

City of Kelowna Public Hearing AGENDA



Tuesday, July 13, 2021
4:00 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 4:00 PM -TA21-0001 (BL12165) - RU6 Zone Text Amendment - City of Kelowna**

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 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.

Public advertising and notice was prepared when the Order of the Provincial Health Officer on Gatherings and Events did not permit applicants and the public to attend in person. Therefore, for this public hearing, 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 4:00 PM - TA21-0001 (BL12165) - RU6 Zone Text Amendment - City of Kelowna**

13 - 24

A Text Amendment to the RU6 – Two Dwelling Housing zone to remove the land use note, which currently requires duplex and semi-detached housing to meet subdivision

requirements.

4. Termination

5. Call to Order the Regular Meeting

6. Bylaws Considered at Public Hearing

6.1. START TIME 4:00 PM - BL12165 (TA21-0001) - RU6 Zone Text Amendment - City of Kelowna

25 - 26

To give Bylaw No. 12165 second and third reading in order to amend the RU6 - Two Dwelling Housing zone.

7. Termination

8. Call to Order the Public Hearing - START TIME 4:00 PM - Enterprise Way, Hunter Ct, Hunter Rd and Leckie Rd - LUCT21-0001 (BL12211) Z21-0038 (BL12212) - Multiple Owners

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9. Individual Bylaw Submissions

9.1. START TIME 4:00 PM - Enterprise Way, Hunter Ct, Hunter Rd and Leckie Rd - LUCT21-0001 (BL12211) Z21-0038 (BL12212) - Multiple Owners

27 - 53

To proceed with the early termination of LUC77-1085 and to rezone the subject properties as identified in 'Schedule A, B and C'.

10. Termination

11. Call to Order the Regular Meeting

12. Bylaws Considered at Public Hearing

12.1. START TIME 4:00 PM - Enterprise Way, Hunter Ct, Hunter Rd and Leckie Rd - BL12211 (LUCT21-0001) - Multiple Owners 54 - 57

To give Bylaw No. 12211 second and third reading in order to proceed with Early Termination of Land Use Contract LUC77-1085.

12.2. START TIME 4:00 PM - Enterprise Way, Hunter Ct, Hunter Rd and Leckie Rd - BL12212 (Z21-0038) - Multiple Owners 58 - 63

To give Bylaw No. 12212 second and third reading in order to rezone the subject properties as identified in the attached Schedules.

13. Termination

14. START TIME 4:00 PM - Call to Order the Public Hearing - START TIME 4:00 PM - Boyd Rd 2811, 2820, 2830, 2843 - LUC20-0003 (BL12224) Z20-0052 (BL12225) - Brian Pahl and Linda Pahl

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 4:00 PM - Boyd Rd 2811, 2820, 2830, 2843 - LUC20-0003 (BL12224) Z20-0052 (BL12225) - Brian Pahl and Linda Pahl 64 - 78

To discharge the Land Use Contract (LUC76-1112) from the subject properties and to rezone the properties as identified in 'Schedule A'.

16. Termination

17. Call to Order the Regular Meeting

18. Bylaws Considered at Public Hearing

- 18.1. START TIME 4:00 PM - Boyd Rd 2811, 2820, 2830, 2843 - BL12224 (LUC20-0003) - Brian Pahl and Linda Pahl** 79 - 79

To give Bylaw No. 12224 second and third reading and be adopted in order to discharge the subject properties from Land Use Contract LUC76-1112.

- 18.2. START TIME 4:00 PM - Boyd Rd 2820, 2830, 2843 - BL12225 (Z20-0052) - Brian Pahl and Linda Pahl** 80 - 81

To give Bylaw No. 12225 second and third reading and be adopted in order to rezone the subject properties from A1 - Agriculture 1 zone to the RU1 - Large Lot Housing zone.

19. Termination

20. Call to Order the Public Hearing - START TIME 4:00 PM - Finns Rd 663-671 - LUCT20-0012 (BL12234) - Su-Mar Investments Ltd., Inc. No. 154934

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 4:00 PM - Finns Rd 663-671 - LUCT20-0012 (BL12234) - Su-Mar Investments Ltd., Inc.No. 154934** 82 - 94

To proceed with the early termination of LUC76-1103 and to revert the parcel to the underlying C2rls – Neighbourhood Commercial (Retail Liquor Sales) zone.

22. Termination

23. Call to Order the Regular Meeting

24. Bylaws Considered at Public Hearing

24.1. START TIME 4:00 PM - Finns Rd 663-671 - BL12234 (LUCT20-0012) - Su-Mar Investments Ltd., Inc.No. 154934

95 - 95

To give Bylaw No. 12234 second and third reading and be adopted in order to proceed with early termination of Land Use Contract LUC76-1103.

25. Termination

26. Call to Order the Public Hearing -START TIME 4:00 PM - Finns Rd 733 - LUCT20-0020 (BL12235) - 684974 BC Ltd., Inc.No. 684974

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

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27. Individual Bylaw Submission

27.1. START TIME 4:00 PM - Finns Rd 733 - LUCT20-0020 (BL12235) - 684974 BC Ltd., Inc.No. 684974

96 - 108

To proceed with the early termination of LUC76-1056 and to revert the parcel to the underlying I2 – General Industrial zone.

28. Termination

29. Call to Order the Regular Meeting

30. Bylaws Considered at Public Hearing

- 30.1. **START TIME 4:00 PM - Finns Rd 733 - BL12235 (LUCT20-0020) - 684974 BC Ltd., Inc.No. 684974** 109 - 109

To give Bylaw No. 12235 second and third reading and be adopted in order to proceed with early termination of Land Use Contract LUC76-1056.

31. Termination

32. **Call to Order the Public Hearing - START TIME 4:00 PM - Enterprise Way 2046 and Hardy St 1505 - LUCT20-0017 (BL12237) - Multiple Owners**

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

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33. Individual Bylaw Submissions

- 33.1. **START TIME 4:00 PM - Enterprise Way 2046 and Hardy St 1505 - LUCT20-0017 (BL12237) - Multiple Owners** 110 - 122

To proceed with the early termination of LUC76-1108 and to revert the parcels to the underlying I2 – General Industrial zone.

34. Termination

35. Call to Order the Regular Meeting

36. Bylaws Considered at Public Hearing

36.1. START TIME 4:00 PM - Enterprise Way 2046 and Hardy St 1505 - BL12237 (LUCT20-0017) - Multiple Owners

123 - 123

To give Bylaw No. 12237 second and third reading and be adopted in order to proceed with early termination of Land Use Contract LUC76-1108.

37. Termination

38. Call to Order the Public Hearing - START TIME 4:30 PM - Manhattan Dr 955 - OCP21-0007 (BL12227) Z21-0018 (BL12228) - MCMI Developments Ltd., Inc.No. BC1239530

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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39. Individual Bylaw Submissions

39.1. START TIME 4:30 PM - Manhattan Dr 955 - OCP21-0007 (BL12227) Z21-0018 (BL12228) - MCMI Developments Ltd., Inc.No. BC1239530

124 - 198

To rezone the subject property from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone with accompanying OCP Amendment to change the future land use designation of the lot from the S2RES – Single / Two Unit Residential designation to the MRL – Multiple Unit Residential (Low Density) Designation.

40. Termination

41. Call to Order the Regular Meeting

42. Bylaws Considered at Public Hearing

- 42.1. START TIME 4:30 PM - Manhattan Dr 955 - BL12227 (OCP21-0007) - MCMCI Developments Ltd., Inc.No. BC1239530** 199 - 199

Requires a majority of all members of Council (5)

To give Bylaw No. 12227 second and third reading in order to change the future land use designation of the lot from the S2RES – Single / Two Unit Residential designation to the MRL – Multiple Unit Residential (Low Density) designation.

- 42.2. START TIME 4:30 PM - Manhattan Dr 955 - BL12228 (Z21-0018) - MCMCI Developments Ltd., Inc.No. BC1239530** 200 - 200

To give Bylaw No. 12228 second and third reading in order to rezone the subject property from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone.

43. Termination

- 44. Call to Order the Public Hearing - START TIME 7:00 PM - Burnett St 2251 - Z21-0007 (BL12232) TA21-0006 (BL12233) - Jose Antonio Maciel**

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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45. Individual Bylaw Submissions

- 45.1. START TIME 7:00 PM - Burnett St 2251 - Z21-0007 (BL12232) TA21-0006 (BL12233) - Jose Antonio Maciel** 201 - 226

To rezone the property from the RU6 – Two Dwelling Housing zone to the HD2 –

Hospital and Health Support Services zone; and to amend the Zoning Bylaw by allowing multiple dwelling housing as a principal use under the HD2 – Hospital and Health Support Services zone for a lot less than 900m² at 2251 Burnett Street. Both the rezoning and the site specific Text Amendment are proposed to facilitate a multiple dwelling housing development consisting of a 3 storey 6-plex.

46. Termination

47. Call to Order the Regular Meeting

48. Bylaws Considered at Public Hearing

48.1. START TIME 7:00 PM - Burnett St 2251 - BL12232 (Z21-0007) - Jose Antonio Maciel 227 - 227

To give Bylaw No. 12232 second and third reading in order to rezone the subject property from the RU6 – Two Dwelling Housing zone to the HD2 – Hospital and Health Support Services zone.

48.2. START TIME 7:00 PM - Burnett St 2251 - BL12233 (TA21-0006) - Jose Antonio Maciel 228 - 228

To give Bylaw No. 12233 second and third reading in order to amend the Zoning Bylaw by allowing multiple dwelling housing as a principal use under the HD2 – Hospital and Health Support Services zone for a lot less than 900m² for the subject property.

49. Termination

50. Call to Order the Public Hearing - START TIME 7:00 PM - Sadler Rd 145, Hwy 33 E 180 and 190 - Z18-0117 (BL11957) - Supplemental Report

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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Following the close of the Public Hearing, no further information from the applicant or

members of the public will be accepted by Council.

51. Individual Bylaw Submissions

- 51.1. START TIME 7:00 PM - Sadler Rd 145, Hwy 33 E 180 and 190 - Z18-0117 (BL11957) - Supplemental Report** 229 - 272

To consider an application to rezone the subject properties from the RU1 – Large Lot Housing and RU6 – Two Dwelling Housing zones to the C4 – Urban Centre Commercial zone to facilitate the development of Multiple Dwelling Housing.

52. Termination

53. Call to Order the Regular Meeting

54. Bylaws Considered at Public Hearing

- 54.1. START TIME 7:00 PM - Sadler Rd 145, Hwy 33 E 180 & 190, BL11957 (Z18-0117) - Studio 33 Properties Ltd., Inc No.BC1137489** 273 - 274

To give Bylaw No. 11957 second and third reading in order to rezone the subject properties from the RU1 – Large Lot Housing and RU6 – Two Dwelling Housing zones to the C4 – Urban Centre Commercial zone.

55. Termination

56. Call to Order the Public Hearing - START TIME 7:45 PM - Providence Ave 410 - OCP20-0017 (BL12229) TA20-0019 (BL12230) - Kettle Valley Holdings Ltd., Inc.No. 551772

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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57. Individual Bylaw Submissions

- 57.1. START TIME 7:45 PM - Providence Ave 410 - OCP20-0017 (BL12229) TA20-0019 (BL12230) - Kettle Valley Holdings Ltd., Inc.No. 551772** 275 - 340

To amend the Official Community Plan designation from the EDINST - Educational/Major Institutional to the S2RES – Single/Two Unit Residential and PARK – Major Park/Open Space (public) designations and to consider a Text Amendment application to the Kettle Valley CD-2 zone, for 410 Providence Ave to go from the Kettle Valley CD-2 from Type III or IV to Type V, Type V to Type III or IV and Type VI to Type III or IV to accommodate a future subdivision of single family homes.

58. Termination

59. Call to Order the Regular Meeting

60. Bylaws Considered at Public Hearing

- 60.1. START TIME 7:45 PM - Providence Ave 410 - BL12229 (OCP20-0017) - Kettle Valley Holdings Ltd., Inc.No. 551772** 341 - 342

Requires a majority of all members of Council (5)

To give Bylaw No. 12229 second and third reading in order to amend the Official Community Plan designation for the subject property from the EDINST - Educational/Major Institutional to the S2RES – Single/Two Unit Residential and PARK – Major Park/Open Space (public) designations.

- 60.2. START TIME 7:45 PM - Providence Ave 410 - BL12230 (TA20-0019) - Kettle Valley Holdings Ltd., Inc.No. 551772** 343 - 345

To give Bylaw No. 12230 second and third reading to consider a Text Amendment application to the Kettle Valley CD-2 zone, for 410 Providence Ave to go from the Kettle Valley CD-2 from Type III or IV to Type V, Type V to Type III or IV and Type VI to Type III or IV.

61. Termination

62. Procedure on each Bylaw Submission

- (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: June 14, 2021
To: Council
From: City Manager
Subject: TA21-0001
Department: Development Planning

Recommendation:

THAT Zoning Bylaw Text Amendment Application No. TA21-0001 to amend City of Kelowna Zoning Bylaw No. 8000 as indicated in Schedule "A" and outlined in the Report from the Development Planning Department dated June 14, 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 Zoning Bylaw Text Amending Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.

Purpose:

A Text Amendment to the RU6 – Two Dwelling Housing zone to remove the land use note, which currently requires duplex and semi-detached housing to meet subdivision requirements.

Background & Discussion:

The RU6 zoning allows multiple different building structures including duplex housing and semi-detached housing. The current regulations within the RU6 zoning note that in order to construct these forms of dwelling units the lot must adhere to the subdivision regulations. Due to this regulation, staff are unable to consider variance applications to the subdivision requirements as it relates to land use. The Local Government Act does not permit variances that involve Land Use or Density. The proposed Text Amendment would permit Staff to consider variance applications that do not meet subdivision requirements.

As the City continues to emphasize both infill housing and densification, Staff have begun to review different zoning bylaw requirements to achieve these objectives. Staff have had numerous discussions about properties in areas that are supported by the Official Community Plan for two dwelling housing, but the lots are marginally smaller than the current RU6 subdivision regulations. There are several

properties that Staff believe have a suitable building envelopes but do not meet the standard cookie cutter shaped lots. Aside for the subdivision requirements, lots proposing to accommodate two dwelling or semi-detached housing will still be required to comply with the density requirements currenting in the RU6 zoning requiring a lot area of 700m², or 800m² for a corner lot.

Official Community Plan policies that support proposed changes:

Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.22 Ensure context sensitive housing development.

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

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.

Report prepared by:

Jason Issler, Planning Technician II

Reviewed by:

Dean Strachan, Community Planning & Development Manager

Approved for inclusion:

Terry Barton, Development Planning Department Manager


Attachments:

Schedule 'A': Proposed Text Amendments

SCHEDULE A

This forms part of application
TA21-0001

Planner Initials JI



Schedule A — Proposed Text Amendment to RU6 Zoning.

No.	Section	Current Wording	Proposed Wording	Reason for Change
1.	Section 13 – Urban Residential Zones, 13.6 RU6 – Two Dwelling Housing, 13.6.2 Principle Uses (d)	(d) two dwelling housing	(d) two dwelling housing subject to Section 13.6.5 (d) of this bylaw	To provide a clear understanding that to accommodate two dwelling housing there is a required lot area.
2.	Section 13 – Urban Residential Zones, 13.6 RU6 – Two Dwelling Housing, 13.6.4 Buildings and Structures Permitted (b)	(b) duplex housing*	(b) duplex housing	The asterisks will no longer be required as the note identifying it is being removed from the bylaw.
3.	Section 13 – Urban Residential Zones, 13.6 RU6 – Two Dwelling Housing, 13.6.4 Buildings and Structures Permitted (c)	(c) semi-detached housing*	(c) semi-detached housing	The asterisks will no longer be required as the note identifying it is being removed from the bylaw.
4.	Section 13 – Urban Residential Zones, 13.6 RU6 – Two Dwelling Housing, 13.6.4 Buildings and Structures Permitted	NOTE: Buildings or structures indicated by an (*) are only permitted on lots that meet the subdivision regulations for two dwelling housing.	*Deleted	Properties will support the use of two dwelling or semi-detached housing if they meet the density requirements.
5.	Section 13 – Urban Residential Zones, 13.6 RU6 – Two Dwelling Housing, 13.6.5 Subdivision Regulations	(a) The minimum lot width is 13.0 m for single detached housing, except it is 15.0 m for a corner lot.	(a) The minimum lot width is 18.0 m except it is 20.0 m for a corner lot.	The minimum width requirement will support all principal uses within the RU6 zone.

6.	<p>Section 13 – Urban Residential Zones, 13.6 RU6 – Two Dwelling Housing, 13.6.5 Subdivision Regulations (b)</p>	<p>(b) The minimum lot width for two dwelling housing is 18.0 m, except it is 20.0 m for a corner lot. i. Where a lot with a developed semi-detached housing development is being subdivided along a party wall the minimum lot width is 9.0 m, except it is 11.0 m for a corner lot, and a party wall agreement is registered on the titles of both lots.</p>	*Deleted	<p>Properties will support the use of two dwelling or semi-detached housing if they meet the density requirements.</p>
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SCHEDULE A

This forms part of application
TA21-0001

Planner Initials JI



City of
Kelowna
DEVELOPMENT PLANNING



TA21-0001

Amendment to RU6 Zoning

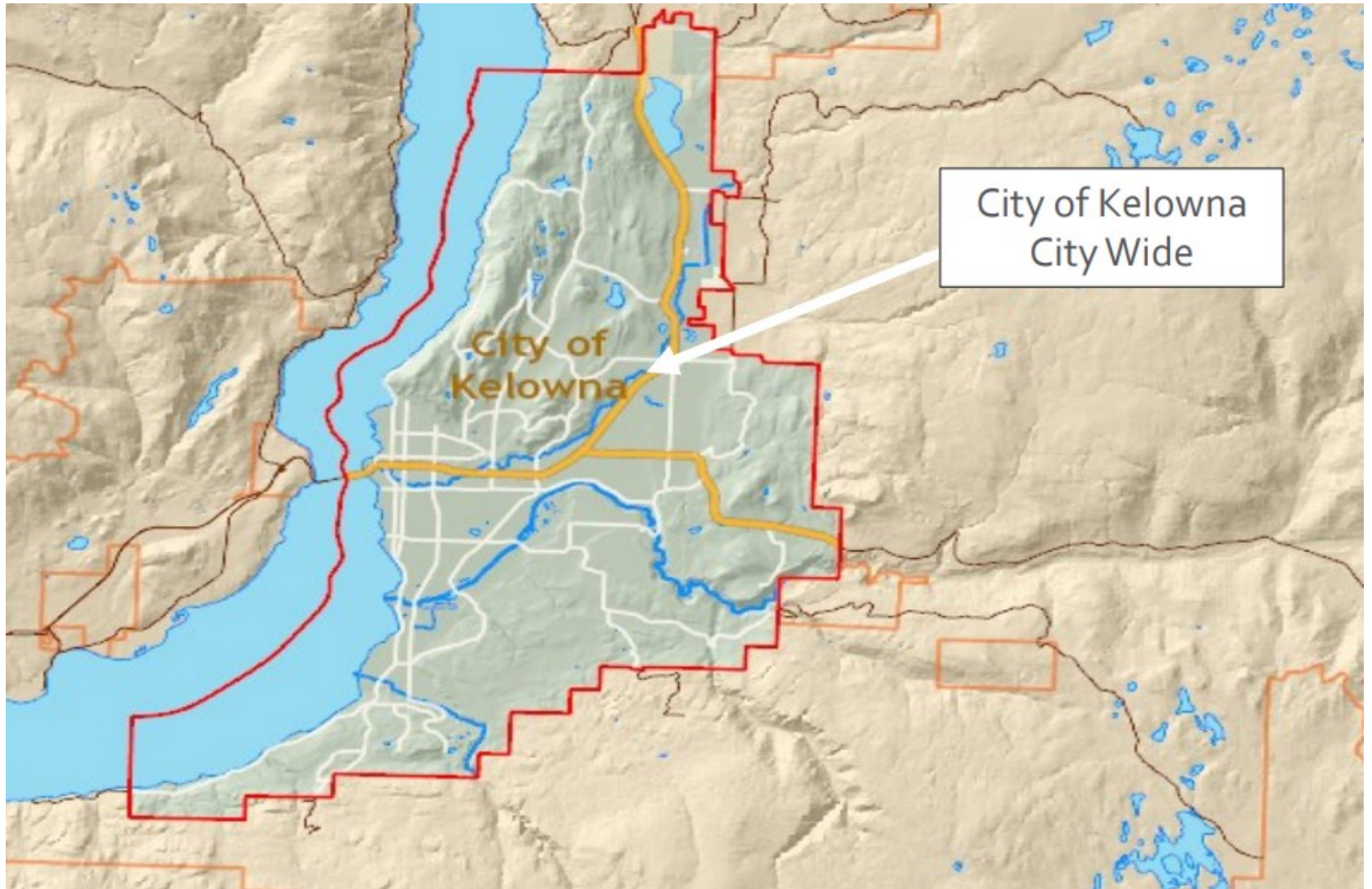
Zoning Bylaw Update



Purpose

- ▶ To amend the RU6 – Two Dwelling Housing zone to remove the land use note, which currently requires duplex and semi-detached housing to meet subdivision requirements.

Context Map



Objectives

- ▶ Allow Staff to consider applications that do not meet subdivision requirements.
- ▶ Review properties on a case-by-case basis for building envelopes and neighborhood impacts

RU6 Subdivision Requirements

- ▶ The minimum lot width is 18.0m, except it is 20.0m for a corner lot.
- ▶ The minimum lot depth of 30.0m.
- ▶ The minimum lot area is 700m², except it is 800m² for a corner lot.

Supporting Policy

► Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

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

Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns.

Staff Recommendation

- ▶ Staff are recommending support for the proposed Text Amendment to amend the RU6 zoning to remove the subdivision requirements for duplex housing and semi-detached housing.



Conclusion of Staff Remarks

CITY OF KELOWNA
BYLAW NO. 12165
TA21-0001 – Section 13 – Urban Residential Zones

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

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

1. THAT **Section 13.6 - RU6 – Two Dwelling, RU6b – Two Dwelling Housing with Boarding or Lodging House, 13.6.2 Permitted Uses** be amended by:

Deleting the following:

“(d) **two dwelling housing**”

And replacing it with the following:

“(d) **two dwelling housing** subject to Section 13.6.5 (d) of this bylaw”

2. AND THAT **Section 13.6 - RU6 – Two Dwelling, RU6b – Two Dwelling Housing with Boarding or Lodging House, 13.6.4 Building and Structures Permitted** be amended by:

Deleting the following:

- “(a) **one single detached house** which may contain a **secondary suite**
- “(b) **duplex housing***
- “(c) **semi-detached housing***
- “(d) **two single detached houses** which may not contain **secondary suites***
- “(e) permitted **accessory buildings or structures**
- “(f) **one carriage house**
- “(g) Only one secondary dwelling unit is permitted (e.g. secondary suite or carriage house)

NOTE: **Buildings** or **structures** indicated by an (*) are only permitted on **lots** that meet the **subdivision regulations for two dwelling housing.**”

And replacing it with the following:

- “(a) **one single detached house** which may contain a **secondary suite**
- “(b) **duplex housing**
- “(c) **semi-detached housing**
- “(d) **two single detached houses** which may not contain **secondary suites***
- “(e) permitted **accessory buildings or structures**
- “(f) **one carriage house**
- “(g) Only one secondary dwelling unit is permitted (e.g. secondary suite or carriage house)”

3. AND THAT **Section 13.6 - RU6 – Two Dwelling, RU6b – Two Dwelling Housing with Boarding or Lodging House, 13.6.5 Subdivision Regulations** be amended by:

Deleting the following:

- “(a) The minimum **lot width** is 13.0 m for single detached housing, except it is 15.0 m for a corner lot.
- (b) The minimum lot width for two dwelling housing is 18.0 m, except it is 20.0 m for a corner lot.
 - i. Where a lot with a developed semi-detached housing development is being subdivided along a party wall the minimum lot width is 9.0 m, except it is 11.0 m for a corner lot, and a party wall agreement is registered on the titles of both lots.”

And replacing it with the following:

- “(a) The minimum **lot width** is 18.0 m except it is 20.0 m for a corner lot.
- (b) [Deleted]”

- 4. 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 14th day of June, 2021.

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: June 28, 2021

To: Council

From: City Manager

Department: Development Planning

Application: LUCT21-0001 Z21-0038 **Owner:** Multiple Owners

Address: Multiple Addresses **Applicant:** The City of Kelowna

Subject: Land Use Contract Termination and Rezoning Application

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

Existing Zone: A1 – Agriculture 1 and I1 – Business Industrial

Proposed Zone: C10 – Service Commercial, C3 – Community Commercial, P3 – Parks and Open Space and A1 – Agriculture 1

1.0 Recommendation

THAT Land Use Contract Termination Application No. LUCT21-0001 to terminate LUC77-1085 from the subject properties identified in Schedule 'A', located on Hunter Road, Hunter Court, Leckie Road and Enterprise Way, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z21-0038 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for the subject properties identified in Schedule 'B', located on Hunter Road, Hunter Court, Leckie Road and Enterprise Way, Kelowna, BC, from the A1 – Agriculture 1 and I1 – Business Industrial zones to the C10 – Service Commercial zone be considered by Council;

AND THAT Rezoning Application No. Z21-0038 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for the subject properties identified in Schedule 'C', located on Hunter Road and Leckie Road, Kelowna, BC, from the A1 – Agriculture 1 zone to the C3 – Community Commercial zone be considered by Council;

AND THAT Rezoning Application No. Z21-0038 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 125 ODYD Plan 30395 Except Plan M14878, located at 1455 Dilworth Drive, Kelowna, BC from the A1 – Agriculture 1 zone to the P3 – Parks and Open Space zone be considered by Council;

AND THAT Rezoning Application No. Z21-0038 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Strata Plan KAS483 and Lot 9 District Lot 125 ODYD Plan

31272 Except Plan KAP50559 located at 1415 and 1418-1420 Hunter Court, Kelowna, BC from the A1 – Agriculture 1 zone to the C10 – Service Commercial zone as shown on Map 'A' attached to the Report from the Development Planning Department dated June 28, 2021 be considered by Council;

AND THAT Rezoning Application No. Z21-0038 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot A District Lots 125 and 532 ODYD Plan 39897, Lot B District Lots 125 and 532 ODYD Plan 39897, Lot 1 District Lots 125 and 532 ODYD Plan KAP82764 and Lot 2 District Lots 125 and 532 ODYD Plan KAP82764, located at 2303 and 2343 Leckie Road and 2330 and 2350 Enterprise Way, Kelowna, BC from the A1 – Agriculture 1 zone to the C10 – Service Commercial zone as shown on Map 'B' attached to the Report from the Development Planning Department dated June 28, 2021 be considered by Council;

AND THAT the Land Use Contract Termination and Rezoning 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 Ministry of Transportation and Infrastructure.

2.0 Purpose

To proceed with the early termination of LUC77-1085 and to rezone the subject properties as identified in 'Schedule A, B & C'.

3.0 Development Planning

Staff are recommending support for the proposed Land Use Contract Termination to terminate LUC77-1085 and subsequent Rezoning Application for the subject properties. The Land Use Contract (LUC) affects 20 properties on Hunter Road, Hunter Court, Leckie Road and Enterprise Way, and the underlying zone are not appropriate for the existing uses. Staff are recommending to rezone the properties to C10 – Service Commercial, C3 – Community Commercial and P3 – Parks and Open Space. The proposed zones were based off the allowable uses in the LUC, the existing uses on site and the Future Land Use Designation. The Land Use Contract (LUC77-1085) splits the properties into three areas:

1. The first area is allowed the Development Regulations of Zoning Bylaw 4500's C3 – Community Commercial zone. These properties are at 2280 Leckie Road and 2281 Hunter Road, which Staff are proposing to adopt the current C3 – Community Commercial zone, as this best matches the current uses and the LUC.
2. The second area affects only one property at 2455 Enterprise Way, which is allows the uses of Bylaw 4500's C12 – Sales Lot zone and C3 – Community Commercial zone. Staff are proposing to adopt the C10 – Service Commercial zone, which allows for the uses of automotive sales and meets the Future Land Use Designation.
3. The final area encompasses all other properties, and the LUC, under Zoning Bylaw 4500 allows the uses of the C7 – Service Commercial zone, C8 – Gasoline Service Station Commercial zone, C8a – Self-Service Gasoline Service zone and the C12 – Sales Lot zones. Staff are proposing to adopt the C10 – Service Commercial zone for all of these remaining properties, as this matches the Future Land Use Designation and the uses allowed in the LUC.

There are three properties that have or partially have the Future Land Use Designation of PARK – Major Park/Open Space (public) because they are within the riparian setback area of Mill Creek. The first is a City-

owned property at 1455 Dilworth Drive. Staff are proposing to rezone this property to the P3 – Parks and Open Space zone, as this best meets the use. The other two properties are 1418-1420 Hunter Ct and 1415 Hunter Ct. Staff recommend that only the portion with the Future Land Use Designation of SC be rezoned to C10 and the northern portion to remain A1 (Map A). The reason for this is that this portion of the parcel is within the riparian area of Mill Creek wherein development is prohibited under provincial law. As this portion of the property cannot be further developed, it should not be rezoned.

4.0 Proposal

4.1 Background

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

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

4.2 Notification

Local governments must provide notice to each owner that the termination of Land Use Contract is occurring and must provide notice of what the new development regulations apply to the land. Staff sent the required letter to all affected owners on May 3rd, 2021. The municipality must also send an additional letter within 30 days of adoption, informing the owners and providing information about the Board of Variance.

4.3 Site Context

The subject properties are located on Hunter Court, Hunter Road, Enterprise Way and Leckie Road in the Central City OCP Sector. The properties have a Future Land Use Designation of SC – Service Commercial and PARK – Major Park/Open Space (public). The surrounding area primarily has the Future Land Use Designation of SC – Service Commercial, IND – Industrial, PARK – Major Park/Open Space (public) and PSU – Public Services/Utilities.

Subject Property Map: Hunter Road Area



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

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

Council Policy No. 282. Includes the following statement:

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

5.2 Kelowna Official Community Plan (OCP)

Chapter 4: Future Land Use

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

Major Park/Open Space (public) (PARK): City, District, Community, Neighbourhood and Linear parks. Not all parks required over the next 20 years are indicated on the map, as Neighbourhood parks will be provided at City standards as integral components of new and redevelopment initiatives. A major Recreation Park will be provided in the Glenmore Valley area. Open space indicated at the south end of Ellison Lake is intended as wildlife habitat preservation subject to approval of the appropriate provincial ministry or agency.

6.o Application Chronology

Date of Application Received: April 23rd, 2021
Date of Owner Notification: May 3rd, 2021

Report prepared by: Tyler Caswell, Planner I
Reviewed by: Dean Strachan, Community Planning & Development Manager
Reviewed by: Terry Barton, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Schedule A: Affected Addresses #1
Schedule B: Affected Addresses #2
Schedule C: Affected Addresses #3
Attachment A: Proposed Rezoning Map
Attachment B: Map 'A' – Proposed Rezoning - Portions Remaining A1
Attachment C: Map 'B' – Proposed Rezoning - Portions Rezoning to C10

SCHEDULE A

A

This forms part of application

LUCT21-0001 / Z21-0038



City of

Kelowna

DEVELOPMENT PLANNING

Planner
Initials

TC

Schedule A: LUC77-1085

Charge #: P1869

No.	Legal Description	Address	Parcel Identifier	Land Use Contract	Underlying Zone
1	LOT B DISTRICT LOTS 125 AND 532 OSOYOOS DIVISION YALE DISTRICT PLAN 39897	2330 Enterprise Way	011-639-555	LUC77-1085	A1 - Agriculture 1
2	LOT 2 DISTRICT LOTS 125 AND 532 OSOYOOS DIVISION YALE DISTRICT PLAN KAP82764	2350 Enterprise Way	026-935-660	LUC77-1085	A1 - Agriculture 1
3	LOT 3 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31499	2440 Enterprise Way	003-315-134	LUC77-1085	A1 - Agriculture 1
4	LOT 2 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 43342	2455 Enterprise Way	016-218-469	LUC77-1085	A1 - Agriculture 1
5	PARCEL A (DD KC2925) DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31499	2490-2496 Enterprise Way	012-764-868	LUC77-1085	A1 - Agriculture 1
6	LOT 7 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	1404 Hunter Court	001-595-156	LUC77-1085	A1 - Agriculture 1
7	LOT 8 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	1414 Hunter Court	002-355-329	LUC77-1085	A1 - Agriculture 1
8	Common Property	1415 Hunter Court		LUC77-1085	A1 - Agriculture 1
9	STRATA LOT 1 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	1-1415 Hunter Court	002-226-839	LUC77-1085	A1 - Agriculture 1
10	STRATA LOT 2 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	2-1415 Hunter Court	002-226-812	LUC77-1085	A1 - Agriculture 1
11	STRATA LOT 3 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	3-1415 Hunter Court	002-226-804	LUC77-1085	A1 - Agriculture 1

SCHEDULE A

This forms part of application
 # LUCT21-0001 / Z21-0038



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12	STRATA LOT 4 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	4-1415 Hunter Court	002-226-782	LUC77-1085	A1 - Agriculture 1
13	STRATA LOT 5 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	5-1415 Hunter Court	002-226-758	LUC77-1085	A1 - Agriculture 1
14	STRATA LOT 6 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	6-1415 Hunter Court	002-226-731	LUC77-1085	A1 - Agriculture 1
15	STRATA LOT 7 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	7-1415 Hunter Court	002-226-723	LUC77-1085	A1 - Agriculture 1
16	STRATA LOT 8 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	8-1415 Hunter Court	002-226-715	LUC77-1085	A1 - Agriculture 1
17	STRATA LOT 9 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	9-1415 Hunter Court	002-226-693	LUC77-1085	A1 - Agriculture 1
18	STRATA LOT 10 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	10-1415 Hunter Court	002-226-677	LUC77-1085	A1 - Agriculture 1
19	STRATA LOT 11 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	11-1415 Hunter Court	002-226-669	LUC77-1085	A1 - Agriculture 1

SCHEDULE

A

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LUCT21-0001 / Z21-0038



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20	STRATA LOT 12 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	12-1415 Hunter Court	002-226-642	LUC77-1085	A1 - Agriculture 1
21	LOT 9 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272 EXCEPT PLAN KAP50559	1418-1420 Hunter Court	003-756-238	LUC77-1085	A1 - Agriculture 1
22	LOT 1 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 34528	2281 Hunter Road	002-939-266	LUC77-1085	A1 - Agriculture 1
23	LOT 4 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	2300 Hunter Road	003-756-149	LUC77-1085	A1 - Agriculture 1
24	LOT 3 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	2320-2322 Hunter Road	003-756-114	LUC77-1085	A1 - Agriculture 1
25	LOT 2 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 35021	2323 Hunter Road	002-920-697	LUC77-1085	A1 - Agriculture 1
26	LOT 1 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 33660	2330 Hunter Road	003-109-283	LUC77-1085	A1 - Agriculture 1
27	LOT 1 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 35021	2333 Hunter Road	002-920-689	LUC77-1085	A1 - Agriculture 1
28	LOT 2 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 33660	2340 Hunter Road	003-109-305	LUC77-1085	A1 - Agriculture 1
29	LOT A DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN KAP67598	2350 Hunter Road	024-882-291	LUC77-1085	I1 – Business Industrial
30	Common Property	2280 Leckie Road		LUC77-1085	A1 - Agriculture 1
31	STRATA LOT B DISTRICT LOTS 125 AND 531 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS2324 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V	108-2280 Leckie Road	025-006-720	LUC77-1085	A1 - Agriculture 1
32	STRATA LOT A DISTRICT LOTS 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS2324 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V	112-2280 Leckie Road	025-006-703	LUC77-1085	A1 - Agriculture 1

SCHEDULE A

This forms part of application
 # LUCT21-0001 / Z21-0038



Planner Initials **TC**

33	STRATA LOT C DISTRICT LOTS 125 AND 531 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS2324 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V	2280C Leckie Road	025-006-932	LUC77-1085	A1 - Agriculture 1
34	LOT A DISTRICT LOTS 125 AND 532 OSOYOOS DIVISION YALE DISTRICT PLAN 39897	2303 Leckie Road	011-639-512	LUC77-1085	A1 - Agriculture 1
35	LOT 1 DISTRICT LOTS 125 AND 532 OSOYOOS DIVISION YALE DISTRICT PLAN KAP82764	2343 Leckie Road	026-935-651	LUC77-1085	A1 - Agriculture 1

Schedule B: Proposed Rezoning

No.	Legal Description	Address	Parcel Identifier Number	Underlying Zone	Proposed Zone
1	LOT 3 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31499	2440 Enterprise Way	003-315-134	A1 - Agriculture 1	C10 - Service Commercial
2	LOT 2 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 43342	2455 Enterprise Way	016-218-469	A1 - Agriculture 1	C10 - Service Commercial
3	PARCEL A (DD KC2925) DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31499	2490-2496 Enterprise Way	012-764-868	A1 - Agriculture 1	C10 - Service Commercial
4	LOT 7 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	1404 Hunter Court	001-595-156	A1 - Agriculture 1	C10 - Service Commercial
5	LOT 8 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	1414 Hunter Court	002-355-329	A1 - Agriculture 1	C10 - Service Commercial
6	LOT 4 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	2300 Hunter Road	003-756-149	A1 - Agriculture 1	C10 - Service Commercial
7	LOT 3 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	2320-2322 Hunter Road	003-756-114	A1 - Agriculture 1	C10 - Service Commercial
8	LOT 2 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 35021	2323 Hunter Road	002-920-697	A1 - Agriculture 1	C10 - Service Commercial
9	LOT 1 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 33660	2330 Hunter Road	003-109-283	A1 - Agriculture 1	C10 - Service Commercial
10	LOT 1 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 35021	2333 Hunter Road	002-920-689	A1 - Agriculture 1	C10 - Service Commercial
11	LOT 2 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 33660	2340 Hunter Road	003-109-305	A1 - Agriculture 1	C10 - Service Commercial
12	LOT A DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN KAP67598	2350 Hunter Road	024-882-291	I1 – Business Industrial	C10 - Service Commercial
13	LOT A DISTRICT LOTS 125 AND 532 OSOYOOS DIVISION YALE DISTRICT PLAN 39897	2303 Leckie Road	011-639-512	A1 - Agriculture 1	C10 - Service Commercial
14	LOT 1 DISTRICT LOTS 125 AND 532 OSOYOOS DIVISION YALE DISTRICT PLAN KAP82764	2343 Leckie Road	026-935-651	A1 - Agriculture 1	C10 - Service Commercial

SCHEDULE C

This forms part of application
 # LUCT21-0001 Z21-0038



City of
Kelowna
 DEVELOPMENT PLANNING

Planner Initials: **TC**

Schedule C: Proposed Rezoning

No.	Legal Description	Address	Parcel Identifier Number	Underlying Zone	Proposed Zone
1	LOT 1 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 34528	2281 Hunter Road	002-939-266	A1 - Agriculture 1	C3 - Community Commercial
2	Common Property	2280 Leckie Road		A1 - Agriculture 1	C3 - Community Commercial
3	STRATA LOT B DISTRICT LOTS 125 AND 531 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS2324 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V	108-2280 Leckie Road	025-006-720	A1 - Agriculture 1	C3 - Community Commercial
4	STRATA LOT A DISTRICT LOTS 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS2324 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V	112-2280 Leckie Road	025-006-703	A1 - Agriculture 1	C3 - Community Commercial
5	STRATA LOT C DISTRICT LOTS 125 AND 531 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS2324 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V	2280C Leckie Road	025-006-932	A1 - Agriculture 1 -	C3 - Community Commercial

ATTACHMENT

This forms part of application

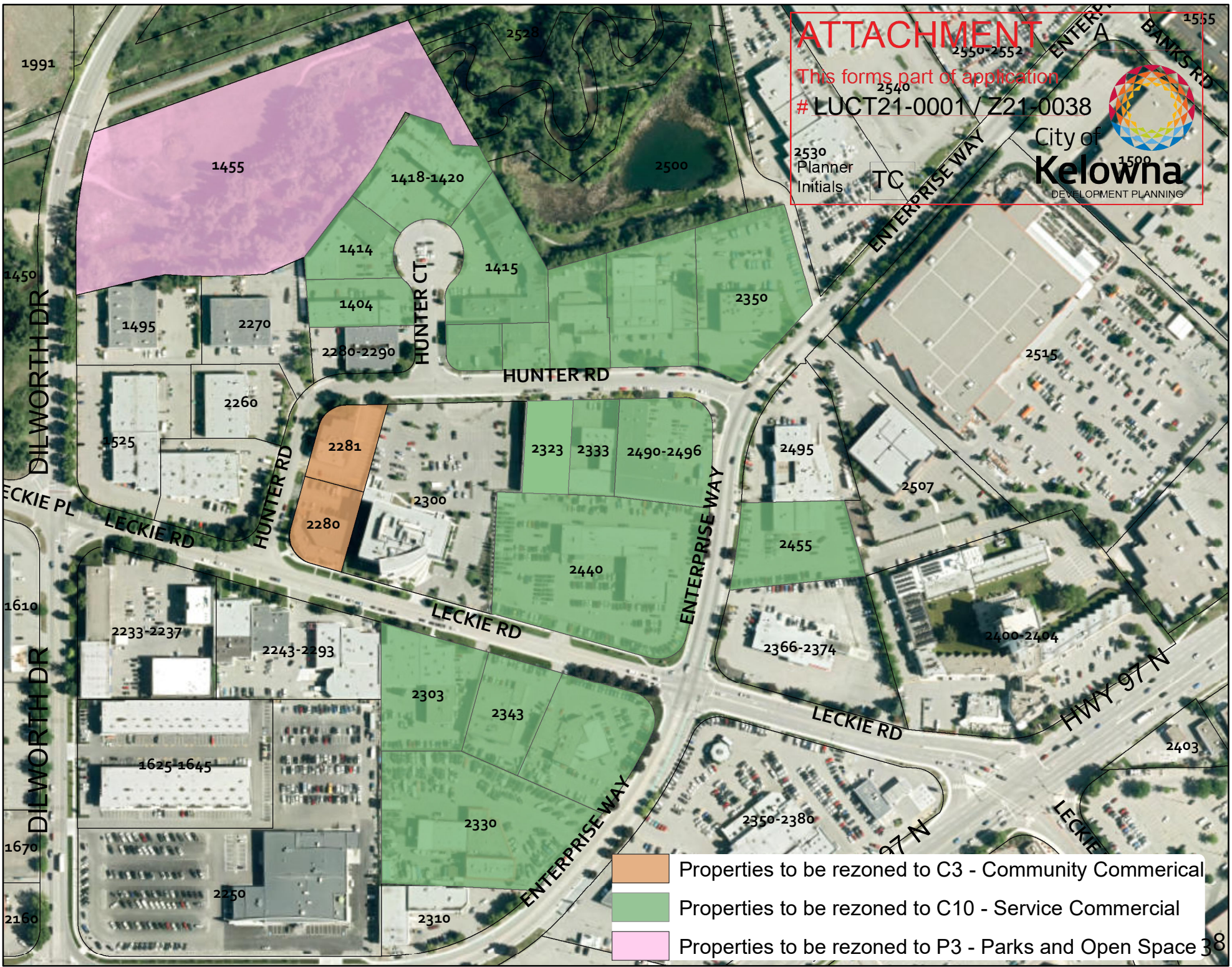
LUCT21-0001 / Z21-0038

2530
Planner
Initials

TC



City of
Kelowna
DEVELOPMENT PLANNING



(E OF)

2528




Mill Creek

ATTACHMENT B

This forms part of application
LUCT21-0001 / Z21-0038

Planner Initials **TC**



City of **Kelowna**
DEVELOPMENT PLANNING

1455

1418-1420

2500

1414

HUNTER CT

1415

1404

2340

2330

2280-2290

HUNTER RD

MAP "A" Proposed Rezoning
File Z21-0038

 A1 - Agriculture 1 to C10 - Service Commercial

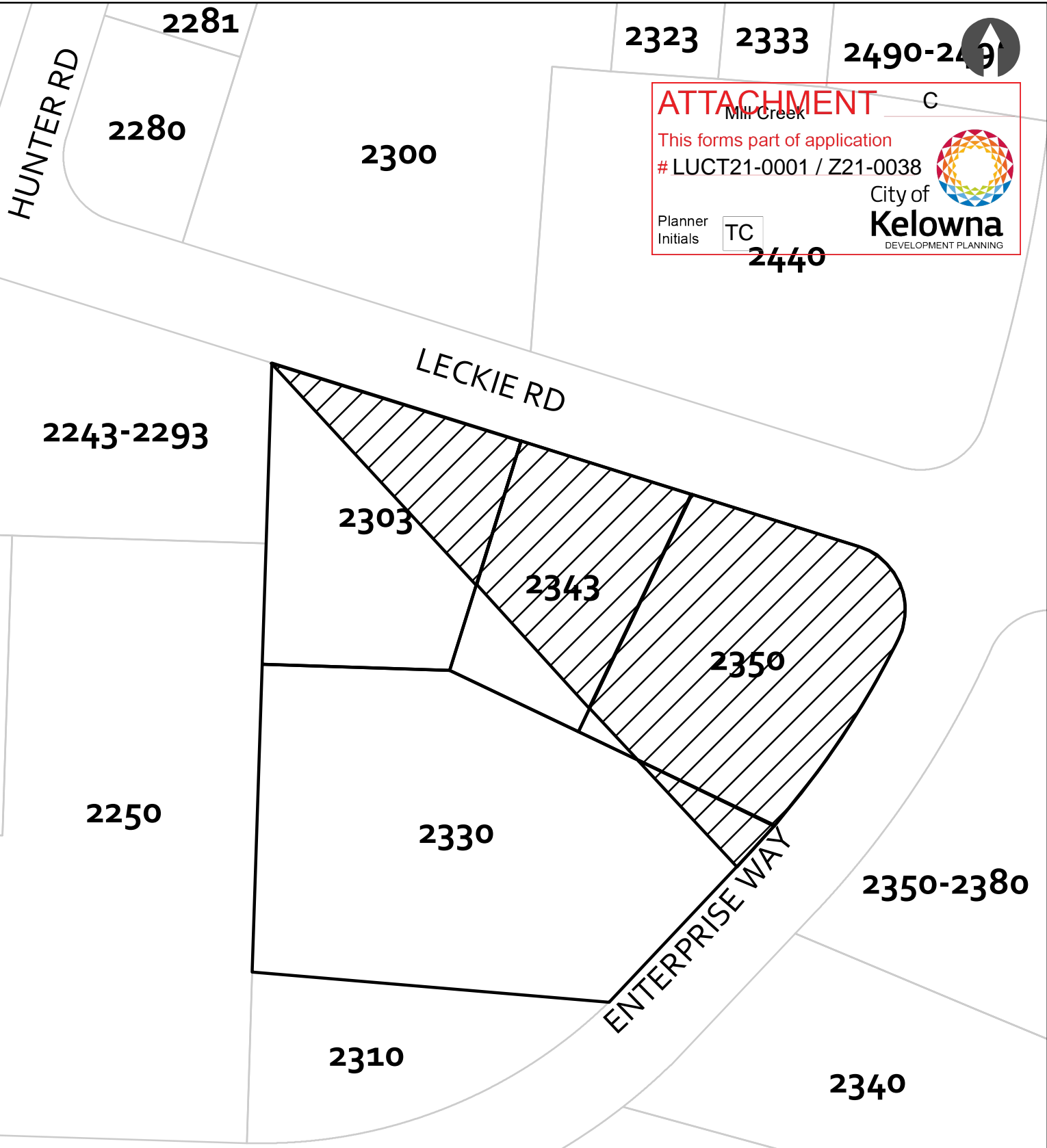
 Subject Properties

TC

0 20 40 Metres

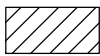
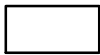



Rev. Thursday, June 3, 2021



ATTACHMENT C
 This forms part of application
 # LUCT21-0001 / Z21-0038
 City of Kelowna
 DEVELOPMENT PLANNING
 Planner Initials **TC**

**MAP "B" Proposed Rezoning
 File Z21-0038**

-  A1 - Agriculture 1 to C10 - Service Commercial
-  Subject Properties

TC



Rev. Thursday, June 3, 2021





LUCT 21-0001 / Z21-0038

Hunter Road Area

Land Use Contract Termination and Rezoning Application



Proposal

- ▶ To terminate the Land Use Contract (LUC76-1114) and to rezone the subject properties to C10 – Service Commercial, C3 – Community Commercial and P3 – Parks and Open Space.

Development Process



April 23, 2021

LUC Termination Initiated by Staff



May 3rd, 2021

Public Notification Completed



June 14, 2021

Initial Consideration



Public Hearing (LUCT)
Second & Third Readings



Final Reading



LUC Eliminated (1 year later)

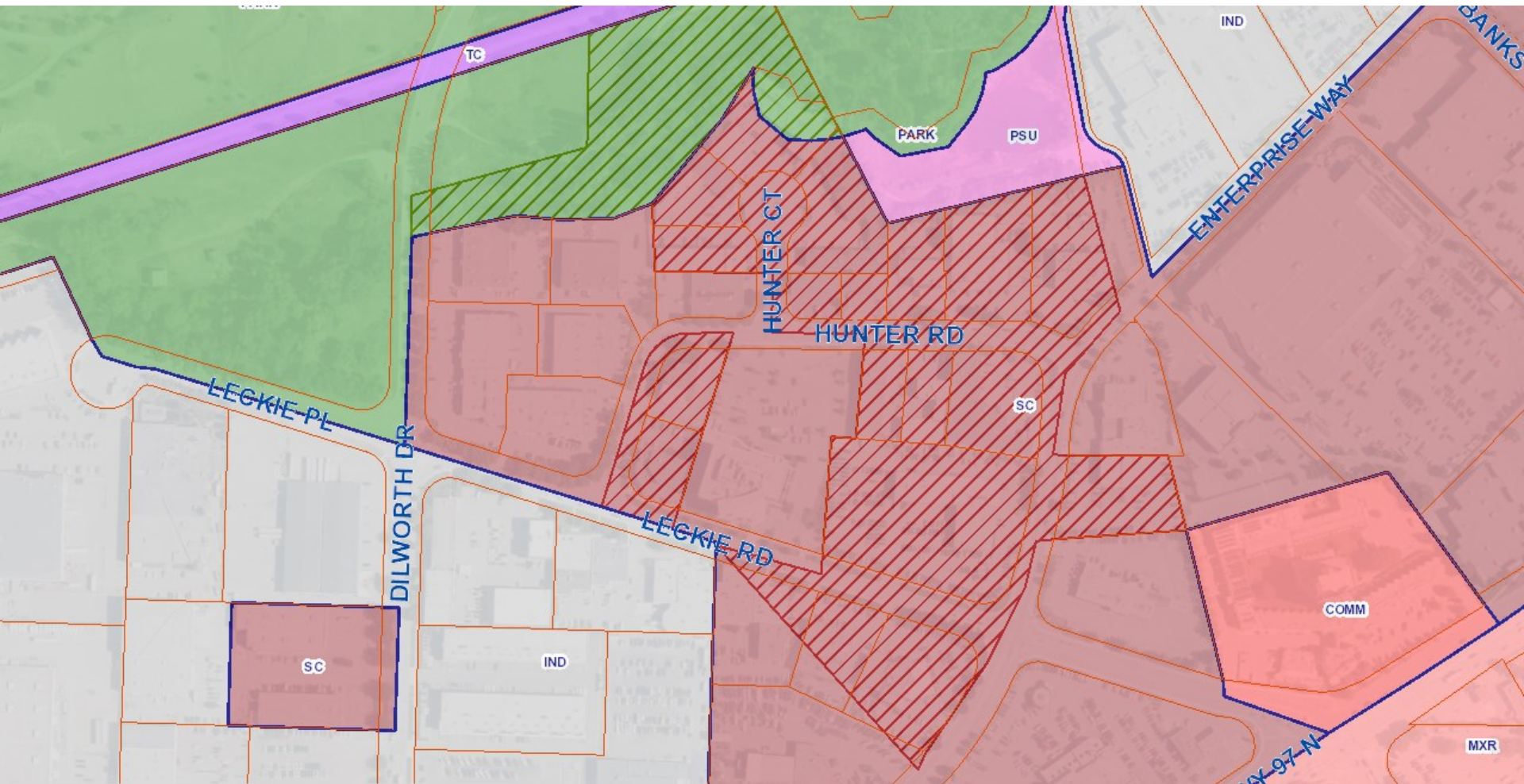


Council Approvals

Context Map



OCP Future Land Use

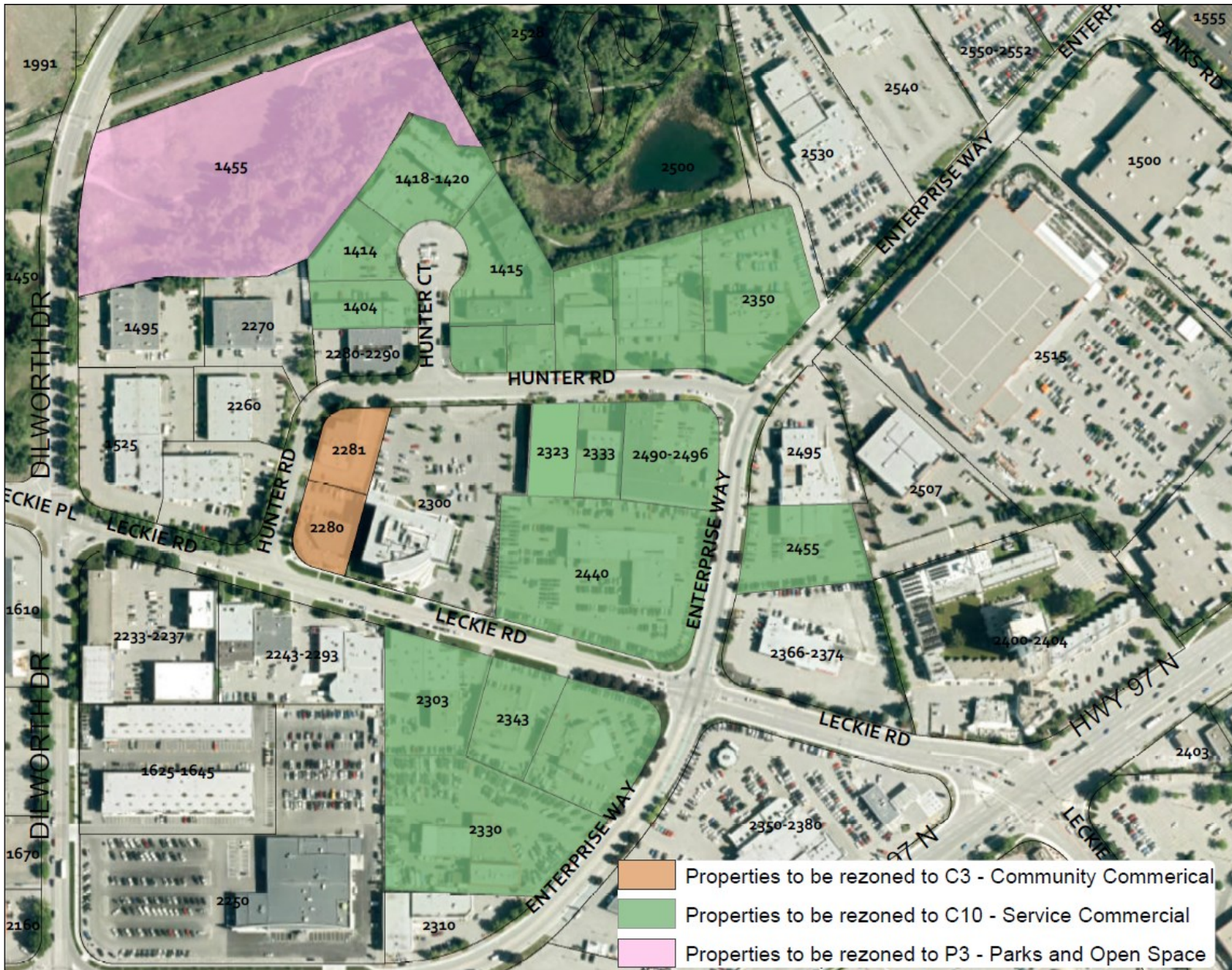


Background

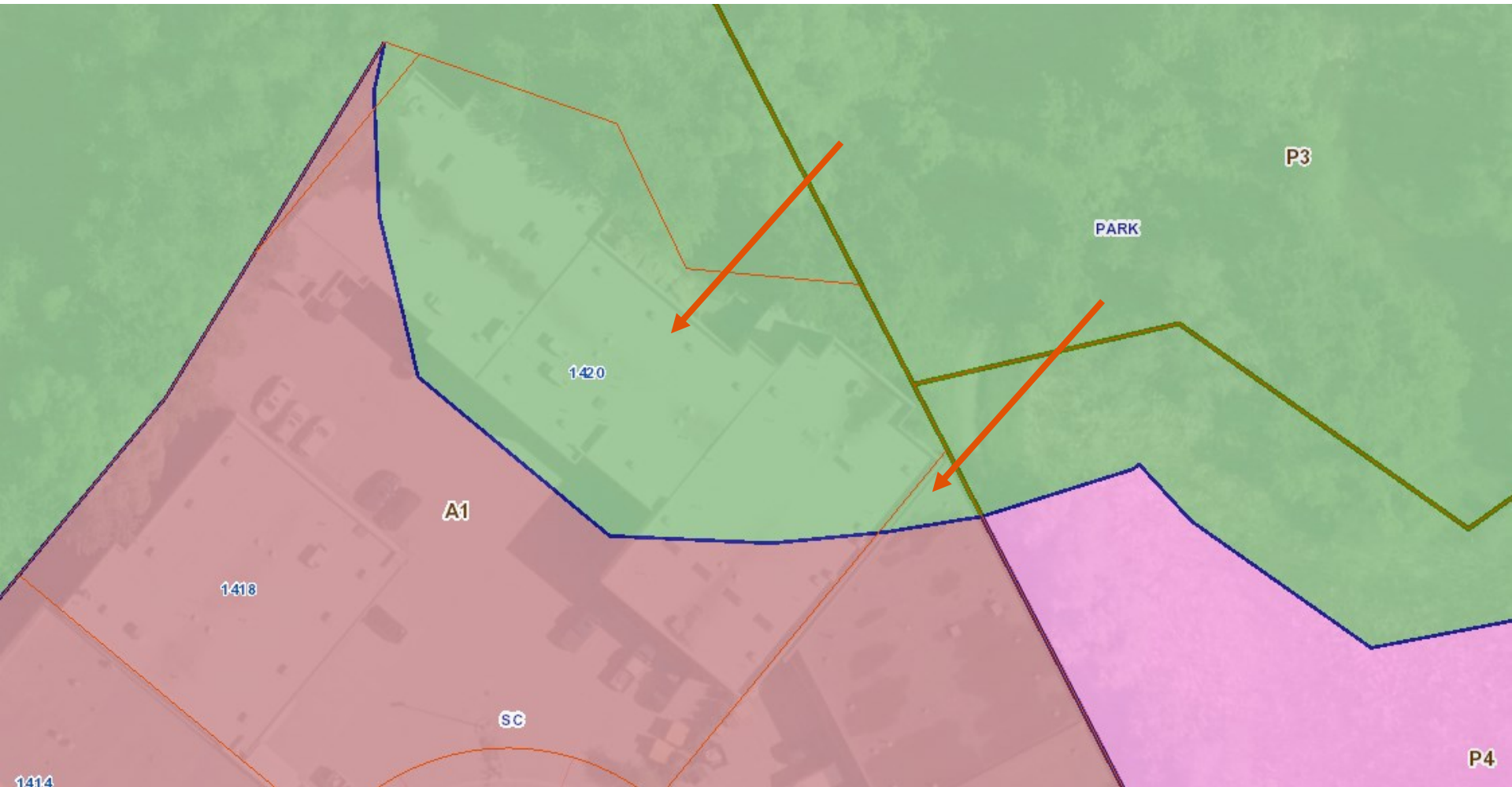
- ▶ Land Use Contracts: 1970's tool
- ▶ Allow local governments to grant development rights above and beyond current zoning
- ▶ Exchange for commitments from developers to help infrastructure costs
- ▶ BC Government requires all contracts to be discharged and/or terminated by 2024 and the appropriate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

Project Details

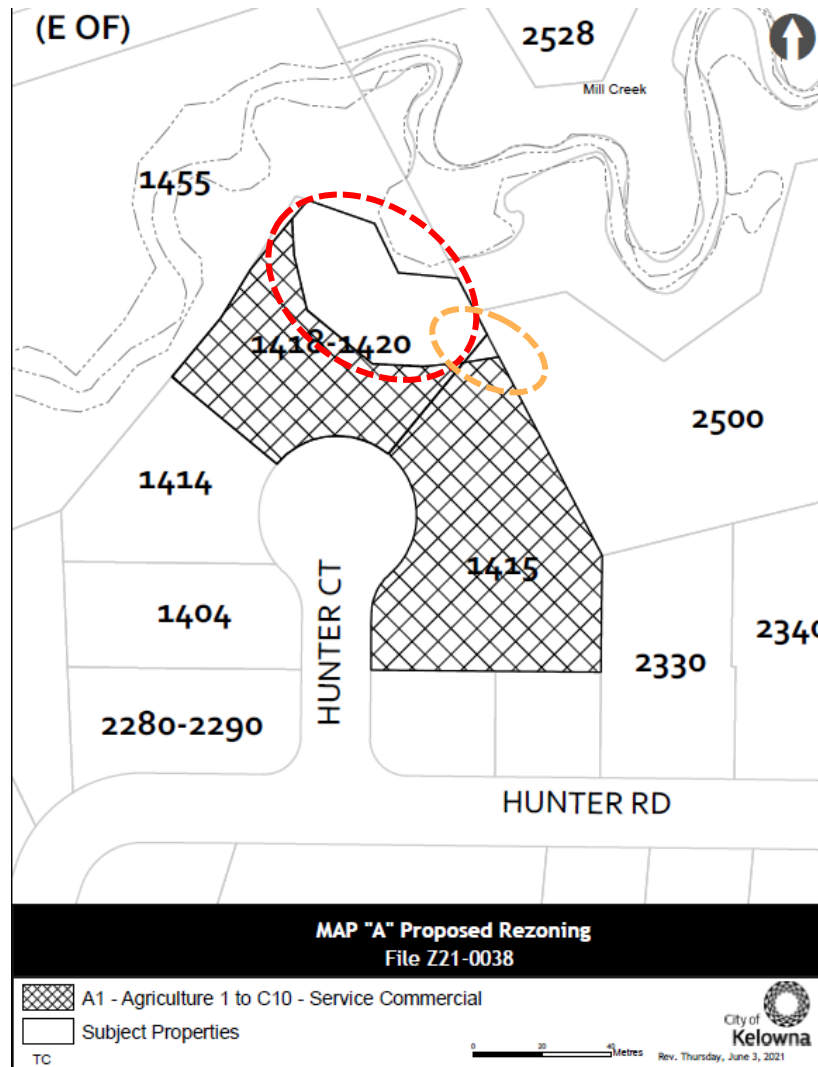
- ▶ City of Kelowna Staff initiated the LUC Termination of the area.
- ▶ 20 properties all to be rezoned to C10 – Service Commercial Zone, C3 – Community Commercial and P3 – Parks and Open Space.
- ▶ If successful, all properties will get full use of the proposed zone, one year after termination date.



