

**City of Kelowna
Regular Council Meeting
AGENDA**



Tuesday, February 16, 2016
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 Stack.
3. **Confirmation of Minutes** 1 - 15
Public Hearing - February 2, 2016
Regular Meeting- February 2, 2016
4. **Bylaws Considered at Public Hearing**
 - 4.1 **565 Coronation Avenue, BL11184 (Z15-0025) - Christian Lee Bond** 16 - 16
To give Bylaw No. 11184 second and third readings in order to rezone the subject property to facilitate the development of a carriage house.
 - 4.2 **2075 KLO Road, BL11188 (TA15-0010) - Amendment to Section 11 - Agricultural Zone** 17 - 17
To give Bylaw No. 11188 second and third readings in order to amend Section 11 of City of Kelowna Zoning Bylaw No. 8000 in order to allow the construction of 10 agri-tourist accommodations on the subject property.
 - 4.3 **2075 KLO Road, BL11189 (Z15-0045) - Eva Linttell** 18 - 18
To give Bylaw No. 11189 second and third readings in order to rezone the subject property to facilitate agri-tourist accommodations.
 - 4.4 **1889 Spall Road, BL11190 (OCP15-0001) - Simple Pursuits Inc.** 19 - 19
Requires a majority of all members of Council (5).
To give Bylaw No. 11190 second and third readings in order to change the Future Land Use Designation of the subject property to alter the potential tenant mix for an existing commercial building.

- 4.5 1889 Spall Road, BL11191 (Z15-0002) - Simple Pursuits Inc. 20 - 20**
- To give Bylaw No. 11191 second and third readings in order to rezone the subject property to alter the potential tenant mix for an existing commercial building.
- 4.6 BL11192 (TA15-0015) - Amendment to Section 13 - Urban Residential Zones - 13.6 RU6 - Two Dwelling Housing Zone 21 - 25**
- To give Bylaw No. 11192 second and third readings in order to amend Section 13.6 of City of Kelowna Zoning Bylaw No. 8000.
- 4.7 145 Dougall Road, BL11193 (Z15-0052) - Narish Kathpal 26 - 26**
- To give Bylaw No. 11193 second and third readings in order to rezone the subject property to facilitate the construction of a carwash.
- 4.8 1035 Hollywood Road South, BL11194 (OCP15-0014) - Seventh-Day Adventist Church (BC Conference)**
- WITHDRAWN BY APPLICANT**
- 4.9 1035 Hollywood Road South, BL11195 (Z15-0043) - Seventh-Day Adventist Church (BC Conference)**
- WITHDRAWN BY APPLICANT**
- 4.10 619 McClure Road, BL11196 (Z15-0061) - Folio Building Group Inc. 27 - 27**
- To give Bylaw No. 11196 second and third readings in order to rezone the subject property to facilitate a subdivision of the parcel into two lots.
- 4.11 665 Harmony Court, BL11197 (Z15-0035) - John Keith & Nicolette Keith 28 - 28**
- To give Bylaw No. 11197 second and third readings in order to rezone the subject property to facilitate the development of a carriage house.
- 4.12 5008 South Ridge Drive, BL11198 (Z15-0064) - Emil Anderson Construction Co. Ltd. 29 - 29**
- To give Bylaw No. 11198 second and third readings in order to rezone the subject property to allow additional commercial uses.
- 4.13 1170 Highway 33 W, BL11199 (Z15-0041) - Kneller Holdings Ltd. 30 - 31**
- To give Bylaw No. 11199 second and third readings in order to rezone the subject property to allow for a 78-unit multiple family residential project.

5. Reminders

6. Termination



City of Kelowna Public Hearing Minutes

Date: Tuesday, February 2, 2016
 Location: Council Chamber
 City Hall, 1435 Water Street

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

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; and Legislative Systems Coordinator, Sandi Horning

(* denotes partial attendance)

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.

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 January 19, 2016 and by being placed in the Kelowna Capital News issues on January 22 and January 27, 2016 and by sending out or otherwise delivering 65 statutory notices to the owners and occupiers of surrounding properties, and 1229 informational notices to residents in the same postal delivery route, between January 19 and 22, 2016.

