

# City of Kelowna

## Public Hearing

### AGENDA



Tuesday, April 6, 2021  
6:00 pm  
Council Chamber  
City Hall, 1435 Water Street

Pages

1. Due to COVID-19 a Public Hearing Agenda will also include Regular Meeting Items
2. Call to Order the Public Hearing - START TIME 6:00 PM - Glenmore Dr 888 and 892 - Z20-0071 (BL12184) - A and S Infinity Homes Ltd., Inc. No. BC1159817

THE CHAIR WILL CALL THE HEARING TO ORDER:

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

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

Council has been provided with the information, correspondence, petitions or reports that have been received concerning the subject bylaws. This information is available to the public online at [Kelowna.ca/council](http://Kelowna.ca/council) or by request to the Office of the City Clerk.

For those participating this evening, or who have already submitted letters to Council, a reminder that this Hearing is open to the public and all representations to Council form part of the public record. A live audio-video feed is being broadcast and recorded on [kelowna.ca](http://kelowna.ca).

In accordance with Order of the Provincial Health Officer on Gatherings and Events, applicants and the public are not permitted to attend in person. Participation by applicants and the public will be by electronic means only. Thank you for your co-operation.

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

### 3. Individual Bylaw Submissions

- 3.1. START TIME 6:00 PM - Glenmore Dr 888 and 892 - Z20-0071 (BL12184) - A and S Infinity Homes Ltd., Inc. No. BC1159817

6 - 27

To rezone the subject properties from the RU1 – Large Lot Housing zone to the RM3 –

Low Density Multiple Housing zone to facilitate a multiple dwelling housing development.

**4. Termination**

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

**6. Bylaws Considered at Public Hearing**

**6.1. START TIME 6:00 PM - Glenmore Dr 888 and 892 - BL12184 (Z20-0071) - A and S Infinity Homes Ltd., Inc.No. BC1159817**

28 - 28

To give Bylaw No. 12184 second and third reading in order to rezone the subject properties from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone.

**7. Termination**

**8. Call to Order the Public Hearing - START TIME 6:00 PM - Valley Rd 368 - Z20-0097 (BL12190) - Gregory S. Baytalan**

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

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**9. Individual Bylaw Submissions**

**9.1. START TIME 6:00 PM - Valley Rd 368 - Z20-0097 (BL12190) - Gregory S. Baytalan**

29 - 57

To rezone the subject property from the RR3 – Rural Residential 3 zone to the RM5r – Medium Density Multiple Housing (Residential Rental Tenure Only) zone to facilitate the development of a purpose-built rental apartment.

10. Termination
11. Call to Order the Regular Meeting
12. Bylaws Considered at Public Hearing
  - 12.1. **START TIME 6:00 PM - Valley Rd 368 - BL12190 (Z20-0097) - Gregory S. Baytalan** 58 - 58

To give Bylaw No. 12190 second and third reading in order to rezone the subject property from the RR3 – Rural Residential 3 zone to the RM5r – Medium Density Multiple Housing (Residential Rental Tenure Only) zone.
13. Termination
14. **Call to Order the Public Hearing - START TIME 7:00 PM - Infill Neighbourhood and RU7 Zone Changes**

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

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15. **Individual Bylaw Submissions**
  - 15.1. **START TIME 7:00 PM - Infill Neighbourhood and RU7 Zone Changes** 59 - 79

To amend the Official Community Plan (OCP) and Zoning Bylaw to make changes to the RU7 – Infill Housing design guidelines, site coverage, and secondary uses.
16. Termination
17. Call to Order the Regular Meeting

## **18. Bylaws Considered at Public Hearing**

- 18.1. START TIME 7:00 PM - BL12185 (TA21-0004) - Amendment to Chapter 14 - Urban Design DP Guidelines** 80 - 81

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

To give Bylaw No. 12185 second and third reading in order to amend Chapter 14 of the Official Community Plan.

- 18.2. START TIME 7:00 PM - BL12186 (TA21-0003) - Amendment to Section 13 - Urban Residential Zones - RU7 - Infill Housing** 82 - 83

To give Bylaw No. 12186 second and third reading in order to amend Section 13 of Zoning Bylaw No. 8000.

## **19. Termination**

- 20. Call to Order the Public Hearing - START TIME 7:00 PM - Pacific Ave 1220 1230 - Z20-0094 (BL12191) - Great A and A Properties Ltd., Inc.No. BCo888141**

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

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## **21. Individual Bylaw Submissions**

- 21.1. START TIME 7:00 PM - Pacific Ave 1220 1230 - Z20-0094 (BL12191) - Great A and A Properties Ltd., Inc.No. BCo888141** 84 - 109

To rezone the subject properties from the RU6 – Two Dwelling Housing zone to the C4 – Urban Centre Commercial zone to facilitate the development of a 5 storey apartment building.



<b>22.</b>	<b>Termination</b>	
<b>23.</b>	<b>Call to Order the Regular Meeting</b>	
<b>24.</b>	<b>Bylaws Considered at Public Hearing</b>	
<b>24.1.</b>	<b>START TIME 7:00 PM - Pacific Ave 1220 1230 - BL12191 (Z20-0094) - Great A and A Properties Ltd., Inc.No. BCo888141</b>	<b>110 - 110</b>
	To give Bylaw No. 12191 second and third reading in order to rezone the subject properties from the RU6 – Two Dwelling Housing zone to the C4 – Urban Centre Commercial zone.	
<b>25.</b>	<b>Confirmation of Minutes</b>	<b>111 - 122</b>
	Public Hearing - March 16, 2021	
	Regular Meeting - March 16, 2021	
<b>26.</b>	<b>Reminders</b>	
<b>27.</b>	<b>Termination</b>	
<b>28.</b>	<b>Procedure on each Bylaw Submission</b>	
	(a) Brief description of the application by City Staff (Development Planning);	
	(b) The applicant has up to 15 minutes to make representation to Council regarding the project.	
	(c) The Chair will call for representation from the public participating online as follows:	
	(i) Any person wishing to make representation during the Hearing will have the opportunity to do so.	
	(ii) Speakers have up to 5 minutes to share their remarks.	
	(d) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to participants that the Public Hearing on the Bylaw is closed.	
	(e) Once the public has had an opportunity to comment, the applicant is given up to 10 minutes to respond to any questions raised.	
	(f) Questions of staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.	
	Note: Any applicant or member of the public may use electronic visual aids to assist in their presentation or questions. The participant must be able to share their screen to display the item.	

# REPORT TO COUNCIL



**Date:** March 15, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** Z20-0071

**Owner:** A & S Infinity Homes Ltd., Inc.  
No. BC1159817

**Address:** 888 & 892 Glenmore Drive

**Applicant:** New Town Architecture &  
Engineering Inc. – Jesse  
Alexander

**Subject:** Rezoning

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

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

**Proposed Zone:** RM3 – Low Density Multiple Housing

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## 1.0 Recommendation

THAT Rezoning Application No. Z20-0071 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 12, Section 29, Township 26 ODYD Plan 4101, located at 888 Glenmore Drive, Kelowna BC and Lot 13 Section 29 Township 26 ODYD Plan 4101, located at 892 Glenmore Drive, Kelowna BC from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated March 15, 2021;

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

## **Purpose**

To rezone the subject properties from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone to facilitate a multiple dwelling housing development.

### **2.0 Development Planning**

Staff are recommending support for the proposed rezoning application to facilitate the development of a 10-unit row housing development on the subject sites.

Glenmore Drive is designated as both a 4-lane arterial road and also as a future active transportation (AT) primary network in the OCP and subsequently functions as a major north-south corridor in the Glenmore-Clifton-Dilworth area of the City. With Public transit options being available directly on Glenmore Drive, and the properties being in close proximity to schools, parks and existing commercial areas to the north and south, staff sees adding increased residential density on these properties to be appropriate.

Should Council support the rezoning application, frontages along Glenmore Drive and Lowland Street will be upgraded and subsequently include a required 1.5m road dedication abutting Lowland St. The required infrastructure upgrades to the fronting streets will include new street tree plantings along Glenmore Drive in addition to the existing concrete walkway and full frontage upgrades along Lowland St including curb, gutter, sidewalk and a paved shoulder. The required road widening along Lowland St will help to accommodate a wider road cross section over time and subsequently provide additional space for street parking and reduce encumbrances with parked vehicles and access along the street.

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

### **3.0 Proposal**

#### **3.1 Background**

The subject property comprises two single-family lots with one lot being vacant and the other lot containing an existing single-family dwelling. The existing home would need to be demolished, and the lots consolidated to facilitate the proposed development.

#### **3.2 Project Description**

This application is proposing a 10-unit row housing development contained within 3 separate buildings. All units proposed will be two-bedroom. Parking requirements are met on-site and will be located within grade level garages in a side by side configuration, including 2 long-term bicycle parking stalls per dwelling unit. A single visitor stall is required and will be located on-site in between 2 of the buildings proposed and adjacent to the north property line. The subject properties are double fronting and face two separate parallel streets with Glenmore Drive situated to the east and Lowland Street to the west.

#### **3.3 Site Context**

The subject properties are located in the Glenmore-Clifton-Dilworth City Sector nearest to the intersection of Glenmore Dr and Tronson Dr and are situated to the north of Glenmore Elementary School. A majority of the surrounding properties are zoned RU1 – Large Lot Housing with a mix of RU1c – Large Lot Housing with Carriage House, and RU6 – Two Dwelling Housing, P2 – Education and Minor Institutional & P3 – Parks and Open Space zoned sites. Surrounding Future Land Use designations include S2RES – Single / Two Unit Residential, MRL – Multiple Unit Residential (Low Density) and EDINST – Educational / Major Institutional & REC – Private Recreation.

The properties have a Walk Score of 26, indicating that most errands require a vehicle, a Transit Score of 28 meaning that there are some transit options available in the area and a Bike Score of 80, indicating that biking is convenient for most trips.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Residential
East	P3 – Parks and Open Space	Golf course
South	P2 – Education and Minor Institutional	Childcare minor
West	RU1 – Large Lot Housing	Residential

#### Subject Property Map: 888 & 892 Glenmore Drive



#### 4.0 Current Development Policies

##### 4.1 Kelowna Official Community Plan (OCP)

#### Chapter 5: Development Process

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

*Policy .2 Compact Urban Form.* Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 – 100 people and / or jobs per ha located within a 400 meter 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 area 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 within the multi-unit rental or ownership markets. High density residential projects in the Downtown area are encouraged to include a ground-oriented housing component, especially where such can be provided on non-arterial and non-collector streets.

## **5.0 Technical Comments**

### **5.1 Development Engineering Department**

See Schedule A City of Kelowna Memorandum

## **6.0 Application Chronology**

Date of Application Received: August 17, 2020

Date Public Consultation Completed: January 19, 2021

**Report prepared by:** Andrew Ferguson, 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 Site Plan and Renders

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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** August 19, 2020

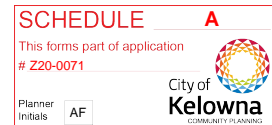
**File No.:** Z20-0071

**To:** Land Use Management Department (AF)

**From:** Development Engineering Manager (JK)

**Subject:** 888-892 Glenmore Road

RU1 to RM3



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The Development Engineering Department has the following comments and requirements associated with this proposal for the Rezoning application to rezone the subject properties from RU1 Large Lot Housing to RM3 Low Density Multiple Housing. The Development Engineering Technologist for this project is Ryan O'Sullivan.

### **1. Domestic Water and Fire Protection**

- a. These properties are currently serviced with a 19mm-diameter water service. The developer's consulting mechanical engineer will determine the domestic, fire protection requirements of this proposed development and establish hydrant requirements and service needs. The applicant will arrange for the removal and disconnection of the existing services and the installation of one new larger service at the applicant's cost.
- b. A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost.
- c. The developer must obtain the necessary permits and have one of existing utility services disconnected prior to removing or demolishing the existing structures. The City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters.

### **2. Sanitary Sewer**

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

plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and recommendations for onsite drainage containment and disposal systems.

- b. On site storm drainage systems for the site will be reviewed and approved by Engineering when a site servicing design is submitted.
- c. There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.

#### **4. Road Improvements**

- a. Glenmore Rd is complete the only requirement is to remove red staped conc strip and replace with landscape strip and street trees.
- b. Lowland St must be upgraded to an urban standard along the full frontage and a connection to the existing sidewalk, curb and gutter on Tronson Dr. of this proposed development, Local Class 2 SS-R4 including curb and gutter, sidewalk, drainage system including catch basins, manholes and pavement removal and replacement, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.

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

- (a) Dedicate of 1.5m off Lowland St will be required.
- (b) Grant statutory rights-of-way if required for utility services.

#### **6. 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
- b. Re-locate existing utilities, where necessary

#### **7. Design and Construction**

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

examination of design drawings, it may be determined that rights-of-way are required for current or future needs

## **8. Servicing Agreements for Works and Services**

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

## **9. Geotechnical Study**

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

Additional geotechnical survey may be necessary for building foundations, etc

*James Kay*

James Kay, P.Eng.  
Development Engineering Manager  
RO





NOT FOR CONSTRUCTION

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

REGISTERED ARCHITECT  
ROMAN YANCHISHNIKOV  
BRITISH COLUMBIA

No.	DATE	DESCRIPTION
1	20-07-15	ISSUED FOR DP
2	20-12-01	RE-ISSUED FOR DP
3	21-01-28	RE-ISSUED FOR DP

Revisions

**ATTACHMENT A**  
This forms part of application  
# Z20-0071

Planner Initials AF

City of Kelowna  
CITY PLANNING

project title  
Glenmore TH

project address  
888 & 892 Glenmore DR,  
KELOWNA, BC

project no. 4124

drawing title  
**LEVEL 1 FLOOR PLAN**

designed LA scale 3/16" = 1'-0"

drawn LA

checked RY

drawing no. **A3.01**

plotted 28/01/2021 3:20:24 PM





01\_ UNIT 2 & 3 - VIEW FROM LOWLAND STREET SOUTH



02\_ UNIT 1 & 2 - VIEW FROM GLENMORE DR



03\_ UNIT 2 & 3 - VIEW FROM LOWLAND STREET NORTH



04\_ UNIT 1 - VIEW FROM GLENMORE DRIVE

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.

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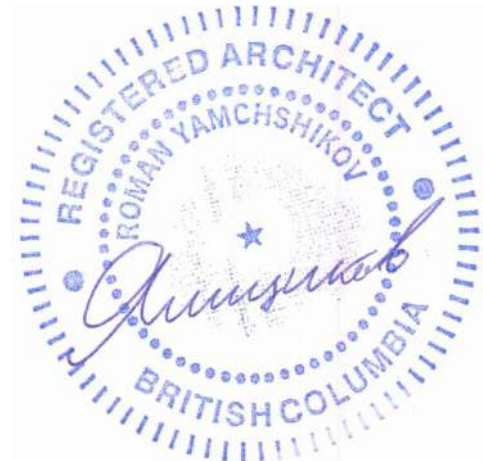
Verify all dimensions and datums prior to commencement of work.

Report all errors and omissions to the Architect.



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Seal



Revisions

No.	DATE	DESCRIPTION
1	20-07-15	ISSUED FOR DP
2	20-12-01	RE-ISSUED FOR DP
3	21-01-28	RE-ISSUED FOR DP

ATTACHMENT A

This forms part of application  
# Z20-0071

Planner Initials AF

City of Kelowna  
COMMUNITY PLANNING

NOT FOR CONSTRUCTION

project title  
Glenmore TH

project address  
888 & 892 Glenmore DR,  
KELOWNA, BC

project no. 4124

file no. C:\Users\Kumk\My Documents\2020\20 Glenmore TH 2020\20\_0071\_001.dwg

drawing title  
RENDERINGS

designed LA scale

drawn LA

checked RY

drawing no.

A1.00

plotted 28/01/2021 3:20:16 PM





Z20-0071

888 & 892 Glenmore Dr

Rezoning Application



# Proposal

- ▶ To rezone the subject properties from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone to facilitate a multiple housing development.

