

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, March 15, 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 DeHart.
3. **Confirmation of Minutes** 1 - 10

Public Hearing - March 1, 2016
Regular Meeting - March 1, 2016
4. **Bylaws Considered at Public Hearing**
 - 4.1 **875 Graham Road, BL11206 (Z15-0063) - Joseph & Cindy Burd** 11 - 12

To give Bylaw No. 11206 second and third readings in order to rezone the subject property to allow for the construction of a Carriage House.
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 **1981 Cross Road, DVP15-0126 - Lorne P. Pearson** 13 - 22

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 consider a Development Variance Permit application to vary the minimum lot depth for three lots in a proposed residential subdivision.
7. **Reminders**
8. **Termination**



City of Kelowna Public Hearing Minutes

Date: Tuesday, March 1, 2016
 Location: Council Chamber
 City Hall, 1435 Water Street

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

Members Absent Councillors Ryan Donn and Gail Given

Staff Present City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Urban Planning Manager, Terry Barton; Community Planning Department Manager, Ryan Smith; Development Services Director, Mo Bayat*; Transportation & Mobility Manager, Moudud Hasan*; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Council Recording Secretary, Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the Hearing to order at 6:04 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 February 16, 2016 and by being placed in the Kelowna Capital News issues on February 19 and 24, 2016 and by sending out or otherwise delivering 118 statutory notices to the owners and occupiers of surrounding properties, and 3440 informational notices to residents in the same postal delivery route, between February 16 and 19, 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 1855 Bennett Road, 1005 Clifton Road N, (E of) Paly Road, BL11159 (OCP14-0018) & BL11160 (Z14-0033) - Lakeside Communities Ltd.

Councillor Singh declared a conflict of interest as she resides on Bennett Road and departed the meeting at 6:09 p.m.

Staff:

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

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

Letters of Opposition or Concern:

Eric Zvaniga, Clifton Rd. S.
Terry Janes, Arthur Court

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

Andrew Bruce, Regional Manager, Melcor Developments Ltd., Applicant

- Clarified that although the OCP is being amended the amendments are minor boundary adjustments.
- Spoke to the rezoning and various phases of the development.
- Spoke to the park commitments and wildfire mitigation work undertaken to date.
- Commented that over the past 5 ½ years the biggest issue with the development has always been the roads.
- Clarified that Clifton Road extension would be built by Melcor Developments at their cost.
- Believes the road connection is 8 to 10 years away.
- Commented that the DCC Program is the best plan to fund Clifton Road improvements.
- Advised that the units are capped at 200 and believes there will be 175 to 185.

Gallery:

Darren Schlamp, Property Manager, Argus Properties Ltd. - Manhattan Drive

- Displayed a PowerPoint Presentation and distributed materials in support of his presentation to Council.
- Raised concern regarding parcel size and buffering between land and roads subject to the application and adjacent agricultural Argus lands.
- Provided proposed amendments to the bylaw.
 - o Option 1 - Density transfer to earlier phases.
 - o Option 2 - Retain 15 m buffer as A1
 - o Option 3 - Defer rezoning of northern parcels or Phases 4 and 6
- Advised that Argus Properties prefers Option 1.
- Responded to questions from Council.

Staff:

- Confirmed buffering would be determined at the subdivision stage when actual lots are determined.
- Confirmed other issues raised by Mr. Schlamp would be addressed further along the development process.

Dan Pretty, Bennett Road

- Lives adjacent to the Park.
- Raised concern with lack of parking for the Waterfront Park.
- Raised concern with impacts on increased traffic volumes.

David George, Clifton Road North

- Raised concern with road access.
- Raised concern regarding increased traffic volumes.
- Raised concerns with the width of the road not being able to accommodate large site vehicles and machinery.
- Raised concern with development impacts on existing neighbourhoods.
- Believes the Developer should fund improved road access.

Wayne Besplug, Clifton Road North

- Raised concern with driveway egress onto Clifton Road.
- Raised safety concerns.
- Raised concern with increased traffic that the development will bring.

Andrew Bruce, Regional Manager, Melcor Developments Ltd., Applicant

- Aware of the concerns raised by Argus Properties and have had numerous interactions over the years.
- Zoning is a general land use provision; details of how trails are aligned and access is accomplished is through the subdivision and development permit stage.
- Have encouraged Argus Properties to make their comments publicly so we can do our best in the future to try and accommodate.
- Proposed amendments from Argus Properties are not economically feasible.
- The Permanent Growth Boundary was amended in the Area Structure Plan several years ago.
- Many concerns raised are 8 to 10 years away from materializing but will deal with them at the time.
- The Master Park Plan requires 12 to 15 stalls for Waterfront Park that will be within the Road right-of-way not to take away from the park; there are 2 areas on Bennett Road where parking will be accommodated.
- Aware of the road and traffic issues on Clifton Road, however, safety audits have been done and it can accommodate additional traffic volumes.

There were no further comments.

Councillor Singh rejoined the meeting at 7:00 p.m.

