

City of Kelowna
Regular Council Meeting
AGENDA



Tuesday, February 14, 2023
4:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

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

This evening, Council will hold both a Public Hearing and a Regular Meeting.

The purpose of the Hearing is to hear from the public on matters contained in the various bylaws which, if adopted, will amend *Kelowna 2040* - Official Community Plan Bylaw No. 12300 and Zoning Bylaw No. 12375.

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 and the Meeting 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.

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

2. Reaffirmation of Oath of Office

The Oath of Office will be read by Councillor DeHart.

3. Confirmation of Minutes

Tuesday Meeting - January 17, 2023

4. Call to Order the Public Hearing

5. Individual Bylaw Submissions

1 - 8

5.1 START TIME 4:00 PM - Berk Court 662 - Z22-0054 (BL12461) - Siyu Li 9 - 43

To rezone 662 Berk Court from the RU1 – Large Lot Housing zone to the RU4 – Duplex Housing zone

6. Termination

7. Call to Order the Regular Meeting

8. Bylaws Considered at Public Hearing

8.1 START TIME 4:00 PM - Berk Court 662 - BL12461 (Z22-0054) - Siyu Li 44 - 44

To give Bylaw No. 12461 second and third reading.

9. Termination

10. Call to Order the Public Hearing

11. Individual Bylaw Submissions

11.1 START TIME 4:00 PM - Lakeshore Rd 4371 - Z22-0062 (BL12469) - Yong Zhang 45 - 73

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU4 – Duplex Housing zone to facilitate a 2-lot subdivision and the development of two dwellings in a semi-detached form.

12. Termination

13. Call to Order the Regular Meeting

14. Bylaws Considered at Public Hearing

14.1 START TIME 4:00 PM - Lakeshore Rd 4371 - BL12469 (Z22-0062) - Yong Zhang 74 - 74

To give Bylaw No. 12469 second and third reading in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU4 – Duplex Housing zone.

15. Development Permit and Development Variance Permit Reports

Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward for each item.

15.1 START TIME 4:45 PM - Clifton Rd N 500 - DVP22-0150 - Ian Robertson and Jennifer Robertson 75 - 90

To issue a Development Variance Permit to vary the rear yard setback to facilitate the development of a swimming pool.

15.2 START TIME 4:45 PM - Red Sky Pl 156 - DVP22-0215 - 1059430 Ontario Inc 91 - 113

To issue a Development Variance Permit to vary the minimum side yard setback for the pergola structure abutting the North side yard.

16. Termination

17. Call to Order the Public Hearing

18. Individual Bylaw Submissions

18.1 START TIME 6:30 PM - Hilltown Drive 3500 - OCP23-0002 (BL12477) Z22-0076 (BL12478) - Grant Wayne Gaucher and Lorrie Ann Rockl 114 - 130

To amend the Official Community Plan to change the future land use designation of the subject property and to rezone the subject property to facilitate the construction of a single detached dwelling and carriage house.

19. Termination

20. Call to Order the Regular Meeting

21. Bylaws Considered a Public Hearing

21.1 START TIME 6:30 PM - Hilltown Drive 3500 - BL 12477 (OCP23-0002) - Grant Wayne Gaucher and Lorrie Ann Rockl 131 - 132

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

To give Bylaw No. 12477 second and third reading in order to change the future land use of portions of the subject property from the S-RES - Suburban Residential designation to the R-AGR - Rural - Agricultural and Resource designation.

21.2 START TIME 6:30 PM - Hilltown Drive 3500 - BL12478 (Z22-0076) - Grant Wayne Gaucher and Lorrie Ann Rockl 133 - 134

To give Bylaw No. 12478 second and third reading in order to rezone the subject property from the A2 - Agriculture / Rural Residential zone and the CD18 - McKinley Beach Resort zone to the A2c - Agriculture / Rural Residential with Carriage House zone.

22. Termination

23. Call to Order the Public Hearing

24. Individual Bylaw Submissions

24.1 **START TIME 6:30 PM - Hewetson Ct 949 - Z22-0042 (BL 12473) - Upper Mission Development Inc., Inc.No. BC1224405** 135 - 177

To rezone the subject property from the RU1 - Large Lot Housing zone to the MF2 - Townhouse Housing zone to facilitate a multi-family development.

25. Termination

26. Call to order the Regular Meeting

27. Bylaws Considered at Public Hearing

27.1 **START TIME 6:30 PM - Hewetson Ct 949 - BL12473 (Z22-0042) - Upper Mission Development Inc., Inc.No. BC1224405** 178 - 178

To give Bylaw No. 12473 second and third reading.

28. Reminders

29. Termination

30. 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 in person and 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. Online participants must be able to share their screen to display the item.



**City of Kelowna
Regular Council Meeting
Minutes**

Date: Tuesday, January 17, 2023
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Tom Dyas, Councillors Ron Cannan, Charlie Hodge, Gord Lovegrove, Mohini Singh, Luke Stack, Rick Webber and Loyal Wooldrige

Members Absent Councillor Maxine DeHart

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Development Planning Department Manager, Terry Barton; Urban Planning Manager, Community Planning & Development Manager, Dean Strachan*; Legislative Coordinator (Confidential), Rebecca Van Huizen

Staff participating Remotely Legislative Coordinator (Confidential), Clint McKenzie

(* Denotes partial attendance)

1. Call to Order

Mayor Dyas called the meeting to order at 6:00 p.m.

Mayor Dyas advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend Zoning Bylaw No. 12375, and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Cannan.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Lovegrove

Ro040/23/01/17 THAT the Minutes of the Public Hearing and Regular Meeting of November 29, 2022 be confirmed as circulated.

Carried

4. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 6:03 p.m.

5. Individual Bylaw Submissions

5.1 START TIME 6:00 PM - Tanager Ct 5428 - Z22-0052 (BL12449) - Dianne and George Kamoschinski

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Diane Kamoschinski, Tanager Ct, Applicant

- Provided rationale for the variance.
- Spoke to the history of construction of the auxiliary building, and how this changed into a carriage house.

City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Gallery:

Pieter Botha, Tanager Ct

- Opposed to the application.
- Not an appropriate location for increased density.
- Raised concerns with negative impacts on their privacy.
- Related conversation with property owner that intent was to have a carriage home from the beginning.
- Concerned with the application setting a precedent in the neighbourhood.

Matty Bowtha, Tanager Ct

- Opposed to the application.
- Concerned with negative impacts on their privacy.
- Concerned with height of the structure.
- Felt their neighbours were not forthcoming with their intent.
- Spoke to interactions with City staff and subsequent City warnings pertaining to use of the structure.

Andrea Kamoschinski, Tanager Ct

- Daughter of the applicant.
- Example of affordable, stable housing which is needed in the City.
- Provided history of the intended use of the auxiliary structure and why the intended use has changed.
- Spoke to parents good character as members of the neighbourhood for 35 years.
- Agreed privacy impacts are a valid concern; existing trees would negate this or window coverings

Diane Kamoschinski, Applicant in response:

- Reiterated the reasons for the changing needs for the accessory building to become a carriage house.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments.

6. Termination

The Hearing was declared terminated at 6:45 p.m.

7. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 6:45 p.m.

8. Bylaws Considered at Public Hearing

8.1 START TIME 6:00 PM - Tanager Ct 5428 - BL12449 (Z22-0052) - Diane and George Kamoschinski

Moved By Councillor Wooldridge/Seconded By Councillor Webber

R0041/23/01/17 THAT Bylaw No. 12449 be read a second and third time.

Carried
Councillor Hodge - Opposed

9. Termination

The regular meeting was declared terminated at 6:53 pm

10. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 6:53 p.m.

11. Individual Bylaw Submissions

11.1 START TIME 6:00 PM - Barnaby Rd 741 - Z22-0005 (BL12458) - Haidong Liu

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Richard Delaurier, Applicant's Agent

-Other nearby properties have rezoned to a similar land use.
-Available to answer questions.

City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Gallery:

Kevin Hanson, Drummond Ct

-Opposed to the application.
-Concerned with removal of large trees from the lot.
-Property owner does not live in the area and doesn't care about the neighborhood.
-Over density of the lot being proposed.
-Spoke to the steep slopes on the property.
-Requested if panhandle access required that it be on the east side of the property.

Dave and Julie Marks, Drummond Ct

-Opposed to the rezoning.
-Concerned with too much density.
-Identified and spoke to ways the application is inconsistent with City's plans and policies.
-Referenced correspondence previously submitted.
-Raised concerns with traffic impacts.
-Property will increase the nuisances already occurring in the neighbourhood.

Tony Markoff, Barnaby Rd

-Opposed to the application.
-Panhandle "epidemic" on Barnaby Road.
-Application against any type of planning rationale.
-Raised concerns with the Approving Officer approval of the subdivision.
-Opposed to the manner in which this has been brought forward.

Richard Delaurier, Applicant's agent in response:

-Approving officer has already made their decision regarding the lot configuration.
-Proposed density is permitted under the OCP, and the application aligns with other lots in the immediate neighbourhood.

- Spoke to not constructing on the hillside.
- Spoke to the drive aisle being only for two properties not four.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments.

12. Termination

The Hearing was declared terminated at 7:37 p.m.

13. Call to Order the Regular Meeting

Mayor Dyas called the regular meeting to order at 7:37 p.m.

14. Bylaws Considered at Public Hearing

14.1 START TIME 6:00 PM - Barnaby Rd 741 - BL12458 (Z22-0005) - Haidong Liu

Moved By Councillor Webber/Seconded By Councillor Wooldridge

R0042/23/01/17 THAT Bylaw No. 12458 be read a second and third time.

Defeated

Mayor Dyas and Councillors Cannan, Hodge, Lovegrove, Singh, Webber & Wooldridge - Opposed

15. Termination

The meeting recessed at 7:49 p.m.

The meeting reconvened at 7:57 p.m.

16. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 7:58 pm.

17. Individual Bylaw Submissions

17.1 START TIME 6:30 PM - Bernard Ave 1575 - OCP22-0006 (BL12454) Z22-0041 (BL12455) - 1575 Bernard Projects Ltd.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Corey Mackiss, Granite Close, Kelowna, Applicant

- Introduced applicant team present to answer questions.
- Displayed a PowerPoint presentation.
- Noted neighbouring properties already have existing zoning being sought in the application.
- Provided history of lot and previous land uses.
- Reviewed the public consultation that took place.
- This will be their third project in Kelowna.
- Reviewed the attributes of how the property will function.

City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Gallery:

Alex Krowlack, Noble Ct

- Opposed to the application.
- Concerned with size of the project due to scale of the neighbourhood and traffic congestion issues.
- Application is too big for the neighbourhood and for the road system.
- Proposed application is out of place for the neighbourhood.
- Opposed to the proposed height and density.
- Not opposed to development of the site; this is too much.

Loretta Klammer, Lawrence Ave

- Opposed to the application.
- Concerned with construction vibration.
- Application not sensitive to the neighbouring low density buildings, and isn't a fit in this neighbourhood.
- Concerned with impacts on traffic.

Raymond Raif, Lawrence Ave

- Opposed to the application.
- Concerned with increased traffic and pedestrian safety.
- Concerned with the proposed height of the development and its impacts on neighbourhood.

Maureen Nestman, Noble Ct

- Opposed to the application.
- In favour of the lot being developed.
- Concerned with too much density and too high a building.
- Concerned with traffic impacts and cycling and pedestrian safety.
- Concerned with noise and nuisance impacts.
- Concerned that application is out of character with the immediate neighbourhood.

Corey Mackiss, Applicant in response:

- OCP supports the proposed size and height.
- Demolition permit taken out and no complaints received.
- Neighbourhood concerns were taken into consideration with respect to impacts on views when designing their project, will take shadow impacts into consideration at Development Permit stage.
- Applicant traffic engineer indicated any traffic improvements will be made that come out of traffic studies.
- Pet area one of the amenities being provided.
- On-site loading zone for tenants moving in or out.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments.

18. Termination

The Hearing was declared terminated at 9:14 p.m.

19. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 9:14 p.m.

20. Bylaws Considered a Public Hearing

20.1 START TIME 6:30 PM - Bernard Ave 1575 - BL12454 (OCP22-0006) - 1575 Bernard Projects Ltd.

Moved By Councillor Lovegrove/Seconded By Councillor Stack

R0043/23/01/17 THAT Bylaw No. 12454 be read a second and third time.

Carried
Councillors Cannan & Lovegrove - Opposed

20.2 START TIME 6:30 PM - Bernard Ave 1575 - BL12455 (Z22-0041) - 1575 Bernard Projects Ltd.

Moved By Councillor Lovegrove/Seconded By Councillor Stack

R0044/23/01/17 THAT Bylaw No. 12455 be read a second and third time.

Carried
Councillors Cannan & Lovegrove - Opposed

21. Liquor License Application Reports

21.1 START TIME 7:15 PM - Lakeshore Rd 4629-4649 - LL22-0021 - City of Kelowna

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Gary Brucker, Tim Kramer, Barn Owl Brewing Company, Applicant

- Provided the history to the site and business.

- Spoke to the circumstances behind the patio expansion.

- Displayed a PowerPoint presentation.

City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one from the gallery or online came forward.

Applicant:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Singh

R0045/23/01/17 THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB):

In accordance with 'Division 9 (71)' of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from 1139646 B.C Ltd dba Barn Owl Brewing Company for an amendment to a lounge endorsement for Lot A Section 25 Township 28 SDYD Plan KAP71341 Except Plan EPP76702, located at 4629-4649 Lakeshore Rd, Kelowna, BC for the following reasons:
 - Council Policy No. 359 recommends supporting alternative entertainment options, and/or establishments which are less focused on alcohol consumption;
2. Council's comments on LCLB's prescribed considerations are as follows:
 - a. The potential for noise if the application is approved:

The potential impact for noise is minimal as the occupancy is increasing by 13 patrons within the building and 41 patrons on an existing patio.
 - b. The impact on the community if the application is approved:

The potential for negative impacts is minimal as the area is primarily commercial to the West and South, with a church to the North. The residential to the south is separated by commercial buildings and existing mature landscaping.

3. Council's comments on the views of residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures."

Carried

22. Development Permit and Development Variance Permit Reports

22.1 START TIME 7:15 PM - Wardlaw Ave 727 - DP22-0032 DVP22-0033 - Cellar Door Developments Ltd., Inc.No. BC1292607

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Kelly McQuiggan, West Ave, Vancouver, Applicant participating remotely

- Identified the applicant team
- Available to answer questions.

City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one from the gallery or online came forward.

Kelly McQuiggan, Applicant participating remotely in response:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Lovegrove/Seconded By Councillor Webber

Ro046/23/01/17 THAT Council authorizes the issuance of Development Permit No. DP22-0032 and Development Variance Permit No. DVP22-0033 for Lot B District Lot 135 ODYD Plan 32260, located at 727 Wardlaw Avenue, Kelowna, BC subject to the following:

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

AND THAT a variance to the following section of Zoning Bylaw No. 12375 be granted:

Table 14.11: UC5 - Commercial and Urban Centre Zone Development Regulations

To vary the minimum front yard setback for ground-oriented housing from 2.0m permitted to 1.5m proposed.

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

Carried

22. Development Permit and Development Variance Permit Reports

22.2 START TIME 7:15 PM - Stonepointe Ct 1160 - DVP22-0216 - James Hiebert

The item was withdrawn by the applicant.

23. Reminders

There were no reminders.

24. Termination

The meeting was declared terminated at 10:06 p.m.

Mayor Dyas



City Clerk

sf/cm

DRAFT

REPORT TO COUNCIL



Date: December 5, 2022

To: Council

From: City Manager

Department: Development Planning

Application: Z22-0054

Owner: Siyu Li

Address: 662 Berk Court

Applicant: Urban Options Planning Corp.

Subject: Rezoning Application

Existing OCP Designation: S-Res – Suburban Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU4 – Duplex Housing

1.0 Recommendation

THAT Rezoning Application No. Z22-0054 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot A District Lot 357 SDYD Plan 30572 Except Plan 37931, located at 662 Berk Court, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU4 – Duplex Housing zone;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Development Planning Department dated December 5, 2022;

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

2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU4 – Duplex Housing zone to facilitate a two-lot subdivision.

3.0 Development Planning

Staff are supportive of the application to rezone the subject property from the RU1 – Large Lot Housing zone to the RU4 – Duplex Housing zone. The property is a large lot with a future land use designation of S-Res –

Suburban Residential, and is within the City’s Permanent Growth Boundary (PGB). As such, the proposed zone is consistent with the Official Community Plan’s (OCP) objectives.

4.0 Proposal

4.1 Project Description

The proposed rezoning from the RU1 – Large Lot Housing zone to the RU4 – Duplex Housing zone would facilitate a two-lot subdivision. The resulting lots would be 726.5 m2 each in area, with one lot being 18.0 m wide and the second lot being 21.33 m wide. This would allow for semi-detached housing to be built on the resulting lots, increasing the number of primary housing units from one to four.

4.2 Site Context

The subject property is located on Berk Court near the intersection with Buck Road. The parcel has a Future Land Use Designation of S-RES – Suburban Residential and is within the City’s Permanent Growth Boundary. The surrounding area consists primarily of RU1 – Large Lot Housing.

Specifically, adjacent land uses are as follows:

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

Subject Property Map: 662 Berk Court



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

6.0 Objective 7.2. Design Suburban Neighbourhoods to be low impact, context sensitive and adaptable.

Policy 7.2.1. Ground-Oriented Housing.	Consider a range of low density ground-oriented housing development to improve housing diversity and affordability and to reduce the overall urban footprint of Suburban Neighbourhoods. Focus more intensive ground-oriented housing where it is in close proximity to small scale commercial services, amenities like schools and parks, existing transit service and/or active transportation facilities. <i>The proposed rezoning would provide additional ground-oriented dwellings that contribute to diverse and affordable housing within suburban communities.</i>
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Objective 7.6. Support a variety of low-density housing.

Policy 7.6.1. Family-friendly multi-unit housing.	Encourage multi-unit developments near schools to include a variety of unit sizes, including three or more bedrooms <i>The proposed rezoning would provide three additional dwelling units on a site near multiple schools.</i>
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7.0 Application Chronology

Date of Application Accepted: September 2, 2022

Date Public Consultation Completed: October 3, 2022

Report prepared by: Graham Allison, Planner I

Reviewed by: Dean Strachan, Community Planning & Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

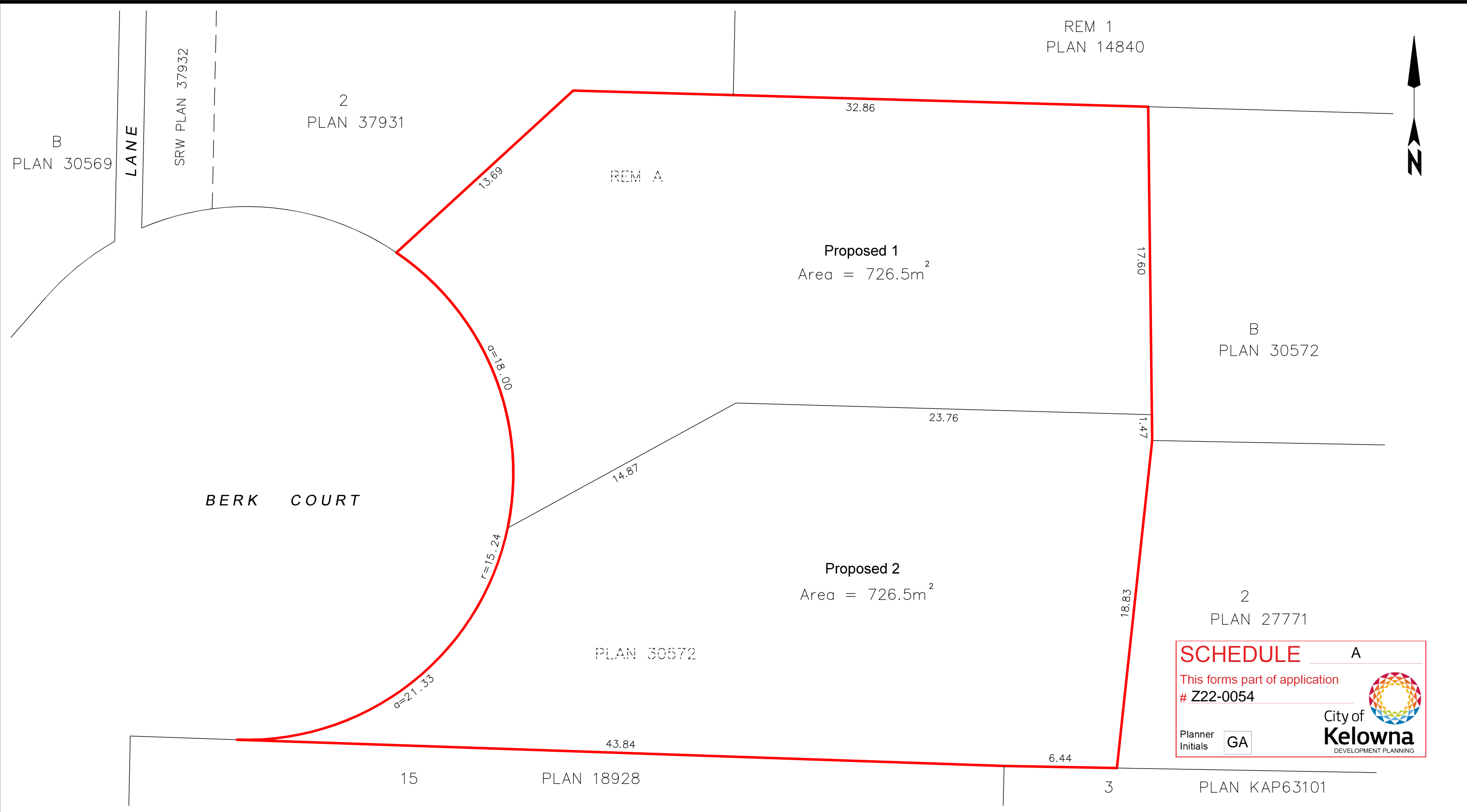
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Schedule A: Site Plan

Attachment A: Development Engineering Memo

Attachment B: Application Rationale



REM 1
PLAN 14840

2
PLAN 37931

B
PLAN 30569

SRW PLAN 37932

LANE

REM A

Proposed 1
Area = 726.5m²

B
PLAN 30572

BERK COURT

Proposed 2
Area = 726.5m²

PLAN 30572

2
PLAN 27771

SCHEDULE A

This forms part of application
Z22-0054

Planner Initials **GA**



City of Kelowna
DEVELOPMENT PLANNING

15

PLAN 18928

3

PLAN KAP63101

TITLE: PROPOSED SUBDIVISION PLAN OF LOT A, DISTRICT LOT 357, S.D.Y.D., PLAN 30572, EXCEPT PLAN 37931 (662 BERK COURT, KELOWNA)	DRAWN BY: RUNNALLS DENBY <i>british columbia land surveyors</i> 259A Lawrence Avenue Kelowna, B.C. V1Y 6L2 Phone: (250)763-7322 Fax: (250)763-4413 Email: rob@runnallsdenby.com	SCALE: 1:200 (11" x 17") DATE: August 12, 2022 DWG: 16424 PSUB
	CLIENT: MENETHIL PROPERTIES LTD.	FILE No.: 16424 REV. 012

CITY OF KELOWNA
MEMORANDUM

Date: October 14, 2022
File No.: Z22-0054
To: Community Planning & Development Manager (DS)
From: Development Engineering Manager (NC)
Subject: 662 Berk Court

ATTACHMENT A

This forms part of application
Z22-0054

Planner Initials GA

City of
Kelowna
DEVELOPMENT PLANNING



RU1 to RU4

The Development Engineering Branch has the following comments for this rezoning application for the 662 Berk Court project. The Development Engineering Technician for this project is Chris Pedersen (cpedersen@kelowna.ca). The following Works and Services will be a requirement of this development.

1. GENERAL

- a. This proposed development may require the installation of centralized mail delivery equipment. Please contact Arif Bhatia, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC, V1Y 2K0, (250) 859-0198, arif.bhatia@canadapost.ca to obtain further information and to determine suitable location(s) within the development.
- b. The following requirements are valid for two (2) years from the reference date of this memo, or until the application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.
- c. The following requirements assume that this rezoning application will proceed concurrently with Subdivision application S22-0053. If the rezoning proceeds independently of subdivision, servicing requirements will need to be reassessed.
- d. All City Trees must be protected as per Bylaw 8042 Schedule C – Tree Barrier and Installation Policy requirements. Removal of City Trees will require approval by the City’s Urban Forestry Supervisor. Trees will require replacement, at a minimum two for one ratio, or payment of the City of Kelowna Equitable Compensation as defined in Section 8.2 of Bylaw 8042.

2. DOMESTIC WATER AND FIRE PROTECTION

- a. The subject lot is located within the City of Kelowna water supply area.
- b. Our records indicate that this property is currently serviced with a 25-mm diameter water service off Berk Court. Only one service will be permitted per legal lot and each lot must be serviced prior to Subdivision.
- c. The Applicant, at their cost, can choose to either engage an engineer and a contractor to design and construct the water services or can choose to have the services installed by City forces at the Applicant’s expense. If the Applicant chooses to have the services installed by

City forces, they will be required to sign a Third-Party Work Order and pre-pay for the cost of the water services. For estimate inquiries please contact the Development Engineering Technician assigned to the file.

- d. The Applicant's Consulting Mechanical Engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. The bylaw requirement for duplex residential is 60 L/s. If it is determined that upgrades to any other existing water distribution system must be made to achieve the required fire flows, additional bonding will be required.
- e. The fronting water mains in the Buck Road and Berk Court neighborhood are 100-mm diameter asbestos concrete water mains. To improve fire flows to the subject property and the neighborhood, a hydrant is to be installed within 75m of the center of the Berk Court cul-de-sac and the 100-mm diameter water mains on Buck Road from Gordon Drive to Berk Court and on Berk Court from Buck Road to the new hydrant are to be upsized to 200-mm diameter.
- f. The City has identified the required water system upgrades outlined in Item 2.e as a potential Fireflow Upgrade Project and may submit this project for budget approval and installation in 2023. The Applicant can choose to wait for this potential future City-led project at the City's timeline, decision to proceed, and cost, or can choose to proceed immediately with the project at the Applicant's timeline and cost. Deferred Revenue contributions may also be applicable.

3. SANITARY SEWER SYSTEM

- a. The subject property is located within the City of Kelowna sewer service area.
- b. Our records indicate that this property is currently serviced with a 100-mm diameter sanitary sewer service off Berk Court. Only one service will be permitted for each legal lot and each lot must be serviced prior to Subdivision.
- c. Service connections are to be completed with an inspection chamber (c/w Brooks Box) as per SS-S7 and may not be extended at an angle that exceeds 45° from perpendicular to the main. Connection from mains within rear yard right-of-ways will not be permitted.
- d. The Applicant, at their cost, can choose to either engage an engineer and a contractor to design and construct the sanitary services or can choose to have the services installed by City forces at the Applicant's expense. If the Applicant chooses to have the services installed by City forces, they will be required to sign a Third-Party Work Order and pre-pay for the cost of the sanitary services.

4. STORM DRAINAGE

- a. The subject property is located within the City of Kelowna drainage service area. The City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydrogeotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.
- b. Provide the following drawings:

ATTACHMENT		A
This forms part of application		
# Z22-0054		
Planner Initials	GA	 City of Kelowna <small>DEVELOPMENT PLANNING</small>

- i. A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill), grading directly to a natural drainage path must include adequate erosion control and water quality improvement measures;
 - ii. A detailed Stormwater Management Plan for this subdivision; and,
 - iii. An Erosion and Sediment Control Plan is to be prepared by a Professional Engineer proficient in the field of erosion and sediment control. The plan is to be prepared as per section 3.14 of Schedule 4 of Bylaw 7900. If a line item for ESC is not included in the Engineer's cost estimate for off-site work, then an additional 3% will be added to the performance security based on the total off-site construction estimate.
- c. On-site detention systems are to be compliant with Bylaw 7900, Schedule 4, Section 3.11.1 *Detention Storage*.
- d. As per Bylaw 7900, Schedule 4, Section 3.1.3 *Climate Change*, the capacity of storm works will include an additional 15 percent (15%) upward adjustment, and applied to the rainfall intensity curve stage (IDF) in Section 3.7.2.
- e. Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- f. Register right of ways on private properties for all the storm water infrastructure carrying, conveying, detaining and/or retaining storm water that is generated from the public properties, public road right of ways, and golf course lands.
- g. Identify clearly on a contour map, or lot grading plan, all steep areas (>30 %). Provide cross sections for all steep areas at each property corner and at locations where there are significant changes in slope. Cross sections are to be perpendicular to the contour of the slope. Show the proposed property lines on the cross sections. Not all areas have a clear top of bank; and therefore, field reconnaissance by City staff and the applicant may be needed to verify a suitable location for property lines.
- h. If individual lot connections are required, ensure that payment of connection fees has been completed (please provide receipt).
- i. Where structures are designed or constructed below the proven high groundwater table, permanent groundwater pumping will not be permitted to discharge to the storm system. The City will approve designs that include provisions for eliminating groundwater penetration into the structure, while addressing buoyancy concerns. These design aspects must be reviewed and approved by the City Engineer.

5. ROAD IMPROVEMENTS

- a. Berk Court must be upgraded by the Applicant to an urban standard along the full frontage of the subject property. Cross section will be provided at time of design. Required upgrades must include curb and gutter, storm drainage system, LED street lighting, pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.

ATTACHMENT		A
This forms part of application		
# Z22-0054		
Planner Initials	GA	 City of Kelowna ¹⁵ DEVELOPMENT PLANNING

6. 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. The utility companies are required to obtain the City's approval before commencing construction.
- b. Before making application for approval of your subdivision plan, please make arrangements with Fortis BC for the pre-payment of applicable charges.

7. GEOTECHNICAL STUDY

- a. Provide a geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**
- b. The Geotechnical reports must be submitted to the Development Services Department (Subdivision Approving officer) for distribution to the Development Engineering Branch and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.
 - i. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
 - ii. Site suitability for development.
 - iii. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
 - iv. Any special requirements for construction of roads, utilities and building structures.
 - v. Slope stability, rock fall hazard and slippage including the effects of drainage and septic tank effluent on the site.
 - vi. Identify slopes greater than 30%.
 - vii. Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
 - viii. Recommendations for items that should be included in a Restrictive Covenant.
 - ix. Any special requirements that the proposed development should undertake so that it will not impact the banks(s). The report must consider erosion and structural requirements.
 - x. Recommendations for erosion and sedimentation controls for water and wind.
 - xi. Any items required in other sections of this document.

8. DEVELOPMENT PERMIT AND SITE-RELATED ISSUES

- a. Only one driveway will be permitted per legal lot with a maximum width of 6.0m.

9. OTHER ENGINEERING COMMENTS

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

10. DESIGN AND CONSTRUCTION

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

11. SERVICING AGREEMENTS FOR WORKS AND SERVICES

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

12. CHARGES, FEES, AND SECURITIES

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


 Nelson Chapman, P.Eng.
 Development Engineering Manager

CP

ATTACHMENT		A
This forms part of application		
# Z22-0054		
Planner Initials	GA	 City of Kelowna <small>DEVELOPMENT PLANNING</small>



ATTACHMENT **B**

This forms part of application
Z22-0054

Planner Initials **GA**


City of Kelowna
DEVELOPMENT PLANNING

August 22, 2022

City of Kelowna
Urban Planning Department
1435 Water Street, V1Y 1J4
Kelowna, BC

Rezoning Application from RU1 – Large Lot Housing to RU4 – Duplex Housing to Support a 2-Lot Subdivision at 662 Berk Ct.

Introduction

Dear Planning Staff,

The purpose of this application is to rezone the subject property from RU1 – Large Lot Housing to RU4 – Duplex Housing (Zoning Bylaw 12375). Application for a 2-Lot Subdivision has been submitted concurrently. The intent of the project is to construct 2 dwellings in a semi-detached form on each resulting property. The existing dwelling will be removed. Context photos are provided to show the current configuration of the neighbourhood.

Proposed Site Layout

The lot width of each resulting property meets the requirement of the RU4 zone at 18.0m (Proposed Lot 1) and 21.33m (Proposed Lot 2) and can easily support two-dwelling housing. The lot area for each property is 726.5m². No variances are required as part of this application. The parent property is large, and the proposed subdivision will better reflect the lot size of neighbouring properties such as Gordon Drive to the east (4624 – 4636 Gordon Drive).

Official Community Plan Conformance

This proposal conforms to the 2040 OCP – Future Land Use direction of *Suburban Residential*, as two-dwelling residential is a supported use. In addition, the following pillars are met:

1. Stop planning new suburban neighbourhoods.

Creating sensitive infill within existing neighbourhoods reduces the desire for new suburban neighbourhoods to be planned. In turn, those who wish to rent or purchase a new dwelling can do so without constructing a new single-family home in a new neighbourhood. In addition, new construction within existing neighbourhoods eliminates the need to create new service mains which are expensive to build and maintain.

2. Promote more housing diversity.

The *Suburban Residential* Future Land Use designation allows for a range of housing forms within existing suburban neighbourhoods. Two-dwelling housing is a great way to utilize the

existing property and services to create a diverse housing option in a neighbourhood which is located nearby amenities such as schools and parks.

3. Protect our environment.

Constructing two-dwelling housing on an existing building envelope reduces the need for environmental impacts such as blasting, site grading, and tree removal on undeveloped lots.

Project Benefits

In the immediate neighbourhood within a 140m radius, there are 8 properties which are zoned RU4, and 4 properties which have been subdivided under the RU2 zone. In addition, there are 3 properties which have been rezoned to RU1c to increase the density of the neighbourhood. With this in mind, we believe the application is beneficial to the community for multiple reasons.

