

# City of Kelowna

## Public Hearing

### AGENDA



Tuesday, June 2, 2020  
4:00 pm  
Council Chamber  
City Hall, 1435 Water Street

Pages

1. Due to COVID-19 a Public Hearing Agenda will also Include Regular Council Meeting Items
2. Call to Order the Public Hearing - 4:00 PM - (S Of) Academy Way - Vint Road - OCP20-0009 (BL12031) and Z19-0056 (BL12032)

THE CHAIR WILL CALL THE HEARING TO ORDER:

I would like to acknowledge that we are gathered today on the traditional, ancestral, unceded territory of the syilx/Okanagan people.

This evening, Council will hold both a Public Hearing and a Regular Meeting.

The purpose of the Hearing is to hear from the public on matters contained in the various bylaws which, if adopted, will amend *Kelowna 2030* - Official Community Plan Bylaw No. 10500 and Zoning Bylaw No. 8000.

After the close of the Public Hearing, Council will then debate and vote on the proposed bylaws at the Regular Meeting that follows.

Council has been provided with the information, correspondence, petitions or reports that have been received concerning the subject bylaws. This information is available to the public on the table in the foyer of Council Chamber. Reports are also available to the public online under *Council* at Kelowna.ca.

For those in attendance this evening, or who have already submitted letters to Council, a reminder that this Hearing is open to the public and all representations to Council form part of the public record. A live audio-video feed is being broadcast and recorded on kelowna.ca and may also be broadcast and recorded by Castanet.

Following the close of the Public Hearing, no further information from the applicant or members of the public will be accepted by Council.

3. Individual Bylaw Submissions

3.1 START TIME - 4:00 PM - (S Of) Academy Way - Vint Road - OCP20-0009 (BL12031)

5 - 33

**and Z19-0056 (BL12032)**

To amend the Official Community Plan designation from S2RESH – Single / Two Family Residential Hillside to the MRL – Multiple Unit Residential (Low Density) and rezone the subject property from RU1h – Large Lot Housing (Hillside Area) to RM2h – Low Density Row Housing (Hillside Area) to accommodate a 142 unit rental development.

**4. Termination**

**5. Call to Order the Regular Meeting**

**6. Bylaws Considered at Public Hearing**

- 6.1 START TIME - 4:00 PM - Academy Way, BL12031 (OCP20-0009) - Whitfield Hall Developments Inc., Inc No. A0096060** 34 - 35

To give Bylaw No. 12031 second and third reading.

- 6.2 START TIME - 4:00 PM - Academy Way, BL12032 (Z19-0056) - Whitfield Hall Developments Inc., Inc No. A0096060** 36 - 37

To give Bylaw No. 12032 second and third reading.

**7. Termination**

**8. Call to Order the Public Hearing - 4:30 PM - TA20-0014 Amendment to Fencing Regulations**

THE CHAIR WILL CALL THE HEARING TO ORDER:

The purpose of the Public Hearing is to hear from the public on matters contained in the various bylaws which, if adopted, will amend *Kelowna 2030* Zoning Bylaw No. 8000.

After the close of the Public Hearing, Council will then debate and vote on the proposed bylaws at the Regular Meeting that follows.

Council has been provided with the information, correspondence, petitions or reports that have been received concerning the subject bylaws. This information is available to the public on the table in the foyer of Council Chamber. Reports are also available to the public online under *Council* at Kelowna.ca.

For those in attendance this evening, or who have already submitted letters to Council, a reminder that this Hearing is open to the public and all representations to Council form part of the public record. A live audio-video feed is being broadcast and recorded on kelowna.ca and may also be broadcast and recorded by Castanet.

Following the close of the Public Hearing, no further information from the applicant or members of the public will be accepted by Coun

**9. Individual Bylaw Submission**

**9.1 START TIME - 4:30 PM - TA20-0014 Amendment to Fencing Regulations 38 - 51**

To consider an application to amend the Zoning Bylaw to introduce fencing requirements that would reduce injury and mortality to deer and other wildlife.

**10. Termination**

**11. Call to Order the Regular Meeting**

**12. Bylaws Considered at the Public Hearing**

**12.1 START TIME - 4:30 PM - BL12030 (TA20-0014) - Amendment to Fencing Regulations 52 - 53**

To give Bylaw No. 12030 second and third reading.

**13. Termination**

**14. 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.

**14.1 START TIME - 4:50 PM - Uplands Dr 368, DVP19-0239 - Nicole Gosselin 54 - 75**

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

To consider a Development Variance Permit to vary the maximum height from 4.8m required to 7.3m proposed.

**14.2 START TIME - 5:10 PM - Borden Ave 921, DVP20-0021 - Davara Holdings Ltd., INC. NO. BCo797640 76 - 93**

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

To vary the minimum side yard parking setback from 1.5m required to 0.0m proposed and to vary the required physical barrier screen for the parallel parking on the flanking lane for a proposed four-unit development.

**14.3 START TIME - 5:40 PM - Abbott St 2318, DVP20-0100 - Lothar and Colleen Sondermann 94 - 111**

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

To reduce the rear yard setback from 7.5m required to 4.4m proposed for the construction of a new covered patio on the subject property.

**15. Terminate**

## **16. Procedure on each Bylaw Submission**

- (a) Brief description of the application by City Staff (Community Planning);
- (b) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.
- (c) The Chair will call for representation from the public in attendance as follows:
  - (i) The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.
  - (ii) The Chair will recognize ONLY speakers at the podium.
  - (iii) Speakers are encouraged to limit their remarks to 5 minutes, however, if they have additional information they may address Council again after all other members of the public have been heard a first time.
- (d) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total of 10 minutes maximum.
- (e) Questions by staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.
- (f) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

Note: Any applicant or member of the public may use visual aids (e.g. photographs, sketches, slideshows, etc.) to assist in their presentation or questions. The computer and ELMO document camera at the public podium are available. Please ask staff for assistance prior to your item if required.



# REPORT TO COUNCIL



**Date:** May 4, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** OCP20-0009/Z19-0056

**Owner:** Whitfield Hall Developments  
Inc., Inc. No. A0096060

**Address:** (S OF) Academy Way

**Applicant:** CTQ Consultants Ltd.

**Subject:** Rezoning and Official Community Plan Amendment Application

**Existing OCP Designation:** S2RESH – Single / Two Unit Residential - Hillside

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

**Existing Zone:** RU1h – Large Lot Housing (Hillside Area)

**Proposed Zone:** RM2h – Low Density Row Housing (Hillside Area)

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## 1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP20-0009 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation for portions of Lot C, Section 3, Township 23, ODYD, Plan EPP33993, Except Plan EPP66986 located at (S OF) Academy Way, Kelowna, BC from the S2RESH – Single / Two Family Residential Hillside to the MRL – Multiple Unit Residential (Low Density) designation, as shown on Map “A” attached to the Report from the Development Planning Department dated May 4<sup>th</sup>, 2020 be considered by Council;

THAT Rezoning Application No. Z19-0056 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for a portion of Lot C, Section 3, Township 23, ODYD, Plan EPP33993, Except Plan EPP66986 located at (S OF) Academy Way, Kelowna, BC from the RU1h – Large Lot Housing (Hillside Area) to RM2h – Low Density Row Housing (Hillside Area), as shown on Map “B” attached to the Report from the Development Planning Department dated May 4<sup>th</sup>, 2020 be considered by Council;

AND THAT the Official Community Plan Amendment and Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule “A” attached to the Report from the Development Planning Department dated May 4<sup>th</sup>, 2020;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to subdivision approval and in conjunction with Council's consideration of a Development Permit and Development Variance Permit for the subject property.

## **2.0 Purpose**

To amend the Official Community Plan designation from S2RESH – Single / Two Family Residential Hillside to the MRL – Multiple Unit Residential (Low Density) and rezone the subject property from RU1h – Large Lot Housing (Hillside Area) to RM2h – Low Density Row Housing (Hillside Area) to accommodate a 142 unit rental development.

## **3.0 Development Planning**

Development Planning Staff are recommending support for the proposed OCP and Rezoning amendments to facilitate a future multi-family rental development. The proposal is generally consistent with the OCP and meets the intent of the overall University South and University Heights Area Structure Plan.

The property was rezoned as part of the original area structure plan more than a decade ago and designated primarily for single family residential development. The proposed amendments would allow for a higher density of units in a mix of multi-family buildings for rental purposes. Staff believe that the proposal fits well within the surrounding University Heights neighborhood and allows for a mix of housing types and rental units which will benefit the area and the UBCO campus.

## **4.0 Proposal**

### **4.1 Project Description**

The proposed development is located on the south end of a larger phased development parcel which is predominately single family residential and includes Acadia Street, Yorkville Street and Concordia Street. The sites primary access will be from Vint Road with an emergency access to the north-west and the future extension of Acadia Street. The proposal is for a private development of a 142 rental purposed units to be completed over two phases. The total number of units would consists of a mix of 2, 4, 6 and 8 plex buildings with two and three bedroom units. Access to the units would be provided off a looping internal access road with parking in a mix of surface stalls and attached garages.

The project demonstrates substantial private amenity open space including a nature playground, community garden, accessibility playground and a network of internal walking trails. Public access is not proposed through the development, however existing park dedication on the south and east of the site will be utilized and allow for public trail connectivity from Vint road to the existing park and open space to the east.

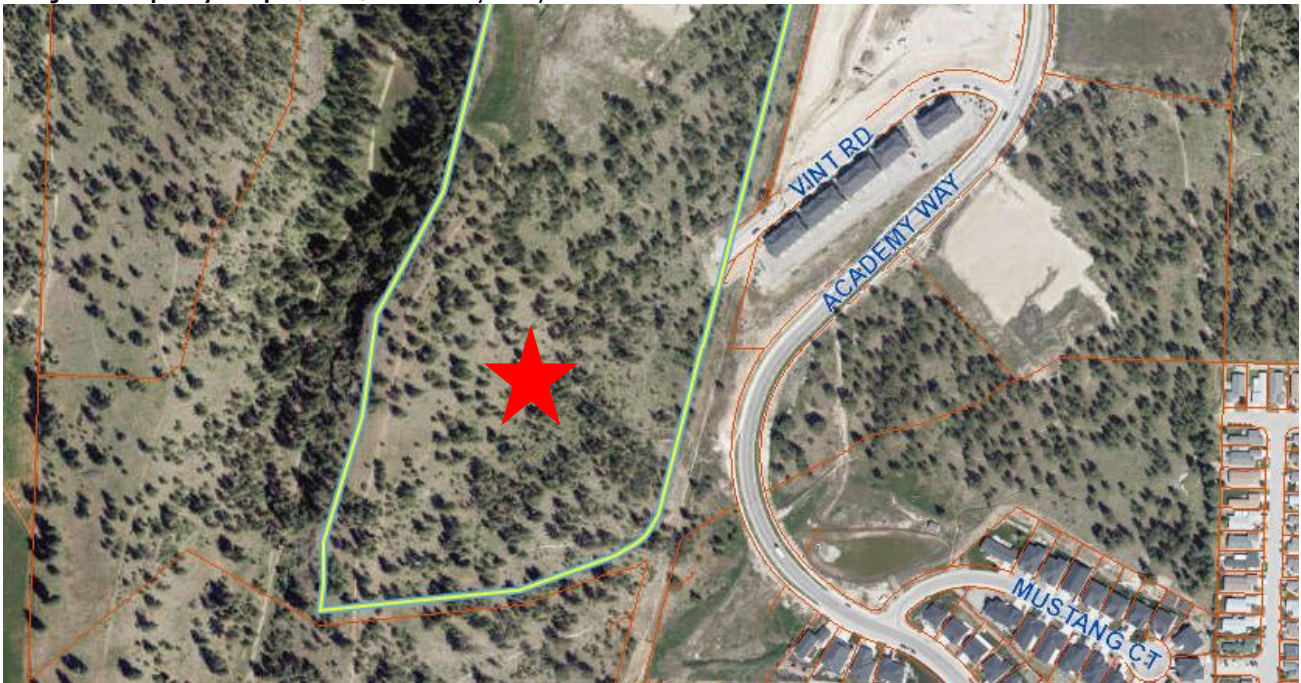
The proposal is considered consistent with the adjacent developments in the University Heights neighborhood including Academy Ridge and Deerhurst Estates to the north east.



#### 4.2 Site Context

The subject property is located in the Highway 97 City Sector and accessed from Vint Road and ultimately Academy Way. The surrounding neighborhood is primarily residential with single family to the north and multi family townhouses to the east. The site is bordered by large dedicated park to the west and a trail connection in the south east.

#### **Subject Property Map: (S OF) Academy Way**



## **5.0 Current Development Policies**

### **5.1 Kelowna Official Community Plan (OCP)**

#### **6.0 *Objective 5.2 Develop Sustainably***

7.0 *Policy .3 Complete Suburbs.* Support a mix of uses within Kelowna's suburbs, in accordance with "Smart Growth" principles to ensure complete communities. Uses that should be present in all areas of the City, at appropriate locations, including commercial, institutional, and all types of residential uses (including affordable and special needs housing) at densities appropriate to their context.

8.0 *Policy .5 Integrated Land Use.* Integrate land use approaches wherever possible to improve opportunities for biodiversity, ecosystem connectivity, recreation, agriculture and local food production, while reducing conflicts.

## **9.0 Technical Comments**

### **9.1 Development Engineering Department**

- Refer to Development Engineering Memo dated March 13, 2019.

## **10.0 Application Chronology**

Date of Application Received: March 12, 2019

Date Public Consultation Completed: August 1, 2019

**Report prepared by:** Wesley Miles, Acting Community and Development Planning Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

## **Attachments**

Schedule A: Development Engineering Memorandum

Attachment A: Conceptual Site Layout

Map A: OCP Amendment

Map B: Zoning Bylaw Amendment



## CITY OF KELOWNA

## MEMORANDUM

**Date:** March 13, 2019  
**File No.:** Z19-0056  
**To:** Subdivision Approving Officer (WM)  
**From:** Development Engineering Manager (JK)  
**Subject:** Zoning Application – (S of ) Academy Way - RU1h to RM2h

## WORKS AND SERVICES REQUIREMENTS

The City's Development Services Department will handle the Works & Services requirements identified below for Zoning Approval from RU1h to RM2h for a 142 rental development subdivision plan.

The Development Engineering Technologist for this project is Ryan O'Sullivan.

The following Works & Services are required for this subdivision:

**.1) General**

- a) This proposed subdivision may require the installation of centralized mail delivery equipment. Please contact Arif Bhati, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC V1Y 2K0 to obtain further information and to determine suitable location(s) within the development.
- b) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- c) The Fire Department and Environment Division requirements and comments are addressed separately by them.

**.2) Geotechnical Report**

- a) Provide a comprehensive geotechnical report, prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**



The Geotechnical report must be submitted prior to submission of Engineering drawings or application for subdivision approval.

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.
- (vi) Slope stability, rock fall hazard and slippage including the effects of drainage and septic tank effluent on the site.
- (vii) Identify slopes greater than 30%.
- ii) Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
- iii) Recommendations for items that should be included in a Restrictive Covenant.
- iv) Any special requirements that the proposed subdivision should undertake so that it will not impact the bank(s). The report must consider erosion and structural requirements.
- v) Any items required in other sections of this document.
- vi) Recommendations for erosion and sedimentation controls for water and wind.
- vii) Recommendations for roof drains and perimeter drains.
- viii) Recommendations for construction of detention or infiltration ponds if applicable.

### **.3) Water**

- a) The property is located within the GEID service area.
- b) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. Provide water calculations for this subdivision to confirm this.
- c) Ensure every building site is located at an elevation that ensures water pressure is within the bylaw pressure limits. Note: Private pumps are not acceptable for addressing marginal pressure.

- d) Hydrants are to be spaced at 200m but also must be located within 100m of a building.
- e) Design drawings must be reviewed by GEID prior to the City issuing the drawings for construction. Confirmation of their review must be provided to the City.

#### **.4) Sanitary Sewer**

- a) Provide an adequately sized sanitary sewer system in accordance with the Subdivision, Development & Servicing Bylaw.

#### **.5) Drainage**

- a) Provide an adequately sized drainage system complete with individual lot connections. The Subdivision, Development and Servicing Bylaw requires that each lot be provided with an individual connection; however, the City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydrogeotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.
- b) Provide the following drawings:
  - i) A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
  - ii) A detailed Stormwater Management Plan for this subdivision; and,
  - iii) An Erosion and Sediment Control Plan.
- c) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- d) Significant banks are located on this site. The slopes appear to be sensitive to erosion; temporary and permanent measures must be taken to prevent erosion and sediment transport.
- e) Identify clearly on a contour map, or lot grading plan, the top of bank(s). Provide cross sections along the top of the bank at each property corner and at locations where there are significant changes in slope. Cross sections are to be perpendicular to the contour of the slope. Show the proposed property lines on the cross sections. Not all areas have a clear top of bank; and therefore, field reconnaissance by City staff and the applicant may be needed to verify a suitable location for property lines.
- f) Where ditches are provided they must be adequately lined and protected for the design flows.
- a) The drainage gullies are to be protected by way of Statutory Rights-of Way suitable to the Drainage Manager.

**.6) Roads**

- a) The proposed Development will cause more congestion on Academy way Vint intersection. It will be a requirement for this development to install a 4 leg traffic light control Academy Way and Vint Rd. With advanced flashers for south bound lane.
- b) The proposed roads must be built to an urban standard (SS-H12) to frontage of the subject property and through buildable areas; including curb and gutter, sidewalk, street lighting, landscaped boulevard, Sanitary, storm drainage system and water Mains.
- c) All terminal ending roads that will not be extended in the future can be no more than 200m and must end with a cul-de-sac (Schedule 4 section 4.4 By-Law 7900) and emergency access will be required.
- d) All terminal ending roads that will be extended in the future can be no more than 400m and must end with a cul-de-sac (Schedule 4 section 4.4 By-Law 7900) and emergency access will be required.
- e) Verify that physical driveway access will satisfy City requirements for all lots. For steeper lots (15%), show driveways on the lot grading plan with grades or profiles. Where lots are serviced by onsite sewage disposal systems, show limits of cut and fill line.

**.7 Power and Telecommunication Services and Street Lights**

- a) Overhead wiring is permitted for this subdivision although underground installation is recommended. Remove aerial trespass(es)
- b) Street lights must be installed on all roads.
- c) Before making application for approval of your subdivision plan, please make arrangements with Fortis BC for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application.
- d) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.

**.8 Design and Construction**

- e) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- f) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.



- g) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- h) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- i) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Development Engineering Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

#### **.9 Servicing Agreements for Works and Services**

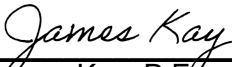
- j) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- k) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

#### **.10 Other Engineering Comments**

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.
- c) Both parcels will require a blanket easement for future COMC corridor.

**.11 Charges and Fees**

- d) Development Cost Charges (DCC's) are payable
- e) None of the Works & Services required are items included in the DCC calculations and therefore not eligible for DCC credits.
- f) Fees per the "Development Application Fees Bylaw" include:
  - i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
  - ii) Survey Monument Fee: \$50.00 per newly created lot (HST exempt).
  - iii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
  - iv) Engineering and Inspection Fee: 3.5% of construction value (plus GST).

  
\_\_\_\_\_  
James Kay, P.Eng.  
Development Engineering Manager

RO

This forms part of application  
# OCP20-0009?Z19-0056



Planner Initials WM

City of Kelowna  
DEVELOPMENT PLANNING

LEGAL DESCRIPTION:  
PROPOSED SUBDIVISION OF PART OF THE REMAINDER OF  
LOT C PLAN 33993 SEC. 3, TP. 23.  
  
CIVIC ADDRESS:  
(S OF) ACADEMY WAY

| SURVEY MONUMENT |             |            |           |
|-----------------|-------------|------------|-----------|
| MONUMENT NUMBER | NORTHING    | EASTING    | ELEVATION |
| BM1             | 5533178.310 | 327554.438 | 478.614   |
| IP712           | 5533783.081 | 327697.368 | 507.868   |
| IP717           | 5533533.067 | 327703.802 | 484.046   |
| IP746           | 5533700.914 | 327334.998 | 524.232   |

UTILITY INSTALLATION:  
LOCATIONS AND OFFSETS OF EXISTING UTILITIES SHOWN ON THESE PLANS ARE COMPILED FROM THE MOST RECENT INFORMATION AVAILABLE, BUT ARE NOT GUARANTEED TO BE COMPLETE OR ACCURATE AND MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. PROPOSED LOCATION OF ALL SHALLOW UTILITY APPURTENANCES ARE SCHEMATIC ONLY, DETAILS MUST BE OBTAINED FROM EACH UTILITY COMPANY.

ELECTRICAL  
ALL CONSTRUCTION TO CONFORM TO FORTIS BC SPECIFICATIONS AND THEIR DRAWINGS. CONTRACTOR IS RESPONSIBLE FOR OBTAINING CURRENT DRAWINGS.

TELEPHONE  
ALL CONSTRUCTION TO CONFORM TO TELUS SPECIFICATIONS AND THEIR DRAWINGS. CONTRACTOR IS RESPONSIBLE FOR OBTAINING CURRENT DRAWINGS.

CABLE T.V.  
ALL CONSTRUCTION TO CONFORM TO SHAW CABLE T.V. SPECIFICATIONS AND THEIR DRAWINGS. CONTRACTOR IS RESPONSIBLE FOR OBTAINING CURRENT DRAWINGS.

GAS  
CARRIER PIPE IS REQUIRED AT ALL ROAD CROSSINGS TO FACILITATE GAS MAIN INSTALLATION. SEE GAS DESIGN DRAWINGS FOR INSTALLATION INSTRUCTIONS.

