# City of Kelowna Regular Council Meeting AGENDA



**Pages** 

Tuesday, February 7, 2017 6:00 pm Council Chamber City Hall, 1435 Water Street

			i ages
1.	Call to	Order	
2.	Reaffirmation of Oath of Office		
	The Oa	ath of Office will be read by Councillor Donn.	
3.	Confir	mation of Minutes	1 - 19
		Hearing - January 24, 2017. r Meeting - January 24, 2017.	
4.	Bylaws	Considered at Public Hearing	
	4.1	BL11333 (TA16-0005) - Secondary Suites Amendment	20 - 20
		To give Bylaw No. 11333 second and third readings in order to restrict carriage houses on lots less than 1.0 hectare that rely on on-site sewage disposal and a housekeeping amendment to the definition of the term Secondary Suite.	
	4.2	1940 KLO Road, BL11339 (Z16-0055) - Mission Creek Mews Ltd	21 - 21
		To give Bylaw No. 11339 second and third readings in order to rezone the subject property from A1 - Agriculture 1 zone to RU5 - Bareland Strata Housing zone.	
	4.3	5425 Upper Mission Dr, BL11344 (OCP16-0012) - Kestrel Holdings Ltd	22 - 24
		Requires a majority of all members of Council (5)  To give Bylaw No. 11344 second and third readings in order to change the future designation of the subject property to facilitate a single and two unit residential subdivision with park space.	
	4-4	5425 Upper Mission Dr, BL11345 (Z16-0014) - Kestrel Holdings Ltd	25 - 26

To give Bylaw No. 11345 second and third readings in order to rezone the subject property to facilitate a single and two unit residential subdivision with park space.

6.5 430 Pine Rd, DVP16-0306 - Callie Pasitney

67 - 74

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 rear yard setback from 7.5m required to 6.77m proposed.

#### 7. Reminders

5.

6.

#### 8. Termination



# City of Kelowna Public Hearing

Minutes

Date: Location: Tuesday, January 24, 2017

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; Urban Planning Manager, Terry Barton; Community Planning Department Manager, Ryan Smith; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Real Estate Director, Derek Edstrom; Property Management Manager, Mike Olson; Planner, Adam Cseke; Deputy City Clerk, Karen Needham; and Legislative Coordinator (Confidential), Arlene McClelland

(\* Denotes partial attendance)

#### 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 January 10, 2017 and by being placed in the Kelowna Daily Courier issues on Friday January 13 and Wednesday January 18, 2017 and by sending out or otherwise mailing 354 statutory notices to the owners and occupiers of surrounding on January 11, 2017.

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 2273-2275 Aberdeen St, BL11332 (Z16-0056) - Robert Anderson and Alexander Kramar

Staff:

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

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

Letters in Favour or Support:

Tim and Mandy deGroot, Aberdeen St.

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

Robert Anderson & Alex Kramer, Aberdeen Street, Applicants

- Purchased the property 2.5 years ago and the suite came with it.

- Advised there have been no complaints from neighbours regarding the suite or parking.

- The suite is very small and suitable only for a single tenant and is within walking distance to several amenities.
- This application is order to comply with city regulations.

No one from the gallery came forward.

There were no further comments.

3.2 Text Amendments, BL11333 (TA16-0005) - Carriage House Regulations & Secondary Suite Definition

Moved By Councillor Donn/Seconded By Councillor Hødge

Ro71/17/01/24 THAT Council defer Text Amendment No. TA16-0005 (BL11333) to the next Public Hearing, Tuesday, February 7, 2017 starting at 6:00 p.m. in Council Chambers.

Carried

Mayor Basran advised that Item 3.4 would be heard before Item 3.3.

3.4 1330 St. Paul St, BL11338, (Z16-0067) - Burro Developments Ltd

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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

**Letters of Opposition or Concern:** 

Matt Cameron – CTQ Holdings Ltd., Kelowna Tina Wall-Friesen, Ellis Street John Dickson, Ellis Street

**Letters of Comment:** 

John Reidt, Ellis Street

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

Hans Neumann, Highland Drive N, Applicant

- Displayed a PowerPoint Presentation.

- Advised that the goal is to be consistent with the surrounding zoning and existing neighbourhood.

- The owners do not want any industrial use for this zone.

- The design is in flux and looking at addressing variances.

#### Gallery:

#### Megan O'Neill 1331 Ellis Street (1331)

- Lives directly opposite of this proposal.

- Raised concerns with laneway safety with both use and access.

- Believes the laneway needs to be replaced.

- Raised concern with current traffic as well as increased traffic this development would create.

- Preference would be for the building to not be constructed.

#### Ed Grifone, St. Paul Street

Owner of nearby building.

- Raised concerns with the south orientation of the building negatively impacting their proposed 19 storey building and referenced lack of light and the decks in the building design that would face their building.

- Raised concern with the variances, in particular the parking reduction.

- Confirmed the zoning was alright but concerns are with respect to the Development Permit issues.

- Responded to questions from Council.

There were no further comments.

#### 3.3 238 Queensway, BL11335 (OCP16-0026) & BL11336 (Z16-0074)- City of Kelowna

Councillor DeHart declared a conflict of interest due to her employment in the hotel industry, the fact that her employer collects the MRDT tax, and that a colleague is a member of the Tourism Kelowna Board and departed the meeting at 6:29 p.m.

#### Staff:

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

The City Clerk advised that the following correspondence or petitions had been received and placed the list of names on ELMO. 91 support 202 opposed and 1 letter of comment.

#### **Letters of Opposition or Concern:**

Dee Capozzi, Cadder Avenue

Clark Berry, Bernard Avenue (2)

David Scott, Yates Road
Kelowna South Central Association of Neighbourhoods, Bernard Avenue

Pat Munro – KSAN Chairperson, Bernard Avenue Tony and Harmina Jansen, Quail Ridge Boulevard

Don Henderson, Cameron Avenue

Brent Warne, Athalmer Road

Andrew Giffin, Long Ridge Drive

Landon Bradshaw, Lawrence Avenue

Anthony Krakau, Morrison Avenue Brian Harris, Glenview Avenue

K. Trevor and Gail Wright, Bray Street

Kevin McDowell, Spruceglen Drive

Bill Edgington, Lexington Drive

Craig Sanford, Magic Drive

Bill Hedberg, Monashee Place George Sherwood, Durnin Road

Vincent and Marie-Jeanne Fenton, Sexsmith Road

Edward Davidson, Lillooet Crescent

James Anderson, Gillard Drive

Jim Henderson, Denali Court

Ken and Grace Stickland, Poplar Point Drive Greg Carter, Turner Road Bob Dow, Lawrence Avenue Ryan Roussel, Turner Road Neal and Avona Christiansen, Mappin Court Pat Munro, Cadder Avenue Joy Hlady, Glengarry Street Al Harrison, Stillingfleet Road Allan and Diane Dalsvaag, Windermere Road Dave Russelle, Gallaghers Circle Al Stewart, Old Okanagan Hwy, West Kelowna Marie and Barrie Black, Valley Road S. Ken Reid, Old Meadows Road Robert Williams, Kelview Street Marijke Henkemans, Gordon Drive David Scott, Yates Road Beatrice Monk, Durnin Road Josine and Hans Kruiswyk, Lambert Avenue Marsha and Conard Hales, Sheerwater Court Glen Wood, Split Rail Place R.W. Jefferies, Gordon Drive K. Numminen, Knightsbridge Way Roxann Bocking and Marlene Salyzyn, Raymer Avenue Dick Duggan, Gallaghers Parkway Tony and Gerdie Badior, Yates Road Mike and Marg Frisque, Pearson Road Hilary Maranda, Oxford Avenue George and Kath Ferguson, Kelglen Crescent Dana Howe, Glenmore Drive Sue Cosquer, Lanfranco Road Laurie Sweet, Gallagher's Forest South Emma Dalsvaag, Patterson Avenue Ian Crichton, Park Avenue Walley Lightbody, Abbott Street Fred Busby, Yates Road Joyce and Sarah Mainland, Bertram Street Dave Elliot, Lambert Lane Buzz W Howie, Walker Road Bill and Doreen DiPasquale, Mountain Avenue Annette Howie, Walker Road Myrna and Bill Nimmo, Rio Drive South Carol Stein, Bird Place Rob St. Onge, Creekside Road Bill and Cindy Thompson, Casa Rio Drive Helen Brown, Hughes Road Susan J. McAllister, Burnell Court Wayne Matthewson, Monashee Place Stephanie Barnes, Fairway Crescent Ken Cappos, Casorso Road Wayne Matthewson, Monashee Place Rose Lynch, Leon Avenue M. Enns, Leon Avenue Dixie Holmes, Eagle Drive Debby Helf, Marshall Street Larry McMillian, Valley Road Karen Hodges, Camelia Road Jason and Lorna Martin, Riley Court Denise Scott, Celano Crescent

Avona Christiansen, Mappin Court Zeeda Moilin, Valley Road Barbara Coughlin, Kent Road Marilea Sharpe, Speer Street Chris Jennens, Pinecrest Lane Cathy Jennens, Pinecrest Lane Shannon Frank, Enterprise Way D. Wishlow, Enterprise Way Gail Osborn, Raymer Ave D. Osborn, Raymer Ave Dennis Matthews, Shaunna Road C. Stack, Kensington Drive Anne Matthews, Shaunna Road Robert Stack, Kensington Drive G. Barr, Kelglen Crescent Carole Barr, Kelglen Crescent Isabel Glover, Gordon Drive C. Nelson, Yates Road R.V. Carlson, Yates Road E. Peddle, Enterprise Way Jim White, Burtch Road B. Alaric, Enterprise Way R. Northrup, Enterprise Way Denis Leblanc, Enterprise Way Ralph Northrup, Enterprise Way Murray Alaric, Enterprise Way C.T. Polley, Yates Road K. Polley, Yates Road Kristal Polley, Yates Road David Laing, Enterprise Way Glenda Wielgosz, Enterprise Way Susan Marshall, Enterprise Way M. Hanson, Lodge Road Marilea Sharpe, Speer Street Len W Jordan, Lillooet Crescent Siebe Kamstra, Scott Crescent, West Kelowna Susan Robert, Abbott Street Suzanne Warner, Burtch Road John Wowk, Glenwood Avenue Lindsay Perry, Wardlaw Avenue Don Myles, East Kent Avenue, Vancouver Lisa Murray, Cavell Place Shirley Clarke, McDougall Street James McMullan, Ellis Street (4) Pamela Ward, Clifton Road North Wally and Flo Rowney, Hayahsi Road Richard C. Farvolden, Lawrence Avenue Sherry Cote, Ryder Drive Pat Munro, Bernard Avenue J.E Hanayan, Guisahan Road Rod Kyle, Stewart Road, West Kelowna Brenda and Bruce Gillon, Glenmeadows Road Karen Krout, Burtch Road Michael W. Trethewey, Manhattan Drive Colin Clark, McDonald Road Joan Mathers, Ruston Road Ted and Marian Grimwood, Deoksen Road Linda Clark, Bankhead Crescent

Mike and Holly Bate, Abbott Street (count....138)

Ray and Pat Putman, Truswell Road

Hilary Maranda, Oxford Avenue

Neil McKay, Cobble Crescent

Alexander M. Campbell and J. Fleur Campbell, Cadder Avenue

Kim Dodds, Liban Court

Barbara Farvolden, Lawrence Ave

Mike and Judy Whitaker, Sallows Road

Shannon Croft, Whitman Road

Adrian and Edna Reynaud, Peridot Crt.

Michael, Michele, Trevor and Alicia Neill, Mosaic Books, Bernard Ave

Ian Macpherson and Anne Ing, Sherwood Road

Peter H. Wilson, Wintergreen Drive

Tom Read, McBride Road

Brian Kuroad, Bernard Avenue

Lenore Rush, Stillingfleet Rd.

Brenda Gloster, Coronado Crescent

Judi Robson, O'Reilly Road

Jean Githens, Pineridge Place, West Kelowna

A.Janusas, Abbott Street

Peter Harshenin, Houghton Road

Peggy Williams, Mary Court

Robin and Kathy MacMillian, Barrera Road

N. Murray, 1410 Lombardy Square

Jean and Jack Dangerfield, Rimrock Road

Richard Drinnan, Greene Road

Josie Barr and Marcel Levesque, Kaslo Court

Chris Sonntag, Skeena Court

Sandy MacKay, Francis Avenue

Robert Cichocki, Kelglen Crescent

Marilynne Elliott, Raymer Road

Marguerite Berry - KSAN, Kelowna

Anne Laurie, Abbott St.

Neil Mallach, Stafford Road

Dawn Meier, Mitchell Road

R. Kim Meier, Mitchell Road

Milton and Marianne Robinson, Lakeshore Road

Jesse Fleming, Dehart Road

Janet Smith, Truswell Road

Joy Lambrick, Gordon Dr.

Michael Griffin, Abbott Street

Gwen Steele, Lambert Avenue

Peter and Suzanne Woodward, Eldorado Rd.

Randy Brown, Shadow Creeek Drive

Heather Hollingworth, St. Paul Street

Gwen Steele, Lambert Avenue

Bob and Rachel Whitehead, Abbott Street

Marguerite Berry – KSAN, Kelowna (2)

Joyce Mainland, Bertram Street (Petition with 78 signatures)

Ann Day, Gordon Dr.

