

City of Kelowna
Regular Council Meeting
AGENDA



Tuesday, April 9, 2024
4:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

I would like to acknowledge that we are gathered today on the traditional, ancestral, unceded territory of the syilx/Okanagan people.

This evening, Council will hold both a Public Hearing and a Regular Meeting.

The purpose of the Hearing is to hear from the public on matters contained in the various bylaws which, if adopted, will amend *Kelowna 2040* - Official Community Plan Bylaw No. 12300 and Zoning Bylaw No. 12375.

After the close of the Public Hearing, Council will then debate and vote on the proposed bylaws at the Regular Meeting that follows.

Council has been provided with the information, correspondence, petitions or reports that have been received concerning the subject bylaws. This information is available to the public online at Kelowna.ca/council or by request to the Office of the City Clerk.

For those participating this evening, or who have already submitted letters to Council, a reminder that this Hearing and the Meeting is open to the public and all representations to Council form part of the public record. A live audio-video feed is being broadcast and recorded on kelowna.ca.

Following the close of the Public Hearing, no further information from the applicant or members of the public will be accepted by Council.

2. Reaffirmation of Oath of Office

The Oath of Office will be read by Councillor Lovegrove.

3. Confirmation of Minutes

Tuesday Meeting - March 12, 2024

4. Call to Order the Public Hearing

5. Individual Bylaw Submissions

1 - 5

5.1 **START TIME 4:00 PM - Upper Mission Dr 5347 - OCP23-0012 (BL12633) Z23-0074 (BL12634) - Essential Idea Ltd., Inc.No. BCo134064**

6 - 21

To amend the Official Community Plan to change the future land use designation of portions of the subject property from the NAT – Natural Areas designation to the S-RES – Suburban Residential designation and to rezone portions of the subject property from the RU2 – Medium Lot Housing zone to the RU3 – Small Lot Housing zone to facilitate a nine lot bareland strata development.

6. **Termination**

7. **Call to Order the Regular Meeting**

8. **Bylaws Considered at Public Hearing**

8.1 **START TIME 4:00 PM - Upper Mission Dr 5347 - BL12633 (OCP23-0012) - Essential Idea Ltd., Inc. No. BCo134064**

22 - 23

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

To give Bylaw No. 12633 second and third reading and adopt in order to change the future land use designation of a portion of the subject property from the NAT – Natural Areas designation to the S-RES – Suburban Residential designation to facilitate a nine lot bareland strata development.

8.2 **START TIME 4:00 PM - Upper Mission Dr 5347 - BL12634 (Z23-0074) - Essential Idea Ltd., Inc. No. BCo134064**

24 - 25

To give Bylaw No. 12634 second and third reading and adopt in order to rezone a portion of the subject property from the RU2 – Medium Lot Housing zone to the RU3 – Small Lot Housing zone to facilitate a nine lot bareland strata development.

9. **Development Permit and Development Variance Permit Reports**

City Clerk to invite anyone participating online or in the public gallery who deems themselves affected by the required variance(s) to come forward for each item.

9.1 **START TIME 4:00 PM - Frost Rd 940 - 1070 - DVP23-0242 - 0954654 BC Ltd., Inc.No. BC0954654**

26 - 40

To issue a Development Variance Permit to vary maximum sign area and maximum height of a free-standing sign.

10. **Termination**

11. Procedure on each Bylaw Submission

- a) Brief description of the application by City Staff (Development Planning);
- (b) The applicant has up to 15 minutes to make representations to Council regarding the project.
- (c) The Chair will call for representation from the public participating in person and online as follows:
 - (i) Any person wishing to make representations during the Hearing will have the opportunity to do so.
 - (ii) Speakers have up to 5 minutes to share their remarks.
- (d) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in questions be held open, the Chair shall state to participants the the Public Hearing on the Bylaw is closed.
- (e) Once the public has had an opportunity to comment, the applicant is given up to 10 minutes to respond to any questions raised.
- (f) Questions of staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.

Note: Any applicant or member of the public may use electronic visual aids to assist in their presentation or questions. Online participants must be able to share their screen to display the item.



**City of Kelowna
Regular Council Meeting
Minutes**

Date: Tuesday, March 12, 2024
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Tom Dyas, Ron Cannan, Maxine DeHart*, Charlie Hodge, Gord Lovegrove, Mohini Singh, Luke Stack, Rick Webber and Loyal Wooldridge

Staff Present City Manager, Doug Gilchrist*; City Clerk, Laura Bentley, Divisional Director, Planning, Climate Sustainability and Development Services, Ryan Smith; Development Planning Department Manager, Nola Kilmartin*; Community Planning & Development Manager, Dean Strachan; Deputy City Clerk, Michael Jud; Legislative Technician, Natasha Beauchamp

Staff Participating Remotely Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Dyas called the meeting to order at 4:01 p.m.

The City Manager joined the meeting at 4:02 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Hodge.

3. Confirmation of Minutes

Moved By Councillor Cannan/Seconded By Councillor Wooldridge

THAT the Minutes of the Public Hearing and Regular Meeting of Tuesday, February 13, 2024 be confirmed as circulated.

Carried

4. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 4:03 p.m.

5. Individual Bylaw Submissions

- 5.1 START TIME 4:00 PM - Clifton Rd N 159 - OCP23-0007 (BL12625) Z23-0046 (BL12626)
- Ashley and Todd Ramsay**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Ashley Ramsay, Clifton Road North, Applicant

- Would like to subdivide the land that is not being used and create two family homes.
- Have been working with the City for 1 year now providing them with all the required documentation and reports.
- Sent 26 letters of notification to the surrounding properties and did not receive any feedback of concerns.
- Available for questions.

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

No one On-line or in the Gallery came forward.

Applicant:

- Responded to questions from Council.

There were no further comments.

6. Termination

The Hearing was declared terminated at 4:08 p.m.

7. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 4:08 p.m.

8. Bylaws Considered at Public Hearing

- 8.1 START TIME 4:00 PM - Clifton Rd N 159 - BL12625 (OCP23-0007) - Ashley and Todd Ramsay**

Moved By Councillor DeHart/Seconded By Councillor Stack

THAT Bylaw No. 12625 be read a second and third time.

Carried

- 8.2 START TIME 4:00 PM - Clifton Rd N 159 - BL12626 (Z23-0046) - Ashley and Todd Ramsay**

Moved By Councillor Stack/Seconded By Councillor DeHart

THAT Bylaw No. 12626 be read a second and third time.

Carried

9. Liquor License Application Reports

- 9.1 START TIME 4:00 PM - Cook Rd 500 - LL24-0001 - 1004364 B.C. Ltd., Inc. No. BC01004364**

Councillor DeHart declared a conflict of interest as her employer and the Applicant are both full service hotels and departed the meeting at 4:10 p.m.

Staff:

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

Rudolf Heider, Director of Hospitality for Argus, Participating Remotely

- This application is requesting endorsement and an update for the existing facility and existing liquor licence.
- Commented that they are not changing anything; requesting a participation endorsement to allow patrons and guests to dance on the rooftop of the new building.
- Have not received noise complaints in four years.
- Confirmed that no music or live bands will operate after 8:00 p.m.

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

No one On-line or in the Gallery came forward.

Staff:

- Responded to questions from Council.

Applicant:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Cannan

THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB):
In accordance with 'Division 9 (71)' of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Rising Tide Consultants for a Patron Participation Entertainment Endorsement to an existing Food Primary licence for Lot 1 Sections 1 and 12 Township 25 and District Lots 134 and 5225 ODYD Plan KAP67232, located at 500 Cook Rd, Kelowna, BC for the following reasons:
 - The Patron Participation Entertainment Endorsement is perceived to have minimal impact on the community and surrounding properties.
2. Council's comments on LCLB's prescribed considerations are as follows:

Criteria for new food primary with Patron Participation Entertainment Endorsement:

- a. The potential for noise if the application is approved:

The potential impact for noise is minimal as hours of the Patron Participation Entertainment Endorsement would be limited to 11pm on the outdoor patio which is consistent with other licensed patioed areas in the City and compatible with adjacent land uses.

- b. The impact on the community if the application is approved:

The potential for negative impact on the community is considered minimal as it is an existing establishment.

- c. If the amendment may result in the establishment being operated in a manner that is contrary to its primary Purpose:

The operations would be consistent with the primary purpose of food primary establishment.

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

Carried

Councillor DeHart returned to the meeting at 4:23 p.m.