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

3.1 160 Gibbs Road West, BL11183 (Z15-0055) - Lance Johnson & Tracey Skulmoski

Staff:

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

The City Clerk advised that no correspondence or petitions had been received.

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

Paul Schuster, Novation Design Studio, Applicant's Representative:

- Displayed photographs of the subject property.
- Provided the rationale for the variance.
- Displayed sketches of the proposed development.
- Advised that the property owner will be living in the carriage house and renting out the principle dwelling.

Gallery:

Janice Wheeler, Gibbs Road West

- Asked questions regarding the sequencing of the application and construction.
- Stated that there is a business operating from the subject property.
- Raised concerns with traffic noise and congestion.

Staff:

- Spoke to the process for approving carriage house applications.
- Confirmed that the accessory building was constructed with the necessary permits and met the Building Code Regulations at the time of construction.
- Responded to questions from Council.

Paul Schuster, Novation Design Studio, Applicant's Representative:

- Responded to the questions raised by the intervener.
- To the best of his knowledge, there are no businesses being operated out of the home on the subject property.
- Responded to questions from Council.

Janice Wheeler, Gibbs Road West

- Believes that there are actually three (3) structures on the site.

There were no further comments.

3.2 150 Homer Road, BL11186 (OCP15-0004) & BL11187 (Z15-0018) - The BC Muslim Association

Staff:

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

The City Clerk advised that no correspondence or petitions had been received.

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

Steve Shoranick, MKS Resources, Applicant's Representative:

- Spoke to the various aspects of the application including parking and traffic.
- Advised that there is a verbal agreement with the Seventh Day Adventist Church to use their property for any overflow parking.
- Noted that the congregation holds services on Friday afternoons.
- Confirmed that The BC Muslim Association has been working with City staff and Ministry of Transportation & Infrastructure staff over the past few years with respect to access and parking requirements.
- Advised that the The BC Muslim Association is working very hard to find a site on the same side of Highway 33 to use as parking and the Association is fully aware of the parking concerns in the area.
- Advised that big events and/or functions generally take place off-site.
- Responded to questions from Council.
- If necessary, The BC Muslim Association will demolish the current house on the site to accommodate the parking requirements.

Gallery:

Cliff Craske, Homer Road

- Spoke to a covenant on the subject property that restricts use.
- Expressed concerns with respect to the proximity of this site to his driveway and different elevations (slopes) between his property and the subject property.
- Inquired if there will be buffering along this property and whether or not there will be any traffic calming devices installed.
- Responded to questions from Council.

Steve Shoranick, MKS Resources, Applicant's Representative:

- Will work with the neighbour to address any buffering and driveway concerns.
- Responded to questions from Council.
- Confirmed that the parking area will be constructed using engineering drawings.

Staff:

- Responded to questions from Council regarding other zoned properties in the area.
- Advised that the City's records show little or no parking complaints for Homer Road.
- Spoke to the landscaping and buffering requirements as a result of the rezoning.

There were no further comments.

4. Termination

The Hearing was declared terminated at 7:04 p.m.

Mayor

/slh



City Clerk

DRAFT



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, February 2, 2016
Location: Council Chamber
City Hall, 1435 Water Street

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

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton, Divisional Director, Community Planning & Real Estate, Doug Gilchrist*; Legislative Systems Coordinator, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:13 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Singh.

3. Confirmation of Minutes

Moved By Councillor DeHart/Seconded By Councillor Gray

R086/16/02/02 THAT the Minutes of the Public Hearing and Regular Meeting of January 19, 2016 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

- 4.1 160 Gibbs Road West, BL11183 (Z15-0055) - Lance Johnson & Tracey Skulmoski**

Moved By Councillor Gray/Seconded By Councillor Hodge

R087/16/02/02 THAT Bylaw No. 11183 be read a second and third time.

Carried

- 4.2 150 Homer Road, BL11186 (OCP15-0004) - The BC Muslim Association**

Moved By Councillor Hodge/Seconded By Councillor Gray

R088/16/02/02 THAT Bylaw No. 11186 be read a second and third time.

Carried

- 4.3 150 Homer Road, BL11187 (Z15-0018) - The BC Muslim Association**

Moved By Councillor Given/Seconded By Councillor Donn

R089/16/02/02 THAT Bylaw No. 11187 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 delivering 150 statutory notices to the owners and occupiers of surrounding properties, and 2666 informational notices to residents in the same postal delivery route, between January 19 and 22, 2016.

