

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, August 23, 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 Given.

3. Confirmation of Minutes

Public Hearing - August 9, 2016
Regular Meeting - August 9, 2016

4. Bylaws Considered at Public Hearing

- 4.1 BL11265 (TA16-0006) - Amendments to the A1t - Agriculture 1 with Agri-Tourist Accommodation** 1 - 3

To give Bylaw No. 11265 second and third readings in order to amend Zoning Bylaw No. 8000 to prohibit the use of Agri-tourist Accommodation within the A1 - Agriculture 1 Zone.

- 4.2 Upper Mission Drive (E of), BL11266 (OCP16-0011) - Calcan Investments Inc.** 4 - 5

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

To give Bylaw No. 11266 second and third readings in order to change the future land use designations of portions of the subject properties in order to accommodate the development of a single family subdivision.

- 4.3 Upper Mission Drive (E of), BL11267 (Z16-0041) - Calcan Investments Ltd.** 6 - 7

To give Bylaw No. 11267 second and third readings in order to rezone portions of the subject properties to accommodate the development of a single family subdivision.

5. Notification of Meeting

The City Clerk will provide information as to how the following items on the Agenda were publicized.

6. Liquor License Application Reports

6.1 1470-1476 Water Street, LL16-0002 - 1324632 Alberta Ltd. 8 - 12

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

To seek Council's support for amending a Liquor Primary License by changing the hours of operation from 11:00 pm to 02:00 am 7 days/week for a hotel development.

7. Development Permit and Development Variance Permit Reports

7.1 845 Kinnear Court, BL11242 (Z15-0050) - Carol Kergan 13 - 13

To adopt Bylaw No. 11242 in order to rezone the subject property to facilitate the conversion of an accessory building to a carriage house.

7.2 845 Kinnear Court, DP16-0154 & DVP15-0232 - Carol Kergan 14 - 28

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

To vary the minimum side yard setback to facilitate the conversion of an existing accessory building to a carriage house on the subject parcel.

7.3 785 Packinghouse Road, TUP16-0002 - Frank & Helen Klimes 29 - 43

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

To temporarily allow a suite in an accessory building on the subject property to remain in use for a period of three years.

7.4 960 Mayfair Road, DP16-0113 & DVP16-0058 - Justin & Rebecca Bullock 44 - 60

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

To consider the form and character and to vary the rear yard setback to facilitate the construction of a new single dwelling house on the subject property.

7.5 145 Dougall Road, BL11193 (Z15-0052) - Narish Kathpal 61 - 61

To adopt Bylaw No. 11193 in order to rezone the subject property to facilitate the construction of a carwash.

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

To consider the form and character of a new commercial building on the subject property and to vary the minimum required rear setback and to vary the minimum required landscape buffers for both sides of the subject parcel.

8. Reminders

9. Termination

CITY OF KELOWNA
BYLAW NO. 11265
TA16-0006 - Amendments to the A1t - Agriculture 1 with Agri-Tourist Accommodation

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 11 - Agricultural Zones, 11.1 A1-Agriculture 1/A1c - Agriculture 1 with Carriage House/A1t - Agriculture 1 with Agri-tourist Accommodation** be amended by:

- a) Deleting in 11.1.3 **Secondary Uses**, sub-paragraph "(c) agri-tourist accommodation (A1t only)" and replacing with "(c) agri-tourist accommodation use prohibited except for operations approved and in conformance prior to August 8, 2016."

- b) Deleting in its entirety, from 11.1.7 **Other Regulations** (f) the following:

"(f) A "t" notation shown on Schedule "A" as part of the identified zone classification indicates that a **secondary use** in the form of **agri-tourist accommodation** is permitted on the properties so designated, subject to meeting the conditions of **use of the zone**. A "t" zoning classification on a property shall be established by rezoning the subject property to the "t" version of parent zone."

And replace with:

"(f) Outside storage of recreational vehicles is not permitted, other than two (2) recreational vehicles that are registered to the property owner."

- c) Deleting in its entirety, from **11.1.8 Other Regulations - Agri-tourist accommodation** be deleted in its entirety that reads:

"a) Purpose

Agri-tourist accommodation shall be **accessory** and subordinate to a legitimate **agriculture** operation. The intent is to augment or subsidize and not to replace or compete with farm income.

b) Farm status

As per Agricultural Land Commission regulation, all or part of the lot on which the **use** is located must be classified as a farm under the Assessment Act.

c) Site coverage

Site coverage for **agri-tourist accommodation** shall not exceed 5% inclusive of **buildings**, landscaping, access, and servicing/sanitary facilities.

d) Minimum lot size

Agri-tourist accommodation shall not be located on lots smaller than 4.0 ha in size.

e) Maximum number of **agri-tourist accommodation** units permitted

For **lots** larger than or equal to 4.0 ha in size, **agri-tourist accommodation** shall be permitted according to the following table:

Lot size (hectares)	< 4.0	4.00 to 5.99	6.00 to 6.99	7.00 to 7.99	8.00 to 8.99	9.00 to 9.99	≥ 10.00
Agri-tourist accommodation units *	✖	5 units	6 units	7 units	8 units	9 units	10 units
* See Section 11.1.8(g)							

f) Recreational vehicles

Outside storage of **recreational vehicles** is not permitted, other than **recreational vehicles** that are registered to the property owner. Storage of **recreational vehicles** is not permitted on the **recreational vehicle** site. No structures are permitted at **recreational vehicle** sites or at campsites.

g) Bed & breakfasts

When a bed and breakfast is present on the lot, the number of **agri-tourist accommodation** units permitted shall include the number of the **sleeping units** of the **bed and breakfast** use.

h) Location

Agri-tourist accommodation shall be located so as to minimize the impacts on arable land, recognizing that the use is intended to support agriculture and not replace it. All **agri-tourist accommodation units** shall be located within 30.0 m of the road frontage of the **lot**, or within 30.0 m of the principal dwelling, or a location acceptable to the Director of Land Use Management. No **agri-tourist accommodation** shall be permitted within 10.0 m of any lot line other than the front lot line.

i) Access, buffering and landscaping

Access driveways for **agri-tourist accommodation** shall be water permeable (i.e. not asphalt or concrete) and a Level 5 Landscape Buffer (incl. fencing) is required around the perimeter of the **agri-tourist accommodation**, and at an affected property line to mitigate the impact of **agri-tourist accommodation** on abutting properties.

j) Servicing

Agri-tourist accommodation shall be serviced according to the requirements and approval where applicable of the City of Kelowna, the Health Authority, and the water purveyor or Irrigation District having authority, including but not limited to the following:

- i. If the **agri-tourist accommodation** includes **recreational vehicles** and where individual water and sewer connections are not provided a sanitary dump facility is to be provided on the property.
- ii. Adequate bathroom facilities with hot and cold running water are required for **agri-tourist accommodation campsites**."

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 August 8, 2016.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11266

Official Community Plan Amendment No. OCP16-0011 - Calcan Investments Inc. (E of) Upper Mission Drive

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 a portion of North East ¼ Section 14, Township 28, SDYD, Except Plans KAP57304 and EPP48322, located on (E of) Upper Mission Drive, Kelowna, B.C., from the Multiple Unit Residential designation to Single/Two Unit Residential designation and from Single / Two Unit Residential designation to Multiple Unit Residential designation and from Multiple Unit Residential designation to Major Park/Open Space (Public) designation as shown on Map "A" attached.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 8th day of August, 2016.

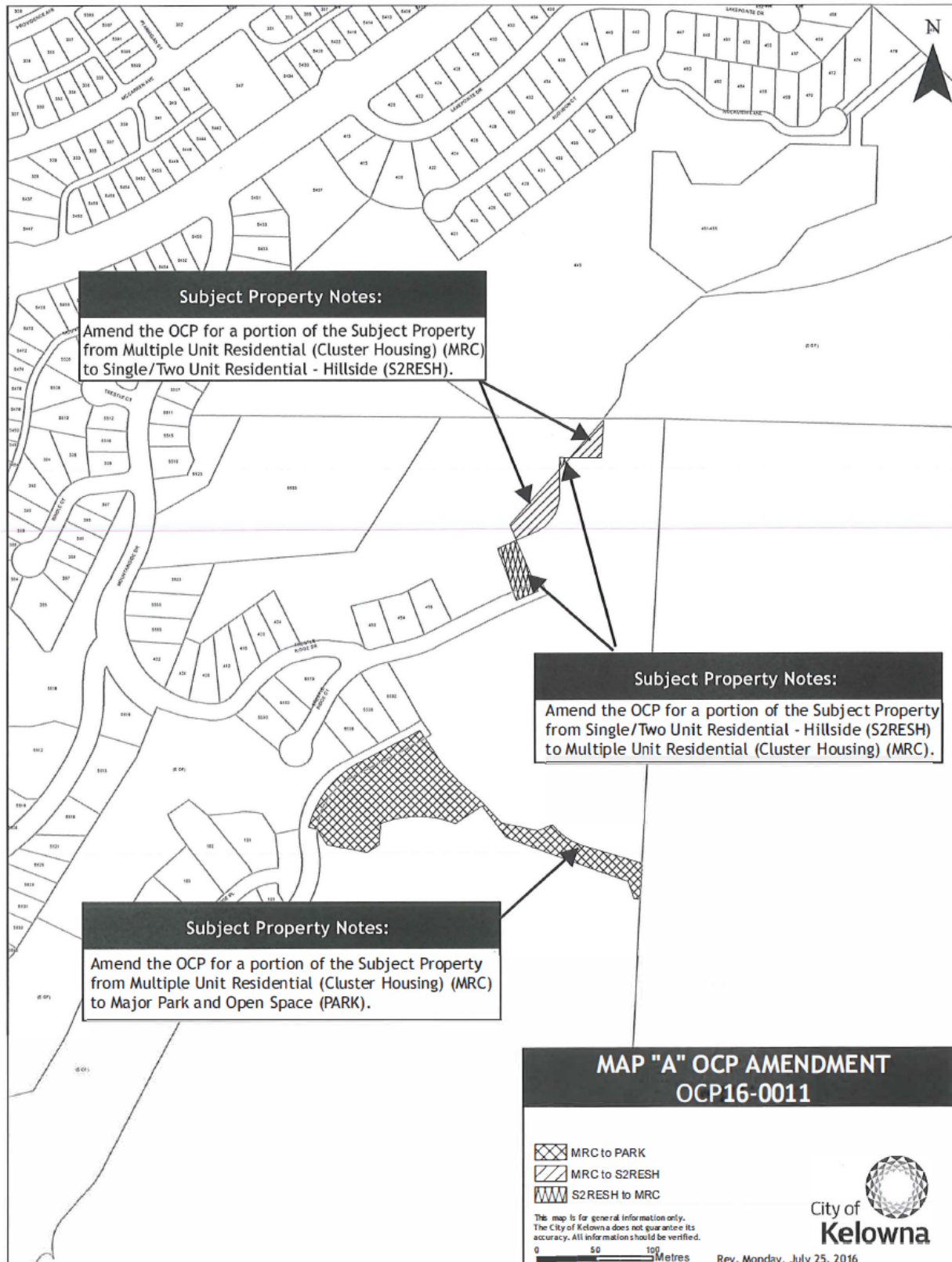
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



CITY OF KELOWNA
BYLAW NO. 11267
Z16-0041 - Calcan Investments Inc., Inc. No. BC0383776
(E of) Upper Mission 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 a portion of the North East ¼ Section 14, Township 28, SDYD, Except Plans KAP57304 and EPP48322 located on (E of) Upper Mission Drive, Kelowna, B.C., from the RH3 - Hillside Cluster Housing zone to RH1-Hillside Large Lot Housing zone and from RH1 - Hillside Large Lot Housing zone to RH3 - Hillside Cluster Housing and from RH1 - Hillside Large Lot Housing zone to P3 - Park and Open Space 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 8th day of August, 2016.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

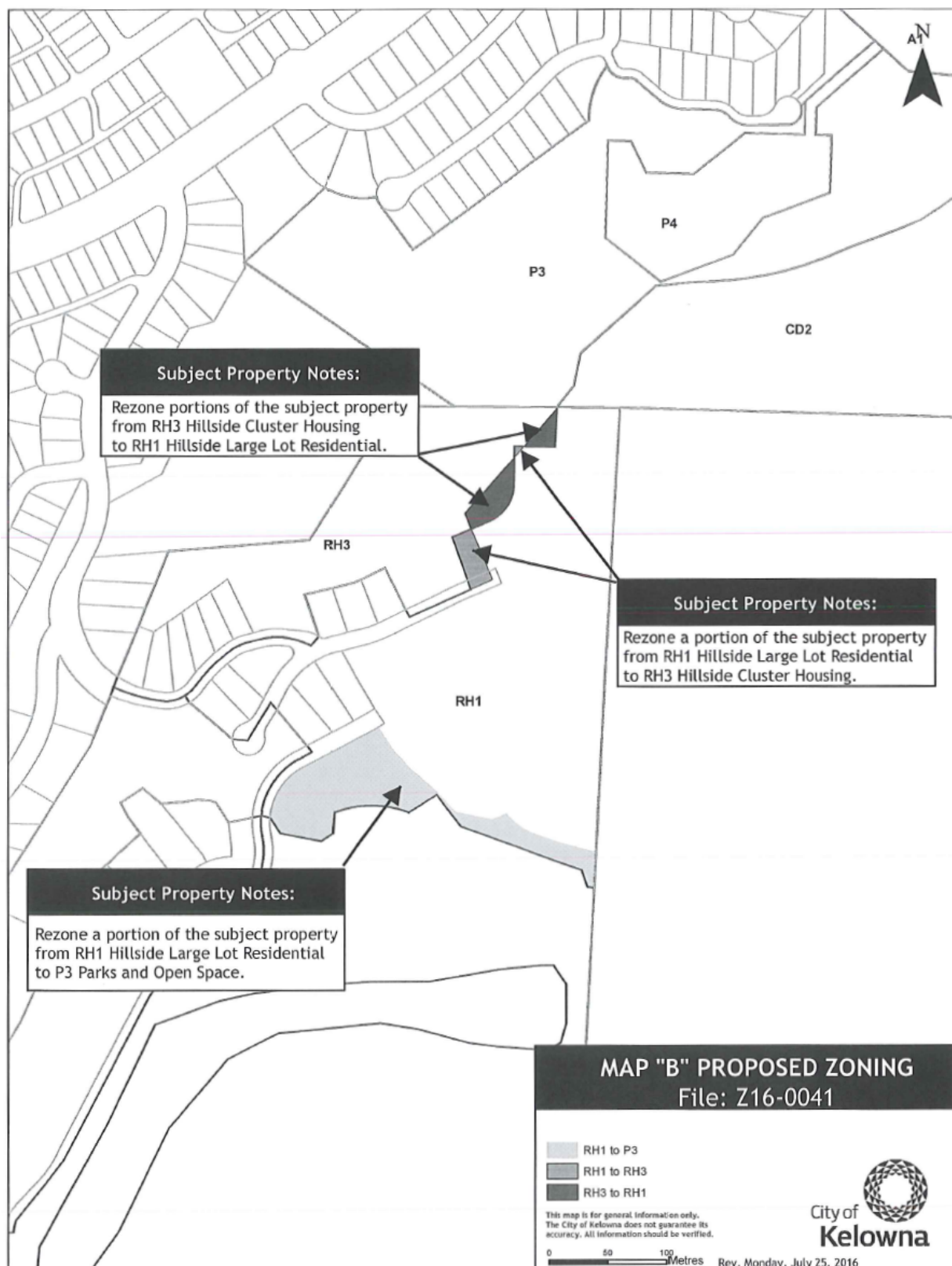
Approved under the Transportation Act

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



REPORT TO COUNCIL



Date: August 23, 2016
RIM No. 0930-50
To: City Manager
From: Community Planning Department (RR)
Application: LL16-0002 **Owner:** 1324632 Alberta Ltd
Address: 1470-1476 Water Street **Applicant:** Rising Tide Consultants
Subject: Liquor License
Existing OCP Designation: MXR - Mixed Use Residential
Existing Zone: C7LR - Central Business Commercial - Liquor Retail

1.0 Recommendation

THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 10 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

Council recommends support of an application from Rising Tide Consultants for a license amendment for Lot A, DL 139, ODYD, Plan EPP43122 located at 1470-1476 Water Street, Kelowna, BC for the following reasons:

a) The location of the establishment

The location is in a commercial area that is removed from nearby residences and is suitable for a late night entertainment venue where some street noise at closing time can be anticipated.

(b) The proximity of the establishment to other social or recreational facilities and public buildings

The only nearby social, recreational and public buildings do not conflict with the operation of a late night entertainment venue.

(c) The person capacity and hours of liquor service of the establishment

The maximum person capacity is not being amended as part of this application. The later hours of service, from 23:00 to 02:00 are appropriate.

(d) The number and market focus or clientele of liquor-primary licence establishments within a reasonable distance of the proposed location

The existing establishments are large pub style establishments that focus on entertainment or are nightclubs that attract patrons 19 to 25 years of age. The proposed establishment is a local pub style facility with an extensive menu and is designed to appeal primarily to guests at the hotel and their visitors.

(e) The impact of noise on the community in the immediate vicinity of the establishment, and

The site is far removed from any residential areas. There are no noise impacts expected as a consequence of extending hours.

(f) The impact on the community if the application is approved

If the application is approved, the impact is expected to be positive in that it will support the successful operations of a major downtown hotel and continue to draw business and activity to the city's downtown core.

Council's comments on the views of residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures."

2.0 Purpose

To seek Council's support for amending a Liquor Primary License by changing the hours of operation from 11:00 pm to 02:00 am 7 days/week for a hotel development.

3.0 Community Planning

Community Planning staff support the proposed amendments to Liquor Licenses #007556 and #085435, amending the hours of operation for liquor sales for a future hotel. The anticipated use of the site is as a large hotel, and staff anticipate that the majority of customers availing themselves of liquor services will be hotel guests. These hotel guests will not require taxi cabs or otherwise put pressure on downtown infrastructure when alcohol sales close.

Having late night liquor service within the hotel will reduce the pressure on other downtown establishments from hotel guests.

The RCMP have indicated that they have no concerns with the proposed license amendments.

4.0 Proposal

4.1 Background

The Liquor Licenses under consideration apply to the former Willow Inn Hotel at what is now 1470-76 Water Street. The hotel was demolished several years ago to make way for the future Westcorp Downtown Hotel. The property owners have maintained the liquor license on the site in anticipation of the development of the hotel.

At this time, there are no active liquor sales on the property.

4.2 Project Description

The applicants have applied to amend their liquor license to extend hours of liquor sales on the property.

There is an approved permit for the development of a 206 room conference hotel on the site. It is expected that the project will begin construction in fall 2016. The liquor primary establishment will be part of the conference hotel.

4.3 License Summary

Current Hours of Sale:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	9:00 am	9:00 am	9:00 am	9:00 am	9:00 am	9:00 am	9:00 am
Close	11:00 pm	11:00 pm	11:00 pm	11:00 pm	11:00 pm	11:00 pm	11:00 pm

Proposed Hours of Sale:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	9:00 am	9:00 am	9:00 am	9:00 am	9:00 am	9:00 am	9:00 am
Close	2:00 am	2:00 am	2:00 am	2:00 am	2:00 am	2:00 am	2:00 am

4.4 Site Context

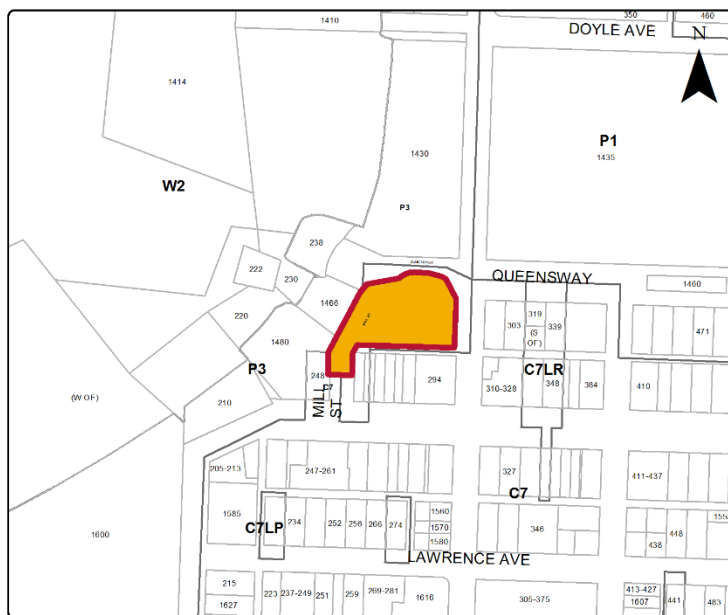
Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 - Parks and Open Space	Stuart Park
East	C7 - Central Business Commercial	Office
South	C7 - Central Business Commercial	Bank
West	P3 - Parks and Open Space	Kerry Park

Subject Property Map:



CONTEXT



NEIGHBOURING ZONING



5.0 Current Development Policies

5.1 Council Policy #359 - Liquor Licensing Policy and Procedures

The following sections of Policy #359 are applicable to this application;

Where appropriate, support alternative entertainment options, and/or establishments which are less focused on alcohol consumption (including event-driven establishments, and Food Primary establishments with the Patron Participation Entertainment Endorsement) to add a mix of entertainment options in Urban Centres. Consider limiting potential community impacts via license terms and conditions (hours, capacity, etc).

5.2 Kelowna Official Community Plan (OCP)

Entertainment Venues.¹ Within designated Urban Centres, encourage private-sector provision of facilities which diversify the selection of venues and entertainment opportunities throughout the city.

Downtown.² The City of Kelowna recognizes that a unique, attractive, thriving and livable downtown is strategically important to Kelowna's overall prosperity and success. Towards this end, the City will plan and manage the Downtown as a single and special entity and will take a proactive, comprehensive, integrated and collaborative approach towards providing services and infrastructure, delivering programs, and developing a supportive regulatory and financial environment.

6.0 Technical Comments

6.1 RCMP

The RCMP are not opposed to the permanent change in hours of liquor service requested by the applicant.

6.2 Fire Department

¹ Policy 5.17.1 (Development Process Chapter 5, page 5.21)

² Policy 8.9.2 (Economic Development Chapter8, page 8.4)

The Fire Department has no issues with the change in hours.

7.0 Application Chronology

Date of Application Received: February 4, 2016

Report prepared by:

Ryan Roycroft, Planner

Reviewed by: ☐ Terry Barton, Urban Planning Manager

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

CITY OF KELOWNA
BYLAW NO. 11242
Z15-0050 - Carol Kergan
845 Kinnear Court

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 25798 located on Kinnear Court, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 2nd day of May, 2016.

Considered at a Public Hearing on the 17th day of May, 2016.