- ON-SITE SERVICING COORDINATION:
- CIVIL CONTRACTOR TO INSTALL SERVICING TO 1.0m FROM BUILDING.
  - ALL MECHANICAL INFORMATION PROVIDED BY MECHANICAL ENGINEER. REFER TO MECHANICAL DRAWINGS FOR COMPLETE DETAILS. FOR SERVICES TIE IN, SEE MECHANICAL DRAWINGS FOR CONTINUATION.
  - ALL ELECTRICAL INFORMATION PROVIDED BY ELECTRICAL ENGINEER. REFER TO ELECTRICAL DRAWINGS FOR COMPLETE DETAILS. FOR SERVICES TIE IN, SEE ELECTRICAL DRAWINGS FOR CONTINUATION.
  - ALL LANDSCAPE INFORMATION AROUND PROPOSED BUILDING PROVIDED BY LANDSCAPE ARCHITECT. REFER TO LANDSCAPE DRAWINGS FOR COMPLETE DETAILS.

- GEID WATERMAIN NOTES:
- ALL JOINTS AND FITTINGS TO BE PROTECTED BY DENSO PASTE AND TAPE AND BE PROTECTED BY SACRIFICIAL ANODES.
  - INSTALL #10 TO #12 GAUGE, SINGLE FIRE UF INSULATION TRACER WIRE ALONG ALL NEW WATERMAIN.
  - CONNECTION TO THE EXISTING WATERMAIN TO BE COMPLETED BY CONTRACTOR CREWS UNDER SUPERVISION OF GEID AT DEVELOPER'S EXPENSE. ADVANCE NOTICE IS REQUIRED TO PERMIT GEID TO NOTIFY EXISTING CUSTOMERS OF THE DISRUPTION, AND A WORK PLAN/SCHEDULE SHALL BE PROVIDED BY CONTRACTOR AND APPROVED BY GEID PRIOR TO THE TIE-IN PROCEEDING.

- NOTES:
- ALL WORK TO BE CONSTRUCTED IN ACCORDANCE WITH MMCD PLATINUM EDITION VOLUME II, THE CITY OF KELOWNA SUBDIVISION, DEVELOPMENT AND SERVICING BY-LAW NO. 7900 AND AMENDMENTS, AND BC BUILDING CODE 2018.
  - VERIFY LOCATION AND GRADE OF EXISTING UTILITIES PRIOR TO CONSTRUCTION OF PROPOSED STORM, SANITARY AND WATER MAINS.
  - MEASURE INFORMATION (LOCATION/ELEVATION) ANY AND ALL UTILITIES ENCOUNTERED DURING CONSTRUCTION AND FORWARD THIS INFORMATION TO CTQ CONSULTANTS LTD.
  - ENSURE MINIMUM COVER OVER WATERMAIN IS 1.5m.
  - ENSURE WATERMAINS HAVE HORIZONTAL SEPARATION, PIPE EDGE TO PIPE EDGE, OF 3.0m FROM STORM AND SANITARY MAINS AND A VERTICAL DIFFERENCE, PIPE EDGE TO PIPE EDGE, OF 0.45m AT CROSSINGS.
  - WRAP WATERMAIN JOINTS WHERE THERE IS NOT 0.45m VERTICAL AND 3.0m HORIZONTAL SEPARATION FROM SANITARY OR STORM MAINS. (USE I.H.A. APPROVED WRAP).
  - MARK ALL SERVICE STUB LOCATIONS WITH 2x4 POST PAINTED AS PER MMCD; WATER-BLUE, SANITARY-RED, STORM-GREEN. MARK POSTS WITH SERVICE DEPTH.

UNIVERSITY HEIGHTS  
VINT ROAD MULTI-FAMILY  
SITE LOCATION PLAN

C-01

14145-16  
SCALE 1:5000  
MARCH 1, 2019









# Notes

- The illustrated landscape plan is conceptual only...not for construction.
- All plants, material and planting practices to conform to the Canadian Landscape Standard - Current Edition
- Contractor to provide a warranty and maintenance period of 1 year on all plants and materials. Plants and materials that fail before end of the warranty period shall be replaced by the contractor.
- All planting areas to receive 450mm of topsoil. Lawn and dryland grass areas 300mm depth topsoil
- Prior to delivery to site, a representative sample and test results of topsoil should be made available to the consultant for approval.
- Plant material selections are conceptual only. Final planting selections may vary depending on availability. No plant species substitution will be accepted without the written consent of the consultant.
- All planting beds to receive 50 mm depth of Ogo - Grow mulch or approved equivalent..
- All planting beds and lawn areas to be irrigated.

**Sodded Lawn area**

**Dryland Grass Mix**

**Dryland Grass Mix Seed Blend**  
(% by weight)

|                     |    |
|---------------------|----|
| Crested Wheat Grass | 20 |
| Perennial Ryegrass  | 15 |
| Slender Wheat Grass | 10 |
| Tall Wheat Grass    | 10 |
| Hard Fescue         | 10 |
| Creeping Red Fescue | 10 |
| Annual Ryegrass     | 10 |
| Fall Ryegrass       | 15 |

Application Rate - 150 kg/ha  
Seed Mix to be certified #1 Grade

**Large Scale Deciduous Trees**

**Medium Scale Ornamental Trees**

**Coniferous Trees**

**Massed planting shrubs, perennials, ornamental grasses**

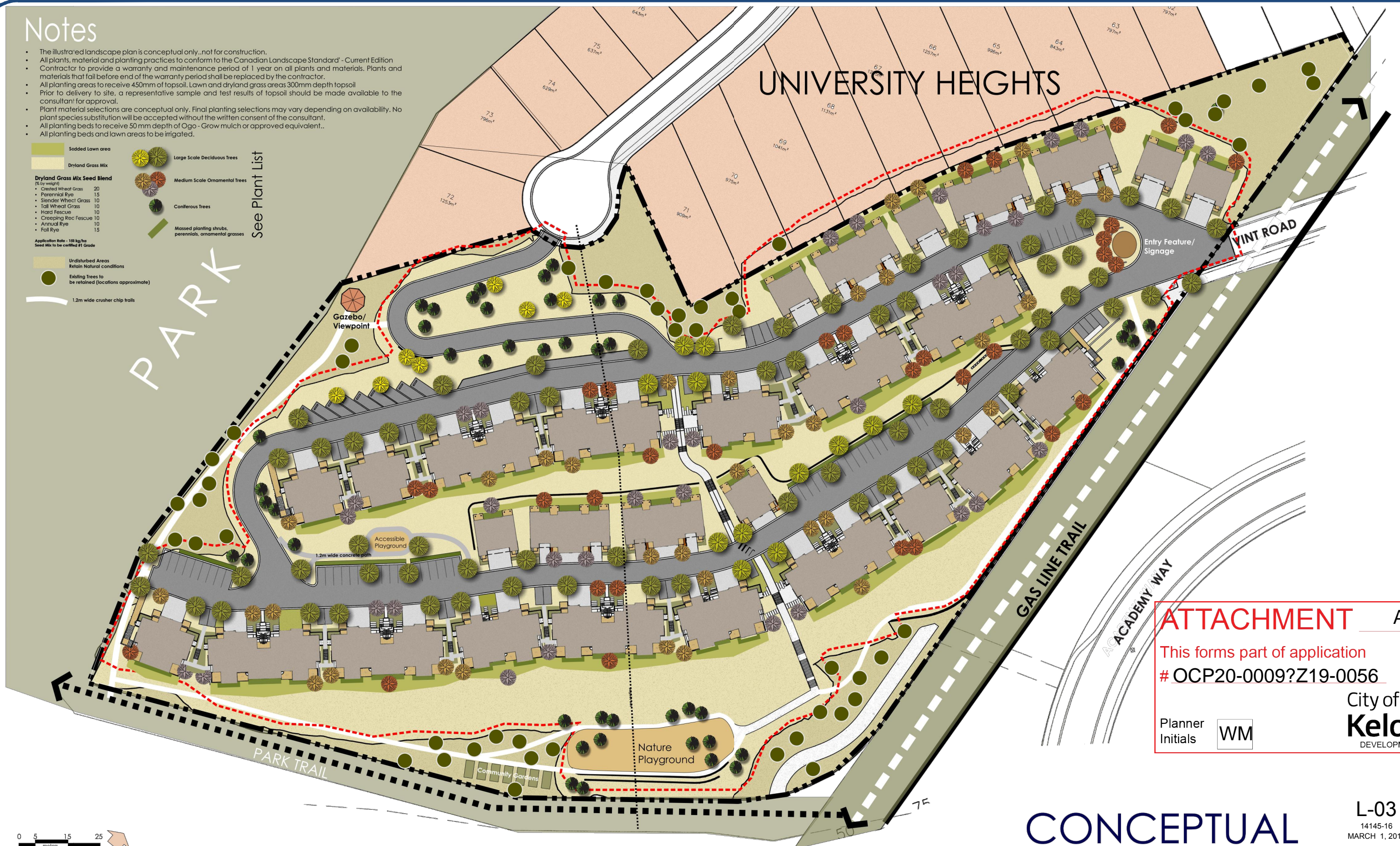
**Undisturbed Areas**  
Retain Natural conditions

**Existing Trees to be retained** (locations approximate)

**1.2m wide crusher chip trails**

See Plant List

## UNIVERSITY HEIGHTS



## ATTACHMENT A

This forms part of application  
# OCP20-0009?Z19-0056

Planner  
Initials WM



City of  
**Kelowna**  
DEVELOPMENT PLANNING

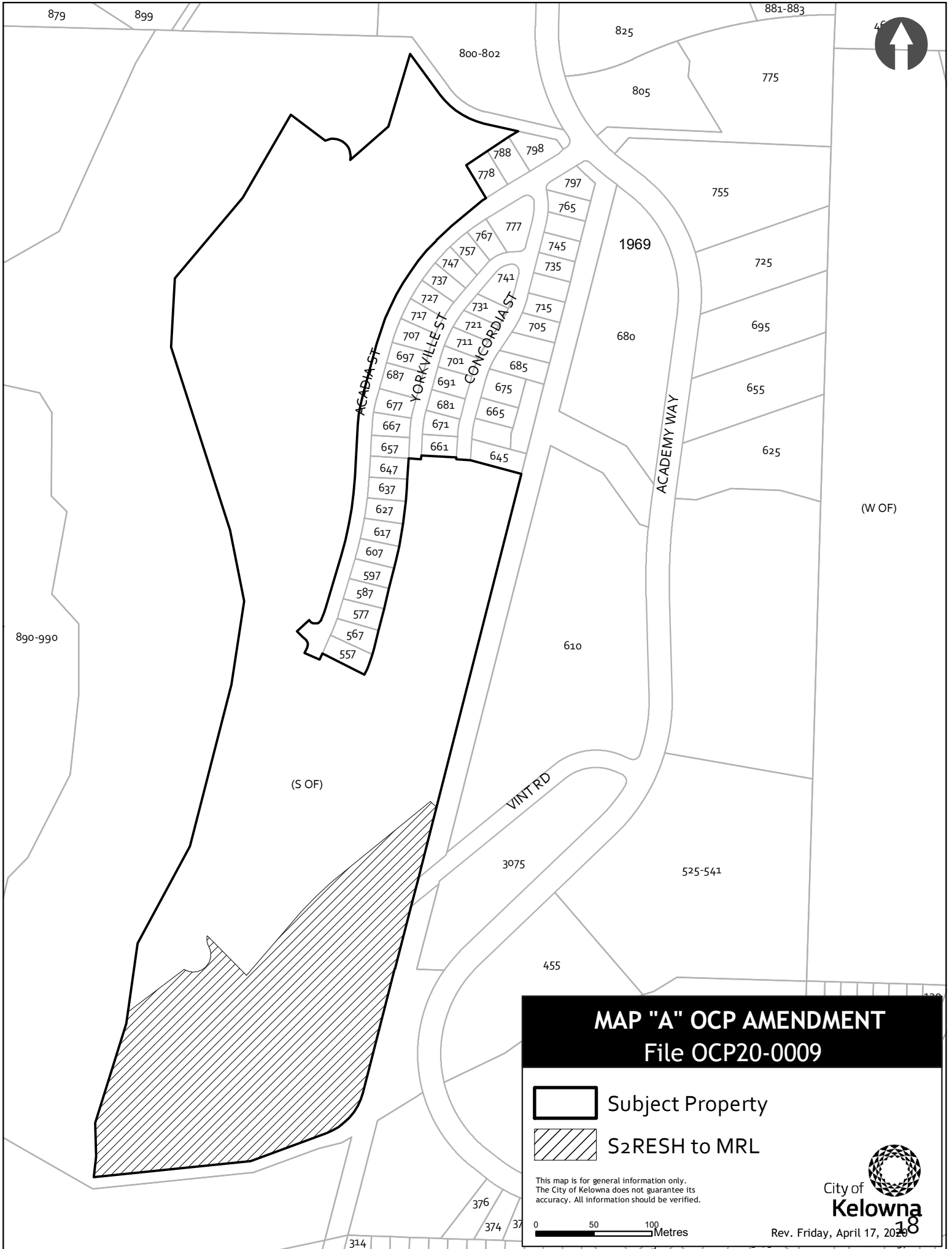
L-03  
14145-16  
MARCH 1, 2019

# VINT ROAD DEVELOPMENT


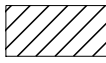
## CONCEPTUAL LANDSCAPE PLAN CTO



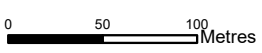




**MAP "A" OCP AMENDMENT**  
**File OCP20-0009**

-  Subject Property
-  S2RESH to MRL

This map is for general information only.  
The City of Kelowna does not guarantee its  
accuracy. All information should be verified.





# OCP20-0009/Z19-0056 Vint Road (S of Academy Way)

Official Community Plan and Rezoning Application



# Proposal

- ▶ To amend the Official Community Plan designation from S2ResH – Single / Two Family Residential Hillside to the MRL – Multiple Unit Residential (Low Density) and rezone the subject property from RU<sub>1</sub>H – Large Lot Housing (Hillside Area) to Rm<sub>2</sub>H – Low Density Row Housing (Hillside Area) to accommodate a 142 unit rental development



# Development Process

March 12, 2019

Development Application Submitted

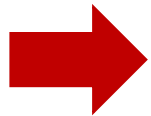


Staff Review & Circulation



August 1, 2019

Public Notification Received



May 4, 2020

Initial Consideration



Public Hearing  
Second & Third Readings



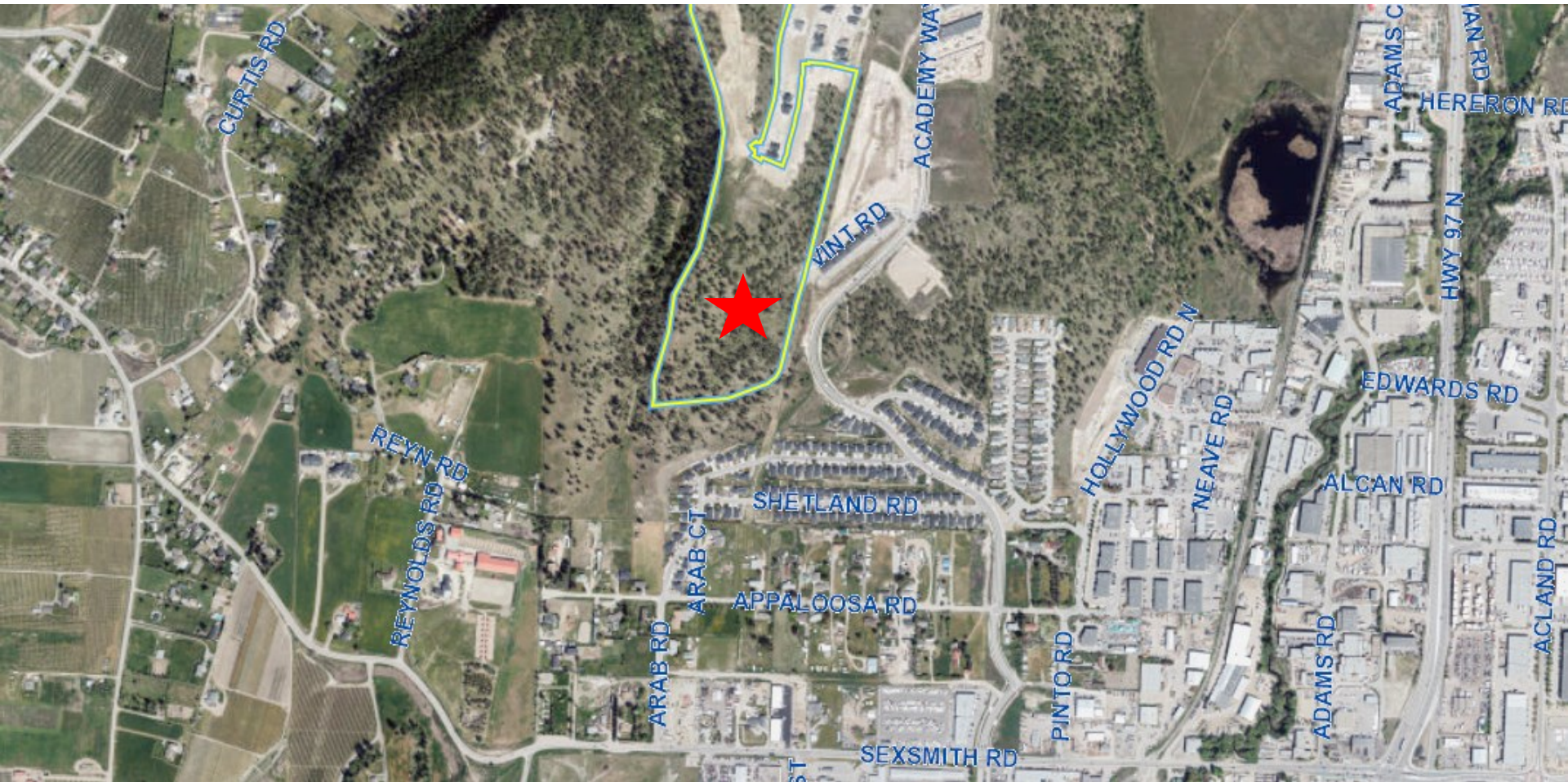
Final Reading



Development Permit/Development Variance  
Permit

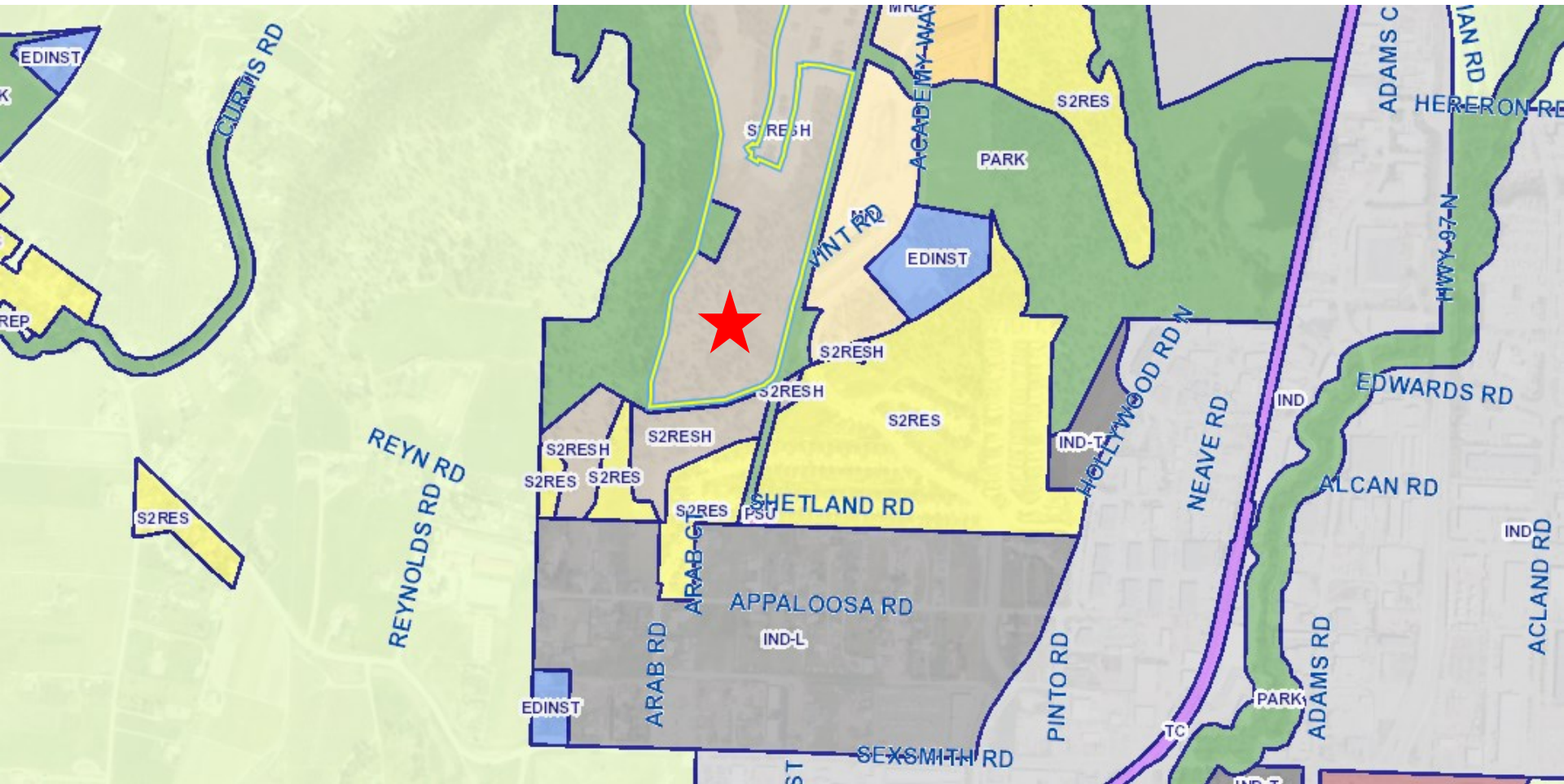
Council  
Approvals

# Context Map





# OCP Future Land Use / Zoning





# Subject Property Map



# Project Details

- ▶ Property is approx. 4.6 ha and currently vacant
- ▶ Proposed 142 unit rental development
- ▶ Built out over two phases
- ▶ Public and private trail network and connections to adjacent parkland provided
- ▶ One identified variance
  - ▶ To allow for up to 8 dwelling units within a building



