

# City of Kelowna

## Regular Council Meeting

### AGENDA



Tuesday, August 9, 2016  
6:00 pm  
Council Chamber  
City Hall, 1435 Water Street

#### Pages

1. **Call to Order**
2. **Reaffirmation of Oath of Office**  
The Oath of Office will be read by Councillor Donn.
3. **Confirmation of Minutes** 1 - 6  
Regular Meeting - July 26, 2016
4. **Bylaws Considered at Public Hearing**
  - 4.1 **1975 Kane Road, BL11261 (Z16-0026) - Terrance & Joan Raisanen** 7 - 7  
To give Bylaw No. 11261 second and third readings in order to rezone the subject property to facilitate a proposed 119 unit multi-family rental project with two 5-storey buildings.
  - 4.2 **1555, 1547 & 1543 Bedford Avenue (now known as 1545 Bedford Avenue), BL11262 (Z16-0019) - Al Stober Construction Ltd.** 8 - 8  
To give Bylaw No. 11262 second and third readings in order to rezone the subject properties to facilitate a proposed 63 unit 4 1/2 storey multi-family building.
5. **Notification of Meeting**  
The City Clerk will provide information as to how the following items on the Agenda were publicized.

## **6. Development Permit and Development Variance Permit Reports**

- |            |  |                |
|------------|--|----------------|
| <b>6.1</b> | <b>945 Guy Street, TUP16-0003 - Tolko Industries Ltd.</b>  | <b>9 - 17</b>  |
|            | <p><b>City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required temporary use to come forward.</b></p> <p>To temporarily allow the existing building to be used as a marketing and sales centre for the proposed Grace Development (former Lucaya Development) under construction.</p>  |                |
| <b>6.2</b> | <b>2284 &amp; 2292 Speer Street, TUP14-0003 - Interior Health Authority &amp; City of Kelowna</b>  | <b>18 - 30</b> |
|            | <p><b>City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required temporary use to come forward.</b></p> <p>To seek an extension on a Temporary Use Permit to allow the vacant residential properties to continue to be used for Contractor Services, General in support of Kelowna General Hospital construction projects.</p> |                |
| <b>6.3</b> | <b>150 Homer Road, BL11186 (OCP15-0004) - The BC Muslim Association</b>  | <b>31 - 32</b> |
|            | <p><b>Requires a majority of all members of Council (5).</b></p> <p>To adopt Bylaw No. 11186 in order to change the future land use designation of portions of the subject property in order to facilitate the redevelopment of a religious assembly use on the adjacent property at 1120 Hwy 33 W for parking.</p>  |                |
| <b>6.4</b> | <b>150 Homer Road, BL11187 (Z15-0018) - The BC Muslim Association</b>  | <b>33 - 34</b> |
|            | <p>To adopt Bylaw No. 11187 in order to rezone portions of the subject property in order to facilitate the the redevelopment of a religious assembly use on the adajcent property at 1120 Hwy 33 W for parking.</p>  |                |
| <b>6.5</b> | <b>150 Homer Road &amp; 1120 Highway 33 W, DVP16-0145 - The BC Muslim Association</b>  | <b>35 - 54</b> |
|            | <p><b>City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required temporary use to come forward.</b></p> <p>To consider three variances to facilitate the redevelopment of a religious assembly use.</p>  |                |

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

A development variance permit to allow a second driveway with access from the higher classification of road when there is an existing driveway with lane access and to allow parking within the required front yard setback.

7. Reminders

8. Termination



**City of Kelowna**  
**Regular Council Meeting**  
**Minutes**

Date: Tuesday, July 26, 2016  
Location: Council Chamber  
City Hall, 1435 Water Street

Council Members Present: Deputy Mayor Mohini Singh and Councillors Maxine DeHart, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben and Luke Stack

Council Members Absent: Mayor Colin Basran and Councillor Ryan Donn

Staff Present: Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith; and Legislative Systems Coordinator, Sandi Horning

**1. Call to Order**

Deputy Mayor Singh called the meeting to order at 6:01 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 DeHart

R573/16/07/26 THAT the Minutes of the Public Hearing and Regular Meeting of July 12, 2016 be confirmed as circulated.

Carried



#### 4. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of the Development Variance Permit Applications was given by sending out or otherwise delivering 358 statutory notices to the owners and occupiers of the surrounding properties between July 12, 2016 and July 15, 2016.

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

#### 5. Development Permit and Development Variance Permit Reports

##### 5.1 2002 Enterprise Way, DVP15-0291 - Telus Communications Inc.

Staff:

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

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

##### Letter of Opposition

Helen McLaren, Enterprise Way

Deputy Mayor Singh invited the applicant or anyone in the public gallery who deemed themselves affected by the proposed variance to come forward, followed by comments from Council. The applicant was not present and no one else came forward.

##### Moved By Councillor DeHart/Seconded By Councillor Sieben

**R574/16/07/26** THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0291 for Lot B DL 140 ODYD Plan KAP76401 located at 2002 Enterprise Way, Kelowna, BC;

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

##### Section 6: Public and Institutional Zones (P4) Fascia Signs

To vary the maximum number of signs per building frontage from 1 (allowed) to 2 (proposed) on Enterprise Way

##### Section 6: Public and Institutional Zones (P4) Fascia Signs

To vary the maximum area of Sign #1 from 18.3m<sup>2</sup> (allowed) to 35.93m<sup>2</sup> (proposed)

##### Section 6: Public and Institutional Zones (P4) Fascia Signs

To vary the maximum area of Sign #2 from 18.3m<sup>2</sup> (allowed) to 30.58m<sup>2</sup> (proposed)

**Section 6: Public and Institutional Zones (P4) Fascia Signs**

To vary the maximum area of Sign #3 from 9.14m<sup>2</sup> (allowed) to 33.64m<sup>2</sup> (proposed)

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

**Carried**

Councillors Given & Gray - Opposed.

**5.2 2530 Monte Vista Lane, DVP16-0112 - Yan Joseph Luc Marcel Duret & Ramona Susan Duret**

Staff:

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

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

**Additional Letter of Information from the Applicant**

Ramona Duret, Monte Vista Lane

Deputy Mayor Singh invited the applicant or anyone in the public gallery who deemed themselves affected by the proposed variance to come forward, followed by comments from Council.

**Ramona Duret, Owner**

- Spoke to some of the errors that were inadvertently made during the construction of the dwelling.
- Provided the rationale for the size of the retaining wall and clarified that the wall was not constructed over a weekend.

**Gallery:**

**Janet Varga, Lago Vista Street**

- Lives directly adjacent to the subject property.
- Believes that the contractor knew the rules and regulations and choose to ignore them.
- Displayed photos to indicate the height and size of the retaining wall.
- Made comment regarding the conduct of the contractor.
- Believes that the roof is over height.
- Made comment regarding the Building Scheme that is in place for the Kirschner Mountain development with respect to both form and character and building height.
- Have had discussions with representative of Kirschner Mountain regarding the construction issues.
- Noted that construction continued during the Stop Work Order.
- Made comment that the development signage was not properly posted pursuant to the City's Development Application Procedures Bylaw.
- Expressed a concern that she will have to stare at the retaining wall that is not very pretty.

- Expressed a concern that even though there has been no Occupation Permit issued, it would appear that the owners have already moved in.
- Opposed to the variances and suggested that the retaining wall be tiered as per the City's bylaw requirements.
- Responded to questions from Council.
- Believes the dwelling on the property is currently over height and expressed a concern that it blocks her view.
- Submitted her speaking notes for the public record.

Ambrus Varga, Lago Vista Street

- Expressed a concern with the construction of the retaining wall.
- Opposed to the variances.
- Believes the roof is currently over height and noted that the colour is contrary to the Building Scheme.
- Expressed a concern that the retaining wall was constructed with the full intent to deceive.
- Expressed a concern that the construction of the dwelling was undertaken contrary to the Building Scheme and the City's bylaws.
- Responded to questions from Council.
- Confirmed that he lives directly behind the subject property.

Yan & Ramona Duret, Owners

- Advised that Mr. Duret works overseas for several weeks at a time and is not always present to directly oversee the construction of the dwelling.
- Advised that the house is not currently occupied. They are moving possessions into the home, but are not currently residing there overnight.
- Very sorry there was a confrontation between their neighbour and the contractor.
- Surprised to find out that the colour of their house is not a permitted colour of green.
- Displayed pictures of other retaining walls in various neighbourhoods around the City.
- Advised that the house is not over height and that it was checked by representatives of Kirchner Mountain who confirmed the house is within the height restriction.
- Responded to questions from Council.
- Although it would be possible to tier the retaining wall, they are not prepared to tier it as it would eliminate access to the secondary suite.

Staff:

- Spoke to how the City checks for building height as part of the plan checking stage, and noted some of the challenges associated with construction in hillside developments.
- Confirmed that the City does not enforce conditions of third party Building Schemes.
- Confirmed that the building meets the height requirements of the City's Zoning Bylaw.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Sieben

**R575/16/07/26** THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0112 for the property legally known as Lot 16, Section 12, Township 26, ODYD, Plan KAP88598, located on 2530 Monte Vista Lane, Kelowna, BC;

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

**Section 7.5.9 - Fencing and Retaining Walls Regulations**

To vary the height of a side retaining wall from 1.2 metres to approximately 3 metres in accordance with the drawings attached to the Development Variance Permit described in Schedule "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.

**Carried**

Councillors DeHart, Hodge & Stack - Opposed.

**5.3 731 Royal Pine Drive, BL11248 (Z16-0013) - Richard & Jennifer Sutton**

**Moved By Councillor Stack/Seconded By Councillor Gray**

**R576/16/07/26** THAT Bylaw No. 11240 be adopted.

**Carried**

**5.4 731 Royal Pine Drive, DVP16-0053 - Richard & Jennifer Sutton**

Staff:

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

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

Deputy Mayor Singh invited the applicant or anyone in the public gallery who deemed themselves affected by the proposed variance to come forward, followed by comments from Council. The Applicant was present, but did not have anything further to add to staff's comments. No one else came forward.

**Moved By Councillor Given/Seconded By Councillor Stack**

**R577/16/07/26** THAT final adoption of Rezoning Bylaw No. 11248 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0053 for Lot 25, Sec. 30, Twp. 26, O.D.Y.D., Plan 40293, located at 731 Royal Pine Dr., Kelowna, BC;

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

**Section 7.5.9: Fencing and Retaining Walls**

To vary the maximum permitted height of a retaining walls from 1.2m permitted to 2.3m proposed.



**Section 13.1.6(b) iii RU1 - Large Lot Housing Development Regulations**

To vary the maximum permitted height of an accessory building from 4.5m permitted to 5.92m proposed.

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

**Carried**

**6. Reminders**

Councillor Stack:

- Inquired whether the recently announcing 15% Provincial Property Transfer Tax on foreign owner property purchases will have any implications for Kelowna.

Acting City Manager:

- There does not appear to be a significant number of unoccupied, foreign-owned homes in Kelowna as there are in other areas of the Province.
- Advised that the City does keep statistics on community trends and will watch for changes.

**7. Termination**

The meeting was declared terminated at 7:27 p.m.

\_\_\_\_\_  
Deputy Mayor Singh

/slh

\_\_\_\_\_  
*Steph Steiner*  
City Clerk

**CITY OF KELOWNA**  
**BYLAW NO. 11261**  
**Z16-0026 - Terrance and Joan Raisanen**  
**1975 Kane Road**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, Section 33, Township 26, ODYD, Plan 22004 located on Kane Road, Kelowna, B.C., from the A1 - Agriculture zone to the RM5 - Medium 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 25<sup>th</sup> day of July, 2016.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

**CITY OF KELOWNA**  
**BYLAW NO. 11262**  
**Z16-0019 - Al Stober Construction Ltd., Inc. No. C0170493**  
**1555, 1547 & 1543 Bedford Ave**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 9, 10 and 11, District lot 141, ODYD, Plan KAP10012 located on Bedford Avenue, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RM5 - Medium 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 25<sup>th</sup> day of July, 2016.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

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(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

# REPORT TO COUNCIL



**Date:** August 9, 2016

**RIM No.** 0940-93

**To:** City Manager

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

**Application:** TUP16-0003

**Owner:** Tolko Industries Ltd

**Address:** 945 Guy Street

**Applicant:** Kerkhoff Construction (2016)  
Ltd

**Subject:** Temporary Use Permit Application

**Existing OCP Designation:** IND - Industrial

**Existing Zone:** I4 - Central Industrial

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## 1.0 Recommendation

THAT Council authorize the issuance of Temporary Use Permit. No. TUP16-0003 to allow for the existing building to be used as a marketing and sales centre for the proposed adjacent Grace Development (former Lucaya Development) under construction for Lot D, District Lot 139, ODYD, Plan KAP71362 located at 945 Guy Street, Kelowna, BC, for a one (1) year period commencing from the date of Council approval, subject to the following conditions:

- a) The dimensions and siting of the temporary use on the land be in general accordance with Schedule "A";

AND FURTHER THAT any application to extend the permit must be approved by Council prior to this permit expiring.