# Development Process

Aug 17, 2020

Development Application Submitted

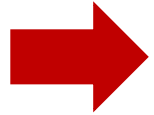


Staff Review & Circulation



Jan 19, 2021

Public Notification Received



Mar 15, 2021

Initial Consideration



Public Hearing  
Second/Third Reading



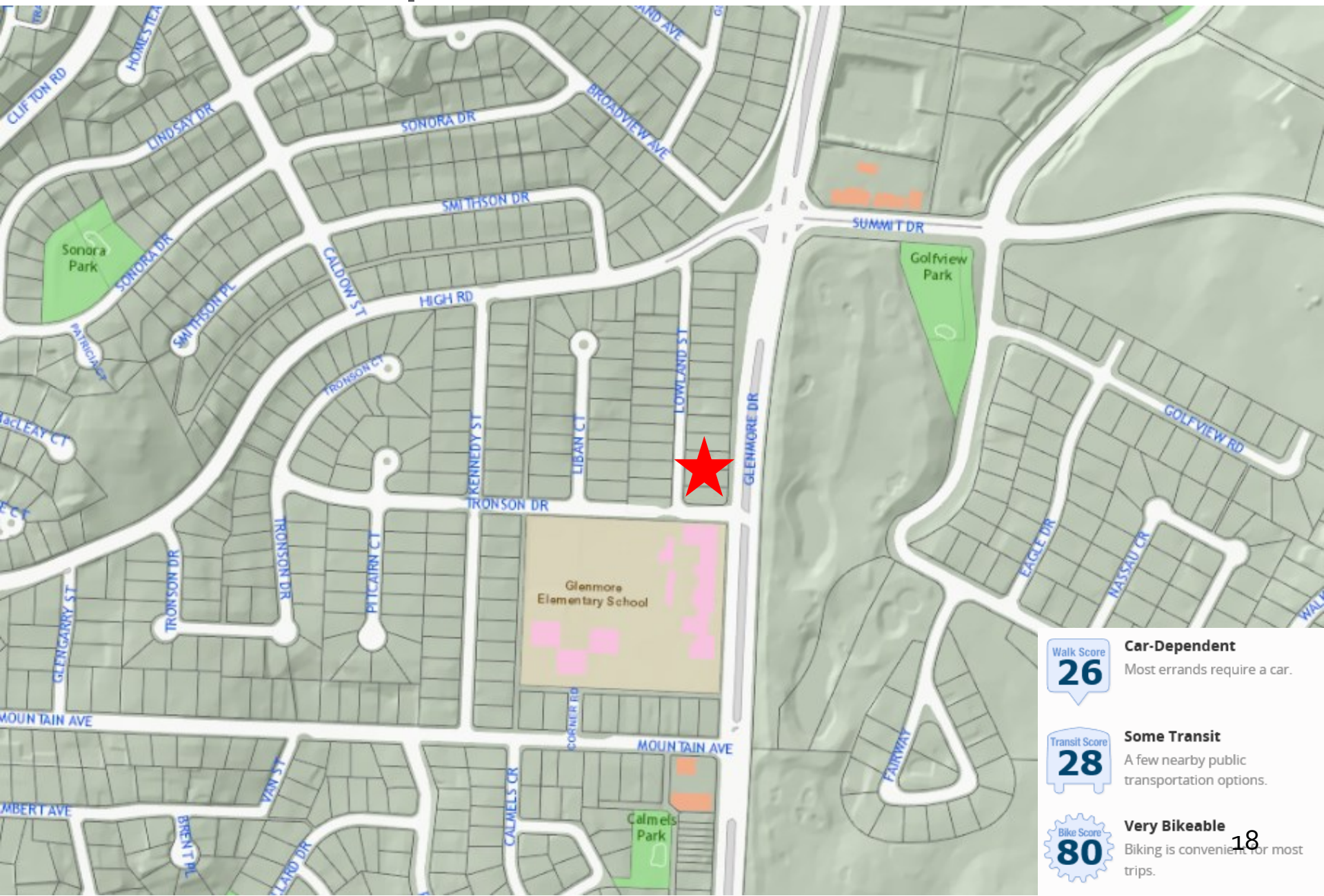
Final Reading  
DP & Variances



Building Permit

Council  
Approvals

# Context Map



Walk Score  
**26**

## Car-Dependent

Most errands require a car.

Transit Score  
**28**

## Some Transit

A few nearby public transportation options.

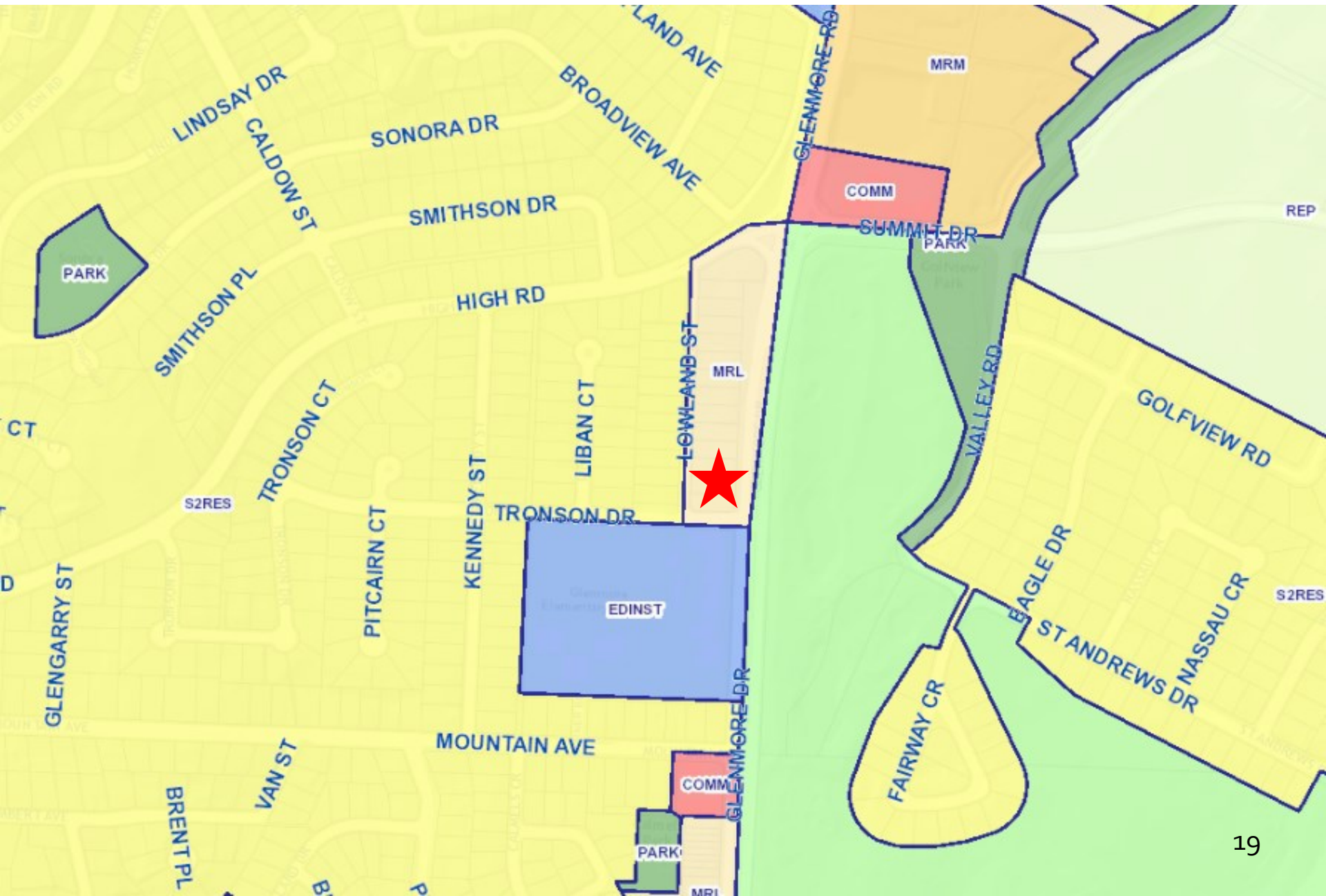
Bike Score  
**80**

## Very Bikeable

Biking is convenient for most trips.



# OCP Future Land Use



# Subject Property Map

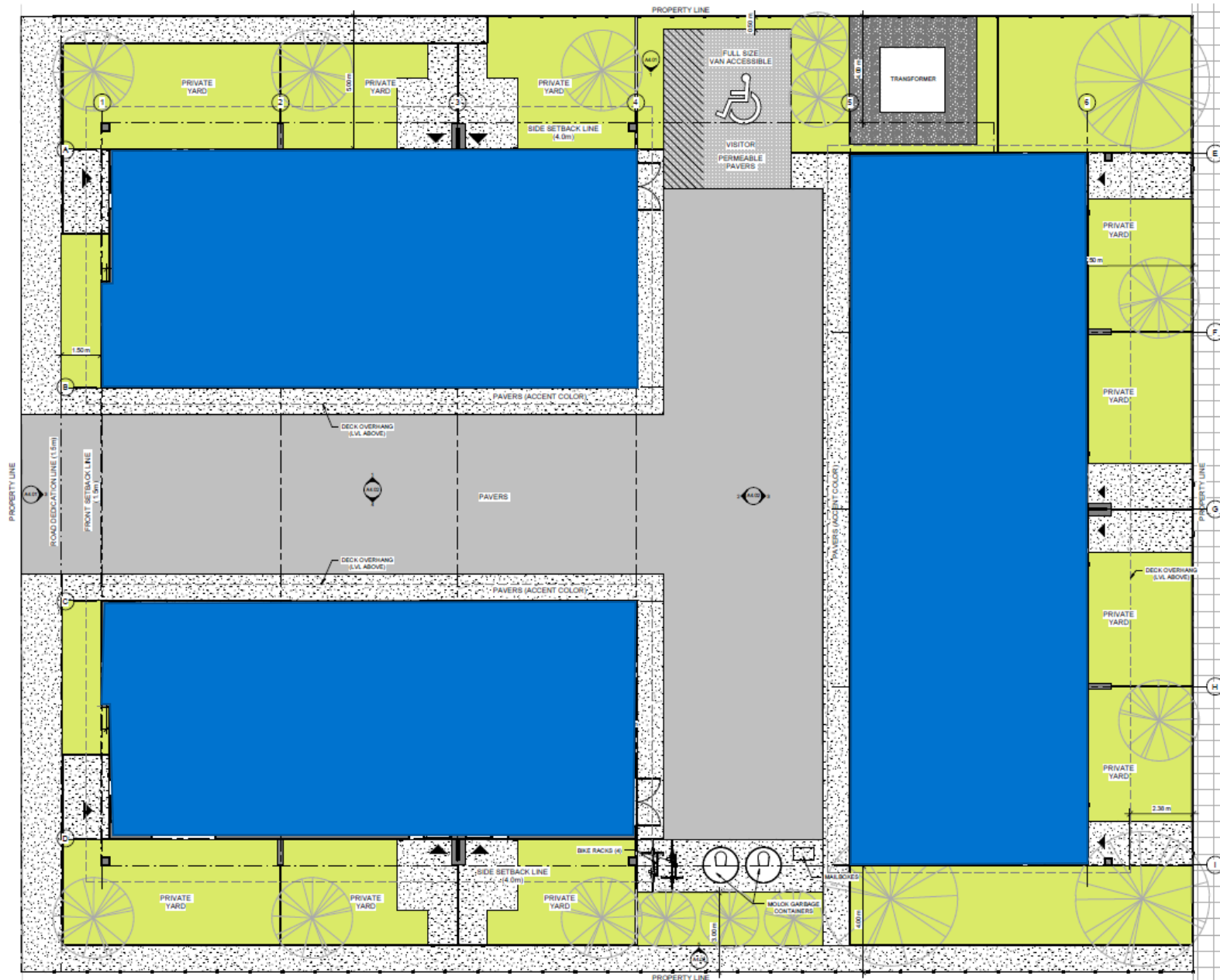




# Project details

- ▶ Multiple dwelling housing details
  - ▶ 10 two-bedroom units
    - ▶ Within 3 separate row housing buildings
  - ▶ Central drive isle
  - ▶ Garage parking
  - ▶ Ground-oriented entry
    - ▶ Sites are double fronting

# Conceptual Site Plan



# Conceptual Rendering



# Development Policy

- ▶ Meets the Intent of the Official Community Plan (OCP)
  - ▶ Compact Urban Form
  - ▶ Sensitive Infill
  - ▶ Ground-Oriented Housing

# Staff Recommendation

- ▶ Staff recommend support for the Rezoning application
  - ▶ Supported by policies in the OCP
    - ▶ Consistent with Future Land Use Designation
- ▶ Recommend the Public Hearing be waived in accordance with Local Government Act s. 464(2)



## *Conclusion of Staff Remarks*



The site plan illustrates a residential development with two units, each featuring a swimming pool and private yard. The plan includes various setbacks, easements, and property lines.

**Unit 1 (Top):**

- Swimming Pool:** A large rectangular pool with a blue interior and a grey deck overhang (S/L ABOVE).
- Private Yard:** A green area adjacent to the pool, with a side setback line (4.0m).
- Setbacks:** Road dedication line (1.5m), front setback line (1.5m), and side setback line (4.0m).
- Other Features:** Pavers (accent color), deck overhang (S/L ABOVE), and a full-size van accessible area with a wheelchair symbol.

**Unit 2 (Bottom):**

- Swimming Pool:** A large rectangular pool with a blue interior and a grey deck overhang (S/L ABOVE).
- Private Yard:** A green area adjacent to the pool, with a side setback line (4.0m).
- Setbacks:** Road dedication line (1.5m), front setback line (1.5m), and side setback line (4.0m).
- Other Features:** Pavers (accent color), deck overhang (S/L ABOVE), and a full-size van accessible area with a wheelchair symbol.

**Common Areas:**

- Swimming Pool:** A large rectangular pool with a blue interior and a grey deck overhang (S/L ABOVE).
- Private Yard:** A green area adjacent to the pool, with a side setback line (4.0m).
- Setbacks:** Road dedication line (1.5m), front setback line (1.5m), and side setback line (4.0m).
- Other Features:** Pavers (accent color), deck overhang (S/L ABOVE), and a full-size van accessible area with a wheelchair symbol.

**Legend:**

- PRIVATE YARD:** Green area.
- PAVERS (ACCENT COLOR):** Grey area.
- DECK OVERHANG (S/L ABOVE):** Grey area.
- ROAD DEDICATION LINE (1.5m):** Dashed line.
- FRONT SETBACK LINE (1.5m):** Dashed line.
- SIDE SETBACK LINE (4.0m):** Dashed line.
- PROPERTY LINE:** Solid line.
- WALKER:** Symbol of a person walking.
- WHEELCHAIR:** Symbol of a wheelchair.
- MOBILE GARBAGE CONTAINERS:** Symbol of a trash bin.
- TRANSFORMER:** Symbol of a transformer.

**CITY OF KELOWNA**  
**BYLAW NO. 12184**  
**Z20-0071**  
**888 and 892 Glenmore Drive**

---

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) Lot 12 Section 29 Township 26 ODYD Plan 4101 located at Glenmore Drive, Kelowna, BC; and
  - b) Lot 13 Section 29 Township 26 ODYD Plan 4101 located at Glenmore Drive, Kelowna, BCfrom the RU1 – Large Lot 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

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

---

Mayor

---

City Clerk



# REPORT TO COUNCIL



**Date:** March 22, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** Z20-0097

**Owner:** Gregory S. Baytalan

**Address:** 368 Valley Road

**Applicant:** Michael Culos

**Subject:** Rezoning Application

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

**Existing Zone:** RR3 – Rural Residential 3

**Proposed Zone:** RM5r – Medium Density Multiple Housing (Residential Rental Tenure Only)

---

## 1.0 Recommendation

THAT Rezoning Application No. Z20-0097 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Parcel A (DD 130155F and Plan B6158) of Lot 2 Section 33 Township 26 ODYD Plan 4043, located at 368 Valley Road, Kelowna, BC from the RR3 – Rural Residential 3 zone to the RM5r – Medium Density Multiple Housing (Residential Rental Tenure Only) zone, be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated March 22, 2021;

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

## 2.0 Purpose

To rezone the subject property from the RR3 – Rural Residential 3 zone to the RM5r – Medium Density Multiple Housing (Residential Rental Tenure Only) zone to facilitate the development of a purpose-built rental apartment.

