
6	22/01/21	RE-ISSUED FOR DP

project title
LAURIER TOWNHOUSES

project address
913 LAURIER AVE,
KELOWNA, BC

project no. 4109

file no.
drawing title
MATERIALS

designed L.A. scale
drawn L.A.
checked R.Y.

drawing no.
A4.00DP
plotted 22/01/2021 10:47:22 AM



SCHEDULE

This forms part of application
DP18-0195

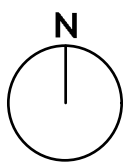
Planner Initials AF

C

City of Kelowna
COMMUNITY PLANNING

OUTLAND DESIGN
LANDSCAPE ARCHITECTURE

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



PROJECT TITLE

LAURIER TOWNHOMES
913 LAURIER AVENUE

Kelowna, BC

DRAWING TITLE

**CONCEPTUAL
LANDSCAPE PLAN**

ISSUED FOR / REVISION		
1	19.12.18	Review
2	20.02.24	Review
3	20.12.02	Review
4		
5		

PROJECT NO.	19130
DESIGN BY	FB
DRAWN BY	NG
CHECKED BY	FB
DATE	DEC. 2, 2020
SCALE	1:100

SEAL



DRAWING NUMBER

L1/2

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NOTES

1. PLANT MATERIAL AND CONSTRUCTION METHODS SHALL MEET OR EXCEED THE CANADIAN LANDSCAPE STANDARD.
2. ALL SOFT LANDSCAPE AREAS SHALL BE WATERED BY A FULLY AUTOMATIC TIMED UNDERGROUND IRRIGATION SYSTEM.
3. TREE AND SHRUB BEDS TO BE DRESSED IN A MINIMUM 50mm DOUGLAS RED FIR MULCH, AS SHOWN IN PLANS. DO NOT PLACE WEED MAT UNDERNEATH TREE AND SHRUB BEDS.
4. TREE AND SHRUB BEDS TO RECEIVE A MINIMUM 300mm DEPTH TOPSOIL PLACEMENT.
5. TURF AREAS FROM SOD SHALL BE NO. 1 GRADE GROWN FROM CERTIFIED SEED OF IMPROVED CULTIVARS REGISTERED FOR SALE IN B.C. AND SHALL BE TOLERANT OF DROUGHT CONDITIONS. A MINIMUM OF 100mm DEPTH OF GROWING MEDIUM IS REQUIRED BENEATH TURF AREAS. TURF AREAS SHALL MEET EXISTING GRADES AND HARD SURFACES FLUSH.
6. SITE GRADING AND DRAINAGE WILL ENSURE THAT ALL STRUCTURES HAVE POSITIVE DRAINAGE AND THAT NO WATER OR LOOSE IMPEDIMENTS WILL BE DISCHARGED FROM THE LOT ONTO ADJACENT PUBLIC, COMMON, OR PRIVATE PROPERTIES.

PLANT LIST

BOTANICAL NAME	COMMON NAME	QTY	SIZE/SPACING & REMARKS
CARPINUS BETULUS 'FRANS FONTAINE'	FRANS FONTAINE HORNBEAM	9	6cm CAL.
LIQUIDAMBAR SYRACIFLUA 'WORPLESDON'	WORPLESDON SWEET GUM	1	6cm CAL.
SHRUBS			
BERBERIS THUNBERGI 'ROSE GLOW'	ROSE GLOW BARBERRY	39	#02 CONT. /1.0M O.C. SPACING
HYDRANGEA ARBORESCENS 'ANNABELLE'	ANNABELLE HYDRANGEA	17	#02 CONT. /1.5M O.C. SPACING
RHODODENDRON 'NOVA ZEMBLA'	NOVA ZEMBLA RHODODENDRON	12	#02 CONT. /1.8M O.C. SPACING
ROSA 'EMILY CARR'	EMILY CARR ROSE	17	#02 CONT. /1.5M O.C. SPACING
PINUS MUGO 'MOPS'	MOPS MUGO PINE	39	#02 CONT. /1.0M O.C. SPACING
PERENNIALS, GRASSES & GROUNDCOVERS			
ANTENNARIA DIOICA 'RUBRA'	PINK PUSSY TOES	133	#01 CONT. /0.3M O.C. SPACING
COREOPSIS 'JETHRO TULL'	JETHRO TULL COREOPSIS	48	#01 CONT. /0.5M O.C. SPACING
ECHINACEA PURPUREA 'MAGNIUS'	MAGNIUS CONEFLOWER	33	#01 CONT. /0.6M O.C. SPACING
ERYNGIUM PLANUM 'BLUE DIAMOND'	BLUE DIAMOND SEA HOLLY	33	#01 CONT. /0.6M O.C. SPACING
HEMEROCALLIS 'SUMMERWINE'	SUMMERWINE DAYLILY	33	#01 CONT. /0.6M O.C. SPACING
PHLOX PANICULATA 'ORANGE PERFECTION'	ORANGE PERFECTION GARDEN PHLOX	21	#01 CONT. /0.75M O.C. SPACING
PENNISETUM ALOPECUROIDES	FOUNTAIN GRASS	12	#02 CONT. /1.0M O.C. SPACING

LAURIER TOWNHOUSES

RE-ISSUED FOR DEVELOPMENT PERMIT, JANUARY 22, 2021



ARCHITECTURAL DRAWING LIST:

NEW TOWN ARCHITECTURE & ENGINEERING INC.
1464 St. Paul Street Kelowna, B.C., V1Y 2E6
Roman Yamchshikov, Architect AIBC
ph: 250 860 8185, fax: 250 860 0985
roman@newtownservices.net

- A0.0DP COVER PAGE
- A3.1DP LEVEL 1
- A3.2DP LEVEL 2
- A3.3DP LEVEL 3
- A3.4DP ROOF DECK
- A4.00DP MATERIALS
- A4.2DP BUILDING ELEVATIONS

CIVIL DRAWING LIST:

NEW TOWN ARCHITECTURE & ENGINEERING INC.
1464 St. Paul Street Kelowna, B.C., V1Y 2E6
Jacob Paul, ET
ph: 250 860 8185, fax: 250 860 0985
jacob@newtownservices.net

- STORMWATER MANAGEMENT STRATEGY

LANDSCAPE DRAWING LIST:

OUTLAND DESIGN LANDSCAPE ARCHITECTURE
303-590 KLO Road Kelowna BC V1Y 7S2
Fiona Barton MCSLA CSLA
ph: 250 868 9270
fiona@outlanddesign.ca

- L1/2 CONCEPTUAL LANDSCAPE PLAN
- L2/2 WATER CONSERVATION / IRRIGATION PLAN

ATTACHMENT A

This forms part of application

DP18-0195

Planner Initials AF

City of Kelowna COMMUNITY PLANNING

ALL CONTRACTORS ARE REQUIRED TO PERFORM THEIR WORK AND SUPPLY THEIR PRODUCTS IN COMPLIANCE WITH ALL BUILDING CODES AND LAWS OF THE PROVINCE OF BRITISH COLUMBIA

This drawing is an instrument of service and the property of New Town Services. The use of this drawing shall be restricted to the original site for which it was prepared and publication thereof is expressly limited to such use.

This drawing must not be scaled

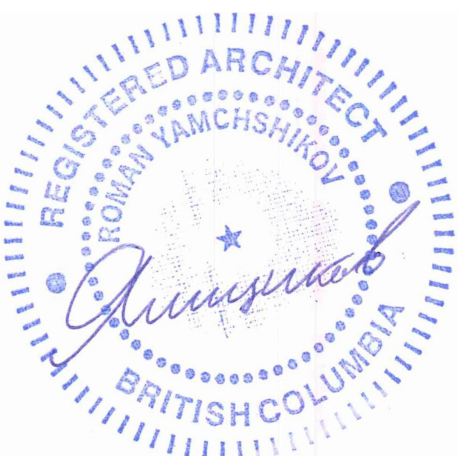
Verify all dimensions and datums prior to commencement of work.

Report all errors and omissions to the Architect.

