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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** June 17, 2004  
**File No.:** Z04-0033

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

**APPLICATION NO.** Z04-0033

**OWNER:** Michael Reibin

**AT:** 345-365 Mills Road

**APPLICANT:** City of Kelowna

**PURPOSE:** TO REZONE THE SUBJECT PROPERTIES FROM THE RM3 – LOW DENSITY MULTIPLE HOUSING ZONE TO THE RM4 – TRANSITIONAL LOW DENSITY HOUSING ZONE IN ORDER TO CORRECT AN ERROR THAT OCCURRED DURING THE TRANSITION FROM ZONING BYLAW NO.4500 TO ZONING BYLAW NO.8000

**EXISTING ZONE:** RM3 – LOW DENSITY MULTIPLE HOUSING ZONE

**PROPOSED ZONE:** RM4 – TRANSITIONAL LOW DENSITY HOUSING ZONE

**REPORT PREPARED BY:** RYAN SMITH

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**1.0 RECOMMENDATION**

THAT Rezoning Application No. Z04-0033 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 1 and 2, DL.125, ODYD Plan 9504, located on Mills Road, Kelowna, B.C. from the RM3 – Low Density Multiple Housing zone to the RM4 – Transitional Low Density Housing zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

**2.0 SUMMARY**

Staff have initiated this rezoning in order to correct an error that occurred during the transition from Zoning Bylaw No.4500 to Zoning Bylaw No.8000.

**3.0 BACKGROUND**

In 1995 the subject properties were rezoned from the R-1 Single Family Residential – Low Density zone to the R-3a Medium Density – Multi-family Residential Transition Zone (Zoning Application No. Z95-1009). A development permit was

also approved for an apartment housing project at this time. When Council adopted Zoning Bylaw No.8000 in 1998 the property changed from the R-3a Medium Density – Multi-family Residential Transition zone to the RM3 – Low Density Multiple Housing zone. The development permit was extended twice (1995-1997), however, has since lapsed.

### 3.1 Site Context

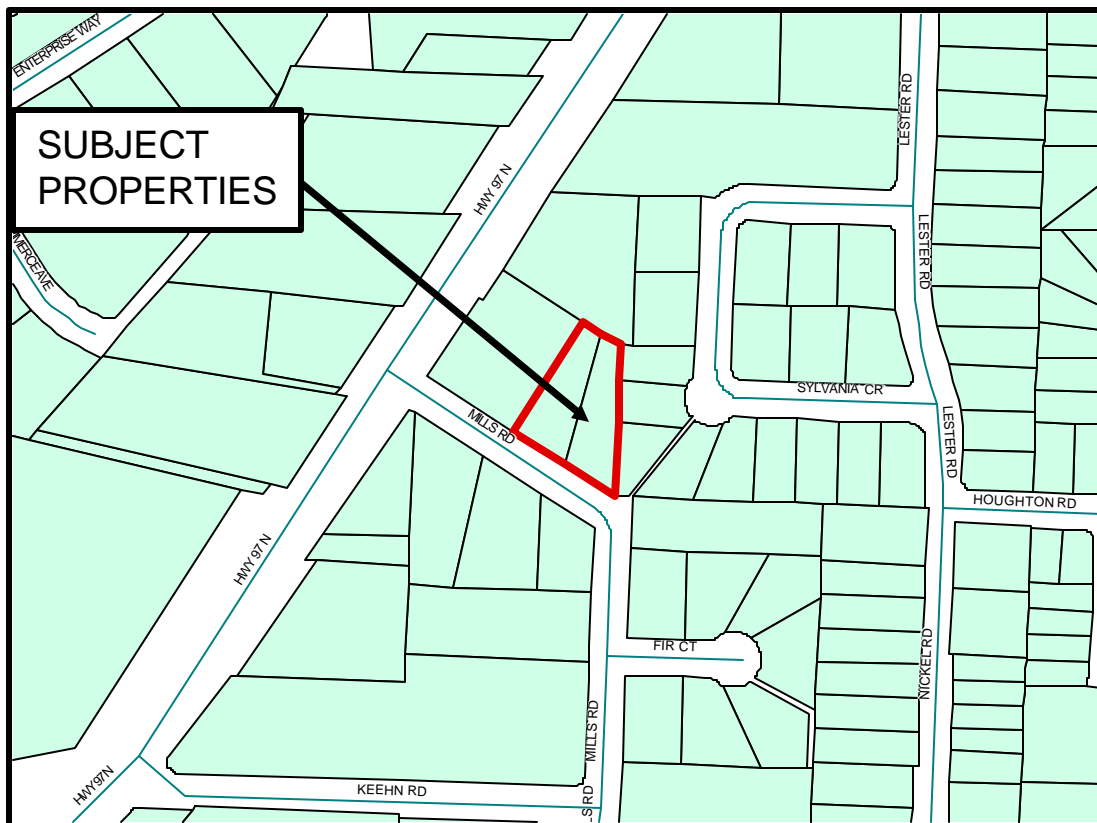
The subject properties are located on the north side of Mills Road between Fir Crescent and Highway 97.

