

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, August 13, 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 - 13
Public Hearing - July 30, 2019
Regular Meeting - July 30, 2019
4. **Bylaws Considered at Public Hearing**
 - 4.1 **Vaughan Ave 889, BL11866 (Z19-0025) - 1568447 Alberta Ltd.** 14 - 14
To give Bylaw No. 11866 second and third reading and adopt in order to rezone the subject property from the I4 - Central Industrial zone to the I4rcs - Central Industrial (Retail Cannabis Sales) zone.
 - 4.2 **DEFERRED TO AUGUST 27TH MEETING BY APPLICANT DUE TO SIGNAGE ISSUE - Glenwood Ave 455, BL11914 (Z19-0038) - Mark Procknow** 15 - 15
To give Bylaw No. 11914 second and third reading in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.
 - 4.3 **Fitzpatrick Rd 249, BL11915 (Z19-0064) - Patrick and Hendrika Hayden** 16 - 16
To give Bylaw No. 11915 second and third reading in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.

- 4.4 **Gordon Drive 1450 and Lawson Avenue 1094, BL11916 (Z19-0058) - 1094 Lawson Avenue Ltd. Inc. No. BC1176688** 17 - 17

To give Bylaw No. 11916 second and third reading in order to rezone the subject properties from the RU6 - Two Dwelling Housing zone and the RM4 - Transitional Low Density Housing zone to the RM5 - Medium Density Multiple Housing zone.

5. Development Permit and Development Variance Permit Reports

Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward for each item.

- 5.1 **Richter St 1458, DVP18-0139 - Friso Stolk and Kirsten Belinda Bennett** 18 - 23

To vary the required minimum rear yard on the subject property from 0.9 m permitted to 0.0 m proposed.

- 5.2 **Lakeshore Rd 4119, BL11816 (Z19-0046) - Whitworth Holdings Ltd., Inc.No. BC1059455** 24 - 24

To adopt Bylaw No. 11816 in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone.

- 5.3 **Lakeshore Rd 4119, DP19-0037 DVP19-0089 - Whitworth Holdings Ltd., Inc. No. BC1059455** 25 - 47

To consider the form and character of a townhouse project and variances to deck projections into a required side yard and landscape buffering along a portion of the rear property line.

6. Reminders

7. Termination



City of Kelowna Public Hearing Minutes

Date: Tuesday, July 30, 2019
Time: 6:00 pm
Location: Council Chamber
City Hall, 1435 Water Street

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

Members Absent Councillor Charlie Hodge

Staff Present Deputy City Manager, Joe Creron; Deputy City Clerk, Karen Needham; Divisional Director, Planning & Development Services, Ryan Smith; Urban Planning & Development Policy Manager, Laura Bentley; Suburban & Rural Planning Manager, Dean Strachan; Planner Specialist, Adam Cseke, Legislative Coordinator (Confidential), Clint McKenzie

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. Individual Bylaw Submissions

2.1 Hwy 97 N 5269, Z19-0081 (BL11857) - City of Kelowna

Staff:

- Displayed a PowerPoint Presentation summarizing the 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.

2.2 Gordon Drive 4633, Z19-0044 (BL11867) - Gail Negus and Daniel Crothers

Staff:

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

Applicant was available for comments.

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.

2.3 Rains Rd, 195 - Z17-0034 (BL11868) - Andrea Harrison

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The applicant was not available for comment.

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

Gallery:

Lloyd Coltman, 165 Rains Road

- Has lived on the street since 1986.

- Referenced the drawings they received show a different sideyard setback than the staff report.

- Concerned with the slope of the paved driveway. Driveway is too steep if it's not cleared and has been a problem with the current owner.

-Traffic concerns - not in favour of carriage house being built on the end of a residential street.

There were no further comments.

2.4 Rutland Rd N 515, Z19-0040 (BL11869) - 1918951 Alberta Ltd.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Applicant's agent Jessie Alexander, New Town Architecture and Planning

- Consistent with future land use designation.

- Application is tracking no variances.

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.

2.5 KLO Rd 710, 720 and Richter St 2959, 2963, OCP19-0003 (BL11870) and Z19-0055 (BL11871) - KGI Kingsway Homes Ltd.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Applicant's Agent, Keith Funk, New Town Architecture and Planning

- Very keen to be providing housing for students in the area.

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

Paul Clarke, 3002 Abbott Street, KLONA Board member

- Expressed support for the application on behalf of the KLONA Board; its great development in the Pandosy area. The right density and in the right location.

No one from the gallery came forward.

There were no further comments

3. Termination

The Hearing was declared terminated at 6:23 p.m.

Mayor Basran

kn/cm



Deputy City Clerk

DRAFT



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, July 30, 2019
Time: 6:00 pm
Location: Council Chamber
City Hall, 1435 Water Street

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

Members Absent Councillor Charlie Hodge

Staff Present Deputy City Manager, Joe Creron; Deputy City Clerk, Karen Needham; Divisional Director, Planning & Development Services, Ryan Smith; Urban Planning & Development Policy Manager, Laura Bentley; Suburban & Rural Planning Manager, Dean Strachan; Planner Specialist, Adam Cseke, Legislative Coordinator (Confidential), Clint McKenzie

1. Call to Order

Mayor Basran called the meeting to order at 6:23 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Donn.

3. Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor Given

(R741/19/07/30) THAT the Minutes of the Public Hearing and Regular Meeting of July 16, 2019 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 Hwy 97 N 5269, BL11857 (Z19-0081) - City of Kelowna

Moved By Councillor Stack/Seconded By Councillor DeHart

R742/19/07/30 THAT Bylaw No. 11857 be read a second and third time.

Carried

4.2 Gordon Drive 4633, BL11867 (Z19-0044) - Gail Negus and Daniel Crothers

Moved By Councillor DeHart/Seconded By Councillor Stack

R743/19/07/30 THAT Bylaw No. 11867 be read a second and third time and be adopted.

Carried

4.3 Rains Rd, 195 - BL11868 (Z17-0034) - Andrea Harrison

Moved By Councillor Stack/Seconded By Councillor DeHart

R744/19/07/30 THAT Bylaw No. 11868 be read a second and third time.

Carried

4.4 Rutland Rd N 515, BL11869 (Z19-0040) - 1918951 Alberta Ltd.

Moved By Councillor Donn/Seconded By Councillor DeHart

R745/19/07/30 THAT Bylaw No. 11869 be read a second and third time.

Carried

4.5 KLO Rd 710, 720 and Richter St 2959, 2963, BL11870 (OCP19-0003) - KGI Kingsway Homes Ltd.

Moved By Councillor Donn/Seconded By Councillor DeHart

R746/19/07/30 THAT Bylaw No. 11870 be read a second and third time;

Carried

4.6 KLO Rd 710, 720 and Richter St 2959, 2963, BL11871 (Z19-0055) - KGI Kingsway Homes Ltd.

Moved By Councillor DeHart/Seconded By Councillor Donn

R747/19/07/30 THAT Bylaw No. 11871 be read a second and third time.

Carried

5. Development Permit and Development Variance Permit Reports

**5.1 Rutland Rd N 615, BL11821 (TA19-0002) - Bharosa Developments Ltd.
Inc.No.BC1177705**

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R748/19/07/30 THAT Bylaw No. 11821 be adopted.

Carried

**5.2 Rutland Rd N 615, BL11815 (OCP19-0001) - Bharosa Developments Ltd.
Inc.No.BC1177705**

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R749/19/07/30 THAT Bylaw No. 11815 be amended at 3rd reading by deleting the legal descriptions that read:

- "Lot 25, Section 26, Township 26, ODYD, Plan 19679 except Plan 41879, located on Bach, Kelowna, BC
- Lot 26, Section 26, Township 26, ODYD, Plan 19679 except Plan 41879, located on Rutland Rd N, Kelowna, BC;
- Lot A, Section 26, Township 26, ODYD, Plan 5624 except Plan 41879, located on Rutland Rd N, Kelowna, BC "

And replacing it with:

- "Lot 1, Section 26, Township 26, ODYD, Plan EPP90266 on Rutland Rd, Kelowna, BC."

AND THAT Bylaw No. 11815 be adopted.

