

# City of Kelowna

## Regular Council Meeting

### AGENDA



Tuesday, March 20, 2018  
6:00 pm  
Council Chamber  
City Hall, 1435 Water Street

#### Pages

**1. Call to Order**

**2. Reaffirmation of Oath of Office**

The Oath of Office will be read by Councillor DeHart.

**3. Confirmation of Minutes**

Public Hearing - March 6, 2018  
Regular Meeting - March 6, 2018

**4. Bylaws Considered at Public Hearing**

**4.1 Pandosy St 2565 and 2579, Z17-0113 (BL11562) - 1018545 BC Ltd**

1 - 1

To give Bylaw No. 11562 second and third readings in order to rezone the subject properties from the RU6 - Two Dwelling Housing zone to the RM3 - Low Density Multiple housing zone.

**4.2 573, 577, 581, 589, 599 & 603 Clement Ave, OCP17-0028 (BL11563) - Greenpoint Landscaping Ltd and Okanagan Opportunity GP Inc.**

2 - 2

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

To give Bylaw No. 11563 second and third readings in order to change the future land use designation of the subject properties from the MRM - Multiple Unit Residential (Medium Density) designation to the MRH - Multiple Unit Residential (High Density) designation.

**4.3 573, 577, 581, 589, 599 & 603 Clement Ave, Z17-0103 (BL11564) - Greenpoint Landscaping Ltd & Okanagan Opportunity GP Inc.**

3 - 3

To give Bylaw No. 11564 second and third readings in order to rezone the subject properties from the RU2 - Medium Housing zone to the RM6 - High Rise Apartment Housing zone.

- 4.4      Mugford Rd 135, HD15-0001 (BL11570) - St. Aidan's Heritage Church Designation Bylaw** **4 - 6**

To give Bylaw No. 11570 second and third readings in order to designate "St. Aidan's Church" and the building envelope as heritage building and site.

- 4.5      HWY 97 N 3976, Z17-0112 (BL11571) - Sweetwater Management Ltd** **7 - 7**

To give Bylaw No. 11571 second and third readings in order to rezone the subject property from the from the P3 – Parks and Open Space zone to the I2 – General Industrial zone.

**5.      Notification of Meeting**

The City Clerk will provide information as to how the following items on the Agenda were publicized.

**6.      Development Permit and Development Variance Permit Reports**

- 6.1      Pitcairn Ct 911 Z17-0084 (BL11542) - Glen D'Arcy Manlove, Charmaine Anne Katherine** **8 - 8**

To adopt Bylaw No. 11542 in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.

- 6.2      Pitcairn Ct 911 DVP17-0202 - Glen D'Arcy Manlove, Charmaine Anne Katherine Manlove** **9 - 17**

**City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the liquor license application to come forward.**

To vary the minimum flanking street side yard setback to a garage or carport which is accessed from that street from 6.0m required to 4.8m proposed on the subject property.

**7.      Reminders**

**8.      Termination**

**CITY OF KELOWNA**  
**BYLAW NO. 11562**  
**Z17-0113 2565 & 2579 Pandosy Street**

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 10 and 11 District Lot 14 ODYD Plan 3249 located on Pandosy Street, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple 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 26<sup>th</sup> day of February, 2018.

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

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Mayor

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City Clerk

# CITY OF KELOWNA

## BYLAW NO. 11563

### Official Community Plan Amendment No. OCP17-0028 573, 577, 581, 589, 599 & 603 Clement Avenue

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A bylaw to amend the "*Kelowna 2030* – Official Community Plan Bylaw No. 10500".

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of:
  - a) Lot 29 District Lot 139 ODYD Plan 1303, located at 573 Clement Ave, Kelowna, BC;
  - b) Lot 56 District Lot 139 ODYD Plan 1037, located at 577 Clement Ave, Kelowna, BC;
  - c) Lot 57 District Lot 139 ODYD Plan 1037, located at 581 Clement Ave, Kelowna, BC;
  - d) Lot 58 District Lot 139 ODYD Plan 1037, located at 581 Clement Ave, Kelowna, BC;
  - e) Lot 59 District Lot 139 ODYD Plan 1037, located at 589 Clement Ave, Kelowna, BC;
  - f) Lot 1 District Lot 139 ODYD Plan 11327, located at 599 Clement Ave, Kelowna, BC; and
  - g) Lot 2 District Lot 139 ODYD Plan 11327, located at 603 Clement Ave, Kelowna, BCfrom the MRM – Multiple Unit Residential (Medium Density) designation to the MRH – Multiple Unit Residential (High Density) designation.
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 26<sup>th</sup> day of February, 2018.

