

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, August 15, 2017
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. **Call to Order**
2. **Reaffirmation of Oath of Office**

The Oath of Office will be read by Councillor Sieben.
3. **Confirmation of Minutes** 1 - 13

Public Hearing - July 25, 2017
Regular Meeting - July 25, 2017
4. **Bylaws Considered at Public Hearing**
 - 4.1 **TA16-0002 (BL11440) - General Housekeeping Amendments to Zoning Bylaw No. 8000** 14 - 17

To give Bylaw No. 11440 second and third readings in order to amend the City of Kelowna Bylaw No. 8000 with housekeeping amendments.
 - 4.2 **4264 Lakeshore Rd, Z17-0037 (BL11444) - Joseph Crosara & Elizabeth Shelton** 18 - 18

To give Bylaw No. 11444 second and third readings in order to rezone the subject property from RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone.
 - 4.3 **2355 Acland Rd and 333 Penno Rd, Z17-0061 (BL11446) - o837937 BC Ltd** 19 - 21

To give Bylaw No. 11446 second and third readings in order to rezone portions of the subject properties as per Map A.
 - 4.4 **(W of) Loseth Dr, OCP17-0016 (BL11447) - City of Kelowna** 22 - 23

Requires the majority of all members of Council (5)
To give Bylaw No. 11447 second and third readings, and be adopted, in order to change the designation of portions of the subject property as per Map A.

4.5	1330 & 1340 Mine Hill Dr, OCP17-0013 (BL11448) - Starland Development Company Ltd	24 - 25
	<p>Requires the majority of all members of Council (5) To give Bylaw No. 11448 second and third readings in order to change the Future Land Use designation for a portion of 1330 Mine Hill Drive as per Map A.</p>	
4.6	1330 & 1340 Mine Hill Dr, Z16-0079 (BL11449) - Starland Development Company	26 - 27
	<p>To give Bylaw No. 11449 second and third readings in order to rezone portions of the subject properties as per Map B.</p>	
4.7	482 Clifton Rd N, LUC17-0001 (BL11450) - Dennis & Denise Campbell	28 - 28
	<p>To give Bylaw No. 11450 second and third readings, and be adopted, in order to discharge Land Use Contract LUC76-1087 from the subject property.</p>	
5.	Notification of Meeting	
	<p>The City Clerk will provide information as to how the following items on the Agenda were publicized.</p>	
6.	Liquor License Application Reports	
6.1	1959 KLO Road, LL17-0012 - Abbott Street Holdings Ltd	29 - 42
	<p>City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the liquor license application to come forward. To consider a Staff recommendation to support a new Liquor Primary License for Mission Creek Golf Club.</p>	
7.	Development Permit and Development Variance Permit Reports	
7.1	388 Viewcrest Ct, DVP17-0060 - Grant and Jamie Menzies	43 - 52
	<p>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 height of an existing retaining wall from 1.2m (required) to 2.5m (existing) on the subject property.</p>	
7.2	460 Doyle Ave, DVP17-0086 - City of Kelowna	53 - 62
	<p>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 location of a canopy sign, to allow the sign to be located on a different floor of the building than the floor which the related business occupies; and to vary the maximum height from 300mm required to 914mm proposed.</p>	

7.3	520 Stanley Cr, DVP17-0094 - Chris Busch	63 - 73
	<p>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.</p> <p>To vary the front yard setback for a detached garage from 12.0m permitted to 7.0m proposed on the subject property.</p>	
7.4	2206 Woodlawn St, DVP17-0103 - Janice Mosychuk	74 - 86
	<p>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.</p> <p>To vary the minimum distance between two single detached housing units from 4.5m required to 2.15m proposed on the subject property.</p>	
7.5	328 Poplar Point Dr, DVP17-0109 - Armin & Helena Gottschling	87 - 97
	<p>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.</p> <p>To vary the minimum front yard from 4.5 m permitted to 1.0 m to facilitate an addition to the existing single detached house.</p>	
7.6	9305 & 9325 Balser Ct, DVP17-0115 - Sea Lion Holdings Ltd	98 - 109
	<p>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.</p> <p>To vary the maximum site coverage and the maximum height to facilitate the development of a new general industrial building on the subject property.</p>	
7.7	945 Guy St, TUP16-0003-01 - Tolko Industries Ltd	110 - 117
	<p>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.</p> <p>To seek a three (3) year extension on a Temporary Use Permit to allow for the existing building to continue to be used as a marketing and sale center for the proposed developments in the neighbourhood.</p>	
7.8	1700 Tower Ranch Blvd, TUP17-0001 - Emil Anderson Construction	118 - 129
	<p>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.</p> <p>To process granular materials for use at Tower Ranch. Specifically, the processing of waste concrete and asphalt for recycling and re-use in new road structures, sidewalk sub-base, and granular fill.</p>	

8. Reminders

9. Termination



City of Kelowna

Public Hearing

Minutes

Date: Tuesday, July 25, 2017
 Location: Council Chamber
 City Hall, 1435 Water Street

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

Staff Present: Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; Planner Specialist, Melanie Stepphun*; and FOI-Legislative Coordinator, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the Hearing to order at 6:04 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 of City Hall on Tuesday, July 11, 2017 and by being placed in the Kelowna Daily Courier issues on

Friday, July 14, 2017 and Wednesday, July 19, 2017, and by sending out or otherwise mailing 508 statutory notices to the owners and occupiers of surrounding properties on Tuesday, July 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 2800 Hwy 97 N, OCP16-0021 (BL11405) & Z16-0072 (BL11406), 0802333 BC Ltd. - Reconsideration

Staff:

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

The City Clerk advised that no correspondence and/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.

Steve Butler, Applicant's Representative

- Spoke to the rationale for rezoning.
- Confirmed that the property will be cleaned up to be in compliance with municipal bylaws.
- Responded to questions from Council.

No one from the gallery came forward.

Staff:

- Responded to questions from Council.

There were no further comments.

3.2 2673 Gore St, TA17-0009 (BL11426) and Z17-0025 (BL11427) - Stanley Tessmer

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

Letters of Opposition:

Jonathan Tromsness, Gore Street

Harmony Bjarnason and Tom Stow, Gore Street

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

Stanley Tessmer, Property Owners, and Shane Worman, Applicant's Representative

- Provided an overview of the project.

- Spoke to the merits of the design and proposed density.

Gallery:

Mark, Gore Street

- Purchased the adjacent property 11 years ago.
- The project has great impacts on the neighbours.
- Noted he was also opposed to the corner lot redevelopment and has learned to live with it.
- Believes that the sketch shown to Council is not to scale. His property will be facing a 44' high wall.
- Raised privacy concerns.
- A rezoning to RM4 would be more in keeping with the neighbourhood character and design.
- Concerned with redevelopment of the neighbourhood.
- Responded to questions from Council.

Jonathan Tromsness, Gore Street

- Opposed to the application.
- Not the right area for this type of density.
- Believes the applicant has 'blessing' of Council.

Mayor Basran:

- Clarified that Council has not approved the application and that is why we are having a public hearing.

Jonathan Tromsness, Gore Street

- Spoke to the unaffordability of the current neighbourhood housing market.
- Inquired what Council's plan for the Pandosy area is.
- Raised parking concerns.

Harmony Bjarnason, Gore Street

- Opposed to the application.
- Does not support the character of the neighbourhood.
- RM4 is a better zone and a 3-storey structure would be more in keeping with the neighbourhood.
- Raised concerns with bulk and shadow impacts on neighbours.
- Raised parking and safety concerns.
- Displayed photos of the area to illustrate her concerns.
- Not an example of affordable housing due to the high costs of the units.
- Requested that Council defer consideration until traffic implications can be examined in greater detail.
- Made comment that the sketch shown to Council is not to scale and provided examples with actual photographs.

Edith Wright, Gore Street

- Opposed to the application, but not opposed to development in general.
- RM4 is a more suitable zone.
- Agrees with the previous speakers.
- Not an example of affordable housing.
- Raised parking, traffic and laneway concerns.
- Likes the look of the building, but it's out of character for the neighbourhood.
- Responded to questions from Council.

Lee, Gore Street

- Opposed to the application, but not opposed to development in general.
- Out of touch with the neighbourhood.
- Concerned with a precedent being set for future development applications.

Harmony Bjarnason, Gore Street

- Summarized a letter from a neighbour, Robert Wilson on Osprey Avenue, who is opposed to the application.
- Expressed concerns with an increase in traffic on Bathe Street as well as sightline safety concerns.
- Responded to questions from Council

Shane Worman, Applicant's Representative

- The drawings are drafted by professionals and are to scale; Took exception to the statements that the drawings are deceptive.
- The RM5 zone is compatible with the OCP. A rezoning to RM4 would also require an OCP amendment.
- Setbacks are the same for RM4 and RM5. The only difference is height.
- This is a town centre and is an appropriate area for density, as identified in the OCP.
- Spoke to the public consultation efforts.
- Spoke to road and laneway traffic and that they are in accordance with City bylaw requirements.
- The amount of additional traffic this development will create is minimal.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments.

3.3 1350 and 1370 KLO Rd, OCP17-0010 (BL11433) and Z17-0026 (BL11434) - Summerwood Retirement Resort Holding Corporation

Staff:

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

The City Clerk advised that no correspondence and/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.

Ed Hall, Regency Retirement Resorts, & Rachel Webster, Intern, Kent MacPherson, Applicant's Representatives

- Displayed a PowerPoint presentation summarizing the proposal and providing the rationale for the proposed OCP amendment and rezoning/
- Thanked Community Planning staff for their input.
- Great location for a retirement home.
- Responded to questions from Council.

Gallery:

Rocky Taetz, Holland Road

- Neither in favour of the application nor opposed to it.
- His property backs onto the subject property.
- Thanked Mr. Hall for the preliminary meeting with him.
- Concerned with maintaining the natural green space.
- Concerned with privacy implications with being next door to a multi-storey building.
- Would like to see a good privacy buffer.
- Raised concerns with impacts on property values.
- Raised concerns with traffic impacts.

Carlo Bertelli, Holland Road

- Expressed a concern with the size of the building. Too big for the neighbourhood.
- Concerned with loss of trees.
- Concerned with traffic safety as KLO Road is already quite busy.
- Concerned with impacts on sunlight in his back yard and garden.
- The building should be redesigned.
- Responded to questions from Council.

Lori Taeta, Holland Road

- Expressed a concern with traffic impacts.
- Raised concerns with privacy impacts.
- Expressed safety concerns as there are a number of children who live in the area.
- Raised a concern with how busy KLO Road is and the difficulty in turning in/out of Holland Road.

Pat, Sunrise Village, Robin Road South

- Won't be personally impacted but believes the rest of the area will be.
- Doesn't want to see any changes to the park or the park opened to the public as there are already transients in the area causing problems.

Ed Hall, Regency Retirement Resorts, Applicant's Representative

- There will be very little traffic volumes created by the development. Most of the residents, when they move in, bring their vehicles, but after living there for a while, they realize they don't need a car as there is free shuttle services for residents.
- The intention is for the park to remain private.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments.

3.4 2375 Abbott St, Z17-0038 (BL11442) - Aurora Exteriors Ltd

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

Letters of Opposition:

Brent and Tasha Carmichael, Abbott Street
Patrick Stewart, Abbott Street

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

Birte Decloux, Urban Options Planning & Permits, Applicant's Representative

- Made comment regarding the concerns raised in correspondence.
- Displayed images of the proposed roof top patio location.
- The carriage house will be one storey and will face into the property rather than towards the neighbours.
- Displayed a sketch showing the existing trees and roof design that will limit concerns of the neighbours.
- Noted that the large tree on the site will be retained and maintained.

No one from the gallery came forward.

Staff:

- Responded to questions from Council.

There were no further comments.

4. Termination

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

Mayor

/slh

City Clerk



City of Kelowna

Regular Council Meeting

Minutes

Date: Tuesday, July 25, 2017
Location: Council Chamber
City Hall, 1435 Water Street

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

Staff Present: Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; Planner Specialist, Adam Cseke; and FOI-Legislative Coordinator, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 8:33 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Hodge.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Sieben

R606/17/07/25 THAT the Minutes of the Public Hearing and Regular Meeting of July 11, 2017 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 2800 Hwy 97 N - BL11405 (OCP16-0021) - o802333 BC Ltd

Moved By Councillor Hodge/Seconded By Councillor Gray

R607/17/07/25 THAT Bylaw No. 11405 be read a second and third time.

Defeated

Councillors DeHart, Donn, Gray, Sieben and Stack – Opposed.

4.2 2800 Hwy 97 N, BL11406 (Z16-0072) - o802333 BC Ltd

Bylaw No. 11406 was not read as the OCP Amending Bylaw No. 11405 was defeated by Council.

4.3 2673 Gore St, TA17-0009 (BL11426) - Multiple Dwelling Housing Amendments

Moved By Councillor Given/Seconded By Councillor Donn

R608/17/07/25 THAT Bylaw No. 11426 be read a second and third time.

Carried

Councillors Donn & Stack – Opposed.

4.4 2673 Gore St, Z17-0025 (BL11427) - Stanley Tessmar

Moved By Councillor Given/Seconded By Councillor Donn

R609/17/07/25 THAT Bylaw No. 11427 be read a second and third time.

Carried

4.5 1350 and 1370 KLO Rd, BL11433 (OCP17-0010) - Summerwood Retirement Resort Holding Corporation

Moved By Councillor Sieben/Seconded By Councillor Singh

R610/17/07/25 THAT Bylaw No. 11433 be read a second and third time.

Carried

4.6 1350 and 1370 KLO Rd, BL11434 (Z17-0026) - Summerwood Retirement Resort Holding Corporation

Moved By Councillor Sieben/Seconded By Councillor Singh

R611/17/07/25 THAT Bylaw No. 11434 be read a second and third time.

Carried

4.7 2375 Abbott St, Z17-0038 (BL11442) - Aurora Exteriors Ltd

Moved By Councillor Stack/Seconded By Councillor DeHart

R612/17/07/25 THAT Bylaw No. 11442 be read a second and third time and be adopted.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of these Development Variance Permits was given by sending out or otherwise mailing 85 statutory notices to the owners and occupiers of the surrounding properties on Tuesday, July 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

6.1 135 Rutland Rd N, DVP16-0076 - W620 Holdings Ltd

Staff:

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

The City Clerk advised that no correspondence and/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.

Gary Tebbutt, Applicant's Representative

- Displayed a PowerPoint presentation setting out the rationale for the requested variance.
- Provided background information regarding the site.
- Noted that the sign base was engineered and inspected, but was not permitted.
- The encroachment onto the Fortis right-of-way is 11" and he believes he can work with Fortis to overcome their concerns.
- Responded to questions from Council

No one from the gallery came forward.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Sieben

R613/17/07/25 THAT Council NOT authorize the issuance of Development Variance Permit No. DVP16-0076 for Lot 1, Section 26, Township 26, ODYD, Plan KAP62924, located at 135 Rutland Road N, Kelowna, BC

Defeated

Mayor Basran and Councillors DeHart, Given, Gray, Hodge, Sieben & Singh – Opposed.

Moved By Councillor Given/Seconded By Councillor Hodge

R614/17/07/25 THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0076 for Lot A, Section 26, Township 26, ODYD, Plan EPP60238 located at 135 Rutland Rd N, Kelowna, BC, subject to the following:

1. The dimensions and siting of the sign to be constructed on the land be in accordance with Schedule "A";
2. A 219 Restrictive Covenant is registered on title requiring the sign to conform to the bylaws of the day if the City of Kelowna or Ministry of Transportation widen or develop the highway in the future; and
3. Confirmation of Forts' approval of the location of the sign within 180 days from the date of Council approval;

AND THAT variances to the following section of Sign Bylaw No. 8235 be granted:

Section 5.6.1(d) Free-Standing Sign Regulations

To vary the required minimum setback for a free-standing sign from 1.5m permitted to 0.0m proposed.

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

Carried

6.2 1580 & 1558 Ellis St, DP17-0066 & DVP17-0067 - City of Kelowna

Staff:

- Displayed a PowerPoint presentation summarizing the application.
- Noted an error in the report and clarified that bike parking is required and provided the details.
- Responded to questions from Council.

The City Clerk advised that no correspondence and/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.

Luke Turri, Mission Group, Applicant's Representative

- Displayed a PowerPoint presentation setting out the rationale for the proposed development and requested variances.

Gallery:

Landon Bradshaw, President, Kelowna Area Cycling Coalition

- Not opposed to the application.
- Requested that Attachment "B" be removed from the Development Permit as it is at odds with the OCP with respect to how bike lanes and traffic lanes are displayed in the drawings.
- Requested that a 'fresh' look at the bike lane widths is in the best interests of bike safety.
- Responded to questions from Council.

Acting City Manager:

- Provided comment regarding the City's standards with respect to bike lanes.

Darren Schlamp, Kelowna Area Cycling Coalition

- Raised concerns with Attachment "B" depictions of infrastructure on Ellis Street.
- Displayed a PowerPoint presentation illustrating his concerns with the design of the bike lanes.
- Responded to questions from Council.

Resident, Scott Road

- Raised issues with the design of the bike lanes, particularly the width of the lanes in the downtown.
- Concerned that the Active Transportation Guidelines and Pedestrian and Cycling Master Plan is not being followed.
- Concerned with parking minimum standards in the downtown and believes they should be reviewed.
- Expressed sightline safety concerns.

Luke Turri, Mission Group, Applicant's Representative

- Attachment "B" can be amended to incorporate larger bike lanes and is willing to work with staff.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Stack

R615/17/07/25 THAT the meeting be continued past 11:00 p.m. in accordance with Section 5.4 of Council Procedure Bylaw No. 9200.

Carried

Moved By Councillor Sieben/Seconded By Councillor Given

R616/17/07/25 THAT Council authorizes the issuance of Development Permit No. DP17-0066 for Lot 3, Block 15, District Lot 139, ODYD, Plan 462, located at 1580 Ellis St, Kelowna, BC, & Lot A, District Lot 139, ODYD, Plan 17140, located at 1588 Ellis St, Kelowna, BC, subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;
5. That the Development Permit and Development Variance Permit is issued subsequent to the outstanding conditions set out in Attachment "A" attached to the Report from the Community Planning Department dated July 25th 2017;
6. That a Servicing Agreement be completed and bonded for prior to the issuance of the Development Permit that includes the enhanced streetscape as described in Attachment "B";

AND THAT Council authorize the issuance of Development Variance Permit DVP17-0067 for Lot 3, Block 15, District Lot 139, ODYD, Plan 462, located at 1580 Ellis St, Kelowna, BC, & Lot A, District Lot 139, ODYD, Plan 17140, located at 1588 Ellis St, Kelowna, BC;

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

Section 14.7.5 Development Regulations (h)

To vary the maximum height of a building before a 3 metre setback is required from 16 metres to 17.1 metres.

Section 14.7.5 Development Regulations (a)

To vary the maximum height from 58 metres to 61 metres.

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

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

Carried

7. Reminders – Nil.

8. Termination

The meeting was declared terminated at 11:09 p.m.

Mayor

/slh

City Clerk

CITY OF KELOWNA

BYLAW NO. 11440

TA16-0002 – General Housekeeping Amendments

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 1 – General Administration Section 18 – Comprehensive Development Zones** be amended by:

- a) Adding in its appropriate location under Section 13- Urban Residential the following:

RU7	Infill Housing
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- b) deleting the following:

CD25	Capri Centre Comprehensive Development Zone
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And replacing it with:

CD26	Capri Centre Comprehensive Development Zone
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- c) Adding the following in its appropriate location:

CD27	Valley Land Subdivision
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2. AND THAT **Section 2 – Interpretation** be amended by:

- a) Addind a new definition for "**AGRICULTURAL LAND COMMISSION (ALC)**" in its appropriate location that reads as follows:

"AGRICULTURAL LAND COMMISSION (ALC) means the provincial governing body assigned to administer regulations and policies which relate to the preservation of agricultural land. The ALC was previously referred to as the **Land Reserve Commission (LRC)**, and references as such in this Bylaw should be deemed to now refer to the **Agricultural Land Commission (ALC)**, as applicable."

- b) Deleting the following definition of **AUTOMOTIVE RENTALS** that reads:

"AUTOMOTIVE RENTALS means an establishment where new and used vehicles are rented and may also include the sales and servicing of vehicles as ancillary uses."

- c) Deleting the definition for "**Land Reserve Commission**" in its entirety that reads:

"LAND RESERVE COMMISSION (LRC) means the provincial governing body assigned to administer regulations and policies which relate to the preservation of agricultural land. The LRC was previously referred to as the **Agricultural Land Commission (ALC)**, and references as such in this Bylaw should be deemed to now refer to the **Land Reserve Commission (LRC)**, as applicable."

- d) Deleting all references throughout the bylaw of **"Land Reserve Commission"** or **"LRC"** and replacing it with **"Agricultural Land Commission"** or **"ALC"** as appropriate;
- e) Deleting the word "laundries" from the definition **"PERSONAL SERVICES STABILISHEMENTS"** and replace it with the word "laundromats";
- f) Deleting the definition name **"RETAIL STORE – CONVENIENCE"** and replacing it with **"RETAIL STORE, CONVENIENCE"**;
- g) Adding a new definition in its appropriate location for **URBAN RESIDENTIAL ZONES** that reads:

"URBAN RESIDENTIAL ZONES are any zones described in Section 13 of this Bylaw or any CD zone in which the predominant use, as determined by its general purpose and list of permitted uses, is of an urban residential nature."

- 3. AND THAT **Section 7 – Minimum Landscape Buffer, 7.6.1 (e)** be amended by deleting the following:

"This standard may be replaced or modified as a result of conditions of a decision by the Land Reserve Commission. The buffer area shall not be included in the required setback for Rural and Urban Residential zones."

And replacing it with:

"This standard may be replaced or modified as a result of conditions of a decision by the **Agricultural Land Commission**. The buffer area shall be in addition to the required setback for Rural and Urban Residential zones."

- 4. AND THAT **Section 11 – Agricultural Zone, 11.1.3 Secondary Uses** be amended by deleting sub-section **"(g) care centres, intermediate"** and replacing it with **"(g) child care centre, minor"**.
- 5. AND THAT **Section 13 – Urban Residential Zones, 13.14 RH1 – Hillside Large Lot Residential, 13.14.4 Secondary Uses** be amended by deleting **"care centres, minor"** and replacing it with **"child care centre, minor"**;
- 6. AND THAT **Section 13 – Urban Residential Zones, 13.15 RH2 – Hillside Two Dwelling Housing, 13.15.4 Secondary Uses** be amended by deleting **"care centres, minor"** and replacing it with **"child care centre, minor"**;
- 7. AND THAT **Section 13 – Urban Residential Zones, 13.16 RH3 – Hillside Cluster Housing, 13.16.4 Secondary Uses** be amended by deleting **"care centres, minor"** and replacing it with **"child care centre, minor"**;
- 8. AND THAT **Section 13 – Urban Residential Zones, RU7 – Infill Housing** be amended by:
 - a) Deleting the title **"RU7 – Infill Housing"** and replacing it with **"13.17 RU7 – Infill Housing"**;
 - b) Deleting **"1.2 Permitted Uses"** and replacing it with **"13.17.2 Permitted Uses"**;
 - c) Deleting **"1.3 Secondary Uses"** and replacing it with **"13.17.3 Secondary Uses"**;
 - d) Deleting **"1.4 Buildings and Structures Permitted"** and replacing it with **"13.17.4 Buildings and Structures Permitted"**;
 - e) Deleting **"1.5 Subdivision Regulations"** and replacing it with **"13.17.5 Subdivision Regulations"**;
 - f) Deleting **"1.6 Development Regulations"** and replacing it with **"13.17.6 Development Regulations"**;
 - g) Deleting **"1.7 Density Regulations"** and replacing it with **"13.17.7 Density Regulations"**;
 - h) Deleting **"1.8 Other Regulations"** and replacing it with **"13.17.8 Other Regulations"**; and

- i) Adding **Section 13 – Urban Residential Zones, RU7 – Infill Housing** after **Section 13 Urban Residential Zones – RU6 – Two Dwelling Housing/RU6b – Two Dwelling Housing with Boarding or Lodging House.**
- 9. AND THAT **Section 14 – Commercial Zones, 14.3 C3 – Community Commercial, 14.3.2 Principal Uses** be amended by adding in its appropriate location a new subparagraph **“temporary shelter services”** and renumbering all subsequent subparagraphs;
- 10. AND THAT **Section 14 – Commercial Zones, 14.9 C9– Tourist Commercial, 14.9.2 Principal Uses** be amended by adding in its appropriate location a new subparagraph **“temporary shelter services”** and renumbering all subsequent subparagraphs;
- 11. AND THAT **Section 14 – Commercial Zones, 14.10 C10– Service Commercial, 14.10.2 Principal Uses** be amended by adding in its appropriate location a new subparagraphs for **“supportive housing”** and **“temporary shelter services”** and renumbering all subsequent subparagraphs;
- 12. AND THAT **Section 15 – Industrial Zones, 15.2 I2 – General Industrial, 15.2.2 Principal Uses** be amended by adding in its appropriate location a new subparagraph **“temporary shelter services”** and renumbering all subsequent subparagraphs;
- 13. AND THAT **Section 15 – Industrial Zones, 15.4 I4 – Central Industrial, 15.4.2 Principal Uses** be amended by adding in its appropriate location a new subparagraph **“temporary shelter services”** and renumbering all subsequent subparagraphs;
- 14. AND THAT **Section 16 – Public & Institutional Zones, 16.2 P2 – Education and Minor Institutional, 16.2.2 Principal Uses** be amended by adding in its appropriate location a new subparagraphs for **“supportive housing”** and **“temporary shelter services”** and renumbering all subsequent subparagraphs;
- 15. AND THAT **Schedule B – Comprehensive Development Zones, CD25 – Capri Centre Comprehensive Development Zone**, be amended by:
 - a) Deleting the title **“CD25 – Capri Centre Comprehensive Development Zone”** and replacing it with **“CD26 – Capri Centre Comprehensive Development Zone”**;
 - b) Deleting in **1.3 Design Guidelines** the following:

“The CD 25 - Capri Comprehensive Development 25 Zone has been designated as a Development Permit Area by “Kelowna 2030 – Official Community Plan Bylaw No. 10500” for the purpose of guiding the form and character of development. The guidelines applicable to the CD 25 – Capri Comprehensive Development 25 Zone are annexed to this Bylaw as Annexure “1” and entitled “CD 25 Development Area Guidelines.”

And replacing it with:

“The CD 26 - Capri Comprehensive Development 26 Zone has been designated as a Development Permit Area by “Kelowna 2030 – Official Community Plan Bylaw No. 10500” for the purpose of guiding the form and character of development. The guidelines applicable to the CD 26 – Capri Comprehensive Development 26 Zone are annexed to this Bylaw as Annexure “1” and entitled “CD 26 Development Area Guidelines.”

