

City of Kelowna

Public Hearing

AGENDA



Tuesday, October 5, 2021
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. **Due to COVID-19 a Public Hearing Agenda will also include Regular Meeting Items**
2. **Call to Order the Public Hearing - START TIME 6:00 PM - Fleming Rd 470 - Z21-0027 (BL12273) - 1306876 BC Ltd., Inc. No. BC13066876**

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.

In accordance with the most recent Provincial Health Officer Order regarding gatherings and events, a maximum of 50 members of the public is permitted to attend Council meetings in-person. Members of the public must remain seated unless invited to address Council. Thank you for your co-operation.

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

3. Individual Bylaw Submissions

- 3.1. **START TIME 6:00 PM - Fleming Rd 470 - Z21-0027 (BL12273) - 1306876 BC Ltd., Inc. No. BC13066876**

3 - 28

To rezone the subject property from the RU1 – Large Lot Housing zone to the RM4 – Transitional Low Density Housing zone to facilitate the development of multiple

dwelling housing on the subject property.

4. Termination

5. Call to Order the Regular Meeting

6. Bylaws Considered at Public Hearing

6.1. START TIME 6:00 PM - Fleming Rd 470 - BL12273 (Z21-0027) - 1306876 BC Ltd., Inc. No. BC13066876

29 - 29

To give Bylaw No. 12273 second and third reading in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RM4 – Transitional Low Density Housing zone.

7. Termination

8. 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 representations 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 representations 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 questions be held open, the Chair shall state to participants the the Public Hearing on the Bylaw is closed.
- (e) Once the public has had an opportunity to comment, the application 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: September 13, 2021

To: Council

From: City Manager

Department: Development Planning

Application: Z21-0027

Owner: 1306876 BC Ltd., Inc. No.
BC1306876

Address: 470 Fleming Road

Applicant: New Town Architecture &
Engineering

Subject: Rezoning Application

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

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RM4 – Transitional Low Density Housing

1.0 Recommendation

THAT Rezoning Application No. Z21-0027 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot C Section 27 Township 26 ODYD Plan KAP79327, located at 470 Fleming Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RM4 – Transitional Low Density 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 September 13, 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 for the subject property.

2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the RM4 – Transitional Low Density Housing zone to facilitate the development of multiple dwelling housing on the subject property.

3.0 Development Planning

Staff supports rezoning the subject property from the RU1 – Large Lot Housing zone to the RM4 – Transitional Low Density Housing zone to facilitate the development of a 7-unit townhouse project. The application is consistent with the Official Community Plan (OCP) Future Land Use Designation of MRM – Multiple Unit Residential (Medium Density). It meets all of the Zoning Bylaw regulations for the RM4 – Transitional Low Density Housing with no variances required.

The subject property is located in the Rutland neighbourhood to the west of the Rutland Urban Centre near the intersection of Leathead Road and Fleming Road. The parcel has a Walk Score of 44 – Car Dependent (only some errands can be accomplished on foot) and a Bike Score of 88 – Very Bikeable as the site provides easy access to bike routes and Rails with Trails. Additional density in this area is supported through the local amenities including nearby parks, schools and transit.

4.0 Proposal

4.1 Background

The first phase of the project had a Public Hearing and received 2nd & 3rd readings from Council in October of 2017. The development permit was approved by Council in June 2018. The development is now fully constructed and occupied providing 36 rental townhouses to the area.

The subject proposal will become the second phase to the existing townhouse development north of the subject site (500 Fleming Road).

4.2 Project Description

The proposed development consists of one building containing 7-units (1 two-bedroom and 6 three-bedroom units). Each unit has private amenity space in the form of balconies and at-grade patios. All on-site parking requirements have been met and site access is via 500 Fleming Road. Should this proposal be supported by Council, the property would be consolidated with 500 Fleming Road to create one title lot with 43 townhomes (7 proposed, 36 existing).

4.3 Site Context

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM4 – Transitional Low-Density Housing	Multiple Dwelling Housing
East	RU1 – Large Lot Housing	Single Dwelling Housing
South	RU1 – Large Lot Housing RU6 – Two Dwelling Housing	Single & Duplex Housing
West	RM3 – Low Density Multiple Housing	Multiple Dwelling Housing

Subject Property Map: 470 Fleming Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.2 Develop Sustainably.

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

Objective 5.3 Focus development to designated growth areas.

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

Objective 5.22 Ensure context sensitive housing development.

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

6.0 Technical Comments

6.1 Development Engineering Department

Refer to Schedule 'A' attached.