Firstly, the application will allow for upgrades in a neighbourhood which is beginning to experience sensitive redevelopment with the adoption of the 2040 OCP. The landowner is constructing the dwellings to increase the housing stock in a desirable area of Kelowna with large lots. Secondly, the property is situated near amenities such as the shopping centre at 4600 Lakeshore Road, Barn Owl Brewing, Sarsons Beach Park, H2O Fitness Centre, and the Capital News Centre. Gordon Drive, located nearby the subject property, provides an opportunity for cycling and public transit. Lastly, the subject property is located nearby multiple elementary schools and Okanagan Mission Secondary, making the subject property an excellent location for growing families.

We believe this project creates sensitive infill in an area of Kelowna with great potential. For any questions regarding the application, please contact Urban Options Planning Corp. at the undersigned.

Regards,

Urban Options Planning Corp.
By its authorized signatory, Birte Decloux, RPP MCIP

ATTACHMENT	B
This forms part of application	
# Z22-0054	
Planner Initials	GA
 City of Kelowna DEVELOPMENT PLANNING	



City of
Kelowna

Z22-0054 662 Berk Court:

Rezoning Application

Proposal

- ▶ To rezone the subject property from the RU₁ – Large Lot Housing zone to the RU₄ – Duplex Housing zone to facilitate a two-lot subdivision.

Rezoning

- ▶ “Is this proposed land use and density appropriate for this property?”

- ▶ Considerations & Regulations:
 - ▶ Uses of land, building, & structures
 - ▶ Density of use of land (FAR)
 - ▶ Site access
 - ▶ Based on OCP Policies including Future Land Use

Development Process



Sep. 2, 2022

Development Application Submitted



Staff Review & Circulation



Oct. 3, 2022

Public Notification Received



Dec. 5, 2022



Initial Consideration



First, Second & Third Readings



Final Reading

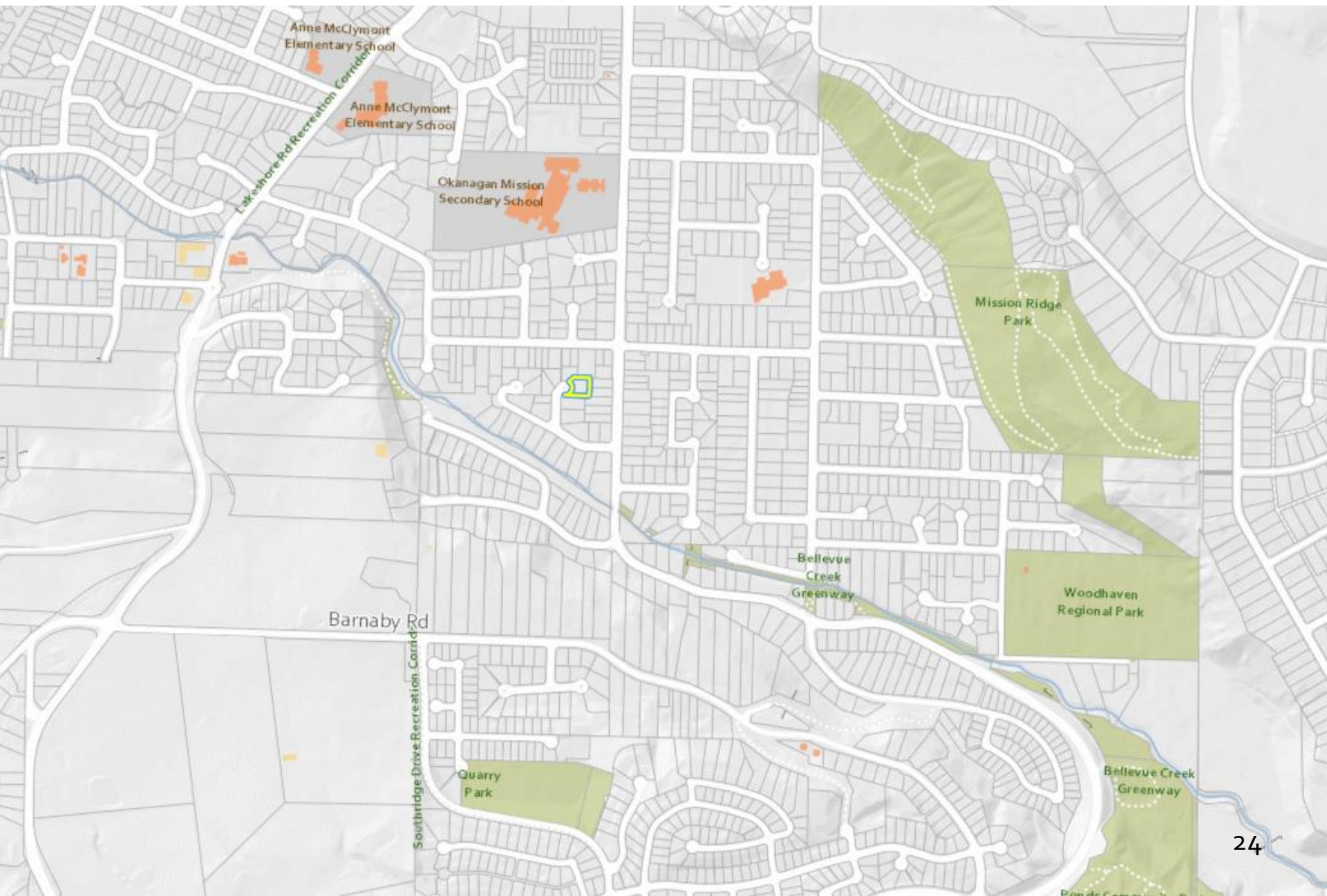


Building Permit

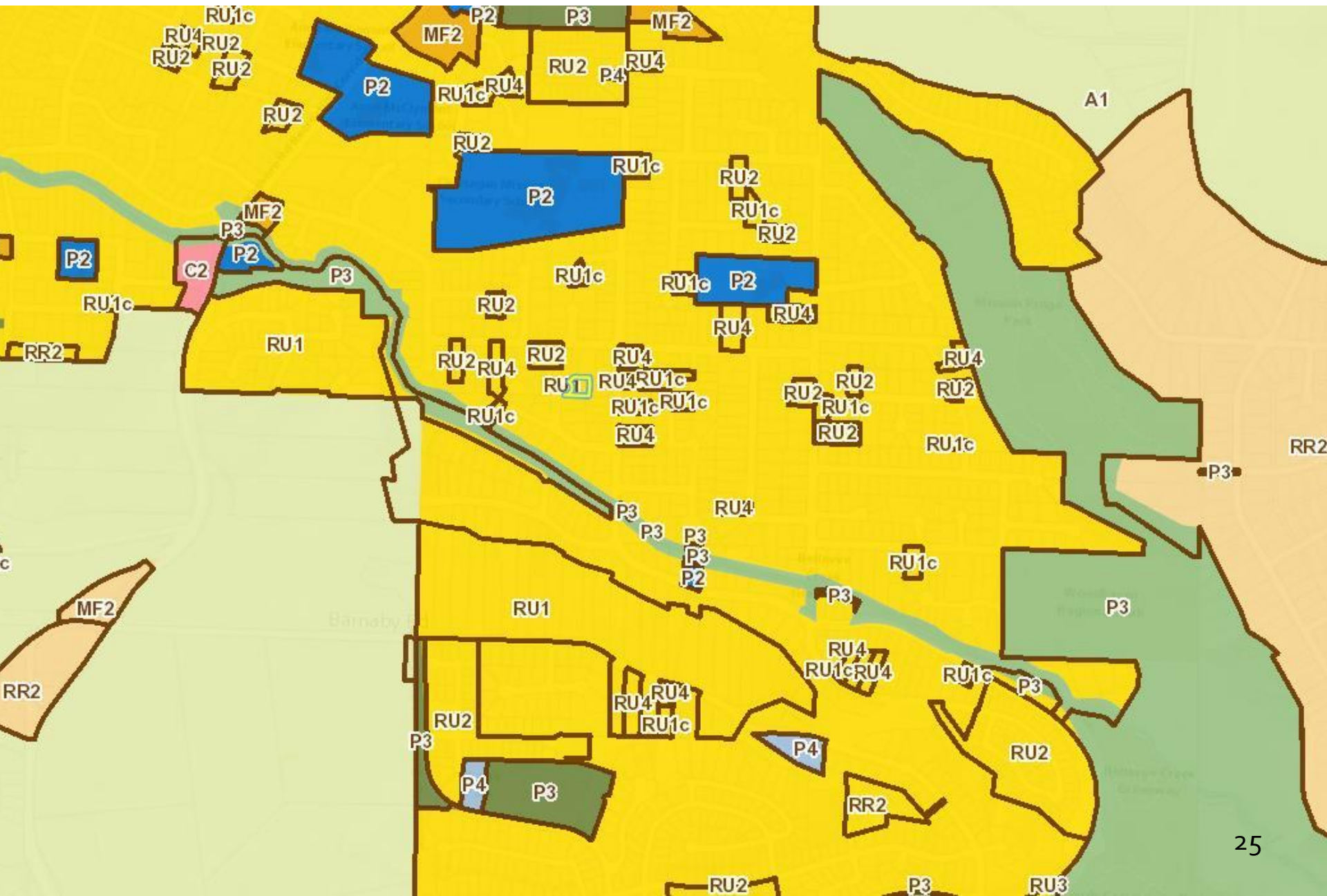


Council Approvals

Context Map



OCP Future Land Use / Zoning



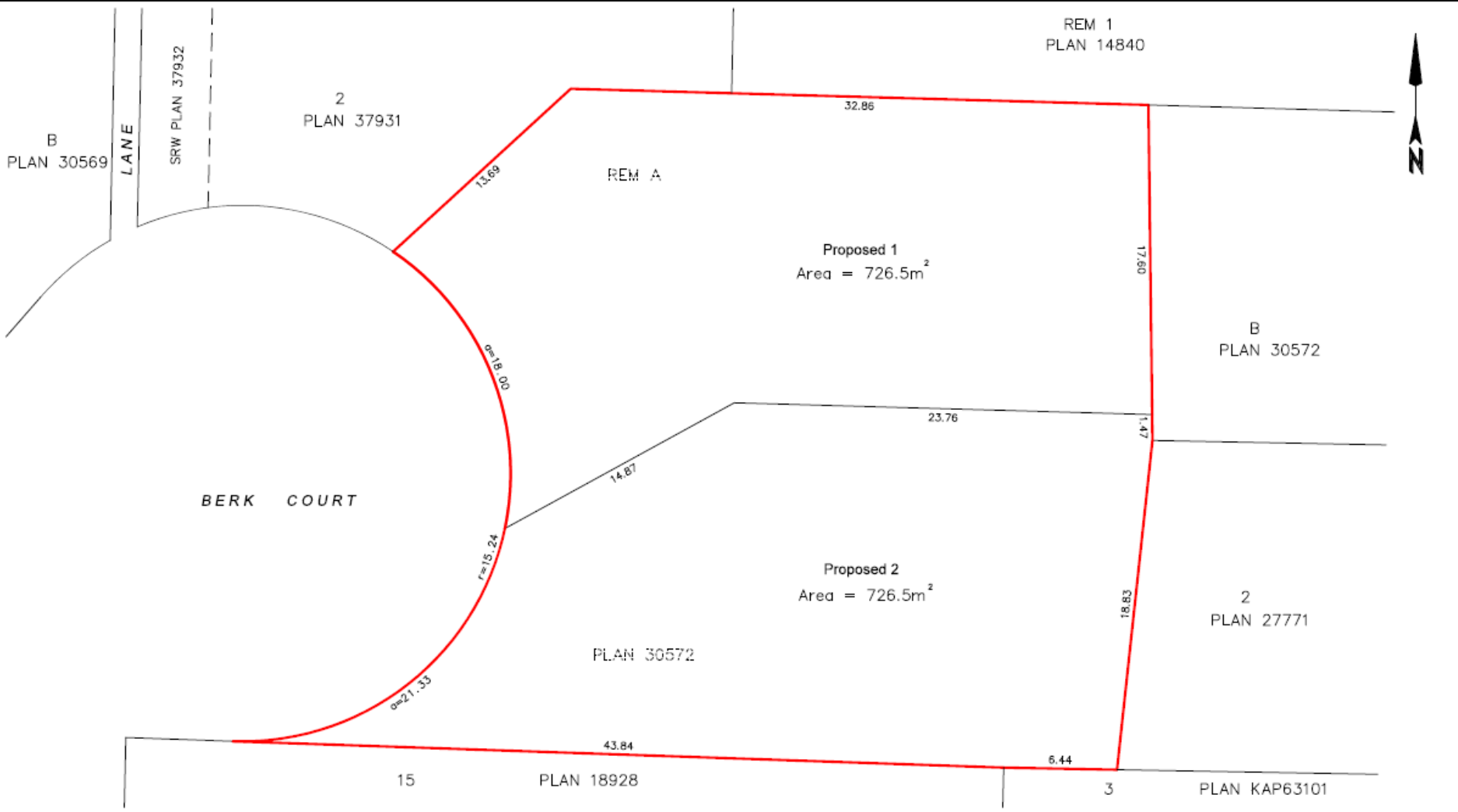
Subject Property Map



Project/technical details

- ▶ The proposal is to rezone the subject property from the RU₁ – Large Lot Housing zone to the RU₄ – Duplex Housing zone to facilitate a two-lot subdivision.
- ▶ The resulting lots would both be 726.5 m² in area, with one lot being 18.0 m wide and the second lot being 21.33 m wide.
- ▶ Intent is for semi-detached housing to be built on the resulting lots.

Subdivision Plan



TITLE: PROPOSED SUBDMOSION PLAN OF LOT A, DISTRICT LOT 357, S.D.Y.D., PLAN 30572, EXCEPT PLAN 37931 (662 BERK COURT, KELOWNA)	DRAWN BY: RUNNALLS DENBY british columbia land surveyors 299A Lawrence Avenue Kelowna, B.C. V1Y 6L2 Phone: (250)763-7322 Fax: (250)763-4413 Email: rob@runnallsdenby.com	SCALE: 1:200 (11" x 17") DATE: August 12, 2022 DWG: 16424 PSUB
	CLIENT: MENETHIL PROPERTIES LTD.	FILE No.: 16424 REV: 0

OCP Objectives & Policies

- ▶ Objective 7.1: Design Suburban Neighbourhoods to be low impact, context sensitive and adaptable
 - ▶ Additional ground-oriented units provide low-impact increase in density
- ▶ Policy 7.2.1: Ground Oriented Housing
 - ▶ Semi-detached housing is ground oriented
 - ▶ Increases housing diversity
 - ▶ Close proximity to schools and parks

Staff Recommendation

- ▶ Development Planning Staff recommend support for the proposed Rezoning
 - ▶ Subject property is within the Permanent Growth Boundary.
 - ▶ Meets the intent of the S-Res Future Land Use Designation.

662 Berk Road

Rezoning request from RU₁-Large Lot housing to RU₄- Duplex housing zone.



WHY RU4?



Imagine Kelowna





Suburban Area

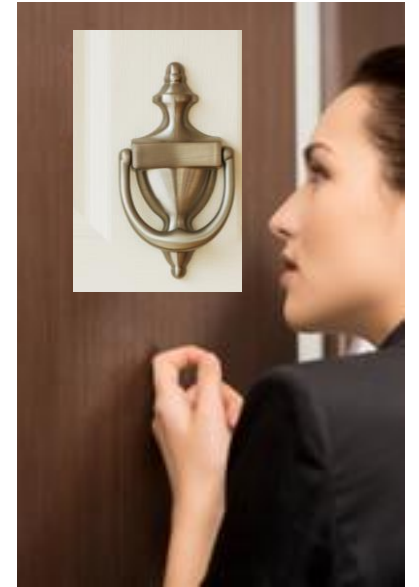
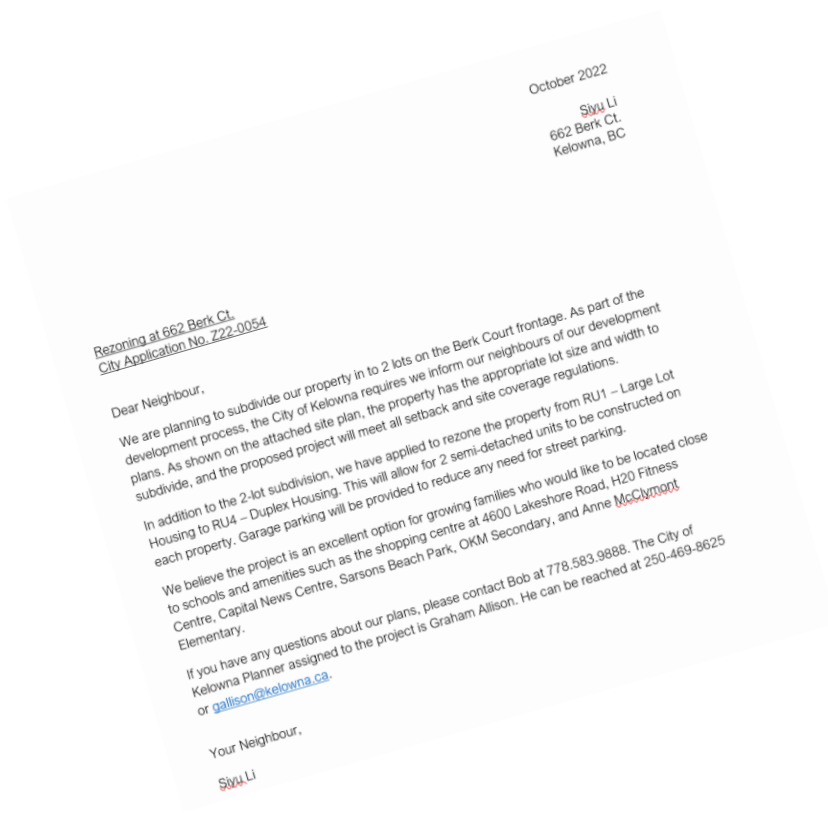
- The suburban areas are generally large older stock housing (1970's and 1980's) on very large lots
- It was the dream for my parents generations and they took pride in keeping up big homes with large lots.
- My generation already has changed and seek other fulfilment
- The 20 – 30 something generation wants to be in the action of urban spaces.
- Even our biggest growth demographic wants



townh



Neighbourhood communications



Notification of Public Hearing



-  **Public Hearing**
Tuesday, February 14, 2023 @ 4:00 pm, Council Chambers
-  **Email**
cityclerk@kelowna.ca
-  **Phone**
250-469-8645
-  **Online**
kelowna.ca/council
-  **Mail/drop off**
Office of the City Clerk
1435 Water St.
Kelowna BC
V1Y 1J4

Dear property owner/occupant,

In your neighbourhood
Kelowna City Council is considering the following proposed bylaw amendments to Zoning Bylaw No. 12375:

662 Berk Court (see map on reverse for location)
Bylaw No. 22465 (Z22-0054)

Requested zoning change: From the RU1 - Large Lot Housing zone to the RU4 - Duplex Housing zone.

Public Hearing
City Council will hold a Public Hearing on:
Tuesday, February 14, 2023
Kelowna City Hall, 1435 Water Street
Council Chambers

Scheduled Time 4:00 pm

Participate in person or electronically (online)

Provide your comments in advance
Comments may be made prior to the Public Hearing by email to cityclerk@kelowna.ca, by letter to the Office of the City Clerk, 1435 Water Street, Kelowna, BC V1Y 1J4, or verbally by calling the Office of the City Clerk at 250-469-8645 during office hours.



WHY RU4?



Residential Zones

Here is a table from the Zoning Bylaw showing all the residential zones available. The critical items are highlighted. Yellow for minimum frontage and blue for lot size. The property at 662 Berk Rd has the size and frontage to exceed these minimum requirements.

Section 11.4 – Subdivision Regulations					
m = metres / m ² = square metres					
	Zones				
	RU1 ¹	RU2 ¹	RU3 ¹	RU4 ¹	RU5
Min. Lot Width without access to a Rear Lane	16.5 m	13.0 m	8.5 m	18.0 m ⁻²	40.0 m
Min. Lot Width with access to a Rear Lane or Strata Road	15.0 m	12.0 m	8.5 m	18.0 m ⁻²	40.0 m
Min. Lot Width for Corner Lots	17.0 m	15.0 m	10.0 m	20.0 m ⁻²	40.0 m
Min. Lot Depth	30.0 m	27.0 m	27.0 m	30.0 m	30.0 m
Min. Lot Area ¹	450 m ²	350 m ² ³	255 m ²	540 m ² ²	4,000 m ²
Min. Building Envelope Area	150 m ²	130 m ²	n/a	200 m ²	n/a
New lots must have access to side or rear lane	no	no	yes	no	no

FOOTNOTES (Section 11.4.):

¹ Minimum lot width, lot depth, and lot area also apply to bareland strata lots.

² Where a lot is developed with a semi-detached housing form and is being subdivided along a party wall then: the minimum lot area is 270 m², the minimum lot width is 10 m for corner lots, the minimum lot width is 9 m for all other lots, and the minimum building envelope area is 100 m².

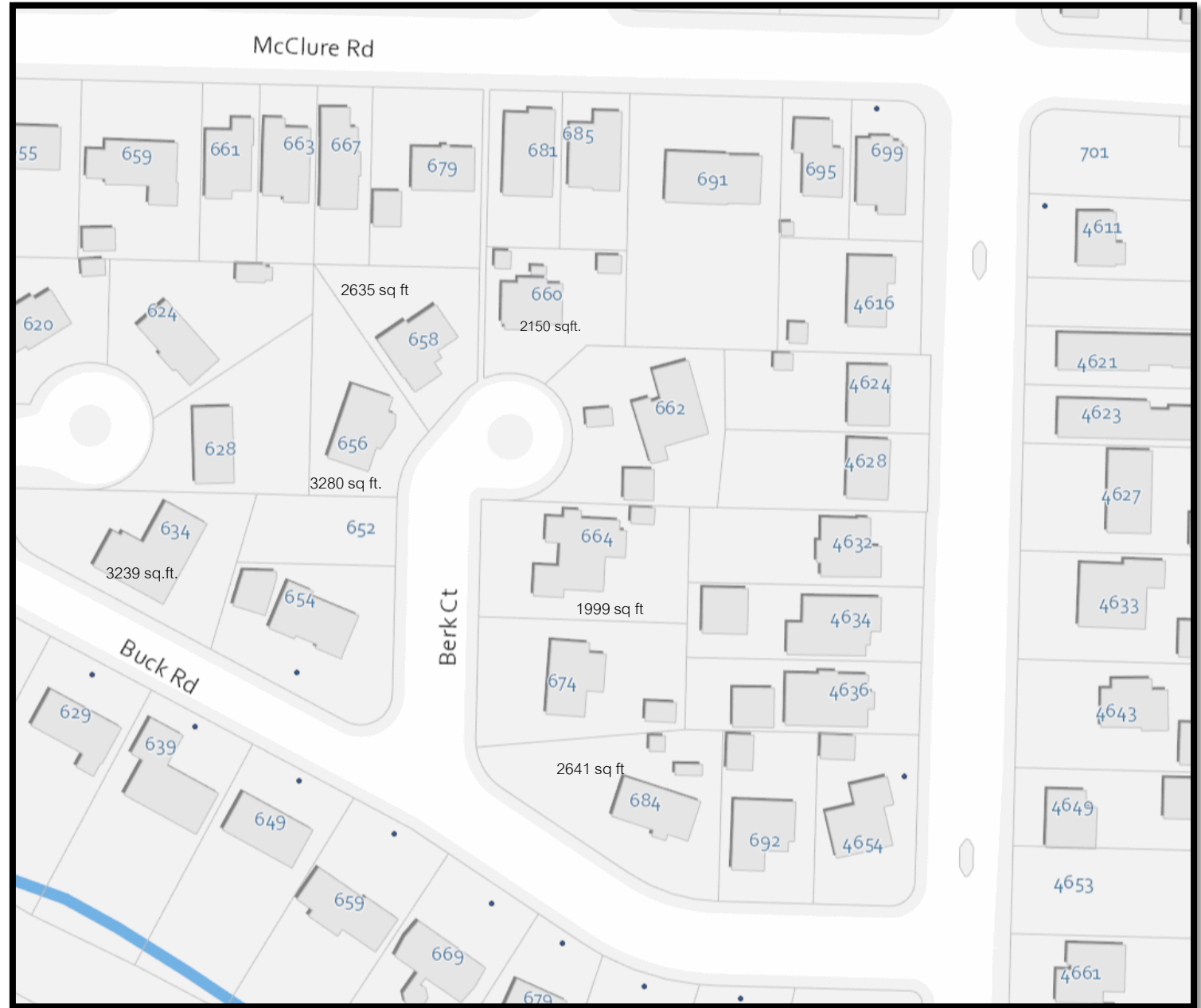
³ The minimum lot area is 325 m² when the lot has access to a rear lane or strata road.

RU6 was changed to RU4 – Duplex housing in the Zoning Bylaw 12375

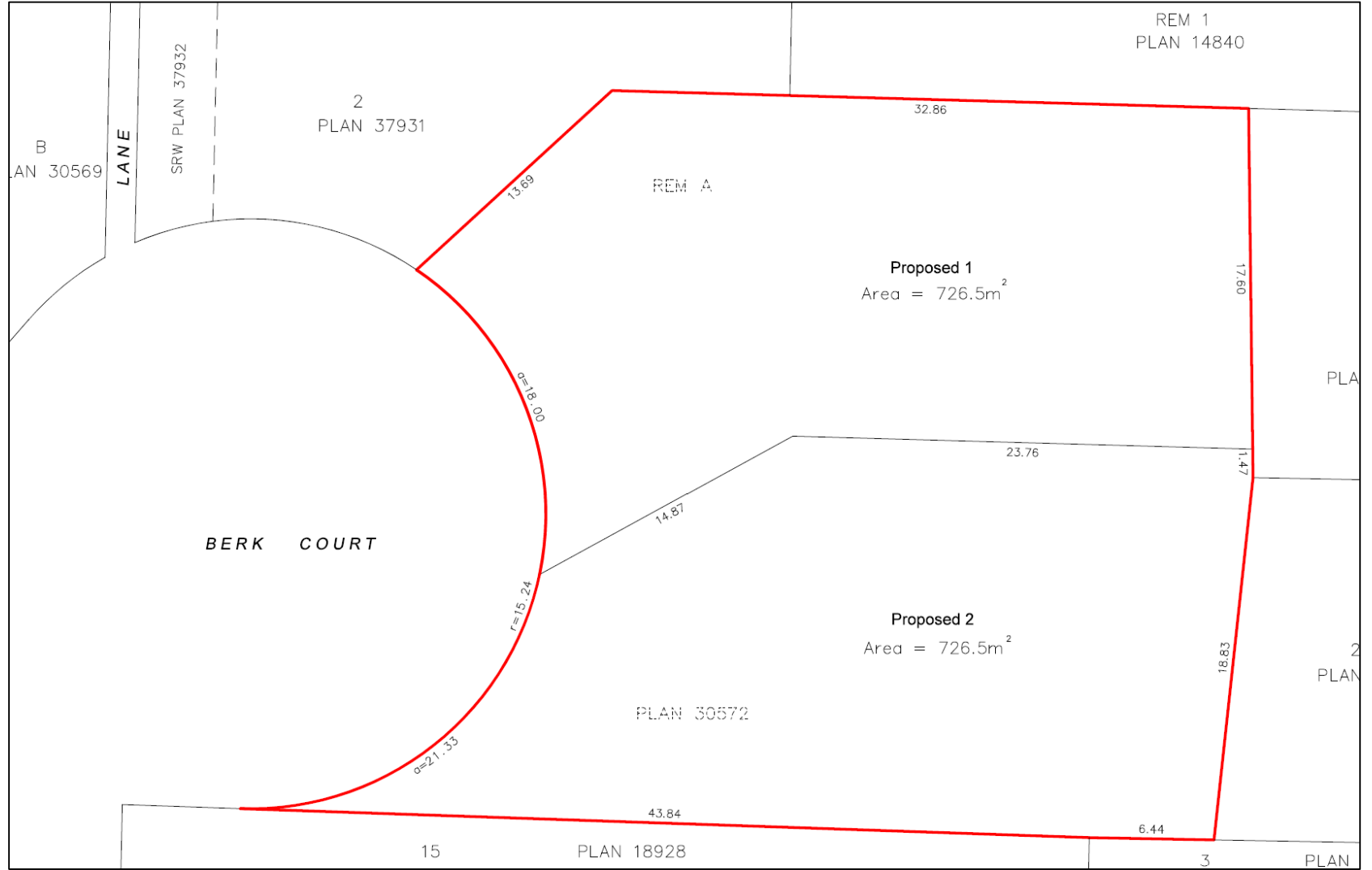
The RU6 – Two Dwelling housing zone innovative when it was developed in response to a housing shortage in Kelowna.

South Kelowna and portions of North Kelowna were blanket rezoned to encourage densification in these areas.

Neighbourhood context
in relations to size of
dwelling

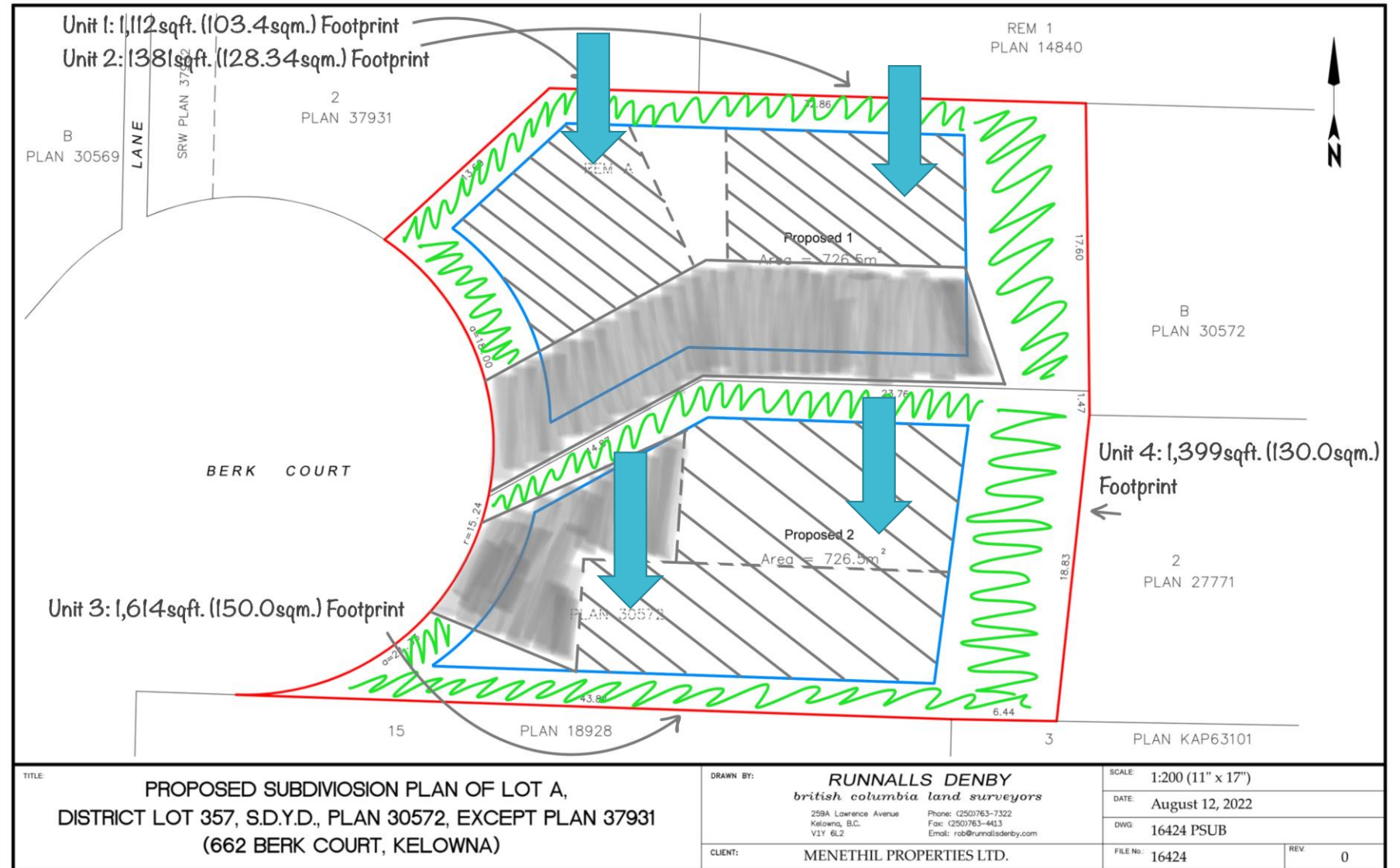


Proposal



Details specific to this rezoning request

Buildable area for each of the proposed lots should the zoning be approved. Note the largest possible principal unit is less than 214m^2 or 2,300 sq. ft. If a secondary suite were included at the maximum size permitted, the principal dwelling would be 1332 sq. ft. including the 2 car garage.



Who uses a suite?



Questions?

- The proposal meets the following OCP pillars:
 - Stop planning new suburban neighbourhoods
 - Promote more housing diversity
 - Protect our environment
- Consistent with other properties in immediate area
- Close to amenities including multiple schools, shopping, recreation, transit and multi-modal routes.



Potential duplex forms



CITY OF KELOWNA

BYLAW NO. 12461

Z22- 0054 662 Berk Crt

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification Lot A District Lot 357 SDYD Plan 30572 Except Plan 37931, located on Berk Court, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU4 – Duplex 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 9th day of January, 2023.

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: January 9, 2023

To: Council

From: City Manager

Department: Development Planning

Application: Z22-0062 **Owner:** Yong Zhang

Address: 4371 Lakeshore Rd **Applicant:** Urban Options Planning Corp. –
Jack Pawsey

Subject: Rezoning Application

Existing OCP Designation: S-RES – Suburban Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU4 – Duplex Housing

1.0 Recommendation

THAT Rezoning Application No. Z22-0062 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 4 District Lot 358 ODYD Plan 9564, located at 4371 Lakeshore Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU4 – Duplex Housing zone, be considered by Council;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment “A” attached to the Report from the Development Planning Department dated January 9, 2023;

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

2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU4 – Duplex Housing zone to facilitate a 2-lot subdivision and the development of two dwellings in a semi-detached form on each resulting lot.

