

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, November 17, 2015
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. **Call to Order**
2. **Reaffirmation of Oath of Office**
The Oath of Office will be read by Councillor Given.
3. **Confirmation of Minutes** 1 - 10
Public Hearing - November 3, 2015
Regular Meeting - November 3, 2015
4. **Bylaws Considered at Public Hearing**
 - 4.1 **1570 Glenmore Road North, BL11161 (Z15-0037) - Aletta Nixon** 11 - 11
To give Bylaw No. 11161 second and third readings in order to rezone the subject property to facilitate a two 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 **4077 Lakeshore Road, BL11136 (OCP15-0011) - Greencorp. Ventures Inc.** 12 - 12
Requires a majority of all members of Council (5).
To adopt Bylaw No. 11136 in order to change the future land use designation of the subject property to facilitate a four unit residential development.
 - 6.2 **4077 Lakeshore Road, BL11137 (Z15-0031) - Greencorp Ventures Ltd.** 13 - 13
To adopt Bylaw No. 11137 in order to rezone the subject property to facilitate a four unit residential development.

- 6.3 4077 Lakeshore Road, DP15-0137 & DVP15-0138 - Greencorp. Ventures Inc.** 14 - 36

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

To consider the form and character and to vary the rear yard and side yard setback of a four unit residential development.

- 6.4 799 McClure Road, DVP15-0217 - Michael Young & Susan Wood-Young** 37 - 45

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

To vary the minimum rear yard on the subject property to facilitate a two lot subdivision.

7. Reminders

8. Termination



City of Kelowna Public Hearing Minutes

Date: Tuesday, November 3, 2015
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh and Luke Stack

Staff Present City Manager, Ron Mattiussi; City Clerk, Stephen Fleming, Community Planning & Real Estate Director, Doug Gilchrist*; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; and Council Recording Secretary, Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the Hearing to order at 6:01 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 October 20, 2015 and by being placed in the Kelowna Capital News issues on October 23 and 28, 2015 and by sending out or otherwise delivering 319 statutory notices to the owners and occupiers of surrounding properties, and 3118 informational notices to residents in the same postal delivery route, between October 20 and 23, 2015. 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

- 3.1 653 Harvey Avenue, 1770 Richter Street, 1800 Richter Street, 1775 Chapman Place, BL11118 (TA15-0003) & BL11119 (OCP15-0008) - 1017476 BC Ltd. et al

Staff:

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

The City Clerk advised that no correspondence 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.

Luke Turri, Mission Group, Applicant Representative

- Displayed a PowerPoint presentation highlighting:
 - o Pedestrian first public realm;
 - o High-density mixed-use site;
 - o Range of building heights and densities;
 - o Rental and market housing added to urban core;
 - o Kelowna's first LEED Neighbourhood Development;
 - o Strong connections to Rowcliffe Park and Downtown.
- Responded to questions from Council.

No one else came forward.

There were no further comments.

4. Termination

The Hearing was declared terminated at 7:01 p.m.

Mayor



City Clerk

/acm



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, November 3, 2015
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh and Luke Stack

Staff Present City Manager, Ron Mattiussi; City Clerk, Stephen Fleming, Community Planning & Real Estate Director, Doug Gilchrist*; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; and Council Recording Secretary, Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:08 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor DeHart.

3. Confirmation of Minutes

Moved By Councillor Sieben/Seconded By Councillor Gray

R851/15/11/03 THAT the Minutes of the Public Hearing and Regular Meeting of October 20, 2015 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 BL11119 (OCP15-0008) - Amendment to Chapter 4 - Future Land Use - MRM

Moved By Councillor Gray/ Seconded By Councillor Hodge

R852/15/11/03 THAT Bylaw No. 11119 be read a second and third time.

Carried

Councillor Hodge - Opposed

4.2 BL11118 (TA15-0003) - CD22 - Central Green Comprehensive Development Zone Amendments

Moved By Councillor Donn/ Seconded By Councillor Gray

R853/15/11/03 THAT Bylaw No. 11118 be read a second and third time.

Carried
Councillor Hodge - Opposed

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of the Development Variance Permit Applications was given by sending out or otherwise delivering 32 statutory notices to the owners and occupiers of surrounding properties, and 864 informational notices to residents in the same postal delivery route, between October 20 and 23, 2015.

Notice of these (amendments to Liquor Primary Licences) were advertised by being posted on the Notice Board at City Hall on October 20, 2015, and by being placed in the Kelowna Capital News issues on October 23 and 28, 2015 and by sending out or otherwise delivering 68 statutory notices to the owners and occupiers of surrounding properties, and 1007 informational notices to residents in the same postal delivery route, between October 20 and 23, 2015.

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.

6. Liquor License Application Reports

6.1 248 Leon Avenue, LL13-0005 - J.Q. Developments Inc.

Staff:

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

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

Additional information provided by the applicant

Quinn Best, The Habitat

Emily, (General Manager, The Habitat) on behalf of Quinn & Katrina Best

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

Quinn and Katrina Best, Applicant

- Displayed a PowerPoint Presentation summarizing the application.
- Confirmed they are in the process of hiring certified security professionals.
- Confirmed the identification system has been ordered.
- Responded to questions from Council.

Gallery:

Jacob Tilstra, Resident

- In support of the extended hours and increased capacity for Habitat.

David Habib, Lawrence Avenue, Chair of the Standard Committee

- Spoke to the Standard Committee's mission statement.
- Provided background to the nightclub scene downtown.
- Spoke to the success of the patron identification scanner implemented at downtown establishments.
- Raised concern with the additional hour in the evening being requested.
- Extended hours will have a negative impact on the already strained cab availability at bar flush time.
- Responded to questions from Council.

Ryan McDowell, Wardlaw Avenue

- Regular patron of Habitat and has always felt safe.
- In support of the extension of business hours and increase in patron load.

There were no further comments.

Moved By Councillor Sieben/ Seconded By Councillor Hodge

R854/15/11/03 THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 53 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from The Habitat for a liquor primary license amendment for Lot 6, Block 10, DL139, O.D.Y.D., Plan 462, located at 248 Leon Avenue, Kelowna, BC for a change in capacity from the current occupant load of 225 persons to the proposed 332 persons, and changes to the licensed hours of sales from the current 11:00am to 1:00am six days a week to the proposed 10:00am to 2:00 am seven days a week for the following reasons:
2. Council's comments on LCLB's prescribed considerations are as follows:
Criteria for license amendment:
 - a. The potential for noise if the application is approved:
There is potential for an increase in noise due to the additional hour of service. However, any increase in noise would be compatible with the area.
 - b. The impact on the community if the application is approved:
There is the potential for negative community impacts and increased policing costs.
 - c. The Applicant implement a Patron Identification System compatible with others in use in the downtown area.
 - d. Council expressed their expectation the Applicant become an active member in good standing of the Standard Best Bar and Nightclub Association.
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

6.2 1923 Kent Road, LL15-0019 - Callahan Construction Company Ltd.

Staff:

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

The City Clerk advised that no correspondence 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.

Applicant:

- Present and available for questions.

No one came forward.

There were no further comments.

Moved By Councillor Donn/ Seconded By Councillor DeHart

R855/15/11/03 THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

“Be it resolved that:

1. Council recommends support of the application from Kelowna Elks Lodge No. 52 of the Benevolent and Protective Order of Elks of Canada (Kelowna Elks Club), legally described as Lot 7, DL 129, ODYD, Plan 20128) for a change of location to 1923 Kent Road, and to change the capacity from the current approved capacity of 271 persons to the proposed capacity of 60 persons. The licensed hours of sales are to remain 11:00 AM to 1:00 AM Monday to Saturday, 11:00AM to 12:00AM Midnight Sunday.
2. The Council’s comments on the prescribed considerations are as follows:
 - (a) The Location of the Establishment;
The proposed new site for the Kelowna Elks Club is located in an area that is surrounded by service commercial activities, and is not anticipated to have a negative impact on the area.
 - (b) The proximity of the establishment to other social or recreational facilities and public buildings:
The Trinity Baptist Church is located on the south side of Springfield Road, approximately 250m. away from the subject property to the south. Chances Gaming Facility is also located on the south side of Springfield Road Bingo, but further to the west, approximately 900m. away from the subject property.
 - (c) The person capacity and hours of liquor service of the establishment;
The requested hours of liquor service for the relocated establishment are the same as the previous location. The person capacity for the establishment is significantly reduced from the previous location.
 - (d) The number and market focus or clientele of the liquor primary establishments within a reasonable distance of the proposed location;
The nearest Liquor Primary establishment is the OK Corral located to the west on Kirschner Road, approximately 600m away. This Liquor Primary establishment is operated as a cabaret.
 - (e) The impact of noise on the community in the immediate vicinity of the establishment;
The potential for noise would be compatible with surrounding land uses.

- (f) The impact on the community if the application is approved;
The potential for negative impacts is considered to be minimal. The Council's comments on the views of residents (if applicable) 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

6.3 1978 Kirschner Road, LL15-0017 - Agro Investment Corporation et al

Staff:

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

The City Clerk advised that no correspondence 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.

Applicant:

- Present and available for questions.

No one came forward.

Moved By Councillor Donn/ Seconded By Councillor Hodge

R856/15/11/03 THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 53 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support for the application from 0885172 BC Ltd. (dba OK Corral Cabaret) at 1978 Kirschner Rd. Kelowna BC, legally described as Lot A, District Lot 129, ODYD, Plan 23146, for a change to licensed hours of sales from 7:00 PM to 2:00 AM Monday to Sunday, to 12:00 PM to 2:00 AM Monday to Sunday.
2. The Council's comments on the prescribed considerations are as follows:
 - a. The potential for noise if the application is approved;
The potential for noise may increase due to the additional hours of service. However, noise has not been an issue at this location in the past.
 - b. The impact on the community if the application is approved:
The potential for negative impacts is considered to be minimal.
 - c. It is unlikely that the change in hours may result in the establishment being operated contrary to its primary purpose.

The 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

7. Development Permit and Development Variance Permit Reports

7.1 2664 Bath Street, DP15-0186 & DVP15-0187 - Peter & Wendy O'Brien

Staff:

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

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

Letters of Support

Gordon Matheson and Tara Henderson, Bath Street

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

Applicant:

- Present and available for questions.

No one came forward.

Moved By Councillor Stack/ Seconded By Councillor Hodge

R857/15/11/03 THAT Council authorizes the issuance of Development Permit No. DP15-0186 for Lot 5 District Lot 14 ODYD Plan 3785, located at 2664 Bath Street, 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 "B";
2. The exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule "C";

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0187 for Lot 5 District Lot 14 ODYD Plan 3785, located at 2664 Bath Street, Kelowna, BC;

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

Section 9.5b.1(d): Carriage House Regulations

To allow the height of a carriage house to be higher than the existing principal dwelling as measured to the mid-point and roof peak of the existing principal dwelling unit.

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

7.2 427 Wardlaw Avenue, DVP15-0188 - Ryan McDowell & Angela Chapman

Staff:

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

The City Clerk advised that no correspondence 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.

Ryan McDowell, Applicant

- Commented on future plans to completely renovate his home.
- At the time of purchase was not aware that there was a non-conforming setback.
- Thanked staff for their professionalism.

No one else came forward.

There were no further comments.

Moved By Councillor Given/ Seconded By Councillor Sieben

R858/15/11/03 THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0188 for Lot 44, District Lot 14, ODYD, Plan 483, located at 427 Wardlaw Avenue, Kelowna, BC;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:
Section 13.6.6(d): RU6 - Two Dwelling Housing Development Regulations
To vary the required minimum side yard from 2.0 m permitted to 1.4 m proposed.

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

Carried

7.3 449 Eldorado Road, DVP15-0201 - Robert & Jennifer Petty

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

Letters of Opposition or Concern
C. Bryant, Barkley Rd

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

Birte Decloux, Urban Options Planning & Permits, Applicant Representative

- Will meet the requirements of the RU1 zone and will be consistent with the neighbourhood.

No one else came forward.

There were no further comments.

Moved By Councillor Donn/ Seconded By Councillor Given

R859/15/11/03 THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0201 for Lot A, District Lot 167, ODYD, Plan 11366, located at 449 Eldorado Road, Kelowna, BC;

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

Section 13.1.6(d): RU1 - Large Lot Housing Development Regulations

To vary the required minimum side yard from 2.0 m permitted to 1.4 m proposed.