Portions of the Property



Portions of the Property



Public Notification Policy #367

- ▶ Staff sent a letter of Proposed Termination of Land Use Contract to all properties within the LUC Area
 - ▶ Sent on May 3rd, 2021
- ▶ One-year grace period from Council consideration before full uses of proposed zone (as per Zoning Bylaw no. 8000).

Staff Recommendation

- ▶ Staff recommend **support** for the proposed land use contract termination and rezoning application:
 - ▶ The proposed zones match the existing uses and businesses, uses/regulations allowed in LUC and best match the Future Land Use Designation.
 - ▶ Province of BC requires all LUC's to be discharged/terminated.



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12211

LUCT21-0001

Early Termination of Land Use Contract - LUC77-1085

Enterprise Way, Hunter Court, Hunter Road and Leckie Road

WHEREAS a land use contract (the "Land Use Contract LUC77-1085") is registered at the Kamloops Land Title Office under the charge numbers P1869 and all amendments thereto against lands in the City of Kelowna particularly known and described as in Schedule "A" attached (the "Lands"), located on Hunter Court, Hunter Road, Leckie Road and Enterprise Way, Kelowna, B.C.;

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

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

1. This Bylaw may be cited for all purposes as "Bylaw No. 12211 - Early Termination of Land Use Contract LUC77-1085";
2. Bylaw No.4655-78 establishing Land Use Contract LUC77-1085 and all amendments thereto, are hereby repealed and the Land Use Contract is terminated as of the date of adoption; and
3. This bylaw will come into force and effect one year after the adoption date.

Read a first time by the Municipal Council this 28th day of June, 2021.

Considered at a Public Hearing this

Read a second and third time by Municipal Council this

Adopted by the Municipal Council this

Mayor

City Clerk

**Schedule A: LUC77-1085
Charge #: P1869**

No.	Legal Description	Address	Parcel Identifier	Land Use Contract	Underlying Zone
1	LOT B DISTRICT LOTS 125 AND 532 OSOYOOS DIVISION YALE DISTRICT PLAN 39897	2330 Enterprise Way	011-639-555	LUC77-1085	A1 - Agriculture 1
2	LOT 2 DISTRICT LOTS 125 AND 532 OSOYOOS DIVISION YALE DISTRICT PLAN KAP82764	2350 Enterprise Way	026-935-660	LUC77-1085	A1 - Agriculture 1
3	LOT 3 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31499	2440 Enterprise Way	003-315-134	LUC77-1085	A1 - Agriculture 1
4	LOT 2 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 43342	2455 Enterprise Way	016-218-469	LUC77-1085	A1 - Agriculture 1
5	PARCEL A (DD KC2925) DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31499	2490-2496 Enterprise Way	012-764-868	LUC77-1085	A1 - Agriculture 1
6	LOT 7 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	1404 Hunter Court	001-595-156	LUC77-1085	A1 - Agriculture 1
7	LOT 8 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	1414 Hunter Court	002-355-329	LUC77-1085	A1 - Agriculture 1
8	Common Property	1415 Hunter Court		LUC77-1085	A1 - Agriculture 1
9	STRATA LOT 1 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	1-1415 Hunter Court	002-226-839	LUC77-1085	A1 - Agriculture 1
10	STRATA LOT 2 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	2-1415 Hunter Court	002-226-812	LUC77-1085	A1 - Agriculture 1
11	STRATA LOT 3 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	3-1415 Hunter Court	002-226-804	LUC77-1085	A1 - Agriculture 1
12	STRATA LOT 4 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	4-1415 Hunter Court	002-226-782	LUC77-1085	A1 - Agriculture 1

13	STRATA LOT 5 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	5-1415 Hunter Court	002-226-758	LUC77-1085	A1 - Agriculture 1
14	STRATA LOT 6 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	6-1415 Hunter Court	002-226-731	LUC77-1085	A1 - Agriculture 1
15	STRATA LOT 7 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	7-1415 Hunter Court	002-226-723	LUC77-1085	A1 - Agriculture 1
16	STRATA LOT 8 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	8-1415 Hunter Court	002-226-715	LUC77-1085	A1 - Agriculture 1
17	STRATA LOT 9 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	9-1415 Hunter Court	002-226-693	LUC77-1085	A1 - Agriculture 1
18	STRATA LOT 10 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	10-1415 Hunter Court	002-226-677	LUC77-1085	A1 - Agriculture 1
19	STRATA LOT 11 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	11-1415 Hunter Court	002-226-669	LUC77-1085	A1 - Agriculture 1
20	STRATA LOT 12 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN K483 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1	12-1415 Hunter Court	002-226-642	LUC77-1085	A1 - Agriculture 1
21	LOT 9 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272 EXCEPT PLAN KAP50559	1418-1420 Hunter Court	003-756-238	LUC77-1085	A1 - Agriculture 1
22	LOT 1 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 34528	2281 Hunter Road	002-939-266	LUC77-1085	A1 - Agriculture 1

23	LOT 4 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	2300 Hunter Road	003-756-149	LUC77-1085	A1 - Agriculture 1
24	LOT 3 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	2320-2322 Hunter Road	003-756-114	LUC77-1085	A1 - Agriculture 1
25	LOT 2 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 35021	2323 Hunter Road	002-920-697	LUC77-1085	A1 - Agriculture 1
26	LOT 1 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 33660	2330 Hunter Road	003-109-283	LUC77-1085	A1 - Agriculture 1
27	LOT 1 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 35021	2333 Hunter Road	002-920-689	LUC77-1085	A1 - Agriculture 1
28	LOT 2 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 33660	2340 Hunter Road	003-109-305	LUC77-1085	A1 - Agriculture 1
29	LOT A DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN KAP67598	2350 Hunter Road	024-882-291	LUC77-1085	I1 – Business Industrial
30	Common Property	2280 Leckie Road		LUC77-1085	A1 - Agriculture 1
31	STRATA LOT B DISTRICT LOTS 125 AND 531 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS2324 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V	108-2280 Leckie Road	025-006-720	LUC77-1085	A1 - Agriculture 1
32	STRATA LOT A DISTRICT LOTS 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS2324 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V	112-2280 Leckie Road	025-006-703	LUC77-1085	A1 - Agriculture 1
33	STRATA LOT C DISTRICT LOTS 125 AND 531 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS2324 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V	2280C Leckie Road	025-006-932	LUC77-1085	A1 - Agriculture 1
34	LOT A DISTRICT LOTS 125 AND 532 OSOYOOS DIVISION YALE DISTRICT PLAN 39897	2303 Leckie Road	011-639-512	LUC77-1085	A1 - Agriculture 1
35	LOT 1 DISTRICT LOTS 125 AND 532 OSOYOOS DIVISION YALE DISTRICT PLAN KAP82764	2343 Leckie Road	026-935-651	LUC77-1085	A1 - Agriculture 1

CITY OF KELOWNA

BYLAW NO. 12212

Z21-0038

Enterprise Way, Hunter Court, Hunter Road and Leckie 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 parcels outlined in Schedule "B" attached to and forming part of this bylaw located on Hunter Court Hunter Road, Leckie Road and Enterprise Way, Kelowna, BC from the A₁ – Agriculture 1 and I₁ – Business Industrial zones to the C₁₀ – Service Commercial zones;
2. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of parcels outlined in Schedule "C" attached to and forming part of this bylaw located on Hunter Road and Leckie Road, Kelowna, BC from the A₁ – Agriculture 1 zone to the C₃ – Community Commercial zone;
3. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A District Lot 125 ODYD Plan 30395 Except Plan M14878 located on Dilworth Drive, Kelowna, BC from the A₁ – Agriculture 1 zone to the P₃ – Parks and Open Space zone;
4. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of portions of Strata Plan KAS483 and Lot 9 District Lot 125 ODYD Plan 31272 Except Plan KAP50559 located on Hunter Court, Kelowna, BC, from the A₁ – Agriculture 1 zone to the C₁₀ – service Commercial zone as shown on Map "A" attached to and forming part of this bylaw;
5. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of portions of Lot A District Lots 125 and 532 ODYD Plan 39897, Lot B District Lots 125 and 532 ODYD Plan 39897, Lot 1 District Lots 125 and 532 ODYD Plan KAP82764 and Lot 2 District Lots 125 and 532 ODYD Plan KAP82764 located at 2303 and 2343 Leckie Road and 2330 and 2350 Enterprise Way, Kelowna, BC, from the A₁ – Agriculture 1 zone to the C₁₀ – service Commercial zone as shown on Map "B" attached to and forming part of this bylaw;
6. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 28th day of June, 2021.

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

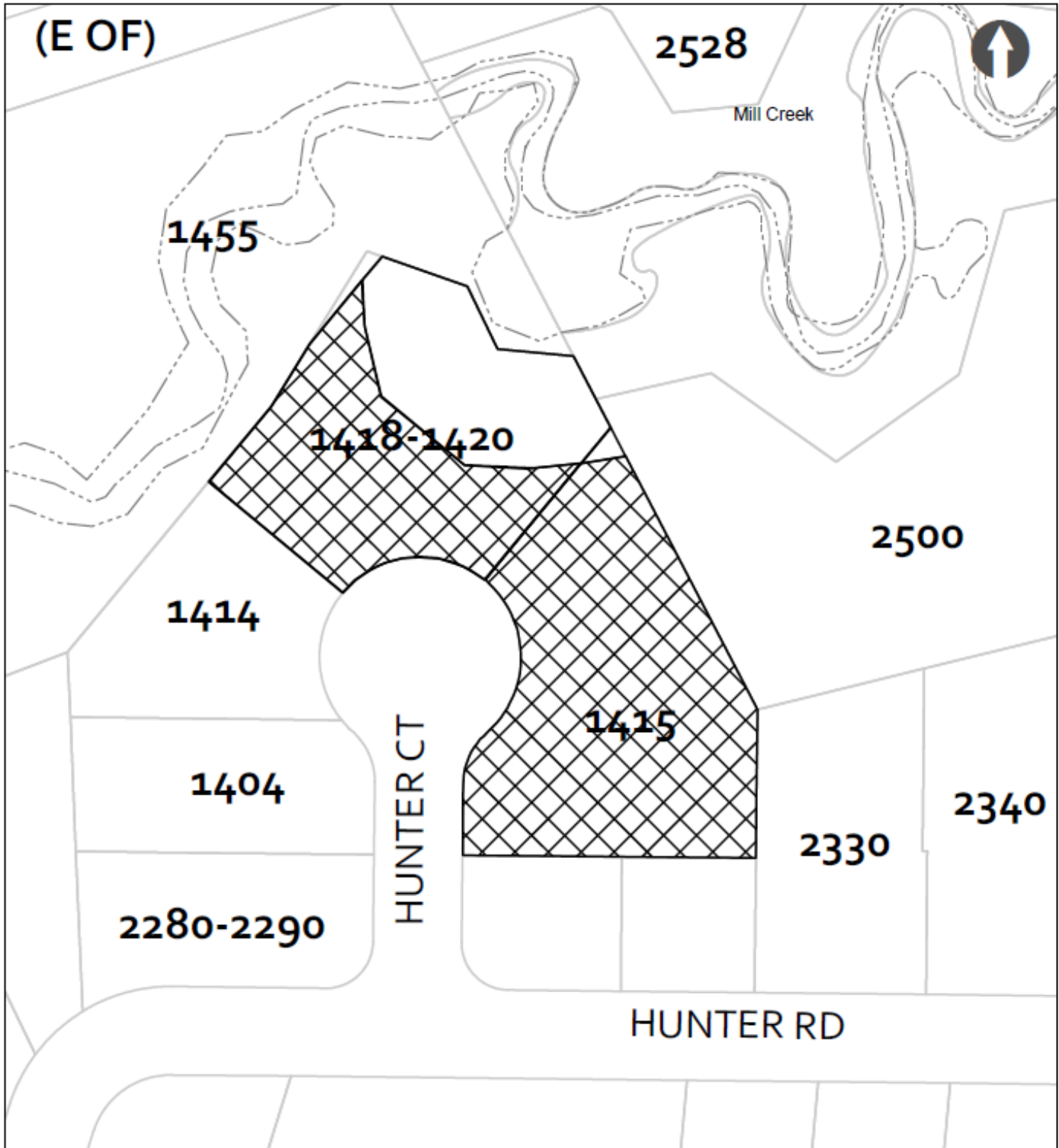
City Clerk

Schedule B: Proposed Rezoning



No.	Legal Description	Address	Parcel Identifier Number	Underlying Zone	Proposed Zone
1	LOT 3 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31499	2440 Enterprise Way	003-315-134	A1 - Agriculture 1	C10 - Service Commercial
2	LOT 2 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 43342	2455 Enterprise Way	016-218-469	A1 - Agriculture 1	C10 - Service Commercial
3	PARCEL A (DD KC2925) DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31499	2490-2496 Enterprise Way	012-764-868	A1 - Agriculture 1	C10 - Service Commercial
4	LOT 7 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	1404 Hunter Court	001-595-156	A1 - Agriculture 1	C10 - Service Commercial
5	LOT 8 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	1414 Hunter Court	002-355-329	A1 - Agriculture 1	C10 - Service Commercial
6	LOT 4 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	2300 Hunter Road	003-756-149	A1 - Agriculture 1	C10 - Service Commercial
7	LOT 3 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 31272	2320-2322 Hunter Road	003-756-114	A1 - Agriculture 1	C10 - Service Commercial
8	LOT 2 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 35021	2323 Hunter Road	002-920-697	A1 - Agriculture 1	C10 - Service Commercial
9	LOT 1 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 33660	2330 Hunter Road	003-109-283	A1 - Agriculture 1	C10 - Service Commercial
10	LOT 1 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 35021	2333 Hunter Road	002-920-689	A1 - Agriculture 1	C10 - Service Commercial
11	LOT 2 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 33660	2340 Hunter Road	003-109-305	A1 - Agriculture 1	C10 - Service Commercial
12	LOT A DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN KAP67598	2350 Hunter Road	024-882-291	I1 – Business Industrial	C10 - Service Commercial
13	LOT A DISTRICT LOTS 125 AND 532 OSOYOOS DIVISION YALE DISTRICT PLAN 39897	2303 Leckie Road	011-639-512	A1 - Agriculture 1	C10 - Service Commercial
14	LOT 1 DISTRICT LOTS 125 AND 532 OSOYOOS DIVISION YALE DISTRICT PLAN KAP82764	2343 Leckie Road	026-935-651	A1 - Agriculture 1	C10 - Service Commercial

Schedule C: Proposed Rezoning

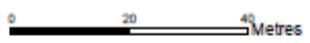
No.	Legal Description	Address	Parcel Identifier Number	Underlying Zone	Proposed Zone
1	LOT 1 DISTRICT LOT 125 OSOYOOS DIVISION YALE DISTRICT PLAN 34528	2281 Hunter Road	002-939-266	A1 - Agriculture 1	C3 - Community Commercial
2	Common Property	2280 Leckie Road		A1 - Agriculture 1	C3 – Community Commercial
3	STRATA LOT B DISTRICT LOTS 125 AND 531 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS2324 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V	108-2280 Leckie Road	025-006-720	A1 - Agriculture 1	C3 – Community Commercial
4	STRATA LOT A DISTRICT LOTS 125 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS2324 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V	112-2280 Leckie Road	025-006-703	A1 - Agriculture 1	C3 – Community Commercial
5	STRATA LOT C DISTRICT LOTS 125 AND 531 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS2324 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V	2280C Leckie Road	025-006-932	A1 - Agriculture 1 -	C3 – Community Commercial



MAP "A" Proposed Rezoning
File Z21-0038

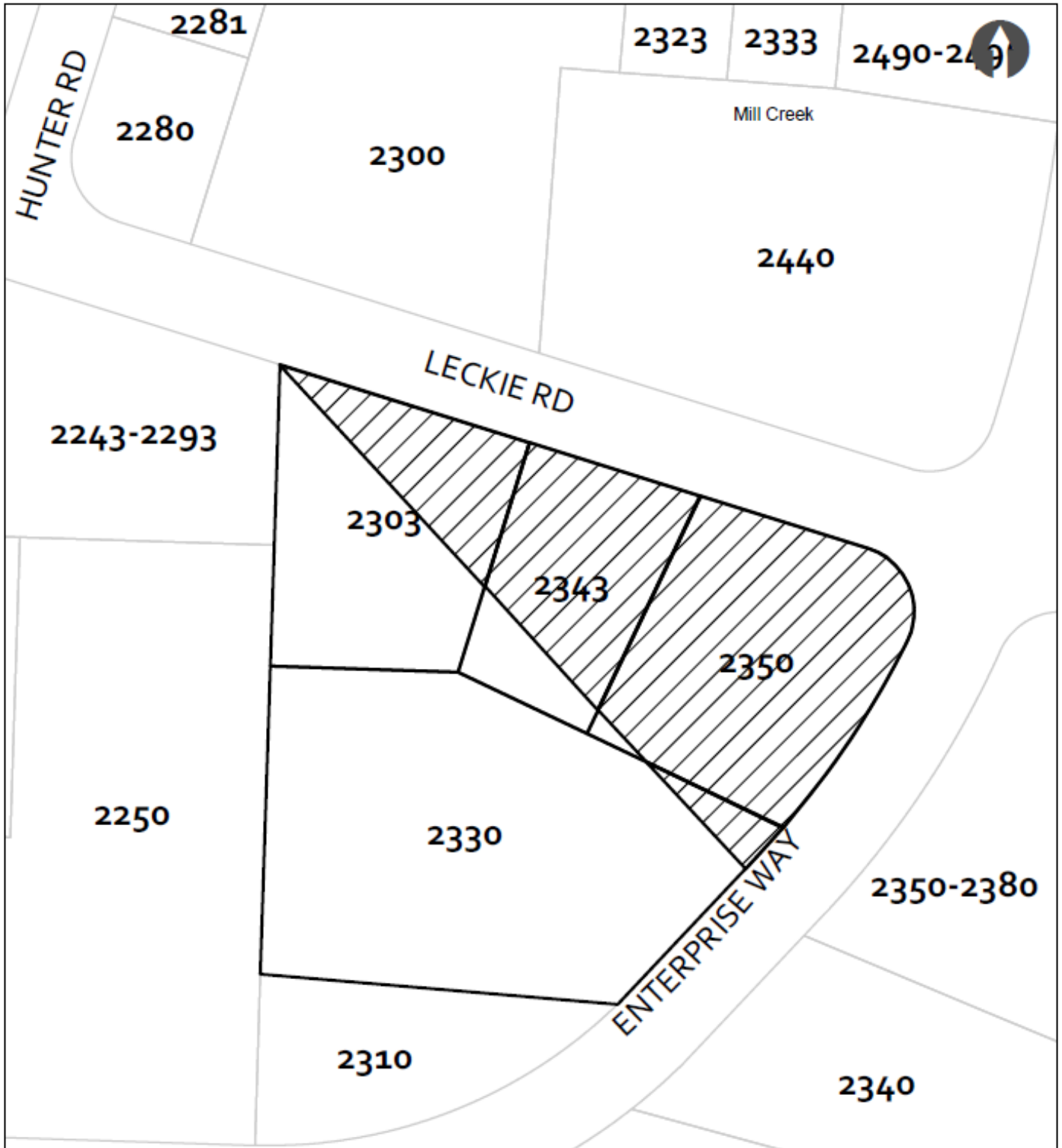
-  A1 - Agriculture 1 to C10 - Service Commercial
-  Subject Properties

TC





Rev. Thursday, June 3, 2021





**MAP "B" Proposed Rezoning
File Z21-0038**

-  A1 - Agriculture 1 to C10 - Service Commercial
-  Subject Properties

TC



Rev. Thursday, June 3, 2021



REPORT TO COUNCIL



Date: June 14, 2021

To: Council

From: City Manager

Department: Development Planning Department

Application: LUC20-0003 / Z20-0052 **Owner:** Brian & Linda Pahl

Address: 2820 Boyd Rd, 2830 Boyd Rd, 2843 Boyd Road, and 2811 Boyd Road **Applicant:** Urban Options Planning & Permits

Subject: Land Use Contract Discharge and Rezoning Application

Existing OCP Designation: REP – Resource Protection

Existing Zone: A1 – Agriculture 1

Proposed Zone: A1 – Agriculture 1 and RU1 – Large Lot Housing

1.0 Recommendation

THAT Application No. LUC20-0003 to discharge LUC76-1112 from Lot 1 District Lot 130 ODYD Plan EPP107619, Lot 2 District Lot 130 ODYD Plan EPP107619, Lot 3 District Lot 130 ODYD Plan EPP107619 and Lot 1 District Lot 130 ODYD Plan KAP89521 Except Plan EPP107619, located at 2820 Boyd Road, 2830 Boyd Road, 2843 Boyd Road and 2811 Boyd Road, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z20-0052 to amend the City of Kelowna Zoning Bylaw No. 8000 be considered by changing classification of the properties identified in Schedule 'A' be considered by Council;

AND FURTHER THAT the Land Use Contract Discharge and Zoning Bylaws be forwarded to a Public Hearing for further consideration.

2.0 Purpose

To discharge the Land Use Contract (LUC76-1112) from the subject properties and to rezone the properties as identified in 'Schedule A'.

3.0 Development Planning

Staff are recommending support for the proposed Land Use Contract (LUC76-1112) discharge and proposed rezoning of the subject properties. The property is affected by a Land Use Contract (LUC76-1112), which allowed the lands to be subdivided into five lots. There were two lots existing, so 2811 Boyd Road went through a four-lot subdivision, which allowed for the creation of three new lots (S19-0038-01). The

LUC allows all new lots to have the development regulations of the former Zoning Bylaw no. 4500's R1 – Low Density, Single Family Residential. Staff are proposing to adopt the RU1 – Large Lot Housing zone for the three new lots, and to revert 2811 Boyd Road back to the A1 – Agriculture 1 zone, as the property is in the ALR and has active agriculture. The proposed Rezoning of the subject properties best matches the allowable development regulations of the LUC, as well as best matches the existing land use.

4.0 Proposal

4.1 Background

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

4.2 Project Description

Following a successful subdivision application, the applicant is seeking a Land Use Contract Discharge for all four properties, as well as a rezoning application for the three newly created lots from A1 – Agriculture 1 to RU1 – Large Lot Housing. If successful, the Land Use Contract Discharge will immediately give all three properties the development regulations of the RU1 zone, which best matches the regulations allowed in the LUC. The final property, 2811 Boyd Road will remain A1 – Agriculture 1 as the property is in the ALR.

To separate the new single-family lots and the active agriculture, the applicant completed a Farm Development Permit (DP20-0146), which included a 15.0m landscape buffer in between the active agriculture and the new subdivided lots.

4.3 Site Context

The subject properties are located on Boyd Road in the South Pandosy – KLO OCP Sector. All four properties have the Future Land Use Designation of REP – Resource Protection. The surrounding area primarily is zoned A1 – Agriculture 1 and has the Future Land Use Designation of S2RES – Single/Two Unit Residential and REP – Resource Protection.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Agriculture
East	A1 – Agriculture 1	Agriculture
South	A1 – Agriculture 1	Single-Family Home(s)
West	A1 – Agriculture 1	Mission Creek

Subject Property Map: Boyd Road



5.0 Application Chronology

Date of Application Received: July 7, 2020
Date Public Consultation Completed: September 11, 2020

Report prepared by: Tyler Caswell, Planner I
Reviewed by: Dean Strachan, Community Planning & Development Manager
Reviewed by: Terry Barton, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:
Schedule A: Affected Addresses

Schedule A: Legal Description LUC20-0003 /Z20-0052 Bylaw No. 12224/ 12225 Charge No. N70788

No.	Legal Description	Address	Parcel Identifier Number	LUC being Terminated	Underlying Zone	Proposed Zone	
1	Discharge of Land Use Contract LUC76-1112 (BL12224) Z20-0052 (BL12225) - Boyd Road	Lot 1 District Lot 130 ODYD Plan EPP107619	2820 Boyd Road	031-342-001	LUC76-1112	A1 - Agriculture 1	RU1 - Large Lot Housing
2	Discharge of Land Use Contract LUC76-1112 (BL12224) Z20-0052 (BL12225) - Boyd Road	Lot 2 District Lot 130 ODYD Plan EPP107619	2830 Boyd Road	031-342-019	LUC76-1112	A1 - Agriculture 1	RU1 - Large Lot Housing
3	Discharge of Land Use Contract LUC76-1112 (BL12224) Z20-0052 (BL12225) - Boyd Road	Lot 3 District Lot 130 ODYD Plan EPP107619	2843 Boyd Road	031-342-027	LUC76-1112	A1 - Agriculture 1	RU1 - Large Lot Housing
4	Discharge of Land Use Contract LUC76-1112 (BL12224) Z20-0052 (BL12225) - Boyd Road	Lot 1 District Lot 130 ODYD Plan KAP89521 Except Plan EPP107619	2811 Boyd Road	004-273-699	LUC76-1112	A1 - Agriculture 1	A1 - Agriculture 1

SCHEDULE **A**

This forms part of application
 # LUC20-0003 Z20-0052



City of
Kelowna
 DEVELOPMENT PLANNING

Planner
 Initials **TC**



LUC20-0023 Z20-0052

Boyd Road Area

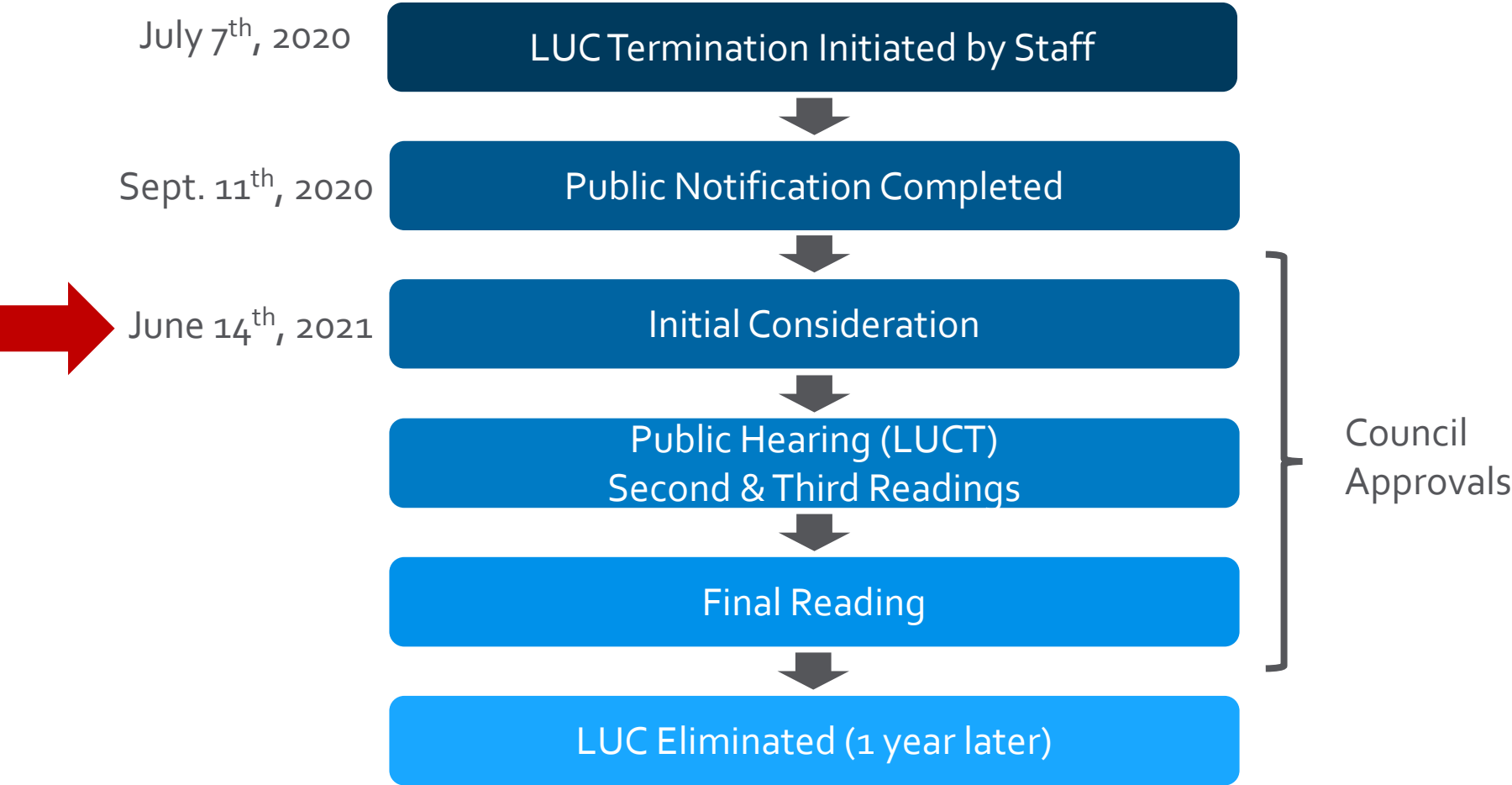
Land Use Contract Discharge and Rezoning Application



Proposal

- ▶ To discharge the Land Use Contract (LUC76-1112) and to rezone select properties from A1 – Agriculture 1 to RU1 – Large Lot Housing

Development Process



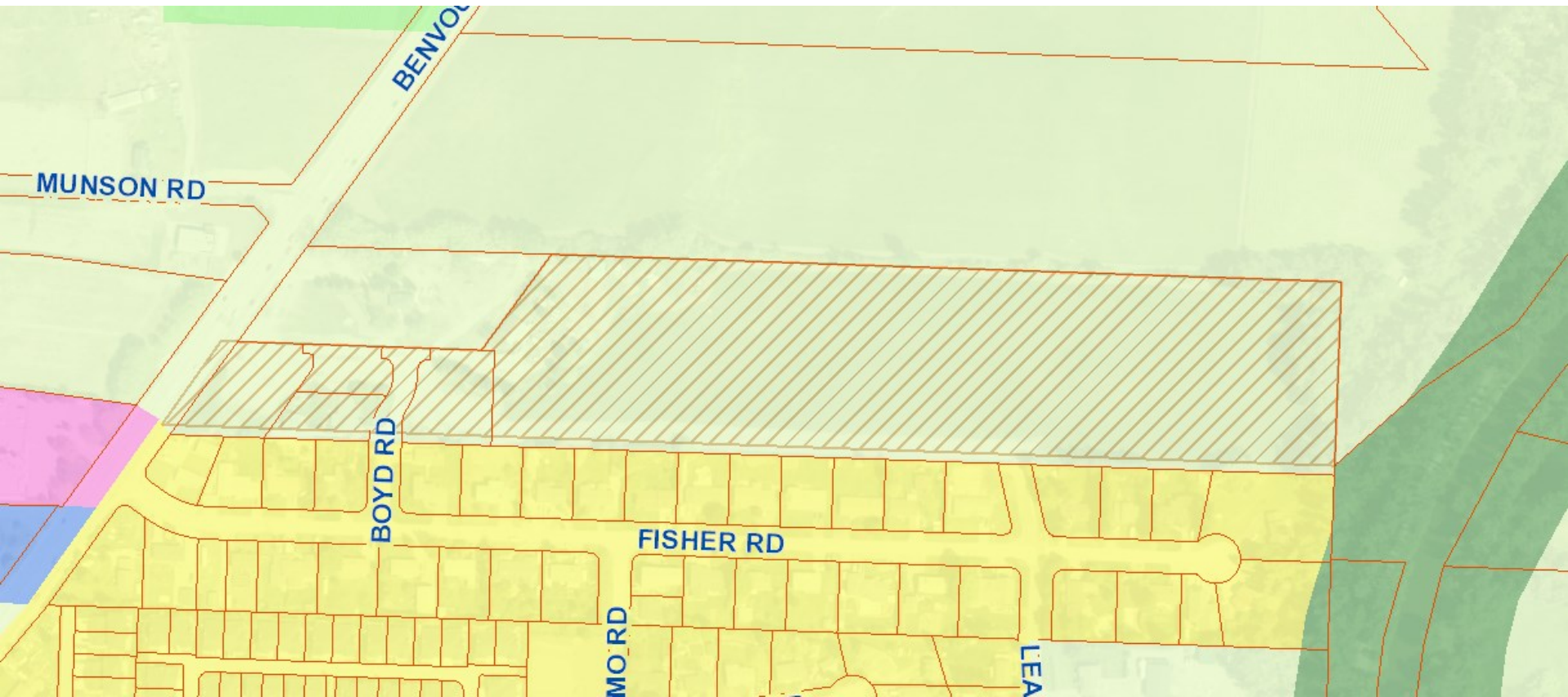
Context Map



Subdivision



OCP Future Land Use



ALR



Background

- ▶ Land Use Contracts: 1970's tool
- ▶ Allow local governments to grant development rights above and beyond current zoning
- ▶ Exchange for commitments from developers to help infrastructure costs

Project Details

- ▶ Application came forward as part of a subdivision application.
- ▶ LUC76-1112 allow the applicants to have a five-lot subdivision, where three new units were created.
- ▶ LUC gives new lots the former Bylaw 4500 – R1 zone development regulations.
- ▶ Applicant is proposing to adopt the RU1 zone for new lots and for the ALR piece to remain A1.

Staff Recommendation

- ▶ Development Planning Staff recommend **support** for the proposed land use contract discharge and rezoning applications:
 - ▶ The existing C10 zone is appropriate for the area.
 - ▶ Province of BC requires all LUC's to be discharged/terminated.



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12224

Discharge of Land Use Contract LUC76-1112 - (N70788) 2811, 2820, 2830 and 2843 Boyd Road

WHEREAS a land use (the "Land Use Contract") is registered at the Kamloops Land Title Office under number N70788 against lands in the City of Kelowna particularly known and described as:

- a) Lot 1 District Lot 130 ODYD Plan EPP107619;
- b) Lot 2 District Lot 130 ODYD Plan EPP107619;
- c) Lot 3 District Lot 130 ODYD Plan EPP107619; and
- d) Lot 1 District Lot 130 ODYD Plan KAP89521 except Plan EPP107619

(the "Lands"), located on Boyd Road, Kelowna, BC;

WHEREAS Section 546 of the *Local Government Act* provides that a land use contract that is registered in a Land Title Office may be discharged in the manner specified in the Land Use Contract, by bylaw following a public hearing on the proposed bylaw;

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

1. This Bylaw may be cited for all purposes as "Land Use Contract LUC76-1112 Discharge Bylaw".
2. The Land Use Contract is hereby cancelled and of no further force and effect and the City of Kelowna is hereby authorized and empowered to apply for the discharge of the Land Use Contract from the Lands.

Read a first time by the Municipal Council this 14th day of June, 2021.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Amended and adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 12225
Z220-0052-
2820, 2830 and 2843 Boyd 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 parcels outlined in Schedule "A" attached to and forming part of this bylaw located on Boyd Road, Kelowna, BC from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 14th day of June, 2021.

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

Schedule A

No.	Legal Description	Address	Parcel Identifier Number	Land Use Contract	Underlying Zone	Proposed Zone
1	Lot 1 District Lot 130 ODYD Plan EPP107619	2820 Boyd Rd	031-342-001	LUC76-1112	A1 – Agriculture 1	RU1 – Large Lot Housing
2	Lot 2 District Lot 130 ODYD Plan EPP107619	2830 Boyd Rd	031-342-019	LUC76-1112	A1 – Agriculture 1	RU1 – Large Lot Housing
3	Lot 3 District Lot 130 ODYD Plan EPP107619	2843 Boyd Rd	031-342-027	LUC76-1112	A1 – Agriculture 1	RU1 – Large Lot Housing

REPORT TO COUNCIL



Date: June 28th, 2021

To: Council

From: City Manager

Department: Development Planning

Application: LUCT20-0012

Owner: Sun-Mar Investments Ltd.,
Inc.No. 154934

Address: 663-671 Finns Road

Applicant: The City of Kelowna

Subject: Land Use Contract Termination

Existing OCP Designation: COMM – Commercial

Existing Zone: C2rls – Neighbourhood Commercial (Retail Liquor Sales)

1.0 Recommendation

THAT Land Use Contract Termination Application No. LUCT20-0012 to terminate LUC76-1103 from Lot 1 Section 34 Township 26 ODYD Plan 42743, located at 663-671 Finns Road, Kelowna, BC, be considered by Council;

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

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

2.0 Purpose

To proceed with the early termination of LUC76-1103 and to revert the parcel to the underlying C2rls – Neighbourhood Commercial (Retail Liquor Sales) zone.

3.0 Development Planning

Staff are recommending support for the proposed Land Use Contract Termination to terminate LUC76-1103 from the subject property. The current LUC affects one property at 663-671 Finns Road and restrict the property to the former Zoning Bylaw no.4500's C-1a – Rural-Local Commercial, as well as automobile alignment shop, sheet metal shop and auto body shop. The Land Use Contract was completed in 1976 because the City of Kelowna annexed lands to the North and created the LUC to allow for the metal fabrication business to continue to operate.

The underlying zone of C2rls – Neighbourhood Commercial (Retail Liquor Sales) is appropriate because it matches the existing use of retail liquor sales and liquor primary business. The LUC allowed for several industrial uses that are no longer active, so a commercial zoning matches both the Future Land Use Designation and the existing uses.

4.0 Proposal

4.1 Background

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

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

4.2 Notification

Local governments must provide notice to each owner that the termination of land use contract is occurring and must provide notice of what the new zoning regulations apply to the land. The municipality must also send an additional letter within 30 days of adoption, informing the owners and providing information about the Board of Variance.

Due to the file being Staff initiated, Staff suggest Council Policy #367 development signage requirements be altered to allow for the development signs to be placed on the City of Kelowna’s boulevard, rather than on the subject property.

4.3 Site Context

The subject property has a total area of roughly 4,100m² and is located on Finns Road, on the intersection with Findlay Road. The property is in the Rutland OCP Sector and has the Future Land Use Designation of COMM – Commercial and the surrounding area is a mix between Commercial, Industrial and Resource Protection.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I2 – General Industrial	General Industrial Uses
East	A1 – Agriculture	Active Agriculture
South	A1 – Agriculture 1	Rural Residential
West	I2 – General Industrial	General Industrial Uses

Subject Property Map: 663-671 Finns Road



5.0 Current Development Policies

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

Council Policy No. 282. Includes the following statement:

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

6.0 Application Chronology

Date of Application Set Up: December 9th, 2020
Date Public Consultation Completed: December 18th, 2020

- Report prepared by:** Tyler Caswell, Planner I
- Reviewed by:** Dean Strachan, Community Planning & Development Manager
- Reviewed by:** Terry Barton, Development Planning Department Manager
- Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services



LUCT20-0012

663-671 Finns Road

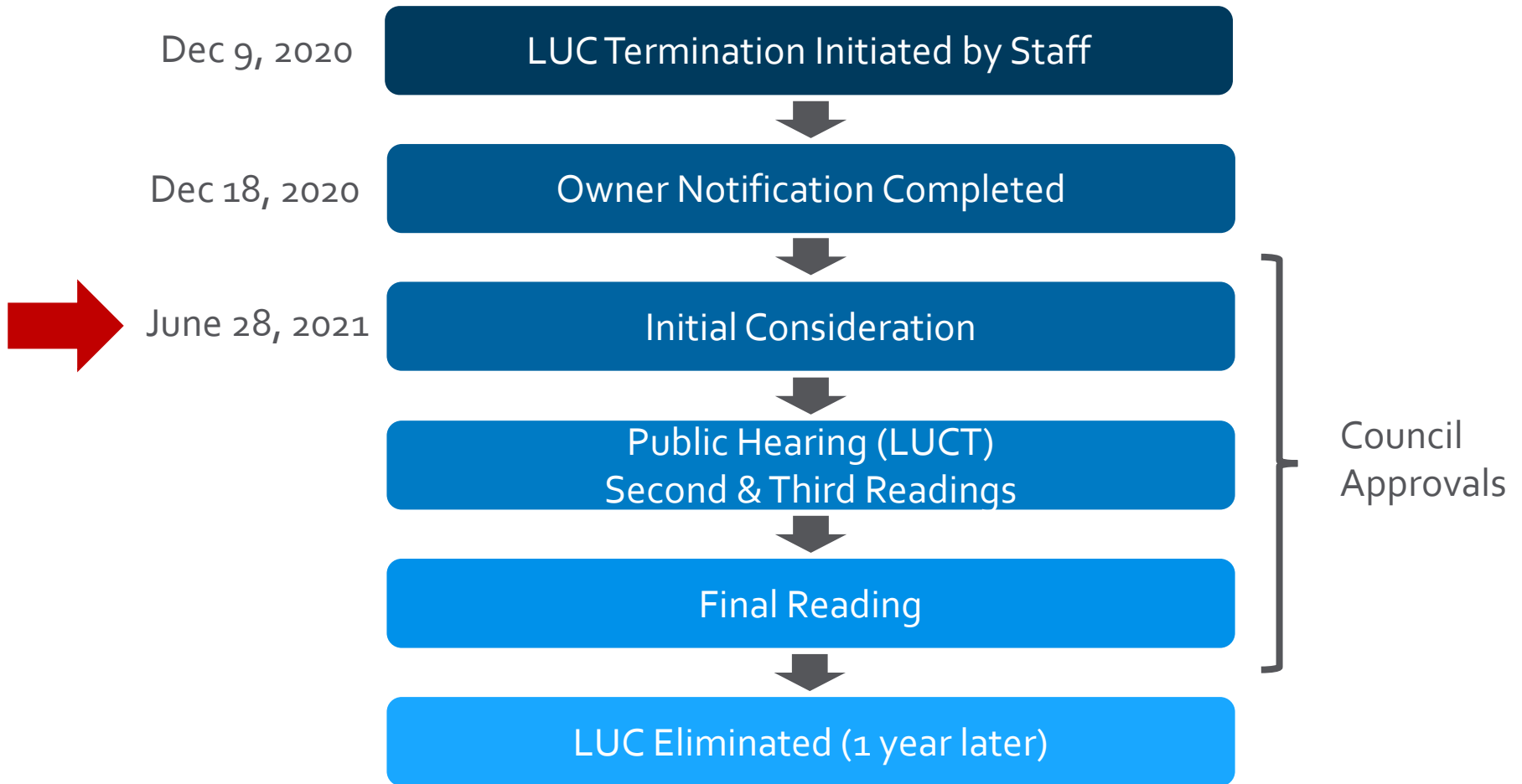
Land Use Contract Termination



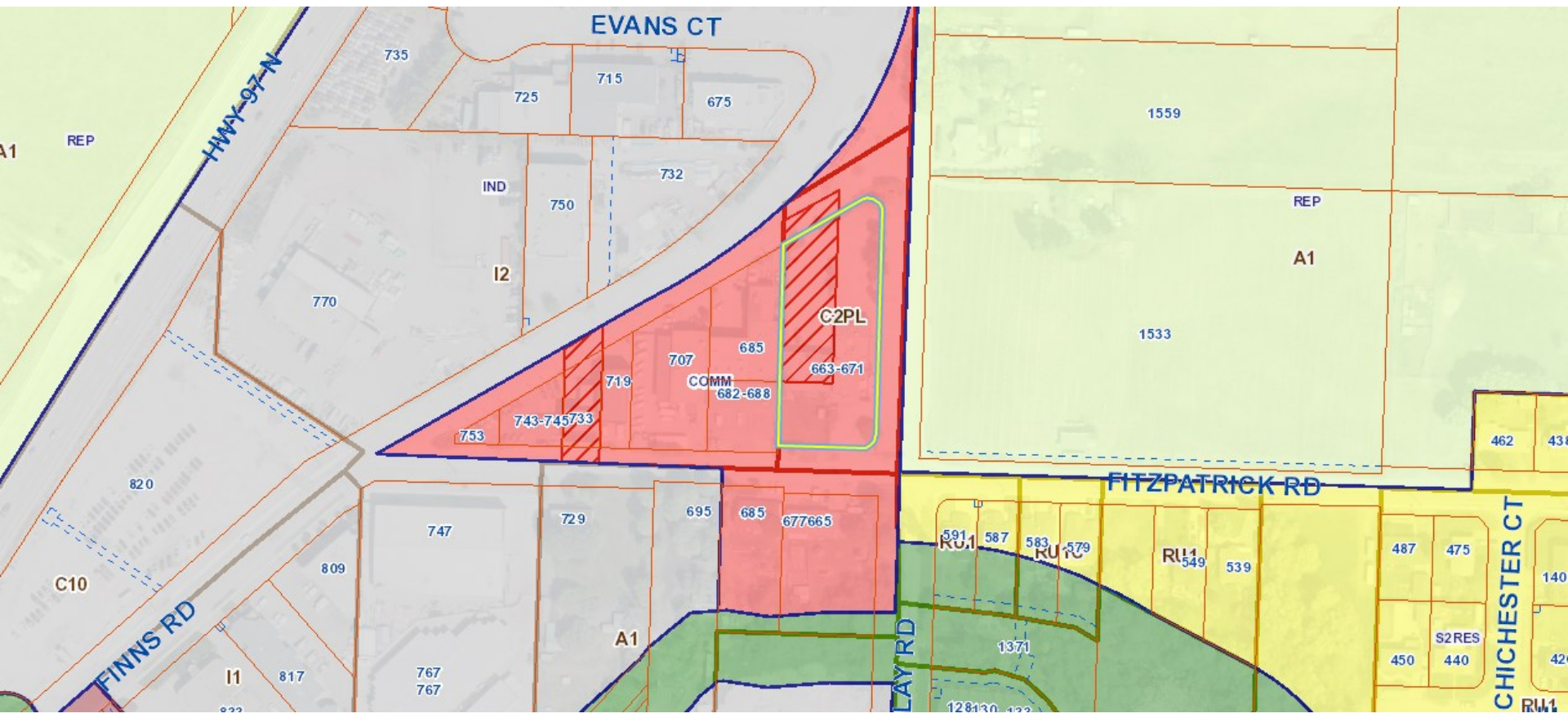
Proposal

- ▶ To terminate the Land Use Contract (LUC76-1103) from the subject property and revert the parcel to the underlying C2rls – Neighbourhood Commercial (Retail Liquor Sales) zone.

Development Process



OCP Future Land Use



Background

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

Project Details

- ▶ Staff initiated the termination of LUC76-1103.
- ▶ Staff are proposing to revert the parcel back to the C2rls – Neighbourhood Commercial zone (Retail Liquor Sales), as it matches the existing uses.
- ▶ If successful, the property will get the full use of current C2rls zone, one year after termination date.

Public Notification Policy #367

- ▶ Staff sent a letter to the property owner of the Proposed Land Use Contract Termination on December 18th, 2020.
 - ▶ A copy of the C2 zone was included in the letter.

Staff Recommendation

- ▶ Development Planning Staff recommend **support** for the proposed land use contract termination:
 - ▶ The underlying zone is appropriate for the existing uses and it matches the Future Land Use Designation.
 - ▶ Province of BC requires all LUC's to be discharged/terminated.



Conclusion of Staff Remarks

CITY OF KELOWNA
BYLAW NO. 12234
LUCT20-0012

Early Termination of Land Use Contract – LUC76-1103
663-671 Finns Road

WHEREAS a land use contract (the "Land Use Contract LUC76-1103) is registered at the Kamloops Land Title Office under the charge number M32025 against lands in the City of Kelowna particularly known and described as Lot 1 Section 34 Township 26 ODYD Plan 42743 (the "Lands"), located on Finns Road, Kelowna, B.C.;

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

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

1. This Bylaw may be cited for all purposes as "Bylaw No. 12234 - Early Termination of Land Use Contract LUC76-1103";
2. "By-Law No. 4240-77" establishing Land Use Contract LUC76-1103 and all amendments thereto, are hereby repealed and the Land Use Contract is terminated as of the date of adoption; and
3. This bylaw will come into force and effect one year after the adoption date.

Read a first time by the Municipal Council this 28th day of June, 2021.

Considered at a Public Hearing this

Read a second and third time by Municipal Council this

Adopted by the Municipal Council this

Mayor

City Clerk

REPORT TO COUNCIL



Date: June 28th, 2021

To: Council

From: City Manager

Department: Development Planning

Application: LUCT20-0020

Owner: 684974 BC Ltd., Inc.No. 684973

Address: 733 Finns Road

Applicant: The City of Kelowna

Subject: Land Use Contract Termination

Existing OCP Designation: COMM – Commercial

Existing Zone: I2 – General Industrial

1.0 Recommendation

THAT Land Use Contract Termination Application No. LUCT20-0020 to terminate LUC76-1056 from Lot 2 Section 34 Township 26 ODYD Plan 3389, located at 733 Finns Road, Kelowna, BC, be considered by Council;

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

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

2.0 Purpose

To proceed with the early termination of LUC76-1056 and to revert the parcel to the underlying I2 – General Industrial zone.

3.0 Development Planning

Staff are recommending support for the proposed Land Use Contract Termination to terminate LUC76-1056 from the subject property. The current LUC affects one property at 733 Finns Road and restricts the property to the former Zoning Bylaw no. 4500's C1a – Rural Local Commercial zone in addition to a metal fabrication business. The Land Use Contract was completed in 1976 because the City of Kelowna annexed lands to the North and carried out a mass rezoning. The City didn't want to impose economic hardship on the development and created the LUC to allow for the metal fabrication business to continue to operate.

Staff believe the underlying zone of I2 – General Industrial zone is appropriate it allows for the existing uses of storage facility and general industrial uses and also matches the surrounding area.

4.0 Proposal

4.1 Background

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

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

4.2 Notification

Local governments must provide notice to each owner that the termination of land use contract is occurring and must provide notice of what the new zoning regulations apply to the land. The municipality must also send an additional letter within 30 days of adoption, informing the owners and providing information about the Board of Variance.

Due to the file being Staff initiated, Staff suggest Council Policy #367 development signage requirements be altered to allow for the development signs to be placed on the City of Kelowna’s boulevard, rather than on the subject property.

4.3 Site Context

The subject property has a total area of 607m² and is located on Finns Road, near the intersection with Fitzpatrick Road. The property is in the Rutland OCP Sector and has the Future Land Use Designation of COMM – Commercial and the surrounding area is also designated for commercial.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I2 – General Industrial	Storage and warehousing
East	I2 – General Industrial	Storage and warehousing
South	I2 – General Industrial	Future general industrial uses
West	I2 – General Industrial	Automobile sales

Subject Property Map: 733 Finns Road



5.0 Current Development Policies

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

Council Policy No. 282. Includes the following statement:

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

6.0 Application Chronology

Date of Application Set Up: December 11th, 2020
Date Public Consultation Completed: December 18th, 2020

Report prepared by: Tyler Caswell, Planner I
Reviewed by: Dean Strachan, Community Planning & Development Manager
Reviewed by: Terry Barton, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services



LUCT20-0020

733 Finns Road

Land Use Contract Termination



Proposal

- ▶ To terminate the Land Use Contract (LUC76-1056) from the subject property and revert the parcel to the underlying I2 – General Industrial zone.

Development Process

Dec 11, 2020

LUC Termination Initiated by Staff



Dec 18, 2020

Owner Notification Completed



June 28, 2021

Initial Consideration





Public Hearing (LUCT)
Second & Third Readings



Final Reading



LUC Eliminated (1 year later)

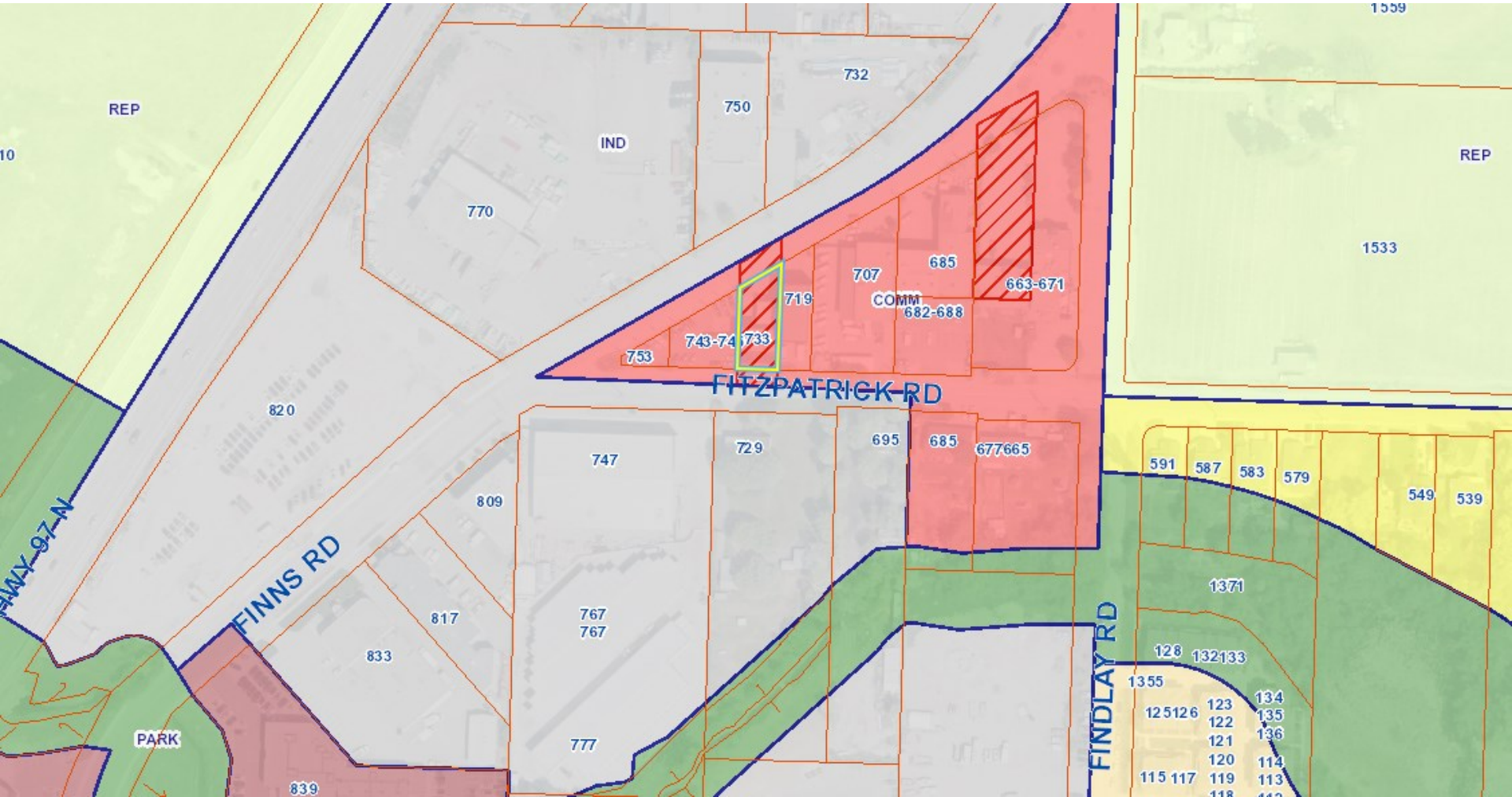


Council
Approvals

Context Map



OCP Future Land Use



Background

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

Project Details

- ▶ Staff initiated the termination of LUC76-1056.
- ▶ Staff are proposing to revert the parcel back to the I2 – General Industrial zone, as it matches the existing uses.
- ▶ If successful, the property will get the full use of current I2 zone, one year after termination date.

Public Notification Policy #367

- ▶ Staff sent a letter to the property owner of the Proposed Land Use Contract Termination on December 18th, 2020.
 - ▶ A copy of the I2 zone was included in the letter.

Staff Recommendation

- ▶ Development Planning Staff recommend **support** for the proposed land use contract termination:
 - ▶ The underlying zone is appropriate for the existing uses and it matches the surrounding neighbourhood.
 - ▶ Province of BC requires all LUC's to be discharged/terminated.



Conclusion of Staff Remarks

CITY OF KELOWNA
BYLAW NO. 12235
LUCT20-0020

Early Termination of Land Use Contract – LUC76-1056
733 Finns Road

WHEREAS a land use contract (the "Land Use Contract LUC76-1103) is registered at the Kamloops Land Title Office under the charge number M68951 against lands in the City of Kelowna particularly known and described as Lot 2 Section 34 Township 26 ODYD Plan 3389 (the "Lands"), located on Finns Road, Kelowna, B.C.;

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

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

1. This Bylaw may be cited for all purposes as "Bylaw No. 12235 - Early Termination of Land Use Contract LUC76-1056";
2. "By-Law No. 4403-77" establishing Land Use Contract LUC76-1056 and all amendments thereto, are hereby repealed and the Land Use Contract is terminated as of the date of adoption; and
3. This bylaw will come into force and effect one year after the adoption date.

Read a first time by the Municipal Council this 28th day of June, 2021.

Considered at a Public Hearing this

Read a second and third time by Municipal Council this

Adopted by the Municipal Council this

Mayor

City Clerk

REPORT TO COUNCIL



Date: June 28, 2021

To: Council

From: City Manager

Department: Development Planning

Application: LUCT20-0017 **Owner:** Williams Transfer Ltd., Inc.No. BC0928388 & R 366 Enterprises Ltd., 563501

Address: 1505 Hardy Street and 2046 Enterprise Way **Applicant:** The City of Kelowna

Subject: Land Use Contract Termination

Existing OCP Designation: IND - Industrial

Existing Zone: I2 – General Industrial

1.0 Recommendation

THAT Land Use Contract Termination Application No. LUCT20-0017 to terminate LUC76-1108 from Lot 1 District Lots 127 and 140 ODYD Plan 40360 and Lot 2 District Lots 127 and 140 ODYD Plan 40360, located at 1505 Hardy Street and 2046 Enterprise Way, Kelowna, BC, be considered by Council;

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

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

2.0 Purpose

To proceed with the early termination of LUC76-1108 and to revert the parcels to the underlying I2 – General Industrial zone.

3.0 Development Planning

Staff are recommending support for the proposed Land Use Contract Termination to terminate LUC76-1108 from the subject properties. The current LUC affects two properties at 1505 Hardy Street and 2046 Enterprise Way and restricts the properties to the former Zoning Bylaw 4500's I2 – Industrial zone in addition to a freight terminal, warehouse and automotive servicing garage. Staff believe the underlying

zone of I2 – General Industrial is appropriate, as it allows for the majority of the existing uses and businesses, as well as the Future Land Use Designation of IND – Industrial.

4.0 Proposal

4.1 Background

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

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

4.2 Project Description

Local governments must provide notice to each owner that the termination of land use contract is occurring and must provide notice of what the new zoning regulations apply to the land. The municipality must also send an additional letter within 30 days of adoption, informing the owners and providing information about the Board of Variance. Due to the file being Staff initiated, Staff suggest the Council Policy #367 development signage requirements be altered to allow for the development signs to be placed on the City of Kelowna’s boulevard, rather than on the subject property.

4.3 Site Context

The subject properties are located on the corner of Enterprise Way and Hardy Street in the Central City OCP Sector. The Future Land Use of the property is IND - Industrial and the surrounding area is PSU – Public Services/Utilities and MXR – Mixed Use (Commercial/Residential) and COMM – Commercial.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I2 – General Industrial	Rail Trail
East	I2 – General Industrial	Warehousing & Storage
South	C4 – Urban Centre Commercial	Office
West	P4 – Utilities & C4 – Urban Centre Commercial	Office

Subject Property Map: 1505 Hardy St & 2046 Enterprise Way



5.0 Current Development Policies

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

Council Policy No. 282. Includes the following statement:

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

5.2 Kelowna Official Community Plan (OCP)

Chapter 4: Future Land Use

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

6.0 Application Chronology

Date of Application Received: December 10th, 2020
Date Public Consultation Completed: December 18th, 2020

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Dean Strachan, Community Planning & Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

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



LUCT20-0017

1505 Hardy Street & 2046 Enterprise Way

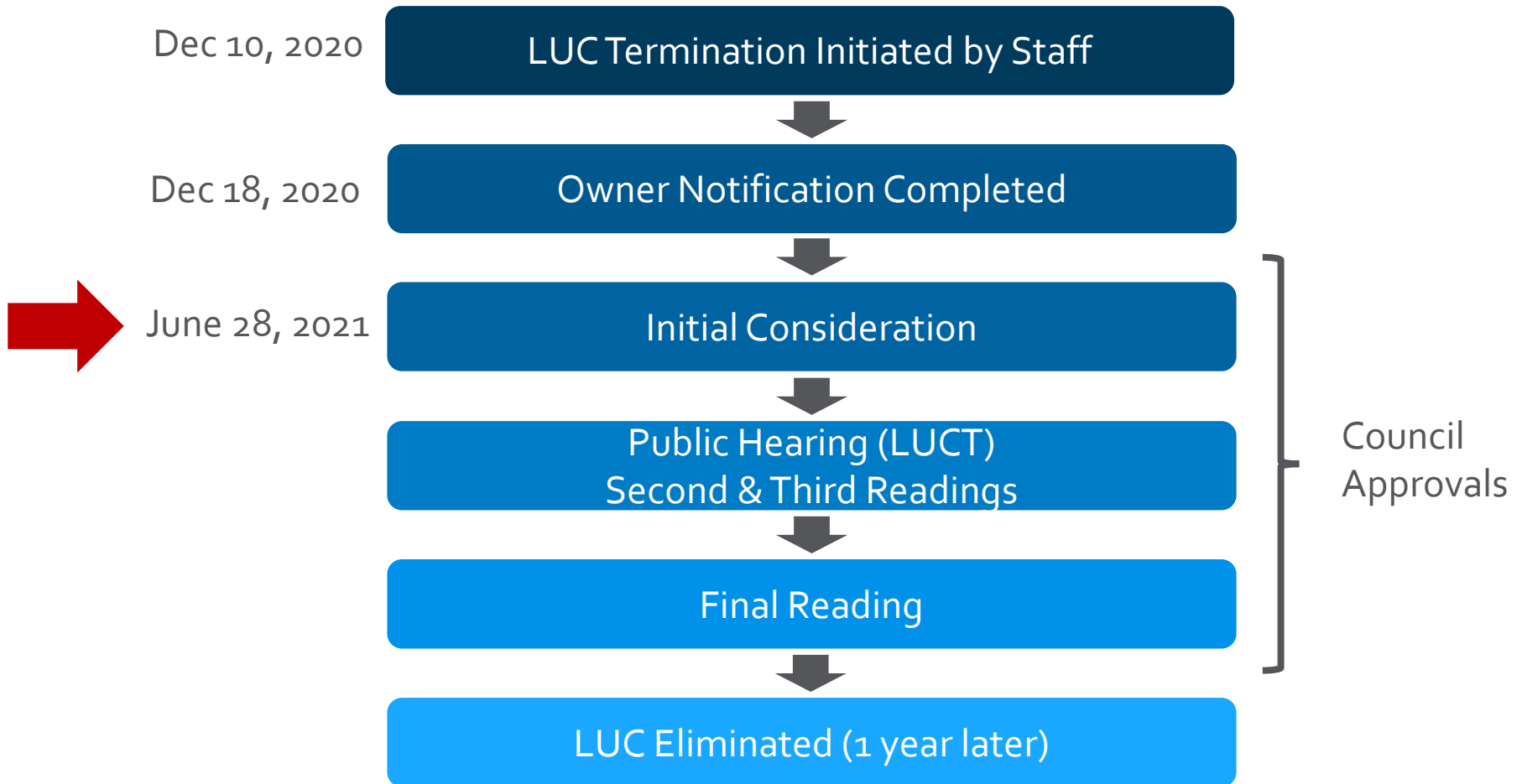
Land Use Contract Termination



Proposal

- ▶ To terminate the Land Use Contract (LUC76-1108) from the subject properties and revert the parcels to the underlying I2 – General Industrial zone.