7.0 Application Chronology

Date of Application Accepted: March 30, 2021

Date Public Consultation Completed: August 23, 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: Applicant Rationale

Attachment B: Conceptual Drawing Package

CITY OF KELOWNA
MEMORANDUM

SCHEDULE

A

This forms part of application
Z21-0027

Planner
Initials

LK



Date: April 1, 2021

File No.: Z21-0027

To: Planning and Development Officer (AT)

From: Development Engineering Manager (JK)

Subject: 470 Fleming Rd

RU1 to RM4

The Development Engineering Branch has the following comments and requirements associated with this application to rezone the subject property from RU1 to RM4. Road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technician for this project is Sarah Kelly.

1. General

- a) This proposed development may require the installation of centralized mail delivery equipment. Please contact Arif Bhatia, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC, V1Y 2K0, (250) 859-0198, arif.bhatia@canadapost.ca to obtain further information and to determine suitable location(s) within the development.
- b) The following requirements are valid for two (2) years from the reference date of this memo, or until the application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.
- c) 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.
- d) These Development Engineering comments/requirements are subject to the review and requirements from the Ministry of Transportation and Infrastructure (MoTI).

2. Domestic Water and Fire Protection

- a) The property is located within the Black Mountain Irrigation District service area. The developer is required to make satisfactory arrangements with BMID for all water and fire protection-related issues. All charges for service connection and upgrading costs, as well as any costs to decommission existing services, shall be the responsibility of the developer.
- b) The developer's consulting mechanical engineer will determine the domestic, fire protection requirements of this proposed development and establish hydrant requirements and service needs. The water system must be capable of supplying the domestic and fire flow demands of the project in accordance with the Subdivision, Development, & Servicing Bylaw No. 7900.



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3. **Sanitary Sewer**

- a) This property is currently serviced with one 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 each legal lot. The applicant, at their cost, will arrange for the removal and disconnection of the existing services and installation of one new larger service, if necessary.

4. **Storm Drainage**

- a) The developer must engage a consulting civil engineer to provide a stormwater 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 plans, minimum basement elevations (MBE), if applicable, and recommendations for onsite drainage containment and disposal systems.

5. **Electric Power and Telecommunication Services**

- a) All proposed distribution and 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 / Site Access**

- a) Fleming Road must be upgraded to an urban standard (SS-R5) along the full frontage of the subject property; including curb and gutter, sidewalk, LED street lighting, landscaped and irrigated boulevard, storm drainage system, pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- b) Driveway access for this development must via existing access for 500 Fleming Rd as shown on New Town Site Plan drawing submitted with this application.
- c) Ensure visitor parking stall adjacent to Molok garbage containers does not impede garbage pickup.

7. **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.**

The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.



- (ii) Site suitability for development.
 - (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
 - (iv) Any special requirements for construction of roads, utilities and building structures.
 - (v) Site suitability for development.
 - (vi) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.
-
- ii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
 - iii) Recommendations for items that should be included in a Restrictive Covenant.
 - iv) Any special requirements for construction of roads, utilities, and building structures.
 - v) Any items required in other sections of this document.
 - vi) Recommendations for erosion and sedimentation controls for water and wind.
 - vii) Recommendations for roof drains and perimeter drains.
 - viii) Any items required in other sections of this document.

8. Charges and Fees

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

James Kay, P.Eng.
Development Engineering Manager

SK

RE: Proposal for Rezoning and DP for: 470 Fleming Road

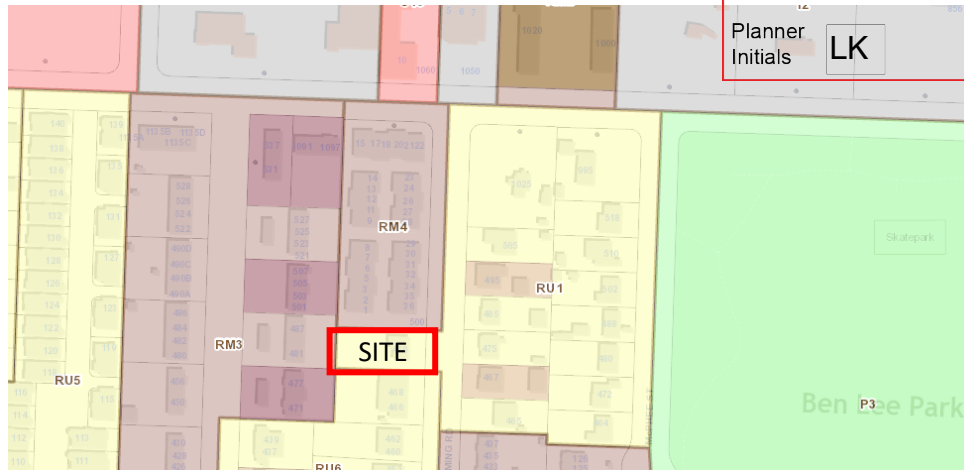
Introduction

This application is for re-zoning and DP to accommodate a 7-unit townhome building located at 470 Fleming Road, Kelowna BC. The subject site is 0.256ac and is located by the corner of Leathead and Fleming Road.