Cheryl Spelliscy, Sutherland Avenue

Meredith Hahn, Bernard Avenue

Norm and Lucille Mawhinney, Pine Valley Drive

Jennifer Thompson, Gibson Road

Val Attridge, Rosewood St. Burnaby

Kenneth P. Cappos, Casorso Road

Margaret-Ann Gfeller Walker Road

Bruce Wilson, Crestview Road

Judy Stringer, Bernard Ave Lawrence Sianchuk, Denali Ct. Lori and Cal Filliol, Gallagher Court Maxine and Richard Gunoff, Glenmeadows Road Neil McBurnie, Bertram Street Gerald R. Gobolos, Mitchell Road Joseph Caruso, Rose Avenue Michael And Cathy Dillon, Cook Road

#### **Letters of Comment:**

Alli McNeill – McNeill Communications

Letters in Favour or Support:

Dustyn Baulkham, Glenwood Avenue Sonia Withers, Rutland Road South Karen Christiansen, Dickson Avenue Nikki Csek, Pandosy Street Ruth Olsen, Selkirk Drive Terry and Ruth Lamb, Carruthers Street Mercedes Wright, McClain Road Laura Gibbs, Farmers Drive Sean Blake, Martin Avenue Jeff Gibbs, Farmers Drive Stuart Klassen, Morrison Road

Sean Coward - The Kelowna Motel Association, Cook Road

Andrea McFadden, Takla Road

Warren & Mavis Horsnell, Casorso Road

Neil Schmidt – Tower Ranch Golf Club, Kelowna

Tony Stewart - Quails' Gate, West Kelowna

Angela McManus, Leguime Road

Wayne Wilson, Bernard Avenue

Jace ma, McKenzie Road

Danny Coyne - Budget Car and Truck Rentals, Kelowna

Greg Smart, Lanfranco Road

Suzanne Nazareno - UBC Conference and Guest Accommodation, Kelowna

Kathrin and Rolf von Andrian – Myra Canyon Adventure Park, 4675 June Springs Road

Kelly Watt - Sandman Hotel Group, Kelowna

Brent Lobson - Impark, Richter Street

Amy Nunn - Prestige Hotels and Resorts, Abbott Street

David Stephen, Cavell Place

R. Michael Wynne - Mission Villas Retirement Community, Gordon Drive

Ross and Alana Marrington – BCGolfguide.com Inc. – Woodridge Road

Phyllis Legault, Casorso Road Ken Boyd, Old Meadows Road

Maaike Ammerlaan, Teresa Road, Lake Country

Amber Hall – WildPlay Element Park, Highway 33

Douglas Goubault – JV Driver Investments, 82 Avenue, Leduc, Alberta

Susanne Netz SuNN Projects, Dilworth Drive

Chris Gibson, Sunset Drive

Jason Hallisey, Glengarry Street

Jordan Coble, Okanagan Hwy

Lynn Powell, Ufton Court

James and Bianca Shaw, Twin Creek Place

Roger Sellick, Mount Royal Drive

Donna Faigaux, Powell Road

Greg Salloum, Capozzi Road

Janet Heavyside, Postill Lake Road

Kevin Bennett – ZipZone Adventures Ltd., Brenda Mines Road, Peachland

Penny Bugera, Ackerman Road, Oyama Raghwa Gopal, Arbor View Drive Bill Keller, Whitman Road Cam McAlpine, Chute Lake Road Chris Pinkerton, Terrace Drive Gord Hotchkiss, Walker Drive Dr. Kyleen Myrah, High Road Tracey Fredrickson, Thayer Court Leanne Calderwood, Hyak Road Deena Lewis, Schaad Road Leona Smith, Cook Road Wilbur Turner, Mission Springs Drive Liz Klingbell, McCurdy Road East Lee Ranger, Quartz Cres. Jonathan Kadin, Lequime Road Laura MacLeod, Skeena Drive Linda Theberge, Long Ridge Drive Christa Park – The Royal Anne Hotel, Bernard Avenue Andy Stefansson - Pacific Restaurant Supply and Design House, Kelowna Christina Ferreira – Impact Events and Project Management Inc. Kelowna Randy Schueler - Schueler Group Benefits, St. Paul Street Patricia Leslie – Sandhill Winery, Richter Street Robin Durrant – Capri Insurance, Kelowna Michael Saufferer - Kelowna Inn & Suites, Kelowna Crystal Davidson, Walnut Street Rich Turley, Applebrooke Crescent Chris Bingham, Drummond Court Daniel Tassoni, Lakeshore Road Angela Nagy, GreenStep Solutions, Kelowna C. Morley Olsen, Selkirk Drive Bryan Pilbeam - Thompson Okanagan Tourism Association, Kelowna Dixie Styner, Stockwell Avenue (count....79), re: Rezoning for a New Vi Bill Barnes, Blackwood Drive, West Kelowna Tom Dyas - Kelowna Chamber of Commerce (Media Release) John Jacoby, Crosby Road Mark Filatow - Waterfront Wines, Kelowna Christopher Greenway, Lequime Rd. David and Sharon McGowan, St Paul St. Clarissa Pruden, Lake City Casino, Water Street Sarah Wallace, Celano Crescent Matt McSweeney, St. Paul Street Kristi and James Caldwell – Caldwell Heritage Farm, Kelowna Jenny McAlpine – Jenny McApline Weddings, Kelowna Penny Venables, Lanfranco Road Erin Sivucha, Glenburn Street Matt Crowell, Cawston Avenue

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

#### Nancy Cameron, Tourism Kelowna, Applicant

- Displayed a PowerPoint Presentation, re: Rezoning for a New Visitor Centre

- Construction costs will be 2.8 million paid for by Tourism Kelowna with combination of borrowing and fundraising.
- Environmental and Geotech costs paid for by Tourism Kelowna.

Spoke to the Economic Role of Visitor Centres.

- Advised that in 2016, residents compiled 23% of the users of the Visitor Centre.

- Spoke to the reasons for relocating and noted highway centres across North America, including Kelowna, are experiencing rapid declines and represents a lost economic opportunity for Kelowna.
- Walk-ins to Centres in primary tourist districts are growing.

Provided benefits of this location:

o Centre will create a lake side promenade where people can walk continuously along the lake.

o Sitting area surrounding the building will encourage people to gather.

- o Centre will be open year-round and for long hours, including evenings, Spring through Fall.
- Area will always be activated and more safe which is particularly valuable in the non-peak months.
- The Centre will have clean public washrooms paid for and maintained by Tourism Kelowna.
- Will be available for community members and organizations to rent for special function and fund raising events.
- Built largely of glass so that it is transparent in many places; people will see through the building to the lake.
- Responded to questions from Council.

#### Gallery:

#### Kristi Caldwell, Goodison Road

- In support of this application.

- Believes the location presented is the best location.
- Resident and small farm business owner.
- Believes that the Tourism Centre is important to inform visitors of their business.

#### Peggy Athans, Executive Director of Downtown Kelowna Association (DKA)

- The DKA fully supports this application and the Visitor Centre in this location.

- Believes this is a critical piece to assist the greater number of residents and visitors to our community.
- Believes there is a need for a functional space to display brochures and to speak with staff directly for a one on one connection.
- Believes there is a great need for public washrooms on the waterfront which will take the burden off of business owners

#### Celina Manson, Manhattan Drive

- Local business owner for the past 25 years and invested in this community.
- Believes there is a need for an upgraded Visitor Centre but not in this location.
- Raised concern with the height of the building and lack of parking downtown.
- Opposed to any building on this site.

#### Ian Palmer, Address not provided

- Supports Tourism Kelowna but not in this location.

- The Tourism Kelowna Board represents corporations and am against a building that would support corporate entities.
- This land should be parkland for the citizens.

#### Tracey Fredrickson, Thayer Court

Resident for 27 years.

- In support of this application and the location for the Visitor Centre.
- Supportive of pedestrian focus and a shift away from vehicle focus.
- Access to public washrooms is positive to residents and visitors for safety and cleanliness.

#### Ezra Cipes, Guisachan Road

- Resident since 1986.
- Speaking as a resident and Summerhill Winery owner.
- In support of this application and Visitor Centre location.
- Believes Tourism Kelowna is not a business but rather a destination marketing organization.
- Believes this will be a great amenity in the park for everyone.

Peter Robin, McTavish Road

- Believes the waterfront is an important public amenity and not an appropriate location for this use.

Opposed to this application.

- Believes this should be called a business promotion centre.

- Raised concern with lack of parking.

#### Bruce Taylor, Tronson Court

- Resident for 35 years.

- Tourism volunteer for the past 7 years at Kelowna Airport.

- Supporter of Tourism Kelowna and support this application and location.

- Believes face to face interaction with guests is the best way to satisfy their needs.

#### Gord Marshall, Arab Road

- Resident for 20 years.

- Opposed to the Visitor Centre in this location.

- Raised concern and questions the statistics of potential foot passengers provided by Tourism Kelowna.
- Opposed to anything being built on public park land.

#### Patrick Gramiak, Mountain Avenue

- Operates an RV Park in Lake Country and is President of BC Lodging and Campgrounds Association.

Supports this application and location.

- RV'ers no longer stop by tourism centres to gather information on what to do.

Responded to questions from Council

#### Ed Laverock, Merlot Way

- Festivals Kelowna Board President.
- Supports this application and location.
- Believes Tourism Kelowna would enhance Festivals Kelowna efforts in the downtown area.

#### Don Henderson, Cameron Avenue

- Believes the Tourism Kelowna facility could easily be located elsewhere in the downtown core.
- Questioned statistics of tourism spending and whether building financing is the best use of Tourism Kelowna funds.
- Spoke to other tourist centres in San Francisco, CA where they cannot afford to be on the main street and Victoria, BC where visitors have dropped 50% in the last 8 years.
- Cannot understand why Tourism Kelowna is moving forward with this application at this location.

- Believes this land should be preserved as a park.

- Opposed to this application.

#### Kevin Edgecombe, Edgecombe Builders Owner

- In-coming UDI President however speaking as a resident and not on behalf of UDI.

Supports the application and the location.

- Believes pedestrian traffic is a key component and the facility an amenity to the park as the Zamboni Building is an amenity to the Stuart Park skating rink.

#### Bill Barns, Blackwood Drive West Kelowna

- In support of the application and the location.
- Owner of Kelowna based business since 1999.
- Referenced previously submitted correspondence of support.
- Believes the Visitor Centre will service many visitors and assist many businesses.

#### Lisa Stephenson, Cavell Place

- Resident for 24 years.
- Supports the application and the location.
- Supportive of the building design.

- Believes the Visitor Centre will become a landmark and natural meeting place.
- Believes it will have a positive impact on employment and the tourism industry.

#### Sean Coward, President of Hotel and Motel Association.

- The Association is in support of this application and location.
- Believes there is a need for a modern Visitor Centre.
- Guests book in advance and no longer need a highway centre to direct them.
- Guests want to hear from a trusted source that what they see on line is legitimate.
- A Visitor Centre engages and helps visitors with a personal experience.

#### Terry Schneider, President Prestige Hotel and Resorts

- In support of the application and location.
- Believes highway visitor centres are a thing of the past.
- Attended the Open House for this application and impressed with the building concept and believes it will be a focal point of the city.

#### Rebecca Leibow, Manager for Kelowna Tickets

- In support of the application and location.
- Believes this new Visitor Centre will help small companies who depend on Tourism Kelowna to promote their businesses.

#### Jeff Robinson, Woodcrest Court

- Kelowna Chamber of Commerce President.
- In support of this application and the location.
- Believes a modern tourist facility downtown will help the community and improve the visitor experience.

#### Calvin Lechner, Highland Drive North

- Representative of Troika Developments.
- In support of this application and the location.
- Believes the visitor centre concept plan was intelligently designed.
- Believes the new visitor centre is needed to promote the city.

#### Resident, Baron Road

- Small business operator.
- Tourism Kelowna is vital to their successful business operation.
- In support of the application and the location.

#### Diana Varga, Penticton BC

- Former Kelowna resident currently living in Penticton.
- Opposed to the application and development of the waterfront.
- Not against a tourism facility however against giving up parkland for this building.
- Spoke to the destination marketing mandate of Tourism Kelowna and that this use would turn the site into a commercial entity with on-site merchandising.
- Raised questions and concerns with the proposed zone and whether this application fits into any of the proposed zoning principle uses.
- Suggested the bylaws before Council are not legal as the application does not fit the OCP nor the Zoning Bylaw.

#### Ken Cappos, Casorso Road

- Made reference to previously submitted correspondence.
- Opposed to this application.
- Believes there are many other alternatives for this visitor centre.
- Raised comments on Council member conflicts with this application.
- Stated statistics that those opposed outnumber those in favour by a ratio of 22 to 1.
- Requested that Council table this application until the October 2018 election and put the question to a referendum.
- Suggested the tourism centre could be located elsewhere in the downtown area.

#### Robert Mellalieu, Webber Road, West Kelowna

- Interim Regional Representative, BC Green Party

- Opposed to the application and the use of parkland for a visitor centre.

- Stated that Council has failed at representing the public and interests of the citizens who elected them.

- Referenced the Simpson Covenant and its intent.

- Suggested Council was not doing anything about the homeless.

#### Wayne Matthewson, Monashee Place

- Opposed to the application and the location.

- Raised concerns with the poor methodology behind the Tourism Kelowna survey and is skeptical of the results.

#### Michael J. Ballingall, Redgewood Road

- Resident since 1982.

- In support of the application and location.

- Believes this beautiful building will add to the destination experience.

#### Bill Walraven, Silverberry Road

- Opposed to the location and size of the building being proposed.

- Asked Council to reconsider this application.

- Understands the wishes of Tourism Kelowna to be closer to the people but does not want to see another waterfront parkland lost.

- Believes there is commercial space on Bernard Avenue to enable Tourism Kelowna to be closer to the people.

#### Chelsea Managle, Casorso Road

- Resident and Okanagan College Business student.

In support of the application and location.

- Believes Tourism Kelowna will create job opportunities.

#### Dustyn Baulkham, Glenwood Avenue

- President, Okanagan Pride

In support of the application and location.

- Tourism Kelowna brings many large event to the city and the downtown location will help delegates to get out into the city.

The meeting recessed at 9:04 p.m.

The meeting reconvened at 9:16 p.m.

#### Heather Whittaker, Clifton Road

- Was uncertain about this application but based on what was heard now believes this is a good idea.

- In support of the application and the location.

- Believes this will be an improvement on the parking lot that is currently there.
- Encourages more walking and less driving.

#### Andrea McFadden, Takla Road

- Owner of Okanagan Lavender Herb Farm.
- In support of the application and location.
- Believes tourism is critical to our economy.
- Believes this will improve safety between Stuart and Kerry Parks.

#### George Barns, Resident

- Resident since 1958.
- Retired architect and former Chair of the Advisory Planning Committee.
- Opposed to a building in a public space.

- Believes there are spaces in other buildings that Tourism Kelowna could use.

#### Richard Ainsworth, Sandstone Community Gordon Drive

- Believes this application is creating a dangerous precedent.
- Opposed to this location.
- In support of some kind of tourism facility but not in this location.

#### Amber Nedelec, Wardlaw Avenue

- Suggested this Public Hearing should have been in a larger venue and at an earlier start time.
- Questioned the justification of rezoning our parkland for a tourist building and stated that residents would not use the building.
- Believes this site should remain park.
- Not against a tourist office but not on the parks and beach fronts.
- Should recognize we are on unceaded First Nation lands.

#### Clarissa Pruden, Water Street

- Lake City Casinos General Manager
- In support of the application and the location.
- Commented that Tourism Kelowna employs our residents.