- c) Adding the word "The" before the words "Principal uses in this zone are:" in **1.4 Principal Uses**;
- d) Deleting in **1.4 Principal Uses** the following:

**"(g) care centres, major
(h) Child Care"**

And replace it with:

"(g) child care centres, major"

and renumber subsequent subparagraphs.

- e) Deleting in **1.5 Secondary Uses** the following:

"(b) care centres, minor"

And replacing it with:

"(b) child care centres, minor"

- f) Deleting in **1.14 Parking and Loading** the reference to "CD25" in sub-paragraph (a) and (b) and replacing it with "CD26"; and
- g) Deleting from the Capri Centre Design Guidelines, "Annexure 1 CD25 – Development Area Guidelines" and replacing it with "Annexure 1 CD26– Development Area Guidelines".

16. 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 24th day of July, 2017.

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

CITY OF KELOWNA
BYLAW NO. 11444
Z17-0037 – 4264 Lakeshore Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 11 District Lot 167 ODYD Plan 4610 located on Lakeshore Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 24th day of July, 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

CITY OF KELOWNA
BYLAW NO. 11446
Z17-0061 – 2355 Acland Road and 333 Penno 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 portions of:
 - Lot B, Section 2, Township 23, ODYD Plan KAP80969, located at Acland Road, Kelowna, BC from the I1 – Business Industrial zone to the I2 – General Industrial zone; and
 - Lot E, Section 2, Township 23, ODYD Plan EPP27682, located at Penno Road, Kelowna, BC from the I1 – Business Industrial zone to the I2 – General Industrial zone.

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 24th day of July 2017.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

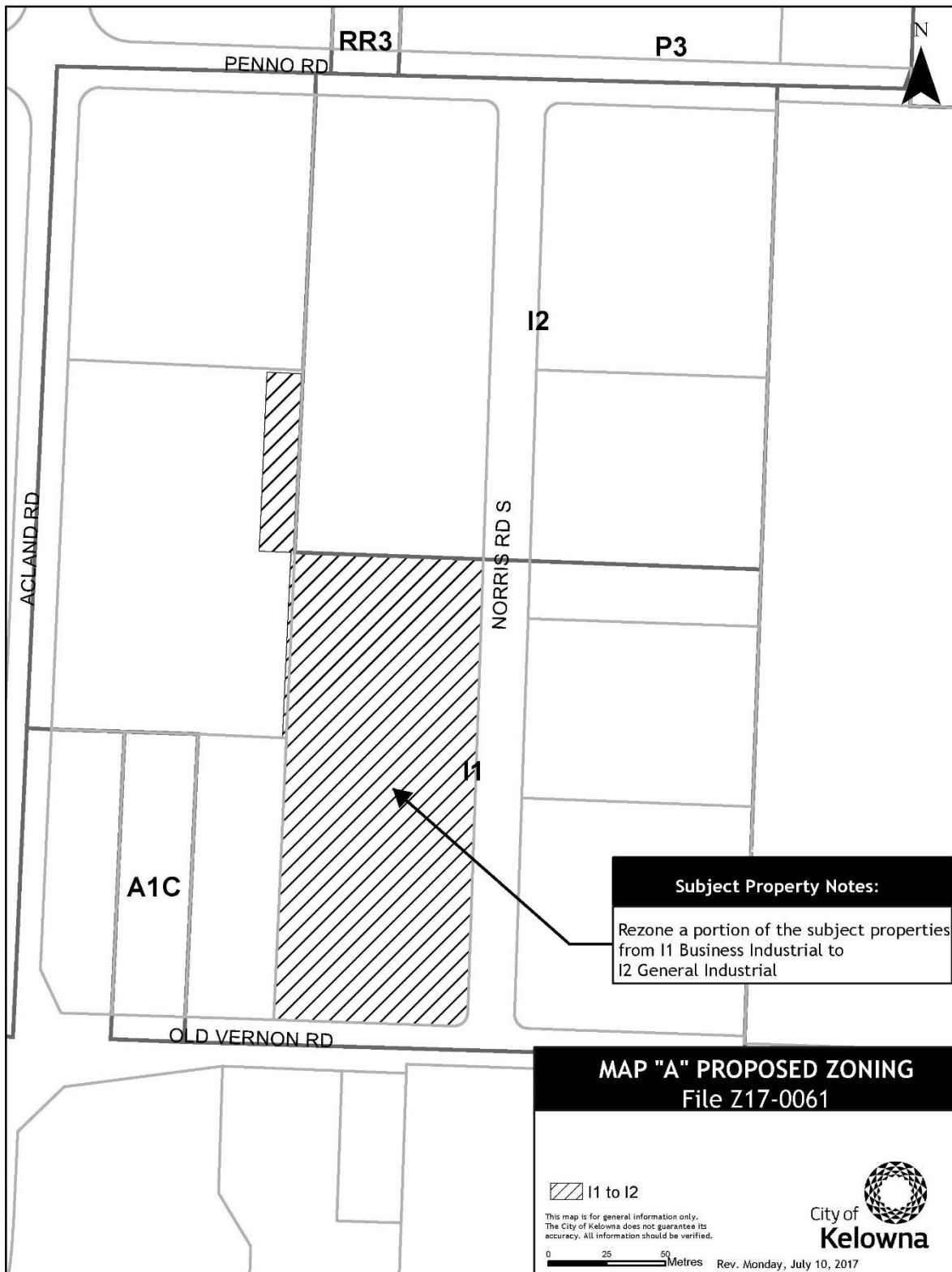
Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



CITY OF KELOWNA

BYLAW NO. 11447

Official Community Plan Amendment No. OCP17-0016 – Loseth Drive (W of)

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 Future Land Use designation of portions of Lot 24, Section 24, Township 26, ODYD, Plan EPP43942, located at Loseth Driver (E of), Kelowna, BC from the S2RESH – Single / Two Unit Residential – Hillside designation to the PARK – Major Park / Open Space (Public) designation as shown on Map "A" attached;
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 24th day of July, 2017.

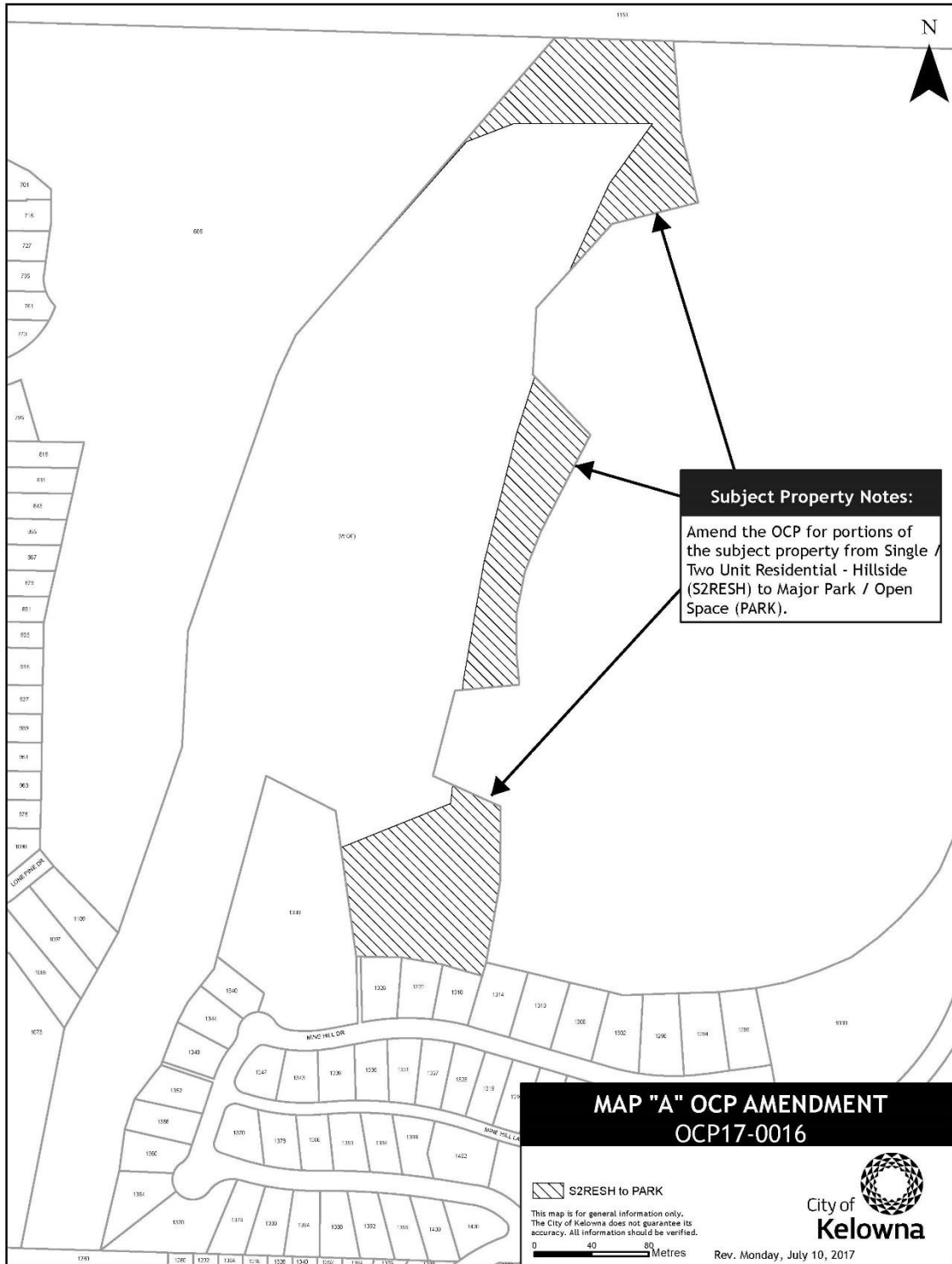
Considered at a Public Hearing on the

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



CITY OF KELOWNA

BYLAW NO. 11448

Official Community Plan Amendment No. OCP17-0013 1330 and 1340 Mine Hill Drive

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of portions of Lot 24 Section 24 Township 26 ODYD Plan EPP67683, located on Mine Hill Drive, Kelowna, BC from the PARK – Major Park / Open Space (Public) designation to the S2RESH – Single / Two Unit Residential – Hillside designation; as shown on Map "A" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 24th day of July, 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



CITY OF KELOWNA
BYLAW NO. 11449
Z16-0079 – 1330 & 1340 Mine Hill Drive

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of portions of Lot 23 Section 24 Township 26 ODYD Plan EPP67683 located on Mine Hill Drive, Kelowna, B.C., from the RU₄h – Low Density Cluster Housing (Hillside Area) zone to the RU₁h – Large Lot Housing (Hillside Area) zone as per Map B attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 24th day of July, 2017.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

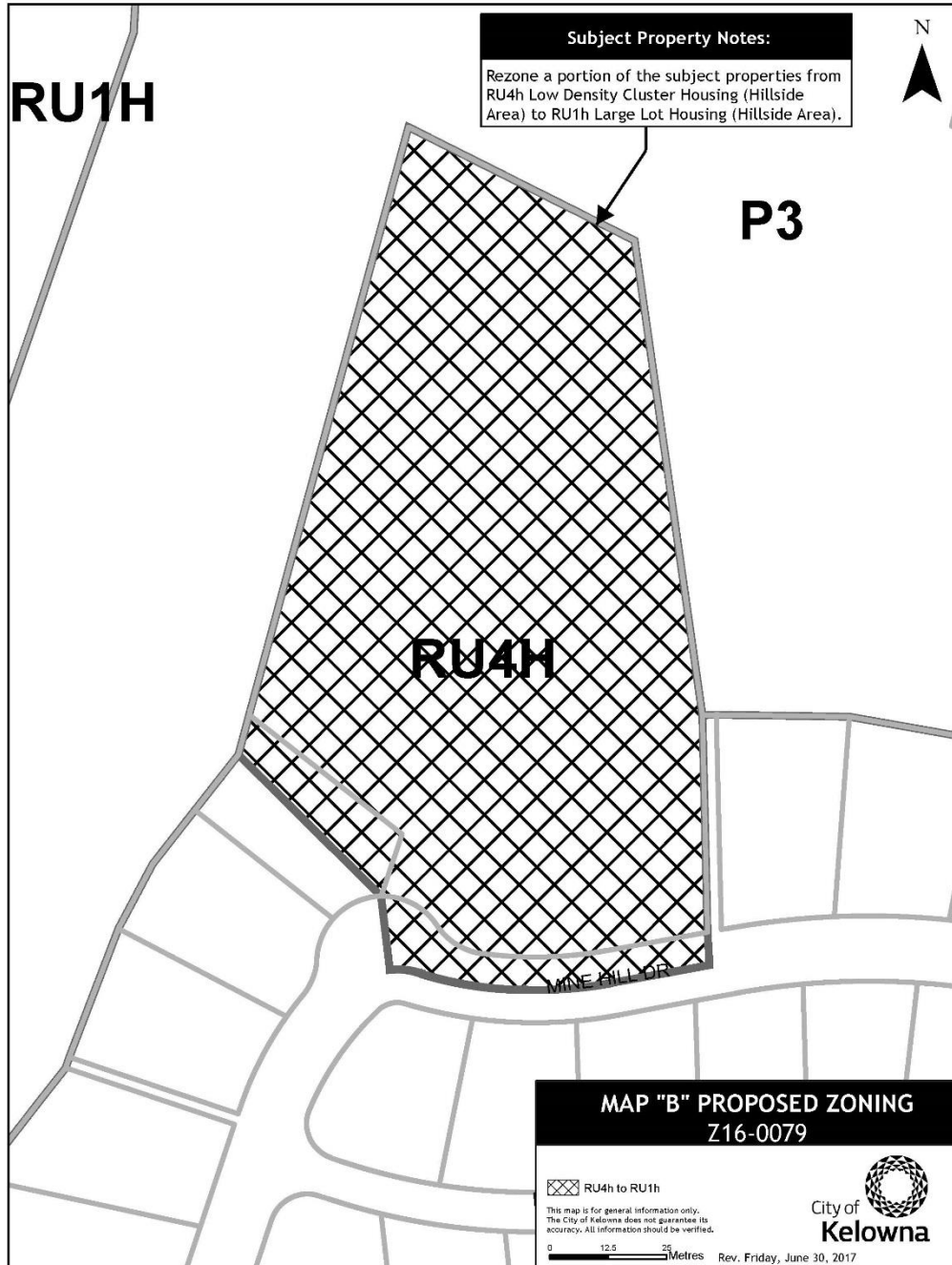
Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



CITY OF KELOWNA

BYLAW NO. 11450

Discharge of Land Use Contract

LUC76-1087 - (M17452)

482 Clifton Road North

WHEREAS a land use contract (the "Land Use Contract") is registered at the Kamloops Land Title Office under number M17452 against lands in the City of Kelowna particularly known and described as Lot 4 Section 8 Township 23 ODYD Plan KAP28178 Except Plan KAP57178 (the "Lands"), located at Clifton Road North Kelowna, B.C.;

WHEREAS Section 546 of the *Local Government Act* provides that a land use contract that is registered in a Land Title Office may be discharged in the manner specified in the Land Use Contract, by bylaw following a public hearing on the proposed bylaw;

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

1. This Bylaw may be cited for all purposes as "Land Use Contract LUC76-1087 Discharge Bylaw".
2. The Land Use Contract is hereby cancelled and of no further force and effect and the City of Kelowna is hereby authorized and empowered to apply for the discharge of the Land Use Contract from the Lands.

Read a first time by the Municipal Council this 24th day of July, 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

REPORT TO COUNCIL



Date: August 15, 2017

RIM No. 0930-50

To: City Manager

From: Community Planning Department (TB)

Application: LL17-0012

Owner: Abbott Street Holdings Ltd Inc
No 174695

Address: 1959 KLO Road

Applicant: R & S Enterprise Ltd.

Subject: Liquor License

Existing OCP Designation: REC – Private Recreation

Existing Zone: P3LP – Parks & Open Space (Liquor Primary)

1.0 Recommendation

THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 10 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support for the application from R&S Enterprise Ltd (dba Fore Restaurant and Lounge, Mission Creek Golf Club) at 1959 KLO Road, legally described as Lot A, District Lot 131, and of Section 8, Township 26, ODYD, Plan 35770, for a new liquor primary license with hours of sale from 10:00 am to 10:00 pm Sunday to Wednesday and 10:00 am to 12:00 am (midnight) Thursday to Saturday, to serve the golf playing public.
2. The Council's comments on the prescribed considerations are as follows:
 - (a) The potential for noise if the application is approved;
The potential for noise may increase with the Liquor Primary License. However, noise has not been an issue at this location in the past.
 - (b) The impact on the community if the application is approved:
There will be minimal impact on the community as this location has been licensed in the past.
 - (c) It is unlikely that the approval of this license may result in the establishment being operated contrary to its primary purpose.

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

2.0 Purpose

To consider a Staff recommendation to support a new Liquor Primary License for Mission Creek Golf Club.

3.0 Community Planning

Community Planning supports the application for a new Liquor Primary License for Mission Creek Golf Club. The license would allow liquor service in the clubhouse, banquet area, and on the playing area of the golf course, similar to other golf course establishments in Kelowna. The proposed hours of service are supported by the RCMP, and the license is anticipated to have minimal impact on the community. This establishment had a Liquor Primary License in the past which lapsed, and the establishment is now under new ownership.

4.0 Proposal

4.1 Background

Mission Creek Golf Club has had an active business license with the City of Kelowna since 1980. The Golf Club features a clubhouse, banquet area, and a new restaurant called Fore Restaurant and Lounge. For many of these years of operation the golf course had a Liquor Primary License which allowed them to provide liquor service on the playing area of the golf course. This license lapsed in 2015, and a new application has now come forward under new ownership.

4.2 Project Description

The applicant has applied for a Liquor Primary License which would allow Mission Creek Golf Club to provide liquor service to the public in the restaurant, lounge, banquet room, and playing area of the golf course. The establishment has applied for hours of 10:00 am to 10:00 pm, Sunday to Wednesday, and 10:00 am to 12:00 am (midnight), Thursday to Saturday. The applicant has stated that entertainment consists of light to moderate music, and the banquet room will be used for events such as weddings, retirement parties, and golf tournaments. The potential for noise may increase if this license is approved, however, noise has not been an issue in the past. It is not anticipated that this license will increase traffic or parking requirements for the course, however, it will add another service to the public that currently plays on the course.

This business model is similar to other golf course establishments in Kelowna, the hours of operation are supported by the RCMP, and the license is anticipated to have minimal impact on the community. This is the same type of license that the golf club had previously, which lapsed in 2015 while an ownership change was taking place.

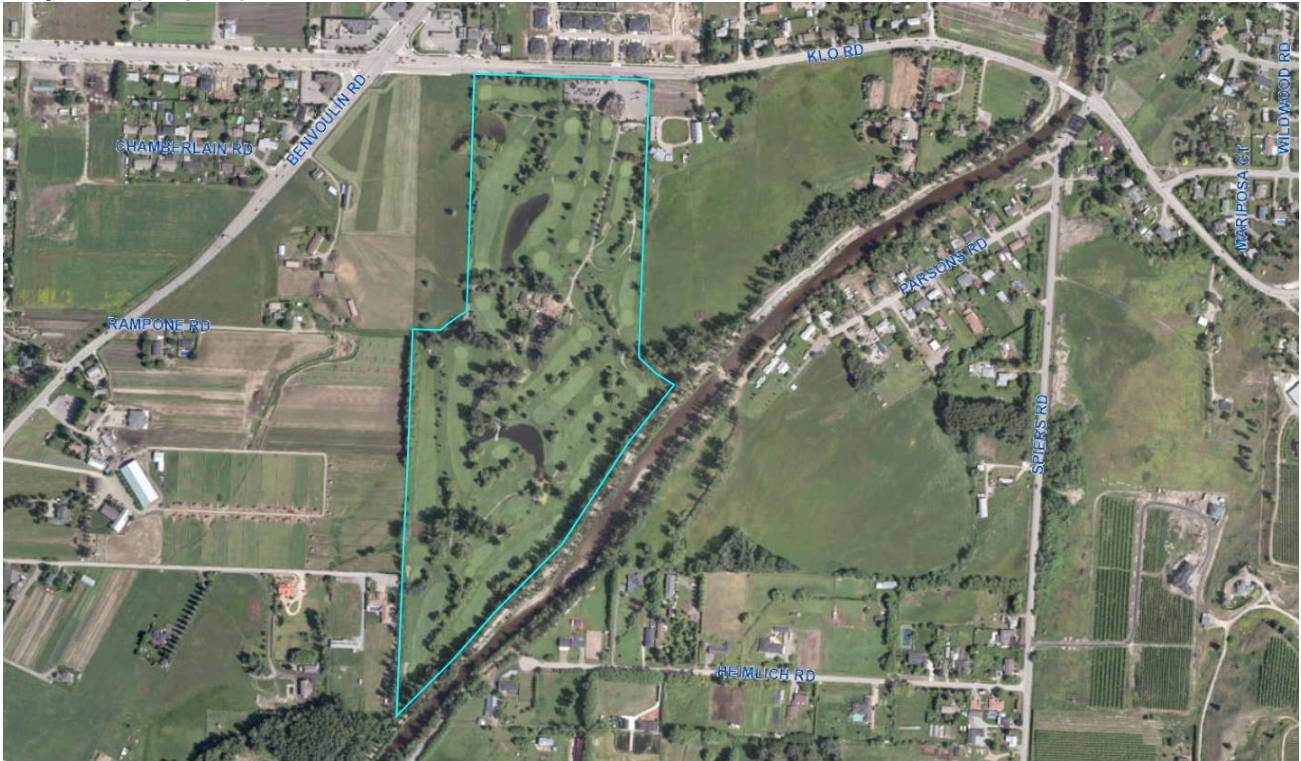
4.3 Site Context

The Mission Creek Golf Club is located off of KLO Rd, east of Benvoulin Rd. There are no other large Liquor Primary establishments within 250m, and it is not adjacent to any medium or small establishments.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU5 – Bareland Strata Housing	Multiple Unit Residential
East	A1 - Agriculture	Agriculture
South	A1 - Agriculture	Rural Residential
West	A1 - Agriculture	Rural Residential / Agriculture

Subject Property Map: 1959 KLO Road



5.0 **Current Development Policies**

5.1 Council Policy #359 – Liquor License Policy and Procedures

- Please see Attachments

6.0 Technical Comments

6.1 Bylaw Services

- Currently there are no open/outstanding Bylaw Enforcement files pertaining to property location: 1959 KLO Rd.

6.2 Fire Department

- The Kelowna Fire Department has no issues with this license approval.

6.3 RCMP

- Please note, the RCMP is not supportive of the applicant's initial request for hours of liquor service (Sunday-Saturday 10am to 12am). The RCMP would support the following for hours of liquor services:
 - Sunday - Wednesday 10am to 10pm*
 - Thursday - Saturday 10am to midnight*
- The applicant could still apply for a special occasions licence in the event they wanted a late closure Sunday - Wednesday.

7.0 Application Chronology

Date of Application Received: May 2, 2017
Date Public Consultation Completed: Not Required

Report prepared by: Trisa Brandt, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment "A": Council Policy #359 - Liquor License Policy and Procedures
Attachment "B": Application Summary dated April 27, 2017
Attachment "C": Applicant's Letter of Intent
Attachment "D": Floor Plans and Site Plan
Attachment "E": Liquor License Occupant Load



City of Kelowna
1435 Waterfront Street
Kelowna, BC V1Y 1J4
250 469-8500
kelowna.ca

TB



Council Policy

Liquor Licensing Policy & Procedures

APPROVED February 21, 2011

RESOLUTION: R710/15/09/14

REPLACING: R170/11/02/21; Council Policy No. 315

DATE OF LAST REVIEW: August 2015

A. BACKGROUND

The Provincial Liquor Control and Licensing Branch (LCLB) regulates the licensing of all liquor establishments and the retail sale of alcohol in British Columbia. City of Kelowna Municipal Council is referred on a number of these applications, including Liquor Primary applications, and other license endorsements. Local government comment is a key component of the LCLB's licensing decisions.

Council recognizes the importance of public entertainment venues, including liquor establishments, as a component of all vibrant cities. Managing the priorities of all community stakeholders is a delicate balance. As part of Council's on-going interest in establishing vibrant, livable Urban Centres, a 2003 report from the Mayor's Entertainment District Task Force was endorsed, relating to liquor licensing policy. The relevant policy from this 2003 report was adopted in former Council Policy #315 – "Liquor Licensing Procedures Liquor Primary (lp) and Retail Liquor Sales (rls)". At Council's request, a new review was completed by City staff in 2010. This new policy summarizes the pertinent policies endorsed in the Liquor Policy Review (2010), and is intended to guide future liquor license applications – including Provincial referral requests and rezoning applications on a City-wide basis.

B. LIQUOR PRIMARY (LP) ESTABLISHMENTS

In consideration of new, expanded or relocated Liquor Primary Establishments (cabarets/nightclubs, pubs, lounges), the following guidelines should be considered (see table below):

1. Siting/Density Guidelines:

- a) No establishment with a person capacity greater than 500 persons should be permitted.
- b) Large establishments (with person capacity greater than 249 persons):
 - i) Should only be located within an Urban Centre.
 - ii) Should be located a minimum of 250m from another Large establishment.
 - iii) Should be located a minimum of 100m from a Medium establishment.
 - iv) Should not be located beside a Small establishment.
- c) Medium establishments (with person capacity between 100-249 persons):
 - i) Should only be located within an Urban or Village Centre.
 - ii) Should be located a minimum of 100m from a Large or Medium establishment.
 - iii) Should not be located beside a Small establishment.
- d) Small establishments (with person capacity less than 100 persons):
 - i) Should not be located beside another liquor primary establishment.

The above siting guidelines are summarized in the following table:

Establishment Type	Siting requirements from:			Location
	Small (<100 persons)	Medium (100-249 persons)	Large (250+ persons)	
Small (<100 persons)	Not beside.	Not beside	Not beside	City-wide
Medium (100-249 persons)	Not beside	Minimum 100m separation	Minimum 100m separation	Urban or Village Centre
Large (250+ persons)	Not beside	Minimum 100m separation	Minimum 250m separation	Only Urban Centre

For the purposes of determining proximity, shortest walking distance (door-to-door) will be applied. These distances are meant to guide staff in their recommendations for particular applications, however, a number of other factors should be considered, including (but not limited to):

- a) Pertinent input from the RCMP;
- b) Vehicular and pedestrian traffic patterns for area and current zoning;
- c) Availability of on-site and off-site parking; proximity of playgrounds, schools, and other social facilities;
- d) Surrounding land-uses, and general impact on the local neighbourhood;
- e) Correspondence received from abutting property owners;
- f) Past licensee compliance and performance issues as may be provided by the LCLB.