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

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Mayor

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City Clerk

# CITY OF KELOWNA

## BYLAW NO. 11564

### **Z17-0103 – 573, 577, 581, 589, 599 & 603 Clement Avenue**

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of:
  - a) Lot 29 District Lot 139 ODYD Plan 1303, located at 573 Clement Ave, Kelowna, BC;
  - b) Lot 56 District Lot 139 ODYD Plan 1037, located at 577 Clement Ave, Kelowna, BC;
  - c) Lot 57 District Lot 139 ODYD Plan 1037, located at 581 Clement Ave, Kelowna, BC;
  - d) Lot 58 District Lot 139 ODYD Plan 1037, located at 581 Clement Ave, Kelowna, BC;
  - e) Lot 59 District Lot 139 ODYD Plan 1037, located at 589 Clement Ave, Kelowna, BC;
  - f) Lot 1 District Lot 139 ODYD Plan 11327, located at 599 Clement Ave, Kelowna, BC; and
  - g) Lot 2 District Lot 139 ODYD Plan 11327, located at 603 Clement Ave, Kelowna, BCfrom the RU2 – Medium Housing zone to the RM6 – High Rise Apartment 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 26<sup>th</sup> day of February, 2018.

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

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Mayor

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City Clerk

# CITY OF KELOWNA

## BYLAW NO. 11570

### HD15-0001 - St. Aidan's Church Heritage Designation Bylaw - 135 Mugford Road

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WHEREAS the Municipal Council of the City of Kelowna considers the building known as the "St. Aidan's Church" located at Lot A Section 26 Township 26 ODYD Plan EPP51686, on Mugford Road, Kelowna, B.C. to be a building with heritage value and that the designation of the building as a heritage site pursuant to Section 611 of the *Local Government Act* is desirable for the conservation of the building;

AND WHEREAS the Municipal Council of the City of Kelowna considers the building envelope as indicated in Schedule "A" attached to this bylaw located at Lot A Section 26 Township 26 ODYD Plan EPP51686, on Mugford Road, Kelowna, B.C. to be a site with heritage value and that the designation of the site as a heritage site pursuant to Section 611 of the *Local Government Act* is desirable for the conservation of the site;

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

1. The building known as St. Aidan's Church situated on lands legally described as Lot A Section 26 Township 26 ODYD Plan EPP51686, located at 135 Mugford Road, Kelowna, BC is hereby designated a Municipal Heritage Building pursuant to Section 611 of the *Local Government Act*.
2. The building envelope as indicated by Schedule "A" attached to this bylaw, situated on lands legally described as Lot A Section 26 Township 26 ODYD Plan EPP51686, located at 135 Mugford Road, Kelowna, BC is hereby designated a Municipal Heritage Site pursuant to Section 611 of the *Local Government Act*.
3. Except as authorized by this bylaw or as authorized by a Heritage Alteration Agreement approved by Council, no person shall:
  - a) Alter the exterior of any building situated on the property designated by this bylaw;
  - b) Make a structural change to a building or structure situated on property designated by this bylaw;
  - c) Move any building situated on the property designated by this bylaw; or
  - d) Alter, excavate or build on land designated by this bylaw.
4. The following alterations to the designated building are hereby authorized without a Heritage Alteration Permit:
  - a) Normal day to day maintenance and repairs
5. This bylaw may be cited for all purposes as the Heritage Designation Bylaw No. 11570 St. Aidan's Church.

Read a first time by the Municipal Council this 5<sup>th</sup> day of March, 2018.

