

City of Kelowna
Regular Council Meeting
AGENDA



Tuesday, April 29, 2014
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order
2. Prayer

A Prayer will be offered by Councillor Given.
3. Confirmation of Minutes 1 - 13

Public Hearing - April 15, 2014
Regular Meeting - April 15, 2014
4. Bylaws Considered at Public Hearing
 - 4.1 Bylaw No. 10946 (Z14-0011) - 412 Christleton Avenue, David & Pamela Watland 14 - 15

To give Bylaw No. 10946 second and third readings in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.
 - 4.2 Bylaw No. 10832 (OCP13-0002) - Protech Consultants Ltd., 1760, 2025 and 2137 Quail Ridge Road 16 - 19

Requires a majority of all Members of Council (5).

To give Bylaw No. 10832 second and third readings in order to change the future land use designations of the subject properties.
 - 4.3 Bylaw No. 10833 (TA13-0004) - Protech Consultants Ltd., CD15 Airport Business Park 20 - 20

To give Bylaw No. 10833 second and third readings.
 - 4.4 Bylaw No. 10834 (Z13-0003) - 1760, 2025 & 2137 Quail Ridge Boulevard, Pier Mac Petroleum Installation Ltd. 21 - 22

To give Bylaw No. 10834 second and third readings in order to rezone the

subject property from the A1 - Agriculture 1, CD15 - Airport Business Park, I5 - Extraction and P3 - Parks & Open Space zones to the CD15 - Airport Business Park and P3 - Parks and Open Spaces zones in order to accommodate the development of a 51 lot subdivision containing one commercially zoned property and 50 industrially zoned properties.

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 Development Variance Permit Application No. DVP14-0053 - 245 Muir Road - Karen Markle

23 - 37

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.

The purpose of this variance is to vary the rear setback for an accessory building from 1.5m to 1.0m in order to legalize an existing accessory building that was built without an approved building permit.

7. Reminders

8. Termination



City of Kelowna Public Hearing Minutes

Date: Tuesday, April 15, 2014
Location: Council Chamber
City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Colin Basran, Andre Blaneil, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Divisional Director, Infrastructure, John Vos*; Divisional Director, Community Planning & Real Estate, Doug Gilchrist*; Divisional Director, Communications & Information Services, Carla Weaden; Divisional Director, Active Living & Culture, Jim Gabriel; Director of Real Estate, Derek Edstrom*; Director, Subdivision Agriculture & Environment, Shelley Gambacort*; Manager, Urban Planning, Ryan Smith; Manager, Development Engineering, Steve Muenz; Manager, Policy & Planning, Danielle Noble-Brandt*; Planner II, Damien Burggraeve; and Council Recording Secretary, Tania Tishenko

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the Hearing to order at 6:09 p.m. Mayor Gray 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 April 1st, 2014 and by being placed in the Kelowna Capital News issues on April 4th, 2014 and April 8th, 2014, and by sending out or otherwise delivering

188 Statutory Notices to owners and occupiers of adjacent and adjoining properties, and 4861 "It's Your Neighbourhood" Informational Notices to residents in the postal delivery area between April 1st, 2014 and April 4th, 2014. 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. 369.

3. Individual Bylaw Submissions

Due to the large number of residents in the gallery for item 3.4, the item was moved up on the agenda.

3.4. Bylaw No. 10937 (Z13-0045) - 469 Glenmore Road, Terry Johnson & Jeffery Pereverzoff

Staff:

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

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

- Letters of Support:
 - Joanne Layh, Glenmore
 - Les Weiss, Chem Tec West Ltd, 3-3302 Appaloosa Road
- Letters of Opposition:
 - Lawrence and Margaret Weatherly, 341 - 550 Yates Rd (Sandalwood)
 - Bonnie Gratz, 925 Paret Cres
 - 3 letters submitted by Walter and Yvonne Platzke, #350 550 Yates Rd
 - Michele Diener, 120-445 Yates Rd
 - Sybil Rimmer, 348-550 Yates Rd
 - Audrey Lewis, 239-550 Yates Rd
 - Ronald H. Wessner, 225-550 Yates Rd
 - Ken and Margaret Barr, 368-550 Yates Rd
 - Betty and Ron Wessner, 225-550 Yates Rd
 - Donna Szucs, 3530 Sage Drive, Kamloops BC
 - Julie Singbeil, 2828 A Longhill Road
 - Tina Derer, 2-595 Yates Rd
 - Tina Derer on behalf of Sepp and Agness Braun, 97-595 Yates Rd
 - Jean Becker
- Petition of Opposition:
 - Petition submitted by Jackie Van Hoogevest containing 128 signatures.
- Letters of Concern:
 - Edna Hatch, 550 Yates Rd #162
 - Richard Cummings, 1779 Sprucegrove Court
 - Bev and Ernie Obst, 8-450 Yates Rd
 - Clarence and Lynn Rode, 116-550 Yates Rd
 - Allan and Dorothy Robertson, 363 McTavish Crescent
 - Bud and Joan Darough, 550 Yates Rd

- Dona Ethier, 33-225 Glen Park Drive
- Al and Myra Neuman, 147-550 Yates Road

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

Dale Pilling, Pilling & Associates, Applicant's Representative

- Expressed that Public Hearing focus is on land use and other issues are Development Permit related.
- Very impressed with the past history of the applicant and that he has successfully run other car washes without complaint.

Phil DeKlerk, Owner Sud City Car Wash

- Stated that insulation in vacuums has improved noise buffering, and vacuums would be situated a reasonable distance from homes.
- Would eliminate two vacuums if noise deterrent efforts were unsuccessful.
- Will restrict hours of operation to -8:00 - 23:00 and have caretaker on site.
- Would post no idling signs.
- There would be environmentally sensitive collection of car wash waste water on premises.
- Responded to questions from Council.
- Feels that noise would not be a problem.

Gallery:

Jackie Van Hoogevest, Sandalwood Resident

- Against car wash application.
- Feels the residents of Sandalwood will be losing fair market value on their homes if the car wash application is approved.
- Brandt Creek Park has 100's of people walking and enjoying the natural surroundings, and presence of a car wash would change that.
- Received 125 signatures in park in a 4 hour period in opposition of car wash.
- There will be issues with noise and fumes from vehicles.
- Responded to questions from Council.

Edna Hatch, Sandalwood Resident

- Against car wash application.
- Expressed deep concern with pollution from exhaust fumes affecting air quality.
- Noise factor from vacuums, washing machinery, engine noise, loud chatter and boom boxes.
- Confirmed that approximately 50% of Sandalwood residents expressed concerns to James Moore, City Planner responsible for the file.

Richard Wensink of Blondeaux Crescent, Representing Glenmore Valley Community Assn

- Felt there was lack of communication between the City of Kelowna and the Association.
- Concerned with model of communication and that the Association is not contacted about projects.
- Responded to questions from Council.

Karen Fairfield, (spoke on behalf of Sandalwood residents)

- Against car wash application.

- Contacted residents that live close to the car wash in Comox.
- Heard a lot of complaints of noise/ loud music from the resident that live in the proximity of the Comox car wash and of non cooperation from the caretaker/attendant.
- This causes worry that the same will happen if this application was approved.
- Responded to questions from Council.

Jennifer Gomez, Sutton Cresc

- Spoke on behalf of residents of building where she resides.
- Against car wash application.
- Main concern would be to preserve the integrity of the neighborhood.
- Felt that the presence of the car wash would infringe on the park nearby with the extra noise carrying across the park.
- People do not police themselves as far as idling.
- Responded to questions from Council.

George Moxham, Sandalwood Resident

- Against car wash application.
- Spoke of upcoming traffic hazards and volumes of traffic in the neighbourhood, if the car wash application was approved.
- Confirmed there is a car wash 400 meters north of this location.
- Concerned with fair market loss on their properties.

Julie Daniels, Resident & President of Strata Council at Sandalwood

- Against car wash application.
- This community of people feels assaulted by this application.
- Feel that this proposal is far too large for this site.
- Closest 5 homes would be impacted by exhaust fumes, noise from vacuums and loud music as they are located less than 45 feet from the proposed location.
- Responded to questions from Council.

Larry Weatherly, Sandalwood Resident

- Against car wash application.
- Concerned with additional noise.

