

# Report

**City of Merritt**  
**REGULAR Council Meeting**  
**May 25, 2021**

**File Number: 3900.2316**

**To:** Sean Smith, Chief Administrative Officer  
**From:** Don McArthur, Planning Manager  
**Date:** May 20, 2021  
**Subject:** Zoning Amendment Bylaw No. 2316, 2021 (3350 Voght Street)

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## **RECOMMENDATION:**

**Staff are declining to make a recommendation due to the issues that need to be considered by Council**

## **Executive Summary:**

### Overview

The applicant is proposing to rezone the parcel at 3350 Voght Street from Medium Density Residential (R7) and Residential Modular Home (R4) to Residential Modular Home (R4). The proposed Amendment Bylaw is attached (Attachment A). Compared to the last time this site was considered, the applicant's proposal would eliminate the proposed townhomes that would front Voght Street and replace them with modular homes that would back on to Voght.

The current Zoning (Bylaw No 2290, 2020) was adopted on October 13, 2020. At Third Reading, an amendment was proposed by a member of Council to remove the R7 zone from the proposed Amendment Bylaw, similar to what is being proposed with the current application. Council voted 5-2 against the proposed amendment.

An OCP Amendment is not required, as the OCP as amended (OCP Amendment Bylaw 2289, 2020) supports the proposed residential rezoning

### Housing Needs Report

The current Medium Density Residential (R7) zoning is supported by the Housing Needs Report.

### Active Transportation Plan

The extension of the Voght Street multi-use path is planned as part of the Voght Street Phase 2 project, which would run along the length of the property.

### Voght Street Streetscape

Voght Street is one of the main gateways to the community. Staff from each department have been working to improve the streetscape, so that it is welcoming to visitors. One of the important improvements has been to encourage developers to ensure that buildings front the street, so that it feels more welcoming and is aesthetically pleasing. A wall or fence, protecting buildings that back on to the street, as is being proposed, does not meet the standard of modern urban design principles.

### Crime Prevention Through Environmental Design

During the previous rezoning, staff highlighted the importance of safety. Walls do not make pedestrians feel safe, especially when walking at night. When designing for safety, front doors should be visible from the street. Windows in the homes should have clear sightlines to people walking by. The applicant's new proposal does not provide these safety features.

### **Background:**

#### Overview

The proposed Zoning Amendment Bylaw No. 2316, 2021 would rezone the parcel at 3350 Voght Street from Medium Density Residential (R7) and Residential Modular Home (R4) to Residential Modular Home (R4). The proposed Amendment Bylaw is attached (Attachment A).

On September 15, 2020, staff presented a report to Council to consider rezoning of the property at 3350 Voght Street and 3155 Grimmer Street from Corridor Commercial (C4) to Medium Density Residential (R7), Residential Modular Home (R4) and Park and Cemetery (P1). Following a Public Hearing and Open House, Council eventually adopted Zoning Amendment Bylaw 2290 on October 13, 2020.

The proposed Amendment Bylaw would effectively eliminate the proposed townhomes that would front Voght Street and replace them with modular homes that would back on to Voght Street. The applicant is proposing the installation of a wall or fence along the frontage.

At Third Reading of Bylaw 2290, an amendment was proposed by a member of Council to remove the R7 zone from the proposed Amendment Bylaw, similar to what is being proposed with the current application. Council voted 5-2 against the proposed amendment.

Staff supported the original proposal, as it provided much needed housing for residents, as well as considering the City's desire to transform Voght Street into a welcoming gateway to the community. While this new proposal retains housing for residents, it impedes the City's progress on the improvement of Voght Street.

#### Official Community Plan

An amendment to the Official Community Plan (Amendment Bylaw 2289) was adopted on October 13, 2020. The Amendment Bylaw changed the subject property's land use designation from Future Development to Residential.