#### Ann Laurie, Abbott Street

- Opposed to any more waterfront buildings.
- Opposed to the application and location.
- This building will block the view through to the lake from Queensway.
- Agreed that a new Visitor Centre is needed downtown but not in this location.

#### Sherry Chung, Ethel Street

- Believes there needs to be compromise in our city growth.
- The current use is a parking lot which is not good land use.
- Agrees that there is a need for an updated and relocated tourism centre.

#### Bob Hayes, Mountainview Street

- Resident for 62 years.
- Opposed to this application and location.
- Agrees there is a need for a new and modern tourism facility located downtown but not on a lakefront.
- Believes there are available spaces on Bernard Avenue to rent for the centre.
- Raised concern with lack of parking and washroom access.
- Raised concern with the proposed building height and the impact on the lake view.
- Would like to see Kerry park re-developed with trees and benches added.

#### Richard Wensink, Blondeaux Crescent

- Raised concern with rezoning the site from park to institutional.
- Believes there are other locations downtown that the tourism facility could operate.
- Opposed to this application and the location.

#### Joyce Mainland, Bernard Avenue

- Opposed to this application and the location.
- Agreed that there is a need for a new, modern tourism facility but believes there are other suitable locations downtown.
- Responded to questions from Council.

#### Julie Daniels, Glenmore Drive

- Raised concerns with the venue and time the Public Hearing began and noted that some elderly and disabled citizens had to leave.
- Opposed to this application and the location; believes there are many vacancies on Bernard Avenue that could be used for this visitor centre.

- Read from a letter composed by Richard Drinnan that had been previously published in one of the local newspapers noting his reasons for opposing this application and location.

#### Walley Lightbody, Abbott Street

- Opposed to this application and the location.

- The waterfront and parkland are jewels to Kelowna and no buildings should be placed on the shoreline.
- Made comment on the Public Hearing for the CD21 zone which was defeated by the citizens.
- Made comment to the Simpson Covenant supported by the Courts.

#### Angela McManus, Lequime Road

- In support of the application and the location.

- Supports public access to and along the waterfront.

#### Andre Blanleil, West Kelowna

- In support of the application and location.

- Believes this is a welcoming and interactive space that would benefit from having a tourism facility located on it.
- Spoke to the important role tourism provides in the local economy.

#### Tom Read, McBride Road

- Opposed to the application and the location.
- Does not want a change to the present land use.
- Recommended a referendum be held regarding this building.

#### Leslie Jean Cagnoni, Mountain Avenue

- Opposed to the application and the location.
- Opposed to any development on park land.
- Recommended a different location be found.

#### Wes Kemet, Rowcliffe Avenue

- Opposed to the application and the location.

- Raised concern with the hidden city costs and lack of information on these costs.
- Raised concern that Council is committing an illegal act with putting this development on parkland.
- Raised concern with the height of the proposed building and it blocking the lake view.
- Made comment on various issues not pertaining to this application.

#### Frank Motchco, Resident

Opposed to the application and the location.

- The Queensway jetty is one of the last remaining open pieces of vacant park land and should remain.
- There are many here this evening that are business oriented with vested interests.

#### Jim McMullen, Ellis Street

Opposed to the application and the location.

- Agreed that there is a need for a new and modern tourism facility but not in this location.
- Raised concerns with the total costs of the project and claimed the City would have to pay \$10 million.
- Displayed costs and figures supporting his claims on the ELMO.
- Raised concerns that 4 members of Council are each in an undeclared conflict of interest.

The Mayor and City Clerk each made comments on conflict of interest provisions in the Community Charter and stated the conflicts claimed by Mr. McMullen are unfounded.

#### Gary Athans, Tulameen Road

- Lifetime Resident.
- Is in support of a Tourism Centre downtown and suggested the site near the old aquatic centre in the City Park area.
- Opposed to the proposed location of this facility.

- Daniel Bibby, Applicant, Tourism Kelowna Chair, in response to questions from the Gallery
   Believes the facility will animate the walkway and create a safe area.
   The goal is to improve access to the waterfront
   Believes the parking lot disconnects the two green spaces and will now activate it and transform into a place for people and sees this as a benefit.
- Believes this facility will be an international draw to the city.

- Responded to questions from Council.

There were no further comments.

#### **Termination** 4.

The Hearing was declared terminated at 10:31 p.m.

Mayor

/acm



# City of Kelowna Regular Council Meeting Minutes

Date:

Tuesday, January 24, 2017

Location:

Council Chamber
City Hall, 1435 Water Street

Members Present

Mayor Colin Basran, Councillors Ryan Donn, Gail Given, Tracy Gray, Charlie

Hodge, Brad Sieben, Mohini Singh and Luke Stack

Members Absent

Councillor Maxine DeHart

Staff Present

City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Urban Planning Manager, Terry Barton; Community Planning Department Manager, Ryan Smith; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Real Estate Director, Derek Edstrom; Property Management Manager, Mike Olson; and Legislative Coordinator (Confidential), Arlene McClelland

#### (\* Denotes partial attendance)

Call to Order

Mayor Basran called the meeting to order at 10:43 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Singh.

3. Confirmation of Minutes

Moved By Councillor Donn/Seconded By Councillor Sieben

R063/17/01/24 THAT the Minutes of the Public Hearing and Regular Meeting of January 10, 2017 be confirmed as circulated.

Carried

- 4. Bylaws Considered at Public Hearing
  - 4.1 2273-2275 Aberdeen St, BL11332 (Z16-0056) Robert & Lynn Anderson and Alexander & Margaret Kramar

#### Moved By Councillor Gray/Seconded By Councillor Donn

Ro64/17/01/24 THAT Bylaw No. 11332 be given second and third reading.

**Carried** 

#### 4.2 BL11333 (TA16-0005) - Secondary Suites Amendment

Bylaw was not read due to item being deferred during the Public Hearing.

4.5 1330 St. Paul St, Z16-0067 (BL11338) - Burro Developments Ltd

Moved By Councillor Sieben/Seconded By Councillor Singh

Ro65/17/01/24 THAT Bylaw No. 11338 be read a second and third time.

Carried

#### Moved By Councillor Hodge/Seconded By Councillor Donn

Ro66/17/01/24 THAT Council approve the Regular Meeting of January 24, 2017 continue past 11:00 p.m.

Carried

#### 4.3 238 Queensway, BL11335 (OCP16-0026) - City of Kelowna

#### Moved By Councillor Hodge/Seconded By Councillor Donn

Ro67/17/01/24 THAT Bylaw No. 11335 be read a second and third time.

Carried

Councillor Hodge - Opposed

#### 4.4 238 Queensway, BL11336 (Z16-0074) - City of Kelowna

Moved By Councillor Stack/Seconded By Councillor Singh

Ro68/17/01/24 THAT Bylaw No. 11336 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 these Development Variance Permit Applications was given by sending out or otherwise mailing 22 statutory notices to the owners and occupiers of surrounding on January 11, 2017.

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. Development Permit and Development Variance Permit Reports

6.1 507 Oxford Ave, DP16-0253 & DVP16-0254 - Stacy Rintoul

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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

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

The Applicant was not present.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Sieben

Ro69/17/01/24 THAT Council authorizes the issuance of Development Permit No. DP16-0253 for Lot 11 Block 11 District Lot 9 Osoyoos Division Yale District Plan 3915, located at 507 Oxford Ave, 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";

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0254 for Lot 11 Block 11 District Lot 9 Osoyoos Division Yale District Plan 3915, located at 507 Oxford Ave, Kelowna, BC;

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

Section 9.5b.14: Carriage House Regulations

To vary the minimum side yard setback for a carriage house from a flanking street from the required 4.5 m to the proposed 3.0 m.

Section 13.6.6(b): RU6 Zone Development Regulations

To vary the maximum combined lot coverage of all accessory building or structures and carriage houses from the required 14% to the proposed 18%.

Section 13.6.6(b): RU6 Zone Development Regulations

To vary the maximum combined area of all accessory buildings/structures and carriage houses (e.g. footprint size) from the required 90 m² to 92.9 m²;

Section 13.6.6(e): RU6 Zone Development Regulations

To vary the maximum height for a carriage house from the required 4.8 m to the proposed 4.9 m.

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

Carried

#### 7. Reports

7.1 To be considered subject to Bylaw No. 11336 (Z16-0074) receiving third reading - Non-Market Land Lease to Tourism Kelowna Society – 238 Queensway Avenue

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

#### Moved By Councillor Donn/Seconded By Councillor Singh

Royo/17/01/24 THAT Council approves, subject to rezoning Bylaw 11336 receiving third reading, the City entering into a twenty-nine (29) year land lease with the Tourism Kelowna Society regarding the use of a +/-303 square meter portion of the Queensway Jetty at 238 Queensway Avenue, in the form attached as Schedule 'A' to the report of the Manager, Property Management, dated January 24, 2017;

AND THAT the Mayor and City Clerk be authorized to execute all documents necessary to complete the transaction.

Carried

City Clerk

- 8. Reminders Nil.
- 9. Termination

The meeting was declared terminated at 11:55 pm

Mayor

/acm

# BYLAW NO. 11333 TA16-0005 — Secondary Suites Amendment

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

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

- 1. THAT Section 2 Interpretation, 2.3 General Definitions be amended by adding the following "that has been issued an Occupancy Permit," after the words "SECONDARY SUITE means an additional dwelling unit" in the SECONDARY SUITE definition;
- 2. AND THAT Section 9 Specific Use Regulations, 9.5b Carriage House Regulations be amended by adding a new sub-section 9.5b.16 that reads:
  - "9.5b.16 Carriage houses are permitted only on lots with an installed connection to the community sanitary sewer system (in accordance with the requirements of the City of Kelowna's Subdivision, Development, & Servicing Bylaw) except carriage houses are permitted on lots that have an onsite sewage disposal system if the lot has a minimum area of 1.ohectare."
- 3. 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 12 <sup>th</sup> day of December, 2016.
Considered at a Public Hearing on the
Read a second and third time by the Municipal Council this
Approved under the Transportation Act this
(Approving Officer-Ministry of Transportation)  Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

## **BYLAW NO. 11339** Z16-0055 - 1940 KLO 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 2, District Lot 131 ODYD Plan 12786 located on KLO Road, Kelowna, B.C., from the A1 – Agriculture1 zone to the RU5 – Bareland Strata Housing zone.

date of adoption.	and is binding on all persons as and from the
Read a first time by the Municipal Council this 16 <sup>th</sup> day of	January, 2017.
Considered at a Public Hearing on the	
Read a second and third time by the Municipal Council thi	is
Adopted by the Municipal Council of the City of Kelowna	this
	Mayor
	City Clerk

#### **BYLAW NO. 11344**

# Official Community Plan Amendment No. OCP16-0012 – - 5425 Upper Mission Dr

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

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

- 1. THAT Map 4.1 **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of portions of Lot A Section 24, Township 28 SDYD Plan 18646 except Plans KAP83995, KAP83997, KAP87210, KAP88425 and KAP92762 located at 5425 Upper Mission Drive, Kelowna, BC from S2RES Single / Two Unit Residential to the S2RESH Single / Two Unit Residential Hillside; from S2RESH Single / Two Unit Residential Hillside to PARK Major Park and Open Space designation to the S2RESH Single / Two Unit Residential Hillside 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.

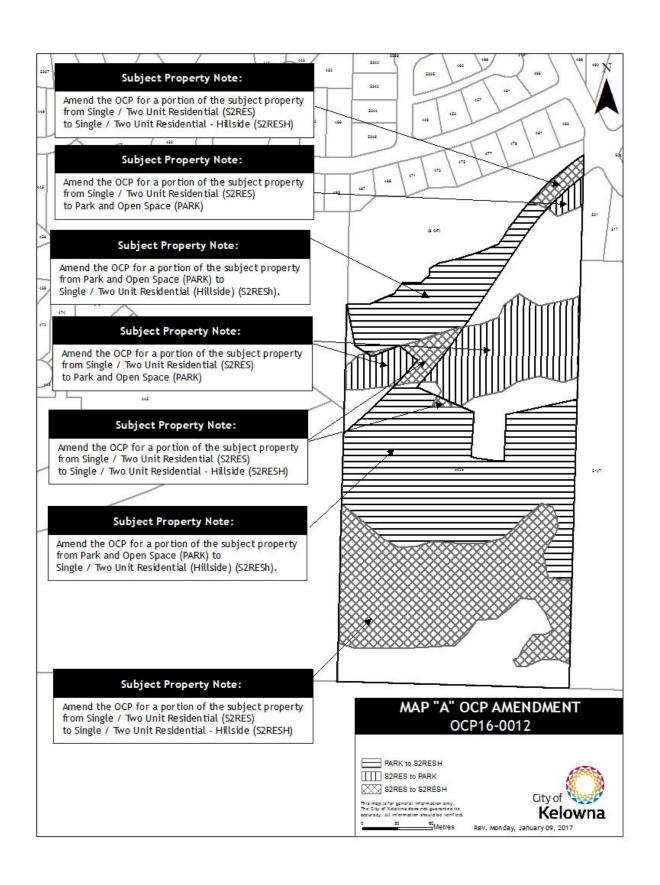
Read a first time by the Municipal Council this 23<sup>rd</sup> day of January, 2017.