2. Other Policies:

- a) New patios associated with liquor establishments should be located and designed to limit potential impacts on surrounding property owners.
- b) Where appropriate, support alternative entertainment options, and/or establishments which are less focused on alcohol consumption (including event-driven establishments, and Food Primary establishments with the Patron Participation Entertainment Endorsement) to add a mix of entertainment options in Urban Centres. Consider limiting potential community impacts via license terms and conditions (hours, capacity, etc)

C. RETAIL LIQUOR SALES (RLS)

The following considerations should be made for the location of liquor stores/retail liquor sales (RLS):

- a) Continue to require new or relocated RLS establishments to apply for a rezoning application to allow for "Retail Liquor Sales" in applicable zones.
- b) No Retail Liquor Sales shall be approved for (in conjunction with) Liquor Primary Establishments with person capacity that exceed 150 persons.
- c) Any new or relocated Retail Liquor Sales establishment shall not be located within 300 m of an existing Liquor Primary establishment with a person capacity greater than 350 persons.

D. NEW LICENSES AND PERMANENT LICENSE CHANGES

Permanent License Changes requiring local government comment (new, expanded or amended Liquor Primary licenses, Food Primary licenses operating later than midnight, Patron Participation Entertainment endorsement, winery lounge/special event area endorsements, etc):

1. Application & Submission Requirements:

- a) Applicants are encouraged to conduct a pre-application meeting with the Community Planning and Real Estate Department to discuss application process and submission requirements.
- b) Applicant must submit a City of Kelowna Liquor License Application in order to receive Council resolution.
- c) Applicant must show proof of application to the LCLB prior to municipal consideration.
- d) If approval is required by the Agricultural Land Commission, this must be addressed prior to City application.
- e) Proof of consultation with pertinent Business Improvement Association, Industry Association, and/or Resident's Association is required.
- f) It is suggested that applicants consider hosting a neighbourhood information meeting to provide an informal opportunity to discuss and resolve any potential neighbourhood concerns with the proposal prior to Council consideration.
- g) Amendments to submission requirements are at the discretion of the Director of Community Planning and Real Estate.

2. Municipal Review Process:

- a) Upon submission, staff will circulate the application to pertinent departments and agencies, prior to a staff report being presented to Council.
- b) Applications will be subject to a public meeting (or a Public Hearing where the application is being considered concurrently with a rezoning application). The applicant is responsible to the costs of advertising for the public meeting (see notification requirements below).
- c) The Community Planning and Real Estate Department shall make a recommendation to Municipal Council regarding the proposal. Council shall make its decision based on this recommendation as well as the information received at the Public Hearing or Public Meeting.

- d) The resolution from Municipal Council is then forwarded to the LCLB by the Community Planning Department for their final review.

3. Notification Requirements:

- a) Notification requirements are as per Development Application Procedures Bylaw, including the requirement to place notification signage on the property at least ten days prior to the public meeting date. Signs are to be purchased at City Hall.

An informational notice will also be delivered to properties in the same general postal delivery route area by Canada Post airmail. Newspaper advertisements will be placed in at least two consecutive issues, with the last publication to appear not less than three and not more than ten days before the Public Hearing or Public Meeting.

Notification is coordinated by the Office of the City Clerk.

E. TEMPORARY LICENSE CHANGES

Temporary license changes may be considered by the Community Planning Manager or designate. Temporary Changes will only be considered by Council should the applicant wish to appeal the decision of the Divisional Director Community Planning and Real Estate.

Where appropriate, temporary changes are reviewed with the RCMP, Fire Department, Building and Permitting Department, and the local liquor inspector.

Staff may consider up to six temporary license changes per calendar year for Liquor Primary establishments that are members in good standing of the bar owners association known as "The Standard", including late closing requests. These requests will be considered on a case-by-case basis, and will be subject to additional policing costs being paid prior to the event (for example, 4:00am closings). Any establishment that generates concerns or complaints as a result of the use of temporary changes or through general operations of their establishment will have their temporary changes reduced to 3 for the first incident and 0 for any subsequent incidents at the discretion of the RCMP and Liquor Licensing Inspector.

F. SPECIAL OCCASION LICENSE

The following considerations should be applied to Special Occasion License requests:

- a) SOL requests that require RCMP/Local Government consideration will be evaluated on a case-by-case basis.
- b) Review of SOL requests will include review of a number of factors, including (but not limited to) location, capacity, hours of operation, previous compliance, and impact on surrounding neighbours.
- c) SOL requests are intended to be for infrequent events, and are not to be used as a substitute for a permanent liquor license at a venue. Attention will be given to the number of SOL requests made in a given time period at one property.
- d) The RCMP have the authority to place additional restrictions on SOL's should they have public safety concerns associated with the event.
- e) No SOL's are to be granted where the proposed event is intended to cater to youth or where youth (under the age of 19) will be present.
- f) SOL licensees are to retain qualified private security personnel to monitor access to and from licensed events, where requested.
- g) All SOL events must respect the City of Kelowna Noise Bylaw.

REASON FOR POLICY

To establish revised policy and procedures for processing liquor license applications.

LEGISLATIVE AUTHORITY

Liquor Control & Licensing Act

PROCEDURE FOR IMPLEMENTATION

As outlined in the Liquor Policy Review Final Report.



APPLICATION SUMMARY

For Applicant and Local Government/First Nation

ATTACHMENT B
This forms part of application
LL17-0012

Liquor Primary

Planner
Initials TB



Date: April 27, 2017

Job # 31204724-001

Re: Application for a New Liquor Primary Licence

Applicant Name: R & S Enterprise Ltd.

Proposed Establishment Name: Fore

Proposed Site Address: 1959 K.L.O. Road in Kelowna

1. Application Information

Date Application deemed complete: April 11, 2017

Local Government or First Nation Jurisdiction: City of Kelowna

The primary business focus of the proposed endorsement area: Food and Beverage

Person Capacity/Occupant Load Requested: Person 01 = 125 persons (lower interior)
Person 02 = 141 persons (upper interior)
Patio 1 = 66 persons (lower)
Patio 2 = 53 persons (upper)

Maximum total occupant load based on washrooms = 300 persons

Liquor Service Hours Requested:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM
Midnight	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight

10 pm 10 pm 10 pm 10 pm
Statutory Prohibitions to Consider: none identified

Terms and Conditions Requested:

Family Foodservice - If this application is approved, the terms and conditions on the LP licence will be amended to permit minors in all licensed areas including banquet halls and other ancillary rooms until 10 pm when accompanied by a parent or guardian.

This term and condition is to provide an option for liquor primary establishments to provide meal service for families. Commercial gaming facilities and establishments primarily in the business of offering adult entertainment to their patrons are not eligible for this term and conditions.

Minors Permitted until 10:00 PM in the Recreation Centre - minors are permitted in the lounge of a liquor primary establishment, where the focus is on sports and recreational activities, with special terms and conditions.

The intent of this policy is to allow minors to have greater access to recreational facilities where minors would generally participate in or be a spectator to the recreational activity. The licensed lounge area eligible for this term and condition does not include multi-purpose rooms or banquet facilities.

2. Location/Site Factors

The legal description of the site is: Plan KAP35770 Lot A. The proposed Liquor Primary (LP) establishment will consist of two interior areas and two exterior areas that will offer a social gathering place for patrons as an alternative to other pub and night club options.

Fore, if approved, will allow the licensee to sell and serve liquor by the glass. Moreover, food and non-alcoholic beverages will be available at reasonable prices to customers. Further, the LP licence will also allow the service of liquor on the playing area of the golf course. The applicant has indicated that entertainment will consist of light to moderate music. The upper banquet room will be used for events such as weddings, retirement parties, birthday parties, golf tournaments, etc.

Community Indicators

Contravention Statistics

- The Liquor Control and Licensing Branch can provide contravention statistics for liquor primary and liquor primary club establishments within your area upon request.

Population and Socio-Economic Information:

- Circle population statistics for 2006 are available from BC Stats by emailing your request to BC.Stats@gov.bc.ca

3. Public Interest – Local Government Consultation

In providing the resolution on the proposed licence application, Local Government must consider and comment on each of the regulatory criteria indicated below.

The written comments must be provided to the general manager by way of a resolution within 90 days after the Local Government receives notice of the application, or any further period authorized by the General Manager, Liquor Control and Licensing Branch, in writing. Alternatively, LG/FN can delegate staff with the authority to provide comment.

To provide a resolution or comment:

- Gather public input for the community within the immediate vicinity of the establishment.
- Consider these factors which must be taken into account when providing resolution/comment:
 - The location of the establishment.
 - The person capacity and hours of service of the establishment.
- Provide a resolution/comment with comments on:
 - The impact of noise on nearby residents.
 - The impact on the community if the application is approved.
 - The view of residents and a description of the method used to gather views.
 - The LG/FN recommendations (including whether or not the application be approved) and the reasons on which they are based.
- Provide any reports that are referenced in, or used to determine, the resolution/comment

If LG/FN opts out, written notification must be provided to the Branch, and the Branch will gather public input and contact LG/FN staff for information to assist the Branch in considering the regulatory criteria.

If more than 90 days is required, provide a written request for extension to the Branch.

Letter of intent for the liquor primary license

To whom this may concern,

Providing answers to Part 9 of the liquor primary license application.

- a. We are applying for a liquor primary license to support the existing golf course surrounding our establishment, which is a clubhouse style restaurant. The golf course has been without a license for over a year now, and has lost revenue to the course and to the restaurant within the golf course facility.
- b. Our main target market is the community surrounding the golf course facility. Most of the members to the golf course are also member of the community surrounding the area. We are also working to attract all other members of the okanagan valley community, and also the tourists to the valley.
- c. The composition of the neighborhood is residential , and agriculture.
- d. We are one of three golf courses in the nearby area, but we are the only course without a liquor primary license to accommodate the golf course. Be being able to obtain a primary license for the golf course, we will be able to provide more options to the surrounding community, getting better visibility for the farms, and other tourist attractions in the nearby area.
- e. The impact of the noise to the neighborhood will be minor if any. The primary license is for the existing golf course. The golf course is open in the daytime hours. There is very minimal housing the go along side of the golf course.
- f. The music is played inside the restaurant establishment. We are a clubhouse style restaurant, with light to moderate music being played. The music does not exceed the parking lot area.
- g. We are reapplying to what was an existing liquor primary license for the golf course. There has not been any changes to the facility for at least 10 years.
- h. We are hoping to get this application put through before the introduction of the new liquor laws, for the hope of getting a license for the course before the reopening of the golf course in spring of 2017.

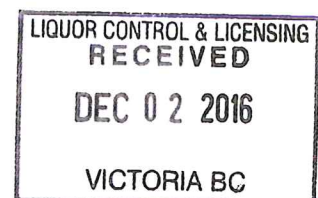
Sincerely,



Atsawin Sumpantararat



Sebastian Daniel Razzini

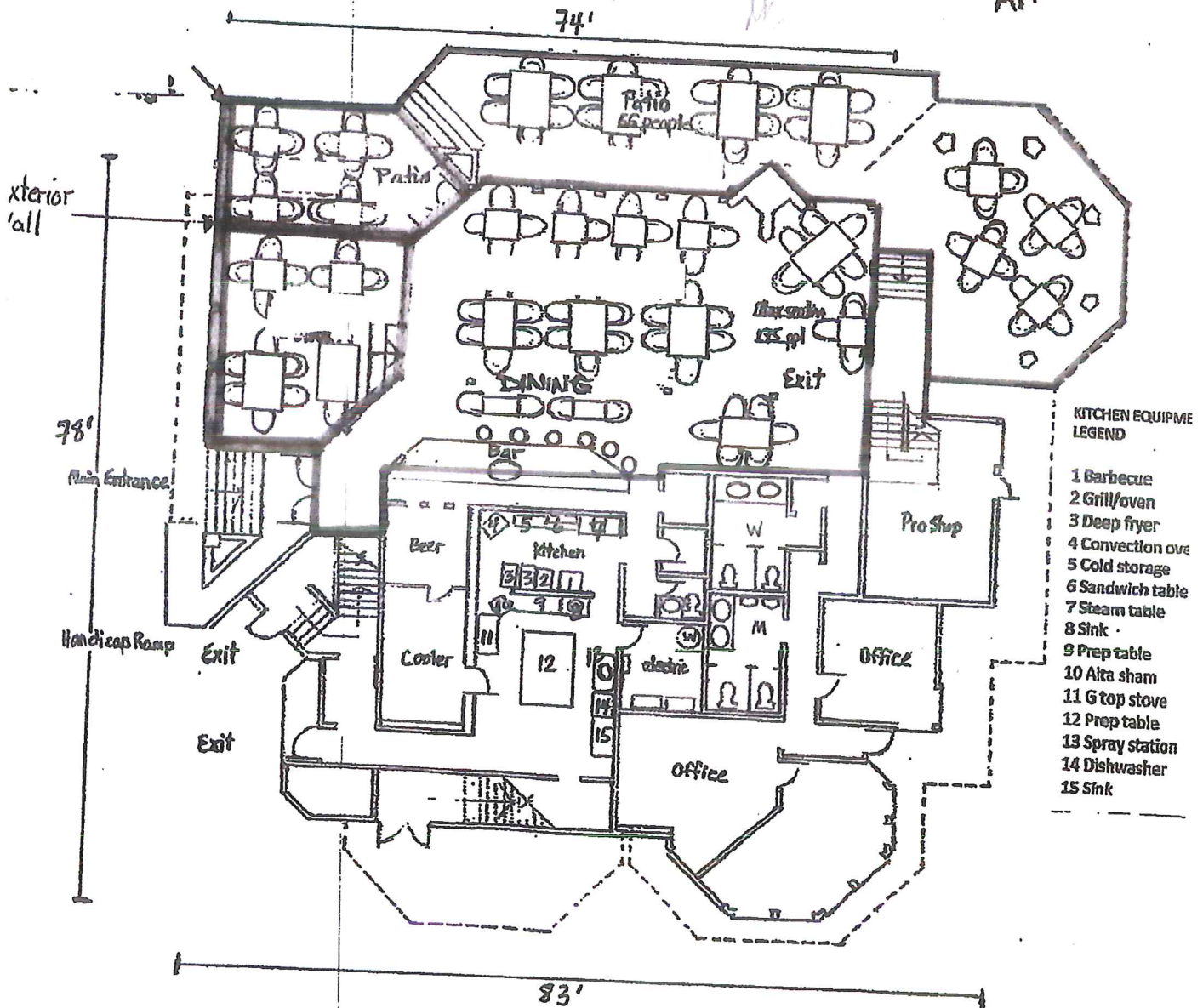




the DINING
has a net floor area of
210 m². The maximum
occupant load shall be
115 persons, based on
1.2 m²/person.

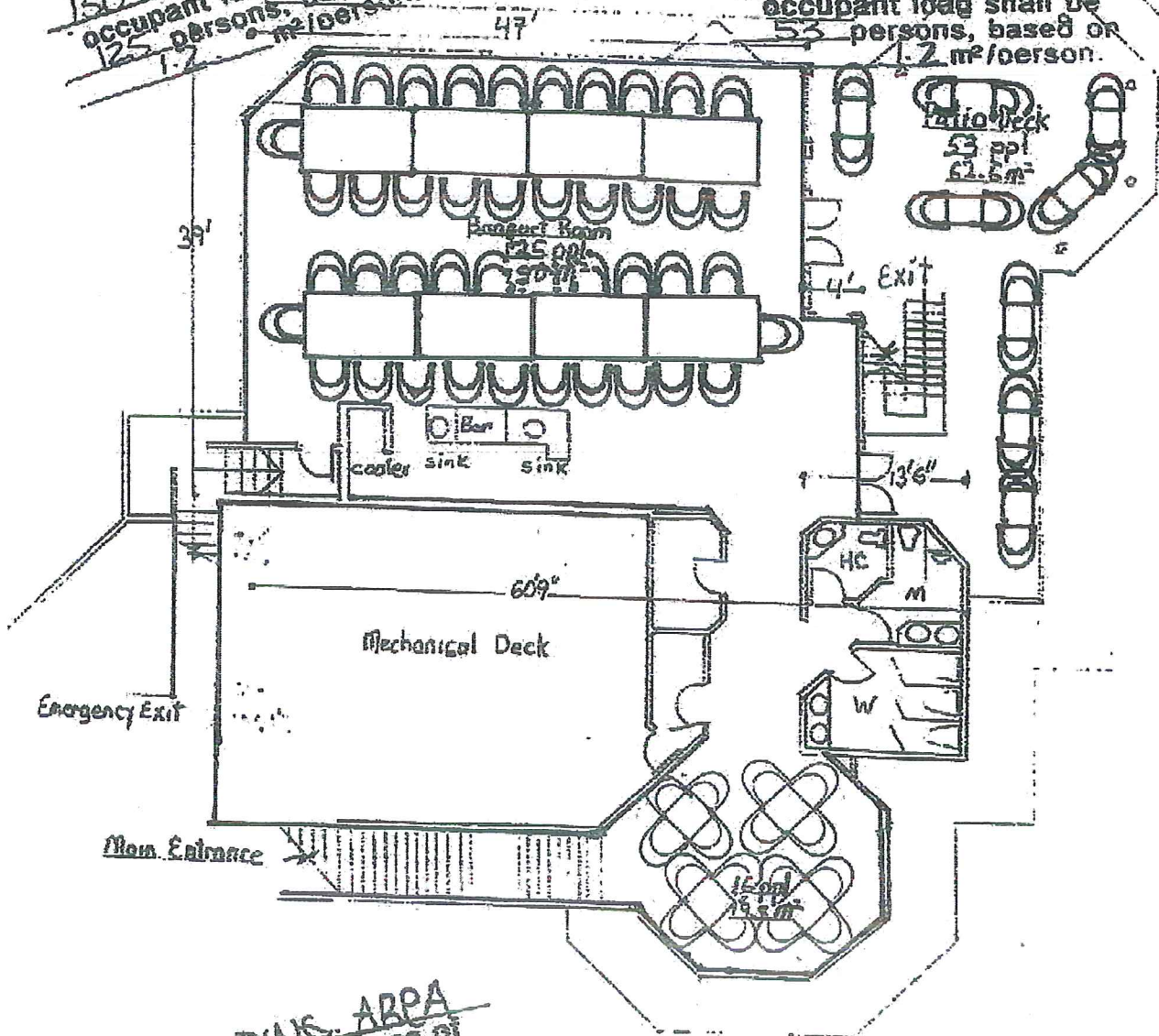
the PATIO
has a net floor area of
63.6 m². The maximum
occupant load shall be
66 persons, based on
1.2 m²/person.

Reviewed
by City of Kelowna
Inspection Services
7. Road
APR. 29/15.



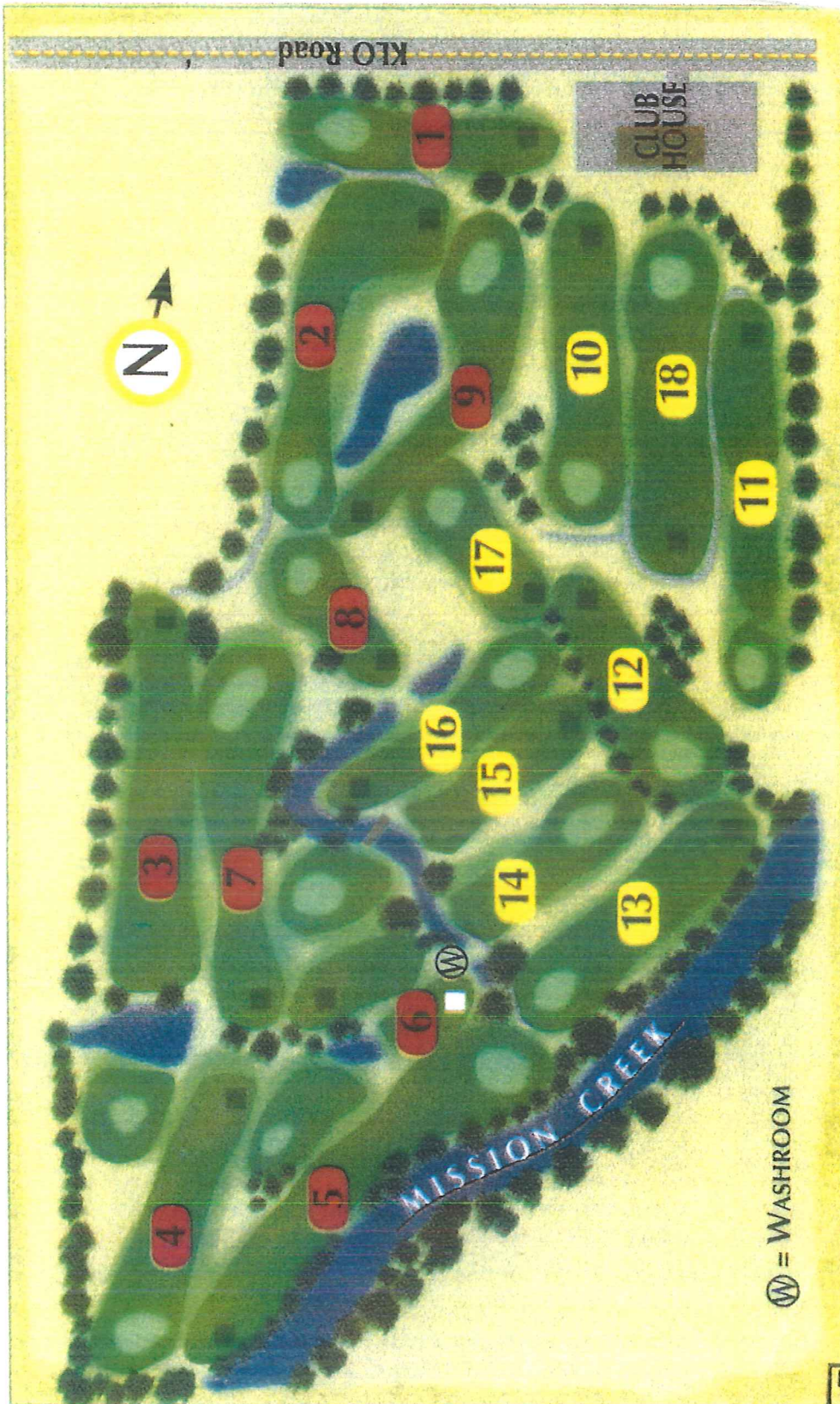
The BANQUET ROOM
has a net floor area of
150 m². The maximum
occupant load shall be
125 persons, based on
1.2 m²/person.

The PATIO DECK
has a net floor area of
62.6 m². The maximum
occupant load shall be
53 persons, based on
1.2 m²/person.



The HOLDING AREA
has a net floor area of
19.2 m². The maximum
occupant load shall be
16 persons, based on
1.2 m²/person.

Reviewed
by City of Kelowna
Inspection Services
T. Reid
APR 29/15.



LIQUOR CONTROL & LICENSING
RECEIVED

DEC 02 2016
41

Dec 16, 2016



Liquor License Occupant Load for Fore Restaurant, 1959 KLO, Kelowna

Hello;

Based on the attached plans, the liquor license occupant load is as follows:

Maximum total occupant load (customers & staff) based on washrooms: 300

Main Floor Dining Area:	175 (based on area)
Upper Floor Banquet Room:	125 (based on area)
Upper Floor Lounge:	16 (based on area)

These calculations are based on the attached plans and have been site verified. Please call me at 469-8602 or email me at mstevens@kelowna.ca if you have any questions or concerns and I will be pleased to help.

Regards

Mark Stevens RBO
Plan Checker / Building Inspector



Building & Permitting Branch
1435 Water Street
Kelowna, BC V1Y 1A4
Tel 250 469-8960
Fax 250 862-3314
kelowna.ca

REPORT TO COUNCIL



Date: August 15, 2017

RIM No. 0940-00

To: City Manager

From: Community Planning Department (TB)

Application: DVP17-0060 **Owner:** Grant Cameron Menzies
Jamie Dawn Menzies

Address: 388 Viewcrest Court **Applicant:** Grant Menzies

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. DVP17-0060 for Lot 26, Section 23, Township 28, Similkameen Division Yale District, Plan KAP53664, located at 388 Viewcrest Court, Kelowna, BC;

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

Section 7.5.9: Fences and Retaining Walls

To vary the maximum height of a retaining wall from 1.2m (required) to 2.5m (existing);

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 height of an existing retaining wall from 1.2m (required) to 2.5m (existing) on the subject property.

3.0 Community Planning

Community planning supports the requested variance to vary the height of an existing retaining wall from 1.2m (required) to 2.5m (existing) on the subject property. The retaining wall was constructed at the time the house was built in 2000 without the necessary variance to allow the over height. Due to the topographical challenges of the subject property and the location of a Statutory Right of Way, there is no alternate solution other than a variance to bring the property into compliance. A structural engineer has

inspected the retaining wall and provided the required schedules to confirm it was built to an acceptable engineered design.

4.0 Proposal

4.1 Background

The house was constructed in 2000 along with the retaining wall. There is no evidence that the retaining wall was constructed with a building permit or with the necessary approvals for a variance to allow the wall to be over height. The new property owners were notified that the wall was not in compliance and are taking the necessary steps to obtain a variance and a building permit for the wall. There has been no bylaw complaints or investigations of this retaining wall.

4.2 Project Description

The existing retaining wall varies in height to approximately 2.5m at the highest point. It is constructed at the rear of the property and is used to create a lawn and yard space for the home. The adjacent property is significantly lower than the subject property and therefore the retaining wall is necessary to control the topographical challenges. The adjacent property is currently undeveloped, however, it could be developed in the future into a Single Family Dwelling, or Single Family Dwelling with Secondary Suite.

There is a City of Kelowna Statutory Right-of-Way (SRW) at the rear of the property for an existing sewer line. The retaining wall is nearly 1.0m away from the SRW and does not encroach or impede the use of that SRW.

The proposed solution to bring the property into compliance is to approve the variance to allow the maximum height of the wall to be 2.5m when 1.2m is required. The applicants have provided the necessary engineering review and schedules to confirm the wall was built to an acceptable engineered design. Should Council approve the variance, the applicants will apply for the required building permit and have the wall inspected by a City of Kelowna Building Inspector, thereby making the wall legal.

4.3 Site Context

The property is located on Viewcrest Court on the hillsides below Kettle Valley. It is an area with many topographical challenges, including infrastructure installation and maintenance. Many properties in this area have sewer, storm, or water SRW's on their lots in order to accommodate the difficult installation of the infrastructure given the topographical challenges.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Residential
East	RU1 – Large Lot Housing	Residential
South	RU1 – Large Lot Housing	Residential
West	RU1 – Large Lot Housing	Vacant

Subject Property Map: 388 Viewcrest Court



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Infrastructure¹

Design sewers and utilities so as to create the best use of resources and the lowest impact on the environment.

¹ City of Kelowna Official Community Plan Chapter 7: Infrastructure, Page 98

6.0 Technical Comments

6.1 Development Engineering Department

Application does not compromise municipal services.

7.0 Application Chronology

Date of Application Received: March 9, 2017

Date Public Consultation Completed: March 20, 2017

Report prepared by: Trisa Brandt, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Survey Plan

Site Photos

Draft Development Variance Permit DVP17-0060

British Columbia Land Surveyors BUILDING LOCATION CERTIFICATE

BP 15695

388 VIEWCREST CT

POSTED

This is to state that on the 26th day of May, 2000 a survey was performed under my superintendence, on the property described as follows:

388 - Viewcrest Court Lot 26, Sec.23, Tp.28, SDYD, Plan KAP53665.

