

# City of Kelowna

## Regular Council Meeting

### AGENDA



Tuesday, March 1, 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 Mayor Basran.
3. **Confirmation of Minutes** 1 - 14  
Public Hearing - February 16, 2016  
Regular Meeting - February 16, 2016
4. **Bylaws Considered at Public Hearing**
  - 4.1 **1855 Bennett Road, 1005 Clifton Road N & (E of) Paly Road, BL11159 (OCP14-0018) - Lakeside Communities Inc.** 15 - 18  
  
Requires a majority of all members of Council (5).  
To give Bylaw No. 11159 second and third readings in order to change the Future Land Use Designations of the subject properties to accommodate the development of a single family subdivision.
  - 4.2 **1855 Bennett Road, 1005 Clifton Road N, (E of) Paly Road, BL11160 (Z14-0033) - Lakeside Communities Inc.** 19 - 20  
  
To give Bylaw No. 11160 second and third readings in order to rezone the subject properties to accommodate the development of a single family subdivision.
  - 4.3 **3697 Lakeshore Road, BL11201 (Z15-0066) - Pam Irene Sahlin** 21 - 21  
  
To give Bylaw No. 11201 second and third readings in order to rezone the subject property to allow for the development of duplex housing.

- 4.4     464 Morrison Avenue, BL11202 (Z15-0058) - Flying Eagle Holdings & Birkett Holdings** 22 - 22

To give Bylaw No. 11202 second and third readings in order to rezone the subject parcel to allow the construction of two (2) single-family dwelling homes.

- 4.5     330 Davie Road, BL11203 (Z15-0062) - Jeremiah Weiler & Carissa Kennedy** 23 - 23

To give Bylaw No. 11203 second and third readings in order to rezone the subject property to facilitate development of a carriage house.

**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     BL11163 (TA15-0014) - Amendment to RM4 - Transitional Low Density Housing** 24 - 25

To adopt Bylaw No. 11163 in order to amend City of Kelowna Zoning Bylaw No. 8000 by adding the provision to increase the maximum floor area ratio for development in an Urban Centre to the RM4 zone.

- 6.2     1295 St. Paul Street, BL11162 (Z15-0023) - ML Holdings Ltd.** 26 - 26

To adopt Bylaw No. 11162 in order to rezone the subject property to facilitate the development of a four-unit townhouse project.

- 6.3     1295 St. Paul Street, DP15-0215 & DVP15-0216 - ML Holdings Inc.** 27 - 53

**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 of a four unit rowhouse development and to vary the site coverage, setbacks, parking requirements and landscape buffers on the subject property.

**7.     Reminders**

**8.     Termination**



## City of Kelowna Public Hearing Minutes

Date: Tuesday, February 16, 2016  
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 Suburban & Rural Planning Manager, Todd Cashin\*; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; Council Recording Secretary, Arlene McClelland

(\* Denotes partial attendance)

### 1. Call to Order

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

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

### 2. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on February 2, 2016 and by being placed in the Kelowna Capital News issues on February 5 and February 10, 2016 and by sending out or otherwise delivering 254 statutory notices to the owners and occupiers of surrounding properties, and 7816 informational notices to residents in the same postal delivery route, between February 2 and February 5, 2016. The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

### 3. Individual Bylaw Submissions

#### 3.1 565 Coronation Avenue, BL11184 (Z15-0025) - Christian Lee Bond

Staff:

- Displayed a PowerPoint presentation summarizing the application.

- Displayed materials to be used for the front facade submitted by the Applicant.

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

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

Christian Lee Bond, Applicant

- The house had been a rental for several years but will no longer be.
- Advised that due to poor health he will now be living in the house.
- Advised that the carriage house will be used for a caregiver and will be well maintained.

There were no further comments.

**3.2 2075 KLO Road, BL11188 (TA15-0010) & BL11189 (Z15-0045) - Eva Lintell**

Staff:

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

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

**Letters of Support**

Ian Robertson, Kelowna Springs Golf Club  
 Erika Podewils, Cameron Avenue  
 Don McCargar, Depot Road, Squamish  
 Natalie Bickert, Gerstmar Road  
 Trent Karius, Fisher Road  
 Julie and Mark Kent, Cascia Drive  
 Amy Forsberg, Gallagher Road  
 Rusty Bracken, Almandine Court  
 Bertha and Lenard Peacock, Gallaghers Terrace  
 Robert and Colleen Lintell, Gallaghers Green  
 Angela and Rick Becker, Polo Road  
 Rene Spielmann, Dubbin Road  
 Peter Raja, Adams Road  
 Gerald Goertsen, James Road  
 Lorna and Scott Soderling, Gallagher's Parkland Drive  
 Peter Hopley, General Manager, Gallagher's Canyon Golf Club  
 Melanie Durban, Patterson Avenue  
 Kevin Edgecombe, Purcell Drive  
 David Shevchuk, Benyoulin Road  
 Eileen and Vern Kennedy, Gallagher's Terrace  
 Dave Bingham, Pretty Road  
 Bob and Susan Borrowman, Gallagher's Terrace  
 Steven J. Merrill, Bernard Avenue  
 Al Popoff, Gallaghers Circle

Greg Mazur, President, Kelowna Metis Association  
 Andre de Zwaan, Burne Avenue  
 Larry and Donna Mazur, Derrickson Place  
 Matt Briscoe, Pandosy Street

**Letters of Opposition or Concern**

Bill and Christine Daniels, KLO Road  
 Robert and Elizabeth Hobart, KLO Road  
 Jeff Neuss, Heimlich Road  
 Lucy and Harry Hauk, KLO Road



Paul and Diane Clement, KLO Road  
 Floyd Robbins, Parsons Road  
 Eileen Chappell, Fisher Road  
 Laura and Gerald Baron, Fisher Road  
 Jennifer Maitland, Heimlich Road  
 Glen Hornseth, Heimlich Road  
 Margit Christl, Fisher Road  
 Brian Baron, KLO Road  
 Brian Baillie, KLO Road  
 Florindo and Anna Pucci, KLO Road  
 Angela and Drew Petrie, Packers Road  
 Brenda and Graham Bell, no address  
 P. Poole, Polo Road  
 Malcolm and Danielle Scott, Hall Road  
 Keith Recsky, O'Reilly Road  
 Ernest and Irene Campbell, KLO Road  
 Trisha B. Eddy-Wright, KLO Road  
 James A. Wright, KLO Road  
 Carol Drury, Friends of the Mission Creek Society  
 Bill and Linda Knowles, Oliver Court

**Petition of Opposition:**

A petition of opposition containing 74 signatures from the owners/occupants of the surrounding properties as submitted by Irene Campbell, KLO Road.

**Online Petition of Support:**

An online petition of support containing approximately 223 names as submitted by the applicant, Eva Linttell, KLO Road.

**Additional Information Submitted by Applicant:**

Package of additional information including 2 letters of support and a petition of support containing 62 signatures from the owners of the surrounding properties as submitted by the applicant, Eva Linttell, KLO Road.

Package of additional information containing 13 pages of background information and photographs as submitted by the applicants, Scott, Evan and Tyler Linttell, KLO Road

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

**Tyler Linttell and Scott Linttell, KLO Road, Applicant**

- Displayed a PowerPoint presentation summarizing the application.
- Confirmed farm status for past 12 years and are considered bona fide farmers.
- Advised they will have 300 chickens and 99 laying hens and 8 colonies of bees implemented in the Spring.
- Vowed to be hands on with farming operation.
- Believes their plan does not work without 10 RV sites.
- Offered to enter into some form of contract with the City to ensure agriculture is undertaken if permitted to proceed.
- Responded to questions from Council.

**Gallery:**

**John Hofer, Fisher Road**

- Neighbouring farmer referred to in Applicant's presentation.
- Provided explanation of farming practices proposed for this site.
- Confirmed mentorship program with the Applicant.
- Partnering with the Linttell's as I believe they will adhere to their plans.

- Confirmed costs for improvements is a shared venture in partnership.
- In support of the application.
- Responded to questions from Council.

#### Resident, Springfield Road

- In support of this application.
- Believes this is a solid long term farming plan.
- Believes Kelowna is in need of more RV sites.

#### Carl Withler, Woodland Crescent

- Spoke to his 30-year agriculture background and employment with the Ministry of Agriculture.
- Fully supportive of this application.
- Believes this is a viable farming proposal and the area designated for the RV site is good from a land use perspective.
- Questioned whether the A1(t) zone regulations were enforceable.
- Responded to questions from Council.

#### Afshin Khodarahmi, KLO Road

- Resident for the past 8 years.
- Opposed to the RV site.
- Supportive of the farming plan.
- Believes farming does not require an RV component.
- Raised concern with traffic volume impacts.
- Raised concerns with bicycle and pedestrian safety due to the increased RV traffic.
- Raised concern with the increase in traffic noise.
- Raised concern with the RV site so close to the Mission Greenway.

#### Paul Vincent, Cherry Crescent East

- Spoke to the Lintell family's high level of integrity.
- Supportive of this application.
- Believes this plan is a benefit to both agriculture and tourism.

#### Doug Sperling, Oakridge Road

- Family has farmed in the area for 100 years.
- Supportive of this application.
- Believes that investing in intense agriculture is positive.
- Believes the RV site is in an appropriate location and is supportive of the number of sites.

#### Carol Drury, Friends of Mission Creek Society

- Opposed to this application.
- Raised concern with the location of the RV site being so close to the Greenway and the adverse effects to the enjoyment of the Greenway.
- Raised concern with the impact of the RV sites on adjacent Cottonwood trees.

#### Ryan Morowich, Kelowna BC

- Fully supportive of this application.
- Believes the site location for the RV's is not farmable.

#### Patrick Rooney, Hall Road

- Raised concern with the RV sites close proximity to the Greenway.
- Believes the parcel is too small for proposed RV uses.
- Was not consulted by the Applicants.
- Raised concern with enforcement of RV compliance.

#### David Bingham, Lake Country BC

- Spoke to his experience as a farm labourer and the financial difficulties of a farming business. Believes farmers need to be creative to stabilize income.



- Spoke to the integrity of the Linttell family character.
- Supportive of this application.

Ian Robertson, Lost Creek Court

- Spoke to the integrity of the Linttell family character.
- Spoke to the need for more RV Parks in Kelowna.
- Supportive of this application.

John Casorso, Casorso Road

- Member of a farming family since 1885.
- Encouraged as a farmer to see another generation willing to seriously step into agriculture.
- Spoke to the Linttell family's good character.
- Supportive of this application.

Mark McPhail, Elm Road

- Beekeeper for the proposed site.
- Commented that his business needs projects and sites like this proposal.
- Fully supportive of this application.

Colin Berry, KLO Road

- Opposed to this application.
- Raised concern with increased traffic and close proximity to the Greenway.

Bernard Shelby, KLO Road

- Opposed to the RV site.
- Supportive of the garden.
- Raised concern with increased traffic.
- Raised concern with the close proximity to the Greenway and the visual impact.

Joy Lambert, Gordon Drive

- Supportive of this application
- Believes RV site is in a good location.

Sal Dimaria, Mail Road

- Member of a tree fruit farming family for several years.
- Questioned whether RV sites are a necessity to farm land.
- Provided history of other RV sites created on Agriculture land in Glenmore and other areas of the city.
- Current RV sites have become the principle use on farm lands. The RV use takes over farming rather than enhancing it.
- Suggested a covenant be placed on the lands as part of a solution.
- Opposed to this application.
- Responded to questions from Council.

Ernie Campbell, KLO Road

- Opposed to this application.

Lucy Hought, 1960 KLO Road

- Has had 30 years of RV experience and do not believe proposed farming uses and RV sites are a good mix.
- Raised concern with increased traffic volume and traffic noise.
- Raised safety concern with children walking to school.
- Strongly opposed to the RV site.

Irene Campbell, KLO Road

- Opposed to this application.
- Main concern is increased traffic and traffic safety on KLO Road.

- Opposed to RV sites adjacent to the Greenway.
- Opposed to combination of agriculture and RV sites put together.
- Suggested the city develop and operate an RV Park camp site at some other location instead.
- Responded to questions from Council.

Don McCarter, Squamish BC

- Brother-in-law and uncle to the Linttell family.
- Supportive of diversified income to farming in order to remain successful.
- RV sites are required to supplement the farming operations.
- Supportive of this application.

Brenda Patterson, Fisher Road

- Currently a farm operator.
- Spoke to the difficulties with affordability of farm land in Kelowna.
- Supportive of this application.
- Responded to questions from Council.

Guseppina Szady, Gulley Road

- Farm operator on Gulley Road.
- Do not know the Linttell family.
- Supportive of this application and covenant option.
- This proposal could be used for other combined RV and Farmland applications.

Dewey Lotoski, Goodison Road

- Owns 8 acres of ALR property and interested in this rezoning outcome.
- Believes this is an excellent location for an RV site and the addition is also good for tourism.
- Believes revenue from RV site would assist farming operations.
- Believes there will be no traffic issues.
- Questioned the city's ability to regulate the number of sites.
- Encouraged the use of business license as an enforcement tool rather than registering a covenant.
- Supportive of this Application.
- Responded to questions from Council.

Leo Bartels, Lowe Court

- Fully in support of this application.
- Believes the portion of land used for the RV site is not farmable.
- Will be able to see the RV site from the Greenway but believes it will not negatively impact the use or enjoyment of the Greenway.

Mark Lowen, Kloppenburg Court

- Supportive of this application.
- Believes Applicant has integrity.

Jeff News, Heimlich Road

- Believes the farming and RV components are two independent items. The applicant and farmer are two different entities.
- Without the revenue from the RV Park determined there's an uncertainty of business success of the operation.
- Believes the land is currently being hayed by a third party rather than the applicant.
- Raised concern that RV site enforcement is a challenge.
- Opposed to this application.
- Responded to questions from Council.

Tyler Linttell and Scott Linttell, KLO Road, Applicant

- Traffic impacts on KLO Road would be minimal.



- Confirmed all turns onto the property are right hand.
- Farm commitment is firm and is for a period of 10 years. Willing to put that in writing with the City.
- Does not believe this proposal is precedent setting.
- Does not believe there is a negative impact to pedestrians on KLO Road. With road widening on Fisher Road and gravel strip along the side creates a shoulder for walking paths.
- Good visibility of site lines for exit and entry onto RV site.
- Spoke to the comprehensive agri tourism development which benefits guests and improved food production.
- Agreed to work within the ALC and City regulations.
- Not impossible to farm without an RV Park, however, it provides a safety net to farm.
- Most RV'ers are seniors or young families and will not pose much risk or noise.
- Modelling the RV Park after a similar successful operation adjacent to Gallagher's Canyon.
- Confirmed plans to mitigate any impacts on Mission Creek Greenway with appropriate setback and signage.
- Confirmed there would be no concrete pads for RV's.
- Responded to questions from Council.

There were no further comments.

Adjourned the meeting at 9:38 p.m.  
Reconvened the meeting at 9:50 p.m.

### **3.3 1889 Spall Road, BL11190 (OCP15-0001) & BL11191 (Z15-0002) - Simple Pursuits Inc.**

Staff

- Displayed a PowerPoint presentation summarizing the application.

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

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

Applicant

- Present and available for questions.

No one came forward.

There were no further comments.

### **3.4 BL11192 (TA15-0015) - Amendments to the RU6 - Two Dwelling Housing Zone**

Staff

- Displayed a PowerPoint presentation summarizing the application.

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

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

No one came forward.

There were no further comments.

### **3.5 145 Dougall Road, BL11193 (Z15-0052) - Narish Kathpal**

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

Mike Koutsantonis, President, Uptown Rutland Business Association, Valleyview Rd.

Letters of Opposition or Concern

Gale Jackson, President Strata KAS3122, Asher Rd  
David Gobeil, Dougall Road North  
Graham Doyle, Asher Place

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

- Provided a PowerPoint Presentation summarizing the application.
- Spoke to the future land use with mixed Residential/Commercial uses.
- Consistent with the Official Community Plan.
- Spoke to the sound attenuation details.
- Advised all carwash patrons will leave the site via the laneway.
- Responded to questions from Council.

Gallery:

Maryanne Summer, Vernon BC

- Owner of unit at Asher Place and Strata Council Member
- Raised concern with increased laneway use. Noted that the laneway is only 20 feet wide and currently used for service vehicles, recycling/trash removal and window washing equipment.
- Raised concern there may be issues for emergency vehicles and service vehicles to access laneway.
- Would prefer Dougall Road laneway access.
- Raised concern with noise impacts.
- Opposed to this application.
- Responded to questions from Council.

Laurel D'Andrea, Uptown Rutland Business Association, Valleyview Road

- Do not believe vehicles will be an issue.
- Supportive of this application.

Ted Belfour, North side of Development

- Property Owner.
- Opposed to this application.
- Raised concern with noise and additional traffic impacts.
- Raised concern with the 20 foot wall impacting site lines and blocking of sunlight.
- Raised concern with devaluation of property value.
- Responded to questions from Council.

David Gobeil, Dougall Road North

- Also speaking on behalf of Lorne Honeybourne, Dougall Road North
- Opposed to this application.
- Raised concern with noise impacts.
- Raised concern with pedestrian safety.
- Commented that there are other car washes nearby and this is not needed.



Birte Decloux, Applicant Representative and Ted Tomswith, Architect

- Met with Strata Council Member last week and reiterated that the Applicant intends to be a good neighbour to ensure use of the laneway cooperatively.
- Worked diligently with staff regarding layouts for traffic and it was suggested to move forward with this plan. The only option for cars exiting the car wash is a right turn on Highway 33.
- Made reference to the noise impacts and mitigation from the presentation.
- Staying within City of Kelowna Noise Bylaw and operating between 7:00 a.m. and 9:00 p.m.
- Spoke to the height of the building compared with the neighbouring building. The wall is textured and is only 4 feet higher than the Centex Building.
- Responded to questions from Council.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Hodge

R124/16/02/16 THAT Council continue the February 16, 2016 Public Hearing past 11:00 p.m.

Carried

**3.6 1035 Hollywood Road South, BL11194 (OCP15-0014) & BL11195 (Z15-0043)  
- Seventh Day Adventist Church (BC Conference)**

Mayor Basran advised that the item was withdrawn by the Applicant.