3.0 Development Planning

Staff support the proposal to rezone the subject property from the RU₁ – Large Lot Housing zone to the RU₄ – Duplex Housing zone. The subject property has a Future Land Use Designation of S-RES – Suburban Residential and is within the City’s Permanent Growth Boundary (PGB). As such, the proposed zone is consistent with the 2040 Official Community Plan’s (OCP) objectives.

4.0 Proposal

4.1 Project Description

The proposed rezoning to the RU₄ – Duplex Housing would be to facilitate a 2-lot subdivision and the development of two dwellings in a semi-detached form on each resulting lot for a total of four units. An access easement is proposed adjacent to the east property line to allow for shared driveway access off Greene Road. The total lot area is 1241.0 m² and upon subdivision would result in two lots with areas of 601.0 m² and 640.0 m². This exceeds the Zoning Bylaw minimum lot area requirements of 540.0 m² for the RU₄ – Duplex Housing zone.

4.2 Site Context

The subject property is located at the corner of Lakeshore Road and Greene Road. The surrounding areas are zoned RU₁ – Large Lot Housing, MF₂ – Townhouse Housing and RU₄ – Duplex Housing.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU ₁ – Large Lot Housing	Single Family Dwelling
East	RU ₁ – Large Lot Housing	Single Family Dwelling
South	RU ₄ – Duplex Housing	Duplex Housing
West	MF ₂ – Townhouse Housing	Townhouses

Subject Property Map: 4371 Lakeshore Rd



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 7.2 Design Suburban Neighbourhoods to be low impact, context sensitive and adaptable	
Policy 7.2.1 Ground-Oriented Housing	Consider a range of low density ground-oriented housing development to improve housing diversity and affordability and to reduce the overall urban footprint of Suburban Neighbourhoods. Focus more intensive ground-oriented housing where it is in close proximity to small scale commercial services, amenities like schools and parks, existing transit service and/or active transportation facilities. <i>The proposed rezoning and 2-lot subdivision will provide ground-oriented dwellings to increase housing availability in this suburban neighbourhood.</i>
Objective 7.6 Support a variety of low-density housing	
Policy 7.6.1 Family-Friendly Multi-Unit Housing	Encourage multi-unit developments near schools to include a variety of unit sizes, including three or more bedrooms. <i>The property is in close proximity to Dorothea Walker Elementary School and Anne McClymont Elementary School.</i>

6.0 Technical Comments

6.1 Development Engineering Department

6.1.1 Refer to Attachment "A" dated October 26, 2022

7.0 Application Chronology

Date of Application Accepted: September 21, 2022

Date Public Consultation Completed: October 13, 2022

Report prepared by: Breanna Sartori, 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:

Attachment A: Development Engineering Memo

Attachment B: Proposed Subdivision Plan

Attachment C: Applicant's Rationale Letter

CITY OF KELOWNA
MEMORANDUM

Date: October 26, 2022
File No.: Z22-0062
To: Community Planning & Development Manager (DS)
From: Development Engineering Manager (NC)
Subject: 4371 Lakeshore Road

ATTACHMENT _____ A	
This forms part of application # Z22-0062	
Planner Initials	BS
 City of Kelowna DEVELOPMENT PLANNING	
Rezoning RU1 to RU4	

The Development Engineering Branch has the following comments for this rezoning application for the 4371 Lakeshore Road project. The Development Engineering Technician for this project is Chris Pedersen (cpedersen@kelowna.ca). The following Works and Services will be a requirement of this development.

1. GENERAL

- a. The following requirements are valid for two (2) years from the reference date of this memo, or until the application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.
- b. 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.
- c. The following requirements assume that this rezoning application will proceed concurrently with Subdivision application S22-0062. If the rezoning proceeds independently of subdivision, servicing requirements will need to be reassessed.
- d. 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.
- e. All City Trees must be protected as per Bylaw 8042 Schedule C – Tree Barrier and Installation Policy requirements. Removal of City Trees will require approval by the City’s Urban Forestry Supervisor. Trees will require replacement, at a minimum two for one ratio, or payment of the City of Kelowna Equitable Compensation as defined in Section 8.2 of Bylaw 8042.

2. DOMESTIC WATER AND FIRE PROTECTION

- a. The subject lot is located within the City of Kelowna water supply area.
- b. Our records indicate that this property is currently serviced with a 19-mm diameter water service off Lakeshore Rd. Only one service will be permitted per legal lot and each lot must be serviced prior to Subdivision.

- c. The Applicant, at their cost, can choose to either engage an engineer and a contractor to design and construct the water services or can choose to have the services installed by City forces at the Applicant's expense. If the Applicant chooses to have the services installed by City forces, they will be required to sign a Third-Party Work Order and pre-pay for the cost of the water services. For estimate inquiries please contact the Development Engineering Technician assigned to the file.
- d. The Applicant's Consulting Mechanical Engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. The bylaw requirement for two dwelling residential is 60 L/s. If it is determined that upgrades to any other existing water distribution system must be made to achieve the required fire flows, additional bonding will be required.

3. SANITARY SEWER SYSTEM

- a. The subject property is located within the City of Kelowna sewer service area.
- b. Our records indicate that this property is currently serviced with a 100-mm diameter sanitary sewer service off Greene Rd. Only one service will be permitted for each legal lot and each lot must be serviced prior to Subdivision.
- c. Service connections are to be completed with an inspection chamber (c/w Brooks Box) as per SS-S7 and may not be extended at an angle that exceeds 45° from perpendicular to the main. Connection from mains within rear yard right-of-ways will not be permitted.
- d. The Applicant, at their cost, can choose to either engage an engineer and a contractor to design and construct the sanitary services or can choose to have the services installed by City forces at the Applicant's expense. If the Applicant chooses to have the services installed by City forces, they will be required to sign a Third-Party Work Order and pre-pay for the cost of the sanitary services.

4. STORM DRAINAGE

- a. The subject property is located within the City of Kelowna drainage service area. The City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydrogeotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.
- b. Provide the following drawings:
 - i. A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill), grading directly to a natural drainage path must include adequate erosion control and water quality improvement measures;
 - ii. A detailed Stormwater Management Plan for this subdivision; and,
 - iii. An Erosion and Sediment Control Plan is to be prepared by a Professional Engineer proficient in the field of erosion and sediment control. The plan is to be prepared as per section 3.14 of Schedule 4 of Bylaw 7900. If a line item for ESC is not included in the Engineer's cost estimate for off-site work, then an additional 3% will be added to the performance security based on the total off-site construction estimate.
- c. On-site detention systems are to be compliant with Bylaw 7900, Schedule 4, Section 3.10.6 *Detention Storage*.
- d. As per Bylaw 7900, Schedule 4, Section 3.1.3 *Climate Change*, the capacity of storm works will include an additional 15 percent (15%) upward adjustment applied to the rainfall intensity curve stage (IDF) in Section 3.7.2.

- e. Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- f. Register right of ways on private properties for all the storm water infrastructure carrying, conveying, detaining and/or retaining storm water that is generated from the public properties, public road right of ways, and golf course lands.
- g. Identify clearly on a contour map, or lot grading plan, all steep areas (>30 %). Provide cross sections for all steep areas at each property corner and at locations where there are significant changes in slope. Cross sections are to be perpendicular to the contour of the slope. Show the proposed property lines on the cross sections. Not all areas have a clear top of bank; and therefore, field reconnaissance by City staff and the applicant may be needed to verify a suitable location for property lines.
- h. If individual lot connections are required, ensure that payment of connection fees has been completed (please provide receipt).
- i. Where structures are designed or constructed below the proven high groundwater table, permanent groundwater pumping will not be permitted to discharge to the storm system. The City will approve designs that include provisions for eliminating groundwater penetration into the structure, while addressing buoyancy concerns. These design aspects must be reviewed and approved by the City Engineer.

5. ROAD IMPROVEMENTS

- a. Lakeshore Road must be upgraded to an urban standard along the full frontage of the subject property. Required upgrades must include curb and gutter, storm drainage system, LED street lighting, landscaped and irrigated boulevard, pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- b. Greene Road must be upgraded to an urban standard along the full frontage of the subject property. Required upgrades must include curb and gutter, sidewalk, storm drainage system, LED street lighting, landscaped and irrigated boulevard, pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- c. A one-time cash payment in lieu of construction of the Lakeshore Road and Greene Road upgrades must be collected from the applicant for future construction by the City. The cash-in-lieu amount is determined to be **\$109,795.71** (being \$54,567.83 for Lakeshore Road and \$55,227.88 for Greene Road), not including utility servicing cost.

6. 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. The utility companies are required to obtain the City's approval before commencing construction.
- b. Before making application for approval of your subdivision plan, please make arrangements with Fortis BC for the pre-payment of applicable charges.

7. GEOTECHNICAL STUDY

- a. Provide a geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**

- b. The Geotechnical reports must be submitted to the Development Services Department (Subdivision Approving officer) for distribution to the Development Engineering Branch and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.
 - i. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
 - ii. Site suitability for development.
 - iii. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
 - iv. Any special requirements for construction of roads, utilities and building structures.
 - v. Slope stability, rock fall hazard and slippage including the effects of drainage and septic tank effluent on the site.
 - vi. Identify slopes greater than 30%.
 - vii. Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
 - viii. Recommendations for items that should be included in a Restrictive Covenant.
 - ix. Any special requirements that the proposed development should undertake so that it will not impact the banks(s). The report must consider erosion and structural requirements.
 - x. Recommendations for erosion and sedimentation controls for water and wind.
 - xi. Any items required in other sections of this document.
 - xii. Recommendations for roof drains, perimeter drains and septic tank effluent on the site.

8. ROAD DEDICATION/SUBDIVISION REQUIREMENTS

- a. Approximately 3.0m dedication along the entire frontage of Lakeshore Road is required to achieve a ROW width of 26.0m.
- b. Approximately 1.5m dedication along the entire frontage of Greene Road is required to achieve a ROW width of 18.0m.
- c. Provide a 6m radius road dedication at the corner of Lakeshore Road and Greene Road.

9. DEVELOPMENT PERMIT AND SITE-RELATED ISSUES

- a. Only one driveway from Greene Road shared by both lots with an access easement will be permitted with a maximum driveway width of 6.0m.

10. OTHER ENGINEERING COMMENTS

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

11. 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 application commences, design drawings prepared by a professional engineer must be submitted to the City's Development Services department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that right-of-ways are required for current or future needs.

12. SERVICING AGREEMENTS FOR WORKS AND SERVICES

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

13. CHARGES, FEES, AND SECURITIES

- a. Development Cost Charges (DCC's) are payable.
- b. Fees per the "Development Application Fees Bylaw" include:
 - i. Survey Monument Fee: \$50.00 per newly created lot (GST exempt).
 - ii. Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - iii. Fire Hydrant Levy: \$250.00 per newly created lot (GST exempt).
 - iv. Engineering and Inspection Fee: 3.5% of construction value (plus GST), being \$3535.42 for this development (\$1757.08 for Lakeshore Road and \$1778.34 for Greene Road). Additional fees will apply if the applicant chooses to use their own engineer and contractor to install the utility servicing.



Nelson Chapman, P.Eng.
Development Engineering Manager

CP

PLAN OF PROPOSED SUBDIVISION OF LOT 4, DISTRICT LOT 358, ODYD, PLAN 9564.

PID: 008-587-531
CIVIC ADDRESS: 4371 LAKESHORE ROAD
BCGS 82E.083

ATTACHMENT B

This forms part of application
Z22-0062

Planner Initials **BS**



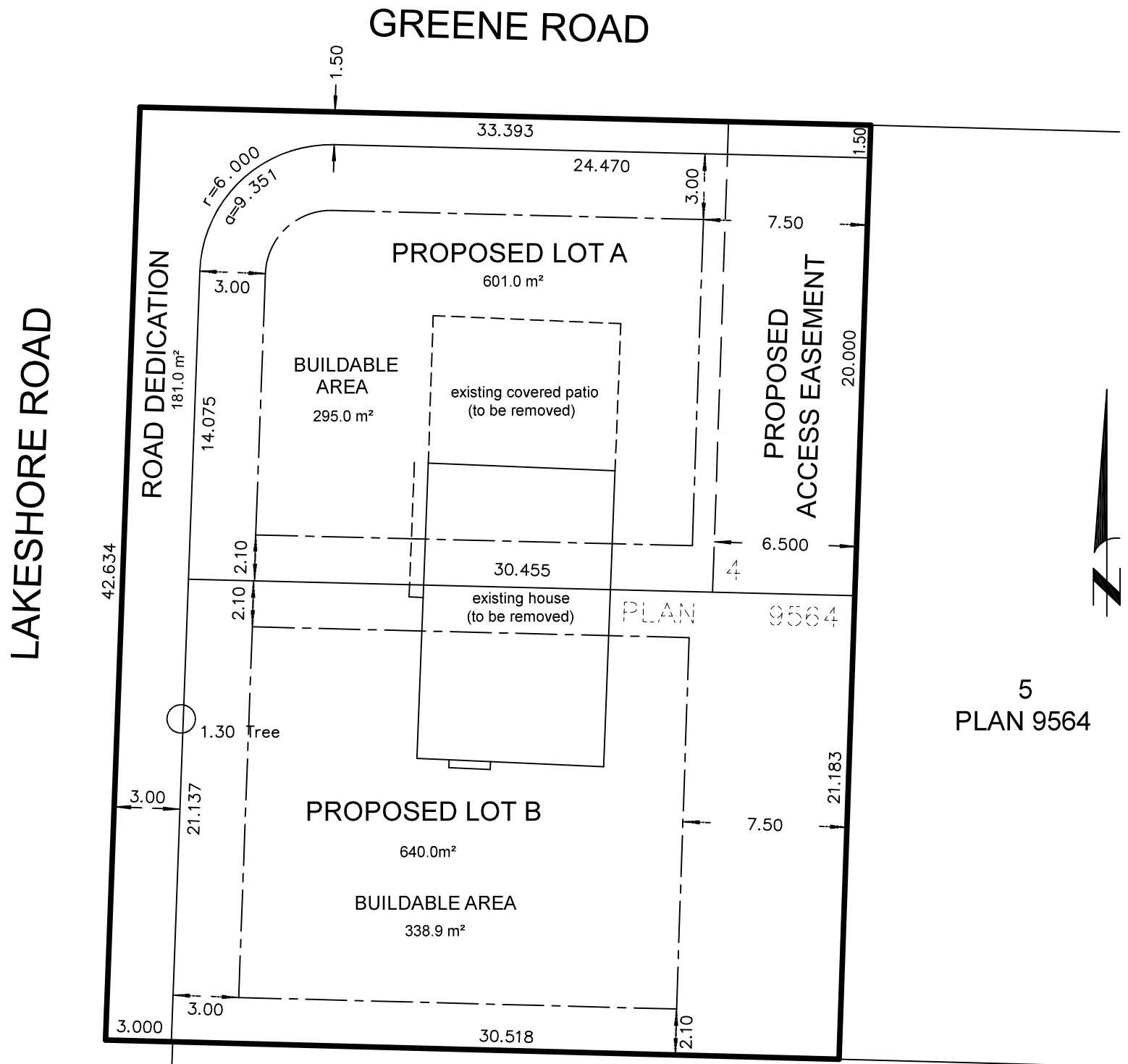
City of **Kelowna**
DEVELOPMENT PLANNING



The intended plot size of this plan is 280mm in width by 432mm in height (B-size) when plotted at a scale of 1:250 METRIC.

NOTES:

- Lot dimensions shown are based upon field survey measurements and may vary from Land Title Office records.
- Unregistered interests have not been included or considered.



AllTerra
Land Surveying Ltd.

www.AllTerraSurvey.ca
Ph: 250.762.0122 File: 322082-TO November 16, 2022



ATTACHMENT C

This forms part of application
Z22-0062

Planner Initials BS

City of Kelowna
DEVELOPMENT PLANNING



September 16, 2022

City of Kelowna
Urban Planning Department
1435 Water Street, V1Y 1J4
Kelowna, BC

Rezoning Application from RU1 – Large Lot Housing to RU4 – Duplex Housing in Conjunction with a 2-Lot Subdivision at 4371 Lakeshore Rd.

Introduction

Dear Planning Staff,

The purpose of this application is to rezone the subject property from RU1 – Large Lot Housing to RU4 – Duplex Housing. Application for a 2-Lot Subdivision has been submitted concurrently. The intent of the project is to construct 2 dwellings in a semi-detached form on each resulting property. The existing dwelling will be removed. Context photos are provided to show the current configuration of the neighbourhood.

Proposed Site Layout

The lot area of each resulting property meets the requirement of the RU4 zone (including road dedication) at 601.0m² (Proposed Lot A) and 640.0m² (Proposed Lot B) and can easily support two-dwelling housing. The lot width also meets minimum requirements. The site plan has been strategically designed with a reciprocal access easement on the east side of the property, which provides access to Proposed Lots A & B. The easement is 6.5m wide to allow for 2-way access and 90-degree parking into a garage. The benefit to the access easement is to promote safety by allowing a single access to the site from Greene Road, which is classified as a “local” road. This will avoid the property being accessed from Lakeshore Road, which is classified as a “minor arterial.”

Infrastructure and Neighbourhood

The curb, sidewalk, and gutter are undeveloped on both road frontages. Sanitary sewer is connected to the property on Greene Road and stormwater pipes are located below Lakeshore Road. The entire property is flat with no elevation changes. The neighbouring properties on the north and east sides are each zoned RU1 – Large Lot Housing. 609 Greene is in the process of being subdivided. The property to the south is zoned RU4 – Duplex Housing and the property to the east is zoned MF2 – Townhouse Housing.

Official Community Plan Conformance

This proposal conforms to the 2040 OCP – Future Land Use direction of *Suburban Residential*, as two-dwelling residential is a supported use. In addition, the following pillars are met:

1. Stop planning new suburban neighbourhoods.

Creating sensitive infill within existing neighbourhoods reduces the desire for new suburban neighbourhoods to be planned. In turn, those who wish to rent or purchase a new dwelling can do so without constructing a new single-family home in a new neighbourhood. In addition, new construction within existing neighbourhoods eliminates the need to create new service lines which are expensive to build and maintain.

2. Promote more housing diversity.

The *Suburban Residential* Future Land Use designation allows for a range of housing forms within existing suburban neighbourhoods. Two-dwelling housing is a great way to utilize the existing property and services to create a diverse housing option in a neighbourhood which is located nearby amenities such as schools and parks.

3. Protect our environment.

Constructing two-dwelling housing an existing building envelope reduces the need for environmental impacts such as blasting, site grading, and tree removal on undeveloped lots.

Project Benefits

In the immediate neighbourhood within a 200m radius, there are 4 properties which are zoned RU4, and 1 property which is zoned MF2 and contains multiple units. In addition, there are 3 properties which have been rezoned to RU1c to increase the density of the neighbourhood. We believe the application is beneficial to the community for multiple reasons.

Firstly, the application will allow for upgrades in a neighbourhood which is experiencing sensitive redevelopment with the adoption of the 2040 OCP. The landowner is constructing the dwellings to increase the housing stock in a desirable area of Kelowna with large lots. Secondly, the property is situated near amenities such as Sarsons Beach Park, H2O Fitness Centre, and the Capital News Centre. Lakeshore Road and Lakeshore Road Recreation Corridor, located adjacent to the subject property, provides an opportunity for cycling and public transit. Lastly, the subject property is located nearby multiple elementary and secondary schools, making the subject property an excellent location for growing families.

We believe this project creates sensitive infill in an area of Kelowna with great potential. For any questions regarding the application, please contact Urban Options Planning Corp. at the undersigned.

Regards,

Urban Options Planning Corp.
By its authorized signatory, Birte Decloux, RPP MCIP



CITY OF KELOWNA
BYLAW NO. 12469
Z22-0062
4371 Lakeshore Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification of Lot 4 District Lot 358 ODYD Plan 9564 located on Lakeshore Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU4 – Duplex 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, 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

Z22-0062

4371 Lakeshore Road

Rezoning Application

Proposal

- ▶ To rezone the subject property from the RU₁ – Large Lot Housing zone to the RU₄ – Duplex Housing zone to facilitate a 2-lot subdivision and the development of two dwellings in a semi-detached form on each resulting lot.

Rezoning

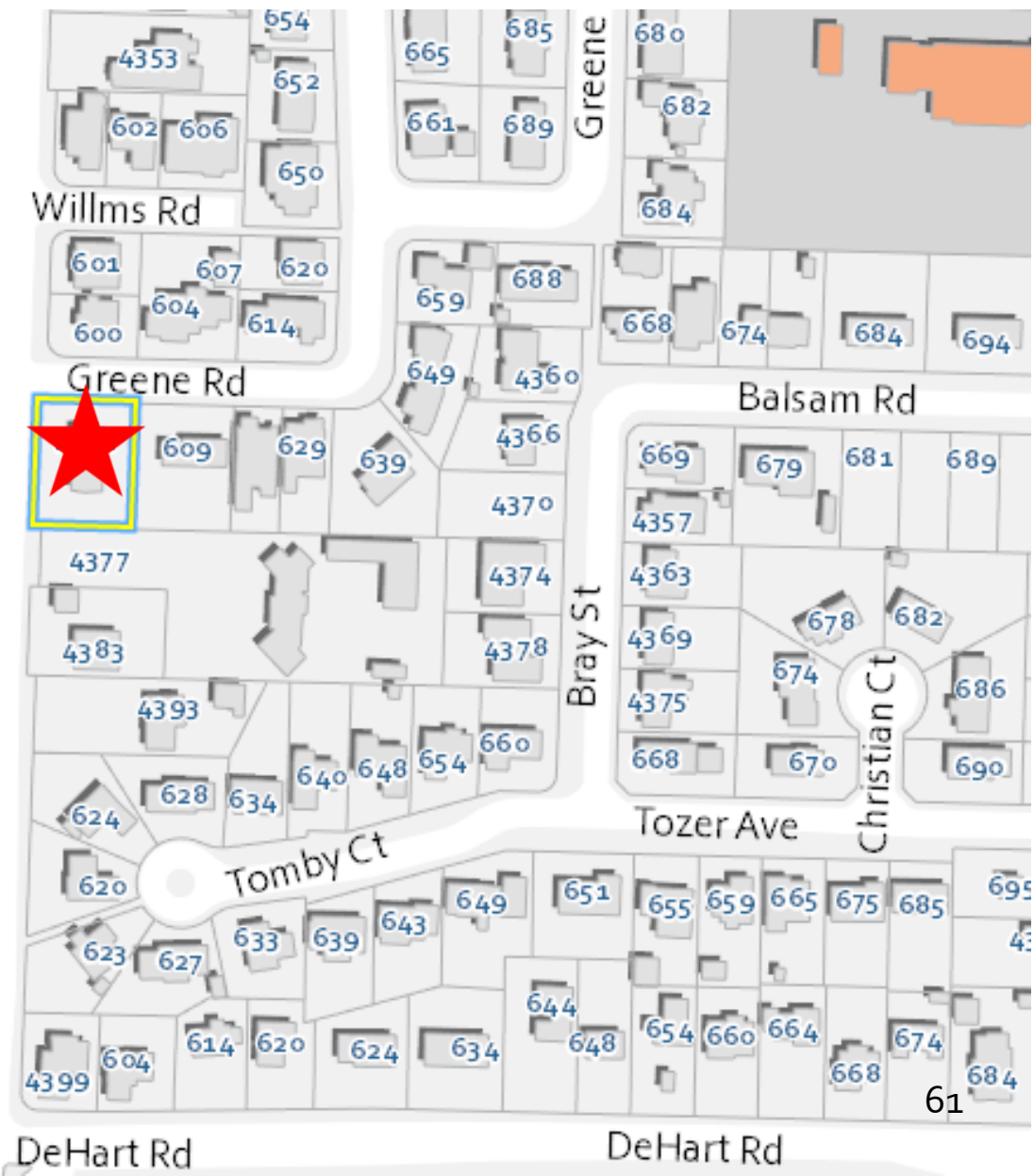
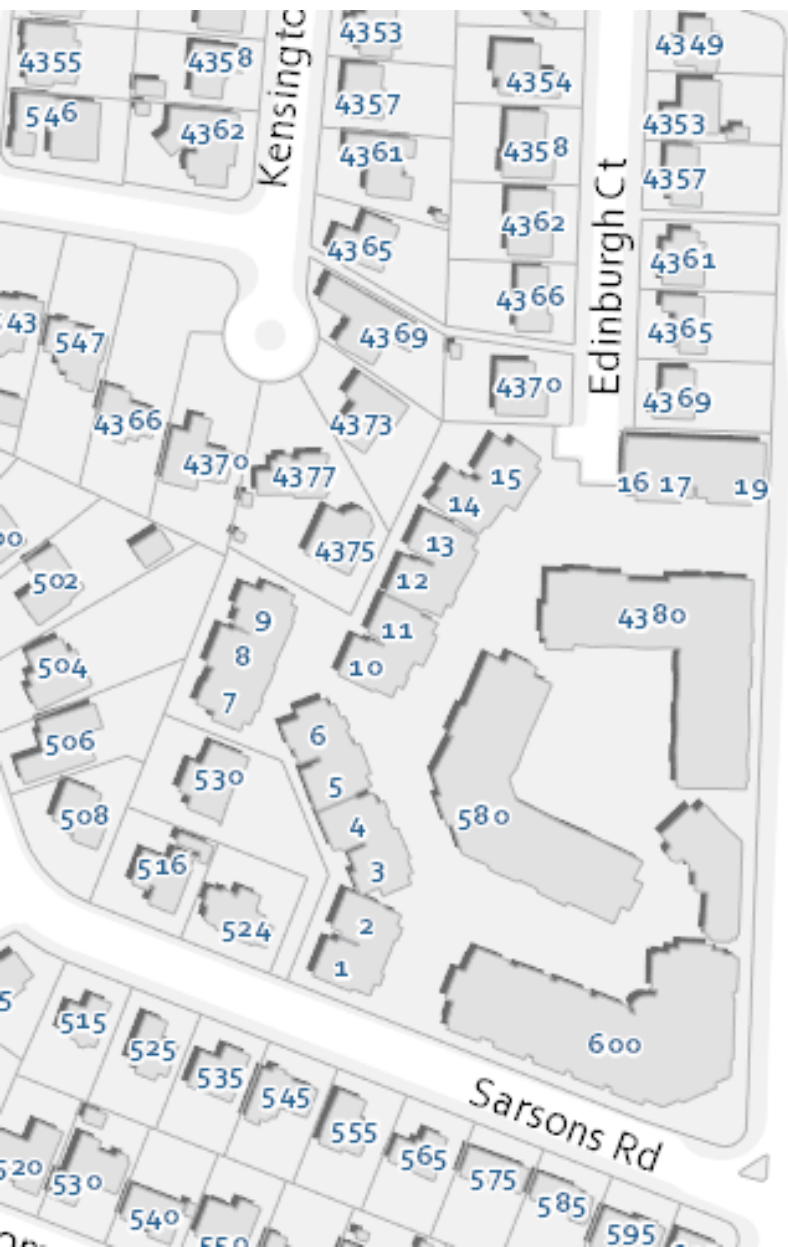
- ▶ “Is this proposed land use and density appropriate for this property?”

- ▶ Considerations & Regulations:
 - ▶ Uses of land, building, & structures
 - ▶ Density of use of land (FAR)
 - ▶ Site access
 - ▶ Based on OCP Policies including Future Land Use

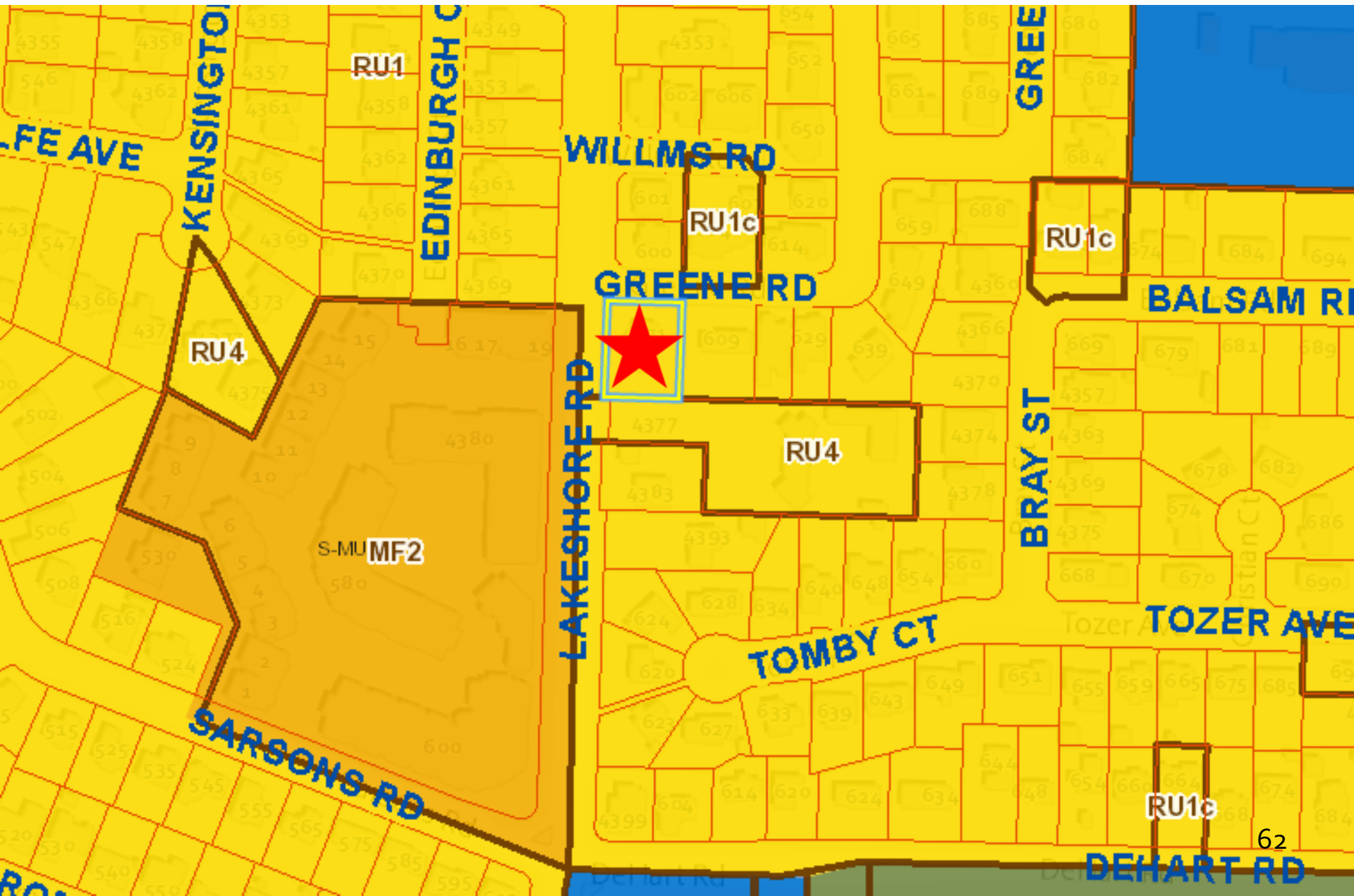
Development Process



Context Map



OCP Future Land Use / Zoning



Subject Property Map



Project/technical details

- ▶ This would facilitate a 2-lot subdivision and the construction of two semi-detached dwellings on each resulting lot.
- ▶ The proposed lots meet the minimum lot size, width and depth of the RU₄ zone.

Site Plan



OCP Objectives & Policies

- ▶ S-RES – Suburban Residential
 - ▶ Policy 7.2.1 Ground-Oriented Housing

Staff Recommendation

- ▶ Staff recommend **support** of the proposed rezoning to the RU₄ – Duplex Housing:
 - ▶ Provides sensitive infill housing
 - ▶ Meets the Future Land Use designation of S-RES



4371 LAKESHORE ROAD

Rezoning from RU1 Large lot housing to RU4 – Duplex housing zone

NEIGHBOURHOOD CONTEXT

- Property to south is zoned RU4
- MF2 (Southwinds multifamily complex) is directly across the street
- Lakeshore road is classified as a Major, Arterial, Suburban road
- Lakeshore has transit (stop is ½ to north of the site), has current and future active transportation, bike route, and truck route.



