

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, November 20, 2018

6:00 pm

Council Chamber

City Hall, 1435 Water Street

Pages

1. Call to Order

2. Reaffirmation of Oath of Office

The Oath of Office will be read by Councillor DeHart.

3. Confirmation of Minutes

1 - 13

Public Hearing - October 9, 2018

Regular Meeting - October 9, 2018

4. Bylaws Considered at Public Hearing

4.1 McClure Rd 679, BL11691 (Z18-0078) - Paul Sexsmith

14 - 14

To give Bylaw No. 11691 second and third readings in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone.

4.2 Drummond Ct 649, BL11693 (LUC18-0003) - Patrick & Brenda Kryski

15 - 15

To give Bylaw No. 11693 second and third readings, and be adopted, in order to discharge the Land Use Contract registered against the title to the subject property.

4.3 Drummond Ct 649, BL11694 (Z18-0051) - Patrick & Brenda Kryski

16 - 16

To give Bylaw No. 11694 second and third readings, and be adopted, in order to rezone the subject property from the RR3 - Rural Residential 3 zone to the RU1 - Large Lot Housing zone.

4.4 Nottingham Rd 4465, BL11695 (Z18-0067) - David Jeremy Stevens & Rosemarie Jean Stewart

17 - 17

To give Bylaw No. 11695 second and third readings, and be adopted, in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.

5. Notification of Meeting

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

6. Development Permit and Development Variance Permit Reports

6.1 Swick Rd 245, DVP18-0125 - Wilfrid Roach

18 - 29

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 minimum lot width on two proposed lots.

7. Reminders

8. Termination



City of Kelowna Public Hearing Minutes

Date: Tuesday, October 9, 2018
 Location: Council Chamber
 City Hall, 1435 Water Street

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

Members Absent Councillor Maxine DeHart

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Acting Divisional Director, Community Planning & Strategic Investments, Derek Edstrom; Community Planning Department Manager, Ryan Smith; Suburban and Rural Planning Manager, Dean Strachan, Urban Planning Manager, Terry Barton; Legislative Coordinator (Confidential), Clint McKenzie

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the Hearing to order at 6:05 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 Tuesday, September 25, 2018 and by being placed in the Kelowna Daily Courier issues on Friday September 28 and Wednesday, October 3 and by sending out or otherwise mailing 399 statutory notices to the owners and occupiers of surrounding properties on Tuesday, September 25, 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 Loughheed Rd 205, Z18-0016 (BL11681) - Mission Group Commercial Ltd., Inc. No. BC0933421

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence was received.

Jeff Hudson, Mission Group, Agent for the Applicant

- Provided comments on the history of the property.
- The property sale offer is dependent upon the Bylaw advancing to third reading.
- Spoke to the new purchaser plans for the site.

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

Gallery:

Chuck Cavanagh, Hollywood Road North

- Immediate neighbour to the subject property.
- Spoke to the preferred building form and character and landscaping.
- Displayed photographs of the area on the ELMO and noted implications for certain properties that are adjacent to the subject lands.
- Requested consistency with fencing; with safety and security for both parties.
- Responded to questions from Council.

Jeff Hudson, Mission Group, Agent for the Applicant

- The items raised will be covered by the development permit process and are best dealt with then.

There were no further comments.

3.2 Thompson Rd 1260, Z18-0080 (BL11682) - Karoly Gabor and Cristeta Pastorin Gabor

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 Support:

Jubal and Joel Wright, Thompson Rd

The Applicant was present and available for questions.

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

No one from the Gallery came forward.

There were no further comments.

3.3 Moraine Ct 675, Z18-0085 (BL11683) - Aislinn and Michael O'Grady

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence was received.

The Applicant was present and available for questions.

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

No one from the Gallery came forward.

There were no further comments.

3.4 McBride Rd 1180, Z18-0082 (BL11685) - Gerard Charles Feist

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letters of Opposition and Concern:

Alice and Andre Arsenault, Guisachan Road

Birte Decloux, Urban Options Planning & Permits, Applicant Representative

- Displayed a PowerPoint Presentation.
- Provided neighbourhood and site context.
- Spoke to issues raised in the correspondence.
- Will place the carriage home no closer than 2.5 m from the property line.
- Spoke to commitments to ensure privacy is maintained.
- No intention of removing any of the large trees.
- Spoke to the permanent growth boundary; positively adding to the housing stock in the area.

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

Gallery:

Alice Arsenault, Guisachan Road

- Raised concerns identified in correspondence.
- Pleased with the comments regarding the 2.5 m setback from the property line.
- Confirmed that Strata prohibits vegetation to be planted along the fence.
- Requested frosted windows on the carriage house for privacy.
- Responded to questions from Council.

Eli Hotz, Guisachan Road

- Would like to ensure that a 2.5 m setback is a condition of allowing the carriage house to be built.
- Raised concerns with impacts on privacy and light.
- Requested that windows on the west side of the carriage house be frosted for privacy.
- Responded to questions from Council.

Birte Decloux, Urban Options Planning & Permits, Applicant

- Responded to questions from Council.
- Confirmed commitment to the 2.5 m setback.
- Some trees will be removed and additional trees will be planted.

There were no further comments.

3.5 Fitzpatrick Rd 425, Z18-0079 (BL11686) - Harpal Singh Kohri and Kirandeep Kohri

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letters of Opposition and Concern:

Marilyn & Richard Grusie, Hillaby Avenue

Jardeep Kohri, Applicant

- Architect was unable to attend at the last moment.
- The property meets all specifications for rezoning requirements.

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

No one from the Gallery came forward.

There were no further comments.