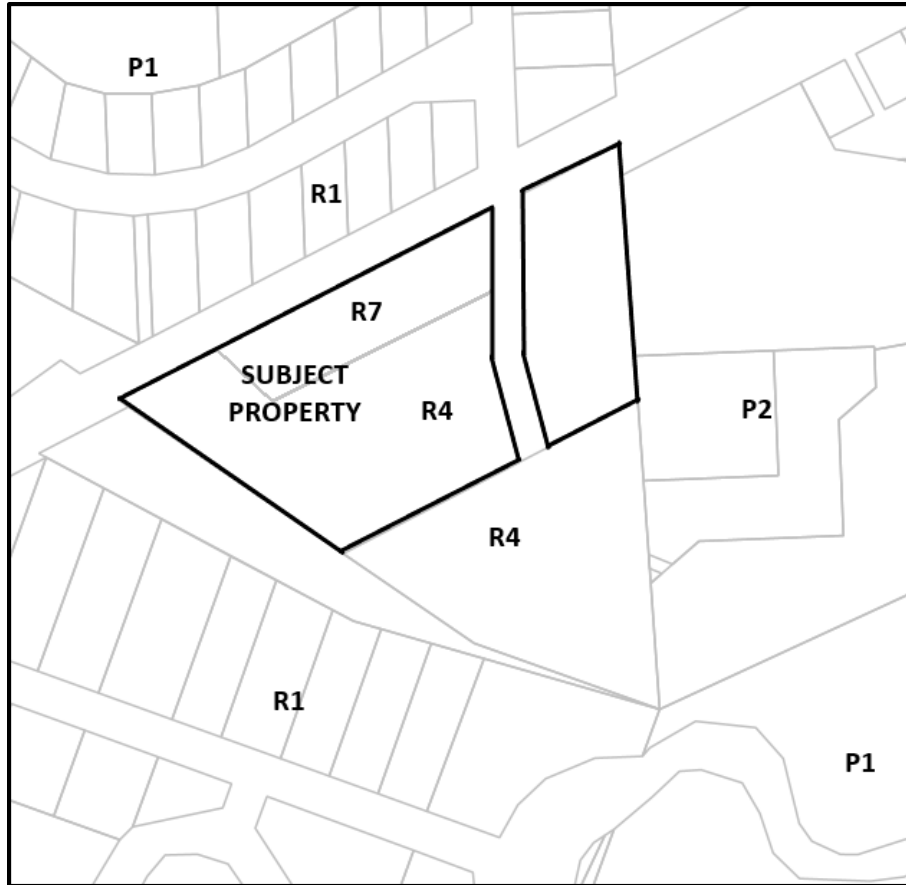
As the property's OCP land use designation is now Residential, the OCP supports the proposed rezoning.

#### Zoning Bylaw

The adjacent zones are a mixture of residential, park and institutional zones (see map below).

When the original rezoning proposal was initially discussed with the applicant, TRUE Consulting, staff requested that any development along Voght Street face the street, rather than back on to the street. Staff asked the applicant to provide their suggestion for potential zoning and development along the Voght Street frontage. The applicant indicated that commercial and high density residential were not desirable to them. Staff were asked by the applicant if townhomes would be supported. Staff agreed that the idea of townhomes could create a desirable development along Voght Street. The applicant then chose Medium Density Residential (R7) as their preferred zone, and the application proceeded.

At the Public Hearing, TRUE Consulting's new staff member, Mr. Melenka, suggested they would be willing to amend the application to remove the R7 zone. This prompted a motion from a member of Council at Third Reading, which was defeated.



***Figure 1: Adjacent Zones***

### Housing Needs Report

The Housing Needs Report suggests the City should “encourage development of smaller, multi-family, accessible units, close to transportation infrastructure”. The current R7 zoning is aligned with this priority action.

### Active Transportation Plan

The extension of the Voght Street multi-use path is planned as part of the Voght Street Phase 2 project. A road dedication along Voght Street may be required, which would be negotiated at Subdivision stage.

### Voght Street Streetscape

Voght Street is one of the main gateways to the community. Staff from each department have been working to improve the streetscape, so that it is welcoming to visitors. These improvements include signage, banners, road construction, and other projects.

One of the important improvements has been to encourage developers to ensure that buildings front the street, so that it feels more welcoming and is aesthetically pleasing. A

wall or fence, protecting buildings that back on to the street, as is being proposed, does not meet the standard of modern urban design principles.

Voght Street does have many buildings that back on to the street. There are also tall fences that line the corridor, including across the street. When Voght Street was a designated highway, many years ago, these design features were more logical. Now, they are outdated features that should be corrected over time, not furthered by allowing more of the same.

Of note, Zoning Bylaw No. 2284, 2020 limits fence height along frontages to 1.25 metres (~4 feet). The applicant's proposal suggests the wall would be similar to the wall at Sage Creek in West Kelowna, which is taller than 1.25 metres, and consist of stone and wrought iron. If the applicant is proposing a wall or fence that exceeds the maximum permitted height, submission of a Development Variance Permit would be required. Council would then need to consider whether to approve the application.

#### Crime Prevention Through Environmental Design

During the previous rezoning, staff highlighted the importance of safety. Walls do not make pedestrians feel safe, especially when walking at night. When designing for safety, front doors should be visible from the street. Windows in the homes should have clear sightlines to people walking by. The applicant's new proposal does not provide these safety features.

#### Proposed Development

The applicant has provided a package which describes the proposed development (see Attachment B).

#### Options / discussion

1. THAT Council give First and Second Readings to Zoning Amendment Bylaw No. 2316, 2021, and direct staff to schedule a Public Hearing;
2. THAT Council give First Reading to Zoning Amendment Bylaw No. 2316, 2021, and then amend it or decline to give further readings; or
3. THAT Council receive this report as information.

#### Financial / Risk Implications:

None.

#### Others Consulted:

Referrals were provided to the following internal departments and external organizations:

#### Internal

- Building Official

- Engineering & Public Works
- Fire Department

External

- BC Hydro

As the property is not within 800 metres of a controlled highway intersection, Ministry of Transportation and Infrastructure does not provide comment.

Referrals would be provided to other utility providers (Fortis Gas, Canada Post, etc) at subdivision stage.

**Attachments:**

Attachment A: Zoning Amendment Bylaw No. 2316, 2021

Attachment B: Applicant's Proposed Development

**Respectfully submitted,**

**Don McArthur**  
**Planning and Development Services Manager**