

**City of Kelowna  
Regular Council Meeting  
AGENDA**



Tuesday, January 19, 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 Sieben.
3. **Confirmation of Minutes** 1 - 8  
Public Hearing - December 15, 2015  
Regular Meeting - December 15, 2015
4. **Bylaws Considered at Public Hearing**
  - 4.1 **988 Frost Road, BL11176 (Z15-0051) - 0954654 BC Ltd.** 9 - 9  
To give Bylaw No. 11176 second and third readings, and be adopted, in order to rezone the subject property to facilitate potential development of retail liquor sales on the subject property.
  - 4.2 **200 Potterton Road, BL11178 (OCP15-0018) - Roth Enterprises Ltd.** 10 - 10  
**Requires a majority of all members of Council (5).**  
To give Bylaw No. 11178 second and third readings, and be adopted, in order to change the future land use designation of the subject property in order to allow for the development of an industrial subdivision.
  - 4.3 **200 Potterton Road, BL11179 (Z15-0057) - Roth Enterprises Ltd.** 11 - 11  
To give Bylaw No. 11179 second and third readings, and be adopted, in order to rezone the subject property in order to allow for the development of an industrial subdivision.
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 2055 Heimlich Road, DP15-0225 & DVP15-0226 - Christine Bothe**

12 - 26

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 the form and character, and a variance, for the proposed accessory building on the subject property.

**6.2 TO BE DEFERRED - 3657 Highway 97 N, BL10934 (Z13-0037), DP13-0159 & DVP13-0160 - Raul Holdings Inc.**

27 - 47

To defer adoption of Bylaw No. 10934 and consideration of the Development Permit and Development Variance Permit to the February 2, 2016 Regular Meeting.

**7. Reminders**

**8. Termination**



## City of Kelowna Public Hearing Minutes

Date: Tuesday, December 15, 2015  
Location: Council Chamber  
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh and Luke Stack

Staff Present City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Council Recording Secretary, Arlene McClelland

(\* Denotes partial attendance)

### 1. Call to Order

Mayor Basran called the Hearing to order at 6:02 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 December 1, 2015 and by being placed in the Kelowna Capital News issues on December 4 and December 9, 2015 and by sending out or otherwise delivering 149 statutory notices to the owners and occupiers of surrounding properties, and 2314 informational notices to residents in the same postal delivery route, between December 1 and December 4, 2015.

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 2975 & 2980 Gallagher Road, BL11169 (OCP15-0015) - Gordon Kirschner et al

#### Staff:

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

The City Clerk advised that no correspondence 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.

Ed Grifone, CTQ Consultants, Agent for Applicant

- Advised that a wild fire risk assessment, geotechnical analysis, traffic impact study and strong water management plan was submitted with the application. Have provided a lot of background information.
- Advised that 3 concept plans were provided to the client and staff and all agreed with the plan that has been submitted.
- Commented that the plan allows for more green and open space for wild life passage and trail network. Also allowed for lesser visual impact than previous plan. Increased density slightly with townhouse development; low profile in cluster format.
- Advised that neighbourhood concerns regarding traffic flow had been mitigated.
- Responded to questions from Council.

Gallery:

Brenda Bradley, Verda Vista Road

- Advised that she shares a property line with this residential development.
- Spoke to her concerns and challenges of having high density residential immediately adjacent to her equestrian agricultural operation.
- Spoke to the drainage concerns this development could bring to her property and impact on her business operation.
- Raised concerns regarding increased residential traffic.
- Strongly requested adequate buffer be installed between this development and her property. Suggested two 6 to 8 foot chain link fences staggered apart as an ideal buffer.
- Responded to questions from Council.

Staff:

- Confirmed buffering is required at the rezoning stage.

Ed Grifone, CTQ Consultants, Agent for Applicant

- Confirmed the Applicant is aware of the buffering requirements and that buffering is part of the plan as per the City and ALC requirements.
- Confirmed that a drainage plan was submitted and that drainage will not interrupt or create flow problems into adjacent lands.
- Responded to questions from Council.

There were no further comments.

**3.2 580 Patterson Avenue, BL11170 (Z15-0034) - Teresa Corea-Gaspari**

Staff:

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

The City Clerk advised that no correspondence 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.

Lynn Welder, Consultant for Applicant

- Commented that the proposal is asking for increased density that is within the OCP and is also providing affordable housing with character.
- Spoke to the neighbourhood concerns and related privacy issues that have been worked out through the development process.

Richard Bugera, GTA Architecture Ltd.

- Spoke to the height of the development and the efforts being made to keep it as low as possible to alleviate neighbourhood concerns.
- Advised that the major change to the proposal was the elimination of the side balconies and that there will only be one small balcony from the master suite.

Gallery:

Richard Burrows, Taylor Crescent

- Advised that he is speaking on his own behalf this evening.
- Advised that he supports the increase in density in the area.
- Advised that he supports amendments to the OCP Development Permit Guidelines for this area of the City.
- Raised concern that this proposal does not fit within the Neighbourhood Character Guidelines. Suggested the OCP be amended to sort this out.
- Suggested that as this area densifies more attention is paid to the form and character of the neighbourhood.
- Responded to questions from Council.

Lynn Welder, Consultant for Applicant

- Advised that through the consultation process they were unaware of the setback; once aware, it changed the development drastically.
- Advised that the City's road widening requirement triggered the variance.
- Responded to questions from Council.

There were no further comments.

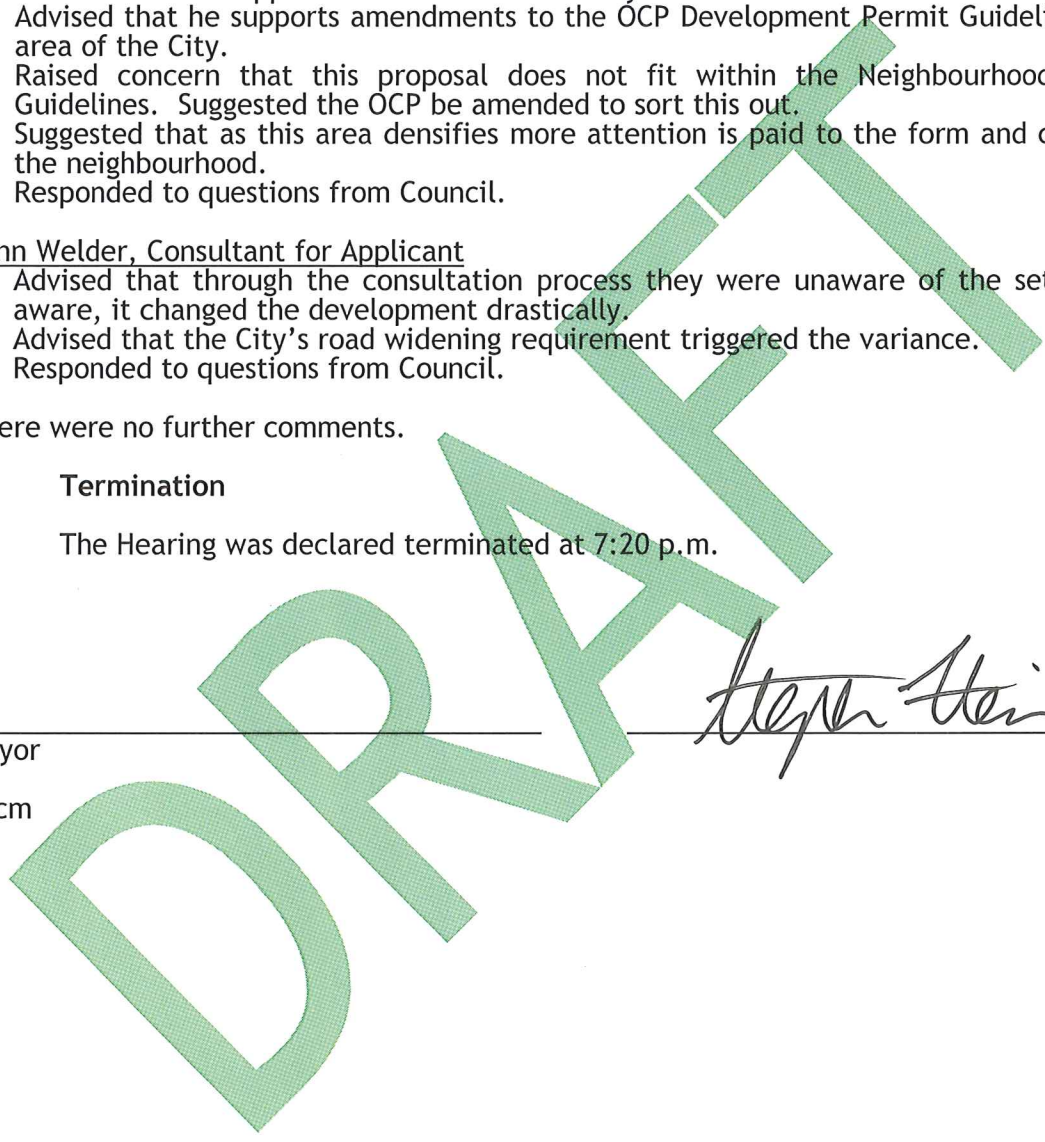
**4. Termination**

The Hearing was declared terminated at 7:20 p.m.

\_\_\_\_\_  
Mayor

/acm

*Steph Stein*  
\_\_\_\_\_  
City Clerk





## City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, December 15, 2015  
Location: Council Chamber  
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh and Luke Stack

Staff Present City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Council Recording Secretary, Arlene McClelland

(\* Denotes partial attendance)

### 1. Call to Order

Mayor Basran called the meeting to order at 7:20 p.m.

### 2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Hodge.

### 3. Confirmation of Minutes

Moved By Councillor Gray/Seconded By Councillor Sieben

R980/15/12/15 THAT the Minutes of the Public Hearing and Regular Meeting of December 1, 2015 be confirmed as circulated.

Carried

### 4. Bylaws Considered at Public Hearing

4.1 2975 & 2980 Gallagher Road, BL11169 (OCP15-0015) - Gordon Kirschner et al

Moved By Councillor Gray/Seconded By Councillor Donn

R981/15/12/15 THAT Bylaw No. 11169 be read a second and third time and be adopted.

Carried

**4.2 580 Patterson Avenue, BL11170 (Z15-0034) - Teresa Corea-Gaspari**

Moved By Councillor Hodge/Seconded By Councillor Gray

R982/15/12/15 THAT Bylaw No. 11170 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 Applications was given by sending out or otherwise delivering 111 statutory notices to the owners and occupiers of surrounding properties, and 1861 informational notices to residents in the same postal delivery route, between December 1 and December 4, 2015.

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**

**6.1 204 Poplar Point Drive, DVP15-0185 - Rod & Jody Hazard**

Staff:

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

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

Letters of Support  
Beryl Itani, Richter Street

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

Shane Baxter, Applicant

- Advised that the 1.5 m grade change is being sought in order to keep it consistent with the neighbour to the west.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Donn

R983/15/12/15 THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0185 for Lot 1 District Lot 219 ODYD Plan 4561, located at 204 Poplar Point Drive, Kelowna, BC;

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

**Section 6.6.2: Height and Grade General Development Regulations**

To vary the height of the lowest floor or walkout basement when measured from approved building grade to the top of the finished floor above the slab from 3.6m maximum to 4.88m proposed.

**Section 7.5.9: Fencing and Retaining Walls**

To vary the height of a retaining wall when measured from grade on the lower side from 1.2m maximum to 4.88m proposed.

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

Carried

## 6.2 723 Stockwell Avenue, DP15-0153 & DVP15-0159 - Donald Gordon

Staff:

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

The City Clerk advised that no correspondence 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.

Don Gordon, Applicant

- Spoke highly of City staff's assistance but thought the process was extreme for what was being asked to comply with.
- Spoke to parking requirements that prohibit driveway access when lane ways are present. With an apartment building being developed across the street parking will become a premium.

Gallery:

Keith Kish, Thompson Road

- Raised concern with size of carriage houses in his neighbourhood and lack of privacy for surrounding neighbours.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Gray

**R984/15/12/15** THAT Council authorizes the issuance of Development Permit No. DP15-0153 for Lot C District Lot 138 ODYD Plan 35325, located at 723 Stockwell Ave, Kelowna, BC subject to the following:

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

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0159 for Lot C District Lot 138 ODYD Plan 35325, located at 723 Stockwell Ave, Kelowna, BC;

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

### **Section 9.5b.14: Carriage House Regulations**

To vary the required minimum side yard from 2.0 m permitted to 1.23 m proposed.

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

Carried



**6.3 534 Oxford Avenue, DP15-0237 & DVP15-0238 - Jason & Shaine Fehr**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence 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.

Applicant was not present.

No one came forward.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor DeHart

**R985/15/12/15** THAT Council authorizes the issuance of Development Permit No. DP15-0237 for Lot 3 Block 14 District Lot 9 ODYD Plan 3915 located at 534 Oxford Avenue, 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. DVP15-0238 for Lot 3 Block 14 District Lot 9 ODYD Plan 3915 located at 534 Oxford Avenue, Kelowna, BC;

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

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

To vary the net floor area of a carriage house to exceed the net floor area of the principal dwelling from 75% maximum to 81.36% proposed.