10. Development Permit and Development Variance Permit Reports

10.1 START TIME 4:00 PM - Findlay Rd 1281 - BL12532 (Z22-0048) - Multiple Owners

Moved By Councillor DeHart/Seconded By Councillor Stack

THAT Bylaw No. 12532 be adopted.

Carried

10.2 START TIME 4:00 PM - Findlay 1281 - DP22-0168 DVP22-0169 - 2245713 Alberta Ltd.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Applicant:

- Present and available for questions.

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

No one On-line or in the Gallery came forward.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Cannan/Seconded By Councillor Webber

THAT final adoption of Rezoning Bylaw No. 12532 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP22-0168 for Lot C Section 35 Township 26 ODYD Plan 18811, located at 1281 Findlay Rd, Kelowna, BC subject to the following:

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0169 for Lot C Section 35 Township 26 ODYD Plan 18811, located at 1281 Findlay Rd, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 12375 be granted as shown on Schedule "A":

Section 8.2.2: Off-Street Parking Regulations, Parking Setbacks

To vary the off-street parking regulations to allow a parking stall in a landscape area.

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

Carried

11. Termination

The meeting was declared terminated at 4:29 p.m.

Mayor Dyas

lb/acm



City Clerk

REPORT TO COUNCIL OCP & REZONING



Date: March 11, 2024
To: Council
From: City Manager
Address: 5347 Upper Mission Drive
File No.: OCP23-0012/Z23-0074

	Existing	Proposed
OCP Future Land Use:	S-RES – Suburban Residential NAT – Natural Areas	S-RES – Suburban Residential NAT – Natural Areas
Zone:	Ru2 – Medium Lot Housing P3 – Parks and Open Space	Ru3 – Small Lot Housing P3 – Parks and Open Space

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP23-0012 to amend Map 3.1 in the Kelowna 2040 – Official Community Plan Bylaw No. 12300 by changing the Future Land Use designation of portions of Lot 1 Section 24 Township 28 SDYD Plan EPP95194 located at 5347 Upper Mission Drive, Kelowna, BC from the NAT – Natural Areas designation to the S-RES – Suburban Residential designation, as shown on Map “A” attached to the Report from the Development Planning Department dated March 11, 2024 be considered by Council;

AND THAT the Official Community Plan Map Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the Purpose of Section 475 of the Local Government Act, as outlined in the Report from the Development Planning Department dated March 11, 2024;

AND THAT Rezoning Application No. Z23-0074 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of portions of Lot 1 Section 24 Township 28 SDYD Plan EPP95194 located at 5347 Upper Mission Drive, Kelowna, BC from the RU2 – Medium Lot Housing zone to the RU3 – Small Lot Housing zone as shown on Map “B” attached to the Report from the Development Planning Department dated March 11, 2024 be considered by Council;

AND FURTHER THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration.

2.0 Purpose

To amend the Official Community Plan to change the future land use designation of portions of the subject property from the NAT – Natural Areas designation to the S-RES – Suburban Residential designation and to rezone portions of the subject property from the RU2 – Medium Lot Housing zone to the RU3 – Small Lot Housing zone to facilitate a nine lot bareland strata development.

3.0 Development Planning

Staff recommend support for the proposed OCP and Rezoning amendments to facilitate future residential development of a nine lot bareland strata subdivision. The proposal maintains over half the subject property as park and open space while allowing for residential development adjacent to Upper Mission Drive. The proposed development is considered compatible with the surrounding land uses and meets a number of policies and objectives of the Official Community Plan (OCP).

Staff have reviewed this application, and it may move forward without affecting either the City’s Financial Plan or Waste Management Plan.

4.0 Site Context & Background

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Upper Mission Drive/Residential
East	A2 – Agriculture/Rural Residential	Vacant
South	RU1 – Large Lot Housing	Forest Service Road/Residential
West	RU1 – Large Lot Housing	Upper Mission Drive/Residential

Subject Property Map: 5347 Upper Mission Drive



4.1 Background

The subject parcel is currently partially constructed, and is approximately 1.15 ha in size. It is situated between Upper Mission Drive and Gillard Forest Service Road. It has a Fortis BC electrical transmission line running north west through the property and is adjacent to vacant lands of the South Thompson Flats.

The proposal is to amend the Official Community Plan and rezone the subject property to accommodate a nine lot bareland strata subdivision. The residential portion consists of approximately 0.48 ha of land with the remaining 0.67 ha to be dedicated as park and open space. The bareland strata configuration allows for

one access from Upper Mission Drive with an internal road to provide access to the nine single family lots. This configuration aids in maintaining transportation objectives which include limiting residential accesses onto Upper Mission Drive while still allowing single family housing type development. The nine lots range from 325m² to 795 m² in size. The proposal also maintains over half of the property for park and open space similarly to other developments adjacent to the Fortis BC electric transmission line in the South Mission area. The applicant has received preliminary approval from Fortis BC for the proposed development.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

The Big Picture: 10 Pillars to Realize our Vision
1) Promote more Housing Diversity: The proposal is for nine, small lot strata housing options which would provide a mix of housing for the neighborhood.

Objective 7.2 Design Suburban Neighbourhoods to be low impact, context sensitive and adaptable.		
Policy	7.2.1	Consider a range of low-density ground-oriented housing development to improve housing diversity and affordability and to reduce the overall urban footprint of Suburban Neighbourhoods.
Ground Oriented Housing.		<i>The site will be entirely made up of low-density and ground-oriented housing types. These units are being proposed on approximately half of the developable footprint of the site.</i>

6.0 Application Chronology

Application Accepted: November 7, 2023
 Neighbourhood Notification Summary Received: January 17, 2024

Report prepared by: Wesley Miles, Planner Specialist
Reviewed by: Dean Strachan, Community Planning & Development Manager
Reviewed by: Nola Kilmartin, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:
 Map A: OCP Amendment
 Map B: Zoning Amendment

For additional information, please visit our Current Developments online at www.kelowna.ca/currentdevelopments.

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UPPER MISSION DR

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

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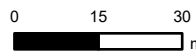
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MAP "A" OCP AMENDMENT OCP23-0012

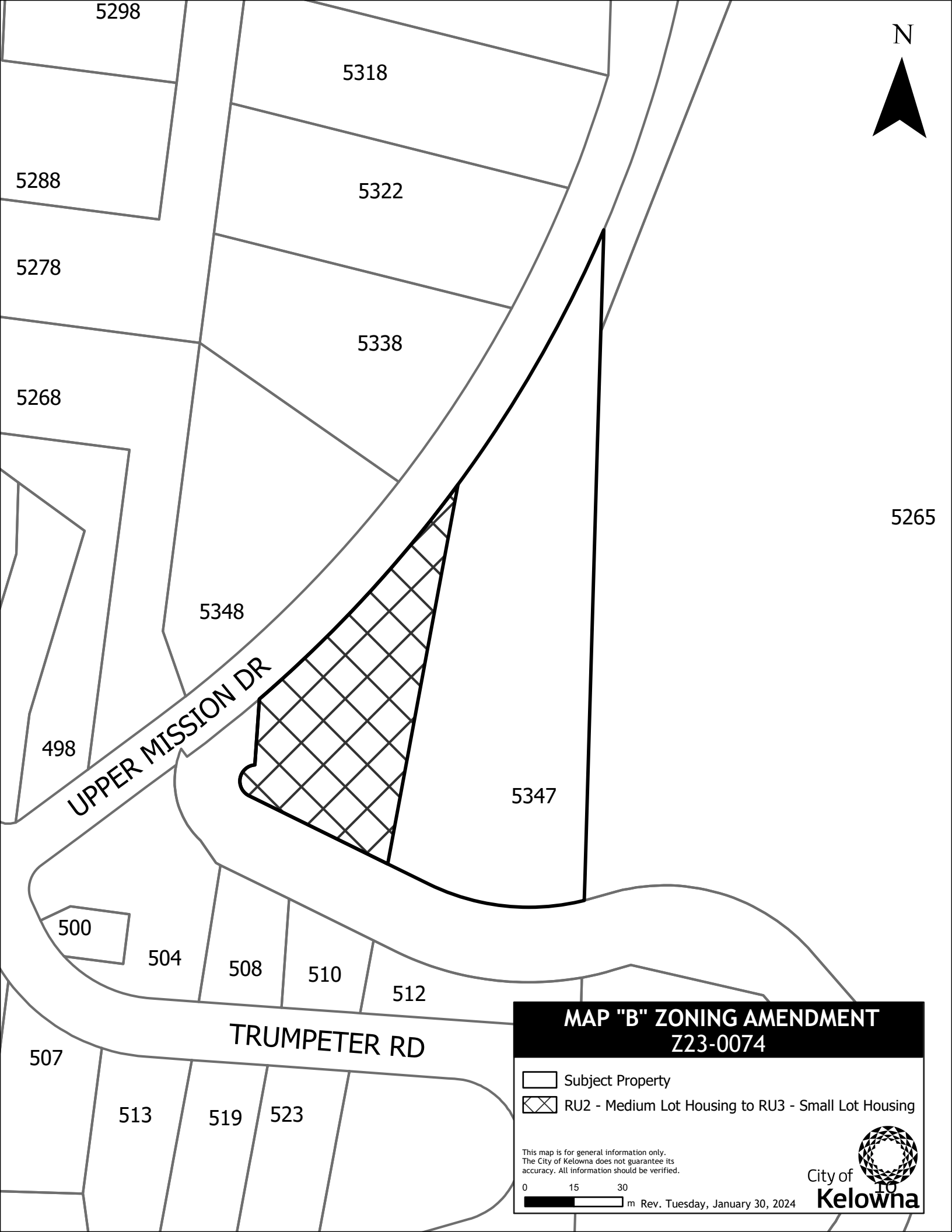
-  Subject Property
-  NAT - Natural Area to S-RES - Suburban Residential