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

Carried

8. Reminders - Nil.

9. Termination

The meeting was declared terminated at 9:25 p.m.

Mayor



City Clerk

/acm

DRAFT

CITY OF KELOWNA
BYLAW NO. 11161
Z15-0037 - Aletta Nixon
1570 Glenmore Road North

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, Section 16, Township 23, ODYD, Plan 4223 Except Plan EPP15316 and EPP43964 located on Glenmore Road North, Kelowna, B.C., from the A1c - Agriculture 1 (with carriage house) zone to the RR3 - Rural Residential 3 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 26th day of October, 2015.

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. 11136

Official Community Plan Amendment No. OCP15-0011 Greencorp Ventures Inc., Inc. No. BC0987730 4077 Lakeshore Road

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of Lot B, Section 6, Township 26, ODYD, Plan 10613, located on Lakeshore Road, Kelowna, B.C., from the S2RES - Single / Two Unit Residential designation to the MRL - Multiple Unit Residential (Low Density) designation;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 14th day of September, 2015.

Considered at a Public Hearing on the 29th of September, 2015.

Read a second and third time by the Municipal Council this 29th of September, 2015.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11137
Z15-0031 - Greencorp Ventures Inc., Inc. No. BC0987730
4077 Lakeshore Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, Section 6, Township 26, ODYD, Plan 10613 located on Lakeshore Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RM3 - Low Density Multiple Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 14th day of September, 2015.

Considered at a Public Hearing on the 29th of September, 2015.

Read a second and third time by the Municipal Council this 29th of September, 2015.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: November 3, 2015

RIM No. 0940-50

To: City Manager

From: Community Planning Department (TY)

Application: DP15-0137 & DVP15-0138 **Owner:** Greencorp Ventures Inc.,
No. BC0987730

Address: 4077 Lakeshore Road **Applicant:** Worman Homes /
Commercial

Subject: Development Permit & Development Variance Permit

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

Existing Zone: RM3 - Low Density Multiple Housing

1.0 Recommendation

THAT final adoption of Official Community Plan Amendment Bylaw No. 11136 and Rezoning Bylaw No. 11137 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP15-0137 for Lot B Section 6 Township 26 ODYD Plan 10613, Located at 4077 Lakeshore Road, Kelowna, BC subject to the following:

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

AND THAT Council authorizes the issuance of Development Variance permit No. DVP15-0138 for Lot B Section 6 Township 26 ODYD Plan 10613, Located at 4077 Lakeshore Road, Kelowna, BC;

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

Section 6.4.1: General Development Regulations Projections Into Yards

- A) To vary the required maximum projection into a yard from 0.6 m required to 1.2 m proposed and the required maximum length of a projection from 3.0 m required to 13.1 m proposed for the side yard (south).

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

B) To vary the required minimum rear yard from 7.5 m required to 4.0 m proposed.

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

2.0 Purpose

To consider the form and character and to vary the rear and side yard setback of a four unit residential development.

3.0 Community Planning

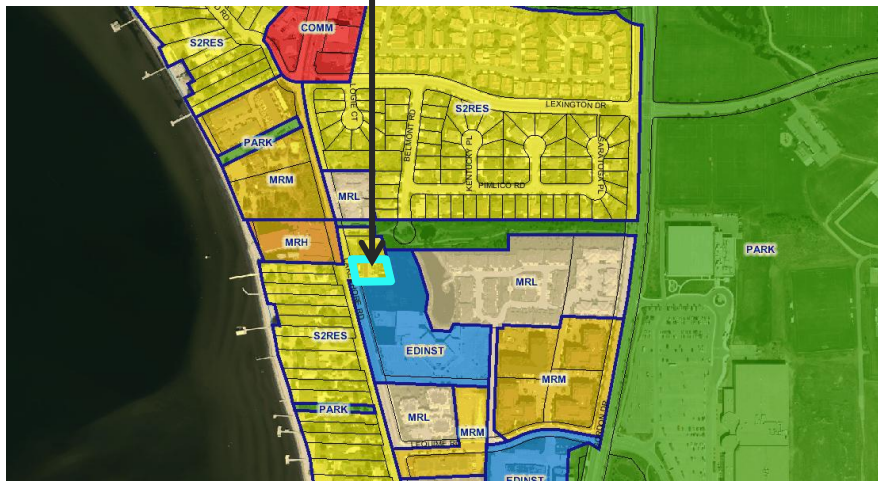
Community Planning Staff supports the proposed variances to facilitate the applicant's design of four dwelling units on the subject property.

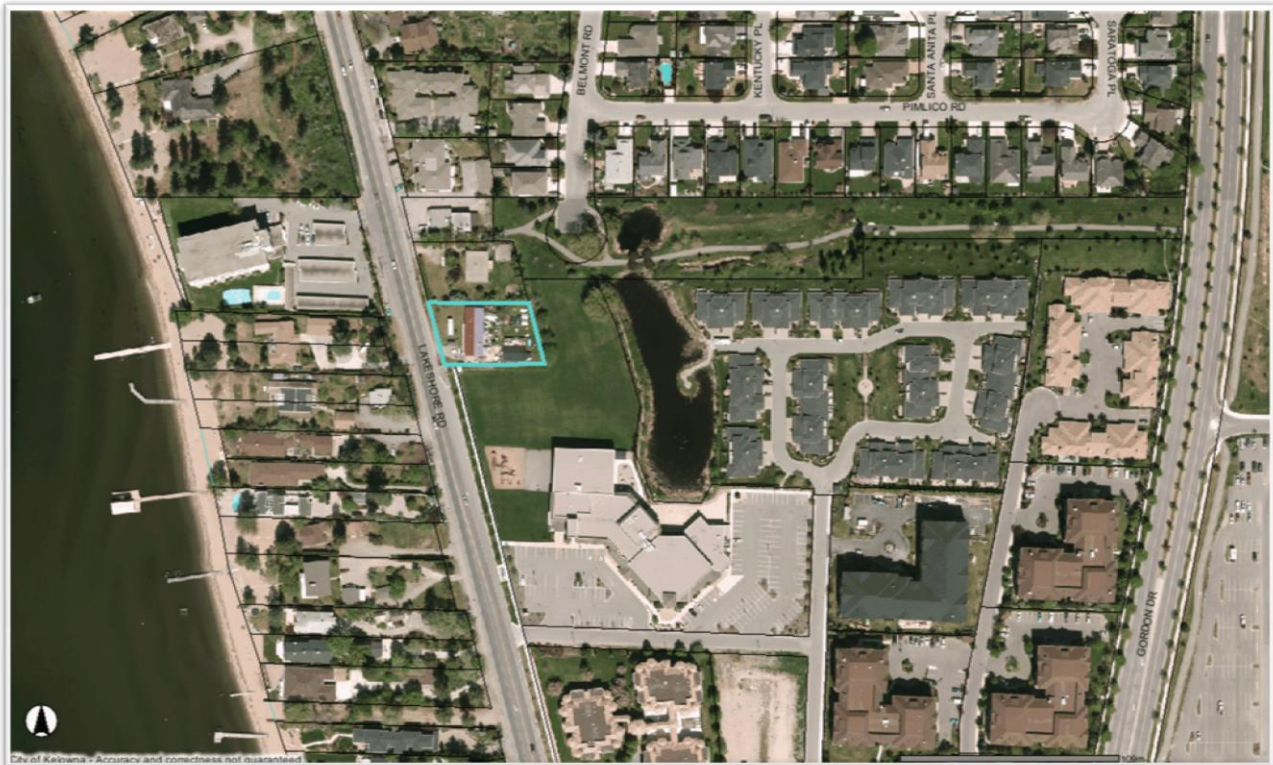
The applicant proposes four dwellings in two buildings on the property. The design requires two variances. A side yard setback variance is required to accommodate architectural projections for each of the buildings along the south elevation. The building in the rear of the property, ("Building One" as shown on Schedule A) requires a variance to the rear yard setback.

A single driveway and the modern horizontal lines of the dwellings are similar to newly constructed residential dwellings in the neighbourhood. Designing a front door facing Lakeshore Road speaks to Kelowna's OCP goals of achieving ground oriented housing for multiple family developments. Furthering the street appeal, the applicant has included architectural features on the south side of each building facing the adjacent First Lutheran Church park as they are visible from Lakeshore Road. Privacy concerns for the residential property to the north are addressed by proposing the driveway along the north side of the subject property which orientates the residential buildings on the south side of the property, with windows facing into the adjacent park.

Typically reducing a side or rear yard results in loss of private open space or privacy to adjacent neighbours. On this subject parcel the two yards requesting variances are adjacent to open space zoned P2 and are designated EDINST - Educational / Major Institutional. The loss of private open space does not apply to the design put forth by the applicant as the projection into a side yard is for a second storey projection, not affecting the at-grade patio. Each dwelling also has rooftop patio space.

Land Use Map: 4077 Lakeshore Road



Subject Property Map: 4077 Lakeshore Road**3.1 Site Context**

The subject property is located on the east side of Lakeshore Road, between Lexington Drive and Lequime Road in the North Mission - Crawford sector of Kelowna. The property is currently zoned RU1, identified in Kelowna's OCP as S2RES, in a Comprehensive Development Permit area and is within the Permanent Growth Boundary.

Adjacent land uses are as follows:

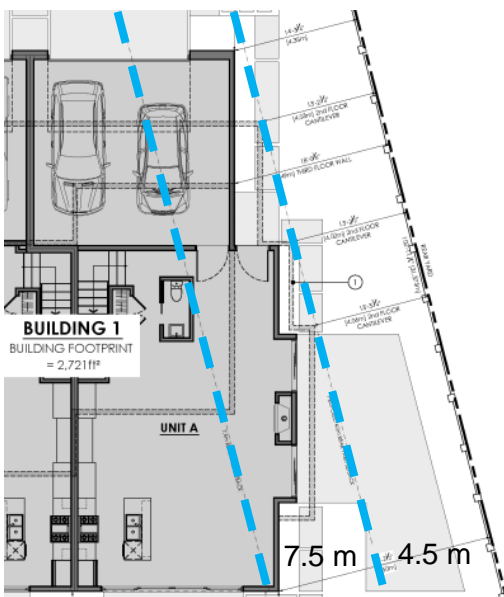
Orientation	Zoning	Land Use
North	RU1	Single Family Dwelling
East	P2	Single Family Dwellings
South	P2	Church grounds (open field)
West	RU2	Church grounds (open field)

4.0 Proposal

4.1 Project Description

The subject property is currently vacant as demolition of the existing building was carried out in 2014. The applicant has designed four dwelling units in the form of two buildings, three storeys in height, each with rooftop patios. A single driveway runs along the north of the property, designed in a manner that allows for permeability of rainfall. A front yard setback incentive exists in Zoning Bylaw No. 8000, RM3 zone regulations which permits a 1.5 m setback for a multiple family development with front doors facing a street. The applicant has designed a front door facing the street and has set the building 3.6 m from the front property line.

The proposed building facing Lakeshore Road ("Building Two" as shown on schedule A) is three storeys with rooftop stairwell access creating a two storey streetscape along Lakeshore Road. "Building One" on the interior of the property is a three storey building with the third storey set back on all elevations from the storey below to reduce the appearance of a 10.0 m high dwelling. Each storey is articulated with varying setbacks from the storey below on all sides of each building.



Variance One

Architectural projections are permitted as per Zoning Bylaw No. 8000 to project into a required yard up to a maximum of 0.6 m. The applicant is proposing a projection of 1.2 m to accommodate visual interest along the south facade of the buildings.

Variance Two

A rear yard setback variance from 7.5 m required to 4.0 m is being proposed in order to allow for a larger setback in the front of the property to achieve privacy and noise control from Lakeshore Road.

A two vehicle attached garage is designed for each dwelling along with outdoor patio space accommodated at grade and on the rooftop. Landscaping will include low retaining walls, fencing and privacy planting. The City boulevard will be landscaped and irrigated with street trees approved by City Staff.