### 3.0 Development Planning

Development Planning supports the proposal to rezone the lot to RM5r – Medium Density Multiple Housing (Residential Rental Tenure Only) to facilitate the development of a purpose-built rental apartment.

The applicant has applied for funding from BC Housing. If successful, this would be a subsidized rental apartment building ensuring affordable housing.

The site is in the Glenmore Valley Village Centre and in an area of the city where existing infrastructure is able to accommodate more intensive residential development in line with the RM5r zone. Also, the site has good access to commercial and employment opportunities, as there is a community commercial node directly to the west on Kane Rd. With respect to transportation, the site is within a 5 minute walk of a major transit corridor along Glenmore Rd. Finally, there are several parks and schools nearby in the neighbourhood. Accordingly, the site has a future land use designation of MRM – Multiple Unit Residential Medium Density which does accommodate the RM5r zone.

In addition, since the applicant seeks to rezone the lot to the residential rental only sub-designation, this would ensure the development would be purpose-built rental; a form of tenure that has been identified as a significant need in the city.

Finally, provided the project is successful in receiving funding from BC Housing, that would ensure the development would be affordable rental housing—another variety of housing that has been identified as a significant need in the city.

### 4.0 Proposal

#### 4.1 Project Description

The applicant proposes to rezone the subject property to RM5r – Medium Density Multiple Housing (Residential Rental Tenure Only) to facilitate the development of a purpose-built rental apartment. A Development Permit application has not been submitted at this point. However, the applicant has submitted conceptual drawings demonstrating to Staff's satisfaction that a development under the RM5r zone is feasible on the site.

#### 4.2 Site Context

The subject property is in the Glenmore City Sector on the eastern edge of the Glenmore Valley Village Centre at the intersection of the major collector roads Kane Rd. and Valley Rd. Mid-rise apartment developments under the RM5 zone lie to the north and northwest. Also, the property abuts a community commercial node on Kane Rd. Agricultural property lies to the east and south, across Valley Rd. There are schools and parks nearby in the neighbourhood, and the site is within a 5 minute walk of Glenmore Rd., an arterial road considered to be a major transit corridor.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM5 – Medium Density Multiple Housing	Multiple Dwelling Housing
East	A1 – Agriculture 1	Farming
South	A1 – Agriculture 1	Farming
West	RM5 – Medium Density Multiple Housing	Multiple Dwelling Housing

**Subject Property Map: 368 Valley Rd.**



**5.0 Current Development Policies**

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

Chapter 1: Introduction

*Goals for a Sustainable Future:*

1. Contain Urban Growth – Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.
2. Address Housing Needs of All Residents – Address housing needs of all residents by working towards an adequate supply of a variety of housing.

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

*Objective 5.22 Ensure context sensitive housing development.*

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

## Chapter 10: Social Sustainability

*Objective 10.3 Support the creation of affordable and safe rental, non-market and/or special needs housing.*

*Policy .1 Housing Availability.* Support the provision of housing for all members of the community, including those in core housing need or requiring special needs housing (transitional, age in place, emergency shelter).

### 5.2 Healthy Housing Strategy (HHS)

*Key Direction 1. Promote and protect rental housing.*

*Action 4.* Reduce the cost of developing affordable, purpose-built rental housing

*Key Direction 3. Build the right supply.*

*Action 4.* Support a greater variety of housing tenures.

## 6.o **Technical Comments**

### 6.1 Development Engineering Department

- See Schedule A

## **7.0 Application Chronology**

Date of Application Received: November 13, 2020

Date Public Consultation Completed: December 14, 2020

**Report prepared by:** A.D. Thibeault, Planner II

**Reviewed by:** Jocelyn Black, Urban Planning Manager

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

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

### **Attachments:**

Schedule A: Development Engineering Memo

Attachment A: Applicant Rationale

Attachment B: Conceptual Drawing Package

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## CITY OF KELOWNA

# MEMORANDUM

**Date:** November 19, 2020  
**File No.:** Z20-0097  
**To:** Land Use Management Department (AT)  
**From:** Development Engineering Manager (JK)  
**Subject:** 368 Valley Rd. Plan 4043 Lot 2 RR3 to RM5R

### SCHEDULE

**A**

This forms part of application  
# Z20-0097

Planner  
Initials

AT



Development Engineering has the following comments and requirements associated with this application to A Rezoning application to rezone the lot to RM5r Medium Density Multiple Housing (Residential Rental Tenure Only) to facilitate the development of a mid-rise apartment building

The road and utility upgrading requirements outlined in this report will be a requirement of this application. All servicing and Road requirements will be address in this Rezoning memo.

Technologist for this project is Ryan O'Sullivan.

The following Works & Services are required for this Rezoning:


#### .1) General

- a) This proposed subdivision 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 to obtain further information and to determine suitable location(s) within the development.
- b) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- c) Due to the restrictive access of common driveways and emergency and maintenance issues, we recommend that all lots have direct physical access to a public road rather than by common driveways, unless accepted by the Approving Officer.
- d) The Fire Department and Environment Division requirements and comments are addressed separately by them.

#### .2) Geotechnical Report

- a) Provide a comprehensive geotechnical report (3 copies), 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**



<b>SCHEDULE A</b>	
This forms part of application # <b>Z20-0097</b>	
Planner Initials	<b>AT</b>
 <b>City of Kelowna</b> <small>COMMUNITY PLANNING</small>	

**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 Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department 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) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.
- (vi) Slope stability, rock fall hazard and slippage including the effects of drainage and septic tank effluent on the site.
- (vii) Identify slopes greater than 30%.
- ii) Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
- iii) Recommendations for items that should be included in a Restrictive Covenant.
- iv) Any special requirements that the proposed subdivision should undertake so that it will not impact the bank(s). The report must consider erosion and structural requirements.
- v) Any items required in other sections of this document.
- vi) Recommendations for erosion and sedimentation controls for water and wind.
- vii) Recommendations for roof drains and perimeter drains.

### **.3) Water**

- a) The property is located within the GEID service area.
- b) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. Two of the three Service connection must be removed. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. Provide water calculations for this subdivision to confirm this.
- c) 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.



- d) Hydrants are to be spaced at 200m but also must be located within 100m of a building. Due to the length of the common driveway access and the distance of homes from the roads, another watermain may be required within the common driveway to service hydrants closer to the homes.
- e) Design drawings must be reviewed by GEID prior to the City issuing the drawings for construction. Confirmation of their review must be provided to the City.

#### **.4) Sanitary Sewer**

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

#### **.5) Drainage**

- a) Provide an adequately sized drainage system complete with individual lot connections. The Subdivision, Development and Servicing Bylaw requires that each lot be provided with an individual connection; however, 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.
- c) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- d) Significant banks are located on this site. The slopes appear to be sensitive to erosion; temporary and permanent measures must be taken to prevent erosion and sediment transport.
- e) Identify clearly on a contour map, or lot grading plan, the top of bank(s). Provide cross sections along the top of the bank at each property corner and at locations where there are significant changes in slope. Cross sections are to be perpendicular to the contour of the slope. Show the proposed property lines on the cross sections. Not all areas have a clear top of bank; and therefore, field reconnaissance by City staff and the applicant may be needed to verify a suitable location for property lines.
- f) Where ditches are provided they must be adequately lined and protected for the design flows.
- g) The drainage gullies are to be protected by way of Statutory Rights-of Way suitable to the Drainage Manager.



SCHEDULE A

This forms part of application  
# Z20-0097

Planner AT

City of Kelowna  
COMMUNITY PLANNING



**.6) Roads**

- a) Only one access will be allowed to this property; Sight line must be checked by a Civil Engineer.
- b) Right turn lane into development will be required on Valley Road.
- c) Valley Road Landscaping must be completed with frontage offsite works this will include street trees.

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

- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground
- b) Street lights must be installed on all roads.
- c) Before making application for approval of your subdivision plan, please make arrangements with Fortis BC for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application.
- d) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.

**.8) Design and Construction**

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

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

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. **The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works.** The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.

- b) Part 3, “Security for Works and Services”, of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

**.10) Other Engineering Comments**

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as FortisGas, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City’s Development Manager.

**.11) Charges and Fees**

- a) Development Cost Charges (DCC’s) are payable
- b) None of the Works & Services required are items included in the DCC calculations and therefore not eligible for DCC credits.
- c) Fees per the “Development Application Fees Bylaw” include:
  - i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
  - ii) Survey Monument Fee: \$50.00 per newly created lot (HST exempt).
  - iii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
  - iv) Engineering and Inspection Fee: 3.5% of construction value (plus GST).

James Kay, P. Eng.  
Development Engineering Manager  
RO

<b>SCHEDULE</b>		<b>A</b>
This forms part of application # <u>Z20-0097</u>		
Planner Initials	AT	 <b>City of Kelowna</b> <small>COMMUNITY PLANNING</small>

## Rationale – 368 Valley Road

This application is to rezone the subject property from its existing zone of RR3 to RM5 Medium Density Multi-family in order to accommodate the construction of a 44 unit apartment/condominium. The building will be market rent available for single tenants and families. The building will be owned by Freedom's Door.

The development makes optimal use of an irregular shaped property as an infill development. It is ideally located in the heart of Glenmore with a wide range of amenities including a full service shopping centre, professional offices and financial institutions all within walking distance removing any reliance on a car.

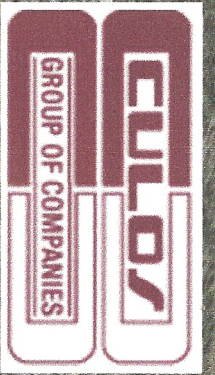
While RM5 will allow for increased height to 18 metres from the previous single family zoning of RR3, we do not feel that we are introducing anything into the area in height, size or scale that would be new to this area given the adjacent condominium and shopping centre.

This development helps to support the initiatives of the City of Kelowna's *Healthy Housing Strategy* in that it provides an affordable rental option. In addition, given the proximity to services as mentioned above, there will be a low reliance on motorized transportation and an assumed higher utilization of public transportation therefore reduce pressure on City roads.

All in all we feel this sustainable development located near a major road corridor, near parks and amenities enhances this area of Glenmore and at the same time provides good utilization of an otherwise challenging property.

<b>ATTACHMENT</b>		<b>A</b>
This forms part of application		
# Z20-0097		
Planner Initials	AT	 City of <b>Kelowna</b> COMMUNITY PLANNING





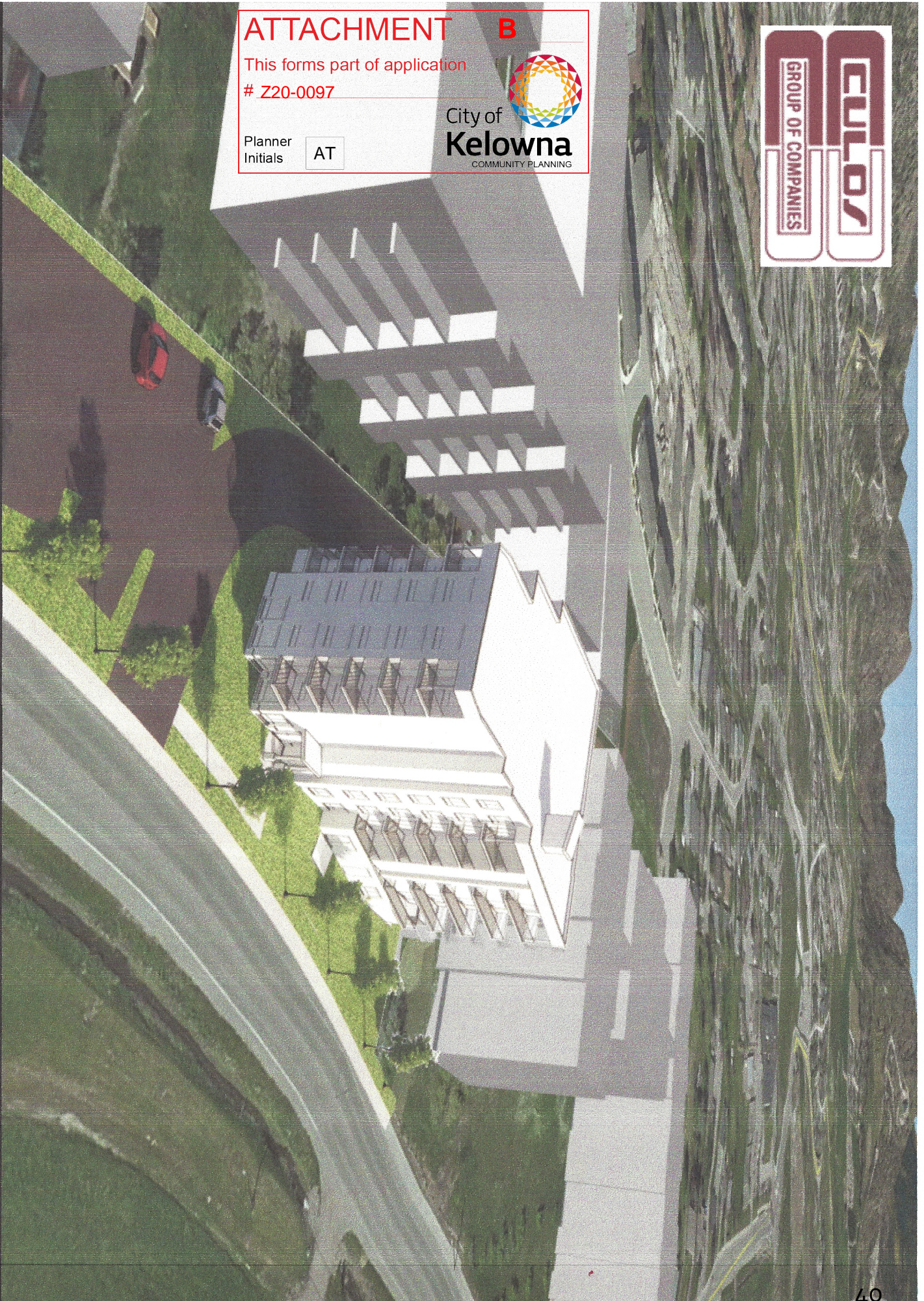
# ATTACHMENT B

This forms part of application  
# Z20-0097



City of  
**Kelowna**  
COMMUNITY PLANNING

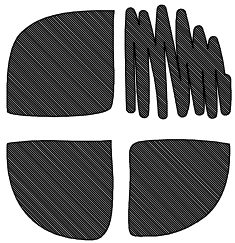
Planner  
Initials **AT**



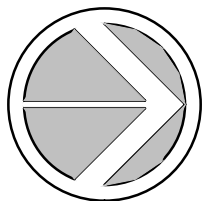
north facing view

proposed development  
368 valley road, kelowna





**RICHARD HUNTER**  
ARCHITECT Inc.  
500 - 153 SEYMOUR ST  
KAMLOOPS, BC V2C 2C7  
PHONE 250.372.8845  
richard@hunterarchitect.com



2020

CULUS DEVELOPMENT  
GLENMORE SITE  
PROJECT

HOUSING PROJECT  
368 VALLEY ROAD  
KELOWNA, BC

Δ	PARKADE OPTION	HAM	22/10/20		
Δ	REVIEW	HAM	31/08/20		
Δ	REVIEW	HAM	19/08/20		
Δ	REVIEW	HAM	6/08/20		
Δ	REVIEW	HAM	29/07/20		
No Revision		By	Date		
Sheet Title:					

SITE PLAN  
MAIN FLOOR LEVEL

Scale: 1/16"=1'-0"

Date	JUNE 2020
Drawn	HAM
Checked	PH
Project	
Drawing No.	