This map is for general information only.
The City of Kelowna does not guarantee its
accuracy. All information should be verified.





Rev. Tuesday, January 30, 2024

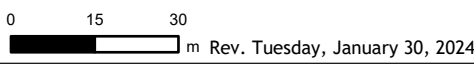




MAP "B" ZONING AMENDMENT Z23-0074

-  Subject Property
-  RU2 - Medium Lot Housing to RU3 - Small Lot Housing

This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.





City of
Kelowna

OCP23-0012/Z23-0074
5347 Upper Mission Dr
OCP and Rezoning Application

Proposal

- ▶ To amend the Official Community Plan to change the future land use designation of portions of the subject property and to rezone portions of the subject property to facilitate a nine lot bareland strata development.

Development Process

Nov 7, 2023

Development Application Submitted

Staff Review & Circulation

January 17, 2024

Public Notification Received

Mar 11, 2024

Initial Consideration

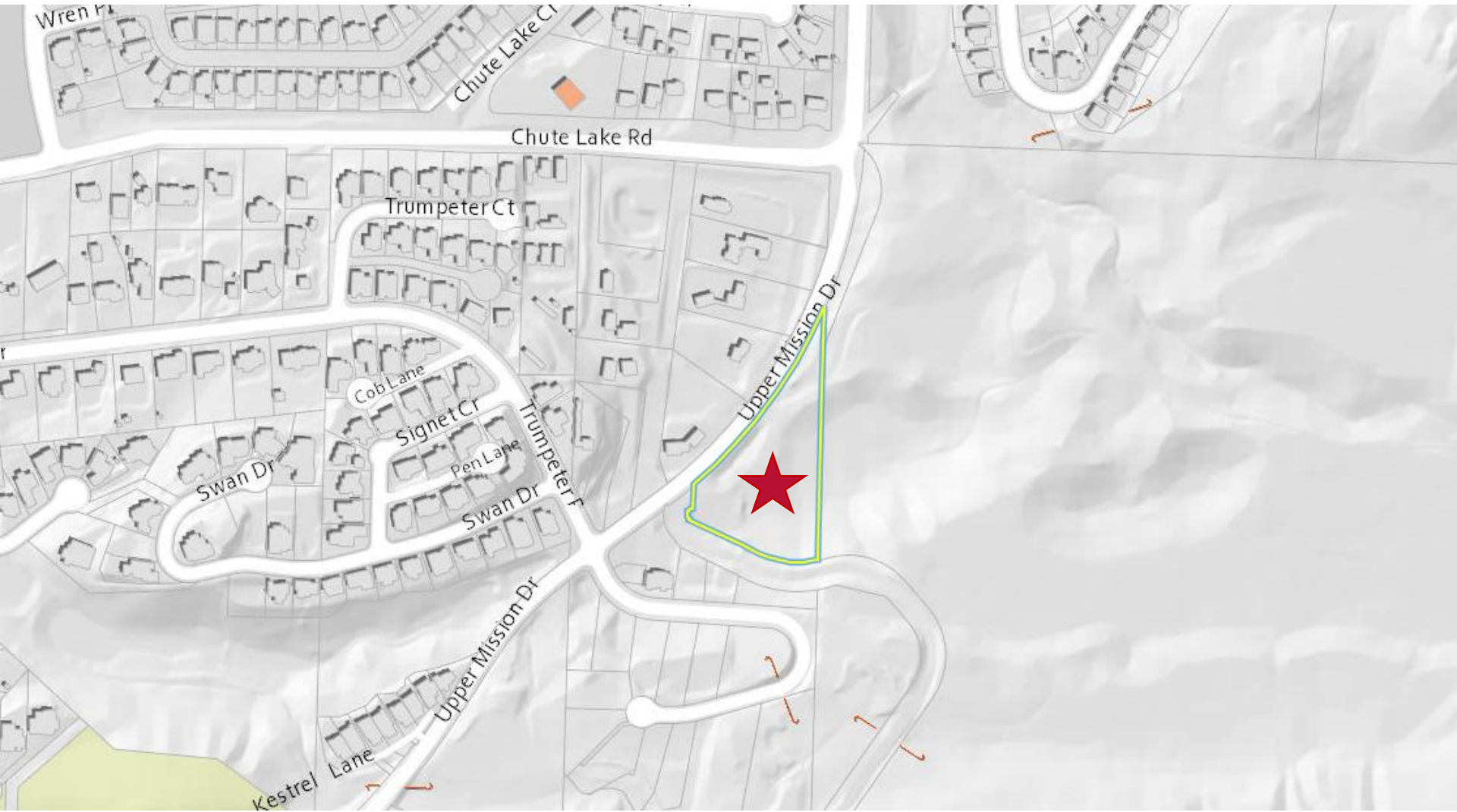
Public Hearing
Second & Third Readings

Final Reading

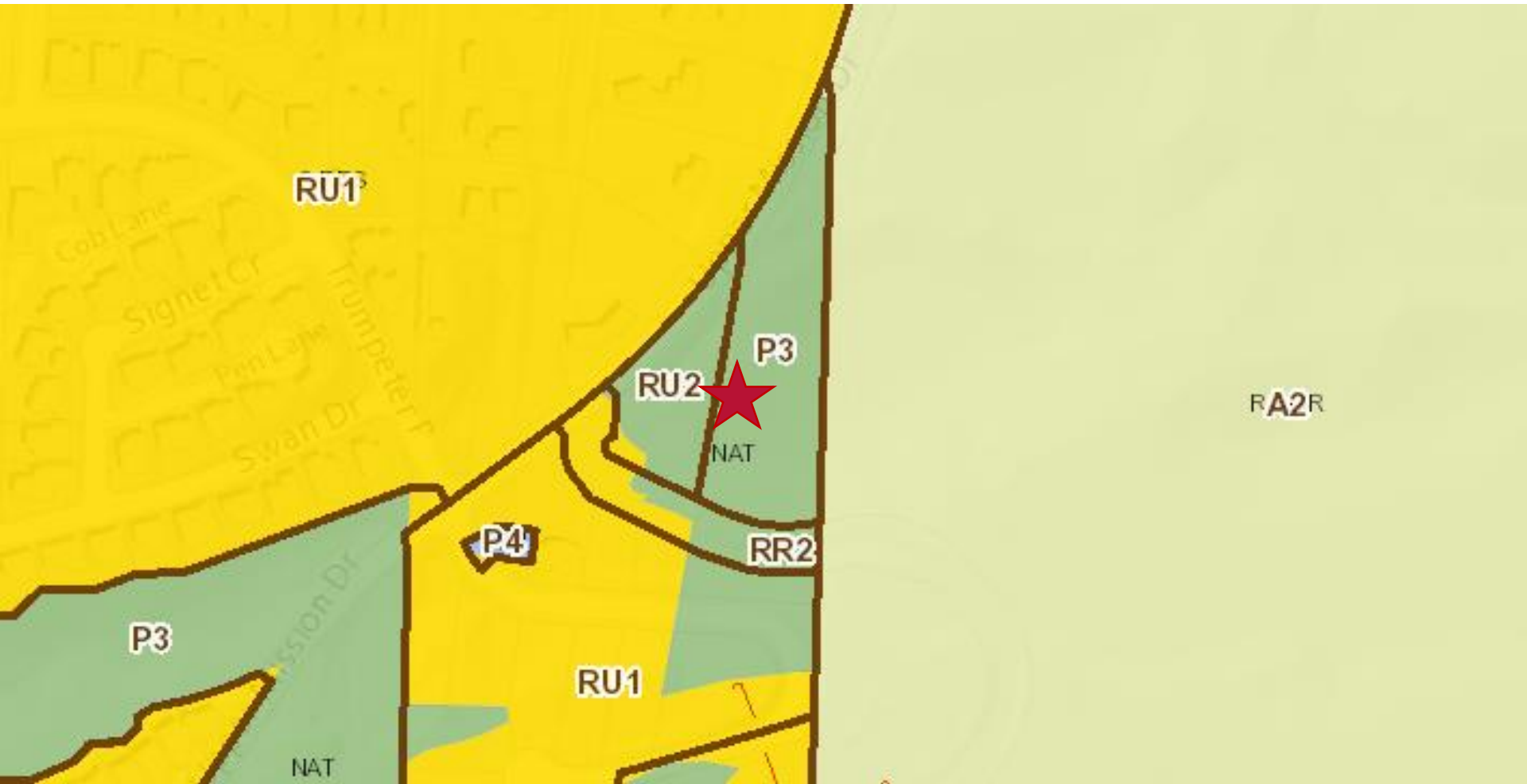
Development Permit/Building Permit

Council Approvals

Context Map



OCP Future Land Use / Zoning



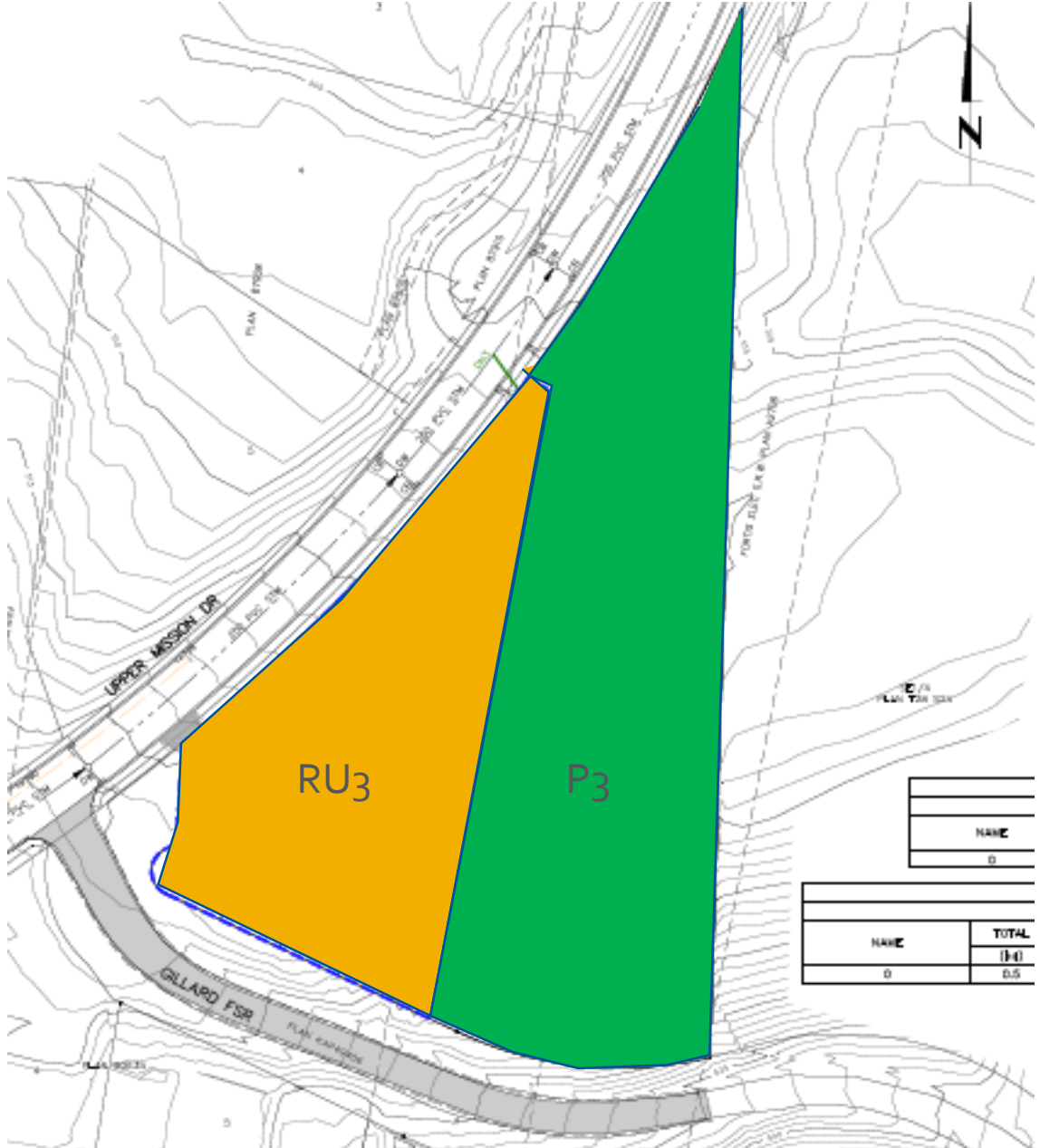
Subject Property Map



Proposed Land Use Details

- ▶ Nine lot bareland strata development
- ▶ Small lot – single family homes
- ▶ 0.67 ha as park and open space

General Development Plan



Development Policy



5.1 Kelowna Official Community Plan (OCP)

The Big Picture: 10 Pillars to Realize our Vision
1) Promote more Housing Diversity: The proposal is for nine, small lot strata housing options which would provide a mix of housing for the neighborhood.

