

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, March 1, 2022
7:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. **Call to Order**
2. **Reaffirmation of Oath of Office**
The Oath of Office will be read by Councillor Sieben.
3. **Confirmation of Minutes** 1 - 10
Public Hearing - February 8, 2022
Regular Tuesday Meeting - February 8, 2022
4. **Development Permit and Development Variance Permit Reports**
Mayor to invite anyone participating online or in the public gallery who deems themselves affected by the required variance(s) to come forward for each item.
 - 4.1. **START TIME 7:00 PM - KLO Rd 2085 - TUP19-0001-01 - Irene Ruth Marie Lee** 11 - 27
To seek a three (3) year extension on a Temporary Use Permit to allow for the existing intensive agricultural use on the subject property.
 - 4.2. **START TIME 7:00 PM - Manhattan Dr 955 - BL12227 (OCP21-0007) - MCMI Developments Ltd., Inc.No. BC1239530** 28 - 28
Requires a majority of all members of Council (5)
To rescind first, second and third reading of Bylaw No. 12227 and close the file.
 - 4.3. **START TIME 7:00 PM - Manhattan Dr 955 - BL12228 (Z21-0018) - MCMI Developments Ltd., Inc.No. BC1239530** 29 - 29
To adopt Bylaw No. 12228 in order to rezone the subject property from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone.

- 4.4. START TIME 7:00 PM - Manhattan Dr 955 - DP21-0042 and DVP21-0043 - MCMI Developments Ltd. Inc.No. BC1239530** 30 - 101
- To consider a Staff recommendation to issue a Development Permit for the form character of a proposed 4-storey apartment building with 2 semi-detached units in the front yard, and Development Variance Permit to vary the height and the side yard setbacks.
- 4.5. START TIME 8:00 PM - Rowcliffe Ave 844 - DVP21-0259 - Bradley James Letkeman** 102 - 124
- To issue a Development Variance Permit to vary the side yard setback from 2.0m permitted to 1.2m proposed to allow for an addition to the existing single-family dwelling.
- 4.6. START TIME 8:00 PM - Lake Ave 114 - DVP21-0271 - Henryk and Bozena Wanczyk** 125 - 154
- To consider a Staff recommendation to NOT issue a Development Variance Permit to vary the required short term rental parking spaces from 1 stall required to 0 stalls proposed on the subject property.
- 4.7. START TIME 8:00 PM - Hwy 33 E 365 - DP21-0172 DVP21-0173 - 1258105 BC Ltd., Inc.No. BC1258105** 155 - 198
- To consider a Development Permit for the form and character of a multi-family building and to consider a variance to the side yard setback.
- 4.8. START TIME 8:00 PM - Valley Rd 340 DP21-0276 DVP21-0279 - Valleywood Retirement BT Ltd., Inc.No. BC1321914** 199 - 242
- To consider the form and character of multiple dwelling housing with variances to the number of storeys, the front yard setback and the rear yard landscape buffer.

5. Reminders

6. Termination



City of Kelowna Public Hearing Minutes

Date: Tuesday, February 8, 2022
 Location: Council Chamber
 City Hall, 1435 Water Street

Members Present Deputy Mayor Loyal Wooldridge; Councillors Maxine DeHart, Ryan Donn, Gail Given and Luke Stack

Members participating remotely Councillors Charlie Hodge and Mohini Singh

Members Absent Mayor Colin Basran and Councillor Brad Sieben

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Deputy City Clerk, Laura Bentley; Divisional Director Planning & Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton; Community Planning & Development Manager, Dean Strachan

Staff participating remotely Legislative Coordinator (Confidential), Clint McKenzie

1. **Call to Order the Public Hearing - START TIME 6:00 PM - McCurdy Rd 2755 - Z20-0075 (BL12318) - Prodev GP Ltd and 2137259 Alberta Ltd.**

Deputy Mayor Wooldridge called the Hearing to order at 6:01 p.m.

Deputy Mayor Wooldridge advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend *Kelowna 2040* - Official Community Plan Bylaw No. 12300 and Zoning Bylaw No. 8000, and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

2. **Individual Bylaw Submissions**

2.1 **START TIME 6:00 PM - McCurdy Rd 2755 - Z20-0075 (BL12318) - Prodev GP Ltd and 2137259 Alberta Ltd**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Rich Threlfall, McCurdy Rd, President & Stephen Duke, Development Manager, Troika Development, Applicant

- Displayed a PowerPoint presentation.
 - Provided an overview of Troika Developments.
 - Made comment on proposed changes in land use.
 - Provided sketches of built form.

- Reviewed the linear park dedication.
- Provided comments on community benefits.
- Displayed key environmental outcomes.
- Provided comments on Mount Baldy Dr. connection with McCurdy Rd
- Responded to questions from Council.

Deputy Mayor Wooldridge invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Gallery:

Garth Delyea, Mt. Baldy Dr.

- Concerned with the application.
- Raised concerns with 600% increase in traffic on Mt. Baldy.
- Raised concerns with traffic impacts on entering and exiting their complex.
- Responded to questions from Council.

Online Participants:

Davis Kyle, Stewart Rd West, audio but no camera available

- Supports the project.
- Encouraged the development of more units and a lower traffic speed in the area.

Applicant in response:

- Confirmed the application meets the transportation requirements.
- Indicated they will continue to work with the community and staff to come up with options.

There were no further comments.

3. Termination

The Hearing was declared terminated at 6:56 p.m.

4. Call to Order the Regular Meeting

Mayor Basran called the meeting to order at 6:56 p.m.

5. Bylaws Considered at Public Hearing

5.1 **START TIME 6:00 PM - McCurdy Rd 2755 - BL12318 (Z20-0075) - Prodev GP Ltd and 2137259 Alberta Ltd**

Moved by Councillor Given/Seconded By Councillor Donn

Ro094/22/02/08 THAT Bylaw No. 12318 be read a second and third time.

Carried
Opposed – Councillor Hodge

6. Termination

The meeting was declared terminated at 7:11 p.m.

7. Call to Order the Public Hearing - START TIME 6:00 PM - McClure Rd 4628 - OCP22-0001 (BL12320) Z21-0064 (BL12321) - Paul Andrew Mitchell and Ronda Ann Mitchell

Deputy Mayor Wooldridge called the Hearing to order at 7:12 p.m.

Deputy Mayor Wooldridge advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend *Kelowna 2040* - Official Community Plan Bylaw No. 12300 and Zoning Bylaw No. 8000 and all submissions received, either in writing or verbally, will be taken

into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

8. Individual Bylaw Submissions

8.1 START TIME 6:00 PM - McClure Rd 4628 - OCP22-0001 (BL12320) Z21-0064 (BL12321) - Paul Andrew Mitchell and Ronda Ann Mitchell

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Curtis Mitchell, McClure Rd, Applicant

- Spoke to the reasons behind the proposed rezoning and development of the property.
- Displayed a PowerPoint application.
- Family has resided on the property for nine years.
- Spoke to the four lot development and the P3 park dedication.
- Referenced letter of concern from the neighbour and spoke to the anticipated tree protection, building heights and housing types.

Deputy Mayor Wooldridge invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one in the gallery indicated they wished to address Council.

Online Participants:

Paul Young, McClure Rd

- Excited about the proposal.
- Requested information on how the park area (P3) will be used.

Applicant in response

- Indicated the public park area is proposed to be future trail corridor along Bellevue Creek.

There were no further comments.

9. Termination

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

10. Call to Order the Regular Meeting

Mayor Basran called the meeting to order at 7:27 p.m.

11. Bylaws Considered at Public Hearing

11.1 START TIME 6:00 PM - McClure Rd 4628 - BL12320 (OCP22-0001) - Paul Andrew Mitchell and Ronda Ann Mitchell

Moved By Councillor Donn/Seconded by Councillor Given

Ro095/22/02/08 THAT Bylaw No. 12320 be read a second and third time.

Carried

11.2 START TIME 6:00 PM - McClure Rd 4628 - BL12321 (Z21-0064) - Paul Andrew Mitchell and Ronda Ann Mitchell

Moved By Councillor Donn/Seconded By Councillor Given

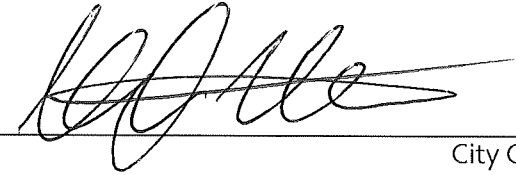
Ro096/22/02/08 THAT Bylaw No. 12321 be read a second and first time.

Carried

12. Termination

The meeting was declared terminated at 7:31 p.m.

Deputy Mayor Woolridge



City Clerk

/cm

DRAFT



City of Kelowna Regular Meeting Minutes

Date: Tuesday, February 8, 2022
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Deputy Mayor Loyal Wooldridge, Councillors Maxine DeHart, Ryan Donn, Gail Given and Luke Stack

Members participating remotely Councillors Charlie Hodge and Mohini Singh

Members Absent Mayor Colin Basran and Councillor Brad Sieben

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Deputy City Clerk, Laura Bentley; Divisional Director Planning & Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton

Staff participating remotely Legislative Coordinator (Confidential), Clint McKenzie

1. Call to Order

Deputy Mayor Wooldridge called the meeting to order at 7:39 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Given.

3. Confirmation of Minutes

Moved By Councillor DeHart/Seconded By Councillor Hodge

Ro097/22/02/08 THAT the Minutes of the Public Hearing and Regular Meeting of January 18, 2022 be confirmed as circulated.

Carried

4. Liquor License Application Reports

4.1 START TIME 6:20 PM - High Rd 1170-1186 - LL21-0010 - Paul Leinemann Construction Ltd., Inc. No. 13163

Staff:

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

The applicant was present and available to answer questions.

Deputy Mayor Loyal Wooldridge invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online wished to speak.

Gallery:

Randy Maradyn, High Rd

- Spoke to being proponents of the City infill challenge.
- Owns property directly across the street from the subject property.
- Supports the development.
- Concerned with impacts on traffic and parking in the neighbourhood.
- Raised concerns with the capacity limit of 100 for the establishment.

There were no further comments.

Rob Leinemann, Applicant, in response

- Spoke to the parking available to the brewery. There are 16 stalls available on site and 40 adjacent on street stalls.
- Area business parking empties out after 4:00 p.m.
- Provided anecdotal comments on area parking.
- Emphasis on adding bike racks and being advocates of cycling to the establishment.
- There will be a skateboard rack for patrons as well.
- Advised the name of the establishment will be Railside Brewery.

Moved By Councillor Given/Seconded By Councillor Stack

Roog8/22/02/08 THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB):
In accordance with Section 71 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Railside Brewing for a Liquor Primary License for Lot 3 Section 30 Township 26 ODYD Plan 19104, located at 1170-1186 High Road, Kelowna, BC for the following:

1. 2:00 pm to 9:00 pm Tuesday to Wednesday
2. 12:00 pm to 10:00 pm on Thursday
3. 11:00 am to 11:00 pm on Friday and Saturday
4. 11:00 am to 9:00 pm on Sunday

2. Council's comments on LCLB's prescribed considerations are as follows:

a. The location of the lounge endorsement area: The brewery is located on an industrial property which consists of two separate buildings. The business is located in the eastern-most building which fronts onto High Road and the Okanagan Rail Trail, and backs onto Clement Ave. The property is east of the City Centre Urban Centre;

b. The proximity of the establishment to other social or recreational facilities and public buildings: The north-end industrial area is becoming a destination with it being home to multiple small-scale wineries, cideries and breweries. The area is within walking distance of the downtown City Centre Urban Centre, it is situated on the Rail Trail and near the Ethel Street, and Cawston Avenue Active Transportation Corridors (ATC).

The site is in close proximity to multiple recreation facilities which includes Lombardy Park, Parkinson Recreation Centre, the Curling Club, and the Kelowna Badminton Club.

c. The person capacity and hours of liquor service of the establishment: The business proposes an indoor capacity of 77 persons and an outdoor capacity of 38 persons. the total capacity at

any given time may not exceed 100 persons, as per the occupant load calculations based on BC Building Code.

d. Traffic, noise, parking and zoning: The brewery is proposed in an area with a mix of residential, industrial and commercial uses adjacent to Clement Avenue, a 4-lane arterial roadway. The south side of Clement is primarily single-family dwellings with a small amount of multi-family residential. Any impacts of traffic, parking and associated noise already exist due to the industrial nature of the area on the north side of Clement Ave and the proximity to Clement Avenue. To minimize additional noise a sound barrier fence along the south side patio is being proposed.

e. The impact on the community if the application is approved: The negative impact the business poses is considered minimal due to the existing nature of the area. The brewery would aide in activating the Clement Streetscape beyond the hours of a standard workday.

3. 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"

Carried

5. Development Permit and Development Variance Permit Reports

5.1 START TIME 6:20 PM - Speer St 2257 - BL11974 (Z19-0102) - Speer Street Developments Ltd., Inc. No. BC1280555

Moved By Councillor Given/Seconded By Councillor Donn

Ro099/22/02/08 THAT Bylaw No. 11974 be amended at 3rd reading by deleting from the legal descriptions that read:

- "Lot 34, District Lot 14, ODYD Plan 413" and
- "Lot 35, District Lot 14, ODYD Plan 413"

And replacing it with:

- "Lot A District Lot 14, ODYD Plan EPP116552"

AND by deleting "& 2263" from the title.

Carried

Moved By Councillor Given/Seconded By Councillor Donn

Ro100/22/02/08 THAT Bylaw No. 11974, as amended, be adopted.

Carried

5.2 START TIME 6:20 PM - Speer St 2257 - DP19-0146 DVP19-0147 - Speer Street Developments Ltd., Inc. No. BC1280555

Staff:

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

Birte Decloux, Urban Options, Applicant's Agent

-Displayed a PowerPoint presentation.

-Spoke to the reduction in unit count.

-Confirmed there is not a height variance.

Deputy Mayor Loyal Wooldridge invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online wished to speak.

No one in the gallery wished to speak.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Donn

R0101/22/02/08 THAT Rezoning Bylaw No. 11974 be amended at third reading to revise the legal description of the subject property from Lot 34 District Lot 14 ODYD Plan 413, located at 2257 Speer Street, Kelowna, BC and Lot 35 District Lot 14 ODYD Plan 413, located at 2263 Speer Street, Kelowna, BC to Lot A District Lot 14 ODYD Plan EPP116552, located at 2257 Speer Street, Kelowna, BC;

AND THAT final adoption of Rezoning Bylaw No. 11974 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0146 & Development Variance Permit DVP19-0147 for Lot A District Lot 14 ODYD Plan EPP116552, located at 2257 Speer Street, Kelowna, BC subject to the following:

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

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

Section 17.2.5.1(b): HD2 – Hospital and Health Support Services, Development Regulations

To vary the maximum site coverage from 55% permitted to 67.36% proposed.

Section 17.2.5.1(d): HD2 – Hospital and Health Support Services, Development Regulations

To vary the front yard setback from 4.5m required to 3.0m proposed.

Section 17.2.5.1(e): HD2 – Hospital and Health Support Services, Development Regulations

To vary the north side yard setback from 4.5m required to 1.5m proposed and south side yard setback from 4.5m required to 1.5m proposed for a 7.6m portion of the side yard.

Section 17.2.5.1(e): HD2 – Hospital and Health Support Services, Development Regulations

To vary the north and south side yard setbacks for portions of the building above 12.0m in height from 6.0m required to 4.4m proposed.

Section 17.2.5.1(f): HD2 – Hospital and Health Support Services, Development Regulations

To vary the rear yard setback from 3.0m required to 1.52m proposed.

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

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

Carried

5.3 START TIME 6:45 PM - Clifton Rd N 122 - DVP21-0046 - Peter and Wen Finamore

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The applicant was not present.

Deputy Mayor Loyal Wooldridge invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online wished to speak.

No one in the gallery wished to speak.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Singh

R0102/22/02/08 THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0046 for Lot 16 Section 6 Township 23 ODYD Plan 25017 located at 122 Clifton Road North, Kelowna, BC;

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

Section 12.1.6(d) – RR1 - Rural Residential 1 Development Regulations:

To vary the required minimum side yard setback from 2.0m permitted to 1.9m proposed.

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

Carried

5.4 START TIME 6:45 PM - Lakeshore Road 5147 - DVP21-0216 - Mark J. Walker and Francine C. Walker

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Applicant

The applicant was present and available to answer questions.

Deputy Mayor Wooldridge invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online wished to speak.

No one in the gallery wished to speak.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor DeHart

R0103/22/02/08 THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0216 for Lot 7 Section 23 Township 28 SDYD Plan 8976, located at 5147 Lakeshore Road, Kelowna, BC

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

Section 12.2.6(d): RR2 –Rural Residential 2, Development Regulations

To vary the required minimum side yard from 3.0 m permitted to 1.7 m proposed.

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

Carried

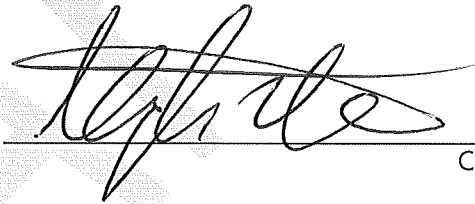
6. Reminders

There were no reminders.

7. Termination

The meeting was declared terminated at 8:22 p.m.

Deputy Mayor Woolridge



City Clerk

/cm

REPORT TO COUNCIL



Date: March 1, 2022

To: Council

From: City Manager

Department: Development Planning

Application: TUP19-0001-01

Owner: Irene Ruth Marie Lee

Address: 2085 KLO Rd

Applicant: Jenny Hildebrand

Subject: Temporary Use Permit

Existing OCP Designation: R-AGR – Rural - Agricultural and Resource & NAT – Natural Areas

Existing Zone: A1 – Agriculture 1

1.0 Recommendation

THAT Council authorize the extension of Temporary Use Permit No. TUP19-0001-01 to allow for intensive agricultural to continue for Lot A District Lot 131 ODYD Plan 8888, located at 2085 KLO Road, for a three (3) year period commencing from the date of Council approval subject to the following conditions:

- a) The intensive agriculture use shall be limited to a maximum of 80 rabbits;
- b) The dimensions and siting of the buildings remain at what was previously approved as per Schedule "A"

AND FURTHER THAT there is no opportunity to extend the Temporary Use Permit.

2.0 Purpose

To seek a three (3) year extension on a Temporary Use Permit to allow for the existing intensive agricultural use on the subject property.

3.0 Development Planning

Staff support the Temporary Use Permit (TUP) extension on the subject property. The owners have demonstrated that they are able to house the rabbits on site without negatively affecting adjacent property owners. A TUP extension would allow the rabbits to remain on the property for three more years, however, once expired the rabbit pens would have to be decommissioned or repurposed for a permitted agricultural use. Intensive agriculture is in line with the Rural Agricultural Future Land Use Designation and in this instance, does not need additional approvals from the Agricultural Land Commission, as this is a permitted use.

4.0 Proposal

4.1 Background

In 2009, the Responsible Animal Care Society (TRACS) launched a rabbit relocation program to humanely trap and relocate approximately 800 rabbits. All the rabbits that were captured were sterilized. The rabbits were kept on acreages in large secure pens and on smaller satellite sanctuaries. The property that housed the rabbits most recently was sold and the property owner moved to 2085 KLO Rd. The other properties and satellite sanctuaries that were previously used are no longer options to house the rabbits.

The Zoning Bylaw and the A1 – Agriculture 1 zone differentiate intensive agriculture from regular agricultural uses, where intensive agriculture use allows for land or buildings to be used for the confinement of poultry, livestock (excluding horses) or fur bearing animals, including rabbits. To reduce potential conflicts, the area where intensive agriculture is permitted is generally 300 m away from residential and urban areas. Previously, the rabbits were kept on properties where intensive agriculture was permitted.

The property was granted a three year TUP on March 21, 2019, which allowed the rabbits to be house on the subject property. Today the applicant is looking for a three year extension to continue the use.

4.2 Project Description

The proposal is to extend the TUP on the subject property to allow for the rabbits to be housed on the subject property. The property has two pens to house 80 rabbits, which are 35.7m² and 41.6m² in size. The two pens are located near the center of the property away from the property lines. Once the three-year TUP extension has expired, there is no opportunity to extend again.

4.3 Site Context

The subject property is located in the South Pandosy – KLO sector of the City and is 1.19 ha in area. It is within the Agricultural Land Reserve, has future land use designations of R-AGR – Rural Agriculture and NAT – Natural Area, and is zoned A1 – Agriculture 1. Mission Creek is to the South, and adjacent properties have agricultural and rural residential uses, as well as agri-tourist accommodation to the West.

Subject Property Map: 2085 KLO Rd



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 3 – Future Land Use – Temporary Use Permits (TUP)

In accordance with the *Local Government Act* Section 492, an Official Community Plan may designate areas where Council may consider allowing temporary uses, and may specify general conditions regarding the issuance of temporary use permits in those areas. The temporary use designation is intended to apply to operations that are temporary in nature and the designation does not in itself permit specific uses on the designated sites. Within these areas, Council may, by resolution, issue a Temporary Use Permit and specify the conditions under which the temporary use be carried on. Upon the expiration of a Temporary Use Permit, the permitted uses revert to those outlined in the Zoning Bylaw.

Temporary Use Permits may be considered within the Permanent Growth Boundary (PGB) on all lands designated as Urban Centre, Village Centre, Regional Commercial, Neighbourhood Commercial, Education / Institutional, Industrial, or Public Service / Utility. Temporary Use Permits outside the PGB may be considered on lands designated Rural – Agricultural and Resource, with a stated time period considerably less than the maximum three year time limit. A Temporary Use Permit on lands in the Agricultural Land Reserve (ALR) will require the approval of the Agricultural Land Commission (ALC). All Temporary Use Permits must conform to other policy direction in this OCP, including fit within the character of the neighbourhood and surrounding uses. Appropriate landscaping, screening and buffering will be included as conditions of the permit to protect adjacent land uses.

6.0 Application Chronology

Date of Application Received: January 20th, 2022

Date Public Consultation Completed: January 27th, 2022

Report prepared by: Tyler Caswell, Planner

Reviewed by: Dean Strachan, Community Planning & Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Draft Temporary Use Permit TUP19-0001-01

Schedule A: Site Plan

TEMPORARY USE PERMIT



APPROVED ISSUANCE OF TEMPORARY USE PERMIT NO. TUP19-0001-01

Issued To: Jenny Hildebrand
Site Address: 2085 KLO Road
Legal Description: Lot A District Lot 131 ODYD District Plan 8888
Zoning Classification: A1 - Agriculture

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. TUP19-0001-01 for Lot A District Lot 131 ODYD District Plan 8888 located at 2085 KLO Road, Kelowna, BC be approved for a three (3) year period subject to the following:

- a) The intensive agriculture use shall be limited to a maximum of 80 rabbits;
- b) The dimensions and siting of the buildings to be constructed on the land be in accordance with Schedule "A",

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

This permit will expire on May 21, 2025.

2. PERFORMANCE SECURITY

None required.

3. DEVELOPMENT

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

This Permit IS NOT a Building Permit

ATTACHMENT		A
This forms part of application		
# TUP19-0001-01		
Planner Initials	TC	City of Kelowna DEVELOPMENT PLANNING

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, that 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 Planning Development.

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.

5. APPROVALS

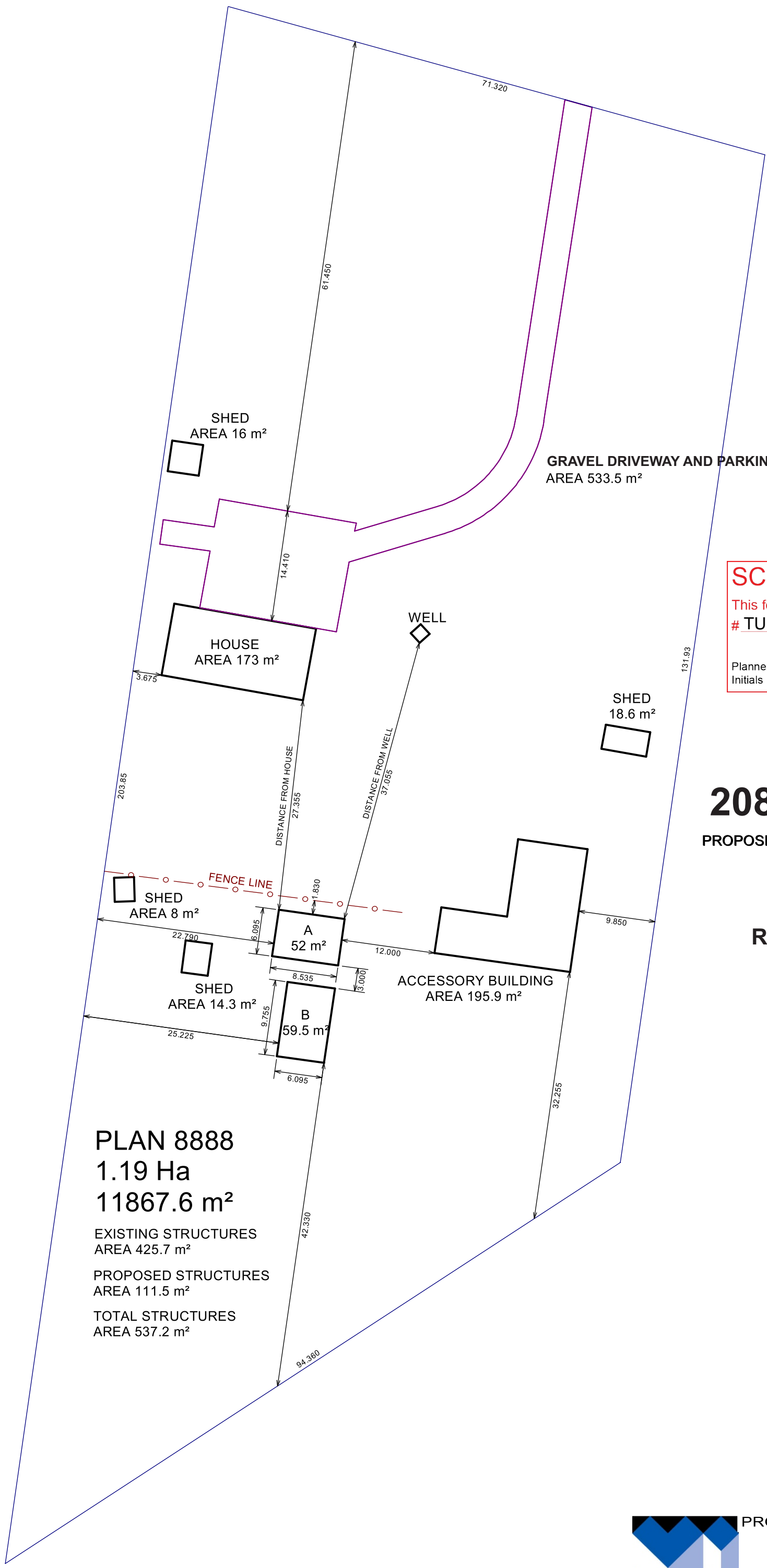
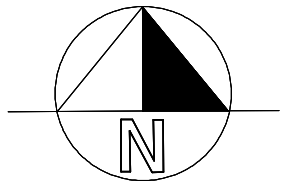
Issued and approved by Council on the March 1st, 2022.

 Terry Barton
 Development Planning Department Manager
 Development Services & Business Licenses

 Date

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

ATTACHMENT		A
This forms part of application		
# <u>TUP19-0001-01</u>		
Planner Initials	TC	 City of Kelowna <small>DEVELOPMENT PLANNING</small>



SCHEDULE A

This forms part of application
TUP19-0001-01

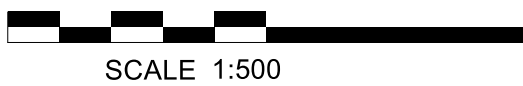
Planner Initials **TC**

City of **Kelowna**
DEVELOPMENT PLANNING

2085 KLO RD

PROPOSED RABBIT PEN LOCATIONS

Note:
A & B
Rabbit enclosures



PROPOSED RABBIT PEN LOCATIONS
PERMIT APPLICATION
PLAN 8888 SITE MAP
2085 KLO RD. KELOWNA, B.C.



TUP19-0001-01 2085 KLO Rd

Temporary Use Permit Application



Proposal

- ▶ To consider a three-year extension to a Temporary Use Permit to allow for the existing intensive agricultural use to remain on the subject property.

Development Process

Jan 20, 2022

Development Application Submitted

Staff Review & Circulation

Jan 27, 2022

Public Notification Received

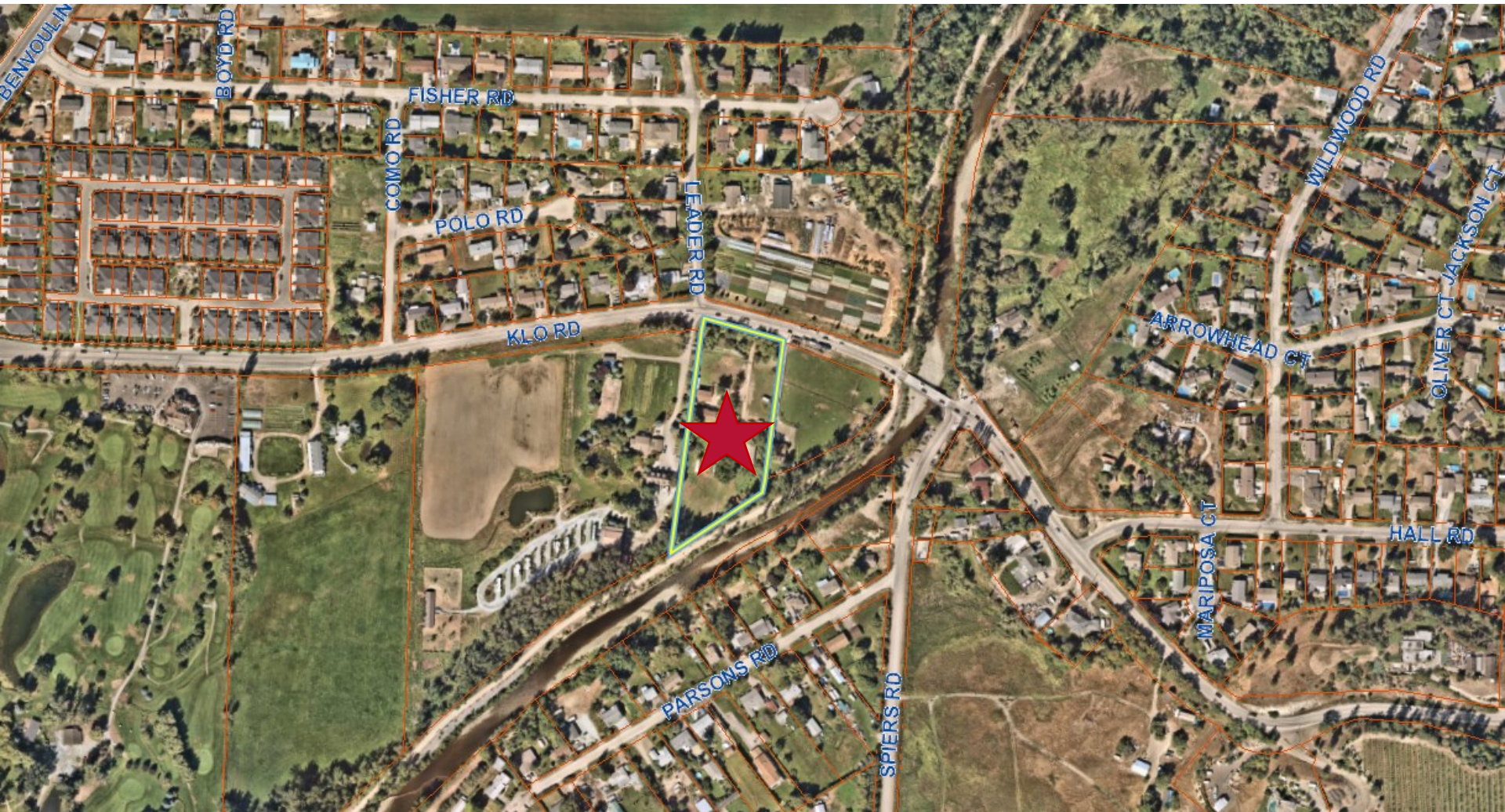
Mar 1, 2022

Temporary Use Permit Extension

Building Permit

Council
Approval

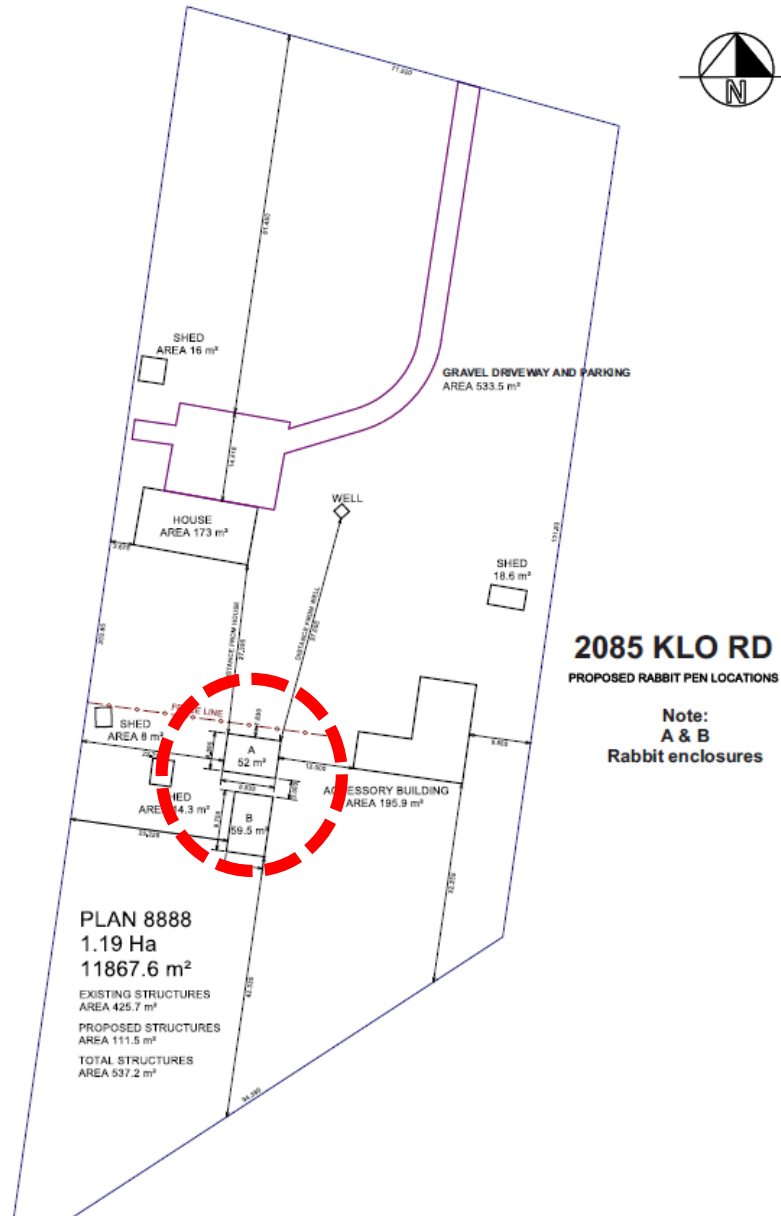
Context Map



Subject Property Map



Site Plan



Project Details

- ▶ 80 sterilized rabbits were relocated to the property in 2019.
 - ▶ They are housed in two pens near the centre of the property
- ▶ The applicant is seeking a Temporary Use Permit extension to allow them to remain on the property for an additional 3 years.

Public Notification Policy #367

- ▶ Applicant confirmed they completed neighbourhood notification policy in advance of their application
 - ▶ Jan 27th, 2022
 - ▶ Provided information to all neighbours within a 300 m radius

Staff Recommendation

- ▶ Staff recommend **support** of the proposed Temporary Use Permit application
 - ▶ Minimal impact to adjacent properties
 - ▶ Property is of sufficient size and rabbits have been housed without any negative impacts.
 - ▶ Once the TUP extension expires the rabbit pens will be decommissioned or repurposed for agricultural use



Conclusion of Staff Remarks

Subject Property Map



CITY OF KELOWNA

BYLAW NO. 12227

Official Community Plan Amendment No. OCP21-0007 955 Manhattan 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 Lot 2 Section 30 Township 26 ODYD Plan 2559, located on Manhattan Drive, Kelowna, B.C., from the S2RES – Single / Two Unit Residential designation to the MRL – Multiple Unit Residential (Low Density) designation;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 14th day of June, 2021.

Considered at a Public Hearing on the 13th day of July, 2021.

Read a second and third time by the Municipal Council this 13th day of July, 2021.

First, second and third reading rescinded by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 12228
Z21-0018
955 Manhattan Drive

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2 Section 30 Township 26 ODYD Plan 2559 located at Manhattan Drive, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 14th day of June, 2021.

Considered at a Public Hearing on the 13th day of July, 2021.

Read a second and third time by the Municipal Council this 13th day of July, 2021.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: March 1, 2022

To: Council

From: City Manager

Department: Development Planning

Application: DP21-0042 & DVP21-0043

Owner: MCMI Developments Ltd., Inc.
No. BC1239530

Address: 955 Manhattan Drive

Applicant: Jim Meiklejohn; Meiklejohn
Architects

Subject: Development Permit & Development Variance Permit Applications

Existing OCP Designation: C-NHD – Core Neighbourhood

Existing Zone: RU6 – Two Dwelling Housing

Proposed Zone: RM3 – Low Density Multiple Housing

1.0 Recommendation

THAT Bylaw No. 12227 be forwarded for rescindment consideration and the file be closed.

AND THAT final adoption Rezoning Bylaw No. 12228 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP21-0042 for Lot 2 Section 30 Township 26 ODYD Plan 2559, located at 955 Manhattan Drive, Kelowna, BC subject to the following:

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

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0043 for Lot 2 Section 30 Township 26 ODYD Plan 2559, located at 955 Manhattan Drive, Kelowna, BC.

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

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

To vary the required maximum height from 10.0 m / 3 storeys permitted to 16.0m / 4 storeys proposed.

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

To vary the east side yard setback from 4.0m required to 3.7m proposed and the west side yard setback from 4.0m required to 2.3m.

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 a Staff recommendation to issue a Development Permit for the form character of a proposed 4-storey apartment building with 2 semi-detached units in the front yard, and Development Variance Permit to vary the height and the side yard setbacks.

3.0 Development Planning

The recently adopted 2040 Official Community Plan (OCP) Future Land Use Map designates the subject property as Core Area Neighbourhood. The intent of this new designation is to accommodate modest residential growth primarily through residential infill in existing neighbourhoods allowing for 3-4 storey townhouses and small apartment buildings. This represents a more permissive land use designation from the previous OCP in order to deliver more housing units in a variety of sensitive forms in the Core Area of the City. Consistent with this policy objective, the application includes a 2-storey, 2-unit semi-detached dwelling at the front of the property facing Manhattan Drive similar in building massing and scale to the neighbouring single-family houses. In addition, the large subject property affords the opportunity for a larger 4-storey 8-unit apartment building in the rear, accessed from the laneway. The apartment building siting towards the rear of the lot and designed in such a way as to be respectful of its neighbours, as well as the local park, should have minimal visual impact in the neighbourhood. While the subject property is located a significant distance from a transit corridor, it is in close proximity to Sunset Drive and the northern part of the Downtown. In addition, and in consideration to the future North Area Plan and Tolko site redevelopment, Planning Staff anticipate significant development directly to the east of the property with further urban amenities and services.

Overall, Development Planning Staff are supportive of the proposed Development Permit for the form and character of the project with the associated height and setback variances. The development meets the majority of the Official Community Plan Form and Character Development Permit Guidelines including selected building finishes, faced treatment and complimentary landscaping.



Fig. 1.0 - Project Rendering from Manhattan St.

Proposal

3.1 Background

The OCP Amendment and Rezoning applications had a Public Hearing and received 2nd & 3rd Readings of the Bylaws on July 13, 2021. The bylaw to amend the 2030 OCP can be rescinded because 2040 OCP has been adopted, and the proposal is consistent with the new 2040 OCP.

3.2 Project Description

The proposal is to construct a 2-storey, 2-unit semi-detached dwelling on the front of the property facing Manhattan drive, and a 4-storey, 8-unit apartment building at the back of the lot with access from the lane. Both buildings propose the use of stucco as a primary material.

The 2-storey, semi-detached building at the front of the property is proposing two 3-bedroom units with garages on the main floor that will face Manhattan drive. The second building is designed to have access off the lane with covered parking on the ground floor, and a mix of 2-bedroom and 3-bedroom units on the second, third and fourth floors. The applicant is also proposing a rooftop patio for the apartment building and will also feature a number of accessibility features to remove barriers for residents.

The property will also undergo landscape improvements, which will help with the interface with Manhattan Drive and the Lane behind the building. These improvements include a large deciduous tree along Manhattan Drive and in the central courtyard, as well as shrubs and decorative grasses planted throughout the property.

3.3 Site Context

The property has a future land use of C-NHD – Core Neighbourhood, and is directly north of the City Centre Urban Centre. Although the property is close to the downtown, the surrounding neighbourhood primarily consists of single-family homes and semi-detached homes. The former Tolko Mill site is also kitty corner to the site. The site is adjacent Jack Brow Park and is also in close proximity to Rotary Marsh Park, the Rail Trail, Waterfront Park, Sutherland Park, and Knox Mountain Park.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 – Parks and Open Space	Jack Brow Park
East	I4 – Central Industrial	Vacant
South	RU6 – Two Unit Housing	Single Family Home
West	RU6 – Two Unit Housing	Two Dwelling Housing

Subject Property Map: 955 Manhattan Dr.