The building(s) erected on the said property is (are) wholly within the boundaries thereof, and does (do) not encroach on adjoining properties. The accompanying sketch shows within acceptable tolerances the size of the building and property, and their relative positions. This sketch is not to be used for the establishment of property boundaries.

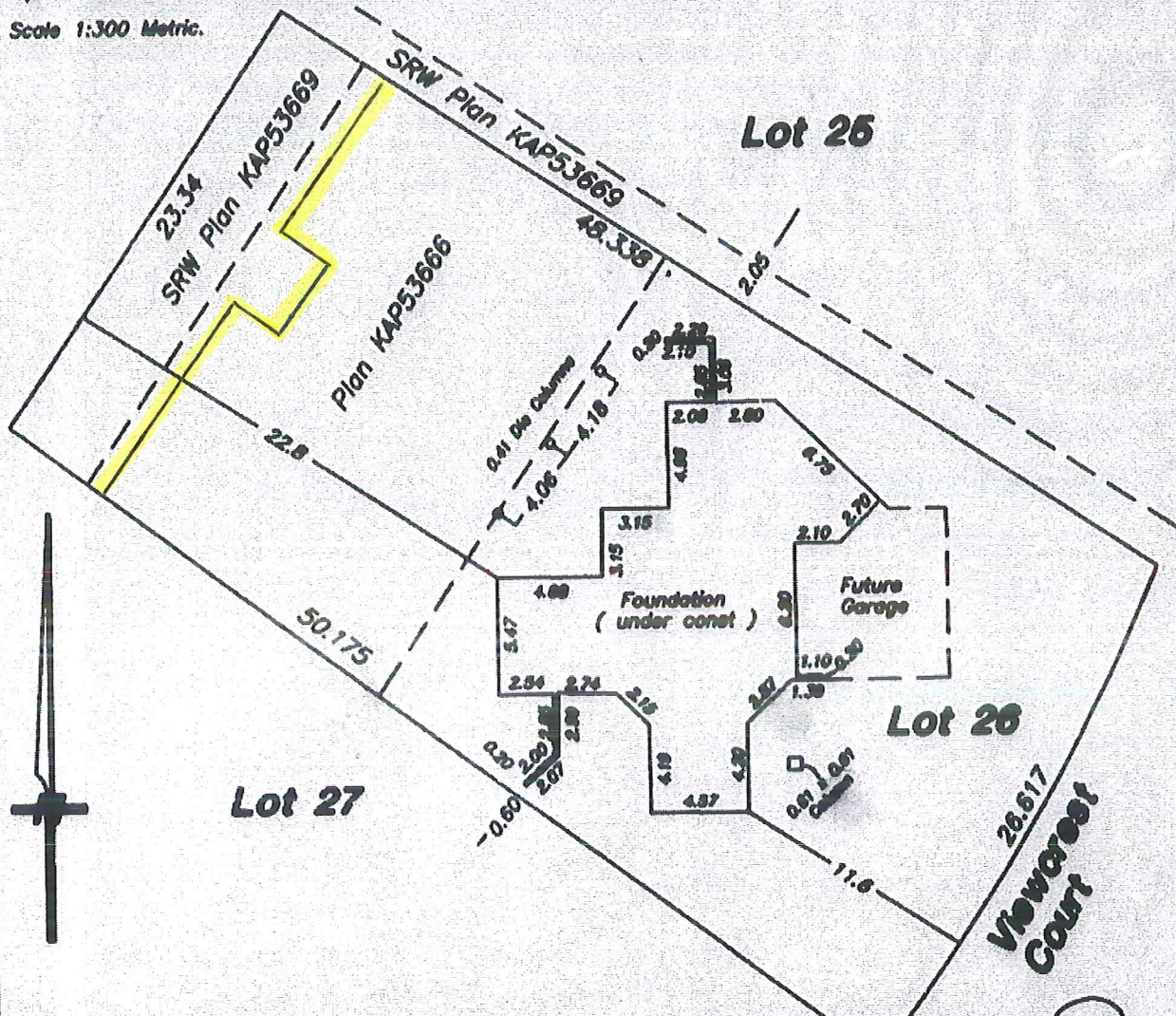
Distances shown are in metres and decimals thereof.

Property boundary dimensions shown are derived from registered records.

This certificate is intended for building inspection purposes only.

Top of Conc Elev = 421.8 m

Scale 1:300 Metric.



FRITSCH LAND SURVEYING INC.
Legal & Engineering Survey Consultants

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"This document is not valid unless originally signed and sealed."

[Signature]
British Columbia Land Surveyor

The 26th of May 2000

00-238(141,84)







DEVELOPMENT VARIANCE PERMIT



APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT NO. DVP17-0060

Issued To: Grant Cameron Menzies
Jamie Dawn Menzies
Site Address: 388 Viewcrest Court
Legal Description: Lot 26, Section 23, Township 28, Similkameen Division Yale District, Plan KAP5366
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 Development Permit No. DVP17-0060 for Lot 26, Section 23, Township 28, Similkameen Division Yale District, Plan KAP5366, located at 388 Viewcrest Court, Kelowna, BC to allow the retaining wall to remain be approved;

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

Section 7.5.9: Fences and Retaining Walls

To vary the maximum height of a retaining wall from 1.2m (required) to 2.5m (existing);

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. Indemnification

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

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

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 CURRENT LAND OWNER.
Security shall ONLY be returned to the signatory of the
Landscape Agreement or his or her designates**

REPORT TO COUNCIL



Date: August 15, 2017

RIM No. 0940-00

To: City Manager

From: Community Planning Department (TB)

Application: DVP17-0086

Owner: City of Kelowna
Kelowna Sustainable
Innovation Group Ltd

Address: 460 Doyle Ave

Applicant: Jeff Barron, Pride Signs

Subject: Development Variance Application

Existing OCP Designation: MXR – Mixed Use (Residential/Commercial)

Existing Zone: C7 – Central Business Commercial

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0086 for Lot 1, District Lot 139, ODYD, Plan EPP44677 except air space plan EPP44678, located at 460 Doyle Ave, Kelowna, BC;

AND THAT variances to the following sections of Sign Bylaw No. 8235 be granted:

Section 4.1.2: General Regulations

To vary the location of a canopy sign to be on a different floor of the building than the floor which the related business occupies;

Section 5.3.1(c): Canopy Signs

To vary the maximum height of a canopy sign from 300mm required to 914mm 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 location of a canopy sign, to allow the sign to be located on a different floor of the building than the floor which the related business occupies; and to vary the maximum height from 300mm required to 914mm proposed.

3.0 Community Planning

Community Planning supports the requested variances to allow the proposed canopy sign to be located on a different floor than that which the related business occupies; and to vary the maximum height of the proposed sign from 300mm required to 914mm proposed. The business is located on the third floor and signage at that level would be inappropriate. So the location of the business sign is being proposed above the Okanagan Centre for Innovation's (OCI) first floor entrance on Doyle Ave facing Memorial Arena. Proposed changes in the sign bylaw that is currently under review would eliminate the need for these two variances as this location and size of sign would be permitted. Further, the OCI's main identification sign will be located in a more prominent location at the corner of the building and will be of greater size, making the proposed Bank of Development Canada sign secondary in nature.

4.0 Proposal

4.1 Background

The subject property is the Okanagan Centre for Innovation that was recently constructed on a prominent corner of downtown Kelowna. One of the main tenants occupying the third floor is the Bank of Development Canada (BDC), a well-recognized financial company. A component of their lease with the Okanagan Centre for Innovation is to locate a sign near the main entrance of the building.

4.2 Project Description

The proposed signage is located off-centre at the main entrance of the building at 460 Doyle Avenue. It is designed to the corporate standard for the BDC with their updated font and logo. The sign is considered a canopy sign and is affixed above the canopy that provides weather protection at the entrance of the building. The sign bylaw restricts a sign of this type to be 300mm or approximately 11.8" maximum in height. Due to the height and massing of the building a larger sign is scaled more appropriately for the development. The sign will be LED illuminated with an acrylic face that features the company's initial's and logo. The sign faces the Memorial Arena and is not visible from any residential development. The proposed sign is 1.59m² which is under the maximum size allowed by the sign bylaw.

The sign bylaw is currently under review, and future potential changes to the size and location of canopy and fascia signs will eliminate the need for these two variances.

The OCI's representatives have submitted a comprehensive sign plan that shows locations for future proposed signage for tenants of the building. All future signage will be located above or below the canopies along the first floor. Only tenants on the first floor will be eligible for exterior signs, and there are 4 tenants on that floor. Staff are not anticipating any further variances for signs on this building. The OCI's identification sign will be located on the corner of the building and elevated compared to the BDC sign. It will be on a larger scale and therefore the BDC sign will be secondary in nature. Please see below for a conceptual rendering of the Okanagan Centre for Innovation sign.



4.3 Site Context

The subject property is located on the corner of Doyle Avenue and Ellis Street across from the Memorial Arena and the residential complex known as “The Madison”.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C7 – Central Business Commercial	Kelowna Public Library
East	C7 – Central Business Commercial	Mixed-use Residential/Commercial
South	P1 – Major Institutional	Memorial Arena
West	P1 – Major Institutional	RCMP Detachment (previous)

Subject Property Map: 460 Doyle Avenue



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Civic Precinct Development Permit Area Guidelines.¹ Incorporate concise messaging and simple graphics into signage. Corporate and store logos are appropriate only if they form part of an overall sign design, and are suitably scaled to the facade composition.

6.0 Application Chronology

Date of Application Received: April 7, 2017

Date Public Consultation Completed: June 21, 2017

Report prepared by: Trisa Brandt, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Draft Development Variance DVP17-0086

Schedule "A": Location Plan

Schedule "B": Elevations and Construction Plan

¹ City of Kelowna Official Community Plan, Chapter 14, C.1.2.5 Civic Precinct Design Guidelines

DEVELOPMENT VARIANCE PERMIT



APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT NO. DVP17-0086

Issued To: City of Kelowna
Site Address: 460 Doyle Avenue
Legal Description: Lot 1, District Lot 139, ODYD, Plan EPP44677 except air space plan EPP44678
Zoning Classification: C7 – Central Business Commercial

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. DVP17-0086 for Lot 1, District Lot 139, ODYD, Plan EPP44677 except air space plan EPP44678, located at 460 Doyle Ave, Kelowna, BC for the construction of a canopy sign be approved subject to the following;

- a) The location and design of the sign be constructed in accordance with Schedule "A" and "B";

AND THAT variances to the following sections of Sign Bylaw No. 8235 be granted:

Section 4.1.2: General Regulations

To vary the location of a canopy sign to be on a different floor of the building than the floor which the related business occupies;

Section 5.3.1(c): Canopy Signs

To vary the maximum height of a canopy sign from 300mm required to 914mm 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. Indemnification

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

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

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 CURRENT LAND OWNER.
 Security shall ONLY be returned to the signatory of the
 Landscape Agreement or his or her designates**

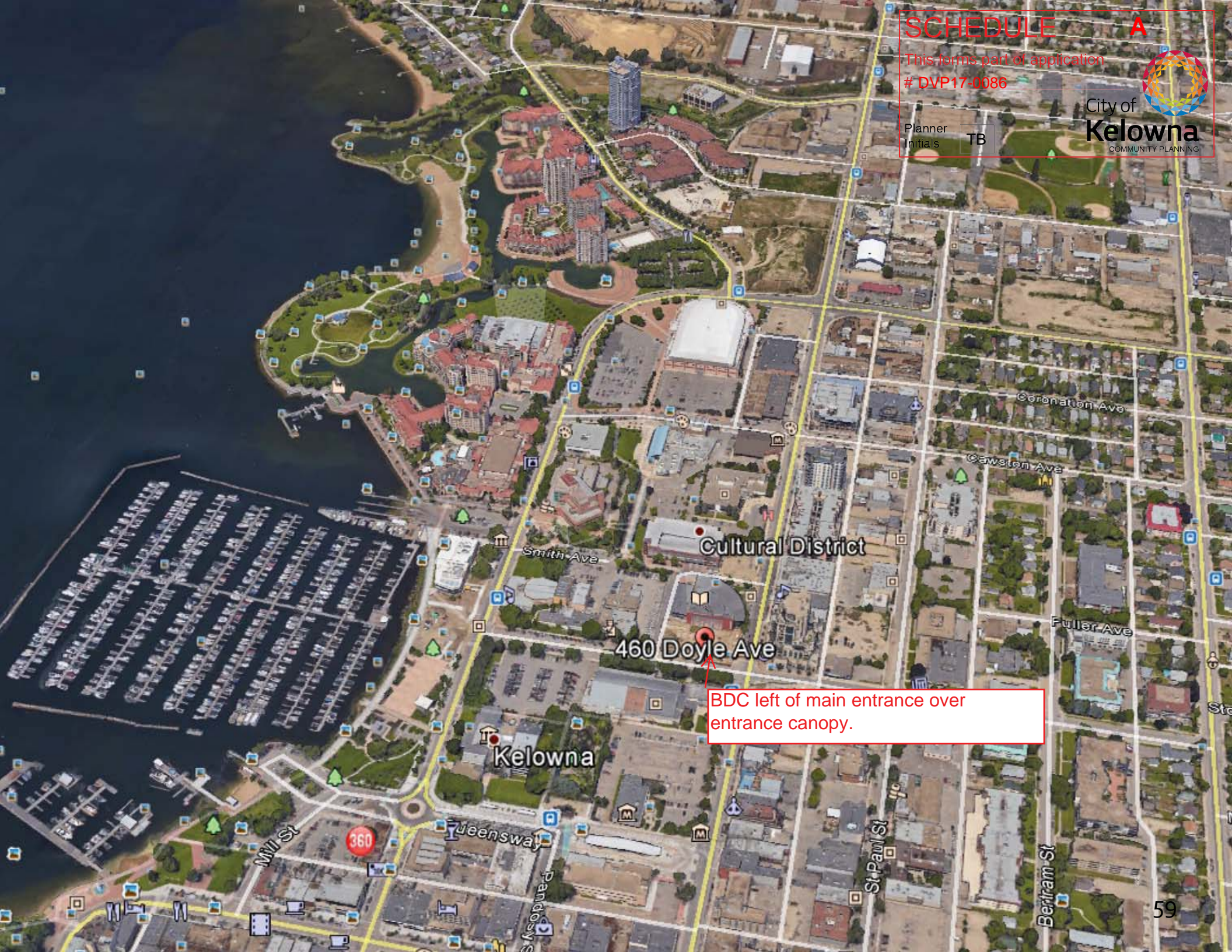
SCHEDULE A

This forms part of application
DVP17-0086

Planner
Initials

TB

City of
Kelowna
COMMUNITY PLANNING

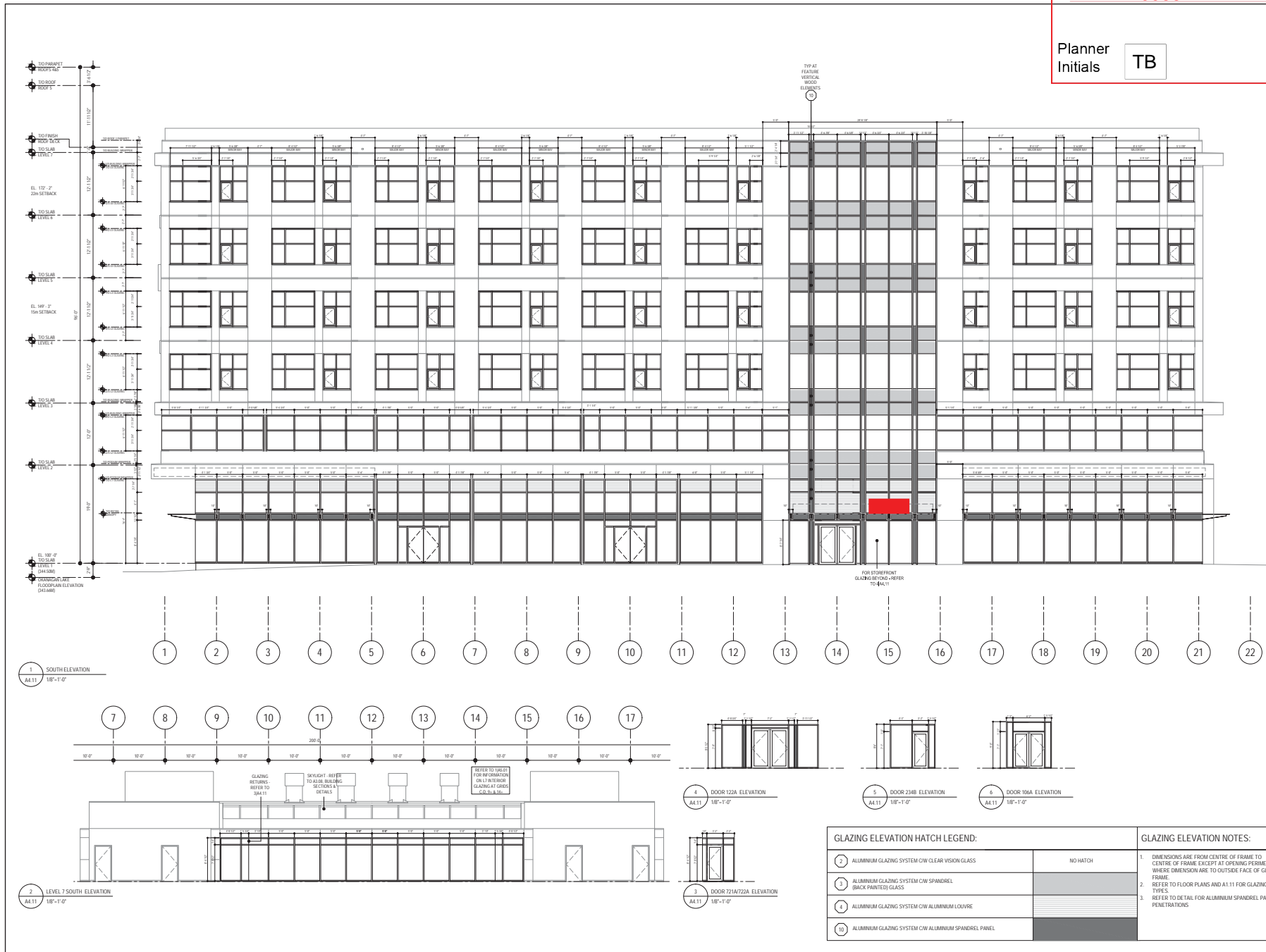


Cultural District

460 Doyle Ave

BDC left of main entrance over
entrance canopy.

Kelowna

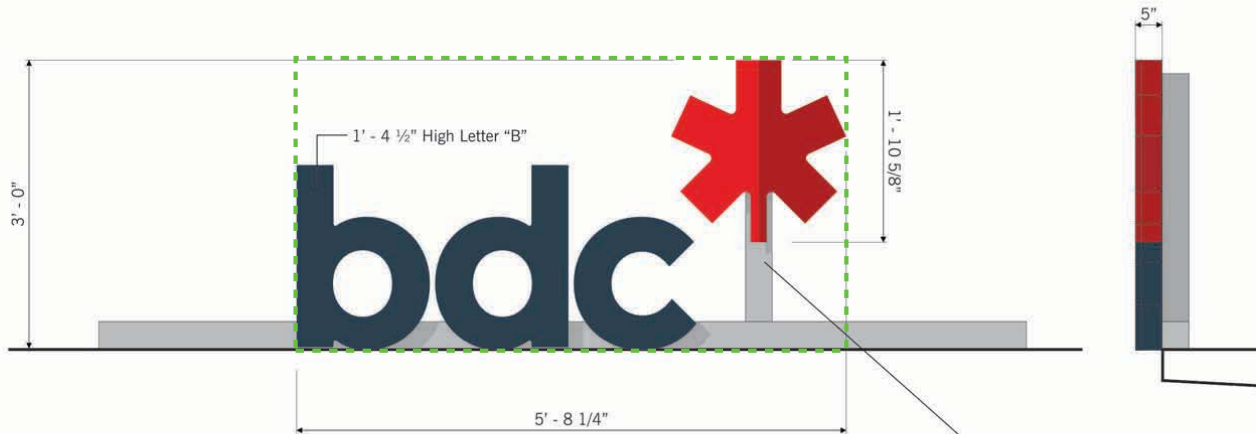


GLAZING ELEVATION HATCH LEGEND:		GLAZING ELEVATION NOTES:
2	ALUMINUM GLAZING SYSTEM CW CLEAR VISION GLASS	
1	ALUMINUM GLAZING SYSTEM CW SPANDREL (BACK PAINTED) GLASS	
4	ALUMINUM GLAZING SYSTEM CW ALUMINUM LOUVER	
10	ALUMINUM GLAZING SYSTEM CW ALUMINUM SPANDREL PANEL	
NO HATCH		1. DIMENSIONS ARE FROM CENTRE OF FRAME TO CENTRE OF FRAME EXCEPT AT OPENING PERIMETER WHERE DIMENSION ARE TO OUTSIDE FACE OF GLAZING FRAME
		2. REFER TO FLOOR PLANS AND A4.11 FOR GLAZING TYPES
		3. REFER TO DETAIL FOR ALUMINUM SPANDREL PANEL PENETRATIONS

Illuminated Channel Letters (1 Required)
Scale: N.T.S

bdc channel letters canopy sign

sign area = 1.59 m2



Material Specifications

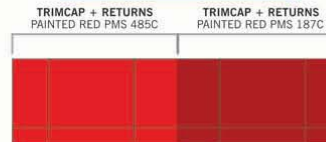
BDC

- Aluminum constructed mill finish returns painted blue 7546c
- 3/16" white LD #7328 acrylic face w/ digitally printed perf vinyl (CMYK: 85, 69, 51, 65)
- 1" trimcap painted blue 7546c
- White LED illumination

- Aluminum constructed mill finish returns painted red pms 485c/ 187c
- 3/16" white LD #7328 acrylic face w/ translucent vinyl applied to first surface
- 1" true red 1849 jewelrite trimcap / painted red pms 187c (right side only)
- Red LED illumination

- Aluminum constructed support structure painted TBD - Length: Approx. 10' - 0"

Painting Instructions For Logo



SCHEDULE

B

This forms part of application

DVP17-0086



City of
Kelowna
COMMUNITY DEVELOPMENT

Planner
Initials

TB

1

Drawn By: BDC
Scale: 1/2" = 1'-0"

PL 9.44m PA 0.54 sq/m



Electrical Requirements

120V

Graphic rendition is representative of specific signage. Colour / dimensional / material details should be verified using reference drawing specifications. Pride Signs Ltd. is not responsible for inherent variations caused by display and / or print variations.

SITE CHECK REQUIRED

- ☒ Preliminary Artwork
- ☐ Approved for Production

CLIENT APPROVAL

REVISION DATES:
February 27, 2017

J. Lewis



PRIDE SIGNS

INTERNATIONAL
SIGN ASSOCIATION

sacace

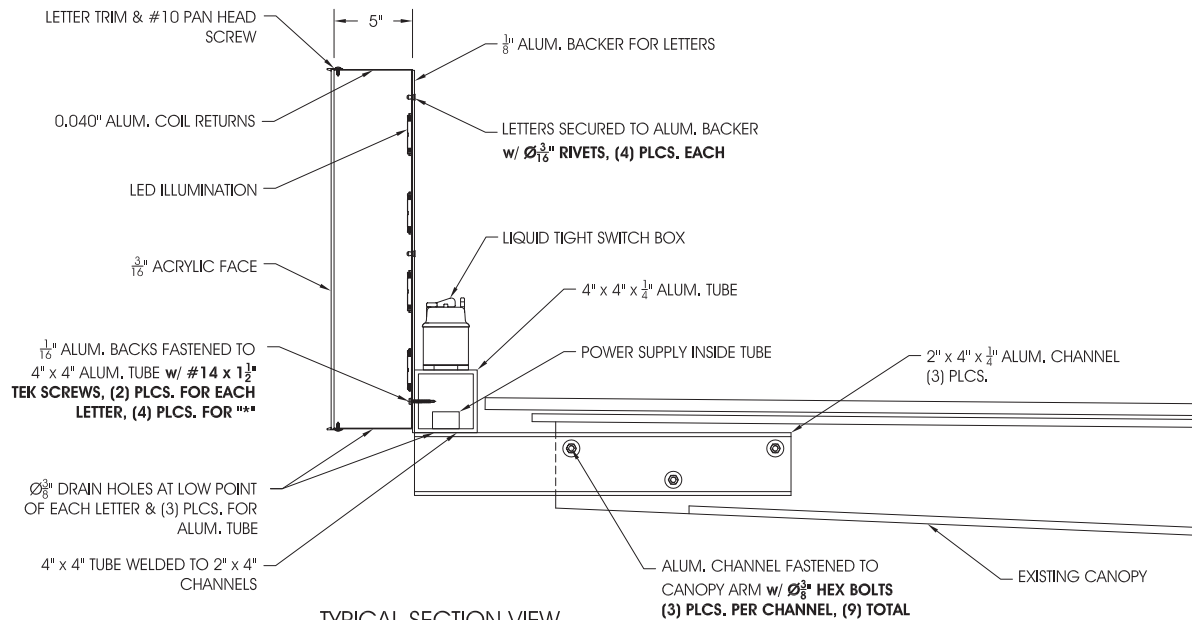
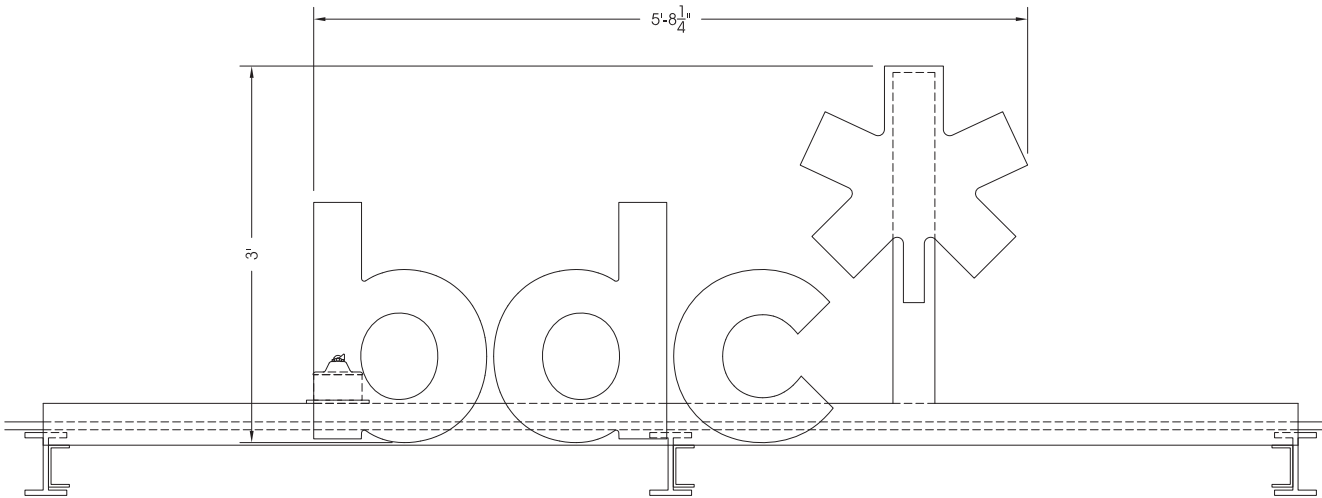


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255 PINEBUSH ROAD - CAMBRIDGE ONTARIO CANADA TEL: 519.622.4040 FAX: 519.622.4031 WWW.PRIDESIGNS.COM

Kelowna, BC



DRAWN BY: J. Lewis
DATE: January 5, 2017



TYPICAL SECTION VIEW

DESIGN NOTES:
WIND $q(1/50) = 0.40 \text{ kPa}$
SNOW $S_s = 1.7 \text{ kPa}$
 $S_r = 0.1 \text{ kPa}$

REPORT TO COUNCIL



Date: August 15, 2017

RIM No. 0940-00

To: City Manager

From: Community Planning Department (EW)

Application: DVP17-0094

Owner: Chris Peter Busch

Address: 520 Stanley Cr

Applicant: Lonewolf Homes Ltd.

