

**City of Kelowna
Regular Council Meeting
AGENDA**



Tuesday, November 29, 2016
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. **Call to Order**
2. **Reaffirmation of Oath of Office**
The Oath of Office will be read by Councillor Singh.
3. **Confirmation of Minutes** 1 - 11
Public Hearing - November 15, 2016.
Regular Meeting - November 15, 2016.
4. **Bylaws Considered at Public Hearing**
 - 4.1 **BL11272 (OCP16-0009) Civic Precinct Plan Implementation** 12 - 16
To give Bylaw No. 11272 second and third readings in order to amend the Official Community Plan to introduce Design Guidelines for the form and character of development in the Civic Precinct Plan Area and to amend Future Land Use Map 4.1 of the OCP to change portions of five sites to the MXR Mixed-Use Residential / Commercial Designation to support enhanced activity and vibrancy as outlined in the Council endorsed Civic Precinct Plan.
 - 4.2 **Amending the C7 - Central Business Commercial Zone, BL11307 (TA16-0018)**
WITHDRAWN FROM AGENDA
 - 4.3 **875 & 885 Mayfair Road, BL11308 (Z16-0035) - Onkar & Ranjit Dhillon and 0872645 BC Ltd** 17 - 17
To give Bylaw No. 11308 second and third readings in order to rezone the subject properties to facilitate a three lot subdivision.
 - 4.4 **Sensitive Infill Housing (Low Density) - BL11310 (OCP16-0015)**
TO BE DEFERRED

4.5 Single/Two Unit Residential to Sensitive Infill Housing (Low Housing) - BL11311 (OCP16-0015)

TO BE DEFERRED

4.6 Infill - Removal of Development Permit Areas- BL11312 (OCP16-0025)

TO BE DEFERRED

4.7 RU7 - Infill Housing Zone, BL11313 (TA16-0010)

TO BE DEFERRED

4.8 Rezone Various Properties to RU7 - Infill Housing Zone, BL11314 (Z16-0053)

TO BE DEFERRED

5. Notification of Meeting

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

6. Development Permit and Development Variance Permit Reports

6.1 468 Barkley Road, BL11208 (Z15-0067) - Wayne Heinen

18 - 18

To adopt Bylaw No. 11208 in order to rezone the subject property to facilitate the development of a carriage house.

6.2 468 Barkley Road, DP15-0312 & DVP15-0313 - Wayne Heinen

19 - 31

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

To consider three (3) variances to convert an existing accessory dwelling to a carriage house.

7. Reminders

8. Termination



City of Kelowna

Public Hearing

Minutes

Date: Tuesday, November 15, 2016
Council Chamber

Location: City Hall, 1435 Water Street

Members Present: Mayor Colin Basran, Councillors Ryan Donn, Gail Given, Tracy Gray, Mohini Singh and Luke Stack

Members Absent: Councillors Maxine DeHart, Charlie Hodge and Brad Sieben

Staff Present: Acting City Manager, Joe Creron; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Urban Planning Manager, Terry Barton; Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the Hearing to order at 6:03 p.m.

Mayor Basran advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030 - Official Community Plan Bylaw No. 10500" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

2. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on November 1, 2016 and by being placed in the Kelowna Daily Courier issues on Friday, November 4, 2016 and Wednesday, November 9, 2016 and by sending out or otherwise delivering 44 statutory notices to the owners and occupiers of surrounding properties between November 1 and November 4, 2016.

The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

3. Individual Bylaw Submissions

3.1 BL11263 (TA16-0004) and BL11264 (Z16-0010) Secondary Suite Amendments - City of Kelowna

Staff:

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

The City Clerk advised that the following correspondence or petitions had been received:

Letters of Opposition or Concern:

Gregor and Ann Miller, Country Club Drive
 Michael and Roberta Leivers, Country Club Drive
 Doug and Pat Vickers, Capistrano Drive
 Sid and Cathy Bildfell, Salerno Court
 Louise Fuller, Salerno
 Kenneth Iskiw, Capistrano Drive
 Alan and Cynthia Nichols, Quail Run Drive
 Blake Jolin, Salerno
 Al and Sandra Ohlauser, Capistrano Drive
 Harvey and Cynthia Gorsline, Capistrano Crescent
 Mac Campbell, Quail Place
 Larry Bigler and Terry Fraser, Capistrano Drive
 Peter and Lori Enright, Capistrano Crescent
 Ken and Merle Lowe, Capistrano Crescent
 Gordon and Ruth Douglas, Capistrano Drive
 Doug and Lorriane Gill, Quail Run Drive

Letters in Favour or Support:

Edward R. Copeman, Capistrano Peaks Crescent
 Sara Regier, Blueridge Road
 Rick and Renu Grover, Valentino Court
 Brian Hill, Quail Run Drive
 Julian and Judy Park, Valentino Court
 Thomas Macauley, Rose Avenue

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

Gallery:

Centel Tucker, Quail Crescent

- Requested that the Public Hearing be deferred until April 2017 so a broader notification and education can be undertaken by the Quail Ridge Community.
- Advised that there is a low number of circulation for the Daily Courier in the Quail Ridge area and do not believe that residents were effectively notified.
- Acknowledged that the City met legal notice requirements, however, minimum notice requirements are not satisfactory for this application.
- Responded to questions from Council.

Barret Watson, Quail Crescent

- Opposed to this application.
- Referenced the August 8th 2016 staff report indicating the city's limited influence to effect diversity in rental stock.
- Believes that resident conflicts with suites are evidence that they are not welcomed.
- Noted that the Quail Ridge Community never intended to have suites.
- Questioned whether a master plan for a community is necessary when the numbers of suites are rising in the city.
- Identified and raised concern with several items in the staff report including legal and parking statements; very concerned with unclear parking rules.
- Raised concern that these amendments will force tenant parking onto the streets.

Peter Enright, Capistrano Crescent

- Referenced previously submitted correspondence of opposition.
- Opposed to this application.
- Noted that the Quail Ridge Community was not built with the intention of suites.
- Believes the infrastructure built does not allow for additional traffic.
- Raised concern with having only one access in and out of the community in case of an emergency.
- Raised concern regarding parking requirements.
- Raised concern with lack of secondary suite enforcement.

Thomas MacAuley, Rose Avenue

- In favour of this application.
- Referenced previously submitted correspondence.
- Believes that secondary suites are becoming more limited and not the best quality; these amendments will assist in opening up housing for young people.

Dennis Denney, Bray Street

- Opposed to this application.
- Raised concern with the rights of private property owners to enjoy their neighbourhood.
- Raised concern with tandem parking; believes that tandem parking does not work.
- Raised questions regarding the definition of carriage houses and if they are permitted in addition to a basement suite.

Mayor Basran:

- Confirmed that a single family home cannot have both a carriage house and suite.

Ken Lowe, Capistrano Crescent

- Raised concerns regarding parking and parking enforcement.
- Been a resident for 12 years and purchased as suites were not permitted.
- Opposed to this application.

Staff:

- Confirmed that the Quail Ridge community has sufficient infrastructure to accommodate suites.
- Confirmed that the Fire Department has indicated there are no issues from a fire protection perspective.
- Confirmed that tandem parking has been an acceptable way of parking for many years.
- Responded to questions from Council.

There were no further comments.

3.2 Arab & Appaloosa Road BL11300 (OCP16-0020) - City of Kelowna

Staff:

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

The City Clerk advised that the following correspondence or petitions had been received:

Letters of Opposition or Concern:

Susan Hayes, Arab Road
 Ken Bach, Appaloosa Road
 Angus Aitken, Appaloosa Road
 Sara Aitken, Appaloosa Road
 Darcy Holloway, Appaloosa Road
 Dora Gronsdaahl, Appaloosa Road

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

Gallery:

Ken Bach, Appaloosa Road

- Been a property owner here since 1990.
- Opposed to this application and to the high servicing costs of rezoning to the I6 zone.
- Noted that servicing costs are not distributed evenly for each property owner.
- Would like the Official Community Plan to remain as it is.