Objective 7.2 Design Suburban Neighbourhoods to be low impact, context sensitive and adaptable.

Policy Ground Oriented Housing.	7.2.1	Consider a range of low-density ground-oriented housing development to improve housing diversity and affordability and to reduce the overall urban footprint of Suburban Neighbourhoods. <i>The site will be entirely made up of low-density and ground-oriented housing types. These units are being proposed on approximately half of the developable footprint of the site.</i>
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Staff Recommendation

- ▶ Staff are recommending support of the proposed OCP and rezoning amendment
 - ▶ Meets the intent of the Official Community Plan
 - ▶ Provides substantial park land dedication
 - ▶ Provides a mix of housing types in the neighborhood



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12633

Official Community Plan Amendment No. OCP23-0012 5347 Upper Mission Drive

A bylaw to amend the "*Kelowna 2040* – Official Community Plan Bylaw No. 12300".

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

1. THAT Map 3.1 – **Future Land Use** of "*Kelowna 2040* – Official Community Plan Bylaw No. 12300" be amended by changing the Future Land Use designation of portions of Lot 1 Section 24 Township 28 SDYD Plan EPP95194, located on Upper Mission Dr, Kelowna, BC from the NAT – Natural Areas designation to the S-RES – Suburban Residential designation as shown on Map "A" attached to and forming part of this bylaw;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 11th day of March, 2024.