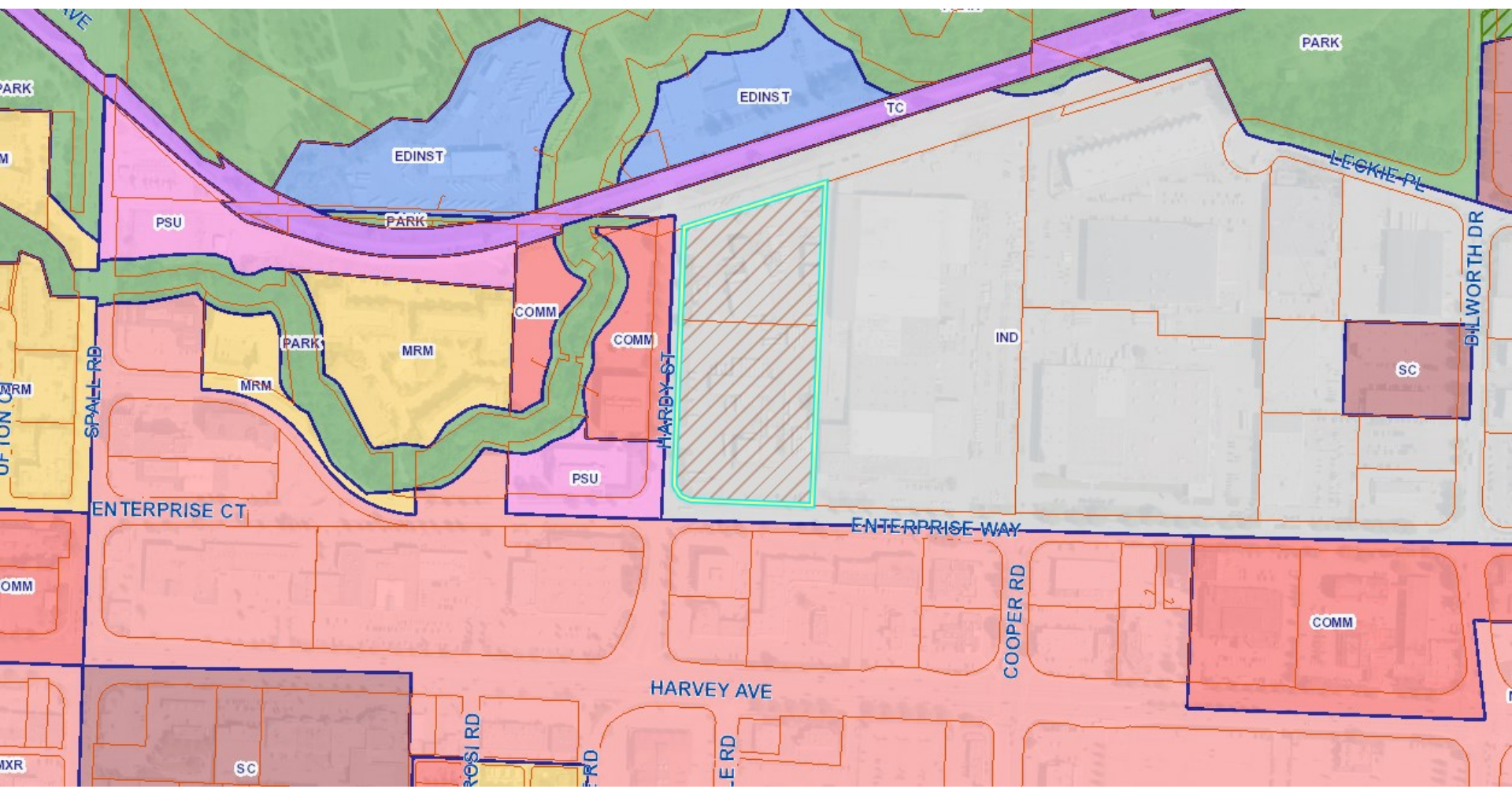
Development Process



Context Map



OCP Future Land Use



Background

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

Project Details

- ▶ Staff initiated the termination of LUC76-1108.
- ▶ Staff are proposing to revert the parcels back to the I2 – General Industrial zone, as it matches the existing uses and Future Land Use Designation.
- ▶ If successful, the property will get the full use of current I2 zone, one year after termination date.

Public Notification Policy #367

- ▶ Staff sent a letter to the property owners of the Proposed Land Use Contract Termination on December 18th, 2020.
 - ▶ A copy of the I2 zone was included in the letter.

Staff Recommendation

- ▶ Development Planning Staff recommend **support** for the proposed land use contract termination:
 - ▶ The underlying zone is appropriate for the existing uses and it meets the intent of the Future Land Use Designation.
 - ▶ Province of BC requires all LUC's to be discharged/terminated.



Conclusion of Staff Remarks

**CITY OF KELOWNA
BYLAW NO. 12237
LUCT20-0017**

**Early Termination of Land Use Contract – LUC76-1108
2046 enterprise Way and 1505 Hard Street**

WHEREAS a land use contract (the "Land Use Contract LUC76-1108) is registered at the Kamloops Land Title Office under the charge number M14258 against lands in the City of Kelowna particularly known and described as Lot 2 District Lots 127 ad 140 ODYD Plan 40360 and Lot 1 District Lots 127 and 140 ODYD Plan 40360 (the "Lands"), located on Enterprise Way and Hardy Street, Kelowna, B.C.;

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

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

1. This Bylaw may be cited for all purposes as "Bylaw No. 12237 - Early Termination of Land Use Contract LUC76-1108";
2. "Canadian Pacific Limited Land Use Contract Authorizing By-Law, No. 4209-77" establishing Land Use Contract LUC76-1108 and all amendments thereto, are hereby repealed and the Land Use Contract is terminated as of the date of adoption; and
3. This bylaw will come into force and effect one year after the adoption date.

Read a first time by the Municipal Council this

Considered at a Public Hearing this

Read a second and third time by Municipal Council this

Adopted by the Municipal Council this

Mayor

City Clerk

REPORT TO COUNCIL



Date: June 14, 2021

To: Council

From: City Manager

Department: Development Planning

Application: Z21-0018 & OCP21-0007

Owner: MCMi Developments Ltd.,
Inc.No. BC1239530

Address: 955 Manhattan Drive

Applicant: Jim Meiklejohn; Meiklejohn
Architects

Subject: Rezoning & OCP Amendment Application

Existing OCP Designation: S2RES – Single / Two Unit Residential

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

Existing Zone: RU6 – Two Dwelling Housing

Proposed Zone: RM₃ – Low Density Multiple Housing

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP21-0007 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot 2 Section 30 Township 26 ODYD Plan 2559, located at 955 Manhattan Drive, Kelowna, BC from the S2RES – Single / Two Unit Residential designation to the MRL – Multiple Unit Residential (Low Density) designation, be considered by Council;

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

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the *Purpose* of Section 475 of the *Local Government Act*, as outlined in the Report from the Community Planning Department dated June 14, 2021;

AND THAT Rezoning Application No. Z21-0018 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 Section 30 Township 26 ODYD Plan 2559, located at 955

Manhattan Drive, Kelowna, BC from the RU6 – Two Dwelling 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 the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated June 14, 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 RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone with accompanying OCP Amendment to change the future land use designation of the lot from the S2RES – Single / Two Unit Residential designation to the MRL – Multiple Unit Residential Low Density Designation.

3.0 Development Planning

Development Planning supports rezoning the property to RM3 – Low Density Multiple Housing, and the accompanying OCP Amendment to change the future land use designation to MRL – Multiple Unit Residential Low Density.

The property, which is currently zoned RU6, is a relatively large lot that cannot be conveniently subdivided. The lot is nearly 2000 m², which is more than twice the size of a regular RU6 lot at 900 m². As such, redeveloping the lot under the existing RU6 zone would represent an under-development of the site. Further, the lot cannot be subdivided into two RU6 lots with two units each since a minimum lot width of 18m is needed to develop two units on an RU6 lot, and the 2-lot subdivision would leave both lots at only 12.7m in width (with each lot capable of accommodating only a single dwelling). Given this is the case, it is acknowledged that a zone over and above the existing RU6 zone would be suitable for the site.

The proposed RM3 zone allows for up to 3 storeys and 10m in height. Since the lot is relatively large, and the northern part of it is up against a laneway and a park—and separated somewhat from neighbouring properties—it is believed that a development in the range of 3 storeys could be sited on the lot and designed in such a way as to be respectful of its neighbours, as well as the neighbouring park, and also fit the context of the surrounding area.

Further, the lot has access to a lane which leads directly to the collector Guy St. Therefore, provided the site were developed in such a way that allowed for primary car access from the lane, the traffic impact on local streets would be minimized.

In addition, though this remains a low-profile neighbourhood, the neighbourhood itself is in relatively close proximity to the downtown urban centre (it being just over 100m from the north boundary of the urban centre) with its associated amenities, employment, entertainment and shopping opportunities. Even closer by, the site has direct access to Jack Brow Park and is a short distance from Rotary Marsh Park, the Rail Trail, Waterfront Park, Sutherland Park, and Knox Mountain Park. Given the site's proximity to these urban areas and amenities, densification that can remain sensitive to the surrounding neighbourhood would be considered desirable.

Design

The proposed zone is considered by Staff to be supportable, however the proposed design poses challenges. Specifically, height, siting and setbacks of the proposed Development Permit and associated Development Variance Permit, as currently designed, fail to respond appropriately to neighbouring properties and are out of context with the surrounding area.

The applicant has proved reluctant to this point to change the proposed design to respond to Staff concerns. However, Staff will continue to work with the applicant to revise the proposed design down to one that is more suitable for the site and the area before coming back to Council for formal consideration at development stage.

4.0 Proposal

4.1 Project Description

The applicant proposes to rezone the property to RM₃ to facilitate a development to consist of the following: a semi-detached unit at the front of the lot facing Manhattan drive, and a 5 storey, 10 unit apartment building at the back of the lot to be accessed from the laneway.

4.2 Site Context

The property is in the Central City Sector just over 100m north of the north boundary of the City Centre Urban Centre. Despite being so close to the downtown, the surrounding neighbourhood is low-profile, consisting mainly of single family homes and semi-detached homes of 1 and 2 storeys in height. The former Tolko Mill site is also directly across the street to the east. The site is adjacent Jack Brow Park and is also in close proximity to Rotary Marsh Park, the Rail Trail, Waterfront Park, Sutherland Park, and Knox Mountain Park.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P ₃ – Parks and Open Space	Jack Brow Park
East	I ₄ – Central Industrial	Vacant
South	RU ₆ – Two Unit Housing	Single Family Home
West	RU ₆ – Two Unit Housing	Two Dwelling Housing

Subject Property Map: 955 Manhattan Dr.



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

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

6.0 Technical Comments

6.1 Development Engineering Department

- See Schedule A

7.0 Application Chronology

Date of Application Accepted: February 23, 2021
Date Public Consultation Completed: April 9, 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

CITY OF KELOWNA

MEMORANDUM

Date: March 3, 2021
File No.: Z21-0018
To: Urban Planner (AT)
From: Development Engineering Manager (JK)
Subject: 955 Manhattan Dr

SCHEDULE A

This forms part of application
Z21-0018, OCP21-0007

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RU1 to RM3

The Development Engineering Branch has the following comments and requirements associated with this application to rezone the subject property from RU1 to RM2. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technician for this project is Ryan O'Sullivan.

1. General

- 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.

2. Domestic Water and Fire Protection

- a) The subject property is currently serviced with a 19mm water service. One metered water service will be required for the development. The disconnection of the existing small diameter water services and the tie-in of a larger service is the developer's responsibility,

3. Sanitary Sewer

- a) This property is currently serviced with a 100-mm sanitary service. The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service will be permitted for this development. An IC is required to be installed or confirmed by the engineer.

4. Storm Drainage

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

SCHEDULE A

This forms part of application
Z21-0018, OCP21-0007

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5. 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.

6. Road Improvements

- a) Manhattan Dr. will be upgraded in the future to an urban standard along the full frontage of this proposed development. A cash in Lou for this works will be required for **\$38,361.45**. The Covenantor shall pay the City Engineering Administration and Inspection Fee (3.5% of Total Construction Cost plus GST) in the amount of **\$1,409.75** (\$1,342.65 + \$67.13 GST) at the time of the execution of this Covenant.
- a) Dedicate ~5.00m width along the full frontage of Manhattan Dr. to achieve a 15.0m ROW.

7. 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.

8. Road Dedication and Subdivision Requirements

- b) Grant Statutory Rights of Way if required for utility services.
- c) 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.
- d) Dedicate ~5.00m width along the full frontage of Manhattan Dr. to achieve a 15.0m ROW

9. Design and Construction

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.

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

10. Servicing 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.


11. Geotechnical Report

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

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

SCHEDULE A
This forms part of application
Z21-0018, OCP21-0007

Planner Initials **AT**

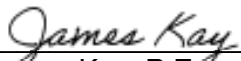


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12. Charges and Fees

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

Manhattan Dr. frontage improvements	\$38,361.45
City Engineering Administration and Inspection Fee	\$1,409.75
Service upgrades	To be determined



James Kay, P.Eng.
Development Engineering Manager

RO

SCHEDULE _____ **A**

This forms part of application
Z21-0018, OCP21-0007

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City of Kelowna
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January 08, 2021

ATTACHMENT A	
This forms part of application # Z21-0018, OCP21-0007	
Planner Initials	AT
 City of Kelowna <small>COMMUNITY PLANNING</small>	

955 MANHATTAN DR. – townhouse & apartment buildings

20-1889

Design Rationale

rev-04

Introduction

MCMI Developments Ltd. is pleased to make application for a minor OCP amendment and rezoning to RM3 of this property located at 955 Manhattan Drive to accommodate this proposed new townhouse & condominium development. This development is in an established neighborhood that has seen relatively little development in recent years beyond upgrades to the waterfront residences. With the recent closure of the Tolko mill, it is anticipated that there will be significant redevelopment in this area. This project has the potential to guide the form and character of this neighborhood redevelopment in the years ahead.

The building architecture is based upon the following design principles:

Developer's Vision

"Our passion for this project comes from a perspective of parents of a fully dependent special needs child. We set out to purchase a condo in the downtown area that would lessen the daily challenges that we face primarily around accessibility. After deciding that we would like to live in the area, finding a condo that met our needs was challenging. Every condo that we looked at had many of the same problems.... vestibules from the parking garages had no accessibility buttons, there were thresholds blocking the access of a wheelchair to the patios, the hallways all too narrow to be able to turn corners without banging into and damaging walls, washroom accessibility nonexistent. Our dream is to build a place where we are able to live with our son for years to come where accessibility is not a barrier.

This privilege would, in our opinion, extend to all other owners, perhaps with needs like our own, as a fully integrated accessible building. We also enjoy the accessibility to many services from this location and we have a strong belief in the future of the downtown area. In fact, in recent years, we have opened new downtown businesses creating dozens of new jobs. This year we have moved to this same neighborhood and we love the healthier lifestyle (our vehicle usage has decreased dramatically). Densification makes sense to us and it allows us to walk between home, work, restaurants and shopping. We wish to make this our "forever" home but we also wish for others to be able to enjoy living in the same neighborhood!

Our inspiration for the design comes primarily from the name of the street, "Manhattan". We designed the building to have a timeless NY Manhattan apartment form. The building sits back on the lot to be unassuming with a tranquil common green space between it and the townhouses lining the Manhattan street, in keeping with the streetscape. The design intent is also driven by the desire to conserve water, electricity and natural gas by use of innovative energy saving technologies such as photovoltaic, solar hot water, electric car plug ins, on demand hot water heaters, and low water usage landscape design. We are downtown business owners who want to see growth and prosperity in our city. We look forward to living the downtown lifestyle with the ability to enjoy all of the amenities that the urban centre has to offer."

Site Planning

The development concept was developed, with regular early input from City planning staff as **two buildings in a 'townhouse and apartment' concept**. This concept achieves several urban planning benefits to the property:

- 1) The low-rise townhouse facing Manhattan is a smaller, two-story structure that nicely reflects the single-family fabric of the surrounding neighborhood.

- 2) The larger 5-storey apartment building (4-storey with set-back penthouse) is located at the rear of the property where it faces both a laneway and Jack Brow park thus mitigating potential impacts of shadow on any neighboring properties away.
- 3) Two buildings break down the massing of the overall development and take better advantage of the deep property and a longer, more massive, single building.
- 4) Two buildings created a private outdoor courtyard that provides an amenity that can be secured, supervised, and shared by the residents.

Building Form

This building form is modelled on the 'urban brownstone' common in established, pedestrian-oriented neighborhoods throughout Europe and North America. The inspiration for 955 Manhattan is New York City's Manhattan brownstones and some more recently constructed projects including in Kelowna's South Pandosy north Kelowna neighborhoods. The buildings both use classical proportions in form and detail. The form is organized with a 'base', 'middle' and (set back) 'top' and is articulated with regularly spaced, vertically proportioned windows, and detailed with classically proportioned frames and cornice features.

Materials

The building is clad in a mix of durable and natural materials that include stone veneer base in key locations, cement stucco with traditional cornice and framing details at windows, entries, and roof parapets.

Generous covered decks with sliding 'window wall' comprise the western elevation of the apartment building to take advantage of the lake views. The colour palette consist of a warm beige or 'off-white' with black accent features that will bring harmony with some crisp contrasting elements to the project. The lighter tones will also reduce the cooling demands of the building).



ATTACHMENT A

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Z21-0018, OCP21-0007

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ATTACHMENT B

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Z21-0018, OCP21-0007



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Planner
Initials **AT**



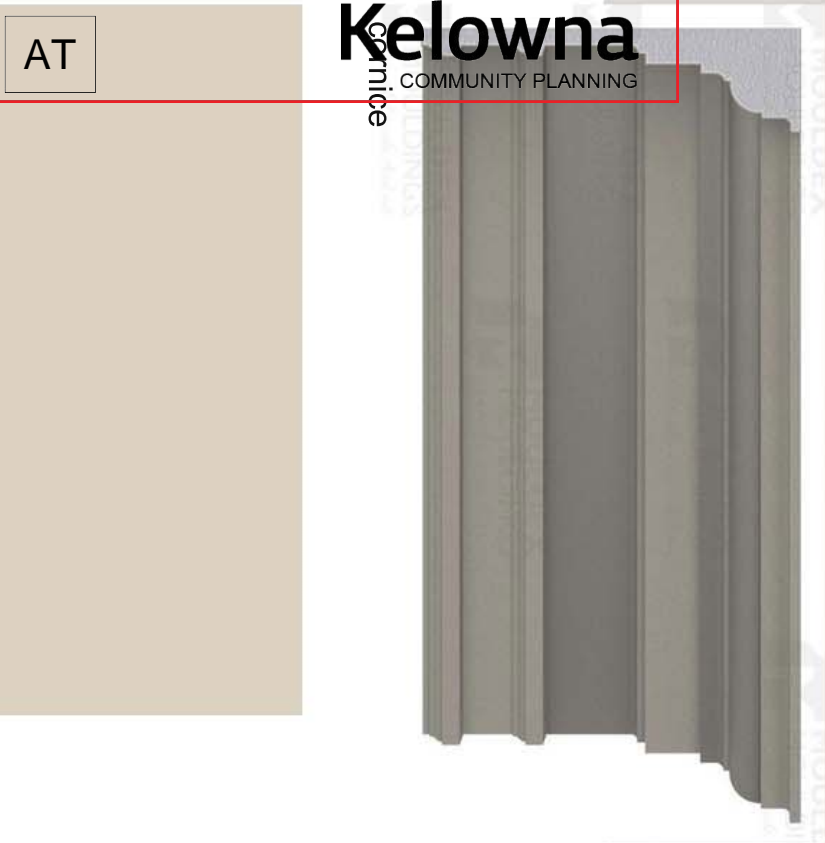
ATTACHMENT B

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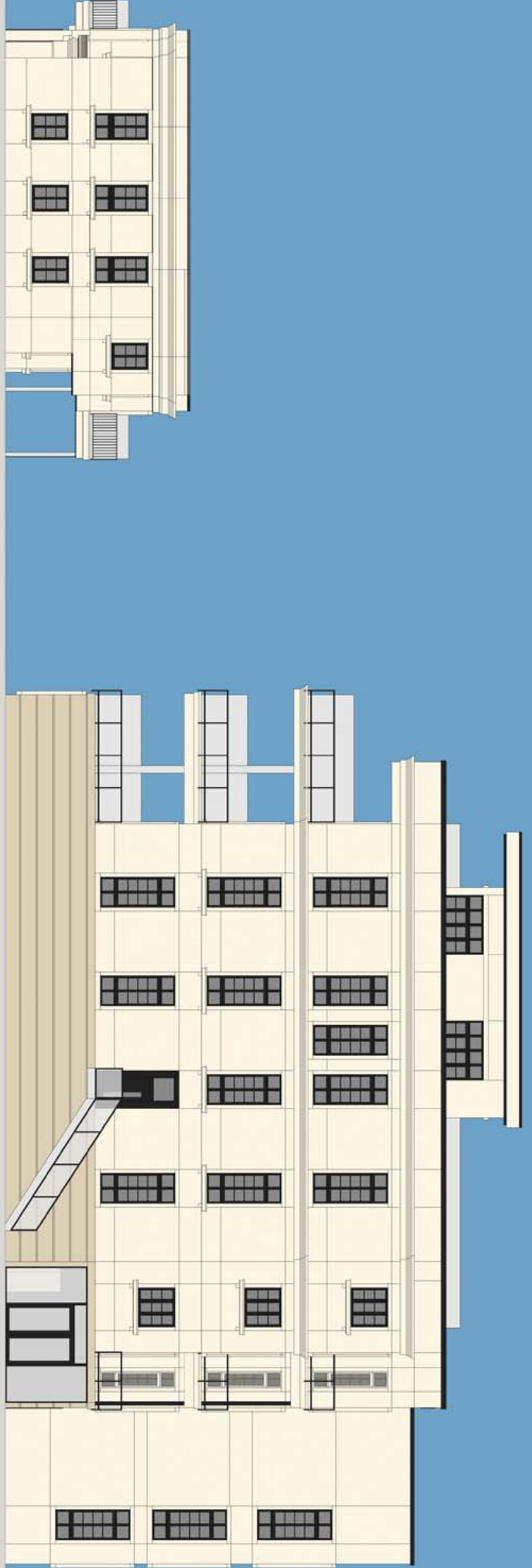
Planning
Initials
Stucco - Maison Blanche SW7526



Board-formed Concrete



black window/door frame



ATTACHMENT B

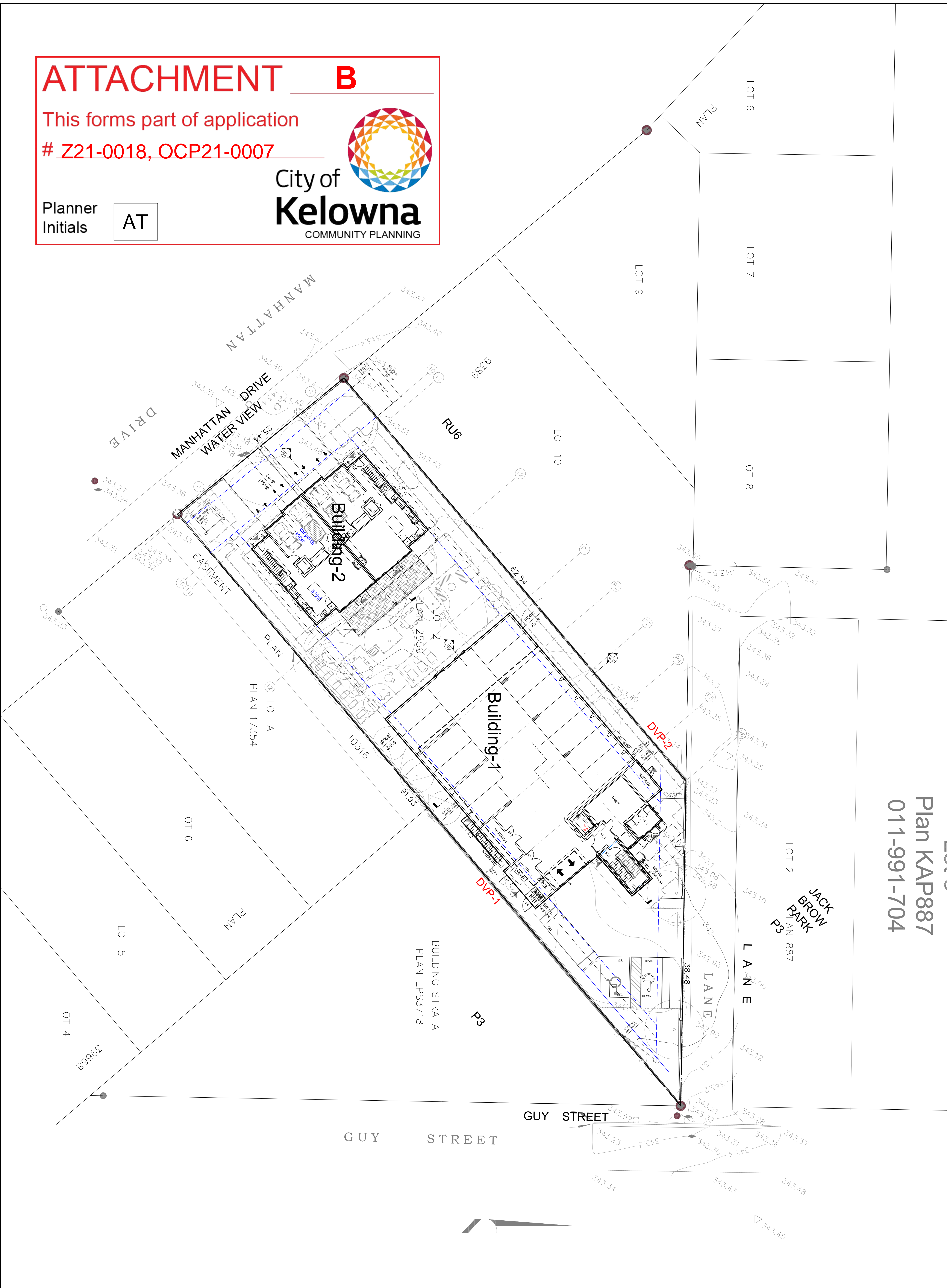
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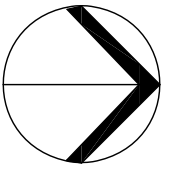
Plan KAP887
011-991-704

233 BERNARD AVENUE
KELOWNA, B.C.
TEL: 250.262.3004
EMAIL: kel-mat@shaw.ca



2021-01-25

DP



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No.	Date	Revision
01	2020-11-16	PP SUBMISSION

Project Title
**MANHATTAN LOFTS
- MULTI-FAMILY
HOUSING**

955 MANHATTAN DRIVE, KELOWNA, V1Y 1H7

Drawing Number

A2.01

Drawings are NOT TO BE SEALED.
ALL DIMENSIONS SHALL BE VERIFIED ON JOB

Drawing Title
SITE PLAN

scale: 1/16" = 1'0"

Date	2021-01-25
Job No.	m+m-20-1889
Scale	AS SHOWN
Drawn	SN
Checked	JM

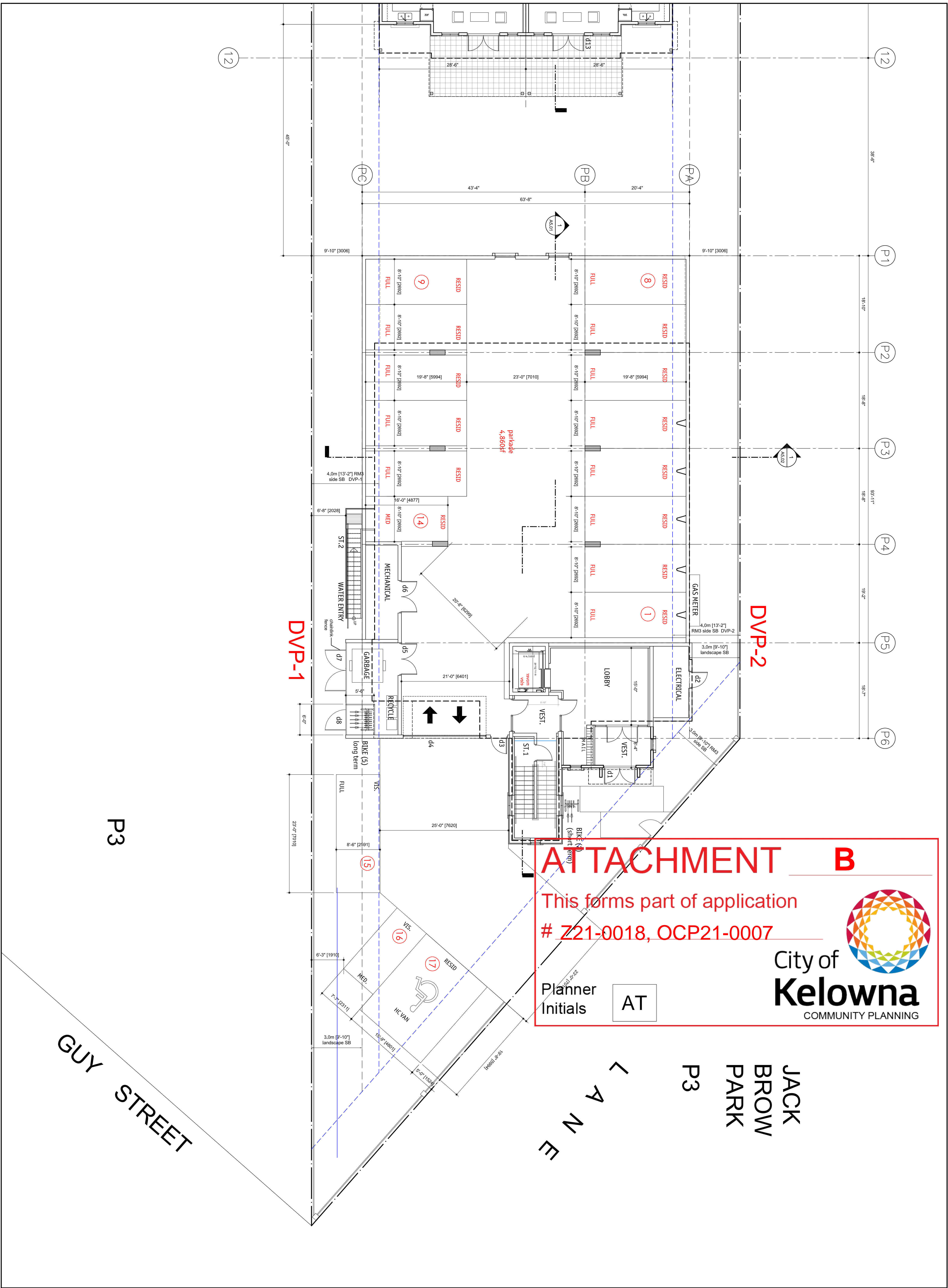
2021-01-25

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No.	Date	Revision
01	2020-11-16	PP SUBMISSION

Project Title
**MANHATTAN LOFTS
 - MULTI-FAMILY
 HOUSING**

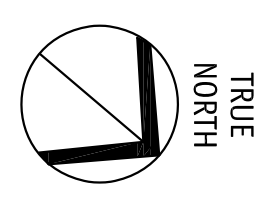
955 MANHATTAN DRIVE KELOWNA V1Y 1H7

Drawing Number
A3.01-1

Drawing Title
**CONDO
 LEVEL 1 PLAN**

scale: 1/8" = 1'0"

Date	Job No.	Scale	Drawn	Checked
2021-01-25	m+m-20-1889	AS SHOWN	SN	JM



GUY STREET

JACK BROW PARK

LANE

P3

P3

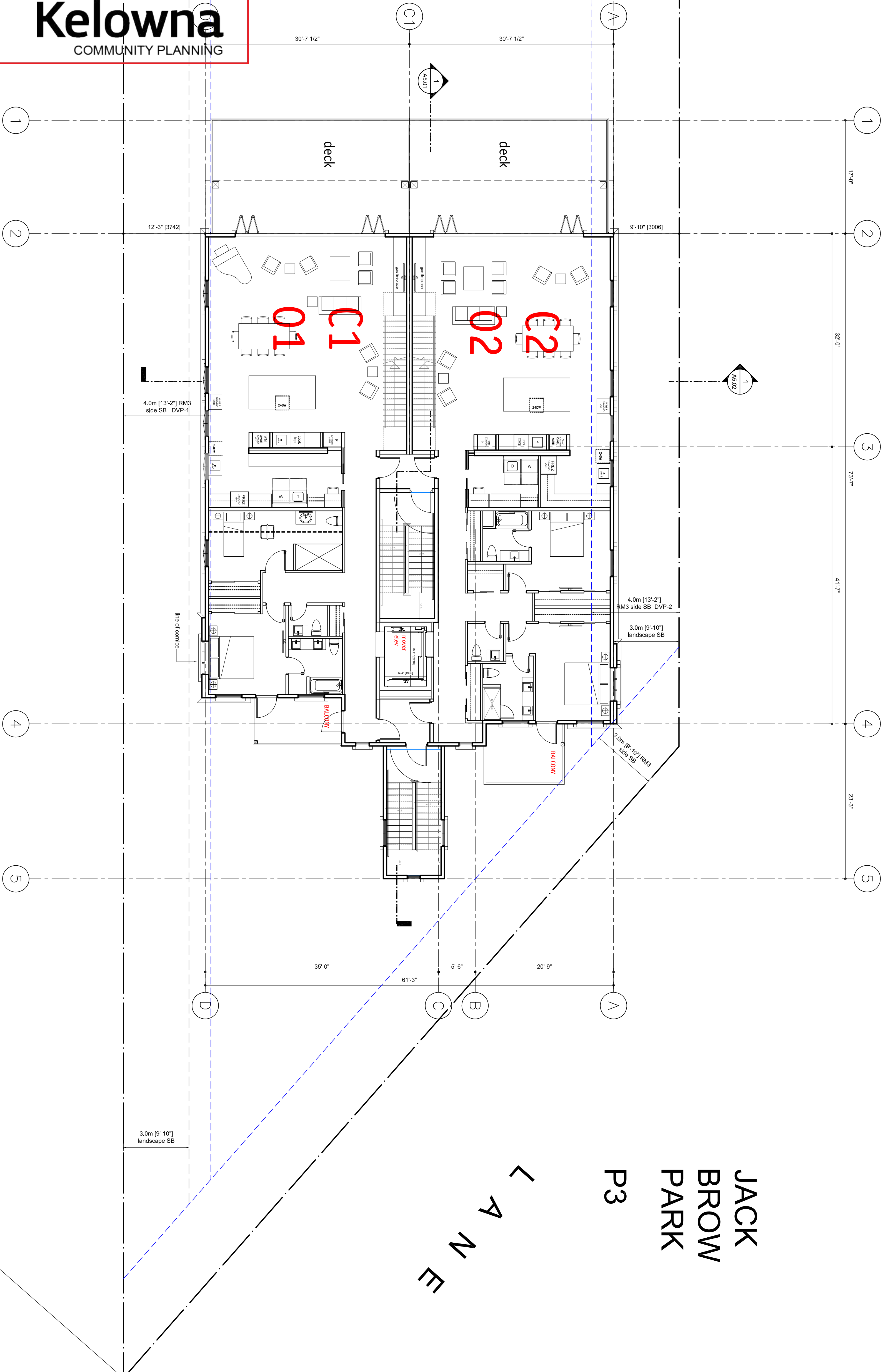
DVP-1

DVP-2

ATTACHMENT B

This forms part of application
Z21-0018, OCP21-0007

Planner Initials AT



P3

JACK
BROW
PARK

P3

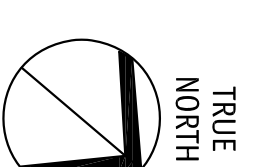
L A N E

GUY STREET



2021-01-25

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No.	Date	Revision
01	2020-11-16	PP SUBMISSION

Project Title
MANHATTAN LOFTS
- MULTI-FAMILY
HOUSING

955 MANHATTAN DRIVE, KELOWNA, V1Y 1H7

Drawing Number
A3.04

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Drawing Title
CONDO
LEVEL 4 PLAN

scale: 1/8" = 1'0"

Date	Job No.	Scale	Drawn	Checked
2021-01-25	m+m-20-1889	AS SHOWN	SN	JM

ATTACHMENT

B

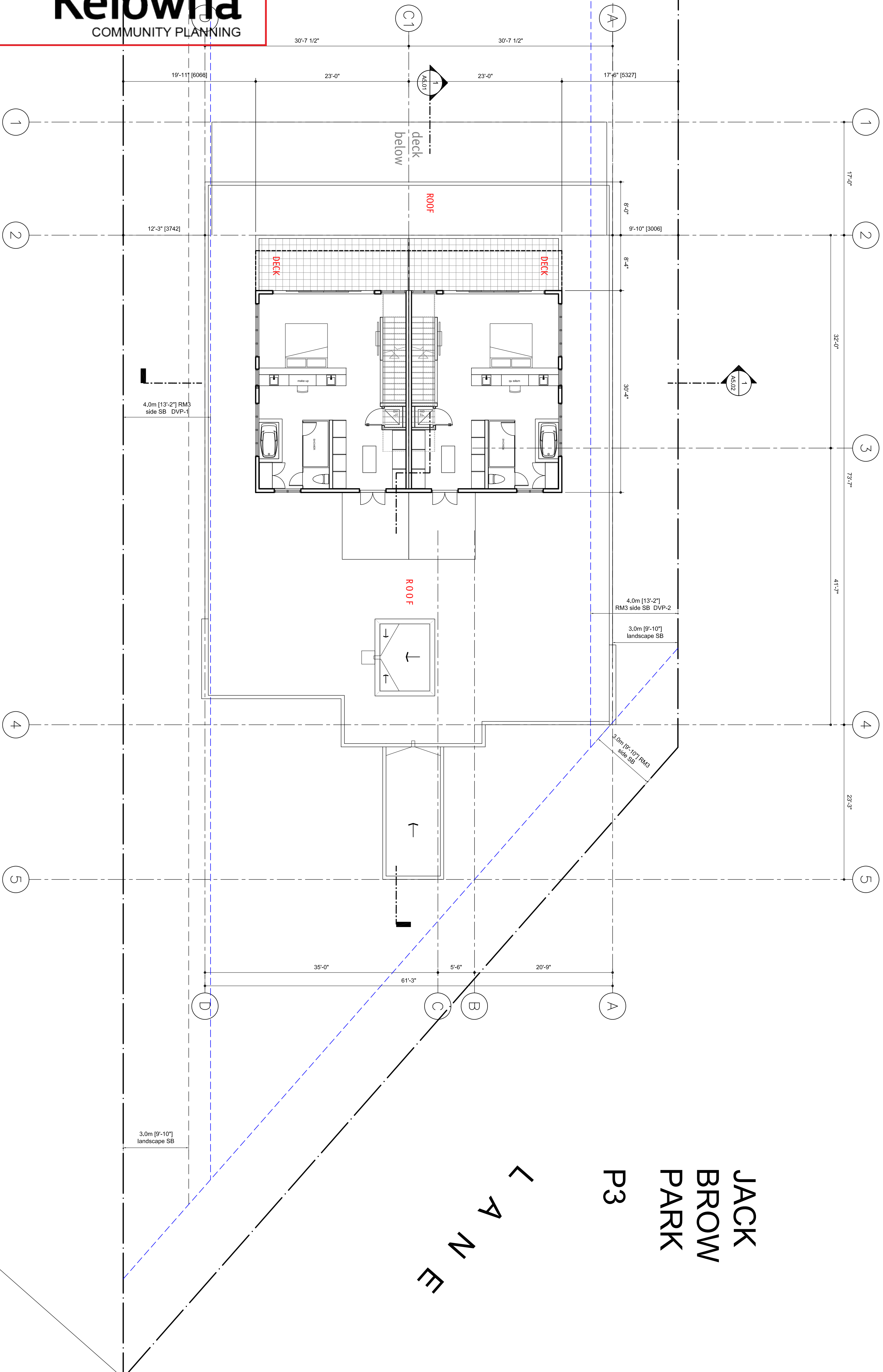
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Z21-0018, OCP21-0007



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Kelowna
COMMUNITY PLANNING

Planner
Initials

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P3

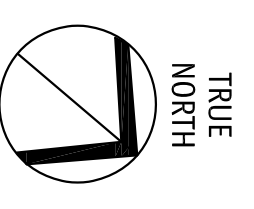
JACK
BROW
PARK
P3

L A N E

GUY STREET



2021-01-25
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01	2020-11-16	PP SUBMISSION

Project Title
**MANHATTAN LOFTS
- MULTI-FAMILY
HOUSING**

Drawing Number
955 MANHATTAN DRIVE, KELOWNA, V1Y 1H7

A3.05

Drawing Title
**CONDO
LEVEL 5 PLAN**

scale: 1/8" = 1'0"

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Date	Job No.	Scale	Drawn	Checked
2021-01-25	m+m-20-1889	AS SHOWN	SN	JM

BUILDING ELEVATION KEY NOTE:
 ALL COLOURS TO BE CHOSEN BY ARCHITECT FROM APPROVED PRODUCT MANUFACTURER'S STANDARD LINE OF COLOURS.

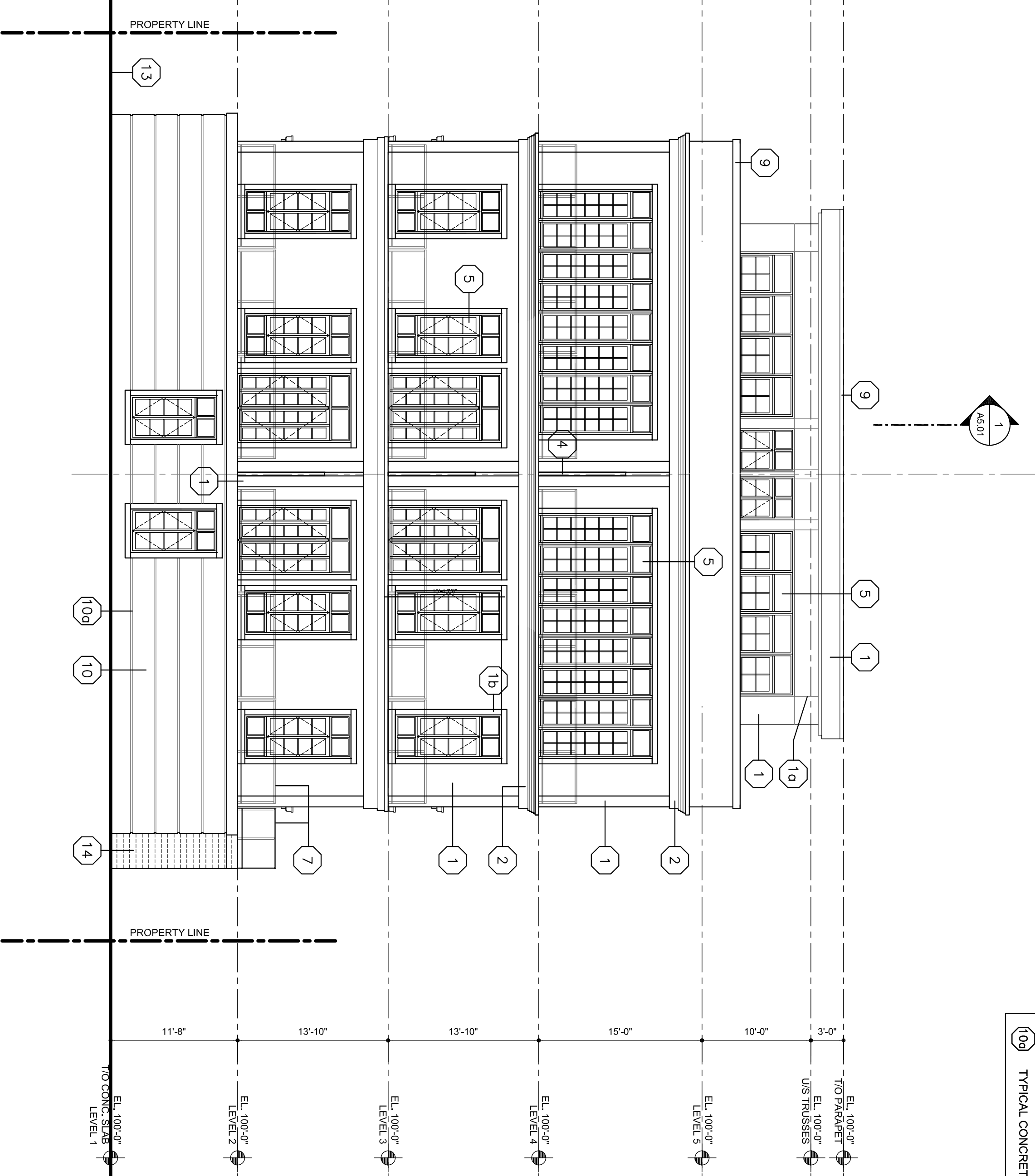
1	STUCCO FINISH	11	PAINTED METAL DOOR
10	TYPICAL STUCCO REVEALS	12	WOOD PANEL OH DOOR
10a	STUCCO EIFS WINDOW/ DOOR TRIM	13	FINISHED GRADE (SEE CIVIL)
2	PREMANUF. CEMENT CLAD CORNICE MOULDING	14	CONCRETE/STEEL STAIRCASE WITH STEEL/BRICK RAILINGS
3	PREFINISHED METAL LOUVERED GRILLES (SEE MECH)		
4	PRIVACY SCREEN		
5	VINYL WINDOW & DOOR COLOUR: BLACK		
6	ALUMINIUM STOREFRONT WINDOW & DOOR COLOUR: BLACK		
7	ALUMINIUM / GLASS RAILING		
8	PREFIN. METAL PICKET RAILING		
9	PREFINISHED SHEET STEEL FLASHING		
10	EXPOSED SACK RUBBERED CONCRETE FINISH		
10b	TYPICAL CONCRETE REVEALS		

ATTACHMENT B

This forms part of application # **Z21-0018, OCP21-0007**

City of **Kelowna**
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3'-0" EL. 106'-0" TO PARAPET / US TRANSSES

10'-0" EL. 106'-0" LEVEL 5

15'-0" EL. 106'-0" LEVEL 4

13'-10" EL. 106'-0" LEVEL 3

13'-10" EL. 106'-0" LEVEL 2

11'-8" EL. 106'-0" LEVEL 1 TO CONC. SLAB

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No.	Date	Revision
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Project Title
**MANHATTAN LOFTS
 - MULTI-FAMILY
 HOUSING**

955 MANHATTAN DRIVE KELOWNA V1Y 1H7

Drawing Number
A4.01

Drawing Title
**CONDO
 REAR ELEVATION
 facing townhouse
 scale: 1/8" = 1'0"**

Date: 2021-01-25
 Job No.: mm-20-1889
 Scale: AS SHOWN
 Drawn: SN
 Checked: JM

ATTACHMENT B

This forms part of application
 # Z21-0018, OCP21-0007

City of Kelowna
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67'-4" [20.52m] (5-storeys)
 zoning max: 32'-10" [10.0m] (3 storeys)

DVP-3

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No.	Date	Revision
01	2020-11-16	PP SUBMISSION

Project Title
**MANHATTAN LOFTS
 - MULTI-FAMILY
 HOUSING**

955 MANHATTAN DRIVE KELOWNA V1Y 1H7

Drawing Number
A4.02

Drawings are NOT TO BE SCALE.
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Drawing Title
**SIDE
 ELEVATIONS**

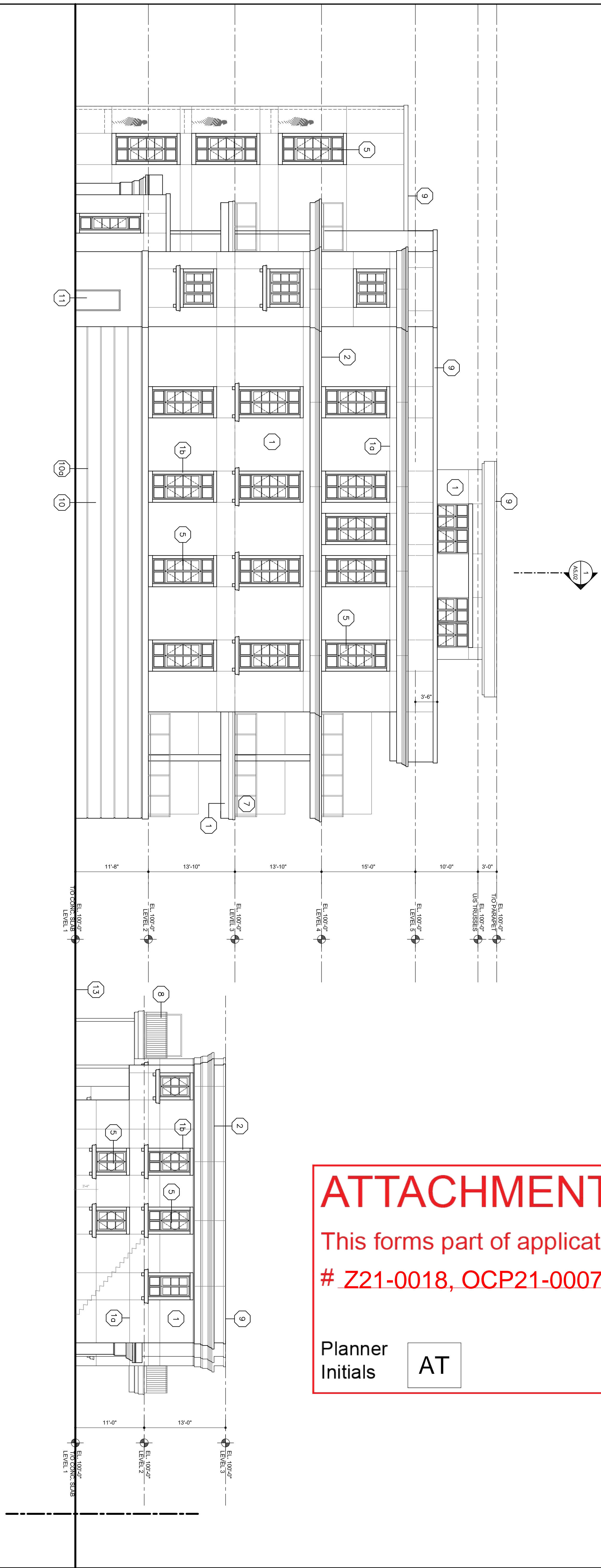
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Date	Job No.	Scale	Drawn	Checked
2021-01-25	m+m-20-1889	AS SHOWN	SN	JM

ATTACHMENT B

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 # **Z21-0018, OCP21-0007**

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No.	Date	Revision
01	2020-11-16	PP SUBMISSION

Project Title
**MANHATTAN LOFTS
 - MULTI-FAMILY
 HOUSING**

955 MANHATTAN DRIVE KELOWNA V1Y 1H7

Drawing Number
A4.03

Drawing Title
**SIDE
 ELEVATIONS**

scale: 1/8" = 1'0"

Date	Job No.	Scale	Drawn	Checked
2021-01-25	m+m-20-1889	AS SHOWN	SN	JM

Drawings are NOT TO BE SCALED.
 ALL DIMENSIONS SHALL BE VERIFIED ON JOB

2021-01-25

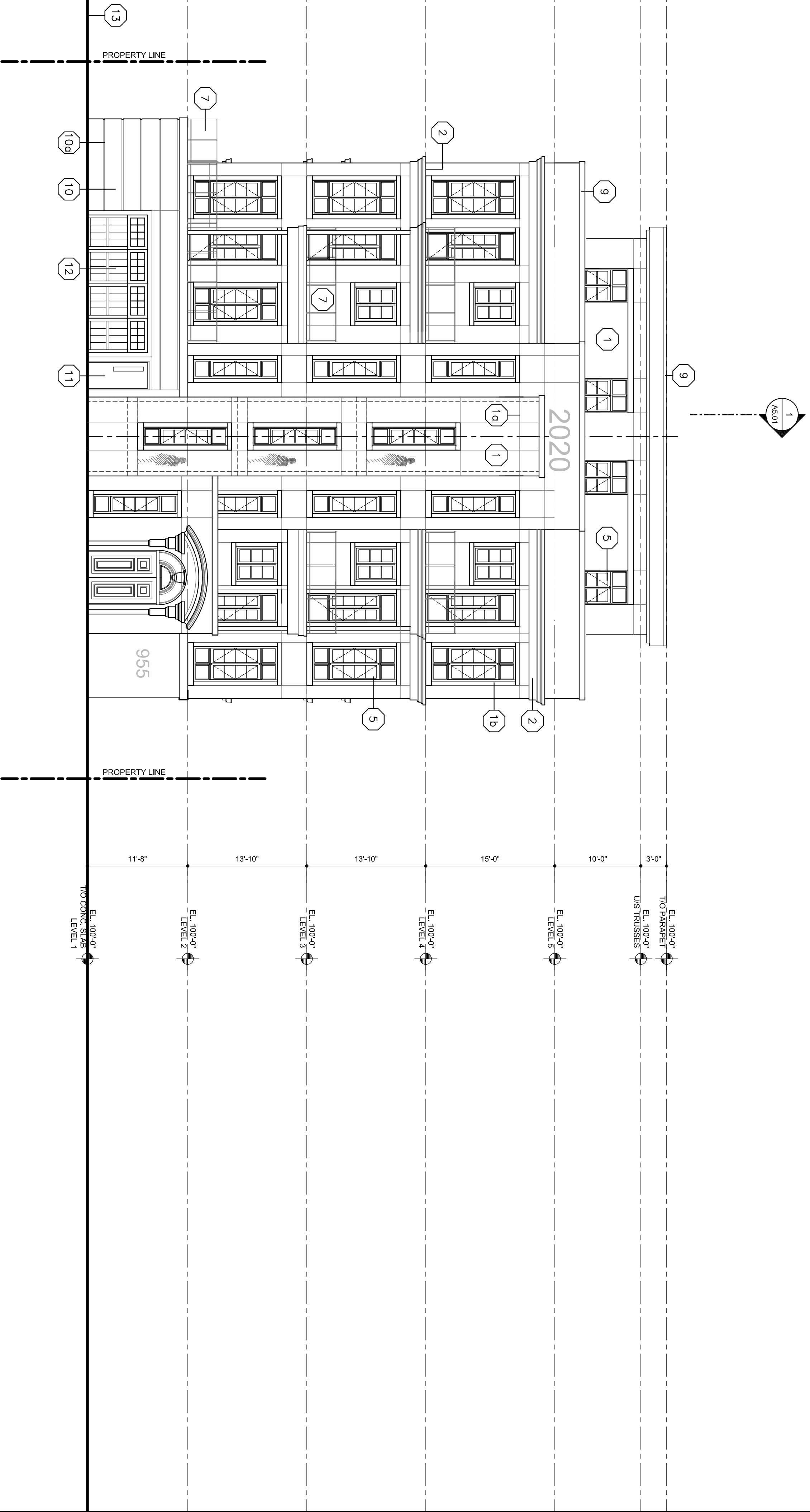
DP

ATTACHMENT B

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 # Z21-0018, OCP21-0007

City of
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Planner Initials AT



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No.	Date	Revision
01	2020-11-16	PP SUBMISSION

Project Title	MANHATTAN LOFTS - MULTI-FAMILY HOUSING
Drawing Number	955 MANHATTAN DRIVE KELOWNA V1Y 1H7

A4.04

DRAWINGS ARE NOT TO BE SCALE. ALL DIMENSIONS SHALL BE VERIFIED ON JOB

Drawing Title
CONDO FRONT ELEVATION

scale: 1/8" = 1'0"

Date	2021-01-25
Job No.	m+m-20-1889
Scale	AS SHOWN
Drawn	SN
Checked	JM

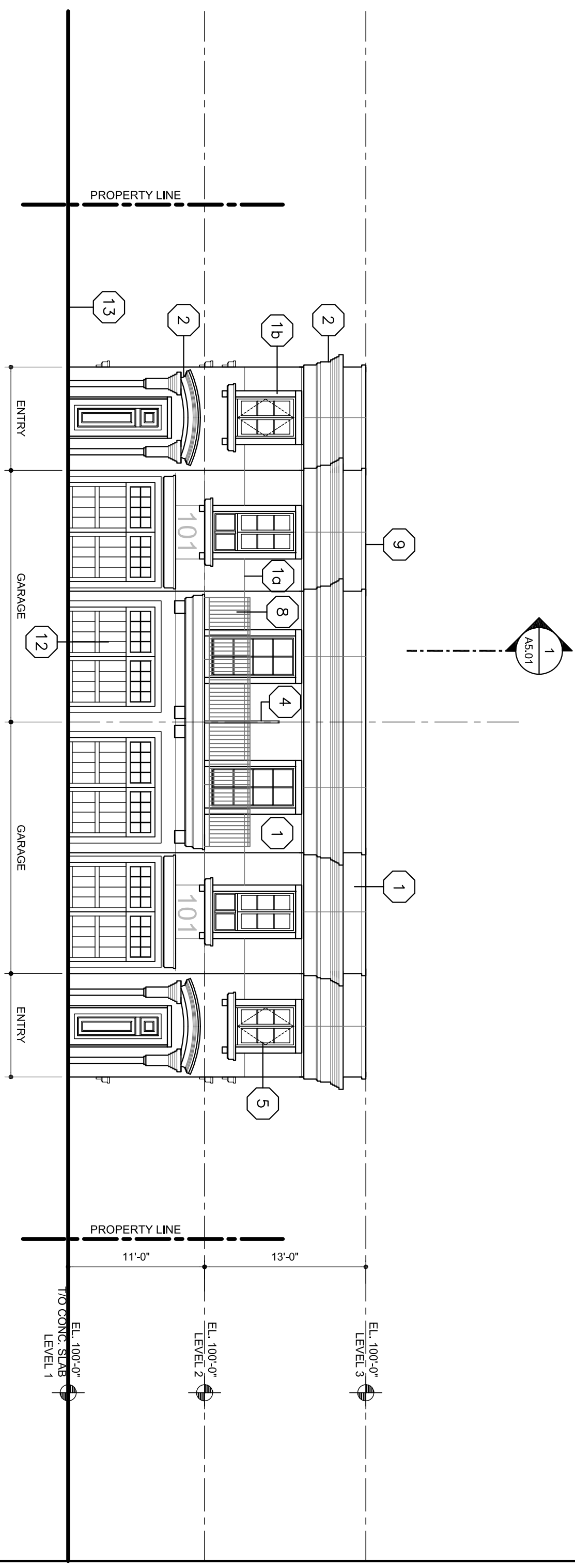
ATTACHMENT B

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 # Z21-0018, OCP21-0007

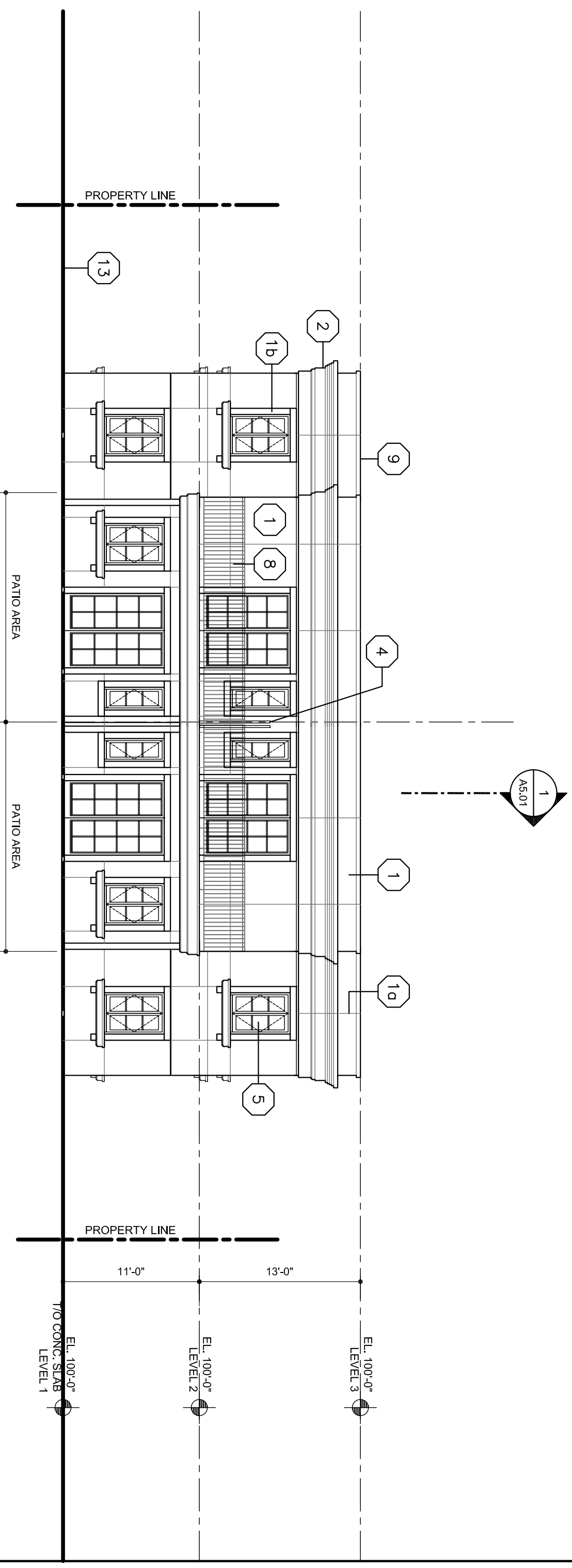
Planner Initials AT



City of **Kelowna**
 COMMUNITY PLANNING



TOWNHOUSE FRONT ELEVATION FACING STREET



TOWNHOUSE REAR ELEVATION FACING CONDO

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No.	Date	Revision
01	2020-11-16	PP SUBMISSION

Project Title
**MANHATTAN LOFTS
 - MULTI-FAMILY
 HOUSING**

Drawing Number
 955 MANHATTAN DRIVE KELOWNA V1Y 1H7

A4.05

DRAWINGS ARE NOT TO BE SCALE.
 ALL DIMENSIONS SHALL BE VERIFIED ON JOB

Drawing Title
**TOWNHOUSE
 FRONT / REAR
 ELEVATIONS**
 scale: 1/8" = 1'0"

Date	2021-01-25
Job No.	m+m-20-1889
Scale	AS SHOWN
Drawn	SN
Checked	JM



Z21-0018 & OCP21-0007 955 Manhattan Dr.

Rezoning and OCP Amendment Application



Proposal

- ▶ To rezone the subject property from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone;
- ▶ With accompanying OCP Amendment to change the future land use designation of the lot from the S2RES – Single / Two Unit Residential designation to the MRL – Multiple Unit Residential Low Density Designation.

