

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, April 23, 2019
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 Given.
3. **Confirmation of Minutes** 1 - 18
Public Hearing - April 9, 2019
Regular Meeting - April 9, 2019
4. **Bylaws Considered at Public Hearing**
 - 4.1 **Commercial Frontage Amendment, BL11796 (TA19-0005) - City of Kelowna** 19 - 19
To give Bylaw No. 11796 second and third reading in order to amend the C4 – Urban Centre Commercial zone to require functional commercial space on appropriate streets.
 - 4.2 **Kelly Rd 1050, BL11797 (Z18-0112) - Jonathan D.C. Tyre and Heather E. Tyre** 20 - 20
To give Bylaw No. 11797 second and third reading and adopt in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone to facilitate a two-lot subdivision, and development on the new lot.
 - 4.3 **TO BE DEFERRED - Laurier Ave 913, BL11798 (Z18-0105) - 1128826 B.C. Ltd, Inc.No. BC1128826**
To defer Bylaw No. 11798 readings due to development sign not being posted in time.
 - 4.4 **TO BE DEFERRED - Laurier Ave 934, BL11799 (Z18-0103) - 1079687 B.C. Ltd, Inc.No. BC1079687**
To defer Bylaw No. 11799 readings due to development sign not being posted in time.

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|---|---|---------|
| 4.5 | Groves Ave 448,458 and 460, BL11801 (OCP18-0019) - Abbott Park Holdings Inc., Inc No. BC1096096 | 21 - 21 |
| | <p>Requires a majority vote of all members of Council (5).</p> <p>To give Bylaw No. 11801 second and third reading in order to change the future land use designation of the subject property from the MRM - Multiple Unit Residential (Medium Density) designation to the MRH - Multiple Unit Residential (High Density) designation.</p> | |
| 4.6 | Groves Ave 448,458 and 460, BL11802 (Z17-0032) - Abbott Park Holdings Inc., Inc No. BC1096096 | 22 - 22 |
| | <p>To give Bylaw No. 11802 second and third reading in order to rezone the subject property from the RU1 Large Lot Housing zone to the RM6 - High Rise Apartment Housing zone.</p> | |
| 4.7 | Byrns Rd 2089, BL11810 (OCP18-0018) - Mohammed Maizal Munif | 23 - 23 |
| | <p>Requires a majority vote of all members of Council (5).</p> <p>To give Bylaw No. 11810 second and third reading in order to change the future land use designation of the subject property from the REP - Resource Protection Area designation to the S2RES - Single/Two Unit Residential designation.</p> | |
| 4.8 | Byrns Rd 2089, BL11811 (Z18-0094) - Mohammed Maizal Munif | 24 - 24 |
| | <p>To give Bylaw No. 11811 second and third reading in order to rezone the subject property from the A1- Agricultural 1 zone to the RU6 - Two Dwelling Housing zone.</p> | |
| <p>5. Notification of Meeting</p> <p>The City Clerk will provide information as to how the following items on the Agenda were publicized.</p> | | |
| <p>6. Development Permit and Development Variance Permit Reports</p> <p>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.</p> | | |
| 6.1 | Altura Rd 30, DVP18-0190 - David & Camille Harkins | 25 - 33 |
| | <p>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.</p> <p>To vary the allowable lot coverage from 90 m2 to 117 m2.</p> | |

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 front yard from 6.0m to 5.8m on the subject property.

7. Reminders

8. Termination



City of Kelowna

Public Hearing

Minutes

Date: Tuesday, April 9, 2019

Location: Council Chamber
City Hall, 1435 Water Street

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

Staff Present City Manager, Doug Gilchrist; Deputy City Clerk, Karen Needham; Acting Divisional Director, Community Planning & Strategic Investments, Derek Edstrom; Community Planning Department Manager, Ryan Smith; Suburban and Rural Planning Manager, Dean Strachan; Legislative Coordinator (Confidential), Rebecca Van Huizen

(*denotes partial attendance)

1. Call to Order

Mayor Basran called the Hearing to order at 6:01 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 Deputy City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board of City Hall on Tuesday, March 26, 2019 and by being placed in the Kelowna Daily Courier issues on Friday, March 29 and Wednesday April 3, and by sending out or otherwise delivering 1547 statutory notices to the owners and occupiers of surrounding properties on Tuesday, March 26, 2019.

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 Hall Rd, Fairhall Rd and Packers Rd, BL11761 (LUCT18-0011) - Various Owners

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The Deputy City Clerk advised that no correspondence was received.

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

No one from the gallery came forward.

There were no further comments.

3.2 Bernard Ave 547-559, BL11775 (Z19-0005) - Salco Management Ltd, Inc. No. BCo744182

Councillor Sieben declared a conflict of interest for items 3.2 and 3.3 as he provides insurance services to the applicants and left the meeting at 6:06 p.m.

Staff:

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

The Deputy City Clerk advised that the following correspondence was received.

Form Letters of Support:

- Tania Robinson, 5 letters of support / Petition of 22 in support

Applicant, Matt Dober, Flora (Bernard) Enterprises:

- Displayed a PowerPoint presentation.
- Spoke to the background of the Flora business.
- Noted they are also setting up the location at 401 Glenmore Rd.

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

No one from the gallery came forward.

There were no further comments.

3.3 Glenmore Rd 401, BL11778 (Z19-0006) - 653332 BC Ltd, Inc. No. 653332

Staff:

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

The Deputy City Clerk advised that the following correspondence was received.

Letters of Support:

- Sean Warnes, Spruceview PI S.

Form Letters of Support:

- Tania Robinson, 4 letters of support / Petition of 11 in support

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 from Council.

Estelle Phillion, Ballou Rd:

- Concerned about cannabis applications.
- Noted the area has a high traffic problem and the proposed business will add to this.
- Noted there is an elementary school 750m away.
- Worried about potential increase in crime.

Staff:

- Confirmed the minimum distance from an elementary school is 500m.

There were no further comments.

Councillor Sieben returned to the meeting at 6:18 p.m.

3.4 Rutland Rd S 140-160, BL11779 (Z19-0026) - Canada West Realty Ltd, Inc. No. 71313

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The Deputy City Clerk advised that the following correspondence was received.

Letters of Support:

- Dawn Thiessen, Uptown Rutland Business Association – President

Applicant, Hazel Christy, Christy & Associates Planning Consultants Ltd:

- Displayed on overhead screen, photos of inside of proposed cannabis store.
- Here with business owner, and owner of property in support of application.

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

No one from the gallery came forward.

There were no further comments.

3.5 Springfield Rd 2121, BL11780 (Z19-0029) - 417414 BC Limited, Inc No 417414

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The Deputy City Clerk advised that the following correspondence was received.

Letters of Opposition and Concern:

- Keith Whitaker, Lead Pastor, Mission Creek Alliance Church

Applicant, Reid Ogdon, Lightbox Enterprises Ltd:

- Companies are familiar with hospitality.
- Noted they opened a cannabis store in Ontario last week.

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

No one from the gallery came forward.

There were no further comments.

3.6 Gordon Dr 3818, BL11782 (TA19-0008) & BL11783 (Z19-0013) - Save on Shoes Ltd Inc No 397854

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The Deputy City Clerk advised that the following correspondence was received.

Letters of Opposition and Concern:

- Sam Bauer, Gordon Dr
- Steven and Jill Porter, Gordon Dr
- Sandra Aime, Gordon Dr

Letters of Support:

- Elaine Fuhr, Gordon Dr
- Rodrick Fuhr, Gordon Dr
- Anatasia Anderson, Cook Rd

Applicant, Steven Jones. Paret Rd

- Spoke to his business proposal and history in Kelowna.
- Business owner for over 15 years.
- Noted his proposal meets all the setbacks requirements.
- Spoke to and responded to the letters of opposition and concern.
- Noted his application exceeds the setback requirements.
- Owns another business in the same complex.
- Application got the 2nd highest scoring matrix in Kelowna.
- Uses medical cannabis himself.
- Spoke to the hours and days they are planning to be open.
- Has support from owner of property and other tenants.

