

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, May 1, 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 Gray.
3. **Confirmation of Minutes** 1 - 17
Public Hearing - April 17, 2018
Regular Meeting - April 17, 2018
4. **Bylaws Considered at Public Hearing**
 - 4.1 **Christleton Avenue 343, Z17-0073 (BL11590) - Jason & Rhonda Hymers** 18 - 18
To give Bylaw No. 11590 second and third readings in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.
 - 4.2 **Bernard Avenue 1371, Z17-0116 (BL11591) - Miroslavka Gataric** 19 - 19
To give Bylaw No. 11591 second and third readings in order to rezone the subject property from the RU6 - Two Dwelling zone to the RM3 - Low Density Multiple Housing zone.
 - 4.3 **Portview Ave 150, Z18-0023 (BL11594) - Darcy & Martha Ruck** 20 - 20
To give Bylaw No. 11594 second and third readings in order to rezone the subject property from the RU2 - Medium Lot Housing zone to the RU2c - Medium Lot Housing with Carriage House zone.

4.4	Cawston Avenue 1044 - OCP18-0002 (BL11595) - Sukhdarshan Singh Pannu	21 - 21
	<p>Requires a majority of Council (5).</p> <p>To give Bylaw No. 11595 second and third readings in order to amend the Official Community Plan to change the future land use designation of the subject property to facilitate the development of multiple dwelling housing.</p>	
4.5	Cawston Avenue 1044, 1052 & 1074 - Z18-0008 (BL11596) - Sukhdarshan Singh Pannu	22 - 22
	<p>To give Bylaw No. 11596 second and third readings in order to rezone the subject properties to facilitate the development of multiple dwelling housing.</p>	
4.6	Hartman Rd 280 and Maygard Rd 940, Z18-0001 (BL11597) - JE Holdings Inc Inc No C0561382	23 - 23
	<p>To give Bylaw No. 11597 second and third readings in order to rezone the subject property from the A1 - Agriculture 1 zone to the RU6 - Two Dwelling Housing zone.</p>	
4.7	Old Vernon Rd 144 - LUC17-0003 (BL11598) - Serra Holdings (No. 9) Ltd Inc No BC0950182	24 - 24
	<p>To give Bylaw No. 11598 second and third readings in order to discharge Land Use Contract LUC77-1015 on the subject property.</p>	
4.8	Old Vernon Rd 155-165 and Rutland Ct 2155-2165, LUCT17-0003 (BL11599) - Cornel Epp, Terra Landscaping & CGSB Automotive Group	25 - 26
	<p>To give Bylaw No. 11599 second and third readings in order to early terminate LUC77-1015 and LUC77-1082 on the subject properties.</p>	
4.9	Old Vernon Rd 155-165 and Rutland Ct 2155-2165, Z18-0005 (BL11600) - Cornel Epp, Terra Landscaping & CGSB Automotive Group	27 - 27
	<p>To give Bylaw No. 11600 second and third readings in order to rezone the subject properties from the C2 - Neighborhood Commercial zone to the C10 - Service Commercial zone.</p>	

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 Churchill Road 1109, DVP17-0285 - William Bonn

28 - 37

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

To vary the maximum flanking street (Churchill Road) setback to garage access from 6.0 m permitted to 4.5 m proposed, and to vary the maximum driveway access width from 6.0 m permitted to 10.0 m proposed.

7. Reminders

8. Termination



City of Kelowna Public Hearing Minutes

Date: Tuesday, April 17, 2018
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben*, Mohini Singh and Luke Stack*

Staff Present Acting City Manager, Joe Creron; Deputy City Clerk, Karen Needham; Urban Planning Manager, Terry Barton; Divisional Director, Community Planning Supervisor, Laura Bentley; Community Planning & Strategic Investments, Doug Gilchrist*; Legislative Coordinator (Confidential), Arlene McClelland

1. Call to Order

Mayor Basran called the Hearing to order at 6:00 p.m.

Mayor Basran advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030 - Official Community Plan Bylaw No. 10500" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

Councillor Stack joined the meeting at 6:01 p.m.

2. Notification of Meeting

The City Clerk advised that Notice of this *Public Hearing* was advertised by being posted on the Notice Board at City Hall on Tuesday, April 17, 2018 and by being placed in the Kelowna Daily Courier issues on Friday April 6 and Wednesday, April 11 and by sending out or otherwise mailing 94 statutory notices to the owners and occupiers of surrounding properties on Tuesday, April 17, 2018.

The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

3. Individual Bylaw Submissions

3.1 Cantina Ct 680 and (S of) Southcrest Drive - OCP17-0020 (BL11577) & Z17-0091 (BL11578) - Gillen Investments Inc. and Emil Anderson Construction Co

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Councillor Sieben joined the meeting at 6:10 p.m.

The City Clerk advised that the following correspondence was received:

Letters of Opposition and Concern:

David M Jenkins, South Ridge Drive
Linda and Tom Allen, Cantina Court
Leon van Biljon, Cantina Court

Letters of Support:

Bulat and Nailya Khabibullin, Steele Road

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Matt Temple on behalf of Applicant Emil Anderson Construction, Applicant

- While we are discussing rezoning and land use this evening advised that the detail design is near completion.
- A Development Permit was submitted to staff last December with a good idea of what is proposed to be built.
- The project has been discussed with neighbours and met with residents in February.
- Neighbour's questions related to project construction management and believes most of those concerns have been addressed.
- Not certain if blasting would be required; however, if required, must follow Work Safe BC requirements.
- Responded to questions from Council.

Gallery:

David Jenkins, South Ridge Drive

- Representing some residents in the area.
- Has many years of construction experience.
- Raised concerns with blasting and referenced a memo to Council in January 2010 that the process in place is to work with Work Safe BC and that the City staff does not have a role with blasting regulations.
- Raised concerns with traffic and safety and seeking assurance that applicable parking bylaws are reserved during construction process.
- Want assurance that Hillside guidelines are enforced by geotech.
- Not opposed to development, however, concerned with processes during construction.
- Responded to questions from Council.