AND THAT Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated December 15, 2015;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permit to be issued;

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

Carried

**6.4 310 Mugford Road, BL11122 (Z15-0017) - Harjinder Kaur Malhi et al**

Moved By Councillor Donn/Seconded By Councillor Given

**R986/15/12/15** THAT Bylaw No. 11122 be adopted.

Carried

6.5 310 Mugford Road, DVP15-0082 - Harjinder Kaur Malhi et al

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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

**Letters of Opposition or Concern:**  
Noreen Carter, Mugford Road

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

Birte Decloux, Applicant Representative

- Spoke to the minor variance requested and the intent of the proposal.

No one came forward.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Singh

**R987/15/12/15** THAT final adoption of Rezoning Bylaw No. 11122 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0082 for Lot B Section 26 Township 26 ODYD Plan 27494 located at 310 Mugford Road, Kelowna, BC;

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

Section 13.2.5 (a): RU2 - Medium Lot Housing Subdivision Regulations

To vary the minimum required lot width from 13.00 m to 12.95 m on the subject parcel.

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

**Carried**

7. Reminders

Budget Meeting held on Thursday, December 17<sup>th</sup>.

8. Termination

The meeting was declared terminated at 8:12 p.m.

\_\_\_\_\_  
Mayor

/acm

  
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City Clerk

# CITY OF KELOWNA

## BYLAW NO. 11178

### Official Community Plan Amendment No. OCP15-0018 British Columbia Buildings Corporation 200 Potterton Road

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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 Lot A, Section 2, Township 20, ODYD, Plan KAP59703, located on Potterton Road, Kelowna, B.C., from the EDINST - Educational / Major Institutional designation to the IND - Industrial designation;
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 14<sup>th</sup> of December, 2015.

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

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Mayor

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City Clerk

# CITY OF KELOWNA

## BYLAW NO. 11178

### Official Community Plan Amendment No. OCP15-0018 British Columbia Buildings Corporation 200 Potterton Road

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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 Lot A, Section 2, Township 20, ODYD, Plan KAP59703, located on Potterton Road, Kelowna, B.C., from the EDINST - Educational / Major Institutional designation to the IND - Industrial designation;
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 14<sup>th</sup> of December, 2015.

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

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Mayor

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City Clerk

**CITY OF KELOWNA**  
**BYLAW NO. 11179**  
**Z15-0057 - British Columbia Buildings Corporation**  
**200 Potterton Road**

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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 A, Section 2, Township 20, ODYD, Plan KAP59703 located on Potterton Road, Kelowna, B.C., from the P1 - Major Institutional zone to the I2 - General Industrial 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 13<sup>th</sup> day of April, 2015.

Considered at a Public Hearing on the 28<sup>th</sup> day of April, 2015.

Read a second and third time by the Municipal Council this 28<sup>th</sup> day of April, 2015.

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

# REPORT TO COUNCIL



**Date:** January 19, 2016  
**RIM No.** 0940-50  
**To:** City Manager  
**From:** Community Planning Department (LK)  
**Application:** DP15-0225  
DVP15-0226  
**Owner:** Christine Naomi Bothe  
**Address:** 2055 Heimlich Road  
**Applicant:** Christine Naomi Bothe  
**Subject:** Development Permit and Development Variance Permit  
**Existing OCP Designation:** REP - Resource Protection  
**Existing Zone:** RR3 - Rural Residential 3

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP15-0225 for Lot 1 Section 8 Township 26 ODYD Plan 34462 located at 2055 Heimlich 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. DVP15-0226 for Lot 1 Section 8 Township 26 ODYD Plan 34462 located at 2055 Heimlich Road, Kelowna, BC;

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

### **Section 12.3.6(b): RR3 Rural Residential 3 Development Regulations**

To vary the height for an accessory building from 4.5m maximum to 5.61m proposed.

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment 'A' attached to the Report from the Community Planning Department dated January 19, 2016;

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

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

## 2.0 Purpose

To consider the form and character, and a variance, for the proposed accessory building on the subject property.

## 3.0 Community Planning

Community Planning Staff supports the form & character and the height variance to allow for the construction of a new accessory building. The proposed gambrel design of the accessory building fits within the local context of small scale farms and rural residential properties. Other than the height, the proposal will meet all other Zoning Regulations.

The parcel is located outside of the Permanent Growth Boundary and is not within the Agricultural Land Reserve (ALR). The proposed application is subject to the Farm Protection Guidelines within the Official Community Plan (OCP) which supports the location of all buildings and structures within a contiguous area (i.e. homeplate). The application achieves this by replacing multiple aging structures with the new accessory building.

## 4.0 Proposal

### 4.1 Background

The owners of the subject property operate a small scale organic farm which sells its produce at the Kelowna Farmers and Crafters Market. Part of the business incorporates art in the form of painted gourds which are crafted into birdhouses, ornaments and other projects. Currently, the farm has various aging accessory buildings along the east side property line. The current proposal will see the removal of three dilapidated structures (approximately 60 m<sup>2</sup>) and the construction of the new accessory building (116 m<sup>2</sup> footprint) within a similar location along the east property line.

### 4.2 Project Description

The proposed accessory building will contain a single vehicle garage, a workshop and packing area on the main level. The second storey will be dedicated to the arts and crafts portion of the business, which currently occurs in various outbuildings and the main dwelling. This will ensure the farming operations are more centralized in one building which meets the OCP objective for homeplating and maintains the amount of farmable land on the parcel.

The design of the building has evolved from the original application to reduce the overall height of the accessory building as much as possible. The gambrel style roof will maximize the amount of useable space on the second storey, and dormers with windows have been added on the west side to provide as much natural sunlight as possible into the art space. The east side of the building does not have windows at the second storey level to eliminate overlooking onto the existing adjacent parcels. Privacy is further ensured through the existing landscaping which consists of a hedge with numerous mature trees along the east shared property line.

The proposed accessory building will be located along the east shared property line. This is the rear of the two adjacent parcels which front onto Spiers Road. These two adjacent parcels both have existing accessory buildings at the rear of the parcel. The proposed building will be adjacent to both of these existing structures. In the Zoning Bylaw regulations, an accessory buildings has a maximum allowable height of 4.5m. The variance would allow the height to be increased to 5.61m. The height variance will not negatively impact the adjacent parcels as the accessory buildings of all three parcels back onto one another at the shared property lines with the dwellings well separated from these structures.

In fulfillment of Council Policy No. 367 regarding public consultation, the applicant undertook neighbor consultation by contacting each in person and providing proposal application packages. Letters of support were provided by all adjacent neighbours at the time of application.

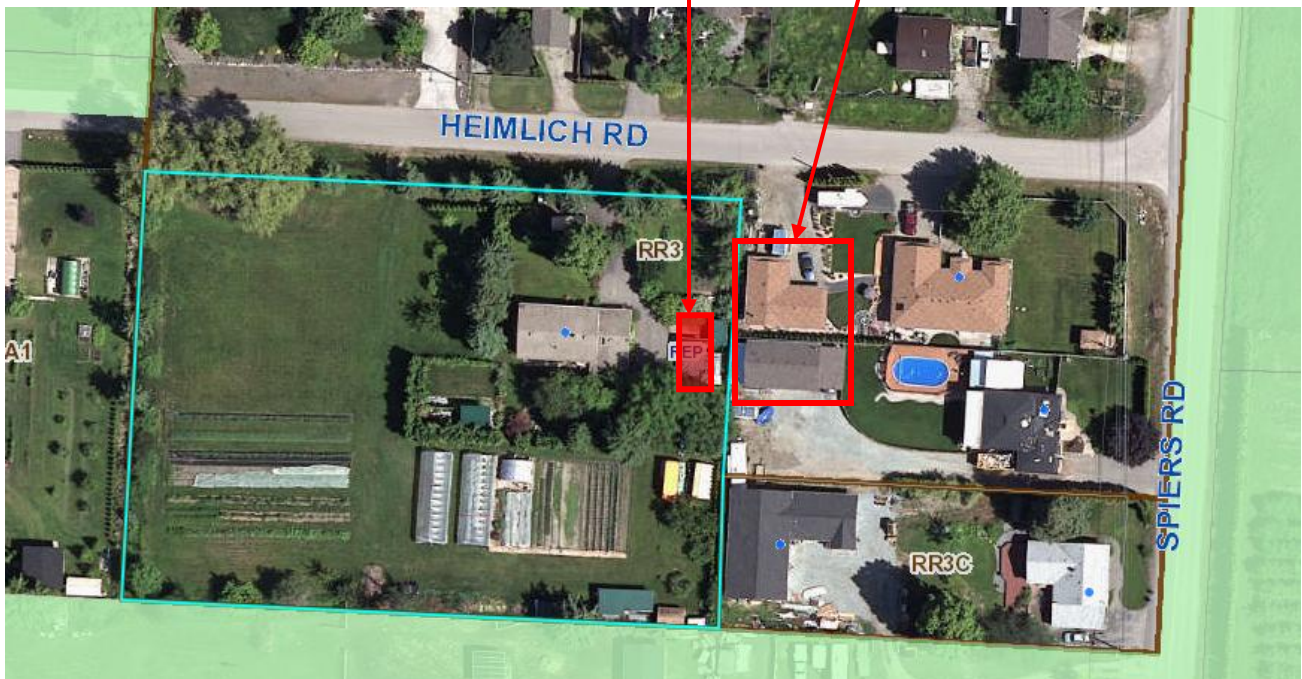
### 4.3 Site Context

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR3 - Rural Residential 3	Single Family Dwelling
East	RR3 - Rural Residential 3	Single Family Dwelling
South	A1 -Agriculture 1	Single Family Dwelling
West	A1 -Agriculture 1	Single Family Dwelling

**Subject Property Map: 2055 Heimlich Road**  
Green hatching indicates the extent of the ALR Boundary.

Approximate proposed accessory building location.  
Existing accessory buildings on adjacent parcels.



### 4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RR3 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	1600 m <sup>2</sup>	8033 m <sup>2</sup>
Minimum Lot Width	18 m	105.7 m
Minimum Lot Depth	40 m	76.17 m
Development Regulations		
Maximum Site Coverage	30%	3.36%
Maximum Site Coverage of Accessory Buildings	14%	1.60%
Maximum Height	4.5 m	5.61 m ●



Minimum Front Yard	18 m	23.77 m
Minimum Side Yard (east)	1.2 m	1.50 m
Minimum Separation to Dwelling	1.0m	8.83 m
● To vary the maximum height of the proposed accessory building.		

**5.0 Current Development Policies**

5.1 Kelowna Official Community Plan (OCP)

**Development Process**

**Farm Land Protection.**<sup>1</sup> On agricultural lands, where appropriate, locate all buildings and structures, including farm help housing and farm retail sales, within a contiguous area (i.e. homeplate). Exceptions may be permitted where the buildings or structures are for farm use only.

On agricultural and non-agricultural lands, establish and maintain a landscape buffer along the agricultural and/or property boundary. Preserve all healthy existing mature trees located within the buffer area.

**6.0 Technical Comments**

6.1 Development Engineering Department

- See Attachment A

**7.0 Application Chronology**

Date of Application Received: September 21, 2015  
 Date Public Consultation Completed: June 2, 2015  
 Date of Plans Received: September 21, 2015

**Report prepared by:**

\_\_\_\_\_  
 Lydia Korolchuk, Planner

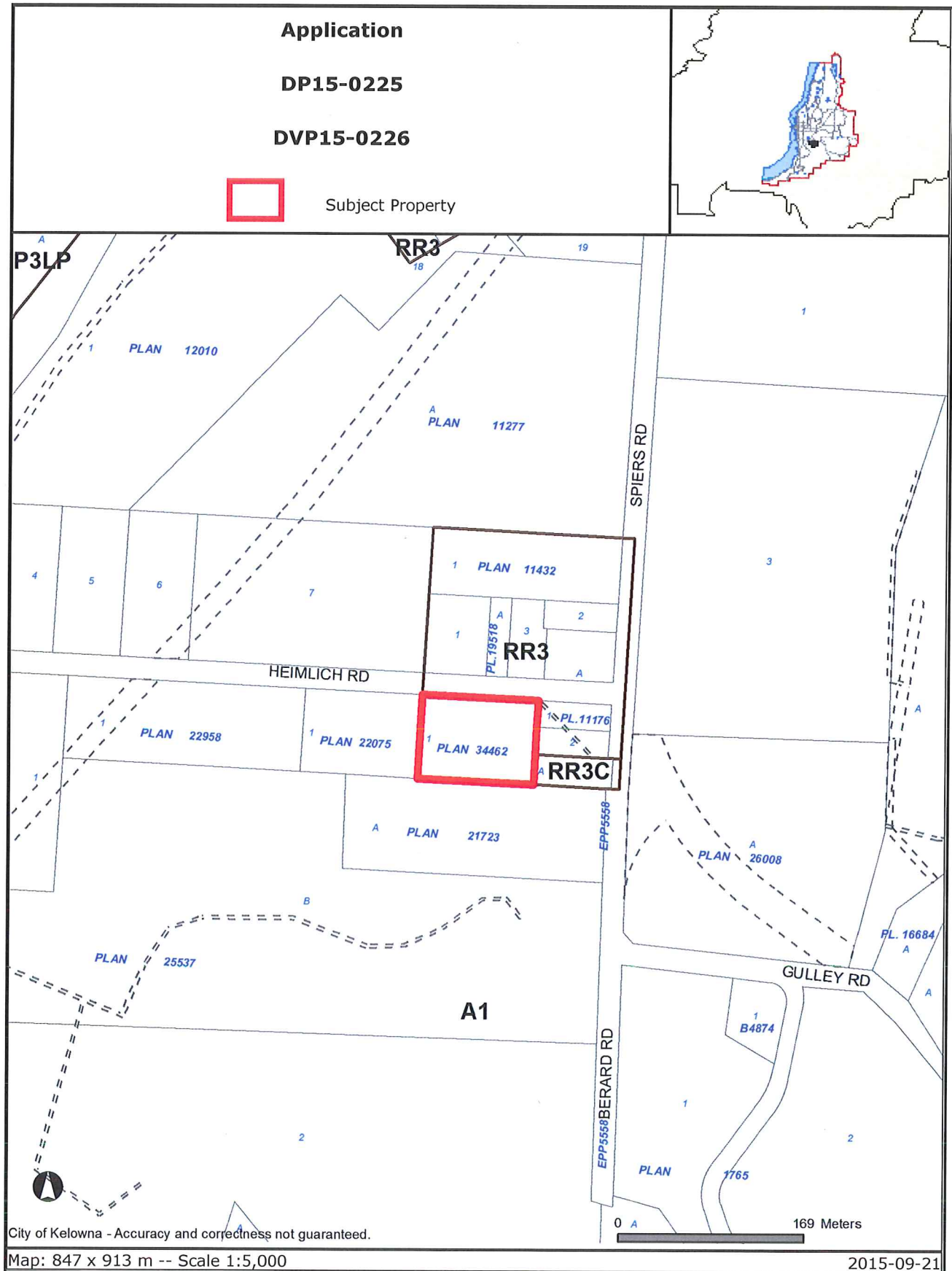
**Reviewed by:**  Terry Barton, Urban Planning Manager