**3.7 619 McClure Road, BL11196 (Z15-0061) - Folio Building Group Inc.**

Staff

- Displayed a PowerPoint presentation summarizing the application.

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

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

Applicant

- Present and available for questions.

No one came forward.

There were no further comments.

**3.8 665 Harmony Court, BL11197 (Z15-0035) - John Keith & Nicolette Keith**

Staff

- Displayed a PowerPoint presentation summarizing the application.

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

Letters of Opposition or Concern  
Carol Enns, Bonjou Road

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

Applicant

- Present and available for questions.

No one came forward.

There were no further comments.

### **3.9 5008 South Ridge Drive, BL11198 (Z15-0064) - Emil Anderson Construction Co. Ltd. et al**

Staff:

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

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

#### Letters of Opposition or Concern

Peter Dietze, South Crest Drive  
 John & Anita Carpenter, South Ridge Drive  
 Jim Insley, South Crest Drive  
 Bill Shumborski, Devonian Avenue  
 Stewart and Dixie Henderson, South Crest Drive  
 Linda and David Hoffart, South Ridge Drive  
 Grant Smith, Lefevere Avenue  
 Don and Marilynne Morrison, Lefevere Avenue  
 Rob Desjardins, Windsong Crescent  
 Kevin Highfield, South Crest Drive  
 Felicia Mauro, South Crest Drive  
 Lea Salsa, no address Rick Salsa, no address  
 Heidi and Garry Handley, South Crest Drive  
 Kerry and David Brough, Devonian Avenue

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

Applicant

- Present and available for questions.

No one came forward.

There were no further comments.

### **3.10 1170 Highway 33 W, BL11199 (Z15-0041) - Kneller Holdings Ltd.**

Staff

- Displayed a PowerPoint presentation summarizing the application.

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

#### Letters of Opposition or Concern

Lorraine and Ed Stang, Houghton Court  
 Dave & Connie Bergen, Theodora Road

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



Applicant

- Present and available for questions.

Gallery:

Anne Tataryn, 1220 Highway 33

- Owner of neighbouring property.
- Raised concern with parking option impact and laneway access impacts on ability to sell their property.

Staff:

- Continuing to work with Ministry of Transportation regarding laneway access for a long term solution.

There were no further comments.

#### 4. Termination

The Hearing was declared terminated at 11:30 p.m.

\_\_\_\_\_  
Mayor

/acm

\_\_\_\_\_  
*[Signature]*  
City Clerk



## City of Kelowna

### Regular Council Meeting Minutes

Date: Tuesday, February 16, 2016  
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  
Suburban & Rural Planning Manager, Todd Cashin\*; Community  
Planning Department Manager, Ryan Smith; Urban Planning Manager,  
Terry Barton; Council Recording Secretary, Arlene McClelland

(\* Denotes partial attendance)

#### 1. Call to Order

Mayor Basran called the meeting to order at 11:30 p.m.

#### 2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Stack.

Moved By Councillor Donn/Seconded By Councillor Hodge

R125/16/02/16 THAT Council continue the Tuesday, February 16, 2016 Regular Meeting past 11:00 p.m.

Carried

#### 3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Singh

R126/16/02/16 THAT the Minutes of the Public Hearing and Regular Meeting of February 2, 2016 be confirmed as circulated.

Carried

#### 4. Bylaws Considered at Public Hearing

4.1 565 Coronation Avenue, BL11184 (Z15-0025) - Christian Lee Bond

Moved By Councillor Hodge/Seconded By Councillor Donn

R127/16/02/16 THAT Bylaw No. 11184 be read a second and third time.

Carried

4.2 2075 KLO Road, BL11188 (TA15-0010) - Amendment to Section 11 -  
Agricultural Zone

Moved By Councillor Donn/Seconded By Councillor Given

R128/16/02/16 THAT Bylaw No. 11188 be read a second and third time.

Councillors Stack, Given and Gray - Carried  
Opposed

4.3 2075 KLO Road, BL11189 (Z15-0045) - Eva Lintell

Moved By Councillor Gray/Seconded By Councillor Donn

R129/16/02/16 THAT Bylaw No. 11189 be read a second and third time.

Councillor Stack - Carried  
Opposed

4.4 1889 Spall Road, BL11190 (OCP15-0001) - Simple Pursuits Inc.

Moved By Councillor Hodge/Seconded By Councillor Gray

R130/16/02/16 THAT Bylaw No. 11190 be read a second and third time.

Carried

4.5 1889 Spall Road, BL11191 (Z15-0002) - Simple Pursuits Inc.

Moved By Councillor Given/Seconded By Councillor Gray

R131/16/02/16 THAT Bylaw No. 11191 be read a second and third time.

Carried

4.6 BL11192 (TA15-0015) - Amendment to Section 13 - Urban Residential Zones  
- 13.6 RU6 - Two Dwelling Housing Zone

Moved By Councillor Hodge/Seconded By Councillor Gray

R132/16/02/16 THAT Bylaw No. 11192 be read a second and third time.

Carried

4.7 145 Dougall Road, BL11193 (Z15-0052) - Narish Kathpal

Moved By Councillor Gray/Seconded By Councillor Hodge

R133/16/02/16 THAT Bylaw No. 11193 be read a second and third time.

Councillor Hodge - Carried  
Opposed

**4.8 1035 Hollywood Road South, BL11194 (OCP15-0014) - Seventh-Day Adventist Church (BC Conference)**

Item Withdrawn by the Applicant.

**4.9 1035 Hollywood Road South, BL11195 (Z15-0043) - Seventh-Day Adventist Church (BC Conference)**

Item Withdrawn by the Applicant.

**4.10 619 McClure Road, BL11196 (Z15-0061) - Folio Building Group Inc.**

Moved By Councillor Sieben/Seconded By Councillor DeHart

R134/16/02/16 THAT Bylaw No. 11196 be read a second and third time.

Carried

**4.11 665 Harmony Court, BL11197 (Z15-0035) - John Keith & Nicolette Keith**

Moved By Councillor DeHart/Seconded By Councillor Singh

R135/16/02/16 THAT Bylaw No. 11197 be read a second and third time.

Carried

**4.12 5008 South Ridge Drive, BL11198 (Z15-0064) - Emil Anderson Construction Co. Ltd.**

Moved By Councillor Stack/Seconded By Councillor DeHart

R136/16/02/16 THAT Bylaw No. 11198 be read a second and third time.

Carried

**4.13 1170 Highway 33 W, BL11199 (Z15-0041) - Kneller Holdings Ltd.**

Moved By Councillor DeHart/Seconded By Councillor Sieben

R137/16/02/16 THAT Bylaw No. 11199 be read a second and third time.

Carried

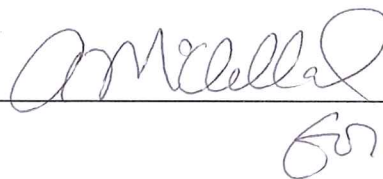
**5. Reminders - Nil.**

**6. Termination**

The meeting was declared terminated at 12:32 a.m.

\_\_\_\_\_  
Mayor

/acm

  
\_\_\_\_\_  
City Clerk



# CITY OF KELOWNA

## BYLAW NO. 11159

### **Official Community Plan Amendment No. OCP14-0018 Lakeside Communities Inc., Inc. No.A57531 1855 Bennett Road, 1005 Clifton Road N, and (E OF) Paly 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 portions of Lot 1, Section 17, Township 23, ODYD, Plan KAP65503 located at Bennett Road, Kelowna, BC and portions of Lot 2, Section 17, Township 23, ODYD, Plan KAP65503 located at Clifton Road, Kelowna, BC from the FUR - Future Urban Reserve designation to the PARK - Major Park/Open Space designation, the PARK - Major Park/Open Space designation to the FUR - Future Urban Reserve designation, the PARK - Major Park/Open Space designation to the S2RESH - Single / Two Unit Residential - Hillside designation and the S2RES - Single / Two Unit Residential to the PARK - Major Park/Open Space designation as per Map "A1" attached to and forming part of this bylaw;
2. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of portions of Lot 1, Section 17, Township 23, ODYD, Plan KAP65503 located Bennett Road, Kelowna, BC, portions of Lot 2, Section 17, Township 23, ODYD, Plan KAP65503 located at Clifton Road, Kelowna, BC, portions of the Fractional South  $\frac{1}{2}$  of East  $\frac{1}{2}$  of the North West  $\frac{1}{4}$  of Section 17, Township 23, ODYD located at Paly Road, Kelowna, BC and portions of the North  $\frac{1}{2}$  of the Fractional East  $\frac{1}{2}$  of the fractional North West  $\frac{1}{4}$  of Section 17, Township 23, ODYD from the S2RES - Single / Two Unit Residential designation to the S2RESH - Single / Two Unit Residential - Hillside designation as per Map "A2" attached to and forming part of this bylaw.
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 19<sup>th</sup> day of October, 2015.

Amended and re-read at first reading by the Municipal Council this 15<sup>th</sup> day of February, 2016.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

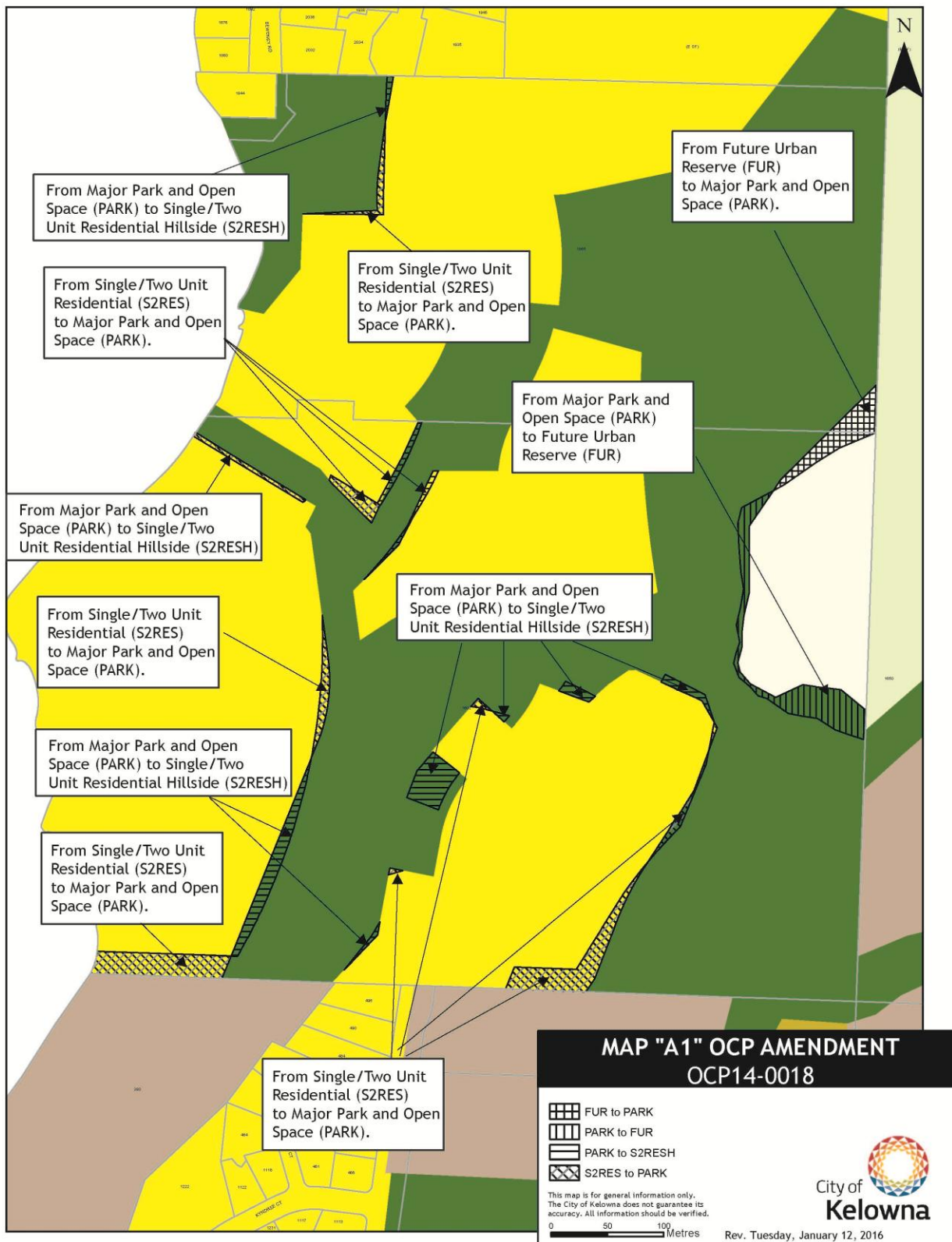
Adopted by the Municipal Council of the City of Kelowna this

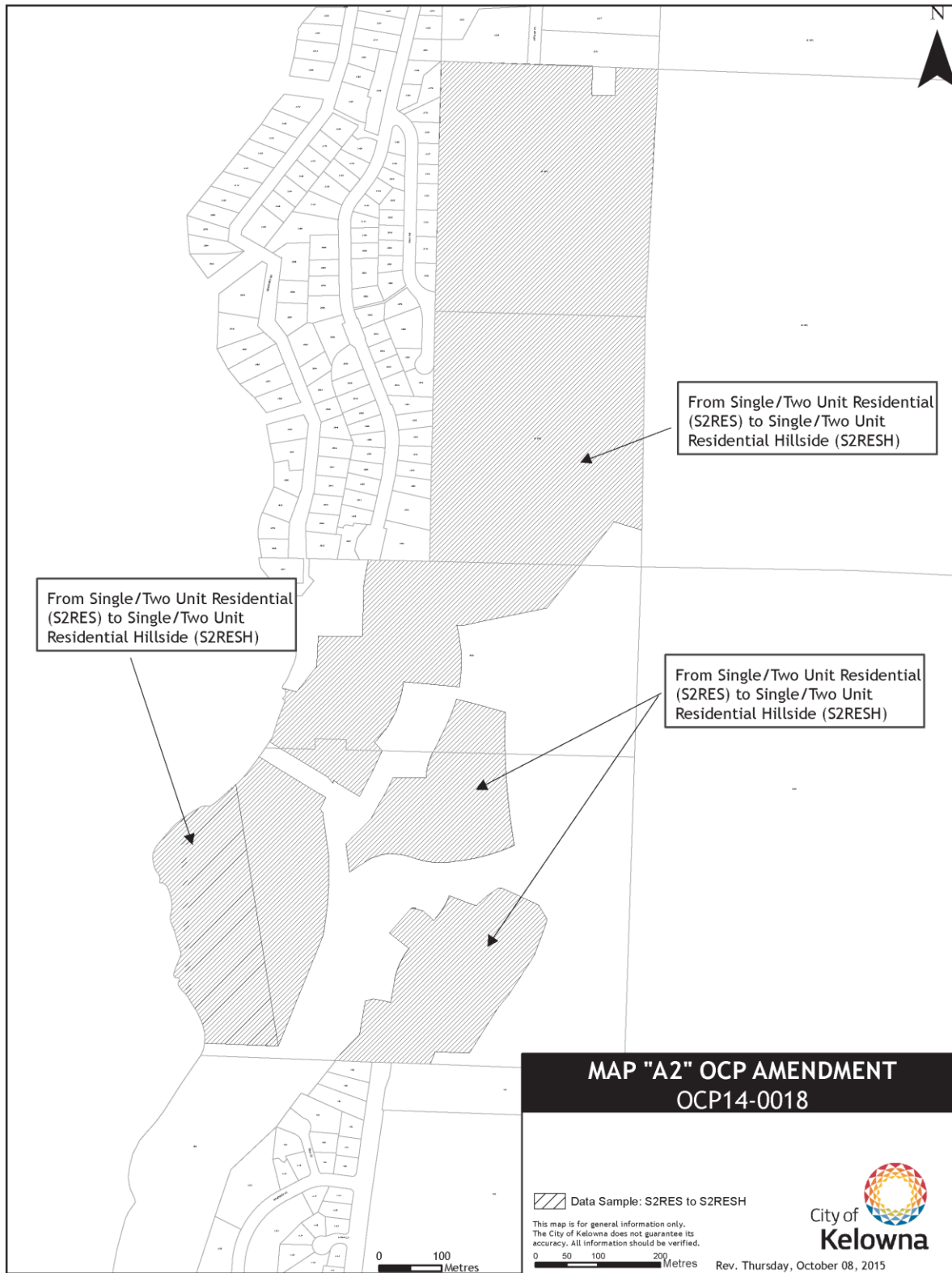
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Mayor

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City Clerk







# **CITY OF KELOWNA**

## **BYLAW NO. 11160**

### **Z14-0033 - Lakeside Communities Inc., Inc. No. A57531 1855 Bennett Road, 1005 Clifton Road N, and (E OF) Paly 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 portions of Lot 1, Section 17, Township 23, ODYD, Plan KAP65503 located at Bennett Road, Kelowna, BC, portions of Lot 2, Section 17, Township 23, ODYD, Plan KAP65503 located at Clifton Road, Kelowna, BC, portions of the Fractional South  $\frac{1}{2}$  of East  $\frac{1}{2}$  of the North West  $\frac{1}{4}$  of Section 17, Township 23, ODYD, located at Paly Road, Kelowna, BC, and portions of the North  $\frac{1}{2}$  of the Fractional East  $\frac{1}{2}$  of the Fractional North West  $\frac{1}{4}$  of Section 17, Township 23, ODYD, located at Paly Road, Kelowna, BC from the A1 - Agriculture 1 zone to the RU1h - Large Lot Housing (Hillside Area) zone and to 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 19<sup>th</sup> day of October, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