# Subject Property Map

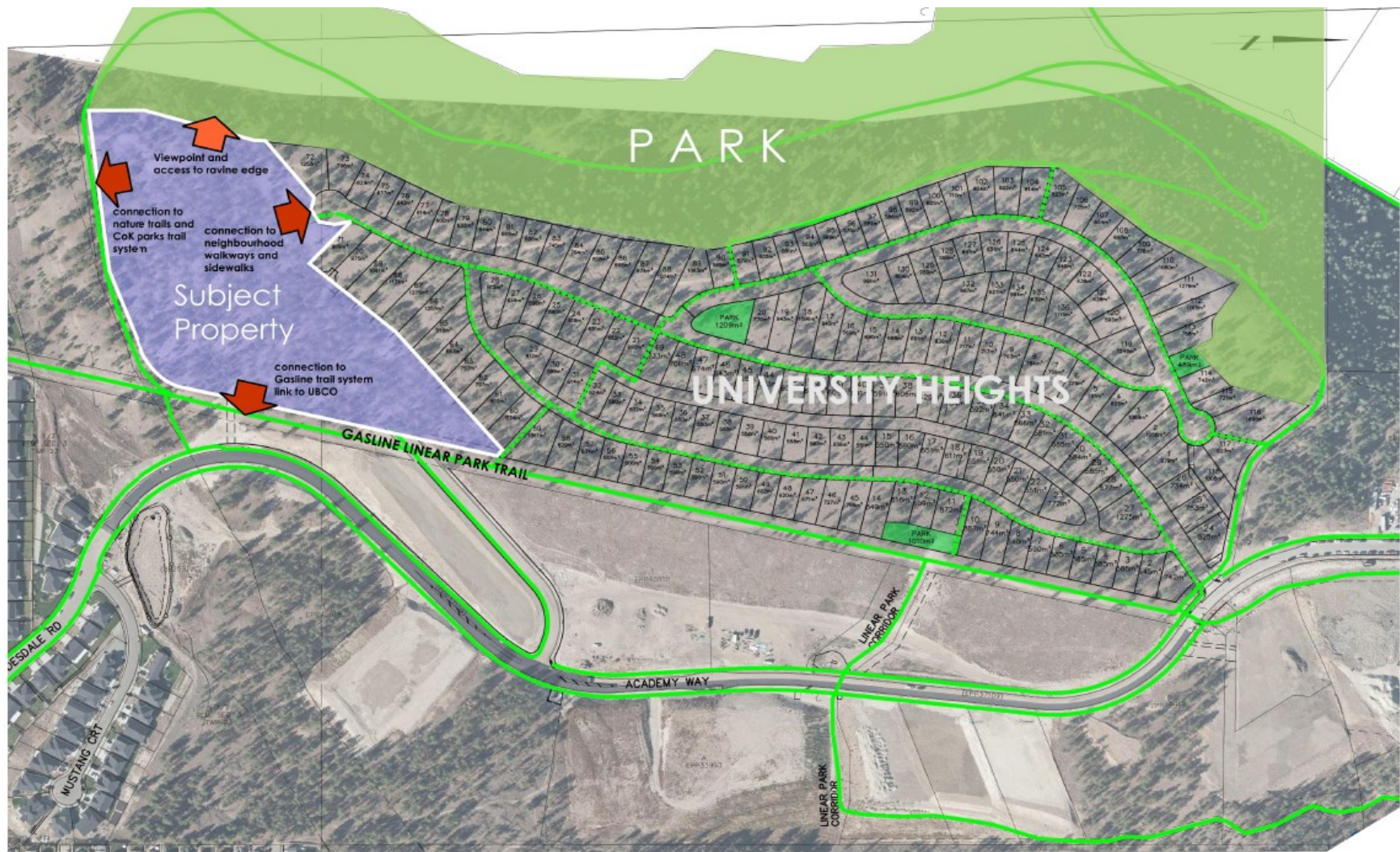








# Site Plan



## VINT ROAD DEVELOPMENT OPEN SPACE AND TRAIL LINKAGES

City of Kelowna



**CTQ**

L-01  
14145-16  
MARCH 1, 2019



# Development Policy

- ▶ Kelowna Official Community Plan (OCP)
- ▶ *Objective 5.2 Develop Sustainably*
  - ▶ *Policy .3 Complete Suburbs.* Support a mix of uses within Kelowna's suburbs, in accordance with "Smart Growth" principles to ensure complete communities...
  - ▶ *Policy .5 Integrated Land Use.* Integrate land use approaches wherever possible to improve opportunities for biodiversity, ecosystem connectivity, recreation, agriculture and local food production, while reducing conflicts.

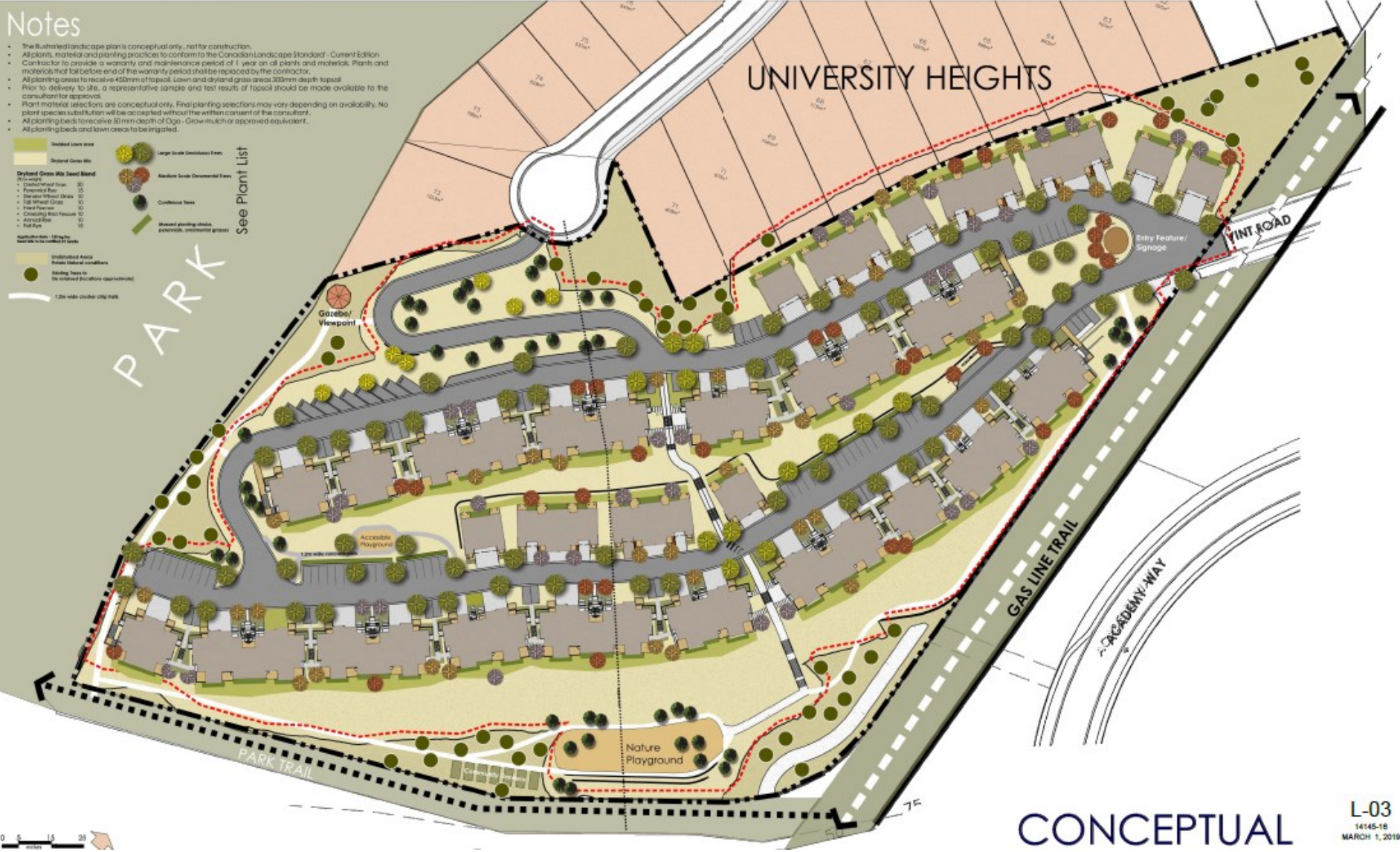
# Staff Recommendation

- ▶ Development Planning Staff recommend **support** for the proposed Official Community Plan and Rezoning Amendment application
  - ▶ Meets the intent of the University South ASP
  - ▶ Integrates well into the neighboring University Heights developments and existing park and open space
  - ▶ Meets infill growth policies within the Permanent Growth Boundary



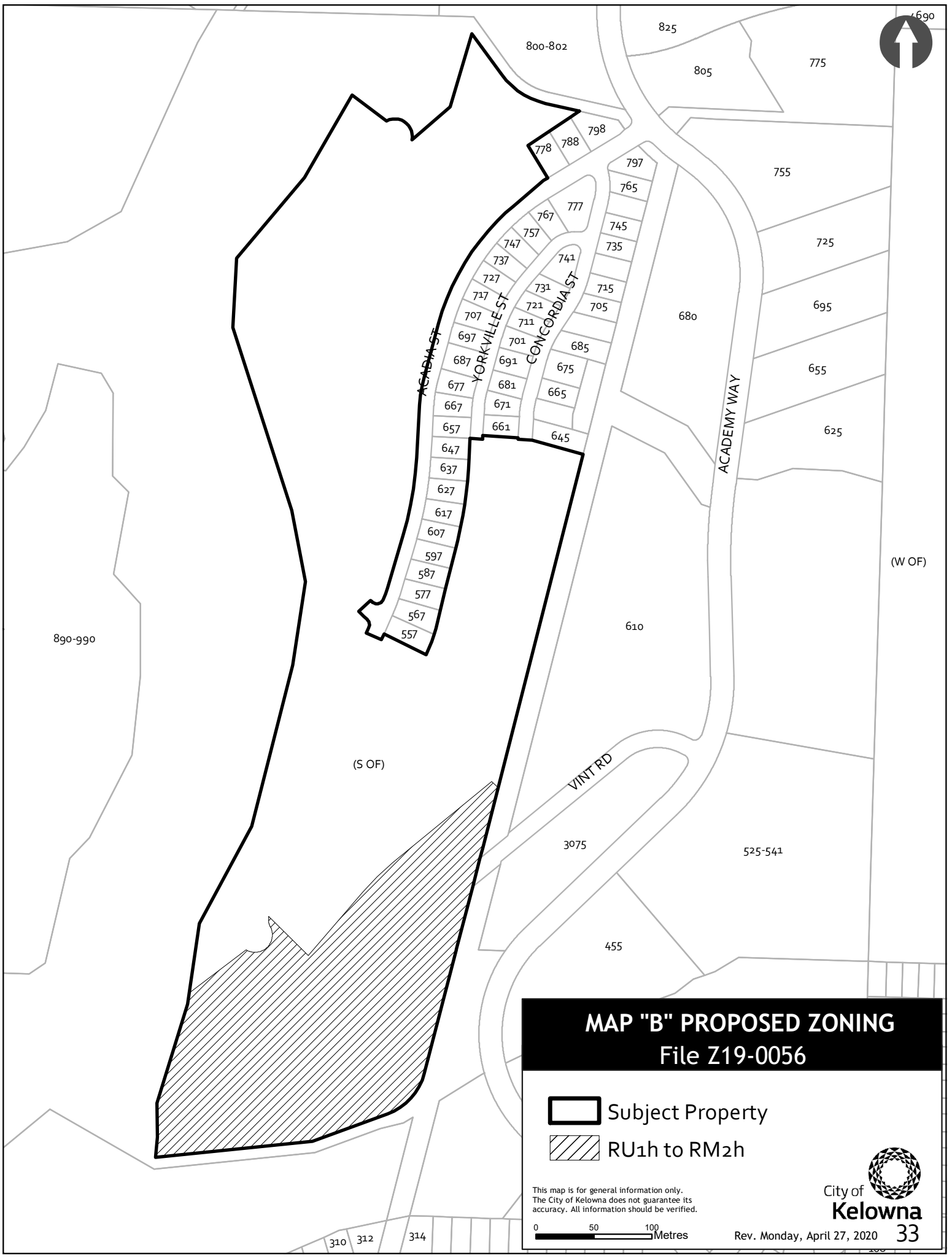
## *Conclusion of Staff Remarks*

# Site Plan





CONCEPTUAL

L-03  
14145-18  
MARCH 1, 2019



## MAP "B" PROPOSED ZONING File Z19-0056

-  Subject Property
-  RU1h to RM2h

This map is for general information only.  
The City of Kelowna does not guarantee its  
accuracy. All information should be verified.

0 50 100 Metres

# CITY OF KELOWNA

## BYLAW NO. 12031

### Official Community Plan Amendment No. OCP20-0009 (S OF) Academy Way

---

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of portions of Lot C, Section 3, Township 23, ODYD, Plan EPP33993, Except Plan EPP66986, located on (S OF) Academy Way, Kelowna, B.C., from the S2RESH – Single/Two Unit Residential - Hillside designation to the MRL – Multiple Unit Residential (Low Density) designation as shown on Map "A" attached to and forming part of this bylaw;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 4<sup>th</sup> day of May, 2020.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

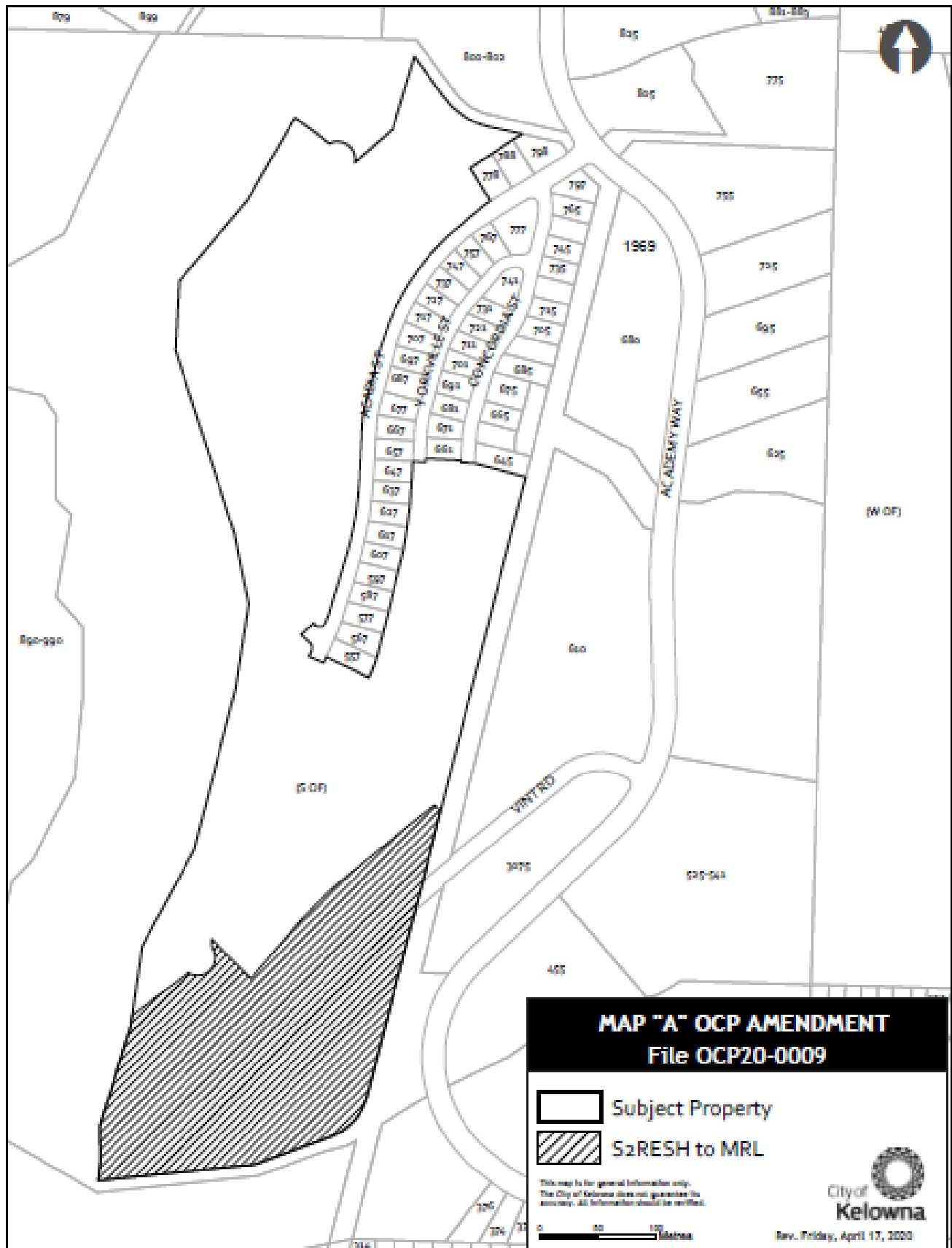
Adopted by the Municipal Council of the City of Kelowna this

---

Mayor

---

City Clerk



**CITY OF KELOWNA**  
**BYLAW NO. 12032**  
**Z19-0056 – (S OF Academy Way)**

---

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 portions of Lot C, Section 3, Township 23, ODYD, Plan EPP33993, Except Plan EPP66986 located at (S OF) Academy Way, Kelowna, BC from the RU1h – Large Lot Housing (Hillside Area) zone to the RM2h – Low Density Row Housing (Hillside Area) zone as per Map "B" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 4<sup>th</sup> day of May, 2020.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

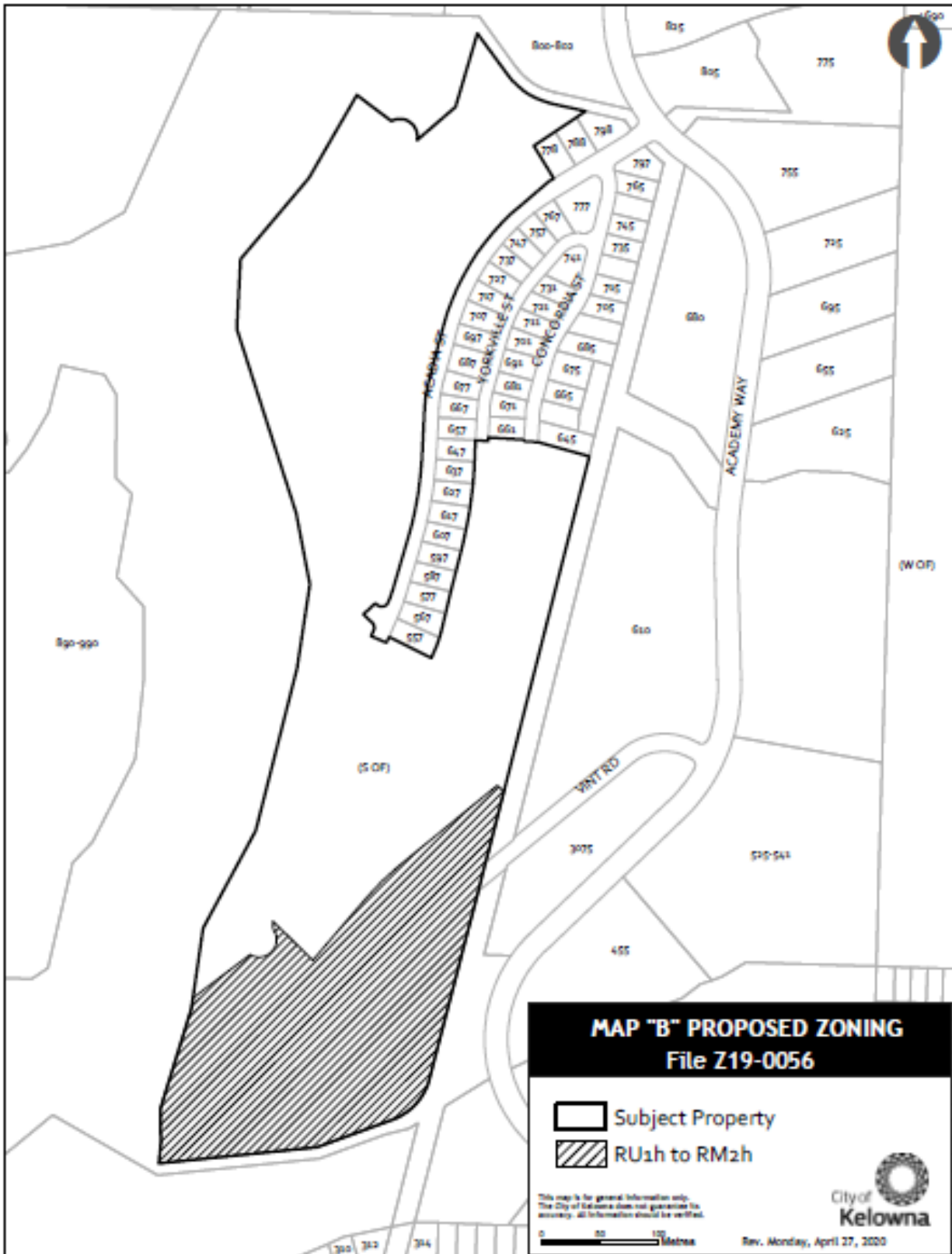
---

Mayor

---

City Clerk





# Report to Council



**Date:** May 4, 2020  
**To:** Council  
**From:** City Manager  
**Subject:** TA20-0014 - Fencing Requirements to Reduce Injury and Mortality to Deer and Other Wildlife  
**Department:** Development Planning Department

---

## **Recommendation:**

THAT Council receives, for information, the report from the Development Planning Department dated May 4, 2020, with respect to Fencing Requirements;

AND THAT Zoning Bylaw Text Amendment Application No. TA20-0014 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Attachment 'A' in the report from the Development Planning Department dated April 27, 2020 be considered by Council;

AND THAT final adoption of the Zoning Bylaw Text Amendment Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure;

AND FURTHER THAT the Zoning Bylaw Text Amendment Bylaw be forwarded to Public Hearing for further consideration.

## **Purpose:**

To consider an application to amend the Zoning Bylaw to introduce fencing requirements that would reduce injury and mortality to deer and other wildlife.