## 2.0 Purpose

To temporarily allow the existing building to be used as a marketing and sales centre for the proposed Grace Development (former Lucaya Development) under construction.

## 3.0 Community Planning

Staff support the issuance of a Temporary Use Permit for the existing building on the subject property for a one (1) year period. The existing building was constructed and used for a similar purpose as part of the Waterscapes Development a number of years ago. The building currently sits vacant and the applicant is proposing to utilize it again temporarily as a marketing and sales center associated with the Grace Development, currently underway.



Under a temporary use permit, the applicant is allowed to request an extension from Council once the one-year period comes to an end. The extension is at the discretion of Council and can be granted up to a maximum of 3 years. Should the applicant request the extension, Staff would recommend that a demolition bond (of \$20,000) be secured as a condition to ensure that after the three-year period the building is removed. The building was constructed as a temporary sales/marketing centre and does not meet the BC Building Code for a permanent use.

## 4.0 Proposal

### 4.1 Background

The subject property is owned by Tolko Industries Ltd and is currently used for its sawmill operations. A small corner of the industrial property near the intersection of Manhattan Drive and Sunset Drive was previously used as a marketing/sales centre for the Waterscapes Development from 2007 to 2010. Since that time, the structure has been vacant although Tolko has continued to maintain the exterior and site landscaping. From 2012 to present, many potential applicants have inquired to the City regarding possible alternative uses (e.g. daycare, office, market, etc.) for the building but the high cost of upgrading the temporary structure to meet the BC Building Code for a permanent use has been a significant deterrent.

Kerkhoff Construction Ltd. engaged by the property owners of the Grace Development now leases the corner of the property from Tolko and is requesting a similar use as a marketing/sales centre to be supported on a short-term basis.

### 4.2 Project Description

The applicant is requesting to allow the existing building near the intersection of Manhattan Drive and Sunset Drive owned by Tolko Industries to be used as a marketing/sales centre for the proposed Grace Development (former Lucaya Development) currently under construction.

### 4.3 Site Context

The subject property is located near the corner of Sunset Drive and Manhattan Drive and is currently designated as IND - Industrial. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I4 - Central Industrial	Industrial - Sawmill
East	I4 - Central Industrial	Industrial - Warehouse
South	I1 - Business Industrial	Under construction
West	RU6 - Two Dwelling Housing / P3 - Parks and Open Space	Urban Residential and Park

Subject Property Map: 945 Guy Street



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 4 - Future Land Use - Temporary Use Permits (TUP)

The temporary use designation is intended to apply to operations that are temporary in nature and the designation does not in itself permit specific uses on the designated sites. Within these areas, Council may, by resolution, issue a Temporary Use Permit and specify the conditions under which the temporary use be carried on. Upon the expiration of a Temporary Use Permit, the permitted uses revert to those outlined in the City of Kelowna Zoning Bylaw 8000.

Temporary Use Permits may be considered within the Permanent Growth Boundary (PGB) on all lands designated in OCP2030 Commercial, Education/Institutional, Industrial, Mixed Use, or Public Service/Utility. All Temporary Use Permits must conform to other policy direction in this OCP, including fit within the character of the neighbourhood and surrounding uses. Appropriate landscaping, screening and buffering will be included as conditions of the permit to protect adjacent land uses.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- No comment

### 6.2 Fire Department

- Ensure that all of the existing exits remain and are clear.
- Fire extinguishers and emergency lights will have to have current service tags and contact Fire Prevention for placement and monthly testing requirements

## 7.0 Application Chronology

Date of Application Received: June 15, 2016  
Date Public Consultation Completed: June 30, 2016

Report prepared by:

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Jenna Ratzlaff, Summer Student

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& Adam Cseke, Planner

Reviewed by  
Approved for Inclusion: ☐ Terry Barton, Urban Planning Manager

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

### Attachments:

Schedule "A" - Site Plan  
Context/Site Photos  
DRAFT Temporary Use Permit No. TUP16-0003

# TEMPORARY USE PERMIT



## APPROVED ISSUANCE OF TEMPORARY USE PERMIT NO. TUP16-0003

**Issued To:** Kerkhoff Construction (2016)  
**Site Address:** 945 Guy Street  
**Legal Description:** Lot D, District Lot 139, Plan KAP71362  
**Zoning Classification:** I4 - Central Industrial

### SCOPE OF APPROVAL

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

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

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

### 1. TERMS AND CONDITIONS

THAT Temporary Use Permit No. TUP16-0003 for Lot D, District Lot 139, Plan KAP71362, located at 945 Guy Street, Kelowna, BC be approved for a one (1) year period subject to the following:

- a) The dimensions and siting of the temporary use on the land be in general accordance with Schedule "A";

AND THAT any application to extend the Permit must be approved by Council prior to this Permit expiring.

### 2. PERFORMANCE SECURITY

None required.

### 3. DEVELOPMENT

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

**This Permit IS NOT a Building Permit.**

#### 4. APPLICANT'S AGREEMENT

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

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

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

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

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

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Signature of Owner / Authorized Agent

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Date

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Print Name in Bold Letters

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Telephone No.

#### 5. APPROVALS

Issued and approved by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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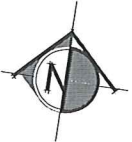
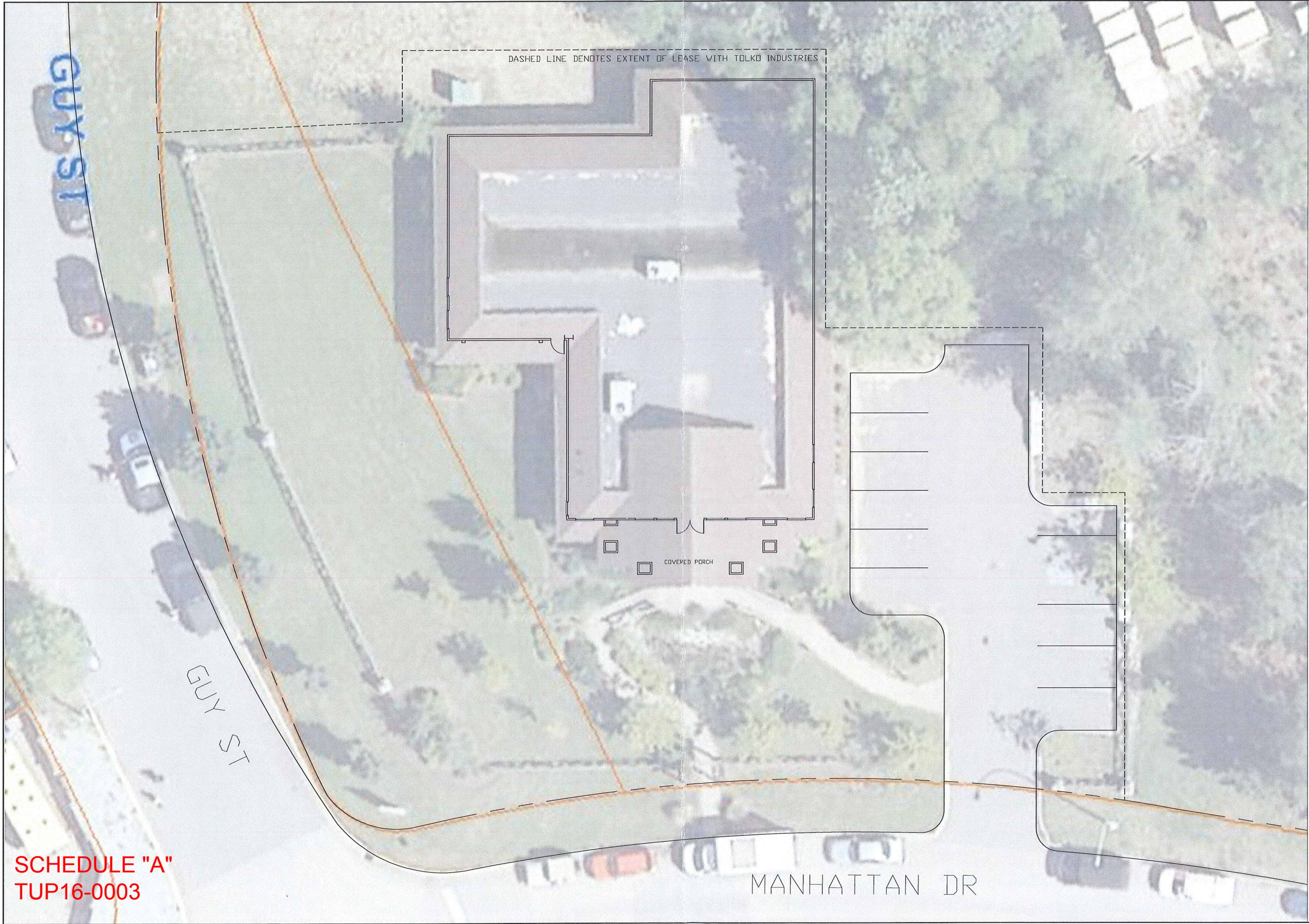
Ryan Smith, Community Planning Department Manager  
Community Planning & Real Estate

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Date

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





PROJECT ADDRESS:  
LEGAL DESCRIPTION:



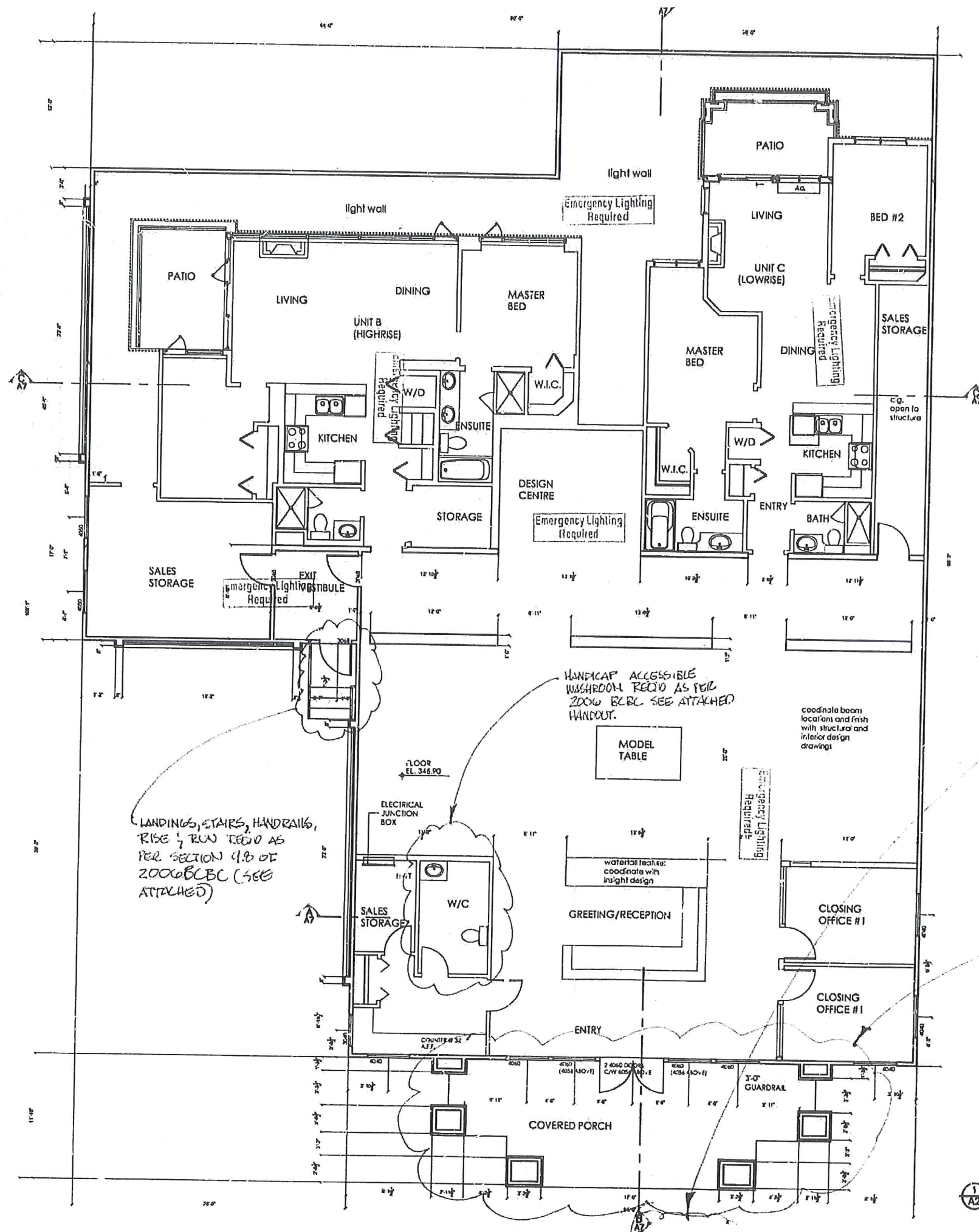
www.kerkhoff.ca

DRAWING TITLE:		DATE:
ELEVEN 51 SUNSET DRIVE		
SITE PLAN		
REVISIONS:	DESCRIPTION OF CHANGE	DATE
1.0	ISSUED FOR PRELIMINARY DISCUSSION	

DATE:	
SCALE:	NTS
FILE NAME:	
DRAWING NUMBER:	A-01



**SCHEDULE "A"**  
**TUP16-0003**



LANDINGS, STAIRS, HANDRAILS,  
RISE & RUN REQ'D AS  
PER SECTION 4.8 OF  
2000 BCBC (SEE  
ATTACHED)

HANDICAP ACCESSIBLE  
WASHROOM REQ'D AS PER  
2000 BCBC SEE ATTACHED  
HANDOUT.