NEW TOWN ARCHITECTURE URBAN PLANNING CIVIL ENGINEERING

www.newtownservices.ca

Seal



Revisions

No	Date	Description
5	19/10/20	RE-ISSUED FOR DP
6	22/01/21	RE-ISSUED FOR DP

NOT FOR CONSTRUCTION

project title
LAURIER TOWNHOUSES

project address
913 LAURIER AVE,
KELOWNA, BC

project no. 4109

file no.
drawing title
COVER PAGE

designed	RY/LA	scale
drawn	LA	
checked	RY	
drawing no.	A0.0DP	
plotted	22/01/2021 10:46:59 AM	



DP18-0195 913 Laurier Avenue

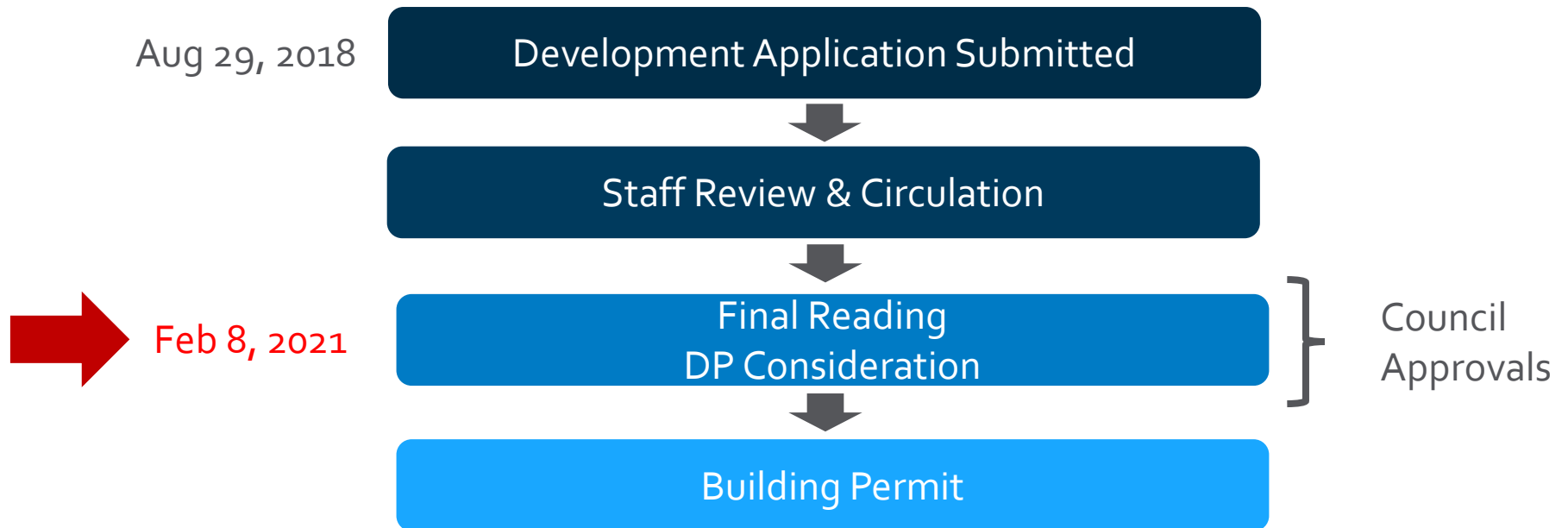
Development Permit Application



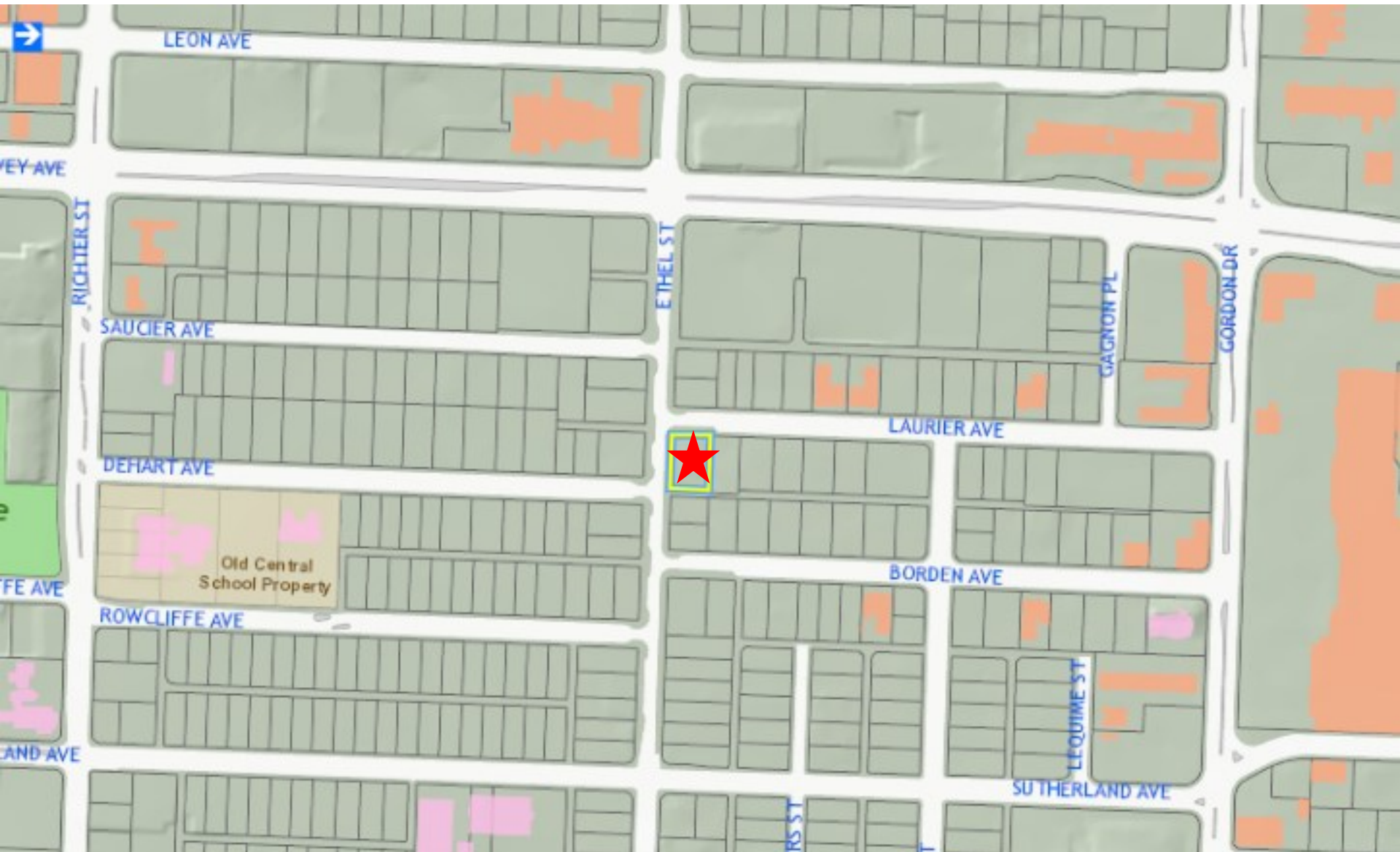
Proposal

- ▶ To consider the form and character of a multi-family development.

