

# REPORT TO COUNCIL



**Date:** November 18, 2019

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** Z18-0117

**Owner:** Studio 33 Properties Lt., Inc.  
No. BC1137489

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

**Subject:** Rezoning Application

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## 1.0 Recommendation

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

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated November 18, 2019;

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

## 2.0 Purpose

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

## 3.0 Development Planning

The applicant is requesting to rezone the properties from RU1 – Large Lot Housing and RU6 – Two Dwelling Housing zones to the C4 – Urban Centre Commercial zone. Development Planning Staff are supportive of the application to facilitate the development of mixed-use multi-family housing on the three subject properties. The development site is located within the Rutland Urban Centre at the intersection of Highway 33 E and Sadler Road. The parcel has a Walk Score of 80 – Very Walkable (most errands can be accomplished on foot) and a transit score of 40 – Some Transit (there are a few nearby public transportation options). The

development is close to many nearby amenities including parks, restaurants, shops and recreational opportunities in the immediate area.

To fulfill Council Policy No. 367 for 'Zoning Major' applications, the applicant held a public information session on October 4, 2019 at Whisk Cake Company Bakery located at 203 Rutland Rd N. The open house was held from 4:00 – 8:00 p.m. The session was advertised in the Kelowna Capital News on Friday, September 20, 2019. The applicant also contacted all neighbours within a 50 m radius of the subject parcels.

#### **4.0 Proposal**

##### **4.1 Background**

A Rezoning application was received by the City on December 10, 2018. Upon application, it was indicated to the applicant and owners that the property was listed on the Kelowna Heritage Registry. As the applicant team was unaware of this, the Rezoning application was paused to allow the owners time to determine how best to move the project forward.

The Kelowna Heritage Register is the official listing of properties within the community that have been identified as having heritage value. Properties on the Heritage Registry are not necessarily Heritage Designated properties. The registry does not provide long-term heritage protection and the development potential of a site is not restricted and the owner is entitled to develop the property in accordance with the permitted uses of the property's existing zoning. Buildings can be altered and may even be demolished, though the City is able to pause new development in order to explore options with the owner to attempt to preserve the heritage value of the asset.

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

Staff have had numerous meetings with the project team to discuss the many options they have presented and feel the current proposal is a suitable solution which allows for the redevelopment of the site and preserves the heritage value of the Sproule Farm House.

##### **4.2 Project Description**

The applicant is proposing to construct a 5-storey 90-unit multi-family development with two commercial units at-grade along Hwy 33 E. Two levels of structured parking provide 91 parking stalls which are accessed along the north property line of the site. A conceptual site plan has been submitted to show the proposed layout of the building and parking arrangement. The proposal will require a variance to the building height and number of storeys. Should Council support the Rezoning application, a form and character development permit and development variance permit would come before Council for consideration.

As proposed, the Sproule Farm House would be relocated from its current location to the south east corner of the project site. Due to the deterioration of the house, only two of the four facades would be retained and incorporated into the commercial CRU. This will include a prominent bay window and covered front porch. Further details on how this will be accomplished will be provided to Council upon consideration of the Development Permit.