**Approved for Inclusion:**  Ryan Smith, Community Planning Department Manager

**Attachments:**

- Site Context Map
- Attachment A - Development Engineering Memorandum dated October 20, 2015
- Schedule A - Site Plan
- Schedule B - Conceptual Elevations
- Draft Development Permit & Development Variance Permit DP15-0225 & DVP15-0226

<sup>1</sup> City of Kelowna Official Community Plan, Policy 15.1.2 & 15.1.3.1 (Farm Protection DP Guidelines Chapter).



*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

## APPROVED ISSUANCE OF A:

Development Permit No.: DP15-0225 & DVP15-0226

EXISTING ZONING DESIGNATION:	RR3 - Rural Residential 3
WITHIN DEVELOPMENT PERMIT AREA:	N/A

ISSUED TO:	Christine Naomi Bothe
LOCATION OF SUBJECT SITE:	2055 Heimlich Road

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	1		34462	8	26	ODYD

<b>SCOPE OF APPROVAL</b>
<input type="checkbox"/> 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.
<input type="checkbox"/> 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.
<input type="checkbox"/> Applicants for a Heritage Alteration 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:

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

2. The development shall commence by and in accordance with an approved Building Permit within TWO YEARS of the date of the Municipal Council authorization resolution.

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 which shall form a part hereof.

If the Permittee 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 transferrable 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.**

4. PERFORMANCE SECURITY:

N/A

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 Director of Planning & Development Services.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management 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 COMMUNITY PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_\_ DAY OF \_\_\_\_\_, 2015 BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

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



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**CITY OF KELOWNA**  
**MEMORANDUM**

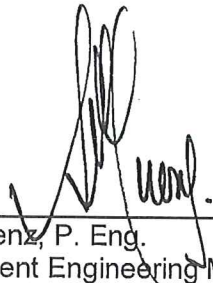
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**Date:** October 20, 2015  
**File No.:** DVP15-0226  
**To:** Community Planning (LK)  
**From:** Development Engineering Manager (SM)  
**Subject:** 2055 Heimlich Road

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Development Engineering comments and requirements regarding this development permit application are as follows:

This development variance permit application to vary the accessory building height from 4.5m to 5.61m does not compromise any municipal services.

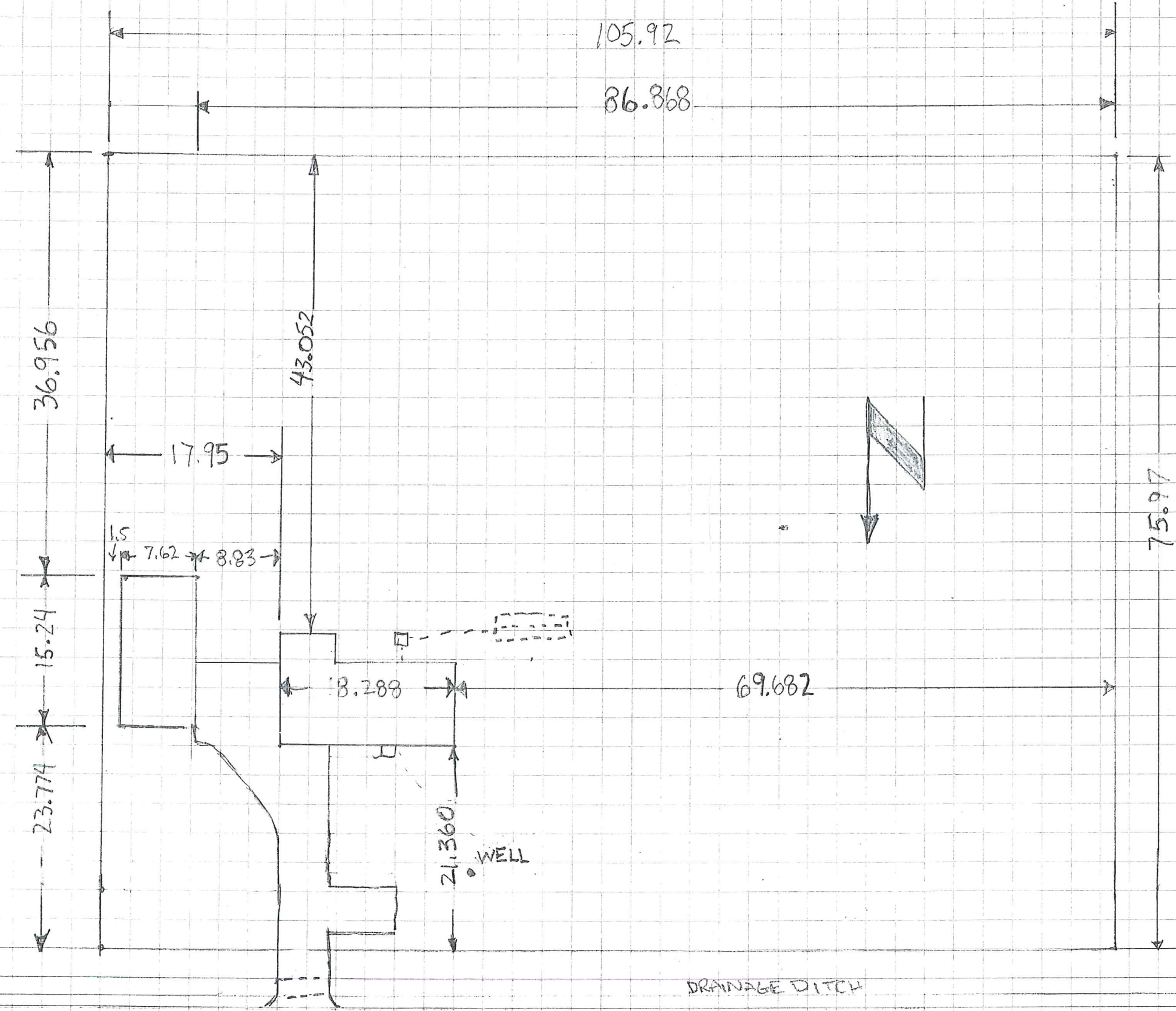


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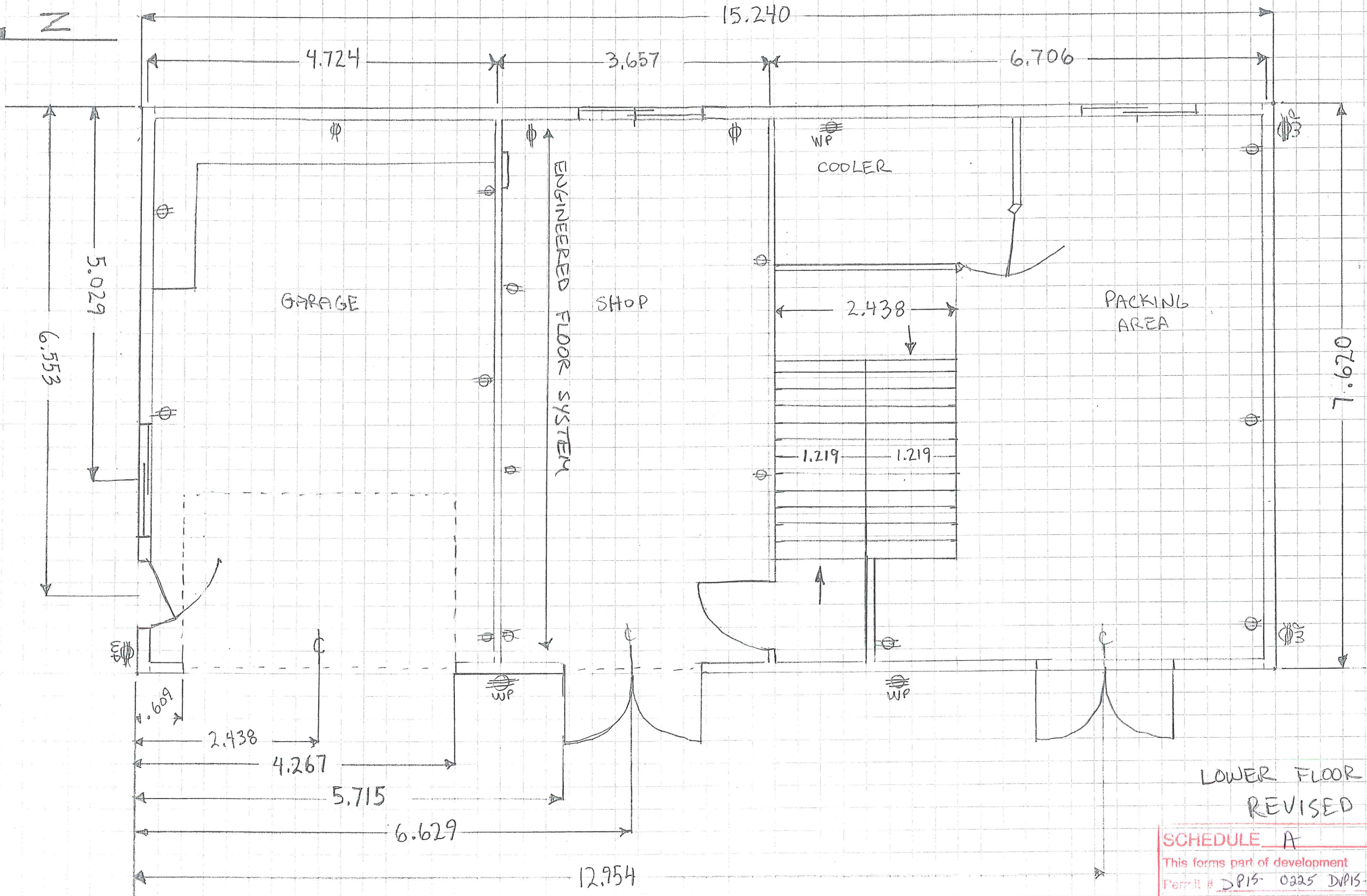
Steve Muenz, P. Eng.  
Development Engineering Manager