Subject: Development Variance Permit

Existing OCP Designation: S2RES – Single/ Two Unit Residential

Existing Zone: RR2 – Rural Residential 2

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0094 for Lot 13 Section 24 Township 28 SDYD Plan 21834, located at 520 Stanley Cr, Kelowna, BC to allow the construction of a detached garage:

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

Section 6.5.8(a): Accessory Development

To vary the minimum front yard setback for a detached garage from 12.0m permitted to 7.0m 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 front yard setback for a detached garage from 12.0m permitted to 7.0m proposed on the subject property.

3.0 Community Planning

Staff support the variance to reduce the front yard setback from 12.0m to 7.0m for the proposed detached garage. A Natural Gas Right-of-Way covers almost 60% of the subject property and runs along the rear of the lot not permitting any building within it. The remaining, developable portion of the lot is the 40% fronting Stanley Cr. where the detached garage is proposed. No neighbourhood impacts are anticipated with the proposed location of the detached garage.

To fulfill the requirements of Council Policy No. 367, the applicant submitted a neighbour consultation summary form on June 27, 2017 outlining that neighbours within 50 m of the subject property were notified.

4.0 Proposal

4.1 Project Description

The applicant proposes the construction of a detached garage on the subject property. The two-car garage has a proposed front yard setback of 7.0m, which requires a variance. The location of a Natural Gas Right-of-Way along the rear of the property reduces the developable area of the lot significantly and pushes any new development to the front portion of the property.

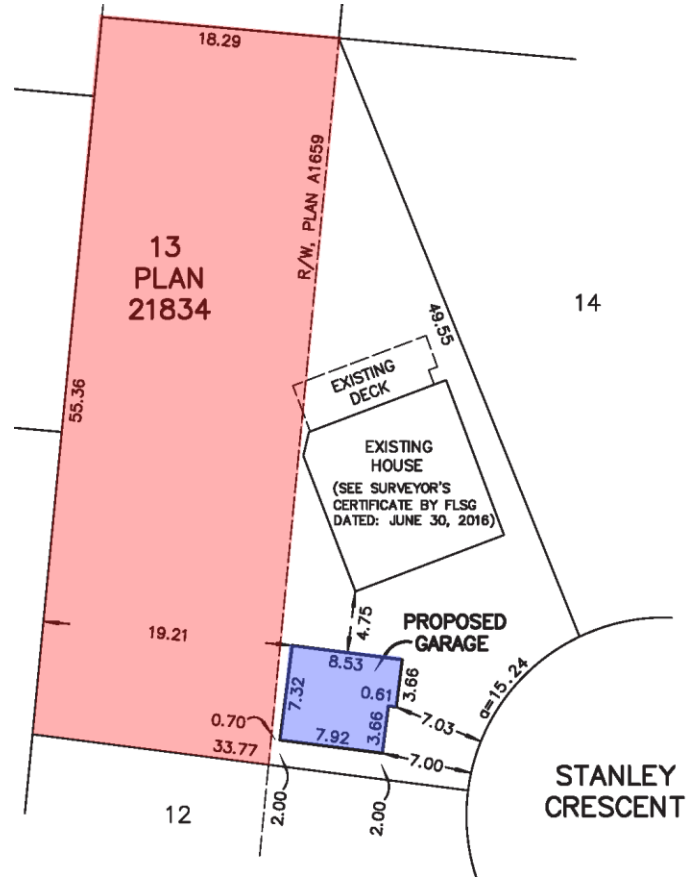


Figure 1. Location of the proposed garage shown in blue and the Natural Gas Right-of-Way shown in red.

4.2 Site Context

The 1740 m² property is in the Southwest Mission city sector, east of Chute Lake Cr.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR2 – Rural Residential 2	Residential
East	RR2 – Rural Residential 2	Residential
South	RR2 – Rural Residential 2	Residential
West	RR2 – Rural Residential 2	Residential

Subject Property Map: 520 Stanley Cr**4.3 Zoning Analysis Table**

While the property is zoned RR2 – Rural Residential 2, the property will be developed in accordance with the provisions and regulations of the RU1 – Large Lot Housing Zone as per Section 1.7.1 of the Zoning Bylaw.¹

Zoning Analysis Table		
CRITERIA	RU ₁ ZONE REQUIREMENTS	PROPOSAL
Existing Lot		
Lot Area	550m ²	1740m ²
Lot Width	16.5.0m	15.24m
Lot Depth	30.0m	33.77m
RU ₁ Zone Development Regulations		
Maximum Site Coverage	40%	12.4%
Accessory Building Regulations		
Maximum Site Coverage	14%	3.5%
Maximum Area	90m ²	60.2m ²
Maximum Building Height	4.5 m	3.86m

¹ S.1.7.1 Zoning Bylaw No. 8000: Rural Residential lots less than 0.2ha, which existed prior to August 10, 1976, shall be developed in accordance with the provisions and regulations of the RU₁ zone.

Accessory Building Regulations		
Front Yard	12.0m	7.0m ❶
Side Yard (south)	1.2m	2.0m
Side Yard (north)	1.2m	>10.0m
Rear Yard	1.5m	19.21m
❶ Indicates a requested variance to the front yard setback from 12.0m required to 7.0m proposed.		

5.0 Technical Comments

5.1 Building & Permitting Department

- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

5.2 Development Engineering Department

- See attached memorandum dated May 9, 2017.

5.3 FortisBC - Electric

- There are no FortisBC Inc (Electric) primary distribution facilities adjacent to the subject property. The current structures on the subject property appear to be serviced from secondary overhead in Stanley Crescent. Depending on the applicant's service requirements to the proposed garage, extension work may be required, the cost of which may be significant. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.
- Otherwise, FBC(E) has no concerns with this circulation.

6.0 Application Chronology

Date of Application Received: April 3, 2017
Date Public Consultation Completed: June 27, 2017

Report prepared by: Emily Williamson, Planner
Reviewed by: Terry Barton, Urban Planning Manager
Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment 'A' – Development Engineering Memorandum dated May 9, 2017
Draft DVP17-0094

CITY OF KELOWNA

MEMORANDUM

Date: May 9, 2017
File No.: DVP17-0094

To: Land Use Management (EW)

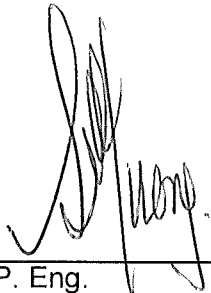
From: Development Engineering Manager (SM)

Subject: 520 Stanley Crescent Lot 13 Plan 21834 Setback Variance

Development Engineering has the following comments and requirements associated with this application.

The application for a development variance permit to vary the minimum front yard setback for the accessory building from 12.0m required to 7.0m proposed can be supported provided that the onsite parking requirements have been met.

In consultation with the City's Infrastructure Planning Department, determine the property's future sanitary sewer connection location and the subsequent on-site sewer alignment so as not to conflict with the proposed accessory building.



Steve Muenz, P. Eng.
Development Engineering Manager
JF

ATTACHMENT		A
This forms part of application		
# <u>DVP17-0094</u>		
Planner Initials	EW	 City of Kelowna <small>COMMUNITY PLANNING</small>

DEVELOPMENT VARIANCE PERMIT



APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT NO. DVP17-0094

Issued To: Chris Peter Busch
Site Address: 520 Stanley Crescent
Legal Description: Lot 13 Section 24 Township 28 SDYD Plan 21834
Zoning Classification: RR2 – Rural Residential 2

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 Council authorizes the issuance of Development Variance Permit No. DVP17-0094 for Lot 13 Section 24 Township 28 SDYD Plan 21834, located at 520 Stanley Cr, Kelowna BC to allow the construction of a detached garage;

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

Section 6.5.8(a): Accessory Development

To vary the minimum front yard setback for a detached garage from 12.0m permitted to 7.0m 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. Indemnification

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

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

5. APPROVALS

Issued and approved by Council on the _____ day of _____, 2017.

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

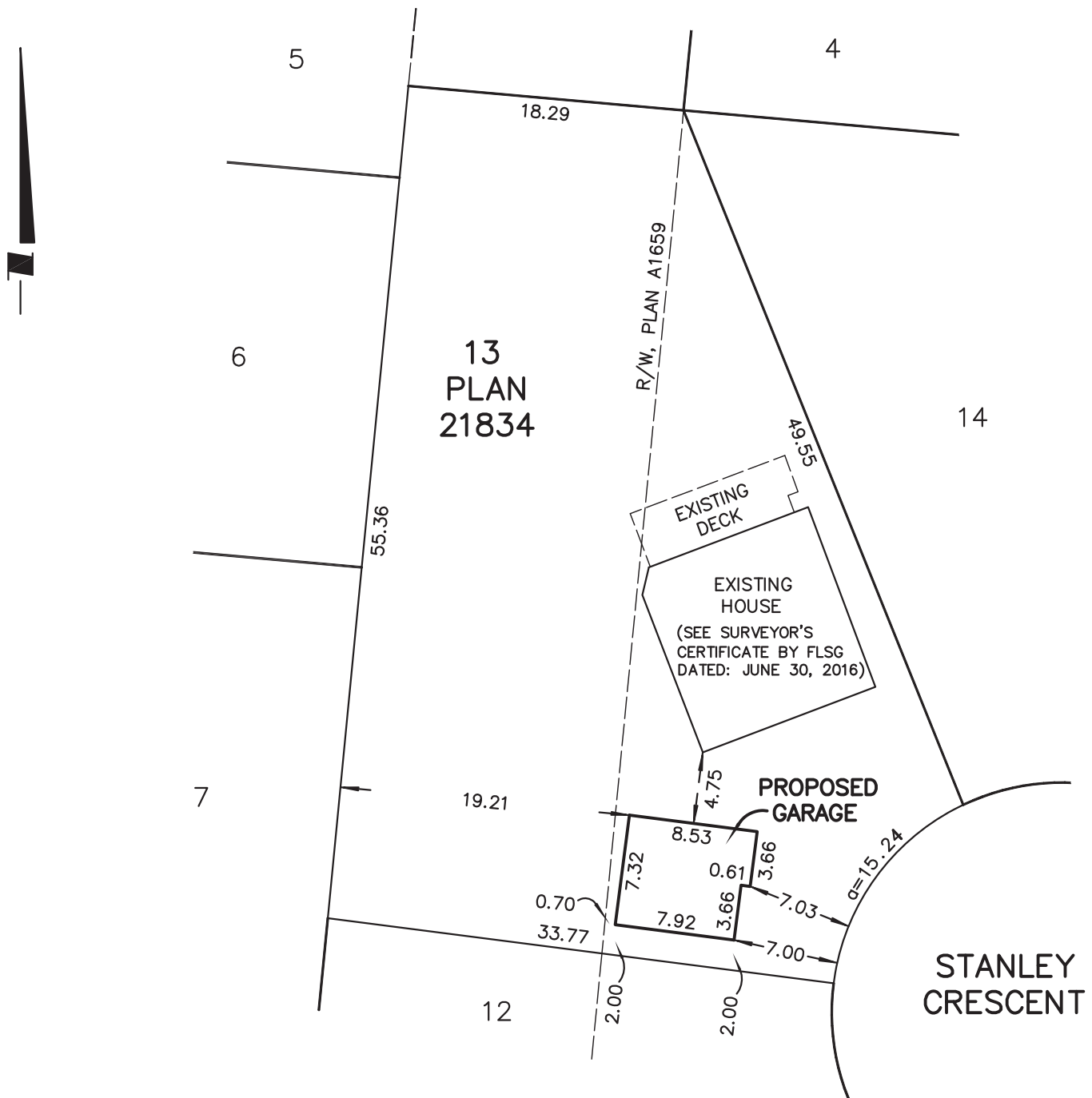
 Date

The PERMIT HOLDER is the CURRENT LAND OWNER.

SITE PLAN TO ACCOMPANY VARIANCE APPLICATION ON LOT 13 SECTION 24 TOWNSHIP 28 SDYD PLAN 21834

PID: 007-227-507

520 STANLEY CRESCENT



THIS PLAN IS NOT TO BE USED FOR RE-ESTABLISHMENT OF PROPERTY BOUNDARIES

CLIENT: LONEWOLF HOMES

DATE: MARCH 20, 2017

SCALE: 1:400 METRES

FILE: 20950

DRAWN BY: PM

Ferguson Land Surveying & Geomatics Ltd.

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

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SCHEDULE

A

This forms part of application
DVP17-0094

Planner
Initials

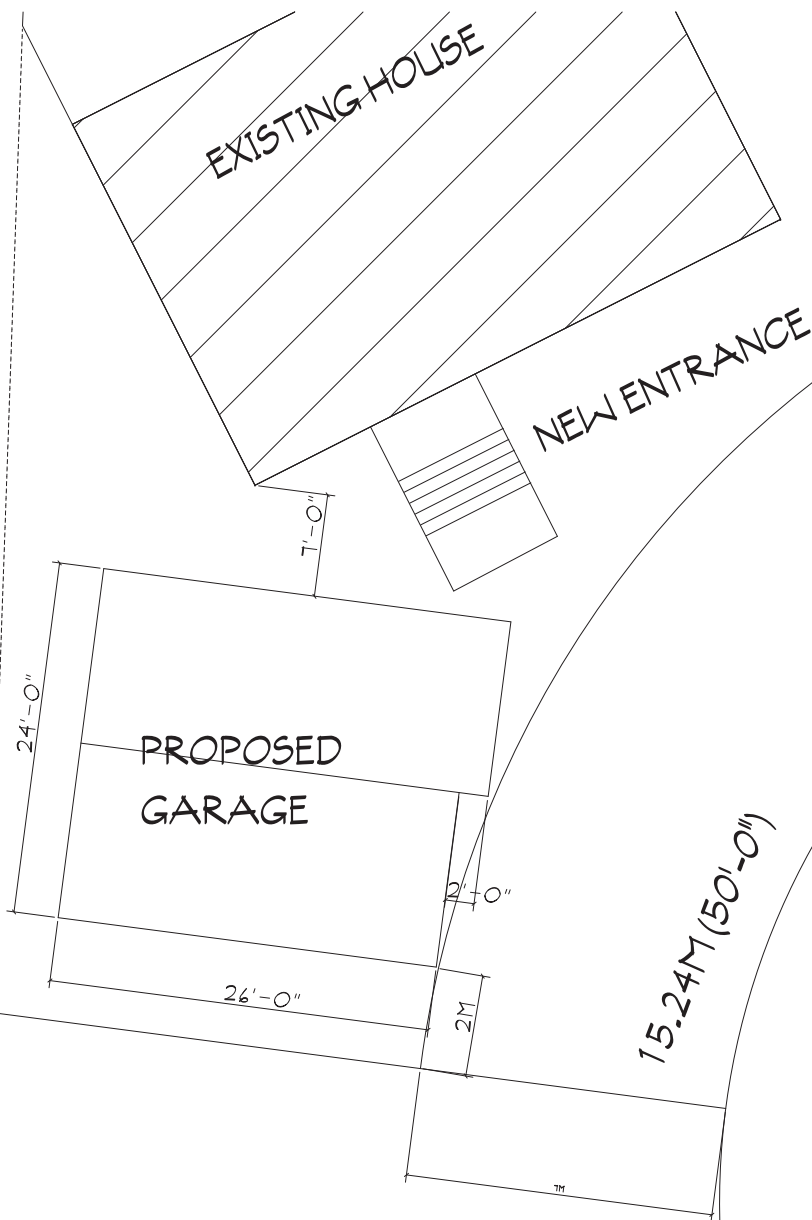
EW



NATURAL GAS
EASMENT

520
LOT 13
SECTION 24
TOWNSHIP 28
SDYD PLAN 21834

33.77M (110'-9"0)



7M SET BACK

SCHEDULE

A

This forms part of application

DVP17-0094

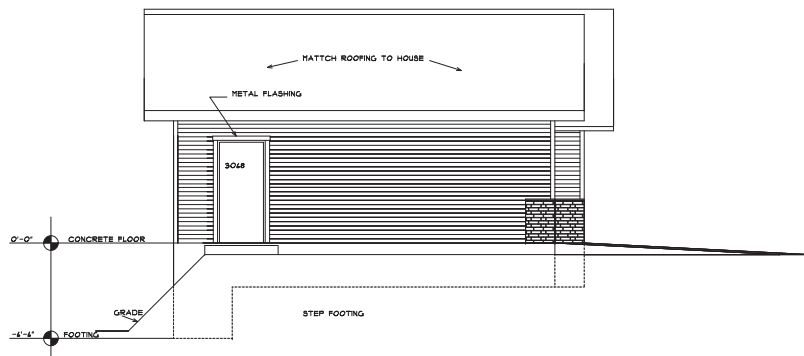
Planner
Initials

EW

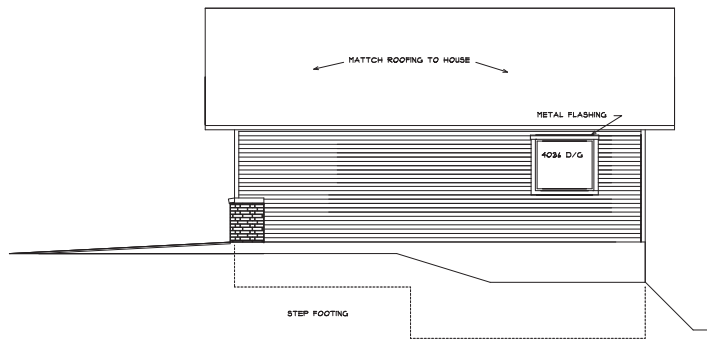
City of
Kelowna
COMMUNITY PLANNING



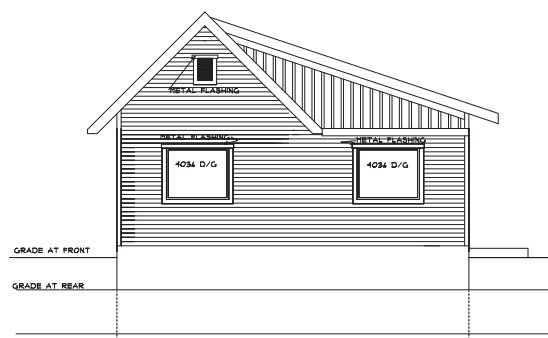
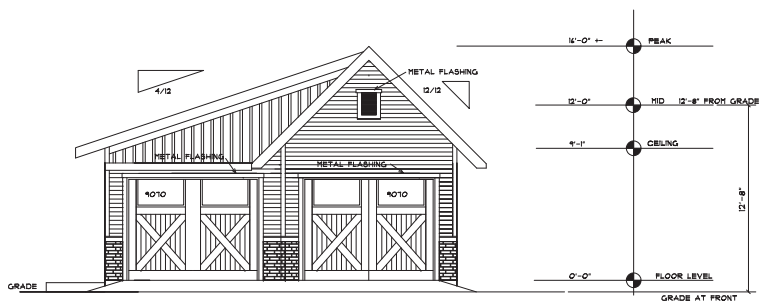
STANL



LEFT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

SCHEDULE A

This forms part of application
DVP17-0094

FRONT ELEVATION

City of Kelowna
COMMUNITY PLANNING

Planner Initials EW

NOTE:
EVERY EFFORT HAS BEEN MADE TO
ASSURE THE ACCURACY OF DIMENSIONS
AND DETAILS, HOWEVER IT IS THE
RESPONSIBILITY OF THE BUILDER TO
VERIFY ALL MEASUREMENTS.

SCALE: 1/4" = 1'-0"
UNLESS INDICATED

REVISIONS			
DATE	REV.	DESCRIPTION	BY

2.22	1	HAN DOOR	BM
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UPON DEMAND AND UPON THE EXPRESS
CONSENT THAT IT IS NOT TO BE USED IN
ANY WAY DETRIMENTAL TO OUR INTERESTS.
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WHATSOEVER WITHOUT THE CONSENT IN
WRITING OF THE ARCHITECT / ENGINEER/
DESIGNER OR THEIR AGENTS.
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LONE WOLF
HOMES LTD.



DATE: FEB 22, 2017

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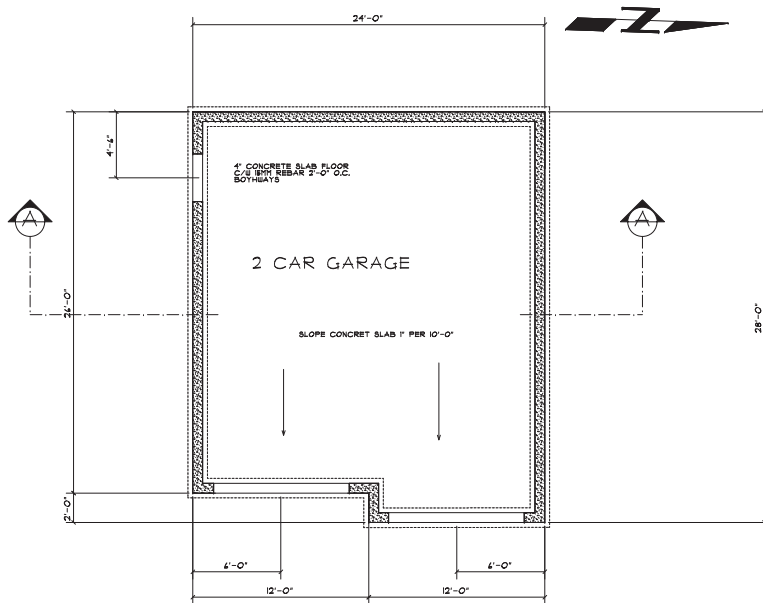
CUSTOMER:
CHRIS BUSCH
& ASHLEY DAVEY

PROJECT JOB NO.:	RSM 17-005
DRAWN BY:	ROB COTE
DRAWING DATE:	FEB. 28, 2017
FILE NAME:	NOTES
CHK. BY:	RSM

PAGE 2

ELECTRICAL LEGEND

⊕ GROUND PICTURE	⊕ REFRIG. REFLECT	⊕ SINGLE POLE SWITCH	⊕ L.V. LOW VOLTAGE SWITCH	⊕ PUSH BUTTON
⊕ FIA	⊕ RAY	⊕ DOUBLE POLE SWITCH	⊕ DIMMER SWITCH	⊕ FLUSH MOUNTED PANEL
⊕ CO2	⊕ AIR FLOW	⊕ THREE WAY SWITCH	⊕ SPECIAL SWITCH	⊕ FLUORESCENT PICTURE
⊕	⊕	⊕ FOURWAY SWITCH	⊕	⊕ THERMOSTAT
	⊕	⊕ UP WEATHERPROOF SWITCH	⊕ CHIME	
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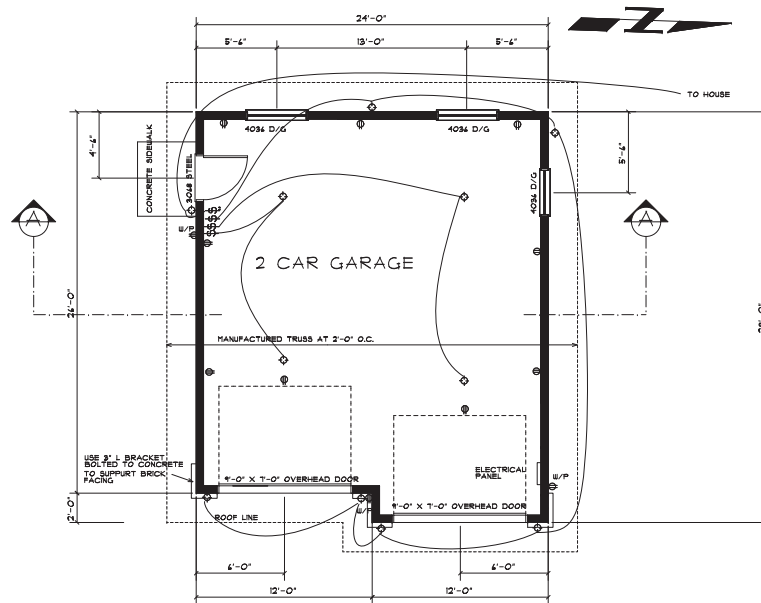


FOOTING & FOUNDATION PLAN

SCHEDULE A

This forms part of application
DVP17-0094

Planner
Initials EW



GARAGE FLOOR PLAN 648 SQ.FT.

NOTE:
EVERY EFFORT HAS BEEN MADE TO
ASSURE THE ACCURACY OF DIMENSIONS
AND DETAILS. HOWEVER, IT IS THE
RESPONSIBILITY OF THE BUILDER TO
VERIFY ALL MEASUREMENTS.

SCALE: 1/4" = 1'-0"
UNLESS INDICATED

REVISIONS		
DATE	REV.	DESCRIPTION

DATE	REV.	DESCRIPTION

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HOMES LTD.

DATE: FEB 22, 2017

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CUSTOMER:
CHRIS BUSCH
& ASHLEY DAVEY

PROJECT
JOB NO.:
RSM 17-005
ROB COTE!
REVISION:
DRAWN BY: RSM
DRAWING DATE: FEB. 28, 2017
FILE NAME: NOTES
CHK. BY: RSM

REPORT TO COUNCIL



Date: August 15, 2017

RIM No. 0940-01

To: City Manager

From: Community Planning Department (TB)

Application: DVP17-0103

Owner: Janice Lee Mosychuk

Address: 2206 Woodlawn Street

Applicant: Urban Options Planning & Permits

Subject: Development Variance Permit

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0103 for Lot 3, District Lot 136, ODYD, Plan 3238, located at 2206 Woodlawn Street, Kelowna, BC, subject to the following;

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"

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

Section 13.6.6(j): Two Dwelling Housing Development Regulations

To vary the minimum distance between two single detached housing units from 4.5m required to 2.15m 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 distance between two single detached housing units from 4.5m required to 2.15m proposed on the subject property.