3.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM ₃ ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	900m ²	1,963m ²
Min. Lot Width	30m	25.44m
Min. Lot Depth	30m	63.54m
Development Regulations		
Max. Floor Area Ratio	.75 (+0.05)	0.8
Max. Site Coverage (buildings)	50%	41%
Max. Site Coverage (buildings, parking, driveways)	60%	52.5%
Max. Height	9.5m / 2.5 storeys	16.0m / 4 storeys ^❶
Min. Front Yard	6m	7.2m
Min. Side Yard (east)	4m	3.7m ^❷
Min. Side Yard (west)	4m	2.3m ^❷
Min. Rear Yard	3.0m	3.0m
Other Regulations		
Min. Parking Requirements	20	21
Min. Bicycle Parking	9	10
Min. Private Open Space	250m ²	732m ²
^❶ Indicates a requested variance to Section 13.9.6(c): RM ₃ – Low Density Multiple Housing ^❷ Indicates a requested variance to Section 13.9.6(e): RM ₃ – Low Density Multiple Housing		

4.0 **Current Development Policies**4.1 Kelowna Official Community Plan (OCP)Chapter 5: The Core Area

Objective 5.3 Focus development to designated growth areas	
Policy 5.3.1 Ground Oriented Infill	<p>Encourage gentle densification in the form of ground-oriented residential uses such as house-plexes, townhouses and narrow lot housing to approximately 2 storeys, maintaining residential uses and setbacks that reflect the existing development pattern. Consider opportunities for greater height and massing at block ends and along Active Transportation Corridors as outlined in Figure 5.3.</p> <p><i>The provision of a 2-story duplex in the front yard helps to provide gentle infill by responding to the context of the existing single unit dwellings on Manhattan Drive.</i></p>
Chapter 18 Form and Character Development Permit Area	
4.1.1 Relationship to the Street	<p>Maximize 'eyes on the street' by avoiding blank walls and providing direct lines of sight from windows and balconies to the sidewalk and adjacent public spaces</p> <p><i>Balconies and windows of apartment and semi-detached units overlook public streets, lanes and internal open space, while minimizing views into other existing private residences</i></p>
4.1.6 Building Articulation,	Use an integrated, consistent range of materials and colours and provide variety by, for example, using accent colours

Features & Material	<i>The 4-storey building, and semi-detached units use a consistent material and colour pallet with accents. The massing and articulation of the buildings is complimentary while adhering to a consistent concept.</i>
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FORM & CHARACTER - DEVELOPMENT PERMIT GUIDELINES

Consideration has been given to the following guidelines as identified in Chapter 18 of the City of Kelowna 2040 Official Community Plan:

RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE (1 is least complying & 5 is highly complying)	N/A	1	2	3	4	5
CHAPTER 4.0: LOW & MID-RISE RESIDENTIAL & MIXED USE						
4.1 Guidelines						
4.1.1 Relationship to the Street						
Lobby area and main building entrance is clearly visible from the fronting street and sidewalk.		✓				
Wherever possible, blank walls at grade are not encouraged.			✓			
Enclosed parking garages are located away from street frontages or public open space.					✓	
Ground oriented units with entries or glazing have been provided to avoid the blank/dead frontage along the street.			✓			
When unavoidable, blank walls have been screened with landscaping or have been incorporated with a patio/café or special materials have been provided to make them visually interesting.				✓		
Residential and Mixed-use Buildings						
Residential buildings at the ground floor have a set back between 3-5m from the property line to create a semi-private entry or transition zone to individual units and to allow for an elevated front entryway or raised patio.	✓					
A maximum 1.2m desired height (e.g., 5-6 steps) for front entryways has been provided. Where the water table requires this to be higher, in these cases, larger				✓		
Ground floor units accessible from the fronting street or public open spaces have been provided with individual entrances.				✓		
Buildings are sited and oriented so that windows and balconies are overlooking public streets, parks, walkways, and shared amenity spaces while minimizing views into private residences.				✓		
4.1.2 Scale and Massing						
Proposed residential building façade has a length of 60m (40m length is preferred).					✓	
Buildings over 40m in length are incorporating significant horizontal and vertical breaks in façade.	✓					

RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE <i>(1 is least complying & 5 is highly complying)</i>	N/A	1	2	3	4	5
Commercial building facades are incorporating significant break at approximately 35m intervals.	✓					
Proposed residential building has a maximum width of 24m.						✓
Seven to Twelve Storey Buildings						
Proposed building is provided with a 2-3 storey podium at the base of the building.	✓					
Built form's upper storeys have a minimum 2m stepback and more generous upper storey terraces facing south, and west are provided.		✓				
Minimum 30m building separation between primary building facades is provided.	✓					
Courtyards and mid-block connections within building sideyards are 6m wide (minimum).						
4.1.3 Site Planning						
On sloping sites, building floor levels are following the natural grade and avoiding the blank wall situation.	✓					
Buildings are sited to be parallel to the street and have a distinct front-to-back orientation to public street and open spaces and to rear yards, parking, and/or interior courtyards.				✓		
Building sides that are interfacing with streets, mid-block connections, and other open spaces (building fronts) are positively framing and activating streets and open spaces and supporting pedestrian activity.			✓			
Larger buildings are broken up with mid-block connections which have public accessibility wherever possible.				✓		
Ground floors adjacent to mid block connections have entrances and windows facing the mid block connection.				✓		
4.1.4 Site Servicing, Access, and Parking						
Vehicular access is provided from the lane.					✓	
Where there is no lane, and where the re-introduction of a lane is difficult or not possible, access is provided from the street, provided: <ul style="list-style-type: none"> Access is from a secondary street, where possible, or from the long face of the block; Impacts on pedestrians and the streetscape is minimized; and, There is no more than one curb cut per property. 			✓			
Above grade structure parking should only be provided in instances where the site or high water table does not allow for other parking forms.						✓

RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE <i>(1 is least complying & 5 is highly complying)</i>	N/A	1	2	3	4	5
When parking cannot be located underground due to the high water table and is to be provided above ground, screen the parking structure from public view as follows: <ul style="list-style-type: none"> On portions of the building that front a retail or main street, line the above ground parking with active retail frontage; On portions of the building that front onto non-retail streets, line the above ground parking with an active residential frontage, such as ground oriented townhouse units; When active frontages are not able to be accommodated, screen parking structures by using architectural or landscaped screening elements; On corner sites, screen the parking structure from public view on both fronting streets using the appropriate strategy listed above. 				✓		
Buildings with ground floor residential may integrate half-storey underground parking to a maximum of 1.2m above grade, with the following considerations: <ul style="list-style-type: none"> Semi-private spaces should be located above to soften the edge and be at a comfortable distance from street activity; and Where conditions such as the high water table do not allow for this condition, up to 2m is permitted, provided that entryways, stairs, landscaped terraces, and patios are integrated and that blank walls and barriers to accessibility are minimized. 			✓			
4.1.5 Publicly Accessible and Private Open Spaces						
Publicly accessible private spaces (e.g., private courtyards accessible and available to the public) have been integrated with public open areas to create seamless, contiguous spaces.					✓	
Semi-private open spaces have been located to maximize sunlight penetration, minimize noise disruptions, and minimize 'overlook' from adjacent units.				✓		
Outdoor Amenity Areas: design plazas and parks to: <ul style="list-style-type: none"> Contain 'three edges' (e.g., building frontage on three sides) where possible and be sized to accommodate a variety of activities; Be animated with active uses at the ground level; and, Be located in sunny, south facing areas. 			✓			
Internal courtyard design provides: <ul style="list-style-type: none"> amenities such as play areas, barbecues, and outdoor seating where appropriate. a balance of hardscape and softscape areas to meet the specific needs of surrounding residents and/or users. 					✓	
Mid-block connections design includes active frontages, seating, and landscaping.				✓		

RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE <i>(1 is least complying & 5 is highly complying)</i>	N/A	1	2	3	4	5
Rooftop Amenity Spaces						
Shared rooftop amenity spaces (such as outdoor recreation space and rooftop gardens on the top of a parkade) are designed to be accessible to residents and to ensure a balance of amenity and privacy by: <ul style="list-style-type: none"> Limiting sight lines from overlooking residential units to outdoor amenity space areas through the use of pergolas or covered areas where privacy is desired; and Controlling sight lines from the outdoor amenity space into adjacent or nearby residential units. 	✓					
Reduce the heat island effect by including plants or designing a green roof, with the following considerations: <ul style="list-style-type: none"> Secure trees and tall shrubs to the roof deck; and Ensure soil depths and types are appropriate for proposed plants and ensure drainage is accommodated. 	✓					
4.1.6 Building Articulation, Features & Materials						
Articulate building facades into intervals that are a maximum of 15m wide for mixed-use buildings and 20m wide for residential buildings. Strategies for articulating buildings should consider the potential impacts on energy performance (see 2.2.1), and include: <ul style="list-style-type: none"> Façade Modulation – stepping back or extending forward a portion of the façade to create a series of intervals in the facade; Repeating window patterns at intervals that correspond to extensions and step backs (articulation) in the building facade; Providing a porch, patio, deck, or covered entry for each interval; Providing a bay window or balcony for each interval, while balancing the significant potential for heat loss through thermal bridge connections which could impact energy performance; Changing the roof line by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval; Changing the materials with the change in building plane; and Provide a lighting fixture, trellis, tree, or other landscape feature within each interval. 		✓				
Break up the building mass by incorporating elements that define a building's base, middle and top.		✓				
Use an integrated, consistent range of materials and colors and provide variety by, for example, using accent colors.				✓		
Articulate the facade using design elements that are inherent to the building as opposed to being decorative. For example, create depth in building facades by recessing window frames or partially recessing balconies to allow shadows to add detail and variety as a byproduct of massing.				✓		

RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE (1 is least complying & 5 is highly complying)	N/A	1	2	3	4	5
Incorporate distinct architectural treatments for corner sites and highly visible buildings such as varying the roofline (<i>See Figure 41</i>), articulating the facade, adding pedestrian space, increasing the number and size of windows, and adding awnings and canopies.	✓					
Weather Protection						
Provide weather protection (e.g. awnings, canopies, overhangs, etc.) along all commercial streets and plazas (<i>See Figure 42</i>), with particular attention to the following locations: <ul style="list-style-type: none"> • Primary building entrances, • Adjacent to bus zones and street corners where people wait for traffic lights; • Over store fronts and display windows; and • Any other areas where significant waiting or browsing by people occurs. 				✓		
Architecturally-integrate awnings, canopies, and overhangs to the building and incorporate architectural design features of buildings from which they are supported.				✓		
Place and locate awnings and canopies to reflect the building's architecture and fenestration pattern.				✓		
Place awnings and canopies to balance weather protection with daylight penetration. Avoid continuous opaque canopies that run the full length		✓				
Signage						
Provides attractive signage on commercial buildings that identifies uses and shops clearly but which is scaled to the pedestrian rather than the motorist. Some exceptions can be made for buildings located on highways and/or major arterials in alignment with the City's Sign Bylaw.	✓					
Avoid the following types of signage: <ul style="list-style-type: none"> • Internally lit plastic box signs; • Pylon (stand alone) signs; and • Rooftop signs. 	✓					
Uniquely branded or colored signs are encouraged to help establish a special character to different neighbourhoods.	✓					

5.0 Technical Comments

5.1 Development Engineering Department

5.1.1 See Schedule A

6.0 Application Chronology

Date of Application Accepted: February 23, 2021

Date Public Consultation Completed: April 9, 2021

Report prepared by: Graham Allison, Planner I

Reviewed by Jocelyn Black, Urban Planning Manager

Reviewed by: Terry Barton, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Draft Development Permit
Schedule A: Site Plan
Schedule B: Building Elevations
Schedule C: Landscape Plan
Attachment B: Development Engineering Memo

Development Permit & Development Variance Permit DP21-0042 / DVP21-0043



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

955 Manhattan Drive

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

Multiple Dwelling Housing (RM3 – Low Density Multiple Housing))

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

Date of Council Decision March 1st, 2022

Decision By: COUNCIL

Existing Zone: RM3 – Low Density Multiple Housing

Future Land Use Designation: C-NHD – Core Neighbourhood

This is NOT a Building Permit.

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

NOTICE

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

Owner: MCMI Developments Ltd., Inc. No. BC1239530

Applicant: Jim Meiklejohn; Meiklejohn Architects

Planner: Graham Allison

Terry Barton
Development Planning Department Manager
Planning & Development Services

Date

ATTACHMENT A

This forms part of application

DVP21-0043 / DP21-0042

Planner
Initials

GA

City of
Kelowna
DEVELOPMENT PLANNING



1. SCOPE OF APPROVAL

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

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

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

2. CONDITIONS OF APPROVAL

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
- c) That variances to the following section of the Zoning Bylaw No. 8000 be granted in accordance with Schedule "A":

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

To vary the required maximum height from 10 m / 3 storeys permitted to 16.0m / 4 storeys proposed.

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

To vary the east side yard setback from 4.0m required to 3.7m proposed and the west side yard setback from 4.0m required to 2.3m proposed.

- d) Landscaping to be provided on the land be in accordance with Schedule "C".
- e) The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect

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


3. INDEMNIFICATION

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

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

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

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



01	2020-11-16	REZONE/DP SUBMISSION
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POELI 1971:1151

955 MANHATTAN

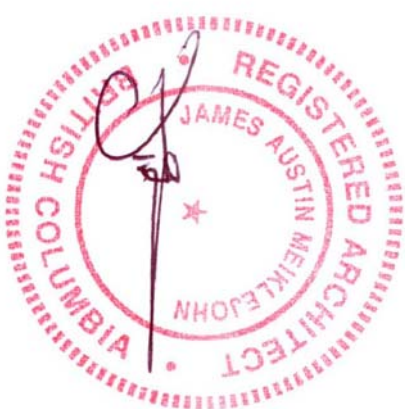
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DRAWINGS ARE NOT TO BE SCALED

Drawing Note

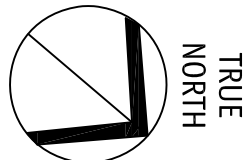
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VY 6N2
TEL: 250.762.3004



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No.	Date	Revision
01	2020-11-16	REZONE/PP SUBMISSION
02	2020-08-16	PP-R1
03	2020-08-28	PP-R2
04	2020-09-01	PP-R3
05	2021-10-23	PP-R4
06	2021-12-18	PP-R5
07	2022-01-13	PP-R6
08	2022-02-03	PP-R7

Project Title
**MANHATTAN LOFTS
- MULTI-FAMILY
HOUSING**

955 MANHATTAN DRIVE KELOWNA V1Y 1H7

Drawing Number

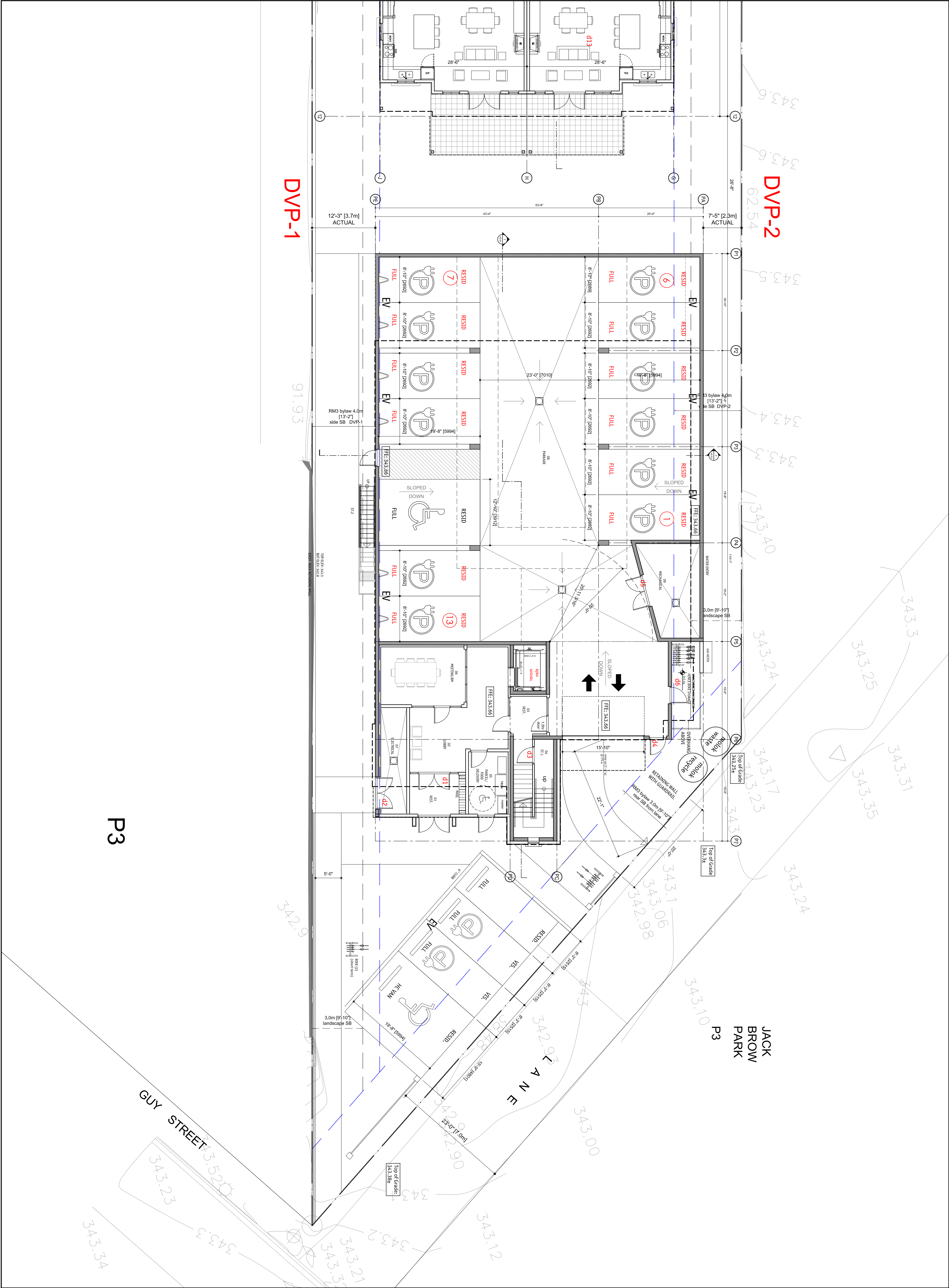
A3.01-1

Drawings are NOT TO BE SCALED.
ALL DIMENSIONS SHALL BE VERIFIED ON JOB

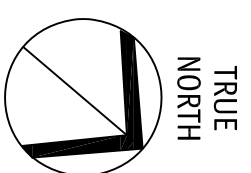
Drawing Title
**CONDO
LEVEL 1 PLAN**

scale: 1/8" = 1'0"

Date	2022-02-03
Job No.	m+m-20-1889
Scale	AS SHOWN
Drawn	SN
Checked	JM



2-02-03
DP



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		REVIEW OF SUBMISSION
01	2020-11-16	
02	2020-08-16	DP-61
03	2020-08-26	DP-62
04	2020-09-01	DP-63
05	2021-10-23	DP-64
06	2021-12-18	DP-65
07	2022-01-13	DP-66
08	2022-02-03	DP-67

Project Title
MANHATTAN LOFTS
- MULTI-FAMILY
HOUSING

955 MANHATTAN DRIVE KELOWNA V1Y 1H7

Drawing Number

Drawing Number

A3.02-1

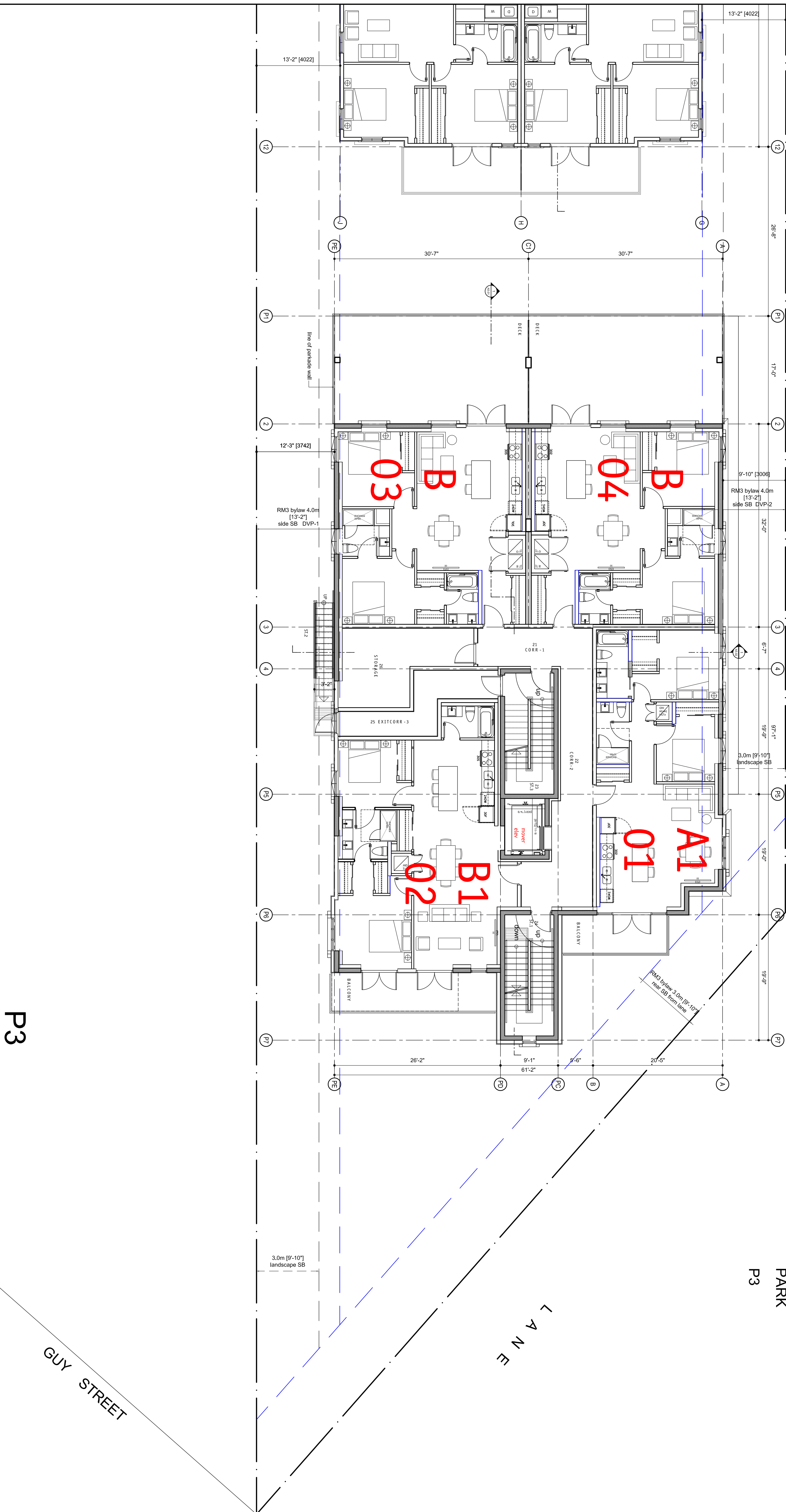
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Drawing Title

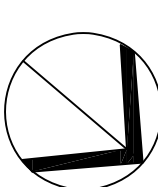
CONDO
LEVEL 2 PLAN

scale: 1/8"=1'0"

Date	2022-02-03
Job No.	m+m 20-1889
Scale	AS SHOWN
Drawn	SN
Checked	JM



revised



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No.	Date	Revision
01	2020-11-16	RFQ/OF DP SUBMISSION
02	2020-08-16	DP-R1
03	2020-08-28	DP-R2
04	2020-09-01	DP-R3
05	2021-10-23	DP-R4
06	2021-12-18	DP-R5
07	2022-01-13	DP-R6
08	2022-02-03	DP-R7

[illegible]

Project Title
MANHATTAN LOFTS
- MULTI-FAMILY
HOUSING

955 MANHATTAN DRIVE KELOWNA V1Y 1H7

Drawing Number

A3.03

DRAWINGS ARE NOT TO BE SCALED.
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Drawing Title

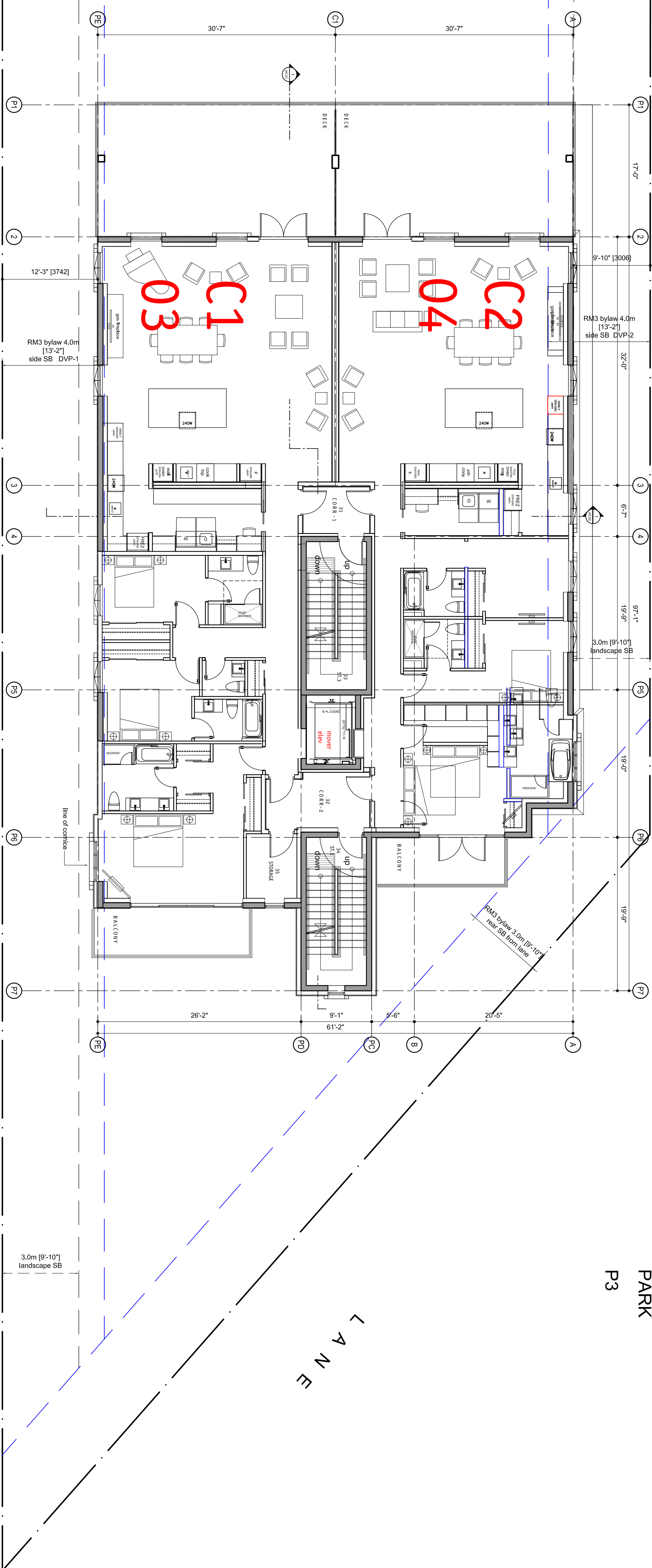
CONDO
LEVEL 3 PLAN

scale: 1/8"=1'0"

Date 2022-02-03

Scale AS SHOWN

Drawn	5M
Control	5M

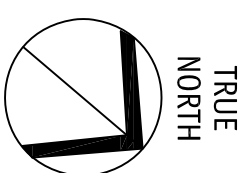
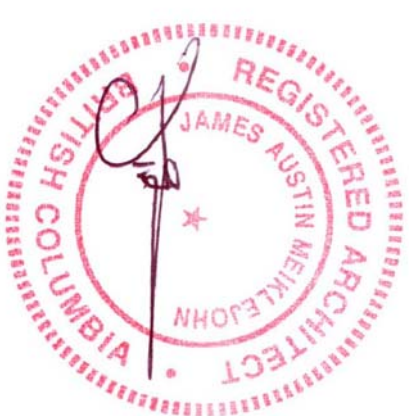


JACK
BROW
PARK
P3

३५

GUY STREET

2-02-03
Revised
DP



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No.	Date	Revision
01	2020-11-16	RFONE/DP SUBMISSION
02	2020-08-16	DP-R1
03	2020-08-28	DP-R2
04	2020-09-01	DP-R3
05	2021-10-23	DP-R4
06	2021-12-18	DP-R5
07	2022-01-13	DP-R6
08	2022-02-03	DP-R7

[illegible]

Project Title
MANHATTAN LOFTS
- MULTI-FAMILY
HOUSING

955 MANHATTAN DRIVE KELOWNA V1Y 1H7

Drawing Number

A3.05-1

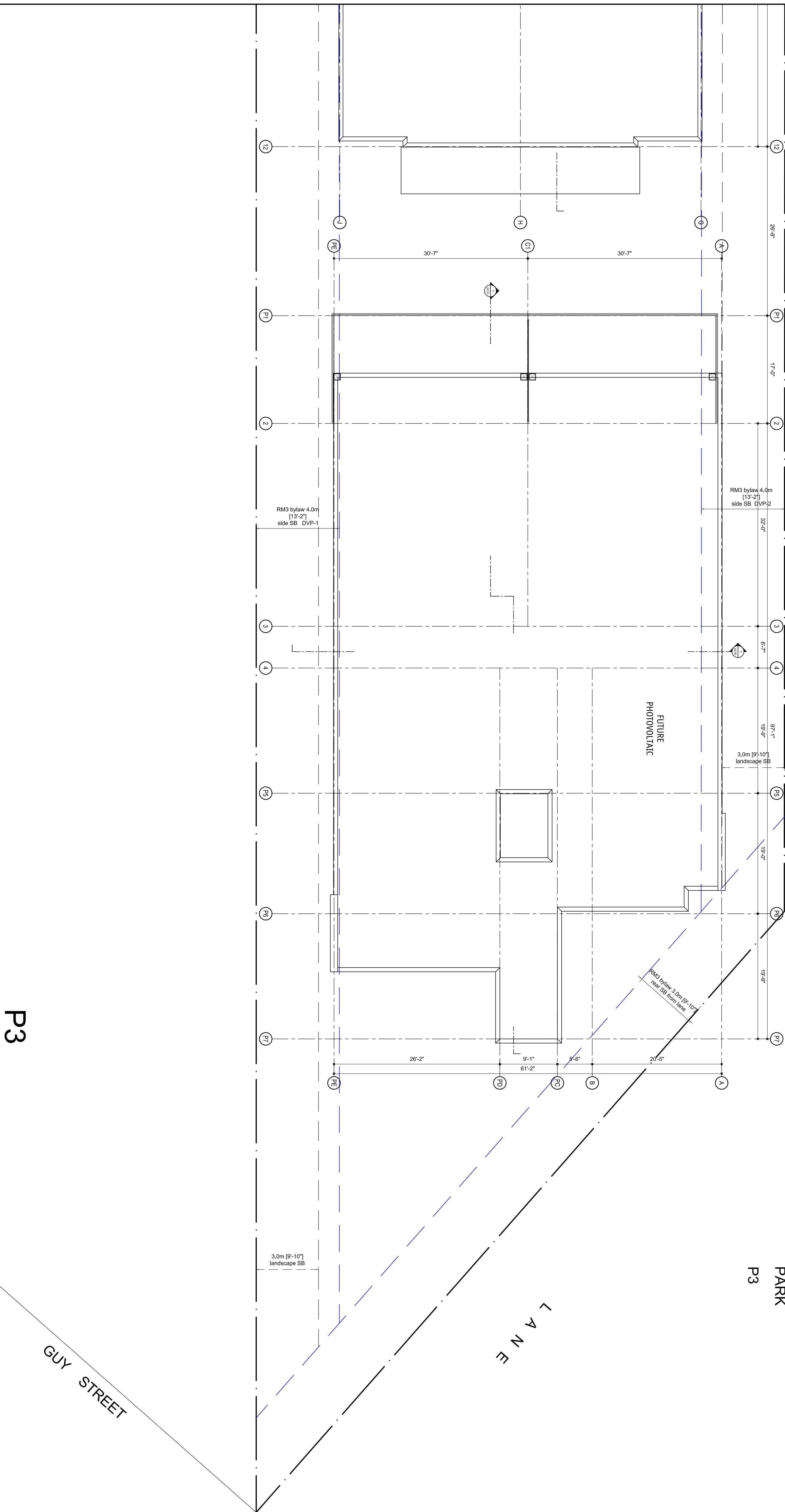
DRAWINGS ARE NOT TO BE SCALED.
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Drawing Title

CONDO
ROOF PLAN

scale: 1/8"=1'0"

Date	2022-02-03
Job No.	m+m 20-1889
Scale	AS SHOWN
Drawn	SN
Checked	JM

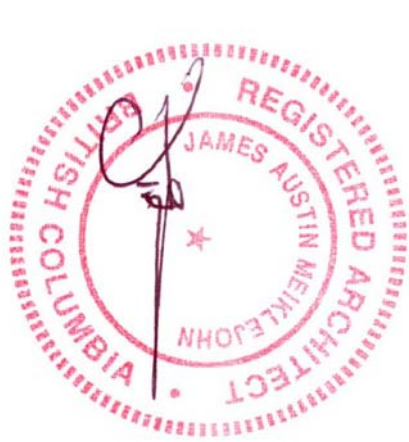


BUILDING ELEVATION KEY NOTE:	
ALL COLOURS TO BE CHOSEN BY ARCHITECT FROM APPROVED PRODUCT MANUFACTURER'S STANDARD LINE OF COLOURS.	
1 STUCCO FINISH	11 PAINTED METAL DOOR
1a TYPICAL STUCCO REVEALS	12 WOOD PANEL OH DOOR
1b STUCCO / EIFS WINDOW / DOOR TRIM	13 FINISHED GRADE (SEE CML)
2 PREMANUF. GEMENT CLAD CORNICE MouldING	14 CONCRETE/STEEL STAIRCASE WITH STEEL/PICKETS RAILINGS
3 PREFINISHED METAL LOVERED GRILLES (SEE MECH)	
4 PRIVACY SCREEN	
5 VINYL WINDOW & DOOR COLOUR: BLACK	
6 ALUMINUM STOREFRONT WINDOW & DOOR COLOUR: BLACK	
7 ALUMINUM / GLASS RAILING	
8 PREFIN. METAL PICKET RAILING	
9 PREFINISHED SHEET STEEL FLASHING	
10 EXPOSED SACK RUBBED CONCRETE FINISH	
10a TYPICAL CONCRETE REVEALS	

233 BERNARD AVENUE
KELOWNA, B.C.
V1Y 6N2
TEL: 250.762.3004
EMAIL: kel-mai@shaw.ca

m+m a
MEIKLEJOHN ARCHITECTS INC.

2022-02-03
revised
DP



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01	2020-11-16	REZONE/DP SUBMISSION
02	2020-08-16	DP-R1
03	2020-08-28	DP-R2
04	2020-09-01	DP-R3
05	2021-10-23	DP-R4
06	2021-12-18	DP-R5
07	2022-01-13	DP-R6
08	2022-02-03	DP-R7

Project title
MANHATTAN LOFTS
- MULTI-FAMILY
HOUSING

955 MANHATTAN DRIVE KELOWNA V1Y 1H7

Drawing Number

A4.01

DRAWINGS ARE NOT TO BE SCALED.
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CONDO
REAR ELEVATION
facing townhouse
scale: 1/8"=1'0"

Date	2022-02-03
Job No.	m+m 20-1889
Scale	AS SHOWN
Drawn	SN
Checked	JM

DP



No.	Date	REVIEW/PE SUBMISSION
01	2020-1-16	REVISION
02	2020-08-16	DP-R1
03	2020-08-28	DP-R2
04	2020-09-01	DP-R3
05	2021-10-23	DP-R4
06	2021-12-18	DP-R5
07	2022-01-13	DP-R6
08	2022-02-03	DP-R7

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Project Title
MANHATTAN LOFTS
- MULTI-FAMILY
HOUSING

955 MANHATTAN DRIVE KELOWNA V1Y 1H7

Drawing Number

A4.02

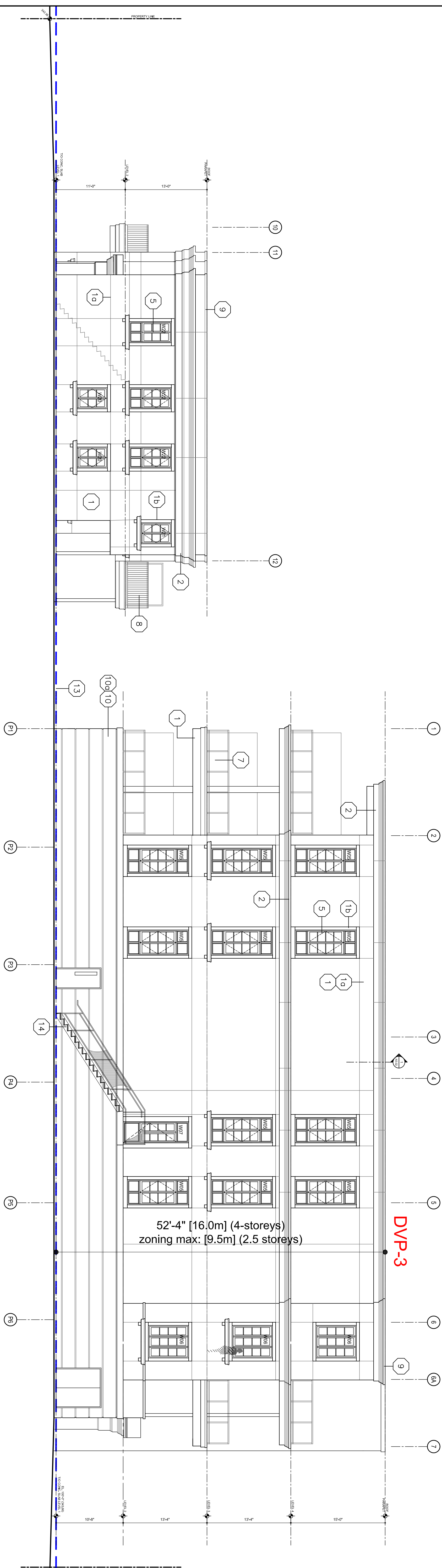
DRAWINGS ARE NOT TO BE SCALED.
ALL DIMENSIONS SHALL BE VERIFIED ON JOB

Drawing Title

SIDE ELEVATIONS

scale: 1/8"=1'0"

Date	2022-02-03
Job No.	m+m 20-1889
Scale	AS SHOWN
Drawn	SN
Checked	JM





2022-02-03
revised
DP



Date	Revision
2020-11-16	REZONE/DP SUBMISSION
2020-08-16	DP-41
2020-08-28	DP-42
2020-09-01	DP-43
2021-10-23	DP-44
2021-12-18	DP-45
2022-01-13	DP-46
2022-02-03	DP-47

Project Title MANHATTAN LOFTS MULTI-FAMILY HOUSING

5 MANHATTAN DRIVE KELOWNA V1Y 1

wing Number

wing Number

A4.03

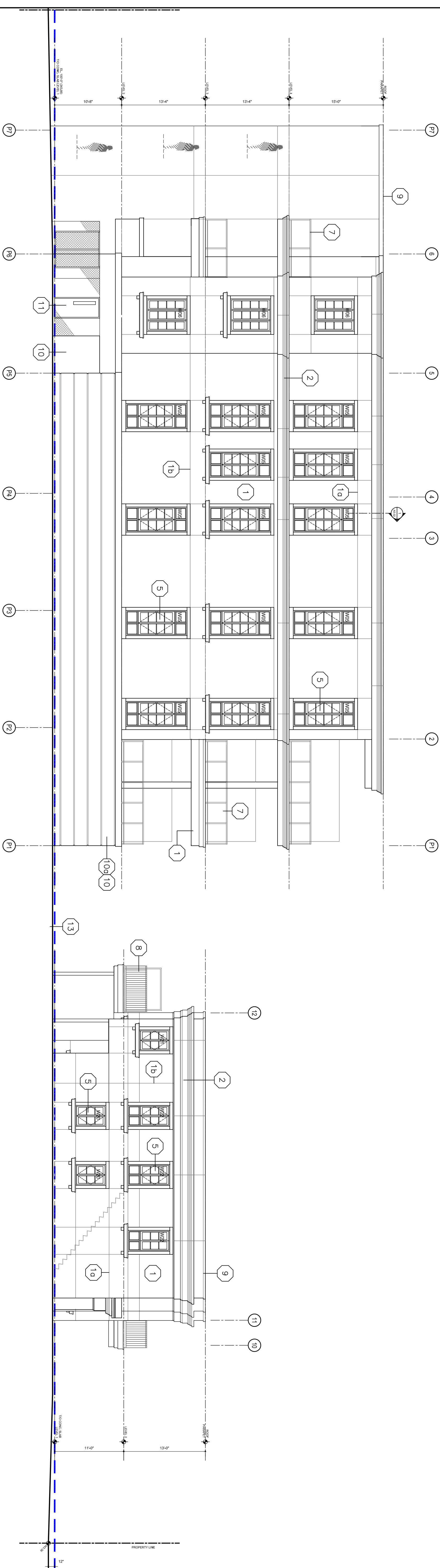
DRAWINGS ARE NOT TO BE SCALED.
DIMENSIONS SHALL BE VERIFIED ON JOB.

Writing Title

IDE LEVATIONS

Scale: 1/8"=1'0"

e	2022-02-03
No.	m+m 20-1839
le	AS SHOWN
own	SN
checked	JM



DP



No.	Date	Revision
01	2020-11-16	REZONE/D9 SUBMISSION
02	2020-08-26	DP-41
03	2020-08-28	DP-42
04	2020-09-01	DP-43
05	2021-10-23	DP-44
06	2021-12-18	DP-45
07	2022-01-13	DP-46
08	2022-02-03	DP-47

HOUSING

955 MANHATTAN DRIVE KELOWNA V1Y 1H7

Drawing Number

A4.04

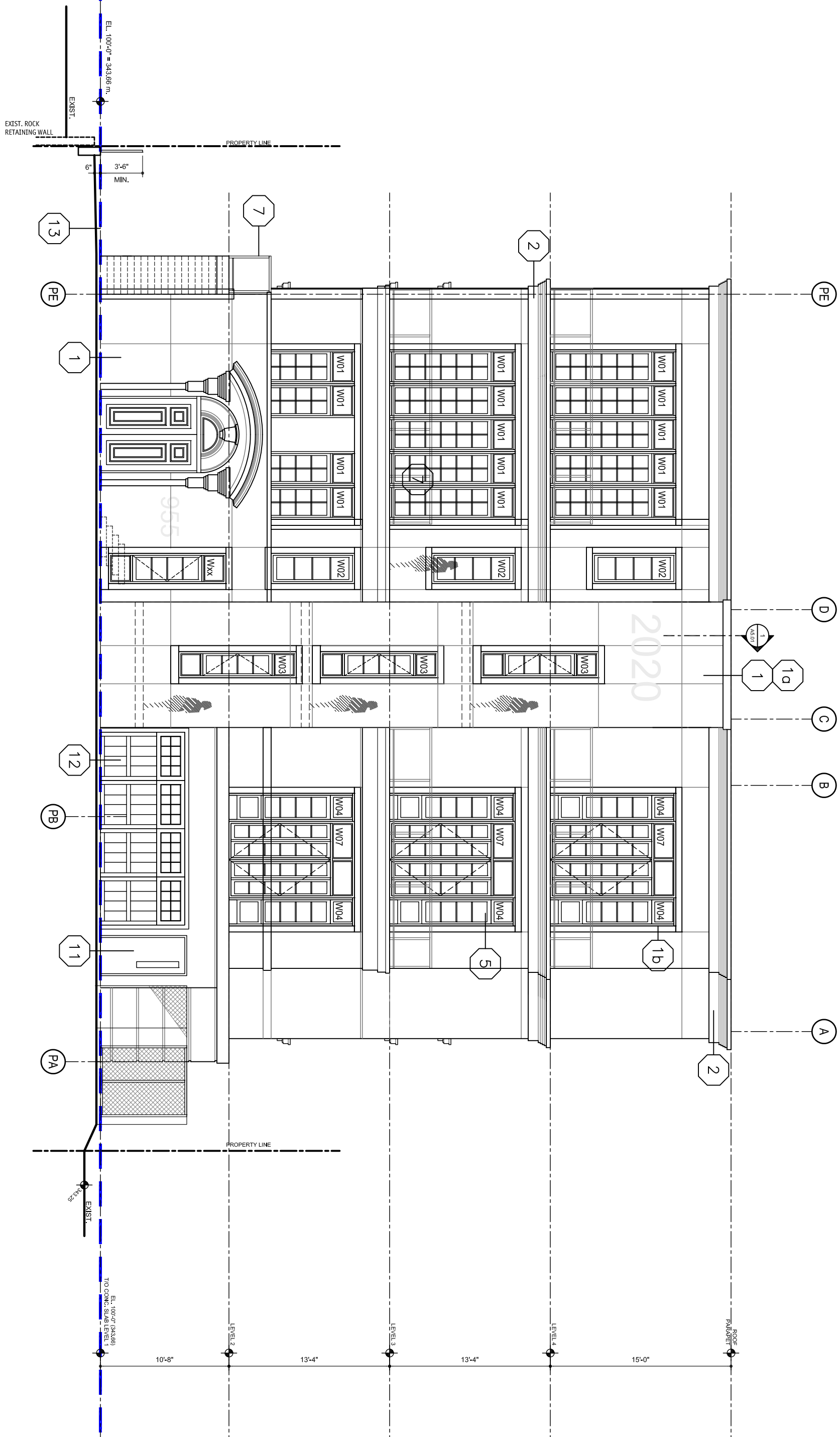
DRAWINGS ARE NOT TO BE SCALED.
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Drawing Title

CONDO
FRONT ELEVATION

scale: 1/8"=1'0"

Date	2022-02-03
Job No.	m+m 20-1889
Scale	AS SHOWN
Drawn	SN
Checked	JM

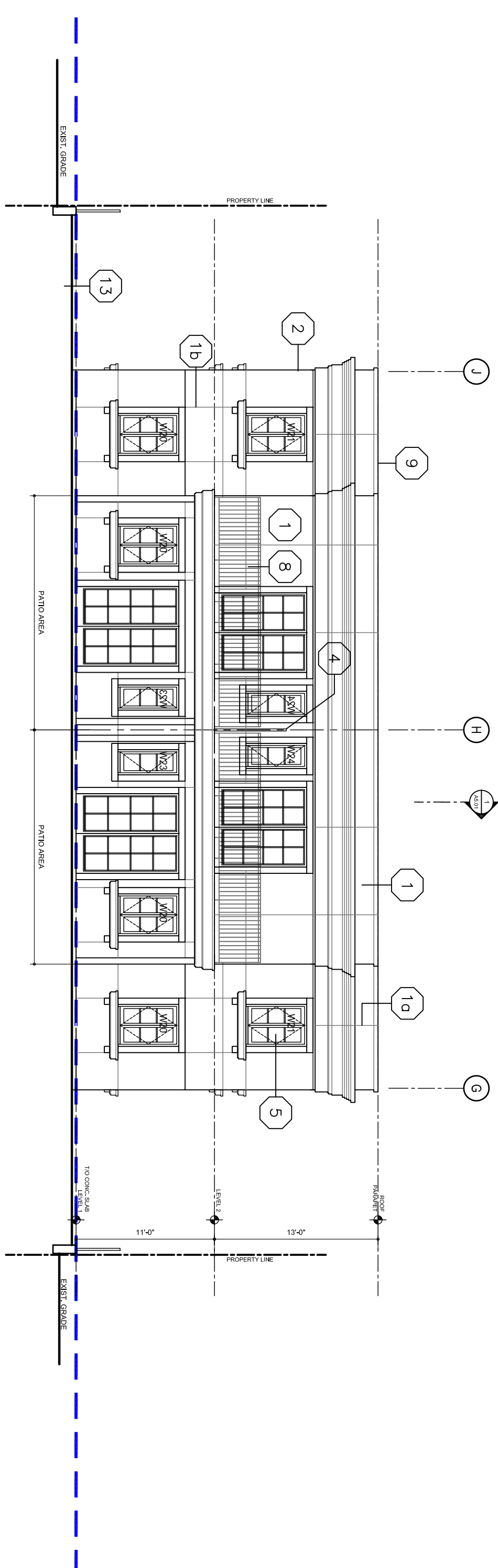
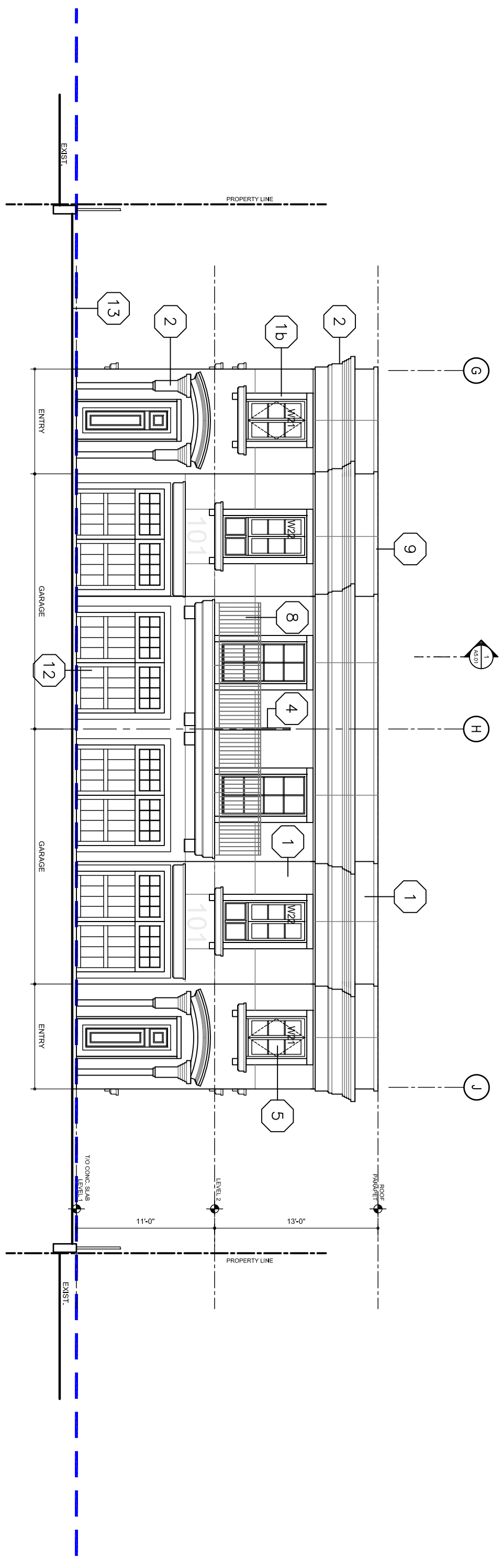




2022-02-03
revised
DP



TOWNHOUSE FRONT ELEVATION FACING STREET



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No.	Date	Revision
01	2020-11-16	RFQ/E/DP SUBMISSION
02	2020-08-16	DP-R1
03	2020-08-28	DP-R2
04	2020-09-01	DP-R3
05	2021-10-23	DP-R4
06	2021-12-18	DP-R5
07	2022-01-13	DP-R6
08	2022-02-03	DP-R7

Project Title
MANHATTAN LOFTS
- MULTI-FAMILY
HOUSING

955 MANHATTAN DRIVE KELOWNA V1Y 1H7

A4.05

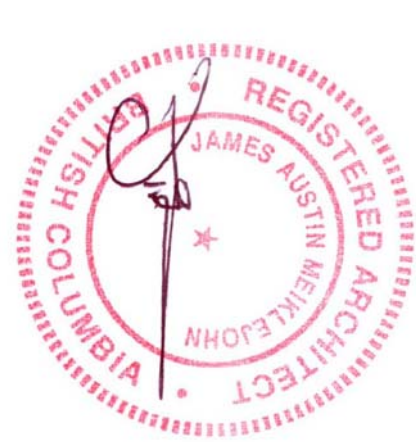
DRAWINGS ARE NOT TO BE SCALED.
ALL DIMENSIONS SHALL BE VERIFIED ON JOB

TOWNHOUSE
FRONT/ REAR
ELEVATIONS
scale: 1/8"=1'0"

Date	2022-02-03
Job No.	m+m 20-1889
Scale	AS SHOWN
Drawn	SN
Checked	JM

TOWNHOUSE REAR ELEVATION FACING CONDO

2022-02-03
revised
DP



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No.	Date	Revision
01	2020-11-16	REZONE/PP SUBMISSION
02	2020-08-16	PP-R1
03	2020-08-28	PP-R2
04	2020-09-01	PP-R3
05	2021-10-23	PP-R4
06	2021-12-18	PP-R5
07	2022-01-13	PP-R6
08	2022-02-03	PP-R7

Project Title
**MANHATTAN LOFTS
- MULTI-FAMILY
HOUSING**

955 MANHATTAN DRIVE KELOWNA V1Y 1H7

Drawing Number

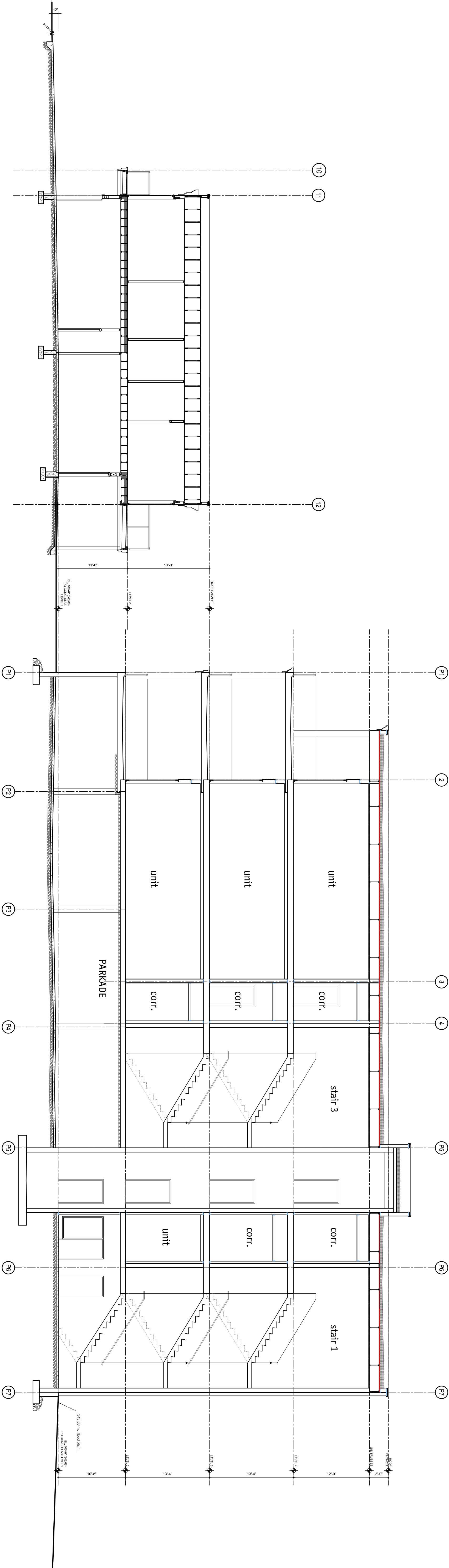
A5.01

DRAWINGS ARE NOT TO BE SCALED.
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Drawing Title
**CONDO & TOWNHOUSES
BUILDING SECTION**

scale: 1/8" = 1' 0"

Date	2022-02-03
Job No.	m+m-20-1889
Scale	AS SHOWN
Drawn	SN
Checked	JM



DP



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No.	Date	REVISION
01	2020-11-16	REZONE/DP SUBMISSION
02	2020-08-16	DP-R1
03	2020-08-28	DP-R2
04	2020-09-01	DP-R3
05	2021-10-23	DP-R4
06	2021-12-18	DP-R5
07	2022-01-13	DP-R6
08	2022-02-03	DP-R7

Project title
MANHATTAN LOFTS
- MULTI-FAMILY
HOUSING

955 MANHATTAN DRIVE KELOWNA V1Y 1H7

Drawing Number

A5.02

DRAWINGS ARE NOT TO BE SCALED.
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Drawing Title

CONDO

BUILDING SECTION

scale: 1/8"=1'0"

Date	2022-02-03
Job No.	m+m 20-1889
Scale	AS SHOWN
Drawn	SN
Checked	JM

P:\2020\20M-01397-00 - 955 MANHATTAN DR3 - TECH3 - CADD\1. BASE\20M-01397-00_L_DESN.DWG

SCHEDULE

C

This forms part of application

DVP21-0043 / DP21-0042

Planner

Initials

GA

City of

Kelowna

DEVELOPMENT PLANNING



LEGEND:

LIMIT OF WORK

PROPERTY LINE

BUILDING ENTRY

C.I.P. CONCRETE PAVING

HYDRAPRESSED CONCRETE PAVING

SCREEN FENCE - 1.8m HGT.