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

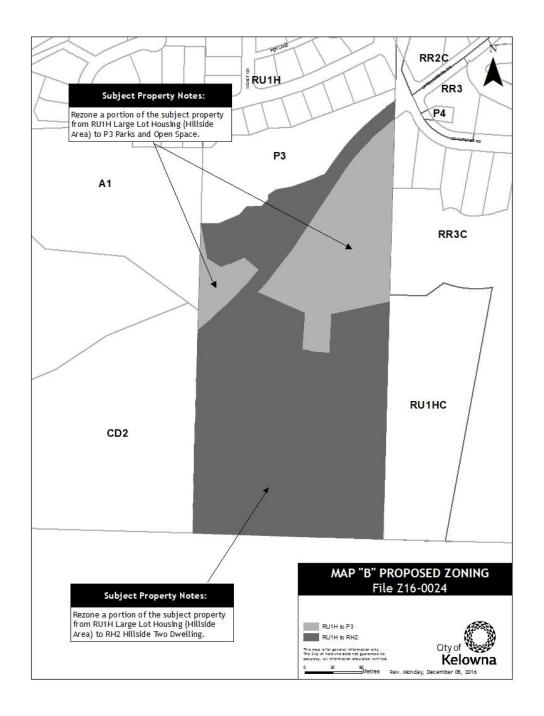


## BYLAW NO. 11345 Z16-0024 — 5425 Upper Mission Drive

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

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:
<ol> <li>THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of portions of Lot A Section 24, Township 28 SDYD Plan 18646 except Plans KAP83995, KAP83997, KAP87210, KAP88425 and KAP92762 located at 5425 Upper Mission Drive, Kelowna, BC from the RU1H – Large Lot Housing (Hillside Area) zone to the RH2 – Hillside Two Dwelling Zone; and the RU1H – Large Lot Housing (Hillside Area) zone to the P3 – Parks and Open Space Zone as shown on Map B attached;</li> <li>This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.</li> </ol>
date of adoption.
Read a first time by the Municipal Council this 23 <sup>rd</sup> day of January, 2017.
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



# BYLAW NO. 11346 Z16-0082 — 170 Drysdale Blvd

A bylaw	to amend the "City of Kelowna Zoning Bylaw No. 8000".		
The Mur	nicipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:		
I	<ol> <li>THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Section 4, Township 23, ODYD, Plan EPP30767 located at 170 Drysdal Blvd, Kelowna, BC from the A1 – Agriculture 1 and P2 – Education and Minor Institutional zon to the RM3 – Low Density Multiple Housing zone;</li> </ol>		
	This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.		
Read a fi	irst time by the Municipal Council this 23 <sup>rd</sup> day of January, 2017.		
Conside	red at a Public Hearing on the		
Read a s	econd and third time by the Municipal Council this		
Adopted	by the Municipal Council of the City of Kelowna this		
	Mayor		
	City Clerk		

### BYLAW NO. 11295 Z16-0047 - Elda and Louis Pagliaro 752 & 760 Bechard 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 a portion of Lot 6, District Lot 134, ODYD, Plan 20399, located on Bechard Road, Kelowna, B.C., from the RU1 Large Lot Housing zone to the RU2 Medium Lot Housing zone.
- 2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

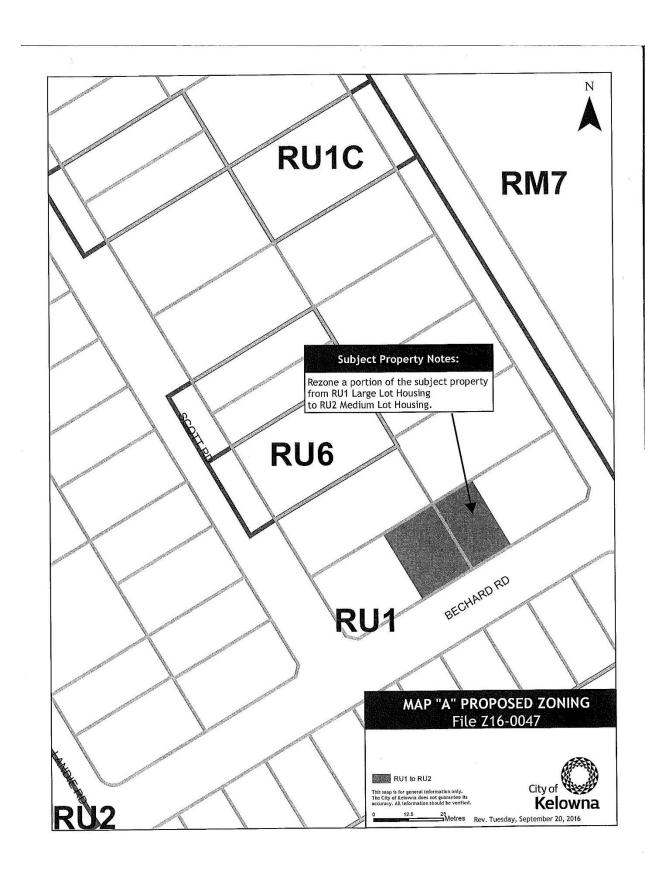
Read a first time by the Municipal Council this 3<sup>rd</sup> day of October, 2016.

Considered at a Public Hearing on the 18th day of October, 2016.

Read a second and third time by the Municipal Council this 18<sup>th</sup> day of October, 2016.

Adopted by the Municipal Council of the City of Kelowna this

Mayor
, .
City Clerk
City Clerk



### REPORT TO COUNCIL



**Date:** February 7, 2017

**RIM No.** 0940-50

**To:** City Manager

From: Community Planning Department (LB)

**Address:** 752 & 760 Bechard Rd **Applicant:** Juliet Anderton Consulting Inc.

**Subject:** Development Variance Permit Application

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU1 – Large Lot Housing

RU2 - Medium Lot Housing

#### 1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11295 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0178 for Lots 6 & 19, District Lot 134, ODYD, Plan 20399, located at 752 & 760 Bechard Road, Kelowna, BC;

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

#### Section 13.1.6(e): RU1 - Large Lot Housing Development Regulations (760 Bechard Rd)

To vary the required minimum rear yard from 7.5 m permitted to 2.35 m proposed.

#### Section 13.1.6(e): RU1 - Large Lot Housing Development Regulations (752 & 760 Bechard Rd)

To vary the required minimum rear yard from 7.5 m permitted to 2.39 m proposed.

#### Section 13.2.5(b): RU2 - Medium Lot Housing Subdivision Regulations (752 Bechard Rd)

To vary the required minimum lot depth from 30.0 m permitted to 27.7 m proposed.

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

#### 2.0 Purpose

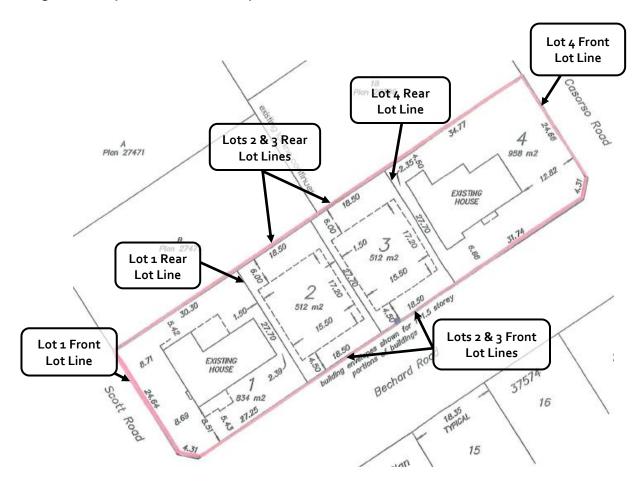
To vary the minimum rear yard and the minimum lot depth on the subject properties to facilitate a four lot subdivision.

#### 3.0 Community Planning

Staff supports the requested variances to reduce the minimum rear yards and minimum lot depth, allowing the two existing houses to be retained while creating two new residential lots. The two proposed RU2 lots exceed the minimum requirements for lot width and area, and the lot layout maintains the pattern and streetscape along Bechard Road. The properties are serviced by City water and sanitary sewer.

The requested rear yard variances are for the corner lots where the existing houses will be retained. As per Zoning Bylaw Section 2.3: General Definitions, the front lot line is the narrowest street frontage of the lot, and the rear lot line is the lot line opposite to and most distant from the front lot line. Due to the lot configuration, the front lot lines for Lots 1 and 4 are along Scott Road and Casorso Road respectively, making the areas between the houses and Lots 2 and 3 the rear yards. This triggers the rear yard variances from 7.5 m to 2.39 m for Lot 1 and to 2.35 m for Lot 4. Since both houses face Bechard Road, these areas effectively act as side yards, and the requested variances exceed the minimum side yard setback. Furthermore, the large spaces between the backs of the houses and the properties to the north function as backyards.

Diagram 1: Proposed Subdivision Layout & Lot Lines



The requested lot depth variances are to reduce the minimum lot depth from 30.0 m to 27.7 m for the two proposed interior lots. The lots exceed the minimum lot width and area, making it possible to build homes without additional variances to account for the shorter lots.

Several City policies support more compact growth that is consistent with the existing character of an area and makes use of existing infrastructure. Staff supports these variances to allow for the creation of two new residential lots in a fully serviced urban area while retaining the two existing single family dwellings.

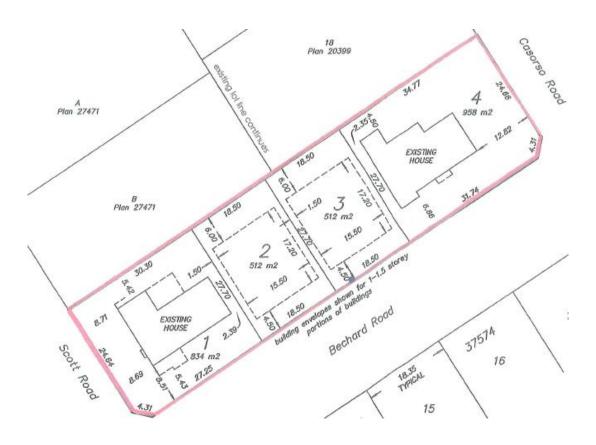
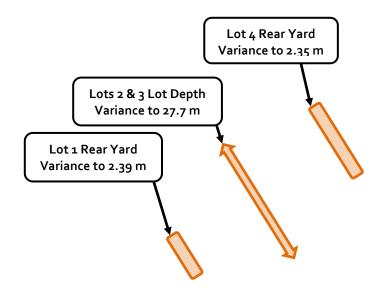


Diagram 2: Requested Variances



#### 4.0 Proposal

#### 4.1 <u>Background & Project Description</u>

The proposed development involves Rezoning, Development Variance Permit and Subdivision applications to facilitate a four lot residential subdivision, creating two new lots in addition to the two existing lots. Rezoning Bylaw No. 11295 received third reading following the Public Hearing on October 18, 2016 and a Preliminary Layout Review letter with conditions for subdivision has been issued by the Subdivision Approving Officer.

#### 4.2 Site Context

The subject properties are located in the South Pandosy – KLO Sector of Kelowna (see Maps 1 and 2 below). The applicant is proposing to retain the two existing single family dwellings that are on the subject properties.

The area is characterized by single family dwellings, with a mobile home park located to the east on the opposite side of Casorso Road and Casorso Elementary School to the southeast.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Residential
East	RM7 – Mobile Home Park	Residential
South	RU1 – Large Lot Housing	Residential
West	RU1 – Large Lot Housing	Residential

Map 1: Subject Properties



#### Map 2: Future Land Uses and Zoning

#### 4.3 Zoning Analysis

Table 1: RU1 Zone Subdivision & Development Regulations

Zoning Analysis Table				
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL (LOT 1)	PROPOSAL (LOT 4)	
Existing Lot / Subdivision Regulations				
Minimum Lot Area	550 m²	834 m²	958 m²	
Minimum Lot Width	17.0 m	27.7 M	27.7 M	
Minimum Lot Depth	30.0 m	30.3 m	34.8 m	
	Development Regulations			
Minimum Front Yard	4.5 m	8.69 m	12.82 m	
Minimum Side Yard	4.5 m	5.43 m	6.86 m (to house &	
(south)	6.o m (to garage / carport)	8.51 m (to garage)	garage)	
Minimum Side Yard (north)	2.0 M	5.42 m	4.50 m	
Minimum Rear Yard	7.5 M	2.39 m <b>0</b>	2.35 m <b>2</b>	

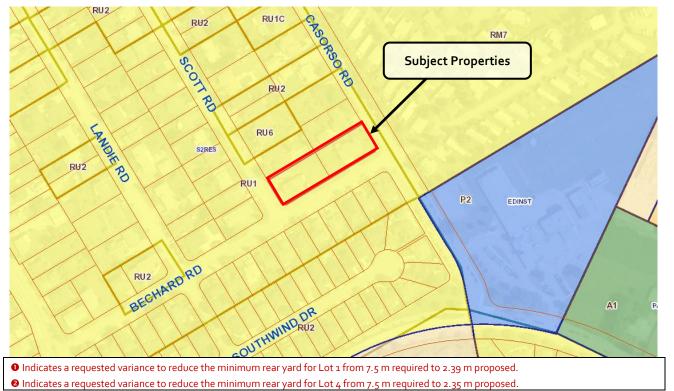


Table 1: RU2 Zone Subdivision Regulations

#### **Zoning Analysis Table**

CRITERIA	RU2 ZONE REQUIREMENTS	PROPOSAL (LOT 2)	PROPOSAL (LOT 3)	
Existing Lot / Subdivision Regulations				
Minimum Lot Area	400 m <sup>2</sup>	512 m²	512 m²	
Minimum Lot Width	13.0 m	18.5 m	18.5 m	
Minimum Lot Depth	30.0 m	27.7 m <b>⑤</b>	27.7 m <b>4</b>	
9 Indicates a requested variance to reduce the minimum lot depth for Lot 2 from 30.0 m required to 27.7 m proposed.				

#### **Current Development Policies** 5.0

#### Kelowna Official Community Plan (OCP) 5.1

#### **Development Process**

OCP Policy 5.3.2 Compact Urban Form. 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.

OCP Policy 5.22.6 Sensitive Infill. Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

OCP Policy 5.22.7 Healthy Communities. Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

#### 6.0 **Technical Comments**

#### 6.1 **Development Engineering Department**

See attached Memorandum, dated September 1, 2016.

#### **Application Chronology** 7.0

Application Received: June 17, 2016 September 8, 2016 Public Consultation Completed: Referral Comments Received: September 8, 2016 Public Hearing & Third Reading: October 18, 2016

Report prepared by: Laura Bentley, Planner II

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

#### Attachments:

Indicates a requested variance to reduce the minimum lot depth for Lot 3 from 30.0 m required to 27.7 m proposed.

Development Engineering Memorandum Draft Development Variance Permit DVP16-0178 Schedule A: Proposed Subdivision Layout

#### **CITY OF KELOWNA**

#### **MEMORANDUM**

Date:

September 1, 2016

File No.:

DVP16-0178

To:

Community Planning (DB)

From:

Development Engineer Manager (PI)

Subject:

752 & 760 Bechard Road

The Development Engineering comments and requirements regarding this DVP application are as follows:

This development variance permit application to vary the lot depth and rear yard setback does not compromise any municipal services.

Purvez Irani, MS, P Eng., PTOE Development Engineering Manager

# DEVELOPMENT VARIANCE PERMIT



#### APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT NO. DVP16-0178

**Issued To:** Elda & Louis Pagliaro

Site Address: 752 & 760 Bechard Road

**Legal Description:** Lots 6 & 19, District Lot 134, ODYD, Plan 20399

**Zoning Classification:** RU1 – Large Lot Housing & RU2 – Medium Lot Housing

#### **SCOPE OF APPROVAL**

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

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

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

#### 1. TERMS AND CONDITIONS

THAT Development Variance Permit No. DVP16-0178 for Lots 6 & Lot 19, District Lot 134, ODYD, Plan 20399, located at 752 & 760 Bechard Road, Kelowna, BC to facilitate the subdivision of two lots be approved;

AND THAT variances to the following sections 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 2.35 m proposed.