Site Context

The subject site is currently zoned RU1 – Large Lot Housing. This Development Permit application is to facilitate the construction of 1 townhome building, with 7 unit's total. These homes are proposed under the RM4 zone, which is consistent with the OCP. The building is 3 storeys in height. This proposed townhome development is a continuation of the adjacent development at 500 Fleming Road. The subject property will be consolidated with 500 Fleming Road and incorporated into the existing strata. The proposed townhomes align with the City of Kelowna Official Community Plan's goals for a sustainable future by focusing growth in compact, connected, and mixed-use centres and by creating more variety of housing types for Kelowna residents, particularly in the "missing middle".



Form and Character

This development uses a similar design to the adjacent townhomes. All materials, hardie panel and aluminum siding, and colors are the same to ensure that the new townhomes match the existing development. The proposed townhome building takes the same unit plans and exterior façade treatment as the 6-unit townhome buildings on the adjacent property and adds a 7th (custom) unit on the Fleming Road side. A different approach was taken on the 7th unit to ensure it addressed the street on a pedestrian scale. The design emphasizes the corner condition by creating a protruding vertical entrance.

This 7-unit townhome offers six 3 bedroom units and one 2 bedroom unit all with similar types of floor plans. All units provide tandem garage parking on the first level. At-grade entrances face the interior private road except for the unit off Fleming Road which faces the street. Ample outdoor space is provided for each unit at the rear of the property along with an amenity space for all residents to enjoy. Landscaping and outdoor living/recreation are important aspects for this development where each unit has a large patio space with robust landscape screening to ensure privacy as well as sun decks on the second level. Landscape buffer consisting of a 1.8m solid screen fence and various trees/ shrubs will be allocated between the pathway and the Southern boundary to help soften the interface to the existing single-family homes.



**Summary**

The proposed development requires no variances, is consistent with the City's goal for increasing density in existing neighborhoods and complies with the Official Community Plan. The applicant kindly requests support from Staff and Council for this housing project.



ATTACHMENT B

This forms part of application

Z21-0027

Planner
Initials **LK**



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

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

This drawing must not be scaled.
Verify all dimensions and details prior to commencement of work.
Report all errors and omissions to the Architect.

