

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, November 5, 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 Donn.

3. Confirmation of Minutes

Public Hearing - October 22, 2019
Regular Meeting - October 22, 2019

4. Bylaws Considered at Public Hearing

4.1 Eldorado Rd 509 - BL11938 (Z19-0069) - Judith Parsons

1 - 1

To give second and third reading to Bylaw No. 11938 in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU2 Medium Lot Housing zone.

4.2 Gramiak Rd 535, BL11949 (Z19-0062) - Barry and Doris Marciski

2 - 2

To give second and third reading to Bylaw No 11949 in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone.

5. 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 Curts St 2743-2763, DVP19-0174 - Lisa M. Kryski

3 - 12

To consider a Staff recommendation to NOT issue a Development Variance Permit to allow the property to have vehicular access from Curts Street in addition to the lane.

6. Reminders

7. Termination

CITY OF KELOWNA
BYLAW NO. 11938
Z19-0069 – 509 Eldorado 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 5 District Lot 167 ODYD District Plan 16646 located on Eldorado 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 7th day of October, 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. 11949
Z19-0062 – 535 Gramiak Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 4 Section 22 Township 26 Osoyoos Division Yale District Plan 29137, located on Gramiak Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 21st day of October, 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: November 5, 2019

To: Council

From: City Manager

Department: Development Planning

Application: DVP19-0174

Owner: Lisa M. Kryski

Address: 2743-2763 Curts Street

Applicant: Felix Westerkamp

Subject: Development Variance Permit

1.0 Recommendation

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP19-0174 for Lot 1 District Lot 135 ODYD Plan 25798, located at 2743-2763 Curts Street, Kelowna, BC.

2.0 Purpose

To consider a Staff recommendation to NOT issue a Development Variance Permit to allow the property to have vehicular access from Curts Street in addition to the lane.

3.0 Development Planning

Development Planning does not support the proposed variance to have vehicle access from Curts Street. The Zoning Bylaw regulation limiting access to the lane is intended to redirect car traffic to a lane, where one is available, in order to improve the streetscape and increase safety for pedestrians and cyclists. Specifically, driveways and garages accessed from the street decrease visual appeal and decrease the number of 'eyes on the street' compared to front yard landscaping, windows, and doors. More locations where cars cross sidewalks and boulevards increase the potential for conflict between cars and pedestrians and cyclists. Also, driveway let downs that cut across sidewalks are known to cause an impediment to pedestrians, particularly in icy conditions and for people with mobility challenges.

For the subject property, the development already has access from the lane, and all 4 required parking stalls for the development are accessed from the lane.

While Curts St. was previously developed with car access from the street, as the area redevelops under the RU7 – Infill Housing zone driveways from the street will be eliminated, helping to improve the environment for pedestrians. As the properties redevelop the street pattern will begin to change.

Finally, properties in the area are within easy walking distance of numerous destinations and amenities, including Raymer Elementary School, Kelowna Secondary School, the Okanagan College campus, the Pandosy Commercial Corridor, and Osprey Park. As such, it is especially important that the environment be made as pedestrian-friendly as possible to facilitate walking to these nearby destinations.

4.0 Proposal

4.1 Background

A Development Permit was approved in 2018 to add 3 dwelling units to the existing home on the subject lot with access to the 4 required parking stalls from the rear lane. The existing car access from the side yard off Curts St. was required to be decommissioned. The former garage accessed from Curts St. was to be repurposed as a workshop. The applicant is now proposing to reactivate the car access from Curts St. and continue the use of the garage.

The property across Curts St. at 783 Kinnear Ave. was issued a Development Permit for a second dwelling in 2014 (DP14-0154). At the same time, a Development Variance Permit was applied for to allow car access from the side yard along Curts St. as opposed to the rear lane, as required by the Zoning Bylaw. The Development Variance Permit was supported by staff and approved by Council; however, in that case, site constraints prevented car access from the lane.

4.2 Project Description

The applicant proposes to allow car access to the lot along Curts St. The Zoning Bylaw for the RU7 – Infill Housing zone stipulates that “Where a site has access to a lane, vehicular access is only permitted from the lane” (13.17.8. b). In this case, vehicular access is already permitted from the lane, and the applicant seeks to add a vehicular access from a street frontage along a flanking street side yard.

