

# City of Kelowna

## Regular Council Meeting

### AGENDA



Tuesday, October 18, 2016  
6:00 pm  
Council Chamber  
City Hall, 1435 Water Street

#### Pages

1. **Call to Order**
2. **Reaffirmation of Oath of Office**  
The Oath of Office will be read by Councillor Hodge.
3. **Confirmation of Minutes** 1 - 11  
Public Hearing - October 4, 2016  
Regular Meeting - October 4, 2016
4. **Bylaws Considered at Public Hearing**
  - 4.1 **196 Cariboo Road, BL11288 (Z16-0018) D & S Schulz Enterprises Ltd** 12 - 12  
To give Bylaw No. 11288 second and third readings in order to rezone the subject property to subdivide the parcel into two lots.
  - 4.2 **3580 Casorso Road, BL11289 (Z16-0050) - Lonewolf Homes Ltd and Andrew Paterson** 13 - 13  
To give Bylaw No. 11289 second and third readings in order rezone the subject property to facilitate a subdivision of the parcel into two lots.
  - 4.3 **5100 Gordon Drive, BL11291 (OCP16-0008) - No. 21 Great Projects Ltd.** 14 - 15  
**Requires a majority of all members of Council (5).**  
To give Bylaw No. 11291 second and third readings in order to change the future land use designation of the subject property to facilitate a single family residential subdivision for Phase 5 of The Ponds and to dedicate parkland to the City.
  - 4.4 **5100 Gordon Drive, BL11292 (Z16-0045) - No. 21 Great Projects Ltd.** 16 - 17  
To give Bylaw No. 11292 second and third readings in order to rezone the subject property to facilitate a single family residential subdivision for Phase 5 of The Ponds and to dedicate parkland to the City.

- 4.5 2980 Gallagher Road, BL11293 (OCP16-0051) - Gordon, Hiedi-Sabine, Donald, Amy, Allen 18 - 19**

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

To give Bylaw No. 11293 second and third readings in order to change the future land use designation of the subject property to accommodate the development of a single family subdivision.

- 4.6 2980 Gallagher Road, BL11294 (Z16-0051) - Gordon, Hiedi-Sabine, Donald, Amy, Allen & Angelica Kirschner 20 - 22**

To give Bylaw No. 11294 second and third readings in order to rezone portions of the subject properties in order to accommodate the development of a single family subdivision.

- 4.7 752 & 760 Bechard Road, BL11295 (Z16-0047) - Elda & Louis Pagliaro 23 - 24**

To give Bylaw No. 11295 second and third readings in order to rezone portions of the subject properties to facilitate a four lot subdivision.

## **5. Notification of Meeting**

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

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

- 6.1 1547 & 1543 Bedford Ave, BL11262 (Z16-0019) - Al Stober Construction 25 - 25**

To adopt Bylaw No. 11262 in order to rezone the subject properties to facilitate a proposed 63 unit 4.5 storey multi-family building.

- 6.2 1545 Bedford Road & 1525 Dickson Avenue, DP16-0091, DVP16-0092, DP14-0197-01 & DVP16-0217 - Al Stober Construction Ltd. 26 - 75**

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

To review the Form & Character Development Permit for a 67 unit 4 ½ storey multi-family building and to consider twelve (12) variances split between two Development Variance Permits (Phases 1 & 2) and to consider an amended Form & Character Development Permit for landscaping alterations in Phase 1.

- 6.3 9595 Bottom Wood Lake Road, DVP16-0100 - BC Tree Fruits Cooperative 76 - 89**

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

To consider a variance to the front yard setback at 9595 Bottom Wood Lake Road for an expansion to an agri-industrial building from 7.5 m to 1.32 m.

- 6.4 1160 McKenzie Road, DP16-0044 & DVP16-0045 - Karmjit, Balvir & Avineet Gill**

**WITHDRAWN BY APPLICANT**

- 6.5 2161 Belgo Road, DVP16-0128 - Sydney Wray Kincaid**

90 - 116

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

To consider a Staff recommendation to NOT issue a Development Variance Permit to vary the maximum height of two accessory buildings on the subject property from 4.5 m maximum to 6.65 m proposed for a cabana and from 4.5 m maximum to 7.53 m proposed for a garage or to decrease the minimum distance from the front lot line for an accessory structure from 18.0 m minimum to 8.40 m proposed.

- 6.6 1975 Kane Road, BL11261 (Z16-0026) - Terrance and Joan Raisanen**

**WITHDRAWN BY APPLICANT**

- 6.7 1975 Kane Road, DP16-0117 & DVP16-0118 - Terrance and Joan Raisanen**

**WITHDRAWN BY APPLICANT**

**7. Reminders**

**8. Termination**



## City of Kelowna Public Hearing Minutes

Date: Tuesday, October 4, 2016  
Location: Council Chamber  
City Hall, 1435 Water Street

Council Members Present: Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Mohini Singh\* and Luke Stack

Council Members Absent: Councillors Brad Sieben

Staff Present: Acting City Manager, Joe Creron; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; Divisional Director, Community Planning & Real Estate, Doug Gilchrist and Legislative Coordinator (Confidential), Arlene McClelland

(\* Denotes partial attendance)

### 1. Call to Order

Mayor Basran called the Hearing to order at 6:00 p.m.

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

### 2. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on September 20, 2016 and by being placed in the Kelowna Capital News issues on Friday September 23 and Wednesday, September 28, 2016 and by sending out or otherwise delivering 706 statutory notices to the owners and occupiers of surrounding properties between September 20 and 23, 2016.

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

### 3. Individual Bylaw Submissions



### 3.1 720 Valley Road, BL11276 (OCP16-0010), BL11277 (TA16-0009) & BL11278 (Z16-0046) - Valley Land Subdivision Ltd.

#### Staff:

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

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

#### Letters of Concern:

G. Elaine Beyeler, Valley Rd (including petition with 89 signatures)

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

#### Corey Makus, VP, Traine Construction; Jordan Hettinga, Kent MacPherson Appraisals

- Displayed a PowerPoint presentation summarizing the development.
- Pleased to be part of the group bringing this development forward and want to see an iconic neighbourhood in this location.
- Believes this is high quality infill on this site.
- Marketed as Medium Density Multi-Family and commented on this being what the Official Community Plan calls for; however, asking to down zone from medium density to low density and believe it is an appropriate transition for the neighbours to the north. Will push higher density away from Chartwell.
- Displayed a Landscape Plan noting common space between developments as well as traffic and pedestrian circulation.
- Advised that there are three exit points from the development and that a traffic impact analysis has been completed. The temporary access to Valley Road will be replaced with a proper road.
- Remodeled the sun study and took into account the topography on site and surrounding heights of the buildings and determined there will be no adverse impact on vegetation growth with this development.
- Believes this development meets the needs of the Official Community Plan as well as respecting the surrounding community.
- Responded to questions from Council.

#### Gallery:

#### Elaine Beyeler, Valley Road

- Referenced the correspondence and petition submitted for the Public Hearing.
- Raised concerns with shadowing impacts on Chartwell and affecting the quality of life for residents.
- Raised concerns with massing of new development immediately adjacent to the common property line and loss of privacy.
- Raised concerns with impacts on property values with loss of sunlight and privacy.
- Proposed one storey height maximum for buildings along common property line.
- Responded to questions from Council.

#### Ed Henkel, Valley Road

- Raised concern with traffic impacts due to the development.
- Raised concern with existing traffic volumes and traffic route issues.
- Recommended that Valley Road be widened and proper traffic lights at Valley and Summit be completed prior to any occupancy permits issued.

#### Jordan Hettinga, Applicant

- Spoke to the traffic impact analysis noting traffic improvements are required as part of the development and are similar to what was recommended.

- Spoke to the rationale behind the height of the first row of buildings adjacent to Chartwell and commented that staff also believes this is an appropriate transition.
- Spoke to the changes to the original drawings identifying shadowing impacts on Chartwell development and will continue discussion with staff.
- Responded to questions from Council.

There were no further comments.

### 3.2 3441, 3451, 3461, & 3471 Lakeshore Road, BL11280 (OCP16-0007) & BL11281 (Z16-0040) - 0984342 BC Ltd. & City of Kelowna

Staff:

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

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

#### Letters of Support:

Craig Crippen, Traditions Cres

#### Letters of Opposition:

President for KAS 3420 on behalf of council and residence, Scott Rd

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

Greg Appelt, President of Rise Developments and Jean-Guy Beliveau, Zeidler BKDI Architects, Applicant

- Displayed a PowerPoint presentation summarizing the development.
- Provided a history of the development site and referenced the three different parcels and challenging soil conditions that required navigation.
- Very proud of the design and the multiple uses; apartments are above the substation and views are forward facing the lake. Will be creating rooftop amenity space accessible to all tenants including hot tub and BBQ areas.
- Requesting zone change from C9 to C4 to allow for a more mixed use component.
- Believes this development creates a gateway to the Lakeshore area and makes an iconic statement.
- This development is in scale within the area and is very street oriented.
- The residents to the south are a considerable distance away and setback from them so there are no shadowing impacts.
- Responded to questions from Council.

Gallery:

Annabelle Mallack, Strata Council, Scott Road

- Referenced correspondence submitted by the Strata President.
- Strongly disapprove of the height of the building and raised concern regarding shadowing.
- Raised concern regarding impacts on pedestrian safety and routes to Gyro Beach.
- Raised concern with increased traffic flow, congestion and parking impacts.
- Raised concerns with increase in commercial and residential space and parking.
- Responded to questions from Council.

Bernd Melser, Calmels Crescent

- In favour of the project.
- Raised concern if the development will impact the wind along the beach for windsurfers.

Ken Compass, Casorso Road

- Raised concern with unknown spillover impacts of the development.
- Raised concern with increase in traffic and safety of school children.



- Raised concern with the impacts and changing the character of the South Pandosy neighbourhood.
- Raised concern with the building height.
- Responded to questions from Council.

Harold Bewernick, Gyro Beach Townhomes Development, Swordy Road

- Generally supportive and believes it will be an enhancement to the neighbourhood.
- Raised concern with density and increased traffic and congestion.
- Believes the development should exit from Richter Street and not Swordy Road with possible right in and right out on Lakeshore Road.
- Raised concern that privacy will be lost on Swordy Road with the proposed density.
- Raised concerns with minimal setbacks.
- Responded to questions from Council.

Sukhi Sandhu Fuller Road

- In favour of the proposed development.
- Believes this development has a good mix of commercial and residential.
- Raised concern with parking on Swordy Road and recommended more parking for the area.

Greg Appelt and Jean-Guy Beliveau, Applicant

- Confirmed that the zone permits zero setback line at grade and the higher residential storeys are setback further which should satisfy the privacy issue for adjacent neighbours.
- This development will provide a nicer pedestrian aspect which will funnel people to appropriate intersections and will help control traffic and pedestrian traffic.

There were no further comments.

**3.3 1787 Mountain Avenue, BL11282 (Z16-0004) - Janice & William Henry**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

Letters of Concern:

Susan Gilchrist, Calmels Cres (including petition with 39 signatures)

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

Janice Henry, Mountain Avenue, Applicant

- Spoke to the character of the home that was built in 1929 and the appeal of the property.
- Has requested for the house to be placed on the Heritage Register and is awaiting confirmation.
- The intention is for my family to live in the house and this area will be our neighbourhood.
- Has received a lot of positive neighbourhood feedback regarding the work being done on the house.
- Would like this house to be the gateway onto Calmels Court.
- The carriage house is comparable with the existing home and is ground level and an extension of the garage.
- This development will add one additional vehicle.

Susan Gilchrist, Calmels Crescent

- Spoke to the correspondence and petition submitted prior to the Public Hearing.
- Canvassed Calmels Crescent and received 39 signatures from 25 properties.
- Raised concern with increased density being at odds with the neighbourhood.
- Raised concern that the new driveway negatively impacts traffic and parking.
- Raised concern with existing volume of traffic, congestion and pedestrian safety issues.

- Believes there is a suite in the basement of the home and adding a carriage house would add even more vehicles and that is a concern.
- Opposed to the Rezoning.
- Responded to questions from Council.

Trent Johnson, Mountain Avenue

- Raised concern with the development signage posted on Mountain Avenue being on the ground and if other neighbours may be unaware.
- Raised concern with density.
- Raised concern that the character of the neighbourhood will change due to this development.
- Opposed to this application.

Irene Failles, Calmels Crescent

- Raised concern that this proposal is not in keeping with the neighbourhood.
- Raised concern with existing volume of vehicles on Calmels Crescent and believes this proposal will further add to the volume.
- Opposed to the carriage home and this application.

Colin Gilchrist, Calmels Crescent

- Raised concern that this heritage proposal is not in keeping with the neighbourhood.
- Opposed to this application.

Richard Forster, Calmels Crescent

- Spoke to traffic concerns on Calmels Crescent.
- Spoke to cedar hedge that encroaches onto City property that obstructs sidewalk and visibility and his complaints to Bylaw Enforcement to have it trimmed.
- Raised safety concern for pedestrians and in particular school children.
- Responded to questions from Council.

Karen Stoopnikoff, Calmels Crescent

- A carriage house has a greater footprint than a suite and reduces the flexibility on the property.
- A legal suite still allows for a yard.
- Opposed to this application.

Jim Failles, 1069 Calmels Crescent

- Raised concern with traffic congestion on the Crescent and safety for children going to school.
- Believes that not allowing this application to move forward will assist in not making the existing issues greater than they are already.

Bernd Melzer, Calmels Crescent

- Believes the structure is not in character with the neighbourhood.
- In support of more residential units in the city but signed the petition due to safety issues; difficult to exit own driveway.
- Raised safety concern for children and vehicles.
- Would like to see sidewalks added to the Crescent.

Janice Henry, Applicant, declined to address concerns raised.

Recessed at 8:39 p.m.

Reconvened the meeting at 8:54 p.m.



### 3.4 700 McCurdy Road, BL11283 (Z16-0025) - Silver City Holdings Inc.

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

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

The Applicant was present and available for questions.

No one from the gallery came forward.

There were no further comments.

### 3.5 760 Mitchell Road, BL11284 (Z16-0015) - Terrence Dewar

Staff:

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

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

**Letters of Support:**

Cal Condy, Thompson Rd  
Olga Lehune, Mitchell Rd  
Kathy & John Rigg, Mitchell Rd  
Robin Kim and Dawn Meier, Mitchell Rd

**Letters of Opposition:**

Richard & Brenda Auclair, Thompson Rd  
Julie Dyck, Thompson Rd

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

The Applicant was present and available for questions.

No one from the gallery came forward.

There were no further comments.

### 3.6 1960 Paly Road, BL11285 (LUC16-0003) - Krista Eve Almeida & Stephen Glegg

Councillor Singh declared a conflict of interest as she lives near the subject property and departed the meeting at 9:01 p.m.

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

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

The Applicant was present and available for questions.

No one from the gallery came forward.

There were no further comments.

Councillor Singh rejoined the meeting at 9:04 p.m.

### 3.7 1280 Wilmot Avenue, BL11286 (Z15-0060) - Romesha Ventures Inc.

Staff:

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

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

**Letters of Concern:**

Shannon & Doug Hoy, Nishi Ct

**Letters of Support:**

Susen & Michael Brown, Samurai Ct

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

The Applicant was not present.

Gallery:

Terry Ivan, Wilmot Avenue

- Opposed to this application.
- Raised concern of how the information notice identified properties.
- Proposed that the land in question be purchased by the City and turned into greenspace or parkland.
- Inquired how the greenspace would be developed.
- Responded to questions from Council.

Dr. Ron Baldassare, Nishi Court

- Raised concern of how the information notice identified properties.
- Has the same concerns as previous speaker Terry Ivan.

Wally Vanin, Wilmot Avenue

- Lives directly across the street from this proposal.
- Inquired to the timelines of this development.
- Not Opposed to this application.

Susen Brown, Samurai Court

- Referenced the correspondence submitted prior to the Public Hearing.
- Confirmed support of that portion of rezoning to parkland.
- Agrees that the information notice was somewhat vague as to which 4 lots were being designated.

Council:

- Raised questions regarding the Information Notice.

City Clerk and Urban Planning Manager:

- Stated that the property under consideration is a single lot being rezoned to four separate lots; subdivision would be the next step should the zoning proceed to create individual lots.
- Noted the purpose of the Notice and that members of the public did attend to ask their questions.

There were no further comments.

#### 4. Termination

The Hearing was declared terminated at 9:35 p.m.

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Mayor

/acm



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City Clerk

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## City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, October 4, 2016  
Location: Council Chamber  
City Hall, 1435 Water Street

Council Members Present: Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Mohini Singh\* and Luke Stack

Council Members Absent: Councillors Brad Sieben

Staff Present: Acting City Manager, Joe Creron; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; Divisional Director, Community Planning & Real Estate, Doug Gilchrist and Legislative Coordinator (Confidential), Arlene McClelland

(\* Denotes partial attendance)

### 1. Call to Order

Mayor Basran called the meeting to order at 9:35 p.m.

### 2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Gray.

### 3. Confirmation of Minutes

Moved By Councillor Given/Seconded By Councillor Gray

R739/16/10/04 THAT the Minutes of the Public Hearing and Regular Meeting of September 20, 2016 be confirmed as circulated.

Carried

### 4. Bylaws Considered at Public Hearing

4.1 720 Valley Road, BL11276 (OCP16-0010) - Valley Land Subdivision Ltd.

Moved By Councillor Donn/Seconded By Councillor Gray

R740/16/10/04 THAT Bylaw No. 11276 be read a second and third time.

Carried

- 4.2 BL11277 (TA16-0009) - CD27, Valley Lands Comprehensive Development Zone

Moved By Councillor Donn/Seconded By Councillor Given

R741/16/10/04 THAT Bylaw No. 11277 be read a second and third time.

Carried

- 4.3 720 Valley Road, BL11278 (Z16-0046) - Valley Land Subdivision Ltd.

Moved By Councillor Gray/Seconded By Councillor Donn

R742/16/10/04 THAT Bylaw No. 11278 be read a second and third time.

Carried

- 4.4 3441, 3451, 3461 & 3471 Lakeshore Road, BL11280 (OCP16-0007) - 0984342 BC Ltd.

Moved By Councillor Hodge/Seconded By Councillor Stack

R743/16/10/04 THAT Bylaw No. 11280 be read a second and third time.

Carried

- 4.5 3441, 3451, 3461 & 3471 Lakeshore Road, BL11281 (Z16-0040) - 0984342 BC Ltd. & City of Kelowna

Moved By Councillor Hodge/Seconded By Councillor Donn

R744/16/10/04 THAT Bylaw No. 11281 be read a second and third time.

Carried

- 4.6 1787 Mountain Avenue, BL11282 (Z16-0004) - Janice & William Henry

Moved By Councillor Hodge/Seconded By Councillor Stack

R745/16/10/04 THAT Bylaw No. 11282 be read a second and third time and be adopted.

Carried

- 4.7 700 McCurdy Road, BL11283 (Z16-0025) - Silver City Holdings Inc.

Moved By Councillor Singh/Seconded By Councillor DeHart

R746/16/10/04 THAT Bylaw No. 11283 be read a second and third time.

Carried

- 4.8 760 Mitchell Road, BL11284 (Z16-0015) - Terrence Dewar

Moved By Councillor DeHart/Seconded By Councillor Singh

R747/16/10/04 THAT Bylaw No. 11284 be read a second and third time.

Carried

**4.9 1960 Paly Road, BL11285 (LUC16-0003) - Discharge of Land Use Contract  
LUC78-1034 (M27805) - Krista Eve Almeida & Stephen Glegg**

Councillor Singh declared a conflict of interest as she lives near the subject property and departed the meeting at 10:18 p.m.

Moved By Councillor Stack/Seconded By Councillor DeHart

R748/16/10/04 THAT Bylaw No. 11285 be read a second and third time.

Carried

Councillor Singh rejoined the meeting at 10:19 p.m.

**4.10 1280 Wilmot Avenue, BL11286 (Z15-0060) - Romesha Ventures Inc.**

Moved By Councillor Singh/Seconded By Councillor Stack

R749/16/10/04 THAT Bylaw No. 11286 be read a second and third time.

Carried

**5. Reminders**

**6. Termination**

The meeting was declared terminated at 10:20 p.m.

\_\_\_\_\_  
Mayor

/acm

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

**CITY OF KELOWNA**  
**BYLAW NO. 11288**  
**Z16-0018 - D & S Schulz Enterprises Ltd., Inc. No. BC 0837184**  
**196 Cariboo Road**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot H, Section 4, Township 23, ODYD, Plan 20088 located on Cariboo Road, Kelowna, B.C., from the RR3 - Rural Residential 3 zone to the RU6 - Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 3<sup>rd</sup> day of October, 2016.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

**CITY OF KELOWNA**  
**BYLAW NO. 11289**  
**Z16-0050 - Lonewolf Homes Ltd., Inc. No. BC0734044 and**  
**Andrew Louis Scott Paterson**  
**3580 Casorso Road**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 16, District Lot 134, ODYD, Plan 20399 located on Casorso Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot 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

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

# CITY OF KELOWNA

## BYLAW NO. 11291

### Official Community Plan Amendment No. OCP16-0008 - No. 21 Great Projects Ltd., Inc. No. 355991 5100 Gordon Drive

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of part of The South ½ DL 579 SDYD Except Plans KAP77336, KAP86178, KAP86917, KAP87090, KAP87918, EPP9619, EPP9638, EPP12863, EPP15721, EPP18670, EPP22118 and EPP55978, located on Gordon Drive, Kelowna, B.C., from the Multiple Unit Residential (Cluster Housing) to Single/ Two Unit Residential - Hillside, from Single/ Two Unit Residential - Hillside to Major Park and Open Space, from Single/ Two Unit Residential to Single/ Two Unit Residential - Hillside, from Multiple Unit Residential (Cluster Housing) to Major Park and Open Space, from Single/ Two Unit Residential to Major Park and Open Space, from Major Park and Open Space to Multiple Unit Residential (Cluster Housing) designations.
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 3<sup>rd</sup> day of October, 2016.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

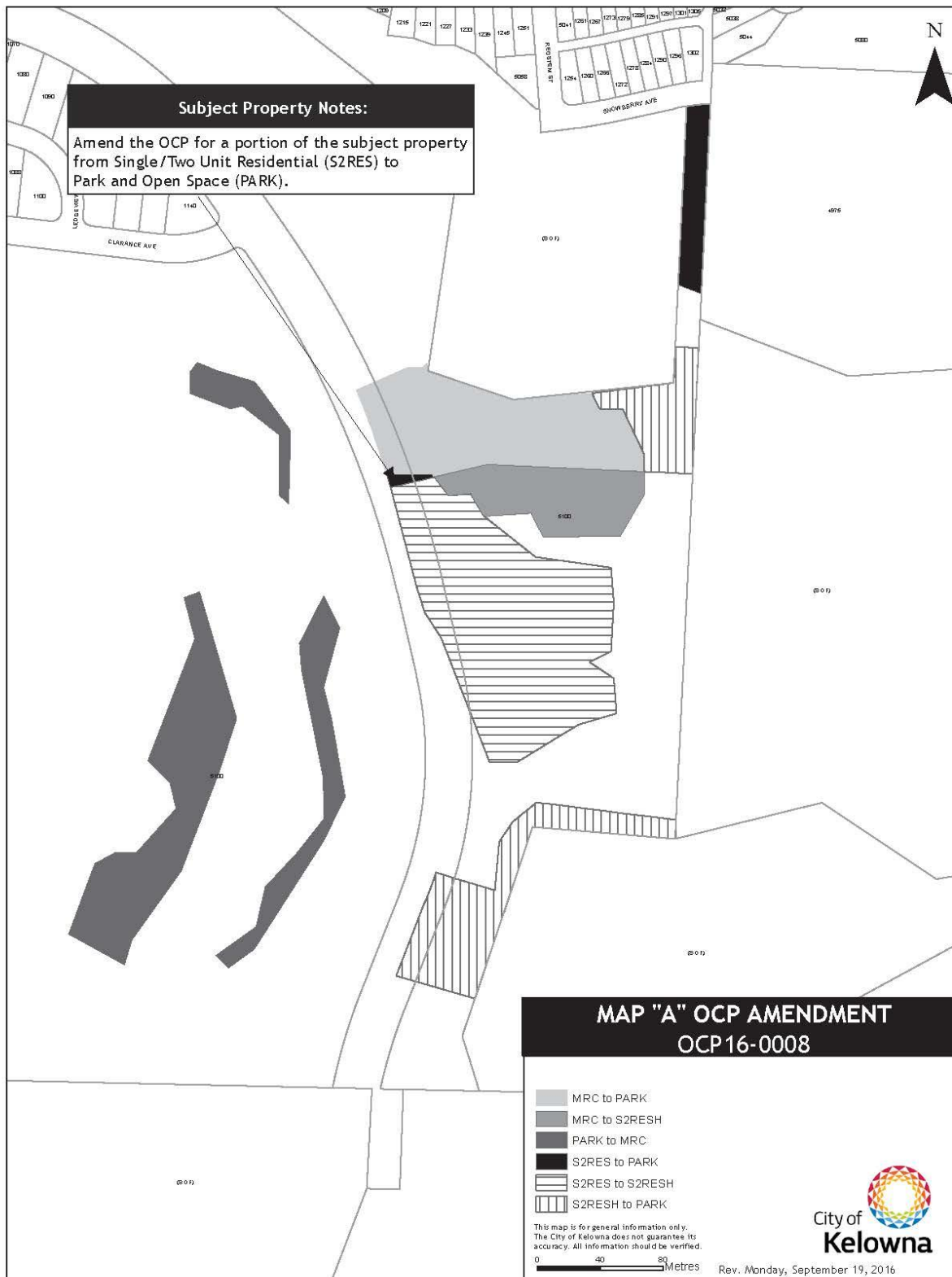
Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk





**CITY OF KELOWNA**  
**BYLAW NO. 11292**  
**Z16-0045 - No. 21 Great Projects Ltd., Inc. No. 355991**  
**5100 Gordon Drive**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of The South ½ DL 579 SDYD Except Plans KAP77336, KAP86178, KAP86917, KAP87090, KAP87918, EPP9619, EPP9638, EPP12863, EPP15721, EPP18670, EPP22118 and EPP55978, located on Gordon Drive, Kelowna, B.C., from A1- Agriculture 1 to P3 - Parks and Open Space and RU2h - Medium Lot Housing (Hillside Area).
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 3<sup>rd</sup> day of October, 2016.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

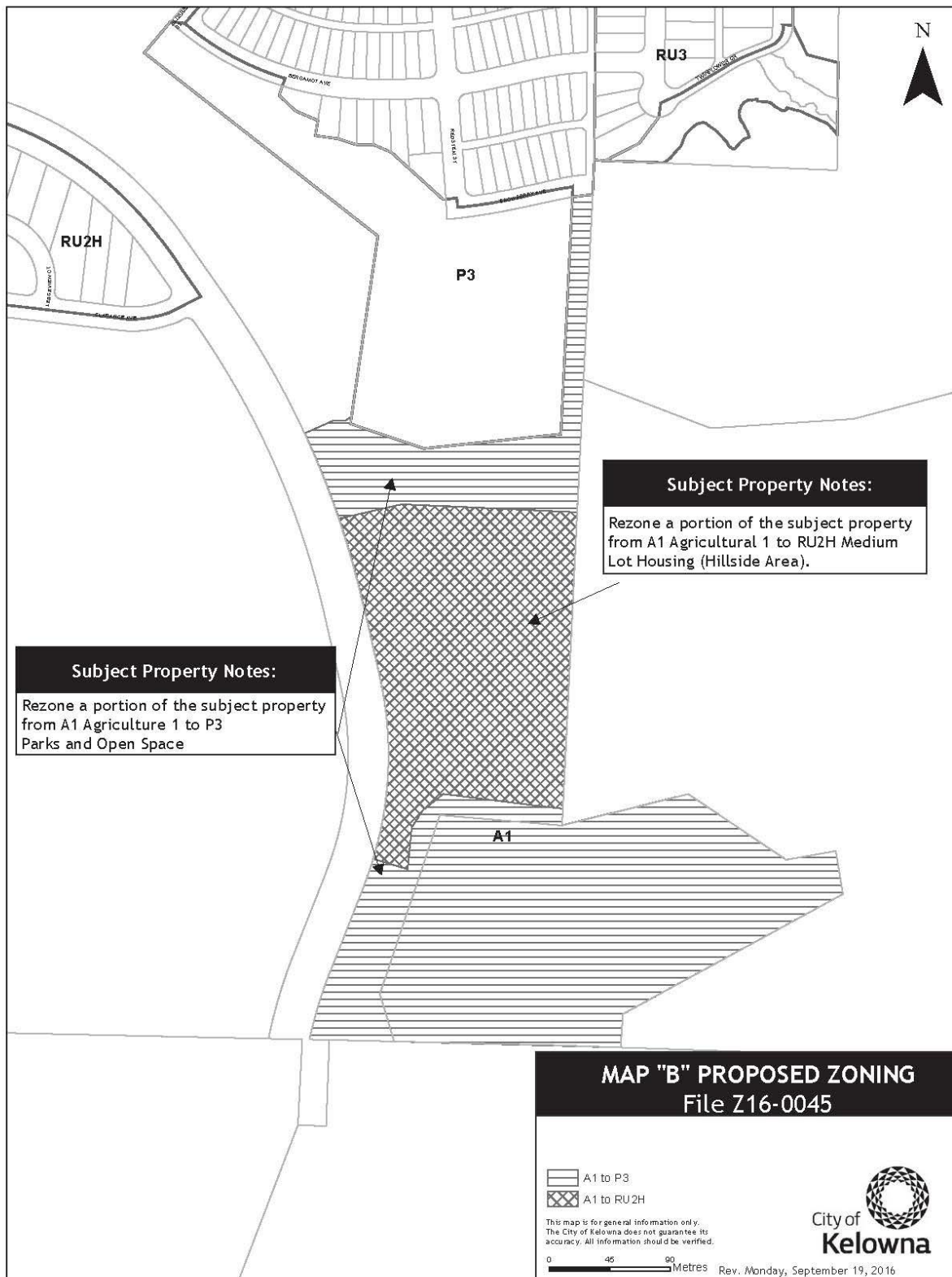
Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



# CITY OF KELOWNA

## BYLAW NO. 11293

### Official Community Plan Amendment No. OCP16-0014 - Gordon, Hiedi-Sabine, Donald, Amy, Allen and Angelica Kirschner 2980 Gallagher Road

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of portions of Lot 1, Sections 12 and 13, Township 26 and Sections 7 and 18, Township 27, ODYD, Plan KAP71697, Except Plans KAP84278, KAP86318, KAP86363, KAP88598 and EPP36504, located on Gallagher Road, Kelowna, B.C., from the Single/Two Unit Residential (S2RESH) designation to Major Park/Open Space (Public) (PARK) designation and from Major Park/Open Space (Public) (PARK) designation to Single/Two Unit Residential (S2RESH) 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