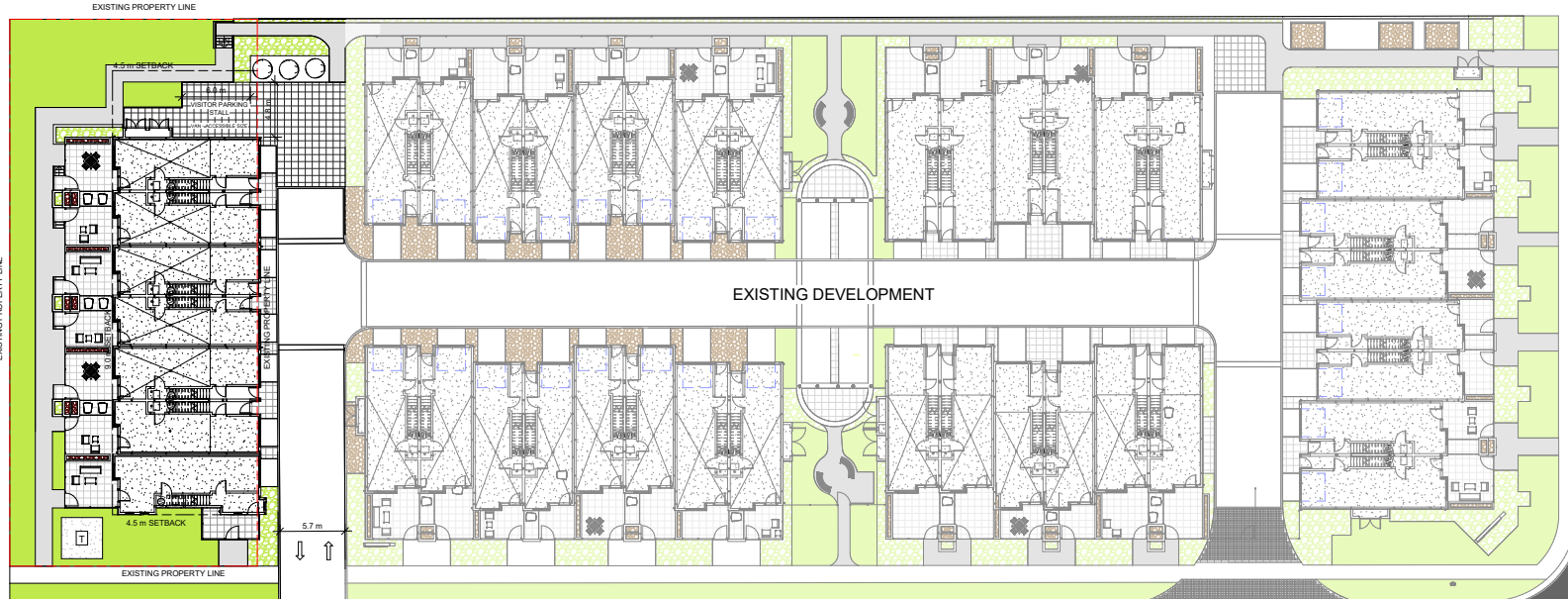


Seal



Revisions

No.	DATE	DESCRIPTION
1	21/01/20	ISSUED FOR I.D.P.
2	21/07/20	REVISED FOR I.P.



NOT FOR CONSTRUCTION

1 SITE PLAN
1 : 200

project title
FLEMING TOWNHOMES

project address
**470 FLEMING ROAD
KELOWNA, BC V1X 3Z3**
project no. **4130**

drawing title
SITE PLAN

designed **JR** 1 : 200
drawn **JR / JK**
checked **RY**
drawing no.

A200

printed 7/06/21 11:31:11 AM

ATTACHMENT

This forms part of application
Z21-0027

Planner
Initials

LK

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DEVELOPMENT PLANNING

Seal



Revisions		
No.	DATE	DESCRIPTION
1	210810	REVISED SCHEME
2	210719	REVISED FOR I/P

project title
FLEMING TOWNHOMES

project address
**470 FLEMING ROAD
KELOWNA, BC V1Y 3Z3**
project no. **4130**

drawing title
**LEVEL 1 FLOOR
PLAN**

designed	JR	scale	1 : 100
drawn	JR / JK		
checked	RY		
drawing no.			

A301
printed 7/06/21 11:31:32 AM



1 LEVEL 1
1 : 100

NOT FOR CONSTRUCTION



SOUTH EAST CORNER



SOUTH WEST CORNER

ATTACHMENT

This forms part of application

Z21-0027

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The design is the property of New Town Services. It is not to be used for any other purpose without the express written consent of New Town Services.



Seal



Revisions

No.	DATE	DESCRIPTION
1	210819	ISSUED FOR IFC
2	210719	REVISED FOR IFC

NOT FOR CONSTRUCTION

project title

FLEMING TOWNHOMES

project address

470 FLEMING ROAD
KELOWNA, BC V1X 3Z3

project no.

4130

drawing title

RENDERS

designed

JR / JK

drawn

JR / JK

checked

RY

drawing no.

A101

print

7/26/21 11:31:08 AM



SOUTH EAST CORNER - CLOSE UP

ATTACHMENT
B

This forms part of application
Z21-0027

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NOT FOR CONSTRUCTION

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

This drawing must not be scaled.

Verify all dimensions and details prior to commencement of work.

Report all errors and omissions to the Architect.

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www.newtownservices.com

Revisions		
No.	DATE	DESCRIPTION
1	2/10/20	ISSUED FOR I.P.

project title
FLEMING TOWNHOMES

project address
**470 FLEMING ROAD
KELOWNA, BC V1Y 3Z3**

project no. **4130**

drawing title
RENDERS

designed **JR**

drawn **JR / JK**

checked **RY**

drawing no.

A102

7/26/21 11:31:08 AM



Z21-0027 470 Fleming Road

Rezoning Application



Proposal

- ▶ To consider an application to rezone the subject property from the RU1 – Large Lot Housing zone to the RM4 – Transitional Low Density Housing zone to facilitate the development of multiple dwelling housing.