SS

2055 HEIMLICH RD  
SITE PLAN



**SCHEDULE 'A'**  
This forms part of development  
Permit # DP15-0225 DP15-0236

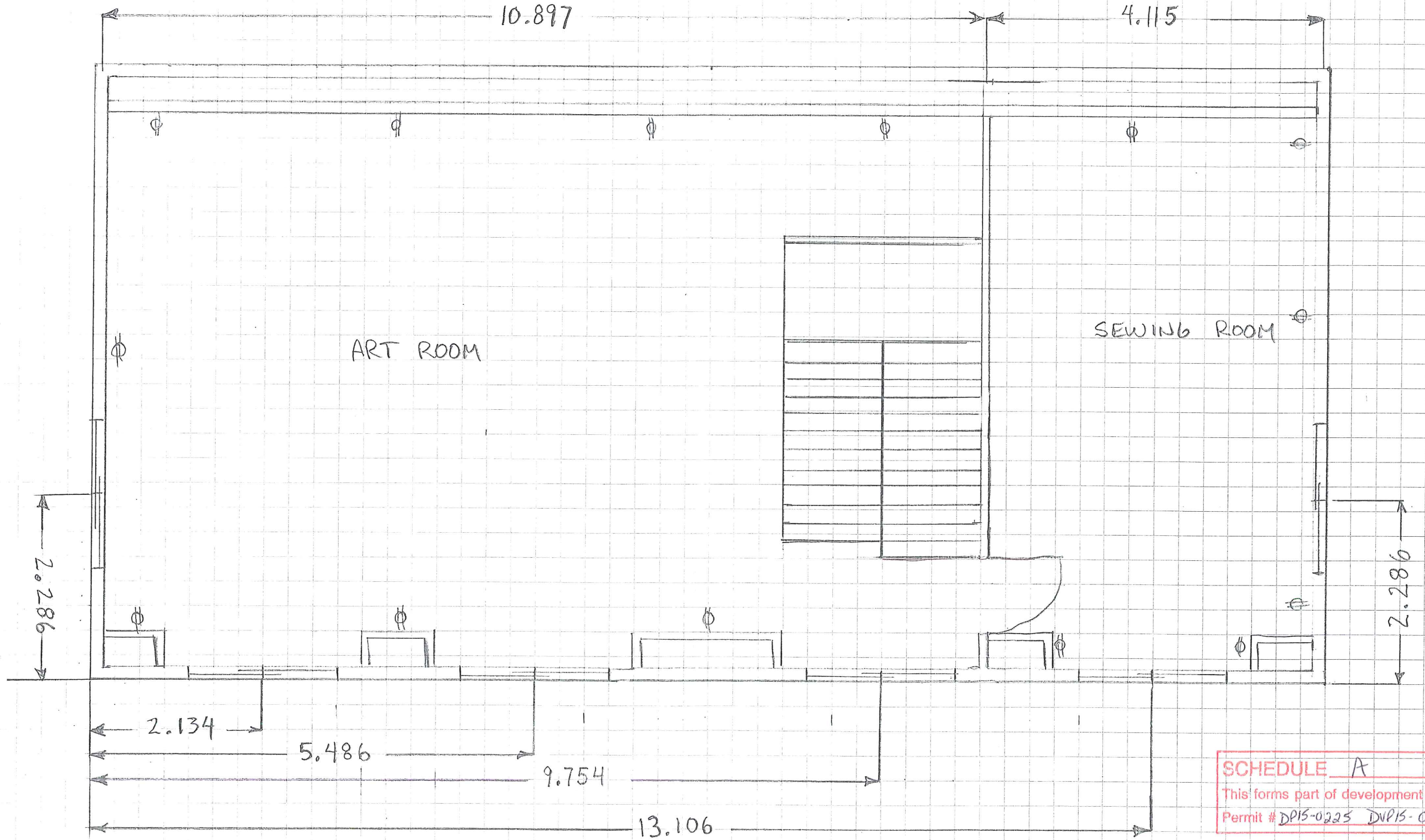


LOWER FLOOR PLAN  
REVISED

**SCHEDULE A**  
This forms part of development  
Permit # DP15-0225 DP15-0226

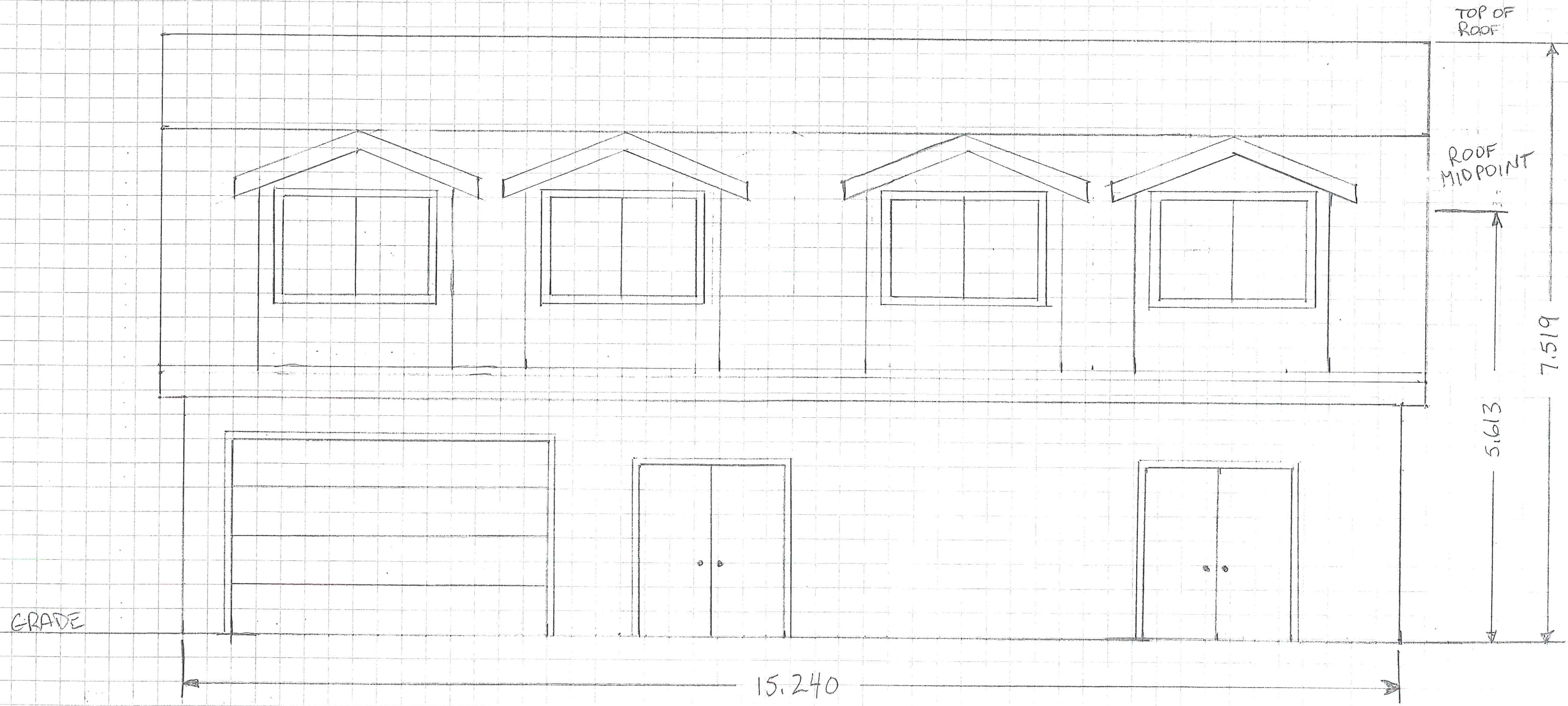


# UPPER FLOOR PLAN REVISED



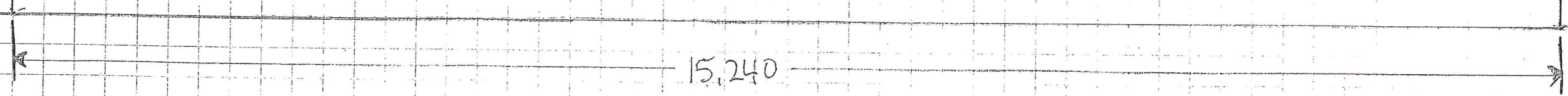
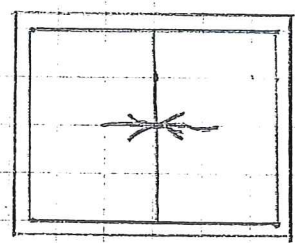
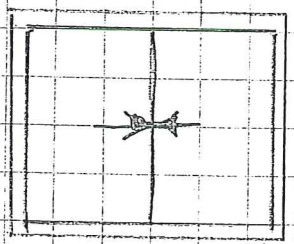
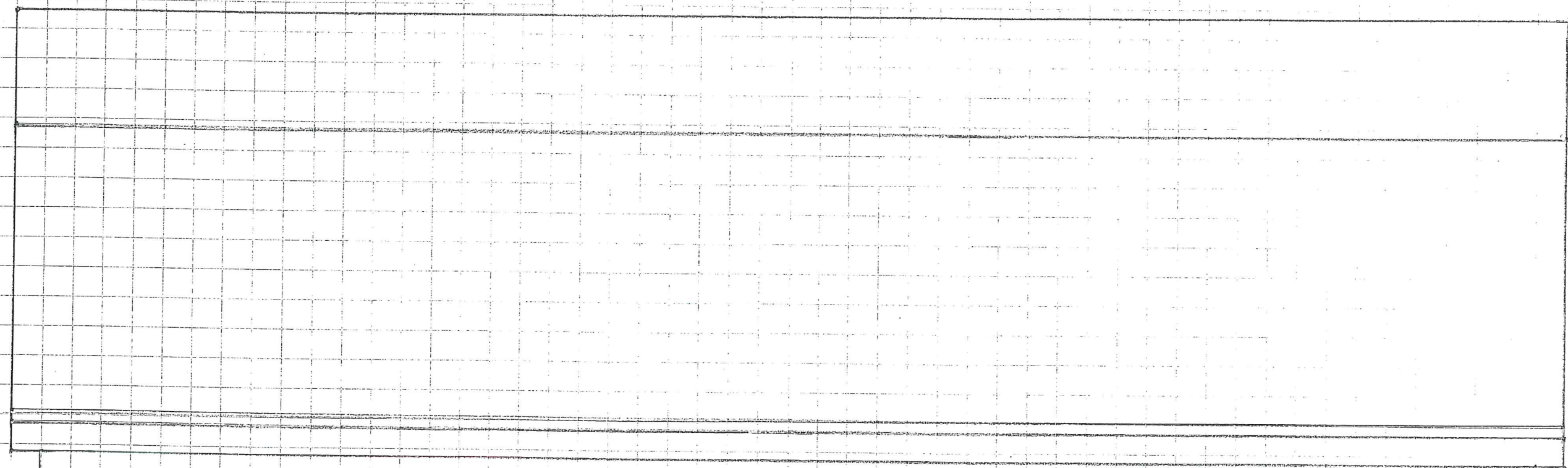
WEST ELEVATION REVISED