Read a second and third time by the Municipal Council this 17th day of May, 2016.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: August 23, 2016
RIM No. 0940-50
To: City Manager
From: Community Planning Department (LK)
Application: DP16-0154 & DVP15-0232 **Owner:** Carol Kergan
Address: 845 Kinnear Court **Applicant:** Carol Kergan
Subject: Development Permit & Development Variance Permit
Existing OCP Designation: S2RES - Single / Two Unit Residential
Existing Zone: RU1 - Large Lot Housing
Proposed Zone: RU1c - Large Lot Housing with Carriage House

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11242 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP16-0154 for Lot 6 District Lot 135 ODYD Plan 25798, located at 845 Kinnear Court, Kelowna, BC subject to the following:

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0232 for Lot 6 District Lot 135 ODYD Plan 25798, located at 845 Kinnear Court, Kelowna, BC;

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

Section 9.5b.14: Carriage House Regulations

To vary the required minimum side yard setback from 2.0 m required to 1.17 m proposed.

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

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 two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To vary the minimum side yard setback to facilitate the conversion of an existing accessory building to a carriage house on the subject parcel.

3.0 Community Planning

Community Planning Staff support the side yard setback variance to allow the conversion of an existing Accessory Building to a Carriage House. The building meets all other Zoning Bylaw regulations and policies within the Official Community Plan (OCP) including the support of sensitive integration into existing neighbourhoods where services are already in place and densification can easily be accommodated.

The carriage house design is consistent with the objectives of the Intensive Residential Design Guidelines within the OCP. This includes compatibility with the existing dwelling and the surrounding neighbourhood.

The parcel is located within the Permanent Growth Boundary in the South Pandosy - KLO area of Kelowna. The parcel is near the end of the Cul-de-sac across the street from the Bethel Church parking lot.

4.0 Proposal

4.1 Background

The primary dwelling with a single attached garage was constructed in June of 1977. The existing accessory building was constructed in September of the same year. The accessory building is accessed from the rear lane. A second kitchen was approved within the dwelling in June of 2003. A covenant was registered on title to ensure the kitchen was used for the primary residence and not as part of a secondary suite. Since 2003, there have been multiple bylaw enforcement investigations regarding illegal suites both within the dwelling and the accessory building. The applicant has since purchased the home and is taking measures to legalize the existing accessory building as a carriage house. The second kitchen within the dwelling has been removed through decommissioning Building Permit 52993.

4.2 Project Description

At time of construction, the accessory building met all Zoning Bylaw regulations. In rezoning the parcel to allow for the conversion and legalization of the accessory building to a carriage house, one variance is triggered. The required side yard setback requires a variance from 2.0 m required to 1.17 m proposed. The requested variance to the east side setback should not negatively impact the adjacent parcel, as they have a raised planter bed garden which extends the length of the carriage house. The east elevation facing the adjacent parcel has two windows, one within the bathroom and the other within the bedroom area. Both windows provide blinds/curtains providing privacy for both parcels.



The carriage house exterior is finished with blue stucco and white painted trim, which will be updated and repainted to freshen up the appearance which is complementary to the existing dwelling.

The roofline of the carriage house matches that of the primary dwelling. With the carriage house being a one storey, it is in keeping with the accessory buildings that are located along the lane. The neighbourhood is primarily single family one or 1.5 storey homes.

The Zoning Bylaw parking requirements for a primary dwelling are met with one parking stall within an attached garage and the driveway providing the second parking space.

Parking for the carriage house will be accessed from the rear lane. The space is large enough to accommodate 3 vehicles. The parking area is gravel which allows water permeability and reduces the amount of paved surface.



A grassed area adjacent to the parking provides private amenity space for the carriage house. The main dwelling has two existing decks with additional green space between the house and the carriage house. A fence will be added to provide privacy between the primary dwelling and the carriage house and to delineate the amenity space from the parking. The addition of a lit pathway from the street to the carriage house will provide additional access.

4.3 Site Context

The subject property is located on the south side of Kinnear Court in the South Pandosy/KLO sector of Kelowna.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P2 - Education & Minor Institutional RU2c - Medium Lot Housing with Carriage House	Religious Assembly Single Family Dwelling with Carriage House
East	RU1 - Large Lot Housing	Single Family Dwelling
South	RU1 - Large Lot Housing	Single Family Dwelling
West	RU1 - Large Lot Housing	Single Family Dwelling

Subject Property Map: 845 Kinnear Court



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1c ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	550 m ²	667 m ²
Min. Lot Width	16.5 m	18.23 m
Min. Lot Depth	30 m	36.58 m
Development Regulations		
Site Coverage	40%	29%
Site Coverage: accessory buildings or structures and carriage house (one storey)	20%	6.67%
Floor area of carriage house (footprint)	100 m ²	44.5 m ²
Max. area of carriage house (total building area)	130 m ²	44.5 m ²
Max. net floor area of carriage house to total net floor area of principal building	75%	22.94%
Height (mid point of roof)	4.8 m	3.24 m
Setback from Principal Dwelling	3.0 m	5.76 m
Carriage House Regulations		
Max. Height	4.8 m	3.24 m
Min. Side Yard (east)	2.0 m	1.17 m ●

Min. Side Yard (west)	2.0 m	10.96 m
Min. Rear Yard (with a lane)	0.9 m	1.52 m
Height (carriage house shall not be higher than existing primary dwelling unit)	1 1/2 storey ex. House	1 storey Carriage house
Other Regulations		
Min. Parking Requirements	3 stalls	+3 stalls provided
Min. Private Open Space	30 m ²	+30 m ²
● Indicates a requested variance to the east side setback of the carriage house.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

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.

Urban Design DP Guidelines

Carriage House Design Guideline Objectives.²

- Preserve and enhance the scale and character of individual neighbourhoods and streetscapes;
- Ensure compatibility with existing dwellings on the lot or with surrounding properties;
- Promote a high standard of design, construction and landscaping;
- Design for livability.

6.0 Technical Comments

6.1 Building & Permitting Department

- 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 are being applied to this structure.

6.2 Development Engineering Department

- Refer to Attachment 'A'.

6.3 Bylaw Services

- Bylaw Services has two open files for this property, an illegal suite in the main house and an illegal suite in the garage with numerous complaints received. Records indicate an

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

² City of Kelowna Official Community Plan, Objectives 14.21 (Urban Design DP Guidelines Chapter).

“Affidavit for a second kitchen”, within the main dwelling, which has been misused with complaints for both units dating back to 2003.

6.4 Fire Department

- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.
- All units shall have a posted address on Kinnear Court for emergency response.
- Should a gate or fence be installed between main house and carriage house the gate is to open without special knowledge (locking device and have a clear width of 1100mm.
- Emergency access is NOT from the lane to the south but from Kinnear Court.

7.0 Application Chronology

Date of Application Received:	September 24, 2015
Date of Amended Plans Received:	January 27, 2016
Date Public Consultation Completed:	April 8, 2016
Date of Rezoning 2 nd & 3 rd Reading:	May 17, 2016
Date of Decommissioning BP52993 Completion:	June 22, 2016

Report prepared by:

Lydia Korolchuk, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Reviewed by: Ryan Smith, Community Planning Department Manager

Attachments:

Schedule A: Site Plan & Floor Plans

Schedule B: Conceptual Elevations

Attachment A: Development Engineering Memorandum

CITY OF KELOWNA
MEMORANDUM

Date: October 27, 2015
File No.: Z15-0050

To: Community Planning (LK)

From: Development Engineering Manager

Subject: 845 Kinnear Court

RU1c

Development Engineering has the following comments and requirements associated with this application to rezone from RU1 to RU1c.

1. Domestic Water and Fire Protection

Our records indicate this property is currently serviced with a 19mm-diameter water service. . The service is adequate for the proposed application.

2. Sanitary Sewer

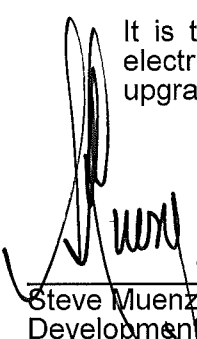
Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service. An inspection chamber (IC) complete with brooks box should be installed on the service at the owner's cost. Service upgrades can be provided by the City at the applicant's cost. **The applicant will be required to sign a Third Party Work Order for the cost of the service upgrade.** For estimate inquiry's please contact Sergio Sartori, by email ssartori@kelowna.ca or phone, 250-469-8589.

3. Development Permit and Site Related Issues

Direct the roof drains into on-site splash pads.
On-site parking modules must meet zoning bylaw requirements.
All driveway/parking areas must be finished with a dust free surface.

4. Electric Power and Telecommunication Services

It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.



Steve Muenz, P. Eng.
Development Engineering Manager

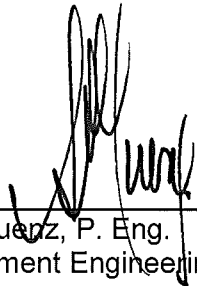
SS

CITY OF KELOWNA
MEMORANDUM

Date: October 27, 2015
File No.: DVP15-0232
To: Community Planning (LK)
From: Development Engineering Manager (SM)
Subject: 845 Kinnear Court

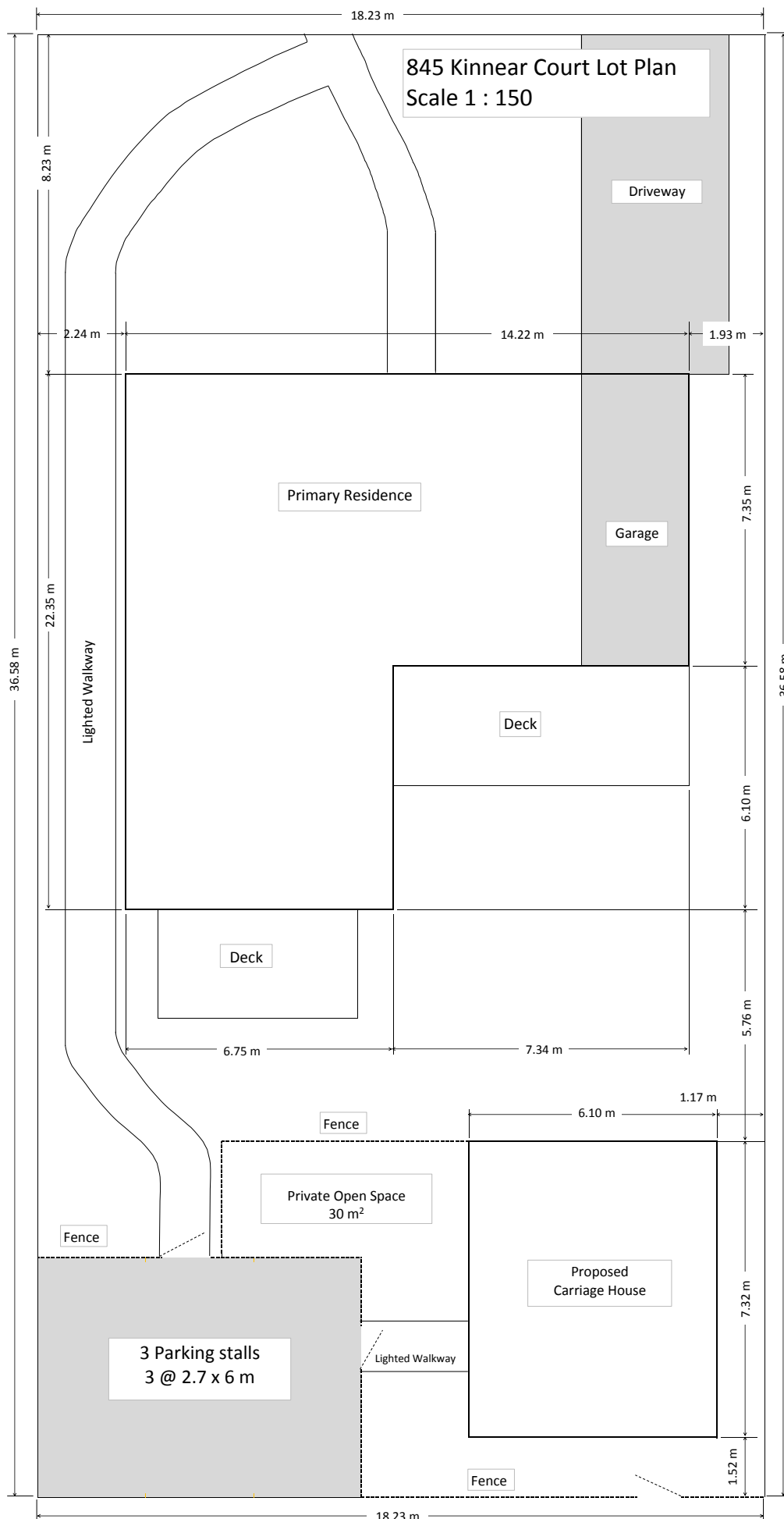
Development Engineering comments and requirements regarding this development permit application are as follows:

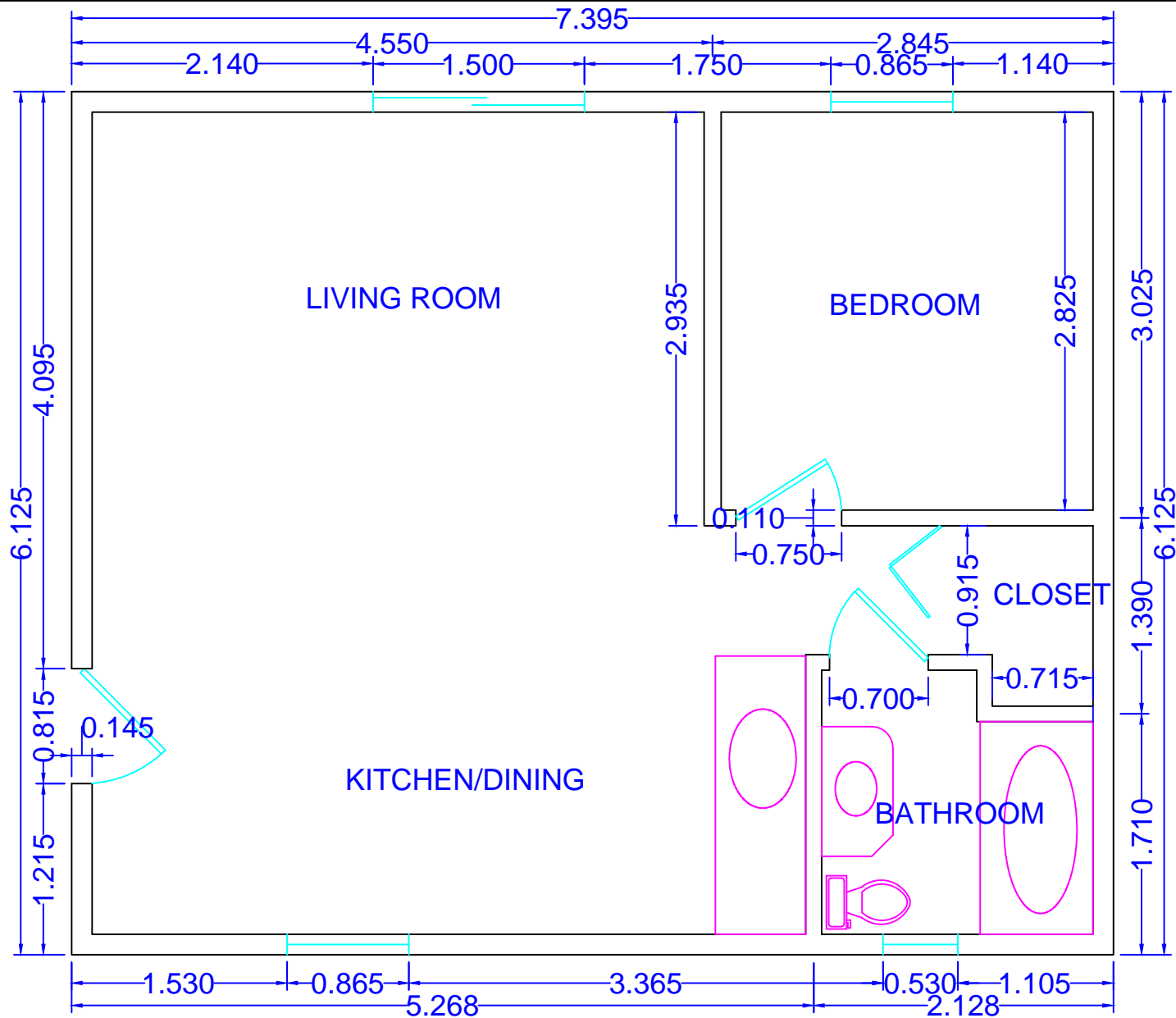
This development variance permit application to vary the side yard setback does not compromise any municipal services.



Steve Muenz, P. Eng.
Development Engineering Manager

SS





TITLE:

845 Kinnear Ct - Carriage House Elevations

UNITS:

m

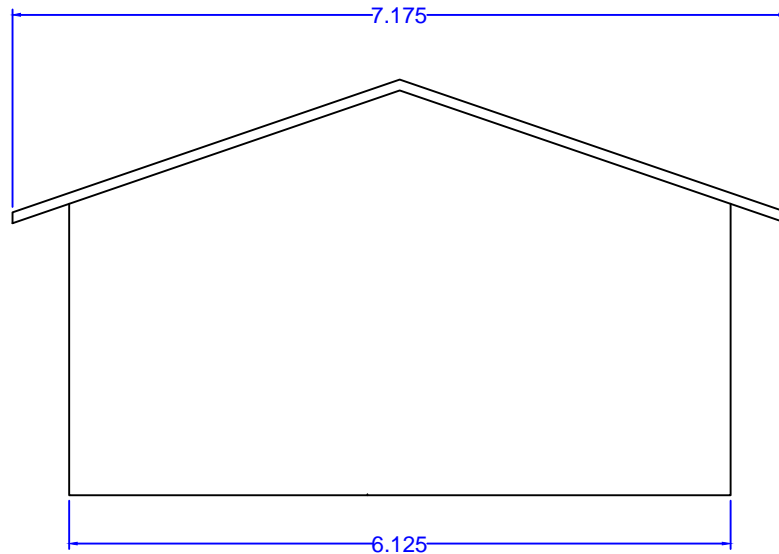
LOT 6 Sec 18 Twp 26 Plan 25798

DATE:

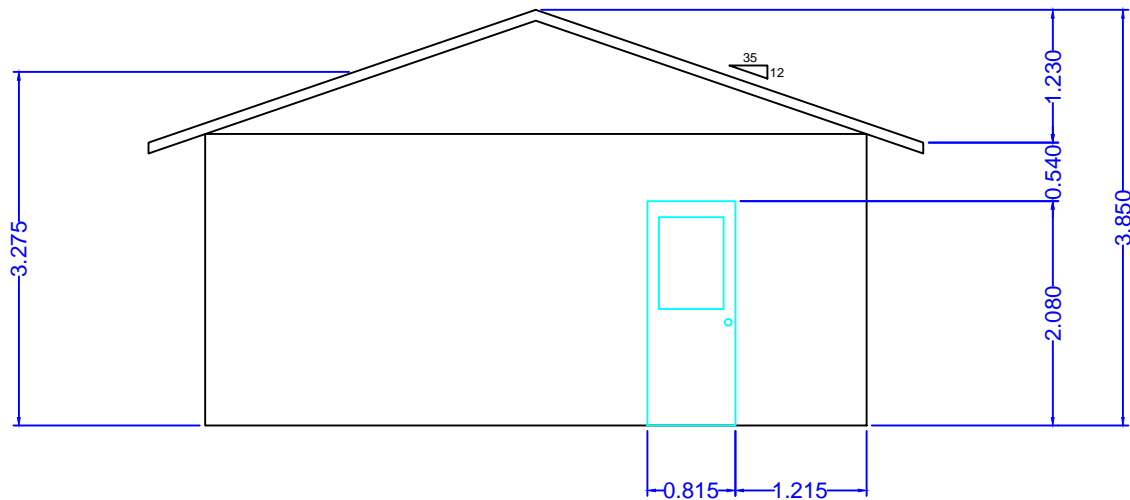
14/07/16

SCALE:

1:44



North Elevation



South Elevation

TITLE:

845 Kinnear Ct - Carriage House Elevations

UNITS:

m

LEGAL:

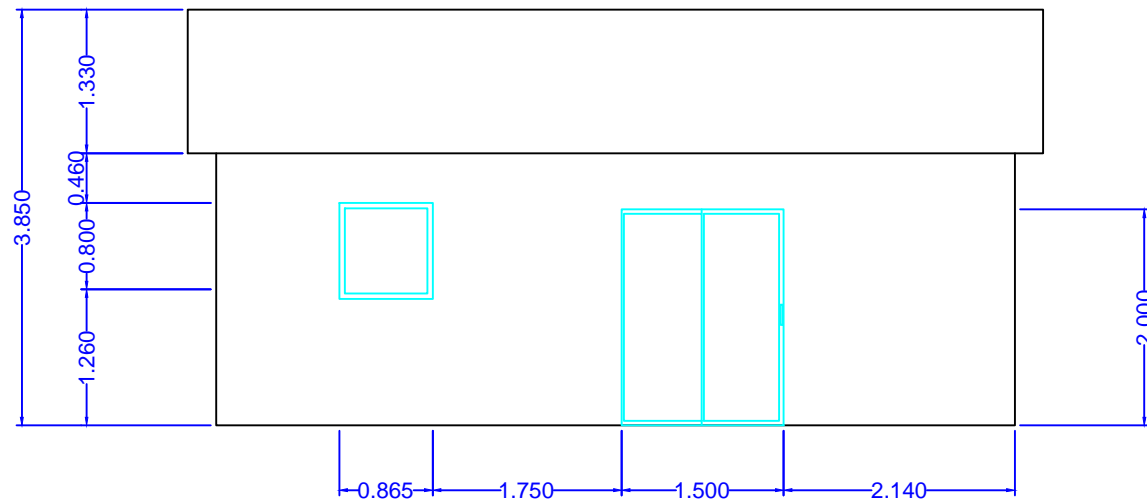
LOT 6 Sec 18 Twp 26 Plan 25798

DATE:

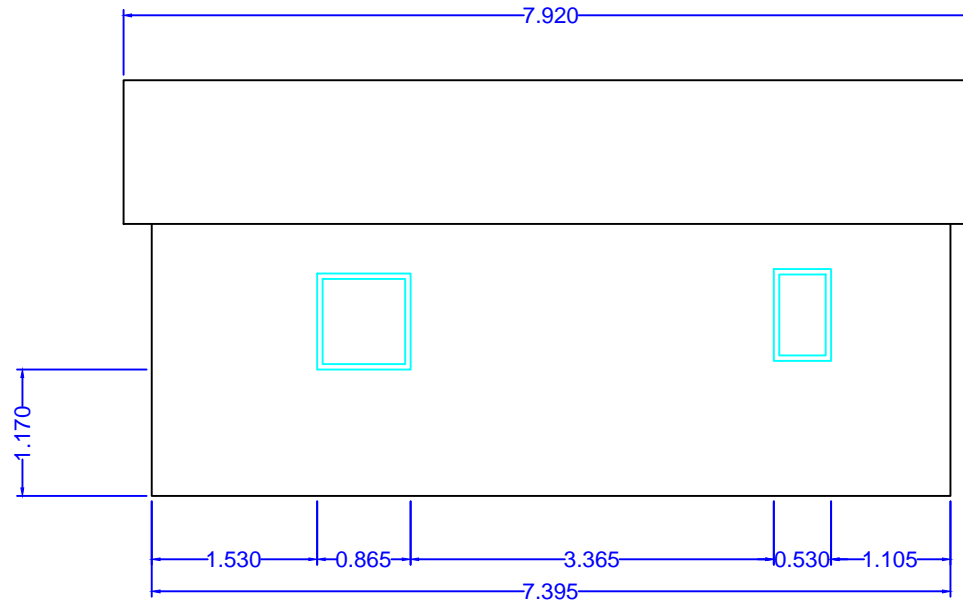
14/07/16

SCALE:

1:70



West Elevation



East Elevation

TITLE:

845 Kinnear Ct - Carriage House Elevations

UNITS:

m

LEGAL:

LOT 6 Sec 18 Twp 26 Plan 25798

DATE:

14/07/16

SCALE:

1:70

DEVELOPMENT PERMIT / DEVELOPMENT VARIANCE PERMIT



APPROVED ISSUANCE OF DEVELOPMENT PERMIT / DEVELOPMENT VARIANCE PERMIT NO. DP16-0154/DVP15-0232

Issued To: Carol Kergan
Site Address: 845 Kinnear Court
Legal Description: Lot 6 District Lot 135 ODYD Plan 25798
Zoning Classification: RU1c - Large Lot Housing with Carriage House
Development Permit Area: Intensive Residential

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. DP16-0154 & DVP15-0232 for Lot 6 District Lot 135 ODYD Plan 25798, located at 845 Kinnear Court, Kelowna, BC to allow the construction of a carriage house be approved subject to the following:

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

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

Section 9.5b.14: Carriage House Regulations

To vary the required minimum side setback from 2.0 m permitted to 1.17 m proposed.