Carried

**5.3 Rutland Rd N 615, BL11819 (Z19-0039) - Bharosa Developments Ltd.
Inc.No.BC117705**

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R750/19/07/30 THAT Bylaw No. 11819 be amended at 3rd reading by deleting the legal descriptions that read:

- "Lot 25, Section 26, Township 26, ODYD, Plan 19679 except Plan 41879, located on Bach, Kelowna, BC
- Lot 26, Section 26, Township 26, ODYD, Plan 19679 except Plan 41879, located on Rutland Rd N, Kelowna, BC;
- Lot A, Section 26, Township 26, ODYD, Plan 5624 except Plan 41879, located on Rutland Rd N, Kelowna, BC "

And replacing it with:

- "Lot 1, Section 26, Township 26, ODYD, Plan EPP90266 on Rutland Rd, Kelowna, BC."

AND THAT Bylaw No. 11819 be adopted.

Carried

**5.4 Rutland Rd N 615, DP19-0009 DVP19-0010 - Bharosa Developments Ltd.
Inc.No.BC117705**

Staff presented a PowerPoint presentation.

Kevin Edgecombe 2275 KLO Road, Applicant:

- Indicated the intent of the application is to provide attainable housing in a great location.
- Units will range in size from 400 square feet to 1041 square feet.
- A high percentage of owner/occupier purchases is expected for the development.
- Expressed the variance is needed to make the density in the project work.
- Spoke to the challenges with the right in right out - a lot of planning to get enough density on the property to make it work.
- Noted that the application is requesting less than the allowable FAR for the site.
- Believe they have been favourable to neighbours to the east with the additional setback on that side.
- Believe will be a good development for Rutland.

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 Singh

R751/19/07/30 THAT OCP Amendment Bylaw No. 11815 (OCP19-0001) and Rezoning Bylaw No. 11819 (Z19-0039) be amended at Third Reading to reflect the updated legal description from:

- Lot 25, Section 26, Township 26, ODYD, Plan 19679 except Plan 41879, located at 140 Bach, Kelowna, BC from the S2RES (Single Two Unit Residential) designation to the MXR – Mixed Use (Residential/Commercial) designation;
- Lot 26, Section 26, Township 26, ODYD, Plan 19679 except Plan 41879, located at 615 Rutland Rd N, Kelowna, BC from the MRL – Multiple Residential (Low Density) designation to the MXR – Mixed Use (Residential/Commercial) designation; and
- Lot A, Section 26, Township 26, ODYD, Plan 5624 except Plan 41879, located at 625 Rutland Rd N, Kelowna, BC from the MRL – Multiple Residential (Low Density) designation to the MXR – Mixed Use (Residential/Commercial) designation.

to:

- Lot 1, Section 26, Township 26, ODYD, Plan EPP90266 at 615 Rutland Rd, Kelowna, BC.

AND THAT final adoption of Text Amendment Bylaw No. 11821 (TA19-0002), OCP Amending Bylaw No. 11815 (OCP19-0001) & Rezoning Bylaw No. 11819 (Z19-0039) be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0009 for Lot 1, Section 26, Township 26, ODYD, Plan EPP90266 at 615 Rutland Rd, 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 authorize the issuance of Development Variance Permit DVP19-0010 for Lot 1, Section 26, Township 26, ODYD, Plan EPP90266 at 615 Rutland Rd, Kelowna, BC;

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

Section 14.4.5 (c) C4 Urban Centre Commercial Development Regulations

To vary the maximum height from 4 storeys to 5 storeys.

Table 8.1 Parking Schedule

To vary the minimum parking requirements from 83 stalls to 81 stalls;

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

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

Carried

5.5 Lost Creek 248, DVP19-0114 - Heidi and Jarvis Gatti

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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 Sieben/Seconded By Councillor Donn

R752/19/07/30 THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0114 for Lot 40 Section 5 Township 23 ODYD Plan EPP9195, located at 248 Lost Creek Ct, Kelowna, BC;

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

Section 7.5.9 – Landscaping and Screening Fencing and Retaining Walls

- a. To vary the maximum height of the retaining wall from 1.2 m required to 1.8 m proposed in accordance with Attachment "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.

Carried

5.6 Ellis St 677, DVP19-0072 - Richard and Marie Dempster

Staff:

- Displayed a PowerPoint presentation summarizing the application.

Felix Weterkamp, Westerkamp Design Inc., Applicant's agent:

- Spoke to working to offset the site coverage by providing greenspace. Also worked to create more privacy from the lane and adjacent neighbour.

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 Wooldridge

R753/19/07/30 THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0072 for Lot B District Lot 9 ODYD Plan EPP52340, located at 677 Ellis Street, Kelowna, BC;
AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted in accordance with Schedule "A":

Section 13.6.6 (a): RU6 – Two Dwelling Housing Development Regulations

To vary the maximum site coverage from 40% permitted to 42.7% 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

5.7 Sexsmith Rd 2960, BL11750 (Z18-0061) - Stuart McMillan and Jackie-Lynn Large

Moved By Councillor Wooldridge/Seconded By Councillor Given

R754/19/07/30 THAT Bylaw No. 11750 be adopted.

Carried

5.8 Sexsmith Rd 2960, DP19-0127 DVP19-0128 - Stuart McMillan and Jackie-Lynn Large

Staff:

- Displayed a PowerPoint presentation summarizing the application

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 Given/Seconded By Councillor Donn

R755/19/07/30 THAT final adoption of Rezoning Bylaw No. 11750 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0127 for Lot 33 Section 3 Township 23 ODYD Plan 18861, located at 2960 Sexsmith Road, 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. DVP19-0128 for Lot 33 Section 3 Township 23 ODYD Plan 18861, located at 2960 Sexsmith Road, Kelowna, BC;

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

Section 15.6.9: Landscape, buffering and parking

To allow parking in the front yard setback (south) by reducing the front yard setback (from 4.5 m to 3.0 m);

To allow parking in the west side setback by reducing that side yard setback (from 4.5 m to 3.0 m);

To allow parking in the east side setback by reducing the side yard setback (from 4.5 m to 0.0 m);

To allow parking in the rear yard setback (north) by reducing the rear yard setback (from 7.5 m to 0.0 m);

Section 7.6.1 (c): Landscape, buffering and parking

To reduce the minimum landscape buffer on the east and north side from 3.0 m to 0.0 m;

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

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

Carried

5.9 Lakeshore Rd 4091, DVP19-0120 - First Lutheran Church of Kelowna

Staff:

- Displayed a PowerPoint presentation summarizing the application

Henri Cullinan, Old Meadows Road, Applicant's representative:

- Expressed that the school and church are the core of the neighbourhood with the school growing and the need to expand. The reason for the temporary nature of the portables is to develop a long term plan for funding for expansion of the wing on the church.
- Stated they will ensure landscaping especially on the lakeshore side, is pleasing.
- Portables have an interlinking doorway system to allow students to move between the units.
- Addressed parking – they have an arrangement with the church.
- The school has a traffic management plan on site and they also have an arrangement with the school on Lequime.

The Applicant responded to questions from Council.

- Provided details of student enrollment. Confirmed adequate parking for drop off of students with two drop off areas on site.

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 Stack

R756/19/07/30 THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0120 for Lot A, Section 6, Township 26, ODYD, Plan KAP76720 and a 1/3 interest in Lot D Plan KAP76720 Kelowna, BC;

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

Section 16.2.5 (d) : P2 – Education and Minor Institutional Development Regulations

To vary the required minimum front yard from 6.0m to 4.0m as proposed

Section 8 – Parking and Loading, Table 8.1 – Parking Schedule

To vary the required number of additional off-street vehicle parking spaces from eight (8) parking stalls to zero (0).

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

5.10 Clement Ave 1049, BL11814 (Z19-0045) - Gurpreet Pannu

Moved By Councillor Given/Seconded By Councillor Wooldridge

R757/19/07/30 THAT Bylaw No. 11814 be adopted.

5.11 Clement Ave 1049, DP19-0031 and DVP19-0032 - Gurpreet Pannu

Staff:

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

Jessie Alexander, New Town Planning and Architecture, Applicant's Agent:

- Expressed that the walking scores for the project are quite good being close to multi-use pathways and is the primary reason why they are confident with the parking variances requested.
- Reviewed the building materials and form and character of the building.
- Expressed they have made a point to providing over double what is required for greenspace on the site.
- Spoke to the site coverage variance. An underground parkade was not an option with water table in the downtown area and the variance is due to the parking area.
- Smaller parking stalls a function of offering one-bedroom units as they will likely not be family type vehicles.
- Spoke to form and character, using high quality materials chosen as a nod to the surrounding industrial area.
- Considered the context of surrounding area for the building footprint and scale similar to other homes in the area.
- Spoke to the landscaping design to limit view of parking area from the neighbours.
- All residents have options with ground level and third level outdoor space.
- Feel it is an appropriate infill project offering compact urban living.