Gerald Darough, Sandalwood Resident

- Against car wash application.
- Does not want the natural beauty of the surrounding area and creek be spoilt.
- Concerned with extra traffic and noise if application was to go through.

Dale Pilling, Pilling & Associates, Applicant's Representative

- Explained to the gallery how the drying system works at the car wash, with both doors closed to eliminate extra noise.
- Confirmed that there would be a phone number posted for after hour's complaints when caretaker was not available. And reassured the public that if caretaker was not monitoring patrons then he would be out of a job.
- Wanted to keep large trees part of the park so as to keep a sound buffer in the area.
- Answered questions from Council.

The meeting recessed for a break at 8:28 p.m.
The meeting reconvened at 8:41 p.m.

3.1. Bylaw No. 10924 (OCP13-0021) - Thomson Flats, Melcor Development Ltd.

Staff:

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

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

- Letter of Support:
 - Andrew Bruce, Melcor Developments
- Letter of Opposition:
 - Richard L. Drinnan, 669 Greene Road
- Letters of Comment:
 - Wally Leong, Oracle Investments Inc. OK Mission
 - Crystal Lloyd, 5000 Gordon Drive

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

Andrew Bruce, Melcor Developments Ltd., Applicant

- Displayed a PowerPoint Presentation summarizing the application before Council.
- Confident that City is entering into new area of growth.
- Sees that there is great potential for this land.
- Responded to questions from Council.

Gallery:

Linda Casey, Southridge Drive Resident

- Commented on the number of homes that haven't been sold or are rented in Phase 2, and whether adding more housing stock is actually needed at this time.

Janice Botterill, Dougherty Ave Resident

- Concerned with traffic from construction.
- Felt that with 1400 homes being built, there would be an increase of construction personnel in area, and she didn't want to live through another construction zone.

John Cabral, Kuipers Court Resident

- Questioned the overlap of ASP/OCP.
- Echoed issues of traffic within the area.
- Expressed concern with heavy equipment coming into area for construction, as access is very limited.

Andrew Bruce, Applicant

- Is aware that issues of traffic with construction, is the fundamental biggest issue, and has other access' in mind to ease this problem.
- Responded to question of ASP/OCP.
- Responded to questions from Council.

There were no further comments.

3.2. Bylaw No. 10933 (Z13-0038) - 721-725 Francis Avenue, Aldo & Wilma Clinaz

Staff:

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

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

- Letters of Opposition
 - O.J. (John) Mardall, KLO Central Neighbourhood Association
 - W.J. (Jim) Cooke and G. (Beryl) Cooke, Francis Avenue Residents

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

Lynne Welder, Applicant

- Confirmed that the property was purchased by client as a fourplex.
- Has gone to all residents within a 50 meter radius of property, and has received 90% support of application.
- Has been working closely with Ryan Smith to comply with all regulations.

Gallery:

John Mardell, KLO Central Neighborhood Assn., Representative

- Against this application.
- KLO Central Neighborhood Association recommends that the City of Kelowna does not approve this application and turn this property back to the original duplex.
- Suggested that the City of Kelowna should enter into a covenant with the owner if they approve the application.
- Believes it is unfair that people have to go through long routes of doing things legally, and now with this submission they are cutting corners, and making something illegal legal.

Matthew Bonner, Francis Road Resident

- Against this application.

There were no further comments.

3.3. Bylaw No. 10934 (Z13-0037) - 3657 Highway 97 North, Raul Holdings Inc.

Staff:

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

The City Clerk advised that no correspondence was received.

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

Paul Schuster, Owner Innovation Design Studio, Applicant

- Did a neighborhood consultation with positive feedback from area neighbors.
- Spoke of landscape setback, increasing height of fence and bettering landscape design.

There were no further comments.

3.4. Dealt with at beginning of meeting.

3.5. Bylaw No. 10938 (HD14-0001) - 609 Burne Avenue, Craig Abernethy

Staff:

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

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

- Letter of Concern
 - Rosalyn Harder

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

No one came forward.

There were no further comments.

3.6. Bylaw No. 10940 (OCP14-0007) and Bylaw No. 10941 (Z14-0002) - 1924 Henkel Road and (Part of) Henkel Road, Surinder Gosel & City of Kelowna

Staff:

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

The City Clerk advised that no correspondence was received.

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

Surinder Gosel, Applicant/Owner

- Is in agreement to come to some sort of agreement with the sidewalk issue.

There were no further comments.

3.7. Bylaw No. 10944 (TA14-0006) - Medical Marihuana Production Facilities - Industrial Zones

Staff:

- Summarized the application before Council and responded to questions from Council.

The City Clerk advised that no correspondence was received.

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


Nobody came forward.

There were no further comments.

4. Termination

The Hearing was declared terminated at 10:45 p.m.

Mayor



City Clerk



City of Kelowna

Regular Council Meeting Minutes

Date: Tuesday, April 15, 2014
Location: Council Chamber
City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Colin Basran, Andre Blanleil, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Divisional Director, Infrastructure, John Vos*; Divisional Director, Community Planning & Real Estate, Doug Gilchrist*; Divisional Director, Communications & Information Services, Carla Weaden; Divisional Director, Active Living & Culture, Jim Gabriel; Director of Real Estate, Derek Edstrom*; Director, Subdivision, Agriculture & Environment, Shelley Gambacort*; Manager, Urban Planning, Ryan Smith; Manager, Development Engineering, Steve Muenz*; Manager, Policy & Planning, Danielle Noble-Brandt*; Planner II, Damien Burggraeve*; and Council Recording Secretary, Tania Tishenko

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the meeting to order at 10:45 p.m.

2. Prayer

A Prayer was offered by Councillor DeHart.

3. Confirmation of Minutes

Moved By Councillor Given/Seconded By Councillor Basran

R252/14/04/15 THAT the Minutes of the Public Hearing and Regular Meeting of April 1, 2014 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1. Bylaw No. 10924 (OCP13-0021) - Thomson Flats, Melcor Development Ltd.

Moved By Councillor Zimmermann/Seconded By Councillor DeHart

R253/14/04/15 THAT Bylaw No. 10924 be read a second and third time and be adopted.

Carried

4.2. Bylaw No. 10933 (Z13-0038) - 721-725 Francis Avenue, Aldo & Wilma Clinaz

Moved By Councillor DeHart/Seconded By Councillor Zimmermann

R254/14/04/15 That Bylaw No. 10933 be read a second and third time.

Carried

Councillor Singh - Opposed

Moved By Councillor Blanleil/Seconded By Councillor Zimmermann

R255/14/04/15 THAT the meeting be continued past 11p.m. in accordance with Section 5.5 of Council Procedure Bylaw No. 9200.

Carried

4.3. Bylaw No. 10934 (Z13-0037) - 3657 Highway 97 North, Raul Holdings Inc.

Moved By Councillor Stack/Seconded By Councillor Zimmermann

R256/14/04/15 THAT Bylaw No. 10934 be read a second and third time.

Carried

- 4.4. Bylaw No. 10937 (Z13-0045) - 469 Glenmore Road, Terry Johnson & Jeffery Pereverzoff

Moved By Councillor Blanleil/Seconded By Councillor Basran

R257/14/04/15 THAT Bylaw No. 10937 be read a second and third time.

Defeated

Mayor Gray and Councillors Basran, Blanleil, DeHart,
Given, Hobson, Singh, Stack and Zimmerman - Opposed

- 4.5. Bylaw No. 10938 (HD14-0001) - 609 Burne Avenue, Craig Abernethy

Moved By Councillor Singh/Seconded By Councillor Basran

R258/14/04/15 THAT Bylaw No. 10938 be read a second and third time and be adopted.

Carried

- 4.6. Bylaw No. 10940 (OCP14-0007) - 1924 Henkel Road and (Part of) Henkel Road, Surinder Gosel & City of Kelowna

Moved By Councillor Basran/Seconded By Councillor Singh

R259/14/04/15 THAT Bylaw No. 10940 be read a second and third time.

Carried

- 4.7. Bylaw No. 10941 (Z14-0002) - 1908, 1924 and (Part of) Henkel Road, Surinder Gosel & City of Kelowna

Moved By Councillor Blanleil/Seconded By Councillor Hobson

R260/14/04/15 THAT Bylaw No. 10941 be read a second and third time.