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

No one from the gallery came forward.

There were no further comments.

3.7 Kyndree Ct 1222, BL11787 (Z19-0042) - Hans and Krystyna Schubel

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised the following correspondence was received.

Letters of Support:

- John & Blanche Hertay, Kyndree Ct

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 from Council.

No one from the gallery came forward.

There were no further comments.

3.8 Via Centrale 3200, BL11789 (OCP18-0020) & BL11791 (Z18-0113) - 0971205 B.C. Ltd.

Staff:

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

Council.

The Deputy City Clerk advised that the following correspondence was received.

Letters of Opposition and Concern:

- Doreen Jack, Capistrano Dr
- John and June Elliott, Country Club Dr
- Diana and Andrew Clark, Via Centrale
- Kelly Maier, Via Centrale
- Andrea Keber, Via Centrale
- Chad VanderMeer, Via Centrale
- Michael Leever, Via Centrale
- Lee Clark, Via Centrale

Letters of Consideration:

- Richard Newton, Quail Pl
- Bernie Price, Via Centrale

Applicant, David Sargent, Adaptive Properties Ltd:

- Displayed a PowerPoint Presentation.
- Went into the history of the CD6 zone in the area and subsequent zoning changes that happened in 2017.
- Showed conceptual renderings of the site.
- Understands the hesitation from the public as there hasn't been any development in 10 years in that area.
- Spoke to the proposed changes to the golf course.
- At the open house, there was more concern brought forward about the golf hole, not much about the actual development.
- Responded to questions from Council.

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

Diana Clark, Via Centrale:

- Lives in building complex abutting the proposed development.
- Bought property in 2017, did research ensuring that nothing would happen to the neighbouring golf course property.
- Opposed to the application.
- Changing the OCP/Rezoning is not a minor change.
- Concerned about removing green space, trees.
- The conceptual drawings are misleading.
- The proposed development would block the view of abutting multifamily homes.
- Would diminish value of homes and negatively impact them.
- Responded to questions from Council.
- Questioned if development is needed at this time in that area.

Barrie Price, Via Centrale:

- Opposed to the application.
- Green space enhances the community.
- Bought in this area for the peace and tranquility.
- Noted there are already multiple properties for sale in the area.
- Questioned who will benefit from this development, with the loss of the green space, trees and wildlife.

Lee Clark, Via Centrale:

- Owns a property abutting the proposed development.
- Bought the property in 2017.
- Opposed to the application.
- Chose this area for the proximity to UBCO and the abutting green space.

- The green space will never be recovered.
- Believes there is already a lot of development happening in the area.

Andrew Clark, Via Centrale

- Noted the OCP states this as parkland.
- The parcel in question is zoned park.
- Opposed to the application.
- Owns a property abutting the proposed development.
- The existing green space offers peace and serenity.

Applicant, Dave Sargent:

- Responded to questions raised from the gallery.
- Believes this proposal will not diminish the beauty of the course.
- Spoke to the conceptual design and associated height.
- Spoke to the sightlines issues raised.
- Noted there is quite a bit of green space in the development.
- Responded to questions from Council.
- This is not a public park, but private green space in the privately owned golf course.

Dan Matheson, General Manager, The Okanagan Golf Club:

- Spoke to the proposed changes to the 18th hole.
- Still wanting to maintain beauty and challenge at the hole.
- Responded to questions from Council.
- Does not feel changes to 18th hole take away from the course.

Staff:

- Responded to questions from Council.

There were no further comments.

3.9 McCarthy Rd 9670, BL11790 (Z18-0122) - The Flowr Group (Okanagan) Inc., Inc. No. BC0974062

Staff:

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

The Deputy City Clerk advised that the following correspondence was received.

Letters of Opposition and Concern:

- Karen Smith, Finch Rd, Lake Country
- Clyde and Grace Blyth, Bottom Wood Lake Rd, Winfield

Applicant, Calvin Meiklejohn, Meiklejohn Architectural Design Studio Inc:

- Displayed slides regarding the application.
- Clarified they are not a retail space, but a production facility.
- Worked with planning on parking issues.
- Talked to current building phases.
- Responded to questions from Council.

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

No one from the gallery came forward.

There were no further comments.

3.10 Harvey Ave 1455-1475, BL11792 (Z19-0010) - 449048 British Columbia Ltd, 1145399

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The Deputy City Clerk advised that no correspondence was received.

Applicant, Hazel Christy, Christy & Associates Planning Consultants Ltd:

- Displayed on overhead screen, photos of inside of proposed cannabis store.
- Here with Tarik Shabib, business owner, and owner of property in support of application.

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

No one from the gallery came forward.

There were no further comments.

3.11 Harvey Ave 2090, BL11793 (Z19-0008) - T 252 Enterprises Ltd Inc No BC1184462

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The Deputy City Clerk advised that no correspondence was received.

Applicant, Dan Winer, 10330698 Canada Limited:

- Mentioned that approving this proposal opens up job opportunities in Kelowna.

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

No one from the gallery came forward.

There were no further comments.

4. Termination

The Hearing was declared terminated at 7:41 p.m.

Mayor Basran

kn/rvh



Deputy City Clerk



City of Kelowna Regular Meeting Minutes

Date: Tuesday, April 9, 2019

Location: Council Chamber
City Hall, 1435 Water Street

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

Staff Present City Manager, Doug Gilchrist; Deputy City Clerk, Karen Needham; Acting Divisional Director, Community Planning & Strategic Investments, Derek Edstrom; Community Planning Department Manager, Ryan Smith; Suburban and Rural Planning Manager, Dean Strachan; Legislative Coordinator (Confidential), Rebecca Van Huizen

(*denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:54 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Donn.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

(R0395/19/04/09) THAT the Minutes of the Public Hearing and Regular Meeting of March 26, 2019 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 Hall Rd, Fairhall Rd and Packers Rd, BL11761 (LUCT18-0011) - Various Owners

Moved By Councillor Stack/Seconded By Councillor DeHart

(R0396/19/04/09) THAT Bylaw No. 11761 be read a second and third time and be adopted.

Carried

- 4.2 **Bernard Ave 547-559, BL11775 (Z19-0005) - Salco Management Ltd, Inc. No. BCo744182**

Councillor Sieben declared a conflict of interest on items 4.2 and 4.3 as he provides insurance services for the applicants and left the meeting at 7:56 p.m.

Moved By Councillor Singh/Seconded By Councillor Hodge

(R0397/19/04/09) THAT Bylaw No. 11775 be read a second and third time.

Carried

- 4.3 **Glenmore Rd 401, BL11778 (Z19-0006) - 653332 BC Ltd, Inc. No. 653332**

Moved By Councillor DeHart/Seconded By Councillor Stack

(R0398/19/04/09) THAT Bylaw No. 11778 be read a second and third time.

Carried

Councillor Sieben returned to the meeting at 8:02 p.m.

- 4.4 **Rutland Rd S 140-160, BL11779 (Z19-0026) - Canada West Realty Ltd, Inc. No. 71313**

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

(R0399/19/04/09) THAT Bylaw No. 11779 be read a second and third time.

Carried

- 4.5 **Springfield Rd 2121, BL11780 (Z19-0029) - 417414 BC Limited, Inc No 417414**

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

(R0400/19/04/09) THAT Bylaw No. 11780 be read a second and third time.