LAWN

BARK MULCH

ORNAMENTAL PLANTING

PROPOSED DECIDUOUS TREE

NOTES:

1. PLANT MATERIALS AND CONSTRUCTION METHODS SHALL CONFORM TO MINIMUM STANDARDS ESTABLISHED IN THE CANADIAN LANDSCAPE STANDARD (CURRENT EDITION).

2. THE LANDSCAPE DESIGN DESIGNATED HEREIN IS CONCEPTUAL BUT REFLECTS THE MINIMUM ACCEPTABLE QUALITY AND SIZE.

3. PLANT MATERIAL SELECTIONS ARE CONCEPTUAL ONLY. FINAL PLANTING SELECTIONS MAY VARY DEPENDING UPON AVAILABILITY.

4. ALL PLANTING BEDS SHALL HAVE APPROVED MULCH.

5. ALL LANDSCAPE AREAS TO BE IRRIGATED WITH AN EFFICIENT AUTOMATIC IRRIGATION SYSTEM.

6. THIS DRAWING DEPICTS FORM AND CHARACTER AND IS TO BE USED FOR DEVELOPMENT PERMIT SUBMISSION ONLY. IT IS NOT INTENDED FOR USE AS A CONSTRUCTION DOCUMENT.

REPRESENTATIVE PLANT LIST				
BOTANICAL NAME	COMMON NAME	SIZE	ROOT	MATURE PLANT SIZE (H X W)
TREES				
<i>Acer ginnala</i>	AMUR MAPLE	50mm CAL.	B&B	6.00m x 4.00m
<i>Betula platyphylla</i> 'Fargo'	DAKOTA PINNACLE BIRCH	50mm CAL.	B&B	8.00m x 2.00m
<i>Fraxinus pennsylvanica</i> 'Rugby'	PRAIRIE SPIRE GREEN ASH	50mm CAL.	B&B	12.00m x 7.00m
GRASSES / PERENNIALS / SHRUBS				
<i>Acer circinatum</i> 'Pacific Fire'	PACIFIC FIRE VINE MAPLE	#10	POTTED	4.00m x 3.00m
<i>Calamagrostis acutiflora</i> 'Karl Foerster'	FOERSTER'S FEATHER REED GRASS	#02	POTTED	1.50m x 0.75m
<i>Cornus stolonifera</i> 'Farrow'	ARCTIC FIRE DOGWOOD	#02	POTTED	1.20m x 1.20m
<i>Festuca glauca</i> 'Elijah Blue'	ELIJAH BLUE FESCUE	#02	POTTED	0.30m x 0.30m
<i>Pinus mugo</i> 'Carsten's Wintergold'	CARSTEN'S WINTERGOLD MUGO PINE	#02	POTTED	0.60m x 0.60m



1

LANDSCAPE PLAN

LDP 1

SCALE: 1:200



CHARACTER IMAGES

SCALE: n/a

REVISIONS / ISSUED	
5	JAN 2104 RE-ISSUED FOR DP
4	MAY 1221 RE-ISSUED FOR DP
3	SEP 2021 RE-ISSUED FOR DP
2	NOV 0920 ISSUED FOR DP
NO.	DATE
DESCRIPTION	

PROJECT

MANHATTAN LOFTS - 955 MANHATTAN DRIVE

CLIENT

CONSULTANT

MEIKLEJOHN ARCHITECTS

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THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND UTILITY LOCATIONS AND IMMEDIATELY REPORT ANY ERRORS OR OMISSIONS TO WSP CANADA GROUP LTD. (DO NOT SCALE DRAWINGS)

THIS DRAWING SUPERSEDES PREVIOUS ISSUES.

WSP

LANDSCAPE ARCHITECTURE | URBAN DESIGN | PLANNING | ENGINEERING

Suite 700, 1631 Dickson Avenue, Kelowna, BC V1Y 0B5 | 250.869.1334 | www.wsp.com

DESIGN BY	RF
DRAWN BY	BL
CHECKED BY	RF
PROJECT #	20M-01397-00
SCALE	1:200

SHEET TITLE

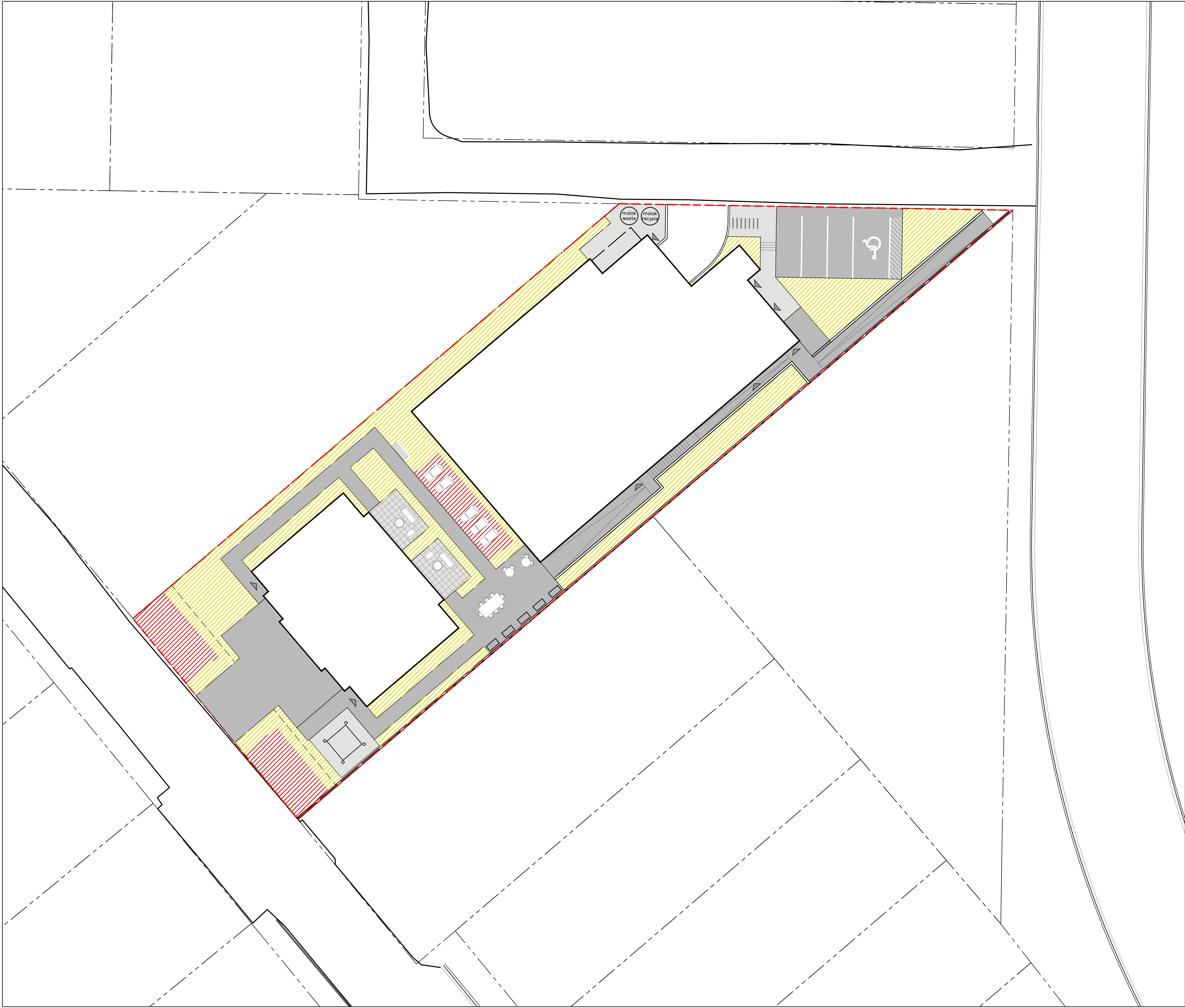
LANDSCAPE PLAN

SHEET NO.

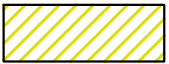

LDP 1

OF 2

P:\2020\20M-01397-00 - 955 MANHATTAN DR3_LANDSCAPE CADDET_BASE\20M-01397-00_L_DESN.DWG



HYDRAZONE LEGEND:

-  MEDIUM WATER REQUIREMENTS
-  HIGH WATER REQUIREMENTS

1 HYDROZONE PLAN
LDP 2 SCALE: 1:200



REVISIONS / ISSUED		
5	JAN 21/04	RE-ISSUED FOR DP
4	DEC 17/21	RE-ISSUED FOR DP
3	SEP 20/21	RE-ISSUED FOR DP
2	NOV 09/20	ISSUED FOR DP
NO.	DATE	DESCRIPTION

PROJECT
MANHATTAN LOFTS - 955 MANHATTAN DRIVE

CLIENT

CONSULTANT
MEIKLEJOHN ARCHITECTS

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LANDSCAPE ARCHITECTURE | URBAN DESIGN | PLANNING | ENGINEERING
Suite 700, 1631 Dickson Avenue, Kelowna, BC V1Y 0B5 | 250.869.1334 www.wsp.com

DESIGN BY	RF
DRAWN BY	BL
CHECKED BY	RF
PROJECT #	20M-01397-00
SCALE	1:200

SHEET TITLE
LANDSCAPE PLAN

SHEET NO.
LDP 2

OF 2



MANHATTAN LOFTS – DEVELOPMENT PERMIT

Date: 16th DECEMBER 2021

Our File: 20M-01397-00

Address: 1435 Water Street
Kelowna, B.C.
V1Y 1J4

Attention: Development Services

Dear Sir / Madam:

Re: Manhattan Lofts, 955 Manhattan Drive – Development Permit

As per our client's request, WSP Canada Inc. estimates a landscape development cost of **\$54,475.00**, excluding applicable taxes for the above noted property. This price includes landscape materials and installation (planted areas, sod, shrubs, trees, topsoil, mulches, and irrigation).

Per the City of Kelowna bond requirement of 125% the final total for landscape bonding is **\$68,093.75**.

Should you require any explanation of this letter, please contact the undersigned.

Regards

WSP Canada Group Limited

A handwritten signature in black ink, appearing to read 'Rob Fershau'.

Rob Fershau, M.L.Arch, MBCSLA, CSLA

cc
Garry McEwan

Suite 700 – 1631 Dickson Avenue
Landmark 6
Kelowna, BC
V1Y 0B5

T: +1 250 980-5500
wsp.com



CITY OF KELOWNA MEMORANDUM

Date: March 3, 2021
File No.: Z21-0018
To: Urban Planer (AT)
From: Development Engineering Manager (JK)
Subject: 955 Manhattan Dr RU1 to RM3

The Development Engineering Department has the following comments and requirements associated with this application to rezone the subject property from RU1 to RM2. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technician for this project is Ryan O'Sullivan.

1. General

- a) The following requirements are valid for one (1) years from the reference date of this memo, or until the PLR and/or application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.

2. Domestic Water and Fire Protection

- a) The subject property is currently serviced with a 19mm water service. One metered water service will be required for the development. The disconnection of the existing small diameter water services and the tie-in of a larger service is the developer's responsibility,

3. Sanitary Sewer

- a) This property is currently serviced with a 100-mm sanitary service. The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service will be permitted for this development. An IC is required to be installed or confirmed by the engineer.

4. Storm Drainage

- a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the Subdivision, Development and Servicing Bylaw No. 7900. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the development and / or recommendations for onsite drainage containment and disposal systems. Only one service will be permitted for this development. The applicant, at his cost, will arrange the installation of one overflow service if required.

5. Electric Power and Telecommunication Services

- a) 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.

6. Road Improvements

- a) Manhattan Dr. will be upgraded in the future to an urban standard along the full frontage of this proposed development. A cash in Lou for this works will be required for **\$38,361.45**. The Covenantor shall pay the City Engineering Administration and Inspection Fee (3.5% of Total Construction Cost plus GST) in the amount of **\$1,409.75** (\$1,342.65 + \$67.13 GST) at the time of the execution of this Covenant.
- a) Dedicate ~5.00m width along the full frontage of Manhattan Dr. to achieve a 15.0m ROW.

7. Erosion Servicing Control Plan

- a) Provide a detailed ESC Plan for this development as per the Subdivision, Development and Servicing Bylaw #7900.
- b) The developer must engage a consulting civil engineer to provide an ESC plan for this site which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900.
- c) Civil consultant is responsible for all inspection and maintenance.
- d) A Security Deposit for ESC Works equal to 3.0% of the Consulting Engineer's opinion of probable costs of civil earthworks and infrastructure will be added to the Servicing Agreement.

8. Road Dedication and Subdivision Requirements

- b) Grant Statutory Rights of Way if required for utility services.
- c) 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.
- d) Dedicate ~5.00m width along the full frontage of Manhattan Dr. to achieve a 15.0m ROW

9. 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 Works & Utilities 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.

10. Servicing Agreement for Works and Services

- (a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- (b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

11. Geotechnical Report

Provide a geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision. The Geotechnical reports must be submitted to the Development Services Department (Subdivision Approving officer) for distribution to the Development Engineering Branch and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Recommendations for items that should be included in a Restrictive Covenant.
- (vi) Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
- (vii) Any items required in other sections of this document.

12. Charges and Fees

- a) Development Cost Charges (DCC's) are payable.
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - ii) Levies

Manhattan Dr. frontage improvements	\$38,361.45
City Engineering Administration and Inspection Fee	\$1,409.75
Service upgrades	To be determined

James Kay, P.Eng.
Development Engineering Manager

RO



DP21-0042 & DVP21-0043 955 Manhattan Drive

Development Permit & Development Variance Permit



Proposal

- ▶ To construct semi-detached unit at the front of the lot facing Manhattan drive, and a 4-storey, 8-unit apartment building at the back of the lot to be accessed from the laneway and;
- ▶ To vary the height of an apartment building from 10.0m / 3 storeys required to 16.0m / 4 storeys proposed and to vary the side yard setback from 4.0m required to 3.7m proposed to the east and 2.3m proposed to the west.

Development Process

Feb. 23, 2021

Development Application Submitted



Staff Review & Circulation



Apr. 9, 2021

Public Notification Received



Jun. 14, 2021

Initial Consideration



Public Hearing
Second & Third Readings



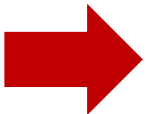
Mar. 1, 2022

Final Reading
DP & Variances

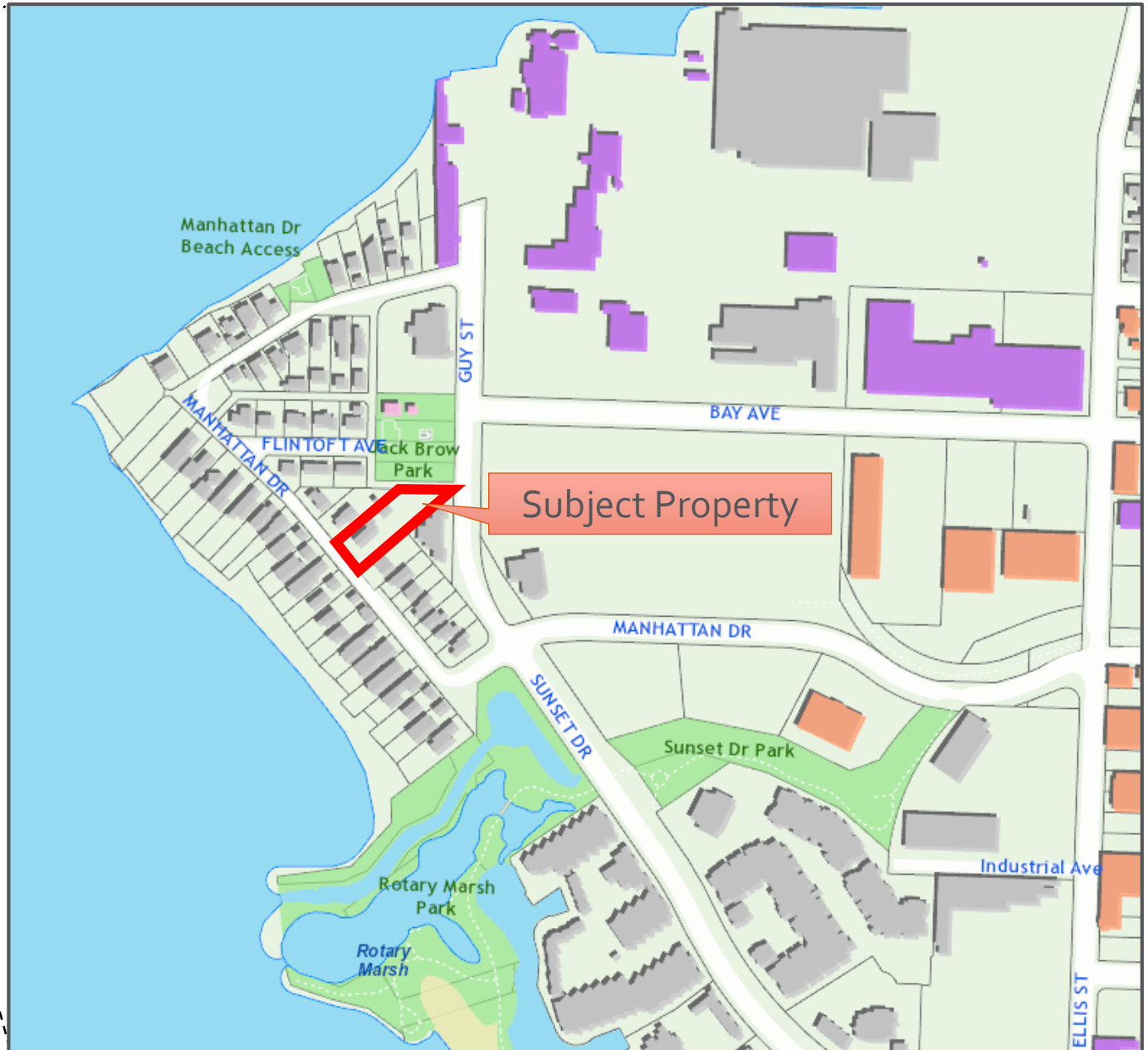
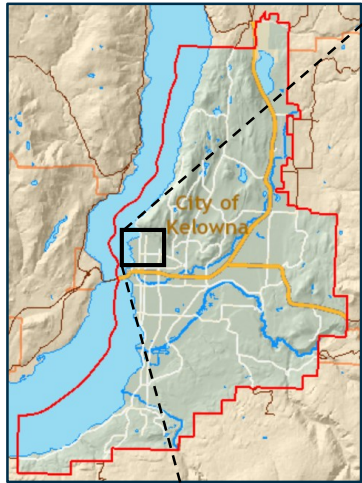


Building Permit

Council
Approvals



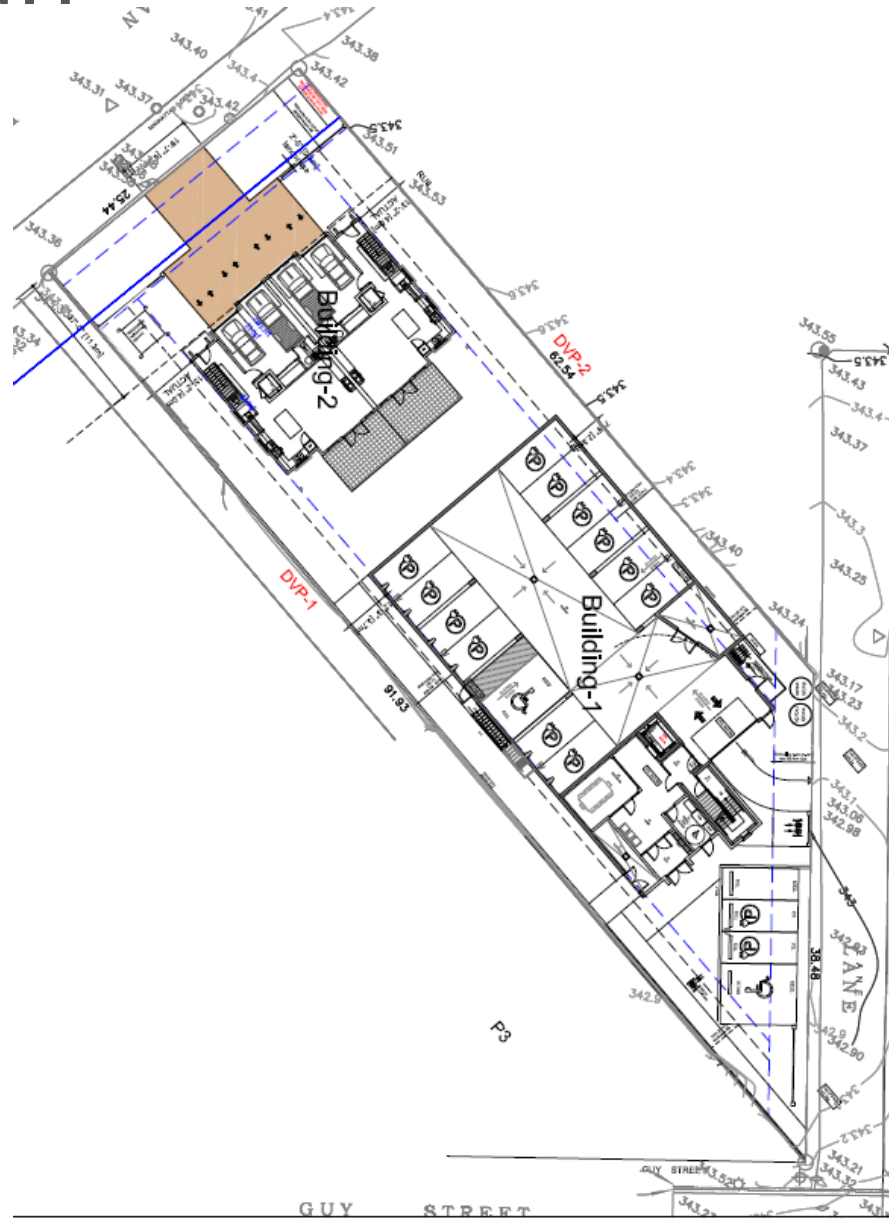
Context Map



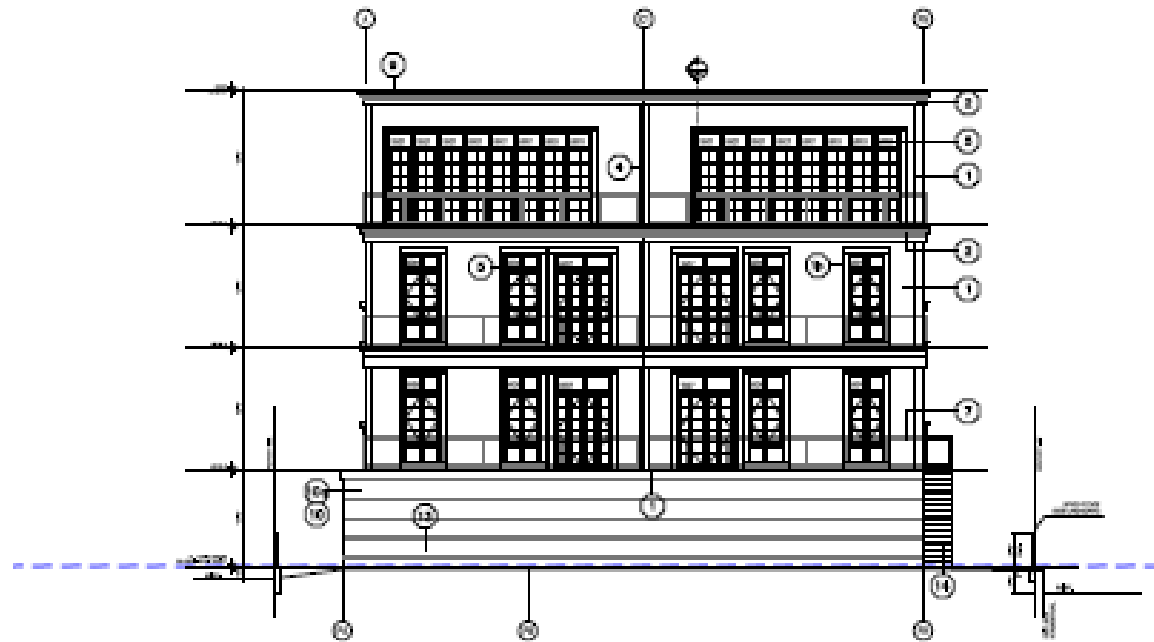
Subject Property Map



Site Plan



Front Elevation



Conceptual Rendering



Project/technical details

- ▶ The proposal is for a semi-detached unit at the front of the lot facing Manhattan drive, and a 4-storey, 8-unit apartment building at the back of the lot to be accessed from the laneway.
- ▶ The applicant is proposing to vary the height of the apartment building from 10.0m / 3 storeys required to 16.0m / 4 storeys proposed and;
- ▶ To vary the side yard setback from 4.0m required to 3.7m proposed to the east and 2.3m proposed to the west.

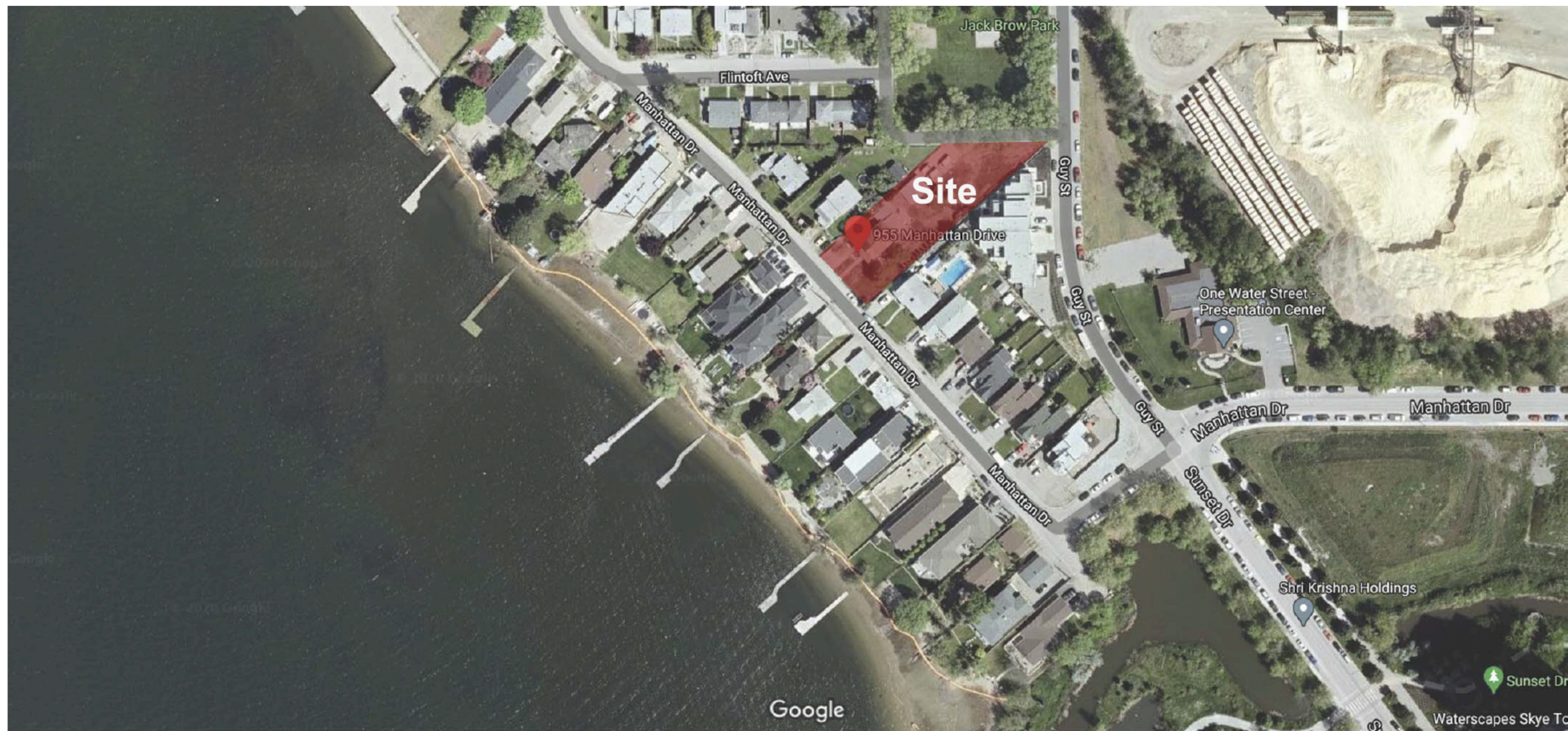
Staff Recommendation

- ▶ Staff recommend that council **support** the proposed Development Variance Permit Application.
 - ▶ Proposal fits the C-NHD transition area policies and regional context.




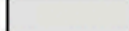
Conclusion of Staff Remarks


MCM Development Ltd.
955 Manhattan Drive
Development Permit

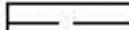







BUILDING ENTRY


C.I.P. CONCRETE PAVING


HYDRAPRESSED CONCRETE PAVING


SCREEN FENCE - 1.8m HGT.


ORNAMENTAL PLANTING


PROPOSED DECIDUOUS TREE

- NOTES:**
1. PLANT MATERIALS AND CONSTRUCTION METHODS SHALL CONFORM TO MINIMUM STANDARDS ESTABLISHED IN THE CANADIAN LANDSCAPE STANDARD (CURRENT EDITION).
 2. THE LANDSCAPE DESIGN DESIGNATED HEREIN IS CONCEPTUAL BUT REFLECTS THE MINIMUM ACCEPTABLE QUALITY AND SIZE.
 3. PLANT MATERIAL SELECTIONS ARE CONCEPTUAL ONLY. FINAL PLANTING SELECTIONS MAY VARY DEPENDING UPON AVAILABILITY.
 4. ALL PLANTING BEDS SHALL HAVE APPROVED MULCH.
 5. ALL LANDSCAPE AREAS TO BE IRRIGATED WITH AN EFFICIENT AUTOMATIC IRRIGATION SYSTEM.
 6. THIS DRAWING DEPICTS FORM AND CHARACTER AND IS TO BE USED FOR DEVELOPMENT PERMIT SUBMISSION ONLY. IT IS NOT INTENDED FOR USE AS A CONSTRUCTION DOCUMENT.

REPRESENTATIVE PLANT LIST

BOTANICAL NAME	COMMON NAME	SIZE	ROOT	MATURE PLANT SIZE (H X W)
TREES				
<i>Acer glabrum</i>	AMUR MAPLE	50mm CAL.	B&B	8.00m x 4.00m
<i>Betula platyphylla 'Fargo'</i>	DAKOTA PINNACLE BIRCH	50mm CAL.	B&B	8.00m x 2.00m
<i>Fraxinus pennsylvanica 'Rugby'</i>	PRAIRIE SPIRE GREEN ASH	50mm CAL.	B&B	12.00m x 7.00m
GRASSES / PERENNIALS / SHRUBS				
<i>Acer circinatum 'Pacific Fire'</i>	PACIFIC FIRE VINE MAPLE	#10	POTTED	4.00m x 3.00m
<i>Calamagrostis acutiflora 'Karl Foerster'</i>	FOERSTER'S FEATHER REED GRASS	#02	POTTED	1.50m x 0.75m
<i>Cornus stolonifera 'Farrow'</i>	ARCTIC FIRE DOGWOOD	#02	POTTED	1.20m x 1.20m
<i>Festuca glauca 'Elijah Blue'</i>	ELIJAH BLUE FESCUE	#02	POTTED	0.30m x 0.30m
<i>Pinus mugo 'Carsten's Wintergold'</i>	CARSTEN'S WINTERGOLD MUGO PINE	#02	POTTED	0.60m x 0.60m