Considered at a Public Hearing this

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk





**CITY OF KELOWNA**  
**BYLAW NO. 11571**  
**Z17-0112 3976 Hwy 97 N**

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1 Section 2 Township 23 ODYD Plan 42310 Except Plan EPP53293 located on Hwy 97 N Road, Kelowna, B.C., from the P<sub>3</sub> – Parks and Open Space zone to the I<sub>2</sub> – General Industrial 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 5<sup>th</sup> day of March, 2018.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

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(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

\_\_\_\_\_  
City Clerk

**CITY OF KELOWNA**  
**BYLAW NO. 11542**  
**Z17-0084 – 911 Pitcairn Court**

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 6 Section 29 Township 26 ODYD Plan 18323 located on Pitcairn Court, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House 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 22<sup>nd</sup> day of January, 2018.

Considered at a Public Hearing on the 6<sup>th</sup> day of February, 2018.

Read a second and third time by the Municipal Council this 6th day of February, 2018.

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

# REPORT TO COUNCIL



**Date:** March 20, 2018

**RIM No.** 0940-00

**To:** City Manager

**From:** Community Planning Department (TA)

**Application:** DVP17-0202      **Owner:** Glen D'Arcy Manlove  
Charmaine Ann Katherine Manlove

**Address:** 911 Pitcairn Ct      **Applicant:** Kyle Turner, Gord Turner  
Renovations Ltd.

**Subject:** Development Variance Permit

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU1c – Large Lot Housing with Carriage House

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## 1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11542 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0202 for Lot 6 Section 29 TWP 26 ODYD Plan 18323 located at 911 Pitcairn Court, Kelowna, BC, to allow the construction of a carriage house subject to the following;

1. The dimensions and siting of the buildings to be constructed on the land be in accordance with Schedule "A,"
2. The elevations of the carriage house to be constructed on the land be in accordance with Schedule "B";

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

### **Section 13.1.6(D): RU1 – Large Lot Housing Development Regulations**

To vary the minimum flanking street side yard setback to a garage or carport which is accessed from that street from 6.0m required to 4.8m 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.

## 2.0 Purpose

To vary the minimum flanking street side yard setback to a garage or carport which is accessed from that street from 6.0m required to 4.8m proposed on the subject property.