Lisa Johnson, Cantina Court

- Raised concern that the plan shows 3 driveways coming onto Cantina Court which is a steep hillside road.
- Original owner on Cantina Court since 2003 and advised that with snow accumulation residents are limited to one lane; raised concerns with traffic and narrow road.
- Not opposed to this development, however, concerned with traffic movement and increased traffic.
- Confirmed that commercial use may be preferred as vendor access and egress already developed with less impact to the street.
- Responded to questions from Council.

Keith Johnson, Cantina Court

- Water pressure is already an issue at the far end of the road and wondered how extra properties will affect that.
- Would like the name of the contact person in the event that issues arise through the development process.
- Raised concern that there is no emergency exit on the street.
- Raised concern with the Shaw and Telus service boxes that would most likely need to be relocated and the service interruption for residents.
- Raised concerns with the natural water ways that are already a concern.
- Not against this proposal but have concerns.
- Responded to questions from Council.

Ray Folk, Cantina Court

- Raised concerns with parking during construction and no emergency exit.

Matt Temple, Applicant Representative

- Confirmed must go through Work Safe BC for any blasting and meet their requirements. Have performed blasting before and familiar with the process.
- Cantina is a cul-de-sac and narrow; have considered safe access and egress to the site. There will not be 3 point turns on site. Space to park within the site will be created.
- Confirmed that the construction team will not be parking on high side of Cantina Court.
- Widening the intersection to Cantina Court is not required but we want to do this for our buyers and the community. Improvements will be make the turning radius wider and open site lines.
- The intersection work will have a work crew to ensure safety.
- This is a hillside road; stepping townhomes with road grade and not perching high above.
- Each home has a 2 car garage with double wide driveway; easy to come out those driveways.
- Driveways will be lower along Cantina Court.
- The road goes up in elevation and as a Professional Engineer does not believe there will be any water issues.
- Offered contact information if there are any water issues.
- Confirmed that utility service boxes will not be moved only one street light will be relocated.
- Explored different driveway options; the current option allows for stepping townhomes.
- Only one single tree needs to be removed with the land swap agreement to construct a pathway to the knoll; will provide mass planting in the area.
- Responded to questions from Council.

Staff:

- Provided an overview of blasting regulations; Ministry of Mines regulates with Work Safe BC and the city is involved as a facilitator to ensure notification and to share information however no regulatory or legal component.
- Confirmed driveway locations would be considered with the Applicant and Development Engineering to meet requirements of distance from an intersection at the Development Permit stage.

There were no further comments.

3.2 Lakeshore Rd 4329, Z17-0027 (BL11579) - William Bruce Povah

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence was received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

The Applicant was present and available for questions.

No one from the gallery came forward.

There were no further comments.

3.3 McClain Rd 4185, Z18-0009 (BL11580) - Bruce Merz

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence was received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

The Applicant was present and available for questions.

No one from the gallery came forward.

There were no further comments.

3.4 Ziprick Rd 255, Z17-0081 (BL11581) - Gurdeep Chahal and Palwinder Pannu

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

The City Clerk advised that no correspondence was received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

The Applicant was not present.

Gallery:

Mary Hansen, Ziprick Road

- Lives right beside this property.
- Raised concern with the effects of increased traffic to an already busy intersection.
- Raised concerns with the aesthetics of this proposal.

Staff:

- Confirmed that the RU6 zone allows for various configurations of housing and that this proposal meets all zoning bylaw requirements.

There were no further comments.

3.5 Laurier Ave 1018 and 1024 - Z18-0006 (BL11588) - Mottram Holdings Ltd.

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

The City Clerk advised that no correspondence was received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

The Applicant was not present and available for questions.

No one from the gallery came forward.

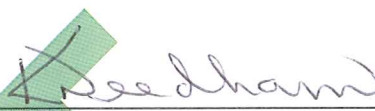
There were no further comments.

4. Termination

The Hearing was declared terminated at 7:17 p.m.

Mayor Basran

/acm



Deputy City Clerk

DRAFT



City of Kelowna Regular Meeting Minutes

Date: Tuesday, April 17, 2018
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray*, Charlie Hodge, Brad Sieben, Mohini Singh* and Luke Stack*

Staff Present Acting City Manager, Joe Creron; Deputy City Clerk, Karen Needham; Urban Planning Manager, Terry Barton; Divisional Director, Community Planning & Strategic Investments, Doug Gilchrist; Legislative Coordinator (Confidential), Arlene McClelland

(*Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:27 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Given.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Gray

R395/18/04/17 THAT the Minutes of the Public Hearing and Regular Meeting of April 10, 2018 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 Cantina Ct 680 & (S of) South Crest Dr - OCP17-0020 (BL11577) - Gillen Investments Inc. and Emil Anderson Construction Co

Moved By Councillor Hodge/Seconded By Councillor Donn

R396/18/04/17 THAT Bylaw No. 11577 be read a second and third time.

Carried

4.2 Cantina Ct 680 & (S of) South Crest Dr- Z17-0091 (BL11578) - Gillen Investments Inc. and Emil Anderson Construction Co

Moved By Councillor Donn/Seconded By Councillor Hodge

R397/18/04/17 THAT Bylaw No. 11578 be read a second and third time.

Carried

4.3 Lakeshore Rd 4329, Z17-0027 (BL11579) - William Bruce Povah

Moved By Councillor Donn/Seconded By Councillor Hodge

R398/18/04/17 THAT Bylaw No. 11579 be read a second and third time.

Carried

4.4 McClain Rd 4185, Z18-0009 (BL11580) - Bruce Merz

Moved By Councillor Hodge/Seconded By Councillor Donn

R399/18/04/17 THAT Bylaw No. 11580 be read a second and third time.

Carried

4.5 Ziprick Rd 255, Z17-0081 (BL11581) - Gurdeep Chahal and Palwinder Pannu

Moved By Councillor Singh/Seconded By Councillor DeHart

R400/18/04/17 THAT Bylaw No. 11581 be read a second and third time.