Responded to questions from Council.

- Confirmed there is no dedicated bike storage, with a surface rack being provided for visitors and space to store bicycles available on the patios of each unit for owners.

- Confirmed the perimeter fence is a solid timber construction.

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 Sieben/Seconded By Councillor Donn

R758/19/07/30 THAT final adoption of Rezoning Bylaw No. 11814 (Z19-0045) be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0031 for Lot 3, District Lot 138 and of section 30 Township 26 ODYD, Plan 3763, located at 1049 Clement 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 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 THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0032 for

Lot 3, District Lot 138 and of section 30 Township 26 ODYD, Plan 3763, located at 1049 Clement Ave, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted in accordance with Schedule "D":

Section 8.1.9(c): Off-Street Vehicle Parking

To vary the required minimum side yard setback of parking from 1.5 m permitted to 0.36 m proposed.

Section 8.1.11(b): Off-Street Vehicle Parking

To vary the required parking stall size ratio of 50% full size vehicle parking and 50% medium size vehicle parking to 20% full size vehicle parking and 80% medium size vehicle parking.

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

To vary maximum site coverage of buildings, parking, and driveways from 60% to 67.4%.

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

6. Reminders

Councilor Stack:

Provided a summary of the units approved this evening - 170 households and all were multifamily.

7. **Termination**

The meeting was declared terminated at 7:19 p.m.

Mayor Basran

kn/cm

Seedham
Deputy City Clerk

DRAFT

CITY OF KELOWNA
BYLAW NO. 11866
Z19-0025 – 889 Vaughan Avenue

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Section 30, Township 26, ODYD, Plan EPP34493 located at Vaughan Avenue, Kelowna, BC from the I4 – Central Industrial zone to the I4rcs – Central Industrial (Cannabis Retail Sales) 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 15th day of July, 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. 11914
Z19-0038 – 455 Glenwood Avenue

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot C, District Lot 14, ODYD, Plan 5742, located on Glenwood Avenue, 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 29th day of July, 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. 11915
Z19-0064 – 249 Fitzpatrick Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Section 35, Township 26, Osoyoos Division Yale District Plan KAP55899, located on Fitzpatrick Rd, 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 29th day of July, 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. 11916
Z19-0058 – 1450 Gordon Drive and 1094 Lawson 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 Rezoning Application No. Z19-0058 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 District Lot 138 ODYD Plan 3809, located on Gordon Dr., Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone;
2. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2 District Lot 138 ODYD Plan 3809, located on Lawson Ave., Kelowna, BC from the RM4 – Transitional Low Density Housing zone to the RM5 – Medium Density Multiple Housing zone;
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 29th day of July, 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

REPORT TO COUNCIL



Date: August 13, 2019

RIM No. 0940-00

To: Council

From: City Manager

Application: DVP18-0139

Owner: Friso Stolk & Kirsten Belinda Bennett

Address: 1458 Richter Street

Applicant: Friso Stolk

Subject: Development Variance Permit

Existing OCP Designation: MRM – Multiple Unit Residential (Medium Density)

Existing Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0139 for Lot 2 Block D District Lot 139 ODYD Plan 2345, located at 1458 Richter Street, Kelowna, BC;

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

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

To vary the required minimum rear yard from 0.9 m permitted to 0.0 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 required minimum rear yard on the subject property from 0.9 m permitted to 0.0 m proposed.

3.0 Development Planning

Development Planning Staff are supportive of the request to vary the rear yard setback from 0.9 m to 0.0 m to allow for the legalization of a carriage house on the subject property. The requested variance is considered acceptable due to the site context of the subject property: the rear property line abuts a lane and the proposed carriage house is oriented towards the back of a multi-family development, minimizing adjacent privacy concerns. Overall, if approved, the Development Variance Permit will bring the conversion of an existing detached accessory building into a carriage house into conformance with the City's Zoning Bylaw.

4.0 Proposal

4.1 Project Description

The applicants undertook renovations to an existing accessory building that was built in the 1930s with the intention of converting the accessory building into a carriage house. The subject property is zoned RU6 – Two Dwelling Housing, which permits carriage houses. However, the existing accessory building is too close to the rear laneway to conform with today's Zoning Bylaw prompting the variance being requested through this application. All other aspects of the carriage house are compliant with Zoning Bylaw No. 8000 including the adequate provision of private open space and parking.

4.2 Site Context

The subject property is located directly west of the intersection between Richter Street and Lawson Avenue in the City Centre Urban Centre. Additionally, the subject property is in a mixed use neighbourhood, with many amenities in proximity. Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Single Dwelling Housing
East	P2 – Educational and Minor Institutional, RU6 – Two Dwelling Housing	Religious Assemblies, Single Dwelling Housing
South	RU6 – Two Dwelling Housing	Single Dwelling Housing
West	RM5 – Medium Density Multiple Housing	Multiple Dwelling Housing

Subject Property Map: 1458 Richter Street



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	400 m ²	526 m ²
Min. Lot Width	13 m	15.2 m
Min. Lot Depth	30 m	33.7 m

Carriage House Development Regulations		
Max. Site Coverage (buildings)	40%	28%
Max. Site Coverage (buildings, parking, driveways)	50%	43%
Max. Height	4.8 m	3.7 m
Min. Front Yard	9.0 m	26.2 m
Min. Side Yard (south)	1.5 m	1.6 m
Min. Side Yard (north)	1.5 m	8.3 m
Min. Rear Yard	0.9 m	0.0 m ^❶
Other Regulations		
Min. Parking Requirements	3 parking stalls	3 parking stalls
Min. Private Open Space	60 m ²	±215 m ²
❶ Indicates a requested variance to the minimum rear yard from 0.9 m permitted to 0.0 m proposed.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 1: Introduction

Goals for a Sustainable Future:

Contain Urban Growth – reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

Chapter 5: Development Process

Objective 5.22 Ensure context sensitive housing development

Policy .12 Carriage Houses & Accessory Apartments. Support carriage houses and accessory apartments through appropriate zoning regulations.

Application Chronology

Date of Application Received: June 28, 2018

Date Public Consultation Completed: September 29, 2018

Report prepared by: Arlene Janousek, Planner

Reviewed by: Laura Bentley, Urban Planning & Development Policy Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Draft Development Permit DP18-0139

Development Variance Permit

DVP18-0139



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

1458 Richter Street

and legally known as

Lot 2 Block D District Lot 139 ODYD Plan 2345

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

Single Dwelling Housing with Carriage House

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

Date of Council Decision:

Decision By: Council

Development Permit Area: N/A

Existing Zone: RU6 – Two Dwelling Housing

Future Land Use Designation: MRM – Multiple Unit Residential (Medium Density)

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: Friso Stolk & Kirsten Belinda Bennett

Applicant: Friso Stolk

Terry Barton
Community Planning Department Manager
Planning & Development Services

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";

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

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

To vary the required minimum rear yard from 0.9 m permitted to 0.0 m proposed.

This Development Permit is valid for two (2) years from the date of 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.**