Chantelle Kshyk and Curtis Froats, Appaloosa Road

- Opposed to this application.
- Individual property owners did not receive notification of this Public Hearing.
- Submitted correspondence, however, received past the deadline for submission; read aloud from letter.
- Responded to a Survey on October 24th in favour in principle but not in favour of the servicing fees.
- Raised concern with I6 parameters with Sexsmith Road properties.
- Believes that other planning options should be considered and this application should not be forwarded at this time.
- Responded to questions from Council.

Greg Pitura, Appaloosa Road

- Read a letter submitted past the correspondence submission deadline.
- Opposed to the proposed amendments.
- Raised concerns regarding parking and increased traffic.
- Sexsmith Road already has industrial uses based on the previous city Official Community Plan and zoning options.
- Requested that Temporary Use Permits be considered for properties such as his to provide time to discover solutions that would work for everyone.

Albert Abrahamson, Appaloosa Road

- Has a business with a home based business license on the property and cannot park large heavy truck on his property.
- Opposed to the proposed amendments.
- Responded to questions from Council.

Nick and Patricia Kroschinsky Appaloosa Road

- Opposed to this application.
- Have been in the middle of this controversy for 26 years.
- Believes the City has been inconsistent with information; there is no continuity in the process.
- Believes the City meeting in the neighbourhood was not well organized.
- Requested a delay in further consideration of the amendments to allow time for additional meetings with members of Council and staff.
- Would support the I6 zone however the high cost for servicing would be a struggle.
- Raised concerns with increased on street parking in the neighbourhood.
- Raised concern that after 4 years the Sol Terra development has not created a buffer zone as promised.
- Reference correspondence that was submitted but had not read out as being received.
- Responded to questions from Council.

Darcy Holloway, Appaloosa Road

- Purchased property in November 2015 under the basis that it would be rezoned to I6 as was advertised by the realtor.
- Believes the servicing cost to rezone is far too high.
- Opposed to this application.

Joe Molnar, Appaloosa Road

- Opposed to this application.
- The servicing costs to rezone to the I6 zone is far too high.
- Raised concerns with increase in traffic in the neighbourhood.

- Raised concerns with the impact on property values.

Dora Gronsdahl, Appaloosa Road

- Purchased property in 2013 on the understanding from the realtor that the property would be rezoned to I6.
- Referenced previously submitted letter.
- Advised that she did not receive a survey from the City.
- Were fully prepared to pay the servicing fee to rezone and now we have our property for sale; difficult to sell as zoning has not been determined.
- Opposed to the amendments and encouraged Council to keep the Official Community Plan as it is.

Chris Kellerman, Sexsmith Road

- Purchased the property in October 2016 and there was no mentioned of this amendment.
- Opposed to this application.

Susan Hayes, Arab Road

- Questioned why her property and neighbours property were included in the zoning change as they currently have water and sewer.
- Referred to a letter from an elderly neighbour who was unable to attend due to health.
- Believes that neighbours were not fully aware of the OCP change.

Alana Molnar, Appaloosa Road

- Requested a delay in order for property owners to further consider their options.
- Voted against the servicing upgrades as the fee was far too great.
- Opposed to this application advancing.

Todd Gronsdahl, Appaloosa Road

- Property owner for three years and received no notification of these changes.
- Opposed to the application.

Angus Aitken, Appaloosa Road

- Read from previously submitted correspondence.
- Opposed to these amendments.
- Believes the servicing fee is far too much and not prepared to pay.
- Requested a Temporary Use Permit consideration if this application proceeds forward.

Jim Harder, Appaloosa Road

- Has lived in the neighbourhood since 1981.
- Believes there has been violations of bylaws with no enforcement.
- Raised concern with the lack buffering with the Sol Terra subdivision and its impact on the neighbourhood.
- Did not receive a notice of meeting with staff and residents.
- Responded to questions from Council.

Jim Findlay, Arab Court

- Resident in the neighbourhood for only three months and did not receive earlier correspondence from the City.
- Requested more time be given to consider all options.
- Would be supportive of paying servicing costs to rezone to I6 zone.

There were no further comments.

3.3 2310 Enterprise Way, BL11302 (Z16-0039) - Helen Hadley et al

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence or petitions had been received.

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

The Applicant was present and available for questions.

No one from the Gallery came forward.

There were no further comments.

3.4 671-681 Glenwood Avenue, BL11303 (Z16-0037) - Shaun & Lori Aussenhus

Staff:

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

The City Clerk advised that no correspondence or petitions had been received.

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

Shaun Aussenhus, Owner

- Provided background and history of the property.
- Advised that high quality materials will be used.
- Believes the rezoning provides a good transition in the neighbourhood and also meets the Official Community Plan requirements.
- Confirmed the neighbourhood survey showed support of the overall plan.
- Spoke to the vehicle and cycling parking provided on site
- Providing a six-foot-high solid barrier along the property line to lessen the impact for the neighbour to the west of vehicles entering and exiting

Gallery:

Azha Leskard, Glenwood Avenue

- Immediate neighbour and believe will be most impacted by this development.
- Raised concerns with privacy impacts; our deck is 4 feet from existing fence, as well, their upper decks viewing our yard.
- Raised concern with visual impact of seeing 12 parked vehicles from their deck.
- Agreed with applicant that there should be a parking variance for fewer spaces to one per unit.
- Supportive of development but believe this development is too high and would prefer a smaller development.
- Raised concern that construction would harm or destroy a 170-180-year-old tree.
- Would prefer to have a solid fence along the fence for privacy.
- Responded to questions from Council.

Shaun Aussenhus, Owner

- With the density of the development and number units this property is being under-developed to what is permitted under the proposed zone.
- Did not want to apply for a reduction in parking spaces as that would have triggered a development variance and a delay in the application process.
- Committed to working with the neighbour and mitigate parking and traffic concerns with good urban landscape design and best buffer we can maintain on the west property line.
- Will take care and attention to maintain the root system and not negatively impact the vintage tree during construction.
- Responded to questions from Council.

There were no further comments.

4. Termination

The Hearing was declared terminated at 8:49 p.m.

Mayor



City Clerk

/acm

DRAFT



City of Kelowna
Regular Council Meeting
Minutes

Date: Tuesday, November 15, 2016
Council Chamber
Location: City Hall, 1435 Water Street
Members Present: Mayor Colin Basran, Councillors Ryan Donn, Gail Given, Tracy Gray, Mohini Singh and Luke Stack
Members Absent: Councillors Maxine DeHart, Charlie Hodge and Brad Sieben
Staff Present: Acting City Manager, Joe Creron; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Urban Planning Manager, Terry Barton; Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 9:04 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Singh.

3. Confirmation of Minutes

Moved By Councillor Given/Seconded By Councillor Gray

R862/16/11/14 THAT the Minutes of the Public Hearing and Regular Meeting of November 1, 2016 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 Secondary Suites, City of Kelowna BL11263 (TA16-0004)

Moved By Councillor Gray/Seconded By Councillor Donn

R863/16/11/14 THAT Bylaw No. 11263 be read a second and third time.

Carried

4.2 CD6 - Comprehensive Residential Golf Resort, Various Owners BL11264 (Z16-0010)

Moved By Councillor Donn/Seconded By Councillor Given

R863/16/11/14 THAT Bylaw No. 11264 be read a second and third time.

Carried

4.3 Arab, Sexsmith and Appaloosa BL11300 (OCP16-0020) - Various Owners

Moved By Councillor Donn/Seconded By Councillor Gray

R864/16/11/14 THAT Bylaw No. 11300 be read a second and third time and be adopted.

Defeated

Councillors Gail Given, Tracy Gray and Mohini Singh - Opposed

Moved By Councillor Given/Seconded By Councillor Gray

R865/16/11/14 THAT Council direct staff to report back with options for moving forward.

Carried

Councillors Ryan Donn and Luke Stack - Opposed

4.4 2310 Enterprise Way, BL11302 (Z16-0039) Helen Hadley et al

Moved By Councillor Singh/Seconded By Councillor Stack

R866/16/11/14 THAT Bylaw No. 11302 be read a second and third time.