Development Process

Mar 30, 2021

Development Application Accepted

Staff Review & Circulation

Aug 23, 2021

Neighbourhood Consultation

→ Sep 13, 2021

Initial Consideration

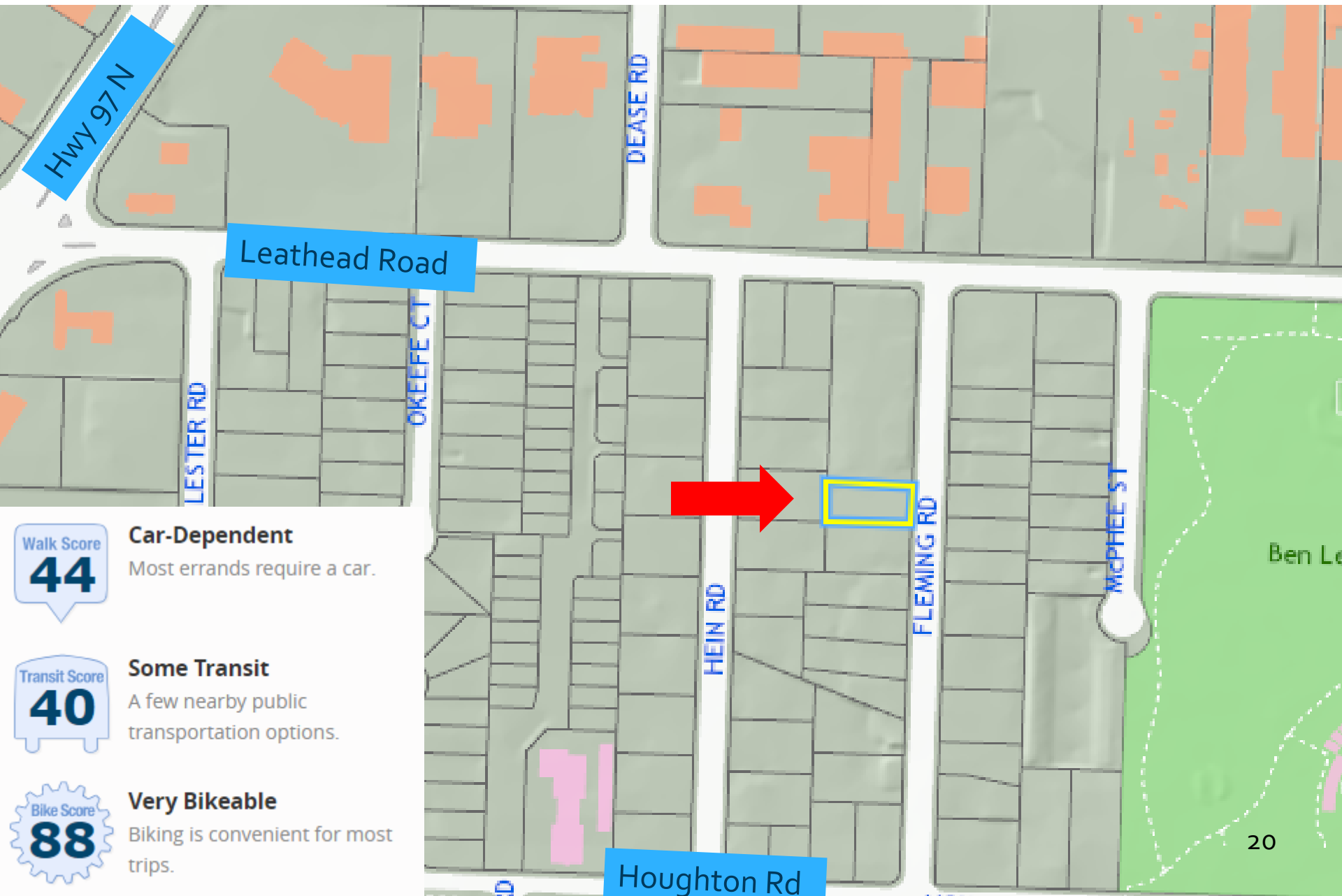
Public Hearing
Second & Third Readings

Final Reading and DP & Variances

Building Permit

Council
Approvals

Context Map



Walk Score
44

Car-Dependent

Most errands require a car.