Development Process



Context Map



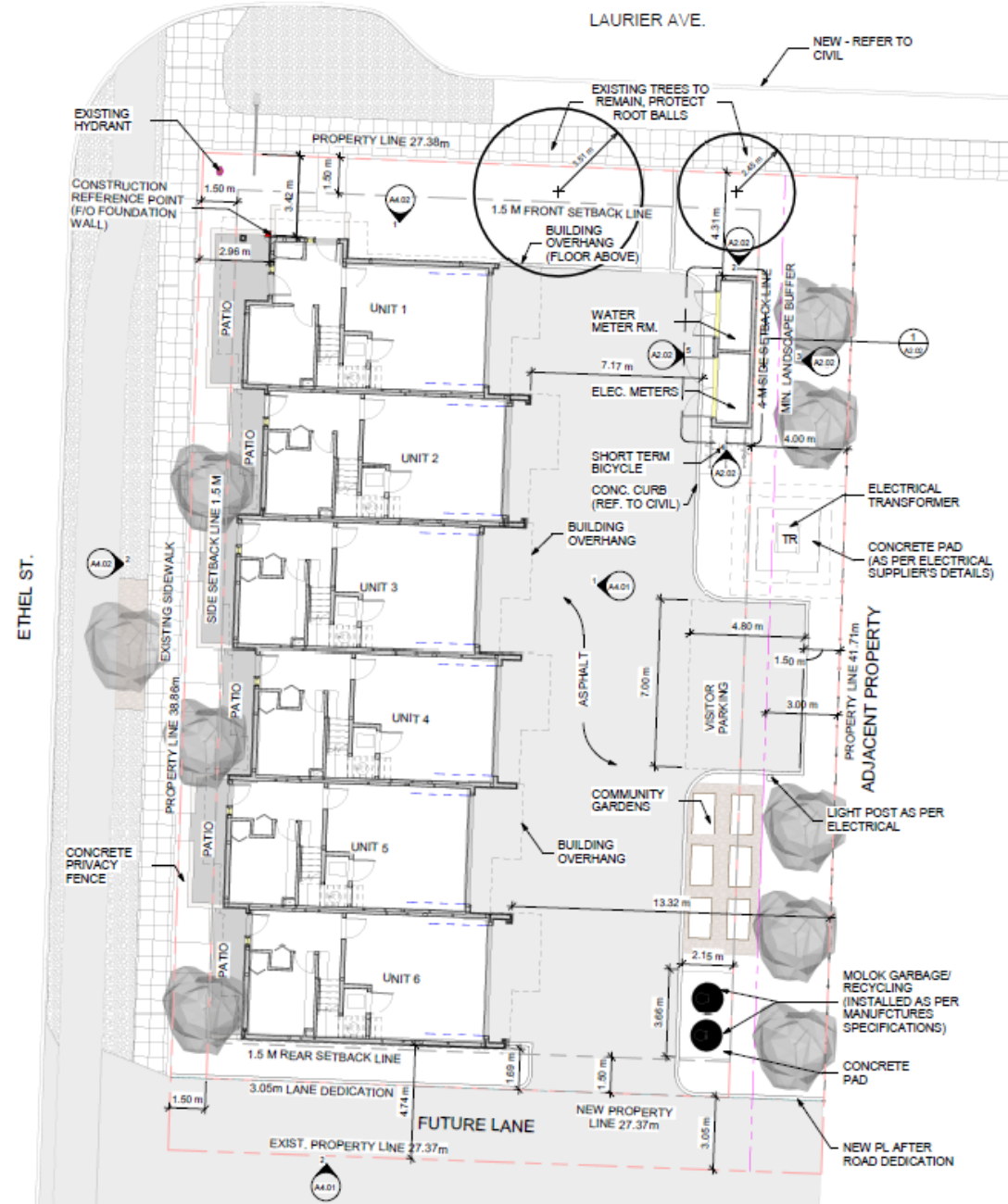
Subject Property Map



Project/technical details

- ▶ 6-unit townhome development
 - ▶ Ground oriented units
- ▶ 3 storeys in total height with rooftop patio spaces
 - ▶ Development exceeds required private open space
- ▶ Site and Development Features:
 - ▶ 3 two-bedroom units, 3 three-bedroom units
 - ▶ Side by side parking in grade level garages
 - ▶ High-quality landscaping
 - ▶ Preservation of 2 existing deciduous trees at north property line through section 219 restrictive covenant
 - ▶ Modern material pallet and building form
 - ▶ 6 community garden plots for residents

Site Plan



Elevations



1 West Elevation
3/16" = 1'-0"

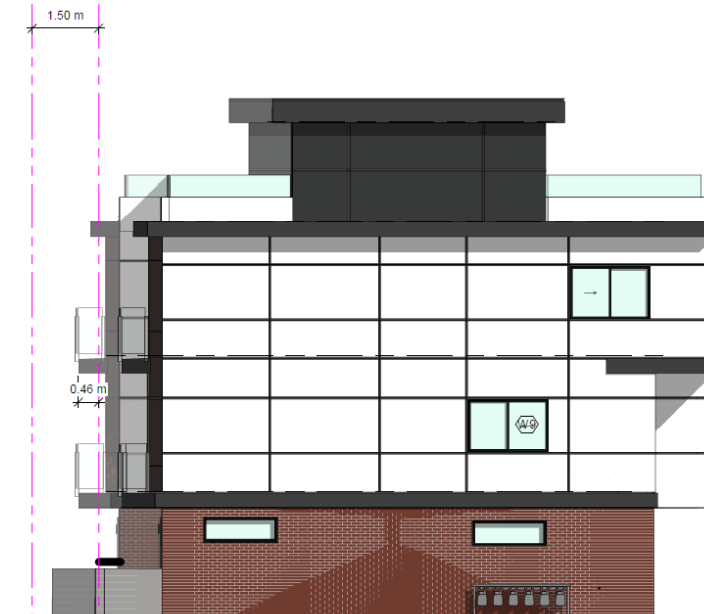


2 North Elevation
3/16" = 1'-0"

Elevations



1 East Elevation
A2.00
3/16" = 1'-0"

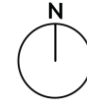


2 South Elevation
3/16" = 1'-0"

Renderings



Landscape Plan



Development Policy

▶ Chapter 5: Development Process

▶ Sensitive Infill Housing

- ▶ Development to reflect the form and character of existing neighbourhood

▶ Ground Oriented Housing

- ▶ Encourage multi-family developments to have a front doors facing the street(s) and be 2 bedrooms or more

Staff Recommendation

- ▶ Staff recommend **support** of the Development Permit
 - ▶ Meets zoning requirements
 - ▶ High quality landscaping and tree preservation
 - ▶ Consistent with OCP Comprehensive Design Guidelines



Conclusion of Staff Remarks

Report to Council



Date: February 1, 2020

To: Council

From: City Manager

Subject: Radant Road 575 Extension Report for Bylaw 11698

Department: Development Planning

Recommendation:

THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Rezoning Amending Bylaw No. 11698, for Z18, 0063, Lot A, District Lot 14, ODYD, Plan EPP86528, 575 Radant Road, Kelowna, BC, be extended from December 4, 2020 to May 4, 2021;

AND THAT Council directs Staff to not accept any further extension requests.

Purpose:

To extend the deadline for adoption of Rezoning Bylaw No. 11698 to May 4, 2021.

Community Planning:

Rezoning Bylaw No. 11698 received second and third readings at a Regular meeting of Council held on December 4, 2018. Final adoption of the zone amendment bylaw is subject to the applicant meeting the requirements for the Development Engineering Department. The owners require additional time to allow for the BC Land Title Survey to register the road reserve and covenant as request by the Technical Review Summary and the Development Engineering Report.

On March 16, 2020, Council granted an extension for this application to December 4, 2020, however, current market conditions coupled with the Covid-19 pandemic are making the completion of these requirements difficult. Staff are recommending that Council supports another extension for Rezoning Bylaw No. 11698, to May 4, 2021.

Subject Property Map: 575 Radant Road



Submitted by: Heather Benmore, Development Planning

Approved for inclusion: Terry Barton, Development Planning Manager

CC: SS

Report to Council



Date: February 1, 2021
To: Council
From: City Manager
Subject: RDCO – Fringe Area Planning
Department: Policy & Planning Department

Recommendation:

THAT the RDCO Fringe Area Planning Summary report from the Policy and Planning Department dated February 1, 2021 be received for information;

AND THAT the Mayor and City Clerk be authorized to execute the formal agreement with the Regional District of Central Okanagan with respect to Fringe Area Planning and related funding.

Purpose:

To consider renewal of the existing Fringe Area Planning agreement.

Background:

The Regional District of Central Okanagan (RDCO) has advised that the existing Fringe Area Planning agreement has concluded and has asked the City to consider renewal of the agreement.

“Fringe planning” refers to the system developed that gives municipalities adjacent to and within a regional district the ability to influence land use planning decisions in those areas outside their boundaries where the municipalities deem they have an interest. Typically, those lands in which municipalities have an interest are those directly abutting or nearby.

Essentially, Fringe Area Planning recognizes that land use planning decisions made at the Regional District level can have significant impacts on adjacent or member municipalities, and that cooperative decisions in such instances will yield an improved governance model and better decision making. These impacts can be related to municipal infrastructure, such as services (i.e.: utilities) and transportation networks, or to issues such as visual impact or environmental impact of development (e.g.: hillside development and watershed protection).

Where a municipality chooses to “fringe” an area, municipal staff receive referrals for land use planning matters in the agreed upon areas, and municipal representatives at the Board table are permitted to vote on such matters. Land use planning includes consideration of such issues as:

- Official Community Plans and amendments;
- Rural Land Use Bylaws and amendments;
- Zoning Bylaws and amendments;
- Land use planning permits, such as Development Variance Permits and Temporary Use Permits.

Without Fringe Area Planning, member municipal representatives at the Board table would not be permitted to vote on land use planning matters in regional district electoral areas, even though such matters may have important implications for them. However, it is important to note that municipal representatives are entitled to vote on any “regional” matters at the Board table with or without a Fringe Area Planning arrangement. Regional matters include items such as the Regional Growth Strategy, environmental policy and regional transit planning. Fringe Area Planning relates only to land use planning matters, such as Official Community Plan, Rural Land Use Bylaw, and Zoning Bylaw changes. A formal agreement, informed by the provisions of the Local Government Act, governs the RDCO Fringe Area Planning process.

The fringe area planning framework was reviewed and updated prior to entering into the 2016-2020 agreement. The review provided the City with the opportunity to examine the Fringe Area Planning process to ensure that the City is engaged at the appropriate level and that it is receiving good value for its financial investment. The current Fringe Area Planning agreement commenced on January 1, 2016 and expired on December 31, 2020.

It is City staff’s understanding that all member municipalities have agreed in principle to renew the existing agreement for another 5 years (January 1, 2021 to December 31, 2025). The proposed renewal, including a map of the fringe planning areas, has been attached (Attachment 1).

Discussion:

The proposed renewal provides the City the continued ability to be appropriately involved in Fringe Area Planning, which results in a balanced decision making model, as Kelowna members of the Regional Board can speak and vote in a way that represents the City’s interests.