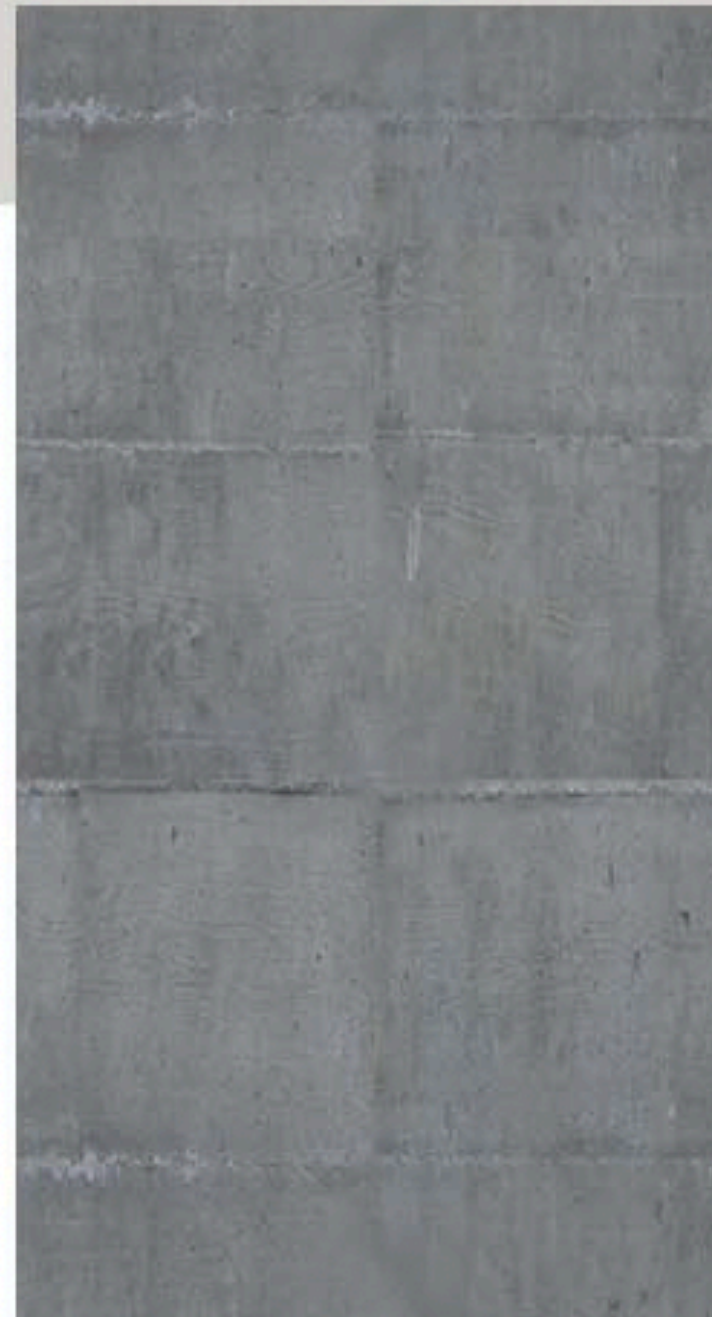




cornice



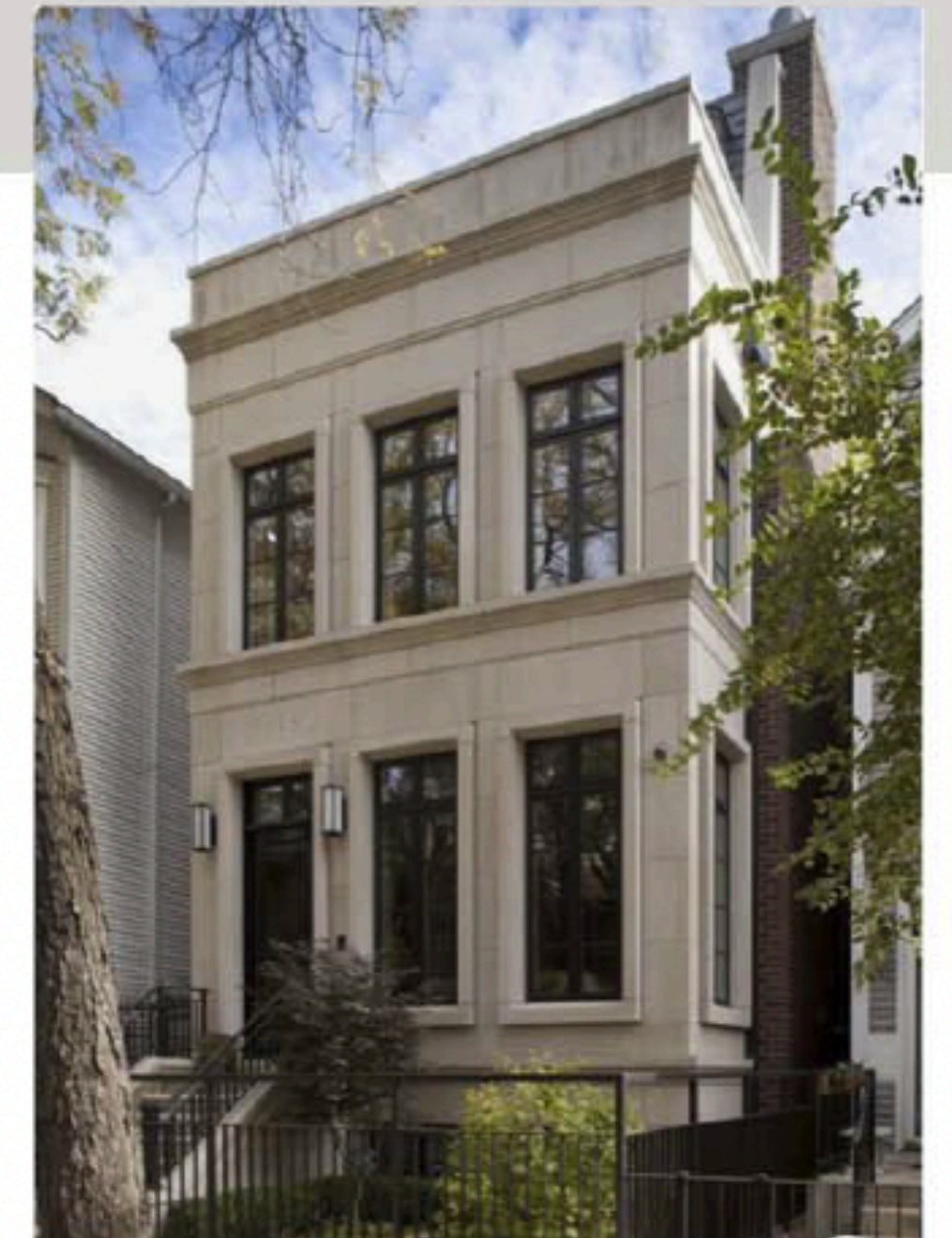
Stucco - Maison Blanche SW7526



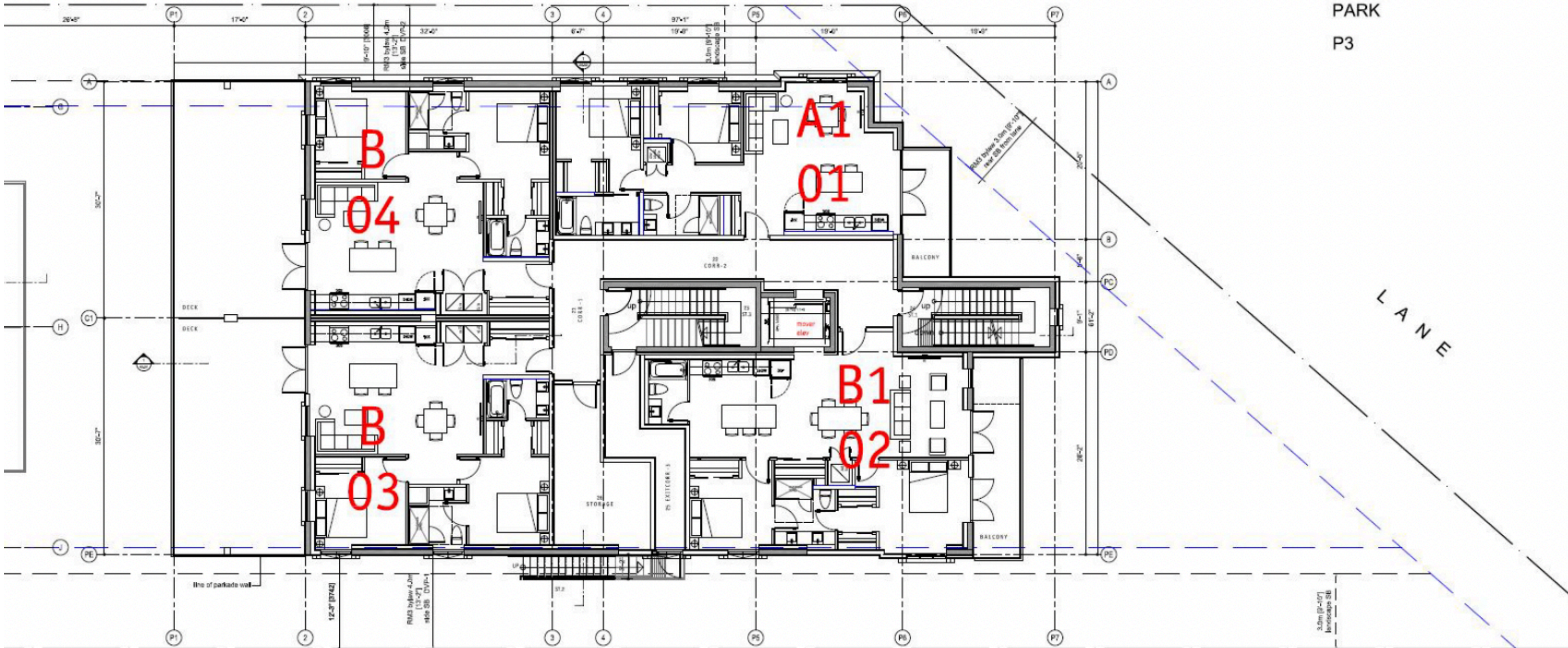
Board-formed Concrete



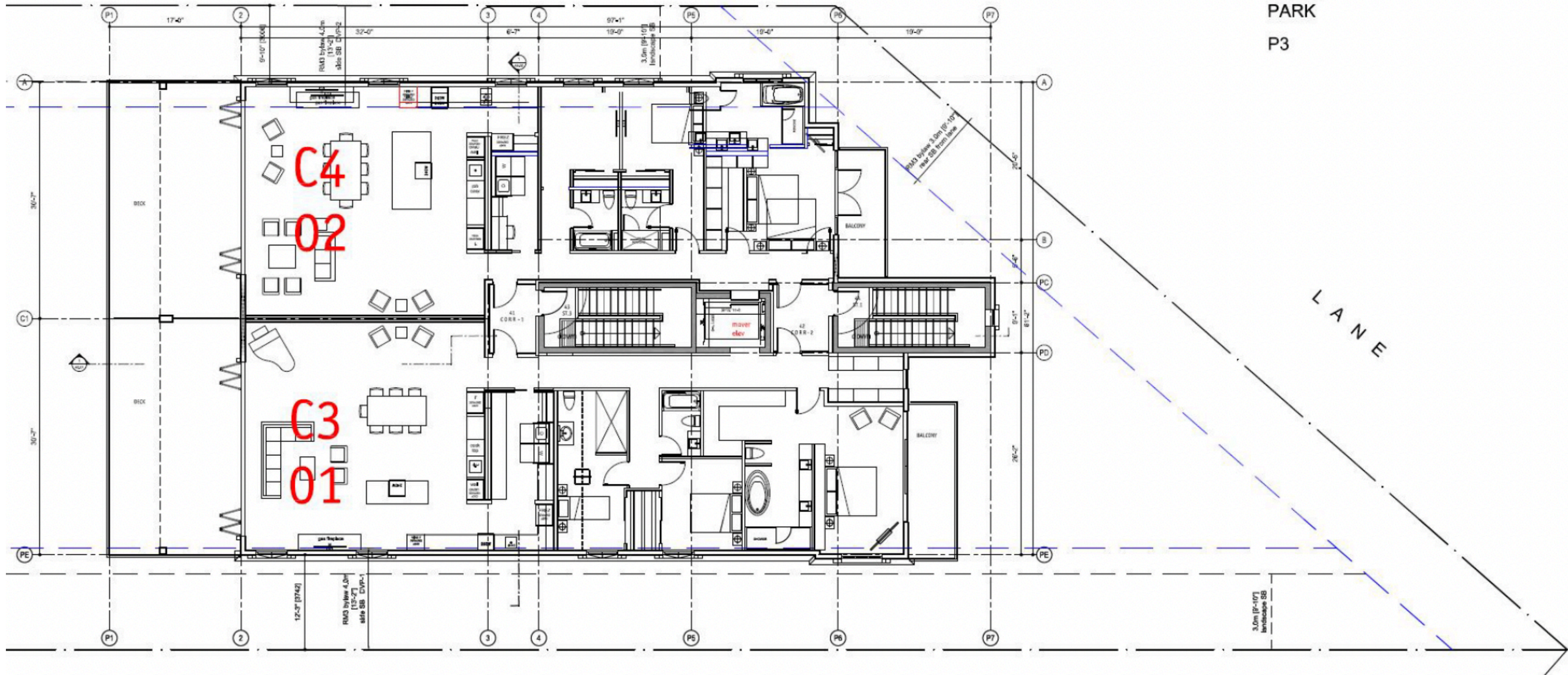
black window/door frame

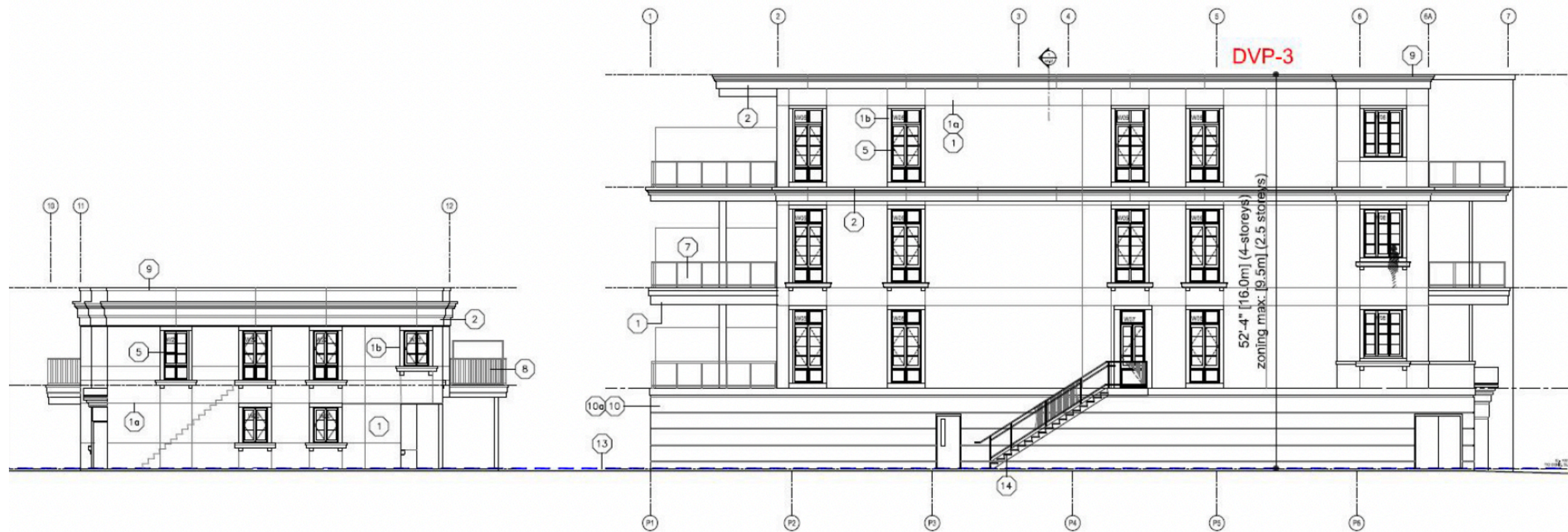


JACK
BROW
PARK
P3

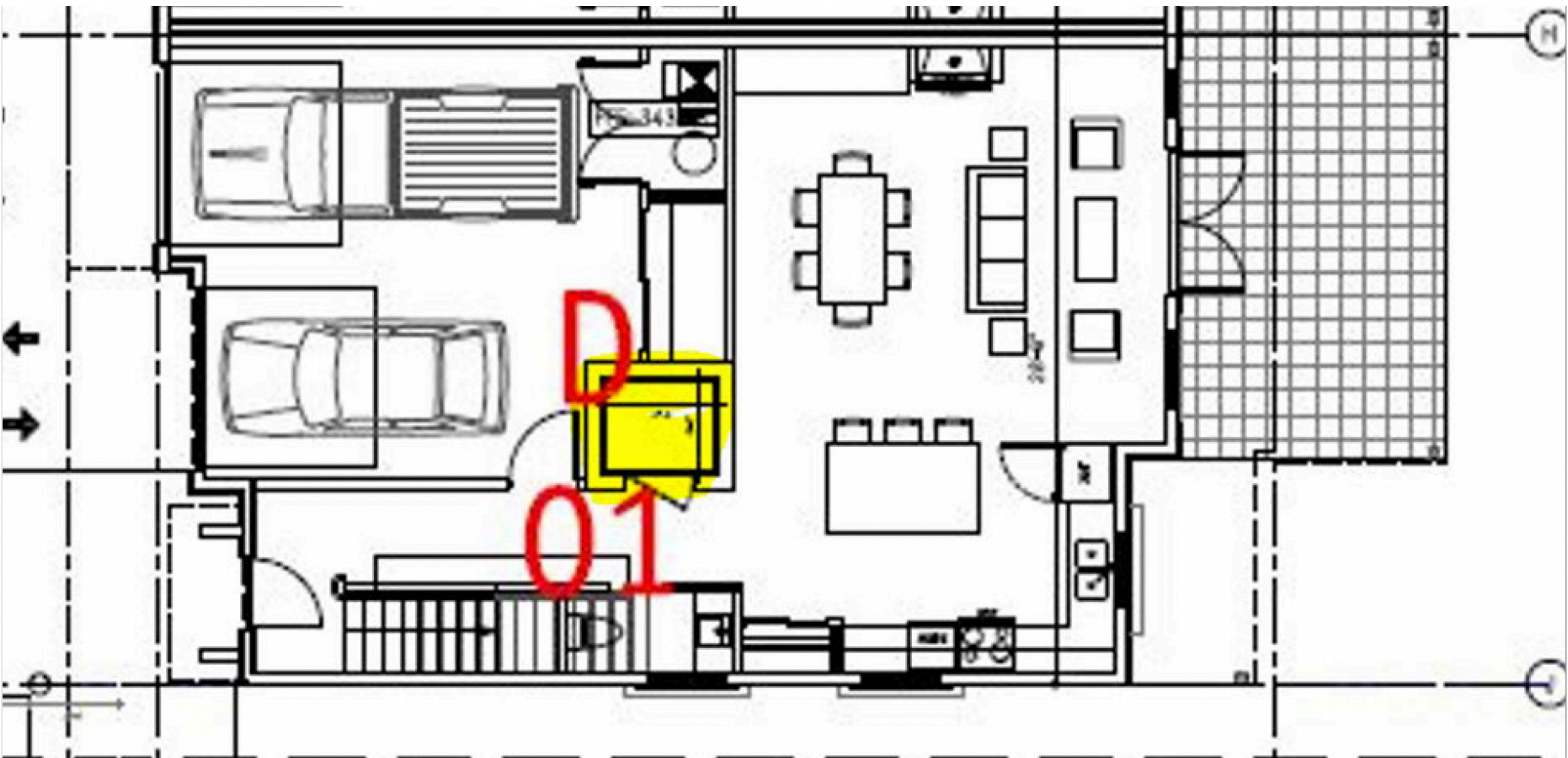


JACK
BROW
PARK
P3









Imagine a Building Designed for All

- The current designs for Kelowna's housing stock is overwhelmingly for able bodied people. Then we expect those with disabilities to renovate a new or existing building to fit their needs at considerable additional costs to them and or provincial governments. This makes no sense.
- We have designed a building that is “FOR ALL” at no additional costs per square foot.
- Our design gives access for able bodied and persons with disabilities as well as extending our ability to age in place. Through smart design we may influence future designs to follow, by creating buildings “For All”.

Design and Construction

- The project shall be designed and constructed in an environmentally, socially and economically responsible manner. MCMI encourages the exploration of options that ensure the best outcome for each project and provide innovative solutions that respond to MCMI's aspirations for accessible, sustainable design and construction.

Changes to our design

- We heard from some of our neighbours and Council that height was an issue.
- We have reduced the building from 5 stories to 4 stories.



m+m a

955 Manhattan Drive

Nov. 16, 2020



m+m a

955 Manhattan Drive

October 10, 2021

Parking On Site

- We also heard that on street parking and traffic volume was an issue on Manhattan Drive.
- We have provided 21 on site parking stalls, 17 parking stalls accessed from Guy St and 4 parking stalls that serve the two townhouses from Manhattan Drive. There is no street parking required by our proposed development.
- 2 full size Handicap stalls. 15 full size parking stalls that would allow for rear ramp entry vehicles.

Design Initiatives

- Remove all barriers for example, curbs to decks, thresholds, curb-less showers, wider hallways, 3.0' wide doors, additional backing in walls for grab bars if required, to name but a few.
- We have reduced energy consumption. By increasing the floor to ceiling heights from eight feet to twelve feet. This allows us to increase the height of the exterior windows, which provides natural day lighting deep into the floor plans. This simple initiative will dramatically reduce the daily consumption of electricity.
- We are also planning on Photo Voltaic Array on the roof. To generate electricity required to operate the building.

Design Initiatives

- Electric Vehicle plugins for all parking stalls.
- We are also planning a Central Heating Plant, In-slab Heating.
- Concrete super structure for thermal massing to reduce energy consumption and be a non-combustible structure that also is a safety improvement for all occupants.
- Meet or exceed BC Energy Step Code.
- In slab snow melt system for driveway and pathways.
- Building systems were designed to reduce energy consumption while careful consideration of life cycle costs.
- Landscape has been designed to minimize water consumption
- All of these initiatives are being driven by our energy modelling consultant

BC Energy Step Code Step 4

- The project shall comply with BC Energy Step Code Step 4, in order to meet this target, the Facility shall be designed to reduce energy demand and maximize occupant health and comfort while ensuring that the form and character goals are met.
- The BC Energy Step Code focuses on the envelope which results in a building that has a reduced heating and cooling demand. The BC Energy Step Code also focuses on the reduction of the annual energy use and reduces the electricity and natural gas used by the building in a year and in the building's operational lifespan. This all results in a total reduction in the peak demand and annual energy use for the life of building and contributes to the long-term sustainable operation of the building. This building is intended to contribute in a positive way to MCMI's commitment to sustainable practices.

Excerpts from Imagine Kelowna

- We try to balance the needs of everybody in our decision making. We recognize that inclusivity and diversity make us a stronger and more innovative community.
- We have identified the need to develop a healthy and resilient housing system with the following key characteristics: diversity of form and tenure, affordability and accessibility, and inclusiveness and coordination. We are also taking steps to identify and implement the wide range of supports our community's most vulnerable need to access and maintain housing that meets their unique needs.

Imagine Kelowna

- Build healthy neighbourhoods for all.
- Goal: Foster resident-driven solutions.
- We unleash our community's hidden talents to solve the tough challenges of the future.
- Goal: Build healthy neighbourhoods that support a variety of households, income levels and life stages.
- Everyone in our community should be able to find stable and appropriate housing.
- MCMI believes that we have made great strides towards achieving the goals of Staff and Councils vision for a more inclusive Kelowna.
- Thank you. We are available for Q & A

REPORT TO COUNCIL



Date: March 1st, 2022

To: Council

From: City Manager

Department: Development Planning

Application: DVP21-0259

Owner: Bradley James Letkeman

Address: 844 Rowcliffe Ave

Applicant: Urban Options Planning Corp.

Subject: Development Variance Permit Application

Existing OCP Designation: C-NHD – Core Area Neighbourhood

Existing Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0259 for Lot 7 District Lot 138 ODYD Plan 1407 located at 844 Rowcliffe Ave, Kelowna, BC;

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

Section 13.6.6 – RU6 – Two Dwelling Housing: Development Regulations

To vary the side yard setback from 2.0m permitted to 1.2m proposed.

AND THAT a Section 219 Covenant be registered on the Title protecting the western trees prior to issuance of the Development Variance Permit.

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 issue a Development Variance Permit to vary the side yard setback from 2.0m permitted to 1.2m proposed to allow for an addition to the existing single-family dwelling.

3.0 Development Planning

Staff support the Development Variance Permit to the side yard setback to allow for an addition to the existing single-family dwelling. The applicant has indicated that there is limited room for an addition as they want to build a carriage house in the future and want to protect the trees along the western property line. The owner has proposed to register a Section 219 covenant to protect the two mature trees. The registration of a covenant has been made a condition of the Development Variance Permit issuance. Staff

are overall supportive of the variance because the heritage character of the building is being maintained and the protection of two mature trees will continue to add value to the neighbourhood.

4.0 Proposal

4.1 Project Description

The Development Variance Permit application is to allow for a single-storey addition to the east side of the existing single-family dwelling. The addition to 1.2m will provide space for a bedroom and a bathroom. The applicant's rationale (Attachment B) has indicated that there are plans to add a carriage house in the rear, and that they would like to protect two mature trees on the western portion of the property, so this only allows an addition to the East.

4.2 Site Context

The subject property is zoned RU6 – Two Dwelling Housing and has a Future Land Use Designation of C-NHD – Core Area Neighbourhood. The property is within the Central City OCP Sector. The surrounding area is also primarily zoned RU6.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Single-Family Dwelling(s)
East	RU6 – Two Dwelling Housing	Single-Family Dwelling
South	RU6 – Two Dwelling Housing	Single-Family Dwelling(s)
West	RU6 – Two Dwelling Housing	Single-Family Dwelling

Subject Property Map: 844 Rowcliffe Ave



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	700m ²	586.74m ²
Min. Lot Width	18.0m	15.24m
Min. Lot Depth	30.0m	38.5m
Development Regulations		
Max. Site Coverage (buildings)	40%	24.35%
Max. Site Coverage (buildings, parking, driveways)	50%	32.88%
Max. Height	9.5m	6.85m
Min. Front Yard	4.5m	6.36m
Min. Side Yard (East)	2.0m	1.2m●
Min. Side Yard (West)	2.0m	4.13m
Min. Rear Yard	7.5m	17.44m
Other Regulations		
Min. Parking Requirements	2	2
● Indicates a requested variance to Section 13.6.6 – RU6 Development Regulations		

5.0 **Application Chronology**Date of Application Received: November 30th, 2021Date Public Consultation Completed: December 9th, 2021**Report prepared by:** Tyler Caswell, Planner I**Reviewed by:** Dean Strachan, Community Planning & Development Manager**Reviewed by:** Terry Barton, Development Planning Department Manager**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services**Attachments:**

Attachment A: Draft Development Permit DVP21-0259

Attachment B: Applicant's Rationale

Schedule A: Site Plan / Floor Plan

Development Permit DVP21-0259



This permit relates to land in the City of Kelowna municipally known as 844 Rowcliffe Ave

and legally known as Lot 7 District Lot 138 ODYD Plan 1407

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

Single-Family Dwelling (RU6 – Two Dwelling Housing)

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

Date of Council Decision: March 1st, 2022

Decision By: COUNCIL

Existing Zone: RU6 – Two Dwelling Housing

Future Land Use Designation: C-NHD – Core Area Neighbourhood

This is NOT a Building Permit.

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

NOTICE

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

Owner: Bradley James Letkeman

Applicant: Urban Options Planning Corp.

Terry Barton
Development Planning Department Manager
Planning & Development Services

Date

ATTACHMENT A

This forms part of application

DVP21-0259

Planner
Initials

TC



DEVELOPMENT PLANNING

105

1. SCOPE OF APPROVAL

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

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

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

2. CONDITIONS OF APPROVAL

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

Section 13.6.6 – RU6 – Two Dwelling Housing Development Regulations:

To vary the side yard setback from 2.0m permitted to 1.2m proposed.

- b) A Section 219 covenant be registered on Title protecting the western mature trees prior to issuance of Development Variance Permit.

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


3. INDEMNIFICATION

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

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

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

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

ATTACHMENT		A
This forms part of application		
# DVP21-0259		
Planner Initials	TC	 City of Kelowna DEVELOPMENT PLANNING



Nov. 26, 2021

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

Development Variance Permit Application to Allow for the Construction of an Addition to the Existing Single-Family Dwelling at 844 Rowcliffe Avenue
Zone: RU6-Two Dwelling housing

Dear Planning Staff;

The purpose of this application is to secure a Development Variance Permit to allow for a single-storey addition to the east side of the existing single-family dwelling. The side yard setback requirement will be reduced from 2.0m to 1.2m to provide space for a bedroom and a bathroom. The home was built in 1928 and requires additional rooms to support the landowner's blended family.

Due to the history of the neighbourhood, many properties on Rowcliffe Ave. contain legal non-conforming setbacks to existing structures. Although the home is not identified as heritage, the landowner is very fond of the neighbourhood character and would prefer to construct an addition to the house rather than demolishing and rebuilding. A carriage house is planned off the lane for an adult family member, ruling out the option to expand to the rear of the site. In addition, any construction to the west side of the house would result in the removal of a mature tree, therefore this Variance will allow for the preservation of existing mature trees on the property. The two very old coniferous trees in the front yard are a defining feature of the property. The development result will be sensitive infill allowing the family to blend and age in place.

In conclusion, we believe this Development Variance Permit application will have minimal impact on the neighbouring properties. Since the Rowcliffe neighbourhood is closely connected, conversations were had with multiple neighbours regarding the Variance application. All neighbours were very supportive of the project and thrilled to have the landowner and his family remain in place.

Regards,

Birte Decloux, RPP MCIP
Urban Options Planning Corp.

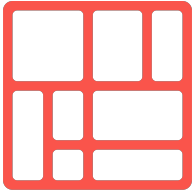
ATTACHMENT		B
This forms part of application		
# DVP21-0259		
Planner Initials	TC	 City of Kelowna DEVELOPMENT PLANNING

SCHEDULE

A

This forms part of application
DVP21-0259

Planner
Initials
TC

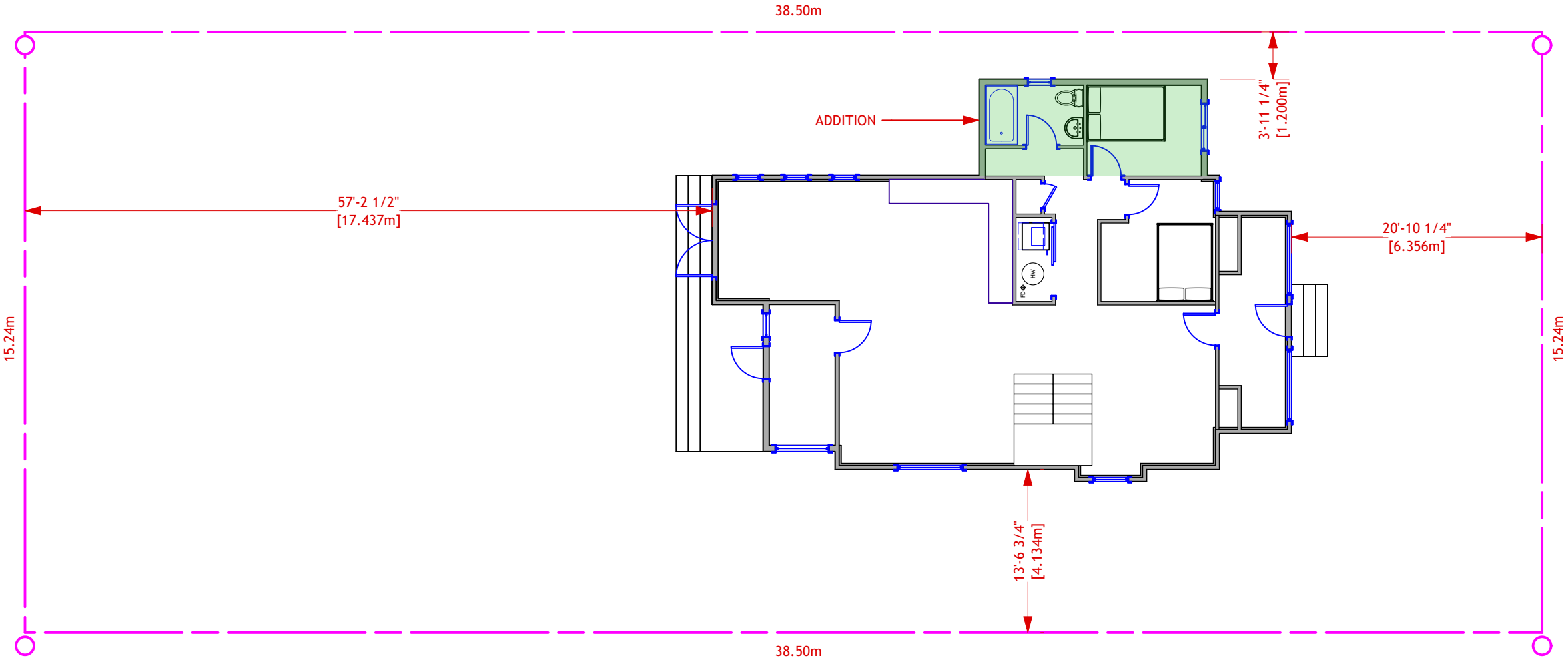


IHS DESIGN

#202-1470 ST. PAUL ST.
KELOWNA, BC
250.212.7938
info@ihdesign.ca



LANE



ROWCLIFFE AVENUE



SINGLE FAMILY ADDITION
844 ROWCLIFFE AVENUE
KELOWNA, BC V1Y 5Y8
LOT 7 PLAN KAP1407

SITE PLAN

DATE: 25-Nov-21

SCALE: 3/32" = 1'-0"

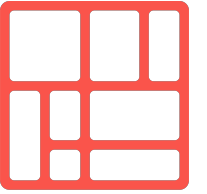
ISSUED FOR: DP

SHEET: T1

A



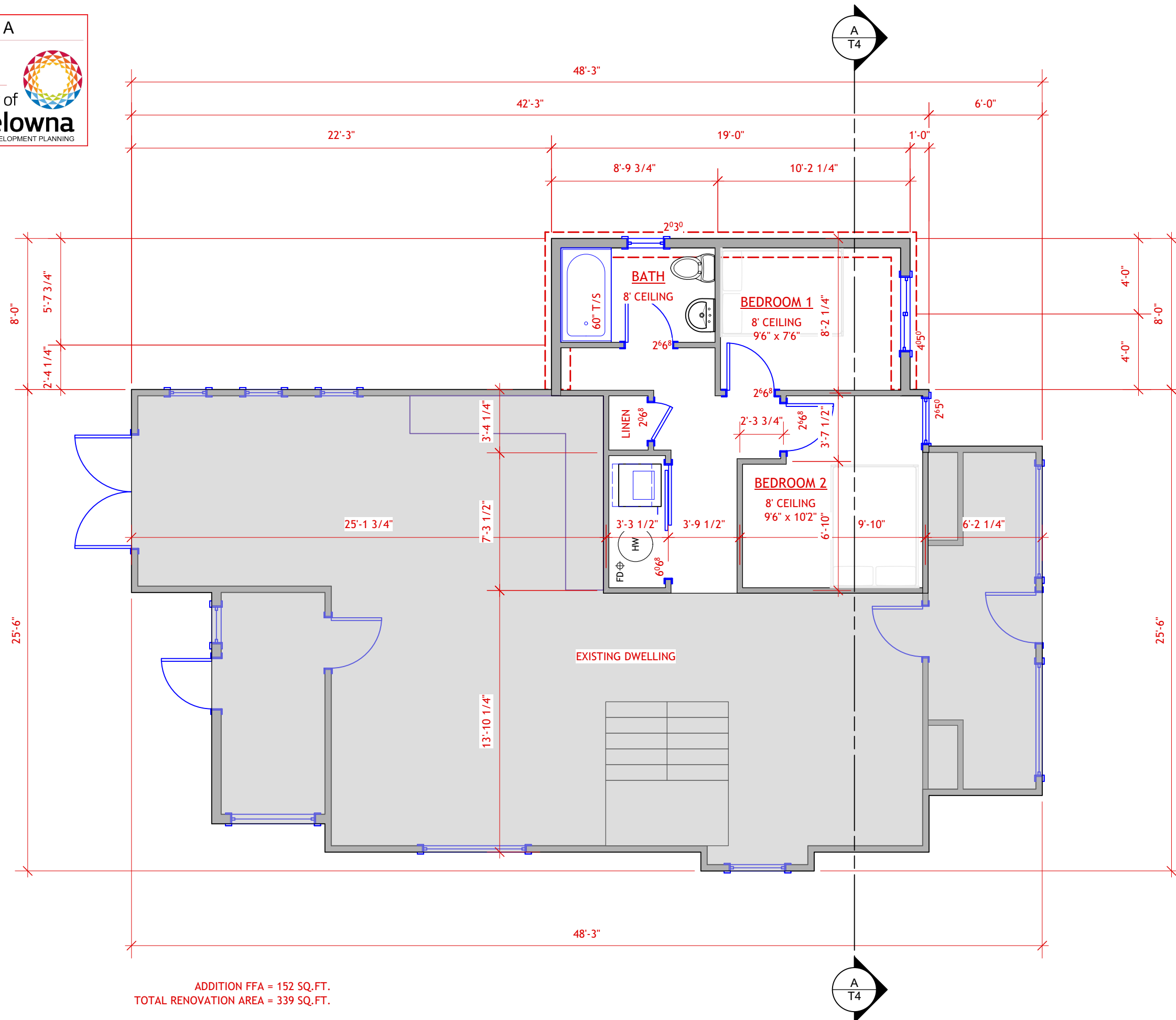
City of Kelowna
DEVELOPMENT PLANNING



#202-1470 ST. PAUL ST.
KELOWNA, BC
250.212.7938
info@ihdesign.ca



SHEET: T3





DVP21-0259

844 Clifton Road

Development Variance Application



Proposal

- ▶ To consider a Development Variance Permit to vary the side yard setback from 2.0m permitted to 1.2m proposed to allow for an addition to the existing single-family dwelling.

Development Process

Nov 30th, 2021

Development Application Submitted



Staff Review & Circulation



Dec 9th, 2021

Public Notification Received



Mar 1st, 2021

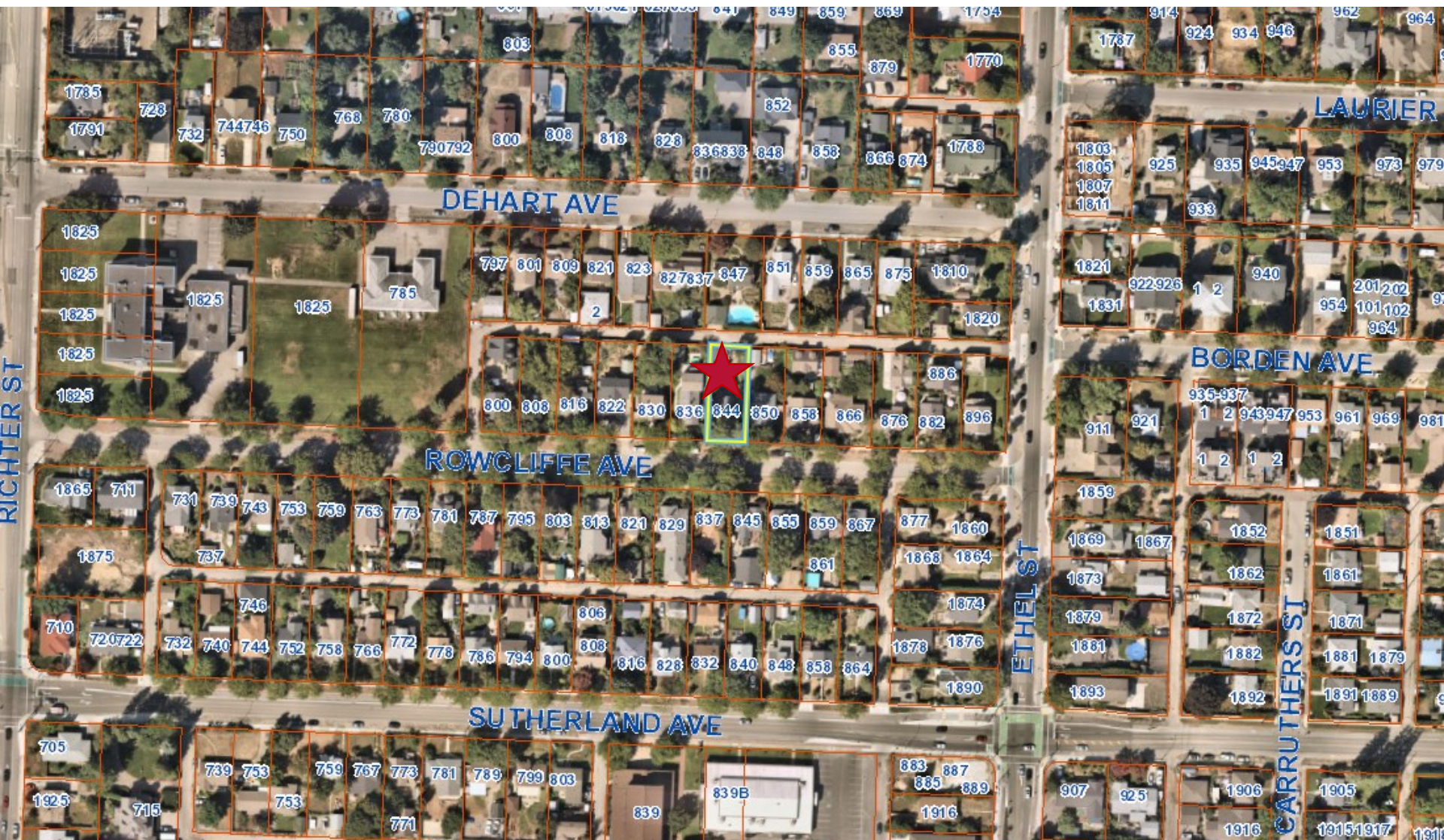
Development Variance Permit

Council
Approval

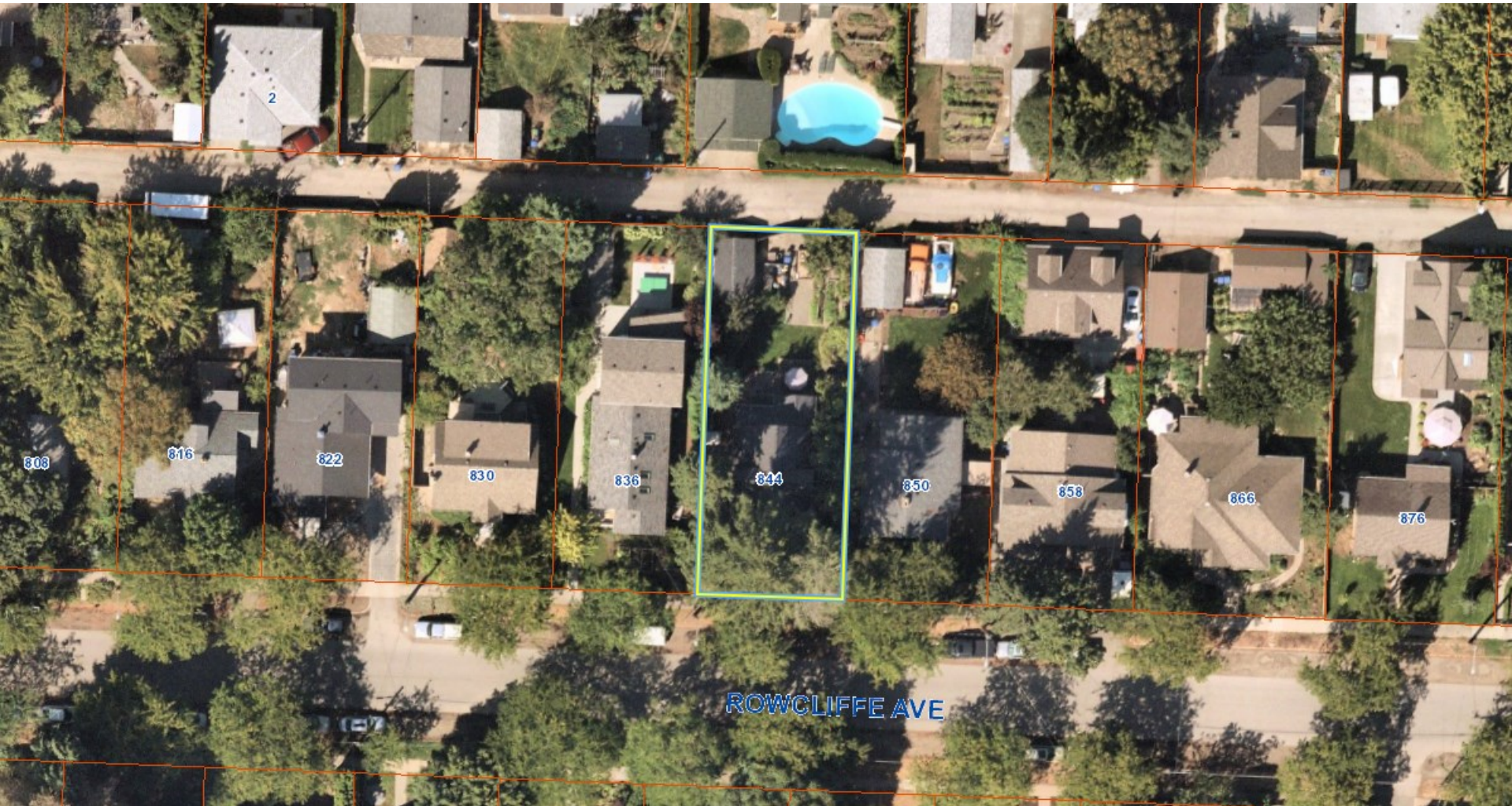


Building Permit

Context Map



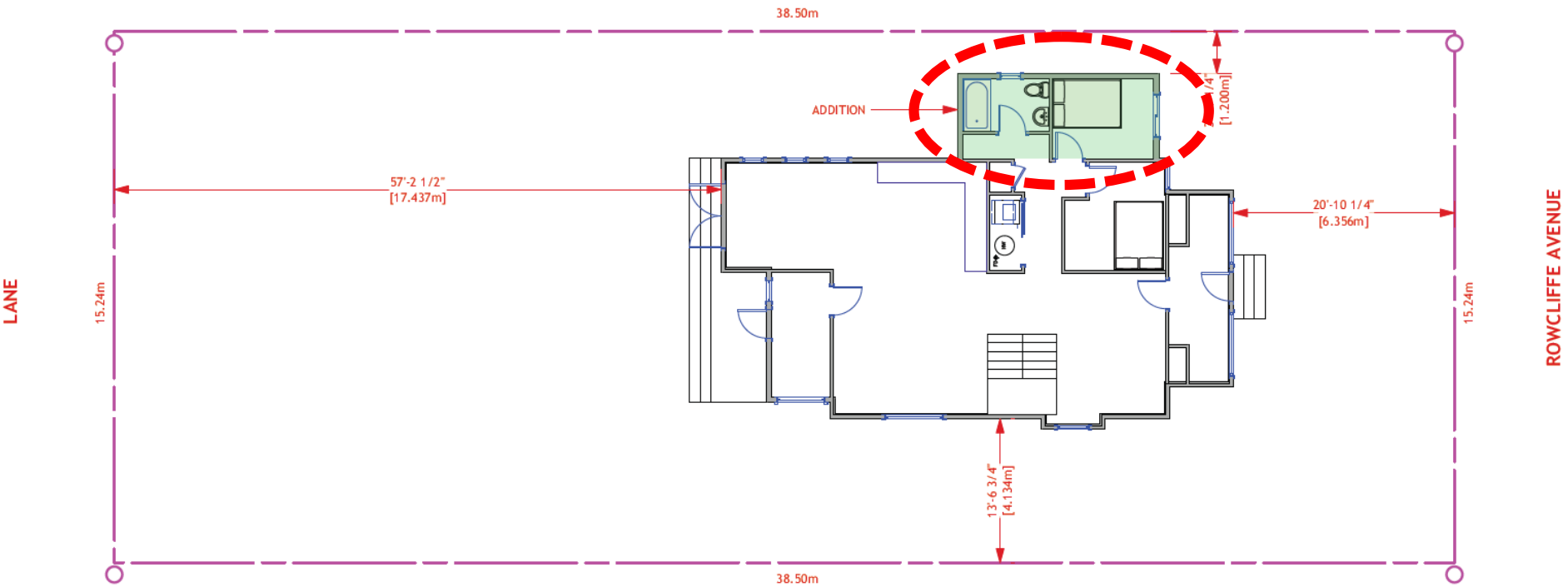
Site Map



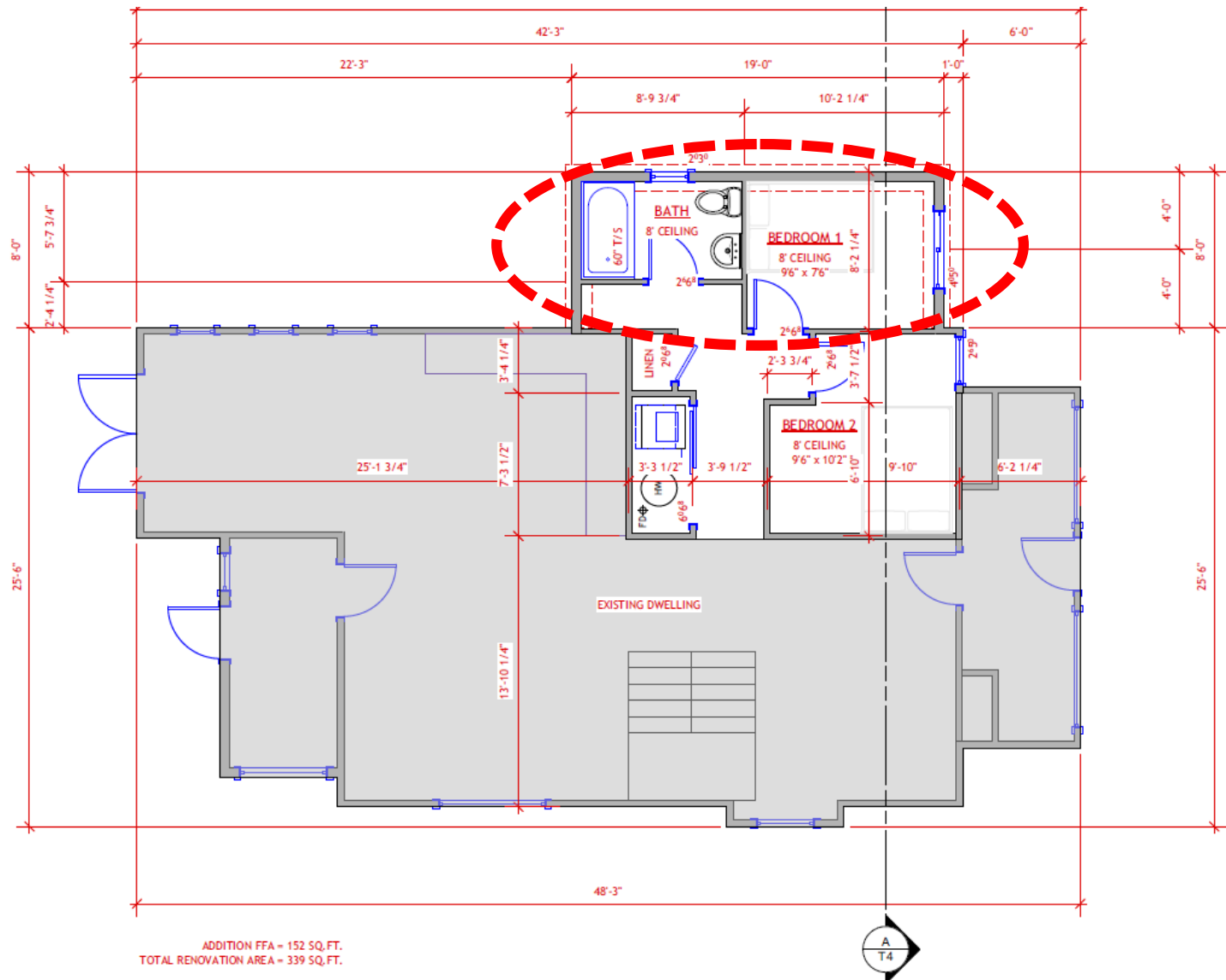
Project/technical details

- ▶ The applicant is seeking a variance to a side yard setback to add an addition to the existing dwelling.
 - ▶ The variance would be from 2.0m permitted to 1.2m proposed.
- ▶ The applicant wants to protect mature trees at the front and west side of the property. They also have indicated plans to build a carriage house.
 - ▶ This has left minimal space to add an addition.
 - ▶ The owner has offered to place a Section 219 covenant on Title to protect the mature trees.

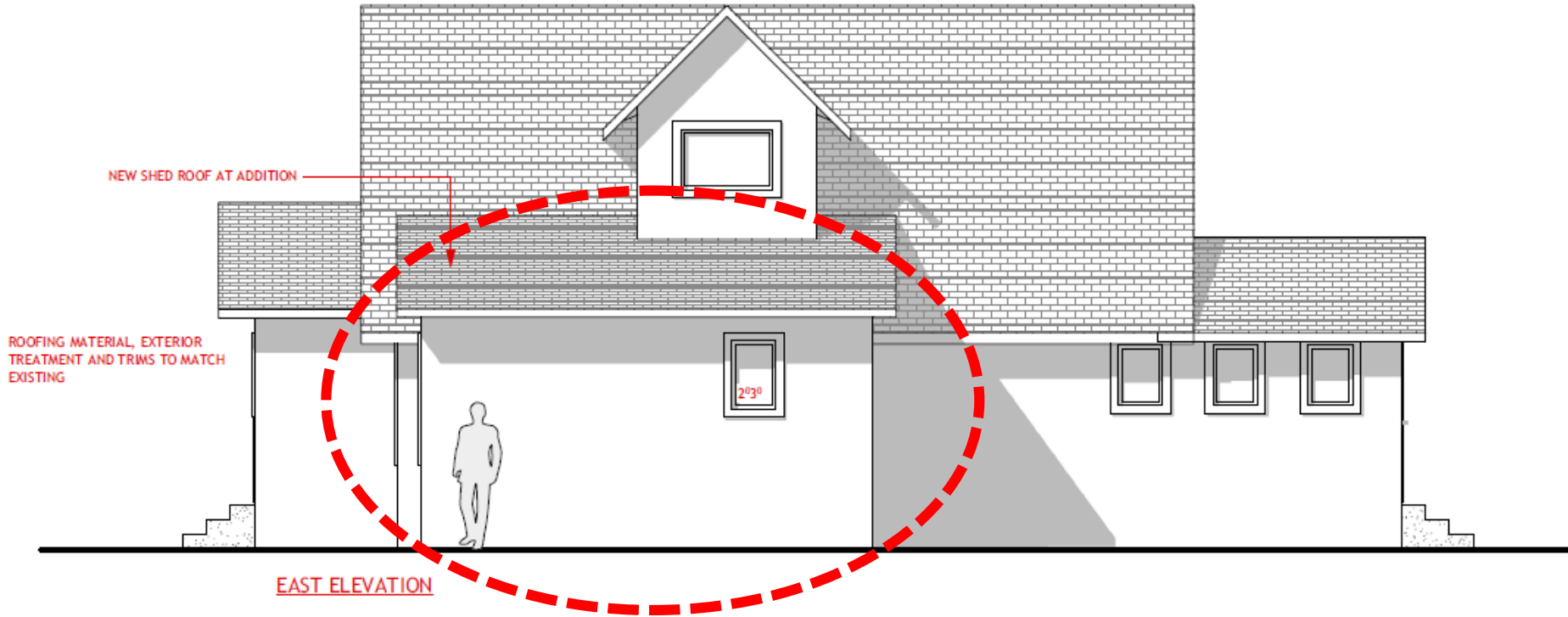
Site Plan



Floor Plan



Conceptual Elevation



Staff Recommendation

- ▶ Staff recommend **support** of the proposed Development Variance Permit application.
 - ▶ The addition protects existing mature trees.
 - ▶ Applicant has offered to register Section 219 covenant on Title to protect the tree.
 - ▶ Minimal neighbourhood impacts are anticipated.