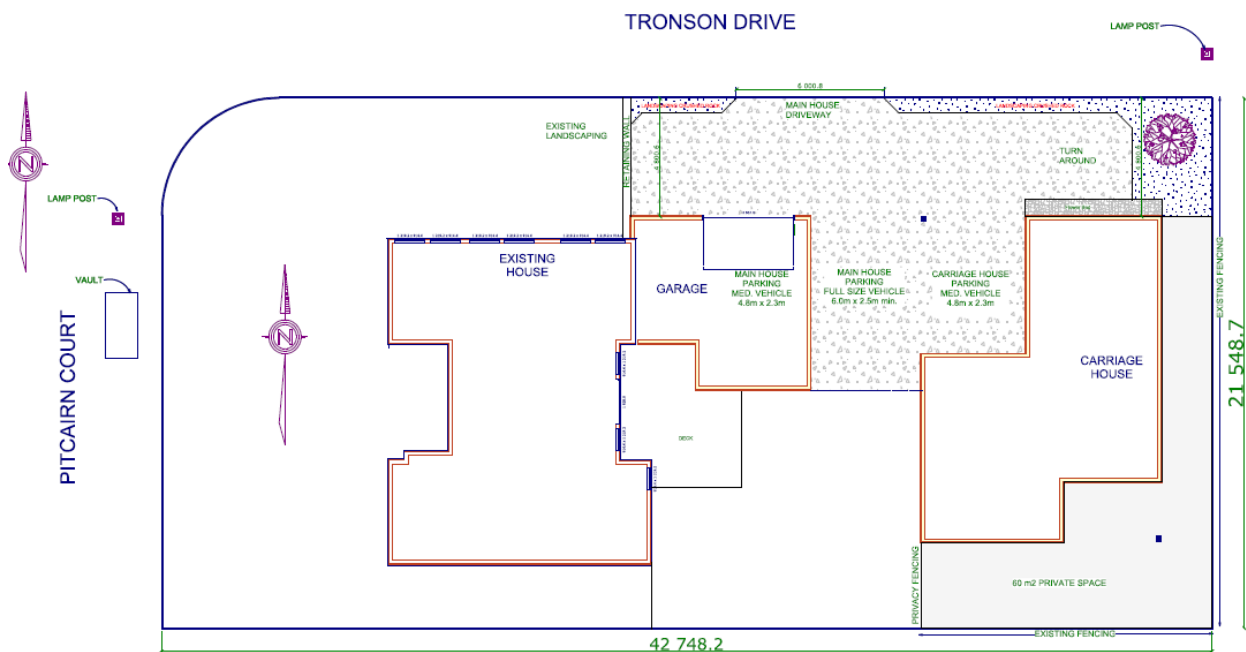
## 3.0 Community Planning

Community Planning Staff recommend support for the requested variance to vary the minimum flanking street side yard setback to a garage or carport which is accessed from that street from 6.0m required to 4.8m proposed on the subject property. The variance has no impact to any sidewalk or vehicle travel lane and allows the size of the carriage house and private outdoor space to be maximized without impacting the adjacent neighbour.

The subject property is located on the corner of Pitcairn Court and Tronson Drive. The applicant has proposed a single car garage addition to their existing dwelling, and a detached single storey carriage house with a carport. Both the garage and the carport are accessed from the flanking street, Tronson Drive. The Zoning Bylaw regulates that the flanking street side yard setback is 6.0m for the garage and carport as they are accessed from the flanking street. This is to allow a large vehicle stall length on the access driveway for a vehicle to park in front of the garage or carport without overhanging a sidewalk or vehicle travel lane.

The subject property has a wide boulevard and no sidewalk along this frontage and therefore a 4.8m setback is appropriate and will not impact any sidewalk or vehicle travel lane. The length meets the zoning bylaw requirements for a medium vehicle stall, and therefore parking would still be achievable on the driveway in front of the garage and carport. This allows the applicants to maximize the footprint of the single storey carriage house and maximize the private outdoor space, while maintaining the side yard setback between the adjacent neighbor for privacy.

Proposed improvements to the existing non-conforming driveway will reduce the width to 6.0m as regulated in our Subdivision, Development & Servicing Bylaw No. 7900.



#### 4.0 Proposal

##### 4.1 Background

The subject property has a single family dwelling with an over-width driveway that is accessed from Tronson Drive. An existing garage and swimming pool in the rear yard will be demolished in order to accommodate the proposed garage addition and carriage house.

##### 4.2 Project Description

The proposed development is for a single car garage addition to the single family dwelling and a detached single storey carriage house. The proposed garage and carriage house are both accessed from the flanking street, Tronson Drive, and are set back 4.8m from the property line. A variance is requested to the flanking street side yard setback from 6.0m required to the 4.8m proposed to maximize the size of the carriage house without impacting the side yard setback to the adjacent neighbour. Adequate parking is achieved for both the carriage house and the single family dwelling through a single car garage, a carport, and surface parking. A turnaround space on the property is provided to allow for the driveway to be narrowed in order to be in conformance with the 6.0m maximum width as per the Subdivision, Development & Servicing Bylaw No. 7900.

##### 4.3 Site Context

The subject property is located in Glenmore on the corner of Pitcairn Court and Tronson Drive near Glenmore Elementary School. It is a predominantly single family residential neighbourhood with large lots. There are two other carriage houses in close proximity that are also accessed from Tronson Drive.

Specifically, adjacent land uses are as follows:

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

**Subject Property Map: 911 Pitcairn Ct****4.4 Zoning Analysis Table**

Zoning Analysis Table		
CRITERIA	RU1c ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Front Yard	4.5 m	9.2 m
Side Yard (south)	2.0 m	2.6 m
Side Yard (north flanking)	6.0 m	4.8 m <span style="color: red;">❶</span>
Rear Yard	1.5 m	m
Other Regulations		
Parking Stalls	3 stalls	3 stalls
Private Open Space	30 m <sup>2</sup> per dwelling	>m <sup>2</sup>
<span style="color: red;">❶</span> Indicates a requested variance to the side yard setback from a flanking street from 6.0m required to 4.8m proposed.		