3.2 3697 Lakeshore Road, BL11201 (Z15-0066) - Pam Irene Sahlin

Staff:

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

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

Letters of Support:

Lawrence Carlson, Barrera

Letters of Opposition or Concern:

Patrick & Martine Spinks, Southwind

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

Applicant

- Present and available for questions.

No one came forward.

There were no further comments.

3.3 464 Morrison Avenue, BL11202 (Z15-0058) - Flying Eagle Holdings & Birkett Holdings

Staff:

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

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

Letters of Support:

Lorraine Penfound, Wardlaw
 Jason Hymers, Christleton Ave
 Jodi Evans, Rose Ave
 James T. Lesosky, Christleton Ave
 Samantha Simpson, Francis Ave
 Lynn & Harold Hampel, Abbott St
 Jeff Hudson, Morrison Ave
 Marshall McAnerney, Richter St
 Joel Legault, Christleton Ave
 Kenn Gordon, Pandosy St
 Bert & Paulette Legault, Christleton Ave
 Cristian Anca, Abbott St
 Myles Bruckal, Abbott St
 Vince & Josephine Born, Pandosy St

Letters of Opposition or Concern:

Anthony Krakau, Morrison Ave
 Janet Wheeler, Morrison Ave (including Petition of 32 people)
 Daniel Wheeler, Morrison Ave
 Beverkey Krakau, Morrison Ave

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

Shane Styles, Applicant

- Moved to Kelowna in 1978. Family currently lives on a subdivided infill lot on McClure Road.
- Displayed a rendering of the proposed detached homes.
- Spoke to the driveway accesses off of Morrison Road and advised that all driveway access is off of Morrison.
- Intend the homes to be owner occupied.
- Empathized with those who want to maintain large lot housing, however, this application represents the intention of the OCP in this area.
- Only recently learned of the Petition and was not made aware of any concerns. Advised that 32 of the petitioners represent 24 households, 13 of those households are currently zoned RU6.
- Do not foresee any traffic issues; the laneway currently services 17 homes.
- Confirmed there was never any intention to build a carriage house. The RU6 zone does not allow for carriage homes but does allow for suites.
- Responded to questions from Council.

Gallery:

Werner Kapelle, Morrison Avenue

- Would prefer a house with a suite than this proposal.
- Raised concern with increased traffic congestion and parking issues.
- Raised concern with houses being rented.
- Opposed to this application.

Travis Wheeler, Morrison Avenue

- Opposed to this application.
- Believes this development is at odds with the character of existing homes in the neighbourhood.
- Raised concern with increased traffic and size of alley way not being able to accommodate.
- Raised concern with increased parking issues in the neighbourhood.
- Raised concern with future rental of the homes.
- Preference would be one house in the center of the lot to ensure privacy instead of being built right on the property lines.
- Responded to questions from Council.

Janet Wheeler, Morrison Avenue

- Opposed to this application.
- Raised concern that the proposed houses are not in keeping with the neighbourhood.
- Raised concern with increased traffic in the area.
- Raised concern with the impact on the alley way with all this infill occurring.
- Would prefer a single family house with a suite.
- Responded to questions from Council.

Richard Burrows, Taylor Crescent

- In support of the application.
- Raised some concerns with the Applicant regarding two houses looking identical.
- Suggested different exterior materials and colours and the applicant was receptive.
- Recommended architectural design guidelines be implemented in inner-city areas.

Peter Nilsson, Morrison Avenue

- Opposed to this application.
- Preference would be one house.
- Raised concern that this development will affect the character of the neighbourhood.
- Raised concern with increased traffic volumes.

Shane Styles, Applicant

- Are big proponents of rentals, however, believes this owner occupied proposal is the best fit.
- Commented that all the homes in the area hit their side yard setbacks.
- Spoke to a different infill project that was met with the same type of opposition and now the neighbourhood is happy with what is there.
- Believes it is more cost effective for the homes to be identical but open to those discussions regarding different materials and colours.
- Confirmed there are 3 parking stalls per house.
- Responded to questions from Council.

There were no further comments.

3.4 330 Davie Road, BL11203 (Z15-0062) - Jeremiah Weiler & Carissa Kennedy

Staff:

- Displayed a PowerPoint presentation summarizing the application.
- Clarified that the parking requirement will be 5 stalls not 3 stalls as noted in the report.

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

Letters of Opposition or Concern:

Diane Taylor, Davie Rd

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

Applicant

- Present and available for questions.

Gallery:

Diane Taylor, Davie Road

- Raised concern with parking and densification of the neighbourhood.
- Would like to continue enjoying a quiet adult neighbourhood.
- Hopes to continue being good neighbours.
- Raised concern with emergency services access.
- Not opposed to this application.

Jeremiah Weiler, Applicant

- Advised that their current home daycare will be removed.
- Believed there is a lot of space in the front for parking.
- Intention is to be a good neighbour.

There were no further comments.

4. Termination

The Hearing was declared terminated at 8:16 p.m.