Carried

4.5 671-681 Glenwood Avenue, BL11303 (Z16-0037) - Shaun & Lori Aussenhus

Moved By Councillor Stack/Seconded By Councillor Singh

R867/16/11/14 THAT Bylaw No. 11303 be read a second and third time.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise delivering 19 statutory notices to the owners and occupiers of surrounding properties between November 1 and November 4, 2016

The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

6. Development Permit and Development Variance Permit Reports

6.1 760 Mitchell Road, BL11284 (Z16-0015) - Terrence Dewar

Moved By Councillor Stack/Seconded By Councillor Singh

R868/16/11/14 THAT Bylaw No. 11284 be adopted.

6.2 760 Mitchell Road, DP16-0080 & DVP16-0095 - Terence Dewer

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that the following correspondence or petitions had been received:

Letters of Opposition or Concern:

Richard (Dick) and Brenda Auclair, Thompson Road

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

The Applicant was not in attendance.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Given

R869/16/11/14 THAT final adoption of Rezoning Bylaw No. 11284 be considered by Council; AND THAT Council authorizes the issuance of Development Permit No. DP16-0080 for Lot 13 Section 22 Township 26 ODYD Plan 25984, located at 760 Mitchell Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A",
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B",

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0095 for Lot 13 Section 22 Township 26 ODYD Plan 25984, located at 760 Mitchell Road, Kelowna, BC;

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

Section 9.5b.1(d): Carriage House – Specific Use Regulations

To vary the height of a carriage house to be higher than the existing principal dwelling as measured to the mid-point and roof peak of the existing principal dwelling unit.

Section 9.5b.15: Carriage House – Specific Use Regulations

To vary the required minimum rear yard from 2.0 m required to 1.58m proposed.

Section 6.4.2: Projections into Yards – General Development Regulations

To vary the projection depth of the carriage house eave from 0.60 m maximum to 1.02m proposed.

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

7. Reminders – N/A

8. Termination

The meeting was declared terminated at 9:52 p.m.

Mayor



City Clerk

/acm

DRAFT

CITY OF KELOWNA

BYLAW NO. 11272

Official Community Plan Amendment No. OCP16-0009 Civic Precinct Plan Implementation Amendments to Official Community Plan Bylaw No. 10500

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 a portion of Lot 1, District Lot 139, ODYD, Plan KAP60698 Except Air Space Plan KAP60701, located on 1223 Water Street, Kelowna, B.C., from the Commercial (COMM) designation to the Mixed Use Residential (MXR) designation;
2. AND 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 Lot 2, District Lot 139, ODYD, Plan 42511, located on 1340 Ellis Street, Kelowna, B.C., from the Educational / Major Institutional (EDINST) designation to the Mixed Use Residential designation as per Map A;
3. AND 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 a portion of Lot C, District Lot 139, ODYD, Plan KAP56114, located on 350 Doyle Ave, Kelowna, B.C., from the Educational/Major Institutional (EDINST) designation to the Mixed Use Residential (MXR) designation as per Map A;
4. AND 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 a portion of Lot A, District Lot 139, ODYD, Plan 5438, located on 1435 Water Street, Kelowna, B.C., from the Educational/Major Institutional (EDINST) designation to the Mixed Use Residential (MXR) designation as per Map A;
5. AND 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 a portion of That Portion of District Lot 139, ODYD, shown as Closed Road on Plan KAP63629, located on 1460 Ellis Street, Kelowna, B.C., from the Educational/Major Institutional (EDINST) designation to the Mixed Use Residential (MXR) designation as per Map A;
6. AND THAT Map - **Downtown Building Heights** be deleted in its entirety;
7. AND THAT Map 5.8 **Urban Design DP Area Designation** be deleted in its entirety and replaced with new Map 5.8 **Urban Design DP Area Designation** as attached to and forming part of this bylaw;
8. AND THAT Chapter 14 - **Urban Design DP Guidelines** be amended by adding in its appropriate location the new Section C, **Civic Precinct Design Guidelines**, attached to and forming part of this bylaw, and renumbering subsequent sections;

9. 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 31st day of October, 2016.

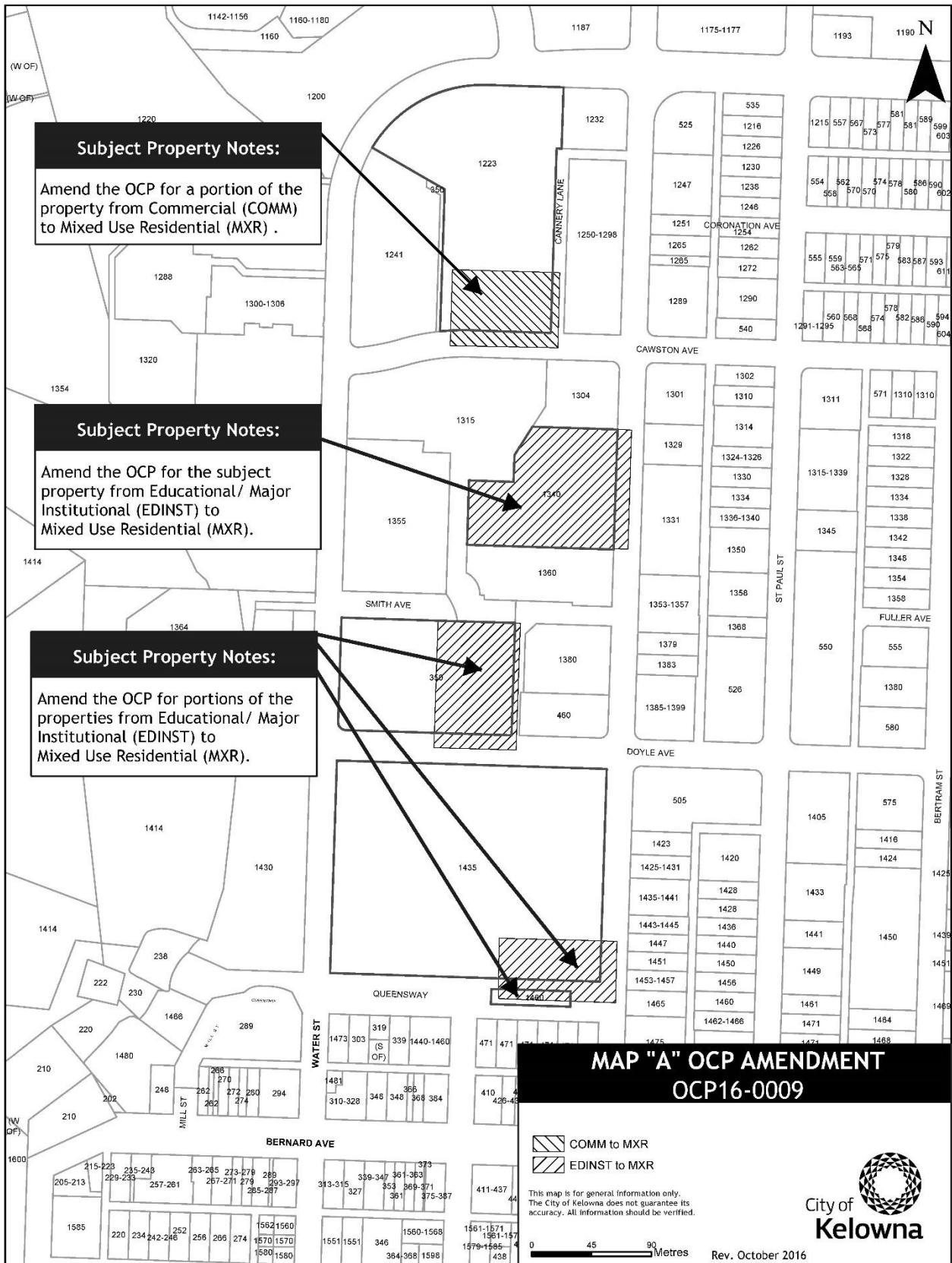
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