Carried

- 4.8. Bylaw No. 10944 (TA14-0006) - Medical Marihuana Production Facilities - Industrial Zones

Moved By Councillor Blanleil/Seconded By Councillor Hobson

R261/14/04/15 THAT Bylaw No. 10944 be read a second and third time.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of the following Development Variance Permit Applications was given by sending out or otherwise delivering 230 Statutory Notices to owners and occupiers of adjacent and adjoining properties, and 437 "It's Your Neighbourhood" Informational Notices to residents in the postal delivery area between April 1st, 2014 and April 4th, 2014.

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. 369.

6. Development Permit and Development Variance Permit Reports

**6.1. Development Variance Permit Application No. DVP14-0034 - 1912
Enterprise Way, Trish Presenger-Stroma Signs**

Staff:

- Summarized the application before Council and responded to questions from Council.

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

- Letter of Opposition
 - Terry Kennedy 1960 Enterprise Way

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

Applicant was not present.

There were no further comments.

Moved By Councillor Blanleil/Seconded By Councillor Hobson

R262/14/04/15 THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0034 for Strata Lot 7, District Lot 140, ODYD, Strata Plan KAS2453 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V, located at 1912 Enterprise Way, Kelowna, BC;

AND THAT the variances to the following sections of the Sign Bylaw No.8235 be granted:

Section 5.5.3 (c):

To allow two additional fascia signs above the second storey which are different than the existing sign at that level of the building.

Carried

7. Reminders - Nil

8. Termination

The meeting was declared terminated at 11:32 p.m.

Mayor

/tt



City Clerk

CITY OF KELOWNA
BYLAW NO. 10946
Z14-0011 - David and Pamela Watland
412 Christleton Avenue

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, District Lot 14, ODYD, Plan 4366 located on Christleton Avenue, 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 14th day of April, 2014.

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 - Accuracy and correctness not guaranteed.

Map: 905 x 533 m -- Scale 1:5,344

2014-04-04

Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

CITY OF KELOWNA

BYLAW NO. 10832

Official Community Plan Amendment No. OCP13-0002 - Pier Mac Petroleum Installation Ltd., Inc. No. BC0088217 1760, 2025 and 2137 Quail Ridge Boulevard

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 the West ½ of Section 14, Township 23, ODYD, Except Plans H16596, KAP47192, KAP51877, KAP53641, KAP53790, KAP57365, KAP73608 and KAP82802, located on 1760 Quail Ridge Boulevard, Lot A, District Lot 32 and Section 14, Township 23, ODYD District Plan KAP52924, located on 2173 Quail Ridge Boulevard, and Lot B, District Lot 32 and Section 14, Township 23, ODYD, District Plan KAP52924, located on 2025 Quail Ridge Boulevard, Kelowna, B.C., from the Resource Protection Area (REP), Commercial (COMM), Industrial (IND) and Parks & Open Space (PARK) designation to the Commercial (COMM), Industrial (IND) and Parks & Open Space (PARK) designation as shown on Map "A" as attached;
2. AND THAT Chapter 4: Future Land Use, Table 4.2 Potential ASP Development Components be deleted in it's entirety that reads:

Area	A	B	C	D	E	F	G	H	I	J	K
Structure Plans											
1. Pier Mac	•			•	•		•	•		•	
2. North Clifton Road											
3. Eagle Ridge											
4. Tonn Mountain											

And replaced with:

Area	A	B	C	D	E	F	G	H	I	J	K
Structure Plans											
2. North Clifton Road											
3. Eagle Ridge											
4. Tonn Mountain											

3. AND THAT Map 5.8 - Urban Design DP Area Designation be deleted in it's entirety and replaced with a new Map 5.8- Urban Design DP Area Designation as shown on Map "B" as attached;
4. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 8th day of April, 2013.

Considered at a Public Hearing on the 23rd day of April, 2013.

Re-Considered at a Public Hearing on

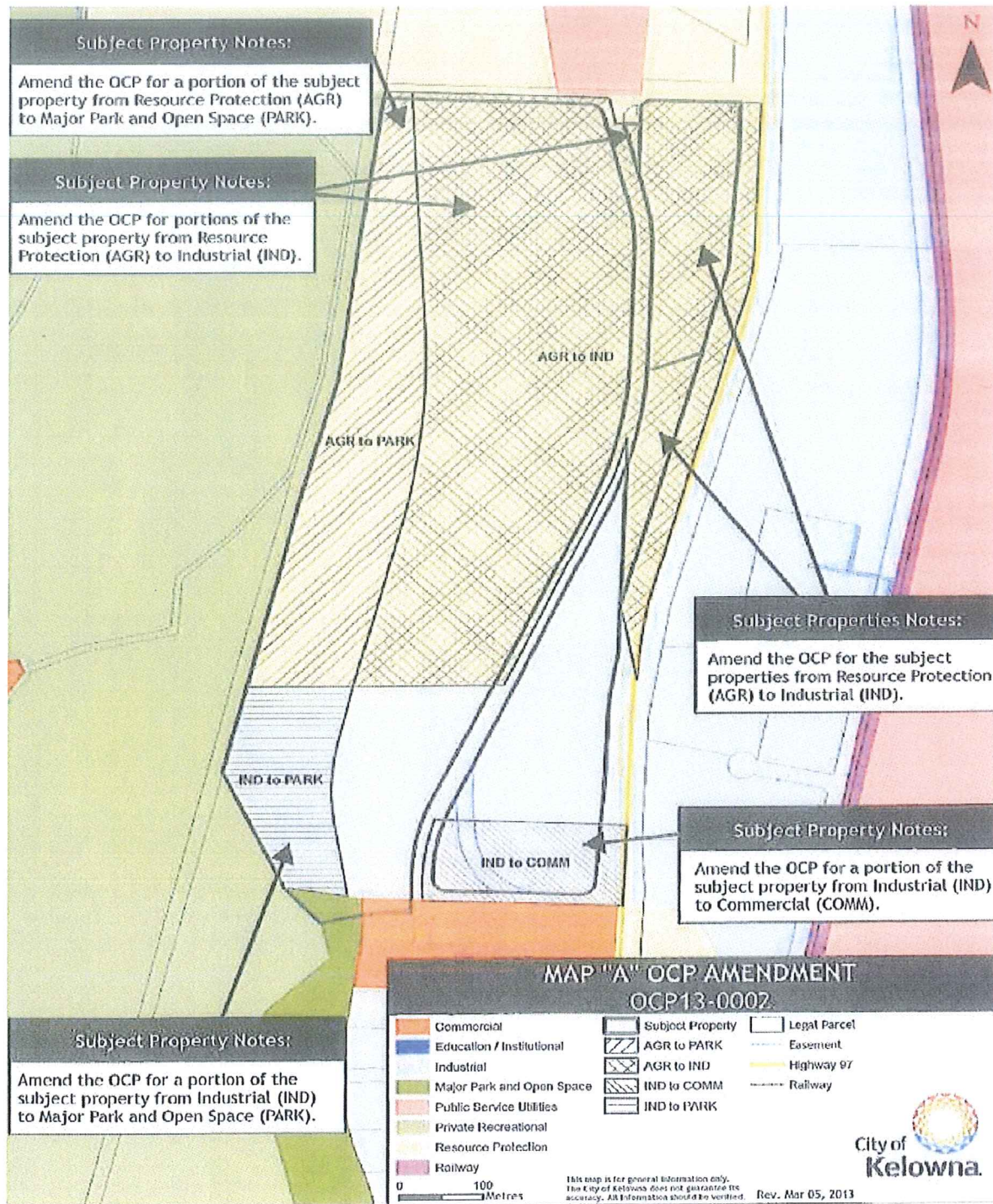
Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