Mayor

/acm

City Clerk



City of Kelowna

Regular Council Meeting Minutes

Date: Tuesday, March 1, 2016
Location: Council Chamber
City Hall, 1435 Water Street

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

Members Absent Councillors Ryan Donn and Gail Given

Staff Present City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Urban Planning Manager, Terry Barton; Community Planning Department Manager, Ryan Smith; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Council Recording Secretary, Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 8:25 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Mayor Basran.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Gray

R170/16/03/01 THAT the Minutes of the Public Hearing and Regular Meeting of February 16, 2016 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 1855 Bennett Road, 1005 Clifton Road N & (E of) Paly Road, BL11159
(OCP14-0018) - Lakeside Communities Inc.

Councillor Singh declared a conflict of interest as she resides on Bennett Road and departed the meeting at 8:28 p.m.

Moved By Councillor Hodge/Seconded By Councillor Stack

R171/16/03/01 THAT Bylaw No. 11159 be read a second and third time.

Carried

4.2 1855 Bennett Road, 1005 Clifton Road N, (E of) Paly Road, BL11160 (Z14-0033) - Lakeside Communities Inc.

Moved By Councillor Hodge/Seconded By Councillor Gray

R172/16/03/01 THAT Bylaw No. 11160 be read a second and third time.

Carried

Councillor Singh rejoined the meeting at 8:30 p.m.

4.3 3697 Lakeshore Road, BL11201 (Z15-0066) - Pam Irene Sahlin

Moved By Councillor Hodge/Seconded By Councillor Gray

R173/16/03/01 THAT Bylaw No.. 11201 be read a second and third time.

Carried

4.4 464 Morrison Avenue, BL11202 (Z15-0058) - Flying Eagle Holdings & Birkett Holdings

Moved By Councillor DeHart/Seconded By Councillor Stack

R174/16/03/01 THAT Bylaw No. 11202 be read a second and third time.

Carried

4.5 330 Davie Road, BL11203 (Z15-0062) - Jeremiah Weiler & Carissa Kennedy

Moved By Councillor Stack/Seconded By Councillor DeHart

R175/16/03/01 THAT Bylaw No. 11203 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 81 statutory notices to the owners and occupiers of surrounding properties, and 742 informational notices to residents in the same postal delivery route, between February 19 and 24, 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. Development Permit and Development Variance Permit Reports

6.1 BL11163 (TA15-0014) - Amendment to RM4 - Transitional Low Density Housing

Moved By Councillor DeHart/Seconded By Councillor Singh

R176/16/03/01 THAT Bylaw No. 11163 be adopted.

Carried

6.2 1295 St. Paul Street, BL11162 (Z15-0023) - ML Holdings Ltd.

Moved By Councillor Singh/Seconded By Councillor DeHart

R177/16/03/01 THAT Bylaw No. 11162 be adopted.

Carried

6.3 1295 St. Paul Street, DP15-0215 & DVP15-0216 - ML Holdings Inc.

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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.

Applicant:

- Present and available for questions.

No one else came forward.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Singh

R178/16/03/01 THAT final adoption of Rezoning Bylaw No. 11162 be considered by Council;

AND THAT final adoption of Zoning Bylaw Text Amending Bylaw No. 11163 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP15-0215 for Lot 25, District Lot 139, ODYD, Plan 1303, located at 1295 St Paul 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 this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0216 for Lot 25, District Lot 139, ODYD, Plan 1303, located at 1295 St Paul Street, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "D":

Section 7.6.1: Minimum Landscape Buffers

To vary the minimum landscape buffer for the front yard and flanking street from Level 2 permitted to Level 1 proposed and to vary the minimum landscape buffer for the rear yard from Level 3 permitted to Level 1 proposed.

Section 8.1.11(b): Parking and Loading Size and Ratio

To vary the minimum parking ratio from 50% full size and 50% medium size permitted to 50% full size, 25% medium size and 25% compact size proposed.

Section 13.10.6(b): RM4 - Transitional Low Density Housing Development Regulations

To vary the maximum site coverage from 50% permitted to 71.3% proposed and to vary the maximum site coverage for buildings, driveways and parking areas from 60% to 73.9%.

Section 13.10.6(d): RM4 - Transitional Low Density Housing Development Regulations

To vary the minimum front yard from 6.0 m permitted to 1.0 m proposed.

Section 13.10.6(e): RM4 - Transitional Low Density Housing Development Regulations

To vary the minimum side yard from 4.5 m permitted to 1.5 m proposed and to vary the minimum flanking street side yard from 4.5 m permitted to 0.8 m proposed.

Section 13.10.6(f): RM4 - Transitional Low Density Housing Development Regulations

To vary the minimum rear yard from 7.5 m permitted to 1.5 m 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.

Councillor Hodge - Carried
Opposed

7. Reminders - Nil.

8. Termination

The meeting was declared terminated at 8:57 p.m.

Mayor

/acm



City Clerk

CITY OF KELOWNA
BYLAW NO. 11206
Z15-0063 - Joseph & Cindy Burd
875 Graham 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 the south portion of Lot 1, Section 22, Township 26, ODYD, Plan 19161 located on Graham Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone and by changing the zoning classification of the north portion of Lot 1, Section 22, Township 26, ODYD, Plan 19161 located on Graham Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU2c - Medium Lot Housing with Carriage House zone as per Map "A" 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 29th day of February, 2016.