Carried

4.6 Laurier Ave 1018 and 1024, Z18-0006 (BL11588) - Mottram Holdings Ltd.

Moved By Councillor Dehart/Seconded By Councillor Singh

R401/18/04/17 THAT Bylaw No. 11588 be read a second and third time.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise mailing 179 statutory notices to the owners and occupiers of surrounding properties on Tuesday, April 17, 2018.

Notice of this Liquor Primary Licence was advertised by being posted on the Notice Board at City Hall on Tuesday, April 17, 2018, and by being placed in the Kelowna Daily Courier issues on Friday, April 6 and Wednesday, April 11 and by sending out or otherwise mailing 36 statutory notices to the owners and occupiers of surrounding properties on Tuesday, April 17, 2018.

The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

6. Liquor License Application Reports

6.1 Water St 1524, LL18-0005 - Viewcrest Estates Ltd.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence was received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

The Applicant was present and available for questions.

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Donn

R402/18/04/17 THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):
In accordance with Section 53 of the *Liquor Control and Licensing Regulation* and Council Policy #359, BE IT RESOLVED THAT:

Council recommends support of an application from Plan B. Barbers Inc. for Lot 11 Block 13 District Lot 139 ODYD Plan 462 located at 1524 Water Street, Kelowna, BC, for a Liquor Primary License with a capacity of 30 persons and hours of sales from 9:00 AM to 7:00 PM Monday to Wednesday, 9:00 AM to 9:00 PM Thursday and Friday, and 9:00 AM to 6:00 PM Saturday for the following reasons:

The new liquor licensing regulations allow for barbershops, salons and other establishments to apply for a new liquor primary license;
The maximum occupancy of the space is 30 persons, which will have minimal impact on the community.

That Council's comments on the prescribed considerations are as follows:

The impact of noise on the community in the immediate vicinity of the establishment if the application is approved;

The potential impact for noise is minimal and would be compatible with surrounding land uses.
The impact on the community if the application is approved:
The potential for negative impacts is considered to be minimal.

THAT Council's comments on the views of residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures".

Carried

7. Development Permit and Development Variance Permit Reports

7.1 Richter St 2825, Z17-0057 (BL11479) - AJH Developments

Councillor Gray declared a conflict of interest as she lives in the notification area of this application and departed the meeting 7:59 p.m.

Moved By Councillor DeHart/Seconded By Councillor Singh

R403/18/04/17 THAT Bylaw No. 11479 be adopted.

Carried

7.2 Richter Street 2825 DP17-0150 & DVP17-0151 - AJH Developments

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence was received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Kevin Johnson, Hughs Road, Applicant

- Responded to questions from Council.
- Confirmed private rooftop patios on main residential structure; working with staff on the change of design.
- Community space located on rooftop area of garage structure.
- Confirmed there is no parking on Richter Street frontage; existing driveway will be removed and access will be from the lane.

Gallery:

Ian Sissett, Watt Road

- Appearing as a community member and as the Director of the KLO Neighbourhood Association.
- Believes this is a great project and will liven up the street; is in favour of roof decks.
- As the Director of the KLO Neighbourhood Association; referenced a previously submitted letter for another application in the area that is on this evening's Agenda.
- On behalf of the KLO Neighbourhood Association this proposal highlights the need for an overall community plan and guidance from Council so this neighbourhood does not turn into a hodgepodge of buildings that may look good on their own but not with a different development next to it.
- Commented that the Capri area plan has better guidelines.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Hodge

R404/18/04/17 THAT Council authorizes the issuance of Development Permit No. DP17-0150 and DVP17-0151 for Lot 10 District Lot 135 ODYD Plan 22856, located at 2825 Richter Street, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

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

Section 13.8.6(e): RM2 – Low Density Row Housing Development Regulations

To vary the required minimum side yard setbacks to a garage from 6.0 m required, to 1.5 m (west) and to 4.0 m (east) proposed.

AND FURTHER THAT this Development Permit and Development Variance Permit are valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

Councillor Gray rejoined the meeting at 8:13 p.m.

7.3 Rialto Dr 261 DVP17-0196 - Israel and Mila Shapiro

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

The City Clerk advised that the following correspondence was received:

Letters of Opposition and Concern:

Sheila Cox, Rialto Drive
Haylie Hamilton, Terrace Drive
Jessica Orlowski, Terrace Drive

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Israel Shapiro, Applicant

- Purchase property 10 years ago and provided explanation for construction delays.
- Have been working with city staff for 1.5 years to determine the best options; thanked staff for their help.
- The plan is to hire professionals to complete the work.
- The current option is the better option than the one that complies with the zoning bylaw requirements.
- Believes the aesthetics is much nicer for the neighbourhood.
- Confirmed that the addition is to the existing home.
- Responded to questions from Council.

Gallery:

Jessica Orlowski, Terrace Drive

- Believes she is most affected by this proposed application.
- Referenced previously submitted correspondence expressing concern that her view will be negatively affected.
- Raised concerns that two trees will be removed from the Applicant's property for this addition and that the root network of the tree on her property will be hurt by that.
- Raised concerns with rain run-off and slope stability with the removal of the tree.
- Displayed a photo of the current view of her property and believes there will be a loss of privacy.
- Believes her property will become a boxed-in property and will diminish property value.
- Raised concerns with debris in the Applicant's yard; there are existing open building related permits and Bylaw Enforcement is unable to take action.
- Responded to questions from Council.

Jeff McEwen, Terrace Drive

- Agrees with the previous speaker's comments and believes his view will also be negatively affected.
- The rendering of the renovation shows a more contemporary design and the neighbourhood is more classic; believes the proposed style is out of character with the rest of the neighbourhood.