NOTE:  
HANDICAP TRAMP REQUIRED  
CONFORMING TO ARTICLE  
3.8.3.3. AS PER 2000  
BC BUILDING CODE. CONSULT  
WITH BUILDING INSPECTOR ON  
SITE.

NOTE:  
GUARDRAIL REQUIRED AS PER  
SENTENCE 4.8.1(1)(a) WHERE  
THERE IS A DIFFERENCE IN ELEVATION  
OF MORE THAN 600MM BETWEEN  
THE WALKING SURFACE & THE ADJACENT  
SURFACE CONFORMING TO SUBSECTION  
4.8.3 OF 2000 BCBC







# REPORT TO COUNCIL



**Date:** August 9, 2016

**RIM No.** 0940-93

**To:** City Manager

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

**Application:** TUP14-0003      **Owner:** Interior Health Authority & City of Kelowna

**Address:** 2284 & 2292 Speer Street      **Applicant:** Stuart Olson Construction Ltd

**Subject:** Temporary Use Permit Extension

**Existing OCP Designation:** HLTH - Health District

**Existing Zone:** RU6 - Two Dwelling Housing

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## 1.0 Recommendation

THAT Council authorize an extension of Temporary Use Permit No. TUP14-0003 to allow the continued use of the subject property for Contractor Service, General for Lots A and B, District 14, ODYD, Plan EPP28861, located at 2284 and 2292 Speer Street, Kelowna, BC, for another two (2) year period commencing from July 29, 2016.

## 2.0 Purpose

To seek an extension on a Temporary Use Permit to allow the vacant residential properties to continue to be used for Contractor Services, General in support of Kelowna General Hospital construction projects.

## 3.0 Community Planning

Staff recommend that Council support the extension of this Temporary Use Permit. Kelowna General Hospital is a major regional Health Care provider and the KGH campus has been in a near constant state of construction for the last 10 years. Changes to construction phasing have made it very difficult for PCL and now Stuart Olson Construction to maintain the on-site contractor services portion of their operation on the KGH site. Given the close proximity of the subject properties to the KGH precinct, Stuart Olson Construction (replacing PCL as the sub lessee), Interior Health and the City have agreed to continue the use as a temporary alternative to an on-site location. Staff note that over the last two years this Temporary Use Permit has benefitted KGH and PCL and is anticipated to have the same positive outcome for Stuart Olson Construction for the next two years if approved by Council. Other important considerations are as follows:

- The Temporary Use is occurring on lands that are designated for Future Health District expansion.
- Interior Health Authority owns the property directly to the north of the subject properties.
- PCL and Stuart Olson Construction have been proactive and cooperative with the City of Kelowna and Interior Health in their approach to managing construction operations and impacts.
- Short extension (2 years) of the Temporary Use Permit gives staff and Council the assurance that the extended use will not impact the area for more than two more years.

## 4.0 Proposal

### 4.1 Background

The southerly of the two subject properties (2292 Speer Street) was purchased by the City of Kelowna as part of a long term plan to re-align Rose Avenue to the north. The northerly of the two subject properties is owned by Interior Health (as well as several other properties to the north). Interior Health has proposed to lease the City's property at 2292 Speer until the eventual road construction occurs. At that time, they will likely purchase any remaining land from the City to consolidate with their land holdings. The land will continue to be used for KGH services.

The subject properties are currently zoned RU6 - Two Dwelling Housing. Interior Health subleased both properties to PCL Constructors who constructed the new Interior Heart and Surgical Centre on the Kelowna General Hospital Campus. Due to the complexities of construction staging and the absence of appropriate space on the KGH site, PCL proposed to use the subject properties for construction staging/parking purposes (Contractor Services, General) for a period of approximately one year. The requested use of Contractor Services is not allowed in the existing RU6 zone therefore; a Temporary Use permit was needed to legalize this use.

The current Temporary Use Permit was issued on July 30<sup>th</sup>, 2014 and gave PCL two years for temporary use (expiring on July 29<sup>th</sup>, 2016) of the property with an additional 3 year option should it be necessary (and supported by Council).

PCL have completed their work on the Interior Heart and Surgical Centre as of this March and no longer will be using the properties. However, Stuart Olson Construction has had similar complications and therefore, has replaced PCL as the sub lessee and will be adopting the extension of the Temporary Use Permit (from PCL) should it be supported by Council. The request is for a 2 year period with no opportunity for extension beyond that point.

Only one extension is permitted per Temporary Use Permit. Therefore, this is the last extension for this Temporary Use Permit.

### 4.2 Project Description

The applicant is looking to extend the Temporary Use Permit placed on the subject properties (that will expire at the end of July) to allow the vacant residential properties to continue to be used for Contractor Services, General in support of Kelowna General Hospital construction projects.

### 4.3 Site Context

The subject properties are located on the southwest end of Speer Street, north of Rose Avenue. Both properties are within the area identified in Kelowna's Official Community Plan as the Health District.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 - Two Dwelling Housing	Future Health District
East	RU6 - Two Dwelling Housing	Future Health District
South	RU6 - Two Dwelling Housing	Future Health District
West	RU6 - Two Dwelling Housing	Future Health District

## Subject Property Map: 2284 and 2292 Speer Street



## 5.0 Current Development Policies

## 5.1 Kelowna Official Community Plan (OCP)

## Chapter 4 - Future Land Use - Temporary Use Permits (TUP)

The temporary use designation is intended to apply to operations that are temporary in nature and the designation does not in itself permit specific uses on the designated sites. Within these areas, Council may, by resolution, issue a Temporary Use Permit and specify the conditions under which the temporary use be carried on. Upon the expiration of a Temporary Use Permit, the permitted uses revert to those outlined in the City of Kelowna Zoning Bylaw 8000.

Temporary Use Permits may be considered within the Permanent Growth Boundary (PGB) on all lands designated in OCP2030 Commercial, Education/Institutional, Industrial, Mixed Use, or Public Service/Utility. All Temporary Use Permits must conform to other policy direction in this OCP, including fit within the character of the neighbourhood and

surrounding uses. Appropriate landscaping, screening and buffering will be included as conditions of the permit to protect adjacent land uses.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- No concerns

## 7.0 Application Chronology

Date of Application Received: May 12, 2016  
Date Public Consultation Completed: See TUP14-0003 for original consultation

Report prepared by:

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Jenna Ratzlaff, Summer Student & Adam Cseke, Planner

Reviewed by  
Approved for Inclusion: ☐ Terry Barton, Urban Planning Manager

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

### Attachments:

Schedule "A" - Site Plan  
Context/Site Photos  
DRAFT Temporary Use Permit No. TUP14-0003-01

# TEMPORARY USE PERMIT



## APPROVED ISSUANCE OF TEMPORARY USE PERMIT NO. TUP14-0003-01

**Issued To:** Stuart Olson Construction Ltd  
**Site Address:** 2284 and 2292 Speer Street  
**Legal Description:** Lot A and B, District 14, ODYD, Plan EPP28861  
**Zoning Classification:** RU6 - Two Dwelling Housing

### SCOPE OF APPROVAL

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

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

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

### 1. TERMS AND CONDITIONS

THAT Temporary Use Permit No. TUP14-0003-01 for Lot A and B, District 14, ODYD, Plan EPP28861, located at 2284 and 2292 Speer Street, Kelowna, BC be approved for a two (2) year period subject to the following:

- a) The dimensions and siting of the temporary use on the land be in general accordance with Schedule "A";

AND THAT any application to extend the Permit must be approved by Council prior to this Permit expiring.

### 2. PERFORMANCE SECURITY

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

None required.

### 3. DEVELOPMENT

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

**This Permit IS NOT a Building Permit.**

### 4. APPLICANT'S AGREEMENT

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

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

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

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

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

---

Signature of Owner / Authorized Agent

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Date

---

Print Name in Bold Letters

---

Telephone No.

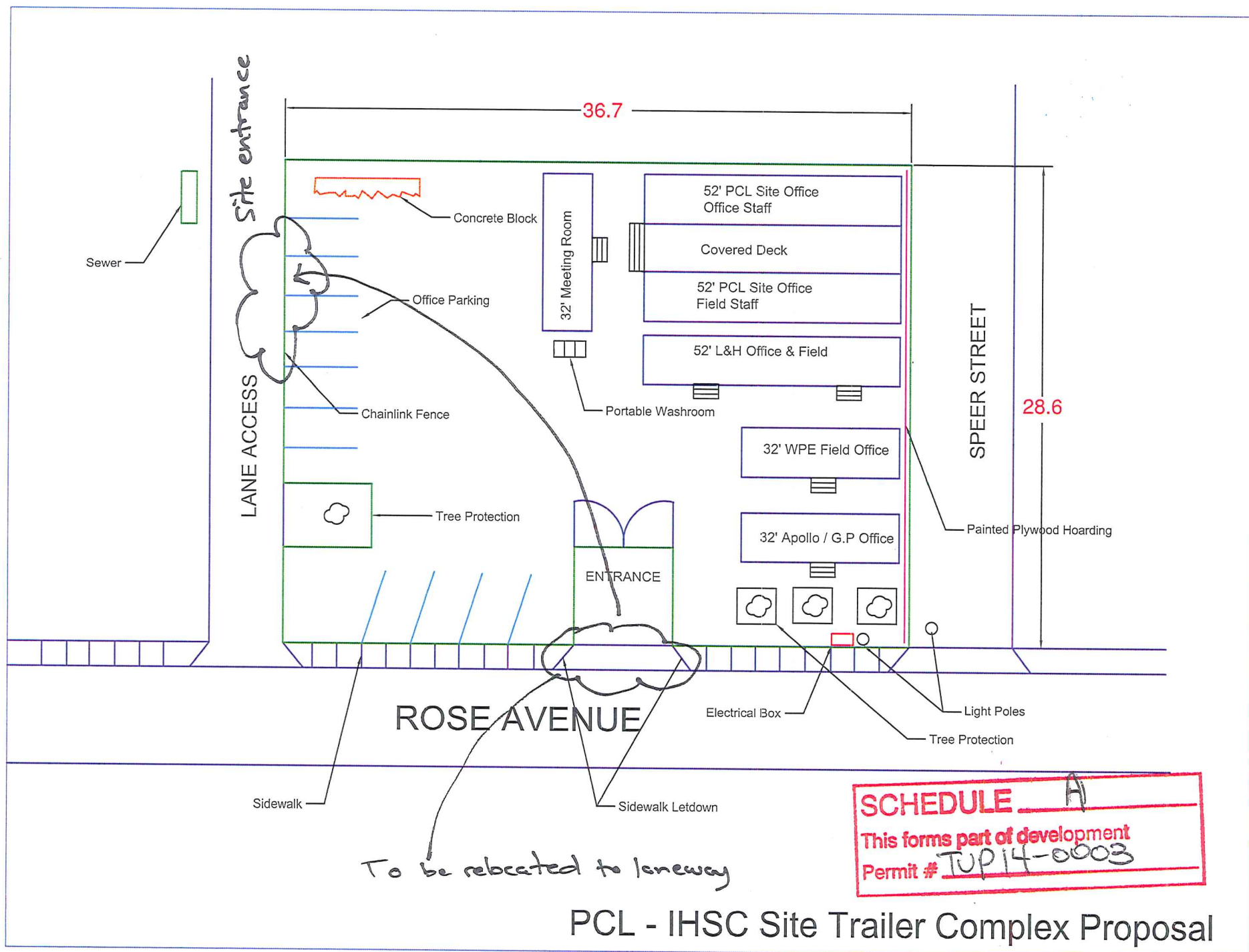
## 5. APPROVALS

Issued and approved by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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

\_\_\_\_\_  
Date

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







05 09 2014





05 09 2014





05 09 2014





05 09 2014



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

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**Date:** July 13, 2016  
**File No.:** DVP16-0132  
**To:** Community Planning (TB)  
**From:** Development Engineering Manager (SM)  
**Subject:** 2215 Speer Street - Revised

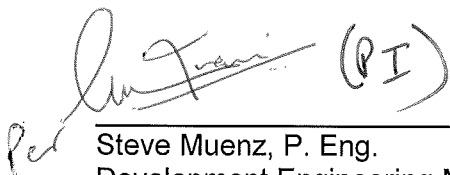
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Development Engineering comments and requirements regarding this development variance permit application are as follows:

Subdivision, Development and Servicing Bylaw No. 7900 allows for one driveway access to this property from the lane. A covenant restriction for the second driveway installation and removal could be supported in this case.