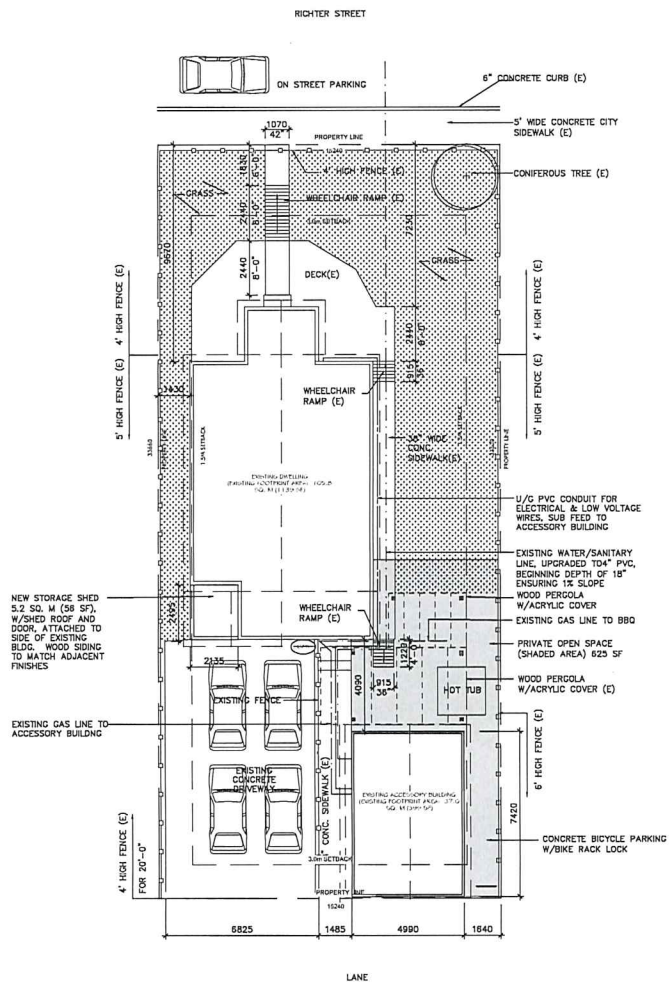
ATTACHMENT A

This forms part of application

DVP18-0139

Planner Initials **AJ**

City of
Kelowna
DEVELOPMENT PLANNING



- DRAWING LIST**
- A-1 - SITE PLAN
 - A-2 - PHOTOGRAPHS
 - A-3 - FLOOR PLAN
 - A-4 - FLOOR FINISH PLAN
 - A-5 - REFLECTED CEILING PLAN
 - A-6 - KITCHEN FLOOR PLAN
 - A-7 - KITCHEN ELEVATIONS
 - A-8 - KITCHEN ELEVATIONS
 - A-9 - SPECIFICATIONS & SCHEDULES

PROJECT INFORMATION

LEGAL ADDRESS:
PLAN 2345
LOT 2
BLOCK D

MUNICIPAL ADDRESS:
1458 RICHTER STREET
KELOWNA, BRITISH COLUMBIA

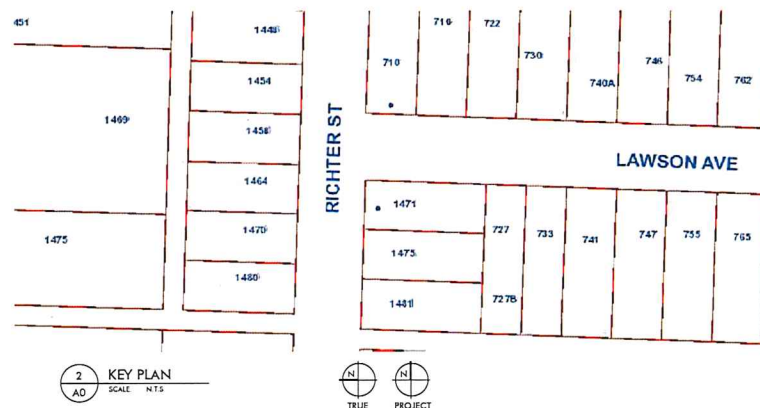
LAND USE DESIGNATION:
R1-A

DEVELOPMENT REGULATIONS:
% OF TOTAL FLOOR AREA (SHALL NOT EXCEED 40%, AND TOGETHER WITH DRIVEWAYS AND PARKING SHALL NOT EXCEED 50%)

MAIN BLDG 105.6 SQ. M (1139 SQ. FT.)
SHED 5.2 SQ. M (56 SQ. FT.)
ACCESSORY BLDG. 40.3 SQ. M (434 SQ. FT.)
TRUSS STRUCTURE 30.3 SQ. M (328 SQ. FT.)
TOTAL FLOOR AREA 181.5 SQ. M (1953.7 SQ. FT.)

TOTAL SITE AREA 513.4 SQ. M (5526.55 SQ. FT.)

SITE COVERAGE 35.4 %



1 SITE PLAN
AO SCALE 1:100



NOTE
ALL SITE PLAN INFORMATION BASED UPON SURVEY BY D.A. GOODLAND SURVEYS, DATED MAY 15TH, 2017

3 AERIAL PHOTO
AO SCALE N.T.S.



THESE DRAWINGS ARE NOT TO SCALE

REVISIONS

NO.	DATE	DESCRIPTION
05.18	ISSUED TO THE CITY OF KELOWNA	
05.19	ISSUED FOR REVISIONS	

FRISO STOLK

RICHTER RESIDENCE CARRIAGE HOUSE
1458 RICHTER AVENUE
KELOWNA, BC

SITE PLAN CARRIAGE HOUSE

DATE: JUNE 17, 2016
SCALE: 1:100
NO. NOTED

A-0

CITY OF KELOWNA
BYLAW NO. 11816
Z19-0046 – 4119 Lakeshore 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, Section 6, Township 26, ODYD, Plan 4912, located on Lakeshore Road from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 29th day of April, 2019.

Considered at a Public Hearing on the 21st day of May, 2019 .

Read a second and third time by the Municipal Council this 21st day of May, 2019 .

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: August 13, 2019

RIM No. 0940-00

To: Council

From: City Manager

Application: DP19-0037, DVP19-0089

Owner: Whitworth Holdings Ltd., Inc.
No. BC1059455

Address: 4119 Lakeshore Road

Applicant: Jim Meiklejohn

Subject: Development Permit and Development Variance Permit Applications

Existing OCP Designation: MRL – Multiple Unit Residential (Low Density)

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RM3 – Low Density Multiple Housing

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11816 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0037 and Development Variance Permit No. DVP19-0089 for Lot 3 Section 6 Township 26 ODYD Plan 4912, located at 4119 Lakeshore Road, Kelowna, BC subject to the following:

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

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted in accordance with Schedules A and C:

Section 6.4.2: Projections into Yards

To vary the maximum projection of decks into a required side yard from 0.6 m to 1.5 m.

Section 7.6.1 (c): Minimum Landscape Buffers

To vary the minimum landscape buffer from 3.0 m to 0.0 m along a portion of the rear property line.

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

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

2.0 Purpose

To consider the form and character of a townhouse project and variances to deck projections into a required side yard and landscape buffering along a portion of the rear property line.

3.0 Development Planning

Development Planning staff are supportive of this Development Permit and Development Variance Permit application to facilitate a 26-unit purpose built rental townhouse development. The proposal provides infill development in general accordance with Official Community Plan (OCP) objectives and Urban Design Guidelines as per Attachment B.

3.1 Form and Character

As per Image 1 below, this application proposes two three-storey residential buildings containing 26 one- and two-bedroom units. Two ground-oriented and pedestrian accessible units front Lakeshore Road. The architectural design of the proposed development includes articulation on the roofline and stairwells. Additionally, the proposal includes a sloped roof form that is intended to minimize building height facing the adjacent multiple dwelling housing building to the north. Materials to be used include brick as well as vertical and horizontal hardie board with red hardie board proposed as an accent material. Overall, the proposed building form is an example of infill development that is in alignment with the OCP vision for the area while also providing a reasonable fit with the existing character of the neighbourhood including the adjacent single and two dwelling housing and the higher density multiple dwelling housing to the north.

Other aspects of the site design that are in accordance with the City's Urban Design Guidelines include a landscaping plan that proposes 23 trees on-site, as well as a variety of other ornamental shrubs, perennials, and grasses. The application also includes bike racks, benches, and a shared garden space, and garbage and recycling are to be provided using an Molok bin system. Additionally, permeable pavers are proposed for a portion of the surface parking, which will help to facilitate water infiltration.

Image 1 – Conceptual rendering of the proposed development



3.2 Variances

The applicant is requesting two variances. The first variance is to vary deck projections into the required north side yard from 0.6 m permitted to 1.5 m proposed. This variance is requested to allow for the construction of decks extending from the second floor of the north side of the building, with the intention of providing decks that are large enough to function as outdoor social space with room for a table and chairs. The applicant has provided an updated landscaping plan that proposes strategically placed trees along the north property line to provide additional screening of the decks from the adjacent property. The applicant undertook additional consultation with the Strata Council of the building to the north regarding the deck projection variance.

The second variance requested is to remove the requirement for a 3.0 m wide landscaping buffer along approximately 10.0 m of the rear property line. This portion of the rear property line is adjacent to a school outdoor play area. This variance is requested to provide an adequate turning radius for garbage trucks accessing the Molok bins at the rear of the site. The applicant is still proposing to include a screening fence along the entirety of the rear property line.

4.0 **Proposal**

4.1 Background

Initial consideration for the rezoning associated with this proposal was held on April 29, 2019, and the Public Hearing occurred on May 21, 2019, at which time Council gave the rezoning application second and third readings. Neighbourhood notification for the requested variances was received on June 19, 2019.