Notice of these amendments to Liquor Primary Licences were advertised by being posted on the Notice Board at City Hall on January 19, 2016, and by being placed in the Kelowna Capital News issues on January 22 and 27, 2016 and by sending out or otherwise delivering 15 statutory notices to the owners and occupiers of surrounding properties, and 508 informational notices to residents in the same postal delivery route, between January 19 and 22, 2016.

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

- 6.1 275 Leon Avenue, LL15-0023 - 1568447 Alberta Ltd.**

Staff:

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

The City Clerk advised that the following correspondence and/or petitions had been received:

Letters of Opposition:

- Karen Bylsma, Water Street
- Melanie Humphreys, Rosemead
- Jessi Neuhauser, Water Street

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

Carly Wilson, Owner, The Level Night Club, Applicant's Representative:

- Provided the rationale for the increase in capacity, including the patio area, as well as the change in hours of operation.
- Advised that the request for the change in hours of operation is event-driven.
- Responded to questions from Council.

Burt Hick, Rising Tide Consultants, Applicant's Representative:

- Provided further rationale for the application before Council.
- Displayed a copy of the floor plan for the site and indicated the location of the patio.
- Responded to questions from Council.
- Confirmed that the patio is part of the overall capacity of the nightclub.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Donn

R090/16/02/02 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 No. 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from The Level Night Club for a liquor primary license agreement for Lot 1, DL139, ODYD, Plan 32713, located at 275 Leon Avenue, Kelowna, BC for changes to the licensed hours of sales from the current 7:00 pm to 2:00 am seven (7) days a week to the proposed 11:00 am to 2:00 am seven (7) days a week for the following reasons:
2. Council's comments on LCLB's prescribed considerations are as follows:
Criteria for license amendment:
 - a) The potential for noise if the application is approved:
There is a potential for negative impacts to public safety and policing costs.
 - b) The impact on the community if the application is approved:
There is a potential for negative community impacts and policing costs.
3. Council's comments on the views of the residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather view of residents were as per Council Policy No. 359 "Liquor Licensing Policy and Procedures."

Carried

Moved By Councillor Hodge/Seconded By Councillor Singh

R091/16/02/02 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 No. 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from The Level Night Club for a liquor primary license agreement for Lot 1, DL139, ODYD, Plan 32713, located at 275 Leon Avenue, Kelowna, BC for an extension of the current occupant load of 464 persons to include the existing patio area for the following reasons:
2. Council's comments on LCLB's prescribed considerations are as follows:
Criteria for license amendment:
 - a) The potential for noise if the application is approved:
There is a potential for negative impacts to public safety and policing costs.
 - b) The impact on the community if the application is approved:
There is a potential for negative community impacts and policing costs.
3. Council's comments on the views of the residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather view of residents were as per Council Policy No. 359 "Liquor Licensing Policy and Procedures."

Carried

Moved By Councillor Hodge/Seconded By Councillor Stack

R092/16/02/02 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 No. 359, BE IT RESOLVED THAT:

1. Council recommends support of application from The Level Night Club for a liquor primary license agreement for Lot 1, DL139, ODYD, Plan 32713, located at 275 Leon Avenue, Kelowna, BC for a change in capacity from the current occupant load of 464 persons to the proposed 500 persons for the following reasons:
2. Council's comments on LCLB's prescribed considerations are as follows:
Criteria for license amendment:
 - a) The potential for noise if the application is approved:
There is a potential for negative impacts to public safety and policing costs.
 - b) The impact on the community if the application is approved:
There is a potential for negative community impacts and policing costs.
3. Council's comments on the views of the residents are as contained within the minutes of the meeting at which the application was considered by Council.

The methods used to gather view of residents were as per Council Policy No. 359 "Liquor Licensing Policy and Procedures."

Defeated
Councillors DeHart, Given, Gray, Singh & Stack - Opposed.

7. Development Permit and Development Variance Permit Reports

7.1 125 Dundas Road & 815 Highway 33 W, BL11165 (Z15-0046) - Unico One Developments Ltd.