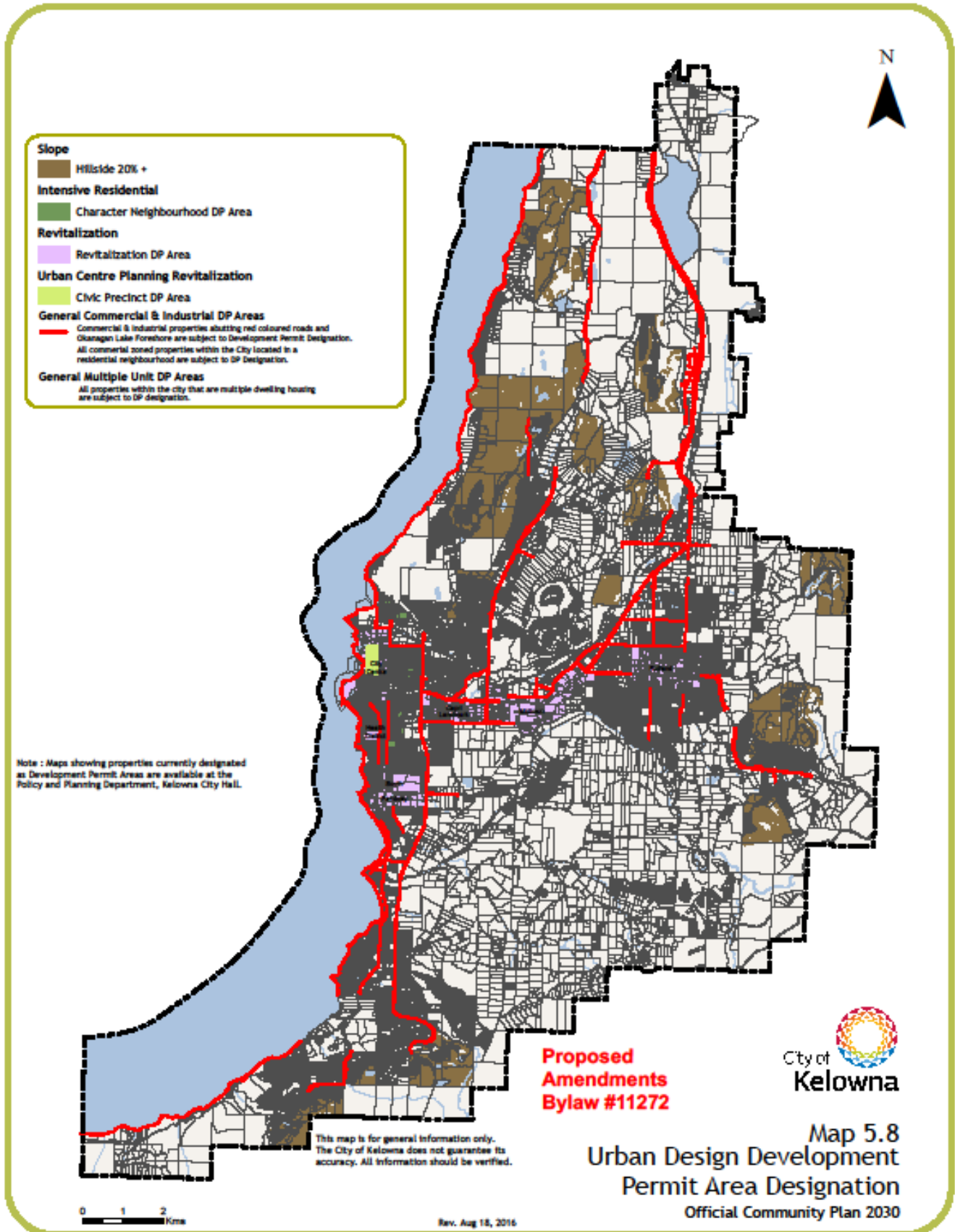
Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



Map 5.8 - Urban Design DP Area Designation



CITY OF KELOWNA

BYLAW NO. 11308

Z16-0035 – Onkar and Ranjit Dhillon and o872645 BC Ltd., Inc. No.

BCo872645

875 & 885 Mayfair Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of a portion of Lots 3 & 4, District Lot 143, ODYD, Plan 22026 located on Mayfair Road, Kelowna, B.C., from the RU1 – Large Lot Residential zone to the RU6 – Two Dwelling Housing zone;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 14th of November, 2016.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11208
Z15-0067 - Wayne & Lisa Heinen
468 Barkley Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 16, District Lot 167, ODYD, Plan 13550 located on Barkley Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 7th day of March, 2016.

Considered at a Public Hearing on the 8th day of April, 2016.

Read a second and third time by the Municipal Council this 5^th day of April, 2016.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: November 29, 2016
RIM No. 0940-50; 0940-00
To: City Manager
From: Community Planning Department (TB)

Application: DP15-0312; DVP15-0313 **Owner:** Wayne Daryle Heinen,
Lisa Marie Cayer Heinen
Address: 468 Barkley Road **Applicant:** Wayne Daryle Heinen
Subject: Development Permit and Development Variance Permit
Existing OCP Designation: S2RES - Single/Two Unit Residential
Existing Zone: RU1 - Large Lot Housing
Proposed Zone: RU1c - Large Lot Housing with Carriage House

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11208 (Z15-0067) be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP15-0312 for Lot 16, DL 167, ODYD, Plan 13550, located at 468 Barkley Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0313;

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

Section 13.1.7 (c): RU1 - Other Regulations

To vary the setback from the principal dwelling from 3.0m required to 1.20m proposed on two portions of the carriage house;

Section 9.5b.15: Specific Use Regulations - Carriage House Regulations

To vary the rear yard setback from 2.0 m required to 1.52 m proposed;

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

2.0 Purpose

To consider three (3) variances to convert an existing accessory dwelling to a carriage house.

3.0 Community Planning

Community Planning supports the requested variances to allow the existing accessory building to be converted to a carriage house. The existing building meets all other carriage house guidelines, and meeting the setbacks would not be possible without reconstruction the building.

The property is designated in Kelowna's Official Community plan as S2RES - Single/Two Unit Residential and as such the application to rezone the property to RU1c to facilitate the conversion of a carriage house is in compliance with the designated future land use.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by individually contacting the neighbours in January 2016.

4.0 Proposal

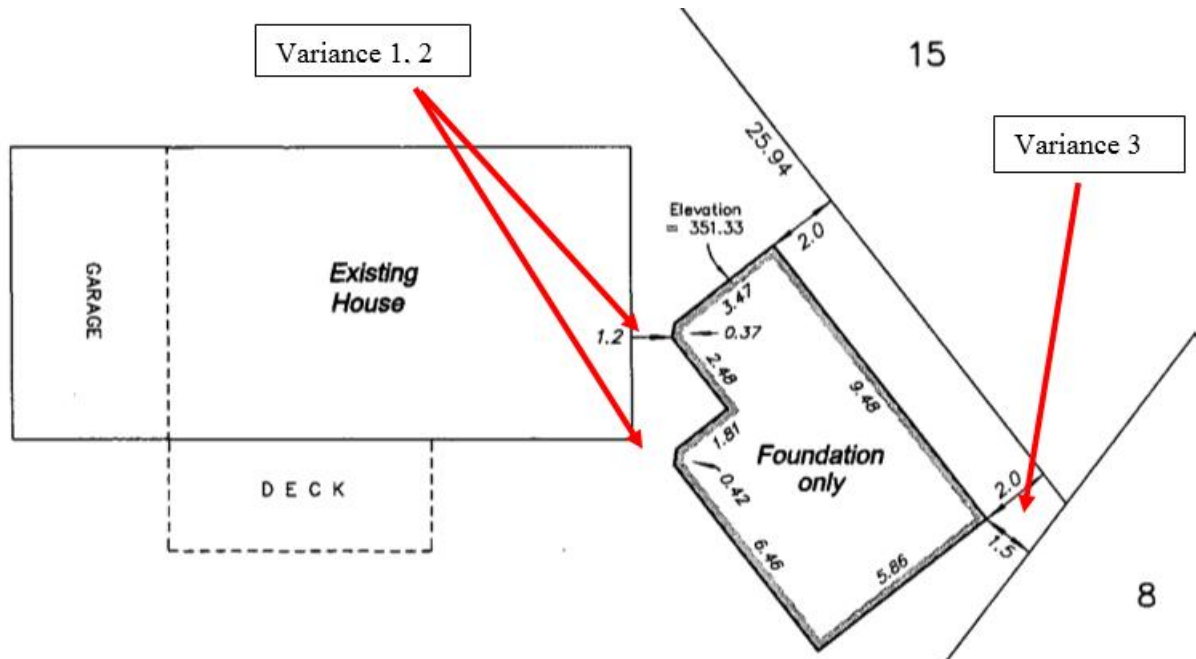
4.1 Background

The subject property contains a single story 1960's bungalow and an accessory building. The accessory building was constructed in 2011 as a workshop for a home based business.