The second driveway as proposed on the site plan does present the following conflicts;

1. The existing on street Handicap Parking zone will need to be relocated or removed.
2. A mature tree exists in the boulevard in front of 2211 Speer St and the tree roots may be affected by the proposed driveway location.

 (PI)

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Steve Muenz, P. Eng.  
Development Engineering Manager

SS

# CITY OF KELOWNA

## BYLAW NO. 11186

### Official Community Plan Amendment No. OCP15-0004 The BC Muslim Association 150 Homer Road

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A bylaw to amend the "*Kelowna 2030* - Official Community Plan Bylaw No. 10500".

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of portions of Lot 12, Section 27, Township 26, ODYD, Plan 14897, located on Homer Road, Kelowna, B.C., from the MRL - Multiple Unit Residential (Low Density) designation to the EDINST - Education / Major Institutional designation as per Map "A" attached to and forming part of this bylaw;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 18<sup>th</sup> day of January, 2016.

Considered at a Public Hearing on the 2<sup>nd</sup> day of February, 2016.

Read a second and third time by the Municipal Council this 2<sup>nd</sup> day of February, 2016.

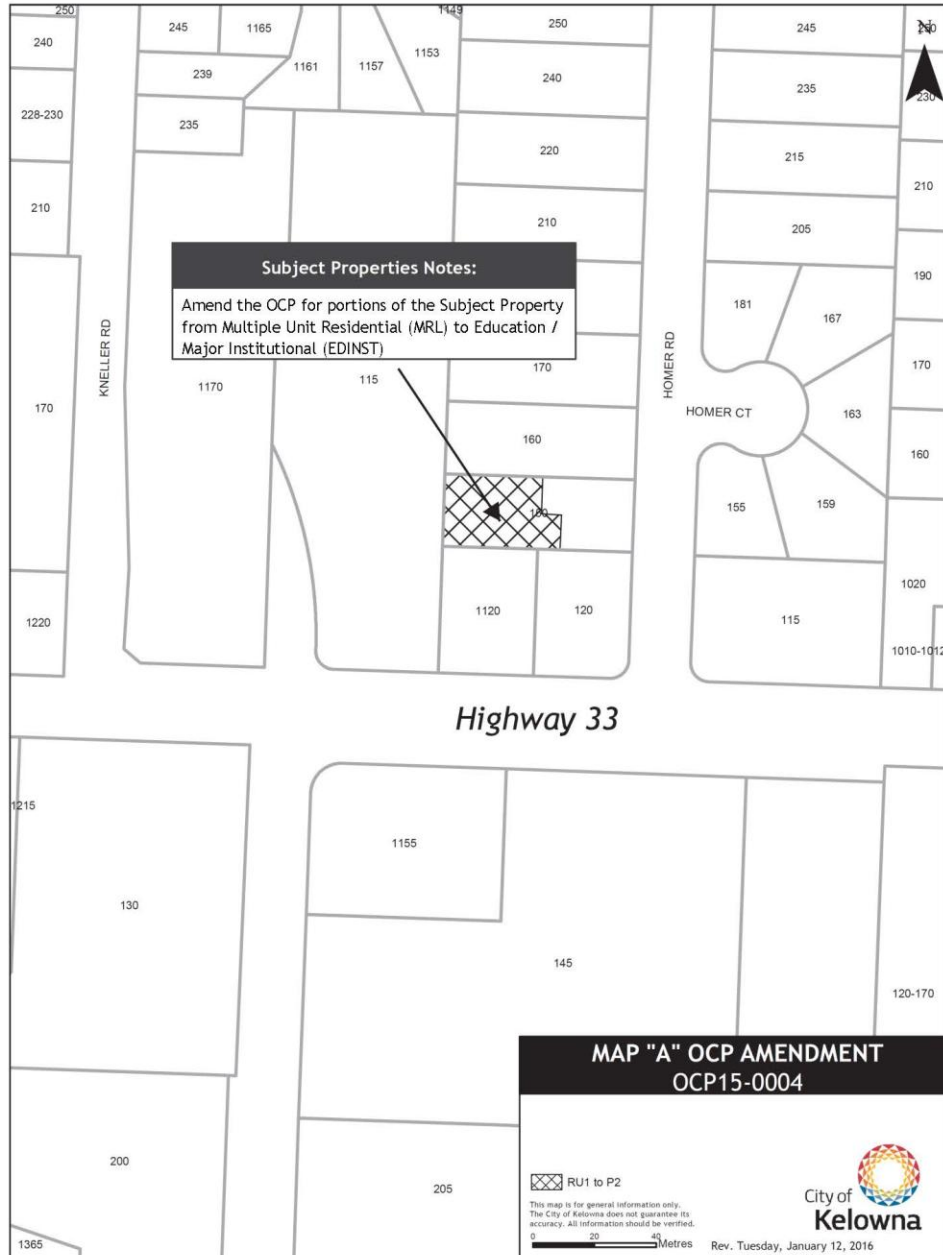
Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



**CITY OF KELOWNA**  
**BYLAW NO. 11187**  
**Z15-0018 - The BC Muslim Association**  
**150 Homer Road**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of portions of Lot 12, Section 27, Township 26, ODYD, Plan 14897, located on Homer, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the P2 - Education and Minor Institutional zone as per Map "B" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 18<sup>th</sup> day of January, 2016.

Considered at a Public Hearing on the 2<sup>nd</sup> day of February, 2016.

Read a second and third time by the Municipal Council this 2<sup>nd</sup> day of February, 2016.

Approved under the Transportation Act this 11<sup>th</sup> day of February, 2016.

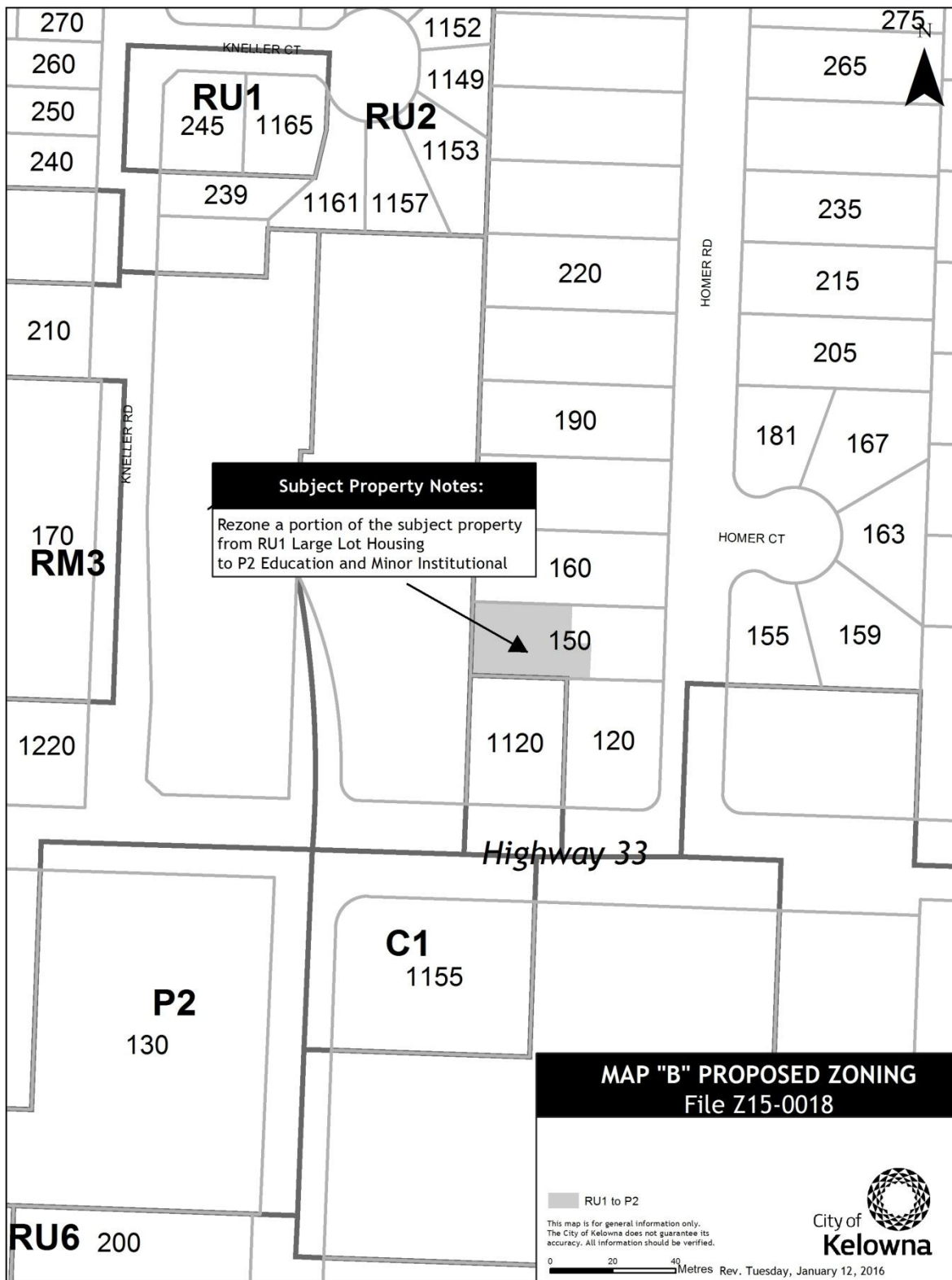
Blaine Garrison  
\_\_\_\_\_  
(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

\_\_\_\_\_  
Mayor

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





# REPORT TO COUNCIL



**Date:** August 9<sup>th</sup>, 2016

**RIM No.** 1250-20

**To:** City Manager

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

**Application:** DVP16-0145      **Owner:** The BC Muslim Association

**Address:** 150 Homer Rd & 1120 Hwy 33 W      **Applicant:** Steve Shoranick (Trak Construction)

**Subject:** Official Community Plan Re-designation and Rezoning Application

Existing OCP Designation: MRL - Multiple Unit Residential (Low Density)

Proposed OCP Designation: EDINST - Education / Institutional

Existing Zone: RU1 - Large Lot Housing

Proposed Zone: P2 - Education and Minor Institutional

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## 1.0 Recommendation

THAT Final Adoption of Zoning Amending Bylaw No. 11187 and OCP Amending Bylaw No. 11186 be considered by Council;

AND THAT Council authorize the issuance of Development Variance Permit DVP16-0145 for proposed Lot 2, Section 27, Township 26, ODYD, Plan EPP63747, located on 150 Homer Road, Kelowna, BC.

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

### Section 13.1.6 (e) Development Regulations

- Reduce the minimum rear yard setback from 7.5m to 1.5m.

AND THAT Council authorize the issuance of Development Variance Permit DVP16-0145 for proposed Lot 1, Section 27, Township 26, ODYD, Plan EPP63747, located on 1120 Hwy 33 W, Kelowna, BC.

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

### Section 6.5.3 Accessory Buildings in non-residential zones

- Reduce the setback distance from 1.5m to 0.75m.

### Table 8.1 - Parking Schedule

- Reduce the minimum number of parking stalls required from 57 stalls to 29 stalls.