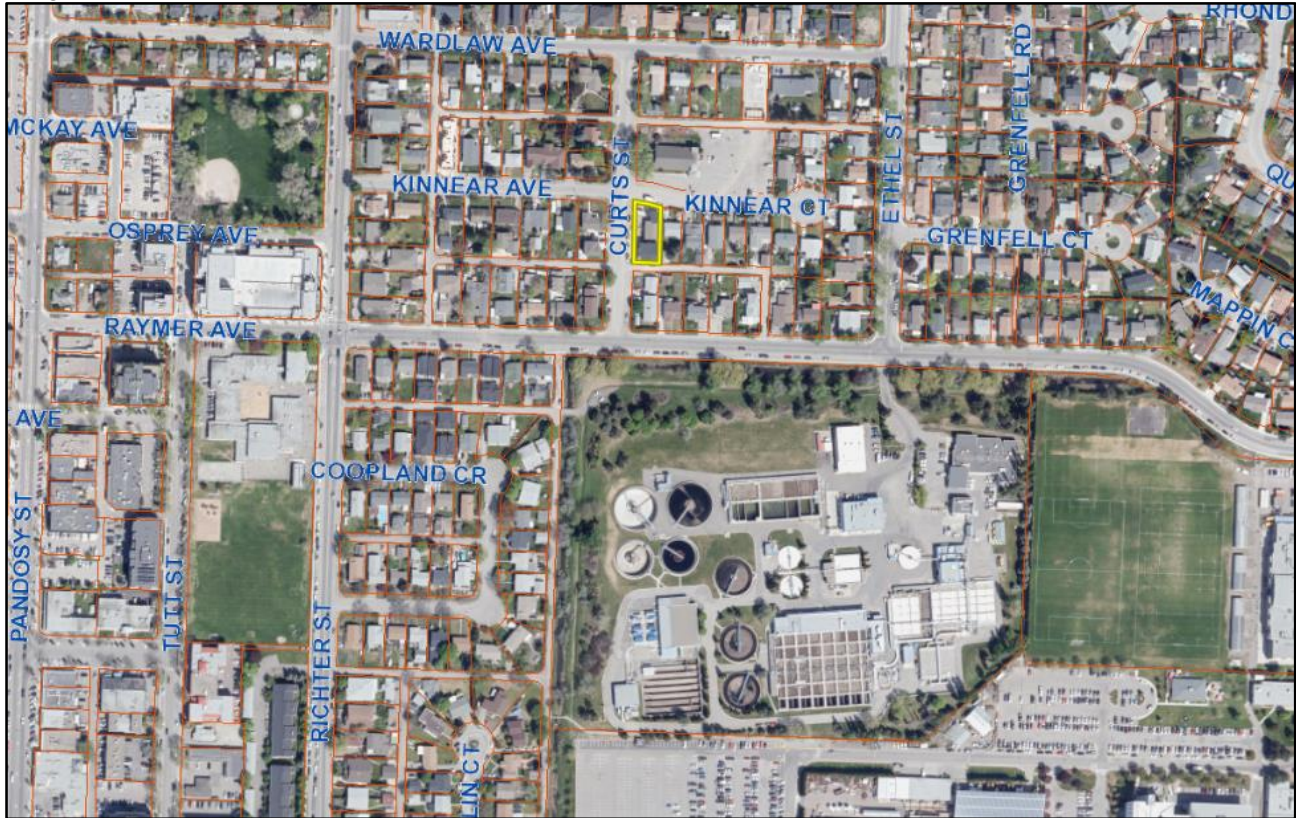
4.3 Site Context

The subject property is in the South Pandosy – KLO Sector and is just outside the boundary of the Pandosy Urban Centre. The property is within 500 m (a 5 min. walk) of Raymer Elementary School, Kelowna Secondary School, the Okanagan College campus, the Pandosy Commercial Corridor, and Osprey Park. The property has a Walkscore of 76 as most errands can be accomplished on foot. Other than a church to the north of the property, all surrounding properties contain single or two dwelling housing and were rezoned to RU7 – Infill Housing.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P2 – Education and Minor Institutional	Church
East	RU7 – Infill Housing	Single Dwelling Housing
South	RU7 – Infill Housing	Single Dwelling Housing
West	RU7 – Infill Housing	Two Dwelling Housing

Subject Property Map: 2743-2763 Curts St.