3.6 Union Rd 2053 and Summerhill Pl 148, Z18-0060 (BL11687) - 1119422 BC Ltd. & City of Kelowna

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:

Darin Holte and Anak Sri Darmadewi, Southview Court
 Coleen Hennig and Christine White, Southview Court
 Christy and Levi Dickinson, Summerhill Place
 Odile McIntosh, Southview Court
 Larry and Aline Nickel, Naito Court

Mehdi Tehrani, Applicant

- Displayed a PowerPoint Presentation.
- Purchased property 3 months ago for residential development.
- Reviewed the amenities in the neighbourhood.
- Provided an overview of offsite improvements that will be constructed.
- Confirmed future lot size variances required should rezoning be advanced.
- Not asking for any parking variances.

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

Gallery:

Blaine Weststrate, Naito Court

- Opposed to the application.
- Raised concern regarding additional pressure to on street parking.
- Raised concern with impacts and altering the neighbourhood.

Patricia Riley, Naito Court

- Opposed to the application.
- Raised concern with traffic impacts and increase in density.
- Responded to questions from Council.

Pete Wingfield, Summerhill Place

- Opposed to the application.
- Raised concern with impact to on street parking.
- Raised concern with impacts on the neighbourhood.

Mehdi Tehrani, Applicant

- Not changing any density as identified in the Official Community Plan.
- Will have double garages and large driveways to take care of on-site parking.
- There have been no bylaw concerns with the condition of the property.
- Spoke to proposed lot sizes and building footprints for each lot.
- Responded to questions from Council.

Council:

- Requested that staff confirm sign placement was compliant with the Development Application Procedures Bylaw.

Staff:

- Responded to questions from Council.

City Clerk:

- Confirmed the Bylaw requirement is for one sign for every 100 m of frontage and frontage for this application is greater than 100 m.
- Applicant advised by staff to erect one sign, and displayed email from staff on the ELMO confirming this.
- Responded to questions from Council.

There were no further comments.

4. Termination

The Hearing was declared terminated at 7:33 p.m.

Mayor Basran

/cm/acm

City Clerk



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, October 9, 2018
Location: Council Chamber
City Hall, 1435 Water Street

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

Members Absent Councillor Maxine DeHart

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Acting Divisional Director, Community Planning & Strategic Investments, Derek Edstrom; Community Planning Department Manager, Ryan Smith; Suburban and Rural Planning Manager, Dean Strachan*, Urban Planning Manager, Terry Barton; Legislative Coordinator (Confidential), Clint McKenzie

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:46 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Sieben.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Singh

R973/18/10/09 THAT the Minutes of the Public Hearing and Regular Meeting of September 18, 2018 and September 25, 2018 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 **Lougheed Rd 205, Z18-0016 (BL11681) - Mission Group Commercial Ltd., Inc. No. BC0933421**

Moved By Councillor Donn/Seconded By Councillor Given

R974/18/10/09 THAT Bylaw No. 11681 be read a second and third time.

Carried

4.2 Thompson Rd 1260, Z18-0080 (BL11682) - Karoly Gabor and Cristeta Pastorin Gabor

Moved By Councillor Donn/Seconded By Councillor Given

R975/18/10/09 THAT Bylaw No. 11682 be read a second and third time.

Carried

4.3 Moraine Ct 675, Z18-0085 (BL11683) - Aislinn and Michale O'Grady

Moved By Councillor Donn/Seconded By Councillor Gray

R976/18/10/09 THAT Bylaw No. 11683 be read a second and third time and be adopted.

Carried

4.4 McBride Rd 1180, Z18-0082 (BL11685) - Gerard Charles Feist

Moved By Councillor Donn/Seconded By Councillor Gray

R977/18/10/09 THAT Bylaw No. 11685 be read a second and third time and be adopted.

Carried

4.5 Fitzpatrick Rd 425, Z18-0079 (BL11686) - Harpal Singh Kohri and Kirandeep Kohri

Moved By Councillor Stack/Seconded By Councillor Sieben

R978/18/10/09 THAT Bylaw No. 11686 be read a second and third time.

Carried

4.6 Union Rd 2053 and Summerhill Pl 148, Z18-0060 (BL11687) - 1119422 BC Ltd. & City of Kelowna

Council:

- Satisfied neighbourhood received adequate notification of the application.

Moved By Councillor Sieben/Seconded By Councillor Stack

R979/18/10/09 THAT Bylaw No. 11687 be read a second and third time and be adopted.

Carried

Councillors Hodge and Stack - Opposed

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit/Heritage Alteration Permit Applications was given by sending out or otherwise mailing 195 statutory notices to the owners and occupiers of surrounding properties on Tuesday, September 25, 2018.

The City Clerk advised that Notice of this *amendment to Food Primary Licence* was advertised by being posted on the Notice Board at City Hall on Tuesday, September 25, 2018, and by being placed in the Kelowna Daily Courier issues on Friday, September 28 and Wednesday, October 3

and by sending out or otherwise mailing 88 statutory notices to the owners and occupiers of surrounding properties on Tuesday, September 25, 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 Bernard Ave 257, LL18-0011 - Paramount Court Inc., Inc. No. Aoo86803

Councillor Sieben declared conflict of interest as he is a shareholder in a rival company referenced in the staff report and left the meeting at 8:05 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.

PJ L'Heureux, Owner/Applicant

- Confirmed current hours are to 12 midnight.
- Would like to be similar to other food primaries in the downtown area.
- Believes staff recommendation on closing time is not consistent with other establishments.