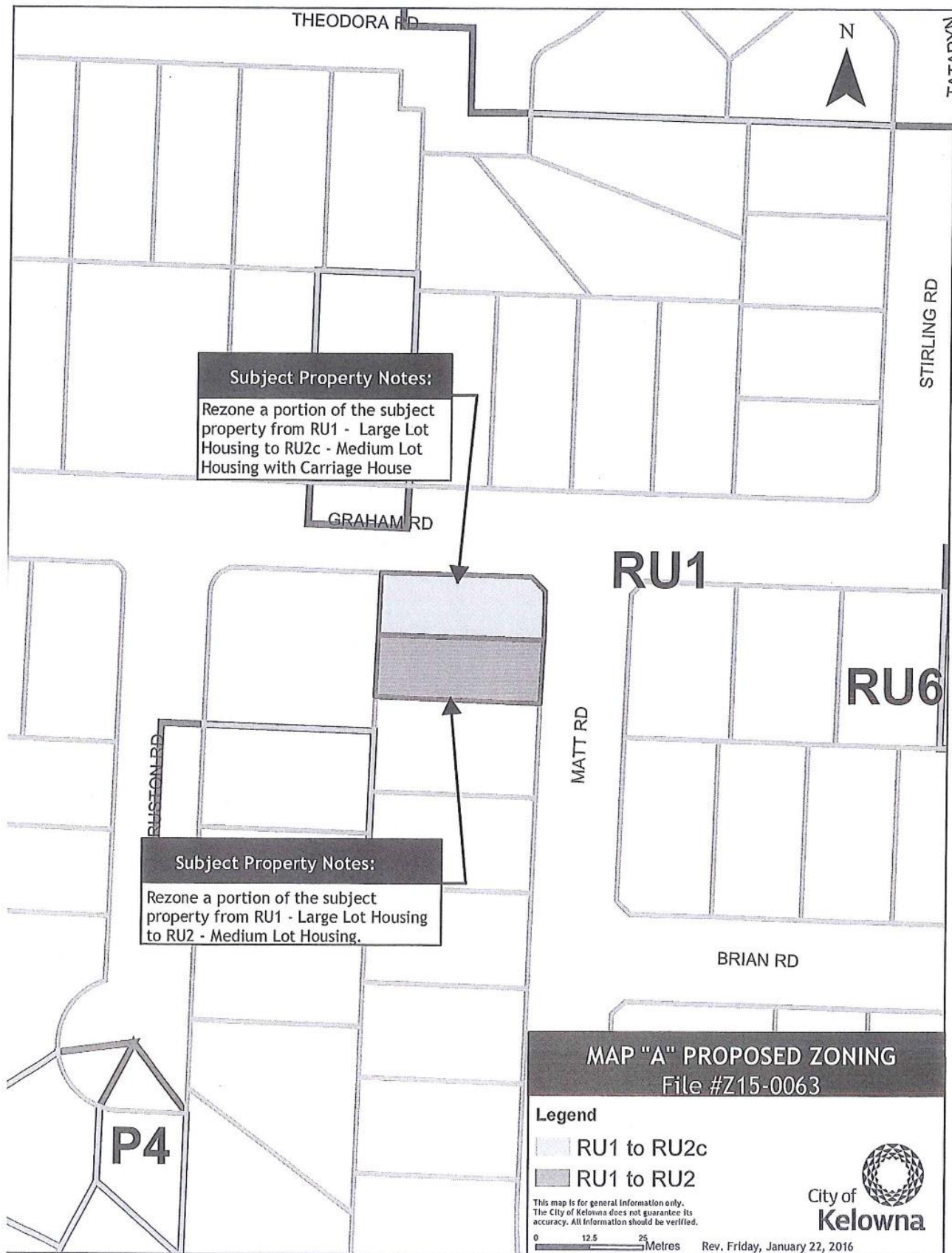
Considered at a Public Hearing on the

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



REPORT TO COUNCIL



Date: March 15, 2016

RIM No. 0940-50

To: City Manager

From: Community Planning Department (TY)

Application: DVP15-0126

Owner: Lorne P. Pearson

Address: 1981 Cross Road

Applicant: Aplin Martin Consultants Ltd

Subject: Development Variance Permit

Existing OCP Designation: S2RES - Single/Two Unit Residential

Existing Zone: RU2 - Medium Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0126 for Lot 2 Section 4 Township 23 ODYD Plan 10134 Except Plan H8323, located at 1981 Cross Road, Kelowna, BC;

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

Section 13.2.5 (b): RU2 - Medium Lot Housing Subdivision Regulations

To vary the required minimum lot depth from 30.0 m permitted to 28.5 m (for future Lot 7) and 25.0 m (for future Lot 8) and 27.3 m (for future Lot 10) proposed, as shown on the attached Schedule A.

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

2.0 Purpose

To consider a Development Variance Permit application to vary the minimum lot depth for three lots in a proposed residential subdivision.