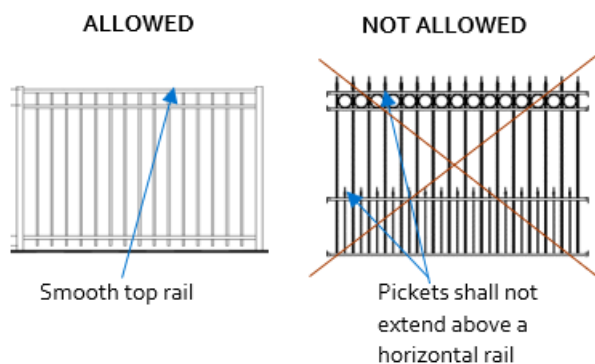
## **Background:**

In 2019, the Provincial Conservation Officer Service contacted the City of Kelowna to consider a change to the City's fencing regulations in order to prevent designs that could kill or injure deer. Conservation Officers are called out to approximately twenty incidents per year in Kelowna where deer are impaled or severely injured from pointed metal pickets rising above the top or mid rails of fencing. These incidents are traumatic for homeowners, the community and for the officers involved. Subsequently, Staff have worked closely with the Conservation Officer Service to develop a minor change to the fencing regulations in order to prevent new metal (i.e. wrought iron) fences from having pointed pickets that can injure or kill deer and other types of wildlife.

## Discussion:

The proposed change to the fencing regulation will only affect metal (i.e. wrought iron) fences, since the Provincial Conservation Officer Service have not had any problems with deer or other wildlife being injured or killed on wood fences. Collaboration with Provincial wildlife experts determined that prohibiting metal fencing from having pointed pickets rising above a top or mid rail of a fence would be the most beneficial change to the bylaw to protect deer and other wildlife from injury or death.

The following diagram illustrates the type of fencing, that would be prohibited if this bylaw amendment was adopted:



For a comprehensive review of the proposed changes, see Attachment 'A': Summary of Changes.

It is important to note that this bylaw amendment is not retroactive and would not affect legal nonconforming fences that were installed prior to adoption of this proposal. However, it is hoped that many in the community will retrofit their fences to remove pointed pickets that could hurt wildlife. To notify the public, the Development Planning Department and City's Communications Department will work together to formulate an outreach and education program to inform the community about this issue and to provide retrofit tips and wildlife safe fencing options. The Development Planning Department will also formulate a bulletin to inform fencing companies, landscapers, builders and the Urban Development Institute of changes to Section 7 (Landscape and Screening) of the Zoning Bylaw.

## Conclusion:

The inclusion of new fencing requirements will protect deer, moose and other wildlife from being injured or killed within our community. This proposal is a result of a collaborative endeavor between wildlife experts from the Province of BC and Staff from the City of Kelowna.

## Internal Circulation:

Parks Planning  
Development Engineering  
Building and Permitting  
Real Estate and Property Services  
Civic Properties/Building Services  
Bylaw Services  
Policy and Planning

City Clerk

**Considerations applicable to this report:**

***Existing Policy:***

Kelowna Official Community Plan (OCP)

*Chapter 6: Environment*

In an effort to optimize environmental benefits, the City of Kelowna will take a precautionary, integrated ecosystem management approach and ensure that the environment is afforded a high priority in all land use related decision making.

*Chapter 12: Natural Environment Development Permit Guidelines*

The objective of Natural Environment Development Permit Areas is to ensure that negative impacts (disturbance) on environmentally sensitive areas are minimized by: Protecting biological diversity, wildlife and important wildlife habitats, features and functions.

**Considerations not applicable to this report:**

*Legal/Statutory Authority:*

*Legal/Statutory Procedural Requirements:*

*Existing Policy:*

*Financial/Budgetary Considerations:*

*External Agency/Public Comments:*

*Communications Comments:*

Submitted by: C. Davis, Environmental Coordinator

**Approved for inclusion:**

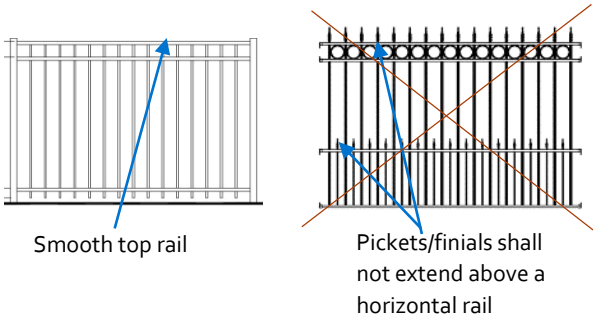


D. Strachan, Community Planning and Development Manager

**Attachments:**

Attachment 'A': Summary of Changes

Attachment A – Proposed Text Amendments to Section 7 – Landscaping and Screening of Zoning Bylaw No. 8000 – TA20-0014

| Zoning Bylaw No. 8000 – Section 7 Updates |   |  |   |  |
|---|---|--|---|--|
| No.                                       | Section   | Existing   | Proposed  | Explanation  |
| 1.  | 7.5.3<br>Landscaping<br>and<br>Screening –<br>Fencing and<br>Retaining<br>Walls | No <b>fence</b> constructed at the <b>natural grade</b> in rural residential or <b>residential zones</b> shall exceed 2.0 m in <b>height</b> , except where <b>abutting</b> an agricultural or commercial <b>zone</b> , the maximum <b>height</b> is 2.4 m. Where fences are constructed adjacent to the Front Lot Line or a Flanking Street, the maximum fence height shall be 1.06 m | <p>No <b>fence</b> constructed at the <b>natural grade</b> in rural residential or <b>residential zones</b> shall exceed 2.0 m in <b>height</b>, except where <b>abutting</b> an agricultural or commercial <b>zone</b>, the maximum <b>height</b> is 2.4 m. Where fences are constructed adjacent to the Front Lot Line or a Flanking Street, the maximum fence height shall be 1.06 m</p> <p>No metal <b>fence</b> shall allow the ends of <b>fence pickets</b> or <b>finials</b> to extend above a horizontal rail (see diagram 7.3).</p> <div style="text-align: center;"> <p><b>ALLOWED</b>                      <b>NOT ALLOWED</b></p>  <p>Smooth top rail                      Pickets/finials shall not extend above a horizontal rail</p> <p><b>DIAGRAM 7.3</b></p> </div> | Introduction of fence design requirements to prevent injury/mortality to wildlife. |
| 2.  | 2.3.3<br>Interpretation<br>– General<br>Definitions                             | N/A  | <b>FENCE PICKET</b> means a post, stick, stake or peg attached to horizontal rails between upright posts.   | Introduction of <b>“FENCE PICKET”</b> definition.                                  |
| 3.  | 2.3.3<br>Interpretation<br>– General<br>Definitions                             | N/A  | <b>FINIAL</b> means a relatively small, ornamental, terminal feature at the top of a fence, gable, pinnacle, furniture or of one part of such a piece.  | Introduction of <b>“FINIAL”</b> definition.  |





TA20-0014

# Fencing Regulation to Reduce Injury and Mortality to Deer and Other Wildlife

Zoning Bylaw Update



# Purpose

- ▶ To consider an application to amend the Zoning Bylaw to introduce fencing requirements that would reduce injury and mortality to deer and other wildlife.



# Background

- ▶ Conservation Officers are called out to approximately 20 deer/wildlife fence impalements per year.
- ▶ These incidents are traumatic for homeowners, the community and for the officers involved.
- ▶ Subsequently, the Provincial Conservation Officer Service collaborated with City Staff to develop an amendment to the fencing bylaw.

# Objectives

- ▶ Create a bylaw to prohibit metal (wrought iron) fencing from having pointed pickets/finials rising above a top or mid rail of a fence to prevent deer, moose or other wildlife from being impaled or injured.



# Proposed Amendment

## 7.5.3 Landscape and Screening – Fencing and Retaining Walls:

- ▶ No metal **fence** shall allow the ends of **fence pickets** or **finials** to extend above a horizontal rail (see diagram 7.3).

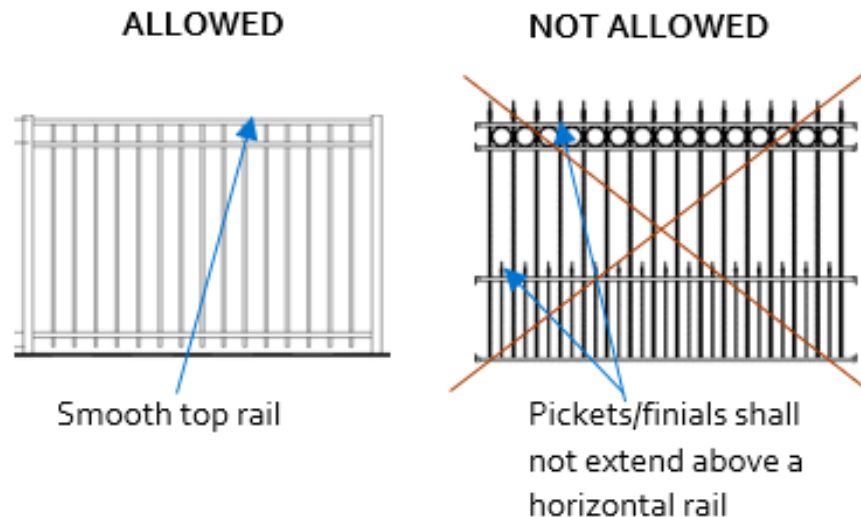


DIAGRAM 7.3

# Supporting Policy

## ► Kelowna Official Community Plan (OCP)

### *Chapter 6: Environment*

In an effort to optimize environmental benefits, the City of Kelowna will take a precautionary, integrated ecosystem management approach and ensure that the environment is afforded a high priority in all land use related decision making.

### *Chapter 12: Natural Environment Development Permit Guidelines*

The objective of Natural Environment Development Permit Areas is to ensure that negative impacts (disturbance) on environmentally sensitive areas are minimized by: Protecting biological diversity, wildlife and important wildlife habitats, features and functions.

# Staff Recommendation

- ▶ Staff are recommending support for the proposed fencing regulation that would prohibit metal fencing from having pointed pickets/finials rising above a top or mid rail of a fence.

# Education and Outreach

- ▶ Staff will formulate an education and outreach program to inform the community about fencing retrofit tips and wildlife safe fencing options (i.e. News Releases, Brochures, Website, etc.).
- ▶ A bulletin will be developed to inform fencing companies, hardware stores, landscapers, builders and the Urban Development Institute of recent changes to the Landscape and Screening section of the Zoning Bylaw.



## *Conclusion of Staff Remarks*

**CITY OF KELOWNA**  
**BYLAW NO. 12030**  
**TA20-0014 – Amendment to Fencing Regulations**

---

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

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

1. THAT **Section 2 – Interpretation, 2.3.3 General Definitions** be amended by:
  - a) Adding a new definition for "**FENCE PICKET**" in it's appropriate location that reads:

**"FENCE PICKET** means a post, stick, stake or peg attached to horizontal rails between upright posts."
  - b) Adding a new definition for "**FINIAL**" in it's appropriate location that reads:

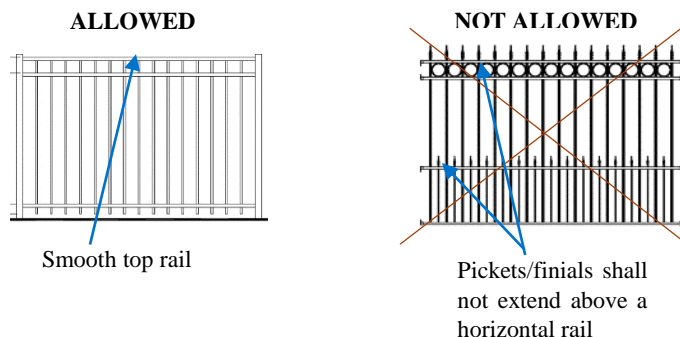
**"FINIAL** means a relatively small, ornamental, terminal feature at the top of a fence, gable, pinnacle, furniture or of one part of such a piece."
2. AND THAT **Section 7 – Landscaping and Screening, 7.5.3- Fencing and Retaining Walls** be amended by deleting the following:

"No **fence** constructed at the **natural grade** in rural residential or **residential zones** shall exceed 2.0 m in **height**, except where **abutting** an agricultural or commercial **zone**, the maximum **height** is 2.4 m. Where fences are constructed adjacent to the Front Lot Line or a Flanking Street, the maximum fence height shall be 1.06 m"

And replacing it with:

"No **fence** constructed at the **natural grade** in rural residential or **residential zones** shall exceed 2.0 m in **height**, except where **abutting** an agricultural or commercial **zone**, the maximum **height** is 2.4 m. Where fences are constructed adjacent to the Front Lot Line or a Flanking Street, the maximum fence height shall be 1.06 m

No metal **fence** shall allow the ends of **fence pickets** or **finials** to extend above a horizontal rail (see diagram 7.3)."



**DIAGRAM 7.3**



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 4<sup>th</sup> day of May, 2020.

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:** June 2<sup>nd</sup>, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** DVP19-0239

**Owner:** Nicole Gosselin

**Address:** 368 Uplands Drive

**Applicant:** Nicole Gosselin

**Subject:** Development Variance Permit

**Existing OCP Designation:** S2RES – Single/Two Unit Residential

**Existing Zone:** RR2C – Rural Residential 2 with Carriage House

---

## 1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 12002 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0239 for Lot 2 Section 23 Township 28 SDYD Plan 42738 located at 368 Uplands Drive, Kelowna, BC;

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

### Section 9.5b.1(g): Carriage House Regulations

To vary the maximum height for a carriage house from 4.8m allowed to 7.3m 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 consider a Development Variance Permit to vary the maximum height from 4.8m required to 7.3m proposed.

## 3.0 Development Planning

Development Planning Staff support the proposed Development Variance Permit for the carriage house height due to the unique circumstances. The accessory building is existing, and the new owner of the subject property is seeking proper approvals to allow for a carriage house. The accessory building was issued a Building Permit and was built on a steep slope, one storey from the front, two from the rear. The way in which building height is measured on hillsides means that the height of the building as measured from the lowest

elevation (7.3 m) exceeds the zoning bylaw maximum (4.8 m), even though the building is only a single storey from the front as seen from the driveway. By virtue of topographic changes and mature vegetation that screen the building, no significant neighbourhood impacts are anticipated with the proposed height variance to the carriage house.

#### **4.0 Proposal**

##### **4.1 Background**

The previous owners of the subject property applied for a Building Permit to construct a three-car garage and storage room in 1986. A bylaw investigation was conducted in March 2012, which showed that the southern portion of the garage had been converted into a suite. The suite was subsequently decommissioned in April 2012. Since the investigation and decommissioning, the subject property has a new owner who is seeking the proper approvals to allow for a carriage house within the existing building.

##### **4.2 Project Description**

The proposed carriage house will be located within an existing three car garage. The proposed two-bedroom suite is on the south portion of the building as is 85.7m<sup>2</sup> (922 sq. ft.) in size. The building is closer than the principal building to Uplands Drive. Due to the elevation change and existing vegetation, the buildings are minimally visible from the road.

##### **4.3 Site Context**

The subject property is in the Southwest Mission OCP Sector and the surrounding area is primarily zoned RR2 – Rural Residential 2, RR3 – Rural Residential 3 and RU1 – Large Lot Housing. The surrounding area also has a Future Land Use Designation of S2RES – Single/Two Unit Residential.

Specifically, adjacent land uses are as follows:

| <b>Orientation</b> | <b>Zoning</b>   | <b>Land Use</b>        |
|--------------------|---|------------------------|
| North              | RR3 – Rural Residential 3                             | Single-Family Dwelling |
| East               | RR2 – Rural Residential 2 & RR3 – Rural Residential 3 | Single-Family Dwelling |
| South              | RR2 – Rural Residential 2 & RU1 – Large Lot Housing   | Single-Family Dwelling |
| West               | RR2 – Rural Residential 2                             | Single-Family Dwelling |

**Subject Property Map: 368 Uplands Drive****4.4 Zoning Analysis Table**

| Zoning Analysis Table   |   |                    |
|---|---|--------------------|
| CRITERIA  | RR2 ZONE REQUIREMENTS                             | PROPOSAL           |
| Existing Lot/Subdivision Regulations  |   |                    |
| Min. Lot Area   | 4000m <sup>2</sup>                                | 2995m <sup>2</sup> |
| Min. Lot Width  | 36.0m   | 30.0m              |
| Min. Lot Depth  | 30.0m   | 96.5m              |
| Carriage House Regulations  |   |                    |
| Max. Height (to mid-point)  | Lesser of 4.8m or mid-point of principal dwelling | 7.3m●              |
| Min. Front Yard   | 12.0m   | 23.0m              |
| Min. Side Yard (West)   | 1.5m  | 3.8m               |
| Min. Side Yard (East)   | 1.5m  | 11.0m              |
| Min. Rear Yard  | 3.0m  | 38.0m              |
| Min. Distance to Principal Dwelling   | 3.0m  | 18.0m              |
| Max. Net Floor Area to Principal Dwelling   | 75%   | 39%                |
| Max. Net Floor Area of Carriage House   | 90m <sup>2</sup>                                  | 85.7m <sup>2</sup> |
| Other Regulations   |   |                    |
| Min. Parking Requirements   | 3   | 3                  |
| Min. Private Open Space   | 30m <sup>2</sup>                                  | 63m <sup>2</sup>   |
| ● Indicates a requested variance to Section 9.5b.1(g): to vary the maximum height from 4.8m required allowed to 7.3 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 5.3 Focus development to designated growth areas***

*Policy .1 Permanent Growth Boundary.* Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. The City of Kelowna will support development of properties outside the PGB for more intensive use only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except for Agri-Business designated sites or as per Council's specific amendment of this policy. The PGB may be reviewed as part of the next major OCP update.

## **6.0 Application Chronology**

Date of Application Received: December 13<sup>th</sup>, 2019

Date Public Consultation Completed: February 6<sup>th</sup>, 2020

**Report prepared by:** Tyler Caswell, Planner I

**Reviewed by:** James Moore, Urban Planning & Development Policy Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

### **Attachments:**

Attachment A: Draft Development Variance Permit DVP19-0239.

Schedule A: Original Drawing Package



# DVP19-0239

# 368 Uplands Drive

Development Variance Permit Application



# Proposal

- ▶ To vary the maximum height for a carriage house from 4.8m allowed to 7.3m proposed.