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

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Given

R980/18/10/09 THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 71 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

Council recommends support of an application from Craft Beer Market (Kelowna) Ltd for Parcel Z (Plan B5763) Block 13 District Lot 139 ODYD Plan 462 located at 257 Bernard Avenue, Kelowna, BC, for a Food Primary license with a capacity of 465 persons and hours of sales for License Number 792247124 from:

9:00 AM to 1:00 AM for the interior (Seven days per week) and
9:00 AM to 12:00 AM for the rooftop patio (Seven days per week);

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 from the rooftop patio may be disruptive and would not be compatible with surrounding land uses.

The impact on the community if the application is approved:

The potential for negative impacts on the community is increased due to the size and capacity of the food primary's rooftop patio.

If the amendment may result in the establishment being operated in a manner that is contrary to its primary Purpose:

The permanent extension of hours to 1 am are consistent with other food primary establishments within the downtown urban centre, but the scale of the business raises concerns due to the rooftop patio.

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

Councillor Sieben rejoined the meeting at 8:33 p.m.

7. Development Permit and Development Variance Permit Reports

7.1 Hollywood Rd South 191, DP18-0031 & DVP18-0032 - 1110720 BC LTD., Inc. No. BC1110720

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:

Larry Burnett, Hollywood Road S

The Applicant was present and available for questions.

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

Gallery:

Mike Wasilenkoff, Petch Road

- Opposed to the application.
- Canvassed the neighbourhood with a petition of opposition.
- Raised concerns with traffic impacts on Petch Road.
- Submitted his petition.

Wendy Remple, BlueGreen Architecture, Applicant

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Sieben

R981/18/10/09 THAT Council authorizes the issuance of Development Permit No. DP18-0031 for Lot 2 Section 22 Township 26 ODYD Plan EPP76208, located at 191 Hollywood Road South, 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. DVP18-0032 for Lot 2 Section 22 Township 26 ODYD Plan EPP76208, located at 191 Hollywood Road South, Kelowna, BC;

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

Section 14.4.5(c): C4 – Urban Centre Commercial Development Regulations

To vary the required maximum height from the lessor of 15.0 m or 4 storeys permitted to 18.1 m or 5 storeys proposed;

Section 14.4.5(e): C4 – Urban Centre Commercial Development Regulations

To vary the required minimum side yard from the greater of 4.5 m or half the height of the building permitted to 4.5 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
Councillors Hodge - Opposed

7.2 Cadder Ave 450, HAP18-0011 - Laura Catherine Smith

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:

E. Van Peterhen, Doryan Street

The Applicant was present and available for questions.

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

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Gray

R982/18/10/09 THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP18-0011 for Lot 4, District Lot 14, ODYD, Plan 1063 and Lot 5, Block 8, District Lot 14, ODYD, Plan 348 except Plan 10478, located at 450 Cadder Avenue, Kelowna, BC subject to the following:

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

The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";

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

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

To vary the required minimum side yard from 2.0 m permitted to 0.5 m proposed;

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

To vary the required minimum rear yard from 7.5 m permitted to 4.6 m proposed;

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

Carried

7.3 Richter St 1229, BL11574 (OCP18-0001) - 1120797 BC Ltd., Inc. No. 1120797

Moved By Councillor Stack/Seconded By Councillor Sieben

R983/18/10/09 THAT Bylaw No. 11574 be amended at third reading by deleting the legal descriptions that read:

- Lot 8 District Lot 138 ODYD Plan 1039
- Lot 9 District Lot 138 ODYD Plan 1039
- Lot 10 District Lot 138 ODYD Plan 1039
- Lot 11 District Lot 138 ODYD Plan 1039
- Lot 12 District Lot 138 ODYD Plan 1039
- Lot 13 District Lot 138 ODYD Plan 1039

And replacing it with:

- Lot A, District Lot 138, ODYD, Plan EPP85357.

Carried

Moved By Councillor Stack/Seconded By Councillor Sieben

R984/18/10/09 THAT Bylaw No. 11574 as amended be adopted.

Carried

7.4 Richter St 1229, BL11575 (Z18-0003) - 1120797 BC Ltd., Inc. No. 1120797

Moved By Councillor Sieben/Seconded By Councillor Stack

R985/18/10/09 THAT Bylaw No. 11575 be amended at third reading by deleting the legal descriptions that read:

- Lot 8 District Lot 138 ODYD Plan 1039
- Lot 9 District Lot 138 ODYD Plan 1039
- Lot 10 District Lot 138 ODYD Plan 1039
- Lot 11 District Lot 138 ODYD Plan 1039
- Lot 12 District Lot 138 ODYD Plan 1039
- Lot 13 District Lot 138 ODYD Plan 1039

And replacing it with:

- Lot A, District Lot 138, ODYD, Plan EPP85357.

Carried

Moved By Councillor Sieben/Seconded By Councillor Stack

R986/18/10/09 THAT Bylaw No. 11575 as amended be adopted.

Carried

7.5 Richter St 1229, DP18-0006 & DVP18-0007 - 1120797 BC Ltd., Inc. No. 1120797

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letters of Opposition and Concern:

Tim and Andrea Shaw, Coronation Avenue

Leonard Kerkhoff, Applicant

- Displayed a PowerPoint Presentation.
- Confirmed that additional attention to the laneway has been addressed.
- Spoke to form and character and the variances.