**5.0 Application Chronology**

Date of Application Received: September 11, 2017  
 Date Public Consultation Completed: October 20, 2017

**Report prepared by:** Trisa Brandt, Planner II  
**Reviewed by:** Adam Cseke, Planner Specialist  
**Approved for Inclusion:** Terry Barton, Urban Planning Manager

**Attachments:** Draft Development Variance Permit DVP17-0202  
 Schedule "A": Siting and Dimensions  
 Schedule "B": Elevations

# DEVELOPMENT VARIANCE PERMIT



## APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT NO. DVP17-0202

**Issued To:** Glen D'Arcy Manlove  
Charmaine Ann Katherine Manlove

**Site Address:** 911 Pitcairn Ct

**Legal Description:** Lot 6 Section 29 TWP 26 ODYD Plan 18323

**Zoning Classification:** RU1c – Large Lot Housing with Carriage House

### SCOPE OF APPROVAL

This 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 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 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.

### 1. TERMS AND CONDITIONS

THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0202 for Lot 6 Section 29 TWP 26 ODYD Plan 18323 located at 911 Pitcairn Court, Kelowna, BC, to allow the construction of a carriage house subject to the following;

1. The dimensions and siting of the buildings to be constructed on the land be in accordance with Schedule "A,"
2. The elevations of the carriage house to be constructed on the land be in accordance with Schedule "B";

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

#### **Section 13.1.6(D): RU1 – Large Lot Housing Development Regulations**

To vary the required minimum flanking street side yard setback to a garage or carport which is accessed from that street from 6.0m permitted to 4.8m 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.

## 2. PERFORMANCE SECURITY

None required.

## 3. DEVELOPMENT

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit that shall form a part hereof.

If the Permit Holder does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

**This Permit IS NOT a Building Permit.**

## 4. 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.
- b) 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.

## 5. APPROVALS

Issued and approved by Council on the 6<sup>th</sup> day of March, 2018.

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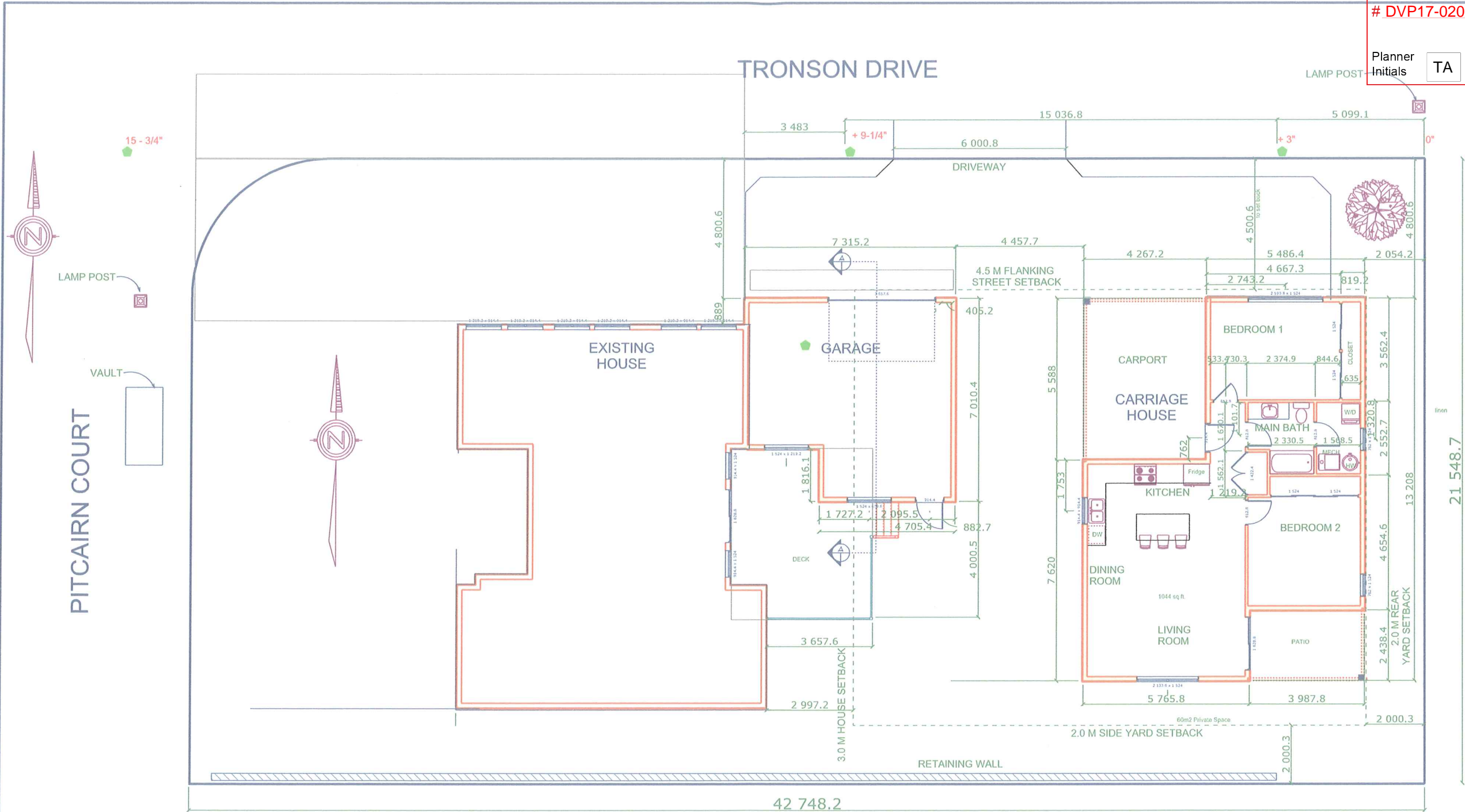
Ryan Smith, Community Planning Department Manager  
Community Planning & Real Estate