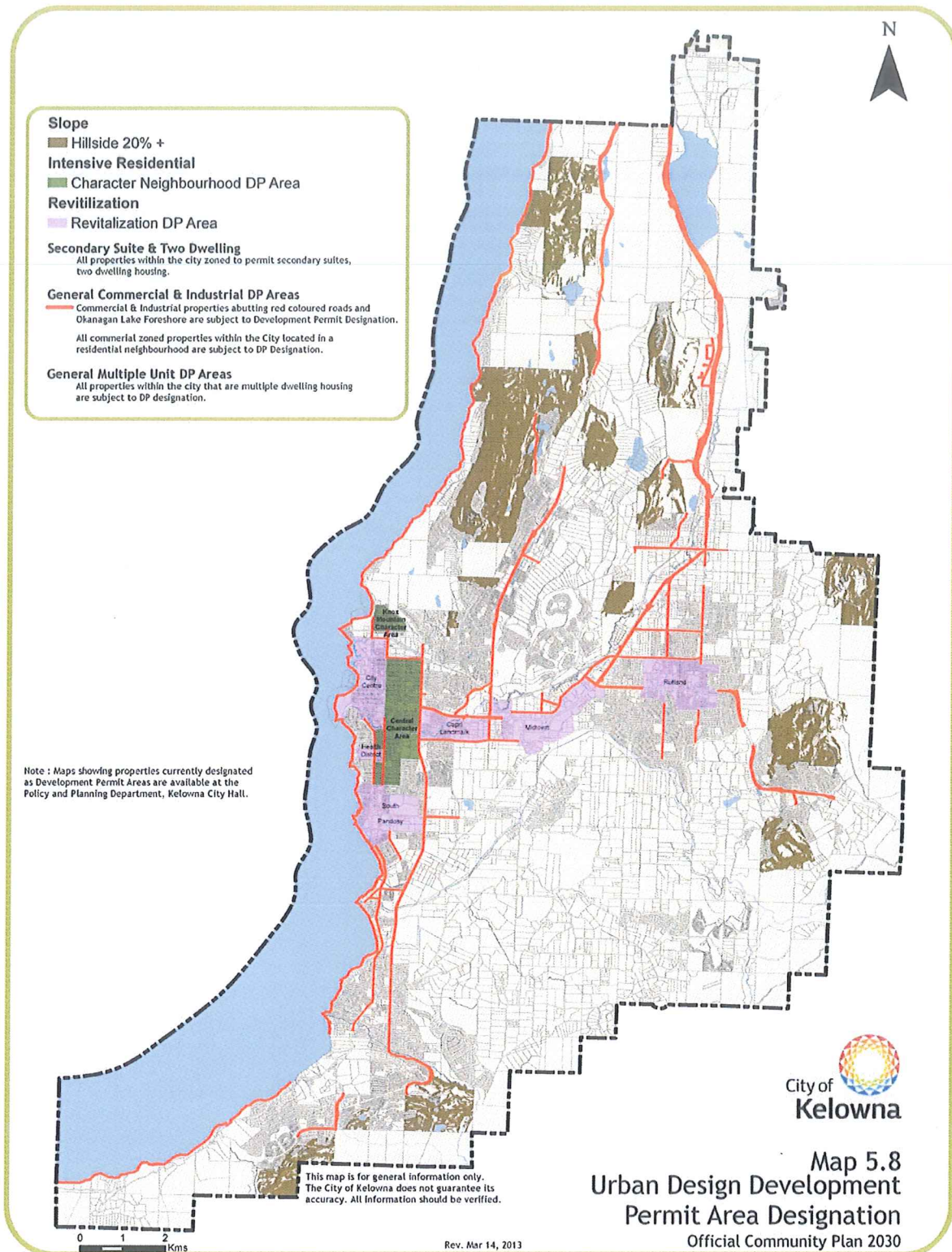
Mayor

City Clerk

Map "A"



Map B



CITY OF KELOWNA

BYLAW NO. 10833

Text Amendment No. TA13-0004 -Amendment to the City of Kelowna Zoning Bylaw No. 8000 - CD15Airport Business Park

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that City of Kelowna Zoning Bylaw No. 8000 be amended as follows:

1. THAT **Schedule 'B' - Comprehensive Development Zones, CD15 - Airport Business Park, 1.2 Principal Uses** be amended by adding in its appropriate locations, and renumbering subsequent sub-paragraphs the following:
 - “(d) breweries and distilleries, major
 - (u) utility services, minor impact
 - (v) vehicle and equipment services, industrial
 - (w) warehouse sales”
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 8th day of April, 2013.

Considered at a Public Hearing on the 23rd day of April, 2013.

Re-Considered at a Public Hearing on

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer-Ministry of Transportation and Infrastructure)

Adopted by the Municipal Council of City of Kelowna on the

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 10834

Z13-0003 - Pier Mac Petroleum Installation Ltd. 1760, 2025 and 2137 Quail Ridge Blvd

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 The West ½ of Section 14, Township 23, ODYD, Except Plans H16596, KAP47192, KAP51877, KAP53641, KAP53790, KAP57365, KAP73608 and KAP82802; Lot A, District Lot 32 and Section 14, Township 23, ODYD, Plan KAP52924; Lot B, District Lot 32 and Section 14, Township 23, ODYD, Plan KAP52924, located on Quail Ridge Blvd, Kelowna, B.C., from the A1 - Agriculture 1 zone, the CD15 - Airport Business Park zone, I5 Extraction zone and the P3 - Parks and Open Space zone to the CD15 - Airport Business Park zone and the P3 - Parks and Open Space 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 8th day of April, 2013.

Considered at a Public Hearing on the 23rd day of April, 2013.