Carried

- 4.6 **Gordon Drive 3818, BL11782 (TA19-0008) - Save on Shoes Ltd Inc No 397854**

Moved By Councillor Hodge/Seconded By Councillor Singh

(R0401/19/04/09) THAT Bylaw No. 11782 be read a second and third time.

Carried

- 4.7 **Gordon Dr 3818, BL11783 (Z19-0013) - Save on Shoes Ltd Inc No 397854**

Moved By Councillor Stack/Seconded By Councillor DeHart

(R0402/19/04/09) THAT Bylaw No. 11783 be read a second and third time.

Carried

- 4.8 **Kyndree Ct 1222, BL11787 (Z19-0042) - Hans and Krystyna Schubel**

Moved By Councillor DeHart/Seconded By Councillor Stack

(Ro403/19/04/09) THAT Bylaw No. 11787 be read a second and third time.

Carried

4.9 Via Centrale 3200, BL11789 (OCP18-0020) - 0971205 B.C. Ltd.

Moved By Councillor Donn/Seconded By Councillor Sieben

(Ro404/19/04/09) THAT Bylaw No. 11789 be read a second and third time.

Carried

Councillors Hodge, Sieben, Singh and Stack – Opposed

4.10 Via Centrale 3200, BL11791 (Z18-0113) - 0971205 B.C. Ltd.

Moved By Councillor Donn/Seconded By Councillor Sieben

(Ro405/19/04/09) THAT Bylaw No. 11791 be read a second and third time.

Carried

Councillors Hodge, Sieben, Singh and Stack – Opposed

4.11 McCarthy Rd 9670, BL11790 (Z18-0122) - The Flowr Group (Okanagan) Inc., Inc. No. BC0974062

Moved By Councillor Wooldridge/Seconded By Councillor Given

(Ro406/19/04/09) THAT Bylaw No. 11790 be read a second and third time.

Carried

4.12 Harvey Ave 1455-1475, BL11792 (Z19-0010) - 449048 British Columbia Ltd, 1145399

Moved By Councillor Singh/Seconded By Councillor Hodge

(Ro407/19/04/09) THAT Bylaw No. 11792 be read a second and third time.

Carried

4.13 Harvey Ave 2090, BL11793 (Z19-0008) - T 252 Enterprises Ltd Inc No BC1184462

Moved By Councillor Given/Seconded By Councillor Wooldridge

(Ro408/19/04/09) THAT Bylaw No. 11793 be read a second and third time.

Carried

5. Notification of Meeting

The Deputy City Clerk advised that Notice of Council's consideration of this Liquor License Application was advertised by being posted on the Notice Board at City Hall on Tuesday, March 26, 2019 and by being placed in the Kelowna Daily Courier issues on Friday, March 29 and Wednesday, April 3 and by sending out or otherwise delivering 10 statutory notices to the owners and occupiers of the surrounding properties on Tuesday, March 26, 2019.

The Deputy City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise mailing 159 statutory notices to the owners and occupiers of surrounding properties on Tuesday, March 26, 2019.

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 Pooley Rd 3240, LL18-0019 - Wyn and Marion Lewis

Staff:

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

The Deputy City Clerk advised that the following correspondence was received

Letters of Opposition and Concern:

- Lucinda and Amandio Costa, Pooley Rd
- Tony Costa, McCulloch Rd

Applicant, Wyn Lewis, Pooley Rd:

- Provided background on the winery.
- Spoke to the various events they hold at the winery.
- Mentioned the changes will not impact the neighbourhood.
- Spoke to the changes and why they are being requested.
- Responded to questions from Council.

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

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Hodge

(Ro409/19/04/09) THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor & Cannabis Regulation Branch (LCRB):

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

1. Council recommends support of an application from MJB Lawyers for a Special Event Area (SEA) Endorsement Change for Lot 2 Section 15 Township 26 ODYD Plan 3379, located at 3240 Pooley Road, Kelowna, BC for the following reasons:
 - a. The change of hours for SEAs 2 and 3 does not increase the total area on the property that can be used for special events;
 - b. The requested change of hours introduces a maximum person capacity for the SEAs; and
 - c. The requested change of hours is in keeping with how the licensee has previously operated special events.
2. Council's comments on the LCRB's prescribed considerations are as follows:
 - a. **The location of the special event area:** SEA 2 is within 60 m of a neighbouring residence, and SEA 3 is within 70 m of a neighbouring residence.

- b. **The proximity of the special event area to other social or recreational facilities and public buildings:** The subject property is within 1 km of East Kelowna Park, East Kelowna Hall, Harvest Golf Club, Orchard Greens Golf Club, McCulloch Station Pub, and Okanagan Montessori School. It is also within 1 km of several wineries and cideries.
 - c. **The person capacity of the winery related uses on the subject parcel:** Existing maximum person capacities for the licenced areas are as follows: tasting room and retail sales area – 40 persons; lounge (indoor) – 78 persons; and lounge (outdoor patio) – 60 persons. These are in addition to the proposed person capacities for the SEA endorsements: SEA 1 – 75 persons; SEA 2 – 300 persons; and SEA 3 – 75 persons. The total person capacity of the winery related uses is 628 when events are taking place.
 - d. **Traffic, noise, parking and zoning:** The subject parcel has generated numerous noise complaints from neighbouring residents regarding amplified music and voice. Parking has also been an issue, with cars impeding regular two-way traffic along Pooley Road during events. These impacts are expected to continue though not likely increase significantly with this application to change hours. A 2,990 m² area was converted from agriculture to permanent parking to add parking for the winery and associated uses. This was permitted to be overflow parking only and was not to be a permanent (e.g. gravel or paved) surface.
 - e. **The impact on the community if the application is approved:** The existing SEAs and other ancillary winery uses generate noise and parking concerns and impacts to the community. These impacts are expected to continue if the requested change in hours is approved.
3. 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. A sign was posted on the property notifying neighbours 10 days in advance of the Council meeting. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures."

Carried

7. Development Permit and Development Variance Permit Reports

7.1 Cawston Ave 1044-1074, OCP18-0002 (BL11595) - Sukhdarshan Singh Pannu

Moved By Councillor Donn/Seconded By Councillor Sieben

(Ro410/19/04/09) THAT Bylaw No. 11595 be amended at third by deleting the legal descriptions that read:

- Lot 1 District Lot 138 ODYD Plan 4315
- Lot 2 District Lot 138 ODYD Plan 4315
- Lot 2 District Lot 138 ODYD Plan 3857

And replacing it with:

- Lot A District Lot 138 ODYD Plan EPP85234

Carried

Moved By Councillor Donn/Seconded By Councillor Sieben

(R0411/19/04/09) THAT Bylaw No. 11595 as amended, be adopted.

Carried

7.2 Cawston Ave 1044-1074, Z18-0008 (BL11596) - Sukhdarshan Singh Pannu

Moved By Councillor Donn/Seconded By Councillor Sieben

(R0412/19/04/09) THAT Bylaw No. 11596 be amended at third by deleting the legal descriptions that read:

- Lot 1 District Lot 138 ODYD Plan 4315
- Lot 2 District Lot 138 ODYD Plan 4315
- Lot 2 District Lot 138 ODYD Plan 3857

And replacing it with:

- Lot A District Lot 138 ODYD Plan EPP85234

Carried

Moved By Councillor Donn/Seconded By Councillor Sieben

(R0413/19/04/09) THAT Bylaw No. 11596 as amended, be adopted.

Carried

7.3 Cawston Ave 1044-1074, DP18-0018 DVP18-0019 - Sukhdarshan Singh Pannu

Staff:

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

The Deputy 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 from Council.