PY-1

A

PLAN EPP94225

EPP48909

# ATTACHMENT B

This forms part of application  
# **Z20-0097**



City of  
**Kelowna**  
COMMUNITY PLANNING

Planner  
Initials

AT

2

PLAN

1  
PLAN EPP45609

VALLEY ROAD

PARCEL A  
(DD 130155F AND PLAN B6158)  
OF LOT 2  
PLAN 4043

PARKADE - 31 STALLS  
1ST FLOOR - LOBBY AMENITIES, 1 - 1 BEDROOM, 1 - 2 BEDROOM, 1 - 3 BEDROOM - 7250 SQFT

2ND FLOOR - 8 UNITS, LAUNDRY - 6242 SQFT

3RD FLOOR - SIMILAR

UNIT BREAKDOWN PER FLOOR

- 1 - 3 BEDROOM

- 3 - 2 BEDROOM

- 2 - 1 BEDROOM

- 2 - STUDIO

4TH FLOOR - 8 UNITS, LAUNDRY - 5879 SQFT

5TH FLOOR - SIMILAR

6TH FLOOR - SIMILAR

UNIT BREAKDOWN PER FLOOR

- 3 - 2 BEDROOM

- 4 - 1 BEDROOM

- 1 - STUDIO


TOTAL - 43 UNITS

PARKING - 51 STALLS

MAIN FLOOR - 7276 SQFT

BUILDING HEIGHT - 55'-0" (16.76 M)





**RICHARD HUNTER**  
ARCHITECT INC.

500 - 153 SEYMOUR ST  
KAMLOOPS, BC V2C 2C7  
PHONE 250.372.8845  
richard@hunterarchitect.com

2020  
GLENNORE SITE  
FOR  
CULOS DEVELOPMENTS

368 VALLEY ROAD  
KELOWNA, BC.

PROJECT INFORMATION		DATE
Project Name		22/10/2020
Client		
Location		
Drawn		
Checked		
Project Number		

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

DATE: AUGUST 2020

AUTHOR: [Blank]

CHECKER: [Blank]

PROJECT NO: [Blank]

PV-2





2020  
GLENMORE SITE  
FOR  
CULOS DEVELOPMENTS

368 VALLEY ROAD  
KELOWNA, BC.

[illegible]

MAIN FLOOR

Scale:  $1/8" = 1'-0"$

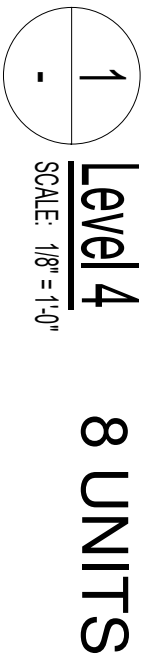
Date	AUGUST 2020
Drawn	Author
Checked	Checker
Project	Project Number

PY-3



2020  
GLENNMORE SITE  
FOR  
CULDS DEVELOPMENTS



Planner Initials 

AT
----

PY-5



# Z20-0097 368 Valley Rd.

Rezoning Application



# Proposal

- ▶ To rezone the subject property from the RR3 – Rural Residential 3 zone to the RM5r – Medium Density Multiple Housing (Residential Rental Tenure Only) zone to facilitate the development of a purpose-built rental apartment.

# Development Process

Nov. 13, 2020

Development Application Submitted



Staff Review & Circulation



Dec. 14, 2020

Public Notification Received



Mar. 22, 2021

Initial Consideration



Public Hearing  
Second & Third Readings



Final Reading  
DP & Variances



Building Permit

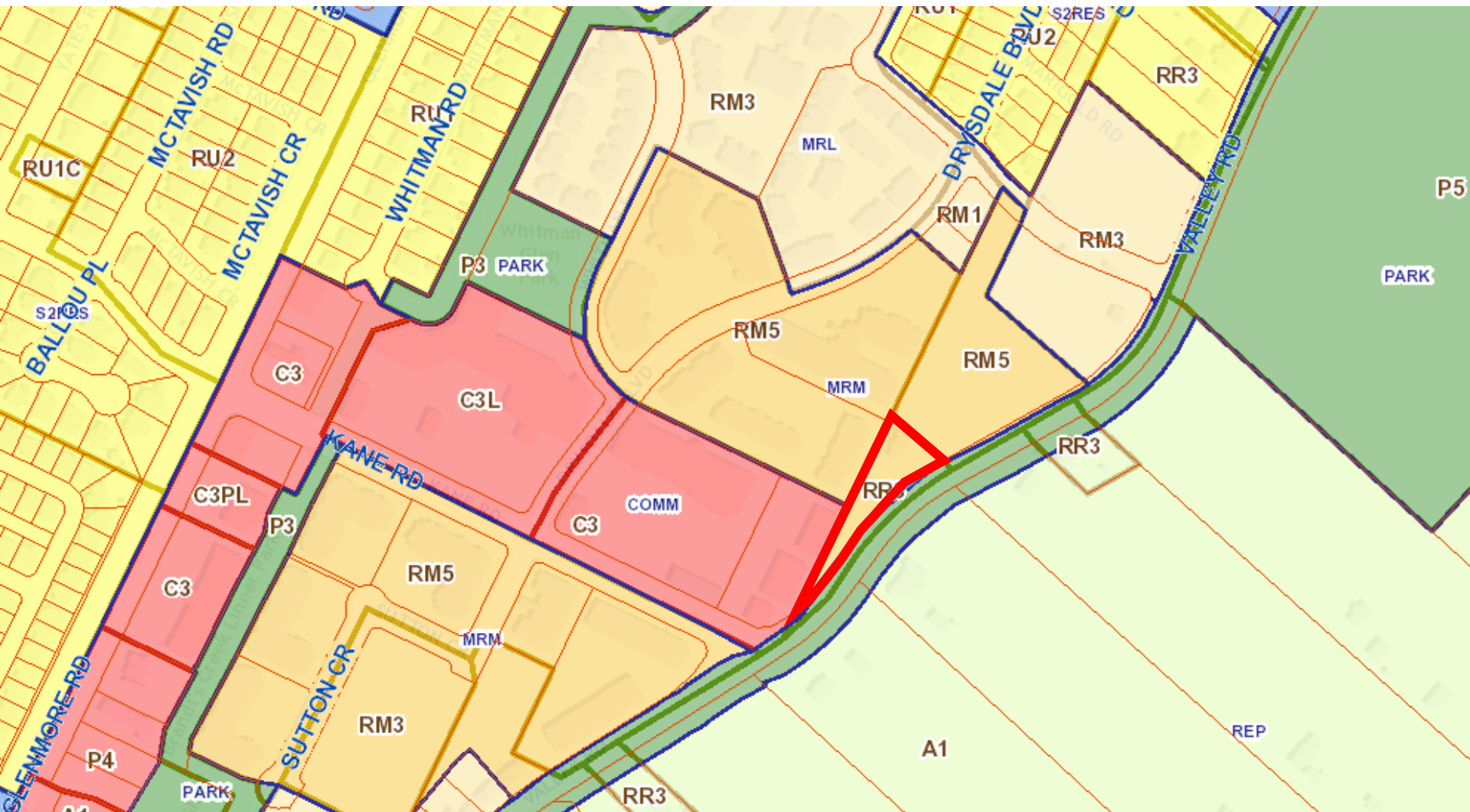
Council  
Approvals



# Context Map



# OCP Future Land Use / Zoning





# Subject Property Map



# Project/technical details

- ▶ Rezone the lot to RM5r – Medium Density Multiple Housing (Residential Rental Tenure Only) to facilitate a purpose-built rental apartment.
- ▶ Applicant has applied for funding from BC Housing. If successful, this would be a subsidized rental apartment building ensuring affordable housing.
- ▶ Applicant has submitted conceptual drawings demonstrating to Staff's satisfaction that a development under the RM5r zone is feasible on the site.



# Conceptual Site Plan



# Conceptual Rendering



# Development Policy

- ▶ Focus growth in urban and village centres
- ▶ Develop a compact urban form that maximizes use of existing infrastructure
- ▶ Future Land Use designation is MRM – Multiple Unit Residential Medium Density which supports the proposed RM5r zone
  - ▶ In Glenmore Valley Village Centre
  - ▶ Community commercial node to west
  - ▶ Good transit access (Glenmore Rd. a major transit corridor)
  - ▶ Schools and parks nearby
- ▶ Both OCP and Healthy Housing Strategy (HHS) recognize need for rental housing, and affordable housing

# Staff Recommendation

- ▶ Staff support the proposed RM5r zone to facilitate the development of a purpose-built rental apartment
  - ▶ Growth in a village centre
  - ▶ Promotes a compact urban form through maximizing existing infrastructure
  - ▶ Future Land Use designation is MRM, which supports the RM5r zone



## *Conclusion of Staff Remarks*

# CITY OF KELOWNA

## BYLAW NO. 12190

**Z20-0097**

**368 Valley 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 Parcel A (DD 130155F and Plan B6158) of Lot 2 Section 23 Township 26 ODYD Plan 4043 located at Valley Road, Kelowna, BC from the RR3 – Rural Residential 3 zone to the RM5r – Medium Density Multiple Housing (Residential Rental Tenure Only) zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

# Report to Council



**Date:** March 22, 2021  
**To:** Council  
**From:** City Manager  
**Subject:** Changes to RU7 – Infill Housing Zone (TA21-0003, TA21-0004)  
**Department:** Development Planning

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## **Recommendation:**

THAT Official Community Plan Text Amendment Application No. TA21-0004 to amend Kelowna 2030 – Official Community Plan Bylaw No. 10500 as outlined in Schedule “A” attached to the Report from the Development Planning Department dated March 22, 2021, be considered by Council;

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

THAT Zoning Bylaw Text Amendment Application No. TA21-0003 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule “B” attached to the Report from the Development Planning Department dated March 22, 2021 be considered by Council;

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

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

## **Purpose:**

To amend the Official Community Plan (OCP) and Zoning Bylaw to make changes to the RU7 – Infill Housing design guidelines, site coverage, and secondary uses.

## **Background:**

On January 16, 2017, Council adopted the RU7 – Infill Housing zone and its associated design guidelines and processes. This marked the conclusion of a collaborative design competition process called the Infill Challenge that has resulted in the creation of new “missing middle” housing in Kelowna under the new zone.

As an innovative pilot program, regular updates and adjustments were always anticipated to ensure the outcomes of development achieve the objectives of the program. Through regular interactions with all

parties involved in infill housing, Staff have identified issues that should be addressed with regards to the RU7 program. These issues, and the changes needed to address them, were originally presented to Council on July 13, 2020, and Council endorsed the proposed changes.

The purpose of this Report is to summarize the issues and have Council adopt the necessary changes in the Official Community Plan (OCP) and the Zoning Bylaw.

### **Discussion:**

#### **Issue 1: Repetition of Design**

It has been noted that certain designs (including, but not limited to, the 2 fast-track designs) are being used repeatedly on the same block and often next door to one another. This repetition creates a monotony that is undesirable. It is recommended that design guidelines be introduced that would limit the repetition of design.

#### **Issue 2: Site Coverage**

The RU7 zone includes a regulation limiting site coverage for buildings but does not include a regulation limiting site coverage for buildings, driveways and parking areas (as all other multi-family zones do). It has been noted that some developments have taken advantage of this and are including far more driveway and parking area on site than anticipated (at the expense of green space). In order to remedy this, it is recommended that a regulation limiting site coverage for buildings, driveways and parking areas be introduced into the zone that is consistent with other zones.

#### **Issue 3: Landscaping**

The fast-track process does not currently require applicants to include a landscape bond with their application. It has been noted that the failure to require a landscape bond has resulted in some developments having far less landscaping than indicated on design drawings—with no appropriate measures in place to remedy the situation. It is recommended that measures be introduced to require a landscape bond with fast-track applications.

#### **Issue 4: Secondary Suites**

Secondary suites are permitted in the RU7 zone only if they are grandfathered in (legally in existence prior to December 4, 2017) as they pose challenges with regards to servicing at redevelopment. As such, property owners with a single-family home who wish to add a secondary suite without redeveloping the property are unable to do so. This was not the intent of excluding secondary suites from the zone, and is recognized to be an undue hardship. As such, it is recommended that a single-family home on an RU7 parcel be permitted to add a secondary suite (a maximum of one secondary suite would be permitted on an RU7 parcel).

#### **Issue 5: Lighted Paths**

The RU7 zone does not currently require dwellings located at the back of a lot to be accessed from the front of the lot via a lighted pathway. The Fire Department has expressed concern over this as the



presence of a lighted pathway helps emergency responders access these units. For this reason, it is recommended that a regulation be introduced in the RU7 zone requiring dwellings to have a lighted pathway extending to the front of the lot.

#### Issue 6: Major Home-Based Businesses

Minor home-based businesses are permitted in the RU7 zone, but major home-based businesses are not. The reason being it was thought that the requirement of a parking stall for a major home-based business would create problems for lots with 3 or 4 units. As such, property owners with only one or two dwellings, where an extra parking stall could be accommodated, are unable to have a major home-based business. This was not the intent of eliminating major home-based businesses from the zone and is recognized as being an undue hardship. As such, it is recommended that major home-based businesses be permitted on lots with two or fewer dwellings (major home-based businesses would not be permitted under any other circumstances).

#### **Conclusion:**

As an innovative pilot program, regular updates and adjustments to the RU7 zone were always anticipated to ensure the outcomes of development achieve the objectives of the program. Through regular interactions with all parties involved, Staff have identified a number of issues that can and should be addressed now with regards to the RU7 program. These issues, and the changes needed to address them, were originally presented to Council on July 13, 2020, and Council endorsed the proposed changes. The necessary changes are presented above, and it is asked that Council approve these changes.

#### **Considerations not applicable to this report:**

*Legal/Statutory Authority:*

*Legal/Statutory Procedural Requirements:*

*Existing Policy:*

*Financial/Budgetary Considerations:*

*External Agency/Public Comments:*

*Communications Comments:*

Submitted by: A.D. Thibeault, Planner II

#### **Approved for inclusion:**

Terry Barton, Development Planning Department Manager

#### **Attachments:**

Schedule A: TA21-0004 – Proposed Text Amendments to Official Community Plan Bylaw No. 10500

Schedule B: TA21-0003 – Proposed Text Amendments to Zoning Bylaw No. 8000

## Schedule A – Proposed Text Amendments to Official Community Plan Bylaw No. 10500

No.	Section	Current Wording	Proposed Wording	Reason for Change
1.	Chapter 14: Urban Design DP Guidelines  E. Infill Neighbourhood Design Guidelines  EXEMPTIONS	A Development Permit will not be required if the development consists of the following: • A technical subdivision for lot consolidation or road widening; • Construction of a pre-approved Infill Design as endorsed by Council through the Infill Challenge process.	A Development Permit will not be required if the development consists of the following: • A technical subdivision for lot consolidation or road widening; <del>• Construction of a pre-approved Infill Design as endorsed by Council through the Infill Challenge process.</del>	Remove the exemption of a Development Permit for pre-approved fast track infill designs. Fast track applications must be considered Development Permit applications in order to legally require a landscape bond. Landscape bonding is required in order to ensure developments construct the landscaping shown on application drawings.
2.	Chapter 14: Urban Design DP Guidelines  E. Infill Neighbourhood Design Guidelines  GUIDELINES 1.0 Neighbourhood Context		<u>1.2 The repetition of a building design should be avoided on the same block and especially on neighbouring properties. Also, fast track infill designs must not be repeated on any neighbouring property, nor appear on any corner lot.</u>	Introduce a guideline to limit the repetition of building designs.  (Please renumber all items beyond 1.2 to accommodate the change).