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 1: Introduction

Goals for a Sustainable Future:

Feature a Balanced Transportation Network – Increase the attractiveness, convenience and safety of all modes of transportation by implementing “complete streets” that are designed to serve a broader range of transportation modes, focusing on pedestrians, cyclists and transit service, and function in the context of surrounding land uses.

Chapter 7: Infrastructure

General Transportation Policies:

Objective 7.6 Place increased emphasis on sustainable modes of transportation (walking, cycling, transit) while maintaining automobile, commercial goods and emergency vehicle mobility.

Policy .1 Transportation Infrastructure Priority. Transportation infrastructure will be funded, designed, constructed and maintained to meet the needs of users and according to the following priority:

- i. Active Transportation (Walking and Cycling)
- ii. Transit
- iii. Movement of Goods & Services
- iv. High Occupancy Vehicles (HOVs)
- v. Single Occupant Vehicles (SOVs)

Priority will be assigned to active transportation and transit infrastructure that serves and connects Urban Centres, major employers, health care and educational facilities.

6.0 Application Chronology

Date of Application Received: September 6, 2019

Date Public Consultation Completed: October 2, 2019

7.0 Alternate Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0174 for Lot 1 District Lot 135 ODYD Plan 25798, located at 2743-2763 Curts Street, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted as per Schedule "A":

Section 13.17.8(b): RU7 – Infill Housing Other Regulations

To vary vehicular access to allow vehicular access from a street frontage along a flanking street, where the property has access to a lane.

Report prepared by: Aaron Thibeault, Planner II

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

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Draft Development Variance Permit DVP19-0147

Attachment B: Applicant's Rationale

Development Variance Permit DVP19-0147



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

2743-2763 Curts Street

and legally known as

Lot 1 District Lot 135 ODYD Plan 25798

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

Four Dwelling Housing

With variances to the following section of the Zoning Bylaw No. 8000:

Section 13.17.8(b): RU7 – Infill Housing Other Regulations

To allow vehicular access from a street frontage along a side yard, where the property has access to a lane.

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

Date of Council Decision October 22, 2019

Decision By: COUNCIL

Development Permit Area: N/A

Existing Zone: RU7 – Infill Housing

Future Land Use Designation: Sensitive Infill Housing (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: Lisa M. Kryski

Applicant: Felix Westerkamp



Terry Barton
Development Planning Department Manager

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 vehicular access to be constructed on the land be in accordance with Schedule "A";