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

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

## 2.0 Purpose

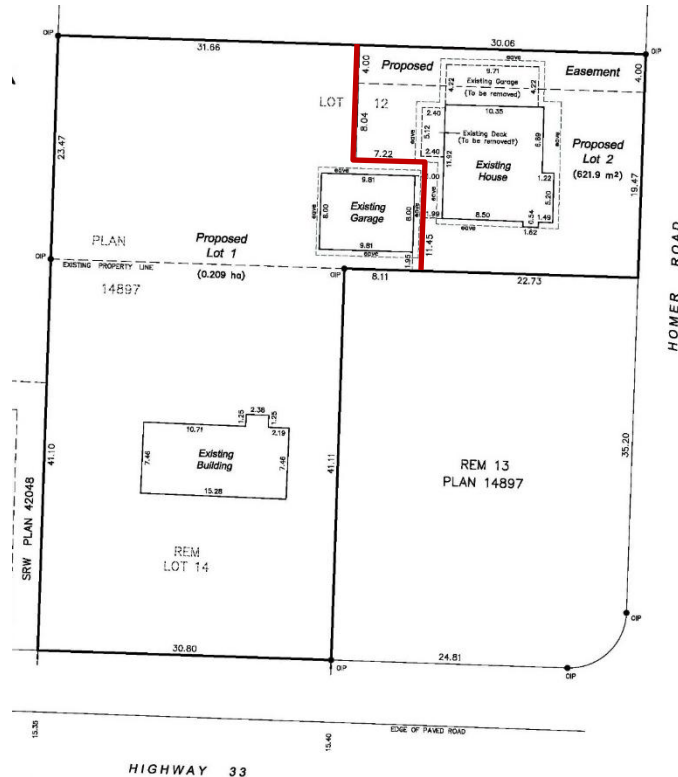
To consider three variances to facilitate the redevelopment of a religious assembly use.

## 3.0 Community Planning

Staff supports the Development Variance Permit proposal to facilitate the redevelopment of the Kelowna Islamic Centre. Development Permits for places of worship (institutional use) are not required as per Section 488 in the Local Government Act. However, the applicant has provided drawings for Council to view (see attachments).

There are two variances related to the property line moving between 1170 Hwy 33 and 150 Homer Rd also owned by the BC Muslim Association. This property line adjustment is necessary to meet the parking demand by the Islamic Centre and the access easement required by the Ministry of Transportation and Infrastructure (MOTI). The purpose of rear yard setbacks is to have appropriate buffering distances between dwellings. In this case, the setback variances are triggered by a parking lot versus another residential parcel. As such, Staff consider the setback variances as minor.

Figure 1: Proposed Location of Property Line (1170 Hwy 33 and 150 Homer Rd)



The redevelopment of the Islamic Centre triggers additional parking requirements. The BC Muslim Association recently purchased 150 Homer Road in order to achieve this objective. However, a parking variance is still needed from 57 stalls to 29 stalls. Staff support this variance as the majority of the time the parking spaces will be under-utilized due the variable prayer times.

The Zoning Bylaw's parking requirement of 10 stalls per 100 m<sup>2</sup> of gross floor area applies to the whole building which has a main worship floor and a basement. The parking requirement would be met under the premise that only one floor is occupied at a time and typically the main worship floor and the basement would not be occupied simultaneously. There is also adequate space to add bicycle racks if it is desired. However, the zoning bylaw does not require any minimum bicycle parking for religious assembly.

#### 4.0 Proposal

##### 4.1 Background

There were numerous discussions and negotiations with the Ministry of Transportation and Infrastructure (MOTI) about the Kelowna Islamic Centre's existing Highway 33 access. The solution that was adequate for MOTI and the Applicant was to limit the existing access to right out on Hwy 33 and to develop an alternative access into the site from Homer Road. The existing garage on the northern half of 150 Homer Road will be removed and developed into a drive aisle.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant has notified all of the neighbours within a 50 metre radius.

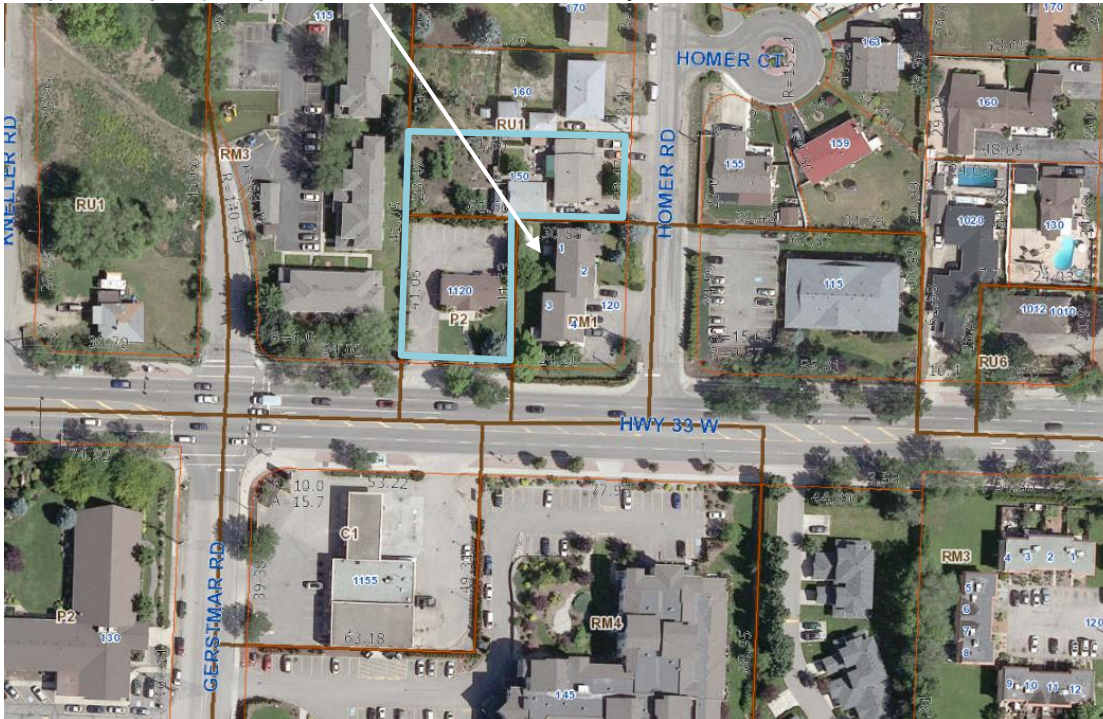
##### 4.2 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	P2 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Site Coverage	40 %	10 %
Site coverage for buildings, roads, & parking areas	60 %	53 %
Side Yard for accessory building (east)	1.5m	0.75 ❶
Other Regulations		
Minimum Parking Requirements	57 stalls	29 stalls ❷
Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Rear Yard setback (west)	7.5m	1.5m ❸
❶ Side yard setback reduction variance for an accessory building.		
❷ Parking reduction variance.		
❸ Rear yard setback reduction for the primary dwelling.		

##### 4.3 Site Context

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	MRL - Multiple Unit Residential (Low Density)
East	RU1 - Large Lot Housing RM3 - Low Density Multiple Housing	MRL - Multiple Unit Residential (Low Density)
South	RU1 - Large Lot Housing P2 - Education and Minor Institutional	MRL - Multiple Unit Residential (Low Density) EDINST - Education / Institutional
West	RM3 - Low Density Multiple Housing	MRL - Multiple Unit Residential (Low Density)

**Subject Property Map: 150 Homer Rd & 1120 Hwy 33 W****5.0 Current Development Policies****5.1 Kelowna Official Community Plan (OCP)****Chapter 5: Development Process**

**Compact Urban Form.**<sup>1</sup> 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.

**Sensitive Infill.**<sup>2</sup> Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

**6.0 Technical Comments****6.1 Building & Permitting Department**

- 1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s).
- 2) Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

- 3) A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
  - a. Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
- 4) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.
- 5) An exit analysis is required as part of the code analysis at time of building permit.
- 6) Size and location of all signage to be clearly defined as part of the development permit. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
- 7) Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation, soffit protection the new requirements for part 9 buildings and NAFS are being applied to this structure at time of permit application.

## 6.2 Development Engineering Department

N/A

## 6.3 Fire Department

- 1) The Fire Department has no issues with the zoning.

## 7.0 Application Chronology

Date of Application Received:	April 17 <sup>th</sup> 2015
Date Public Consultation for Rezoning Completed:	July 29 <sup>th</sup> 2015
Date Public Consultation for Variances Completed:	July 30 <sup>th</sup> 2016

### Report prepared by:

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Adam Cseke

Reviewed by:

☐

Terry Barton, Urban Planning Manager

Approved for:

☐

Ryan Smith, Community Planning Department Manager

### Attachments:

DVP16-0145  
 Survey Plan  
 Conceptual Renderings  
 Site

Plan

# DEVELOPMENT VARIANCE PERMIT



## APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT

**File Number** DVP16-0145  
**Issued To:** The BC Muslim Association  
**Site Address:** 150 Homer Rd & 1120 Hwy 33 W  
**Legal Description:** Lot 1 & 2, Section 27, Township 26, ODYD, Plan EPP63747  
**Zoning Classification:** P2 - Education and Minor Institutional  
**Development Permit Area:** Comprehensive Development Permit Area

### SCOPE OF APPROVAL

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

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

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

### 1. TERMS AND CONDITIONS

THAT Development Variance Permit No. DVP16-0145 for Lot 2 and Lot 1, Section 22, Township 26, ODYD, Plan EPP51775, located at 150 Homer Rd & 1120 Hwy 33 W, Kelowna, BC be approved subject to general conformance to the drawings (Schedule "A", "B", & "C") attached to this permit.

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 for lot 2, Section 27, Township 26, ODYD, Plan EPP63747, located on 150 Homer Rd, Kelowna, BC, be granted:

#### Section 13.1.6 (e) Development Regulations

- Reduce the minimum rear yard setback from 7.5m to 1.5m.

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 for lot 1, Section 27, Township 26, ODYD, Plan EPP63747, located on 1120 Hwy 33 W, Kelowna, BC, be granted:

#### Section 6.5.3 Accessory Buildings in non-residential zones

- Reduce the setback distance from 1.5m to 0.75m;

<b>SCHEDULE</b>	<b>A</b>
This forms part of development	
<b>Permit #</b>	<b>DVP16-0145</b>






Table 8.1 - Parking Schedule

Reduce the minimum number of parking stalls required from 57 stalls to 29 stalls.

**2. PERFORMANCE SECURITY**

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

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

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

**3. DEVELOPMENT**

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

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

**This Permit IS NOT a Building Permit.**

**4. APPLICANT'S AGREEMENT**

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

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

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



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

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

\_\_\_\_\_  
Signature of Owner / Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

\_\_\_\_\_  
Telephone No.

#### **5. APPROVALS**

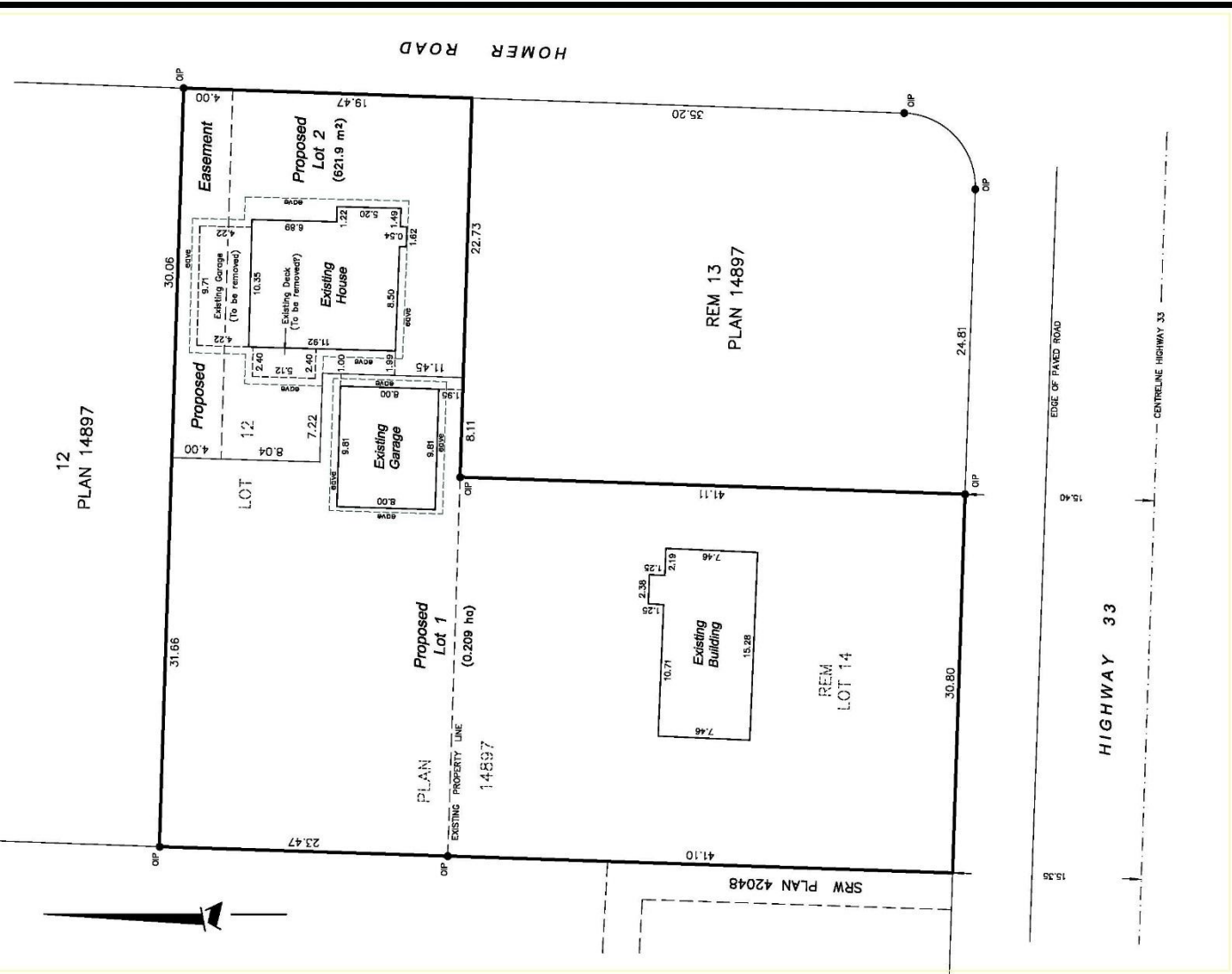
Issued and approved by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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