Transit Score
40

Some Transit

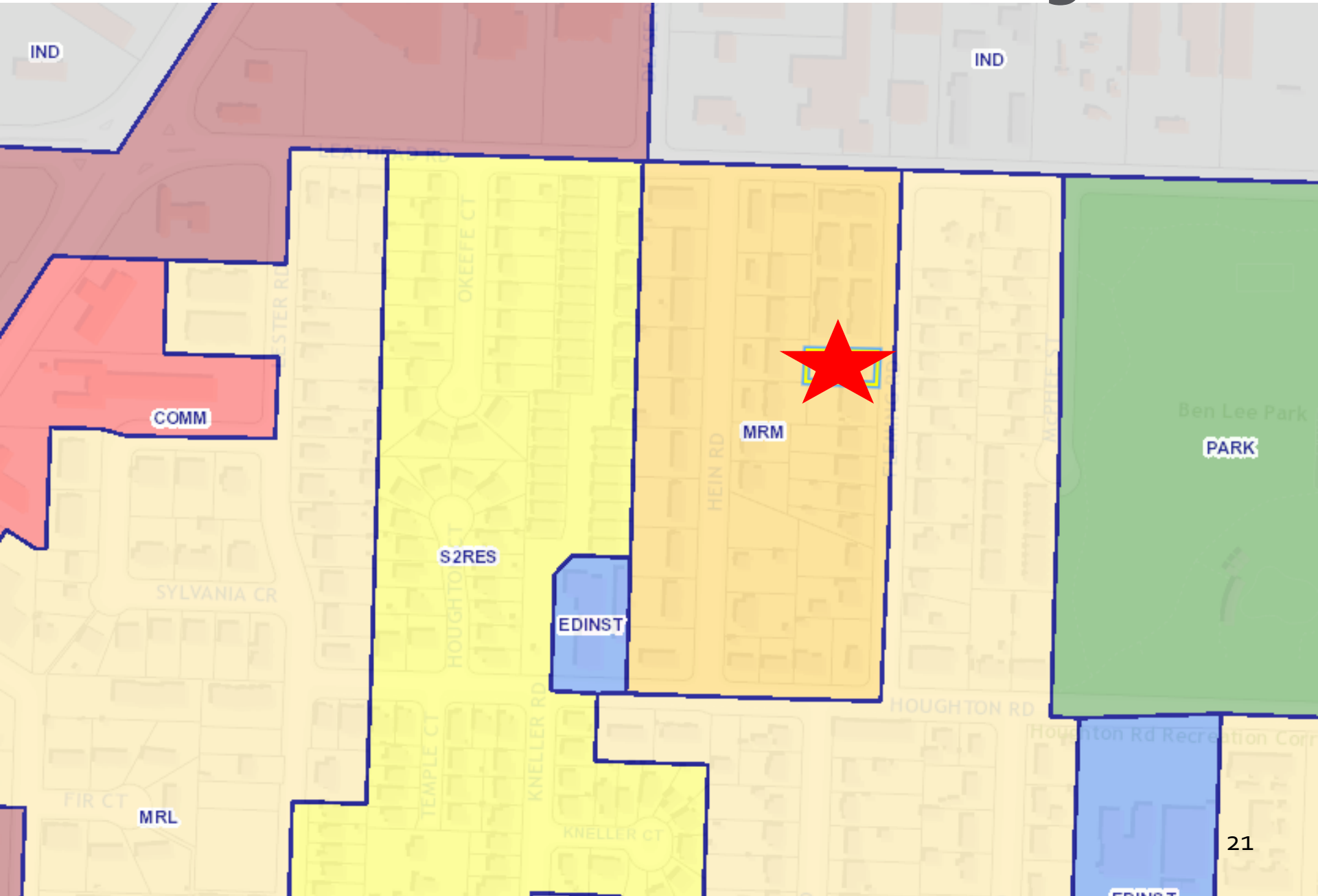
A few nearby public transportation options.