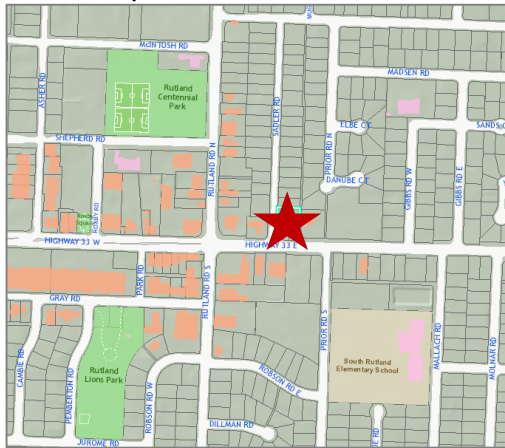
#### 4.3 Site Context

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

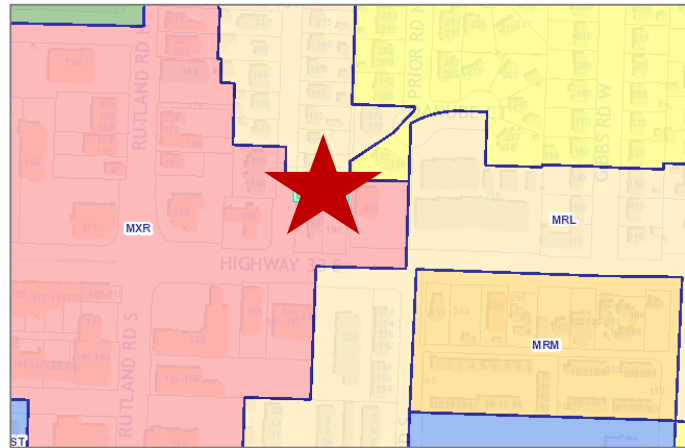
Specifically, adjacent land uses are as follows:

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

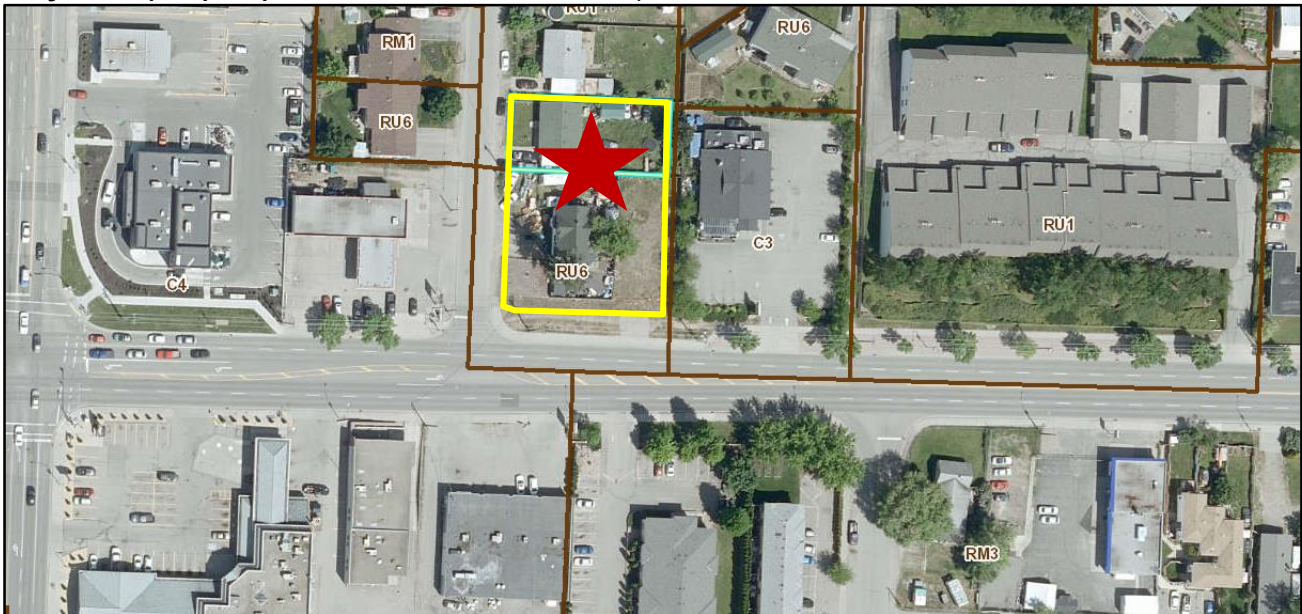
Context Map:



Future Land Use:



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



## **5.0 Current Development Policies**

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

#### **Chapter 1: Introduction**

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

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

#### **Chapter 5: Development Process**

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

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

*Policy .2 Compact Urban Form.* Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75-100 people and/or jobs per ha located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

##### ***Objective 5.22 Ensure context sensitive housing development***

*Policy .7 Healthy Communities.* Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

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

## **6.0 Application Chronology**

Date of Application Received: December 10, 2018

Date Public Consultation Completed: October 4, 2019

**Report prepared by:** Lydia Korolchuk, Planner II

**Reviewed by:** Laura Bentley, Urban Planning & Development Policy Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

### **Attachments:**

Schedule A: Development Engineering Memo

Attachment A: Conceptual Drawing Package

Attachment B: Heritage Assessment & Evaluation