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Donn

(R0414/19/04/09) THAT Official Community Plan Map Amending Bylaw No. 11595 be amended at third reading to revise the legal description of the subject property from Lot 2 District Lot 138 ODYD Plan 3857 to Lot A District Lot 138 ODYD Plan EPP85234;

THAT Rezoning Bylaw No. 11596 be amended at third reading to revise the legal description of the subject properties from Lot 1 & Lot 2 District Lot 138 ODYD Plan 4315 and Lot 2 District Lot 138 ODYD Plan 3857 to Lot A District Lot 138 ODYD Plan EPP85234;

AND THAT final adoption of Official Community Plan Map Amending Bylaw No. 11595 and Rezoning Bylaw No. 11596 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP18-0018 for Lot A District Lot 138 ODYD Plan EPP85234, located at 1044-1074 Cawston Ave, 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. DVP18-0019 for Lot A District Lot 138 ODYD Plan EPP85234, located at 1044-1074 Cawston Ave, Kelowna, BC;

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

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

To vary the maximum site coverage from 40% to 45.4% proposed; and the maximum site coverage of buildings, driveways and parking areas from 65% to 71.9% proposed;

Section 8.1.11(b): Parking and Loading Regulations

To vary the ratio of medium size parking stalls from 40% maximum to 48% proposed.

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated April 9, 2019;

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

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

Carried

7.4 Gore Street 2627-2643, Z18-0106 (BL11721) - Teano Holdings Ltd., Inc.No. BC1090038

Moved By Councillor Given/Seconded By Councillor Wooldridge

(R0415/19/04/09) THAT Bylaw No. 11721 be amended at third by deleting the legal descriptions that read:

- Lot 7 District Lot 14 ODYD Plan 7927
- Lot 8 District Lot 14 ODYD Plan 7927

And replacing it with:

- Lot A District Lot 14 ODYD Plan EPP89269

Carried

Moved By Councillor Given/Seconded By Councillor Wooldridge

(Ro416/19/04/09) THAT Bylaw No. 11721 as amended, be adopted.

Carried

7.5 Gore St 2627-2643, DP18-0196 DVP18-0197 - Teano Holdings Ltd., Inc.No. BC0190038

Staff:

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

The Deputy 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 from Council.

No one from the gallery came forward.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Wooldridge

(Ro417/19/04/09) THAT Rezoning Bylaw No. 11721 be amended at third reading to revise the legal description of the subject properties from Lot 7 & Lot 8 District Lot 14 ODYD Plan 7927 to *Lot A, District Lot 14, ODYD, Plan EPP89269*;

AND THAT final adoption of Rezoning Bylaw No. 11721 (Z18-0106) be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP18-0196 for *Lot A, District Lot 14, ODYD, Plan EPP89269*, located at 2627 – 2643 Gore St, Kelowna, BC, 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 the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0197 for *Lot A, District Lot 14, ODYD, Plan EPP89269*, located at 2627 – 2643 Gore St, Kelowna, BC;

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

Section 13.11.6(e): Side Yard Setbacks

- To vary the required side yard setback along the south property line, as described in Schedule 'A', only for the parkade from 4.5m to 1.52m;

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

Carried

7.6 Carion Rd 230, DVP18-0202 - Northok Properties Inc., Inc. No. BC1172950

Staff:

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

The Deputy City Clerk advised that no correspondence was received.

Applicant, Anderson Smith, representative of Valens Agritech:

- Spoke to the business and its' operations at the site.
- Noted that due to challenges of the industry, it can attract the wrong type of attention.
- Responded to questions from Council.

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

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

(Ro418/19/04/09) THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0202 for Lot 5 Section 2 Township 20 ODYD Plan KAP57943, located at 230 Carion Road, Kelowna, BC;

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

Section 7.5.4: Landscaping and Screening – Fencing and Retailing Walls

To vary the maximum fence height in a Commercial, Public and Institutional or Industrial Zone from 2.4 m permitted to 3.66 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.

Carried

7.7 Cadder Ave 869, DVP19-0053 - Chad Gould

Staff:

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

The Deputy City Clerk advised that no correspondence was received.

The applicant was not present.

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

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Sieben

(Ro419/19/04/09) THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0053 for Lot 30 Section 19 Township 26, ODYD, Plan 700, located at 869 Cadder Avenue, Kelowna, BC;

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

Section 8.1.9(c) Parking and Loading: Location

To allow two required parking stalls to be located within 1.5m of the west side property line and within 1.5m of the rear property line.

Section 8.1.9(e) Parking and Loading: Location

To remove the requirement to screen a parking stall parallel to and flanking a lane by a physical barrier.

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

Carried

Councillors DeHart, Given and Wooldridge – Opposed

7.8 Tronson Dr 904, DVP19-0054 - Ian Ferguson & Suzanne Thorpe

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The Deputy City Clerk advised that no correspondence was received.

Applicant, Ian Ferguson, Tronson Dr:

- Spoke to the rationale for the variance request.

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

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Hodge

(Ro420/19/04/09) THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0054 for Lot 26, Section 29, Township 26, ODYD Plan 24924, located at 904 Tronson Dr, Kelowna, BC;

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

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

To vary the required minimum north side yard setback from 2.0m permitted to 1.53m proposed.

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

Carried

8. **Reminders - none**

9. **Termination**

The meeting was declared terminated at 9:19 p.m.

Mayor Basran

kn/rvh

Seedham

Deputy City Clerk

CITY OF KELOWNA
BYLAW NO. 11796
TA19-0005 – C4 Commercial Frontage Amendment

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 **Section 14 – Commercial Zones, 14.4 C4 – Urban Centre Commercial, 14.4.6(e) Other Regulations** be amended by deleting:

"A **building** incorporating residential uses shall provide a functional commercial space on the first floor, which must occupy a minimum of 90% of all street frontages, OR a minimum of 75% on secondary **street** frontages provided 100% of the principal frontage has a functional commercial space. Access driveways or other portions of the **street** frontage not used as a **building** will not be considered for the purpose of this calculation."

And replacing it with:

"Any building located on streets classified as a collector or arterial as identified in the OCP Map 7.3 – 20 Year Major Road Network and Road Classification Plan shall provide a functional commercial space on the first floor, which must occupy a minimum of 90% of all street frontages, OR a minimum of 75% on secondary **street** frontages provided 100% of the principal frontage has a functional commercial space. Access driveways or other portions of the **street** frontage not used as a **building** will not be considered for the purpose of this calculation."

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 8th day of April, 2019.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11797
Z18-0112 – 1050 Kelly 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 3, District Lot 135, Osoyoos Division, Yale District, Plan 18974, located on Kelly 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 8th day of April, 2019.

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. 11801

Official Community Plan Amendment No. OCP18-0019 – Abbott Park Holdings Inc., Inc. No. BC1096096 448, 458 & 460 Groves Avenue

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of Lots 6, 7, and 8, District Lot 14, ODYD, Plan 3856 located on Groves Ave, Kelowna, BC from the MRM - Multiple Unit Residential (Medium Density) designation to the MRH - Multiple Unit Residential (High Density) designation;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 8th day of April, 2019.

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. 11802
Z17-0032 – 448, 458 & 460 Groves Avenue

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 6, 7, and 8, District Lot 14, ODYD, Plan 3856, located on Groves Ave, Kelowna, BC from the RU1- Large Lot Housing zone to the RM6- High Rise Apartment Housing zone;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 8th day of April, 2019.

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. 11810

Official Community Plan Amendment No. OCP18-0018 2089 Byrns 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 Official Community Plan Bylaw Amendment No. OCP18-0018 to amend Map 4.1 of the Kelowna 2030 – Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of Lot 24, Block 3, District Lot 130, Osoyoos Division, Yale District, Plan 415B, located on Byrns Road, Kelowna, BC, from the REP – Resource Protection Area designation to the S2RES – Single/Two Unit 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 8th day of April, 2019.