Conclusion of Staff Remarks



844 Rowcliffe Avenue

DVP for east side yard setback

Reason for request

- Although there is plenty of room in the rear of the site, there are two families blending and a carriage house is being planned for an adult child.
- Rowcliffe is a traditional street of small well kept older homes.
- Many other properties have inconsistent setbacks.

Street context



Questions?



REPORT TO COUNCIL



Date: March 1st, 2022

To: Council

From: City Manager

Department: Development Planning

Application: DVP21-0271

Owner: Henryk & Bozena Wanczyk

Address: 114 Lake Avenue

Applicant: Urban Options Planning Corp.

Subject: Development Variance Permit Application

Existing OCP Designation: C-NHD – Core Area Neighbourhood, NAT – Natural Areas, PARK - Parks

Existing Zone: RU1 – Large Lot Housing

1.0 Recommendation

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP21-0271 for Lot A District Lot 14 ODYD Plan 6424, located at 114 Lake Avenue, Kelowna, BC.

2.0 Purpose

To consider a Staff recommendation to NOT issue a Development Variance Permit to vary the required short term rental parking spaces from 1 stall required to 0 stalls proposed on the subject property.

3.0 Development Planning

Development Planning do not support the proposed Development Variance Permit application to vary the required short-term rental (STR) parking. Due to the location of the dwelling and the legal non-conforming setbacks, it is not possible to provide on-site parking for the proposed STR. There is limited parking in the surrounding area, as Lake Avenue does not allow any street parking and the beach access parking lot is limited to hours of operation and time.

As part of the original STR bylaw amendments that were adopted in 2019, Staff wanted to be ensured all parking could be provided on-site to avoid any conflicts with the neighbourhood. Required on-site parking is consistent with secondary suites and any new residential building. Overall, Staff are not supportive of the proposed variance because the proposal doesn't meet the intent of the short-term rental parking regulations.

4.0 Proposal

4.1 Background

The subject property has had several Building Permits and alterations over the past several decades. The first Building Permit was approved in 1954 to allow for the construction of a single-family dwelling along Mill Creek. The owners applied for a Building Permit, which was denied by Staff, however, it was brought to the Board of Variance and was eventually approved. In 1989 the home was destroyed by a fire, and the owners brought new variances to the Board of Variance, which included the reduction of the front yard setback from 6.0m to 3.35m and the rear yard setback from 4.5m to 1.52m. This was approved by the Board and the home was constructed in 1990. Today the home remains with the approved legal non-conformities. The owners had a previous bed and breakfast license that was approved in 2006 and 2011, but eventually was not renewed.

On February 25, 2019, Staff brought forward a Text Amendment Application (TA19-0007) to implement new amendments for short-term rental (STR) accommodation in Kelowna. The regulations were set up to balance the desire to allow STRs but also protect long-term rentals. As part of this amendment, Staff also implemented minimum parking requirements, which includes one additional stall for 1-2 bedrooms and two stalls for 3 bedrooms. Following the adoption of the STR bylaw, the owners of the subject property applied for a Business License for a STR in October 2020 and November 2021 but were denied to due insufficient parking.

The original proposal was for a Development Variance Permit to vary the front yard setback for an additional parking space in the front of the property. This would have added a third parking space in tandem along the street frontage. Following the circulation period, there were several concerns that were raised by internal departments (Development Planning, Development Engineering, Transportation, Operations, and the Fire Department) on the safety and functionality of the proposed space. The space would have created a potential conflict with the users of sidewalk (including the future multi-use pathway), driveway width, emergency access/egress and the functionality of parking configuration. Due to these concerns it was not possible for Staff to bring the application forward and recommended that the applicant move forward with zero stalls, which would keep the legal non-conformity on-site.

4.2 Project Description

The proposed Development Variance Permit Application is to allow for zero parking stalls for a proposed Short-Term Rental Use. The property was constructed in 1990 with several approved variances, making on-site parking limited. The property currently has two legal non-conforming parking spaces in the front yard setback, which are for the principal dwelling. An approved variance would allow the property owners to obtain a Business License for a two-bedroom short-term rental.

4.3 Site Context

The subject property is in the Central City OCP Sector, and the surrounding area is primarily zoned RU1 – Large Lot Housing, RU1c – Large Lot Housing with Carriage House, P3 – Parks and Open Space and W1 – Recreational Water Use. The property borders Mill Creek to the North and the Lake Avenue Beach Access to the Southwest. The surrounding Future Land Use Designation is a mix of Core Area Neighbourhood, Natural Area and Park.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 – Parks and Open Space	Mill Creek
East	RU1c – Large Lot Housing with Carriage House	Single-Family Dwelling & Carriage House
South	RU1 – Large Lot Housing	Single-Family Dwelling
West	W1 – Recreational Water Use	Okanagan Lake

Subject Property Map: 114 Lake Ave**4.4 Zoning Analysis Table**

Zoning Analysis Table		
CRITERIA	RU ₁ ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	550m ²	384.8m ²
Min. Lot Width	16.5m	41.19m
Min. Lot Depth	30.0m	18.07m
Development Regulations		
Max. Site Coverage (buildings)	40%	51.4%
Max. Site Coverage (buildings, parking, driveways)	50%	66.3%
Max. Height	2.5 storeys	2 storeys
Min. Front Yard	4.5m	4.33m
Min. Side Yard (East)	2.3m	2.42m
Min. Rear Yard	7.5m	1.52m
Other Regulations		
Min. Parking Requirements	2	2
Min. Short Term Rental Stalls	1	0 ❶
❶ Indicates a requested variance to Table 8.3.1.1 – Residential Parking Requirements		

5.0 Application Chronology

Date of Application Received: December 9th, 2021
 Date Public Consultation Completed: January 14th, 2022

6.o Alternate Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0271 for Lot A District Lot 14 ODYD Plan 6424, located at 114 Lake Ave, Kelowna, BC;

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

Section 8: Parking and Loading, Table 8.3.1.1 - Residential Parking

To vary the required two-bedroom short-term rental parking from 1 stall required to 0 stalls proposed.

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

Report prepared by: Tyler Caswell, Planner

Reviewed by: Dean Strachan, Community Planning & Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Draft Development Permit DVP21-0271

Attachment B: Applicant's Rationale

Schedule A: Site Plan

Development Variance Permit

DVP21-0271



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

114 Lake Avenue

and legally known as

Lot A District Lot 14 ODYD Plan 6424

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

RU1 – Large Lot Housing

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

Date of Council Decision March 1st, 2022

Decision By: COUNCIL

Existing Zone: RU1 – Large Lot Housing

Future Land Use Designation: C-NHD – Core Area Neighbourhood / NAT – Natural Areas / PARK - Parks

This is NOT a Building Permit.

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

NOTICE

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

Owner: Henryk & Bozena Wanczyk

Applicant: Urban Options Planning Corp.

Terry Barton
Development Planning Department Manager
Planning & Development Services

Date

ATTACHMENT A

This forms part of application

DVP21-0271

Planner
Initials

TC



1. SCOPE OF APPROVAL

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

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

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

2. CONDITIONS OF APPROVAL

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

Table 8.3.1.1

To vary the required two-bedroom short-term rental parking from 1 stall required to 0 stalls proposed.

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

3. INDEMNIFICATION

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

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

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

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

ATTACHMENT		A
This forms part of application		
# DVP21-0271		
Planner Initials	TC	 City of Kelowna <small>DEVELOPMENT PLANNING</small>



City of Kelowna
 Urban Planning Department
 Attn. Tyler Caswell
 1435 Water Street
 Kelowna, BC

Development Variance Permit Application at 114 Lake Ave.

Dear Tyler,

The purpose of this application is to secure a Development Variance Permit to allow for zero parking stalls under the proposed Short-Term Rental use. Due to the history of the property and surrounding neighbourhood, the existing dwelling and parking configuration is legal non-conforming by today's standards. No new construction will be undertaken as part of this application.

History

Year	Event
1959	A single-family dwelling existed on the property as shown by historic air photos.
1968 (July)	A BP application for a "sundeck" addition was denied by Inspection Services. The landowner chose to appeal against the Inspector, which was brought to the Board of Variance and approved due to hardship of the property size.
1989 (October)	Existing home burned in a fire. As the drawings for the new home were different, the following Variances were brought to the Board of Variance, and approved: <ul style="list-style-type: none"> Reduction of the front yard setback from 6.0m to 3.35m Reduction of the rear yard setback from 4.5m to 1.524m The new home was built in 1990.
2006 (May)	A Business License was issued for Bed and Breakfast on the subject property.
2011 (April)	Under new ownership, a Business License was issued for Bed and Breakfast on the subject property.
2020 (October)	A Business License was denied for Short-Term Rental use. The landowner was then advised to submit a DVP application for parking. There was some confusion and the landowner withdrew the DVP application.
2021 (September)	A revised Business License application was submitted with a new parking plan based on the legal non-conforming front yard. The application was denied.
2021 (November)	Urban Options was hired as the agent for the DVP application.

Figure 1 – 114 Lake Ave. History Chart

As described in *Figure 1*, the property has undergone multiple Variances dating back to 1968 as hardships in lot size have occurred historically. Beginning in 2006, a Bed and Breakfast was present on the subject property for many years.

Please note that the Bed and Breakfast use requires 1 parking stall for each sleeping unit plus the parking requirement for the single-family dwelling, for a total of 3 stalls (previous licenses were approved for 1 Bed & Breakfast sleeping unit).

In 2020, the current owners purchased the property with the intent of transforming the Bed and Breakfast use into Short-Term Rental. However, the City denied the application and recommended a Development Variance application be submitted to address parking in the front yard. The owners did submit a Variance application; however, it was never formally accepted by City Staff due to an incomplete application and a site visit which deemed the project “unsightly.”

In the summer of 2021, a Business License application was submitted with a revised parking plan. Although the existing parking configuration is legal non-conforming, a Short-Term Rental was considered a “new use” on the property, therefore the legal non-conformity does not apply. Urban Options then became involved to submit a DVP application.

Development Variance Permit

As shown on the attached site plan, the two existing stalls for the single-family dwelling are legal non-conforming. City Planning and Development Engineering Staff expressed concerns with the addition of a third parking stall on the subject property. Therefore, the Variance application is described as the following:

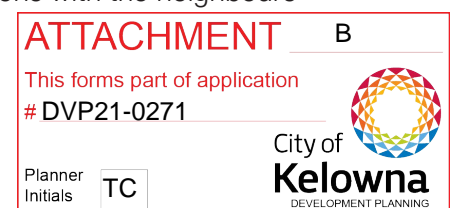
- Development Variance Permit application to vary Table 8.3.1.1 to allow for zero parking spaces per two (short-term rental) sleeping units.

The existing front yard setback permitted on the property is 3.35m due to a Board of Variance decision in 1989. However, the site survey dated June 28, 1990 shows the existing front yard setback at 4.33m. We believe it is reasonable to vary the parking configuration as there are no alternative parking options on the property, and the landowner has no concerns using 1 existing stall for the principal dwelling and the other existing stall for the short-term rental. No structural modifications have occurred since the previous Bed & Breakfast was in operation.

Neighbourhood Context

In the surrounding neighbourhood, many properties contain a Secondary Suite, Carriage House, or Short-Term Rental License. The subject property is located adjacent to a City of Kelowna Park and Beach Access, which is desirable for short-term renters. In addition, “Lake Path” connects the property to City Park and the Downtown Core, which contains many economic tourist attractions.


The Lake Avenue neighbourhood has been concerned in recent years with non-compliant activity occurring at the Beach Access. We believe a viable short-term rental business on the subject property will help to mitigate non-compliant activity by providing additional eyes on the street and enhancing the neighbourhood with respectful guests. Preliminary conversations with the neighbours have been very positive as they would like to see changes occur.



We appreciate the processing and feedback of this application. For any questions, please contact Birte at 250.575.6707 or email birte@urbanoptions.ca.

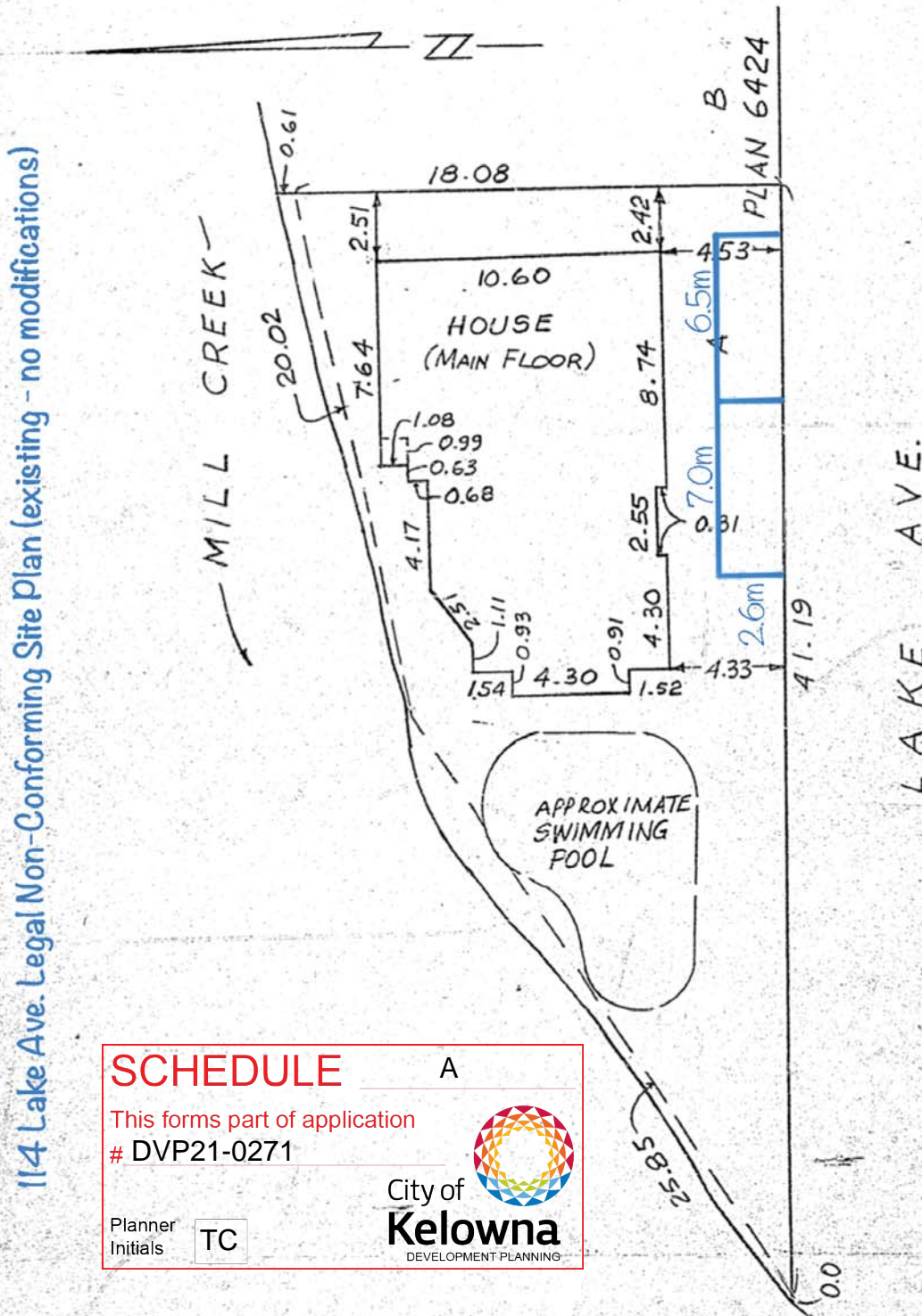
Regards,

Urban Options Planning Corp.
By its Authorized Signatory; Birte Decloux RPP MCIP

ATTACHMENT		B
This forms part of application		
# DVP21-0271		
Planner Initials	TC	 City of Kelowna DEVELOPMENT PLANNING

SURVEYOR'S CERTIFICATE OF LOCATION
LOT A, PLAN 6424, D.L. 14, O.D.Y.D.

Scale: 1: 200 (DISTANCES ARE IN METRES)



SCHEDULE

A

This forms part of application

DVP21-0271

Planner
Initials

TC

City of
Kelowna
DEVELOPMENT PLANNING



THIS CERTIFICATE IS PREPARED FOR MORTGAGE AND / OR BUILDING LOCATION PURPOSES ONLY, AND IS NOT TO BE USED FOR THE LOCATION OF PROPERTY BOUNDARIES. THIS CERTIFICATE IS VALID ONLY WHEN SEALED AND ORIGINALLY SIGNED. CERTIFIED CORRECT AND VALID ONLY IN RESPECT TO THE IMPROVEMENTS, AS SHOWN, AND

LOCATED ON THE 28 DAY OF June, 1990.

PREPARED FOR:
STERLING CONSTRUCTION
KELOWNA, B.C.

CIVIC ADDRESS:
114 LAKE AVE.
KELOWNA, B.C.

B.C. LAND SURVEYOR

SK1

114 Lake Ave.

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G. REMPE Urban Options
BOX 250, WE Feb 1, 2022

B. 90/249

134
URBAN OPTIONS
Planning Corp.



DVP21-0271

114 Lake Avenue

Development Variance Application



Proposal

- ▶ To consider a Staff recommendation to NOT issue a Development Variance Permit to vary the required short-term rental parking spaces from 1 stall required to 0 stalls proposed.

Development Process

Dec 9th, 2021

Development Application Submitted



Staff Review & Circulation



Jan 14th, 2022

Public Notification Received



Mar 1st, 2022

Development Variance Permit

} Council
Approval



Building Permit

Context Map



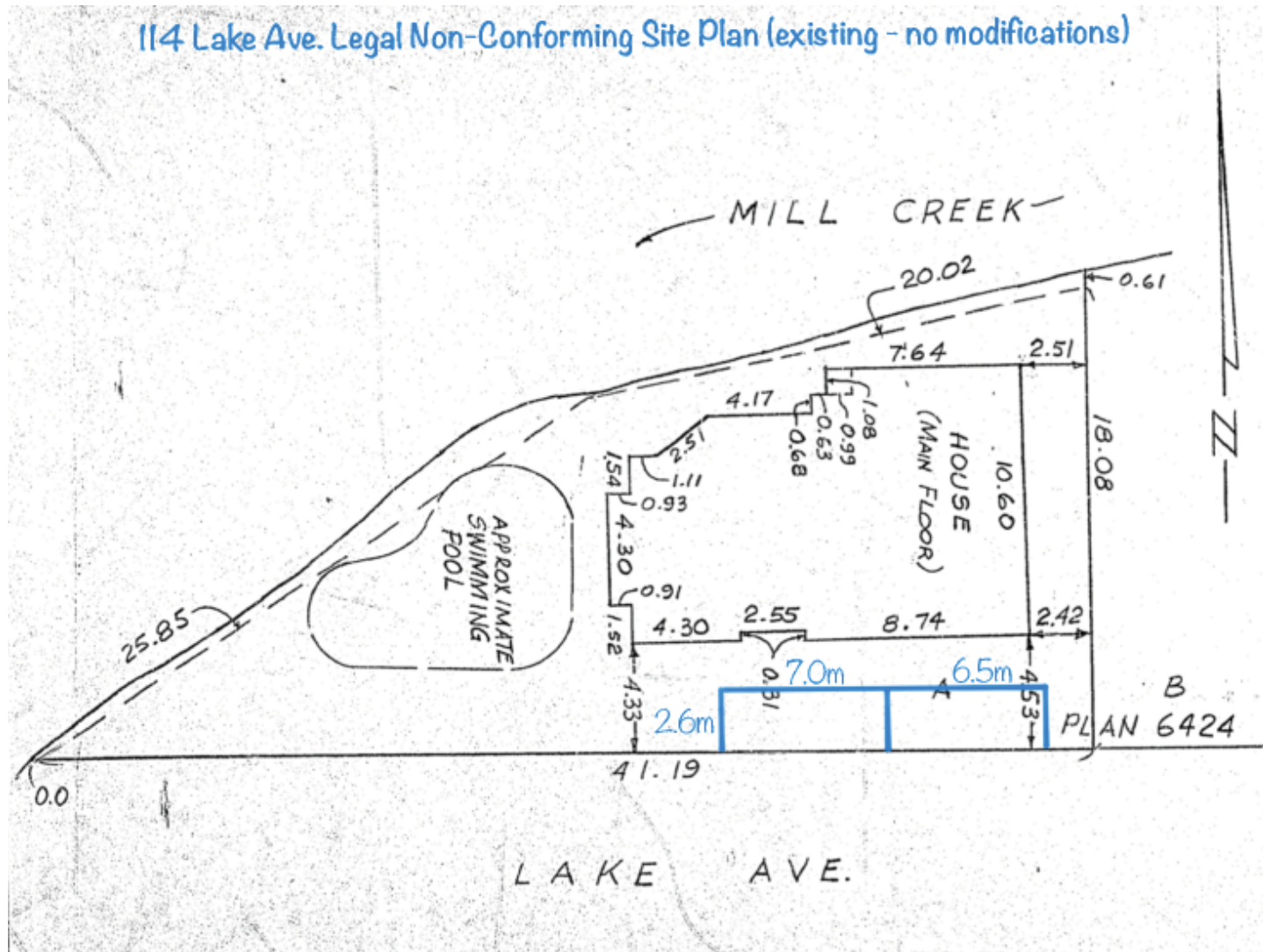
Site Map



Project/technical details

- ▶ The applicant is proposing 0 parking stall for a proposed short-term rental use.
- ▶ The property was constructed in 1990 with several variances, making it not possible to provide on-site parking.
- ▶ There are currently two legal non-conforming stalls in the front yard setback parallel to Lake Avenue.

Conceptual Site Plan



Site Photographs



Front Yard—Parking Configuration

Staff Recommendation

- ▶ Staff **do not** recommend support for the proposed Development Variance Permit Application:
 - ▶ Proposal does not meet intent of short-term rental bylaw.
 - ▶ Limited parking in surrounding area as there is no available street parking on Lake Avenue.



Conclusion of Staff Remarks



114 Lake Avenue



A bit of History

Photos history shows a single family home in this location in 1959.

The picture below is from 1964 (better quality)

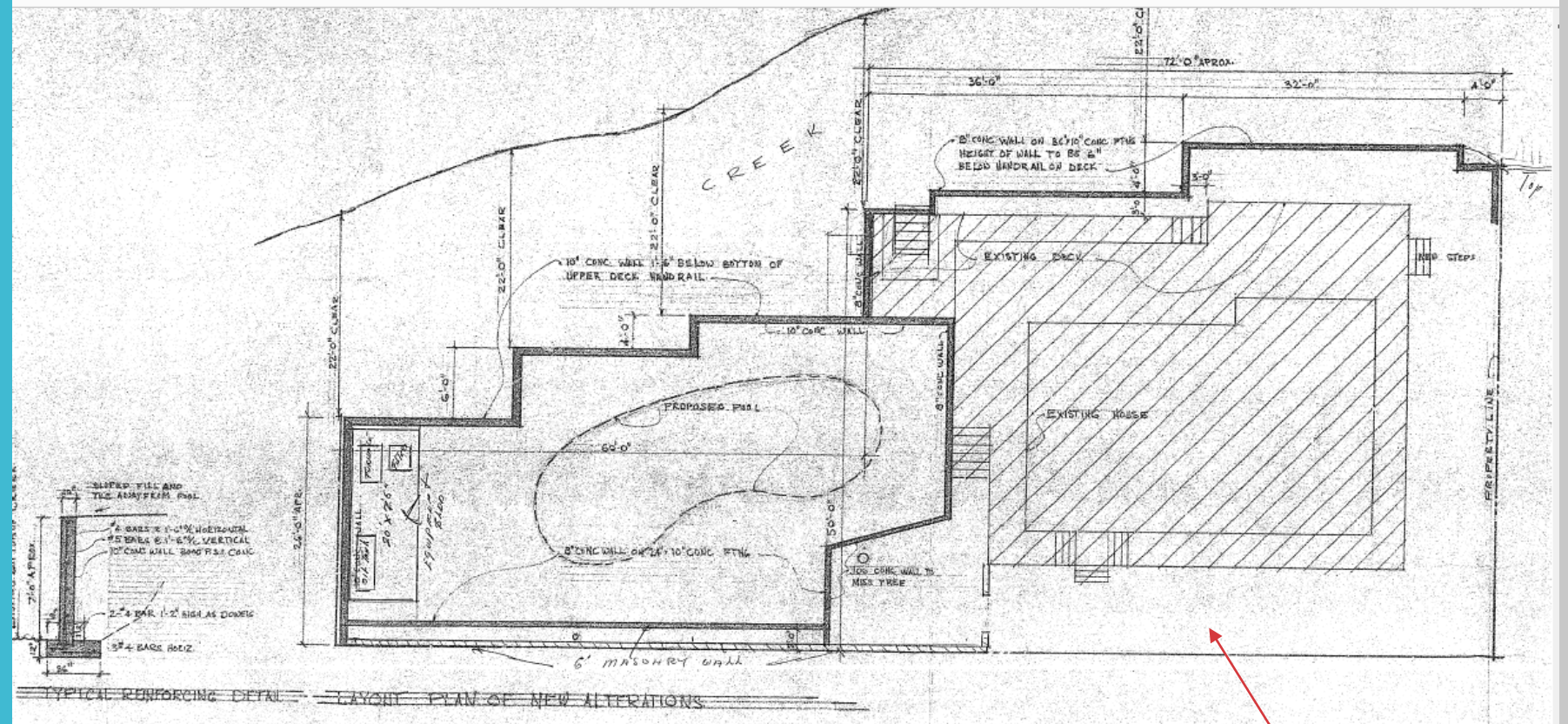


1974 site photo

- 1968 (July)
- A BP application for a “sundeck” addition was denied by Inspection Services. The landowner chose to appeal against the Inspector, which was brought to the Board of Variance and approved due to hardship of the property size.

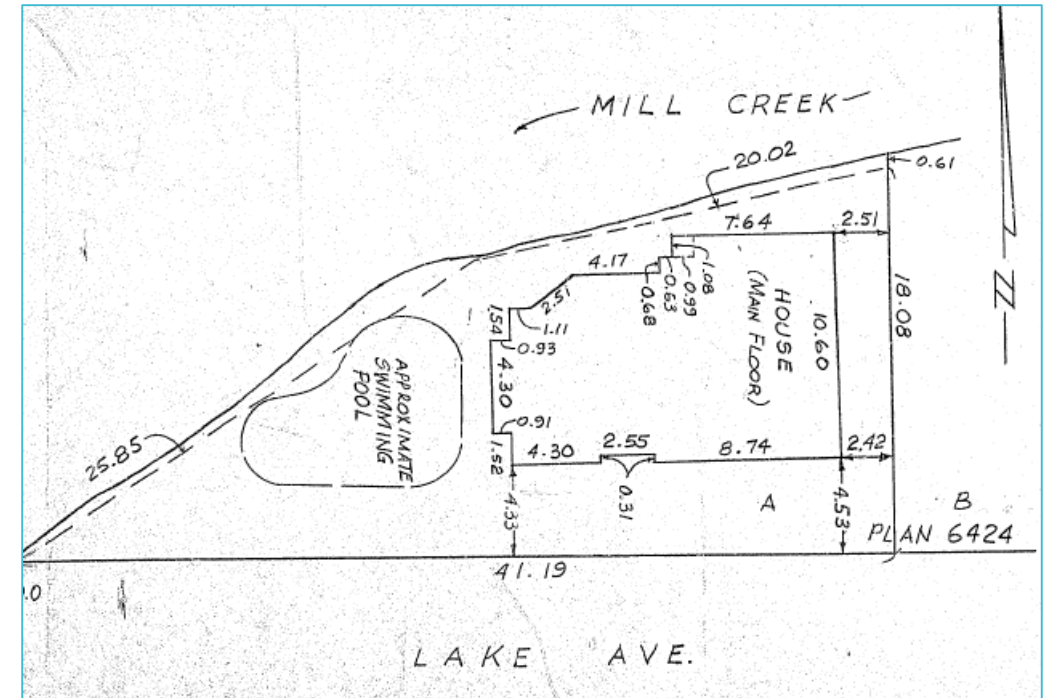
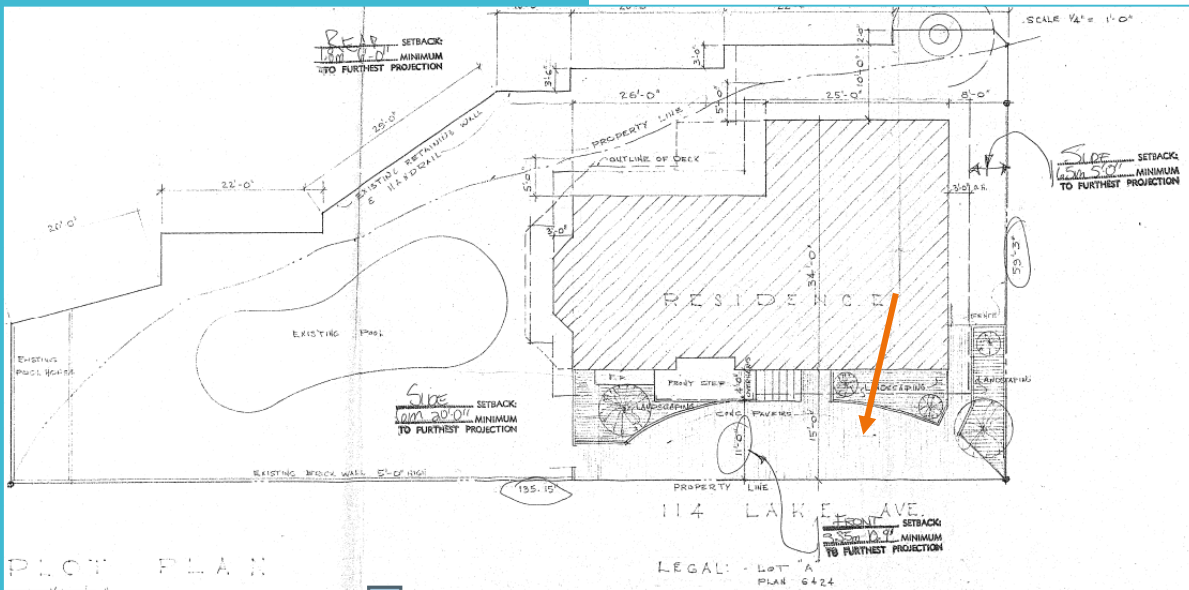


1977 Site plan



1990 Site plan

- 1989 (October)
- Existing home burned in a fire. As the drawings for the new home were different, the following Variances were brought to the Board of Variance, and approved:
 - Reduction of the front yard setback from 6.0m to 3.35m
 - Reduction of the rear yard setback from 4.5m to 1.524m
- The new home was built in 1990 and remains much the same today.



Recent details

- 2006 (May)
 - A Business License was issued for Bed and Breakfast on the subject property.
- 2011 (April)
 - Under new ownership, a Business License was issued for Bed and Breakfast on the subject property.
- 2020 (October)
 - A Business License was denied for Short-Term Rental use.

Proposed:
seeking variance to
eliminate parking for
short term rental



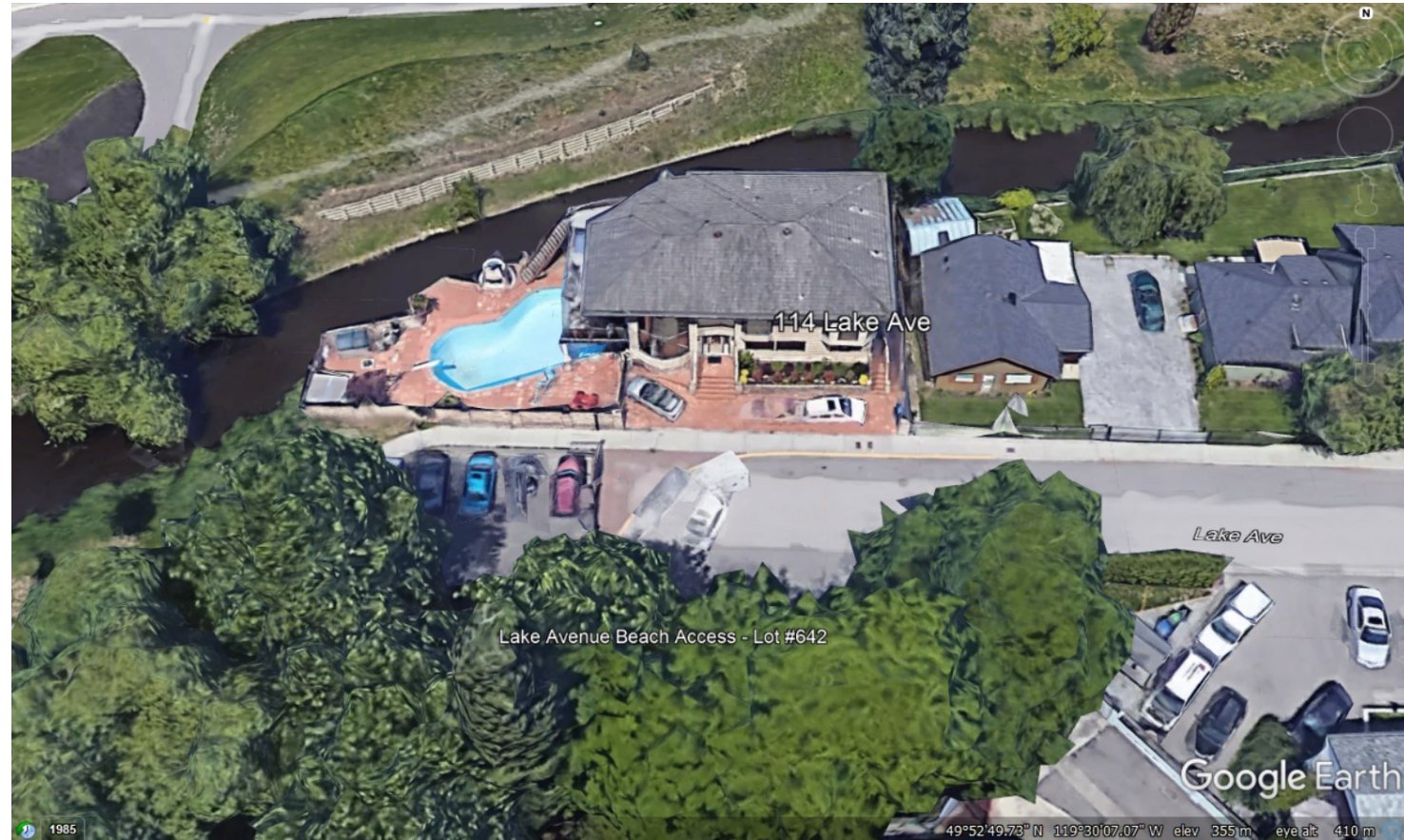
Comparison between “Bed and Breakfast” and “Short Term Rental”

- Short Term rental:
 - Overnight accommodation for 29 days or less
 - parking for 2 bedrooms or less = 1 stall required
- Bed and Breakfast:
 - Temporary overnight accommodation with breakfast
 - 1 parking space per sleeping unit = 2 stalls required

Conclusion

- The DVP sought to remove the requirement for parking in a short term rental.
- For previous B&B licenses the site did not meet the parking requirements and license was issued.
- Property can park 2 large vehicles without encroaching on city land or sidewalk.
- When the residence has guests the landowner will move 1 vehicle to another location

QUESTIONS?



REPORT TO COUNCIL



Date: March 1st, 2022

To: Council

From: City Manager

Department: Development Planning

Application: DP21-0172 / DVP21-0173

Owner: 1258105 BC Ltd. Inc. No.
BC1258105

Address: 365 Hwy 33 E

Applicant: LIME Architecture Inc.

Subject: Development Permit & Development Variance Permit Application

Existing OCP Designation: UC – Urban Centres

Existing Zone: RM₃ – Low Density Multiple Housing

1.0 Recommendation

THAT Council authorize the issuance of Development Permit No. DP21-0172 for Lot C Section 23 Township 26 ODYD District Plan 5012, located at 365 Hwy 33 E, Kelowna, BC subject to the following:

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0173 for Lot C Section 23 Township 26 ODYD Plan 5012, located at 365 Hwy 33 E, Kelowna, BC;

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

Section 13.9.6(e) – RM₃ - Low Density Multiple Housing Development Regulations

To vary the side yard setback from 4.0m required to 1.5m proposed.

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

2.0 Purpose

To consider a Development Permit for the form and character of a multi-family building and to consider a variance to the side yard setback.

3.0 Development Planning

Staff support the proposed development and the associated variance to side yard setback due to the consistency with Official Community Plan's (OCP) Urban Design Guidelines. The subject property is in the Rutland Urban Centre and the proposal meets the intent of the area in relation to compact urban form and development along Transit Supported Corridors. The building uses several materials and colours that will be incorporated will into the neighbourhood.

Staff also support the variance to the side yard setback as there are several site constraints due to required road dedication. This dedication includes 5.0m dedication on Hwy 33 E, 2.5m dedication on Mallach Road and a 6.0m corner roading. The variance to the side yard is required in order to meet required drive aisle width and parking lot sizes. The proposed landscaping will help mitigate the setback distance from the neighbouring property. Overall, the proposed form and character is strong and will be an important addition to the Rutland Urban Centre.

4.0 Proposal

4.1 Background

The subject property had a Development Permit (DP18-0123) and Development Variance Permit (DVP18-0124) approved by Council on January 15, 2019. The Permit was for four units within two buildings, however, this eventually expired, and a new application is required.

4.2 Project Description

The Development Permit and Development Variance Permit applications are for four-unit three-storey buildings. The proposed building is on the corner of Mallach Road and Highway 33 East, and the building provides accessible entries from both roads. Ground level parking is provided from the rear laneway, which provides 8 parking stalls, including the required accessible stall. This area also includes a storage area, which includes secured bicycle storage. The parking area is appropriately screened from both roads, creating a strong street interface along both roads. The building provides private outdoor space on both a large deck off the dining area of each unit, as well as a rooftop patio.

The project uses several materials and colours including light national walnut compost lap siding, grey/white stucco and grey roofing. The Landscape Plan (Schedule C) includes five shade trees along the East property line, which will help mitigate and screen the neighbouring property from the proposed reduced setback. The plan also proposes shrubs and grasses throughout the site, as well as molok bins directly off the lane.

4.3 Site Context

The subject property is in the Rutland OCP Sector and is within the Permanent Growth Boundary (PGB). The surrounding area is primarily zoned RM3 – Low Density Multiple Housing, RU6 – Two Dwelling Housing and RU1 – Large Lot Housing.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single-Family Dwelling
East	RU6 – Two Dwelling Housing	Duplex / Single-Family Dwelling
South	RM3 – Low Density Multiple Housing	Townhouses
West	RM3 – Low Density Multiple Housing	Townhouses

Subject Property Map: 365 Hwy 33 E



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM3 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	850m ²	900m ²
Min. Lot Width	18.9m	30.0m
Min. Lot Depth	46.45m	30.0m
Development Regulations		
Max. Floor Area Ratio	0.8	0.75
Max. Site Coverage (buildings)	50%	50%
Max. Site Coverage (buildings, parking, driveways)	60%	53%
Max. Height	10.0m	9.9m
Min. Front Yard	1.5m	3.0m
Min. Side Yard (East)	4.0m	1.5m
Min. Side Yard (West)	1.5m	1.5m
Min. Rear Yard (public lane)	3.0m	3.0m
Other Regulations		
Min. Parking Requirements	7	8
Min. Bicycle Parking (Short-Term)	4	6

Min. Bicycle Parking (Long-Term)	4	4
Min. Private Open Space	100m ²	374.59m ²
● Indicates a requested variance to Section 13.9.6e – Development Regulations		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 4.7 – Focus new development in Rutland strategically to create a high-density business and residential hub to support improved services and amenities.	
Policy 4.7.5 Highway 33 Streetscape	Collaborate with the Ministry of Transportation and Infrastructure to advance beautification efforts along Highway 33 through to Rutland Urban Centre, with due consideration for the timing of other infrastructure improvements along the corridor. <i>The proposal includes new vegetation and a modern façade along Hwy 33 E.</i>
Objective 4.12 – Increase the density of housing types and tenures to create inclusive, affordable and complete Urban Centres.	
Policy 4.12.2. Family-Friendly Housing	Incorporate ground-oriented units in the design of multi-family developments to support family-friendly types. Ensure that multi-unit developments include a variety of unit size, encouraging 10 percent of new units to be three or more bedrooms. <i>The proposal includes family-friendly housing in regards to bedroom count.</i>

6.0 Technical Comments

6.1 Development Engineering Department

6.1.1 Development Engineering Memo attached dated March 1st, 2022.

7.0 Application Chronology

Date of Application Accepted: July 15th, 2021
Date Public Consultation Completed: August 17th, 2021

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Dean Strachan, Community Planning & Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Draft Development Permit DP21-0172 / DVP21-0173

Attachment B: Development Engineering Memo

Attachment C: Form & Character Development Permit Guidelines.

Schedule A: Site Plan / Floor Plan

Schedule B: Elevation Drawings

Schedule C: Landscape Plan

Development Permit & Development Variance Permit DP21-0172 / DVP21-0173



This permit relates to land in the City of Kelowna municipally known as 365 Hwy 33 E

and legally known as Lot C Section 23 Township 26 ODYD District Plan 5012

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

RM3 – Low Density Multiple Housing

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

Date of Council Decision March 1st, 2022
Decision By: COUNCIL
Development Permit Area: Comprehensive Development Permit Area
Existing Zone: RM3 – Low Density Multiple Housing
Future Land Use Designation: UC – Urban Centres

This is NOT a Building Permit.

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

NOTICE

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

Owner: 1258105 BC Ltd., Inc.No. BC1258105
Applicant: LIME Architecture Inc.

Terry Barton
Development Planning Department Manager
Planning & Development Services

Date

ATTACHMENT		A
This forms part of application		
# DP21-0172 / DVP21-0173		
Planner Initials	TC	 City of Kelowna DEVELOPMENT PLANNING

1. SCOPE OF APPROVAL

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

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

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

2. CONDITIONS OF APPROVAL

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
- c) Landscaping to be provided on the land be in accordance with Schedule "C"; and
- d) The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect.
- e) That variance to the following section of the Zoning Bylaw No. 8000 be granted in accordance with Schedule "A":

Section 13.9.6(e) – RM3 - Low Density Multiple Housing, Development Regulations

To vary the side yard setback from 4.0m required to 1.5m proposed.

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

3. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property own of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

- a) An Irrevocable Letter of Credit **OR** certified cheque in the amount of **\$22,172.50**

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

4. INDEMNIFICATION

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

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

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

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

ATTACHMENT		A
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# DP21-0172 / DVP21-0173		
Planner Initials		TC
City of Kelowna		
DEVELOPMENT PLANNING		

CITY OF KELOWNA

MEMORANDUM

Date: July 20, 2021
File No.: DP21-0172
To: Suburban and Rural Planning (TC)
From: Development Engineering Manager (RO)
Subject: 365 Hwy 33 E Form and Character

The Development Engineering Branch has the following requirements related to this Development Permit application for the Form & Character of a 4-unit row housing development which will be applicable at time of Building Permit.

The Development Engineering Technician for this project is Sarah Kelly (skelly@kelowna.ca).

1. General

- a. The following requirements are valid for two (2) years from the reference date of this memo, or until the application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.
- b. This proposed development may require the installation of centralized mail delivery equipment. Please contact Arif Bhatia, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC, V1Y 2K0, (250) 859-0198, arif.bhatia@canadapost.ca to obtain further information and to determine suitable location(s) within the development.
- c. These Development Engineering comments/requirements are subject to the review and requirements from the Ministry of Transportation and Infrastructure (MoTI).
- d. There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.

2. Domestic Water and Fire Protection

- a. The subject lot is located within the Rutland Waterworks District (RWD) service area. The Developer is required to make satisfactory arrangements with RWD for all water and fire protection-related issues. All charges for service connection(s) and upgrading costs, as well as any costs to decommission existing services, shall be the responsibility of the Developer.

ATTACHMENT		B
This forms part of application		
# DVP21-0172 / DVP21-017		
Planner Initials	TC	 City of Kelowna DEVELOPMENT PLANNING

- b. The Developer's Consulting Mechanical Engineer will determine the fire protection requirements of this proposed development and establish hydrant requirements and service needs. All fire flow calculations approved by RWD are to be shared with the Development Engineering Branch upon submittal of off-site civil engineering drawings.

2. **Sanitary Sewer System**

- a. Our records indicate that the subject lot is currently serviced with a 150-mm diameter sanitary sewer service. The Applicant's Consulting Mechanical Engineer will determine the requirements of the proposed development and establish the service needs.
- b. Only one service is permitted for this development. If required, the applicant will arrange for the removal and disconnection of the existing service and the installation of one new larger service at the applicants cost.

3. **Storm Drainage**

- a. The developer must engage a consulting civil engineer to provide a storm water management plan for this site which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and provision of a storm drainage service and recommendations for onsite drainage containment and disposal systems.
- b. Provide the following drawings:
 - i. A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
 - ii. A detailed Stormwater Management Plan for this development that is based off the original grading plan of the subdivision; and,
 - iii. An Erosion and Sediment Control Plan is to be prepared by a Professional Engineer proficient in the field of erosion and sediment control. The plan is to be prepared as per section 3.14 of Schedule 4 of Bylaw 7900. If a line item for ESC is not included in the Engineer's cost estimate for off-site work, then an additional 3% will be added to the performance security based on the total off-site construction estimate.
- c. On-site detention systems are to be compliant with Bylaw 7900, Schedule 4, Section 3.11.1 Detention Storage.
- d. As per Bylaw 7900, Schedule 4, Section 3.1.3 Climate Change, the capacity of storm works will include an additional 15 percent (15%) upward adjustment and applied to the rainfall intensity curve stage (IDF) in Section 3.7.2.
- e. Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- f. Register right of ways on private properties for all the storm water infrastructure carrying, conveying, detaining and/or retaining storm water that is generated from the public properties, public road right of ways, and golf course lands.