4.2 Project Description

The proposed conversion of the accessory building would create a one-bedroom carriage house with driveway parking and 30m² of private open space.

The proposed conversion requires 2 variances for setbacks from the house to the carriage house from 3.0m required to 1.20m proposed. The third variance is for rear yard setback from 2.0m required to 1.52m proposed. Due to the size of the existing accessory building (51.7m²), reconstructing to meet these setbacks would not be possible. Any impacts these variances have on the building code will be addressed at building permit review.



The form and character of the existing accessory building would be modified to remove the overhead garage doors and replace with windows that face the driveway. The entrance to the carriage house is on the north side which faces the neighboring property at the minimum 2.0m setback. This entrance provides easiest access from the driveway parking area and is shielded by fencing from the neighboring property. Care has been taken to minimize windows on this side in order to offer more privacy to the neighboring property.

The accessory building has been finished in materials similar to the primary dwelling and meets the majority of the design guidelines for Intensive Residential - Carriage House Development Permit Area.



View of existing house and proposed carriage house (accessory building).

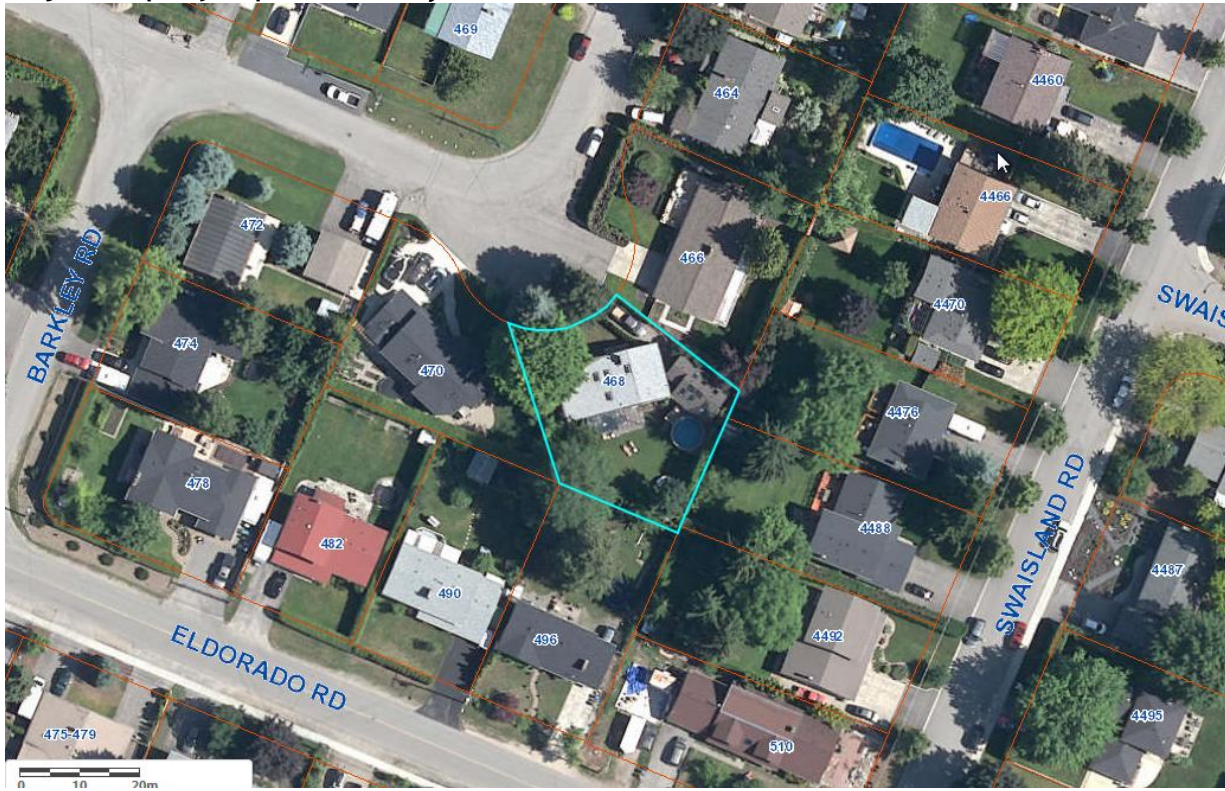
4.3 Site Context

The subject property is located east of Lakeshore Road and south of Sarsons Road in North Mission within the permanent growth boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	S2Res - Single/Two Unit Residential
East	RU1 - Large Lot Housing	S2Res - Single/Two Unit Residential
South	RU1 - Large Lot Housing	S2Res - Single/Two Unit Residential
West	RU1 - Large Lot Housing	S2Res - Single/Two Unit Residential

Subject Property Map: 468 Barkley Road



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1c	PROPOSAL
	Existing Lot	
Minimum Lot Area	550 m ²	1245 m ²
Minimum Lot Width	16.5 m	30 m
Minimum Lot Depth	30. m	41 m
	Development Regulations	
Maximum Site Coverage of all buildings	40%	21%
Maximum Site Coverage of all buildings, driveways, and parking	50%	25.9%
Maximum Site Coverage of all accessory buildings	20%	6.8%
Maximum Height	Less than the principal dwelling	Less than the principal dwelling

Minimum Front Yard	6 m	15.39 m
Minimum Side Yard (north)	2.0 m	2.0 m
Minimum Side Yard (south)	2.0 m	> 2.0 m
Minimum Rear Yard	2.0 m	1.52 m ^①
Minimum Setback to Principal Dwelling ^{②③}	3.0 m	1.20 m ^{②③}
Other Regulations		
Minimum Parking Requirements	3 stalls	>3 stalls
Minimum Private Open Space	30 m ² Each Dwelling	>30 m ² Each Dwelling
^① Indicates a requested variance to the minimum rear yard. ^② ^③ Indicates 2 requested variances to the setback from the principal dwelling.		

5.0 Technical Comments

All technical comments were reviewed as a function of Z15-0067 which has already received 3rd reading.

6.0 Application Chronology

Date of Application Received: November 26, 2015
 Date Public Consultation Completed: January 2, 2015
 Date of Public Hearing and 3rd Reading: April 5, 2016

Report prepared by:

 Trisa Brandt, Planner I

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Draft Development and Development Variance Permit DP15-0312 and DVP15-0313
 Schedule "A": Site Plan and Floor Plans
 Schedule "B": Elevations and Colour Board

DEVELOPMENT PERMIT



APPROVED ISSUANCE OF DEVELOPMENT PERMIT / DEVELOPMENT VARIANCE PERMIT NO. DP15-0312 and DVP15-0313

Issued To: Wayne Daryle Heinen, Lisa Marie Cayer Heinen
Site Address: 468 Barkley Road
Legal Description: Lot 16, DL 167, ODYD, Plan 13550, Kelowna, BC
Zoning Classification: RU1 - Large Lot Housing
Development Permit Area: Intensive Residential - Carriage House

SCOPE OF APPROVAL

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

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

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

1. TERMS AND CONDITIONS

THAT Development Permit No. DP15-0312 for Lot 16, DL 167, ODYD, Plan 13550, Kelowna, BC located at 468 Barkley Rd, Kelowna, BC to allow the construction of a carriage house be approved subject to the following:

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

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

Section 13.1.7 (c): RU1 - Other Regulations

To vary the setback from the principal dwelling from 3.0m required to 1.20m proposed on two portions of the carriage house;

Section 9.5b.15: Specific Use Regulations - Carriage House Regulations

To vary the rear yard setback from 2.0 m required to 1.52 m proposed;

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

2. PERFORMANCE SECURITY

None required.