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

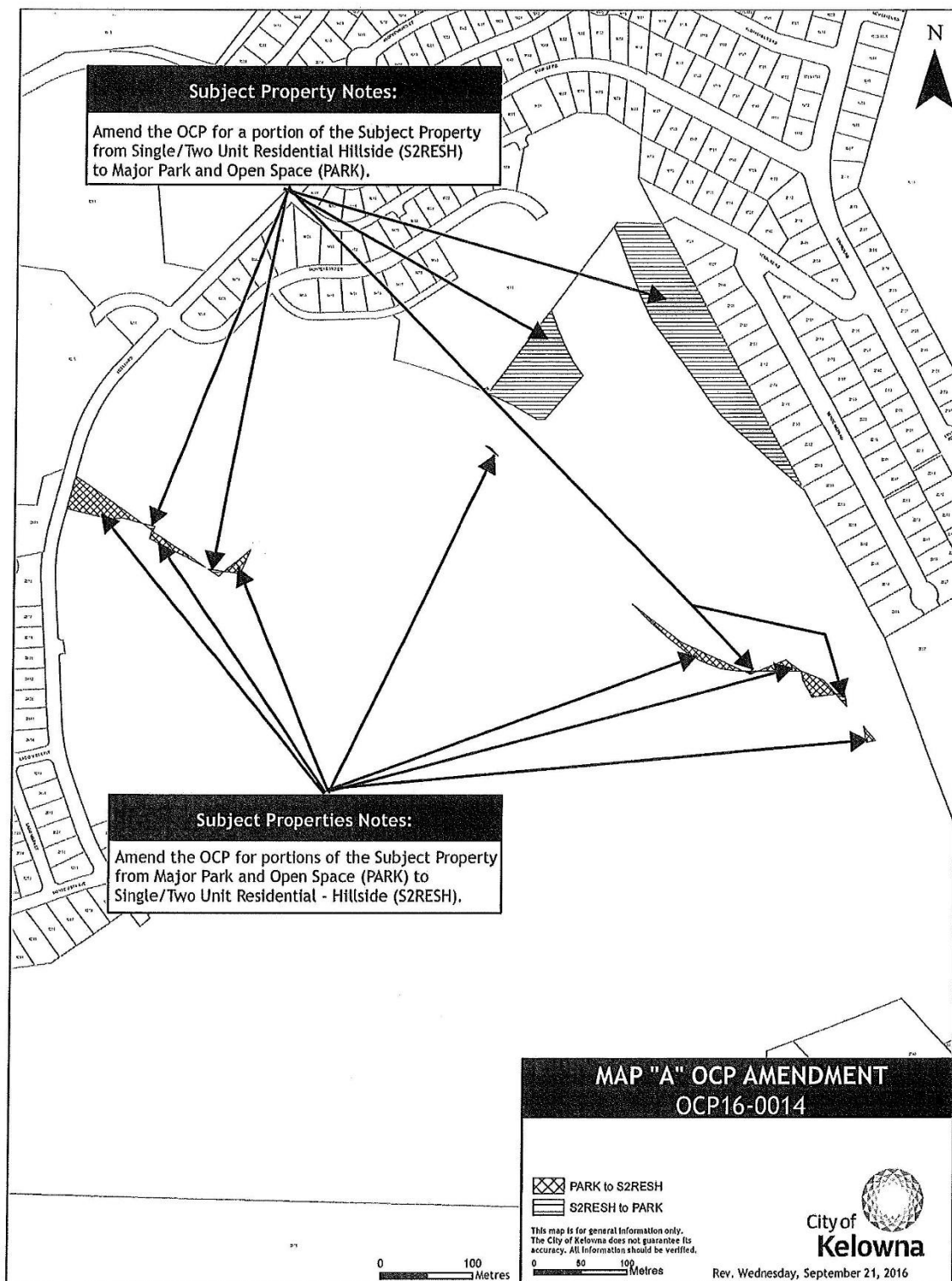
Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



# **CITY OF KELOWNA**

## **BYLAW NO. 11294**

**Z16-0051 - Gordon, Hiedi-Sabine, Donald, Amy, Allen and Angelica  
Kirschner  
2980 Gallagher Road**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of portions of Lot 1, Sections 12 and 13, Township 26 and Sections 7 and 18, Township 27, ODYD, Plan KAP71697, Except Plans KAP84278, KAP86318, KAP86363, KAP88598 and EPP36504, located on Gallagher Road, Kelowna, B.C., from the P3 - Park and Open Spaces to RU1h - Large Lot Housing (Hillside Area); from A1 - Agricultural 1 to the RU1h - Large Lot Housing (Hillside Area); from A1 - Agricultural 1 to P3 - Parks and Open Spaces and from RM3h - Low Density Multiple Housing to RU1h - Large Lot Housing (Hillside Area); from RM3h - Low Density Multiple Housing to P3 - Parks and Open Spaces and from RU1h - Large Lot Housing (Hillside Area) to P3 - Park and Open Spaces 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 3<sup>rd</sup> day of October, 2016.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

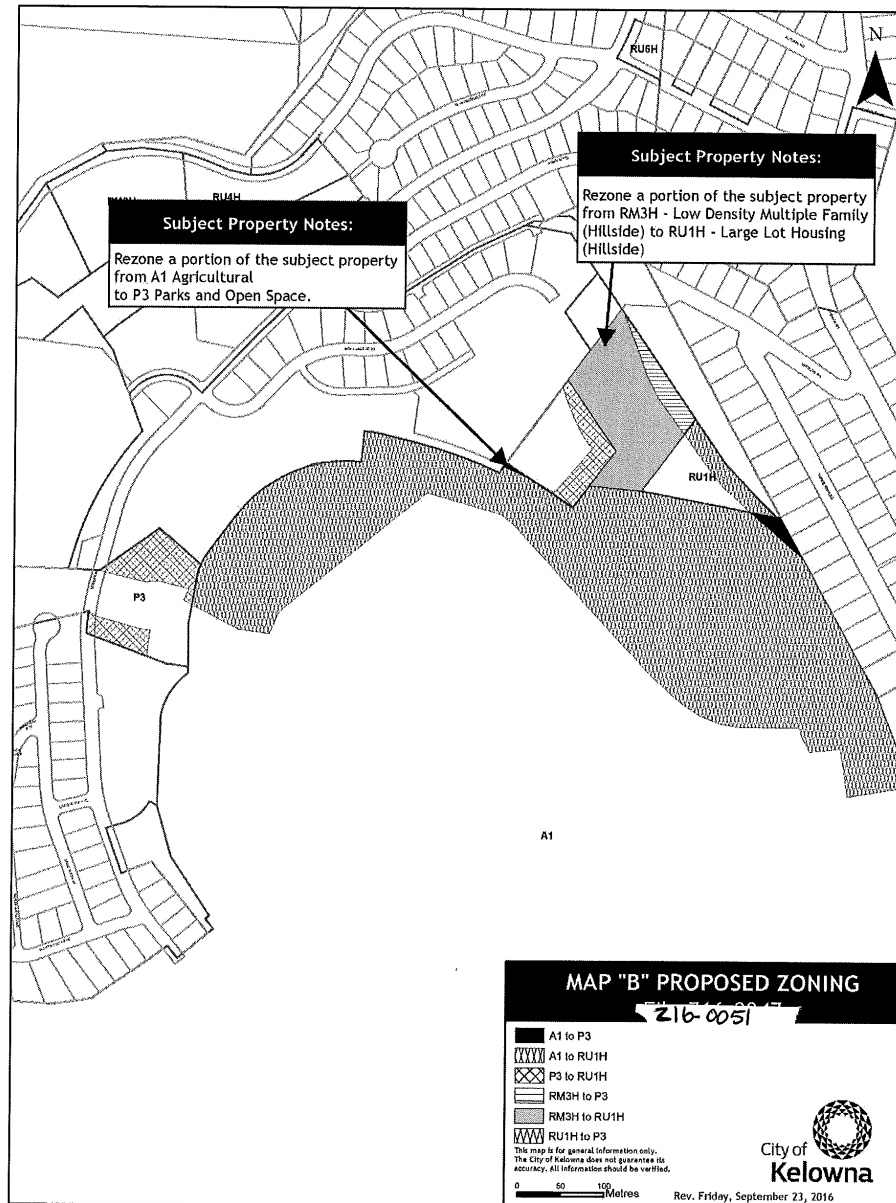
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Mayor

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City Clerk







**CITY OF KELOWNA**  
**BYLAW NO. 11295**  
**Z16-0047 - Elda and Louis Pagliaro**  
**752 & 760 Bechard Road**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of a portion of Lot 6, District Lot 134, ODYD, Plan 20399, located on Bechard Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot 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 3<sup>rd</sup> day of October, 2016.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

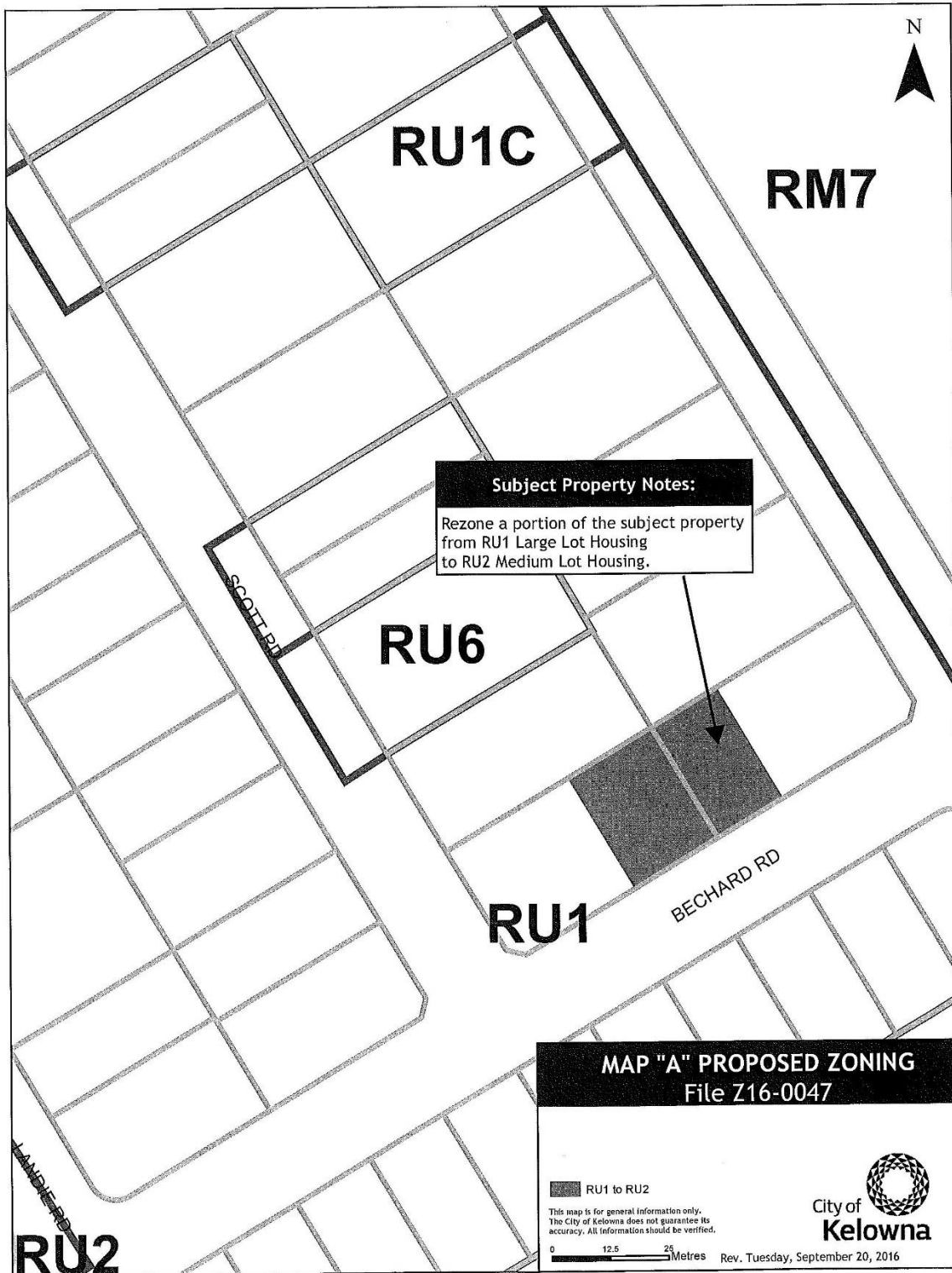
Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



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

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 9, 10 and 11, District Lot 141, ODYD, Plan KAP10012 located on Bedford Ave, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RM5 - Medium Density Multiple Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 25<sup>th</sup> day of July, 2016.

Considered at a Public Hearing on the 9<sup>th</sup> day of August, 2016.

Read a second and third time by the Municipal Council this 9<sup>th</sup> day of August, 2016.

Approved under the Transportation Act this 9<sup>th</sup> day of August, 2016.

Brian Harrison

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(Approving Officer - Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

# REPORT TO COUNCIL



**Date:** October 18<sup>th</sup>, 2016

**RIM No.** 1250-30

**To:** City Manager

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

**Application:** DP16-0091 / DVP16-0092 & DP14-0197-01 / DVP16-0217 **Owner:** Al Stober Construction Ltd.

**Address:** 1545 Bedford Ave & 1525 Dickson Ave **Applicant:** Meiklejohn Architects Inc.

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

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

**Existing Zone:** RU1 - Large Lot Housing

**Proposed Zone:** RM5 - Medium Density Multiple Housing

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## 1.0 Recommendation

THAT Council waives the requirement for the area wide Traffic Study be completed by the applicant to the satisfaction of the City's Development Engineering Department to be considered in conjunction with Final Adoption of Rezoning Bylaw No. 11262;

AND THAT Council directs Staff to provide recommendations of non-support for any future rezonings that increase density and/or FAR within the expanded Town Centre area until such time as an area transportation plan is completed.

THAT Final Adoption of Rezoning Bylaw No. 11262 be considered by Council;

AND THAT Council authorize the issuance of Development Permit DP16-0091 for Lot A, District Lot 141, ODYD, Plan EPP63348, located on 1545 Bedford Ave, Kelowna, BC, subject to the following:

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

AND THAT Council authorize the issuance of Development Variance Permit DVP16-0092 for Lot A, District Lot 141, ODYD, Plan EPP63348, located on 1545 Bedford Ave, Kelowna, BC.

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

Section 13.11.6 (b) Development Regulations

- Increase the maximum Site coverage from 40% to 69.7%;
- Increase the maximum Site coverage of buildings, driveways, and parking areas from 65% to 85.0%;

Section 13.11.6 (d) Development Regulations

- Decrease the minimum site front yard setback (only for portions of the parkade) from 6.0m to 2.8m;

Section 13.11.6 (e) Development Regulations

- Decrease the eastern side yard setback (only for portions of the parkade) from 4.5m to 1.5m;

Section 13.11.6 (f) Development Regulations

- Decrease the rear yard setback (only for portions of the parkade) from 9.0m to 3.0m);

Section 8.1.9 Location

- Decrease the minimum setback of any parking stalls to the western side yard property line from 1.5 m to 0.0 m.

Section 8.1.11 Size and Ratio

- Increase the maximum percentage of medium sized parking stalls (from 40% to 47%);
- Decrease the minimum percentage of full sized parking stalls (from 50% to 42%);

Section 7.6.1 Minimum Landscape Buffers

- Decrease the Level 3 minimum landscape buffer from 3.0 m to 0.0 m along the western side yard property line.

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

Schedule 5 Drawings Road Works (SS-R7)

- Decrease the SS-R7 Collector-Class 2 right of way width from 18m to 15m.

AND THAT Council authorize the issuance of Development Permit DP14-0197-01 for Lot A, District Lot 141, ODYD, Plan EPP48886 located on 1525 Dickson Ave, Kelowna, BC, subject to the following:

1. Landscaping to be provided on the land to be in general accordance with Schedule "C";
2. That the Landscape Performance Security deposit from DP14-0197 be used to ensure the landscaping is completed as per the amended landscape plans identified in Schedule "C" of DP14-0197-01;

AND THAT Council authorize the issuance of Development Variance Permit DVP16-0217 for Lot A, District Lot 141, ODYD, Plan EPP48886 located on 1525 Dickson Ave, Kelowna, BC.

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

#### Section 8.1.9 Location

- Decrease the minimum setback of any parking stalls to the eastern side yard property line from 1.5 m to 0.0 m.

#### Section 8.1.11 Size and Ratio

- Increase the maximum percentage of compact sized parking stalls (from 10% to 14.4%);

#### Section 7.6.1 Minimum Landscape Buffers

- Decrease the Level 3 minimum landscape buffer from 3.0 m to 0.0 m along the eastern side yard property line.

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

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

### **2.0 Purpose**

To review the Form & Character Development Permit for a 67 unit 4 ½ storey multi-family building and to consider twelve (12) variances split between two Development Variance Permits (Phases 1 & 2) and to consider an amended Form & Character Development Permit for landscaping alterations in Phase 1.

### **3.0 Community Planning**

Staff supports the proposed Development Permit and Development Variance Permits as the project meets many objectives and supporting policies of the Official Community Plan (OCP) including the applicable Urban Design Guidelines. Staff support the streetscape design along Bedford Ave and have encouraged the townhouse design along fronting streets. The parking is located in the rear as per the applicable design guidelines and the applicant has chosen to have close to 100% structured parking. The structured parking design choice has led to a generous roof top amenity spaces located above the parking.

After the public hearing for the rezoning application, the applicant has made a number of design modifications between the buildings in order to reduce the number of variances and improve the design in relation to the neighbouring property to the east. The following is a list of those changes:

1. Reduction in the size of the elevator lobby to free up more space for parking.
2. Modify mechanical room size to utilize area more efficiently and free up more space for parking.
3. Move and consolidate the garbage and recycling room into phase 1 to free up more space for parking.
4. Relocate the bicycle parking room to be accessed from Bedford Ave to have better utilization and ease of access for bicycle transportation.
5. Added privacy screening along the railing between proposal and neighbouring property to better mitigate the setback variance.
6. Added 4 micro suites by eliminating a redundant internal stair case.

7. Rearranged parking configuration in phase 1 to provide the minimum number of parking stalls but increase the maximum number of compact car parking stalls.
8. Rearranged parking configuration in phase 2 to adhere to the 10% maximum compact car parking stall size requirement.

Overall, the changes have reduced the number of variances from 17 to 12. Overall, both phases do not need a parking variance but a Development Variance Permit is still necessary to increase the number of compact and medium parking stalls. Staff would have been comfortable with a parking reduction as rental projects tend to seek parking efficiencies through the pooled parking system and it is anticipated that micro-suites will have less percentage of vehicular ownership. The parking stall size reduction in full-sized vehicle stalls and the increase in medium/compact sized vehicle stalls is considered appropriate by staff as smaller urban living tends to have smaller vehicles.

The building setback, landscape buffer reduction, and site coverage variances are all similar to Phase 1 including the 1.5m setback reduction for the parkade to the neighbouring parcel to the east. In Phase 1 this variance was granted overlooking the two duplexes to the west. In Phase 2, the applicant is providing enhanced landscaping along the neighbouring property and a privacy screen along the parkade railing to enhance the privacy to the adjacent neighbour.

Due to combining Phase 1 and Phase 2 accesses there is a property line that runs through the surface parking lot. This creates 4 variances related to parking setbacks and landscape buffer requirements wherever a property line exists. Staff and the applicant looked into consolidating the properties, but it proved to be not viable by triggering variances to site servicing. Staff view these variances as a technicality with minor impacts to the internal layout of the buildings.

The last variance is related to the width of the local roadway (Bedford Road). The applicant is applying to reduce the minimum road right-of-way width by 3.0m to an overall width of 15.0m. This variance is required to the Subdivision Servicing Bylaw as the rule requires the same road right-of-way widths for multi-family developments regardless of the type of fronting road (e.g. arterial, collector or local road classification). Staff are aware of this issue and the need for revisions to the bylaw to create a more context sensitive solution; future updates to the Subdivision Servicing Bylaw will address this issue for future developments.

### 3.1 Traffic

Staff are recommending that the condition for final adoption be eliminated related to the requirement that the Area Wide Traffic Study is completed. The original Area Wide Traffic Study was for the residential area along Dickson Ave as defined by the OCP's Multiple Unit Residential (Medium Density) designation. The rationale for this recommendation is the Area Wide Study has large implications and there is a strong desire from Staff to expand the scope of work as the current study is inadequate for the whole area (see proposed new boundaries below). The original Traffic Study did conclude that this development would not trigger any specific traffic improvement. The applicant has agreed to a full urban development of Dayton Street (i.e. curb, gutter, and sidewalk) even though the applicant is only responsible for its sidewalk construction.

For the reasons stated above, Staff are recommending that Council replace the final condition with direction of non-support for any future major development in the area (as defined in the diagram below) until such time as an area transportation plan can be completed that will be conducted as part of the City led Town Centre Plan commencing in 2017. Major developments would be defined as any rezoning resulting in a net increase in density and/or FAR.





Figure 1: Original Traffic Study Area



Figure 2: Proposed Traffic Study Area

## 4.0 Proposal

### 4.1 Project Description

The subject property is currently vacant. The proposal is for a 67-unit rental apartment building. Out of the proposed 67 units, 24 units are proposed to take the form of micro-studio units with the remainder 43 units built as 1 bedroom units. Micro-studio units are defined as residential units smaller than 29 m<sup>2</sup>. All micro-studio units are Development Cost Charges (DCCs) exempt as per Part 26 Section 933.4 of the *Local Government Act*. The applicant will also have the opportunity to apply to the City's housing revitalization tax exemption program for a 10 year tax exemption. This incentive is available to all rental housing projects when the vacancy rate is below 3%.

The proposal has 4 ground-oriented townhouse units which is similar to phase 1 and is encouraged by the City's Urban Design Guidelines. The parkade covers a large proportion of the site and provides a significant outdoor amenity space which is encouraged by the design guidelines rather than providing surface parking stalls. The materials and colouring scheme is in keeping with the previously approved phase 1 project.

This development proposal involves amending the developer's previously approved Phase 1 plans (located at 1525 Dickson Ave) which is currently under construction. The amendments include moving the shared property line in order to create a single access parking lot to both buildings from Bedford Ave. The parkades from both projects will be accessed through this shared parking lot. This change has precipitated variances related to parking setback and landscape buffer reductions. The applicant has downgraded the landscape island areas within the surface parking area (see applicant's landscape rationale letter for more details). However, the diagram below illustrates the changes to the phase 1 area.

## Phase 1 Amendments

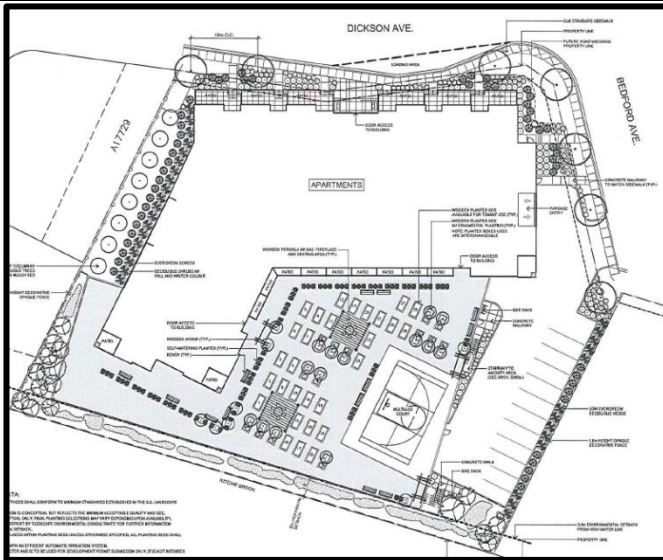


Figure 3: Phase 1 Original Plan  
Original Landscape Parkade Roof Plan  
Original Landscaping that will be eliminated  
Original Property Line

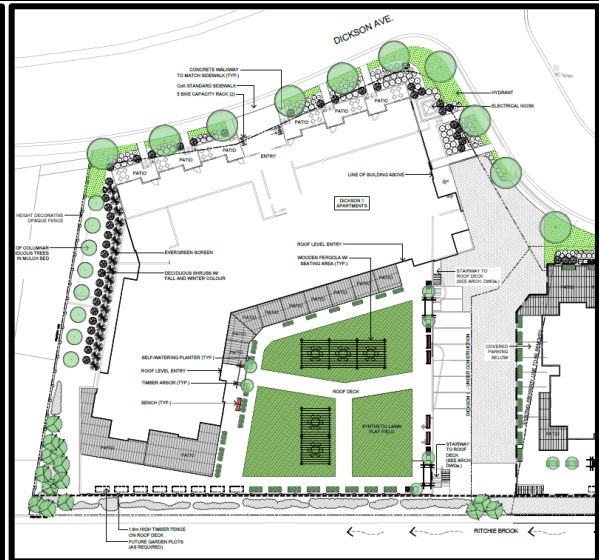


Figure 4: Phase 1 & 2 Amended Plan  
New Landscape Parkade Roof Plan  
New Property Line  
Original Property Line

## 4.2 Site Context

The site is located within the Landmark Tech Centre neighbourhood. The subject property is designated MRM (Multiple Residential - Medium Density) and the lot is within the Permanent Growth Boundary. Specifically, the adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Residential
East	RU1 - Large Lot Housing	Residential
South	RM3 - Low Density Multiple Housing	Residential
West	RU6 - Two Dwelling Housing RM3 - Low Density Multiple Housing	Residential





## Subject Property Map: 1545 Bedford Ave



## 4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM5 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Height	18.0 m / 4.5 storeys	14.3 m / 4.5 storeys
Front Yard (north)	Min 6.0 m except for 1.5 m for ground oriented housing	2.8 m to parkade <sup>1</sup> 2.8 m to townhouses 8.4 m to apartments
Side Yard (east)	4.5 m (up to 2 ½ storeys) 7.0 m (above 2 ½ storeys)	1.5 m to parkade <sup>2</sup> 7.0 m to apartments
Side Yard (west)	4.5 m (up to 2 ½ storeys) 7.0 m (above 2 ½ storeys)	4.5 m to parkade 7.0 m to apartments
Rear Yard (south)	9.0 m	11.9 m to apartments 3.0 m to parkade <sup>3</sup>
Site coverage of buildings	40 %	69.7% <sup>4</sup>
Site coverage of buildings, driveways & parking	65 %	85.0 % <sup>5</sup>

Zoning Analysis Table		
CRITERIA	RM5 ZONE REQUIREMENTS	PROPOSAL
FAR	1.1 +0.1+0.2 = 1.39 Max	1.14
Parking Regulations		
Minimum Parking Requirements	78 parking stalls	66 stalls in parkade + 12 surface stalls = 78 parking stalls
Ratio of Parking Stalls	Full size: 50% Min Medium Size: 40% Max Small Size: 10% Max	Full size: 42% (33 stalls) <sup>6</sup> Medium Size: 47% (37 stalls) <sup>6</sup> Small Size: 10% (8 stalls)
Minimum Drive Aisle Width	7.0 m	7.0 m
Setback (Parking)	1.5 m	2 stalls affected: <1.5 m <sup>7</sup>
Other Regulations		
Minimum Bicycle Parking Requirements	Class 1: 32 bikes Class 2: 7 bikes	Class 1: 32 bikes (wall mounted bike racks in parkade) Class 2: 7 bikes
Private Open Space	825 m <sup>2</sup>	1,087 m <sup>2</sup>
Landscape Buffer	Front yard: 3.0 m Side yard: 3.0 m Rear yard: 3.0 m	Front yard: 1.5 m* Side yard (east): 1.5m* Side yard (west): 0.0m <sup>8</sup> Rear yard: 3.0m
	*Variance not needed if building setback variance is approved	
Subdivision and Servicing Bylaw Regulations		
Minimum Road Width	18.0 m	15.0m <sup>9</sup>
Phase 1 Variances (1525 Dickson Ave)		
Minimum Parking Requirements	104 parking stalls (See DP14-0197)	104 parking stalls but increase compact car sized stalls from 10% to 14.4% <sup>10</sup>
Setback (Parking)	1.5 m	0.0 m for 9 stalls <sup>11</sup>
Landscape Buffer	Side yard: 3.0m (1.5m provided in Phase 1)	Side yard: 0.0m <sup>12</sup>
Landscaping	n/a	Eliminate three landscape islands proposed in Phase 1. Landscape plan will need to be amended. No variances are necessary.
<u>Variances similar to Phase 1</u>		
<sup>1</sup> Variance to reduce the front yard setback for the parkade from 6.0 m to 2.8 m.		
<sup>2</sup> Variance to reduce the side yard (east) setback for the parkade from 4.5 m to 1.5 m.		
<sup>3</sup> Variance to reduce the rear yard setback for the parkade from 9.0 m to 3.0 m.		
<sup>4</sup> Variance to reduce the site coverage of buildings from 40% to 69.7%.		
<sup>5</sup> Variance to reduce the site coverage of buildings, driveways, & parking from 65% to 85.2%.		
<u>Additional Variances</u>		
<sup>6</sup> Variance to reduce the proportion of full sized vehicle stalls from 50% to 42% and to increase the proportion of medium sized vehicle stalls from 40% to 47%.		
<sup>9</sup> Variance to the minimum road right-of-way from 18.0 m to 15.0 m.		
<sup>10</sup> Variance to increase the proportion of compact car sized vehicle stalls from 10% to 14.4% in Phase 1.		

Zoning Analysis Table		
CRITERIA	RM5 ZONE REQUIREMENTS	PROPOSAL
<b>Variances Related to Shared Property Line</b> <sup>7</sup> Variance to reduce the setback from a property line for two parking stalls. <sup>8</sup> Variance to reduce the side yard (west) landscape buffer from 3.0 m to 0.0 m. <sup>12</sup> Variance to reduce the setback from a property line for nine parking stalls. <sup>12</sup> Variance to the side yard (east) landscape buffer on Phase 1 from 1.5 m to 0.0 m		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 14 - Comprehensive Development Permit Area (Multiple Unit Residential, Commercial, and Industrial Design Guidelines):

##### OBJECTIVES

- Convey a strong sense of authenticity through urban design that is distinctive for Kelowna;
- Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures;
- Integrate new development with existing site conditions and preserve the character amenities of the surrounding area;
- Promote interesting, pedestrian friendly streetscape design and pedestrian linkages;
- Provide for a scale and massing of commercial buildings that promotes a safe, enjoyable living, pedestrian, working, shopping and service experience;
- Incorporate architectural features and detailing of buildings and landscapes that define an area's character;
- Promote alternative transportation with enhanced streetscapes and multimodal linkages;
- Highlight the significance of community institutional and heritage buildings; and
- Protect and restore the urban ecology (i.e. architectural and site consideration with respect to the ecological impact on urban design).

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- 1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s).
- 2) Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- 3) A Hoarding permit is required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP.
- 4) A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
  - a. Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.

b. Spatial calculation should be provided for the building face adjacent to the existing parking lot.

- 5) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. This property falls within the Mill Creek flood plain bylaw area and compliance is required. Minimum building elevations are required to be established prior to the release of the Development Permit. This minimum Geodetic elevation is required for all habitable spaces including parking garages. This building may be designed to low, which may affect the form and character of the building.
- 6) We strongly recommend that the developer have his professional consultants review and prepare solutions for potential impact of this development on adjacent properties. Any damage to adjacent properties is a civil action which does not involve the city directly. The items of potential damage claims by adjacent properties are items like settlement of foundations (preload), damage to the structure during construction, additional snow drift on neighbour roofs, excessive noise from mechanical units, vibration damage during foundation preparation work etc.
- 7) Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located.
- 8) An exit analysis is required as part of the code analysis at time of building permit application. The exit analysis is to address travel distances within the units, number of required exits per area, door swing direction, handrails on each side of exit stairs, width of exits etc.
- 9) Size and location of all signage to be clearly defined as part of the development permit. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
- 10) Mechanical Ventilation inlet and exhausts vents are not clearly defined in these drawings for the enclosed parking storey. The location and noise from these units should be addressed at time of Development Permit.
- 11) Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this structure at time of permit application.