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. 11811
Z18-0094 – 2089 Byrns 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 24, Block 3, District Lot 130, Osoyoos Division, Yale District, Plan 415B, located on Byrns Road, Kelowna, BC from the A1 – Agriculture 1 zone to the RU6 – Two Dwelling 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 8th day of April, 2019.

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: April 23, 2019

RIM No. 0940-00

To: City Manager

From: Community Planning Department (LKC)

Application: DVP18-0190

Owner: David Harkins & Camille Harkins

Address: 30 Altura Rd

Applicant: Urban Options Planning & Permits

Subject: Development Variance Permit Application

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU2c – Medium Lot Housing with Carriage House

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0190 for Lot 1 Section 32 Township 26 ODYD Plan 35716, located at 30 Altura Rd, Kelowna, BC;

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

Section 6.5.3(a) – Accessory Buildings in Residential Zones

To vary the allowable lot coverage from 90m² to 117m²

Section 6.5.3(d) – Accessory Buildings in Residential Zones

To vary the minimum front yard setback of an accessory building from 9.0m to 5.5m.

AND THAT Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated April 23, 2019;

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

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 consider a Development Variance Permit Application to vary the allowable lot coverage from 90m² to 117m² to facilitate the development of a carriage house on the property. And to consider a Development Variance Permit Application to vary the minimum front yard of the proposed carriage house from 9.0m to 5.5m.

3.0 Community Planning

Staff are recommending support for the proposed variance to vary the allowable lot coverage from 90m² to 117m² as this variance does not impose any negative implications to the surrounding properties. A variance is needed for lot coverage because the applicant wishes to keep the existing accessory building on the subject property.

A second Variance to reduce the front yard setback from 9.0m to 5.5m is required to utilize the existing driveway, respect the existing slope on the site, and to avoid a utility right-of-way. A similar variance was granted for the adjacent property at 38 Altura Road in 2012 which allowed an accessory structure to be placed 6.0m from the front property line. The proposed variance is not anticipated to have an adverse impact on adjacent properties. The RU2 zone allows for a front yard setback of 4.5m for single detached homes, therefore adjacent existing homes have a similar setback from the road. In addition, the proposed carriage house is aligned with the future land use designation (S2RES – Single/Two Unit Residential) and infill growth policies. The property is located within the Permanent Growth Boundary, is fully serviced, and is located near Knox Mountain Park. The subject property has a Walk Score of 20 as almost all errands require a car.

4.0 Proposal

4.1 Background

The applicant has previously rezoned the property from RU2 to RU2c with an understanding that these two variances would be required to facilitate the development of a carriage house. The subject property is adjacent to both Altura Road and Monte Road however driveway access is only provided from Altura Road. There is a single family dwelling and accessory building on the property. The existing accessory building is a single car garage with a studio located above the garage and will remain as part of this application. The room does not include a kitchen or a bathroom.

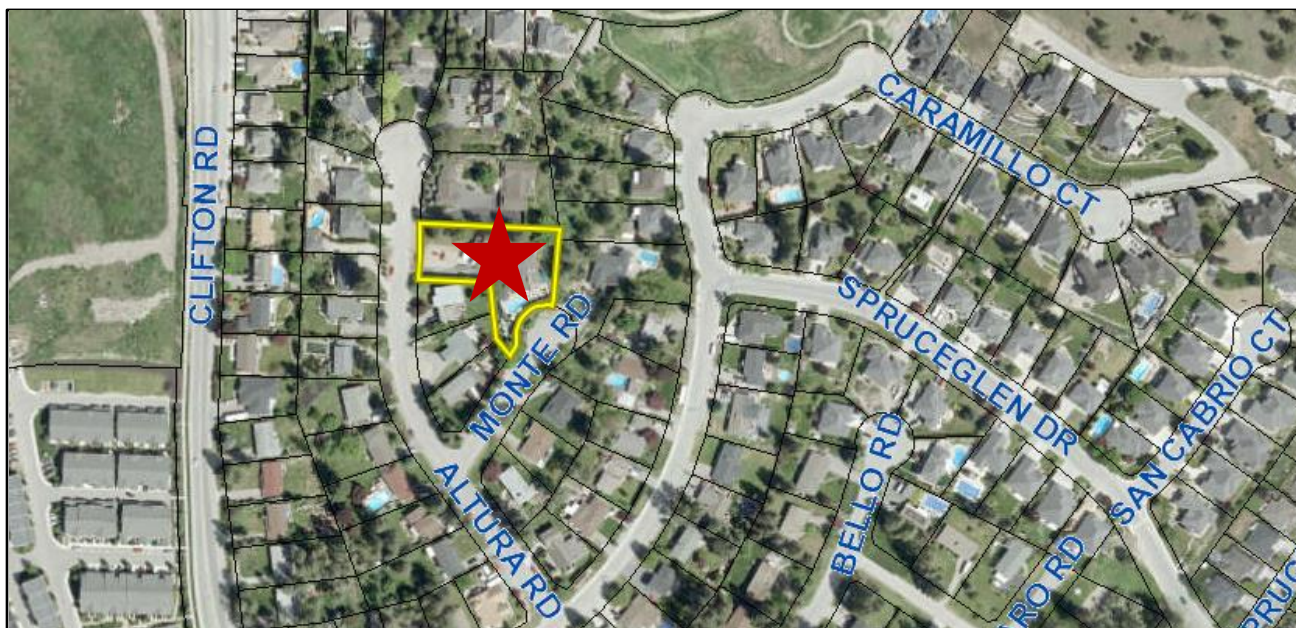
4.2 Project Description

A one and a half storey Carriage House is proposed to be located on the west portion of the lot, between Altura Rd and the existing accessory building. The accessory building will stay on the property limiting possible locations for the proposed carriage house and ultimately is the reason why the applicant is applying for two variances.

4.3 Site Context

The subject property is located in the Glenmore neighbourhood. The subject property is surrounded by properties zoned RR3 – Rural Residential, RR3c – Rural Residential with Carriage House, and RU1 – Large Lot Housing.

Subject Property Map: 30 Altura Rd.



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Carriage Houses & Accessory Apartments.²

Support Carriage Houses and accessory apartments through appropriate zoning regulations.

6.0 Technical Comments

6.1 Development Engineering Department

See Schedule B Development Memorandum Dated September 20, 2018

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.22.12 (Development Process Chapter).

7.0 Application Chronology

Date of Application Received: August 24, 2018
Date Public Consultation Completed: October 30, 2018

Report prepared by: Levan King Cranston, Planner I

Reviewed by: Dean Strachan, Suburban and Rural Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment 1: Development Variance Permit Draft
Schedule A: Site Plan & Renderings
Schedule B: Development Engineering Memo

DEVELOPMENT VARIANCE PERMIT



APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT

File Number DVP18-0190
Issued To: David Harkins & Camille Harkins
Site Address: 30 Altura Rd
Legal Description: Lot 1 Section 32 Township 26 ODYD Plan 35716
Zoning Classification: RU2c – Medium Lot Housing with Carriage House

SCOPE OF APPROVAL

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

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

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

1. TERMS AND CONDITIONS

THAT Development Variance Permit No. DVP18-0190, located at 30 Altura Rd, Kelowna, BC be approved subject to general conformance to the drawings (Schedule "A") attached to this permit.

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. 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.

The issuance of this Permit grants to the municipality a 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.

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.