3.0 Community Planning

Community Planning recommends support for the requested variance to reduce the minimum distance between two single detached housing units from 4.5m required to 2.15m proposed. The variance does not

impact site coverage or have a negative effect on adjacent properties. The purpose of the variance is to maximize internal floor area to create 3 bedroom units, a type of housing that is in high demand currently in Kelowna.

Materials with high fire suppression are proposed for the walls facing each building, and there are no proposed glazed openings in order to comply with BC Building Code. Finally, the variance is comparable to the nearby RU7 – Sensitive Infill Housing zone which allows a 2.0m setback between two single detached housing units.

4.0 Proposal

4.1 Background

The subject property has a single family dwelling and accessory building that will be removed as a function of this development. The property is one of two on this street that meet the requirements for a full second dwelling on the RU6 – Two Dwelling Housing lot (i.e. min. 18.0 metre lot width) rather than being restricted to a carriage house.

4.2 Project Description

The applicant has proposed to construct two single detached housing units in a modern west-coast contemporary style. The proposed dwellings meet all setback, site coverage, parking, and private outdoor space requirements. The variance requested is to allow the two single detached housing units to be located 2.15m apart where the zoning bylaw requires 4.5m minimum separation distance.

The applicant has designed the housing units with high fire suppression building materials in order to conform to the BC Building Code and eliminate any fire risk. In addition, no glazed openings are proposed on the walls between the two units. The reduced distance allows the applicant to maximize the internal space in each unit, providing for a liveable 3-bedroom unit. This type of housing stock is currently in high demand in Kelowna. The units are ground oriented walk-ups with large patios and balconies, and all parking is located off the lane.

There will be minimal impact to any adjacent neighbours as the variance does not affect the side yard setbacks. The height is respectful of the neighbours at 2 storeys tall rather than the maximum 2 ½ storeys, and it steps down toward the adjacent property lines. This type of application no longer requires a Development Permit for the form and character of the single detached housing units.

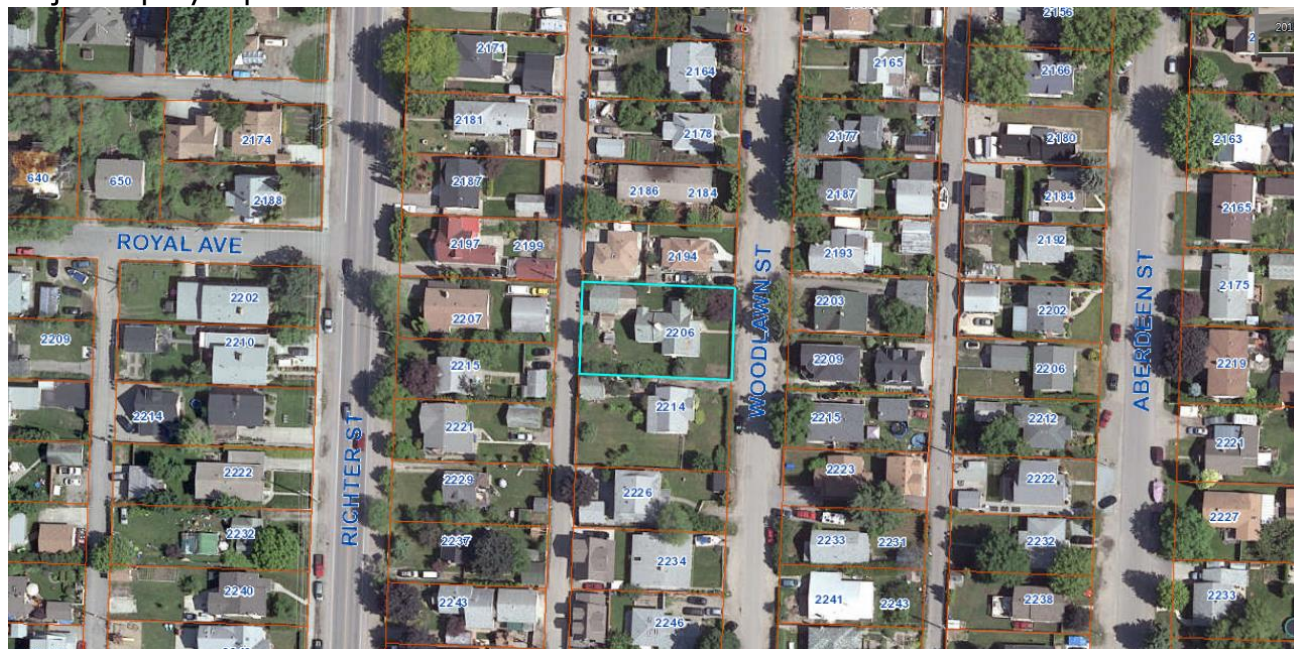
4.3 Site Context

The subject property is located on the west side of Woodlawn Street off of Glenwood Avenue. The neighbourhood is considered in the Central City Sector and is in close proximity to Cameron Park, the future Ethel Street Active Transportation Corridor and Kelowna General Hospital.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Residential
East	RU6 – Two Dwelling Housing	Residential
South	RU6 – Two Dwelling Housing	Residential
West	RU6 – Two Dwelling Housing	Residential

Subject Property Map: 2206 Woodlawn Street



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	700 m ²	890m ²
Site Coverage of Building(s) (area/%)	40%	26.25%
Site Coverage Building(s), Driveway(s) and parking (%)	50%	28%
Development Regulations		
Building Height (m)	9.5m / 2 ½ storeys	7.9m / 2 storeys
Front yard	4.5m	South bldg.: 6.4m North bldg.: 4.877m
Side Yard (south)	2.3m	2.37m
Side Yard (north)	2.3m	2.37m
Rear Yard	7.5m	South Bldg.: 16.6m North Bldg.: 18.1m
Other Regulations		
Minimum Parking Requirements	4 stalls	4 stalls
Private open space	30m ² per unit	Greater than 30m ² per unit
Distance between dwellings	4.5m	2.15m ❶
❶ Indicates a requested variance to reduce the distance between dwellings from 4.5m required to 2.15m proposed.		

5.0 Technical Comments

5.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.
- This property falls within a defined flood plain area and compliance is required to Mill Creek Bylaw No. 10248 or alternative approval from the subdivision approving officer as per section 5.3 of the bylaw is required prior to issuance of any building permits.

5.2 Development Engineering Department

- Variance does not compromise municipal services

6.0 Application Chronology

Date of Application Received: April 10, 2017

Date Public Consultation Completed: June 6, 2017

Report Prepared by: Trisa Brandt, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Site Plan

Conceptual Elevations

Floor Plan

Draft Development Variance Permit DVP17-0103

Schedule "A": Site Plan

GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE B.C. BUILDING CODE AND ALL LOCAL LAWS AND BYLAWS.
2. BEFORE CONSTRUCTION COMMENCES IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO CHECK ALL DETAILS AND DIMENSIONS TO CONFIRM ACCURACY AND TO ASSURE THERE ARE NO DISCREPANCIES.
3. IT IS THE RESPONSIBILITY OF THE CONTRACTOR FOR THE CORRECT SITING OF THE BUILDING TO CONFORM WITH NECESSARY SETBACKS.
4. ALTHOUGH EVERY EFFORT HAS BEEN MADE TO PROVIDE COMPLETE AND ACCURATE DRAWINGS WE CANNOT ELIMINATE THE POSSIBILITY OF HUMAN ERROR, THEREFORE MULLINS DRAFTING & DESIGN WILL NOT BE LIABLE FOR ANY ERRORS OR OMISSIONS.



NOTE

WINDOW SPECS TO BE CONFIRMED BY OWNER/ CONTRACTOR PRIOR TO ORDERING TO ENSURE PROPER VENTING AND EGRESS.

NOTE

PROVIDE PROPER SLOPE TO ALLOW DRAINAGE AWAY FROM RESIDENCE.

NOTE

CONTRACTOR TO CONFIRM DIM PRIOR TO CONST.

SPECIFICATIONS

EXT. WALL

ACRYLIC STUCCO
HORIZONTAL CEDAR
CULTURED BRICK
7/16" WALL SHEATHING
2x6 STUDS 24" o/c
R-22 BATT INSULATION
6 MIL UV POLY
1/2" DRYWALL

INT. WALL

3/4" STUDS 16" o/c
1/2" DRYWALL BOTH SIDES

ROOF

LAMINATE SHINGLES (35 YR)
7/16" ROOF SHEATHING
ENGINEERED ROOF TRUSSES
R-50 INSULATION
6 MIL UV POLY
9/8" DRYWALL

SOFFIT & FASCIA

8" FASCIA GUTTER
2x6 SUB FASCIA
STEPPED 1" FASCIA BOARD
VENTED SOFFIT

FLOOR SYSTEM

3/4" T&G SHEETING
ENGINEERED I JOIST
R-50 INSULATION
8 MIL UV POLY
9/8" DRYWALL

DECK CONSTRUCTION

8" CONC. PERIS
2X10 JOISTS @16" o/c
VINYL DECKING
POSTS & BEAMS AS REQ.

STAIR CONSTRUCTION

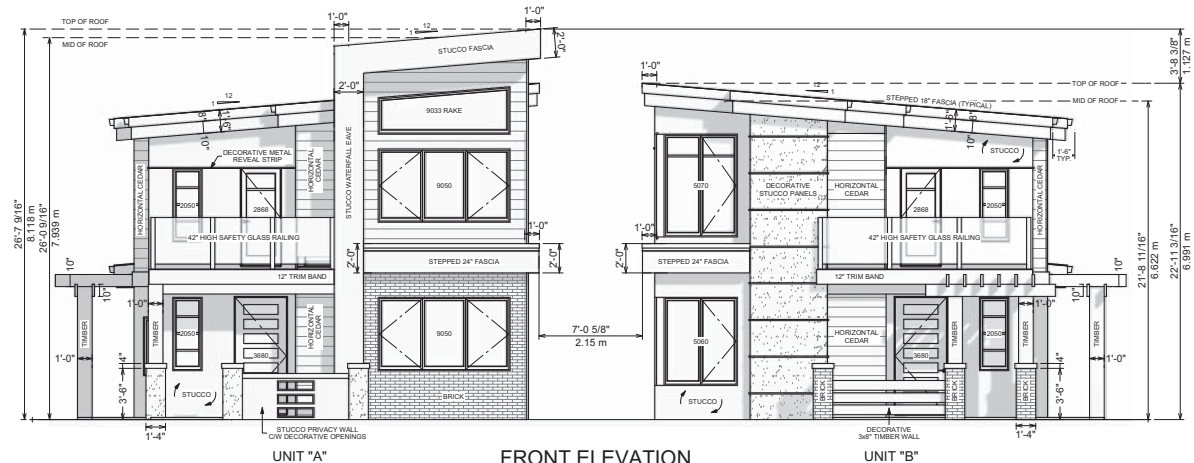
RUE MANUFACTURED
STAIR SYSTEM
2X8 @ 16" o/c LANDINGS

FOUNDATION

8" CONC. FOUNDATION
10MM REBAR
R15 STYROFOAM INSULATION
8"x16" CONC. FOOTING

CONC. SLAB

4" CONC. SLAB
6 MIL UV POLY
6" DRAINAGE ROCK
4" DRAIN TILE
MINIMUM 6" DRAIN ROCK
DRY SHEETING PAPER



SHEET NUMBER

1/8

SCALE: 1/4" = 1'

DATE: MAR-2017

MOSYCHUK

PROPOSED PROJECT FOR

LOT # 3
2206 WOODLAWN ST

UNIT 203 - 1889 SPALL RD.
Kelowna BC V1Y 4R2

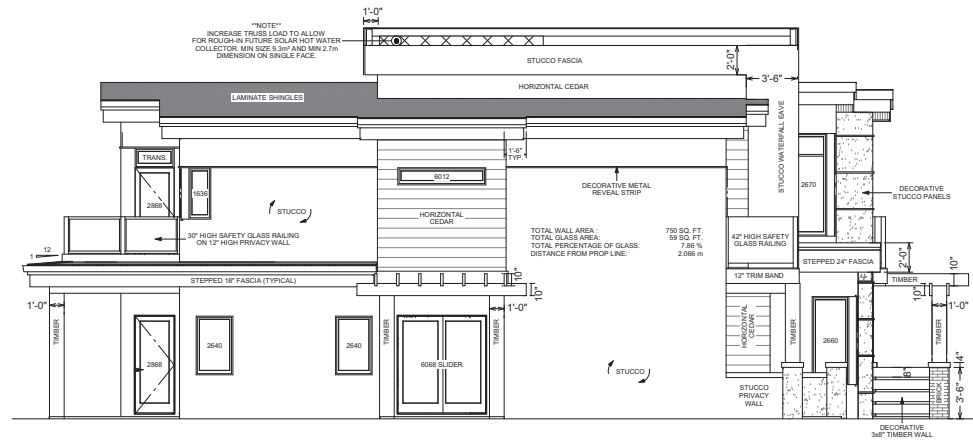
Bus: (250) 717-3415
Cell: (250) 258-7819
e-mail: mullinsdrafting@shaw.ca

MULLINS
DRAFTING & DESIGN

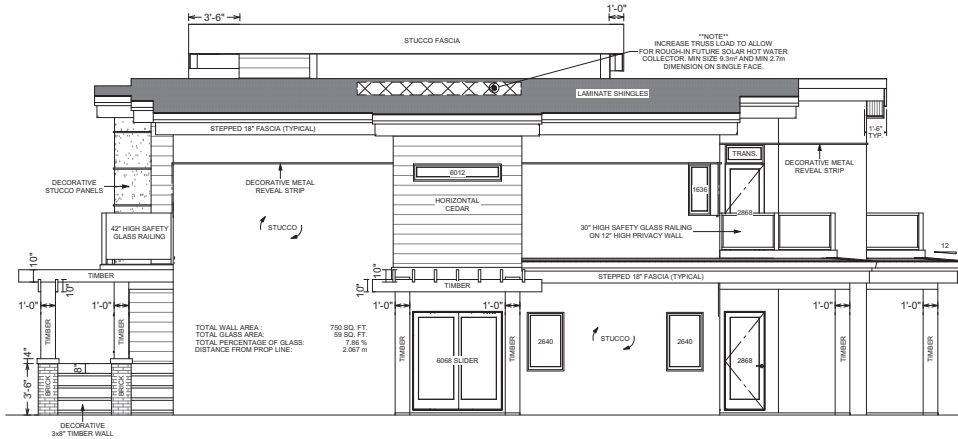


GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE B.C. BUILDING CODE AND ALL LOCAL LAWS AND BYLAWS.
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LEFT ELEVATION (UNIT "A")



RIGHT ELEVATION (UNIT "B")

SPECIFICATIONS

EXT. WALL

ACRYLIC STUCCO
HORIZONTAL CEDAR
CULTURED BRICK
7/16" WALL SHEATHING
2x6 STUDS 24" o/c
R-25 BATT INSULATION
6 ML UV POLY
1/2" DRYWALL

INT. WALL

2x4 STUDS 16" o/c
1/2" DRYWALL BOTH SIDES

ROOF

LAMINATE SHINGLES (35 YR)
7/16" ROOF SHEATHING
ENGINEERED ROOF TRUSSES
R-39 INSULATION
6 ML UV POLY
5/8" DRYWALL

SOFFIT & FASCIA

5" FASCIA CUTTER
2x4 SUB FASCIA
STEPPED 18" FASCIA BOARD
VENTED SOFFIT

FLOOR SYSTEM

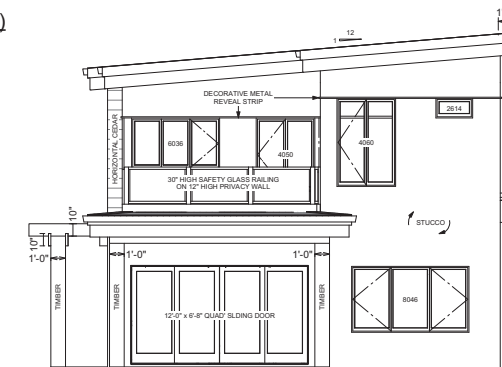
3/4" T&G SHEETING
ENGINEERED JOIST
DECK CONSTRUCTION
8" CONC. PERIS
2x10 JOISTS (8" o/c)
VINYL DECKING
POSTS & BEAMS AS REQ.

STAIR CONSTRUCTION

PBR MANUFACTURED
STAIR SYSTEM
2x4 @ 16" o/c LANDINGS

FOUNDATION

8" CONC. FOUNDATION
10MM REBAR
R12 STYROFOAM INSULATION
8"x16" CONC. FOOTING
CONC. SLAB
4" CONC. PERIS
6 ML UV POLY
6" DRAINAGE ROCK
4" DRAIN TILE
MINIMUM 6" DRAIN ROCK
DRY SHEETING PAPER



UNIT "B"

REAR ELEVATION



UNIT "A"

- **NOTE****
WINDOW SPEC'S TO BE CONFIRMED BY OWNER/ CONTRACTOR PRIOR TO ORDERING TO ENSURE PROPER VENTING AND EGRESS.
- **NOTE****
PROVIDE PROPER SLOPE TO ALLOW DRAINAGE AWAY FROM RESIDENCE.
- **NOTE****
CONTRACTOR TO CONFIRM DIM PRIOR TO CONST.

SHEET NUMBER

2/8

SCALE: 1/4" = 1'

DATE: MAR-29-2017

MOSYCHUK

PROPOSED PROJECT FOR

LOT # 3
2206 WOODLAWN ST

UNIT 203 - 1889 SPALL RD.

Kelowna BC V1Y 4R2

Bus: (250) 717-3415

Cell: (250) 258-7819

e-mail: mullinsdrafting@shaw.ca

MULLINS
DRAFTING & DESIGN



LANE

LOT # 3

PLAN 3238
2206
WOODLAWN

LOT #4 PLAN 3238

LOT #6 PLAN 3171

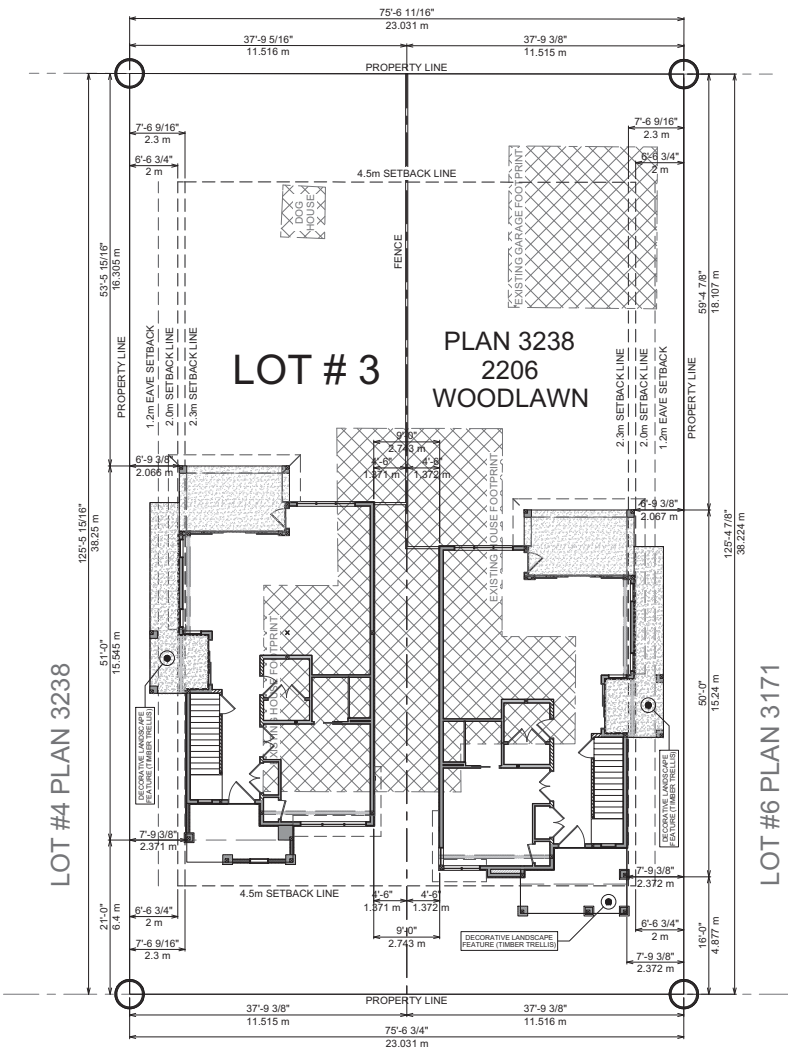
LOT COVERAGE	
UNIT 'A' FOOTPRINT	= 1,029 SQ.FT.
UNIT 'A' PATIO / ENTRY	= 215 SQ.FT.
UNIT 'B' FOOTPRINT	= 1,029 SQ.FT.
UNIT 'B' PATIO / ENTRY	= 215 SQ.FT.
UNIT 'A' GARAGE	= 000 SQ.FT.
UNIT 'B' GARAGE	= 000 SQ.FT.
TOTAL FOOTPRINT	= 2,488 SQ.FT.
TOTAL LOT SQ.FT.	= 9,479 SQ.FT.
TOTAL COVERAGE	= 26.25%

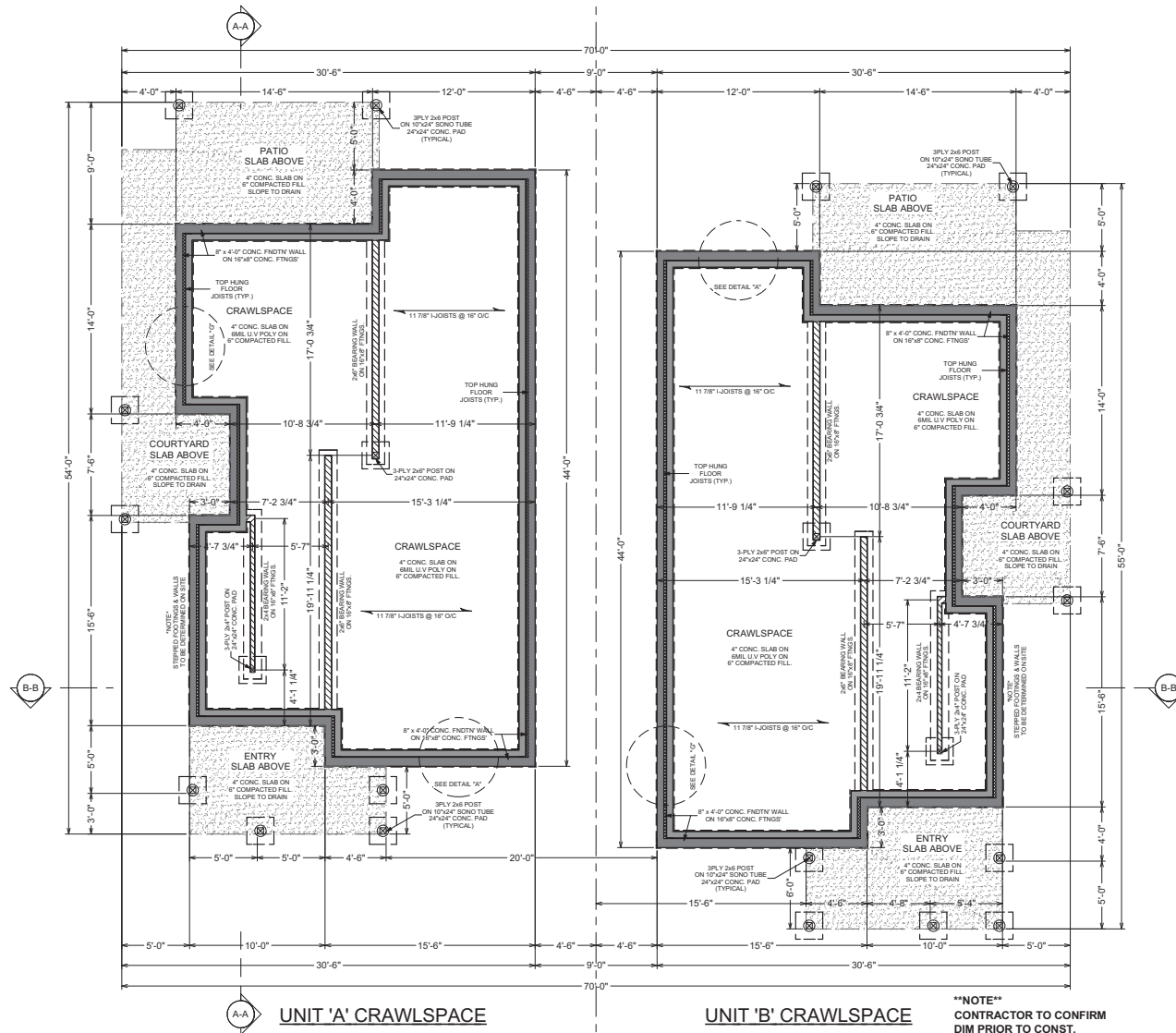
WOODLAWN STREET

****NOTE****
CONTRACTOR TO CONFIRM
DIM PRIOR TO CONST.

PLOT PLAN

SCALE: 1/8" = 1'





SHEET NUMBER

4/8

SCALE: 1/4" = 1'

DATE: MAR-29-2017

MOSYCHUK

PROPOSED PROJECT FOR

LOT # 3
2206 WOODLAWN ST

UNIT 203 - 1889 SPALL RD.