## 6.2 Development Engineering Department

See Memo (Attachment 'A') dated July 5<sup>th</sup> 2016

## 6.3 Fire Department

- 1) Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- 2) Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900. Should a hydrant be required on this property it shall be operational prior to the start of construction and shall be deemed a private hydrant
- 3) This building shall be addressed off of the street it is accessed from. A visible address must be posted on this street as per City of Kelowna By-Laws.
- 4) Sprinkler drawings are to be submitted to the Fire Dept. for review when available.



- 5) A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD.
- 6) Fire Department access is to be met as per BCBC 3.2.5. -
- 7) Approved Fire Department steel lock box acceptable to the fire dept. is required by the fire dept. entrance and shall be flush mounted
- 8) All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met.
- 9) Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.
- 10) Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- 11) Fire department connection is to be within 45M of a fire hydrant - unobstructed.
- 12) Ensure FD connection is clearly marked and visible from the street.
- 13) Standpipes to be located on intermediate landings.
- 14) Sprinkler zone valves shall be accessible as per fire prevention bylaw.
- 15) Dumpster/refuse container must be 3 meters from structures or overhangs or in a rated room in the parking garage.
- 16) Do not issue BP unless all life safety issues are confirmed.

## 7.0 Application Chronology

Date of Application Received (incomplete):	December 24 <sup>th</sup> 2015
Date Terms of Reference for Traffic Study received:	January 25 <sup>th</sup> 2016
Date Terms of Reference deemed incomplete:	February 3 <sup>rd</sup> 2016
Date revised Terms of Reference submitted:	February 18 <sup>th</sup> 2016
Date Terms of Reference approved:	February 25 <sup>th</sup> 2016
Date Traffic Study submitted:	March 4 <sup>th</sup> 2016
Date Application deemed complete and circulated:	March 17 <sup>th</sup> 2016
Date Public Consultation:	June 29 <sup>th</sup> 2016
Date First & Second Reading:	July 25 <sup>th</sup> 2016
Date Third Reading & Public Hearing:	August 9 <sup>th</sup> 2016

Report prepared by:

\_\_\_\_\_  
Adam Cseke

Reviewed by:

☐

Terry Barton, Urban Planning Manager

Approved for:

☐

Ryan Smith, Community Planning Department Manager

Attachments:

Development Engineering Memo dated July 5<sup>th</sup> 2016

DP16-0091 / DVP16-0092  
DP14-0197-01 / DVP16-0217

# CITY OF KELOWNA

## MEMORANDUM

**Date:** July 5, 2016  
**File No.:** Z16-0019

**To:** Community Planning (AC)

**From:** Development Engineering Manager(SM)

**Subject:** 1543, 1547, 1555 Bedford Ave Revised RU6 - RM5

Development Engineering Department have the following comments and requirements associated with this rezoning application. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

The Development Engineering Technologist for this project is Sergio Sartori

**1. Domestic Water and Fire Protection**

- (a) The existing lots are serviced with small diameter water services (3). The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. The estimated cost of this construction for bonding purposes is **\$10,000.00**
- (b) The applicant, at his cost, will arrange for the removal of the existing services and the installation of one new larger metered water service.
- (c) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures. The City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters.

**2. Sanitary Sewer**

- (a) The existing lots are serviced with 100mm diameter sanitary services (3). The developer's consulting mechanical engineer will determine the requirements of this proposed development and establish the required size and preferred location of the new service. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal of all existing small diameter services and the installation of a new larger service. The estimated cost of this construction for bonding purposes is **\$8,000.00**

**3. Storm Drainage**

- (a) The developer must engage a consulting civil engineer to provide a storm water management plan for these sites which meets the requirements of the City Storm Water Management Policy and Design Manual. 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.

**SCHEDULE**

**A**

This forms part of development

Permit # **DP16-0091**



- (b) Only one service will be permitted for this development. The applicant, at his cost, will arrange for the installation of one new overflow service. The estimated cost of this construction for bonding purposes is **\$5,000.00**

**4. Road Improvements**

- (a) Bedford Ave must be upgraded to an urban standard(SS-R5) along the full frontage of this proposed development, including curb and gutter, sidewalk, landscaped boulevard complete with street trees drainage system including catch basins, manholes and pavement removal and replacement, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The estimated cost of this construction for bonding purposes is **\$42,000.00**

**5. Transportation**

- a) *The proposed development does not trigger further requirements based on the traffic impact assessment (TIA).*
- b) *The Landmark Traffic Study does require revisions for City Transportation & Mobility approval.*

**6. Subdivision**

- (a) Grant Statutory Rights of Way if required for utility services.
- (b) *Dedicate 2.5m width along the full frontage of Bedford Avenue subject to Council approval of the Development Variance Permit.*
- (c) *Provide a 4.5m Statutory Right of Way (SROW) along the full frontage of Ritchie Brooke subject to Council approval of the Development Variance Permit.*
- (d) Lot consolidation.
- (e) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

**7. Electric Power and Telecommunication Services**

- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground as the subject properties are within the "Capri Landmark Urban Centre".
- b) Streetlights must be installed on Dickson Ave & Bedford Street.
- c) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- d) Re-locate existing poles and utilities, where necessary. Remove aerial trespass (es).

**8. Engineering**

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the city engineering department for review and marked “issued for construction” by the city engineer before construction may begin.

**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 Agreements 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**

As a requirement of this application the owner must provide a geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics.
- (b) Site suitability for development, unstable soils, etc.
- (c) Drill and / or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, Identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.

(d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

(e) Additional geotechnical survey may be necessary for building foundations, etc.

12. Bonding and Levy Summary

(a) Bonding

Water service upgrades	\$ 10,000
Sanitary sewer service upgrades	\$ 8,000
Storm overflow services	\$ 5,000
Bedford Street frontage improvements	\$ 42,000

**Total Bonding** **\$65,000.00**

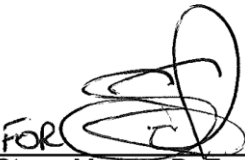
NOTE: The bonding amount shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so. Bonding for required off-site construction must be provided and may be in the form of cash or an irrevocable letter of credit, in an approved format.

The owner must also enter into a servicing agreement in a form provided by the City.

12. Development Permit and Site Related Issues

Access and Manoeuvrability

- (i) Access to the site will be permitted from Bedford Ave.
- (ii) Indicate on the site, the locations of loading bays as well as the garbage and recycle bins.

  
 Steve Muenz, P. Eng.  
 Development Engineering Manager  
 SS



# DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT



## APPROVED ISSUANCE OF DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT

**File Number** DP16-0091 and DVP16-0092  
**Issued To:** Al Stober Construction Ltd.  
**Site Address:** 1545 Bedford Ave  
**Legal Description:** Lot A, District Lot 141, ODYD, Plan EPP63348  
**Zoning Classification:** RM5 - Medium Density Multiple Housing  
**Development Permit Area:** Comprehensive Development Permit Area

### SCOPE OF APPROVAL

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

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

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

### 1. TERMS AND CONDITIONS

THAT Development Permit No. DP16-0091 & Development Variance Permit No. DVP16-0092 for Lot A, District Lot 141, ODYD, Plan EPP63348, located at 1545 Bedford Ave, Kelowna, BC be approved subject to general conformance to the drawings (Schedule "A", "B", & "C") attached to this permit.

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

#### Section 13.11.6 (b) Development Regulations

- Increase the maximum Site coverage from 40% to 69.7%;
- Increase the maximum Site coverage of buildings, driveways, and parking areas from 65% to 85.0%;

#### Section 13.11.6 (d) Development Regulations

- Decrease the minimum site front yard setback (only for portions of the parkade) from 6.0m to 2.8m;

Section 13.11.6 (e) Development Regulations

- Decrease the eastern side yard setback (only for portions of the parkade) from 4.5m to 1.5m;

Section 13.11.6 (f) Development Regulations

- Decrease the rear yard setback (only for portions of the parkade) from 9.0m to 3.0m);

Section 8.1.9 Location

- Decrease the minimum setback of any parking stalls to the western side yard property line from 1.5 m to 0.0 m.

Section 8.1.11 Size and Ratio

- Increase the maximum percentage of medium sized parking stalls (from 40% to 47%);
- Decrease the minimum percentage of full sized parking stalls (from 50% to 42%);

Section 7.6.1 Minimum Landscape Buffers

- Decrease the Level 3 minimum landscape buffer from 3.0 m to 0.0 m along the western side yard property line.

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

Schedule 5 Drawings Road Works (SS-R7)

Decrease the SS-R7 Collector-Class 2 right of way width from 18m to 15m.

**2. PERFORMANCE SECURITY**

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

- a) Cash in the amount of \$ 48,306.25 OR
- b) A Certified Cheque in the amount of \$ 48,306.25 OR
- c) An Irrevocable Letter of Credit in the amount of \$ 48,306.25 .

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

**3. DEVELOPMENT**

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

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

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

**4. APPLICANT'S AGREEMENT**

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

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

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

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

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

---

Signature of Owner / Authorized Agent

---

Date

---

Print Name in Bold Letters

---

Telephone No.

**5. APPROVALS**

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

---

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

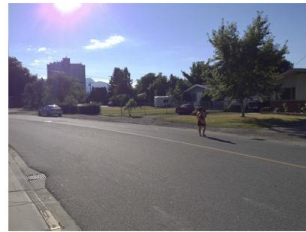
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Date

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



existing houses next to new building



4.site development along dickson ave



1.corner of burch rd & dickson ave



condo & landmark tech centre neighbourhood



2.neighbour's driveway



5.corner of bedford ave & dickson ave



2.duplex along dickson ave



3.existing ditch along property line



4.development site next to bedford ave



5.development site



Dickson 2 Apartment building

site context

aug 26, 2016

1



Al Stober  
Construction Ltd.

m + m **a**

Dickson 2 Apartment building

entrance along bedford ave

aug 26, 2016

2

SCHEDULE

A & B

This forms part of development

Permit #

DP16-0091

















# DICKSON 2 APARTMENT 4 LEVELS (67 UNITS) WITH PARKADE 1543, 1547, 1555 BEDFORD AVENUE, KELOWNA B.C.

ISSUED FOR REVISED DP  
2016-08-26



## ARCHITECTURAL

A0.00 COVERSHEET & DRAWING LIST  
A1.01 ZONING & CODE REVIEW  
A1.02 BUILDING CODE REFERENCE PLANS  
A1.03 LEGENDS AND ROOF & FLOOR ASSEMBLIES  
A1.04 WALL ASSEMBLIES  
A1.05 DOOR SCHEDULE, DOOR TYPES  
A1.06 WINDOW SCHEDULE

A2.01 SITE PLAN

A3.00 PARKADE FLOOR PLAN  
A3.01 LEVEL 1 FLOOR PLAN  
A3.02 LEVEL 2 FLOOR PLAN  
A3.03 LEVEL 3 FLOOR PLAN  
A3.04 LEVEL 4 FLOOR PLAN  
A3.05 ROOF PLAN  
A3.10 LEVEL 0 SLAB EDGE PLAN  
A3.11 LEVEL 1 SLAB EDGE PLAN

A4.01 BUILDING ELEVATIONS  
A4.02 BUILDING ELEVATIONS

A5.01 BUILDING SECTIONS  
A5.02 BUILDING SECTIONS

## LANDSCAPE

LDP-1 OVERALL SITE PLAN  
LDP-2 SITE PLAN  
LDP-3 HYDROZONE PLAN  
LDP-4 ROOF DECK PLAN

## Revised DP with following updates :

### PARKADE LEVEL

- 1.Delete garbage/recycling room and share with Dickson 1 across the driveway. Add 2 parking stalls.
- 2.Add bike racks on the wall next to parking stalls.
- 3.Reduce electrical rm size & add bike rm at front of building.
- 4.Reduce mechanical room & add compact car stalls.
- 5.Previous parking count : 74 stalls  
Present parking count : 79 stalls

### LEVEL 1

- 1.Move 2 exit stairs to east & west side of the building and add 1 micro suite. Provide open space patio & planters for level 1 suites as per landscape drawing.

### LEVEL 2, 3, 4

- 1.Move 2 exit stairs to east & west side of the building and add 1 micro suite at each level.

251-11 FORTH STREET  
KELOWNA, B.C.  
V2A 5K2  
TEL: 250.867.3163  
EMAIL: pm@mkd.com

233 BEDFORD AVENUE  
KELOWNA, B.C.  
V2A 5K2  
TEL: 250.867.3004  
FAX: 250.867.3004

**mkd**  
MEKLEJOHN ARCHITECTS INC.

**Al Stober**  
Construction Ltd.

2016-08-15  
FOUNDATION  
PERMIT



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No.	Date	Revised
1	2016-08-15	FOUNDATION PERMIT
2	2016-08-15	FOUNDATION PERMIT

Project Title:  
**DICKSON 2 APARTMENT  
4 LEVELS - 67 - UNITS  
WITH PARKADE**

1543, 1547, 1555 BEDFORD AVE.

Building Number:

**A0.00**

COVERSHEET AND DRAWING LIST

Project Title:  
**COVERSHEET &  
DRAWING LIST**

DATE	2016-08-15
DESIGNER	AL STOBBER
SCALE	AS SHOWN
REVISION	01-24
REVISION	30

**SCHEDULE**

**A & B**

This forms part of development

Permit #

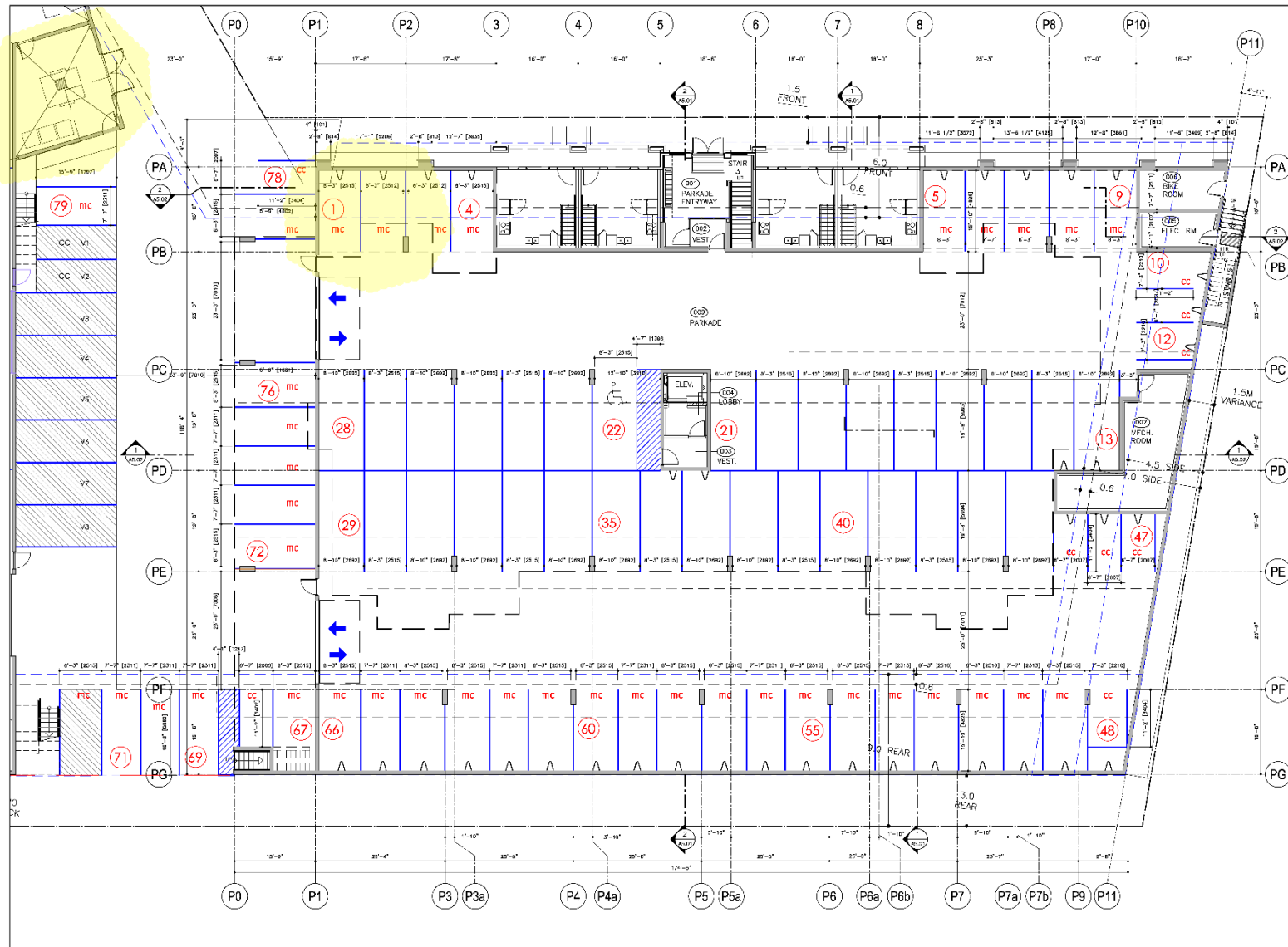
**DP16-0091**





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251-11 FRONT STREET  
KELOWNA, B.C.  
V1Y 1G2  
PH: 250-867-3143  
EMAIL: info@melkjohn.com

233 SECOND AVENUE  
KELOWNA, B.C.  
V1Y 1G2  
PH: 250-760-0065  
EMAIL: info@melkjohn.com

**m+m**  
MEKLEJOHN ARCHITECTS INC.

**Al Stober**  
Construction Ltd.

**2016-08-15**  
FOUNDATION  
PERMIT

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No.	Date	Revised
1	2016-08-15	FOUNDATION PERMIT
2	2016-08-15	FOUNDATION PERMIT

Project File:  
**DICKSON 2 APARTMENT**  
**4 LEVELS - 67 - UNITS**  
**WITH PARKADE**

1543, 1547, 1555 BEDFORD AVE.  
Boundary Number:

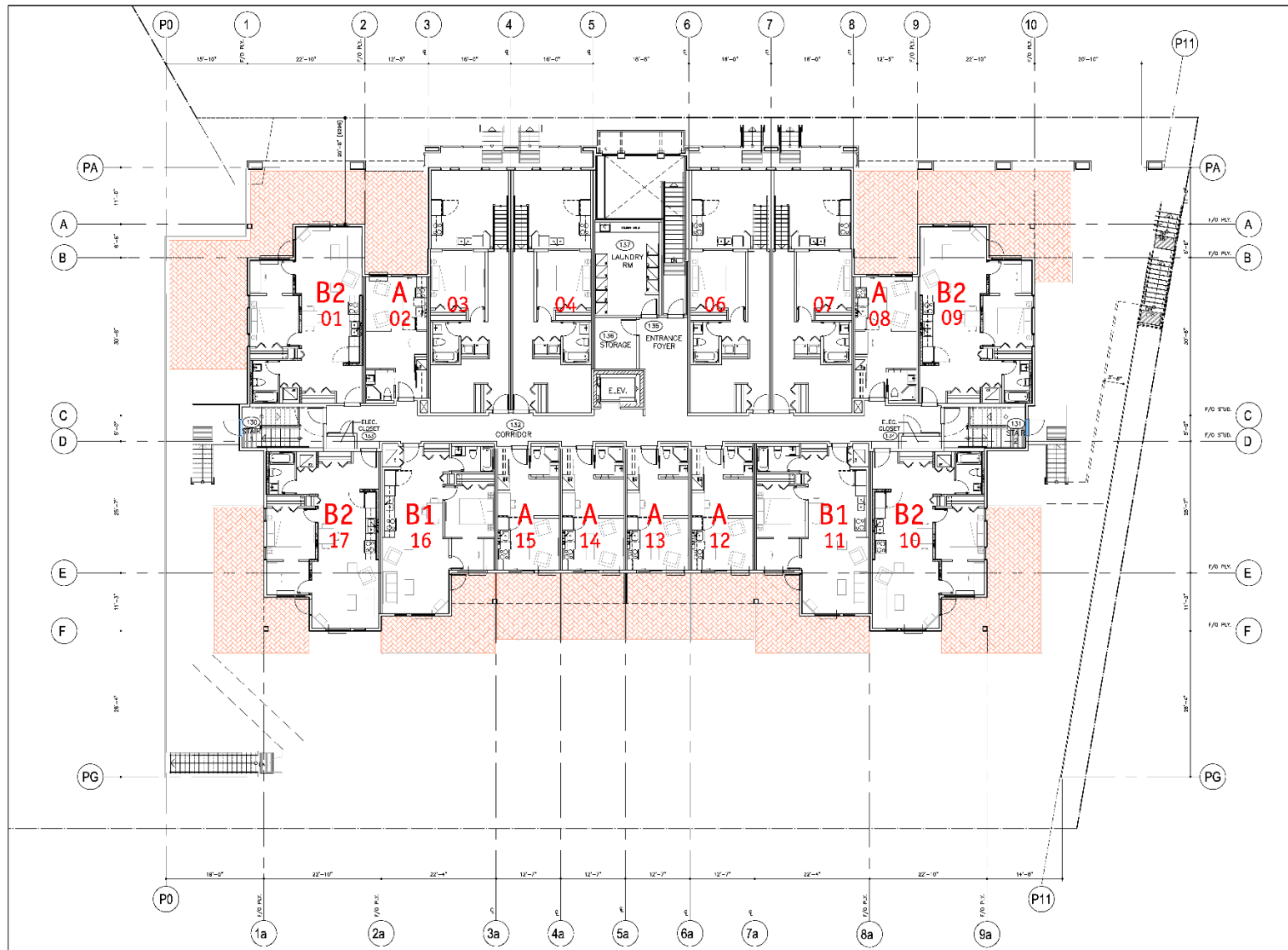
**A3.00**

ISSUED FOR PERMIT  
ALL DIMENSIONS SHALL BE TO FACE UNLESS NOTED OTHERWISE

Drawing File:  
**PARKADE**  
**FLOOR PLAN**

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

NO.	DATE	BY	CHKD.
1	2016-08-15	ASB	ASB
2	2016-08-15	ASB	ASB



251-11 FORT STREET  
KELOWNA, B.C.  
V1Y 1S2  
TEL: 250-860-3163  
EMAIL: pm@mkd.com

233 SCOTCHMAN AVENUE  
KELOWNA, B.C.  
V1Y 1S2  
TEL: 250-860-3163  
EMAIL: mkd@mkd.com

**AI Stober**  
Construction Ltd.

2016-08-15  
FOUNDATION  
PERMIT



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No.	Date	Revised
1	2016-08-15	2016-08-15
2	2016-08-15	2016-08-15
3	2016-08-15	2016-08-15

Project Title:  
**DICKSON 2 APARTMENT**  
4 LEVELS - 67 - UNITS  
WITH PARKADE

1543, 1547, 1555 BEDFORD AVE.

Building Number:

**A3.01**

Drawn by: A3.01  
Checked by: A3.01  
Reviewed by: A3.01

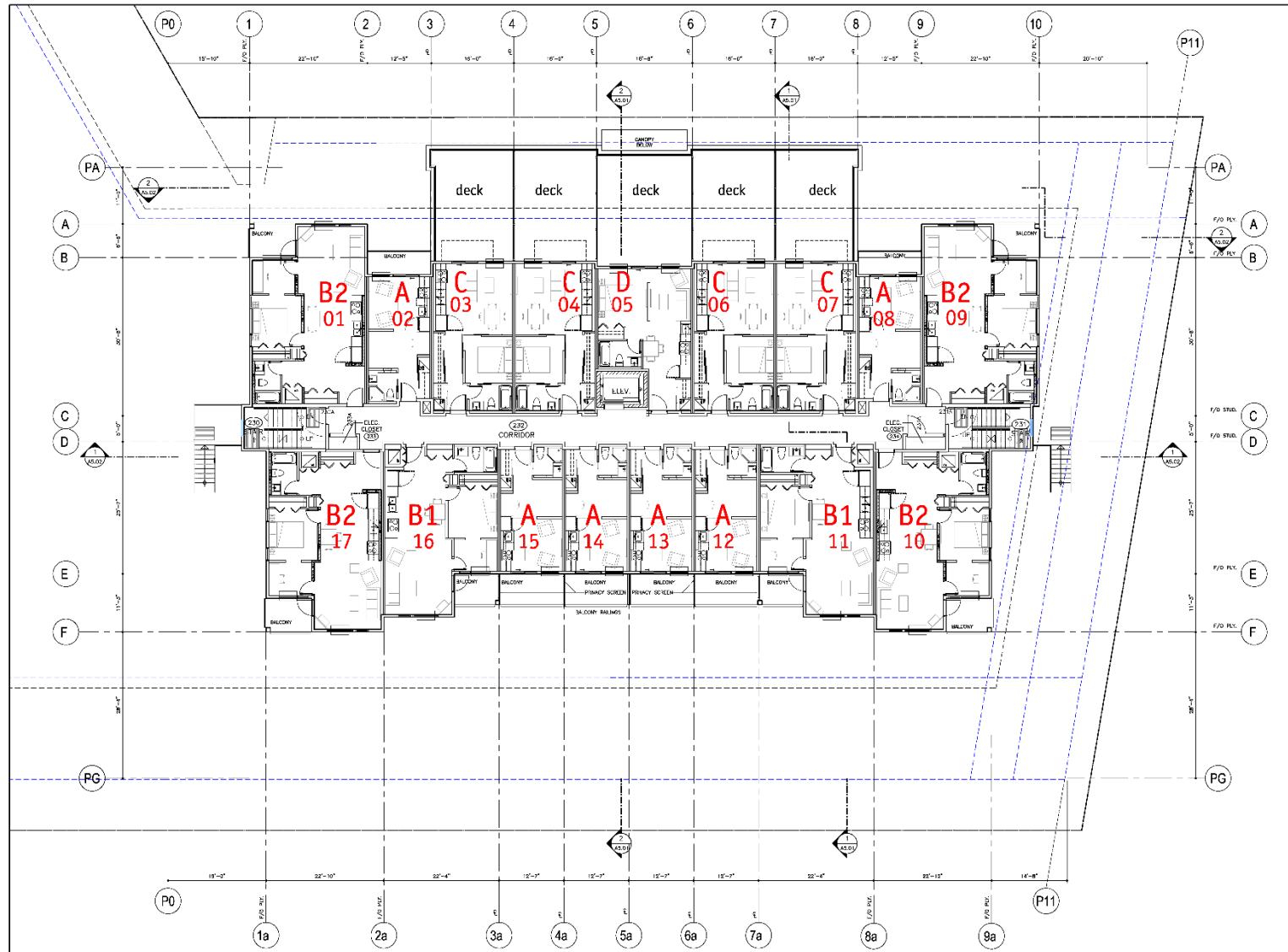
Project File:  
**LEVEL 1**  
FLOOR PLAN

Scale: 1/8"=1'0"

Rev.	Date	Description
1	2016-08-15	Initial Design
2	2016-08-15	Revised Design
3	2016-08-15	Final Design

**SCHEDULE** **A & B**  
This forms part of development  
Permit # **DP16-0091**





200-175 FRONT STREET  
VICTORIA, B.C.  
V8A 4A6  
TEL: 250-462-8143  
EMAIL: greg@melkiorh.com

210 BOWMAN AVENUE  
VICTORIA, B.C.  
V8S 1A2  
TEL: 250-762-1004  
EMAIL: melkiorh@melkiorh.com

**Al Stober**  
Construction Ltd.

2016-08-15  
FOUNDATION  
PERMIT

TRUE  
NORTH

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Project Name:  
**DICKSON 2 APARTMENT**  
4 LEVELS - 67 - UNITS  
WITH PARKADE  
1543, 1547, 1555 BEDFORD AVE.

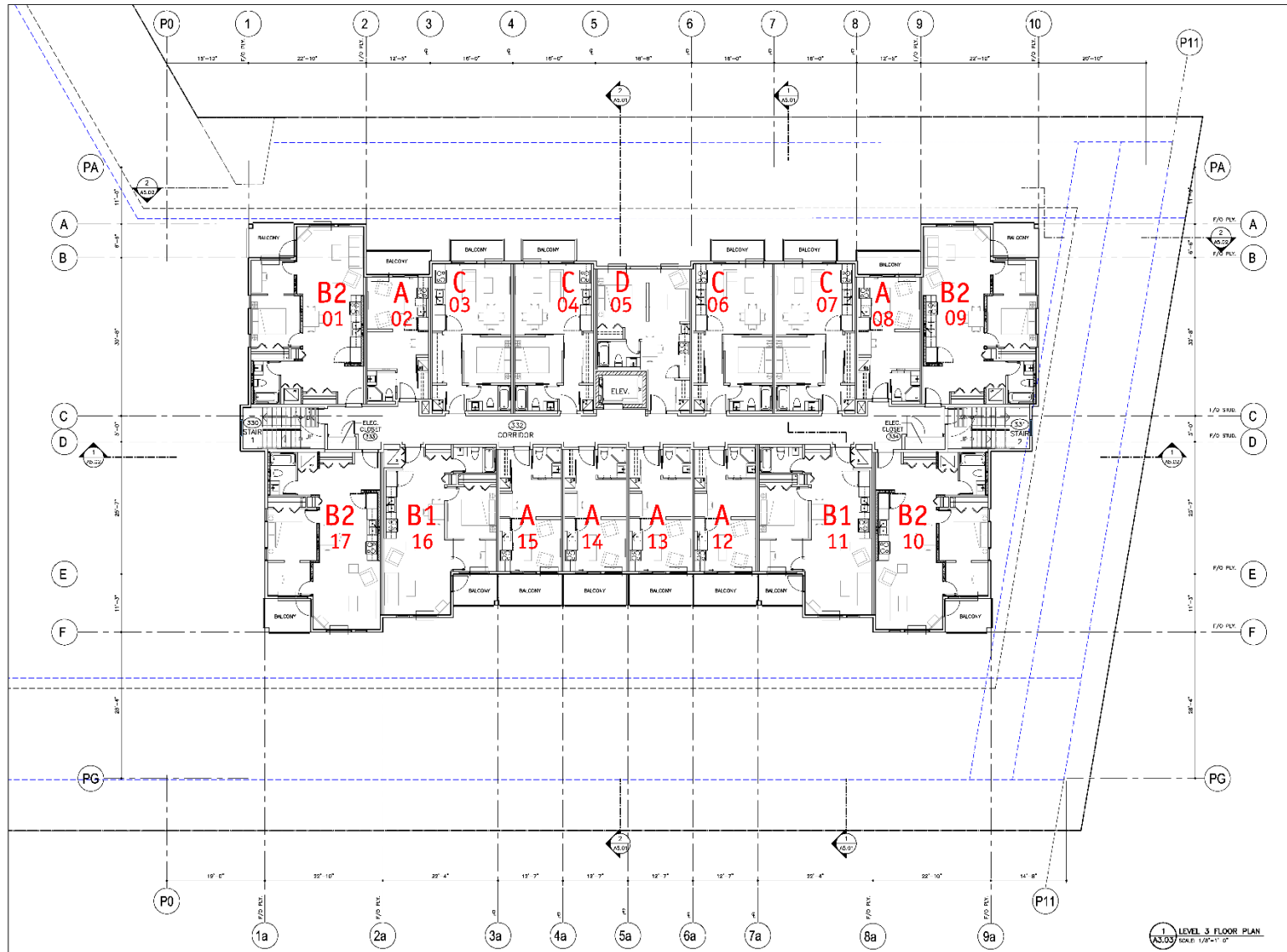
Project Number:

**A3.02**

Level 2  
FLOOR PLAN

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

Date	By	Check
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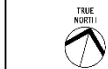
200-754001 STREET  
VANCOUVER, B.C.  
V6K 2J2  
TEL: 250-682-7343  
EMAIL: perry@perry.ca

223 BERNARD AVENUE  
VICTORIA, B.C.  
V8N 1A2  
TEL: 250-682-7343  
EMAIL: mcloughlin@perry.ca

**m+m**  
MEKLETON ARCHITECTS INC.

**Al Stober**  
Construction Ltd.

2016-08-15  
FOUNDATION  
PERMIT



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No.	Date	Revised
1	2016-08-15	FOUNDATION PERMIT
2	2016-08-15	FOUNDATION PERMIT
3	2016-08-15	FOUNDATION PERMIT

Project Title:  
**DICKSON 2 APARTMENT  
4 LEVELS - 67 - UNITS  
WITH PARKADE**

1543, 1547, 1555 BURNING BUSH AVE.