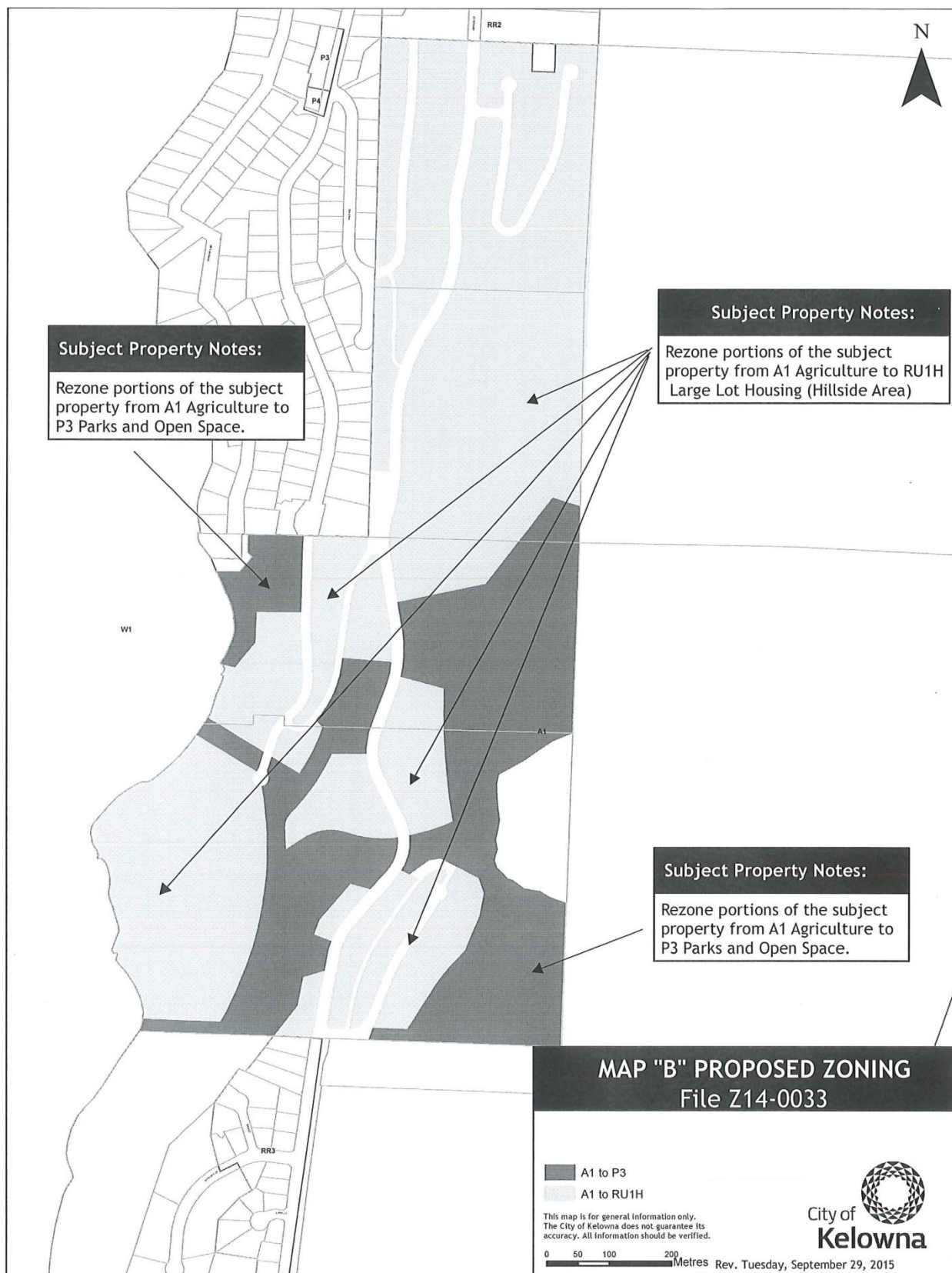
Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



**CITY OF KELOWNA**  
**BYLAW NO. 11201**  
**Z15-0066 - Pam Sahlin**  
**3697 Lakeshore 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 24, Block 4, District Lot 134, ODYD, Plan 515 Except Plan KAP91276 located on Lakeshore Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 15<sup>th</sup> day of February, 2016.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

**CITY OF KELOWNA**  
**BYLAW NO. 11202**  
**Z15-0058 - Flying Eagle Holdings Ltd., Inc. No. 319324 &**  
**Birkett Holdings Ltd., Inc. No. 688338**  
**464 Morrison Avenue**

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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 6, District Lot 14, ODYD, Plan 3398 located on Morrison Avenue, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 15<sup>th</sup> day of February, 2016.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

**CITY OF KELOWNA**  
**BYLAW NO. 11203**  
**Z15-0062 - Carissa Kennedy & Jeremiah Weiler**  
**330 Davie 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 22, Township 26, ODYD, Plan 31836 located on Davie Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 15<sup>th</sup> day of February, 2016.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

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(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



**CITY OF KELOWNA**  
**BYLAW NO. 11163**  
**TA15-0014 - Amendment to RM4 - Transitional Low Density Housing**

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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, **Section 13.10 RM4 - Transitional Low Density Housing, Section 13.10.6 Development Regulations** be amended by deleting sub-paragraph (a) that reads:

“(a) The maximum floor area ratio is 0.65. Where parking spaces are provided totally beneath habitable space of a principal building or beneath useable common amenity areas providing that in all cases, the parking spaces are screened from view, an amount may be added to the floor area ratio equal to 0.2 multiplied by the ratio of such parking spaces to the total required parking spaces, but in no case shall this amount exceed 0.20.”

And replace it with:

“(a) The maximum floor area ratio is 0.65. Where parking spaces are provided totally beneath habitable space of a principal building, beneath useable common amenity areas or in a garage or carport providing that in all cases, the parking spaces are screened from view, an amount may be added to the floor area ratio equal to 0.2 multiplied by the ratio of such parking spaces to the total required parking spaces, but in no case shall this amount exceed 0.20.”

The floor area ratio may be increased by a further 0.3 for a development constructed in an Urban Centre (as defined by Kelowna’s Official Community Plan).”

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 9<sup>th</sup> day of November, 2015.

Considered at a Public Hearing on the 1<sup>st</sup> day of December, 2015.

Read a second and third time by the Municipal Council this 1<sup>st</sup> day of December, 2015.

Approved under the Transportation Act this 7<sup>th</sup> day of December, 2015.

Blaine Garrison  
(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

**CITY OF KELOWNA**  
**BYLAW NO. 11162**  
**Z15-0023 - ML Holdings Inc., Inc. No. BC0825079**  
**1295 St Paul Street**

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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 25, District Lot 139, ODYD, Plan 1303 located on St Paul Street, Kelowna, B.C., from the RU2 - Medium Lot Housing zone to the RM4 - Transitional Low Density Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 9<sup>th</sup> day of November, 2015.

Considered at a Public Hearing on the 1<sup>st</sup> day of December, 2015.

Read a second and third time by the Municipal Council this 1<sup>st</sup> day of December, 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:** March 1, 2015

**RIM No.** 0940-00

**To:** City Manager

**From:** Community Planning Department (LB)

**Application:** DP15-0215 / DVP15-0216      **Owner:** ML Holdings Inc., Inc. No. BC0825079

**Address:** 1295 St Paul Street      **Applicant:** Edgcombe Builders

**Subject:** Development Permit and Development Variance Permit Application

**Existing OCP Designation:** MRM - Multiple Unit Residential (Medium Density)

**Existing Zone:** RM4 - Transitional Low Density Housing

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## 1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11162 be considered by Council;

AND THAT final adoption of Zoning Bylaw Text Amending Bylaw No. 11163 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP15-0215 for Lot 25, District Lot 139, ODYD, Plan 1303, located at 1295 St Paul Street, 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";
3. Landscaping to be provided on the land be in 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 Registered Landscape Architect;

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0216 for Lot 25, District Lot 139, ODYD, Plan 1303, located at 1295 St Paul Street, Kelowna, BC;

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



**Section 7.6.1: Minimum Landscape Buffers**

To vary the minimum landscape buffer for the front yard and flanking street from Level 2 permitted to Level 1 proposed and to vary the minimum landscape buffer for the rear yard from Level 3 permitted to Level 1 proposed.

**Section 8.1.11(b): Parking and Loading Size and Ratio**

To vary the minimum parking ratio from 50% full size and 50% medium size permitted to 50% full size, 25% medium size and 25% compact size proposed.

**Section 13.10.6(b): RM4 - Transitional Low Density Housing Development Regulations**

To vary the maximum site coverage from 50% permitted to 71.3% proposed and to vary the maximum site coverage for buildings, driveways and parking areas from 60% to 73.9%.

**Section 13.10.6(d): RM4 - Transitional Low Density Housing Development Regulations**

To vary the minimum front yard from 6.0 m permitted to 1.0 m proposed.

**Section 13.10.6(e): RM4 - Transitional Low Density Housing Development Regulations**

To vary the minimum side yard from 4.5 m permitted to 1.5 m proposed and to vary the minimum flanking street side yard from 4.5 m permitted to 0.8 m proposed.

**Section 13.10.6(f): RM4 - Transitional Low Density Housing Development Regulations**

To vary the minimum rear yard from 7.5 m permitted to 1.5 m proposed.

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

**2.0 Purpose**

To consider the form and character of a four unit rowhouse development and to vary the site coverage, setbacks, parking requirements and landscape buffers on the subject property.

**3.0 Community Planning**

Community Planning Staff supports the proposed Development Permit and Development Variance Permit application to facilitate the construction of a four unit townhouse on the subject property. The proposed form and character is consistent with the OCP Urban Design Guidelines for Revitalization Areas.

**Variances**

Although row housing and stacked row housing are permitted forms of development in the RM4 zone, it was created with low rise apartments in mind and the development regulations reflect this. As a row house development on a small urban lot, several of the development regulations are not met and variances are being requested. Should this application be approved and constructed, Staff will evaluate the outcomes and identify possible Zoning Bylaw amendments to facilitate this form of development in the future.

The property is a relatively small urban residential lot and the site coverage variances are needed to achieve the proposed level of density of 1.15 Floor Area Ratio (FAR). The development must meet the City's stormwater and drainage requirements, which will be addressed at time of Building Permit application.

Where appropriate, Staff considered the requested variances in light of development regulations for similar ground-oriented townhouses in other zones. The RM3 zone specifically encourages

ground-oriented housing through reduced front and flanking street side yard setbacks of 1.5 m. At ground level, the setbacks for this development are within 0.5 m of the RM3 setback. In working with City Staff, the applicant revised the design to achieve setbacks that better respect the surrounding context while facilitating a dense form of infill housing. The setbacks do not extend for the entire length of the building, and the resulting articulation makes for a more interesting urban façade and helps to break up the building's massing. The rear yard setback is comparable to the setback for accessory buildings.

Staff support the variance to the ratio of parking stalls given the site's location within the City Centre (Downtown) Urban Centre and proximity to nearby amenities, services and employment. The location offers easy access to other modes of transportation, including public transit, pedestrian and cycling facilities and car share options. The Downtown also has many shops and services within walking distance of the property.

Variances to the landscape buffer widths are required as a result of the setback variances, and decorative grasses and shrubs will be planted in the setback areas along the street frontages as proposed in the Landscape Plan. As part of the off-site works related to the development, the applicant will be planting deciduous shade trees in the boulevards along St Paul Street and Cawston Avenue, improving the streetscape and landscaping adjacent to the development.

#### Public Consultation

In fulfillment of Council Policy No. 367, the applicant completed public notification and consultation with property owners within 50 m of the subject property. The applicant also held a neighbourhood open house on Wednesday October 7, 2015 from 5:00 pm to 6:00 pm in the Sole building across from the subject property. Five local residents and business owners attended, including a representative from the Kelowna Downtown Knox Mountain Neighbourhood Association. The applicant described the project background and development details to attendees.

The open house attendees were generally supportive of some development on the site and asked questions regarding specific elements of the project. Some elements of concern included changes to the boulevard and on-street parking, landscaping, and the requested variances. At the time of writing, Staff has been contacted with questions and some concerns from one area resident.

## **4.0 Proposal**

### **4.1 Background**

Council gave second and third readings to Rezoning application Z15-0023 and Text Amendment application TA15-0014 on December 1, 2015. The Rezoning application was to rezone the property from the RU2 - Medium Lot Housing zone to the RM4 - Transitional Low Density Housing zone and the Text Amendment application was to add specific provisions to increase the Floor Area Ratio (FAR) in the RM4 zone.

### **4.2 Project Description**

#### Proposed Development

The proposed development consists of a four unit, three storey townhouse building with attached garages. The intent is to create a building strata allowing the units to be sold individually. Unit sizes range from approximately 1,680 ft<sup>2</sup> (156 m<sup>2</sup>) to 1,830 ft<sup>2</sup> (170 m<sup>2</sup>), plus exterior decks and patio space. The site is in part of the City Centre (Downtown) Urban Centre that quickly changes from high density mixed use developments to an area of single dwelling housing that is designated for medium density residential development.

Secure parking is provided in a row of four attached garages, each of which offers tandem parking for two vehicles. Vehicular access to the garages is from the lane off St Paul Street on the north side of the property. Each unit has an at-grade pedestrian entrance facing either St Paul Street or Cawston Avenue and it is considered ground-oriented housing.

As an urban infill townhouse project, this development is a form of housing seldom seen in Downtown Kelowna. The developer expects buyers to be those seeking to live near the amenities and employment in the area.

#### Form and Character



Figure 1 - Building from Intersection of St. Paul and Cawston

The building design proposes to use both contemporary and traditional materials. The brickwork is intended to match the style of the structure across St. Paul, with concrete panelling similar to the Sole building to the north.





Figure 2 - Cawston Road, looking North East

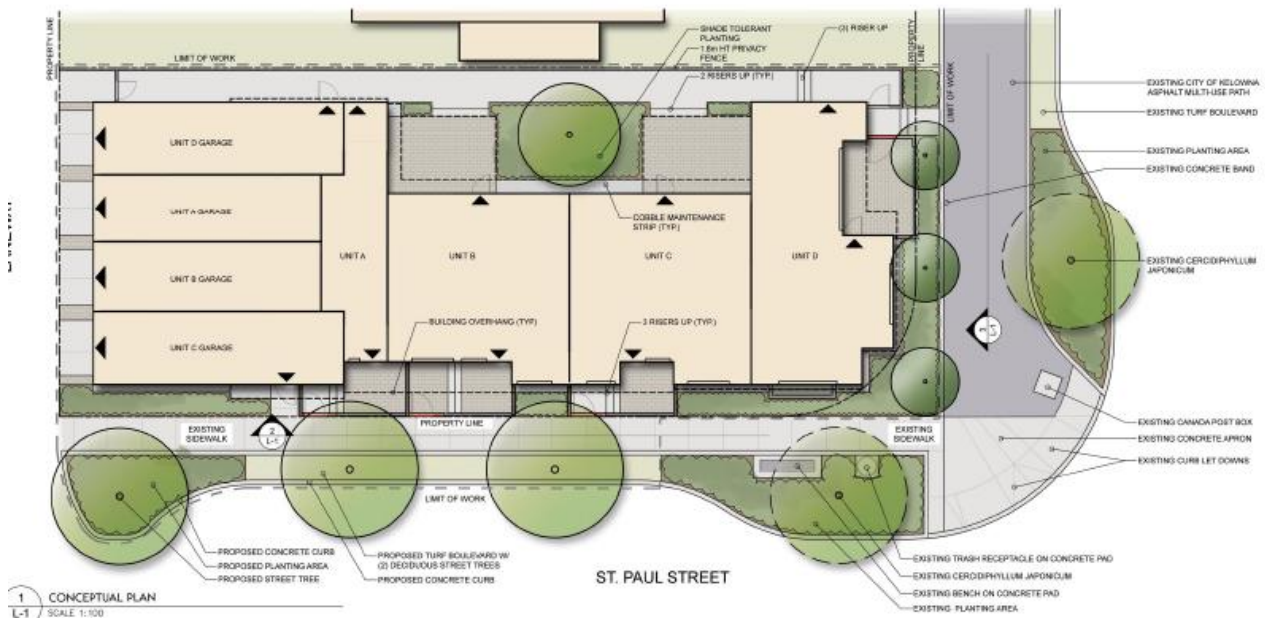
The designer has stepped the building down towards the residential dwellings to the east. The landscaping and common area is also located on the east side, as a transition to neighbouring properties. Windows along the single family frontage are limited to preserve privacy. The application will use light coloured metallic cladding above the second storey on the east frontage to reduce apparent bulk of the building in the afternoon sun.



Figure 3 - St Paul Frontage, looking South West

The St. Paul frontage is more urban in character, facing the Sole Building and Downtown. On this frontage, the applicant has used concrete panels and galvanized metal siding, to keep with the more urban feel across St. Paul.

## Landscaping



Site landscaping is limited because of the footprint of the building and relatively small lot size. Existing boulevard trees will be protected, and three additional trees planted along the boulevard.

## Variances

The applicant is requesting variances to the following provisions of the Zoning Bylaw: site coverage, setbacks, parking requirements, and landscape buffers. The details of the variances are shown in the Zoning Analysis Table in Section 4.4 of this report, and discussion of the setbacks and parking variances is offered below.

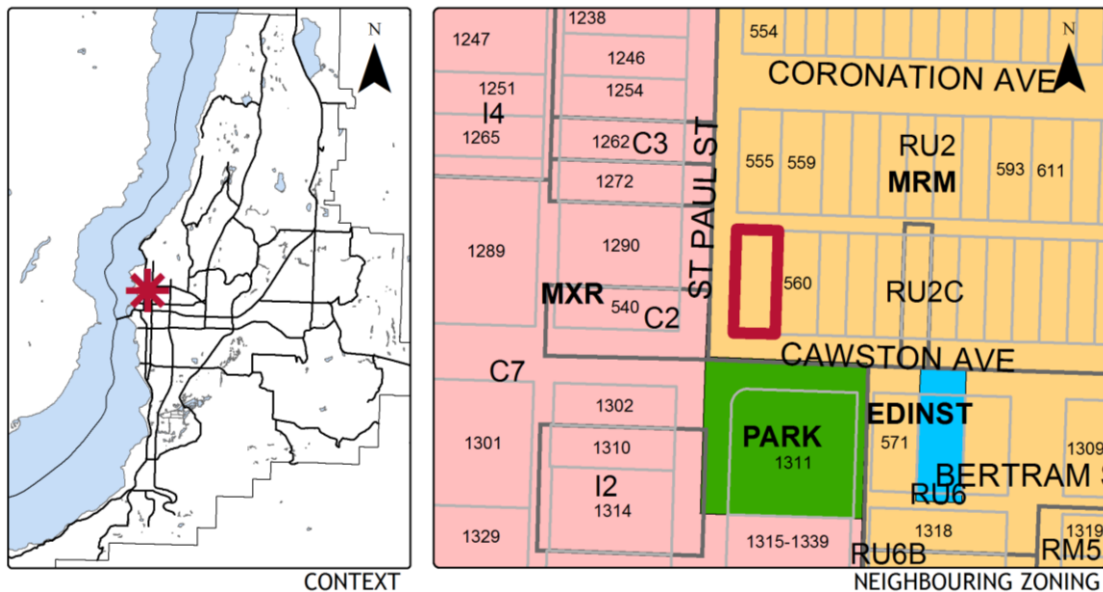
With the exception of the rear yard, the requested setbacks do not extend for the entire length of the building. The setback along Cawston Avenue is 1.0 m near the intersection and increases to over 2.0 m towards the east side of the property. The east side yard setback of 1.5 m is for a small portion of the building towards the front of the property and the length of the garage. The setback for the remainder of the building in the centre of the property is 5.5 m, which exceeds the minimum setback regulation. Along St Paul Street, the setback for the first storey ranges from 1.4 m to 2.4 m. The requested variance to 0.8 m along St Paul Street is for small sections of the second and third storeys that project towards the road. The rear yard setback of 1.5 m is to the garages.