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

2. PERFORMANCE SECURITY

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.

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.**

REPORT TO COUNCIL



Date: August 23, 2016

RIM No. 0940-93

To: City Manager

From: Community Planning Department (KB)

Application: TUP16-0002 **Owner:** Klimes, Frank & Helen

Address: 785 Packinghouse Rd **Applicant:** Decloux, Birte

Subject: Application for a Temporary Use Permit

Existing OCP Designation: REP - Resource Protection Area

Existing Zone: A1 - Agriculture 1

1.0 Recommendation

THAT Council authorizes the issuance of Temporary Use Permit No. TUP16-0002 to allow for a suite in an accessory building for Lot 27, Block 10, Sections 3, 4, and 10, Township 23, ODYD Plan 1068 Except Plan H8323, located at 785 Packinghouse Rd, Kelowna, BC for a three (3) year period commencing from Council approval subject to the following conditions:

- a) The residential use is restricted to the current tenant of record on the date of Council approval;
- b) At the end of the three (3) year period, or at the end of the occupation of the dwelling by the tenant, whichever is sooner, the suite is to be decommissioned within sixty (60) days; and
- c) Obtaining a Delayed Demolition Permit through the City of Kelowna Building Department for the suite removal, complete with a \$20,000 decommissioning bond as part of that permit.

AND FURTHER THAT any application to extend the permit must be approved by Council prior to the Temporary Use Permit expiring on August 23, 2019.

2.0 Purpose

To temporarily allow a suite in an accessory building on the subject property to remain in use for a period of three years.

3.0 Community Planning

Community Planning Staff support the application to allow the for a secondary suite in an accessory building for a period of three years. The suite has existed since prior to 1988, where the applicants' mother has lived continuously.

4.0 Proposal

4.1 Background

The property was purchased by the current owners in 1980, who converted a portion of the accessory building to a suite for an elderly parent. The occupant lives semi-independently in this unit, and is currently 92 years old. The suite is approximately 600 ft² in size.

Prior to the suite conversion in the accessory building an office existed with washroom facilities.

4.2 Project Description

The Temporary Use Permit is required to legitimize the secondary suite in an A1 - Agriculture 1 zone without the requirement of an A1c rezoning or ALC application, given that the expected term will be temporary.

The suite has been inspected by the City of Kelowna Building Inspections Supervisor and has been determined as safe for occupancy. A bond will be required as part of the permit to ensure decommissioning once the Temporary Use Permit has expired.

4.3 Site Context

The subject property is zoned A1 - Agriculture 1 and it lies within the Agricultural Land Reserve.

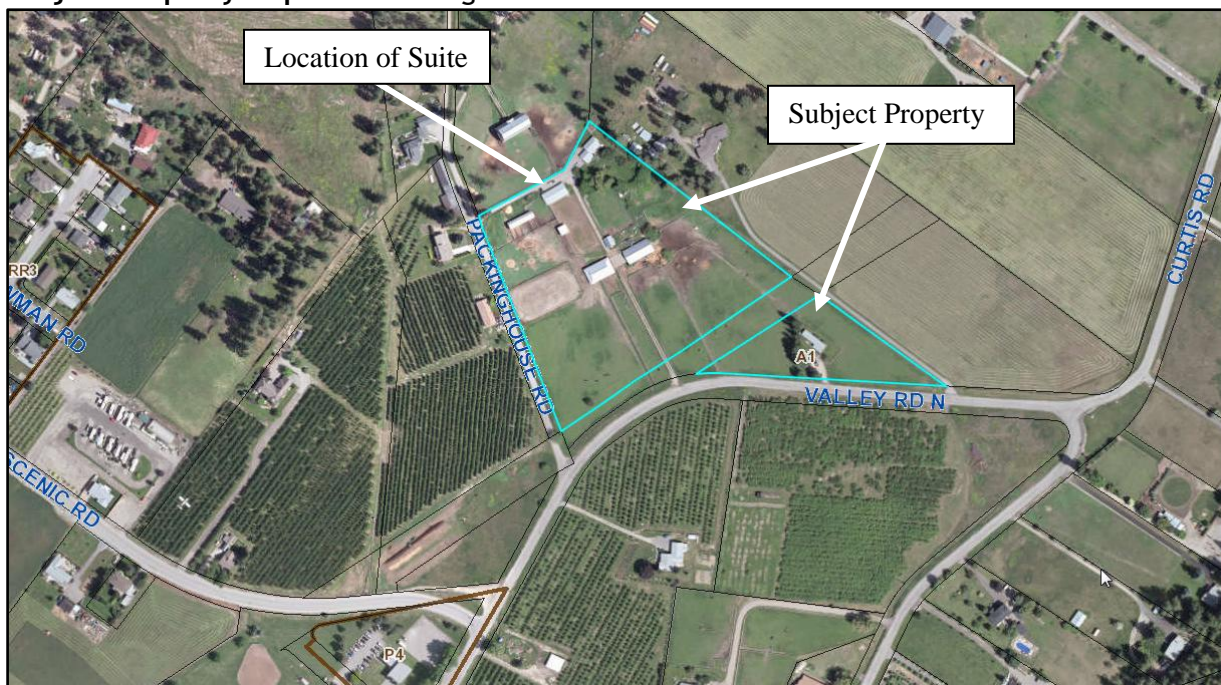
Parcel Summary - 785 Packinghouse Rd:

Parcel Size: 3.48 ha (8.59 acres)

Specifically, adjacent land uses are as follows:

Orientation	Zoning	ALR	Land Use
North	A1 - Agriculture 1	Yes	Agriculture
Southeast	A1 - Agriculture 1	Yes	Agriculture
Southwest	A1 - Agriculture 1	Yes	Agriculture
South	A1 - Agriculture 1	Yes	Agriculture
West	A1 - Agriculture 1	Yes	Agriculture

Subject Property Map: 785 Packinghouse Rd



5.0 Public Notification

As per Council Policy No. 367, the applicant completed Public Notification and Consultation in the form of a neighbourhood notification. As staff understand it, all neighbours contacted were in support of the Temporary Use Permit.

6.0 Current Development Policies

6.1 Kelowna of Kelowna 2030 Official Community Plan (OCP)

Agricultural Land Use Policies

Objective 5.33 - Protect and enhance local agriculture¹

Policy. 1 - Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Policy. 6 - Non-farm Uses. Support non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses:

- are consistent with the Zoning Bylaw and OCP;
- provide significant benefits to local agriculture;
- can be accommodated using existing municipal infrastructure;
- minimize impacts on productive agricultural lands;
- will not preclude future use of the lands for agriculture; and
- will not harm adjacent farm operations.

¹ City of Kelowna 2030 Official Community Plan, Agricultural Land Use Policies Chapter, p. 39.

6.2 Agricultural Land Commission Act (ALCA)

Purposes of the commission - Section 6 of the *ALCA*

The following are purposes of the commission:

- a) To preserve agricultural land;
- b) To encourage farming on agricultural land in collaboration with other communities of interest; and
- c) To encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

7.0 Technical Comments

7.1 Building & Permitting Department

- This accessory building is safe for occupancy but needs to be decommissioned once the current occupant can no longer live there.

7.2 Fire Department

- Emergency access to the suite must be maintained.
- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.
- All units shall have a posted address on Packinghouse Rd. for emergency response.
- The fire department has no issues with the Temporary Use.

8.0 Application Chronology

Date of Site Visit	2016-01-28
Date of Application Received:	2016-04-08
Date Public Consultation Completed:	2016-06-14

Report prepared by:

Kimberly Brunet, Planner I

Reviewed by: Todd Cashin, Subdivision, Suburban and Rural Planning Manager

Reviewed by
Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Approved for Inclusion: Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Draft Temporary Use Permit No. TUP16-0002

Letter of Rationale

Context/Site Photos

Conceptual Elevations and Floorplan

TEMPORARY USE PERMIT



APPROVED ISSUANCE OF TEMPORARY USE PERMIT NO. TUP16-0002

Issued To: KLIMES, FRANK & HELEN
Site Address: PACKINGHOUSE RD 785
Legal Description: LOT 27, BLOCK 10, SECTIONS 3, 4, AND 10, TOWNSHIP 23, ODYD PLAN 1068 EXCEPT PLAN H8323
Zoning Classification: A1 - AGRICULTURE 1

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. TUP16-0002 for Lot 27, Block 10, Sections 3, 4, and 10, Township 23, ODYD Plan 1068 Except Plan H8323, located at 785 Packinghouse Rd, Kelowna, BC be approved allowing the accessory building, as shown on Schedule "A", to contain and be used as a secondary suite, for a three (3) year period subject to the following:

- a) The residential use is restricted to the current tenant of record on the date of Council approval;
- b) At the end of the three (3) year period, or at the end of the occupation of the dwelling by the tenant, whichever is sooner, the suite is to be decommissioned within sixty (60) days; and
- c) Obtaining a Delayed Demolition Permit through the City of Kelowna Building Department for the suite removal, complete with a \$20,000 decommissioning bond as part of that permit.

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 decommissioning of the suite 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 decommissioning of the suite 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 Owner 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.

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

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.**

B. C. LAND SURVEYORS **SCHEDULE A** CERTIFICATE
ON LOT 27 BLOCK 10 PLAN 1068 SEC. 5, TWP. 16, RD. 20, D.Y.D.
Form # **TUP16-0002**

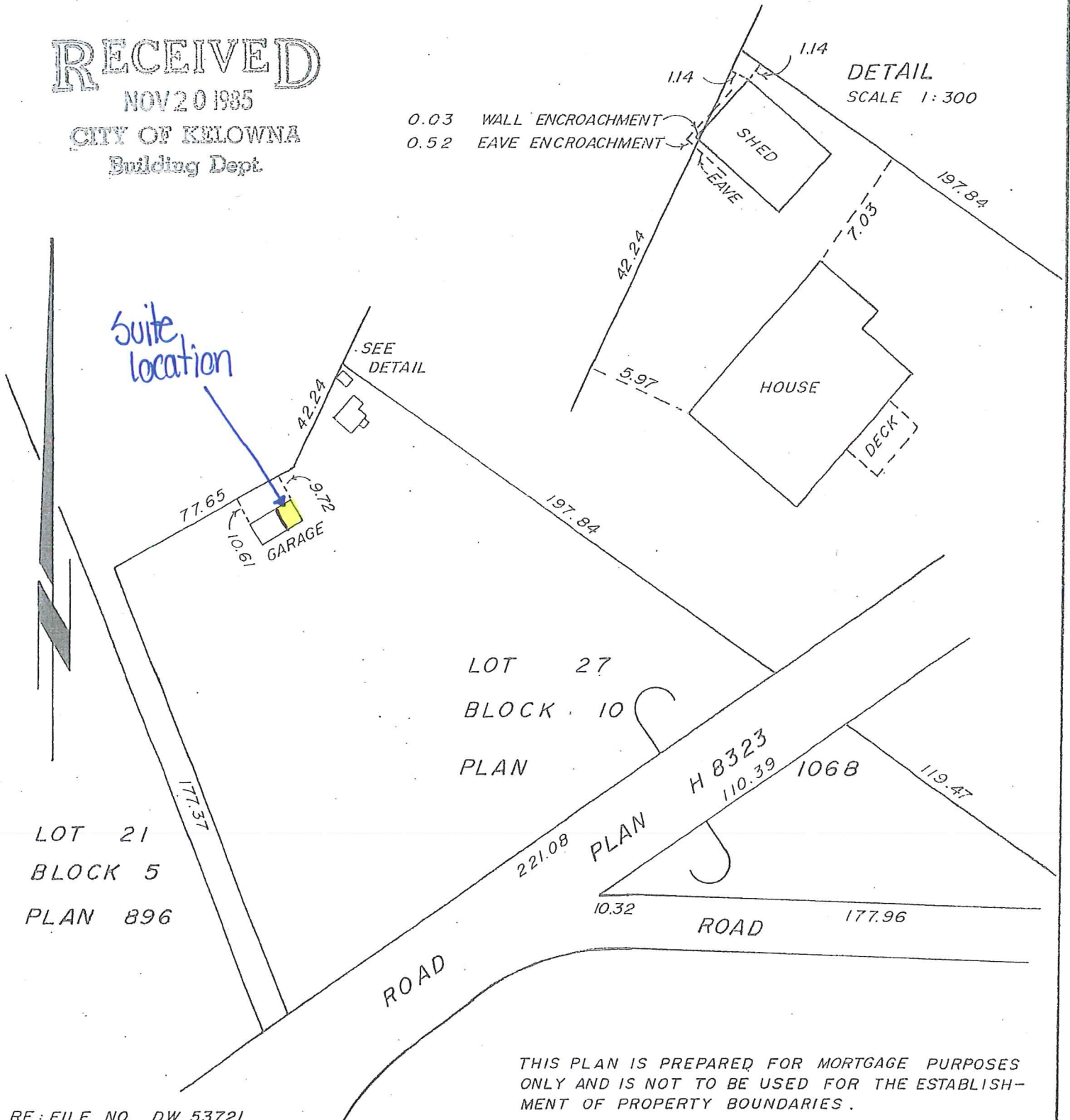
RECEIVED

NOV 20 1985

CITY OF KELOWNA
Building Dept.

0.03 WALL ENCROACHMENT
0.52 EAVE ENCROACHMENT

DETAIL
SCALE 1:300



SCALE 1:2000

ALL DISTANCES ARE IN METRES

NOVEMBER 13th, 1985

J. E. ARTHUR & ASSOCIATES

B. C. LAND SURVEYORS

250-1420 ST. PAUL ST. KELOWNA

CERTIFIED CORRECT

J. E. Arthur
B.C.L. 37

FILE 2020



April 7, 2016

City Of Kelowna
Urban Planning Department
1435 Water Street
Kelowna, BC

RE: Temporary Use Permit for 785 Packinghouse Road

Bylaw file #: 343359

Dear Urban Planner:

In the recent review of properties in the Agriculture Land Reserve, our property was identified as having a secondary suite in an accessory structure. Staff have worked with us to understand the situation for which we will provide details in this letter.

We purchased this property in 1980. The accessory structure was in place and contained an office space with washroom facilities in the east section. We felt that this was an ideal location to convert to a suite for an elderly parent. She has lived semi-independently in this unit since that time and is 92 years old now. Staff have suggested we seek a temporary use permit to allow the continued use of the suite for her lifetime.

Incidentally, a mobile home for was constructed on the property in August 1988 for farm help which has an affidavit ensuring we abide with this use. At that time, City Inspectors, including the Chief Building Inspector, were made aware of the suite. They acknowledged it but didn't require us to make any changes to legitimize the use. It was our understanding that the use is grandfathered.

The suite is modest in size at 51.7m². With one bedroom it has a small kitchen area allowing Mother to live independently. In recent years, she has been sharing her main meals with us in the family home. From the pictures you can see that she has the opportunity to spend time outside and maintains a few plants in baskets.

Once the family member living in the suite is no longer capable of living on her own, we will apply for a decommissioning permit to remove the suite and bring it back to a farm-related use. Given the situation, we hope you are supportive of a Temporary Use Permit to allow Mother to remain in her suite.

Regards,

Frank and Helen Klimes

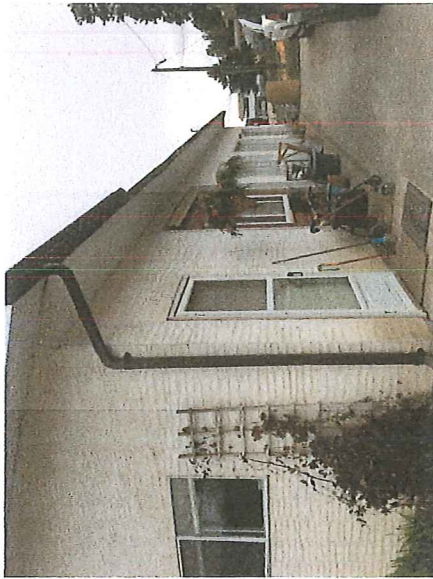
785 Packinghouse Road
Glenmore area of Kelowna

Context photos of the subject property to understand the location of the use requested through the TUP application.





Accessory building in relationship to principal dwelling



Elevation pictures of each side of the accessory building which contains the suite

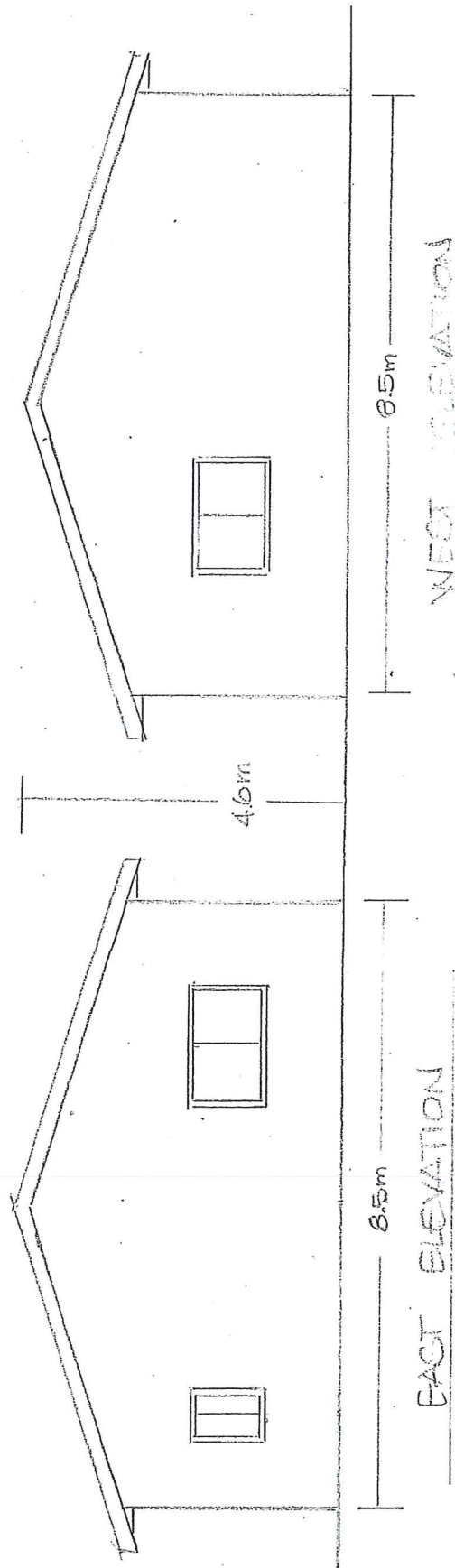


Front door and surroundings of the suite. Re-member these photos are in winter months.



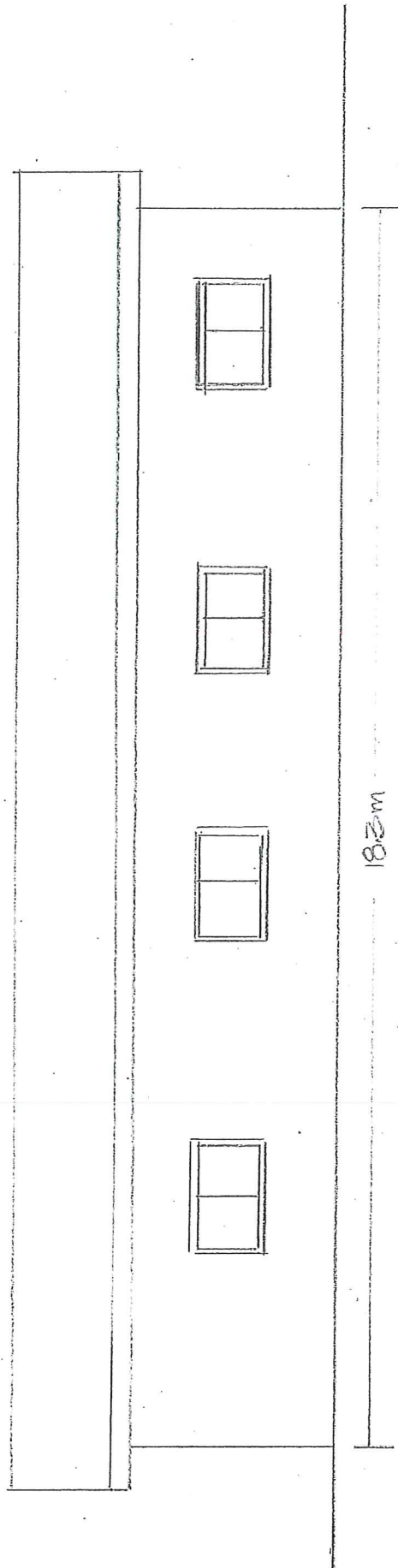
GARAGE / ACCESSORY

700 PAVINGHOUSE BV

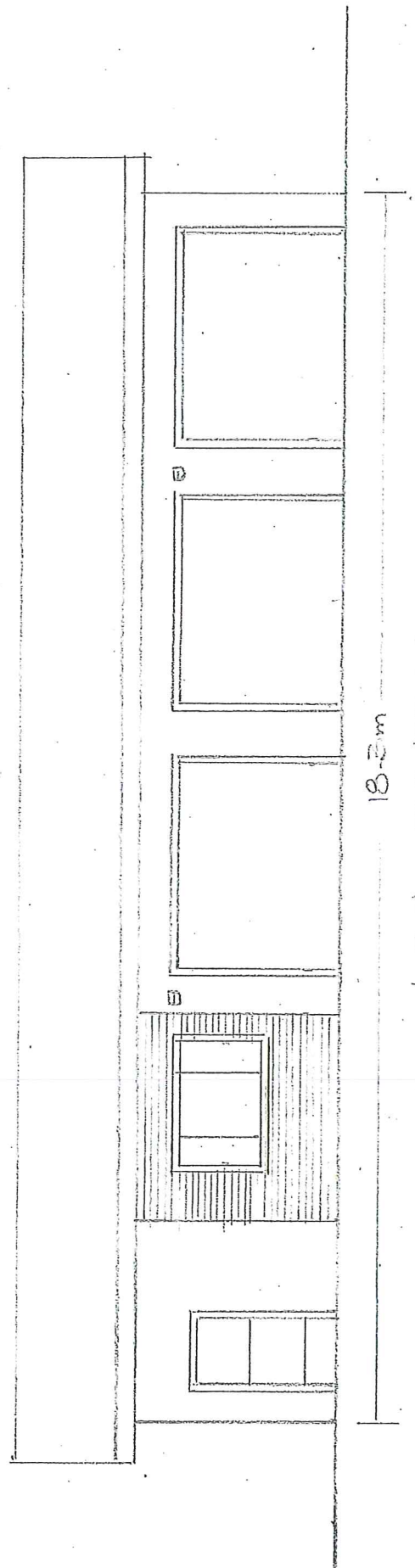


GARAGE / ACCESSORY

78'0" PACKINGHOUSE ROAD



SOUTH ELEVATION



NORTH ELEVATION



REPORT TO COUNCIL



Date: August 23, 2016

RIM No. 0940-50

To: City Manager

From: Community Planning Department (LK)

Application: DP16-0113 & DVP16-0058 Owner: Justin & Rebecca Bullock

Address: 960 Mayfair Road Applicant: Justin Bullock

Subject: Development Permit and 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 Permit No. DP16-0113 for Lot 2 District Lot 143 ODYD Plan EPP62178, located at 960 Mayfair 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";

THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0058 for Lot 2 District Lot 143 ODYD Plan EPP62178, located at 960 Mayfair Road, Kelowna, BC;

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

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

To vary the required minimum rear yard from 7.5 m permitted to 2.3 m proposed.