Moved By Councillor Sieben/Seconded By Councillor Singh

R093/16/02/02 THAT Bylaw No. 11165 be amended at third reading by deleting the legal description that reads "Lot A, Section 22, Township 26, ODYD, Plan 19344 except Plan 39372" and replacing it with a new legal description "Lot 1, Section 22, Township 26, ODYD, Plan EPP51775.

Carried

Moved By Councillor Sieben/Seconded By Councillor Singh

R094/16/02/02 THAT Bylaw No. 11165 be adopted as amended.

Carried

7.2 125 Dundas Road, DP15-0197 & DVP15-0198 - Unico One Developments Ltd.

Staff:

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

The City Clerk advised that the following correspondence and/or petitions had been received:

Letters of Opposition:

- Lynda Reis, Cupar Road
- Michael Du Mont, for Strata Plan KAS3297, Barber Road
- Jillian Cornock, Houghton Road
- Don and Betty-Anne Cornock, Dundee Road
- Indrajith & Jacqueline de Silva, Barber Road
- Jackie Wynsouw, Barber Road

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

David Hallonquist, Unico One Developments Ltd., Applicant's Representative:

- Displayed a PowerPoint presentation summarizing the proposed development and the requested variances.
- Advised that the proposal is focused on purpose-built student housing.
- Responded to questions from Council.

Dave Cullen, CTQ Consulting, Applicant's Representative:

- Spoke to the potential for an additional crosswalk on Highway 33.
- Responded to questions from Council.

Gallery:

Brenda Lawrence, Barber Road

- Raised concerns over proximity of the development to her strata property.
- Raised a concern with noise.
- Raised a concern with the parking variance.
- Expressed a concern that the students will jaywalk and not use the crosswalk at Hollywood Road.

Tara Longfellow, Chilliwack, BC

- Owns a nearby property that is currently rented by her son and friends of her son that are attending UBC-O.
- Raised a concern with the parking variance.
- Raised concerns with the setback variances and the impacts on privacy and noise.
- Raised concerns with pedestrian safety.

Stephen Morneault, Dundas Road

- Opposed to the variances.
- Raised concerns with noise and the parking variance.
- Expressed a concern with the congestion on Highway 33.

David Hallonquist, Unico One Developments Ltd., Applicant's Representative:

- Responded to the concerns raised by the interveners.
- Will be erecting a landscape buffer to alleviate any noise or privacy concerns.
- Confirmed that there will be no balconies on the building.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Stack

R095/16/02/02 THAT Final Adoption of Zoning Amending Bylaw No. 11165 be considered by Council;

AND THAT Council authorize the issuance of Development Permit DP15-0197 for Lot 1, Section 22, Township 26, ODYD, Plan EPP51775, located on 125 Dundas Road, Kelowna, BC, subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land to be in general accordance with Schedule "C";
4. That 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 professional landscaper;

AND THAT Council authorizes the issuance of Development Variance Permit DVP15-0198 for Lot 1, Section 22, Township 26, ODYD, Plan EPP51775, located on 125 Dundas Road, Kelowna, BC.

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

Section 13.11.6 Development Regulations

To vary the maximum site coverage from 40% permitted to 43.05% proposed in sub-paragraph (b);

To vary the side yard setback from 7.0m permitted to 5.2m proposed in sub-paragraph (e); and

To vary the rear yard setback from 9.0m permitted to 7.1m proposed in sub-paragraph (f)

Section 8.1.11 (b) Size and Ratio

To increase the maximum percentage of small sized parking stalls from 10% permitted to 18.5% proposed.

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

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

Carried
Councillor Hodge - Opposed.

Moved By Councillor Donn/Seconded By Councillor Sieben

R096/16/02/02 THAT Council directs staff to conduct a workshop on the Payment in Lieu of Parking Bylaw and Policy.

Carried

7.3 732 Highpointe Place, DVP15-0271 - JSI Supply Inc.