Adjacent zones and uses are:

- North - RM3 – Low Density Multiple Housing
- East - RU1 – Large Lot Housing
- South - RM3 – Low Density Multiple Housing
- West - RM3 – Low Density Multiple Housing

### 3.2 Site Location Map

Subject Property: 345-365 Mills Road



7.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

Staff are proposing to rezone the subject property Zone from the RM3 – Low Density Multiple Housing zone to the RM4 – Transition Low Density Housing zone to correct an error that occurred during the transition from Bylaw No.4500 to Bylaw No.8000. Properties designated with the R-3a Medium Density – Multi-family Residential Transition zone under Zoning Bylaw No.4500 were generally converted to the RM4 – Transition Low Density Housing zone rather than the RM3 – Low Density Multiple Housing zone. The subject properties meet or exceed the requirements of the RM4 zone.

The property owner has expressed renewed interest in developing these two properties and has submitted a new development permit application which will follow this rezoning.

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Andrew Bruce  
Development Services Manager

Approved for inclusion ☐

R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning & Corporate Services

RM/AB/rs  
Attach.

**FACT SHEET**

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|---|---|
| <b>1. APPLICATION NO.:</b>  | Z04-0033  |
| <b>2. APPLICATION TYPE:</b>   | Rezoning  |
| <b>3. OWNER:</b>  | Mike Reibin   |
| <b>ADDRESS</b>  | 744 Austin Avenue   |
| . CITY  | Coquitlam, BC   |
| . POSTAL CODE   | V3K 3V1   |
| <b>4. APPLICANT/CONTACT PERSON:</b>                                   | City of Kelowna (Planning)  |
| . ADDRESS   | 1435 Water Street   |
| . CITY  | Kelowna, BC   |
| . POSTAL CODE   | V1Y 1J4   |
| . TELEPHONE/FAX NO.:  |   |
| <b>5. APPLICATION PROGRESS:</b>                                       |   |
| Date of Application:  | May 18, 2004  |
| Date Application Complete:  | May 18, 2004  |
| Staff Report to Council:  | June 17, 2004   |
| <b>6. LEGAL DESCRIPTION:</b>  | Lot 1, DL.125, ODYD Plan 9504<br>Lot 2, DL.125, ODYD Plan 9504  |
| <b>7. SITE LOCATION:</b>  | The subject properties are located on the north side of Mills Road between Fir Crescent and Highway 97.   |
| <b>8. CIVIC ADDRESS:</b>  | 345-365 Mills Road  |
| <b>9. AREA OF SUBJECT PROPERTY:</b>                                   | 3215m <sup>2</sup>  |
| <b>10. EXISTING ZONE CATEGORY:</b>                                    | RM3 – Low Density Multiple Housing  |
| <b>11. PURPOSE OF THE APPLICATION:</b>                                | TO REZONE THE SUBJECT PROPERTIES FROM THE RM3 – LOW DENSITY MULTIPLE HOUSING ZONE TO THE RM4 – TRANSITIONAL LOW DENSITY HOUSING ZONE IN ORDER TO CORRECT AN ERROR THAT OCCURRED DURING THE TRANSITION FROM ZONING BYLAW NO.4500 TO ZONING BYLAW NO.8000 |
| <b>14. MIN. OF TRANS./HIGHWAYS FILES NO.:</b>                         |   |
| <b>NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY</b> |   |
| <b>15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS</b>                   | N/A   |

**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Location map