\_\_\_\_\_  
Date

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





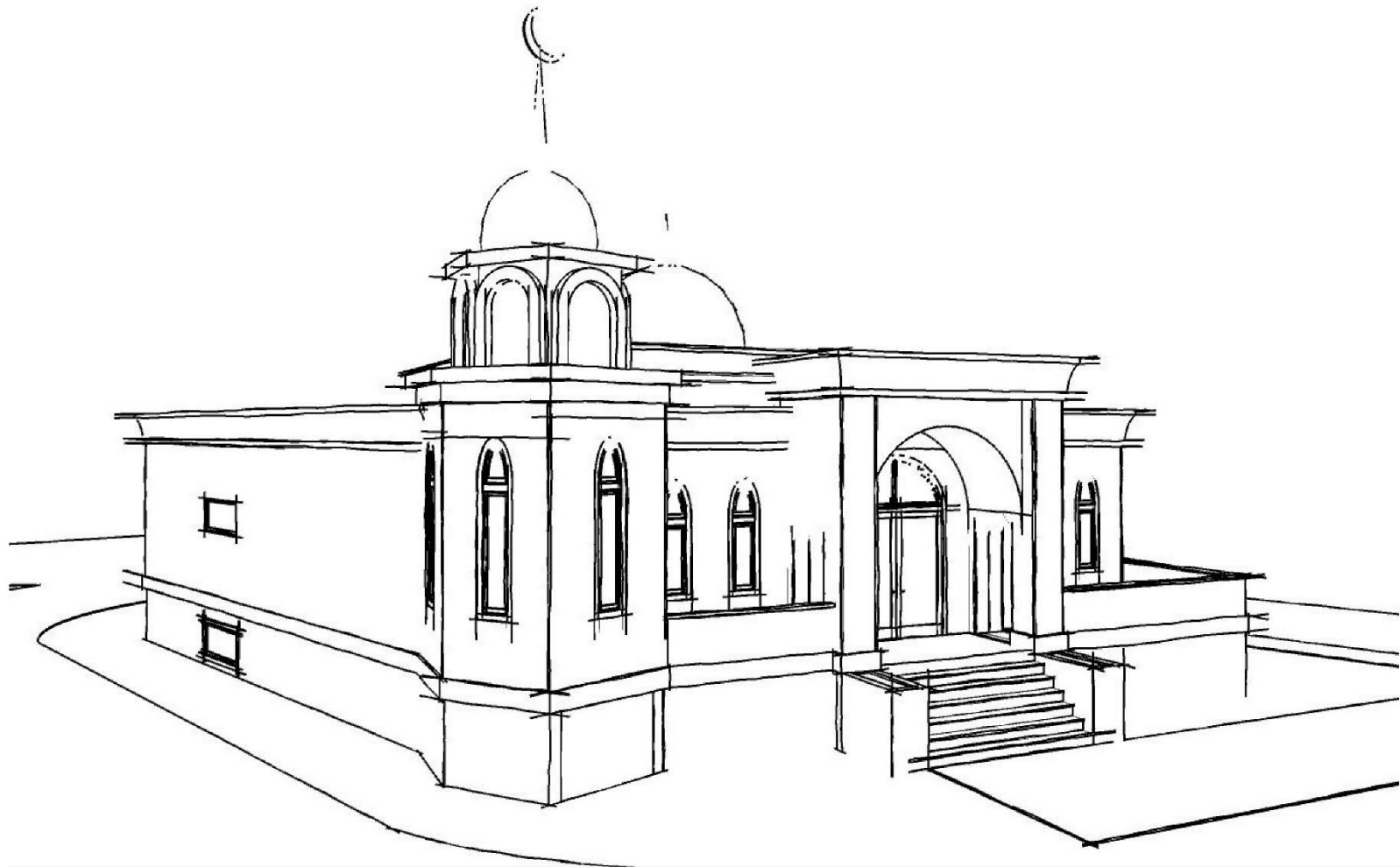
TITLE: SKETCH PLAN SHOWING PROPOSED SUBDIVISION OF LOT 12, PLAN 14897 AND LOT 14, PLAN 14897, EXCEPT PLAN 40797, ALL SECTION 27, TOWNSHIP 26, O.D.Y.D.

DRAWN BY:	RUNNALLS DENBY		
	british columbia land surveyors		
	255A Lawrence Avenue Phone: (250)783-7322		
	Kelowna, B.C. Fax: (250)783-4413		
	V1Y 5L2 Email: info@runnallsdenby.com		
CLIENT:	BCMA (c/o MKS)		
	SCALE: 1:300 (11"x17")	DATE: March 7th, 2016	REV: 0
	DWG: 14428 PROPOSED SUB	FILE NO: 14428	