Building Number

**A3.03**

DRAWINGS ARE NOT TO BE REPRODUCED  
WITHOUT WRITTEN CONSENT

Drawn By:

Level 3

FLOOR PLAN

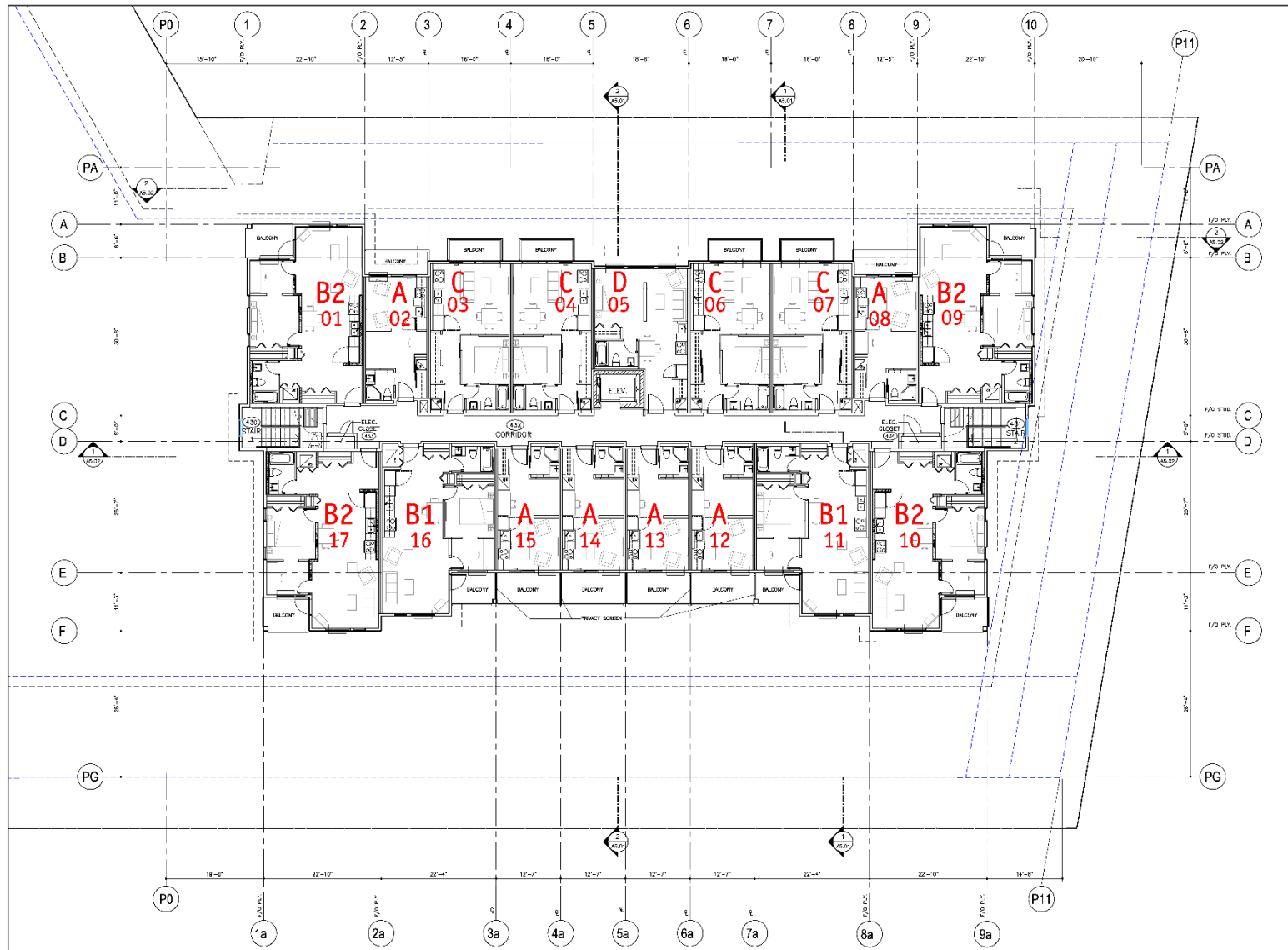
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Date	2016-08-15
Drawn By	MEKLETON ARCHITECTS INC.
Scale	1/8" = 1'0"
Drawn By	MEKLETON ARCHITECTS INC.

**SCHEDULE** **A & B**  
This forms part of development  
Permit # **DP16-0091**







201-11 FRONT STREET  
KELOWNA, B.C.  
V1Y 4E2  
TEL: 250-861-3163  
EMAIL: perm@kelowna.ca

222 BURNHAMTHORPE STREET  
KELOWNA, B.C.  
V1Y 1B2  
TEL: 250-760-0004  
EMAIL: kel@kelowna.ca

**m+m**  
MEKELEJOHN ARCHITECTS INC.

**Al Stober**  
Construction Ltd.

2016-08-15  
FOUNDATION  
PERMIT

TRUE  
NORTH

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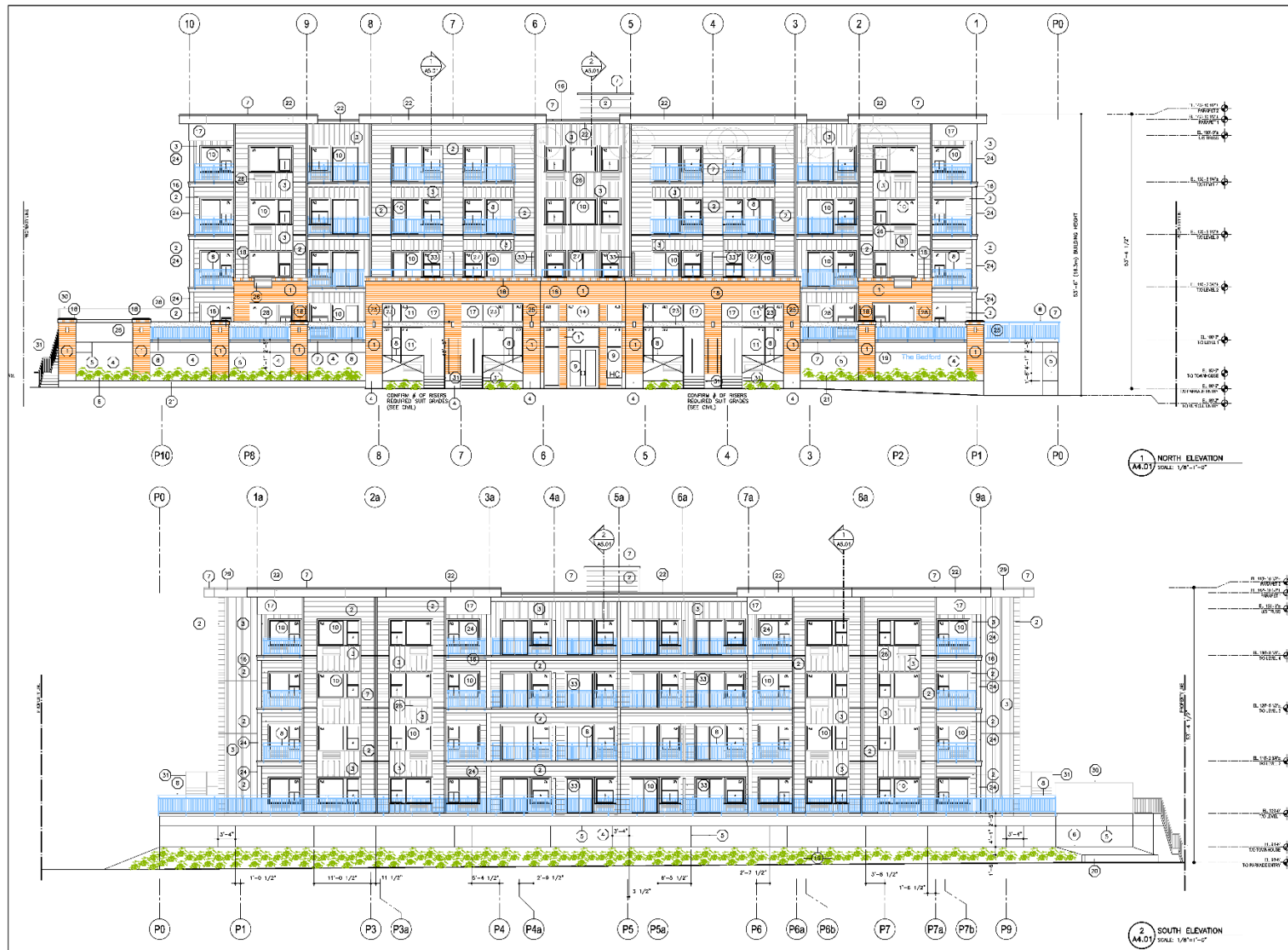
No.	Date	Revised
1	2016-08-15	FOUNDATION PERMIT
2	2016-08-15	FOUNDATION PERMIT
3	2016-08-15	FOUNDATION PERMIT

Project File:  
DICKSON 2 APARTMENT  
4 LEVELS - 67 - UNITS  
WITH PARKADE  
1543, 1547, 1555 BEDFORD AVE.  
Drawing Number:  
**A3.04**  
DRAWING AND DESIGN: KELOWNA  
ALL DIMENSIONS IN MILLIMETERS UNLESS OTHERWISE SPECIFIED

Drawing File:  
LEVEL 4  
FLOOR PLAN  
scale: 1/8"=1'0"

NO.	DATE	REVISION
1	2016-08-15	FOUNDATION PERMIT
2	2016-08-15	FOUNDATION PERMIT
3	2016-08-15	FOUNDATION PERMIT

**SCHEDULE A & B**  
This forms part of development  
Permit # **DP16-0091**



201-11-1111 STREET  
KELWNA, B.C.  
V2Y 1K1  
TEL: 250-867-3143  
EMAIL: info@kelowna.ca

222 DEVEREUX STREET  
KELWNA, B.C.  
V2Y 1K1  
TEL: 250-867-3143  
EMAIL: info@kelowna.ca

**m+m**  
MEKLEJOHN ARCHITECTS INC.

**AlStober**  
Construction Ltd.

2016-08-15  
FOUNDATION  
PERMIT



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No.	Date	By	Check
1	2016-08-15	ALSTON	ALSTON
2	2016-08-15	ALSTON	ALSTON
3	2016-08-15	ALSTON	ALSTON

**Project File:**  
DICKSON 2 APARTMENT  
4 LEVELS - 67 - UNITS  
WITH PARKADE

**Address:**  
1543, 1547, 1555 BEDFORD AVE.

**Building Number:**

**A4.01**

**REVISIONS**

No.	Date	By	Check
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2	2016-08-15	ALSTON	ALSTON
3	2016-08-15	ALSTON	ALSTON

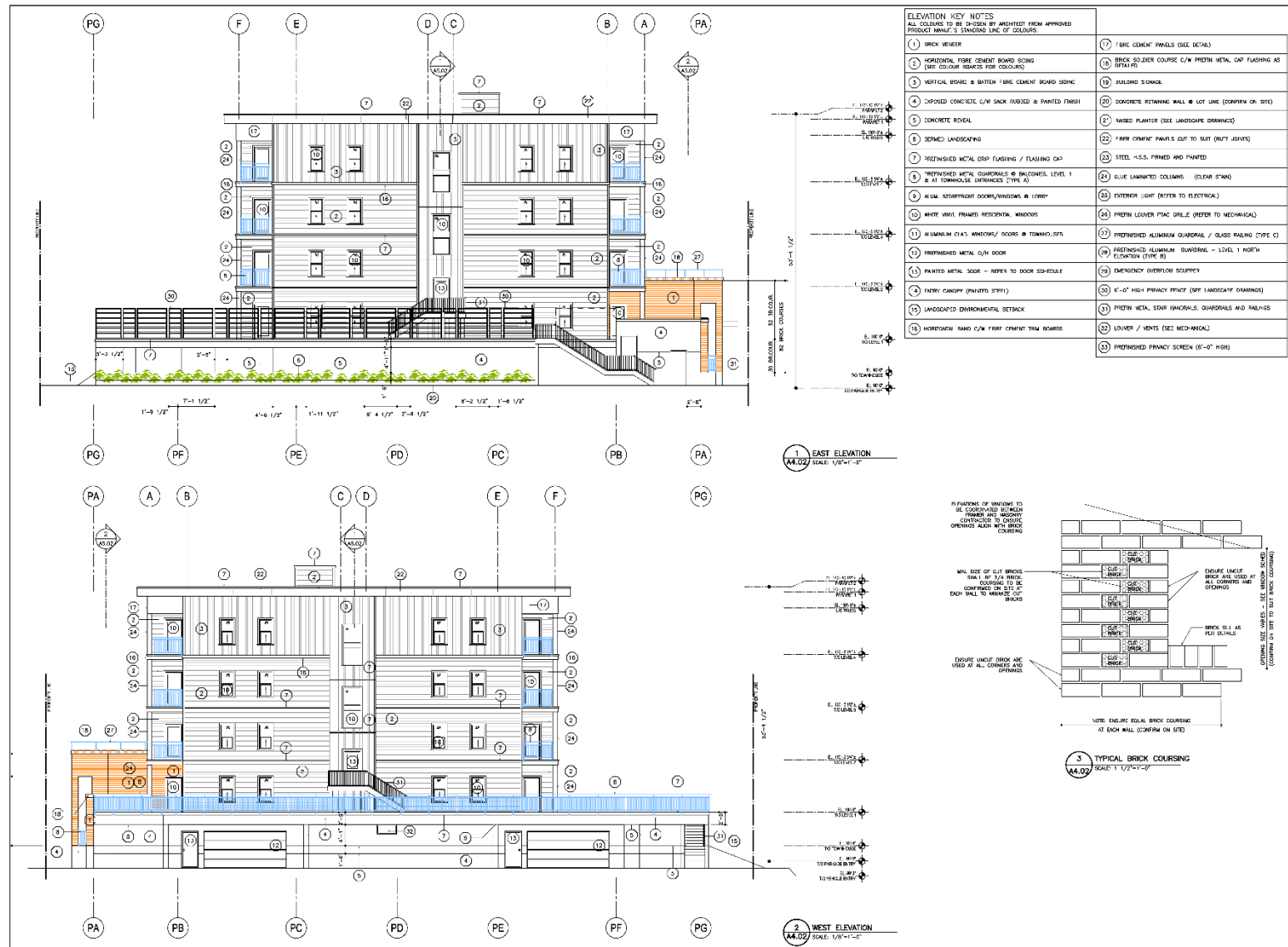
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DICKSON 2 APARTMENT  
4 LEVELS - 67 - UNITS  
WITH PARKADE

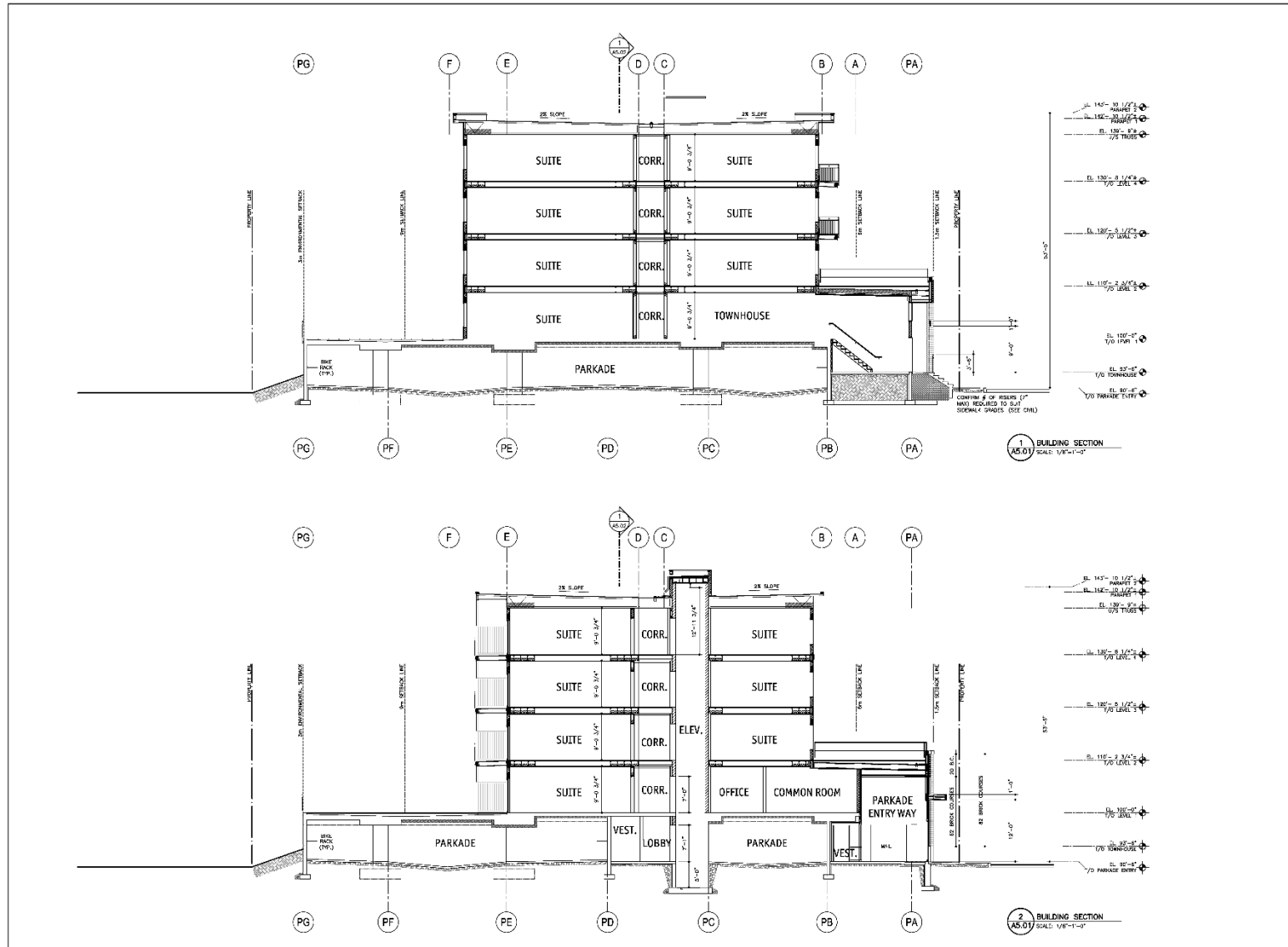
**Address:**  
1543, 1547, 1555 BEDFORD AVE.

**Building Number:**

**SCHEDULE** **A & B**  
This forms part of development  
Permit # **DP16-0091**







201-111 FRONT STREET  
FREDERICK, B.C.  
V2A 4J2  
TEL: 250.549.3143  
EMAIL: pm@mmarchitects.com

233 BURNHAMTHORPE AVE.  
KILGOMRA, B.C.  
V2Y 1G2  
TEL: 250.780.0004  
EMAIL: info@mmarchitects.com



2016-08-15  
FOUNDATION  
PERMIT



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No.	Date	Revised
1	2016-08-15	2016-08-15
2	2016-08-15	2016-08-15
3	2016-08-15	2016-08-15

DICKSON 2 APARTMENT  
4 LEVELS - 67 UNITS  
WITH PARKADE

1543, 1547, 1555 BEDFORD AVE.

Building Number:

**A5.01**

FORWARDED AND ISSUED BY: [Signature]

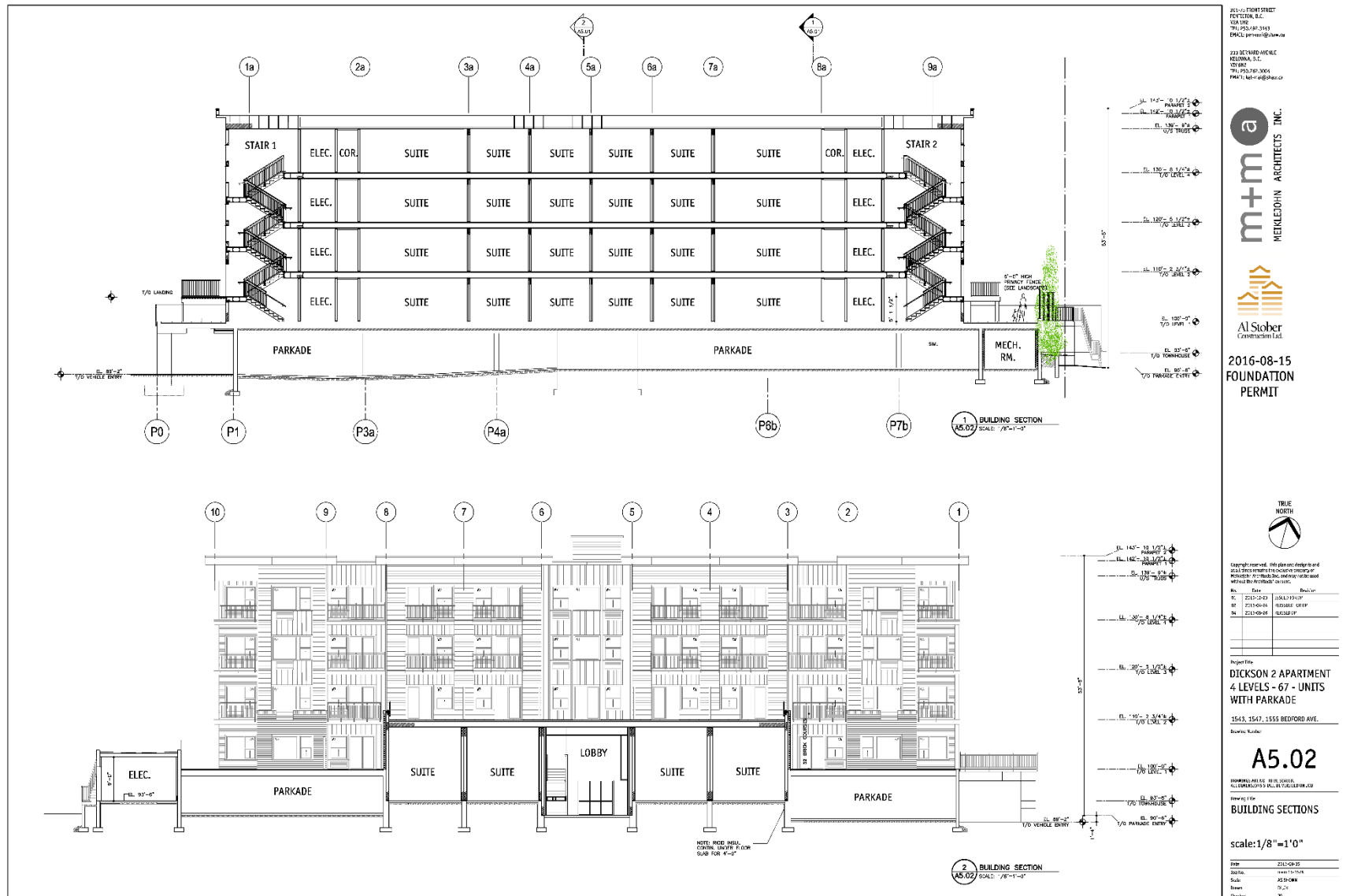
Building Sections

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Rev	Date	By	Check
1	2016-08-15	MM	MM
2	2016-08-15	MM	MM
3	2016-08-15	MM	MM

**SCHEDULE A & B**  
This forms part of development  
Permit # **DP16-0091**



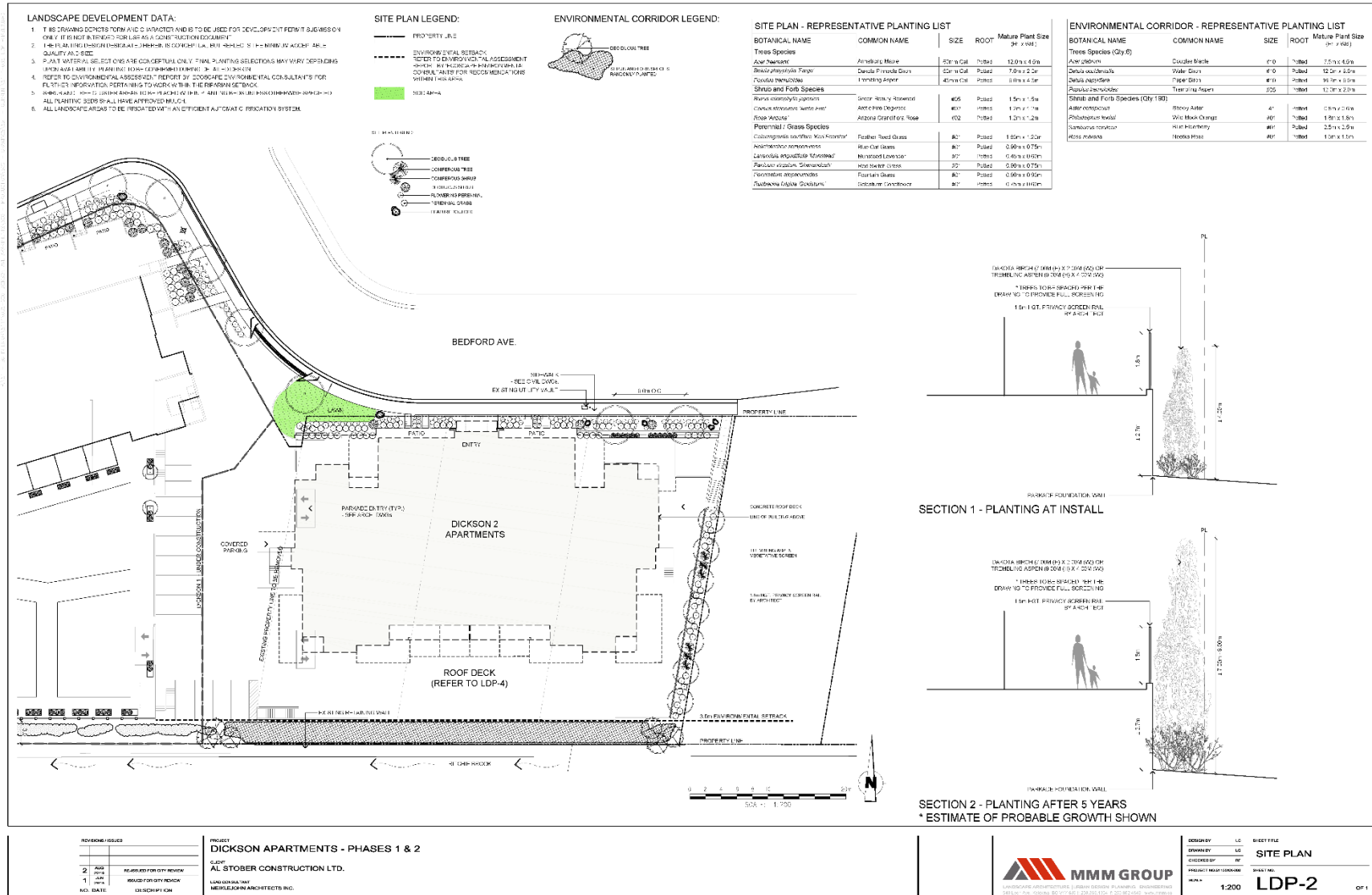


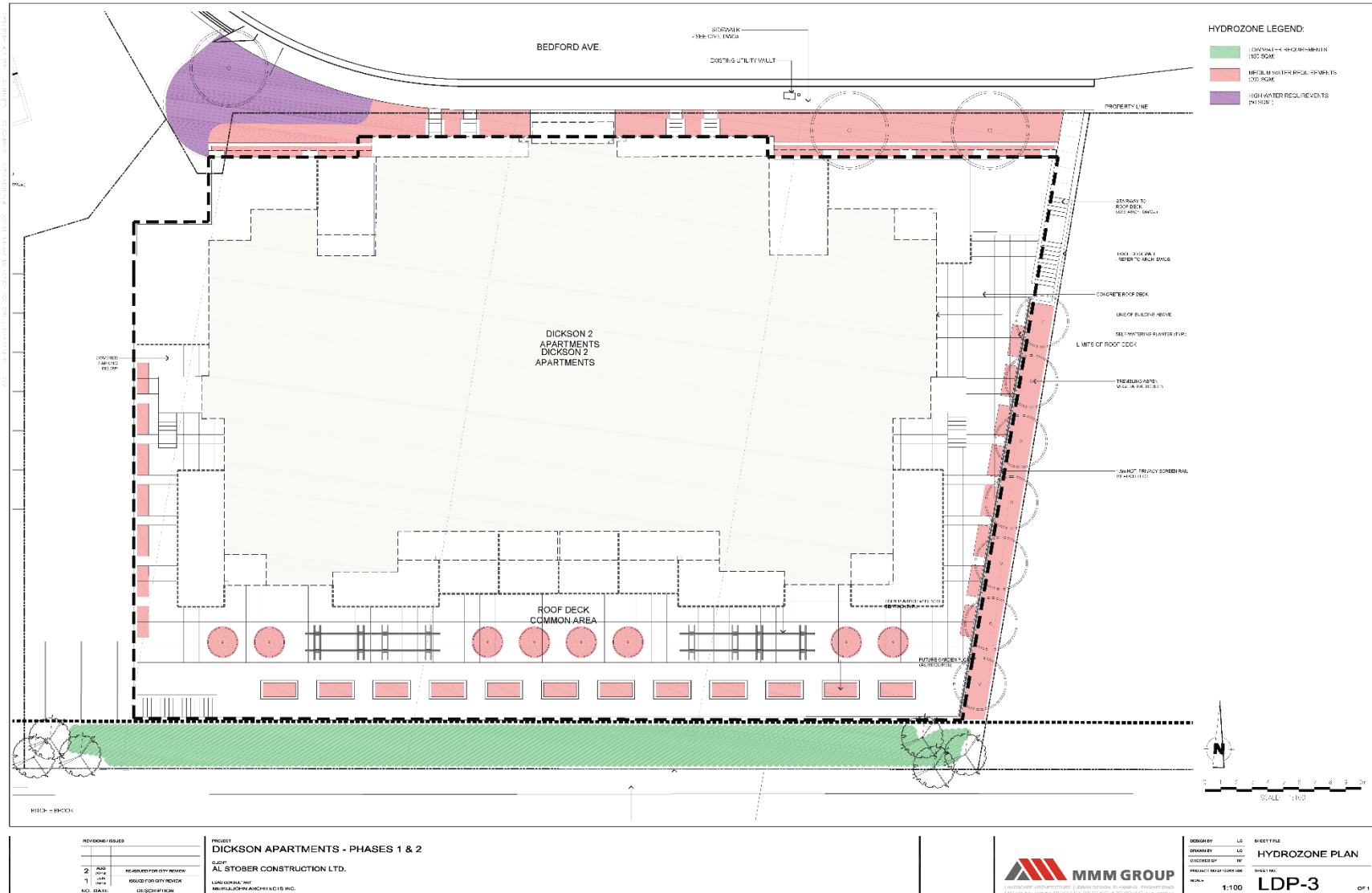
**SCHEDULE** **A & B**  
This forms part of development  
Permit # **DP16-0091**