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

To vary the required minimum rear yard from 7.5 m permitted to 2.39 m proposed.

#### Section 13.2.5(b): RU2 – Medium Lot Housing Subdivision Regulations

To vary the required minimum lot depth from 30.0 m permitted to 27.7 m proposed.

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

#### 2. PERFORMANCE SECURITY

None required.

#### 3. DEVELOPMENT

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

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

This Permit IS NOT a Building Permit.

#### 4. APPLICANT'S AGREEMENT

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

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

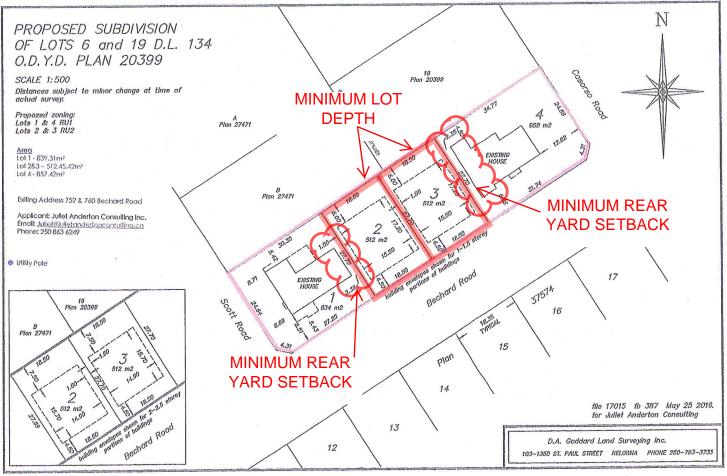
I further covenant and agree that should I be granted a Development Permit and/or Development Variance Permit, the Municipality may withhold the granting of any Occupancy Permit for the occupancy and / or use of any building or part thereof constructed upon the hereinbefore referred to land until all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

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

5. APPROVALS		
Issued and approved by Council on the day of	, 2017.	
Ryan Smith, Community Planning Department Manager Community Planning & Real Estate	Date	

The PERMIT HOLDER is the <u>CURRENT LAND OWNER</u>. Security shall be returned to the PERMIT HOLDER.





#### CITY OF KELOWNA

# BYLAW NO. 11316 Z16-0062— Palomino Developments Ltd., Inc. No. BC1087417 3150 & 3170 Sexsmith 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 Lots 26 and 27, Section 3, Township 23, ODYD, Plan 18861 located on Sexsmith Road, Kelowna, B.C., from the A1 Agriculture 1 zone to I6 Low Impact Transitional Industrial 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 21 <sup>st</sup> day of November, 2016.	
Read a second and third time by the Municipal Council this 13 <sup>th</sup> day of December, 2016.	
Approved under the Transportation Act this 11 <sup>th</sup> day of January, 2017.	
Audrie Henry (Approving Officer – Ministry of Transportation)	-
Adopted by the Municipal Council of the City of Kelowna this	
	Mayor
	City Clerk

# REPORT TO COUNCIL



**Date:** 2/7/2017

**RIM No.** 0940-00 & 0940-50

To: City Manager

From: Community Planning Department (AC)

Application: DP16-0232 & DVP16-0233 Owner: Palomino Developments Ltd.,

Inc. No. BC1087417

Address: 3150 & 3170 Sexsmith Rd Applicant: Grant Maddock

**Subject:** Development Permit & Development Variance Permit Applications

Existing OCP Designation: Industrial Limited (IND-L)

Existing Zone: A1 – Agriculture

Proposed Zone: 16 – Industrial Transitional

#### 1.0 Recommendation

THAT Final Adoption of Zone Amending Bylaw No. 11316 be considered by Council;

THAT Council authorize the issuance of Development Permit No. DP16-0232 for Lots 26 and 27, Section 3, Township 23, ODYD, Plan 18861, located at 3150 & 3170 Sexsmith Rd, Kelowna, BC, subject to the following:

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

AND THAT Council authorize the issuance of Development Variance Permit DVP16-0233 for Lots 26 and 27, Section 3, Township 23, ODYD, Plan 18861, located at 3150 & 3170 Sexsmith Rd, Kelowna, BC;

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

Section 15.6.9 Landscaping, buffering and Parking:

- To allow parking in the front yard by reducing the front yard setback (from 4.5m to 3.0m);
- To allow parking in the east side yard setback by reducing that side yard setback (from 4.5m to o.om);
- To allow parking in the west side yard setback by reducing that side yard setback (from 4.5m to 3.0m);
- To allow parking in the rear yard setback by reducing the rear yard setback (from 7.5m to 3.0m);

#### Section 7.6.1 (c) Minimum Landscape Buffers:

To reduce the minimum landscape buffer on the east side yard property line from 3.om to o.om;

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

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

#### 2.0 Purpose

To review the Form & Character Development Permit for a Recreational Vehicle (RV) storage facility including a mobile home security operator unit and to consider five variances.

#### 3.0 Community Planning

#### 3.1 Background

In 2010, the City changed the OCP designation from Single Family to Industrial-limited. Shortly after, the subject properties (3150 & 3170 Sexsmith Rd) applied for a rezoning (Z10-0092) to the I6 zone. Council approved the I6 zone but the application never moved forward to final adoption. Numerous extensions were applied for because the owner did not have a tenant ready to occupy and the servicing costs were significant. The cost to service these two properties were estimated with the sewer connection fee (\$194,557.00), Sexsmith frontage improvements (\$47,400.00), and Palomino Road improvements (\$79,100.00) for a total cost of \$321,057.00.

The last extension expired on November 16<sup>th</sup> 2015. The applicant then applied for a rezoning to I2 zone in January of 2016. Staff was not willing to support an application to the I2 zone as per Council's direction to have transitional industrial uses next to rural residential properties. A Council report recommending non-support for the I2 zone was removed from Council Agenda package in September 2016 at the applicant's request. A buyer of the property in September of 2016 has re-applied for the I6 zone as well as a Development Permit and Development Variance Permit for RV storage. The corresponding permitted use in the I6 zone is outdoor storage. On Nov. 21<sup>st</sup> 2016 Council waived the public hearing at Staff's recommendation as the rezoning has already been approved 2010.

#### 3.2 <u>Discussion</u>

The Industrial – Limited Future Land Use (IND-L) designation was established in 2011 after public consultation associated with the 2030 OCP review. The IND-L designation and I6 zone allow for a range of low-impact industrial land uses that are intended to act as a transition between the general industrial areas to the south and east and the rural residential areas to the north and west. The permitted uses, development regulations, screening requirements, parking restrictions, outdoor storage restrictions, and other regulations in the I6 zone are designed to mitigate the industrial uses on nearby residential, rural and agricultural uses in this area. The I6 zoning regulations compared to the I2 zoning regulations are relatively restrictive for potential industrial tenants (see Attachment 'B' for a list of comparisons between I2 vs I6). For example, parking must be consolidated into one area and parking cannot occur in the building setback

areas. The applicant is applying for a Development Variance Permit to waive some of these restrictions. Staff have been encouraging potential industrial users to consider the I6 zone and reducing some of I6 zone restrictions will help with that goal.

The variances on the east property line (both landscape & parking setback reduction) are considered appropriate by Staff as that side is adjacent to an existing industrial use. The parking setback limit is unique to the I6 zone but Staff are supportive of those variances as they will increase the viability for industrial tenants.

The design guidelines encourage housing in light or transitional industrial areas as a secondary use. The applicant is proposing a mobile home as a residential security operator unit. The mobile home provides flexibility in building location especially when Palomino Road is built. Access would be required to be rerouted through Palomino Rd and access would be eliminated from Sexsmith Road. The mobile home then could be moved to the new entrance to the RV storage lot at that time.

#### 3.3 Public Notification

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant has notified all the neighbours within the required 50 metre radius regarding the proposed variances.

#### 4.0 Proposal

#### 4.1 Project Description

The proposal is for a 157 stall RV storage facility and for a mobile home as a residential security unit.

#### 4.2 Site Context

The subject parcels are located within the Arab/Appaloosa area. The subject property is designated as Industrial – Limited (IND-L) in the OCP and the lot is within the Permanent Growth Boundary. Specifically, the adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture	Agriculture/industrial/residential
East	16 – Industrial Transitional	Industrial
South	I2 — General Industrial	Industrial
West	A1 - Agriculture	Agriculture/industrial/residential

Subject Properties Map: 3150 & 3170 Sexsmith Rd



Zoning Analysis Table				
CRITERIA	Proposed	I6		
	Development F	Regulations		
	Buildir	ngs		
Max FAR	n/a	No Limit		
Max Site Coverage	<50%	50%		
Max Height	Single storey structure	2 ½ stories &		
Min Front Yard Setback	4.5 m	9.5 m 4.5 m but 6.o m for garages / carports		
Min Side Yard Setback	10.4 m	<ul> <li>3.0 m for residential bldgs.</li> <li>4.5 m for industrial bldgs. when adjacent to 'l' zoned property.</li> <li>7.5 m for industrial bldgs. when adjacent to a non-industrial future land use.</li> </ul>		
Min Flanking Side Yard Setback	n/a	Not regulated		
Rear Yard	>30 m	- 7.5 m for all bldgs 30.0 m when adjacent to a non-industrial future land use.		
	Other Regu	ulations		
Parking Locations				
	Proposed	16		
Min Front Yard Setback	3.0 m <b>①</b>	No Parking in front yard except visitor and residential (4.5m)		
Min Side Yard Setback (west)	3.0 m <b>2</b>	No Parking in side yards (4.5 m)		
Min Side Yard Setback (east)	o.o m <b>3</b>	No Parking in side yards (4.5 m)		

Min Rear Yard Setback	3.0 m <b>4</b>	7.5 m
	Outdoor S	torage
	Proposed	16
Location	n/a	Not permitted in the setback areas and shall be consolidated into a single area per lot
Screening	Chain link fence proposed with slats	Must be screened with opaque fencing and landscaping
	Minimum Lands	scape buffer
	Proposed	16
Front	3.0 m	3.om
Rear	3.0 m	3.om
Side (east)	o.o m <b>5</b>	3.om
Side (west)	3.0 m	3.om
	Outdoor [	Display
	Proposed	16
Location	n/a	Outdoor display / sales (& non-accessory parking) shall not encroach into the landscape areas
<u>Variances</u>		
• Reduce parking setback in front yard	from 4.5 m to 3.0 m	
Reduce parking setback in side yard (	west) from 4.5 m to 3.0 m	
3 Reduce parking setback in side yard (	east) from 4.5 m to o.o m	
4 Reduce parking setback in rear yard f	rom 7.5 m to 3.0 m	
<b>6</b> Reduce minimum landscape buffer fr	om 3.om to o.om.	

#### 5.0 Current Development Policies

#### 5.1 Kelowna Official Community Plan (OCP)

#### **Development Process**

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

**Sensitive Infill.**<sup>2</sup> Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height, and siting.

#### **Industrial Land Use Policies**

Objective 5.28.3 Focus industrial development to areas suitable for industrial use.

**Industrial Supply Protection.**<sup>4</sup> Protect existing industrial lands from conversion to other land uses by not supporting the rezoning of industrial land to preclude industrial activities unless there are environmental reasons for encouraging a change of use.

**Secondary Housing in Light Industrial Areas.** Consider the limited expansion of housing as a secondary use within industrial buildings in light or transitional industrial areas.

<sup>&</sup>lt;sup>1</sup> City of Kelowna Official Community Plan, Policy 5.3.2, Chapter 5 (Development Process Chapter).

<sup>&</sup>lt;sup>2</sup> City of Kelowna Official Community Plan, Policy 5.22.6, Chapter 5 (Development Process Chapter).

<sup>&</sup>lt;sup>3</sup> City of Kelowna Official Community Plan, Objective 5.28, Chapter 10 (Development Process Chapter).

<sup>&</sup>lt;sup>4</sup> City of Kelowna Official Community Plan, Policy 5.28.1, Chapter 5 (Development Process Chapter).

<sup>&</sup>lt;sup>5</sup> City of Kelowna Official Community Plan, Policy 2, Objective 5.29, Chapter 5 (Development Process Chapter).

**Public and private open space.** <sup>6</sup> Design industrial developments to include outdoor break areas, green space, bicycle racks, skylights and windows in work areas, and linkages to recreational opportunities (e.g. linear parks).

#### Transitional Industrial Design Guidelines.<sup>7</sup>

In areas designated for Industrial – Limited use, these guidelines must be considered as well as all other quidelines in this section.

Policy #	Description
18.1	Industrial development adjacent to residential land uses must be planned, landscaped and
10.1	screened to maintain the privacy of residential uses.
	Where new industrial development is occurring adjacent to residential uses, window openings
18.2	shall be placed to reduce the opportunity for overlook and be off set from residential
	windows.
18.3	Unfinished concrete block shall not be used as an exterior building material for principal
10.3	facades or where the façade faces a residential land use.
18.4	Where loading doors face the street, they shall be set back from the main building plane.
18.5	The primary entrance of the main building on site should face the roadway.
18.6	Where security concerns limit windows and other openings, building design should employ
10.0	other design techniques to avoid creating long blank walls.
18.7	Rooftop screening of mechanical and electrical equipment must be provided using materials
10./	consistent with the treatment of principal facades.
18.8	All lighting shall be oriented facing the site, pointed in a downward direction and constructed
10.0	at the lowest practical elevation to minimize light trespass over surrounding properties.
18.9	Tall, broadcast or flood lights are not permitted.
	Where possible, parking and outdoor storage should be located behind buildings or other
18.10	structures. Where parking and storage is not behind buildings, it must be screened with
	landscaping or fencing.
18.11	Unpaved parking and storage surfaces should be made dust free through design or treatment.

#### 6.0 Technical Comments

#### 6.1 <u>Building & Permitting Department</u>

- a) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s).
- b) Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- c) Building Permit required for the parking lot and will require design by a Civil Engineer.
- d) Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this structure at time of permit application.

#### 6.2 <u>Development Engineering</u>

See attached Memo dated November 17<sup>th</sup> 2015.

 $<sup>^6</sup>$  City of Kelowna Official Community Plan, Policy 7.5, Chapter 14 (Urban Design Development Permit Areas).