Many of the City’s broader interests are covered by regional planning initiatives, such as the Regional Growth Strategy, regional transportation planning, and by provincial and RDCO policy and regulation protecting the natural environment. These protections will continue to function without Fringe Area Planning.

Should Council support the proposed renewal, the agreement will form a part of RDCO’s 2021 budget deliberations.

Conclusion:

The renewal of the Fringe Area Planning agreement will ensure that the City continues to be appropriately involved in Fringe Area Planning.

Considerations applicable to this report:

Legal/Statutory Authority:

Local Government Act Part 11, Division 2 Cost Recovery for Services, Section 381 – cost sharing for services under Part 14

Financial/Budgetary Considerations:

RDCO staff anticipates that Kelowna's annual share of Fringe Planning Area costs for 2021 will be approximately \$177,182.

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements

Existing Policy

External Agency/Public Comments

Communications Comments

Submitted by:

J. Moore, Long Range Policy Planning Manager

Approved for inclusion:



D. Noble-Brandt, Department Manager of Policy & Planning

cc:

City Clerk

Infrastructure Divisional Director

Financial Services Director

Community Planning and Real Estate Divisional Director

Attachments:

Proposed Fringe Area Planning Agreement 2021-2025

PLANNING SERVICES AGREEMENT

January 1, 2021 – December 31, 2025

BETWEEN:

REGIONAL DISTRICT OF CENTRAL OKANAGAN

1450 KLO Road
Kelowna, BC, V1W 3Z4

(the “**Regional District**”)

AND

CITY OF KELOWNA

1435 Water Street
Kelowna, BC, V1Y 1J4

(the “**Municipality**” or “**Kelowna**”)

WHEREAS

A. The Regional District is currently comprised of the following four member municipalities and two electoral areas:

- City of Kelowna;
- District of Peachland;
- District of Lake Country;
- City of West Kelowna;
- Central Okanagan West Electoral Area; and
- Central Okanagan East Electoral Area.

Westbank First Nation Council has a representative on the Regional District Board in a non-voting capacity.

B. The Regional District has provided planning services to its electoral areas since 1969, including under current Part 14 of the *Local Government Act* RS2015 (the “**Act**” or “**LGA**”);

C. For the calendar years 2016 to 2020 inclusive, the Municipality has participated and contributed in part for certain portions of the Electoral Areas in Regional District Electoral Area Planning, as set out in accordance with the City of Kelowna 2016-2020 Planning Services Agreement. Going forward, the Municipality wishes to renew its participation and contribute in part for certain portions of the Electoral Areas, as set out in accordance with this agreement;

- D. The Regional District and its member municipalities, including the Municipality, have sought to divide the Electoral Areas into the Fringe Planning Areas (the “**FPA**”);
- E. The Regional District and Municipality hereby agree as to the following framework for voting, cost allocations and other terms and conditions regarding Electoral Area Planning Services and the FPA in accordance with the Act (the “**Agreement**”).

NOW THEREFORE in consideration of the mutual promises set out in this Agreement, the Regional District and the Municipality agree as follows, including pursuant to section 381 of the LGA:

PART A – BACKGROUND & TERM

1. APPLICATION AND INTERPRETATION

1.1. The following Schedule is attached to and forms part of this Agreement:

- (a) Schedule “A” – Fringe Planning Areas

1.2. In this Agreement:

- (a) “**FPA**” or “**Fringe Planning Area**” means the lands within the geographic area of the RDCO Electoral Areas shown highlighted and in bold outline on Schedule “A”;
- (b) “**Part 14**” means Part 14 *Planning and Land Use Management* of the *Local Government Act*;
- (c) “**Planning Services**” means Regional Planning Services and Community Planning Services, whereby for the purposes of this Agreement:
 - (i) “**Community Planning Services**” (“**Com**”) means all Part 14 matters including, but not limited to, Official Community Plans, Rural Land Use Bylaws, Zoning Bylaws, Development Variance Permits, Subdivisions, Temporary Use Permits, and Land Use Contracts.
 - (ii) “**Regional Planning Services**” (“**Reg**”) means matters pertaining to the Regional Growth Strategy, Crown Land Referrals, Resource Extraction Referrals, and Agricultural Land Reserve Referrals.

1.3. The following interpretation rules apply to this Agreement:

- (a) Unless otherwise provided, the terms in this Agreement are interpreted in accordance with the Regional District’s bylaws.

- (b) The headings and captions are for convenience only and do not form a part of this Agreement and will not be used to interpret, define or limit the scope, extent or intent of this Agreement or any of its provisions.
 - (c) The word "including" when following any general term or statement is not to be construed as limiting the general term or statement to the specific items or matters set forth or to similar terms or matters but rather as permitting it to refer to other items or matters that could reasonably fall within its scope.
 - (d) A reference to currency means Canadian currency.
 - (e) A reference to a statute includes every regulation made pursuant thereto, all amendments to the statute or to any such regulation in force from time to time, and any statute or regulation that supplements or supersedes such statute or any such regulation.
 - (f) A reference to time or date is to the local time or date in Kelowna, British Columbia.
 - (g) Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.
 - (h) A reference to approval, authorization, consent, designation, waiver or notice means written approval, authorization, consent, designation, waiver or notice evidenced with the signature of a authorized representative of the local government.
 - (i) A reference to a section means a Section of this Agreement, unless a specific reference is provided to a statute.
- 1.4. This Agreement is construed in accordance with and governed by the laws applicable in the Province of British Columbia.

2. TERM AND TERMINATION

- 2.1. The parties acknowledge that this Agreement commences on January 1, 2021, and continues for 5 years until December 31, 2025, unless, in accordance with the Act, the Municipality withdraws from the FPA Agreement by written notice that it intends to participate fully in Electoral Area Planning Services and will cost-share its full allocation.
- 2.2. If not renewed, opt-out notice given or other arrangements made in accordance with the Act, then the Municipality will participate fully in Electoral Area Planning Services in 2026.

PART B – FRINGE PLANNING AREAS

3. GEOGRAPHIC EXTENT OF FPAs

3.1. Since the 2007 incorporation of the District of West Kelowna (now City), the Regional District has been comprised of the following four member municipalities and two electoral areas:

- (a) City of Kelowna;
- (b) District of Peachland;
- (c) District of Lake Country;
- (d) City of West Kelowna;
- (e) Central Okanagan West Electoral Area; and
- (f) Central Okanagan East Electoral Area.

3.2. For the purposes of the provision, cost-sharing and voting arrangements on Planning Services, the Municipality will only participate with respect to lands within the FPAs of the Regional District's Electoral Areas shown on Schedule "A", and labeled as:

- (a) Within the Regional District's Central Okanagan West Electoral Area:
 - (i) Kelowna West; and
- (b) Within the Regional District's Central Okanagan East Electoral Area:
 - (i) Kelowna;
 - (ii) Kelowna & Lake Country;
 - (iii) Kelowna East Fringe "A"; and
 - (iv) Kelowna East Fringe "B".

(collectively "**Kelowna's FPAs**")

4. MUNICIPALITY'S VOTING ENTITLEMENT IN FPAs AND EAs

4.1. For its voting entitlement, the Municipality is entitled to:

- (a) No votes on Community Planning Services for lands in portions of the Electoral Areas not located within Kelowna's FPAs;
- (b) One vote for each of its Directors on the respective Regional Planning Services and Community Planning Services in each of Kelowna's FPAs; and
- (c) Despite the above, with respect to Official Community Plans, Zoning Bylaws and Rural Land Use Bylaws within the Electoral Area which regulate lands both within and outside a Kelowna FPA, then:
 - (i) One vote for each of its Directors on:

- (A) General amendments (including repeal and new OCP's, Zoning Bylaws, and Rural Land Use Bylaws); and
 - (B) Site-specific amendments for lands located within a Kelowna FPA;
 - (ii) No votes for site-specific amendments for lands located outside a Kelowna FPA.
- 4.2. At the time of execution of this Agreement, it is acknowledged that Kelowna has seven (7) Directors on the Regional District Board and therefore has seven (7) votes.
- 4.3. For clarity, should the number of Directors change during the term of this agreement then the number of votes would change correspondingly along with the cost sharing amounts based on the formula in Section 5 below.

5. MUNICIPAL COST-SHARING AMOUNT FOR FPAs

- 5.1. The Municipality's cost-sharing is determined by the following formula, as calculated by Regional District staff:

Total Cost of Electoral Area Planning apportioned to each Electoral Area
multiplied by
the Ratio of Land Parcels within the FPA Boundary
multiplied by
the Ratio of Votes at the Board Table
equals
the Municipal Cost Sharing Amount.

- 5.2. By way of estimation only for 2021, it is anticipated Kelowna's annual share of costs will be approximately \$177,182.