# Development Process

Dec 13, 2019

Development Application Submitted



Staff Review & Circulation



June 2, 2020

Development Variance Permit



Building Permit

} Council  
Approval

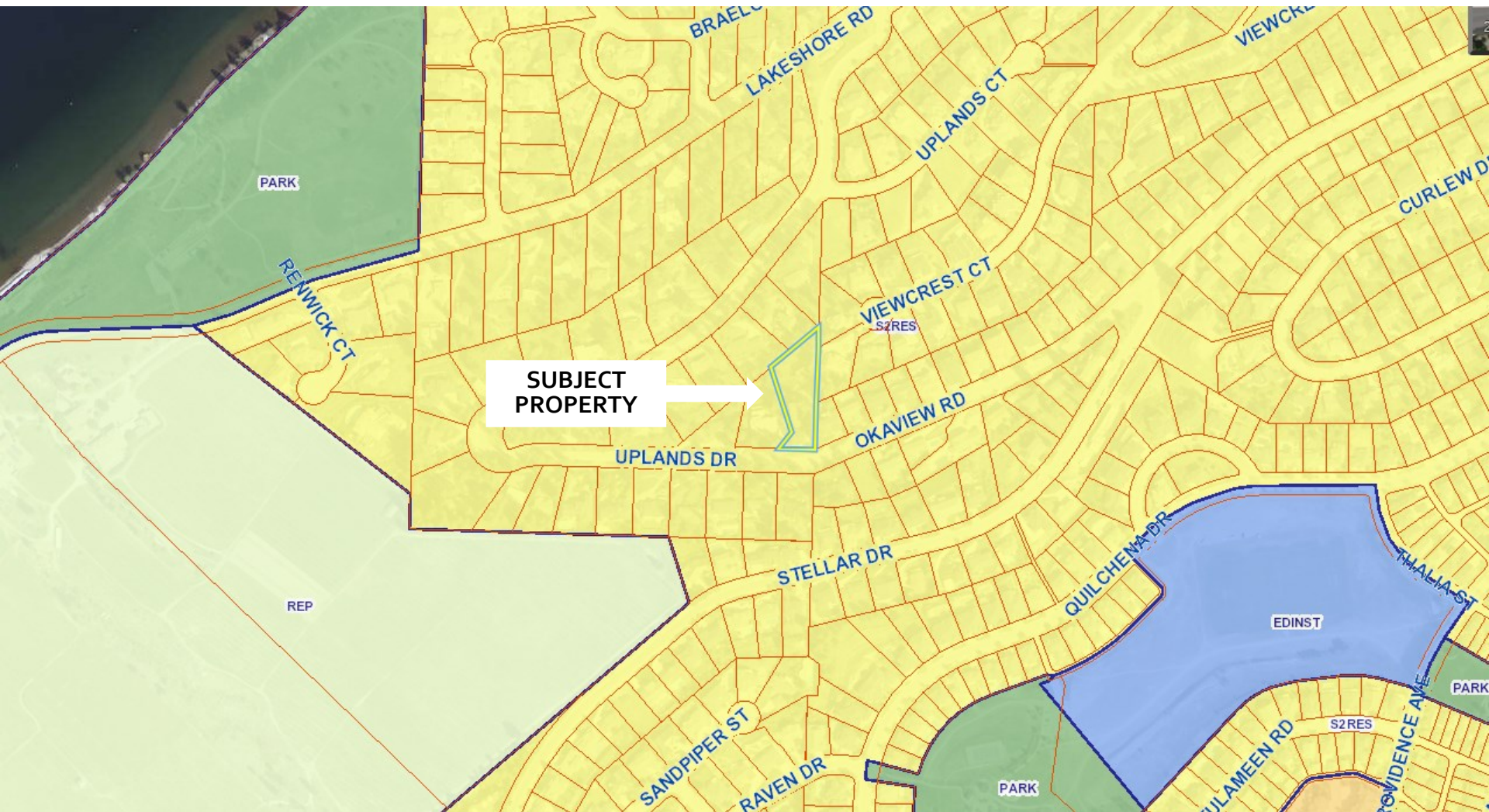


# Context Map



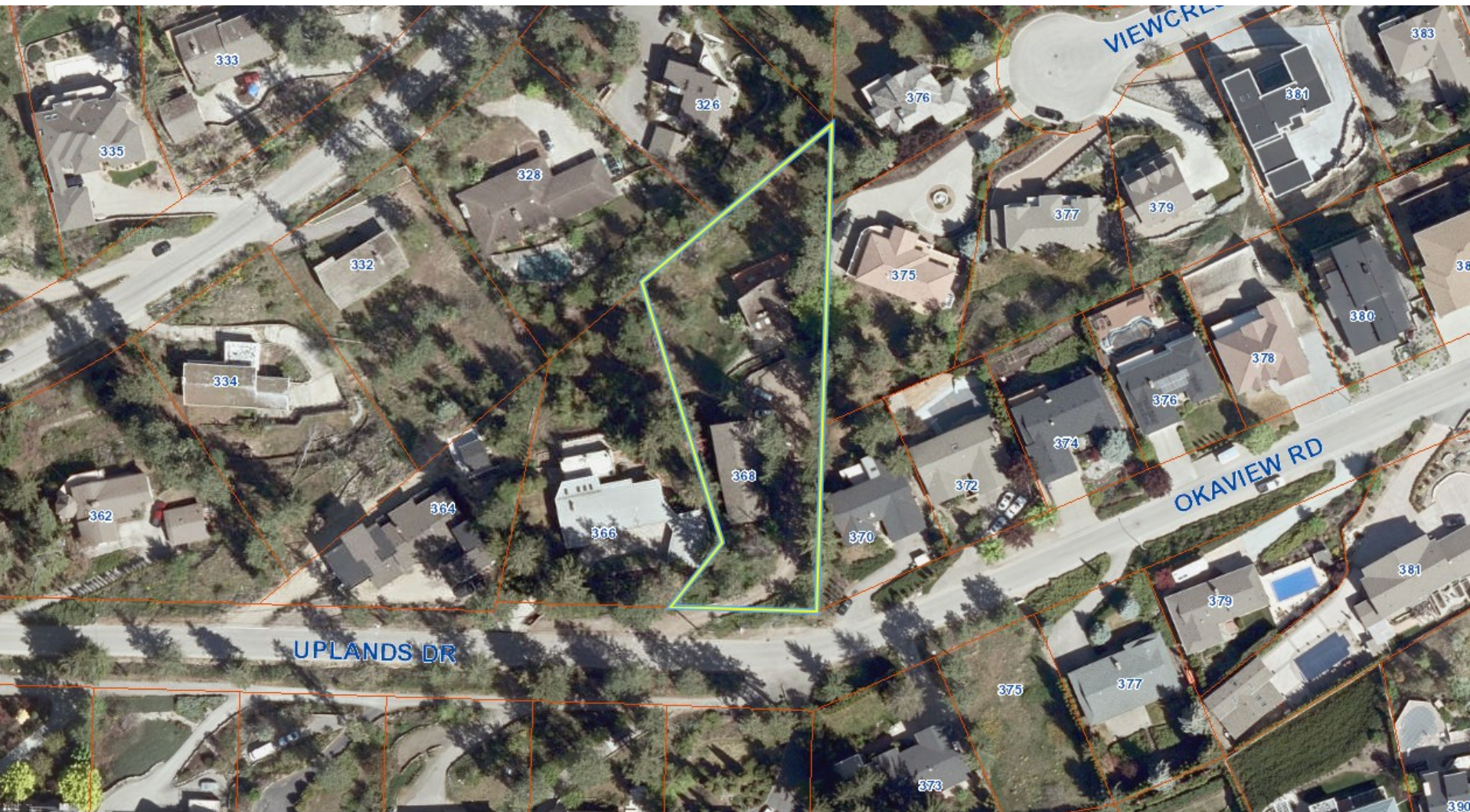


# OCP Future Land Use / Zoning





# Subject Property Map



# Project details

- ▶ Three-car garage and storage room was constructed in 1986.
- ▶ An illegal suite investigation was conducted by Bylaw in March 2012 and an illegal suite was decommissioned in April 2012.
- ▶ New owner who is seeking the proper approvals to allow for a carriage house.

# Project details

- ▶ The proposed carriage house is on the south portion of the lot.
- ▶ Variance is for max. height from 4.8 required to 7.3 proposed, as it is built on a steep hill.
- ▶ Minimally visible from the road.
- ▶ The suite is on the upper floor of the split level three-car garage and is two bedrooms and 922 sq. ft. in size (85.7m<sup>2</sup>).



# Site photos





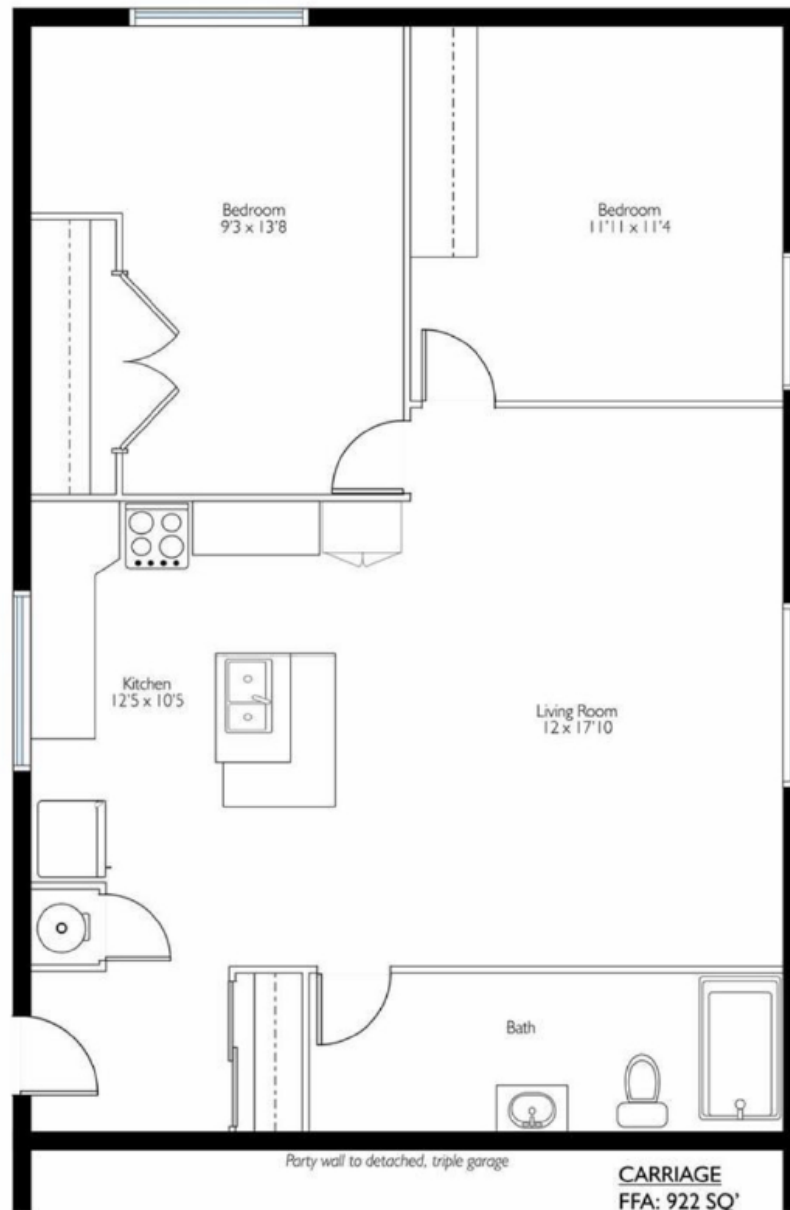
# Staff Recommendation

- ▶ Development Planning Staff recommend **support** of the Development Variance Permit:
  - ▶ Within existing approved accessory building.
  - ▶ 7.3m is not the height visible from road or driveway as its built on a steep hill.
  - ▶ No neighbourhood impacts are anticipated with the proposed variance.



## *Conclusion of Staff Remarks*





# Development Variance Permit DVP19-0239



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

**368 Uplands Drive**

and legally known as

**Lot 2 Section 23 Township 28 SDYD Plan 42738**

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

**RR2 – Rural Residential 2 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 June 2nd, 2020

Decision By: COUNCIL

Existing Zone: RR2 – Rural Residential 2

Future Land Use Designation: Single/Two Unit Residential (S2RES)

## **This is NOT a Building Permit.**

In addition to your Development Permit, a Building Permit may be required prior to any work commencing. For further information, contact the City of Kelowna, Development Services Branch.

## **NOTICE**


This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Owner: Nicole Gosselin

Applicant: Nicole Gosselin

\_\_\_\_\_  
Terry Barton  
Community Planning Department Manager  
Planning & Development Services

\_\_\_\_\_  
Date

|                                |    |   |
|--------------------------------|----|---|
| <b>ATTACHMENT</b>              |    | <b>A</b>  |
| This forms part of application |    |   |
| # DVP19-0239                   |    |   |
| Planner Initials               | TC | <br><b>City of Kelowna</b><br>DEVELOPMENT PLANNING |



## 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

That variance to the following section of the Zoning Bylaw No. 8000 be granted in accordance with Schedule "A":

### Section 9.5b.1(g): Carriage House Regulations

To vary the maximum height for a carriage house from 4.8m allowed to 7.3m proposed.

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

## 3. PERFORMANCE SECURITY

Not Required


## 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.**

|                                |    |   |
|--------------------------------|----|---|
| <b>ATTACHMENT</b>              |    | <b>A</b>  |
| This forms part of application |    |   |
| # DVP19-0239                   |    |   |
| Planner<br>Initials            | TC | <br><b>City of<br/>Kelowna</b><br>DEVELOPMENT PLANNING |

# SCHEDULE

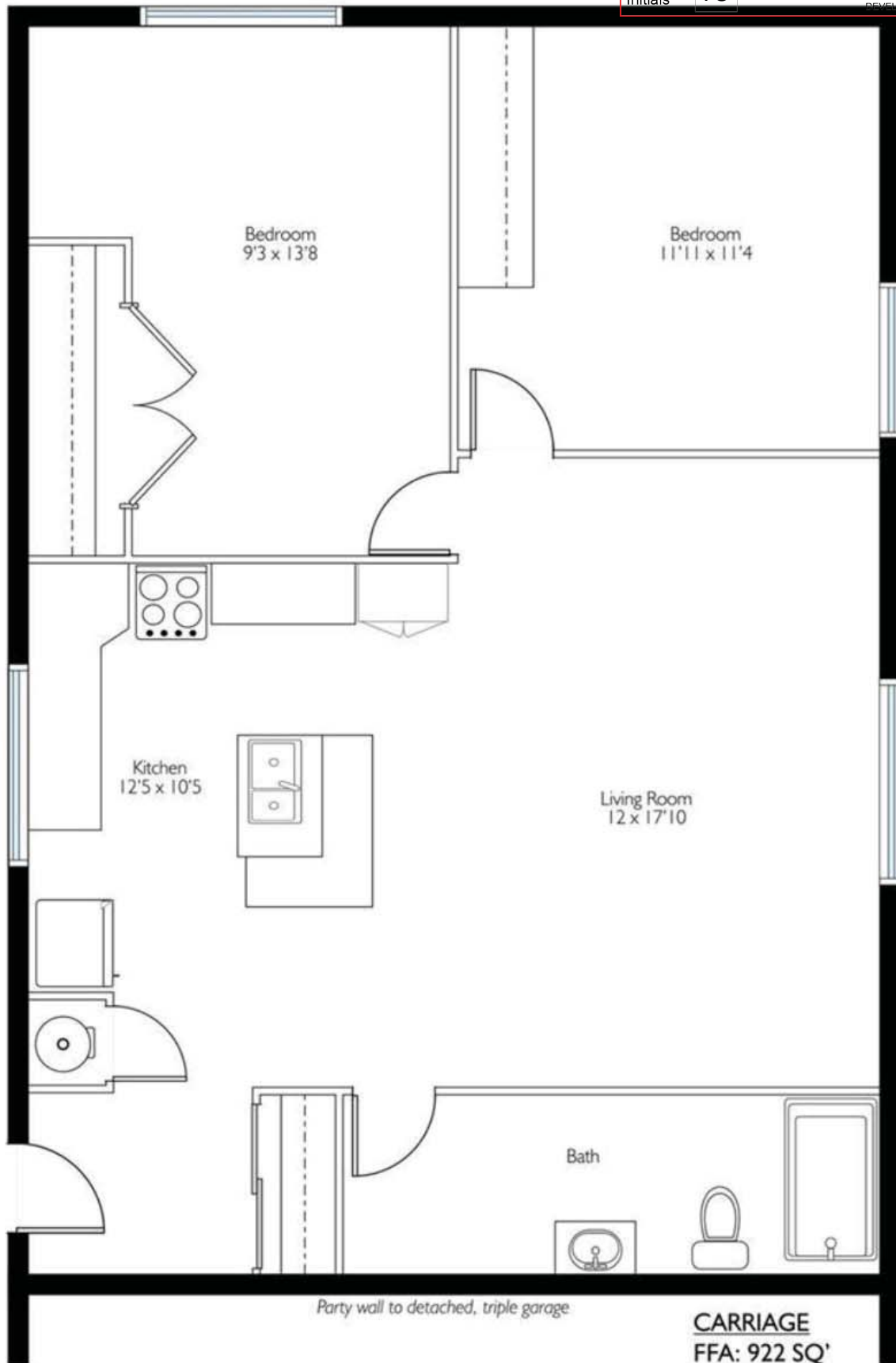
A

This forms part of application

# DVP19-0239

Planner  
Initials TC

City of  
**Kelowna**  
DEVELOPMENT PLANNING



Party wall to detached, triple garage

**CARRIAGE**  
FFA: 922 SQ'





# SCHEDULE

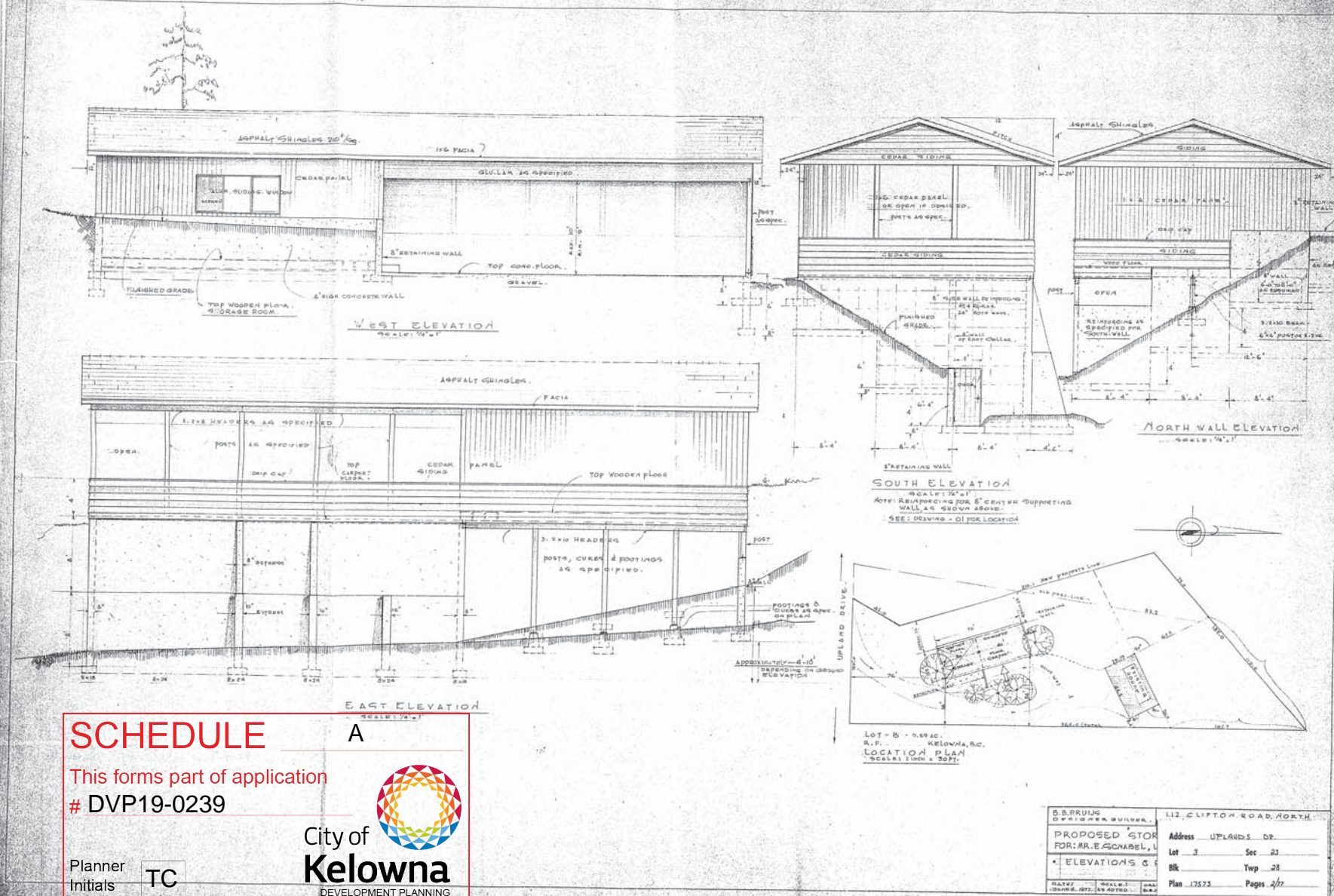
A

This forms part of application  
# DVP19-0239

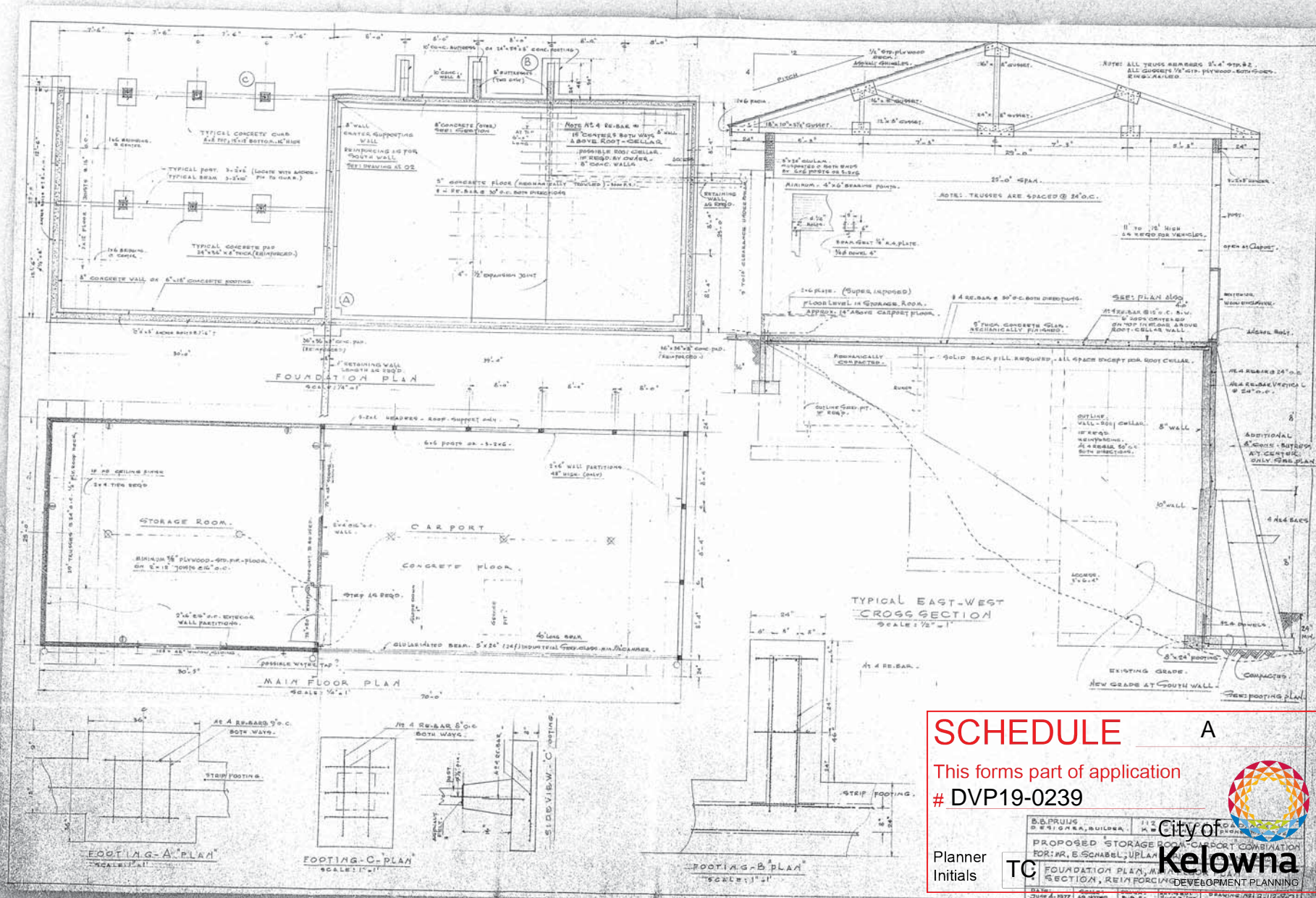


City of  
**Kelowna**  
DEVELOPMENT PLANNING

Planner  
Initials **TC**







## SCHEDULE A

This forms part of application  
# DVP19-0239

Planner  
Initials

TC

|   |            |                             |            |
|---|------------|-----------------------------|------------|
| B.S. PRUUS DESIGNER, BUILDERS   |            | 112                         |            |
| PROPOSED STORAGE ROOM-CARPORT COMBINATION   |            | FOR: MR. E. SCHABEL, UPLAND |            |
| FOUNDATION PLAN, MAIN FLOOR PLAN, TYPICAL EAST-WEST CROSS SECTION, REINFORCING SCHEDULE |            | DEVELOPMENT PLANNING        |            |
| DATE: JUNE 4, 1977  | BY: E.S.P. | DATE: JUNE 4, 1977          | BY: E.S.P. |



# REPORT TO COUNCIL



**Date:** June 2, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning Department

**Application:** DVP20-0021

**Owner:** Davara Holdings Ltd., INC. NO. BC0797640

**Address:** 921 Borden Avenue

**Applicant:** David Sargent (Davara Holdings Ltd.)

**Subject:** Development Variance Permit

**Existing OCP Designation:** SIH – Sensitive Infill Housing (Low Density)

**Existing Zone:** RU7 – Infill Housing

---

## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0021 for Lot 1 District Lot 138 ODYD Plan 3242, Kelowna, BC;

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

### Section 8.2.3: Off-Street Parking Regulations – Parking Setbacks

To vary the minimum side yard parking setback from 1.5m required to 0.0m proposed.