NEIGHBOURHOOD IS IN TRANSITION

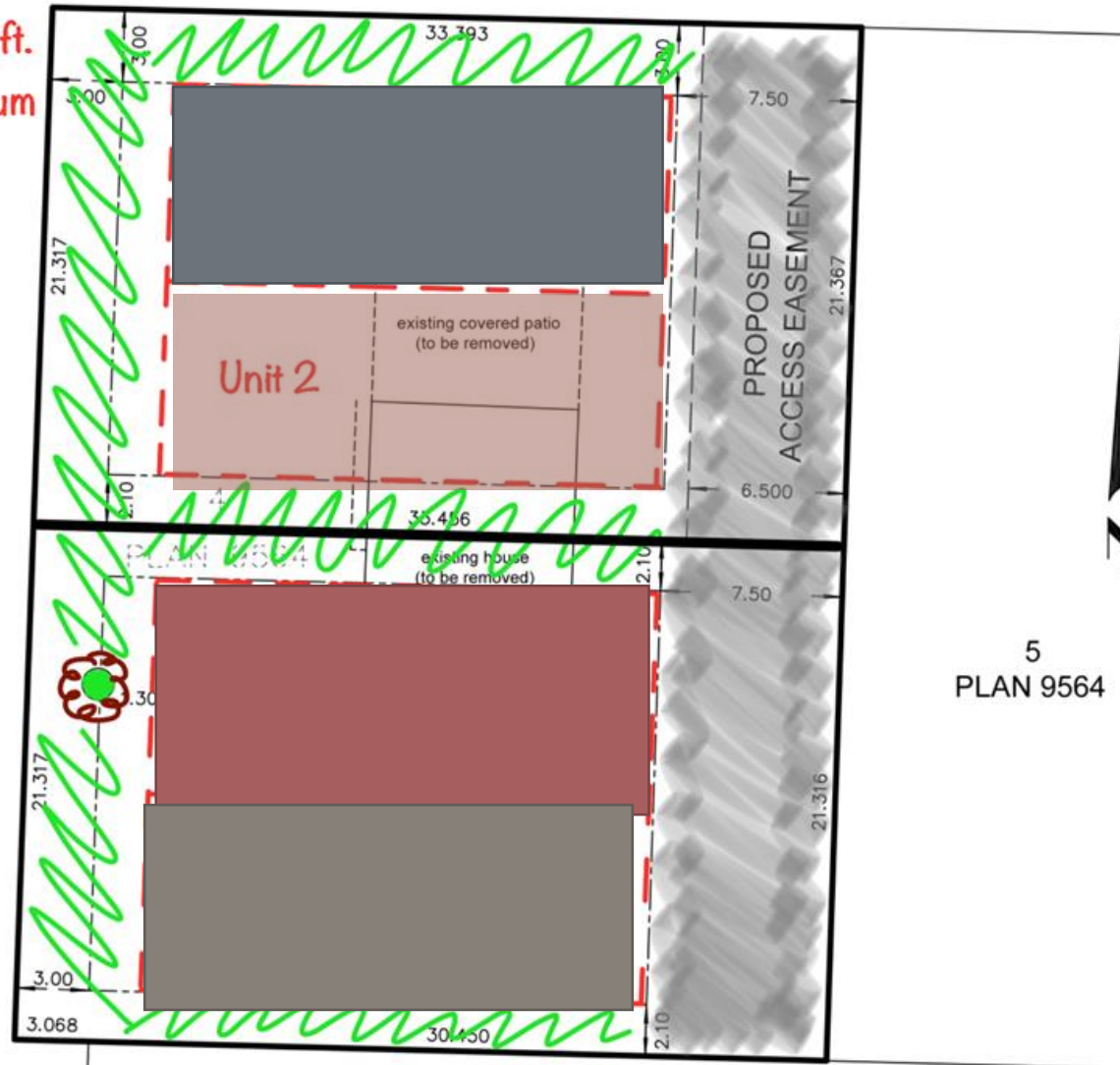
Several properties in the immediate area have subdivided, constructed new homes and others are in the PLR process.



GREENE ROAD

All 4 Units: 1,506sqft.
(140.0sqm.) Maximum
Footprint Per Unit

LAKESHORE ROAD



Maximum potential for each duplex unit:
140m² footprint of which 42m² is garage

+ second storey @ 140m²

Maximum potential floor area: 238m²
(2,560 sq.ft. – size of an average
Mission home)

Maximizing the future properties for duplexes leave no space
to room for parking for secondary suites, making secondary
suites unattainable.

CONCLUSION

Neighbourhood concerns

- 4 duplex's on the one lot (not permitted by the RU4 zone; not feasible when adhering to 40% site coverage and required setbacks)
- Extra vehicles parked on Lakeshore from other developments. (Parking will be accommodated on the property in the form of double garages)
- Safety (the easement will allow vehicles to exit the site in a forward-facing direction, ensuring drivers can see children, dogs and other vehicles.)

Benefits

- Upgrades tired housing stock in a sensitive manner.
- Creates infill in a desirable location. Potential ½ duplex is large enough to accommodate a family.
- Walkable to amenities such as Sarson Beach Park, Elementary and secondary schools as well as daycare.
- By bike H2O fitness center and mission sports fields are easy to reach.

THANK YOU & QUESTIONS



CITY OF KELOWNA
BYLAW NO. 12469
Z22-0062
4371 Lakeshore Road

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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, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: February 14, 2023
To: Council
From: City Manager
Department: Development Planning
Application: DVP22-0150
Owner: Ian Robertson and Jennifer Robertson
Address: 500 Clifton Rd N
Applicant: Ian Robertson
Subject: Development Variance Permit
Existing OCP Designation: S-RES – Suburban Residential
Existing Zone: RU1 – Large Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0150 for Lot 1 Section 17 Township 23 ODYD Plan EPP93314, located at 500 Clifton Road North, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 12375 be granted:

Section 6.1.3: Swimming Pool Development Regulations

To vary the required minimum rear yard from 0.9 m permitted to 0.71 m proposed.

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

Purpose

To issue a Development Variance Permit to vary the rear yard setback to facilitate the development of a swimming pool.

2.0 Development Planning

Staff recommend support for the Development Variance Permit to vary the rear yard setback from 0.9 m to 0.71 m. The subject property is zoned RU1 – Large Lot Housing and has a Future Land Use Designation of S-RES – Suburban Residential and is within the City's Permanent Growth Boundary (PGB).

3.0 Proposal

3.1 Project Description

The subject property, zoned RU1 – Large Lot Housing, has a newly constructed dwelling. The issuance of this Development Variance Permit will allow for the completion of a pool in the rear yard. The reason for the variance is solely due to human error when the concrete forming was done. The result was the pool crossing 19 cm into the rear yard setback at the northwest corner. All other regulations have been met as per the zoning requirements. Staff are supportive of the requested variance as there should be no impact to adjacent properties.

3.2 Site Context

The subject property is located on the west side of Clifton Road North. The surrounding area is zoned RU1 – Large Lot Housing, RR1 – Rural Residential 1 and P3 – Parks and Open Space. The property has a Future Land Use Designation of S-RES–Suburban Residential and is within the City’s Permanent Growth Boundary (PGB).

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Single Family Dwelling
East	RU1 - Large Lot Housing	Vacant Lot
South	RU1 - Large Lot Housing	Vacant Lot
West	P3 – Parks and Open Space	Hillside Open Space

Subject Property Map: 500 Clifton Rd N



3.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU ₁ ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	450 m ²	1490 m ²
Min. Lot Width	16.5 m	20.0 m
Min. Lot Depth	30 m	53.5 m
Development Regulations		
Max. Site Coverage (all buildings)	40%	35%
Max. Site Coverage (all buildings, structures and impermeable surfaces)	70%	60%
Min. Side Yard (south)	0.9 m	13.45 m
Min. Side Yard (north)	0.9 m	2.88 m
Min. Rear Yard	0.9 m	0.71 m ❶
❶ Indicates a requested variance to the rear yard setback for a pool.		

4.0 **Application Chronology**

Date of Application Received: July 5, 2022
Date Public Consultation Completed: January 17, 2023

Report prepared by: Breanna Sartori, 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:

Attachment A: Draft Development Variance Permit DVP22-0150

Schedule A: Site Plan

Attachment B: Applicant Rationale Letter

Development Variance Permit

DVP22-0150



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

500 Clifton Rd N

and legally known as

Lot 1 Section 17 Township 23 ODYD Plan EPP93314

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

Single-Family Dwelling

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

Date of Council Approval: February 14, 2023

Existing Zone: RU1 – Large Lot Housing

Future Land Use Designation: S-RES – Suburban Residential

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

This is NOT a Building Permit.

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

NOTICE

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

Owner: Ian Robertson and Jennifer Robertson

Applicant: Ian Robertson

Terry Barton
Development Planning Department Manager
Planning & Development Services

Date of Issuance

ATTACHMENT A

This forms part of application
DVP22-0150

Planner Initials BS


City of Kelowna
DEVELOPMENT PLANNING

1. SCOPE OF APPROVAL

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

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

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

2. CONDITIONS OF APPROVAL

THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0150 for Lot 1 Section 17 Township 23 ODYD Plan EPP93314 located at 500 Clifton Rd N, Kelowna, BC, subject to the following:

AND THAT variances to the following section of Zoning Bylaw No. 12375 be granted:

Section 6.1.3: Swimming Pool Development Regulations

To vary the required minimum rear yard from 0.9 m permitted to 0.71 m proposed.

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

3. INDEMNIFICATION

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

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

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

The PERMIT HOLDER is the CURRENT LAND OWNER.

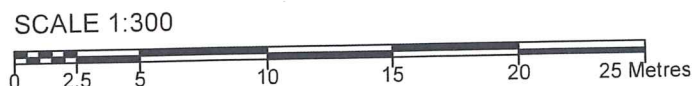
ATTACHMENT		A
This forms part of application		
# DVP22-0150		
Planner Initials	BS	 City of Kelowna DEVELOPMENT PLANNING

BC LAND SURVEYOR'S CERTIFICATE OF LOCATION ON LOT 1 SECTION 17 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN EPP93314

CLIENT: LINK CUSTOM HOMES
 PID: 030-980-810
 CIVIC ADDRESS: 500 CLIFTON ROAD NORTH

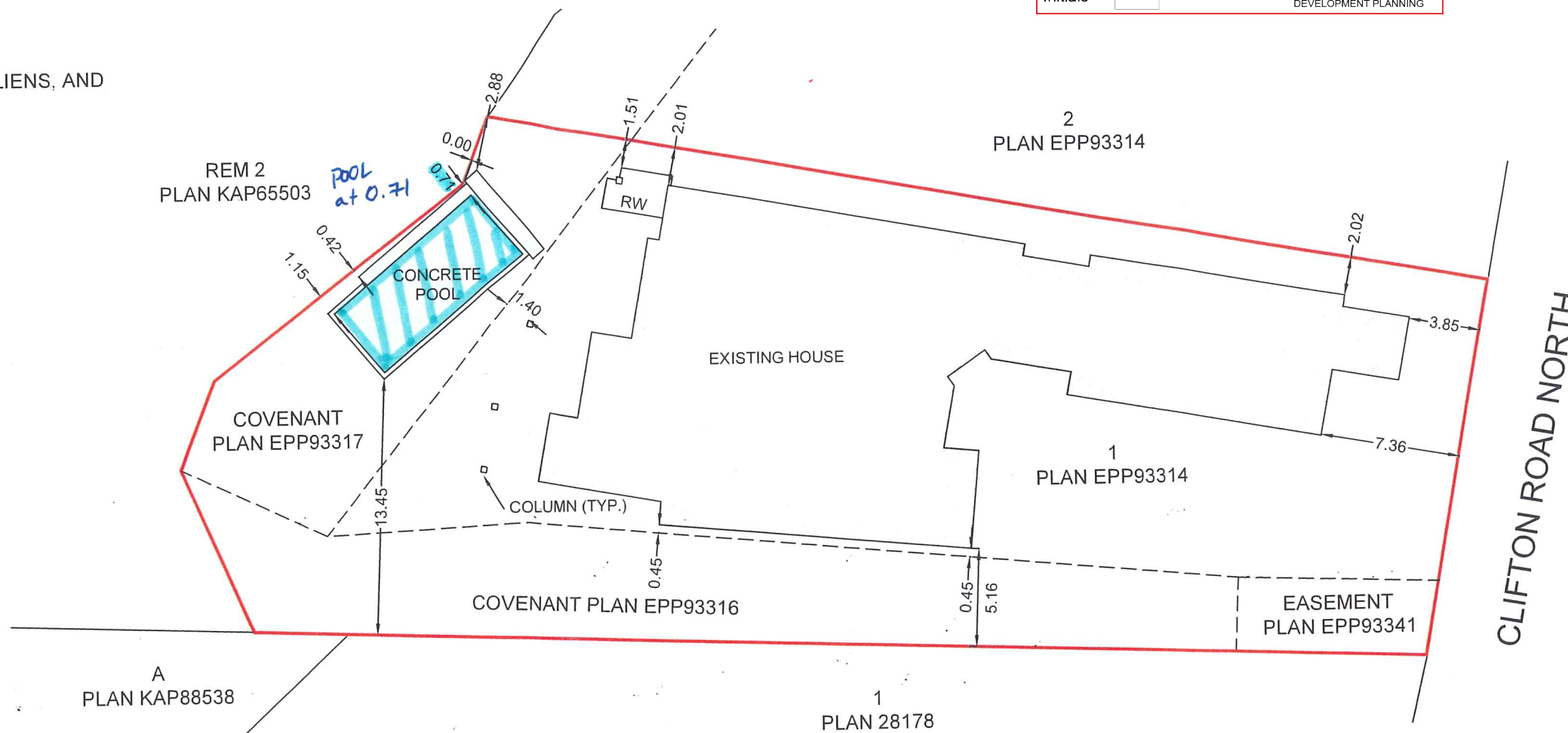
REFER TO THE CURRENT STATE OF TITLE FOR CHARGES, LIENS, AND INTERESTS AFFECTING THIS LAND.

SCHEDULE A
 This forms part of application # DVP22-0150
 City of Kelowna DEVELOPMENT PLANNING
 Planner Initials **BS**



LEGEND


RW Retaining Wall



NOTES:

- THIS PLAN HAS BEEN PREPARED BASED ON LAND TITLE & SURVEY AUTHORITY RECORDS AND A FIELD SURVEY.
- OFFSET DISTANCES ARE MEASURED TO THE EXTERIOR OF CONCRETE FOUNDATION ON MAIN STRUCTURE AND POOL AND ARE PERPENDICULAR TO PROPERTY LINES.
- VISIBLE ENCROACHMENTS FROM OR ONTO THE PROPERTY ARE SHOWN IN BLUE.
- THIS PLAN WAS PREPARED FOR MUNICIPAL BYLAW COMPLIANCE AND/OR MORTGAGE PURPOSES AND IS FOR THE EXCLUSIVE USE OF LINK CUSTOM HOMES.
- THIS DOCUMENT SHALL NOT BE USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS.
- VECTOR GEOMATICS AND SIGNATORY ACCEPT NO RESPONSIBILITY FOR, AND HEREBY DISCLAIM, ALL OBLIGATIONS AND LIABILITIES FOR DAMAGES INCLUDING, BUT NOT LIMITED TO, DIRECT, INDIRECT, SPECIAL, AND CONSEQUENTIAL DAMAGES ARISING OUT OF OR IN CONNECTION WITH ANY DIRECT OR INDIRECT USE OR RELIANCE UPON THE PLAN BEYOND ITS INTENDED USE.

CERTIFIED CORRECT THIS 17th DAY OF JUNE, 2022.


 Tyler Fox, B.C.L.S.

This Document Is Not Valid Unless Originally Signed and Sealed

VECTOR
 GEOMATICS LAND SURVEYING LTD.
 111-810 Clement Ave
 Kelowna, B.C. V1Y 7C9
 Ph.: (250) 868-0172
 www.vectorgeomatics.com

File: 2001138R2 Date: 2022-06-17
 Drafted by: EC Checked by: TF

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Breanna Sartori
Planner 1 at City of Kelowna

January 4, 2022

RE: 500 Clifton Road North – Ian & Jennifer Robertson swimming pool variance

Breanna:

The rationale for requiring a variance for our swimming pool was entirely human error.

Our pool was built with concrete – when the forming was done in the excavated area, the crew placed the northwest corner 19cm (.71M instead of the required .90M) into the ‘no-build’ zone. As a result of this ‘twist’, the SW corner was placed 19cm further AWAY from the ‘no-build’ zone.

I can assure council there was no intent to do this. Ironically, it is the SW corner of our pool that is closest to the ‘useable’ part of our rear yard, so we have 19cm LESS yard space because of the error as that part of the pool could have been 19cm further away from our house and would still have been in the allowed building area.

If you have any further questions, or require additional clarification, please reach out to me at 250-808-0858.

Sincerely,

Ian Robertson

ATTACHMENT	B
This forms part of application # DVP22-0150	
Planner Initials	BS
 City of Kelowna DEVELOPMENT PLANNING	



City of
Kelowna

DVP 22-0150
500 Clifton Rd N

Development Variance Permit

Purpose

- ▶ To issue a Development Variance Permit to vary the rear yard setback from 0.9 m required to 0.71 m proposed to facilitate the development of a swimming pool

Development Process

Jul 5, 2022

Development Application Submitted




Staff Review & Circulation



Jan 17, 2023

Public Notification Received



 Feb 14, 2023

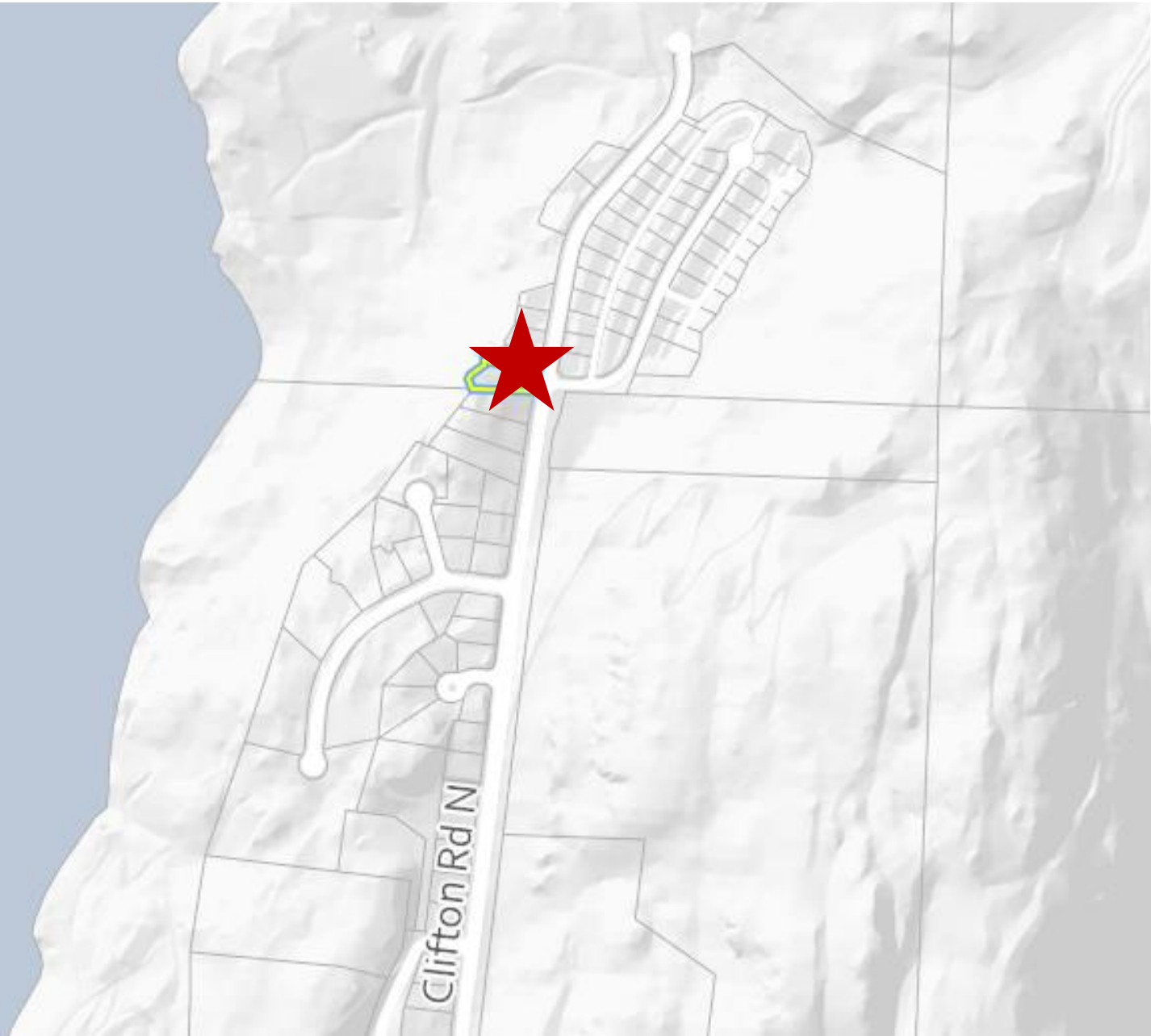
Development Variance Permit

} Council
Approvals



Building Permit

Context Map



Walk Score
0

Transit Score
0

Bike Score
15



Subject Property Map



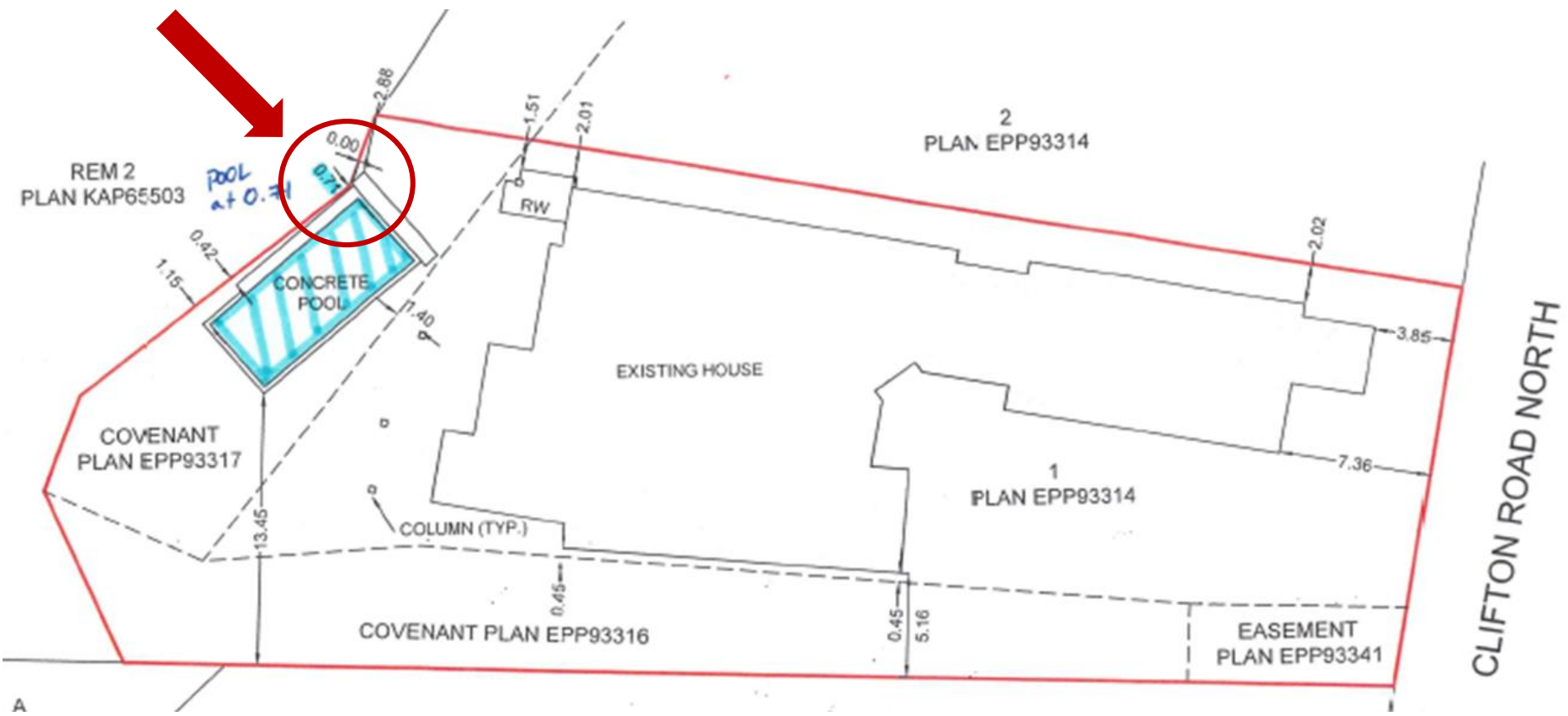
Technical Details

- ▶ S-RES – Suburban Residential
- ▶ RU₁ – Large Lot Housing
 - ▶ All other regulation have been met

Variance

- ▶ Section 6.1.3: To vary the required minimum rear yard from 0.9 m permitted to 0.71 m proposed.

Site Plan



Staff Recommendation

- ▶ Staff recommend **support** for the proposed Development Variance Permit as it:
 - ▶ Meets all other Zoning Requirements
 - ▶ Minimal visual impact as pool is the rear yard

REPORT TO COUNCIL



Date: February 14th, 2023
To: Council
From: City Manager
Department: Development Planning Department
Application: DVP22-0215
Owner: 1059430 Ontario Inc. c/o Sharon Goldberg
Address: 156 Red Sky Place
Applicant: Chatham Homes On The Hill Ltd
Subject: Development Variance Permit
Existing OCP Designation: S-RES – Suburban Residential
Existing Zone: RU1 – Large Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0215 for Lot 58 Section 5 Township 23 ODYD PLAN EPP64875, located at 156 Red Sky Place, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 12375 be granted:

Section 11.5: RU1 – Large Lot Housing Development Regulations

To vary the required minimum side yard setback from 2.1 m permitted to 0.0 m proposed for the pergola structure abutting the North side yard.

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

2.0 Purpose

To issue a Development Variance Permit to vary the minimum side yard setback for the pergola structure abutting the North side yard.

3.0 Development Planning

Development Planning Staff support the requested variance to reduce the required side yard setback from 2.1 m to 0.0 m limited to the pergola structure abutting the North side yard. The proposed variance is to allow the existing structure to encroach in the 2.1 m side yard setback. The proposed site plan complies with all other requirements of the Zoning Bylaw No. 12375 such as site coverage, building height, and remaining

setbacks. In accordance with Council Policy 367 – Public Notification & Consultation for Development Applications, the applicant has distributed notification information to the neighbouring properties. Staff do not anticipate any significant negative impacts to the surrounding neighbourhood.

4.0 Proposal

4.1 Project Description

The applicant is requesting this variance to allow for the existing pergola structure to encroach in the side yard setback. The pergola structure is mounted to the house and is intended to obscure the view of two large air conditioner units. The pergola structure is partially open and fire protection measures have been implemented by using non-combustible material. Staff does not anticipate any significant negative impacts as the structure is between neighbours and written consent was provided by the affected neighbour, warranting support for the variance.

4.2 Site Context

The subject property is zoned RU1 – Large Lot Housing and has a Future Land Use Designation of S-RES – Suburban Residential. The property is located within the Glenmore - Clifton neighbourhood. The surrounding area is primarily residential housing zoned Ru1 – Large Lot Housing. The property abuts vacant land zoned P3 – Parks and Open Space.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	Ru1 – Large Lot Housing	Single Detached Dwelling
East	P3 – Parks and Open Space	Open Space
South	P3 – Parks and Open Space	Open Space
West	P3 – Parks and Open Space	Open Space

Subject Property Map: 156 Red Sky Place



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU ₁ ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Site Coverage (buildings)	40 %	16.8 %
Max. Site Coverage (buildings, parking, driveways)	70 %	19.13 %
Min. Front Yard	3.0 m	3.0 m
Min. Side Yard (North)	2.1 m	0.0 m limited to the pergola structure ❶
Min. Side Yard (South)	2.1 m	2.1 m
Min. Rear Yard	7.5 m	7.5 m
❶ Indicates a requested variance to Section 11.5: RU ₁ – Large Lot Housing Development Regulations		

5.0 **Application Chronology**

Date of Application Received: November 3rd, 2022
 Date Public Consultation Completed: January 11th, 2023

Report prepared by: Sara Skabowski, 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:

Attachment A: Draft Development Variance Permit DVP22-0215
 Schedule A: Site Plan & Pergola Drawings
 Attachment B: Applicant Rationale
 Attachment C: Letter of Support

Development Variance Permit

DVP22-0215



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

156 Red Sky Place

and legally known as

Lot 58 Section 5 Township 23 ODYD PLAN EPP64875

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

RU1 – Large Lot Housing

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

ATTACHMENT A

This forms part of application
DVP22-0215

Planner Initials **SS**

- Date of Council Approval:** Feburary 14th, 2023
- Development Permit Area: Form and Character DPA
- Existing Zone: RU1 – Large Lot Housing
- Future Land Use Designation: S-RES – Suburban Residential

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

This is NOT a Building Permit.

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

NOTICE

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

Owner: 1059430 Ontario Inc. C/O Sharon Goldberg

Applicant: Chatham Homes On The Hill Ltd.

Terry Barton
Development Planning Department Manager
Planning & Development Services

Date of Issuance

1. SCOPE OF APPROVAL

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

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

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

2. CONDITIONS OF APPROVAL

THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0215 for Lot 58 Section 5 Township 23 ODYD PLAN EPP64875 located at 156 Red Sky Place, Kelowna, BC, subject to the following:

- a) The dimensions and siting of the building & pergola structure to be constructed on the land be in accordance with Schedule "A";

AND THAT variances to the following section of Zoning Bylaw No. 12375 be granted:

Section 11.5: RU1 – Large Lot Housing Development Regulations

To vary the required minimum side yard from 2.1 m permitted to 0.0 m proposed for the pergola structure abutting the North side yard.

3. INDEMNIFICATION

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

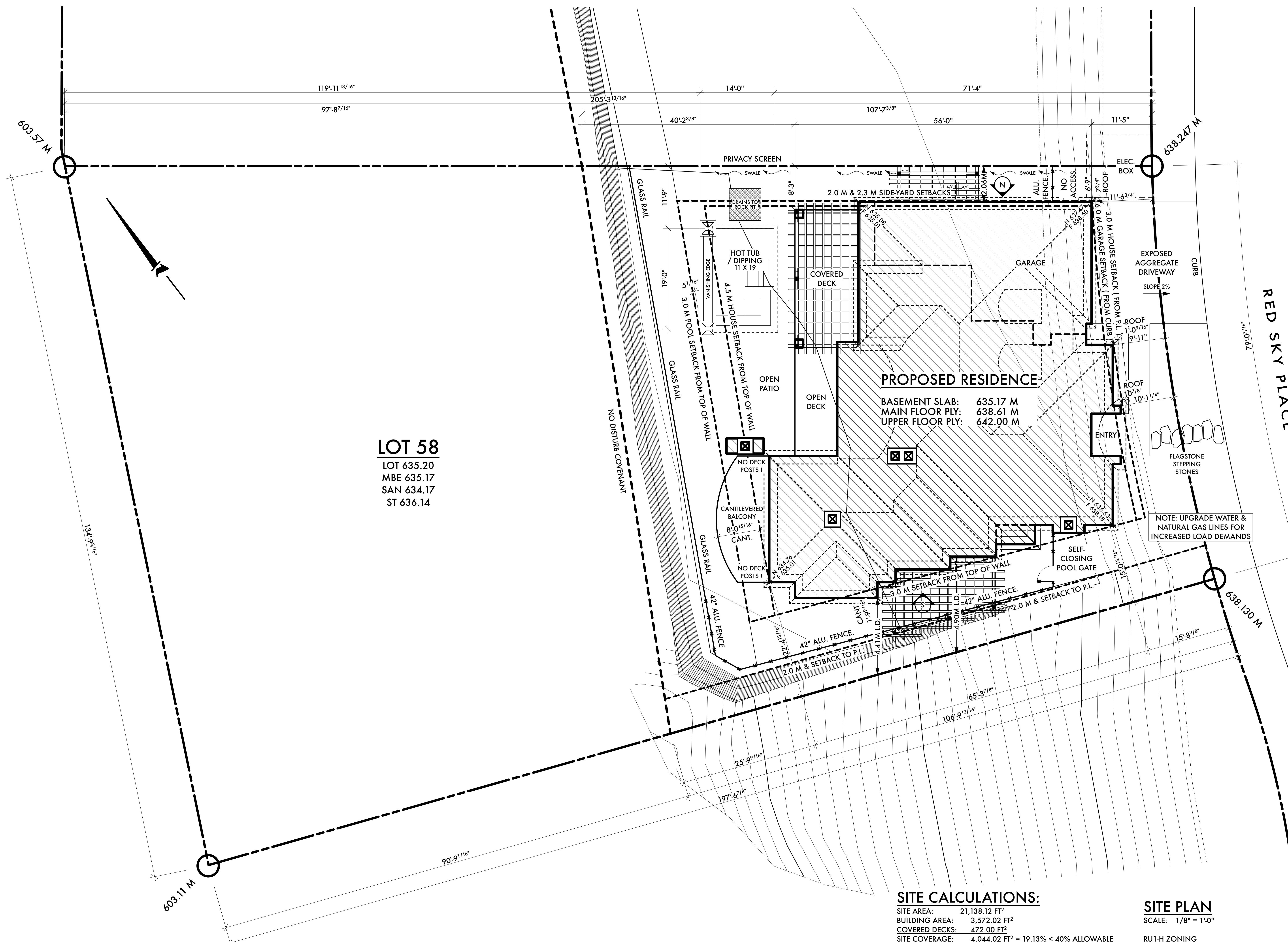
- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.