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

Gallery:

Tim Shaw, Coronation Avenue

- Commented on communication with the applicant and that changes were made to the laneway based on their input.
- Raised concern with the impacts on their privacy.
- Raised concern that the proposed buffer is insufficient.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Donn

R987/18/10/09 THAT Council authorize the issuance of Development Permit No. DP18-0006 for: Lot A, District Lot 138, ODYD, Plan EPP85357, located at 1229 Richter Street, 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 authorize the issuance of Development Variance Permit DVP18-0007 for Lot A, District Lot 138, ODYD, Plan EPP85357, located at 1229 Richter Street, Kelowna, BC;

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted as described and shown in Schedule 'A':

Section 13.12.6 (b): RM6 - High Rise Apartment Housing Development Regulations

To vary the maximum site coverage for principal buildings, accessory structures, and parking areas and driveways from 50% to 74%.

Section 13.12.6 (d): RM6 - High Rise Apartment Housing Development Regulations

To vary the minimum front yard setback from 6.0m to 4.0m along Richter Street for levels 1 and 2.

Section 13.12.6 (e): RM6 - High Rise Apartment Housing Development Regulations

To vary the minimum flanking side yard setback from 6.0m to 3.9m along Clement Avenue for levels 1 and 2.

To vary the minimum flanking side yard setback from 6.0m to 2.1m / 3.8m along Coronation Avenue for levels 1 and 2.

Section 13.12.6 (f): RM6 - High Rise Apartment Housing Development Regulations

To vary the minimum rear yard setback from 9.0m to 0.0m / 5.2m along the Lane for levels 1 and 2.

AND THAT the Development Permit is issued subsequent to the outstanding conditions set out in Attachment "A" attached to the Report from the Community Planning Department dated January 16th 2018;

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

AND FURTHER THAT the Development Permit be 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 9:19 p.m.

Mayor Basran

/cm/acm

City Clerk

CITY OF KELOWNA
BYLAW NO. 11691
Z18-0078 - 679 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 C, District Lot 357, SDYD, Plan 30569, located on McClure Road, Kelowna, BC 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 1st day of October, 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. 11693

Discharge of Land Use Contract

LUC76-1041 - (N73280)

649 Drummond Court

WHEREAS a land use (the "Land Use Contract") is registered at the Kamloops Land Title Office under number N73280 against lands in the City of Kelowna particularly known and described as Lot 26, District Lots 357 & 358, ODYD, Plan 31179 (the "Lands"), located on Drummond Court, Kelowna, BC;

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 LUC76-1041 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 1st day of October, 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. 11694
Z18-0051 – 649 Drummond 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 the City of Kelowna Bylaw No. 8000 be amended by changing the zoning classification of Lot 26 District Lots 357 & 358 ODYD Plan 31179, located on Drummond Court, Kelowna, BC from the RR3 – Rural Residential 3 zone to the RU1 – Large 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 1st day of October, 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. 11695
Z18-0067 - 4465 Nottingham 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 358, Osoyoos Division Yale District, Plan EPP25655, located on Nottingham Road, Kelowna, BC 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 day of October, 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

REPORT TO COUNCIL



Date: November 20, 2018

RIM No. 0940-50

To: City Manager

From: Community Planning Department (TH)

Application: DVP18-0125

Owner: Wilfrid Roach

Address: 245 Swick Road

Applicant: New Town Services Inc

Subject: Development Variance Permit Application

Existing OCP Designation: REP – Resource Protection Area

Existing Zone: RR1 – Rural Residential 1

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0125 for Lot 2 Section 16 Township 28 SDYD Plan KAP45842, located at 245 Swick Road, Kelowna, BC;

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

Section 12.1.5 (a): RR1 – Rural Residential Zones Subdivision Regulations

To vary the required minimum front yard width on proposed Lot 1 from 40.0 m permitted to 38.7 m proposed as per attached Schedule "A".

Section 12.1.5 (a): RR1 – Rural Residential Zones Subdivision Regulations

To vary the required minimum front yard width on proposed Lot 2 from 40.0 m permitted to 38.8 m proposed as per 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.

2.0 Purpose

To vary the minimum lot width on two proposed lots.

3.0 Community Planning

Staff support the proposed variances to the lot width of two proposed RR1 zoned lots. Previously on the subject parcel, two lots existed, each with a single family dwelling. These two lots were consolidated into the current subject parcel in approximately 1989. The current application will see the return of the two original lots, equal in size.

Kelowna's Official Community Plan has policies against subdivision within the Resource Protection Area, and outside the Permanent Growth Boundary. However, this proposed subdivision will see the original land parcelization returned and bring the property into compliance.

The land is not within the Agricultural Land Reserve, and proposed lots exceed the minimum lot area required in the RR1 zone. Community Planning also considered that no new residential footprints would occur on steep slopes as residential footprints are already established on each proposed lot. The proposed subdivision and variances do not permit further development on the land, and will legalize existing structures.

4.0 Proposal

4.1 Background

The subject parcel is substantially wider than adjacent RR1 parcels due to the lot consolidation in 1989, combining two RR1 zoned parcels into the current parcel. The subject parcel, originally 46.4 m wide was adjusted along the east property line into the neighbouring property to extend the total width to 77.5 m (current width of 245 Swick Rd). In 1989, two dwellings existed on the two original parcels, the consolidation saw the two dwellings remain on the one consolidated parcel. Over the years building permits were issued to update and renovate the dwellings. The City of Kelowna was not involved in the consolidation as the owners completed the process directly with the Land Title Office.