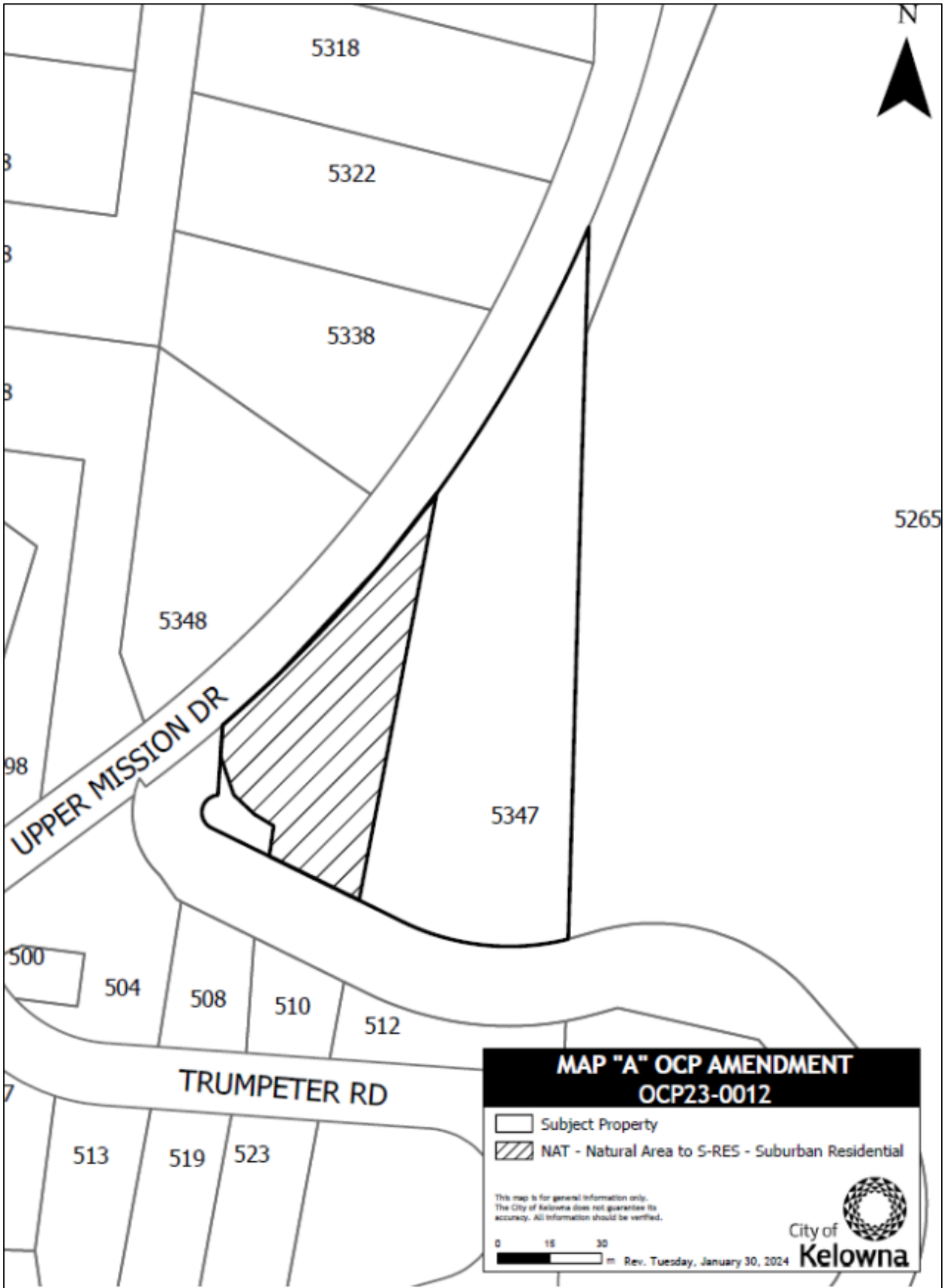
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



CITY OF KELOWNA
BYLAW NO. 12634
Z23-0074
5347 Upper Mission Drive

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification of portions of Lot 1 Section 24 Township 28 SDYD Plan EPP95194 located on Upper Mission Dr Kelowna, BC from the RU2 – Medium Lot Housing zone to the RU3 – Small Lot Housing zone as shown on Map "B" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 11th day of March, 2024.

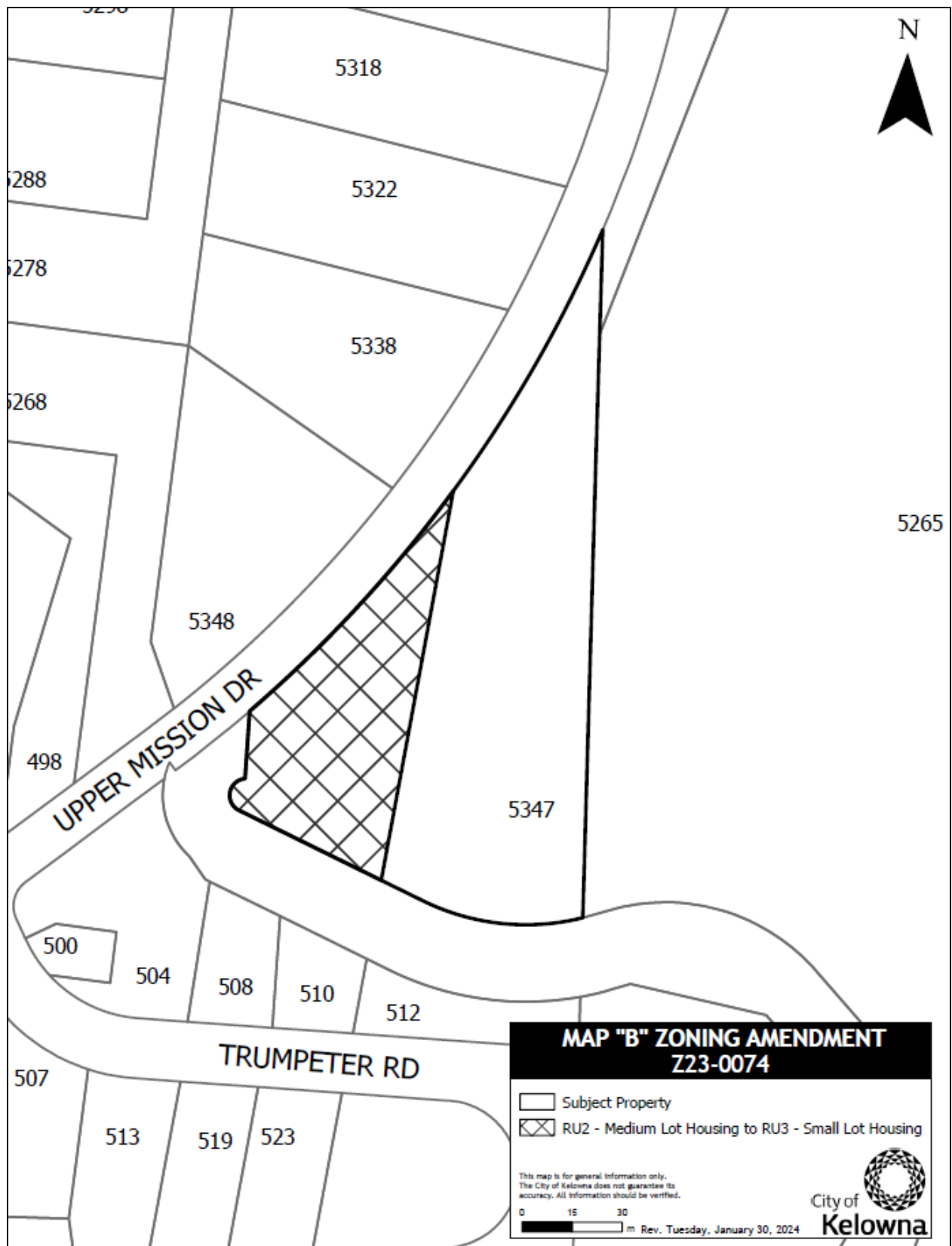
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



REPORT TO COUNCIL

DEVELOPMENT VARIANCE PERMIT



Date: April 9, 2024
To: Council
From: City Manager
Address: 940 – 1070 Frost Road
File No.: DVP23-0242 (Callahan Property Group Ltd.)
Zone: VC1 – Village Centre

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP 23-0242 for Lot A District Lot 579 SDYD Plan EPP127116 located at 940 – 1070 Frost Road, Kelowna, BC;

AND THAT variances to the following sections of Sign Bylaw No. 11530 be granted as shown on Schedule "A":

Section 8.3(a)b.i – Local Commercial Zones, Signage Regulations:

To vary the maximum sign area of a free-standing sign from 3.0 m² permitted to 8.17 m² proposed.

Section 8.3(a)b.ii – Local Commercial Zones, Signage Regulations:

To vary the maximum height of a free-standing sign from 3.0 m permitted to 5.0 m proposed.

AND THAT the free-standing sign only be illuminated during opening hours of businesses on the subject property, provided the sign not be illuminated earlier than 6:00 AM and later than 12:00 AM;

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

2.0 Purpose

To issue a Development Variance Permit to vary maximum sign area and maximum height of a free-standing sign.