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

2.0 Purpose

To consider the form and character and to vary the rear yard setback to facilitate the construction of a new single dwelling house on the subject property.

3.0 Community Planning

Community Planning staff supports the required variance to the rear yard setback in order to facilitate the construction of a second single family dwelling on the subject parcel. The requested variance is to enable the orientation of the house to be rotated on the parcel. This

would allow the outdoor amenity area to be located to the south side of the dwelling rather than oriented to the rear of the parcel.

The subject parcel has a Future Land Use of S2RES - Single /Two Unit Residential and existing RU6 - Two Dwelling Housing zoning, therefore the application to add a second dwelling meets the guidelines of the Official Community Plan (OCP) and Zoning Bylaw No. 8000. The OCP supports the densification of neighbourhoods through appropriate infill development and utilization of existing infrastructure.

4.0 Proposal

4.1 Background

The subject parcel is located on Mayfair Road near the McCurdy Road intersection within the Rutland area. Rezoning application Z15-0038 was approved by Council on April 11, 2016. The application as to rezone the overall parcel from RU1 - Large Lot Housing zone to RU6 - Two Dwelling Housing zone. The rezoning of the parcel eliminated a long standing non-conformity of two dwellings existing on a single parcel. This larger parcel was then subdivided into two RU6 parcels through the approved Subdivision application No. S15-0002.

4.2 Project Description

The application is for the development of a second dwelling on the south parcel at 960 Mayfair Road. The parcels will retain the existing shared driveway access from Mayfair Road. This will help to reduce the amount of hard landscaping and overall site coverage of buildings and paved area on the parcel.

The mature trees at the rear of the property will be retained as they provide a buffer and screening from the adjacent industrial site. As the homeowners currently reside in the existing dwelling, they are aware of the potential for conflict that arises from intensifying the residential use adjacent to the existing industrial use.

The proposed two-storey second dwelling is located at the rear of the parcel. The dwelling provides two parking stalls within the attached garage. Except for one variance, the design meets all other Zoning Bylaw regulations.

The requested variance is to reduce the rear yard from 7.5 m required to 2.3 m provided. The house has been designed with a covered deck that is accessed from the kitchen/dining room and will allow the owners to oversee their children when playing in the side yard area. This large side yard area will be the primary outdoor amenity space for the dwelling and replace the 'backyard'. The proposed 2.3 m setback at the rear of the property is designed to meet the Zoning Bylaw side setback requirement for a two-storey dwelling. In reducing this setback, which is adjacent to the industrial zoned parcel, they have increased the south side setback from 2.3 m required up to 9.55 m, which exceeds the setback requirement of a rear yard. Additional trees and shrubs will be provided along the side property line along with having the existing fence to provide visual privacy for both the subject parcel and the adjacent south parcel. The adjacent homeowner at 940 Mayfair Road has provided a letter of support and acknowledges their awareness of the requested variance.

The exterior façade of the proposed dwelling will complement the existing house and is in character with the existing neighbourhood. The cladding will be horizontal cedar siding painted neutral taupe with brick detailing at the garage, and the window and door trim will be white to match the existing house (see attached colour schedule).

4.3 Site Context

The subject parcel is at the intersection of McCurdy Road and Mayfair Road and is located within the Rutland area of Kelowna.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I2 - General Industrial	Storage & Warehousing
East	RU1 - Large Lot Housing	Single Family Dwelling
South	RU1c - Large Lot Housing with Carriage House	Single Family Dwelling
West	A1 - Agriculture 1 (LUC 77-1045)	Storage & Warehousing

Subject Property Map: 960 Mayfair Road



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	700 m ²	1164 m ²
Minimum Lot Width	18 m	23.3 m
Minimum Lot Depth	30 m	49.9 m
Development Regulations		
Maximum Site Coverage (buildings)	40%	29.6%
Maximum Site Coverage (buildings, driveways and parking)	50%	42.4%
Maximum Height	9.5 m or 2 ½ storeys	6.73 m & 2 storeys
Minimum Front Yard	4.5 m	8.71m (to existing dwelling)
Minimum Side Yard (south)	2.3 m	10.64 m

Minimum Side Yard (north)	2.3 m	2.83 m
Minimum Rear Yard	7.5 m	2.3 m ❶
Other Regulations		
Minimum Parking Requirements	4 stalls	4 stalls
Minimum Private Open Space	30m ² /dwelling	+30m ² /dwelling
❶ Indicates a requested variance to the required rear setback.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

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.

Sensitive Infill² Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighborhood with respect to building design, height and siting.

6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

- Refer to Attachment A.

6.3 Fire Department

- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.
- All units shall have a posted address on Mayfair Rd for emergency response.
- Maintain the access from Mayfair to the second house at the west side of the property

7.0 Application Chronology

Date of Application Received: March 1, 2016
Date Public Consultation Completed: May 9, 2016
Date of Rezoning Z15-0038 Adoption: April 11, 2016

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

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

Report prepared by:

Lydia Korolchuk, Planner

Reviewed by:



Terry Barton, Urban Planning Manager

Reviewed by:



Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A: Development Engineering Memorandum

Schedule A: Site Plan & Landscape Plan

Schedule B: Conceptual Elevations & Colour Board

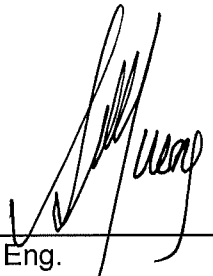
Draft Development Permit & Development Variance Permit: DP16-0113 & DVP16-0058

CITY OF KELOWNA
MEMORANDUM

Date: June 13, 2016
File No.: DP16-0113
To: Urban Planning Management (LK)
From: Development Engineering Manager (SM)
Subject: 980 Mayfair Rd Lot A Plan 22053

The Development Engineering Branch comments and requirements regarding this application to evaluate the form and character of a second on the subject property are as follows.

1. General.
 - a) Requirements associated with the development of the subject property are addressed in the rezoning report under file Z15-0038. All the requirements of the rezoning application must be satisfied.
 - b) Provide easements as may be required.



Steve Muenz, P. Eng.
Development Engineering Manager

jo

CITY OF KELOWNA
MEMORANDUM

Date: March 31, 2016
File No.: DVP16-0058
To: Urban Planning Management (LK)
From: Development Engineering Manager (SM)
Subject: 980 Mayfair Rd Lot A Plan 22053

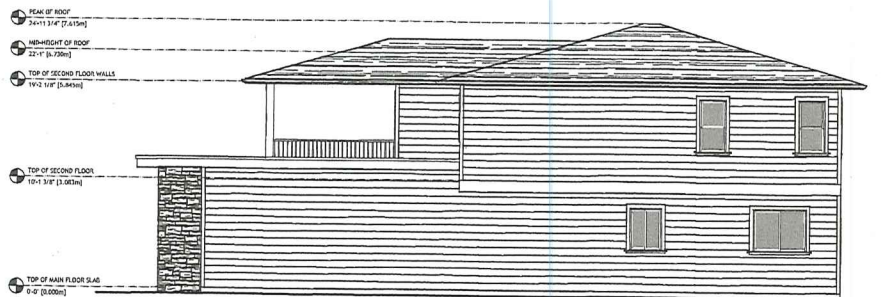
Development Engineering comments and requirements regarding this development permit application are as follows:

This development variance permit application to vary the rear yard setback from 7.5m to 2.3m does not compromise any municipal services.



Steve Muenz, P. Eng.
Development Engineering Manager

jo



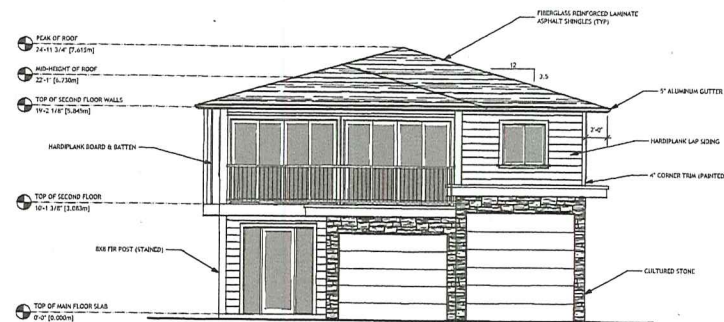
1 NORTH ELEVATION
Scale: 3/16" = 1'-0"

PROJECT DATA: CIVIC ADDRESS 980 MAYFAIR ROAD
KELOWNA, BC V1X 5G6
LEGAL ADDRESS LOT A PLAN KAP22053
CURRENT ZONING R111 LARGE LOT HOUSING
PROPOSED ZONING R111 TWO DWELLING HOUSING
FUTURE LAND USE SIZES - SINGLE/TWO UNIT RESIDENTIAL

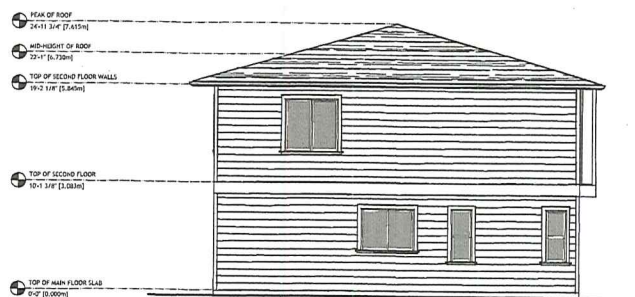
	PERMITTED	PROPOSED
SITE AREA	700.00m ²	1164.00m ²
PROPOSED BUILDING FOOTPRINT AT GRADE		167.88m ²
EXISTING BUILDING FOOTPRINT AT GRADE		164.65m ²
PROPOSED FRONT ENTRY		18.72m ²
PROPOSED DRIVEWAY AREA		146.53m ²
SITE COVERAGE	40.0%	30.0%
SITE COVERAGE W/ DRIVEWAY	50.0%	42.0%
BUILDING HEIGHT	9.5m/2 1/2 STOREYS	8.730m/1 STOREY
TOTAL FLOOR AREA		238.11m ²
FRONT (EAST) YARD SETBACK (TO EXISTING DWELLING)	4.500m	8.553m
REAR (WEST) YARD SETBACK (TO P.L.I. VARIANCE REQUESTED)	7.500m	2.500m
SIDE (NORTH) YARD SETBACK	3.300m	3.353m
SIDE (SOUTH) YARD SETBACK	3.300m	9.547m



3 SOUTH ELEVATION
Scale: 3/16" = 1'-0"



2 EAST ELEVATION
Scale: 3/16" = 1'-0"



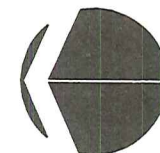
4 WEST ELEVATION
Scale: 3/16" = 1'-0"

Schedule B
DP16-0113 & DVP16-0058



IHS DESIGN
1392 MINE HILL DRIVE
KELOWNA, BC V1P 1S5
www.ihsdesign.com
(250) 212-7938

THESE DRAWINGS ARE THE EXCLUSIVE PROPERTY OF IHS DESIGN AND MAY NOT BE REPRODUCED OR USED WITHOUT EXPRESSED WRITTEN PERMISSION FROM THE SAME.



PROJECT NORTH

REVISION DATE DESCRIPTION

REVISION	DATE	DESCRIPTION

PROJECT

SINGLE FAMILY DWELLING
980 MAYFAIR ROAD
KELOWNA, BC V1X 5G6
LOT A PLAN KAP22053

DRAWING TITLE

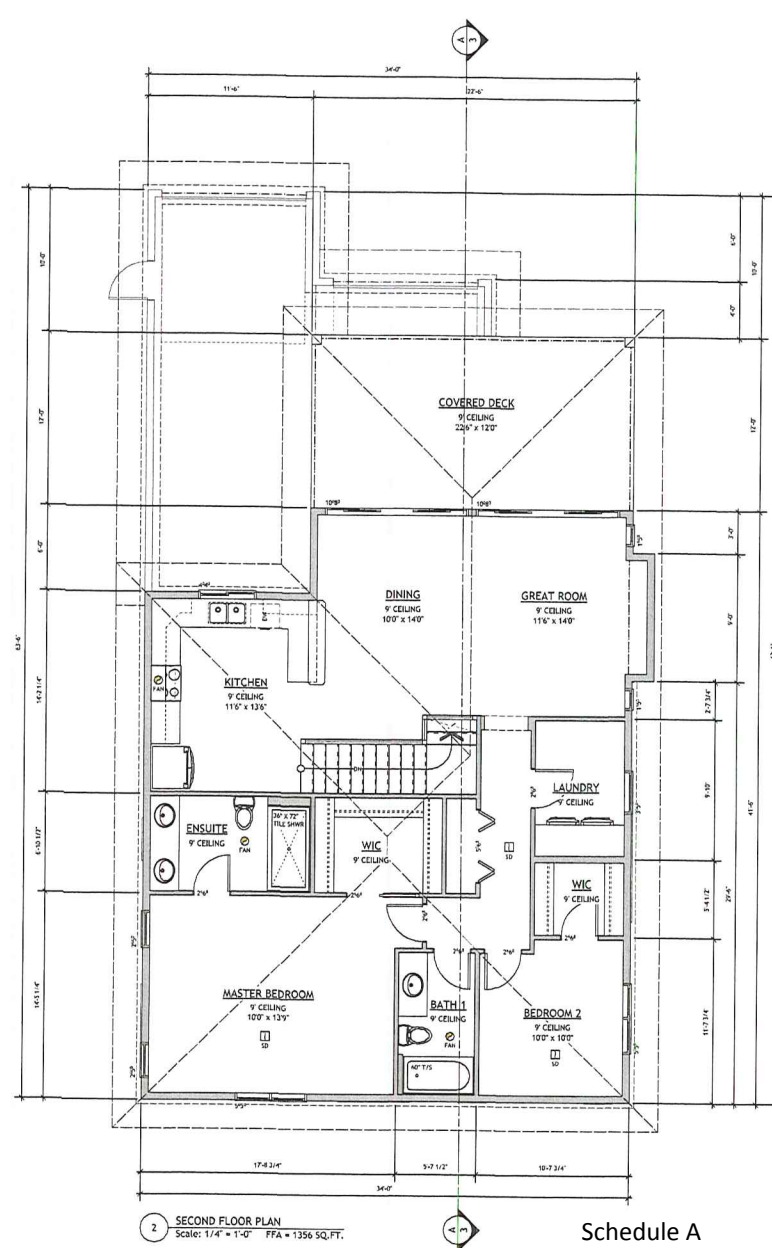
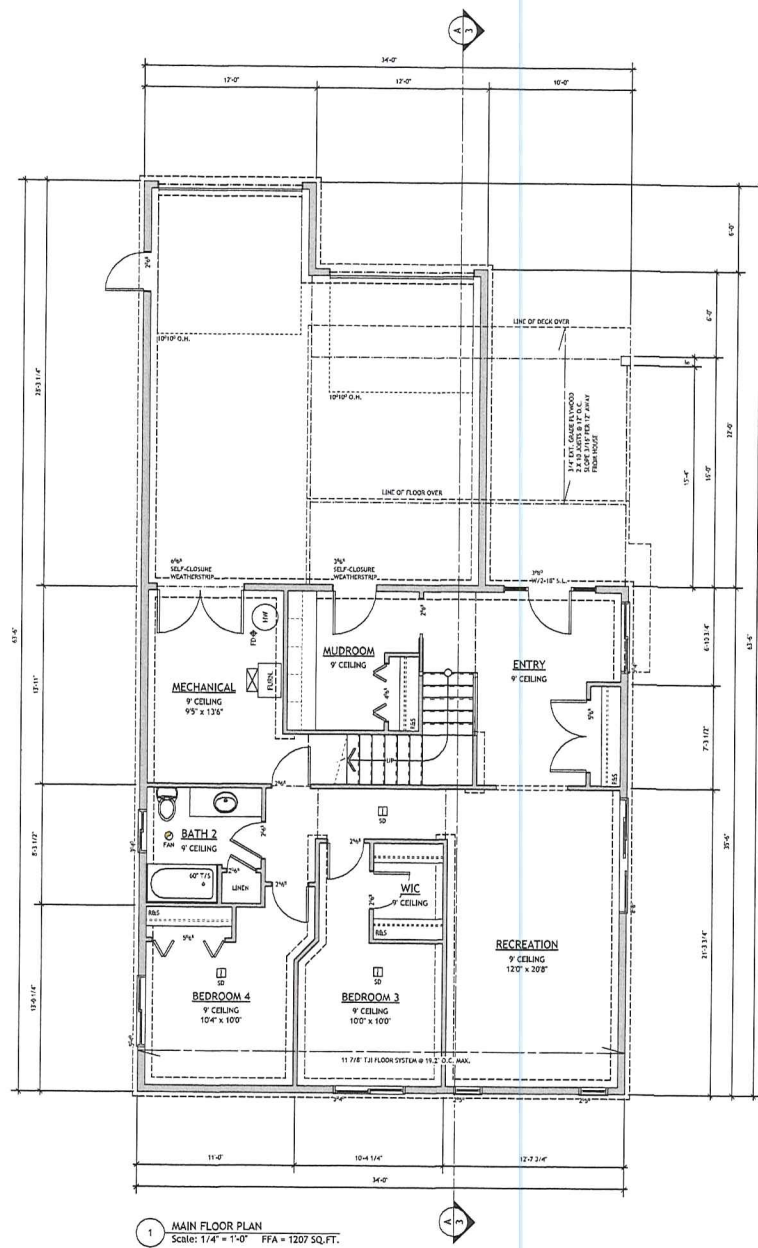
ELEVATIONS

DATE

APRIL 9, 2016

DRAWING NUMBER

1
— of —
4

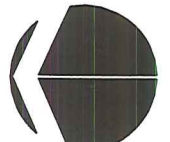


Schedule A
DP15-0154 & DVP15-0232



IHS DESIGN
1382 MINE HILL DRIVE
KELOWNA, BC V1P 1S5
www.ihsdesign.com
(250) 212-7938

THESE DRAWINGS ARE THE EXCLUSIVE PROPERTY OF IHS DESIGN AND MAY NOT BE REPRODUCED OR USED WITHOUT EXPRESSED WRITTEN PERMISSION FROM THE SAME.



PROJECT NORTH

REVISION	DATE	DESCRIPTION

PROJECT
SINGLE FAMILY DWELLING
980 MAYFAIR ROAD
KELOWNA, BC V1X 5G6
LOT A PLAN KAP22053

DRAWING TITLE
FLOOR PLANS

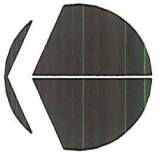
DATE
APRIL 9, 2016

DRAWING NUMBER
2 of 4



IHS DESIGN
1392 MINE HILL DRIVE
KELOWNA, BC V1P 1S5
www.ihsdesign.com
(250) 212-7938

THESE DRAWINGS ARE THE EXCLUSIVE PROPERTY OF IHS DESIGN AND MAY NOT BE REPRODUCED OR USED WITHOUT EXPRESS WRITTEN PERMISSION FROM THE SAME.