4.2 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM3 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	900 m ²	(1,520.0 m ² - 162.5 m ²) = 1,357.5 m ²
Minimum Lot Width	30.0 m	31.5 m
Minimum Lot Depth	30.0 m	49.8 m
Development Regulations		
Maximum Floor Area Ratio	0.8	
Maximum Site Coverage (buildings)	50%	528.8 m ² = 39%
Maximum Site Coverage (buildings, driveways and parking)	65% (with permeable driveway)	778.7 m ² = 57%
Maximum Height	3 storeys or 10.0 m	3 storeys, 10.0 m
Minimum Front Yard	1.5 m	3.6 m
Minimum Side Yard (south)	4.0 m	4.0 m
Architectural Projection from a building into a required yard (south)	0.6 m	1.22 m (2.8 m from prop line) ❶
Minimum Side Yard (north)	4.0 m	8.0 m
Minimum Rear Yard	7.5 m	4.0 m ❷
Minimum distance between buildings	3.0 m	4.2 m
Other Regulations		
Minimum Parking Requirements	2 per dwelling unit	2 per dwelling unit
Minimum Visitor Parking Space	n/a	1
Minimum Private Open Space	25.0 m ²	
Unit a Unit b Unit c Unit d		40.0 m ² rooftop patio 30.2 m ² rooftop patio + 30.5 m ² at grade 9.3 m ² rooftop patio + 20.8 m ² at grade 9.3 m ² rooftop patio + 29.1 m ² at grade
❶ Indicates a requested variance to the rear yard setback.		
❷ Indicates a requested variance to the side yard (south) projection.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Ground-Oriented Housing.² Encourage all multiple-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with 2 or more bedrooms so as to provide a family housing choice within the multi-unit rental or ownership markets. High density residential projects in the Downtown area are encouraged to include a ground-oriented housing component, especially where such can be provided on non-arterial and non-collector streets.

Building Height.³ In determining appropriate building height, the City will take into account such factors as: Contextual fit into the surrounding urban fabric; Shadowing of the public realm; View impacts; Overlook and privacy impacts on neighbouring buildings; Impacts on the overall skyline;

6.0 Technical Comments

6.1 Building and Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.
- 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.

6.2 Development Engineering Department

- See attached City of Kelowna Memorandum dated June 23, 2015.

Application Chronology

Date of Application Received:	June 5, 2015
Date of Z15-0031 3 rd reading:	September 29, 2015
Date of Development Engineering requirements met:	October 15, 2015

¹ City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.2.1 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Policy 5.5.1 (Development Process Chapter).

Report prepared by:

Tracey Yuzik, Planner

Reviewed by:

☐

Terry Barton, Urban Planning Manager

Approved for Inclusion:

☐

Ryan Smith, Community Planning Department Manager

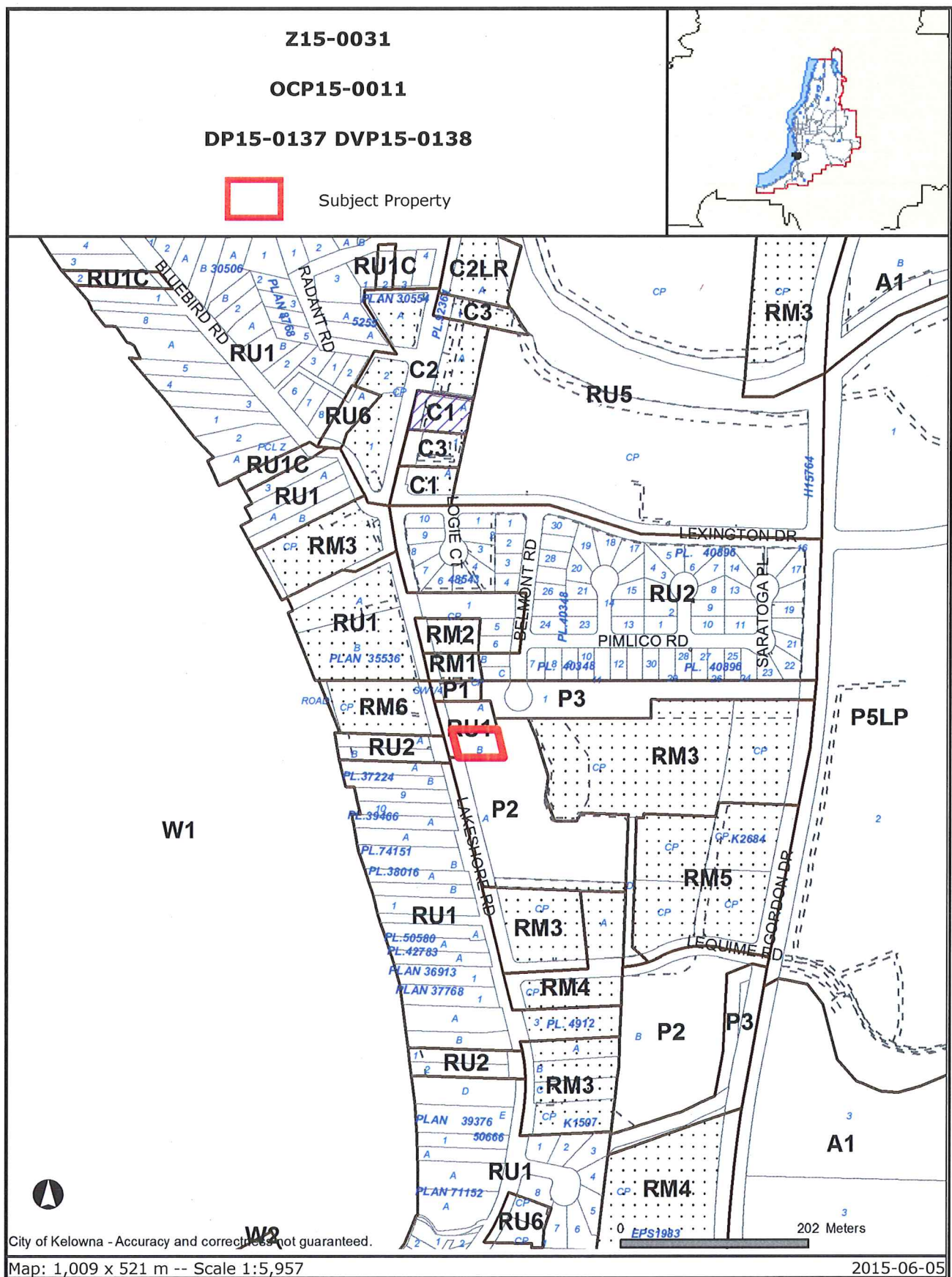
Attachments:

Subject Property Map

Schedule A: Site Plan

Schedule B: Elevations

Schedule C: Landscape Plan

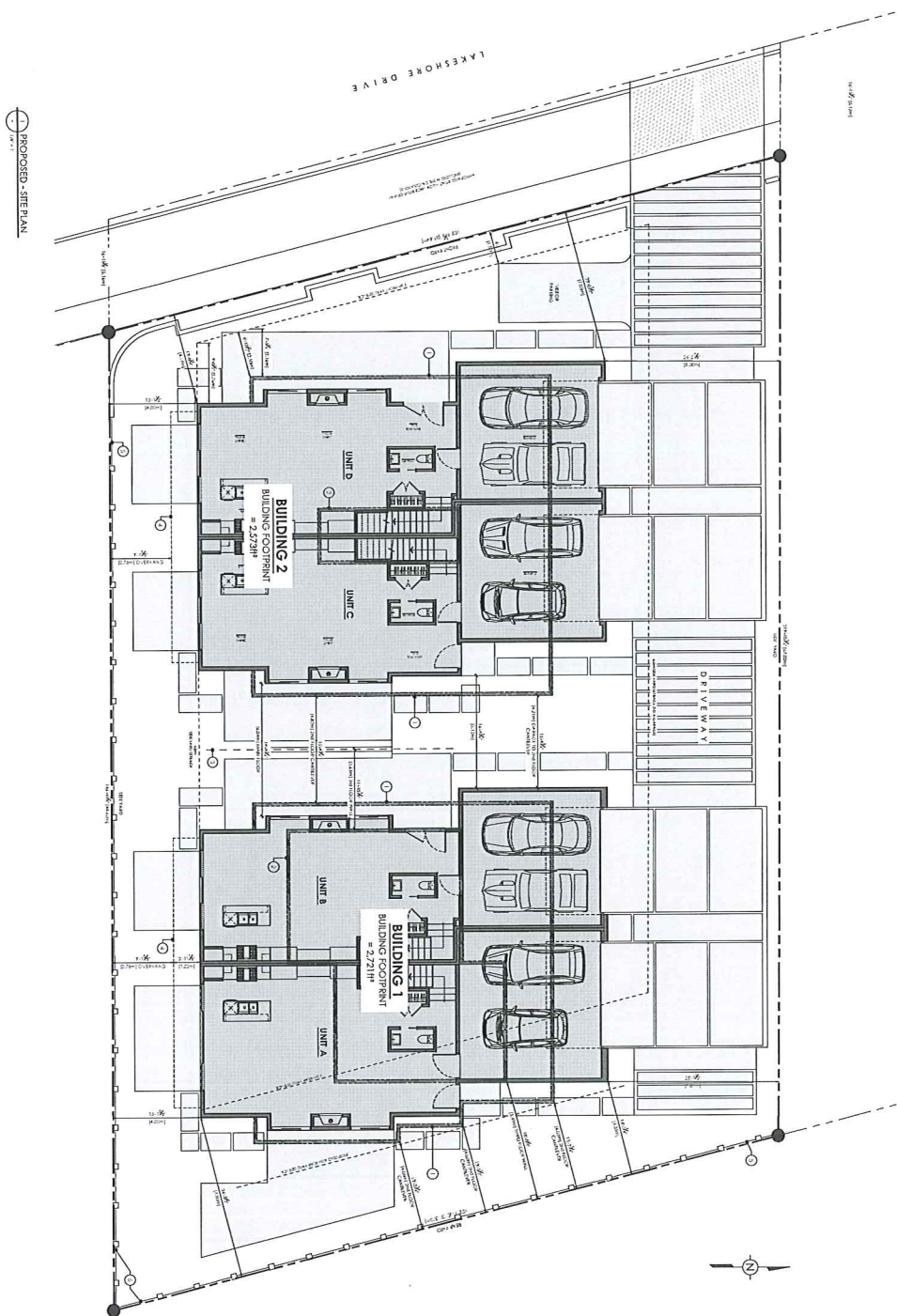


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
 The City of Kelowna does not guarantee its accuracy. All information should be verified.

SCHEDULE A

This forms part of development

Permit # DP15-0137 DWP50135



4077 LAKESHORE DRIVE
SUITE 100
KELOWNA, BC V1Y 9K5
TEL: 250-860-1111
WWW.WORMAN.COM

NOTES:

1. THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
2. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
3. THE DEVELOPER SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
4. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
5. THE DEVELOPER SHALL PROVIDE ADEQUATE PARKING AND LOADING ZONES.
6. THE DEVELOPER SHALL PROVIDE ADEQUATE LIGHTING AND SECURITY MEASURES.
7. THE DEVELOPER SHALL PROVIDE ADEQUATE DRAINAGE AND FLOOD PROTECTION.
8. THE DEVELOPER SHALL PROVIDE ADEQUATE LANDSCAPING AND GREEN SPACE.
9. THE DEVELOPER SHALL PROVIDE ADEQUATE ACCESS TO PUBLIC UTILITIES.
10. THE DEVELOPER SHALL PROVIDE ADEQUATE ACCESS TO PUBLIC TRANSPORTATION.