<sup>&</sup>lt;sup>7</sup> City of Kelowna Official Community Plan, Chapter 14 (Urban Design Development Permit Areas).

#### 6.3 Fire Department

a) Ensure clear rows are maintained should emergency access be required. A fire department lockbox is suggested for the gate for after-hours emergencies. The building onsite shall meet the requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012.

#### 7.0 Application Chronology

Date of Application Received: Sept 26<sup>th</sup> 2016
Date of Public consultation: November 28<sup>th</sup> 2016

**Report Prepared by:** Adam Cseke, Urban Planner

**Reviewed by:** Terry Barton, Urban Planning Manager **Approved by:** Ryan Smith, Community Planning Manager

#### Attachments:

Development Engineering Comments dated November 17 $^{\rm th}$  2015 (Attachment 'A')

**Development Permit** 

# DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT



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

File Number DP16-0232 & DVP16-0233

Issued To: Palomino Developments Ltd., Inc. No. BC1087417

Site Address: 3150 & 3170 Sexsmith Rd

**Legal Description:** Lots 26 and 27, Section 3, Township 23, ODYD, Plan 18861

**Zoning Classification:** 16 – Industrial Transitional

**Developent Permit Area:** Comprehensive Development Permit Area

#### **SCOPE OF APPROVAL**

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

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

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

#### 1. TERMS AND CONDITIONS

THAT Development Permit & Development Variance Permit No. DP16-0232 & DVP16-0233, located at 3150 & 3170 Sexsmith Rd Kelowna, BC be approved subject to general conformance to the drawings (Schedule "A", "B", & "C") attached to this permit.

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

#### Section 15.6.9 Landscaping, buffering and Parking:

- To allow parking in the front yard by reducing the front yard setback (from 4.5m to 3.0m);
- To allow parking in the east side yard setback by reducing that side yard setback (from 4.5m to o.om);
- To allow parking in the west side yard setback by reducing that side yard setback (from 4.5m to 3.0m);
- To allow parking in the rear yard setback by reducing the rear yard setback (from 7.5m to 3.0m);

#### Section 7.6.1 (c) Minimum Landscape Buffers:

To reduce the minimum landscape buffer on the east side yard property line from 3.om to o.om;

#### 2. PERFORMANCE SECURITY

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

a)	Cash in the amount of \$_46,945.00	OR	
b)	A Certified Cheque in the amount of \$	46,945.00	OR
c)	An Irrevocable Letter of Credit in the am	nount of \$ <u>46,945.00</u>	

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

#### 3. DEVELOPMENT

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

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

#### This Permit IS NOT a Building Permit.

The issuance of this Permit grants to the municipality a 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.

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.

4. APPROVALS	
Issued and approved by Council on the day of	, 2016.
Ryan Smith, Community Planning Department Manager Community Planning & Real Estate	Date

The PERMIT HOLDER is the CURRENT LAND OWNER.

## DP16-0232 & DVP16-0233 - Page 10

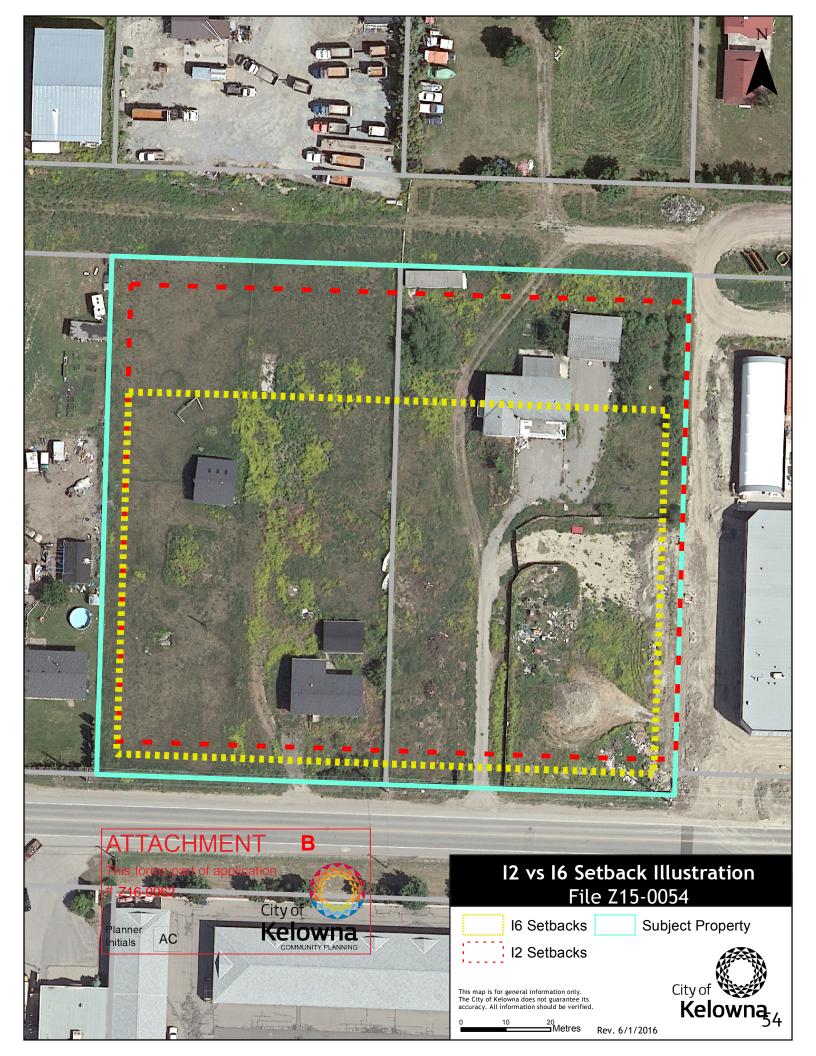
# Security shall be returned to the PERMIT HOLDER.

Industrial Zone Regulation Comparison			
CRITERIA	12	16	
	Development Regulation	ons	
	Buildings		
Max FAR	1.5	No Limit	
Max Site Coverage	60%	50%	
Max Height	14.0 m	2 ½ stories & 9.5 m	
Min Front Yard Setback	7.5 m	4.5m but 6.0 m for garages / carports	
Min Side Yard Setback	<ul> <li>0.0 m when abutting a 'C' or an 'l' zone.</li> <li>4.5 m when abutting any other zone.</li> </ul>	<ul> <li>3.0 m for residential bldgs.</li> <li>4.5 m for industrial bldgs. when adjacent to 'l' zoned property.</li> <li>7.5 m for industrial bldgs. when adjacent to a non-industrial future land use.</li> </ul>	
Min Flanking Side Yard Setback	6.0 m	Not regulated	
Rear Yard	<ul><li>0.0 m when abutting a 'C' or an 'I' zone.</li><li>6.0 m when abutting any other zone.</li></ul>	<ul><li>7.5 m for all bldgs.</li><li>30.0 m when adjacent to a non-industrial future land use.</li></ul>	
	Other Regulations		
	Parking Locations		
	12	16	
Min Front Yard Setback	2.0 m	No Parking in front yard except visitor and residential (4.5m)	
Min Side Yard Setback	0.0 m unless abutting residential zone then 1.5 m	No Parking in side yards (3.0 m - 7.5 m)	
Min Flanking Yard Setback	2.0 m	2.0 m	
Min Rear Yard Setback	0.0 m unless abutting residential zone then 1.5 m	<ul> <li>0.0 m unless:</li> <li>abutting residential zone then 1.5 m</li> <li>adjacent to non-industrial future land use then 7.5m</li> </ul>	
	Outdoor Storage		
	12	16	
Location	Not restricted	Not permitted in the setback areas and shall be consolidated into a single area per lot	
Screening	Not restricted	Must be screened with opaque fencing and landscaping	
	Outdoor Display		
	12	16	
Location	Not Restricted	Outdoor display / sales (& non- accessory parking) shall not encroach into the landscape areas	



Industrial Zone Use Comparison				
Uses Permitted in I2 but NOT in I6		Uses Permitted in I6 but NOT in I2		
Primary Use	Secondary Use	Primary Use	Secondary Use	
Auctioneering establishments	agriculture, urban	Animal clinics, minor	Home Base Business, major	
breweries and distilleries, major	child care centre, major	Business Support Services	Home Base Business, minor	
breweries and distilleries, minor	j	General Industrial Use, Limited	Secondary Suite	
bulk fuel depots		Single Family Dwelling		
convenience vehicle rentals		Vehicle and Equipment		
fleet services		Services, Limited		
food primary establishment				
general industrial uses				
gas bars				
liquor primary establishment,				
minor				
medical marihuana production				
facilities				
rapid drive-through vehicle				
services				
recycled materials drop-off centres				
service stations, minor				
service stations, major				
truck and mobile home				
sales/rentals				
vehicle and equipment services,				
industrial				
warehouse sales				





#### CITY OF KELOWNA

# **MEMORANDUM**

Date:

September 27, 2016

File No.:

DP16-0232

To:

Urban Planning (AC)

From:

Development Engineer Technologist (RO)

Subject:

3150-3170 Sexsmith Rd., Lot 26, 27 Plan 18861

ATTACHMENT A

This forms part of application

# DP16-0232

City of

Planner Initials

AC

COMMUNITY PLANNING

The Development Engineering Branch comments and requirements regarding this application for a development Permit are as follows:

#### 1. General.

- a) Provide easements and Road Right of Way as may be required.
- b) Requirement associated with the development of the subject property were addressed in the old rezoning report under file Z15-0054.

#### 2.. On-site related issues.

 A site grading plan must be provided and it must demonstrate that the ultimate access from Palomino Road meets the City requirements upon closure of the temporary access from Sexsmith Road.

#### 2. Water Servicing Requirements.

a) This development is within the service area of the Glenmore Ellison Irrigation District (GEID). The developer is required to make satisfactory arrangements with the GEID for these items. All charges for service connection and upgrading costs are to be paid directly to the GEID. The developer is required to provide a confirmation that the district is capable of supplying fire flow in accordance with the City of Kelowna current Bylaws and Policies.

#### 3. Stormwater Management plan.

a. The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the Subdivision, Development and Servicing Bylaw No. 7900. The storm water management plan must also include provision of lot grading plan, and provision of a storm drainage service for the development and / or recommendations for onsite drainage containment and disposal systems. The existing lot is serviced with a 150mm diameter storm service. Only one service will be permitted for this development. The applicant, at his cost, will arrange the installation of one overflow service if required.

#### 4. Power and Telecommunication Services.

The services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works.

Ryan O'Sullivan Development Engineering Technologist

Development Engineering Manager

(initials)

ATTACHMENT A

This forms part of application

# DP16-0232

City of

Planner Initials

AC

Kelowna

COMMUNITY PLANNING

#### **CITY OF KELOWNA**

#### **MEMORANDUM**

Date:

September 27, 2016

File No.:

DVP16-0233

To:

Community Planning Services (AC)

From:

Development Engineering Technologist (RO)

Subject:

3170-3150 Sexsmith Road Variance to I6 setbacks

The Development Engineering comments and requirements regarding this DVP application are as follows:

This development variance permit application to vary the yard setback and site coverage for a proposed building and RV parking does not compromise any municipal services.

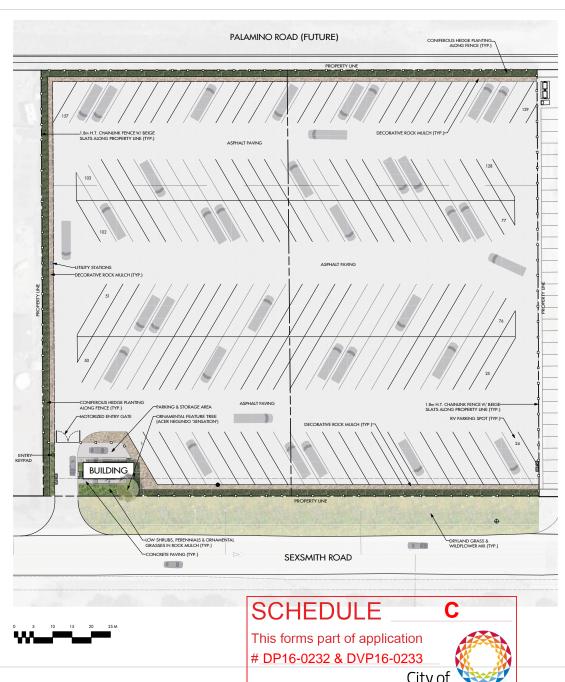
Access and Vehicle movement requirements were addressed as part of the Subdivsion file review under file: S15-0054

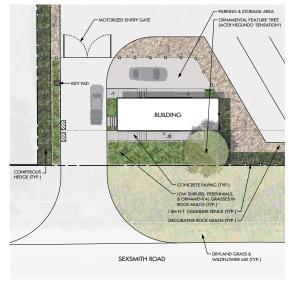


หิyัลก์ OʻSullivan

Development Engineering Technologist

Development Engineering Manager (initials)





#### CLOSE-UP OF ENTRY AREA SCALE: 1:150

#### 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 ROCK MULCH. DO NOT PLACE WEED MAT UNDERNEATH TREE AND SHRUB BEDS.