Staff:

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

The City Clerk advised that the following correspondence and/or petitions had been received:

Letters of Support:

- Navi Kandola (Bal), Highpointe Place
- Jill Douglas, Stonepointe Court
- Brad and Zozana Pederson, Highpointe Court
- Andrew Brennan, Rockcliffe Place
- Patricia Shevchuk, Highpointe Place
- Scott Linttell, Stonepointe Court
- Tara Sullivan-Woll, Stonepointe Court
- Jim Meiklejohn, Meiklejohn Homes, Edith Gay Road

Letters of Opposition or Concern:

- Garry Lapointe, KeyPointe Group, Rockcliffe Place
- Kelly Cairns, Thomas Butler LLP (on behalf of Greg Ducharme, owner of S.L. 26), Dolphin Avenue

- Norbert and Regina Bernoth, Rockcliffe Place
- Kelli and Greg Ducharme, Highpointe Place
- Pihl Law Corporation (on behalf of Garry and Lisa Lapointe, owner of property on Rockcliffe Place), Ellis Street
- Richard and Shelly Hanson, Tucker Court

Letter of Comment:

- John Hampton, President, Highpointe Strata Council, St. Paul Strett

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

Dave Shevchuk, JSI Supply Inc., Applicant:

- Provided the rationale for the requested variance.
- Spoke to the steep topography of the lot.
- Advised that it will be a 2-storey dwelling on 3 of the sides.

Gallery:

Jim Meiklejohn, Edith Gay Road

- Spoke to the challenges of building in this subdivision.
- Believes that the design is spectacular and beneficial to the neighbourhood.
- The Building Scheme for the subdivision is very strict.

Gary & Lisa Lapointe, Rockcliffe Place

- Expressed a concern for the lack of consideration for the surrounding neighbours.
- Raised a concern that the building does not fit the lot.
- Believes that the height variance is required in order to provide a better view for the owner.
- Believes that this will set a precedent in the neighbourhood.
- Inquired how the height/grade is determined.
- Raised concerns with actual percent of grade and how building is shown in "subject property elevations" drawings. Suggested that the drawings submitted are not accurate.
- Opposed to the variance.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

Norbert & Regina Bernoth, Rockcliffe Place

- Opposed to the height variance.
- The change in height will negatively impact the views of three neighbours.
- Believes that the height variance is requested to improve the owner's view.
- Does not believe that all of the residents were contacted regarding the height variance.
- Does not believe that the slope is as bad as was said.
- Relying on the Building Scheme to protect building height in the subdivision.

Richard Hanson, Owner of Lot 28 Highpointe Place

- Was contacted by the Applicant regarding a patio door rather than a height variance.
- Believes that the only reason for the height variance is so the Applicant can have a better view.
- The height will negatively impact the neighbours.

Dave Shevchuk, JSI Supply Inc., Applicant:

- Responded to concerns raised by the interveners.

Trevor Beatty, Designer, Harrison Court, Applicant's Representative:

- Confirmed that the house is not being lifted for the view.
- Confirmed that the lot grades have not been changed and that the lot was surveyed twice to confirm the grades.
- Explained the topography of the site.
- Provided the rationale for the design of the house.
- Responded to questions from Council.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Donn

R097/16/02/02 THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0271 for Strata Lot 27 Section 30 Township 26 ODYD Strata Plan KAS3162, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V, located at 732 Highpointe Place, Kelowna, BC;

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

Section 13.1.6(b): RU1 - Large Lot Housing Development Regulations
To vary the height of the building from 9.5 m maximum to 12.19 m proposed.

Carried

7.4 3657 Highway 97 N, BL10934 (Z13-0037) - Raul Holdings Ltd.

Moved By Councillor Singh/Seconded By Councillor Stack

R098/16/02/02 THAT Bylaw No. 10934 be adopted.

Carried

7.5 3657 Highway 97 N, DP13-0159 & DVP13-0160 - Raul Holdings Inc.

Staff:

- Displayed a PowerPoint presentation summarizing the application before Council.

The City Clerk advised that no correspondence or petitions had been received.

Mayor Basran invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicant was present, but did not have anything further to add to staff's comments. No one come forward.