### SCHEDULE **A**

This forms part of application

# TA21-0003, TA21-0004

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Initials

AT

City of  
**Kelowna**  
COMMUNITY PLANNING



Revised Date: 2020-02-24

## Schedule B – Proposed Text Amendments to Zoning Bylaw No. 8000

No.	Section	Current Wording	Proposed Wording	Reason for Change
1.	Section 13 – 13.17 RU7 – Infill Housing 13.17.4 Buildings and Structures Permitted	(a) <b>single detached house</b> which may contain a <b>secondary suite</b> if the secondary suite was legally in existence prior to December 4, 2017. (b) <b>duplex housing</b> (c) <b>semi-detached housing</b> (d) <b>three-plex housing</b> (e) <b>four-plex housing</b> (f) permitted <b>accessory buildings or structures</b> NOTE: A maximum of four dwelling units is permitted, as allowed by Section 13.17.7 Density Regulations.	(a) <b>single detached house</b> <del>which may contain a secondary suite if the secondary suite was legally in existence prior to December 4, 2017.</del> (b) <b>duplex housing</b> (c) <b>semi-detached housing</b> (d) <b>three-plex housing</b> (e) <b>four-plex housing</b> (f) permitted <b>accessory buildings or structures</b> NOTE: A maximum of four dwelling units is permitted, as allowed by Section 13.17.7 Density Regulations.	Remove the restriction limiting secondary suites to those legally in existence prior to December 4, 2017. New regulations regarding the circumstances under which secondary suites are permitted are included in the section below.
2.	Section 13 – 13.17 RU7 – Infill Housing 13.17.3 Secondary Uses	The permitted <b>secondary uses</b> in this zone are: (a) <b>child care centre, minor</b> (b) <b>group homes, minor</b> (c) <b>home based businesses, minor</b> (d) <b>secondary suite</b> (e) <b>short term rental accommodation</b> subject to Section 9.17 of this	The permitted <b>secondary uses</b> in this zone are: (a) <b>child care centre, minor</b> (b) <b>group homes, minor</b> <u>(only in circumstances described in Section 13.17.8(a))</u> (c) <b>home based businesses, minor</b> (d) <b>home based</b>	Allow 'home based businesses, major' as a permitted secondary use.  It is customary in this zone for uses that are only permitted under special circumstances for these circumstances to be described in the Other Regulations section

**SCHEDULE**

**B**

This forms part of application  
# TA21-0003, TA21-0004



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AT

Revised Date: 2020-02-24

		bylaw	<b>businesses, major</b> (only in circumstances described in Section 13.17.8(b)) (e) <b>secondary suite</b> (only in circumstances described in Section 13.17.8(c)) (f) <b>short term rental accommodation</b> subject to Section 9.17 of this bylaw	(13.17.8). That practice is continued here, and notes are included next to the uses to ensure these qualifiers are not missed.  (Please ensure existing item (e) is re-lettered to (f))
3.	Section 13 – 13.17 RU7 – Infill Housing 13.17.8 Other Regulations	(a) Minor group homes are only permitted in <b>single dwelling housing</b> . (b) Where a <b>site</b> has access to a <b>lane</b> , vehicular access is only permitted from the <b>lane</b> . Otherwise, vehicular access may be taken from the <b>front yard</b> , or where a property has two <b>street frontages</b> , access shall be taken from the <b>street frontage</b> which is not the <b>front yard</b> . (c) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 6 (accessory development, yards, projections into	(a) Minor group homes are only permitted in <b>single dwelling housing</b> . (b) <b>Home based businesses, major</b> are only permitted where two or fewer dwellings exist on the parcel. (c) a <b>secondary suite</b> is only permitted in a single-detached house, where a maximum of one <b>secondary suite</b> is permitted per parcel. (d) Where a <b>site</b> has access to a <b>lane</b> , vehicular access is only permitted from the <b>lane</b> . Otherwise, vehicular access may be taken from the <b>front yard</b> , or where a property has two <b>street frontages</b> ,	Permit 'home based-businesses, major' only where two or fewer dwellings exist on the parcel.  Restrict secondary suites to single-detached housing, and permit only one secondary suite per parcel.  Introduce a lit pathway to each unit in order to help emergency services access the units.  (Please re-letter the current item (b) to (d); and also re-letter the current item (c) to (f) to accommodate the

## SCHEDULE **B**

This forms part of application

# TA21-0003, TA21-0004



City of  
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Revised Date: 2020-02-24

		yards, lighting, stream protection, etc.), the landscaping and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific use regulations of Section 9.	access shall be taken from the <b>street frontage</b> which is not the <b>front yard</b> . <u>(e) A minimum 1.1m wide lit pathway must be provided between the front lot line and the entrance of each dwelling unit.</u>	changes).
4.	Section 13 – 13.17 RU7 – Infill Housing 13.17.6 Development Regulations	(a) The maximum site coverage is 55%.	(a) The maximum site coverage is 55% provided that the maximum site coverage of buildings, driveways, and parking areas is 60%. This may be increased by 5% (to a maximum of 65%) for permeable drive surfaces and parking.	Introduce a regulation limiting site coverage for buildings, driveways and parking areas.

<b>SCHEDULE</b>		<b>B</b>
This forms part of application # TA21-0003, TA21-0004		
Planner Initials	AT	 City of <b>Kelowna</b> <small>COMMUNITY PLANNING</small>



# TA21-0003 & TA21-0004 Changes to RU7 Infill Housing Zone

Text Amendment Application

# Purpose

- ▶ To adopt text amendments to the Official Community Plan (OCP) and Zoning Bylaw to accommodate changes to the RU7 – Infill Housing zone.

# Background

- ▶ On January 16, 2017, Council adopted the RU7 – Infill Housing zone and its associated design guidelines and processes
- ▶ The RU7 zone was designed to better accommodate a diversity of housing forms, better known as ‘missing middle’ housing
  - ▶ RU7 allows for up to 4 dwellings on a lot



# Background



# Background



# Background

- ▶ Updates and adjustments to RU7 zone were anticipated to ensure the outcomes of development achieve the objectives of the program
- ▶ Staff have identified issues that should be addressed with regards to the RU7 program now
- ▶ These issues, and the changes needed, were originally presented to Council on July 13, 2020
- ▶ The purpose of this Report is to summarize the issues and have Council adopt the necessary changes in the Official Community Plan (OCP) and Zoning Bylaw

# Issue 1: Repetition of Design

- ▶ Certain designs are being used repeatedly on the same block and often next door to one another
- ▶ Creates a monotony that is undesirable
- ▶ Recommend that design guidelines be introduced to limit repetition of design





# Issue 2: Site Coverage

- ▶ RU7 zone does not have a reg. limiting site coverage for buildings, driveways and parking areas
- ▶ Some developments have taken advantage of this (at the expense of green space)
- ▶ Recommend a reg. limiting site coverage for buildings, driveways and parking areas consistent with other zones

# Issue 3: Landscaping

- ▶ Fast-track process does not require applicants to include a landscape bond with their application
- ▶ Resulted in some developments with less landscaping than indicated on design drawings—with no appropriate measures to remedy situation
- ▶ Recommend measures to require a landscape bond with fast-track applications



# Issue 4: Lighted Paths

- ▶ RU7 zone does not require dwellings located at back of lot be accessed from front of lot via a lighted pathway
- ▶ Fire Department has expressed concern over this
  - ▶ lighted pathway helps emergency responders access these units
- ▶ Recommend a reg. be introduced requiring dwellings have a lighted pathway extending to the front of the lot



# Issue 5: Secondary Suites

- ▶ Secondary suites permitted in RU7 zone only when grandfathered in
- ▶ Property owners with a single-family home wishing to add a secondary suite w/o redeveloping unable to do so
- ▶ Recognized to be an undue hardship
- ▶ Recommend that a single-family home on an RU7 parcel be permitted to add a secondary suite

# Issue 6: Home-Based Businesses

- ▶ Major home-based businesses not permitted in RU7
- ▶ Rationale: requirement of a parking stall for major home-based business would create problems for lots with 3 or 4 dwellings
- ▶ Property owners with only one or two dwellings, where an extra parking stall could be accommodated, are unable to have a major home-based business
- ▶ Recognized as being an undue hardship
- ▶ Recommend that major home-based businesses be permitted on lots with two or fewer dwellings

# Staff Recommendation

- ▶ Staff recommend that Council adopt the proposed Text Amendments to improve the RU7 – Infill Housing zone



## *Conclusion of Staff Remarks*

# CITY OF KELOWNA

## BYLAW NO. 12185

### Official Community Plan Amendment No. TA21-0004 Amendment to Chapter 14 – Urban Design DP Guidelines

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

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

1. THAT **Chapter 14 – Urban Design DP Guidelines, E. INFILL NEIGHBOURHOOD DESIGN GUIDELINES, EXEMPTIONS** be amended by deleting the following:

- “• A technical subdivision for lot consolidation or road widening; or
- Construction of a pre-approved Infill Design as endorsed by Council through the Infill Challenge process.”

And replacing it with:

- “• A technical subdivision for lot consolidation or road widening.”

2. AND THAT **Chapter 14 – Urban Design DP Guidelines, E. INFILL NEIGHBOURHOOD DESIGN GUIDELINES, GUIDELINES, 1.0 Neighbourhood Context** be amended by deleting the following:

- “1.2 Design buildings to limit the real or perceived height difference between adjacent properties;
- 1.3 Locate developments to minimize the amount of shadow cast onto the private open space of adjacent properties;
- 1.4 Respect the privacy of adjacent properties through appropriate placement of windows, location of decks, and any other feature that may infringe upon the privacy of a neighbouring residence;
- 1.5 Locate parking and garages within the rear yard with direct access from the lane.
- 1.6 Enhance interior daylighting without creating overlook into adjacent properties, with elements such as skylights, clerestory windows or obscured glazing.
- 1.7 Design developments with multiple buildings such that there is a sense of architectural unity or cohesiveness.”

And replacing it with:

- "1.2 The repetition of a building design should be avoided on the same block and especially on neighbouring properties. Also, fast track infill designs must not be repeated on any neighbouring property, nor appear on any corner lot.
- 1.3 Design buildings to limit the real or perceived height difference between adjacent properties;
- 1.4 Locate developments to minimize the amount of shadow cast onto the private open space of adjacent properties;
- 1.5 Respect the privacy of adjacent properties through appropriate placement of windows, location of decks, and any other feature that may infringe upon the privacy of a neighbouring residence;
- 1.6 Locate parking and garages within the rear yard with direct access from the lane.
- 1.7 Enhance interior daylighting without creating overlook into adjacent properties, with elements such as skylights, clerestory windows or obscured glazing.
- 1.8 Design developments with multiple buildings such that there is a sense of architectural unity or cohesiveness."
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 time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

# CITY OF KELOWNA

## BYLAW NO. 12186

### TA21-0003 – Amendment to Section 13 - Urban Residential Zones RU7 – Infill Housing

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Zoning Bylaw No. 8000 be amended as follows:

1. THAT **Section 13 – Urban Residential Zones, Section 13.17 RU7 – Infill Housing, 13.17.3 Secondary Uses** be amended by deleting the following:

- “(b) **group homes, minor**
- “(c) **home based businesses, minor**
- “(d) **secondary suite**
- “(e) **short term rental accommodation** subject to Section 9.17 of this bylaw”

And replacing it with:

- “(b) **group homes, minor** (only in circumstances described in Section 13.17.8(a))
- “(c) **home based businesses, minor**
- “(d) **home based businesses, major** (only in circumstances described in Section 13.17.8(b))
- “(e) **secondary suite** (only in circumstances described in Section 13.17.8(c))
- “(f) **short term rental accommodation** subject to Section 9.17 of this bylaw”

2. AND THAT **Section 13 – Urban Residential Zones, Section 13.17 RU7 – Infill Housing, 13.17.4 Buildings and Structures Permitted** be amended by deleting the following:

- “(a) **single detached house** which may contain a **secondary suite** if the secondary suite was legally in existence prior to *(date subject Bylaw is adopted)*. ”

And replacing it with:

- “(a) **single detached house**”

3. AND THAT **Section 13 – Urban Residential Zones, Section 13.17 RU7 – Infill Housing, 13.17.6 Development Regulations** be amended by deleting the following:

- “(a) The maximum site coverage is 55% .”

And replacing it with:

- “(a) The maximum site coverage is 55% provided that the maximum site coverage of buildings, driveways, and parking areas is 60%. This may be increased by 5% (to a maximum of 65%) for permeable drive surfaces and parking.”

4. AND THAT **Section 13 – Urban Residential Zones, Section 13.17 RU7 – Infill Housing, 13.17.8 Other Regulations** be amended by deleting the following:

- “(a) Minor group homes are only permitted in **single dwelling housing**.



- (b) Where a **site** has access to a **lane**, vehicular access is only permitted from the **lane**. Otherwise, vehicular access may be taken from the **front yard**, or where a property has two **street frontages**, access shall be taken from the **street frontage** which is not the **front yard**.
- (c) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 6 (accessory development, yards, projections into yards, lighting, stream protection, etc.), the landscaping and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific use regulations of Section 9."

And replacing it with:

- "(a) Minor group homes are only permitted in **single dwelling housing**.
  - (b) **Home based businesses, major** are only permitted where two or fewer dwellings exist on the parcel.
  - (c) A **secondary suite** is only permitted in a single-detached house, where a maximum of one **secondary suite** is permitted per parcel.
  - (d) Where a **site** has access to a **lane**, vehicular access is only permitted from the **lane**. Otherwise, vehicular access may be taken from the **front yard**, or where a property has two **street frontages**, access shall be taken from the **street frontage** which is not the **front yard**.
  - (e) A minimum 1.1m wide lit pathway must be provided between the front lot line and the entrance of each dwelling unit.
  - (f) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 6 (accessory development, yards, projections into yards, lighting, stream protection, etc.), the landscaping and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific use regulations of Section 9."
5. 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:** March 22, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** Z20-0094

**Owner:** Great A & A Properties Ltd.,  
Inc.No. BCo888141

**Address:** 1220 and 1230 Pacific Avenue

**Applicant:** Jamela Van Steinburg; VLS  
Developments

**Subject:** Rezoning Application

**Existing OCP Designation:** MXR – Mixed Use Residential / Commercial

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

**Proposed Zone:** C4 – Urban Centre Commercial

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## 1.0 Recommendation

THAT Rezoning Application No. Z20-0094 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 2 and 3 Section 19 Township 26 ODYD Plan 6634, located at 1220 and 1230 Pacific Avenue, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the C4 – Urban Centre Commercial 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 as set out in Schedule "A" attached to the Report from the Development Planning Department dated March 22, 2021;

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

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

## 2.0 Purpose

To rezone the subject property from the RU6 – Two Dwelling Housing zone to the C<sub>4</sub> – Urban Centre Commercial zone to facilitate the development of a 5 storey apartment building, and to waive the Public Hearing.

## 3.0 Development Planning

Development Planning supports the proposal to rezone the property C<sub>4</sub> – Urban Centre Commercial to facilitate the development of a 5 storey apartment building.

The property is in the Capri-Landmark Urban Centre one block south of Capri Mall. This is an area of the city where existing infrastructure and current policy supports substantial infill development in line with the C<sub>4</sub> zone. The property is less than a 5 minute walk from Capri Mall, with a large offering of commercial and employment opportunities. Also, the property is a very short walk from the arterial Gordon Dr., considered to be a major transit corridor. The property also has excellent access to active transportation infrastructure as it has good access to the city's bike network, and is a short distance from the Ethel St. Active Transportation Corridor. Accordingly, the property has a future land use designation of MXR – Mixed Use Residential / Commercial which does support the proposed C<sub>4</sub> zone. To reinforce this, the Capri-Landmark Urban Centre Plan also supports a mix of uses in this area, and is thus also supportive of the C<sub>4</sub> zone.

With respect to land use, the C<sub>4</sub> zone does permit commercial uses; however, the development being proposed is strictly residential. Further to this point, the C<sub>4</sub> zone requires commercial uses at grade for property on a collector or arterial road. In this case, the property in question is on a local road and the surrounding neighbourhood is mainly residential. As such, residential use at grade is permitted under the zone and considered to be acceptable in this context.

## 4.0 Proposal

### 4.1 Project Description

The applicant proposes to rezone the property to C<sub>4</sub> – Urban Centre Commercial to facilitate the development of a 5 storey apartment building.

The C<sub>4</sub> zone does permit commercial uses; however, the development being proposed is strictly residential. The reason for pursuing the C<sub>4</sub> zone is mainly the added density permitted and reduced parking requirements associated with the zone, thought to be appropriate for the city's urban centres.