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

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

LIST OF DRAWINGS:

- T1: TITLE
- A1: SITE PLAN
- A2: SITE SECTIONS & FIRE SEPS
- A3: FOUNDATION PLAN
- A4: POOL PATIO & CABANA PLAN
- A5: LOWER FLOOR PLAN
- A6: MAIN FLOOR PLAN
- A7: UPPER FLOOR PLAN
- A8: REFLECTED CEILINGS - LOWER
- A9: REFLECTED CEILINGS - MAIN
- A10: REFLECTED CEILINGS - UPPER
- A11: ROOF PLAN
- A12: SOUTH & EAST ELEVATIONS
- A13: NORTH & WEST ELEVATIONS
- A14: BUILDING SECTIONS - 1
- A15: BUILDING SECTIONS - 2
- A16: BUILDING SECTIONS - 3
- A17: BUILDING SECTIONS - 4
- A18: BUILDING SECTIONS - 5
- A19: TYPICAL WALL SECTIONS - 1
- A20: TYPICAL WALL SECTIONS - 2
- A21: DOOR & WINDOW SCHEDULE



SITE CALCULATIONS:

SITE AREA:	21,138.12 FT ²
BUILDING AREA:	3,572.02 FT ²
COVERED DECKS:	472.00 FT ²
SITE COVERAGE:	4,044.02 FT ² = 19.13% < 40% ALLOWABLE

SITE PLAN

SCALE: 1/8" = 1'-0"
 RU1-H ZONING

SCHEDULE A

This forms part of application
 # DVP22-0215

Planner Initials **SS**

City of Kelowna
 COMMUNITY PLANNING

JEREMY NEWELL DESIGN INC.
 info@jeremynewell.com

PROJECT TITLE
THE GOLDBERG RESIDENCE
 LOT 58 ROCKY POINT AT WILDEN, 156 RED SKY PLACE KELOWNA, BC

SHEET TITLE
SITE PLAN

SCALE
 1/8" = 1'-0"
 DATE
 AUG 22ND 2023

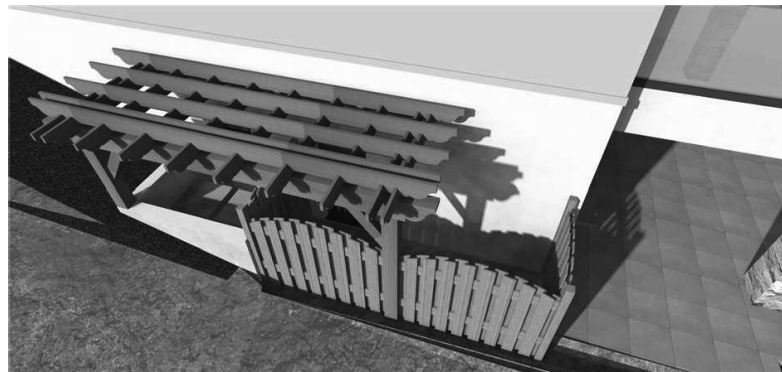
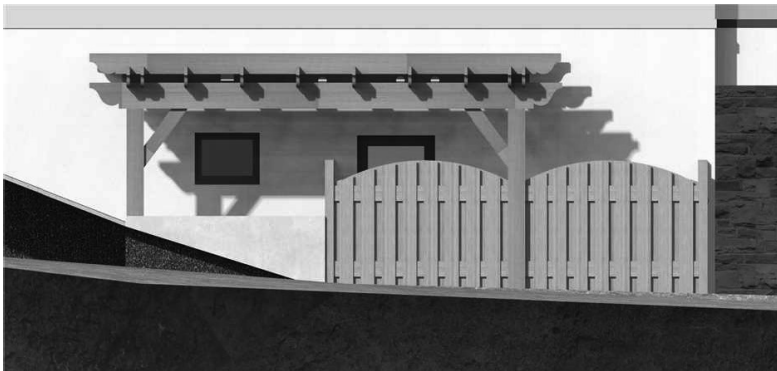
A1

ALL WORK IS TO BE DONE IN ACCORDANCE WITH PART 7 OF THE BCBC (2018). PORTIONS OF WORK FALLING OUTSIDE PART 7 SHALL BE DESIGNED BY A LICENSED ENGINEER. TRADES TO CONFIRM ALL MEASUREMENTS AND REPORT ANY ERRORS OR OMISSIONS BACK TO THIS OFFICE. THESE PLANS ARE THE EXCLUSIVE PROPERTY OF THE CLIENT & JEREMY NEWELL DESIGN INC. © 2022 J.N.D.

SCHEDULE A

This forms part of application
DVP22-0215

Planner Initials SS



W.A.SMITH INTERIORS

Whitney Smith
D.I.D, B.F.A
Interior Design Consultant
W.A.Smith Interiors
C. 250-878-9552
E: w.a.smithinteriors@gmail.com

CLIENT
GOLDBERG
Lot #58 Red Sky Place
Wilden

PROJECT
PERGOLA CONCEPTS

REVISIONS

NO.	MM/DD/YY	REMARKS
A	--/--/--	...
B	--/--/--	...
C	--/--/--	...
D	--/--/--	...
E	--/--/--	...
F	--/--/--	...
G	--/--/--	...

GENERAL NOTES

*DRAWING NOT TO SCALE
*FOR DESIGN PURPOSES ONLY, CONSULT WITH CONSULTANT

ISSUE
APRIL 29 2020
REV-ISSUE

REV.
1

SHEET TITLE
NORTH PERGOLA
CONCEPTS

A0.4

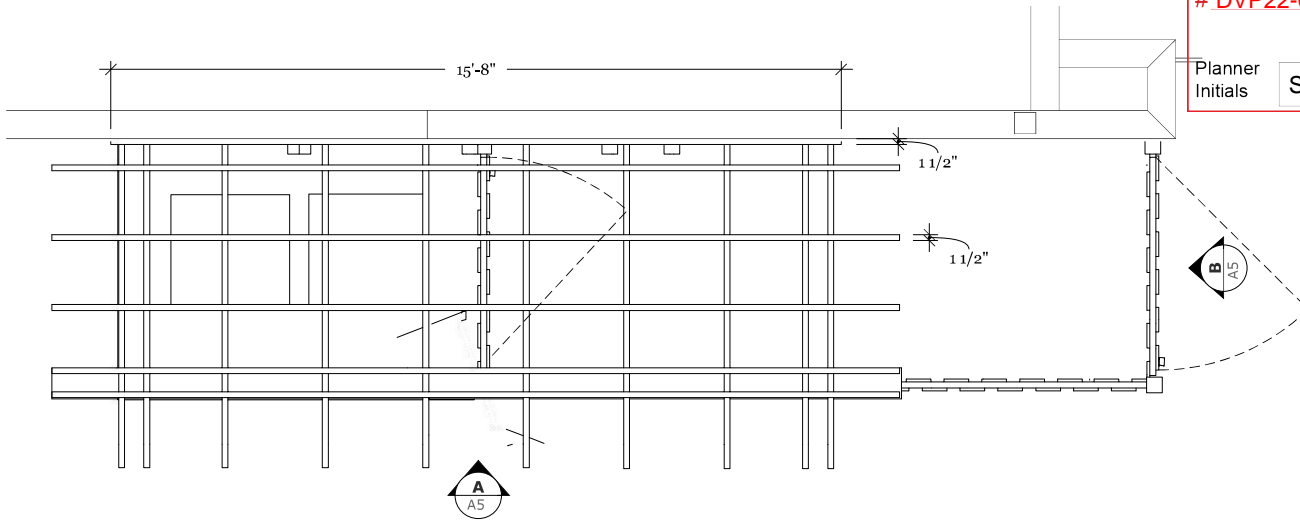
DRAWN BY
The Owl & Key Co.
info@theowlandkey.com

SCHEDULE A

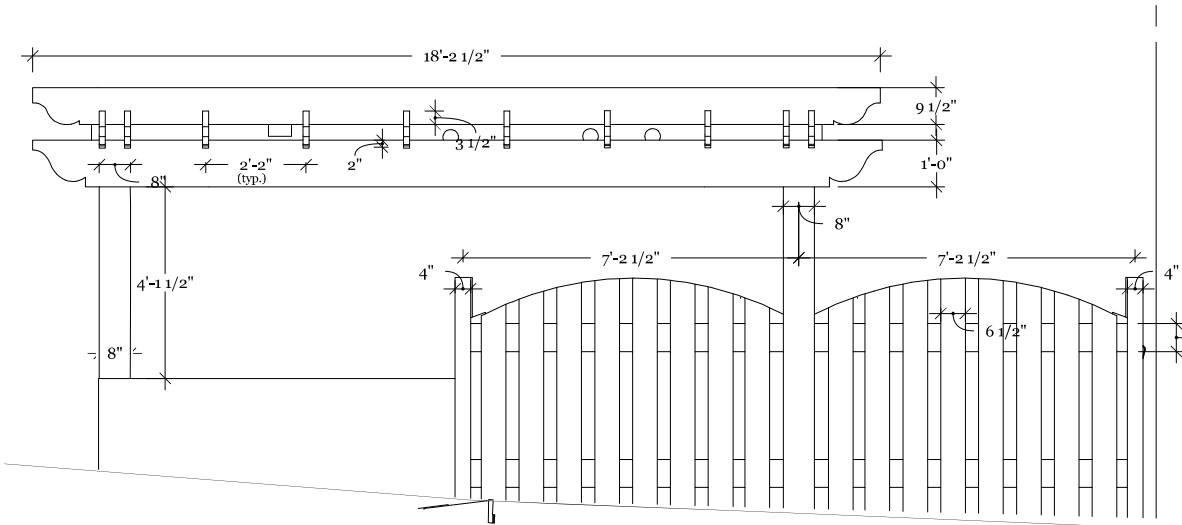
This forms part of application
DVP22-0215



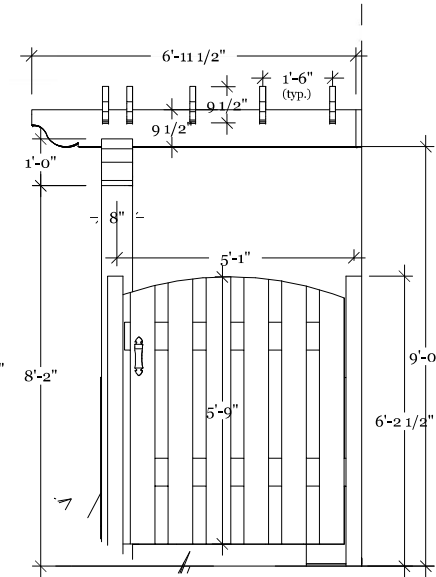
Planner Initials **SS**



PLAN VIEW :: **A**
05



ELEVATION "A" :: **A**
05



ELEVATION "B" :: **A**
05

W.A.SMITH INTERIORS

Whitney Smith
D.I.D, B.F.A
Interior Design Consultant
W.A.Smith Interiors
C. 250-878-9552
E: w.a.smithinteriors@gmail.com

CLIENT
GOLDBERG
Lot #58 Red Sky Place
Wilden

PROJECT
PERGOLA CONCEPTS

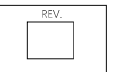
REVISIONS

NO.	MM/DD/YY	REMARKS
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B	--/--/--	...
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D	--/--/--	...
E	--/--/--	...
F	--/--/--	...
G	--/--/--	...

GENERAL NOTES

*DRAWING NOT TO SCALE
*FOR DESIGN PURPOSES ONLY, CONSULT WITH CONSULTANT ON SITE

ISSUE
APRIL 29 2020
REV. ISSUE



SHEET TITLE
NORTH PERGOLA PLAN+
ELEVATIONS

A0.5

DRAWN BY
The Owl & Key Co.
info@theowlkey.com



ATTACHMENT B

This forms part of application
DVP22-0215

Planner Initials SS



City of
Kelowna
COMMUNITY PLANNING

October 06, 2022

City of Kelowna
Building and Permitting Department
1435 Water Street
Kelowna BC, V1Y 1J4

Attn: Ryan Paulson, Planner/Building Inspector

**Re: Development Variance Permit for Right Elevation Timber Pergola
at 156 Red Sky Place, Kelowna, BC**

Dear Ryan,

Please accept this letter of rationale on behalf of our clients Jeff & Sharon Goldberg for their property at 156 Red Sky Place in Kelowna BC.

The purpose of this Letter of Rationale and development variance is to obtain permission for a timber pergola that is attached to the house to remain in its current “as built” state. Acceptance of this variance is a requirement for our clients to obtain a final occupancy permit for the home. Approvals that Chatham Homes have received from both the right-side neighbour (160 Red Sky Place) and the real estate developer Wilden are both included at the end of this letter as appendices “A” and “B”

Zoning

Current zoning for the property is RU1H

Description on Proposed Pergola

Our clients wanted to have a pergola on the right side of the property to obscure the view of the 2 large air conditioner units that are on that side. The pergola as a unit is not entirely enclosed and does not provide full cover of the area nor does it enclose the area completely. The pergola is fastened to the house by four surface mounted, powder coated steel brackets with matching powder coated lag bolts and washers (see Figure 2: Right Pergola Fastened to House). The anchors at the house sit proud of the stucco and are fastened through the building envelope into pre-installed metal backing. The pergola ledger board with the anchor stands off from the house by at least 1” (see Figure 3: Surface Mounted Steel Anchor).

The pergola measures 17’ in total length and projects 6’8-1/4” from the house which falls within the limits of the property line. The ledger board that is fastened to the house measures 15’8” in length and the height of the pergola from the concrete to the top is approximately 10’. The timbers are 4” thick by 12” tall and the steel anchor plates measure 6”x6”.

Neighbourhood Impact

Chatham Homes has obtained special permission from the next-door neighbour at 160 Red Sky Place. These neighbours approved the design and they have mentioned that the stained timbers are much nicer to look at than the air conditioners. Approval of the pergola has also been given by Wilden, the neighbourhood developer as the right side pergola was not shown or indicated on the original house plans.

Rationale for Keeping Pergola

Our rationale for keeping the pergolas as built is although it is technically attached to the house, the bulk of combustible materials do not make any direct contact with the building envelope. Also, the materials used to anchor the pergola to the house are non-combustible and there is a gap between the timber and the stucco. We believe that if we were to add timber posts to the house side of the structure, it would only be adding more combustible materials than what is currently there. The entire pergola is open and does not create a true enclosed area. The pergola should be considered more of a landscape feature than an extension of the house or building envelope.

Summary

Permission to keep the pergola on the right exterior elevation at 156 Red Sky Place should be granted to Chatham Homes and our clients because there are no combustible materials directly fastened to the building envelope. There is a gap between the closest timber and the house and the pergola is mechanically fastened by powder coated steel anchors. Changing the structure of the pergola to make it free standing will only create more of a potential fire risk as more combustible materials would need to be added in direct proximity to the house (matching timber posts ex.).

Permission has also been granted to Chatham Homes and our clients by the next door neighbour and the developer group, Wilden.

If you have any questions, please contact the undersigned.

Yours truly,

Chatham Homes Ltd.

Michael Chatham



Appendix A: Photos of the Pergola

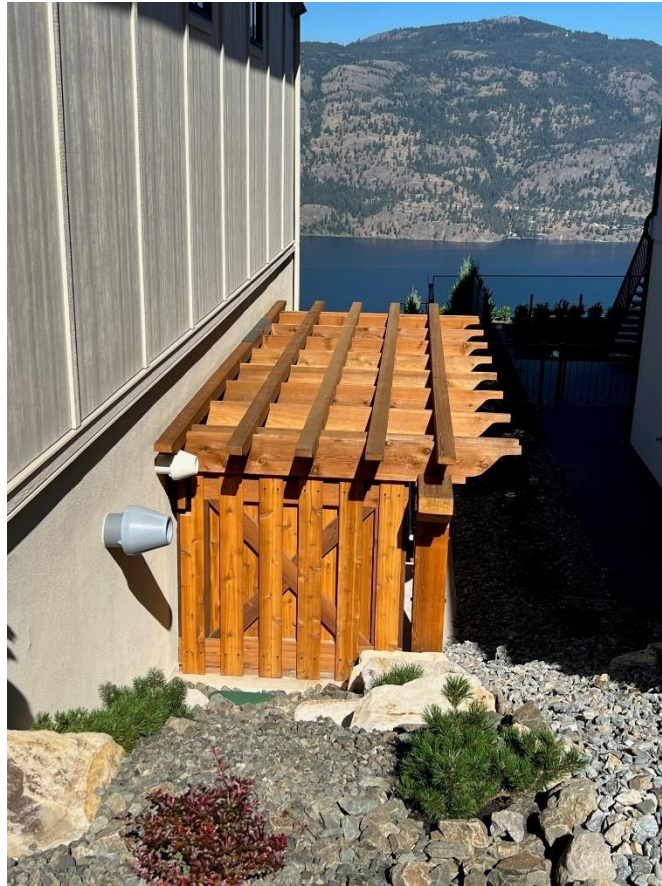


Figure 1: Pergola

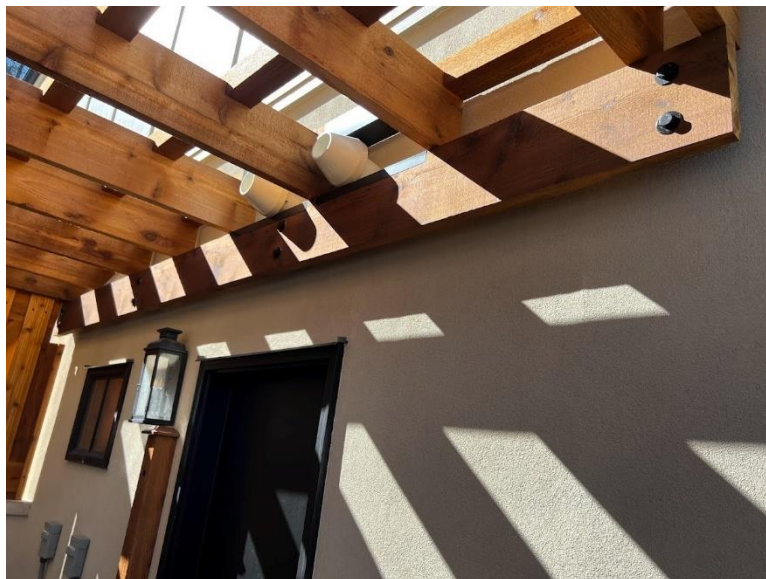


Figure 2: Right Pergola Fastened to House

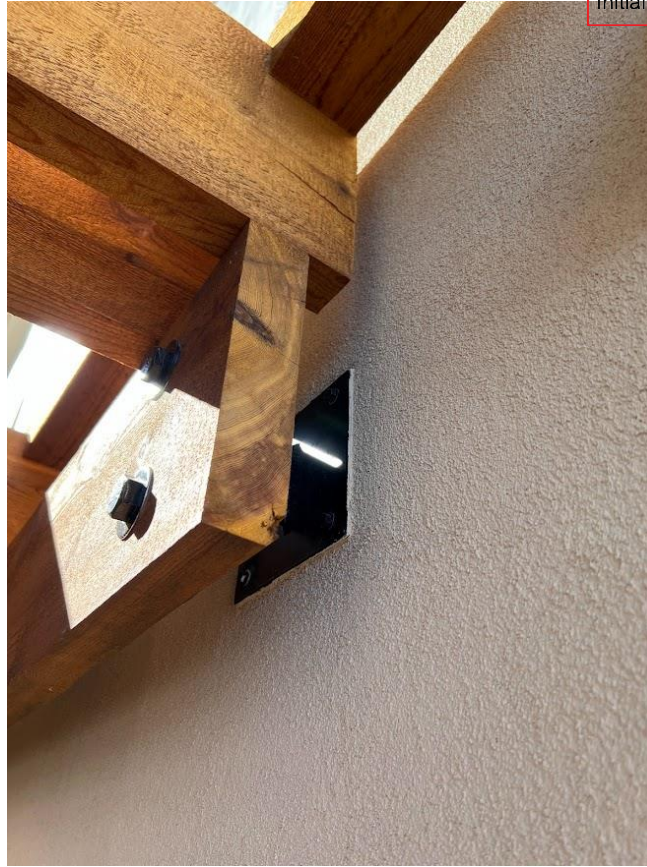


Figure 3: Surface Mounted Steel Anchor

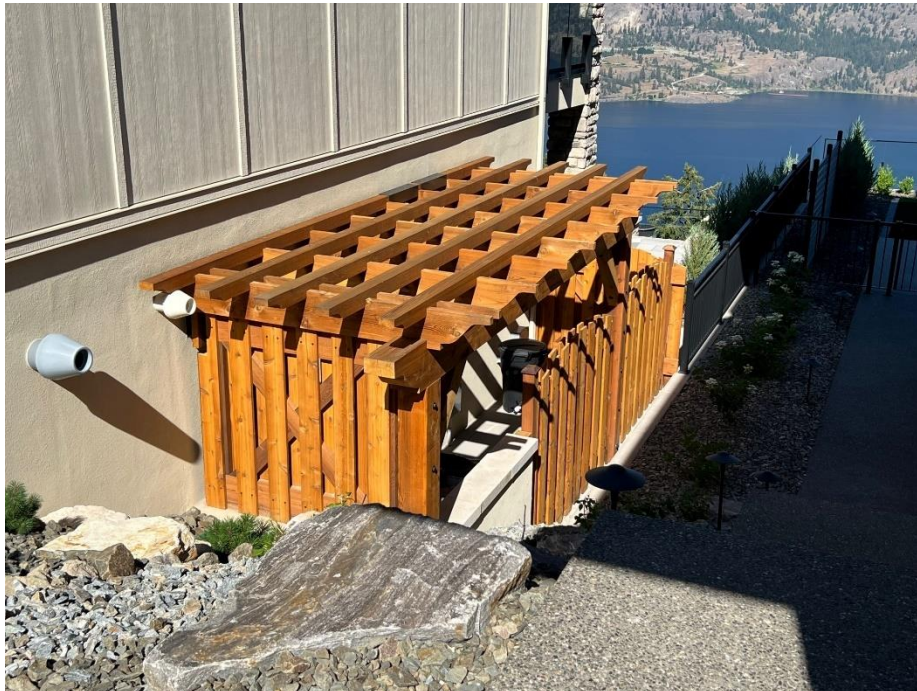


Figure 4: Pergola from Red Sky Place

**WILDEN - DESIGN GUIDELINE APPROVAL FORM**(Plan No. KAP _____) PHASE 2E LOT# 58

(Please complete in full. Indicate square feet or square metres.)

CONTRACTOR Chatham Homes Ltd		OWNER Jeff and Sharon Goldberg	
ADDRESS: 1458 Rocky Point Drive		ADDRESS:	
PHONE: 236-420-4663	FAX:	PHONE:	FAX:

DESIGNER'S NAME Jeremy Newell Design			
HOUSE TYPE (Bungalow, two-storey, etc.) two-storey		PLAN NO:	
FINISHED LIVING AREA: Main Floor: 2,695 sqft		Second Floor: 647 sqft	
BUILDING HEIGHT: 29' 7-5/16"	ROOF PITCH: 10/12	ROOF OVERHANG: 12"	

SPECIFICATIONS	MATERIAL
EXTERIOR WALL TREATMENT 1	Stucco
EXTERIOR WALL TREATMENT 2	Hardie board and batten
EXTERIOR WALL TREATMENT 3	
EXTERIOR TRIM	Tyndall stone caps and belly bands/hardie belly band
BRICK (IF APPLICABLE)	
STONE (IF APPLICABLE)	natural stone veneer
ROOF	Wilden spec
FRONT DOOR	Custom stain grade wood double front door arched
GARAGE DOOR	carriage styled arches garage door with transoms
DRIVEWAY	paving stones
	LEFT OR RIGHT: Right

LOT ELEVATIONS (metric): FRONT CORNER PINS: 638.13/638.247	MAIN FLR: 638.84	BSMT FLR: 635.4	GARAGE SL.: 638.74
---	------------------	-----------------	--------------------

BUILDER OR OWNER: <u>Alex Lizette</u>	Alex Lizette	July 20, 22
SIGNATURE	PRINTED NAME	DATE
NOTE: ANY CHANGES TO THE ABOVE INFORMATION (OR ATTACHMENTS) MUST BE BROUGHT TO THE ATTENTION OF THE DESIGN CONSULTANT (IN WRITING) BEFORE PROCEEDING.		

COMMENTS:		
copper gutter, down spouts, barrel roof and chimney		
painted fascia to match stucco, prefinished T7G pine soffit		
Added timber pergola to right elevation and upper guest deck		
AUG 09 2022 PER: ROBINSON DESIGN INC.		
APPROVED BY ROBINSON DESIGN INC:	<u>Approved as built</u>	AUG 09 2022
	SIGNATURE & COMPANY SEAL	DATE
103 - 1561 SUTHERLAND AVE., KELOWNA, BC V1Y 5Y7 PHONE: (250) 764-8312		

To whom it may concern,

We are the owners of Lot 59 Rocky Point (160 Red Sky Pl). In regards to our neighbour's home at Lot 58 Rocky Point (156 Red Sky Pl), we understand that the builder, Chatham Homes, is applying for a variance for the pergola on the north side of the home (neighbouring our property). We approve of this pergola and would prefer it stay in place, as it improves the visual impact of the mechanical equipment in that area.

Sincerely,
Katie So

Richard Leung





City of
Kelowna

DVP 22-0215 156 Red Sky Place

Development Variance Permit

Purpose

- ▶ To issue a Development Variance Permit to vary the side yard from 2.1 m permitted to 0.0 m proposed for the pergola structure abutting the North side yard.

Development Process



Nov. 3, 2022

Development Application Submitted



Staff Review & Circulation



Jan. 11, 2023

Public Notification Received



Feb. 14, 2023

Development Variance Permit



Council Approvals



Building Permit

Context Map



Walk Score
0

Transit Score
0

Bike Score
16



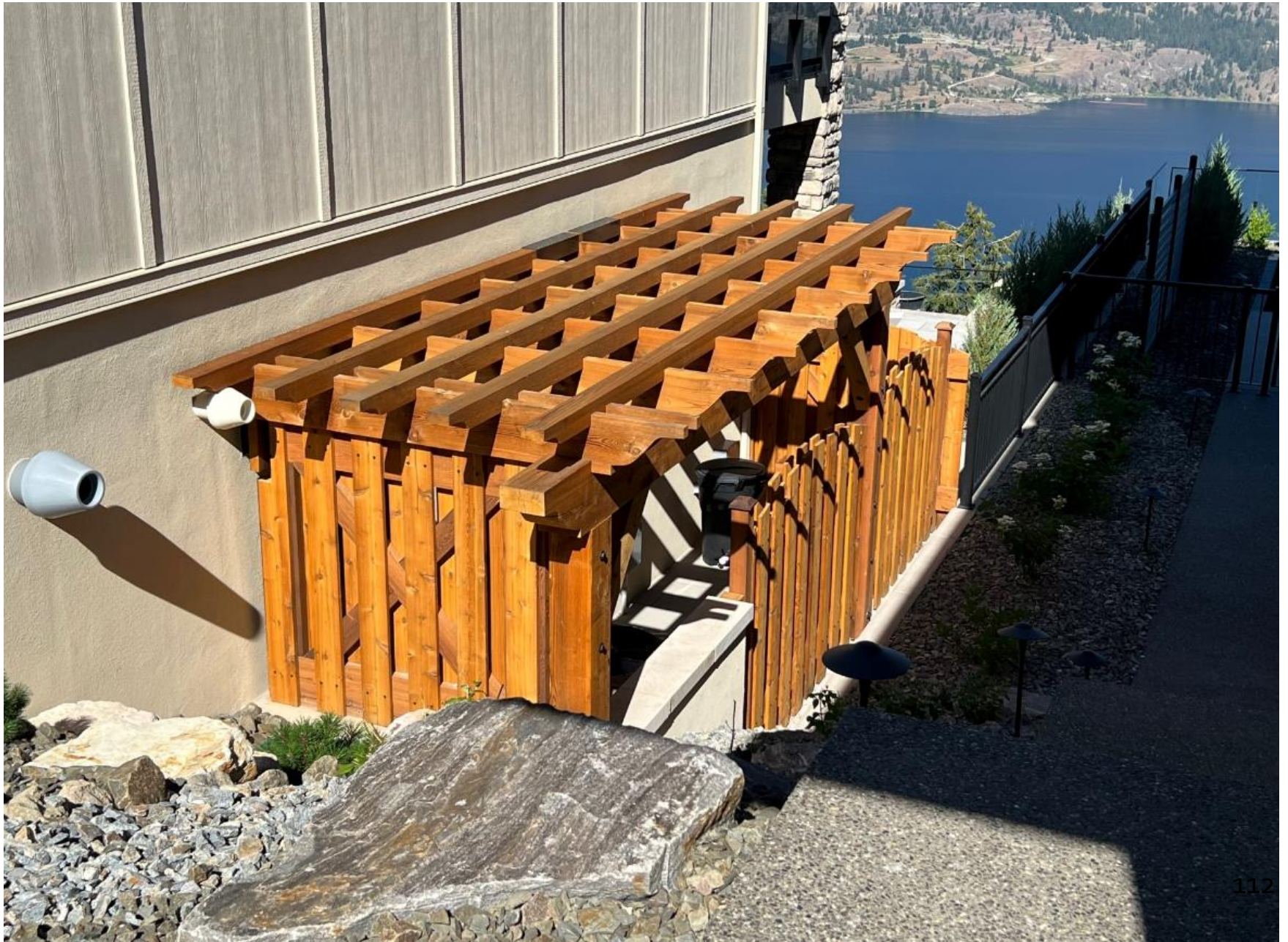
Subject Property Map



Variance

- ▶ Section 11.5 – RU1 – Large Lot Housing Development Regulations
 - ▶ To vary the side yard from 2.1 m permitted to 0.0 m proposed for the pergola structure abutting the North side yard

Site Photos



Staff Recommendation

- ▶ Staff recommend **support** for the proposed Development Variance Permit as it:
 - ▶ Meets all other Zoning Bylaw requirements
 - ▶ Variance limited to pergola structure
 - ▶ Completed Public Information Session, neighbour's support

REPORT TO COUNCIL



Date: January 23rd, 2023

To: Council

From: City Manager

Department: Development Planning Department

Application: OCP23-0002 & Z22-0076 **Owner:** Grant Wayne Gaucher & Lorrie Ann Rockl

Address: 3500 Hilltown Drive **Applicant:** Grant Gaucher

Subject: Official Community Plan Amendment & Rezoning Application

Existing OCP Designation: R-AGR - Rural – Agricultural and Resource & S-RES - Suburban Residential

Proposed OCP Designation: R-AGR - Rural – Agricultural and Resource

Existing Zone: A2 – Agriculture / Rural Residential & CD18 – McKinley Beach Resort

Proposed Zone: A2c – Agriculture / Rural Residential with Carriage House

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP23-0002 to amend Map 3.1 in the Kelowna 2040 – Official Community Plan Bylaw No. 12300 by changing the Future Land Use designation of portions of Lot A Sections 28 and 33 Township 23 ODYD PLAN EPP117593, located at 3500 Hilltown Drive, Kelowna, BC from the S-RES - Suburban Residential designation to the R-AGR - Rural – Agricultural and Resource designation, as shown on Map “A” attached to the Report from the Development Planning Department dated January 23rd, be considered by Council;

AND THAT Rezoning Application No. Z22-0076 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot A Sections 28 and 33 Township 23 ODYD PLAN EPP117593 located at 3500 Hilltown Drive, Kelowna, BC from the A2 – Agriculture / Rural Residential zone and CD18 – McKinley Beach Resort zone to the A2c – Agriculture / Rural Residential with Carriage House zone, as shown on Map “B” attached to the Report from the Development Planning Department dated January 23rd be considered by Council;

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

AND FURTHER THAT final adoption of the Official Community Plan Map Amending Bylaw and the Rezoning Bylaw be considered subsequent to issuance of a Natural Environment and Hazardous Condition Development Permit.

2.0 Purpose

To amend the Official Community Plan future land use designation to the R-AGR - Rural – Agricultural and Resource and rezone to the A2c – Agriculture / Rural Residential with Carriage House zone to facilitate the construction of a single detached dwelling and carriage house.

3.0 Development Planning

Development Planning Staff support the proposed rezoning and Official Community Plan (OCP) Amendment application. The property is not within the Agricultural Land Reserve (ALR) but abuts the ALR boundary. Therefore, a 15.0 m wide ALR buffer, including steep slopes and environmentally sensitive areas will be permanently protected via a No Disturb Covenant through the subsequent Natural Environment and Hazardous Condition Development Permit.

The proposed rezoning and future land use amendment is consistent with the Official Community Plan policies and supports utilizing the property for a single detached dwelling and carriage house. Carriage house rezoning applications are supported by OCP policies when the property is greater than 1.0 hectare in order to ensure appropriate septic disposal and to be consistent with the City's obligations with the Okanagan Basin Water Board.

4.0 Proposal

4.1 Background

The boundaries of the OCP future land use designation and the boundaries of the CD18 zone were determined at the time of the original creation of the zone and prior to the construction of Hilltown Drive. The layout and final subdivision of Hilltown Drive ultimately did not align with the zoning and future land use designation boundaries. Thus, resulting in a minor sliver of the property having a different zone and OCP designation. Therefore, this OCP Amendment application is an administrative clean-up, required by staff, to be consistent with the boundaries of Hilltown Drive.

4.2 Project Description

The proposed application is to facilitate the construction of a single detached dwelling and a carriage house on the property. An environmental assessment has shown that the principal dwelling and proposed carriage house are situated to avoid environmentally sensitive areas and steep slopes. An existing City Linear Park Corridor (trail) will be accommodated through the North section of the parcel. Steep slopes and environmentally sensitive areas will be protected via a No Disturb Covenant. A 15.0 m wide ALR buffer, utilizing the existing native vegetation and trees to the North, will be protected through the No Disturb Covenant. A Natural Environment and Hazardous Condition Development Permit will need to be issued by Development Planning to guide the proposed development.