Development Process

Feb. 23, 2021

Development Application Submitted



Staff Review & Circulation



Apr. 9, 2021

Public Notification Received



June 14, 2021

Initial Consideration



Public Hearing
Second & Third Readings



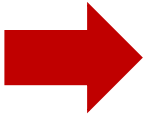
Final Reading
DP & Variances



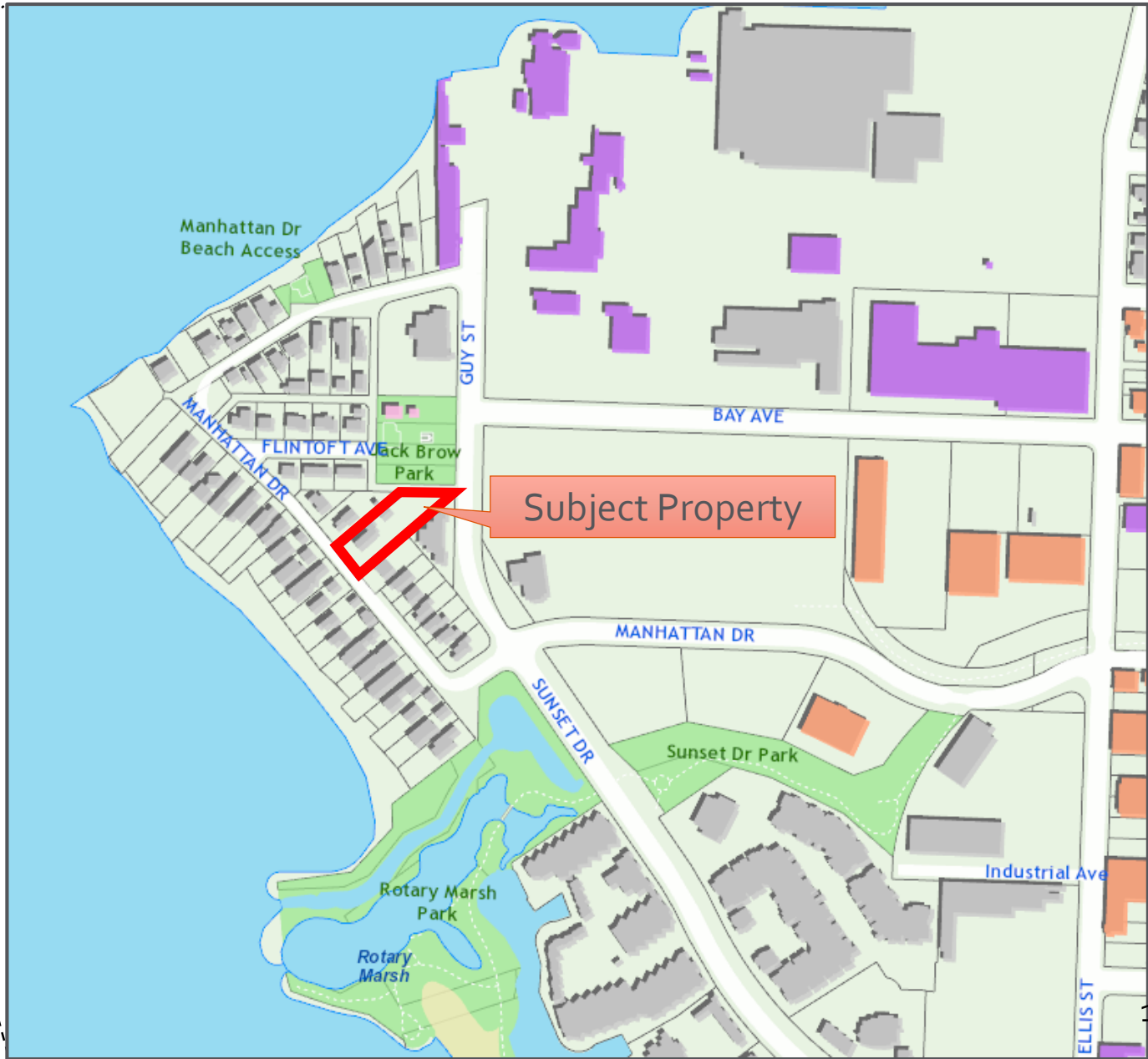
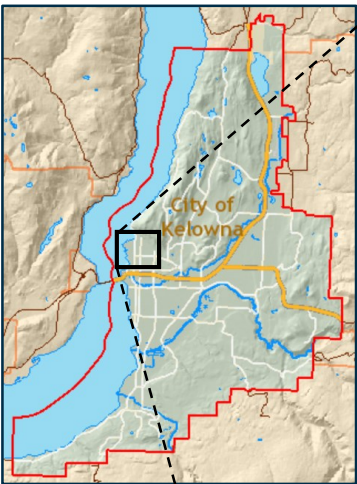
Building Permit



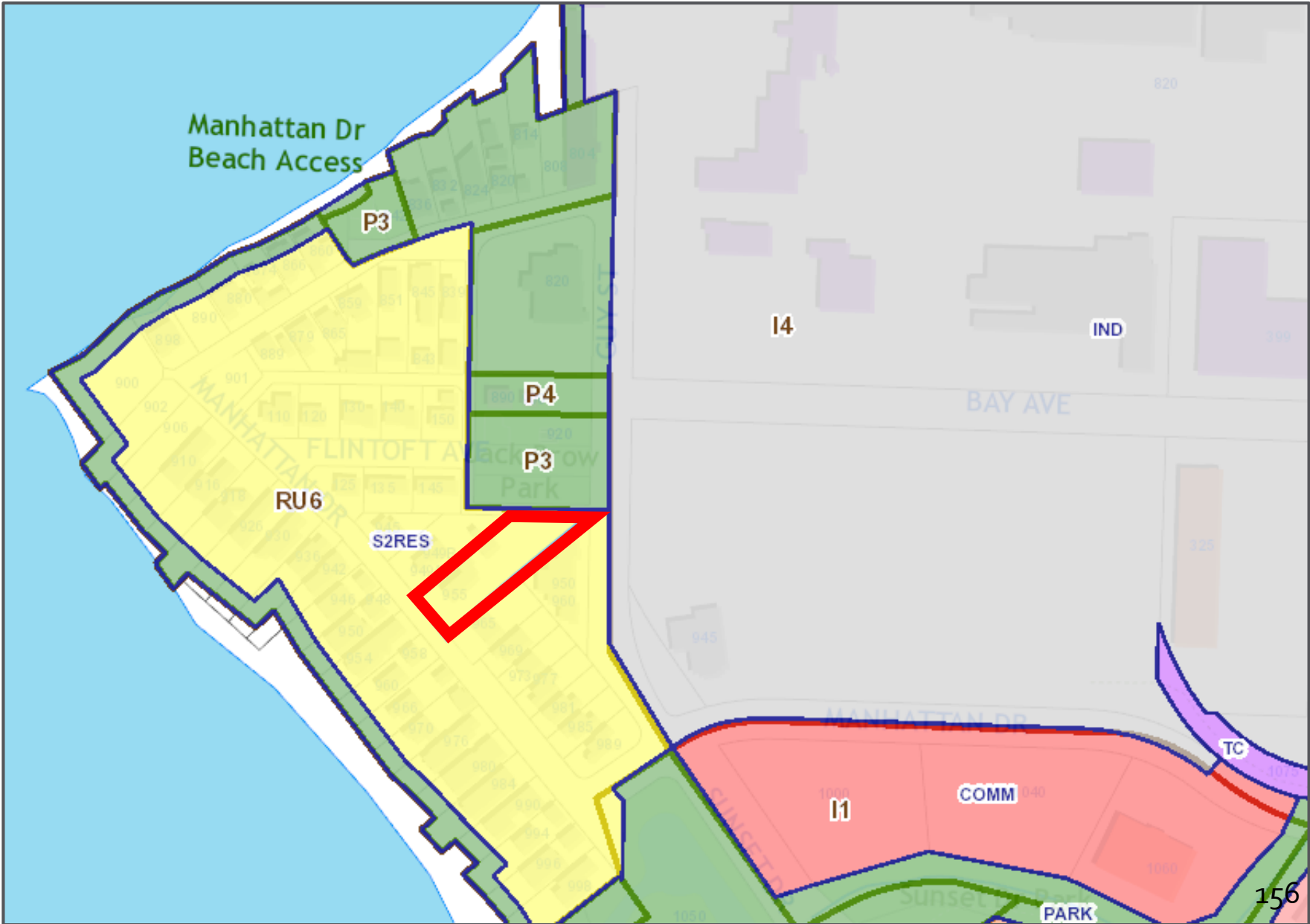
Council
Approvals



Context Map



OCP Future Land Use / Zoning



Subject Property Map



Project/technical details

- ▶ Rezone: RU6 ➡ RM3
- ▶ OCP Amendment: S2RES ➡ MRL
- ▶ Facilitate a multiple dwelling unit development

Discussion

- ▶ Staff support the proposed RM3 zone for the following reasons:
 - ▶ Size and orientation of lot
 - ▶ 2000m², cannot be conveniently subdivided
 - ▶ RM3 allows 3 storeys/10m height
 - ▶ Potential to be respectful of neighbours;
 - ▶ and fit the context of the neighbourhood.
 - ▶ Limited impact on local streets
 - ▶ Access to collector Guy St. via laneway



Discussion

- ▶ Close proximity to:
 - ▶ Downtown
 - ▶ Amenities:
 - ▶ Jack Brow Park
 - ▶ Rotary Marsh Park
 - ▶ Rail Trail
 - ▶ Waterfront Park
 - ▶ Sutherland Park
 - ▶ Knox Mtn. Park
- ▶ Densification sensitive to surrounding neighbourhood considered desirable



Design

- ▶ Existing design poses challenges
 - ▶ Semi-detached unit facing Manhattan Dr.
 - ▶ 5 storey, 10 unit apt. at rear of lot



Staff Recommendation

- ▶ Staff support the proposed RM3 zone
 - ▶ Size and orientation of lot
 - ▶ RM3, 3 storeys/10m height
 - ▶ Limited impact on local streets
 - ▶ Close proximity to downtown and amenities
 - ▶ Existing design is not supportable



Conclusion of Staff Remarks

July 13, 2021 PUBLIC Hearing – (OCP 0007 & Z210018)



m+m a

955 Manhattan – Accessible Condos

The Vision

“Our passion for this project comes from a perspective of parents of a fully dependent special needs child. After deciding that we would like to live downtown area, we could not find housing that met our needs:

- **No power operated doors in parking garages,***
- **No wheelchair access to patios due to thresholds,***
- **Hallways too narrow to be able to turn corners without damage,***
- **Washroom accessibility “nonexistent”***

*“This development could address these and other challenges and extend to all other owners a fully integrated accessible building that also promoted aging in place.....(**“avoid burnout”**)*

There are hundreds of vulnerable kids in the IHA region with similar needs.”

955 Manhattan – The VISION

The Plan

"The development concept was developed, with regular early input from City planning staff as 2 buildings in a 'Townhouse and Apartment' format (suggested by staff).

- 1) 2-story townhouses fronting on Manhattan to respect neighborhood.*
- 2) Apartment building at rear of the property away from neighbors faces lane and park.*
- 3) Mostly 4-storey apartment building with a setback 'respite room' at 5th level.*
- 4) 2 buildings to create a secure & accessible outdoor courtyard.*
- 5) 2 buildings to create open space 'through site' and reduce mass.*

955 Manhattan – The VISION

The Site

- *Little activity in immediate local (suites and renos)*
- *Close to downtown*
- *Adjacent to major current developments*
- *Adjacent to major future re-development (TOLKO)*

955 Manhattan – The SITE



m+m a

Site Location – context review



m+m a

Site Location – context review

City of Kelowna

It's your neighbourhood



1000 - 1060 Manhattan Drive

Rezoning the properties to facilitate a new hotel, office and residential tower measuring 26 storeys in height.

Application No: Z14-0023/DP14-0102

Applicant: Argus Properties Ltd.

Get involved and have your say



Email
rsmith@kelowna.ca



Phone
250-469-8426



Online
kelowna.ca/currentdevelopments

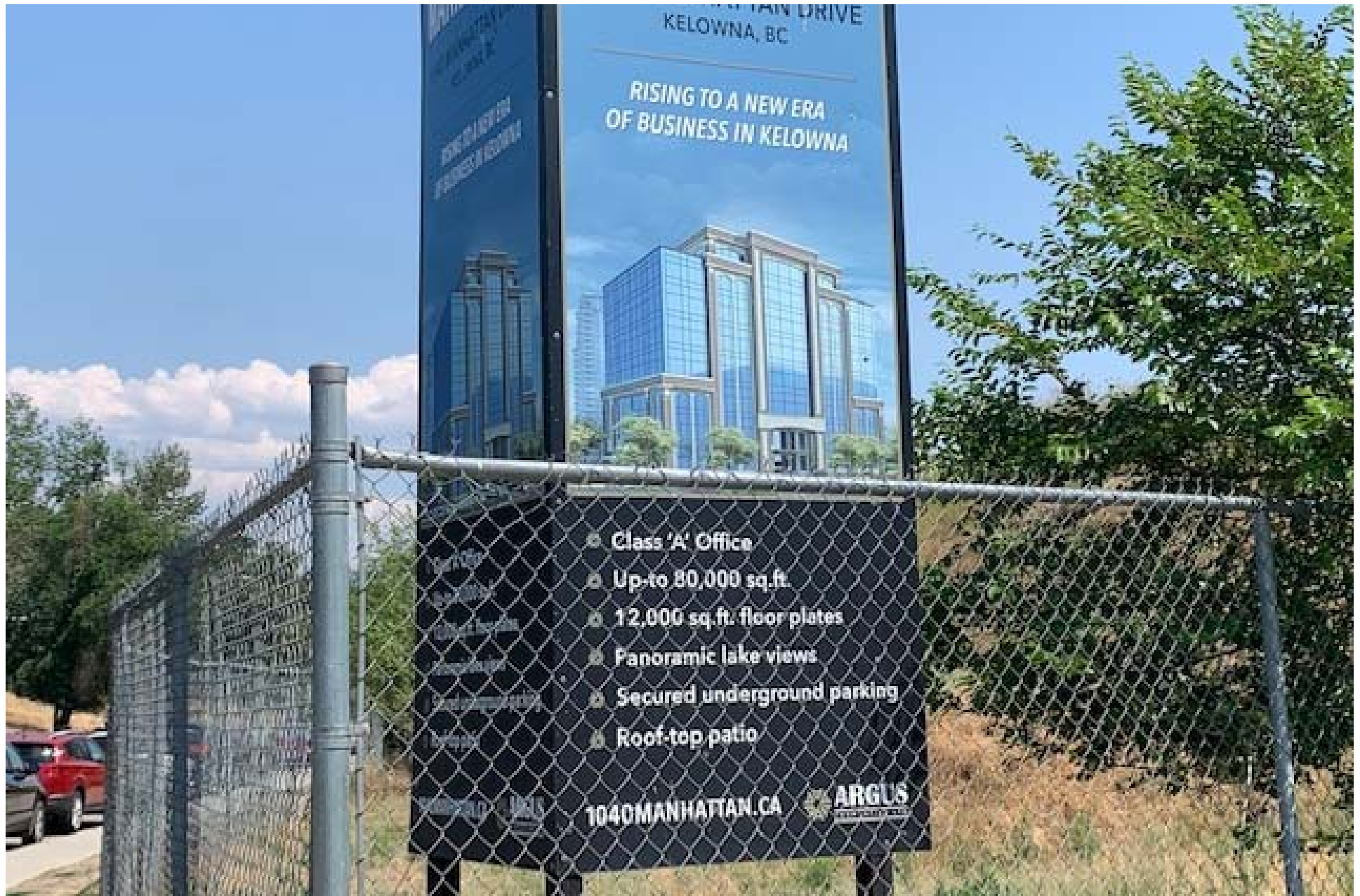


Applicant's Information Meeting
Date - TBD
Time - TBD, Place - TBD

Manhattan Drive – 26 story proposed



Manhattan Drive – 26 story proposed



Manhattan Drive – 12 story permitted



m+m a

Site location – context review



TOLKO site – future plans unknown



TOLKO @ Bay Ave – future plans unknown



Development site – context



view looking north – context



View looking south – context

The Project

955 Manhattan – The VISION



REVISIONS	ISSUED
1	ISSUED FOR DP
2	ISSUED FOR COMMENT
3	
4	
5	

PROJECT
MANHATTAN LOFTS - 955 MANHATTAN DRIVE

CLIENT
 CONRAD TAYLOR
 BURLEIGH ARCHITECTS

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THIS DRAWING SUPERSEDES PREVIOUS ISSUES.



DESIGNED BY	JP	SHEET TITLE	LANDSCAPE PLAN
DRAWN BY	JP	SHEET NO.	LDP 1
CHECKED BY	JP	DATE	08/20
PROJECT #	1000000000		
SCALE	1:200		

955 Manhattan - Landscape Plan



REVISIONS	ISSUED
1	ISSUED FOR DP
2	ISSUED FOR COMMENT
3	
4	
5	
6	
7	
8	
9	
10	

PROJECT
MANHATTAN LOFTS - 955 MANHATTAN DRIVE

CLIENT
 CONRAD TAYLOR
 BURLINGTON ARCHITECTS

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DRAWN BY	NC	SHEET NO.	LDP 1
CHECKED BY	JP	DATE	08/20
PROJECT #	1000000000		
SCALE	1:200		

955 Manhattan – Townhouses Street



REVISION	ISSUED
1	ISSUED FOR DP
2	ISSUED FOR COMMENT
3	
4	
5	

PROJECT
MANHATTAN LOFTS - 955 MANHATTAN DRIVE

CLIENT
 MANHATTAN LOFTS
 BURLEIGH ARCHITECTS

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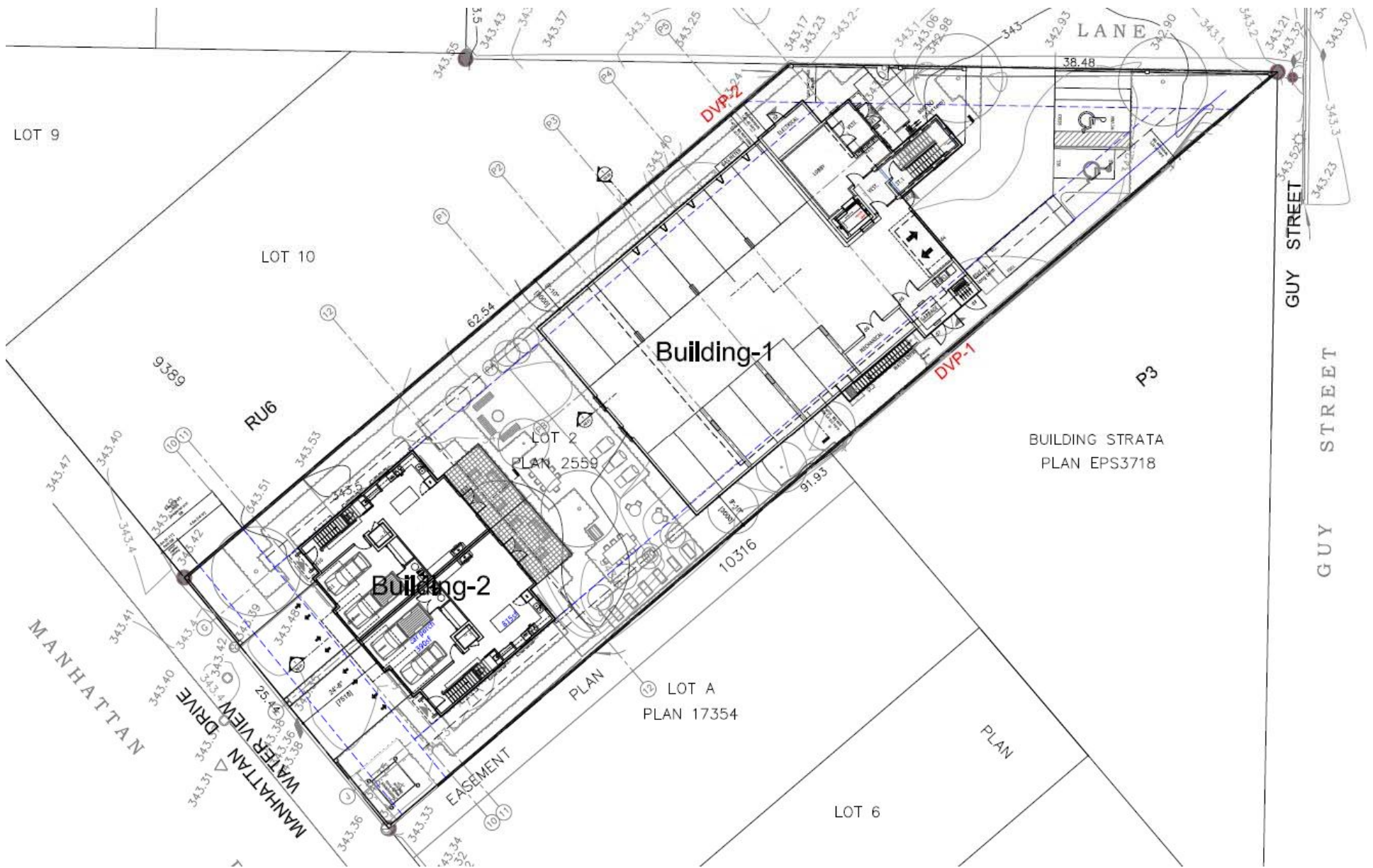
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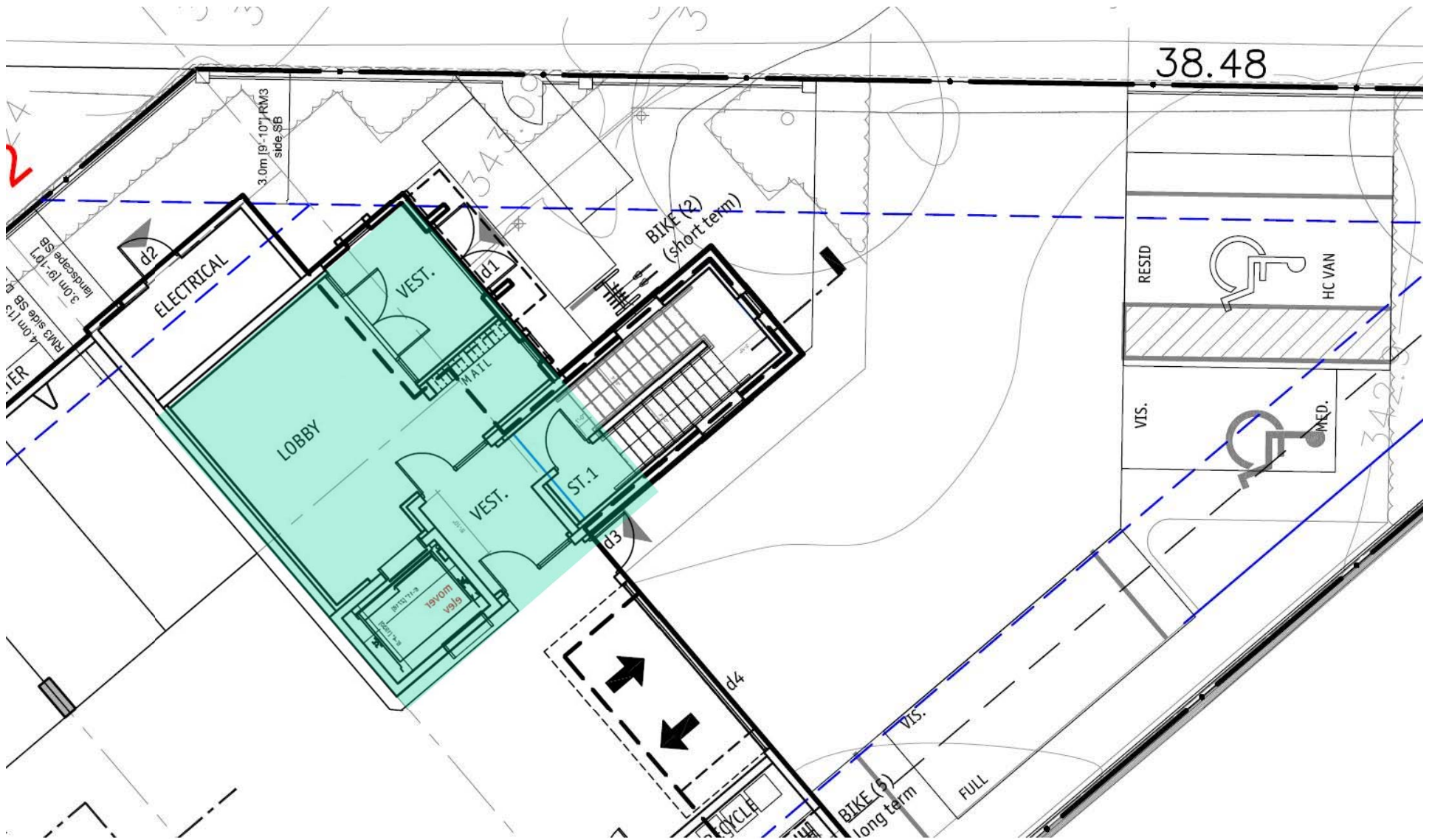


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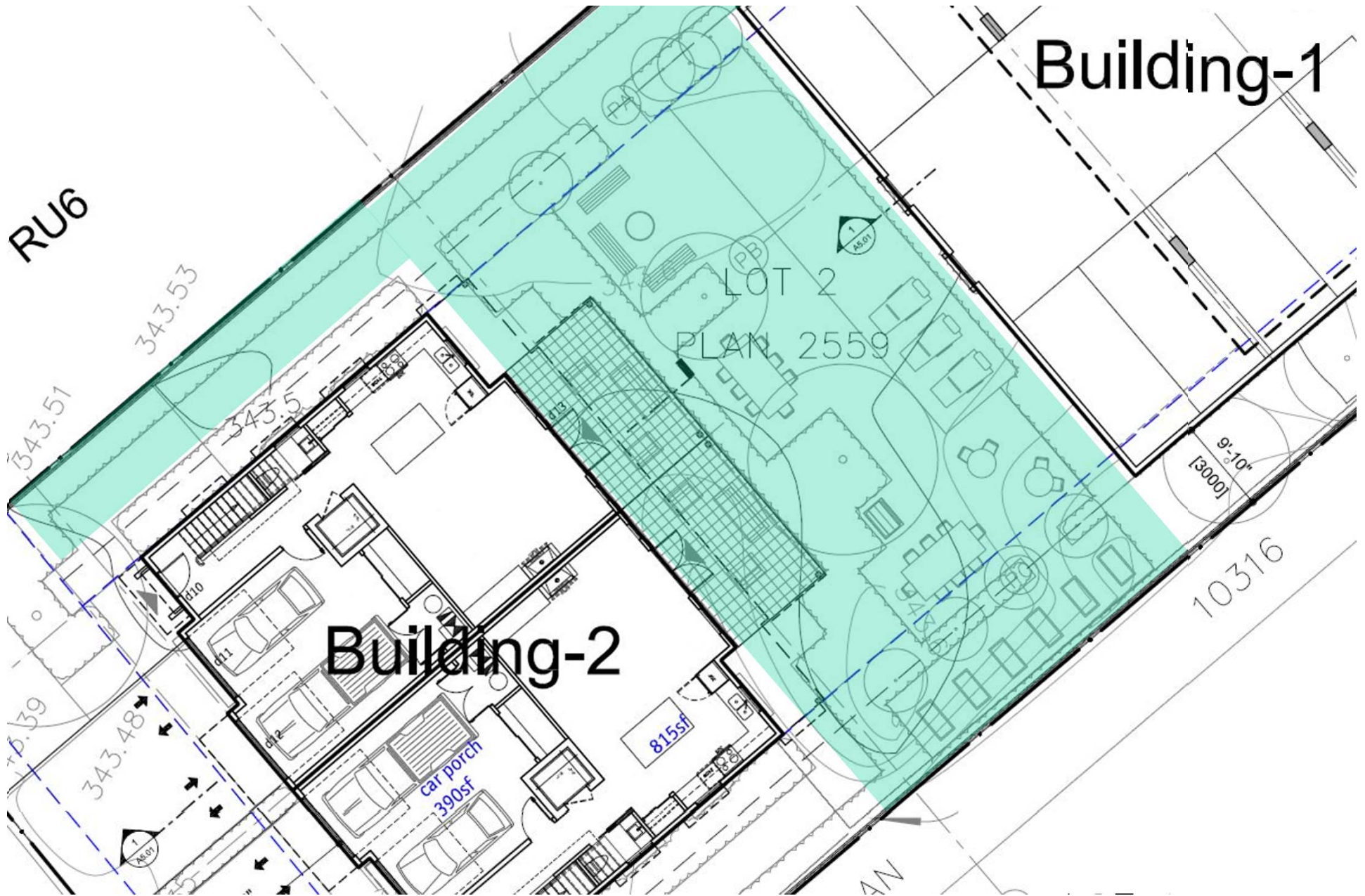
955 Manhattan – Secure Courtyard



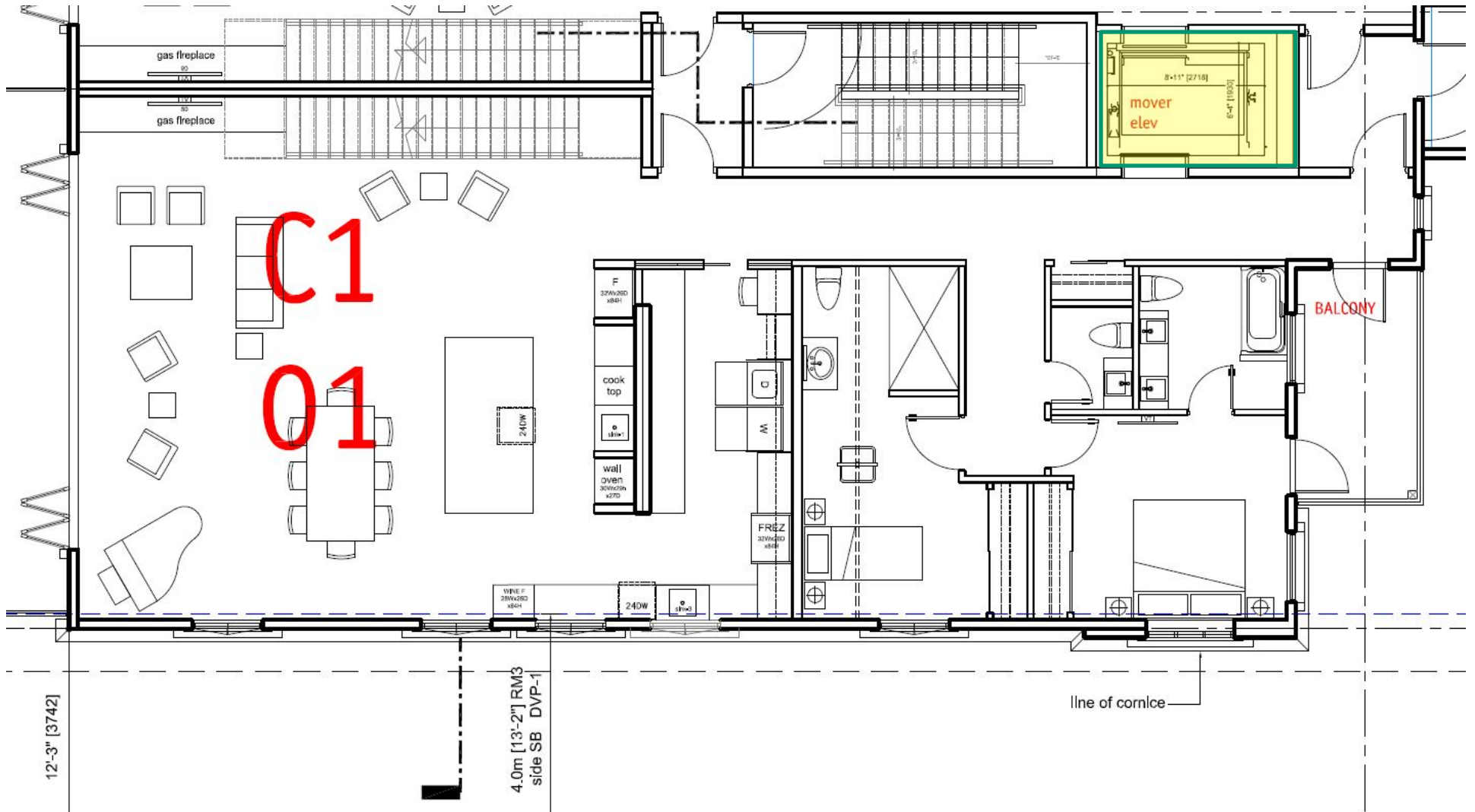
955 Manhattan – Accessible Condos



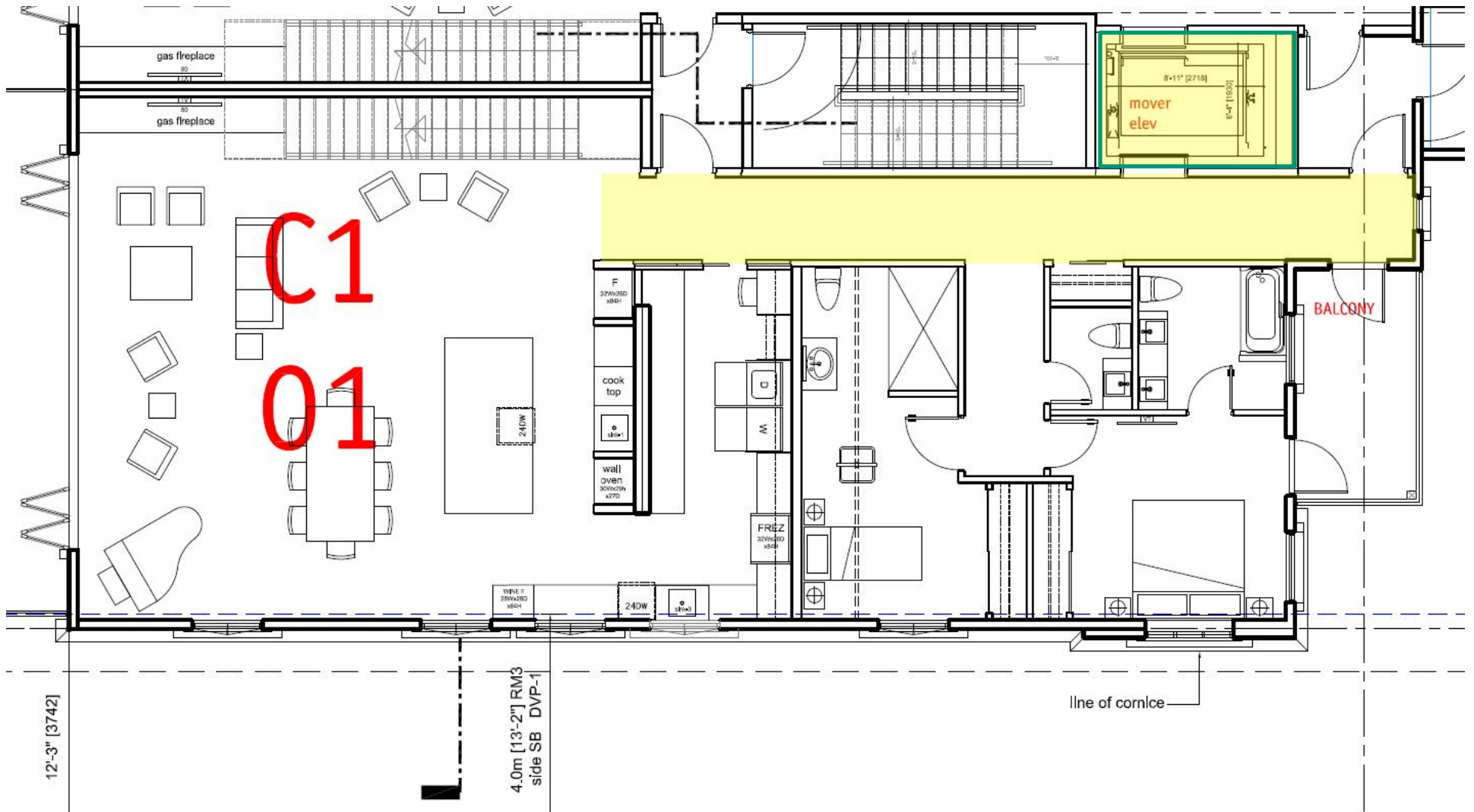
955 Manhattan – Accessible Main Entry



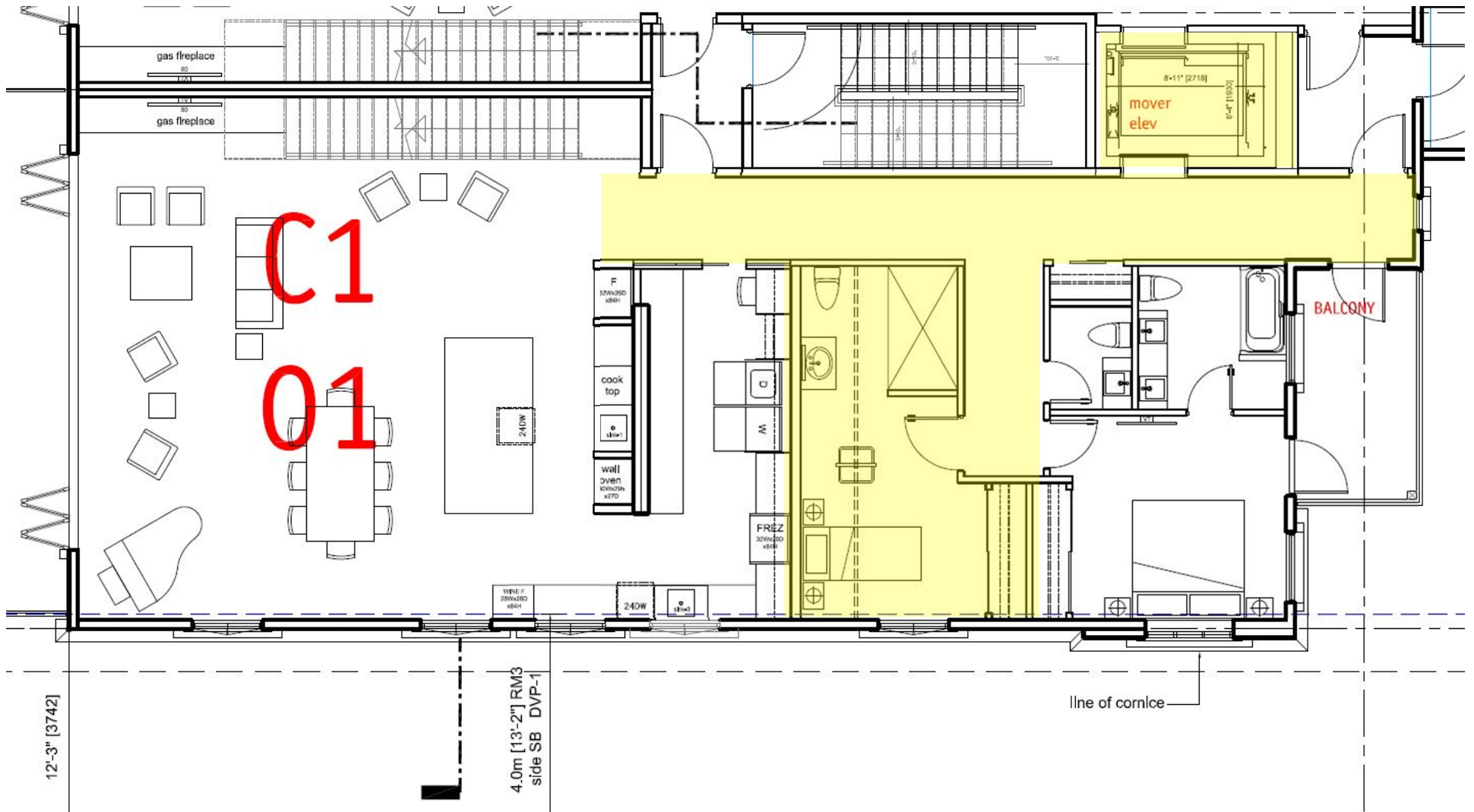
955 Manhattan – Secure Courtyard



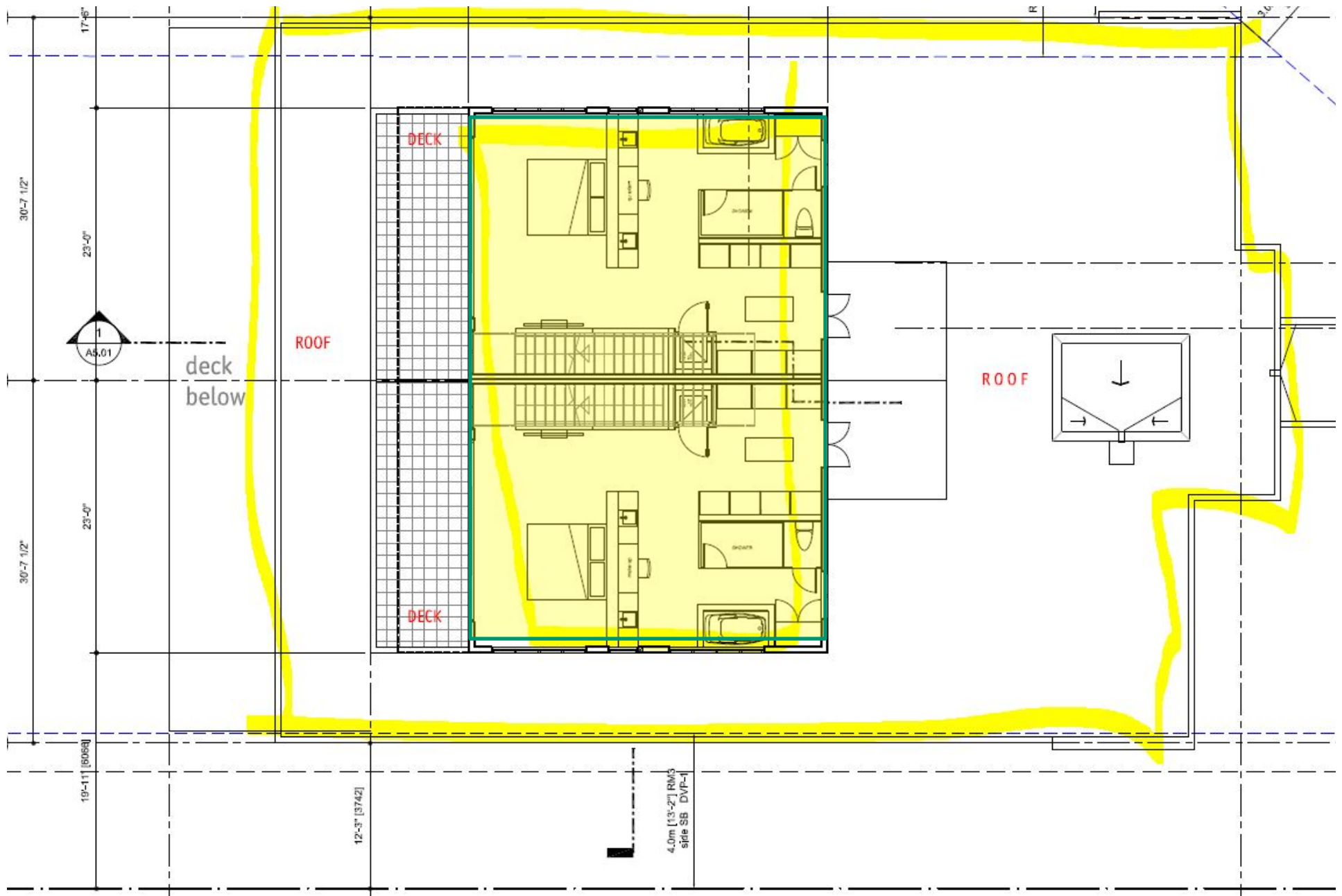
955 Manhattan – Level 4



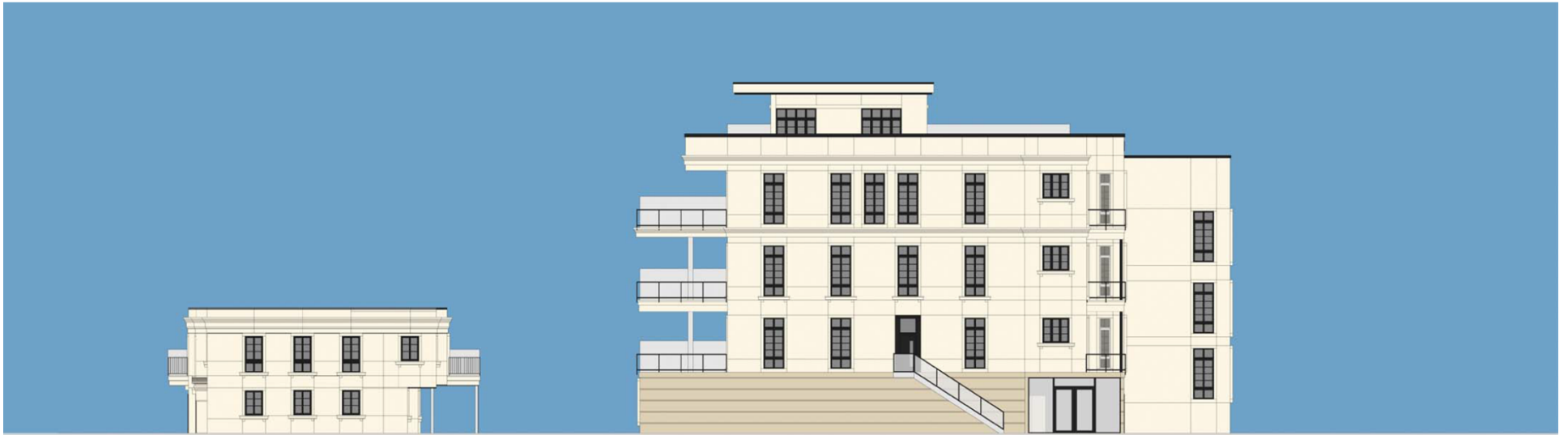
955 Manhattan - Level 4



955 Manhattan - Level 4



955 Manhattan - Level 5 / 23'x30' = 690sf



m+m **a**

955 Manhattan – Accessible Condos

July 13, 2021 PUBLIC Hearing – (OCP 0007 & Z210018)



m+m a

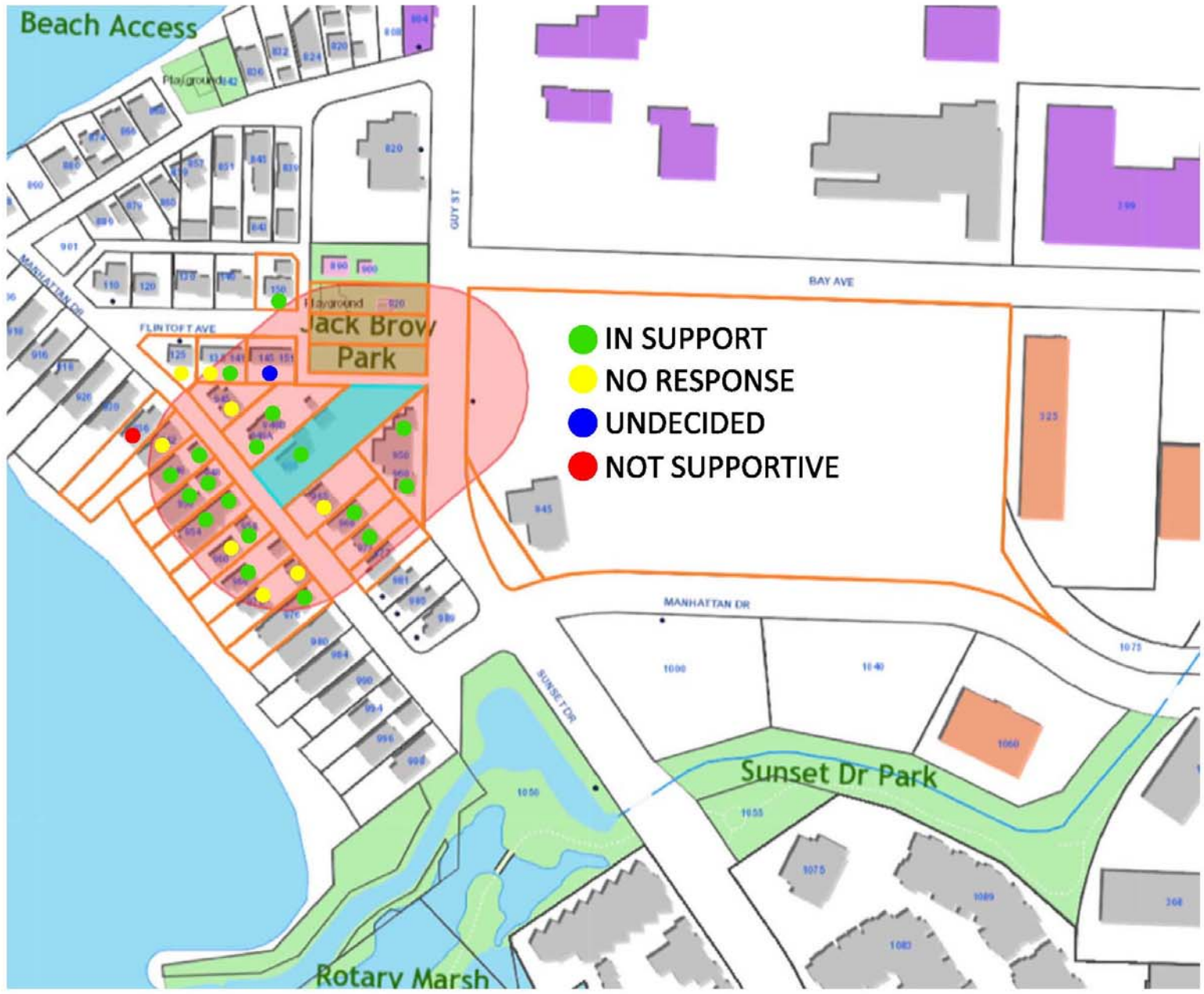
955 Manhattan – Accessible Condos

ZONING SUMMARY				
955 Manhattan Dr				
ADDRESS	955 MANHATTAN DRIVE KELOWNA BC			
LEGAL DESCRIPTION	LOT 2 SECTION 30 TOWNSHIP 26 ODYD PLAN 2559			
DEVELOPMENT PERMIT AREA	YES			
EXISTING ZONING	RU6 TWO DWELLING HOUSING			
PROPOSED ZONING	RM3 APARTMENT HOUSING			
EXISTING LEGAL USE	SINGLE FAMILY RESIDENCE			
GRADES	EXISTING AVERAGE - FLAT			
NUMBER OF BUILDINGS	ONE			
CRITERIA FOR ALL TYPES OF APPLICATION:	RM3 LOW DENSITY MULTIPLE HOUSING			
	ZONING STANDARD	PROPOSAL		
SITE AREA (sm)	900 sm	±21,128 sf		
		±1,963 sm		
SITE WIDTH (m)	30.0 m	±25.44 m		
SITE DEPTH (m)	30.0 m	±62.54 m		
OFF-STREET PARKING	residential	17.5	provide	21
	visitor	1.4		
		18.9		
	total	19		

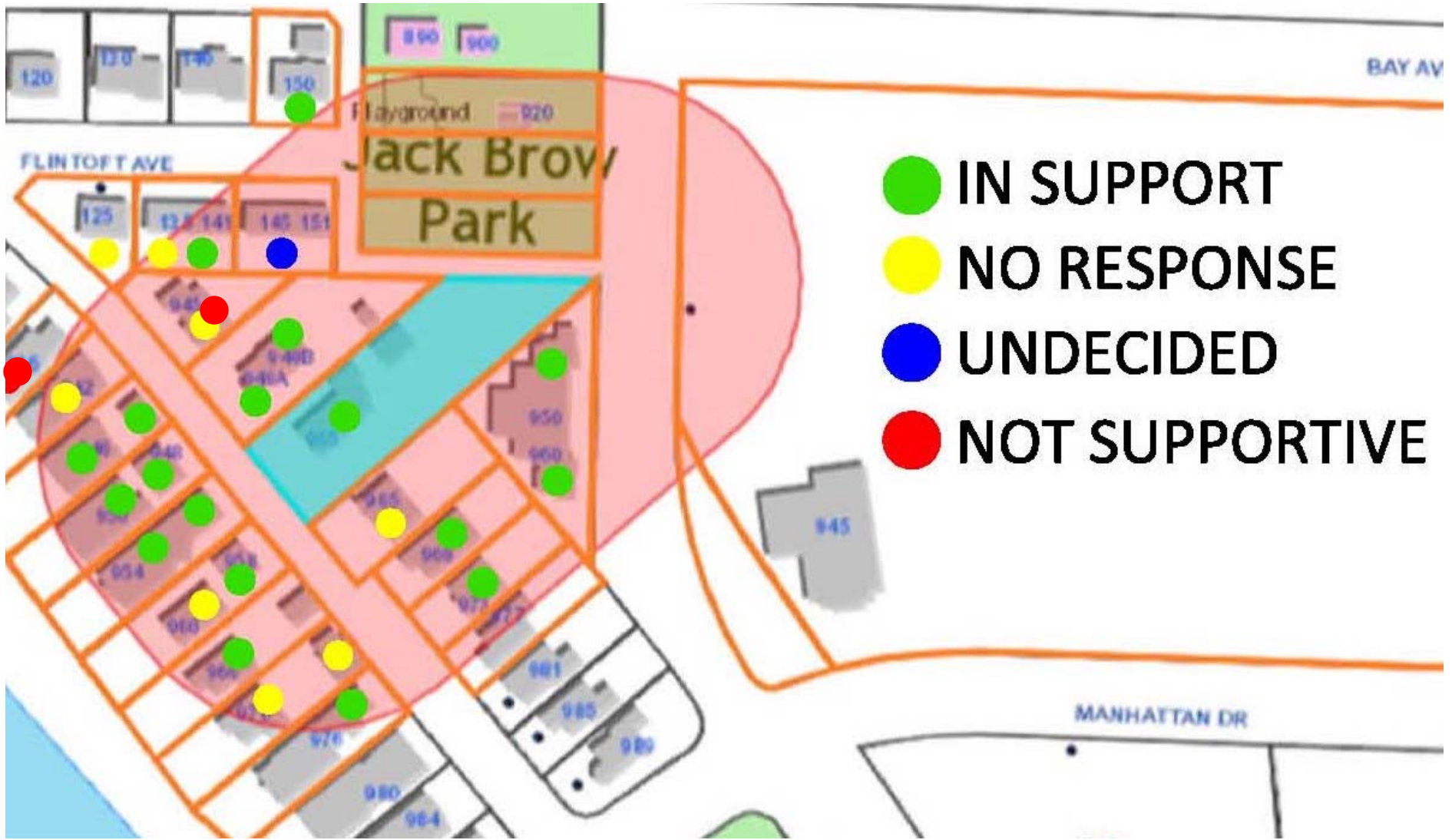
955 Manhattan – Accessible Condos

The Response

955 Manhattan – The VISION



955 Manhattan – Neighborhood



955 Manhattan – ‘majority supportive’

The Developer....

...Gary

955 Manhattan – The VISION

CITY OF KELOWNA

BYLAW NO. 12227

Official Community Plan Amendment No. OCP21-0007 955 Manhattan Drive

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of Lot 2 Section 30 Township 26 ODYD Plan 2559, located on Manhattan Drive, Kelowna, B.C., from the S2RES – Single / Two Unit Residential designation to the MRL – Multiple Unit Residential (Low Density) designation;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 14th day of June, 2021.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 12228

Z21-0018

955 Manhattan 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 Lot 2 Section 30 Township 26 ODYD Plan 2559 located at Manhattan Drive, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 14th day of June, 2021.

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: June 21, 2021
To: Council
From: City Manager
Department: Development Planning
Application: Z21-0007 & TA21-0006 **Owner:** Jose Antonio Maciel
Address: 2251 Burnett Street **Applicant:** Joe Maciel
Subject: Rezoning and Text Amendment Application (Site Specific)
Existing OCP Designation: HLTH – Health District
Existing Zone: RU6 – Two Dwelling Housing
Proposed Zone: HD2 – Hospital and Health Support Services

1.0 Recommendation

THAT Rezoning Application No. Z21-0007 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 16 District Lot 136 ODYD Plan 11811, located at 2251 Burnett Street, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the HD2 – Hospital and Health Support Services zone, be considered by Council;

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

AND THAT Zoning Bylaw Text Amendment Application No. TA21-0006 to amend City of Kelowna Zoning Bylaw No. 8000 for Lot 16 District Lot 136 ODYD Plan 11811, located at 2251 Burnett Street, as outlined in the Report from the Development Planning Department dated June 21, 2021 be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated June 21, 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 property from the RU6 – Two Dwelling Housing zone to the HD2 – Hospital and Health Support Services zone; and to amend the Zoning Bylaw by allowing multiple dwelling housing as a principal use under the HD2 – Hospital and Health Support Services zone for a lot less than 900m² for Lot 16 District Lot 136 ODYD Plan 11811, known municipally as 2251 Burnett Street. Both the rezoning and the site specific Text Amendment are proposed to facilitate a multiple dwelling housing development consisting of a 3 storey 6-plex.

3.0 Development Planning

Development Planning supports rezoning the lot to HD2 – Hospital and Health Support Services; and also supports the site specific Text Amendment to allow multiple dwelling housing as a principal use under the HD2 – Hospital and Health Support Services zone for a lot less than 900m² for the property at 2251 Burnett St.

To begin with, the property is located in the City’s Hospital Area, and has a future land use designation of HLTH – Hospital and Health Support Services which does support the proposed HD2 zone.

The future land use and zone were developed under the understanding that the area in and around the Kelowna General Hospital (KGH) and associated institutions presents special circumstances that call for a tailored land use approach. In recognition of this, the Zoning Bylaw describes the purpose of the HD2 zone in the following way: “to provide for the conversion and new development of buildings that provide services to the medical community associated with the Kelowna General Hospital, Interior Health Authority, and UBC Medical Programs including staff, clients, patients and their families. This zone” the Zoning Bylaw continues, “will provide for a range of institutional, medical-related commercial and complimentary residential uses within the Official Community Plan Health District future land use designation” (Zoning Bylaw s. 17.2.1).

In recognition that increased residential densities are appropriate in certain areas of the Hospital Area (as noted in the quote above), the HD2 zone allows for multiple dwelling housing as a principal use; however, this use is only permitted on lots greater than 900m² (s. 17.2.2.1.a). In this case, the lot is 816m². As such, a site-specific Text Amendment is required to allow for multiple dwelling housing as a principal use on the lot.

The HD2 zone is an outlier among the City’s zones for having different principal uses based on lot size. Related to this, it is true that the City’s zones do have subdivision regulations that specify minimum lot size. However, it is still possible to rezone to these zones without meeting the minimum lot size—provided, that is, the applicant can demonstrate, to Staff’s satisfaction, that a development under the zone’s regulations can be successfully accomplished on the lot. In this case, the applicant has demonstrated, to the satisfaction of Staff, that a development can be successfully accomplished under the regulations for the HD2 zone for lots greater than 900m².

In addition, considerations raised out of the City’s Hospital Area Plan also pertain here. In the Hospital Area Plan carried out by Staff between 2018-2019, a review of the HD2 zone was conducted. As a result of this review a number of amendments to the HD2 zone were recommended. One of the recommended amendments was to eliminate the minimum lot size required to develop certain uses. Specifically, the Report recommended “removing the connection between lot area and permitted uses to make it more consistent with other zones”. Planning Staff have not since had an opportunity to make the recommended changes to

the HD2 zone (which were endorsed by Council on February 11, 2019); however, the site specific Text Amendment in question would, in effect, make this change for this particular lot.

4.0 Proposal

4.1 Project Description

The applicant proposes to rezone the property to HD2 – Hospital and Health Services. In addition, the applicant proposes a site specific Text Amendment to allow multiple dwelling housing as a principal use under the HD2 – Hospital and Health Support Services zone for a lot less than 9000m² for the property at 2251 Burnett St.

The rezoning and Text Amendment are needed to facilitate a multiple dwelling housing development consisting of a 3 storey 6-plex.

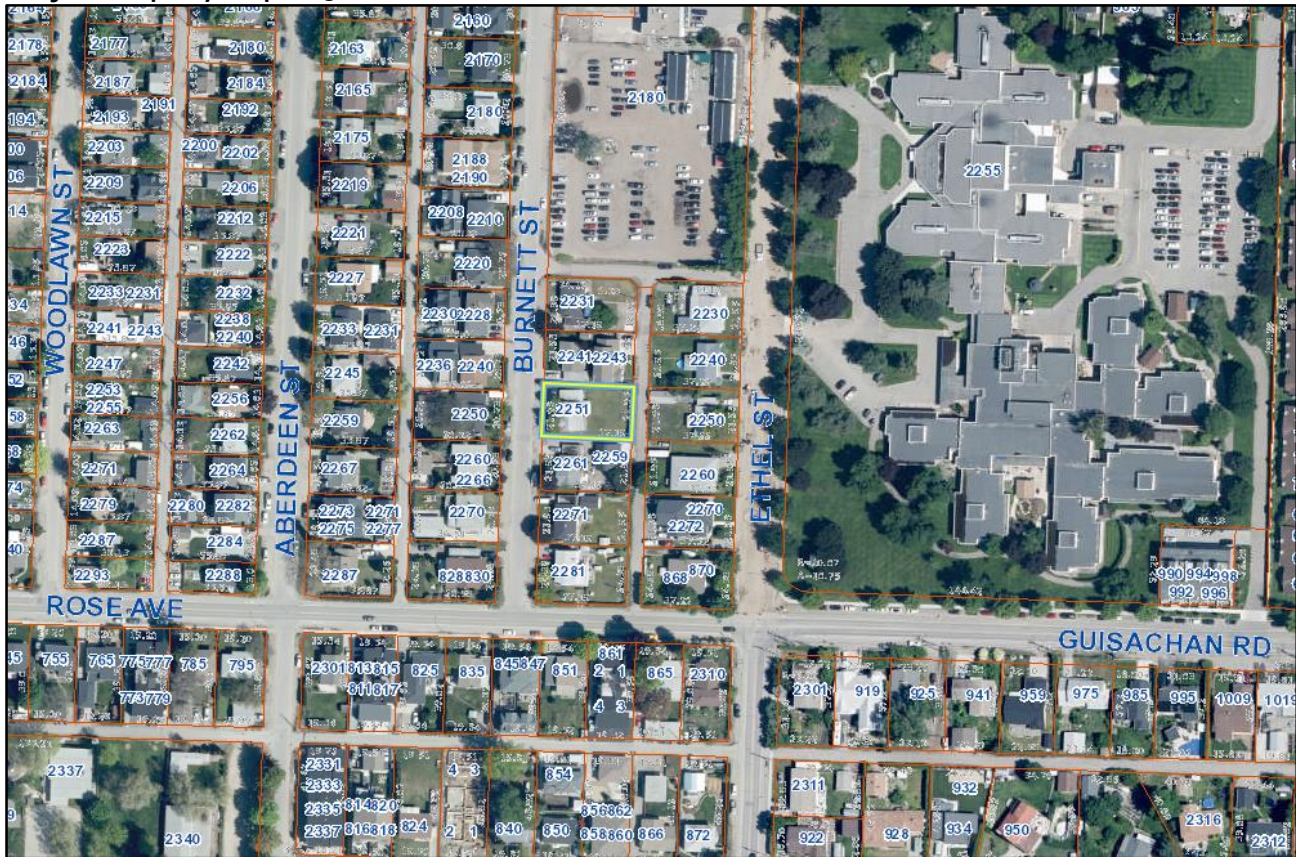
4.2 Site Context

The lot is in the Central City Sector in an area near the Kelowna General Hospital (KGH) known as the Hospital Area. The nearest major intersection is Ethel St. and Rose Ave. The property is also within a short distance of the Cottonwoods Care Centre as well as Cameron Park. The properties immediately to the west were recently rezoned to RU7 – Infill Housing through a Staff-initiated rezoning.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Semi-detached housing
East	RU6 – Two Dwelling Housing	Single family housing
South	RU6 – Two Dwelling Housing	Semi-detached housing
West	RU7 – Infill Housing	Semi-detached housing

Subject Property Map: 2251 Burnett St.