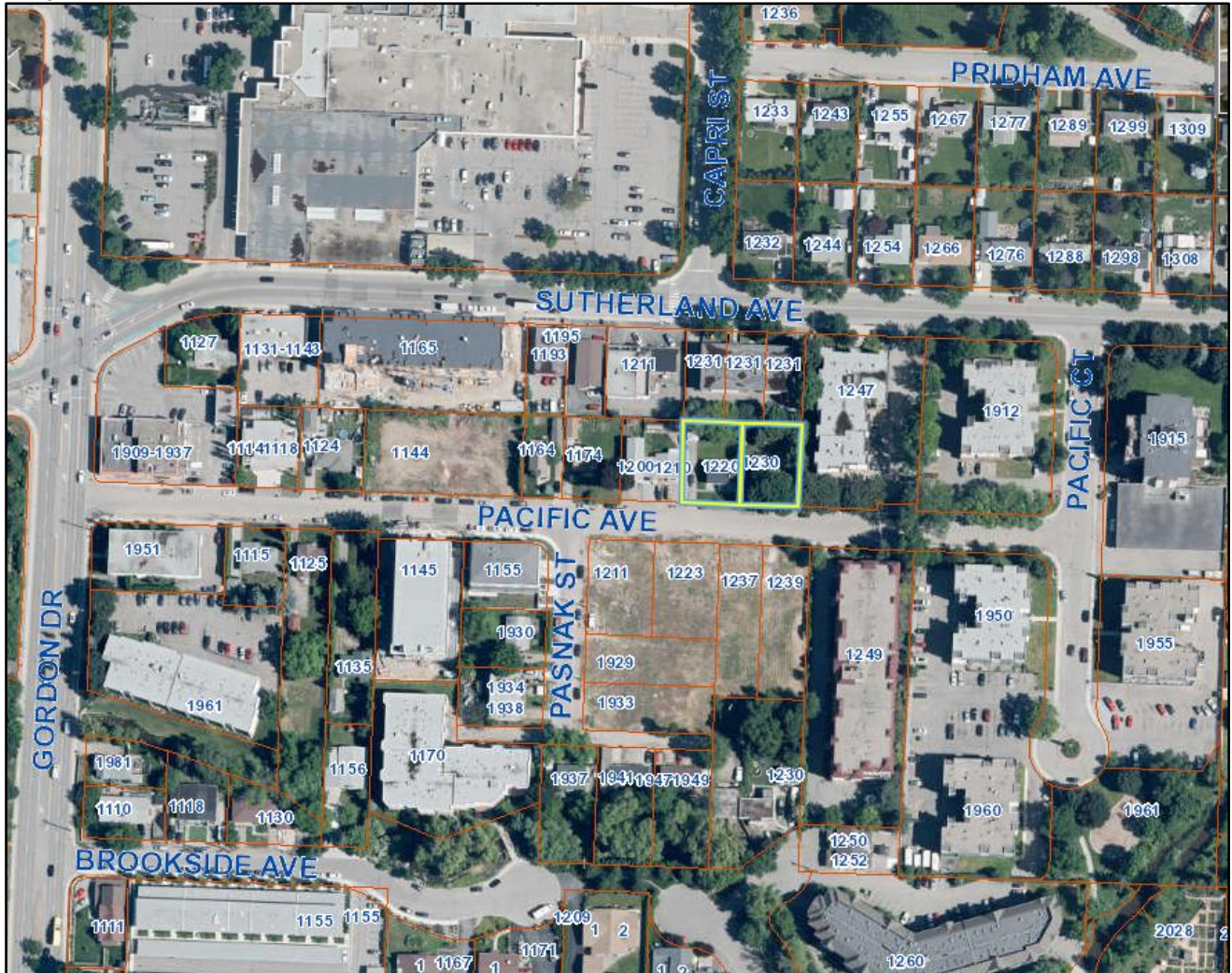
### 4.2 Site Context

The property is in the Central City Sector in the Capri-Landmark Urban Centre a block south of Capri Mall. The nearest major intersection is Gordon Dr. and Sutherland Ave. Gordon Dr. is considered to be a major transit corridor and Sutherland Ave. supports a bus route. The site also has very good access to the city's active transportation network.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM5 – Medium Density Multiple Housing	Multiple Dwelling Housing
East	RM5 – Medium Density Multiple Housing	Multiple Dwelling Housing
South	RU6 – Two Dwelling Housing	Vacant
West	RU6 – Two Dwelling Housing	Single Dwelling Housing

**Subject Property Map: 1220-1230 Pacific Ave.**



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 1: Introduction

##### *Goals for a Sustainable Future:*

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

#### Chapter 5: Development Process

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



*Policy .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.

## 5.2 Capri-Landmark Urban Centre Plan

### Section 5: Community Structure

*Land Use & Housing:* Future Land Use Map (p. 54)

### Section 6: Area Specific Policy Direction

#### *Sub-Area 4: Five Bridges*

*Vision:* Areas adjacent to the Capri-Centre Mall will provide a mid-rise transition from the high density redevelopment of the Capri-Centre Mall, buffering nearby townhouse and low-rise development in the area.

## 6.0 **Technical Comments**

### 6.1 Development Engineering Department

- See Schedule A

## 7.0 **Application Chronology**

Date of Application Received: November 3, 2020

Date Public Consultation Completed: March 1, 2021

**Report prepared by:** A.D. Thibeault, Planner II

**Reviewed by:** Jocelyn Black, Urban Planning Manager

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

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

### **Attachments:**

Schedule A: Development Engineering Memo

Attachment A: Applicant Rationale


Attachment B: Conceptual Drawing Package

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# CITY OF KELOWNA

## MEMORANDUM

**Date:** November 9, 2020  
**File No.:** Z20-0094  
**To:** Community Planning (AT)  
**From:** Development Engineering Manager (JK)  
**Subject:** 1220-1230 Pacific Ave.

<b>SCHEDULE</b>	<b>A</b>
This forms part of application # Z20-0094	
Planner Initials	AT
 City of <b>Kelowna</b> COMMUNITY PLANNING	
RU6 to C4	


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

### 1. Site Related Issues

- (a) The following requirements are valid for one (1) years from the reference date of this memo, or until the PLR and/or application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.
- (b) These Development Engineering comments/requirements are subject to the review and requirements from the Ministry of Transportation and Infrastructure (MoTI).
- (c) Dedicate ~2.25m width along the full frontage of Pacific Ave. to achieve a 20.0m ROW.
- (d) As per bylaw 7900 only one driveway will be permitted on this development.

### 2. Domestic Water and Fire Protection

- a) These properties are currently serviced with 13mm-diameter water service. The developer's consulting mechanical engineer will determine the domestic, fire protection requirements of this proposed development and establish hydrant requirements and service needs. The applicant will arrange for the removal and disconnection of the existing service and the installation of one new larger service at the applicant's cost.
- b) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department and prepare the meter setter at his cost. Boulevard landscaping, complete with underground irrigation system, must be integrated with the on-site irrigation system
- c) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures. The

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City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters.

### 3. **Sanitary Sewer**

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

### 4. **Storm Drainage**

- a) Provide a detailed Stormwater Management Plan for this development as per the Subdivision, Development and Servicing Bylaw #7900.
- b) Ground water will not be allowed to be pumped to City drainage system.
- c) The developer must engage a consulting civil engineer to provide a storm water management plan for this site which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and provision of a storm drainage service and recommendations for onsite drainage containment and disposal systems

### 5. **Road Improvements**

- (a) Pacific Ave must be upgraded to an urban standard along the full frontage of this proposed development, including barrier curb and gutter, 1.8m sidewalk, irrigated landscaped boulevard, drainage system including catch basins, manholes and pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. Road cross section to be used is a SS-R5.

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

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

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

- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground as this site is located within the Capri Landmark Urban Centre.
- b) Streetlights must be installed on Pacific Ave. if needed.
- c) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.

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- d) Re-locate existing poles and utilities, where necessary. Remove aerial trespass(es).

## 8. **Design and Construction**

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

## 9. **Servicing Agreement for Works and Services**

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

## 10. **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.

## 11. **Geotechnical Report**

- a) Provide a comprehensive geotechnical report, prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the



items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**

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

- i. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- ii. Site suitability for development.
- iii. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- iv. Any special requirements for construction of roads, utilities and building structures.
- v. Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.
- vi. Slope stability, rock fall hazard and slippage including the effects of drainage and septic tank effluent on the site.
- vii. Identify slopes greater than 30%.
- viii. Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
- ix. Recommendations for items that should be included in a Restrictive Covenant.
- x. Any special requirements that the proposed subdivision should undertake so that it will not impact the bank(s). The report must consider erosion and structural requirements.
- xi. Any items required in other sections of this document.
- xii. Recommendations for erosion and sedimentation controls for water and wind.
- xiii. Recommendations for roof drains and perimeter drains.
- xiv. Recommendations for construction of detention or infiltration ponds if applicable.

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## 12. Charges and Fees

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

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James Kay, P. Eng.  
Development Engineering Manager

AS

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**BLUEGREEN**  
ARCHITECTURE INC

October 7, 2020

Prepared for:  
**Development Permit Application**

Project:  
**1220 + 1230 PACIFIC AVE, Kelowna, BC**

Re:  
**Design Rationale**



## 1.0 PROJECT DESCRIPTION

The building site is located in the Capri Landmark Urban Centre of Kelowna. The site has access to the south along Pacific Avenue. The proposal is to build a 28-unit, 5 level condominium building with street accessed townhomes. The upper 4 storeys of wood-frame construction sit on a single level above-grade concrete parking structure masked behind the proposed townhomes.

The building is designed to be 'timeless', using traditional architectural details within modern forms. The intention is to meld within the character of Pacific Avenue with its new modern counterpart. This will include a mixture of materials including exposed concrete, classic red brick masonry and board and batten siding. The height and massing of the building steps back from the streetscape incrementally to provide sensitivity to its neighbors. Special attention has been paid to the main building entry off Pacific Ave to make it both attractive and sensible. Pedestrian scaled design is important along this corridor and has been emphasized along the street frontage. For the ground accessed townhomes, there is a balance between scale and aesthetic, forming a base to the building that is both intimate yet pronounced. The play of massing and design help the building blend into its context and is integral to this pedestrian scaled approach.

For the parkade access and refuse collection, access has been provided off a driveway to the east. Consideration has been made to beautify these elements using in-ground Molak refuse bins along with privacy fencing via half walls and vegetation.

The project has an abundance of space on the podium that provides extensive landscaped open space. This will be used for private yard space for all the residents. The circulation and surrounding garden space for gardening, planting, and socializing which will encourage outdoor social interaction. Utilizing the area of the parkade podium for garden space provides a good opportunity for softer landscaping. The growing medium would be raised planters.

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

### BLUEGREEN ARCHITECTURE

100 – 1353 ELLIS STREET, KELOWNA, BC, V1Y 1Z9  
236 – 420 – 3550  
bluegreenarchitecture.com

#### SITE ACCESS

The project parking is located within a secured concrete parking structure along the rear yard. This is accessed by drive aisle located off the side yard to the east. There are two accessible parking stalls located near the rear lobby entrance. Access from the private garage to the building is facilitated by the elevator.

The front facade along Pacific Avenue has ground oriented access to the street while all residences have access to the podium level communal greenspace; accessible by use of the lobby elevator or stairwells.

### 2.0 URBAN CONNECTIVITY

The project is in the Capri Landmark Urban Centre, allowing pedestrians and cyclists easy access to all the shopping and recreational opportunities in that area. Located between Sutherland Avenue and Springfield, the project is near a major corridor for pedestrian, cycling & automobiles to downtown/Lake Okanagan. Transit is available on both Harvey and Springfield. When going further from the immediate area, and a car is the only option, Springfield and Harvey (Highway 97) offer excellent connectivity to the rest of the City and the region.

### 3.0 SUSTAINABILITY

The use of naturally sourced materials is used to a large extent, and thereby reduces the carbon footprint as much as possible. Envelope details that prevent water and moisture ingress while still allowing the assemblies to dry are being incorporated. Minimizing thermal bridging combined with appropriate continuous insulation will reduce heating and cooling loads. South and west facing windows will be specified to have appropriate shading and glazing coefficients to utilize the summer sun by blocking the heat while still allowing the winter sun to penetrate, reducing cooling and heating loads in the summer and winter seasons respectively.

### 4.0 CRIME PREVENTION

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

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

### 5.0 LANDSCAPING

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

The landscape concept for the setback areas will be appropriate for the size of space and daylighting

ATTACHMENT

A

This forms part of application

# Z20-0094



City of  
Kelowna

Planner

Initials

AT



potential. The rear yard in this case has been designed as 0m setback as there is little potential for any vegetation to grow between the parking structure and neighboring parking lot. This was a suggestion by City staff.

## 6.0 SUMMARY

Great A&A Properties and Bluegreen Architecture's design team feel that the combination of a modern design esthetic coupled with pedestrian friendly landscape features and contemporary building materials will provide a very functional and highly desirable residential neighborhood project.

By providing a higher density of residences in an Urban Centre we feel our intent for this project will set precedent for future development in the area to follow a model and similar approach.

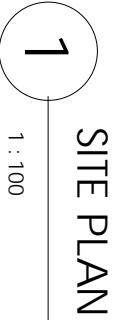
We look forward to your support for all this project brings to our community, and this unique opportunity to address and create an affordable living experience.

Respectfully submitted,

Aaron Whalen, Associate & Project Designer, Bluegreen Architecture











PERSPECTIVE LOOKING NORTH FROM PACIFIC AVE

# ATTACHMENT B

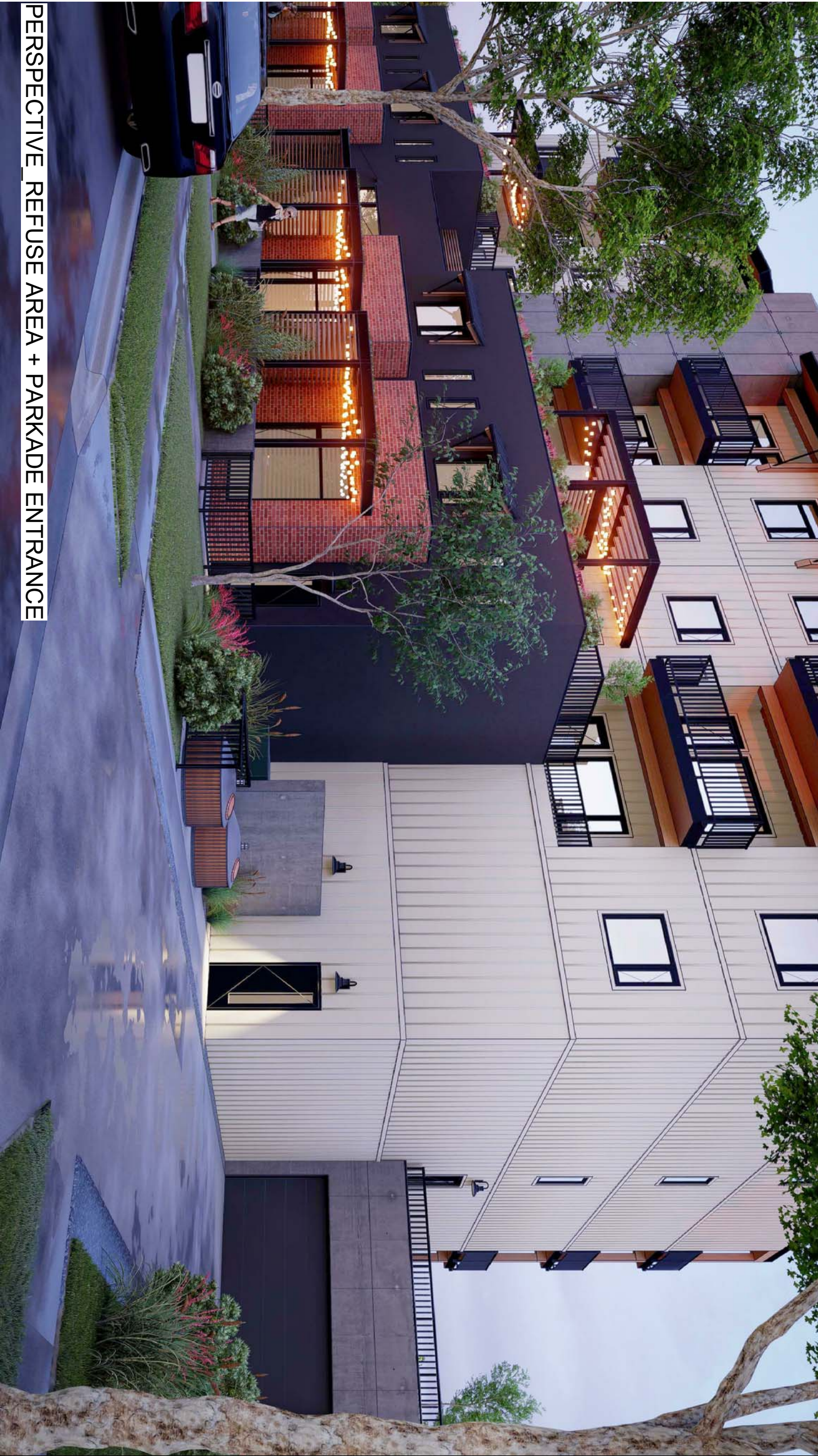
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Initials