- g. Identify clearly on a contour map, or lot grading plan, all steep areas (>30 %). Provide cross sections for all steep areas at each property corner and at locations where there are significant changes in slope. Cross sections are to be perpendicular to the contour of the slope. Show the proposed property lines on the cross sections. Not all areas have a clear top of bank; and therefore, field reconnaissance by City staff and the applicant may be needed to verify a suitable location for property lines.
- h. If individual lot connections are required, ensure that payment of connection fees has been completed (please provide receipt).
- i. Where structures are designed or constructed below the proven high groundwater table, permanent groundwater pumping will not be permitted to discharge to the storm system. The City will approve designs that include provisions for eliminating groundwater penetration into the structure, while addressing buoyancy concerns. These design aspects must be reviewed and approved by the City Engineer.

4. Road Improvements

- a. Mallach Road must be upgraded to a full urban standard (SS-R6) along the full frontage including curb and gutter, sidewalk, LED street lighting, landscaped and irrigated boulevard, storm drainage system, undergrounding of overhead lines and removal of poles, pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- b. Highway 33 required frontage upgrades include removal of existing sidewalk and replacement with 1.8m separated sidewalk, new sidewalk ramp at the Hwy 33 and Mallach Rd intersection, undergrounding of overhead lines and removal of poles, landscaped and irrigated boulevard, and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- c. Lane fronting this development must be upgraded to SS-R2 residential standard; including a concrete letdown (SS-C7) entering the lane off Lawson Ave, road fillet paving, storm drainage, undergrounding of overhead wires and removal of poles, and relocation or adjustment of existing utility appurtenances if required to accommodate the upgrading construction.
- d. Landscaped and irrigated boulevard required with design and inspection by a Qualified Professional registered with the BCSLA and the IIABC. Landscape and irrigation plans require approval by the Development Engineering Branch at the same time as other "issued for construction" drawings.
- e. Streetlights must be installed on all public roads. All streetlighting plans are to include photometric calculations demonstrating Bylaw 7900 requirements are met and approval by the Development Engineering Branch at the same time as other "issued for construction" drawings.

ATTACHMENT		B
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5. Electric Power and Telecommunication Services

- a. All proposed distribution and 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.
- b. 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. Provide all necessary Statutory Rights-of-Way for any utility corridors as required.
- c. Re-locate existing poles and utilities, where necessary including within lanes. Remove aerial trespass(es).

9. Geotechnical Report

- a. Provide a comprehensive geotechnical report, prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below:

NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.

- b. The Geotechnical report must be submitted prior to submission of Engineering drawings or application for subdivision approval.
 - i. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
 - ii. Site suitability for development.
 - iii. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
 - iv. Any special requirements for construction of roads, utilities, and building structures.
 - v. Recommendations for items that should be included in a Restrictive Covenant.
 - vi. Recommendations for roof drains and perimeter drains.
 - vii. Recommendations for erosion and sedimentation controls for water and wind.
 - viii. Any items required in other sections of this document.
- c. Should any on-site retaining walls surpass the following limits, an Over Height Retaining Wall Permit will be required:

"Retaining walls on all lots, except those required as a condition of subdivision approval, must not exceed a height of 1.2 m measured from natural grade on the lower side, and must be constructed so that any retaining walls are spaced to provide a 1.2 m horizontal separation between tiers. The maximum number of tiers is two with a maximum total height of 2.4 m. Any multi-tier structure more than 2 tiers must be designed and constructed under the direction of a qualified professional engineer."

The design of all retaining walls is to conform with Engineer & Geoscientists British Columbia's Professional Practice Guidelines for Retaining Wall Design. Submission requirements for the Over Height Retaining Wall Permit include Engineer of Record documents (Appendix A of Retaining Wall Design Guideline) and any necessary independent reviews (as per EGBC's Documented Independent Review of Structural Designs).

10. Road Dedication/Development Requirements

- a. Hwy 33 E is classified as an Arterial Road, a road dedication of 5.0m is required along the full frontage to achieve a future 30m ROW.
- b. Mallach Rd requires a 2.5m road dedication along the full frontage to achieve a 20m ROW.
- c. A 6m corner rounding is required at the intersection of Hwy 33 E and Mallach Rd.
- d. All access to the subject lot must be from the lane to the south of the property.

11. 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 (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.

12. Servicing Agreements for Works and Services

- a. A Servicing Agreement is required for all offsite works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b. Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

10. Charges and Fees

- a. Development Cost Charges (DCC's) are payable.
- b. Fees per the "Development Application Fees Bylaw" include:
 - i. Street/Traffic Sign Fees: at cost (to be determined after design).
 - ii. Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - iii. Engineering and Inspection Fee: 3.5% of offsite construction value (plus GST).



Ryan O'Sullivan
Development Engineering Manager

SK

FORM & CHARACTER – DEVELOPMENT PERMIT GUIDELINES

Chapter 2 - The Design Foundations: apply to all projects and provide the overarching principles for supporting creativity, innovation and design excellence in Kelowna.

- Facilitate Active Mobility
- Use Placemaking to Strengthen Neighbourhood Identity
- Create Lively and Attractive Streets & Public Spaces
- Design Buildings to the Human Scale
- Strive for Design Excellence

The General Residential and Mixed Use Guidelines: provide the key guidelines that all residential and mixed use projects should strive to achieve to support the Design Foundations.

- The General Guidelines are supplement by typology-specific guidelines (e.g., Townhouses & Infill on page 18-19, High-Rise Residential and Mixed-Use on page 18-42), which provide additional guidance about form and character.

Chapter 2 - Design Foundations

Apply To All Projects

Page 18-8

Section 2.1 - General Residential and Mixed Use Design Guidelines

Page 18-9

Section 2.2 - Achieving High Performance

Page 18-17

Chapter 3
Townhouses & Infill

Page 18-19

Chapter 4
Low & Mid-Rise
Residential &
Mixed Use

Page 18-34

Chapter 5
High-Rise
Residential &
Mixed Use

Page 18-42

ATTACHMENT C

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*Note: Refer to the Design Foundations and the Guidelines associated with the specific building typology.

FORM & CHARACTER - DEVELOPMENT PERMIT GUIDELINES

Consideration has been given to the following guidelines as identified in Chapter 18 of the City of Kelowna 2040 Official Community Plan:

RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE (1 is least complying & 5 is highly complying)	N/A	1	2	3	4	5
CHAPTER 3.0: TOWNHOUSES & INFILL						
3.1 Townhouse Guidelines						
3.1.1 Relationship to the Street						
Townhouse built form is addressing the street frontage and front doors are directly accessible from a public walkway.						✓
Corner Sites: built form is addressing both street frontages and front doors are directly accessible from a public walkway.				✓		
End Unit: Townhouse built forms end unit is oriented perpendicularly to the street frontage and has high quality architectural design treatment with main entrance directly accessible from the fronting street.				✓		
Blank façades (without window openings) proposed along the street frontages.					✓	
Prominent entrance features for the main front doors such as stoops, porches, recessed entries, and canopies are provided.					✓	
Appropriate transition between public and private realm is being achieved by changes in grade, decorative railings, and planters.				✓		
3.1.2 Scale and Massing						
Proposed built form is sympathetic to the neighbourhood context and providing sensitive transition to the adjacent context (existing and future buildings, parks, and open spaces)					✓	
Built Form is establishing a consistent rhythm along the street frontage with articulation of individual units through integration of projections/ recesses (entries and balconies), change in materials of the façade.						✓
Townhouse block is comprising of maximum 6 units.						✓
3.1.4 Open Spaces						
Townhouse units are designed to have easy access to useable private or semi-private outdoor amenity space.						✓
Front yards are designed to include a pathway from the fronting street to the primary entrance of the unit, landscaping, and semi-private outdoor amenity space.				✓		
Design of private outdoor amenity spaces is having access to sunlight.						✓
Design of private outdoor amenity spaces is having a railing or fencing to increase privacy.						✓
Design of private outdoor amenity spaces is having landscaped areas to soften the interface with the street or open spaces.				✓		

ATTACHMENT C

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DP21-0172 / DVP21-0173

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City of
Kelowna
DEVELOPMENT PLANNING



RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE (1 is least complying & 5 is highly complying)	N/A	1	2	3	4	5
Design of front patios provide entrance to the unit and is raised a minimum of 0.6m and maximum of 1.2m to create a semi-private zone.				✓		
Roof patios are provided with parapets with railings and minimize direct sight lines into nearby units.						✓
Roof patios have access away from primary facades.			✓			
Balconies are designed to inset or partially inset and offer privacy, shelter, reducing building bulk and minimize shadowing impact.				✓		
3.1.5 Site Servicing, Access, and Parking						
Landscaping is provided to frame building entrances, soften edges, screen parking garages and to break up long facades.				✓		
Site Servicing: Waste collection systems such as, Molok bins are located away from any public views.			✓			
Parking						
Townhouses facing public streets are provided with a rear-access garage or integrated tuck under parking.						✓
Access						
Internal circulation of vehicles is providing necessary turning radii and a safe access and egress.						✓
Access points are located to minimize the impact of headlights on building interiors.						✓
3.1.6 Building Articulation, Features, and Materials						
Façade is designed and articulated to reflect positive attributes of the neighbourhood character.						✓
Strategy to articulate façade: Recessing or projecting of architectural features to highlight the identity of individual units.			✓			
Strategy to articulate façade: main entrance and rooflines features, and other architectural elements have been incorporated in the design.				✓		
Infill townhouses are designed to incorporate design elements, proportions and other characteristics found within the neighbourhood.					✓	
Infill townhouses are provided with durable, quality materials similar or contemporary to those found within the neighbourhood.						✓
Privacy of units is maintained on site and on adjacent properties by minimizing overlook and direct sight lines from the building. The following strategies have been incorporated in design: <ul style="list-style-type: none"> Off setting the location of windows in facing walls and locating doors and patios to minimize privacy concerns; Use of clearstory windows; Use of landscaping or screening; and Use of setbacks and articulation of the building. 						✓

RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE (1 is least complying & 5 is highly complying)	N/A	1	2	3	4	5
Large townhouse developments with internal circulation pattern are providing modest variation between different blocks of townhouse units, such as change in colour, materiality, building and roof form.						✓

ATTACHMENT

C

This forms part of application

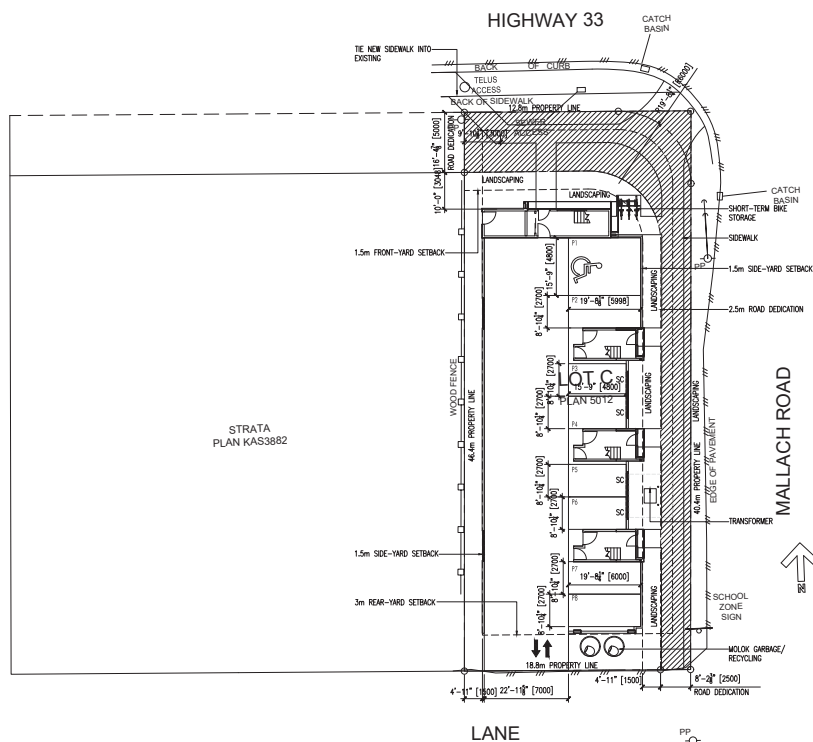
DP21-0172 / DVP21-0173

Planner Initials

TC



City of
Kelowna
DEVELOPMENT PLANNING



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DP21-0172 / DVP21-0173

Planner Initials TC

Civic: 365 HWY 33 EAST, Kelowna, BC
LEGAL: Plan 5012; Lot C

ZONING CALCULATIONS:
Zoning : RM3

	Allowed	Proposed
Gross Site Area=	9,409 sf (874 sm)	
Building Site Coverage=	50%* (4,705 sf)	50% (4,704.2 sf)
Maximum Site Coverage=	60% (6,116 sf)	53% (5,005.2 sf)
F.A.R. =	0.75+0.05**=0.8 (7,527 sf)	0.75 (7,091.6sf)

UNIT AREA CALCULATIONS			
NAME	LENGTH	WIDTH	AREA
TH1	245'	345.11'	91,763.95
TH2 ENERGY	245'	224.0'	54,880.00
TH2 LIP	245'	345.11'	91,531.31
TH3	215'	295'	76,525.00
TH3 ENERGY	150'	175'	12,937.50
TH4	215'	305'	78,475.00
TH4 ENERGY	215'	175'	12,887.50
TH5 LIP	215'	305'	78,447.50
TH6	235'	295'	77,192.50
TH6 ENERGY	150'	175'	14,012.50
TH6 LIP	235'	305'	79,275.00

Building Height:	Allowed:	Proposed:
Max. Height =	10m (32'-9 ⁵ / ₈ " ft) or 3 storeys	9.9 m (32'-6 1/2" ft) - 3 storeys

Yard setbacks:	Allowed:
Front yard -	1.5 m Ground-orientated entry facing street
Side yard -	4.0 m / 4.5m backing street / 1.5m from public lane

Rear yard - 7.5 m / 3.0m from public lane

Parking Calculations:	Required:
1.5 per / 3 Bedroom Unit =	1.5 x 4 = 6
Visitor Parking =	0.2 per residence = 1

Bicycle Storage:	Required:	Proposed:
Long Term (Townhouse)	4 spaces	4 spaces
Short Term (Townhouse)	4 spaces	6 spaces

Amenity Calculations:	Required:	Proposed:
3-Bed Units:	4 units x 269.1/ unit = 1,076 SF	4,032 SF

FOR DP/ DVP



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A1 trades are to execute the work in accordance with the current municipality building by-laws and requirements of all local authorities having jurisdiction as well as the British Columbia building code - (most recent edition) including all published revisions and addenda. **A1** trades shall assume full responsibility for the locations and protection of all under and above ground utilities, wires and conduit connections, including (but not limited to) water, sewer, gas, hydro and telephone.

Revision No., Date and Description
02.25.21 - FOR REVIEW
03.04.21 - FOR COORDINATION
03.31.21 - FOR DP/ DVP
05.31.21 - ADDENDUM #1
08.19.21 - N. CONSULTATION
09.30.21 - FOR REVIEW
11.16.21 - ADDENDUM #2
01.04.22 - FOR DISCUSSION
01.13.22 - ADDENDUM #3
01.24.22 - FOR DISCUSSION
02.04.22 - ADDENDUM #4

Plot Date 4-Feb-22	Drawing No. A-001
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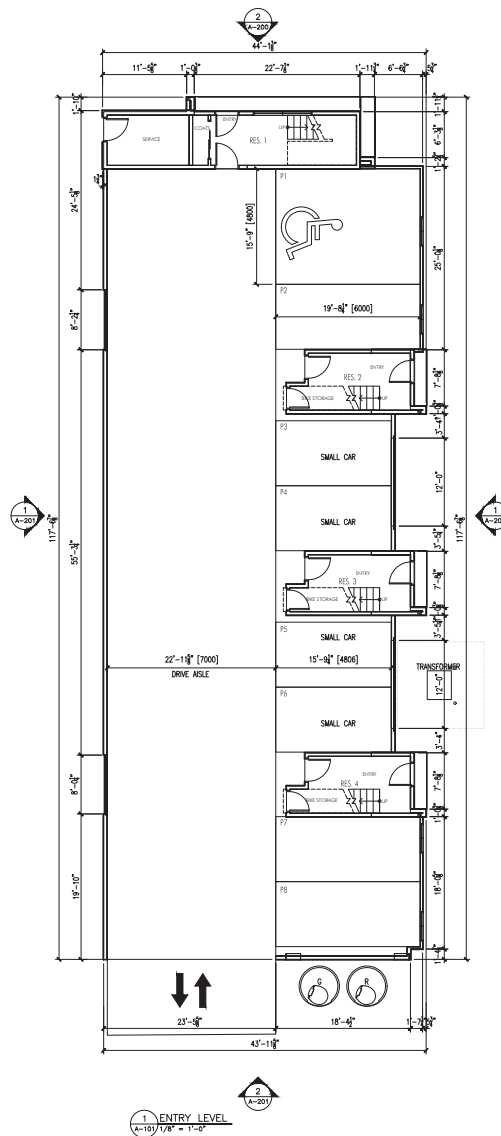
PROJECT	
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365 HWY 33 EAST

DRAWING TITLE

PROJECT INFORMATION





SCHEDULE

A

This forms part of application

DP21-0172 / DVP21-0173

Planner
Initials

TC



LIME
ARCHITECTURE INC.
PHONE: 250-460-7007
305-1000 Highway Street,
Kelowna, BC V1Y 0K2
www.limearchitecture.com

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3. Notes are to be made in the work in accordance with the current municipal building by-laws and requirements of other local authorities having jurisdiction as well as the British Columbia Building Code - (most recent edition) including all applicable revisions and addenda. 4. Notes shall remain the responsibility for the location and protection of all water and above ground utilities, wires and conduit connections, including but not limited to: water, sewer, gas, hydro and telephone.

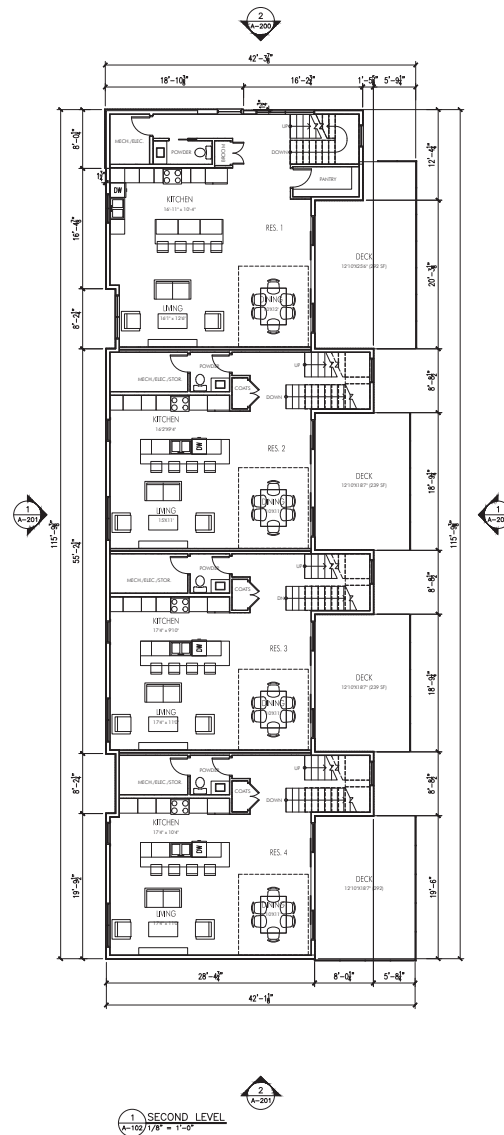
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02.25.21 - FOR REVIEW
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01.13.22 - ADDENDUM #3
01.24.22 - FOR DISCUSSION
02.04.22 - ADDENDUM #4

Plot Date	Drawing No.
4-Feb-22	A-101

PROJECT
365 HWY 33 EAST
DRAWING TITLE
ENTRY LEVEL



FOR DP/ DVP



SCHEDULE A

This forms part of application
DP21-0172 / DVP21-0173

Planner
Initials TC



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All trades are to complete the work in accordance with the current municipal building by-laws and requirements of other local authorities having jurisdiction as well as the British Columbia Building Code (most recent edition) including all applicable revisions and addenda. All trades shall remain fully responsible for the location and protection of all water and above ground utilities, wires and conduit connections, including but not limited to: water, sewer, gas, hydro and telephone.

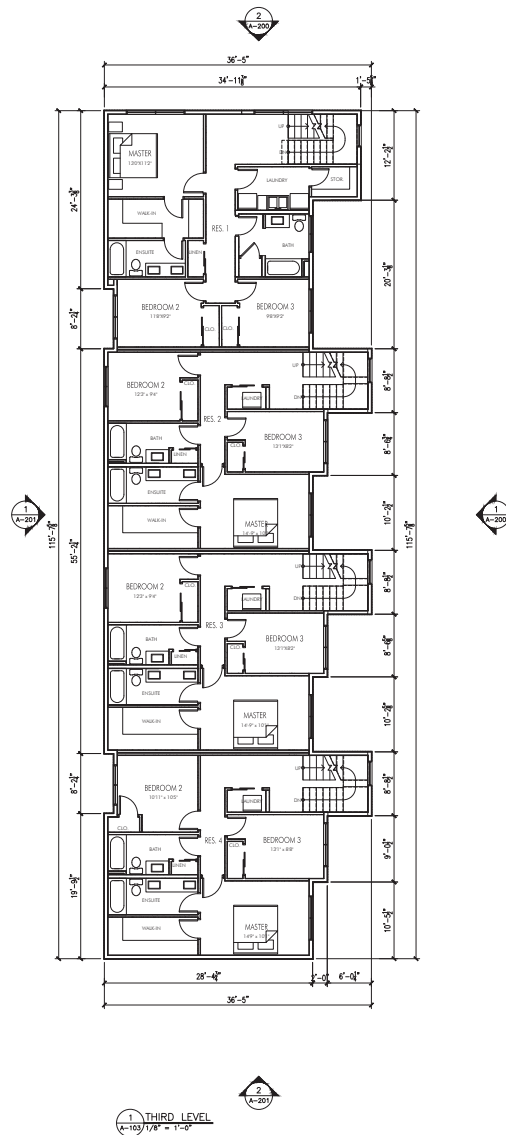
Revision No., Date and Description
02.25.21 - FOR REVIEW
03.04.21 - FOR COORDINATION
03.31.21 - FOR DP/ DVP
05.31.21 - ADDENDUM #1
09.30.21 - FOR REVIEW
11.16.21 - ADDENDUM #2
01.04.22 - FOR DISCUSSION
01.13.22 - ADDENDUM #3
01.24.22 - FOR DISCUSSION
02.04.22 - ADDENDUM #4

Plot Date	Drawing No.
4-Feb-22	A-102

PROJECT
365 HWY 33 EAST
DRAWING TITLE
SECOND LEVEL



FOR DP/ DVP



SCHEDULE

A

This forms part of application
DP21-0172 / DVP21-0173

Planner Initials TC

City of
Kelowna
DEVELOPMENT PLANNING

PHONE: 250-460-7801
305-1000 Wilket Street,
Kelowna, BC V1Y 0R2
www.limearchitecture.com

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4. Routes are to include the work in accordance with the current municipal building by-laws and requirements of other local authorities having jurisdiction as well as the British Columbia Building Code - (most recent edition) including all applicable revisions and addenda. 5. Routes shall remain the responsibility for the location and protection of all water and above ground utilities, wires and conduit connections, including but not limited to: water, sewer, gas, hydro and telephone.

Revision No., Date and Description

02.25.21	- FOR REVIEW
03.04.21	- FOR COORDINATION
03.31.21	- FOR DP/ DVP
09.30.21	- FOR REVIEW
11.16.21	- ADDENDUM #2
01.04.22	- FOR DISCUSSION
01.13.22	- ADDENDUM #3
01.24.22	- FOR DISCUSSION
02.04.22	- ADDENDUM #4

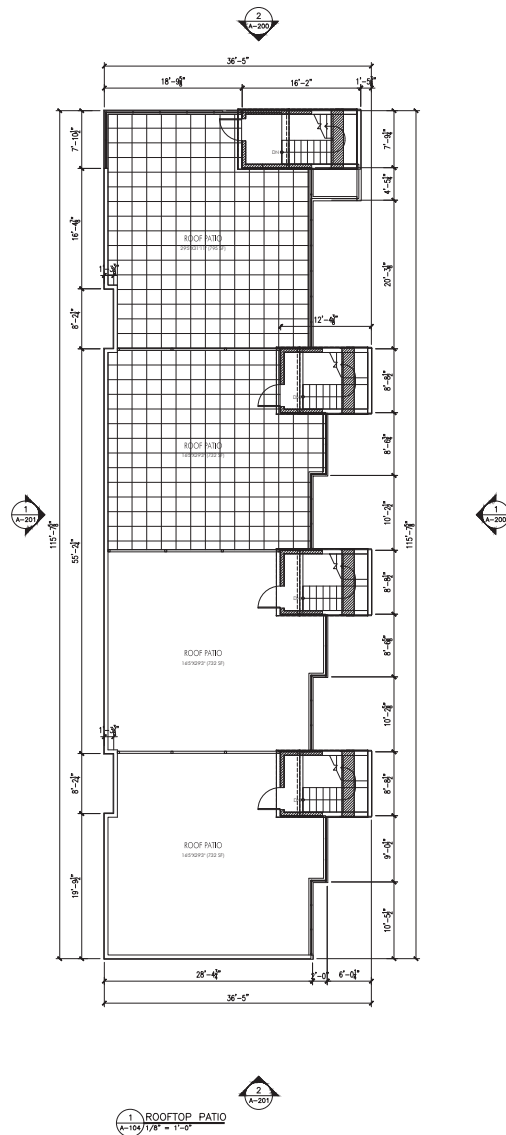
Plot Date
4-Feb-22

Drawing No.
A-103

PROJECT
365 HWY 33 EAST

DRAWING TITLE
THIRD LEVEL

FOR DP/ DVP



SCHEDULE A

This forms part of application

DP21-0172 / DVP21-0173

Planner
Initials TC



LIME
ARCHITECTURE INC.
PHONE: 250-460-7887
303-1000 Highway Street,
Kelowna, BC V1Y 0B2
www.limearchitecture.com

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3. Trades are to complete the work in accordance with the current municipal building by-laws and requirements of other local authorities having jurisdiction as well as the British Columbia Building Code - (most recent edition) including all applicable revisions and addenda. 4. Trades shall ensure full responsibility for the location and protection of all water, sewer and gas lines, and other underground utilities, including but not limited to water, sewer, gas, hydro and telephone.

Revision No., Date and Description
02.23.21 - FOR REVIEW
03.04.21 - FOR COORDINATION
03.31.21 - FOR DP/ DVP
09.30.21 - FOR REVIEW
11.16.21 - ADDENDUM #2
01.04.22 - FOR DISCUSSION
01.13.22 - ADDENDUM #3
01.24.22 - FOR DISCUSSION
02.04.22 - ADDENDUM #4

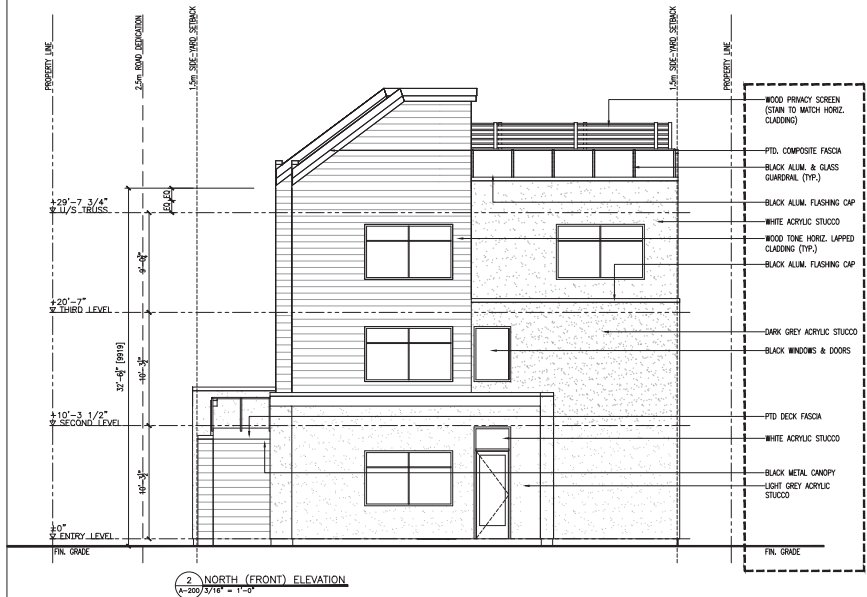
Plot Date	Drawing No.
4-Feb-22	A-104

PROJECT
365 HWY 33 EAST
DRAWING TITLE
ROOF LEVEL










FOR DP/ DVP

COMMENT:
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LIME Architecture Inc. is not responsible for the building's performance or the building's compliance with the British Columbia Building Code or the National Building Code of Canada. LIME Architecture Inc. is not responsible for the building's compliance with the National Building Code of Canada or the British Columbia Building Code. LIME Architecture Inc. is not responsible for the building's compliance with the National Building Code of Canada or the British Columbia Building Code.



PROJECT MATERIALS:

-  ROOFING:
TORCH ON MEMBRANE C/W GREY CAP SHEET
ARCHITECTURAL SERIES BY IKO
-  COMPOSITE LAP SIDING, PRIVACY SCREENS:
LONGBOARD - LIGHT NATIONAL WALNUT
-  STUCCO:
STORMY SKY OC-1616, BENJAMIN MOORE
-  STUCCO:
METRO GRAY OC-1459, BENJAMIN MOORE
-  STUCCO:
WHITE DIAMOND OC-2121-60, BENJAMIN MOORE
-  WINDOWS, GUARDRAILS, PATIO SLIDERS, DRIP FLASHING,
FASCIA, UNIT ENTRY DOORS, CAP FLASHING, SCREEN @ PARKING
BLACK
-  DECK FASCIA
DISTANT GRAY OC-2140-70, BENJAMIN MOORE

SCHEDULE B

This forms part of application
DP21-0172 / DVP21-0173

Planner Initials

TC



City of Kelowna
DEVELOPMENT PLANNING

Revision No., Date and Description
02.25.21 - FOR REVIEW
03.04.21 - FOR COORDINATION
03.31.21 - FOR DP/ DVP
05.31.21 - ADDENDUM #1
09.30.21 - FOR REVIEW
11.16.21 - ADDENDUM #2
01.04.22 - FOR DISCUSSION
01.13.22 - ADDENDUM #3
01.24.22 - FOR DISCUSSION
02.04.22 - ADDENDUM #4

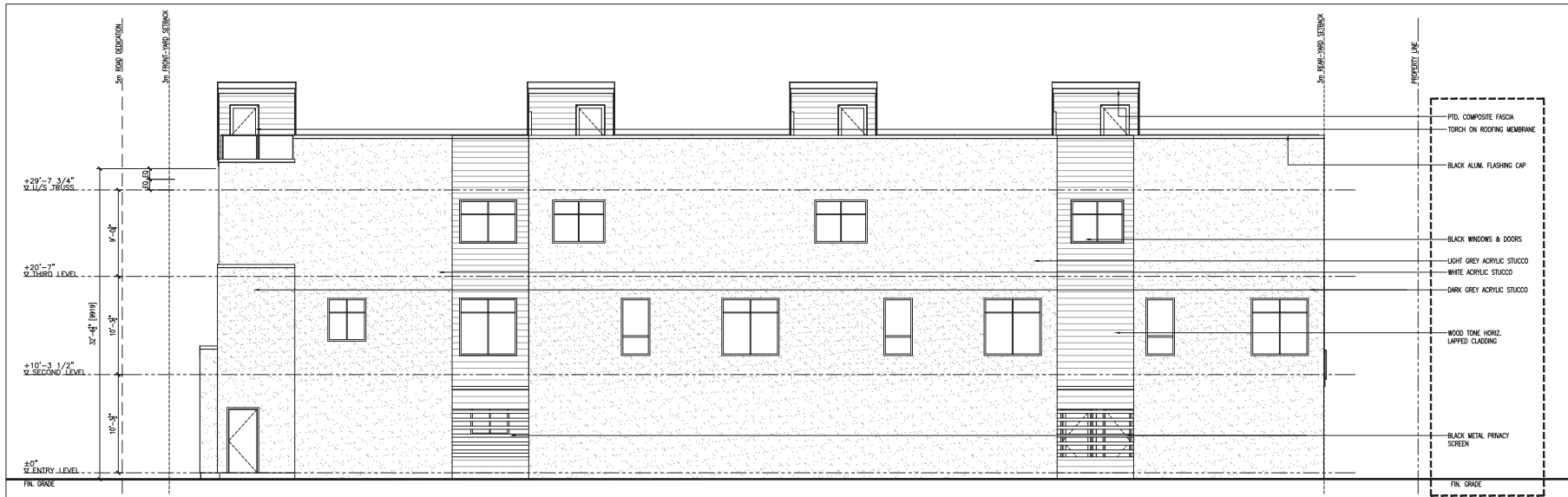
Plot Date	Drawing No.
4-Feb-22	A-200

PROJECT
365 HWY 33 EAST
DRAWING TITLE
ELEVATIONS

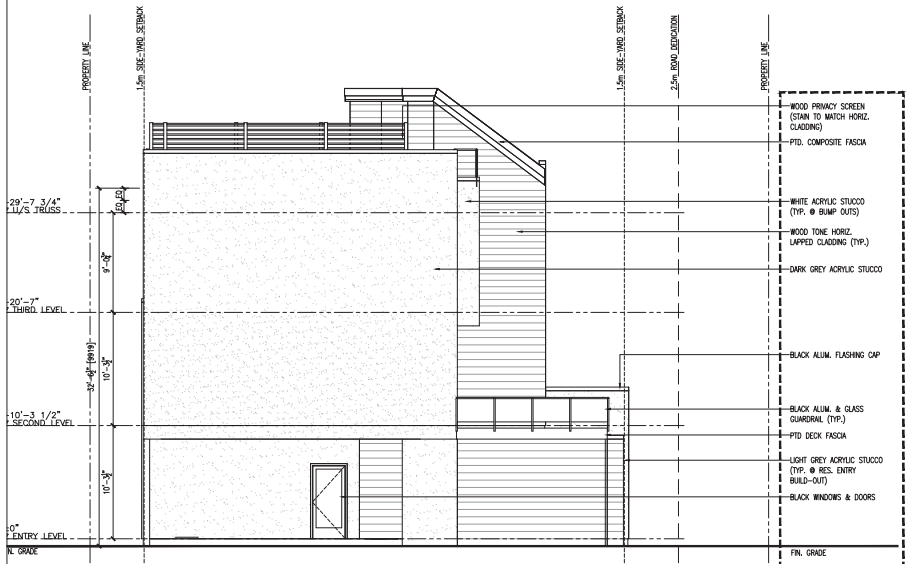


FOR DP/ DVP

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All trades shall be responsible for the location and protection of all water and above ground utilities, wires and conduit connections, including but not limited to: water, sewer, gas, hydro and telephone.



1 WEST ELEVATION
A-201/3/10 - 1'-0"



2 SOUTH (REAR) ELEVATION
A-201/3/10 - 1'-0"

SCHEDULE B

This forms part of application
DP21-0172 / DVP21-0173

Planner Initials **TC**

City of Kelowna
DEVELOPMENT PLANNING

PROJECT MATERIALS:

- ROOFING:
TORCH ON MEMBRANE C/W GREY CAP SHEET
ARCHITECTURAL SERIES BY IKO
- COMPOSITE LAP SIDING, PRIVACY SCREENS:
LONGBOARD - LIGHT NATIONAL WALNUT
- STUCCO:
STORMY SKY OC-1616, BENJAMIN MOORE
- STUCCO:
METRO GRAY OC-1459, BENJAMIN MOORE
- STUCCO:
WHITE DIAMOND OC-2121-60, BENJAMIN MOORE
- WINDOWS, GUARDRAILS, PATIO SLIDERS, DRIP FLASHING,
FASCIA, UNIT ENTRY DOORS, CAP FLASHING, SCREEN @ PARKING
BLACK
- DECK FASCIA
DISTANT GRAY OC-2140-70, BENJAMIN MOORE

Revision No., Date and Description
02.21.21 - FOR REVIEW
03.04.21 - FOR COORDINATION
03.31.21 - FOR DP/ DVP
05.31.21 - ADDENDUM #1
09.30.21 - FOR REVIEW
11.16.21 - ADDENDUM #2
01.04.22 - FOR DISCUSSION
01.13.22 - ADDENDUM #3
01.24.22 - FOR DISCUSSION
02.04.22 - ADDENDUM #4

Plot Date	Drawing No.
4-Feb-22	A-201

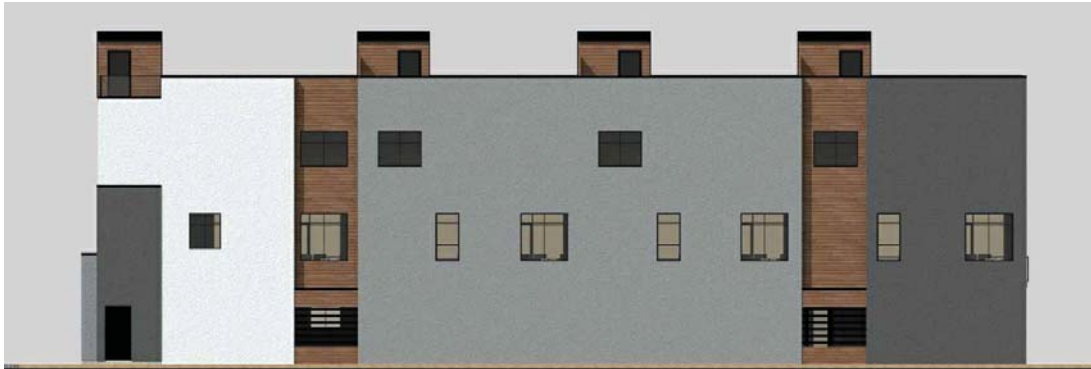
PROJECT
365 HWY 33 EAST
DRAWING TITLE
ELEVATIONS



FOR DP/ DVP



1 PERSPECTIVE ELEVATION
N.T.S.



2 WEST ELEVATION
A-202 N.T.S.



4 EAST ELEVATION (FACING MALLACH RD)
A-202 N.T.S.



1 NORTH ELEVATION (FACING HWY 33)
A-202 N.T.S.



3 SOUTH ELEVATION (FACING LANEWAY)
A-202 N.T.S.

SCHEDULE B

This forms part of application
DP21-0172 / DVP21-0173

Planner Initials

TC

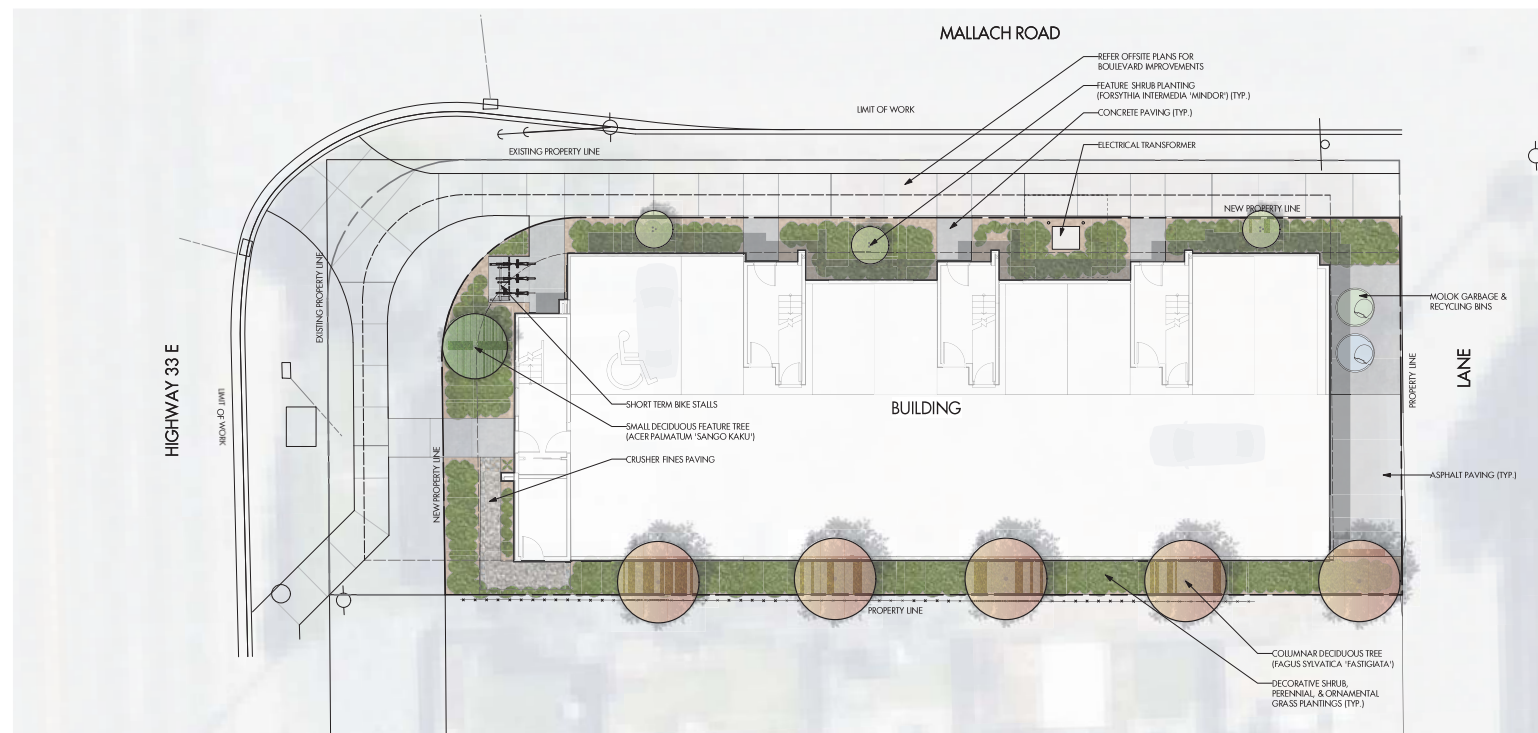
City of Kelowna
DEVELOPMENT PLANNING

FOR DP/ DVP

Revision No., Date and Description
03.31.21 - FOR DP/ DVP
05.31.21 - ADDENDUM #1
09.30.21 - FOR REVIEW
11.16.21 - ADDENDUM #2
01.04.22 - FOR DISCUSSION
01.13.22 - ADDENDUM #3
01.24.22 - FOR DISCUSSION
02.04.22 - ADDENDUM #4

Plot Date	Drawing No.
4-Feb-22	A-202
PROJECT	
365 HWY 33 EAST	
DRAWING TITLE	
ELEVATIONS	





PLANT LIST

BOTANICAL NAME	COMMON NAME	QTY	SIZE/SPACING & REMARKS
TREES			
ACER PALMATUM 'SANGO KAKU'	CORAL BARK MAPLE	1	6m CAL.
FAGUS SYLVATICA 'FASTIGIATA'	PYRAMIDAL GREEN BEECH	5	6m CAL.
SHRUBS			
FORSYTHIA INTERMEDIA 'MANDOR'	SHOW OFF FORSYTHIA	4	#02 CONT. / 2.0M O.C. SPACING
HYDRANGEA PANICULATA 'JANE'	LITTLE LIME HYDRANGEA	7	#02 CONT. / 1.5M O.C. SPACING
SPIRAEA BURNALDA 'ANTHONY WATERER'	ANTHONY WATERER SPIREA	16	#02 CONT. / 1.0M O.C. SPACING
WEIGELA FLORIDA 'SONIC BLOOM RED'	SONIC BLOOM RED WEIGELA	7	#02 CONT. / 1.5M O.C. SPACING
PERENNIALS, GRASSES & GROUNDCOVERS			
ALLIUM 'GLOBEMASTER'	PERSIAN ONION	15	#01 CONT. / 0.6M O.C. SPACING
CALAMAGROSTIS ACUTIFLORA 'KARL FOERSTER'	KARL FOERSTER FEATHER REED GRASS	10	#01 CONT. / 0.75M O.C. SPACING
COREOPSIS VERTICILLATA 'MOONBEAM'	MOONBEAM THREADLEAF COREOPSIS	22	#01 CONT. / 0.5M O.C. SPACING
HOSTA 'NORTHERN EXPOSURE'	NORTHERN EXPOSURE HOSTA	4	#01 CONT. / 1.2M O.C. SPACING
JAPANESE ANGIUSTEQUA 'HIDCOTE'	HIDCOTE ENGLISH LAVENDER	15	#01 CONT. / 0.6M O.C. SPACING
SALVIA NEWCROSA 'MAYNIGHT'	MAYNIGHT SALVIA	15	#01 CONT. / 0.6M O.C. SPACING
SEDUM 'FIRECRACKER'	FIRECRACKER SEDUM	34	#01 CONT. / 0.4M O.C. SPACING
SCHIZACHYRIUM SCOPARIUM 'THE BLUES'	LITTLE BLUESTEM	15	#01 CONT. / 0.6M O.C. SPACING

NOTES

1. PLANT MATERIAL AND CONSTRUCTION METHODS SHALL MEET OR EXCEED THE CANADIAN LANDSCAPE STANDARD. ALL OFFSITE WORKS TO MEET CITY OF KELOWNA BYLAW 7900 STANDARDS.
2. ALL SORT LANDSCAPE AREAS SHALL BE WATERED BY A FULLY AUTOMATIC TIMED UNDERGROUND IRRIGATION SYSTEM.
3. TREE AND SHRUB BEDS TO BE DRESSED IN A MINIMUM 75mm BLACK WOOD MULCH, AS SHOWN IN PLANS. DO NOT PLACE WEED MAT UNDERNEATH TREE AND SHRUB BEDS.
4. TREE AND SHRUB BEDS TO RECEIVE A MINIMUM 300mm DEPTH TOPSOIL PLACEMENT.
5. SITE GRADING AND DRAINAGE WILL ENSURE THAT ALL STRUCTURES HAVE POSITIVE DRAINAGE AND THAT NO WATER OR LOOSE IMPEDIMENTS WILL BE DISCHARGED FROM THE LOT ONTO ADJACENT PUBLIC, COMMON, OR PRIVATE PROPERTIES.