4.2 Project Description

This proposal is for a two building, 26-unit purpose built rental stacked townhome development. The proposal includes 12 one-bedroom units and 14 two-bedroom units, each with independent exterior access. Adequate parking is provided at grade. Private open space is provided through ground level and second floor decks. The buildings are proposed to be constructed in the north portion of the property with vehicle access from Lakeshore Road on the south portion of the property. A new sidewalk would be constructed along the Lakeshore Road frontage as part of the road dedication associated with this project.

4.3 Site Context

The subject property is located in the North Mission – Crawford City Sector, south of the intersection of Lakeshore Road and Lequime Road. The subject property is in proximity to educational and recreational facilities. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM ₄ – Transitional Low Density Housing	Multiple Dwelling Housing
East	P ₂ – Educational and Minor Institutional	Public Education Services
South	RM ₃ – Low Density Multiple Housing	Multiple Dwelling Housing
West	RU ₁ – Large Lot Housing	Single Dwelling Housing

Subject Property Map: 4119 Lakeshore Road



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM3 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	900 m ²	3,399 m ²
Min. Lot Width	30.0 m	34 m
Min. Lot Depth	30.0 m	97 m
Development Regulations		
Max. Floor Area Ratio	0.75	0.52
Max. Site Coverage (buildings)	40%	23.1%
Max. Site Coverage (buildings, parking, driveways)	65%	62.5%
Height	10.0 m / 3 storeys	9.3 m / 3 storeys
Front Yard	1.5 m	6.0 m
Side Yard (south)	4.0 m	±17.0 m
Side Yard (north)	4.0 m	4.0 m
Rear Yard	7.5 m	7.5 m
Other Regulations		
Min. Parking Requirements	40 stalls	40 stalls
Min. Bicycle Parking	Class I: 13, Class II: 3	Class I: 13, Class II: 3
Min. Private Open Space	530 m ²	704 m ²
Projection into Side Yard	0.6 m maximum	1.5 m maximum ^①
Rear Yard Landscape Buffer	3.0 m	0.0 m ^②
^① Indicates a requested variance to the maximum projection of decks into the north side yard from 0.6 m to 1.5m. ^② Indicates a requested variance to vary the landscape buffer from 3.0 m to 0.0 m along a portion of the rear property line.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.22 Ensure context sensitive housing development.

Policy .6 Sensitive Infill. Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height, and siting.

Objective 5.23 Address the needs of families with children through the provision of appropriate family-oriented housing.

Policy .1 Ground-Oriented Housing. Encourage all multiple-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with two or more bedrooms so as to provide a family housing choice within the multi-unit rental or ownership markets. High density residential projects in the Downtown area are encouraged to include a ground-oriented housing component, especially where such can be provided on non-arterial and non-collector streets.

Chapter 14: Urban Design Development Permits Areas

Comprehensive Development Permit Area Objectives.

- Convey a strong sense of authenticity through urban design that is distinctive for Kelowna;
- Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures;
- Integrate new development with existing site conditions and preserve the character amenities of the surrounding area;
- Promote interesting, pedestrian friendly streetscape design and pedestrian linkages;
- Provide for a scale and massing of commercial buildings that promotes a safe, enjoyable living, pedestrian, working, shopping and service experience;
- Incorporate architectural features and detailing of buildings and landscapes that define an area's character; and
- Promote alternative transportation with enhances streetscapes and multi-modal linkages.

6.0 Application Chronology

Date of Application Received: January 30, 2019

Date Public Consultation Completed: June 19, 2019

Report prepared by: Arlene Janousek, Planner

Reviewed by: Laura Bentley, Urban Planning & Development Policy Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Draft Development and Development Variance Permit No. DP19-0037, DVP19-0089

Attachment B: Comprehensive Development Permit Guidelines Checklist

Attachment C: Conceptual Renderings

Development Permit & Development Variance Permit DP19-0037/DVP19-0089

ATTACHMENT

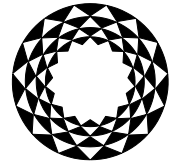
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This forms part of application

DP19-0037, DVP19-0089

Planner
Initials

AJ



**City of
Kelowna**

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

4119 Lakeshore Road

and legally known as

Lot 3 Section 6 Township 26 ODYD Plan 4912

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

Multiple Dwelling Housing

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

Date of Council Decision:

Decision By:

COUNCIL

Development Permit Area:

Comprehensive Development Permit Area

Existing Zone:

RM3 – Low Density Multiple Housing

Future Land Use Designation:

MRL – Multiple Unit Residential (Low Density)

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: Whitworth Holdings Ltd., Inc. No. BC1059455

Applicant: Jim Meiklejohn

Terry Barton
Development Planning Department Manager
Planning & Development Services

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";
- c) Landscaping to be provided on the land be in accordance with Schedule "C"; and
- d) 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.

with variances to the following sections of Zoning Bylaw No. 8000:

Section 6.4.2: Projections into Yards

To vary the maximum projection of decks into a required side yard from 0.6 m to 1.5 m.

Section 7.6.1 (c): Minimum Landscape Buffers

To vary the minimum landscape buffer from 3.0 m to 0.0 m along a portion of the rear property line.

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

3. PERFORMANCE SECURITY

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

- a) An Irrevocable Letter of Credit or certified cheque in the amount of **\$75,025.00.**

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

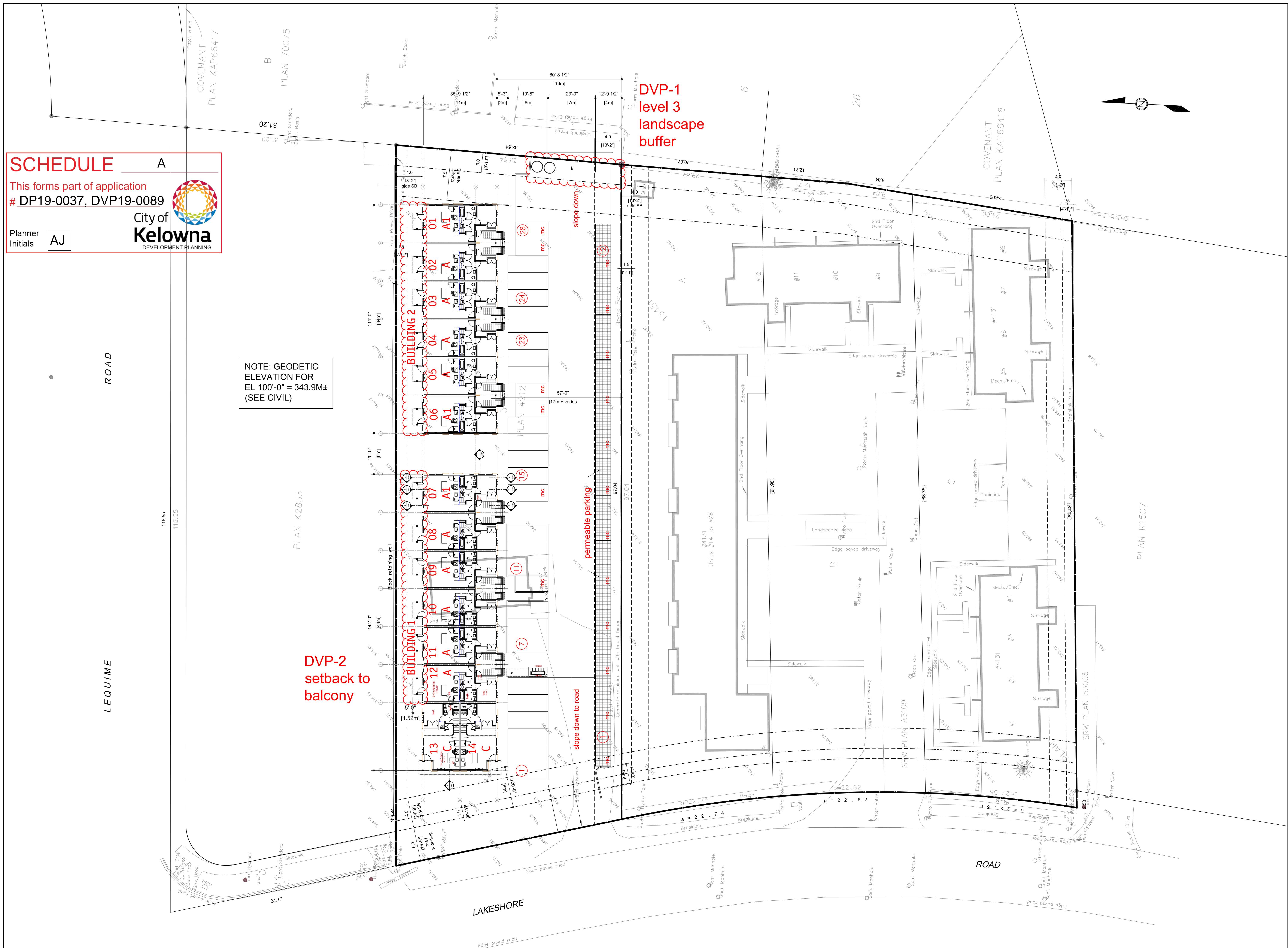
4. INDEMNIFICATION

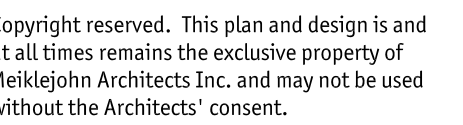
Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.