3. DEVELOPMENT

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit that shall form a part hereof.

If the Permit Holder does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

This Permit IS NOT a Building Permit.

4. APPLICANT'S AGREEMENT

I hereby declare that all of the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree 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 granting to me the said Permit.
- b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit and/or Development Variance Permit, the Municipality may withhold the granting of any Occupancy Permit for the occupancy and / or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Divisional Director of Community Planning & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Community Planning Department immediately to avoid any unnecessary delay in processing the application.

5. APPROVALS

Issued and approved by Council on the _____ day of _____, 2015.

Ryan Smith, Community Planning Department Manager
Community Planning & Real Estate

Date

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

This forms part of Application # DP15-0212 & DVP15-0813



City of Kelowna COMMUNITY PLANNING

B.C. LAND SURVEYOR'S CERTIFICATE

ON LOT 16, DISTRICT LOT 167, O.D.Y.D., PLAN 13550

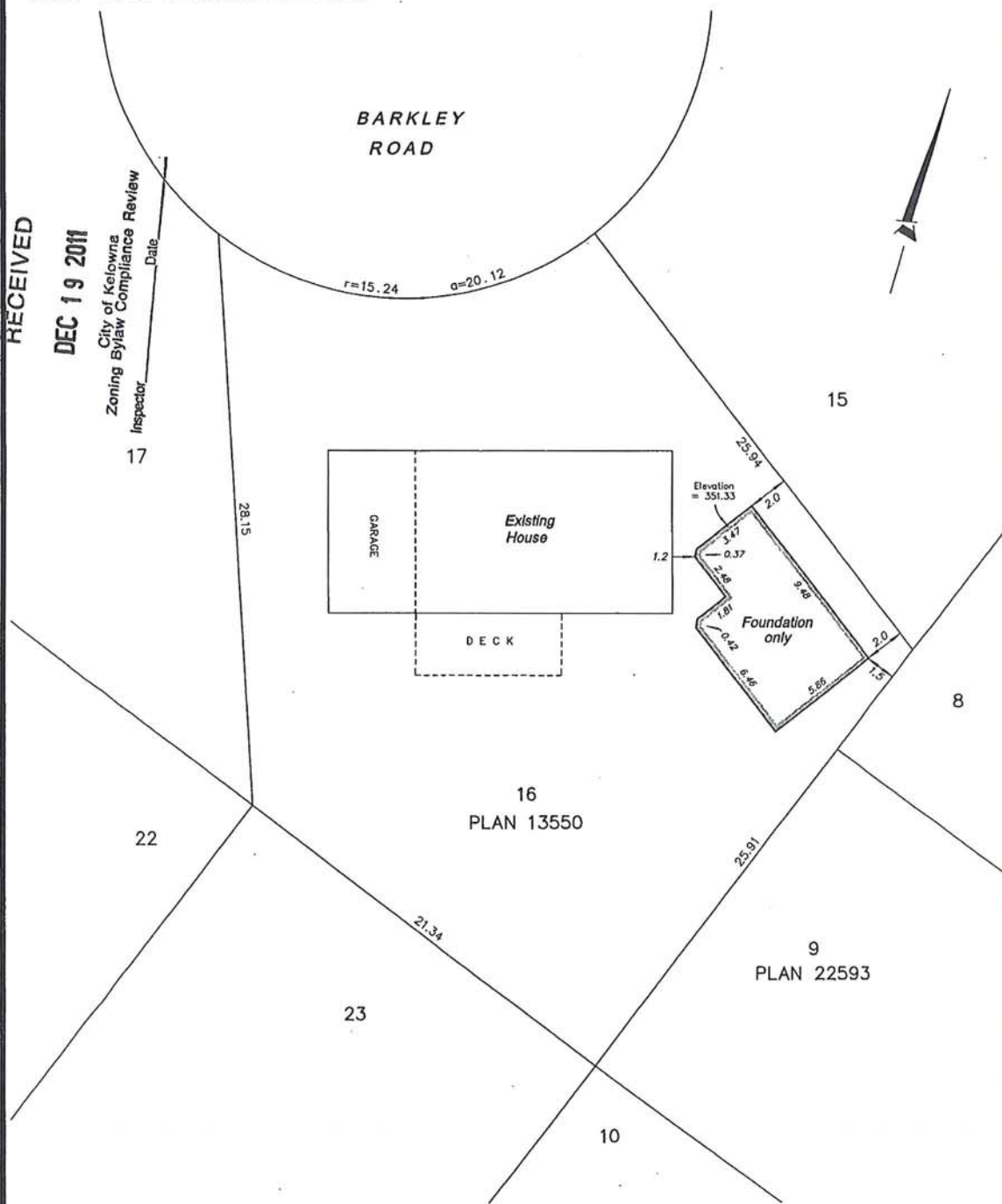
Planner Initials **TB**
CIVIC ADDRESS: 468 BARKLEY ROAD

SCALE 1:250 All distances are in metres.

RECEIVED

DEC 19 2011

City of Kelowna
Zoning Bylaw Compliance Review
Inspector _____
Date _____
17



Certified correct this 16th day of December, 2011.

Neil R. Denby
NEIL R. DENBY B.C.L.S.

RUNNALLS DENBY
british columbia land surveyors

259A Lawrence Avenue Kelowna, B.C. V1Y 6L2
Phone: (250)763-7322 Fax: (250)763-4413
Email: neil@runnallsdenby.com

CLIENT : HEINEN
FILE No: 13465 SC 2

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NO PERSON MAY COPY OR ALTER THIS CERTIFICATE WITHOUT PRIOR CONSENT OF RUNNALLS DENBY.

THE DIMENSIONS SHOWN ON THIS CERTIFICATE ARE NOT TO BE USED TO DEFINE PROPERTY BOUNDARIES.