SCHEDULE

C

This forms part of application

DP21-0172 / DVP21-0173

Planner
Initials

TC

City of
Kelowna
DEVELOPMENT PLANNING



OUTLAND DESIGN
LANDSCAPE ARCHITECTURE

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



PROJECT TITLE

365 HWY 33 EAST

Kelowna, BC

DRAWING TITLE

CONCEPTUAL
LANDSCAPE PLAN

REVISION / REVISION

1	21.03.19	Review
2	21.11.19	Review
3	22.01.19	Review
4	22.02.04	Review

PROJECT NO.

21.03.19

DESIGN BY

OW

DRAWN BY

OW

CHECKED BY

OW

DATE

11.11.2020

SCALE

1:100

PAGE SIZE

A4 (300x420)

SEAL



DRAWING NUMBER

L1/2

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HIGHWAY 33 E

EXISTING PROPERTY LINE

NEW PROPERTY LINE

LIMIT OF WORK

PROPERTY LINE

LANE

MALLACH ROAD

EXISTING PROPERTY LINE

NEW PROPERTY LINE

BUILDING

PROPERTY LINE

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 KELLOWNA 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, WATERMETER, 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 71 / MONTH (KELLOWNA 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: 87 sq.m.
MICROCLIMATE: EAST EXPOSURE, PARTIALLY SHADED BY BUILDING
ESTIMATED ANNUAL WATER USE: 29 cu.m.
- ZONE #2: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE
PLANTING AREAS
TOTAL AREA: 66 sq.m.
MICROCLIMATE: WEST EXPOSURE, PARTIALLY SHADED BY TREES AND BUILDING
ESTIMATED ANNUAL WATER USE: 22 cu.m.

WATER CONSERVATION CALCULATIONS

LANDSCAPE MAXIMUM WATER BUDGET (WB) = 97 cu.m. / year
ESTIMATED LANDSCAPE WATER USE (WU) = 51 cu.m. / year
WATER BALANCE = 46 cu.m. / year
*REFER ATTACHED IRRIGATION APPLICATION FOR DETAILED CALCULATIONS

SCHEDULE C

This forms part of application
DP21-0172 / DVP21-0173

Planner
Initials TC

City of
Kelowna
DEVELOPMENT PLANNING



OUTLAND DESIGN
LANDSCAPE ARCHITECTURE

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



PROJECT TITLE

365 HWY 33 EAST

Kelowna, BC

DRAWING TITLE

WATER CONSERVATION/
IRRIGATION PLAN

REVISIONS

NO.	DATE	REVISION
1	21.03.19	Review
2	21.11.19	Review
3	22.01.19	Review
4	22.02.04	Review

PROJECT NO.

21-037

DESIGN BY

HW

DRAWN BY

YAC

CHECKED BY

HL

DATE

18-A-2023

SCALE

1:100

PAGE SIZE

24x36"

SEAL

DRAWING NUMBER

L2/2

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DP21-0172 / DVP21-0173 365 Hwy 33 E

Development Permit and Development Variance Permit Applications



Proposal

- ▶ To consider a Development Permit for the form and character of a new multi-family building and to consider a variance to the side yard setback.

Development Process

Jul 15, 2021

Development Application Accepted



Staff Review & Circulation



Aug 17, 2021

Public Notification Received



Mar 1, 2022

DP & Variances



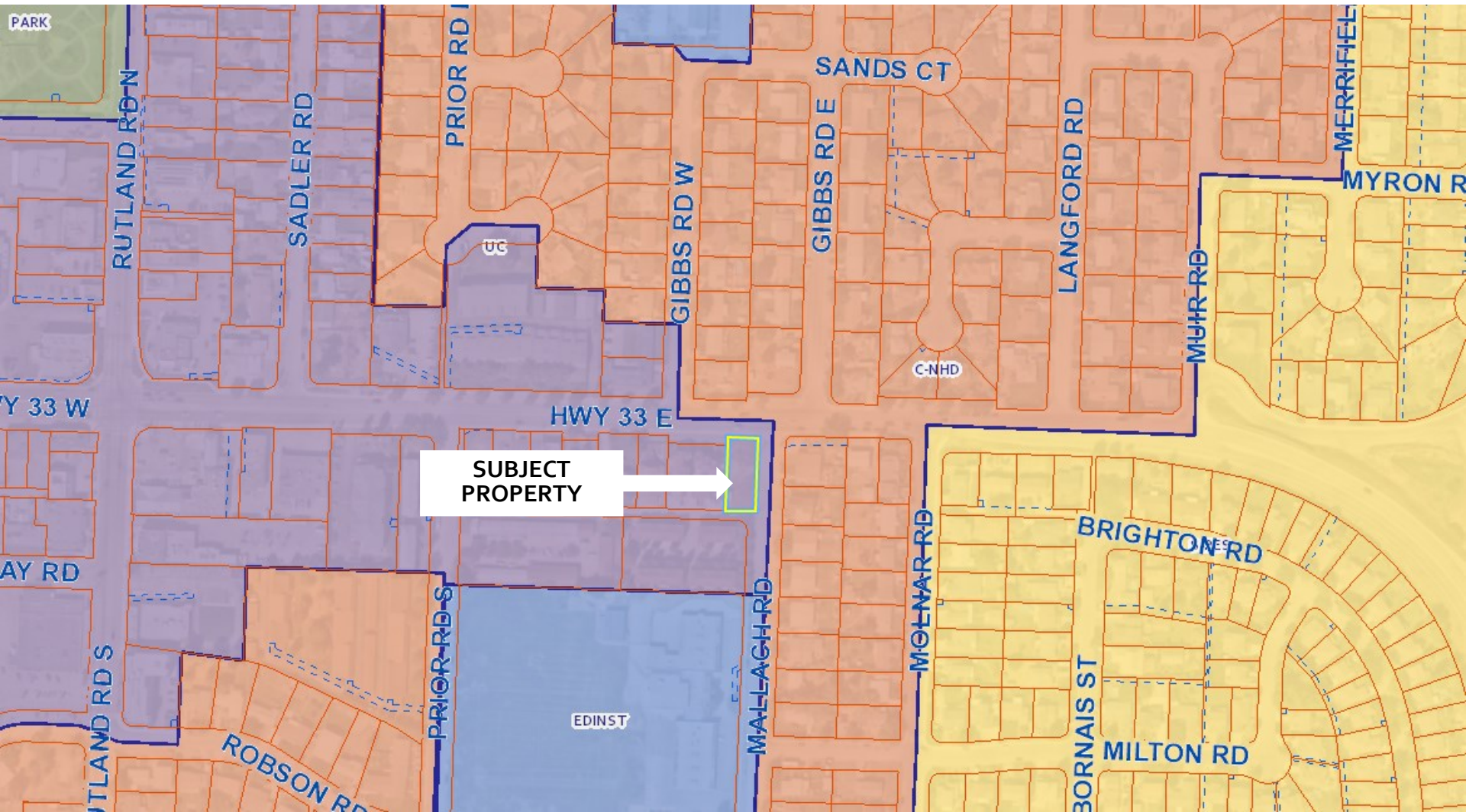
Building Permit

Council
Approvals

Context Map



Future Land Use



Subject Property Map

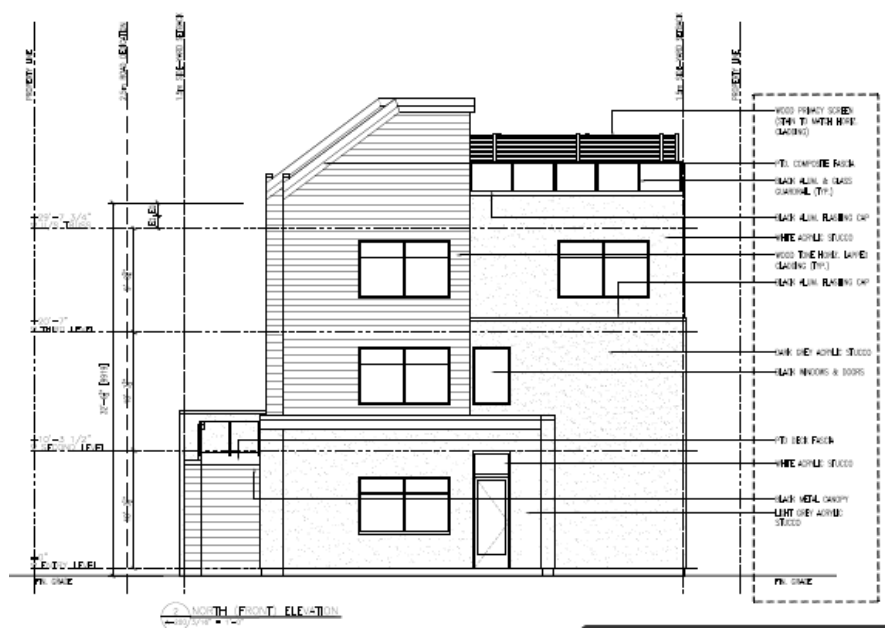


Project details

- ▶ Development Permit for four new residential dwelling units.
 - ▶ All units will have pedestrian access off Mallach Road and Highway 33 E.
 - ▶ Vehicle access will be off laneway.
 - ▶ Ground-level parking is provided from the rear laneway, which provides 8 parking stalls.
- ▶ The building provides private outdoor space through a deck and a rooftop patio.
- ▶ The project uses several materials/colours, as well as landscaping to increase the form and character.

189

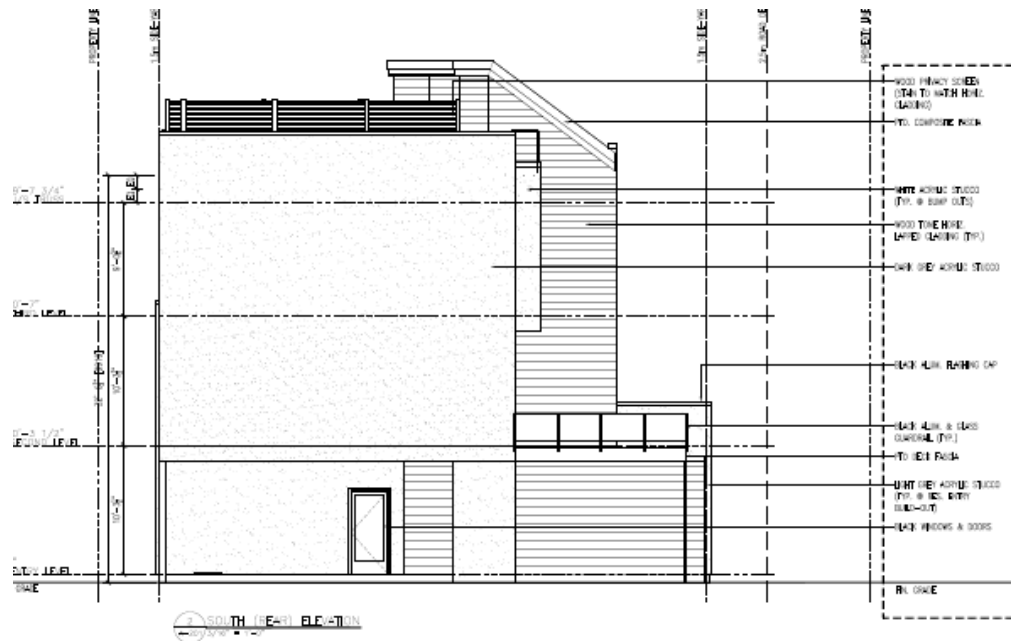
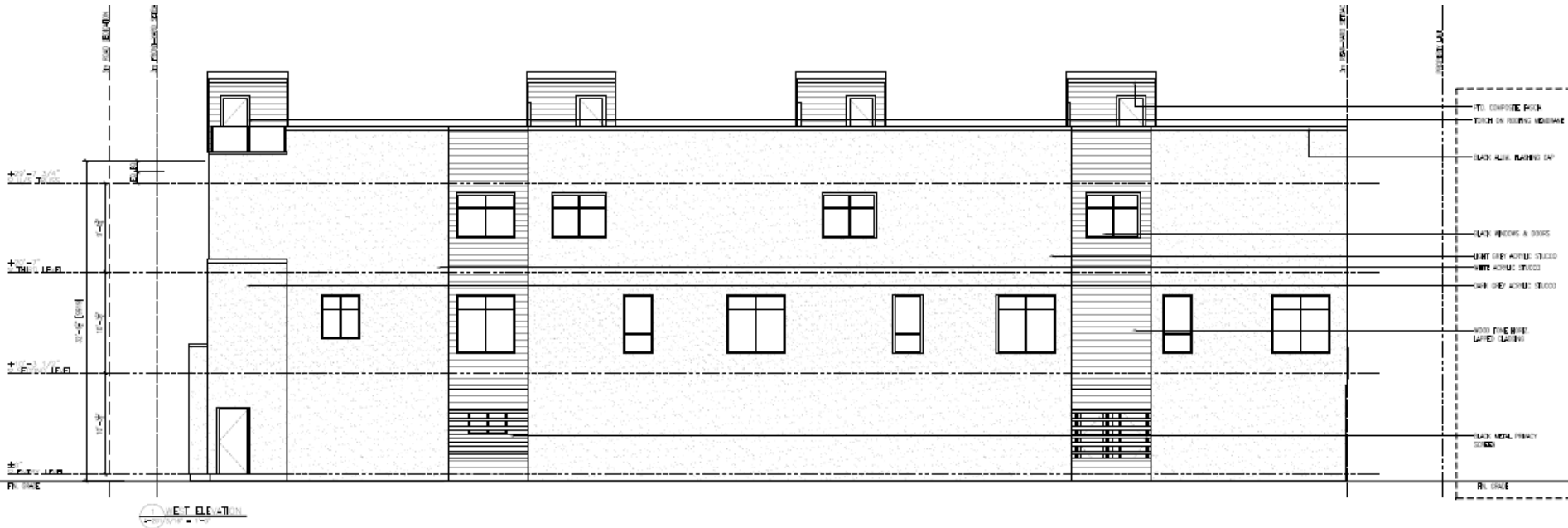
Elevations



PROJECT MATERIALS:

- ROOFING:**
TORCH ON MEMBRANE C/W GREY CAP SHEET
ARCHITECTURAL SERIES BY INO
- COMPOSITE LAP SIDING, PRVCTY SCREENS:**
LONGBOARD - LIGHT NATURAL WALNUT
- STUCCO:**
STORMY SKY CC-1616, BENJAMIN MOORE
- STUCCO:**
METHO GRAY CC-1458, BENJAMIN MOORE
- STUCCO:**
WHITE DIAMOND CC-2121-60, BENJAMIN MOORE
- WINDOWS, GUARDSRAILS, PATIO SLIDERS, DRIP FLASHING, FASCIA, UNIT ENTRY DOORS, CAP FLASHING, SCREEN @ PARKING SLACK:**
BLACK
- FIN. GRASS:**
DISTANT GRAY CC-2140-70, BENJAMIN MOORE

Elevations



PROJECT MATERIALS:

- ROOFING:**
TORCH ON MEMBRANE C/W GREY CAP SHEET
ARCHITECTURAL SERIES BY B&O
- COMPOSITE LAP SIDING, PRIVACY SCREENS:**
LONGBOARD - LIGHT NATIONAL WALNUT
- STUCCO:**
STORMY SKY OC-1616, BENJAMIN MOORE
- STUCCO:**
METRO GRAY OC-1459, BENJAMIN MOORE
- STUCCO:**
WHITE DIAMOND OC-2121-60, BENJAMIN MOORE
- WINDOWS, GUARDRAILS, RATIO SLIDERS, DRIP FLASHING, FASCIA, UNIT ENTRY DOORS, CAP FLASHING, SCREEN @ PARKING BLACK**
- DECK FASCIA:**
DISTANT GRAY OC-2140-70, BENJAMIN MOORE

Conceptual Renderings

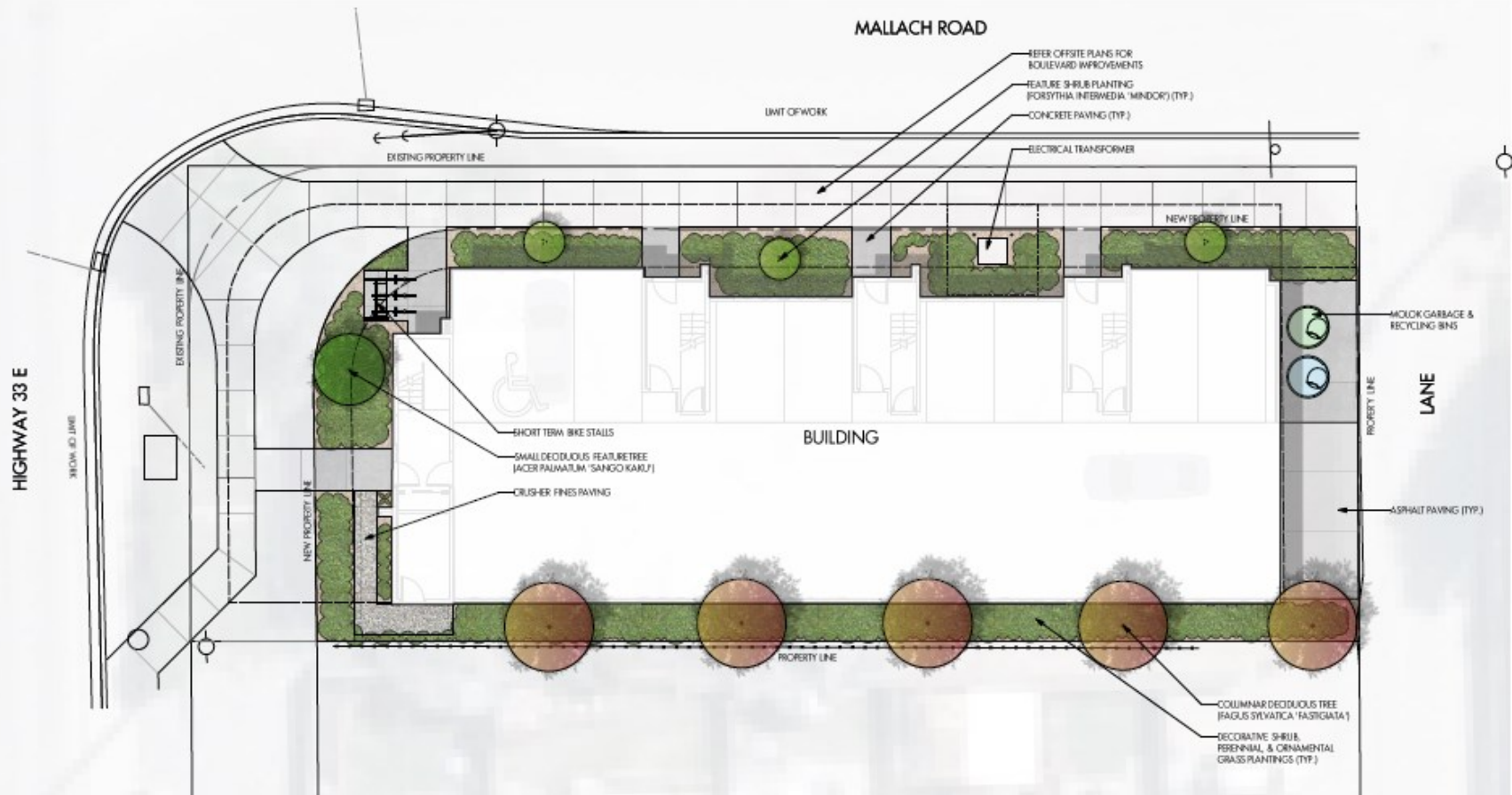


1 NORTH ELEVATION (FACING HWY 33)
4-000 / N.T.S.



a 3 SOUTH ELEVATION (FACING LANEWAY)
4-000 / N.T.S.

Landscape Plan



Project details

- ▶ Applicant is requesting one variance to the side yard setback:
 - ▶ The variance is to lower the side yard setback from 4.m required to 1.5m proposed.
- ▶ The site requires a lot of dedication, limiting the building footprint.
- ▶ The variance is mitigated by five shades trees along the property line.

LOT C
PLAN 5012

Unit Details:

- P1: 15'-9" [4800]
- P2: 19'-0 1/2" [5998]
- P3: 15'-9" [4800]
- P4: 8'-10 1/4" [2700]
- P5: 8'-10 1/4" [2700]
- P6: 8'-10 1/4" [2700]
- P7: 19'-0 1/2" [6000]
- P8: 8'-10 1/4" [2700]

Setbacks and Easements:

- 1.5m FRONT-YARD SETBACK
- 1.5m SIDE-YARD SETBACK
- 3m REAR-YARD SETBACK
- 12.8m PROPERTY LINE (BACK OF CURB)
- 12.8m PROPERTY LINE (SEWER ACCESS)
- 46.4m PROPERTY LINE (WOOD FENCE)
- 40.4m PROPERTY LINE (EDGE OF PAVEMENT)
- 18.8m PROPERTY LINE
- 4'-11" [1500]
- 22'-11 1/8" [7000]
- 4'-11" [1500]
- 8'-2 1/2" [2500]

Other Features:

- LANSCAPING
- TRANSFORMER
- SCHOOL ZONE SIGN
- MOLOK GARBAGE/RECYCLING
- CATCH BASIN
- SHORT-TERM BIKE STORAGE
- PP

Development Policy

- ▶ Meets the Intent of the Official Community Plan (OCP)
 - ▶ Rutland Urban Centre
 - ▶ Highway 33 Streetscape + Beautification
 - ▶ Family-Friendly Housing

Staff Recommendation

- ▶ Staff recommend support for the Rezoning application
 - ▶ Supported by policies in the OCP
 - ▶ Consistent with Future Land Use Designation
 - ▶ The variance is required due to road dedication and is mitigated through window placement and landscaping.



Conclusion of Staff Remarks

REPORT TO COUNCIL



Date: March 1, 2022

To: Council

From: City Manager

Department: Development Planning

Application: DP21-0276 & DVP21-0279 **Owner:** Valleywood Retirement BT LTD. Inc. No. BC1321914

Address: 340 Valley Road **Applicant:** Ed Hall

Subject: Development Permit and Development Variance Permit

Existing OCP Designation: VC – Village Centre

Existing Zone: RM5 – Medium Density Multiple Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP21-0276 and Development Variance Permit No. DVP21-0279 for Lot B Section 33 Township 26 ODYD Plan EPP107918, located at 340 Valley Road, Kelowna, BC subject to the following:

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

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

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

To vary the maximum number of storeys from 4.5 permitted to 5 proposed.

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

To vary the minimum site front yard from 6.0 m permitted to 4.2 m proposed.

Section 7.6.1: Landscaping and Screening, Minimum Landscape Buffers

To vary the minimum required landscape buffer along portions of the rear property line from 3.0 m permitted to 1.2 m proposed.

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

2.0 Purpose

To consider the form and character of multiple dwelling housing with variances to the number of storeys, the front yard setback and the rear yard landscape buffer.

3.0 Development Planning

Development Planning Staff are supportive of the Development Permit and associated variances as the proposal meets many of the objectives and supporting policies of the Official Community Plan (OCP), as well as the applicable Form and Character Development Permit Guidelines including:

- Ensure buildings have a front-to-back orientation to streets and open spaces with back-of-house uses located to the rear of buildings to minimize impacts on public open spaces
- Orient entries, windows, patios and balconies to face the fronting street. Ensure primary building entries are architecturally emphasized and directly accessible from the fronting public sidewalk
- Articulate building facades into intervals that are a maximum of 15m wide for mixed-use buildings and 20m wide for residential buildings. Strategies for articulating buildings should consider the potential impacts on energy performance (see 2.2.1), and include (See Figure 39):
 - Façade Modulation – stepping back or extending forward a portion of the façade to create a series of intervals in the facade;
 - Repeating window patterns at intervals that correspond to extensions and step backs (articulation) in the building facade;
 - Providing a bay window or balcony for each interval, while balancing the significant potential for heat loss through thermal bridge connections which could impact energy performance;
 - Changing the roof line by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval;

The property is within the Permanent Growth Boundary in the Glenmore Valley Village Centre along Valley Rd. The increase in density at this location is supported by local amenities such as parks, schools, transit, shopping and recreational opportunities in the immediate area. The proposed project will help contribute to fulfilling the City's OCP Objective 5.1 Encourage Village Centres as Kelowna's secondary hubs of activity.

Council Policy No. 367 with respect to public consultation was undertaken by the applicant and all neighbours within a 50 m radius of the subject parcel were notified.

4.0 Proposal

4.1 Background

The subject site was rezoned to RM5 - Medium Density Multiple Housing on November 19, 2019. The Development Permit and associated variances were approved by Council at the same meeting. The applicant

was unable to proceed with the project within the two-year time frame as per the Development Application and Heritage Procedures Bylaw No.12310 and the Development Permit has since expired.

The new Development Permit and Development Variance Permit applications are similar to the previous applications with a few minor revisions.

4.2 Project Description

The proposed development is for a seniors' housing project and includes 162 self-contained dwelling units. The proposal includes four studio units, 119 1-bedroom units, 38 2-bedroom units, and one 3-bedroom unit. Most units have balconies which provide private outdoor space. The proposal also includes several building amenities such as:

- common kitchen and dining area
- theatre
- chapel
- fitness room
- hair salon
- scooter/bike storage

Additionally, specialty rooms oriented towards occupants' varied interests are proposed including:

- dance hall
- sports lounge
- wood workshop
- crafts room
- games room
- library
- computer room

Form and Character

The proposal is for a five-storey apartment building that consists of three main structures connected by hallways which are oriented around the main entrance and towards Valley Road. This aids in breaking up the massing of the building into three distinct forms to reduce the overall massing and building lengths. The proposed buildings architectural form is the traditional craftsman style. The materials utilized are neutral earth tones and include horizontal and shake siding, cultured stone, and black trim around doors and windows.

The Parking requirements have been met through the provision of 106 parking stalls, with 44 stalls in the underground parkade and 62 at-grade stalls. The majority of the at-grade stalls are oriented to the rear of the building with a small amount at the front entry to allow for easier pick-up and drop-off of residents.

A 3.0 m landscaped buffer is provided along the Valley Road frontage to align with the Ministry of Agriculture's edge planning guidelines for properties that are adjacent to ALR land. The landscape buffer and the 20.0 m road right to way serve to provide a significant separation from agricultural lands across Valley Road.

Variances

The development is proposing three variances. The first variance is to increase the maximum building height by half a storey from 4.5 storeys to 5 storeys. The overall height of the proposed development remains below the 18.0 m maximum height at 17.2 m. The proposed development will align with the neighbourhood context as the surrounding area includes a number of recently constructed multi-family developments.

The second variance requested is to vary the front yard setback from 6.0 m required to 4.2 m proposed. This is to accommodate a relatively small portion of the proposed development, with the majority of the development set back greater than 6.0 m. Adequate landscaping is proposed along the front property line to provide additional screening.

The third variance is to reduce the rear yard landscape buffer width from 3.0 m required to 1.2 m along a portion of the rear property line. It is anticipated that the reduction in landscape buffer width will have minimal impact to the adjacent residential property. The proposed building is positioned well away from the rear property line in order to increase privacy for the residents as well as to the adjacent parcels.

4.3 Site Context

The project site is located in the Glenmore Valley area along Valley Road which is connected to urban services and located within the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU2-Medium Lot Housing, RM3-Low Density Multiple Housing	Single Family Dwellings, Townhouses
East	P5 – Municipal District Park A1 – Agriculture 1	Future Glenmore Recreation Park Farm
South	A1 – Agriculture 1, RR3 – Rural Residential	Farm Single Dwelling House
West	RM5 – Medium Density Multiple Housing, RM1 – Four Dwelling Housing	Glenmore Lodge, Apartment Housing Vacant

Subject Property Map: 340Valley Road



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM5 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Floor Area Ratio	1.1	1.05
Max. Site Coverage (buildings)	40%	33%
Max. Site Coverage (buildings, parking, driveways)	65%	62%
Max. Height	18.0 m / 4.5 storeys	17.2 m / 5 storeys ^①
Min. Front Yard (east)	6.0 m	4.2 m ^②
Min. Side Yard (south)	7.0 m	7.0 m
Min. Side Yard (north)	7.0 m	7.0 m
Min. Rear Yard	9.0 m	9.0 m
Other Regulations		
Min. Parking Requirements	102 stalls	106 stalls
Min. Bicycle Parking	8 spaces	8 spaces
Min. Private Open Space	1215 m ²	1418 m ²
Rear Yard Landscape Buffer	3.0 m	1.2 m ^③
<p>① Indicates a requested variance from 4.5 storeys to 5.0 storeys.</p> <p>② Indicates a requested variance to vary the front yard setback from 6.0 m required to 4.2 m proposed.</p> <p>③ Indicates a requested variance to reduce the rear yard landscape buffer from 3.0 m required to 1.2 m proposed along the rear property line.</p>		

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

Objective 5.1 Encourage Village Centres as Kelowna's secondary hubs of activity.	
Policy 5.1.6. Glenmore Village Centre	<p>Support development in the Glenmore Village Centre to serve citizens in neighbourhoods in north Kelowna, such as Glenmore, Wilden, and McKinley. Development in the Glenmore Village Centre should share the following characteristics:</p> <ul style="list-style-type: none"> • Commercial uses located east of Glenmore Road; • Buildings up to six storeys in height; and • Orientation of buildings along Brandt's Creek towards the creek and trail system. <p>Valley Road serves as the eastern boundary for the Glenmore Village Centre. The project site is on the west side of Valley Rd and is within the Glenmore Village Centre. The project proposal is 5 storeys in height. Brandt's Creek Linear Park extends along the east side of Valley Rd and the Glenmore Recreation Park is across Valley Rd from the project site.</p>
Objective 5.10 Ensure a compatible urban-rural interface that protects agricultural uses.	
Policy 5.10.3. Glenmore Village Centre	<p>Where a property is adjacent to land in the Agricultural Land Reserve (ALR) ensure that development limits associated negative impacts on adjacent agricultural operations by including appropriate buffers, setbacks and site planning, consistent with the Farm Protection Development Permit Guidelines outlined in Chapter 22: Farm Protection Development Permit Areas.</p> <p>The project site is across Valley Rd from R-AGR Rural – Agricultural and Resource land. The site is well separated from the agricultural land with the 3.0 m landscape buffer,</p>

	a 20.0 m Road Right of Way and the 10.0 m NA- Natural Area (Brandt's Creek Linear Park).
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6.o Application Chronology

Date of Application Accepted: December 20, 2021

Date Public Consultation Completed: January 26, 2022

Report prepared by: Lydia Korolchuk, Planner Specialist

Reviewed by: Jocelyn Black, Urban Planning Manager

Reviewed by: Terry Barton, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Draft Development Permit DP21-0276 & DVP21-0279

Schedule A: Site Plan & Floor Plans

Schedule B: Elevations

Schedule C: Landscape Plan

Attachment B: OCP Form & Character – Development Permit Guidelines

Attachment C: Applicant's Letter of Rationale

Development Permit & Development Variance Permit DP21-0276 & DVP21-0279



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

340 Valley Road

and legally known as

Lot B Section 33 Township 26 ODYD Plan EPP107918

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

Apartment Housing

USE as per Zoning Bylaw

Multiple Dwelling Housing / Supportive Housing

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

Date of Council Decision **March 1, 2022**

Decision By: **COUNCIL**

Development Permit Area: **Form and Character DP Area**

Existing Zone: **RM5 – Medium Density Multiple Housing**

Future Land Use Designation: **VC – Village Centre**

This is NOT a Building Permit.

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

NOTICE

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

Owner: **Valleywood Retirement BT LTD. Inc. No. BC1321914**

Applicant: **Ed Hall**

Terry Barton
Community Planning Department Manager
Planning & Development Services

Date

1. SCOPE OF APPROVAL

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

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

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

2. CONDITIONS OF APPROVAL

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

And that variances to the following sections of Zoning Bylaw No. 8000 be granted:

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

To vary the maximum number of storeys from 4.5 permitted to 5 proposed.

Section 13.11.6(d): RM5 - Medium Density Multiple Housing, Development Regulations

To vary the minimum site front yard from 6.0 m permitted to 4.2 m proposed.

Section 7.6.1: Landscaping and Screening, Minimum Landscape Buffers

To vary the minimum required landscape buffer along portions of the rear property line from 3.0 m permitted to 1.2 m proposed.

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

3. PERFORMANCE SECURITY

Performance Security received with DP19-0016 in the amount of \$195,296.68 to be transferred to DP21-0276.

4. INDEMNIFICATION

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

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

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

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

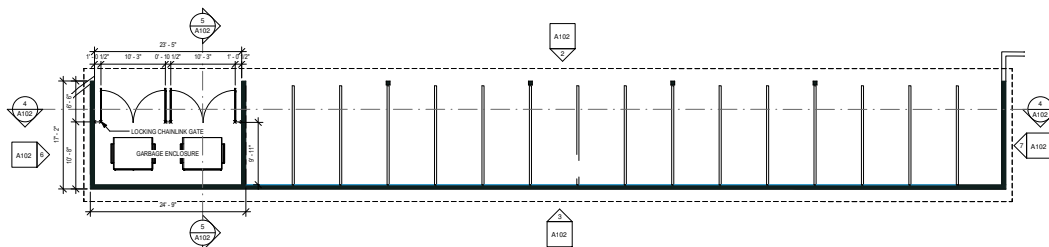
VALLEYWOOD RETIREMENT RESORT

DEVELOPMENT PERMIT SET

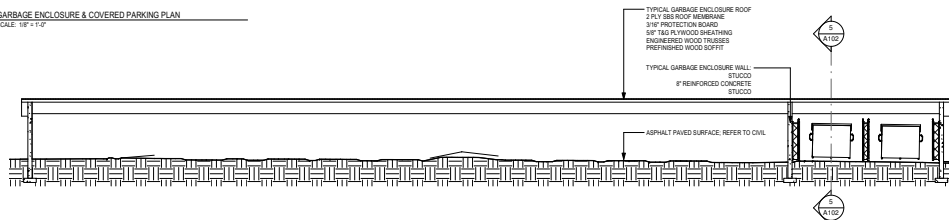


ISSUED FOR DEVELOPMENT PERMIT

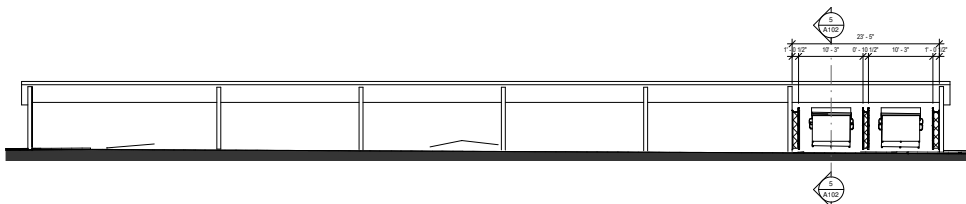
- A101 SITE PLAN
- A101a ZONING CHART
- A102 SITE DETAILS
- A103 PERSPECTIVE VIEWS
- A201 BASEMENT FLOOR PLAN
- A202 MAIN FLOOR PLAN
- A203 SECOND FLOOR PLAN
- A204 THIRD, FOURTH FLOOR PLANS
- A305 FIFTH FLOOR PLAN
- A306 ROOF PLANS
- A401 ELEVATIONS
- A402 ELEVATIONS



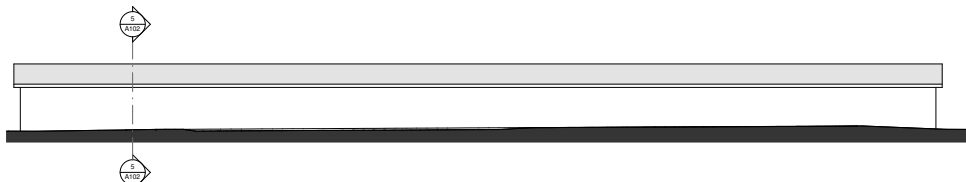
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SCALE: 1/8" = 1'-0"



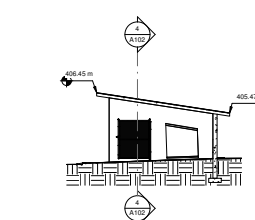
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SCALE: 1/8" = 1'-0"



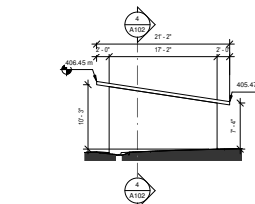
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SCALE: 1/8" = 1'-0"



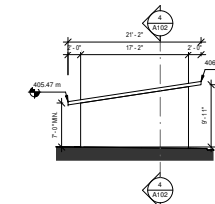
3 GARBAGE ENCLOSURE & COVERED PARKING - EAST ELEVATION
SCALE: 1/8" = 1'-0"



6 GARBAGE ENCLOSURE SECTION
SCALE: 1/8" = 1'-0"



6 GARBAGE ENCLOSURE & COVERED PARKING - SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



7 GARBAGE ENCLOSURE & COVERED PARKING - NORTH ELEVATION
SCALE: 1/8" = 1'-0"

SCHEDULE

A

This forms part of application
DP21-0276 DVP21-0279

Planner Initials

LK

City of Kelowna
DEVELOPMENT PLANNING

MQN ARCHITECTS
#100 - 311320th Avenue, Vernon, BC V1T 2M7
T: 250-563-1999
www.mqn.ca

2021.10.18
CONSULTANT

VALLEY RETIREMENT RESORT

340 VALLEY RD, KELOWNA BC, V1V 0C2

SITE DETAILS

PROJECT:	19234
SCALE:	1/8" = 1'-0"
DRAWN BY:	MB
CHECKED BY:	VT
DRAWING:	

A102



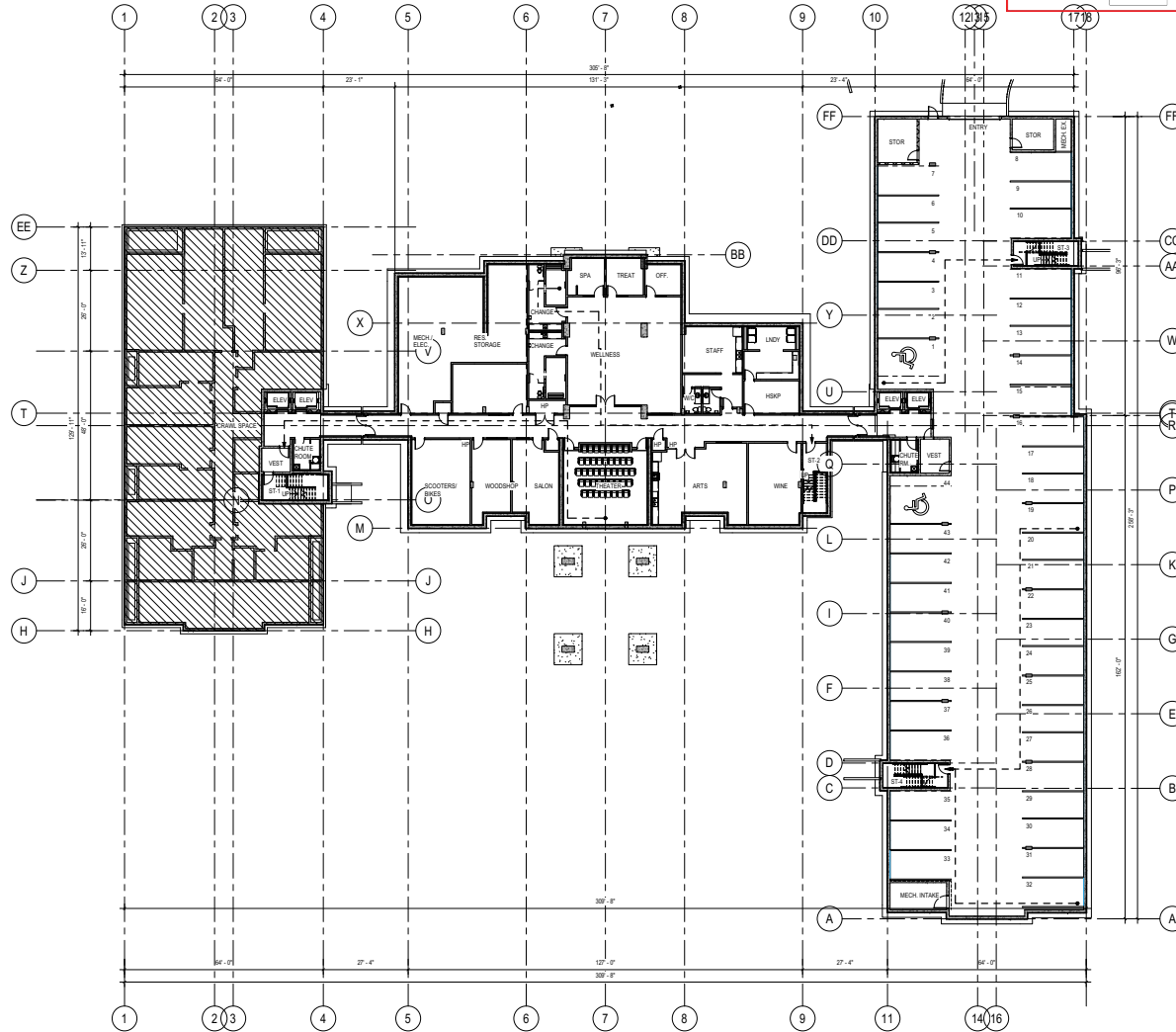
SCHEDULE A

This forms part of application
DP21-0276 DVP21-0279



City of
Kelowna
DEVELOPMENT PLANNING

Planner
Initials **LK**



1 BASEMENT FLOOR PLAN
SCALE: 1/8" = 1'-0"



DATE	BY	REVISION
2021.10.18	Val Wood	CONSULTANT

VALLEYWOOD RETIREMENT RESORT

DRAWING TITLE

BASEMENT FLOOR PLAN

PROJECT:	18234
SCALE:	1/8" = 1'-0"
DRAWN BY:	MSB
CHECKED BY:	VT
DRAWING:	

A201

A

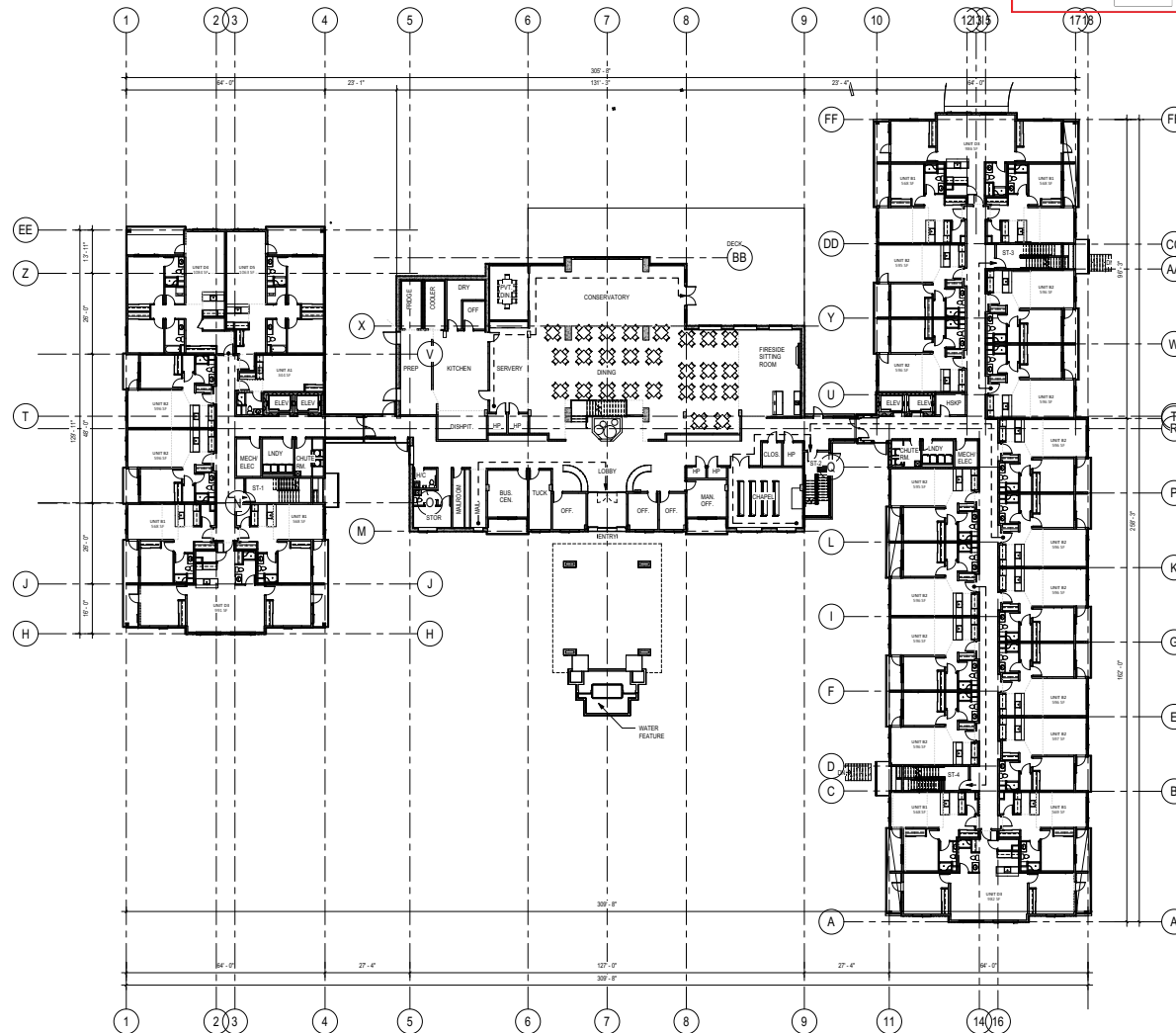
DP21-0276 DVP21-0279



City of Kelowna
DEVELOPMENT PLANNING

Planner
Initials

LK



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

SCHEDULE

A

This forms part of application

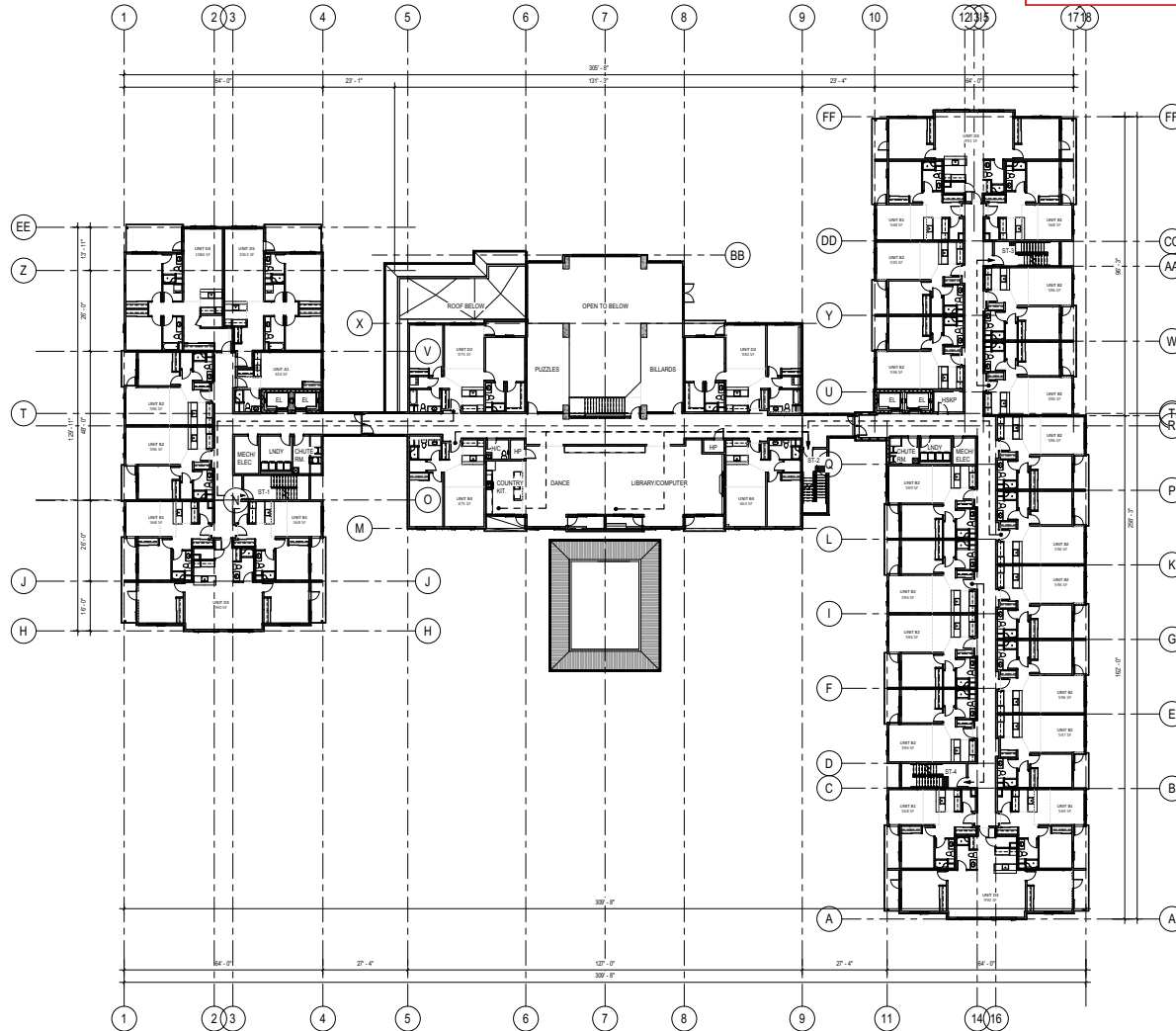
DP21-0276 DVP21-0279



City of
Kelowna
DEVELOPMENT PLANNING

Planner
Initials

LK



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



CONSULTANT

NO.	REV.	DATE	DESCRIPTION
1	1	2021.10.18	ISSUED FOR PERMIT
2	1	2021.10.18	ISSUED FOR PERMIT
3	1	2021.10.18	ISSUED FOR PERMIT
4	1	2021.10.18	ISSUED FOR PERMIT
5	1	2021.10.18	ISSUED FOR PERMIT
6	1	2021.10.18	ISSUED FOR PERMIT
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18	1	2021.10.18	ISSUED FOR PERMIT
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20	1	2021.10.18	ISSUED FOR PERMIT