All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

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



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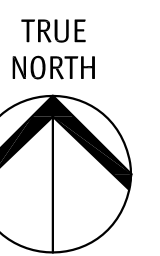
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Level 1

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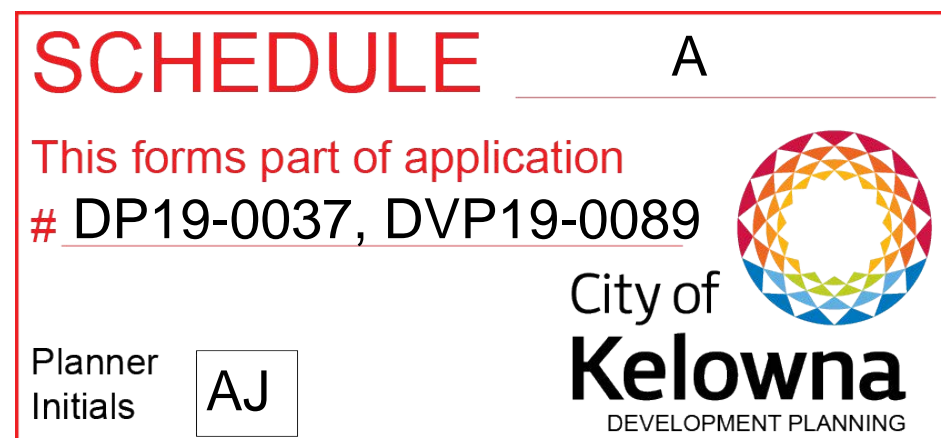



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DRAWINGS ARE NOT TO BE SCALED.
ALL DIMENSIONS SHALL BE VERIFIED ON JOB

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Drawn	SN
Checked	JM





MEIKLEJOHN ARCHITECTS INC.

2019-03-24
revised
DP

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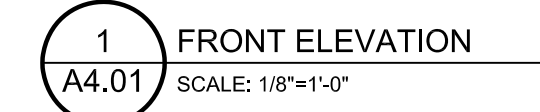
DRAWINGS ARE NOT TO BE SCALED.
ALL DIMENSIONS SHALL BE VERIFIED ON JOB

Drawing Title

Level 3
(mezzanine)

$$1/8'' = 1'0''$$

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Drawn	SN
Checked	JM



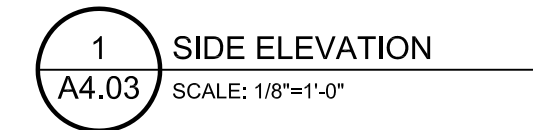
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9-0089
City of
Kelowna
DEVELOPMENT PLANNING

Copyright reserved. This plan and design is and at all times remains the exclusive property of Meiklejohn Architects Inc. and may not be used without the Architects' consent.

[illegible]

Date	2019-03-21
Job No.	m+m 17-1779
Scale	AS SHOWN
Drawn	SN
Checked	JM





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9-0089
City of
Kelowna
DEVELOPMENT PLANNING

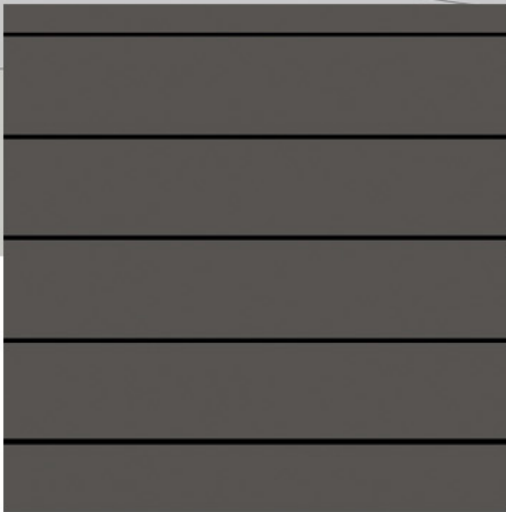
3 BACK ELEVATION
A4.03 SCALE: 1/8"=1'-0"

[illegible]

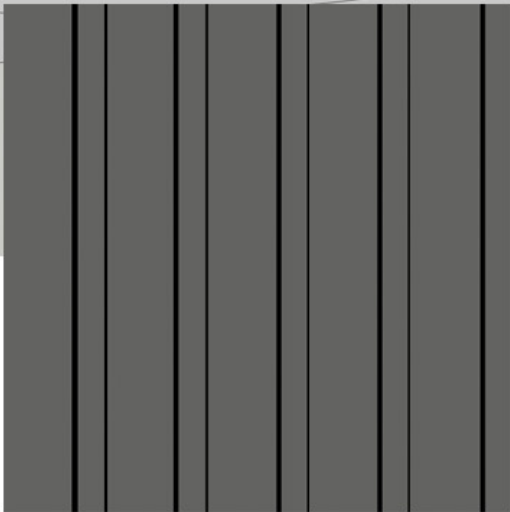
Date	2019-03-21
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Scale	AS SHOWN
Drawn	SN
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dark brown - running bond



hardie - horizontal espresso



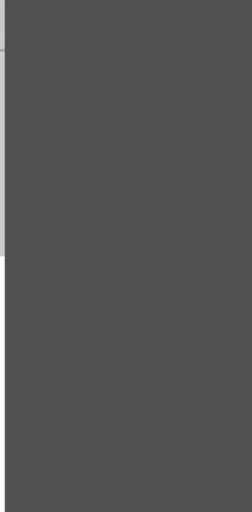
hardie - vertical iron grey



hardi panel grey



hardi red canopy




dark grey hardi panel


DEVELOPMENT PERMIT NOTES:

- A PLANT MATERIALS AND CONSTRUCTION METHODS SHALL CONFORM TO MINIMUM STANDARDS ESTABLISHED IN THE LATEST EDITION OF THE CANADIAN LANDSCAPE STANDARDS, PUBLISHED BY C.L.N.A. AND C.S.L.A. AS WELL AS THE CITY OF KELOWNA LANDSCAPE STANDARDS IN BYLAW 7900.
- B THE LANDSCAPE DESIGN DESIGNATED HEREIN IS CONCEPTUAL BUT REFLECTS THE MINIMUM CITY OF KELOWNA FORM AND CHARACTER REQUIREMENTS
- C PLANT MATERIAL SELECTIONS ARE CONCEPTUAL ONLY, FINAL PLANTING SELECTIONS MAY VARY DEPENDING UPON AVAILABILITY AT THE TIME OF CONSTRUCTION.
- D TREES SHALL BE INSTALLED IN DEFINED SOIL PITS OR PLANTING BED AREAS. ADEQUATE SOIL VOLUME SHALL BE PROVIDED BASED ON THE SPECIFIED TREE SPECIES AND LOCATION.
- E ORNAMENTAL SHRUB, GRASS AND PERENNIALS ARE TO BE PLACED WITHIN DEFINED PLANTING BEDS. ALL PLANTING BEDS SHALL HAVE A MIN. OF 450mm (18") IMPORTED GROWING MEDIUM AND 75mm (3") OF COMPOSTED MULCH.
- F DECORATIVE ROCK AREAS SHALL HAVE A MIN. OF 75mm (3") DEPTH OF DECORATIVE CRUSHED ROCK. COMMERCIAL GRADE LANDSCAPE FABRIC SHALL BE INSTALLED BELOW ALL DECORATIVE ROCK AREAS.
- G TURF AREAS SHALL BE LOW WATER USE 'NO. 1 PREMIUM' SOD WITH A MIN. OF 150mm (6") IMPORTED GROWING MEDIUM
- H A HIGH EFFICIENCY IRRIGATION SYSTEM SHALL BE INSTALLED FOR ALL ORNAMENTAL LANDSCAPE AREAS AND SHALL CONFORM TO THE CITY OF KELOWNA'S IRRIGATION STANDARDS IN BYLAW 7900.