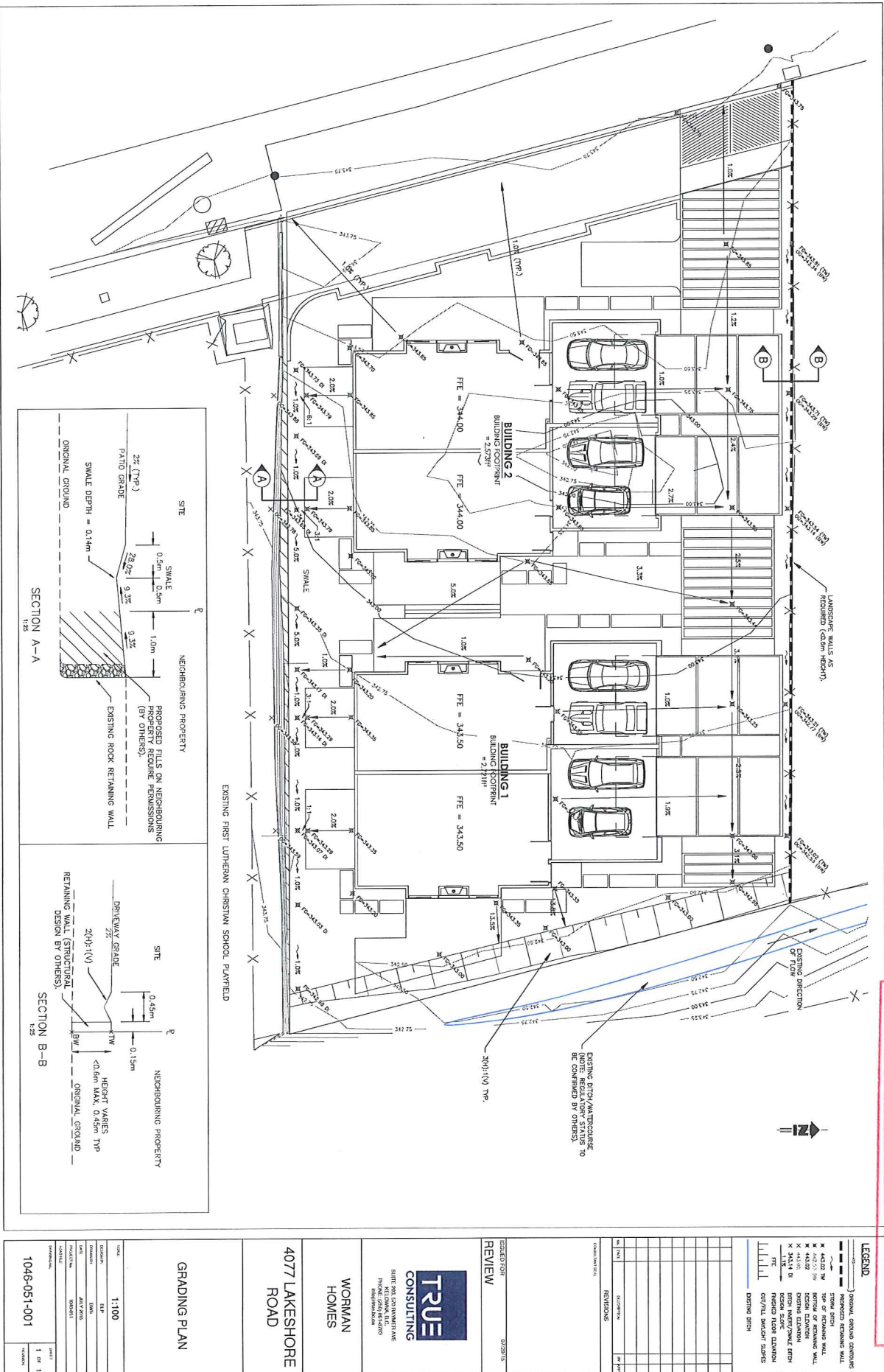
THE PLAN LEGEND	
PROPERTY LINE	PROPERTY LINE
EXISTING DRIVEWAY	EXISTING DRIVEWAY
EXISTING PARKING	EXISTING PARKING
EXISTING LANDSCAPING	EXISTING LANDSCAPING
EXISTING UTILITIES	EXISTING UTILITIES
EXISTING ACCESS	EXISTING ACCESS
EXISTING FENCE	EXISTING FENCE
EXISTING WALL	EXISTING WALL
EXISTING ROOF	EXISTING ROOF
EXISTING FLOOR	EXISTING FLOOR
EXISTING CEILING	EXISTING CEILING
EXISTING DOOR	EXISTING DOOR
EXISTING WINDOW	EXISTING WINDOW
EXISTING STAIR	EXISTING STAIR
EXISTING ELEVATOR	EXISTING ELEVATOR
EXISTING HALLWAY	EXISTING HALLWAY
EXISTING BATHROOM	EXISTING BATHROOM
EXISTING KITCHEN	EXISTING KITCHEN
EXISTING LIVING	EXISTING LIVING
EXISTING BEDROOM	EXISTING BEDROOM
EXISTING OFFICE	EXISTING OFFICE
EXISTING GARAGE	EXISTING GARAGE
EXISTING PORCH	EXISTING PORCH
EXISTING PATIO	EXISTING PATIO
EXISTING DECK	EXISTING DECK
EXISTING BALCONY	EXISTING BALCONY
EXISTING TERRACE	EXISTING TERRACE
EXISTING DRIVEWAY	EXISTING DRIVEWAY
EXISTING PARKING	EXISTING PARKING
EXISTING LANDSCAPING	EXISTING LANDSCAPING
EXISTING UTILITIES	EXISTING UTILITIES
EXISTING ACCESS	EXISTING ACCESS
EXISTING FENCE	EXISTING FENCE
EXISTING WALL	EXISTING WALL
EXISTING ROOF	EXISTING ROOF
EXISTING FLOOR	EXISTING FLOOR
EXISTING CEILING	EXISTING CEILING
EXISTING DOOR	EXISTING DOOR
EXISTING WINDOW	EXISTING WINDOW
EXISTING STAIR	EXISTING STAIR
EXISTING ELEVATOR	EXISTING ELEVATOR
EXISTING HALLWAY	EXISTING HALLWAY
EXISTING BATHROOM	EXISTING BATHROOM
EXISTING KITCHEN	EXISTING KITCHEN
EXISTING LIVING	EXISTING LIVING
EXISTING BEDROOM	EXISTING BEDROOM
EXISTING OFFICE	EXISTING OFFICE
EXISTING GARAGE	EXISTING GARAGE
EXISTING PORCH	EXISTING PORCH
EXISTING PATIO	EXISTING PATIO
EXISTING DECK	EXISTING DECK
EXISTING BALCONY	EXISTING BALCONY
EXISTING TERRACE	EXISTING TERRACE

RE-ISSUED for DP

PROJECT: **LAKESHORE SEMI-DETACHED RESIDENCES**
 ADDRESS: **4077 LAKESHORE DRIVE, KELOWNA, BC** LOT: B, PLAN: 10613
 ISSUED FOR: **RE-ISSUED FOR DP - R15 (JULY-23-2015)**