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

5. 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.**

SCHEDULE

A

This forms part of application

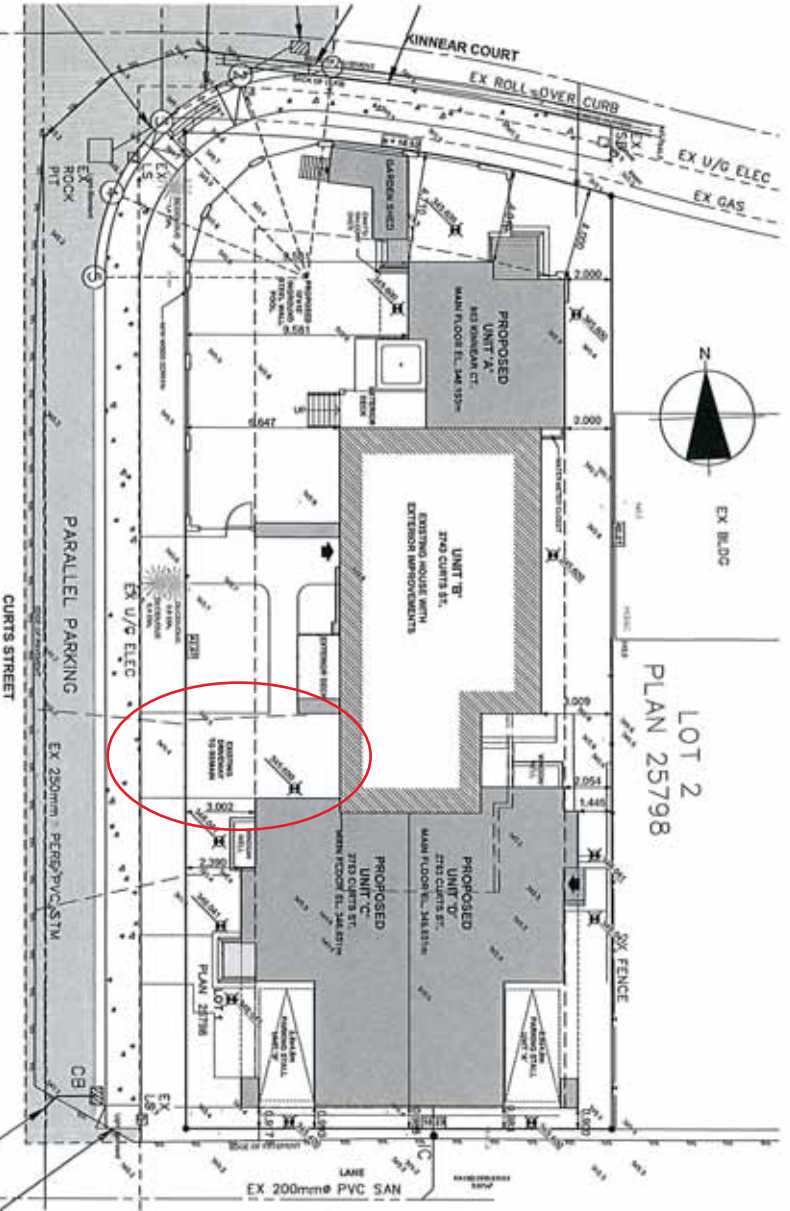
DVP19-0147

Planner
Initials

AT



AC WAT
SCALE 1/8" = 1'-0"



LOT 2
PLAN 25798

2763 CURTS STREET

LEGAL DESCRIPTION: LOT 1, DISTRICT LOT 125,
O.V. 125, PLAN 25798

ZONING: RUT - RURAL HOUSING ZONE

SITE DETAILS

LOT AREA: 78.29 m² 200' x 100' MAX.
LOT WIDTH: 31.29 m 100' MAX.
LOT DEPTH: 42.00 m 100' MAX.

FOOTPRINT AREA OF UNIT A: 42.83 m²
FOOTPRINT AREA OF UNIT B: 31.18 m²
FOOTPRINT AREA OF UNIT C: 87.87 m²
FOOTPRINT AREA OF UNIT D: 81.02 m²

AREA OF DECK: 21.15 m²
AREA OF DRIVEWAYS & PARKING: 68.19 m²
AREA OF POOL: 28.18 m²

FLOOR AREA RATIO: 0.79 0.8 MAX.

LOT COVERAGE INCL. SITE COVERED BUILDINGS & POOL: 49.42 % 55% MAX.

UNIT A DETAILS

TOTAL FLOOR AREA: 82.04 m²
HEIGHT OF BUILDING: 7.74 m 8.20 MAX. OR 2 STOREYS
STRAKES IN WATERS: 4.00 m 4.20 MAX.
SOIL FLOODING INVERTS: 10.82 m 12.20 MAX.
SOIL (SLOPE): 2.00 m 2.20 MAX.

UNIT B DETAILS

TOTAL FLOOR AREA: 20.13 m²
HEIGHT OF BUILDING: 5.12 m 8.20 MAX. OR 2 STOREYS
STRAKES IN WATERS: 6.47 m 1.00 MAX.
SOIL FLOODING INVERTS: 10.09 m 2.20 MAX.
SOIL (SLOPE): 1.00 m 2.20 MAX.

UNIT C DETAILS

TOTAL FLOOR AREA: 155.84 m²
HEIGHT OF BUILDING: 7.75 m 8.20 MAX. OR 2 STOREYS
STRAKES IN WATERS: 12.02 m 1.20 MAX.
SOIL FLOODING INVERTS: 8.98 m 0.20 MAX.

UNIT D DETAILS

TOTAL FLOOR AREA: 19.45 m²
HEIGHT OF BUILDING: 7.75 m 8.20 MAX. OR 2 STOREYS
STRAKES IN WATERS: 1.04 m 1.20 MAX.
SOIL FLOODING INVERTS: 0.80 m 0.20 MAX.