LEGEND:



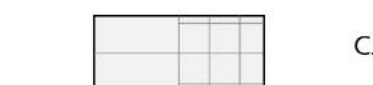
PROPOSED DECIDUOUS TREE



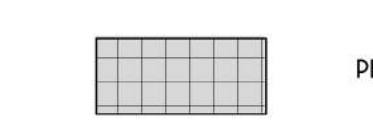
PROPOSED CONIFEROUS TREE




ORNAMENTAL SHRUB, PERENNIAL & GRASS PLANTING



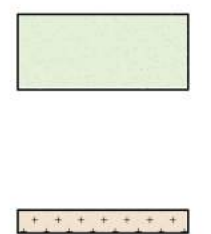
C.I.P. CONCRETE PAVING




PERMEABLE PAVING




COMPACTED AGGREGATE PAVING




ROCK MAINTENANCE EDGE




RETAINING WALL




SOLID SCREEN FENCE



BENCH



RAISED GARDEN BOX



BIKE RACK

PLANT LIST:

TREES			
Botanical Name	Common Name	Size/Spacing	Root
<i>Acer freemanii</i> 'Autumn Blaze'	Autumn Blaze maple	6cm Cal.	B&B
<i>Cercis</i> x 'Merlot'	Merlot redbud	6cm Cal.	B&B
<i>Gleditsia triacanthos</i> 'Sunburst'	Sunburst honeylocust	6cm Cal.	B&B
<i>Magnolia stellata</i> 'Royal Star'	Star magnolia	1.5m Ht. Multi-stem	B&B
<i>Parrotia persica</i> 'Vanessa'	Persian ironwood	6cm Cal.	B&B
<i>Picea glauca densata</i> 'Black Hills'	Black Hills spruce	1.5m Ht.	B&B
<i>Pinus cembra</i>	Swiss stone pine	1.5m Ht.	B&B

SHRUBS			
Botanical Name	Common Name	Size/Spacing	Root
<i>Buxus</i> 'Little Gem'	Little Gem boxwood	#02 Cont./1.2m O.C.	Potted
<i>Euonymus alatus</i> 'Select'	Fire Ball burning bush	#02 Cont./1.2m O.C.	Potted
<i>Philadelphus lewisii</i> 'Snowbelle'	Snowbelle mockorange	#02 Cont./1.0m O.C.	Potted
<i>Ribes alpinum</i>	Alpine currant	#02 Cont./1.2m O.C.	Potted

PERENNIALS			
Botanical Name	Common Name	Size/Spacing	Root
<i>Astilbe arendsii</i> 'Deutschland'	Early white astilbe	#01 Cont./0.6m O.C.	Potted
<i>Bergenia cordifolia</i>	Heartleaf bergenia	#01 Cont./0.45m O.C.	Potted
<i>Ligularia dentata</i> 'King Kong'	Big-leaved ligularia	#01 Cont./1.0m O.C.	Potted
<i>Lysemachia clethroides</i>	Gooseneck loosestrife	#01 Cont./1.0m O.C.	Potted
<i>Perovskia atriplicifolia</i>	Russian sage	#01 Cont./1.0m O.C.	Potted
<i>Perovskia atriplicifolia</i> 'Little Spire'	Dwarf Russian sage	#01 Cont./0.6m O.C.	Potted
<i>Rudbeckia fulgida</i> 'Goldsturm'	Goldsturm coneflower	#01 Cont./0.6m O.C.	Potted
<i>Salvia nemorosa</i> 'Sensation Rose'	Sensation Rose salvia	#01 Cont./0.3m O.C.	Potted
<i>Sedum spectabile</i> 'Autumn Fire'	Autumn Fire stonecrop	#01 Cont./0.5m O.C.	Potted

GRASSES			
Botanical Name	Common Name	Size/Spacing	Root
<i>Bouteloua gracilis</i>	Blue gramma grass	#01 Cont./0.6m O.C.	Potted
<i>Calamagrostis acutiflora</i> 'Karl Foerster'	Karl Foerster feather reed grass	#01 Cont./0.75m O.C.	Potted
<i>Deschampsia cespitosa</i>	Tufted hair grass	#01 Cont./0.75m O.C.	Potted

SCHEDULE

C

This forms part of application

DP19-0037, DVP19-0089

Planner Initials

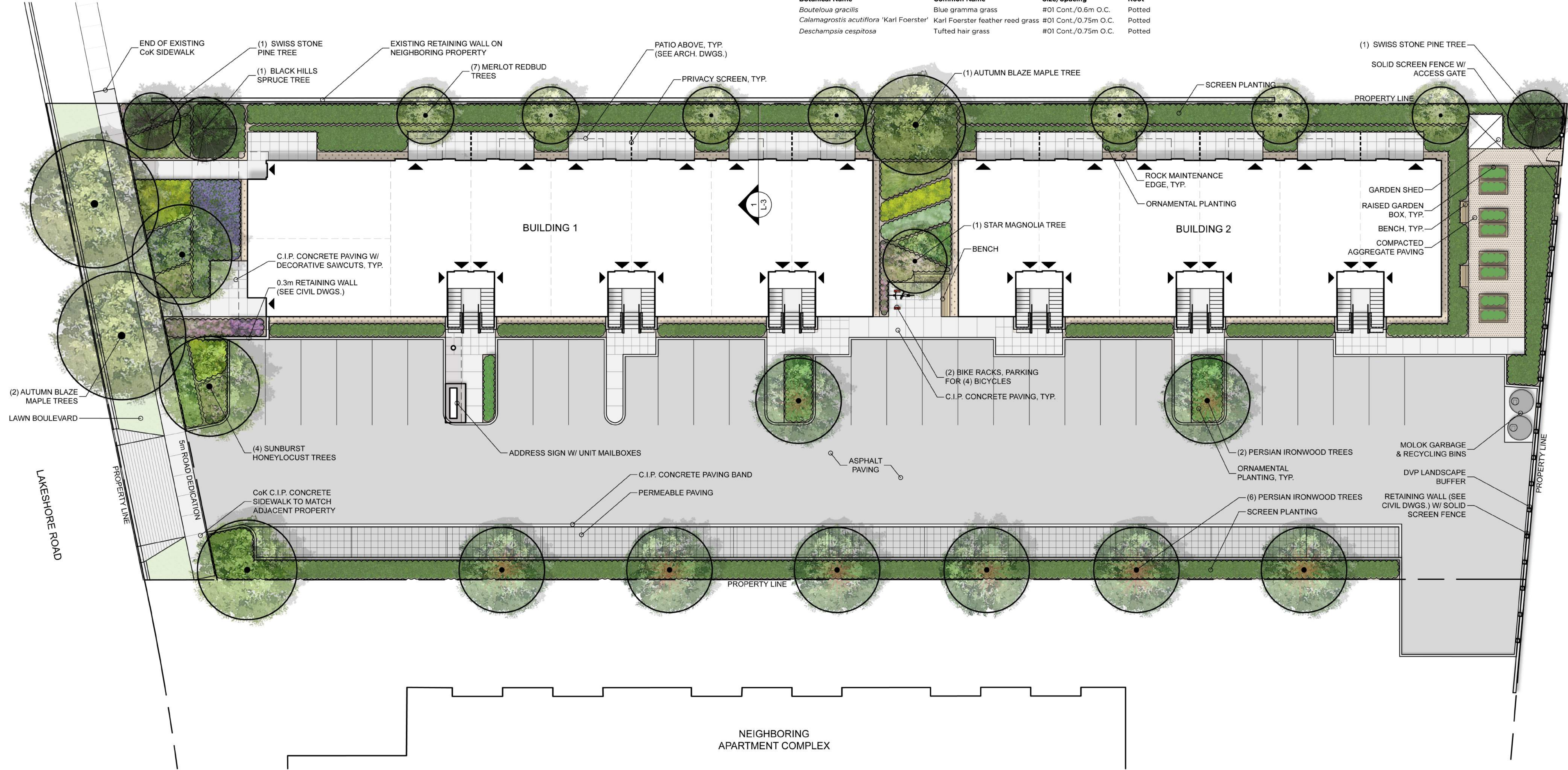
AJ

City of Kelowna

DEVELOPMENT PLANNING



NOT FOR CONSTRUCTION



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REVISIONS / ISSUED:		
6	JUN 11/19	ISSUED FOR DP AMENDMENT
5	MAR 22/19	REISSUED FOR DP APPLICATION
4	MAR 20/19	REISSUED FOR DP APPLICATION
3	JAN 22/19	ISSUED FOR DP APPLICATION
2	JAN 11/19	ISSUED FOR REVIEW
1	DEC 18/18	ISSUED FOR REVIEW
NO.	DATE	DESCRIPTION



CLIENT:
WHITWORTH HOLDINGS LTD.
KELOWNA, B.C.