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

Policy .2 Compact Urban Form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Chapter 14: Future Land Use

Future Land Use Definitions

Health District (HLTH)

To integrate uses in support of the regional KGH campus both physically and functionally with the surrounding communities and to provide a moderating transition in scale from a major institutional centre to adjacent established residential areas that incorporate heritage components, where included in the Heritage Conservation Area boundary. This designation is to encompass development that supports the operations of the Kelowna General Hospital or other health administration, health education, patient services or care facility operation.

Other uses may include multiple unit residential uses consistent with the RM₃, RM₄ or RM₅ zones of the Zoning Bylaw. Limited health and service related commercial uses as defined by the Zoning Bylaw may be supported.

6.0 Technical Comments

6.1 Development Engineering Department

- See Schedule A

7.0 Application Chronology

Date of Application Accepted: January 26, 2021

Date Public Consultation Completed: May 20, 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


Schedule B: Text Amendment

Attachment A: Applicant Rationale

Attachment B: Conceptual Drawing Package

CITY OF KELOWNA
MEMORANDUM

Date: February 18, 2021
File No.: Z21-0007
To: Urban Planning (AT)
From: Development Engineering Manager (JK)
Subject: 2251 Burnett St.

SCHEDULE	A
This forms part of application # Z21-0007 TA21-0006	
Planner Initials	AT
 City of Kelowna COMMUNITY PLANNING	
RU6 to HD2	

The Development Engineering Department has the following comments and requirements associated to rezone the subject property from RU6 Two Dwelling Housing to HD2 Hospital and Health Support Services to facilitate the development of a 6-plex.

The Development Engineering Technologist for this project is Aaron Sangster.

1. General

- 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.

2. Domestic Water and Fire Protection

- a. This property is 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. Service upgrades can be provided by the City at the applicant's cost (if required). The applicant will be required to sign a Third Party Work Order for the cost of the service upgrade. For estimate inquiry's please contact Aaron Sangster, by email asangster@kelowna.ca.

3. Sanitary Sewer

- a. Our records indicate that these properties are currently serviced with a 100mm-diameter sanitary sewer service. Service upgrades can be provided by the City at the applicant's cost (if required). The applicant will be required to sign a Third Party Work Order for the cost of the service upgrade. For estimate inquiry's please contact Aaron Sangster, by email asangster@kelowna.ca

4. Storm Drainage

- a. The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the 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 in accordance with bylaw 7900, 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.

5. Road Improvements

- a. Burnett St. must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, sidewalk, irrigated landscaped boulevard, streetlights, 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. The road cross section to be used is a SS-R3. Cash-in-lieu instead of immediate construction is required, and the City will initiate the work later, on its own construction schedule. The cash-in-lieu amount is determined to be **\$40,934.88** not including utility service cost.
- b. The lane must be upgraded to a SS-R2 standard. The cash-in-lieu amount in 5.a includes the laneway future upgrades.
- c. All access must be from the lane only as per bylaw 7900.

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. Development Permit and Site Related Issues

- a. Provide all necessary Statutory Rights-of-Way for any utility corridors as required.
- b. If any road dedication affects lands encumbered by a Utility right-of-way (such as Fortis, 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.
- c. Access to the development will be from the lane only.

8. 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:

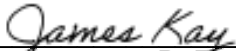
SCHEDULE A	
This forms part of application # Z21-0007 TA21-0006	
Planner Initials	AT
 City of Kelowna <small>COMMUNITY PLANNING</small>	

- 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

12. Charges and Fees

- (a) Development Cost Charges (DCC's) are payable
- (b) Offsite Cash-in-lieu = **\$ 40,934.88**
 - (i) Engineering and Inspection Fee: 3.5% of construction value (plus GST) = **\$1,384.01** (\$1,318.10 + \$65.91)
- (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, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.


 James Kay, P. Eng.
 Development Engineering Manager

SCHEDULE		A
This forms part of application		
# Z21-0007 TA21-0006		
Planner Initials	<input type="text" value="AT"/>	 City of Kelowna <small>COMMUNITY PLANNING</small>

AS

Schedule "B" – Proposed Site Specific Text Amendment to City of Kelowna Zoning Bylaw No. 8000 TA21-0006

No.	Section	Current Wording	Proposed Wording	Reason for Change								
1.	Section 17 – Health District Zones, 17.2 HD2 – Hospital and Health Support Services	N/A	<p>17.2.8 Site Specific Uses and Regulations Uses and regulations apply to the HD2 – Hospital and Health Support Services zone on a site-specific basis as follows:</p> <table border="1" data-bbox="856 521 1661 737"> <thead> <tr> <th data-bbox="856 521 915 591"></th> <th data-bbox="915 521 1117 591">Legal Description</th> <th data-bbox="1117 521 1346 591">Civic Address</th> <th data-bbox="1346 521 1661 591">Regulation</th> </tr> </thead> <tbody> <tr> <td data-bbox="856 591 915 737">1</td> <td data-bbox="915 591 1117 737">Lot 16 District Lot 136 ODYD Plan 11811</td> <td data-bbox="1117 591 1346 737">2251 Burnett Street</td> <td data-bbox="1346 591 1661 737">To allow for multiple dwelling housing as a principal use on a lot less than 900m²</td> </tr> </tbody> </table>		Legal Description	Civic Address	Regulation	1	Lot 16 District Lot 136 ODYD Plan 11811	2251 Burnett Street	To allow for multiple dwelling housing as a principal use on a lot less than 900m ²	To allow for multiple dwelling housing as a principal use on a lot less than 900m ² with the addition of a new section for a site-specific text amendment.
	Legal Description	Civic Address	Regulation									
1	Lot 16 District Lot 136 ODYD Plan 11811	2251 Burnett Street	To allow for multiple dwelling housing as a principal use on a lot less than 900m ²									

SCHEDULE B

This forms part of application
Z21-0007, TA21-0006

Planner
Initials

AT



City of
Kelowna

COMMUNITY PLANNING

Re: 2251 Burnett Street

Our objective is to build a high quality rental building which will add to the density and vibrancy of the neighbourhood.

We've met with a few City of Kelowna Planners over the last five years or so; most recently with Aaron Thibeault and Jason Issler and have incorporated their constructive input into the latest design.

We believe the building will enhance the look of the neighbourhood and provide density as well as much needed rental accommodation which will especially benefit KGH staff and UBCO Medical programs given the building's proximity to KGH.

The property is bordered to the North by an older home and a laneway home; to the South by an older home and a single story carriage house facing the lane. The properties to the East across the alley are older properties destined for redevelopment presumably in due course. To the West across Burnett Street, there has been an eclectic mix of development under the Ru6 zoning which in our view is not reflective of the type of accommodation that people who wish to live in that part of the city find particularly attractive.

We believe our proposal provides attractive, comfortable, modern accommodation, increases density in an area of the City that is destined for higher density and will ultimately enhance the livability of the neighbourhood for an increased number of residents.

We trust you will find our proposal of benefit to the City and its residents and worthy of your support.

ATTACHMENT A

This forms part of application
Z21-0007 TA21-0006

Planner Initials



City of Kelowna
COMMUNITY PLANNING

ATTACHMENT B

This forms part of application
Z21-0007 TA21-0006

City of Kelowna
 COMMUNITY PLANNING

Rear Lane

Planner Initials **AT**

Lot Size = 8787 sf (816.32m²)
 HD2 Under 900m² Maximum
 Request to be Reviewed for HD2
 over 900m²

Site Coverage
 Building = 3437 sf
 Parking = 1409 sf
 Total = 4846
 Lot Size = 8787 sf (816.32m²)
 Coverage = 55%
 HD2 Over 900m² Maximum
 Allowed = 55% or 4833 sf

Number of Dwellings
 HD2 does not specify the number
 of Dwelling Units Allowed

Application is for 2 - 3 bedroom
 Units and 4 - 2 bedroom Units

Front Building Setback
 4.5m Required, 1.5m Provided,
 Variance Required

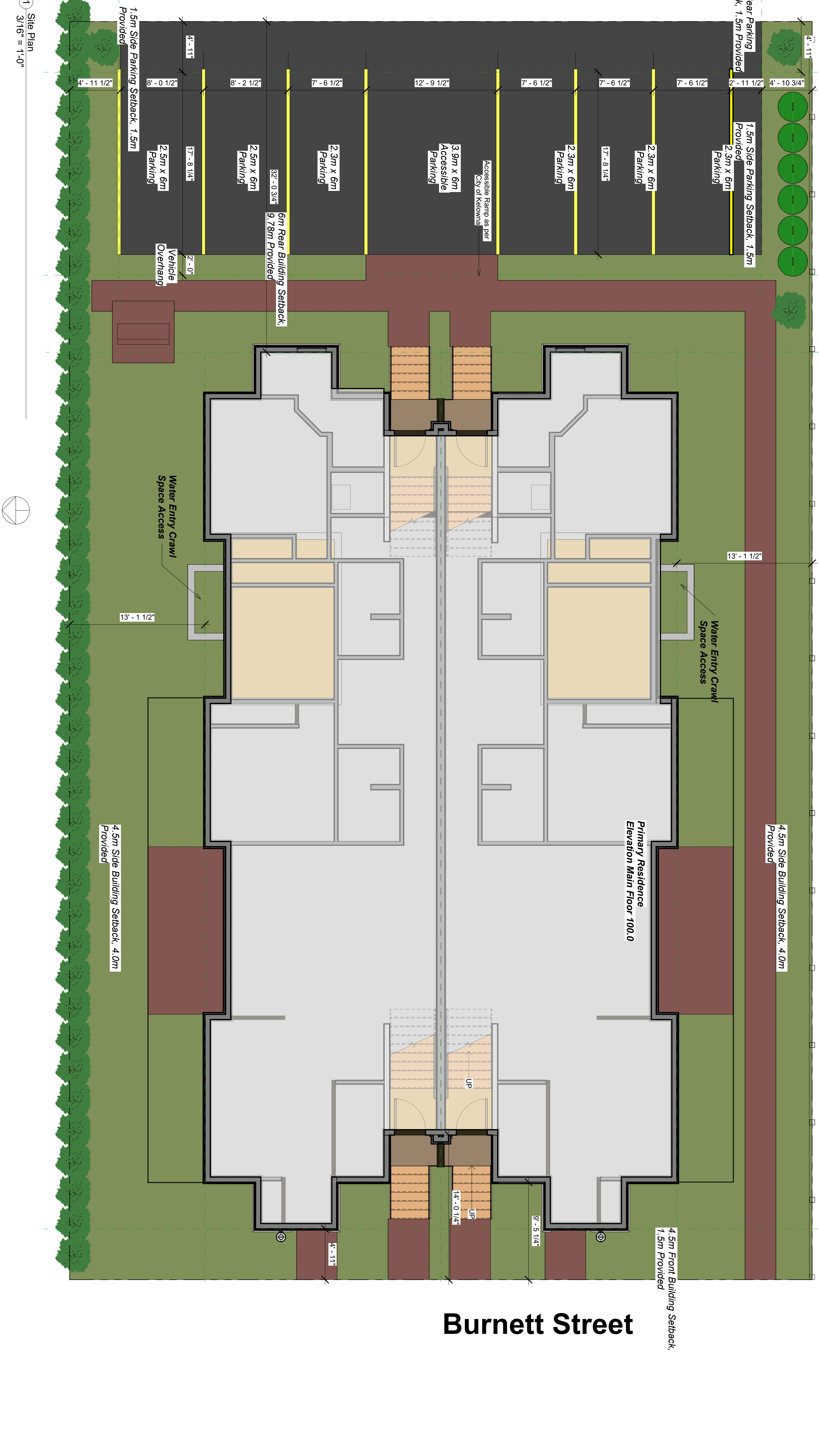
Minimum Landscape Buffer
 Level 2 Rear 3m Required, Not
 Provided, Variance Required

Exposed Building Opening Ratio
 North / South

Exposed Building Face = 205.0 m²
 Glazing Openings = 16.4 m²
 % Opening = 8.0%
 Maximum Allowed 2m from Property
 Line for Areas over 100m² = 8%

Height Above Grade
 HD2 Over 900m² Maximum Height
 Allowed = 16.5m (54' 2")
 Height Provided 9.65m (31' 8")
 and 3 Storeys

Parking
 HD2 Requires 1 Stall per Dwelling
 = 6 Required plus Van Accessible
 6m x 4m Visitor Stall, 6 provided,
 2 Medium Car, 4 Small Car Plus
 Van Accessible 6m x 4m Visitor
 Parking
 Setback of 1.50m Required, 1.50m
 Provided



Burnett Street

Greener By Design

www.greenerbydesign.ca

Consultant
 Address
 Phone
 Fax
 E-mail

Consultant
 Address
 Phone
 Fax
 E-mail

All construction shall comply with the requirements of the local codes and ordinances as well as the latest adopted edition of the BC Building Code.

All dimensions, including rough opening sizes, are to be verified by the General Contractor prior to construction and errors or omissions reported to the designer.

Do not scale drawings.

Exact location of mechanical, electrical and plumbing equipment subject to change due to site conditions.

No.	Description	Date

Maciel
 2251 Burnett Street
 Site Plan & Coverage

Project number: 20-001
 Date: May 7, 2021
 Drawn by: Jim Anderson
 Checked by: JJA

Scale: 3/16" = 1'-0"



Z21-0007 & TA21-0006 2251 Burnett St.

Rezoning and Text Amendment Application



Proposal

- ▶ To rezone the property from the RU6 – Two Dwelling Housing zone to the HD2 – Hospital and Health Support Services zone;
- ▶ And to amend the Zoning Bylaw by allowing multiple dwelling housing as a principal use under the HD2 – Hospital and Health Support Services zone for a lot less than 900m² for 2251 Burnett St;
- ▶ Both the rezoning and the site-specific Text Amendment are proposed to facilitate a multiple dwelling housing development consisting of a 3 storey 6-plex.

Development Process

Jan. 26, 2021

Development Application Submitted



Staff Review & Circulation



May 20, 2021

Public Notification Received



June 21, 2021

Initial Consideration



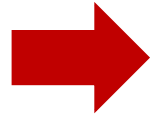
Public Hearing
Second & Third Readings



Final Reading
DP & Variances

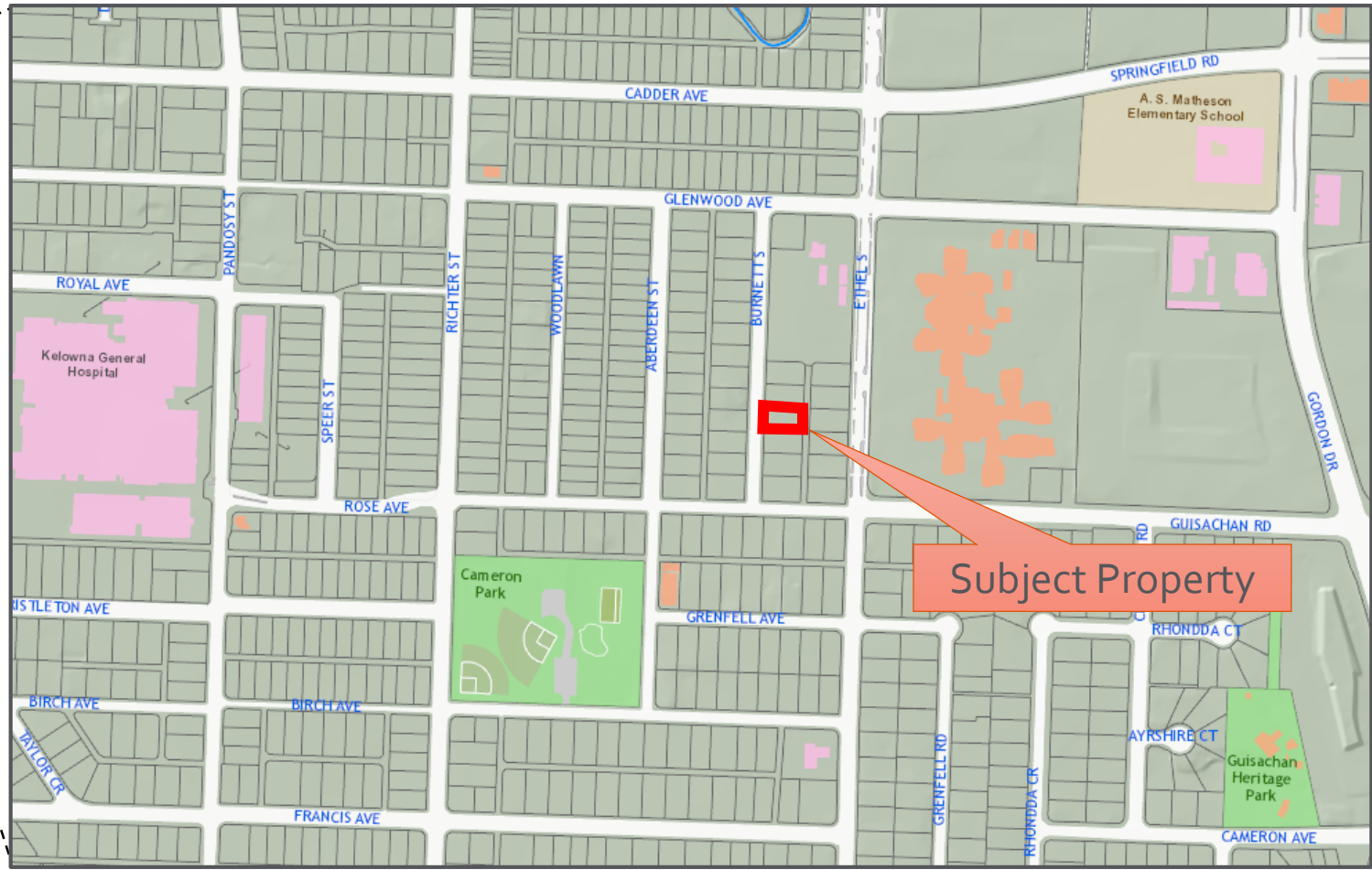
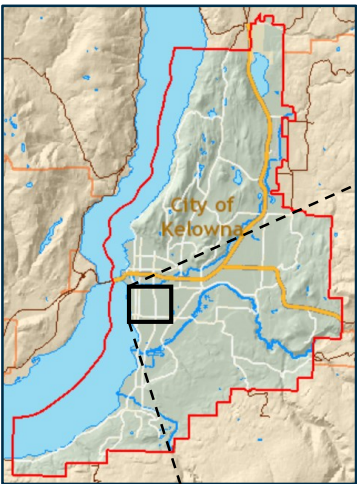


Building Permit



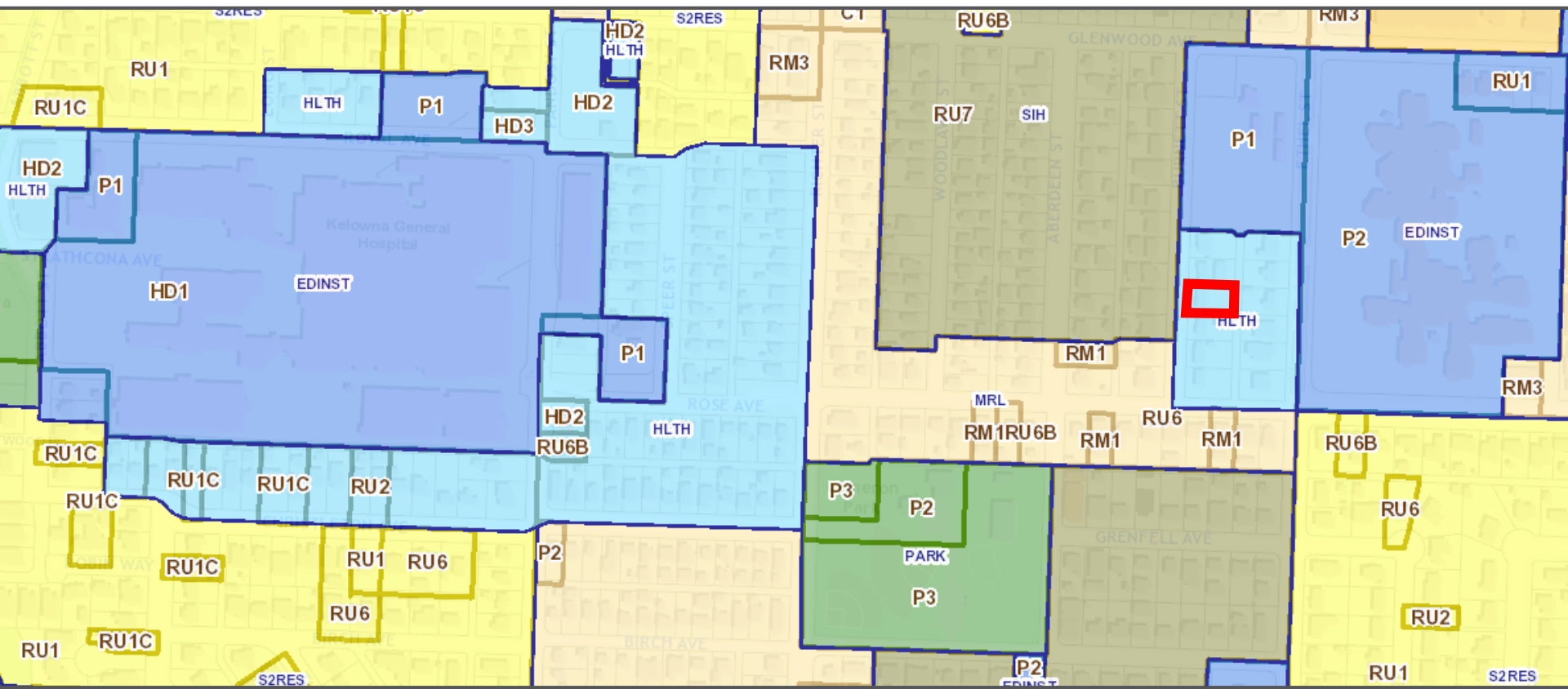
Council
Approvals

Context Map



Subject Property


OCP Future Land Use / Zoning



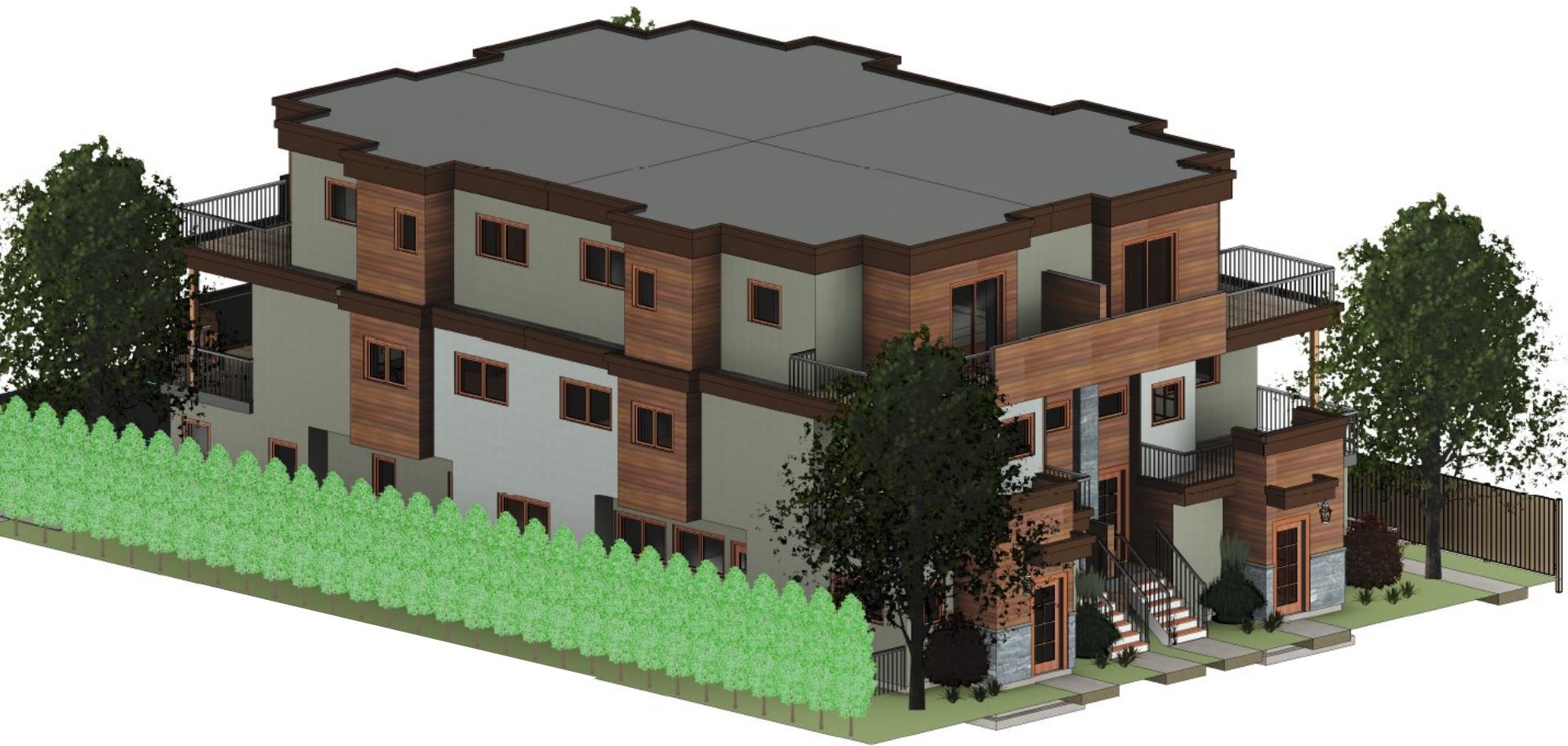
Subject Property Map



Project/technical details

- ▶ Rezone  HD2
- ▶ With site-specific TA to allow multiple dwelling housing as principal use under HD2 zone for lot <math>< 900\text{m}^2</math>
 - ▶ 2251 Burnett St.
- ▶ Rezoning and TA proposed to facilitate a multiple dwelling housing development consisting of a 3 storey 6-plex

Conceptual Rendering



Project/technical details

- ▶ Lot in Hospital Area & FLU designation of HLTH which supports proposed HD2 zone
- ▶ FLU & zone developed in recognition that area near KGH presents special circumstances needing tailored land use approach
- ▶ HD2 zone allows multiple dwelling housing as principal use, but only on lots $>900\text{m}^2$
- ▶ Lot is 816m^2
 - ▶ Site-specific TA required to allow multiple dwelling housing as principal use on the lot

Discussion

- ▶ HD2 zone an outlier for having different principal uses based on lot size
- ▶ Zones do have subdivision regulations that specify min. lot size
 - ▶ Still possible to rezone w/o meeting min. lot size
 - ▶ Provided development under the zone's regulations can be successfully accomplished on the lot
- ▶ Applicant demonstrated a development can be successfully accomplished under the regulations for the HD2 zone for lots $>900\text{m}^2$

Discussion

- ▶ Hospital Area Plan 2018-2019
- ▶ Included review of HD2 zone
- ▶ Numerous amendments recommended
 - ▶ “Remove connection between lot area and permitted uses to make it more consistent with other zones”
 - ▶ Endorsed by Council on February 11, 2019
- ▶ Site specific Text Amendment in question would make this change for this particular lot

Development Policy

- ▶ FLU of HLTH supports proposed HD2 zone
 - ▶ Multiple dwelling housing included in HD2 zone in recognition that increased residential density desirable in certain areas of Hospital Area
- ▶ Site-specific TA would render HD2 zone consistent with other zones
 - ▶ Also proposed by Hospital Area Plan, 2018-2019

Staff Recommendation

- ▶ Staff support the proposed HD2 zone
- ▶ And the TA to allow multiple dwelling housing as a principal use under the HD2 zone for a lot 900m^2 for 2251 Burnett St.
 - ▶ FLU of HLTH supports proposed HD2 zone
 - ▶ Multiple dwelling housing included in HD2 zone in recognition that increased residential density desirable in certain areas of Hospital Area
 - ▶ Site-specific TA would render HD2 zone consistent with other zones
 - ▶ Also proposed by Hospital Area Plan, 2018-2019



Conclusion of Staff Remarks

CITY OF KELOWNA

**BYLAW NO. 12232
Z21-0007
2251 Burnett Street**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 16 District Lot 136 ODYD Plan 11811 located at Burnett Street, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the HD2 – Hospital and Health Support Services 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 21st day of June, 2021.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

**BYLAW NO. 12233
TA21-0006
2251 Burnett Street**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 **Section 17 – Health District Zones, 17.2 HD2 – Hospital and Health Support Services** be amended by adding in its appropriate location the following:

"17.2.8 Site Specific Uses and Regulations

Uses and regulations apply to the HD2 – Hospital and Health Support Services zone on a site-specific basis as follows:

	Legal Description	Civic Address	Regulation
1	Lot 16 District Lot 136 ODYD Plan 11811	2251 Burnett Street	To allow for multiple dwelling housing as a principal use on a lot less than 900m ²

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 21st day of June, 2021.

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: June 28, 2021

To: Council

From: City Manager

Department: Development Planning

Application: Z18-0117 - Supplemental **Owner:** Studio 33 Properties Ltd., Inc.
No. BC1137489

Address: 145 Sadler Rd, 180 & 190 Hwy 33 E. **Applicant:** Pacific West Architecture Inc.

Subject: Rezoning Application

Existing OCP Designation: MXR – Mixed Use (Residential/Commercial)

Existing Zone: RU1 – Large Lot Housing, RU6 – Two Dwelling Housing

Proposed Zone: C4 – Urban Centre Commercial

1.0 Recommendation

THAT Council receives, for information, the supplemental report regarding Rezoning Bylaw No. 11957 from the Development Planning Department dated June 28, 2021;

AND THAT Rezoning Application No. Z18-0117 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 1, 2 & 3 Section 26 Township 26 ODYD Plan 10045, located at 180 & 190 Highway 33 East and 145 Sadler Road, Kelowna, BC from the RU1 – Large Lot Housing zone and RU6 – Two Dwelling Housing zone to the C4 – Urban Centre Commercial zone, be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated June 28, 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 consider an application to rezone the subject properties from the RU1 – Large Lot Housing and RU6 – Two Dwelling Housing zones to the C4 – Urban Centre Commercial zone to facilitate the development of Multiple Dwelling Housing.

3.0 Development Planning

Staff are submitting this supplemental report to amend and update information provided to Council with rezoning application Z18-0117. The Rezoning Bylaw No. 11957 received Initial Consideration on November 18, 2019 and 2nd & 3rd readings and Public Hearing were on December 3, 2019.

4.0 Proposal

4.1 Background

The Rezoning application was originally submitted to staff on December 10, 2018. Staff indicated the property was listed on the Kelowna Heritage Registry. As the applicant team was unaware of this, the Rezoning application was paused to allow the owners time to determine how best to move the project forward.

On August 16, 2018, a Heritage Register removal request was presented to the Heritage Advisory Committee (HAC) by Staff on behalf of the owners. The owners enlisted Katie Cumber, a registered heritage professional, to provide a Heritage Assessment and Evaluation of the site located at 180 Hwy 33 E known as Sproule Farm House. The Committee chose not to support the request for removal of the home from the Heritage Registry and urged the project team to find a way to retain and incorporate the Sproule Farm House into the proposed development plans.

Based on direction from HAC, the applicant team developed a proposal to incorporate two facades of the Sproule Farm House into the proposed structure. The rezoning application received Initial Consideration on November 18, 2019 with Public Hearing and 2nd and 3rd readings of the bylaw following on December 3, 2019.

In October of 2020, a house fire damaged the structure beyond repair. Since that time, the applicant has been working with staff to amend the application and to apply to have the property removed from the Kelowna Heritage Register. Due to the scale of proposed changes and the removal of the heritage facades from the proposed development, it was determined that rescinding 2nd and 3rd readings of the Rezoning Bylaw would be necessary, with the intent to bring the proposal back to Public Hearing to allow the public to provide feedback to Council based on the amended proposal.

4.2 Project Description

The project has been amended to remove the two heritage facades that were to be part of the commercial unit located at the south-east corner of the building. The Heritage Consultant will continue to work with the applicant team to determine the best way to document the heritage aspects of the project and to incorporate the storey into the building design. This will likely be through the provision of wall murals and storyboards along the west façade (Sadler Road). Further details around this would be brought forward with the form and character Development Permit, should Council support the Rezoning Bylaw.

The applicant is proposing to construct a 5-storey multi-family development with two commercial units at-grade along Hwy 33 E. Two levels of structured parking (one level below grade) provide 91 parking stalls which are accessed from Sadler Road. A conceptual site plan has been submitted to show the proposed layout of the building and parking arrangement. Staff are currently tracking two variances, one to the

building height and number of storeys and the second to reduce the required setback to the North property line.

Should the Rezoning Application be supported by Council, staff would bring forward the request to remove the property from the Kelowna Heritage Registry should Council support the Rezoning Bylaw.

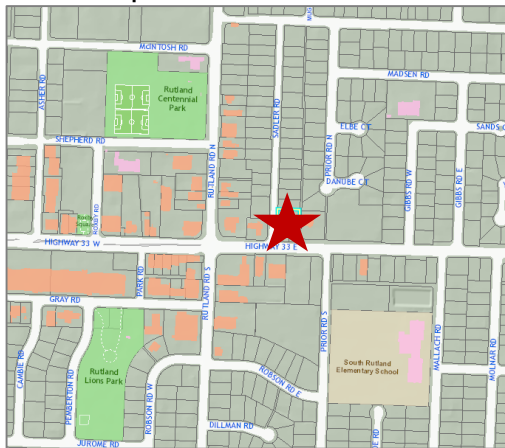
4.3 Site Context

The three subject properties are located within the Rutland Urban Centre at the intersection of Sadler Rd and Hwy 33 E. The project is within the Permanent Growth Boundary and is on City services with water service provided by the Rutland Waterworks District (RWD).

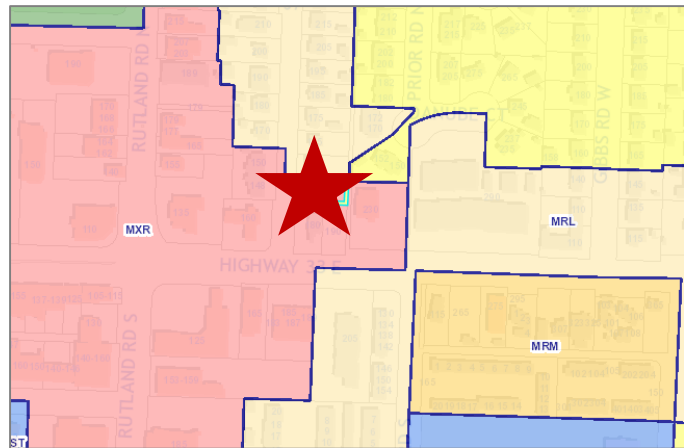
Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Detached Dwellings
East	C3 – Community Commercial	Liquor Primary (Post Haus Pub)
South	C4 – Urban Centre Commercial RM3 – Low Density Multiple Housing	Various Commercial Businesses Apartment Housing
West	C4 – Urban Centre Commercial	Automotive Repair Shop

Context Map:



Future Land Use:



Subject Property Map: 145 Sadler Rd, 180 & 190 Hwy 33 E.



5.0 Current Development Policies

Kelowna Official Community Plan (OCP)

Chapter 1: Introduction

Goals for a Sustainable Future:

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

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

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

Policy .2 Compact Urban Form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75-100 people and/or jobs per ha located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, 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 .7 Healthy Communities. Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

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

6.o Application Chronology

Date of Application Received:	December 10, 2018
Date Public Consultation Completed:	October 4, 2019
Date of 2 nd & 3 rd readings & Public Hearing:	December 3, 2019
Date of amended Drawings Received:	April 30, 2021
Date of rescindment of 2 nd & 3 rd readings:	June 28, 2021

Report prepared by: Lydia Korolchuk, Planner Specialist

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: Conceptual Drawing Package

Attachment B: Amended Statement of Significance

Attachment C: Proposed Commemoration Plan

Attachment D: Engineer's Field Review Report

CITY OF KELOWNA
MEMORANDUM

SCHEDULE _____ A

This forms part of application
Z18-0117



City of
Kelowna
DEVELOPMENT PLANNING

Planner
Initials **LK**

Date: Jan 03, 2019
File No.: Z18 - 0117
To: Urban Planning Management (LK)
From: Development Engineering Manager (JK)
Subject: 145 Sadler Rd., 180 190 Hwy 33 E

RU1, RU6 to C4

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

The Development Engineering Technologist for this project is Andy Marshall.

1. Domestic Water and Fire Protection

- a) This development is within the service area of the Rutland Water District (RWD). The developer is required to make satisfactory arrangements with the RWD for these items. All charges for service connection and upgrading costs, as well as any costs to decommission existing services are to be paid directly to RWD.
- b) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures.

2. Sanitary Sewer

Our records indicate that 145 Sadler Rd. is currently serviced with a 100mm-diameter sanitary sewer service and 180 and 190 Hwy 33 E are currently each serviced with a 150mm-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. The applicant, at his cost, will arrange for the removal and disconnection of the existing services not required and the installation of one new larger service if required.

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 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 recommendations for onsite drainage containment and disposal systems.
- b) On site drainage systems for the site will be reviewed and approved by Engineer when site servicing design is submitted.

4. Road Improvements

- a) Sadler Rd. will require upgrading to an urban standard (SS-R5 modified - to be determined at design) along the full frontage of the subject property which includes curb and gutter, sidewalk, street lighting, landscape boulevard, storm drainage system, pavement removal and replacement and relocation or adjustment of utility appurtenances if required to accommodate upgrading construction. Access shall be from Sadler.
- b) Hwy 33 will require upgrading of sidewalk, boulevard and trees to match existing frontage to the east. Access shall be removed.

5. Subdivision and Dedication

- a) Approximately 2.44m of road dedication is required along the entire frontage of Sadler Road.
- b) Approximately 5.2m of road dedication is required along the entire frontage of Hwy 33.
- c) Corner Rounding of 6m radius is required at the intersection.
- d) 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.

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. Geotechnical Report

As a requirement of this application the owner must provide a geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics.
- (b) Site suitability for development, unstable soils, etc.
- (c) Drill and / or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.

- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.
- (e) Additional geotechnical survey may be necessary for building foundations, etc.

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 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.

10. Other Engineering Comments

- (a) Provide all necessary Statutory Rights-of-Way for any utility corridors as required.



James Kay, P. Eng.
Development Engineering Manager

agm

ATTACHMENT A

This forms part of application

Z18-0117



City of
Kelowna
DEVELOPMENT PLANNING

Planner
Initials

LK



**pacific
west
architecture**

1200 West 73rd Ave (Airport Square)
Suite 940
Vancouver B.C. V6P 6G5

Office: 604 558 3064
Email: info@pwaarchitecture.com
www.pwaarchitecture.com



2021-04-30

REVISIONS

ISSUES	DATE
1	

ISSUES	DATE
8	
7	
6	APR-29-2021
5	REISSUED FOR REZONING AND DP JAN-07-2020
4	REISSUED FOR REZONING AND DP OCT-02-2019
3	REISSUED FOR REZONING AND DP MAY-22-2019
2	REISSUED FOR REZONING AND DP MAY-01-2018
1	ISSUED FOR REZONING AND DP FEB-8-2018

PROJECT NUMBER	A125
DRAWN BY	WW
CHECKED BY	PV
DATE CHECKED	
CONSULTANT	

PROJECT
**MIXED-USE
DEVELOPMENT**
**HWY 33 & SADLER
KELOWNA, B.C.**

DRAWING TITLE
COVER PAGE

DRAWING No.
A1.00

MIXED-USE DEVELOPMENT HIGHWAY 33 & SADLER

CIVIC ADDRESS:
180 HWY 33 E
190 HWY 33 E
145 SADLER RD, KELOWNA, B.C.

LEGAL DESCRIPTION:
LOT 1, 2 AND 3 SECTION 26 TOWNSHIP 26 PDYD PLAN 10045 AND PART OF THAT PART OF SECTION 26
TOWNSHIP 26 ODYD SHOWN ON PLAN EPP91865

DRAWING INDEX

- A 1.00 COVER PAGE
- A 1.01 SITE PLAN AND STATISTICS
- A 2.01 UNDERGROUND FLOOR PLAN
- A 2.02 GROUND FLOOR PLAN
- A 2.03 2ND FLOOR PLAN
- A 2.04 3RD & 4TH FLOOR PLAN
- A 2.05 5TH FLOOR PLAN
- A 2.06 ROOF PLAN
- A 3.01 UNIT PLANS
- A 3.02 UNIT PLANS
- A 3.03 UNIT PLANS
- A 4.01 BUILDING ELEVATIONS
- A 4.02 BUILDING ELEVATIONS
- A 5.01 BUILDING SECTIONS
- A 5.02 BUILDING SECTIONS
- A 6.01 RENDERINGS
- A 6.02 RENDERINGS
- A 6.03 3D VIEWS

ARCHITECT
PACIFIC WEST ARCHITECTURE Inc.
1200 West 73rd Ave(Airport Square)
Suite 940, Vancouver B.C. V6P 6G5
Tel: 604-558-3064
Email: info@pwaarchitecture.com
Contact: Patrick Yang

LANDSCAPE ARCHITECT
BENCH SITE DESIGN INC.
4-1562 Water Street, Kelowna B.C. V1Y 1J7
Tel: (250)-808-5113
Contact: Lesley St Godard

CIVIL ENGINEERS
APLIN & MARTIN CONSULTANTS LTD
1258 Ellis St, Kelowna, BC
Tel: (250)-808-6856
Email: JGRAFF@APLINMARTIN.COM
Contact: Josh Graff

SURVEY
FERGUSON LAND SURVEYING &
GEOMATICS LTD.
404-1630 Pandosy St.
Tel: (250)-763-3115
Email: rdelaunier@flsg.ca
Contact: Ryan Delaurier



1 SITE KEY
Scale: 3/32" = 1'-0"



2 SITE PHOTO LOOKING SOUTHEAST



3 SITE PHOTO LOOKING NORTHEAST



4 SITE PHOTO LOOKING NORTH



5 SITE PHOTO LOOKING NORTHWEST



pacific west architecture

1200 West 73rd Ave (Airport Square)
Suite 940
Vancouver B.C. V6P 6G5

Office: 604 558 3364
Email: info@pwaarchitecture.com
www.pwaarchitecture.com



2021-04-30

REVISIONS

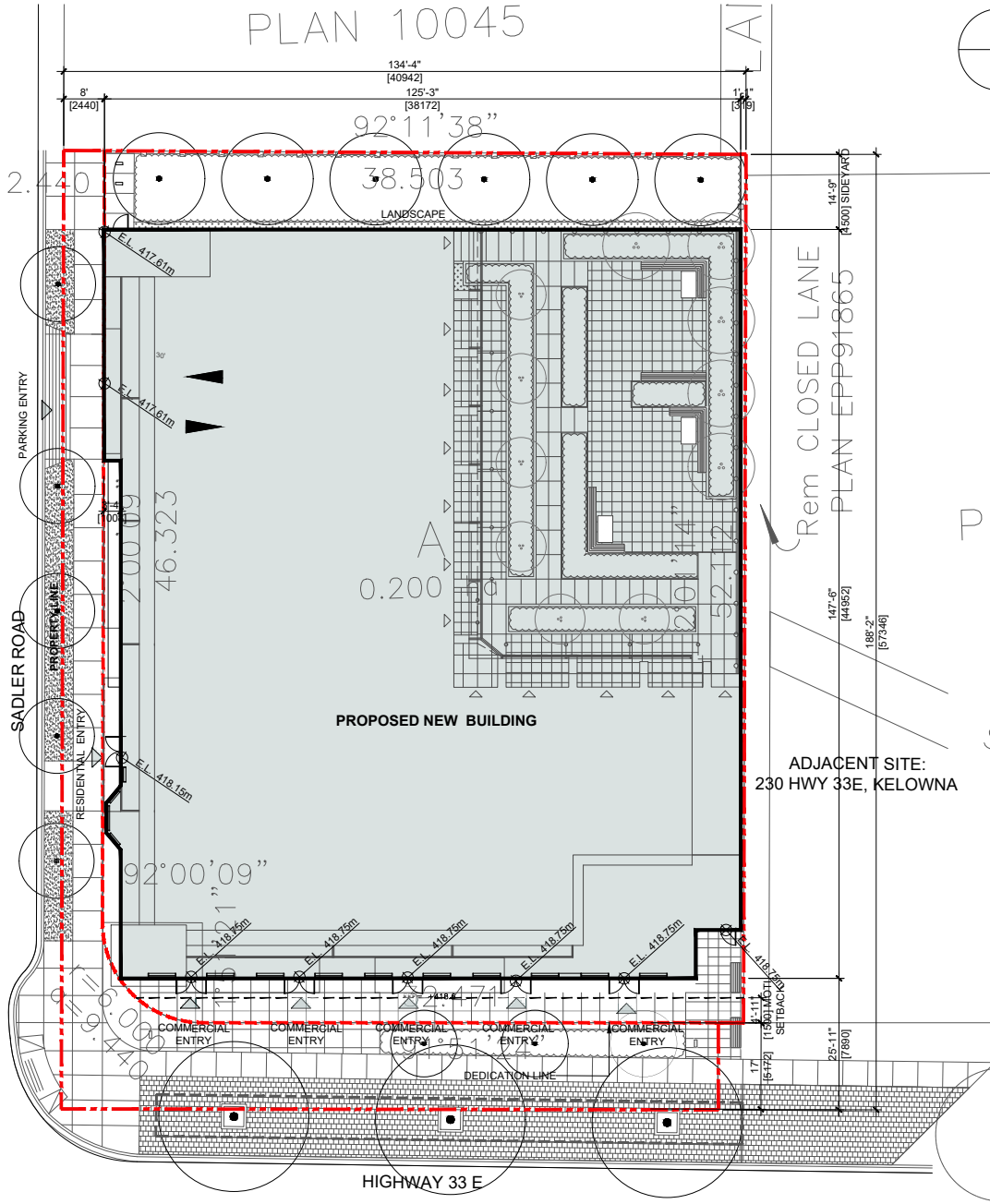
ISSUES	DATE
8	
7	
6	
5	APR-29-2021
4	JAN-07-2020
3	OCT-02-2019
2	MAY-22-2019
1	MAY-01-2018
	FEB.8.2018
PROJECT NUMBER	A125
DRAWN BY	WW
CHECKED BY	PV
DATE CHECKED	
CONSULTANT	

PROJECT
MIXED-USE DEVELOPMENT
HWY 33 & SADLER
KELOWNA, B.C.

DRAWING TITLE
SITE PLAN AND STATISTICS

DRAWING No.
A1.01

PLAN 10045



- REQUIRED VARIANCES**
- TO VARY THE SETBACK NORTH SIDE YARD FROM 8.71M TO 4.5M
 - TO VARY BUILDING HEIGHT FROM 15M/4 STOREY TO 17.7M/5 STOREY
 - TO VARY PARKING SPACES FROM 91 REQUIRED PARKING SPACES TO 88 PARKING SPACES BY CASH IN LIEU FOR 3 PARKING SPACES.
 - TO VARY LOADING SPACES FROM 1 LOADING SPACE TO 0 LOADING SPACE.

Zoning Analysis Table		
CRITERIA	C4 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Lot Area	460 m ²	2343.0 m ² (25,220.75F) Before Dedication 2001.6 m ² (21,544.9 SF) After Dedication
Lot Depth	30.0 m	57.3m
Lot Width	13.0 m	39.4m
Height	15.0m/ 4 Storeys	17.7m/ 5 Storeys
Front Yard (West)	0.0 m	0m
Side Yard (North)	4.5m/half height of building where the site abuts an RLU1, RU2, RU3, or RLU4 zone (8.71m)	4.5m
Side Yard (South)	2.0 m where the site abuts other residential zone	1.5m
Rear Yard (East)	0.0 m	0m
Site coverage	75%	71% (Before Dedication)
Floor Area (Net)		3516.0 m ² (37,846SF)
FAR	1.3(Parking space are provided totally beneath habitable of a principal building +0.2)	1.5 (Before Dedication)
Parking Regulations		
Minimum Parking Requirements	Total Required: 91	Total Proposed: 88 (3 parking stalls will be pay-in lieu)
Ratio of Parking Stalls	Residential	One Bedroom(0.9 stalls /unit): 23.4 Micro Suite (0.8 stalls /unit): 52 Total: 75.4 stalls
	Commercial	Total area: 2580 s.f. (1.3per 100m ² GFA) 3.0 stalls
	Visitor	91 unit x (0.14 stalls /unit)=12.7stalls
Minimum Drive Aisle Width	7.0 m	7.0 m
Setback (Parking)	1.5 m	1.5m
Other Regulations		
Loading	1 per 1,900 m ² GFA	N/A
Minimum Bicycle Parking Requirements	Long term: 0.75 per 2 bedroom or less dwelling units 1.0 per 3 bedroom or more dwelling units Short term: 6 per entrance, plus for buildings with greater than 70 units: 1 space for every additional 5 unit	Long term: 74 Short term: 11
Private Open Space	6 m ² per Bachelor, 6 m ² per 1BR, total 546 m ²	757.7 m ² (8156 SF)

Unit Breakdown

Unit	Unit type	No. of Unit	Unit Area (ft. ²)	Total Area (ft. ²)
Unit A	Micro Suite	22	312	6864
Unit B	Micro Suite	25	312	7800
Unit C	1 Bedroom	1	475	475
Unit D	1 Bedroom	1	615	615
Unit E	1 Bedroom	4	480	1920
Unit F	1 Bedroom	3	668	2004
Unit G	1 Bedroom	3	423	1269
Unit H	1 Bedroom	3	608	1824
Unit I	1 Bedroom	3	535	1605
Unit J	1 Bedroom	3	525	1575
Unit K	1 Bedroom	1	670	670
Unit L	1 Bedroom	1	500	500
Unit M	1 Bedroom	3	435	1305
Unit N	Studio	18	380	6840
Commercial				2580
Total		91		37846

1 SITE PLAN
Scale: 3/32" = 1'-0"

Appendix A**Amended Statement of Significance**

Sproul Farm House, 180 Hwy 33 East, Kelowna, BC

March 8, 2021

The following is the Statement of Significance of the Sproul Farm House, originally written by the City of Kelowna Planning Department in 2001, with amendments made by Cummer Heritage Consulting (CHC) to address historical inaccuracies in the original statement.



Fig. 1: View of 180 Hwy 33 East, 2005. (Source: City of Kelowna 2005).

Description

This historic place is the one-and-one-half-storey, wood-frame construction with narrow horizontal wood siding and a medium-pitch cross-gable roof. It is known as the Sproul Farm House, built in 1906, and located at 180 Highway 33 East in Kelowna's Rutland neighbourhood.

Heritage Value

The Sproul Farm House has historical value, cultural value and aesthetic value. The historical value of the Sproul Farm House lies in its being one of the few residences remaining in the area from the early rural period. While the newly-incorporated City of Kelowna was actively growing, the surrounding areas remained rural in character and provided much of the fruit-growing land in the region. At the time of construction and until 1973, Rutland was not yet part of the City of Kelowna.

This building is also valued through its association with the Sproul Family, who were among the early pioneers and orchardists of the Rutland area. The Sproul brothers, Samuel and Robert, illustrate how pioneers converged on the Okanagan in the years around 1900. Typical of the early development of the neighbourhood, in late 1904, they bought part of the young orchard of John Matthew Rutland, in the lower portion of the area today known as Rutland, towards Highway 97. In the 1910s, at the height of the orchard boom, Sam Sproul sold his orchard and residence on the lower Rutland bench and proceeded to develop his 80 acres of raw land on the upper Rutland bench, where the Sproul Farm House is located.

This house was erected sometime around 1906 and built by the prominent local builder M.J. Curts (Michael 'Johnny' Curts). Connecting to its aesthetic value, its form is representative of the straightforward, vernacular farmhouses of the day, one-and-one-half storeys high with a cross-gabled roof and a broad porch facing the street.

Various families lived in the house over the years, connecting to the place's cultural value, particularly its capacity to evoke a way of life or a memory of the past. Specifically, the culture of working-class families, often with multiple children, living in the house and working in the community. The house was built for Lillian Sproul (Robert Sproul's daughter), who married Ernest Dudgeon, a "trainman" according to their wedding certificate. The Dudgeons lived in the house until 1926, when the Graf Family bought it, living there until 1938. Other families that were resident there, included the McLeod's, the Schneider's and the Horning's, among others.

By 1971, the house had been converted to mix-use including commercial use, first as the office of H.R. Funk's excavating firm, illustrating the business development of 'downtown' Rutland. The Funks bought the house and rented out portions of it for commercial and residential purposes into the 21st century.

Character Defining Elements

Key elements that define the heritage character of the Sproul Farm House include its:

- residential form, scale and massing, as expressed by its one-and-one-half-storey height and rectangular plan
- medium-pitched gabled roof with two secondary cross-gables
- street elevation has full-width open porch with repetitive, evenly-spaced painted wood columns
- corbelled brick chimney
- narrow V-joint horizontal wood siding
- wood shingles in upper part of main gables
- ground-level wood bay windows with triangular and elongated leaded glass panes
- one-over-one double-hung wood-sash windows on the upper floor, with plain wood trim

March 8, 2021

City of Kelowna
1435 Water Street
Kelowna, BC, V1Y 1J4

RE: Letter of support for the Sproul Farm House commemoration plan

This letter provides my professional perspective on the heritage commemoration design of the Sproul Farm House and the revised proposed redevelopment of the land it currently occupies at 180 Hwy 33 East. I was the heritage consultant who conducted the re-assessment of the site in July of 2018, presented to the City of Kelowna Heritage Committee in August of 2018 and helped to present the project to Council in December of 2019. Unfortunately, much has happened to the Sproul Farm House since then.

In October 2020, the house was heavily damaged by fire (Fig. 1). As stated at the time by the Kelowna Fire Department Platoon Captain, Kelly Stephens, “the building sustained major fire damage to the exterior and the roof area.” And, as outlined by a registered Structural Engineer, Kevin Ma, “the building above the ground is not safe.” Even prior to this fire, the house was vandalised and broken into numerous times, with one such incident resulting in its basement being flooded. Sadly, these events have impacted the physical fabric of the farm house and what is now possible to conserve. That being said, this does not alter our commitment to commemorating the Sproul Farm House on site because, of course, a place is so much more than just its physical fabric.



Fig. 1: Southeast corner view of 180 Hwy 33 E, illustrating some of the fire damage. (Source: An, 2020)

The updated design for the proposed redevelopment of 180 Hwy 33 East is as follows (Figs. 2 and 3).



Fig. 2: Rendering of the proposed redevelopment of 180 Hwy 33 East, showing the broader view of the project from the southwest corner. (Source: Pacific West Architecture, 2021)



Fig. 3: Closer view of the rendering of the proposed redevelopment of 180 Hwy 33 East, showing the Sproul Farm House commemorative details. (Source: Pacific West Architecture, 2021)

With this revised design, the Sproul Farm House is to be commemorated in the following ways:

- 1) On its most prominent corner (the southwest corner), a large wall mural will be installed showing the Sproul Farm House in its original orientation and look, with all of its Character Defining Elements (CDEs) intact, including its open porch. Being located on the new development's most prominent corner provides a valuable reminder of the former streetscape and allows for the memory of the house to be foregrounded.
 - a. It is suggested that a community competition be organized to commission various illustrations of the farm house and that the winner be selected to do this wall mural. Additional submissions could also be used to decorate the apartment lobby and as part of the on-site interpretation.
- 2) Although the façades are not usable as originally intended, one of the most prominent features of the house, (the western bay window with its triangular and elongated leaded glass panes), will be used as part of the apartment lobby. Similar to the façade proposal, this will not be a false window, but will be functional providing a view out from the lobby as well as light into the interior space.
 - a. It is recommended that the narrow v-joint horizontal wood siding be preserved as part of this window feature and that any sections that require repair be repaired with the available wood siding from the rest of the house that is in good condition.

- b. As part of the demolition process, any siding or glass panes that are in good condition should be salvaged and stored on site to facilitate any repairs in the future.
 - c. Inside the bay window there will also be a carefully made architectural model of the Sproul Farm House on display, showcasing all of its CDEs (its residential form, gabled roof with secondary cross-gables, full-width open porch, corbelled brick chimney, etc.). This model will be visible from inside the lobby or from outside on the street, allowing any passer-by to better understand and appreciate what formerly occupied this site for over 100 years.
- 3) Further along the western side of the new building, on the other side of the apartment entryway, additional site interpretation will be installed to further promote and commemorate the Sproul Farm House. In this location, interpretative panels will be installed featuring historical photographs, plans and text outlining the history and significance of the Sproul Farm House, based on the Amended Statement of Significance, which more accurately reflects the site's history (see Appendix A).

In addition to the prominent ground level commemoration of the Sproul Farm House, outlined above, some of the design details of the new development also acknowledge and pay tribute to what was on the site previously, particularly through the colour choices:

- a. The light green echoes the current colour of the Sproul Farm House's gables (Fig. 4);
- b. The lighter white/grey of the bulk of the building connects to the current colour of the horizontal wood siding (Fig. 5); and
- c. The blues and wood panelling connect to some of the interior detailing of the Sproul Farm House (Figs. 6 and 7).



Figs. 4 and 5: Fig. 4 (left) shows the southern gable of the Sproul Farm House painted in a light green hue and Fig. 5 (right) shows the western view of the house and its white/grey horizontal wood siding; inspiration for some of the exterior colour choices of the new development. (Source: Cummer, 2019)



Figs. 6 and 7: Fig. 6 (left) shows the interior view of the western bay window with a light blue wall and wood detailing, and Fig. 7 (right) shows an upstairs door with a similar wood and blue accent colour combination, further inspiration for some of the exterior colour choices of the new development. (Source: Cummer, 2019)

Of course, it is disappointing that the Sproul Farm House has been as badly damaged as it has been over the last three years. It is fortunate though that I was able to document the house in December of 2019, before the fire of 2020. These photographs will be used as part of the site's interpretation, in addition to historical materials, including those submitted to me by members of the community with a connection to the place.

The Sproul Farm House is significant for its historical, cultural and aesthetic value. I believe this proposed commemoration plan is the best means possible (in these challenging circumstances) to remember the significance of the Sproul Farm House. For, although the tangible elements of the building have already been lost and will be further removed with its demolition, through this commemorative plan these values can be remembered and celebrated, while also providing much needed additional housing to the area. Even though much of the physical fabric will be gone, the pioneering Sproul Brothers, the builder M.J. Curts and the numerous families who called this house home will not be forgotten.

I will continue to work with the developer team to ensure this heritage place is properly commemorated. This involvement will include drafting and designing the interpretative panels for the on-site interpretation, helping to share the story of this heritage place so that its legacy can continue to be appreciated going forward. I hope this helps to provide some context from a heritage perspective in relation to the commemoration plan of the Sproul Farm House and the proposed redevelopment of 180 Hwy 33 East.

If you have any further questions or would like me to clarify anything, please feel free to contact me by email at kcummer@gmail.com or by phone at (778) 678 1913.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katie Cummer', with a long horizontal flourish extending to the right.

Katie Cummer, PhD CAHP
Principal, Cummer Heritage Consulting (CHC)

References

City of Kelowna. "Heritage Register: Sproul Farm House." No date (n.d.). Online resource: <https://www.kelowna.ca/our-community/arts-culture-heritage/heritage/heritage-register/sroul-farm-house>.

Cummer, Katie. *Heritage Assessment and Evaluation: 180 Hwy 33 E, Kelowna BC*. Victoria, BC: Cummer Heritage Consulting (CHC), 2018.

_____. *Amended Statement of Significance*. Victoria, BC: Cummer Heritage Consulting (CHC), 2020.

Ma, Kevin. *Field Review Report: 180 Highway 33, Kelowna, BC, Canada*. Surrey, BC: GBS Engineering Group Ltd., 2020.

Seymour, Rob. "Old Rutland Farmhouse, Built in 1906, Heavily Damaged by Fire." *The Daily Courier* (Kelowna), October 19, 2020. Online resource: https://www.kelownadailycourier.ca/news/article_de7ad8ac-1227-11eb-93b5-5b2e99ce28c1.html

FIELD REVIEW REPORT

180 Highway 33, Kelowna, BC, CANADA

ATTACHMENT _____ D	
This forms part of application # Z18-0117 _____	
Planner Initials	LK
 City of Kelowna DEVELOPMENT PLANNING	

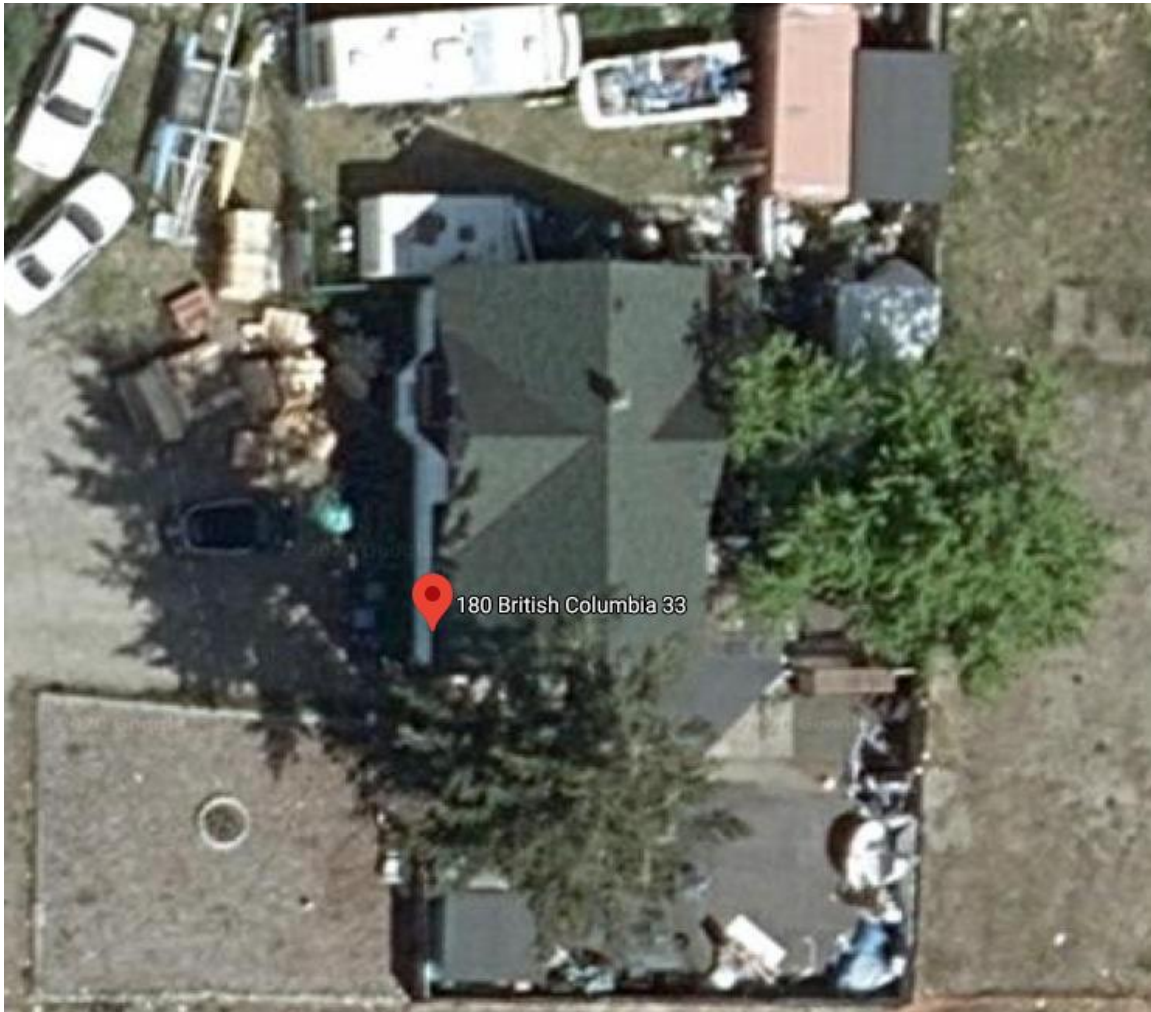
Prepared for

*Louisan Pacific Developments Inc.
Suite 1100, 1200 West 73rd Ave (Airport Square)
Vancouver B.C. V6P 6G5*

Attention to:

*Anthony An, President, project manager
Phone: 604-783-4050, aitinc2007@hotmail.com*

Date issued: *November 13, 2020*



Birds eye view of the house (from Google Map)

1. Visible observation

As requested, GBS has conducted a filed review on October 23, 2020.