3.0 Development Planning

Staff support the proposed Development Variance Permit for the maximum sign area and maximum height of a free-standing sign. Prior to the adoption of Zoning Bylaw No. 12375, the subject property fell within the Urban Commercial sign category in Sign Bylaw No. 11530. This allowed signs up to 10.0 m² sign area and 5.0 m in height. When the property was rezoned to the VC1 – Village Centre zone under the current Zoning Bylaw in September 2022, it was moved into the Local Commercial category in the Sign Bylaw, which limits signs to 3.0 m² in sign area and 3.0 m in height. The proposed sign is 5.0 m tall and 8.17 m² in area, which exceeds the Local Commercial regulations, but is within the Urban Commercial regulations. Given the nature of the single storey, "strip mall" style commercial development approved on the site, and because it is adjacent to a major arterial road, staff consider the proposed free-standing signage to be reasonable.

The proposed sign consists of a backlit signage cabinet, black metal structure, and corten steel panel name feature. The proposed corten steel panel feature matches the corten steel panel material used as an accent feature on the commercial buildings. As a condition of approval, staff recommend that the sign only be illuminated during the opening hours of businesses in the development.

4.0 Subject Property & Background

4.1 Subject Property Map



The subject property is located at the intersection of Frost Road and Gordon Drive. It is the largest parcel within the Ponds Village Centre. Construction is currently underway for eight single-storey commercial buildings that were previously approved by Council.

4.2 Background

In August 2022 and May 2023, Council considered Form & Character Development Permits for 8 single storey commercial buildings on the subject property. These buildings consist of a total of 11,113 m² of commercial floor space .

5.0 Zoning Bylaw Regulations Summary

SIGNAGE REGULATIONS			
CRITERIA	C3 Zone (Zoning Bylaw No. 8000)	VC1 Zone (Zoning Bylaw No. 12375)	PROPOSAL
Max. Free Standing Sign Area	10.0 m ²	3.0 m ²	8.17 m ² 1
Max. Free Standing Sign Height	5.0 m	3.0 m	5.0 m 2
1 Indicates a requested variance to maximum free standing sign area from 3.0 m ² to 8.17 m ² . 2 Indicates a requested variance to maximum free standing sign height from 3.0 m to 5.0 m.			

6.o Application Chronology

Application Accepted: December 15, 2023
Neighbour Notification Received: February 15, 2024

Report prepared by: Mark Tanner, Planner II
Reviewed by: Jocelyn Black, Urban Planning Manager
Reviewed by: Nola Kilmartin, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Draft Development Variance Permit DVP23-0242
Schedule A: Site Plan & Elevation

For additional information, please visit our Current Developments online at www.kelowna.ca/currentdevelopments.

Development Variance Permit

DVP23-0242

ATTACHMENT A
This forms part of application
DVP23-0242

Planner Initials **MT**

City of **Kelowna**
COMMUNITY PLANNING



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

940 – 1070 Frost Road

and legally known as

Lot A District Lot 579 SDYD Plan EPP127116

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

Free-Standing Sign

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

Date of Council Approval: April 9, 2024

Development Permit Area: N/A

Existing Zone: VC1 – Village Centre

Future Land Use Designation: VC – Village Centre

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

This is NOT a Building Permit.

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

NOTICE

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

Owner: 0954654 B.C. Ltd., Inc. No. BC0954654

Applicant: Callahan Property Group

Nola Kilmartin
Development Planning Department Manager
Planning & Development Services

Date of Issuance

1. SCOPE OF APPROVAL

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

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

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

2. CONDITIONS OF APPROVAL

THAT Council authorizes the issuance of Development Variance Permit No. DVP23-0242 for Lot A District Lot 579 SDYD Plan EPP127116 located at 940-1070 Frost Road, Kelowna, BC;

AND THAT variances to the following sections of Sign Bylaw No. 11530 be granted as shown on Schedule "A":

Section 8.3.a.b.i – Signage Regulations

To vary the maximum sign area of a free-standing sign from 3.0 m² permitted to 8.17 m² proposed.

Section 8.3.a.b.ii – Signage Regulations

To vary the maximum height of a free-standing sign from 3.0 m permitted to 5.0 m proposed.

AND THAT the free-standing sign only be illuminated during opening hours of businesses on the subject property, provided the sign not be illuminated earlier than 6:00 AM and later than 12:00 AM;