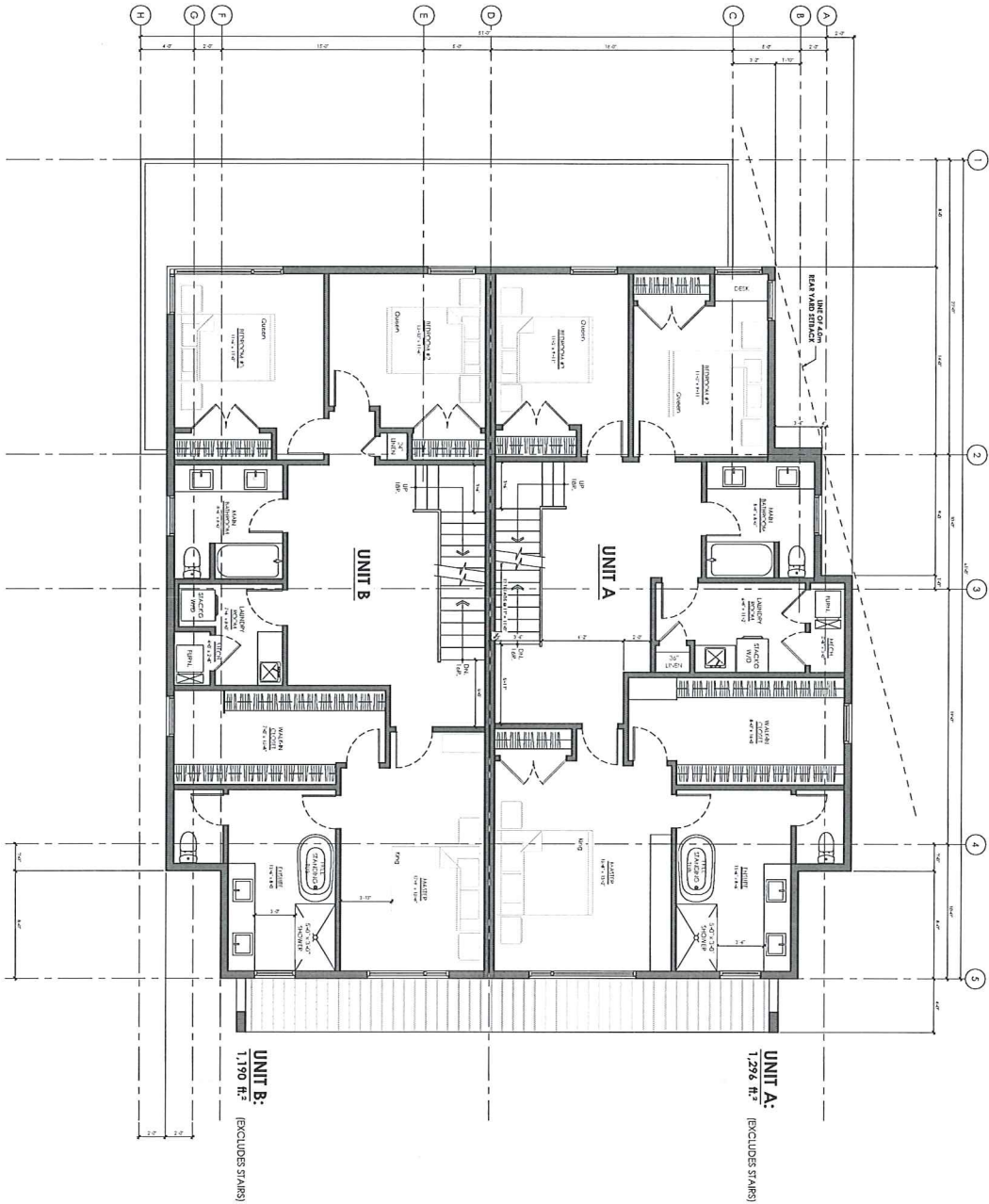


part of development
 27/15. 01/37
 27/15. 01/38



SCHEDULE **A**

This forms part of development
 Permit # **DP15-0137**
PP15-0137



RE-ISSUED for DP

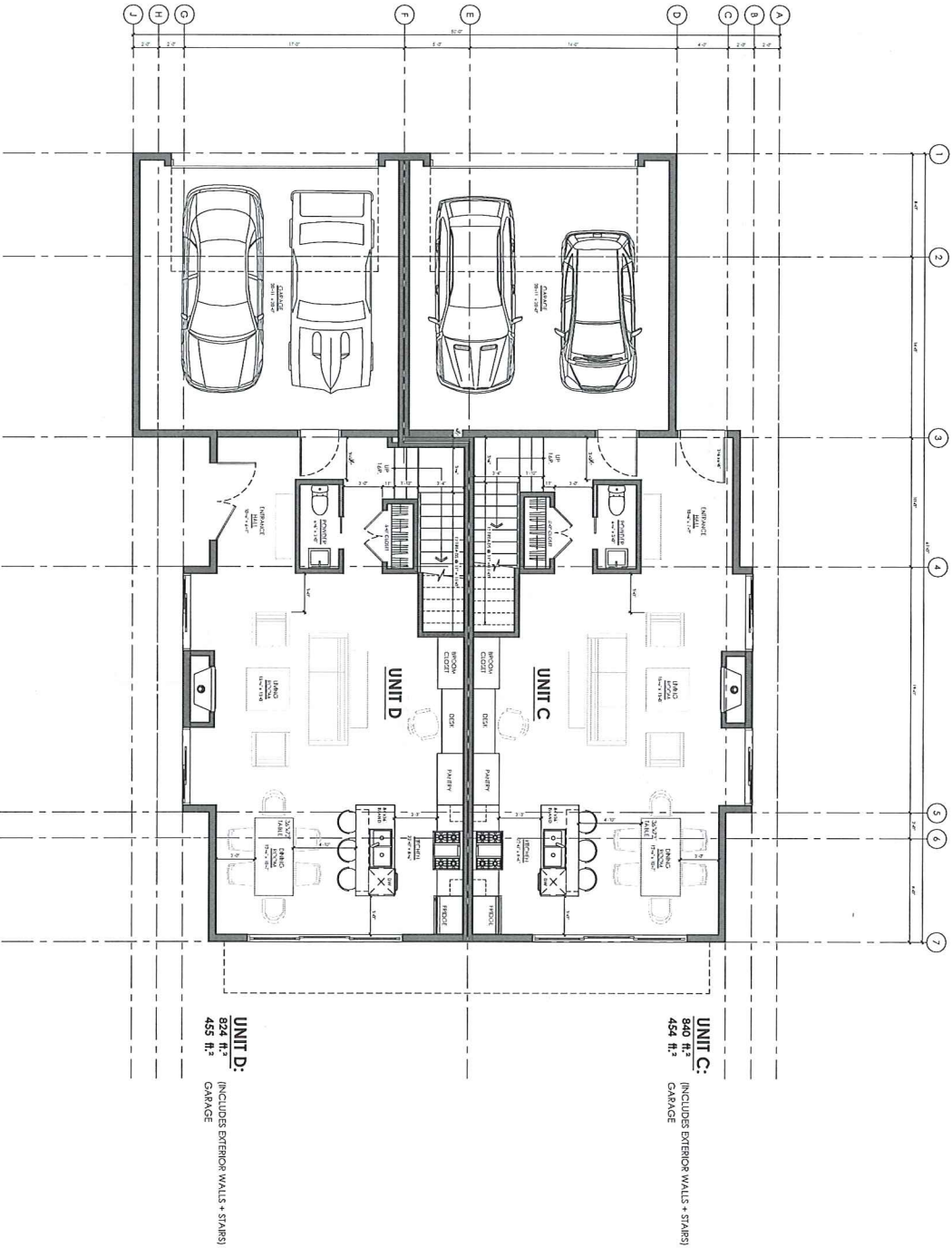
REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN WHOLE OR IN PART IS FORBIDDEN WITHOUT WRITTEN PERMISSION OF: WORMAN HOMES

PROJECT: **LAKE SHORE SEMI-DETACHED RESIDENCES**
 ADDRESS: **4077 LAKE SHORE DRIVE, KELOWNA, BC** LOT: B, PLAN: 10613
 ISSUED FOR: **RE-ISSUED FOR DP - R14 (MAY-28-2015)**



SCHEDULE A

This forms part of development
 DP15-0187
 Permit # DP150138



BUILDING 2
 MAIN FLOOR PLAN

RE-ISSUED for DP

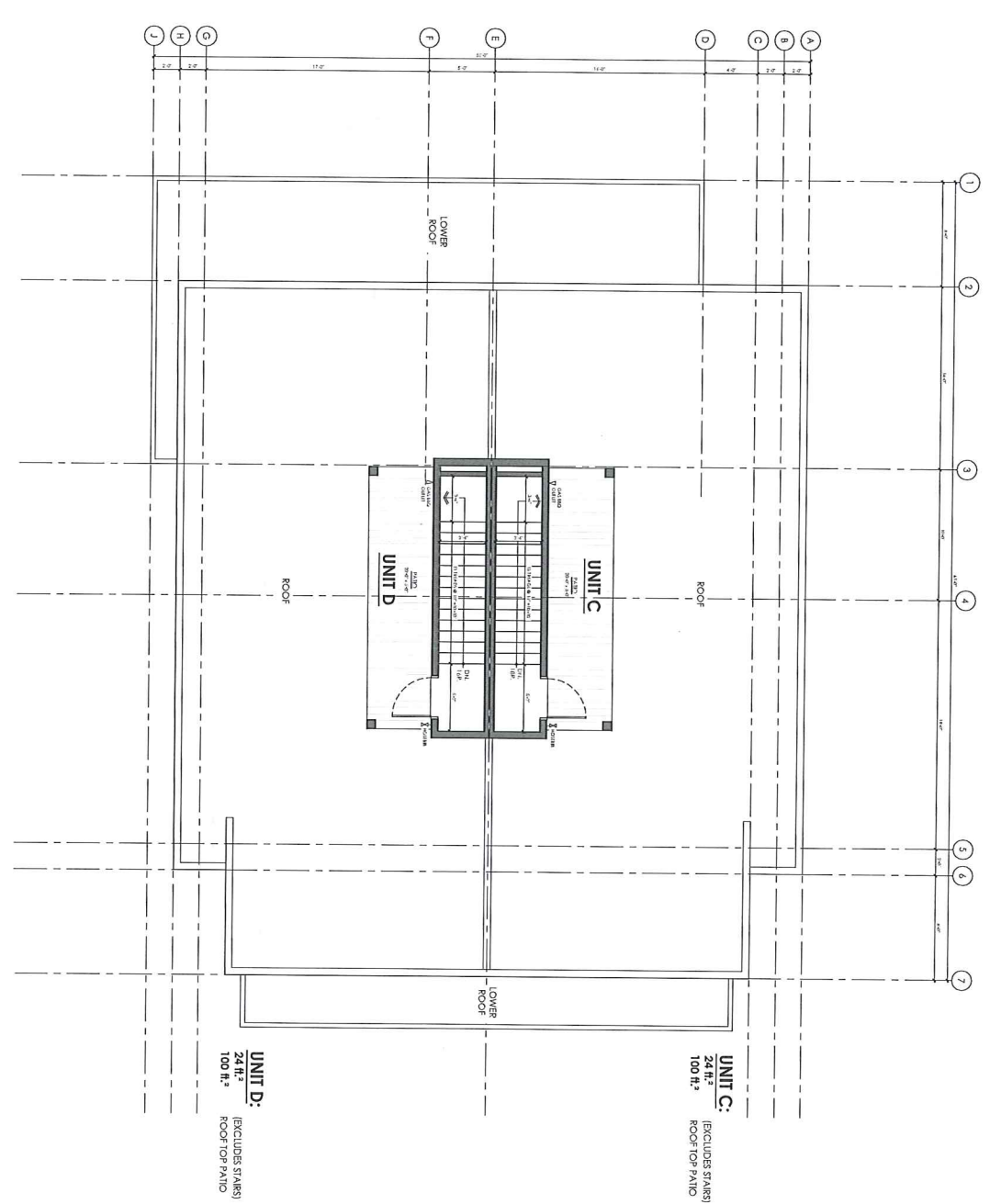
REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN WHOLE OR IN PART IS FORBIDDEN WITHOUT WRITTEN PERMISSION OF: WORMAN HOMES

PROJECT: LAKESHORE SEMI-DETACHED RESIDENCES
 ADDRESS: 4077 LAKESHORE DRIVE, KELOWNA, BC LOT: B, PLAN: 10613
 ISSUED FOR: RE-ISSUED FOR DP - R14 (MAY-28-2015)



SCHEDULE A

This forms part of development
 Permit # FP15-0137
FP15-0138

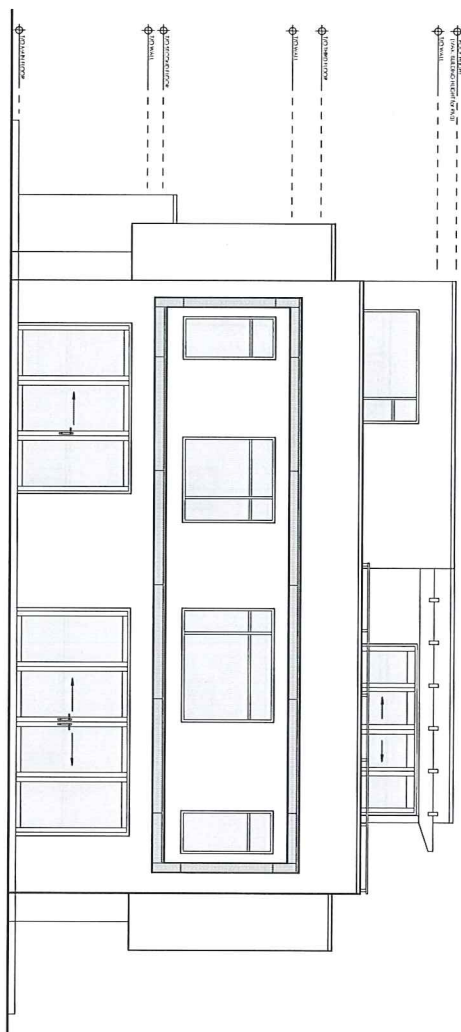


RE-ISSUED for DP

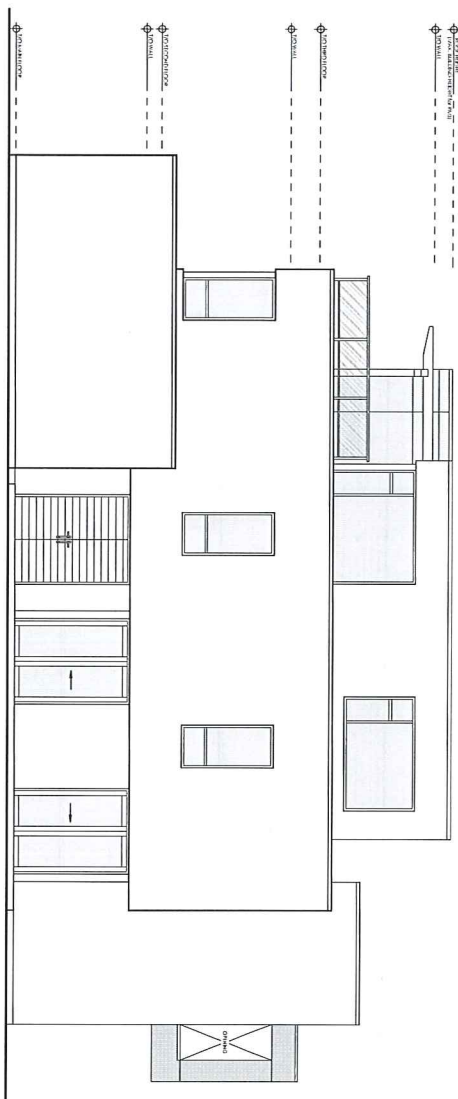


SCHEDULE TD

This forms part of development
Permit # DP150137
DP150138



BUILDING 1 - SIDE ELEVATION (SOUTH)



BUILDING 1 - FRONT ELEVATION (WEST)

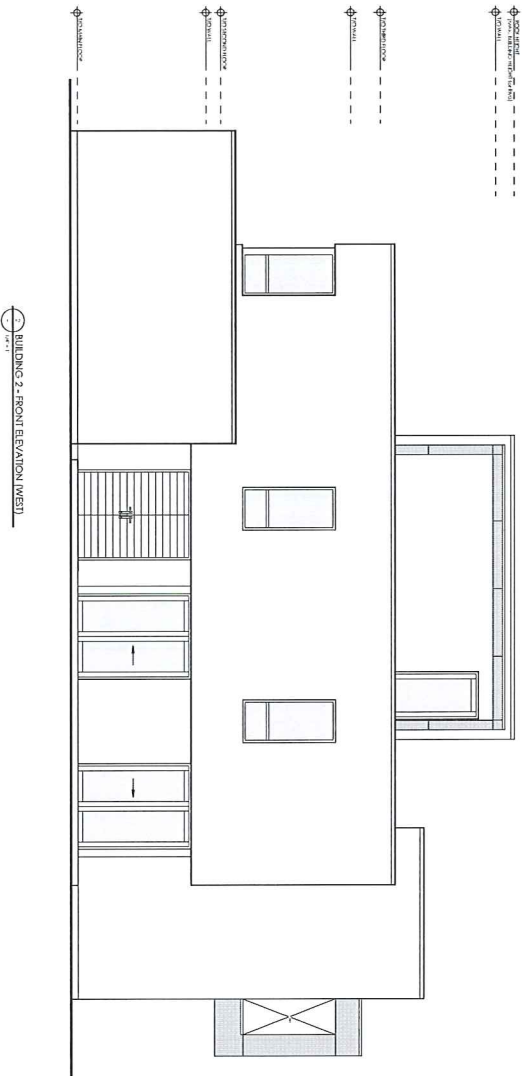
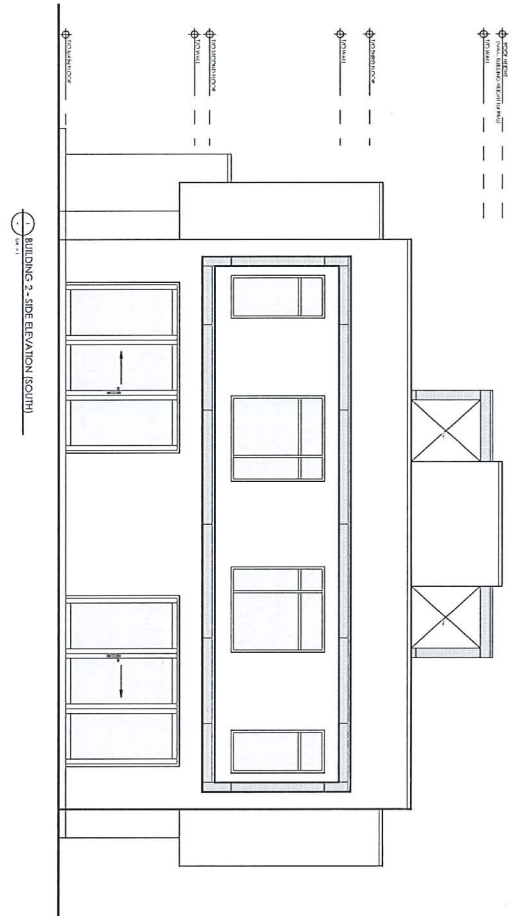
RE-ISSUED for DP