Moved By Councillor Given/Seconded By Councillor Gray

R099/16/02/02 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw No. 10934 (Z13-0037, Raul Holdings Inc, 3657 Hwy 97N), be extended from April 15, 2015 to January 19, 2016;

AND THAT final adoption of Zone Amending Bylaw No. 10934 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP13-0159 for Lot A, Section 35, Township 26, ODYD Plan 19674 Except Plan 23587 located on 3657 Hwy 97N, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general 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 professional landscaper;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0160, for Lot A, Section 35, Township 26, ODYD Plan 19674 Except Plan 23587, located on 3657 Hwy 97N, Kelowna, BC;

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

Section 7: 7.6.1 Minimum Landscape Buffers

To vary level 5 landscape buffer against ALR lands required to Level 1 buffer proposed.

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council's approval of the Development Permit and Development Variance Permit Application in order for the permit to be issued.

Carried

8. Reminders

- 8.1 Mayor Basran re: Toronto Animation Arts Festival International - April 22-24, 2016**

Moved By Councillor Donn/Seconded By Councillor Singh

R100/16/02/02 THAT Council authorizes the Mayor to travel to attend the Toronto Animation Arts Festival International from April 22 - 24, 2016, with expenses up to a maximum of \$2,000.00, to be paid in accordance with Council Remuneration and Expense Bylaw No. 7547.

Carried

- 8.2 Mayor Basran re: BC Mayors Caucus Steering Committee Meeting - May 2 & 3, 2016**

Moved By Councillor Hodge/Seconded By Councillor DeHart

R101/16/02/02 THAT Council authorizes the Mayor to travel to Fort St. John to attend the BC Mayors Caucus Steering Committee meeting on May 2 & 3, 2016, with expenses up to a maximum of \$1,500.00, to be paid in accordance with Council Remuneration and Expense Bylaw No. 7547.

Carried

8.3 City Clerk re: FCM Board Meetings in 2018 - Request for Interest in Hosing

Councillor DeHart declared a conflict of interest as she is employed in the hotel/motel industry and left the meeting at 10:44 p.m.

City Clerk:

- Advised that FCM is inquiring whether or not the City of Kelowna would like to host a 2018 FCM Board meeting.
- Advised that the meetings would be held in March or September of 2018 and that there are commitments from the City that will need to be agreed to.
- The deadline to apply for 2018 is February 16, 2016.
- Responded to questions from Council.

Council:

- Agreed that hosting in 2018 is not feasible as 2018 is an election year.

9. Termination

The meeting was declared terminated at 10:48 p.m.

Mayor

/slh



City Clerk

CITY OF KELOWNA
BYLAW NO. 11184
Z15-0025 - Christian Lee Bond
565 Coronation 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 36, District Lot 139, ODYD, Plan 1303, located on Coronation 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 25th day of January, 2015.

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. 11188
TA15-0010 - Amendment to Section 11 - Agricultural Zones

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, **Section 11 - Agricultural Zones, 11.1.8 Other Regulations - Agri-tourist accommodation**, sub-paragraph (e) be amended by adding after the Table the following;

"Table 11.1.8 (e) does not apply to Lot B, District Lot 131, ODYD, Plan 39954 located at 2075 KLO Road, where a maximum of ten (10) agri-tourist accommodation units are permitted."

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 25th day of January, 2016.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11189
Z15-0045 - Eva Linttell
2075 KLO 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 B, District Lot 131, ODYD, Plan 39954 located on KLO Road, Kelowna, B.C., from the A1 - Agriculture 1 zone to the A1t - Agriculture 1 with Agri-tourist Accommodation 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 25th day of January, 2016.

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. 11190

Official Community Plan Amendment No. OCP15-0001 - Simple Pursuits Inc., Inc. No. BC0449611 1889 Spall Road

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 A, District Lot 129, ODYD, Plan 20633, located on Spall Road, Kelowna, B.C., from the SC - Service Commercial designation to the MXR - Mixed Use Residential 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 25th day of January, 2016.