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

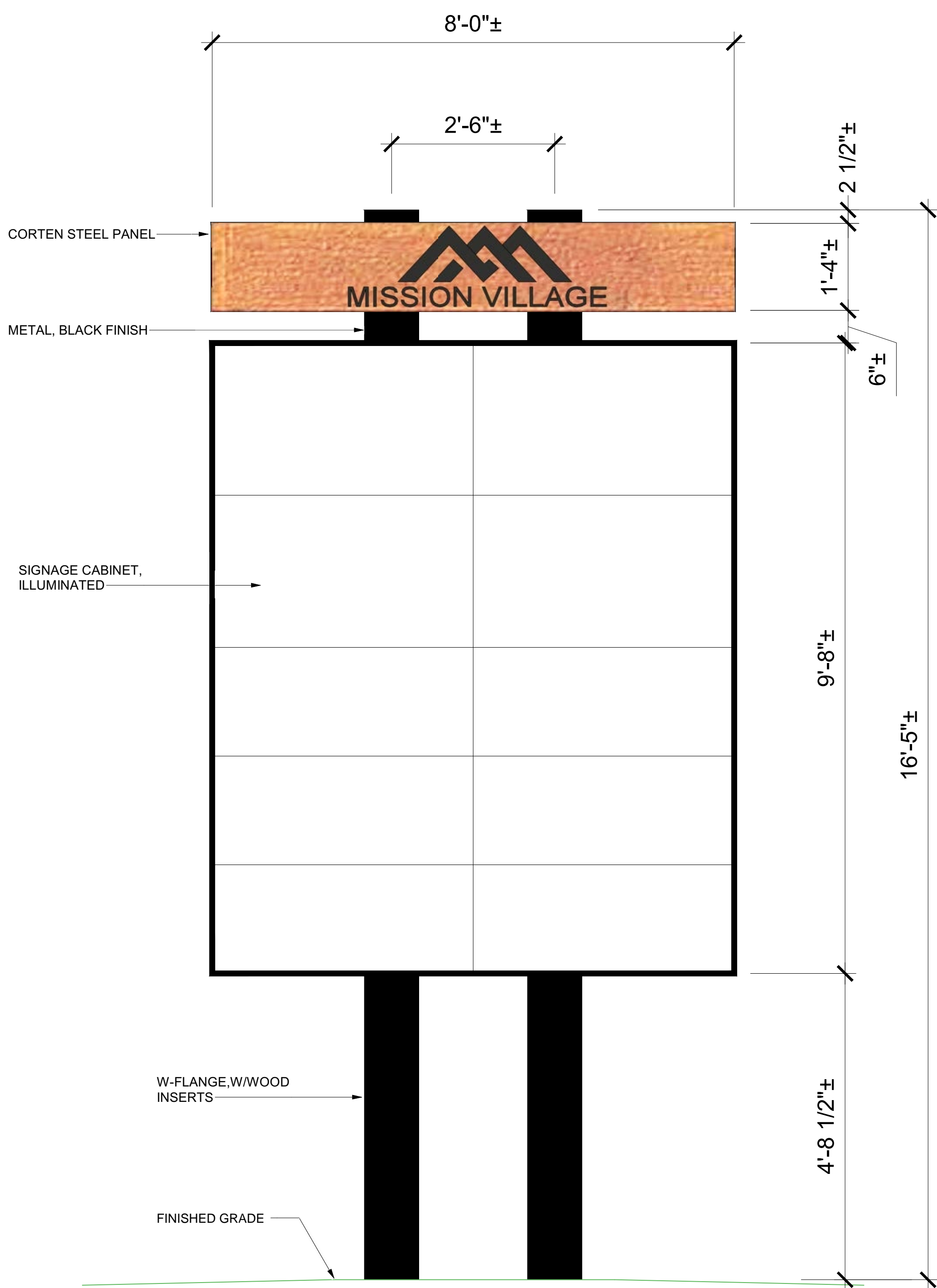
4. INDEMNIFICATION

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

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

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

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



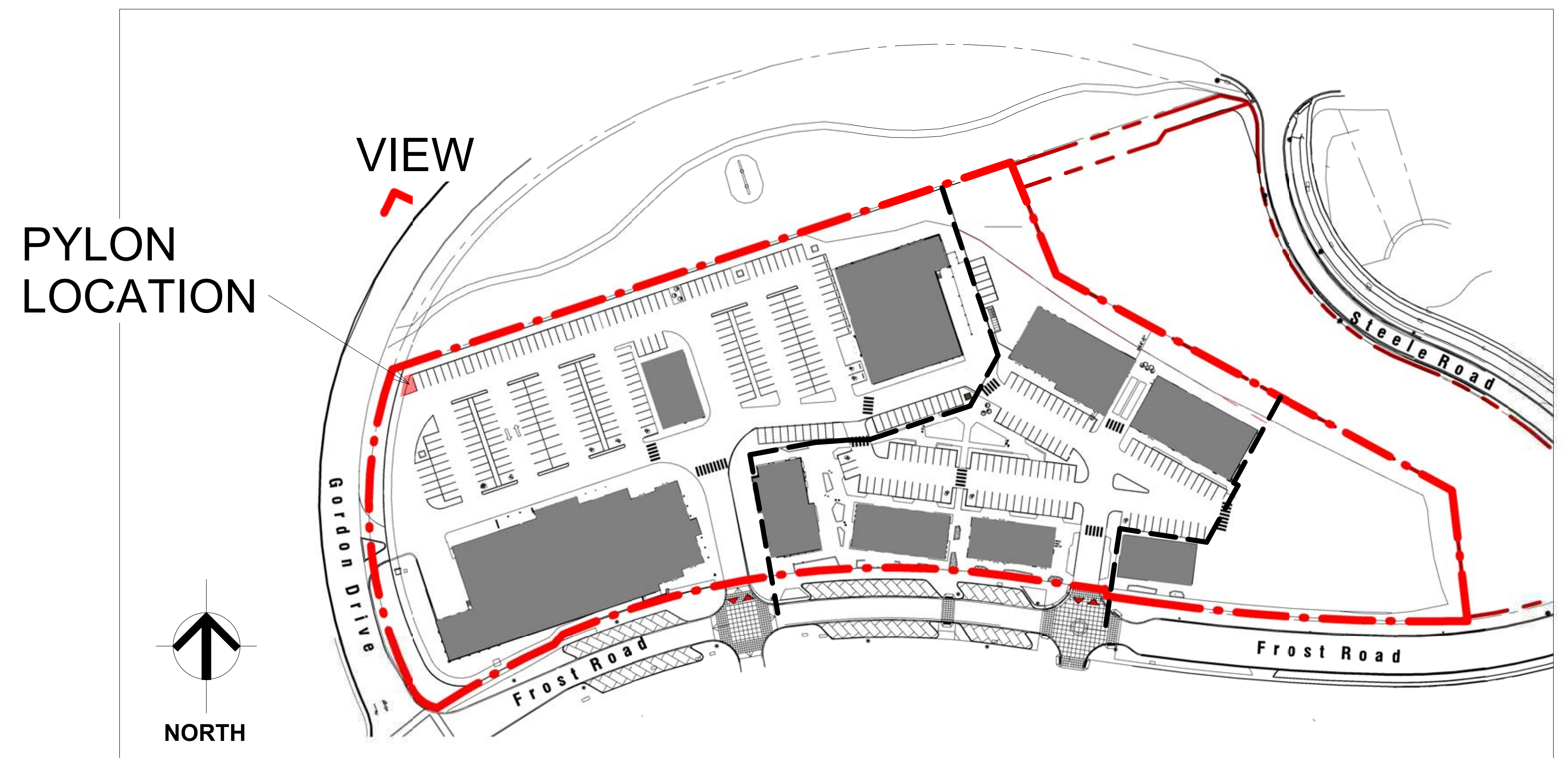
PYLON SIGN
SCALE: 1/2" = 1'-0"

SCHEDULE A

This forms part of application
DVP23-0242

Planner Initials **MT**

City of **Kelowna**
COMMUNITY PLANNING



PYLON LOCATION
SCALE: 1" = 160'-0"

PRINCIPALS

Christopher Block
M Arch, Architect AIBC, AAA,
SAA, OAA, LEED AP BD+C

Marcel S. Proskow
CRX, CDP

ADDRESS

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s www.c-8.ca

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City of
Kelowna

DVP 23-0242
940 – 1070 Frost Rd

Development Variance Permit

Purpose

- ▶ To issue a Development Variance Permit to vary the maximum sign area and maximum height of a free-standing sign.