PROJECT: LAKESHORE SEMI-DETACHED RESIDENCES
ADDRESS: 4077 LAKESHORE DRIVE, KELOWNA, BC LOT: B, PLAN: 10613
ISSUED FOR: RE-ISSUED FOR DP - R14 (MAY-28-2015)



SCHEDULE D

This forms part of development
 Permit # SP15-0137
DP15-0138



RE-ISSUED for DP

REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN WHOLE OR IN PART IS FORBIDDEN WITHOUT WRITTEN PERMISSION OF: WORMAN HOMES

PROJECT: LAKESHORE SEMI-DETACHED RESIDENCES
 ADDRESS: 4077 LAKESHORE DRIVE, KELOWNA, BC LOT: B, PLAN: 10613
 ISSUED FOR: RE-ISSUED FOR DP - R14 (MAY-28-2015)



SCHEDULE P

This forms part of development
Permit # D15 0187
PVR150035



WORMAN
WORMAN HOMES | WORMAN COMMERCIAL

ILLUSTRATION / TWO ARTS ALIVE

DET.

4077 LAKESHORE ROAD | Kelowna, BC

Worman Homes | Worman Commercial

SCHEDULE C
This forms part of development
Permit # **DP15-0137**
DP15-0138



PROJECT TITLE
4077 LAKESHORE ROAD

Kelowna, BC

DRAWING TITLE
**CONCEPTUAL
LANDSCAPE PLAN**

ISSUED FOR / REVISION	
1	15.03.26 Development Permit
2	
3	
4	
5	

PROJECT NO.	154020
DESIGNED BY	BD
DRAWN BY	KD
CHECKED BY	HB
DATE	MAR 26, 2015
SCALE	1:100

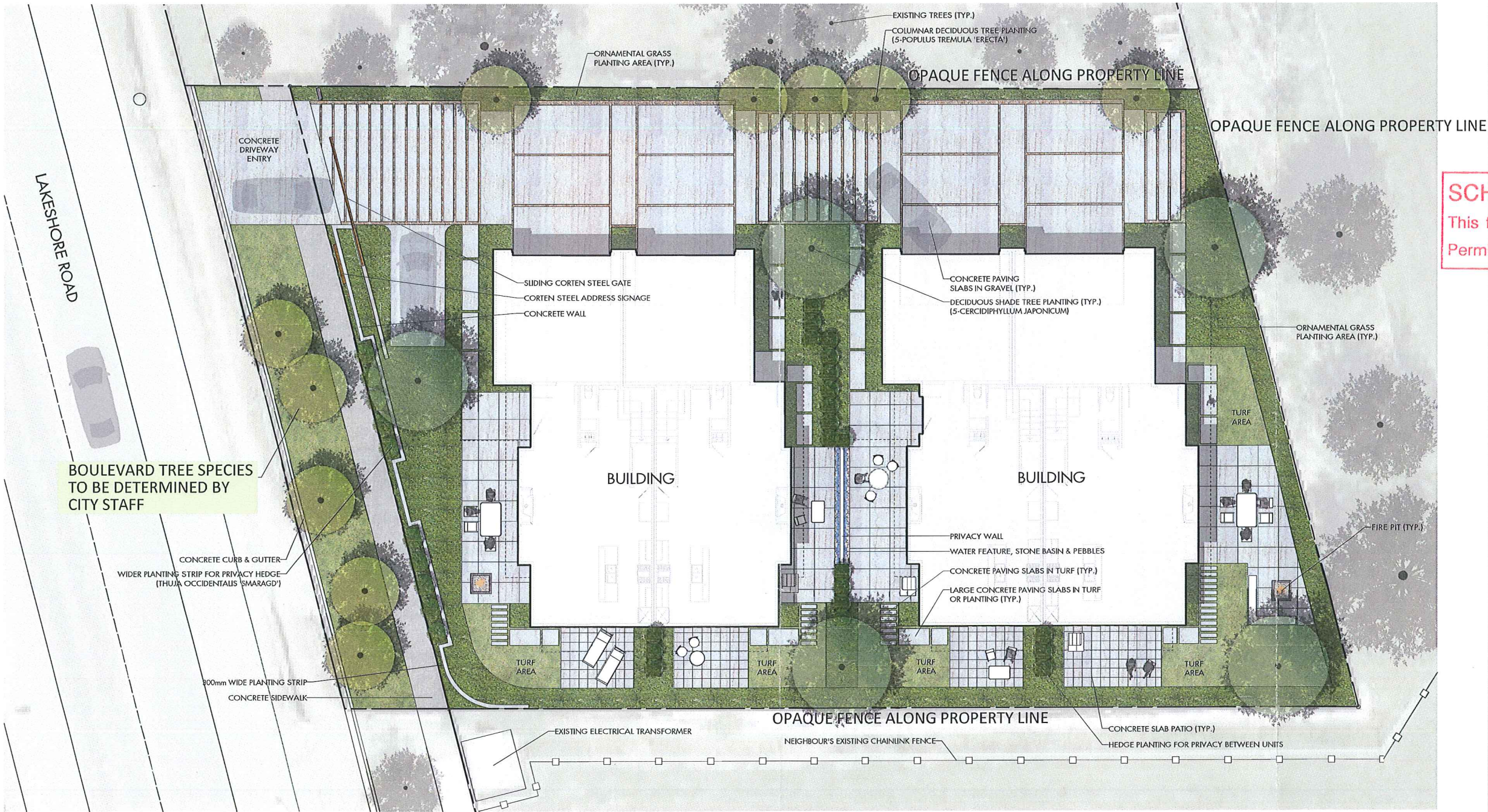
SEAL



DRAWING NUMBER

L1/1

ISSUED FOR REVIEW ONLY
Copyright Reserved. This drawing is the property of Outland Design
Landscape Architecture Limited and shall not be reproduced,
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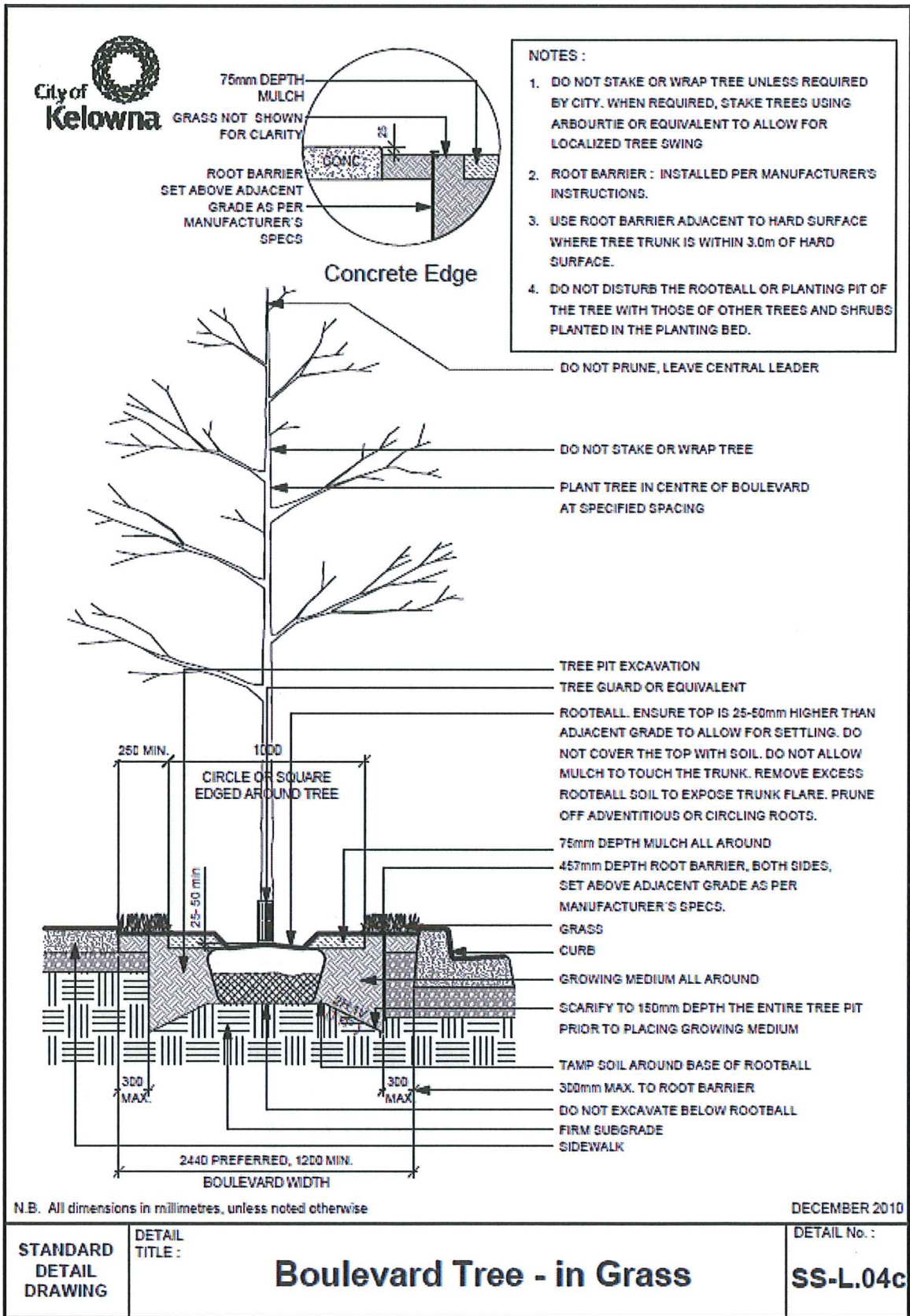


PLANT LIST

BOTANICAL NAME	COMMON NAME	QTY	SIZE / SPACING & REMARKS
TREES			
CERCIDIPHYLLUM JAPONICUM	KATSURA TREE	5	6cm CAL.
POPULUS TREMULA 'ERECTA'	SWEDISH ASPEN	10	6cm CAL.
THUJA OCCIDENTALIS 'SMARAGD'	EMERALD GREEN CEDAR	31	#05 CONT. / 1.2M O.C. SPACING
SHRUBS, PERENNIALS & GRASSES			
DESCHAMPSIA CESPITOSA 'GOLDTAP'	GOLD DEW TUFTED HAIR GRASS	90	#01 CONT. / 0.75M O.C. SPACING
MISCANTHUS SINENSIS GRACILIMUS	MAIDEN GRASS	35	#01 CONT. / 1.2M O.C. SPACING
MOLINIA ARUNDINACEA	TALL MOOR GRASS	35	#01 CONT. / 1.2M O.C. SPACING
PANICUM VIRGATUM 'ROSTRALBUSCH'	RED SWITCH GRASS	50	#01 CONT. / 1.0M O.C. SPACING
PENNISETUM ALOPECUROIDES 'RED HEAD'	RED HEAD FOUNTAIN GRASS	50	#01 CONT. / 1.0M O.C. SPACING
YUCCA FILAMENTOSA 'GOLD SWORD'	GOLD SWORD YUCCA	22	#01 CONT. / 0.6M O.C. SPACING

NOTES

1. PLANT MATERIAL AND CONSTRUCTION METHODS SHALL MEET OR EXCEED B.C.L.N.A. STANDARDS.
2. ALL SOFT LANDSCAPE AREAS SHALL BE WATERED BY A FULLY AUTOMATIC TIMED UNDERGROUND IRRIGATION SYSTEM.
3. TREE AND SHRUB BEDS TO BE DRESSED IN A MINIMUM 50mm WOOD MULCH. DO NOT PLACE WEED MAT UNDERNEATH TREE AND SHRUB BEDS.
4. TREE AND SHRUB BEDS TO RECEIVE A MINIMUM 300mm DEPTH TOPSOIL PLACEMENT.
5. TURF AREAS FROM SOD SHALL BE NO. 1 GRADE GROWN FROM CERTIFIED SEED OF IMPROVED CULTIVARS REGISTERED FOR SALE IN B.C. AND SHALL BE TOLERANT OF DROUGHT CONDITIONS. A MINIMUM OF 100mm DEPTH OF GROWING MEDIUM IS REQUIRED BENEATH TURF AREAS. TURF AREAS SHALL MEET EXISTING GRADES AND HARD SURFACES FLUSH.