4.3 Site Context

The subject property is located on Hilltown Drive. The surrounding area is R-AGR, and the property borders ALR land to the North. CD18 – McKinley Beach Resort borders the property to the South primarily consisting of suburban residential uses.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 -Agriculture	Agriculture
East	A2 – Agriculture / Rural Residential & CD18 – McKinley Beach Resort	Vacant
South	CD18 – McKinley Beach Resort	Residential
West	CD18 – McKinley Beach Resort	Residential

Subject Property Map: 3500 Hilltown Drive



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 8.2 Ensure a compatible urban-rural interface that protects agricultural uses	
Policy 8.2.3 Urban-Rural Buffers	Where a property is adjacent to the ALR, ensure that development limits associated negative impacts on adjacent agricultural operations by including appropriate buffers, setbacks and site planning, consistent with the Farm Protection Development Permit Guidelines outlined in Chapter 22: Farm Protection Development Permit Area. <i>A 15.0 m wide ALR buffer, utilizing the existing native vegetation and trees to the North, will be protected via a No Disturb Covenant. The proposal is consistent with the Farm Protection Guidelines.</i>
Objective 8.4 Stop urban sprawl into Rural Lands	
Policy 8.4.3 Housing in Agricultural Areas	Discourage additional residential development (both expansions and new developments) in areas surrounded by ALR and non-ALR agricultural lands. Secondary suites may be permitted in a permitted primary dwelling. Carriage houses may be considered on Rural Residential lands where the property is 1.0

	hectares or greater and where proposal is consistent with the Farm Protection Guidelines outlined in Chapter 22: Farm Protection Development Permit Area
	<i>The subject property is located outside of the ALR. The property is 16.59 hectares in size and is considered Rural Residential, allowing for single dwelling and carriage house development. The proposal is consistent with the Farm Protection Guidelines.</i>

6.o Application Chronology

Date of Application Accepted: November 30, 2022

Date Public Consultation Completed: December 9, 2022

Report prepared by: Sara Skabowski, 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:

Attachment A: Draft Site Plan

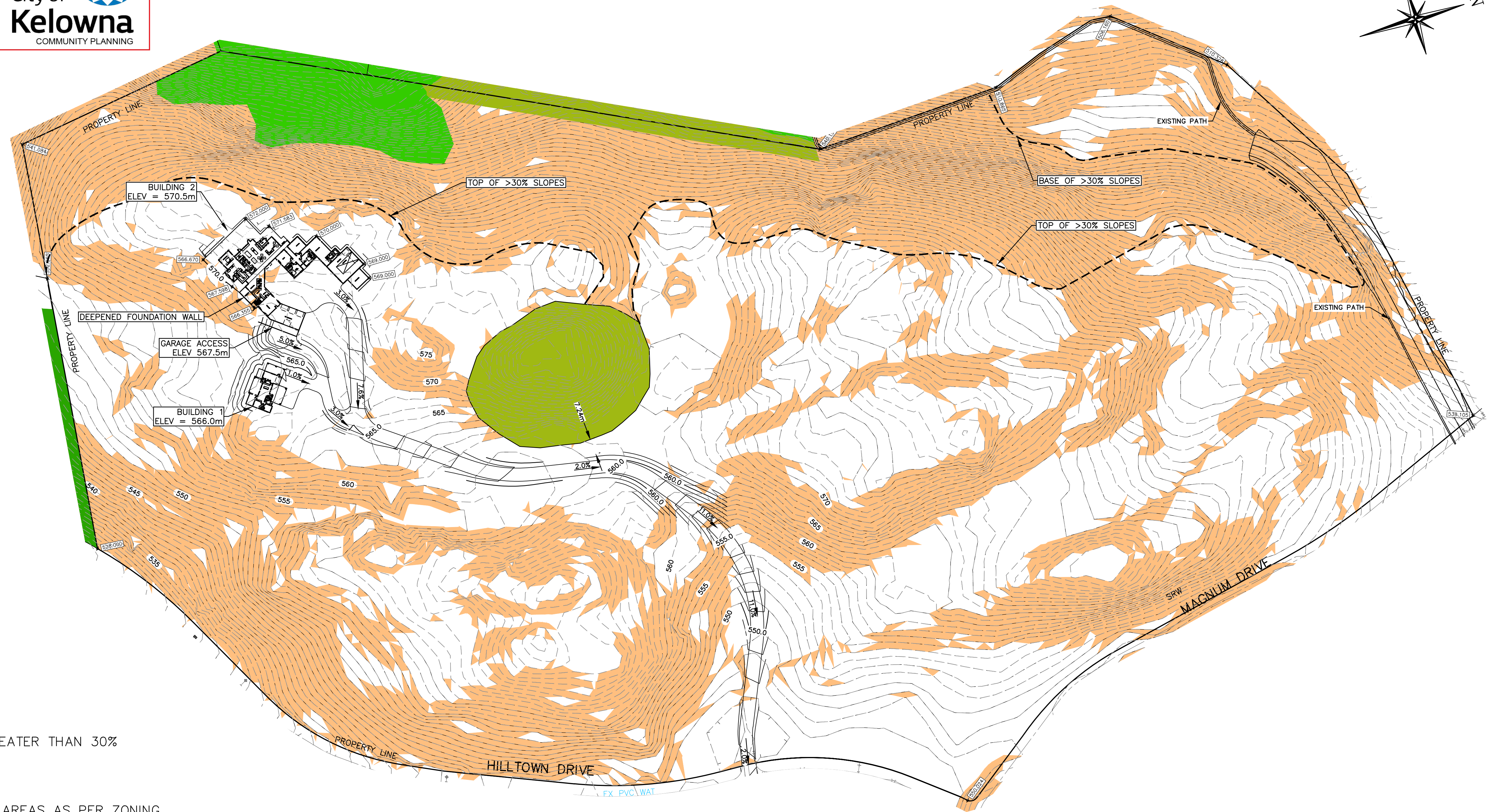
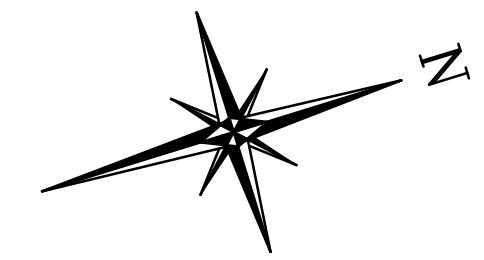
Map A: OCP Amendment Bylaw - OCP23-0002

Map B: Rezoning Bylaw - Z22-0076

ATTACHMENT A

This forms part of application
Z22-0076

Planner
Initials **SS**



- SLOPES GREATER THAN 30%
- BUILDABLE AREAS AS PER ZONING
- ESA 1
- ESA 2

PRELIMINARY

NOT FOR CONSTRUCTION

THE LOCATION: P:\PROJECTS\19040-001 - McKinley Beach Developments\19040-001 - Detailed Design\19040-001.dwg PRINTED ON: 11/18/2022 2:14 PM

LEGEND	
WATER	
SAN. SEWER	
STORM SEWER	
GAS	
U/G UTILITY (ALIGNMENT)	
EX. MANHOLE	
PROP. MANHOLE	
POWER POLE	
LAMP STANDARD	
CATCH BASIN	
HYDRANT	
SURVEY MONUMENT	
WATER CURB STOP	
SANITARY INSPECTION CHAMBER	
STORM INSPECTION CHAMBER	
TRANSFORMER - POWER	
SERVICE BOX	

PROTECH CONSULTING

300 - 3275 Lakeshore Rd Kelowna B.C. Phone 860-1771

PERMIT TO PRACTICE NO.: 1001403

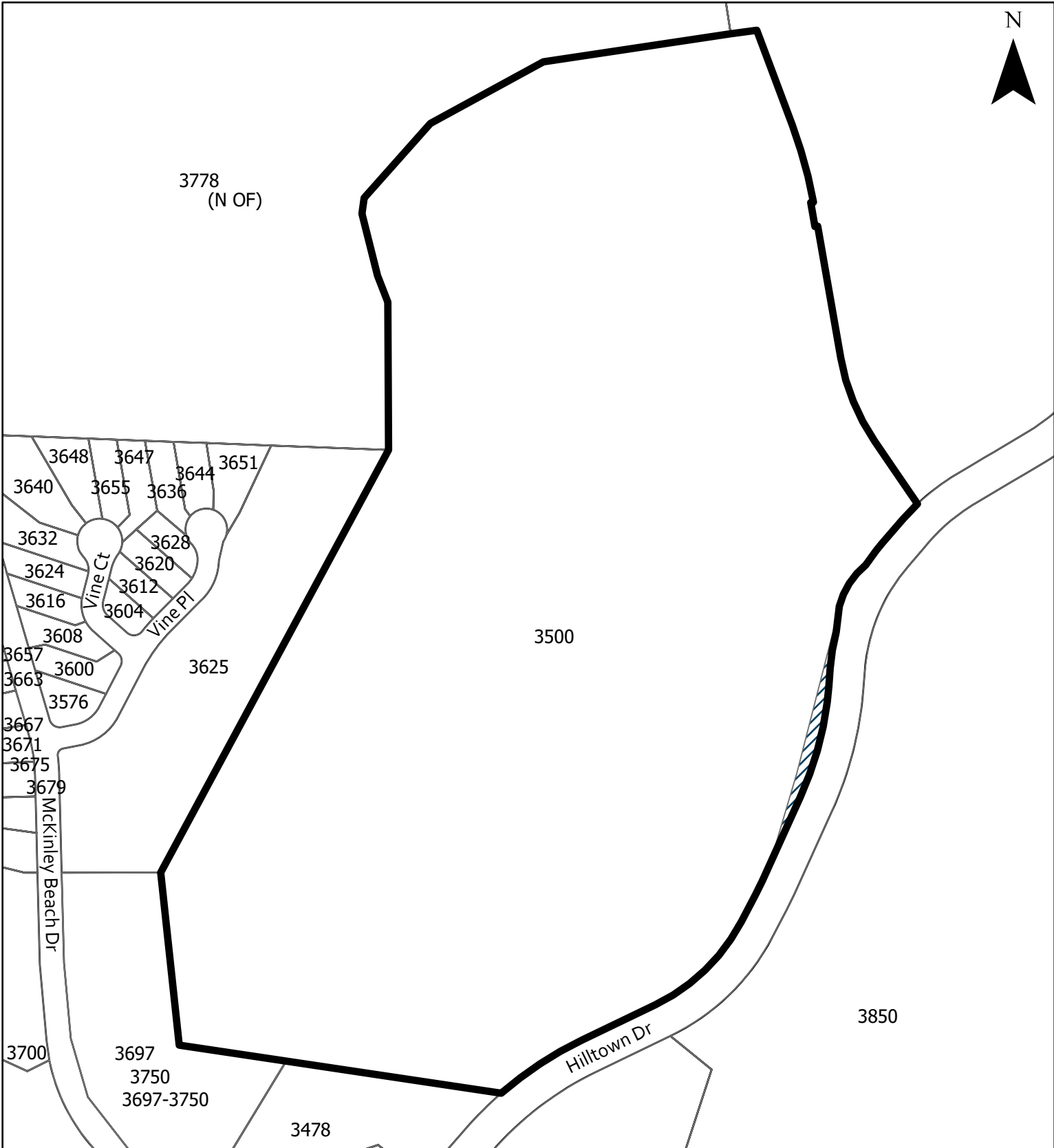
NO.	DATE	BY	REVISION	CH'KD
1	2022/11/18	BDK	FOR REVIEW	DTP

DRAWN	KTM
DESIGN	KTM/DJP
APPROVED	
DATE	May 2022
SCALE	1:1000



THE CITY OF KELOWNA
ENGINEERING DEPARTMENT

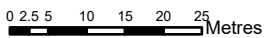
McKINLEY BEACH DEVELOPMENTS
SITE SERVICING PLAN
ESTATE PARCEL PART OF LOT 3

DIVISION	
DRAWING NO.	REV. NO.
19040-001	1



MAP "A" OCP AMENDMENT
File OCP23-0002

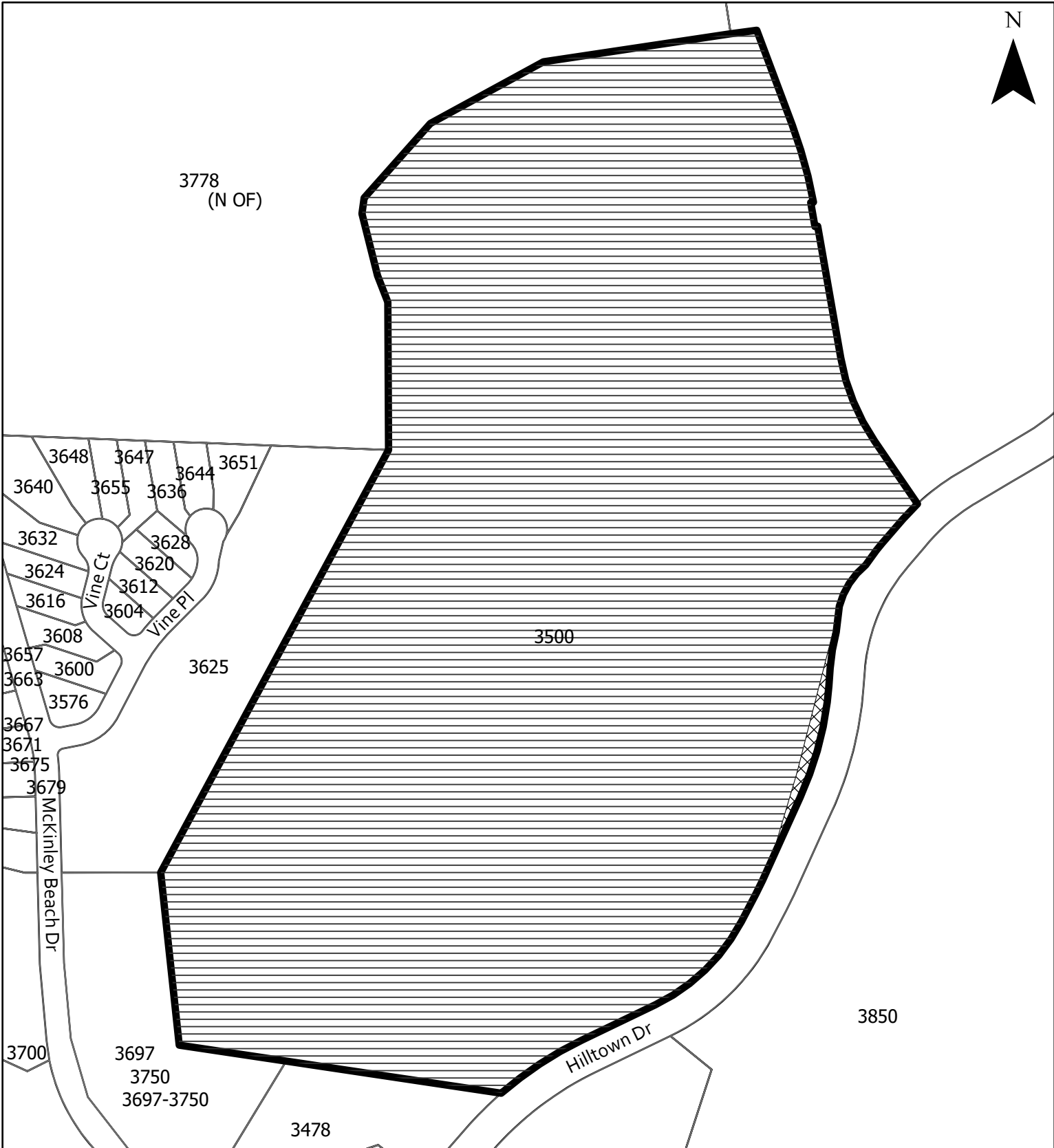
-  Subject Property
-  Suburban - Residential (S-RES) to Rural - Agriculture and Resource (R-AGR)






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 The City of Kelowna does not guarantee its
 accuracy. All information should be verified.



Rev. Friday, January 13, 2023



MAP "B" ZONING AMENDMENT
File: Z22-0076

-  Subject Property
-  CD18 - McKinley Beach Resort to A2c - Agriculture / Rural Residential with Carriage House
-  A2 - Agriculture / Rural Residential to A2c - Agriculture / Rural Residential with Carriage House

0 2.5 5 10 15 20 25 Metres

This map is for general information only.
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Rev. Thursday, January 19, 2023



City of
Kelowna

OCP 23-0002

Z22-0076

3500 Hiltown Dr

Official Community Plan Amendment & Rezoning Application

Purpose

- ▶ To amend the Official Community Plan future land use designation to the Rural – Agricultural and Resource (R-AGR) and rezone to the A2c – Agriculture / Rural Residential with Carriage House zone to facilitate the construction of a single detached dwelling and carriage house.

Development Process



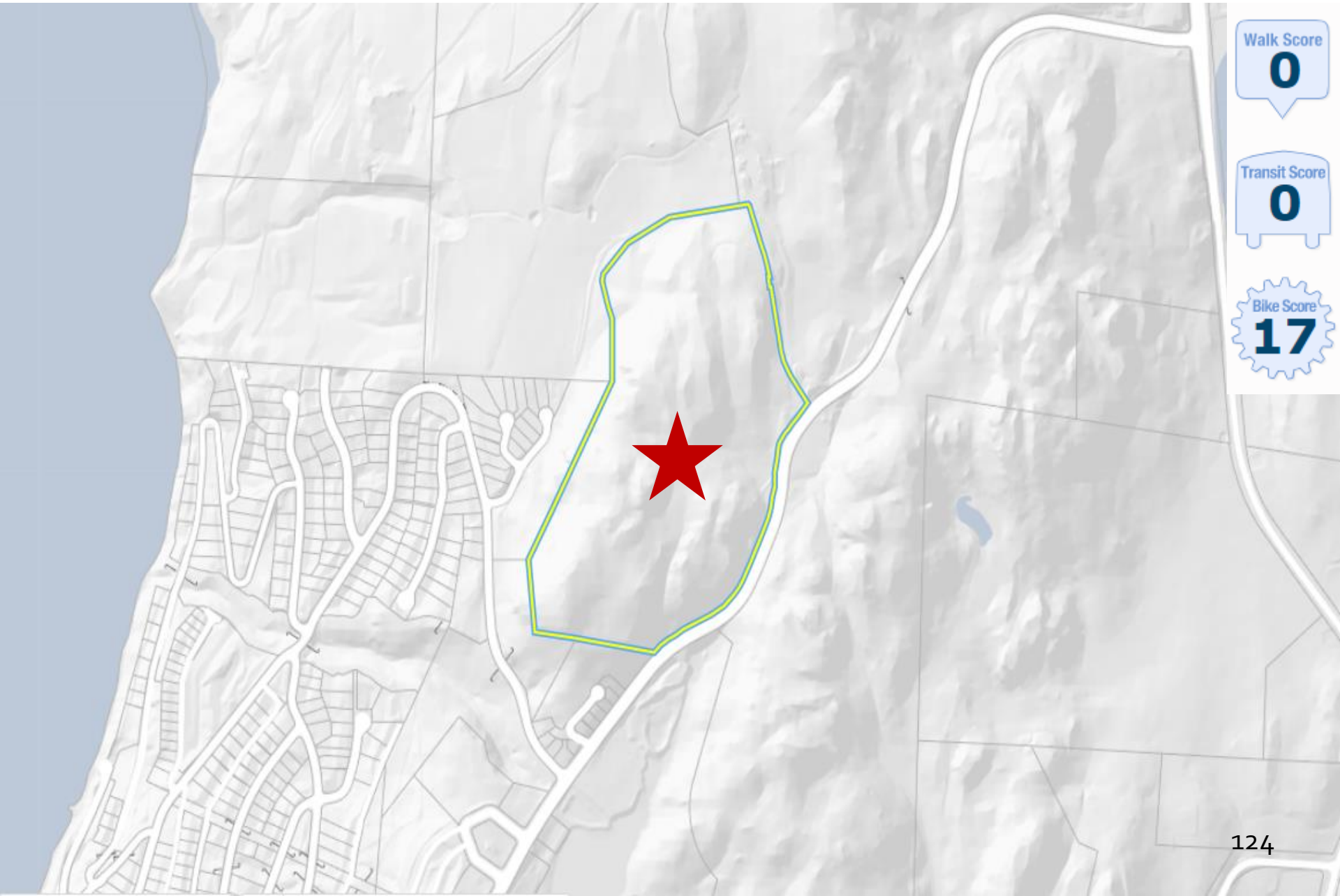
Context Map



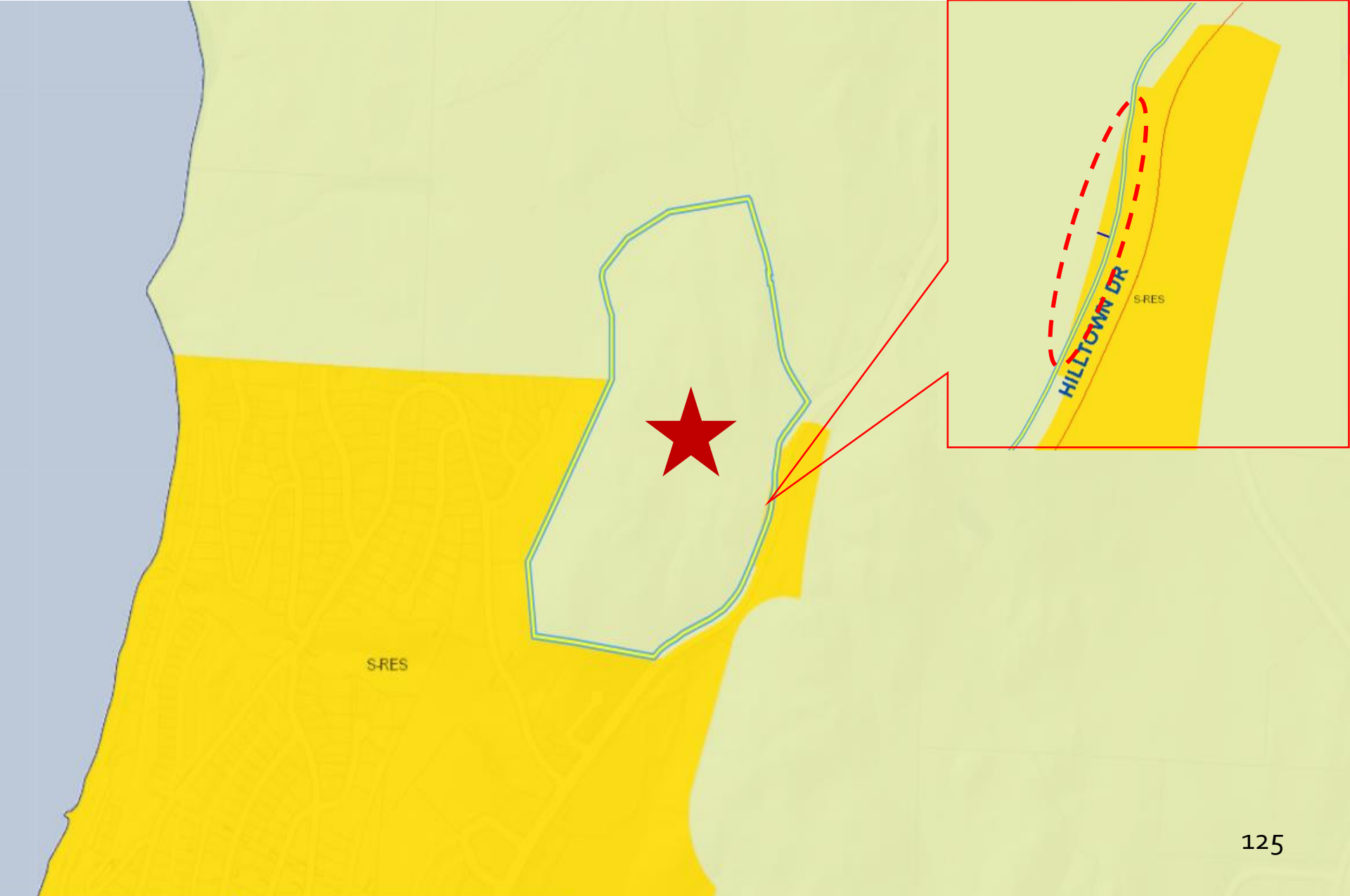
Walk Score
0

Transit Score
0

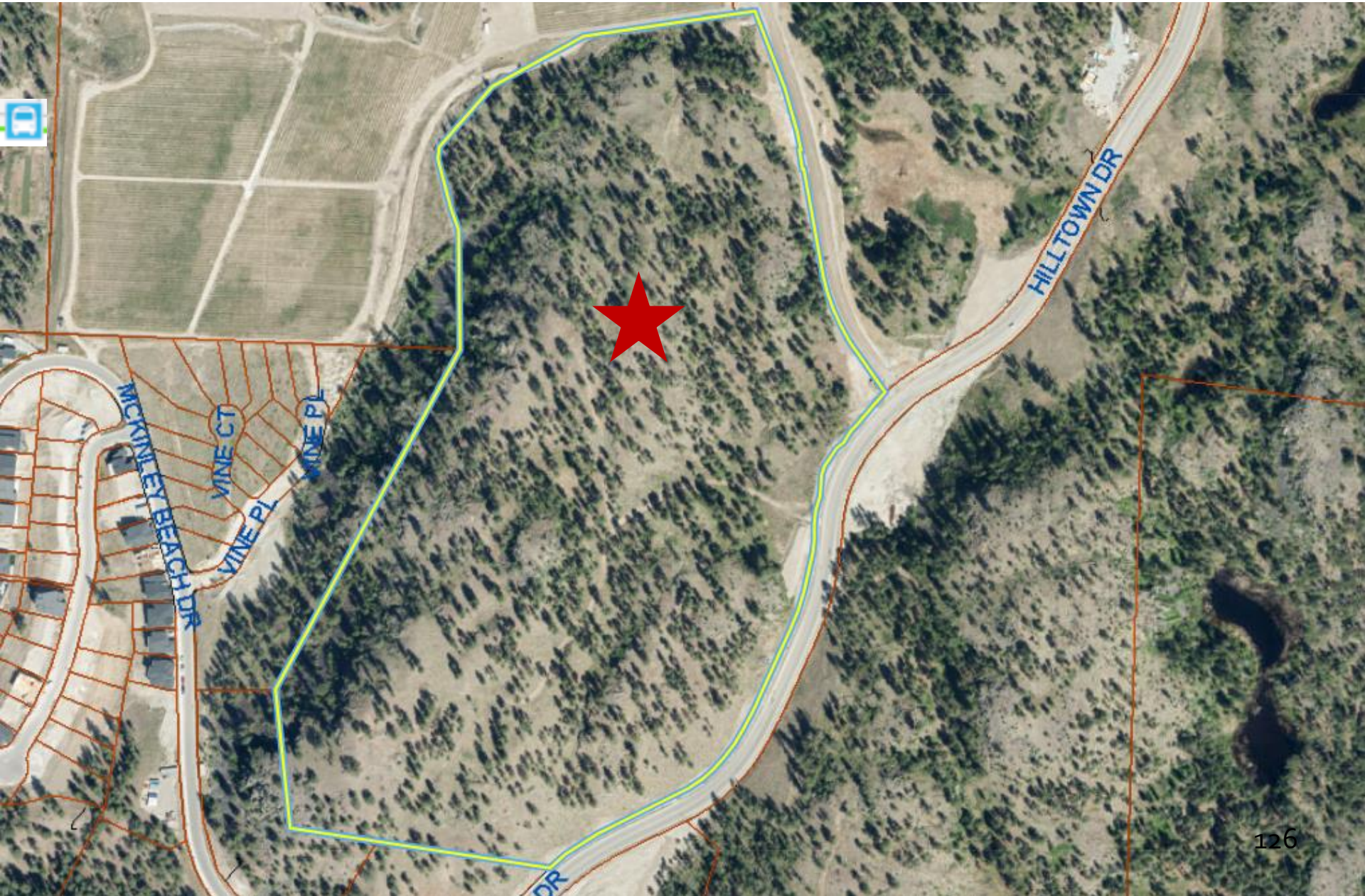
Bike Score
17



OCP Future Land Use



Subject Property Map

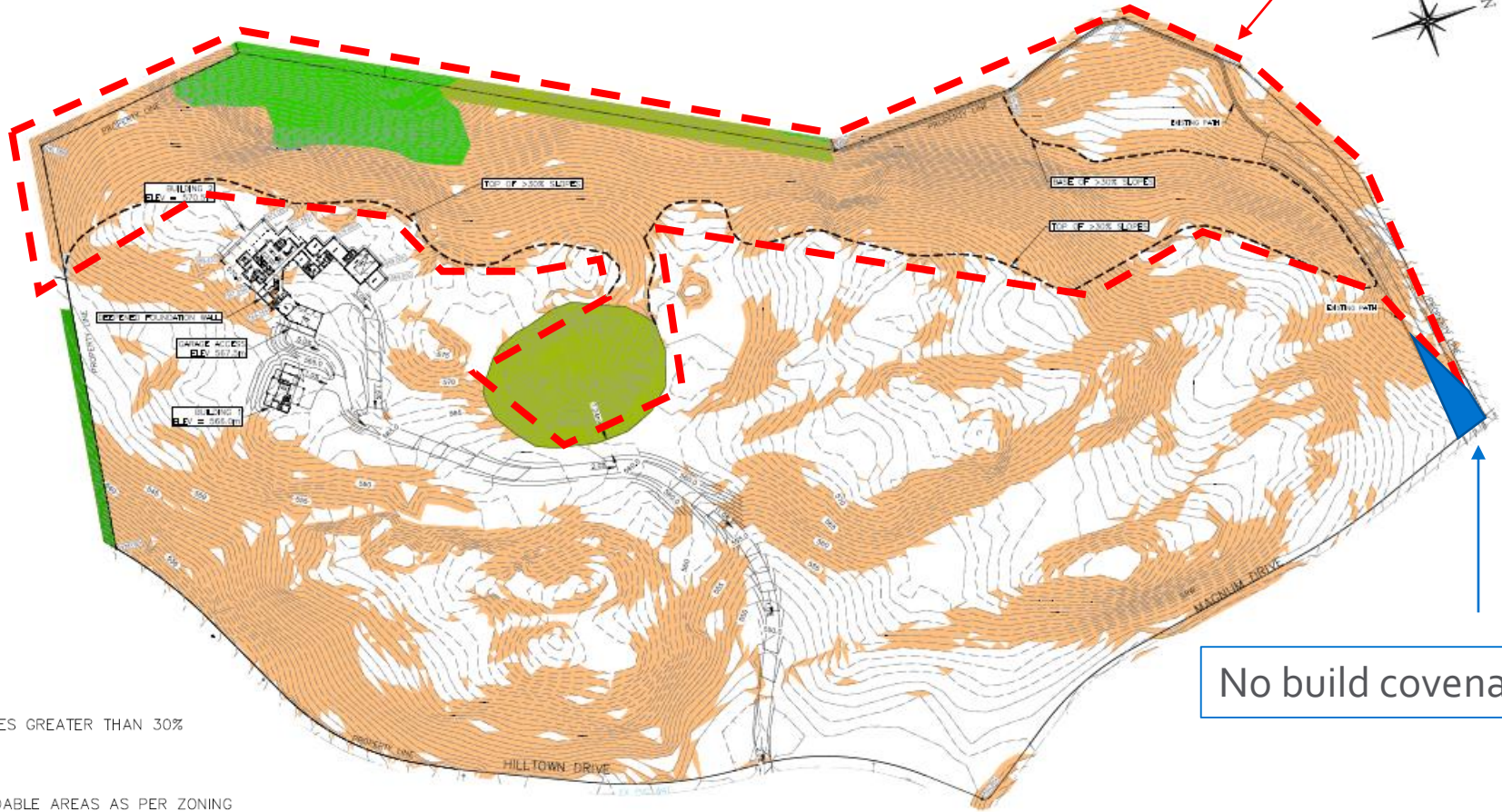


Project Details





- ▶ Agriculture / Rural Residential with Carriage House (A2c)
 - ▶ Single detached dwelling
 - ▶ Carriage house
- ▶ Steep slopes & environmentally sensitive areas will be protected via No Disturb Covenant
- ▶ 15.0 m wide ALR buffer
- ▶ Future Development Permit will follow

Draft Site Plan

No disturb covenant



No build covenant

-  - SLOPES GREATER THAN 30%
-  - BUILDABLE AREAS AS PER ZONING
-  - ESA 1
-  - ESA 2

OCP Objectives & Policies

- ▶ Policy 8.2.3. Urban-Rural Buffers
 - ▶ 15.0 m wide ALR buffer
 - ▶ Consistent with Farm Protection Guidelines

- ▶ Policy 8.4.3. Housing in Agricultural Areas
 - ▶ Carriage houses may be considered where property is 1.0 hectares or greater
 - ▶ Consistent with Farm Protection Guidelines

Staff Recommendation

- ▶ Staff recommend **support** for the proposed Official Community Plan Amendment and Rezoning as it is consistent with:
 - ▶ OCP Future Land Use R-AGR
 - ▶ OCP Objectives and Policies
 - ▶ Urban-rural interface
 - ▶ Rural residential
 - ▶ Consistent with Farm Protection Guidelines
 - ▶ Development Permit to follow

CITY OF KELOWNA

BYLAW NO. 12477

Official Community Plan Amendment No. OCP23-0002 3500 Hilltown Drive

A bylaw to amend the "*Kelowna 2040* – Official Community Plan Bylaw No. 12300".