The parking regulations require four full and three medium size stalls, and the development provides eight stalls with four full, two medium and two compact size stalls, requiring a variance to the ratio of parking stalls.

### 4.3 Site Context

The subject property is located at the northeast corner of the intersection of St Paul Street and Cawston Avenue in the Central City (Downtown) Sector as well as the City Centre (Downtown) Urban Centre. It is designated for medium density multiple unit residential development in the Official Community Plan and is within the Permanent Growth Boundary. The surrounding area is characterized by single dwelling housing to the north and east, and by mixed-use commercial and

residential development to the south and west. The City's St. Paul Street Parking lot is immediately across Cawston Avenue, long-term a future neighbourhood park.



Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU2 - Medium Lot Housing	Single dwelling housing
East	RU2 - Medium Lot Housing	Single dwelling housing
South	C7 - Central Business Commercial	Non-accessory parking
West	C2 - Neighbourhood Commercial C7 - Central Business Commercial	Offices Offices, multiple dwelling housing

Subject Property Map



SUBJECT PROPERTY



## 4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM4 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	900 m <sup>2</sup>	577.8 m <sup>2</sup> *
Minimum Lot Width	30.0 m	15.4 m *
Minimum Lot Depth	30.0 m	37.6 m *
Development Regulations		
Maximum Floor Area Ratio	1.15	1.15
Maximum Site Coverage (buildings)	50%	71.3% ❶
Maximum Site Coverage (buildings, driveways and parking)	60%	73.9% ❷
Maximum Height	13.0 m / 3 storeys	11.0 m
Minimum Front Yard	6.0 m	1.0 m ❸
Minimum Side Yard (east)	4.5 m	1.5 m ❹
Minimum Flanking Street Side Yard (west)	4.5 m	0.8 m ❺
Minimum Rear Yard	7.5 m	1.5 m ❻
Other Regulations		
Minimum Parking Requirements	7 stalls (4 full, 3 medium)	8 stalls (4 full, 2 medium, 2 compact) ❼
Minimum Private Open Space	25 m <sup>2</sup>	38 m <sup>2</sup>
Minimum Landscape Buffer	Front yard: Level 2 Flanking street: Level 2 Rear yard: Level 3 Side yard: Level 3	Front yard: Level 1 Flanking street: Level 1 Rear yard: Level 1 Side yard: Level 3 ❽
<p>* No subdivision is being proposed; therefore, the lot does not need to conform to the minimum lot dimensions of the RM4 subdivision regulations.</p> <p>❶ Indicates a requested variance to increase the maximum site coverage from 50% permitted to 71.3% proposed.</p> <p>❷ Indicates a requested variance to increase the maximum site coverage for buildings, driveways and parking areas from 60% permitted to 73.9% proposed.</p> <p>❸ Indicates a requested variance to reduce the minimum front yard from 6.0 m permitted to 1.0 m proposed.</p> <p>❹ Indicates a requested variance to reduce the minimum side yard from 4.5 m permitted to 1.5 m proposed.</p> <p>❺ Indicates a requested variance to reduce the minimum flanking street side yard from 4.5 m permitted to 0.8 m proposed.</p> <p>❻ Indicates a requested variance to reduce the minimum rear yard from 7.5 m permitted to 1.5 m proposed.</p> <p>❼ Indicates a requested variance to vary the ratio of parking stalls from three medium stalls permitted to two medium and two compact stalls proposed.</p> <p>❽ Indicates a requested variance to reduce the minimum landscape buffers for the front yard and flanking street from Level 2 permitted to Level 1 proposed, and for the rear yard from Level 3 permitted to Level 1 proposed.</p>		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Sensitive Infill.**<sup>1</sup> Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

**Ground-Oriented Housing.**<sup>2</sup> Encourage all multiple-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with 2 or more bedrooms so as to provide a family housing choice within the multi-unit rental or ownership markets. High density residential projects in the Downtown area are encouraged to include a ground-oriented housing component, especially where such can be provided on non-arterial and non-collector streets.

#### Revitalization Development Permit Guideline Objectives

- Use appropriate architectural features and detailing of buildings and landscapes to define area character;
- Convey a strong sense of authenticity through high quality urban design that is distinctive of Kelowna;
- Enhance the urban centre's main street character in a manner consistent with the area's character;
- Provide for a scale and massing of buildings that promotes an enjoyable living, pedestrian, working, shopping and service experience;
- Encourage an appropriate mix of uses and housing types and sizes;
- Design and facilitate beautiful public open spaces that encourage year round enjoyment;
- Create open, architecturally-pleasing and accessible building facades to the street; and
- Improve existing streets and sidewalks to promote alternative transportation.

## 6.0 Technical Comments

### 6.1 Development Engineering Department

See attached Memorandum

### 6.2 Fire Department

- 1 Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required. Template available online at Kelowna.ca
- 2 Engineered Fire Flow calculations of 150 l/sec are required.
- 3 A visible address must be posted as per City of Kelowna By-Laws
- 4 Should the townhomes be have a sprinkler system, Sprinkler drawings are to be submitted to the Fire Dept. for review when available.
- 5 Should the townhomes have a sprinkler system, a Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.23.1 (Development Process Chapter).

- 6 A fire safety plan will be required as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD. This plan shall address the unique characteristics in this building
- 7 Approved Fire Department steel lock box or key tube acceptable to the fire dept. is required by the fire dept. entrance.
- 8 All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met.
- 9 Fire department connection is to be within 45M of a fire hydrant
- 10 Ensure FD connection is clearly marked and visible from the street
- 11 Dumpster/refuse container must be 3 meters from structures and overhangs or if inside the parking garage, it shall be enclosed within a rated room

## 7.0 Application Chronology

Date of Application Received: September 11, 2015  
Date Public Consultation Completed: October 7, 2015

### Report prepared by:

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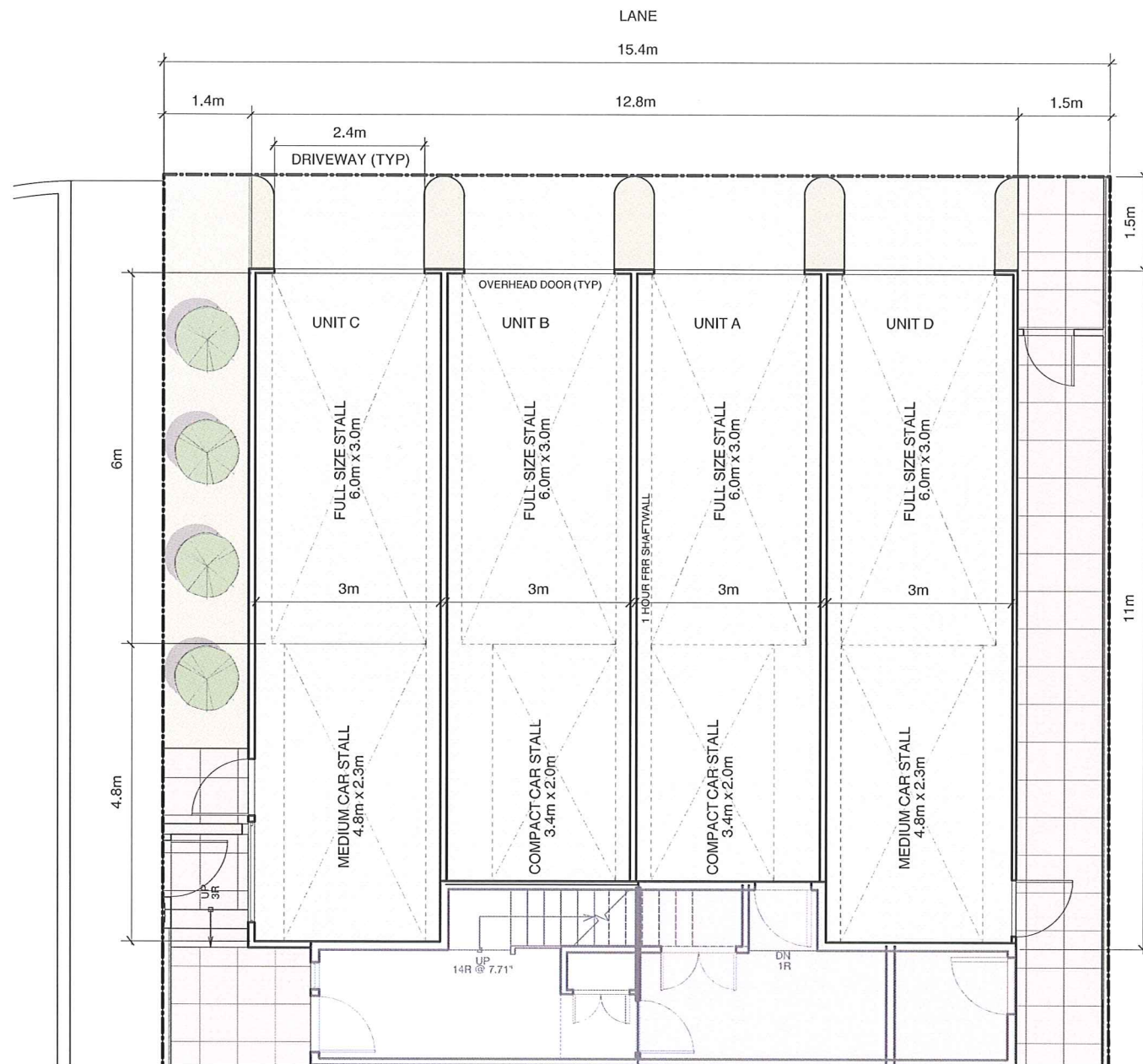
Laura Bentley, Planner

Reviewed by: ☐ Terry Barton, Urban Planning Manager

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

### Attachments:

Subject Property Map  
Development Engineering Memorandum  
Draft Development Permit No. DP15-0215 / Development Variance Permit No. DVP15-0216  
Schedule A: Site Plan & Floor Plans  
Schedule B: Elevations & Colour Board  
Schedule C: Landscape Plan  
Schedule D: Variances



2 GARAGE PLAN  
Scale: 1:100

(SEE DWG A1.0 FOR GROUND FLOOR DETAIL)

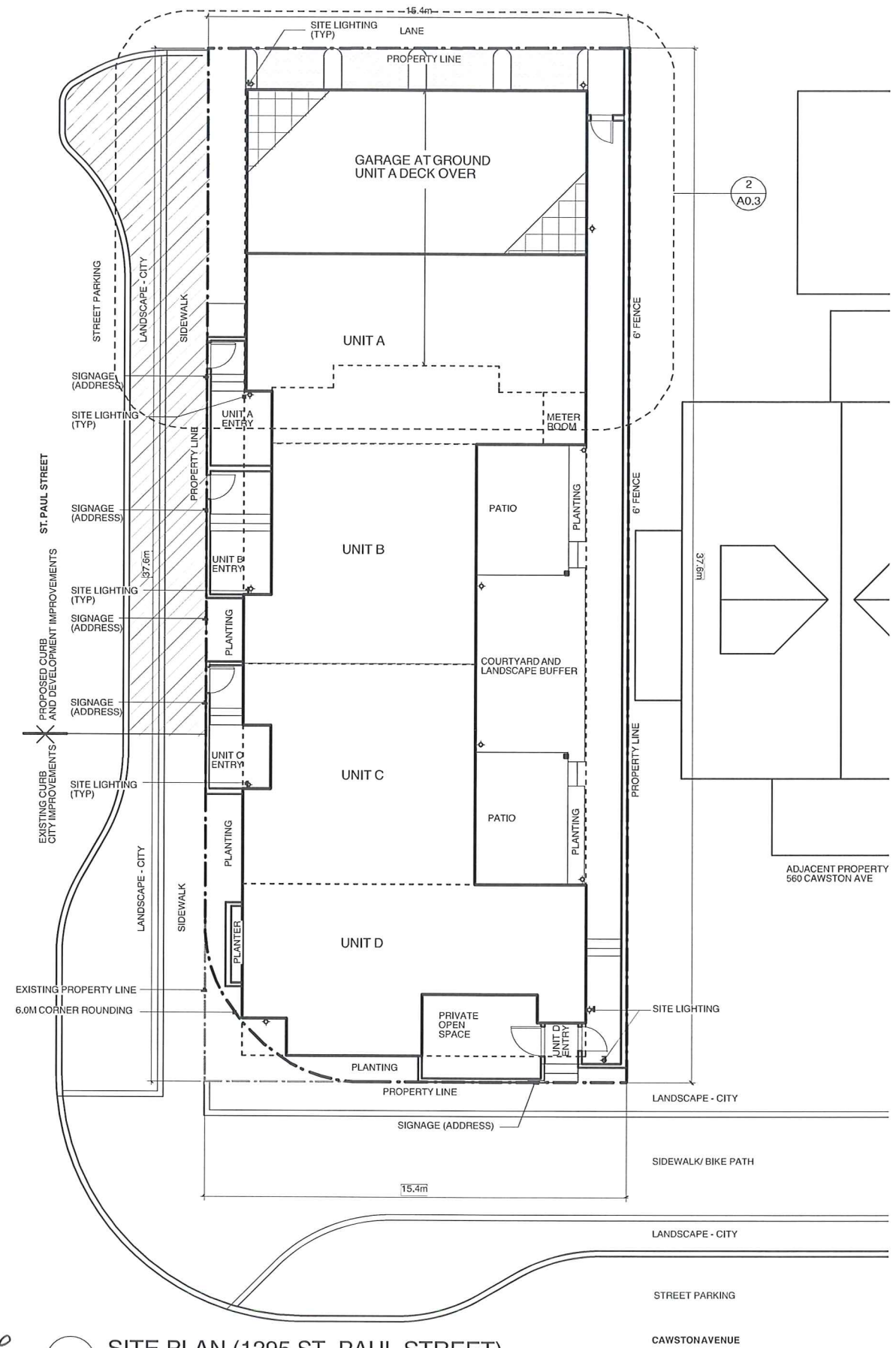
FULL SIZE STALL:	4 SPACES
MEDIUM SIZE STALL:	2 SPACES
COMPACT SIZE STALL:	2 SPACES
TOTAL PROVIDED:	8 SPACES

NOTE: 1. BIKE STORAGE IS PROVIDED AT EACH UNIT  
2. GARBAGE AND RECYCLE BIN STORAGE IN GARAGE  
3. VISITOR PARKING IS PROVIDED BY GARAGE  
4. ACCESSORY USE SETBACK IS 1.2M (6.5.8(b))

**SCHEDULE A**

This forms part of development

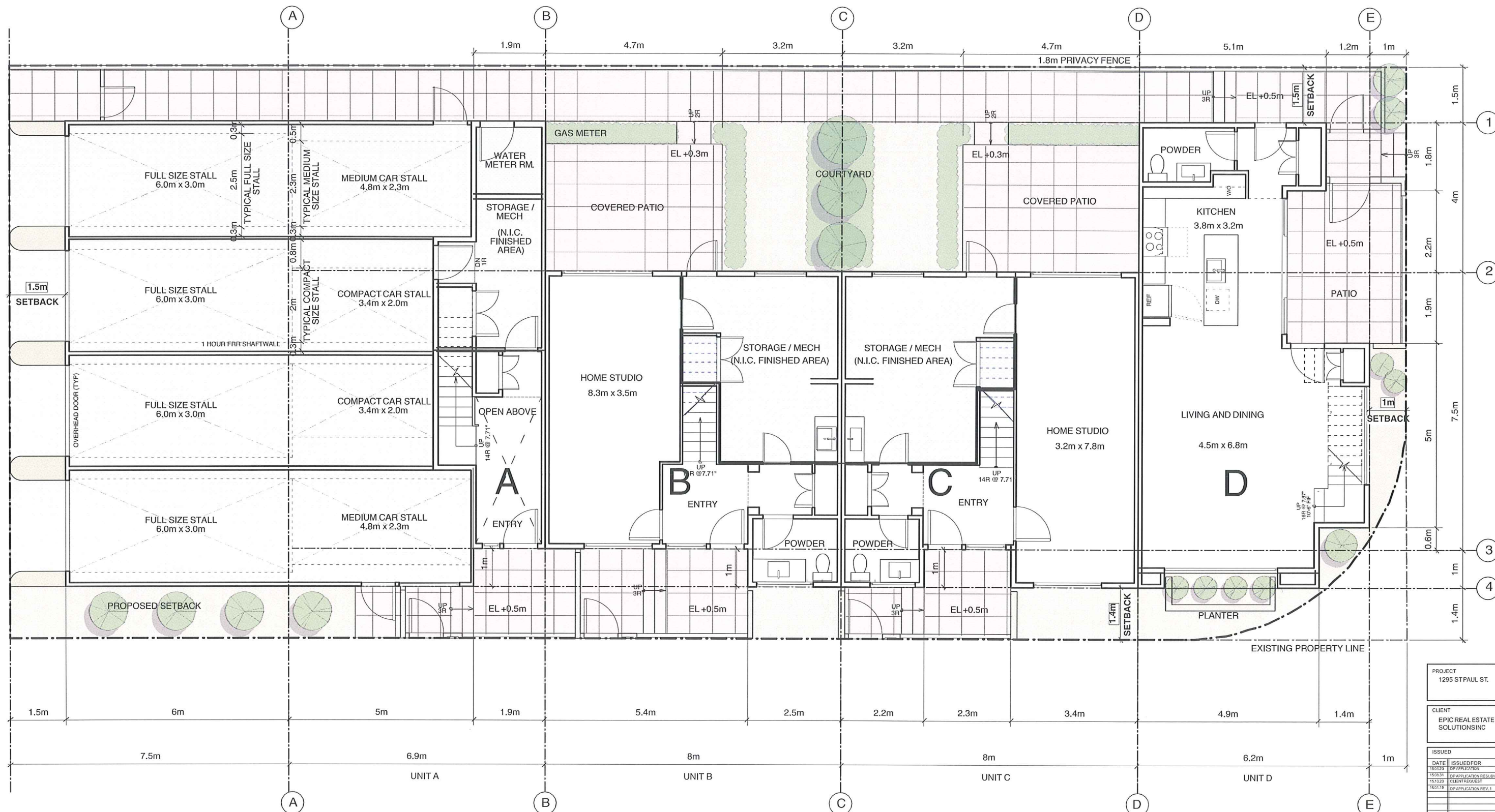
Permit # DP15-0215 / DP15-0216



1 SITE PLAN (1295 ST. PAUL STREET)  
Scale: 1:200

PROJECT	1295 ST PAUL ST.
CLIENT	EPIC REAL ESTATE SOLUTIONS INC
ISSUED	
DATE	ISSUED FOR
15/01/15	DP APPLICATION
15/01/15	DP APPLICATION RESUBMISSION
15/01/15	CLIENT REQUEST
15/01/15	DP APPLICATION REV. 1
DRAWN BY:	REVIEWED BY:
FH	JS
1321	A0.3