PROJECT:
4119 LAKESHORE ROAD TOWNHOMES
KELOWNA, B.C.

SHEET TITLE:
LANDSCAPE PLAN

DESIGN BY	LS
DRAWN BY	LS
CHECKED BY	XS
PROJECT NO.	18-048
SCALE	1:150

SHEET NO.

L-1

DEVELOPMENT PERMIT GUIDELINES

Comprehensive Development Permit Area

Consideration has been given to the following guidelines as identified in Section 14.A. of the City of Kelowna Official Community Plan relating to Comprehensive Development Permit Areas:

Planner
Initials

AJ

City of
Kelowna
DEVELOPMENT PLANNING

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Authenticity and Regional Expression			
Do landscaping and building form convey a character that is distinct to Kelowna and the Central Okanagan?		✓	
Are materials in keeping with the character of the region?	✓		
Are colours used common in the region's natural landscape?	✓		
Does the design provide for a transition between the indoors and outdoors?	✓		
Context			
Does the proposal maintain the established or envisioned architectural character of the neighbourhood?	✓		
Does interim development consider neighbouring properties designated for more intensive development?	✓		
Are façade treatments facing residential areas attractive and context sensitive?	✓		
Are architectural elements aligned from one building to the next?	✓		
For exterior changes, is the original character of the building respected and enhanced?			✓
Is the design unique without visually dominating neighbouring buildings?	✓		
For developments with multiple buildings, is there a sense of architectural unity and cohesiveness?	✓		
Relationship to the Street			
Do buildings create the desired streetscape rhythm?	✓		
Are parkade entrances located at grade?			✓
For buildings with multiple street frontages, is equal emphasis given to each frontage?			✓
Massing and Height			
Does the design mitigate the actual and perceived mass of buildings?	✓		
Does the height consider shading and view impacts for neighbouring properties and transition to less intensive areas?	✓		
Human Scale			
Are architectural elements scaled for pedestrians?	✓		
Are façades articulated with indentations and projections?	✓		

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Are top, middle and bottom building elements distinguished?	✓		
Do proposed buildings have an identifiable base, middle and top?	✓		
Are building facades designed with a balance of vertical and horizontal proportions?	✓		
Are horizontal glazed areas divided into vertically proportioned windows separated by mullions or building structures?	✓		
Does the design incorporate roof overhangs and the use of awnings, louvers, canopies and other window screening techniques?	✓		
Is the visual impact of enclosed elevator shafts reduced through architectural treatments?			✓
Exterior Elevations and Materials			
Are buildings finished with materials that are natural, local, durable and appropriate to the character of the development?	✓		
Are entrances visually prominent, accessible and recognizable?	✓		
Are higher quality materials continued around building corners or edges that are visible to the public?		✓	
Are a variety of materials used to create contrast, enhance the pedestrian environment and reduce the apparent mass of a building?	✓		
Are elements other than colour used as the dominant feature of a building?	✓		
Public and Private Open Space			
Does public open space promote interaction and movement through the site?	✓		
Are public and private open spaces oriented to take advantage of and protect from the elements?	✓		
Is there an appropriate transition between public and private open spaces?	✓		
Are amenities such as benches, garbage receptacles, bicycle stands and community notice boards included on site?	✓		
Site Access			
Is the safe and convenient movement of pedestrians prioritized?	✓		
Are alternative and active modes of transportation supported through the site design?	✓		
Are identifiable and well-lit pathways provided to front entrances?	✓		
Do paved surfaces provide visual interest?	✓		
Is parking located behind or inside buildings, or below grade?		✓	
Are large expanses of parking separated by landscaping or buildings?	✓		
Are vehicle and service accesses from lower order roads or lanes?			✓
Do vehicle and service accesses have minimal impact on the streetscape and public views?		✓	

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Is visible and secure bicycle parking provided in new parking structures and parking lots?	✓		
Environmental Design and Green Building			
Does the proposal consider solar gain and exposure?		✓	
Are green walls or shade trees incorporated in the design?	✓		
Does the site layout minimize stormwater runoff?	✓		
Are sustainable construction methods and materials used in the project?		✓	
Are green building strategies incorporated into the design?		✓	
Decks, Balconies, Rooftops and Common Outdoor Amenity Space			
Are decks, balconies or common outdoor amenity spaces provided?	✓		
Does hard and soft landscaping enhance the usability of decks, balconies and outdoor amenity spaces?	✓		
Are large flat expanses of roof enhanced with texture, colour or landscaping where they are visible from above or adjacent properties?			✓
Amenities, Ancillary Services and Utilities			
Are loading, garage, storage, utility and other ancillary services located away from public view?	✓		
Are vents, mechanical rooms / equipment and elevator penthouses integrated with the roof or screened with finishes compatible with the building's design?			✓
Landscape Development and Irrigation Water Conservation			
Does landscaping:	-	-	-
<ul style="list-style-type: none"> Compliment and soften the building's architectural features and mitigate undesirable elements? 	✓		
<ul style="list-style-type: none"> Maintain the dominant pattern of landscaping along the street and surrounding properties? 	✓		
<ul style="list-style-type: none"> Enhance the pedestrian environment and the sense of personal safety? 	✓		
<ul style="list-style-type: none"> Screen parking areas, mechanical functions, and garbage and recycling areas? 		✓	
<ul style="list-style-type: none"> Respect required sightlines from roadways and enhance public views? 	✓		
<ul style="list-style-type: none"> Retain existing healthy mature trees and vegetation? 		✓	
<ul style="list-style-type: none"> Use native plants that are drought tolerant? 	✓		
<ul style="list-style-type: none"> Define distinct private outdoor space for all ground-level dwellings? 	✓		
Do any fences and retaining walls create visual interest and enhance the pedestrian environment?	✓		
Do parking lots have one shade tree per four parking stalls?	✓		

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Does the Landscape Architect's Landscape Water Conservation Report:	-	-	-
<ul style="list-style-type: none"> Meet the requirements for Landscape Water Budget calculations for the landscaped area? 	✓		
<ul style="list-style-type: none"> Indicate how the development complies with or varies from the Landscape Water Conservation Guidelines? 	✓		
<i>Landscape Water Conservation Guidelines</i>			
Are plants grouped into "hydro-zones" of high, medium and low or unirrigated / unwatered areas?	✓		
Does at least 25% of the total landscaped area require no irrigation / watering?	✓		
Does at least 25% of the total landscaped area require low water use?		✓	
Does at most 50% of the total landscaped area require medium or high water use?		✓	
Is mulch cover provided for shrubs and groundcover to reduce soil evaporation?	✓		
Do water features such as pools and fountains use recirculated water systems?			✓
Do landscape installation standards meet the requirements of the BC Landscape Standard and / or the Master Municipal Construction Document?	✓		
Are the required written declarations signed by a qualified Landscape Architect?	✓		
<i>Irrigation System Guidelines</i>			
Is the Irrigation Plan prepared by a Qualified Professional?	✓		
Are irrigation circuits grouped into "hydro-zones" of high, medium and low or unirrigated / unwatered areas consistent with the landscaping plan?	✓		
Is drip or low volume irrigation used?	✓		
Are the required written declarations signed by a qualified Certified Irrigation Designer?		✓	
Crime prevention			
Are CPTED practices as related to landscaping, siting, form and exterior design included in the design?	✓		
Are building materials vandalism resistant?		✓	
Universal Accessible Design			
Is access for persons with disabilities integrated into the overall site plan and clearly visible from the principal entrance?		✓	
Are the site layout, services and amenities easy to understand and navigate?	✓		
Signs			
Do signs contribute to the overall quality and character of the development?	✓		
Is signage design consistent with the appearance and scale of the building?	✓		
Are signs located and scaled to be easily read by pedestrians?	✓		

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
For culturally significant buildings, is the signage inspired by historical influences?			✓
Lighting			
Does lighting enhance public safety?	✓		
Is "light trespass" onto adjacent residential areas minimized?			✓
Does lighting consider the effect on the façade, neighbouring buildings and open spaces?			✓
Is suitably scaled pedestrian lighting provided?			✓
Does exterior street lighting follow the International Dark Sky Model to limit light pollution?			✓