4. TREE AND SHRUB BEDS TO RECEIVE A MINIMUM 300mm DEPTH TOPSOIL PLACEMENT

SILKY LUPINE
BALSAM ROOT
BROWN EYED SUSAN
COMMON YARROW SANDBERG BLUEGRASS JUNE GRASS

HYDROSEEDING APPUCATION RATE (DRYLAND SEED AREA)
NATIVE SEED DRYLAND SEED MIXTURE
WILDFLOWER SEED MIXTURE
FERTILIZER
18-18-18-2, 50% SULPHUR COATED UREA
MULCH
CANFOR ECOFIBER PLUS TAC 125KG/HECTARE 1KG/HECTARE 300KG/HECTARE MULCH TACKIFIER 3% OF MIX

#### **PLANT LIST** BOTANICAL NAME COMMON NAME QTY SIZE/SPACING & REMARKS TREES ACER NEGUNDO 'SENSATION' SENSATION BOX ELDER 1 6cm CAL HEDGE JUNIPERUS SCOPULORUM 'MOONGLOW' MOONGLOW JUNIPER 233 #05 CONT. /1.5M O.C. SPACING PERENNIALS & GRASSES PANICUM VIRGATUM 'ROSTRALBUSCH' PEROVSKIA ATRIPLICIFOLIA 'LONGIN' RUDBECKIA FULGIDA 'GOLDSTURM' #01 CONT. /1.2M O.C. SPACING #01 CONT. /0.9M O.C. SPACING #01 CONT. /0.75M O.C. SPACING LONGIN RUSSIAN SAGE GOLDSTURM CONEFLOWER



206 - 1889 Spall Road Kelowna, BC V1Y 4R2 T (250) 868-9270 www.outlanddesign.ca



#### 3150-3170 SEXSMITH RD

BY WEIGHT

#### CONCEPTUAL LANDSCAPE PLAN

1	16.09.20	Review	
3 4			
3			
4			
5			
Т	•	•	
PRC	DJECTNO	16069	_

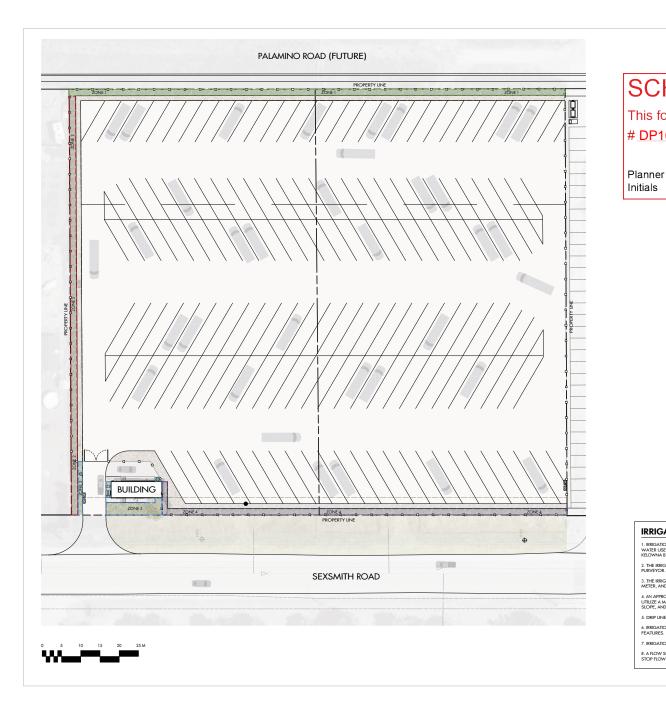
PROJECT NO	16069
DESIGN BY	KG
DRAWN BY	KG
CHECKED BY	FB
DATE	SEPT. 20, 2016
CCAIE.	1.000



ISSUED FOR REVIEW ONLY

Planner AC Initials









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#### WATER CONSERVATION CALCULATIONS

LANDSCAPE MAXIMUM WATER BUDGET (WB) = 1,152 cu.m. / year ESTIMATED LANDSCAPE WATER USE (WU) = 381 cu.m. / year WATER BALANCE = 771 cu.m. / year

\*REFER ATTACHED IRRIGATION APPLICATION FOR DETAILED CALCULATIONS

#### IRRIGATION LEGEND

ZONE #1: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS TOTAL AREA. 225 sq.m. MICROCLIMATE: NORTH EXPOSURE, FULL SUN ESTIMATED ANNALL WATER USE: 125 cu.m.

ZONE #2 HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS TOTAL AREA. 190 a.g.m. MICROCLIMATE: WEST EXPOSURE, FULL SUN ESTIMATED ANNUAL WATER USE: 108 c.m.

ESTIMATE ANNUAL WATER USE: 100 d.m.

ZONE 8'S HIGH EFFICIENCY SUBSURFACE DRIP BRIGATION FOR MODERATE WATER USE PLANTING AREAS TOTAL AREA: 75 sq.m. MICROCIMATE: SQUIM EXPOSURE, PARTIALLY SHADED BY TREES ESTIMATED ANNUAL WATER USE: 42 cu.m.

ZONE #4. HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS TOTAL AREA. 195 a.g.m. MICROCLIMATE: SOUTH EXPOSURE, FULL SUN ESTIMATED ANNUAL WATER USE: 107 co.m.

#### **IRRIGATION NOTES**

AC

1. IRRIGATION PRODUCTS AND INSTALLATION METHODS SHALL MEET OR EXCEED THE REQUIREMENTS OF THE WATER USE REQULATION BYLAW NO. 10480 AND THE SUPPLEMENTARY SPECIFICATIONS IN THE CITY OF KECOWAS BYLAW 750 (PART S, CHEDULE S).

2. THE IRRIGATION SYSTEM SHALL MEET THE REQUIREMENTS, REGULATIONS, AND BYLAWS OF THE WATER PURVEYOR.

THE IRRIGATION SYSTEM SHALL BE EQUIPPED WITH AN APPROVED BACKFLOW PREVENTION DEVICE, WATER METER, AND SHUT OFF VALVE LOCATED OUTSIDE THE BUILDING ACCESSIBLE TO THE CITY.

4. AN APPROVED SMART CONTROLLER SHALL BE INSTALLED. THE IRRIGATION SCHEDULING TIMES SHALL UTILIZE A MAXIMUM ET VALUE OF  $\mathcal T'$  / MONTH (NELOWINA JULY ET), TAKING INTO CONSIDERATION SOIL TYPE, SLOPE, AND MICROCHLIMET.

5. DRIP LINE AND EMITTERS SHALL INCORPORATE TECHNOLOGY TO LIMIT ROOT INTRUSION. 6. IRRIGATION SLEEVES SHALL BE INSTALLED TO ROUTE IRRIGATION LINES UNDER HARD SURFACES AND FEATURES.

7. IRRIGATION PIPE SHALL BE SIZED TO ALLOW FOR A MAXIMUM FLOW OF 1.5m /SEC.

8. A FLOW SENSOR AND MASTER VALVE SHALL BE CONNECTED TO THE CONTROLLER AND PROGRAMMED TO STOP FLOW TO THE SYSTEM IN CASE OF AN IRRIGATION WATER LEAK.

#### 3150-3170 SEXSMITH RD

#### WATER CONSERVATION & IRRIGATION PLAN

1	16.09.20	Review	
2			
3			
5			

PROJECT NO	16069	
DESIGN BY	SP	
DRAWN BY	KG	
CHECKED BY	FB	
DATE	SEPT. 20, 2016	



ISSUED FOR REVIEW ONLY



2 BDRM, 1 BATH, FRONT LR | 14'x56' | 784 sqft | 14CO5602



MODULAR HOME EXAMPLE - FORM AND CHARACTER

# This forms part of application # DP16-0232 & DVP16-0233 City of

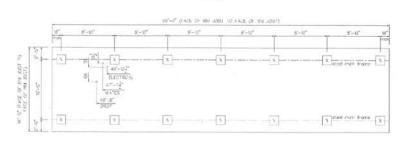
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#### FENCE AND GATE IMAGE

N.T.S.



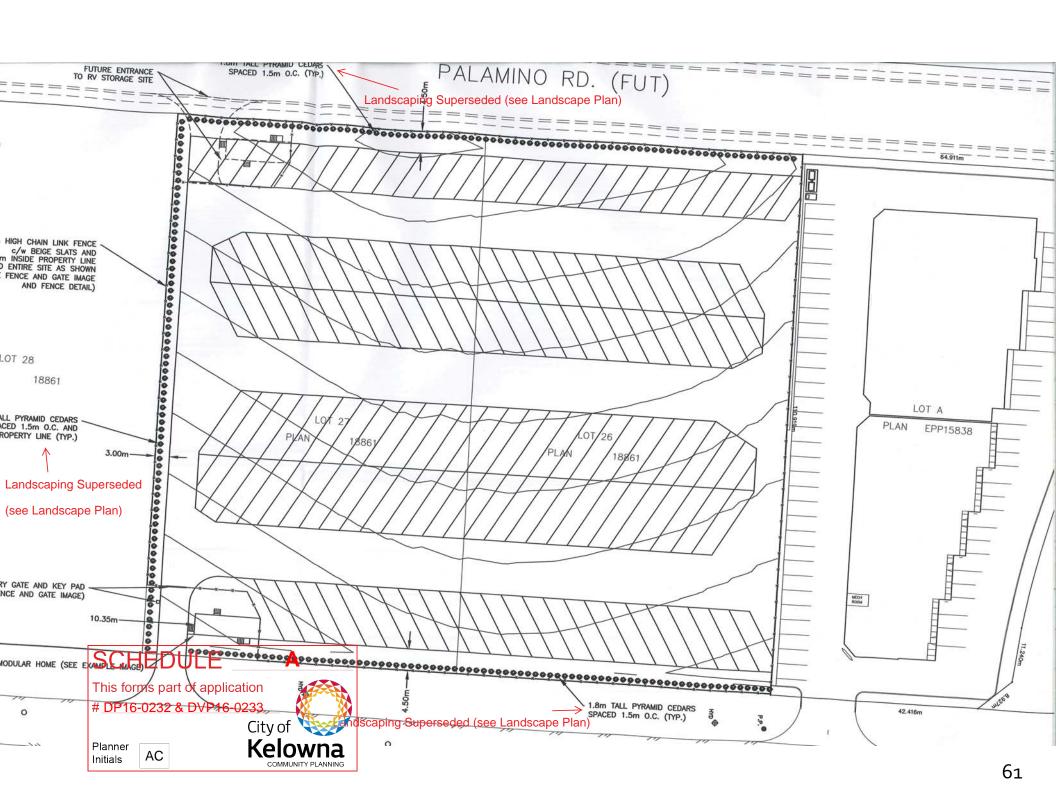
#### FOUNDATION PLAN

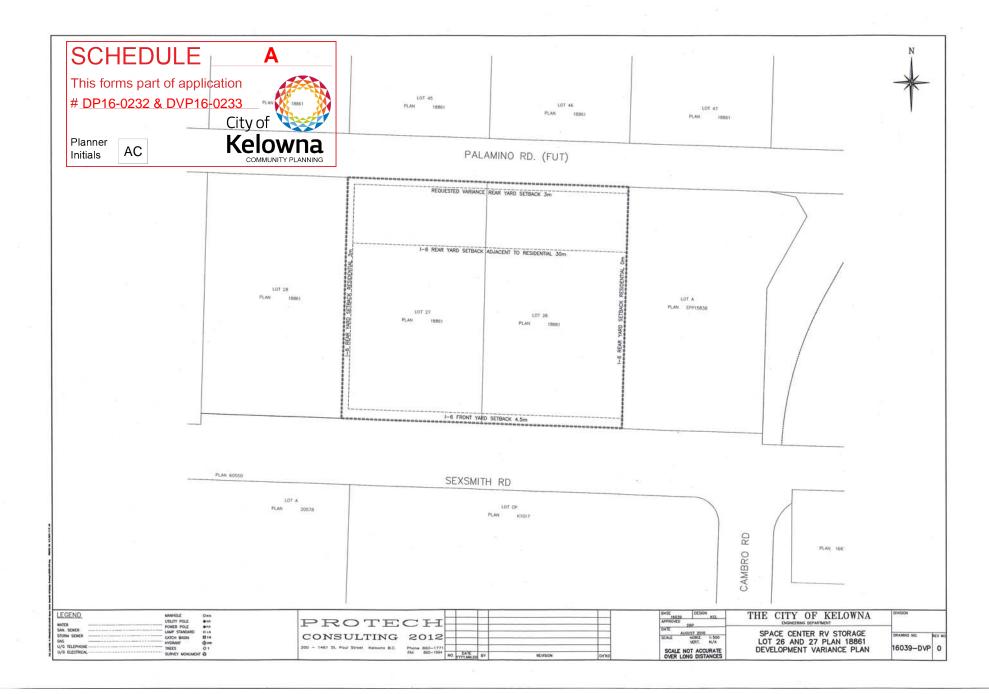
N.T.S.



SPACE CENTER RV STORAGE LOT 26 AND 27 PLAN 18861 DEVELOPMENT PERMIT PLAN FORM AND CHARACTER

DRAWING NO. HEV NO. 16039—DPa 1







September 20, 2016

3150-3170 Sexsmith Road C/o Protech Consulting Suite 200, 1461 St. Paul Street Kelowna, BC V1Y 2E4 Attn: Grant Maddock



Re: Proposed 3150-3170 Sexsmith Road Development – Preliminary Cost Estimate for Bonding

Dear Grant:

Please be advised of the following preliminary cost estimate for bonding of the proposed landscape works shown in the 3150-3170 Sexsmith Road conceptual landscape plan dated 16.09.20;

2,355 square metres (25,349 square feet) of improvements = \$37,556.00

This preliminary cost estimate is inclusive of trees, shrubs, dryland seed, 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** 



1435 Water Street Kelowna, BC V1Y 1J4 250 469-8500 kelowna.ca

# **IRRIGATION APPLICATION**

#### APPLICATION IDENTIFICATION

				•		
	Protech Consulting	Subject Address:	3150-3170 Sexs	smith Road		
Agent if applicable:		<del>-</del>	250-868-9270			
	Certified Irrigation Designer	Fax No:				
Company:		<b>→</b> :	: steve@outlandde			
City:	Kelowna, BC	<del>-</del>	206-1889 Spall			
		Province	ВС	Postal Code: V1Y 4R2		
LANDSCAPE '	WATER CONSERVATION CHECKL	LIST				
Note: all boxes are	to be checked - see instruction page					
<b>V</b>	Install Backflow prevention devices to meet Ci potable water system.	ity of Kelowna standard	is to isolate the o	outdoor irrigation system from the		
<b>J</b>	Group planting into 'hydrozones' of high, med	lium and low water-use	plants or unirriga	ated/unwatered areas.		
<b>✓</b>	Minimize mown turf areas that are high water use areas - ideally to 50% of the landscape area or less - substitute with areas of lower water use treatments like unwatered native woods or meadow, mulch, spaced wood deck, pervious paving.					
<b>✓</b>	Povide adequate topsoil or growing medium of depth and quality to meet the BC Landscape Standard, published by the BC Society of Landscape Architects and the BC Landscape and Nursery Association. General minimum depths over poor subsoils are 150mm for lawn and 300mm for shrubs groundcover.					
<b>V</b>	Group irrigation circuits/zones into 'hydrozones' of high, medium, and low or unirrigated areas consistent with the landscape planting plan. Provide a separate irrigation valve for each irrigated hydrozone.					
<b>V</b>	Minimize use of high-volume spray heads, and employ drip or low volume irrigation where practical.					
<b>V</b>	When spray or rotor irrigation is used, design and install head to head coverage in accordance with manufacturer's specifications, and avoid overspray outside landscape areas.					
<b>V</b>	Ensure matched precipitation rates within all i	irrigation circuits.				
<b>V</b>	Design and install pipe and head layout so flow velocity does not exceed 1.5 m/s, and to minimize elevation change or pressure variation in circuits. Provide check valves to stop low head drainage.					
<b>V</b>	Ensure irrigation mainlines are proved leak-fre	ee with hydrostatic test	.S.			
<b>V</b>	Provide pressure regulating devices to ensure i range.	irrigation outlets are op	perating at the ma	anufacturer's optimum pressure		
<b>V</b>	Install - and program to minimize water use - 'Smart Controllers' to meet standards of the City of Kelowna Water Regulation Bylaw.					
<b>7</b>	Install an irrigation master shut-off valve (isolathat when closed shall stop the supply of wate be capable of being closed and locked off by the state of the st	er from the potable wate	_	=		
Applicant Notes on	the Landscape Water Conservation Checklist:					
	SC	HEDULE	С			
1		forms part of applica	_			