1 GROUND FLOOR PLAN  
Scale: 1:100

**SCHEDULE A**  
This forms part of development  
Permit # DPIS-0215/DYPIS-0216

UNIT	FINISHED AREA (m <sup>2</sup> )				EXTERIOR SPACES (m <sup>2</sup> )				GARAGE (m <sup>2</sup> )	
	FLR 1	FLR 2	FLR 3	TOTAL	DECK	ROOF	PATIO	TOTAL	ATTACHED	
A	13.5	73.6	69.1	156.2	0.0	74.9	0.0	74.9	30.7	
B	41.0	61.3	67.8	170.1	25.9	0.0	16.1	42.0	30.7	
C	43.1	62.6	62.9	168.6	24.8	0.0	16.1	40.9	34.3	
D	63.5	64.4	41.5	169.4	0.0	30.0	13.1	43.1	34.3	
TOTAL	161.1	261.9	241.3	664.3	50.7	104.9	45.3	200.9	130.0	

NOTE: SHADED AREAS (STORAGE, MECHANICAL, GARAGE) NOT INCLUDED IN FINISHED AREA

PROJECT  
1295 ST PAUL ST.

CLIENT  
EPICREAL ESTATE SOLUTIONS INC

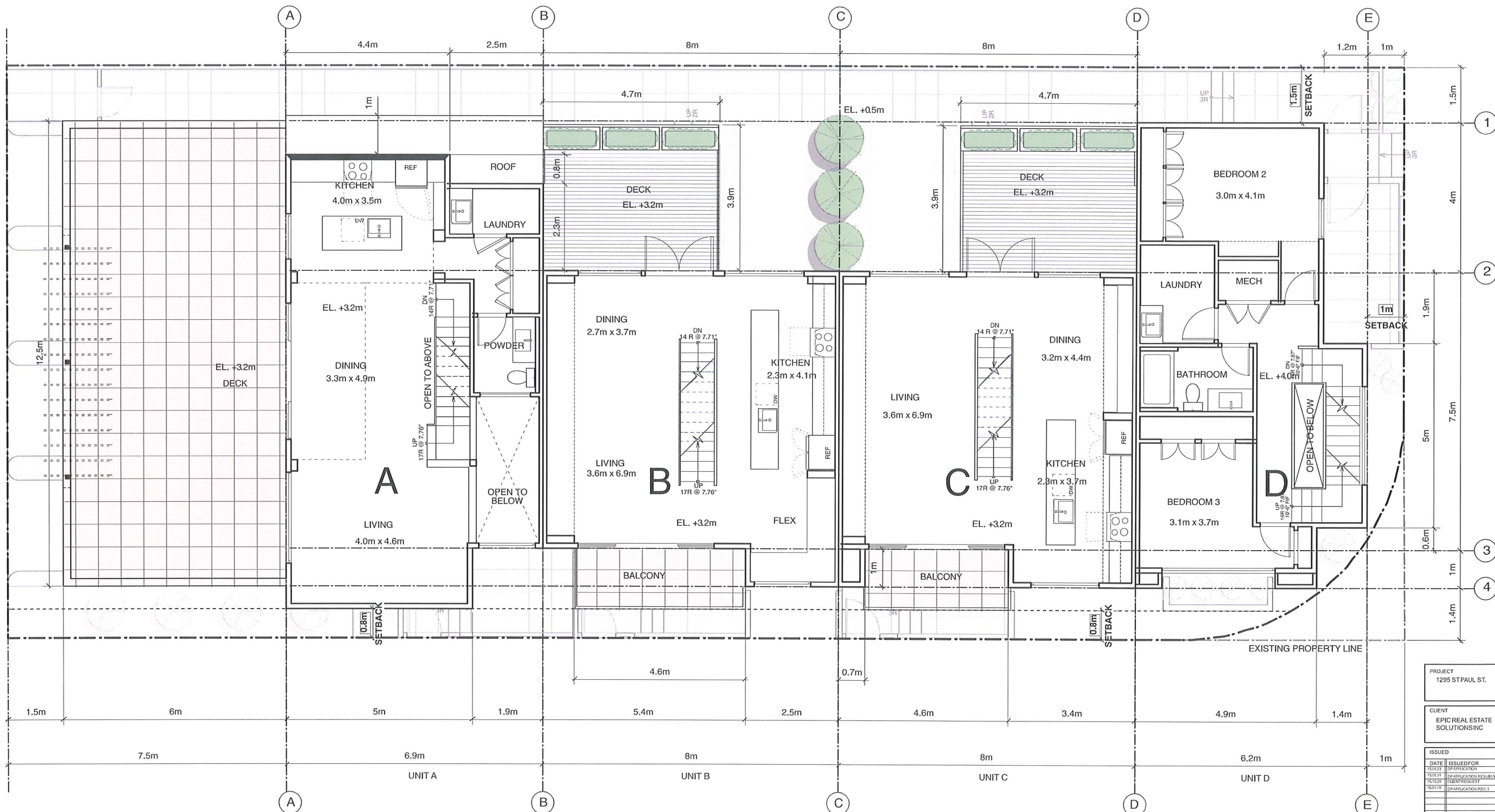
ISSUED  
DATE ISSUED FOR  
15/01/16 APPLICATION  
15/01/16 APPLICATION RESUBMISSION  
15/01/16 CLIENT REQUEST  
15/01/16 APPLICATION REV 1

DRAWING  
GROUND FLOOR PLAN

DRAWN BY: FH  
REVIEWED BY: JS

1321 A1.0





1 2ND FLOOR PLAN  
Scale: 1:100

**SCHEDULE A**  
This forms part of development  
Permit # *DP50215/DVP150216*

UNIT	FINISHED AREA (m2)				EXTERIOR SPACES (m2)			GARAGE (m2)
	FLR 1	FLR 2	FLR 3	TOTAL	DECK	ROOF	PATIO	
A	13.5	73.6	69.1	156.2	0.0	74.9	0.0	74.9
B	41.0	61.3	67.8	170.1	25.9	0.0	16.1	42.0
C	43.1	62.6	62.9	168.6	24.8	0.0	16.1	40.9
D	63.5	64.4	41.5	169.4	0.0	30.0	13.1	43.1
TOTAL	161.1	261.9	241.3	664.3	50.7	104.9	45.3	200.9

NOTE: SHADED AREAS (STORAGE, MECHANICAL, GARAGE) NOT INCLUDED IN FINISHED AREA

PROJECT  
1295 ST PAUL ST.

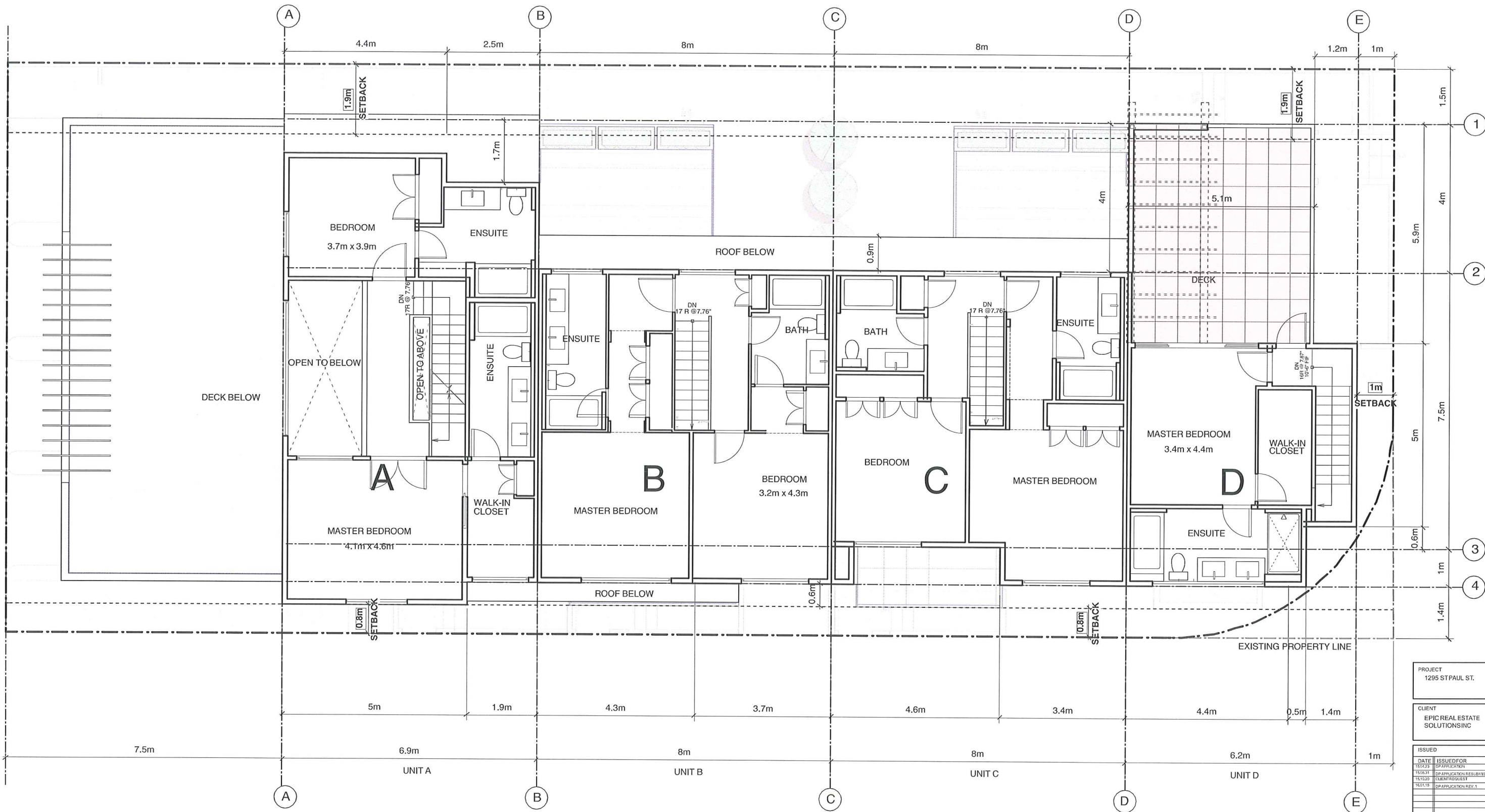
CLIENT  
EPIC REAL ESTATE SOLUTIONS INC

ISSUED FOR  
DATE: 15/02/16  
ISSUED FOR: DP APPLICATION  
15/02/16 DP APPLICATION RESUBMISSION  
15/02/16 CLIENT REQUEST  
15/01/16 DP APPLICATION REV. 1

DRAWN BY: FH  
REVIEWED BY: JS

1321 A1.1





1 3RD FLOOR PLAN  
Scale: 1:100

**SCHEDULE A**  
This forms part of development  
Permit # OPS-0215/OPS-0216

UNIT	FINISHED AREA (m2)				EXTERIOR SPACES (m2)				GARAGE (m2)
	FLR 1	FLR 2	FLR 3	TOTAL	DECK	ROOF	PATIO	TOTAL	
A	13.5	73.6	69.1	156.2	0.0	74.9	0.0	74.9	30.7
B	41.0	61.3	67.8	170.1	25.9	0.0	16.1	42.0	30.7
C	43.1	62.6	62.9	168.6	24.8	0.0	16.1	40.9	34.3
D	63.5	64.4	41.5	169.4	0.0	30.0	13.1	43.1	34.3
TOTAL	161.1	261.9	241.3	664.3	50.7	104.9	45.3	200.9	130.0

NOTE: SHADED AREAS (STORAGE, MECHANICAL, GARAGE) NOT INCLUDED IN FINISHED AREA

PROJECT  
1295 ST PAUL ST.

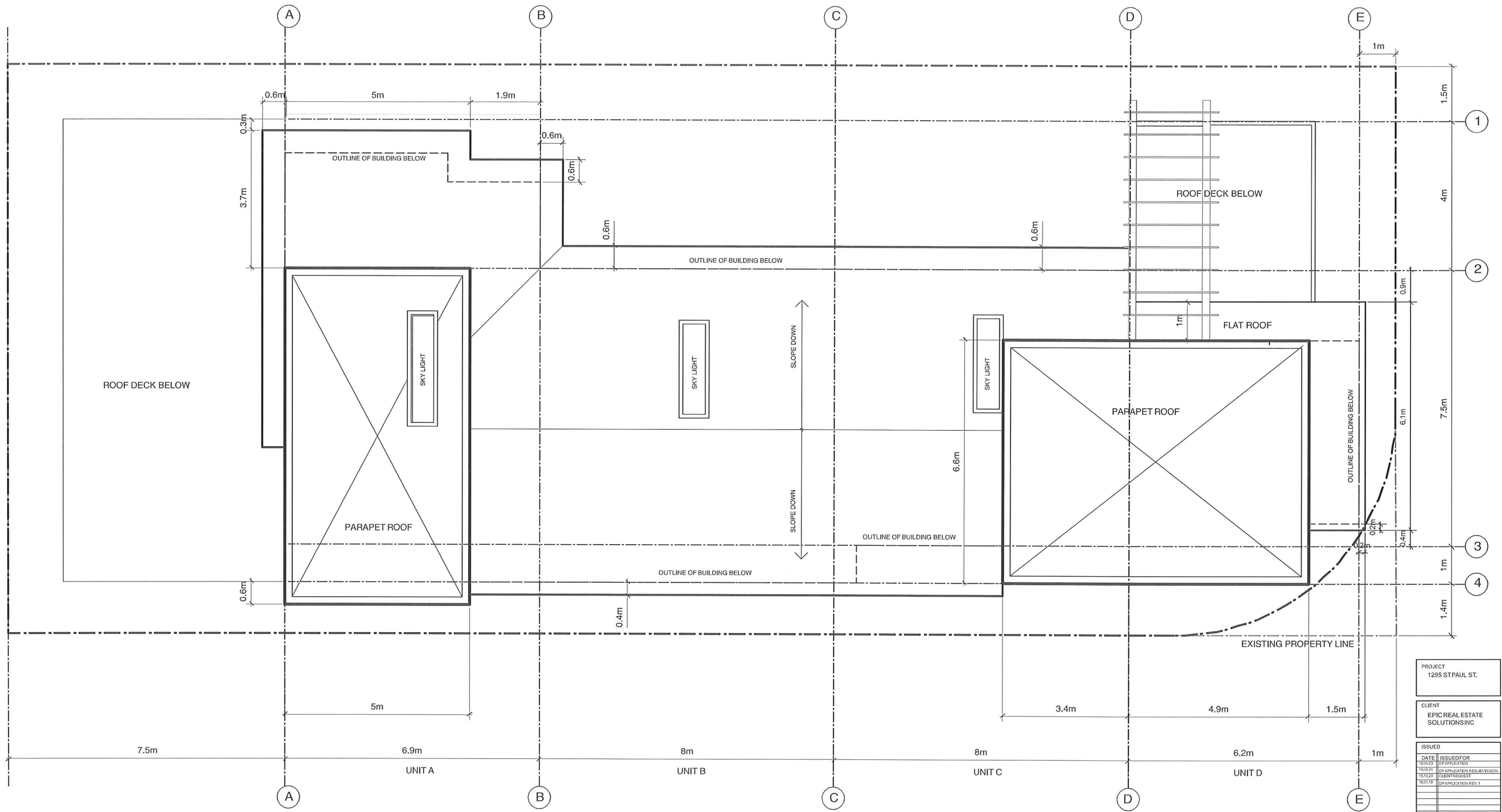
CLIENT  
EPIC REAL ESTATE SOLUTIONS INC

ISSUED  
DATE ISSUED FOR  
15/02/16 DP APPLICATION  
15/03/16 DP APPLICATION RESUBMISSION  
15/10/16 CLIENT REQUEST  
16/01/16 DP APPLICATION REV. 1

DRAWING  
3RD FLOOR PLAN

DRAWN BY: FH  
REVIEWED BY: JS

1321 A1.2

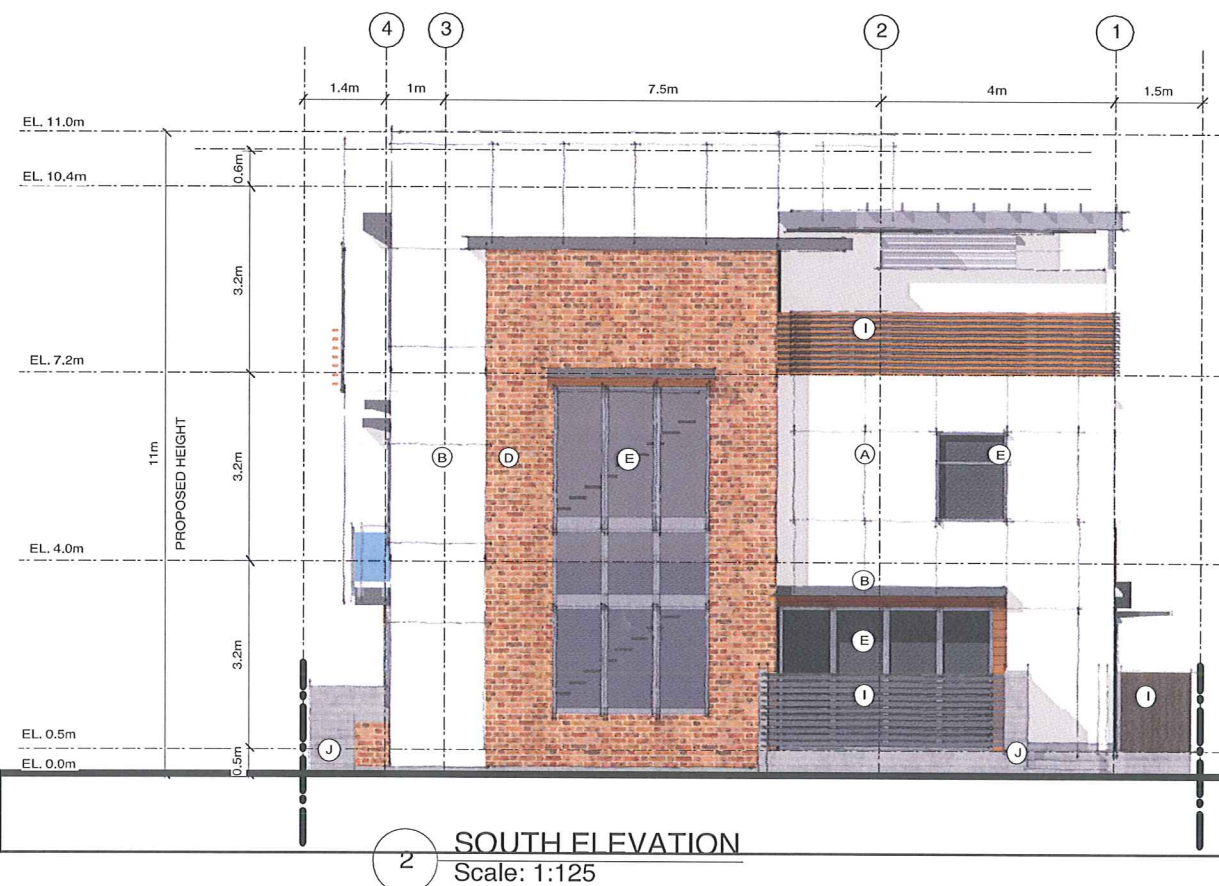


1 ROOF FLOOR PLAN  
Scale: 1:100

**SCHEDULE A**  
This forms part of development  
Permit # PPS-0215/DPS-0216

PROJECT 1295 STPAUL ST.	
CLIENT EPICREAL ESTATE SOLUTIONS INC	
ISSUED	
DATE	ISSUED FOR
15/03/15	DP APPLICATION
15/03/15	CLIENT REQUEST
16/01/16	DP APPLICATION RESUBMISSION
16/01/16	DP APPLICATION REV. 1
DRAWING ROOF PLAN	
DRAWN BY: FH	REVIEWED BY: JS
1321	A1.3





MATERIAL SCHEDULE	
(A)	PANELIZED FINISH WITH METAL REVEAL - OFF WHITE
(B)	ARCHITECTURAL METAL SIDING 'LONGBOARD' - CHERRY
(C)	1/2" CORRUGATED GALVALUME METAL SIDING - NATURAL
(D)	BRICK - RED/ BROWN
(E)	METAL WINDOWS - ANODIZED CLEAR
(F)	TRIM - CEMENTITIOUS TRIM WITH DARK COLOR
(G)	RAILING - METAL / SILVER
(I)	PRIVACY SCREEN
(J)	BOARD FORM CONCRETE
(K)	CONCRETE SIGNAGE
(L)	ENTRY DOOR - WOOD GRAIN
(N)	METAL VENT - PAINTED

**SCHEDULE B**  
 This forms part of development  
 Permit # **DP150215/DP150216**

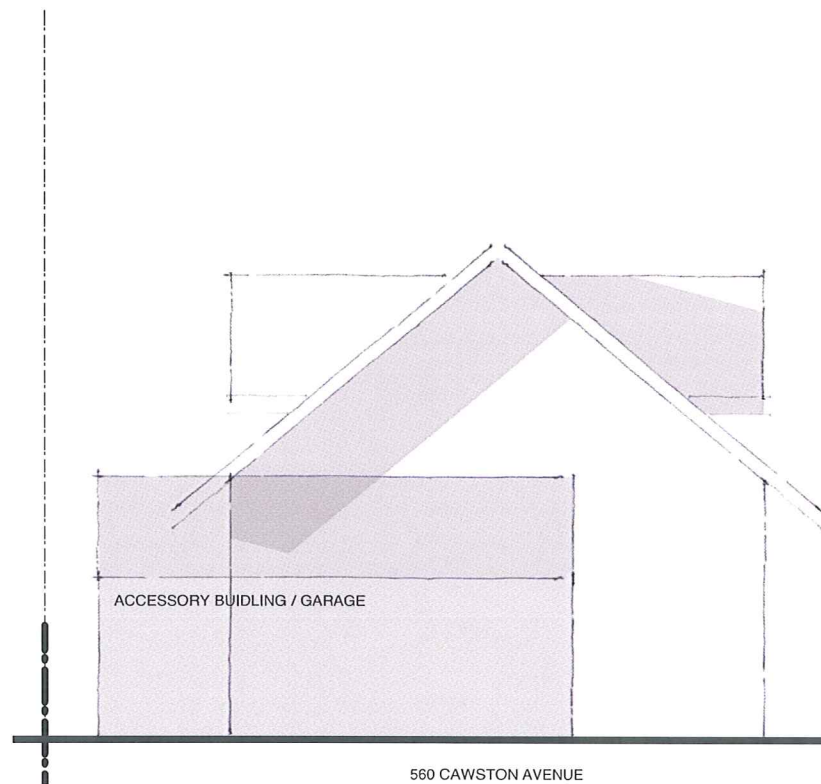
PROJECT 1295 ST PAUL ST.	
CLIENT EPIC REAL ESTATE SOLUTIONS INC	
ISSUED	
DATE	ISSUED FOR
15/01/16	DP APPLICATION
15/01/16	DP APPLICATION RESUBMISSION
15/01/16	CLIENT REQUEST
16/01/16	DP APPLICATION REV.1
APPROVED	NOOK
DRAWING ELEVATIONS	
DRAWN BY: FH	REVIEWED BY: JS
1321	A2.0



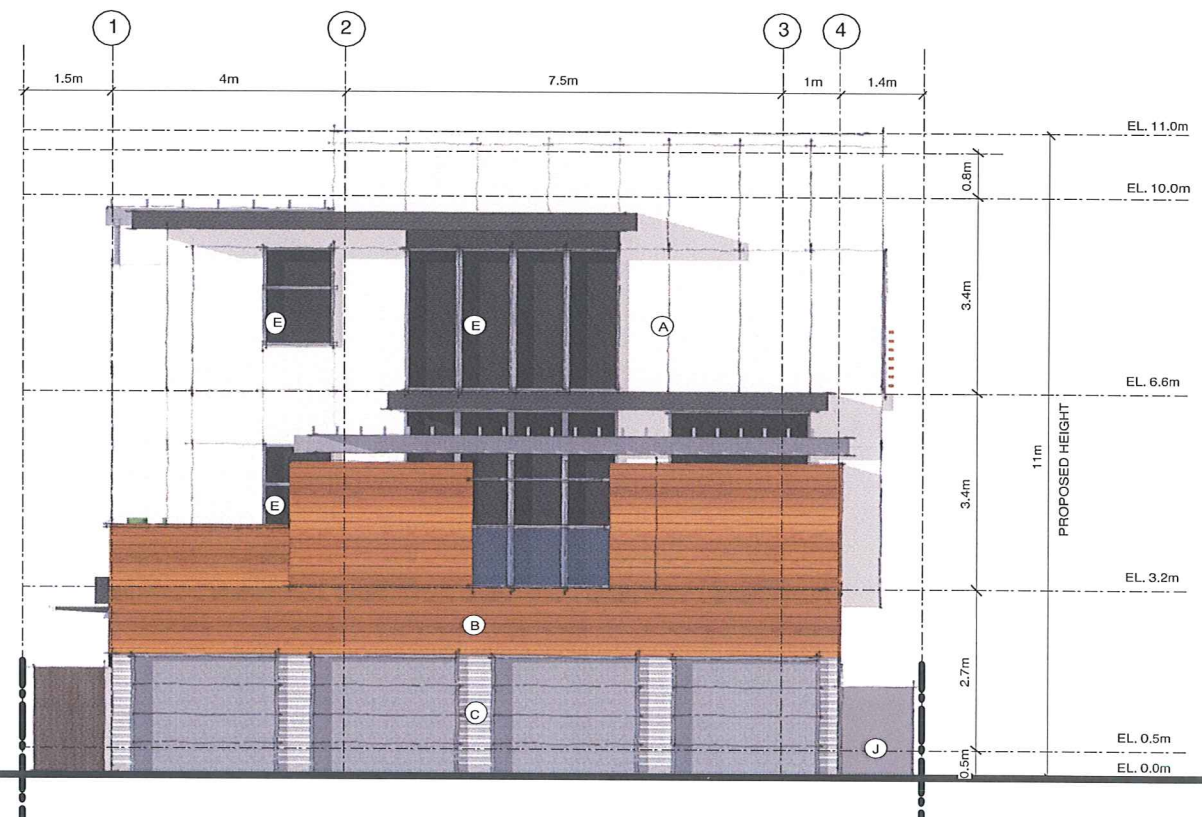


1 EAST ELEVATION  
Scale: 1:125

MATERIAL SCHEDULE	
Ⓐ	PANELIZED FINISH WITH METAL REVEAL - OFF WHITE
Ⓑ	ARCHITECTURAL METAL SIDING 'LONGBOARD' - CHERRY
Ⓒ	1/2" CORRUGATED GALVALUME METAL SIDING - NATURAL
Ⓓ	BRICK - RED/ BROWN
Ⓔ	METAL WINDOWS - ANODIZED CLEAR
Ⓕ	TRIM - CEMENTITIOUS TRIM WITH DARK COLOR
Ⓖ	RAILING - METAL / SILVER
Ⓛ	ENTRY DOOR - WOOD GRAIN
Ⓝ	METAL VENT - PAINTED



560 CAWSTON AVENUE  
ESTIMATED MASSING FOR ILLUSTRATION PURPOSE

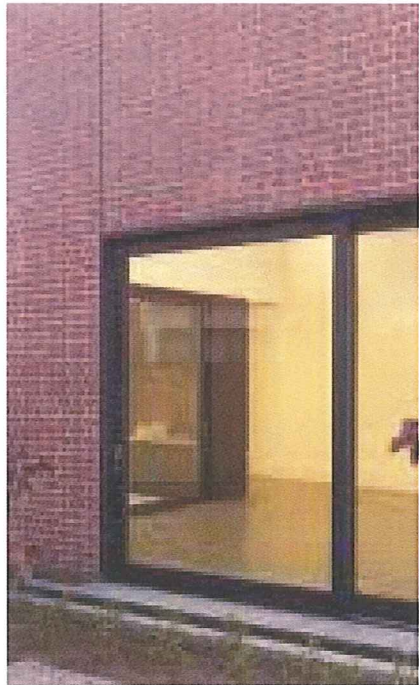


2 NORTH ELEVATION  
Scale: 1:125

**SCHEDULE B**  
This forms part of development  
Permit # DP500KS 10P150216

PROJECT	1295 ST PAUL ST.
CLIENT	EPIC REAL ESTATE SOLUTIONS INC
ISSUED	
DATE	15/03/16
ISSUED FOR	DP APPLICATION
15/03/16	DP APPLICATION RESUBMISSION
15/03/20	CLIENT REQUEST
15/01/18	DP APPLICATION REV. 1
DATE	
BY	
DATE	
BY	
DRAWING	ELEVATIONS
DRAWN BY	FH
REVIEWED BY	JS

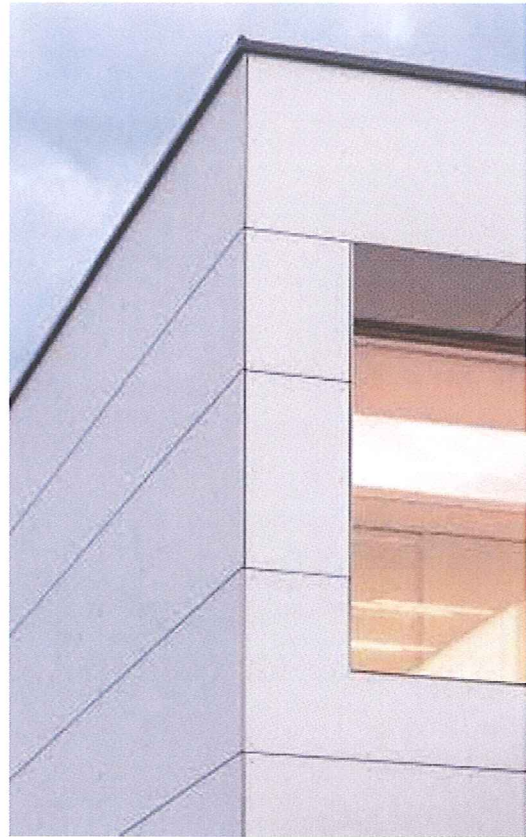




BRICK FINISH WITH DARK WINDOW FRAME



WOOD SOFFIT WITH DARK TRIM



PANELIZED EXTERIOR FINISH

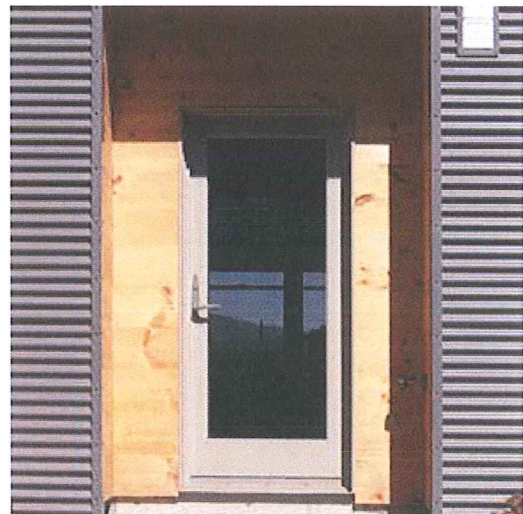


WOOD GRAIN METAL SIDING

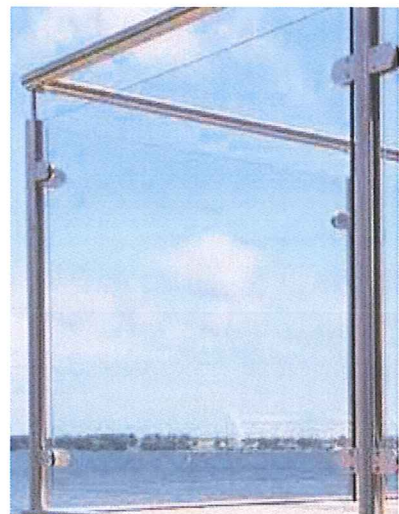


3D PRESPECTIVE - ST PAUL ST & CAWSTON AVE

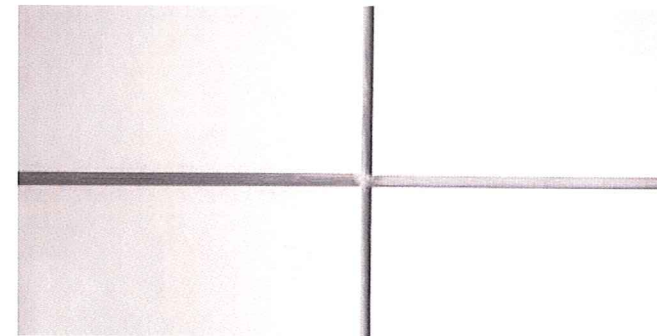
**SCHEDULE B**  
This forms part of development  
Permit # DP150215/DP150216



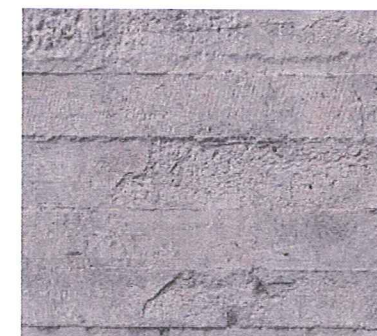
METAL AND WOOD SIDING



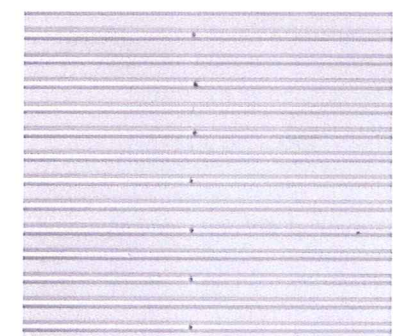
GLASS RAILING



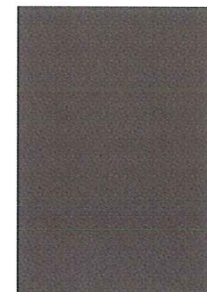
A. PANEL WITH METAL REVEAL



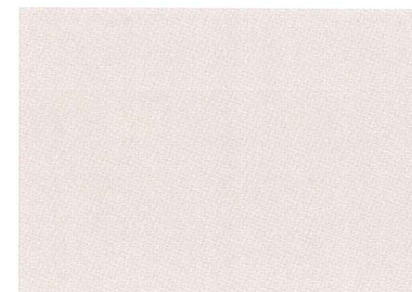
J. CONCRETE FINISH FOR LANDSCAPE PLANTERS



C. GALVALUME METAL SIDING



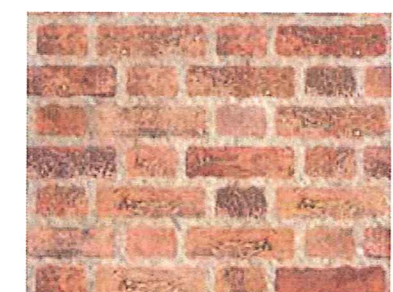
PT. 2 - BM NIGHT HORIZON



PT. 1 - BALBOA MIST



2. WOOD GRAIN PANEL - CHERRY



D. RED / BROWN BRICK EXTERIOR FINISH

PROJECT 1295 ST PAUL ST.	
CLIENT EPIC REAL ESTATE SOLUTIONS INC	
ISSUED	
DATE	ISSUED FOR
15.03.17	DP APPLICATION
15.03.17	DP APPLICATION RESUBMISSION
15.10.20	CLIENT REQUEST
16.01.18	DP APPLICATION REV. 1
DRAWN BY	REVIEWED BY
FH	JS
1321	A3.0





3D PRESPECTIVE - ST PAUL ST & CAWSTON AVE

**SCHEDULE B**  
 This forms part of development  
 Permit # DPIS2015/DPIS0216



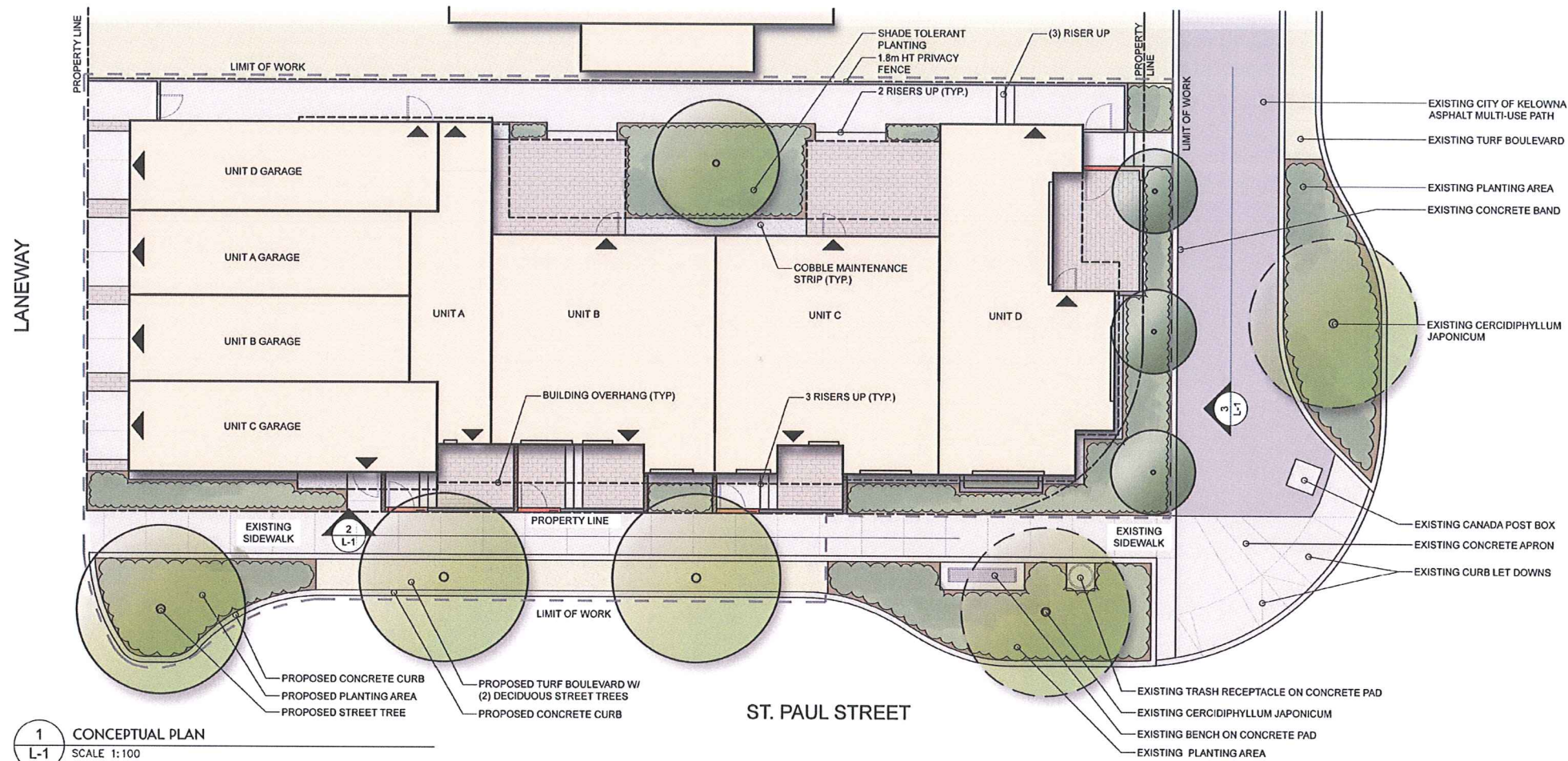
3D PRESPECTIVE - CAWSTON AVE



3D PRESPECTIVE - ST PAUL ST LOOKING SOUTH

PROJECT 1295 ST PAUL ST.	
CLIENT EPIC REAL ESTATE SOLUTIONS INC	
ISSUED	
DATE	ISSUED FOR
15.01.15	DP APPLICATION
15.03.15	DP APPLICATION RESUBMISSION
15.10.15	CLIENT REQUEST
16.01.16	DP APPLICATION REV. 1
DRAWING	
MASSINGS	
DRAWN BY:	REVIEWED BY:
FH	JS
1321	A3.1





1  
L-1  
CONCEPTUAL PLAN  
SCALE 1:100

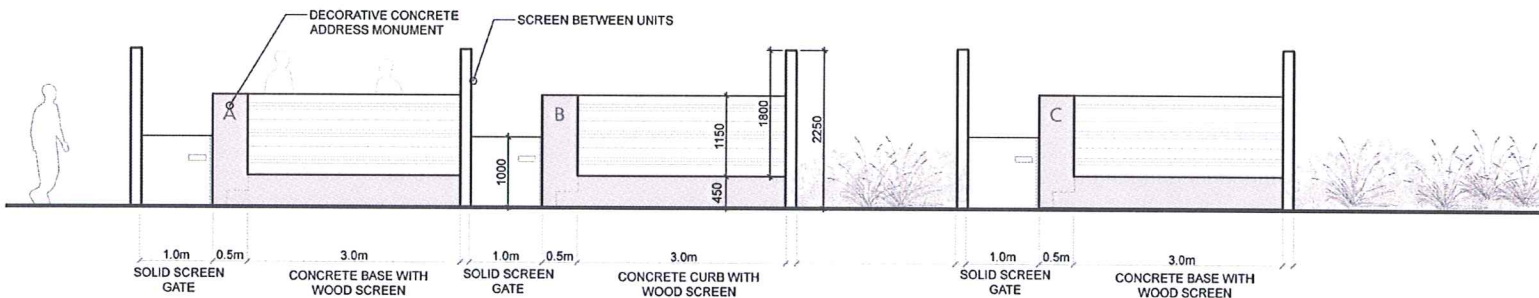
PLANT LIST:

TREES			
Botanical Name	Common Name	Size	Root
<i>Carpinus betulus 'Fastigiata'</i>	Pyramidal European hornbeam	6cm Cal	B&B
<i>Cercidiphyllum japonicum</i>	Katsura tree	6cm Cal	B&B
SHRUBS			
Botanical Name	Common Name	Size	Root
<i>Berberis thunbergii 'Sensation'</i>	Sensation barberry	#02	Potted
<i>Taxus media 'Hicksii'</i>	Hicks yew	#02	Potted
PERENNIALS & GROUNDCOVERS			
Botanical Name	Common Name	Size	Root
<i>Heuchera 'Lime Ruffles'</i>	Fancy leaf coral bells	#01	Potted
<i>Hosta 'Northern Exposure'</i>	Northern exposure hosta	#01	Potted
<i>Rudbeckia fulgida 'Goldsturm'</i>	Goldsturm coneflower	#01	Potted
GRASSES			
Botanical Name	Common Name	Size	Root
<i>Deschampsia flexuosa 'Aurea'</i>	Golden tufted hair grass	#01	Potted
<i>Miscanthus sinensis 'Gracillimus'</i>	Maiden grass	#01	Potted
<i>Panicum virgatum</i>	Switch grass	#01	Potted
VINES			
Botanical Name	Common Name	Size	Root
<i>Perthenocissus quinquefolia 'Toki'</i>	Red wall Virginia creeper	#01	Potted

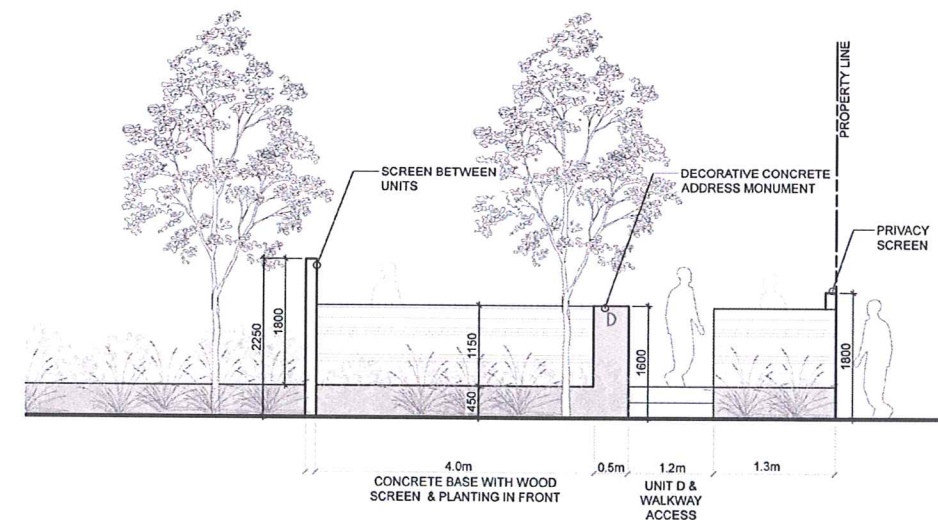
\* Use male plant only

NOTES:

- 1 PLANT MATERIALS AND CONSTRUCTION METHODS SHALL CONFORM TO MINIMUM STANDARDS ESTABLISHED IN THE LATEST EDITION OF THE B.C. LANDSCAPE STANDARDS, PUBLISHED BY B.C.L.N.A. AND B.C.S.L.A.
- 2 THE LANDSCAPE DESIGN DESIGNATED HEREIN IS CONCEPTUAL BUT REFLECTS THE MINIMUM CITY OF KELOWNA FORM AND CHARACTER REQUIREMENTS.
- 3 PLANT MATERIAL SELECTIONS ARE CONCEPTUAL ONLY. FINAL PLANTING SELECTIONS MAY VARY DEPENDING UPON AVAILABILITY.
- 4 IMPORTED GROWING MEDIUM: PLACEMENT: IMPORTED GROWING MEDIUM SHALL BE PLACED AT 450mm MIN. DEPTH IN ALL PLANTING AREAS AND 100mm DEPTH IN ALL TURF AREAS SHOWN ON THE DRAWING. IMPORTED GROWING MEDIUM SHALL MEET THE BC INTERIOR '2P' SPECIFICATION FOR PLANTING AREAS AND '2L' SPECIFICATION FOR TURF AREAS.
- 5 MULCH: THE CONTRACTOR SHALL SUPPLY AND PLACE COMPOSTED BARK MULCH AT 75mm MIN. DEPTH IN ALL PLANTING AREAS.
- 6 A HIGH EFFICIENCY IRRIGATION SYSTEM SHALL BE INSTALLED FOR ALL PLANTING AREAS AND SHALL CONFORM TO CITY OF KELOWNA IRRIGATION STANDARDS.



2  
L-1  
ST. PAUL STREET ELEVATION  
SCALE 1:50



3  
L-1  
CAWSTON AVENUE ELEVATION  
SCALE 1:50

**SCHEDULE C**  
This forms part of development  
Permit # DPIS-0215 / DPIS-0216

**LEGEND:**

- EXISTING STREET TREE TO REMAIN
- PROPOSED DECIDUOUS TREE
- SHRUBS, GRASSES & PERENNIALS
- DECORATIVE PRIVACY SCREEN HEIGHT: 2.25m
- CONCRETE BASE WALL WITH DECORATIVE WOOD SCREEN HEIGHT: 1.6m
- CONCRETE UNIT PAVERS
- CAST IN PLACE CONCRETE PAVING
- COBBLE MAINTENANCE STRIP WIDTH VARIES UNDER OVERHANG



REVISIONS / ISSUED:

NO.	DATE	DESCRIPTION
4	JAN 05/15	RE-ISSUED FOR DP
3	NOV 05/15	ISSUED FOR DP
2	NOV 05/15	ISSUED FOR REVIEW
1	OCT 25/15	ISSUED FOR REVIEW



CONSULTANT:  
**JOHN KERRIGAN SPROYLE & ASSOCIATES CORP.**  
VANCOUVER, B.C.

CLIENT:  
**EPIC REAL ESTATE SOLUTIONS**  
KELOWNA, B.C.

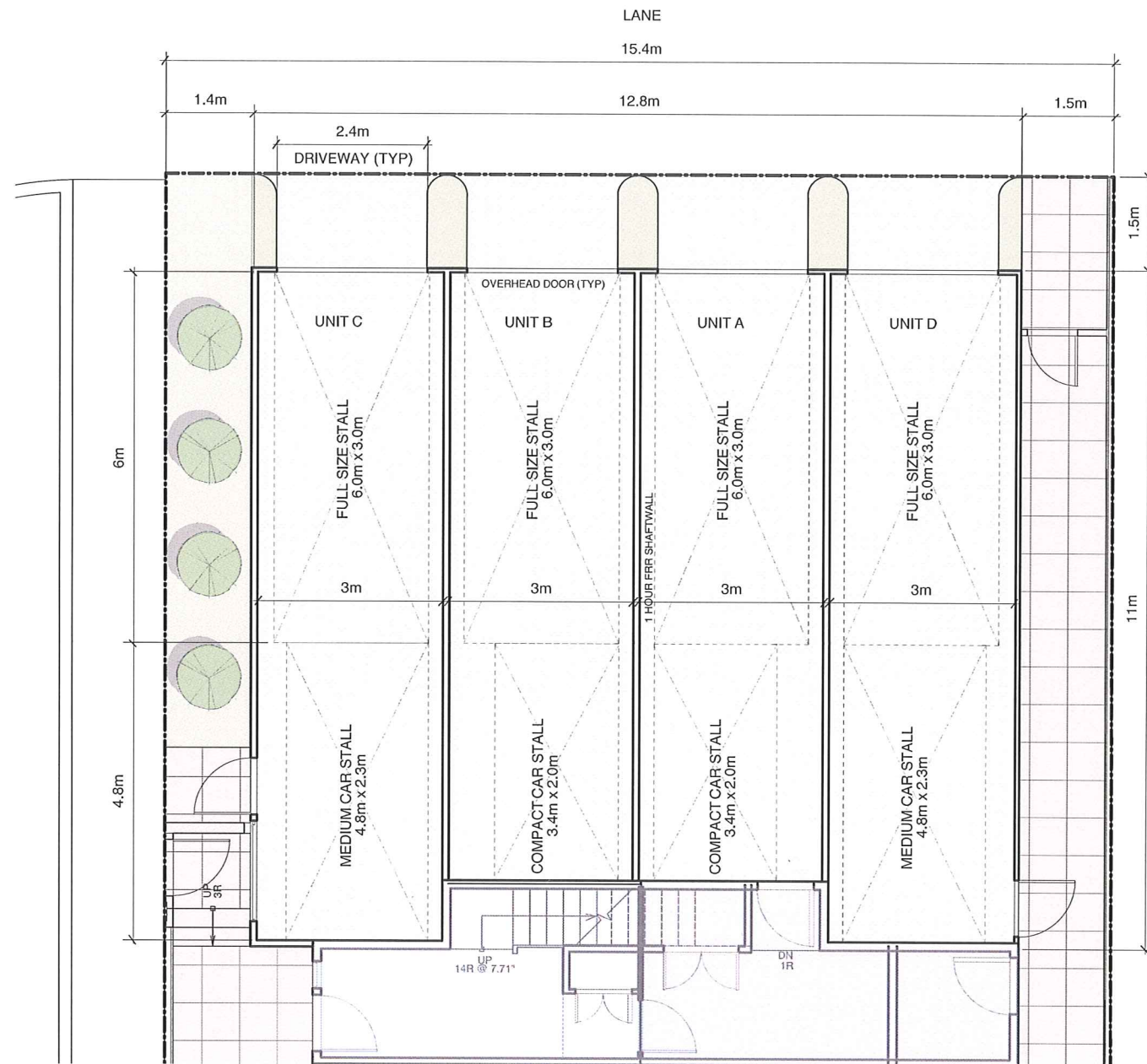
PROJECT:  
**EPIC CITIHOMES**  
KELOWNA, B.C.

SHEET TITLE  
**CONCEPTUAL PLAN**

DESIGN BY: SD  
DRAWN BY: SD  
CHECKED BY: AS  
PROJECT NO.: 15-032  
SCALE: AS SHOWN

SHEET NO.:  
**L-1**





2 GARAGE PLAN  
Scale: 1:100  
(SEE DWG A1.0 FOR GROUND FLOOR DETAIL)

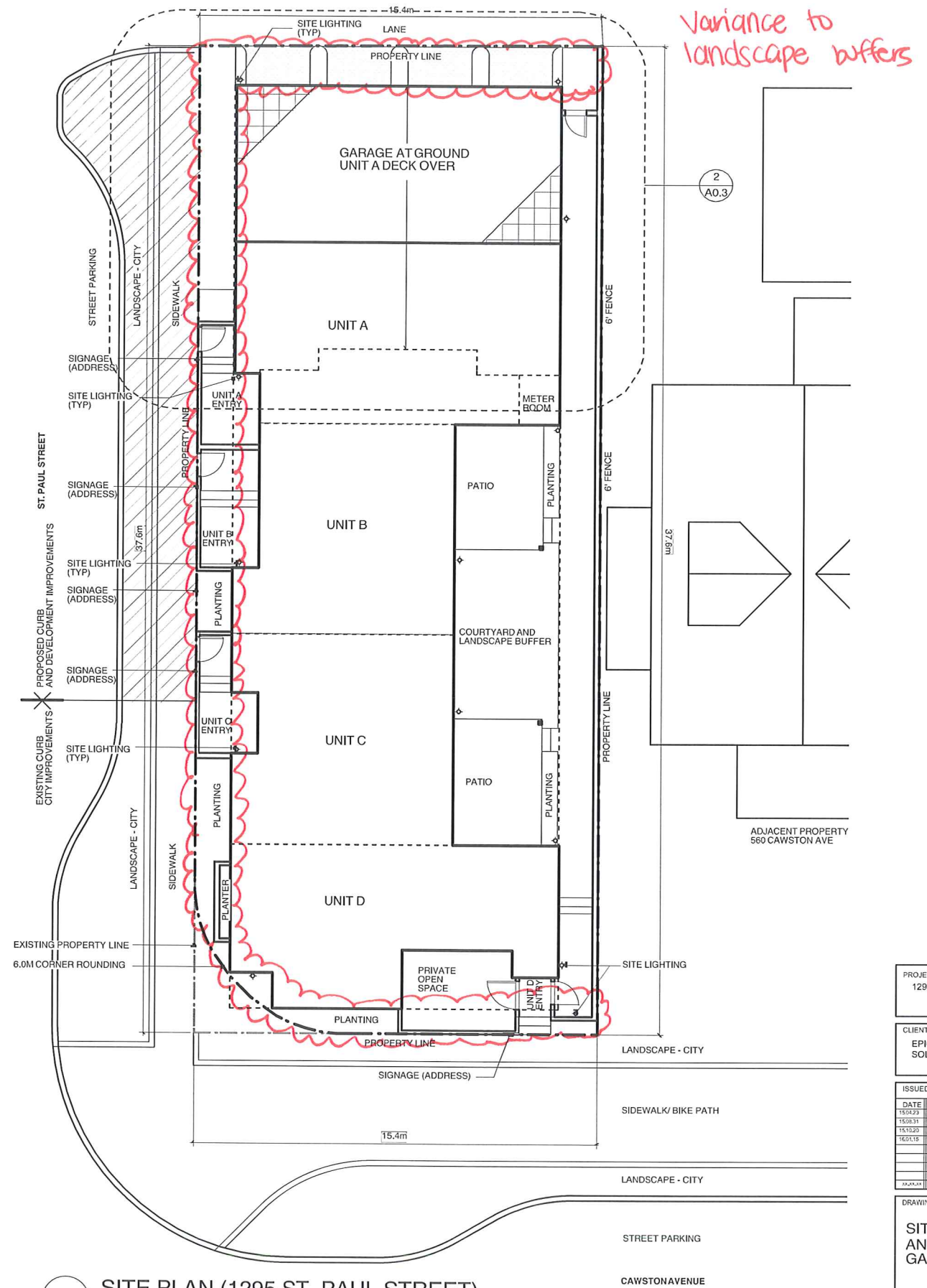
FULL SIZE STALL: 4 SPACES  
MEDIUM SIZE STALL: 2 SPACES  
COMPACT SIZE STALL: 2 SPACES  
TOTAL PROVIDED: 8 SPACES

NOTE: 1. BIKE STORAGE IS PROVIDED AT EACH UNIT  
2. GARBAGE AND RECYCLE BIN STORAGE IN GARAGE  
3. VISITOR PARKING IS PROVIDED BY GARAGE  
4. ACCESSORY USE SETBACK IS 1.2M (6.5.8(b))

Variance to parking ratio

SCHEDULE D

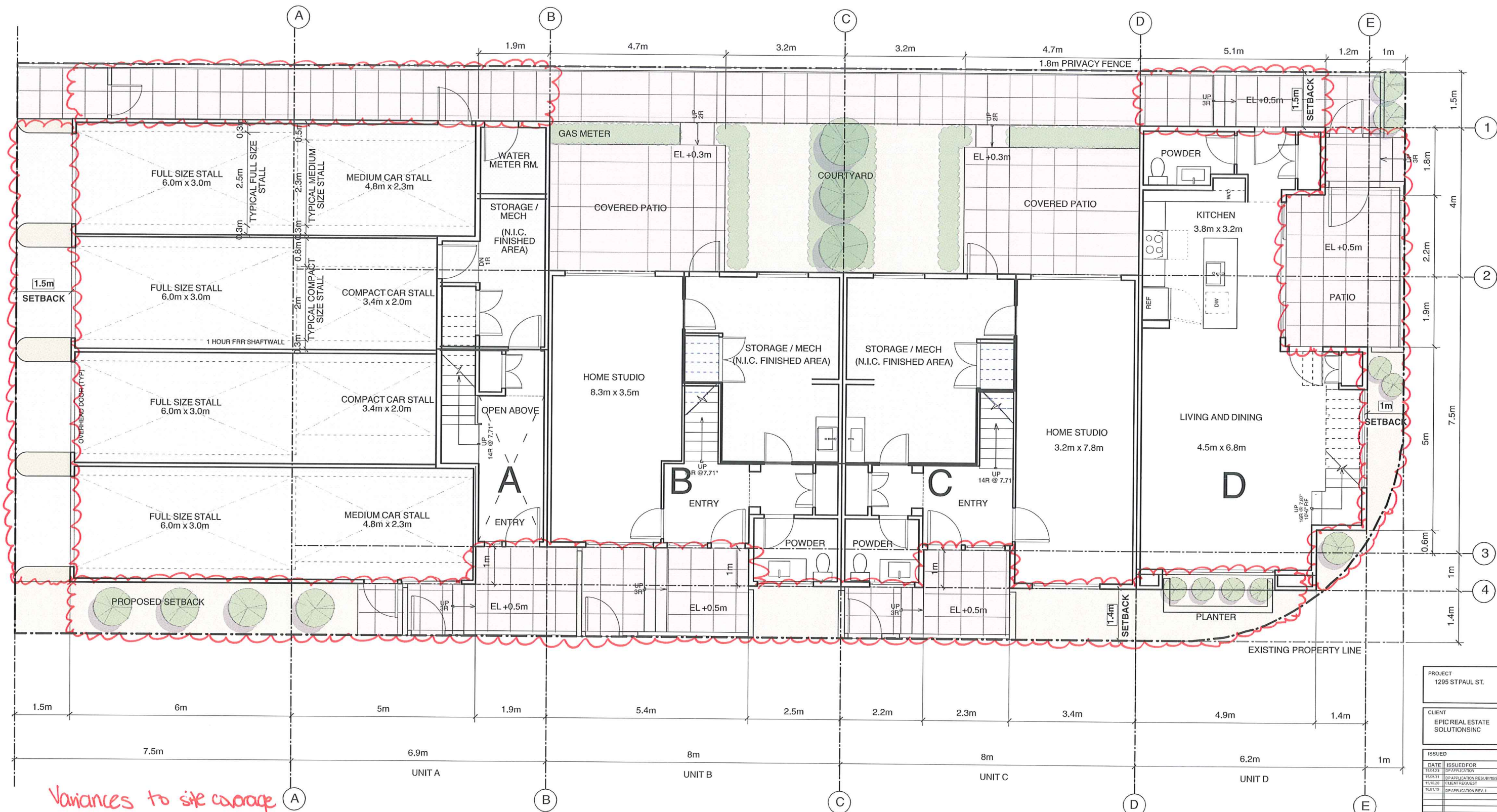
This forms part of development  
Permit # *OPASOZIS MXPIS-0216*



1 SITE PLAN (1295 ST. PAUL STREET)  
Scale: 1:200

PROJECT	1295 ST PAUL ST.
CLIENT	EPIC REAL ESTATE SOLUTIONS INC
ISSUED	
DATE	ISSUED FOR
15.02.15	DP APPLICATION
15.03.31	DP APPLICATION RESUBMISSION
15.10.20	CLIENT REQUEST
16.07.15	DP APPLICATION REV. 1
DRAWN BY:	REVIEWED BY
FH	JS
1321	A0.3





Variances to site coverage  
and setbacks

1 GROUND FLOOR PLAN  
Scale: 1:100

### SCHEDULE D

This forms part of development

Permit # DP15-0215 / DP15-0216

UNIT	FINISHED AREA (m <sup>2</sup> )				EXTERIOR SPACES (m <sup>2</sup> )				GARAGE (m <sup>2</sup> )
	FLR 1	FLR 2	FLR 3	TOTAL	DECK	ROOF	PATIO	TOTAL	
A	13.5	73.6	69.1	156.2	0.0	74.9	0.0	74.9	30.7
B	41.0	61.3	67.8	170.1	25.9	0.0	16.1	42.0	30.7
C	43.1	62.6	62.9	168.6	24.8	0.0	16.1	40.9	34.3
D	63.5	64.4	41.5	169.4	0.0	30.0	13.1	43.1	34.3
TOTAL	161.1	261.9	241.3	664.3	50.7	104.9	45.3	200.9	130.0

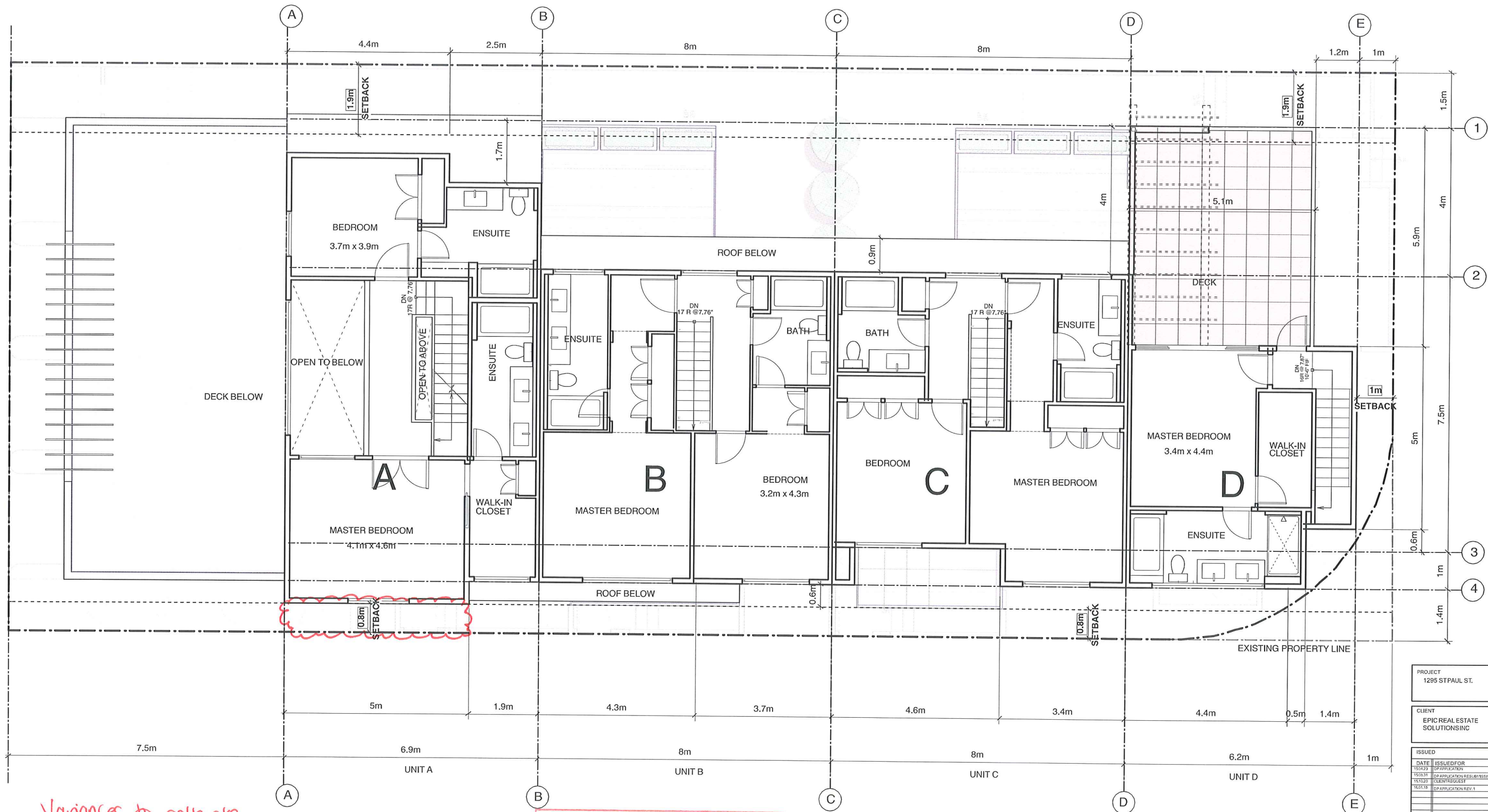
NOTE: SHADED AREAS (STORAGE, MECHANICAL, GARAGE) NOT INCLUDED IN FINISHED AREA

PROJECT 1295 ST PAUL ST.	
CLIENT EPIC REAL ESTATE SOLUTIONS INC.	
ISSUED	ISSUED FOR
15/03/17	DP APPLICATION
15/03/17	DP APPLICATION RESUBMISSION
15/03/20	CLIENT REQUEST
16/01/19	DP APPLICATION REV. 1
DRAWING	
GROUND FLOOR PLAN	
DRAWN BY: FH	REVIEWED BY: JS
1321	A1.0









Variances to setbacks

1 3RD FLOOR PLAN  
Scale: 1:100

**SCHEDULE D**  
This forms part of development  
Permit # DPS-025/DPS-026

UNIT	FINISHED AREA (m <sup>2</sup> )				EXTERIOR SPACES (m <sup>2</sup> )				GARAGE (m <sup>2</sup> )
	FLR 1	FLR 2	FLR 3	TOTAL	DECK	ROOF	PATIO	TOTAL	
A	13.5	73.6	69.1	156.2	0.0	74.9	0.0	74.9	30.7
B	41.0	61.3	67.8	170.1	25.9	0.0	16.1	42.0	30.7
C	43.1	62.6	62.9	168.6	24.8	0.0	16.1	40.9	34.3
D	63.5	64.4	41.5	169.4	0.0	30.0	13.1	43.1	34.3
TOTAL	161.1	261.9	241.3	664.3	50.7	104.9	45.3	200.9	130.0

NOTE: SHADED AREAS (STORAGE, MECHANICAL, GARAGE) NOT INCLUDED IN FINISHED AREA

PROJECT 1295 ST PAUL ST.	
CLIENT EPIC REAL ESTATE SOLUTIONS INC.	
ISSUED	DATE ISSUED FOR
15/01/16	DP APPLICATION
15/01/16	DP APPLICATION RESUBMISSION
15/01/16	CLIENT REQUEST
16/01/16	DP APPLICATION REV. 1
DRAWING <b>3RD FLOOR PLAN</b>	
DRAWN BY: FH	REVIEWED BY: JS
1321	A1.2

# DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT



## APPROVED ISSUANCE OF DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT NO. DP15-0215 and DVP15-0216

**Issued To:** ML Holdings Inc. Inc No. BC0825079  
**Site Address:** 1295 St. Paul Street  
**Legal Description:** Lot 25, District Lot 139, ODYD, Plan 1303  
**Zoning Classification:** RM4 - Transitional Low Density Housing  
**Development Permit Area:** Revitalization Form and Character

### SCOPE OF APPROVAL

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

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

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

### 1. TERMS AND CONDITIONS

THAT Development Permit No. DP15-0215 and DVP15-0216 for Lot 25, District Lot 139, ODYD, Plan 1303 located at 1295 St. Paul St., Kelowna, BC to allow the construction of a 4 unit townhome be approved subject to the following:

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
- c) Landscaping to be provided on the land be in accordance with Schedule "C";
- d) 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 Registered Landscape Architect;

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

#### Section 7.6.1: Minimum Landscape Buffers

To vary the minimum landscape buffer for the front yard and flanking street from Level 2 permitted to Level 1 proposed and to vary the minimum landscape buffer for the rear yard from Level 3 permitted to Level 1 proposed.

**Section 8.1.11(b): Parking and Loading Size and Ratio**

To vary the minimum parking ratio from 50% full size and 50% medium size permitted to 50% full size, 25% medium size and 25% compact size proposed.

**Section 13.10.6(b): RM4 - Transitional Low Density Housing Development Regulations**

To vary the maximum site coverage from 50% permitted to 71.3% proposed and to vary the maximum site coverage for buildings, driveways and parking areas from 60% to 73.9%.

**Section 13.10.6(d): RM4 - Transitional Low Density Housing Development Regulations**

To vary the minimum front yard from 6.0 m permitted to 1.0 m proposed.

**Section 13.10.6(e): RM4 - Transitional Low Density Housing Development Regulations**

To vary the minimum side yard from 4.5 m permitted to 1.5 m proposed and to vary the minimum flanking street side yard from 4.5 m permitted to 0.8 m proposed.

**Section 13.10.6(f): RM4 - Transitional Low Density Housing Development Regulations**

To vary the minimum rear yard from 7.5 m permitted to 1.5 m proposed.

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

## **2. 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 Permit Holder and be paid to the Permit Holder if the security is returned. The condition of the posting of the security is that should the Permit Holder 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 Permit Holder, or should the Permit Holder carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Permit Holder. There is filed accordingly:

- a) Cash in the amount of \$ \_\_\_\_\_ OR
- b) A Certified Cheque in the amount of \$ \_\_\_\_\_ OR
- c) An Irrevocable Letter of Credit in the amount of \$ \_\_\_\_\_ .

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.

## **3. DEVELOPMENT**

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

If the Permit Holder does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse. **This Permit IS NOT a Building Permit.**

#### 4. APPLICANT'S AGREEMENT

I hereby declare that all of the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

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

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

**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.

#### 5. APPROVALS

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

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

\_\_\_\_\_  
Date

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