SCHEDULE B  
This forms part of development  
Permit # DP15-0225 DP15-0226



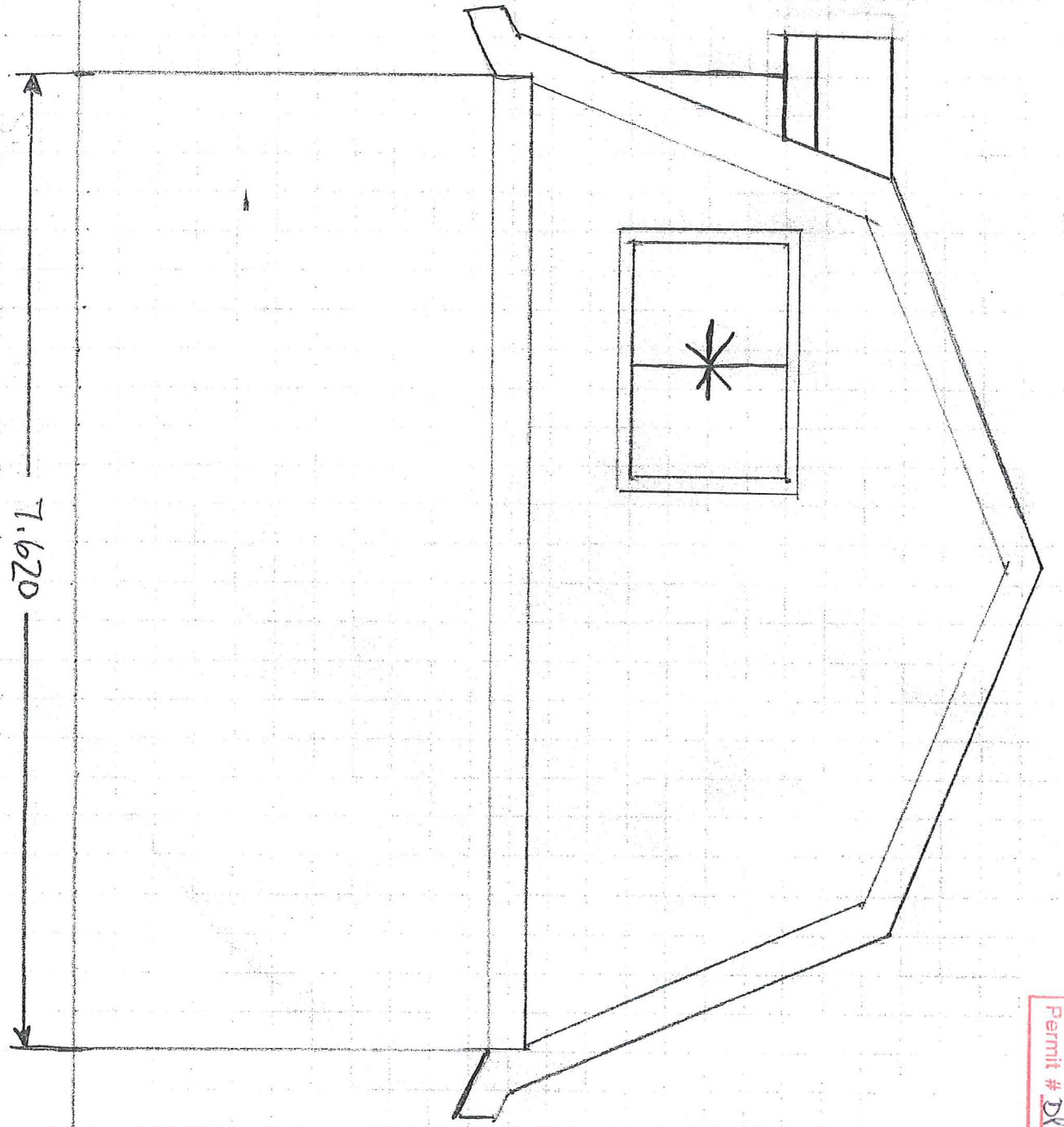
EAST ELEVATION REVISED

SCHEDULE B  
This forms part of development  
Permit #D915-0225 DVP15-0226



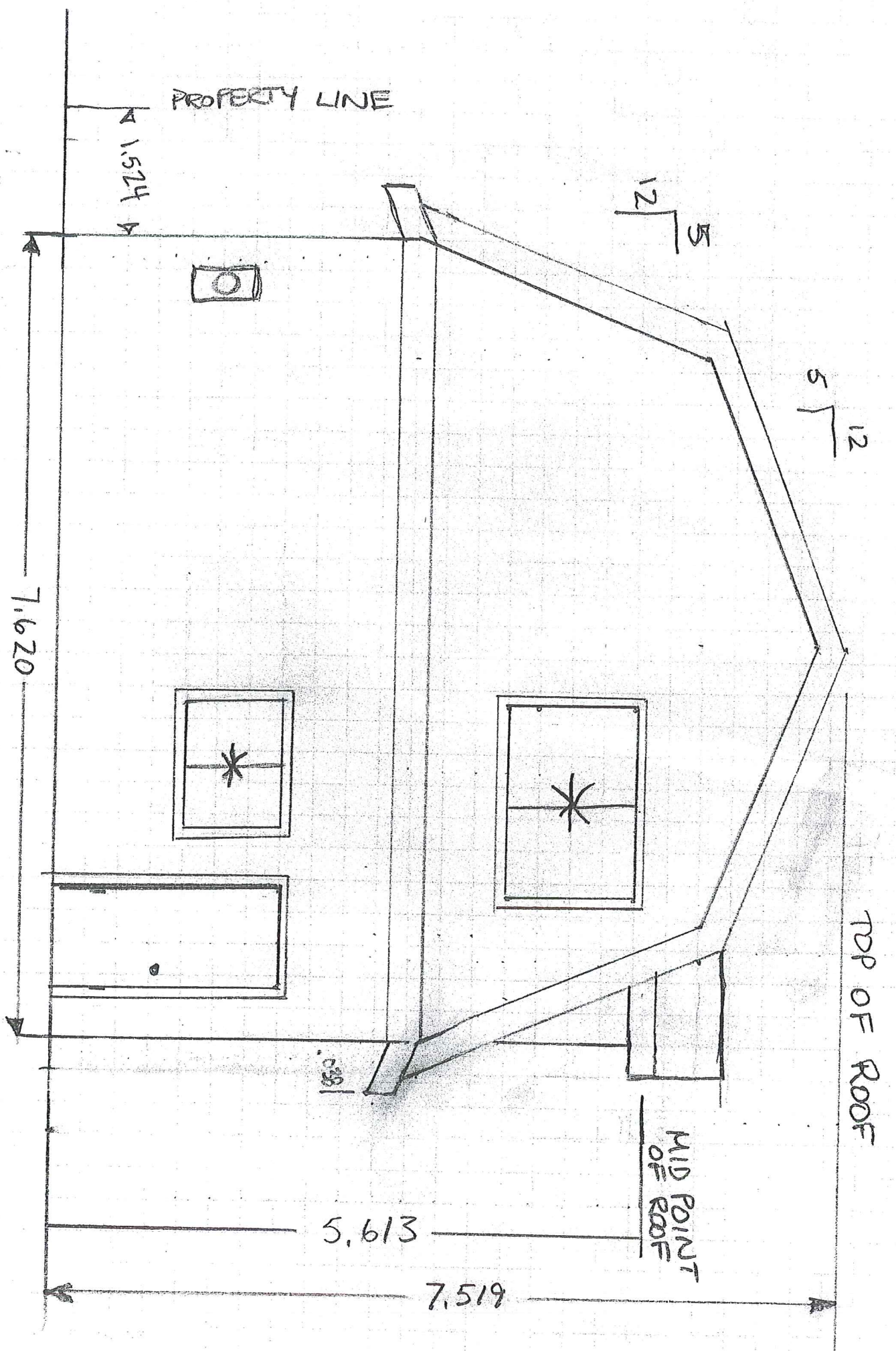
15,240

SOUTH ELEVATION



SCHEDULE B  
This forms part of development  
Permit # D115-0225 D115-0226

NORTH ELEVATION



## DRAFT RESOLUTION

Re: 3567 Highway 97 N, Z13-0037, DP13-0159 & DVP13-0160 - Raul Holdings Ltd.

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THAT Council defers consideration of Bylaw No. 10934 (Z13-0037), Development Permit Application No. DP13-0159 and Development Variance Permit Application No. DVP13-0160 for the property located at 3567 Highway 97 North to the February 2, 2016 Regular Meeting.

### **BACKGROUND:**

Staff has advised that the development sign was not posted on the subject property, and therefore the Applicant did not meet the requirements of Development Application Procedure Bylaw No. 10540 with respect to signage. The Applicant is aware that Council's consideration of its application will have to be deferred.

Date: January 15, 2016

File: 0610-53

**CITY OF KELOWNA**  
**BYLAW NO. 10934**  
**Z13-0037 - Raul Holdings Inc.**  
**3657 Highway 97 North**

---

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 A, Section 35, Township 26, ODYD, Plan 19674, Except Plan 23587 located on 3657 Highway 97 North, Kelowna, B.C., from the A1 - Agriculture 1 zone to the C10 - Service Commercial 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 24<sup>th</sup> day of March, 2014.

Considered at a Public Hearing on the 15<sup>th</sup> of April, 2014.

Read a second and third time by the Municipal Council this 15<sup>th</sup> of April, 2014.

Approved under the Transportation Act this 8<sup>th</sup> day of December, 2015.

Audrie Henry  
(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



# REPORT TO COUNCIL



**Date:** January 19, 2016  
**RIM No.** 1250-30  
**To:** City Manager  
**From:** Community Planning Department (RS)  
Z13-0037  
**Application:** DP13-0159 **Owner:** Raul Holdings Inc.  
DVP13-0160  
**Address:** 3657 Hwy 97N **Applicant:** Novation Design Studio (Paul Schuster)  
**Subject:** Development Permit, Development Variance Permit  
**Existing OCP Designation:** SC - Service Commercial  
**Existing Zone:** A1 - Agriculture 1  
**Proposed Zone:** C10 - Service Commercial

---

## 1.0 Recommendation

THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw No. 10934 (Z13-0037, *Raul Holdings Inc*, 3657 Hwy 97N), be extended from April 15, 2015 to January 19, 2016;

AND THAT final adoption of Zone Amending Bylaw No. 10934 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP13-0159 for Lot A, Section 35, Township 26, ODYD Plan 19674 Except Plan 23587 located on 3657 Hwy 97N, Kelowna, BC subject to the following:

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



4. The applicant be required to post with the City, a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0160, for Lot A, Section 35, Township 26, ODYD Plan 19674 Except Plan 23587, located on 3657 Hwy 97N, Kelowna, BC;

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

**Section 7: 7.6.1 *Minimum Landscape Buffers***

To vary level 5 landscape buffer against ALR lands required to Level 1 buffer proposed.

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council's approval of the Development Permit and Development Variance Permit Application in order for the permit to be issued.

**2.0 Purpose**

Development Permit for form and character of new Service Commercial building and Development Variance Permit for reduced agricultural buffer.

**3.0 Community Planning**

Urban Planning staff are supportive of the overall development concept, as it is consistent with the vision of the Official Community Plan (OCP) for the site. The building and supporting landscaping place considerable design effort on the site's Highway 97 frontage, which contributes to the development of an improved highway corridor.

The proposal contemplates a significant reduction in the required landscape buffer directly abutting lands in the ALR. Following OCP direction, staff seek to ensure the compatibility of adjacent development with agricultural lands. However, given the location of the building on the site, the nature of the proposed development, and the proposed buffer treatment, staff feels that the proposal adequately mitigates any potential negative impacts. While the proposal does not achieve that 3.0m vegetative buffer, it does achieve a minimum 2.0m buffer as well as a 2.4m opaque fence which is a key component of the buffering requirement.

The applicant has conducted Neighbor Consultation in accordance with the requirements of Council Policy No. 367. Of the 6 properties contacted with regards to the development proposal, none were opposed, and one was in support.

**4.0 Proposal**

**4.1 Background**

Council advanced the associated rezoning application Z13-0037 to 3<sup>rd</sup> after a Public Hearing on April 14, 2013. Staff has been holding off on an extension/adoption of the rezoning application pending a firm commitment by the applicant to resolve the outstanding servicing requirements. Outstanding servicing requirements have now been addressed by the applicant

**4.2 Project Description**

The applicant is proposing to develop a service commercial building on the subject property. The building will be a single storey with a mezzanine, having a total building footprint of 590m<sup>2</sup> and a total floor area of 826m<sup>2</sup> (including mezzanine). The building will contain space for up to four tenants, each having their own loading bay access at the rear of the building.

The building is oriented so that it fronts Highway 97N, and it is from that frontage that the main entrances for all the tenant spaces are taken. It is also the highway frontage of the proposed building that benefits from the highest level of design detail and visual interest.

While the building fronts Highway 97, its access is located at the opposite side of the site at Lansdowne Place. Garbage and recycling for the development is located on the south side of the building, and is appropriately screened from view. The southern property line directly abuts agricultural land situated within the Agricultural Land Reserve (ALR). Accordingly, increased buffer requirements are triggered on the subject property in accordance with both City and ALC policy. Beyond the policy direction for a larger landscape buffer adjacent to ALR lands, there is a minimum Zoning Bylaw standard of a 3.0m buffer. The proponent has made application for a Development Variance Permit to reduce the landscape buffer requirement from 3.0m required to 2.0m proposed.

Alongside the Development Variance Permit, Development permits are also required to evaluate the form and character of the proposed development as well as its impact on adjacent farmland. Should Council give favourable consideration to the proposal, both application will be brought forward in concert with final adoption of the rezoning.

#### 4.3 Site Context

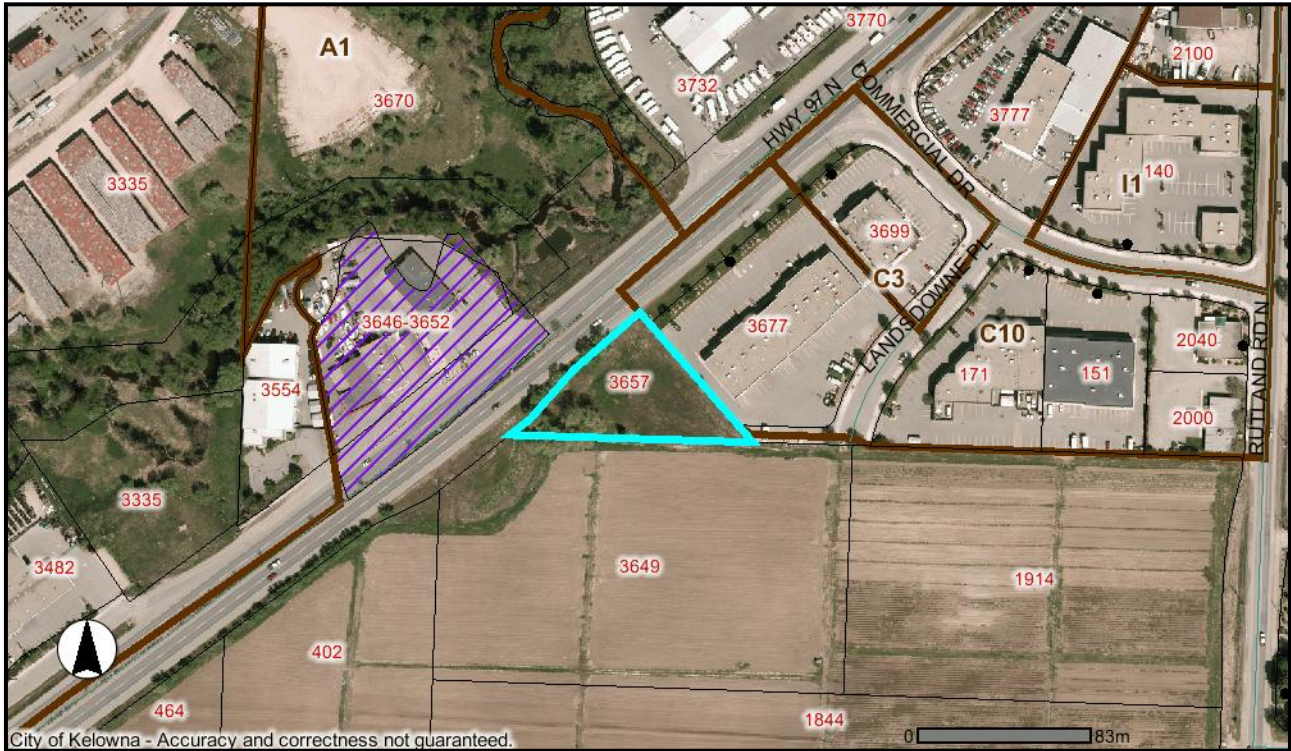
The subject property fronts the south side of Highway 97N, approximately 150m southwest of its intersection with Commercial Drive in the Rutland sector of the city. The 0.36ha lot is generally triangular in shape, and takes its principal access from the east at Lansdowne Place.