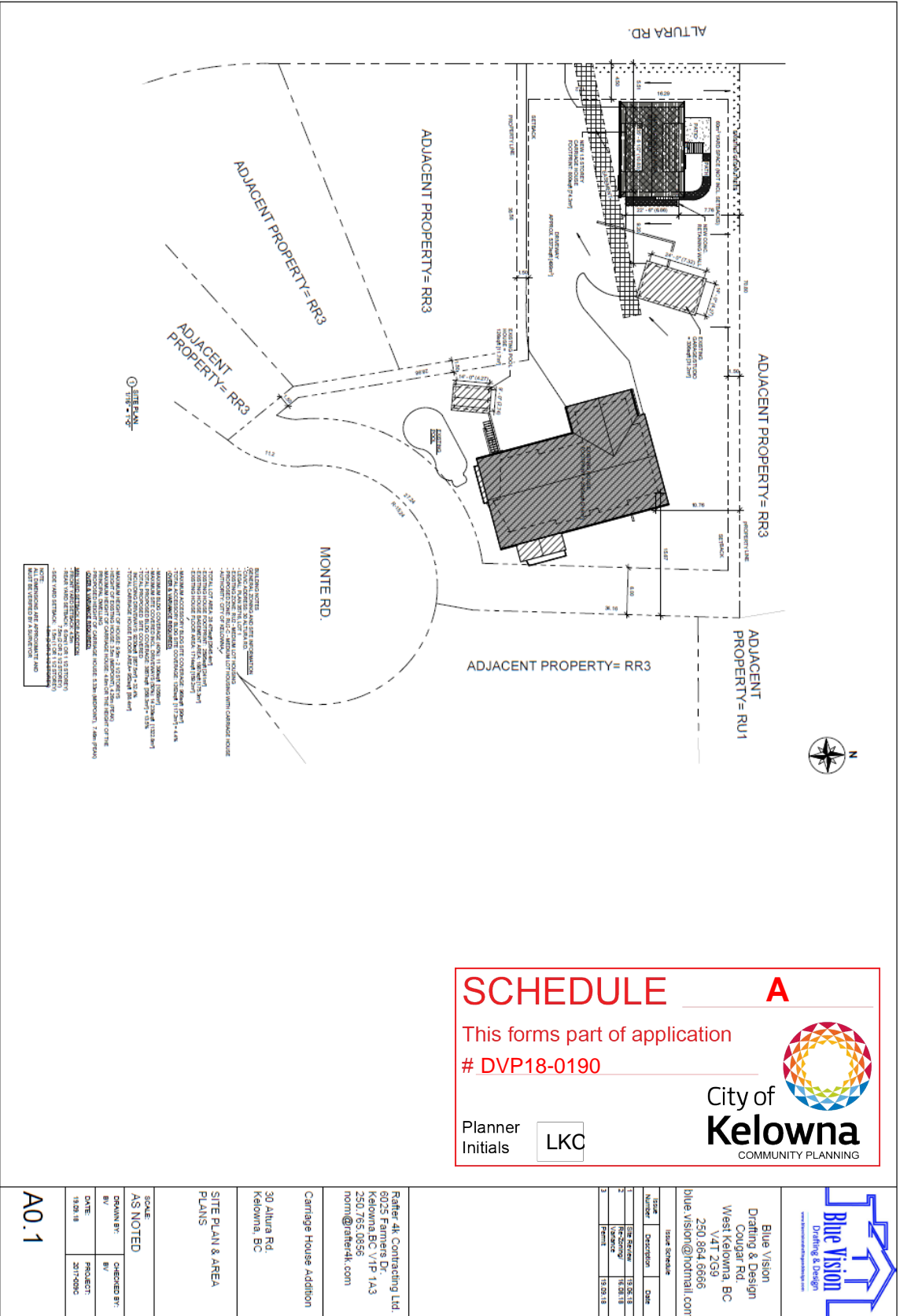
3. APPROVALS

Issued and approved by Council on the 23rd day of April, 2019.

Ryan Smith, Community Planning Department Manager

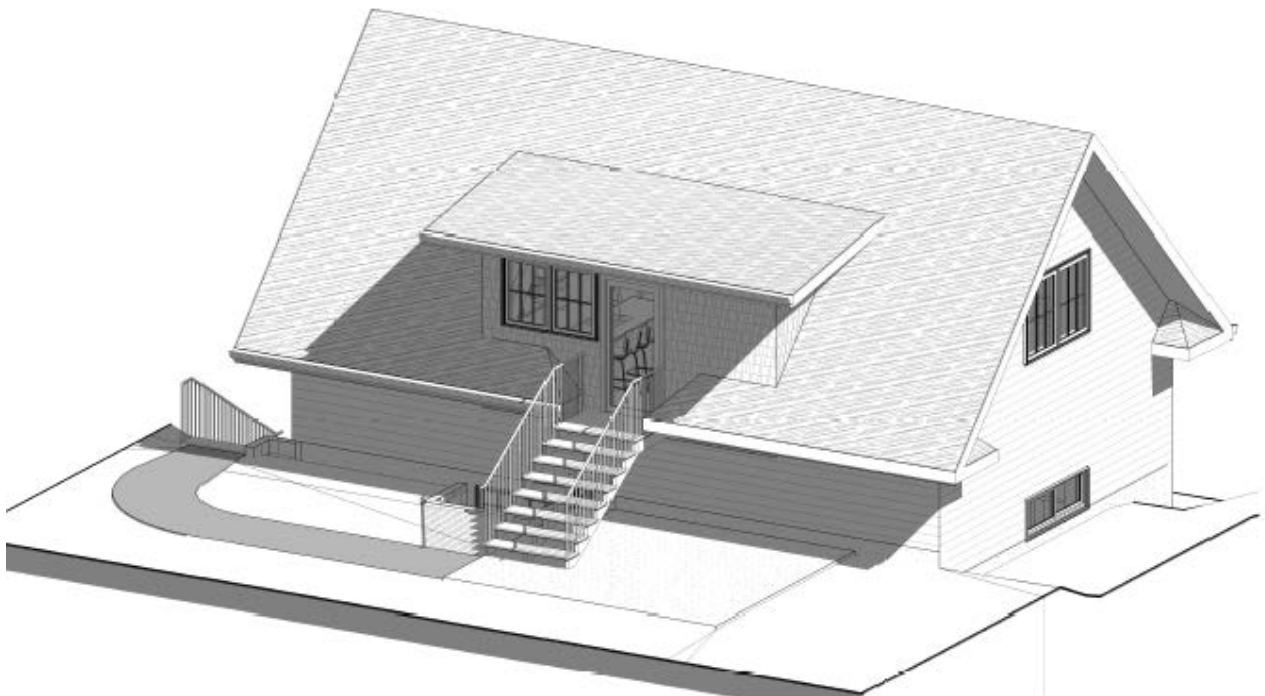
Date


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





① ISOMETRIC - FRONT



SCHEDULE		A
This forms part of application # DVP18-0190		
Planner Initials	LKC	 City of Kelowna <small>COMMUNITY PLANNING</small>

CITY OF KELOWNA
MEMORANDUM

Date: September 20, 2018
File No.: Z18-0102
To: Community Planning (AK)
From: Development Engineering Manager (JK)
Subject: 30 Altura Road RU2 to RU2c Carriage House

Development Engineering has the following comments and requirements associated with this application. The utility upgrading requirements outlined in this report will be a requirement of this development.

1. Domestic Water and Fire Protection

This property is currently serviced with a 19mm-diameter water service. The service will be adequate for this application. One metered water service will supply both the main residence and the carriage house.

2. Sanitary Sewer

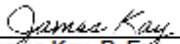
- a. Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service from Monte Rd. This proposed Carriage house cannot be service with this sanitary service. A new sanitary Service can be provided from Altura Rd by the City at the applicant's cost. The applicant will be required to sign a Third Party Work Order for the cost of the service upgrade. For estimate inquiry's please contact Ryan O'Sullivan, by email rosullivan@kelowna.ca or phone, 250-469-8519.