Subject Property Map: 245 Swick Road



4.2 Project Description

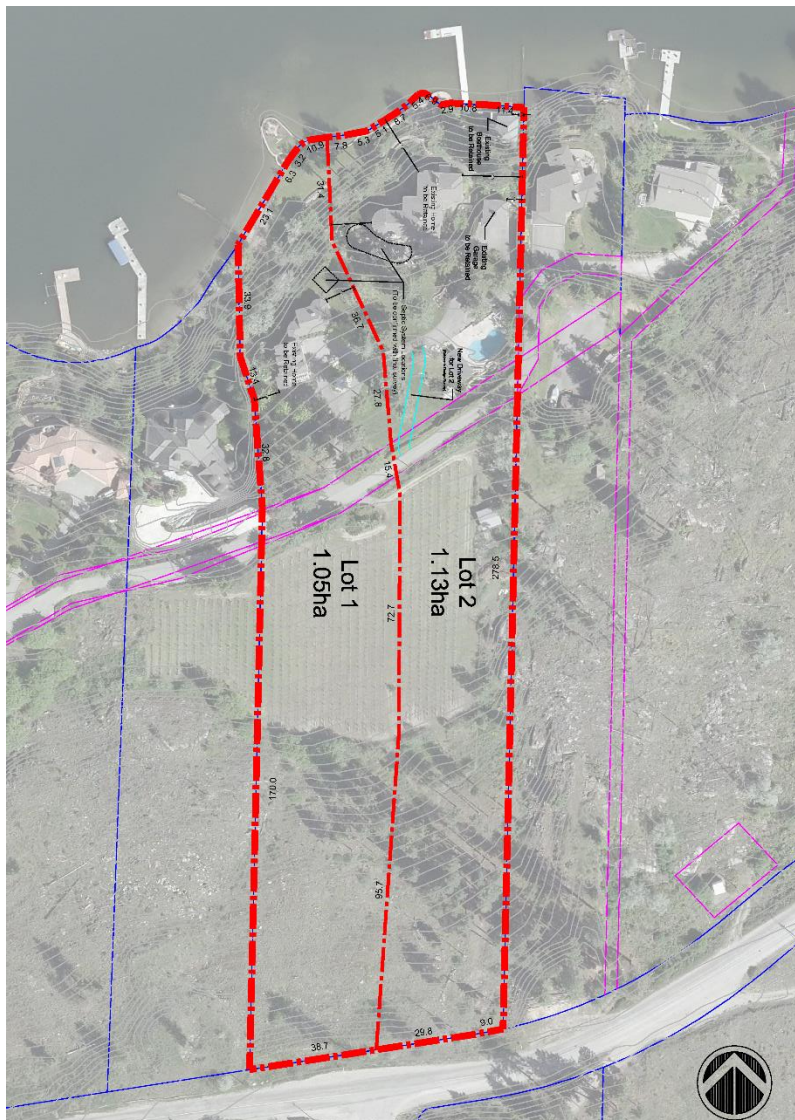
The two proposed lots are 10,500 sq.m. and 11,300 sq.m. in size, exceeding the minimum lot size required for an RR1 zoned parcel of 10,000 sq.m. (1.0 ha). The proposed subdivision sees two single family dwellings and two separate on-site septic systems contained on each proposed parcel. The requested variance is due to each lot proposed 0.2 m under the required 40.0 m width zoning regulation. Each proposed lot is required to be a minimum of 30.0 m deep, and are 250.0 m and 278.5 m deep.

The subject property is outside of the Permanent Growth Boundary, and not within the ALR. The proposed subdivision is not out of character for the neighbourhood as all properties north of the access road are similar width parcels to the east is a parcel 32.4 m wide.

Active fruit production is in operation on land that can be farmed. Steep slopes exist on the remainder.

Density is not increased as two single family homes currently exist on the parcel. If the variance is approved and the subdivision is executed, each lot will already have the maximum of one single family dwelling. No additional dwellings are permitted.

Proposed Subdivision Sketch: 245 Swick Road into two lots



4.3 Site Context

The subject parcel is located on Lakeshore Road, west of Bertram Creek Regional Park in the Southwest Mission sector of Kelowna. The subject parcel is legally adjacent to Lakeshore Road, and physically accessed off of Swick Road, which gives access to a legal shared access easement to all properties addressed Swick Road. The area of RR1 zoned lots is steeply sloped, with single family dwellings oriented along Okanagan Lake. Approximately half of the property to the south has slopes over 30%, a portion is farmed with fruit bearing plants, and the north portion of the property is residential with two single family dwellings, a pool, and an accessory structure along the foreshore.

Neighbourhood Map: 245 Swick Road



Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	W1	Okanagan Lake
East	RR1	Single Family Dwelling
South	RR1	Single Family Dwelling
West	RR1	Single Family Dwelling

Zoning Analysis Table

Zoning Analysis Table			
CRITERIA	RR1 ZONE REQUIREMENTS	Lot 1	Lot 2
Subdivision Regulations			
Lot Area	1.0 ha / 10,000 m ²	1.0 ha / 10,500 m ²	1.13 ha / 11,300 m ²
Lot Width	40.0 m	38.8 m ❶	38.8 m ❷
Lot Depth	30.0 m	250.0 m	278.5 m
❶ ❷ Indicates requested variance to minimum lot width.			

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Future Land Use

Resource Protection Area.¹ Rural land preserved for agricultural, environmental and recreational purposes, including the ALR, other resource lands with environmental value and protected natural open spaces, including private open space, steeply sloped lands, Natural Environment/Hazardous Condition DP Areas, and other natural features such as watercourses, water bodies, wetlands, plant and wildlife habitat, and significant aesthetic value. Allowable uses would be agriculture / resource use including farming, forestry, wood lots and silviculture as well as public or private open space on lands considered environmentally sensitive or hazardous (steep slopes). Generally land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of park/recreation uses. **Non-ALR land outside the Permanent Growth Boundary will not be supported for any further parcelization.**

The OCP clearly states that this subject parcel will not be supported for any further parcelization. The proposed application is to return the subject property (one parcel) back into the two parcels that existed previously. Currently the two dwellings that existed prior to the 1989 lot consolidation will remain on each proposed parcel. Therefore, no further density or development is occurring over what originally existed on the land.