MISC. DATA

NUMBER OF PARKING SPACES: 4 4 MAX.
SIZE OF PARKING IN GARAGE, MAX. SIZE: 21.15 x 4.8 m
SIZE OF EXTERIOR PARKING SPACES, WIDTH: 3.13 x 4.8 m



WESTONCAD DESIGN INC.
1887 BATHURST AVENUE
KELOWNA, B.C. V1Y 1A7
(250) 870-7800
www.westoncad.com

CONTRACT NO.

ISSUED FOR
CONSTRUCTION

FOUR UNIT
DEVELOPMENT

2763 CURTS STREET
KELOWNA, B.C.

DATE: 11/02/2019
DRAWN BY: [Name]
CHECKED BY: [Name]
CITY/PROVINCE: [Name]

SHEET TITLE
SITE PLAN

A-101

SHEET 2

ATTACHMENT
B

This forms part of application

DVP19-0147

Planner
Initials

AT



City of
Kelowna

COMMUNITY PLANNING



2743 Curts Street – Variance Application to allow to keep the existing driveway

Design Rationale

There were multiple design approaches investigated for the subject property, which began in 2017. Tearing-down the existing building in order to build four individual units was brought under consideration, however the final decision was to keep the original structure because of its overall good condition. We wanted to preserve the integrity of the existing structure, and so rather than tear-down the building, three new units were proposed to be added in order to create a four-plex. Both design concepts were based on the then current RU-7 zoning bylaw, which allowed vehicular access from a flanking street for corner lots.

13.17.8 Other Regulations

- (a) Minor group homes are only permitted in single detached housing.
- (b) Vehicular access is only permitted from the lane, except for where a property has two street frontages, where access may be taken from the street frontage which is not the front yard.
- (c) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 6 (accessory development, yards, projections into yards, lighting, stream protection, etc.), the landscaping and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific use regulations of Section 9.

At the time, we consulted a city planner for a preliminary design meeting, and we presented the design proposal, in which we proposed to keep the existing garage with the vehicular access off Curts Street. We proceeded with the design and development permit and submitted for DP on Apr17, 2018.

Upon receiving the development permit we altered the proposed construction drawings in order to adhere to the requirement, which instructed to delete any access off Curts Street and move all parking to the lane, in order to comply with the adjusted RU-7 Section 13.17.8.



WESTERKAMP DESIGN INC.
1587 Sutherland Ave
KELOWNA, B.C. V1Y – 5Y7
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bauhaus1@shaw.ca

13.17.8 Other Regulations

- (a) Minor group homes are only permitted in single dwelling housing.
- (b) Where a site has access to a lane, vehicular access is only permitted from the lane. Otherwise, vehicular access may be taken from the front yard, or where a property has two street frontages, access shall be taken from the street frontage which is not the front yard.
- (c) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 6 (accessory development, yards, projections into yards, lighting, stream protection, etc.), the landscaping and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific use regulations of Section 9.

Section 13 – Urban Residential Zones

Revised December 4, 2017

RU7-2

At the present time, we changed the proposed construction drawings for the Building Permit application at owner's cost, so the construction for the additional units could proceed.

During this time the existing unit had been renovated under a different building permit and was occupied.

The alteration of Section 13.17.8 of the RU-7 Bylaw does make sense for most RU-7 lots, however, since the cost of a re-development along two property lines are already higher we strongly believe that in this particular case it would be of no consequence to anybody if an exception was made to allow the access off Curts Street and keep the existing driveway to the existing garage. Curts Streets is only two blocks in length and is not a high traffic through road. All existing homes along Curts Street, of which there are quite a few newer ones that were built under former RU-6 zoning, have driveways and access off Curts Street.



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Existing garage

Section 13.17.8 which allowed access of a flanking street for a corner lot was far more suited for this property since there is more than enough boulevard. Corner lots are unique in that they can make the first impression and are able to showcase the rest of the neighborhood. Architecturally speaking, corner lots provide a great approach to develop unique and diverse structures in regard to enhancing the overall street appeal, landscape and privacy.

We strongly believe that corner lots within the RU-7 Zoning which have similar characteristics like the ones of this property (large boulevards, low traffic flow), in certain cases, should be given the option of additional access off a flanking street as it was laid out in Section 13.17.8 from August 2017. This would still allow for plenty of street parking and provide relief for a possible over-crowded lane.

As a supporting document a rationale from D.E. Pilling & Associates is attached to this application.