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Date

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



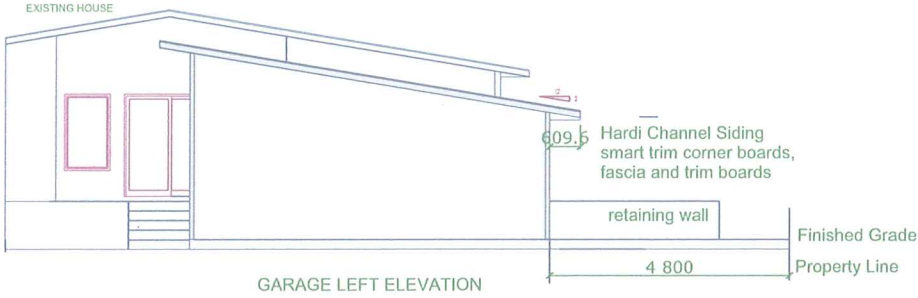


Rules for Carriage House Included on Drawing	
Proposed Zoning	RU6
Total Area of Principle House	247.12 m2
Non Habitable Space (Garage)	48.03 m2
Total Habitable Space (Principle House)	247.12 m2
Carriage House Area (single storie incentive)	97 m2
Lighted Pathway	1.1 m wide
Private Space	60 m2
Principle House Parking	1- in garage, 1- driveway
Carriage House Parking	4.8 m x 2.5 m, min.