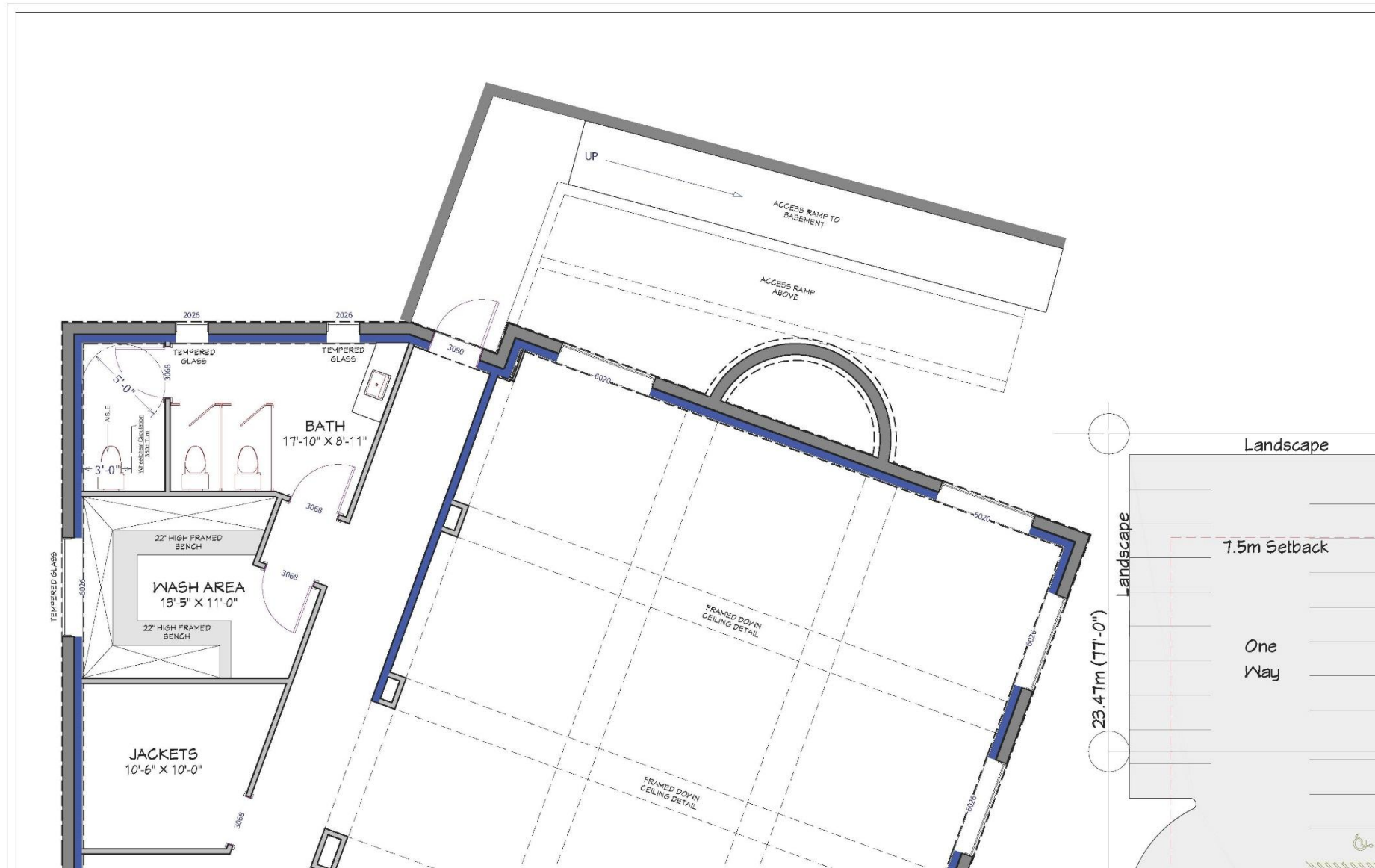






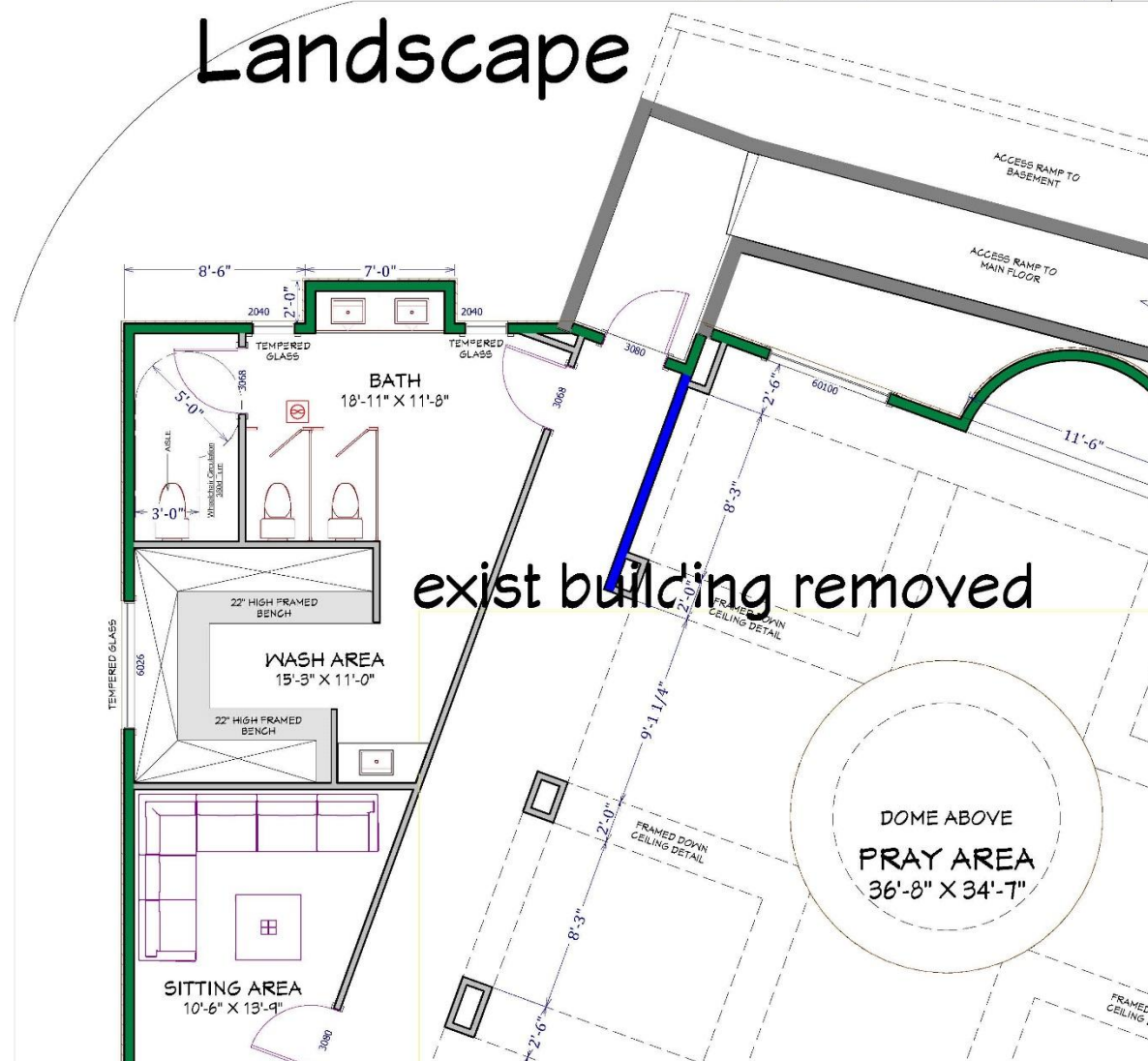


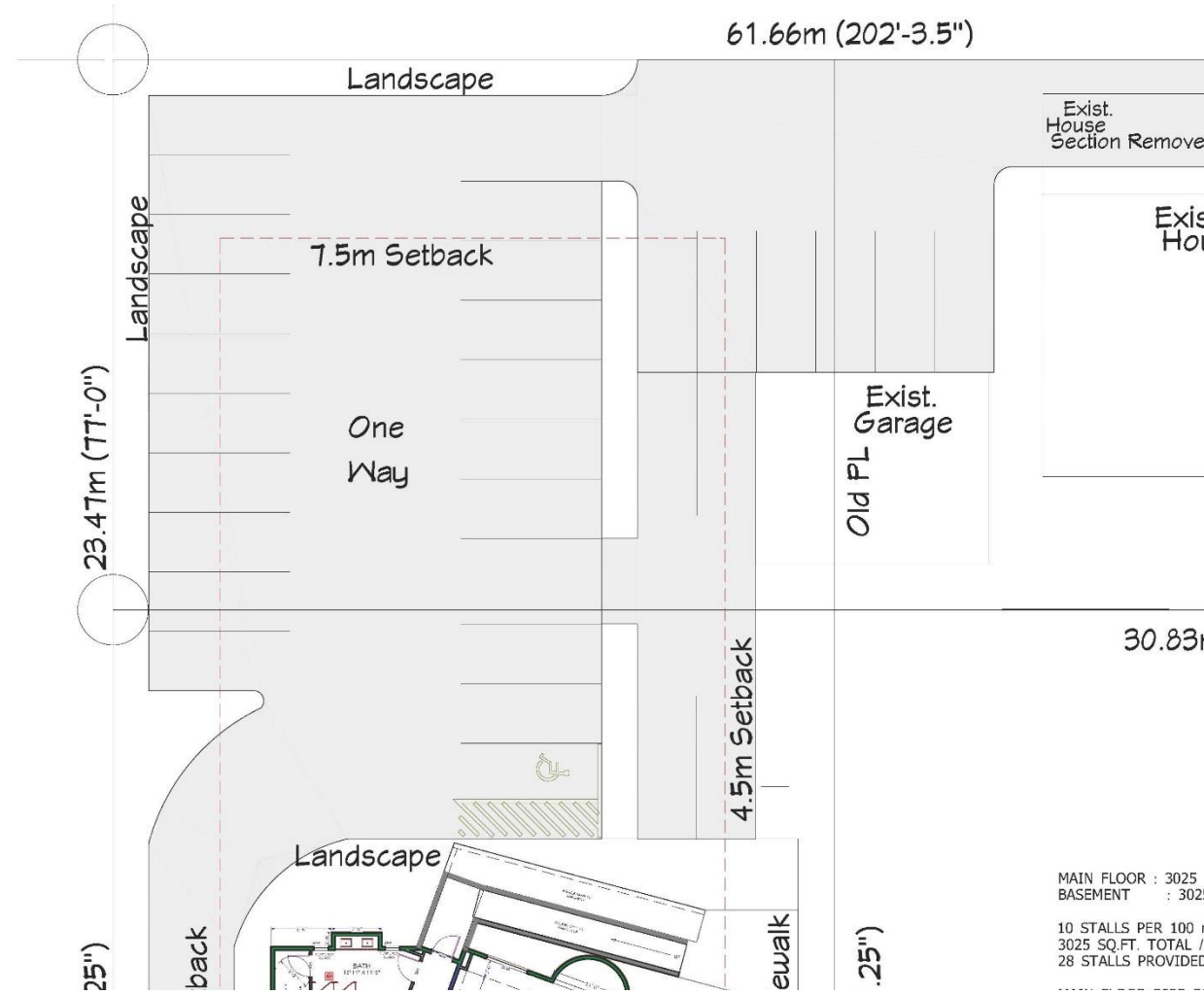




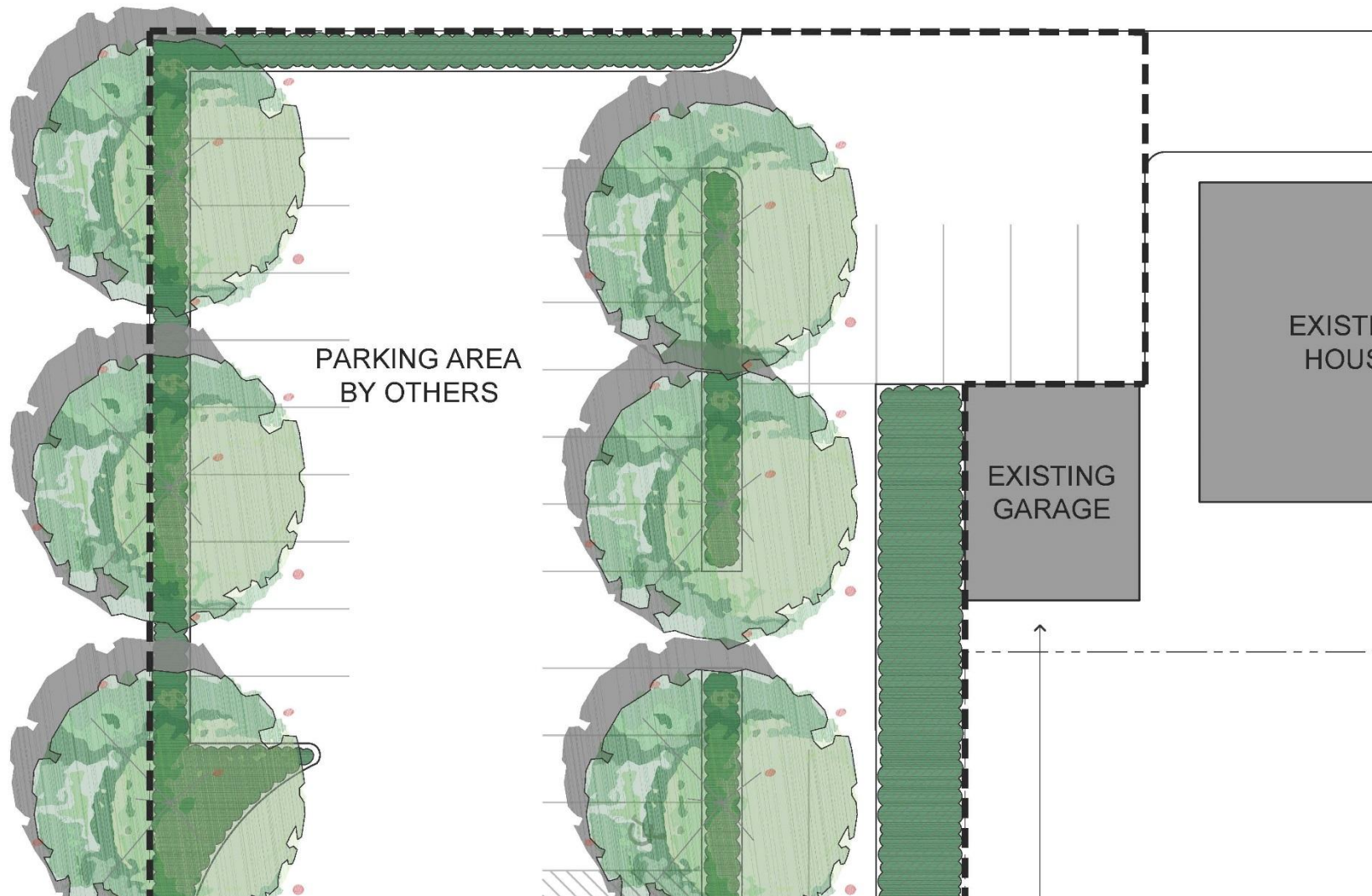


# Landscape





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# REPORT TO COUNCIL



Date: August 9, 2016

RIM No. 0940-50

To: City Manager

From: Community Planning Department (TB)

Application: DVP16-0132

Owner: Marilea Ann Sharpe

Address: 2215 Speer Street

Applicant: Marilea Ann Sharpe

Subject: Development Variance Permit

Existing OCP Designation: HLTH - Health District

Existing Zone: RU6 - Two Dwelling Housing

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0132 for Lot 29, District Lot 14, ODYD, Plan 413, located at 2215 Speer Street, Kelowna, BC;

AND THAT variances to the following section of Subdivision, Development, and Servicing Bylaw No. 7900 be granted:

**Schedule 4: Design Standards - Highways: Section 4.6 Curb and Gutter, Sidewalks and Bike Lanes**

To allow a second driveway with access from the higher classification of road when there is an existing driveway with lane access.

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

**Section 8.1.9(b): Parking and Loading**

To allow parking in the required front yard setback (4.5m).

AND THAT Council's consideration of this Development Variance Permit be considered subsequent to the registration of a Section 219 Restrictive Covenant on the subject property indicating that the second driveway is for the sole benefit of the current registered owner, is non-transferable, and shall be removed upon change of ownership;

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

## **2.0 Purpose**

A development variance permit to allow a second driveway with access from the higher classification of road when there is an existing driveway with lane access and to allow parking within the required front yard setback.

## **3.0 Community Planning**

Community Planning supports the proposed variance to allow a second driveway on the subject property with access from the front street. The applicant has expressed unique circumstances which require the additional access and parking from the front street.

## **4.0 Proposal**

### **4.1 Background**

The subject property has a single family dwelling that was constructed in 1965 with driveway access from the rear lane. The driveway was then paved and extended in 1970. In 2013 the applicant requested handi-cap parking be installed in front of the subject property. Currently there are two (2) handicap stalls with no time restrictions located in front of 2215 Speer Street. The applicant began discussions with the City in 2014 to initiate the request for a second driveway. Discussions with Traffic and Development Engineering were unsuccessful and unsupported by the two departments because the proposal is contrary to the Subdivision, Development, and Servicing Bylaw No. 7900. The applicant came forward with a Development Variance Application in May 2016.

### **4.2 Project Description**

The applicant has proposed a second driveway to be accessed from the front street for handicap accessibility for herself and her care workers. The existing driveway on the east of the property that is accessed from the lane is obstructed by a large gate, making it difficult to access. The applicant prefers not to alter the fence or the gate as her Service Dog requires a fenced yard.



*Image showing existing and proposed driveways on subject property (above)*

*Image showing existing fence prohibiting access to existing driveway (below)*





Due to the number of users of the street parking in the area, the applicant proposes that a second driveway would allow her and her care workers to be guaranteed close and accessible parking. The handi-cap parking stalls in front of her property have no time limit, therefore often they are used by other residents or people accessing the Kelowna General Hospital. These will be removed as a function of this application and therefore reduce the amount of on-street parking on Speer Street.



*Image showing handi-cap parking in front of subject property: 2215 Speer St*

The proposed second driveway will be accessed directly off of Speer Street close to the north property line. The applicant has contacted the required City Department to obtain a quote for a curb let down that would allow access for the driveway. Should Council support this variance, no

building permit is required and construction can commence once scheduled with a City crew. As a function of this proposal, Parking Services will remove the two handi-cap spaces in front of the subject property as they would be unnecessary for the applicant. In the future, the applicant plans to renovate the front entrance and interior of the home to make it wheelchair accessible.

#### 4.3 Variances

There are two variances to the Subdivision, Development and Servicing Bylaw (SDS Bylaw), and one variance to the Zoning Bylaw. The SDS Bylaw states that each property shall only have one driveway access per road frontage. Secondly the Bylaw states that where a lot abuts a lane, the driveway shall be located to access the lane.