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. 11191
Z15-0002 - Simple Pursuits Inc., Inc. No. BC0449611
1889 Spall 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 A, District Lot 129, ODYD, Plan 20633 located on Spall Road, Kelowna, B.C., from the C10 - Service Commercial zone to the C4 - Urban Center Commercial 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 25th day of January, 2016.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11192
Amendment to Section 13 - Urban Residential Zones -
13.6 RU6 - Two Dwelling Housing

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, **Section 13 - Urban Residential Zones be amended by deleting Section 13.6 RU6 - Two Dwelling Housing/RU6b - Two Dwelling Housing with Boarding or Lodging House/RU6h - Two Dwelling Housing (Hillside Area)** and replacing it with a new **Section 13.6 RU6 - Two Dwelling Housing/RU6b - Two Dwelling Housing with Boarding or Lodging House Zone** as attached to and forming part of this bylaw;
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 25th day of January, 2016.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

13.6 RU6 – Two Dwelling Housing RU6b – Two Dwelling Housing with Boarding or Lodging House

13.6.1 Purpose

The purpose is to provide a **zone** for development of a maximum of two **dwelling** units per lot.

13.6.2 Permitted Uses

The permitted **principal uses** in this **zone** are:

- (a) **agriculture, urban**
- (b) **community garden**
- (c) **single dwelling housing**
- (d) **two dwelling housing**

13.6.3 Secondary Uses

The permitted **secondary uses** in this **zone** are:

- (a) **bed and breakfast homes**
- (b) **boarding or lodging houses (RU6b only)**
- (c) **child care centre, minor**
- (d) **carriage house**
- (e) **group homes, minor**
- (f) **home based businesses, major**
- (g) **home based businesses, minor**
- (h) **secondary suite**

13.6.4 Buildings and Structures Permitted

- (a) **one single detached house** which may contain a **secondary suite**
- (b) **duplex housing***
- (c) **semi-detached housing***
- (d) **two single detached houses** which may not contain **secondary suites***
- (e) permitted **accessory buildings or structures**
- (f) **carriage house**
- (g) Only one secondary dwelling unit is permitted (e.g. secondary suite or carriage house)

NOTE: **Buildings** or **structures** indicated by an (*) are only permitted on **lots** that meet the **subdivision regulations** for **two dwelling housing**.

13.6.5 Subdivision Regulations

- (a) The minimum **lot width** is 13.0 m for single detached housing, except it is 15.0 m for a corner lot.

- (b) The minimum lot width for two dwelling housing is 18.0 m, except it is 20.0 m for a corner lot.
- i. Where a lot with a developed **semi-detached housing** development is being subdivided along a party wall the minimum **lot width** is 9.0 m, except it is 11.0 m for a **corner lot**, and a **party wall** agreement is registered on the titles of both **lots**.
- (c) The minimum lot depth is 30.0 m.
- (d) The minimum lot area is 400 m² for single detached housing, but 440 m² for a corner lot. It is 700 m² for a site, but 800 m² for a corner site, with semi-detached or duplex housing.
- i. Where a lot with a developed semi-detached housing development is being subdivided along a party wall, the minimum lot areas is 400 m², but 440 m² for a corner lot.

13.6.6 Development Regulations

- (a) The maximum site coverage is 40% and together with driveways and parking areas, shall not exceed 50%.
- (b) For all accessory buildings or structures and carriage houses:
- The maximum combined lot coverage of all accessory **buildings** or **structures** and **carriage houses** shall not exceed 14%.
 - The maximum combined area of all accessory **buildings / structures** and **carriage houses** (e.g. footprint size) shall not exceed 90 m².
 - The maximum net floor area of a carriage house shall not exceed 90 m².
 - The maximum net floor area of all carriage houses (including 1 storey carriage houses) shall not exceed 75% of the total net floor area of the principal building.
 - If a development contains a carriage house and if the height of all the accessory buildings / structures, and carriage house are limited to one (1) storey then the following bonus applies:
 - The maximum combined lot coverage of all accessory **buildings /structures** and **carriage houses** may be increased to a maximum of 20%
 - The maximum combined area of all accessory **buildings /structures** and **carriage houses** (e.g. footprint size) may be increased to a maximum of 130 m² subject to:
 - The maximum area (e.g. footprint size) of a carriage house shall not exceed 100 m².
 - The maximum area (e.g. footprint size) of all accessory buildings / structures (including garages) shall not exceed 50m².
- (c) The maximum height for principal buildings is the lesser of 9.5m or 2 ½ storeys.