Amended at first reading on the 14th day of April, 2014

Re-Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

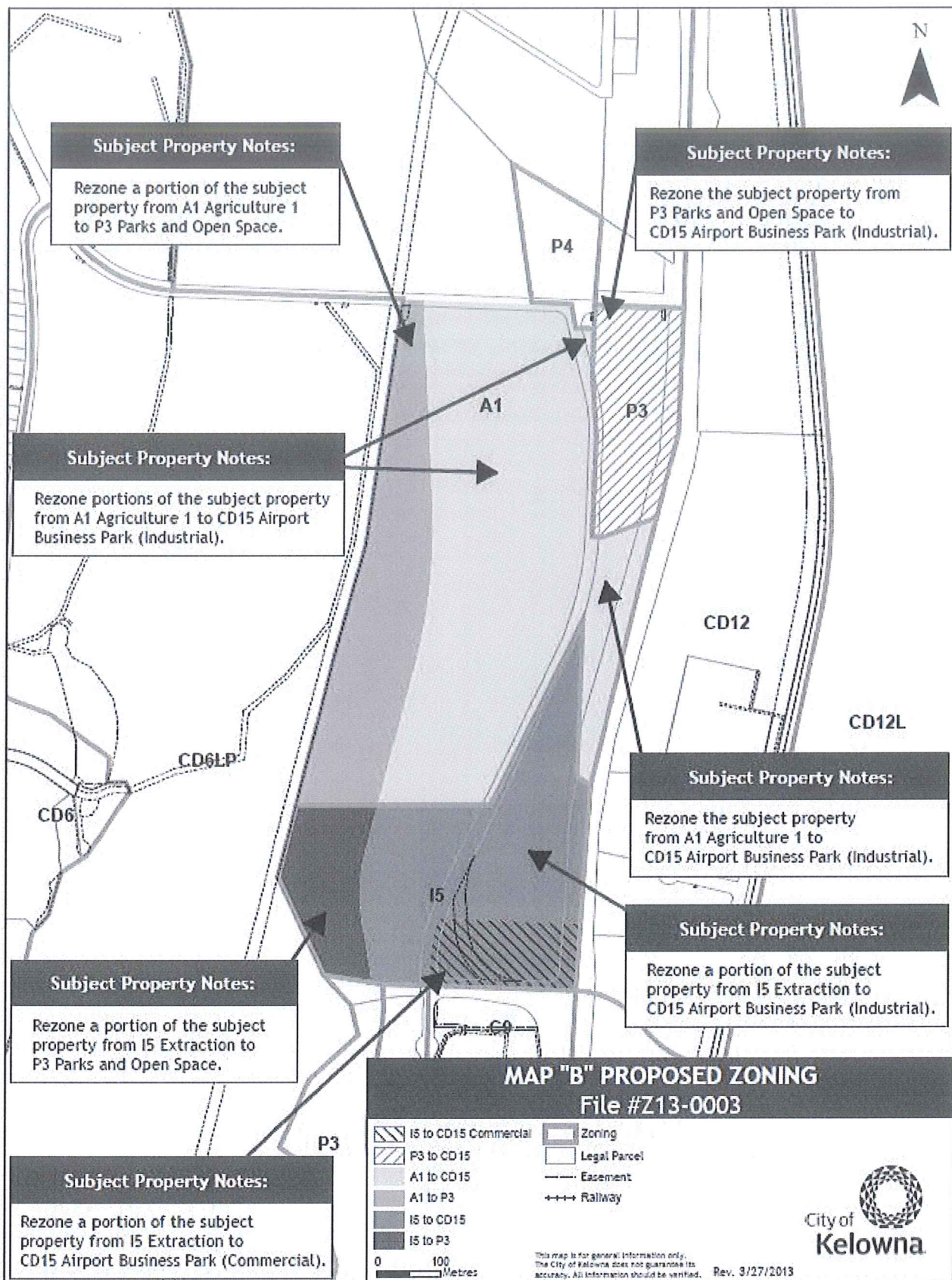
Approved under the Transportation Act

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



REPORT TO COUNCIL



Date: 4/4/2014
RIM No. 0940-50
To: City Manager
From: Urban Planning, Community Planning & Real Estate (AC)
Application: DVP14-0053 **Owner:** Karen Markle
Address: 245 Muir Rd **Applicant:** Karen Markle
Subject: Development Variance Permit
Existing OCP Designation: S2RES - Single / Two Unit Residential
Existing Zone: RU1 - Large Lot Housing

1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP14-0053 for Lot 13, Section 26, Township 26, ODYD, Plan 15377 located at 245 Muir Rd, Kelowna, BC.

AND THAT the variance to the Section 13.1.6(e) of Zoning Bylaw No. 8000 be granted in order to permit a decrease in the accessory building setback from 1.5m to 1.0m.

2.0 Purpose

The purpose of this variance is to vary the rear setback for an accessory building from 1.5m to 1.0m in order to legalize an existing accessory building that was built without an approved building permit.

3.0 Urban Planning

The property owners applied for a building permit in the mid 1990s for an accessory building. For various reasons, as outlined in the applicant's rationale letter (see attached), the accessory building was built without completing the building permit and without inspections. The building was built 1.0m from the rear property line instead of required the 1.5m rear yard setback requirement. There was room to site the accessory building properly as the current accessory building is setback 8.7m from the principal dwelling when only 4.5m is required. The current owner would like to sell the property and would like to legalize the situation through a variance request.

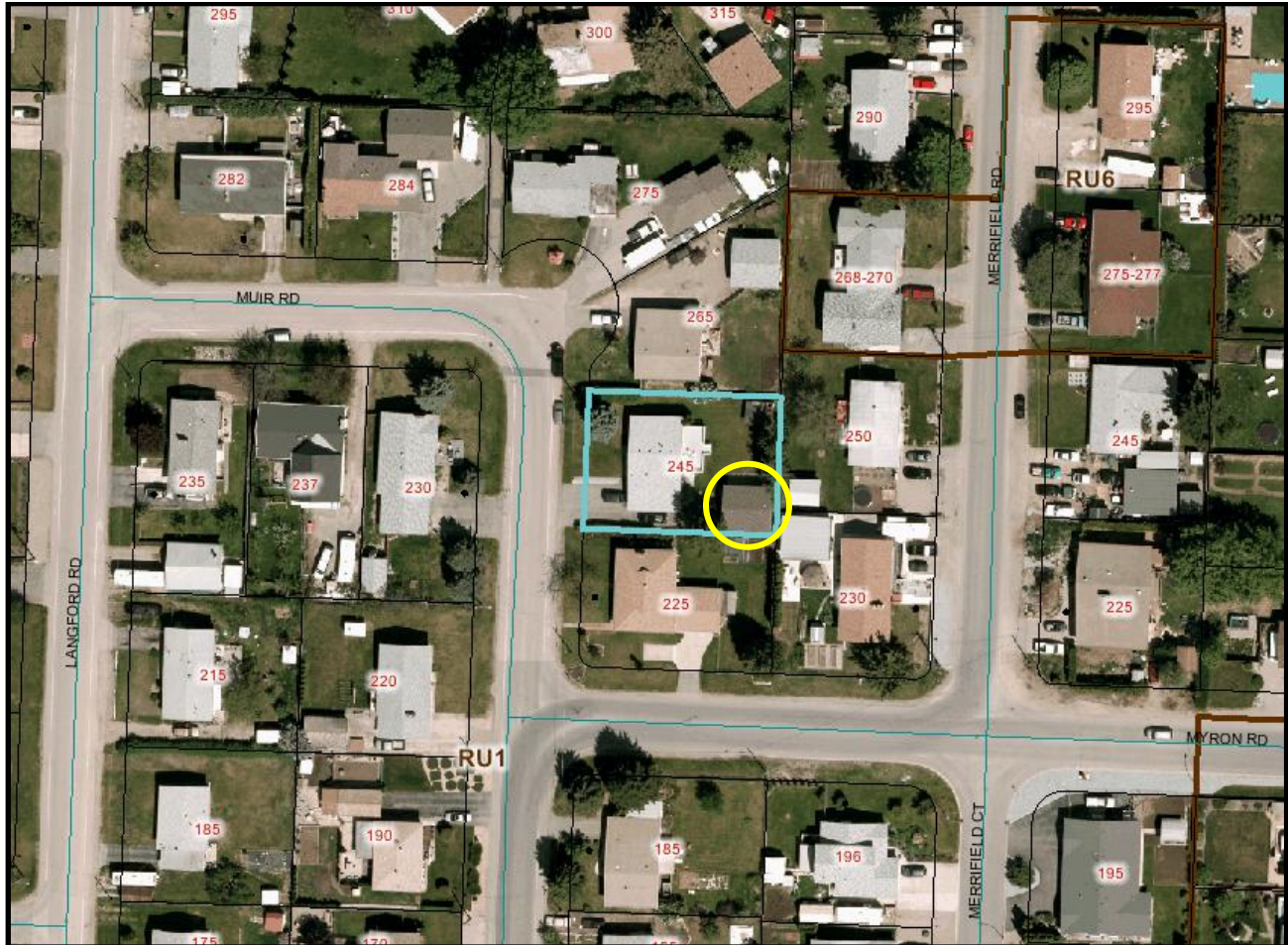
Staff support the variance request as the impact is minor in nature and there is no access to the rear of the property from a lane. However, it is highly discouraged and illegal for property owners to build any building without permits. For this reason, Staff would not support any further variances including a conversion of the existing accessory building into a carriage house.

4.0 Proposal

4.1 Site Context

The subject property is surrounded by RU1 - Large Lot housing. There are three properties located to the north-east of the subject property that are zoned RU6 - Two Dwelling Housing.

Subject Property Map: 245 Muir Rd



Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550 m ²	937.6 m ²
Lot Width	16.5 m	25.9 m
Lot Depth	30.0 m	36.2m
Accessory Building Development Regulations		
Total Floor Area	90 m ²	20.61 m ²
Height	4.5 m	4.14 m
Front Yard	18.0 m	26.7 m
Side Yard (south)	1.0 m	1.15 m
Side Yard (north)	1.0 m	16.9 m

Rear Yard	1.5 m ❶	1.0m ❶
Other Regulations		
Site coverage of Buildings	40 %	21.8 %
Site coverage of Buildings. Driveways, and Parking	50 %	41.8 %
Site coverage of all accessory buildings	14 %	7.2%
❶ Indicates a requested variance to the side yard setback requirement		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 14 OCP Objectives:

- Encourage building and landscape designs that promote privacy, safety, and accessibility;

Chapter 14 OCP Policies:

- Section 1.5 - Respect the privacy of adjacent properties through appropriate placement of windows, location of decks, and any other feature that may infringe upon the privacy of a neighbouring residence;

5.2 Technical Comments

5.3 Building & Permitting Department

No comment.

5.4 Development Engineering Department

See attached comments.