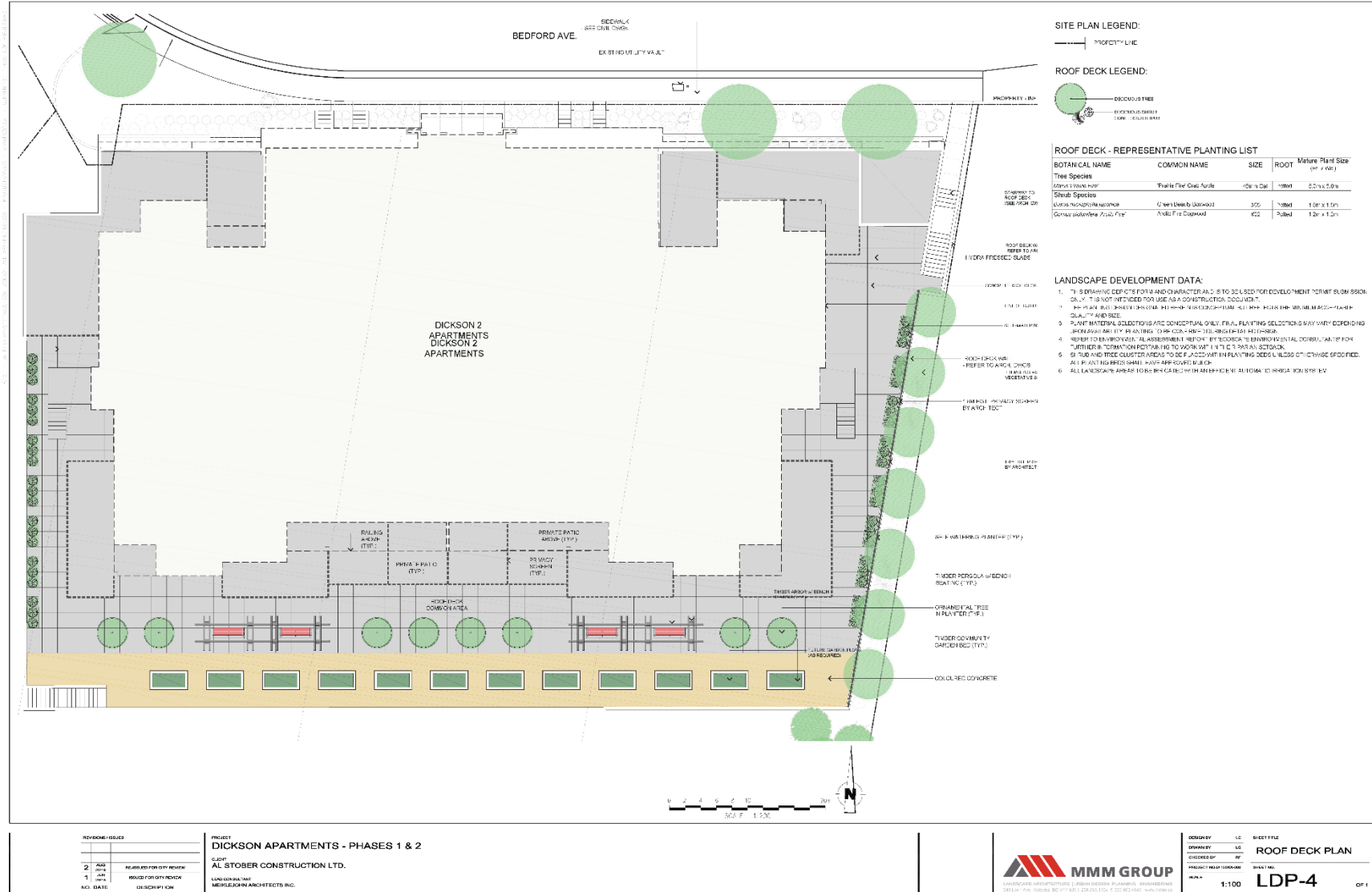












Description of work	Unit	Estimated	Estimated Value	Total Value
---------------------	------	-----------	-----------------	-------------

## LANDSCAPE

1.0 Landscape On-Site				
1.1 Deciduous trees (5cm Cal.)	ea.	10	\$450.00	\$4,500.00
1.2 Ornamental shrubs and perennials	m <sup>2</sup>	167	\$30.00	\$5,010.00
1.3 Restoration trees, shrubs, and forbs	ls.	1	\$3,675.00	\$3,675.00
1.4 Sod	m <sup>2</sup>	50	\$7.50	\$375.00
1.5 Imported growing medium for trees (1 cu.m. per tree)	m <sup>3</sup>	10	\$60.00	\$600.00
1.6 Imported growing medium for shrub bed (450mm depth)	m <sup>3</sup>	60	\$60.00	\$3,600.00
1.7 Imported growing medium for sod (150mm depth)	m <sup>3</sup>	8	\$60.00	\$480.00
1.8 Composted Bark Mulch Dressing (50mm depth)	m <sup>2</sup>	140	\$5.00	\$700.00
1.9 High efficiency irrigation system	m <sup>2</sup>	190	\$20.00	\$3,800.00
1.10 Feature boulders	ea.	5	\$150.00	\$750.00
			SUBTOTAL	\$23,490.00

2.0 Landscape Roof Deck				
2.1 Deciduous trees (5cm Cal.)	ea.	8	\$450.00	\$3,600.00
2.2 Ornamental shrubs and perennials	m <sup>2</sup>	45	\$30.00	\$1,350.00
2.3 Imported growing medium for trees (1 cu.m. per tree)	m <sup>3</sup>	8	\$60.00	\$480.00
2.4 Imported growing medium for shrub bed (450mm depth)	m <sup>3</sup>	20	\$60.00	\$1,200.00
2.5 Composted Bark Mulch Dressing (50mm depth)	m <sup>2</sup>	25	\$5.00	\$125.00
2.6 High efficiency irrigation system	m <sup>2</sup>	45	\$20.00	\$900.00
2.7 Water service for community garden boxes	ls.	1	\$7,500.00	\$7,500.00
			SUBTOTAL	\$15,155.00

## ESTIMATED TOTAL LANDSCAPE BUDGET

\$38,645.00

This is an estimate and not a guaranteed amount, and is to be used for bonding purposes only.  
Costing is based on 2015 contractor pricing and is subject to change.

# AMENDED DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT



## APPROVED ISSUANCE OF AMENDED DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT

**File Number** DP14-0197-01 and DVP16-0092  
**Issued To:** Al Stober Construction Ltd.  
**Site Address:** 1525 Dickson Ave  
**Legal Description:** Lot A, District Lot 141, ODYD, Plan EPP48886  
**Zoning Classification:** RM5 - Medium Density Multiple Housing  
**Development Permit Area:** Comprehensive Development Permit Area

### SCOPE OF APPROVAL

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

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

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

### 6. TERMS AND CONDITIONS

THAT Amended Development Permit No. DP14-0197-01 & Development Variance Permit No. DVP16-0217 for Lot A, District Lot 141, ODYD, Plan EPP48886 located at 1525 Dickson Ave, Kelowna, BC be approved subject to general conformance to the drawings (Schedule "C") attached to this permit.

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

#### Section 8.1.9 Location

- Decrease the minimum setback of any parking stalls to the eastern side yard property line from 1.5 m to 0.0 m.

#### Section 8.1.11 Size and Ratio

- Increase the maximum percentage of compact sized parking stalls (from 10% to 14.4%).

#### Section 7.6.1 Minimum Landscape Buffers

- Decrease the Level 3 minimum landscape buffer from 3.0 m to 0.0 m along the eastern side yard property line.

## **7. PERFORMANCE SECURITY**

The Landscape Performance Security deposit from DP14-0197 shall be used to ensure the landscaping is completed as per the amended landscape plans identified in Schedule "C" of this amended Development Permit (DP14-0197-01).

## **8. DEVELOPMENT**

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

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

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

## **9. 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:

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

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

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



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

---

Signature of Owner / Authorized Agent

---

Date

---

Print Name in Bold Letters

---

Telephone No.

**10. APPROVALS**

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

---

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

---

Date

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





MMM Group Limited  
540 Leon Avenue  
Kelowna, BC V1Y 6J6  
t: 250.862.3600 | f: 250.862.4849  
www.mmm.ca

Date: August 22, 2016

Our File: 5114035

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

Attention: Development Services

Dear Adam,

Re: Dickson Apartments – Phase 1 DP Summary of Changes

Per your email request the summary below outlines the significant changes between the Approved Phase 1 Landscape Development Permit Drawings and the Re-submitted Phase 1 drawings. All significant changes occurred on the rooftop deck and in the parking area.

#### **Rooftop Deck Changes**

- The basketball sport court was replaced with synthetic lawn play field areas.
- Additional wooden pergolas and seating area was provided on an expanded area of synthetic lawn.
- 11 benches were shown on the first submittal as well as 2 group seating areas. The revised submittal included 5 benches and 5 group seating areas.
- Rooftop self-watering planters were relocated and rearranged.
- Future garden plots were illustrated along the south side of the rooftop deck.

#### **Parking Area Changes**

- A planter along the east wall was removed to accommodate the revised parking layout.
- Planting at the south end of the lot was removed to accommodate the revised parking layout.
- Planting along the east property line was removed to accommodate the revised parking layout.

#### **Miscellaneous Changes**

- 2, 5 capacity bike racks were included in the new submittal.
- An additional 3 street trees were included along Dickson Avenue.

It is our professional opinion that these changes do not result in any significant change to the bond amount provided for Phase 1. I trust that this memo provides you with clarity as to the changes. If you have any additional questions please do not hesitate to contact me.

Regards,

**MMM Group Limited**

Robert Fershaw, MBCSLA  
Registered Landscape Architect

COMMUNITIES  
TRANSPORTATION  
BUILDINGS  
INFRASTRUCTURE



2016-06-16  
add laundry  
&  
revised canopy



Yr	Rate	Factor
2010-2015-1	100.00	100.00
2015-2020-1	100.00	100.00
2020-2025-1	100.00	100.00
2025-2030-1	100.00	100.00
2030-2035-1	100.00	100.00
2035-2040-1	100.00	100.00
2040-2045-1	100.00	100.00
2045-2050-1	100.00	100.00
2050-2055-1	100.00	100.00
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2065-2070-1	100.00	100.00
2070-2075-1	100.00	100.00
2075-2080-1	100.00	100.00
2080-2085-1	100.00	100.00
2085-2090-1	100.00	100.00
2090-2095-1	100.00	100.00
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2175-2180-1	100.00	100.00
2180-2185-1	100.00	100.00
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2255-2260-1	100.00	100.00
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2270-2275-1	100.00	100.00
2275-2280-1	100.00	100.00
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2290-2295-1	100.00	100.00
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2415-2420-1	100.00	100.00
2420-2425-1	100.00	100.00
2425-2430-1	100.00	100.00
2430-2435-1		

**DICKSON APARTMENT**  
4-LEVELS (90 RENTAL UNITS)  
WITH PARKADE

A3.00

## YOUNG FIVE PARKADE PLAN

# REPORT TO COUNCIL



**Date:** October 18, 2016

**RIM No.** 0940-050

**To:** City Manager

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

**Application:** DVP16-0100

**Application:** DVP16-0100

**Address:** 9595 Bottom Wood Lake Rd

**Address:** 9595 Bottom Wood Lake Rd

**Subject:** Development Variance Permit

**Existing OCP Designation:** IND - Industrial

**Existing Zone:** I2 - General Industrial

---

## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0100 for Lot 44, DL 118 ODYD Plan 457 Except Plans 20108, 36673 and 39429, located at 9595 Bottom Wood Lake Road Kelowna, BC;

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

### **Section 15.2.5 (d): I2 General Industrial Front Yard Setback**

To vary the required minimum front yard from 7.5 m permitted to 1.32 m proposed.

AND THAT the developer be required to construct a black chainlink fence along the Bottom Wood Lake frontage of the site restricting vehicle access to the road outside of approved entrances;

AND FURTHER THAT the 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 variance to the front yard setback at 9595 Bottom Wood Lake Road for an expansion to an agri-industrial building from 7.5 m to 1.32 m.

## 3.0 Community Planning

Community Planning has no objections to the variance, as long as internal circulation is not negatively impacted. The recommended conditions of approval are intended to ensure that on-site vehicle traffic is not diverted to Bottom Wood Lake Road.

The developer may also require additional approvals from the District of Lake Country, as a portion of the expansion is within the District boundary. The City of Kelowna cannot impose

requirements or restrictions on Lake Country's behalf. The City may only enforce requirements of the variance within the limits of the City.

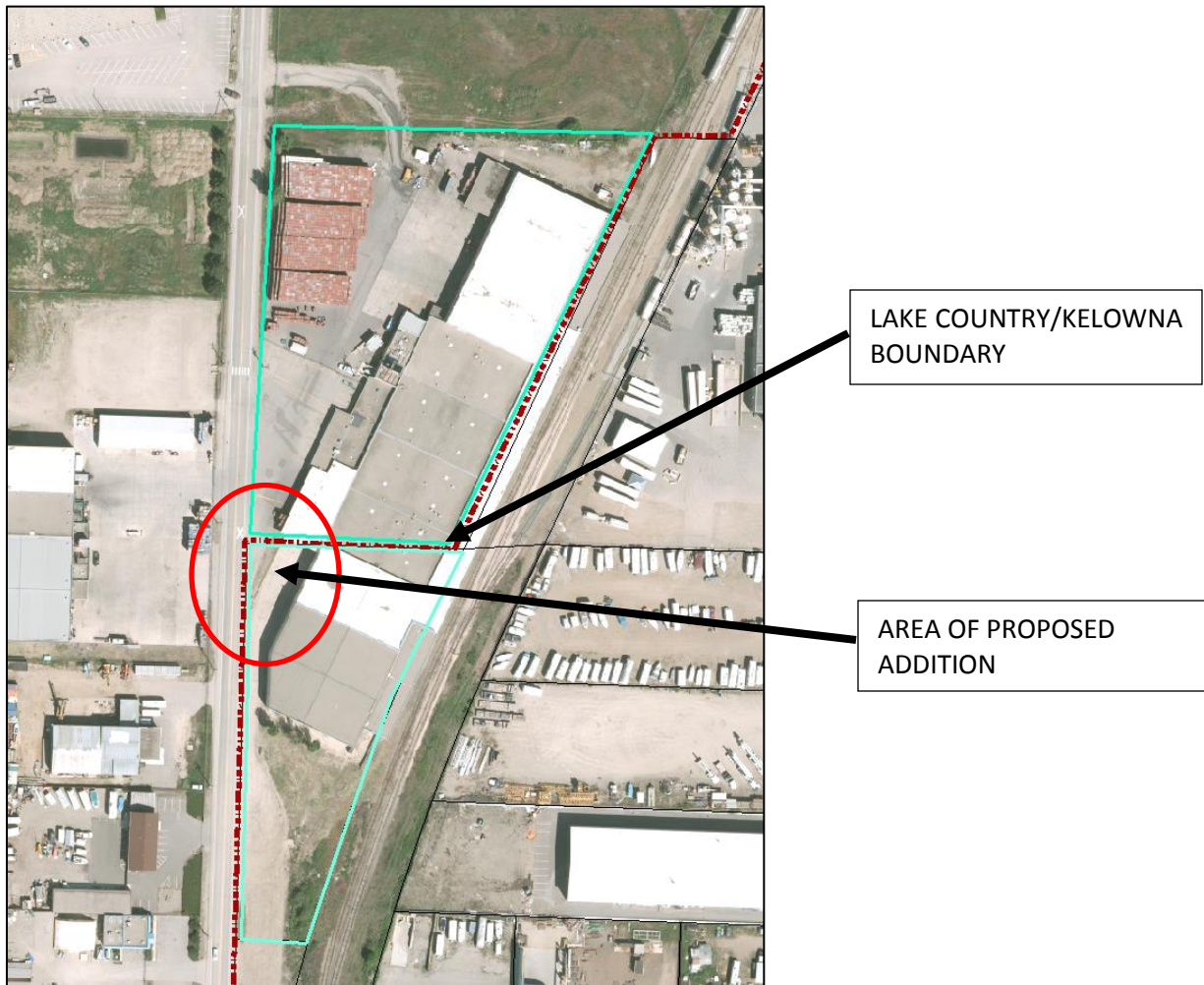
There is no sidewalk or cycling lane on Bottom Wood Lake Road, so a building closer to the property line should not negatively impact the active transportation opportunities.

The industrial building is in keeping with the form and character of the general neighbourhood.

#### 4.0 Proposal

##### 4.1 Background

The subject building straddles two properties, one in the City of Kelowna, one in the District of Lake Country. The building pre-dates the subject property being within the City of Kelowna boundaries by a number of decades.



##### 4.2 Project Description

The applicant has proposed an addition to the existing building to expand internal production lines and improve operational efficiencies. Because all operations are production line based, there is very little space flexibility with internal operations. The production lines cannot be moved back, necessitating the variance application.

The proposed one storey addition would be built to within 1.32 m of the front property line.



### 4.3 Site Context

The site is unique in the community. The BC Tree Fruits Packing House is built across the city limits between Kelowna and Lake Country, straddling property lines. The southern third of the building is within the City, while the northern two thirds and site parking are in Lake Country.

The property is in the northern area of the Winfield Industrial Area. Properties to the north, south, east and west are used for industrial purposes. The former CN railways runs to the east of the subject property.

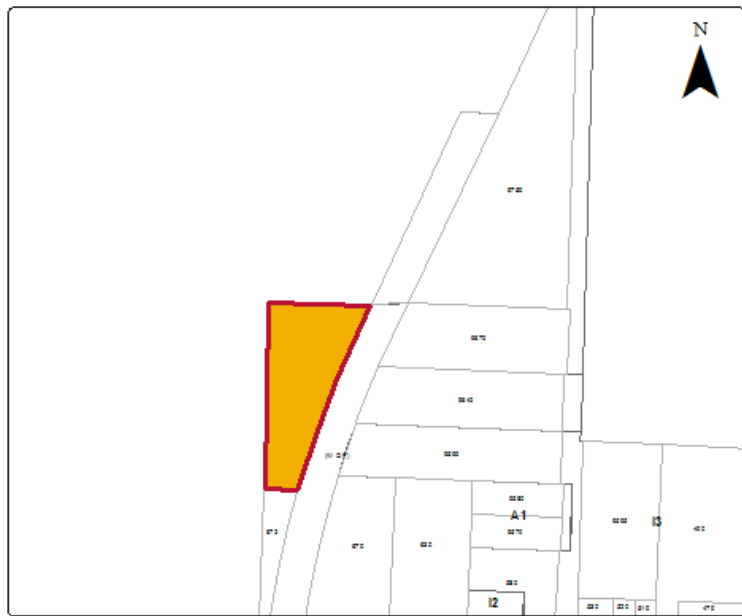
Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	Industrial - Lake Country	Portion of Fruit Packing Building
East	Railway/Future Trail	Railway/Future Trail
South	I2 - General Industrial	Warehouse
West	Industrial - Lake Country	Fruit Packing facilities

#### Subject Property Map:



CONTEXT



NEIGHBOURING ZONING



SUBJECT PROPERTY

#### 4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	I2 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Maximum Floor Area Ratio	1.5	0.56
Maximum Site Coverage	60%	56.51%
Maximum Height	14.0 m	m
Minimum Front Yard	7.5 m	1.37 m <span style="color: red;">●</span>
Minimum Side Yard	0.0 m	>80 m
Minimum Side Yard	0.0 m	0.0 m
Minimum Rear Yard	0.0 m	>30 m

## 5.0 Technical Comments

### 5.1 Building & Permitting Department

- No comments

### 5.2 Development Engineering Department

- The DP app does not compromise any municipal services. Vehicle movement requirements were dealt with under BP 51549 (JO)Bylaw Services.

**Report prepared by:**

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Ryan Roycroft, Planner

**Reviewed by:**

☐

Terry Barton, Urban Planning Manager

**Approved for Inclusion:**

☐

Ryan Smith, Community Planning Department Manager

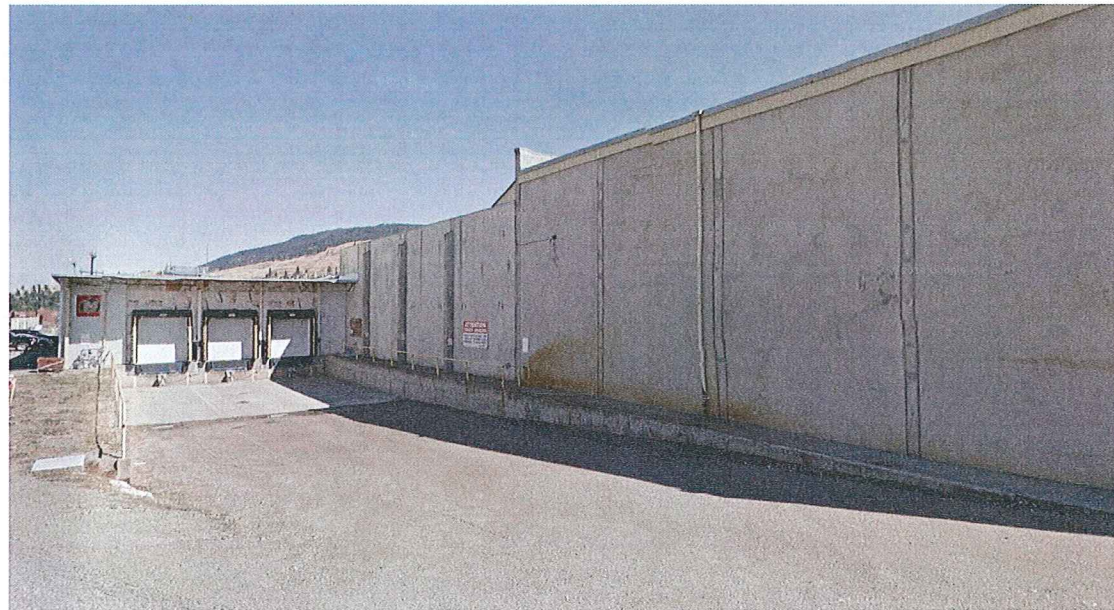
**Attachments:**

Site Plan

Conceptual Elevations

Developer's Rationale





NOTE: LANDSCAPING IN THIS IMAGE DOES NOT REFLECT THAT OF THE DESIGN, REFER TO A-200 FOR LANDSCAPE DESIGN

# **BC TREE FRUITS COOPERATIVE** **NEW PROPOSED ADDITION** *Variance application drawings*



WAY MORE  
THAN DELICIOUS.

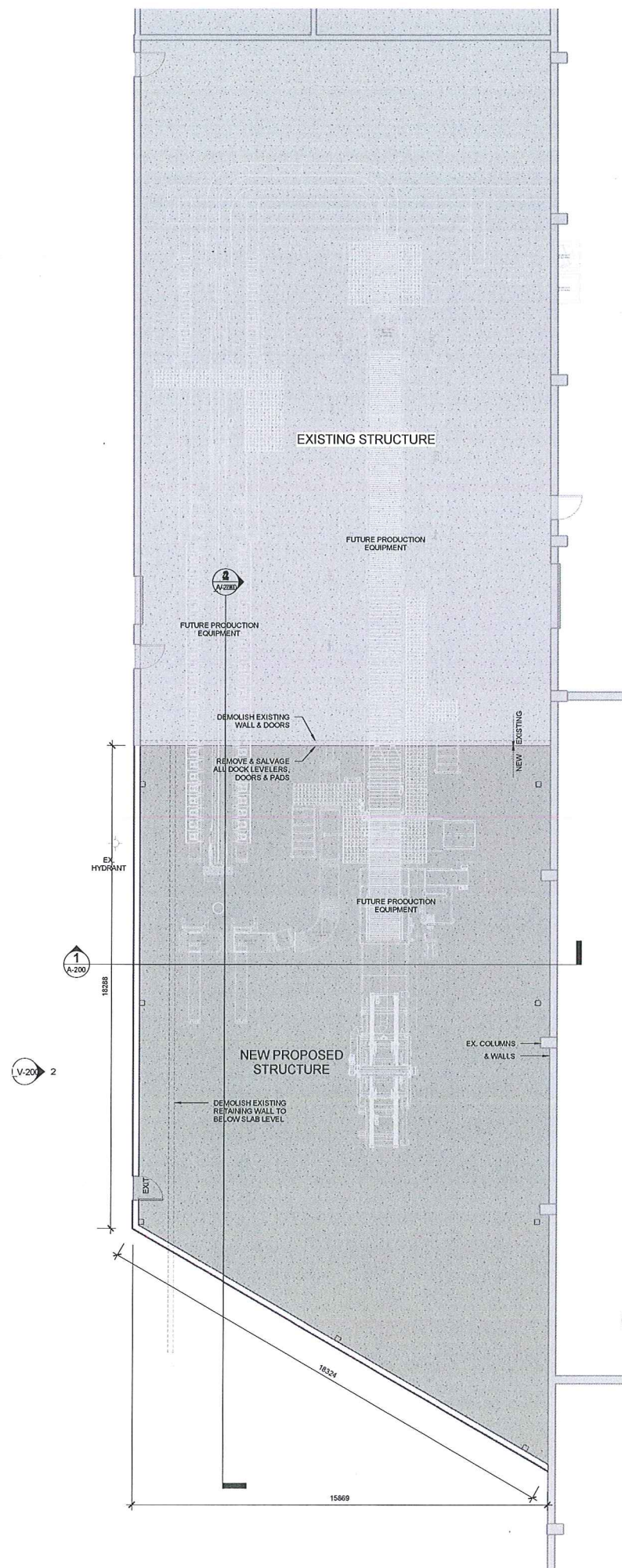
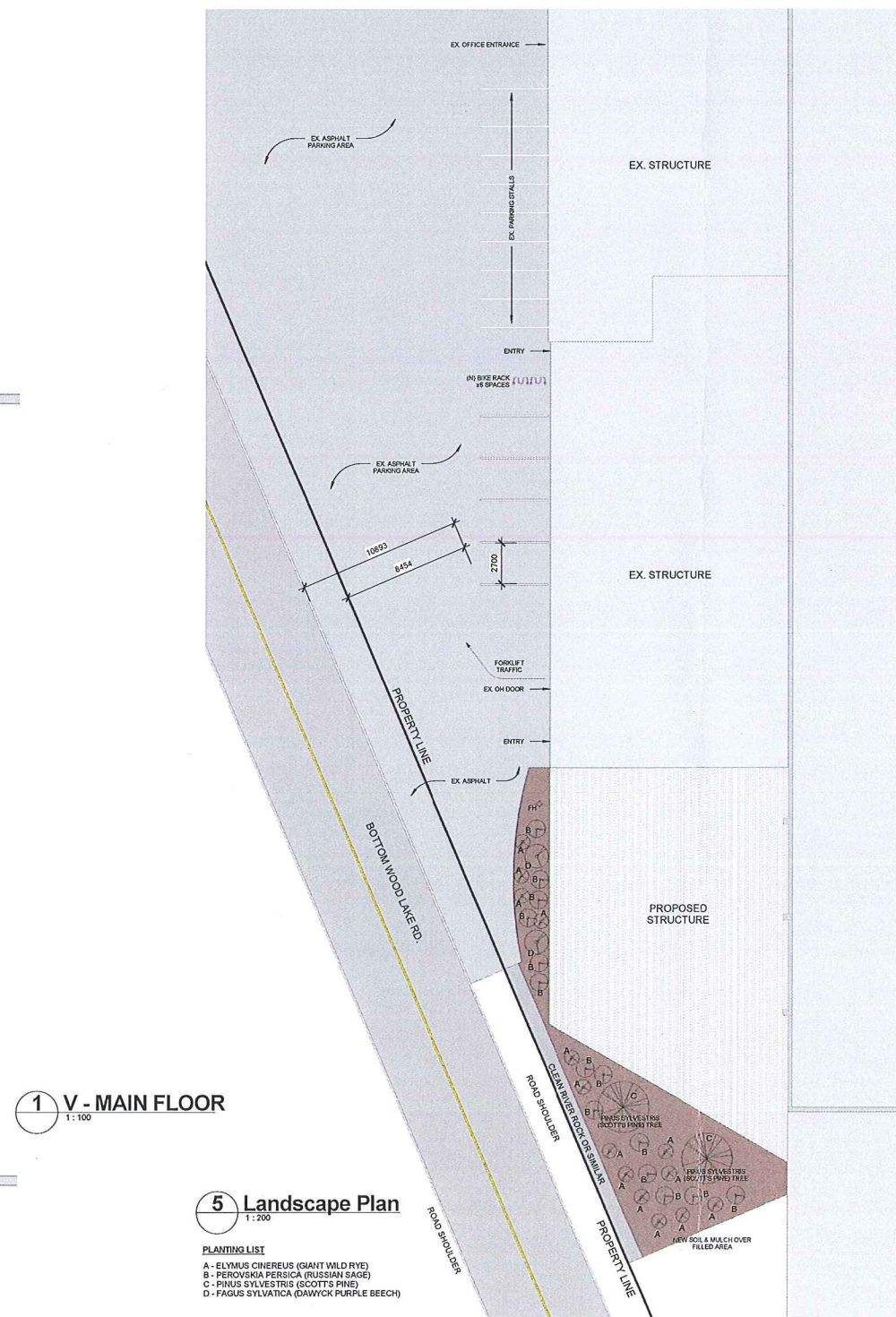
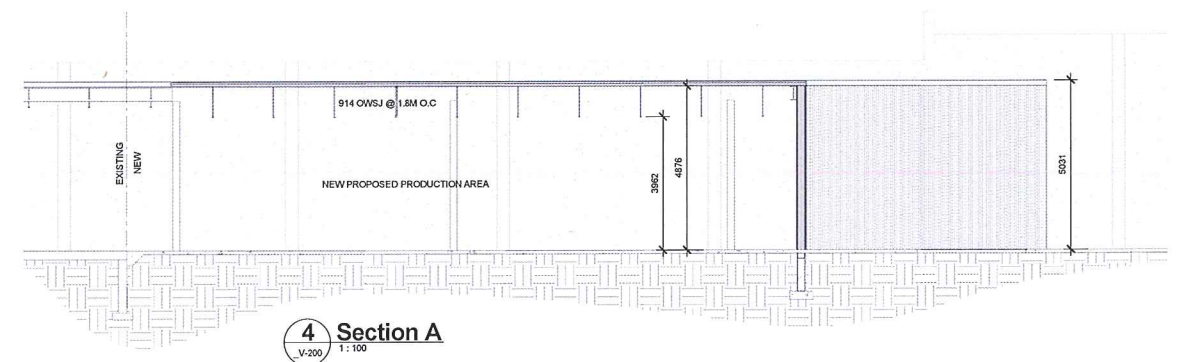
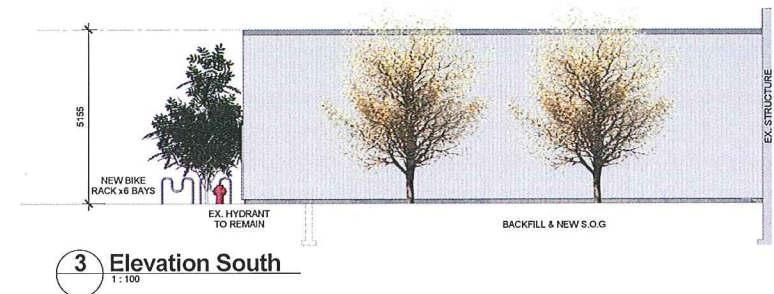
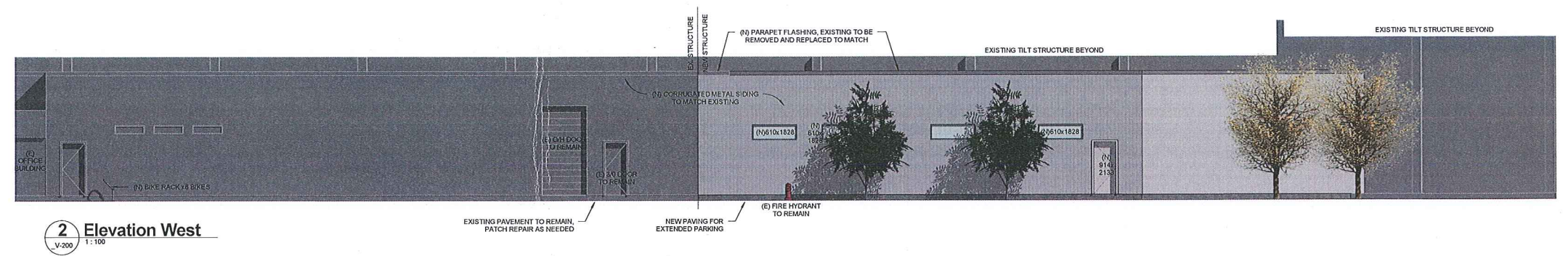



