

# REPORT TO COUNCIL



**Date:** June 28, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** Z18-0117 - Supplemental

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

**Address:** 145 Sadler Rd, 180 & 190 Hwy 33 E.

**Applicant:** Pacific West Architecture Inc.

**Subject:** Rezoning Application

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

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

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

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## 1.0 Recommendation

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

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

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated June 28, 2021;

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

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

## 2.0 Purpose

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

## 3.0 Development Planning

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

## 4.0 Proposal

### 4.1 Background

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

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

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

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

### 4.2 Project Description

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

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

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

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

#### 4.3 Site Context

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

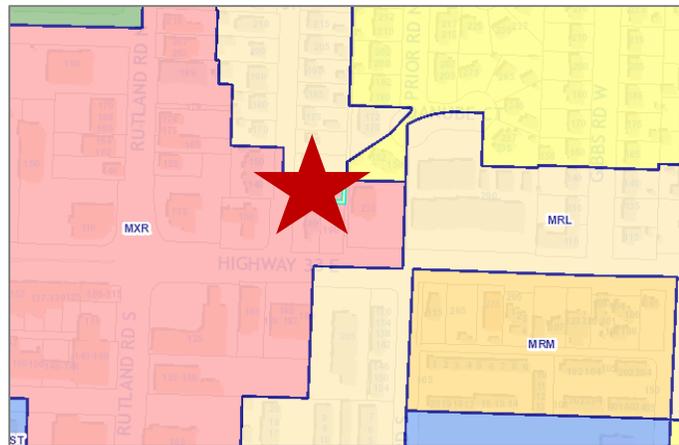
Specifically, adjacent land uses are as follows:

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

Context Map:



Future Land Use:



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



**5.0 Current Development Policies**

Kelowna Official Community Plan (OCP)

Chapter 1: Introduction

*Goals for a Sustainable Future:*

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

Chapter 5: Development Process

*Objective 5.3 Focus development to designated growth areas*

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

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

*Objective 5.22 Ensure context sensitive housing development*

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

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

## **6.o Application Chronology**

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

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

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

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

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

### **Attachments:**

Schedule A: Development Engineering Memo

Attachment A: Conceptual Drawing Package

Attachment B: Amended Statement of Significance

Attachment C: Proposed Commemoration Plan

Attachment D: Engineer's Field Review Report