Israel Shapiro, Applicant

- Received a professional certificate last year stating that the trees are not healthy and need to be removed.
- Displayed a rendering of what is able to be built without a variance which would make the view worse.
- There have been new houses built in the area that look modern and contemporary and believes his home will fit in with the neighbourhood.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Singh/Seconded By Councillor Given

R405/18/04/17 THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0196 for Lot 37 Section 6 TWP 23 ODYD Plan 19808 located at 261 Rialto Drive, 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 single family dwelling 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 12.1.6(b): RR1 – Rural Residential 1 - Development Regulations

To vary the height of the proposed addition from 2 ½ storeys permitted to 3 storeys proposed.

Section 12.1.6(d): RR1 – Rural Residential 1 - Development Regulations

To vary the side yard setback from 3.0m required to 1.8m 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.

Carried
Councillor Sieben - Opposed

7.4 Bath St 2630, Z17-0108 (BL11550) - Greencorp Ventures Inc.

Moved By Councillor Singh/Seconded By Councillor DeHart

R406/18/04/17 THAT Bylaw 11550 be adopted.

Carried

7.5 Bath St 2630, DP17-0259 & DVP17-0260 - Greencorp Ventures Inc., Inc. No. BC 0987730

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letters of Opposition and Concern:

Paul Clark - co-chair KLO Neighbourhood Association, 3002 Abbott Street
Carolyn Russo, Bath Street
Luigi and Anne Bassani, Wardlaw Avenue
Colin Smith, Bath Street

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

The Applicant was present and available for questions.

Gallery:

Paul Clark, Co-Chair KLO Neighbourhood Association

- It is a concern of all neighborhoods when more site coverage is requested.
- Not against development but believes there is a need for a better urban centre plan as the Official Community Plan does not address these issues appropriately.
- Would like to have a concept of what an urban centre should look like and encouraged Council to help City Planners create such a plan.
- Made comment on city owned properties on Cedar Avenue that are not very well kept and would like to see those properties cleaned.

Richard Drinnan, Greene Road

- Raised concern with this non-conforming application and inconsistency with design of this project and appearance in the surrounding neighbourhood.
- Believes the public will pay subsidy to this development.
- Raised concern with cutting down all trees as the site plans shows almost all hard surface and buildings.
- Raised concerns that there is no water infiltration on site and water will run into the street and storm drains.
- With 8 parking stalls on site the carbon footprint is not being reduced.
- Raised concerns that family housing issues are not being addressed; there is no yard for children to play in this development
- Infilling with dense buildings and tearing down trees is not ecologically sound and additional trees need to be planted.

Shane Worman, Applicant

- Explained the challenges with this small site and the need for a side yard variance; allows interior access from the garages.
- If one unit is removed, then we're not fully densifying the site.
- The FAR is being met and building maximum amount of building that can be there.
- Four new trees will be placed on site; currently there are none.
- Water infiltration within City bylaw; rain is collected and stored on site and is engineered to leak out into groundwater.
- This is the first RM3 zone on the street and acknowledges it is difficult to be the first.
- Believes design is subject to opinions and that designs are changing.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Donn

R407/18/04/17 THAT Council authorizes the issuance of Development Permit No. DP17-0259 and Development Variance Permit No. DVP17-0260 for Lot 1 District Lot 14, Osoyoos Division Yale District Plan 3785, located at 2630 Bath Street, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

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

Section 13.9.6(b): RM3 – Low Density Multiple Housing Development Regulations

To vary the required maximum building site coverage from 50 % permitted to 53.7 % proposed.

Section 13.9.6(b): RM3 – Low Density Multiple Housing Development Regulations

To vary the required maximum site coverage of buildings, driveways and parking areas from 60 % permitted to 65.3 % proposed.

Section 13.9.6(e): RM3 – Low Density Multiple Housing Development Regulations

To vary the required minimum side yard from 4.0 m permitted to 2.79 m proposed.

AND FURTHER THAT this Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

7.6 Wyndham Cr 129, DP17-0262 & DVP17-0263 - 1125532 BC Ltd., INC.NO. BC1125532

Councillor Stack declared a conflict of interest as his employer is in the notification area and departed the meeting at 9:20 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

The City Clerk advised that no correspondence was received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Garry Dombrowsky, Applicant Agent

- Confirmed that the number of units from previous application has increased by four but were required in order to support the project.
- Provided an overview of the landscape plan and common space area.
- Responded to questions from Council.

Gallery:

Jackie St. Georges, Wyndham Crescent

- Raised concern with density based on the size of the building on this lot.
- The neighborhood around this building is single detached homes and townhomes; this building is not in keeping with the neighbourhood.
- Raised concern with increased traffic and inquired why the entrance to this development is not from Union Road.
- Wyndham Street is highly used by children due to the school being so near and raised concerns for children's safety.

- Suggested the City consider adding speed bumps on Wyndham Street as there are only 12 homes on this street and now considering adding 54 units.
- Raised concerns with construction traffic and parking.
- Believes this proposal lacks creativity and design.

Patrick Cook, Wyndham Crescent

- Believes the development is fairly attractive but uncertain why entrance couldn't be off of Union Road.
- Raised concerns with increased traffic and children's safety.
- Believes the development should have sufficient parking on site so on street parking isn't affected.
- Would like to see less units and more parking.
- Believes this development cannot be looked at in isolation of the new townhomes being developed.

Garry Dombrowsky, Applicant Agent

- Have been working on this project for 12 years and the zoning has been approved; uncertain why there is a concern with density when everyone knew what was being built.
- Empathize with the neighbour's concerns with more units but are within the FAR.
- There were no options to have the entrance off of Union Road.
- Confirmed a letter of support was received by the new townhomes that are being built next to this development.