- (d) The maximum height for accessory buildings / structures is 4.5m.
- (e) The maximum height for carriage houses is 4.8m.
- (f) The minimum site front yard is 4.5 m, except it is 6.0 from a garage or carport.
- (g) The minimum site side yard is 2.0 m for a 1 or 1½ storey portion of a building and 2.3 m for a 2 storey portion of a building, except it is 4.5 m from a flanking street.
 - i. Where there is a garage accessed from the flanking street, it is 6.0m.
 - ii. Where there is no lane abutting the site, one side yard must be a least 3.0m for vehicular access, unless there is an attached garage or carport which is an integral part of the dwelling.
 - iii. **Side yards** are not required for **semi-detached housing** on a **lot line** that has a **party wall**.
- (h) The minimum site rear yard is 7.5 m, except it is 1.5 m for accessory buildings. Where the lot width exceeds the lot depth, the minimum rear yard is 4.5 m provided that one side yard shall have a minimum width of 4.5 m.
- (i) Semi-detached and duplex housing shall provide a minimum area of 30 m² of private open space per dwelling and group homes, minor and boarding or lodging houses shall provide a minimum area of 7.5 m² of private open space per bedroom in addition to the principal dwelling. This may be in required side or rear yards provided the minimum dimension of the space is 4.5 m.
- (j) A site may be developed with a maximum of two single detached housing units where all the requirements for duplex housing have been met. The two single detached housing units must be separated by a minimum distance of 4.5 metres.

13.6.7 Small Lot Semi-Detached Housing Development Regulations

On Lot 16, District Lot 138, ODYD Plan 3707, the Small Lot Semi-Detached Housing Development Regulations apply.

- (a) The maximum site coverage is 50% and together with driveways and parking areas, shall not exceed 60%.
- (b) The maximum **height** is the lesser of 8.3 m or 2 storeys.
- (c) The minimum **front yard** setback is 3.0 m.
- (d) The minimum **side yard** setback is 1.5 m.
- (e) The minimum **rear yard** setback is 7.5 m.

13.6.8 Other Regulations

- (a) A "b" notation shown on Schedule "A" as part of the identified zone classification indicates that a secondary use in the form of a Boarding or Lodging House is

permitted on the properties so designated, subject to meeting the conditions of use of the zone.

- (b) A carriage house must not be closer than 3.0m to an existing principal building.
- (c) All semi-detached and duplex housing shall be designed so there is driveway access for each dwelling.
- (d) Bed and breakfast homes and minor group homes are only permitted in single detached housing.
- (e) Where the site has access to a lane, vehicular access to the site is only permitted from the lane.
- (f) Boarding or lodging houses are only permitted in single detached housing and are limited to a maximum of 10 residents.
- (g) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 6 (accessory development, yards, projections into yards, lighting, stream protection, etc.), the landscaping and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific use regulations of Section 9.

CITY OF KELOWNA
BYLAW NO. 11193
Z15-0052 - Narish Kathpal
145 Dougall 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 4, Section 26, Township 26, ODYD, Plan 9924 located on Dougall Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the C4 - Urban Center Commercial 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 25th day of January, 2016.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11196
Z15-0061 - Folio Building Group Inc., Inc. No. BC1043118
619 McClure 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 A, District Lot 357, SDYD, Plan 13545, located on McClure Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot 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 25th day of January, 2016.

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. 11197
Z15-0035 - John Keith & Nicolette Keith
665 Harmony 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 7, District Lot 357, SDYD, Plan 27103 located on Harmony 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 1st of February, 2016.

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. 11198

**Z15-0064 - Emil Anderson Construction Co. Ltd., Inc. No.
C172775, Gilmar Management Ltd., Inc. No. 143879, Gillen
Investments Inc., Inc. No. 528682
5008 South Ridge Drive**

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 1688S, SDYD, KAP68647 located on South Ridge Drive, Kelowna, B.C., from the C1 - Local Commercial zone to the C2 - Neighbourhood Commercial 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 1st day of February, 2016.

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. 11199
Z15-0041 - Kneller Holdings Ltd., Inc. No. 407551
1170 Hwy 33 W

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 portions of Parcel B (Plan B1566) of Lot 4, Section 26 & 27, Township 26, ODYD, Plan 426 Except Plans 8449, 21711, 24898, KAP58053 and KAP58054 located on Hwy 33 W, Kelowna, B.C., from the RU1 - Large Lot 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 1st day of February, 2016.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