Planner

Initials

AC

Page 1 of 3



1435 Water Street Kelowna, BC V1Y 1J4 250 469-8500 kelowna.ca

# **IRRIGATION APPLICATION**

### CALCULATE & COMPARE WATER BUDGET TO ESTIMATED WATER USE

Note: For Evapotranspiration (ETo) in Kelowna use 1	000m Amount	Units	
Total Landscape Area	1152	sq.m.	
Landscape Maximum Water Budget (WB) Estimated Landscape Water Use (WU) Under (-OVER) Budget (Must be under Water Budget WB)	1152 381 <b>771</b> <b>OK</b>	cu.m./yr. cu.m./yr. cu.m./yr.	
I have identified and confirmed, by completing the attach will conform to current landscape and irrigation water collandscape treatments of the project will conform to the ECalculation Table' above.	nservation practices I	isted in the checklist. I also ack	nowledge that the
Signature of Applicant		Date:	
FOR CITY OF KELOWNA OFFICE USE ONLY  The Irrigation Application and calculations above satisfy the 4.4.3 and is hereby APPROVED with the signature of the V	-		) Section 4.4.2 and
Signature of Kelowna Water Smart designate For Water Manager		Date:	
Print Name	This forms part of # DP16-0232 & DV	application VP16-0233 City of	
NOTE: Post Signed and approved application at Smart Control	Initials ACTOR	TCIUWIIA	Page 2 of 2

Page 3 of 3



1435 Water Street Kelowna, BC V1Y 1J4 250 469-8500 kelowna.ca

# **IRRIGATION APPLICATION**

#### LANDSCAPE WATER CONSERVATION TABLE

Applicant: Protech Consulting Address: 3150-3170 Sexsmith Road

#### Step 1: Measure Total Landscape Area (LA)

Area of site that will absorb water:

Note: INCLUDE BOULEVARD, and proposed lawn, plants, mulch, PERVIOUS decks or paving. Do not include building areas, driveways, patios, decks or walks unless pervious.

Step 2: Divide Into Landscape	Treatments*	Plant Factor	Irrig Efficiency	Hydrozone Area	% of Total LA	Estimated Water
Note: each of the areas below are a 'HYDROZONE'		(PF)	(IE)	(HA)		(WU)
<b>Unwatered Pervious Areas (n</b>	ot impervious pavir	ng)				
Mulch (Stone, bark or sand)		N/A	N/A	467	41%	N/A
Pervious deck (Spaced wood deck)		N/A	N/A		0%	N/A
Pervious paving (AquaPave, Rima Pav	e)	N/A	N/A		0%	N/A
Naturalized meadow (wildflowers)		N/A	N/A		0%	N/A
Naturalized area (Existing natural are	ea)	N/A	N/A		0%	N/A
Other:		N/A	N/A		0%	N/A
Swimming or ornamental pool		1	1		0%	0
Motored Dientine Dede Johnst						
Watered Planting Beds (shrubs or groundcover)						
Planting Type	Irrig Efficiency					_
Low water use plants	High (Drip or Bubbler)	0.3	0.9		0%	0
Low water use plants	Low (Spray orRotor)	0.3	0.7		0%	0
Moderate water use plants	High (Drip or Bubbler)	0.5	0.9	685	59%	381
Moderate water use plants	Low (Spray orRotor)	0.5	0.7		0%	0
High water use plants	High (Drip or Bubbler)	0.7	0.9		0%	0
High water use plants	Low (Spray orRotor)	0.7	0.7		0%	0
Watered Mown Lawn Areas	Low	1	0.7		0%	0
Special Landscape Areas (SLA)						
Vegetable Garden	High (Drip or Bubbler)	1	0.9		0%	0
Vegetable Garden	Low (Spray orRotor)	1	0.7		0%	0
Sports Lawn	Low (Spray orRotor)	1	0.7		0%	0
Rainwater or Recycled Water Use	(1 ) (	0.3	1		0%	0
Totals SCHEDU Special Landscape Area (SLA) Sub tot	LE C			1152	100%	381

\*If proposed designicantons paer hor showlice form place the City at 250 469-8502

#\_DP16-0232 & DVP16-0233

Page 2 of 3

# REPORT TO COUNCIL



**Date:** February 7, 2017

**RIM No.** 0940-00

To: City Manager

From: Community Planning Department (TB)

Address: 430 Pine Road Applicant: Peter Campbell

**Subject:** Development Variance Permit

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. DVP16-0306 for Lot 10, Section 26, Township 26, ODYD, Plan 23278, located at 430 Pine Road, Kelowna, BC;

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

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

To vary the required minimum rear yard from 7.5m required to 6.77m 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 rear yard setback from 7.5m required to 6.77m proposed.

#### 3.0 Community Planning

Community Planning recommends support for the requested variance to relax the rear yard setback from 7.5m required to 6.77m proposed. While it was the applicant who made an error in correctly dimensioning their foundation on a recent building permit application, the proposed variance is not anticipated to have an impact on the adjacent neighbours in the area and only a minimal impact on the subject property's private outdoor space.

#### 4.0 Proposal

#### 4.1 Background

The existing single family home was constructed in 1973 with a crawl space and a car port. The applicant applied for a building permit on October 14, 2016 for an addition on the rear of the house for a bedroom, bathroom, and storage. The addition does not contain a secondary suite. The permit was issued on October 26, 2016. On November 23, 2016 a siting and footing inspection was completed and staff requested the applicant provide a survey certificate for the foundation, a typical City requirement.

The survey certificate indicated that the foundation that had been poured encroached into the rear yard setback on the south-west corner at 6.77m as opposed to 7.50m required (please see Attachment "A" and Attachment "B"). The applicant was advised to stop construction until a variance had been applied for and approved by Council.

#### 4.2 <u>Project Description</u>

The site plan that was approved by building permit BP54081 was incorrect as submitted by the applicant. The dimensions of the house were in error, causing the proposed addition to be constructed encroaching in the rear yard.

The encroachment of 0.73m faces two adjacent properties' rear yards. It is anticipated the encroachment will have minimal visual impact, and minimal impact on the private outdoor space of the adjacent properties. There is existing landscaping and fencing that provides further screening from adjacent properties.

#### 4.3 Site Context

The subject property is located in Rutland north of Mugford Road and west of Merrifield Road in a predominantly single family neighbourhood.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Family Residential
East	RU6 – Two Dwelling Housing	Duplex Housing
South	RU1 – Large Lot Housing	Single Family Residential
West	RU1 – Large Lot Housing	Single Family Residential





## 4.4 Zoning Analysis Table

Zoning Analysis Table						
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL				
Existing Lot/Subdivision Regulations						
Lot Area	550 m²	1093.6 m²				
Lot Width	16.5 m	m				
Lot Depth	30.0 m	m				
	Development Regulations					
Site Coverage of Buildings	40%	22%				
Site Coverage of Buildings, Driveways, and Parking	50%	27%				
Front Yard	6.o m	14.4 m				
Side Yard (south)	2.0 M	2.2 M				
Side Yard (north)	2.0 M	2.4 M				
Rear Yard	7.5 m	6.77 m 0				
• Indicates a requested variance to the rear yard setback.						

#### 5.0 Application Chronology

Date of Application Received: December 23, 2016

Date Public Consultation Completed: January 18, 2016

Report prepared by: Trisa Brandt, Planner I

**Reviewed by:** Terry Barton, Urban Planning Manager

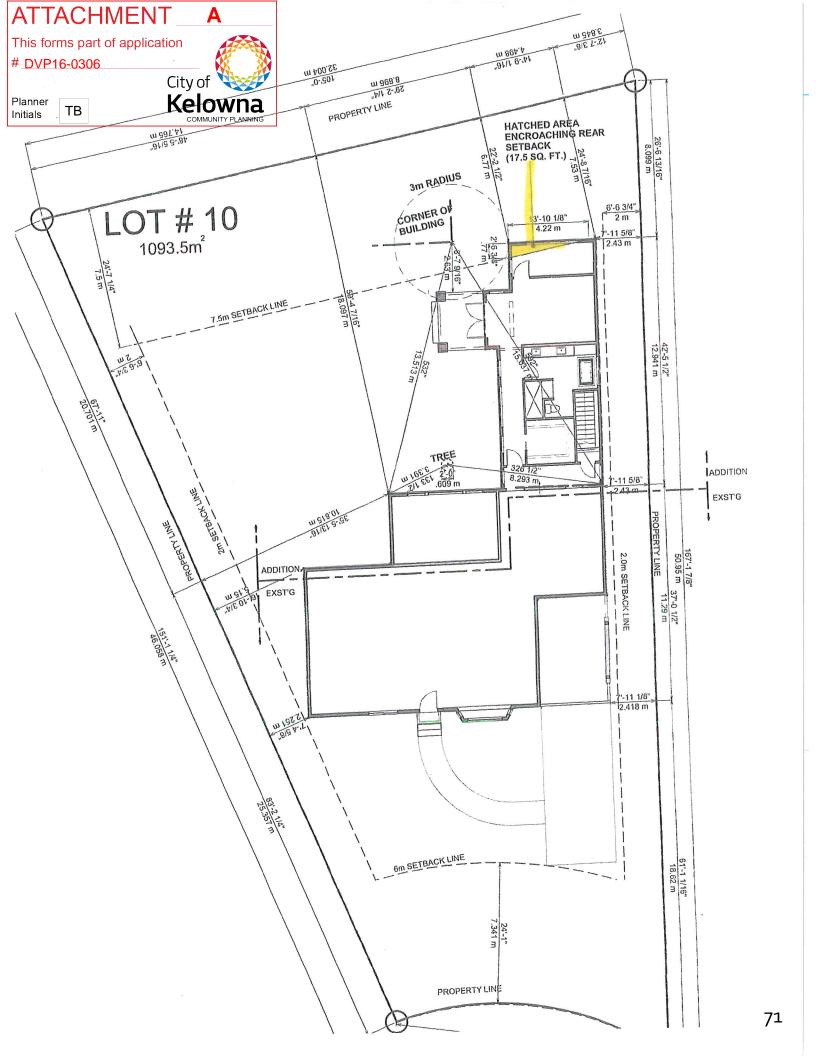
**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

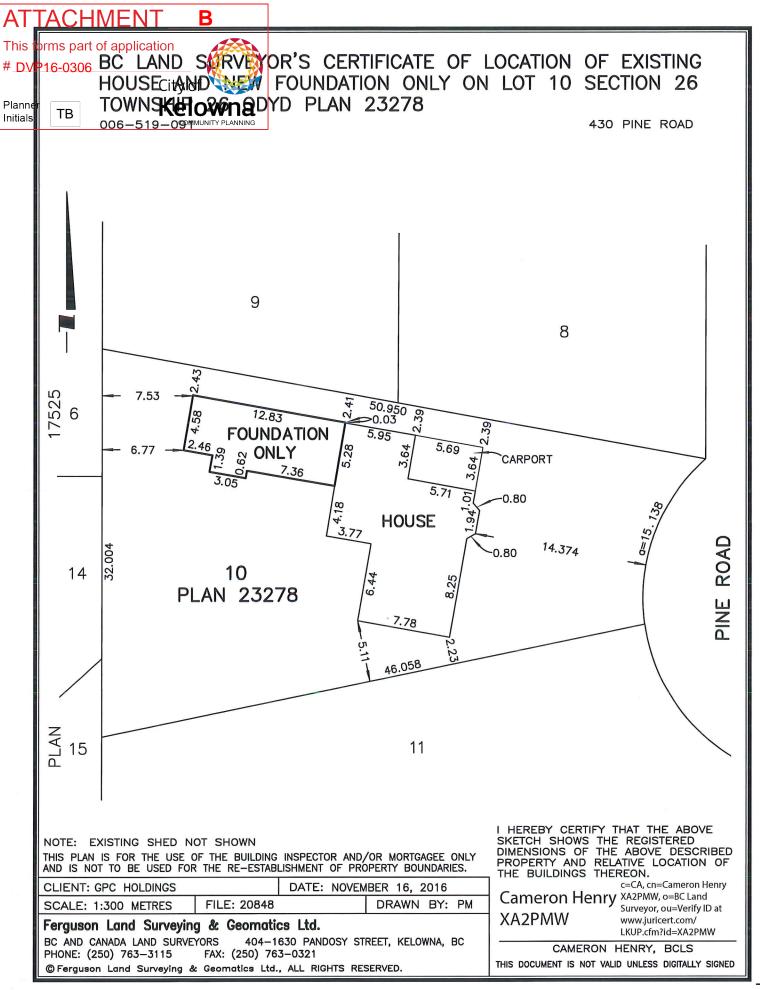
#### Attachments:

Attachment "A": Site Plan illustrating encroachment

Attachment "B": Survey Plan

Draft Development Variance Permit DVP16-0306





# DEVELOPMENT VARIANCE PERMIT



#### APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT NO. DVP16-0306

**Issued To:** Callie Joe Pasitney

Site Address: 430 Pine Road

**Legal Description:** Lot 10, Section 26, Township 26, ODYD, Plan 23278

**Zoning Classification:** RU1 – Large Lot Housing

#### **SCOPE OF APPROVAL**

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

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

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

#### 1. TERMS AND CONDITIONS

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

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

To vary the required minimum rear yard from 7.5m required to 6.77m 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. PERFORMANCE SECURITY

None required.

#### 3. DEVELOPMENT

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

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

#### This Permit IS NOT a Building Permit.

#### 4. APPLICANT'S AGREEMENT

. . . . . . . . . . . . . . . . . . .

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

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

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

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

5. APPROVALS		
Issued and approved by Council on the day of	, 2016.	
Ryan Smith, Community Planning Department Manager Community Planning & Real Estate	Date	

The PERMIT HOLDER is the <u>CURRENT LAND OWNER</u>. Security shall be returned to the PERMIT HOLDER.