N.B. All dimensions in millimetres, unless noted otherwise

DECEMBER 2010

STANDARD
DETAIL
DRAWING

DETAIL
TITLE :
Boulevard Tree - in Grass

DETAIL No. :
SS-L.04c



OUTLAND DESIGN
LANDSCAPE ARCHITECTURE

SCHEDULE C

This forms part of development

Permit # DP 15.0137
DVP 15.0138

March 26, 2015

4077 Lakeshore Road
C/o Worman Homes
Suite 202, 474 West Avenue
Kelowna, BC V1Y 4Z2
Attn: Shane Worman

Re: Proposed 4077 Lakeshore Road Development – Preliminary Cost Estimate for Bonding

Dear Shane:

Please be advised of the following preliminary cost estimate for bonding of the proposed landscape works shown in the 4077 Lakeshore Road conceptual landscape plan dated 15.03.26;

- 445 square metres (4,790 square feet) of improvements = \$28,961.00

This preliminary cost estimate is inclusive of trees, shrubs, turf, mulch, topsoil & irrigation.

You will be required to submit a performance bond to the City of Kelowna in the amount of 125% of the preliminary cost estimate. Please do not hesitate to contact me with any questions about the landscape plan.

Best regards,

Fiona Barton, MBCSLA, CSLA
as per
Outland Design Landscape Architecture

206-1889 Spall Road, Kelowna, BC, V1Y 4R2 P 250.868.9270
outlanddesign.ca

Estimate of Probable Construction Costs

prepared for
Shane Worman

4077 Lakeshore Road
Conceptual Landscape Plan Dated March 26, 2015

prepared on: 15.03.26

prepared by: KG

Hydroseed Area	0	m ²
Turf Area	150	m ²
Planting Area	282	m ²

Item #	Description	Qty	Unit	Cost	Item Total	Subtotal
A	Topsoil & Mulch					
1.	Topsoil, turf areas (0.10m depth)	15	m3	\$65.00	\$975.00	
2.	Topsoil, planting areas (0.3m depth)	85	m3	\$65.00	\$5,499.00	
3.	Wood Mulch, planting areas (0.05m depth)	14	m3	\$75.00	\$1,050.00	
						\$7,524.00
B	Planting					
1.	Trees, 6cm Cal.	15	ea.	\$400.00	\$6,000.00	
2.	Cedar Hedge, #05 Cont.	31	ea.	\$35.00	\$1,085.00	
3.	Shrubs, Grasses, Perennials, #01 Cont.	282	ea.	\$16.00	\$4,512.00	
4.	Hydroseeding	0	m ²	\$1.00	\$0.00	
						\$11,597.00
C	Turf					
1.	Turf from Sod	150	m ²	\$8.00	\$1,200.00	
						\$1,200.00
D	Irrigation					
1.	Irrigation System, turf areas	150	m ²	\$20.00	\$3,000.00	
2.	Irrigation System, planting areas	282	m ²	\$20.00	\$5,640.00	
						\$8,640.00
E	Total Construction Costs					\$28,961.00

The above items, amounts, quantities, and related information are based on Outland Design's judgment at this level of document preparation and is offered only as reference data. Outland Design has no control over construction quantities, costs and related factors affecting costs, and advises the client that significant variation may occur between this estimate of probable construction costs and actual construction prices.

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Permit No.: DP15-0137 & DVP15-0138

EXISTING ZONING DESIGNATION:	RM3 – Low Density Multiple Housing
WITHIN DEVELOPMENT PERMIT AREA:	Lakeshore Road Comprehensive Development Permit Area

ISSUED TO:	Greencorp Ventures Inc., No. BC0987730
LOCATION OF SUBJECT SITE:	4077 Lakeshore Road

	LOT	SECTION	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION	B	6	26	ODYD	10613

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.
- ☐ Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

- A) THAT the dimensions and siting of the buildings and driveway to be constructed on the land be in general accordance with Schedule "A";
- B) AND THAT the exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
- C) AND THAT landscaping to be provided on the land be in accordance with Schedule "C";
- D) AND THAT the applicant be required to pose with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;
- E) AND THAT variances to the following sections of Zoning Bylaw No 8000 be granted:

Section 6.4.1: General Development Regulations – Projections Into Yards

To vary the required maximum projection into a yard from 0.6 m required to 1.2 m proposed and the required maximum length of a projection from 3.0 m required to 13.1 m proposed.

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

To vary the required minimum rear yard from 7.5 m required to 4.0 m proposed.

F) AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Manager 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 which shall form a part hereof.

If the Permittee 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 transferable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

3. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee 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 Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ N/A.
- (b) A Certified Cheque in the amount of N/A
- (c) An Irrevocable Letter of Credit in the amount of \$ 36,200.00

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

4. APPLICANT'S AGREEMENT:

I hereby declare that all 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 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 Director of Community Planning.

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:

DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT ISSUED AND APPROVED BY COUNCIL ON THE _____ DAY OF _____, 2015.

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

Date

REPORT TO COUNCIL



Date: November 17, 2015

RIM No. 0940-50

To: City Manager

From: Community Planning Department (LB)

Application: DVP15-0217 **Owner:** Michael David Young and
Suzan Elizabeth Wood-Young

Address: 799 McClure Road **Applicant:** Michael Young and Suzan
Wood-Young

Subject: Development Variance Permit Application

Existing OCP Designation: S2RES - Single / Two Unit Residential

Existing Zone: RU1 - Large Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0217 for Lot 5, District Lot 357, ODYD, Plan 17105, located at 799 McClure Road, Kelowna, BC;

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

Section 13.1.6(e): RU1 - Large Lot Housing Development Regulations

To vary the required minimum rear yard from 7.5 m permitted to 4.8 m proposed.

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

2.0 Purpose

To vary the minimum rear yard on the subject property to facilitate a two lot subdivision.

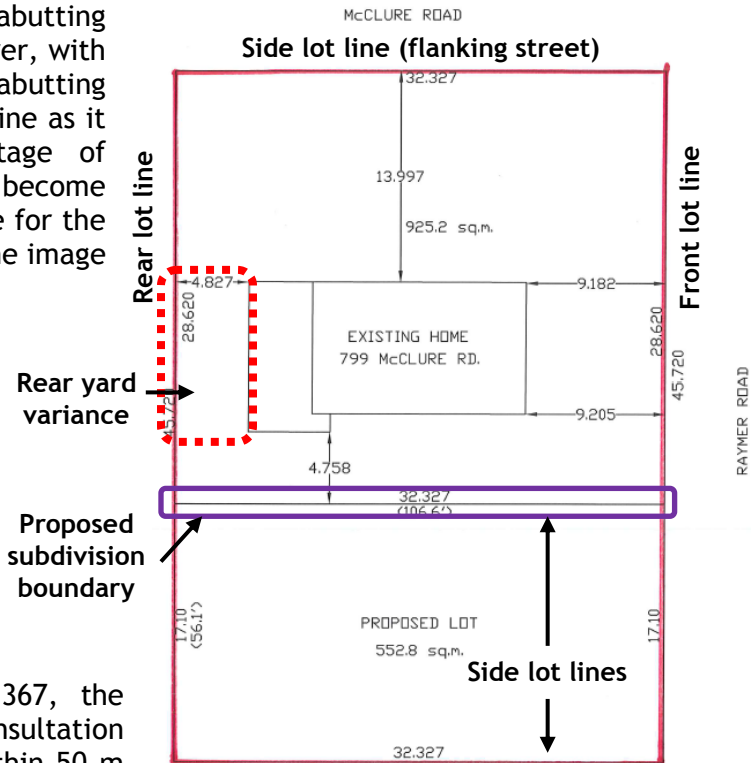
3.0 Community Planning

Community Planning Staff supports the requested variance to reduce the minimum rear yard from 7.5 m permitted to 4.8 m proposed. The variance will facilitate a two lot subdivision where the south portion of the existing property will be subdivided to create a new residential lot under the RU1 zone. The existing house on the north portion of the property is to be retained.

With the current property, the lot line abutting McClure Road is the front lot line; however, with the proposed subdivision, the lot line abutting Raymer Road will become the front lot line as it will have the narrower street frontage of 28.6 m. Therefore, the west lot line will become the rear lot line and a rear yard variance for the existing house is required, as shown in the image to the right.

Functionally, the west portion of the property will continue to act as a side yard adjacent to the driveway on 789 McClure Road. The south portion of the property will continue to act as a rear yard even though it will, by definition, be a side yard. The south side yard setback is 4.8 m and provides a reasonable amount of yard space and buffer to the proposed lot to the south.

In fulfillment of Council Policy No. 367, the applicant completed neighbourhood consultation by individually contacting properties within 50 m of the subject property. No concerns were raised during this consultation. At the time of writing, Staff has not been contacted with any questions or concerns.



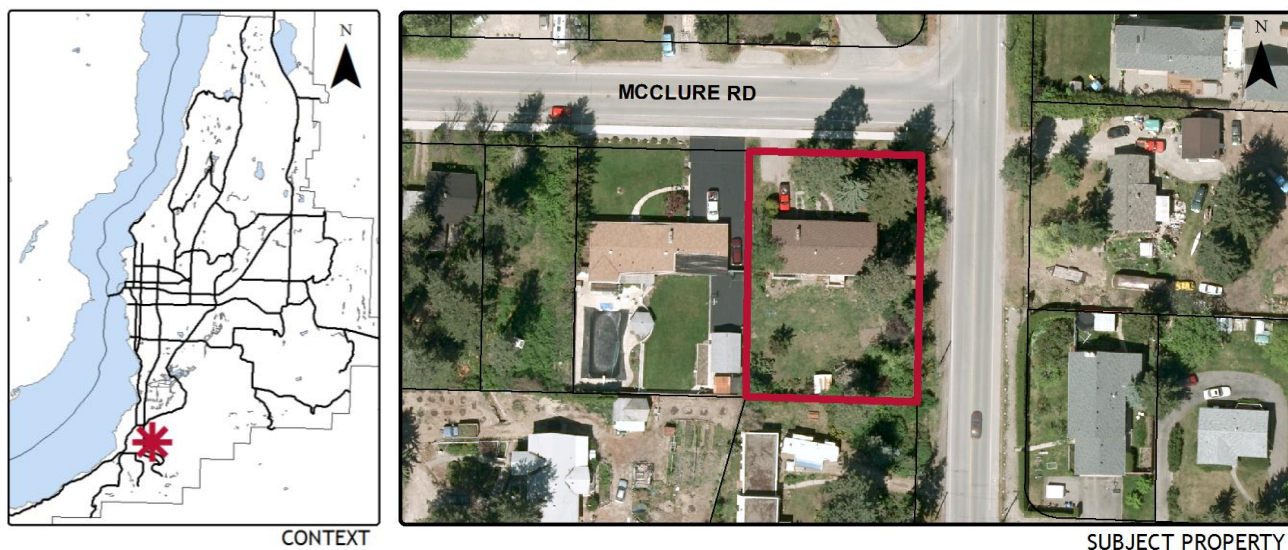
4.0 Proposal

4.1 Site Context

The subject property is located at the southwest corner of the intersection of McClure Road and Raymer Road in the City's North Mission - Crawford Sector. It is within the Permanent Growth Boundary and the Official Community Plan Future Land Use designation is S2RES - Single / Two Unit Residential. The surrounding area is characterized by single dwelling residential development.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Single dwelling housing
East	RU1 - Large Lot Housing	Single dwelling housing
South	RU1 - Large Lot Housing	Single dwelling housing
West	RU1 - Large Lot Housing	Single dwelling housing