6.0 Technical Comments

6.1 Development Engineering Department

No items are required as a result of the proposed variance. See attached Schedule "B" Development Engineering Memorandum for Subdivision requirements. For information only.

7.0 Application Chronology

Date of Application Received: June 12, 2018
Date Public Consultation Completed: August 16, 2018

Report prepared by: Tracey Hillis, Planner

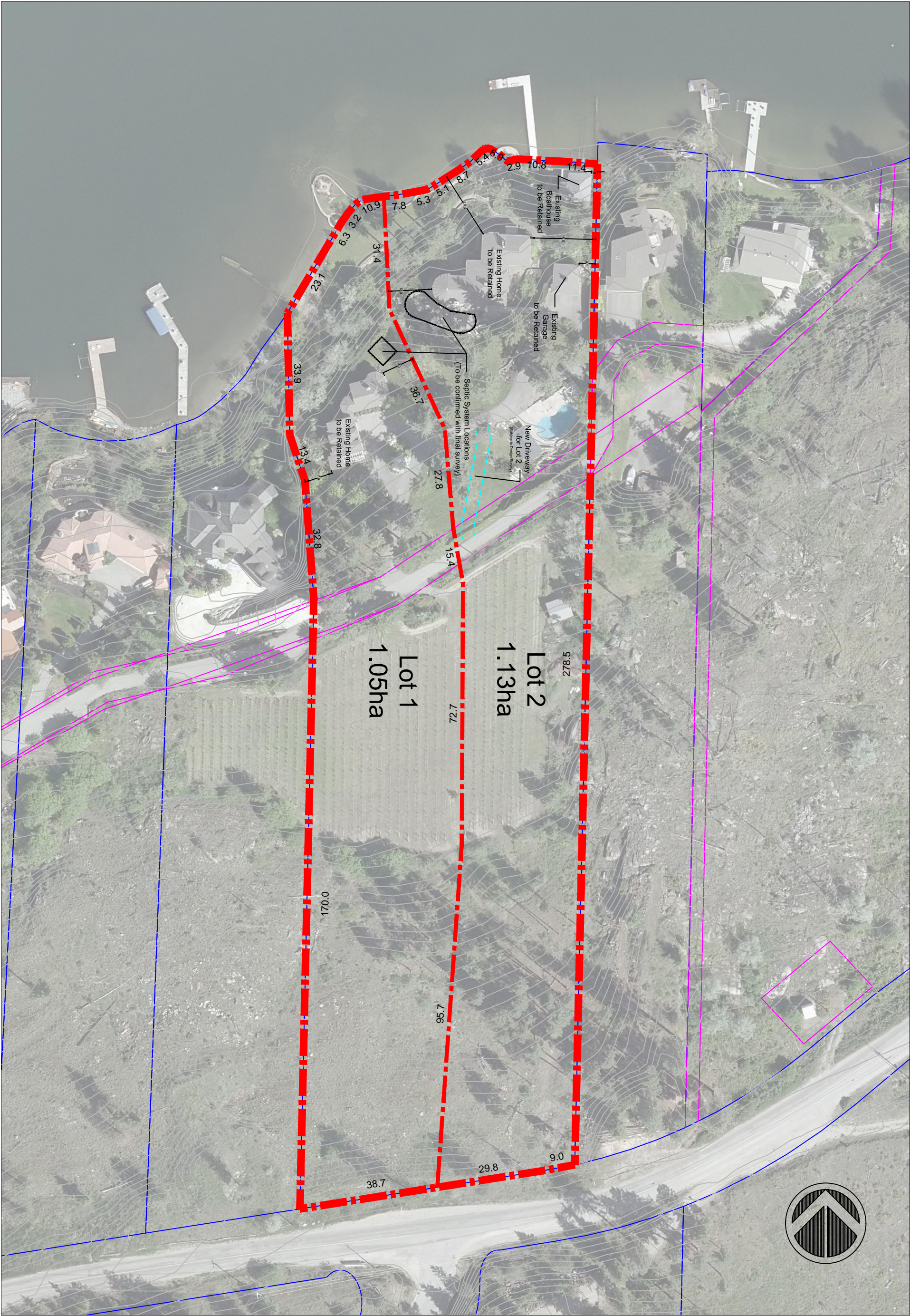
Reviewed by: Dean Strachan, Suburban and Rural Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Schedule "A" Proposed Subdivision Sketch
Attachment "B" Development Engineering Memorandum – Subdivision Requirements
Attachment "C" Reference Plan of Consolidation 1989
Draft Development Variance Permit

¹ City of Kelowna Official Community Plan, Land Use Designation Definitions (Future Land Use).