Staff:

- Confirmed that access is controlled by the Subdivision Bylaw; Union is a major collector road, so access is prohibited. Access from local roads is a requirement across the City.
- Confirmed that speed bumps to mitigate traffic can be requested through the City's Traffic Department for traffic calming.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Given

R408/18/04/17 THAT Council authorizes the issuance of Development Permit No. DP17-0262 for Lot 26 Section 4 Township 23 ODYD Plan KAP51847, located at 129 Wyndham Crescent, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0263 for Lot 26 Section 4 Township 23 ODYD Plan KAP51847, located at 129 Wyndham Crescent, Kelowna, BC;

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

Section 13.11.6(e): RM5 – Medium Density Multiple Housing Development Regulations

To vary the required minimum side yard for portions of a building over 2 ½ storeys from 7.0 m permitted to 4.5 m proposed;

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated December 4, 2017;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Applications in order for the permits to be issued;

AND FURTHER THAT this Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

Councillor Stack rejoined the meeting at 9:51 p.m.

7.7 Bernard 809 DVP17-0298 - Sandy Point Development Corp

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence was received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

The Applicant was present and available for questions.

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor DeHart

R409/18/04/17 THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0298 for Lot 21 Block 15 District Lot 138 ODYD Plan 262 located at 809 Bernard Avenue, Kelowna, BC, to allow the construction of a carriage house subject to the following:

The dimensions and siting of the buildings to be constructed on the land be in accordance with Schedule "A";

The elevations of the single family dwelling 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 9.5b.1 (i): Carriage House Regulations

To vary the side yard setback from 1.5m required to 0.5m proposed.

Section 9.5b.1 (j): Carriage House Regulations

To vary the rear yard setback from 0.9m required to 0.3m 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.

Carried

7.8 Dubbin Rd 2510, DVP18-0035 - David and Linda Ross

Councillor Singh declared a conflict of interest as she resides in the region and departed the meeting at 9:54 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letters of Opposition and Concern:

Andy Chouinard, Dubbin Road (3 submissions)
Debbie Chouinard, Dubbin Road

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Birte Decloux, Urban Options Planning & Permits

- The land owner is present this evening.
- Displayed a PowerPoint Presentation, re: 2510 Dubbin Road
- Clarified that this addition will not be a suite or carriage suite and willing to register a covenant on the property.
- Seeking a variance for the height of the garage addition and permission for second driveway access for the garage.
- There are no plans to park on the driveway, it is only an access to the garage
- Timeline of work was questioned; committed to move forward quickly if this is approved.
- Spoke to neighbours concerns with slope stabilization and noted that in order for foundation and footings to work from an engineer perspective it has to have many layers of cement and that is the reason there are 3 storeys.
- Provided an orientation of how the property interacts with the neighbor and they are not within riparian area.
- Confirmed that the existing retaining wall was engineered and constructed with City staff approval.
- Noted an error in the notice that was provided by the Applicant to the neighbours and the City that incorrectly stated the site variance location.
- Believes this is the best location for the garage.

Gallery:

Andrew Chouinard, Dubbin Road

- Raised concerns that the location of this proposed garage will negatively impact his site lines and will be looking at a huge blank wall at his front entrance.
- The driveway will block their view when having coffee on their deck.
- Raised concern that the retaining wall crosses the road access.
- Raised concerns that the entrance to this proposed garage will only be 6 feet from his driveway and believes it's an accident waiting to happen.
- Commented that the garage will be where the septic field is located and questioned whether there really is a septic field.
- Biggest concern is the size of the building and where it is constructed as it will completely hinder their view to the south; the view will be lost.

Staff:

- Garage access and driveway need to meet City engineer requirements; the City's staff engineering objective is public safety with a focus on public streets.
- Confirmed that Interior Health regulates and controls septic fields.
- Confirmed no landscaping is required with this application.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Given

R410/18/04/17 THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0035 for That Part of Lot 2 Section 20 Township 23 ODYD Plan 3252 Lying North West of Road Shown on Said Plan, located at 2510 Dubbin Road, Kelowna, BC;

AND THAT variances to the following sections of Subdivision, Development & Servicing Bylaw No. 7900 be granted:

Section 4.6: Curb and Gutter, Sidewalk and Bike Lanes Design Standards

To vary the driveway access to a residential property from one (1) driveway per road frontage allowed to two (2) driveways per road frontage proposed.

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

Section 12.3.6(b): RR3 – Rural Residential 3 Development Regulations

To vary the maximum height from 9.5 m or 2 ½ storey permitted to 11.77 m and 3 storeys 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.

Carried

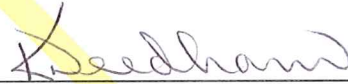
8. Reminders – Nil.

9. Termination

The meeting was declared terminated at 10:27 p.m.

Mayor Basran

/acm



Deputy City Clerk

CITY OF KELOWNA
BYLAW NO. 11590
Z17-0073 – 343 Christleton Avenue

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 2, District Lot 14, ODYD, Plan 6701 located on Christleton Avenue, 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 9th day of April, 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

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11591
Z17-0116 - 1371 Bernard Avenue

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 7, District Lot 137, ODYD, Plan 7936 located on Bernard Avenue, 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 9th day of April, 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

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11594
Z18-0023 – 150 Portview Avenue

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 A, Section 5, Township 23, ODYD, Plan KAP46777 located on Portview Avenue, Kelowna, B.C., from the RU2 – Medium Lot Housing zone to the RU2c – Medium 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 9th day of April, 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

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11595

Official Community Plan Amendment No. OCP18-0002 1044 Cawston Avenue

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 Lot 2, District Lot 138, ODYD, Plan 3857 located on Cawston Avenue, Kelowna, B.C., from the SIH - Sensitive Infill Housing designation to the MRM - Multiple Housing Residential (Medium 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 9th day of April, 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

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11596
Z18-0008
1044, 1052 & 1074 Cawston Avenue

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 1 & 2, District Lot 138, ODYD, Plan 4315 located on Cawston Avenue, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone.
2. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, District Lot 138, ODYD, Plan 3857 located on Cawston Avenue, Kelowna, B.C., from the RU7 – Infill Housing zone to the RM5 – Medium Density Multiple Housing zone.
3. 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 9th day of April, 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