3.0 Community Planning

Staff support the requested variance to reduce the minimum lot depth on proposed Lot 7, Lot 8 and Lot 10 from a minimum of 30 m permitted to 28.5 m, 25.0 m and 27.3 m, respectively. The variance is a result of a required City standard cul-de-sac along proposed Road A, the cul-de-sac portion of the new road limits the lot depth achievable on the subject property. Staff do not anticipate any impacts of the lot depth variances outside the subject subdivision. Within the subdivision, Lots 7, 8 and 10 do not disrupt the RU2 zone streetscape as the lot width (frontage) meets the minimum required width. These three lots also meet or exceed the minimum required

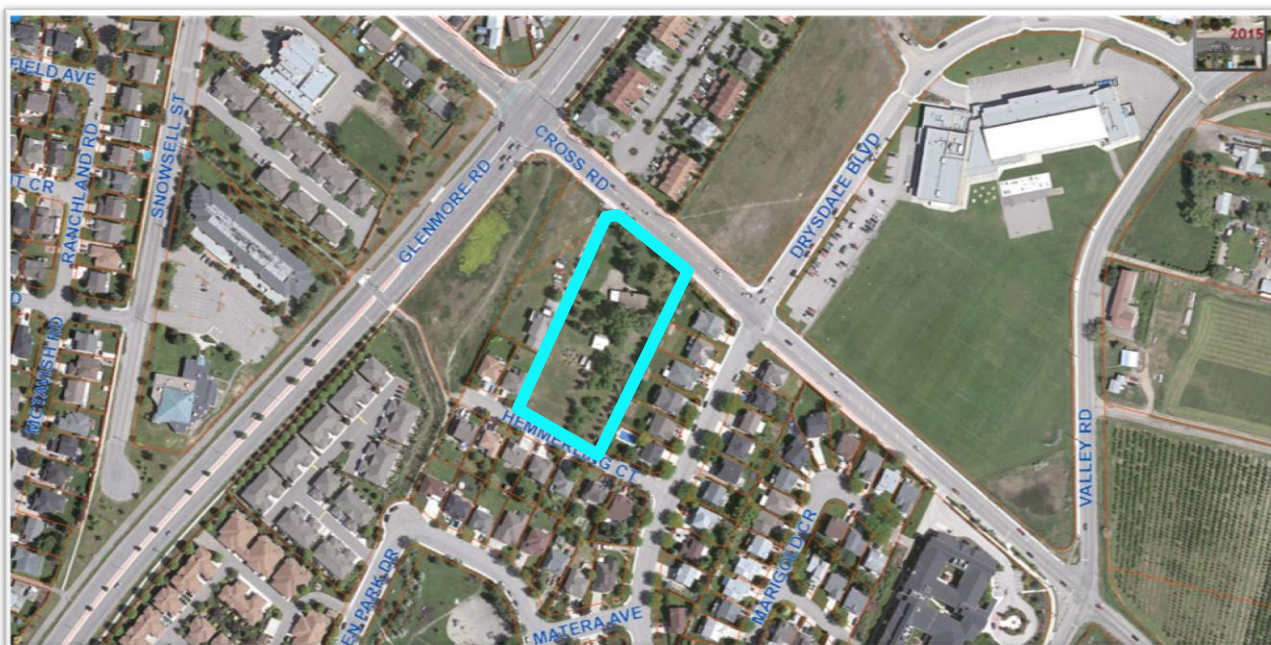
lot area for the RU2 zone. Overall, the proposed subdivision meets Kelowna's Official Community Plan goals of completing suburbs, increasing pedestrian connectivity within neighbourhoods and provides a safe vehicle connection for future development of adjacent parcels in the area.

3.1 Public Consultation

The applicant undertook neighbour consultation by individually contacting neighbouring properties within 50 m. This notification and consultation identified the rezoning and variances required for the 12 lot subdivision and received the following feedback:

- Concerns regarding safety of the proposed road alignment were brought up during the Public Hearing of the rezoning application to the RU2 zone. These concerns were addressed during the hearing, identifying the location of the new Class 2 road connecting to Hemmerling Court, the lesser classification of road instead of Cross Road is the safest approach to access this property.
- No concerns regarding the lot depth variances were identified during this notification and consultation process.

Subject Property Map: 1981 Cross Road



4.0 Proposal

4.1 Background

The applicant recently rezoned the subject property (A15-0030) from the A1 - Agriculture 1 zone to the RU2 - Medium Lot Housing zone to facilitate a 12 lot subdivision for single detached housing. A Preliminary Layout Review (PLR) was issued on December 21st, 2015. The applicant is currently working to complete all the outstanding PLR requirements; this Development Variance Permit is one such requirement.