PROJECT NORTH

REVISION	DATE	DESCRIPTION

PROJECT
SINGLE FAMILY DWELLING
980 MAYFAIR ROAD
KELOWNA, BC V1X 5G6
LOT A PLAN KAP22053

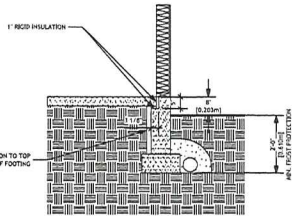
DRAWING TITLE
SECTION/DETAILS

DATE
APRIL 9, 2016

DRAWING NUMBER
3 of 4



A SECTION
Scale: 1/4" = 1'-0"



1 SLAB ON GRADE (CONDITIONED SPACE)
Scale: 1/2" = 1'-0"

GENERAL NOTES

- THE DESIGNER MAKES EVERY EFFORT TO PROVIDE COMPLETE AND ACCURATE HOW PLANS. HOWEVER, WE ASSUME NO LIABILITY FOR ANY ERRORS AND/OR OMISSIONS WHICH MAY AFFECT CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE BUILDER TO CHECK ANY AND ALL DIMENSIONS AND DETAILS BEFORE PROCEEDING WITH CONSTRUCTION. SHOULD ANY DISCREPANCIES BE FOUND ON THESE PLANS IT IS INCUMBENT ON YOU TO ADVISE OUR OFFICE AS SOON AS POSSIBLE. BY DOING SO WE WILL BE ABLE TO MAKE CORRECTIONS TO THE DRAWINGS AND REPLACE ANY PLANS IF NECESSARY. IN THIS WAY WE CAN BETTER SERVE YOU AND PREVENT ERRORS FROM OCCURRING.
- ALL FOOTINGS MUST BE PLACED ON UNDISTURBED OR COMPACTED SOILS AND BELOW THE FROST LINE. FOUNDATION WALL HEIGHTS AND THICKNESSES AS WELL AS FOOTING SIZES MAY NEED TO BE ADJUSTED AND/OR REINFORCED DUE TO SITE CONDITIONS. ANY ENGINEERING SERVICES REQUIRED ARE THE RESPONSIBILITY OF THE OWNER OR BUILDER.
- APPROVED SMOKE ALARMS TO BE INSTALLED AND INTERCONNECTED.
- BUILDER TO CHECK SHOW LOAD REQUIREMENTS FOR THEIR LOCAL AREA AND MAKE ANY NECESSARY ADJUSTMENTS PRIOR TO CONSTRUCTION.
- CARBON MONOXIDE ALARMS SHALL CONFORM TO CSA 6.19, "RESIDENTIAL CARBON MONOXIDE ALARMING DEVICES".
- DAMPENING OF 6 MIL POLYETHYLENE, WITH SEAMS LAPPED, OVER 4" OF GRANULAR FILL SHALL BE Laid UNDER CONCRETE SLABS. A FLEXIBLE SEALANT SHALL BE PLACED WHERE THE SLAB AND FOUNDATION WALL MEET.
- DIMENSIONS TAKE PRECEDENCE TO SCALE.
- FOURTH AND FOURTH FOUNDATION TO CONSTRUCT OF 4" DIAMETER PIPES COVERED WITH A MINIMUM OF 6" CRUSHED STONE SHALL BE PLACED AROUND THE PERIMETER OF THE BUILDING.
- ENSURE THAT WINDOWS IN FUTURE BEDROOMS HAVE A MINIMUM AREA OF .35sqd (3.75 S.F.) WITH AN UNOBSTRUCTED HEIGHT AND WIDTH OF 36" MIN (3'). THE WINDOW OPENING SHALL BE A MINIMUM OF 1.3m (5') ABOVE THE FLOOR.
- EXTERIOR DIMENSIONS ARE TO FACE OF FINISHING.
- EXTERIOR WALLS ARE SHOWN AT 3/4" DIA.
- FOUNDATION WALLS TO HAVE 1 1/2" RIGID INSULATION TO MIN 24" BELOW GRADE. ATTC VENTS TO HAVE MIN. 8" DIA. ROOF JOISTS AND CHIMNEY FLUERS MIN 8" DIA. EXTERIOR 2X4 WALLS MIN. 8" DIA. INTERIOR 2X4 WALLS MIN. 8" DIA.
- LIGHTING AND ELECTRICAL LAYOUTS TO BE SPECIFIED BY THE OWNER OR BUILDER AND MUST MEET WITH 1906 BCBC REQUIREMENTS.
- PLANS ARE BASED ON THE USE OF 42 OR BETTER SPF, UNLESS OTHERWISE STATED. LAMINATED BEAMS WILL REQUIRE AN ENGINEER'S CERTIFICATION. THIS IS THE RESPONSIBILITY OF THE OWNER OR BUILDER.
- REFER TO UNFINISHED FLOOR JOIST AND ROOF TRUSS LAYOUT TO CORONA BLAH, POST AND FAD FOOTING LOCATION AND SIZES. ENSURE PROPER BEARING IS PROVIDED FOR ALL BEAMS.
- ROOF SPACES SHALL BE VENTED WITH ROOF, EAVE AND/OR GABLE END TYPE VENTS TO A MIN OF 1/320 OF THE INSULATED AREA.
- THE SIZING OF THE HOME MUST BE IN COMPLIANCE WITH CITY OF KELOWNA BYLAWS. BEFORE COMMENCEMENT OF CONSTRUCTION, ENSURE THAT THE SITE PLAN HAS BEEN APPROVED BY A MUNICIPAL BUILDING OFFICIAL.
- SIZING OF THE HOME IS THE RESPONSIBILITY OF THE BUILDER IN CONJUNCTION WITH THE HOMEOWNER.
- THE DRAWING HAVE BEEN PREPARED TO CONFORM TO THE 2012 EDITION OF THE BRITISH COLUMBIA BUILDING CODE. THE BUILDER IS RESPONSIBLE FOR ENSURING THAT ALL CONSTRUCTING CONFORMS TO THE BCBC AND LOCAL BUILDING CODES AND BYLAWS. ALL CONSTRUCTION AND INSTALLATION OF MATERIALS SHALL BE DONE IN ACCORDANCE WITH GOOD BUILDING PRACTICES AND MANUFACTURER'S INSTRUCTIONS. LOCAL BUILDING DEPARTMENTS MAY REQUIRE CERTIFICATION FROM A STRUCTURAL ENGINEER FOR PART OR ALL OF THE STRUCTURE. ANY ENGINEERING FEES ARE THE RESPONSIBILITY OF THE OWNER OR BUILDER.
- THE INSTALLATION OF ALL PLUMBING, HVAC AND ELECTRICAL EQUIPMENT AND MATERIALS SHALL BE IN ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS AND THE APPLICABLE SECTION OF THE 2012 BCBC.
- VARIETY SIZES ARE FOR REFERENCE ONLY. REFER TO APPROVED KITCHEN LAYOUT FOR CABINET SIZES.
- CONSTRUCTION LOADS ON THE STRUCTURE CAUSED BY INTERIOR STORAGE OF MATERIALS OR USE OF EQUIPMENT, SHALL NOT BE ALLOWED TO EXCEED THE DESIGN LOADINGS.
- CONFORM ALL DIMENSIONS ON-SITE PRIOR TO BEARING CONSTRUCTION.
- EXTERIOR DOORS SHALL BE SOLID CORE AND WEATHERSTRIPPED. GARAGE DOORS TO DWELLING TO BE AS ABOVE AND SELF-CLOSING.
- GRADES SHOWN ON PLANS ARE ESTIMATES. FOUNDATION WALL HEIGHTS AND HOUSE SIZES MAY REQUIRE ADJUSTMENT TO SUIT SITE CONDITIONS.
- MIN. 25% OF UNOBSTRUCTED ROOF VENT AREA SHALL BE AT BOTH THE GABLE AND TOP OF ATTIC. ROOF VENTING SHALL BE IN ACCORDANCE WITH BCBC 9.19.1.2.
- PROVIDE BATTLE FOR AIR SPACE (EQUAL TO SOFFIT VENTING) BETWEEN INSULATION AND ROOF SHEATHING AT EXTERIOR WALL LINE.
- THE FACE OF SHEATHED EXTERIOR WALLS SHALL BE FLUSH WITH FOUNDATION WALLS.
- WOOD IN CONTACT WITH CONCRETE TO BE BURN-PROOFED WITH SILL GASKET OR OTHER APPROVED METHOD. PLATES TO BE ANCHORED TO CONCRETE FOUNDATION WITH 1/2" DIA. ROOF ANCHOR BOLTS AT 4'-0" O.C.

EXTERIOR WALL ASSEMBLIES



W1 - EXTERIOR 2X4 WALL
HORIZONTAL LAP SIDING
2"X8 STUDS @ 16" O.C.
2"X8 TRUSS @ 24" O.C.
2"X8 BATT TYPE INSULATION
4"X8 POLY VAPOUR & AIR BARRIER
1/2" DRYWALL (PAINTED)

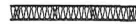


W2 - EXTERIOR FOUNDATION WALL
2"X8 TALL 8" CONCRETE WALL
2"X8 STUDS @ 16" O.C.
2"X8 TRUSS @ 24" O.C.
2"X8 BATT TYPE INSULATION
4"X8 POLY VAPOUR & AIR BARRIER
1/2" DRYWALL (PAINTED)

INTERIOR WALL ASSEMBLIES



W3 - INTERIOR 2X4 PARTITION WALL
1/2" GYPSUM BOARD (PAINTED)
2X4 STUDS @ 16" O.C.
1/2" GYPSUM BOARD (PAINTED)



W4/W4S - INTERIOR 2X4 PARTITION WALL
1/2" GYPSUM BOARD (PAINTED)
2X4 STUDS @ 16" O.C.
802 JOIST 3.5 BATT TYPE INSULATION (NEAR NO INSULATION)
1/2" GYPSUM BOARD (PAINTED)

FLOOR ASSEMBLIES



F1 - MAIN FLOOR
INTERIOR FLOOR COVERINGS
1 1/2" T & G PLYWOOD SUBFLOOR
11 7/8" JOIST @ 19.2" O.C. MAX

1 ROOF SYSTEM

• LAMINATE SHINGLES
• BITUMEN SATURATED ROOFING PAPER
• 7/16" SHEATHING W/ H-CLIPS
• ENGINEERED ROOF TRUSSES @ 24" O.C.
• LOOSE FILL INSULATION
• 6 MIL POLY VAPOUR & AIR BARRIER
• 1/2" CEILING BOARD (TEXTURED)

2 EXTERIOR WALL

• HARDIPLANK LAP SIDING/BOARD & BATTEN
• BUILDING PAPER
• 1/2" SHEATHING
• 2X4 STUD WALL - STUDS @ 24" O.C.
• BATT TYPE INSULATION
• 6 MIL POLY VAPOUR & AIR BARRIER
• 1/2" DRYWALL (PAINTED)

3 INTERIOR LOAD BEARING WALL

• 1/2" DRYWALL (PAINTED)
• 2X4 STUD WALL - STUDS @ 16" O.C.
• 1/2" DRYWALL (PAINTED)

4 INTERIOR NON-LOAD BEARING WALL

• 1/2" DRYWALL (PAINTED)
• 2X4 STUD WALL - STUDS @ 16" O.C.
• 1/2" DRYWALL (PAINTED)

5 FLOOR SYSTEM

• INTERIOR FLOOR COVERINGS
• 3/4" T & G PLYWOOD SUBFLOOR
• 9 1/2" T & G SLANT FLOOR (SEE APPROVED LAYOUT FOR JOIST SPACING AND PLACEMENT)
• 1/2" DRYWALL (TEXTURED) IN FINISHED AREAS ONLY
• REFER TO APPROVED FLOOR LAYOUT DIAGRAM

6 CONCRETE FOUNDATION

• 8" CONCRETE FROST WALL
• MIN. 20 MPa 28 DAY CONCRETE STRENGTH
• 10M BAR (HORIZ.) @ 18" O.C.
• 10M BAR (VERT.) @ 48" O.C. ALTERNATING
• 24" X 24" 15M CORNER BARS @ ALL CORNERS
• 1 1/2" CLEAR TO REBAR FROM INSIDE OF WALL
• 1/2" ANCHOR BOLTS REQ'D @ 4'-0" O.C.
• RIGID INSULATION
• 8" X 16" CONTINUOUS CONCRETE FOOTING
• 2 ROWS 15M BAR CONTINUOUS
• 2" CLEAR TO REBAR FROM BOTTOM OF FOOTING
• UNEXCAVATED EARTH
• PROVIDE MINIMUM 24" FROST PROTECTION

7 CRAWLSPACE SKIM COAT

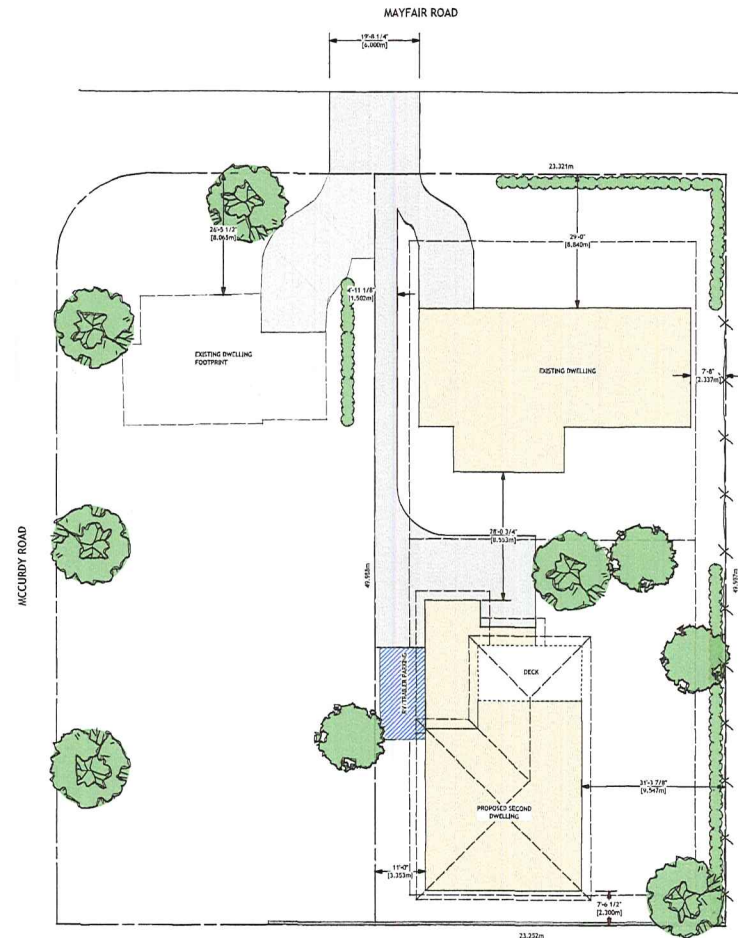
• 2" CONCRETE SLAB (20 MPa MIN)
• 6 MIL POLY LAPPED NOT LESS THAN 12" & ALL JOINTS SEALED TO PREVENT AIR LEAKAGE
• RIGID INSULATION
• MINIMUM 4" CLEAN GRANULAR MATERIAL
• PROVIDE ROUGH-IN FOR FUTURE SUBFLOOR DEPRESSURIZATION SYSTEM TO CONTROL SOIL GAS AS PER BCBC 9.15.4.3

8 GARAGE CONCRETE SLAB

• 4" CONCRETE SLAB (32 MPa MIN)
• MIN. 2% SLOPE TO FRONT OF GARAGE
• 55 MIN AIR ENTRAINED
• 10M BARS @ 18" C.W.
• 4" MIN WELL COMPACTED GRANULAR FILL
• UNEXCAVATED EARTH



1 AREA PLAN



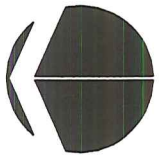
2 SITE PLAN
Scale: 1:150

Schedule A
DP15-0154 & DVP15-0232



IHS DESIGN
1382 MINE HILL DRIVE
KELOWNA, BC V1P 1S5
www.ihsdesign.com
(250) 212-7938

THESE DRAWINGS ARE THE EXCLUSIVE PROPERTY OF IHS DESIGN AND MAY NOT BE REPRODUCED OR USED WITHOUT EXPRESSED WRITTEN PERMISSION FROM THE SAME.



PROJECT NORTH

REVISION	DATE	DESCRIPTION

PROJECT
SINGLE FAMILY DWELLING
980 MAYFAIR ROAD
KELOWNA, BC V1X 5G6
LOT A PLAN KAP22053

DRAWING TITLE
SITE PLAN

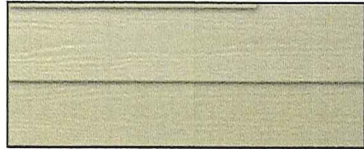
DATE
APRIL 9, 2016

DRAWING NUMBER
4
— of —
4

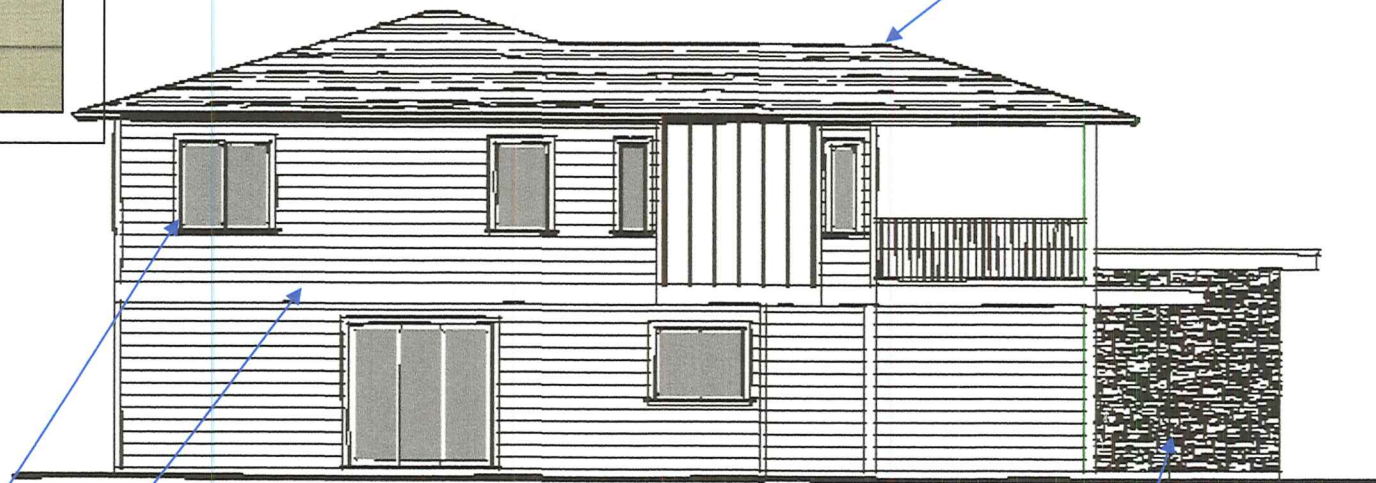


Colour board for 980 Mayfair Road

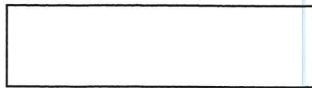
Beveled horizontal cedar plank,
painted "Neutral Taupe"



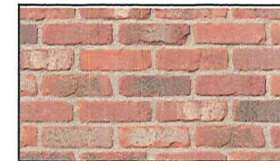
Shingle – Owens Corning
"Driftwood"



Garage door, remaining trim
and window casing—Arctic
White



Brick face as entry features to
match existing dwelling on site



Schedule B
DP16-0113 & DVP16-0058

980 MAYFAIR ROAD, KELOWNA, BC



IHS DESIGN

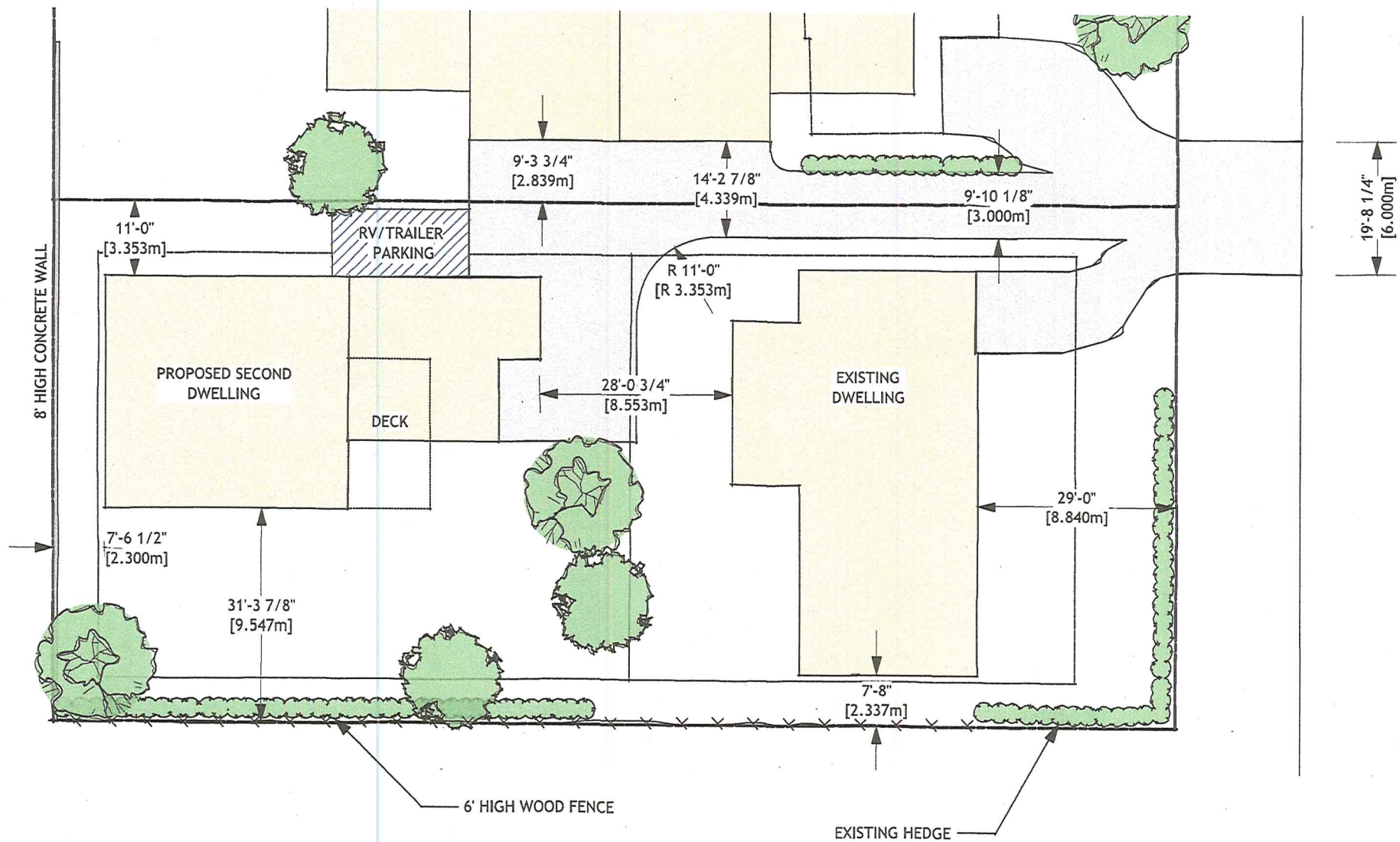
1392 MINE HILL DRIVE
KELOWNA, BC V1P 1S5
(250) 212-7938
www.ihsdesign.com

COLOUR BOARD

APRIL 9, 2016

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

1 OF 1



980 MAYFAIR ROAD, KELOWNA, BC

PHASE 1 DEVELOPMENT



IHS DESIGN

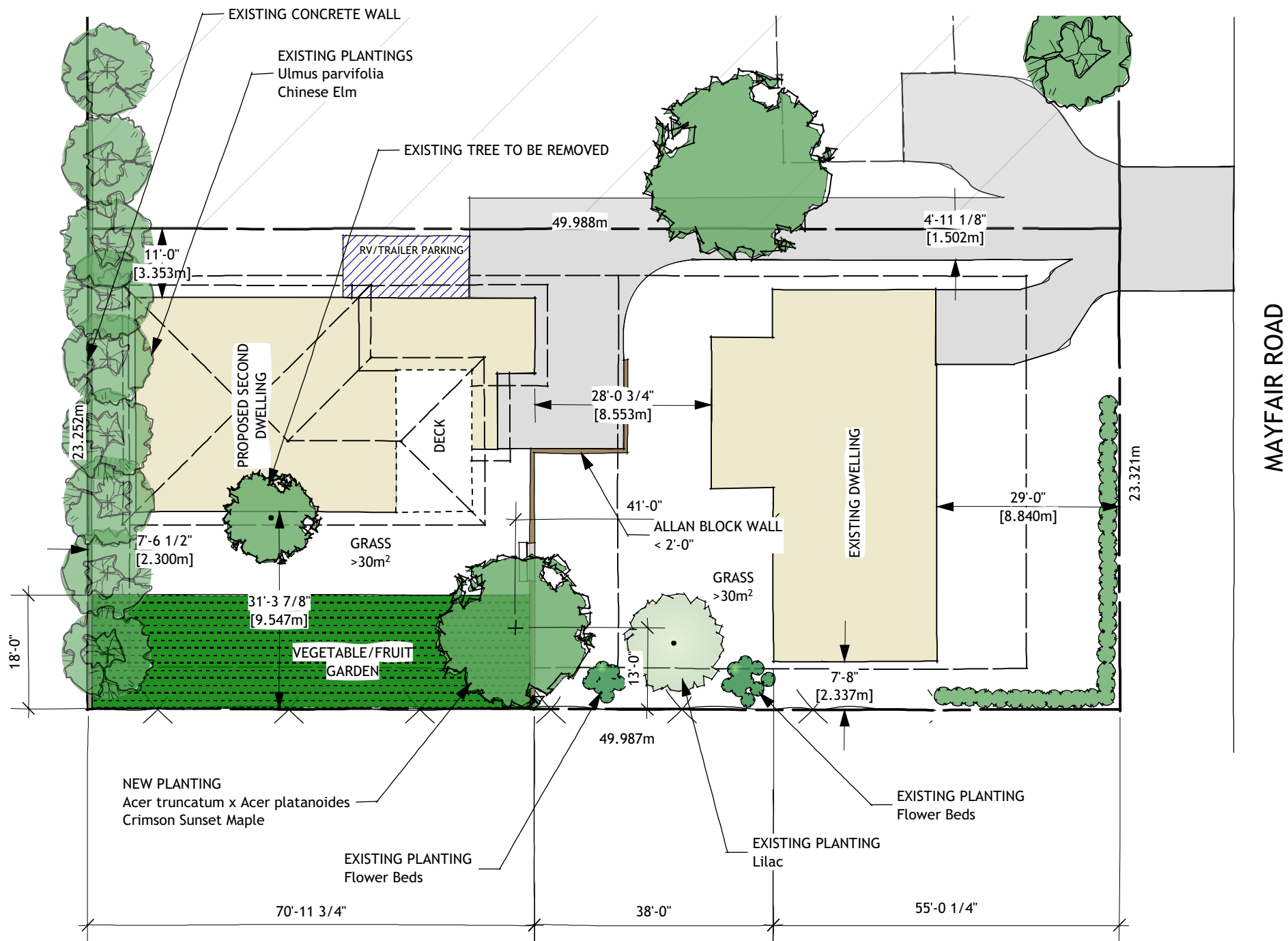
1392 MINE HILL DRIVE
KELOWNA, BC V1P 1S5
(250) 212-7938
www.ihsdesign.com

FEBRUARY 25, 2016

SCALE = 1:250

Schedule A
DP15-0154 & DVP15-0232

2 OF 56



DEVELOPMENT PERMIT / DEVELOPMENT VARIANCE PERMIT



APPROVED ISSUANCE OF DEVELOPMENT PERMIT / DEVELOPMENT VARIANCE PERMIT NO. DP16-0113/DVP16-0058

Issued To: Justin & Rebecca Bullock
Site Address: 960 Mayfair Road
Legal Description: Lot 2 District Lot 143 ODYD Plan EPP62178
Zoning Classification: RU6 - Two Dwelling Housing
Development Permit Area: N/A

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. DP16-0113 & DVP16-0058 for Lot 2 District Lot 143 ODYD Plan EPP62178, located at 960 Mayfair Road, Kelowna, BC to allow the construction of a Single Detached House be approved subject to the following:

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

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

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

To vary the required minimum rear yard from 7.5 m permitted to 2.3 m proposed.