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

1. THAT Map 3.1 – **Future Land Use** of "*Kelowna 2040* – Official Community Plan Bylaw No. 12300" be amended by changing the Future Land Use designation of portions of Lot A Sections 28 and 33 Township 23 ODYD PLAN EPP117593, located on Hilltown Drive, Kelowna, BC from the S-RES - Suburban Residential designation to the R-AGR - Rural – Agricultural and Resource designation as shown on Map "A" attached to and forming part of this bylaw;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council

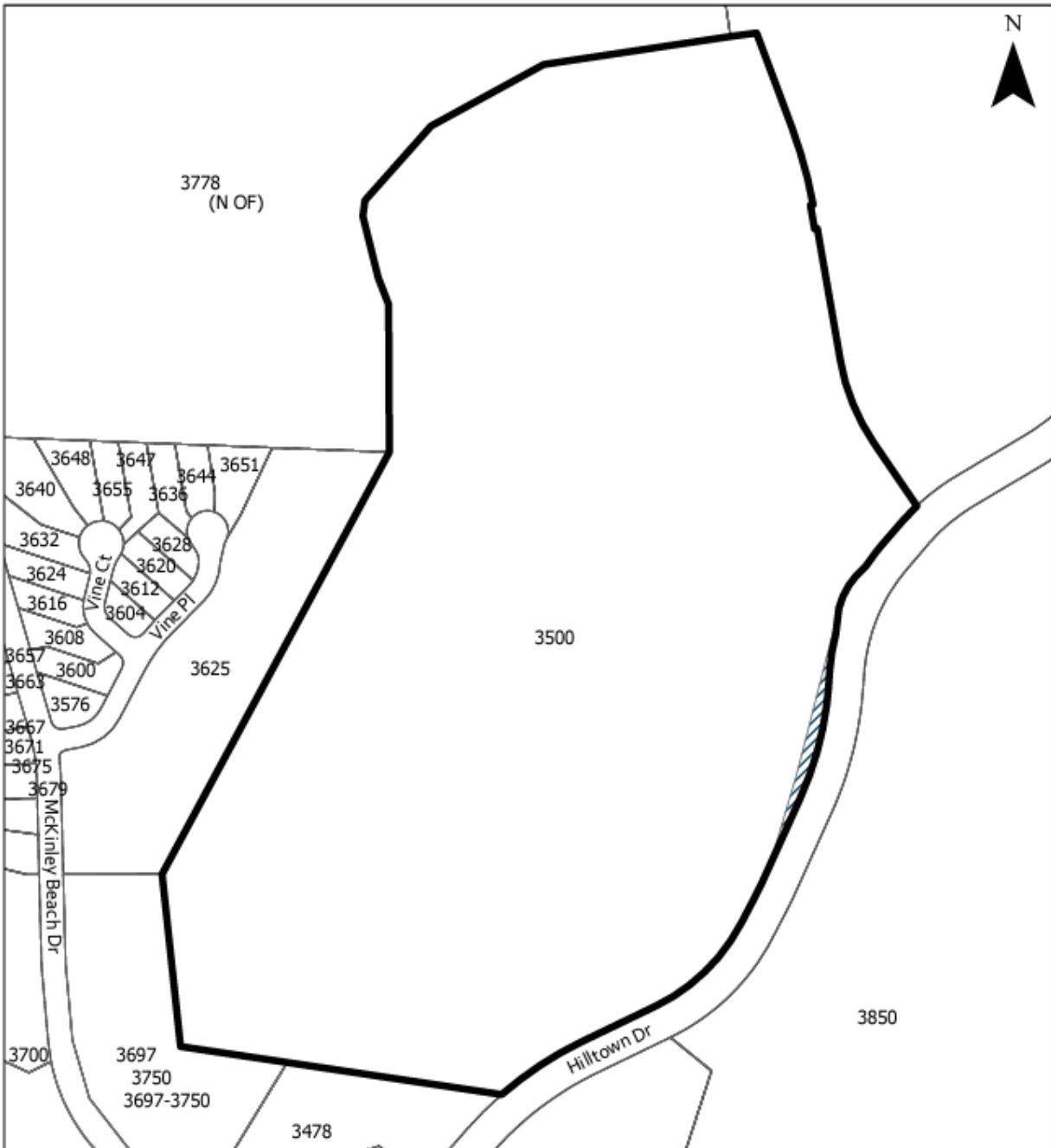
Considered at a Public Hearing on the

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" OCP AMENDMENT
File OCP23-0002

-  Subject Property
-  Suburban - Residential (S-RES) to Rural - Agriculture and Resource (R-AGR)

0 2.5 5 10 15 20 25 Metres

This map is for general information only.
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City of
Kelowna

Rev. Friday, January 13, 2023

CITY OF KELOWNA

BYLAW NO. 12478

Z22-0076

3500 Hilltown Drive

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification of Lot A Sections 28 and 33 Township 23 ODYD PLAN EPP117593 located on Hilltown Drive, Kelowna, BC from the A2 – Agriculture / Rural Residential zone and the CD18 – McKinley Beach Resort zone to the A2c – Agriculture / Rural Residential with Carriage House zone, as shown on Map "B" attached to and forming part of this bylaw;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

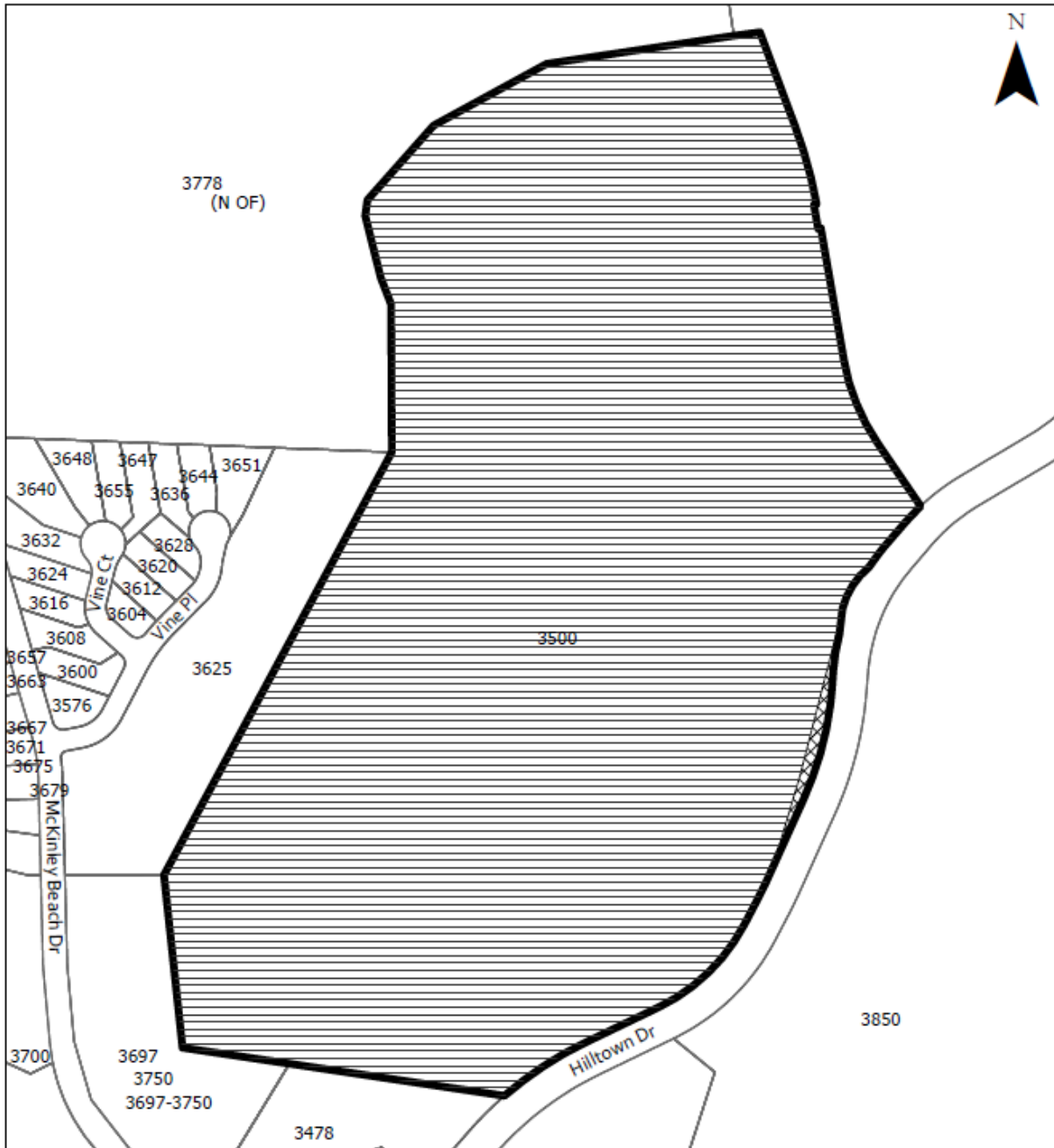
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this




Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



MAP "B" ZONING AMENDMENT
File: Z22-0076

-  Subject Property
-  CD18 - McKinley Beach Resort to A2c - Agriculture / Rural Residential with Carriage House
-  A2 - Agriculture / Rural Residential to A2c - Agriculture / Rural Residential with Carriage House



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 The City of Kelowna does not guarantee its accuracy. All information should be verified.
 Rev. Thursday, January 19, 2023

REPORT TO COUNCIL



Date: January 9th, 2023

To: Council

From: City Manager

Department: Development Planning

Application: Z22-0042 **Owner:** Upper Mission Development Inc., Inc.No. BC1224405

Address: 949 Hewetson Court **Applicant:** GTA Architecture Ltd.

Subject: Rezoning Application

Existing OCP Designation: S-MU – Suburban Multiple Unit

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: MF2 – Townhouse Housing

1.0 Recommendation

THAT Rezoning Application No. Z22-0042 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 1 District Lot 579 SDYD Plan EPP77194, located at 949 Hewetson Court, Kelowna, BC from the RU1 – Large Lot Housing zone to the MF2 – Townhouse Housing zone, be considered by Council;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Development Planning Department dated January 9, 2023;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to issuance of a Natural Environment and Hazardous Condition Development Permit(s);

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

2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the MF2 – Townhouse Housing zone to facilitate a multi-family development.

3.0 Development Planning

Staff support the proposed rezoning from the RU1 – Large Lot Housing zone to the MF2 – Townhouse Housing zone to facilitate the construction of 31 new residential units. The subject property has the Future Land Use Designation of S-MU – Suburban Multiple Unit and is within the Permanent Growth Boundary. As such, the proposed zone is consistent with the Official Community Plan (OCP) objectives. In addition, the proposed design meets the minimum setbacks, parking and other Development Regulations as outlined in the Zoning Bylaw.

Due to the regulatory complexity of developing land within environmentally sensitive and hillside areas, Staff are recommending final adoption be considered subsequent to the issuance of a Natural Environment and Hazardous Condition Development Permit.

4.0 Proposal

4.1 Background

The Neighbourhood 3 Area Structure Plan (ASP) for “*The Ponds*” neighbourhood and related OCP amendments were adopted by Council on April 3, 2007. The Plan envisions a logical pattern of development for Neighbourhood 3 that would result in a high quality, attractive and complete community. The ASP notes that the development concept has been formulated to work harmoniously with the topography and to retain the integrity of water features and their surroundings. The subject property was specifically identified as being suitable for cluster housing. The ASP anticipated that the maximum achievable density for cluster residential development in Neighbourhood 3 would be within the range of 15 to 20 dwelling units per hectare, but up to 30 could be possible. The applicant is proposing 16.9 units per hectare.

4.2 Project Description

The proposed rezoning to MF2 – Townhouse Housing is to facilitate 31 units, which are a mix between single-detached housing and semi-detached housing. The subject property is currently vacant, and the development will be accessed by a new drive aisle accessed from Hewetson Court. The proposal will include two separate pedestrian accesses to Kuiper’s Peak Mountain Park, along with a Statutory-Right-Of-Way to allow public access through the site. The applicant’s site plan has indicated that all dwellings can be constructed without the need for any variances.

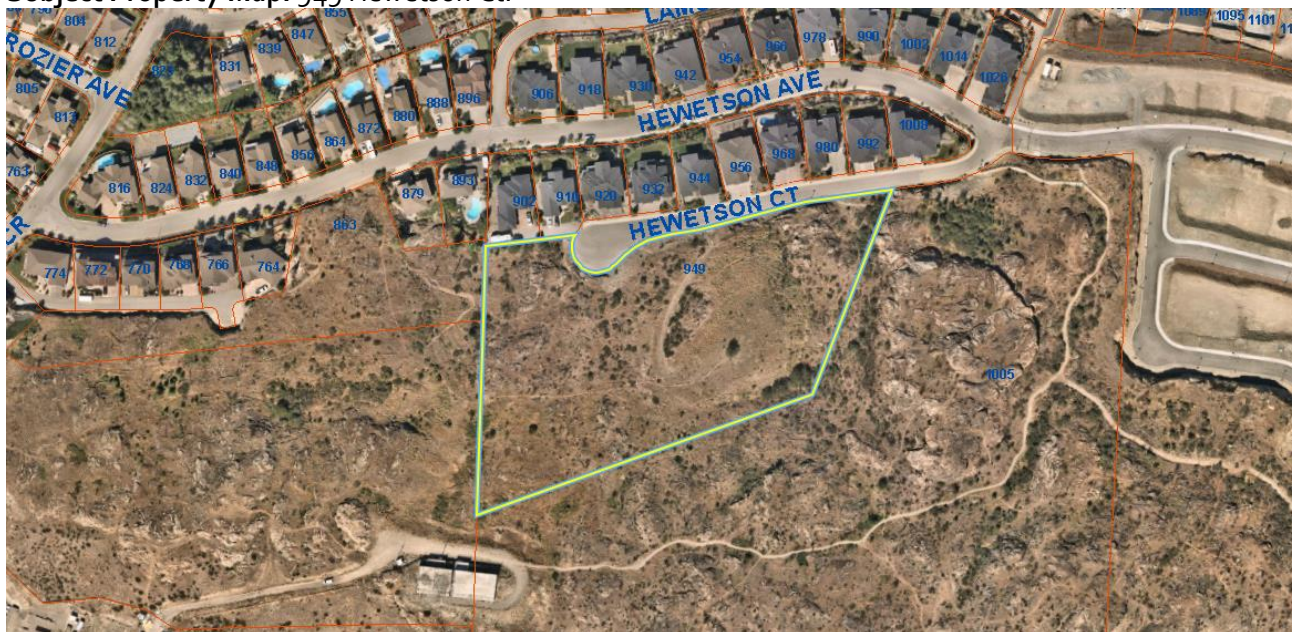
4.3 Site Context

The subject property is in the Southwest Mission OCP Sector and is located on Hewetson Court. The subject property is currently vacant and is surrounded by Kuiper’s Peak Mountain Park to the South, East and West. The surrounding area is primarily zoned RU1 – Large Lot Housing and P3 – Parks and Open Space.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single-Detached Housing
East	P3 – Parks and Open Space	Kuipers’ Peak Mountain Park
South	P3 – Parks and Open Space	Kuipers’ Peak Mountain Park
West	P3 – Parks and Open Space	Kuipers’ Peak Mountain Park

Subject Property Map: 949 Hewetson Ct.



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 7.2 Design Suburban Neighbourhoods to be low impact, context sensitive and adaptable	
Policy 7.1.1. Area Structure Plan Consistency.	<p>Support development that is consistent with adopted Area Structure Plans (ASPs) in Suburban Neighbourhoods. Require amendments to ASPs where proposals include significant increases to the number of residential units beyond those signaled in an ASP or where proposals are likely to require changes to planned transportation, parks and utility infrastructure.</p> <p><i>The subject property was identified as cluster housing in the Neighbourhood 3 ASP. The ASP anticipated 15 to 20 dwellings per hectare, but up to 30 was possible. This proposal is consistent with 16.9 units per hectare proposed.</i></p>
Policy 7.2.1 Ground Oriented Housing	<p>Consider a range of low-density ground-oriented housing development to improve housing diversity and affordability to reduce the overall urban footprint of Suburban Neighbourhoods. Focus more intensive ground-oriented housing where it is in close proximity to small scale commercial services, amenities like schools and parks, existing transit service and/or transportation facilities</p> <p><i>The proposed development provides ground-oriented housing.</i></p>

6.0 Technical Comments

6.1 Development Engineering Department

6.1.1 Attached Development Engineering Memorandum dated January 9th, 2023.

7.0 Application Chronology

Date of Application Accepted: July 5th, 2022
Date Public Consultation Completed: December 14th, 2022

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:

Attachment A: Development Engineering Memo
Attachment B: Site Plan

CITY OF KELOWNA
MEMORANDUM

Date: August 19, 2022
File No.: Z22-0042
To: Urban Planning Manager (LK)
From: Development Engineering Manager (NC)
Subject: 949 Hewetson Court Rezoning A1 to RU4H


The Development Engineering Branch has the following comments for this Rezoning application for the cluster housing project named The Heights At Upper Mission. All works and servicing upgrades will be required as a condition of rezoning. The Development Engineering Technician for this project is John Filipenko (jfilipenko@kelowna.ca).

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.

2. DOMESTIC WATER AND FIRE PROTECTION

- a. The subject lot is located within the City of Kelowna water supply area.
- b. The existing lot is not currently serviced. Only one service will be permitted for this development.
- c. The Developer's Consulting Engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. The bylaw maximum fire flow demand for two dwelling residential is 60 L/s and is available at the property line of the site. If it is determined that upgrades to any other existing water distribution system must be made to achieve the required fire flows at the higher elevations of the site, additional bonding may be required.

ATTACHMENT		A
This forms part of application		
# Z22-0042		
Planner Initials	TC	 City of Kelowna DEVELOPMENT PLANNING


- d. The Neighborhood 3 Area Structure Plan identifies that this property requires a booster station. The booster station will serve this property exclusively and need to be privately owned and operated by the property owner, if determined to be necessary to achieve MDD+FF demand for the site. The Developer's Consulting Engineer must consider infrastructure design that is adequate for fire protection, including fire hydrants, fire flows, and backup power.
- e. An approved backflow protection device must be installed on site as required by the City Plumbing Regulation and Water Regulation bylaws.
- f. A water meter is mandatory for this development and must be installed inside a building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at their cost.
- g. The subject property is within the South Mission Water ESA #15 and the Kuipers Reservoir Expansion ESA #17 and latecomer fees will apply.

3. **SANITARY SEWER SYSTEM**

- a. The subject property is located within the City of Kelowna sewer service area.
- b. Our records indicate that this property is not currently serviced by sanitary sewer.
- c. Service connections are to be completed with an inspection chamber (c/w Brooks Box) as per SS-S7 and may not be extended at an angle that exceeds 45° from perpendicular to the main.
- d. The Applicant's Consulting Mechanical Engineer will determine the requirements of the proposed development and establish the service needs.
- e. Only one service will be permitted for this development.

4. **STORM DRAINAGE**

- a. The subject property is located within the City of Kelowna drainage service area. The hillside areas of Kelowna are not suitable for groundwater recharge or disposal of on/offsite drainage via infiltration. Roof or site drainage for this development must discharge directly to the City of Kelowna's storm system at the 1:5 yr pre-development rate. The City will not permit infiltration to ground except for foundation perimeter drains above the established high-level groundwater table.
- b. Our records indicate that this property is not currently serviced by storm sewer.
- c. 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.

ATTACHMENT		A
This forms part of application # Z22-0042		
Planner Initials	TC	 City of Kelowna DEVELOPMENT PLANNING

- d. Provide the following drawings:
- a. A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill), grading directly to a natural drainage path must include adequate erosion control and water quality improvement measures;
 - b. A detailed Stormwater Management Plan for this development; and,
 - c. An Erosion and Sediment Control Plan is to be prepared by a Professional Engineer proficient in the field of erosion and sediment control. The plan is to be prepared as per section 3.14 of Schedule 4 of Bylaw 7900. If a line item for ESC is not included in the Engineer's cost estimate for off-site work, then an additional 3% will be added to the performance security based on the total off-site construction estimate.
- e. On-site detention systems are to be compliant with Bylaw 7900, Schedule 4, Section 3.11.1 Detention Storage.
- f. As per Bylaw 7900, Schedule 4, Section 3.1.3 Climate Change, the capacity of storm works will include an additional 15 percent (15%) upward adjustment, and applied to the rainfall intensity curve stage (IDF) in Section 3.7.2.
- g. Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- h. Register right of ways on private properties for all the storm water infrastructure carrying, conveying, detaining and/or retaining storm water that is generated from the public properties, public road right of ways, and golf course lands.
- i. Identify clearly on a contour map, or lot grading plan, all steep areas (>30 %). Provide cross sections for all steep areas at each property corner and at locations where there are significant changes in slope. Cross sections are to be perpendicular to the contour of the slope. Show the proposed property lines on the cross sections. Not all areas have a clear top of bank; and therefore, field reconnaissance by City staff and the applicant may be needed to verify a suitable location for property lines.
- j. Where structures are designed or constructed below the proven high groundwater table, permanent groundwater pumping will not be permitted to discharge to the storm system. The City will approve designs that include provisions for eliminating groundwater penetration into the structure, while addressing buoyancy concerns. These design aspects must be reviewed and approved by the City Engineer.
- k. Only one service will be permitted for this development.


ATTACHMENT		A
This forms part of application		
# Z22-0042		
Planner Initials	TC	 City of Kelowna DEVELOPMENT PLANNING

5. ROAD IMPROVEMENTS

- a. Hewetson Court fronting the subject property must be upgraded to an urban standard (modified SS-H14) with a landscaped and irrigated boulevard.
- b. All Landscape and Irrigation plans require design and inspection by a Qualified Professional registered with the BCSLA and the IIABC, are to be included as a line item in the estimate for the Servicing Agreement performance security. Landscape and irrigation plans require approval by the Development Engineering Branch at the same time as other “issued for construction” drawings.
- c. Grade the fronting road boulevards in accordance with the standard drawing. Major cut/fill slopes must start at the property lines.
- d. Streetlights must be installed on all public roads. All streetlighting plans are to include photometric calculations demonstrating Bylaw 7900 requirements are met and require approval by the Development Engineering Branch at the same time as other “issued for construction” drawings.


6. 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. The utility companies are required to obtain the City’s approval before commencing construction.
- b. Before making application for approval of your subdivision plan, please make arrangements with Fortis BC for the pre-payment of applicable charges.

ATTACHMENT		A
This forms part of application		
# Z22-0042		
Planner Initials	TC	 City of Kelowna DEVELOPMENT PLANNING

7. GEOTECHNICAL STUDY

- a. Provide a geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**
- b. The Geotechnical reports must be submitted to the Development Services Department (Subdivision Approving officer) for distribution to the Development Engineering Branch and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.
 - a. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
 - b. Site suitability for development.
 - c. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
 - d. Any special requirements for construction of roads, utilities and building structures.
 - e. Slope stability, rock fall hazard and slippage including the effects of drainage on the site.
 - f. Identify slopes greater than 30%.
 - g. Top of bank assessment and location including recommendations for property line locations, building setbacks, and ground water disposal locations.
 - h. Recommendations for items that should be included in a Restrictive Covenant.
 - i. Any special requirements that the proposed development should undertake so that it will not impact the banks(s). The report must consider erosion and structural requirements.
 - j. Recommendations for erosion and sedimentation controls for water and wind.
 - k. Any items required in other sections of this document.
 - l. Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
- c. If any blasting is proposed as part of this subdivision, a Soil Removal and Deposit Application must be made to the City for such works. The proposed blasting work is to comply with Amendment No. 1 to the Soil Removal and Deposit Regulation Bylaw No. 9612, specifically Section 6 PERMIT REQUIREMENTS – (k) and (g).

ATTACHMENT		A
This forms part of application # Z22-0042		
Planner Initials	TC	 City of Kelowna DEVELOPMENT SERVICES


- d. Should any on-site retaining walls surpass the following limits, an Over Height Retaining Wall Permit will be required:

“Retaining walls on all lots, except those required as a condition of subdivision approval, must not exceed a height of 1.2 m measured from natural grade on the lower side, and must be constructed so that any retaining walls are spaced to provide a 1.2 m horizontal separation between tiers. The maximum number of tiers is two with a maximum total height of 2.4 m. Any multi-tier structure more than 2 tiers must be designed and constructed under the direction of a qualified professional engineer.”

- e. The design of all retaining walls is to conform with Engineer & Geoscientists British Columbia’s *Professional Practice Guidelines for Retaining Wall Design*. Submission requirements for the Over Height Retaining Wall Permit include Engineer of Record documents (Appendix A of *Retaining Wall Design Guideline*) and any necessary independent reviews (as per EGBC’s *Documented Independent Review of Structural Designs*).
- f. Any modified slopes having a finished slope greater than 2H:V1 (50%) and an elevation change greater than 1.2 m must be installed under the direction of a qualified professional engineer.
- g. Any exposed natural rock surface on a lot that has the potential for materials to displace causing a hazardous condition, must be reviewed by a qualified professional engineer with the appropriate and measures undertaken as prescribed by the engineer. For adequate Rockfall Protection adjacent to walls and rock cuts, please consider BC MoTI Supplement to TAC Geometric Design Guide 440, page 440-8, which outlines a ditch bottom width depending on wall height. Sidewalks and utilities should be kept out of this protection area. Additional ROW may be required.

8. ROAD DEDICATION AND SITE-RELATED ISSUES

- a. Review existing cul-de-sac for turning movements. Dedicate and improve Hewetson Court as required for full turning movements based on City of Kelowna SS-R17.
- b. Only one driveway will be permitted with a maximum width of 6.0m.
- c. Indicate, on the site, the locations of the garbage and recycle bins. Provide turning movements for a HSU vehicle to confirm maneuverability on site without requiring reverse movement onto Findlay Road.
- d. Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City lands.
- e. 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 Manager.

ATTACHMENT		A
This forms part of application # Z22-0042		
Planner Initials	TC	 City of Kelowna <small>DEVELOPMENT PLANNING</small>

- f. To prevent private/public encroachment, the applicant will be required to delineate all private property lines adjacent to the open space parcel with a minimum 1.2m high black vinyl chain link fence (or approved equivalent) located 150mm within the private property. On residential lots with registered no-disturb covenants immediately adjacent to the Natural Area Park, the fence shall be located 150mm before the start of the covenant.

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 not ethe 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 application commences, design drawings prepared by a professional engineer must be submitted to the City's Development Services department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that right-of-ways are required for current or future needs.

10. **SERVICING AGREEMENTS FOR WORKS AND SERVICES**

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


ATTACHMENT		A
This forms part of application		
# Z22-0042		
Planner Initials	TC	 City of Kelowna <small>DEVELOPMENT PLANNING</small>

11. CHARGES, FEES, AND SECURITIES

- a. Development Cost Charges (DCC’s) are payable.
- b. Fees per the “Development Application Fees Bylaw” include:
 - a. Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - b. Engineering and Inspection Fee: 3.5% of construction value (plus GST).
- c. Extended Service Area Latecomer Fees:

ESA#	Frontender	Component	Anniversary (rates increase)	\$ Rate per EDU*
15	No. 21 Great Project Ltd.	South Mission Water (750mm Water Main)	2022-12-19	689.14
17	No. 21 Great Project Ltd.	Kuipers Reservoir Expansion	2023-06-01	2087.42


*These fees are to be confirmed at time of development.


 Nelson Chapman, P.Eng.
 Development Engineering Manager
 CP for JF

ATTACHMENT A

This forms part of application
 # Z22-0042

Planner Initials TC



City of
Kelowna
DEVELOPMENT PLANNING

ATTACHMENT B

This forms part of application

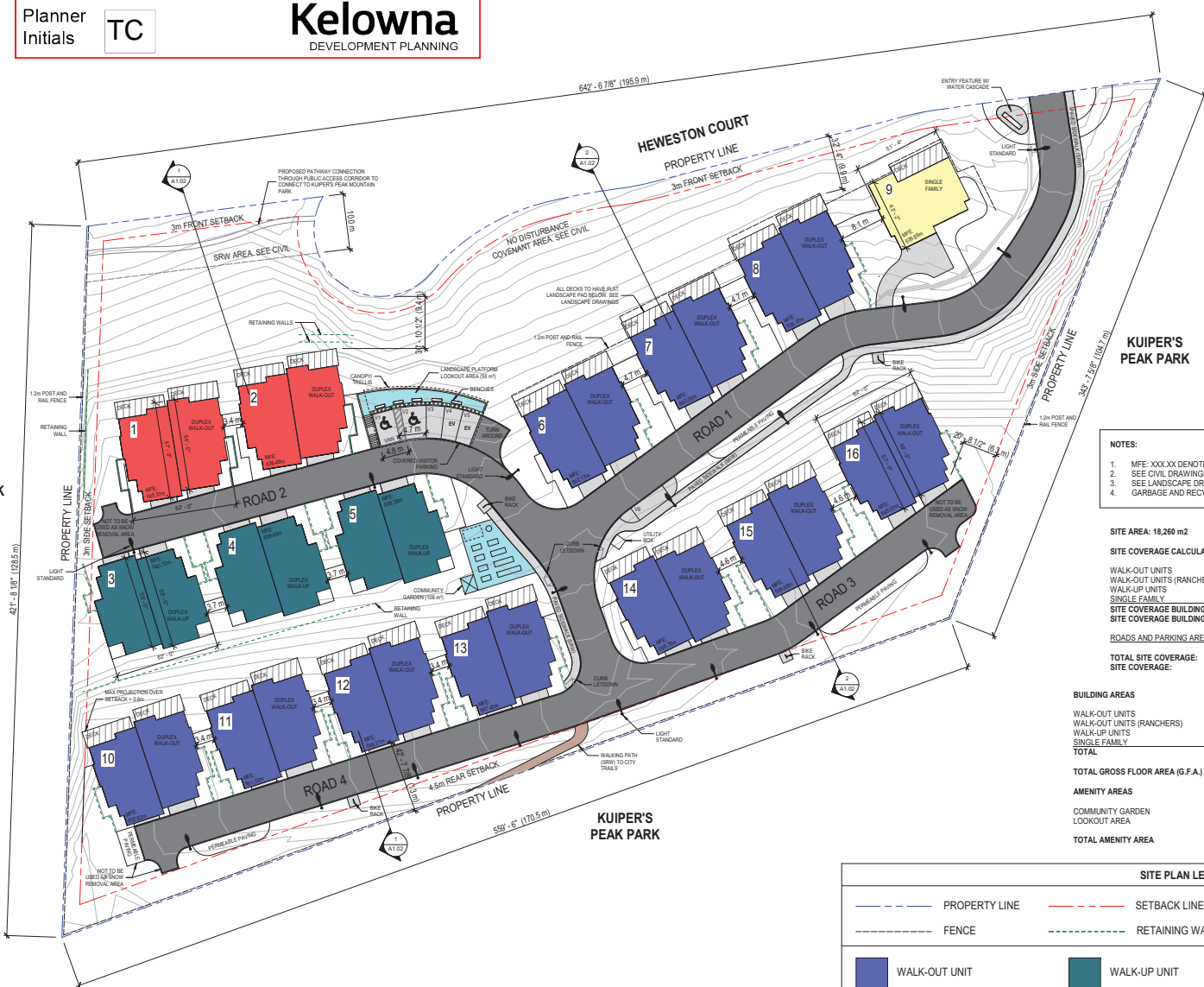
Z22-0042

Planner Initials **TC**



THIS DRAWING MUST NOT BE SCALE-DOWN, COPY, REPRODUCE OR TRANSMITTED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED AND DOES NOT INCLUDE THE DESIGN OR CONSTRUCTION OF ANY STRUCTURE OR INFRASTRUCTURE. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHER PROFESSIONALS OR FOR THE COMPLETION OF ANY PERMITS OR REGULATORY REQUIREMENTS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHER PROFESSIONALS OR FOR THE COMPLETION OF ANY PERMITS OR REGULATORY REQUIREMENTS.

THE HEIGHTS AT UPPER MISSION



- NOTES:**
1. MFE: XXXXX DENOTES BUILDING MAIN FLOOR ELEVATION.
 2. SEE CIVIL DRAWINGS FOR DETAILED PROPOSED GRADING PLAN, RETAINING AND GEODETIC DATUM.
 3. SEE LANDSCAPE DRAWINGS FOR TREES AND PLANTING LAYOUT, SPECIES, IRRIGATION AND MORE.
 4. GARBAGE AND RECYCLING ENCLOSURE IS NOT SHOWN AS DOOR COLLECTION IS PROPOSED.

SITE AREA: 18,260 m²

SITE COVERAGE CALCULATION

WALK-OUT UNITS	20 X	1,503 sf	=	30,060 sf
WALK-OUT UNITS (RANCHERS)	4 X	1,503 sf	=	6,012 sf
WALK-UP UNITS	6 X	1,521 sf	=	9,126 sf
SINGLE FAMILY	1 X	1,844 sf	=	1,844 sf
SITE COVERAGE BUILDINGS:				47,042 sf (4,370 m²)
SITE COVERAGE BUILDINGS:				24%
ROADS AND PARKING AREAS				31,647 sf (2,940 m²)
TOTAL SITE COVERAGE:				78,689 sf (7,311 m²)
SITE COVERAGE:				40%

BUILDING AREAS	FINISHED	UNFINISHED	TOTAL
WALK-OUT UNITS	2,424 sf (669 m ²)	(669 sf)	20 X 48,480 sf (13,380 m ²)
WALK-OUT UNITS (RANCHERS)	2,450 sf (632 m ²)	(632 sf)	4 X 9,800 sf (2,528 m ²)
WALK-UP UNITS	2,775 sf (682 m ²)	(682 sf)	6 X 16,350 sf (4,092 m ²)
SINGLE FAMILY	3,356 sf (645 m ²)	(645 sf)	1 X 3,356 sf (645 m ²)
TOTAL			78,286 sf (20,645 m²)

AMENITY AREAS	FINISHED + UNFINISHED =
TOTAL GROSS FLOOR AREA (G.F.A.)	9,191 m² / 98,931 sf
COMMUNITY GARDEN	1,140 sf (106m ²)
LOOKOUT AREA	346 sf (55m ²)
TOTAL AMENITY AREA	1,486 sf (161m²) REQUIRED = 124m²

SITE PLAN LEGEND

	PROPERTY LINE		SETBACK LINE
	FENCE		RETAINING WALL (MAX. 3m HEIGHT)
	WALK-OUT UNIT		WALK-UP UNIT
	WALK-OUT UNIT (RANCHER)		SINGLE FAMILY HOUSE
	ROAD		HARD SURFACE PARKING/ DRIVEWAYS/ WALKWAYS
	PATH TO CITY TRAILS		PUBLIC AMENITY AREA
	DECK (LANDSCAPE PAD UNDER ALL DECKS. SEE LANDSCAPE DWGS)		

REVISIONS + ISSUE

NO.	DATE	DESCRIPTION
1	2022.05.25	FOR CLIENT REVIEW
2	2022.06.01	FOR CLIENT REVIEW
3	2022.06.11	FOR CLIENT REVIEW
4	2022.05.12	FOR CLIENT REVIEW
5	2022.05.07	REVISION FOR REZONING + DEV. PERMIT
6	2022.04.29	REVISION FOR REZONING + DEV. PERMIT
8	2022.12.02	Rev 1 REZ + DP



ISSUED FOR REZONING + DEVELOPMENT PERMIT

PROJECT: THE HEIGHTS AT UPPER MISSION

44 HEWESTON COURT, KELOWNA, BC, V1B 6A4

SHEET TITLE: SITE PLAN

A1.01

DESIGNED: CP DRAWN: AW

SCALE: As indicated FILE: AZZ-02

G:\Shared drives\GTA Online Server\2022\Architectural\AZZ-02_The Heights at Upper Mission\3.0 CAD\BIM\A22-02_The Heights (378).rvt



City of
Kelowna

Z22-0042
949 Hewetson Court
Rezoning Application

Purpose

- ▶ To rezone the subject property from the RU₁ – Large Lot Housing zone to the MF₂ – Townhouse Housing zone to facilitate a multi-family development.