Subject Property Map: 799 McClure Road**4.2 Zoning Analysis Table**

Zoning Analysis Table			
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSED NORTH LOT	PROPOSED SOUTH LOT
Subdivision Regulations			
Minimum Lot Area	550 m ²	925.2 m ²	552.8 m ²
Minimum Lot Width	17.0 m	28.6 m	17.1 m
Minimum Lot Depth	30.0 m	32.3 m	32.3 m
Development Regulations			
Maximum Site Coverage (buildings)	40%	Meets requirements	n/a
Maximum Site Coverage (buildings, driveways and parking)	50%	Meets requirements	n/a
Minimum Front Yard	4.5 m or 6.0 m to garage or carport	9.2 m	n/a
Minimum Side Yard (north)	4.5 m	14.0 m	n/a
Minimum Side Yard (south)	2.0 m	4.8 m	n/a
Minimum Rear Yard	7.5 m	4.8 m ①	n/a

① Indicates a requested variance to reduce the minimum rear yard from 7.5 m required to 4.8 m proposed.

5.0 Technical Comments**5.1 Building & Permitting Department**

- No comments.

5.2 Development Engineering Department

- See attached memorandum, dated September 30, 2015.

6.0 Application Chronology

Date of Application Received: September 11, 2015
Date Public Consultation Completed: October 7, 2015

Report prepared by:

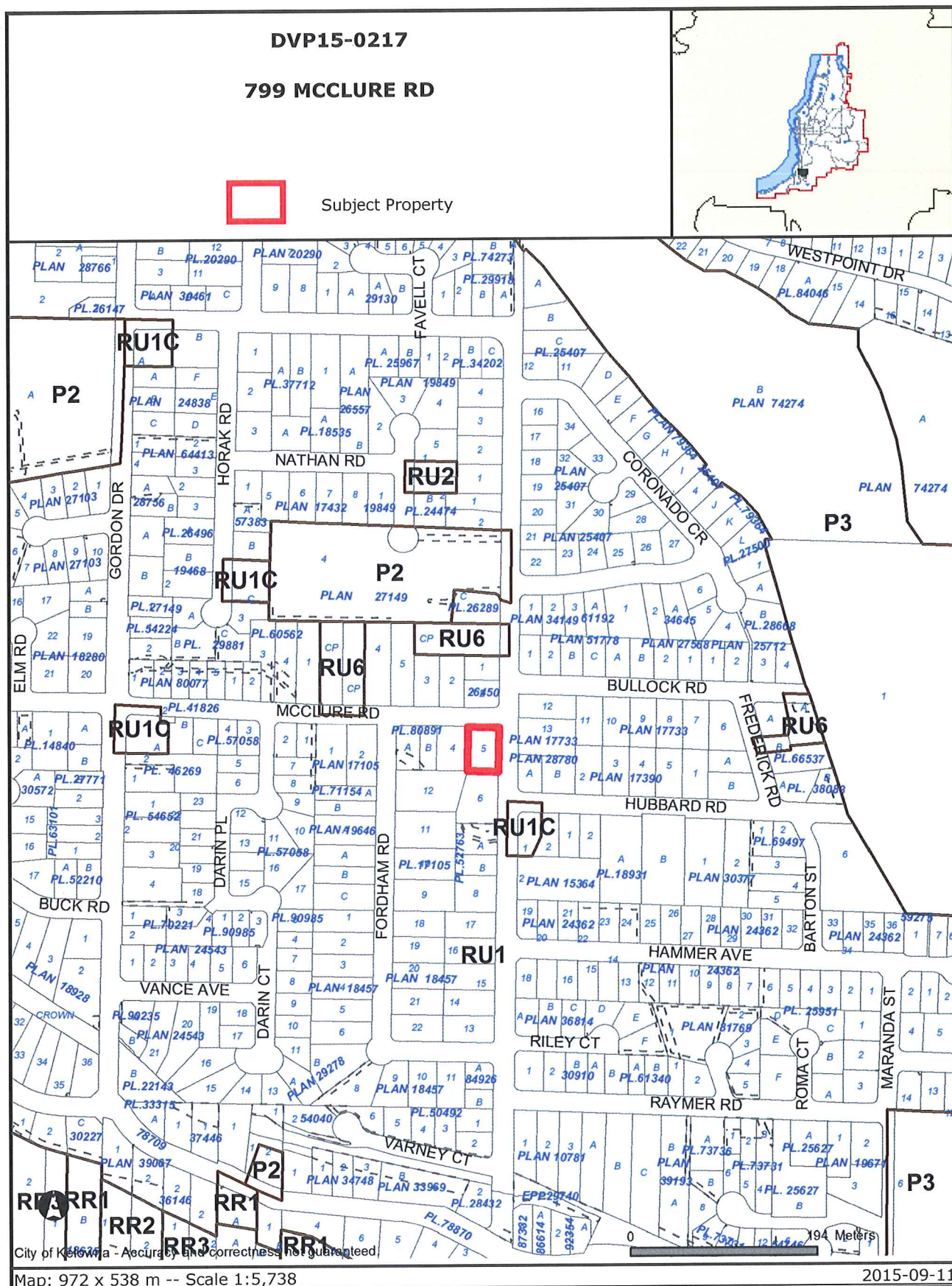
Laura Bentley, Planner

Reviewed by: ☐ Terry Barton, Urban Planning Manager

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

Attachments:

Subject Property Map
City of Kelowna Memorandum
Draft Development Variance Permit No. DVP15-0217
Schedule "A"



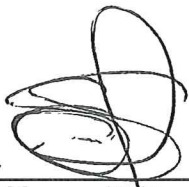
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

CITY OF KELOWNA
MEMORANDUM

Date: September 30, 2015
File No.: DVP15-0217
To: Community Planning (LB)
From: Development Engineering Manager (SM)
Subject: 799 McClure Road

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

This development variance permit application to vary the rear yard setback from 7.5 to 4.75m does not compromise any municipal services.

FOR 

Steve Muenz, P. Eng.
Development Engineering Manager

SS

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP15-0217

EXISTING ZONING DESIGNATION:	RU1 - Large Lot Housing
DEVELOPMENT VARIANCE PERMIT:	To vary the minimum rear yard from 7.5 m permitted to 4.8 m proposed.

ISSUED TO:	Michael Young and Suzan Wood-Young
LOCATION OF SUBJECT SITE:	799 McClure Road

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	5	-	357	-	ODYD	17105

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.
- ☐ Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

THAT a variance to the following section of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A":

Section 13.1.6(e): RU1 - Large Lot Housing Development Regulations

To vary the required minimum rear yard from 7.5 m permitted to 4.8 m proposed.

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

2. PERFORMANCE SECURITY:

None required.

3. DEVELOPMENT:

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

If the Permittee does not register the subdivision Permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

This Permit is not transferable unless specifically permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

4. APPLICANT'S AGREEMENT:

I hereby declare that all 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 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 & Real Estate 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.

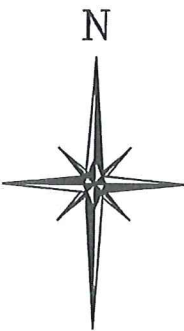
5. APPROVALS:

DEVELOPMENT VARIANCE PERMIT APPROVED AND ISSUED BY COUNCIL ON THE ____ DAY OF _____ 2015.

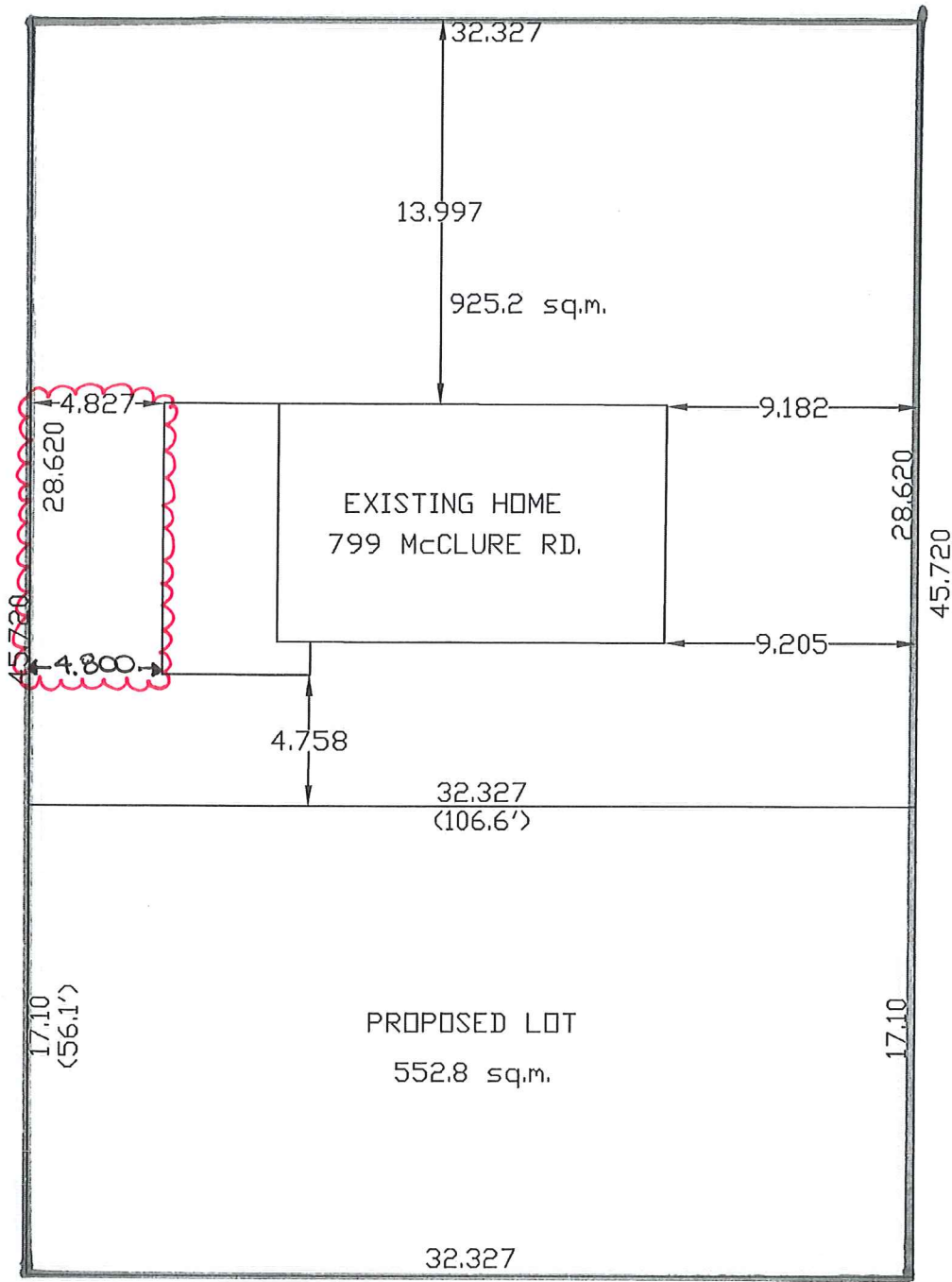
Ryan Smith, Community Planning Department Manager
Community Planning & Real Estate

Date

SCHEDULE A
 This forms part of development
 Permit # DVPIS-0217



McCLURE ROAD



RAYMER ROAD

1:250