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11597

Z18-0001 – 280 Hartman Road and 940 Maygard Road

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 26, TWP 26, ODYD, Plan 22455 located on Hartman Rd, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU6 – Two Dwelling Housing zone.
2. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, Section 26, TWP 26, ODYD, Plan 22455 located on Maygard Rd, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU6 – Two Dwelling Housing zone.
3. 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 9th day of April, 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

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11598

Discharge of Land Use Contract

LUC77-1015 (N56848)

144 Old Vernon Road

WHEREAS a land use (the "Land Use Contract") is registered at the Kamloops Land Title Office under number N56848 against lands in the City of Kelowna particularly known and described as Lot A (X26413) Section 2 Township 23 ODYD Plan 7301 (the "Lands"), located at Old Vernon Road, Kelowna, B.C.;

WHEREAS Section 546 of the *Local Government Act* provides that a land use contract that is registered in a Land Title Office may be discharged in the manner specified in the Land Use Contract, by bylaw following a public hearing on the proposed bylaw;

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

1. This Bylaw may be cited for all purposes as "Land Use Contract LUC77-1015 Discharge Bylaw".
2. The Land Use Contract is hereby cancelled and of no further force and effect and the City of Kelowna is hereby authorized and empowered to apply for the discharge of the Land Use Contract from the Lands.

Read a first time by the Municipal Council this 16th day of April, 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

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11599

LUCT17-0003

Early Termination of Land Use Contracts

LUC77-1015 and LUC77-1082

155-165 Old Vernon Road

2155-2165 Rutland Court

WHEREAS a land use contract (the "Land Use Contract LUC77-1015") is registered at the Kamloops Land Title Office under the charge number N56848 and X60510 against lands in the City of Kelowna particularly known and described as in Schedule "A" attached (the "Lands"), located at Old Vernon Road, Kelowna, B.C.;

AND WHEREAS a land use contract (the "Land Use Contract LUC77-1082") is registered at the Kamloops Land Title Office under the charge number N57915 against lands in the City of Kelowna particularly known and described as in Schedule "B" attached (the "Lands"), located at Rutland Court, Kelowna, B.C.;

AND WHEREAS Section 548 of the *Local Government Act* provides that a local government may impose an early termination to land use contracts registered in a Land Title Office that applies to land within the jurisdiction of the local government;

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

1. This Bylaw may be cited for all purposes as "Early Termination of Land Use Contract LUCT17-0003 Bylaw";
2. Land Use Contracts LUC77-1015 and LUC77-1082 is hereby terminated as of the date of adoption; and
3. This bylaw will come into force and effect one year after the adoption date.

Read a first time by the Municipal Council this 16th day of April, 2018.

Considered at a Public Hearing this

Read a second and third time by Municipal Council on the

Adopted by the Municipal Council this

Mayor

City Clerk

Schedule A: LUC77-1015

No.	Legal Description	Address	Parcel Identifier Number	Charge Number	Land Use Contract	Underlying Zone
1	Lot 1 Section 35 Township 26 ODYD Plan EPP60557	155-165 Old Vernon Road	029-851-343	N56848 & X60510	LUC77-1015	C2 – Neighbourhood Commercial Zone

Schedule B: LUC77-1082

No.	Legal Description	Address	Parcel Identifier Number	Charge Number	Land Use Contract	Underlying Zone
1	Lot 1 Section 35 Township 26 ODYD Plan 9018	2155-2165 Rutland Court	009-757-481	N57915	LUC77-1082	C2 – Neighbourhood Commercial Zone

CITY OF KELOWNA

BYLAW NO. 11600

Z18-0005 - 155-165 Old Vernon Road and 2155-2165 Rutland Court

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 35 Township 26 ODYD Plan EPP60557 located on Old Vernon Road, Kelowna, B.C., from the C2 – Neighbourhood Commercial Zone to the C10- Service Commercial Zone;
2. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1 Section 35 Township 26 ODYD Plan 9018 located on Rutland Court, Kelowna, B.C., from the C2 – Neighbourhood Commercial Zone to the C10- Service Commercial Zone;
- 3.
4. 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 16th day of April, 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

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: 1 May 2018

RIM No. 0940-50

To: City Manager

From: Community Planning Department (BBC)

Application: DVP17-0285

Owner: William Bonn

Address: 1109 Churchill Road

Applicant: William Bonn

Subject: Development Variance Permit

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0285 for Lot 25, Section 30, Township 26, Osoyoos Division, Yale District, Plan 27662, located at 1109 Churchill Road, Kelowna, BC to allow the construction of a new single family dwelling;

AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted, as shown in Schedule "A":

Section 13.1.6(d): RU1 – Large Lot Housing Development Regulations

To vary the required minimum flanking street setback to a garage or carport which is accessed from that street from 6.0 m permitted to existing 4.5 m proposed.

AND THAT variances to the following section of Subdivision, Development and Servicing Bylaw No. 7900 be granted, as shown in Attachment "A":

Schedule 4.6 - Curb and Gutter, Sidewalks and Bike Lanes

To vary residential driveway access maximum width of 6.0m permitted to existing 10.0m proposed.

AND THAT the applicant be required to complete the requirements of Attachment "A" as attached to the Report from Development Engineering dated January 19, 2018;

AND THAT Council's consideration of this Development Variance Permit be considered subsequent to the completion of following conditions:

1. The applicant to decommission the existing secondary driveway access to the subject property located at the intersection of Mount Royal Drive and Churchill Road;

2. The applicant to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of \$2,000 for rehabilitation and landscaping following decommissioning of the secondary driveway;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Variance Permit Application in order for the permits to be issued;

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To vary the maximum flanking street (Churchill Road) setback to garage access from 6.0 m permitted to 4.5 m proposed, and to vary the maximum driveway access width from 6.0 m permitted to 10.0 m proposed.