Development Process



Jul 5, 2022

Development Application Submitted



Staff Review & Circulation



Dec 14, 2022

Public Notification Received



Jan 9, 2023

Initial Consideration



Reading Consideration



Final Reading & DP

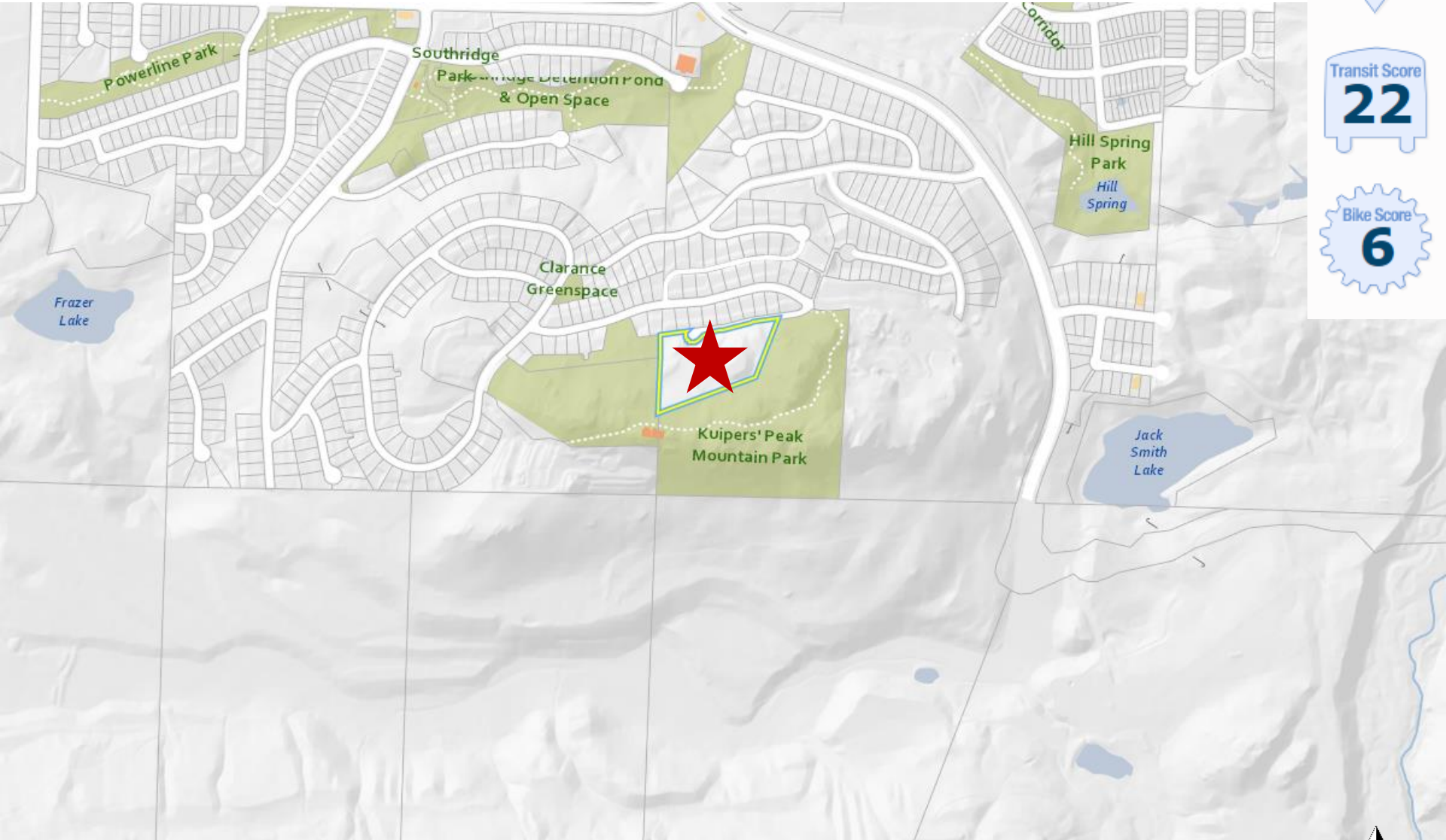


Building Permit



Council Approvals

Context Map



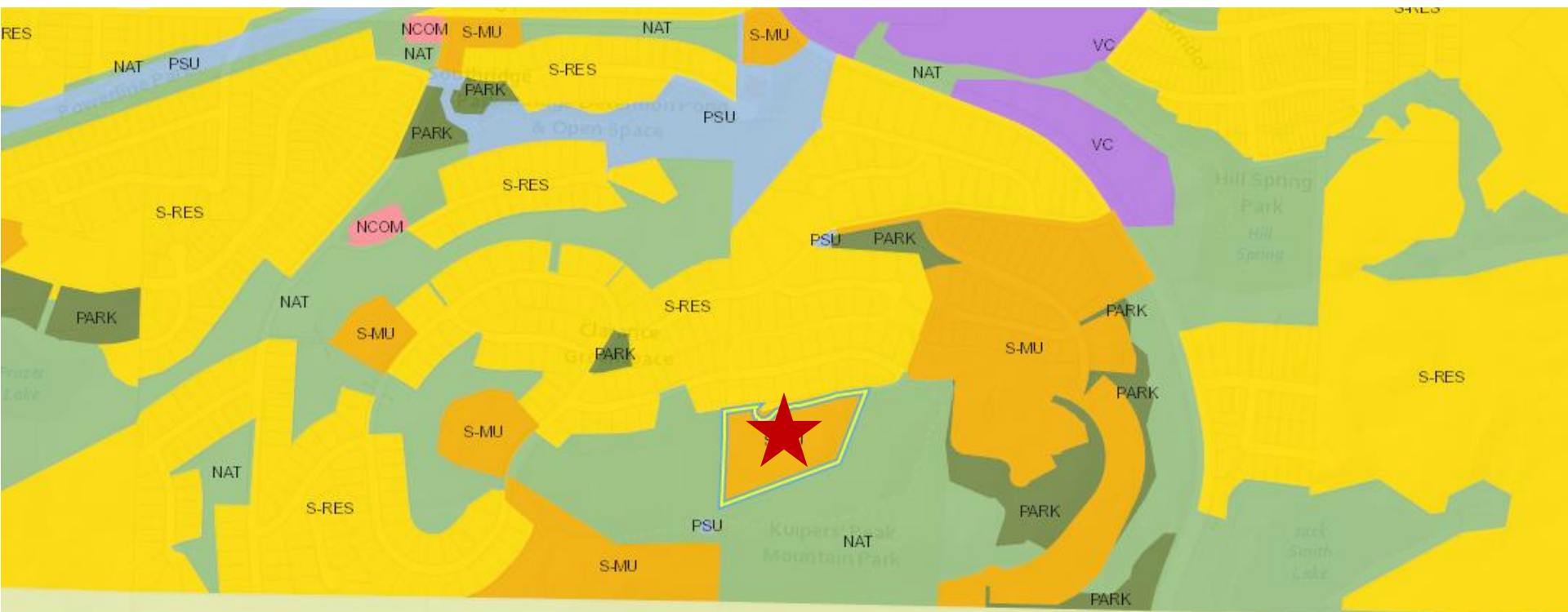
Walk Score
4

Transit Score
22

Bike Score
6



OCP Future Land Use



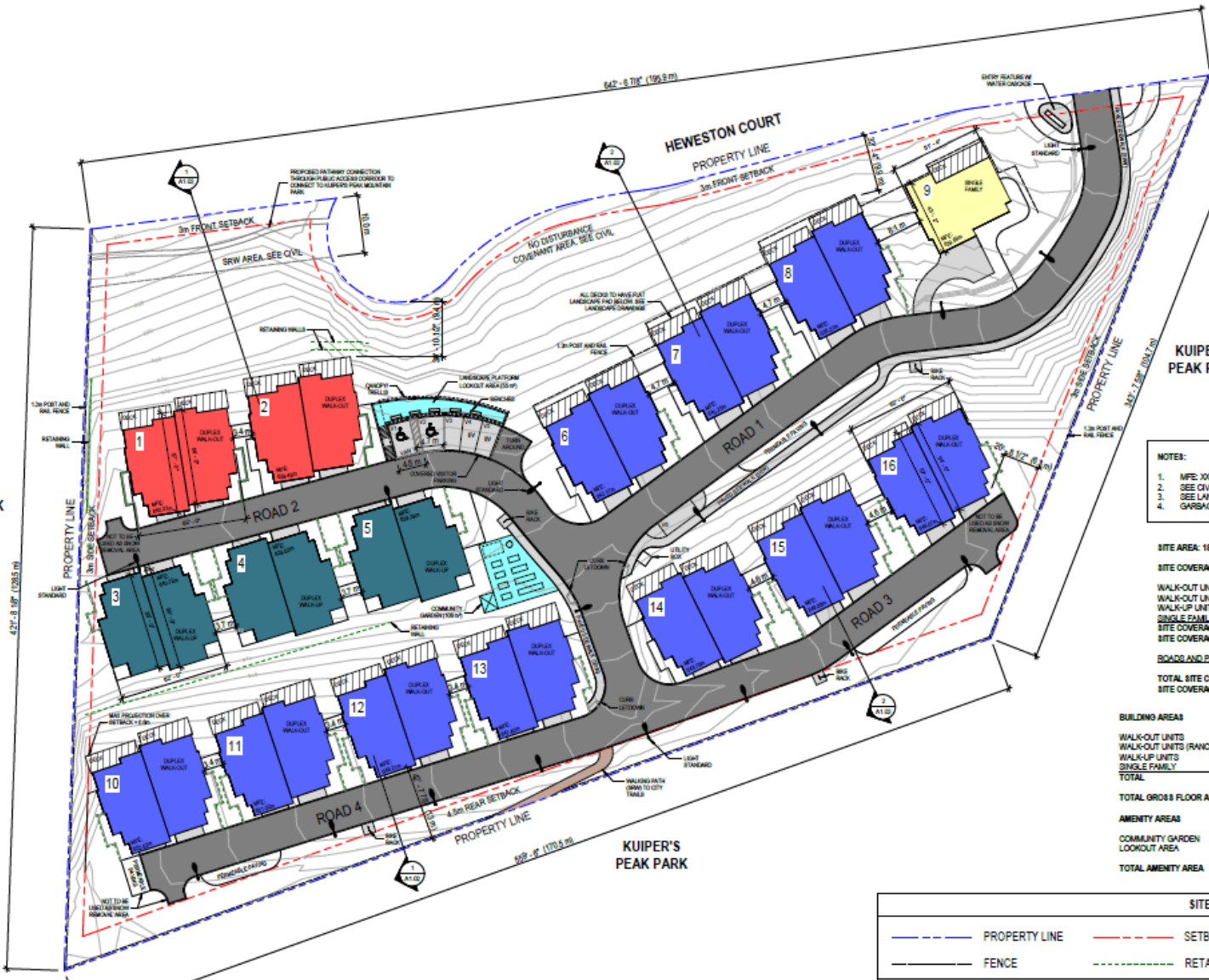
Subject Property Map



Project Details

- ▶ The Rezoning to the MF2 zone is to facilitate the construction of 31 new residential units.
 - ▶ Semi-Detached and Single Dwelling Housing.
- ▶ The property will be accessed by a new drive aisle from Hewetson Court.
- ▶ The proposal will include two pedestrian accesses to Kuiper's Mountain Park, including a Statutory-Right-Of-Way to allow public access.
- ▶ No Variances have been identified.

Draft Site Plan



KUIPER'S PEAK PARK

- NOTES:**
1. MPE: 1000XX DENOTES BUILDING MAIN FLOOR ELEVATION.
 2. SEE CIVIL DRAWINGS FOR DETAILED PROPOSED GRADING PLAN, RETAINING AND GEODETIC DATUM.
 3. SEE LANDSCAPE DRAWINGS FOR TREES AND PLANTING LAYOUT, SPECIES, IRRIGATION AND MORE.
 4. GARBAGE AND RECYCLING ENCLOSURE IS NOT SHOWN AS DOOR COLLECTION IS PROPOSED.

SITE AREA: 18,280 m²

SITE COVERAGE CALCULATION

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WALK-OUT UNITS (RANCHERS)	4	X	1,503 sf	=	6,012 sf
WALK-UP UNITS	6	X	1,521 sf	=	9,126 sf
SINGLE FAMILY	1	X	1,844 sf	=	1,844 sf
SITE COVERAGE BUILDINGS:	47,042 sf (4,879 m²)				
SITE COVERAGE BUILDINGS:	24%				
ROADS AND PARKING AREAS	31,547 sf (2,940 m²)				
TOTAL SITE COVERAGE:	78,889 sf (7,311 m²)				
SITE COVERAGE:	40%				

BUILDING AREAS

	FINISHED	UNFINISHED	TOTAL
WALK-OUT UNITS	2,424 sf (659 m ²)	20 X 48,480 sf	113,380 sf
WALK-OUT UNITS (RANCHERS)	2,480 sf (632 m ²)	4 X 9,800 sf	25,280 sf
WALK-UP UNITS	2,775 sf (682 m ²)	6 X 16,650 sf	40,050 sf
SINGLE FAMILY	3,356 sf (645 m ²)	1 X 3,356 sf	6,450 sf
TOTAL			204,760 sf

TOTAL GROSS FLOOR AREA (G.F.A.) FINISHED + UNFINISHED = 8,191 m² / 88,881 sf

AMENITY AREAS

COMMUNITY GARDEN	1,140 sf (106m ²)	
LOOKOUT AREA	346 sf (55m ²)	
TOTAL AMENITY AREA	1,486 sf (181m²)	REQUIRED = 1341m²

SITE PLAN LEGEND

PROPERTY LINE	SETBACK LINE	ROAD
FENCE	RETAINING WALL (MAX. 3m HEIGHT)	HARD SURFACE PARKING/ DRIVEWAYS/ WALKWAYS
WALK-OUT UNIT	WALK-UP UNIT	PATH TO CITY TRAILS
WALK-OUT UNIT (RANCHER)	SINGLE FAMILY HOUSE	DESIGNATED PAD UNDER ALL DECKS. (SEE LANDSCAPE DWG2)
		PUBLIC AMENITY AREA

1 SITE PLAN
A1.01
1" = 30'-0"

Draft Rendering



OCP Objectives & Policies

- ▶ Policy 7.1.1. Area Structure Plan consistency.
 - ▶ The proposal meets the Neighbourhood 3 ASP, which anticipates 15-20 dwellings per hectare.
 - ▶ The application proposes 16.9 units per hectare.
- ▶ Policy 7.2.1. Ground-Oriented Housing.
 - ▶ The proposal provides ground-oriented housing.

Staff Recommendation

- ▶ Staff recommend support for the proposed rezoning as it is consistent with:
 - ▶ Subject property is within the Permanent Growth Boundary.
 - ▶ Meets the OCP Future Land Use: Suburban Multiple Unit and the Neighbourhood 3 ASP objectives/policies.
 - ▶ Development Permit to follow.

949 Hewetson Ct, Kelowna Rezoning RU1 to MF2 - 'Multi-Family Housing'

February 14, 2023 Public Hearing



THE
HEIGHTS
AT UPPER MISSION

HISTORY OF SITE DEVELOPMENT (VERSION 1)

THE
HEIGHTS
AT UPPER MISSION



Aug 2020 Rezoning: RM3 “Low Density – Multiple Housing” PODS concept;

- 78 units of 2 br + 3 br, in six-plexes
- FAR of 1.3 , with higher site coverage
- 39 Surface Parking stalls + 135 Underground
- Planning Department revisions suggested

HISTORY OF SITE DEVELOPMENT (VERSION 2)

September 2021 revision submitted to Planning Department
64 units (reduced from 78) in 12 x 4-plex, and 1 x 6-plex units



 SITE PLAN
SCALE: 1"=40'-0"

THE
HEIGHTS
AT UPPER MISSION

**ADJACENT PROPERTY SOUTH OF KUIPERS PEAK (BUILDING FORM)
796 KUIPERS CRESCENT, KELOWNA, BC
THIRTEEN DUPLEXES, TWO TRIPLEXES (32 DWELLING UNITS)
(SMU) RM2H ZONING (PRE-2022 BYLAW REVISION)**

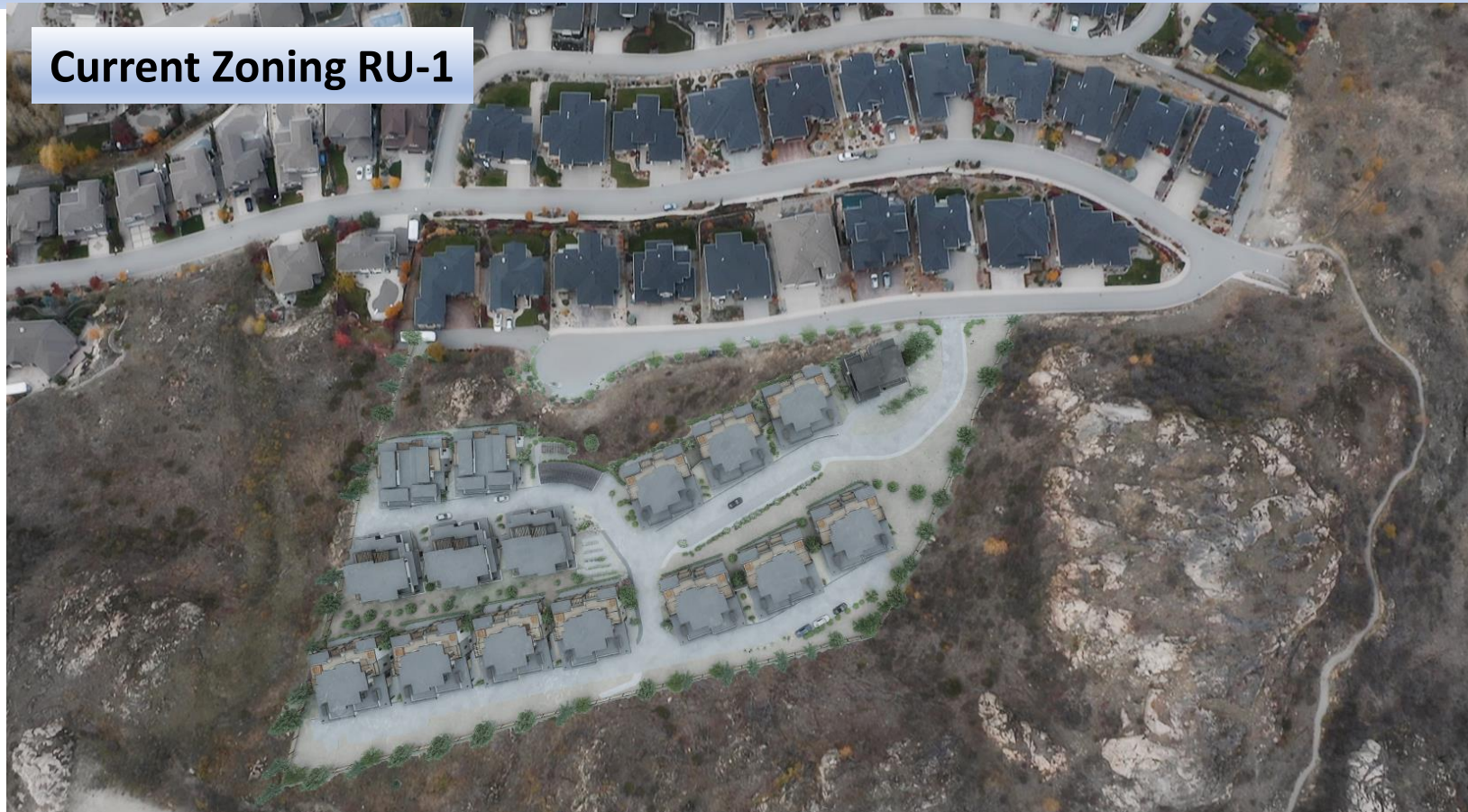


**ADJACENT PROPERTY SOUTH OF KUIPERS PEAK (BUILDING FORM)
796 KUIPERS CRESCENT, KELOWNA, BC
THIRTEEN DUPLEXES, TWO TRIPLEXES (32 DWELLING UNITS)
(SMU) RM2H ZONING**



CURRENT APPLICATION (July 2022)
(Revised in Consultation with Planning Department)

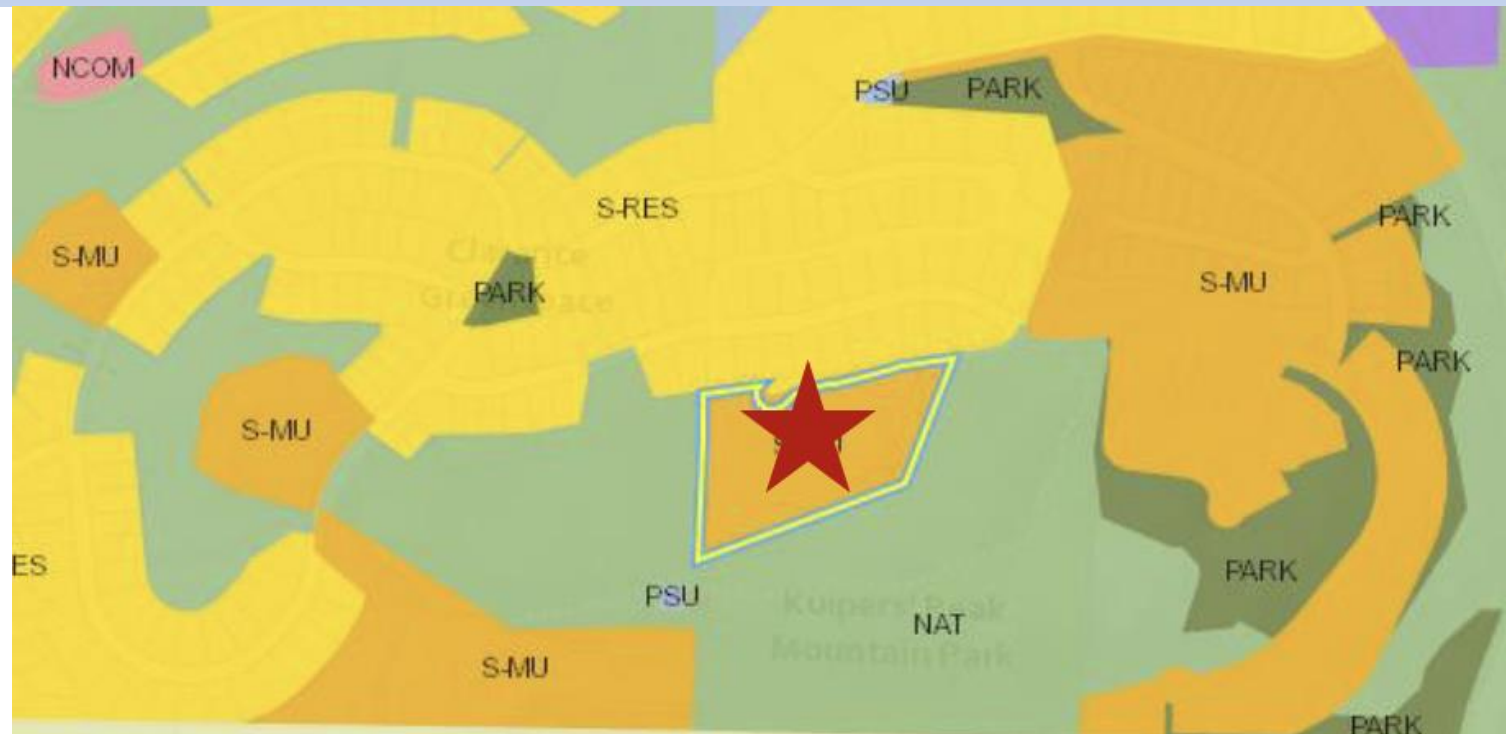
15 Semi-Detached Duplex units and 1 Single Family Dwelling (31 Units)
Rezoning Proposal to meet the Development Regulation for MF2 Zone (Multi-Dwelling)
With NO VARIANCES



THE
HEIGHTS
AT UPPER MISSION

OCP and Policy Context

- Future Land Use Designation is *S-MU* – *Suburban Multiple Unit* and is within the Permanent Growth Boundary.
- The proposed Zone MF2 is consistent with the Official Community Plan (OCP) objectives.
- The proposed design meets the minimum setbacks, parking and other Development Regulations as outlined in the Zoning Bylaw.



Designed to Blend into Site Topography and Natural Environment

The Applicant and Design Team are already working with Planning Department on details of the Natural Environment and Hazardous Area Development Permits



THE
HEIGHTS
AT UPPER MISSION

Meeting the Form and Character of Neighbourhood

- Tiered and set into landscape with Walk In and Walk Out Designs
- Similar Unit Footprint (across the street and beyond – Slide 4)
- Wider setbacks between buildings than in the Neighbourhood
- Okanagan-Contemporary style



THE
HEIGHTS
AT UPPER MISSION

Climate Initiative Design Considerations

- **Step 3 Code met or exceeded**
- **Solar Panel and EV Charging roughed in to every unit**
- **Rooftop Solar Panels available as option (owner upgrades package)**
- **Visitor Parking with 2 EV Charging Stations and Solar Panel rooftop**
- **Outdoor Bike Racks for Visitors**
- **Green and Sustainable Building Practices will be employed**

Landscape Architectural Design



THE
HEIGHTS

AT UPPER MISSION

Landscape Design - Tree/Shrub/Grasses Inventory

PLANT LIST

BOTANICAL NAME	COMMON NAME	QTY	SIZE/SPACING & REMARKS
TREES			
ACER RUBRUM 'SCARSEN'	ROCKY MOUNTAIN MAPLE	19	3cm CAL.
PINUS PONDEROSA	PONDEROSA PINE	30	2.5m HT. MIN
POPULUS TREMULOIDES	TREMBLING ASPEN	40	5cm CAL.
PSEUDOTSUA MENZIESII	DOUGLAS FIR	30	2.5m HT. MIN
SHRUBS			
CORNUS SERICEA	RED OSIER DOGWOOD	28	#02 CONT. /2.0M O.C. SPACING
MAHONIA AQUIFOLIUM	OREGON GRAPE HOLLY	50	#02 CONT. /1.5M O.C. SPACING
ROSA NUTKANA	NOOTKA ROSE	35	#02 CONT. /1.8M O.C. SPACING
SPIRAEA BETULIFOLIA	WHITE SPIREA	78	#02 CONT. /1.2M O.C. SPACING
VACCINIUM MEMBRANACEUM	BLACK HUCKLEBERRY	35	#02 CONT. /1.8M O.C. SPACING
PERENNIALS, GRASSES & GROUNDCOVERS			
ACHILLEA MILLEFOLIUM	COMMON YARROW	58	#01 CONT. /0.9M O.C. SPACING
ARCTOSTAPHYLOS UVA-URSI	KINNIKINNICK	58	#01 CONT. /0.9M O.C. SPACING
BALSAMORHIZA SAGITATA	ARROWLEAF BALSAMROOT	85	#01 CONT. /0.75M O.C. SPACING
ERICAMERIA NAUSEOSA	RABBITBRUSH	33	#01 CONT. /1.2M O.C. SPACING
GAILLARDIA ARISTATA	COMMON BLANKETFLOWER	85	#01 CONT. /0.75M O.C. SPACING
GEUM TRIFLORUM	PRAIRIE SMOKE	85	#01 CONT. /0.75M O.C. SPACING
LUPINUS ARGENTEUS	SILVERY LUPINE	58	#01 CONT. /0.9M O.C. SPACING
PSEUDOROEDNERIA SPICATA	BLUE BUNCH WHEAT GRASS	33	#01 CONT. /1.2M O.C. SPACING

119 Trees;

Maple, Pine, Aspen and Fir

226 Shrubs;

Dogwood, Holly, Rose, Spirea, Huckleberry

495 Perennials, Grasses and Groundcover

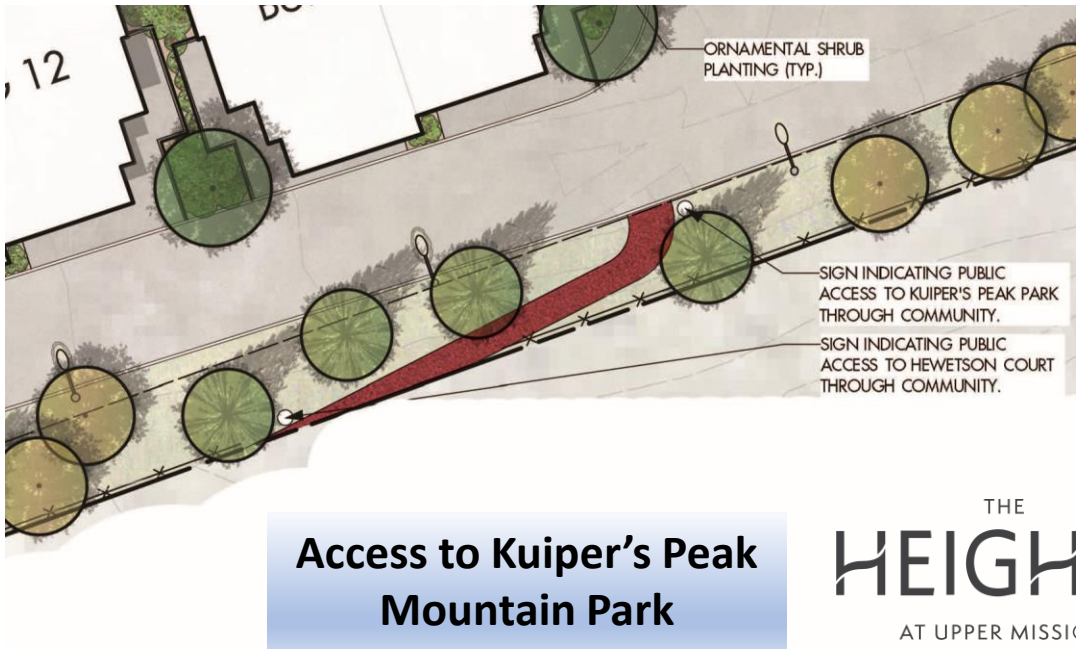
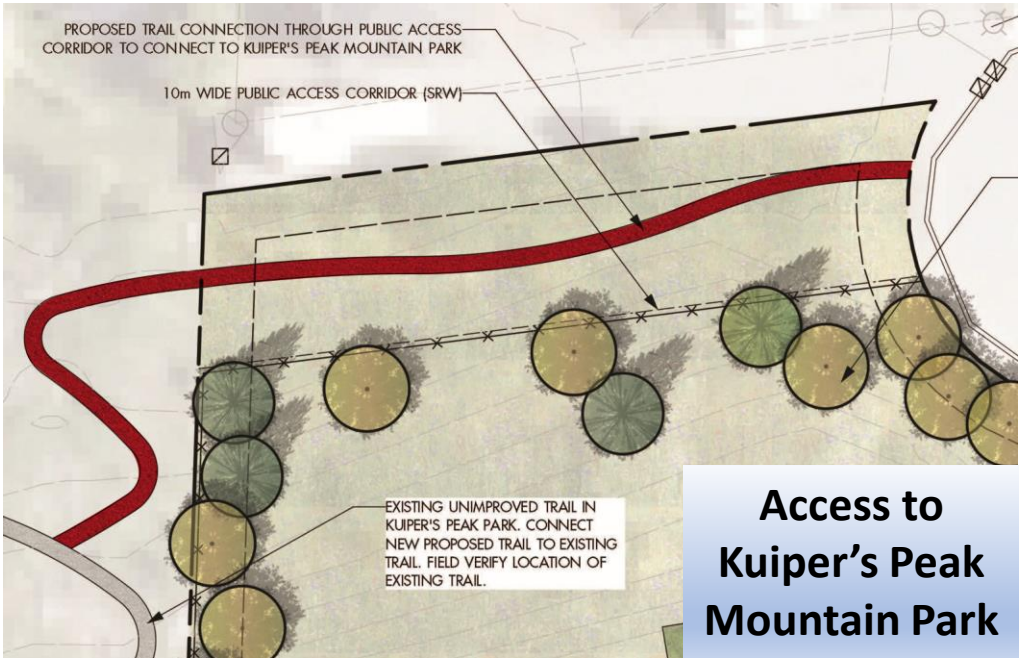
THE
HEIGHTS
AT UPPER MISSION

Developer Concessions Permanent Public Park Access

SROWs for Permanent Public Access to Kuipers Peak Mountain Park through site.

- The proposal will include three pedestrian accesses to Kuiper’s Mountain Park, including Statutory-Right-Of-Ways and sidewalk to allow Public Access.

South and North Trail Connector to Kuipers Mountain Park



THE
HEIGHTS
AT UPPER MISSION

Permanent Public Park Access

Sidewalk SROW Access to Kuipers Peak Mountain Park



Project Amenities



Project Amenities

Solar Panel covered Visitor Parking w/ EV Charging
Viewpoint and Bicycle Lock ups



THE
HEIGHTS

AT UPPER MISSION 16 174

Planning Department Consultation Summary

- **Over 3 Years in consultation with Planning Department, 2019 - 2023**
- **Bylaw Revised August 2022**
- **Multiple design updates to meet changing requirements**
- **Statutory ROW Park Access established in consultation with Parks Department**
- **Design updates to conform to 2022 Bylaw update;**
 - **Updated Architectural, Landscape, Geotechnical, and Environmental Reports late 2022.**
- **Environmental Development Permit underway**

Neighbourhood Consultation Process

- Project Information Package Delivered in person and/or copy left at door
- Reviewed and Addressed *Neighbourhood Letters and Concerns*
- Major Site Density Revisions with *Reduction from 78 Units to 31 Units*
- Secured and Improved access to Kuipers Peak Mountain Park with SROW's
- Commitment to *Restrict* Hewetson Ct Construction Site Crew Parking
- Property Road Access at head of street Precludes additional Traffic on Hewetson Ct, and has no Frontage Parking
- Blasting common in area development, best practices will be employed
- Radon common in all of Kelowna, newest standards to be applied to construction

Note: *All houses across Hewetson from Project face North and no views are affected by the Development*

Project Consultants

Architectural Design



Civil Engineering Design



Landscape Architectural Design: Geotechnical/Environmental Studies



THE
HEIGHTS
AT UPPER MISSION

CITY OF KELOWNA

BYLAW NO. 12473

Z22-0042

949 Hewetson Court

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification of Lot 1 District Lot 579 SDYD Plan EPP77194, located on Hewetson Court, Kelowna, BC, from the RU1 – Large Lot Housing zone to the MF2 – Townhouse 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 16th day of January, 2023.

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