*Section 4.6: Each property shall only have one (1) driveway access per road frontage. Upon demonstrated need and approval from the City Engineer, more than one (1) driveway access may be granted to service stations, major commercial and other developments. Where a lot abuts a lane or road of different classification, the driveway shall be located to access the lane or road of the lower classification.*

Speer Street is a residential class street with no sidewalks, but full curb and gutter. There are no plans in the near future to upgrade Speer Street to include a sidewalk, therefore the addition of a driveway onto the street should have minimal safety implications for pedestrians. There are two other driveways on Speer Street, one on an interior lot and one on a corner lot, all other properties maintain access from the lane.

In the Parking and Loading section of the Zoning bylaw it states that no off-street parking shall be located in a required front yard (4.5m) unless it leads to a garage or carport.

*Section 8.1.9(b): No off-street parking shall be located in the required front yard except that a maximum of two required spaces may be located on a driveway which provides access to a required off-street parking space that is not in the front yard.*

The subject property is an interior lot in a well-treed neighbourhood, therefore the visual impact of allowing parking in the required front yard (4.5m) is minimal.

#### 4.4 Site Context

The subject property is located in close proximity to Kelowna General Hospital on Speer Street between Royal Avenue and Rose Avenue. Due to the increase in construction and development in this area, residential street parking has become increasingly higher in demand. The Hospital Area Plan is currently undergoing a study on how to provide adequate on-street parking for residents, hospital workers, and hospital visitors.

Subject Property Map: 2215 Speer Street







## 5.0 Technical Comments

### 5.1 Building & Permitting Department

No Comment.

### 5.2 Development Engineering Department

Please see attached Memorandum dated June 17, 2016.

### 5.3 Fire Department

The driveway off of Speer Street is preferred for emergency response.

## 6.0 Application Chronology

Date of Application Received:	May 18, 2016
Date Public Consultation Completed:	April 2016

Report prepared by:

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Trisa Brandt, Planner I



**Reviewed by:**



Terry Barton, Urban Planning Manager

**Approved for Inclusion:**



Ryan Smith, Community Planning Department Manager

**Attachments:**

Letter of Rationale

Site Plan

Development Engineering Memorandum dated June 17, 2016

Draft Development Variance Permit DVP16-0132

April, 2016

Application for City of Kelowna Variance to put in a front driveway for handicap access to my home

2215 Speer Street, Kelowna, BC, V1Y 2H1

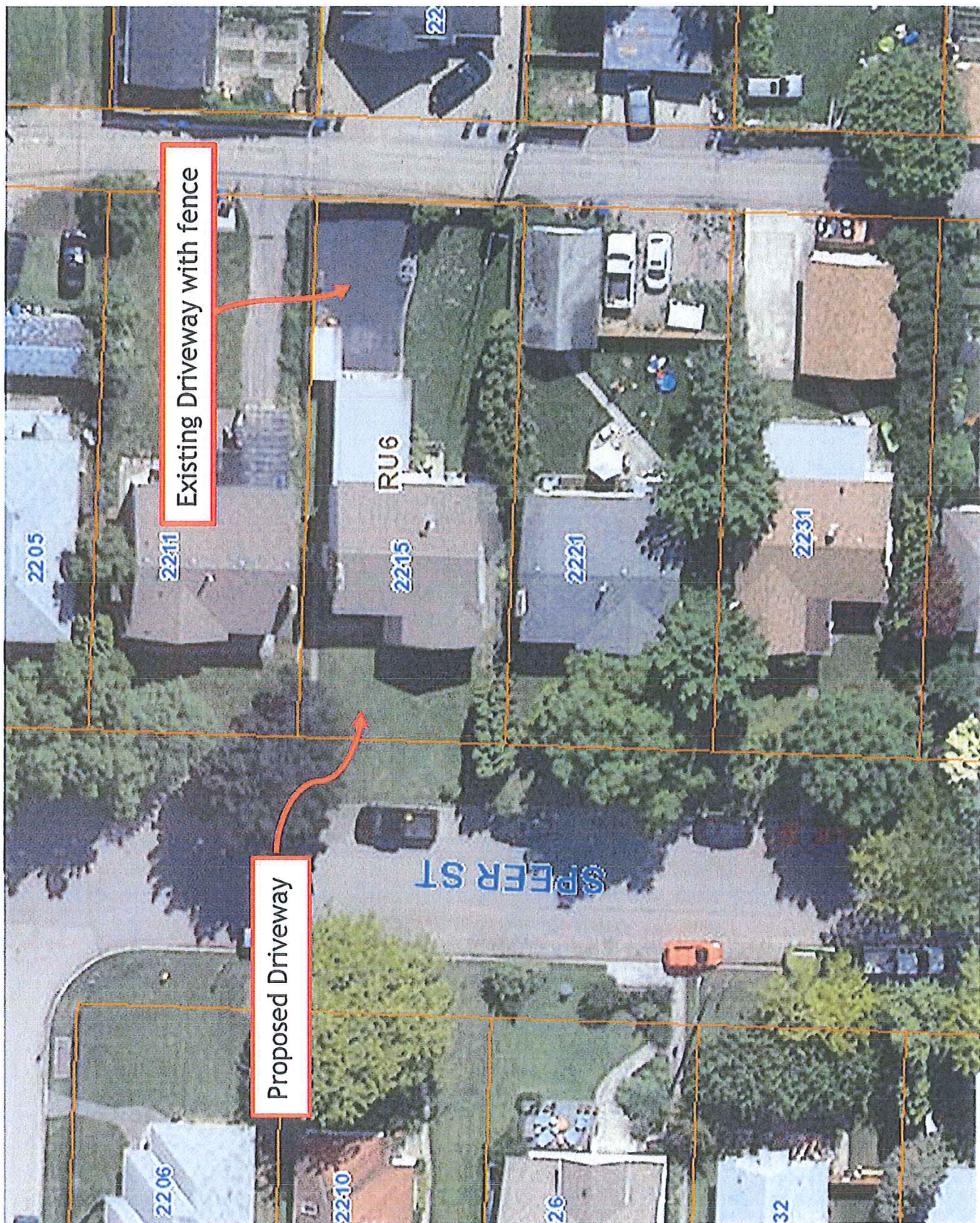
Dear Neighbours,

I have been asked by the City of Kelowna to accumulate neighbour support for my application to put a front driveway on my property. As we are all very aware, the problems with Speer Street parking are becoming more difficult with the expansions of the hospital, creation of the 3 story laboratory building, the cancer clinic and high density RU6 zoning in this area.

I have had 20 surgeries in the past 21 years and I live alone. Interior Health is the main post surgery care giver and the workers have a very limited time to help me 3 times each day, once I am released from the hospital. Most times, the caregivers are forced waste valuable time trying to park their vehicles and have such a tight schedule that they do not have adequate time to attend to my post surgery needs.

I need easy access parking for myself and my caregivers. I've owned this house since 1997, this is my home. I have no intention of selling my home and I need to have proper easier access to my home. I appreciate your support.

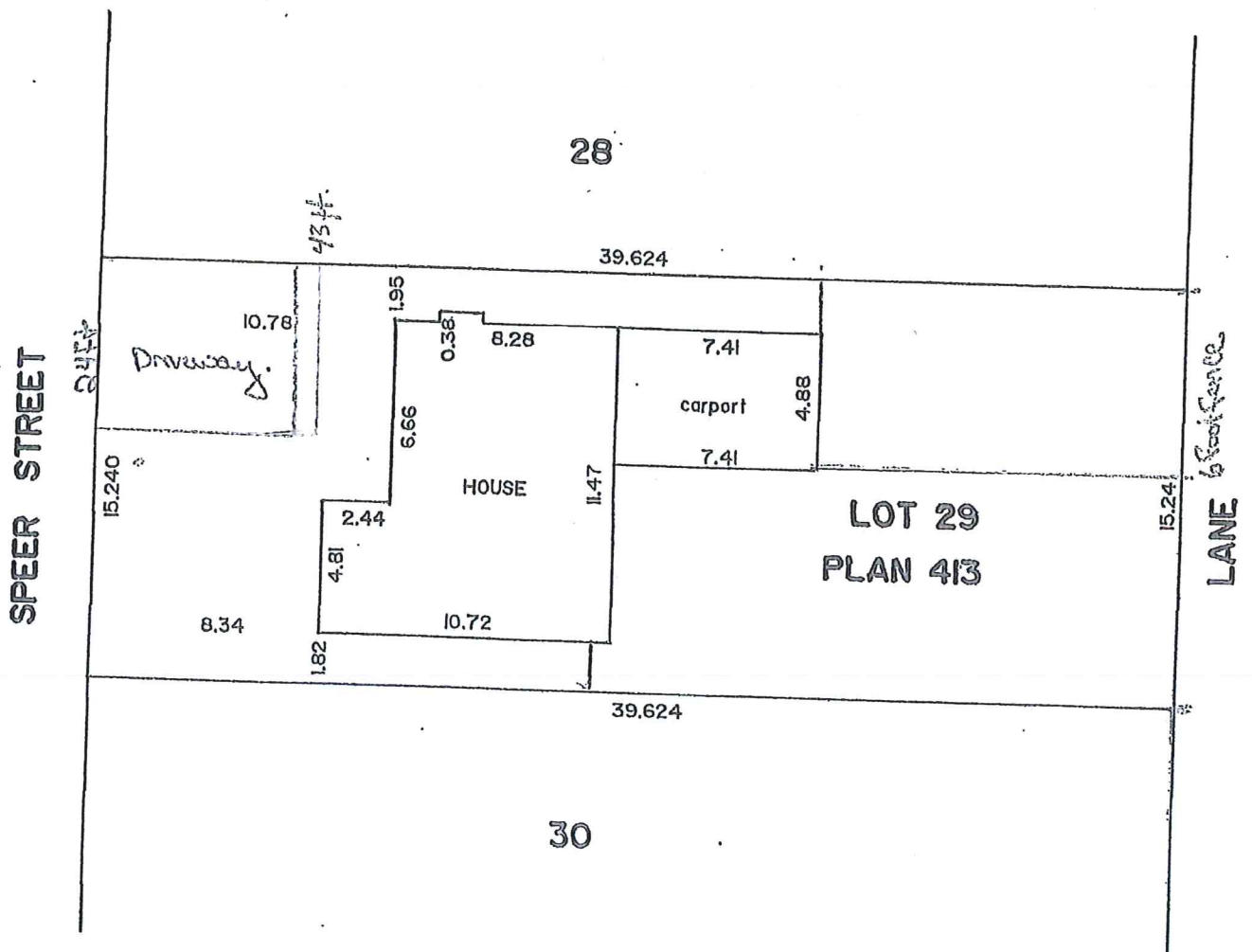






# B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION ON LOT 29, PLAN 413, DISTRICT LOT 14, O.D.Y.D.

2215 SPEER STREET



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


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**Date:** June 17, 2016  
**File No.:** DVP16-0132  
**To:** Community Planning (TB)  
**From:** Development Engineering Manager (SM)  
**Subject:** 2215 Speer Street

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

In accordance with Subdivision, Development and Servicing Bylaw No. 7900, we are unable to support your request for a second access. The bylaw allows for one driveway access to this property from the lane. A handicap parking zone exists in front of this property.



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Steve Muenz, P. Eng.  
Development Engineering Manager

SS

# DEVELOPMENT VARIANCE PERMIT



## APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT DVP16-0132

**Issued To:** Marilea Ann Sharpe  
**Site Address:** 2215 Speer Street  
**Legal Description:** Lot 29, District Lot 14, ODYD, Plan 413  
**Zoning Classification:** RU6 - Two Dwelling Housing

### SCOPE OF APPROVAL

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

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

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

### 1. TERMS AND CONDITIONS

THAT Development Permit No. DVP16-0132 for Lot 29, District Lot 14, ODYD, Plan 413, located at 2215 Speer Street, Kelowna, BC to allow the construction of a second driveway be approved subject to the following:

- a) The driveway is to be greater than 4.0m and less than 6.0m wide as per the Subdivision, Development, and Servicing Bylaw No. 7900.
- b) AND THAT variances to the following section of Subdivision, Development, and Servicing Bylaw No. 7900 be granted:

#### Section 4.6: Design Standards - Highway

To allow a second driveway with access from the higher classification of road when there is an existing driveway with lane access.

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

#### Section 8.1.9(b): Parking and Loading

To allow parking in the required front yard setback (4.5m).



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. PERFORMANCE SECURITY

None required.

## 3. DEVELOPMENT

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

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

**This Permit IS NOT a Building Permit.**

## 4. APPLICANT'S AGREEMENT

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

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

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

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

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

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Signature of Owner / Authorized Agent

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Date

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Print Name in Bold Letters

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Telephone No.

**5. APPROVALS**

Issued and approved by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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

\_\_\_\_\_  
Date

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