PROJECT TITLE

VALLEYWOOD RETIREMENT RESORT

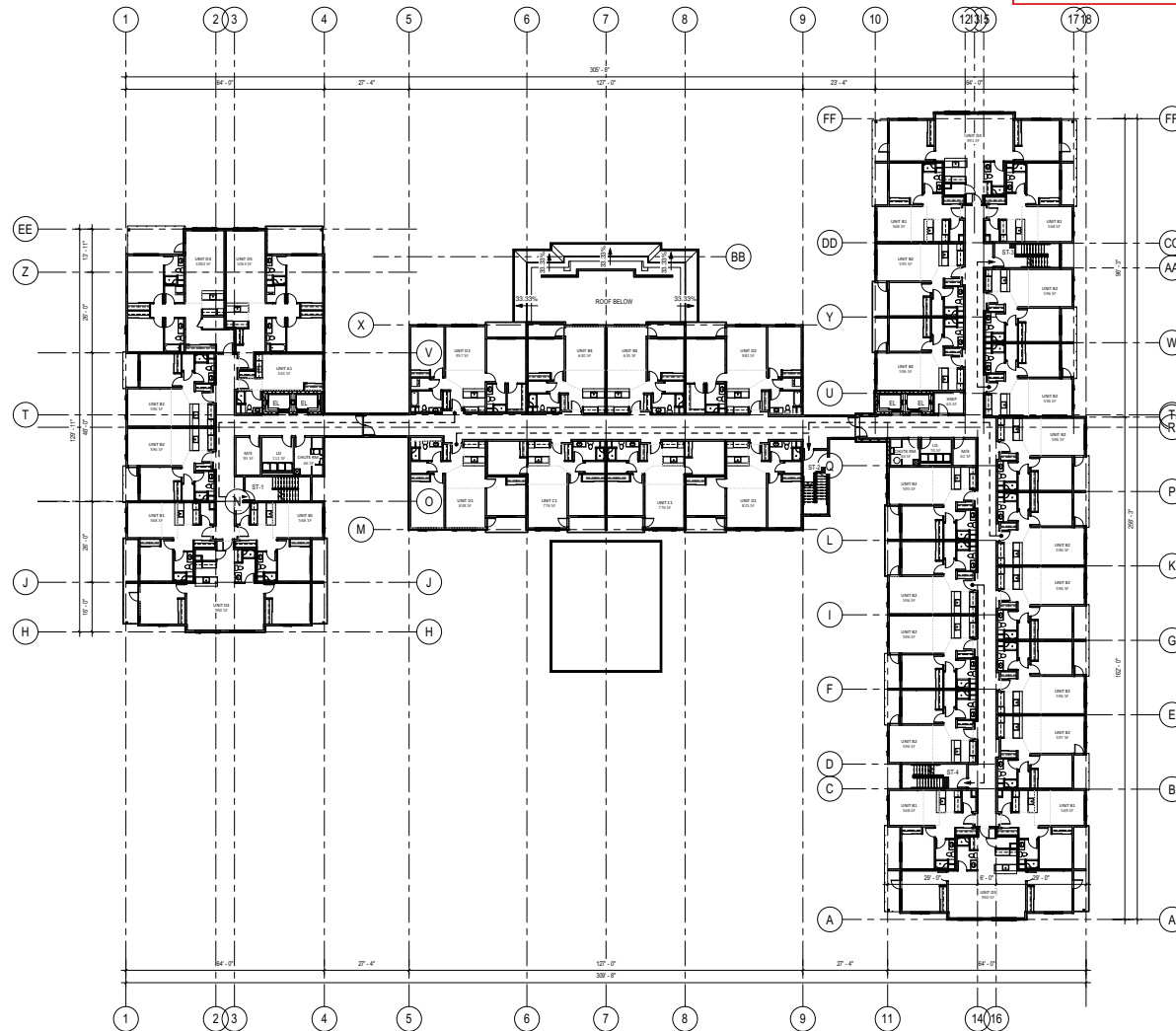
DRAWING TITLE

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SCALE:	1/16" = 1'-0"
DRAWN BY:	MSB
CHECKED BY:	VT
DRAWING:	A203

A



City of Kelowna
DEVELOPMENT PLANNING



1 THIRD TO FOURTH FLOOR PLAN
A401 SCALE: 1/16" = 1'-0"

SCHEDULE

A

This forms part of application

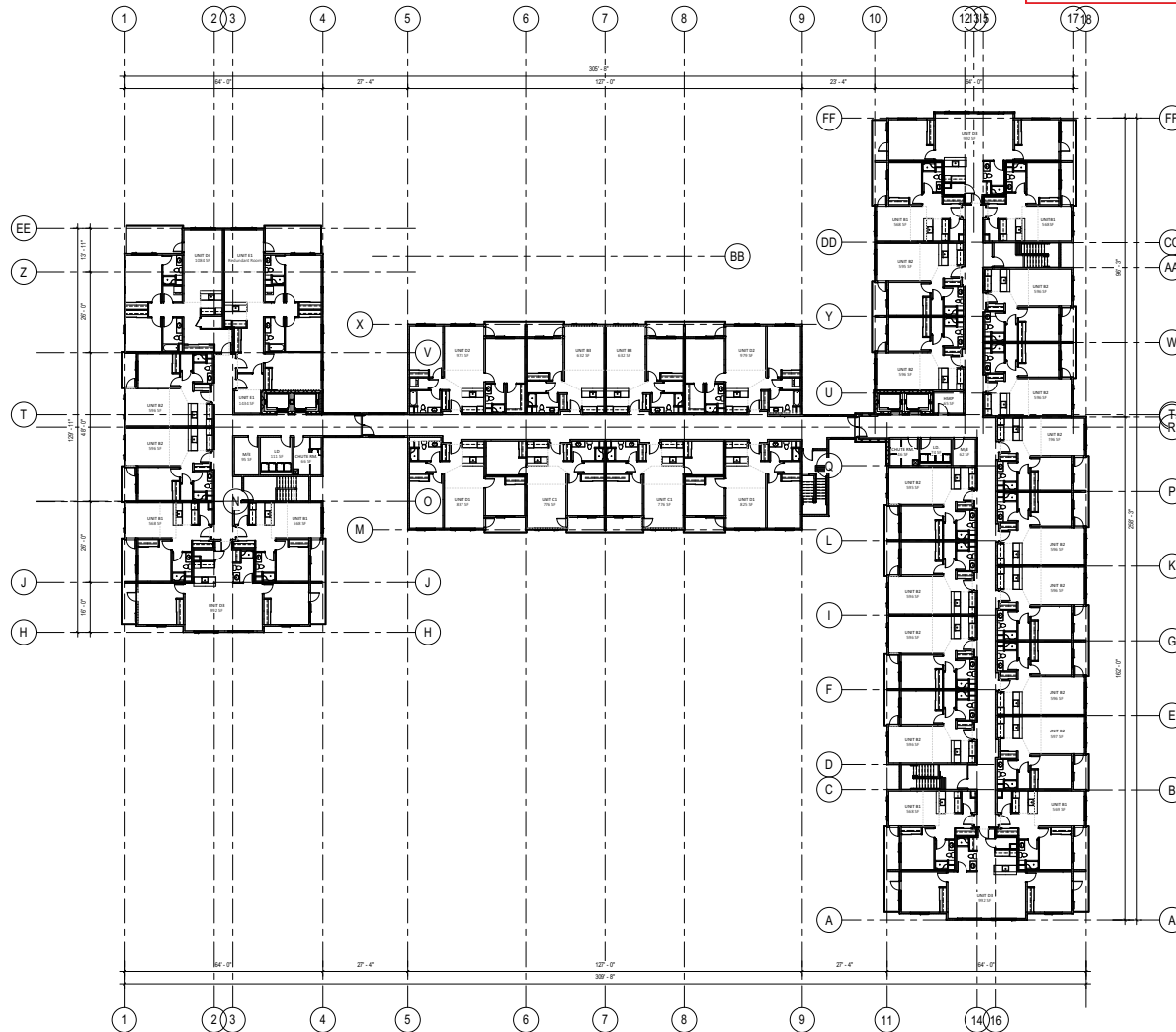
DP21-0276 DVP21-0279



City of
Kelowna
DEVELOPMENT PLANNING

Planner
Initials

LK



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



CONSULTANT

DATE	BY	FOR	DESCRIPTION
2021.03.18	NEIL MCNAMEE	VALLEYWOOD RETIREMENT RESORT	FIFTH FLOOR PLAN

VALLEYWOOD RETIREMENT RESORT

DRAWING TITLE

FIFTH FLOOR PLAN

PROJECT:	18234
SCALE:	1/8" = 1'-0"
DRAWN BY:	NEIL
CHECKED BY:	VT

A205

SCHEDULE B

This forms part of application

DP21-0276 DVP21-0279

City of
Kelowna
DEVELOPMENT PLANNING

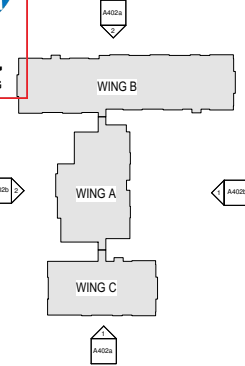


Planner
Initials

LK

EXTERIOR FINISHES

- VINYL SHAKES - GENTEK - CANYON CLAY
- CULTURED STONE - BUICKS COUNTRY DRESSED FIELD STONE & LEDGER STONE MIXED FIELDSTONE
- ASPHALT SHINGLES - RUSTIC BLACK
- VINYL HORIZONTAL SIDING - GENTEK - CANYON CLAY
- CONCRETE POST - EXPOSED AGGREGATE
- ALUMINUM STORE FRONT WINDOW FRAMES - COLOUR CLAY
- VINYL WINDOWS COLOUR BLACK
- ALUMINUM GUARD RAIL SYSTEM - COLOUR BLACK
- PREFINISHED METAL CLADDING/SOFFIT/GUTTER - COLOUR BLACK



3 ELEVATION KEY PLAN
SCALE: 1" = 60'-0"



2 SOUTH ELEVATION
SCALE: 3/32" = 1'-0"



1 WEST ELEVATION
SCALE: 3/32" = 1'-0"

VALLEY RETIREMENT RESORT

EXTERIOR ELEVATIONS

PROJECT: 19234
SHEET: A401
DRAWN BY: NB/AP
CHECKED BY: VT
DRAWING:

A401

SCHEDULE C

This forms part of application
DP21-0276 DVP21-0279

City of
Kelowna
DEVELOPMENT PLANNING

Planner
Initials **LK**



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



ALR LANDSCAPE BUFFER - SECTION A-A
SCALE 1:25

PLANT LIST - COTTAGES/SUPPORTIVE HOUSING

BOTANICAL NAME	COMMON NAME	QTY	SIZE / SPACING & REMARKS
TREES			
ACER RUBRUM 'ARMSTRONG'	ARMSTRONG MAPLE	7	6m CAL
ACERTATARUM	TATARIAN MAPLE	16	6m CAL
AMELANCHIER GRANDIFLORA 'ROBIN HILL'	ROBIN HILL SERVICEBERRY	6	6m CAL
LIQUIDAMBAR STYRACIFLUA 'MORANE'	MORANE SWEET GUM	2	6m CAL
PRINUS FLEXILIS 'CESARINI'	BLUE JAWB PINE	7	2m HT
PRINUS FLEXILIS 'VANDERWOOLF'S PYRAMID'	VANDERWOOLF'S PYRAMIDAL PINE	12	2m HT
PRINUS NIVOSTRIS	SCOTCH PINE	4	2m HT
POPULUS TREMULOIDES	TREMBLING ASPEN	2	6m CAL
SHRUBS, PERENNIALS, & ORNAMENTAL GRASSES			
ACHILLEA MILLEFOLIUM 'SUMMER PASTELS'	SUMMER PASTELS YARROW	45	#01 CONT / 0.75M O.C. SPACING
ALCHEMILLA MOUS	LADY'S MANTLE	70	#01 CONT / 0.6M O.C. SPACING
ALLIUM 'CLOREMASTER'	GLOBEMASTER ORNAMENTAL ONION	82	#01 CONT / 0.6M O.C. SPACING
ARCTOSTAPHYLOS UVA-URSI	RAINBERRY	53	#01 CONT / 0.5M O.C. SPACING
BASILICORNEA SAGITTATA	ARROWLEAF BASILICOT	82	#01 CONT / 0.6M O.C. SPACING
CORNUS ALBA 'SIBIRICA'	TATARIAN DOGWOOD	22	#02 CONT / 1.125M O.C. SPACING
ELONCHUS ALATUS 'SELECT'	FIRE BALL BURNING BUSH	22	#02 CONT / 1.125M O.C. SPACING
HEBERICAUS 'STELLA D'ORO'	STELLA D'ORO DANELLY	82	#01 CONT / 0.6M O.C. SPACING
IRIS 'BEFORE THE STORM'	BEFORE THE STORM BEARDED IRIS	70	#01 CONT / 0.6M O.C. SPACING
LAVANDULA ANGUSTIFOLIA 'MUNSTEAD'	MUNSTEAD ENGLISH LAVENDER	70	#01 CONT / 0.6M O.C. SPACING
MISCANTHUS SINENSIS 'RUBROSCISS'	ORANGE PANE GRASS	26	#01 CONT / 1.125M O.C. SPACING
PERNETTUM ALCOCELOIDES	FOUNTAIN GRASS	26	#01 CONT / 1.125M O.C. SPACING
SEDUM KAMTSCHATKUM	RUSSIAN STONECROP	9	#01 CONT / 0.6M O.C. SPACING
SYRINGA VULGARIS	COMMON LILAC	8	#02 CONT / 2.5M O.C. SPACING
VERBURA CRUPUS 'NANUM'	DWARF EUROPEAN CRANBERRY	45	#02 CONT / 0.75M O.C. SPACING
ALR BUFFER SHRUBS			
AMELANCHIER ALNIFOLIA	SARACON	7	#02 CONT / 2.0M O.C. SPACING
CORNUS STODOLSKA	RED OSIER DOGWOOD	5	#02 CONT / 2.5M O.C. SPACING
CORNUS ALBA 'SIBIRICA'	TATARIAN DOGWOOD	13	#02 CONT / 1.125M O.C. SPACING
HYDRANGEA PANICULATA 'GRANDIFLORA'	REEDE HYDRANGEA	5	#02 CONT / 2.5M O.C. SPACING
SYRINGA VULGARIS	COMMON LILAC	5	#02 CONT / 2.5M O.C. SPACING

PLANT LIST - RETIREMENT RESORT

BOTANICAL NAME	COMMON NAME	QTY	SIZE / SPACING & REMARKS
TREES			
ACER RUBRUM 'ARMSTRONG'	ARMSTRONG MAPLE	10	6m CAL
AMELANCHIER GRANDIFLORA 'ROBIN HILL'	ROBIN HILL SERVICEBERRY	10	6m CAL
LIQUIDAMBAR STYRACIFLUA 'MORANE'	MORANE SWEET GUM	2	6m CAL
PRINUS FLEXILIS 'CESARINI'	BLUE JAWB PINE	12	2m HT
PRINUS FLEXILIS 'VANDERWOOLF'S PYRAMID'	VANDERWOOLF'S PYRAMIDAL PINE	4	2m HT
PRINUS NIVOSTRIS	SCOTCH PINE	12	2m HT
SYRINGA RETICULATA 'IVORY SILK'	IVORY SILK LILAC	15	6m CAL
SHRUBS, PERENNIALS, & ORNAMENTAL GRASSES			
ACHILLEA MILLEFOLIUM 'SUMMER PASTELS'	SUMMER PASTELS YARROW	53	#01 CONT / 0.75M O.C. SPACING
ALCHEMILLA MOUS	LADY'S MANTLE	82	#01 CONT / 0.6M O.C. SPACING
ALLIUM 'CLOREMASTER'	GLOBEMASTER ORNAMENTAL ONION	82	#01 CONT / 0.6M O.C. SPACING
ARCTOSTAPHYLOS UVA-URSI	RAINBERRY	53	#01 CONT / 0.5M O.C. SPACING
BASILICORNEA SAGITTATA	ARROWLEAF BASILICOT	82	#01 CONT / 0.6M O.C. SPACING
CORNUS ALBA 'SIBIRICA'	TATARIAN DOGWOOD	22	#02 CONT / 1.125M O.C. SPACING
ELONCHUS ALATUS 'SELECT'	FIRE BALL BURNING BUSH	26	#02 CONT / 1.125M O.C. SPACING
HEBERICAUS 'STELLA D'ORO'	STELLA D'ORO DANELLY	82	#01 CONT / 0.6M O.C. SPACING
IRIS 'BEFORE THE STORM'	BEFORE THE STORM BEARDED IRIS	82	#01 CONT / 0.6M O.C. SPACING
JANIPUS SABINA 'MICHAMCOOP'	MICHAMCOOP JUNPER	70	#02 CONT / 1.125M O.C. SPACING
LAVANDULA ANGUSTIFOLIA 'MUNSTEAD'	MUNSTEAD ENGLISH LAVENDER	82	#01 CONT / 0.6M O.C. SPACING
MISCANTHUS SINENSIS 'RUBROSCISS'	ORANGE PANE GRASS	30	#01 CONT / 1.125M O.C. SPACING
PERNETTUM ALCOCELOIDES	FOUNTAIN GRASS	30	#01 CONT / 1.125M O.C. SPACING
SEDUM KAMTSCHATKUM	RUSSIAN STONECROP	82	#01 CONT / 0.6M O.C. SPACING
SYRINGA VULGARIS	COMMON LILAC	82	#02 CONT / 2.5M O.C. SPACING
VERBURA CRUPUS 'NANUM'	DWARF EUROPEAN CRANBERRY	53	#02 CONT / 0.75M O.C. SPACING
ALR BUFFER SHRUBS			
AMELANCHIER ALNIFOLIA	SARACON	10	#02 CONT / 2.0M O.C. SPACING
CORNUS STODOLSKA	RED OSIER DOGWOOD	17	#02 CONT / 2.5M O.C. SPACING
CORNUS ALBA 'SIBIRICA'	TATARIAN DOGWOOD	6	#02 CONT / 1.125M O.C. SPACING
HYDRANGEA PANICULATA 'GRANDIFLORA'	REEDE HYDRANGEA	6	#02 CONT / 2.5M O.C. SPACING
SYRINGA VULGARIS	COMMON LILAC	6	#02 CONT / 2.5M O.C. SPACING

NOTES

1. PLANT MATERIAL AND CONSTRUCTION METHODS SHALL MEET OR EXCEED THE CANADIAN LANDSCAPE STANDARD.
2. ALL SOFT LANDSCAPE AREAS SHALL BE WATERED BY A FULLY AUTOMATIC, TINED UNDERGROUND IRRIGATION SYSTEM.
3. TREE AND SHRUB BEDS TO BE DRESSED IN A MINIMUM 75mm WOOD MULCH, AS SHOWN ON PLANS. DO NOT PLACE WEED MAT UNDERNEATH TREE AND SHRUB BEDS.
4. TREE AND SHRUB BEDS TO RECEIVE A MINIMUM 300mm DEPTH TOPSOIL RACHPENT.
5. TURF FROM 500 SHALL BE NO. 1 GRADE, GROWN FROM CERTIFIED SEED OF IMPROVED CULTIVARS REGISTERED FOR SALE IN B.C. AND SHALL BE TOLERANT OF DROUGHT CONDITIONS. A MINIMUM OF 150mm DEPTH OF GROWING MEDIUM IS REQUIRED BENEATH TURF AREAS. TURF AREAS SHALL MEET EXISTING GRADES AND HARD SURFACES FLUSH.
6. SITE GRADING AND DRAINAGE WILL ENSURE THAT ALL STRUCTURES HAVE POSITIVE DRAINAGE AND THAT NO WATER OR LOOSE IMPEDIMENTS WILL BE DISCHARGED FROM THE LOT INTO ADJACENT PUBLIC, COMMON OR PRIVATE PROPERTIES.



PROJECT TITLE
**VALLEY RETIREMENT
RESORT AND COTTAGES**
Kelowna, BC

DRAWING TITLE

**CONCEPTUAL
LANDSCAPE PLAN**

DESIGNED BY / REVISION	DATE	BY	REASON
15.08.15	15.08.15	Design/Concept	
15.08.15	15.08.15	Design/Concept	
15.08.15	15.08.15	Design/Concept	

PROJECT NO.	PROJECT
DESIGNED BY	DP
DRAWN BY	DP
CHECKED BY	DP
DATE	15.08.15
SCALE	1:500
PAGE SIZE	840x1100

DESIGNER'S SEAL



ISSUED FOR REVIEW ONLY
This drawing represents the design of a landscape architect and is not a contract. It is not to be used for construction without the approval of the architect or landscape architect.

Planner Initials LK

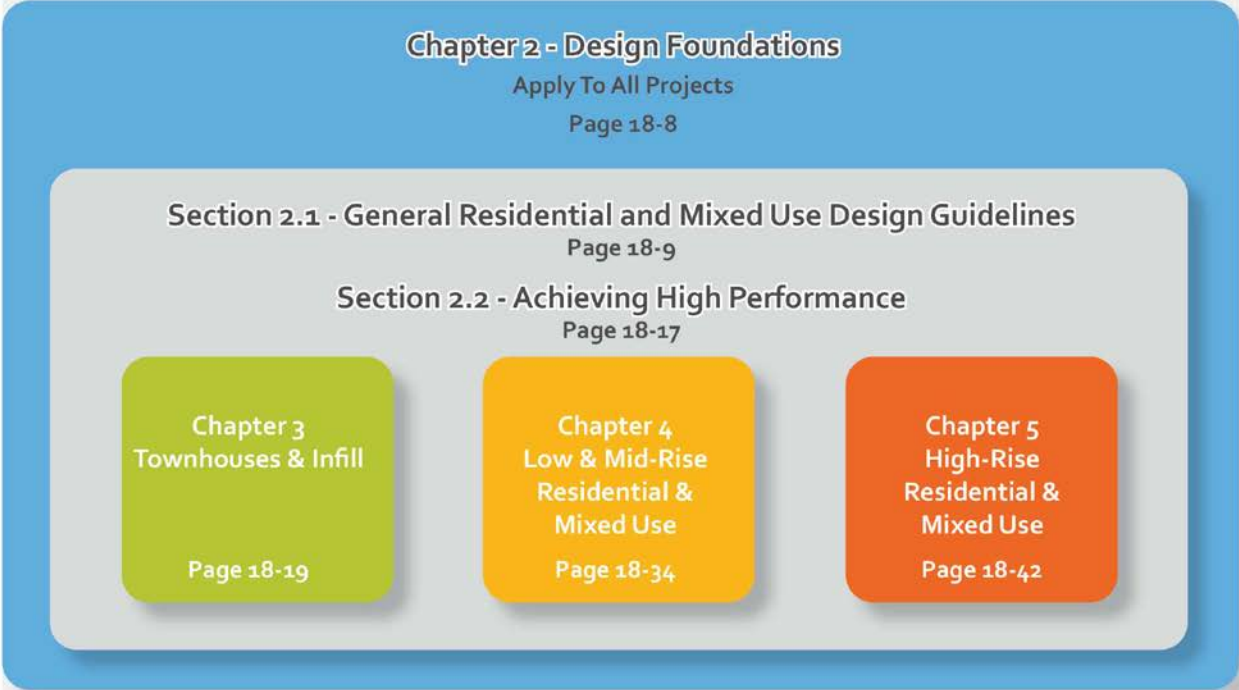
City of Kelowna
DEVELOPMENT PLANNING
FORM & CHARACTER – DEVELOPMENT PERMIT GUIDELINES

Chapter 2 - The Design Foundations : apply to all projects and provide the overarching principles for supporting creativity, innovation and design excellence in Kelowna.

- Facilitate Active Mobility
- Use Placemaking to Strengthen Neighbourhood Identity
- Create Lively and Attractive Streets & Public Spaces
- Design Buildings to the Human Scale
- Strive for Design Excellence

The General Residential and Mixed Use Guidelines : provide the key guidelines that all residential and mixed use projects should strive to achieve to support the Design Foundations.

- The General Guidelines are supplement by typology-specific guidelines (e.g., Townhouses & Infill on page 18-19, High-Rise Residential and Mixed-Use on page 18-42), which provide additional guidance about form and character.



*Note: Refer to the Design Foundations and the Guidelines associated with the specific building typology.

FORM & CHARACTER - DEVELOPMENT PERMIT GUIDELINES

Consideration has been given to the following guidelines as identified in Chapter 18 of the City of Kelowna 2040 Official Community Plan:

RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE <i>(1 is least complying & 5 is highly complying)</i>	N/A	1	2	3	4	5
CHAPTER 4.0: LOW & MID-RISE RESIDENTIAL & MIXED USE						
4.1 Guidelines						
4.1.1 Relationship to the Street						
Lobby area and main building entrance is clearly visible from the fronting street and sidewalk.						√
Wherever possible, blank walls at grade are not encouraged.					√	
Enclosed parking garages are located away from street frontages or public open space.						√
Ground oriented units with entries or glazing have been provided to avoid the blank/dead frontage along the street.				√		
When unavoidable, blank walls have been screened with landscaping or have been incorporated with a patio/café or special materials have been provided to make them visually interesting.					√	
Residential and Mixed-use Buildings						
Residential buildings at the ground floor have a set back between 3-5m from the property line to create a semi-private entry or transition zone to individual units and to allow for an elevated front entryway or raised patio.	√					
A maximum 1.2m desired height (e.g., 5-6 steps) for front entryways has been provided. Where the water table requires this to be higher, in these cases, larger patio has been provided and parking has been screened with ramps, stairs, and landscaping.	√					
Ground floor units accessible from the fronting street or public open spaces have been provided with individual entrances.	√					
Buildings are sited and oriented so that windows and balconies are overlooking public streets, parks, walkways, and shared amenity spaces while minimizing views into private residences.						√
4.1.2 Scale and Massing						
Proposed residential building façade has a length of 60m (40m length is preferred).						√
Buildings over 40m in length are incorporating significant horizontal and vertical breaks in façade.	√					
Commercial building facades are incorporating significant break at approximately 35m intervals.	√					
Proposed residential building has a maximum width of 24m.		√				
Seven to Twelve Storey Buildings						
Proposed building is provided with a 2-3 storey podium at the base of the building.	√					

RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE (1 is least complying & 5 is highly complying)	N/A	1	2	3	4	5
Built form's upper storeys have a minimum 2m stepback and more generous upper storey terraces facing south, and west are provided.				√		
Minimum 30m building separation between primary building facades is provided.	√					
Courtyards and mid-block connections within building sideyards are 6m wide (minimum).	√					
4.1.3 Site Planning						
On sloping sites, building floor levels are following the natural grade and avoiding the blank wall situation.	√					
Buildings are sited to be parallel to the street and have a distinct front-to-back orientation to public street and open spaces and to rear yards, parking, and/or interior courtyards.						√
Building sides that are interfacing with streets, mid-block connections, and other open spaces (building fronts) are positively framing and activating streets and open spaces and supporting pedestrian activity.				√		
Larger buildings are broken up with mid-block connections which have public accessibility wherever possible.				√		
Ground floors adjacent to mid block connections have entrances and windows facing the mid block connection.				√		
4.1.4 Site Servicing, Access, and Parking						
Vehicular access is provided from the lane.	√					
Where there is no lane, and where the re-introduction of a lane is difficult or not possible, access is provided from the street, provided: <ul style="list-style-type: none"> • Access is from a secondary street, where possible, or from the long face of the block; • Impacts on pedestrians and the streetscape is minimized; and, • There is no more than one curb cut per property. 						√
Above grade structure parking should only be provided in instances where the site or high water table does not allow for other parking forms.			√			
When parking cannot be located underground due to the high water table and is to be provided above ground, screen the parking structure from public view as follows: <ul style="list-style-type: none"> • On portions of the building that front a retail or main street, line the above ground parking with active retail frontage; • On portions of the building that front onto non-retail streets, line the above ground parking with an active residential frontage, such as ground oriented townhouse units; • When active frontages are not able to be accommodated, screen parking structures by using architectural or landscaped screening elements; • On corner sites, screen the parking structure from public view on both fronting streets using the appropriate strategy listed above. 			√			

RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE (1 is least complying & 5 is highly complying)	N/A	1	2	3	4	5
Buildings with ground floor residential may integrate half-storey underground parking to a maximum of 1.2m above grade, with the following considerations: <ul style="list-style-type: none"> Semi-private spaces should be located above to soften the edge and be at a comfortable distance from street activity; and Where conditions such as the high water table do not allow for this condition, up to 2m is permitted, provided that entryways, stairs, landscaped terraces, and patios are integrated and that blank walls and barriers to accessibility are minimized. 	√					
4.1.5 Publicly Accessible and Private Open Spaces						
Publicly accessible private spaces (e.g., private courtyards accessible and available to the public) have been integrated with public open areas to create seamless, contiguous spaces.				√		
Semi-private open spaces have been located to maximize sunlight penetration, minimize noise disruptions, and minimize 'overlook' from adjacent units.				√		
Outdoor Amenity Areas: design plazas and parks to: <ul style="list-style-type: none"> Contain 'three edges' (e.g., building frontage on three sides) where possible and be sized to accommodate a variety of activities; Be animated with active uses at the ground level; and, Be located in sunny, south facing areas. 				√		
Internal courtyard design provides: <ul style="list-style-type: none"> amenities such as play areas, barbecues, and outdoor seating where appropriate. a balance of hardscape and softscape areas to meet the specific needs of surrounding residents and/or users. 	√					
Mid-block connections design includes active frontages, seating, and landscaping.				√		
Rooftop Amenity Spaces						
Shared rooftop amenity spaces (such as outdoor recreation space and rooftop gardens on the top of a parkade) are designed to be accessible to residents and to ensure a balance of amenity and privacy by: <ul style="list-style-type: none"> Limiting sight lines from overlooking residential units to outdoor amenity space areas through the use of pergolas or covered areas where privacy is desired; and Controlling sight lines from the outdoor amenity space into adjacent or nearby residential units. 	√					
Reduce the heat island effect by including plants or designing a green roof, with the following considerations: <ul style="list-style-type: none"> Secure trees and tall shrubs to the roof deck; and Ensure soil depths and types are appropriate for proposed plants and ensure drainage is accommodated. 	√					
4.1.6 Building Articulation, Features & Materials						

RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE (1 is least complying & 5 is highly complying)	N/A	1	2	3	4	5
Articulate building facades into intervals that are a maximum of 15m wide for mixed-use buildings and 20m wide for residential buildings. Strategies for articulating buildings should consider the potential impacts on energy performance (see 2.2.1), and include: <ul style="list-style-type: none"> • Façade Modulation – stepping back or extending forward a portion of the façade to create a series of intervals in the facade; • Repeating window patterns at intervals that correspond to extensions and step backs (articulation) in the building facade; • Providing a porch, patio, deck, or covered entry for each interval; • Providing a bay window or balcony for each interval, while balancing the significant potential for heat loss through thermal bridge connections which could impact energy performance; • Changing the roof line by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval; • Changing the materials with the change in building plane; and • Provide a lighting fixture, trellis, tree, or other landscape feature within each interval. 					√	
Break up the building mass by incorporating elements that define a building's base, middle and top.				√		
Use an integrated, consistent range of materials and colors and provide variety by, for example, using accent colors.				√		
Articulate the facade using design elements that are inherent to the building as opposed to being decorative. For example, create depth in building facades by recessing window frames or partially recessing balconies to allow shadows to add detail and variety as a byproduct of massing.					√	
Incorporate distinct architectural treatments for corner sites and highly visible buildings such as varying the roofline (See Figure 41), articulating the facade, adding pedestrian space, increasing the number and size of windows, and adding awnings and canopies.				√		
Weather Protection						
Provide weather protection (e.g. awnings, canopies, overhangs, etc.) along all commercial streets and plazas (See Figure 42), with particular attention to the following locations: <ul style="list-style-type: none"> • Primary building entrances, • Adjacent to bus zones and street corners where people wait for traffic lights; • Over store fronts and display windows; and • Any other areas where significant waiting or browsing by people occurs. 					√	
Architecturally-integrate awnings, canopies, and overhangs to the building and incorporate architectural design features of buildings from which they are supported.					√	
Place and locate awnings and canopies to reflect the building's architecture and fenestration pattern.				√		

RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE <i>(1 is least complying & 5 is highly complying)</i>	N/A	1	2	3	4	5
Place awnings and canopies to balance weather protection with daylight penetration. Avoid continuous opaque canopies that run the full length					√	
Signage						
Provides attractive signage on commercial buildings that identifies uses and shops clearly but which is scaled to the pedestrian rather than the motorist. Some exceptions can be made for buildings located on highways and/or major arterials in alignment with the City's Sign Bylaw.	√					
Avoid the following types of signage: <ul style="list-style-type: none"> Internally lit plastic box signs; Pylon (stand alone) signs; and Rooftop signs. 	√					
Uniquely branded or colored signs are encouraged to help establish a special character to different neighbourhoods.	√					



December 14, 2021
City of Kelowna

Development Services
1435 Water Street
Kelowna, BC, V1Y 1J4
Phone: 250-469-8960 Fax: 250-862-3314



Re: Valleywood Retirement Resort – Project History and Design Rationale
340 Valley Road, Kelowna, BC

Development Services Staff,

MQN Architects is currently engaged to design a multi-residential development at 340 Valley Road, Kelowna, BC. Beginning in 2019, the property was successfully rezoned from A1 – Agriculture 1 to RM5 – Medium Density Multi-Residential; the Valleywood Retirement Resort has been developed in concert with the RM5 zoning bylaws and with previously granted variances to the front setback, rear landscape buffer, and building height.

With this development permit application, we are seeking variances for the above-mentioned zoning requirements to ensure our existing design remains viable. To account for the irregular shape of the lot, we are requesting a front setback variance from the minimum 6.0m down to 4.2m. Additionally, to accommodate site access for residents from Glenpark Drive while also meeting parking requirements, we are requesting a landscape buffer variance from the minimum 3.0m down to 1.2m. Finally, to provide more usable space for added housing, and to align with neighboring developments, we are requesting a building height variance from the maximum 4.5 stories to 5 stories. It should be noted that while we are asking for a variance in the number of stories, the overall building height will remain under the maximum building height set out in RM5 of 18.0m.

As a popular retirement destination, there is a strong and ever-growing need for affordable seniors' congregate housing in Kelowna. Within the next twenty years, this demand is expected to double, increasing the pressure on existing housing infrastructure. To address this need, Regency Retirement Resorts has continued to design, build, and operate seniors congregate housing facilities throughout the Kelowna area. The Valleywood Retirement Resort will stand as Regency's eight such facility. Unfortunately, due to the emergence of COVID in 2019, the completion of Regency's seventh development, Summerwood Retirement Resort, was delayed by more than a year. As of late 2019, Valleywood Retirement Resort had received a 2-year development permit; however, COVID's continued impact on the completion of Summerwood reduced Regency's ability to dedicate resources, as originally planned, toward further development of the Valleywood Retirement Resort.

Brian F. Quiring
Architect AIBC, MAA, M.Arch

Vicki A. Topping
Architect AIBC, M.Arch. LEED AP+

Roger B. Green
Architect AIBC, MRAIC, M.Arch

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E. info@mqn.ca
www.mqn.ca

Despite Regency and MQN's best efforts to find alternate solutions, including submission of a building permit application to show commitment to the project, Valleywood's original development permit lapsed in December 2021. We still strongly feel that Valleywood Retirement Resort will play a vital role in helping to keep rents reasonable and service levels high, through its' ability to add significantly to the rental stock of seniors' congregate housing units in the Kelowna market.



The 172,000 sq. ft. facility will feature 162 rental units split between 5 floors and will include a large communal dining room, serviced by a commercial kitchen, as well as a chapel and other smaller lounges and conservatories for rest, reflection, and relaxation. Valleywood will also feature a variety of amenity spaces catering to many different activities, located within the basement, main and second floors.

The proposed Valleywood Retirement Resort is nestled within a quiet residential area, among other similarly sized developments, including a long-term seniors' care facility, supplying the opportunity for a continuum of care for those looking to remain in the area. Additionally, there is a supportive living facility immediately adjacent to the property with a park and play space for children, offering Valleywood residents an occasion to interact with the surrounding community. While the Valleywood Retirement Resort provides residents with access to all necessary amenities in-house, it is also conveniently within walking-distance to other shopping and service areas.

The main entrance faces east toward Valley Road and features a small parking lot and port cochere for guests. Service and resident vehicular access is primarily located off Glenpark Drive, helping to decrease traffic congestion concerns on the busier Valley Road, and reduces the impact the Valleywood development has on pedestrian traffic.

Building projects find success through striking a balance between various project goals such as meeting the needs of its users and surrounding community, timelines, budget, costs, design, constructability, and profitability. Finding the balance can be a challenge; yet this process of finding balance can provide direction and shape, as was the case in this project.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Vicki A. Topping', is written over a circular red stamp.

Vicki A. Topping, Architect AIBC, M. Arch. LEED AP+
MQN Architects



2021-12-16

Brian F. Quiring
Architect AIBC, MAA, M.Arch

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DP21-0276 DVP21-0279 340 Valley Road

Development Permit and Development Variance Permit Applications



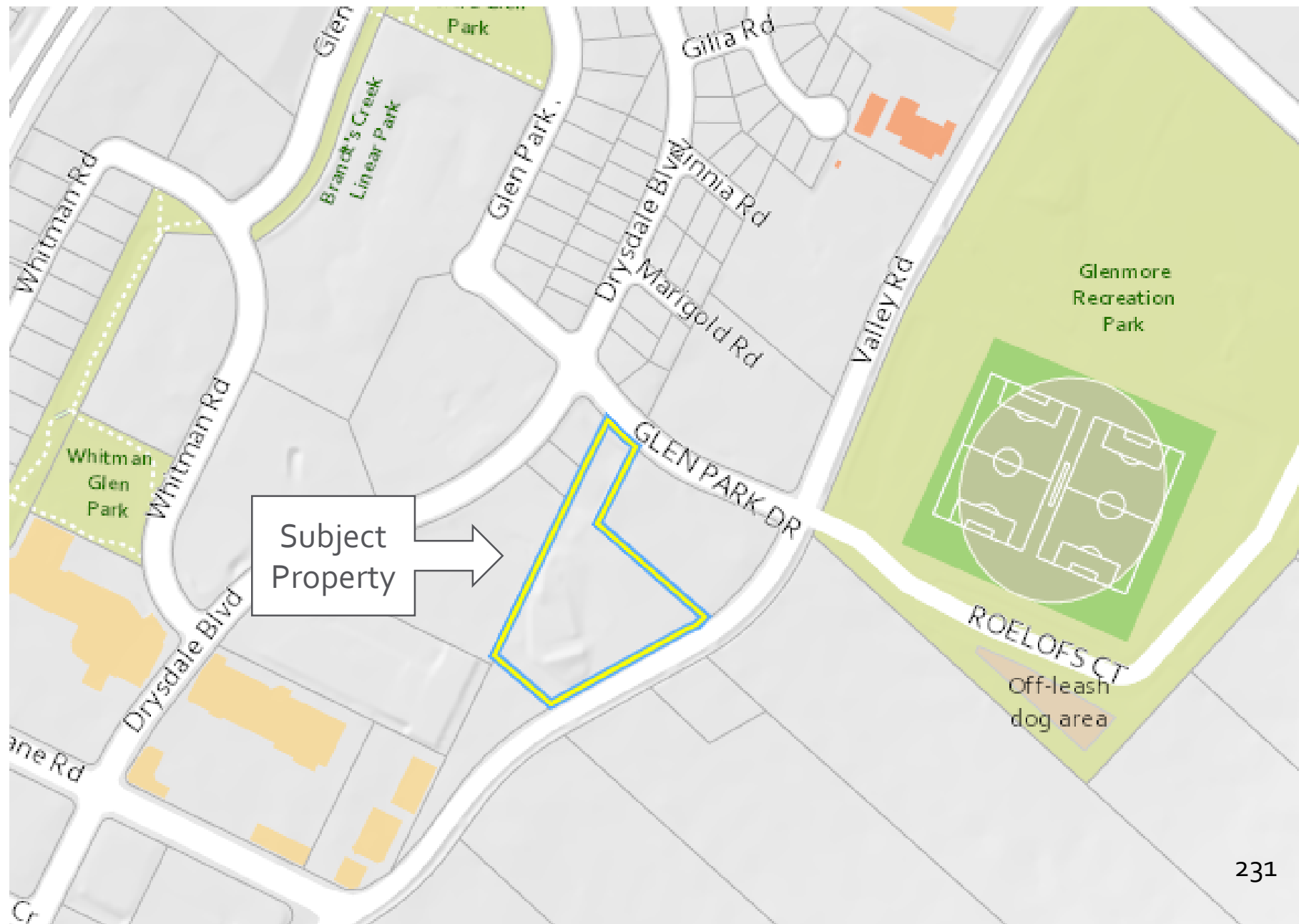
Proposal

- ▶ To consider the form and character of a proposed multiple dwelling housing development with variances to the number of storeys, the front yard setback, and the rear yard landscape buffer.

Development Process



Context Map



Subject Property Map



Glenmore
Recreation
Park

Drysdale Blvd

Glen Park Dr

Valley Road

Project Details

- ▶ Seniors' Housing
 - ▶ 5 storeys with 162 units
 - ▶ Variety of units (studio to 3 bedrooms)
 - ▶ Private outdoor space provided by balconies plus common outdoor areas
 - ▶ Building amenities include: communal dining room, theatre, fitness room, chapel, library, workshop, games room etc.
 - ▶ 106 parking stalls provided (44 underground, 62 at-grade)
 - ▶ Scooter and bike storage

Variances

- ▶ Number of storeys
 - ▶ 4.5 storeys permitted to 5 storeys proposed
 - ▶ Under maximum total height of 18.0 m at 17.2 m
- ▶ Front yard setback
 - ▶ 6.0 m required to 4.2 m proposed
 - ▶ Small portions of the proposed development
- ▶ Rear yard landscape buffer
 - ▶ 3.0 m required to 1.2 m for portions of the rear property line

Site Plan



Elevations



East Elevation (Valley Road)



West Elevation (rear)

Elevations



North Elevation



South Elevation

Materials



1. Vinyl Shakes – Canyon Clay
2. Cultured Stone
3. Asphalt Shingles – Rustic Black
4. Vinyl Horizontal Siding – Canyon Clay
5. Exposed Concrete
6. Aluminum Window Frames - Black

Landscaping



Development Policy

► Form & Character DP Guidelines

- Ensure buildings have a front-to-back orientation to streets and open spaces with back-of-house uses located to the rear of buildings to minimize impacts on public open spaces
- Proposed residential building façade has a length of 60m (40m length is preferred).
- Buildings over 40m in length are incorporating significant horizontal and vertical breaks in façade.
- Publicly accessible private spaces have been integrated with public open areas to create seamless, contiguous spaces.

Staff Recommendation

- ▶ Staff recommend **support** of the form and character Development Permit and associated variances
 - ▶ Meets many form and character DP guidelines
 - ▶ Create complete communities for all ages and abilities that have a diversity of housing



Conclusion of Staff Remarks