SCHEDULE

A

This forms part of application

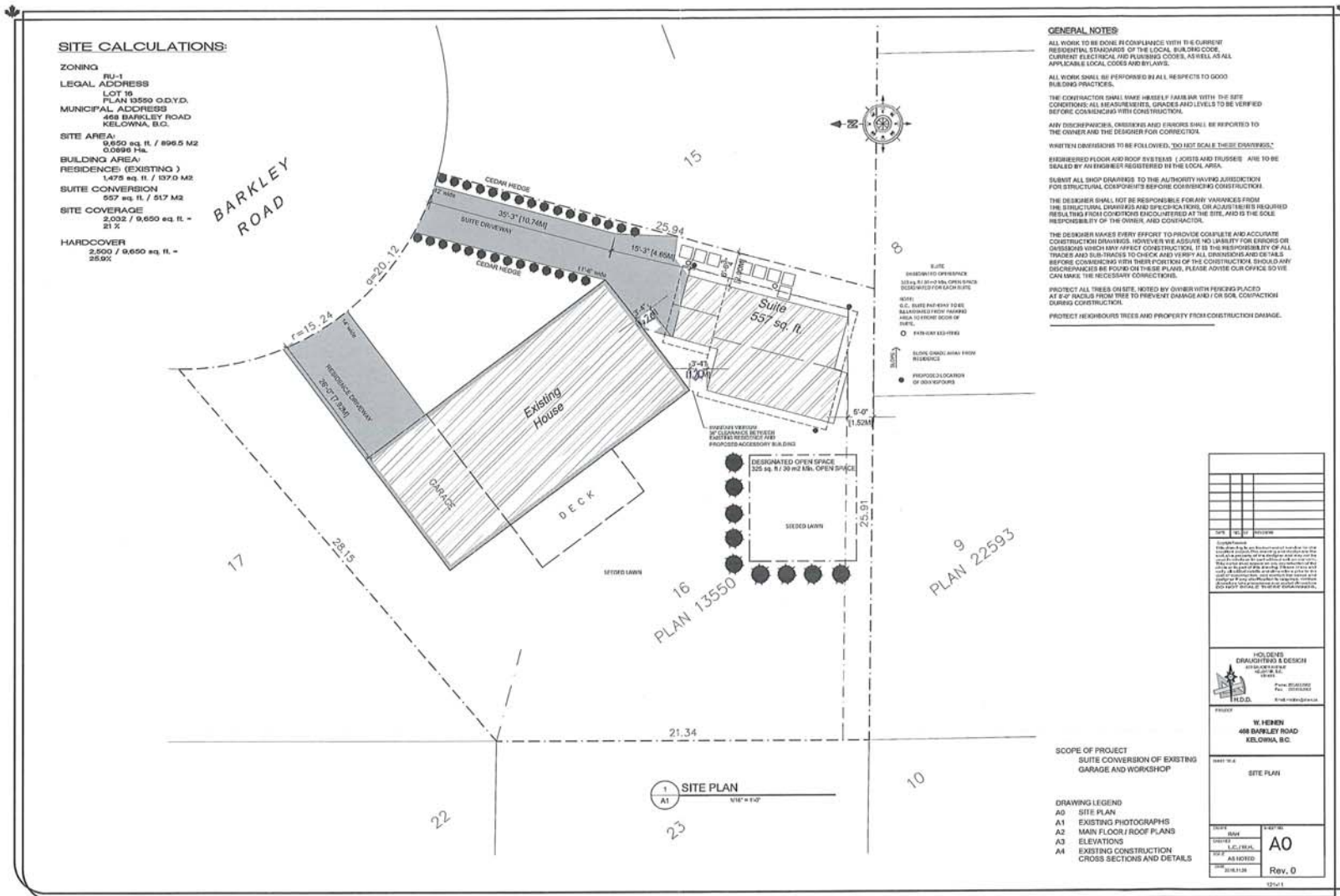
DP15-0312 & DVP15-0313



City of
Kelowna
COMMUNITY PLANNING

Planner
Initials

TB



SITE CALCULATIONS:

ZONING: RU-1
LEGAL ADDRESS: PLAN 13550 O.D.Y.D.
MUNICIPAL ADDRESS: 488 BARKLEY ROAD, KELOWNA, B.C.
SITE AREA: 0,650 sq. ft. / 896.5 M²
BUILDING AREA: 1,475 sq. ft. / 137.0 M²
SUITE CONVERSION: 657 sq. ft. / 61.7 M²
SITE COVERAGE: 2.03% / 0,650 sq. ft. = 21 %
HARDCOVER: 2,500 / 0,650 sq. ft. = 35.9%

GENERAL NOTES

ALL WORK TO BE DONE IN COMPLIANCE WITH THE CURRENT RESIDENTIAL STANDARDS OF THE LOCAL BUILDING CODE, CURRENT ELECTRICAL AND PLUMBING CODES, AS WELL AS ALL APPLICABLE LOCAL CODES AND BY-LAWS.

ALL WORK SHALL BE PERFORMED IN ALL RESPECTS TO GOOD BUILDING PRACTICES.

THE CONTRACTOR SHALL MAKE HERSELF FAMILIAR WITH THE SITE CONDITIONS, ALL MEASUREMENTS, GRADES AND LEVELS TO BE VERIFIED BEFORE COMMENCING WITH CONSTRUCTION.

ANY DISCREPANCIES, OMISSIONS AND ERRORS SHALL BE REPORTED TO THE OWNER AND THE DESIGNER FOR CORRECTION.

WRITTEN DIMENSIONS TO BE FOLLOWED, **DO NOT SCALE THESE DRAWINGS.**

ENGINEERED FLOOR AND ROOF SYSTEMS (JOISTS AND TRUSSES) ARE TO BE SEALED BY AN ENGINEER REGISTERED BY THE LOCAL AUTHORITY.

SUBMIT ALL SHOP DRAWINGS TO THE AUTHORITY HAVING JURISDICTION FOR STRUCTURAL CORROBORATION BEFORE COMMENCING CONSTRUCTION.

THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY VARIANCES FROM THE STRUCTURAL DRAWINGS AND SPECIFICATIONS, OR ANY OTHERS REQUIRED HEREIN THAT FIRST ENCOUNTERED AT THE SITE, AND IS THE SOLE RESPONSIBILITY OF THE OWNER AND CONTRACTOR.

THE DESIGNER MAKES EVERY EFFORT TO PROVIDE COMPLETE AND ACCURATE CONSTRUCTION DRAWINGS. HOWEVER WE ASSUME NO LIABILITY FOR ERRORS OR OMISSIONS WHICH MAY AFFECT CONSTRUCTION. IT IS THE RESPONSIBILITY OF ALL TRACER AND SUB-TRACERS TO CHECK AND VERIFY ALL DIMENSIONS AND DETAILS BEFORE COMMENCING WITH THEIR PORTION OF THE CONSTRUCTION. SHOULD ANY DISCREPANCIES BE FOUND ON THESE PLANS, PLEASE ADVISE OUR OFFICE SO WE CAN MAKE THE NECESSARY CORRECTIONS.

PROTECT ALL TREES ON SITE, NOTED BY OWNER WITH PERKINS PLACED AT 6\"/>

PROTECT NEIGHBOUR TREES AND PROPERTY FROM CONSTRUCTION DAMAGE.

PROTECT NEIGHBOUR TREES AND PROPERTY FROM CONSTRUCTION DAMAGE.

DATE	REVISION

HOLDERS DRAFTSMAN & DESIGN	
SITING CONSULTANTS	
2140 BURNING WOOD DRIVE	
KELOWNA, B.C. V1Y 5C1	
PHONE: 250-860-3447	
FAX: 250-860-3448	
WWW: WWW.MHADESIGN.COM	
PROJNO: W. HEINRY	
488 BARKLEY ROAD	
KELOWNA, B.C.	
SHEET NO. 1	
SITE PLAN	