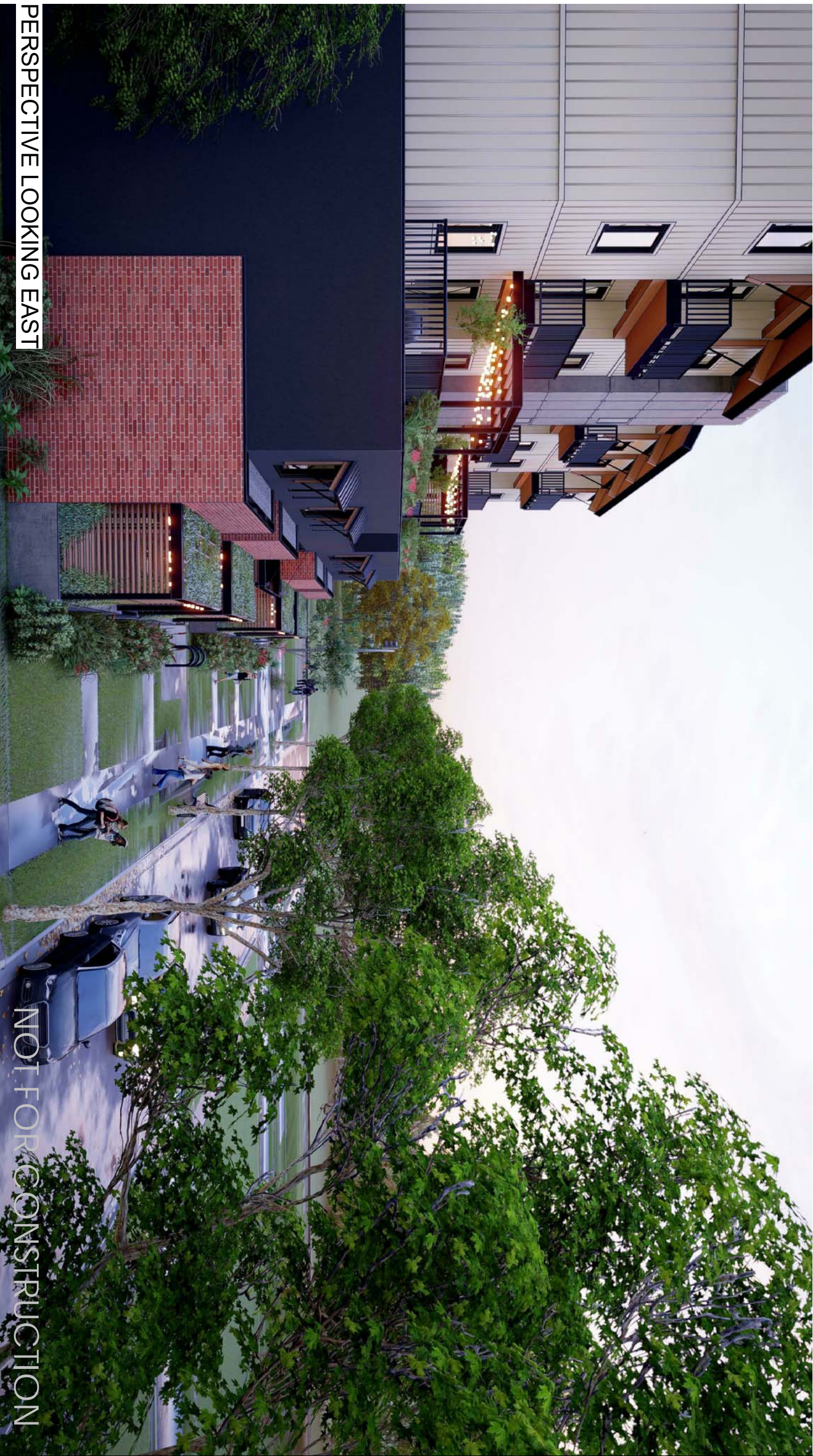
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PERSPECTIVE TOWNHOUSE + LOBBY ENTRANCE



PERSPECTIVE REFUSE AREA + PARKADE ENTRANCE



PERSPECTIVE LOOKING EAST





# Z20-0094 1220-1230 Pacific Ave.

Rezoning Application





# Proposal

- ▶ To rezone the subject property from the RU6 – Two Dwelling Housing zone to the C<sub>4</sub> – Urban Centre Commercial zone to facilitate the development of a 5 storey apartment building.

# Development Process

Nov. 3, 2020

Development Application Submitted



Staff Review & Circulation



Mar. 1, 2021

Public Notification Received



Mar. 22, 2021

Initial Consideration



Public Hearing  
Second & Third Readings

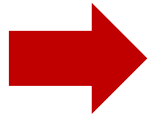


Final Reading  
DP & Variances

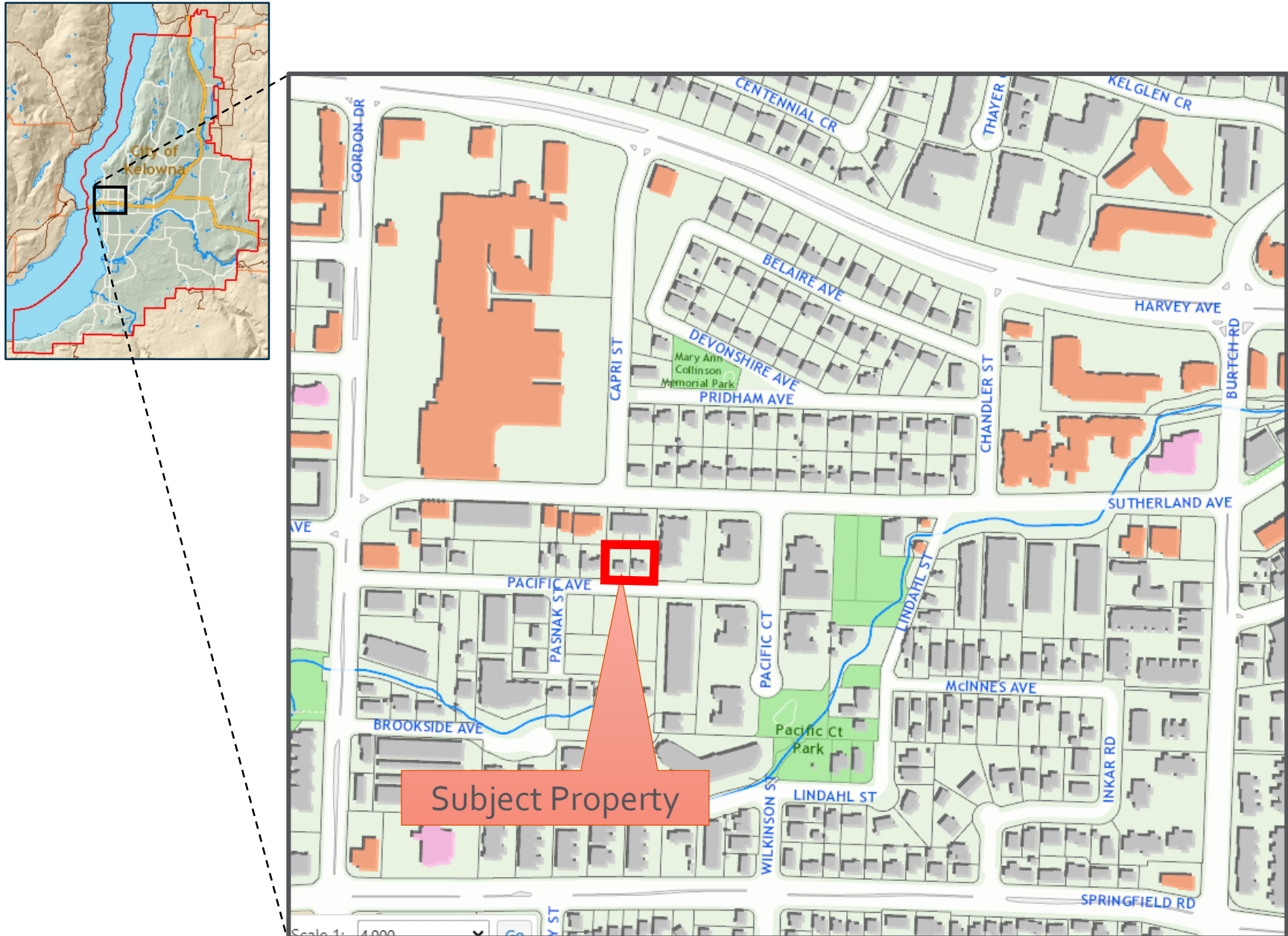


Building Permit

Council  
Approvals

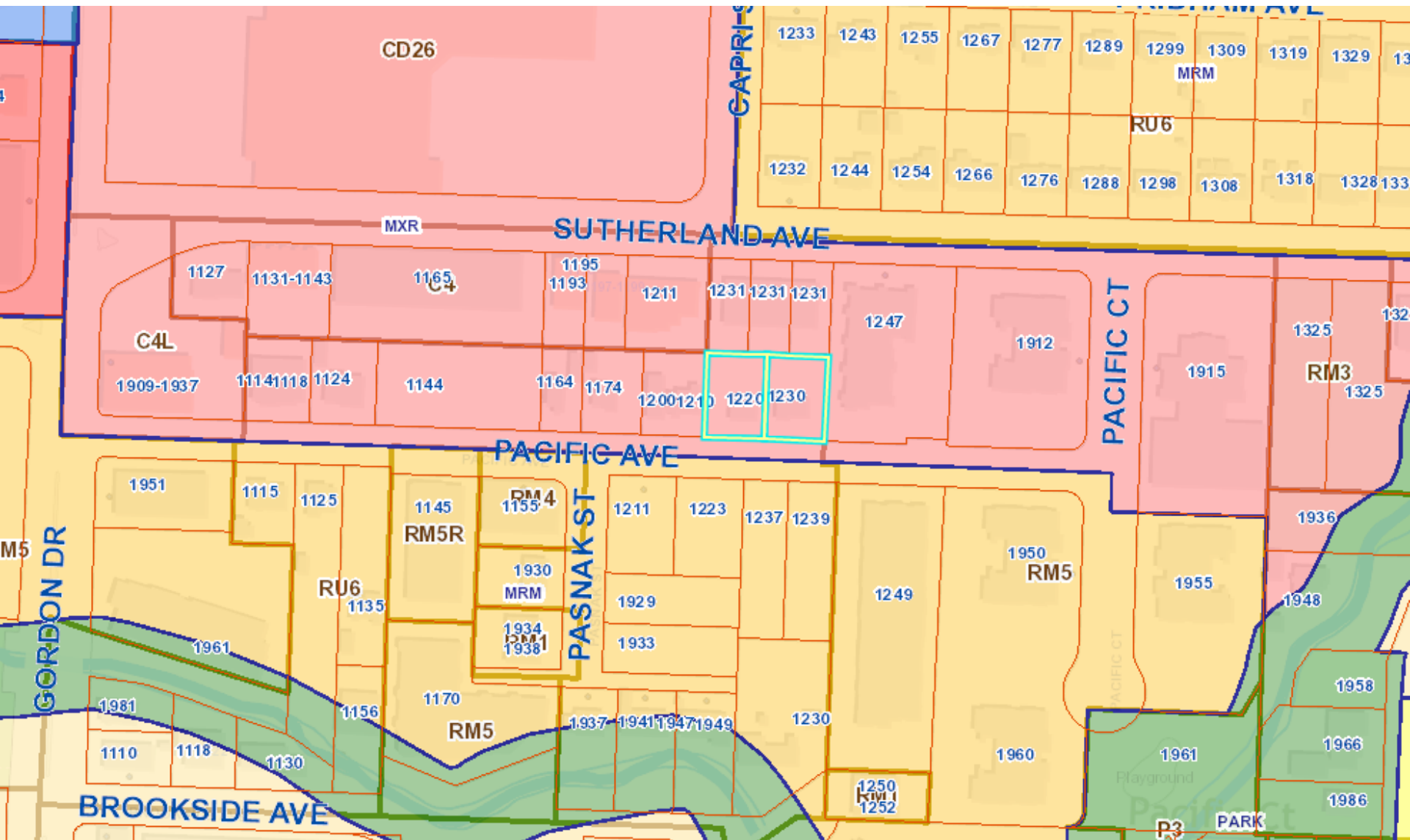


# Context Map





# OCP Future Land Use / Zoning



# Subject Property Map



City of Kelowna

# Project/technical details

- ▶ Rezone to C<sub>4</sub> – Urban Centre Commercial to facilitate a 5 storey apartment building.
- ▶ C<sub>4</sub> zone permits commercial uses; however, the development being proposed is strictly residential.

Conceptual Render





# Land Use

- ▶ C<sub>4</sub> zone requires commercial uses at grade for property on a collector or arterial road.
- ▶ Property in question is on a local road and the surrounding neighbourhood is mainly residential.
- ▶ As such, residential use at grade is permitted under the zone and considered to be acceptable in this context.

# Development Policy

- ▶ Focus growth in urban and village centres
- ▶ Develop a compact urban form that maximizes use of existing infrastructure
- ▶ Future Land Use designation is MXR – Mixed Use Residential / Commercial which does support the proposed C<sub>4</sub> zone.
  - ▶ In the Capri-Landmark Urban Centre
  - ▶ Block south of Capri Mall with commercial and employment opportunities
  - ▶ Good transit access (Gordon Dr. is major transit corridor)
  - ▶ Good access to active transportation (on bike network and short distance from Ethel St. ATC)

# Staff Recommendation

- ▶ Staff support the proposed rezoning to C<sub>4</sub>
  - ▶ Growth in an urban centre
  - ▶ Promotes a compact urban form through maximizing existing infrastructure
  - ▶ Future Land Use designation is MXR, which supports the C<sub>4</sub> zone





## *Conclusion of Staff Remarks*

# Conceptual Rendering



**CITY OF KELOWNA**  
**BYLAW NO. 12191**  
**Z20-0094**  
**1220 and 1230 Pacific Avenue**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of:
  - a) Lot 2 Section 19 Township 26 ODYD Plan 6634; and
  - b) Lot 3 Section 19 Township 26 ODYD Plan 6634located at Pacific Avenue, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the C4 – Urban Centre Commercial zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

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

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(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk





## City of Kelowna Public Hearing Minutes

Date: Tuesday, March 16, 2021  
 Time: 6:00 pm  
 Location: Council Chamber  
 City Hall, 1435 Water Street

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

Members participating remotely Councillors Charlie Hodge and Luke Stack

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith; Community Planning & Development Manager, Dean Strachan; Urban Planning Manager, Jocelyn Black

Staff participating remotely Legislative Coordinator (Confidential), Clint McKenzie

### 2. **Call to Order the Public Hearing - START TIME 6:00 PM - Moubray Rd 387 - Z20-0092 (BL12156) - Ravdeep S. Tiwana and Kulwinder K. Khatra**

Mayor Basran called the Hearing to order at 6:01 p.m.

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

### 3. **Individual Bylaw Submissions**

#### 3.1 **START TIME 6:00 PM - Moubray Rd 387 - Z20-0092 (BL12156) - Ravdeep S. Tiwana and Kulwinder K. Khatra**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

The applicant was not available online for questions.

No one participating online indicated they wished to speak.