The lot is situated in an area characterized by land uses which are sharply divided between a mix of service commercial and industrial set against agricultural lands in the Agricultural Land Reserve (ALR). The lot is zoned A1 - Agriculture 1 zone, but is designated as SC - Service Commercial in the OCP and is within the Permanent Growth Boundary. The parcel is not within the ALR, but it does share its southern lot line with lands that are in the ALR.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C10 - Service Commercial	Service commercial development
East	C10 - Service Commercial	Service commercial development
South	A1 - Agriculture 1	Agriculture
West	A1 - Agriculture 1/Land Use Contract 77-1040	General industrial uses

Subject Property Map: 3657 Hwy 97N



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C10 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	1,000 m <sup>2</sup>	3,583 m <sup>2</sup>
Lot Width	30.0 m	Approx 75.0 m
Lot Depth	30.0 m	Approx 90.0 m
Development Regulations		
Floor Area Ratio	0.65	0.23
Height	12.0 m / 3 storeys	11.5 m / 1 storey + mezzanine
Front Yard (hwy 97)	4.5 m	exceeds
Side Yard (south)	4.5 m	6.0 m
Side Yard (northeast)	0.0 m	10.0 m
Rear Yard (east corner)	0.0 m	exceeds
Other Regulations		
Minimum Parking Requirements	2 stalls / 100m <sup>2</sup> = 17 stalls	20 stalls
Bicycle Parking	Class I: 2 Class II: 5	Class I: TBD Class II: TBD

Loading Space	1 per 1,900m <sup>2</sup>	4 stalls
Landscape Buffer Requirements Front Side (northeast) Side (south) Rear (east corner)	Level 4 (3.0m planting) Level 3 (3.0m or fence) Level 5 (3.0m planting & fence) Level 3 (3.0m or fence)	Level 4 (3.0m planting) Level 3 (3.0m or fence) Level 1 (2.0m planting & fence) ● Level 3 (3.0m or fence)
● Indicates a requested variance to the minimum landscape buffer abutting lands within the ALR from Level 5 required to Level 1 proposed.		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Retention of Commercial Land.**<sup>1</sup> In order to ensure that the City's commercial land supply is not eroded, where the OCP Bylaw 10500 indicated a commercial land use designation for the property, the expectation would be that there be no net loss of commercial space on the site as a result of the redevelopment to include other uses.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)

Full Plan check for Building Code related issues will be done at time of Building Permit applications. The submitted drawings do not show floor plans to make building comments on.

The fire department may have access issues to get to the front of the building as required by code. Please have the fire department comment on access and required turn radius requirements.

### 6.2 Development Engineering Department

Development Engineering requirements satisfied as part of Z13-0037.

### 6.3 FortisBC (electric)

There are primary distribution facilities along Highway 97N as well as Landsdowne Place. However, an extension will be required in order to service the proposed development. The design process required to plan such an extension does not yet appear to have been initiated. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

Otherwise, FortisBC Inc. (Electric) has no concerns with this circulation.

### 6.4 Black Mountain Irrigation District

See attached email, dated November 1, 2013.

### 6.5 Ministry of Transportation

<sup>1</sup> City of Kelowna Official Community Plan. Chapter 5 (Development Process), Policy 5.24.2.

Approved.

#### 6.6 Shaw Cable

Shaw Communications' interests are unaffected. The applicant should contact Shaw regarding future cable services.

#### 6.7 Telus Communications

TELUS will provide underground facilities to this development. Developer will be required to supply and install conduit as per TELUS policy.

#### 6.9 Agricultural Advisory Committee

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting on November 28, 2013 and the following referral comments were provided:

*The Committee did not have any concerns with respect to the proposed variance and ALR landscape buffering provided that there is a 'solid' fence constructed.*

### 7.0 Application Chronology

Date of Application Received: October 4, 2013

Date Circulation Complete: November 1, 2013

Advisory Design Team: November 7, 2013

Public Notification & Consultation: February 17 & 18, 2014

Development Engineering/Development Servicing resolved: November 17, 2015

#### Report prepared by:

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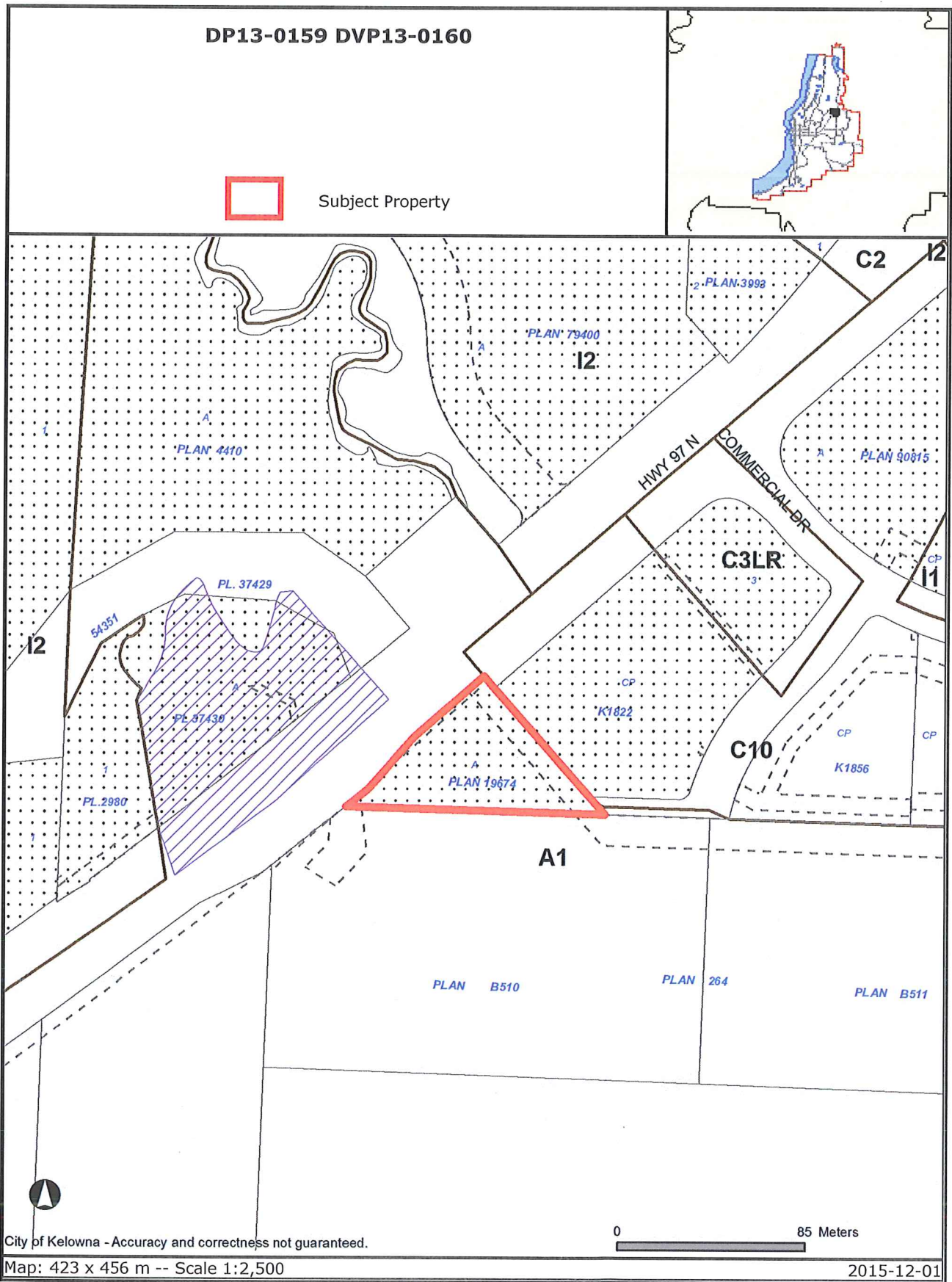
Ryan Smith, Community Planning Manager

#### Attachments:

Site Plan (Schedule 'A')

Elevations (Schedule 'B')

Landscape Plan/Estimate (Schedule 'C')



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

**APPROVED ISSUANCE OF A:**

Development Permit No. DP15-0159  
 Development Variance Permit No. DVP15-0160

EXISTING ZONING DESIGNATION: A1 – Agriculture 1

PURPOSED ZONING DESIGNATION: C10 – Service Commercial

DEVELOPMENT PERMIT PURPOSE: To consider form and character of new Service Commercial building

DEVELOPMENT VARIANCE PERMIT PURPOSE: To reduce the minimum landscape buffer from Level 5 to Level 1

PERMIT PREPARED BY: Ryan Smith

ISSUED TO: Raul Holdings Inc., Inc. No. BC0968428

LOCATION OF SUBJECT SITE: 3657 Hwy 97 N

	LOT	SECTION	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION	A	35	26	ODYD	19674 EXCEPT PLAN 23587

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 a Development Permit and/or 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:**

- a) THAT the dimensions and siting of the building to be constructed on the land in general accordance with Schedule "A";
- b) AND THAT the exterior design and finish of the building to be constructed on the land in general accordance with Schedule "B";
- c) AND THAT Landscaping to be provided on the land by in general accordance with Schedule "C".

- d) AND THAT the applicant is required to post with the City, a Landscape Performance Security deposit in the form of "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;
- e) AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend;

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 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 transferrable 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.**

4. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ N/A.
- (b) A Certified Cheque in the amount of N/A
- (c) An Irrevocable Letter of Credit in the amount of \$49,357.50

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

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 Manager of Urban Planning.



Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management 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:

DEVELOPMENT VARIANCE PERMIT ISSUED & APPROVED BY COUNCIL ON THE  
\_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

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

\_\_\_\_\_  
DATE



Notes:  
 © Copyright Reserved. This drawing and design are, and all their contents, the property of Patrick McCusker Architecture Inc. and can be reproduced only with written consent.  
 All drawings shall be read in conjunction with specifications and consultant details.  
 All work shall be carried out in accordance with Canadian standards, specifications, B.C. Building Code (Current Edition) and local authority by-laws and regulations.  
 Tabulated scales refer to Arch D size drawing sheet.  
 This drawing must not be scaled.  
 Contractors shall verify all dimensions prior to commencement of work.  
 Any omissions or discrepancies shall be reported to the architect.  
 Seal

this document is:

- NOT controlled. Revisions may be made without notice.
- A CONTROLLED document. Revisions will be advised.
- The first issue of the document.
- A complete revision. Remove previous issues from use.
- A partial revision. Remove previous issues of corresponding sheets / pages from use.
- Not for Construction.

NOT FOR CONSTRUCTION

- DP 0.00 - COVER SHEET
- DP 1.01 - SITE PLAN
- DP 1.02 - MAIN FLOOR PLAN
- DP 1.03 - MEZZANINE FLOOR PLAN
- DP 1.04 - ROOF PLAN
- DP 3.01 - ELEVATION
- DP 3.02 - ELEVATION

Raul Holdings Inc.  
 Address: 0000 Landsdowne Place, Kelowna, B.C.  
 Legal: Lot A, PLAN 19674 ODYD, TWP 26  
 Zoning (Current) : A1 Non-ALR  
 Permitted Use: Refer to Zoning bylaw #8000  
 Zoning: (Proposed) C10 Service Commercial  
 Permitted Use: Refer to Zoning bylaw #8000 section 14.10

Site Area:	<b>3,292.5</b>	<b>sq.m.</b>
	<b>35,440</b>	<b>sq.ft.</b>
	<b>0.3293</b>	<b>Ha</b>

	ALLOWED		PROPOSED	
Min Lot Width	40.0	m	128.0	m
Min Lot Depth	30.0	m	44.5	m
Min Parcel Size	1000.0	2	7270	m2

	ALLOWED		PROPOSED	
Setbacks				
Front yard	4.5m		16.0 m	
Front yard parking	2.0m		11.0 m	
Side yard (East)	0.0 m		9.8 m	
Side yard (West)	0.0 m		8.4 m	

LANDSCAPE BUFFER		
Front	Level	3.0 m
	4	9.81 ft
Side	Level	3.0 m
	3	9.84 ft
Adjacent ALR	Level	3.0 m
	5	9.84 ft

2.0 m provided for portion of property

Parcel Coverage Maximum 60% (Building Footprint)  
 Maximum # of dwelling units  
 Floor Area Ratio Maximum .65  
 Height Principal buildings or 3 storeys  
 Parking 2.0 stalls/100 m2 (main floor)  
 2.0 stalls/100 m2 (40% mezzanine)  
 Regular Size (6m x 2.5m) Max 50%  
 Medium Size (4.8m x 2.3) Max 40%  
 Compact Size (3.4m x 2.0m) Max 10%

ALLOWED/REQUIRED		PROPOSED	
1,976	sq.m.	600	sq.m.
21,264	sq.ft.	6,458	sq.ft.
1 unit		N/A	

2,140	sq.m.	837	sq.m.
23,036	sq.ft.	9,013	sq.ft.
12.0	m	11.5	m
39.4	ft	37.0	ft

Required	12.0	spaces
	4.7	spaces
	0	spaces
<b>Total Required</b>	<b>17</b>	<b>spaces</b>

Covered	0	spaces
On Grade	20	spaces
<b>Total Provided</b>	<b>20</b>	<b>spaces</b>
Visitor	0	spaces
Loading	4	spaces

no.	date	description
1	20151112	ISSUED FOR DP



101 - 1865 DILWORTH DR. SUITE 520  
 KELOWNA B.C. V1Y 9T1



project title  
 RAUL HOLDINGS INC.  
 COMMERCIAL

3657 HIGHWAY 97 N.  
 project no. 1301

drawing title  
 Cover Sheet

designed	PS	scale
drawn	PS	
checked	Checker	
draw ing no.		