### Section 8.1.5: General Provisions and Development Standards

To vary the required physical barrier screen for the parallel parking on the flanking lane.

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

## 2.0 Purpose

To vary the minimum side yard parking setback from 1.5m required to 0.0m proposed and to vary the required physical barrier screen for the parallel parking on the flanking lane for a proposed four-unit development.

## 3.0 Development Planning



Development Planning staff support the Development Variance Permit for the side yard parking setback and physical barrier screen. The proposal meets all Development Permit guidelines in terms of form and character but requires variances to meet the required parking on site. The subject property has a unique orientation, because the laneway is located along the east property line and not in the rear, like most RU7 properties. This orientation has led to the applicant requesting a variance for the side yard parking setback to accommodate four parallel parking stalls on site. The proposed arrangement is a unique solution that allows for more generous site layout and larger green spaces at grade for residents. The laneway is wide enough to accommodate the parallel parking, and the variance will not compromise any municipal services. Staff do not anticipate any negative impacts to the neighbouring properties with the variance.

In addition, the applicant is seeking a variance for the required physical screen for parallel parking on a flanking lane. The parking regulations for RU7 developments were not designed for parking on a flanking lane, so with this parking proposal, a physical barrier is not possible. The applicant has proposed to show design emphasis on the laneway through landscaping and architectural variation on the buildings. Removing a physical barrier will have no neighbourhood or visual impacts.

#### **4.0 Proposal**

##### **4.1 Project Description**

The associated Development Permit proposal is for four single-family homes, each facing Borden Avenue. The subject property has an existing laneway along the side property line and does not have rear access. The unique property orientation and laneway location has led the applicant to request a parking setback variance in order to fulfil the parking requirements. The applicant is seeking a variance to 0.0m from the 1.5m required to the parking setback. The parking orientation has also led to a variance for the required parking physical screen, as it is not possible to have both a screen and parking on the lane. These variances are required for the proposal to meet the Parking Requirements in the Zoning Bylaw.

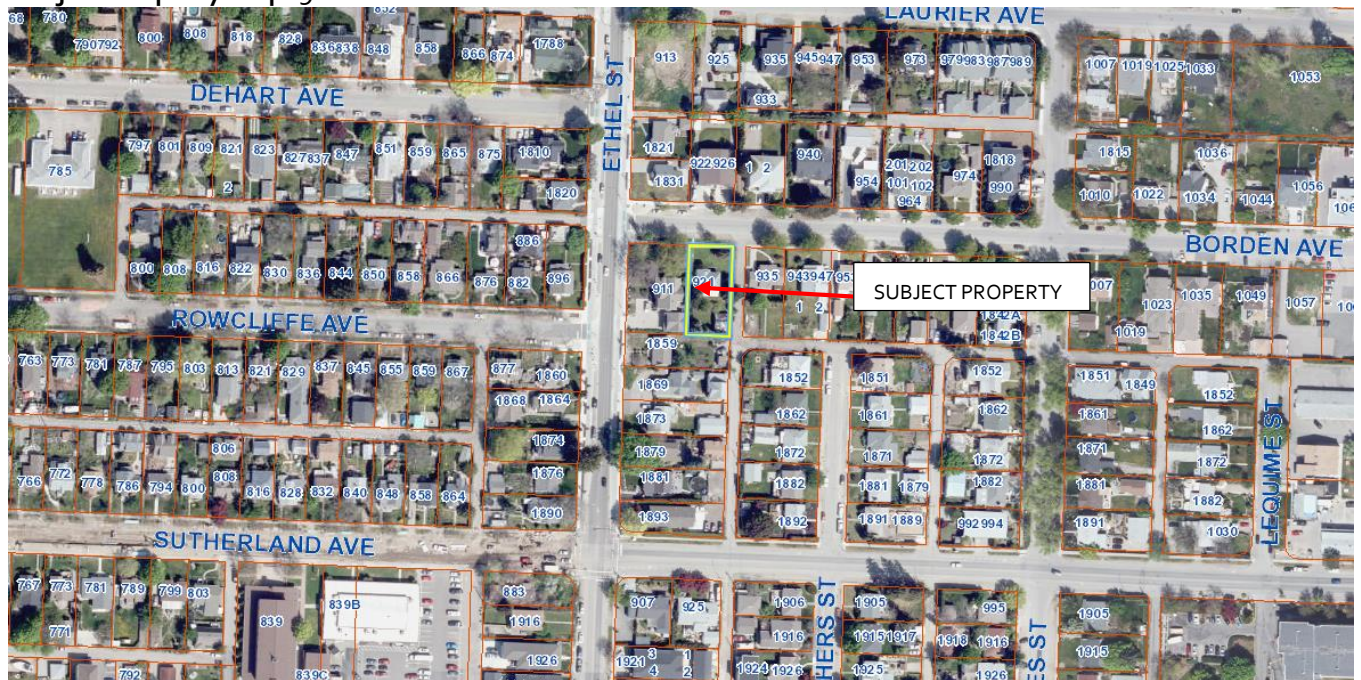
##### **4.2 Site Context**

The subject property is zoned RU7 and has a Future Land Use Designation of SIH – Sensitive Infill Housing (Low Density). The property is located on Borden Ave and is in the Central City OCP Sector. The surrounding area is primarily residential housing with zones such as RU7 – Infill Housing, RM1 – Four Dwelling Housing, RM4 – Transitional Low-Density Residential Housing and RU6 – Two Dwelling Housing.

Specifically, adjacent land uses are as follows:

| <b>Orientation</b> | <b>Zoning</b>                          | <b>Land Use</b>        |
|--------------------|--|------------------------|
| North              | RU6 – Two Dwelling House               | Semi-Detached Dwelling |
| East               | RU7 – Infill Housing                   | Proposed Four-plex     |
| South              | RU7 – Infill Housing                   | Single-Family Dwelling |
| West               | RM4 – Transitional Low-Density Housing | Multi-Family Dwelling  |

## Subject Property Map: 921 Borden Ave



## 4.3 Zoning Analysis Table

| Zoning Analysis Table                              |                       |                     |
|--|-----------------------|---------------------|
| CRITERIA   | RU7 ZONE REQUIREMENTS | PROPOSAL            |
| Existing Lot/Subdivision Regulations               |                       |                     |
| Min. Lot Area                                      | 277.5m <sup>2</sup>   | 834.9m <sup>2</sup> |
| Min. Lot Width                                     | 7.5m                  | 20.1m               |
| Min. Lot Depth                                     | 30.0m                 | 41.5m               |
| Development Regulations                            |                       |                     |
| Max. Floor Area Ratio                              | 0.8                   | 0.58                |
| Max. Site Coverage (buildings)                     | n/a                   | 27.3%               |
| Max. Site Coverage (buildings, parking, driveways) | 55%                   | 36.9%               |
| Max. Height  | 8.0m                  | 7.0m                |
| Min. Front Yard                                    | 4.0m                  | 5.9m                |
| Min. Side Yard (east)                              | 2.0m                  | 3.0m                |
| Min. Side Yard (west)                              | 2.0m                  | 2.0m                |
| Min. Rear Yard                                     | 0.9m                  | 0.9m                |
| Parking Regulations & Setbacks                     |                       |                     |
| Min. Parking Requirements                          | 4                     | 4                   |
| Front (north)                                      | 3.0m                  | 7.0m                |
| Side (east)  | 1.5m                  | 0.0m <sup>①</sup>   |
| Side (west)  | 1.5m                  | 17.4m               |
| Rear (south)                                       | 1.5m                  | 4.9m                |

● Indicates a requested variance to Section 8.2.3: Off-Street Parking Regulations

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 4: Future Land Use

**Sensitive Infill Housing (Low Density) (SIH).** A variety of housing types and tenures (fee simple, strata, rental), including, but not limited to, single detached homes, semi-detached homes, duplexes, triplexes, four-plexes, and combinations thereof, along with those complementary uses, that are integral components of complete, walkable neighbourhoods. The design of sensitive infill housing should respect the character of the neighbourhood, having limited massing, a positive relationship to the street, and high-quality green space. Densities and standards for housing within this designation should be consistent with the RU7 zone.

## 6.0 Application Chronology

Date of Application Received: January 14<sup>th</sup>, 2020

Date Public Consultation Completed: April 28<sup>th</sup>, 2020

**Report prepared by:** Tyler Caswell, Planner I

**Reviewed by:** James Moore, Urban Planning & Development Policy Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

#### **Attachments:**

Attachment A: Draft Development Variance Permit DVP20-0021

Schedule A: Conceptual Site Plan & Parking Plan

# Development Variance Permit DVP20-0021



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

**921 Borden Ave**

and legally known as

**Lot 1 District Lot 138 ODYD Plan 3242**

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

## **RU7 – Infill 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 June 2<sup>nd</sup>, 2020

Decision By: COUNCIL

Existing Zone: RU7 – Infill Housing

Future Land Use Designation: SIH – 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: Davara Holdings Ltd.

Applicant: David Sargent (Davara Holdings Ltd.)

\_\_\_\_\_  
Terry Barton  
Community Planning Department Manager  
Planning & Development Services

\_\_\_\_\_  
Date

|  |    |   |
|--|----|---|
| <b>ATTACHMENT</b>                              |    | <b>A</b>  |
| This forms part of application<br># DVP20-0021 |    |   |
| Planner<br>Initials                            | TC | <br>City of<br><b>Kelowna</b><br><small>DEVELOPMENT PLANNING</small> |

## 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

That variances to the following section of the Zoning Bylaw No. 8000 be granted in accordance with Schedule "A":

**Section 8.2.3: Off-Street Parking Regulations – Parking Setbacks**

To vary the minimum side yard parking setback from 1.5m required to 0.0m proposed.

**Section 8.1.5: General Provisions and Development Standards**

To vary the required physical barrier screen for the parallel parking on the flanking lane.

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

## 3. PERFORMANCE SECURITY

Not Required

## 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:

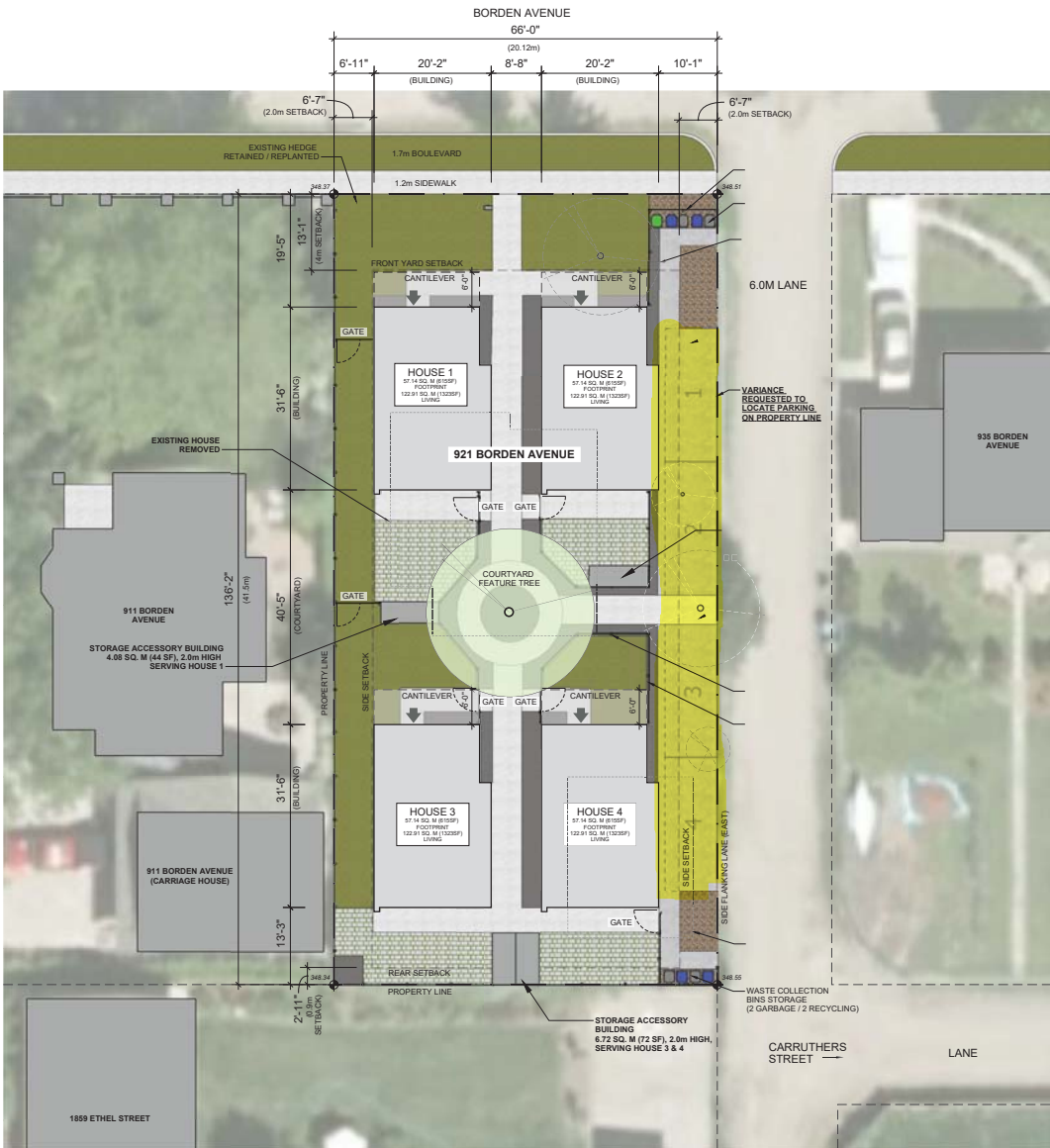
- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.

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.**

|                                |    |   |
|--------------------------------|----|---|
| <b>ATTACHMENT</b>              |    | <b>A</b>  |
| This forms part of application |    |   |
| # DVP20-0021                   |    |   |
| Planner Initials               | TC |  |
|                                |    | <b>City of Kelowna</b><br>DEVELOPMENT PLANNING  |





| SITE DETAILS                | ZONING REQUIREMENTS |             | PROPOSED PROJECT |             | VARIANCE REQUIRED? |
|-----------------------------|---------------------|-------------|------------------|-------------|--------------------|
| ZONING                      | R17                 |             | R17              |             | -                  |
|                             | METRIC INCLUDING    |             | METRIC INCLUDING |             |                    |
| SITE AREA                   | 277.5               | 2,986.9     | 834.9            | 8,987.6     | -                  |
| SITE WIDTH                  | 7.5                 | 24' 7"      | 20.1             | 66' 0"      | -                  |
| SITE DEPTH                  | 30.0                | 98' 5"      | 41.5             | 136' 2"     | -                  |
| SITE COVERAGE               | -                   | -           | 27.3%            | 2,461.4     | -                  |
| BUILDINGS                   | -                   | -           | 9.5%             | 858.0       | -                  |
| DRIVEWAYS AND PARKING       | 55%                 | 1,642.8     | 36.9%            | 3,319.5     | -                  |
| DEVELOPMENT REGULATIONS     |                     |             |                  |             |                    |
| TOTAL NUMBER OF UNITS       |                     |             | 4                |             | -                  |
| FLOOR AREA                  |                     |             | METRIC           | IMPERIAL    |                    |
| GROSS                       |                     |             | 491.6            | 5,292.0     | -                  |
| NET                         |                     |             | 491.6            | 5,292.0     | -                  |
| FLOOR AREA RATIO            | 0.8                 |             | 0.58             |             | -                  |
| BUILDING HEIGHT             |                     |             | METRIC           | FEET        |                    |
| PRINCIPAL                   | 8.0                 | 26' 3"      | 7.0              | 23' 1"      | -                  |
| ACCESSORY                   | 4.8                 | 15' 9"      | -                | -           | -                  |
| BUILDING SETBACKS           |                     |             | METRIC           | FEET        |                    |
| FRONT (NORTH)               | 4.0                 | 13' 1"      | 5.9              | 19' 5"      | -                  |
| SIDE (EAST)                 | 2.0                 | 6' 7"       | 3.0              | 10' 1"      | -                  |
| SIDE (WEST)                 | 2.0                 | 6' 7"       | 2.0              | 6' 7"       | -                  |
| REAR (SOUTH)                | 0.9                 | 2' 11"      | 0.9              | 2' 11"      | -                  |
| PARKING STALLS - UNIT COUNT |                     |             | STALLS PROVIDED  | PROVIDED    |                    |
| HOUSE 1                     |                     |             | 1                | 1           | -                  |
| HOUSE 2                     |                     |             | 1                | 1           | -                  |
| HOUSE 3                     |                     |             | 1                | 1           | -                  |
| HOUSE 4                     |                     |             | 1                | 1           | -                  |
| GUEST                       |                     |             | 0                | 0           | -                  |
| TOTAL                       |                     |             | 4                | 4           | -                  |
| PARKING SETBACKS            |                     |             | METRIC           | FEET        |                    |
| FRONT (NORTH)               | 3.0                 | 9' 10"      | 7.0              | 23' 2"      | -                  |
| SIDE (EAST)                 | 1.5                 | 4' 11"      | 0.0              | 0' 0"       | VARIANCE REQUESTED |
| SIDE (WEST)                 | 1.5                 | 4' 11"      | 17.4             | 57' 2"      | -                  |
| REAR (SOUTH)                | 1.5                 | 4' 11"      | 4.9              | 16' 2"      | -                  |
| PRIVATE OPEN SPACE          | SQUARE METERS       | SQUARE FEET | SQUARE METERS    | SQUARE FEET |                    |
| HOUSE 1                     | -                   | -           | 147.7            | 1,590.3     | -                  |
| HOUSE 2                     | -                   | -           | 57.0             | 613.5       | -                  |
| HOUSE 3                     | -                   | -           | 89.0             | 957.9       | -                  |
| HOUSE 4                     | -                   | -           | 50.0             | 538.1       | -                  |

### GENERAL LANDSCAPE SURFACES:

|  |                       |  |  |
|--|-----------------------|--|--|
|  | DROUGHT TOLERANT TURF |  | WOOD MULCH & PLANTINGS                   |
|  | ROCK MULCH            |  | BROOM FINISH CAST-IN-PLACE CONCRETE SLAB |

### GENERAL NOTES

1. BASED ON TOPOGRAPHIC SITE SURVEY PREPARED BY RUNNELS DENBY LAND SURVEYING, DATED JUNE 20, 2018 LOT 1, DL 138, O.D.V.D., PLAN 1242
2. REFER TO LANDSCAPING PLAN FOR DETAILED PLANTING PLAN, DIMENSIONS OF SURFACES, GRADING, IRRIGATION LAYOUTS, SITE FENCING, SITE FURNITURE
3. DIMENSIONS TO HOUSE FROM PROPERTY LINE ARE TO EXTERIOR FACE OF FOUNDATION WALLS
4. SITE SERVICES LOCATIONS AND DEPTHS TO BE CONFIRMED BY BUILDER AND SERVICE PROVIDERS

### SERVICES SPECIFICATIONS

|   |           |         |
|---|-----------|---------|
| ELECTRICAL SERVICE TO EACH HOUSE (BUILDER TO CONFIRM) |           | 125 AMP |
| - ELECTRICITY   | MUNICIPAL |         |
| - WATER   | MUNICIPAL |         |
| - SEWER   | MUNICIPAL |         |
| - GAS   | MUNICIPAL |         |
| - COMMUNICATIONS                                      | MUNICIPAL |         |

GENERAL CONDITIONS  
Check and verify all critical details and dimensions prior to the start of construction and correct the office if any variations in required. Station dimensions will always take precedence over scaled dimensions. This drawing must be read in conjunction with all drawings & sheet's issued for this project. Contractor is responsible to verify, engineer about surfacing design instructions.

COPYRIGHT RESERVED  
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| SITE SOUTH | PROJECT NORTH                 |
|------------|-------------------------------|
|            |                               |
| DATE       | REVIEW FOR                    |
| 2018-05-30 | FEASIBILITY STUDY             |
| 2018-09-19 | PRELIMINARY SCHEMATIC DESIGN  |
| 2019-12-18 | DEVELOPMENT PERMIT PRE-REVIEW |
|            |                               |
|            |                               |

PROJECT TITLE  
Borden 4-Unit Housing  
921 Borden Ave  
Kelowna, BC

SHEET TITLE  
Site Plan  
SCALE 1" = 10'-0"  
DRAWING NUMBER







# DVP20-0021

# 921 Borden Avenue

Development Variance Application



# Proposal

- ▶ To consider a Development Variance Permit to vary the minimum side yard parking setback from 1.5m required to 0.0m proposed and to vary the required barrier screen for the parallel parking on the flanking lane.