4.2 Project Description

The attached Site Plan identifies the proposed subdivision of the property into twelve lots with road dedication identified in yellow, and park dedication identified in blue. The applicant is

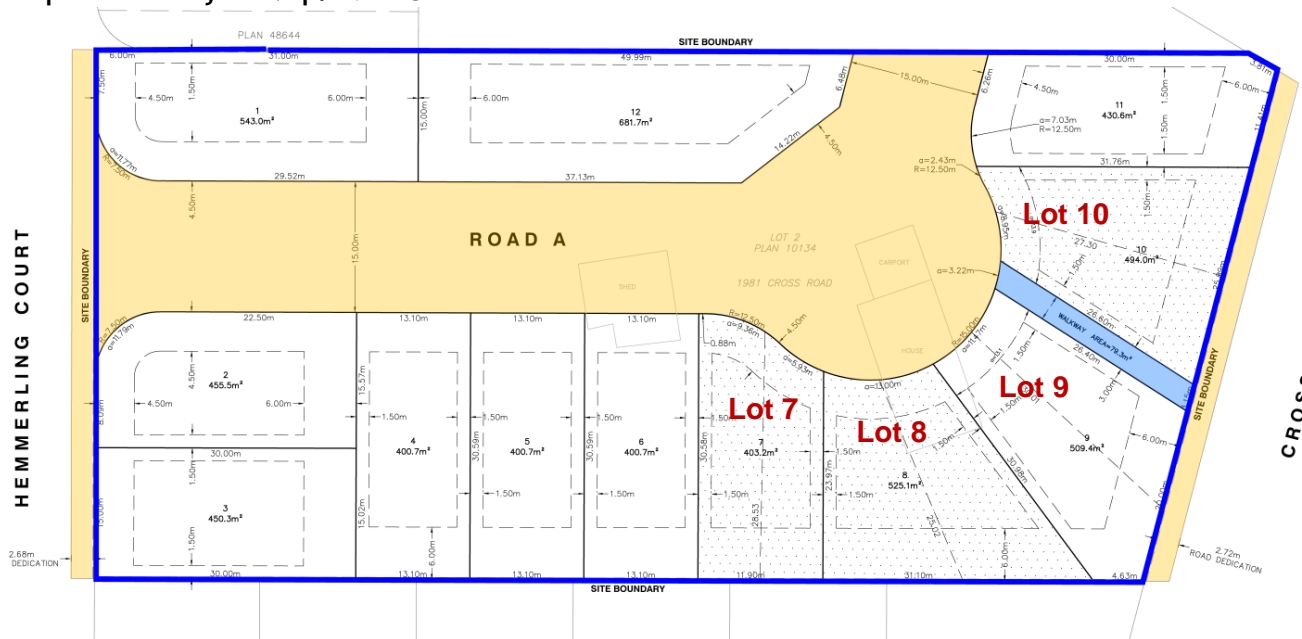
proposing to create 12 RU2 zone single family residential lots, accessed by a 15.0 m wide right of way City standard road. This road begins at Hemmerling Court and ends on the northwest end of the subject property. The road will serve as the future access to the adjacent property to the north to eliminate the need for the adjacent property to gain access from Cross Road. Three of the RU2 residential lots require a variance for lot depth as shown in the Zoning Analysis Table in this report.

Lots fronting Hemmerling Court are oriented in such a way that continues the established streetscape of the existing single family homes. Public pedestrian access is also incorporated in the subdivision design, a 3.0 m wide asphalt pathway will be dedicated and constructed between lots 9 and 10 (shown in blue). This public path will provide pedestrian and bicycle traffic access from Cross Road to the proposed lots as well as existing homes along Hemmerling Court. A 1.2 m high black vinyl chain link fence will be installed along both sides of this walkway by the applicant 15cm inside each private property line.

Variance

The proposed variance is to permit a reduction in lot depth for proposed Lots 7, 8 and 10 shown below. Subdivision requirements such as lot width and lot area are met. The requested variance seeks to permit lot depths of 28.5 m, 25.0 m and 27.3 m, respectively. Along Road A the variance requested will not create a noticeable variation from the other proposed RU2 lots. The variance does not affect the minimum lot size required as Lot 7 meets the minimum lot area, Lots 8 and 10 exceed the minimum lot area required in the RU2 zone.

Proposed Lot Layout Map: 1981 Cross Road



The proposed design including the variances to three of the twelve lots meets OCP goals such as:

- Respecting the established streetscape of the surrounding neighbourhood.
 - This OCP goal is specifically targeted for the Comprehensive Development Permit areas however it is respected on this subject property. The three single family lots that are adjacent to Hemmerling Court are designed to have front doors oriented along the existing road to follow the established streetscape.

- Maximize Pedestrian / Cycling Connectivity.
 - A 3.0 m wide public pedestrian walkway is being dedicated to enhance pedestrian linkage from school, park and other residential areas north of Cross Road. A new Class 2 road will be constructed complete with a sidewalk.

Housing

- The creation of a total of 12 traditional single detached dwelling on a medium size lot increases affordability of each single family dwelling as the size of the lot and dwelling is less than that of the typical RU1 - Large Lot Housing zone.
- The residential density is appropriate to the neighbourhood context. The orientation of each lot also respects adjacent residential lots, aligning side yards with side yards and rear yards with rear yards.