PART C – GENERAL

6. NOTICE: Any notice permitted or required by this Agreement to be given to either party must be given to that party at the address set out above, to the attention of the Corporate Officer, or to any other address of which the party has given the other party notice in writing expressly for the purposes of this Agreement.

- 7. NO DEROGATION OF POWERS:** Except as expressly set out in this Agreement, nothing in this Agreement prejudices or affects the rights and powers of the Regional District or the Municipality in the exercise of its powers, duties or functions under the *Community Charter* or the LGA or any of its bylaws.
- 8. ASSIGNMENT:** This Agreement may not be assigned.
- 9. AMENDMENT:** No amendment to this Agreement is effective unless it is made in writing and is duly executed by all parties.
- 10. WAIVER:**
 - (a) No provision of this agreement is to be considered to have been waived by a party unless the waiver is expressed in writing by the party.
 - (b) The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.
- 11. ENTIRE AGREEMENT:**
 - (a) This Agreement contains the entire agreement and understanding of the parties with respect to the matters contemplated by this Agreement and supersedes all prior and contemporaneous agreements between them with respect to such matters.
 - (b) No representations, warranties or conditions, express or implied, oral or otherwise, have been made other than those expressed in this Agreement.
- 12. SURVIVAL:** All representations and warranties set forth in this Agreement and all provisions of this Agreement, the full performance of which is not required prior to a termination of this Agreement, survive any such termination and will be fully enforceable thereafter.
- 13. SEVERABILITY:** Each article of this Agreement is severable. If any provision of this Agreement is held to be illegal or invalid by a court of competent jurisdiction, the provision may be severed and the illegality or invalidity must not affect the validity of the remainder of this Agreement.
- 14. COUNTERPART:** This Agreement may be executed in counterpart with the same effect as if both parties had signed the same document. Each counterpart is deemed to be an original. All counterparts are construed together and constitute one and the same Agreement.

IN WITNESS WHEREOF the parties have set their hands and seals, with the last Date of Execution being the day at which this Agreement is entered into and operative:

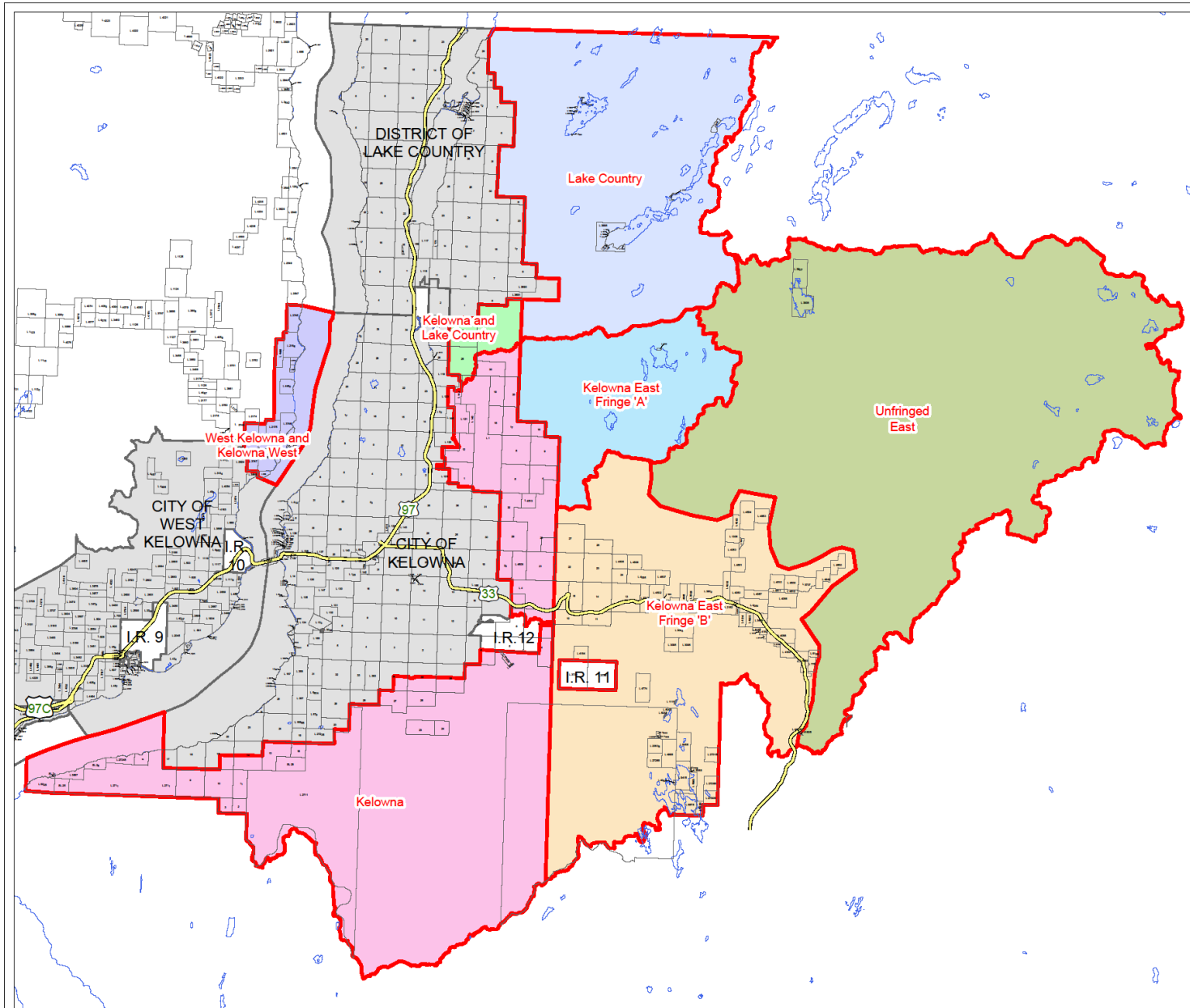
REGIONAL DISTRICT OF CENTRAL OKANANGAN

by its authorized signatories)	
)	
)	
_____)	
Gail Given, Board Chair)	
)	_____
)	Date of Execution
)	
_____)	
Brian Reardon, CAO)	

CITY OF KELOWNA

by its authorized signatories)	
)	
)	
_____)	
Colin Basran, Mayor)	
)	_____
)	Date of Execution
)	
_____)	
Stephen Fleming, City Clerk)	

SCHEDULE "A" FRINGE PLANNING AREAS



Regional District of Central Okanagan Fringe Planning Areas (Kelowna final)

Fringe Planning Areas

- Unfringed East
- Lake Country
- Kelowna and Lake Country
- Kelowna
- Kelowna East Fringe 'A'
- Kelowna East Fringe 'B'
- West Kelowna and Kelowna West

Municipal Areas



Fringe Planning Analysis - FINAL

Area	Hectares	Tax Parcels	Total Assessed Value
Kelowna	30,402	1,238	\$871,949,712
Kelowna and Lake Country	1,186	105	\$40,723,948
Kelowna East Fringe 'A'	7,994	3	\$669,800
Kelowna East Fringe 'B'	23,635	516	\$358,219,841
Lake Country	20,255	80	\$14,441,500
Unfringed East	43,307	2	\$723,000
Sum	126,769	1,934	\$1,296,727,601
West	Hectares	Tax Parcels	Total Assessed Value
West Kelowna and Kelowna West	2,582	222	\$220,574,982
Sum	2,582	222	\$220,574,982

data updated on Jan. 08, 2021



MAP COMPILED: January 8, 2021

Report to Council



Date: February 1, 2021
To: Council
From: City Manager
Subject: Implications of Exclusivity for Shared E-bike and E-scooter Services
Department: Integrated Transportation

Recommendation:

THAT Council receives for information, the report from Integrated Transportation dated February 1, 2021, regarding the Implications of Exclusivity for Shared E-bike and E-scooter Services;

AND THAT Council directs staff to bring forward an amendment to the existing Bikeshare (Micromobility) Permit Program to issue an exclusive permit for e-bikeshare service in Kelowna.

Purpose:

To update Council on the implications of creating an RFP for exclusivity of a multi modal fleet including e-scooters and e-bikes for the 2021 season.

Background:

On June 22, 2020, Council directed staff to: "report back with the implications of creating an RFP for exclusivity of a multi modal fleet including e-scooters and e-bikes for the 2021 season."

This report responds to this request and explores options for delivering a mobility service that provides travelers with shared e-bicycle and e-scooters. It examines the potential for the City to deliver exclusivity to one company to offer shared e-scooters and e-bikes in a combined fleet.

The City of Kelowna's Bikeshare (Micromobility) Permit Program regulates free-floating, shared fleets of small vehicles operating in Kelowna. The Permit Program allows multiple operators to deliver pedal bicycles, e-bicycles, e-scooters and e-mopeds as a shared service. There are now multiple companies that hold permits under the program, although no permits are currently held for e-bikeshare. Kelowna's Permit Program has been replicated across Canada, including in Calgary, Edmonton and Ottawa.