Kelowna BC V1Y 4R2

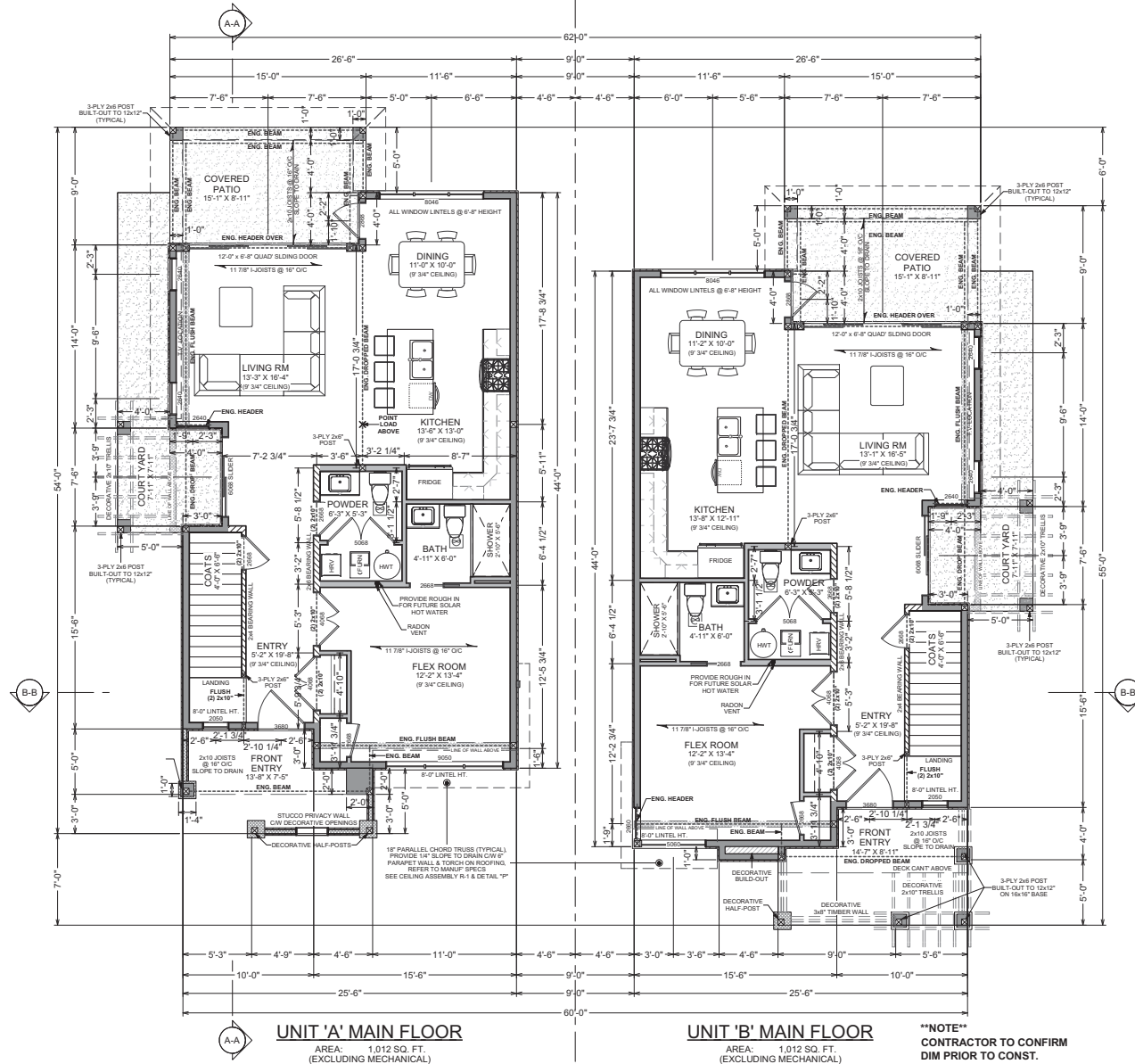
Bus: (250) 717-3415

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e-mail: mullinsdrafting@shaw.ca

MULLINS
DRAFTING & DESIGN





SHEET NUMBER
5/8

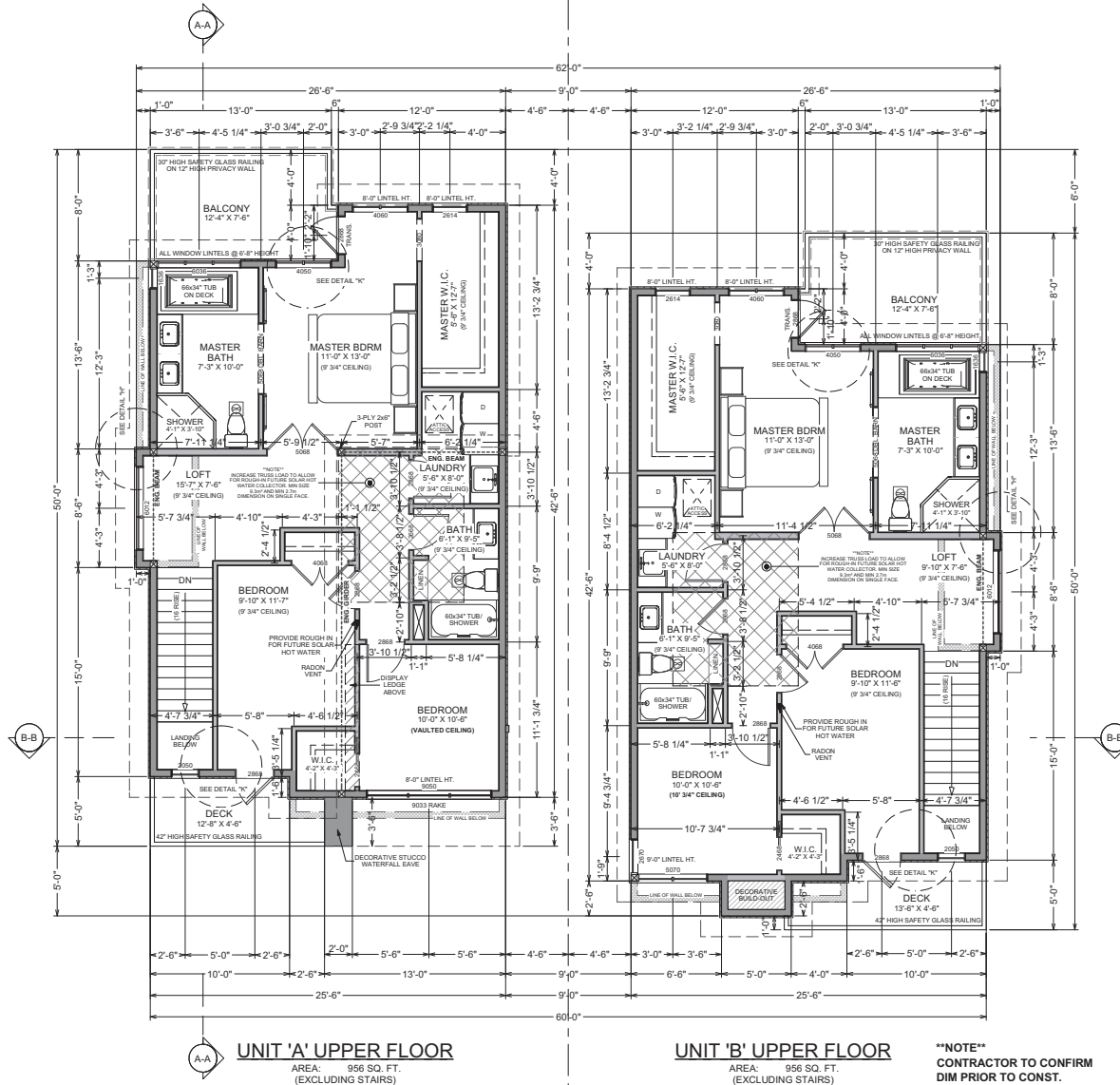
SCALE: 1/4" = 1'
DATE: MAR-29-2017

MOSYCHUK

PROPOSED PROJECT FOR
LOT # 3
2206 WOODLAWN ST

UNIT 203 - 1889 SPALL RD.
Kelowna BC V1Y 4R2
Bus: (250) 717-3415
Cell: (250) 258-7819
e-mail: mullinsdrafting@shaw.ca





SHEET NUMBER
6/8

SCALE: 1/4" = 1'
 DATE: MAR-29-2017

MOSYCHUK

PROPOSED PROJECT FOR
LOT #3
2206 WOODLAWN ST

UNIT 203 - 1889 SPALL RD.
Kelowna BC V1Y 4R2
 Bus: (250) 717-3415
 Cell: (250) 258-7819
 e-mail: mullinsdrafting@shaw.ca



DEVELOPMENT VARIANCE PERMIT



APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT NO. DVP17-0103

Issued To: Janice Lee Mosychuk
Site Address: 2206 Woodlawn Street
Legal Description: Lot 3, District Lot 136, ODYD, Plan 323
Zoning Classification: RU6 – Two Dwelling 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. DVP17-0103 for Lot 3, District Lot 136, ODYD, Plan 3238, located at 2206 Woodlawn Street, Kelowna, BC, be approved subject to the following;

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"

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

Section 13.6.6(j): Two Dwelling Housing Development Regulations

To vary the minimum distance between two single detached housing units from 4.5m required to 2.15m 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. Indemnification

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

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

5. APPROVALS

Issued by the Community Planning Department of the City of Kelowna on the _____ day of _____, 2017.

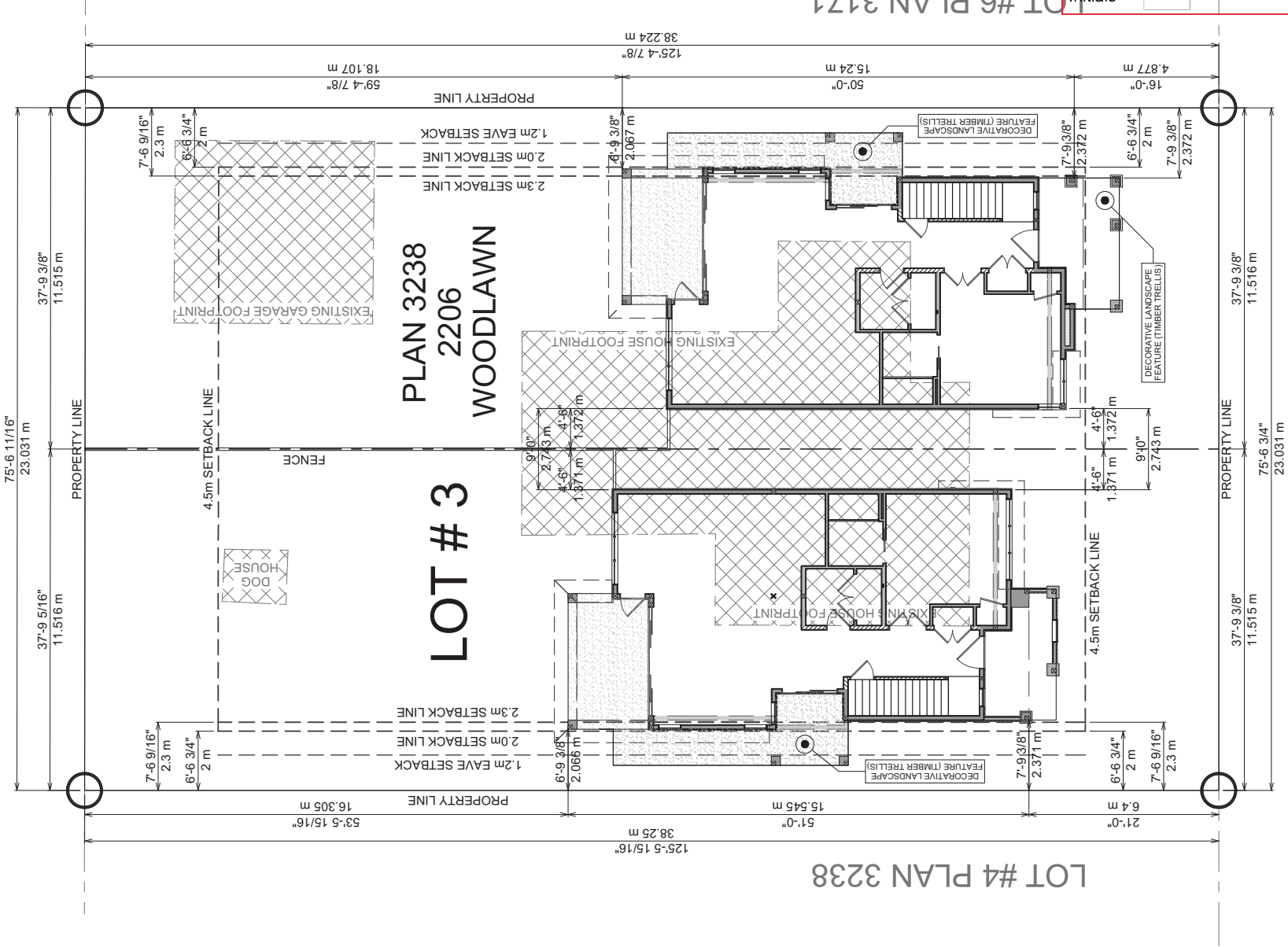
Ryan Smith, Community Planning Department Manager
Community Planning & Real Estate

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

PLAN 21452

PLAN 3238

LANE



LOT COVERAGE

UNIT 'A' FOOTPRINT	=	1,028 SQ.FT.
UNIT 'A' PATIO / ENTRY	=	215 SQ.FT.
UNIT 'B' FOOTPRINT	=	1,028 SQ.FT.
UNIT 'B' PATIO / ENTRY	=	215 SQ.FT.
UNIT 'A' GARAGE	=	000 SQ.FT.
UNIT 'B' GARAGE	=	000 SQ.FT.
TOTAL FOOTPRINT	=	2,488 SQ.FT.
TOTAL LOT SQ.FT.	=	9,479 SQ.FT.
TOTAL COVERAGE	=	26.25%

NOTE

CONTRACTOR TO CONFIRM

DIM PRIOR TO CONST.

WOODLAWN STREET

REPORT TO COUNCIL



Date: July 25, 2017

RIM No. 0940-50

To: City Manager

From: Community Planning Department (LB)

Application: DVP17-0109 **Owner:** Armin & Helena Gottschling

Address: 328 Poplar Point Drive **Applicant:** Hugh Bitz

Subject: Development Variance Permit Application

Existing OCP Designation: Single / Two Unit Residential – S2RES

Existing Zone: RU1 – Large Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0109 for Lot 1 District Lot 219 ODYD Plan 9404, located at 328 Poplar Point Drive, Kelowna, BC:

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

Section 13.1.6(c): RU1 – Large Lot Housing Development Regulations

To vary the required minimum front yard from 4.5 m permitted to 1.0 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 front yard from 4.5 m permitted to 1.0 m to facilitate an addition to the existing single detached house.

3.0 Community Planning

Staff support the requested variance to reduce the minimum front yard from 4.5 m to 1.0 m. The variance allows small additions to the existing house to modernize it and improve livability, including the addition of a single car garage, while limiting the impacts on steep slopes.

While staff typically prefer to see front yard setbacks adhered to in order to maintain the streetscape pattern, allow space for landscaping, and ensure sufficient driveway length, each scenario must be considered on its own merits. In this instance, staff are favourable to the reduced front yard primarily to protect the steep slopes, and the potential visual impacts are mitigated through the site context. The property slopes down from the road to the Lake, with grades in excess of 45% towards the rear of the

property. To avoid impact this hillside area, the applicant proposes building the additions towards the front of the property. This meets City policies and guidelines regarding siting buildings to protect steep slopes.

The visual impact of the garage being located closer to the road is minimal because of the property's grade being lower than that of the road in this location. The property drops by approximately 2 m from the road to the area where the garage would be, making it less visually prominent from the road. Furthermore, the applicant is proposing to fence and landscape the area between the garage and the property line.



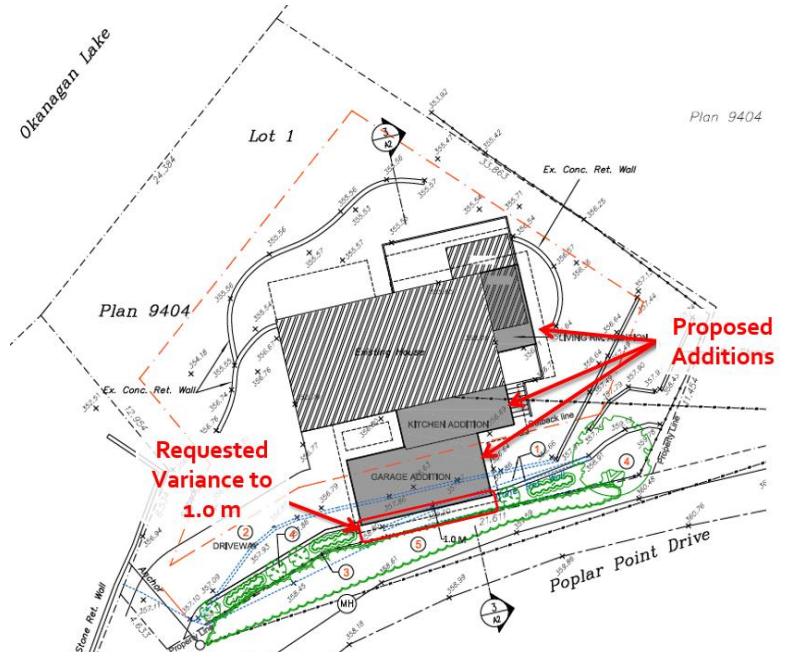
Staff considered the impact of the variance on the road right-of-way. The City does not currently have any plans to widen Poplar Point Drive, therefore staff did not see it reasonable to prevent this property owner from proceeding with this project. The existing driveway access from the side of the property would be maintained and the driveway would be well over the minimum length of 6.0 m to avoid impeding traffic.

The applicant completed neighbourhood consultation in accordance with Council Policy No. 367. At the time of writing, staff has not been contacted with any questions or concerns.

4.0 Proposal

4.1 Project Description

The application is to add a single car garage and some living space onto an existing house. The house is and would continue to be modest in size, with a proposed gross floor area of 166 m² (1,787 ft²). No garage currently exists on the subject property, and the additions are proposed at the front and side of the house to maintain the existing driveway access and to avoid impacting the hillside. The existing front yard setback is approximately 7.7 m, and the proposed additions require a variance to reduce the front yard to 1.0 m along the side of the garage.



4.2 Site Context

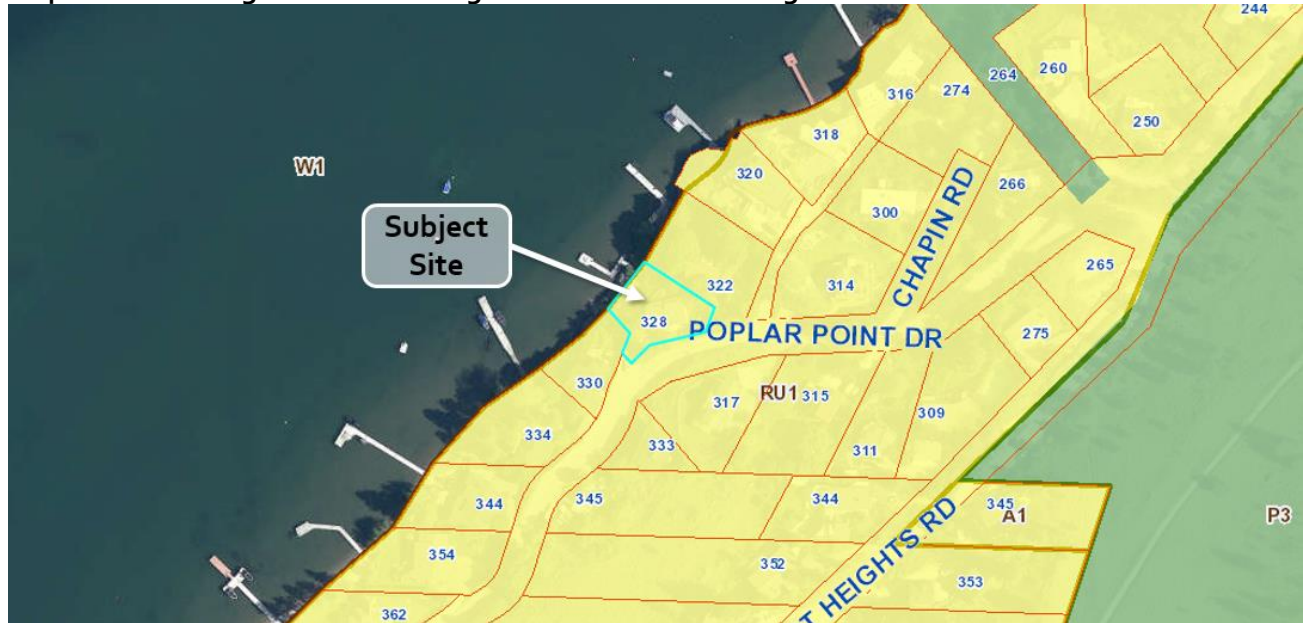
The subject property is in Kelowna's Central City Sector on the west side of Poplar Point Drive. The property drops from the road to the building platform before sloping steeply down towards Okanagan Lake, which the property backs onto. Poplar Point Drive is a narrow hillside road that serves the residential

neighbourhood and provides several beach access points. The surrounding area is designated for Single / Two Unit Residential and zoned RU1 – Large Lot Housing, and is characterized by single family dwellings.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single dwelling housing
East	RU1 – Large Lot Housing	Single dwelling housing
South	RU1 – Large Lot Housing	Single dwelling housing
West	W1 – Recreational Water Use	Okanagan Lake

Map 1: Surrounding Context – Zoning & Future Land Use Designations



Map 2: Subject Property



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU ₁ ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Maximum Site Coverage	40%	17%
Maximum Site Coverage (with driveways & parking)	50%	24%
Maximum Height	9.5 m / 2 ½ storeys	7.5 m
Minimum Front Yard	4.5 m	1.0 m ❶
Minimum Side Yard (south)	2.3 m	~5.3 m
Minimum Side Yard (north)	2.3 m	~8.2 m
Minimum Rear Yard	7.5 m	~12.2 m
Other Regulations		
Minimum Parking Requirements	2 spaces	2 spaces
❶ Indicates a requested variance to reduce the minimum front yard from 4.5 m permitted to 1.0 m proposed.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Policy 5.15-.12 Steep Slopes. Prohibit development on steep slopes (+30% or greater for a minimum distance of 10 metres) except where provided for in ASPs adopted or subdivisions approved prior to adoption of OCP Bylaw 10500.

Chapter 14: Urban Design Development Permit Guidelines – D. Intensive Residential – Hillside Design Guidelines

Objectives:

- Promote development that respects the terrain, vegetation, drainage courses and constraints related to the hillside environment of the site;
- Promote the siting of buildings and designs that are compatible with the steep slope context;
- Minimize visual impact on the hillside through appropriate siting, finishes, materials and colours;
- Preserve the natural, hillside character and avoid scarring;
- Ensure compatibility with existing neighbourhood or streetscape;
- Promote a high standard of design, construction and landscaping; and
- Ensure road design and anticipated use (e.g. parking) provides for a safe environment and ease of ongoing maintenance.

6.0 Technical Comments

6.1 Development Engineering Department

- The variance does not compromise any municipal services.

6.2 Real Estate Department

- Please ensure future road widening requirements are not compromised by the proposed variance.

7.0 Application Chronology

Date of Application Received: May 4, 2017

Date Public Consultation Completed: May 4, 2017

Report prepared by: Laura Bentley, Planner II

Reviewed by: Todd Cashin, Subdivision, Suburban and Rural Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

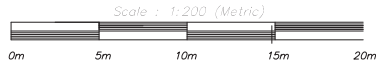
Attachments:

Proposed Plans

Draft Development Variance Permit No. DVP17-0109

Schedule "A": Site Plan

SKETCH PLAN SHOWING IMPROVEMENTS ON LOT 1, DISTRICT LOT 219, ODYD, PLAN 9404.



Notes:

- All distances are horizontal ground level, and unless otherwise specified, are expressed in metres and decimals thereof.
- elevations are derived from City of Kelowna records.

- (MH) - denotes sanitary manhole
- denotes overhead hydro line
- denotes wood fence
- denotes spot elevation (typical)
- PP - denotes utility pole

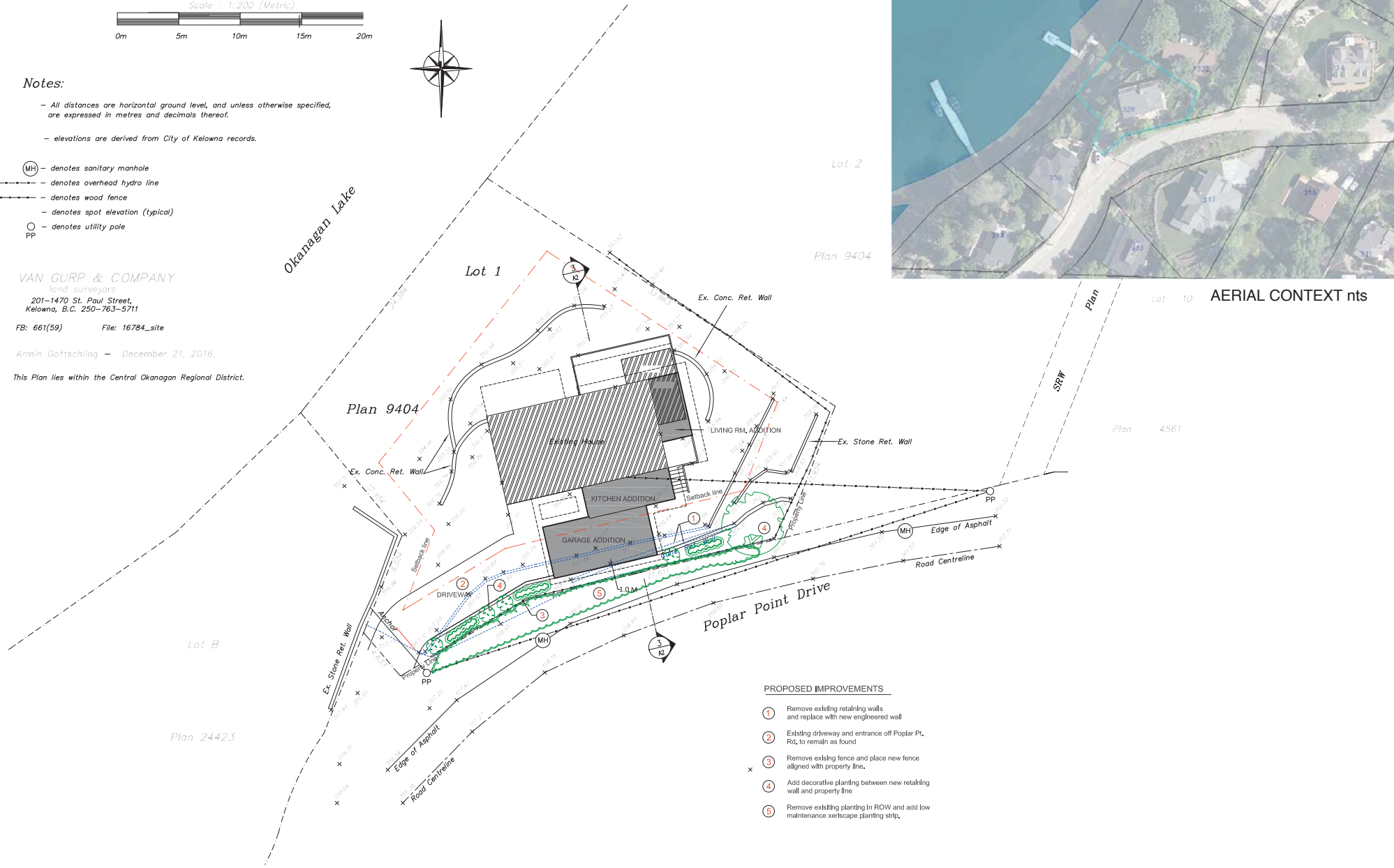
VAN GURP & COMPANY
land surveyors

201-1470 St. Paul Street,
Kelowna, B.C. 250-763-5711

FB: 661(59) File: 16784_site

Armin Gottschling - December 21, 2016.