Zoning Analysis Table

Zoning Analysis Table RU2 ZONE REQUIREMENTS			
CRITERIA			
SUBDIVISION REGULATIONS			
Minimum Lot Area	400 m ²		
Minimum Lot Width	13.0 m 15.0 m (Corner Lot)		
Minimum Lot Depth	30.0 m		
Minimum Road Right of Way	15.0 m		
PROPOSED			
	Lot Area	Lot Width	Lot Depth
Existing Lot	8,094.0 m ²	60.1 m	120.6 m
Proposed Lot 1 (corner lot)	543.0 m ²	15.0 m	31.0 m
Proposed Lot 2 (corner lot)	455.5 m ²	15.6 m	30.0 m
Proposed Lot 3	450.3 m ²	15.0 m	30.0 m
Proposed Lot 4	400.7 m ²	13.1 m	30.6 m
Proposed Lot 5	400.7 m ²	13.1 m	30.6 m
Proposed Lot 6	400.7 m ²	13.1 m	30.6 m
Proposed Lot 7	403.2 m ²	16.2 m	28.5 m ❶
Proposed Lot 8	525.1 m ²	16.6 m	25.0 m ❷
Proposed Lot 9	509.4 m ²	13.1 m	30.0 m
Proposed Lot 10	494.0 m ²	13.9 m	27.3 m ❸
Proposed Lot 11	430.6 m ²	13.3 m	31.76 m
Proposed Lot 12 (corner lot)	681.7 m ²	15.0 m	37.1 m
Minimum Road Right of Way	15.0 m		
Variance Review			
❶ ❷ ❸ Indicates requested variance to Minimum Lot Depth for an RU2 Lot.			

Site Context

The subject property is located between Cross Road and Hemmerling Court in the Glenmore - Dilworth - Clifton Sector of Kelowna. The property is currently zoned RU2 - Medium Lot Residential, identified in Kelowna's OCP as S2RES - Single/Two Unit Residential, and is within the Permanent Growth Boundary. Neighbouring properties are zoned RU1 - Large Lot Housing and RM2 - Low Density Row Housing, and have future land uses of S2RES and MRL.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM2 A1	Multiple Family Row Housing Vacant Land
East	RU1	Single Family Dwellings
South	RU1	Single Family Dwellings
West	RU1 A1	Single Family Dwellings Vacant Land

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Housing.¹ From a housing perspective the City of Kelowna projects the need for approximately 20,100 units by the year 2030 to accommodate the projected growth within the City. Those housing units encompass a range of housing options from low density traditional single detached neighbourhoods to secondary suites/carriage houses, attached homes, town housing as infill and apartments from traditional 4 storey walk-ups to high rise condominiums, including mixed use commercial - residential development in urban centres.

Complete Suburbs.² Support a mix of uses within Kelowna's suburbs (see Map 5.1 - Urban Core Area), in accordance with "Smart Growth" principles to ensure complete communities. Uses that should be present in all areas of the City (consistent with Map 4.1 - Future Land Use Map), at appropriate locations, include: commercial, institutional, and all types of residential uses (including affordable and special needs housing) at densities appropriate to their context. Building heights in excess of four storeys will not be supported within the suburban areas, unless provided for by zoning existing prior to adoption of OCP Bylaw 10500.

Maximize Pedestrian / Cycling Connectivity.³ Require that pedestrian and cyclist movement and infrastructure be addressed in the review and approval of all City and private sector developments, including provision of sidewalks and trails and recognition of frequently used connections and informal pedestrian routes. With new developments, require dedication of on-site walking and cycling paths where necessary to provide links to adjacent parks, schools, transit stops, recreation facilities, employment nodes, cul-de-sacs and large activity areas.

6.0 Technical Comments

6.1 Development Engineering Department

All Development Engineering requirements regarding the 12 lot subdivision and proposed Road A are to be addressed in the Preliminary Layout Review agreement.

¹ City of Kelowna Official Community Plan (Regional Context Chapter).

² City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Policy 5.10.1 (Development Process Chapter).

7.0 Application Chronology

Date of Application Received:	June 2 nd , 2015
Referral Comments Received:	July 16 th , 2015
Date Public Consultation Completed:	August 14 th , 2015 (Z15-0030 & DVP15-0126)
Date of Final Rezoning Adoption	February 15 th , 2016

Report prepared by:

Tracey Yuzik, Planner

Approved for Inclusion: ☐ Todd Cashin, Suburban and Rural Planning Manager

Attachments:

Subject Property Map
Schedule A: Site Plan
DRAFT Development Variance Permit DVP15-0126



February 15, 2016

ALL INFORMATION SHOULD BE VERIFIED.