3. Development Permit and Site Related Issues

Direct the roof drains onto splash pads.

4. Electric Power and Telecommunication Services

It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.


James Kay, P. Eng.
Development Engineering Manager

RO

SCHEDULE

B

This forms part of application

DVP18-0190

Planner
Initials

LKC

City of
Kelowna
COMMUNITY PLANNING



REPORT TO COUNCIL



Date: April 23, 2019

RIM No. 0940-00

To: City Manager

From: Community Planning Department (AJ)

Application: DVP19-0039

Owner: Monika Klanyi-Nebojsza &
Zoltan Nebojsza

Address: 4675 Parkridge Drive

Applicant: Monika Klanyi-Nebojsza

Subject: Development Variance Permit Application

Existing OCP Designation: S2RES

Existing Zone: RR3

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0039 for Lot 17 Section 29 Township 29 ODYD Plan 34978, located at 4675 Parkridge Drive, Kelowna, BC;

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

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

To vary the required minimum front yard from 6.0 m permitted to 5.8 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.

2.0 Purpose

To vary the minimum front yard from 6.0m to 5.8m on the subject property.

3.0 Community Planning

Community Planning is supportive of varying the minimum front yard requirement from 6.0m to 5.8m on the subject property.

4.0 Proposal

4.1 Background

The applicants initially applied for a Building Permit to build a garage addition on an existing single family dwelling and to convert the existing garage into a shop. The Building Permit drawings that were provided

and approved state that addition was to be setback from the front property line by 6.1m (BP 59421, approved on October 11, 2018).

Framing of the addition was completed based on measurements provided in the approved building permit drawings. During building inspection in late November, the front of the addition was determined to be too close to the front property line, and a stop work order was placed on the project. A new site survey was conducted which determined that the addition is 5.83m from the front property line. As the minimum required front yard for the RR3 zone is 6.0m, a Development Variance Permit application was required.

4.2 Project Description

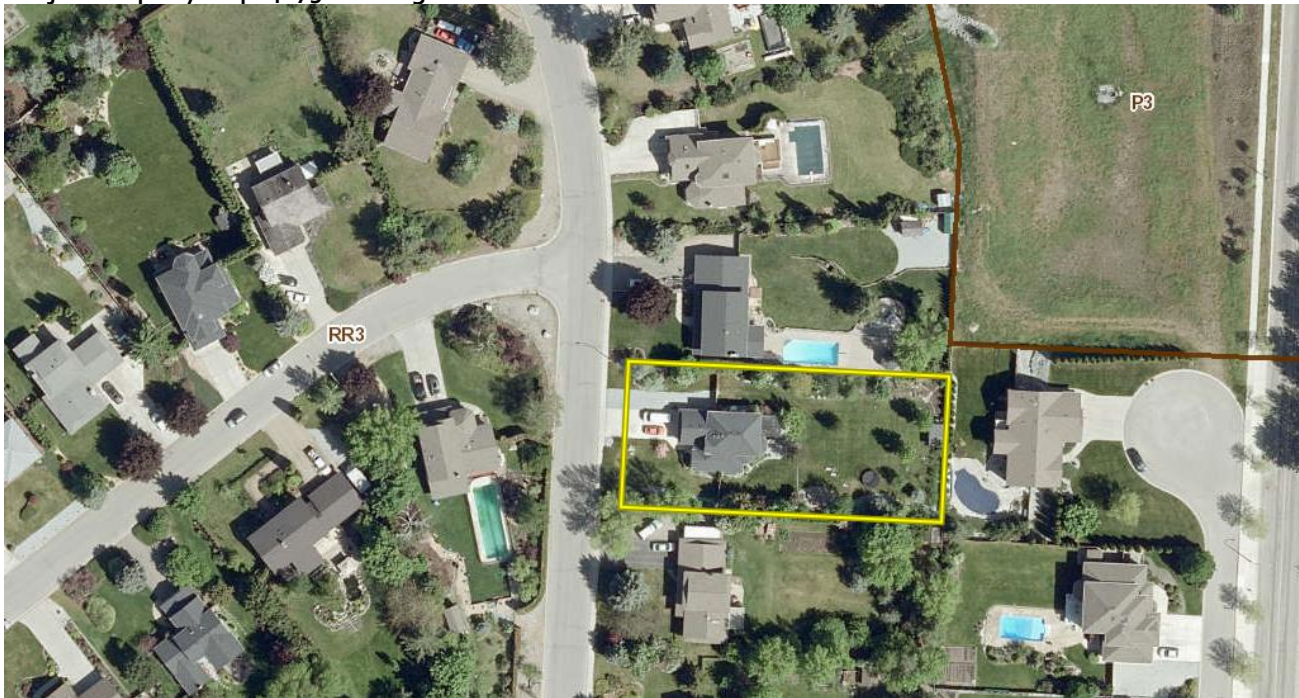
Overall, this Development Variance Permit application was needed due to the incorrect information regarding the front yard setback provided on the initial Building Permit drawings. It would have been highly preferable if accurate information was provided at the Building Permit stage. However, given the relatively minor nature of the variance and that the applicant would be required to demolish and rebuild part of their addition without support for the Development Variance Permit, staff is willing to provide support for this application. The variance will have limited impact on the established street pattern, and the project meets all other zoning regulations including height, floor area, site coverage, and side and rear yard setbacks.

4.3 Site Context

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR3	Single Family Dwelling
East	RR3	Single Family Dwelling
South	RR3	Single Family Dwelling
West	RR3	Single Family Dwelling

Subject Property Map: 4675 Parkridge Drive



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RR ₃ ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	1600m ²	2044m ²
Lot Width	18.0m	30.5m
Lot Depth	30.0m	67.05m
Development Regulations		
Front Yard	6.0m	5.83m ^❶
Side Yard (south)	2.0m	8.68m
Side Yard (north)	2.0m	2.27m
Rear Yard	7.5m	>7.5m
❶ Indicates a requested variance to the required minimum front yard from 6.0m to 5.83m.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Single/Two Unit Residential (S2RES).¹ Single detached homes for occupancy by one family, single detached homes with a secondary suite or carriage house, semi-detached buildings used for two dwelling units, modular homes, bareland strata, and those complementary uses (i.e. minor care centres, minor public services/utilities, convenience facility and neighbourhood parks), which are integral components of urban neighbourhoods. Suitability of non-residential developments within the neighbourhood environment will be determined on a site-specific basis. Non-residential developments causing increases in traffic, parking demands or noise in excess of what would typically be experienced in a low density neighbourhood would not be considered suitable.

6.0 Technical Comments

6.1 Building & Permitting Department

- No comment.

6.2 Development Engineering Department

- See attached Development Engineering Memorandum.

6.3 Fire Department

- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.
- Provide separations in accordance with BCBC at the rear of the structure.
- Provisions to be made for the protection of adjacent structure(s) during construction.

7.0 Application Chronology

Date of Application Received: December 11, 2018

Date Neighbourhood Notification Completed: February 8, 2019

Report prepared by: Arlene Janousek, Planner

¹ City of Kelowna Official Community Plan, Chapter 4.

Reviewed by: Dean Strachan, Suburban and Rural Planning Manager

Reviewed by
Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A: Development Engineering Memo

Schedule A: Site Plan

Schedule B: Elevations

Draft Development Variance Permit DVP19-0039


CITY OF KELOWNA

MEMORANDUM

Date: February 19, 2019
File No.: DVP19-0039
To: Land Use Management (AJ)
From: Development Engineering Manager (LK)
Subject: 4675 Parkridge Drive Setback Variance

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

The application for a development variance permit to vary the minimum front yard setback 6.00m required to 5.83m proposed does not compromise any City of Kelowna municipal infrastructure.