The use of e-scooters is not currently permitted on public roads in British Columbia. However, the Province has recently amended legislation and announced intentions to allow e-scooters to access the road network in select cities.

Discussion:

Exclusivity in the shared mobility industry presents both challenges and opportunities. This report explores how market structure, selection strategy and profitability inform the potential for success in attracting an exclusive e-bikeshare and e-scooter share provider to the City of Kelowna. This report draws on the review findings to recommend a path forward that optimizes the City's likelihood of success.

E-bikeshare in Canada

Many Canadian cities, including Kelowna, have companies that rent e-bikes to the public. The difference between e-bike rentals and e-bikeshare is how users consume each service. E-bike rentals are typically rented for multiple hours and often have the same pick-up and drop-off locations, whereas e-bikeshare is typically used for shorter periods for point to point travel for a single trip. E-bike rental is most often used by tourists to explore their surroundings, whereas e-bikeshare is most often used by residents as a transportation option.

E-bikeshare is less common than e-bike rental because of the complexity of operations and the requirement to use municipal land to achieve success. E-bikeshare has only ever been delivered in three Canadian cities: Toronto, Calgary and Montreal. The e-bikeshare programs that were part of a government-subsidized program continue to be available. In contrast, the e-bikeshare programs that did not involve public subsidy are now discontinued (citing high costs for e-bikeshare compared to other small shared vehicles, such as e-scooters). Unsubsidized e-bikeshare is not offered anywhere in Canada at this time.

One Operator for E-bikes and E-scooters

Few service providers currently offer shared micromobility services in Canada. Of the service providers available, only one has experience delivering both e-bikeshare and e-scooter share services. Considering this, issuing an exclusive RFP for both e-scooter share and e-bikeshare services may limit responses. Specifying a multi-modal fleet in an RFP would require most service providers to expand their supply chain and operations to serve two different vehicle types, which could pose challenges. It may also mean that most service providers would not have the needed experience to deliver both e-bikeshare and e-scooter share together successfully. For these reasons, it is recommended that exclusivity for e-bikeshare be sought separately from other shared vehicle services.

Exclusivity

Exclusivity in the shared mobility program can be valuable to service providers as it offers a more certain level of activity and a longer contract term, attracting more interest. However, Kelowna is a small market where the value of exclusivity for service providers may be limited compared to larger markets.

One challenge with exclusivity for local governments is that it can often result in poorer service and higher costs for users due to the lack of competition. Historically, the City of Kelowna has allowed and encouraged competition in the private delivery of shared transportation services (e.g. taxis, ride-hailing (Uber & Lyft), carshare, car rentals and shared e-bikes, e-scooters and other micromobility vehicles).

Currently, the shared micromobility industry is in flux, with many companies heavily impacted by both the pandemic and stiff competition. Structuring the Permit Program to have one exclusive provider therefore creates a risk of service interruptions if the provider encounters operational issues. If this occurred, a service gap could manifest while the City attempts to establish a new service provider.

For these reasons, it is recommended that exclusivity be used only as a means of attracting shared mobility service providers for vehicle types that have received little interest under our current Permit Program (i.e. e-bikeshare).

Reputational Risk

Another potential challenge with offering exclusivity for both e-bikeshare and e-scooter share would be that it could trigger the cancellation of permits already issued under the City's Permit Program. While this would not carry a financial penalty to the City, it could potentially harm the City's reputation regarding our ability to provide regulatory certainty to our service providers. To avoid reputational risk, avoiding the cancellation of any valid permits currently held under the Permit Program is recommended.

RFP or Permit Program

A collection of municipalities in Metro Vancouver (including the City of North Vancouver, the District of North Vancouver and the District of West Vancouver) delivered an RFP two years ago for the exclusive ability to operate e-bikeshare within their jurisdictions. These municipalities were not satisfied with the results of the RFP process and have instead chosen to build a permit program similar to Kelowna's, where only one permit would be awarded for e-bikeshare. Learning from their attempt, pursuing exclusivity for e-bikes within our existing Permit Program is recommended, as this could be delivered more quickly and with more flexibility.

Conclusion:

This report has explored options for the City to deliver exclusivity to one company for shared e-scooters and e-bikes in a combined fleet. Due to the findings described in this report, staff recommend that exclusivity be pursued only for e-bikeshare by amending our Permit Program to allow for the issuance of one permit for the operation of e-bikeshare service in Kelowna.

Next Steps:

The 2021 shared mobility season will likely see e-scooters (and potentially e-mopeds) delivered as shared mobility services in Kelowna, with little interest in other shared vehicle types.

To make the delivery of e-bikeshare service more attractive to potential service providers, staff recommend developing an amendment to the existing Bikeshare (Micromobility) Permit Program. With Council approval, this amendment would allow only a single permit for shared e-bikes to be delivered at one time within Kelowna.

It should be noted that there is the potential that this proposed Bikeshare Permit Program amendment may not result in identifying a qualified company. If this is the case, other options could be explored in the future (such as providing a subsidy), following an evaluation of this permit amendment approach.

Internal Circulation:

Corporate & Protective Services

Corporate Strategic Services

Infrastructure

Infrastructure Administration Manager

Integrated Transportation Department Manager

Planning and Development Services

Strategic Transportation Planning Manager
Transportation Engineering Manager
Purchasing Manager

Considerations not applicable to this report:

Legal/Statutory Authority
Legal/Statutory Procedural Requirements
Financial/Budgetary
Existing Policy
External Agency/Public Comments
Communications Comments

Submitted by:
M. Worona, Mobility Specialist

Reviewed and Approved by:
M. VanZerr, Strategic Transportation Planning Manager

Approved for inclusion:



A. Newcombe, Divisional Director, Infrastructure

Attachment 1 – Implications of Exclusivity for Shared E-bike and E-scooter Services Presentation

cc: Deputy City Manager
Divisional Director, Corporate Strategic Services
Divisional Director, Financial Services
Divisional Director, Infrastructure
Divisional Director, Partnership & Investments



Implications of Exclusivity for Shared E-bike & E-scooter Services

February 1st, 2021

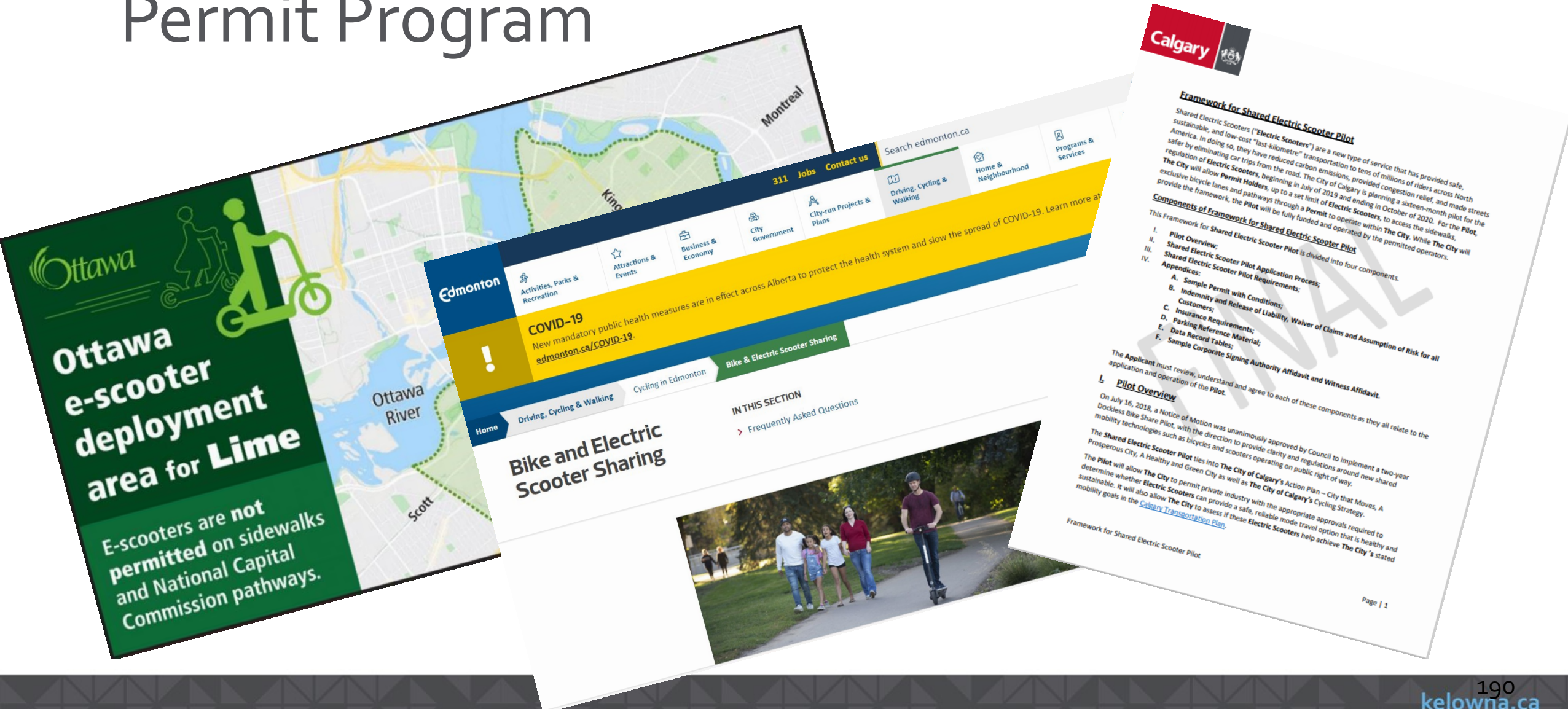


Initial Council Motion

On June 22nd, 2020, Council directed staff to:

"report back with the implications of creating an RFP for exclusivity of a multi modal fleet including e-scooters and e-bikes for the 2021 season."