6.0 Application Chronology

Date of Application Received: March 25th 2014

Date Public Consultation Received: March 31st 2014

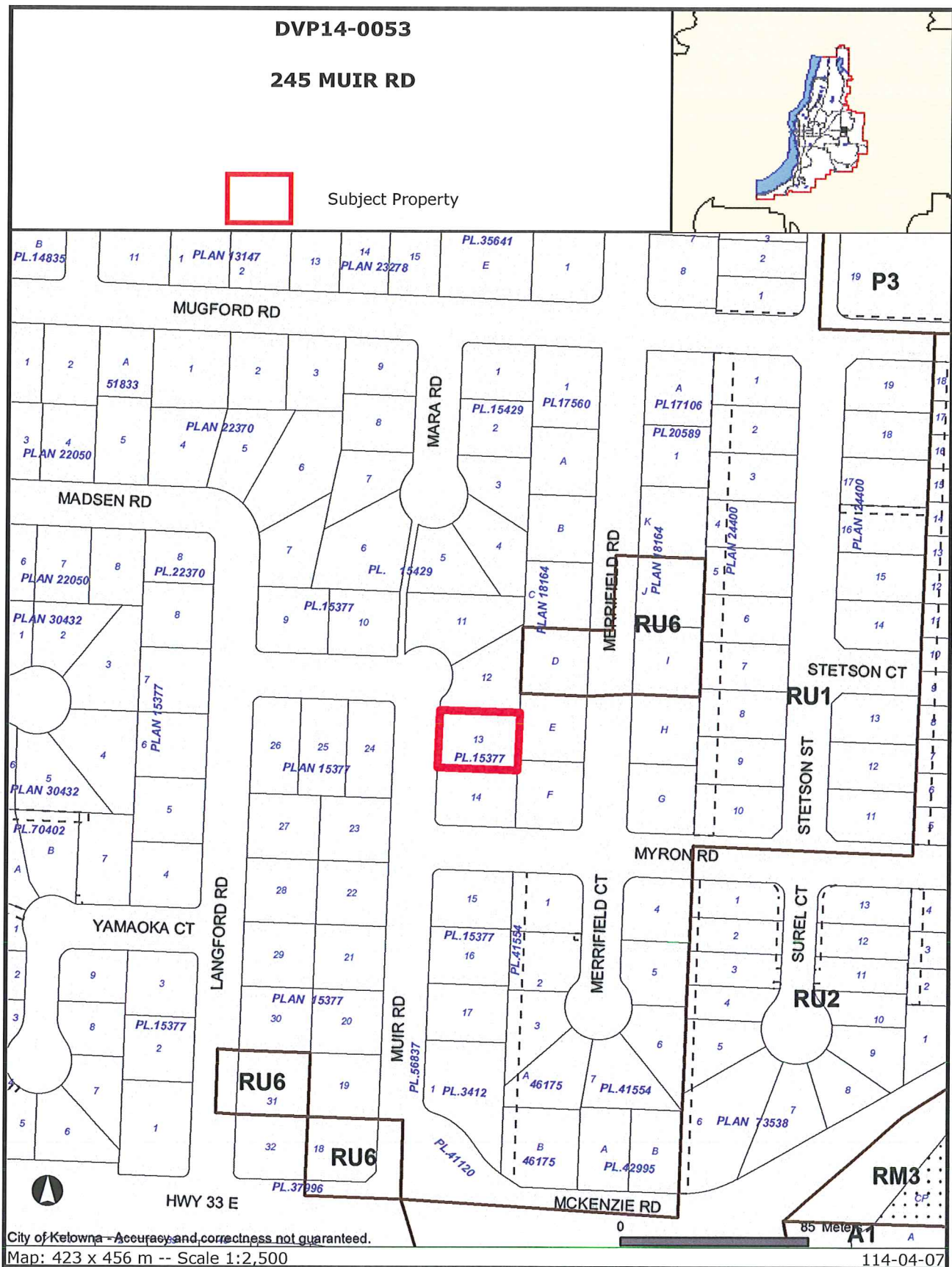
Report prepared by:

Adam Cseke, Urban Land Use Planner

Approved for Issuance: ☐ Ryan Smith, Urban Planning Manager

Attachments:

Site Plan / Landscape Plan
Conceptual Elevations
Engineering Comments
Applicant's Rationale Letter



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

CITY OF KELOWNA
MEMORANDUM

Date: March 27, 2014
File No.: DVP14-0053
To: Community Planning (AC)
From: Development Engineer Manager (SM)
Subject: 245 Muir Road - Lot 13, PLAN 15377, Sec. 26, twp. 26. ODYD

The Development Engineering Services comments and requirements regarding this rear yard setback variance application for an existing garage are as follows:

1. General
 - a) The requested rear yard variance setback does not compromise any Municipal Infrastructure Services.
 - b) This application does not trigger any services or frontage upgrades.

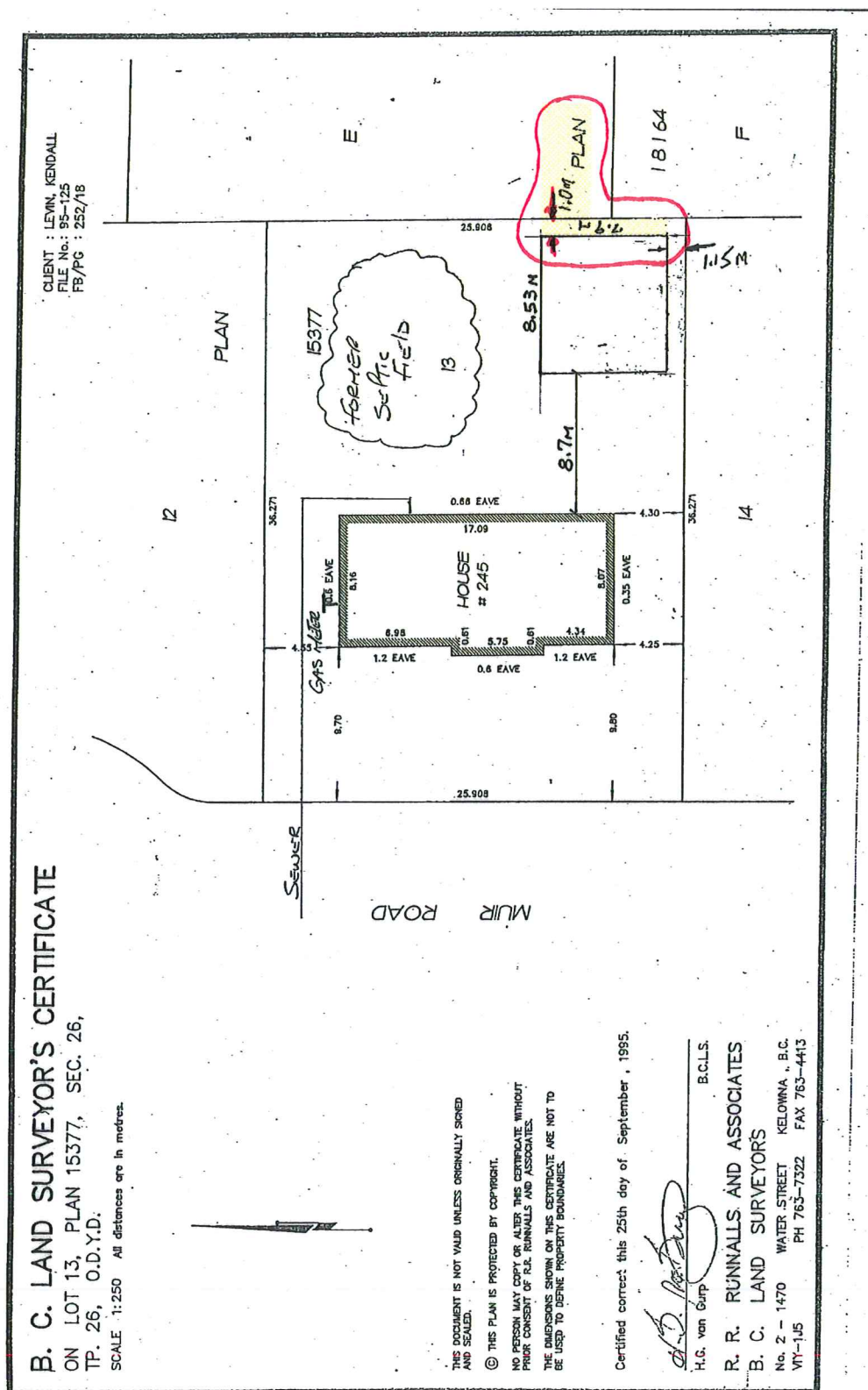
Steve Muenz, P.Eng.
Development Engineering Manager