# Development Process

Jan 14<sup>th</sup>, 2020

Development Application Submitted



Staff Review & Circulation



Apr. 28<sup>th</sup>, 2020

Public Notification Received



Jun. 2<sup>nd</sup>, 2020

Development Variance Permit



Development Permit

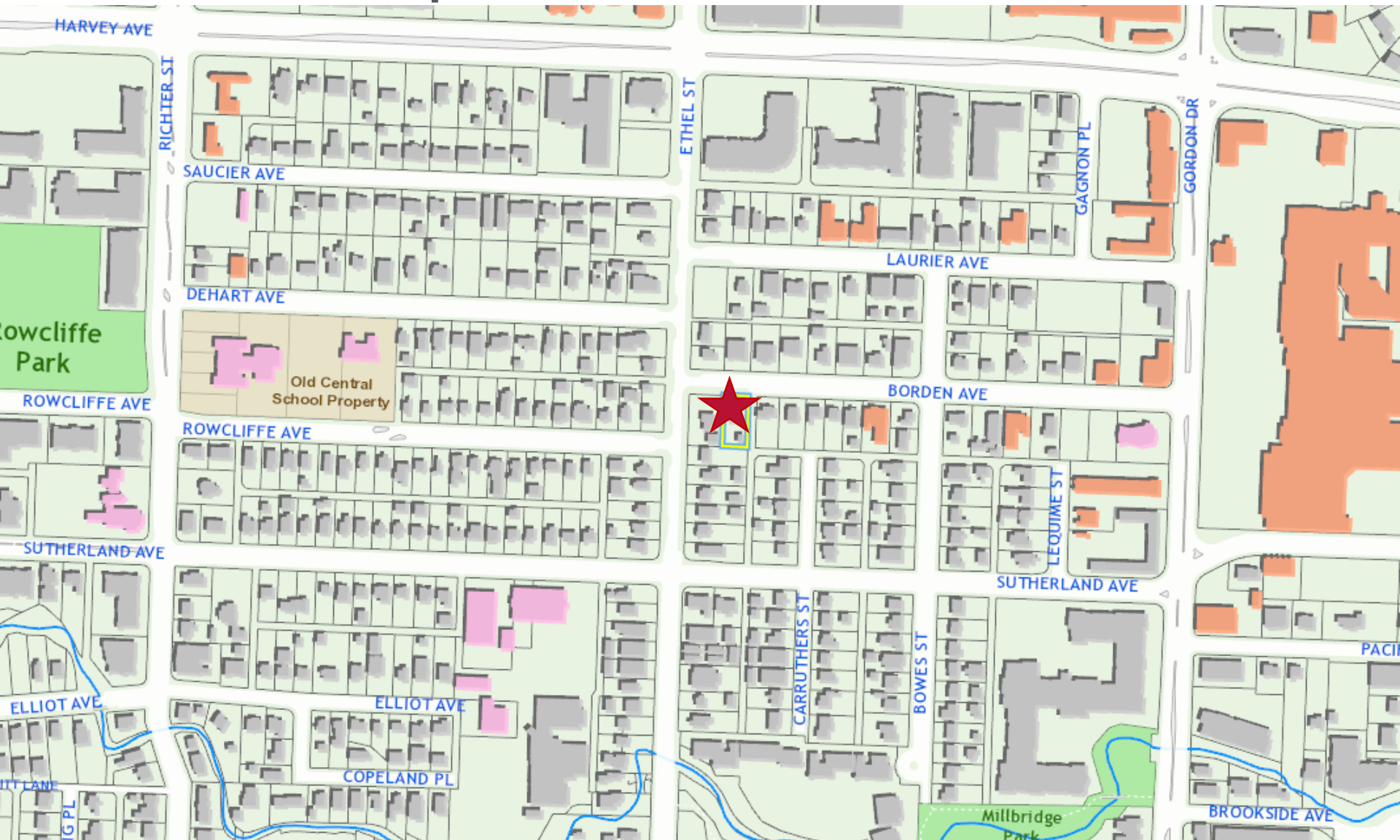


Building Permit

} Council  
Approval



# Context Map

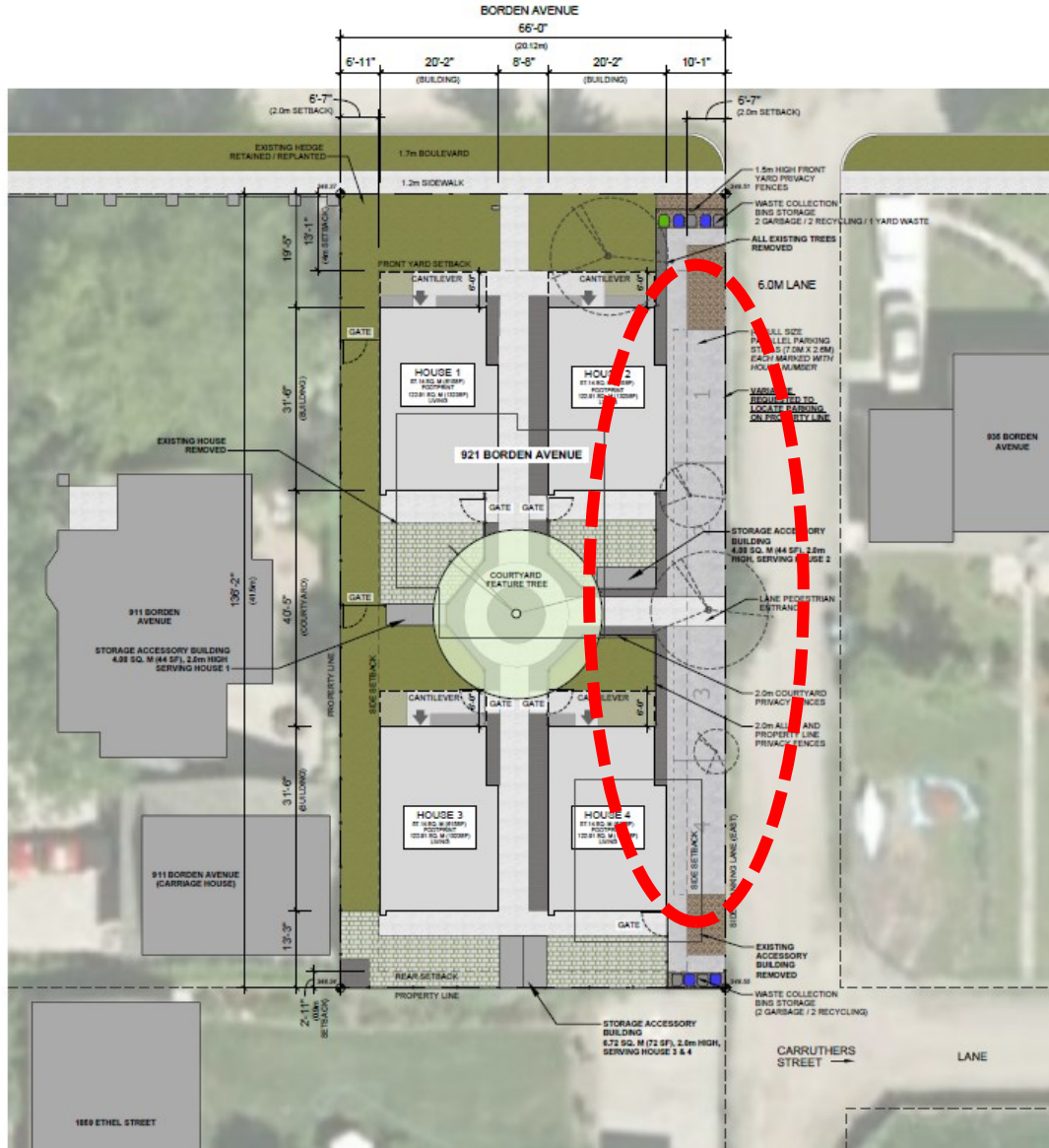


# Site Map





# Conceptual Site Plan



# Conceptual Design





# Project/technical details

- ▶ The RU7 proposal meets Development Permit Design Guidelines but requires two parking variances.
  - ▶ A variance to the side yard parking setback from 1.5m required to 0.0m proposed.
  - ▶ And a variance to required physical barrier to parallel parking on flanking lane.

# Staff Recommendation

- ▶ Staff recommend **support** of the proposed Development Variance Permit application.
  - ▶ Unique orientation of lot due to lane on the side of property.
  - ▶ No/Minimal neighbourhood impacts are anticipated.



## *Conclusion of Staff Remarks*

# REPORT TO COUNCIL



**Date:** June 2, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning Department

**Application:** DVP20-0100      **Owner:** Lothar & Colleen Sondermann

**Address:** 2318 Abbott Street      **Applicant:** Jordan Hettinga (Kent-Macpherson)

**Subject:** Development Variance Permit Application

**Existing OCP Designation:** S2RES – Single/Two Unit Residential

**Existing Zone:** RU1 – Large Lot Housing

---

## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0100 for Lot 5 District Lot 14 ODYD Plan 9305, located at 2318 Abbott Street, Kelowna, BC;

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

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

To vary the required rear yard setback from 7.5m required to 4.4m proposed for the construction of a new covered patio.

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 reduce the rear yard setback from 7.5m required to 4.4m proposed for the construction of a new covered patio on the subject property.

## 3.0 Development Planning

Development Planning staff support the Development Variance Permit for the rear yard setback. The applicant is seeking a variance to reduce the rear yard setback to 4.4m from the west property line to create a new covered patio. The subject property and principal dwelling are legal non-conforming, because the property does not meet the required lot depth in RU1 zone, and the principal dwelling does not meet the



north side yard setback. These circumstances do not allow for many changes to the principal dwelling without triggering a variance process.

The proposed variance for the covered patio will not be an addition to livable space. No neighbourhood impacts are anticipated with the proposed covered patio.

#### 4.0 Proposal

##### 4.1 Project Description

The proposal is to vary the rear yard setback from 7.5m required to 4.4m proposed to accommodate an attached covered patio. The covered patio will be attached to the rear wall of the principal dwelling. The patio will have a roof, but it will not have any walls and will be accessed through a sliding door at the rear of the principal dwelling.

##### Site Context

The subject property is zoned RU1 and has a Future Land Use Designation of S2RES – Single/Two Residential. The property is located on Abbott Street on the intersection with Atwood Place and it is in the Central City OCP Sector. The surrounding area is primarily characterized by single-family residential development, Kelowna General Hospital and Strathcona Park.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning                  | Land Use               |
|-------------|-------------------------|------------------------|
| North       | RU1 – Large Lot Housing | Single-Family Dwelling |
| East        | RU1 – Large Lot Housing | Single-Family Dwelling |
| South       | RU1 – Large Lot Housing | Single-Family Dwelling |
| West        | RU1 – Large Lot Housing | Single-Family Dwelling |

**Subject Property Map: 2318 Abbott Street**



4.2 Zoning Analysis Table

| Zoning Analysis Table   |                                   |                      |
|---|-----------------------------------|----------------------|
| CRITERIA  | RU <sub>1</sub> ZONE REQUIREMENTS | PROPOSAL             |
| Existing Lot/Subdivision Regulations  |                                   |                      |
| Min. Lot Area   | 550m <sup>2</sup>                 | 559.32m <sup>2</sup> |
| Min. Lot Width  | 17.0m                             | 21.34m               |
| Min. Lot Depth  | 30.0m                             | 26.21m               |
| Development Regulations   |                                   |                      |
| Max. Site Coverage (buildings)  | 40%                               | 29%                  |
| Max. Site Coverage (buildings, parking, driveways)  | 50%                               | 37%                  |
| Max. Height   | 9.5m (2.5 storeys)                | 6.5m (2 storeys)     |
| Min. Front Yard   | 6.0m                              | 6.72m                |
| Min. Side Yard (south)  | 4.5m                              | 4.9m                 |
| Min. Side Yard (north)  | 2.3m                              | 2.21m (existing)     |
| Min. Rear Yard  | 7.5m                              | 4.4m <sup>①</sup>    |
| Other Regulations   |                                   |                      |
| Min. Parking Requirements   | 2                                 | 2                    |
| ① Indicates a requested variance to Section 13.1.6(e): RU <sub>1</sub> – Large Lot Housing to the required rear yard setback. |                                   |                      |

5.0 **Application Chronology**Date of Application Received: March 30<sup>th</sup>, 2020Date Public Consultation Completed: April 2<sup>nd</sup>, 2020

Report prepared by: Tyler Caswell, Planner I

Reviewed by: James Moore, Urban Planning &amp; Development Policy Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

**Attachments:**

Attachment A: Draft Development Variance Permit DVP20-0100

Schedule A: Conceptual Drawing Package



# DVP20-0100

# 2318 Abbott Street

Development Variance Application



# Proposal

- ▶ To consider a Development Variance Permit to vary the rear yard setback from 7.5m required to 4.4m proposed for the construction of a new covered patio.



# Development Process

Mar. 30<sup>th</sup>, 2020

Development Application Submitted



Staff Review & Circulation



Apr. 2<sup>nd</sup>, 2020

Public Notification Received



Jun. 2<sup>nd</sup>, 2020

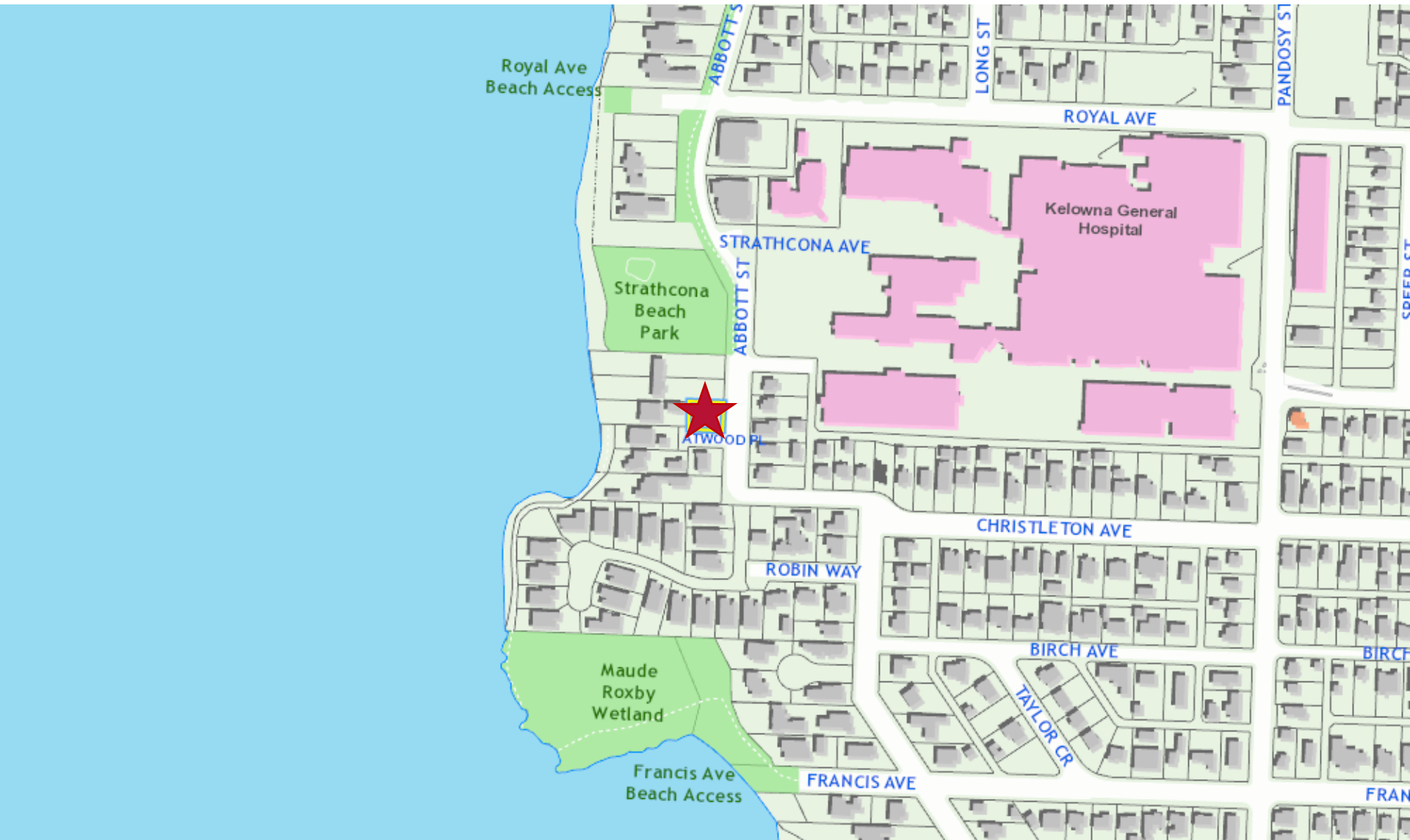
Development Variance Permit



Building Permit

} Council  
Approval

# Context Map

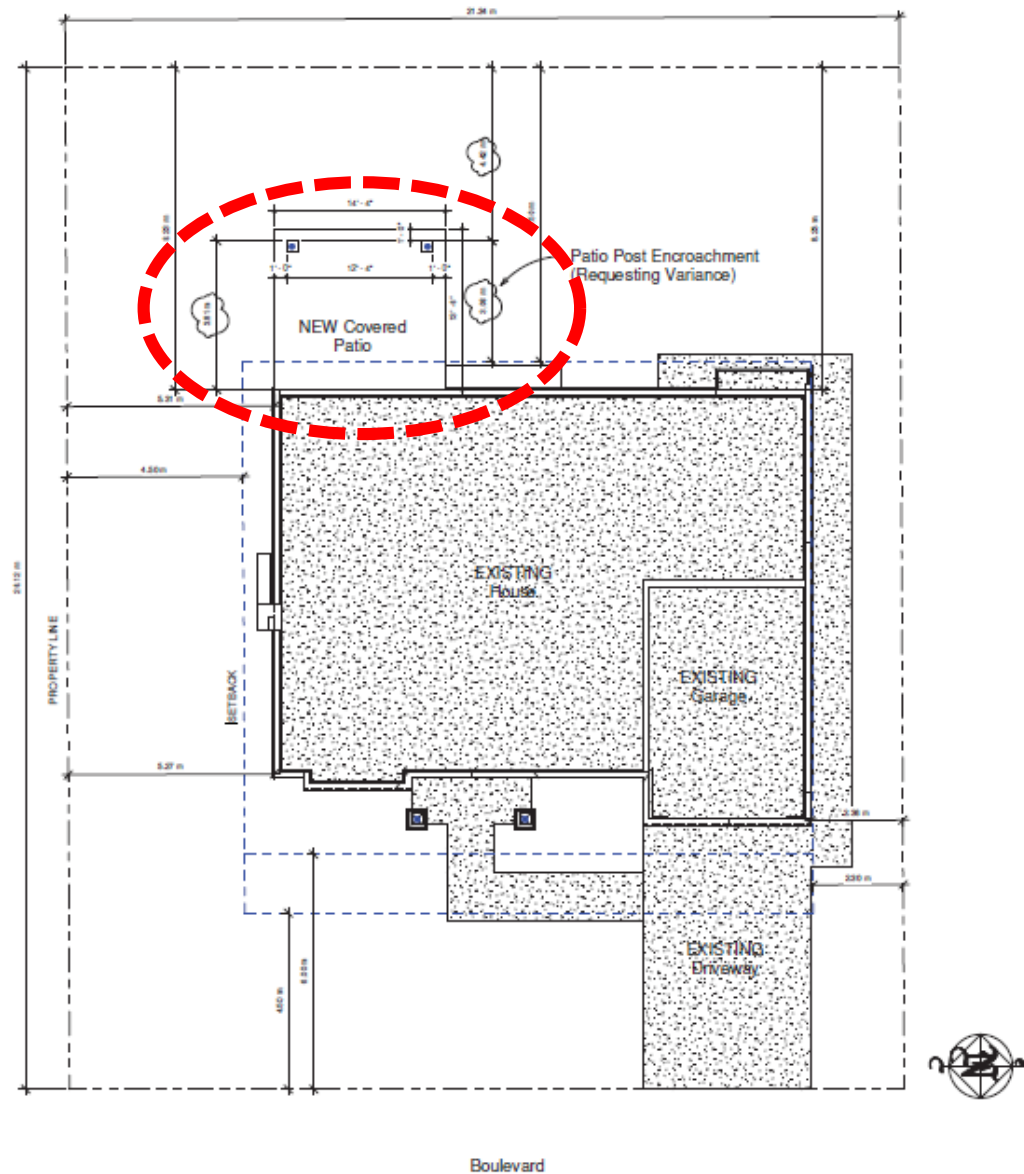


# Site Map



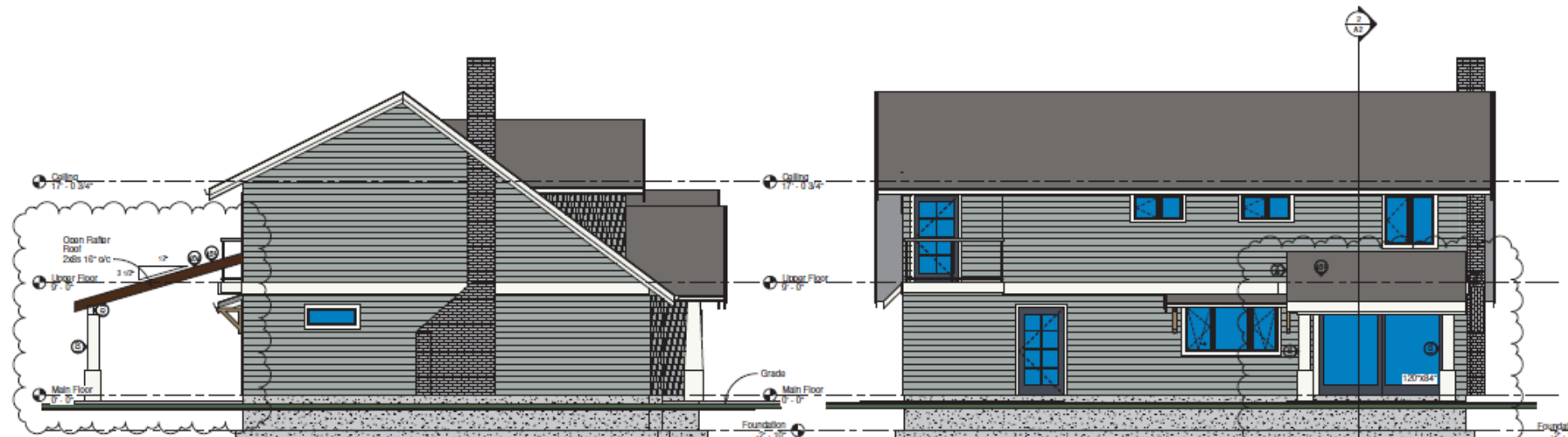
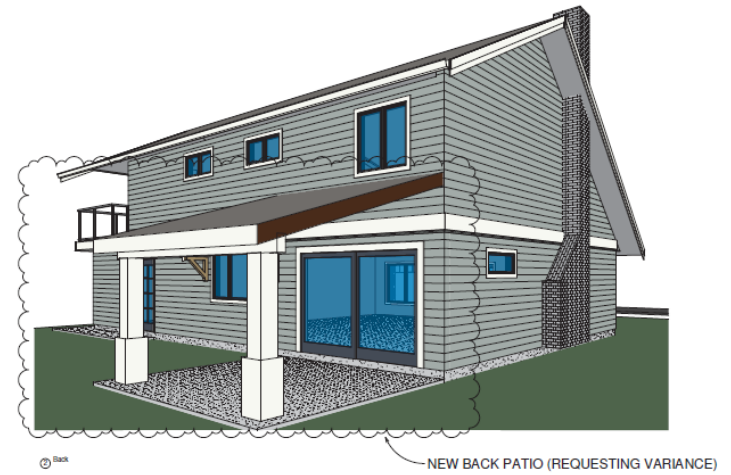
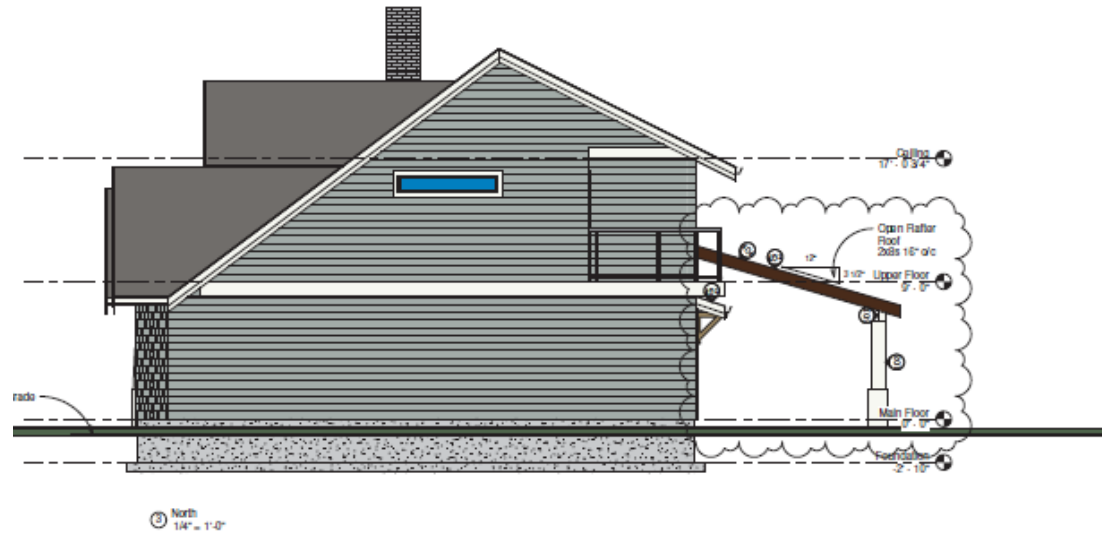