Development Process

Dec 15, 2023

Development Application Submitted



Staff Review & Circulation



Feb 15, 2024

Public Notification Received



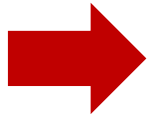
April 9, 2024

DVP Consideration

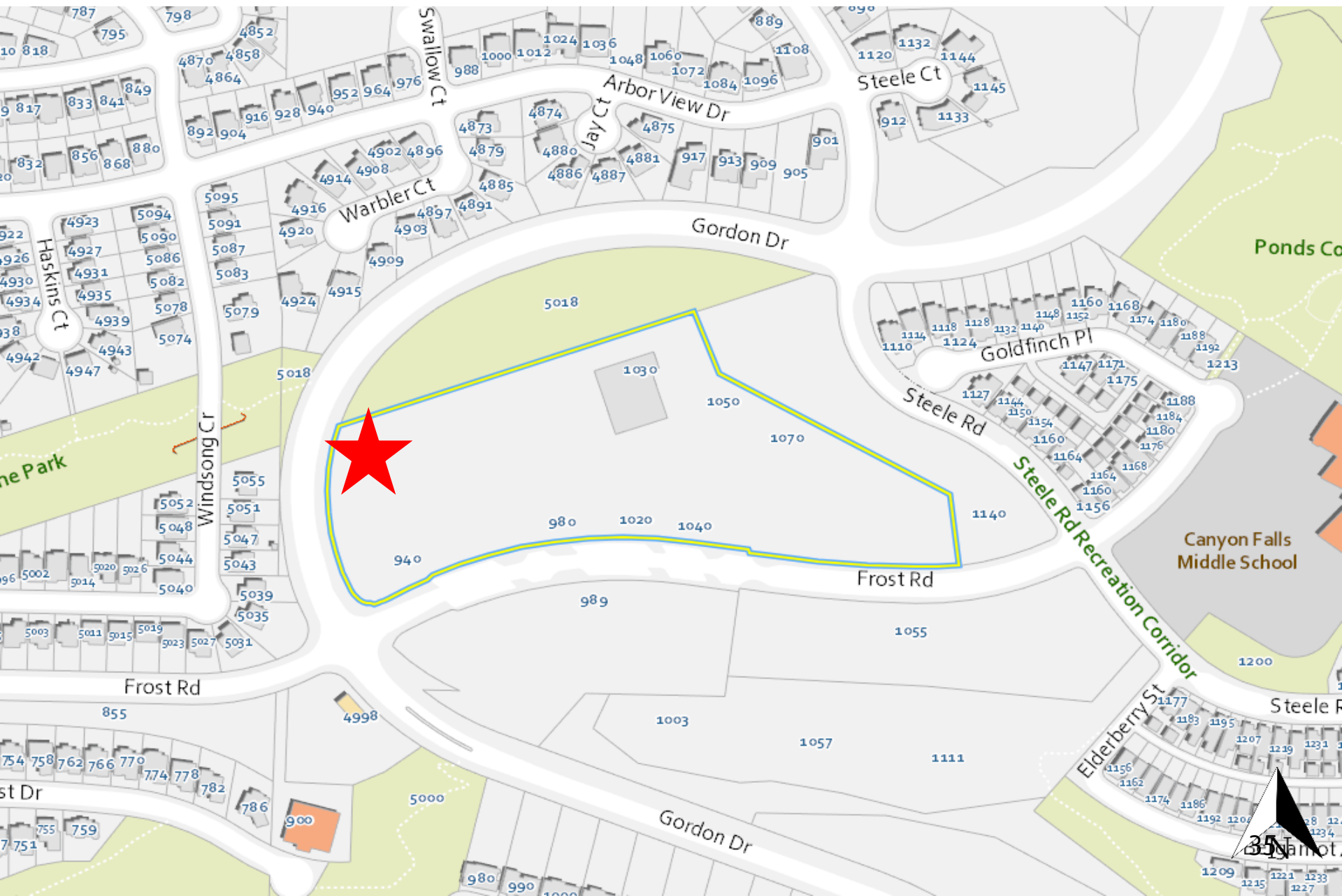


Building Permit

Council
Approvals



Context Map

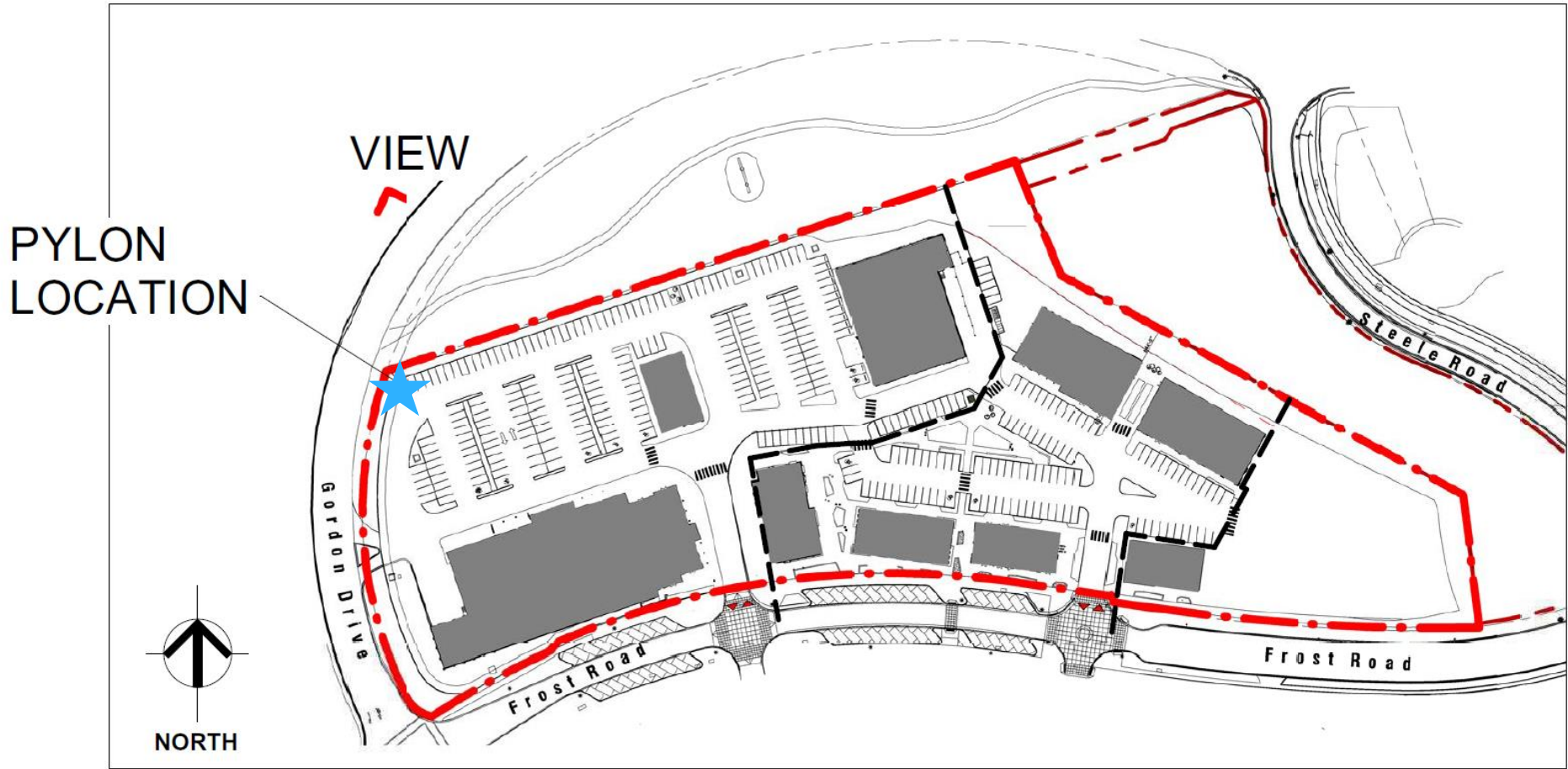


Technical Details

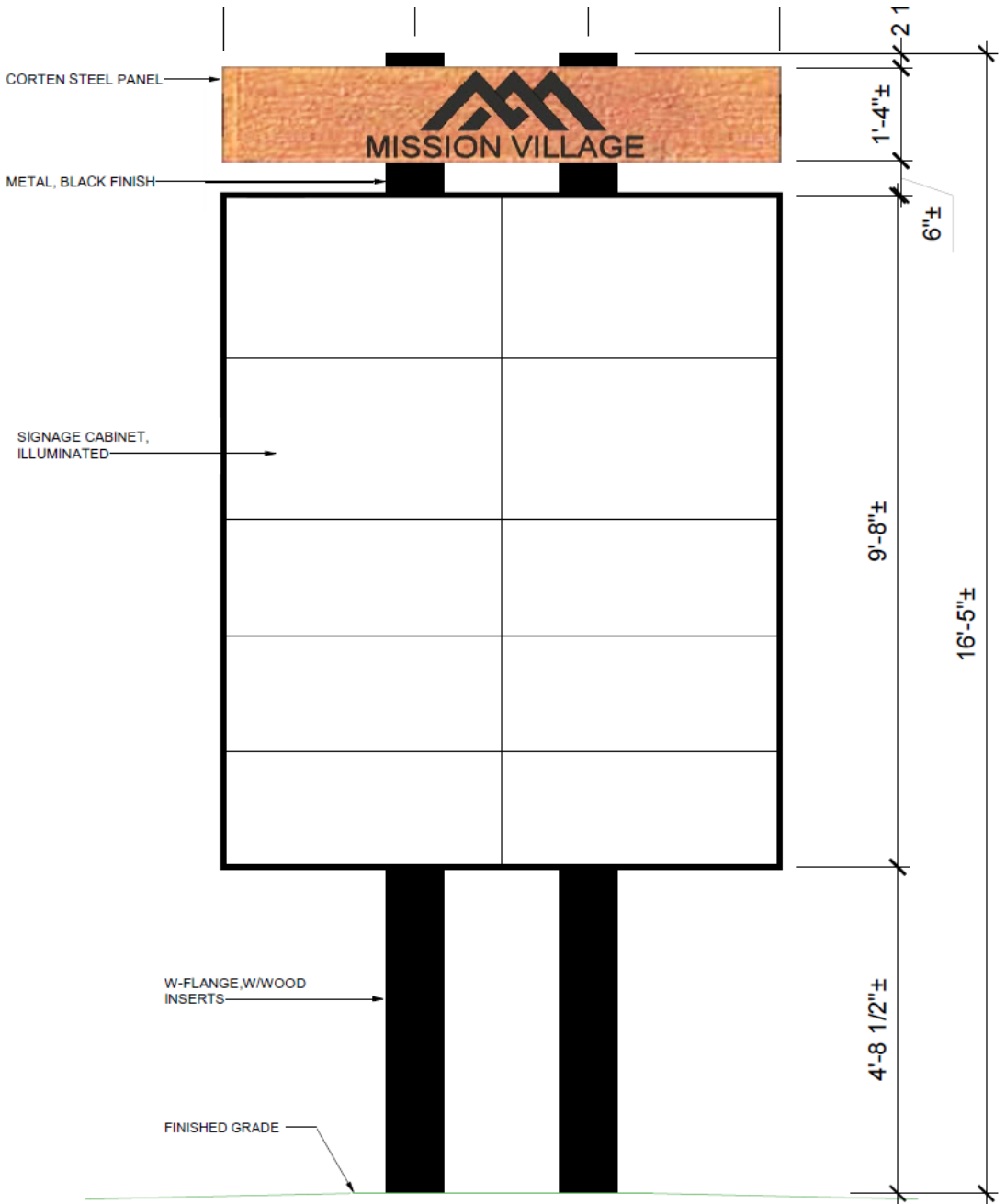
▶ Variances

- ▶ Maximum sign area from 3.0 m² to 8.17 m²
 - ▶ Maximum sign height from 3.0 m to 5.0 m
-
- ▶ Proposed dimensions exceed “Local Commercial” regulations, but meet “Urban Commercial” regulations

Site Plan



Elevation



Staff Recommendation

- ▶ Staff recommend **support** for the proposed Development Variance Permit as it:
 - ▶ In scale with form and size of the commercial development;
 - ▶ Adjacent to an arterial road;
 - ▶ Meets the “Urban Commercial” signage regulations (applicable prior to September 2022);
 - ▶ Will only be illuminated during business hours.