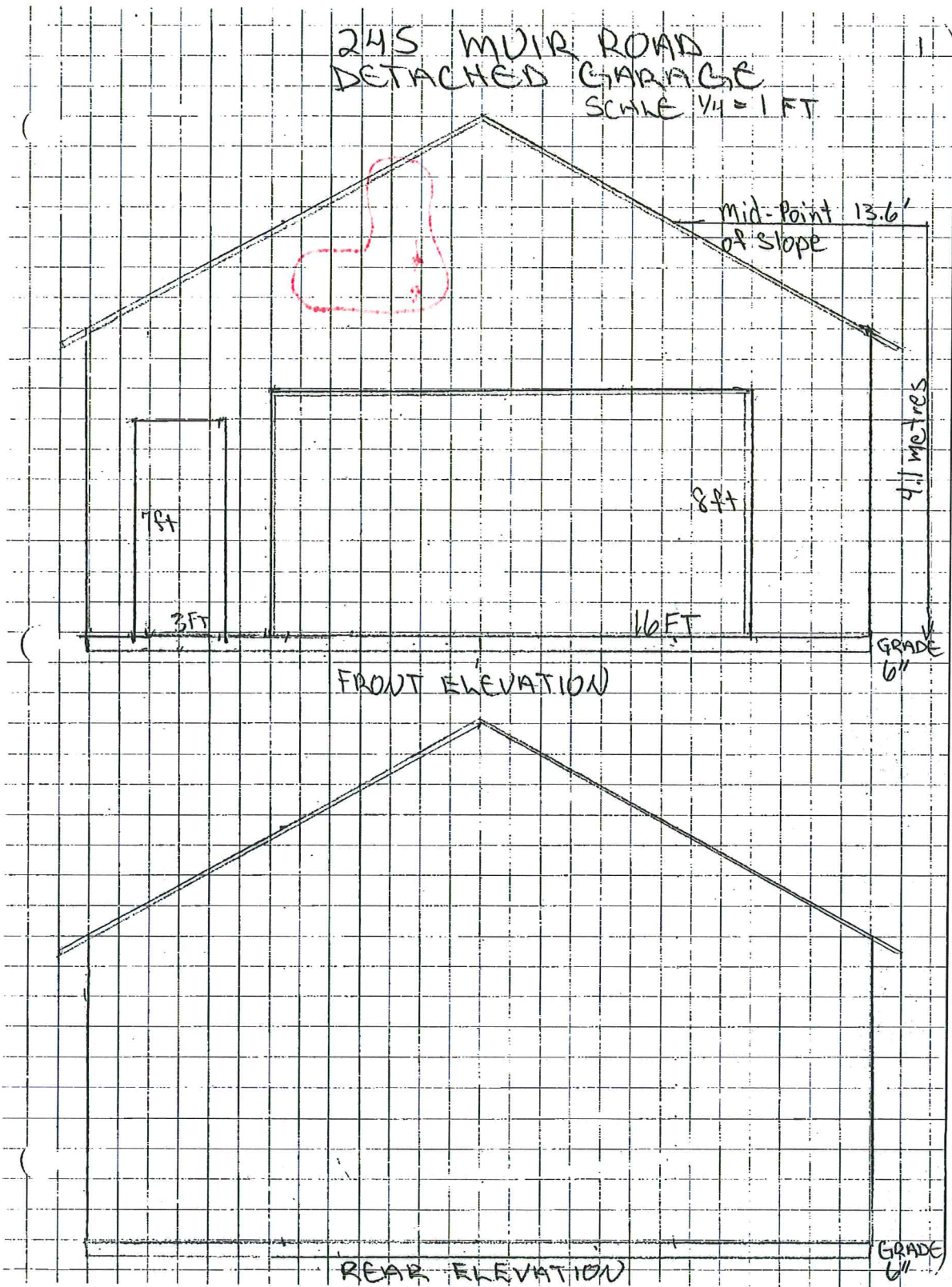
B²

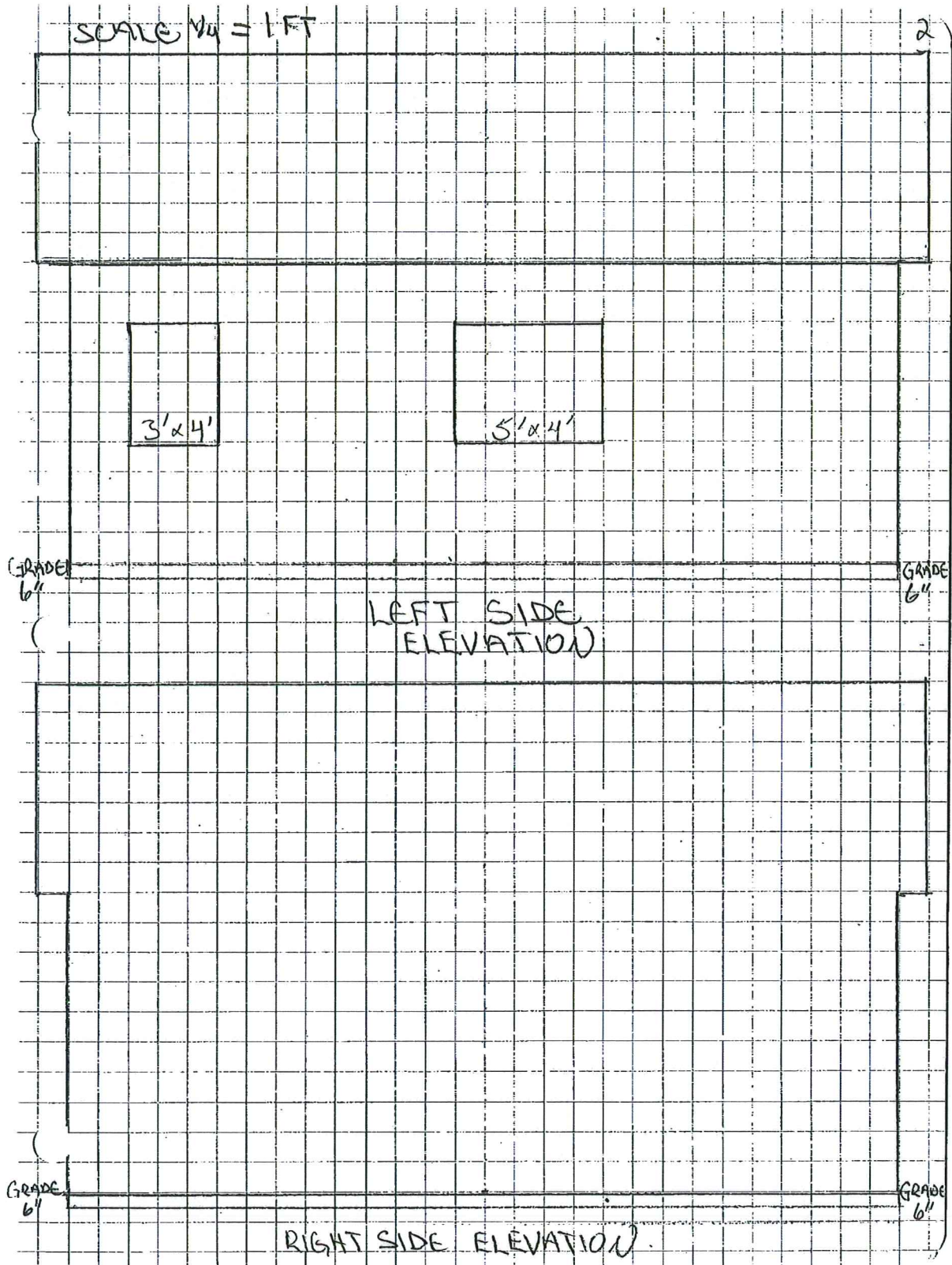


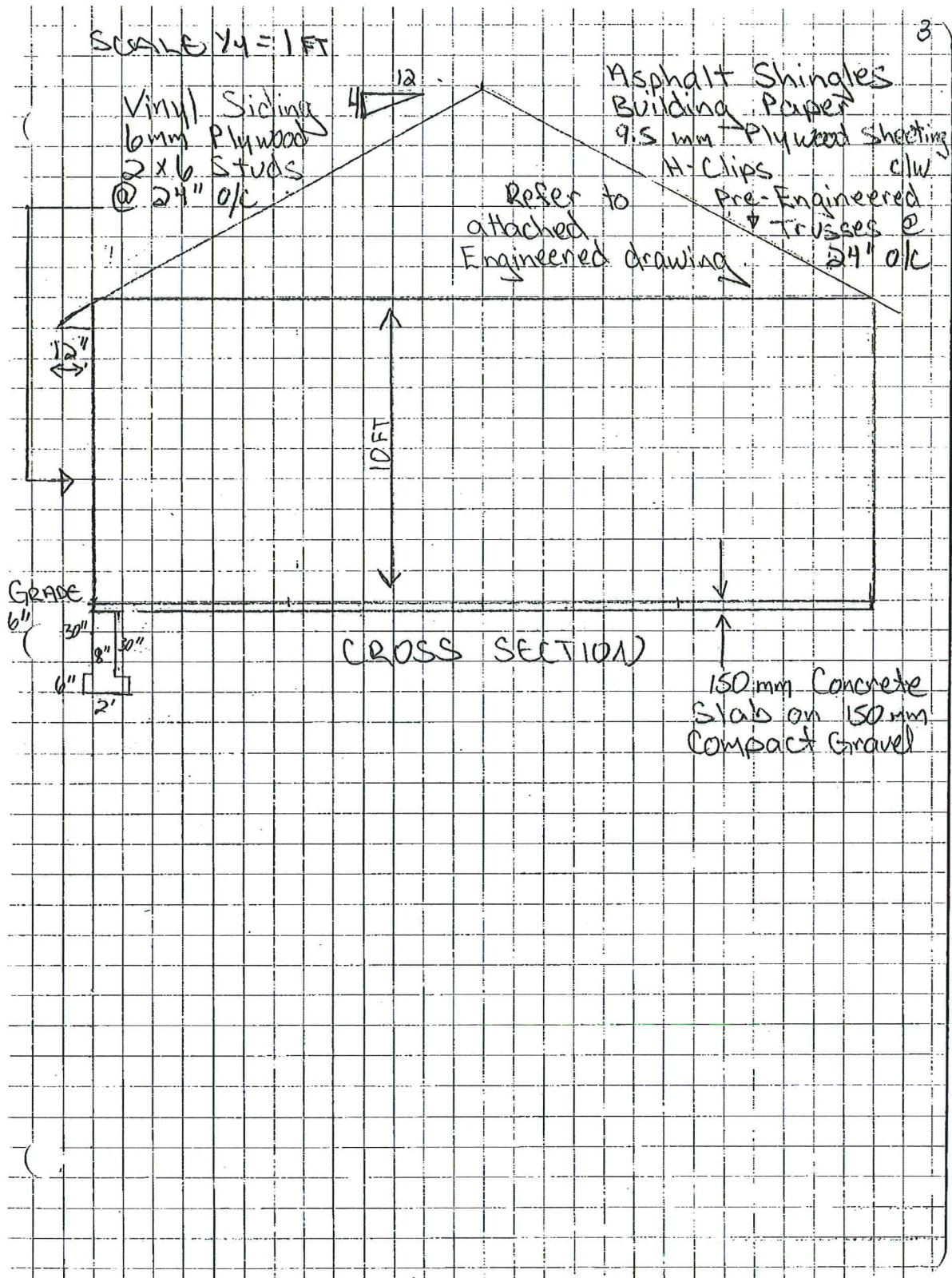


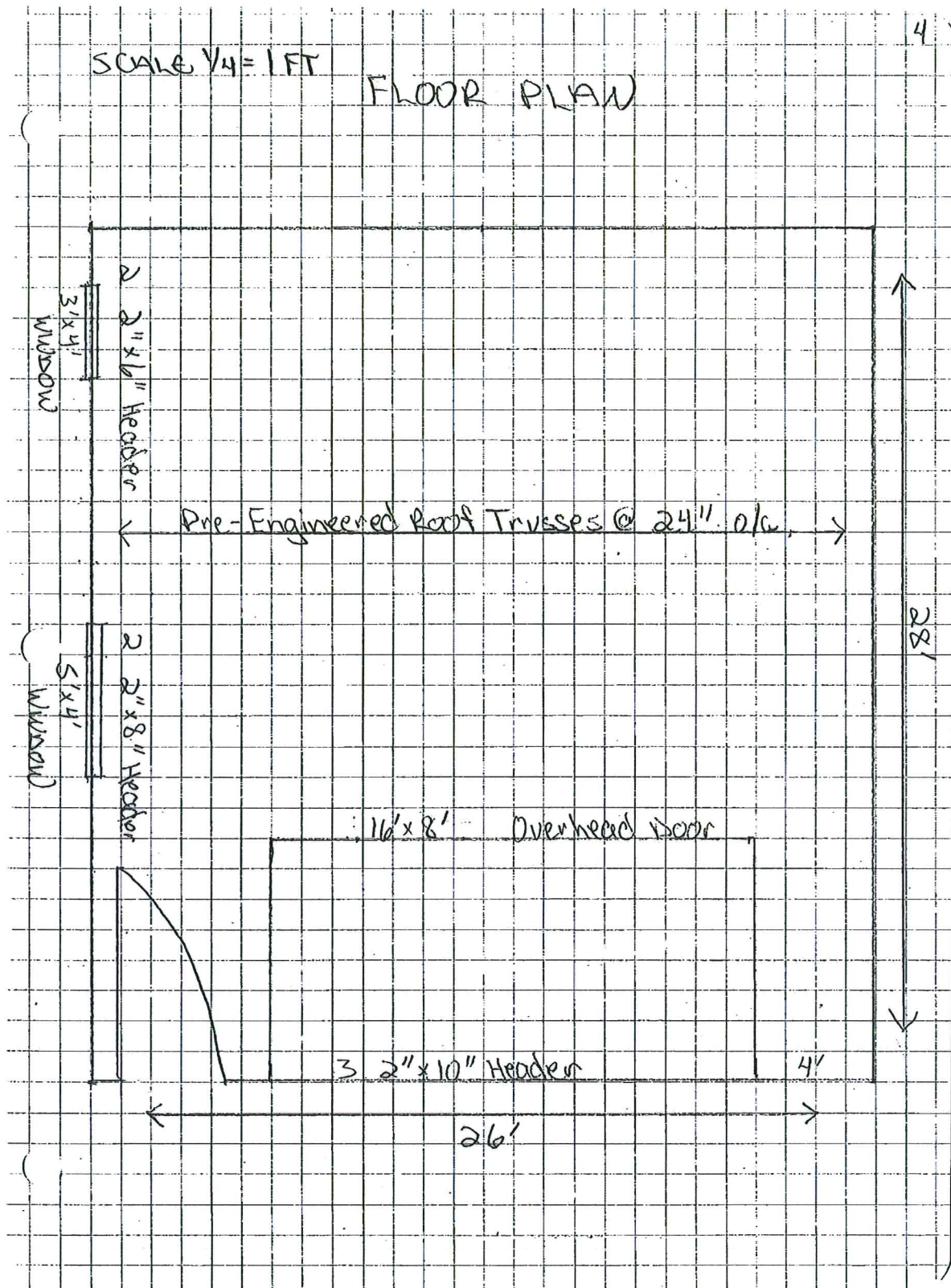












Schedule 'A'

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP14-0053

EXISTING ZONING DESIGNATION: RU1 - Large Lot Housing
WITHIN DEVELOPMENT PERMIT AREA: n/a

ISSUED TO: Karen Markle
LOCATION OF SUBJECT SITE: 245 Muir Rd.

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	13		15377			ODYD

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.
- ☐ Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

THAT the variance to the Section 13.1.6 of Zoning Bylaw No. 8000 be granted in order to permit a decrease in the accessory building setback from 1.5m to 1.0m:

3. PERFORMANCE SECURITY: None Required.

4. 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 which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferable unless specifically permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

5. APPLICANT'S AGREEMENT:

I hereby declare that all 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 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 Urban Planning Department immediately to avoid any unnecessary delay in processing the application.

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

6. APPROVALS:

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE 25th DAY OF MARCH, 2014, BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

Doug Gilchrist, Divisional Director - Community Planning & Real Estate