3.0 Community Planning

Staff support the requested variances to retain the existing flanking street setback to the garage at 4.5m, and to retain the existing driveway width at 10.0m. Churchill Road, where the driveway is located, is a short low volume local street at 120m in length with only one other neighbouring property taking access. While staff do prefer to see new development be in accordance with the Zoning Bylaw, the wider, shorter driveway should have minimal neighbourhood impact. In addition, the removal of the second driveway at the corner of Churchill Road and Mount Royal will be a safety benefit to the operations of the intersection.

To fulfill the requirements of Council Policy No. 367, the applicant submitted a neighbour consultation summary form on January 27, 2018 outlining that neighbours within 50 m of the subject property were notified.

4.0 Proposal

4.1 Background

The subject property currently contains a single family dwelling with an attached garage. The applicant proposes to demolish the existing dwelling and construct a new, 1½ storey single family dwelling with finished basement and attached garage on the subject property.

4.2 Project Description

The subject property is located at the corner of Mount Royal Drive and Churchill Road, and is currently accessed via two driveways; the main driveway access is from Churchill Road, and a secondary driveway access is from the intersection of Mount Royal Drive and Churchill Road. As stated in Subdivision, Development and Servicing Bylaw No. 7900, Schedule 4.6, each property shall only have one access per road frontage. As such, the applicant has agreed to decommission the existing secondary driveway access to the subject property, additionally rehabilitate the area with additional landscaping.

4.3 Site Context

The subject property is located on Churchill Road at the corner of Mount Royal Road. The main access is off Churchill Road.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Residential
East	RU1 - Large Lot Housing	Residential
South	RU1 - Large Lot Housing	Residential
West	RU1 - Large Lot Housing	Residential

Subject Property Map: 1109 Churchill Road



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU ₁ ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550 m ²	1,516 m ²
Lot Width	17.0 m	Variable; minimum 15.24 m
Lot Depth	30.0 m	55.52 m
Development Regulations		
Maximum Site Coverage	40 %	22.7 %
Maximum Height	9.5 m / 2 ½ storeys	5.7 m / 1 ½ storeys
Minimum Front Yard	6.0 m	6.0 m

Flanking Side Yard (north)	4.5 m	4.5 m
Side Yard (south)	2.0 m	2.0 m
Minimum Rear Yard	7.5 m	7.5 m
Other Regulations		
Minimum Parking Requirements	2	3
Minimum flanking street setback to a garage or carport	6.0 m	4.5 m ❶
Maximum driveway access width	6.0 m	10.0 m ❷
❶ Indicates a requested variance to vary the required minimum setback to a garage from 6.0m permitted to existing 4.5m proposed. ❷ Indicates a requested variance to vary the maximum driveway access width from 6.0m permitted to existing 10.0m proposed.		

5.0 Technical Comments

5.1 Development Engineering Department

Refer to Attachment A dated January 19, 2018.

5.2 Building & Permitting Department

- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.0 Application Chronology

Date of Application Received: December 4, 2017

Date Public Consultation Completed: January 27, 2018

Supplemental Drawings Received: March 8, 2018

Report prepared by: Barbara B. Crawford, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Draft Development Variance Permit

Attachment A - Development Engineering Services Memos

Schedule A – Site Plan & Conceptual Landscape Plan

Schedule A – Conceptual Elevations

CITY OF KELOWNA


MEMORANDUM

Date: January 19, 2018
File No.: DVP17-0285 Revised
To: Land Use Management (BC)
From: Development Engineering Manager (JK)
Subject: 1109 Churchill Road lot 25 Plan 27662 Setback Variance

Development Engineering has the following comments and requirements associated with this application.

The application for a development Variance Permit for the current driveway setback to be permitted for the proposed new building. This does not compromise any municipal services.

In reviewing on site plans, second driveway exiting to Churchill Rd. and Mt Royal Dr. intersection is to be removed. Existing Driveway on Churchill Rd. is in conflict to City of Kelowna driveway length by-law and is not to be widened any further.



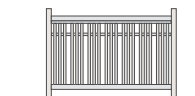
James Kay, P. Eng.
Development Engineering Manager
RO



Legal Description

Lot 25
Plan 27662
KID 203075
PID 004-749-529
1109 Churchill Rd.
Kelowna BC

Zoning RU1



Notes:
These drawings are the Property of MBA Architect and shall not be reproduced without consent of the Architect.
Do not scale drawings. All dimensions must be confirmed on site by the Contractor.
Contractors, Subcontractors and Owner to examine these drawings and report any errors, omissions and discrepancies to the Architect prior to construction.
All construction to conform to most recent Building Code and all local by laws, regulations and codes.

MBA
ARCHITECT

301 MEKLE AVE.
KELOWNA BC V1W 3T8
250-317-0755
mbaarchitect@gmail.com

Project :
Bonn Residence
1109 Churchill
Kelowna, BC

Drawing Title:
SITE PLAN

designed:	Scale:
drawn:	1/8"=1'-0"
checked:	

drawing no.

A2.00r

date:

November 1st, 2017 - revised
Dec. 11, 17 - old driveway added
2nd drive removed and trees added
Feb. 18, 18 driveway/pathway rev.
March 8, 18 - 2.0m sideyard dim.

Site Data

Main Floor Finished Area 3715 sf

Site Area +/- 16,318sf
Site Coverage allowed is 40% with Driveway and Pkg is 50%
Site Coverage is 22.7%
w/ Garage and Driveway & Decks is 6828sf or 41.8%

Min Front Yard	20' or 6.0m
Min Rear Yard	25' or 7.5m
Side Yard	6'6" or 2.0m
Side Yard	14.7' or 4.5m and 4.5m/14'7" to garage