James Kay, P. Eng.
Development Engineering Manager
JF

ATTACHMENT A

This forms part of application

DVP19-0039

Planner
Initials

AJ

City of
Kelowna
COMMUNITY PLANNING



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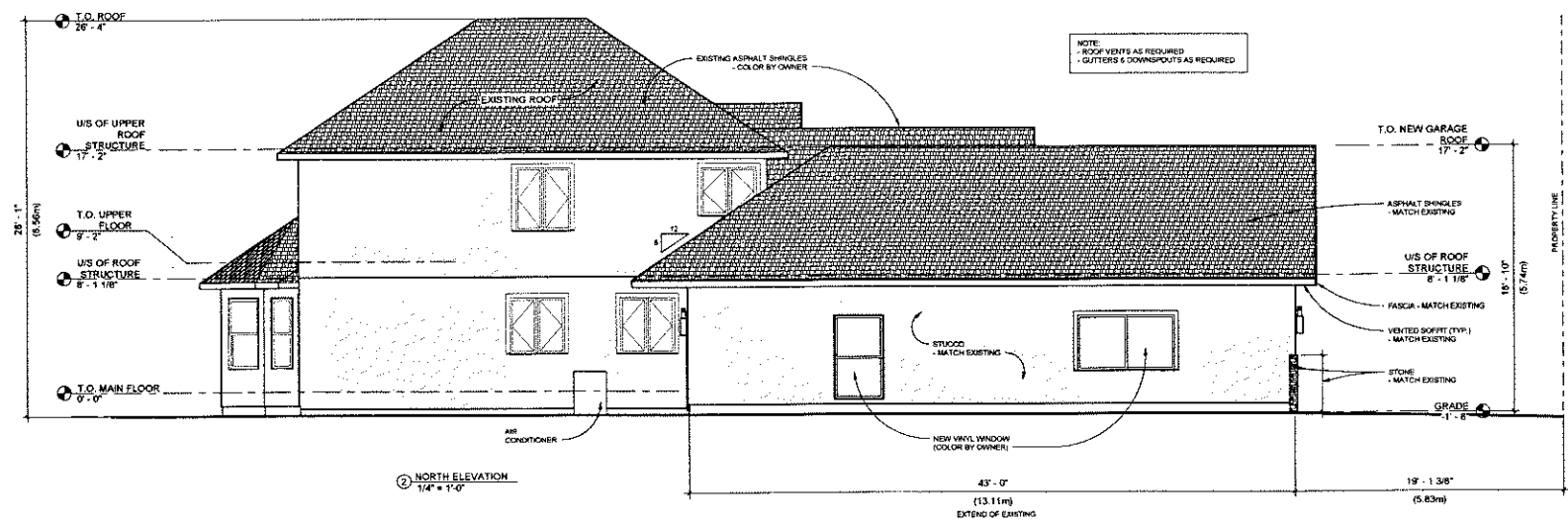
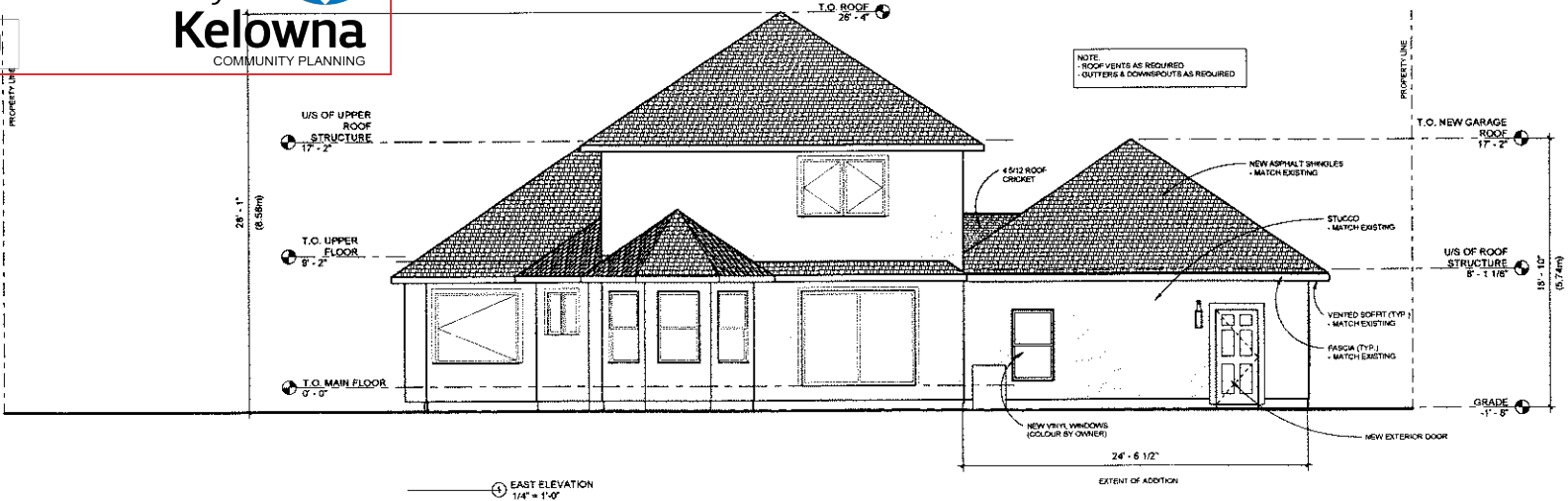
SCHEDULE B

This forms part of application
DVP19-0039



City of
Kelowna
COMMUNITY PLANNING

Planner
Initials **AJ**



GENERAL NOTES:
DRAWINGS SHALL NOT BE SCALED.
CONTRACTOR TO REVIEW AND VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
ALL DIMENSIONS ARE TO EXTERIOR FACE OF CONCRETE / STUD UNLESS OTHERWISE NOTED.
ALL STRUCTURAL MEMBER SIZES BY OTHERS - SEE STRUCTURAL.

ISSUED FOR VARIANCE APPLICATION

PROJECT NORTH

SCALE: 1/4" = 1'-0"
DATE: DECEMBER 7, 2019

DRAWING TITLE
ELEVATIONS

MUNICIPAL ADDRESS:
4255 Patricia Drive, Kelowna, BC
OWNER CONTACT:
Mona Miley 250-855-5437

PROJECT TITLE
KLANYI GARAGE ADDITION

SHANNON MAZZEI
DESIGN & DRAFTING

ALL DIMENSIONS, TOLERANCES, DIMENSIONAL REPRESENTATIONS, AND SPECIFICATIONS ARE THE PROPERTY OF SHANNON MAZZEI AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT WRITTEN PERMISSION OF SHANNON MAZZEI. THIS PROJECT WITHOUT WRITTEN PERMISSION OF SHANNON MAZZEI IS PROHIBITED.

Development Variance Permit

DVP19-0039



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

4675 Parkridge Drive

and legally known as

Lot 17 Section 29 Township 29 Plan KAP34978

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

Rural Residential 3

with variances to the following sections of Zoning Bylaw No. 8000 in general accordance with Schedule "A":

Section 12.3.6(c): RR3 – Large Lot Housing Development Regulations

To vary the required minimum front yard from 6.0 m permitted to 5.8 m proposed.

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

Date of Council Decision : April 23, 2019

Decision By: : Council

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

Existing Zone: RR3

Future Land Use Designation: S2RES

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: Monika Klanyi & Zoltan Nebojsza

Applicant: Monika Klanyi

Ryan Smith
Community Planning Department Manager
Community Planning & Strategic Investments

Date

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) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";

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

3. 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.**