A walk through the outside and inside of the building have been conducted.

Below is a summary of pictures showing the current condition of the building.

1.1 Visible observation



P1: West face (2nd floor)



P2: South face



P3: East-south face



P4: East-south roof



P5: Roof framing around the chimney



P6: Typical rafters



P7: Rafters, ceiling and walls



P8: Framing at Kitchen



P9: Interior door framing



P10: South-east lower roof framing



P11: South-west upper floor



P12: Middle section upper floor



P13: Basement showing main floor framing

2. Discussion and conclusions

Based on the filed observation and in-house review, it was found that

- 1) The primary structure for the existing building was constructed with light-wood framing;

- 2) The roof framing and upper floor framing have significant damage during the fire;
- 3) No visible damages were found in the basement

Based on our field observation and review, we have conclusions below

- A. the building above the ground is not safe for the current occupancy;
- B. the building above the ground is not safe for workers to enter in without a temporary safety method.

I trust it meets your current needs.

Please feel free to contact the writer should you have any further questions.

Kevin Ma, P.Eng, Struct.Eng



Z18-0117 145 Sadler Rd, 180 & 190 Hwy 33E

Rezoning Application



Proposal

- ▶ To consider an application to rezone the subject properties from RU1 – Large Lot Housing and RU6 – Two Dwelling Housing zones to C4 – Urban Centre Commercial zone to facilitate the development of multiple dwelling housing.

Development Process

Dec 10, 2018

Development Application Accepted

Dec 3, 2019

Public Hearing, 2nd & 3rd Readings

Jun 21, 2021

Rescindment of 2nd & 3rd Readings

Jun 28, 2021

Initial Consideration

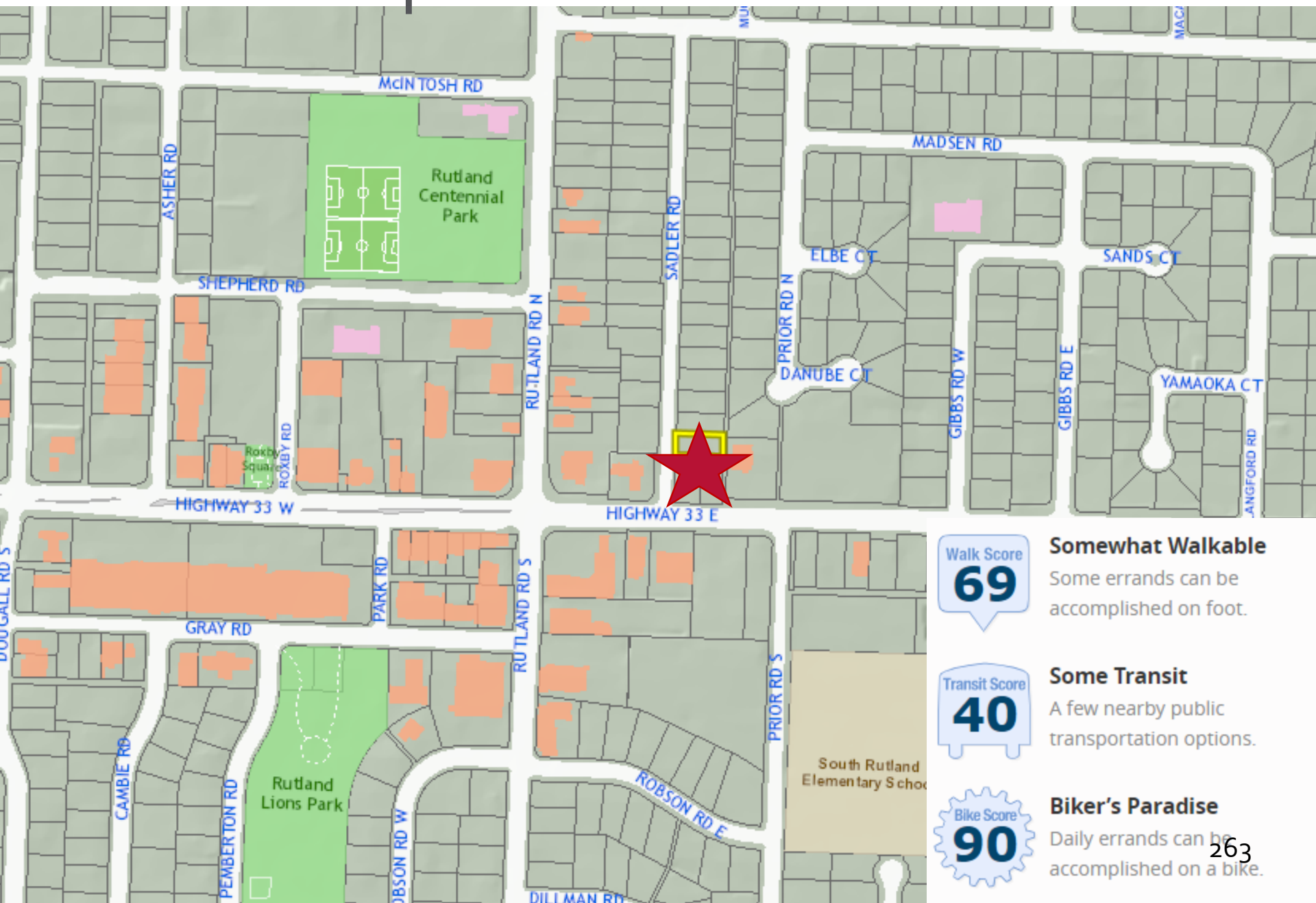
Public Hearing
Second & Third Readings

Final Reading and DP & Variances

Building Permit

Council
Approvals

Context Map

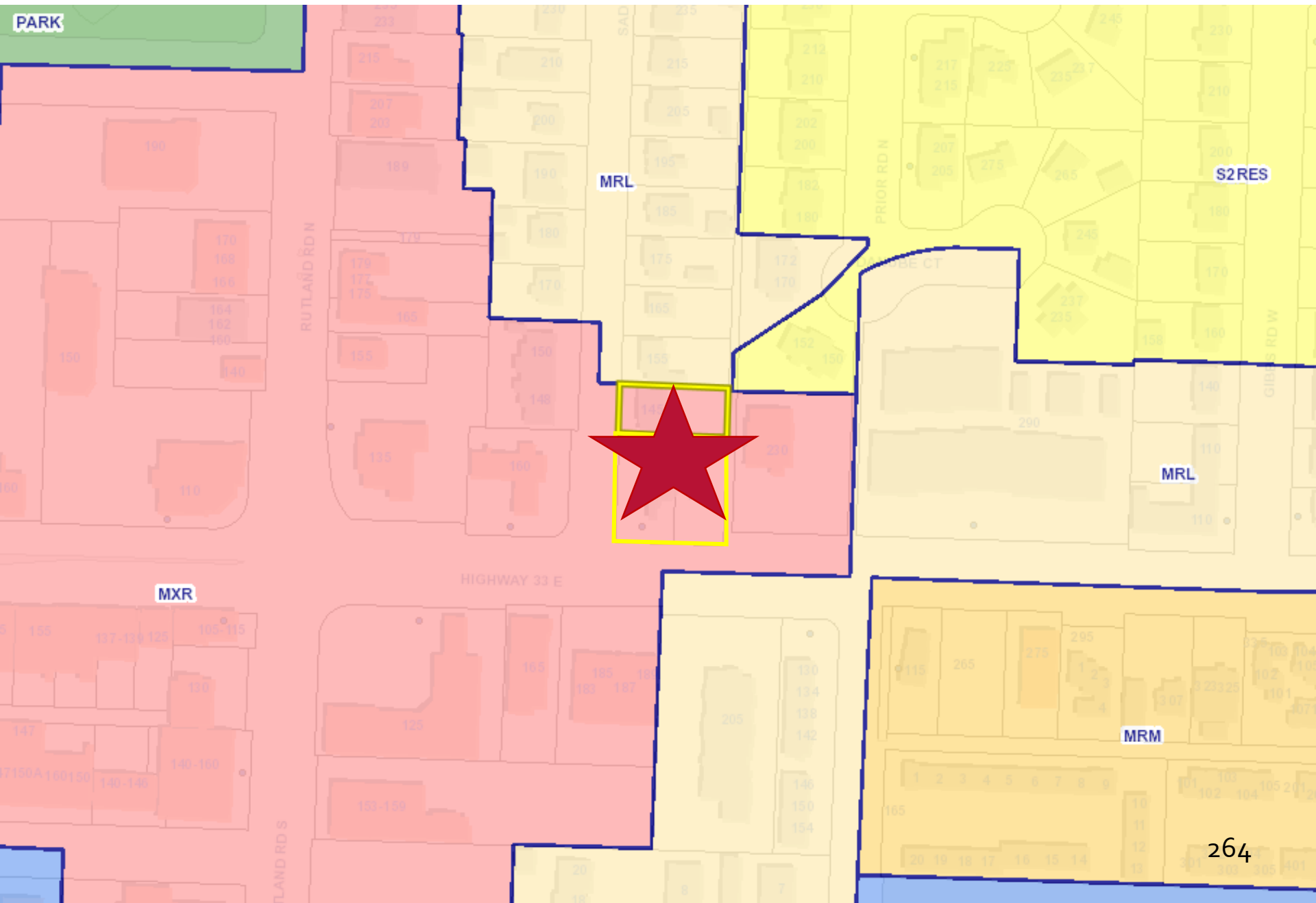


Walk Score **69** **Somewhat Walkable**
Some errands can be accomplished on foot.

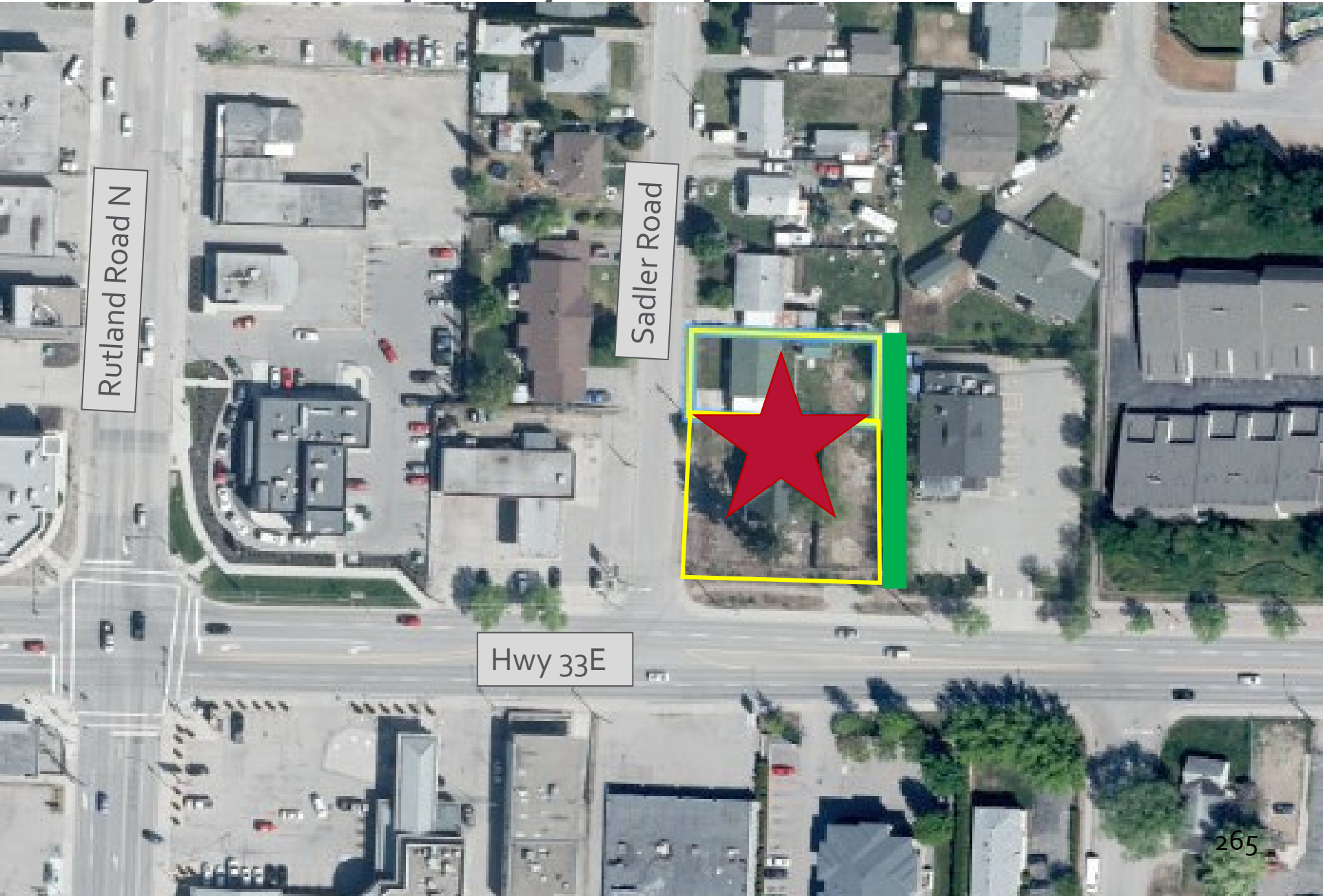
Transit Score **40** **Some Transit**
A few nearby public transportation options.

Bike Score **90** **Biker's Paradise**
Daily errands can be accomplished on a bike.

Future Land Use



Subject Property Map



Rutland Road N

Sadler Road

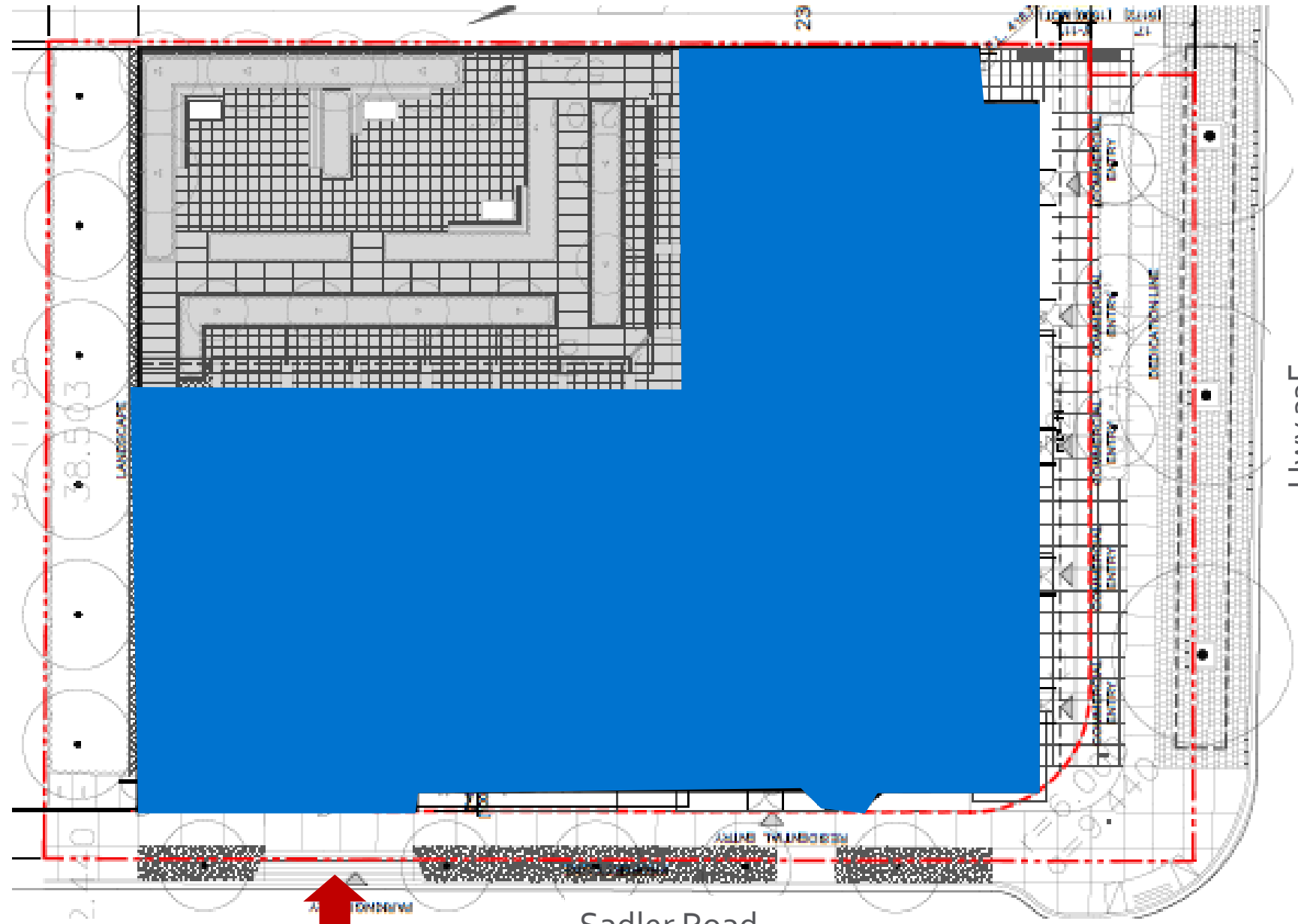
Hwy 33E



Project Details

- ▶ Changed to proposal:
 - ▶ 2 heritage building facades no longer part of proposal
 - ▶ Unit mix to be increased (less micro-suites, more family-oriented units)
- ▶ 5 storeys mixed use condo building
- ▶ 2 Commercial CRU's (285 m²)
- ▶ Two level parking podium (one buried)
- ▶ 91 parking stalls provided (Cash-in lieu for remainder)
- ▶ Site access from Sadler Road

Conceptual Site Plan



Hwy 33E

Sadler Road

Development Policy

- ▶ OCP Urban Infill Policies:
 - ▶ Contain Urban Growth
 - ▶ Focus growth with compact, connected mixed-use developments in Urban & Village Centres.
 - ▶ Housing Mix
 - ▶ Support a greater mix of housing unit size, form and tenure in multi-unit residential and mixed-use developments.
 - ▶ Walkable location with shops, services and local amenities in close proximity.
 - ▶ Compatibility with surrounding land uses:
 - ▶ Various existing multi-family and commercial developments

Staff Recommendation

- ▶ Staff recommend **support** of the proposed Rezoning:
 - ▶ Meets many objectives in the OCP
- ▶ Recommend the bylaw be forwarded to Public Hearing for further consideration.



Conclusion of Staff Remarks



CITY OF KELOWNA

BYLAW NO. 11957

Z18-0117 – 145 Sadler Road and 180 & 190 Highway 33 East

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1 Section 26 Township 26 ODYD Plan 10045, located on Hwy 33 E, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the C4 – Urban Centre Commercial zone;
2. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2 Section 26 Township 26 ODYD Plan 10045, located on Hwy 33 E, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the C4 – Urban Centre Commercial zone;
3. AND FURTHER THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 3 Section 26 Township 26 ODYD Plan 10045, located on Sadler Rd, Kelowna, BC from the RU1 – Large Lot Housing zone to the C4 – Urban Centre Commercial zone;
4. 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 18th day of November, 2019.

Considered at a Public Hearing on the 3rd day of December, 2019.

Read a second and third time by the Municipal Council this 3rd day of December, 2019.

Second and third readings rescinded by the Municipal Council of the City of Kelowna this 21st day of June, 2021.

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: June 28, 2021

To: Council

From: City Manager

Department: Development Planning

Application: OCP20-0017/TA20-0019 **Owner:** Kettle Valley Holdings Ltd., Inc.
No. 551772

Address: 410 Providence Ave **Applicant:** EKISTICS Town Planning Inc.,
Paul Fenske

Subject: Official Community Plan and Text Amendment Application

Existing OCP Designation: EDINST - Educational/Major Institutional and PARK - Major Park/Open Space (public)

Proposed OCP Designation: S2RES – Single / Two Unit Residential and PARK – Major Park/Open Space (public)

Existing Zone: Kettle Valley CD-2 Type III, IV, V and VI

Proposed Zone: Kettle Valley CD-2 Type III, IV and V

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP20-0017 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation for a portion of Lot 1 Section 23 Township 28 Similkameen Division Yale District Plan KAP85435 located at 410 Providence Avenue, Kelowna, BC from the EDINST – Educational/Major Institutional designation to the S2RES – Single / Two Unit Residential and PARK – Major Park/Open Space (public) designations, as shown on Map “A” attached to the Report from the Development Planning Department dated June 28, 2021 be considered by Council;

AND THAT Zoning Bylaw Text Amendment Application No. TA20-0019 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the Kettle Valley Regulating Plan in Section 18 Schedule ‘B’ – CD2 Kettle Valley Comprehensive Residential Development Zone for portions of Lot 1 Section 23 Township 28 Similkameen Division Yale District Plan KAP85435 located at 410 Providence Avenue, Kelowna, BC from Type III or IV to Type V, Type V to Type III or IV and Type VI to Type III or IV as identified in Schedule “A” and outlined in the Report from the Development Planning Department dated June 28, 2021 be considered by Council;

AND THAT the Official Community Plan and Zoning Bylaw Text Amendment Bylaws be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Zoning Bylaw Text Amending be considered subsequent to the issuance of a Preliminary Layout Review letter by the Subdivision Approving Officer.

2.0 Purpose

To amend the Official Community Plan designation from the EDINST - Educational/Major Institutional to the S2RES – Single/Two Unit Residential and PARK – Major Park/Open Space (public) designations and to consider a Text Amendment application to the Kettle Valley CD-2 zone, for 410 Providence Ave to go from the Kettle Valley CD-2 from Type III or IV to Type V, Type V to Type III or IV and Type VI to Type III or IV to accommodate a future subdivision of single family homes.

3.0 Development Planning

Staff are recommending support for the proposed Official Community Plan (OCP) and Text Amendment to accommodate future subdivision and development of park land. The proposal is consistent with the existing residential makeup of the Kettle Valley neighborhood and the development form provides a variety of housing types similar to the existing CD2 Zone.

The proposal offers substantial park dedication and development including a 'Super 8' soccer field as a neighborhood amenity. This also includes expanded park and open space next to the existing Quilchena Park and adjacent to Providence Ave. The proposed 3.5 acres of park will be fully constructed as part of the overall project which meets and exceeds overall parks planning policies and objectives of the OCP.

The site layout utilizes the existing topography, maintains existing view corridors, and is sensitively integrated including adjacent upslope residences. Staff have reviewed this application, and it may move forward without affecting either the City's Financial Plan or Waste Management Plan.

4.0 Proposal

4.1 Background

The subject property is primarily designated EDINST - Educational/Major Institutional as it was previously earmarked for a school site dating back to 1996. In November of 2012, School District #23 elected not to pursue their option to purchase the property and in 2015 an agreement was reached to relinquish all further rights of SD23 in the property to Kettle Valley Holdings Ltd.

An OCP and Text Amendment application was made for the property in 2016 and proposed 82 units in a mix of single family and multi-family dwellings. Kettle Valley Comprehensive Residential Development zone allows for a maximum density of 1028 units. The current neighbourhood build-out is well below this maximum by approximately 200 units.

4.2 Project Description

The applicant has applied for a OCP and text amendment to accommodate a future subdivision which will be accessed from two primary accesses points on Quilchena Drive as well as secondary access from Thalia Drive. The current proposal is for 67 single family lots that range in size from 350 m² – 560 m². The subdivision would be accessed by looping municipal road, ending in a cul de sac adjacent to Quilchena Park and laneway access extending out to Thalia Drive.

The site has a large relatively flat portion where most of the units will be located however there is some slopes that run along the south portion of the site. The proposed lots at the top of the slope are designed to be at an elevation to preserve views and limit significant cut or fill slopes or large retaining walls.

Park and Open Space

The proposed park space totals approximately 3.5 acres in size which is about 25% of the total property. The 'Super 8' soccer field is 65m x 50m in size which is about half the length of a full-size soccer field and the existing sports field. The two park open space areas will be connected by a multi-use path greenway to provide connectivity through the site and to the overall park space within Kettle Valley. The existing parking lot in Quilchena Park will service the area for parking and vehicular access.

The site has an existing 64m x 100m sports field which was originally developed by Kettle Valley in partnership with the City and is currently leased to the City for maintenance and operation

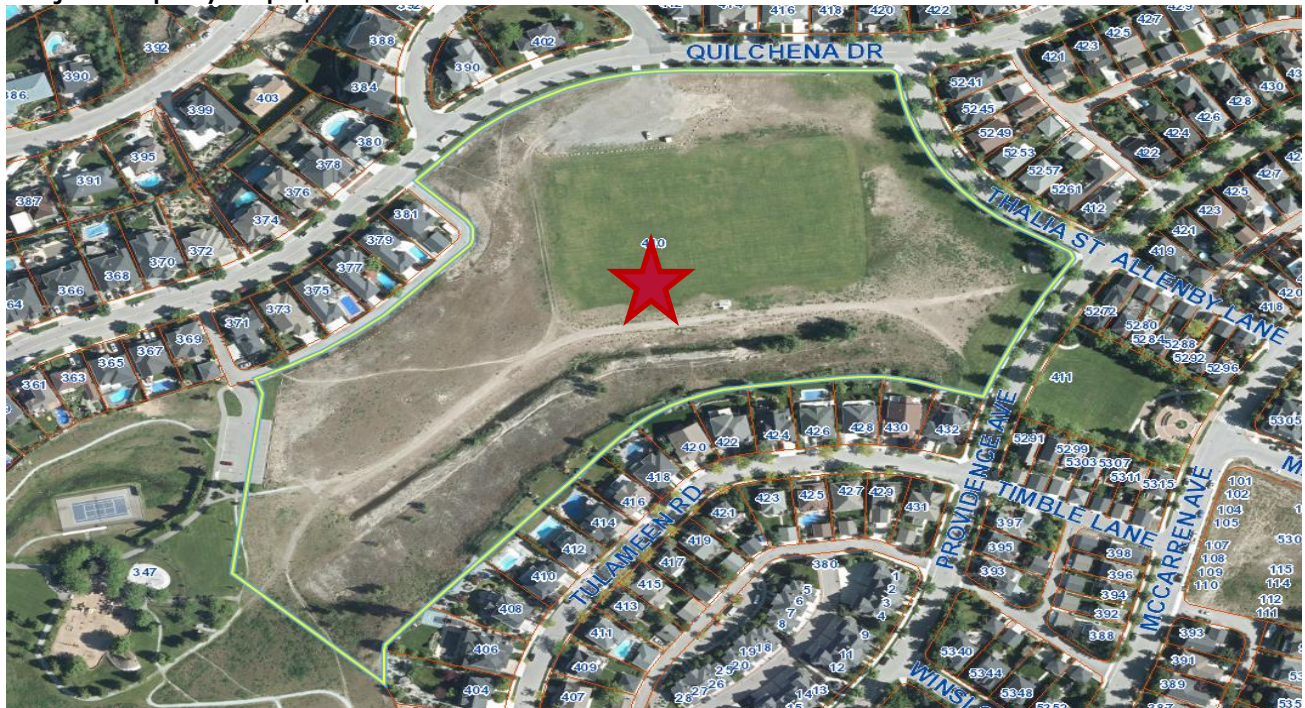
4.3 Site Context

The subject property is located in the South Okanagan Mission City Sector in the heart of the Kettle Valley neighborhood and is approximately 14.11 acres in size. The property has three fronting roads, Providence Ave, Thalia St and Quilchena Dr. The surrounding neighborhood is single family residential and has a number of existing park areas including Quilchena Park and Main Street Park.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	CD-2 Kettle Valley CD Zone	Single Family Residential
East	CD-2 Kettle Valley CD Zone	Single Family Residential and Park
South	CD-2 Kettle Valley CD Zone	Single Family Residential
West	CD-2 Kettle Valley CD Zone	Single Family Residential and Park

Subject Property Map: 410 Providence Avenue



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

6.0 Chapter 5: Development Process

7.0 *Objective 5.2 Develop Sustainably*

8.0 *Policy .3 Complete Suburbs.* Support a mix of uses within Kelowna’s suburbs, in accordance with “Smart Growth” principles to ensure complete communities. Uses that should be present in all areas of the City, at appropriate locations, including commercial, institutional, and all types of residential uses (including affordable and special needs housing) at densities appropriate to their context.

9.0 *Policy .5 Integrated Land Use.* Integrate land use approaches wherever possible to improve opportunities for biodiversity, ecosystem connectivity, recreation, agriculture and local food production, while reducing conflicts

10.0 Technical Comments

10.1 Development Engineering Department

- Refer to Development Engineering Memo dated September 2, 2020

11.0 Application Chronology

Date of Application Received: June 30, 2020

Date Public Consultation Completed: May 13, 2021

Report prepared by: Wesley Miles, Planner Specialist

Reviewed by: Dean Strachan, Community Planning & Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

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

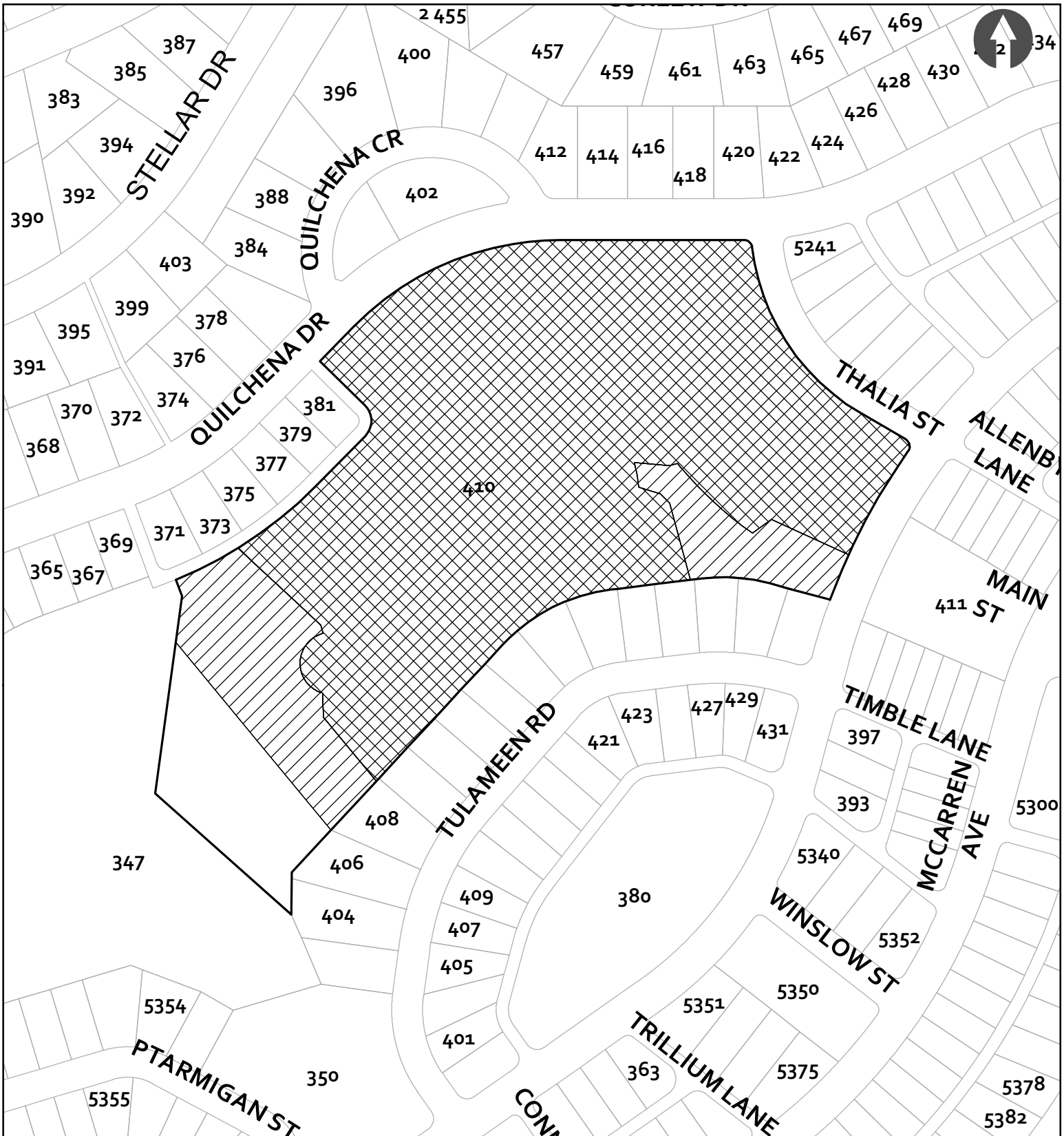
Attachments:

Schedule A: CD2 – Text Amendments




Schedule B: Development Engineering Memo

Attachment A: Conceptual Drawing Package

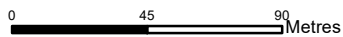
Map A: OCP Amendment



MAP "A" Proposed OCP Amendment
File OCP20-0017

-  EDINST - Educational/Major Institutional to PARK - Major Park/Open Space (public)
-  EDINST - Educational/Major Institutional to S2RES - Single/Two Unit Residential
-  Subject Property

TC

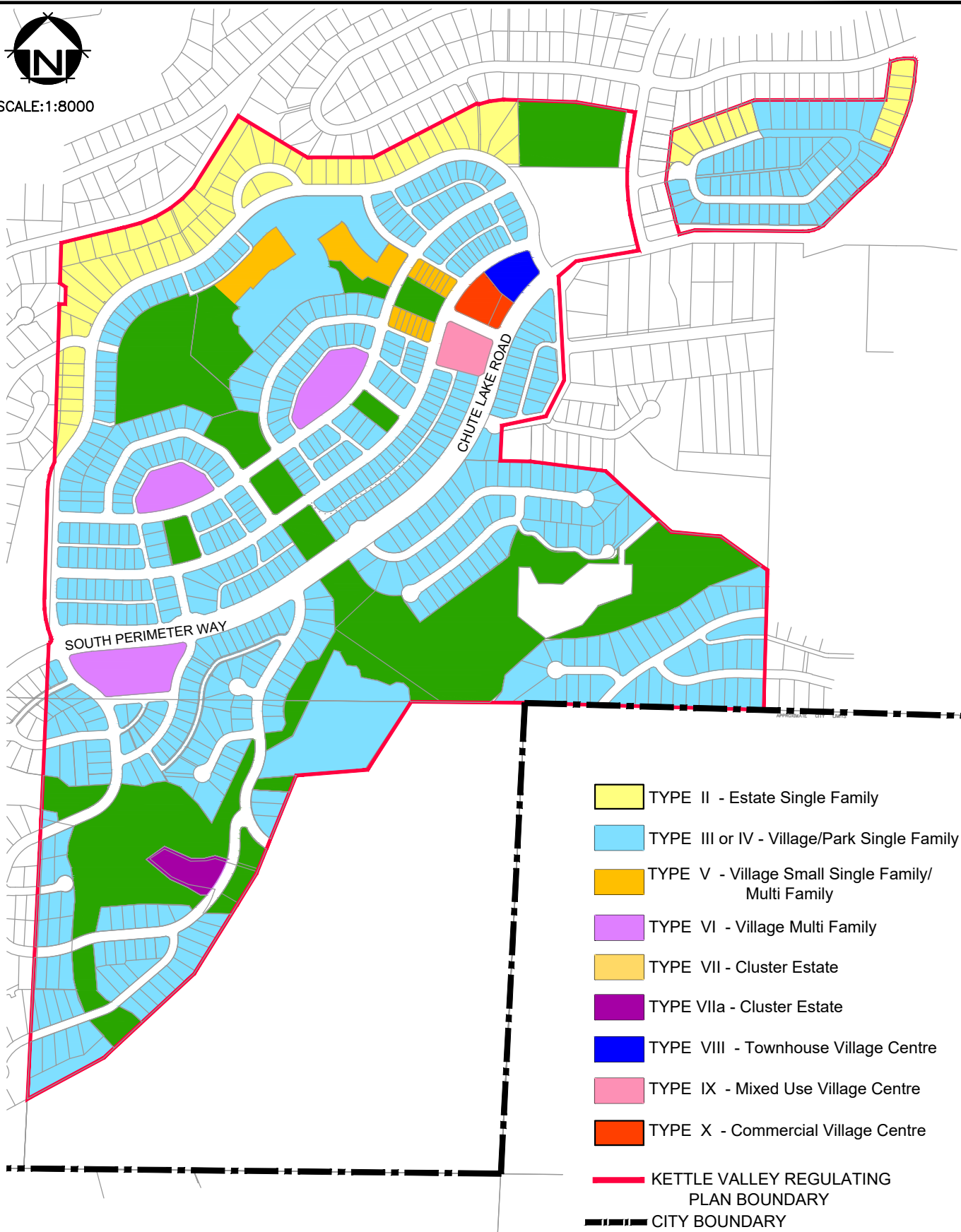













Rev. Monday, May 31, 2021





SCALE:1:8000



-  TYPE II - Estate Single Family
-  TYPE III or IV - Village/Park Single Family
-  TYPE V - Village Small Single Family/
Multi Family
-  TYPE VI - Village Multi Family
-  TYPE VII - Cluster Estate
-  TYPE VIIa - Cluster Estate
-  TYPE VIII - Townhouse Village Centre
-  TYPE IX - Mixed Use Village Centre
-  TYPE X - Commercial Village Centre
-  KETTLE VALLEY REGULATING
PLAN BOUNDARY
-  CITY BOUNDARY

KETTLE VALLEY REGULATING PLAN

Schedule A – CD2 – Kettle Valley Comprehensive Residential Development - Zoning Bylaw No. 8000 Text Amendments

Planner Initials VVM

No.	Section	Relevant Existing	Proposed	Explanation
1.	Schedule 'B' – Comprehensive Development Zones – CD2 – Kettle Valley Comprehensive Residential Development Kettle Valley Regulating Plan – Overview Map	Kettle Valley Regulating Plan – Overview Map (Mar 31/2020)	Kettle Valley Regulating Plan (June 9/2021)	Replace the existing map with the proposed map. To amend the subject property from Type III or IV to Type V, Type V to Type III or IV and Type VI to Type III or IV

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

Date: September 2 2020
File No.: TA20-0019
To: Land Use Management Department (WM)
From: Development Engineering Technologist (JF)
Subject: 410 Providence Ave Quilchina Residential Development Proposed 61 lots S.D.

The Development Engineering Branch comments and requirements regarding this application to Amend the Kettle Valley CD2 Type VI zone to the Kettle Valley CD-2 Type III, IV and V to accommodate a future subdivision

.1) General

- a) Provide a Pre-design report to address all offsite Utility and Transportation servicing including costs.
- b) PRIOR TO FINAL ADOPTION OF THE TEXT AMENDMENT BYLAW, a Predesign Report specific to this development is required to identify all offsite servicing needs in accordance with the Subdivision, Development and Servicing Bylaw. A Servicing Agreement for all offsite works required by this subdivision must be provided, along with Performance Security, before final adoption of the Text Amendment Bylaw.
- c) 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.

.2) Water

- a) The property is located within the City Water service area.
- b) For offsite works a Predesign Report is required complete with costs. Performance security and a Servicing Agreement will be required for offsite works. See comments in the "General" section.
- c) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. Provide water calculations for this subdivision to confirm this.

.3) Sanitary Sewer

- a) Provide a downstream sanitary sewer main flow analysis check for the proposed development.

.4) Drainage

- a) A Predesign report is required that addresses how Storm water Management will be dealt with. For offsite works, performance security and a Servicing Agreement will be required prior to rezoning. See comments in the "General" section.

.5) Roads

- a) Design Local roads and Lanes in accordance to City of Kelowna standards.
- b) For all offsite works, design drawings, a construction cost estimate, performance security and a servicing agreement will be required.

.6) 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 from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**

.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
- a) Street lights must be installed on all roads.

.8) Other Engineering Comments

- 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

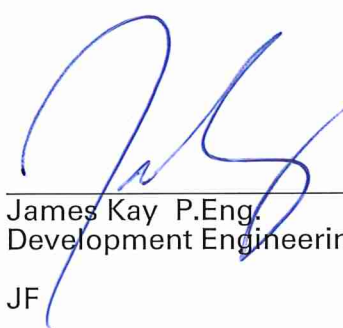
- b) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- c) If any road dedication affects lands encumbered by a Utility right-of-way, please obtain the approval of the utility prior to application for final subdivision 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 Engineer.

.9) Charges and Fees

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

ESA#	Front ender	Component	Anniversary (rates change)	*Rate/unit \$
14				
Available EDU's 129.5	<i>Kettle Valley</i>	<i>Adams Reservoir</i>	<i>Sept. 29 2020</i>	<i>\$4,477.00</i>

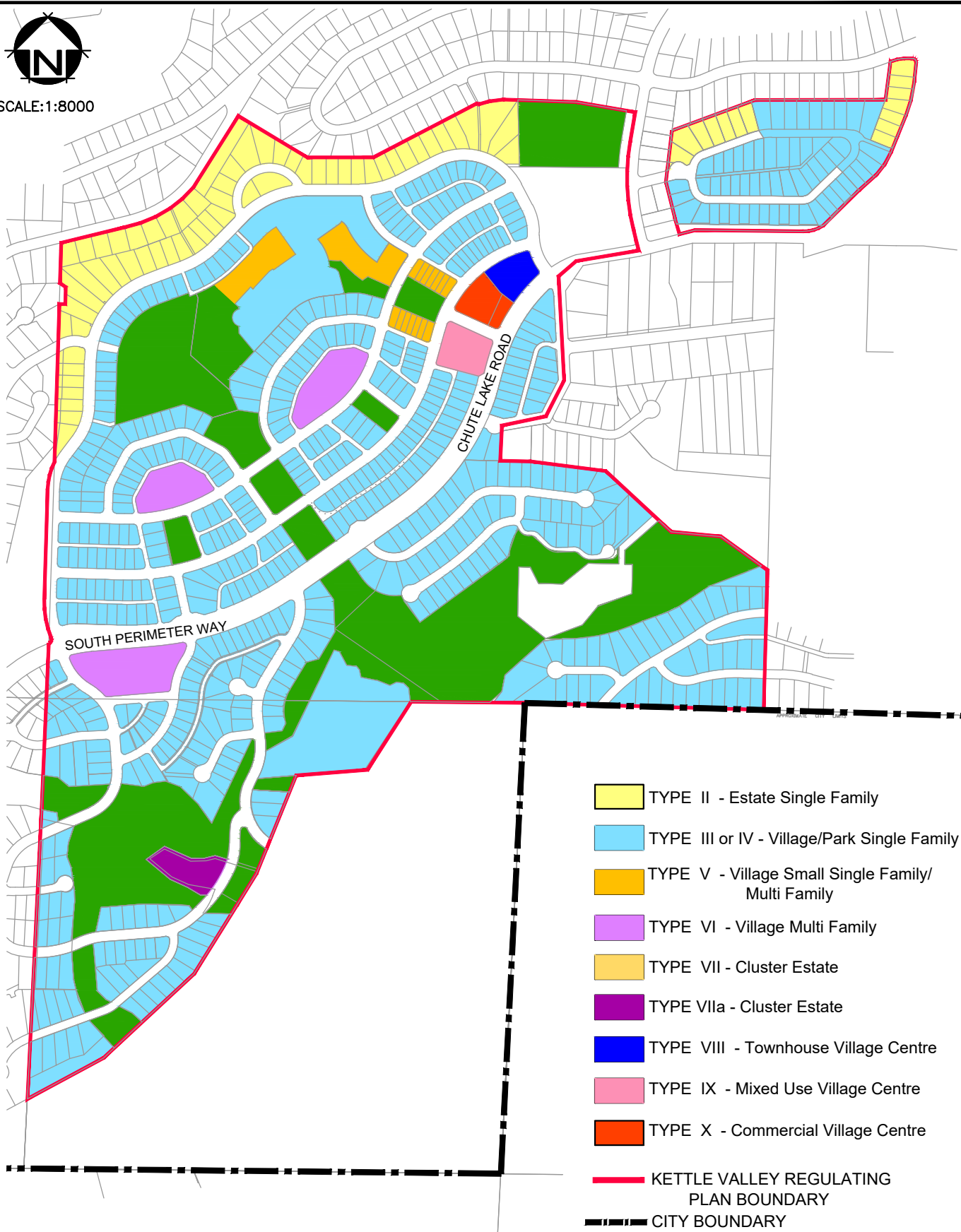
*(these fees are to be confirmed at time of subdivision)














 James Kay P.Eng.
 Development Engineering Manager
 JF



SCALE:1:8000



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-  TYPE V - Village Small Single Family/
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-  TYPE VII - Cluster Estate
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-  TYPE X - Commercial Village Centre
-  KETTLE VALLEY REGULATING
PLAN BOUNDARY
-  CITY BOUNDARY

KETTLE VALLEY REGULATING PLAN



KETTLE VALLEY LEGACY NEIGHBOURHOOD










Zoning Bylaw Text Amendment Application

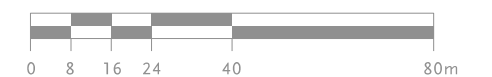
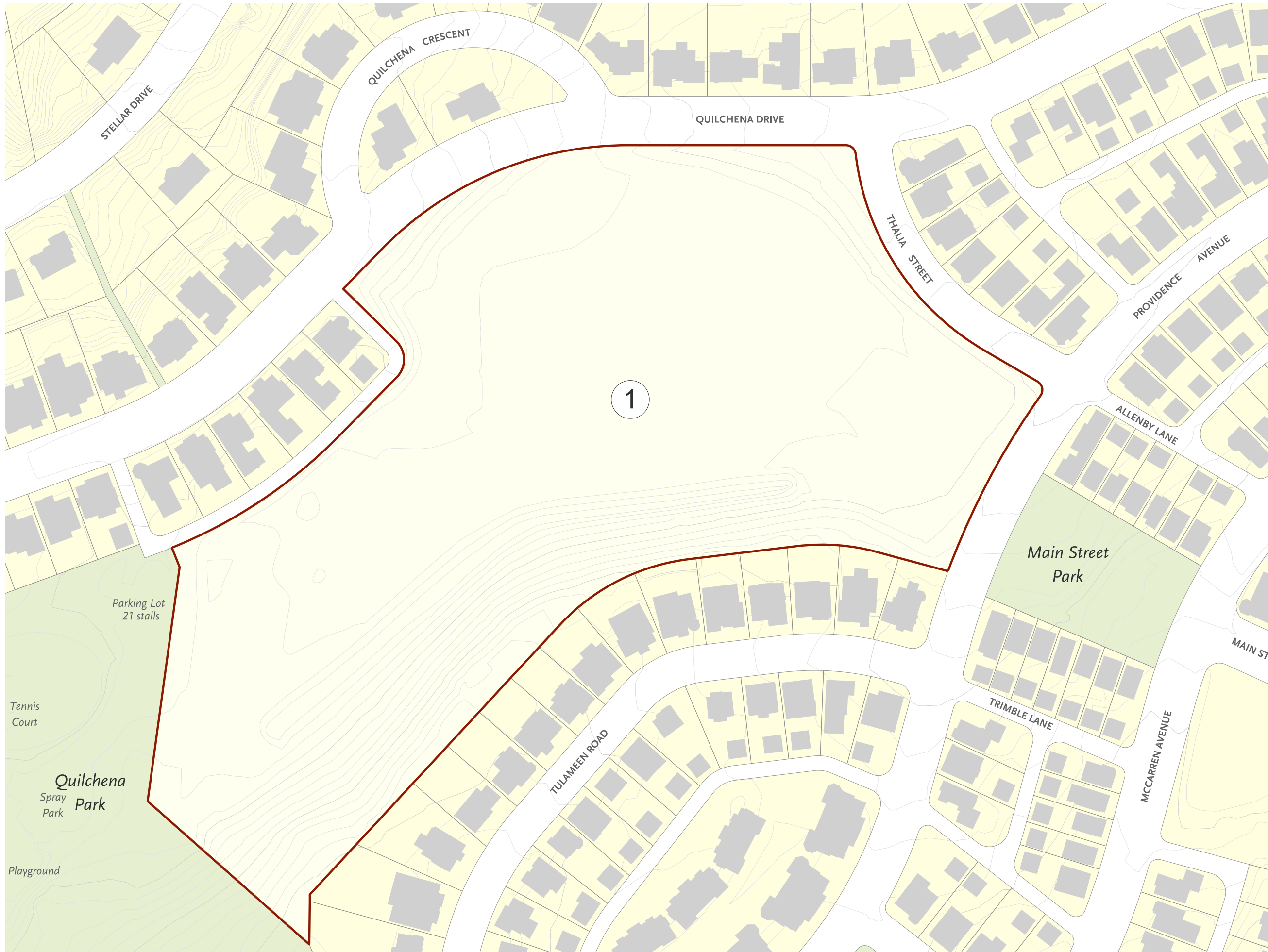
July 2020

Legacy Neighbourhood LEGAL PARCEL PLAN

LEGEND









JUNE 2020





-  Site Boundary 5.71 ha / 14.11 ac
-  Legal Property Lines
-  5m Contour
-  1m Contour
-  5m Development Setback
-  Existing Homes
-  Existing Lots
-  Existing Parks
-  ① Lot 1, Section 23, Township 28, Regional District of Central Okanagan, Plan KAP85435

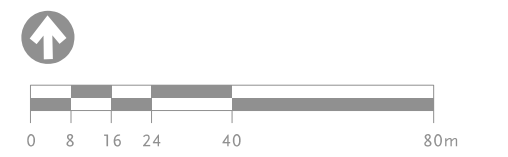
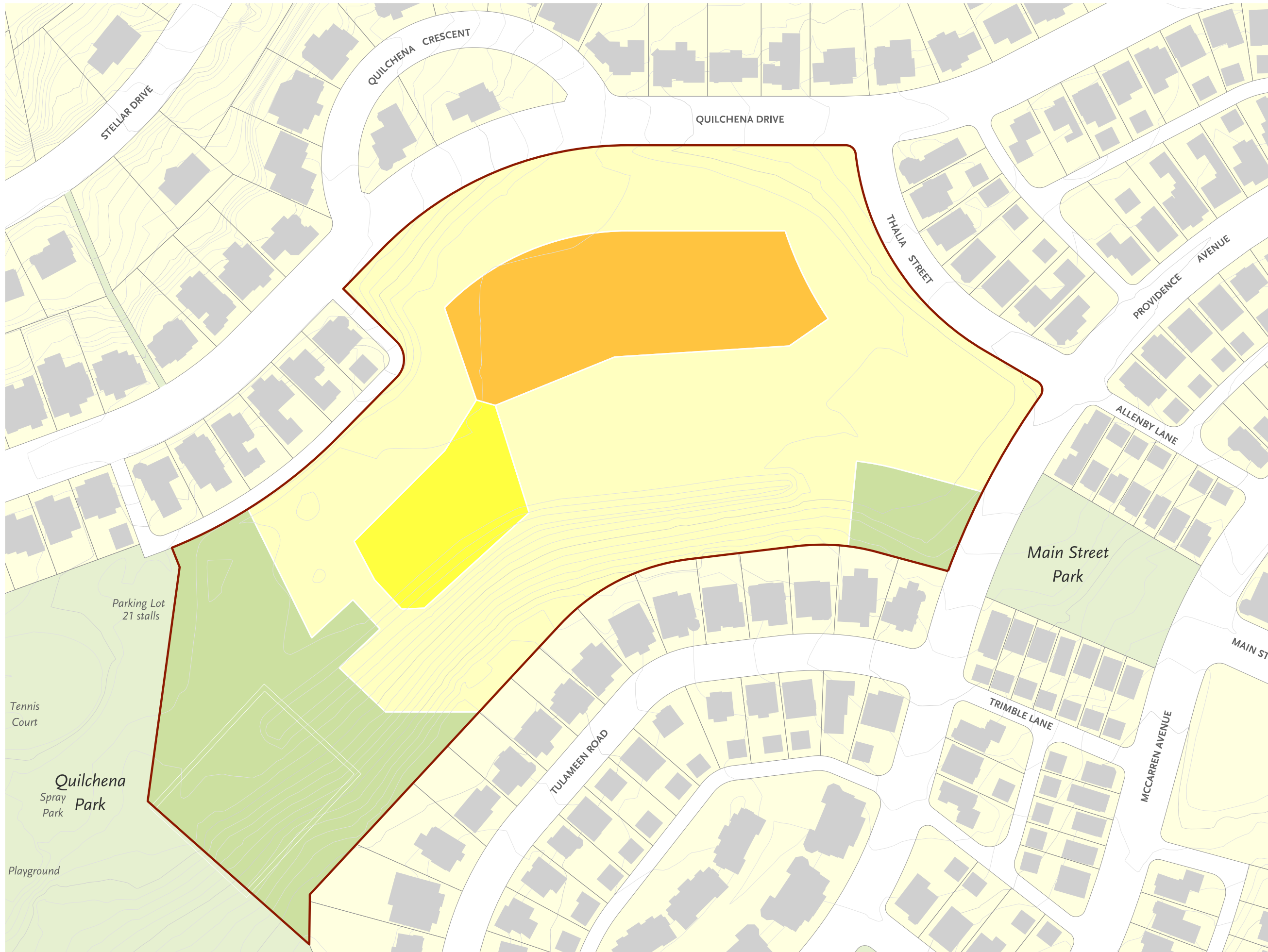


Legacy Neighbourhood CURRENT CD2 LAND USE

LEGEND JUNE 2020

-  Site Boundary 5.71 ha / 14.11 ac
-  Legal Property Lines
-  5m Contour
-  1m Contour
-  5m Development Setback
-  Existing Homes
-  Existing Lots
-  Existing Parks

- CD2 ZONE
-  Type 3 + 4 | Village/Park Single Family
 -  Type 5 | Village Small Single Family/Multi-Family
 -  Type 6 | Village Multi-Family
 -  Park + Greenway









KETTLE VALLEY'S FINAL PHASE

THE LEGACY NEIGHBOURHOOD

- Having launched the success of Kettle Valley through EKISTICS new urbanist Masterplan in 1994, Kettle Valley has re-engaged EKISTICS to undertake the design of the community's the final phase.
- Through its 25 years, Kettle Valley has won numerous awards including "Best Community in Canada" and remains a landmark community in the Okanagan.
- Kettle Valley has enjoyed great success due to its commitment to the original Masterplan, creating a community that residents are proud to be a part of.
- With Kettle Valley's success, \$1M homes have become common - often pricing out the families Kettle Valley seeks to attract.
- The Legacy Neighbourhood is Kettle Valley's final phase, and provides an opportunity to complete the community with homes for everyone in the heart of Kettle Valley.