SCHEDULE

A

This forms part of application

DCP18-0125

Planner Initials

TH

City of Kelowna

COMMUNITY PLANNING

4	180506	Revised for PIR
3	180523	Issued for PIR
2	180509	Issued to Client for Review
1	180502	Issued to Client for Review
No. Date Description		
Revisions		



NEW TOWN
SERVICES
250 • 860 • 8185
www.newtownservices.ca

project title	
245 Swick Rd Subdivision	
project no.	1687
drawing title	
RR1 Subdivision Plan	
designed	scale
drawn	1:1000
checked	
drawing no.	
plotted	

CITY OF KELOWNA
MEMORANDUM

Date: July 18, 2018
File No.: DVP18-0125

To: Land Use Management (TH)

From: Development Engineering Manager

Subject: 245 Swick Road Lakeshore Rd

Lot 2 Plan KAP45842

ATTACHMENT B

This forms part of application

DVP18-0125

Planner
Initials

TH

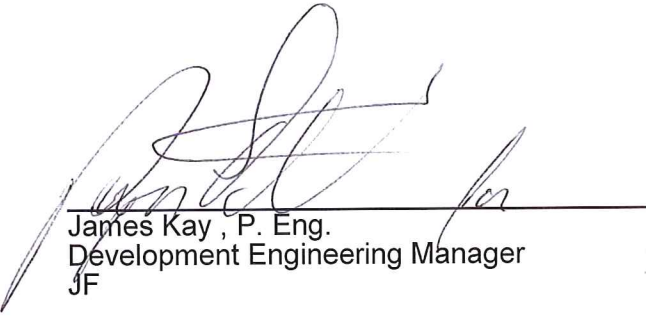
City of
Kelowna
COMMUNITY PLANNING



Development Engineering Services have the following comments associated with this application for a development variance permit.

Servicing requirements are outlined in our report under file S18-0050

The Development Variance Permit Application to vary the lot width for each lot from 40.0 m required to 38.7 m proposed does not compromise the municipal servicing requirements.


James Kay, P. Eng.
Development Engineering Manager
JF

CITY OF KELOWNA

MEMORANDUM

Date: July 9, 2018
File No.: S18-0050
To: Land Use Management (TH)
From: Development Engineering Manager
Subject: Rezoning Application – Engineering Comments

LOCATION: 245 Swick Road Lakeshore Rd
APPLICANT: New Town Services Inc
LLEGAL: Lot 2 Plan KAP45842 Land District 41 TP 28 ODYD

The Development Engineering Branch comments and requirements regarding this application for a two lot subdivision zoned RR1 are as follows:

The Development Engineering Technologist for this project is John Filipenko. ASCT

.1) General

- a) The subject land area under this application is below Lakeshore Road within the South Okanagan Mission area.

.3 Water

- a) The subject parcel under this application is located within the Future City of Kelowna service area. The parcel is currently served by a licenced fresh water lake intake.
- b) As a condition of subdivision, Schedule 1 of Bylaw 7900, Works & Services Requirements (BL11309) indicates that each parcel must be supplied by a distribution system capable of delivering domestic and fire flow demands that meet the flow and pressure parameters of Schedule 4 in the Subdivision, Development & Servicing Bylaw

.4 Sanitary Sewer

- a) This subject parcel is currently not within the City service area. Sanitary sewage is presently handled by an on-site sewage disposal system. Each individual lot requires a stand alone system .
- b) Sanitary sewage effluent ground disposal shall be in accordance with Part 2, Section 5.2 (o)(viii) of the Subdivision, Development & Servicing Bylaw No.7900.

.6) Roads

- a) Verify that physical driveway access will satisfy City requirements. The lots are serviced by onsite sewage disposal system, show limits of cut and fill lines for the proposed driveway..

.7) Security and Levy Requirements

Bonding To be determined

Bonding amounts are comprised of estimated construction costs escalated to include engineering design and contingency protection. The developer's consulting civil engineer shall provide detailed designs and obtain actual tendered construction costs. Bonding for required off-site construction must be provided and may be in the form of cash or an irrevocable letter of credit, in an approved format. The owner must also enter into a servicing agreement in a form provided by the City.

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as (3.5% of the Total Off-Site Construction Cost plus GST)

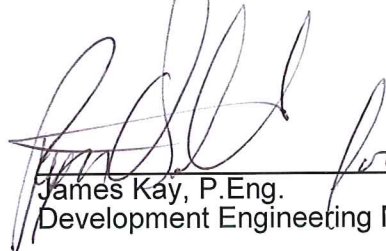
.8) Other Engineering Comments

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.

.7) Charges and Fees

Development Cost Charges (DCC's) are payable

- a) Fees per the "Development Application Fees Bylaw" include:
- i) Survey Monument Fee: **\$50.00** per newly created lot (GST exempt).