Kelowna's Bikeshare (Micromobility) Permit Program





E-bikeshare in Canada



Multimodal Fleet

with e-bikes and e-scooters

Only one company has experience delivering shared e-bikes and e-scooters in Canada.



Exclusivity



Exclusivity should be reserved to attract service for vehicle types that have received little interest.

Reputational Risk



Cancelling permits comes with risk to the city's reputation and therefore should be mitigated.

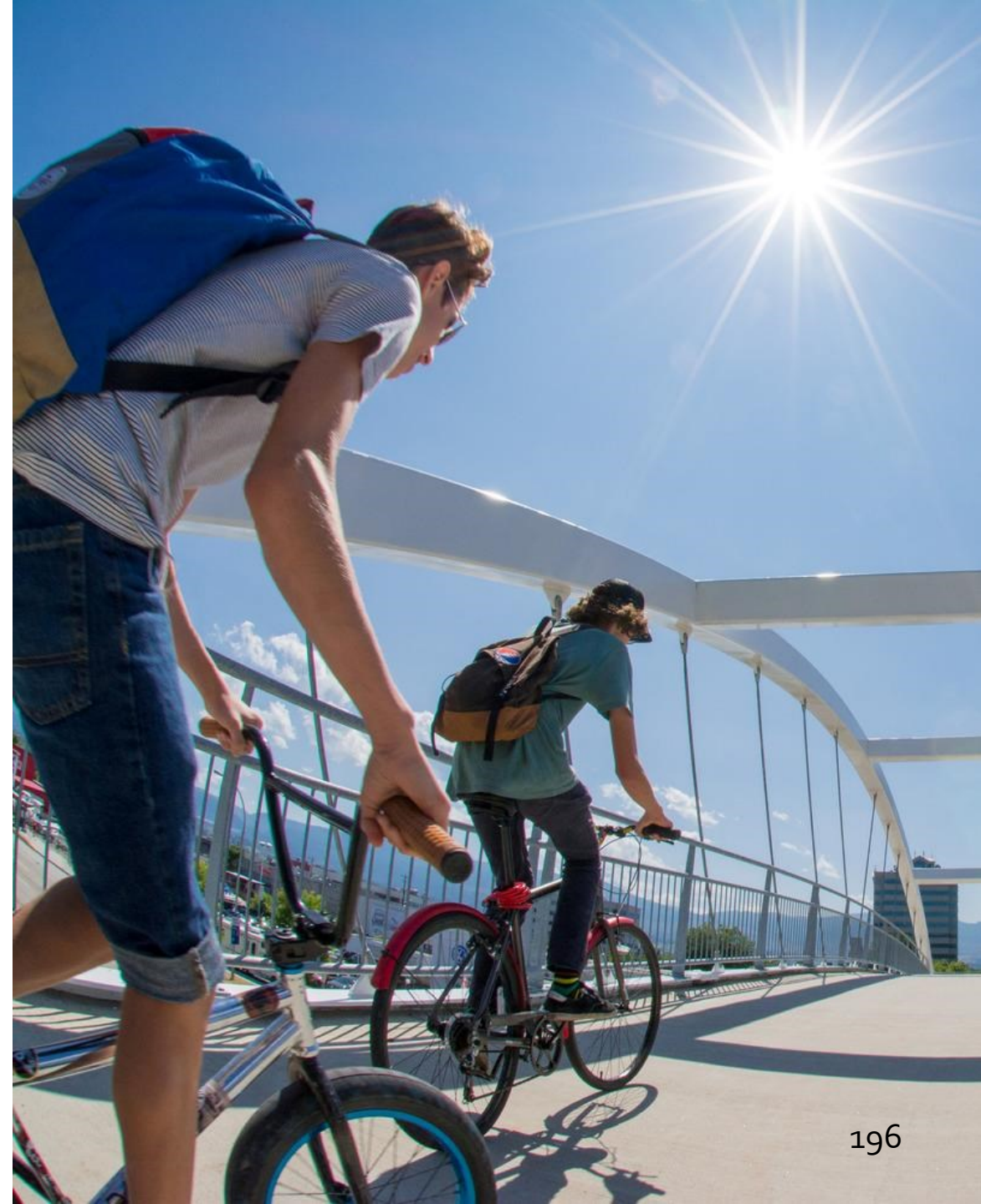
Request for Proposal or Permit Program



Pursuing exclusivity for shared e-bikes with our existing Permit Program will be faster and more flexible.

Conclusion

Staff recommend pursuing exclusivity for e-bikeshare through the existing permit program.





Questions?

For more information, visit kelowna.ca.

Image Credit

Slide 4:

[Electric bikeshare in Montreal]. (2020, August 4). Retrieved January 18, 2021, from <https://www.newswire.ca/news-releases/bixi-montreal-is-in-electric-bike-mode-690837401.html>

Slide 5:

[Helbiz's multimodal fleet of shared vehicles]. (2020, August 6). Retrieved January 18, 2021, from <https://www.businesswire.com/news/home/20200806005650/en/Helbiz-Expands-Innovative-Fleet-Micro-Mobility-Vehicles-Addition/>

Report to Council



Date: February 01, 2021
To: Council
From: City Manager
Subject: Road Closure – 3455 and 3565 Rose Road
Department: Real Estate Services

Recommendation:

THAT Council receives, for information, the Report from Real Estate Services, dated February 01, 2021, recommending that Council adopt the proposed closure of a portion of road adjacent to 3455 and 3565 Rose Road;

AND THAT Bylaw No. 12125, being proposed road closure of a portion of road adjacent to 3455 and 3565 Rose Road, be given reading consideration.

Purpose:

To close a 0.43-acre (1,740 square meter) portion of excess road adjacent to 3455 & 3565 Rose Road for consolidation with the adjacent residential properties of 3455 and 3565 Rose Road.

Background:

The proposed road closure (shown as "Road to be Closed" on the attached Schedule A) has been deemed excess to municipal needs and will be transferred to and consolidated with the adjacent properties of 3455 and 3565 Rose Road.

Legal/Statutory Authority:

Section 26 and 40, *Community Charter*

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

External Agency/Public Comments:
Communications Comments:

Submitted by: T. Hillis, Property Officer, Real Estate Services

Approved for inclusion: M. Olson, Manager, Real Estate Services

Attachment: Schedule A – Survey Plan

cc: J. Kay, Manager, Development Engineering
G. Foy, Manager, Transportation Engineering
T. Barton, Manager, Development Planning

**SURVEY PLAN CERTIFICATION
PROVINCE OF BRITISH COLUMBIA**

PAGE 1 OF 2 PAGES

Your electronic signature is a representation that you are a British Columbia land surveyor and a subscriber under section 168.6 of the *Land Title Act*, RSBC 1996 c.250. By electronically signing this document, you are also electronically signing the attached plan under section 168.3 of the act.

Robert Macdonald RT2G1T	<small>Digitally signed by Robert Macdonald RT2G1T DN: c=CA, cn=Robert Macdonald RT2G1T, o=BC Land Surveyor, ou=Verify ID at www.juricert.com/ LKUP.cfm?id=RT2G1T Date: 2020.12.02 10:11:02 -08'00'</small>
--	---

1. BC LAND SURVEYOR: (Name, address, phone number)

Robert T. Macdonald**Runnalls Denby BC Land Surveyors****259A Lawrence Avenue****Kelowna****BC V1Y6L2**
**rob@runnallsdenby.com
250-763-7322**
☐ Surveyor General Certification [For Surveyor General Use Only]

2. PLAN IDENTIFICATION:

Control Number: **160-693-2662**Plan Number: **EPP107223**

3. CERTIFICATION:

☒ Form 9 ☐ Explanatory Plan ☐ Form 9A

I am a British Columbia land surveyor and certify that I was present at and personally superintended this survey and that the survey and plan are correct.