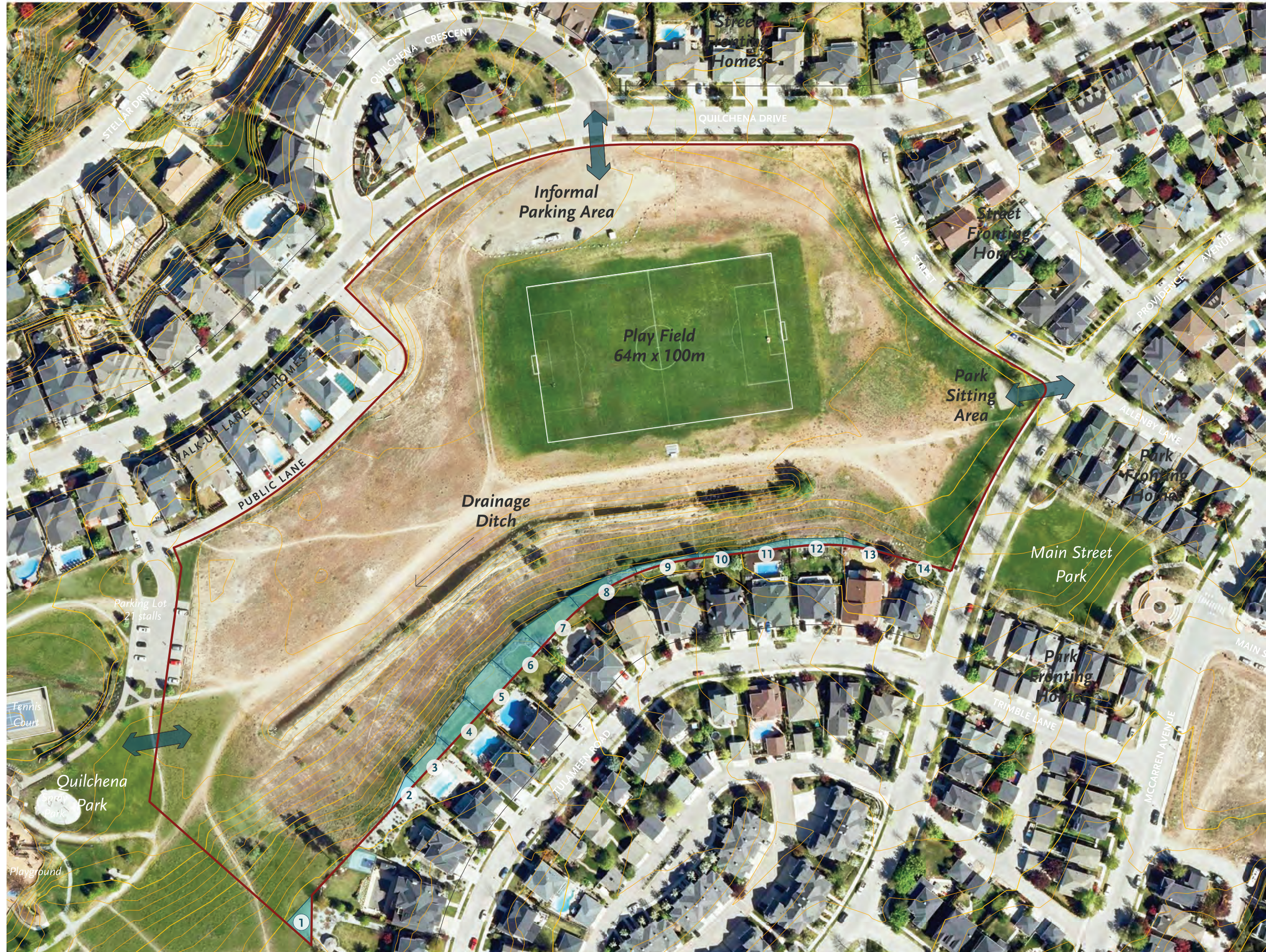


AERIAL ANALYSIS

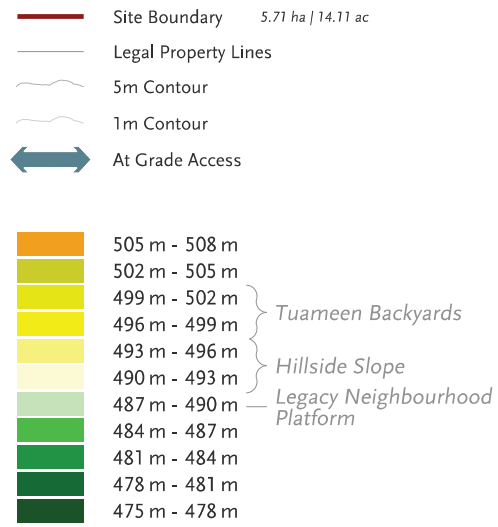
-  Site Boundary 5.71 ha | 14.11 ac
-  Legal Property Lines
-  5m Contour
-  1m Contour
-  At Grade Access
-  Areas of Encroachment

TULAMEEN ROAD HOMESITE ENCROACHMENT







LOT NUMBER	AREA	DEPTH
①	105.34 m ²	5.17 m
②	39.34 m ²	2.53 m
③	108.21 m ²	5.12 m
④	155.34 m ²	8.18 m
⑤	210.80 m ²	11.26 m
⑥	188.20 m ²	11.08 m
⑦	195.75 m ²	8.36 m
⑧	127.94 m ²	5.48 m
⑨	47.15 m ²	1.56 m
⑩	30.29 m ²	1.70 m
⑪	50.10 m ²	2.51 m
⑫	61.98 m ²	2.63 m
⑬	32.43 m ²	0.70 m
⑭	2.17 m ²	0.35 m
TOTAL	1,355.04 m²	








LANDFORM ANALYSIS







SLOPE ANALYSIS

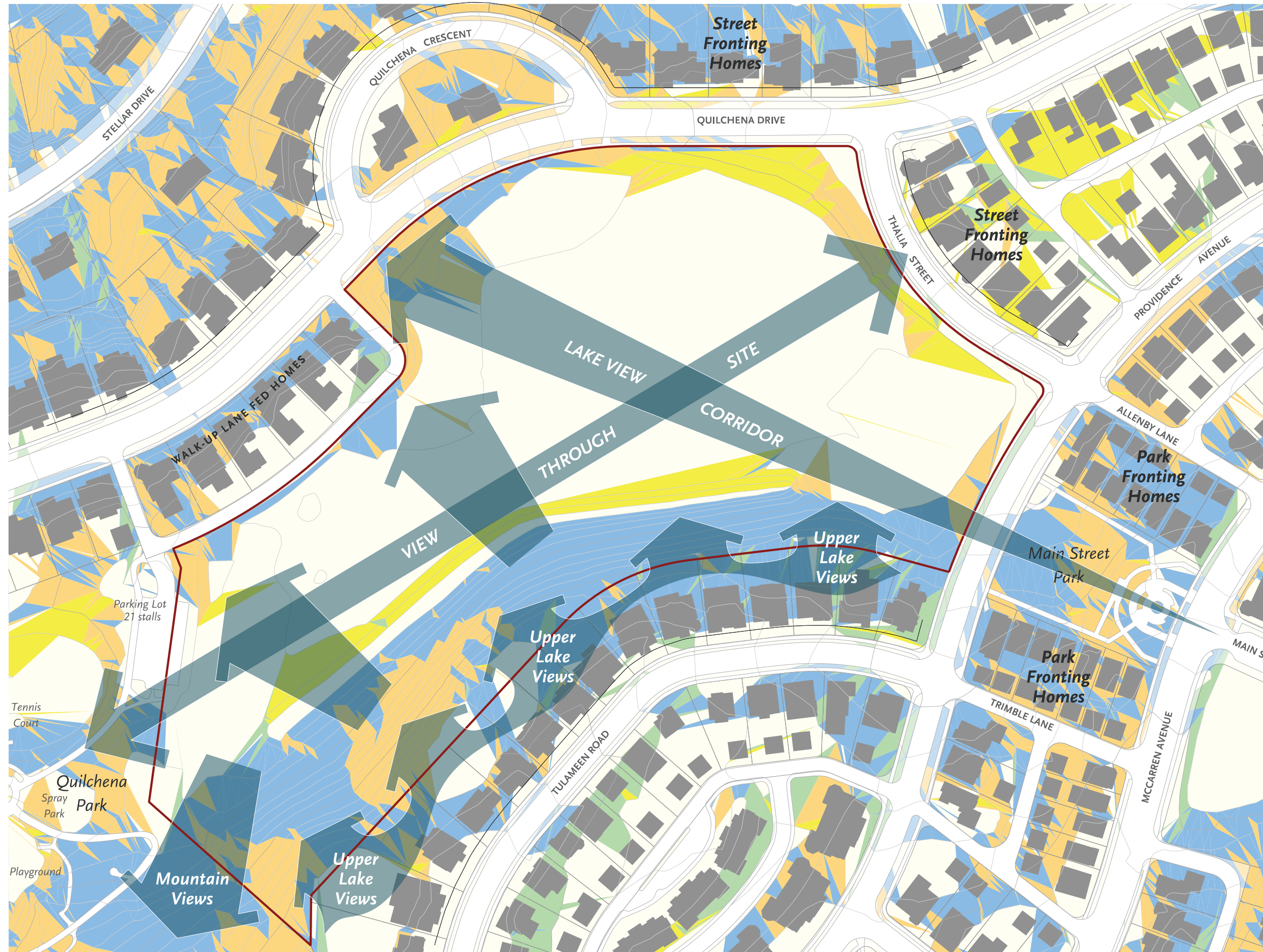
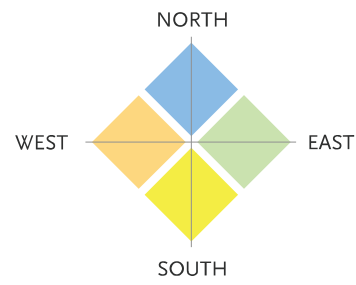
-  Site Boundary 5.71 ha | 14.11 ac
-  Legal Property Lines
-  5m Contour
-  1m Contour
-  At Grade Access
-  Average Natural Grade

-  0 - 10% Slope | Flat
-  10 - 20% Slope | Gentle
-  20 - 30% Slope | Moderate
-  30 - 40% Slope | Steep
-  +40% Slope | Extreme











ASPECT ANALYSIS

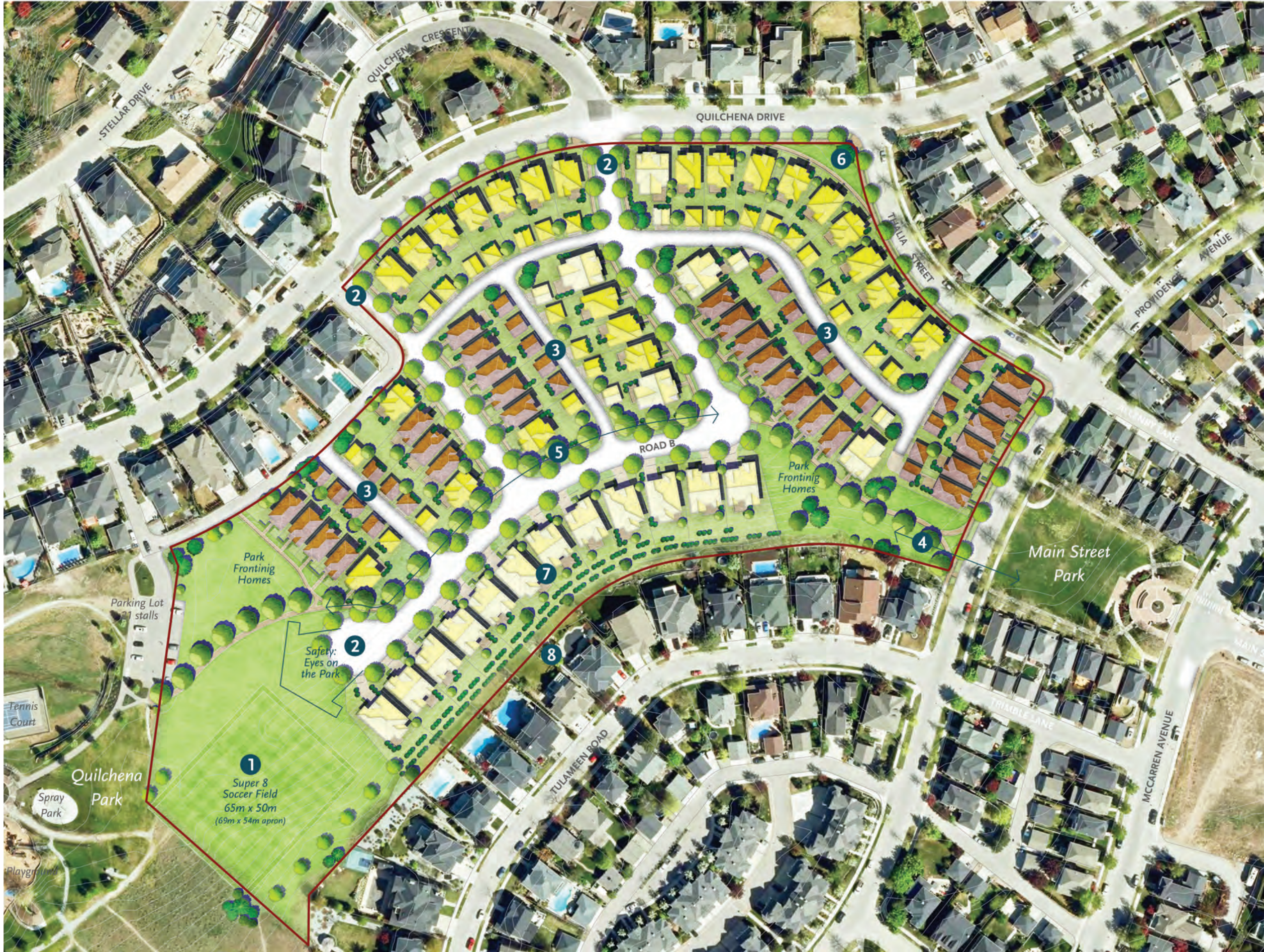
-  Site Boundary 5.71 ha | 14.11 ac
-  Legal Property Lines
-  5m Contour
-  1m Contour
-  Significant Views














ILLUSTRATIVE PLAN

-  Site Boundary 5.71 ha | 14.11 ac
-  Legal Property Lines
-  5m Contour
-  1m Contour
-  5m Development Setback
-  Existing Homes
-  Existing Lots
-  Existing Parks

- 1** Super 8 Soccer Field adjacent to Quilchena Park
- 2** Looping Entrance Street with cul-de-sac extension
- 3** Predominant use of lane-fed homes allows mix of lot sizes
- 4** Greenway extension to Main Street Park
- 5** 5m Greenway through site to Quilchena Park to maintain pedestrian flow
- 6** Expanded Landscaped Boulevard Green with fronting homes
- 7** Single row of walk-up street access homes retain slopes
- 8** Existing views preserved with 5m Encroachment Buffer



DEVELOPMENT YIELD PLAN

	Site Boundary	5.71 ha 14.11 ac	
	Legal Property Lines		
	5m Contour		
	1m Contour		
	5m Development Setback		
	Existing Homes		
	Existing Lots		
	Existing Parks		
	Development Area	3.30 ha 8.15 ac	
	Park + Greenway	1.42 ha 3.51 ac	
	Public Road ROW	0.99 ha 2.45 ac	
	100%	5.71 ha 14.11 ac	
		Street:	412 lin. m
		6.0m Lane:	236 lin. m
		7.5m Lane:	233 lin. m

	10m x 35m Lane Access Lots	26
	13m x 35m Lane Access Lots	24
	16m x 35m Lane Access Lots	5
	16m x 35m Street Access Lots	12
		67

- 1** Super 8 Soccer Field adjacent to Quilchena Park
- 2** Looping Entrance Street with cul-de-sac extension
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- 4** Greenway extension to Main Street Park
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

PARKS + TRAILS PLAN






-  Site Boundary 5.71 ha | 14.11 ac
-  Legal Property Lines
-  5m Contour
-  1m Contour
-  5m Development Setback
-  Existing Homes
-  Existing Lots
-  Existing Parks

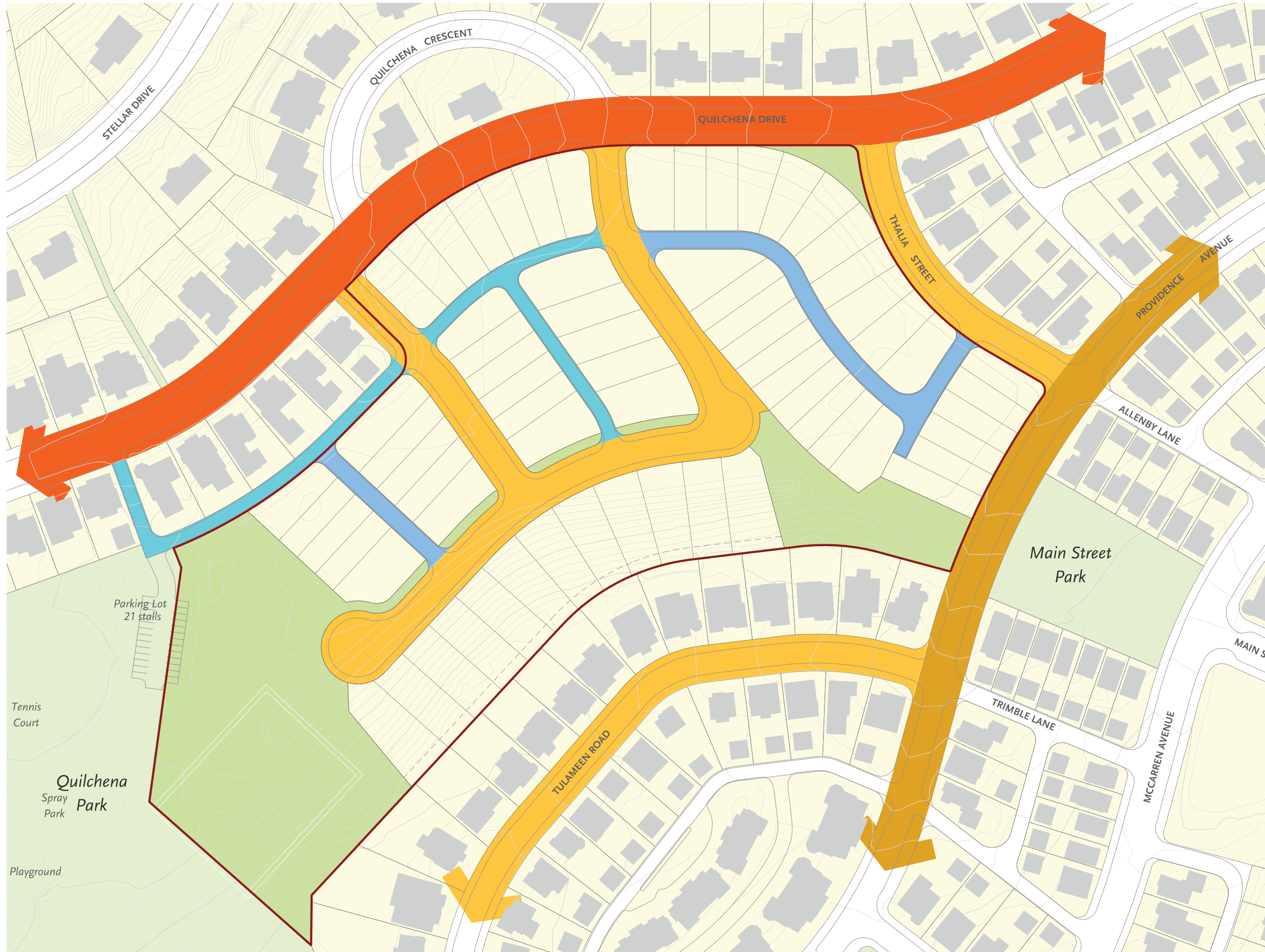
-  Development Area
-  Park + Greenway
-  Public Road ROW
-  Existing Park Pathway | 2.0m
-  Proposed Greenway Path | 2.0m
-  Proposed Park Pathway | 1.5m
-  Sidewalk | 1.5m



STREET HIERARCHY PLAN









-  Site Boundary 5.71 ha | 14.11 ac
-  Legal Property Lines
-  5m Contour
-  1m Contour
-  5m Development Setback
-  Existing Homes
-  Existing Lots
-  Existing Parks




-  Collector Street | 20.0m
-  Minor Collector Street | 18.0m
-  Local Street | 15.0m
-  Access Lane | 7.5m
-  Lane | 6.0m

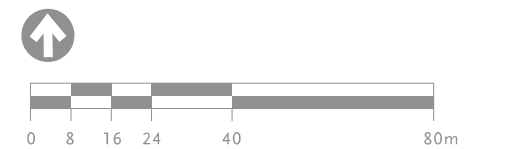
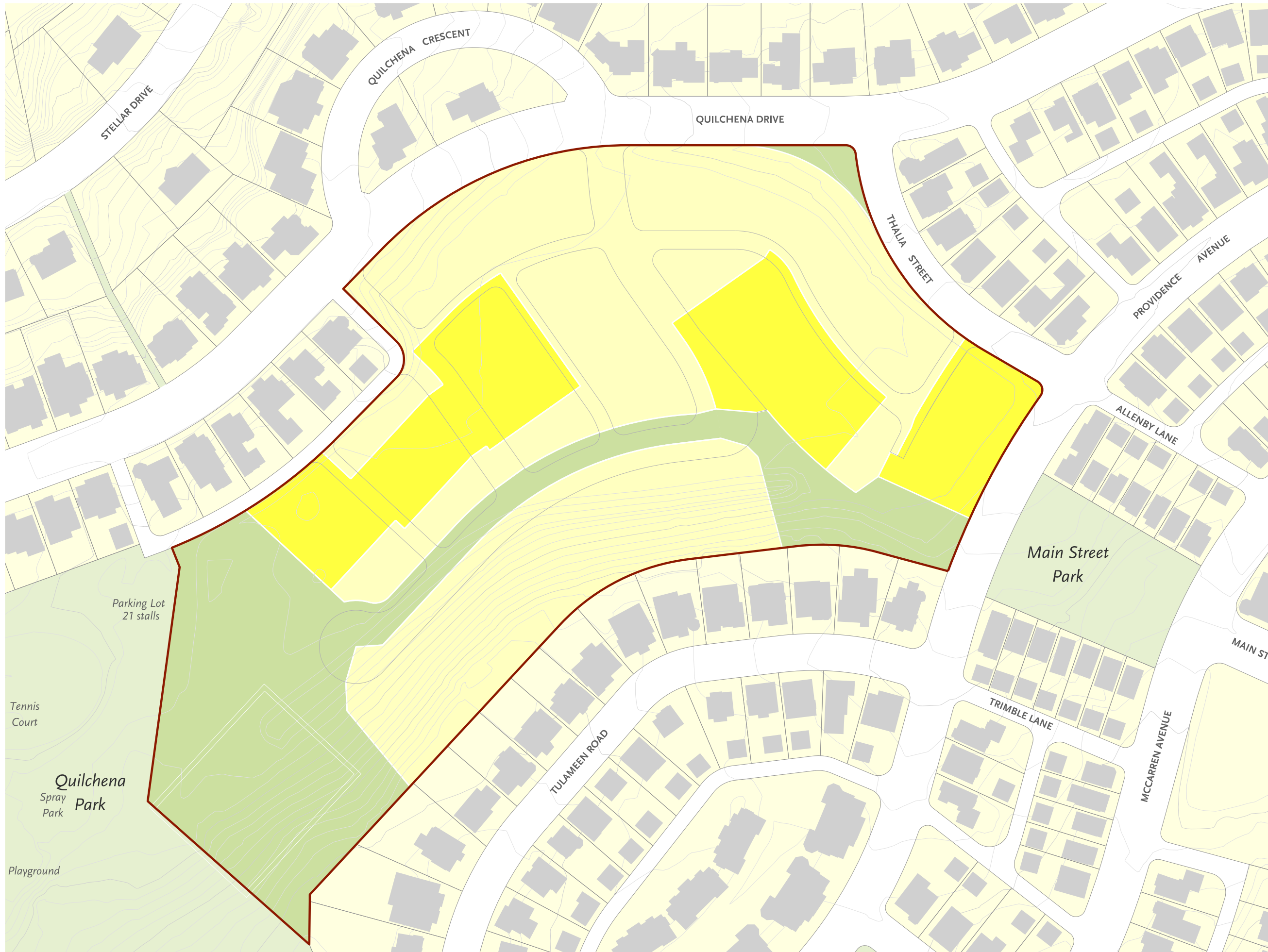


Legacy Neighbourhood
PROPOSED CD2 LAND USE

LEGEND JUNE 2020










-  Site Boundary 5.71 ha / 14.11 ac
-  Legal Property Lines
-  5m Contour
-  1m Contour
-  5m Development Setback
-  Existing Homes
-  Existing Lots
-  Existing Parks

- CD2 ZONE
-  Type 3 + 4 | Village/Park Single Family
 -  Type 5 | Village Small Single Family/Multi-Family
 -  Park + Greenway

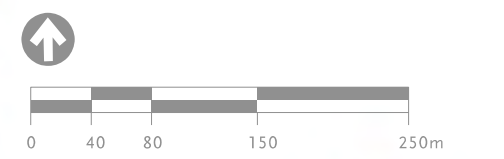


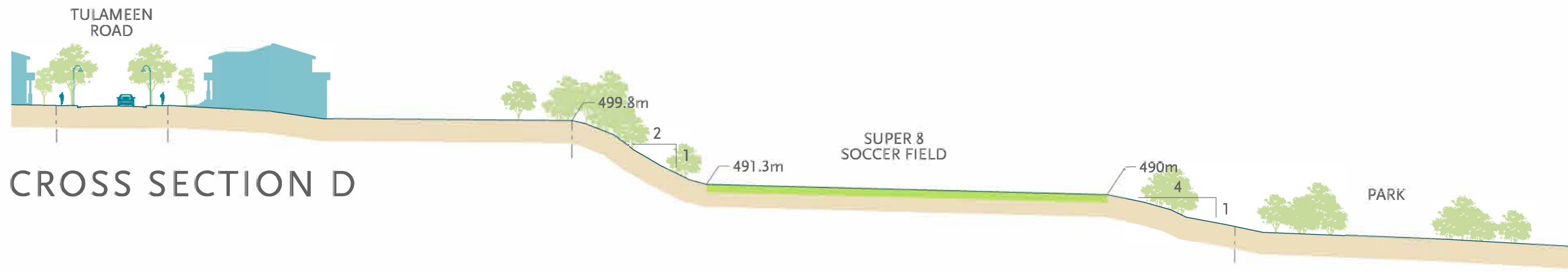
Legacy Neighbourhood
REZONING
ILLUSTRATIVE CONCEPT

LEGEND DECEMBER 2020

-  Site Boundary 5.71 ha / 14.11 ac
-  400m | 5min Radius Walking Distance
-  Legal Property Lines
-  5m Contour
-  1m Contour
-  5m Development Setback
-  Existing Homes
-  Existing Lots
-  Existing Parks

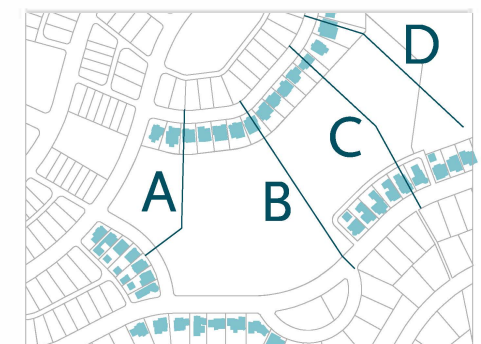
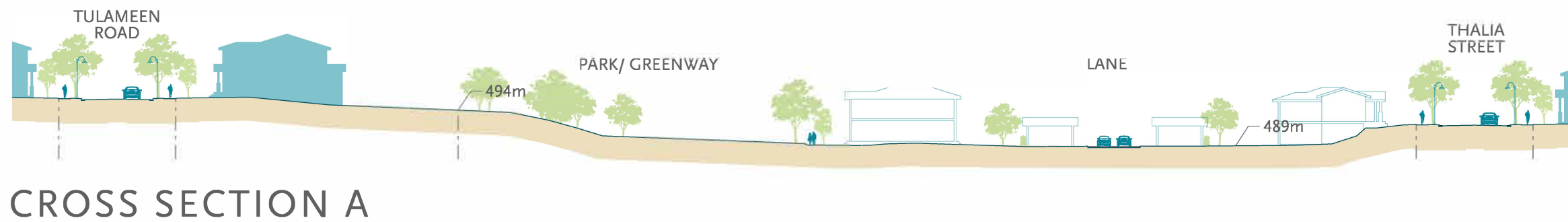
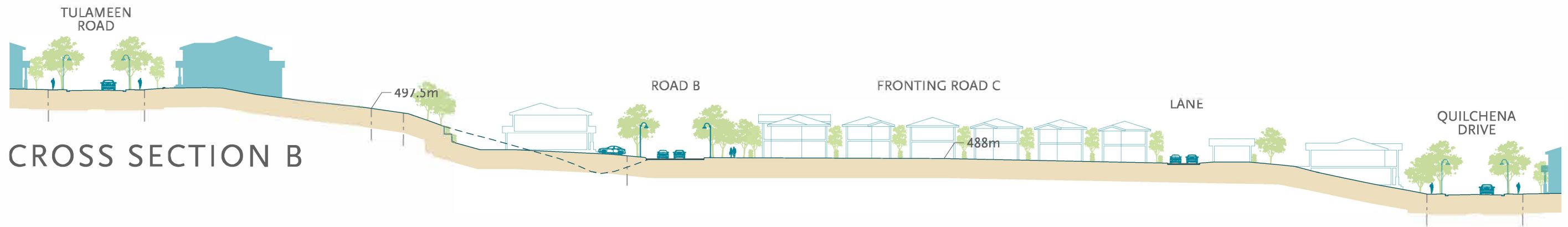
-  Super 8 Soccer Field adjacent to Quilchena Park
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-  Expanded Landscaped Boulevard Green with fronting homes
-  Single row of walk-up street access homes retain slopes
-  Existing views preserved with 5m Encroachment Buffer





SITE CROSS SECTIONS

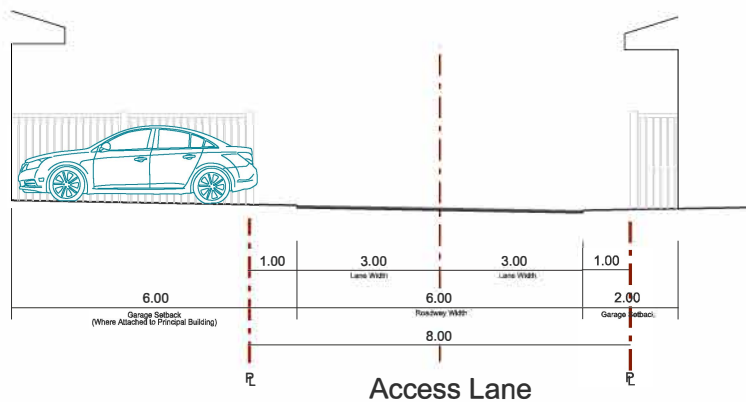
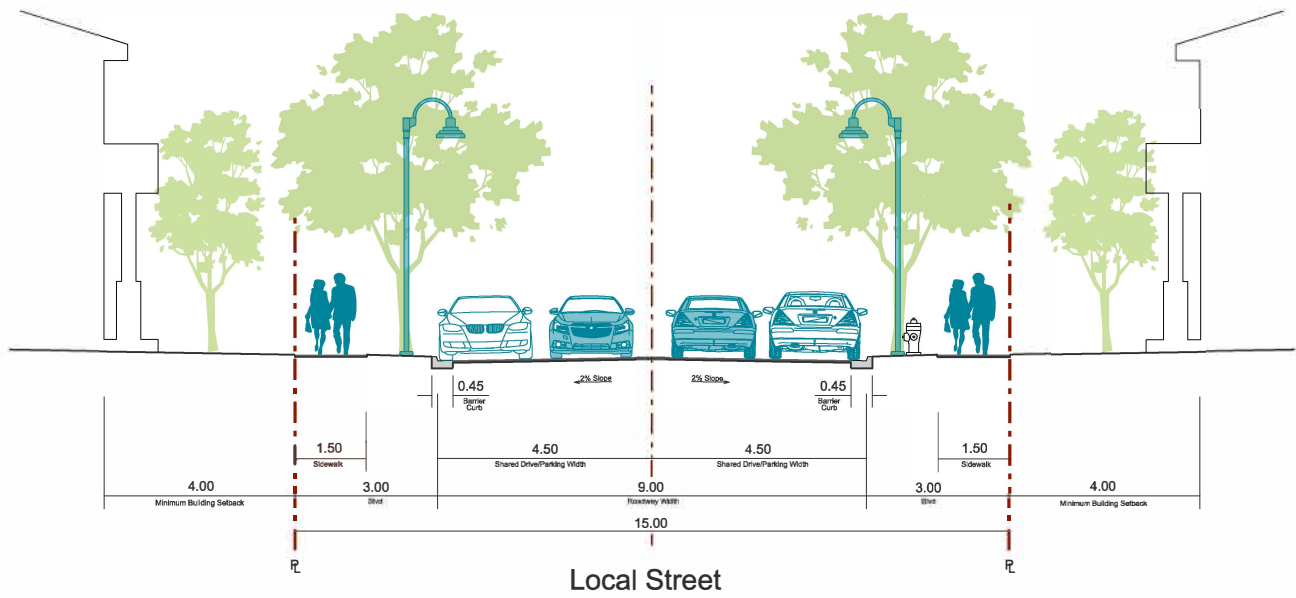
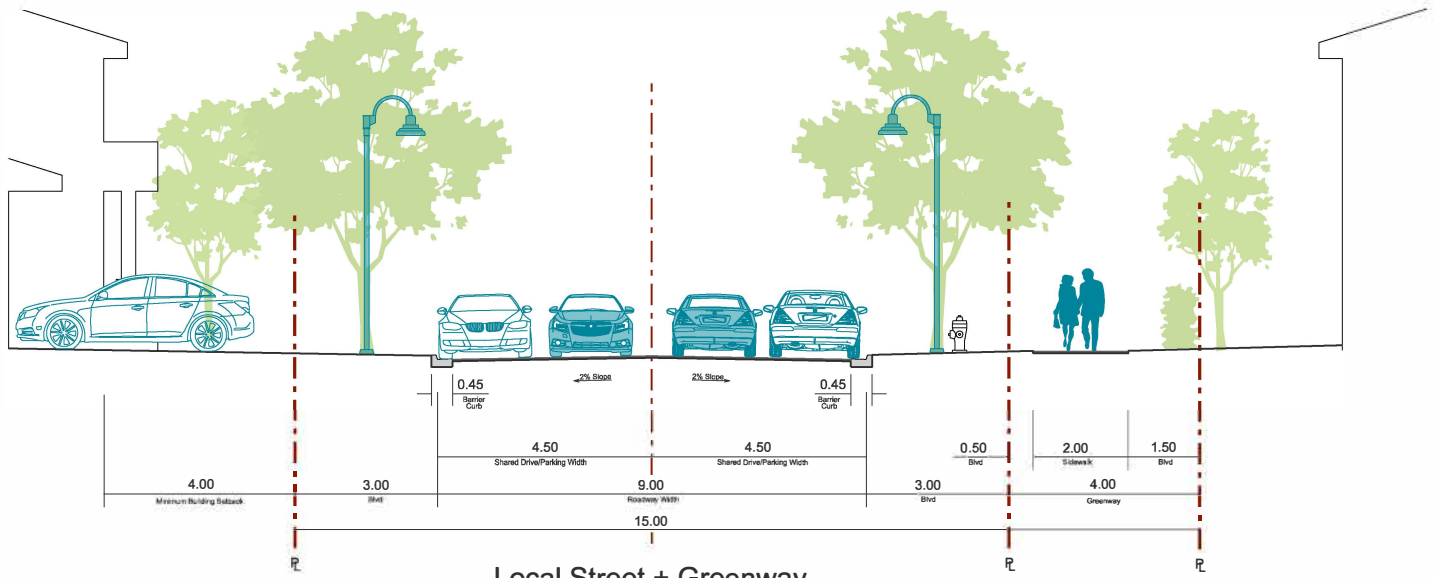
LEGEND OCTOBER 2020



Kettle Valley | Kelowna BC

Existing + Proposed Street Standards

October 2020





OCP 20-0017 & TA 20-0019 410 Providence Avenue

OCP Amendment & Text Amendment Application

Proposal

- ▶ To amend the Official Community Plan designation from the EDINST - Educational/Major Institutional to the S2RES – Single/Two Unit Residential designations and to consider a Text Amendment application to the Kettle Valley CD-2 zone, for 410 Providence Avenue to go from the Kettle Valley CD-2 Type VI to the Kettle Valley CD-2 Type III, IV and V to accommodate a future subdivision of 67 single family homes

Development Process

June 30 , 2020

Development Application Submitted

Staff Review & Circulation

May 13, 2021

Public Notification Received

June 17, 2021

Initial Consideration

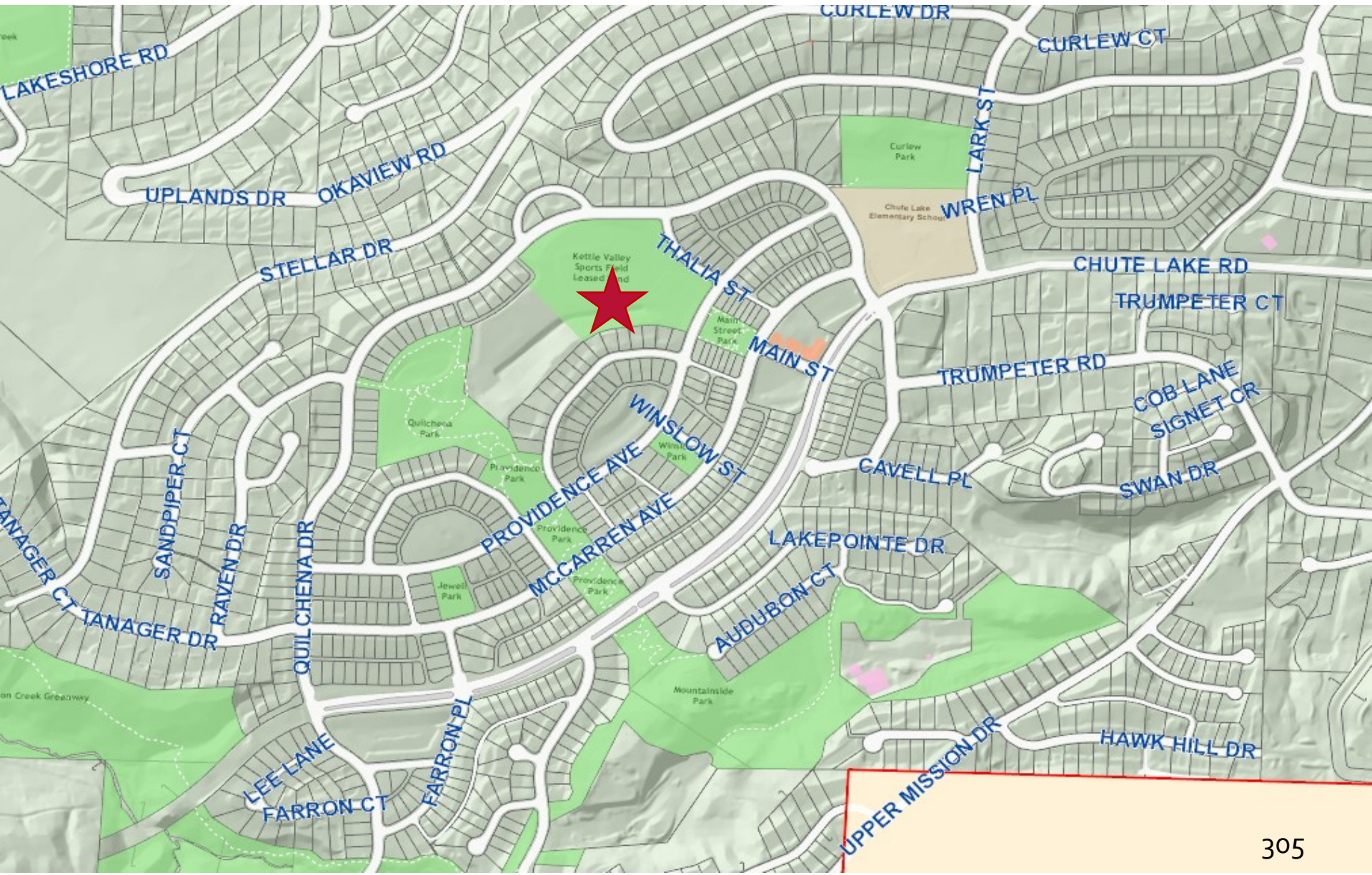
Public Hearing
Second & Third Readings

Final Reading

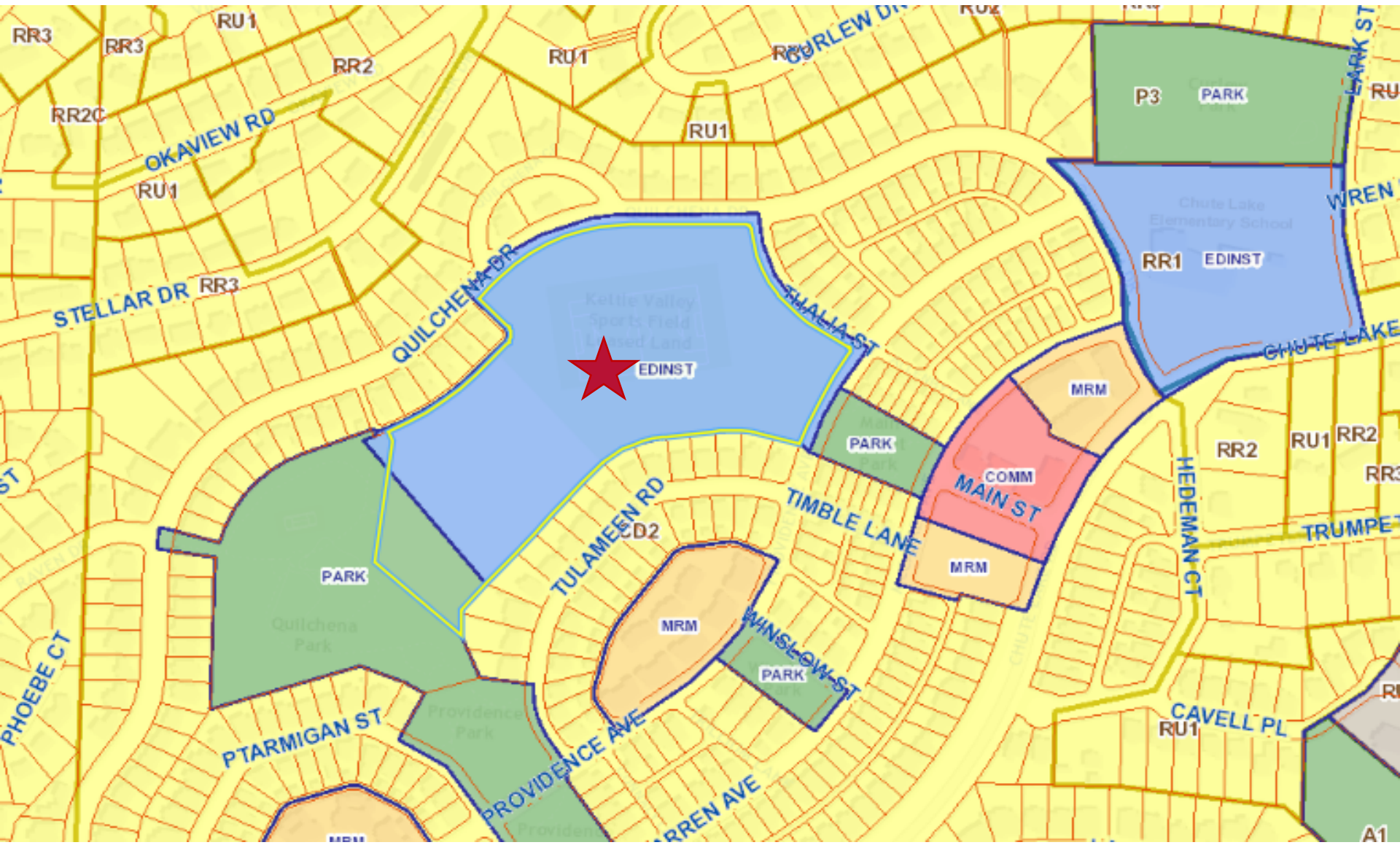
Subdivision and
Building Permit

Council
Approvals

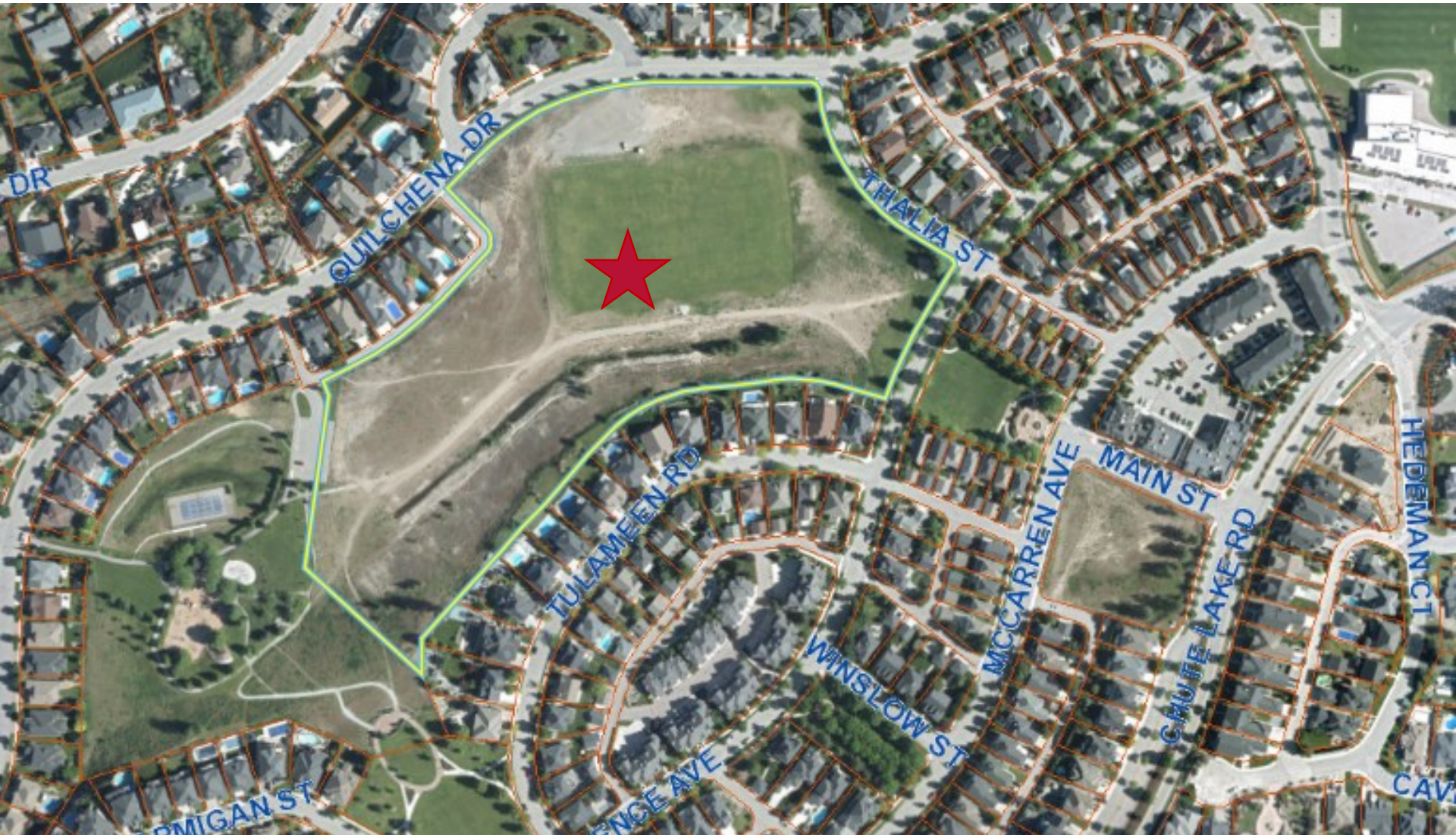
Context Map



OCP Future Land Use / Zoning



Subject Property Map



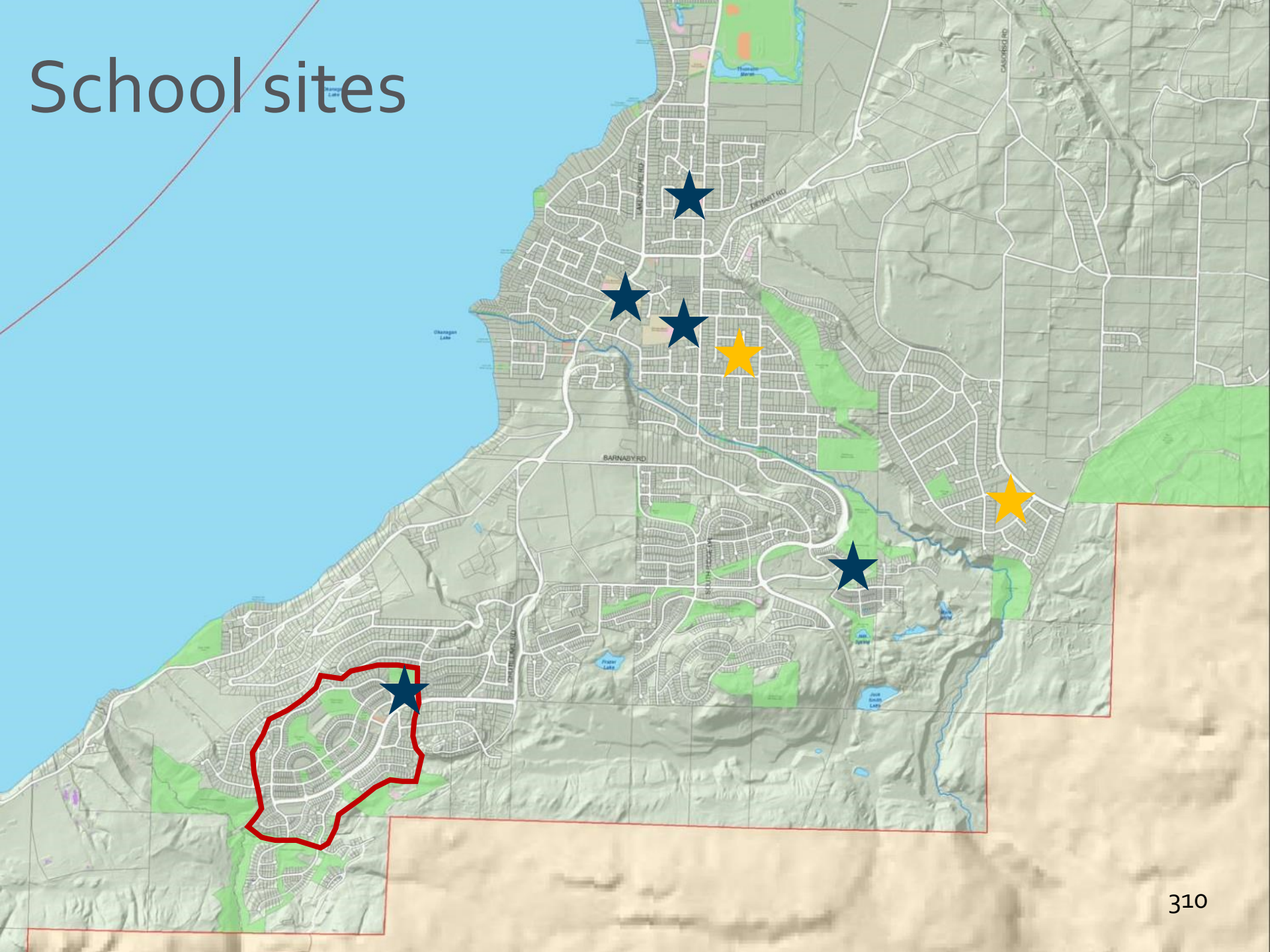
Site Photo



Background

- ▶ Kettle Valley CD Maximum Density
 - ▶ 1028 total units permitted
 - ▶ Approximately 800 constructed
- ▶ Soccer Field
 - ▶ 1998 a partnership between the developer and the City brought about the public soccer field.
- ▶ School District
 - ▶ 2015 an agreement was made with Kettle Valley Ltd to withdraw their option to purchase and relinquish all further rights in the property.
- ▶ 2016 Application
 - ▶ 82 Single Family and Multifamily units
 - ▶ 2.9 acres of parkland and full size soccer field

School sites

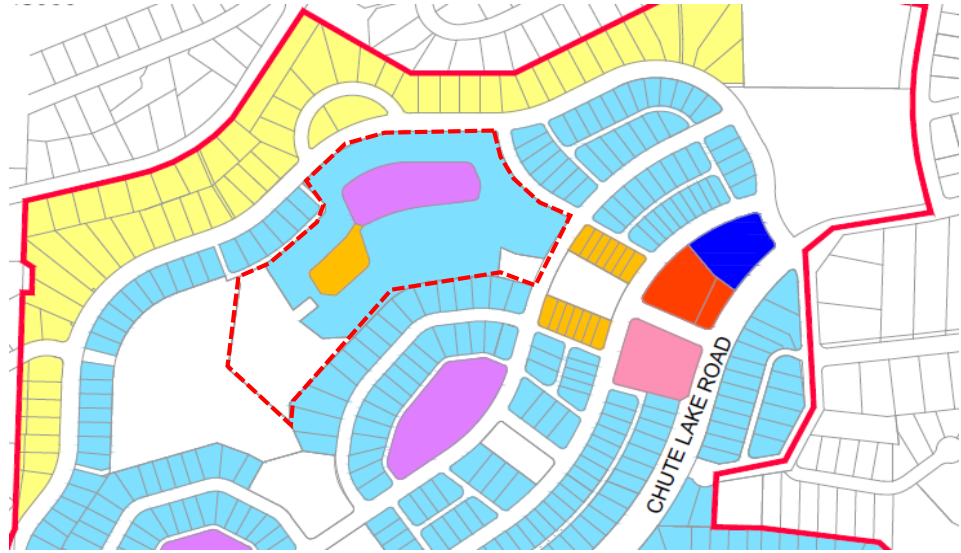


Project Details

- ▶ 67 Single Family Residential Lots
 - ▶ Range in size from 350 m² – 560 m²
 - ▶ 55 lots lane access with garage
 - ▶ 12 lots road fronting
- ▶ Park space totals approximately 3.5 acres in size which is about 25% of the total property
 - ▶ Includes a 65 m x 50 m Super 8 Soccer Field
 - ▶ The two park open space areas will be connected by a multi-use path greenway to provide connectivity
- ▶ No Variances proposed at this time.

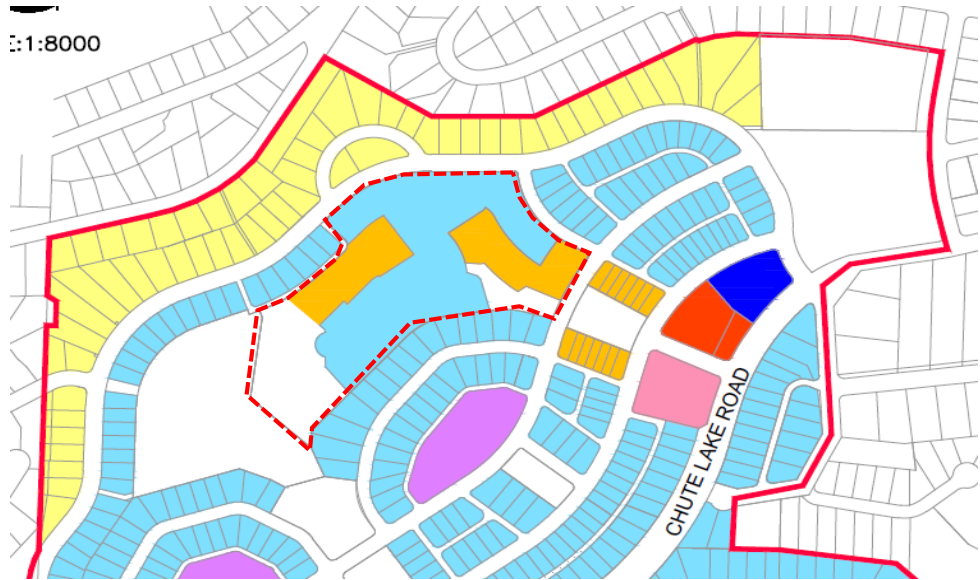
Existing CD2 Land Use

- TYPE III or IV - Village/Park Single Family
- TYPE V - Village Small Single Family/
Multi Family
- TYPE VI - Village Multi Family



Proposed CD2 Land Use

- TYPE III or IV - Village/Park Single Family
- TYPE V - Village Small Single Family/
Multi Family



Overview & Conceptual Site Plan



Proposed Subdivision Layout

DEVELOPMENT YIELD PLAN

	Site Boundary	5.71 ha / 14.17 ac
	Legal Property Lines	
	5m Contour	
	1m Contour	
	5m Development Setback	
	Existing Homes	
	Existing Lots	
	Existing Parks	
	Development Area	3.30 ha / 8.15 ac
	Park + Greenway	7.42 ha / 18.51 ac
	Public Road ROW	0.99 ha / 2.45 ac
	Street:	412 lin. m
	6.0m Lane:	236 lin. m
	7.5m Lane:	233 lin. m
	100%	5.71 ha / 14.17 ac

	10m x 35m Lane Access Lots	26
	13m x 35m Lane Access Lots	24
	16m x 35m Lane Access Lots	5
	16m x 35m Street Access Lots	12
		67

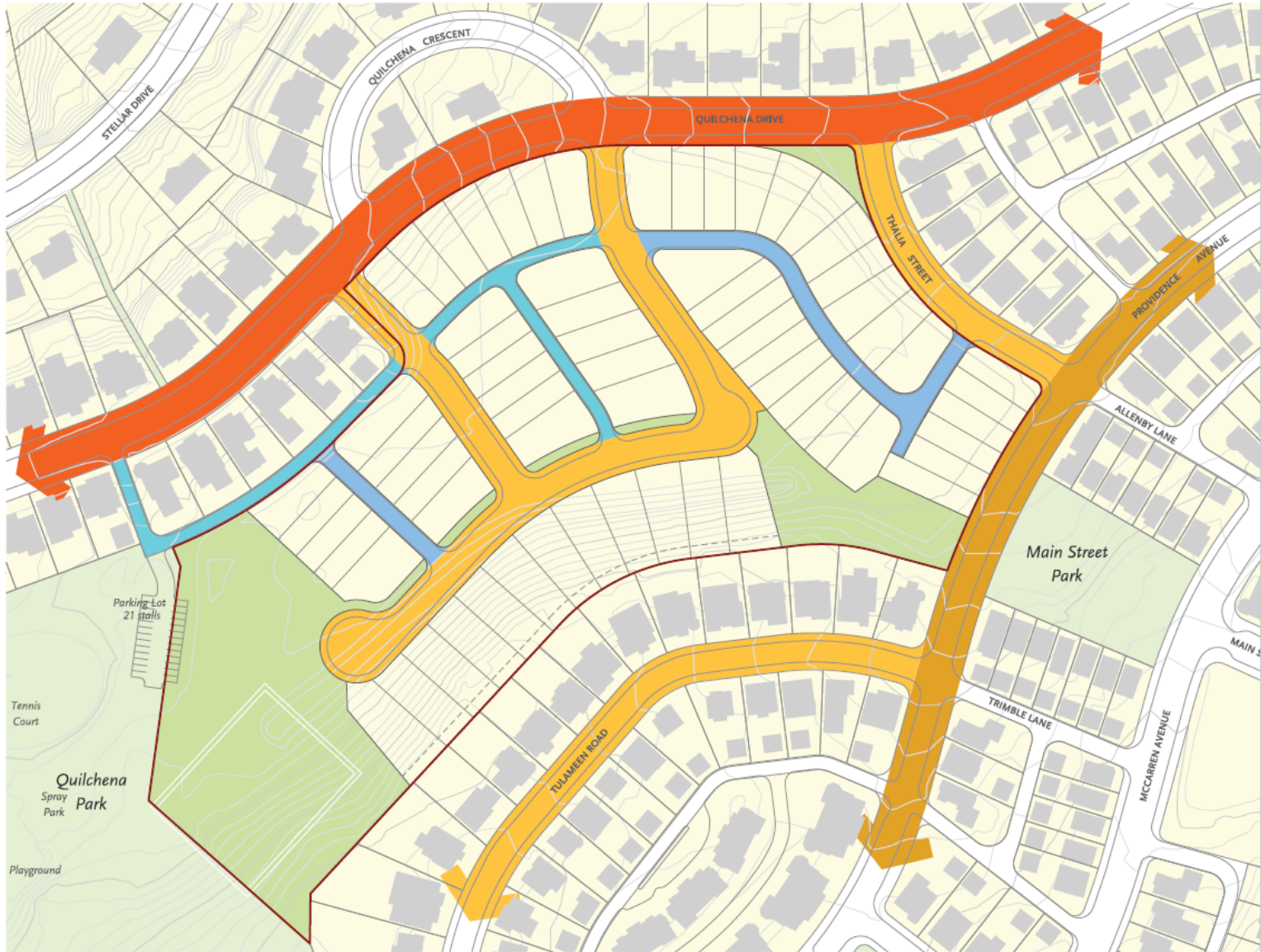
- 1** Super 8 Soccer Field adjacent to Quilchena Park
- 2** Looping Entrance Street with cul-de-sac extension
- 3** Predominant use of lane-fronted homes allows mix of lot sizes
- 4** Greenway extension to Main Street Park
- 5** 5m Greenway through site to Quilchena Park to maintain pedestrian flow
- 6** Expanded Landscaped Boulevard Green with fronting homes
- 7** Single row of walkup street access homes retain slopes
- 8** Existing streets preserved with 5m Encroachment Buffer



Road Network












STREET HIERARCHY PLAN

- Site Boundary 5.71 ha / 14.11 ac
- Legal Property Lines
- 5m Contour
- 1m Contour
- 5m Development Setback
- Existing Homes
- Existing Lots
- Existing Parks
- Collector Street | 20.0m
- Minor Collector Street | 18.0m
- Local Street | 15.0m
- Access Lane | 7.5m
- Lane | 6.0m



Slope Analysis

SLOPE ANALYSIS

-  Site Boundary 5.71 ha / 14.11 ac
 -  Legal Property Lines
 -  5m Contour
 -  1m Contour
 -  At Grade Access
 -  Average Natural Grade
-
-  0-10% Slope | Flat
 -  10-20% Slope | Gentle
 -  20-30% Slope | Moderate
 -  30-40% Slope | Steep
 -  >40% Slope | Extreme



Parks and Trail Connections

PARKS + TRAILS PLAN

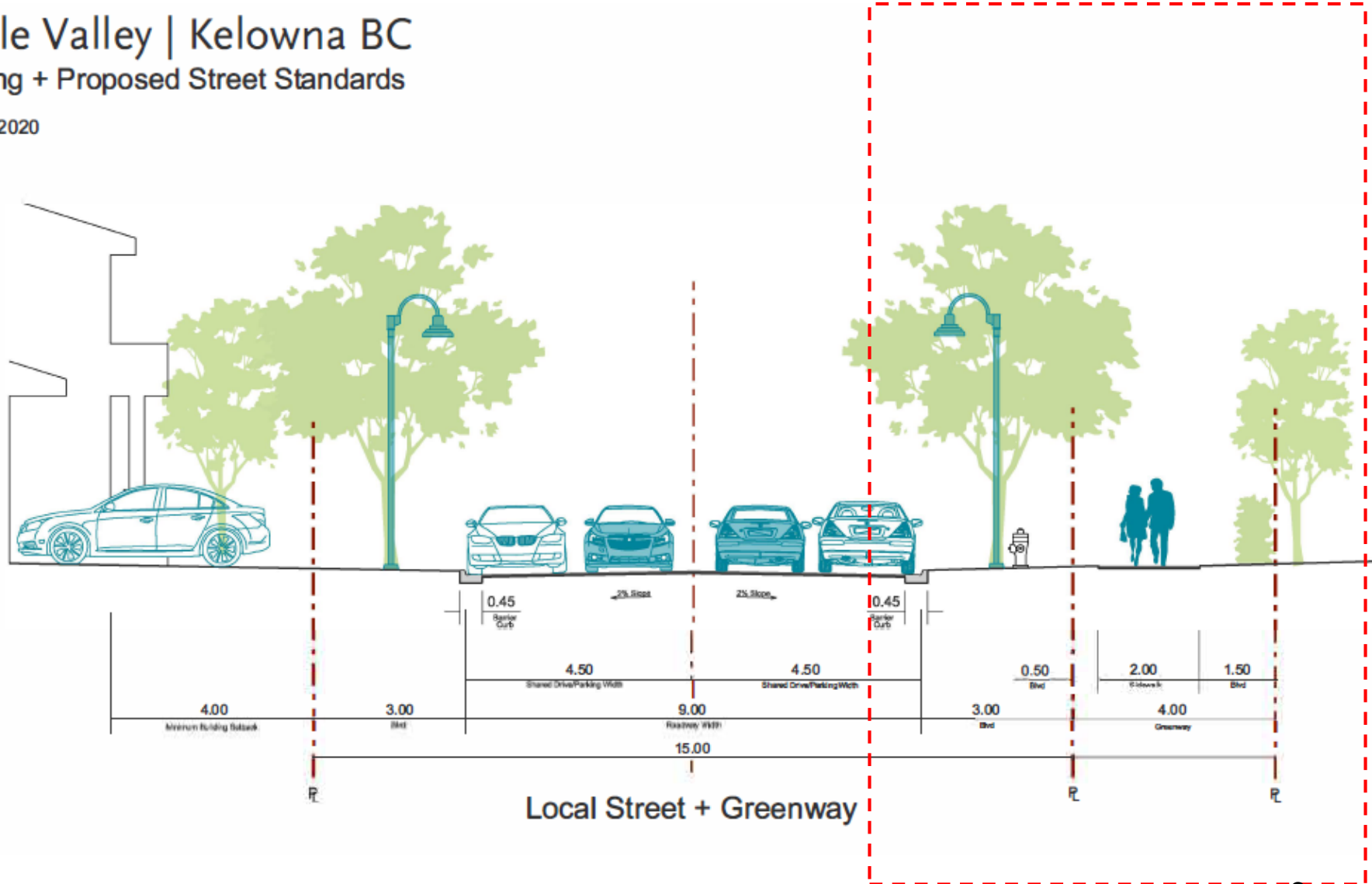
- Site Boundary 6.71 ha / 14.31 ac
- Legal Property Lines
- ~ 5m Contour
- ~ 1m Contour
- - - 5m Development Setback
- Existing Homes
- Existing Lots
- Existing Parks
- Development Area
- Park + Greenway
- Public Road ROW
- - - Existing Park Pathway | 2.0m
- - - Proposed Greenway Path | 2.0m
- Proposed Park Pathway | 1.5m
- Setback | 1.5m



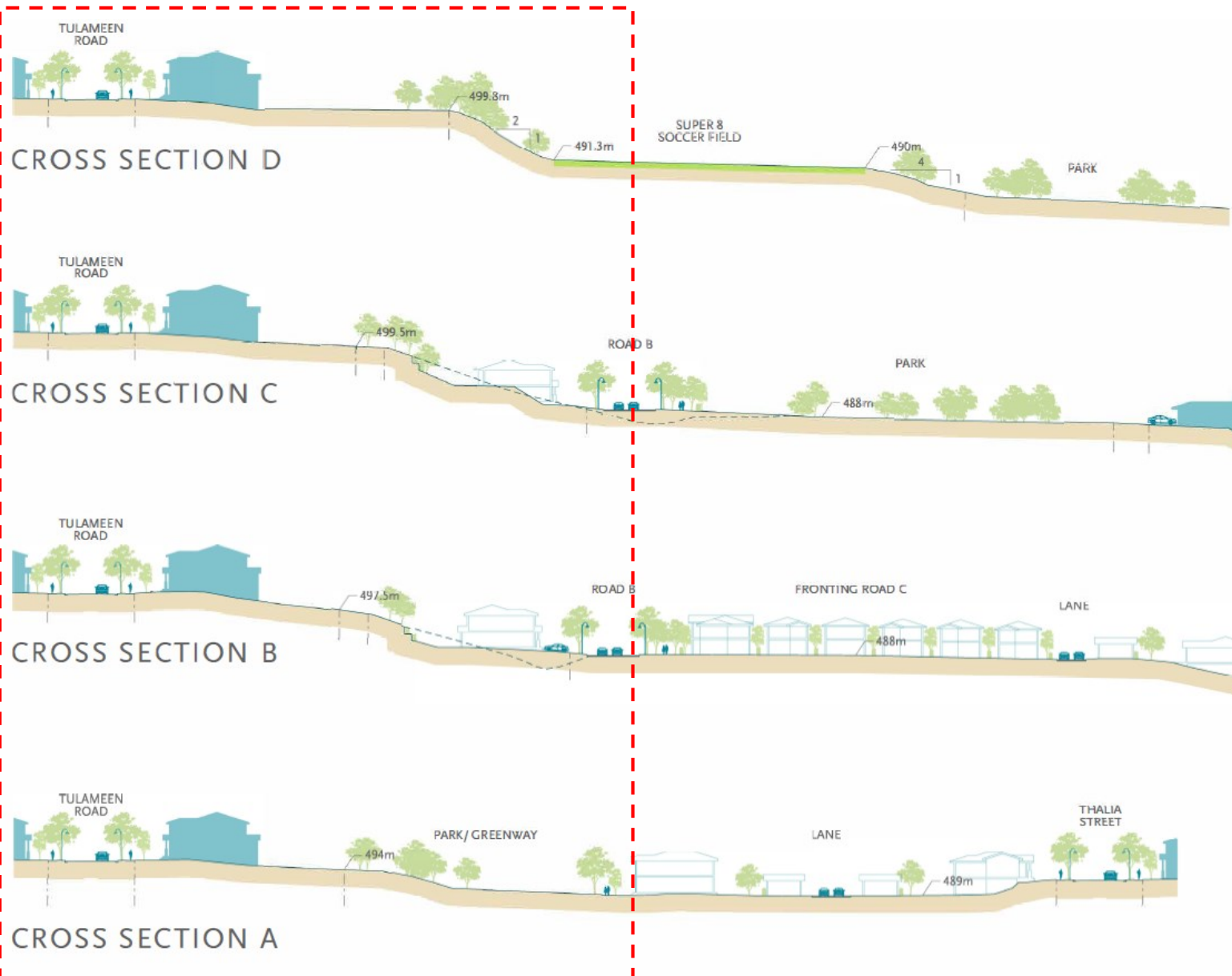
Elevation Cross Sections

Kettle Valley | Kelowna BC
Existing + Proposed Street Standards

October 2020



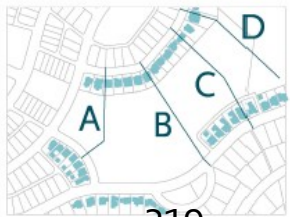
Elevation Cross Sections



KETTLE VALLEY
KELOWNA BC

SITE CROSS SECTIONS

LEGEND _____ OCTOBER 2020



Objective 5.2 Develop Sustainably

- ▶ **Policy .3 Complete Suburbs.** Support a mix of uses within Kelowna's suburbs, in accordance with "Smart Growth" principles to ensure complete communities. Uses that should be present in all areas of the City, at appropriate locations, including commercial, institutional, and all types of residential uses (including affordable and special needs housing) at densities appropriate to their context.
- ▶ **Policy .5 Integrated Land Use.** Integrate land use approaches wherever possible to improve opportunities for biodiversity, ecosystem connectivity, recreation, agriculture and local food production, while reducing conflicts.