Bike Score
88

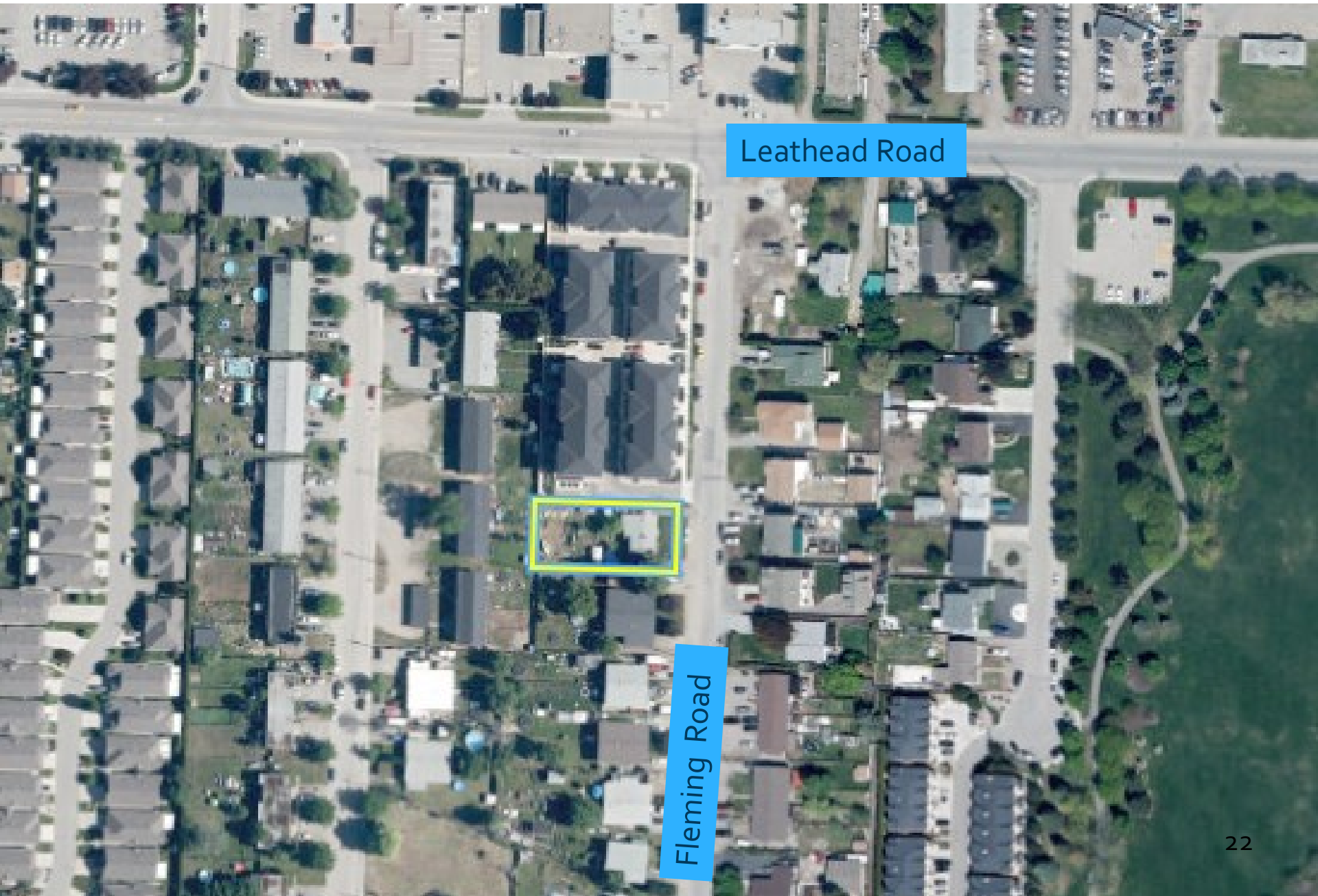
Very Bikeable

Biking is convenient for most trips.

OCP Future Land Use / Zoning

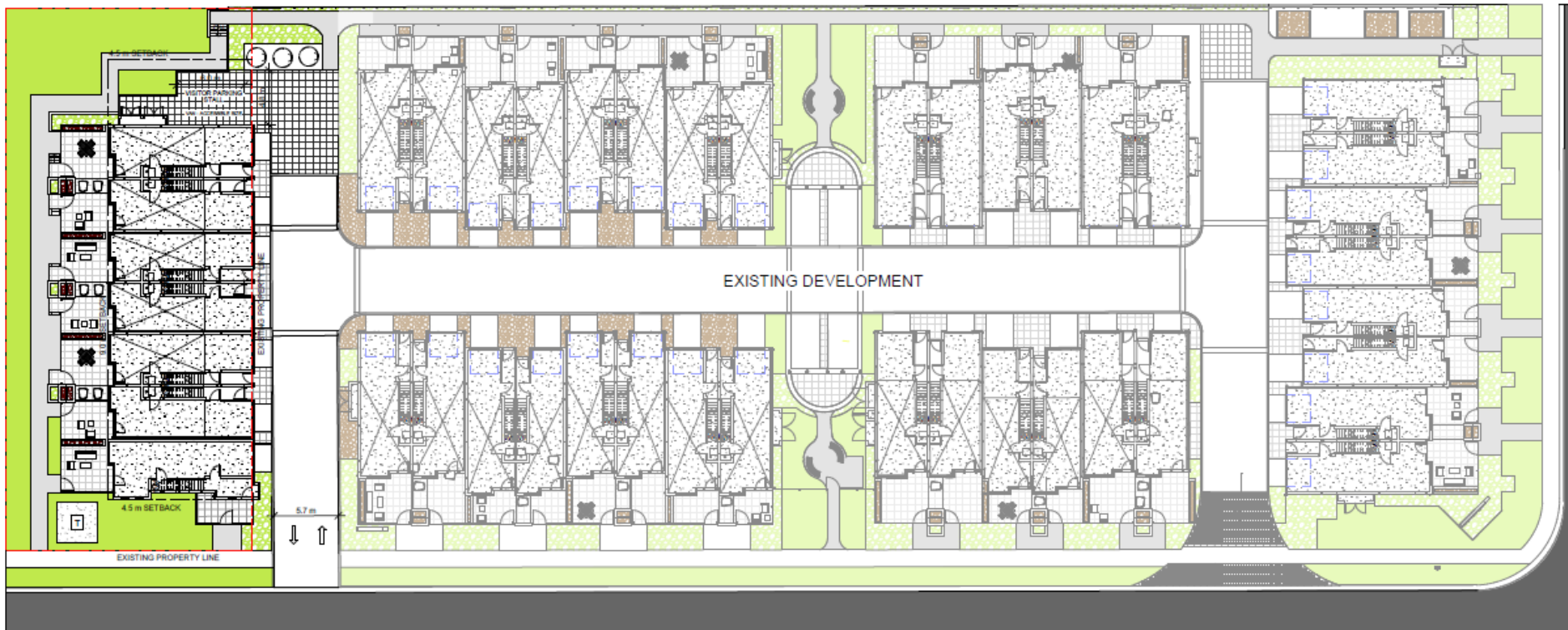
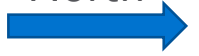