**4. Termination**

The Hearing was declared terminated at 6:07 p.m.

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

Mayor Basran called the meeting to order at 6:07 p.m.

**6. Bylaws Considered at Public Hearing**

**6.1 START TIME 6:00 PM - Moubray Rd 387 - BL12156 (Z20-0092) - Ravdeep S. Tiwana and Kulwinder K. Khatra**

Moved By Councillor Donn/Seconded By Councillor Singh

**R0314/21/03/16** THAT Bylaw No. 12156 be read a second and third time.

**Carried**

**7. Termination**

The meeting was declared terminated at 6:08 p.m.

**8. Call to Order the Public Hearing - START TIME 6:00 PM - Hwy 97 N 2789-2791 - Z20-0098 (BL12168) - Carlyle Holdings Ltd., Inc. No. 273657**

Mayor Basran called the Hearing to order at 6:08 p.m.

**9. Individual Bylaw Submissions**

**9.1 START TIME 6:00 PM - Hwy 97 N 2789-2791 - Z20-0098 (BL12168) - Carlyle Holdings Ltd., Inc. No. 273657**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Clint Gavel, Part Nine Designs, Drysdale Boulevard Applicant's Agent,  
The applicant was present and available for questions.

Online Participants:

No one participating online indicated they wished to speak.

**10. Termination**

The Hearing was declared terminated at 6:11 p.m.

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

Mayor Basran called the meeting to order at 6:11 p.m.

**12. Bylaws Considered at Public Hearing**

**12.1 START TIME 6:00 PM - Hwy 97 N 2789-2791 - BL12168 (Z20-0098) - Carlyle Holdings Ltd., Inc. No. 273657**

Moved By Councillor Donn/Seconded By Councillor Hodge

**R0315/21/03/16** THAT Bylaw No. 12168 be read a second and third time.

Carried**13. Termination**

The meeting was declared terminated at 6:12 p.m.

**14. Call to Order the Public Hearing - START TIME 6:00 PM - Glenmore Dr 1064, 1074, 1084 - OCP20-0014 (BL12175) Z20-0067 (BL12176) - P275 Enterprises Ltd. Inc. No. BC1241904**

Mayor Basran called the Hearing to order at 6:12 p.m.

**15. Individual Bylaw Submissions****15.1 START TIME 6:00 PM - Glenmore Dr 1064, 1074, 1084 - OCP20-0014 (BL12175) Z20-0067 (BL12176) - P275 Enterprises Ltd. Inc. No. BC1241904**

Staff:

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

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Brian Banmn, Align Properties, Applicant

Birte Decloux, Urban Options, Applicant's Agent

- Displayed a PowerPoint presentation summarizing the application.
- Spoke to the rationale for making the application.
- Identified other multi-family developments in the immediate area.
- Spoke to neighbourhood amenities and central location of the proposed development.
- Responded to questions from Council.

Online Participants:

Felix Morin-Dutil, Highland Dr N

- Opposed to the application.
- Raised concerns with impacts on their privacy.
- Invited Council members to see their property in person.
- Opposed to the proposed variances which would further erode their privacy and the impact of the development on their property.
- Responded to questions from Council.

Kelly and Ryan Rustad, Ridgeway Dr

- Opposed to the application.
- Concerned with pedestrian safety and children walking to Glenmore Elementary.
- Raised concern with increase in traffic including the laneway.

Ian Smith, Blondeaux Cr

- Opposed to the application.
- Concerned with traffic on the adjacent laneway.
- Would be supportive of low density multi-family development.
- Concerned that the number of units being proposed is too much for the site and the neighbourhood.

Irene Failes, Calmels Cr

- Referenced correspondence previously submitted.
- Opposed to the application.
- Raised concerns with parking and pedestrian safety.
- Opposed to the proposed density.
- Opposed to the OCP change.



Don and Rosemary Thompson, Pinecrest Lane

- Opposed to the application.
- Concerned with the proposed density.
- Concerned with traffic and the existing congestion in the area during peak travel times.
- Would support low density multi-family housing.

Malcolm Petch, Mountain Ave

- Opposed to the application.
- Questioned the OCP change to medium density.
- Would support low density in the current OCP.
- Raised concerns with traffic.
- Not many commercial amenities within walking distance.

Rhonda Jarvis, Blondeaux Cr

- Opposed to the application.
- Concerned with traffic and pedestrian safety.
- Would be supportive of RU7 or low density multi-family development.

Chris and Chelsea Howanik Triback, Glenmore Dr

- Opposed to the application.
- Concerned with additional traffic and parking that would be created.
- Concerned with the adjacent lane being opened.
- Concerned with safety of neighbourhood children.
- Would be supportive of low density multi-family development.
- Agree with previous speakers who are opposed.

Devon, Siebenga, Raymer Ave

- Recently purchased a lot in the area.
- Spoke to the lack of affordable housing in the City.
- This development would help with affordable rentals.
- Supportive of the application.
- Responded to questions from Council.

Jarett Yamaoka, Pinecrest Lane

- Opposed to the application.
- Concerned with the proposed density.
- Would be supportive of low density multi-family development.
- Concerned with pedestrian and traffic safety.

Steve & Joanna Cann, Glenella Pl

- Opposed to the application.
- Concerned with traffic and impact on adjacent lane.
- Raised concern with proposed density.
- Would be supportive of low density multi-family development.
- Raised concern with parking.

Zachary Gauthier, Celano Cr

- Supportive of the application.
- Sees this as a positive change.

Erica Korten, Cook Rd

- Supportive of the application.

Shelly Ward, Calmels Cr

- Opposed to the application.
- Concerned with traffic.
- Would be supportive of low density multi-family development.

Trent Shefsky, Glenmore Dr  
- Supportive of the application.

Rob Robinson, Calmels Cr  
- Opposed to the application.  
- Raised concerns with the lack of sidewalks and pedestrian and bicycle safety, in particular during winter.

Trent & Trudy Johnson, Mountain Ave  
- Opposed to the application.  
- Proposal does not fit in the neighbourhood.  
- Concerned with the way the public input was collected and used.  
- Concerned with the number of units and the impact on traffic.  
- Would be supportive of low density multi-family development.

Applicant, in response:  
- Spoke to the OCP and rezoning portion of the application.  
- Provided rationale for unit types being proposed.  
- Spoke to the location of neighbourhood walking routes.  
- Spoke to neighbourhood consultation efforts, which began in 2020.  
- Confirmed proposed parking meets the Zoning Bylaw.  
- Responded to questions from Council.

Staff responded to questions from Council.

#### **16. Termination**

The Hearing was declared terminated at 8:06 p.m.

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

Mayor Basran called the meeting to order at 8:06 p.m.

#### **18. Bylaws Considered at Public Hearing**

**18.1 START TIME 6:00 PM - Glenmore Dr 1064, 1074, 1084 - BL12175 (OCP20-0014) - P275 Enterprises Ltd. Inc. No. BC1241904**

Moved By Councillor Donn/Seconded By Councillor Wooldridge

Ro316/21/03/16 THAT Bylaw No. 12175 be read second and third time.

**Defeated**  
Councillors DeHart, Hodge, Sieben, Singh, Stack - Opposed

**18.2 START TIME 6:00 PM - Glenmore Dr 1064, 1074, 1084 - BL12176 (Z20-0067) - P275 Enterprises Ltd. Inc. No. BC1241904**

The readings of Bylaw No. 12176 were not read, due to Bylaw No. 12175 being defeated.

#### **19. Termination**

The meeting was declared terminated at 8:47 p.m.

#### **20. Call to Order the Public Hearing - START TIME 6:45 PM - Sexsmith Rd 2996 - Z19-0072 (BL12177) - Larry L. Cota and Carla C. Cota**

Mayor Basran called the Hearing to order at 8:47 p.m.

#### **21. Individual Bylaw Submissions**

**21.1 START TIME 6:45 PM - Sexsmith Rd 2996 - Z19-0072 (BL12177) - Larry L. Cota and Carla C. Cota**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Birte Decloux, Urban Options, Applicant's Agent

- Provided comments on the merits of the proposed development.  
- Spoke to the efforts to control drainage.

Online Participants:

No one participating online indicated they wished to speak.

**22. Termination**

The Hearing was declared terminated at 8:52 p.m.

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

Mayor Basran called the meeting to order at 8:52 p.m.

**24. Bylaws Considered at Public Hearing**

**24.1 START TIME - 6:45 PM - Sexsmith Rd 2996 - BL12177 (Z19-0072) - Larry L. Cota and Carla C. Cota**

Moved By Councillor Donn/Seconded By Councillor Wooldridge

**R0317/21/03/16** THAT Bylaw No. 12177 be read a second and third time.

Carried

**25. Termination**

The meeting was declared terminated at 8:53 p.m.

**26. Call to Order the Public Hearing - START TIME 6:45 PM - Sexsmith Rd 3030 - Z18-0116 (BL12178) - Jason G. Witt**

Mayor Basran called the Hearing to order at 8:53 p.m.

**27. Individual Bylaw Submissions**

**27.1 START TIME 6:45 PM - Sexsmith Rd 3030 - Z18-0116 (BL12178) - Jason G. Witt**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Birte Decloux, Urban Options, Applicant's Agent

- Spoke to the merits of the application.

Online Participants:

No one participating online indicated they wished to speak.



**28. Termination**

The Hearing was declared terminated at 8:55 p.m.

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

Mayor Basran called the meeting to order at 8:55 p.m.

**30. Bylaws Considered at Public Hearing**

**30.1 START TIME 6:45 PM - Sexsmith Rd 3030 - BL12178 (Z18-0116) - Jason G. Witt**

**Moved By Councillor Given/Seconded By Councillor Singh**

**R0317/21/03/16** THAT Bylaw No. 12178 be read a second and third time.

**Carried**

**31. Termination**

The meeting was declared terminated at 8:56 p.m.

**32. Procedure on each Bylaw Submission**

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

sf/cm



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City Clerk



## City of Kelowna Regular Meetings Minutes

Date: Tuesday, March 16, 2021  
Time: 7:15 pm  
Location: Council Chamber  
City Hall, 1435 Water Street

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

Members participating remotely Councillors Charlie Hodge and Luke Stack

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton; Urban Planning Manager, Jocelyn Black

Staff participating remotely Legislative Coordinator (Confidential), Clint McKenzie

**1. Call to Order**

Mayor Basran called the meeting to order at 8:55 p.m.

**2. Reaffirmation of Oath of Office**

The Oath of Office was read by Councillor Donn.

**3. Confirmation of Minutes**

Moved By Councillor Donn/Seconded By Councillor Wooldridge

R0318/21/03/16 THAT the Minutes of the Public Hearing of February 23, 2021 be confirmed as circulated.

Carried

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

**4.1 START TIME 7:15 PM - Bach Rd 185 - BL12064 (Z20-0019) - Ashwani K. Lakha and Komal R. Lakha**

Moved By Councillor Given/Seconded By Councillor Donn

R0319/21/03/16 THAT Bylaw No. 12064 be adopted.

Carried

**4.2 START TIME 7:15 PM - Bach Rd 185 - DVP20-0074 - Ashwani K. Lakha and Komal R. Lakha**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Birte Decloux, Urban Options, Applicant's Agent,  
Applicant was available for questions.

Online Participants:

No one participating online indicated they wished to speak.

Moved By Councillor Donn/Seconded By Councillor Sieben

**R0320/21/03/16** THAT final adoption of Rezoning Bylaw No. 12064 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0074 for Lot B Section 26 Township 26 ODYD Plan KAP57577, located at 185 Bach Road, Kelowna, BC;

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

**Section 13.2.5(a): RU2 – Medium Lot Housing, Subdivision Regulations**

To vary the minimum lot width from 13.0m required to 12.65m proposed;

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

Carried

**4.3 START TIME 7:15 PM - Enterprise Way 2540 - DP20-0215 DVP20-0216 - SD 116 Ventures Ltd., Inc.No. 648597**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Eric Worman, Matt Johnston West Ave, Applicant  
Showed a rendering of the proposed development

Online Participants:

Gord Hayes, Diamond View

- Representing Kelowna BMW.
- Their business shares the driveway with the applicant.
- Concerned regarding the traffic flow and the impacts the setback would have on safety.
- Opposed to the proposed variance as it does not fit into the existing business area.

Applicant in response

- Responded to questions from Council.
- Reviewed why the setback variance is required.



Matt Johnston, Landmark Architect, Applicant's Agent

- Wish to engage the pedestrian scale of the property. The building will take up only a third of the width of the property to be respectful of the shared driveway.
- Confirmed the overall floor area in the new building is slightly less than the existing building.
- Confirmed additional parking is being provided over what is required along with an adequate driving corridor in order for truck traffic to get around the entire property.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Wooldridge

**R0321/21/03/16** THAT Council authorizes the issuance of Development Permit No. DP20-0215 for Lot 2, District Lot 125, ODYD Plan KAP69740, located at 2540 Enterprise Way, Kelowna, BC, subject to the following:

1. The dimensions and siting of the building to be constructed on the land 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 in accordance with Schedule "C";
4. The applicant be required to post with 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 THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0216 for Lot 2, District Lot 125, ODYD Plan KAP69740, located at 2540 Enterprise Way, Kelowna, BC;

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

**Section 15.2.5(d): I2 - General Industrial Development Regulations**

To vary the required minimum front yard setback from 7.5m permitted to 4.0m proposed.

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

**Carried**

**4.4 START TIME 7:15 PM - Royal Ave 480 - BL12142 (Z20-0059) - W Squared Ventures Inc., Inc.No. BC1258050**

Moved By Councillor Wooldridge/Seconded By Councillor Singh

**R0322/21/03/16** THAT Bylaw No. 12142 be amended at third reading by replacing the legal description;

AND THAT Bylaw No. 12142 as amended be adopted.

**Carried**

**4.5 START TIME 7:15 PM - Royal Ave 480 - HAP20-0008 - W Squared Ventures Inc., Inc. No. BC1258050**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Eric Worman, Royal Ave, Applicant,

- Applicant displayed a rendering and was available for questions.
- Responded to questions from Council.
- Spoke to the Pandosy side of the building and the improvements.
- Spoke to planting mature trees and ensuring no impact on power poles on Pandosy Ave.

No one participating online indicated they wished to speak.

Moved By Councillor Donn/Seconded By Councillor Stack

**R0323/21/03/16** THAT final adoption of Rezoning Bylaw No. 12142 be considered by Council;

AND THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP20-0008 for Lot 4, District Lot 14, ODYD, Plan 7535, Except Plan EPP108760 located at 480 Royal 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 general 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 THAT variances to the following section of Zoning Bylaw No. 8000 be granted in accordance with Schedule "A":

**Section 17.3.4(b): HD3 – Health Services Transitional, Development Regulations**

To vary the maximum site coverage with driveways and parking areas from 60% permitted to 72% proposed.

**Section 17.3.5(b): HD3 – Health Services Transitional, Other Regulations**

To vary the minimum landscape buffer setback areas from 2.0m permitted to 0.66m proposed for the north side yard and from 3.0m permitted to 0.47m proposed for the rear yard.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Heritage Alteration Permit Application in order for the permits to be issued;

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

Carried

**5. Reminders**

None

The meeting recessed at 9:40 p.m.

The meeting reconvened at 9:42 p.m.

**6. Resolution Closing the Meeting to the Public**

Moved By Councillor Donn/Seconded By Councillor Hodge

R0324/21/03/16 THAT this meeting be closed to the public pursuant to Sections 90(1)(e)(g) of the Community Charter for Council to deal with matters relating to the following:

- Disposition of land or improvements
- Litigation or potential litigation affecting the municipality

Carried

**7. Adjourn to Closed Session**

The meeting adjourned to a closed session at 9:42 p.m.

**8. Reconvene to Open Session**

The meeting reconvened to an open session at 9:56 p.m.

Moved By Councillor Hodge/Seconded By Councillor Given

R0325/21/03/16 THAT Council schedule a Special Council Meeting for Monday a.m., March 29, 2021 to be held in Council Chambers.

Carried

**9. Termination**

The meeting was declared terminated at 9:57 p.m.

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Mayor Basran

sf/cm



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City Clerk