SCHEDULE A

This forms part of application
DVP17-0285

City of Kelowna
COMMUNITY PLANNING

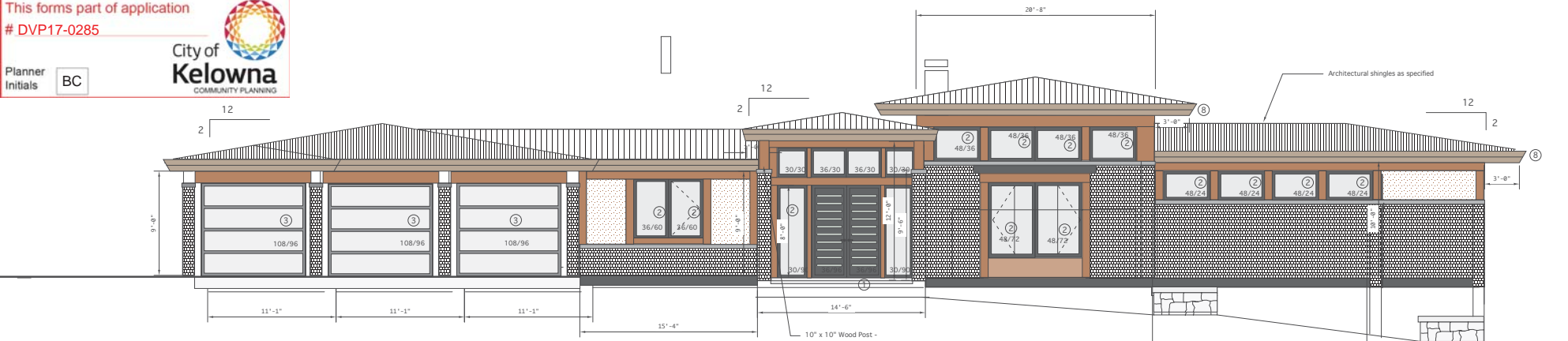
Planner Initials BC

SCHEDULE A

This forms part of application

DVP17-0285

Planner Initials BC

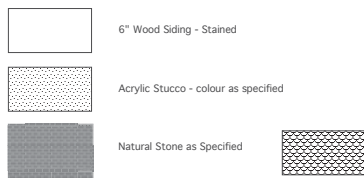


Front (North) Elevation
scale: 1/4" = 1'0"



Side (South/East) Elevation
scale: 1/4" = 1'0"

- ① Wood Entry Door w/ Sidelights and Transom
- ② Metal Clad Windows, Double Pane, Low E, Charcoal colour
- ③ Insulated Aluminum/Glass Overhead Garage Door
- ④ Vinyl Clad Patio Doors - Glazed, charcoal colour
- ⑤ 1x3 x 1/2" Hardie - Door and Window Trim
- ⑥ 10" x 10" Wood Fir Post or Beam - Stained
- ⑦ Alum. Deck Railing - Side Mount w/ Tempered Glass Inserts
- ⑧ 2" x 6" Fascia on top of 12" Fascia Board - Painted
- ⑨ Longboard Soffit - Table Walnut



Notes:
These drawings are the Property of MBA Architect and shall not be reproduced without consent of the Architect.
On site scale drawings: All dimensions must be confirmed on site by the Contractor.
Contractors, Subcontractors and Owner to examine these drawings and report any errors, omissions and discrepancies to the Architect prior to construction.
All construction to conform to most recent Building Code and all local by laws, regulations and Codes.

MBA
ARCHITECT

301 MEKLE AVE.
KELOWNA • BC • V1Y 3T8
250.431.7407/55
bmbacon@gmail.com

Project :
Bonn Residence
1109 Churchill
Kelowna, BC

Drawing Title:
ELEVATIONS

designed:	Scale:
drawn:	1/4"=1'-0"
checked:	

drawing no.

A5.00

date:

November 1, 2017 - revised
March 1, 2018 - revised

Development Variance Permit DVP17-0285



This Permit relates to land in the City of Kelowna municipally known as

1109 Churchill Road, Kelowna, BC

and legally known as

Lot 25, Section 30, Township 26, Osoyoos Division, Yale District, Plan 27662

and permits the land to be used for the following development:

1 ½ storey single family dwelling use

and permits the land to be used for the following development:

AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted, as shown in Schedule "A":

Section 13.1.6(d): RU1 – Large Lot Housing Development Regulations

To vary the required minimum flanking street setback to a garage or carport which is accessed from that street from 6.0 m permitted to existing 4.5 m proposed.

AND THAT variances to the following section of Subdivision, Development and Servicing Bylaw No. 7900 be granted, as shown in Attachment "A":

Schedule 4.6 - Curb and Gutter, Sidewalks and Bike Lanes

To vary residential driveway access maximum width of 6.0m permitted to existing 10.0m proposed.

AND THAT the applicant be required to complete the requirements of Attachment "A" as attached to the Report from Development Engineering dated January 19, 2018;

AND THAT Council's consideration of this Development Variance Permit be considered subsequent to the completion of following conditions:

1. The applicant to decommission the existing secondary driveway access to the subject property located at the intersection of Mount Royal Drive and Churchill Road;
2. The applicant to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of \$2,000 for rehabilitation and landscaping following decommissioning of the secondary driveway;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Variance Permit Application in order for the permits to be issued;

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.

Date of Decision: **TBD**

Decision By: CITY COUNCIL

Issued Date: **TBD**

This permit will not be valid if development has not commenced by XXXXXX.

Existing Zone: RU1 – Large Lot Housing

Future Land Use Designation: S2RES – Single / Two Unit Residential

This is NOT a Building Permit.

In addition to your Permit, a Building Permit may be required prior to any work commencing. For further information, contact the City of Kelowna, Development Services Branch.

NOTICE

This Permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Owner: William Bonn

Applicant: William Bonn

Ryan Smith
Community Planning Department Manager
Community Planning & Strategic Investments

Date

1. 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.

2. CONDITIONS OF APPROVAL

- a) The applicant to decommission the existing secondary driveway access to the subject property located at the intersection of Mount Royal Drive and Churchill Road;
- b) The applicant to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of \$2,000 for rehabilitation and landscaping following decommissioning of the secondary driveway.

This Permit is valid for two (2) years from the date of XXXXXXXX approval, with no opportunity to extend.

3. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property own of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

- a) A Certified Cheque in the amount of \$2,000 OR
- b) An Irrevocable Letter of Credit in the amount of \$2,000

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

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.

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.

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