Drawing List			
Sheet Number	Revision	Sheet Name	Sheet Issue Date
V-000		COVER PAGE	2016.02.05
V-100		SITE PLANS	2016.02.05
V-200		PLANS ELEVATIONS	2016.02.05
A-100		FLOOR PLANS	03/22/16
A-200		SECTIONS	03/22/16
S-01	Not Issued	PLANS / DETAILS	03/22/16
S-02	Not Issued	PLANS / DETAILS	03/28/16



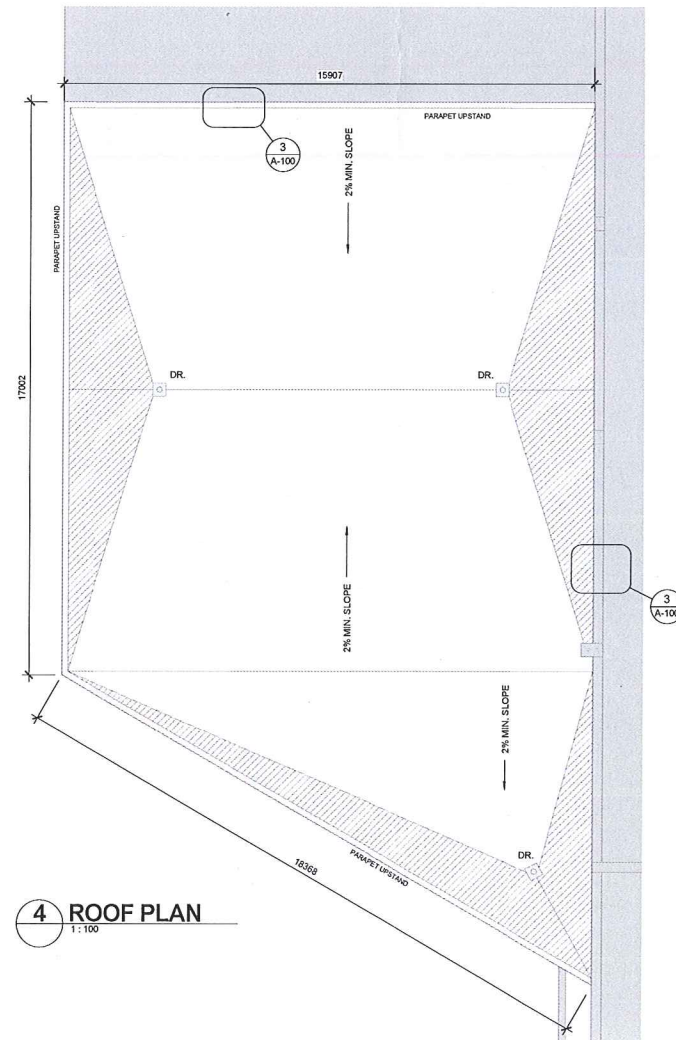
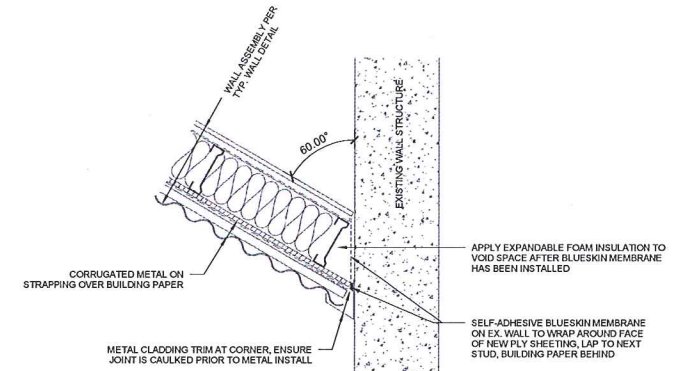
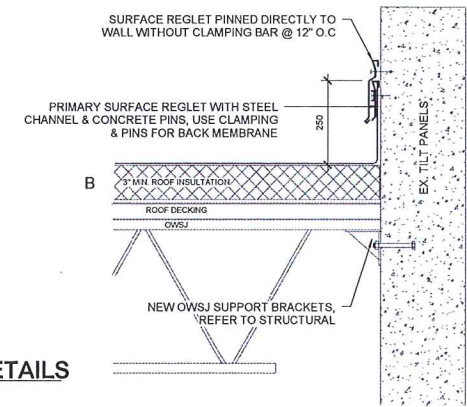
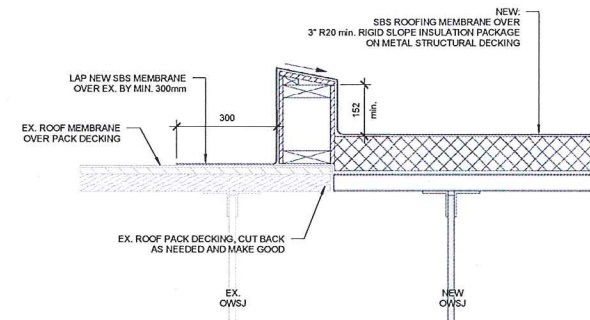
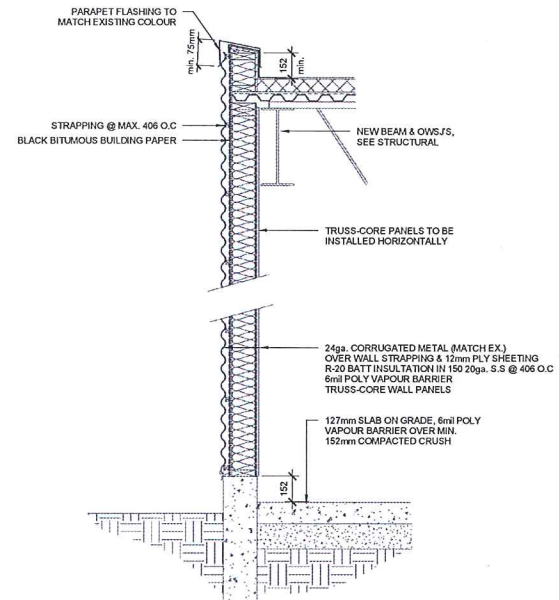
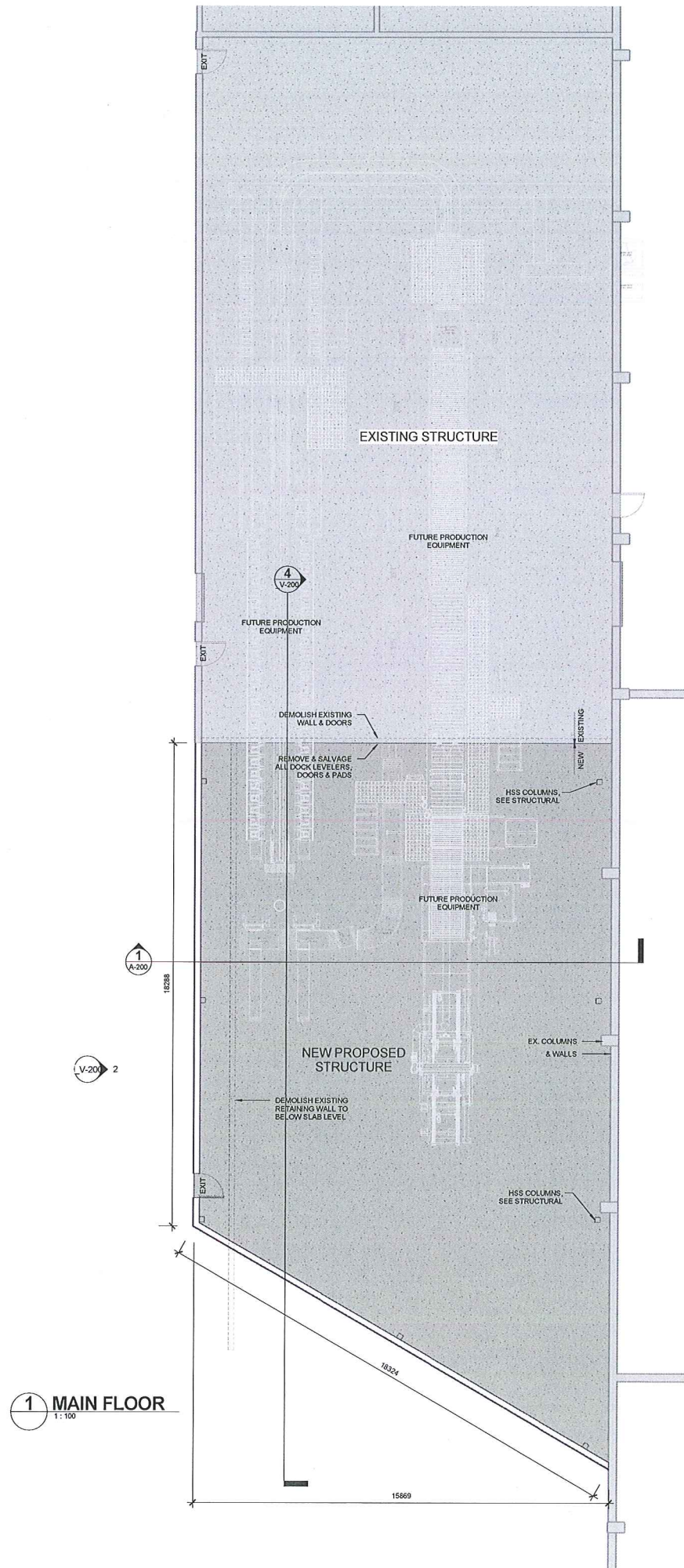







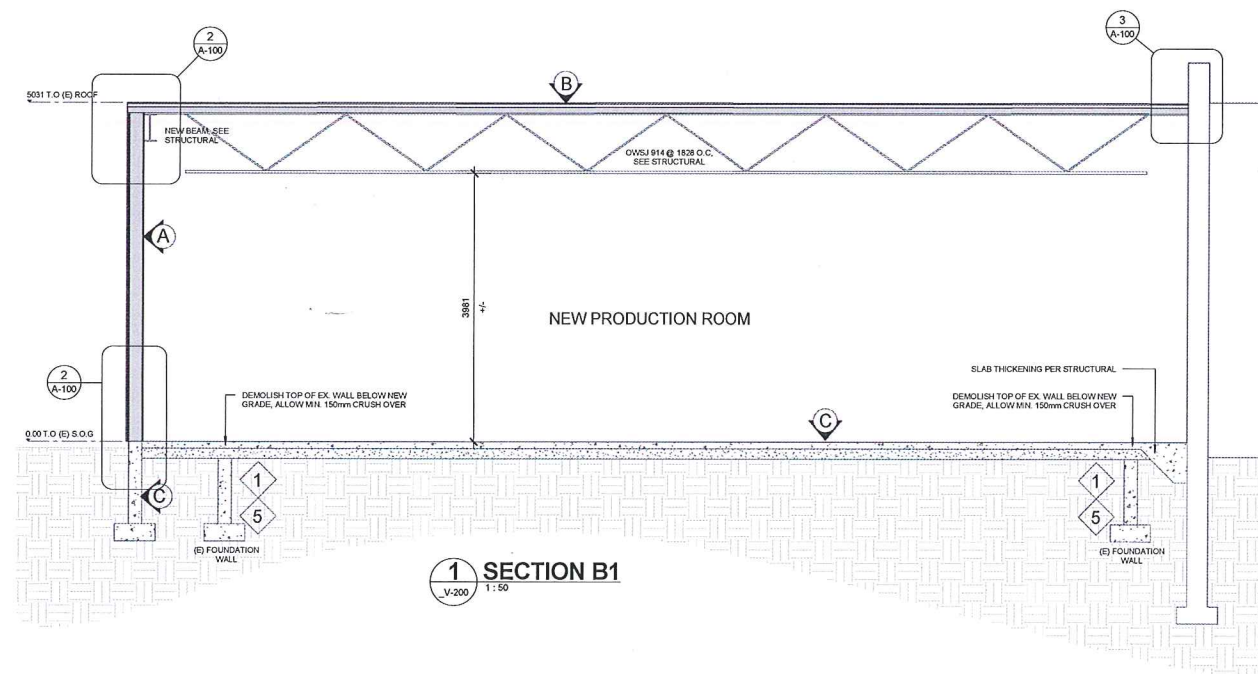
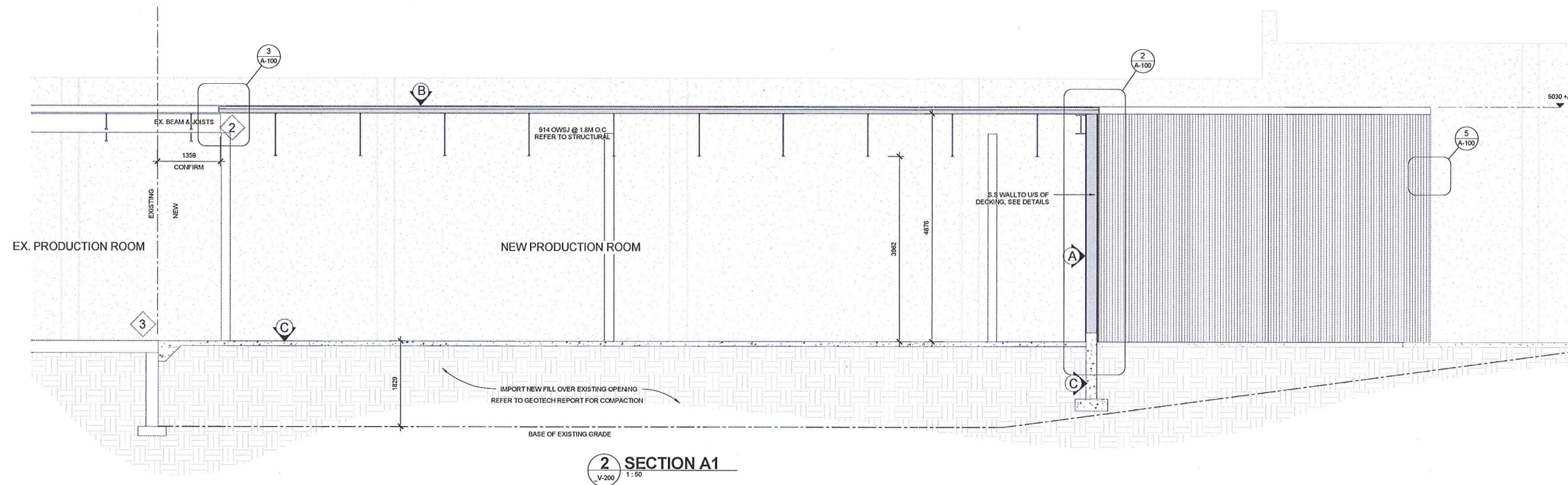
Project Title: <b>BCTF KELOWNA</b>		
Legal Description: <b>LOT 45 PL. 457/940F          9595 Bottom Wood Lake Rd.          Kelowna, BC</b>		
GENERAL NOTES:		
 <div style="display: inline-block; vertical-align: middle;"> <b>GREYBACK</b> Construction Ltd.          412 Watson Ave. E. Parkton, BC V2S 3A2          PH: 250-603-7022    FX: 250-603-7215       </div>		
A		
B		
C		
D		
E		
F		
Rev	Description	Date
<h2 style="margin: 0;">PLANS ELEVATIONS</h2>		
Scale:      As Indicated      Sheet		






Project Title: BCTF KELOWNA		
Legal Description: LOT 45 PL. 457/940F 9595 Bottom Wood Lake Rd. Kelowna, BC		
GENERAL NOTES:		
 410 Warren Ave. E. Parkin, BC V2A 3K2 Ph: 250 410 7072 Fax: 250 410 7251		
A		
B		
C		
D		
E		
F		
Rev	Description	Date
FLOOR PLANS		
Scale:	As Indicated	Sheet: A-100





- A WALL (TYP.)**
- Corrugated metal cladding with 25mm strapping
  - 12mm Ply sheeting with black bitumous building paper
  - R-20 Batt insulation between 16ga. Steel Steel Studs
  - 6mil Poly Vapour barrier
  - TrussCore plastic wall covering, Horiz. install
- B ROOF (TYP.)**
- OWSJ's per manufacturers details
  - Roof metal decking, see structural
  - Sloped rigid insulation, R-20 min.
  - SBS roofing membrane
- C SLAB / FOUNDATION**
- 127mm Slab on grade with 6mil poly vapour barrier
  - Min. 150mm compacted crush
  - 8" Concrete foundation wall (See structural)
  - Dampproofing membrane to exterior of wall

- 1** Demolish existing top of foundation wall to allow new structure over
- 2** Demolish existing flashings & fascia's to accommodate new roof tie-in
- 3** Demolish existing dock levellers, bumpers & overhead doors, infill slabs
- 4** Electrical demo by owner
- 5** Demolish existing railings along ex. retaining walls

Project Title: BCTF KELOWNA		
Legal Description: LOT 45 PL. 457/940F 9595 Bottom Wood Lake Rd. Kelowna, BC		
GENERAL NOTES:		
 <small>402 Watson Ave. E. Kelowna BC V2A 3K2 Ph: 250 493 7972 Fax: 250 493 7255</small>		
A		
B		
C		
D		
E		
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Rev	Description	Date
SECTIONS		
Scale:	As Indicated	Sheet: A-200



December 24, 2015

City of Kelowna  
Community Planning  
1435 Water Street  
Kelowna, BC V1Y 1J4

To: Whom it may concern

Re: Application by BC Tree Fruits Cooperative ("BCTF") for Variance

We write this letter in support of the attached Application, which is made in connection with an expansion of the bagging line being made at our Winfield Facility. As you may be aware BCTF is a large employer in Okanagan and we are investing in another material upgrade of our facility in Winfield. This upgrade will result in a number of improvements for the benefit of our employees and members, as well as the local community. The upgrade in our bagging line requires that we relocate a shipping dock as indicated in the Application. If you grant the variance we seek, we can achieve the following benefits:

- significantly reduce truck and other vehicle traffic congestion from and along Bottom Wood Lake Road where our Winfield Facility is located, especially during harvest season (June – November);
- improve safety for vehicles and pedestrians in our driveway, parking and loading zones at the facility, as well as the area around the facility bagging line; and
- the line improvements, which the variance will accommodate, will increase our production capacity, which will increase local employment opportunities long term as we will require more people to run the new and improved bagging line.

The improvements that we wish to make are required due to successful growth of our collective membership. Simply put, more apples are being produced, there is market demand and wants to be able to process a greater volume of apples in a timely manner in Winfield. If we are not granted this variance, BCTF will be unable to complete an efficient re-configuration of our lines, it will face a material increase in its costs for this upgrade and most importantly, we will compromise our ability to improve congestion, traffic flow and lose an opportunity to improve the safety of movement for our workers, members and members of the public who use Bottom Lake Road.

We appreciate your due consideration of these factors and this Application.

Sincerely,

Alan Tyabji  
Chief Executive Officer  
BC Tree Fruits Cooperative

# DEVELOPMENT VARIANCE PERMIT



## APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT NO. DVP16-0100

Issued To: BC Tree Fruits Cooperative  
Site Address: 9595 Bottom Wood Lake Road  
Legal Description: Lot 44, DL 118 ODYD Plan 457 Except Plans 20108, 36673 and 39429  
Zoning Classification: I2 - General Industrial  
Development Permit Area:

### SCOPE OF APPROVAL

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

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

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

### 1. TERMS AND CONDITIONS

THAT Development Variance Permit No. DVP16-0100 for Lot 44, DL 118 ODYD Plan 457 Except Plans 20108, 36673 and 39429, located at 9595 Bottom Wood Lake Road Kelowna, BC to allow the construction of an addition to an industrial building, be approved granting variances to the following sections of Zoning Bylaw 8000, as shown on Schedule "A":

#### Section 15.2.5 (d): I2 General Industrial Front Yard Setback

To vary the required minimum front yard from 7.5 m permitted to 1.32 m.

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. DEVELOPMENT

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

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

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

### 3. APPLICANT'S AGREEMENT

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

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

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

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

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

---

Signature of Owner / Authorized Agent

---

Date

---

Print Name in Bold Letters

---

Telephone No.

### 4. APPROVALS

Issued and approved by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 20 .

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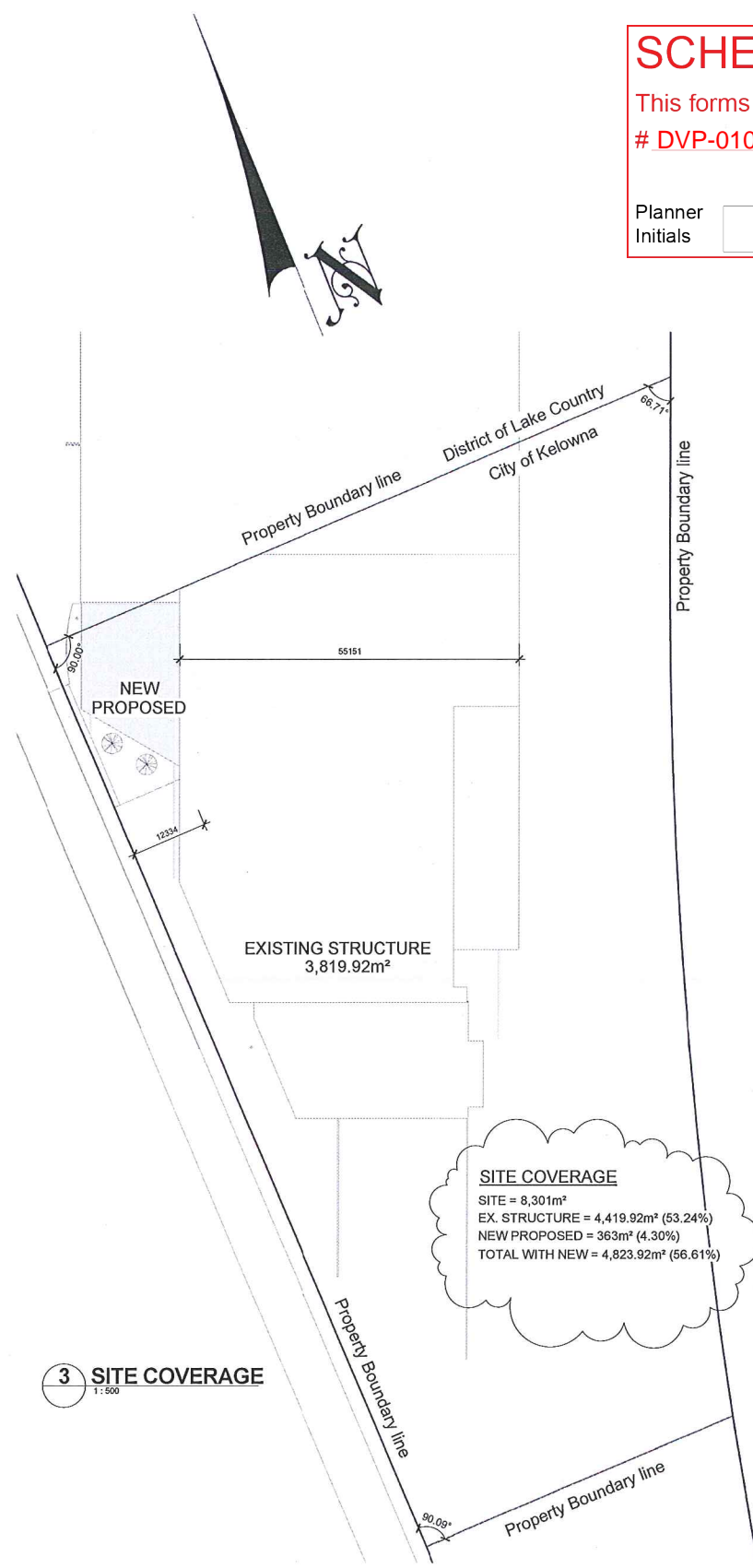
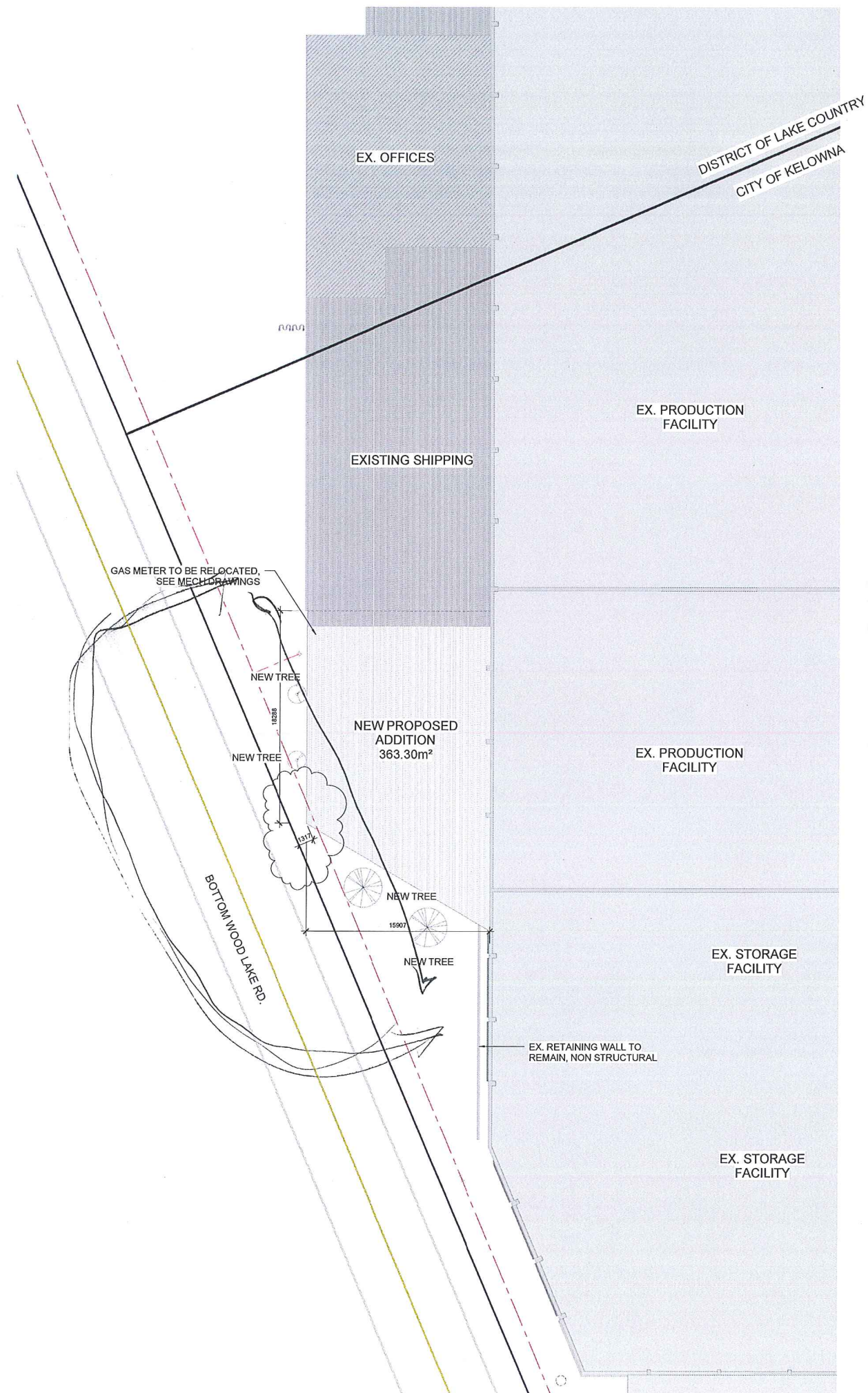
Ryan Smith, Community Planning Department Manager  
Community Planning & Real Estate

---

Date

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





**NON-COMPLIANT BUILDING BY-LAWS IDENTIFIED**

- South Western corner setback from property boundary line
- Structure coverage over maximum allowable

## SCHEDULE

**A**

This forms part of application  
# DVP-0100

Planner  
Initials



BC TREE FRUITS COOPERATIVE  
PROPOSED ADDITION TO EXISTING  
SHIPPING & RECEIVING FACILITY  
KEOWNA, BRITISH COLUMBIA



Project Title: BCTF KELOWNA		
Legal Description: LOT 45 PL. 457/940F 9595 Bottom Wood Lake Rd. Kelowna, BC		
GENERAL NOTES:		
<p>402 Warren Ave. E. Parkin, BC V1A 3A2 Ph: 250 493 7912 Fax: 250 493 7255</p>		
A	Revision 1	Date 1
B	Revision 1	
C	Revision 1	
D	Revision 1	
E	Revision 1	
F	Revision 1	
Rev	Description	Date
SITE PLANS		
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As indicated	V-100	



# REPORT TO COUNCIL



**Date:** October 18, 2016

**RIM No.** 0940-50

**To:** City Manager

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

**Application:** DVP16-0128 **Owner:** Sydney Wray Kincaid

**Address:** 2161 Belgo Road **Applicant:** Sydney Wray Kincaid

**Subject:** Development Variance Permit

**Existing OCP Designation:** REP - Resource Protection Area

**Existing Zone:** A1 - Agriculture 1 (RR2 Residential per Section 1.8.3)

---

## 1.0 Recommendation

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP16-0128 for Lot A, Section 14, Township 26, Osoyoos Division Yale District Plan KAP73861, located at 2161 Belgo Road, Kelowna, BC.