DATE	REV.	BY	SCALE

A0

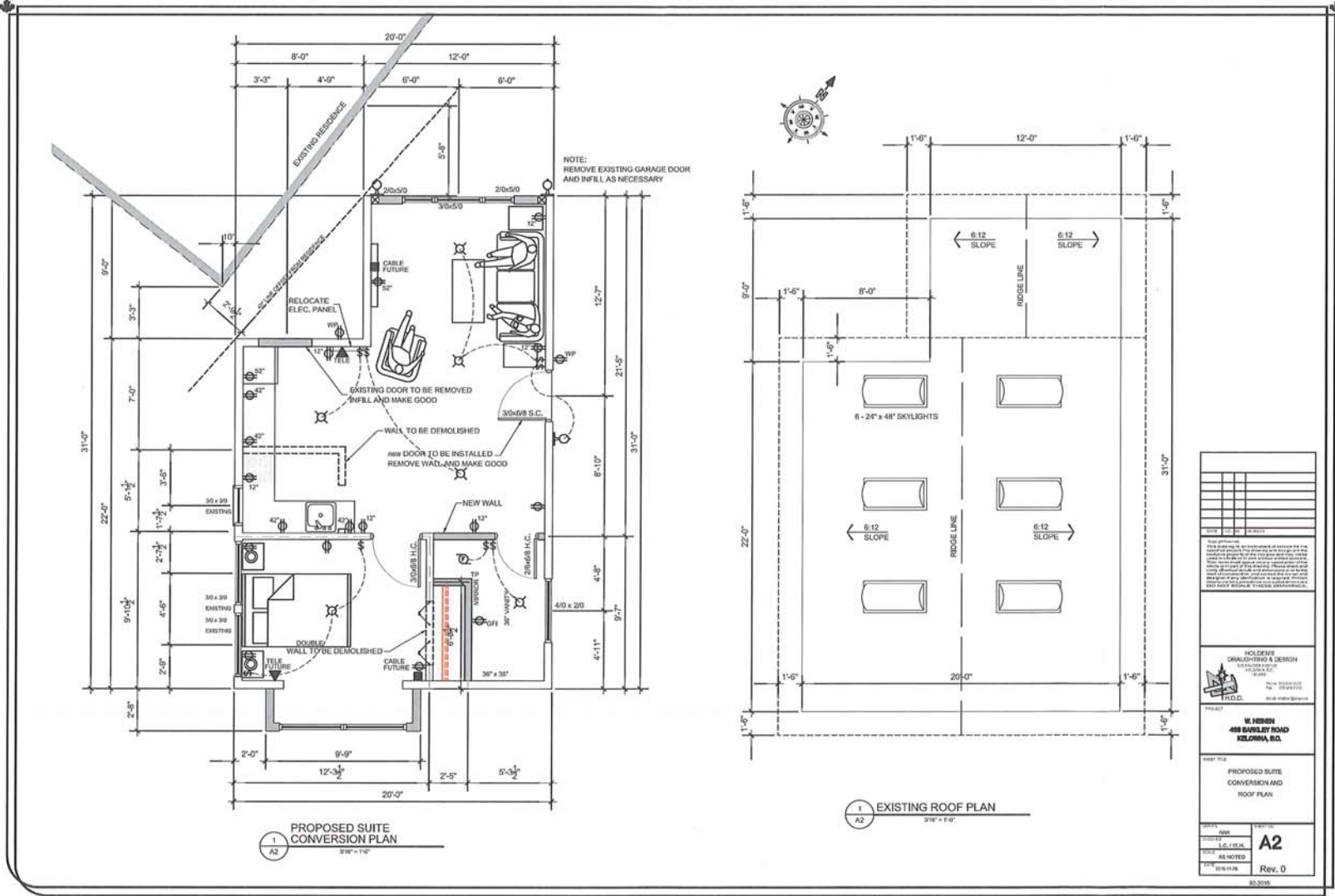
Rev. 0

12x11

SCOPE OF PROJECT
SUITE CONVERSION OF EXISTING
GARAGE AND WORKSHOP

DRAWING LEGEND
A0 SITE PLAN
A1 EXISTING PHOTOGRAPHS
A2 MAIN FLOOR / ROOF PLANS
A3 ELEVATIONS
A4 EXISTING CONSTRUCTION
CROSS SECTIONS AND DETAILS

1 SITE PLAN
A1
1/8\"/>



DATE: 12-28-2015	
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HOLDSWORTH DRAUGHTING & DESIGN INC. (S.U.L.C.) P.O. BOX 30010 VICTORIA, BC V8M 3M5 TEL: 250-383-7877 WWW.HOLDSWORTHDRG.COM	
PROJECT:	M. NISHEN 499 BAWLEY ROAD KELOWNA, B.C.
SHEET TITLE:	PROPOSED SUITE CONVERSION AND ROOF PLAN
DRAWN BY:	A2
CHECKED BY:	AS NOTED
DATE:	Rev. 0

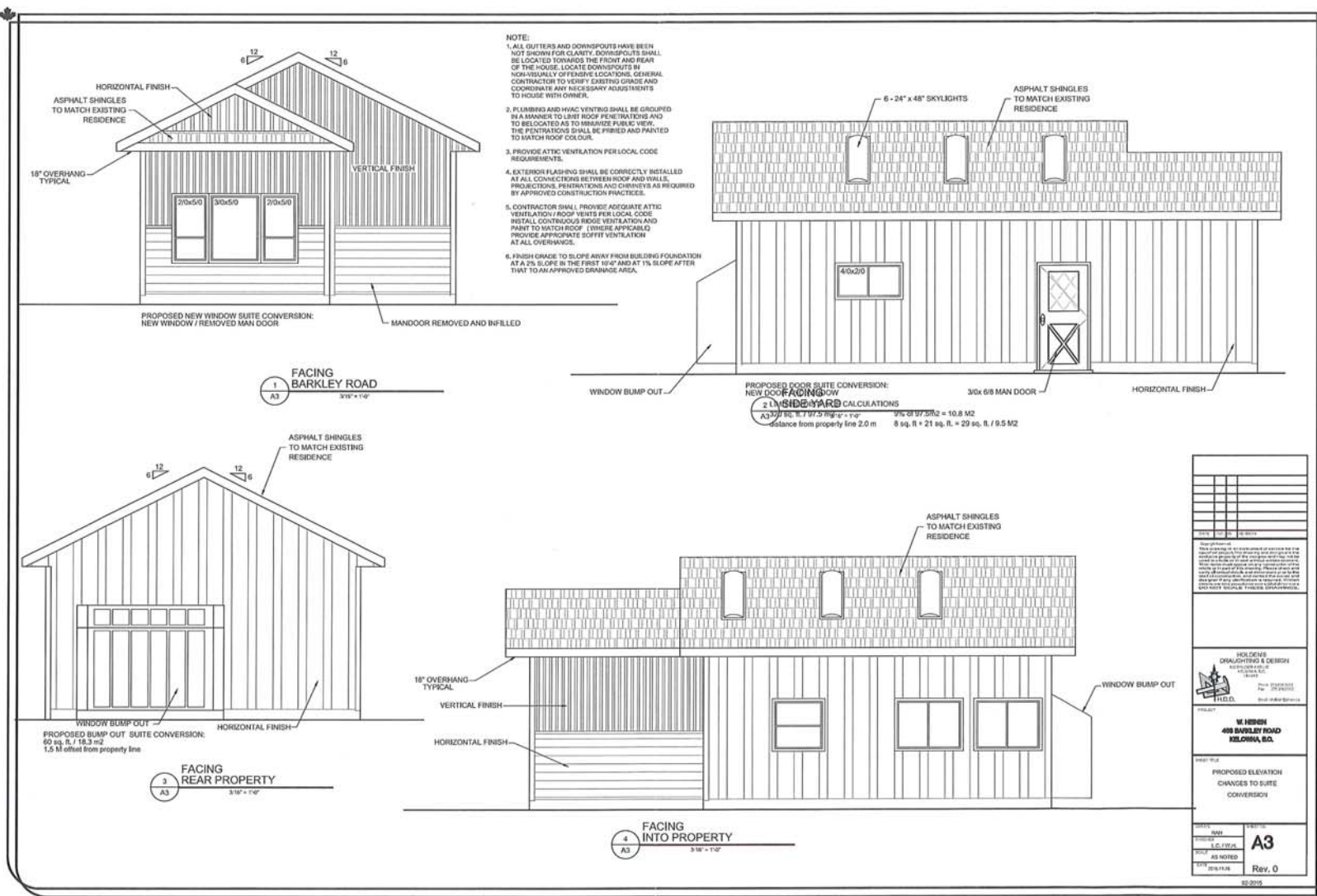
This forms part of application
 # DP15-0312 & DVP15-0313



City of
Kelowna
 COMMUNITY PLANNING

Planner
 Initials

TB



NO.	REVISION
<p>NOT TO SCALE</p> <p>DATE: 01/15/2015</p>	
<p>HOODEN'S DRAFTING & DESIGN HOODEN'S D.D.C. 408 BARKLEY ROAD KELOWNA, B.C. V1Y 8W5 TEL: 250-861-8181 WWW.HOODENS.COM</p>	
<p>PROJECT: 408 BARKLEY ROAD KELOWNA, B.C.</p>	
<p>PROJECT FILE: PROPOSED ELEVATION CHANGES TO SUITE CONVERSION</p>	
DATE: 01/15/2015	BY: A3
SCALE: AS NOTED	REV: Rev. 0
DATE: 01/15/2015	BY: Rev. 0

SCHEDULE **B**

This forms part of application
DP15-0312 & DVP15-0313



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1
A1
STREET VIEW OF RESIDENCE



2
A1
STREET VIEW OF EXISTING GARAGE



3
A1
CLOSE UP OF EXISTING GARAGE

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HOLDENS DRAUGHTING & DESIGN 400 BARKLEY ROAD KELOWNA, BC V1Y 4H3 TEL: 250-868-4444 WWW.HOLDENDS.COM					
PROJECT W. NISBEN 400 BARKLEY ROAD KELOWNA, B.C.					
DRAWING NO. SITE PLAN					
DATE	SCALE	DRAWN BY			
		L.E. COUL			
NO.		A1			
REV.		Rev. 0			
12/1/11					