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

2. PERFORMANCE SECURITY

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.

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.**

CITY OF KELOWNA
BYLAW NO. 11193
Z15-0052 - Narish Kathpal
145 Dougall 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 4, Section 26, Township 26, ODYD, Plan 9924 located on Dougall Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the C4 - Urban Center 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 25th day of January, 2016.

Considered at a Public Hearing on the 16th day of February, 2016.

Read a second and third time by the Municipal Council this 16th day of February, 2016.

Approved under the Transportation Act this 2nd day of March, 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 23, 2016

RIM No. 0940-50

To: City Manager

From: Community Planning Department (LK)

Application: DP15-0235 & DVP15-0236 **Owner:** Zsy Holdings Ltd., Inc No BC0981442

Address: 340 Hwy 33 West **Applicant:** Urban Options

Subject: Development Permit & Development Variance Permit

Existing OCP Designation: MXR - Mixed Use (Residential/Commercial)

Existing Zone: RU1 - Large Lot Housing

Proposed Zone: C4- Urban Centre Commercial

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11193 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP15-0235 for Lot 1 Section 26 Township 26 ODYD Plan EPP62403 located at 340 Highway 33 West, 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 the Development Variance Permit No. DVP15-0236 for Lot 1 Section 26 Township 26 ODYD Plan EPP62403, located at 340 Highway 33 East, Kelowna, BC;

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

Section 14.4.5 (f) C4 - Urban Centre Commercial Development Regulations

To vary the required minimum rear yard from 6.0 m permitted to 0.20 m proposed;

Section 7.6.1 (c) - Landscaping and Screening Minimum Landscape Buffers

To vary the required minimum landscape buffer from 3.0 m permitted to 1.40 m proposed and 0.0 m proposed.

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated October 29, 2015;

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 form and character of a new commercial building on the subject property and to vary the minimum required rear setback and to vary the minimum required landscape buffers for both sides of the subject parcel.

3.0 Community Planning

Community Planning Staff supports the two required variances in order to facilitate the development of a new commercial building on the subject parcel. The building meets all other Zoning Bylaw regulations and the Official Community Plan (OCP) Future Land Use of MXR - Mixed Use (Residential/Commercial). The project integrates a residential use at the second storey level with ground floor commercial development which is encouraged within Kelowna's Urban Centres.

The proposed building meets many OCP Revitalization Design Guidelines and will blend into the surrounding area as it is currently a mix of old and new development. The proposal integrates the local environments natural colour palette and used the Centex 'brand' colours as accents. The flat roof designed building uses a modern gray base and natural stained cedar as the primary colours. Red and blue accents are used to bring prominence to building entrances and to brighten street facing facades.

The majority of the immediate neighbourhood currently has commercial zoning with the exception of the north adjacent parcels leading to the transit interchange at Shepard Road. These adjacent parcels along Dougall Road are currently listed for sale. This redevelopment from residential to commercial uses aligns with the OCP's Future Land Use of the parcels.

Council Policy No. 347 in regards to Neighbourhood Consultation was completed. All Development Engineering requirements have been met and the Ministry of Transportation and Infrastructure (MOTI) has provided approval of the subject application.

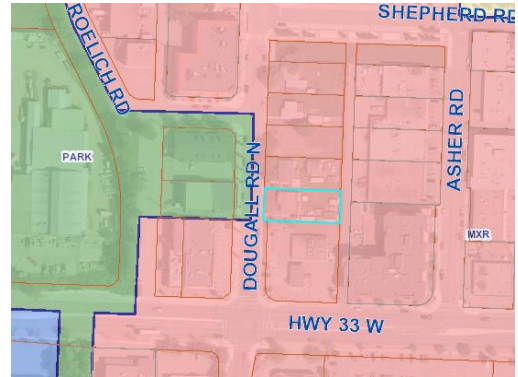
4.0 Proposal

4.1 Background

The subject parcel is located at the intersection of Highway 33 West and Dougall Road within the Rutland Urban Centre. The area undergoing development was rezoned from RU1 - Large Lot Housing zone to C4 - Urban Centre Commercial zone and consolidated with the existing corner parcel to form a larger commercial lot. The existing parcel currently has a gas station with convenience store and an existing restaurant on site.

The parcel is within both the Rutland Urban Centre Revitalization Area and Comprehensive Development Permit Area. The proposed rezoning is consistent with many OCP policies, including:

- Integrating new development with existing site conditions and preserving the character of the surrounding area;
- Promoting a high urban design standard and quality of construction for future development that is coordinated with existing structures;
- Creating open, architecturally-pleasing and accessible building facades to the street.



4.2 Project Description

If the proposed applications are approved, the existing house will be removed to allow for the construction of a new carwash with one automatic wash bay and seven manual wash bays. With the proximity of the adjacent residential building across the east lane, the hours of operation of the carwash will be limited from 7am - 9pm. To minimize acoustic disturbance, the automatic carwash bay doors must be closed for the wash cycle to start and the manual wash bays will have auto close access doors for both the entry and exit at each end of the building. The concrete construction of the walls and ceiling has been designed to meet industry sound emission standards.

The proposal will require two variances, one for the rear setback of the building and the second variance is for the side setback landscape buffers. The first variance is to reduce the required rear setback from 6.0 m when adjacent to residential to 0.20 m. The adjacent parcels to the north are currently single dwelling housing uses, but have the same OCP future land use of MXR - Mixed Use (Residential/ Commercial) as the subject parcel and are currently listed for sale. As the parcels redevelop from Highway 33 to the north, the adjacent parcels will likely be rezoned to Commercial zones as well, in which case, the required rear and side setbacks would be reduced to zero.

The second variance is for both the east and west 3.0 m landscape buffer requirement. The east side of the parcel backs onto a lane. The existing parking stalls for the commercial units are located along this setback and will remain unchanged. The new development area cannot provide the landscape buffer as it is used for vehicle access to the lane.

For the west landscape buffer area, there is currently an existing retaining wall on the City of Kelowna road widening area. This retaining wall will be removed and a new one constructed along the west property line. A roadway dedication has been taken thru Subdivision Application S16-0025 from 145 Dougall Road N to ensure the west property line is consistent along the parcel length. This taking has narrowed the landscaping that is currently provided along the length of corner parcel. As the existing commercial portion is not being redeveloped, the landscaping that is proposed will match what currently exists on site.

Along the Dougall Street frontage will be three retail/office units with one residential unit located above. The residential unit is accessed via a door to a private stairwell. Private open space is provided with two balconies facing each street.



The site access along Hwy 33 W will remain unchanged. Dougall Road will be modified with painted lines to indicate a left turn lane. This will require the site access from Dougall Road to be modified to right turn in and out access only. Signage will be erected at the parcel exit and paint lines and signage will be added to Dougall Road.

To access the carwash, vehicles will queue along the west side of the existing building. The Zoning Bylaw requirements for upstream vehicle storage have been met for both the auto wash and manual wash bays. Upon exiting the carwash, vehicles will be directed to the east side lane to exit the parcel. All traffic will be one way along the side and rear of the existing building to provide an escape lane for customers who may choose to forgo use of the carwash.

4.3 Site Context

The subject site is located at the intersection of Dougall Rd N and Hwy 33 W.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Single Family Dwelling
East	C4 - Urban Centre Commercial	Retail Commercial (Strip Mall) Apartment Housing/Retail Commercial
South	C4 - Urban Centre Commercial	Gas Bar
West	C4 - Urban Centre Commercial	Retail Commercial (Strip Mall)

Subject Property Map: 340 Hwy 33 W.



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C4 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	460 m ²	815.05 m ²
Minimum Lot Width	13 m	18.44 m
Minimum Lot Depth	30 m	44.20 m
Development Regulations		
Maximum Floor Area Ratio	1.3	0.33
Maximum Site Coverage	75%	33%
Maximum Height (lessor of)	15.0m or 4 storeys	6.5 m & 2 storeys
Minimum Front Yard (south)	0.0 m	8.58 m
Minimum Side Yard (east)	0.0 m	1.0 m
Minimum Side Yard (west)	0.0 m	0.0 m
Minimum Rear Yard	0.0 m, except 6.0 m (when abutting residential)	0.20 m ●

Other Regulations			
Minimum Parking Requirements		16 stalls	16 stalls
Minimum Bicycle Parking		2	4
Minimum Private Open Space		15 m ²	24 m ²
Minimum Loading Space		1 space	1 space
Minimum Landscape Buffer	east	3.0 m	0.0 m ❶
	west	3.0 m	1.3 m ❷
❶ Indicates a requested variance to the rear setback. ❷ Indicates a requested variance to the landscape buffer for the side yard.			

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Context.¹ Address phasing when the area is designated for more intensive development and the development proposes to deviate from existing form and character (e.g. blank firewalls should be adequately detailed to provide visual interest in the interim).

Relationship to the Street.² Develop visual and physical connections between the Public Street and private buildings (e.g. patios and spill-out activity, views to and from active interior spaces, awnings and canopies).

Relationship to the Neighbourhood.³ Maintain the established or envisioned architectural character of the block or neighbourhood.

Transit Exchanges.⁴ Actively encourage both public and private sector development and integration of a full range of compatible land uses (residential, employment and commercial activities) at transit exchanges.

6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- 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.
- A Hoarding permit may be required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP
- 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):
- Any security system that limits access to exiting needs to be addressed in the code analysis by the architect. An application for an alternative solution will be required if the security system is not prescriptive to code.

¹ City of Kelowna Official Community Plan, Policy 14.3.2.2 (Urban Design DP Areas Chapter).

² City of Kelowna Official Community Plan, Policy 14.4.3.2 (Urban Design DP Areas Chapter).

³ City of Kelowna Official Community Plan, Policy 14.15.1.1 (Urban Design DP Areas Chapter).

⁴ City of Kelowna Official Community Plan, Policy 5.19.8 (Development Process Chapter).

- Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.
- Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located.
- 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.
- 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 are being applied to this structure.

6.2 Development Engineering Department

- See Attachment 'A'.

6.3 Rutland Waterworks District

- See Attachment 'B'

6.4 Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required. Template available online at Kelowna.ca
- Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900. A minimum of 150litres/sec is required. If a hydrant is required on this property it shall be deemed private and shall be operational prior to the start of construction.
- Fire Department access is to be met as per BCBC 3.2.5.6
- A visible address must be posted as per City of Kelowna By-Laws
- Should a fire alarm be required, A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD and an Approved Fire Department steel lock box or key tube acceptable to the fire dept. is required by the fire dept. entrance.
- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met.
- Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- Dumpster/refuse container must be 3 meters from structures or overhangs.

6.5 Ministry of Transportation & Infrastructure

- Project approval received on September 28, 2015.

7.0 Application Chronology

Date of Application Received:	September 28, 2015
Date Public Consultation Completed:	October 18, 2015
Date of Public Hearing, 2 nd & 3 rd readings for Z15-0025:	February 16, 2016
Date of Subdivision Approval for S16-0025 (Lot Consolidation & Road takings):	July 6, 2016

Report prepared by:

Lydia Korolchuk, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Reviewed by: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A: Development Engineering Memorandum dated November 12, 2015
Attachment B: Rutland Waterworks District Memorandum dated December 15, 2015
Schedule A: Site Plan
Schedule B: Conceptual Elevations & Colour Schedule
Schedule C: Landscape Plan
Draft Development Permit and Development Variance Permit No. DP15-0235 & DVP15-0236

CITY OF KELOWNA

MEMORANDUM

Date: November 12, 2015 (Revised – access, signage, road reserve)
File No.: Z15-0052
To: Urban Planning Department (LK)
From: Development Engineering Manager (SM)
Subject: 340 Hwy 33 W and 145 Dougall Rd N RU1 to C4

The Development Engineering Department has the following comments and requirements associated with this application to rezone the property at 145 Dougall Rd N from RU1 to C4 and consolidate with 340 Highway 33 W to accommodate a proposed car wash.

The road and utility upgrading requirements outlined in this report will be a requirement of this development.

The Development Engineering Technologist for this project is Jason Ough

1. General

These are Development Engineering comments/requirements and are subject to the review and requirements from the Ministry of Transportation (MOTI) Infrastructure Branch.

2. Domestic Water and Fire Protection

- (a) The property is located within the Rutland Water District (RWD) service area. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. The developer is responsible, if necessary, to arrange with RWD staff for any service improvements and the decommissioning of existing services. Only one water service will be permitted to a consolidated lot.
- (b) A water meter is mandatory for each property and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost. Boulevard landscaping, complete with underground irrigation system, must be integrated with the on-site irrigation system.

3. Sanitary Sewer

The developer's consulting mechanical engineer will determine the development requirements of the proposed development and establish the service needs. The existing lot at 145 Dougall Road is serviced with a 100mm diameter sanitary service. Only one service per lot will be permitted for this development. The applicant will arrange for the removal and disconnection of the existing service and the installation of one new larger service, if required, at the applicants cost.

4. Storm Drainage

- (a) The developer must engage a consulting civil engineer to provide a storm water management plan which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of a lot grading plan, identify minimum basement elevation (MBE), overland drainage routes, floodplain elevations and setbacks, and provision of a storm drainage service for the lot and /or recommendations for onsite drainage containment and disposal systems. The on-site drainage systems may be connected to the existing municipal drainage system in Highway 33 with an overflow service.
- (b) Storm drainage systems, oil and grit separator and overflow service(s) for the site will be reviewed and approved by Engineering when site servicing designs are submitted.

5. Road Improvements

- (a) The Developer is required to add a left turn lane to southbound Dougall Road N at the Highway 33 intersection. Turning bay must be minimum 25m including taper and painted lane delineation.
- (b) Access to property from Dougall Road North will be restricted to right in - right out with appropriate signage installed.
- (c) Access to the public lane on the east property line must be modified to meet the required 9m maximum. This space must be defined with curbing.
- (d) The estimated cost of required road improvement works, for bonding purpose, must be determined based upon a design provided by the developer to be reviewed by the City of Kelowna and MOTI.

6. Road Dedication and Subdivision Requirements

- (a) The developer is required to consolidate the two subject properties.
- (b) The developer is required dedicate roadway fronting 145 Dougall Road North to align with the property line at 340 Highway 33 to achieve the standard minor collector Right Of Way width.
- (c) The developer is required to provide 0.8m road reserve along the east property line to meet the minimum lane width for commercial property.
- (d) Grant Statutory Rights Of Way if required for utility services.
- (e) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

7. Electric Power and Telecommunication Services

All proposed service connections are to be installed underground. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.

8. Design and Construction

- (a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- (b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- (c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- (d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- (e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Development Engineering Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

9. Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

10. Other Engineering Comments

- (a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- (b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

11. Development Permit and Site Related Issues

(a) Access and Manoeuvrability

- (i) An SU-9 standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways.
- (ii) Indicate on the site, the locations of loading bays as well as the garbage and recycle bins.

14. Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as (3% of Total Off-Site Construction Cost plus GST)

Steve Muenz, P. Eng.
Development Engineering Manager

jo



Rutland
WATERWORKS DISTRICT

106 – 200 Dougall Road North
Kelowna, BC V1X 3K5
www.rutlandwaterworks.com

p: (250) 765-5218
f: (250) 765-7765
e: info@rutlandwaterworks.com

WATER SERVICE CERTIFICATE

TO: **Approving Officer for City**

RWD FILE #: 15/13

FAX # 862-3314

CITY FILE #: Z15-0017 S15-0021

ATTENTION: LYDIA KOROLCHUK

Issuance Date: 20-Jul-16

Owner/Agent: URBAN OPTIONS PLANNING 7 PERMITS

Service Address: 340 HWY 33 W

Legal Description: Lot: A Plan: 33700

FINAL PROCESSING OF THE APPLICATIONS FOR THE FOLLOWING HAVE BEEN APPROVED BY THE DISTRICT:

This is to certify that acceptable arrangements have been made with the District to complete the indicated process. This form does not confirm installation of works as of issuance date. Additional costs may be applied for water meters, backflow prevention devices etc.

X Zoning Application

 Subdivision Application

X Development Application

 Strata Application

X Building Permit

CONFIRMATION OF WATER SERVICE INFORMATION:

X Capital Costs DUE AT TIME OF BUILDING PERMIT (Church exemption) PAID

X Connection Deposit Paid

 Upgrading & hydrants

The existing service is adequate in size, any upgrading required by another authority will be at the owners expense.

Authorized District Official: 

Title: GENERAL MANAGER

PETER PRESTON

This form indicates that acceptable arrangements have been made with the District. This form does not confirm installation of works as of issuance date.

Only boxes that are checked off are applicable.