Subject Property Map



Site Plan

North

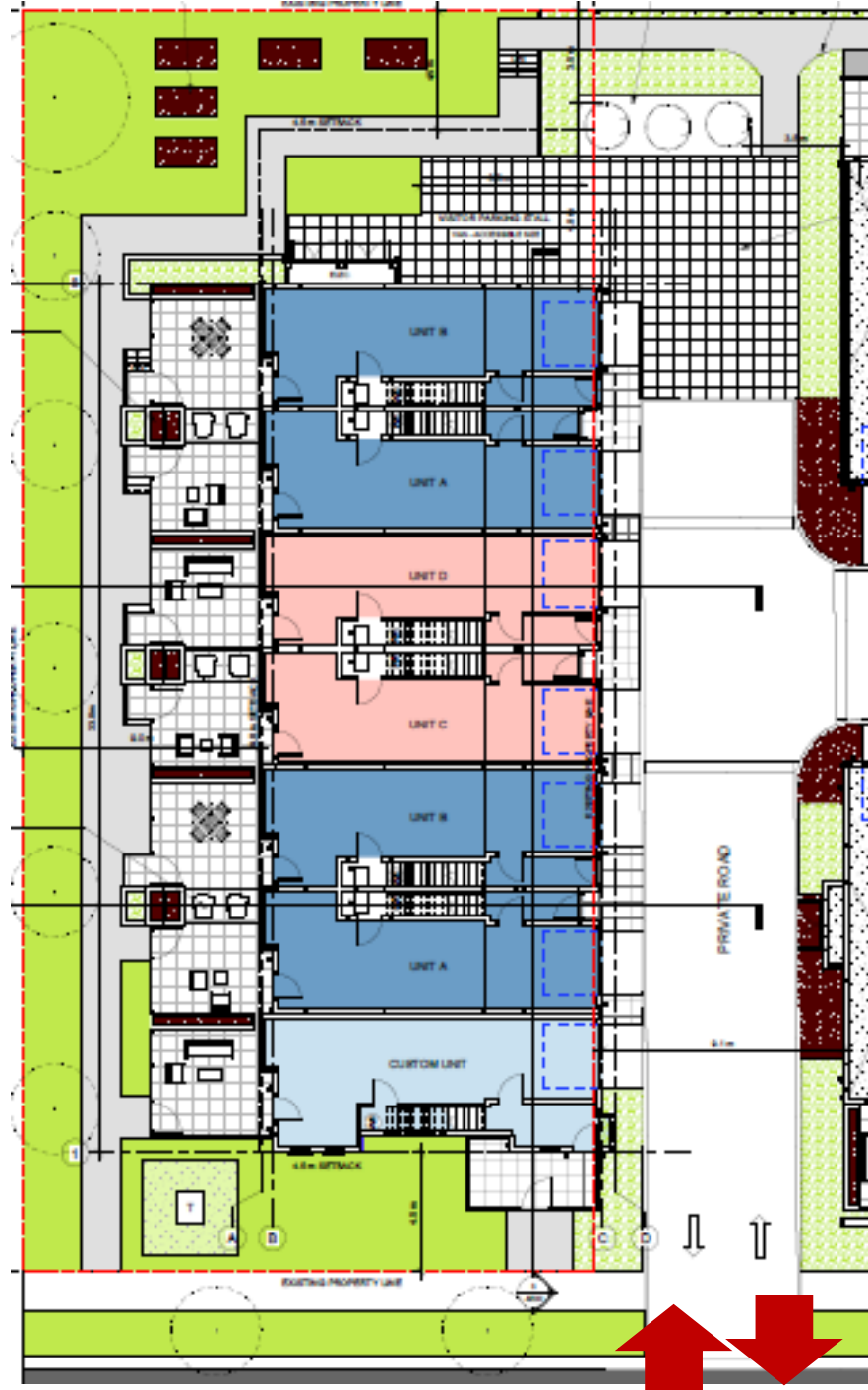
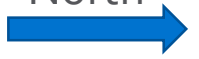


Proposed

Extent of Existing

Site Plan

North



Proposed Rendering



View from Fleming Road

Development policy

- ▶ Meets the intent of Official Community Plan Urban Infill Policies:
 - ▶ 5.2.4 – Complete Communities
 - ▶ 5.3.2 – Compact Urban Form
 - ▶ 5.23.1 – Ground Oriented Housing
- ▶ Consistent with the Future Land Use → MRM – Multiple Unit Residential (Medium Density)

Staff Recommendation

- ▶ **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. 12273

Z21-0027

470 Fleming Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot C Section 27 Township 26 ODYD Plan KAP79327 located on Fleming Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RM4 – Transitional Low Density 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 13th day of September, 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