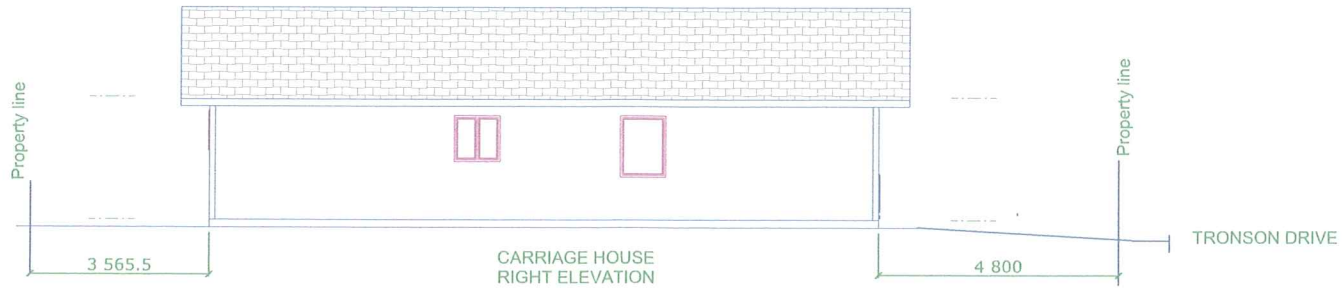
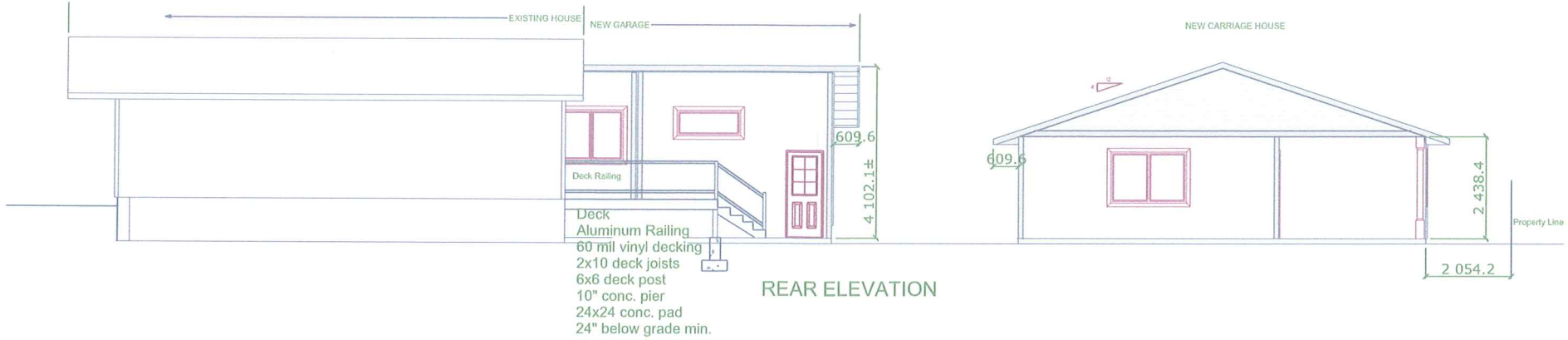
House Habitable space  
247.12 m2 - Total area  
( Main Floor & Lower Floor)  
48.03 m2 garage - (non habitable)  
247.12 m2 - (habitable space)  
185.34 m2 - (75% of habitable)

Carriage house  
Max net floor area - 100 m2  
single storie incentive, max net floor area  
(excluding garage and carport areas)

Gord Turner Renovations Ltd	# 1 - 3304 Appaloosa Road	PHONE: 250.469.9379	1:150	PROJECT: CARRIAGE HOUSE	
	Kelowna, B.C. V1V 2W5	dale@gordturner.com	DRAWN BY: DN		DATE: 25/08/2017
Glen & Charmaine Manlove, 911 Pitcairn Crt, Plan 18323, Lot 6					SITE PLAN



Gord Turner Renovations Ltd	#1 - 3304 Appaloosa Road	PHONE: 250.469.9379	1:150	PROJECT: CARRIAGE HOUSE	
	Kelowna, B.C. V1V 2W5	dale@gordturner.com	DRAWN BY: DN		DATE: 25/08/2017
Glen & Charmaine Manlove, 911 Pitcairn Crt, Plan 18323, Lot 6			FRONT ELEVATION, CARRIAGE HOUSE RIGHT, GARAGE LEFT		



Gord Turner Renovations Ltd	PROJECT: CARRIAGE HOUSE	
	1:150	1:150
	PHONE: 250.469.9379	DATE: 25/07/2017
# 1 - 3304 Appaloosa Road		DRAWN BY: DN
Kelowna, B.C. V1V 2W5		DATE: 25/07/2017
Glen & Charmaine Manlove, 911 Pitcairn Crt, Plan 18323, Lot 6		LEFT, REAR ELEVATIONS