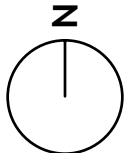
ILLUSTRATION / THE ARTS ALIVE



OUTLAND DESIGN
LANDSCAPE ARCHITECTURE

206 - 1889 Spall Road
Kelowna, BC V1Y 4K2
T (250) 868-9270
www.outlanddesign.ca

Schedule C



PROJECT TITLE

340 HIGHWAY 33 W

Kelowna, BC

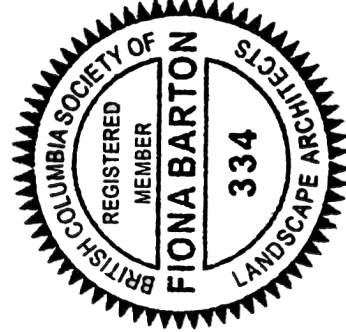
DRAWING TITLE

CONCEPTUAL
LANDSCAPE PLAN

ISSUED FOR: REVISION	
1	16.06.01 Development Permit
2	
3	
4	
5	

PROJECT NO	15567
DESIGN BY	SP
DRAWN BY	KG
CHECKED BY	FB
DATE	JUNE 1, 2016
SCALE	1:125

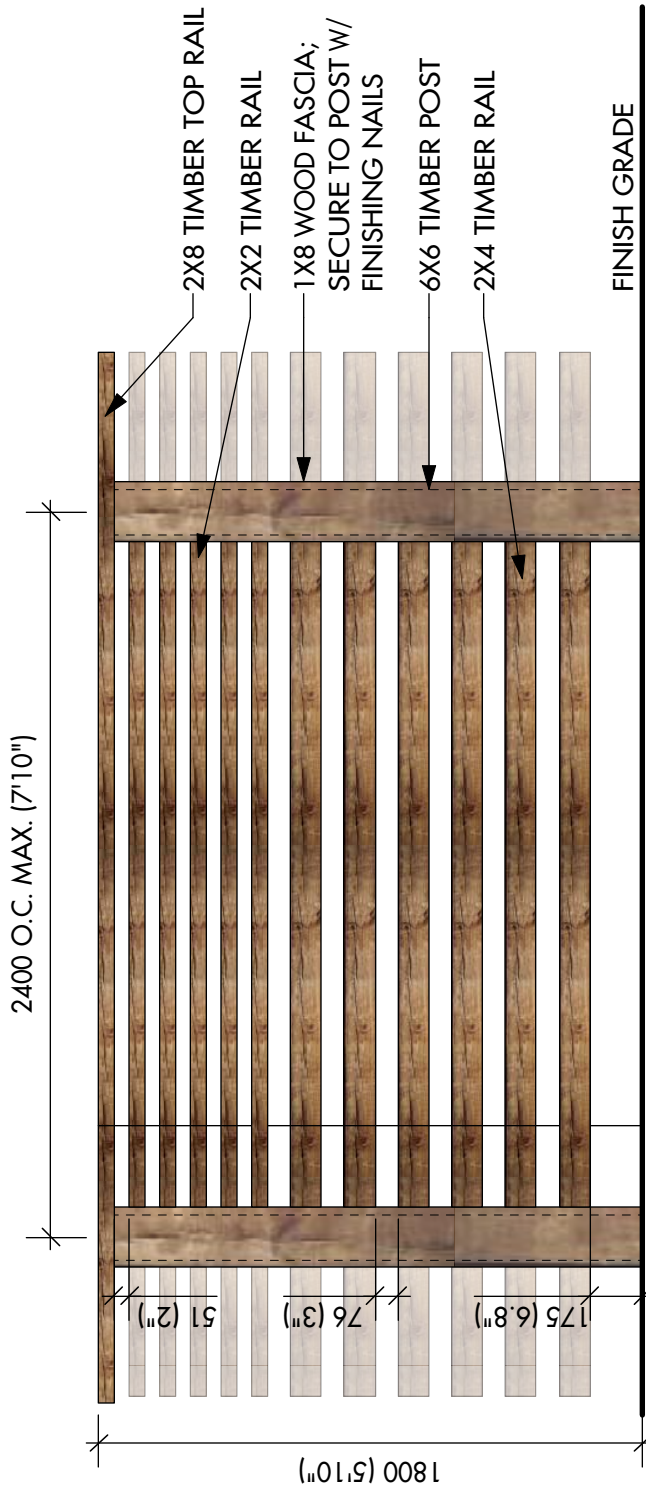
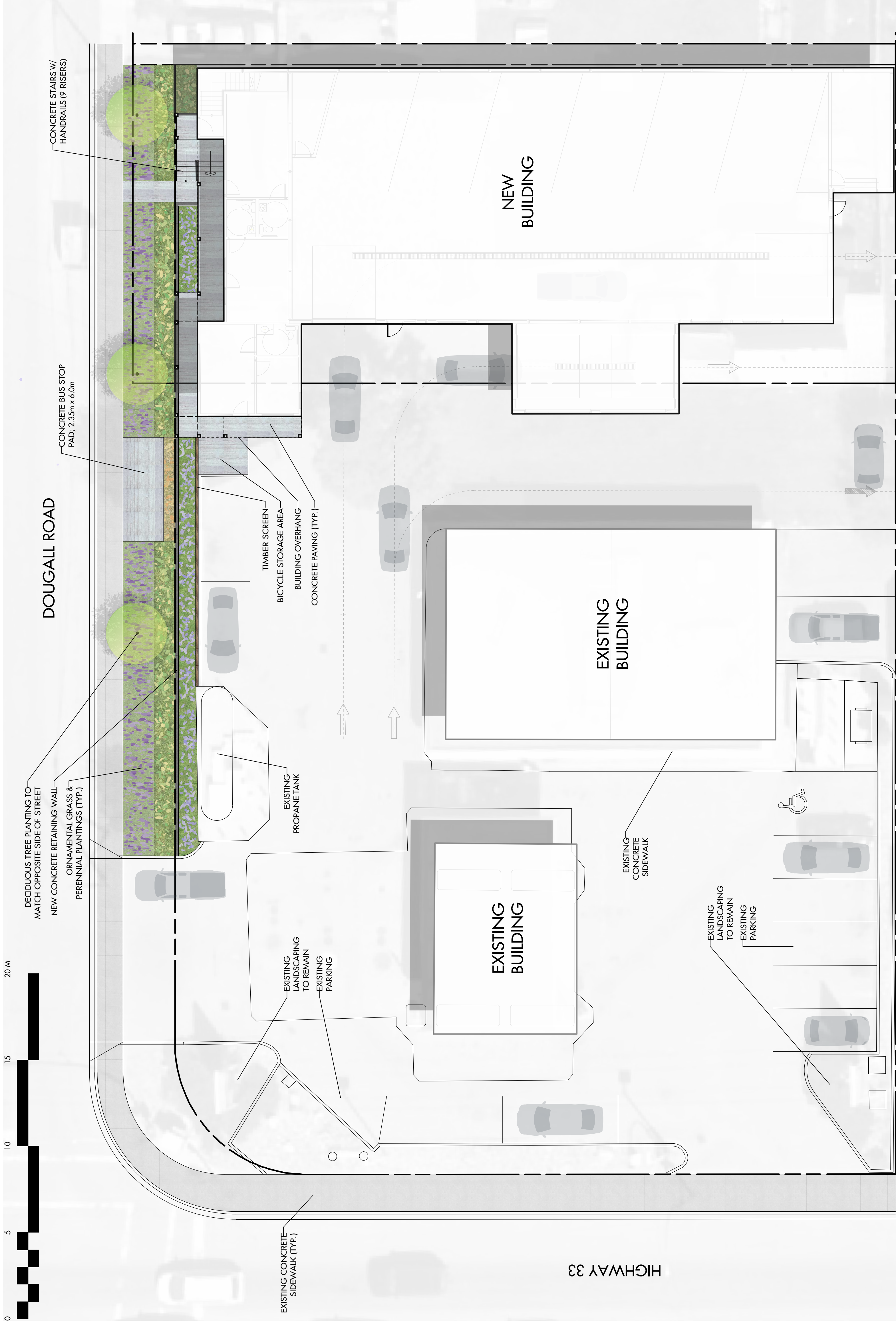
SEAL



DRAWING NUMBER

L1/2

ISSUED FOR REVIEW ONLY
This drawing is the property of Outland Design
Landscape Architecture Limited and shall not be reproduced,
resold, or rendered without permission.



SECTION / ELEVATION
SCALE: 1:25

PLANT LIST

BOTANICAL NAME	COMMON NAME	QTY	SIZE/SPACING & REMARKS
TREES			
QUERCUS ROBUR 'FASTIGIATA'	SKYROCKET OAK	3	6cm CAL.
SHRUBS, PERENNIALS & GRASSES			
KARL FOERSTER FEATHER REED GRASS		8	#01 CONT. /0.75M O.C. SPACING
WALKER'S LOW CATMINT		86	#01 CONT. /0.9M O.C. SPACING
FOUNTAIN GRASS		35	#01 CONT. /1.2M O.C. SPACING
PEROVSKIA ATRIPICIFOLIA	RUSSIAN SAGE	24	#01 CONT. /1.2M O.C. SPACING

NOTES

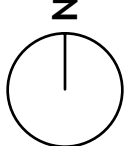
1. PLANT MATERIAL AND CONSTRUCTION METHODS SHALL MEET OR EXCEED B.C.L.N.A. STANDARDS.
2. ALL SOFT LANDSCAPE AREAS SHALL BE WATERED BY A FULLY AUTOMATIC TIMED UNDERGROUND IRRIGATION SYSTEM.
3. TREE AND SHRUB BEDS TO BE DRESSED IN A MINIMUM 50mm WOOD MULCH. DO NOT PLACE WEED MAT UNDERNEATH TREE AND SHRUB BEDS.
4. TREE AND SHRUB BEDS TO RECEIVE A MINIMUM 300mm DEPTH TOPSOIL PLACEMENT.



OUTLAND DESIGN
LANDSCAPE ARCHITECTURE

206 - 1889 Spall Road
Kelowna, BC V1Y 4K2
T (250) 8689270
www.outlanddesign.ca

Schedule C



PROJECT TITLE

340 HIGHWAY 33 W

Kelowna, BC

DRAWING TITLE

WATER CONSERVATION
& IRRIGATION PLAN

ISSUED FOR: REVISION	
1	16.06.01 Development Permit
2	
3	
4	
5	

PROJECT NO	15567
DESIGN BY	SP
DRAWN BY	KG
CHECKED BY	FB
DATE	JUNE 1, 2016
SCALE	1:125

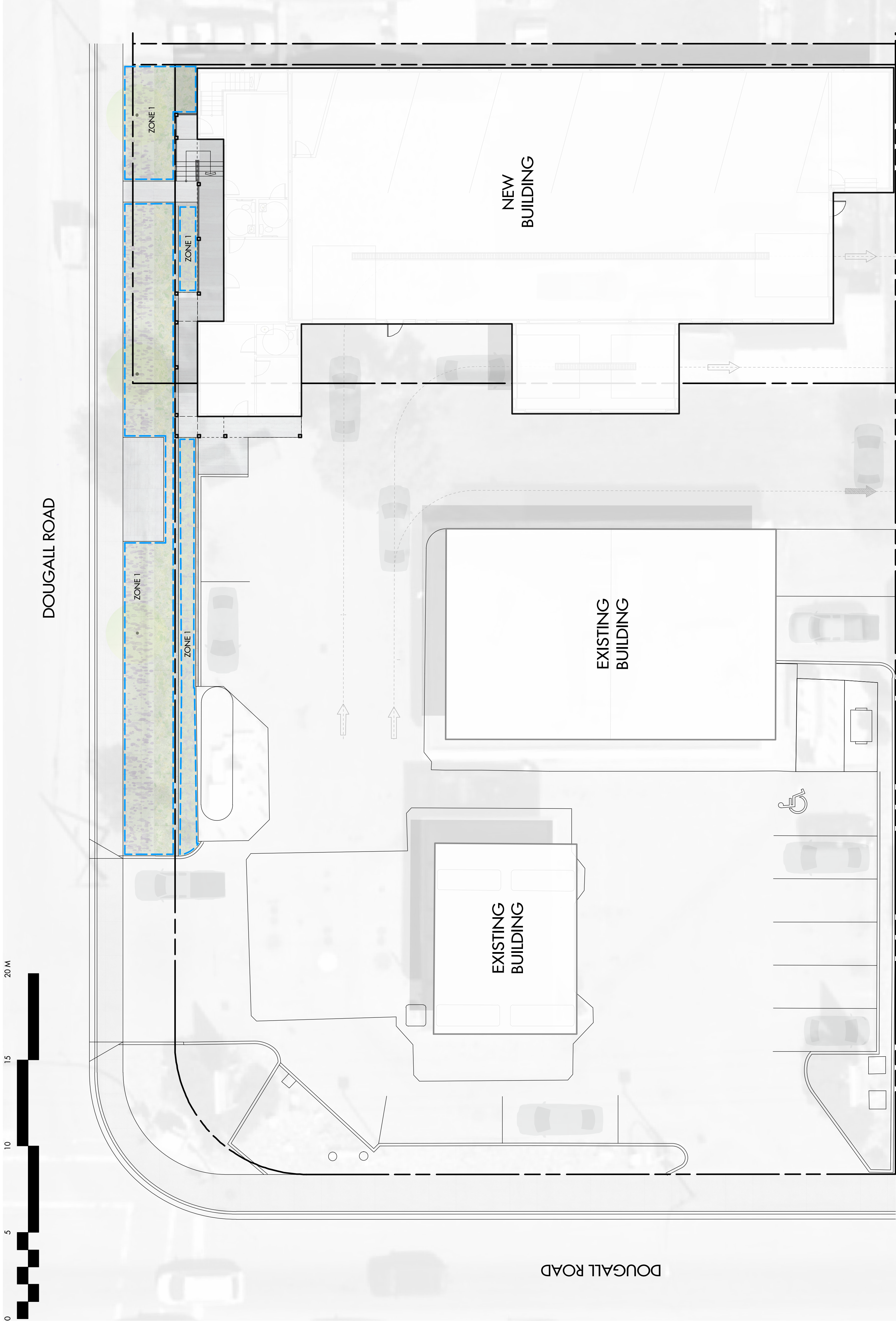
SEAL



DRAWING NUMBER

L2/2

ISSUED FOR REVIEW ONLY
This drawing is the property of Outland Design
Landscape Architecture Limited and shall not be reproduced,
resold, or rendered without permission.



IRRIGATION NOTES

1. 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).
2. THE IRRIGATION SYSTEM SHALL MEET THE REQUIREMENTS, REGULATIONS, AND BYLAWS OF THE WATER PURVEYOR.
3. 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.
4. 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.
5. DRIP LINE AND EMITTERS SHALL INCORPORATE TECHNOLOGY TO LIMIT ROOT INTRUSION.
6. IRRIGATION SLEEVES SHALL BE INSTALLED TO ROUTE IRRIGATION LINES UNDER HARD SURFACES AND FEATURES.
7. IRRIGATION PIPE SHALL BE SIZED TO ALLOW FOR A MAXIMUM FLOW OF 1.5m /SEC.
8. 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.

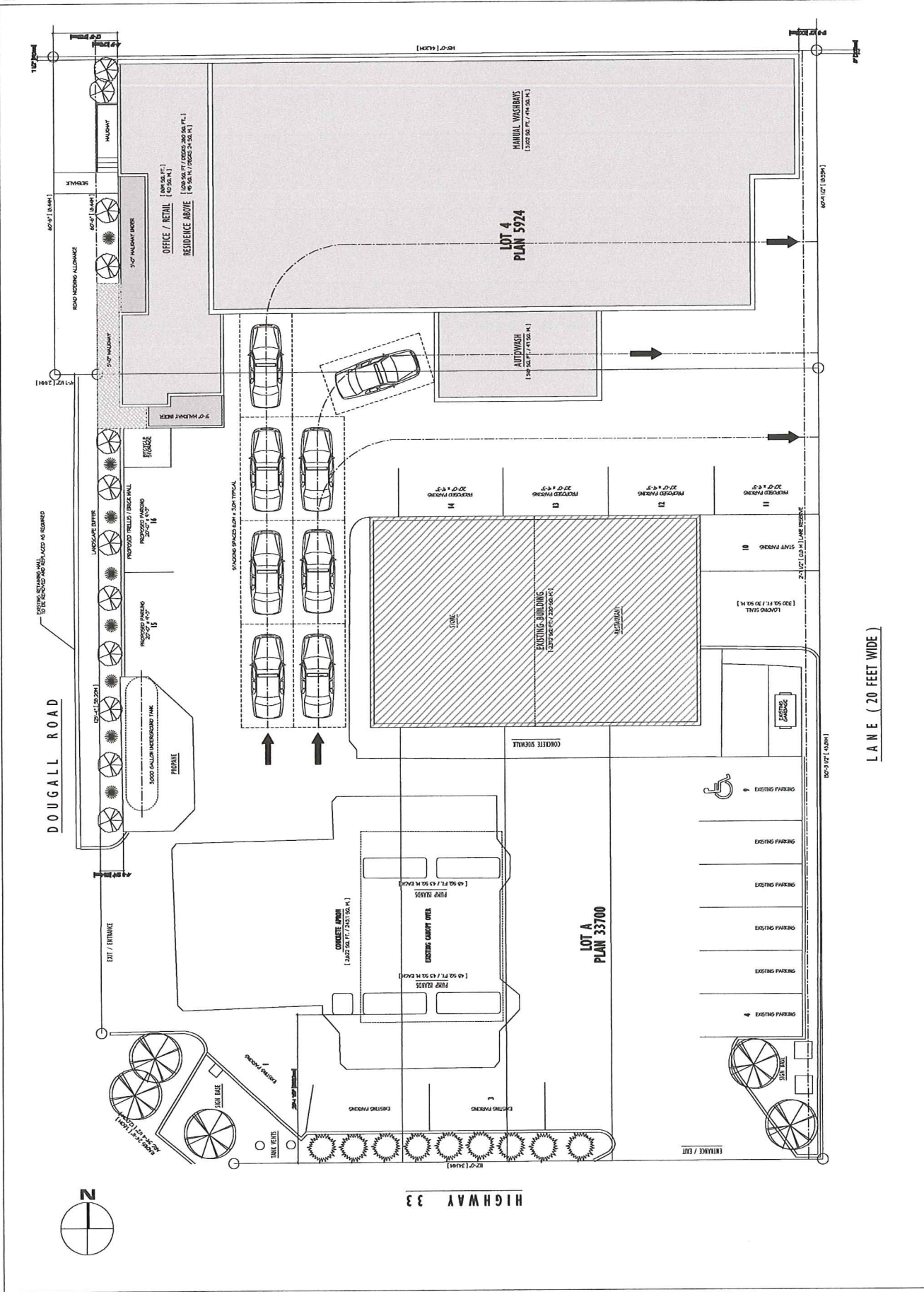
IRRIGATION LEGEND

ZONE #1: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS
TOTAL AREA: 153 sq.m.
MICROCLIMATE: SOUTHEAST EXPOSURE, PARTIALLY SHADED BY TREES & WALL
ESTIMATED ANNUAL WATER USE: 85 cu.m.

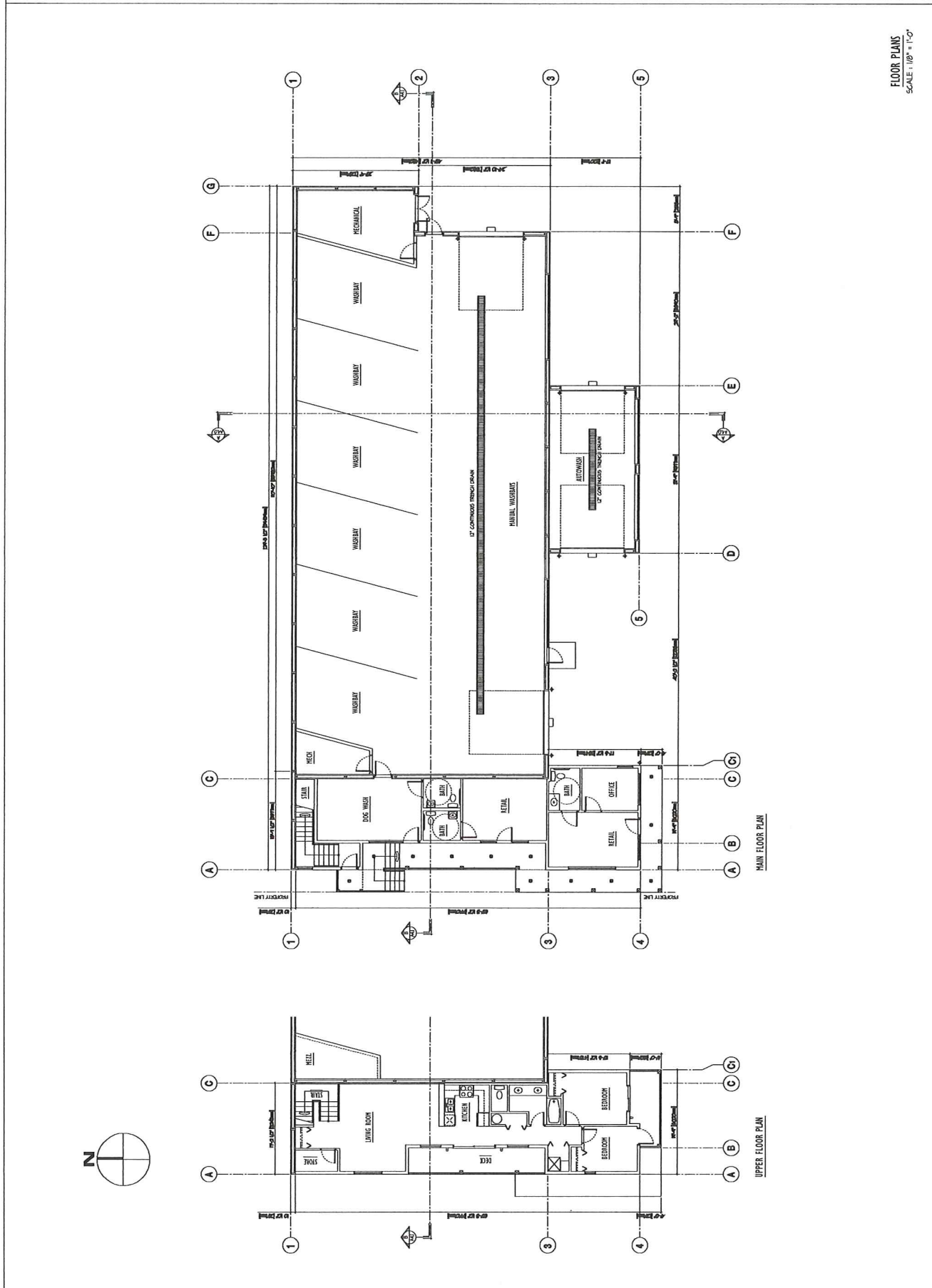
WATER CONSERVATION CALCULATIONS

LANDSCAPE MAXIMUM WATER BUDGET (WB) = 153 cu.m. / year
ESTIMATED LANDSCAPE WATER USE (WU) = 85 cu.m. / year
WATER BALANCE = 68 cu.m. / year
*REFER ATTACHED IRRIGATION APPLICATION FOR DETAILED CALCULATIONS

REVISIONS		
DATE	BY	DESCRIPTION
08/25/15	A	ISSUED FOR PERMIT
08/25/15	B	ISSUED FOR PERMIT
08/25/15	C	ISSUED FOR PERMIT
08/25/15	D	ISSUED FOR PERMIT
08/25/15	E	ISSUED FOR PERMIT
08/25/15	F	ISSUED FOR PERMIT
08/25/15	G	ISSUED FOR PERMIT
08/25/15	H	ISSUED FOR PERMIT
08/25/15	I	ISSUED FOR PERMIT
08/25/15	J	ISSUED FOR PERMIT
08/25/15	K	ISSUED FOR PERMIT
08/25/15	L	ISSUED FOR PERMIT
08/25/15	M	ISSUED FOR PERMIT
08/25/15	N	ISSUED FOR PERMIT
08/25/15	O	ISSUED FOR PERMIT
08/25/15	P	ISSUED FOR PERMIT
08/25/15	Q	ISSUED FOR PERMIT
08/25/15	R	ISSUED FOR PERMIT
08/25/15	S	ISSUED FOR PERMIT
08/25/15	T	ISSUED FOR PERMIT
08/25/15	U	ISSUED FOR PERMIT
08/25/15	V	ISSUED FOR PERMIT
08/25/15	W	ISSUED FOR PERMIT
08/25/15	X	ISSUED FOR PERMIT
08/25/15	Y	ISSUED FOR PERMIT
08/25/15	Z	ISSUED FOR PERMIT

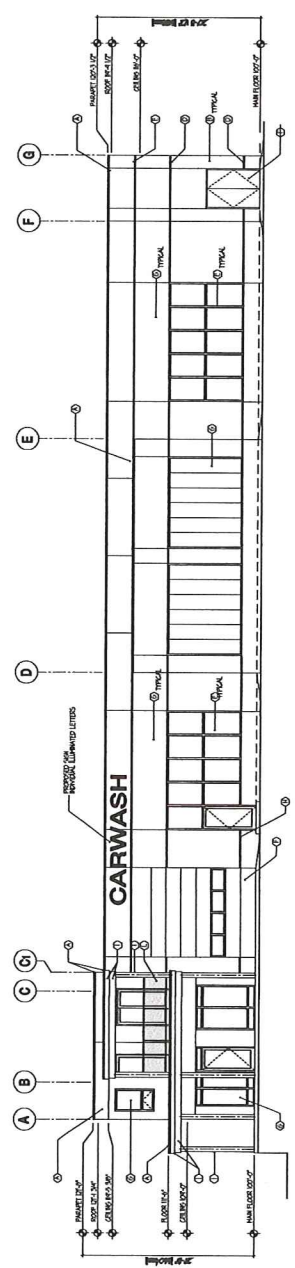


REVISIONS			
DATE	REV	DESCRIPTION	BY
	A	ISSUED FOR CLIENT REVIEW	BP
	B	ISSUED FOR PERMITS	BP
	C	ISSUED FOR PERMITS	BP
	D	ISSUED FOR PERMITS	BP
	E	ISSUED FOR PERMITS	BP
	F	ISSUED FOR PERMITS	BP
	G	ISSUED FOR PERMITS	BP
	H	ISSUED FOR PERMITS	BP
	I	ISSUED FOR PERMITS	BP
	J	ISSUED FOR PERMITS	BP
	K	ISSUED FOR PERMITS	BP
	L	ISSUED FOR PERMITS	BP
	M	ISSUED FOR PERMITS	BP
	N	ISSUED FOR PERMITS	BP
	O	ISSUED FOR PERMITS	BP
	P	ISSUED FOR PERMITS	BP
	Q	ISSUED FOR PERMITS	BP
	R	ISSUED FOR PERMITS	BP
	S	ISSUED FOR PERMITS	BP
	T	ISSUED FOR PERMITS	BP
	U	ISSUED FOR PERMITS	BP
	V	ISSUED FOR PERMITS	BP
	W	ISSUED FOR PERMITS	BP
	X	ISSUED FOR PERMITS	BP
	Y	ISSUED FOR PERMITS	BP
	Z	ISSUED FOR PERMITS	BP