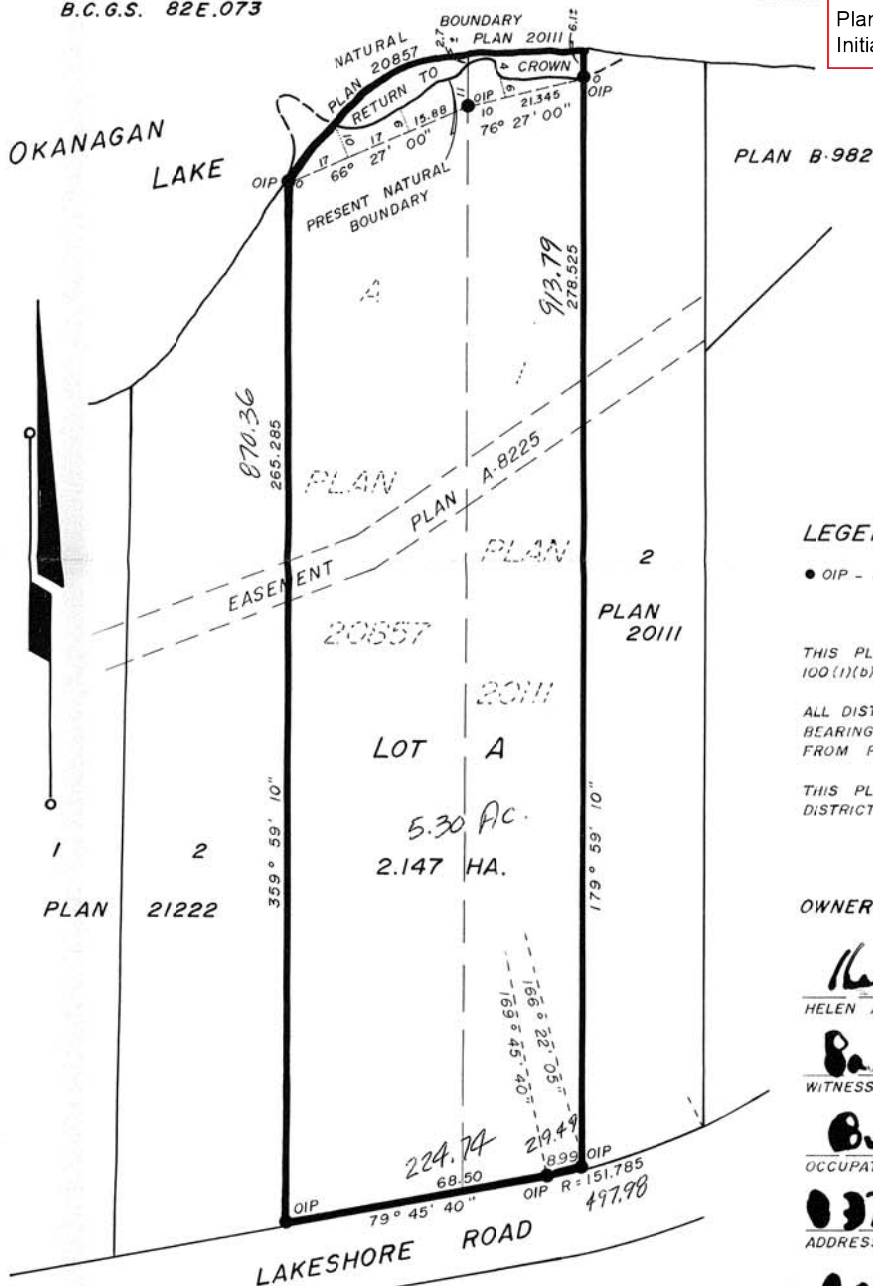
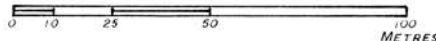
James Kay, P.Eng.
Development Engineering Manager

Jf

REFERENCE PLAN OF CONSOLIDATION OF LOT A, PLAN 20857 & LOT 1, PLAN 20111, SEC. 16, TP. 28, S.D.Y.D.

SCALE - 1:1250

B.C.G.S. 82E.073



PLAN NO. 41241 (P)

DEPOSITED IN THE LAND TITLE OFFICE AT
KAMLOOPS, B.C., THIS DAY OF

1989.

[Signature]

REGISTRAR

ATTACHMENT C

This forms part of application

DVP18-0125

Planner
Initials

TH

City of
Kelowna
COMMUNITY PLANNING



LEGEND

● OIP - IRON POST FOUND

THIS PLAN PREPARED PURSUANT TO SECTION
100(1)(b) OF THE LAND TITLE ACT.

ALL DISTANCES ARE IN METRES.
BEARINGS ARE ASTRONOMIC AND ARE DERIVED
FROM PLAN 20857.

THIS PLAN LIES WITHIN THE REGIONAL
DISTRICT OF CENTRAL OKANAGAN.

OWNER -

Helen Ann Roach

HELEN ANN ROACH

Paul Roach

WITNESS

Businessman

OCCUPATION

032 EAGLE RIDGE PL

ADDRESS

CALGARY

I, C.W. GEHUE, A BRITISH COLUMBIA LAND SURVEYOR,
OF KELOWNA, IN BRITISH COLUMBIA, CERTIFY THAT I
WAS PRESENT AT AND PERSONALLY SUPERINTENDED
THE SURVEY REPRESENTED BY THIS PLAN AND THAT
THE SURVEY AND PLAN ARE CORRECT. THE SURVEY
WAS COMPLETED ON THE 26th DAY OF APRIL 1989.

C.W. Gehue

C.W. GEHUE B.C.L.S.

C.W. GEHUE & ASSOC.
B.C. LAND SURVEYORS
201 - 1470 ST. PAUL ST.
KELOWNA, B.C. V1Y 2E6

Development Variance Permit

DVP18-0125



This permit relates to land in the City of Kelowna municipally known as **245 Swick Road**

and legally known as **Lot 2 Section 16 Township 28 SDYD Plan KAP45842**

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

Two Lot Subdivision as per Zoning Bylaw No. 8000

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

Date of Decision: November 19, 2018

Decision By: CITY COUNCIL

Issued Date:

This permit will not be valid if development has not commenced by November 19, 2020.

Existing Zone: RR1 Rural Residential 1

Future Land Use Designation: REP – Resource Protection

This is NOT a Building Permit.

In addition to your Development 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: Wilfrid Roach

Applicant: New Town Services

Ryan Smith
Community Planning Department Manager
Community Planning & Strategic Investments

1. SCOPE OF APPROVAL

This Development 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 Development 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 Development 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) That Variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 12.1.5 (a): RR1 – Rural Residential Zones Subdivision Regulations

To vary the required minimum front yard width on proposed Lot A from 40.0 m permitted to 38.8 m proposed as per attached schedule "A".

Section 12.1.5 (A): RR1 – Rural Residential Zones Subdivision Regulations

To vary the required minimum front yard with on proposed Lot B from 40.0 m permitted to 38.8 m proposed as per attached schedule "A".

This Development Variance Permit is valid for two (2) years from the date of November 19, 2017 approval, with no opportunity to extend.

3. PERFORMANCE SECURITY

N/A

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.**