DPO.00

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no.	date	description
1	20151112	ISSUED FOR DP

**NOVATION**  
 DESIGN STUDIO  
 101 - 1865 DILWORTH DR. SUITE 520  
 KELOWNA B.C. V1Y 9T1

**PM**   
 PATRICK McCUSKER  
 ARCHITECTURE INC.  
 AAA MAIBC MRAIC  
 3430 BENOULIN ROAD  
 KELOWNA B.C. V1W 4M5  
 - Phone: 778-484-0223 -  
 pat@pmccarch.com

project title  
 RAUL HOLDINGS INC.  
 COMMERCIAL

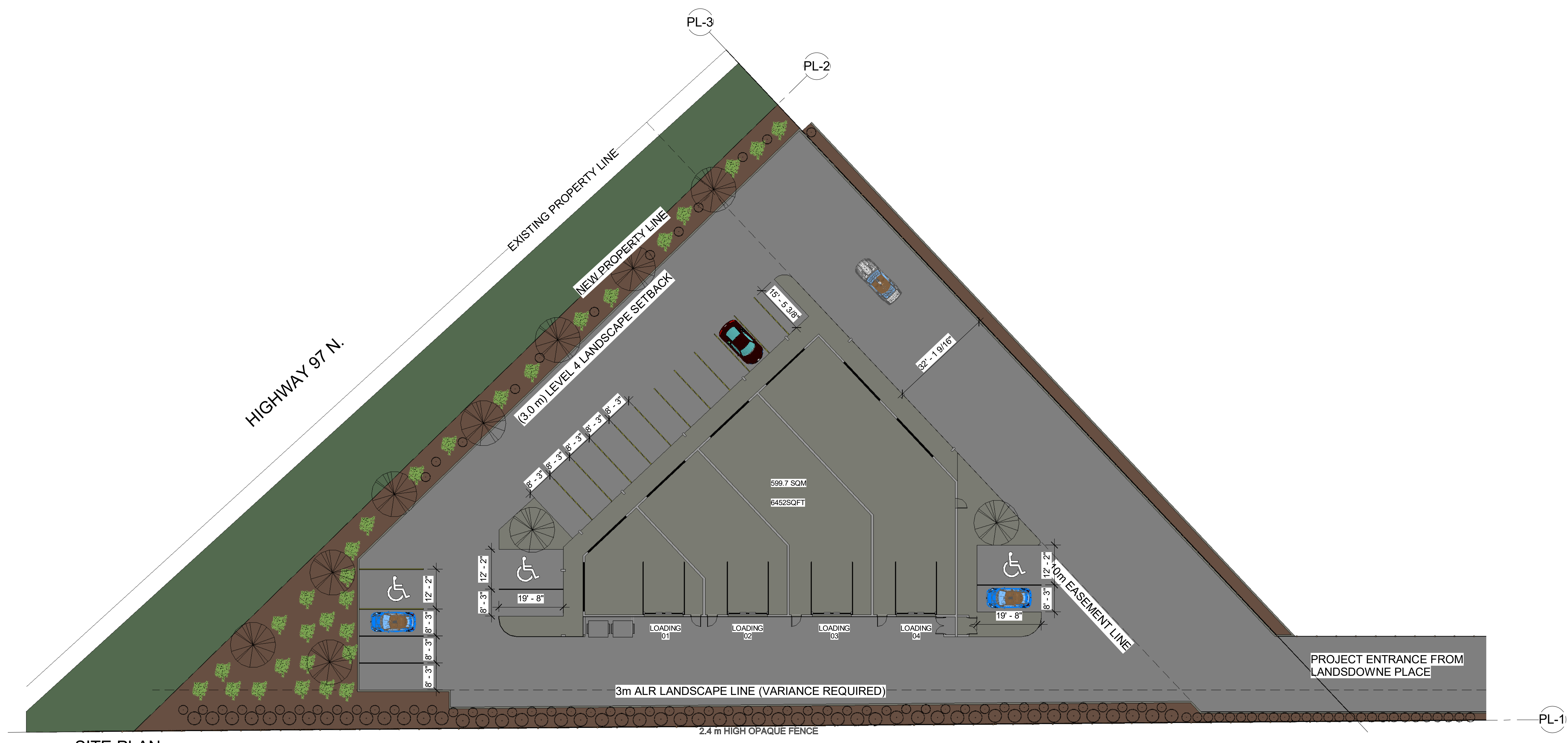
3657 HIGHWAY 97 N.  
 project no. 1301

drawing title  
 SITE PLAN

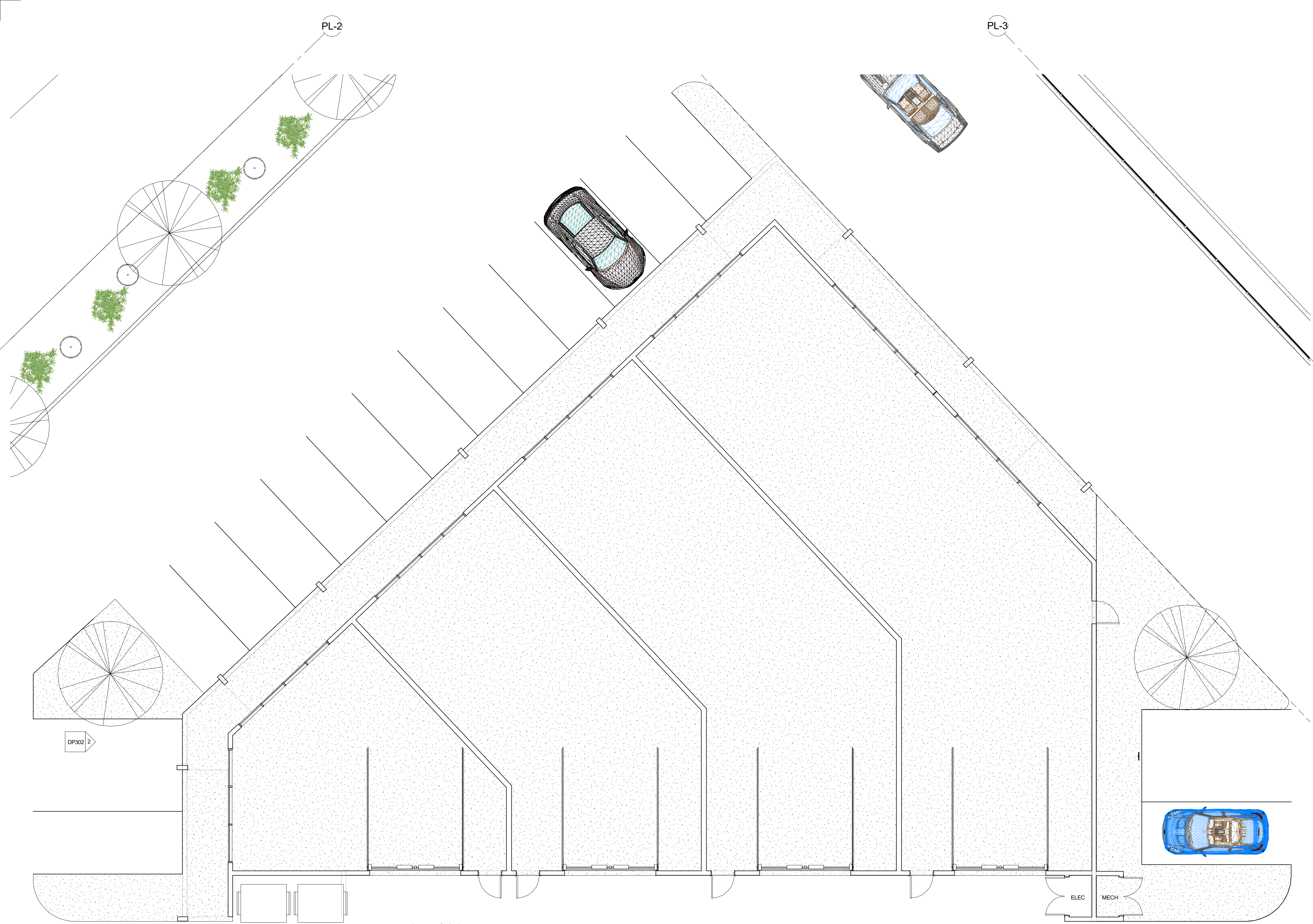
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drawn	PS		
checked	Checker		
drawing no.			

DP101

plotted 2015-12-23 1:48:30 PM



1 SITE PLAN  
 1/16" = 1'-0"



PL-2

PL-3

DP302 2

1 Level 01  
3/16" = 1'-0"

1  
DP302

ELEC MECH

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no.	date	description
1	20151112	ISSUED FOR DP

**NOVATION**  
 DESIGN STUDIOS  
 101 - 1865 DILWORTH DR. SUITE 520  
 KELOWNA BC V1Y 9T1

**PM**   
 PATRICK McCUSKER  
 ARCHITECTURE INC.  
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 pat@pmccrch.com

project title  
 RAUL HOLDINGS INC.  
 COMMERCIAL  
 3657 HIGHWAY 97 N.  
 project no. 1301

drawing title  
 MAIN FLOOR PLAN

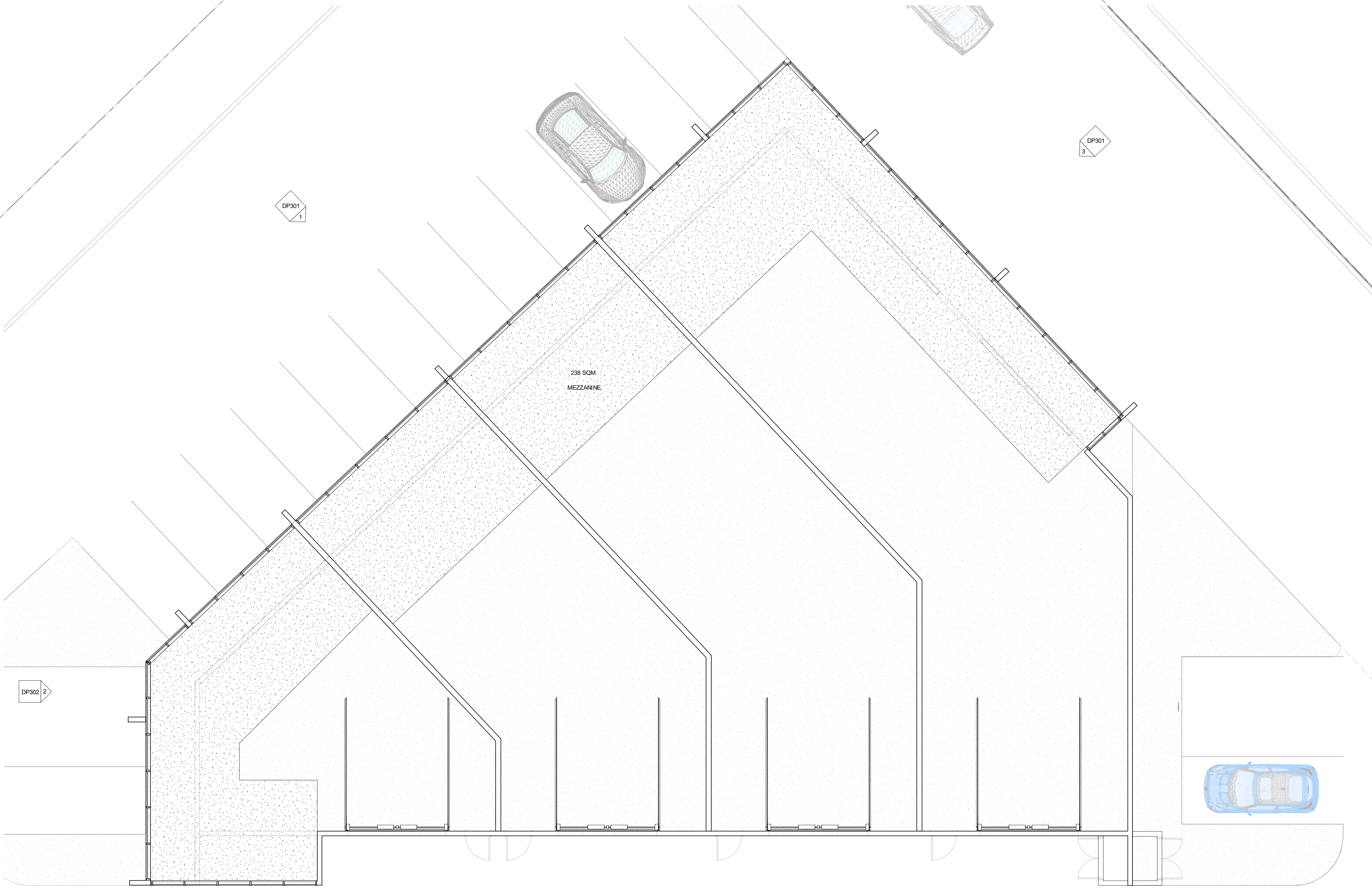
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drawn	PS		
checked	Checker		
draw ing no.			