The field survey was completed on:	2020	November	17	(YYYY/Month/DD)	The checklist was filed under ECR#:
The plan was completed and checked on:	2020	November	30	(YYYY/Month/DD)	244518

☒ None ☐ Strata Form S

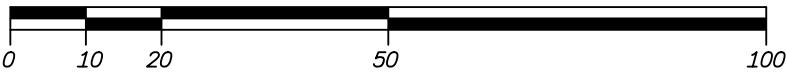
☒ None ☐ Strata Form U1 ☐ Strata Form U1/U2
Arterial Highway ☐Remainder Parcel (Airspace) ☐4. ALTERATION: ☐

REFERENCE PLAN TO ACCOMPANY BYLAW No. 12125 (City of Kelowna)
TO CLOSE PART OF ROAD DEDICATED ON PLAN 355, SECTION 10,
TOWNSHIP 26, OSOYOOS DIVISION YALE DISTRICT

PLAN EPP107223

PURSUANT TO SECTION 120 OF THE LAND TITLE ACT
AND SECTION 40 OF THE COMMUNITY CHARTER

BCGS 82E.083



The intended plot size of this plan is 560mm in width by
432mm in height (C size) when plotted at a scale of 1:1000

(All distances are in metres)

LEGEND

- Denotes Standard Iron post (Type 5) found
- ▲ Denotes Control Monument found

Integrated Survey Area No. 4, City of Kelowna,
NAD83 (CSRS) 4.0.0.BC.1

Grid bearings are derived from GNSS observations and
are referred to the central meridian of UTM Zone 11.

The UTM coordinates and estimated absolute accuracies
are derived from Real-time GNSS survey ties to
geodetic control monuments 75H2468 and 02H2356
from Leica Smartnet station ID 4005.

This plan shows horizontal ground-level distances unless
otherwise specified. To compute grid distances, multiply
ground-level distances by the combined factor of
0.9999010 which has been derived from geodetic
control monument 02H2356. CGVD 28 (HTV2.0)

Note: The coordinates and estimated absolute accuracies
shown on this plan are a result of an independent and
accurate GNSS survey and do not represent official
published coordinates.

GCM 75H2468
UTM Zone 11 coordinates
Datum: NAD83(CSRS) 4.0.0.BC.1
UTM northing: 5526285.115
UTM easting: 325809.377
Estimated Absolute Accuracy: 0.02m.

GCM 02H2356
UTM Zone 11 coordinates
Datum: NAD83(CSRS) 4.0.0.BC.1
UTM northing: 5525210.563
UTM easting: 326156.907
Estimated Absolute Accuracy: 0.02m.

EASEMENT
PLAN KAP46591

1
PLAN
KAP46590

RUNNALLS DENBY

british columbia land surveyors

259A Lawrence Avenue
Kelowna, B.C.
V1Y 6L2

Phone: (250)763-7322
Fax: (250)763-4413
Email: rob@runnallsdenby.com

DWG. No.: 15864 CLOSED ROAD

FILE: 15864

This plan lies within the Regional District of Central Okanagan.

The field survey represented by this plan was completed on
the 17th day of November, 2020.

Robert T. Macdonald, BCLS 873

CITY OF KELOWNA

BYLAW NO. 12125

Road Closure and Removal of Highway Dedication Bylaw **(Portion of Rose Road)**

A bylaw pursuant to Section 40 of the Community Charter to authorize the City to permanently close and remove the highway dedication of a portion of highway on Rose Road

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

1. That portion of highway attached as Schedule "A" comprising 0.176 ha shown in bold black as Road to be Closed on the Reference Plan prepared by Robert T. Macdonald, B.C.L.S., is hereby stopped up and closed to traffic and the highway dedication removed.
2. The Mayor and City Clerk of the City of Kelowna are hereby authorized to execute such conveyances, titles, survey plans, forms and other documents on behalf of the said City as may be necessary for the purposes aforesaid.

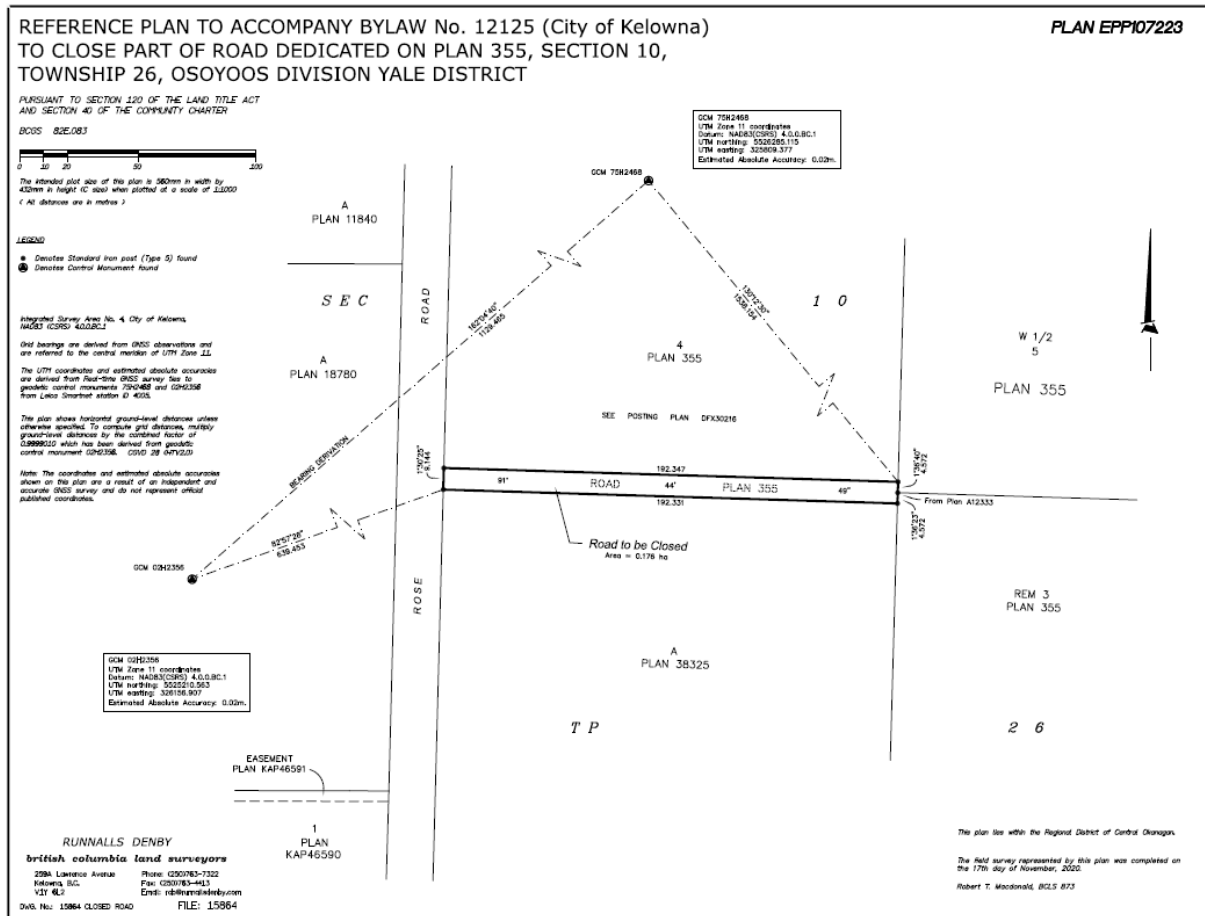
Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Schedule "A"



CITY OF KELOWNA

BYLAW NO. 12149

A Bylaw to Repeal Housing Agreement Authorization Bylaw No. 10182

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

1. THAT City of Kelowna Housing Agreement Authorization Bylaw Rohit Communities Kelowna Ltd, Inc. No. BC0763831 – 151 Taylor Road Bylaw No. 10182, and all amendments thereto, be repealed.
2. This bylaw may be cited for all purposes as "Bylaw No. 12149, being Repeal Bylaw to Housing Agreement Authorization Bylaw for 151 Taylor Road Bylaw No. 10182."
3. 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, second and third time by the Municipal Council this 25th day of January, 2021.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW No. 12154

Amendment No. 3 to Delegation of Authority to Enter into Leases and Licences of Occupation Bylaw No. 11250

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Delegation of Authority to Enter into Leases and Licences of Occupation No. 11250 be amended as follows:

1. THAT **Section 2 – Authorized Signatories for Specified Real Property Transactions, 2.2** be amended by:
 - a) Deleting "\$45,000 per year" and replacing it with "\$60,000 per year".
2. This bylaw may be cited for all purposes as "Bylaw No. 12154 being Amendment No. 3 to Delegation of Authority to Enter into Leases and Licences of Occupation Bylaw No. 11250."
3. 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, second and third time by the Municipal Council this 25th day of January, 2021.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk