

City of Kelowna
Regular Council Meeting
AGENDA



Tuesday, July 30, 2019
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 Donn
- 3. Confirmation of Minutes** 1 - 11
Public Hearing - July 16, 2019
Regular Meeting - July 16, 2019
- 4. Bylaws Considered at Public Hearing**
 - 4.1 Hwy 97 N 5269, BL11857 (Z19-0081) - City of Kelowna** 12 - 12
To give Bylaw No. 11857 second and third reading to rezone the subject property from the A1 - Agriculture 1 zone to the CD12 - Airport zone.
 - 4.2 Gordon Drive 4633, BL11867 (Z19-0044) - Gail Negus and Daniel Crothers** 13 - 13
To give Bylaw No. 11867 second and third reading in order to rezone the subject property from RU1 – Large Lot Housing zone to RU1c – Large Lot Housing with Carriage House zone.
 - 4.3 Rains Rd, 195 - BL11868 (Z17-0034) - Andrea Harrison** 14 - 14
To give Bylaw No. 11868 second and third reading in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.
 - 4.4 Rutland Rd N 515, BL11869 (Z19-0040) - 1918951 Alberta Ltd.** 15 - 15
To give Bylaw No. 11869 second and third reading in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RM3 - Low Density Multiple Housing zone.

4.5	KLO Rd 710, 720 and Richter St 2959, 2963, BL11870 (OCP19-0003) - KGI Kingsway Homes Ltd.	16 - 16
	Requires a majority of all members of Council. (5)	
	To give Bylaw No. 11870 second and third reading in order to change the Future Land Use designation from MRL - Multiple Unit Residential (Low Density) to MRM - Multiple Unit Residential (Medium Density).	
4.6	KLO Rd 710, 720 and Richter St 2959, 2963, BL11871 (Z19-0055) - KGI Kingsway Homes Ltd.	17 - 17
	To give Bylaw No. 11871 second and third reading in order to rezone the subject property from RU6 - Two Dwelling Housing and RM1 - Four Dwelling Housing zone to the RM5 - Medium Density Multiple Housing zone.	
5.	Development Permit and Development Variance Permit Reports	
	Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward for each item.	
5.1	Rutland Rd N 615, BL11821 (TA19-0002) - Bharosa Developments Ltd. Inc.No.BC1177705	18 - 18
	To adopt Bylaw No. 11821 in order to amend the C4 - Urban Centre Commercial zone to add extra Floor Area Ratio for five and six storey buildings.	
5.2	Rutland Rd N 615, BL11815 (OCP19-0001) - Bharosa Developments Ltd. Inc.No.BC1177705	19 - 19
	To amend and adopt Bylaw No. 11815 in order to amend the Official Community Plan to change the Future Land Use designation of the subject property from the S2RES- (Single Two Unit Residential) and MRL-Multiple Unit Residential (Low Density) designation to MXR-Mixed Use (Residential/Commercial) designation.	
5.3	Rutland Rd N 615, BL11819 (Z19-0039) - Bharosa Developments Ltd. Inc.No.BC1177705	20 - 20
	To amend and adopt Bylaw No. 11819 in order to rezone the subject property from the RU1 – Large Lot Housing zone to the C4 – Urban Centre Commercial zone.	
5.4	Rutland Rd N 615, DP19-0009 DVP19-0010 - Bharosa Developments Ltd. Inc.No.BC1177705	21 - 53
	To consider the form and character of a proposed five storey mixed-use building, and to consider two variances to increase the building height by one storey and to reduce the required parking by two stalls.	
5.5	Lost Creek 248, DVP19-0114 - Heidi and Jarvis Gatti	54 - 59
	To vary the height of a retaining wall on the subject property.	

5.6	Ellis St 677, DVP19-0072 - Richard and Marie Dempster	60 - 65
	To vary the maximum site coverage for buildings from 40% permitted to 42.7% proposed on the subject property to facilitate the construction of a deck.	
5.7	Sexsmith Rd 2960, BL11750 (Z18-0061) - Stuart McMillan and Jackie-Lynn Large	66 - 66
	To adopt Bylaw No. 11750 in order to rezone the subject property to facilitate a Recreational Vehicle (RV) storage facility.	
5.8	Sexsmith Rd 2960, DP19-0127 DVP19-0128 - Stuart McMillan and Jackie-Lynn Large	67 - 77
	To consider the site layout for a Recreational Vehicle (RV) storage facility and to consider variances to the setbacks and landscape buffer areas.	
5.9	Lakeshore Rd 4091, DVP19-0120 - First Lutheran Church of Kelowna	78 - 96
	To consider a Development Variance Permit application to reduce a front yard setback from 6.0 to 4.0m in order to allow for 3 'portables' with a total of 4 classrooms to be constructed in the front yard of the subject site, and to consider varying the off-street parking requirement to not require that any additional parking stalls are provided to accommodate the proposed structures.	
5.10	Clement Ave 1049, BL11814 (Z19-0045) - Gurpreet Pannu	97 - 97
	To adopt Bylaw No. 11814 in order to rezone the subject property from the RU6 - Two Dwelling Housing zone to the RM4 - Transitional Low Density Housing zone.	
5.11	Clement Ave 1049, DP19-0031 and DVP19-0032 - Gurpreet Pannu	98 - 120
	To consider the form and character of a proposed 8-unit townhouse and to vary the minimum side yard for parking, parking stall size ratio, and site coverage on the subject property.	

6. Reminders

7. Termination



City of Kelowna Public Hearing Minutes

Date: Tuesday, July 16, 2019
 Time: 6:00 pm
 Location: Council Chamber
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine Dehart, Gail Given, Charlie Hodge, Mohini Singh, Luke Stack and Loyal Wooldridge

Members Absent Councillors Ryan Donn and Brad Sieben

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton; Suburban & Rural Planning Manager, Dean Strachan; Legislative Coordinator (Confidential), Clint McKenzie

1. Call to Order

Mayor Basran called the Hearing to order at 6:01 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. Individual Bylaw Submissions

2.1 Commerce Ave 1675-1677, Z19-0004 (BL11855) - Braemar Properties Ltd, Inc No BC1023360

Staff:

- Displayed a PowerPoint presentation summarizing the application.

Debra Williams, Gerald Bugera: Applicant, Owner

- Displayed a PowerPoint presentation
- The applicant noted the owner is an established business owner who currently operates several local liquor stores with over 100 employees.
- Reviewed the access and parking available.
- Displayed various views of the subject property. Windows will be frosted so people cannot view inside the store from outside.
- Displayed the proposed inside layout. Locked display cases will be used to display products.

- Reviewed the proposed security plan.
- Neighbourhood consultation was done in May and received positive feedback from most of the neighbours.

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

No one from the gallery came forward.

There were no further comments.

2.2 Benvoulin Ct 2175, Z18-0091 (BL11856) - Jabs Construction Ltd., Inc. No. BC0060327

Councilor Stack declared a conflict of intent as his employer owns the two adjacent properties to the subject property and left the meeting at 6:15 p.m.

Staff:

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

Gary Tomporowski, Applicant

- Reviewed the variances required for parking.
- Provided an overview of the landscaping to be provided and indicated the plans are still in their infancy.
- Indicated there will be some changes in the number of one versus two- and three-bedroom units based on feedback from the neighbourhood.
- Feedback from the neighbourhood also indicated the neighbourhood is looking for something more modern.
- Responded to questions from Council.

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

No one from the gallery came forward.

There were no further comments.

Councillor Stack returned to the meeting at 6:32 p.m.

3. Termination

The Hearing was declared terminated at 6:32 p.m.

Mayor Basran

/cm

City Clerk



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, July 16, 2019
Time: 6:00 pm
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine Dehart, Gail Given, Charlie Hodge, Mohini Singh, Luke Stack and Loyal Wooldridge

Members Absent Councillors Brad Sieben and Ryan Donn

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton; Suburban & Rural Planning Manager, Dean Strachan; Legislative Coordinator (Confidential), Clint McKenzie

1. Call to Order

Mayor Basran called the meeting to order at 6:32 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor DeHart.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R700/19/07/16 THAT the Minutes of the Public Hearing and Regular Meeting of June 18, 2019 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 Commerce Ave 1675-1677, BL11855 (Z19-0004) - Braemar Properties Ltd, Inc No BC1023360

Moved By Councillor Hodge/Seconded By Councillor Singh

R701/19/07/16 THAT Bylaw No. 11855 be read a second and third time.

Carried

4.2 Benvoulin Ct 2175, BL11856 (Z18-0091) - Jabs Construction Ltd., Inc. No. BC0060327

Councillor Stack declared a conflict of interest and left the meeting at 6:34 p.m.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R702/19/07/16 THAT Bylaw No. 11856 be read a second and third time.

Carried

Councillor Stack returned to the meeting at 6:36 p.m.

5. Notification of Meeting

The notification of meeting is no longer read as per the recent amendment to the Council Procedures Bylaw No. 9200.

6. Liquor License Application Reports

6.1 ITEM WITHDRAWN - Baillie Ave 727, LL19-0005 - Acoma Holdings Ltd

Mayor Basran advised that this item was withdrawn by the applicant.

7. Development Permit and Development Variance Permit Reports

7.1 Bryden Rd 155, OCP18-0007 (BL11638) - Kelowna Christian Centre Society Inc. No. S-0017232

Moved By Councillor Stack/Seconded By Councillor DeHart

R703/19/07/16 THAT Bylaw No. 11638 be amended at 3rd reading by:

a) deleting the title that reads:

- Official Community Plan Amendment No. OCP18-0007 – 905-907 Badke Rd, 155 Bryden Rd & 907 Hwy 33 W

And replacing it with:

- Official Community Plan Amendment No. OCP18-0007 – 155 Bryden Rd

b) deleting the following:

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 B, Section 27, Township 26, ODYD, Plan 38076 located on Bryden Rd, Kelowna, B.C., from the MRL - Multiple Unit Residential (Low Density) designation to the MRM - Multiple Unit Residential (Medium Density) designation;
2. AND THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "Kelowna 2030 – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of Lot 18, Section 27, Township 26, ODYD, Plan 11286 Except Plan 39705, located on Hwy 33 W, Kelowna, B.C., from the MRL - Multiple Unit Residential (Low Density) designation to the MRM - Multiple Unit Residential (Medium Density) designation;
3. AND THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "Kelowna 2030 – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of a portion of Lot 1, Section 27, Township 26, ODYD, Plan

KAP55260 located at Badke Road, Kelowna, B.C., from the EDINST - Education/Major Institutional designation to the MRM - Multiple Unit Residential (Medium Density) designation as shown on Map "A" attached to and forming part of the bylaw.

And replacing it with:

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 27, Township 26, ODYD, Plan EPP85221 located on Bryden Rd, Kelowna, B.C., from the MRL - Multiple Unit Residential (Low Density) designation and the EDINST - Education/Major Institutional designation to the MRM - Multiple Unit Residential (Medium Density) designation;

Carried

Moved By Councillor Stack/Seconded By Councillor DeHart

R704/19/07/16 THAT Bylaw No. 11638 be adopted.

Carried

7.2 Bryden Rd 155, Z18-0027(BL11639) - Kelowna Christian Centre Society Inc. No. S-0017232

Moved By Councillor DeHart/Seconded By Councillor Stack

R705/19/07/16 THAT Bylaw No. 11639 be amended at 3rd reading by deleting:

a) the title that reads:

- Z18-0027 – 905-907 Badke Rd, 155 Bryden Rd & 907 Hwy 33 W

And replacing it with:

- Z18-0027 – 155 Bryden Rd

b) the following:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, Section 27, Township 26, ODYD, Plan 38076 located on Bryden Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RM5 - Medium Density Multiple Housing zone;
2. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 18, Section 27, Township 26, ODYD, Plan 11286 except Plan 39705 located on Hwy 33 W, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RM5 - Medium Density Multiple Housing zone;
3. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of a portion of Lot 1, Section 27, Township 26, ODYD, Plan KAP55260 located at Badke Road, Kelowna, B.C., from the P2 – Education and Minor Institutional zone to the RM5 – Medium Density Multiple Housing zone as shown on Map "B" attached to and forming part of the bylaw.

And replacing it with:

THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A Section 27 Township 26 ODYD Plan EPP85221 located on Bryden Road,

Kelowna, B.C., from the RU1 – Large Lot Housing zone and P2 – Education and Minor Institutional zone to the RM5 - Medium Density Multiple Housing zone;

Moved By Councillor DeHart/Seconded By Councillor Stack

R706/19/07/16 THAT Bylaw No. 11639 be adopted.

Carried

**7-3 Bryden Rd 155, DP18-0062 and DVP18-0063 - Kelowna Christian Center Society Inc.
No. S-0017232**

Staff displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

Jesse Alexander, Applicant's representative, New Town Architecture:

- Displayed a PowerPoint presentation.
- Spoke to variety in heights and establishing the visual interest in the site.
- Spoke to the traffic review conducted by CTQ Consultants.
- Spoke to the groundwater concerns and the hiring of Geotech firm Ecora to conduct groundwater study. The report is not showing any significant readings.
- Spoke to the interface of the buildings and their stepping back in consideration to adjacent single story neighbours.
- Responded to questions from Council.

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

Gallery:

Lisa Simone, 875 Badke:

- Spoke to concerns regarding the groundwater. Pumps running under existing church.
- Indicated residents currently check-in regularly with surveyors on shifting buildings for adjacent residences.
- Concerned about traffic; Bryden Rd. is a small residential road, Badke Rd. is a cul de sac that runs into a school.
- Raised concerns over parking.

Applicant:

- Geotech report was robust and will be subject to geotechnical monitoring during construction.
- Spoke to traffic concerns; none of the traffic flows north to Badke Rd. or connects with the church parking lot at all.
- Responded to questions from Council.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Given

R707/19/07/16 THAT Official Community Plan Amending Bylaw No. 11638 be amended at third reading to revise the legal description of the subject properties from Lot B Section 27 Township 26 ODYD Plan 38076, Lot 18 Section 27 Township 26 ODYD Plan 11286 Except Plan 39705, and a part of Lot 1 Section 27 Township 26 ODYD Plan KAP55460 to Lot A Section 27 Township 26 ODYD Plan EPP85221.

AND THAT Rezoning Bylaw No. 11639 be amended at third reading to revise the legal description of the subject properties from Lot B Section 27 Township 26 ODYD Plan 38076, Lot

18 Section 27 Township 26 ODYD Plan 11286 Except Plan 39705, and a part of Lot 1 Section 27 Township 26 ODYD Plan KAP55460 to Lot A Section 27 Township 26 ODYD Plan EPP85221.

AND THAT final adoption of Official Community Plan Amending Bylaw No. 11638 and Rezoning Bylaw No. 11639 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP18-0062 and Development Variance Permit No. DVP18-0063 for Lot A Section 27 Township 26 ODYD Plan EPP85221 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 variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 13.11.6(c): RM5 – Medium Density Multiple Housing, Development Regulations

To vary the maximum height from the lesser of 18.0 m or 4.5 storeys, to 20.2 m and 6 storeys.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the 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.

Carried

7.4 Abbott St 2787, Z18-0038 - AJ Wiens Development Group Ltd., Inc. No. BCo798391

Moved By Councillor DeHart/Seconded By Councillor Given

R708/19/07/16 THAT Council waives the requirement that Final Adoption of Rezoning Bylaw No. 11703 be considered subsequent to the demolition of existing dwellings on the subject property.

Carried

7.5 Abbott St 2787, BL11703 (Z18-0038) - AJ Wiens Development Group Ltd., Inc. No. BCo798391

Moved By Councillor Stack/Seconded By Councillor DeHart

R709/19/07/16 THAT Bylaw No. 11703 be amended at 3rd reading by deleting the legal description that reads:

- Lots A, B, and C District Lot 14 ODYD Plan 15324
And replacing it with:
- Lot 1 District Lot 14 ODYD Plan EPP91422

Carried

Moved By Councillor Stack/Seconded By Councillor DeHart

R710/19/07/16 AND THAT Bylaw No. 11703 be adopted.

Carried

**7.6 Abbott St 2787, DP18-0220 DVP18-0221 - AJ Wiens Development Group Ltd.,
Inc.No. BC0798391**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

Birte Decloux, Urban Options, Applicant's representative:

- Introduced Applicant AJ Wiens who is a long-time builder in the community:
- Spoke to removal of mature trees to be replaced with 20+ new trees. Many of the existing plants were saved and moved to neighbours.
- Spoke to variance being required to accommodate large garages 110 sq. ft. larger than normal garages.
- Confirmed the existing house was relocated to Glenmore
- Spoke to permanent pergolas and storage provided on the rooftops.
- Spoke to form and character.

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

Gallery:

Wendy Chamberlain, 2752 Abbott Street:

- In support of the project. Happy to hear large garages are being built; had concerns regarding parking.
- Abbott street corridor very busy and concerned with construction parking.

Applicant:

- Reviewed construction parking Osprey Ave indentation for parking and off the lane from the site. Intention is to develop one building at a time so there will also be onsite parking.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Wooldridge

R711/19/07/16 THAT Rezoning Bylaw No. 11703 be amended at third reading to revise the legal description of the subject property from Lots A, B, and C District Lot 14 ODYD Plan 15324 to Lot 1 District Lot 14 ODYD Plan EPP91422;

AND THAT final adoption of Rezoning Bylaw No. 11703 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP18-0220 for Lot 1 District Lot 14 ODYD Plan EPP91422, located at 2783-2787 Abbott 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 Council authorizes the issuance of Development Variance Permit No. DVP18-0221 for Lot 1 District Lot 14 ODYD Plan EPP91422, located at 2783-2787 Abbott Street, Kelowna, BC;

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

Section 13.9.6 (b): RM3 – Low Density Multiple Housing Development Regulations

To vary the maximum building site coverage from 50% permitted to 57.9% proposed.

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.

Carried

7.7 Rose Ave, 865, DVP19-0044 - Colin & Nanci Macdonald

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The Applicant was present and available for questions.

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

No one from the gallery came forward.

There were no further comments

Moved By Councillor Hodge/Seconded By Councillor DeHart

R712/19/07/16 THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0044 for Lot 8, District Lot 136, ODYD, Plan 8116, located at 865 Rose Avenue, Kelowna, BC

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

Section 9.5b.1(i): RU1 – Specific Use Regulations

To vary the required minimum side yard from 1.5 m permitted to 0.99 m proposed.

Section 9.5b.1(j): RU1 – Specific Use Regulations

To vary the required minimum rear yard from 0.9 m permitted to 0.75 m proposed.

Carried

7.8 Adams Court 716, DP19-0048 and DVP19-0049 - J-4 Holdings Ltd., Inc. No. BC0261294

Staff:

- Displayed a PowerPoint presentation summarizing the application.

Paul Shuster, Applicant:

- Spoke to variance to the setback requested from the highway.

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

No one from the gallery came forward.

There were no further comments

Moved By Councillor Stack/Seconded By Councillor DeHart

R713/19/07/16 THAT Council authorizes the issuance of Development Permit No. DP19-0048 and Development Variance Permit DVP19-0049 for Lot 6, Section 2, Township 23, Osoyoos Division Yale District, Plan 29524, located at 716 Adams Court, 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; and
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.

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

Section 15.2.5(e): I2 – General Industrial Development Regulations

To vary the required minimum side yard setback flanking a street for an industrial building from 6.0 m permitted to 5.0 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

7.9 Bay Ave 731, DVP19-0075 - Alan and Adrienne Adair

Staff:

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

Zsolt Ketesdi, Harmony Homes, Applicant:

The applicant was present and available for questions.

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

No one from the gallery came forward.

There were no further comments

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R714/19/07/16 THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0075 for Lot 38 Section 30 Township 26 ODYD Plan 1304, located at 731 Bay Avenue, Kelowna, BC;

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

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

To vary the maximum combined site coverage of a carriage house and all accessory buildings or structures from 14% to 14.6%.

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

To vary the maximum height of the carriage house from the lesser of 4.8 m or the height of the principal dwelling to 0.94 m higher than the midpoint of the principal dwelling.

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

8. Reminders

There were no reminders.

9. Termination

The meeting was declared terminated at 7:35 p.m.

Mayor Basran

sf/cm



City Clerk

CITY OF KELOWNA

BYLAW NO. 11857

Z19-0081

5269 Hwy 97 N

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 3, District Lot 122 and of Section 11, Township 23, ODYD, Plan 1629 except Plan 41159 located on Hwy 97 N, Kelowna, BC from the A1 - Agriculture 1 zone to the CD12 - Airport 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 15th day of July, 2019.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11867
Z19-0044 – 4633 Gordon Drive

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, District Lot 357, ODYD, Plan KAP54652 located at Gordon Drive, Kelowna, BC 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 15th day of July, 2019.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11868
Z17-0034 – 195 Rains Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 9, Section 35, Township 26, ODYD, Plan 19149 located at Rains Road, Kelowna, BC 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 15th day of July, 2019.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11869
Z19-0040 – 515 Rutland Road 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 26 Township 26 ODYD Plan 7893 located at Rutland Road North, Kelowna, BC from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple 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 15th day of July, 2019.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11870

Official Community Plan Amendment No. OCP19-0003 - 710-720 KLO Road and 2959-2963 Richter Street

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 6 District Lot 135 ODYD Plan 3632, located on Richter Street, Kelowna, B.C., from the MRL - Multiple Unit Residential (Low Density) designation to the MRM - Multiple Unit Residential (Medium Density) designation;
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 Lot 7 District Lot 135 ODYD Plan 3632, located on KLO Road, Kelowna, B.C., from the MRL - Multiple Unit Residential (Low Density) designation to the MRM - Multiple Unit Residential (Medium Density) designation;
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 15th day of July, 2019.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11871
Z19-0055 - 710-720 KLO Road and 2959-2963 Richter Street

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 135 ODYD Plan 3632 located at Richter Street, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone;
2. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 7 District Lot 135 ODYD Plan 3632 located at KLO Road, Kelowna, BC from the RM1 – Four Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone;
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 15th day of July, 2019.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11821

TA19-0002 – C4 Commercial Floor Area Ratio Amendment

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

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

1. THAT **Section 14 – Commercial Zones, 14.4 C4 – Urban Centre Commercial, 14.4.5 Development Regulations, (a) Floor area ratio** be amended, by adding in its appropriate location the following text:

“ v. Five and six storey buildings can add a 0.2 Floor Area Bonus.”
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 29th day of April, 2019.

Considered at a Public Hearing on the 21st day of May, 2019.

Read a second and third time by the Municipal Council this 21st day of May, 2019.

Approved under the Transportation Act this 12th day of July, 2019.

Blaine Garrison
(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11815

Official Community Plan Amendment No. OCP19-0001 615 Rutland Road North

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 Official Community Plan Map Amendment Application No. OCP19-0001 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of:

- Lot 1, Section 26, Township 26, ODYD, Plan EPP90266 on Rutland Rd, Kelowna, BC from the MRL (Multiple Residential - Low Density) and S2RES (Single Two Unit Residential) designations to the MXR – Mixed Use (Residential/Commercial) 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 29th day of April, 2019.

Considered at a Public Hearing on the 21st day of May, 2019.

Read a second and third time by the Municipal Council this 21st day of May, 2019.

Amended and adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11819
Z19-0039 – 615 Rutland Road 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 1, Section 26, Township 26, ODYD, Plan EPP90266 located on Rutland Road North, Kelowna, BC from the RU1 – Large Lot Housing zone to the C4 – Urban Centre 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 29th day of April, 2019.

Considered at a Public Hearing on the 21st day of May, 2019.

Read a second and third time by the Municipal Council this 21st day of May, 2019.

Approved under the Transportation Act this 19th day of June, 2019.

Blaine Garrison

(Approving Officer – Ministry of Transportation)

Amended and adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: July 30, 2019

RIM No. 0940-00 & 0940-50

To: Council

From: City Manager

Application: DP19-0009 / DVP19-0010

Owner: Bharosa Developments Ltd.
Inc. No. BC1177705

Address: 615 Rutland Rd

Applicant: Kevin Edgecombe

Subject: Development Permit & Development Variance Permit Application

OCP Designation: MXR – Mixed Use (Residential/Commercial)

Zoning: C4 – Urban Centre Commercial

1.0 Recommendation

THAT OCP Amendment Bylaw No. 11815 (OCP19-0001) and Rezoning Bylaw No. 11819 (Z19-0039) be amended at Third Reading to reflect the updated legal description from:

- Lot 25, Section 26, Township 26, ODYD, Plan 19679 except Plan 41879, located at 140 Bach, Kelowna, BC from the S2RES (Single Two Unit Residential) designation to the MXR – Mixed Use (Residential/Commercial) designation;
- Lot 26, Section 26, Township 26, ODYD, Plan 19679 except Plan 41879, located at 615 Rutland Rd N, Kelowna, BC from the MRL – Multiple Residential (Low Density) designation to the MXR – Mixed Use (Residential/Commercial) designation; and
- Lot A, Section 26, Township 26, ODYD, Plan 5624 except Plan 41879, located at 625 Rutland Rd N, Kelowna, BC from the MRL – Multiple Residential (Low Density) designation to the MXR – Mixed Use (Residential/Commercial) designation.

to:

- Lot 1, Section 26, Township 26, ODYD, Plan EPP90266 at 615 Rutland Rd, Kelowna, BC.

AND THAT final adoption of Text Amendment Bylaw No. 11821 (TA19-0002), OCP Amending Bylaw No. 11815 (OCP19-0001) & Rezoning Bylaw No. 11819 (Z19-0039) be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0009 for Lot 1, Section 26, Township 26, ODYD, Plan EPP90266 at 615 Rutland Rd, 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 Council authorize the issuance of Development Variance Permit DVP19-0010 for Lot 1, Section 26, Township 26, ODYD, Plan EPP90266 at 615 Rutland Rd, Kelowna, BC;

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

Section 14.4.5 (c) C4 Urban Centre Commercial Development Regulations

To vary the maximum height from 4 storeys 5 storeys.

Table 8.1 Parking Schedule

To vary the minimum parking requirements from 83 stalls to 81 stalls;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit applications 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 review the Form & Character Development Permit of a proposed five storey mixed-use building, and to consider two variances to increase the building height by one storey and to reduce the required parking by two stalls.

3.0 Community Planning

3.1 Development Permit

Staff are recommending support for the proposed Development Permit due to the proposal's consistency with the Official Community Plan's (OCP) urban design guidelines. The applicant has worked with City staff to refine the site issues including servicing, access, and building design. The building form, character, and massing are consistent with the OCP design guideline objectives. The driveway accesses and the parking layout has been redesigned a number of times to maximize the number of vehicle stalls provided. The developer creatively designed the second access on Bach Road in keeping with the design guidelines of maximizing either ground oriented residential units or commercial frontage. By including the pass-through drive access and an underground parkade, the development was able to achieve consistency with the design guidelines and the city's parking intentions while developing within a five storey envelope.

The front façade along Rutland Road provides an attractive commercial façade with brick and board formed concrete material. The residential façade contains faux wood metal siding mixed with fiber cement board panels. The building contains a communal amenity space above the commercial retail unit with an outdoor patio.

3.2 Development Variance Permit

There are two variances proposed:

1. A variance to increase the permitted height by 1 storey (from 4 to 5 storeys);
 - a. Staff have supported many height variances to 5 and 6 storeys in the C4 zone and feel that these structures are appropriate when located within an urban centre and/or along a major arterial road such as Rutland Road. Council also directed Staff through the 2012 Housing Strategy to allow for 5 and 6 storey structures within Urban Centres but Staff have not yet been able to amend to bylaw. The variance request is restricted to the number of storeys as the absolute height of the building at 14.8 m fits within zoning regulations.
2. A variance to reduce the parking stalls by two stalls (from 83 to 81 stalls);
 - a. Staff consider this a minor variance as it is only two stalls and the site is located adjacent to an urban centre, commercial services, and a school. Further, the site is located on a major arterial / transit route and is well situated to adopt alternate transportation options in lieu of a minor reduction in vehicle parking.

Subject Property Map: 615 Rutland Rd



4.0 Proposal

4.1 Project Description

The purpose of the applications is to construct a 5 storey building with five floors of residential and one ground floor commercial unit.

4.2 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C4 ZONE REQUIREMENTS	PROPOSAL
Unit Summary		
1 bedrooms	n/a	50
2 bedrooms	n/a	18
Total	n/a	68 units
Development Regulations		
Height	15.0 m / 4.0 storeys	14.8 m / 5 storeys ❶
Front Yard (south)	0.0 m	0.0 m
Side Yard (east)	4.5 m	4.5 m
Side Yard (west)	0.0 m	0.0 m
Rear Yard (south)	6.0 m	6.0 m
Site coverage of buildings	75 %	51%
FAR	Base Far: 1.3 + Parking within Bldg bonus: 0.18 <u>+ 5 & 6 Storey FAR: 0.2</u> = 1.68	1.57
Parking Regulations		
Minimum Parking Requirements	<u>68 Res + 10 visitor + 5 Comm</u> =83 parking stalls	<u>64 Res + 10 visitor + 7 Comm</u> =81 parking stalls ❷
Minimum Loading Spaces	1 spaces	1 spaces
Ratio of Parking Stalls	Full size: 50% Min Medium Size: 40% Max Small Size: 10% Max	Full size: 80% (61 stalls) Medium Size: 17% (13 stalls) Small Size: 3% (2 stalls)
Minimum Drive Aisle Width	7.0 m	7.0 m
Other Regulations		
Minimum Bicycle Parking Requirements	Class 1: 35bikes Class 2: 9 bikes	Class 1: 37 bikes Class 2: 24 bikes
Private Open Space	770 m ²	800 m ²
❶ A variance to increase the permitted height by 1 storey; ❷ A variance to reduce the number of parking spaces from 83 stalls to 81 stalls;		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Contain urban growth.² Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

Mixed Use.³ Integration of residential uses into commercial developments as mixed-use projects is encouraged in Urban Centres, provided that the ground floor use remains commercial.

Housing Mix.⁴ Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.

Building Height⁵:

- **Rutland:** Generally, 4 storeys. Six storeys within C4 or C9 zoned areas. Potential for up to 44 m height (12-14 storeys) in the core of Rutland, as identified in the C7 zone of the Zoning Bylaw.

Objective 5.5: Ensure appropriate and context sensitive built form.

Building Height.⁶ In determining appropriate building height, the City will take into account such factors as:

- Contextual fit into the surrounding neighbourhood;
- Shadowing of the public realm;
- View impacts;
- Overlook and privacy impact on neighbouring buildings;
- Impacts on the overall skyline;
- Impacts on adjacent or nearby heritage structures;

Chapter 14: Urban Design Guidelines Amenities, ancillary Services and Utilities.⁵

- Locate loading, garbage, storage, utilities and other ancillary services away from public view. All such areas shall be screened and designed as an integral part of the building to minimize impact;
- Create attractive rear alley facades with high quality materials on buildings facing residential areas (e.g. rear building entrances, windows, balconies, plazas, and plantings).

Chapter 4: Land Use Designation Massing and Height.³

- Mitigate the actual and perceived bulk of buildings by utilizing appropriate massing, including:
- Architectural elements (e.g. balconies, bay windows, cantilevered floors, cupolas, dormers);

¹ City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

² City of Kelowna Official Community Plan, (Chapter 1 Introduction).

³ City of Kelowna Official Community Plan, (Chapter 4 Future Land Use).

⁴ City of Kelowna Official Community Plan, Policy 5.27.11 (Development Process Chapter)

⁵ City of Kelowna Official Community Plan, Policy 5.8.1 (Development Process Chapter)

⁶ City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter). 3 City of Kelowna Official Community Plan, Chapter 14 (Urban Design Development Permits Area).

- Visually-interesting rooflines (e.g. variations in cornice lines and roof slopes);
- Step back upper floors to reduce visual impact;
- Detailing that creates a rhythm and visual interest along the line of the building;
- Wall projections and indentations, windows and siding treatments as well as varied material textures should be utilized to create visual interest and to articulate building facades;
- Building frontages that vary architectural treatment in regular intervals in order to maintain diverse and aesthetically appealing streets.

6.0 Technical Comments

6.1 Development Engineering Department

Development Engineering has no comment regarding the form and character of the proposed buildings. For servicing requirements refer to file Z19-0039.

7.0 Application Chronology

Date of Application Received:	January 8 th 2019
Date Public Consultation Completed:	February 26 th 2019
Date First Reading:	April 29 th 2019
Date Public Hearing:	May 21 st 2019

Report prepared by:	Adam Cseke, Planner Specialist
Reviewed by:	Terry Barton, Urban Planning Manager
Approved for Inclusion:	Ryan Smith, Community Planning Department Manager

Attachments:

1. DP19-0009 / DVP19-0010

Design Rationale – Sole Rutland

615 Rutland Road N, Kelowna, BC

Sole Rutland is the latest iteration of the Sole branded condominiums in Kelowna. The name 'Sole' is a direct reference to the footprint of the building, in this case, the footprint is compact and efficient. Building on the success of Sole on St. Paul, Sole Downtown, and Sole KLO located in Kelowna, Sole Rutland is designed to apply similar design aesthetics and concepts fitting to the Rutland area. Sole Rutland provides an increased housing density in a residential area and is a short walk from the Rutland Town Centre. This project is a mixed-used 5 storey building with a modest commercial unit on the ground floor where Rutland Road and Bach Road meet. The project will consist of townhouses on the main and second floor, along with one- and two-bedroom condo units on the main to the fifth floor.

Sole Rutland breaks away from the typical horizontal stepping features of most buildings. To articulate the building mass, this project has utilized a shift of the floor planes creating an offset in the stacking of the floors. The three upper floors of this building shift horizontally creating a composition which breaks down the visual height of a traditional vertically stacked building.

Along the south side of the site, the residential units are stepped back 5.7m from the front yard's required 0.0m setback to provide residential character in fitting with the adjacent properties and the neighbourhood context. To the east, the first two levels of residential units fit within the boundaries of the 4.5m setback. The upper stories step back further, reducing the building scale adjacent to the existing houses. A 1.5m road dedication is provided along the west boundary, and to the rear, or north side of the site, the residential units are stepped back 13.6m (7.6m beyond the required 6.0m setback requirement) to lessen the impact on the neighbouring property.

The inclusion of the commercial unit on the ground floor provides the opportunity for a community-scaled grocer, or similar commercial unit, to serve the surrounding residential area. The commercial entrance supports a pedestrian or cyclist orientated streetscape by bringing the commercial façade to the sidewalk and pushing the surface parking into the interior of the site. The residential stories above follow a stepping concept to improve the commercial relationship of the building with the street. The project includes a 520SF amenity space with a 300SF outdoor deck for the residents to share above the commercial space on the third level.

Rutland is expected to accommodate a 44% future population growth based on the 2030 Official Community Plan. The Rutland area currently consists of residential, commercial and institutional buildings. The proposed mid-rise, Sole Rutland building fits into this future vision for Rutland area and provides a community scaled commercial while accommodating the increased density required to achieve growth in Rutland. . The Sole Rutland site is currently serviced by 3 bus routes, Route 8, 10 & 11 along Rutland Road, with direct routes to downtown Kelowna and the University. As well, bike lanes currently exist on both Rutland Road and Bach Road to facilitate bike traffic to and from the site. The many parks, hiking paths, playgrounds, and sports fields make Rutland suitable to support an

increase in housing density and a draw for population increase. The size and scale of the project complements the vision for increased housing along the Rutland Road corridor.

Natural surveillance at various times of the day is enhanced by incorporating commercial & residential usage into the building, which is a key guideline to CPTED (Crime Prevention Through Environmental Design) strategy. As well as the parking area is clearly visible, hidden alcoves are avoided and the loading area does not create potential hiding places which is also in line with the CPTED crime prevention strategies.

This newest Sole project will have a fresh and urban material palette. Previous Sole projects introduced a design aesthetic which is clean and urban. Sole Rutland takes a similar but fresh approach to materials with the use of concrete, brick, wood, metal and cementitious panel products but with an urban aesthetic tailored to the residential feel of the Rutland area.

The location of Sole Rutland is on the edge of the commercial district and has been designed to transition from the busy thoroughfare of Rutland Road to the residential neighbourhood of Bach Road. The building has been designed with ground-oriented suites for the residential component along Bach to enhance the residential connection. The landscaping between the building and the sidewalk has been configured with three levels of privacy, starting from the public sidewalk, to a semi-private landscaped buffer/courtyard, and finally, a private yard for the ground level suites. The semi-private area is designed as a courtyard for building residents to utilize providing an exterior shared space that wraps around the east end of the building.

Design Variances – Sole on Rutland

615 Rutland Road N, Kelowna, BC

Sole on Rutland has been designed to optimize 2 points of entry to a relatively tight site. Through design progression and discussions with the City of Kelowna Planning Department it is recognized that this project will require rezoning and variances to be achieved. The following variances are based on the rezoning of this property to a C4 – Urban Centre Commercial zone.

1. FAR Rationale

The FAR for the C4 zone is 1.3 for mixed use developments with a total maximum FAR of 2.35 thorough bonusing. Sole on Rutland has been designed with an FAR of 1.57 requiring bonus density of 0.27. To achieve the bonus density this project proposes utilizing the following bonuses:

- a. Parking below building (maximum 0.2 bonus). This project has a total of 65 parking stalls all of which are below the building footprint. This project seeks a bonus density of 0.2
- b. In addition to the required open private space this project provides a public courtyard at grade level along Bach Road and between the parkade entrance and the rear of the building. Complete with common grass areas, planting and benches. This project seeks a bonus density of 0.09.

2. Building Height

Sole on Rutland is designed as a 5 storey, 14.8m high building. Under C4 zoning the maximum height is 4 storeys, 15m. To provide the efficiency required to fit this building on site, the project allowed for circulation and parking through the interior of the site, requiring the residential unit to be stacked above the commercial unit. The efficient floor to floor height is respectful to the current zoning height requirements. To mitigate the visual impact to the street frontage the building is designed with the main entrance and a commercial unit shielding the parking area.

3. Parking Count

C4 zoning has a parking requirement based on the following:

- 1 Space per Dwelling Unit x 68 units = 68 stalls
- 1 Visitor Space per 7 Units x 68 units = 9.7 stalls
- Commercial 1.75 per 100m² GFA = 6.5 stalls

This requires a total of 85 parking stalls per zoning. The proposed design is seeking a variance to have a total of 76 parking stalls with 8 stalls being designated for commercial use. The reduction of the parking is in acknowledgement that this project is within an urban setting where occupants capable of living car free. The location is well serviced by bus routes, bicycle routes and is in close proximity to the full service commercial district Rutland Town Centre.

4. Loading Bays

The parking bylaw does not list a requirement for residential and the requirement for commercial is one stall per 1,900 m² GFA. This project has a total of 368.8 m² of commercial area and one loading space is provided at the side of the commercial space.

Development Permit & Development Variance Permit



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

615 Rutland Rd

and legally known as

Lot 1, Section 26, Township 26, ODYD, Plan EPP90266

and permits the land to be used for the following development: Multi-Family Housing and Commercial

AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted as described in Schedule 'A' and according to the following:

Section 14.4.5 (c) Development Regulations

To vary the maximum height from 4storeys to 5 storeys.

Table 8.1 Parking Schedule

To vary the minimum parking requirements from 83 stalls to 81 stalls.

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.

Date of Decision:

Decision By: CITY COUNCIL

Issued Date:

Development Permit Area: Comprehensive

This permit will not be valid if development has not commenced by December 5, 2019.

Existing Zone: C4 – Urban Centre Commercial

Future Land Use Designation: MXR – Mixed Use (Residential/Commercial)

This is NOT a Building Permit.

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

NOTICE

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

Owner: Bharosa Developments Ltd. Inc. No. BC1177705

Applicant: Kevin Edgecombe

Terry Barton
Community Planning Department Manager

Date

1. SCOPE OF APPROVAL

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

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

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

2. CONDITIONS OF APPROVAL

- 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"; and
- 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.

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

3. 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 Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer 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 enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property own of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

- a) An Irrevocable Letter of Credit in the amount of **\$52,754.06**

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.

4. INDEMNIFICATION

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

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

All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

**The PERMIT HOLDER is the CURRENT LAND OWNER.
Security shall ONLY be returned to the signatory of the
Landscape Agreement or their designates.**

SCHEDULE

B

This forms part of application

DP19-0009 / DVP19-0010

Planner
Initials

AC

City of
Kelowna
DEVELOPMENT PLANNING





PROJECT STATISTICS

ADDRESS

615 RUTLAND ROAD N, 625 RUTLAND ROAD N, 140 BACH ROAD KELOWNA, BC
PLAN KAP19679 LOT 26 SECTION 26 TOWNSHIP 26 EX CEPT PLAN EPP41879
PLAN KAP5624 LOT A SECTION 26 TOWNSHIP 26 EXCE PT PLAN EPP41879
PLAN KAP19679 LOT 25 SECTION 26 TOWNSHIP 26 EX CEPT PLAN EPP41879

ZONING

CURRENT ZONING : RU-1 LARGE LOT HOUSING
PROPOSED REZONING: C4 - URBAN CENTRE COMMERCIAL
PROPOSED USE: MIXED USE DEVELOPMENT (RESIDENTIAL & COMMERCIAL)

ITEM	REQUIRED	PROPOSED
HEIGHT	4.0 STOREYS / 15.0m	5.0 STOREYS / 15.2m
SITE AREA (m²)	/	2775.6 m²
SITE WIDTH (m)	/	64.0 m
SITE DEPTH (m)	/	43.0 m
1. SETBACKS		
FRONT YARD (SOUTH)	0.0m	0.0m
SIDE YARD	4.5m	4.5 m
REAR YARD (NORTH)	6.0m	6.0 m
ROAD DEDICATION (RUTLAND RD)	1.5m	1.5m
ROAD DEDICATION (BACH RD)	1.0m	1.0m

ITEM	REQUIRED	PROPOSED
2. PRIVATE OPEN SPACE		
6.0 m² PRIVATE OPEN SPACE PER BACHELOR DWELLING	6.0 m²	
10.0 m² PRIVATE OPEN SPACE PER 1 BEDROOM DWELLING	496.0 m²	
15.0 m² PRIVATE OPEN SPACE PER DWELLING < 1 BEDROOM	270.0 m²	
COMMUNAL AMENITY SPACE	/	
TOTAL OPEN SPACE	764.0 m²	808.8 m²
3. FLOOR SPACE RATIO		
TOTAL FLOOR AREA	/	4360.7 m²
LOT AREA (NET)	/	2775.6 m²
FLOOR AREA RATIO	1.3-2.35 BONUS DEPENDANT	1.56
4. BUILDING SITE COVERAGE		
SITE COVERAGE	/	1421.9m²
LOT AREA (NET)	/	2775.6 m²
SITE COVERAGE RATIO	75%	51%
5. PARKING		
REQUIRED FOR RESIDENTIAL (1 SPACE/DWELLING UNIT)	68	64
REQUIRED FOR VISITOR (1 SPACE/ 7 DWELLING UNIT)	9.7	10
REQUIRED FOR COMMERCIAL (1.75 PER 100m² GFA)	4.8	7
TOTAL PARKING	85	81
STANDARD PARKING (2.5m x 6.0m)	/	59
HANDICAP PARKING (3.7m x 6.0m)		2

ITEM	REQUIRED	PROPOSED
COMPACT CAR PARKING (2.0m x 3.4m) (10% PERMITTED)	8 PERMITTED	4
MED CAR PARKING (2.3m x 4.8m) (40% PERMITTED)	34 PERMITTED	16
6. LOADING		
1 PER 1,900 m² GFA	1	1
TOTAL LOADING SPACES	1	1
7. BICYCLE PARKING		
CLASSIFICATION FOR RESIDENTIAL (CLASS I) 0.5 per dwelling unit	34	36
CLASSIFICATION FOR RESIDENTIAL (CLASS II) 0.1 per dwelling unit	6.8	10
CLASSIFICATION FOR COMMERCIAL (CLASS I) 0.20 per 100 m² GLA or 1 per 10 employees	0.7	1
CLASSIFICATION FOR COMMERCIAL (CLASS II) 0.60 per 100 m² GLA	2.2	14
TOTAL BICYCLE PARKING (CLASS I)	35	37
TOTAL BICYCLE PARKING (CLASS II)	9	24
8. DENSITY		
BACHELOR	/	1
1 BEDROOM CONDOS	/	49
2 BEDROOM CONDOS	/	18
TOTAL DWELLING UNITS	/	68



NET FLOOR AREA			
Level	Name	Area	
MAIN FLOOR	COMMERCIAL	3074 SF	
MAIN FLOOR	RESIDENTIAL	6012 SF	
SECOND FLOOR	RESIDENTIAL	6093 SF	
THIRD FLOOR	RESIDENTIAL	10106 SF	
FOURTH FLOOR	RESIDENTIAL	10730 SF	
FIFTH FLOOR	RESIDENTIAL	10715 SF	
TOTAL NET AREA		46730 SF	

FAR EXCLUDED AREA SCHEDULE				
LEVEL	NAME	INCLUDED	EXCLUDED	AREA
Not Placed	SERVICE		EXCLUDED	Not Placed
PARKADE -1	AMENITY		EXCLUDED	805 SF
PARKADE -1	UNDERGROUND PARKING		EXCLUDED	22659 SF
PARKADE -1	CIRCULATION		EXCLUDED	138 SF
PARKADE -1	CIRCULATION		EXCLUDED	203 SF
MAIN FLOOR	CIRCULATION		EXCLUDED	70 SF
MAIN FLOOR	CIRCULATION		EXCLUDED	1041 SF
MAIN FLOOR	SERVICE		EXCLUDED	399 SF
MAIN FLOOR	SERVICE		EXCLUDED	181 SF
MAIN FLOOR	CIRCULATION		EXCLUDED	149 SF
MAIN FLOOR	CIRCULATION		EXCLUDED	148 SF
SECOND FLOOR	SERVICE		EXCLUDED	474 SF
SECOND FLOOR	CIRCULATION		EXCLUDED	79 SF
SECOND FLOOR	CIRCULATION		EXCLUDED	113 SF
SECOND FLOOR	CIRCULATION		EXCLUDED	582 SF
SECOND FLOOR	CIRCULATION		EXCLUDED	158 SF
SECOND FLOOR	CIRCULATION		EXCLUDED	88 SF
THIRD FLOOR	POS - AMENITY		EXCLUDED	584 SF
THIRD FLOOR	CIRCULATION		EXCLUDED	941 SF
THIRD FLOOR	CIRCULATION		EXCLUDED	133 SF
THIRD FLOOR	CIRCULATION		EXCLUDED	67 SF
THIRD FLOOR	CIRCULATION		EXCLUDED	167 SF
FOURTH FLOOR	CIRCULATION		EXCLUDED	944 SF
FOURTH FLOOR	CIRCULATION		EXCLUDED	66 SF
FOURTH FLOOR	CIRCULATION		EXCLUDED	144 SF
FIFTH FLOOR	CIRCULATION		EXCLUDED	929 SF
FIFTH FLOOR	CIRCULATION		EXCLUDED	144 SF
FIFTH FLOOR	CIRCULATION		EXCLUDED	66 SF
FIFTH FLOOR	CIRCULATION		EXCLUDED	184 SF
TOTAL EXCLUDED AREA			EXCLUDED	31655 SF

COMPLETE UNIT LIST		
Level	Name	Area
MAIN FLOOR	UNIT A	1041 SF
MAIN FLOOR	UNIT B	1036 SF
MAIN FLOOR	UNIT B	1036 SF
MAIN FLOOR	UNIT C	1015 SF
MAIN FLOOR	UNIT D	868 SF
MAIN FLOOR	UNIT H	581 SF

SECOND FLOOR	UNIT A	1041 SF
SECOND FLOOR	UNIT A	1036 SF
SECOND FLOOR	UNIT B	1039 SF
SECOND FLOOR	UNIT E	1035 SF
SECOND FLOOR	UNIT F	984 SF
SECOND FLOOR	UNIT H	581 SF

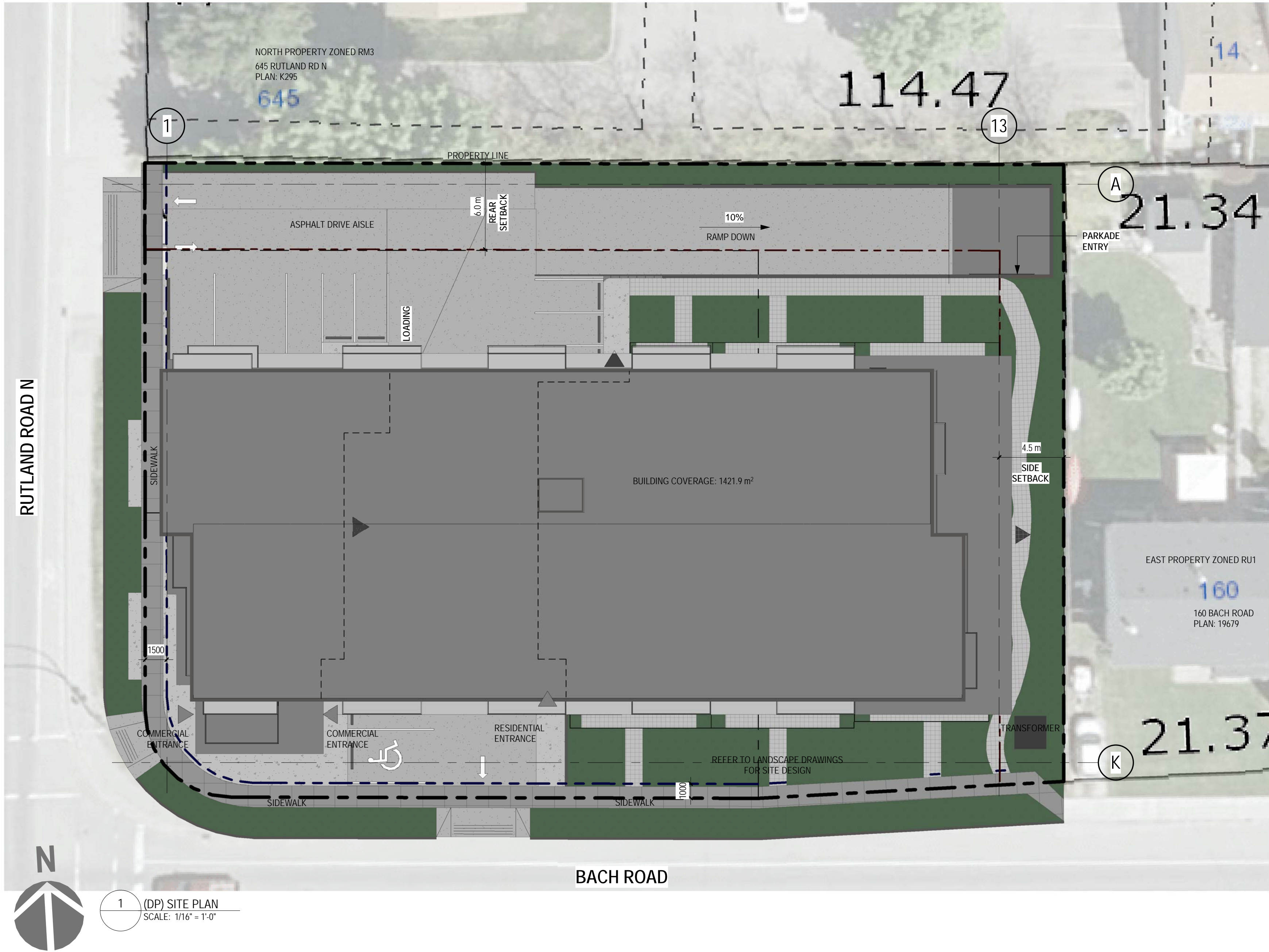
THIRD FLOOR	UNIT G2	538 SF
THIRD FLOOR	UNIT G2	538 SF
THIRD FLOOR	UNIT G2	538 SF
THIRD FLOOR	UNIT G2a	547 SF
THIRD FLOOR	UNIT G2a	547 SF
THIRD FLOOR	UNIT I2	445 SF
THIRD FLOOR	UNIT I2	445 SF
THIRD FLOOR	UNIT I2	445 SF
THIRD FLOOR	UNIT I2a	452 SF
THIRD FLOOR	UNIT I2a	452 SF
THIRD FLOOR	UNIT J	522 SF
THIRD FLOOR	UNIT K	519 SF
THIRD FLOOR	UNIT L1	485 SF
THIRD FLOOR	UNIT M	414 SF
THIRD FLOOR	UNIT N	663 SF
THIRD FLOOR	UNIT P	839 SF

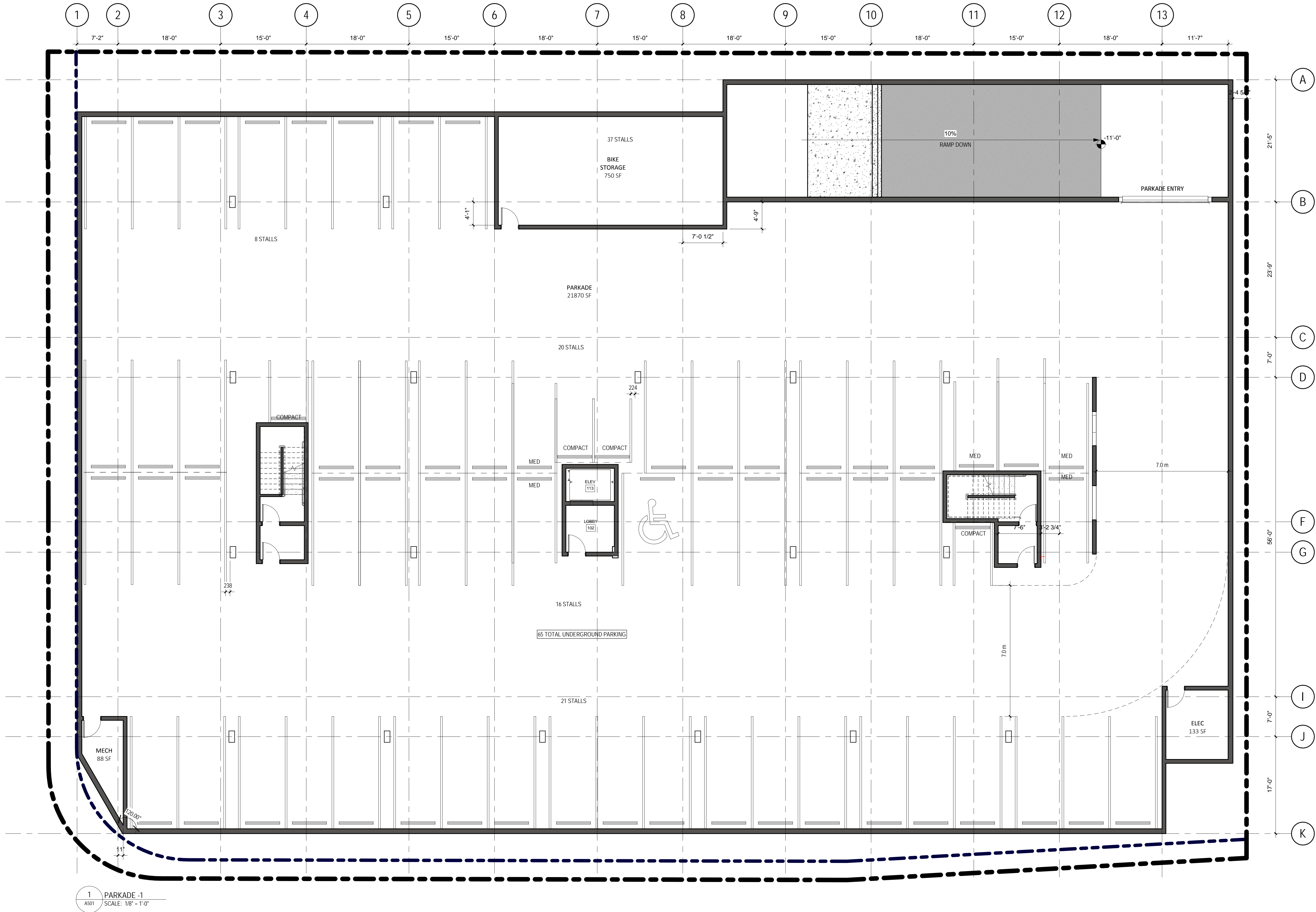
FOURTH FLOOR	UNIT G1	504 SF
FOURTH FLOOR	UNIT G1	504 SF
FOURTH FLOOR	UNIT G1	504 SF

COMPLETE UNIT LIST		
Level	Name	Area
FOURTH FLOOR	UNIT G1	504 SF
FOURTH FLOOR	UNIT H	581 SF
FOURTH FLOOR	UNIT H	581 SF
FOURTH FLOOR	UNIT I1	416 SF
FOURTH FLOOR	UNIT I1	416 SF
FOURTH FLOOR	UNIT I1	416 SF
FOURTH FLOOR	UNIT I1	416 SF
FOURTH FLOOR	UNIT I1	416 SF
FOURTH FLOOR	UNIT I3	480 SF
FOURTH FLOOR	UNIT I3	480 SF
FOURTH FLOOR	UNIT L2	519 SF
FOURTH FLOOR	UNIT M2	443 SF
FOURTH FLOOR	UNIT O	736 SF
FOURTH FLOOR	UNIT Q	526 SF
FOURTH FLOOR	UNIT R	486 SF
FOURTH FLOOR	UNIT S	392 SF
FOURTH FLOOR	UNIT T	1012 SF

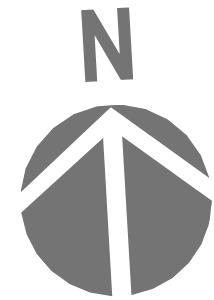
FIFTH FLOOR	UNIT G2	538 SF
FIFTH FLOOR	UNIT G2	538 SF
FIFTH FLOOR	UNIT G2	538 SF
FIFTH FLOOR	UNIT G2	538 SF
FIFTH FLOOR	UNIT G2a	547 SF
FIFTH FLOOR	UNIT G2a	547 SF
FIFTH FLOOR	UNIT I2	444 SF
FIFTH FLOOR	UNIT I2	445 SF
FIFTH FLOOR	UNIT I2	445 SF
FIFTH FLOOR	UNIT I2a	452 SF
FIFTH FLOOR	UNIT I2a	452 SF
FIFTH FLOOR	UNIT J	522 SF
FIFTH FLOOR	UNIT K	518 SF
FIFTH FLOOR	UNIT L1	485 SF
FIFTH FLOOR	UNIT M1	414 SF
FIFTH FLOOR	UNIT N	663 SF
FIFTH FLOOR	UNIT P	839 SF
FIFTH FLOOR	UNIT U	528 SF

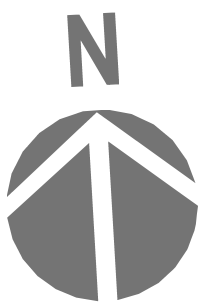
TOTAL UNITS: 68

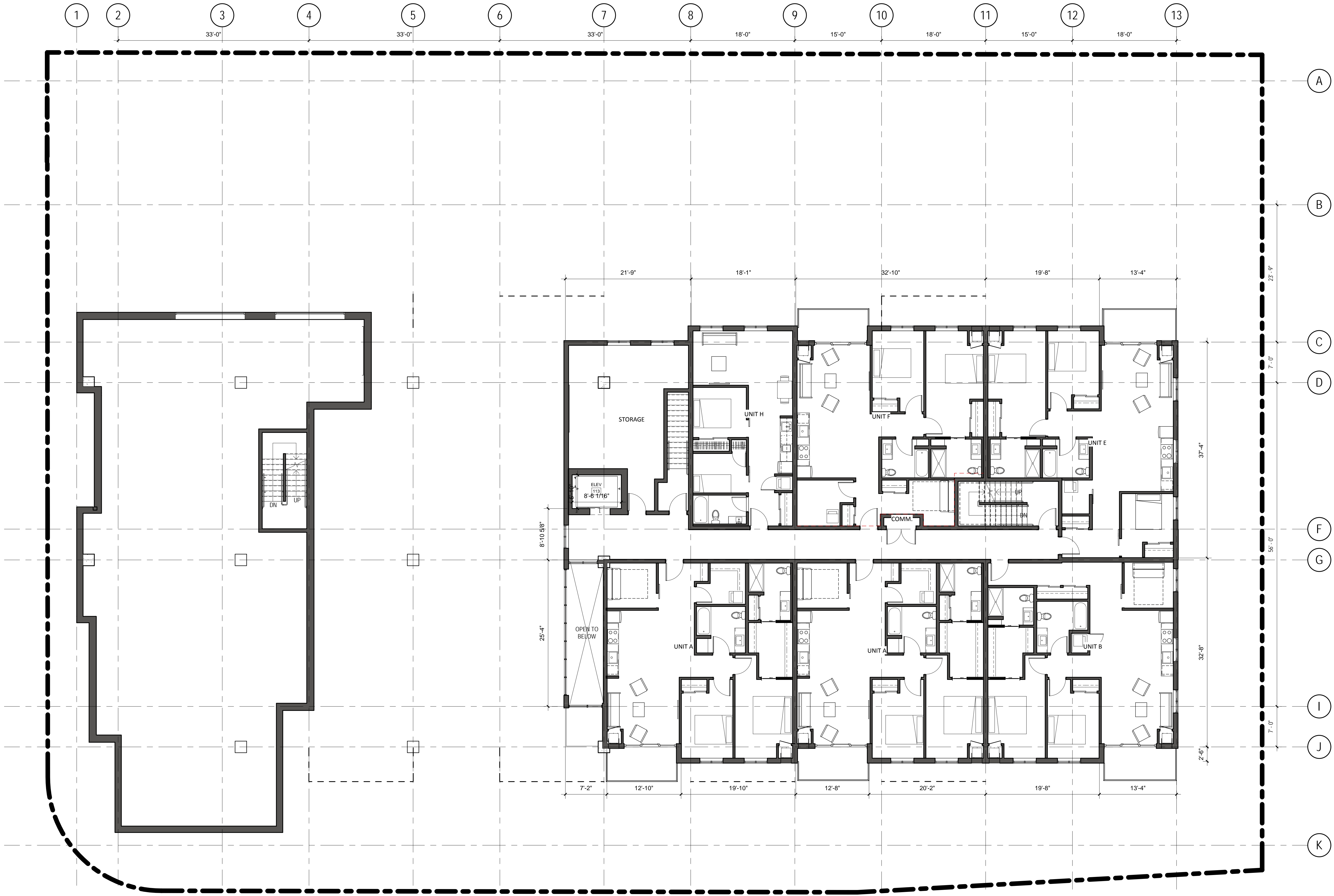




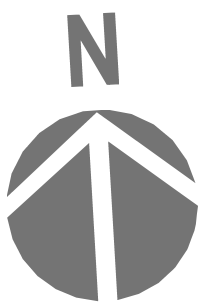
1 PARKADE -1
 A501
 SCALE: 1/8" = 1'-0"





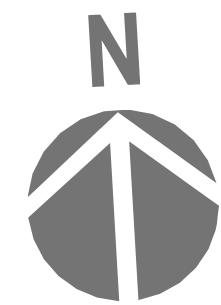


1 SECOND FLOOR
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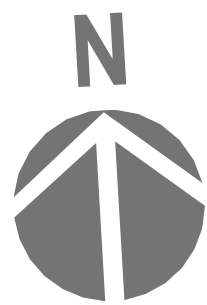


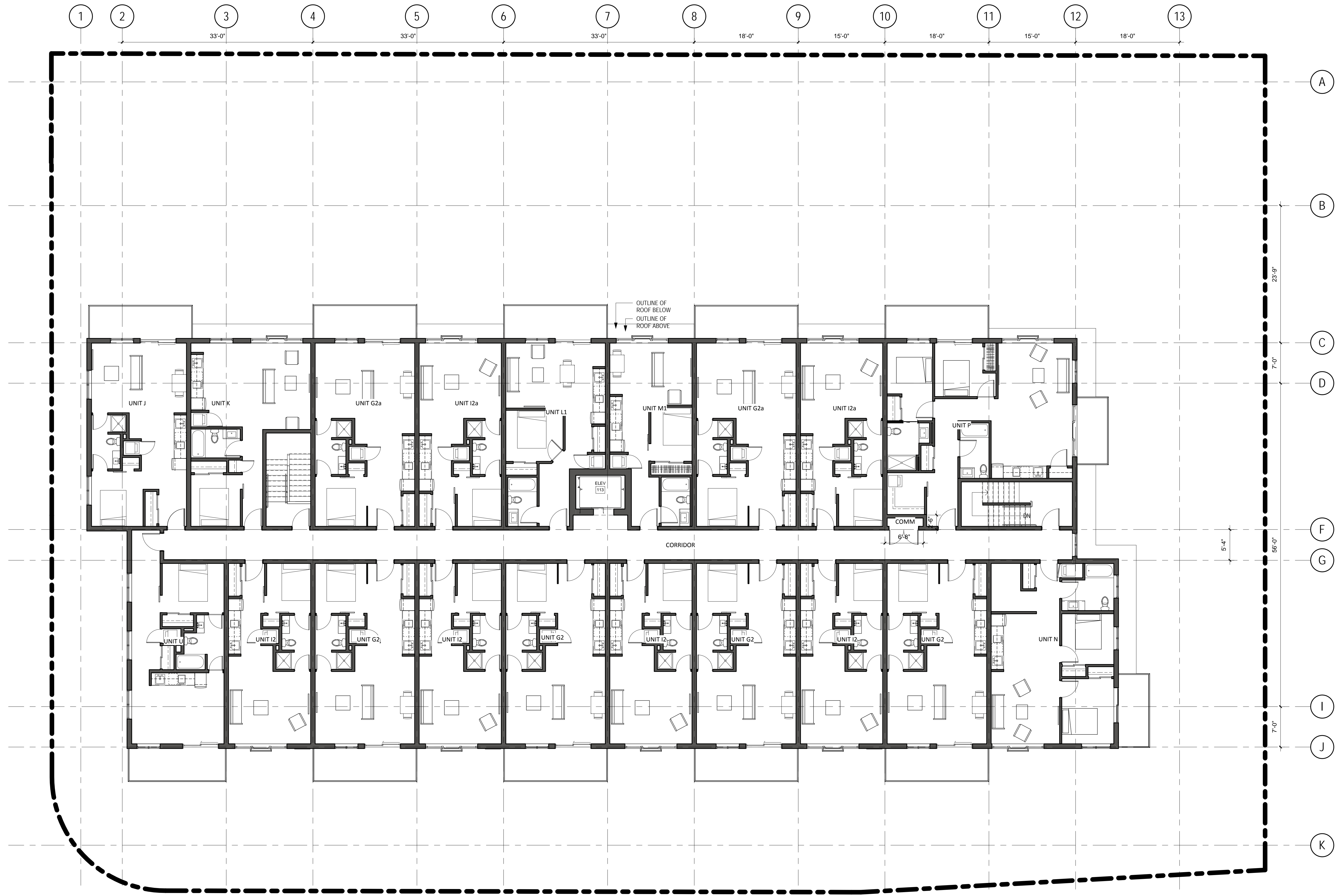
1 THIRD FLOOR
 SCALE: 1/8" = 1'-0"



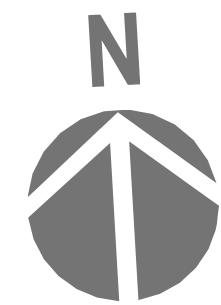


1 FOURTH FLOOR
 A401 SCALE: 1/8" = 1'-0"





1 FIFTH FLOOR
 SCALE: 1/8" = 1'-0"



MQN
 ARCHITECTS

FIFTH FLOOR

SOLE RUTLAND
 615 RUTLAND ROAD, KELOWNA, BC

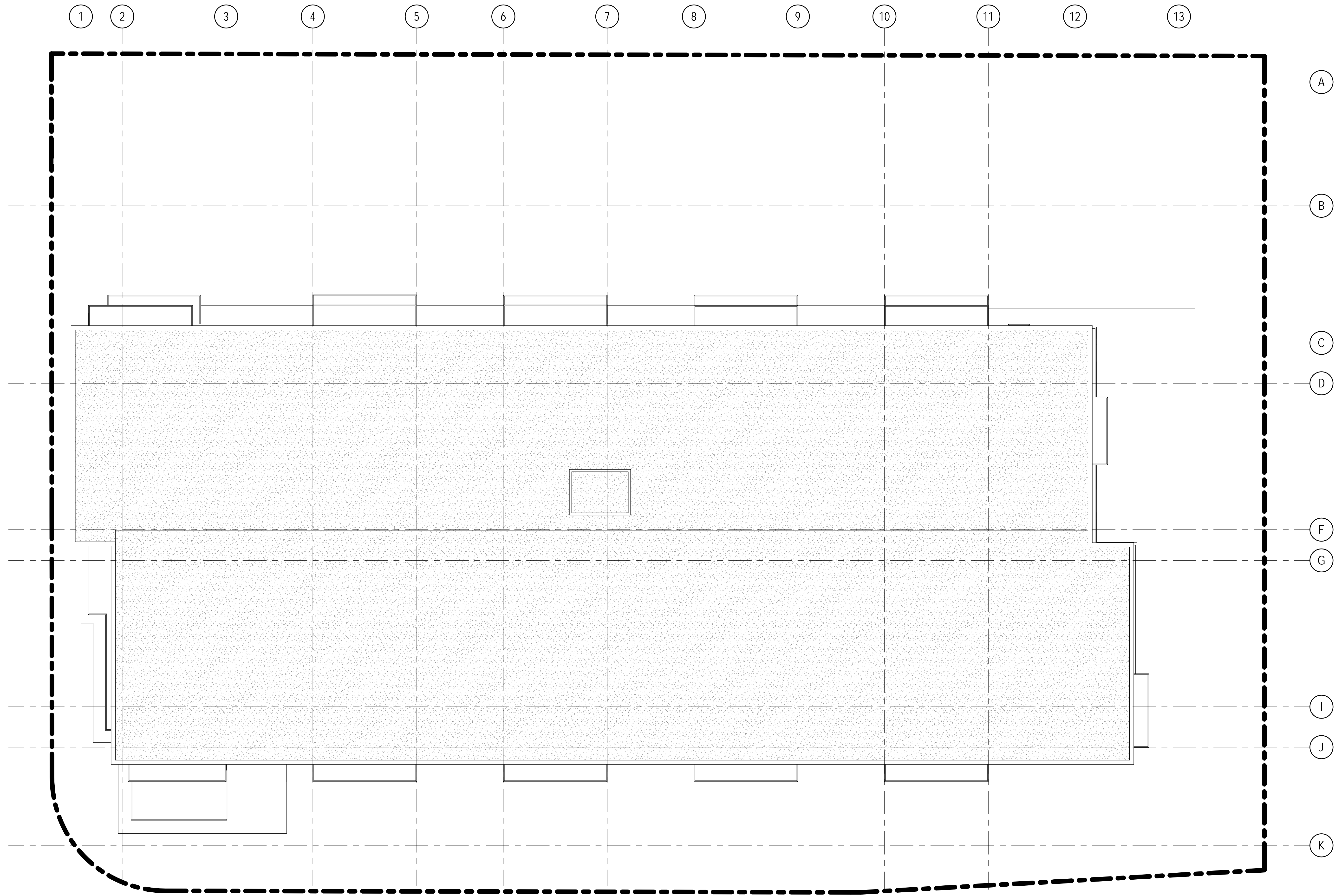
DRAWING:

A-07

PROJECT:
 DATE:
 SCALE:

18281
 2019/07/09
 1/8" = 1'-0"

UPDATED JULY 9/19 R2



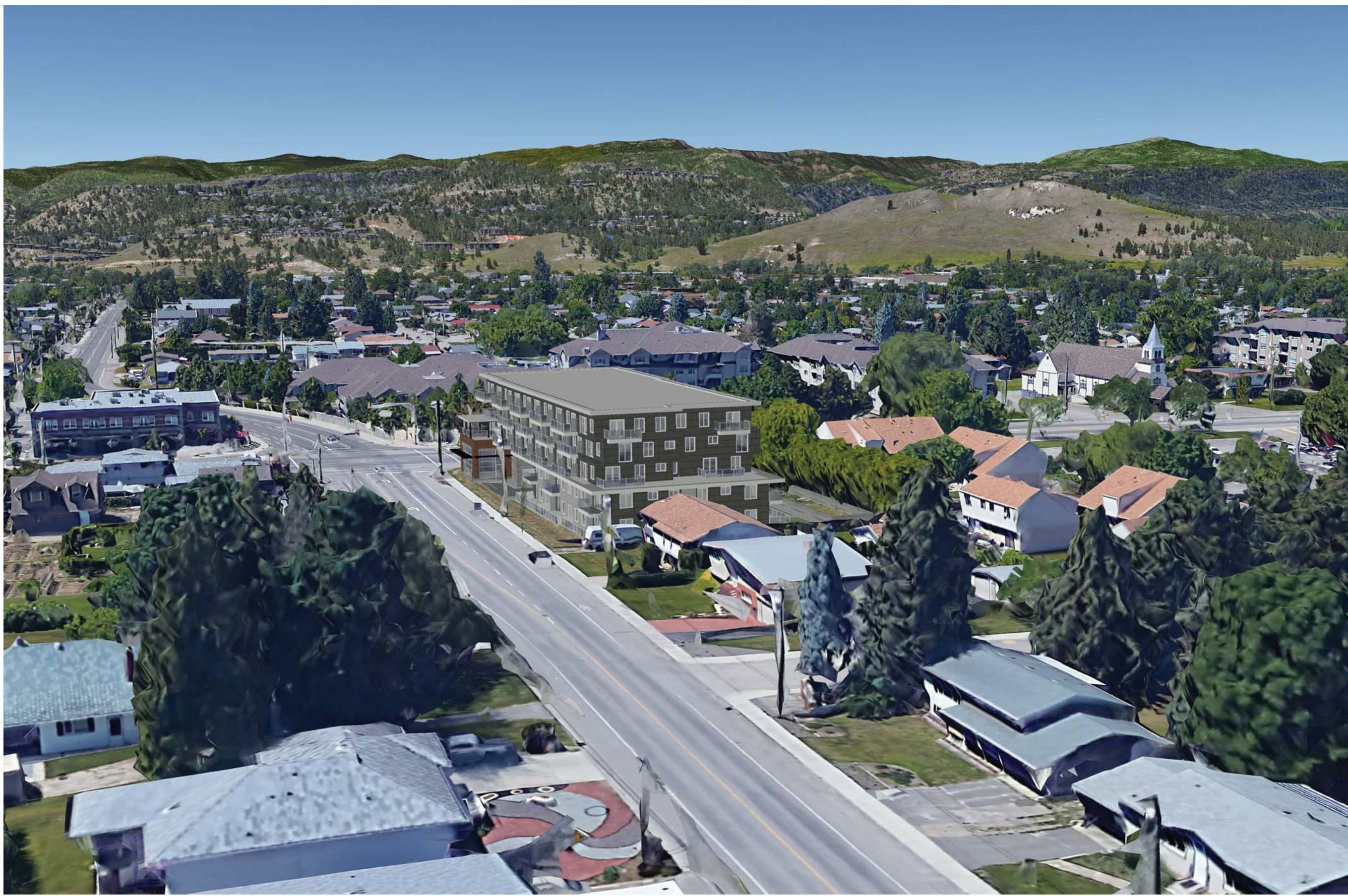
1 (DP) ROOF
A401 SCALE: 1/8" = 1'-0"



UPDATED JULY 9/19 R2



UPDATED JULY 9/19 R2



UPDATED JULY 9/19 R2

SCHEDULE

A & B

This forms part of application

DP19-0009 / DVP19-0010

City of Kelowna

DEVELOPMENT PLANNING

Planner

Initials

AC

- +47'-11"

14.6 m

5 roof
- +37'-8 1/2"

11.5 m

4 5th
- +28'-6"

8.7 m

3 4th
- +19'-3 1/2"

5.9 m

2 3rd
- +10'-1"

3 m

1 2nd
- ±0"

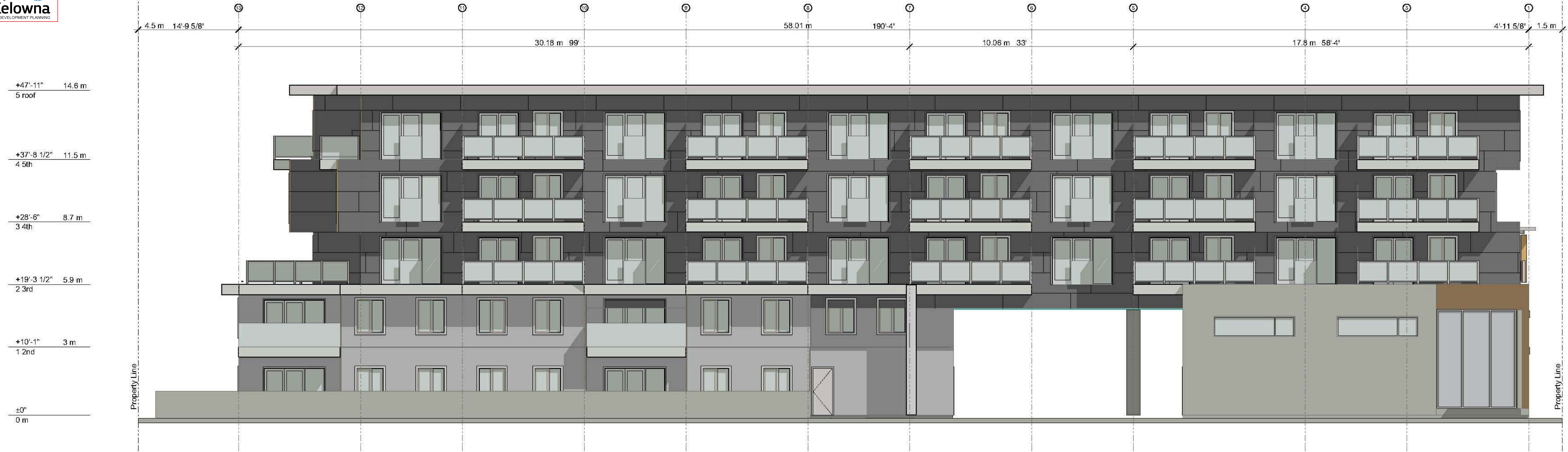
0 m



South Elevation



West Elevation



North Elevation



East Elevation

UPDATED JULY 9/19 R2

SCHEDULE A & B
 This forms part of application
 # DP19-0009 / DVP19-0010
 City of Kelowna
 DEVELOPMENT PLANNING
 Planner Initials AC

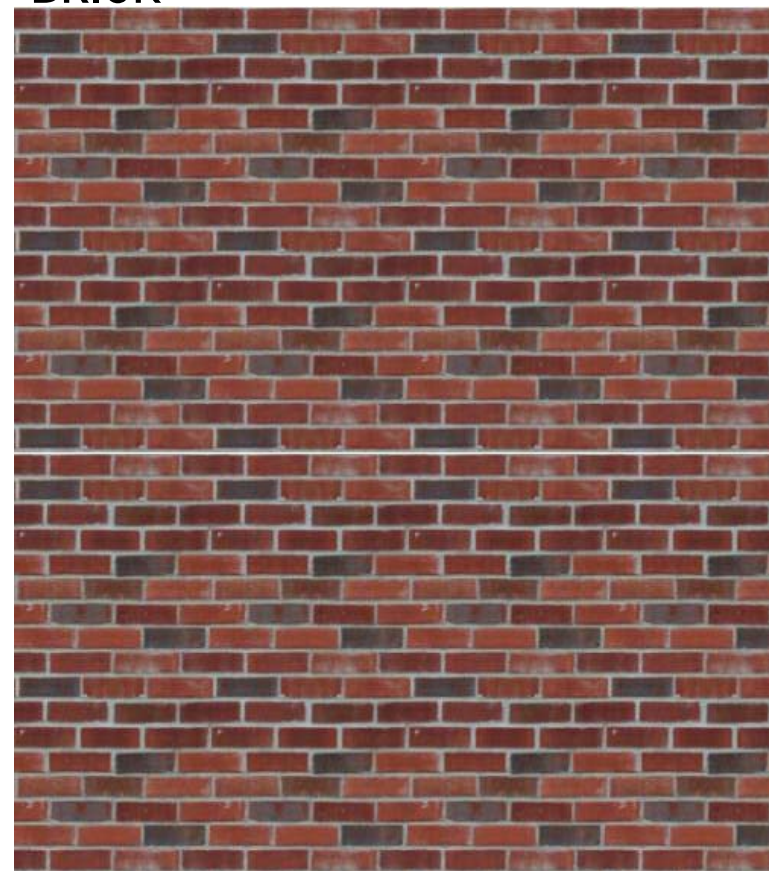
FAUX WOOD METAL SIDING



BOARD FORMED CONCRETE
CLEAR SEALED



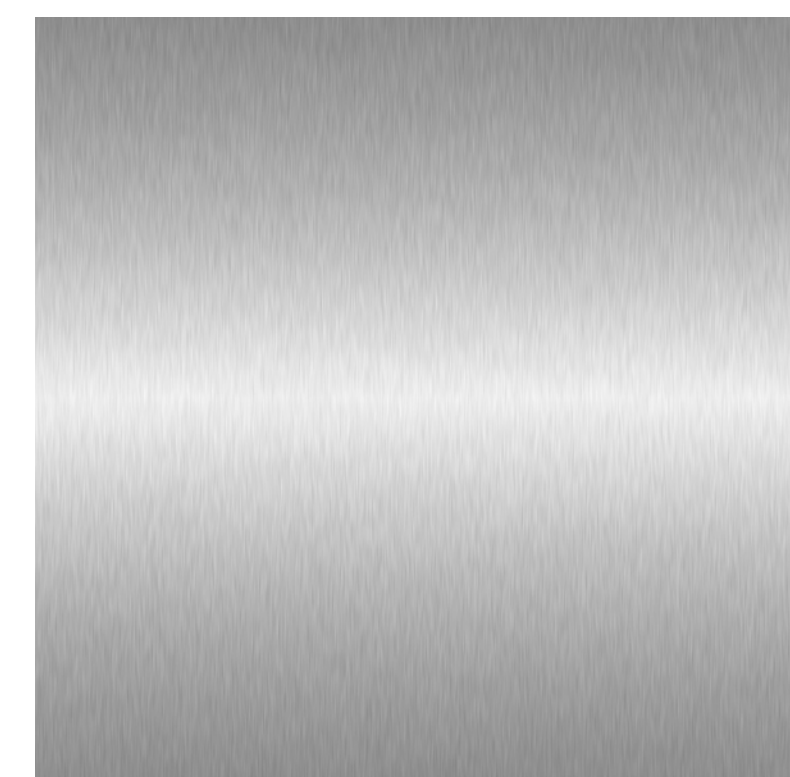
BRICK



TIMBER FRAMING



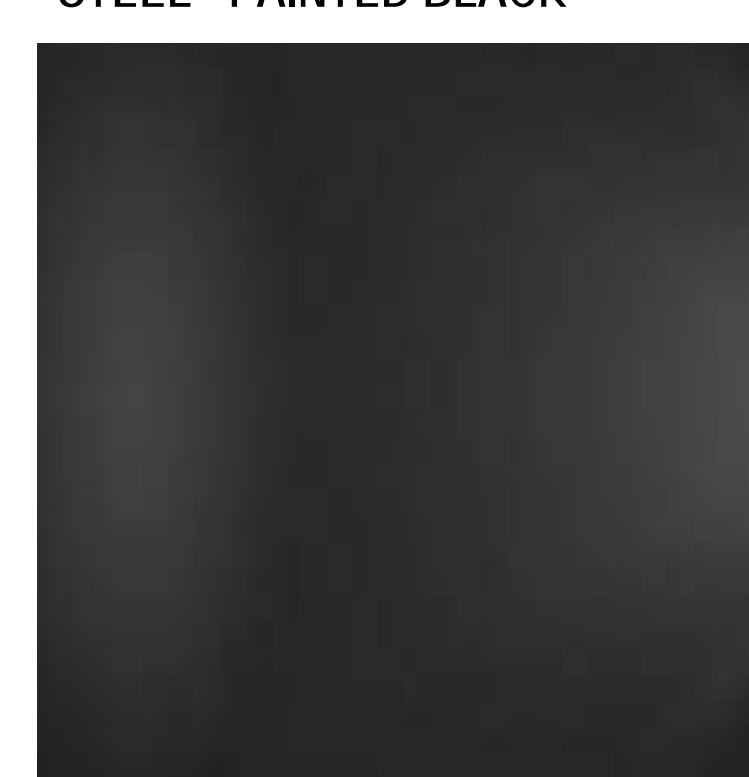
ALUMINUM FRAMED STOREFRONT



SBS ROOFING - GREY



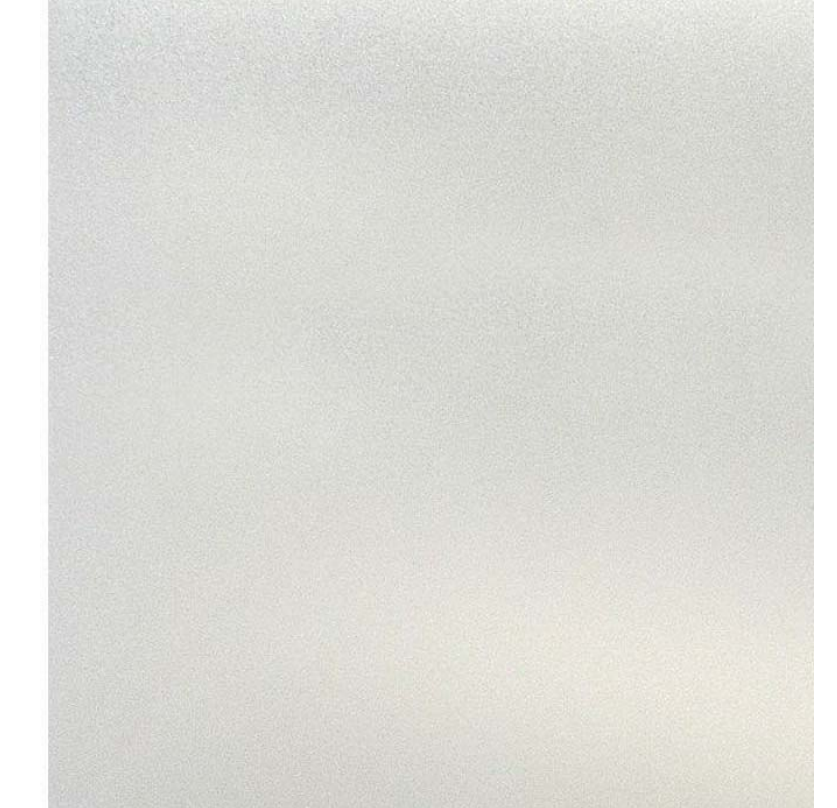
STEEL - PAINTED BLACK



FIBRE CEMENT BOARD -PANELS -
DARK GREY



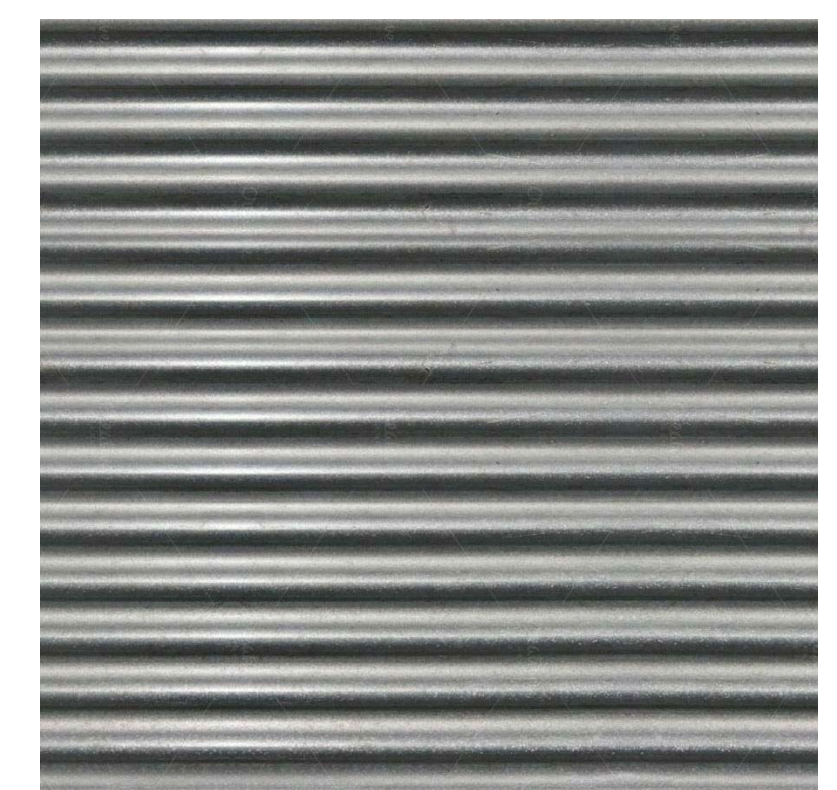
BALCONY PRIVACY SIDE GLAZING -
FROSTED



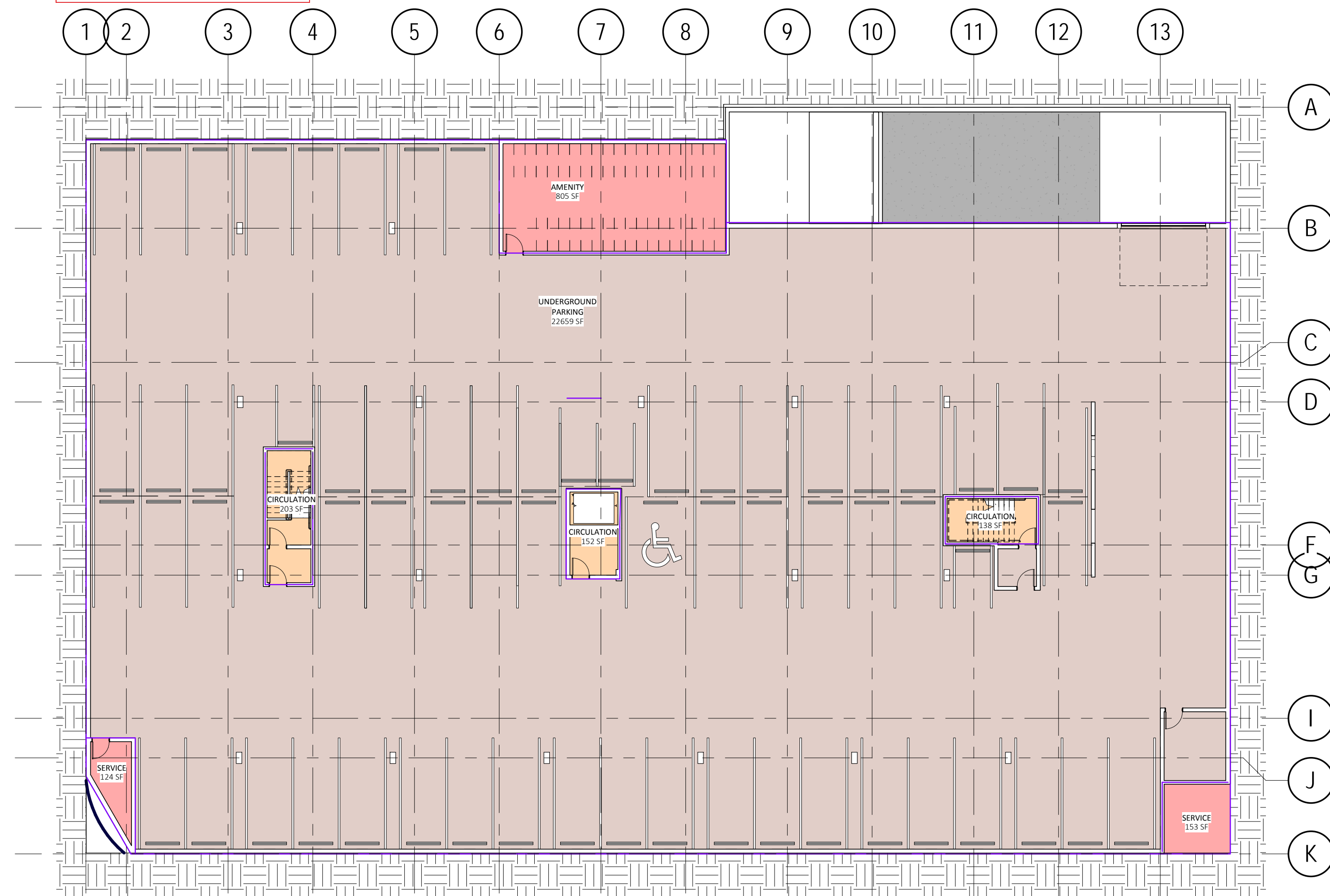
BALCONY FRONT GLAZING -
CLEAR



CORRUGATED METAL PANEL- LIGHT
METALLIC FINISH








UPDATED JULY 9/19 R2



1 PARKADE -1
A501 SCALE: 1/16" = 1'-0"

FAR CALCULATOR			
LEVEL	NAME	NET AREA	FAR
MAIN FLOOR		9086 SF	0.30
SECOND FLOOR	RESIDENTIAL	6093 SF	0.20
THIRD FLOOR	RESIDENTIAL	10106 SF	0.34
FOURTH FLOOR	RESIDENTIAL	10730 SF	0.36
FIFTH FLOOR	RESIDENTIAL	10715 SF	0.36
TOTAL FAR		46730 SF	1.56

FAR AREAS

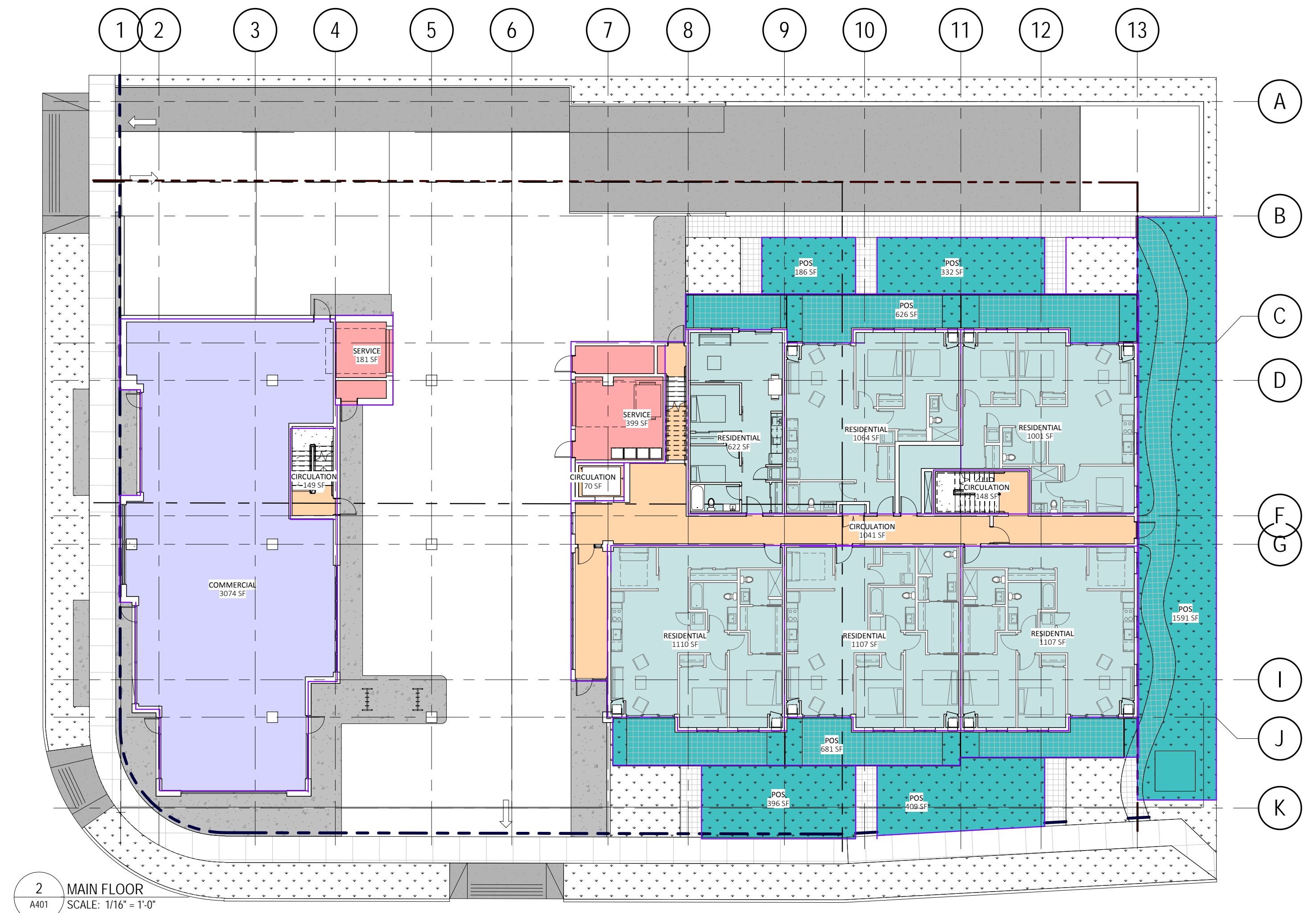
-  INCLUDED AREAS (COMMERCIAL)
-  INCLUDED AREAS (RESIDENTIAL)
-  EXCLUDED AREAS (CIRCULATION)
-  EXCLUDED AREAS (SERVICE)
-  EXCLUDED (UNDERGROUND PARKING)

GROSS FLOOR AREA	
Level	Area
MAIN FLOOR	11056 SF
SECOND FLOOR	7872 SF
THIRD FLOOR	12066 SF
FOURTH FLOOR	12327 SF
FIFTH FLOOR	11946 SF
TOTAL GROSS AREA	55266 SF

FAR EXCLUDED AREA SCHEDULE				
LEVEL	NAME	INCLUDED/EXCLUDED		AREA
Not Placed	SERVICE	EXCLUDED	Not Placed	
PARKADE -1	AMENITY	EXCLUDED	805 SF	
PARKADE -1	UNDERGROUND PARKING	EXCLUDED	22659 SF	
PARKADE -1	CIRCULATION	EXCLUDED	138 SF	
PARKADE -1	CIRCULATION	EXCLUDED	203 SF	
MAIN FLOOR	CIRCULATION	EXCLUDED	70 SF	
MAIN FLOOR	CIRCULATION	EXCLUDED	1041 SF	
MAIN FLOOR	SERVICE	EXCLUDED	399 SF	
MAIN FLOOR	SERVICE	EXCLUDED	181 SF	
MAIN FLOOR	CIRCULATION	EXCLUDED	149 SF	
MAIN FLOOR	CIRCULATION	EXCLUDED	148 SF	
SECOND FLOOR	SERVICE	EXCLUDED	474 SF	
SECOND FLOOR	CIRCULATION	EXCLUDED	79 SF	
SECOND FLOOR	CIRCULATION	EXCLUDED	113 SF	
SECOND FLOOR	CIRCULATION	EXCLUDED	582 SF	
SECOND FLOOR	CIRCULATION	EXCLUDED	158 SF	
SECOND FLOOR	CIRCULATION	EXCLUDED	88 SF	
THIRD FLOOR	POS - AMENITY	EXCLUDED	584 SF	
THIRD FLOOR	CIRCULATION	EXCLUDED	941 SF	
THIRD FLOOR	CIRCULATION	EXCLUDED	133 SF	
THIRD FLOOR	CIRCULATION	EXCLUDED	67 SF	
THIRD FLOOR	CIRCULATION	EXCLUDED	167 SF	
FOURTH FLOOR	CIRCULATION	EXCLUDED	944 SF	
FOURTH FLOOR	CIRCULATION	EXCLUDED	66 SF	
FOURTH FLOOR	CIRCULATION	EXCLUDED	144 SF	
FIFTH FLOOR	CIRCULATION	EXCLUDED	929 SF	
FIFTH FLOOR	CIRCULATION	EXCLUDED	144 SF	
FIFTH FLOOR	CIRCULATION	EXCLUDED	66 SF	
FIFTH FLOOR	CIRCULATION	EXCLUDED	184 SF	
TOTAL EXCLUDED AREA			31655 SF	

PRIVATE OPEN SPACE		
Level	Name	Area
MAIN FLOOR	POS	626 SF
MAIN FLOOR	POS	681 SF
MAIN FLOOR	POS	396 SF
MAIN FLOOR	POS	409 SF
MAIN FLOOR	POS	332 SF
MAIN FLOOR	POS	186 SF
MAIN FLOOR	POS	1591 SF
SECOND FLOOR	POS	71 SF
SECOND FLOOR	POS	75 SF
SECOND FLOOR	POS	70 SF
SECOND FLOOR	POS	74 SF
SECOND FLOOR	POS	75 SF
THIRD FLOOR	POS - AMENITY	584 SF
THIRD FLOOR	POS	116 SF
THIRD FLOOR	POS	116 SF
THIRD FLOOR	POS	116 SF
THIRD FLOOR	POS	115 SF
THIRD FLOOR	POS	115 SF
THIRD FLOOR	POS	66 SF
THIRD FLOOR	POS	76 SF
THIRD FLOOR	POS	92 SF
THIRD FLOOR	POS	92 SF
THIRD FLOOR	POS	91 SF
THIRD FLOOR	POS	90 SF

PRIVATE OPEN SPACE		
Level	Name	Area
THIRD FLOOR	POS	189 SF
THIRD FLOOR	POS	175 SF
FOURTH FLOOR	POS	88 SF
FOURTH FLOOR	POS	100 SF
FOURTH FLOOR	POS	100 SF
FOURTH FLOOR	POS	100 SF
FOURTH FLOOR	POS	100 SF
FOURTH FLOOR	POS	105 SF
FOURTH FLOOR	POS	105 SF
FOURTH FLOOR	POS	105 SF
FOURTH FLOOR	POS	105 SF
FOURTH FLOOR	POS	78 SF
FIFTH FLOOR	POS	105 SF
FIFTH FLOOR	POS	107 SF
FIFTH FLOOR	POS	107 SF
FIFTH FLOOR	POS	106 SF
FIFTH FLOOR	POS	106 SF
FIFTH FLOOR	POS	65 SF
FIFTH FLOOR	POS	71 SF
FIFTH FLOOR	POS	100 SF
FIFTH FLOOR	POS	101 SF
FIFTH FLOOR	POS	100 SF
FIFTH FLOOR	POS	101 SF
FIFTH FLOOR	POS	93 SF
Grand total: 48		8767 SF



2 MAIN FLOOR
A401 SCALE: 1/16" = 1'-0"

FAR CALCULATIONS

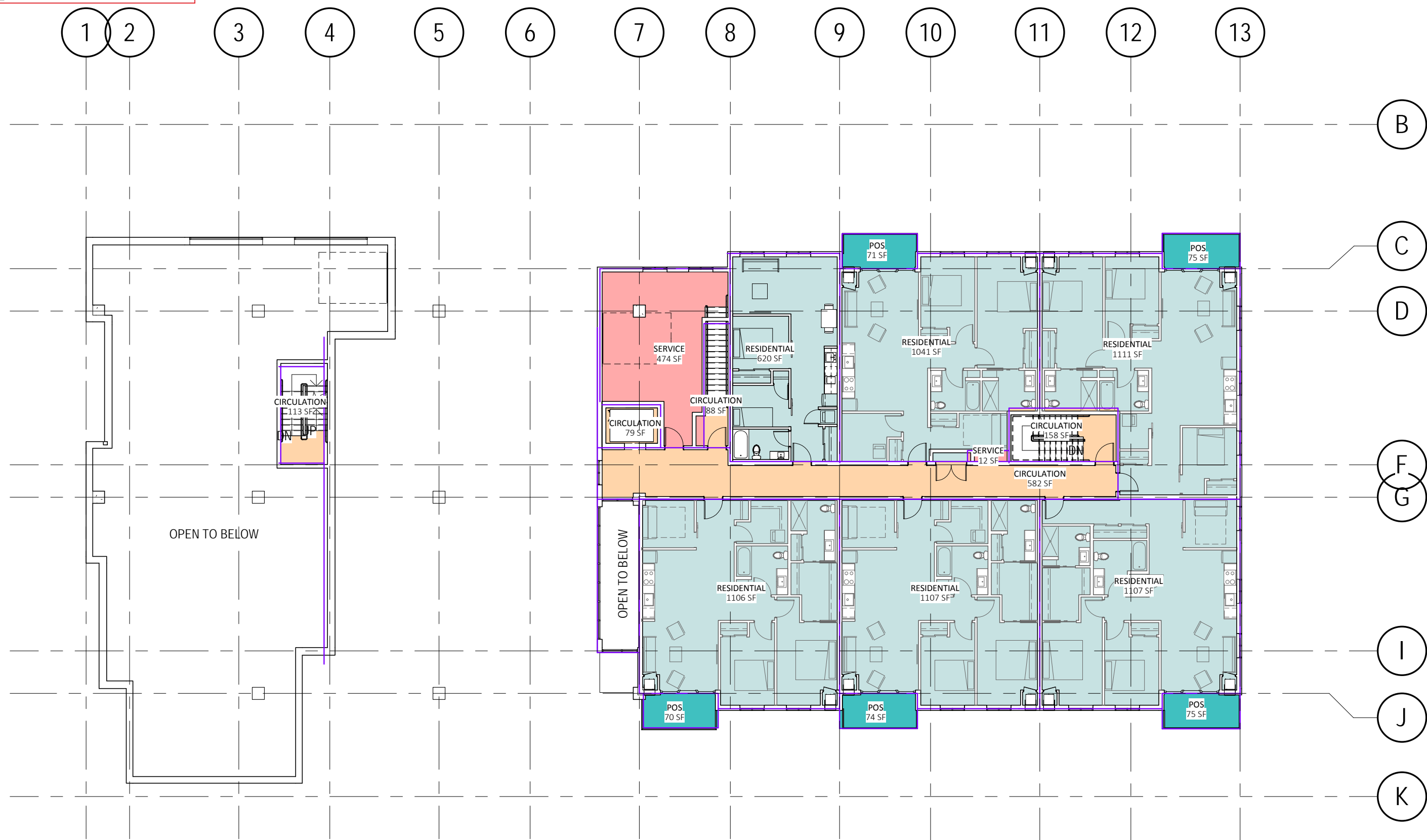
SOLE RUTLAND
615 RUTLAND ROAD, KELOWNA, BC

DRAWING: A-15

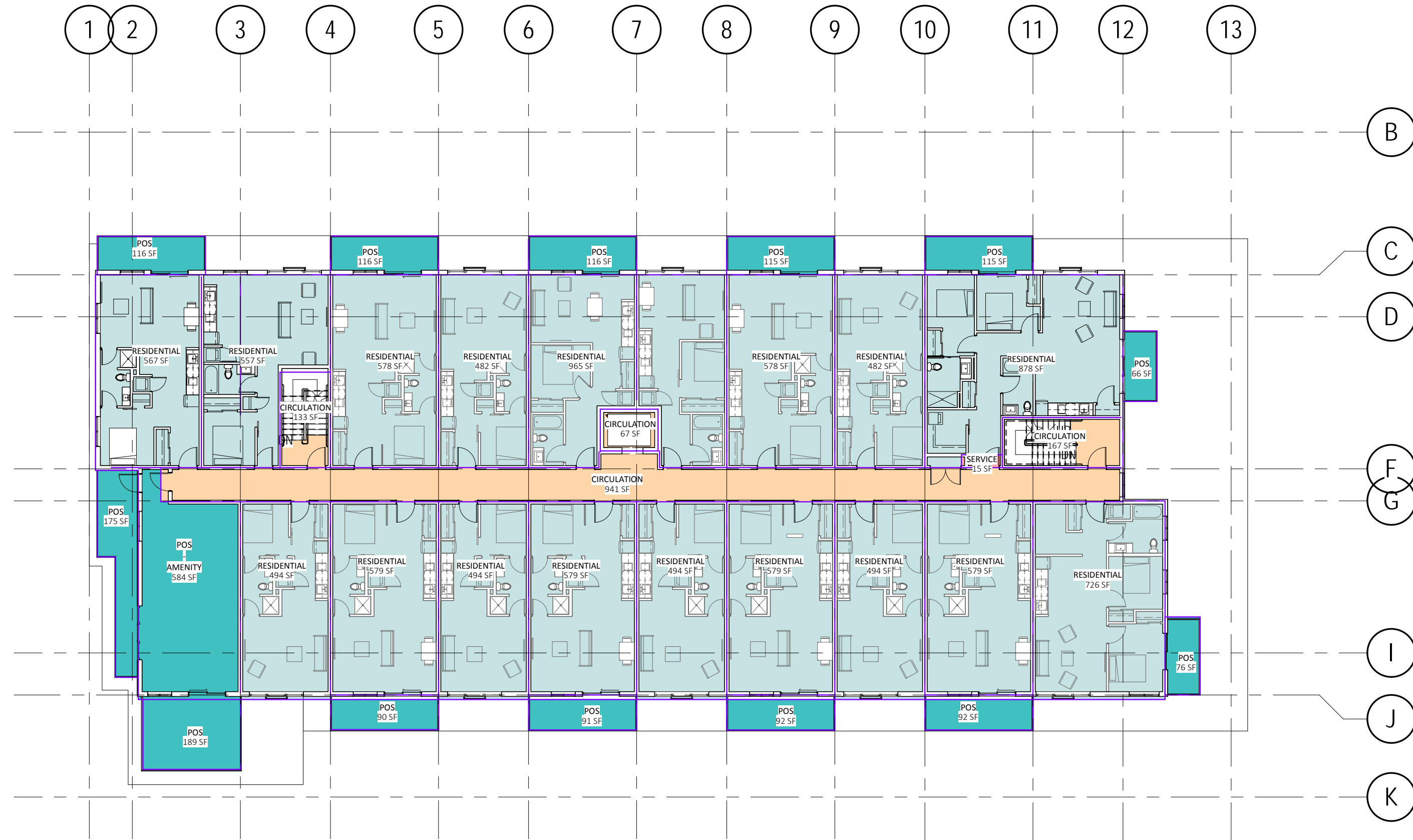
PROJECT: 18281

DATE: 2019/07/09

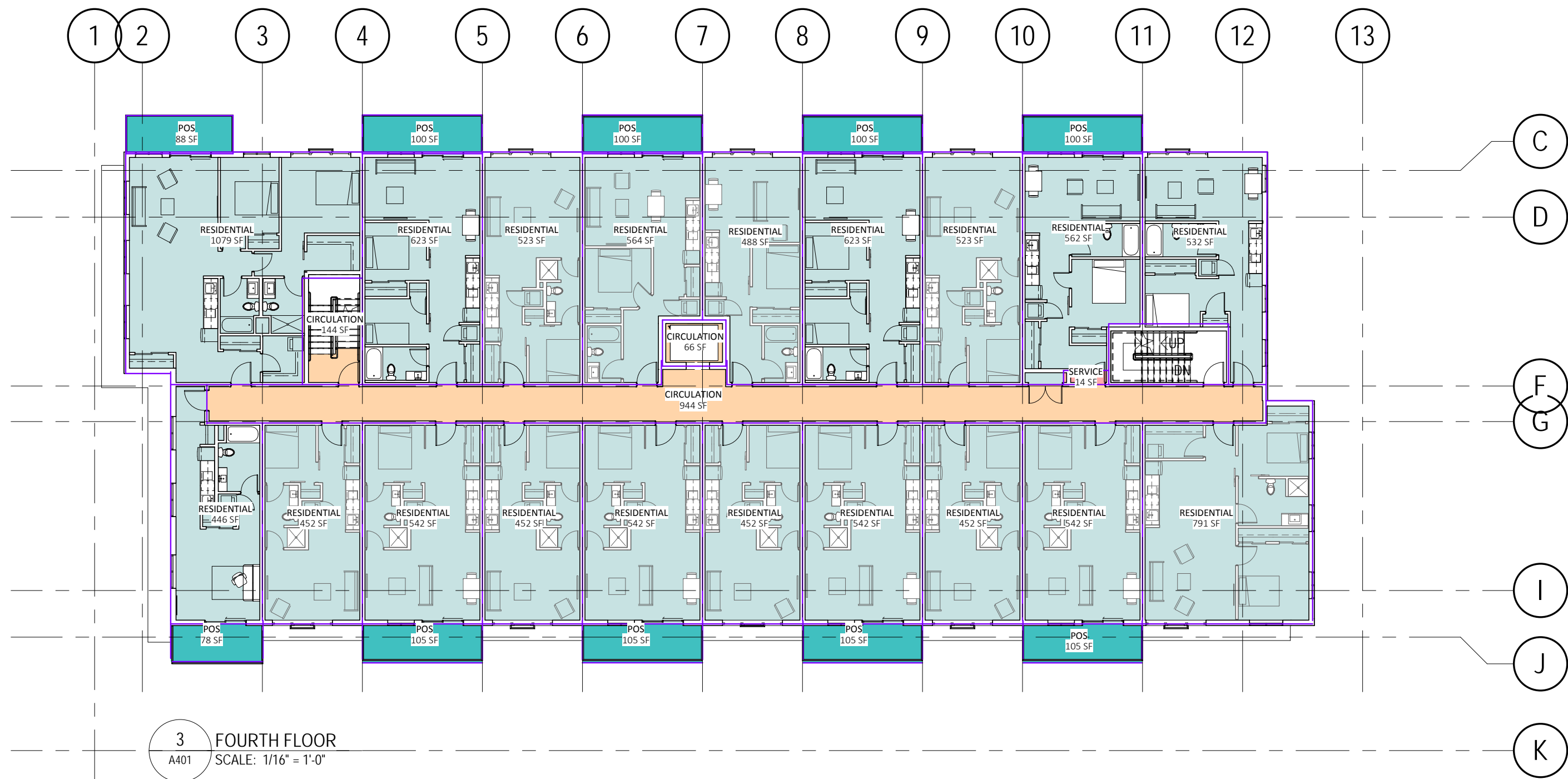
SCALE: As indicated



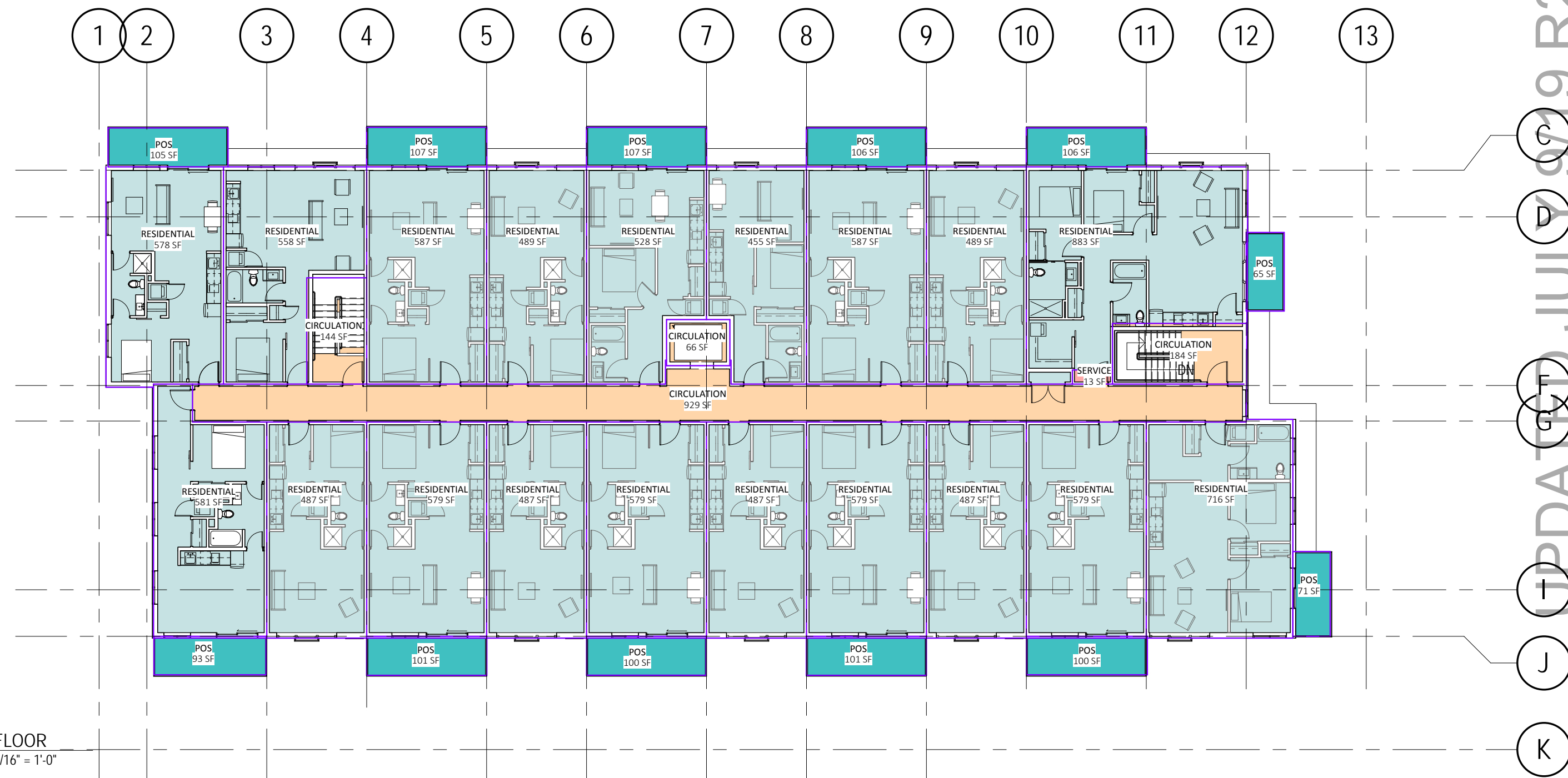
1 SECOND FLOOR
 SCALE: 1/16" = 1'-0"



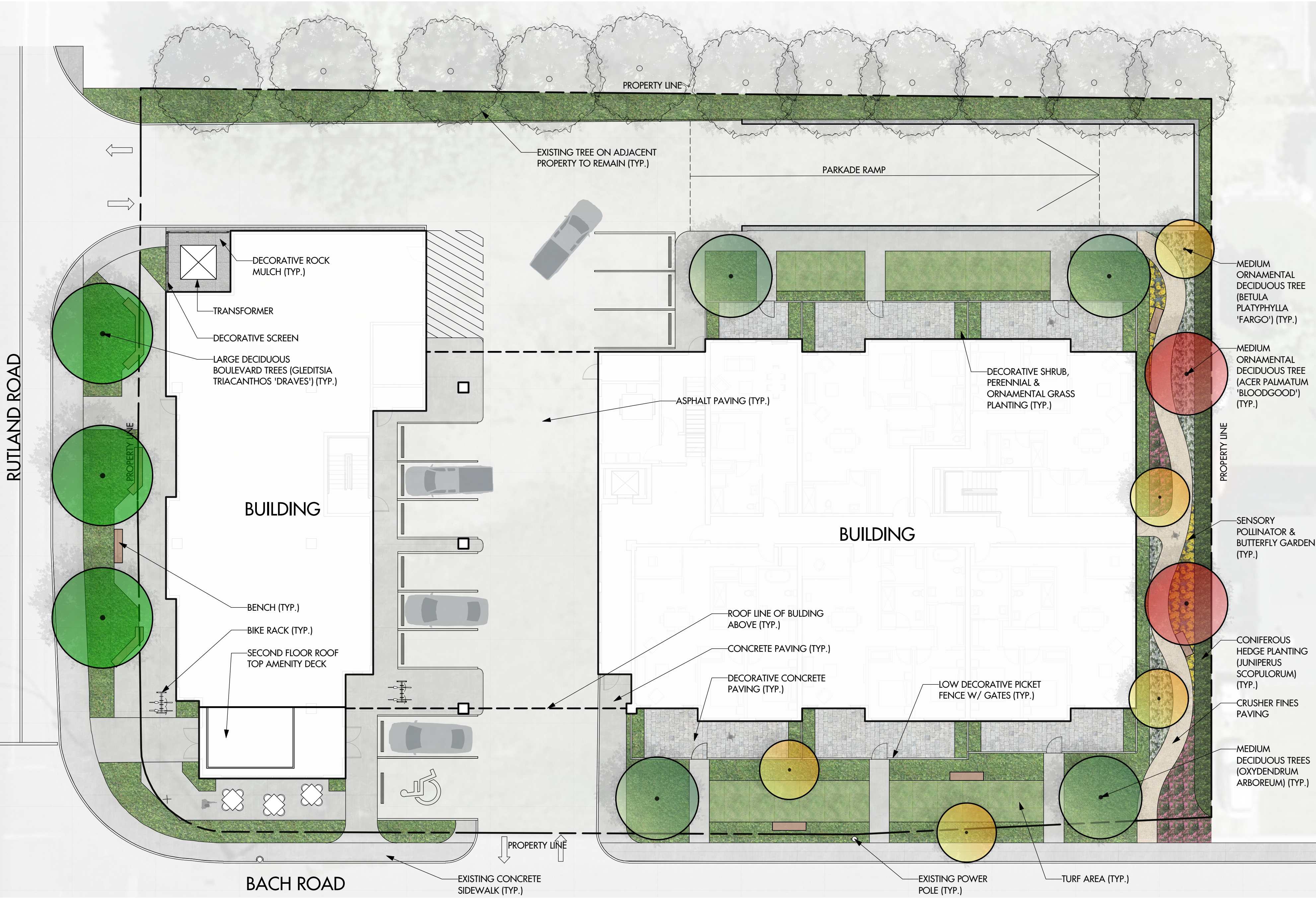
2 THIRD FLOOR
 SCALE: 1/16" = 1'-0"



3 FOURTH FLOOR
 SCALE: 1/16" = 1'-0"



4 FIFTH FLOOR
 SCALE: 1/16" = 1'-0"



PLANT LIST

BOTANICAL NAME	COMMON NAME	QTY	SIZE / SPACING & REMARKS
TREES			
ACER PALMATUM 'BLOODGOOD'	BLOODGOOD JAPANESE MAPLE	2	6cm CAL.
BETULA PLATYPHYLLA 'FARGO'	DAKOTA PINNACLE BIRCH	5	6cm CAL.
GLEDITSIA TRIACANTHOS 'DRAVES'	STREET KEEPER HONEYLOCUST	3	6cm CAL.
OXYDENDRUM ARBOREUM	SOURWOOD	4	8cm CAL.
SHRUBS			
BERBERIS THINBERGII 'GENTRY'	ROYAL BURGUNDY BARBERRY	19	#02 CONT. / 1.0m O.C. SPACING
BERGENIA CONDIFOLIA	ELEPHANT EAR	53	#02 CONT. / 0.6m O.C. SPACING
EUONYMUS ALATUS	WINGED BURNING BUSH	36	#02 CONT. / 3.0m O.C. SPACING
JUNIPERUS SCOPULORUM	ROCKY MOUNTAIN JUNIPER	5	#01 CONT. / 1.75m O.C. SPACING
PICEA ABIES 'PUMILA'	DWARF NORWAY SPRUCE	16	#02 CONT. / 1.8m O.C. SPACING
RIBES ALPINUM	ALPINE CURRANT	16	#01 CONT. / 1.5m O.C. SPACING
ROSA WOODSII	WOOD'S ROSE	23	#02 CONT. / 1.0m O.C. SPACING
PERENNIALS, GRASSES & VINES			
ARCTOSTAPHYLOS UVA-URSI	KINNIKINNICK	76	#01 CONT. / 0.6m O.C. SPACING
ASTER ALPINUS	SUMMER ASTER	76	#01 CONT. / 0.5m O.C. SPACING
BOUTELOUA GRACILIS	BLUE GRASS	76	#01 CONT. / 0.5m O.C. SPACING
CALAMAGROSTIS ACUTIFLORA 'KARL FOERSTER'	KARL FOERSTER REED GRASS	34	#01 CONT. / 0.75m O.C. SPACING
DICENTRA SPECTABILIS	BLEEDING HEARTS	34	#01 CONT. / 0.75m O.C. SPACING
HEUCHERA SANGUINEA	RED CORAL BELLS	34	#01 CONT. / 0.75m O.C. SPACING
HOSTA 'NORTHERN EXPOSURE'	NORTHERN EXPOSURE HOSTA	36	#01 CONT. / 1.2m O.C. SPACING
MONARDA DIDYMA 'JACOB CLINE'	JACOB CLINE BEE BALM	53	#01 CONT. / 0.6m O.C. SPACING
PANICUM VIRGATUM 'ROSTRAHLBUSH'	RED SWITCH GRASS	23	#01 CONT. / 0.9m O.C. SPACING
RUDEBECKIA FULGIDA 'GOLDSTURM'	GOLDSTURM CONEFLOWER	34	#01 CONT. / 0.75m O.C. SPACING
THYMUS PSEUDOLANGINOSUS	WOOLY THYME	64	#01 CONT. / 0.6m O.C. SPACING

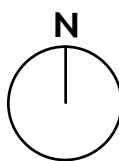
NOTES

1. PLANT MATERIAL AND CONSTRUCTION METHODS SHALL MEET OR EXCEED C.L.N.A. STANDARDS.
2. ALL SOFT LANDSCAPE AREAS SHALL BE WATERED BY A FULLY AUTOMATIC TIMED UNDERGROUND IRRIGATION SYSTEM.
3. TREE AND SHRUB BEDS TO BE DRESSED IN A MINIMUM 75mm WOOD MULCH. DO NOT PLACE WEED MAT UNDERNEATH TREE AND SHRUB BEDS.
4. TREE AND SHRUB BEDS TO RECEIVE A MINIMUM 300mm DEPTH TOPSOIL PLACEMENT.
5. TURF AREAS FROM SOD SHALL BE NO. 1 GRADE GROWN FROM CERTIFIED SEED OF IMPROVED CULTIVARS REGISTERED FOR SALE IN B.C. AND SHALL BE TOLERANT OF DROUGHT CONDITIONS. A MINIMUM OF 150mm DEPTH OF GROWING MEDIUM IS REQUIRED BENEATH TURF AREAS. TURF AREAS SHALL MEET EXISTING GRADES AND HARD SURFACES FLUSH.
6. SITE GRADING AND DRAINAGE WILL ENSURE THAT ALL STRUCTURES HAVE POSITIVE DRAINAGE AND THAT NO WATER OR LOOSE IMPEDIMENTS WILL BE DISCHARGED FROM THE LOT ONTO ADJACENT PUBLIC, COMMON, OR PRIVATE PROPERTIES.
7. ALL OFFSITE LANDSCAPE WORKS TO MEET CoK BYLAW 7900



OUTLAND DESIGN
LANDSCAPE ARCHITECTURE

303 - 590 KLO Road
Kelowna, BC V1Y 7S2
T (250) 868-9270
www.outlanddesign.ca



PROJECT TITLE

RUTLAND SOLE

Kelowna, BC

DRAWING TITLE

CONCEPTUAL LANDSCAPE
PLAN

ISSUED FOR / REVISION		
1	18.12.18	Review
2		
3		
4		
5		

PROJECT NO.	18-127
DESIGN BY	KM
DRAWN BY	SR
CHECKED BY	FB
DATE	DEC. 18, 2018
SCALE	1:150
PAGE SIZE	24"x36"

SEAL



DRAWING NUMBER

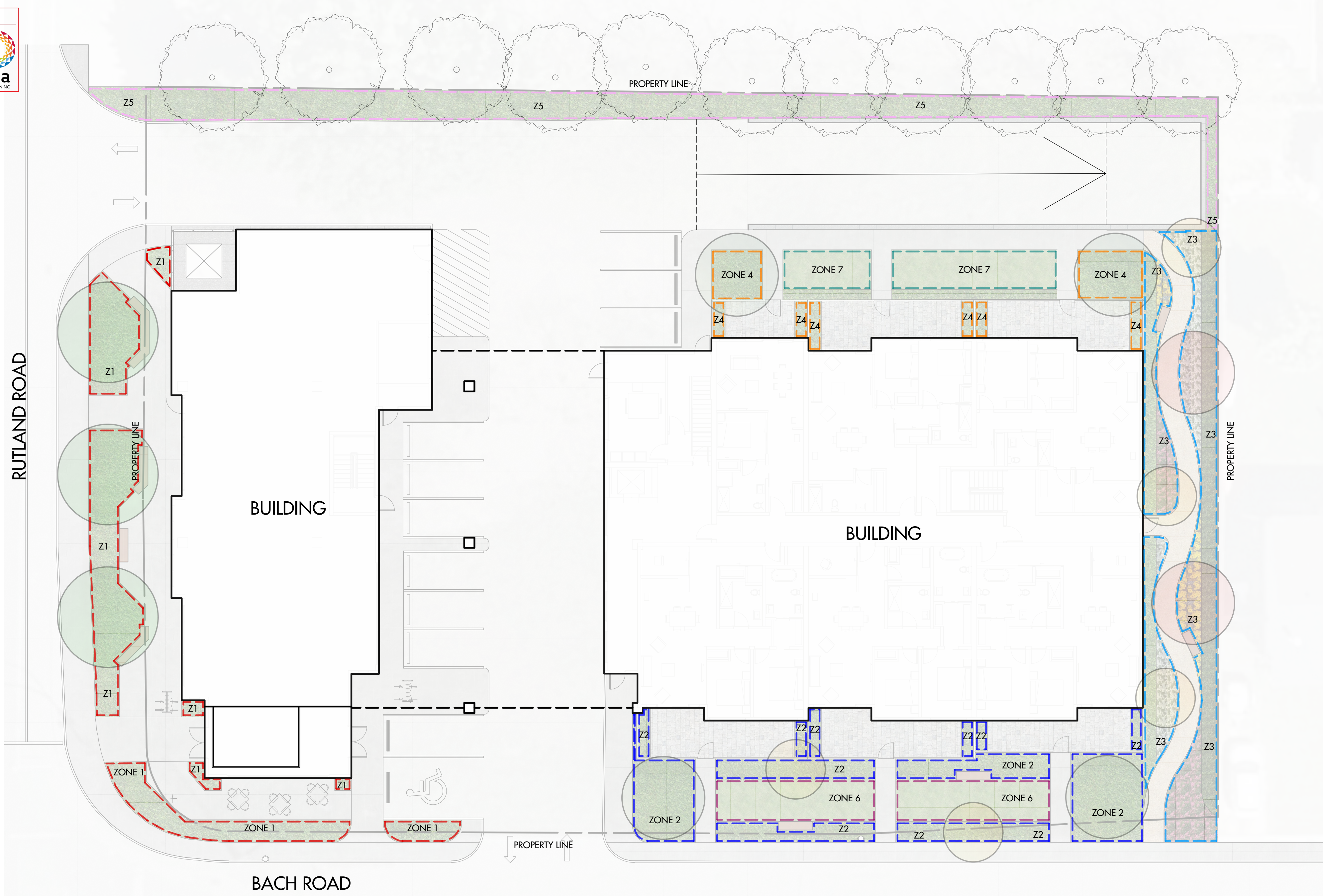
L1/2

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SCHEDULE

C

This forms part of application
DP19-0009 / DVP19-0010
City of Kelowna
DEVELOPMENT PLANNING
Planner Initials AC



IRRIGATION LEGEND

- ZONE #1: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS
TOTAL AREA: 93 sq.m.
MICROCLIMATE: WEST EXPOSURE, PARTIALLY SHADED BY TREES
ESTIMATED ANNUAL WATER USE: 52 cu.m.
- ZONE #2: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS
TOTAL AREA: 101 sq.m.
MICROCLIMATE: SOUTH EXPOSURE, PARTIALLY SHADED BY TREES
ESTIMATED ANNUAL WATER USE: 63 cu.m.
- ZONE #3: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS
TOTAL AREA: 114 sq.m.
MICROCLIMATE: EAST EXPOSURE, PARTIALLY SHADED BY TREES
ESTIMATED ANNUAL WATER USE: 63 cu.m.
- ZONE #4: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS
TOTAL AREA: 32 sq.m.
MICROCLIMATE: NORTHEAST EXPOSURE, PARTIALLY SHADED BY BUILDING
ESTIMATED ANNUAL WATER USE: 18 cu.m.
- ZONE #5: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS
TOTAL AREA: 115 sq.m.
MICROCLIMATE: WEST EXPOSURE, PARTIALLY SHADED BY TREES
ESTIMATED ANNUAL WATER USE: 64 cu.m.
- ZONE #6: LOW VOLUME POP-UP SPRAYHEADS FOR TURF AREA
TOTAL AREA: 47 sq.m.
MICROCLIMATE: SOUTH EXPOSURE, PARTIALLY SHADED BY TREES
ESTIMATED ANNUAL WATER USE: 67 cu.m.
- ZONE #7: LOW VOLUME POP-UP SPRAYHEADS FOR TURF AREA
TOTAL AREA: 36 sq.m.
MICROCLIMATE: NORTHEAST EXPOSURE, PARTIALLY SHADED BY BUILDING
ESTIMATED ANNUAL WATER USE: 51 cu.m.

IRRIGATION NOTES

- IRRIGATION PRODUCTS AND INSTALLATION METHODS SHALL MEET OR EXCEED THE REQUIREMENTS OF THE WATER USE REGULATION BYLAW NO. 10480 AND THE SUPPLEMENTARY SPECIFICATIONS IN THE CITY OF KELOWNA BYLAW 7900 (PART 6, SCHEDULE 9).
- THE IRRIGATION SYSTEM SHALL MEET THE REQUIREMENTS, REGULATIONS, AND BYLAWS OF THE WATER PURVEYOR.
- THE IRRIGATION SYSTEM SHALL BE EQUIPPED WITH AN APPROVED BACKFLOW PREVENTION DEVICE, WATER METER, AND SHUT OFF VALVE LOCATED OUTSIDE THE BUILDING ACCESSIBLE TO THE CITY.
- AN APPROVED SMART CONTROLLER SHALL BE INSTALLED. THE IRRIGATION SCHEDULING TIMES SHALL UTILIZE A MAXIMUM ET VALUE OF 7" / MONTH (KELOWNA JULY ET), TAKING INTO CONSIDERATION SOIL TYPE, SLOPE, AND MICROCLIMATE.
- DRIP LINE AND EMITTERS SHALL INCORPORATE TECHNOLOGY TO LIMIT ROOT INTRUSION.
- IRRIGATION SLEEVES SHALL BE INSTALLED TO ROUTE IRRIGATION LINES UNDER HARD SURFACES AND FEATURES.
- IRRIGATION PIPE SHALL BE SIZED TO ALLOW FOR A MAXIMUM FLOW OF 1.5m / SEC.
- A FLOW SENSOR AND MASTER VALVE SHALL BE CONNECTED TO THE CONTROLLER AND PROGRAMMED TO STOP FLOW TO THE SYSTEM IN CASE OF AN IRRIGATION WATER LEAK.

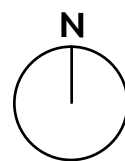
WATER CONSERVATION CALCULATIONS

LANDSCAPE MAXIMUM WATER BUDGET (WB) = 550 cu.m. / year
ESTIMATED LANDSCAPE WATER USE (WU) = 371 cu.m. / year
WATER BALANCE = 179 cu.m. / year
*REFER ATTACHED IRRIGATION APPLICATION FOR DETAILED CALCULATIONS



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LANDSCAPE ARCHITECTURE

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PROJECT TITLE

RUTLAND SOLE

Kelowna, BC

DRAWING TITLE

WATER CONSERVATION/
IRRIGAITON PLAN

ISSUED FOR / REVISION		
1	18.12.18	Review
2		
3		
4		
5		

PROJECT NO.	18-127
DESIGN BY	KM
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SEAL



DRAWING NUMBER

L2/2

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OUTLAND DESIGN
LANDSCAPE ARCHITECTURE

SCHEDULE		C
This forms part of application		
# DP19-0009 / DVP19-0010		
Planner Initials	AC	 City of Kelowna DEVELOPMENT PLANNING

Thursday December 13, 2018

Edgecombe Builders Group

1350 St. Paul Street

Kelowna BC V1Y 2E1

Attn: Kevin Edgecombe A.T.

Tel: (778) 484 7077

Email: kevin@edgecombebuilders.com

Re: Proposed Rutland Sole, Kelowna, BC Development – Preliminary Cost Estimate for Bonding

Dear Kevin:

Please be advised of the following preliminary cost estimate for bonding of the proposed landscape works shown in the Proposed Rutland Sole conceptual landscape plan dated 18.12.13;

- 537 square metres (5,780 square feet) of improvements = \$ 42,203.25

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

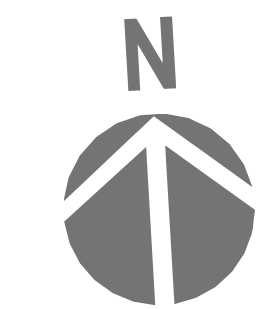
You will be required to submit a performance bond to the City of Kelowna in the amount of 125% of the preliminary cost estimate. Please do not hesitate to contact me with any questions about the landscape plan.

Best regards,

Fiona Barton, MBCSLA, CSLA

as per

Outland Design Landscape Architecture

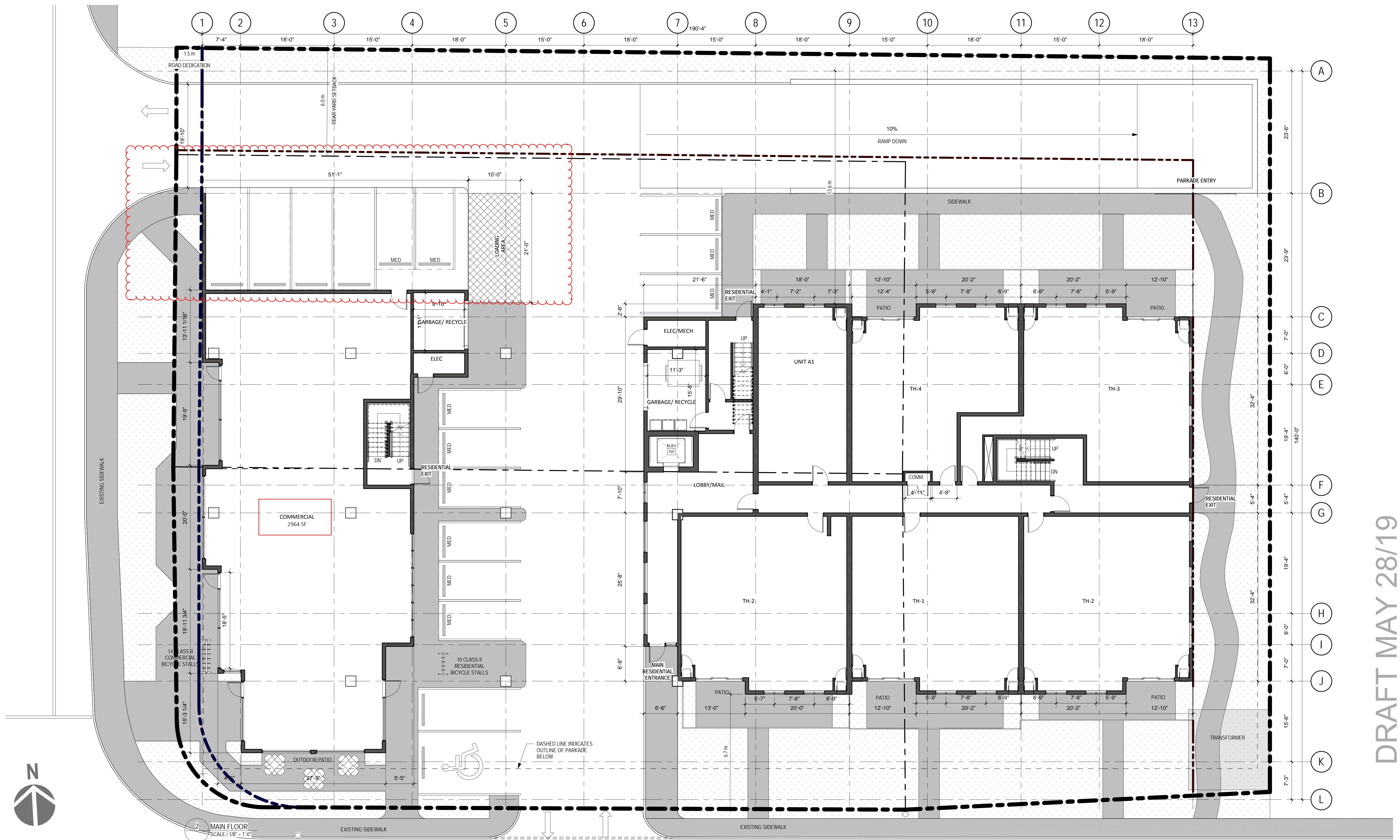


MAIN FLOOR

SOLE RUTLAND
615 RUTLAND ROAD, KELOWNA, BC

DRAWING: **A-03**
PROJECT: 18281
DATE: 2019/01/04
SCALE: 1/8" = 1'-0"

DRAFT MAY 28/19



REPORT TO COUNCIL



Date: July 30, 2019

RIM No. 0940-50

To: Council

From: City Manager

Application: DVP19-0114

Owner: Heidi Gatti
Jarvis Gatti

Address: 248 Lost Creek Ct

Applicant: Heidi & Jarvis Gatti

Subject: Development Variance Permit

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: Ru2H – Medium Lot Housing (Hillside Area)

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0114 for Lot 40 Section 5 Township 23 ODYD Plan EPP9195, located at 248 Lost Creek Ct, Kelowna, BC;

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

Section 7.5.9 – Landscaping and Screening Fencing and Retaining Walls

- a) To vary the maximum height of the retaining wall from 1.2 m required to 1.8 m proposed in accordance with Attachment "A".

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

2.0 Purpose

To vary the height of a retaining wall on the subject property.

3.0 Community Planning

Staff typically does not support over height retaining walls, however, the applicant is seeking the variance permit for 0.6m additional height of retaining wall followed by a Soil permits for the over eight wall and building permit for the swimming pool. The Soil permit process for the retaining wall will require sealed engineering design and schedules to achieve permit approvals and result in a safe structure to retain soil.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbor consultation by individually contacting the neighbors within a 50 metre radius. Staff has not fielded any objections or correspondence from the neighbors.

4.0 Proposal

4.1 Project Description

The applicant is proposing to construct a swimming pool with a retaining wall along the south west side of the pool. The subject property is sloping down from the north east to the south west and has a "No Disturb" covenant approximately 5.5m wide along the south west property line. The siting of the pool has been determined to minimize the amount of blasting required for the pool construction thereby reducing the possibility of damage to the applicant's and neighbouring dwellings.

The retaining wall is proposed with a maximum height of 1.8m located outside the "No Disturb" covenant with an offset suitable to allow enough room for construction. The retaining wall's proposed location is such that it is not visible from any street and screened by the existing neighbourhood trees. Retaining walls with a height up to 1.8m in areas not visible from any street is supported by the Wilden, Lost Creek Neighbourhood building guidelines.

4.2 Site Context

The subject property is located at the end of Lost Creek Court, in the Glenmore - Clifton - Dilworth sector of Kelowna. The subject property is zoned RU2h with a Future Land Use designation of S2RES and is in the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	Ru2H – Medium Lot Housing (Hillside Area)	S2Res - Single /Two Unit Residential
East	Ru2H – Medium Lot Housing (Hillside Area)	S2Res - Single /Two Unit Residential
South	P3 - Park	Park – Open Space
West	P3 - Park	Park – Open Space

Subject Property Map: 248 Lost Creek Court



5.0 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	Ru2H ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Maximum Retaining Wall Height	1.2 m	1.8 m ❶
❶ Indicates a requested variance to increase the maximum retaining wall height		

6.0 Technical Comments

6.1 Development Engineering Department

- This Development Variance Permit application does not compromise any municipal services.

6.2 Building & Permitting Department

- Full plan check for Building code related issues will be done at time of Building Permit applications.

7.0 Application Chronology

Date of Application Received: March 12, 2019

Date Public Consultation Completed: June 16, 2019

Report prepared by: Sergio Sartori, Development Technician

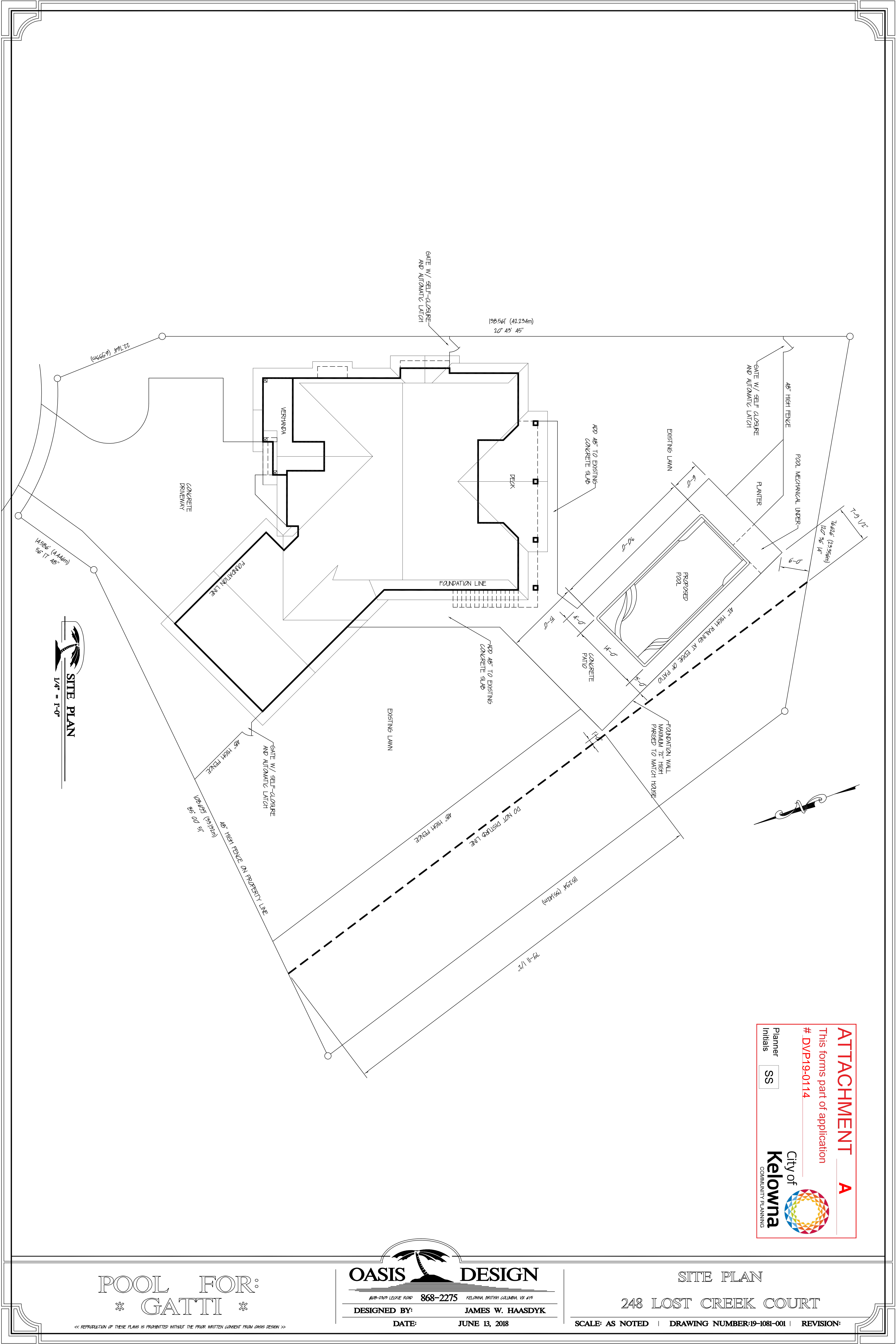
Reviewed by: Dean Strachan, Community Planning Manager

Approved for Inclusion: Terry Barton, Planning Department Manager

Attachments:

Draft Development Variance Permit No. DVP19-00114

Attachment A - Site Plan



ATTACHMENT

A

This forms part of application

DVP19-0114

Planner Initials

SS

City of Kelowna

COMMUNITY PLANNING

POOL FOR:
* GATTI *

OASIS DESIGN

868-2275

DESIGNED BY: JAMES W. HAADYK

DATE: JUNE 13, 2018

SITE PLAN
248 LOST CREEK COURT
SCALE: AS NOTED | DRAWING NUMBER:19-1081-001 | REVISION:

Development Variance Permit

DVP19-0114



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

248 Lost Creek Court

and legally known as

Lot 40 Section 5 Township 23 ODYD Plan EPP9195

and permits the land to be used for the development with variances to the following sections of the Zoning Bylaw 8000:

S.7.5.9 Fencing and Retaining Walls

To vary the required retaining wall from 1.2m permitted to 1.8m proposed.

The development has been approved subject to any attached terms and conditions, and to full compliance with the approved plans bearing the stamp of approval and the above described development permit number.

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.

Date of Decision: July 30th, 2019

Decision By: CITY COUNCIL

Issued Date: July 31st, 2019

Development Permit Area: NA

File Manager: SS

This permit will not be valid if development has not commenced within 2 years of the council approved Date of Decision.

Existing Zone: RU1 – Large Lot Housing

Future Land Use Designation: S2RES – Single Two Unit Residential

This is NOT a Building Permit.

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

NOTICE

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

Owner: Jarvis Gatti & Heidi Gatti
Address: 248 Lost Creek Court
City: Kelowna, BC
Phone: 250-317-3920

Dean Strachan, Suburban and Rural Planning Manager
Planning & Development Services

Date

1. SCOPE OF APPROVAL

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

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

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

2. CONDITIONS OF APPROVAL

- a) The dimensions and siting of the retaining wall to be constructed on the land be in accordance with Attachment "A";

This Development Permit is valid for two (2) years from the Council Date of Decision if applicable, or Community Planning Department Manager approval, with no opportunity to extend.

3. 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 Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer 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 enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property own of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

- a) n/a

4. Indemnification

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

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

All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

**The PERMIT HOLDER is the CURRENT LAND OWNER.
Security shall ONLY be returned to the signatory of the
Landscape Agreement or their designates.**

REPORT TO COUNCIL



Date: July 30, 2019

RIM No. 0940-50

To: Council

From: City Manager

Application: DVP19-0072

Owner: Richard Lawrence Dempster &
Marie Delourdes Dempster

Address: 677 Ellis Street

Applicant: Westerkamp Design Inc.

Subject: Development Variance Permit

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0072 for Lot B District Lot 9 ODYD Plan EPP52340, located at 677 Ellis Street, Kelowna, BC;

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

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

To vary the maximum site coverage from 40% permitted to 42.7% 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 vary the maximum site coverage for buildings from 40% permitted to 42.7% proposed on the subject property to facilitate the construction of a deck.

3.0 Development Planning

Development Planning Staff are supportive of the application to vary site coverage for buildings from 40% permitted to 42.7% proposed to facilitate the construction of a deck. The variance request is relatively minor and the proposed deck structure is above ground therefore would not contribute to additional hardscaping on the subject property. Further, the overall development on the property remains under the total permitted site coverage for buildings, driveways, and parking at 44.9% proposed compared to 50% permitted.

The proposed deck structure would not be highly visible from adjacent properties, and overall building massing is reduced with the deck separating the main dwelling from the garage with the rooftop patio. The proposed deck structure uses modern materials consistent with the main dwelling including white stucco and metal.

4.0 Proposal

4.1 Project Description

The proposal is to add a new above ground deck connection between the second floor of an existing single-family dwelling and a garage to facilitate access to a rooftop deck on top of the garage. Landscaping is proposed on the rooftop deck and throughout the site. The proposed deck addition is 8.8 m², bringing the total site coverage to 203.5 m² (42.7%), which requires a variance.

4.2 Site Context

The subject property is located north of downtown Kelowna in a residential area characterized by single and two dwelling housing. Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Single Dwelling Housing
East	RU6 – Two Dwelling Housing	Single Dwelling Housing
South	RU6 – Two Dwelling Housing	Single Dwelling Housing
West	P3 – Parks and Open Space	Public Parks

Subject Property Map: 677 Ellis Street



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	400m ²	478m ²

Lot Width	13.0m	13.0m
Lot Depth	30.0m	36.69m
Development Regulations		
Height	9.5m / 2.5 storeys	7.6m
Front Yard	4.5m	4.5m
Side Yard (south)	2.0m	2.0m
Side Yard (north)	2.0m	2.0m
Rear Yard	1.5m	1.5m
Site Coverage (buildings)	40%	42.7% ^❶
Site Coverage (buildings, driveways, and parking areas)	50%	44.9%
Other Regulations		
Minimum Parking Requirements	2 spaces	2 spaces
^❶ Indicates a requested variance to increase maximum site coverage from 40% permitted to 42.7% proposed.		

5.0 Application Chronology

Date of Application Received: February 26, 2019

Date Public Consultation Completed: June 12, 2019

Report prepared by: Arlene Janousek, Planner

Reviewed by: Laura Bentley, Urban Planning & Development Policy Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule "A": Site Plan

Attachment A: Draft Development Variance Permit No. DVP19-0072

Development Variance Permit

DVP19-0072



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

677 Ellis Street

and legally known as

Lot B District Lot 9 ODYD Plan EPP52340

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

Single Dwelling Housing

with variances to the following sections of Zoning Bylaw No. 8000 in general accordance with Schedule "A":

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

To vary the maximum site coverage from 40% permitted to 42.7% proposed.

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.

Decision Date:

Decision By: Council

This permit will not be valid if development has not commenced within two years of the issuance date.

Existing Zone: RU6 Future Land Use Designation: S2RES

This is NOT a Building Permit.

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

NOTICE

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

Owner: Richard Lawrence Dempster & Marie Delourdes Dempster

Applicant: Westerkamp Design Inc.

Terry Barton
Development Planning Department Manager
Planning & Development Services

Date

ATTACHMENT		A
This forms part of application # DVP19-0072		
Planner Initials	AJ	 City of Kelowna DEVELOPMENT PLANNING

1. SCOPE OF APPROVAL

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

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

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

2. CONDITIONS OF APPROVAL

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

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

To vary the maximum site coverage from 40% permitted to 42.7% proposed.

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

3. INDEMNIFICATION

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

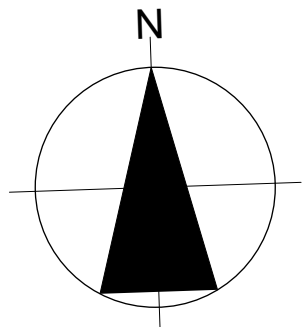
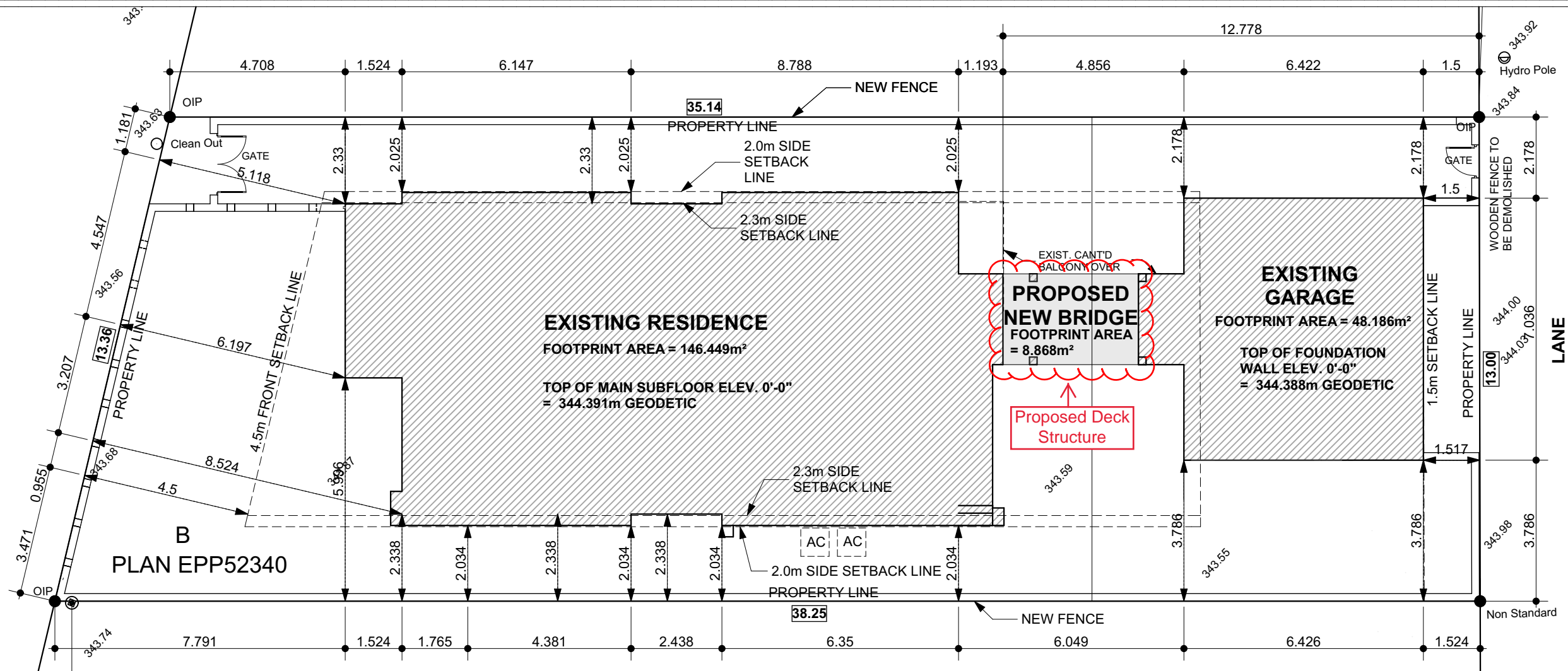
- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.

All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

**The PERMIT HOLDER is the CURRENT LAND OWNER.
Security shall ONLY be returned to the signatory of the
Landscape Agreement or their designates.**

ELLIS STREET

Edge of paved road



3
PLAN 3710

SCHEDULE A

This forms part of application
DVP19-0072

Planner
Initials **AJ**

City of
Kelowna
DEVELOPMENT PLANNING



LEGAL DESCRIPTION: LOT B, DISTRICT LOT 9, O.D.Y.D., PLAN EPP5234

ZONING: RU6 - TWO DWELLING HOUSING

SITE DETAILS:

LOT AREA:	477.00 m ²	400m ² MIN.
LOT WIDTH:	13.00 m	13.0m MIN.
LOT DEPTH:	36.69 m	30.0m MIN.

FOOTPRINT AREA OF EXISTING DWELLING:	146.45 m ²
AREA OF EXISTING GARAGE:	48.19 m ²
AREA OF EXISTING COVERED PATIO (LESS THAN 23m ²):	0.00 m ²
AREA OF EXIST. FRONT CANTILEVERED UPPER DECK:	0.00 m ²
AREA OF PROPOSED NEW BRIDGE:	8.87 m ²
AREA OF DRIVEWAY(S) & PARKING:	10.61 m ²

SITE COVERAGE (%):

DWELLING, GARAGE & PROPOSED BRIDGE:	42.7 %	40% MAX.
DWELLING, GARAGE, BRIDGE, DRIVEWAYS & PARKING:	44.9 %	50% MAX.
COVERAGE OF ACCESSORY BUILDING ONLY:	10.1 %	14% MAX.

EXISTING DWELLING DETAILS:

TOTAL FLOOR AREA:		269.37 m ²
GARAGE AREA:		45.22 m ²
HEIGHT OF BUILDING:		7.60 m 9.5m MAX. OR 2 1/2 STOREYS (WHICHEVER IS THE LESSER)
SETBACKS (IN METRES):		
FRONT:	(TO LIVING SPACE)	4.500 m 4.5m MIN.
	(TO GARAGE)	N/A m 6.0m MIN.
NORTH SIDE (MAIN LEVEL):		2.025 m 2.0m MIN.
NORTH SIDE (UPPER LEVEL):		2.330 m 2.3m MIN. (FOR 2 OR 2 1/2 STOREY PORTION)
SOUTH SIDE (MAIN LEVEL):		2.034 m 2.0m MIN.
SOUTH SIDE (UPPER LEVEL):		2.338 m 2.3m MIN. (FOR 2 OR 2 1/2 STOREY PORTION)
REAR:	(TO LIVING SPACE)	13.056 m 7.5m MIN.
	(TO GARAGE)	1.500 m 1.5m MIN.
NUMBER OF PARKING STALLS (IN GARAGE):		2 2 MIN.



WESTERKAMP DESIGN INC.

1587 SUTHERLAND AVENUE
KELOWNA, B.C. V1Y 5Y7
(778) 484-2516

e-mail: bauhaus1@shaw.ca
web: www.bauhausdesigns.com

DEMPSTER RESIDENCE

DEVELOPMENT VARIANCE PERMIT APPLICATION

Site Plan

PROJECT :

TITLE :

CUSTOMER : **RICK L. DEMPSTER**

CIVIC : **677 ELLIS STREET
KELOWNA, BC**

LEGAL : **LOT B, D.L. 9, O.D.Y.D.,
PLAN EPP52340**

REVISED :

REVISED :

REVISED :

REVISED :

SCALE :

AS NOTED

DATE :

2/25/2019

SHEET :

DVP-004

CITY OF KELOWNA
BYLAW NO. 11750
Z18-0061 2960 Sexsmith Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 33 Section 3 Township 23 ODYD Plan 18861 located on Sexsmith Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the I6 – Low Impact Transitional 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 28th day of January, 2019.

Considered at a Public Hearing on the 12th day of February, 2019.

Read a second and third time by the Municipal Council this 12th day of February, 2019.

Adopted by the Municipal Council this

Mayor

City Clerk

REPORT TO COUNCIL



Date: July 30, 2019

RIM No. 0940-50

To: Council

From: City Manager

Application: DP19-0127 & DVP19-0128

Owner: Stuart McMillan & Jackie-Lynn Large

Address: 2960 Sexsmith Road

Applicant: CTQ Consultants Ltd.

Subject: Development Permit & Development Variance Permit

Existing OCP Designation: IND-L – Industrial - Limited

Existing Zone: A1 – Agriculture

Proposed Zone: I6- Low Impact Transitional Industrial

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11750 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0127 for Lot 33 Section 3 Township 23 ODYD Plan 18861, located at 2960 Sexsmith 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";
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 Council authorizes the issuance of Development Variance Permit No. DVP19-0128 for Lot 33 Section 3 Township 23 ODYD Plan 18861, located at 2960 Sexsmith Road, Kelowna, BC;

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

Section 15.6.9: Landscape, buffering and parking

To allow parking in the front yard setback (south) by reducing the front yard setback (from 4.5 m to 3.0 m);

To allow parking in the west side setback by reducing that side yard setback (from 4.5 m to 3.0 m);
To allow parking in the east side setback by reducing the side yard setback (from 4.5 m to 0.0 m);
To allow parking in the rear yard setback (north) by reducing the rear yard setback (from 7.5 m to 0.0 m);

Section 7.6.1 (c): Landscape, buffering and parking

To reduce the minimum landscape buffer on the east and north side from 3.0 m to 0.0 m;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit Applications 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 site layout for a Recreational Vehicle (RV) storage facility and to consider variances to the setbacks and landscape buffer areas.

3.0 Community Planning

Community Planning Staff are supportive of the development proposal and the requested variances as it meets the intent of the objectives and supporting policies of the Official Community Plan (OCP). Some of these include:

- Focusing industrial development to areas suitable for industrial use;
- Ensuring adequate industrial land supply;
- Ensuring compatibility with surrounding uses addresses visual impact, noise, odour, hours of operation, pollution and traffic.

The site fronts onto three streets and through this development, a cash-in-lieu payment will contribute to the future upgrading of Sexsmith Road to a four-lane arterial. Arab Road will be upgraded to an urban standard road with curb, gutter and drainage, sidewalk and streetlighting. Palomino Road will be upgraded to a rural standard to include drainage and streetlighting.

4.0 Proposal

4.1 Background

In 2010, the City amended the OCP designation for parcels in this area from Single Family Residential to Limited Industrial. This parcel along with many others in the area have been the subject of ongoing Bylaw enforcement action over the last few years. The parcel owners along with their consultants have been working with Planning Staff to achieve a development plan that balances the provision of sufficient perimeter landscape buffering while maximizing the useable site area for the Outdoor Storage use.

4.2 Project Description

Rezoning Bylaw 11750 received 3rd reading after the Public Hearing on February 13, 2019. The application was to rezone the site from A1 – Agriculture to I6 – Low Impact Transitional Industrial to align with the OCP Future Land Use of Limited Industrial. The I6 zone is intended to allow for a range of low-impact industrial uses that provide an appropriate transition between the general industrial areas to the south and east and the rural

residential and agricultural areas to the north and west. The proposal for RV storage is a permitted within the Outdoor Storage use.

The development regulations, screening requirements, parking and outdoor storage restrictions in the I6 zone are designed to reduce impacts to the nearby residential, rural and agricultural uses in the area. This includes a regulation that parking cannot extend into the required setback area; therefore, the proposal is seeking variances to reduce some of these restrictions.

Variances

The site will have a single access from Arab Road, and the original site access from Sexsmith Road has already been removed. Staff is supportive of the proposed variances to reduce the setback areas. The first variance is to reduce the setback area along both the west and south property lines from 4.5 m to 3.0 m as a 3.0 m landscape buffer is provided along both property lines to provide screening and buffering to the adjacent agricultural uses. The variances also include reducing the setback requirements to 0 m along the north (rear) property line and the east property line. This is a shared property line with the adjacent parcel which currently has a Rezoning application for Outdoor Storage under review. The site also has a FortisBC Right of Way that extends along the east property line which limits the use of the area.

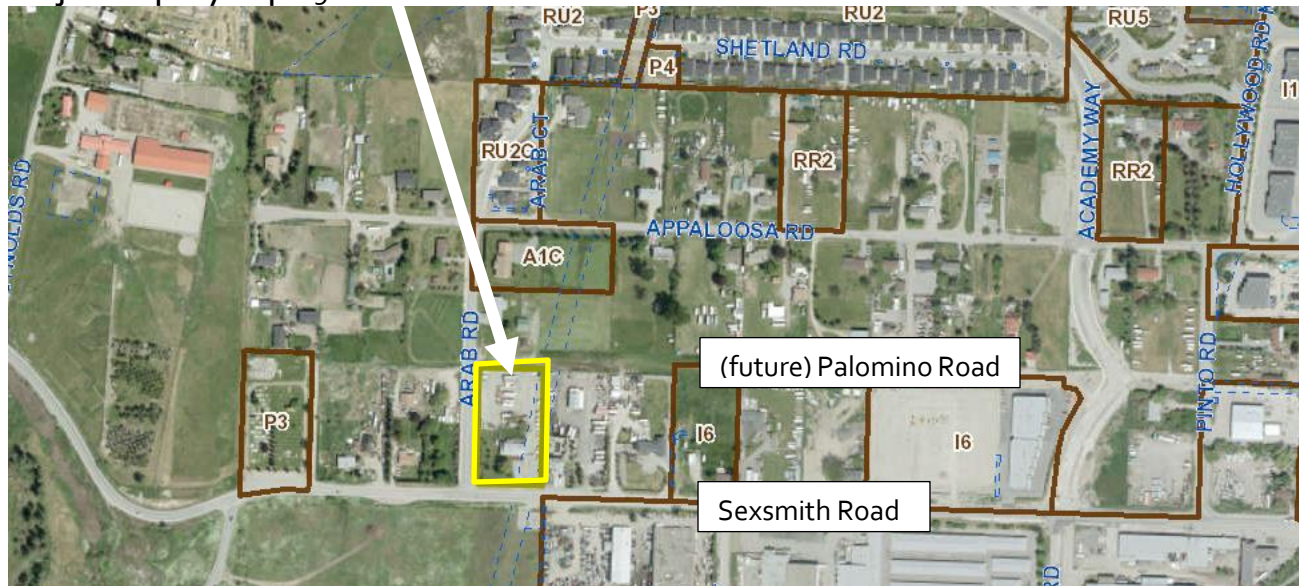
4.3 Site Context

The subject property is located within the Arab/Appaloosa area. The parcel is designated as Industrial – Limited (IND-L) in the OCP and the lot is within the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture	Rural Residential
East	A1 – Agriculture (Rezoning to I6 in progress)	Outdoor Storage
South	A1 – Agriculture, I2 – General Industrial	Agriculture/ Industrial
West	A1 – Agriculture	Agriculture/ Industrial

Subject Property Map: 2960 Sexsmith Road



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	I6 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Floor Area Ratio	N/A	N/A
Max. Site Coverage (buildings)	50 %	N/A
Min. Front Yard	4.5 m	3.0 m ^①
Min. Side Yard (west)	4.5 m	3.0 m ^②
Min. Side Yard (east)	4.5 m	0.0 m ^③
Min. Rear Yard	7.5 m	0.0 m ^④
Outdoor Storage		
Screening	Must be screened with an opaque fence and landscaping	Solid wood fence and landscaping provided
Landscape Buffers		
Front	3.0 m	3.0 m
Side (west)	3.0 m	3.0 m
Side (east)	3.0 m	0.0 m ^⑤
Rear	3.0 m	0.0 m ^⑤
<p>① Indicates a requested variance to the front yard setback from 4.5 m to 3.0 m proposed.</p> <p>② Indicates a requested variance to the side yard (west) setback from 4.5 m to 3.0 m proposed.</p> <p>③ Indicates a requested variance to the side yard (east) setback from 4.5 m to 0.0 m proposed.</p> <p>④ Indicates a requested variance to the rear yard setback from 7.5 m to 0.0 m proposed.</p> <p>⑤ Indicates a requested variance to reduce the landscape buffer area from 3.0 m to 0.0 m proposed.</p>		

5.0 **Current Development Policies**5.1 Kelowna Official Community Plan (OCP)Chapter 5 Development Process Chapter

Objective 5.28 Focus industrial development to areas suitable for industrial use.

Policy 1 – Rezoning to Industrial. Consider allowing land not currently designated as industrial to be supported for an Official Community Plan amendment and subsequent rezoning to allow industrial uses provided that such a rezoning would be consistent with other Official Community Plan policies, provided that available municipal infrastructure can support the use, and provided that the industrial use would be compatible with existing and proposed future surrounding uses. Compatibility issues to consider include, but are not limited to, visual impact, noise, odour, hours of operation, pollution and traffic.

6.0 **Application Chronology**

Date of Application Received: May 30, 2019
 Date Public Consultation Completed: July 4, 2019
 Date of Rezoning Public Hearing: February 12, 2019

Report prepared by: Lydia Korolchuk, Planner II

Reviewed by: Dean Strachan, Subdivision and Rural Planning Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Draft Development Permit DP19-0127 & DVP19-0128

Development Permit & Development Variance Permit DP19-0127 and DVP19-0128



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

2960 Sexsmith Road

and legally known as

Lot 33 Section 3 Township 23 ODYD Plan 18861

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

Recreational Vehicle (RV) Storage Facility

USE as per Zoning Bylaw

Outdoor Storage

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.

Date of Council Decision July 30, 2019

Decision By: COUNCIL

Development Permit Area: Comprehensive

Existing Zone: I6 -Low Impact Transitional Industrial

Future Land Use Designation: IND-L- Industrial - Limited

This is NOT a Building Permit.

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

NOTICE

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

Owner: Stuart McMillan & Jackie-Lynn Large

Applicant: CTQ Consultants Ltd.

Terry Barton
Community Planning Department Manager
Planning & Development Services

Date

1. SCOPE OF APPROVAL

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

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

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

2. CONDITIONS OF APPROVAL

- a) Landscaping to be provided on the land be in accordance with Schedule "C"; and
- b) 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:

Section 15.6.9: Landscape, buffering and parking

To allow parking in the front yard setback (south) by reducing the front yard setback (from 4.5 m to 3.0 m);

To allow parking in the west side setback by reducing that side yard setback (from 4.5 m to 3.0 m);

To allow parking in the east side setback by reducing the side yard setback (from 4.5 m to 0.0 m);

To allow parking in the rear yard setback (north) by reducing the rear yard setback (from 7.5 m to 0.0 m);

Section 7.6.1 (c): Landscape, buffering and parking

To reduce the minimum landscape buffer on the east and north side from 3.0 m to 0.0 m

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

3. 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 Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer 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 enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property own of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

- a) An Irrevocable Letter of Credit in the amount of **\$27,112.50**
- b) A certified cheque in the amount of **\$27,112.50**

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.

4. INDEMNIFICATION

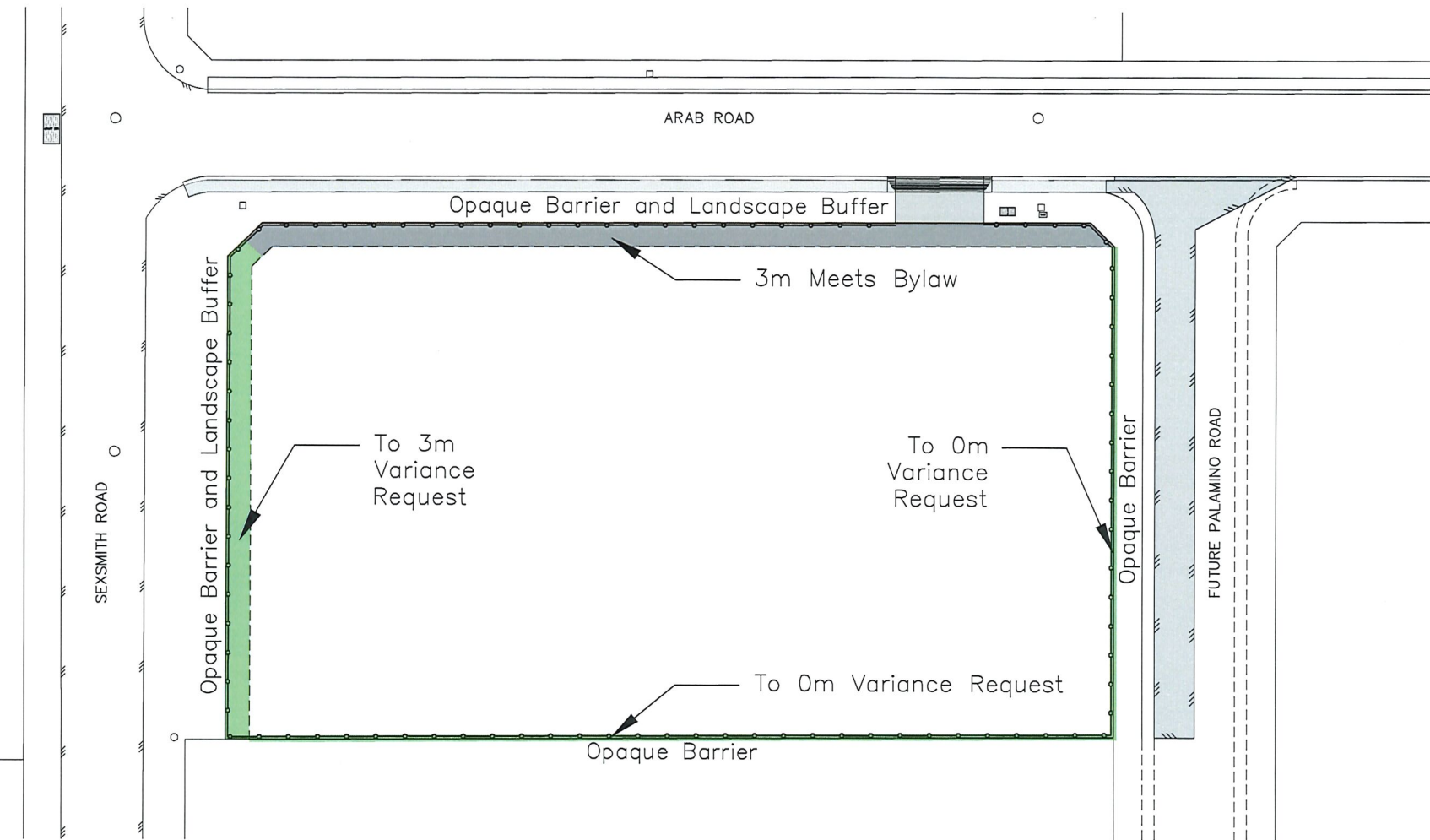
Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

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

All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

The PERMIT HOLDER is the CURRENT LAND OWNER.
Security shall ONLY be returned to the signatory of the
Landscape Agreement or their designates.

DRAFT



DEVELOPMENT VARIANCE PERMIT



Setback Variance Request

SCHEDULE

C

This forms part of application

DP19-0127 & DVP19-0128



City of Kelowna
DEVELOPMENT PLANNING

Planner
Initials

LK

2960 SEXSMITH ROAD-REZOING
SETBACK VARIANCE REQUEST

SCALE 1:500
April 30, 2019

CTQ

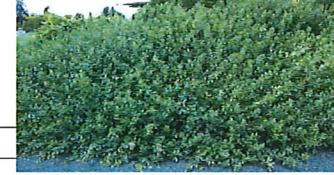
Red Sunset Maple



Tree Lilac



Gro-low fragrant sumac



Proposed Plant List - 2960 Sexsmith

Qty	Botanical Name	Common Name	Size	Spacing
9	Acer rubrum 'Red Sunset'	Red Sunset Maple	60mm cal	
5	Syringa reticulata 'Ivory Silk'	Ivory Silk Tree Lilac	50 mm cal	
48	Rhus aromatica Gro-Low	Gro-Low Fragrant Sumac	#2	3.0m OC

Red Sunset Maple planted along Arab Road - 10m O.C.

Arab Road

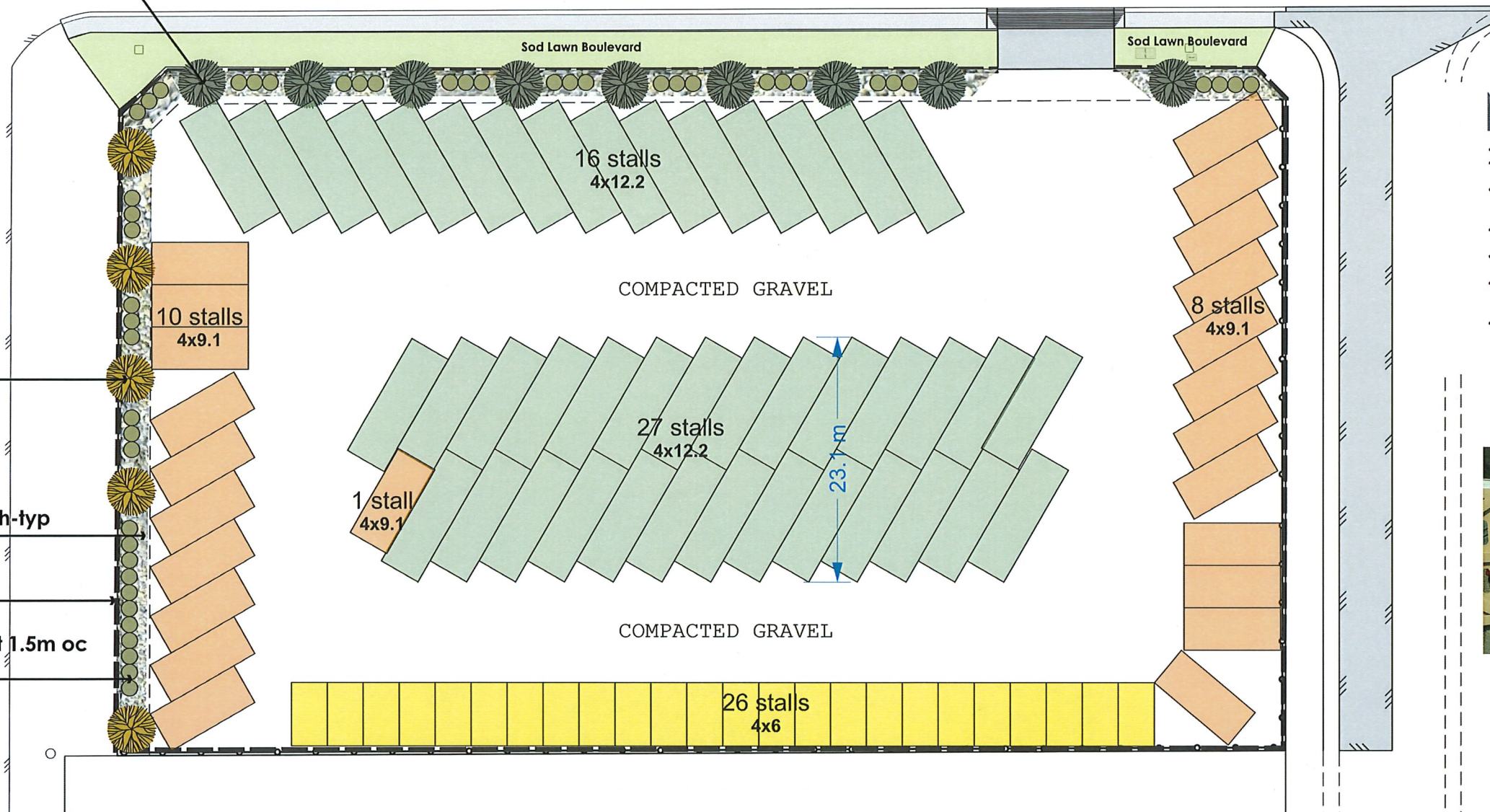
Sexsmith Road

Tree Lilacs planted along Sexsmith Road - 10m O.C.

3.0m wide river rock mulch-typ

1.8m ht solid wood fence along property line-typ

Gro-low sumac planted at 1.5m oc between trees-typ



Notes

- The illustrated landscape plan is conceptual only..not for construction.
- All plants, material and planting practices to conform to the Canadian Landscape Standard - Current Edition
- Contractor to provide a warranty and maintenance period of 1 year on all plants and materials. Plants and materials that fail before end of the warranty period shall be replaced by the contractor.
- Shrub planting areas to receive 300mm of topsoil, sod areas to receive 100mm depth
- Prior to delivery to site, a representative sample and test results of topsoil should be made available to the consultant for approval.
- Plant material selections are conceptual only. Final planting selections may vary depending on availability. No plant species substitution will be accepted without the written consent of the consultant.
- All planting beds to receive 100 mm depth Washed River Rock Mulch- 50mm-100mm dia rocks on Filter Fabric..

1.8m ht Solid wood fence



SCHEDULE C

This forms part of application
DP19-0127 & DVP19-012

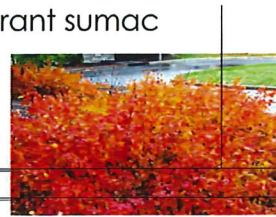
Planner
Initials LK

City of
Kelowna
DEVELOPMENT PLANNING

0 5 meters 15 25

CTO
ENGINEERING PLANNING URBAN DESIGN

2960 SEXSMITH ROAD Conceptual Landscape Plan



Gro-low fragrant sumac

Proposed Plant List: 2000 Sexs

Qty	Botanical Name	Common Name
9	Acer rubrum 'Red Sunset'	Red Sunset Maple
5	Syringa reticulata 'Ivory Silk'	Ivory Silk Tree Lilac
48	Rhus aromatica Gro-Low	Gro-Low Fragrant Sumac

Red Sunset Maple planted along Arab Road - 10m O.C.

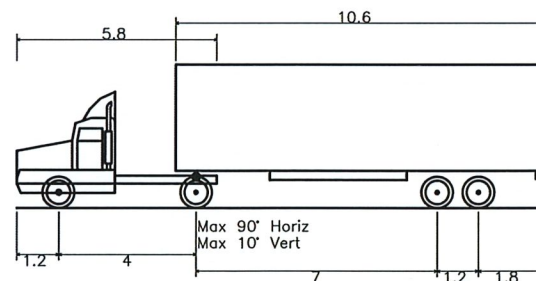
Arab Road

Sexsmith Road

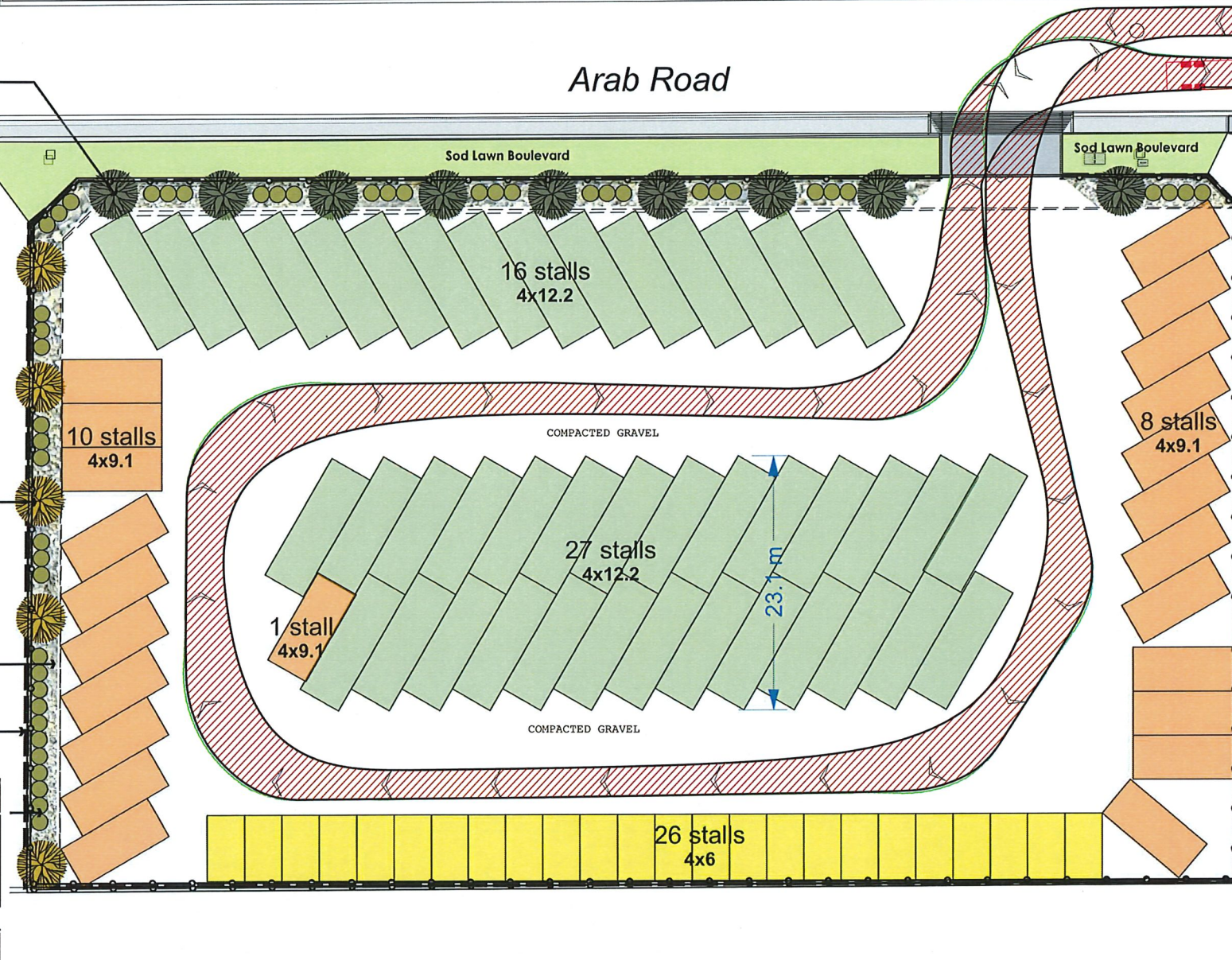
Tree Lilacs planted along Sexsmith Road - 10m O.C.

3.0m wide river rock mulch-typ

1.8m ht solid wood fence along property line-typ



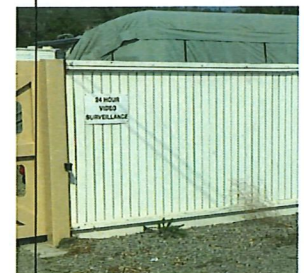
WB-12 — Semitrailer Combination
 Overall Length 15.200m
 Overall Width 2.600m
 Overall Body Height 4.150m
 Min Body Ground Clearance 0.435m
 Track Width 2.600m
 Lock-to-lock time 4.00s
 Curb to Curb Turning Radius 12.200m



Notes

- The illustrated landscape plan is con
- All plants, material and planting Landscape Standard - Current Editi
- Contractor to provide a warranty ar
- and materials. Plants and materi
- shall be replaced by the contractor.
- Shrub planting areas to receive 30
- depth
- Prior to delivery to site, a represent
- be made available to the consultan
- Plant material selections are conce
- depending on availability. No plant
- the written consent of the consultan
- All planting beds to receive 100 m
- 100mm dia rocks on Filter Fabric..

1.8m ht



SCHEDULE

C

This forms part of application
 # DP19-0127 & DVP19-012

Planner
 Initials LK



2960 SEXSMITH ROAD-REZOING
 VEHICLE TURNING
 DRAWING No. 18004-AT-01
 SCALE 1:250
 March 28, 2019

CTQ

REPORT TO COUNCIL



Date: July 30th 2019

RIM No. 0940-50

To: Council

From: City Manager

Application: DVP19-0120

Owner: First Lutheran Church of Kelowna

Address: 4091 Lakeshore Road

Applicant: Henri Cullinan

Subject: Development Variance Permit

Existing OCP Designation: EDINST – Educational/Major Institutional

Existing Zone: P2 – Education and Minor Institutional

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0120 for Lot A, Section 6, Township 26, ODYD, Plan KAP76720 and a 1/3 interest in Lot D Plan KAP76720 Kelowna, BC;

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

Section 16.2.5 (d) : P2 – Education and Minor Institutional Development Regulations

To vary the required minimum front yard from 6.0m to 4.0m as proposed

AND

Section 8 – Parking and Loading, Table 8.1 – Parking Schedule

To vary the required number of additional off-street vehicle parking spaces from eight (8) parking stalls to zero (0).

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

2.0 Purpose

To consider a Development Variance Permit application to reduce a front yard setback from 6.0 to 4.0m in order to allow for 3 'portables' with a total of 4 classrooms to be constructed in the front yard of the subject site, and to consider varying the off-street parking requirement to not require that any additional parking stalls are provided to accommodate the proposed structures.

3.0 Development Planning

The Development Planning Department is recommending that the proposed Development Variance Permit application be supported. The proposed variance to reduce the front yard set-back is relatively minor and is not expected to significantly impact the existing street-scape. High quality siding is proposed and landscaping is planned to buffer the 'portables' from the street. The proposed variance is required to create safe egress/access between the existing building and the proposed trailers and is desired in order to create an interior court-yard space between the proposed trailers and existing building. The site is over 4 acres but is constrained by the existing building, parking lot, soccer field, and geothermal field at the rear of the building. The proposed location of the trailers has been identified by the school as a future expansion area. The applicants have stated that the proposal is meant to be temporary in nature until the School Boards raises sufficient funds to build an addition to the existing building with a permanent structure.

The proposed variance to reduce the required amount of parking is requested because the Zoning Bylaw requires that parking stalls are provided for all uses on a property, specifically the Zoning Bylaw requires that parking for both the church plus the school are provided on site. The parking related variance is a request to allow for shared parking in which the school and church utilize the amount of existing parking on site recognizing that the two uses operate separately at different times and days of the week. The Official Community Plan policy related to ensuring that the development of institutional facilities meets the needs of residents is to encourage the joint use of community facilities and services for non-profit purposes.

4.0 Proposal

4.1 Background

The subject site is the location of the Willowstone Academy private school. The property is being used for both private education services (Willowstone Academy) and religious assemblies (First Lutheran Church). The church area is 15,000sqft and seats a maximum of 580 persons. The school has eleven (11) existing classrooms. There are a total of 141 parking spaces on the site.

4.2 Project Description

The proposal is to place three 'portable' trailers on the property. Four additional classrooms are proposed to be located within the three trailers. If approved the number of classrooms on site would increase from eleven to fifteen. The trailers would have a sandal wood coloured metal siding meant to fit in with the look of the existing building. To buffer the trailers from the street landscaping is proposed which includes trees and shrubs in the remaining front yard space between the trailers and the street.

Two variances are requested to accommodate the proposed trailers:

A Development Variance Permit is requested to place the portables as close as 4.0m from the front property line. The proposed variance is requested because if the trailers were to conform to the required 6.0m front setback there would only be 0.6m (2ft) of space between the proposed buildings and the existing school. The requested variance is meant to create a small interior courtyard space between the proposed classrooms and existing main school building. Specifically, the applicant's letter of rational states:

This variance is necessary given the size of the portable classrooms that Willowstone Academy requires in order to accommodate the number of incoming elementary school students. If these trailers were to conform to the required front yard setback outlined in the City of Kelowna's bylaws then this distance separating the classrooms from the school would be reduced to 0.6m in distance. This presents a variety of safety concerns as it severely limits access to the entrance of the portable classrooms by creating a narrow, poorly lit corridor. Additionally, this creates access issues in emergency situations as

not only is the entrance to the classrooms located on this side of the portable structures, the emergency exit is as well.

A second variance is requested to not require that any additional parking spaces are provided for the structures. The proposed classrooms would increase the amount of required parking by 8 spaces (2 spaces per classroom). The applicants are requesting not to add any additional parking spaces on the site as the two uses operate separately from each other. Specifically, in this case, the timing and use of the each use do not overlap with each other in any way as the church parking demand is Sunday morning, and school demands are during school days (Monday to Fridays).

The amount of existing parking stalls provided on site is non-conforming in relation to the Zoning Bylaw parking requirements but has met and exceeded the operational requirements for the school and church. A detailed parking rational letter has been submitted from a transportation consultant (see Attachment 'C') which states: *In my opinion as a professional engineer with expertise in transportation, mobility and parking, and a frequent user of the building, there are no parking issues at the property, and no need to further expand parking capacity.* There are a 141 parking spaces on the property. The Zoning Bylaw requires 140 parking spaces for the existing church/religious assembly area and 22 stalls for the existing 11 school classrooms. The Zoning Bylaw requires that parking spaces for both uses are provided on site which means that a total of 162 spaces are required to accommodate the existing school and church for the building to conform to the Zoning Bylaw. If eight additional parking spaces are required the total parking requirement would be 170 stalls.

4.3 Site Context

The subject site is a 4.3 acre parcel located in the North Okanagan Mission City Sector. The site is accessed from a laneway along the south property line. The surrounding area is a mix of single family lots and multi-family developments. To the north of the site is Belmont Park.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM ₃ , P ₃	Multi-Family/Park
East	RM ₃ , RM ₅	Multi-Family
South	RM ₃ , RM ₅	Multi-Family
West	RU ₁	Single Family

Subject Property Map:



Figure 1. Aerial view of the property located at 4091 Lakeshore Road with supplementary images illustrating the proposed portables and where on site they would be located. The proposed location of the portable classrooms is outlined in red

4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	660sqm	17,401m ²
Min. Lot Width	18.0m	133.95
Min. Lot Depth	30m	36m-142m
Development Regulations		
Max. Floor Area Ratio	1.0	0.4
Max. Site Coverage (buildings)	40%	22.1%
Max. Site Coverage (buildings, parking, driveways)	60%	49%
Max. Height	13.5m (3 storeys)	3.65 m
Min. Front Yard	6.0m	4.0m ❶
Min. Side Yard (south)	4.5m	40m
Min. Side Yard (north)	4.5m	60m
Min. Rear Yard	7.5m	136m
Other Regulations		
Min. Parking Requirements	170 stalls	141 ❶
❶ Indicates a requested variance to parking and front yard setback		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5 – Development Process

Objective 5.32 Ensure the development of institutional facilities meets the needs of residents:

Policy 5 Location of Schools. Plan residential and other development such that schools (public and private) can be viably operated in central and easily accessible areas such as the City Centre, Town Centres, Highway Centre or Village Centres. Encourage retention of schools, and location of new schools, in central and easily accessible areas. Locations within the Urban Centres should be promoted wherever possible.

Policy 8 Joint Use. Continue to encourage the development of joint use of community facilities and services for non-profit purposes.

Policy 14 Places of Worship. Encourage places of worship to locate within the Urban Centres, but appropriately located buildings in residential neighbourhoods may also be considered.

6.0 Technical Comments

6.1 Development Engineering Department

This Development Variance permit to vary the front yard setback from 6.0m to 4.0m to accommodate for the addition of four portable classrooms for Willowstone Academy as well as reduce the required parking from 170 to 141 stalls, does not compromise any municipal services.

7.0 Application Chronology

Date of Application Received: April 26th 2019

Date Public Consultation Completed: July 5th 2019

Report prepared by: Alex Kondor, Planner Specialist

Reviewed by: Dean Strachan, Community Planning & Development Manager

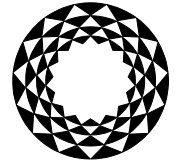
Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments

Attachment A: Draft Development Variance Permit DVP19-0120

Attachment B: Variance Rational Letter from Applicant

Attachment C: Supplementary Parking Rational Letter



Development Variance Permit

DVP#19-0120

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

4091 Lakeshore Road

and legally known as

Lot A, Section 6, Township 26, ODYD, Plan KAP76720 and a 1/3 interest in Lot D Plan KAP76720

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

Section 16.2.5 (d) : P2 – Education and Minor Institutional Development Regulations

To vary the required minimum front yard from 6.0m to 4.0m as proposed.

AND

Section 8 – Parking and Loading, Table 8.1 – Parking Schedule

To vary the required number of additional off-street vehicle parking spaces from eight (8) to zero (0).

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.

Date of Council Decision : July 30th 2019

Decision By: COUNCIL

Development Permit Area: N/A

This permit will not be valid if development has not commenced by July 30th 2021

Existing Zone: P2

Future Land Use Designation: EDINST

This is NOT a Building Permit.

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

NOTICE

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

Owner:

Applicant:

Terry Barton
Development Planning Department Manager

Date: TBD

1. SCOPE OF APPROVAL

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

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

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

2. CONDITIONS OF APPROVAL

- 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"; and
- 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.

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

3. 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 Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer 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 enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property own of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

- a) An Irrevocable Letter of Credit in the amount of \$ TBD
- b) A certified cheque in the amount of \$ TBD

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. INDEMNIFICATION

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

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

All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

**The PERMIT HOLDER is the CURRENT LAND OWNER.
Security shall ONLY be returned to the signatory of the
Landscape Agreement or their designates.**

PLAYGROUND
AREA

SCHEDULE

A

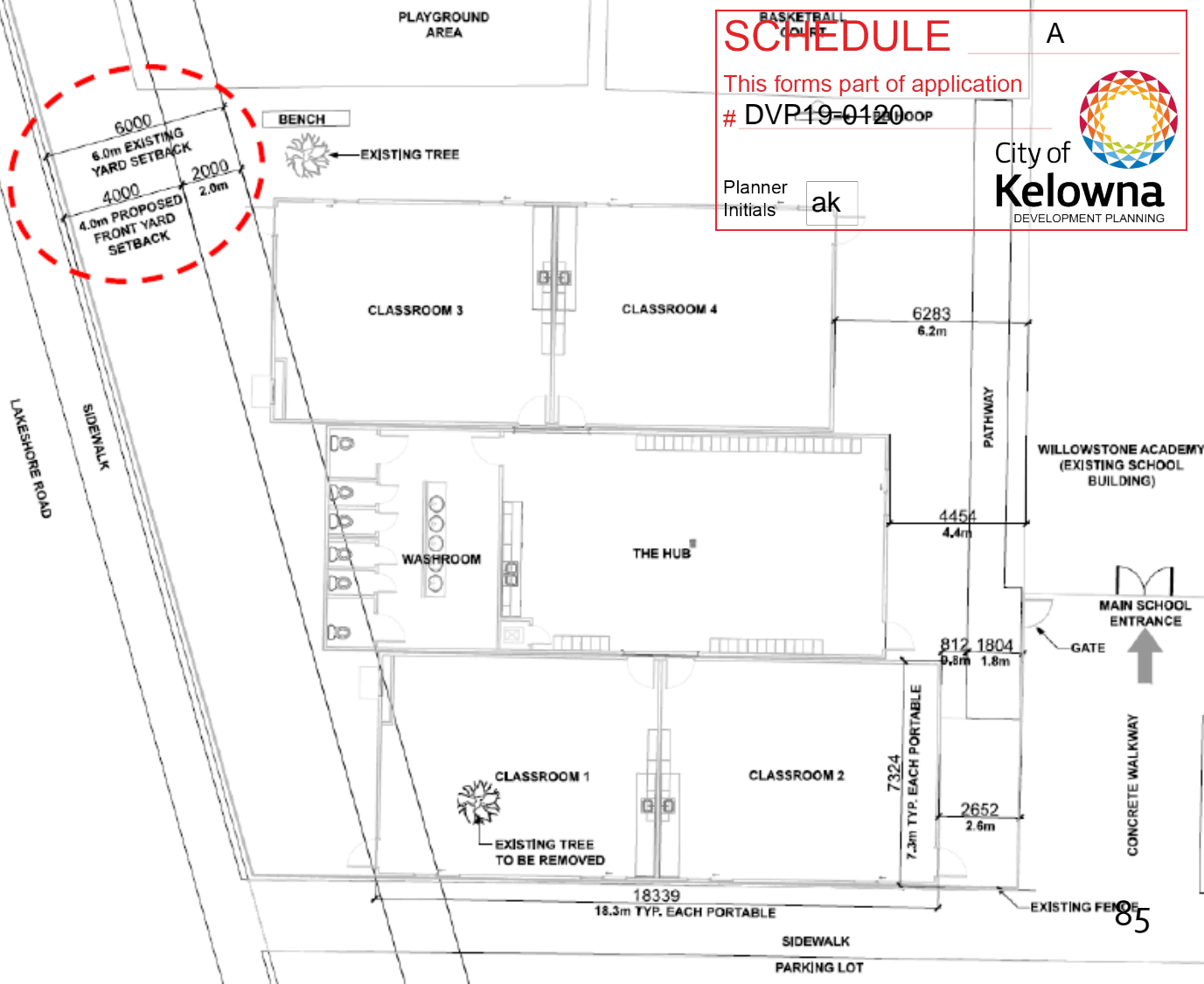
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DVP19-0120

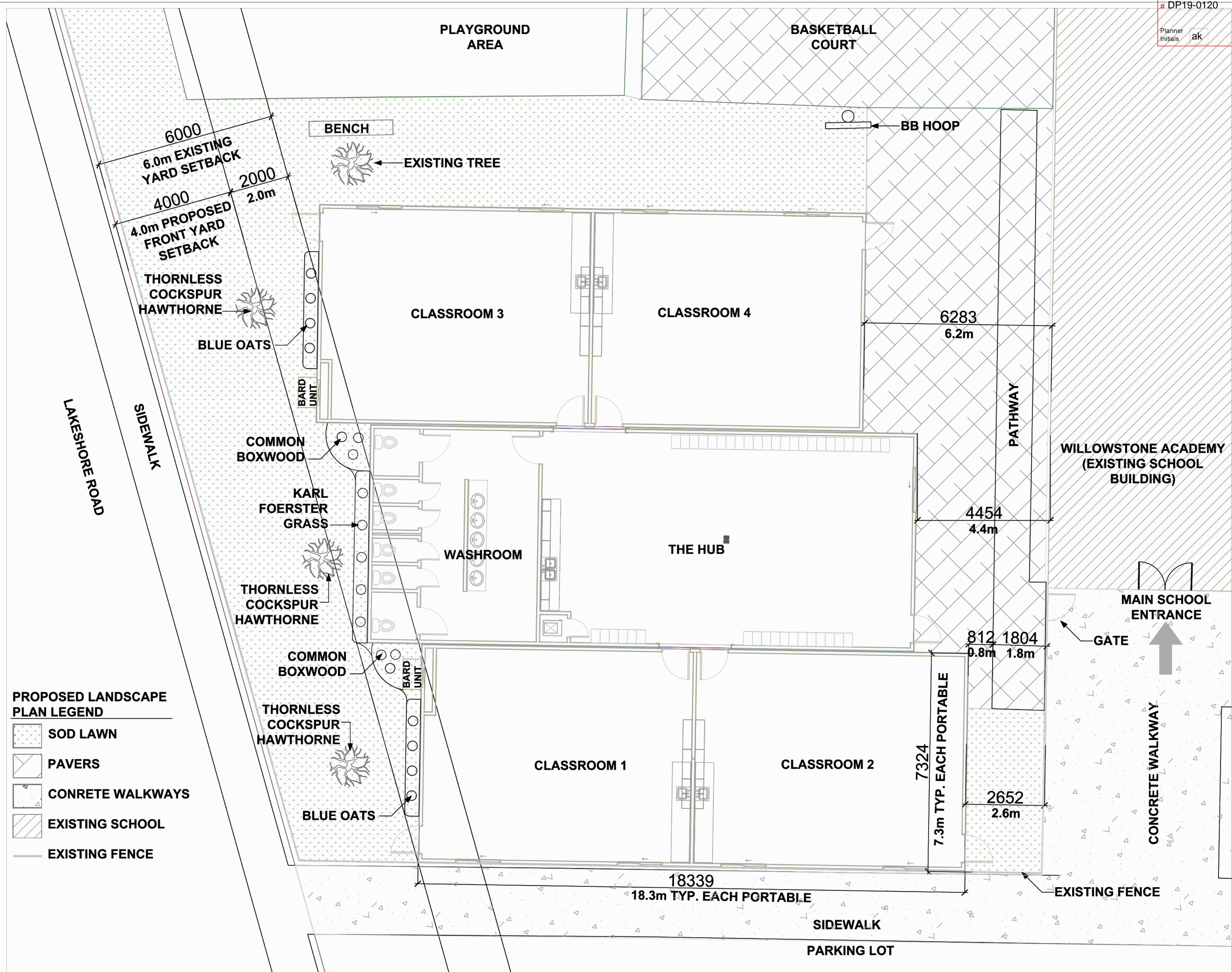


City of
Kelowna
DEVELOPMENT PLANNING

Planner
Initials ak









**Variance Rationale for Proposed Portable Classrooms Located at
 4091 Lakeshore Road**

 Planner
 Initials **AK**

We are requesting two variances for the addition of three portable classrooms to the school site located at 4091 Lakeshore Road. First, we are requesting a variance for the front yard setback requirements outlined in Section 16.2 of the City of Kelowna Consolidated Zoning Bylaw No. 8000. This variance affects the West boundary of the site of 4091 Lakeshore Road and results in a reduction of the front yard setback from 6.0m to 4.0m. Please refer to Figure 1, which outlines the proposed variance.

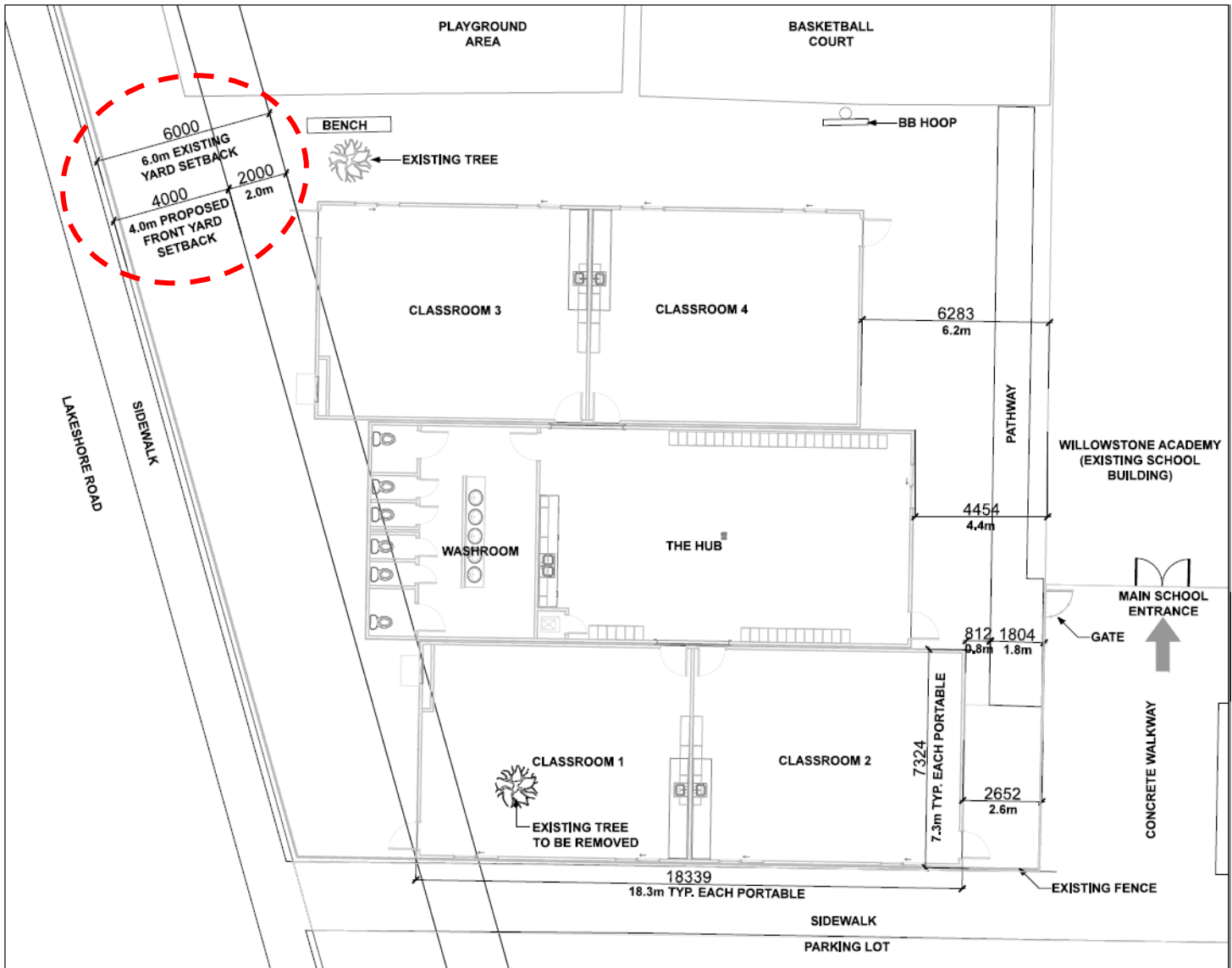


Figure 1. Willowstone Academy Portable Classrooms proposed location.

This reduced setback only applies to a small location along the subject property, please refer to Figure 2 for an aerial view of the entire property with the proposed locations of the portable classrooms outlined.



Figure 2. Aerial view of the property located at 4091 Lakeshore Road with supplementary images illustrating the proposed portables and where on site they would be located. The proposed location of the portable classrooms is outlined in red, with a detailed view outlined in Figure 1.

This variance is necessary given the size of the portable classrooms that Willowstone Academy requires in order to accommodate the number of incoming elementary school students. As outlined in figure 1, the location of these portable classrooms are already closely adjacent to the existing school with the proposed setback variance. This proposed distance is 2.6m, if these trailers were to conform to the required front yard setback outlined in the City of Kelowna's bylaws then this distance separating the classrooms from the school would be reduced to 0.6m in distance. This presents a variety of safety concerns as it severely limits access to the entrance of the portable classrooms by creating a narrow, poorly lit corridor. Additionally, this creates access issues in emergency situations as not only is the entrance to the classrooms located on this side of the portable structures, the emergency exit is as well. Please refer to Figure 3, Figure 4, and Figure 5 for additional perspectives of the placement of the classrooms with the proposed setback distance.



Figure 3. Alternative perspective of the portable classrooms in relation to the existing school.



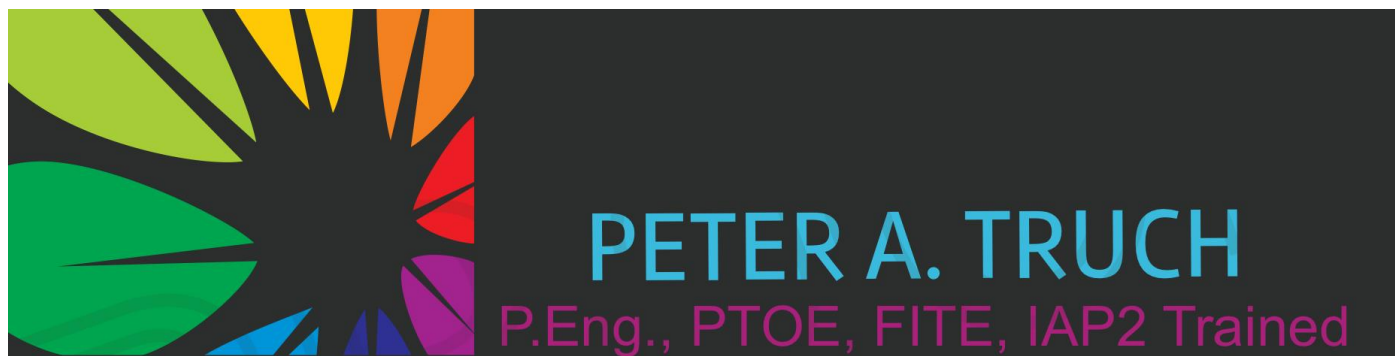
Figure 4. Alternative perspective of the portable classrooms in relation to the existing school.



Figure 5. Alternative perspective of the portable classrooms in relation to the existing school and Lakeshore Road.

The second variance being requested is a variance to the parking requirements outlined in Section 8 of the City of Kelowna Consolidated Zoning Bylaw No. 8000. There are currently two uses for the site, it houses both The First Lutheran Church and Willowstone Academy. The parking requirements are outlined in the supplementary letter, *RE: Willowstone Academy Middle Years Lane Expansion – Parking Analysis (Revised)* where it notes that the combined stalls required for the religious assembly and for the elementary school is 170 stalls (140 stalls and 30 stalls respectively). The existing site parking lot contains 141 stalls, enough for the religious assembly and elementary school requirements on their own, but not enough when combining the requirements. As stated in the supplementary letter, “We acknowledge that this may be contrary to Zoning Bylaw requirement 8.1.4 and 8.1.6, however in this case, it is clear that timing and use of the secondary use (the school) does not overlap with the primary use (the church) in any way and could be considered as two separate (primary) uses based on time; the church parking demand is Sunday morning, and school demands are during school days (weekdays) for brief periods and arrival and dismissal times.”

With consideration to the temporary nature of this structure and the benefits to site safety, as well as the nature of use when considering the parking requirements, we trust that Council and City Staff will find this request for a variance to the front yard setback of the site in this location and the reduction in parking stalls to be acceptable.



**Planning & Designing
Communities, Building Community**
Independent Transportation Consultant
1033 Calder Crt | Kelowna, BC | V1Y 8W8
P:778-215-3879 E:peter.truch@me.com

ATTACHMENT		C
This forms part of application # DVP19-0120		
Planner Initials	AK	 City of Kelowna DEVELOPMENT PLANNING

2 July 2019

City of Kelowna
Attn: Alex Kondor, MCIP, RPP Planner Specialist
1435 Water Street
Kelowna, BC V1Y 1J4

Re: Willowstone Academy Middle Years Lane Expansion – Parking Supplement

Introduction

The property at 4091 Lakeshore Road has two primary uses at different times, the school on weekdays and the church on weekends. However, the City ruled, according to the wording of the current bylaw that the primary use is considered to be the church, and the secondary use the school, and as a result, the number of parking stalls required on-site is to be the sum total of requirements for primary and secondary use. Further, during the consultation period, the City heard some concerns from the surrounding neighbourhood residents regarding parking and circulation around the property. As a result, the City will require a Development Variance Permit (DVP) related to parking, for the expansion of the school by four classrooms. In addition to my letter dated 21 June 2019, this letter provides further information in support of a DVP for the property.

Professional Assessment

In my opinion as a professional engineer with expertise in transportation, mobility and parking, and a frequent user of the building, there are no parking issues at the property, and no need to further expand parking capacity. It would sit empty almost all, if not 100% of the time.

When the building was constructed roughly fifteen years ago, it was approved and constructed with 141 parking stalls based on the peak demand use, and has adequately served the community since.

Operations & Tactical Plans

Willowstone Academy and First Lutheran Church have several tactical plans for vehicular traffic flow and parking situations, as described below.

School Operations

The school use has two typical peaks for generating vehicular traffic (and thus short-term parking demands), spanning roughly 20 minutes during a school day. The first occurs at the end of the typical morning street peak hour between 8:30 and 8:50 during drop off, and the second at dismissal between 14:50 and 15:10 on Monday, Tuesday, Thursday and Friday school days between September and June. On Wednesday afternoons, the peak is divided up as the school has an early dismissal bell at 13:20, but also offers an “enrichment program” that runs until 15:00. On average, approximately 30% of the student body partakes in the enrichment program. This effectively eliminates any peak on Wednesday afternoons.

Finally, unlike most schools, Willowstone Academy also offers before- and after-school care on-site. This further ‘spreads’ the peak demands as historically, approximately 10% of the student body partakes in the morning care program, starting at 07:30, and 20% in the after-school care program, resulting in staggered pick up times, usually between 16:00 and 17:30. All of these programs are planned to continue.

Due to these operations, the most intense peak is typically the morning peak drop off period. To help ease any congestion, Willowstone has a tactical plan developed with safety in mind that parents are required to follow, and includes an on-site curbside drop-off zone, where parents do not park. **Figure 1 on the following page** shows the public face of the plan. The school began implementing this process three years ago.

Pavement markings, and some limited signage have been installed on-site to make this process permanent.

Church Operations

The existing parking lot was constructed in the early 2000s with the highest parking rate use in mind, a religious assembly based on GFA calculations, and more than adequately accommodates current church demands today. The First Lutheran Church use peaks on a Sunday morning. Typical Sundays have two assembly times, 09:00 for a traditional service, and 10:30 for a contemporary service. This operational protocol naturally reduces the parking demands as the congregation is split into two periods. Even on the busiest of Christian holidays of Christmas and Easter, services rarely reach ‘full capacity’ of the seating area.



PARKING LOT SAFETY BLITZ

Starting tomorrow, **Tuesday, September 26th**, we will be implementing a Parking Lot Safety Blitz for the week between **8:20 – 8:40am**. Middle Years student leaders will be directing traffic flow to three designated areas:

1. Curbside drop-off zone in front of the Church entrance only.
2. Four parking spots for a 3-minute drop-off only.
3. Regular parking.

Please refer to this [diagram](#) ahead of time. Thank you for helping us keep your children safe!

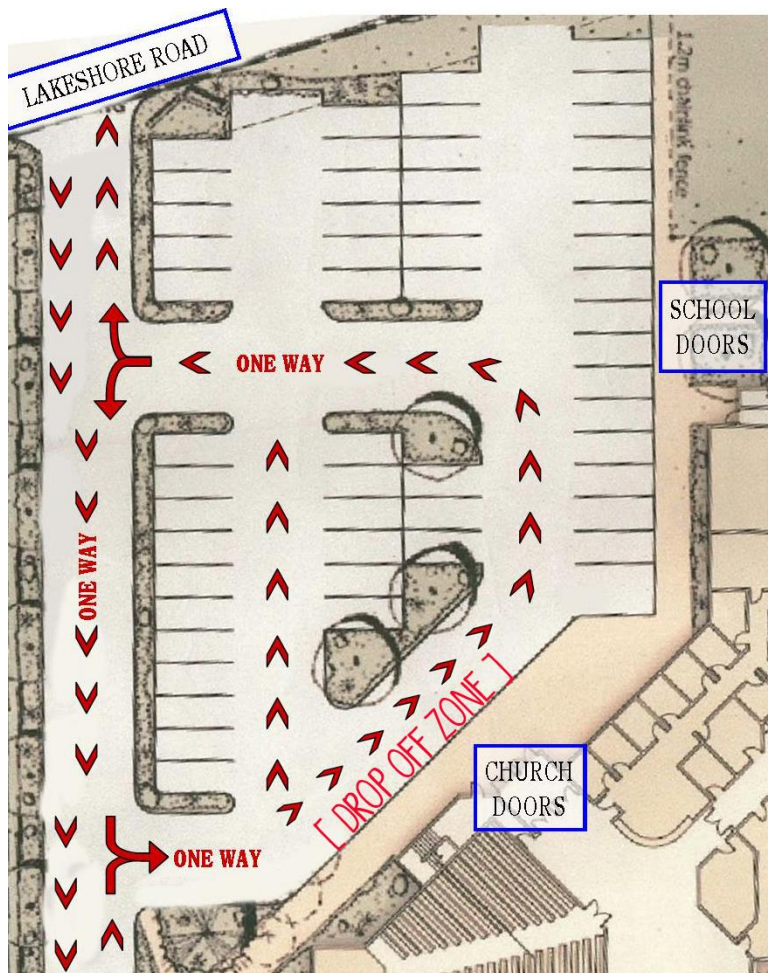


Figure 1: Parking Lot Protocols for Morning Drop Off



Special Events

We recognize, like any land use, that there are 'exceptional' peak events, where provided parking does not meet the demand. At 4091 Lakeshore Road, this occurs typically for a two hour span, three or four times over the course of a calendar year, often in December and June, to accommodate a school Christmas Concert, Final Day of School Community Assembly, Christmas Eve Services, School BBQ, etc. When these events are planned, we have flaggers controlling and directing the parking lot, so as ensure that attendees are directed to the nearest available parking spot on-site. We also have an on-going informal arrangement with L'Anse aux Sable school, across the street from the property on Lequime Road, for overflow parking, and if the on-site parking lot is fully occupied, flaggers are trained to direct traffic to the L'Anse aux Sable parking lot.

To be clear, an 'exceptional' special event should not dictate parking supply. To draw two parallels, consider the use of Centennial Park in Rutland and a typical family home. Parking for the park is designed based on typical highest use, not Rutland Days when the carnival is in town. This is when traffic control plans and use of common spaces should be implemented, such as what we have done. Conversely, parking for a family home is not designed or required based on an evening house party.

Future TDM Plans

From the Willowstone Academy perspective, we are also working towards a year-round active modes program to reduce the amount of driving to the school. This program is in its infancy, and so no concrete numbers are available, however we can note during our Bike to School Week program in 2019, we had fifty students (roughly 40% of the student body) using active modes to commute to school. It is hoped that an ongoing year-round program would yield close to similar results.

Recommendations

In my professional opinion, this is a perfect example that highlights the imperfections of the current bylaw with respect to parking, and the need for significant study and change of said bylaw. Although bylaw language needs to be concrete, the superimposition of land uses, without acknowledgement for operating times of said land uses, is tone deaf to the Official Community Plan goals and objectives for a complete and compact community.

Furthermore, having two rates based on different parameters such as Seats and Gross Floor Area, and taking the higher of the two, is also a curious oddity, and may not necessarily reflect the true measure of parking demand, which is the number of people using the facility. For instance, under this current bylaw, a religious assembly with a 580 seat capacity, (that is accommodating a constant maximum of 580 people) can result in different parking demands based solely on the footprint of the building. The maximum persons, permitted by fire code, does not change – it's still 580.

Hypothetically speaking, under the current bylaw, if only the First Lutheran's *lobby area* was shrunk in size, and no other changes were made, including how the facility were used, the required parking stalls by current bylaw would drop from 140 to 110. Superimposing the school use (which still occurs at completely different periods), the total parking stall requirement would be 140 and a Development Variance Permit for the property would not have been required.



My recommendation is that the City should overhaul the parking bylaw based on looking at people-demand. The City should look to other places, such as Cumberland, BC, with respect to setting up a bylaw that considers people-based demands. If desired, I would be happy to provide further assistance and guidance to the City in this regard.

Conclusion

A Development Variance Permit (DVP) with respect to parking should be issued for the expansion of the school by four classrooms as part of the Building Permit. There is no sound technical reason to suggest that the site does not accommodate the current and future parking needs of the joint facility, and the need for a DVP is required, in my professional opinion, purely due to the wording of the current bylaw not reflecting mixed-use buildings. Furthermore, First Lutheran and Willowstone Academy have, and enact, protocols and procedures that accommodate traffic flow and parking demands for typical days, as well as protocols to deal with 'exceptional' peak events.



Yours in Service,

Peter A. Truch, P.Eng., PTOE, FITE, IAP2 Trained

cc: Henri Cullinan, Troika Developments



CITY OF KELOWNA
BYLAW NO. 11814
Z19-0045 – 1049 Clement Avenue

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 3, District Lot 138 and of Section 30 Township 26 ODYD, Plan 3763, located on Clement Ave, Kelowna, BC from the RU6 – Two Dwelling 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 29th day of April, 2019.

Considered at a Public Hearing on the 21st day of May, 2019.

Read a second and third time by the Municipal Council this 21st day of May, 2019

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: July 30, 2019

RIM No. 0940-00

To: Council

From: Development Planning Department (JR)

Application: DP19-0031 / DVP19-0032

Owner: Gurpreet Pannu

Address: 1049 Clement Avenue

Applicant: New Town Architecture and Engineering INC.

Subject: Development Permit and Development Variance Permit

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

Existing Zone: RU6 – Two Dwelling Housing

Proposed Zone: RM₄ – Transitional Low Density Housing

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11814 (Z19-0045) be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0031 for Lot 3, District Lot 138 and of section 30 Township 26 ODYD, Plan 3763, located at 1049 Clement 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 "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 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 THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0032 for Lot 3, District Lot 138 and of section 30 Township 26 ODYD, Plan 3763, located at 1049 Clement Ave, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted in accordance with Schedule "D":

Section 8.1.9(c): Off-Street Vehicle Parking

To vary the required minimum side yard setback of parking from 1.5 m permitted to 0.36 m proposed.

Section 8.1.11(b): Off-Street Vehicle Parking

To vary the required parking stall size ratio of 50% full size vehicle parking and 50% medium size vehicle parking to 20% full size vehicle parking and 80% medium size vehicle parking.

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

To vary maximum site coverage of buildings, parking, and driveways from 60% to 67.4%.

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 of a proposed 8-unit townhouse and to vary the minimum side yard for parking, parking stall size ratio, and site coverage on the subject property.

3.0 Development Planning

Development Planning Staff recommend support for the Development Permit and the associated variances as the proposal is in general accordance with the relevant Development Permit guidelines of the Official Community Plan (OCP). Some of these include:

- Provide for a scale and massing of buildings that promotes a safe, enjoyable living, pedestrian and working experience;
- Incorporate architectural features and detailing of buildings and landscapes that define an area's character;
- Provide outdoor spaces, including rooftops, balconies, patios and courtyards;
- Mitigate the actual and perceived bulk of buildings by utilizing appropriate massing, including:
 - Architectural elements (e.g. balconies, bay windows, cantilevered floors, cupolas, dormers);
 - Step back upper floors to reduce visual impact;
 - Detailing that creates a rhythm and visual interest along the line of the building;
 - Wall projections and indentations, windows and siding treatments as well as varied material textures should be utilized to create visual interest and to articulate building facades.

Development Planning Staff recommend support of the following three variances:

1. Side yard setback of parking from 1.5 m to 0.36 m.

To achieve the required parking on the narrow site, the applicant is requesting a variance to allow for the side yard setback for parking to be 0.36 m rather than the 1.5 m required for seven out of the 10 stalls. To mitigate this variance, the applicant is proposing a 2 m high solid screen fence with vining plants to prevent any light trespass from vehicles onto the neighbouring properties. Medium sized deciduous trees will also be planted along the sides of the parking as an added visual and noise buffer.

2. Parking stall size ratio from 50% full-sized and 50% medium-sized to 20% full-sized and 80% medium-sized.

Staff support the variance for the parking stall ratio as the property is just outside of the City Centre with many nearby amenities and employment options. It is located south of the Okanagan Rail Trail, which provides good cycling and pedestrian connectivity, and transit service is available in the area. With one-bedroom units, the development is targeting single people or couples without children, who may drive smaller and/or fewer vehicles, reducing the need for full-sized parking stalls. The total number of required parking stalls is being provided.

3. Site coverage of buildings, parking and driveways from 60% permitted to 67.4%.

Due to the high water table an underground parking structure is not feasible; therefore, surface stalls are being proposed, which increase the site coverage. To mitigate this the applicant has proposed to use unit pavers rather than asphalt for the parking stalls to improve infiltration. The building site coverage is 46%, under the maximum of 50%.

4.0 Proposal

4.1 Background

Council gave third reading to the rezoning bylaw to rezone the property from RU6 – Two Dwelling Housing to RM4 – Transitional Low Density Housing on May 21, 2019. Although apartment buildings would typically be found in the MRM – Multiple Unit Residential (Medium Density) Future Land Use designation, the townhouse form is permitted in the RM4 zone and is appropriate in this context on a single lot. With 8 units on a relatively small lot, the unit density exceeds what would typically be found for a townhouse project.

4.2 Project Description

The applicant is proposing an 8-unit townhouse building on the property. The proposed townhouses will be 3 storeys in height and will be ground-oriented facing Clement Ave. All the parking is to be located at the rear of the property as the proposed townhouses will have access to the rear lane.

Form and Character

The proposal focuses largely on the interface with Clement Avenue with direct interaction between the street and the main building with street-level front entrances. Given the location and proximity to the more commercial and industrial area to the north, materials were selected accordingly to give the building a more industrial feel. Board formed concrete (ceraclad), windows accented by thick black metal architectural frames and corrugated metal panel inserts are all examples of these industrial architectural features.

Each unit consists of three floors with kitchen, dining, and living space on the first floor, master with ensuite on the second floor and bonus space and exterior sun deck on the third floor.

Variances

The applicant is requesting three variances, as follows.

1. Reduce the parking side yard setback from 1.5 m to 0.36 m. The applicant is requesting a side yard setback for parking as the property is slightly too narrow to facilitate a doubleloaded parking configuration with full 1.5 m side setbacks for the parking area. This applies to 7 of the 10 provided stalls.
2. Reduce the parking stall size ratio from 50% full-sized and 50% medium-sized to 20% full-sized and 80% medium-sized. The applicant is proposing 8 units that are one-bedroom homes where they are targeting single people or couples without children which are expected to drive smaller and/or fewer vehicles.
3. Increase the site coverage of buildings, parking and driveways from 60% permitted to 67.4%. Although the site coverage of the building alone is within the RM₄ allowance (46% proposed, 50% permitted), the combined site coverage of the building/parking/driveways is above the 60% due to the parking being provided as surface stalls rather than as a parkade under the building. With the water table height in this area being quite high, a parkade structure below the building was deemed to be unfeasible without triggering a height variance.

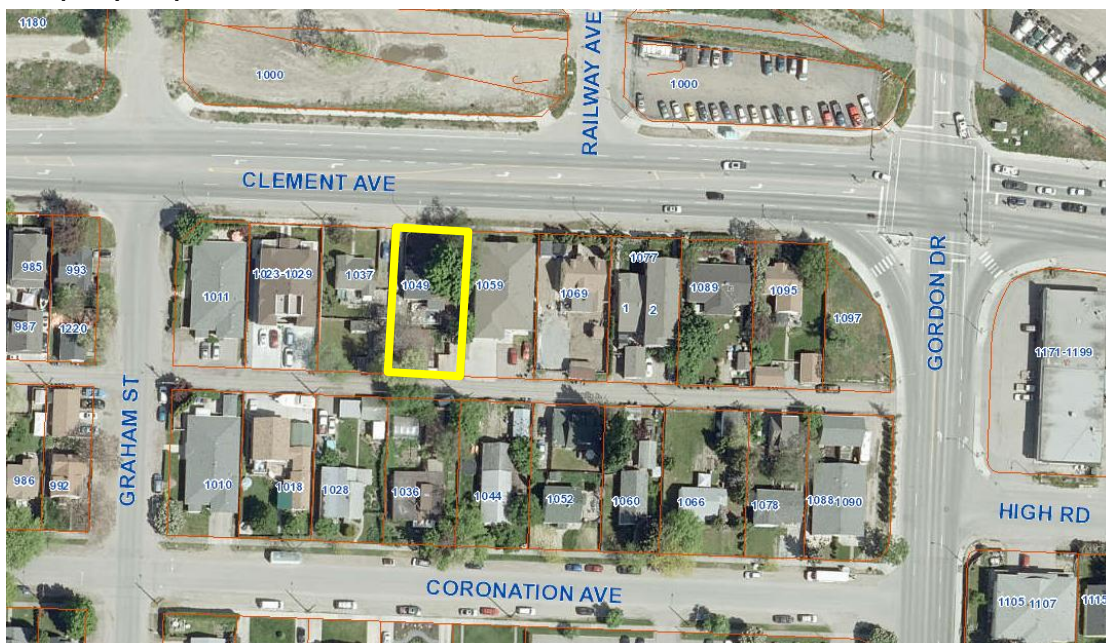
4.3 Site Context

The property is located along Clement Ave and the single family home currently located on the property will be removed to allow for the proposed development to occur. The subject property is designated MRM – Multiple Unit Residential (Medium Density), is located just outside of the Central City sector and is quite close to the Rail Trail. The area consists of existing single family homes on the south side of Clement Avenue and industrial properties on the north side of Clement Avenue.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I ₄ – Central Industrial	IND - Industrial
East	RU6 - Two Dwelling Housing	MRM – Multiple Unit Residential (Medium Density)
South	RU6 - Two Dwelling Housing	MRM – Multiple Unit Residential (Medium Density)
West	RU6 - Two Dwelling Housing	MRM – Multiple Unit Residential (Medium Density)

Subject Property Map: 1049 Clement Avenue



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM4 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	900 m ²	699 m ²
Min. Lot Width	30 m	18.6 m
Min. Lot Depth	30 m	37.6 m
Development Regulations		
Max. Floor Area Ratio	0.8	0.8
Max. Site Coverage (buildings)	50%	46%
Max. Site Coverage (buildings, parking, driveways)	60%	67.4%❶
Max. Height	3 storeys / 13 m	3 storeys / 9.3 m
Min. Front Yard	4.5 m (6.0m over 2 storeys)	4.5 m (6.0 m)
Min. Side Yard (East)	2.3 m (4.5m over 2 storeys)	2.44 m (5.0 m)
Min. Side Yard (West)	2.3 m (4.5m over 2 storeys)	2.44 m (5.0 m)
Min. Rear Yard	7.5 m (9.0m over 2 storeys)	15.3 m
Other Regulations		
Min. Parking Requirements	10	10
Setbacks to Parking (m):		
Front	N/A	N/A
Side (East)	1.5 m	0.36 m❷
Side (West)	1.5 m	0.39 m❷
Rear	7.0 m	7.0 m
Min. Bicycle Parking	N/A	2 bike racks (4 parking spaces) inside the building
Min. Private Open Space	120 m ²	264.6 m ²
❶ Indicates a requested variance to site coverage of buildings, parking, and driveways from 60% to 67.4%		
❷ Indicates a request variance to side yard setback of parking from 1.5m to 0.36m		

5.0 **Current Development Policies**5.1 Kelowna Official Community Plan (OCP)Chapter 5: Development Process

Policy .2 Compact Urban Form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400-metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Chapter 14: Urban Design Development Permit Areas*A. Comprehensive Development Permit Area**Objectives*

- Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures;

- Integrate new development with existing site conditions and preserve the character amenities of the surrounding area;
- Incorporate architectural features and detailing of buildings and landscapes that define an area's character;

6.o Application Chronology

Date of Application Received: December 21, 2018

Date Public Consultation Completed: April 1, 2019

Report prepared by: Jenna Ratzlaff, Planner

Reviewed by: Laura Bentley, Urban Planning & Development Policy Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: OCP Comprehensive Design Guidelines

Attachment B: Draft Development Permit and Development Variance Permit: DP19-0031 & DVP19-0032

Attachment C: Project Renderings

**DEVELOPMENT PERMIT GUIDELINES***Comprehensive Development Permit Area*

Consideration has been given to the following guidelines as identified in Section 14.A. of the City of Kelowna Official Community Plan relating to Comprehensive Development Permit Areas:

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Authenticity and Regional Expression			
Do landscaping and building form convey a character that is distinct to Kelowna and the Central Okanagan?	X		
Are materials in keeping with the character of the region?	X		
Are colours used common in the region's natural landscape?	X		
Does the design provide for a transition between the indoors and outdoors?	X		
Context			
Does the proposal maintain the established or envisioned architectural character of the neighbourhood?	X		
Does interim development consider neighbouring properties designated for more intensive development?	X		
Are façade treatments facing residential areas attractive and context sensitive?	X		
Are architectural elements aligned from one building to the next?			X
For exterior changes, is the original character of the building respected and enhanced?			X
Is the design unique without visually dominating neighbouring buildings?	X		
For developments with multiple buildings, is there a sense of architectural unity and cohesiveness?			X
Relationship to the Street			
Do buildings create the desired streetscape rhythm?	X		
Are parkade entrances located at grade?			X
For buildings with multiple street frontages, is equal emphasis given to each frontage?			X
Massing and Height			
Does the design mitigate the actual and perceived mass of buildings?	X		
Does the height consider shading and view impacts for neighbouring properties and transition to less intensive areas?	X		
Human Scale			
Are architectural elements scaled for pedestrians?	X		
Are façades articulated with indentations and projections?	X		

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Are top, middle and bottom building elements distinguished?	X		
Do proposed buildings have an identifiable base, middle and top?	X		
Are building facades designed with a balance of vertical and horizontal proportions?	X		
Are horizontal glazed areas divided into vertically proportioned windows separated by mullions or building structures?			X
Does the design incorporate roof overhangs and the use of awnings, louvers, canopies and other window screening techniques?	X		
Is the visual impact of enclosed elevator shafts reduced through architectural treatments?			X
Exterior Elevations and Materials			
Are buildings finished with materials that are natural, local, durable and appropriate to the character of the development?	X		
Are entrances visually prominent, accessible and recognizable?	X		
Are higher quality materials continued around building corners or edges that are visible to the public?	X		
Are a variety of materials used to create contrast, enhance the pedestrian environment and reduce the apparent mass of a building?	X		
Are elements other than colour used as the dominant feature of a building?	X		
Public and Private Open Space			
Does public open space promote interaction and movement through the site?	X		
Are public and private open spaces oriented to take advantage of and protect from the elements?	X		
Is there an appropriate transition between public and private open spaces?	X		
Are amenities such as benches, garbage receptacles, bicycle stands and community notice boards included on site?			X
Site Access			
Is the safe and convenient movement of pedestrians prioritized?	X		
Are alternative and active modes of transportation supported through the site design?	X		
Are identifiable and well-lit pathways provided to front entrances?	X		
Do paved surfaces provide visual interest?	X		
Is parking located behind or inside buildings, or below grade?	X		
Are large expanses of parking separated by landscaping or buildings?			X
Are vehicle and service accesses from lower order roads or lanes?	X		

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Do vehicle and service accesses have minimal impact on the streetscape and public views?	X		
Is visible and secure bicycle parking provided in new parking structures and parking lots?			X
Environmental Design and Green Building			
Does the proposal consider solar gain and exposure?	X		
Are green walls or shade trees incorporated in the design?	X		
Does the site layout minimize stormwater runoff?	X		
Are sustainable construction methods and materials used in the project?	X		
Are green building strategies incorporated into the design?		X	
Decks, Balconies, Rooftops and Common Outdoor Amenity Space			
Are decks, balconies or common outdoor amenity spaces provided?	X		
Does hard and soft landscaping enhance the usability of decks, balconies and outdoor amenity spaces?	X		
Are large flat expanses of roof enhanced with texture, colour or landscaping where they are visible from above or adjacent properties?			X
Amenities, Ancillary Services and Utilities			
Are loading, garage, storage, utility and other ancillary services located away from public view?	X		
Are vents, mechanical rooms / equipment and elevator penthouses integrated with the roof or screened with finishes compatible with the building's design?	X		
Landscape Development and Irrigation Water Conservation			
Does landscaping:	-	-	-
• Compliment and soften the building's architectural features and mitigate undesirable elements?	X		
• Maintain the dominant pattern of landscaping along the street and surrounding properties?	X		
• Enhance the pedestrian environment and the sense of personal safety?	X		
• Screen parking areas, mechanical functions, and garbage and recycling areas?	X		
• Respect required sightlines from roadways and enhance public views?	X		
• Retain existing healthy mature trees and vegetation?		X	
• Use native plants that are drought tolerant?	X		
• Define distinct private outdoor space for all ground-level dwellings?	X		
Do any fences and retaining walls create visual interest and enhance the pedestrian environment?	X		

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Do parking lots have one shade tree per four parking stalls?	X		
Does the Landscape Architect's Landscape Water Conservation Report:	-	-	-
<ul style="list-style-type: none"> Meet the requirements for Landscape Water Budget calculations for the landscaped area? 	X		
<ul style="list-style-type: none"> Indicate how the development complies with or varies from the Landscape Water Conservation Guidelines? 	X		
<i>Landscape Water Conservation Guidelines</i>			
Are plants grouped into "hydro-zones" of high, medium and low or unirrigated / unwatered areas?	X		
Does at least 25% of the total landscaped area require no irrigation / watering?		X	
Does at least 25% of the total landscaped area require low water use?	X		
Does at most 50% of the total landscaped area require medium or high water use?	X		
Is mulch cover provided for shrubs and groundcover to reduce soil evaporation?	X		
Do water features such as pools and fountains use recirculated water systems?			X
Do landscape installation standards meet the requirements of the BC Landscape Standard and / or the Master Municipal Construction Document?	X		
Are the required written declarations signed by a qualified Landscape Architect?	X		
<i>Irrigation System Guidelines</i>			
Is the Irrigation Plan prepared by a Qualified Professional?	X		
Are irrigation circuits grouped into "hydro-zones" of high, medium and low or unirrigated / unwatered areas consistent with the landscaping plan?	X		
Is drip or low volume irrigation used?	X		
Are the required written declarations signed by a qualified Certified Irrigation Designer?	X		
Crime prevention			
Are CPTED practices as related to landscaping, siting, form and exterior design included in the design?	X		
Are building materials vandalism resistant?		X	
Universal Accessible Design			
Is access for persons with disabilities integrated into the overall site plan and clearly visible from the principal entrance?	X		
Are the site layout, services and amenities easy to understand and navigate?	X		
Lighting			
Does lighting enhance public safety?	X		

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Is "light trespass" onto adjacent residential areas minimized?	X		
Does lighting consider the effect on the façade, neighbouring buildings and open spaces?	X		
Is suitably scaled pedestrian lighting provided?	X		
Does exterior street lighting follow the International Dark Sky Model to limit light pollution?	X		

Development Permit & Development Variance Permit DP19-0031/DVP19-0032



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

1049 Clement Avenue

and legally known as

Lot 3, District Lot 138 and of section 30 Township 26 ODYD, Plan 3763

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

8 unit Townhome

USE as per Zoning Bylaw

Townhouse

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.

Date of Council Decision July 30, 2019

Decision By: COUNCIL

Development Permit Area: Comprehensive – Clement Avenue

Existing Zone: RM4 – Transitional Low Density Housing

Future Land Use Designation: MRM – Multiple Unit Residential (Medium Density)

This is NOT a Building Permit.

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

NOTICE

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

Owner: Gurpreet Pannu

Applicant: New Town Architecture and Engineering INC.

Terry Barton
Community Planning Department Manager
Planning & Development Services

Date

ATTACHMENT		B
This forms part of application		
# DP19-0031 DVP19-0032		
Planner Initials	JR	 City of Kelowna DEVELOPMENT PLANNING

1. SCOPE OF APPROVAL

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

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

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

2. CONDITIONS OF APPROVAL

- 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"; and
- 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.
- e) That variances to the following sections of Zoning Bylaw No. 8000 be granted in accordance with Schedule "D":

Section 8.1.9(C): Off-Street Vehicle Parking

To vary the required minimum side yard setback of parking from 1.5 m permitted to 0.36 m proposed.

Section 8.1.11(B): Off-Street Vehicle Parking

To vary the required parking stall size ratio of 50% full size vehicle parking and 50% medium size vehicle parking to 20% full size vehicle parking and 80% medium size vehicle parking.

Section 13.10.6(B): RM4 – Transitional Low Density Housing Development Regulations

To vary the required minimum side yard from 4.5 m permitted to 1.5 m proposed. To vary site coverage of buildings, parking, and driveways from 60% to 67.4%.

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

3. 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 Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer 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 enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property own of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

- a) An Irrevocable Letter of Credit in the amount of **\$14,661.25** or
- b) A certified cheque in the amount of **\$14,661.25**

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.

4. INDEMNIFICATION

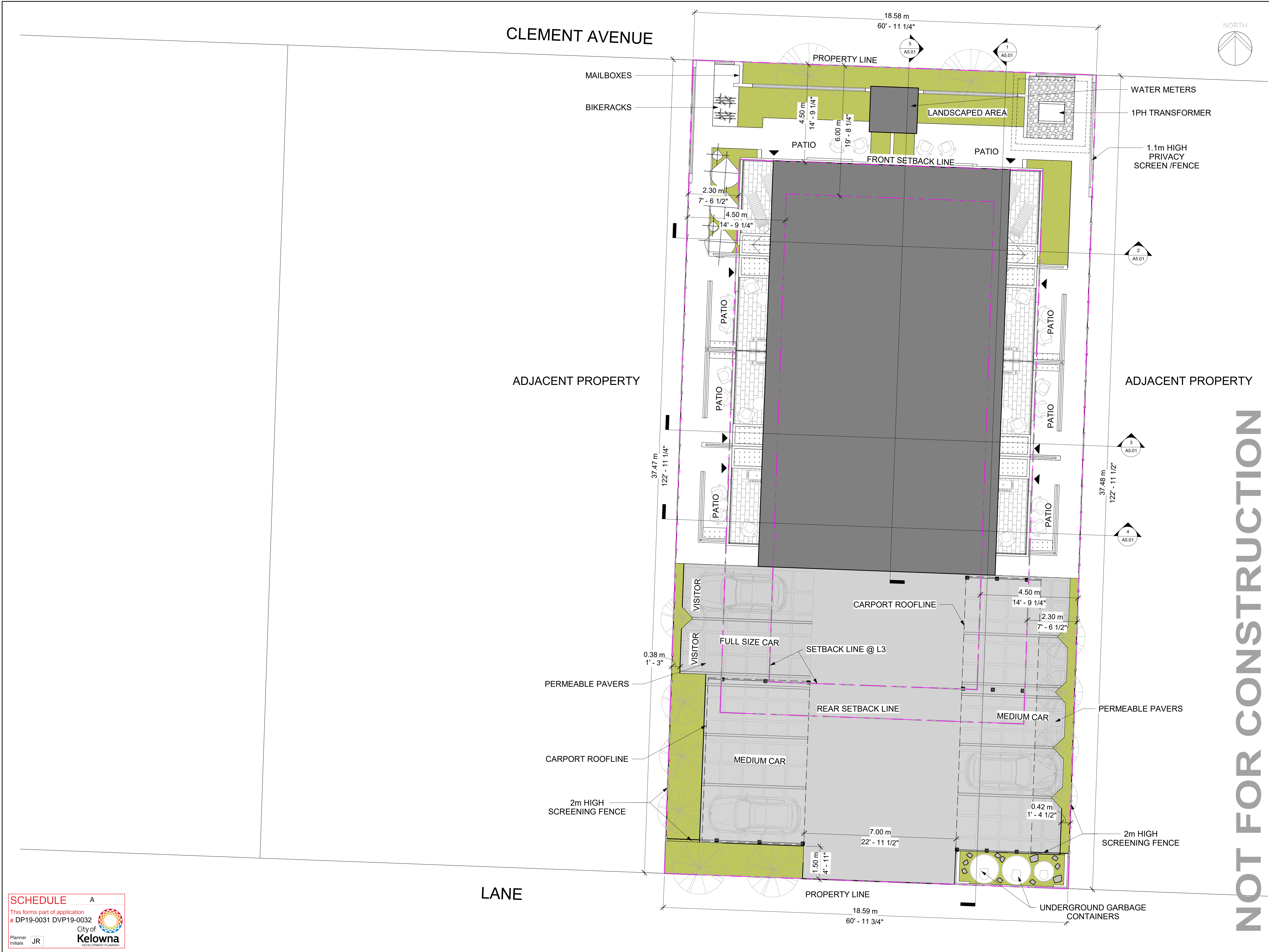
Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

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

All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

**The PERMIT HOLDER is the CURRENT LAND OWNER.
Security shall ONLY be returned to the signatory of the
Landscape Agreement or their designates.**

DRAFT



ALL CONTRACTORS ARE REQUIRED TO PERFORM THEIR WORK AND SUPPLY THEIR PRODUCTS IN COMPLIANCE WITH ALL BUILDING CODES AND LAWS OF THE PROVINCE OF BRITISH COLUMBIA

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This drawing must not be scaled

Verify all dimensions and datums prior to commencement of work.

Report all errors and omissions to the Architect.



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Seal

Revision

No	Date	Description
1	18-12-18	ISSUED FOR DP
2	19-03-29	RE-ISSUED FOR DP
3	19-06-10	RE-ISSUED FOR DP

project title
CLEMENT TOWNHOUSES

project address
**CLEMENT AVENUE,
KELOWNA, BC**

project no. **4075**

file no. _____

drawing title
SITE PLAN

designed L.A. scale 1 : 75

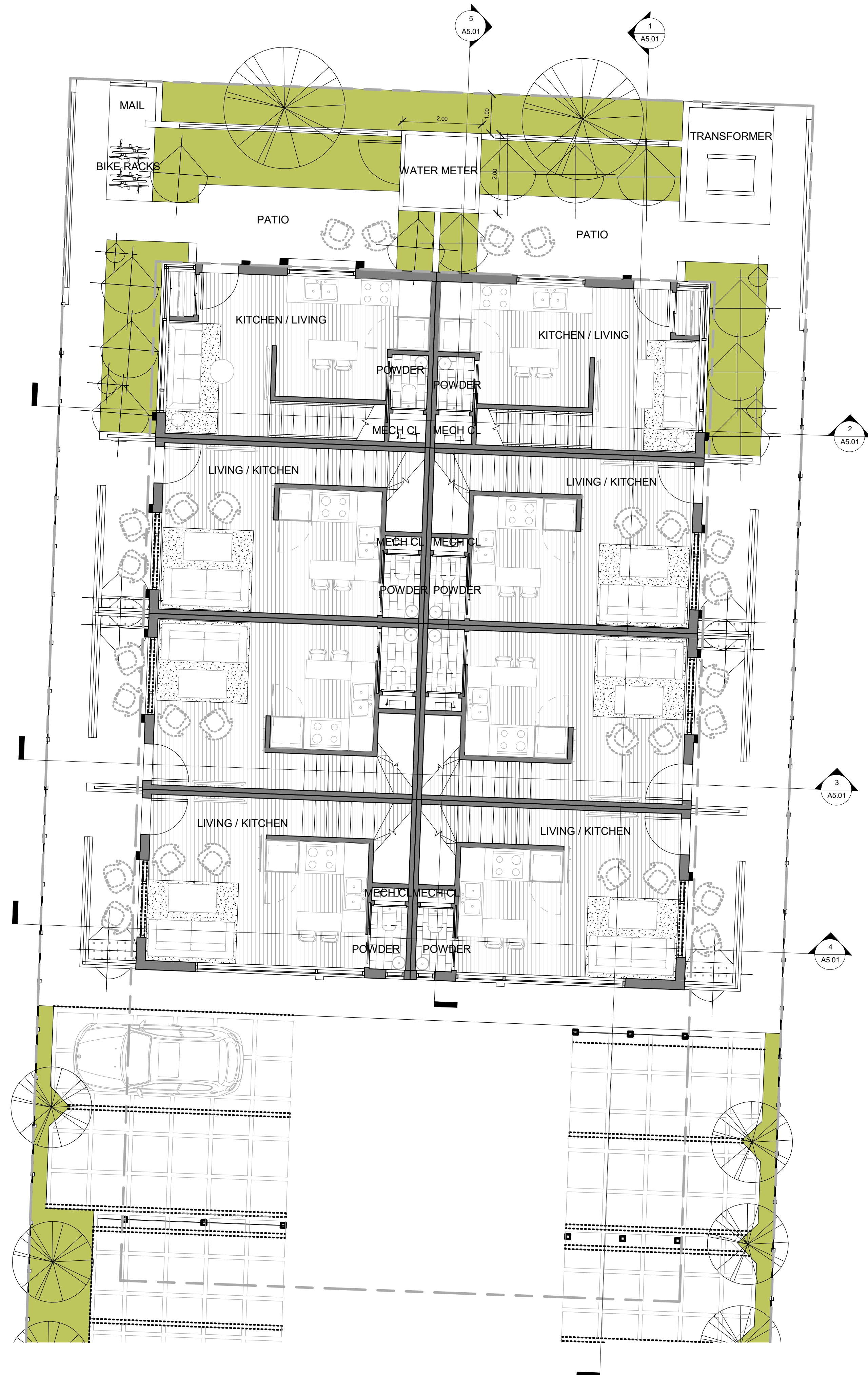
drawn L.A.

checked K.F.

drawing no. **A2.00**

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CLEMENT TOWNHOUSES

project address
CLEMENT AVENUE,
KELOWNA, BC

project no. 4075

file no.

drawing title
LEVEL 1

designed L.A. scale 3/16" = 1'-0"

drawn L.A.

checked K.F.

drawing no.

A3.01

plotted 10/06/2019 1:56:27 PM

SCHEDULEA

This forms part of application
DP19-0031 DVP19-0032

Planner
Initials JR

City of
Kelowna
DEVELOPMENT PLANNING

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project title
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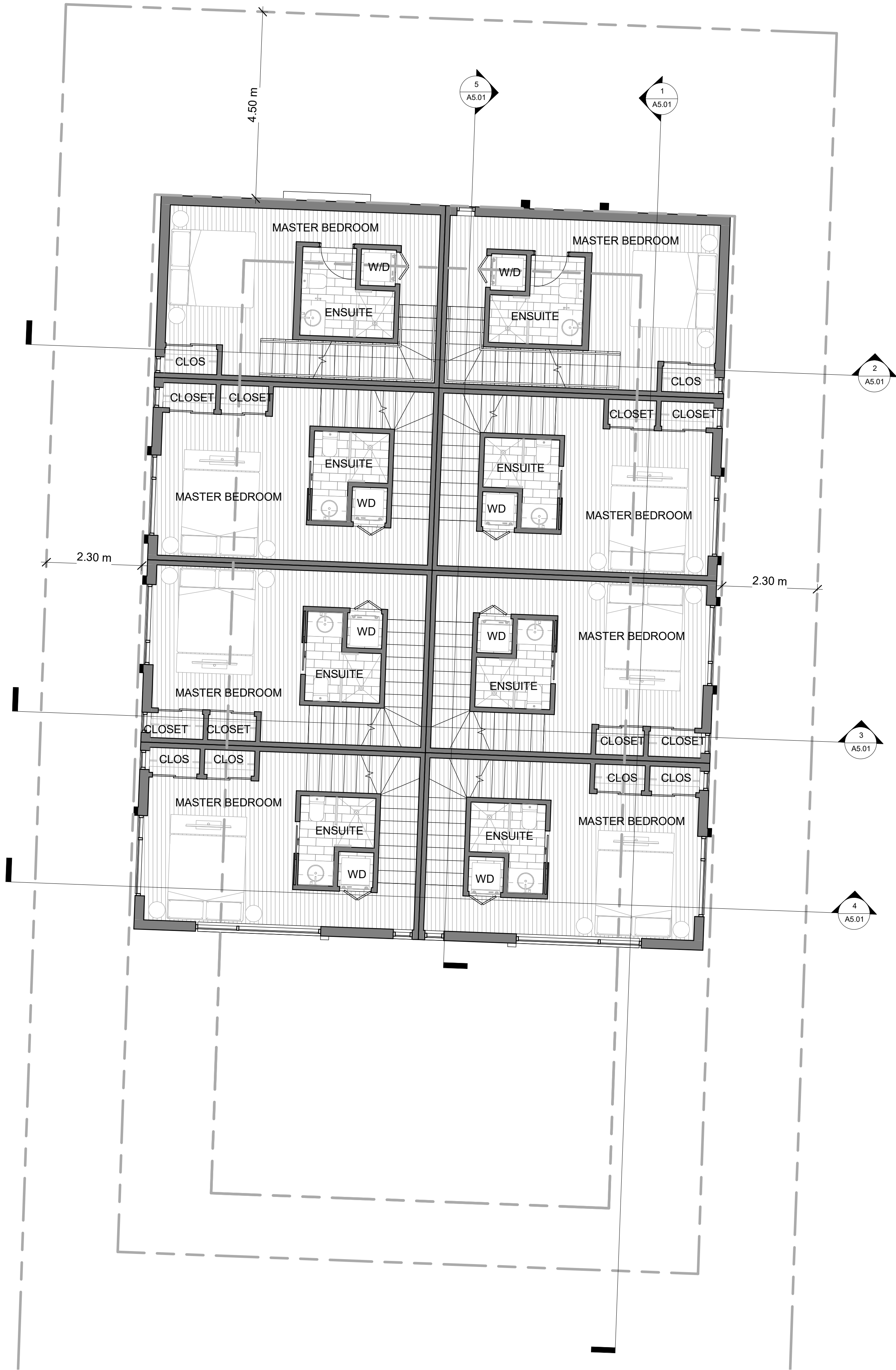
project address
CLEMENT AVENUE,
KELOWNA, BC

project no. 4075

file no.

drawing title
LEVEL 2

designed	L.A.	scale	3/16" = 1'-0"
drawn	L.A.		
checked	K.F.		
drawing no.	A3.02		
plotted	10/06/2019 1:56:29 PM		



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3	19-06-10	RE-ISSUED FOR DP

project title
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project address
CLEMENT AVENUE,
KELOWNA, BC

project no. 4075

file no.

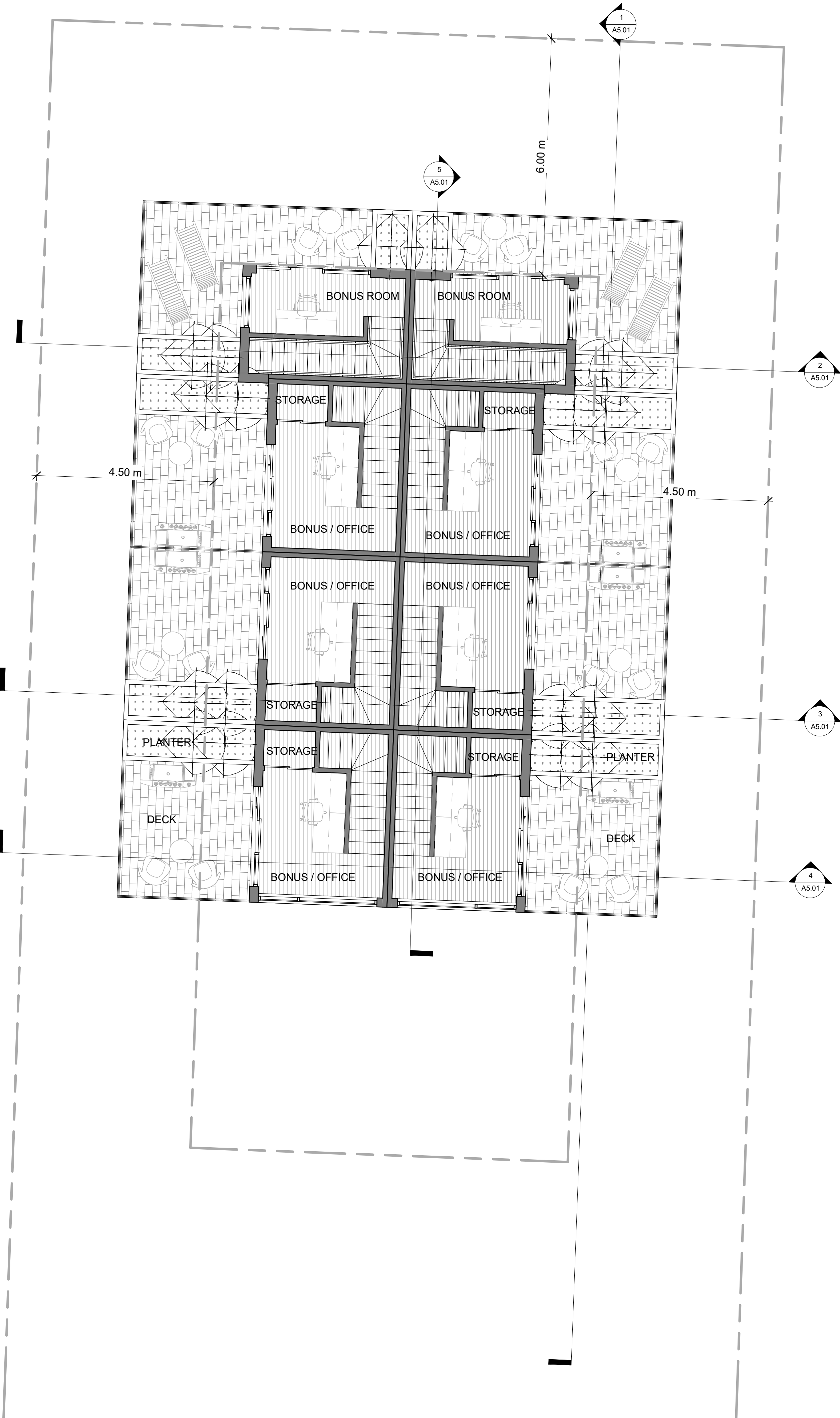
drawing title
LEVEL 3

designed	L.A.	scale	3/16" = 1'-0"
drawn	L.A.		
checked	K.F.		

drawing no.

A3.03

plotted 10/06/2019 1:56:32 PM



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SCHEDULEA

This forms part of application
DP19-0031 DVP19-0032

Planner
Initials

JR

City of
Kelowna

DEVELOPMENT PLANNING



1 East Elevation
1 : 75



2 West Elevation
1 : 75



3 North Elevation
1 : 75



4 South Elevation
1 : 75

MATERIAL KEYNOTE LEGEND

1. CERACLAD BOARD FORMED CONCRETE PANEL;
COLOR SAND GRAY NH5344A
2. HORIZONTAL PROFILED METAL CLADDING - GALVANISED
3. VERTICAL PROFILED METAL CLADDING - GALVANISED
4. GLAZED TILE - STACK BOND - COLOR DARK BLUE
5. HARDIE PANEL (SMOOTH) COLOR CAVIAR W/ PAINTED EXP.
FASTENERS & CORNER TRIMS PAINT TO MATCH
6. WINDOW W/ BLACK FRAME
(W/ SPANDREL PANEL AS PER ELEVATIONS)
7. EXTERIOR ENTRANCE DOOR W/ BLACK FRAME
8. SPANDREL PANEL
9. SLIDING PATIO DOOR W/ BLACK FRAME
10. GLASS GUARDRAIL
11. BIKE RACK
12. CARPORT
13. ARCHITECTURAL PATIO PRIVACY WALL
14. MOLOK GARBAGE CONTAINERS - ENCLOSURE
15. 2.0m SOLID SCREEN FENCE



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KELOWNA, BC

project no. 4075

file no.

drawing title

**BUILDING
ELEVATIONS**

designed L.A. scale As indicated

drawn L.A.

checked K.F.

drawing no.

A4.01

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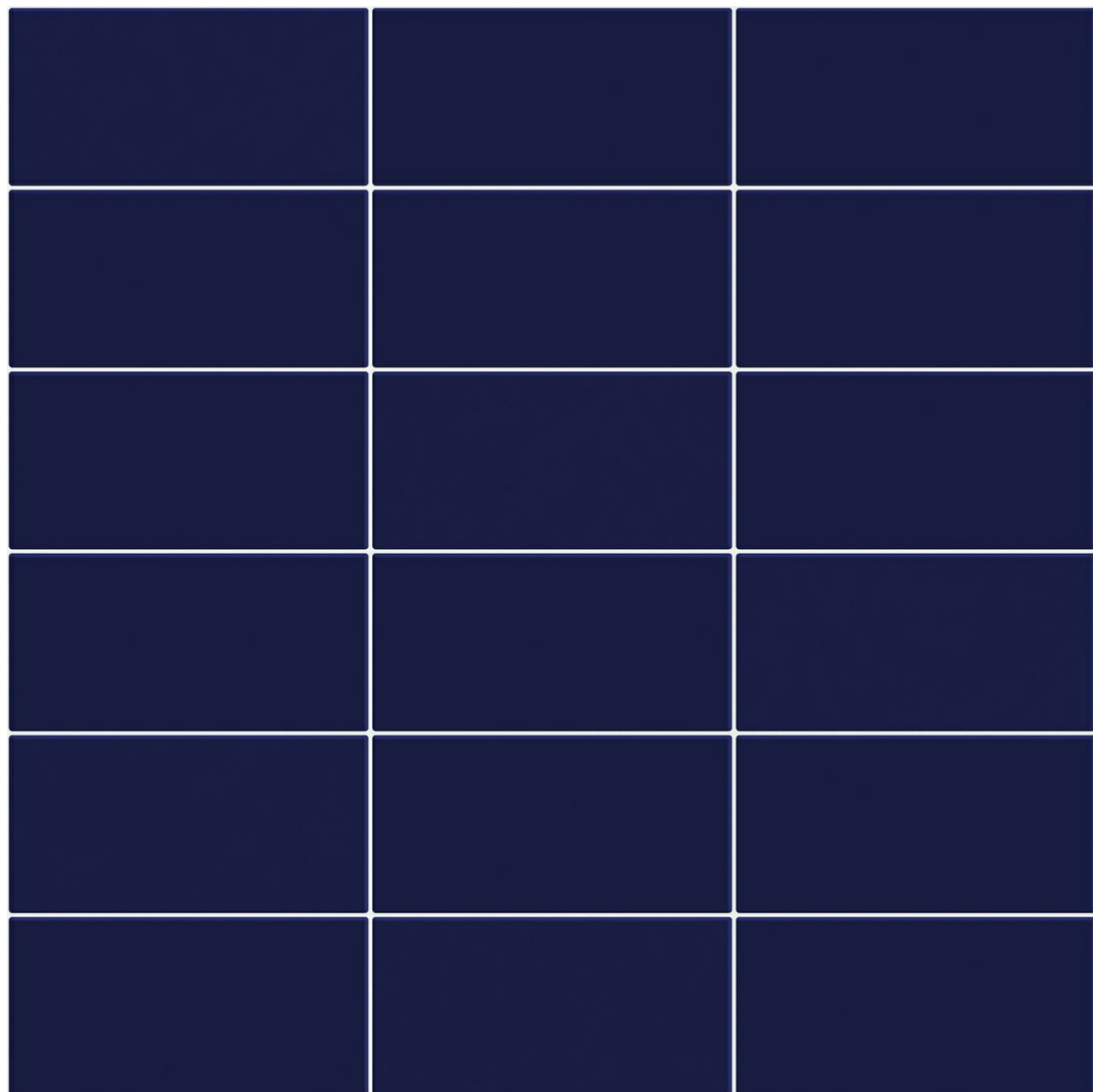
HARDIE PANEL 4'X8' (SMOOTH) **COLOR CAVIAR SW6990** W/ EXP. FASTENERS; CORNER TRIMS & BUTT JOINT PAINT TO MATCH (#5)



CERACLAD BOARD FORMED CONCRETE PANEL **COLOR SAND GRAY NH5344A** (#1)



GLAZED TILE - STACK BOND **COLOR DARK BLUE** (#4)



HORIZONTAL (#2) OR VERTICAL (#3) PROFILED METAL CLADDING - GALVANISED



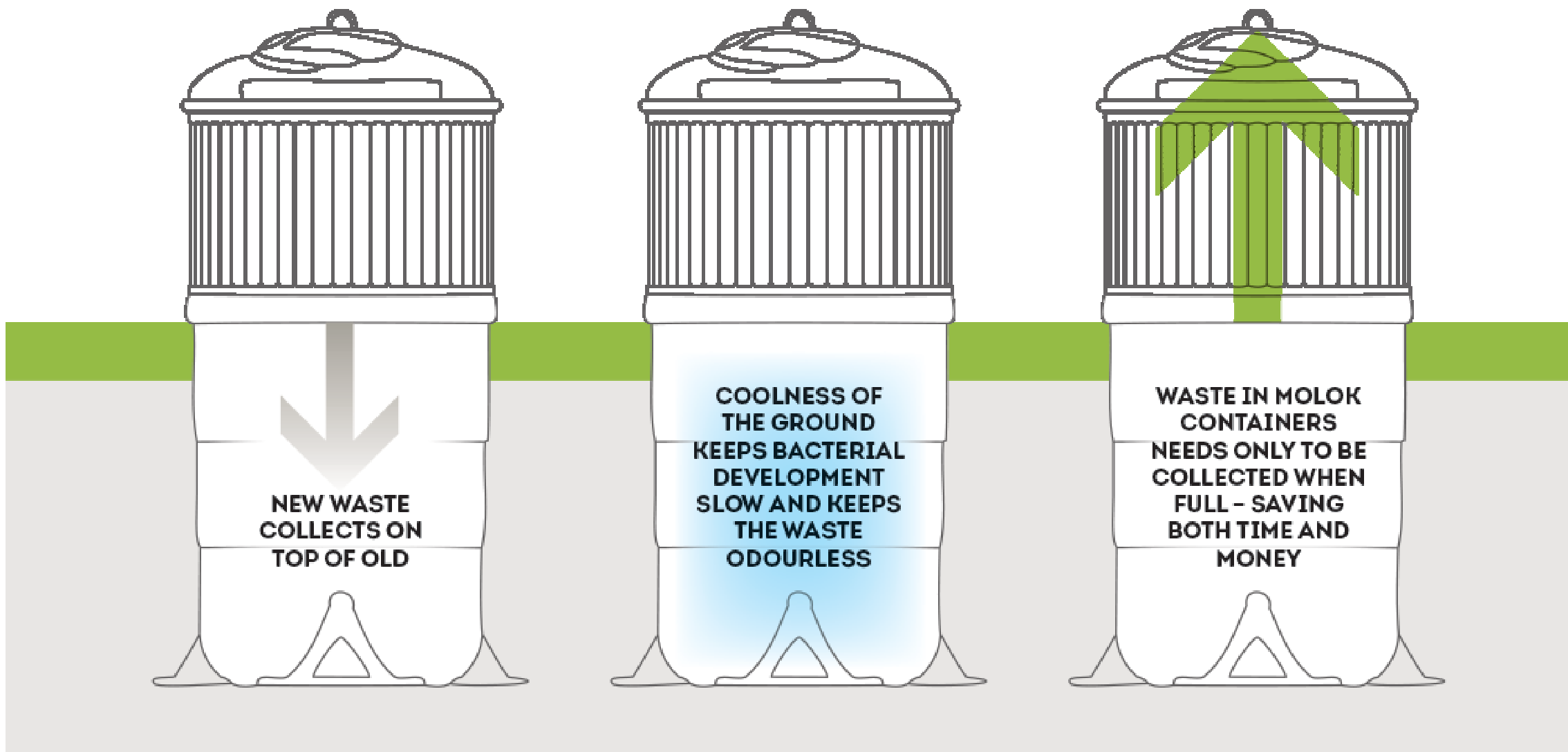
WINDOW W/ BLACK FRAME (W/ SPANDREL PANEL AS PER ELEVATIONS) (#6)



BIKE RACK (#11)



MOLOK GARBAGE CONTAINERS (#14)



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NOT FOR CONSTRUCTION

project title
CLEMENT TOWNHOUSES

project address
CLEMENT AVENUE,
KELOWNA, BC

project no. 4075

file no.

drawing title

MATERIALS

designed L.A. scale

drawn L.A.

checked K.F.

drawing no.

A4.02

plotted 10/06/2019 1:56:46 PM



SCHEDULE

C

This forms part of application

DP19-0031 DVP19-0032

Planner Initials

JR

City of Kelowna

DEVELOPMENT PLANNING

OUTLAND DESIGN

LANDSCAPE ARCHITECTURE

303 - 590 KLO Road

Kelowna, BC V1Y 7S2

T (250) 868-9270

www.outlanddesign.ca

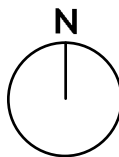


NOTES

1. PLANT MATERIAL AND CONSTRUCTION METHODS SHALL MEET OR EXCEED CANADIAN LANDSCAPE NURSERY STANDARD.
2. ALL SOFT LANDSCAPE AREAS SHALL BE WATERED BY A FULLY AUTOMATIC TIMED UNDERGROUND IRRIGATION SYSTEM.
3. TREE AND SHRUB BEDS TO BE DRESSED IN A MINIMUM 50MM DECORATIVE WOOD MULCH UNLESS OTHERWISE SPECIFIED ON THE PLAN. LANDSCAPE FABRIC TO BE PLACED UNDERNEATH TREE AND SHRUB BEDS.
4. TREE AND SHRUB BEDS TO RECEIVE A MINIMUM 300MM DEPTH TOPSOIL PLACEMENT.
5. TURF AREAS FROM SOD SHALL BE NO. 1 GRADE GROWN FROM CERTIFIED SEED OF IMPROVED CULTIVARS REGISTERED FOR SALE IN B.C. AND SHALL BE TOLERANT OF DROUGHT CONDITIONS. A MINIMUM OF 100MM DEPTH OF GROWING MEDIUM IS REQUIRED BENEATH TURF AREAS. TURF AREAS SHALL MEET EXISTING GRADES AND HARD SURFACES FLUSH.
6. SITE GRADING AND DRAINAGE WILL ENSURE THAT ALL STRUCTURES HAVE POSITIVE DRAINAGE AND THAT NO WATER OR LOOSE IMPEDIMENTS WILL BE DISCHARGED FROM THE LOT ONTO ADJACENT PUBLIC, COMMON, OR PRIVATE PROPERTIES.

PLANT LIST

BOTANICAL NAME	COMMON NAME	QTY	SIZE/SPACING & REMARKS
TREES			
ACER TATARICUM 'RUGGED MAPLE'	RUGGED CHARM MAPLE	2	6cm CAL.
CARPINUS BETULUS 'FRANS FONTAINE'	FRANS FONTAINE HORNBEAM	8	6cm CAL.
GLEDITSIA TRIACANTHOS 'DRAVES'	STREET KEEPER HONEYLOCUST	2	6cm CAL.
SHRUBS			
CORNUS ALBA 'BAILHALO'	IVORY HALO DOGWOOD	15	#05 CONT. /1.5M O.C. SPACING
HYDRANGEA MACROPHYLLA 'BAILMER'	ENDLESS SUMMER BIGLEAF HYDRANGEA	7	#05 CONT. /1.5M O.C. SPACING
PERENNIALS, GRASSES & GROUNDCOVERS			
ASTILBE 'BRESSINGHAM BEAUTY'	BRESSINGHAM BEAUTY ASTILBE	8	#01 CONT. /0.75M O.C. SPACING
CAREX MORROWII 'ICE DANCE'	ICE DANCE JAPANESE SEDGE	10	#01 CONT. /0.6M O.C. SPACING
DICENTRA SPECTABILIS	BLEEDING HEART	4	#01 CONT. /0.9M O.C. SPACING
EUPHORBIA POLYCHROMA	CUSHION SPURGE	7	#01 CONT. /0.75M O.C. SPACING
FESTUCA IDAHOENSIS	IDAHO FESCUE	34	#01 CONT. /0.3M O.C. SPACING
HERMEROCALLIS 'FRANS HALS'	FRANS HALS DAYLILY	10	#01 CONT. /0.75M O.C. SPACING
HEUCHERA 'PLUM PUDDING'	PLUM PUDDING CORAL BELLS	6	#01 CONT. /0.75M O.C. SPACING
HOSTA FORTUNEI 'AUREOMARGINATA'	GOLD STANDARD HOSTA	12	#02 CONT. /0.6M O.C. SPACING
PACHYSANDRA TERMINALIS	JAPANESE SPURGE	8	#01 CONT. /0.6M O.C. SPACING
PARTHENOCISSUS QUINQUEFOLIA	VIRGINIA CREEPER	12	#01 CONT. /2.0M O.C. SPACING



PROJECT TITLE

1000 BLOCK CLEMENT AVENUE

Kelowna, BC

DRAWING TITLE

CONCEPTUAL LANDSCAPE PLAN

ISSUED FOR / REVISION		
1	18.12.17	Review
2	19.05.09	Review
3		
4		
5		

PROJECT NO.	18-120
DESIGN BY	FB
DRAWN BY	KF
CHECKED BY	FB
DATE	MAY 9, 2019
SCALE	1:100
PAGE SIZE	24"x36"

SEAL



DRAWING NUMBER

L1/2

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SCHEDULE

C

This forms part of application

DP19-0031 DVP19-0032

Planner

Initials

JR

City of

Kelowna

DEVELOPMENT PLANNING



OUTLAND DESIGN
LANDSCAPE ARCHITECTURE

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IRRIGATION LEGEND

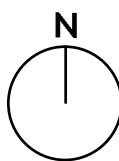
- ZONE #1: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS
TOTAL AREA: 30 sq.m.
MICROCLIMATE: WEST EXPOSURE, PARTIALLY SHADED BY TREES & BUILDING
ESTIMATED ANNUAL WATER USE: 17 cu.m.
- ZONE #2: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS
TOTAL AREA: 18 sq.m.
MICROCLIMATE: EAST EXPOSURE, PARTIALLY SHADED BY TREES AND BUILDING
ESTIMATED ANNUAL WATER USE: 10 cu.m.
- ZONE #3: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS
TOTAL AREA: 15 sq.m.
MICROCLIMATE: PARTIALLY SHADED BY TREES
ESTIMATED ANNUAL WATER USE: 8 cu.m.
- ZONE #4: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS
TOTAL AREA: 14 sq.m.
MICROCLIMATE: SOUTH, PARTIALLY SHADED BY TREES
ESTIMATED ANNUAL WATER USE: 8 cu.m.

WATER CONSERVATION CALCULATIONS

LANDSCAPE MAXIMUM WATER BUDGET (WB) = 77 cu.m. / year
ESTIMATED LANDSCAPE WATER USE (WU) = 43 cu.m. / year
WATER BALANCE = 34 cu.m. / year
*REFER ATTACHED IRRIGATION APPLICATION FOR DETAILED CALCULATIONS

IRRIGATION NOTES

- IRRIGATION PRODUCTS AND INSTALLATION METHODS SHALL MEET OR EXCEED THE REQUIREMENTS OF THE WATER USE REGULATION BYLAW NO. 10480 AND THE SUPPLEMENTARY SPECIFICATIONS IN THE CITY OF KELOWNA BYLAW 7900 (PART 6, SCHEDULE 5).
- THE IRRIGATION SYSTEM SHALL MEET THE REQUIREMENTS, REGULATIONS, AND BYLAWS OF THE WATER PURVEYOR.
- THE IRRIGATION SYSTEM SHALL BE EQUIPPED WITH AN APPROVED BACKFLOW PREVENTION DEVICE, WATER METER, AND SHUT OFF VALVE LOCATED OUTSIDE THE BUILDING ACCESSIBLE TO THE CITY.
- AN APPROVED SMART CONTROLLER SHALL BE INSTALLED. THE IRRIGATION SCHEDULING TIMES SHALL UTILIZE A MAXIMUM ET VALUE OF 7" / MONTH (KELOWNA JULY ET), TAKING INTO CONSIDERATION SOIL TYPE, SLOPE, AND MICROCLIMATE.
- DRIP LINE AND EMITTERS SHALL INCORPORATE TECHNOLOGY TO LIMIT ROOT INTRUSION.
- IRRIGATION SLEEVES SHALL BE INSTALLED TO ROUTE IRRIGATION LINES UNDER HARD SURFACES AND FEATURES.
- IRRIGATION PIPE SHALL BE SIZED TO ALLOW FOR A MAXIMUM FLOW OF 1.5m / SEC.
- A FLOW SENSOR AND MASTER VALVE SHALL BE CONNECTED TO THE CONTROLLER AND PROGRAMMED TO STOP FLOW TO THE SYSTEM IN CASE OF AN IRRIGATION WATER LEAK.



PROJECT TITLE

1000 BLOCK CLEMENT
AVENUE

Kelowna, BC

DRAWING TITLE

WATER CONSERVATION
PLAN

ISSUED FOR / REVISION

1	18.12.17	Review
2	19.05.09	Review
3		
4		
5		

PROJECT NO. 18-120

DESIGN BY FB

DRAWN BY KF

CHECKED BY FB

DATE MAY 9, 2019

SCALE 1:100

PAGE SIZE 24"x36"

SEAL

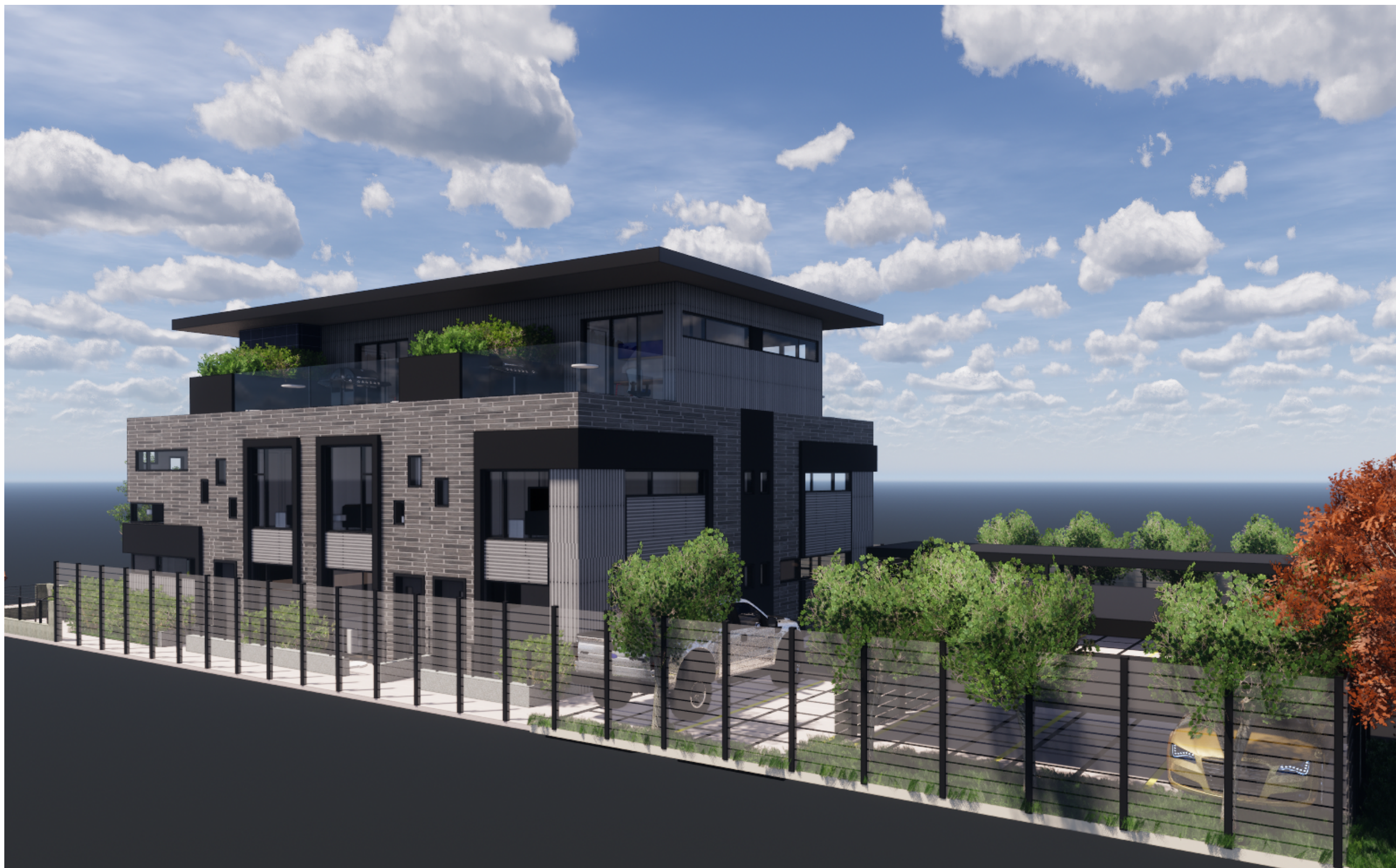


DRAWING NUMBER

L2/2

ISSUED FOR REVIEW ONLY

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Revision

No	Date	Description
1	18-12-18	ISSUED FOR DP
2	19-03-29	RE-ISSUED FOR DP
3	19-06-10	RE-ISSUED FOR DP

NOT FOR CONSTRUCTION

project title
CLEMENT TOWNHOUSES

project address
CLEMENT AVENUE,
KELOWNA, BC

project no. 4075

file no.

drawing title
RENDERINGS

designed	L.A.	scale
drawn	L.A.	
checked	K.F.	
drawing no.	A1.01	
plotted	10/06/2019 1:56:17 PM	