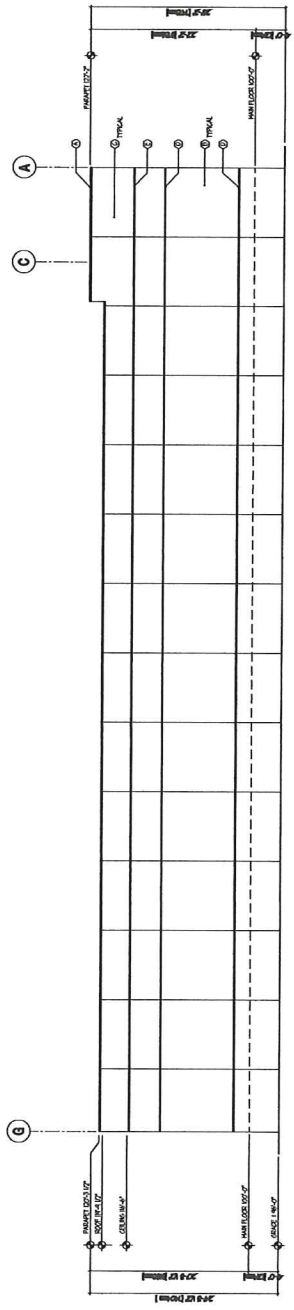


REVISIONS		
DATE	REV	DESCRIPTION
7/20/15	A	ISSUED FOR PERMIT REVIEW
7/20/15	B	ISSUED FOR PERMIT REVIEW
7/20/15	C	ISSUED FOR PERMIT REVIEW
7/20/15	D	ISSUED FOR PERMIT REVIEW
7/20/15	E	ISSUED FOR PERMIT REVIEW
7/20/15	F	ISSUED FOR PERMIT REVIEW

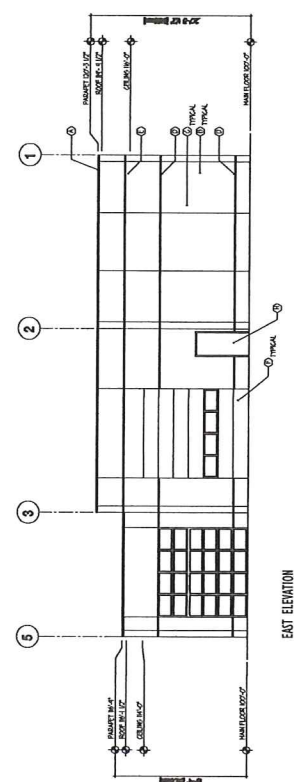
- 1. GLAZED METAL FLUOROCAP
- 2. PRECAST CONCRETE PANELS
- 3. 7" x 12" METAL LITE
- 4. GLAZED METAL FLUOROCAP
- 5. GLAZED METAL FLUOROCAP
- 6. GLAZED METAL FLUOROCAP
- 7. GLAZED METAL FLUOROCAP
- 8. GLAZED METAL FLUOROCAP
- 9. GLAZED METAL FLUOROCAP
- 10. GLAZED METAL FLUOROCAP
- 11. GLAZED METAL FLUOROCAP
- 12. GLAZED METAL FLUOROCAP
- 13. GLAZED METAL FLUOROCAP
- 14. GLAZED METAL FLUOROCAP
- 15. GLAZED METAL FLUOROCAP
- 16. GLAZED METAL FLUOROCAP
- 17. GLAZED METAL FLUOROCAP
- 18. GLAZED METAL FLUOROCAP
- 19. GLAZED METAL FLUOROCAP
- 20. GLAZED METAL FLUOROCAP
- 21. GLAZED METAL FLUOROCAP
- 22. GLAZED METAL FLUOROCAP
- 23. GLAZED METAL FLUOROCAP
- 24. GLAZED METAL FLUOROCAP
- 25. GLAZED METAL FLUOROCAP
- 26. GLAZED METAL FLUOROCAP
- 27. GLAZED METAL FLUOROCAP
- 28. GLAZED METAL FLUOROCAP
- 29. GLAZED METAL FLUOROCAP
- 30. GLAZED METAL FLUOROCAP
- 31. GLAZED METAL FLUOROCAP
- 32. GLAZED METAL FLUOROCAP
- 33. GLAZED METAL FLUOROCAP
- 34. GLAZED METAL FLUOROCAP
- 35. GLAZED METAL FLUOROCAP
- 36. GLAZED METAL FLUOROCAP
- 37. GLAZED METAL FLUOROCAP
- 38. GLAZED METAL FLUOROCAP
- 39. GLAZED METAL FLUOROCAP
- 40. GLAZED METAL FLUOROCAP
- 41. GLAZED METAL FLUOROCAP
- 42. GLAZED METAL FLUOROCAP
- 43. GLAZED METAL FLUOROCAP
- 44. GLAZED METAL FLUOROCAP
- 45. GLAZED METAL FLUOROCAP
- 46. GLAZED METAL FLUOROCAP
- 47. GLAZED METAL FLUOROCAP
- 48. GLAZED METAL FLUOROCAP
- 49. GLAZED METAL FLUOROCAP
- 50. GLAZED METAL FLUOROCAP
- 51. GLAZED METAL FLUOROCAP
- 52. GLAZED METAL FLUOROCAP
- 53. GLAZED METAL FLUOROCAP
- 54. GLAZED METAL FLUOROCAP
- 55. GLAZED METAL FLUOROCAP
- 56. GLAZED METAL FLUOROCAP
- 57. GLAZED METAL FLUOROCAP
- 58. GLAZED METAL FLUOROCAP
- 59. GLAZED METAL FLUOROCAP
- 60. GLAZED METAL FLUOROCAP
- 61. GLAZED METAL FLUOROCAP
- 62. GLAZED METAL FLUOROCAP
- 63. GLAZED METAL FLUOROCAP
- 64. GLAZED METAL FLUOROCAP
- 65. GLAZED METAL FLUOROCAP
- 66. GLAZED METAL FLUOROCAP
- 67. GLAZED METAL FLUOROCAP
- 68. GLAZED METAL FLUOROCAP
- 69. GLAZED METAL FLUOROCAP
- 70. GLAZED METAL FLUOROCAP
- 71. GLAZED METAL FLUOROCAP
- 72. GLAZED METAL FLUOROCAP
- 73. GLAZED METAL FLUOROCAP
- 74. GLAZED METAL FLUOROCAP
- 75. GLAZED METAL FLUOROCAP
- 76. GLAZED METAL FLUOROCAP
- 77. GLAZED METAL FLUOROCAP
- 78. GLAZED METAL FLUOROCAP
- 79. GLAZED METAL FLUOROCAP
- 80. GLAZED METAL FLUOROCAP
- 81. GLAZED METAL FLUOROCAP
- 82. GLAZED METAL FLUOROCAP
- 83. GLAZED METAL FLUOROCAP
- 84. GLAZED METAL FLUOROCAP
- 85. GLAZED METAL FLUOROCAP
- 86. GLAZED METAL FLUOROCAP
- 87. GLAZED METAL FLUOROCAP
- 88. GLAZED METAL FLUOROCAP
- 89. GLAZED METAL FLUOROCAP
- 90. GLAZED METAL FLUOROCAP
- 91. GLAZED METAL FLUOROCAP
- 92. GLAZED METAL FLUOROCAP
- 93. GLAZED METAL FLUOROCAP
- 94. GLAZED METAL FLUOROCAP
- 95. GLAZED METAL FLUOROCAP
- 96. GLAZED METAL FLUOROCAP
- 97. GLAZED METAL FLUOROCAP
- 98. GLAZED METAL FLUOROCAP
- 99. GLAZED METAL FLUOROCAP
- 100. GLAZED METAL FLUOROCAP



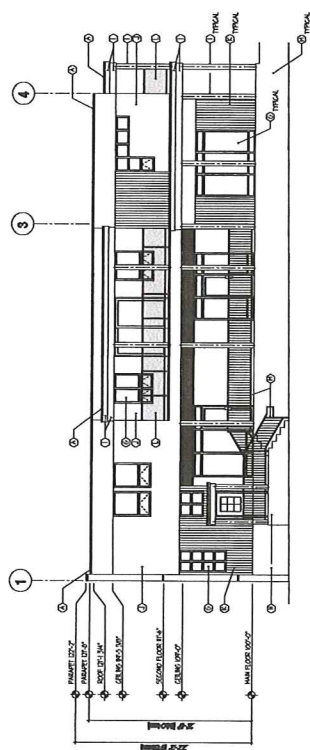
SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION

Schedule B
DP-15-0235 & DVP-15-0236

ELEVATIONS
SCALE: 1/8" = 1'-0"

THIS PRINT IS ISSUED SUBJECT TO RETURN TO THE ARCHITECT FOR ANY REVISIONS. ANY REVISIONS MUST BE APPROVED BY THE ARCHITECT. ANY REVISIONS NOT APPROVED BY THE ARCHITECT WILL BE CONSIDERED AS NOT BEING MADE. ANY REVISIONS NOT APPROVED BY THE ARCHITECT WILL BE CONSIDERED AS NOT BEING MADE. ANY REVISIONS NOT APPROVED BY THE ARCHITECT WILL BE CONSIDERED AS NOT BEING MADE.

SEAL

DATE

OSA
O. S. B. Architect Ltd.
200 North Main Street
Suite 100
Portland, ME 04101
Phone (207) 850-0000 Fax (207) 850-0000
Email: o.s.b.architect@comcast.net

TED J. THOMAS & ASSOCIATES LTD.
220-110 DUGAN AVE.
KELOWNA, B.C. V1Y 4G9
Phone: (250) 868-2200
Fax: (250) 868-2200
E-Mail: ted@tedthomas.ca

PROJECT: IMPROVED CANADA ARCADE
CENTER FOR THE ARTS - 340 W. 10th Ave. Kelowna, BC
OWNER: CITY OF KELOWNA
ARCHITECT: TED J. THOMAS & ASSOCIATES LTD.
DATE: 2015-07-20
FILE NAME: ELEVATIONS
CADD: T.J.T. / T.T.

REVISIONS			
DATE	REV	DESCRIPTION	BY
2008	A	ADD FOR CLUT RICH	SP
2008	B	ADD FOR CLUT RICH	SP
2008	B	ADD FOR CLUT RICH	SP

THIS PRINT IS ISSUED SUBJECT TO THE
CONDITIONS AND LIMITS OF THE
DRAWING AND THE CONTRACT. NO
PART OF THIS DRAWING IS TO BE
REPRODUCED OR TRANSMITTED IN
ANY FORM OR BY ANY MEANS
ELECTRONIC OR MECHANICAL,
INCLUDING PHOTOCOPYING, RECORDING,
OR BY ANY INFORMATION STORAGE
AND RETRIEVAL SYSTEM, WITHOUT
THE WRITTEN CONSENT OF THE AUTHOR.
ENGINEER / DESIGNER OR THEIR AGENTS.
DO NOT SCALE THIS DRAWING.

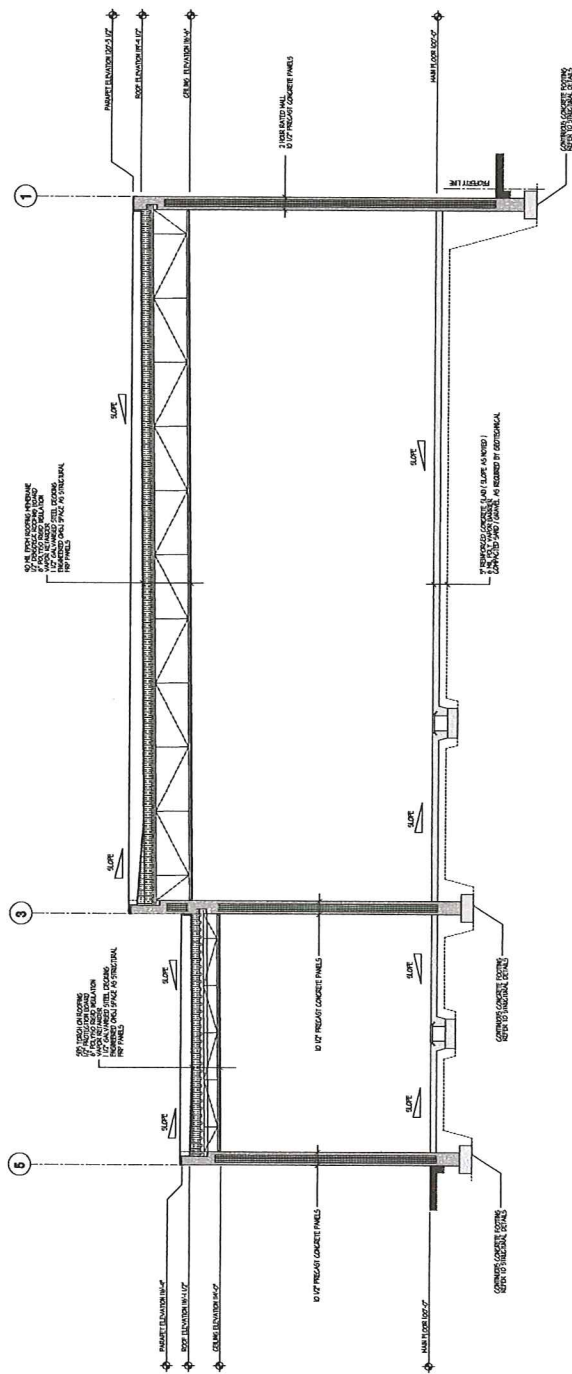
SCALE

DATE

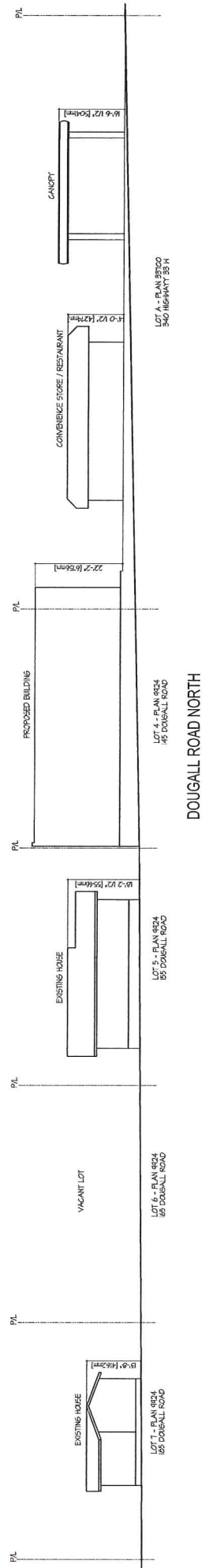
OSA
O. Sloby Architects Ltd.
220-710 DICKSON AVE.
VICTORIA, B.C. V8W 2E6
TEL: (250) 403-1111
FAX: (250) 403-1112
WWW.OSA.VIC.BA

TED J. THOMAS & ASSOCIATES LTD.
220-710 DICKSON AVE.
VICTORIA, B.C. V8W 2E6
TEL: (250) 403-1111
FAX: (250) 403-1112
WWW.TJTA.VIC.BA

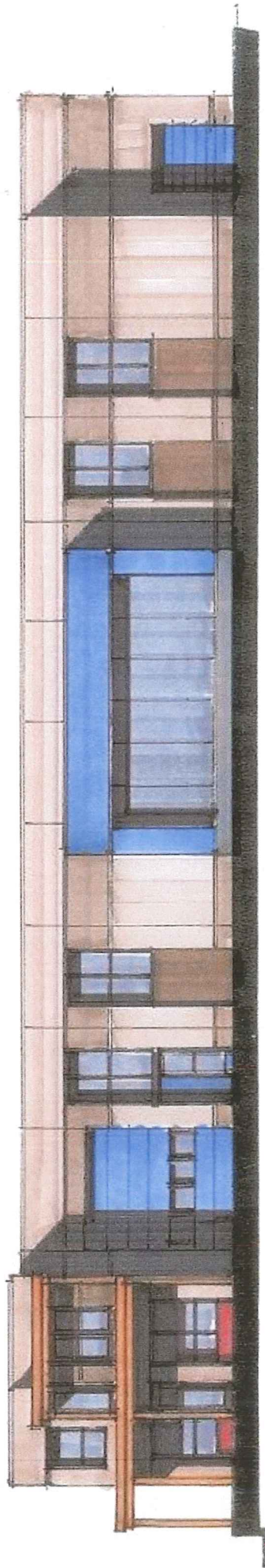
PROJECT
PROPOSED CANADIAN JAIL
CENTRE FOR THE DETENTION OF
IMMIGRANTS (CJDI) BUILDING
JAIL NO. 1015-101
REVISION: 1
DATE: 27/04/2008
FILE NAME: SECTION
DATE: 27/04/2008
SCALE: 1/4" = 1'-0"
A4.0



SECTION - 'M'
SCALE: 1/4" = 1'-0"



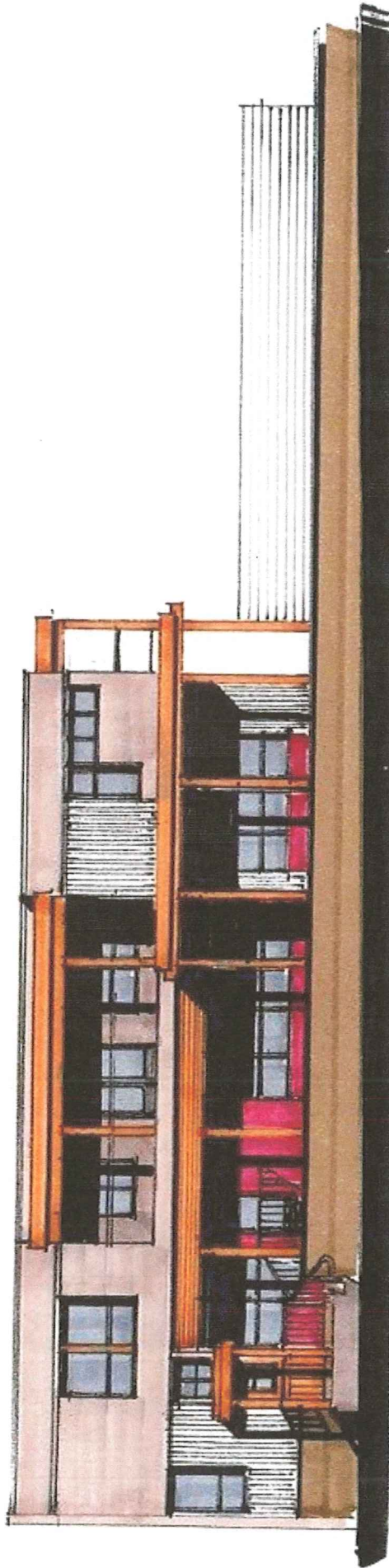
PROPOSED CARWASH ADDITION
CENTEX PETROLEUM
340 HWY 33 W



SOUTH ELEVATION

PROPOSED CARWASH ADDITION
CENTEX PETROLEUM
340 HWY 33W

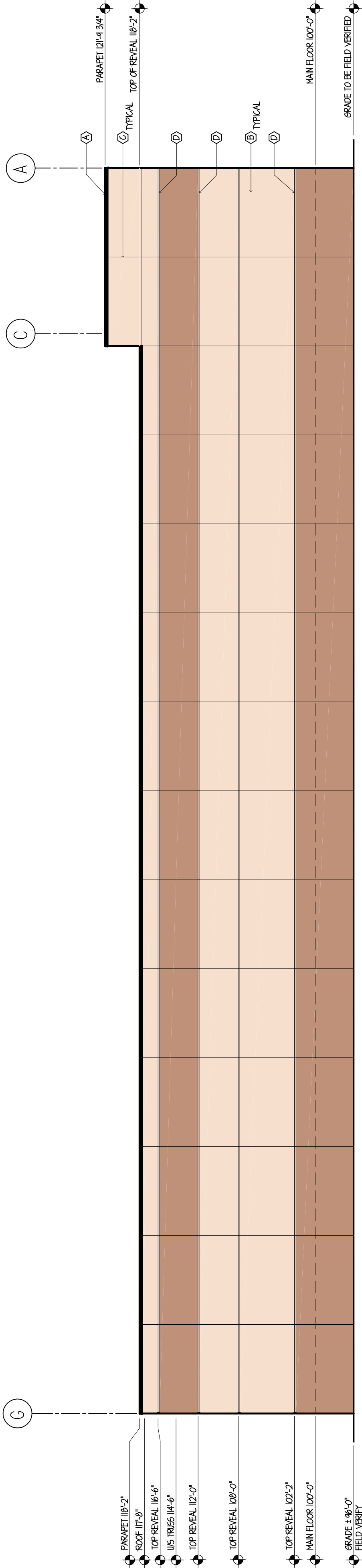
Schedule B
DP15-0235 & DVP15-0236



WEST ELEVATION

PROPOSED CARWASH ADDITION
CENTEX PETROLEUM
340 HWY 34 W

Schedule B
DP15-0235 & DVP15-0236



NORTH ELEVATION

PROPOSED CARWASH ADDITION
CENTEX PETROLEUM - 340 HWY. 33W. KELLOWNA, BC

Body Colour:
 Sherwin- Williams
 Modern Gray with
 Sanderling accents
 within pre-cast concrete

Carwash doors and accent colour
 Centex logo blue

Trim detail on Commercial – Residential section:
 Sherwin-Williams Salute Red
 Natural Cedar wood in a clear stain
 Galvalum (WF 7/8) 24 gauge in Grey

Windows, glass door frames and balcony
 railings: white aluminum

Note: for landscape details see the landscape plan
 designed by Outland

Schedule B
 DP15-0235 & DVP15-0236

DEVELOPMENT PERMIT / DEVELOPMENT VARIANCE PERMIT



APPROVED ISSUANCE OF DEVELOPMENT PERMIT / DEVELOPMENT VARIANCE PERMIT NO. DP15-0235/DVP15-0236

Issued To: Zsy Holdings Ltd., Inc No BC0981442
Site Address: 340 Hwy 33 West
Legal Description: Lot 1 Section 26 Township 26 ODYD Plan EPP62403
Zoning Classification: C4 - Urban Centre Commercial
Development Permit Area: Revitalization 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 Permit No. DP15-0235 & DVP15-0236 for Lot 1 Section 26 Township 26 ODYD Plan EPP62403, located at 340 Hwy 33W, Kelowna, BC to allow the construction of a Commercial Development be approved subject to the following:

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
- c) Landscaping to be provided on the land be in accordance with Schedule "C";
- d) The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

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

Section 14.4.5 (f) C4 - Urban Centre Commercial Development Regulations

To vary the required minimum rear yard from 6.0 m permitted to 0.20 m proposed;

Section 7.6.1 (c) - Landscaping and Screening Minimum Landscape Buffers

To vary the required minimum landscape buffer from 3.0 m permitted to 1.40 m proposed and 0.0 m proposed.

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

2. PERFORMANCE SECURITY

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

- a) Cash in the amount of \$10,615.00 OR
- b) A Certified Cheque in the amount of \$10,615.00 OR
- c) An Irrevocable Letter of Credit in the amount of \$ 10,615.00 .

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.**