DP102

plotted 2015-12-23 1:48:34 PM

PL-2

PL-3



238 SQM.  
MEZZANNE

DP301  
1

DP301  
3

DP302  
2

1  
DP302

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101 - 1865 DILWORTH DR. SUITE 520  
 KELOWNA B.C. V1Y 9T1

**PM**   
**PATRICK McCUSKER**  
**ARCHITECTURE INC.**  
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 3430 BENOULIN ROAD  
 KELOWNA B.C. V1W 4M5  
 ~ Phone: 778-484-0223 ~  
 pat@pmccarch.com

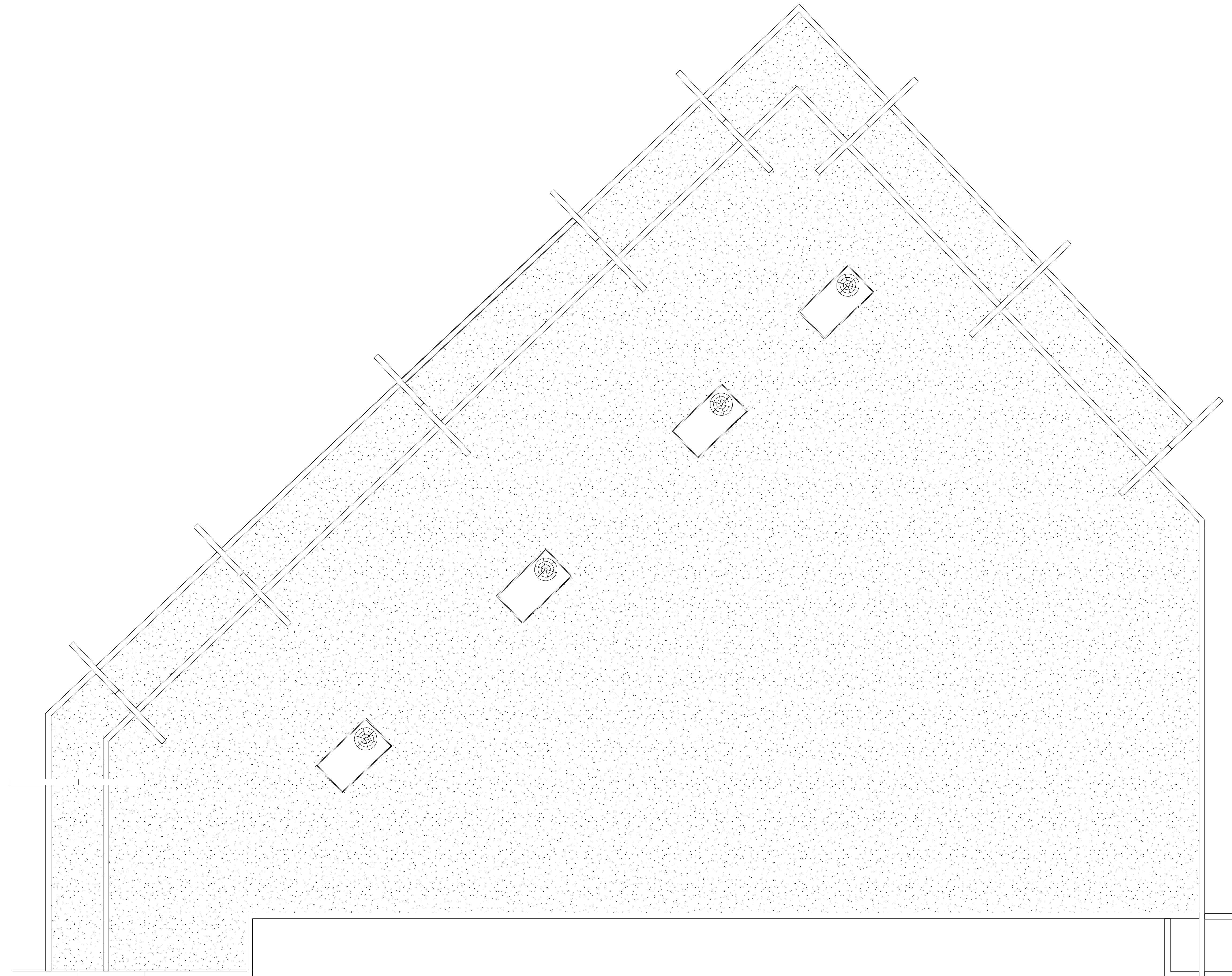
project title  
 RAUL HOLDINGS INC.  
 COMMERCIAL  
 3657 HIGHWAY 97 N.  
 project no. 1301

drawing title  
 MEZZANINE FLOOR

designed	PS	scale	3/16" = 1'-0"
drawn	PS		
checked	Checker		
draw ing no.			

DP103

plotted 2015-12-23 1:48:37 PM



1 ROOF PLAN  
3/16" = 1'-0"

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**NOVATION**  
DESIGN STUDIOS  
 101 - 1865 DILWORTH DR. SUITE 520  
 KELOWNA B.C. V1Y 9T1

**PM**   
 PATRICK McCUSKER  
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 KELOWNA B.C. V1W 4M5  
 - Phone: 778-484-0223 -  
 pat@pmccarch.com

project title  
 RAUL HOLDINGS INC.  
 COMMERCIAL

3657 HIGHWAY 97 N.  
 project no. 1301

drawing title  
 ROOF PLAN

designed	Designer	scale	3/16" = 1'-0"
drawn	Author		
checked	Checker		
drawing no.			

DP104

plotted 2015-12-23 1:48:37 PM

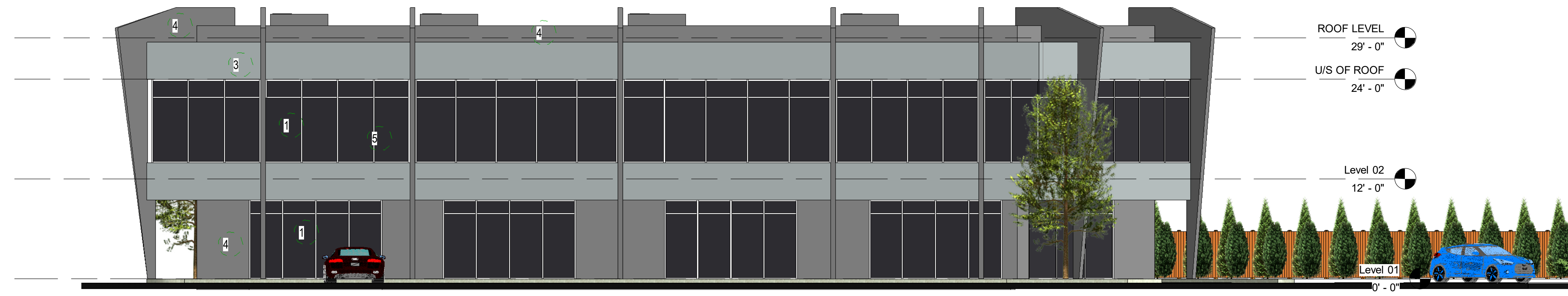
HEIGHT LIMIT  
45' - 11 3/16"

ROOF LEVEL  
29' - 0"

U/S OF ROOF  
24' - 0"

Level 02  
12' - 0"

Level 01  
0' - 0"



1 N. West Elevation  
1/8" = 1'-0"

HEIGHT LIMIT  
45' - 11 3/16"

ROOF LEVEL  
29' - 0"

U/S OF ROOF  
24' - 0"

Level 02  
12' - 0"

Level 01  
0' - 0"



3 N. East Elevation  
1/8" = 1'-0"

HEIGHT LIMIT  
45' - 11 3/16"

ROOF LEVEL  
29' - 0"

U/S OF ROOF  
24' - 0"

Level 02  
12' - 0"

Level 01  
0' - 0"



2 East Elevation  
1/8" = 1'-0"

- 1 - TINTED GLASS
- 2 - CLEAR GLASS
- 3 - PHENOLIC PANEL SIDING (REFER TO MATERIAL BOARD)
- 4 - SMOOTH ACRYLIC STUCCO (REFER TO MATERIAL BOARD)
- 5 - BLACK ALUMINIUM STOREFRONT SYSTEM

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KELOWNA B.C. V1Y 9T1



AAA MAIBC MRAIC  
3430 BENOULIN ROAD  
KELOWNA B.C. V1W 4M5  
- Phone: 778-484-0223 -  
pat@pmccarch.com

project title  
RAUL HOLDINGS INC.  
COMMERCIAL

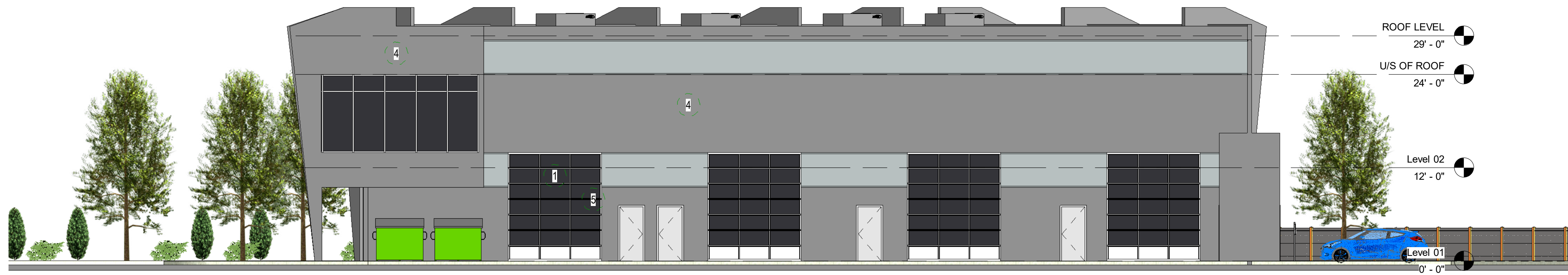
3657 HIGHWAY 97 N.  
project no. 1301

drawing title  
ELEVATIONS

designed	PS	scale	1/8" = 1'-0"
drawn	PS		
checked	Checker		
draw ing no.			

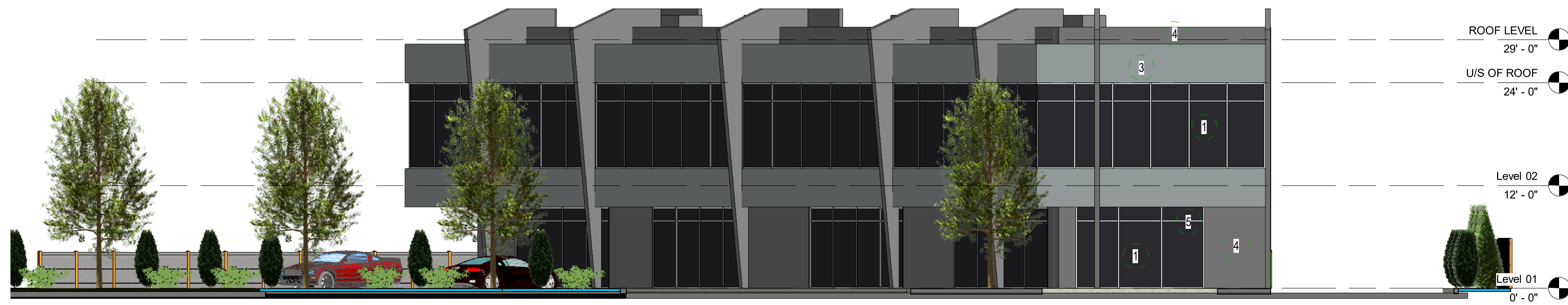
DP301

plotted 2015-12-23 1:48:54 PM



1 South Elevation  
1/8" = 1'-0"

- 1 - TINTED GLASS
- 2 - CLEAR GLASS
- 3 - PHENOLIC PANEL SIDING (REFER TO MATERIAL BOARD)
- 4 - SMOOTH ACRYLIC STUCCO (REFER TO MATERIAL BOARD)
- 5 - BLACK ALUMINIUM STOREFRONT SYSTEM



2 West Elevation  
1/8" = 1'-0"

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no.	date	description
1	20151112	ISSUED FOR DP



project title  
RAUL HOLDINGS INC. COMMERCIAL

3657 HIGHWAY 97 N.  
project no. 1301

drawing title  
ELEVATIONS

designed	PS	scale	1/8" = 1'-0"
drawn	PS		
checked	Checker		
draw ing no.			

DP302

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OUTLAND DESIGN  
LANDSCAPE ARCHITECTURE

January 21, 2014

Highway 97 N Commercial Development  
C/o Novation Design Studio  
101-1865 Dilworth Drive Suite 520  
Kelowna, BC V1Y 9T1  
Attn: Paul Shuster  
Via email to: paul@novationdesignstudio.com

Re: Proposed Highway 97 N Commercial Development – Preliminary Cost Estimate for Bonding

Dear Paul:

Please be advised of the following preliminary cost estimate for bonding of the proposed landscape works shown in the Highway 97 N Commercial Development conceptual landscape plan dated 14.01.21;

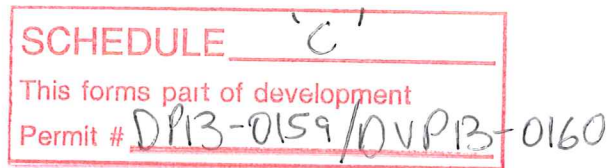
- 556 square metres (5,985 square feet) of improvements = \$39,486.00

This preliminary cost estimate is inclusive of trees, shrubs, mulch, topsoil & irrigation.

You will be required to submit a performance bond to the City of Kelowna in the amount of 125% of the preliminary cost estimate. Please do not hesitate to contact me with any questions about the landscape plan.

Best regards,

Fiona Barton, MBCSLA, CSLA  
as per  
Outland Design Landscape Architecture



206-1889 Spall Road, Kelowna, BC, V1Y 4R2 P 250.868.9270  
outlanddesign.ca