## 2.0 Purpose

To consider a Staff recommendation to NOT issue a Development Variance Permit to vary the maximum height of two accessory buildings on the subject property from 4.5 m maximum to 6.65 m proposed for a cabana and from 4.5 m maximum to 7.53 m proposed for a garage or to decrease the minimum distance from the front lot line for an accessory structure from 18.0 m minimum to 8.40 m proposed.

## 3.0 Community Planning

The current DVP16-0128 application is to determine if the accessory building height and locations are acceptable to Council. In 2003, the subject property was created through a homesite severance subdivision in the Agricultural Land Reserve<sup>1</sup>. In accordance with Section 1.8.3 of the Zoning Bylaw No. 8000, a homesite severance parcel must conform to the regulations of the RR2 - Rural Residential 2 Zone.

Community Planning is not in support of this Development Variance Permit. Staff are not aware of a hardship in this case or another significant reason why the bylaw with respect to height can not be met. The request for an additional 2 metres in height for the cabana, and an additional 3 metres for the proposed garage, is seen as excessive for the intent of the zone.

---

<sup>1</sup> City of Kelowna, 2003. S03-0001-01. PLR Issued April 8, 2003.

## 4.0 Proposal

### 4.1 Background

In 2005, building permit applications were taken out for the 'Barn' (now Garage) and Cabana. These were cancelled in November of 2007 by the Building and Permitting Manager as a result of a nuisance complaint. No plumbing was identified in the building permit plans. However, also in 2005, two plumbing permits were taken out. The other plumbing permit was for a toilet, basin, shower, laundry and laundry tub. Both plumbing permits expired. At the time the permits were cancelled, both slab foundations had been poured, but no framing had begun.

The foundation slabs remained until 2015. In 2015, construction began on both structures without development permits or building permits. In July 2015, through a bylaw complaint, a stop work issue was put on the work. Building permits and a Development Permit (DP) were applied for shortly after. Staff notes that the designs had changed from the original plans, specifically the roof shape and height had changed. The roof design for what was described as the 'Barn' (now garage) changed from a barn shape roof to a single sloped angled roof.

The Building permits are currently waiting for complete drawings and the completion of DP and Development Variance Permits (DVP). A survey plan was required as part of the application. This was received in April 2016. In May of 2016, the City received information that construction had begun again without permit, and another Stop Work order was issued. A timeline includes:

2005-04-06 - BP (Barn)	Building Permit by contractor for 'Barn' (no plumbing on BP Plans). Slab foundations poured. Permit withdrawn.
2005-04-06 - BP (Cabana)	Building Permit by contractor for Cabana (no plumbing on BP Plans). Slab foundations poured. Permit withdrawn.
2005-05-19 - PP (New)	Plumbing Permit - toilet, basin, laundry tub, hot water tank and floor drain. Expired.
2005-05-19 - PP (New)	Plumbing Permit - The other plumbing permit was for a toilet, basin, shower, laundry and laundry tub. Expired.
2005-06-21 - BP (Barn)	Building Permit by owner for 'Barn' and Cabana (no plumbing on BP Plans). Slab foundations poured. Permit cancelled by BP Manager.
2005-06-21 - BP (Cabana)	Building Permit by owner for 'Barn' and Cabana (no plumbing on BP Plans). Slab foundations poured. Permit cancelled by BP Manager.
2006-03-16	Nuisance Controlled Substance Investigation
2009	Bylaw Complaint - Trailer in front yard used as secondary suite. Staff notes that there is still a trailer in the front yard.
2013-04-12	Business License for a home-based business - minor application for <i>A-Plus Xcavating &amp; Landscaping Ltd.</i> was taken out but no payment for fees received, and a ticket issued.
2015-07	Bylaw Complaint - Building without permits. Stop Work order issued.
2015-07-17 BP (Garage)	Building Permit by owner for Garage and (no plumbing on BP Plans).
2015-07-17 BP (Pool House)	Building Permit by owner for Garage and (no plumbing on BP Plans).
2016-04	Survey Plan received for development permit.
2016-05	Bylaw Complaint - Building without permits. Stop Work order issued.
2016-09-21	Public Notification for DVP complete.

## 4.2 Project Description

The applicant is requesting permission from Council to allow two overheight accessory buildings on the subject property, as well as to decrease the minimum distance from the front lot line for one of the accessory structures.

The applicant intends to use the top floor of the garage as a work space to dry herbs and seeds from her hollyhocks and lavender business. A plan of the proposed lavender growing area was provided in the summer of 2015. A site visit confirmed with the applicant that it will be primarily hollyhocks. Photos are attached.

A Development Variance Permit is requested to vary the following Section of Zoning Bylaw No. 8000:

**Section [12.2.6(b)]: [RR2 - Rural Residential 2 Development Regulations]**

To vary the maximum height for accessory buildings / structures from 4.5 m permitted to 6.55 m proposed for the cabana; and

**Section [12.2.6(b)]: [RR2 - Rural Residential 2 Development Regulations]**

To vary the maximum height for accessory buildings / structures from 4.5 m permitted to 7.53 m proposed for the garage.

**Section [6.5.8(a)]: [Accessory Development Regulations]**

To vary the minimum distance from the front lot line for an accessory buildings / structures from 18.0 m permitted to 8.40 m proposed for the garage.

## 4.3 Site Context

The subject property is located on Belgo Road in the Belgo - Black Mountain Sector. It is zoned A1 - Agriculture 1 and has a Future Land Use of Resource Protection Area. The property underwent a homeside severance in 2003, and is surrounded on the side and rear lot lines by the parent parcel. It is located outside of the Permanent Growth Boundary.

The subject property is in the ALR: land use to the north, east, south and southeast is agricultural and is surrounded completely by properties in the ALR. The subject property is also within the Black Mountain Irrigation District (BMID) water supply area.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture 1	Agriculture
East	A1 - Agriculture 1	Agriculture
South	A1 - Agriculture 1	Agriculture
West	A1 - Agriculture 1	Agriculture

Subject Property Map: 2161 Belgo Road



#### 4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RR2 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Maximum Site Coverage (All Buildings)	20%	< 20%
Maximum Site Coverage (Accessory Buildings)	14%	< 14%
Development Regulations - Garage		
Maximum Height	4.5 m	7.53 m ❶
Minimum Side Yard (north)	1.2 m	> 1.2 m
Minimum Side Yard (south)	1.2 m	3.29 m
Minimum Rear Yard	3.0 m	> 3.0 m
Minimum Distance from Principal Dwelling	1.0 m	> 1.0 m
Minimum Distance from front lot line	18.0 m	8.40 m ❶
Development Regulations - Cabana		
Maximum Height	4.5 m	6.65 m ❶
Minimum Side Yard (north)	1.2 m	3.47 m
Minimum Side Yard (south)	1.2 m	> 1.2 m
Minimum Rear Yard	3.0 m	7.41 m
Minimum Distance from Principal Dwelling	1.0 m	2.99 m
Minimum Distance from front lot line	18.0 m	>18.0 m
❶ Indicates a requested variance to increase the maximum height of an accessory structure. ❷ Indicates a requested variance to decrease the minimum distance from the front lot line. ❸ Indicates a requested variance to increase the maximum height of an accessory structure..		

#### 5.0 Public Notification

As per Council Policy No. 367 the applicant completed Public Notification and Consultation in the form of a neighbourhood circulation.

Sixteen homeowners were included as part of this neighbourhood circulation. Staff received email correspondence from three neighbours in opposition and one phone call of opposition.

#### 6.0 Current Development Policies

##### 6.1 Agricultural Land Use Policies

Protect Agricultural Land<sup>2</sup> - Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

<sup>2</sup> City of Kelowna 2030 Official Community Plan (2011), Policy 5.33.1 (Development Process Chapter)

Urban Uses<sup>3</sup> - Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

Homeplating<sup>4</sup> - Locate buildings and structures, including farm help housing and farm retail sales area and structures, on agricultural parcels in close proximity to one another and where appropriate, near the existing road frontage. The goal should be to maximize use of existing infrastructure and reduce impacts on productive agricultural lands.

## 7.0 Technical Comments

### 7.1 Building & Permitting Department

- Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of radon mitigation and NAFS are being applied to this structure at time of permit application.

### 7.2 Development Engineering Department

- The proposed height variance does not compromise municipal infrastructure.

### 7.3 FortisBC Inc (Electric)

- There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Belgo Road. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required. Otherwise, FBC(E) has no concerns with this circulation.

### 7.4 Shaw Cable

- The applicant should contact Shaw in regards to any changes to cable services.

## 8.0 Application Chronology

Date of Building Permits Applied for:	July 17, 2015
Date of Application (DP15-0169) Received:	July 24, 2015
Survey Received	April, 2016
Date of Application (DVP16-0128) Received:	May 17, 2016
Date Public Consultation Completed:	Sept. 21, 2016

## 9.0 Alternate Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0128 for Lot A, Section 14, Township 26, Osoyoos Division Yale District Plan KAP73861, located at 2161 Belgo Road, Kelowna, BC;

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

**Section [12.2.6(b)]: [RR2 - Rural Residential 2 Development Regulations]**

To vary the maximum height for accessory buildings / structures from 4.5 m permitted to 6.55 m proposed for the cabana.

<sup>3</sup> City of Kelowna 2030 Official Community Plan (2011), Policy 5.33.3 (Development Process Chapter)

<sup>4</sup> City of Kelowna 2030 Official Community Plan (2011), Policy 5.34.3 (Development Process Chapter)



**Section [12.2.6(b)]: [RR2 - Rural Residential 2 Development Regulations]**

To vary the maximum height for accessory buildings / structures from 4.5 m permitted to 7.53 m proposed for the garage.

**Section [6.5.8(a)]: [Accessory Development Regulations]**

To vary the minimum distance from the front lot line for an accessory buildings / structures from 18.0 m permitted to 8.40 m proposed for the garage.

AND THAT the permit be conditional on the registration of a Section 219 Covenant registered on the property at the Land Title Office that:

The Grantor shall not permit the accessory structure(s) on the Land to be occupied for any tourist accommodation or bed and breakfast use, or for any residential occupancy.

as per the attached as Schedule "C";

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:**

---

Kim Brunet, Planner I

**Reviewed by:**

☐

Todd Cashin, Subdivision, Suburban and Rural Planning Manager

**Approved for Inclusion:**

☐

Ryan Smith, Community Planning Department Manager

**Attachments:**

DRAFT Development Variance Permit  
Site Plan  
Conceptual Elevations  
Context/Site Photos

# DEVELOPMENT PERMIT / DEVELOPMENT VARIANCE PERMIT



## APPROVED ISSUANCE OF DEVELOPMENT PERMIT / DEVELOPMENT VARIANCE PERMIT NO. DP15-0169/DVP16-0128

**Issued To:** Sydney Wray Kincaid  
**Site Address:** 2161 Belgo Road  
**Legal Description:** Lot A Section 14 TWP 26 ODYD KAP73861  
**Zoning Classification:** A1-Agriculture 1 (per Section 1.8.3 RR2 - Rural Residential)  
**Development Permit Area:** Farm Protection Development Permit

### SCOPE OF APPROVAL

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

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

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

### 1. TERMS AND CONDITIONS

THAT Development Permit No. DP15-0169 for Lot A Section 14 TWP 26 ODYD KAP73861, located at 2161 Belgo, Kelowna, BC to allow the construction of two accessory structures be approved subject to the following:

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- b) The registration of a Section 219 Covenant per Schedule "B";

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

#### **Section [12.2.6(b)]: [RR2 - Rural Residential 2 Development Regulations]**

To vary the maximum height for accessory buildings / structures from 4.5 m permitted to 6.55 m proposed for the cabana and from 4.5 m permitted to 7.53 m proposed for the garage.

**Section [6.5.8(a)]: [Accessory Development Regulations]**

To vary the minimum distance from the front lot line for an accessory building from 18.0 m permitted to 8.40 m proposed for the garage.

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

**2. PERFORMANCE SECURITY**

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

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

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

None required.

**3. DEVELOPMENT**

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

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

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

**4. APPLICANT'S AGREEMENT**

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

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

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

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

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

---

Signature of Owner / Authorized Agent

---

Date

---

Print Name in Bold Letters

---

Telephone No.

#### 5. APPROVALS

Issued and approved by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 20.

---

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

---

Date

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

THIS INDENT

BETWEEN:

AND:

**CITY OF KELOWNA**  
a municipal corporation  
of 1435 Water Street, Kelowna, B.C.  
(hereinafter called the "Grantee")

OF THE SECOND PART

WHEREAS: the Grantor is the registered owner of an estate in fee simple of certain lands and premises located in the City of Kelowna, in the Province of British Columbia, and more particularly described as:

Lot A Section 14 Township 26 Osoyoos Division Yale District Plan KAP 73861

(hereinafter called the "Lands");

AND WHEREAS the Grantor has applied to the Grantee for the issuance of a building permit (s) to build an accessory building(s) for agricultural use on the lands.

AND WHEREAS the Grantor acknowledges that the zoning for the Lands pursuant to the Grantee's Zoning Bylaw states that:

"The purpose is to provide a zone for rural areas and agriculture uses as well as other complementary uses suitable in an agricultural setting."

AND WHEREAS section 219 of the *Land Title Act*, 1996 Chapter 250, provides that there may be registered as a charge against title to any land, a covenant in favour of a municipality, that land is to be used in a particular manner.

AND WHEREAS the Grantee before consenting to the issuance of an occupancy permit(s) of the new accessory structure(s) as a condition thereof requires this covenant to be registered as a charge against the Lands pursuant to section 219 of the *Land Title Act*, 1996 Chapter 250, in priority to any financial charges. The provision herein contained shall not be altered, amended or cancelled unless with the written consent first hand and obtained from a duly authorized representative of the City of Kelowna.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of \$1.00 now paid by the Grantor to the Grantee, the receipt of which is hereby acknowledged and for other good and valuable consideration, the Grantor does covenant and agree with the Grantee under section 219 of the *Land Title Act* of the Province of British Columbia as follows:

1. The Grantor, on behalf of herself and her heirs, executors, administrators, successors and assigns hereby acknowledges that the accessory structure(s), on the Land shall not be used as a dwelling(s).
2. For certainty, the Grantor shall not permit the accessory building(s) on the Land to be occupied for any tourist accommodation or bed and breakfast use, or for any residential occupancy.
3. The Grantor agrees that the accessory building(s) may not be used for rental purposes.
4. Subject to the provisions of section 219 of the *Land Title Act*, the covenants contained in this agreement shall be covenants that burden and run with the Land and shall inure to the benefit of and be binding upon the parties, their heirs, executors, administrators, successors and assigns and the Grantor specifically agrees to give written notice of this agreement to any person to whom the Grantor proposes to dispose of the Land, which notices shall be received by that person prior to such disposition. For the purposes of this paragraph the word "dispose" shall have the meaning given to it under the *Interpretation Act*, 1996 Chapter 238.



5. Nothing in this Agreement shall prejudice or affect the rights, powers and remedies of the Grantee in relation to the Grantor, including his heirs, executors, administrators, successors and assigns, or the Lands under any law, bylaw, order or regulation or in equity all of which rights, powers and remedies may be fully and effectively exercised by the Grantee as if this Agreement had not been made by the parties.

6. The Grantor will do or cause to be done at his expense all acts reasonably necessary for the Grantee to gain priority for this Agreement over all liens, charges and encumbrances which are or may be registered against the Lands save and except those in favour of the Grantee and those specifically approved in writing by the Grantee.

7. The parties agree that this Agreement shall not be modified or discharged except in accordance with the provisions of section 219 of the **Land Title Act**.

8. The Grantor shall do or cause to be done all things and execute or cause to be executed all documents and give such further and other assurance which may be reasonably necessary to give proper effect to the intent of this Agreement.

9. (a) The Grantor or any of his heirs, executors, administrators and assigns, as the case may be, shall give written notice of this Agreement to any person to whom he proposes to dispose of the Lands, which notice shall be received by that person prior to such disposition.

(b) For the purposes of this paragraph the word "dispose" shall have the same meaning given to it under section 29 of the **Interpretation Act**, R.S.B.C. 1979, c.206.

10. Whenever the singular or masculine or neuter is used herein, the same shall be construed as including the plural, feminine, body corporate or politic unless the context requires otherwise.

11. If any section or any part of this Agreement is found to be illegal or unenforceable, then such sections or parts shall be considered to be separate and severable from this Agreement and the remaining sections or parts of this Agreement, as the case may be, shall be unaffected thereby and shall remain and be enforceable to the fullest extent permitted by law as though the illegal or unenforceable parts or sections had never been included in this Agreement.

12. This Agreement shall be interpreted according to the laws of the Province of British Columbia.

13. Where there is a reference to an enactment of the Province of British Columbia in this Agreement, that reference shall include a reference to any subsequent enactment of the Province of British Columbia of like effect, and any amendments thereto.

of this

IT



USE (TYP)

106.29'

53.24'

FENCE

EXIST. POOL

CABANA

681

PROP. BALC.

EXIST. REAR FENCE

EXIST. GARAGE

PROP. ENTRANCE

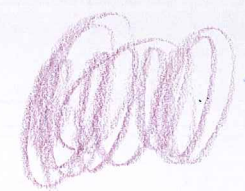
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29'6"

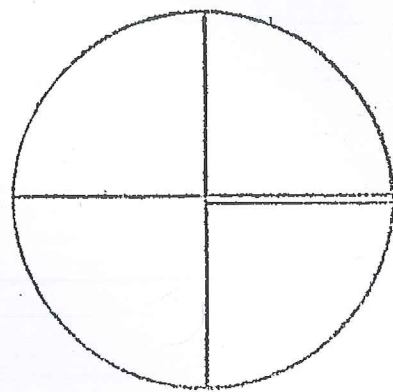
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LOT A

LIGHT

 - Lavender

 - Driveway







# S I T E P L A N SCALE: 1/16" = 1'0"

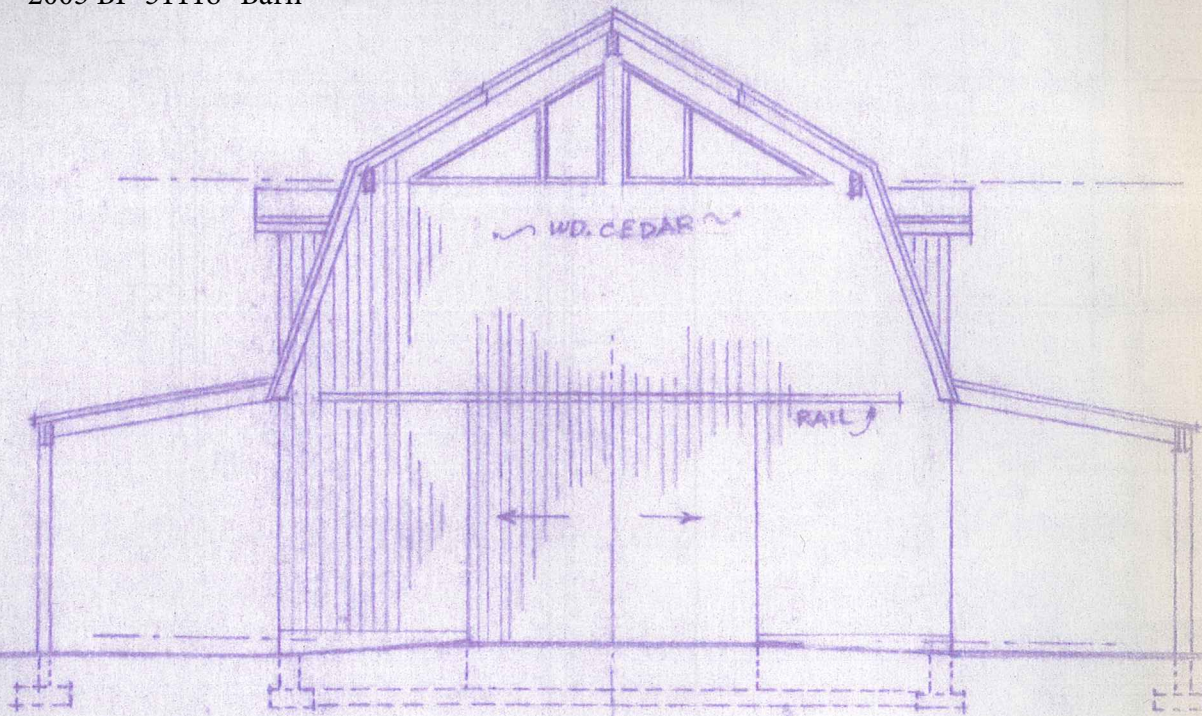
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BL. 17, PL. 73861,  
T.S. 26, O.P.Y.D.

A1 ZONE ALR.

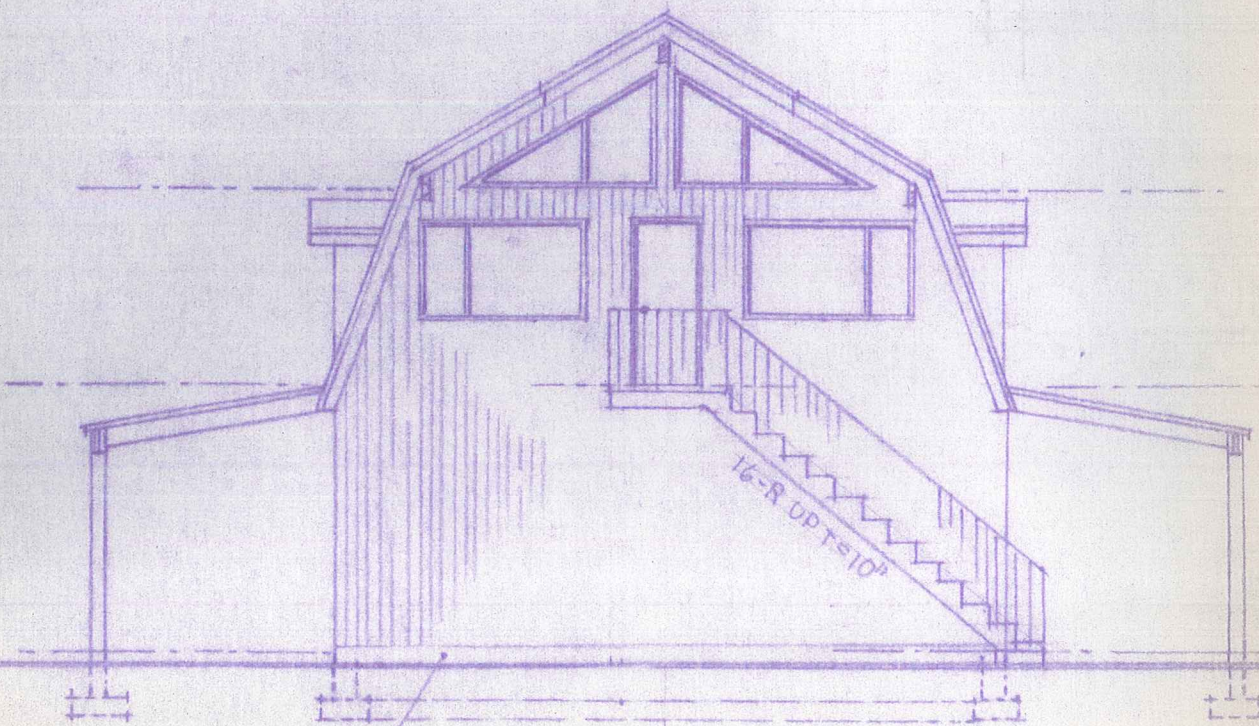
Notes No construction  
permitted on or  
over right of ways  
or easements.

CRAIGGS	
Project Title: RESIDENT RENOVATION 2161 BELGORD KEL, B.C.	
DRAFTING UNLIMITED	
RICHARD HOBUTI EUROPEAN ARCHITECTURE 2513 HWY. 97 N., Kelowna B.C. (CANADA) V1X 4J2 PH: 763-0667 FAX: 763-7351 R: 764-2128 + F: 718-0264	
DRAFTED AFTER THE OWNER'S DESIGN	
Drawing Title: ELEVATIONS, SITE PLAN	
Scale: 1/8" = 1'0"	Project No.
Date: 17-MAR-05	Drawing No. A-2
Drawn By: A.R.H.	of 2... 105
Checked By:	Rev.





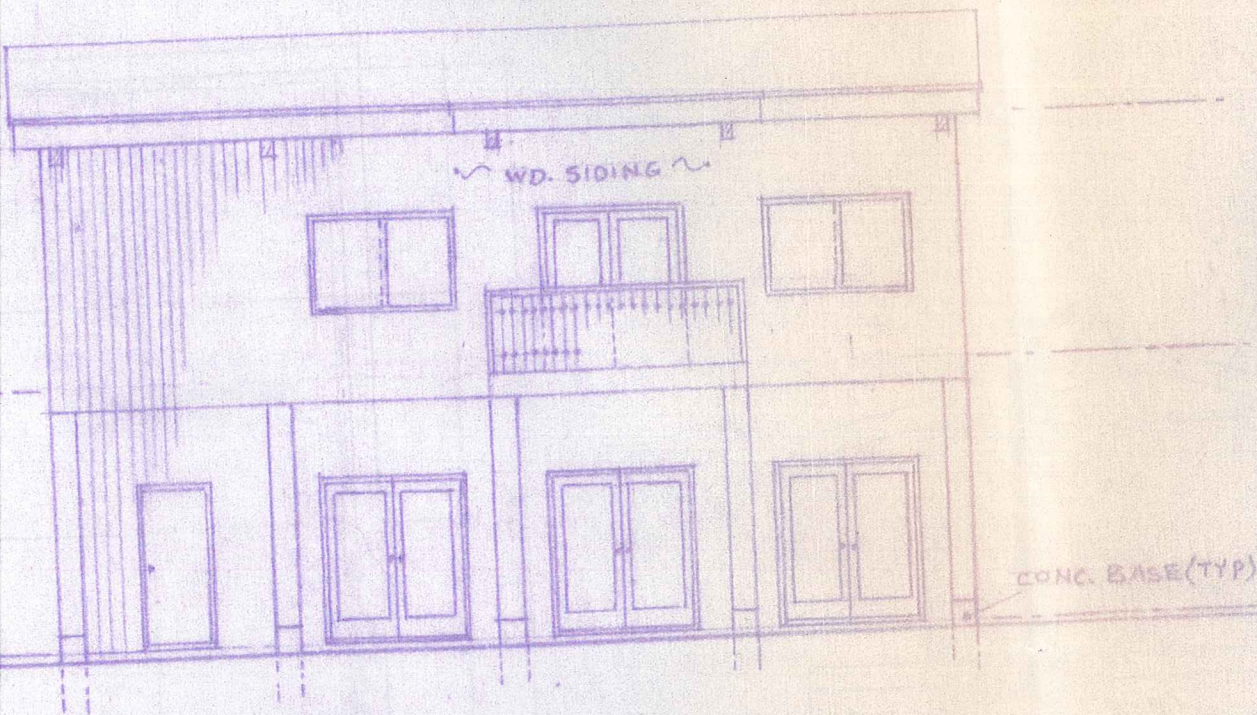
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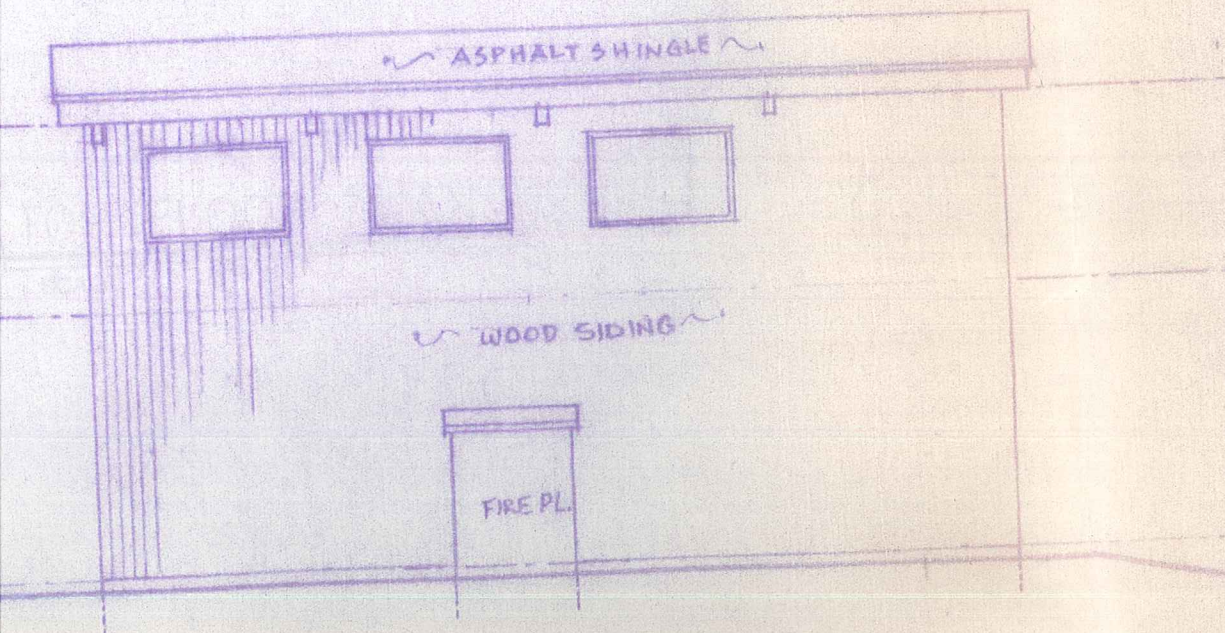
B<sup>1</sup> PARGING(TYP)

REAR

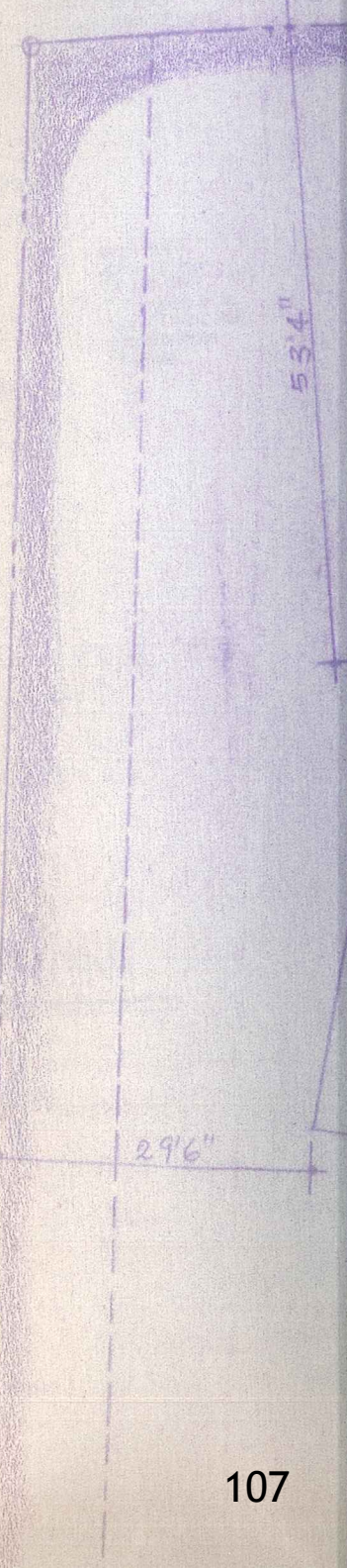




FRONT



REAR

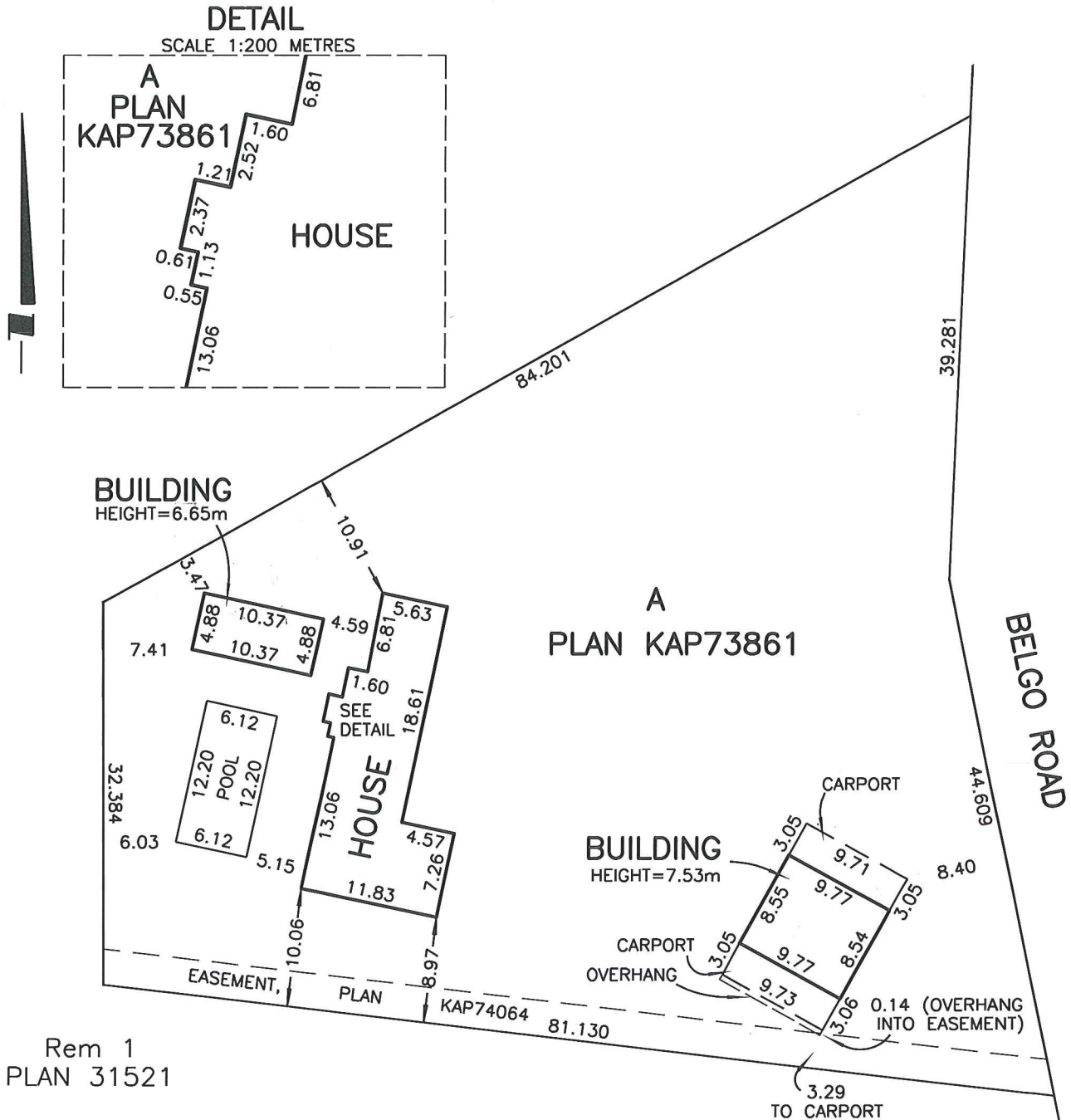




# BC LAND SURVEYOR'S CERTIFICATE OF LOCATION ON LOT A SECTION 14 TOWNSHIP 26 ODYD PLAN KAP73861

PID: 025-739-905

2161 BELGO ROAD



NOTE: BUILDING HEIGHTS SHOWN ARE DEFINED BY CITY OF KELOWNA ZONING BYLAW

THIS PLAN IS FOR THE USE OF THE BUILDING INSPECTOR AND/OR MORTGAGEE ONLY  
AND IS NOT TO BE USED FOR THE RE-ESTABLISHMENT OF PROPERTY BOUNDARIES.