# Conceptual Site Plan





# Conceptual Design



# Project/technical details

- ▶ The proposal is to vary the rear yard setback to accommodate a covered patio.
- ▶ The covered patio will not have walls and will be accessed through a sliding door at the rear of the principal dwelling.

# Staff Recommendation

- ▶ Staff recommend **support** of the proposed Development Variance Permit application to vary the rear yard setback.
  - ▶ Small lot size and limited development opportunity.
  - ▶ Will not be walled and insulated livable space.
  - ▶ No/Minimal neighbourhood impacts are anticipated.



## *Conclusion of Staff Remarks*



# Development Variance Permit

## DVP20-0100



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

**2318 Abbott Street**

and legally known as

**Lot 5 District Lot 14 ODYD Plan 9305**

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

### **RU1 – Large Lot 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 June 2<sup>nd</sup>, 2020

Decision By: COUNCIL

Existing Zone: RU1 – Large Lot Housing

Future Land Use Designation: Single/Two Unit Residential (S2RES)

### **This is NOT a Building Permit.**

In addition to your Development Permit, a Building Permit may be required prior to any work commencing. For further information, contact the City of Kelowna, Development Services Branch.

### **NOTICE**


This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Owner: Lothar & Colleen Sondermann

Applicant: Jordan Hettinga (Kent-Macpherson)

Terry Barton  
Community Planning Department Manager  
Planning & Development Services

Date

|                                |    |   |
|--------------------------------|----|---|
| <b>ATTACHMENT</b>              |    | <b>A</b>  |
| This forms part of application |    |   |
| # DVP20-0100                   |    |   |
| Planner Initials               | TC |  |
|                                |    | <b>City of Kelowna</b><br>DEVELOPMENT PLANNING  |

## 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

That variance to the following section of the Zoning Bylaw No. 8000 be granted in accordance with Schedule "A":

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

To vary the rear yard setback from 7.5m permitted to 4.4m proposed.

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

## 3. PERFORMANCE SECURITY

Not Required

## 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.**

|                                |    |   |
|--------------------------------|----|---|
| <b>ATTACHMENT</b>              |    | <b>A</b>  |
| This forms part of application |    |   |
| # DVP20-0100                   |    |   |
| Planner<br>Initials            | TC | <br><b>City of<br/>Kelowna</b><br>DEVELOPMENT PLANNING |



② Back

NEW BACK PATIO (REQUESTING VARIANCE)

## Assemblies

- 100 Concrete Foundation  
8x20  
Min. 3'-0" Below Grade  
c/w 4" Perimeter Drain
- 100 8" Reinforced Concrete Wall
- 100 Column on 12x30x30  
Concrete Footing on  
Compacted Fill
- 100 4" Concrete Slab on Grade  
12" Min. Gravel on  
Compacted Fill
- 110 4" Wide Perimeter Rigid Insulation  
3" SM Rigid Insulation RSI 2.64  
Where slab is at Grade
- 100 Hardie Plank Siding on RSI 0.02  
Building Paper on  
1/2" Exterior Plywood Sheathing on  
2x6" 24" o/c  
Fill w/ Batt Insulation RSI 4.2 eff 2.8 (R-24)  
6MIL Poly Vapour Barrier  
1/2" Gypsum Board RSI 0.08  
TOTAL eff RSI: 3.01
- 100 Hardie Shake Siding on RSI 0.02  
Building Paper on  
1/2" Exterior Plywood Sheathing on  
2x6" 24" o/c  
Fill w/ Batt Insulation RSI 4.2 eff 2.8 (R-24)  
6MIL Poly Vapour Barrier  
1/2" Gypsum Board RSI 0.08  
TOTAL eff RSI: 3.01
- 100 Asphalt Shingles on  
(To Match Existing)  
Building Paper  
7/16" Roof Sheathing  
Pre-Engineered Trusses
- 100 RSI 8.8 Insulation R50  
6 MILs Poly Vapour Barrier  
1/2" Gypsum Board RSI 0.08  
TOTAL (eff) RSI: 8.88
- 100 Perforated Aluminum Soffit
- 100 Double Facia 1x10 + 1x4
- 100 10" Horizontal Accent Band  
(To Match Trim)
- 100 Pre-Engineered Beam

**GENERAL NOTES:**  
1. These documents outline the general character and quality of the work and some of the details. Parts not detailed shall be constructed in accordance with best practices of work of this class, and shall provide the required strength and quality to complete all requirements of the work.  
2. The construction shall be in accordance with the British Columbia Building Code, 2012 Edition. Every effort will be made to ensure that any changes to the code are complied with and all amendments are incorporated in the work. Materials and workmanship shall be per BCBC, Part 10 "Energy and Water Efficiency."  
3. All work shall conform to local building codes and by-laws wherever they may take precedence.  
4. Prior to proceeding with construction, the Contractor must verify all information. Start of construction signifies the Contractor's acceptance of the contract documents.  
5. Any variances from the drawings and specifications, and adverse conditions encountered at the job site, shall be resolved by the Owner Representative in consultation with the Designer.  
6. All workmanship is to be of a standard equal in all respects to good building practice.  
7. The Consultants do not assume liability for any errors or omissions in the contract documents, unless advised in writing of such errors or omissions prior to commencement of construction. The Contractor shall advise the Consultants if any discrepancies are observed or explanations are required.

**CONSTRUCTION NOTES:**  
1. Exterior walls to breathe area: 2x6 studs at 24" o.c.  
2. Range hood and dryer to be exhausted to outside.  
3. All ceilings: 1/2" gypsum board.  
4. 5/8" fire guard gypsum board at all garage walls/ceilings common to livable area.  
5. All handrails to be of approved design.  
6. Provide 6 mil. poly vapour barrier at warm side of insulation (heating mode) under wall finish and under all concrete slabs on grade.  
7. Exterior wall insulation: RSI 4.23 glass fibre batt at 6" walls; attic insulation to be RSI 8.8 glass fibre.  
8. 25% of required attic vents to be at top 1/3 of roof.  
9. Verify all rough opening requirements for doors, windows, equipment, and fixtures before ordering.  
10. Verify/coordinate these plans with truss system final design.  
11. All bedroom windows to have a minimum vent size of 24" x 36" for egress.

**General Foundation Notes:**  
1. All work to be in accordance with Structural Drawings and Specifications.  
2. Footings and foundation walls indicated on the drawings are generic. The Contractor is responsible for testing the soil and assure adequacy of the structure.  
3. All concrete to:  
- be minimum 3,000 psi (28 day)  
- conform to C.S.A. A23.1  
- have 1" max. aggregate size  
- foundation walls, footings, and interior slabs - h minimum 3% -  
- 4% air entrainment +/- 1%  
- exterior slabs - h min. 5% - 7% air entrainment +/- 1%  
- have maximum 4" slump.  
4. Consolidate concrete in forms with high frequency internal vibrations - do not over vibrate so as to cause separation of the mix or use vibrators to move concrete.  
5. All concrete reinforcing to:  
- be of new deformed stock  
- be of minimum grade 400 steel  
- be placed in accordance with the latest edition of the A.C.I. detailing manual no. 315.  
6. Verify all site conditions in conjunction with the drawings notify the architect and owner of any discrepancies in writing.  
7. Footings to bear on undisturbed native material or engineered fill at a depth below the frost line. Where an engineer's soils report is available verify requirements and comply with recommendations contained therein.  
8. Notify the architect and owner in writing where soil conditions are found to be inferior or potentially unstable.  
9. Welded wire fabric to conform to C.S.A. G30.6 and to be lapped min. 6" or one full grid whichever greater.  
10. Un-detailed lap splices to be 40 bar diameters staggered.  
11. Provide damp proofing below grade & approved perimeter footing drainage system.  
12. Where required, step footings and foundation walls at min. 24" vertical & horizontal increments.  
13. Maintain minimum 8" clear from top of foundation walls to finished Grade.  
14. Exterior concrete slabs/slabs abutting concrete foundation to be dowelled using 10m bar @ 2'-0" typical.  
15. All bearing columns of girder trusses and support beams are to be posted to foundation.

**General Framing Notes:**  
1. Framing lumber to be S.P.F. # 2 or better.  
2. All beams/headers to be minimum 3 1/2" "timberstrand" L.S.L.  
3. Roof/floor truss system design by registered structural engineer.  
4. Verify/coordinate design with these plans prior to ordering of material.  
5. Truss system supplier to provide all required blocking/bracing for roof system.  
6. All trusses to be secured to wall plate with "hurricane anchors" or equal.  
7. All truss ends to be braced with continuous 2x4 stringer.  
8. All "LJT" equivalent engineered wood joists rim/edge of wall to suit manufacturer's requirements.  
9. All inlets in exterior and bearing walls to be 2 - 2x10's unless otherwise specified.  
10. All exterior walls provide sealed membrane flashings around all openings. Provide low slope /adequate for service penetrations. Seal around service penetrations with caulking on rigid foam filler, or fill with water resistant expanding foam insulation.

**LEGAL DESCRIPTION:**  
CIVIC ADDRESS: 2318 Abbott Street, Kelowna BC

**925R**  
Design Inc.

| 250.307.6818 - 925RDesign.com |                 |             |
|-------------------------------|-----------------|-------------|
| No.                           | Description     | Date        |
| BP                            | Building Permit | Oct 26 2017 |
| 1                             | Updated         | Mar 1 2018  |
| 2                             | Updated         | Apr 5 2018  |
| 3                             | Back Patio      | Mar 23 2020 |

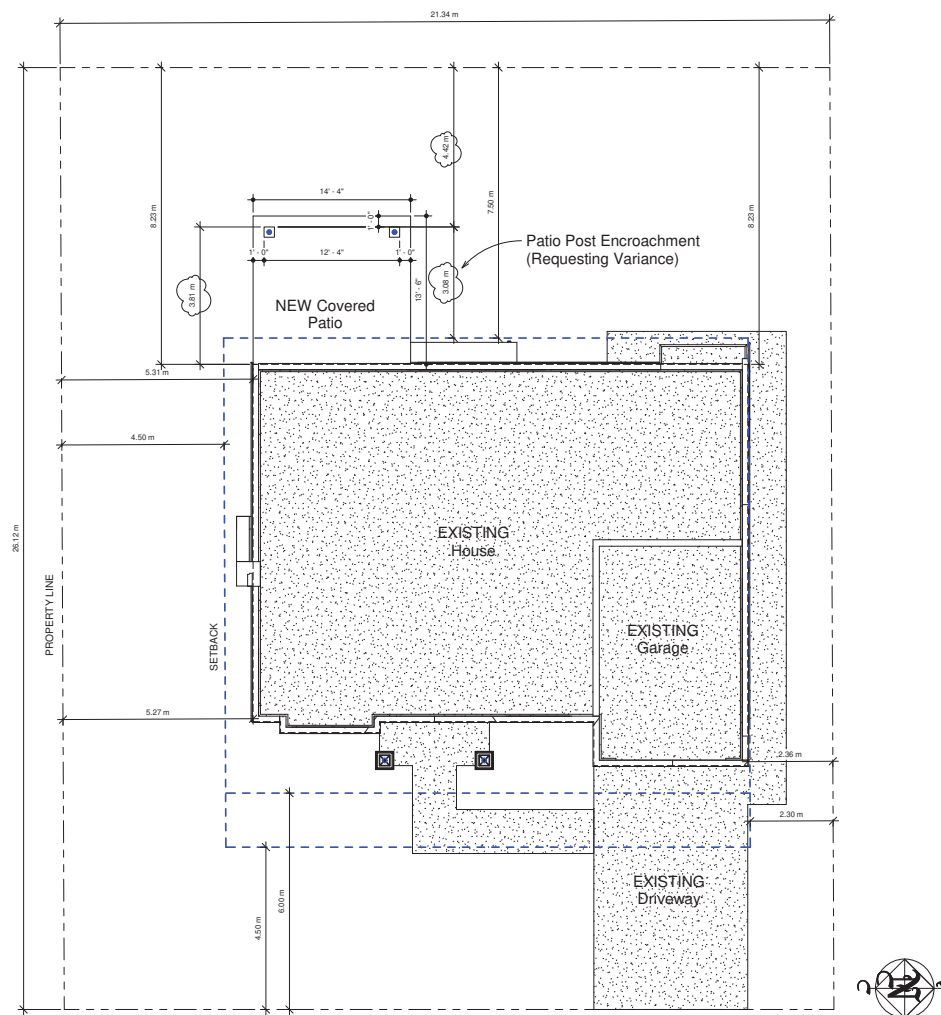
2318  
Abbott Street

Cover Sheet

|             |              |
|-------------|--------------|
| Date        | Mar 23 2020  |
| Drawn by    | ML           |
| Project No. | 925R_17066   |
| Scale       | 1/4" = 1'-0" |

A0

| No. | Description     | Date        |
|-----|-----------------|-------------|
| BP  | Building Permit | Oct 26 2017 |
| 1   | Updated         | Mar 1 2018  |
| 2   | Updated         | Apr 5 2018  |
| 3   | Back Patio      | Mar 23 2020 |



# SCHEDULE A

This forms part of application

# DVP20-0100

Planner  
Initials

TC

City of  
**Kelowna**  
DEVELOPMENT PLANNING



Boulevard

Abbott St

2318  
Abbott Street

Site

Date Mar 23 2020  
Drawn by ML  
Project No. 925R\_17066  
Scale 3/16" = 1'-0"

A1





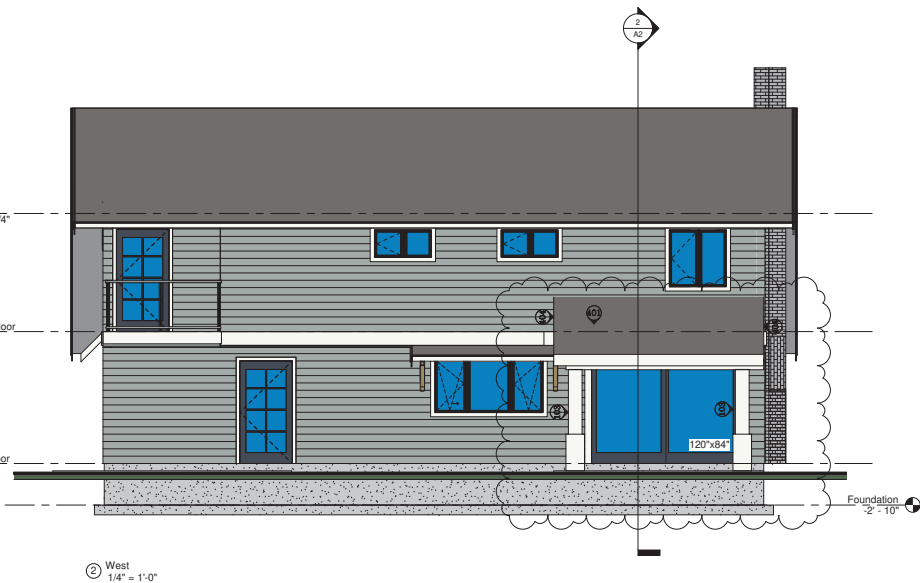
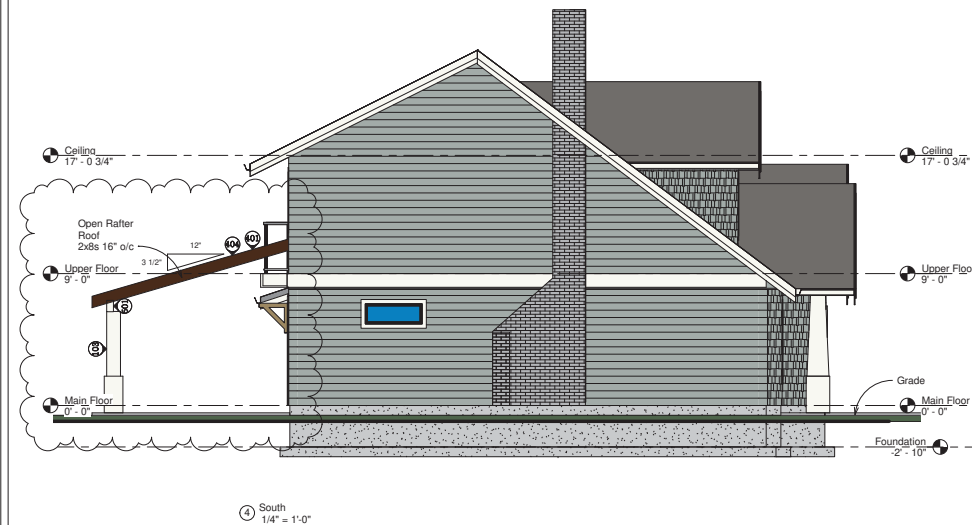
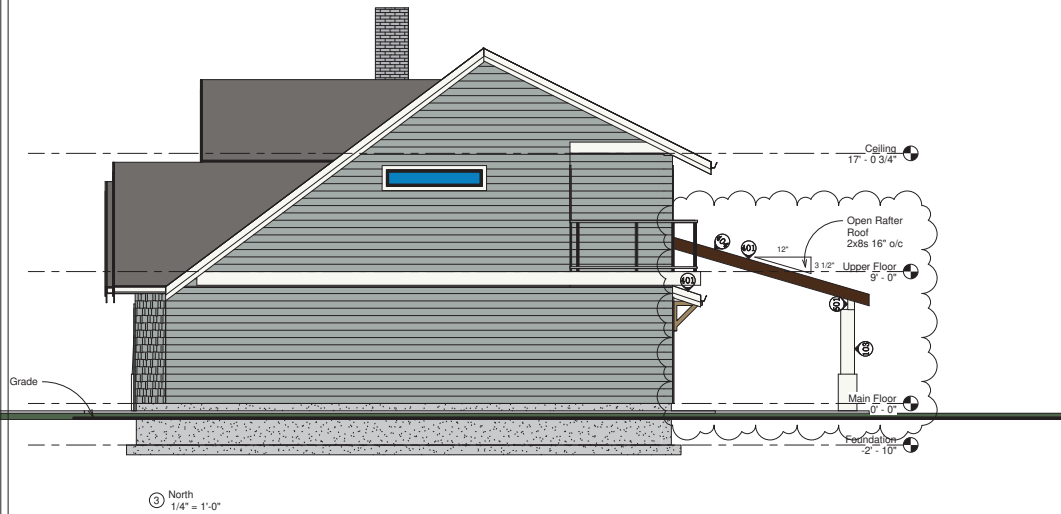
| No. | Description     | Date        |
|-----|-----------------|-------------|
| BP  | Building Permit | Oct 26 2017 |
| 1   | Updated         | Mar 1 2018  |
| 2   | Updated         | Apr 5 2018  |
| 3   | Back Patio      | Mar 23 2020 |

## SCHEDULE

A

This forms part of application  
# DVP20-0100

Planner  
Initials **TC**



2318  
Abbott Street

Elevations

Date: Mar 23 2020  
Drawn by: ML  
Project No.: 925R\_17066  
Scale: 1/4" = 1'-0"

A3