Staff Recommendation

- ▶ Development Planning Staff recommend **support** for the Official Community Plan and Text Amendment application
 - ▶ Consistent with existing residential makeup of Kettle Valley
 - ▶ 3.5 acres of developed park land with Super 8 Soccer Field
 - ▶ Site layout using existing topography to maintain view corridors and is sensitively integrated
 - ▶ Within the maximum unit count for the Kettle Valley Comprehensive Development Zone



Conclusion of Staff Remarks

VILLAGE OF KETTLE VALLEY

Award Winning Community

25 YEARS AND COUNTING

- Through its 25 years, Kettle Valley has won numerous awards including “**Best Community in Canada**” and remains a **landmark community in the Okanagan**.
- Kettle Valley has enjoyed great success due to its **commitment to the original Masterplan**, creating a community that residents are proud to be a part of.
- **Continuing the neighbourhood pattern enjoyed at Kettle Valley**, the Legacy Neighbourhood Rezoning Application seeks to complete the community as part of its **final phase**.



KETTLE'S VISION

Community at the Core

CENTRED ON COMMUNITY

- In the early 1990's, the property that would become Kettle Valley was slated for a golf course subdivision. When the land was sold to Kettle Valley Holdings, the team **seized the opportunity to create a 'traditional town' centred on community.**

TODAY'S OPPORTUNITY

- Having launched the success of Kettle Valley through its traditional town Masterplan in 1996, **Kettle Valley has re-engaged EKISTICS to undertake the design of the community's final phase.**
- With Kettle Valley's success, \$1M homes have become common - **often pricing out the families Kettle Valley seeks to attract.**
- The Legacy Neighbourhood is **Kettle Valley's final phase**, and provides an opportunity to complete the community with **homes for everyone in the heart of Kettle Valley.**

TODAY'S CHALLENGE

- In 2019, **School District 23 removed all legal interest in the lands, requiring a new vision + renewed application.**
- While today the design principles that make Kettle Valley feel special are widely acknowledged as the foundation of good city planning - **25 years ago, launching Kettle Valley was not without its challenges.**
- Today, our challenge is to provide homes that address the needs of the community - **younger home buyers and families, as well as downsizers wanting to stay within Kettle Valley.**



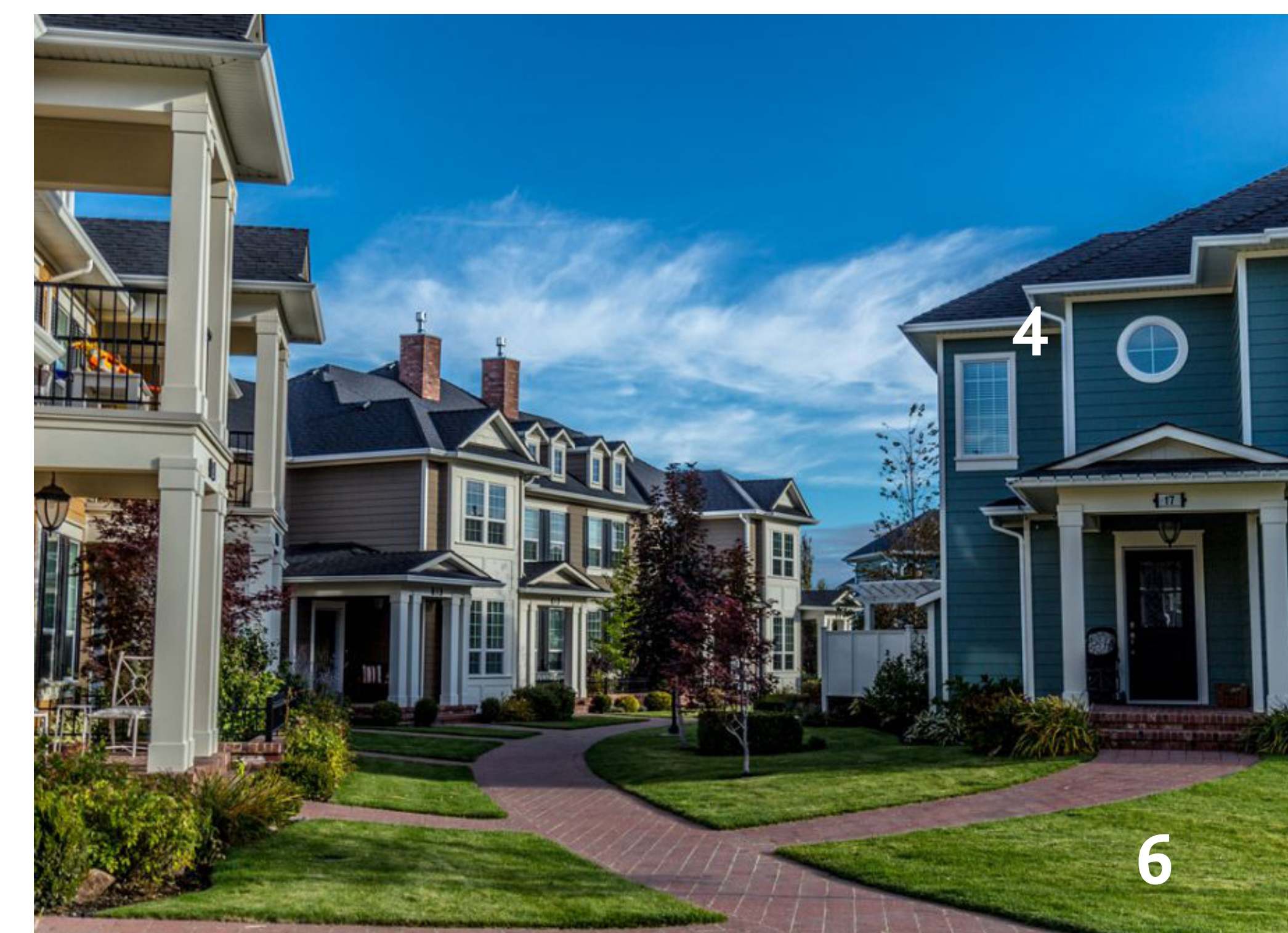
TIMELESS DESIGN

Principles of Good Urban Design

• From narrow tree-lined streets + hidden garages, to local main street shops and parks, timeless design principles create a sense of place, and serve to slow traffic and increase safety for young families who call the community home.

The following principles are at the foundation of Kettle Valley's success:

1. Narrow Streets
2. Lanes + Hidden Garages
3. Town + Village Centres
4. Generous Parks
5. Connected Streets + Squares
6. Walkable Patterns
7. Housing Diversity



SITE HISTORY

Why the Change

1996 MASTER PLAN

- The 1996 Kettle Valley Plan designated the site for a **future two-storey secondary school with a full height gymnasium, playfield, 300 stall parking lot + bus drop-off loop.**

SCHOOL DISTRICT DECISION

- In 2016, the School District determined that the land was no longer required for the development of a secondary school. **In 2019, SD23 removed all legal rights to the lands as a school site, requiring a new vision.**

RE-ENVISIONING THE LAND

- The lands' 14-acre size, gentle topography and central position all afford the **opportunity to complete the Village.**



Approximate Legacy Neighbourhood Area Highlighted in Blue



SETTING THE RECORD STRAIGHT

Schools + Parks

SCHOOLS | Serving the Community

The Master Plan required Kettle Valley to make available 12 acres for future schools – **6 acres for Chute Lake Elementary + 6 acres for a Secondary or Middle School - in lieu of school site acquisition fees.**

In 1996, Central Okanagan School District | SD23 established a two-part Option to Purchase Agreement for the Secondary/Middle School site:

- **Part 1: 6 acres could be acquired for \$1**, in lieu of school site acquisition fees;
- **Part 2:** An additional 8.1 acres available for purchase through an agreed upon fair market value appraisal of serviced institutional land, as of 2007 market values. In 2012, **SD23 agreed to an appraised value of \$5.4M for the 8.1 acre site should they decide to purchase.**

In 2016, SD23 decided not to purchase the Kettle Valley Secondary/Middle School site. Per the agreement, if SD23 determined not to construct a school on the site, the other 6 acres that were made available to be purchased for \$1 would expire and the lands would remain with Kettle Valley, permitting Rezoning of the site.

PARKS | Fostering Civic Spirit

Through building the Master Plan, **Kettle Valley has dedicated 22.34 hectares | 55.21 acres of parkland** to the City – representing ~20% of the total area.

Today, Kettle Valley enjoys more parkland per capita than any other community in the City. And, as the City has grown, its' focus for new park acquisition and facilities has shifted northwards, to be more central to a greater number of recreational users. In fact, the City's Park Development Funding Program has no further parks or facilities identified in Kettle Valley.

New Parkland | The Legacy Neighbourhood **proposes an additional 1.42 hectares | 3.51 acres of new parkland in Kettle Valley, with all proposed improvements funded by Kettle Valley Holdings Ltd.**



SETTING THE RECORD STRAIGHT

Sports Field + Traffic

SPORTS FIELD | providing for the community

Interim Use | In 1998, Kettle Valley worked with the City to construct a sports field as part of the **Partners in Parks program**, funding the materials, construction and irrigation of the field, including taking on the liabilities of public access to the private lands. **The City benefited from the \$1 per year lease of the land, while Kettle Valley residents benefited from this partnership and the enjoyment of the temporary sports field.**

New Playfield | The Legacy Neighbourhood repositions the playfield as part of the Quilchena Park expansion, resizing it to provide a Super 8 Field recommended for children and youth practice + play.

As the Legacy Neighbourhood's Parks DCC funds are dedicated towards more centrally located parks - per the Parks Development Funding Program - **Kettle Valley is donating the land as well as financing the construction of all park facilities.**

TRAFFIC | reducing demand + congestion

City Report | In May 2017, the City of Kelowna undertook a Southwest Mission Sector Transportation Update, identifying the **majority of sector delays were associated with Lower Mission schools - during morning drop-off and afternoon pick-up.** The City stated that free flow travel speeds cannot be guaranteed during daily congestion peaks. As the pattern of school congestion is not a structural capacity problem, the City concluded that Southwest Mission does not have a congestion problem.

New Streets | The Legacy Neighbourhood proposes **less cars with a reduction of 2,500 daily vehicle trips compared to a Secondary/Middle School land use.**



COMMUNITY HISTORY

What's on the Books?

1996 MASTER PLAN

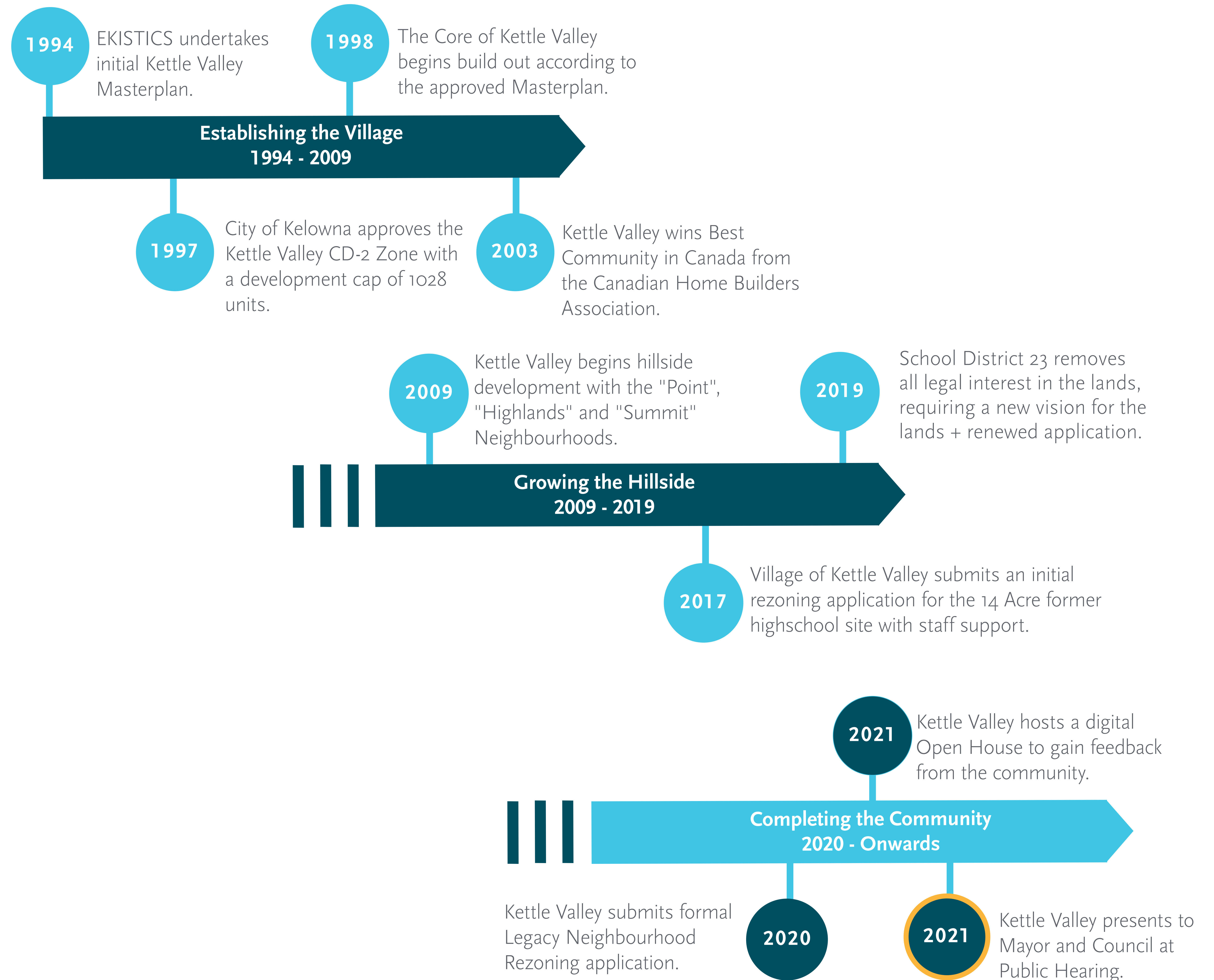
- Comprehensive Master Planned Community.
- The Kettle Valley CD-2 Zone designates a total development of **1,026 homes, with 112 units remaining within the development cap.**

2016 APPLICATION

- Without the school, a new vision for the lands is required. **Kettle Valley pursued an application in 2016 to rezone the lands for a mix of single family and townhouse multi family.**
- Following Open House events and Community Charettes in 2016, **the community identified a future play field and reduced site density as the desired revisions to the submitted application.**
- Following Public Hearing in 2017, Council directed Kettle Valley to **resolve the School District's legal interest in the land prior to moving forward with redevelopment.**
- In 2019, **School District 23 removed all legal interest in the lands, requiring a new vision + renewed application.**

2020 APPLICATION

- In 2020, Kettle Valley commissions EKISTICS to undertake the design of the Legacy Neighbourhood.
- Incorporating the input from the 2017 community consultation, **a new Neighbourhood Vision is established to complete the community.**



VILLAGE CONTEXT

Heart of Kettle Valley

OCP DESIGNATION

- The Legacy Neighbourhood is Kettle Valley's final phase. **Located in the heart of the Village, the 14-acre site at 410 Providence Avenue is designated in the Official Community Plan for Educational / Major Institutional Uses.**

CENTRAL IN THE COMMUNITY

- The Legacy Neighbourhood sits within a gentle terrace with layered views.
- Located at the centre of the Kettle Valley Community, the site is accessed from three streets including Quilchena Drive, Thalia Street, and Providence Avenue.
- The Neighbourhood is within a 5 minute walk to Main Street Shops, Chute Lake Elementary School, and 8 Parks.



LEGEND

APRIL 2021

Site Boundary 5.71 ha | 14.11 ac

400m | 5min Radius Walking Distance

REALIZING A SUSTAINABLE COMMUNITY

Towards a Complete Community

LIVING WELL

A NETWORK OF PARKS + PATHWAYS

- Provide public parks that are accessible within a 5-minute walking distance of each home.
- Link neighbourhoods with a pedestrian network.
- Program active and passive community parks for gatherings + recreation.
- Create a variety of parks to accommodate different activities and age groups.
- Plan shared recreational facilities to ensure maximum community use and cost effectiveness.
- Celebrate the unique views and vistas.

LIVING LOCAL

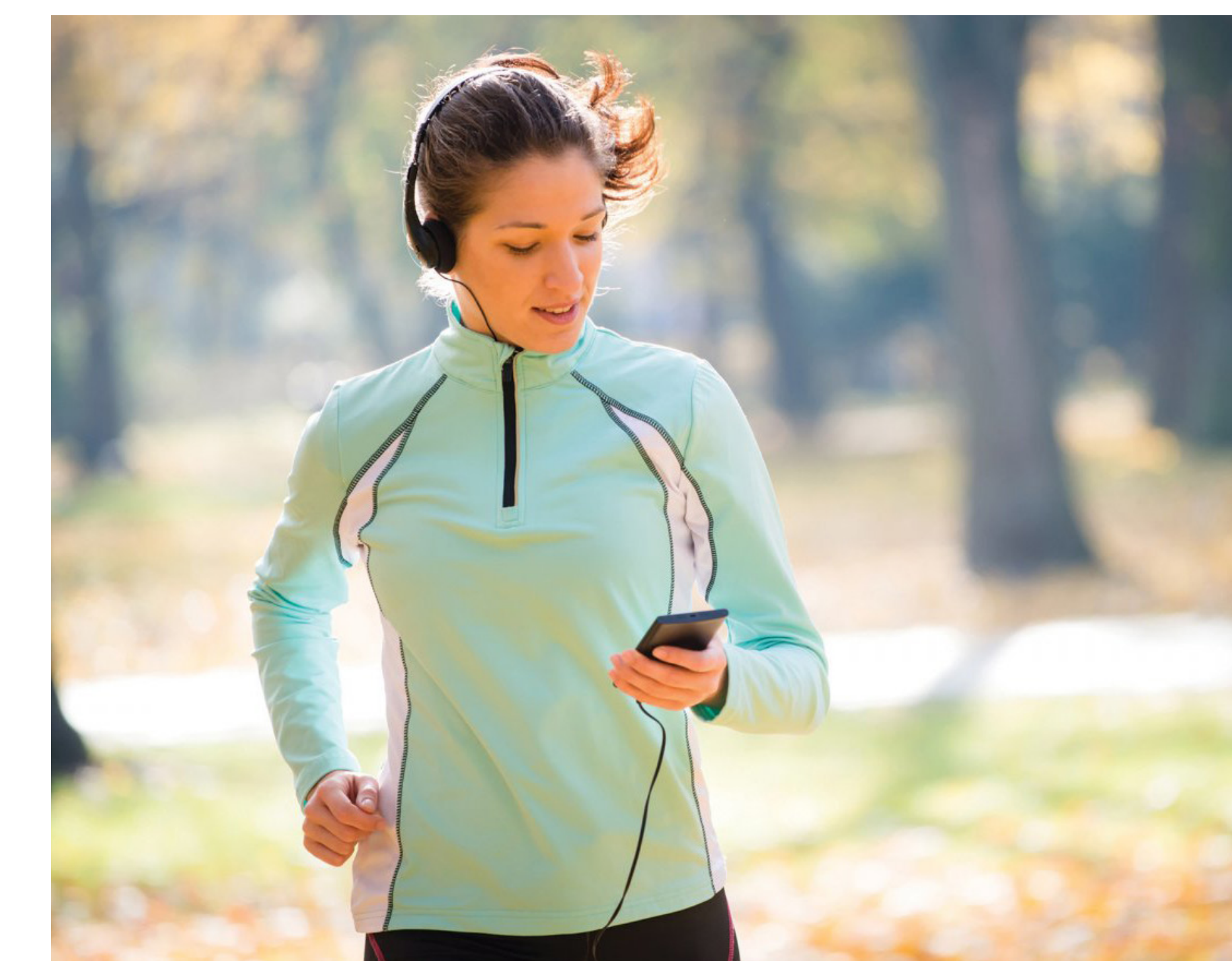
A VIBRANT COMMUNITY

- Accommodate a range of lifestyles, life-stages + Incomes.
- Plan for “aging in place”.
- Create a walkable neighbourhood for shopping, recreation and social gathering.
- Incorporate residential density to support local businesses and community facilities.
- Incorporate a sense of place in the design.
- Rekindle the spirit of the public realm, especially streets, parks, plazas for arts and culture.

LIVING LIGHTLY

A WALKABLE NEIGHBOURHOOD

- Create a sense of place within each neighbourhood.
- Provide a coherent neighbourhood pattern of streets + pathways with a variety of home + lot sizes.
- Design streets for people and ensure an enjoyable pedestrian experience.
- Promote neighbourhood safety by designing homes that address the public realm with “eyes on the street and the park.”
- Provide dedicated neighbourhood bike and pedestrian pathways to link community destinations.
- Reduce vehicle trips by locating basic neighbourhood services close to home.



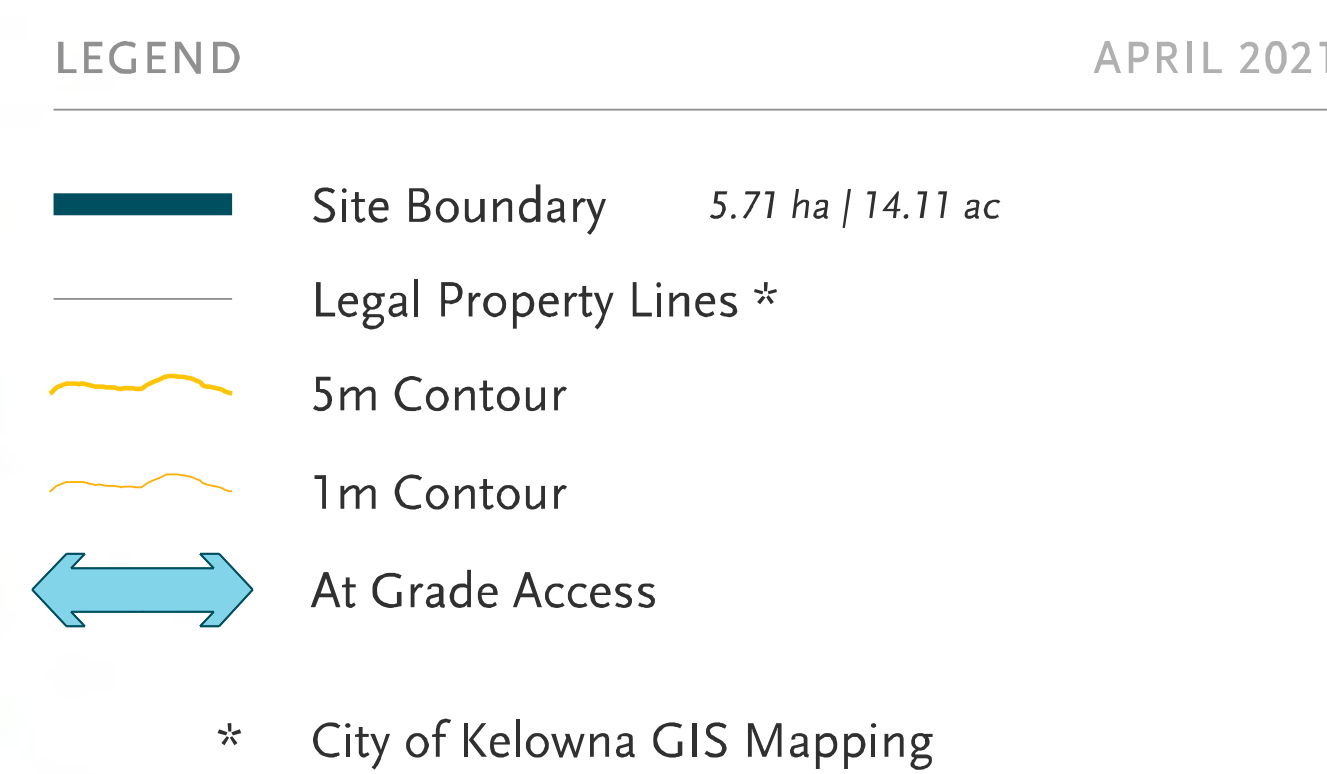
SITE ANALYSIS

Understanding the Land



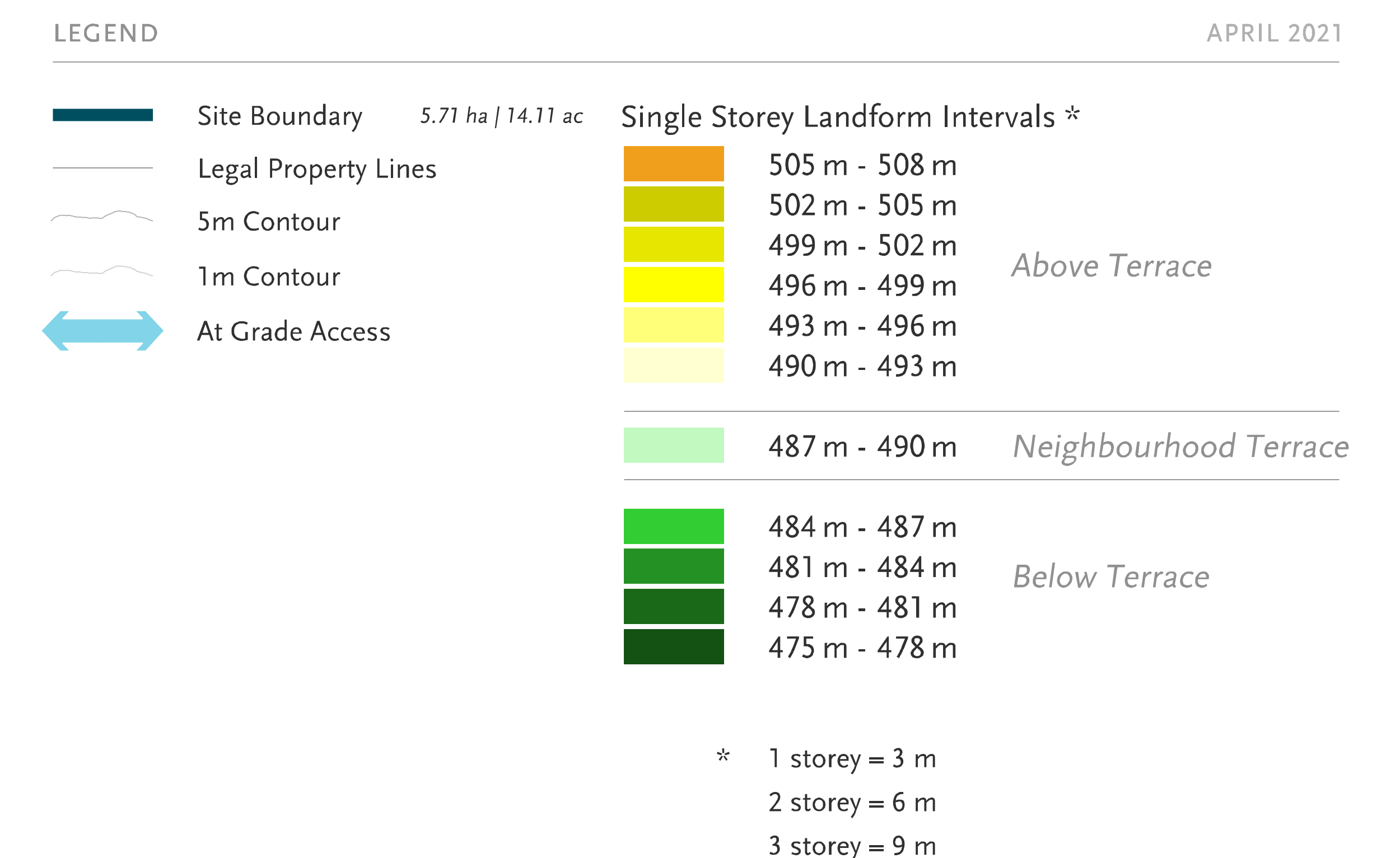
AERIAL ANALYSIS

- Located at the centre of the Kettle Valley Community, **the site is accessed from three streets including Quilchena Drive, Thalia Street, and Providence Avenue.**



LANDFORM ANALYSIS

- The Legacy Neighbourhood sits within a **gentle terrace** at the base of Tulameen ridge.
- The existing **Tulameen homes sit 1 - 3 storeys above** the Legacy Neighbourhood terrace.



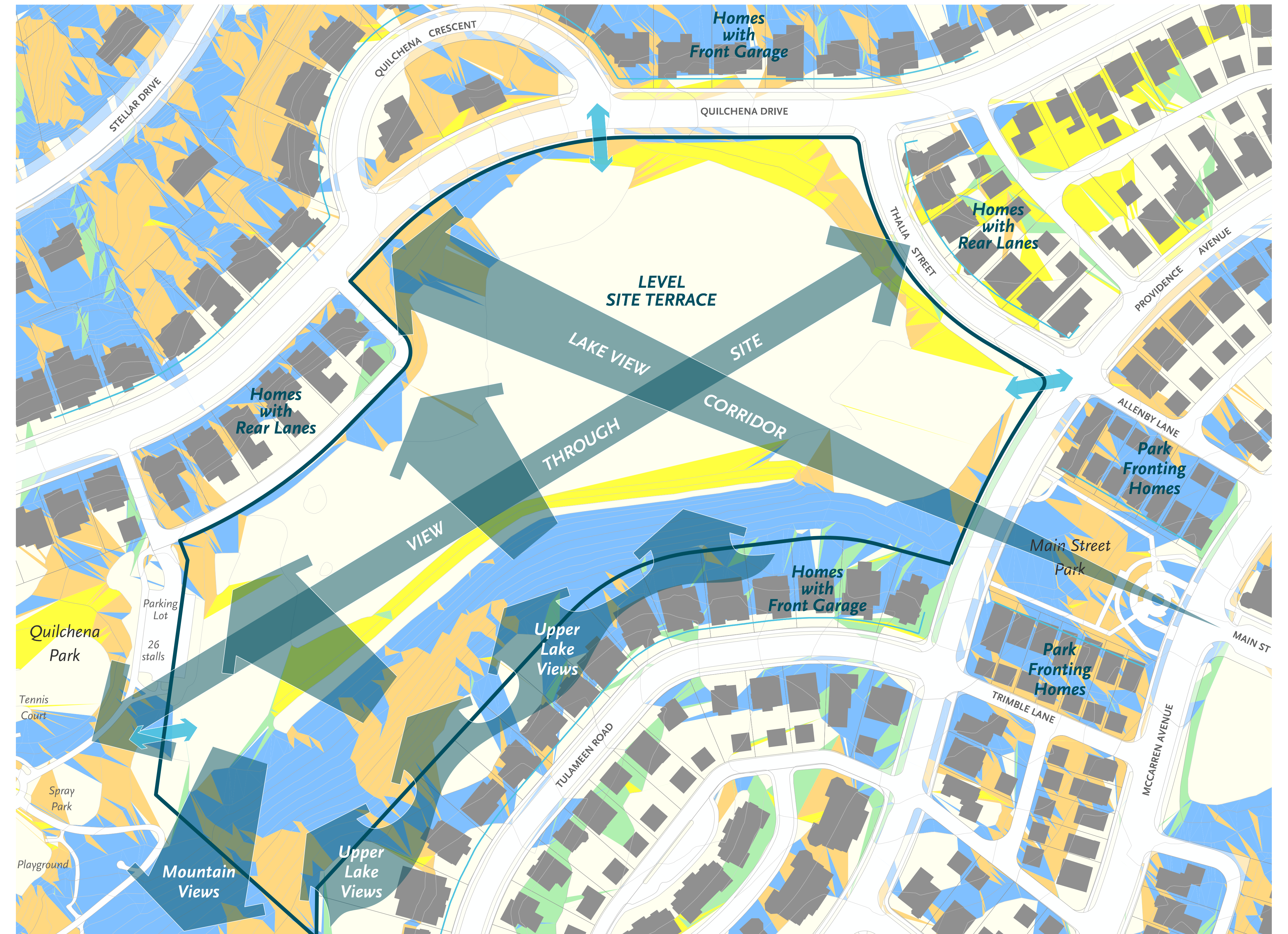
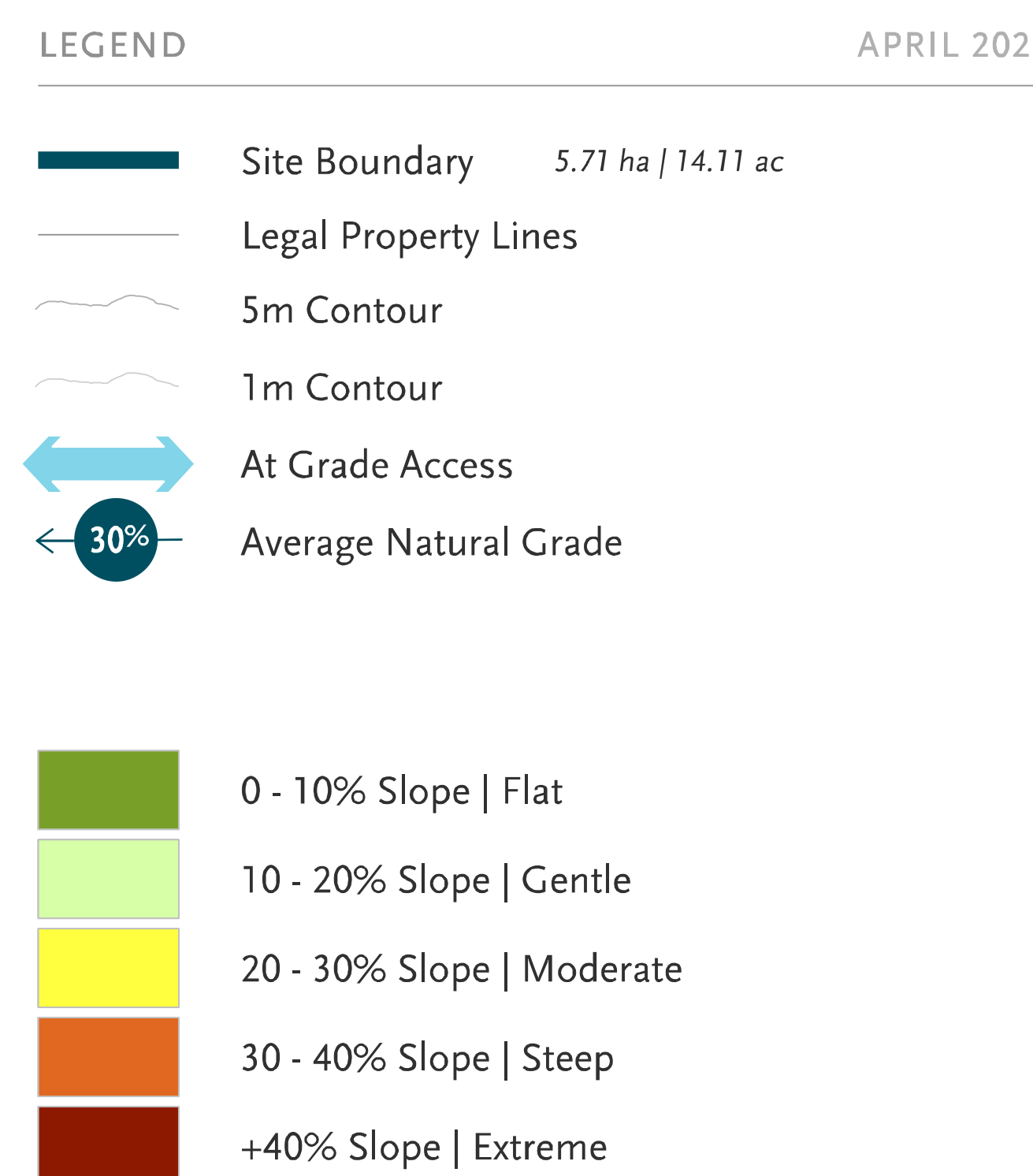
SITE ANALYSIS

Understanding the Land



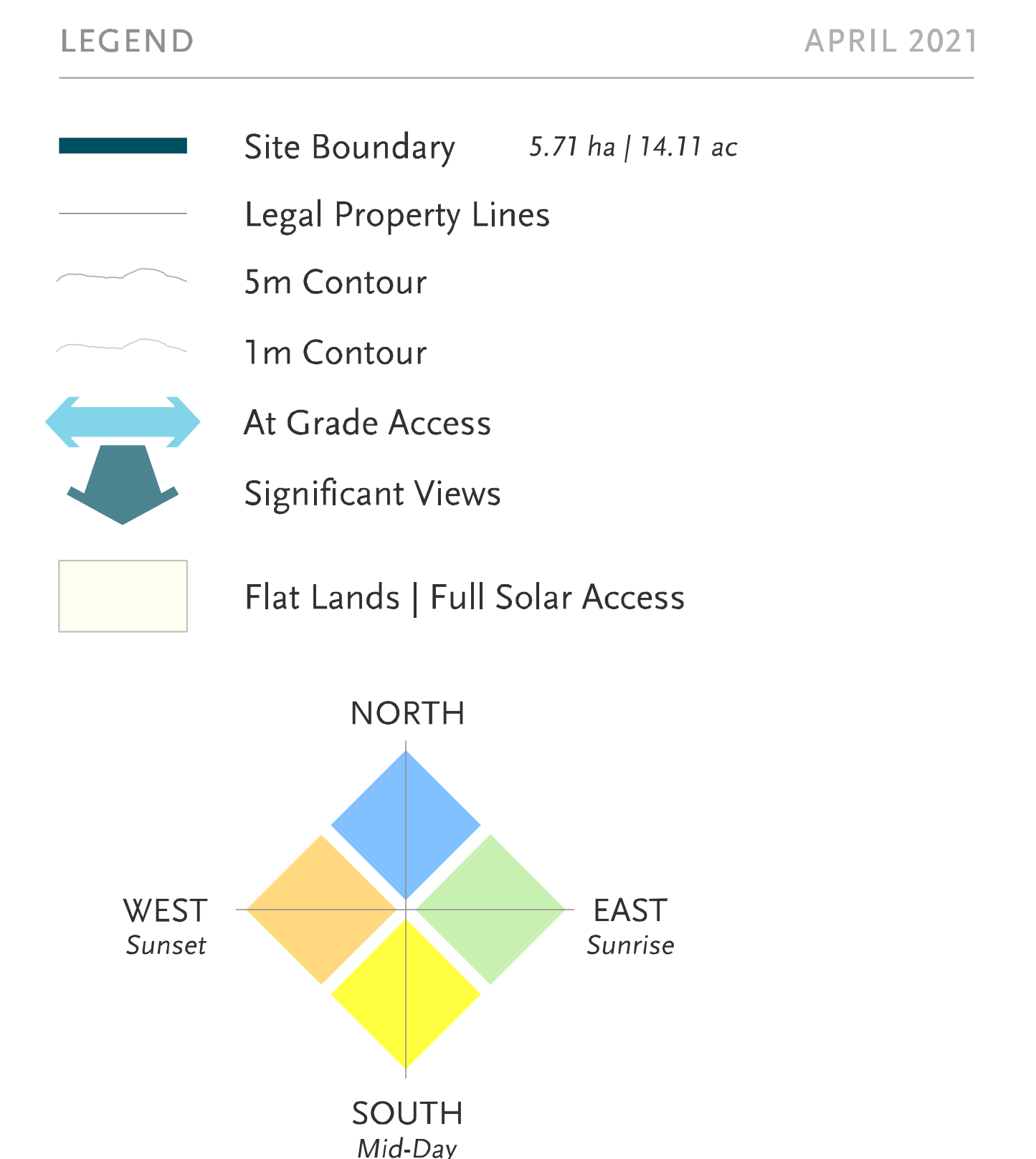
SLOPE

- The **Tulameen Ridge** physically + visually separates existing homes from the Legacy Neighbourhood.
- Thalia Street and Quilchena Drive provide points of gentle at grade access into the Neighbourhood.



ASPECT

- Owing to its significant level terrace, the **site receives ample amounts of sunshine throughout the day.**
- Important **community views over the site exist** from both the Main Street Park terminus and Tulameen Ridge.



RE-IMAGINING THE SITE

Community-Centered Design

DESIGN APPROACH

- **Work with the Land:** Extend the site's landings, employing hillside forms to maximize accessibility and views.
- **Preserve Views + Privacy:** Extend parks and provide generous yards, protecting existing yards and view corridors.
- **Enhance the Neighbourhood:** Complete streets with homes that address their neighbours, and offer park-front living.
- **Distribute Traffic:** Establish entrance on Quilchena with a looping Local Street pattern.
- **Variety of Single Family Homes:** Ensure a diversity of homes with both front driveways and rear lanes.
- **Prioritize the Pedestrian Experience:** Extend tree-lined streets with connecting public Greenway and sidewalks between destinations minimizing conflicts with cars.
- **Enlarge Parks:** Add to Quilchena and Main Street Parks with new parkland and connecting Greenway – making it safe for all.
- **Add Amenity:** Build new Super 8 Playfield with grassed hillside seating, Wildflower Meadow, Flowering Bosque and Tree-lined Greenway.



LEGEND MARCH 2021

— Site Boundary 5.71 ha / 14.11 ac

— Legal Property Lines

HOUSING DIVERSITY

A Home for Everyone

VILLAGE HOMES

- The Legacy Neighbourhood is an extension of the existing Kettle Valley urban pattern - reinforcing the Village's street and home character.
- The Legacy Neighbourhood is composed of 67 new Lane and Street Access homes to meet the community needs to accommodate a variety of lifestyles, life stages and incomes.
- The Design includes the following home types:
 - Legacy Homes | Street Driveway 18%
 - Legacy Homes | Lane - 7%
 - Traditional Homes | Lane - 35%
 - Village Homes | Lane - 40%



LEGEND APRIL 2021

- Site Boundary 5.71 ha | 14.11 ac
- Legal Property Lines
- - - 5m Development Setback

- 12 Legacy Homes | Street Access | 16m x 35m
- 5 Legacy Homes | Lane Access | 16m x 35m
- 24 Traditional Homes | Lane Access | 13m x 35m
- 26 Village Homes | Lane Access | 10m x 35m

TRADITIONAL CHARACTER

Celebrating Kettle Valley

HERITAGE ARCHITECTURE

Continuing the traditional neighbourhood patterns enjoyed at Kettle Valley, the Legacy Neighbourhood proposes a pedestrian-scaled, walkable neighbourhood designed to complete the Village.

- The Legacy Neighbourhood includes a range of 67 new single-family homes, **designed to celebrate and reinforce the existing form and character of Kettle Valley.**
- **Design Guidelines** will ensure that the Legacy Neighbourhood homes will enhance the communities existing form and character.

LEGACY | STREET ACCESS



LEGACY | LANE ACCESS



TRADITIONAL | LANE ACCESS



VILLAGE | LANE ACCESS

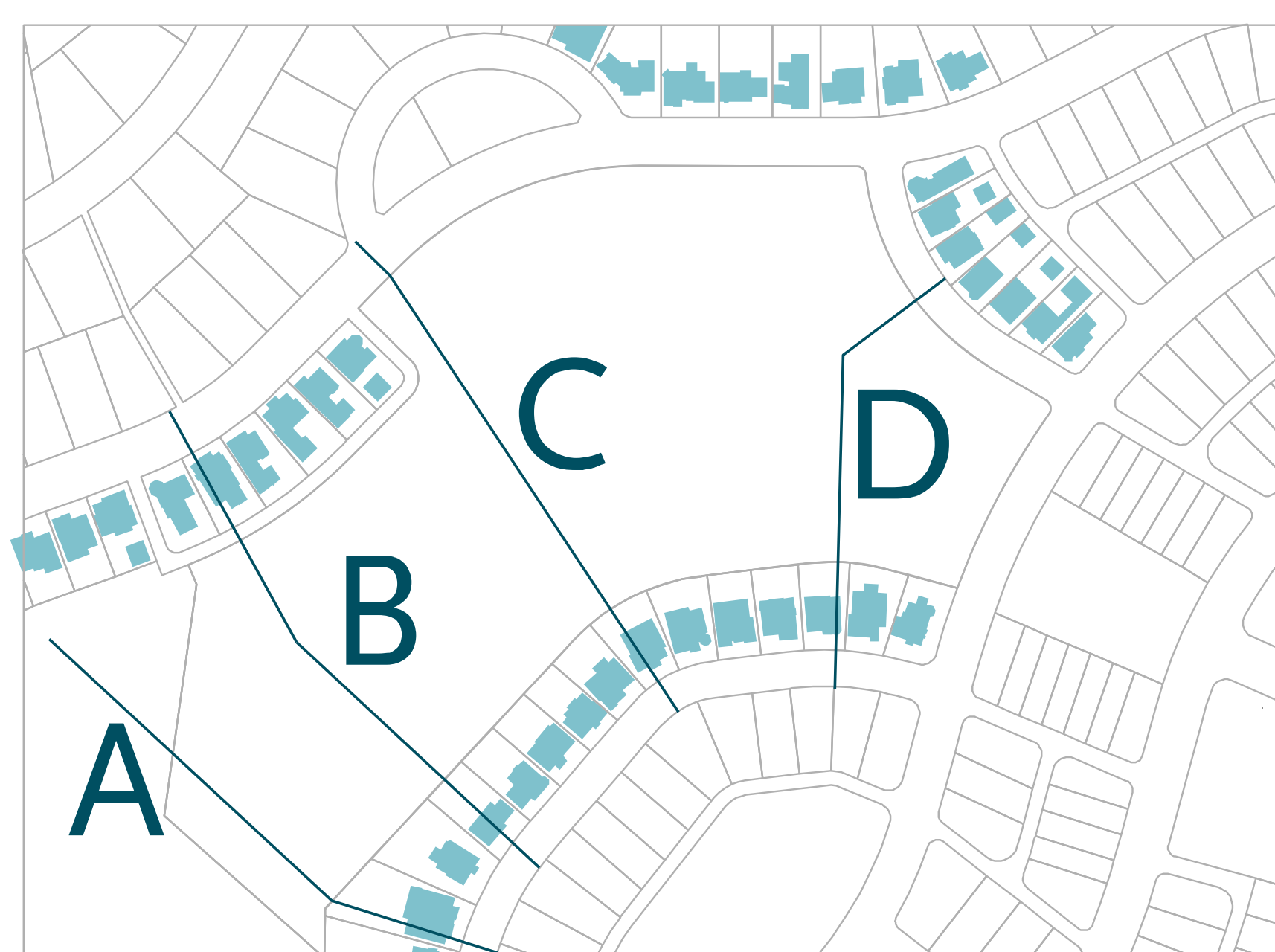
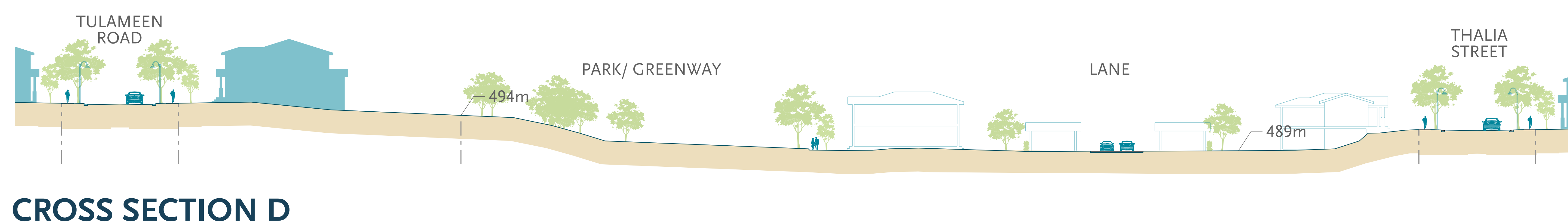
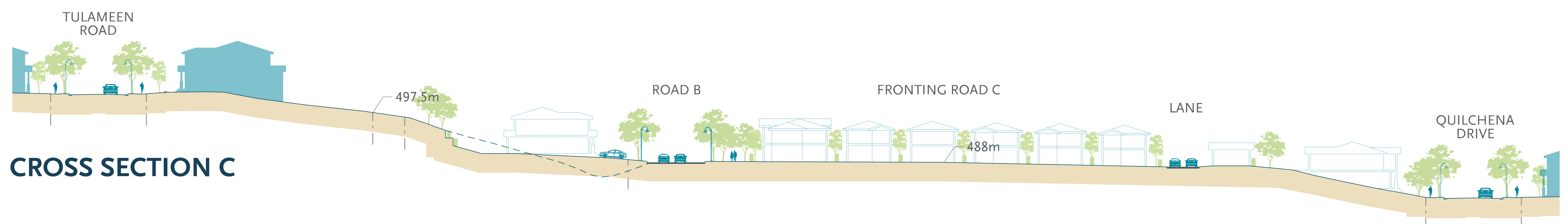
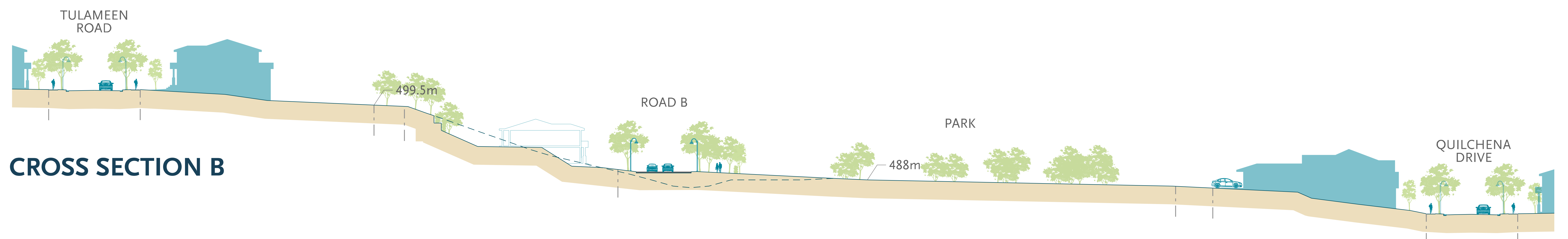
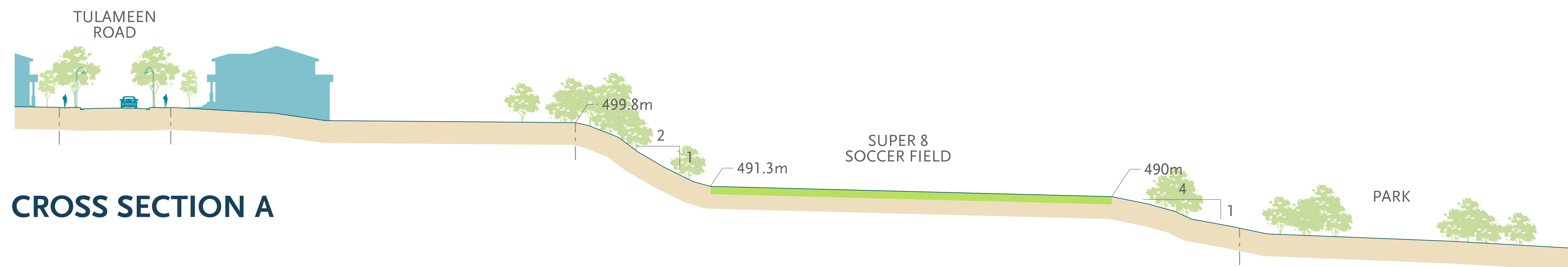


RELATING TO OUR NEIGHBOURS

Respecting Views + Privacy

PRESERVING VIEWS

- The existing **Tulameen Ridge** homes sit **1 - 3 storeys** above the **Legacy Neighbourhood** terrace.
- This **elevation difference** physically and visually separates the **Legacy Neighbourhood** from the Ridge and preserves views to Okanagan Lake and West Kelowna.
- In addition, the **Neighbourhood design** provides a **park edge or private yard space as a transition** with adjacent Tulameen residents.
- The design **completes the unfinished street edges** of Quilchena Drive, Providence Avenue, and Thalia Street with fronting rear access homes.
- The design utilizes the existing rear lane adjacent to Quilchena Park - **limiting the need for additional road** and creating an public buffer with existing residents.



EXPANDED PARKS

More Space to Play

NEIGHBOURHOOD PLAY

The Legacy Neighbourhood dedicates **25% of the site for public green spaces** including parks, a play field, landscaped boulevards, and a linking public Greenway.

- **Park Additions:** Main Street and Quilchena Parks are expanded, featuring a new play field.
- **Pedestrian Friendly:** Connected streets, lanes and sidewalks promote safe walking and cycling.
- **Greenway:** Dedicated greenway safely connects pedestrians to Village destinations.
- **Park-front Living:** Series of park-fronting homes enhance Village character and safety with “eyes on the park.”

FUNDING PARK CONSTRUCTION

Kettle Valley will build the parks, sports field and public realm features with dedication to the City of Kelowna as part of a Development Agreement.



LEGEND APRIL 2021

- Site Boundary 5.71 ha / 14.11 ac
- Legal Property Lines
- Existing Pathways + Sidewalks
- Proposed Sidewalks
- Proposed Greenway + Park Pathways

TRADITIONAL TOWN STREET DESIGN

Completing Our Streets

SAFE STREETS

- The street circulation of the Legacy Neighbourhood strengthens the existing Traditional Town character of Kettle Valley. The design offers **lane accessed homes reflecting the existing pattern of Kettle Valley while providing a pedestrian focused streetscape**. This includes tree lined streets, boulevard separated sidewalks, and pedestrian oriented lighting.

FRONT DOOR ON COLLECTOR

- The design distributes neighbourhood traffic by providing **two neighbourhood entrances from Quilchena Drive with a looping local street**.

LESS TRAFFIC

- The daily trip count for the proposed 67 units is estimated to be **less than 200 cars per day** - significant reduction from the 2,500 cars per day compared to a Secondary School Land Use.



LEGEND APRIL 2021

	Site Boundary 5.71 ha 14.11 ac
	Legal Property Lines
	Collector Street 20.0m
	Minor Collector Street 18.0m
	Local Street 15.0m
	Access Lane 7.5m
	Lane 6.0m

LEGACY NEIGHBOURHOOD

Completing the Community

THE FINAL PHASE

Continuing the traditional neighbourhood patterns enjoyed at Kettle Valley, the **Legacy Neighbourhood** proposes a pedestrian-scaled, walkable neighbourhood designed to complete the Village.

The Legacy Neighbourhood is Kettle Valley's final phase, and **provides an opportunity to complete the community with homes for everyone in the heart of Kettle Valley.**



CITY OF KELOWNA

BYLAW NO. 12229

Official Community Plan Amendment No. OCP20-0017 410 Providence Avenue

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of portions of Lot 1 Section 23 Township 28 Similkameen Division Yale District Plan KAP85435 located on Providence Avenue, Kelowna, B.C., from the EDINST – Educational/Major Institutional designation to the S2RES – Single / Two Unit Residential and PARK – Major Park/Open Space (public) designations as per Map "A" attached to and forming part of this bylaw;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 28th day of June, 2021.

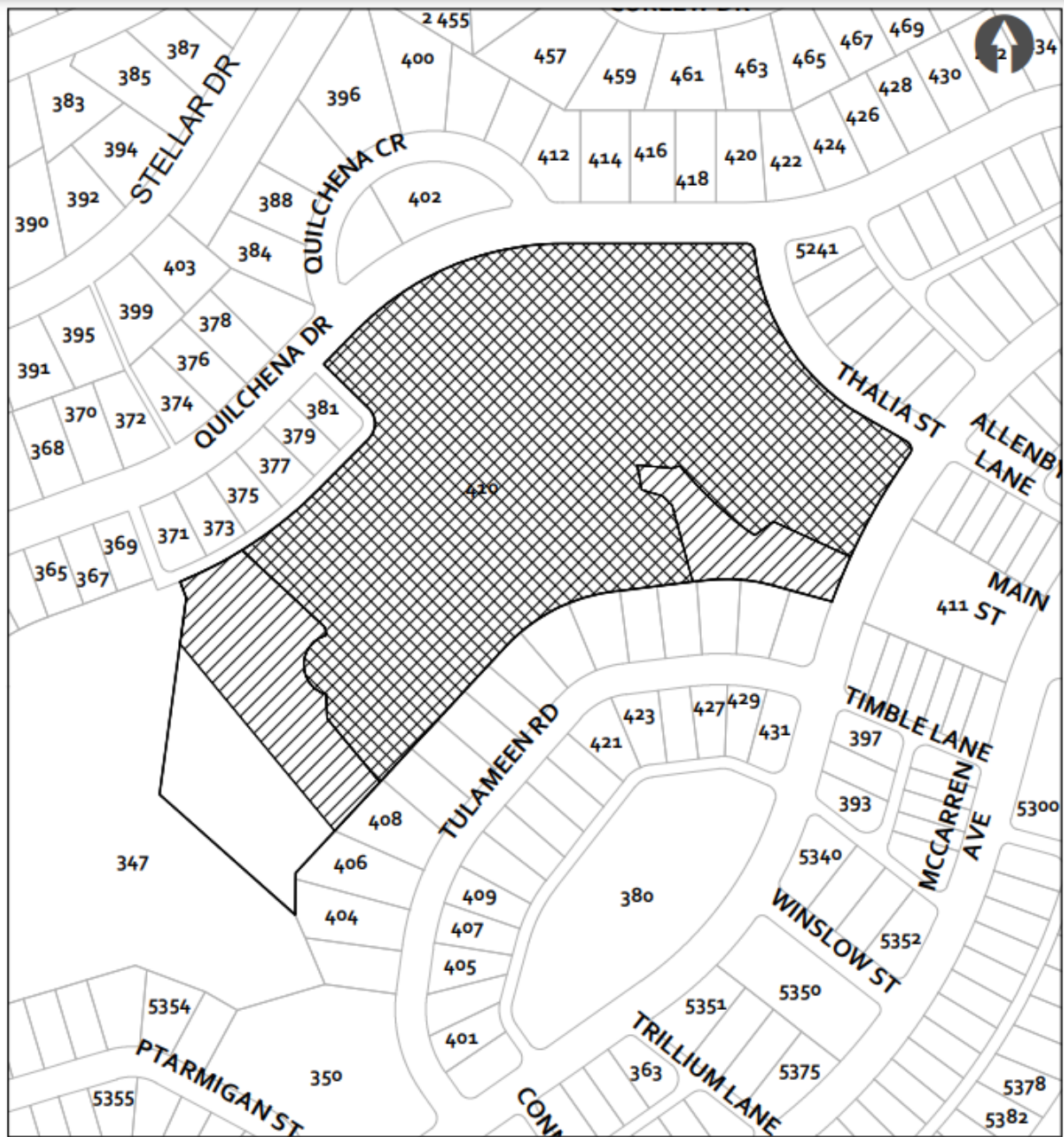
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this




Adopted by the Municipal Council of the City of Kelowna this

Mayor

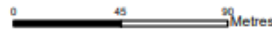
City Clerk



MAP "A" Proposed OCP Amendment
File OCP20-0017

-  EDINST - Educational/Major Institutional to PARK - Major Park/Open Space (public)
-  EDINST - Educational/Major Institutional to S2RES - Single/Two Unit Residential
-  Subject Property

TC



CITY OF KELOWNA

BYLAW NO. 12230

TA20-0019

**Amendment to the CD2 – Kettle Valley Comprehensive Residential
Development**

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

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

1. THAT **Section 18 – Schedule 'B' – Comprehensive Development Zones, CD2 – Kettle Valley Comprehensive Residential Development** be amended by deleting the "Kettle Valley Regulating Plan" Overview Map as attached to and forming part of this bylaw as Map A and replacing it with a new "Kettle Valley Regulating Plan" Overview Map as attached to and forming part of this bylaw as Map B.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 28th day of June, 2021.

Considered at a Public Hearing on the

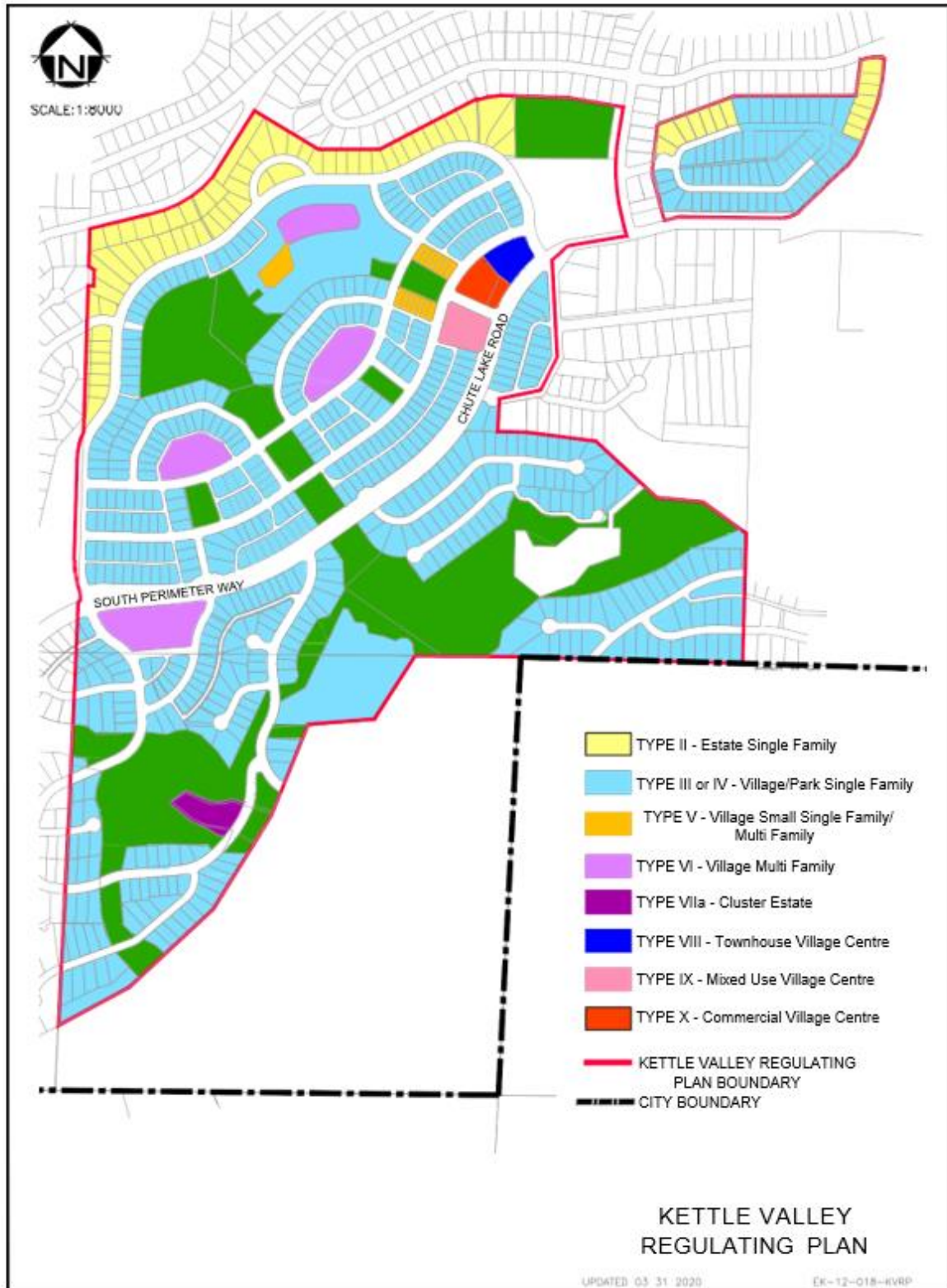
Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

MAP A



MAP B