CLIENT: KINCAID, SYDNEY	DATE: APRIL 6, 2016
SCALE: 1:500 METRES	FILE: 20560
DRAWN BY: AI	

## Ferguson Land Surveying & Geomatics Ltd.

BC AND CANADA LAND SURVEYORS 404-1630 PANDOSY STREET, KELOWNA, BC  
PHONE: (250) 763-3115 FAX: (250) 763-0321

©Ferguson Land Surveying & Geomatics Ltd., ALL RIGHTS RESERVED.

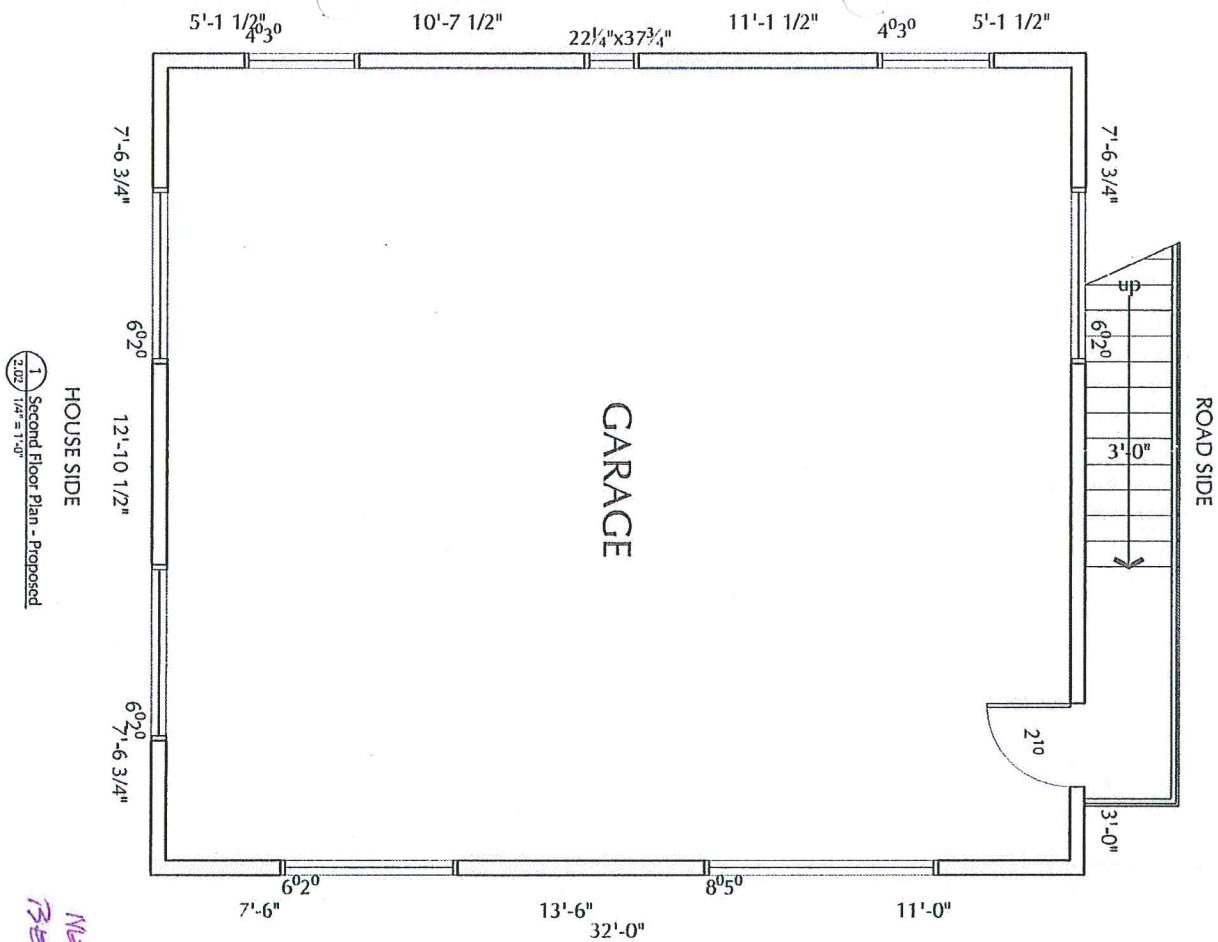
I HEREBY CERTIFY THAT THE ABOVE  
SKETCH SHOWS THE REGISTERED  
DIMENSIONS OF THE ABOVE DESCRIBED  
PROPERTY AND RELATIVE LOCATION OF  
THE BUILDINGS THEREON.

Cameron Henry  
XA2PMW

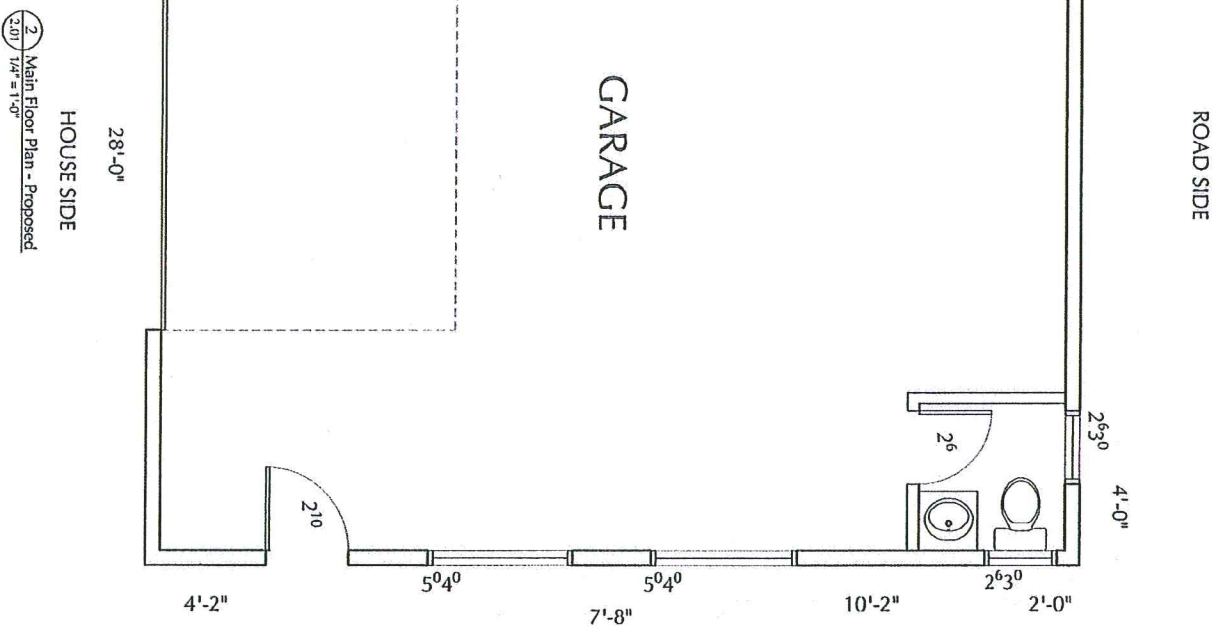
c=CA, cn=Cameron Henry  
XA2PMW, o=BC Land  
Surveyor, ou=Verify ID at  
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CAMERON HENRY, BCLS

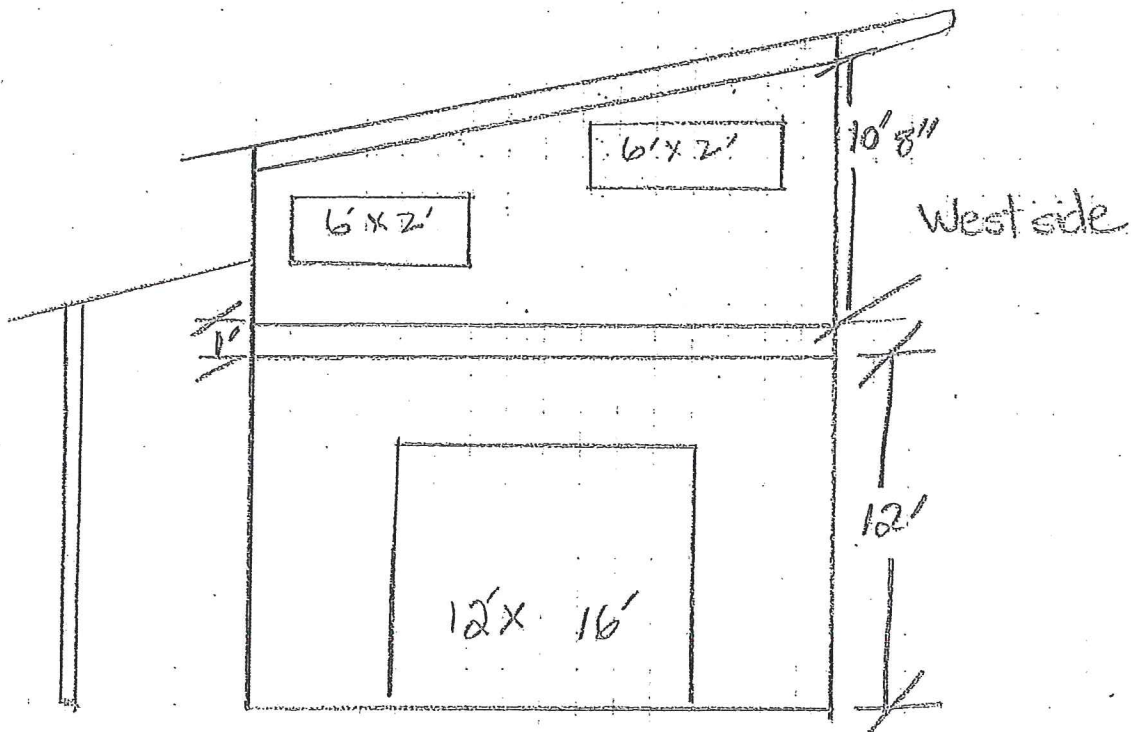
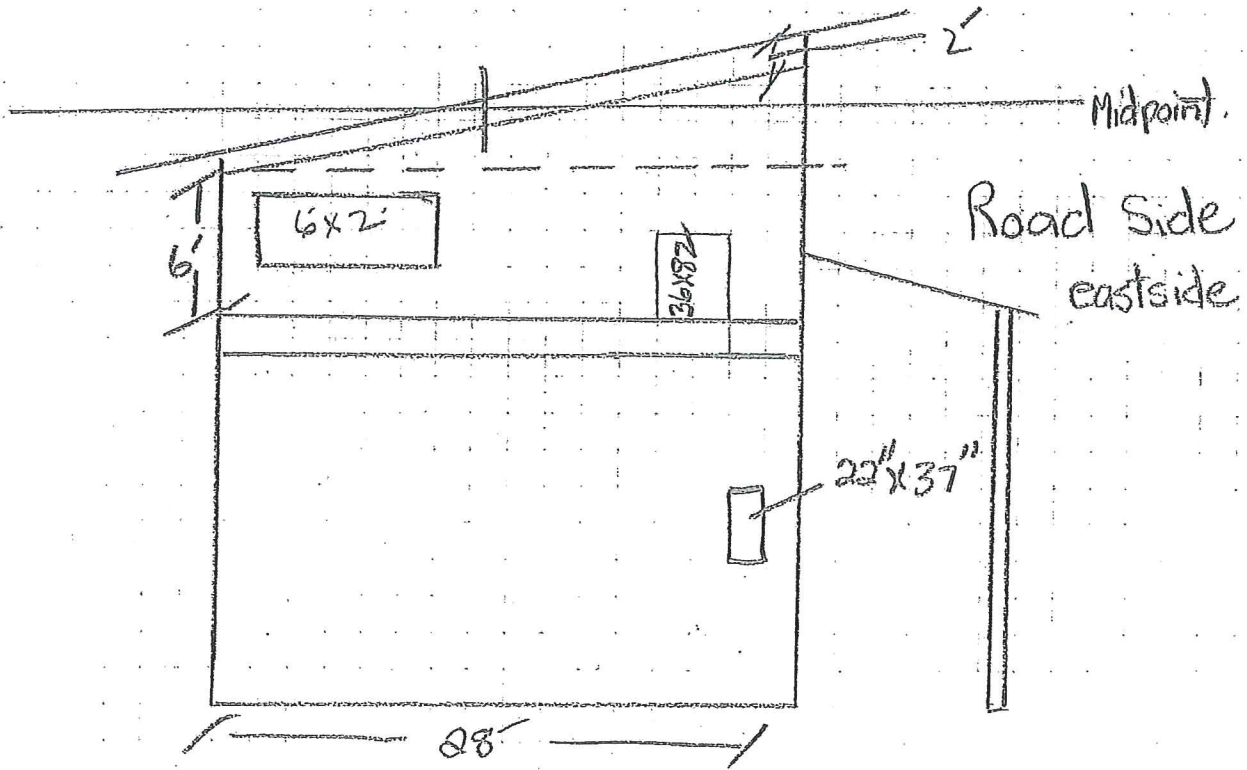
THIS DOCUMENT IS NOT VALID UNLESS DIGITALLY SIGNED



NEEDS TO  
BE INTERCONNECTED



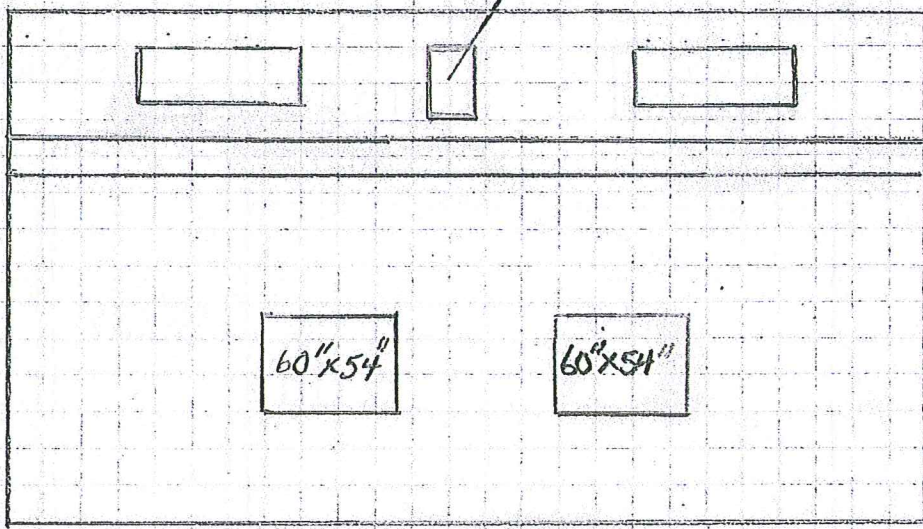
Garage





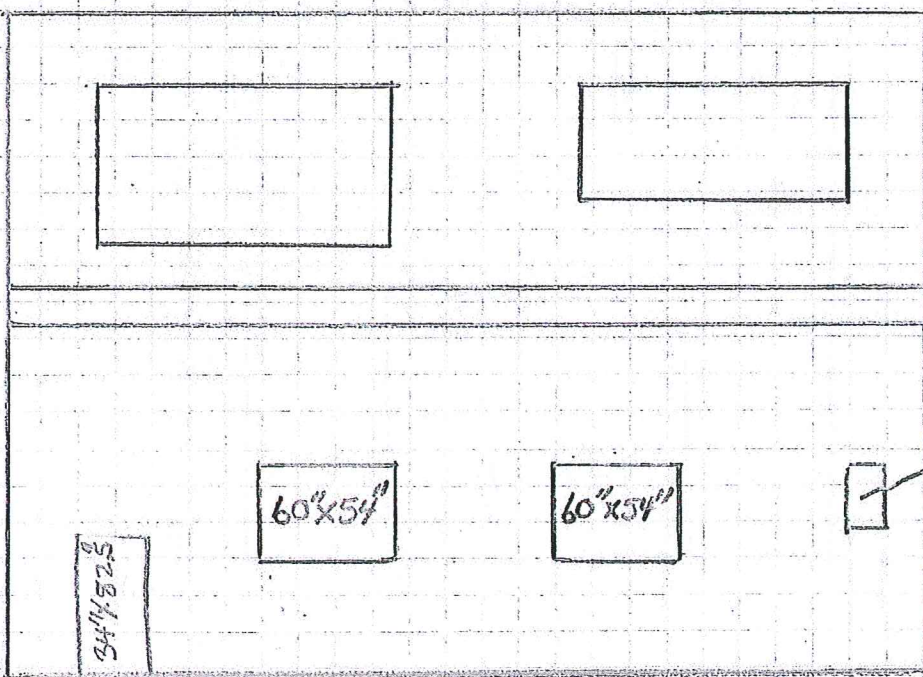
Garage

22" x 37"



North side

32'



South side

22" x 37"





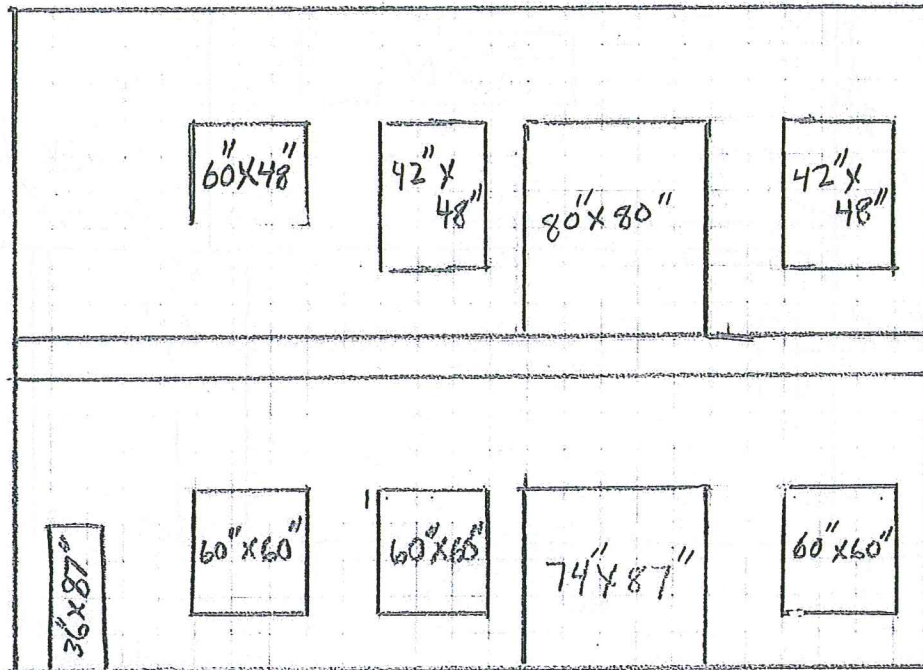
POOL HOUSE





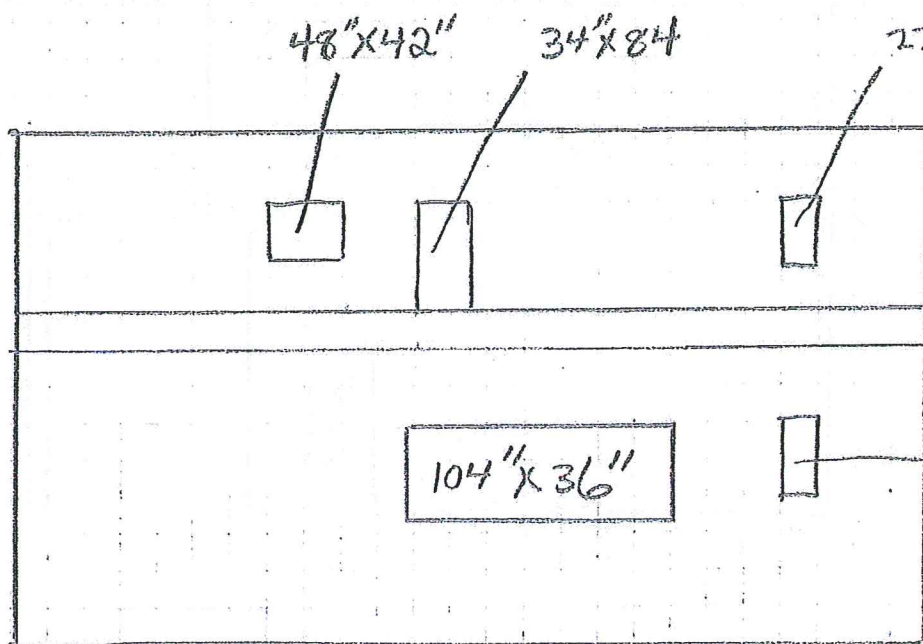
Pool

Front & Back



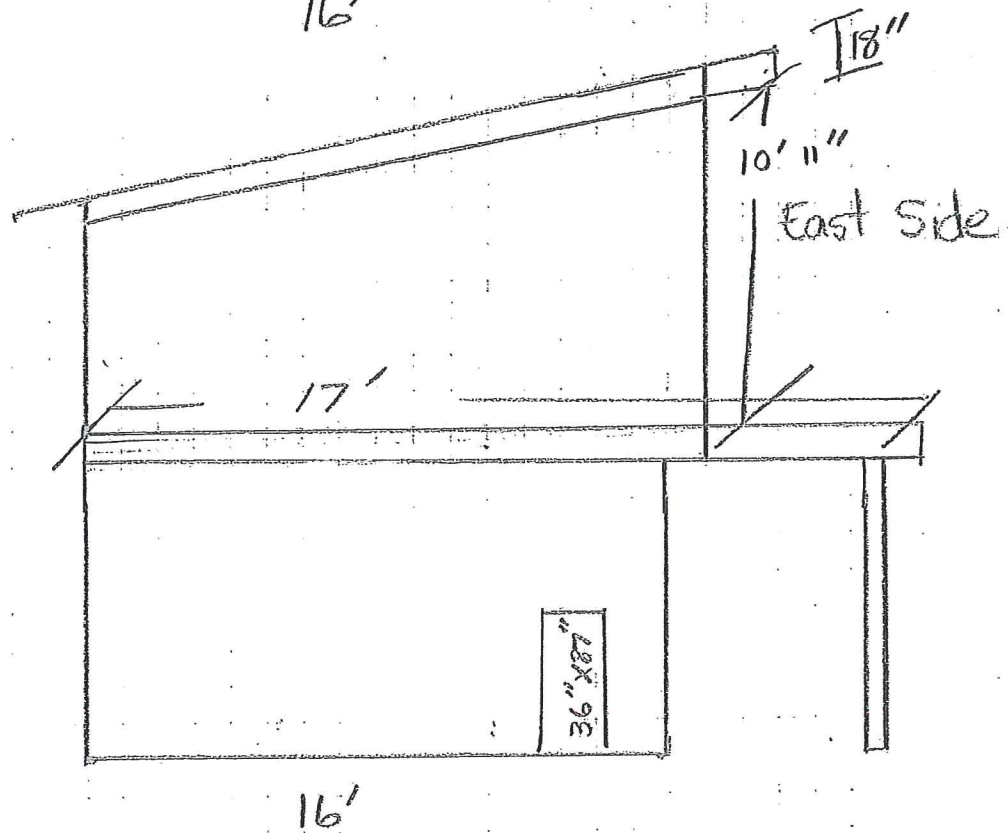
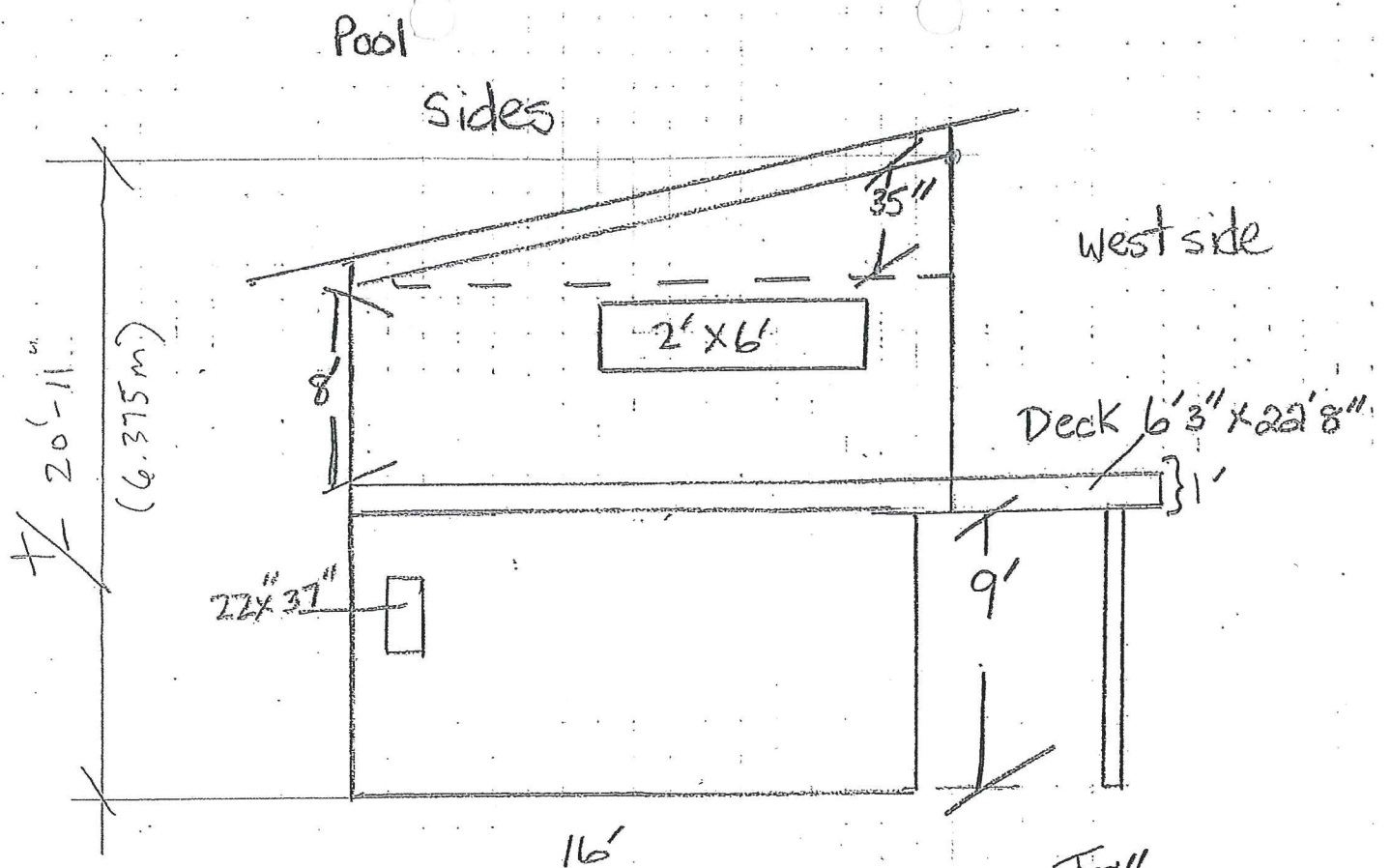
South Side

34'



North Side

34'



POOL HOUSE





POOL HOUSE