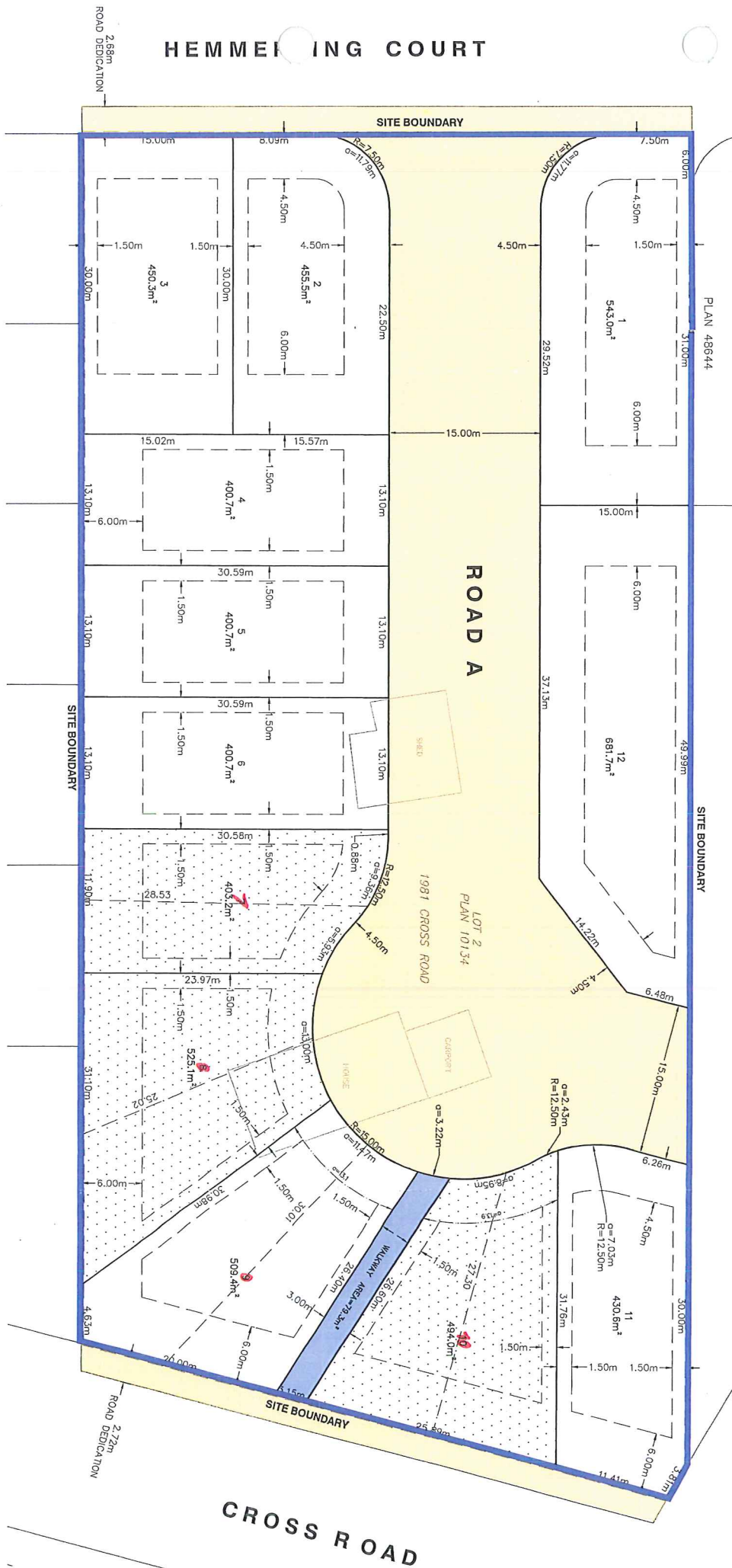


Legend



Notes

HEMMERING COURT



SCHEDULE A.
This forms part of development
Permit # DVT15-0126

DEVELOPMENT VARIANCE PERMIT



APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT NO.DVP15-0126

Issued To: Lorne P. Pearson
Site Address: 1981 Cross Road
Legal Description: Lot 2 Section 4 Township 23 ODYD Plan 10134 Except Plan H8323

Zoning Classification: RU2 - Medium Lot Housing
Development Permit Area: n/a

SCOPE OF APPROVAL

This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.

The issuance of a Permit limits the Permit Holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

1. TERMS AND CONDITIONS

THAT Development Permit No. DVP15-0126 for Lot 2 Section 4 Township 23 ODYD Plan 10134 Except Plan H8323, located at 1981 Cross Road, Kelowna, BC to allow the subdivision of an accessory structure be approved subject to the following:

THAT a variacen to the following section of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A":

Section 13.2.5 (b): RU2 - Medium Lot Housing Subdivision Regulations

To vary the required minimum lot depth from 30.0 m permitted to 28.5 m (for future Lot 7) and 25.0 m (for future Lot 8) and 27.3 m (for future Lot 10) proposed, as shown on the attached Schedule A.

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

2. PERFORMANCE SECURITY

None required.

3. DEVELOPMENT

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

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

This Permit IS NOT a Building Permit.

4. APPLICANT'S AGREEMENT

I hereby declare that all of the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree 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 granting to me the said Permit.
- b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of 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.

I further covenant and agree that should I be granted a Development Permit and/or Development Variance Permit, the Municipality may withhold the granting of any Occupancy Permit for the occupancy and / or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Divisional Director of Community Planning & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Community Planning Department immediately to avoid any unnecessary delay in processing the application.

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner / Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

5. APPROVALS

Issued and approved by Council on the _____ day of _____, 2015.

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

Date

**The PERMIT HOLDER is the CURRENT LAND OWNER.
Security shall be returned to the PERMIT HOLDER.**