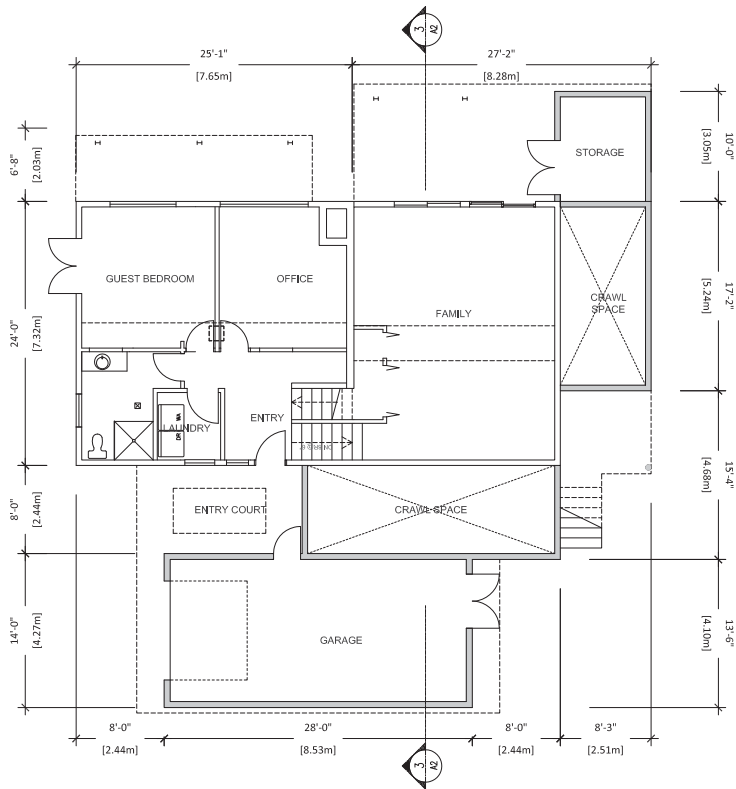
This Plan lies within the Central Okanagan Regional District.



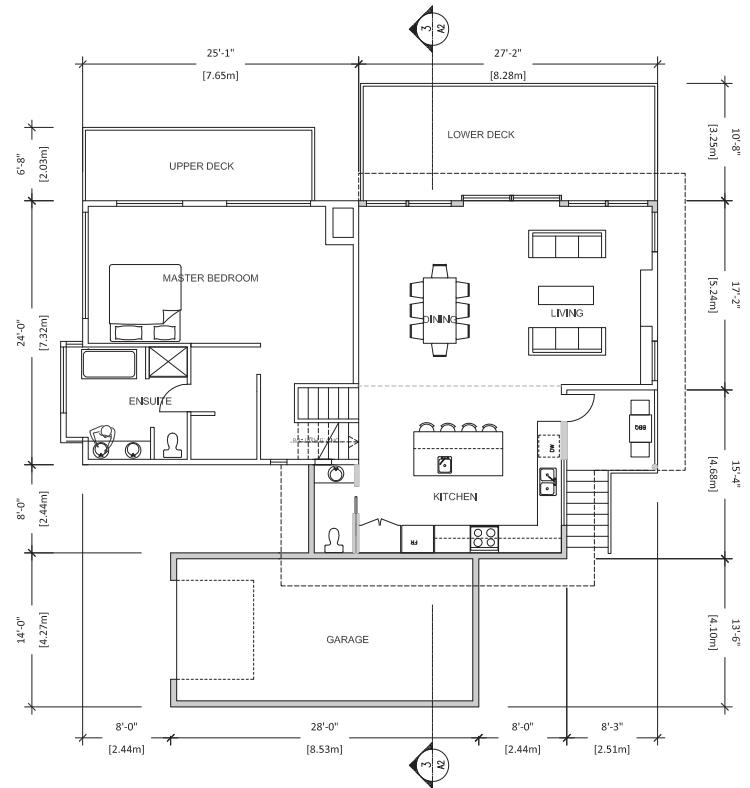
AERIAL CONTEXT nts

PROPOSED IMPROVEMENTS

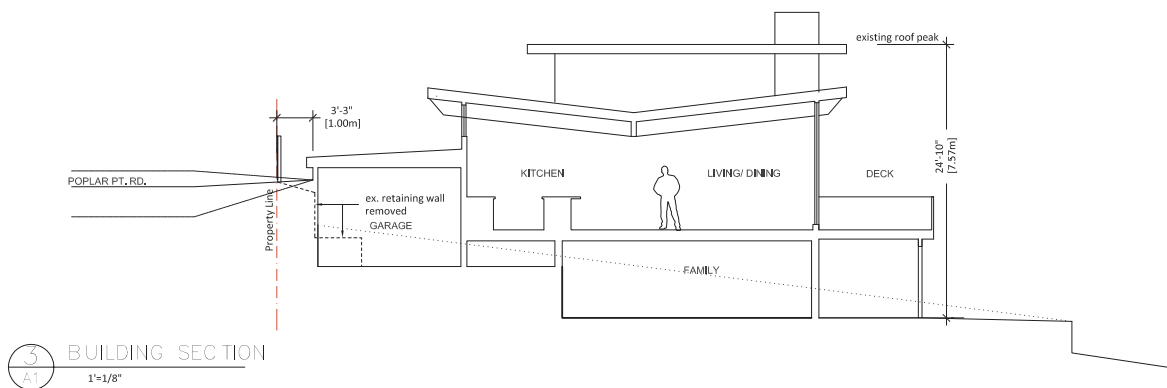
- 1 Remove existing retaining walls and replace with new engineered wall
- 2 Existing driveway and entrance off Poplar Pt. Rd, to remain as found
- 3 Remove existing fence and place new fence aligned with property line.
- 4 Add decorative planting between new retaining wall and property line
- 5 Remove existing planting in ROW and add low maintenance xeriscape planting strip.



1 LOWER FLOORS
1"=1/8"



2 UPPER FLOORS
1"=1/8"



3 BUILDING SECTION
1"=1/8"



NORTH ELEVATION



MATERIAL PALETTE



WEST ELEVATION



EAST ELEVATION

SOUTH ELEVATION
POPLAR PT. DR.



DEVELOPMENT VARIANCE PERMIT



APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT NO. DVP17-0109

Issued To: Armin & Helena Gottschling
Site Address: 328 Poplar Point Drive
Legal Description: Lot 1 District Lot 219 ODYD Plan 9404
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 a variance to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A":

Section 13.1.6(c): RU1 – Large Lot Housing Development Regulations

To vary the required minimum front yard from 4.5 m permitted to 1.0 m proposed.

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

2. PERFORMANCE SECURITY

None required.

3. DEVELOPMENT

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

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

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

5. APPROVALS

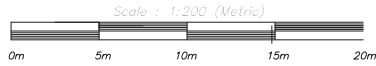
Issued and approved by Council on the _____ day of _____, 2017.

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

 Date

The PERMIT HOLDER is the CURRENT LAND OWNER.

SKETCH PLAN SHOWING IMPROVEMENTS ON LOT 1, DISTRICT LOT 219, ODYD, PLAN 9404.



Notes:

- All distances are horizontal ground level, and unless otherwise specified, are expressed in metres and decimals thereof.
- elevations are derived from City of Kelowna records.

- (MH) - denotes sanitary manhole
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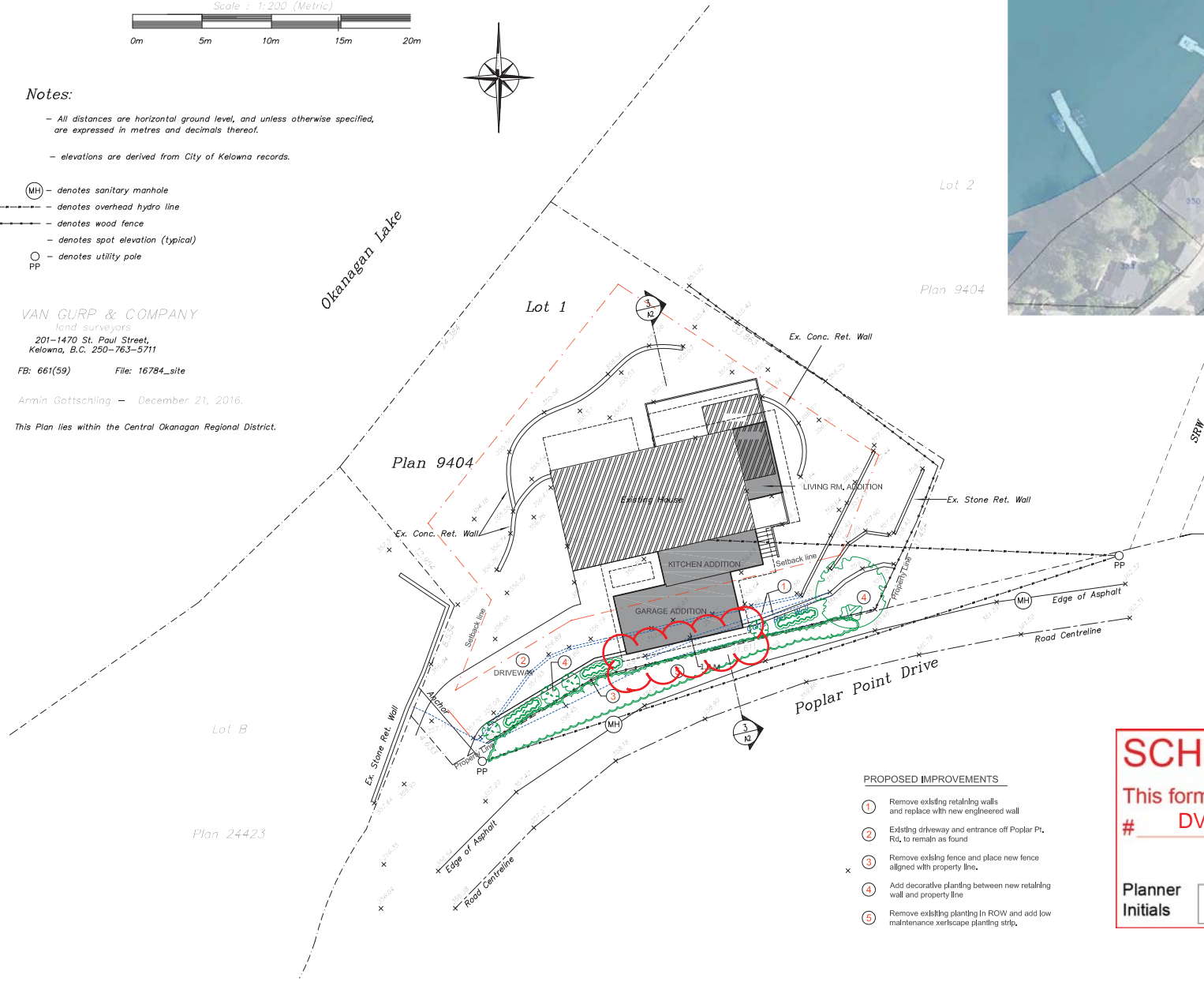
VAN GURP & COMPANY
land surveyors

201-1470 St. Paul Street,
Kelowna, B.C. 250-763-5711

FB: 661(59) File: 16784_site

Armin Gottschling - December 21, 2016.

This Plan lies within the Central Okanagan Regional District.



AERIAL CONTEXT nts

PROPOSED IMPROVEMENTS

- 1 Remove existing retaining walls and replace with new engineered wall
- 2 Existing driveway and entrance off Poplar Pt. Rd, to remain as found
- 3 Remove existing fence and place new fence aligned with property line.
- 4 Add decorative planting between new retaining wall and property line
- 5 Remove existing planting in ROW and add low maintenance xeriscape planting strip.

SCHEDULE A

This forms part of application
DVP17-0109

Planner Initials

LB

City of Kelowna
COMMUNITY PLANNING

REPORT TO COUNCIL



Date: August 15, 2017

RIM No. 0940-30

To: City Manager

From: Community Planning Department (LK)

Application: DVP17-0115

Owner: Sea Lion Holdings Ltd.

Address: 9305 & 9325 Balser Court

Applicant: Sea Lion Holdings

Subject: Development Variance Permit Application

Existing OCP Designation: IND - Industrial

Existing Zone: I2 – General Industrial

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0115 for Lots 3 & 4, Section 2, Township 20 ODYD Plan EPP66963, located at 9305 & 9325 Balser Court, Kelowna, BC;

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

Section 15.2.5(b): I2 – General Industrial Development Regulations

To vary the required maximum site coverage from 60% permitted to 65.4% proposed;

Section 15.2.5(c): I2 – General Industrial Development Regulations

To vary the required maximum height from 14.0 m permitted to 14.63 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 maximum site coverage and the maximum height to facilitate the development of a new general industrial building on the subject property.

3.0 Community Planning

Community Planning staff recommend support to Council for the proposed variances to the maximum site coverage and building height in order to facilitate the development of a new boat storage facility on the subject parcel.

The subject property has a Future Land Use of IND- Industrial and the I2 – General Industrial use permits storage of materials, goods and equipment. The proposed use is appropriate for this site location and the requested variances will not negatively impact the adjacent parcels.

4.0 Proposal

4.1 Background

Subdivision application S15-0083 has recently been completed to create eight new general industrial parcels at the original address of 200 Potterton Court. The new parcels will all have addresses from the newly created Balser Court. The properties are within the Highway 97 Industrial area which is located east of Highway 97. Two of the newly created parcels will be utilized for the proposed boat storage building.

4.2 Project Description

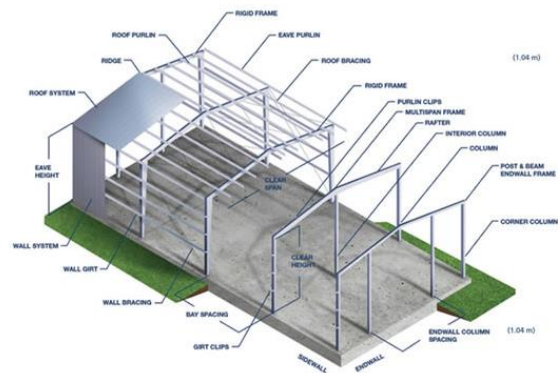
The proposed development will be the first within the newly created eight lot industrial subdivision. The development consists of two parcels which will have site access from both the north and the south ends of the site. As this building is for boat storage, the vehicular access doors to the building have been aligned with the entry points for easier manoeuvrability to and from the site.

The building design is very simplistic in order to maximize the inside storage area. The applicant is proposing two variances in order to construct the boat storage building for Rayburns Marine. The building area is 7,358 m², which results in the site coverage exceeding the maximum by 5.4%. The proposal meets all of the required building setbacks along with parking and loading requirements for the zone. The additional site coverage does not impact site circulation as two-way aisles have been provided on the site.

The second variance request is to increase the building height by 0.63 m. This equates to an additional two feet of height. The building has been designed with a very low slope roofline in order to maximize the internal space. This is to allow for a racking system to stack boats within the building. The Zoning Bylaw measure building height to the mid-point of the roof slope and with very little slope to the proposed roof, the variance is necessary. The overall building height and massing is in keeping with the context of the industrial area.

A development permit for form and character is not required for development within this area. The applicant has proposed landscaping on three side of the parcel to meet Zoning Bylaw requirements. The building is a rigid frame Galvalume steel structure.

RIGID FRAME STEEL BUILDING SYSTEM

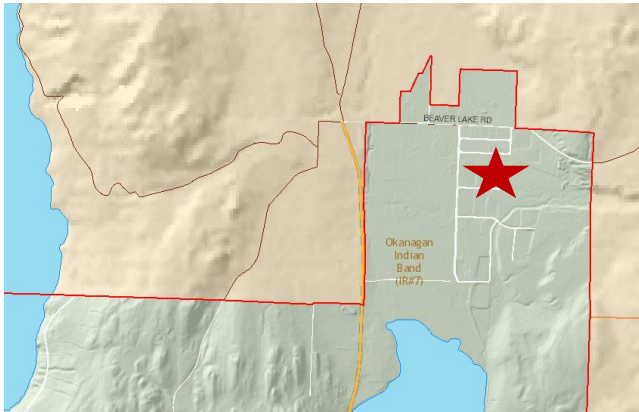


4.3 Site Context

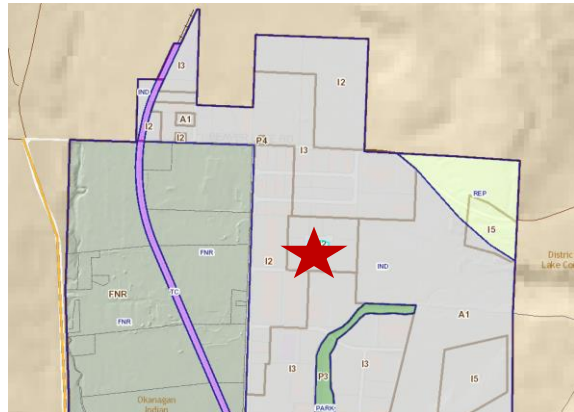
The subject property is located east of Highway 97 and is accessed via Beaver Lake Road and Jim Bailey Road. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I2- General Industrial	Vacant
East	I2- General Industrial	Vacant
South	I3- Heavy Industrial	Outdoor Storage
West	I2- General Industrial	General Industrial

Context Map: Context Map:



OCP & Zoning Map:



Subject Property Map: 9305 & 9325 Balser Court



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	I ₂ ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	1.0 ha	1.12 ha
Lot Width	40 m	86.32 m
Lot Depth	35 m	115 m
Site Coverage	60%	65.4%❶
Development Regulations		
Floor Area Ratio	1.5	.65
Height	14.0 m	14.63 m❷
Front Yard (west)	7.5 m	16.46 m
Side Yard (south)	6.0 m	9.37 m
Side Yard (north)	6.0 m	6.0 m
Rear Yard (east)	0.0 m	0.30 m
Other Regulations		
Minimum Parking Requirements	37 stalls	37 stalls
Class II Bicycle Parking	22 stalls	22 stalls
Loading Space	4 spaces	4 spaces
❶ Indicates a requested variance to the site coverage of 60 % maximum to 65.4% proposed.		
❷ Indicates a requested variance to the building height of 14.0 m maximum to 14.63 m proposed.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Industrial Land Use.¹ Focus Industrial development to areas suitable for Industrial use.

Industrial Land Use Intensification.² Encourage more intensive industrial use of currently under-utilized industrial sites during site redevelopment or by permitting lot subdivision where new lots can meet the minimum lot size requirements of the Zoning Bylaw.

6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- A Hoarding permit is required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP.
- A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):

¹ City of Kelowna Official Community Plan, Objective 5.28 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.29.1 (Development Process Chapter).

- i. The height and multiple layers of boat storage by industrial forklift may establish this building as an F2 major occupancy as per BCBC 12. This storage building may need an alternative solution which should be addressed prior to the release of the Development Permit.
 - ii. Any security system that limits access to exiting needs to be addressed in the code analysis by the Architect or Engineer of record.
 - iii. Handicap Accessibility to the main floor levels to be provided, ramps may be required. Location of H/C parking is required on the drawings.
 - iv. Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
 - v. A masonry or equivalent fire separation may be required along property line which may affect the form and character of the building
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.
 - Sprinklers Engineers report may be required to outlining the design requirements of the boat storage / repair building at time of building permit application. This report may not be required if an alternative solution is submitted that duplicates the requirements at time of Building Permit application.
 - Architect to provide specification for the Boat Storage / Repair building meets the Non Combustible material allowance of BCBC or an alternative solution is to be provided.
 - Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s) / area(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located.
 - An exit analysis is required as part of the code analysis at time of building permit application. The exit analysis is to address travel distances within the units and all corridors, number of required exits per area, door swing direction, handrails on each side of exit stairs, width of exits, spatial calculation for any windows in exit stairs, etc.
 - Washroom requirements for boat storage building are to be addressed in the building permit application. This will be addressed at time of building permit application.
 - Mechanical Ventilation inlet and exhausts vents are not clearly defined in these drawings for the enclosed parking storeys. The location and noise from these units should be addressed at time of Development Permit.
 - 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 complex at time of permit application.

6.2 Development Engineering Department

- All requirements completed with Subdivision Application S15-0083.

6.3 Fire Department

- No concerns.

7.0 Application Chronology

Date of Application Received: May 16, 2017

Date Public Consultation Completed: May 16, 2017

Date of Subdivision Completion: June 26, 2017

Report prepared by: Lydia Korolchuk, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Reviewed by: Ryan Smith, Community Planning Department Manager

Approved for Inclusion: Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Draft Development Variance Permit: DVP17-0115

Schedule A: Development Engineering Memo dated May 23, 2017

Attachment A: Site Plan & Floor Plan

Attachment B: Conceptual Elevations



City of

Kelowna
COMMUNITY PLANNINGPlanner
Initials

LK

CITY OF KELOWNA**MEMORANDUM**

Date: May 23, 2017
File No.: DVP17-0115
To: Urban Planning Management (LK)
From: Development Engineering Manager (SM)
Subject: 200 Potterton Road Lot A, Plan 59703

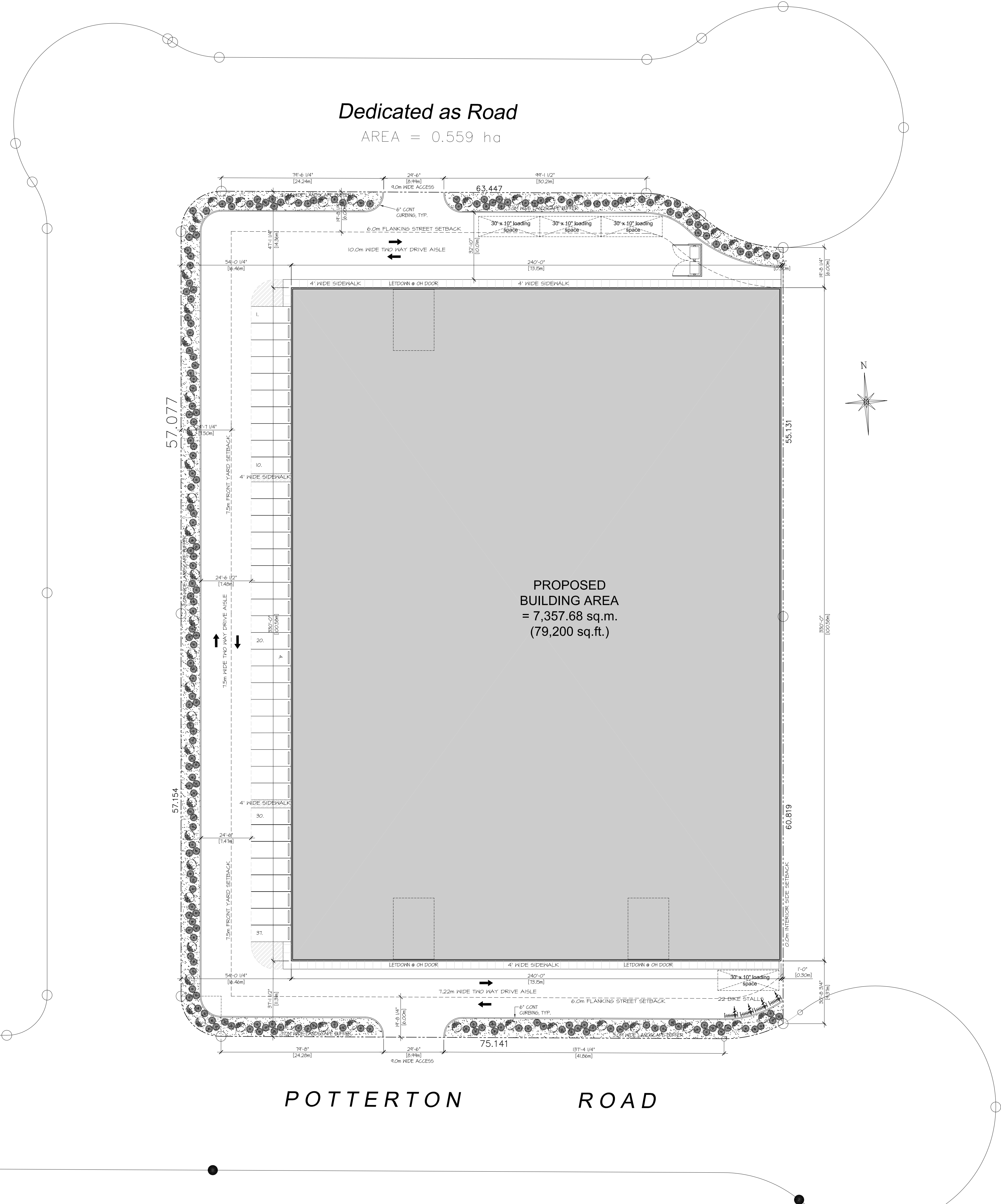
The Development Engineering comments and requirements regarding this DVP application are as follows:

This development variance permits application of General Industrial building with variances to the site coverage (60.0% to 65.4% proposed) and to the Height (14.0m to 14.65m proposed). does not compromise any municipal services.

A handwritten signature in black ink, appearing to read 'Steve Muenz', written over a horizontal line.

Steve Muenz, P. Eng.
Development Engineering Manager

RO



PROJECT DATA

CIVIC ADDRESS:### ??????? ROAD, KELOWNA BC

LEGAL DESCRIPTION:LOT 3 & 4 O.D.T.D. PLAN K4P91T03

PROJECT NAME:RAYBURNS MARINE STORAGE FACILITY

APPLICANT:KEVIN ISABEY

ZONING BYLAW REQUIREMENTS

CURRENT ZONING:I-2 GENERAL INDUSTRIAL

LOT AREA =1124 ha (11240 sq.m)

INTENDED USAGE:WAREHOUSING AND STORAGE

BUILDING AREA:

NEW BUILDING:68056 FLOOR AREA (GFA) = 7,357.68 sq.m

PROPERTY & STRUCTURES	PERMITTED/REQ'D	PROVIDED/ACTUAL
LOT WIDTH (min)	40.0m	75.14m
LOT AREA (min)	4,000 sq.m.	11,240 sq.m.
FLOOR AREA RATIO (max)	1.15	0.65
LOT COVERAGE (max %)	60%	65.4% *
BUILDING HEIGHT (max)	14.0m	14.63m *

SETBACKS (m)

FRONT (WEST)	15m	16.46m
SIDE FLANKING ST. (SOUTH)	6.0m	9.31m
SIDE FLANKING ST. (NORTH)	6.0m	6.0m
REAR (EAST)	0.0m	0.30m

PARKING

	REQ'D	PROVIDED
WAREHOUSING & STORAGE AREAS: 0.5 STALLS / 100 sq.m. GFA (7,357.68 sq.m. / 100 x 0.5) =	36.8 STALLS	37 STALLS

LOADING SPACES

1 SPACE PER 1900 sq.m. GFA	= 3.81 SPACES	4 SPACES
----------------------------	---------------	----------

HANDICAP PARKING

1 SPACE FOR > 50 STALLS	= 0 SPACES	0 SPACES
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BICYCLE PARKING SPACES

CLASS II = 0.3 PER 100 sq.m. GFA	= 22 STALLS	22 STALLS
CLASS II = 0.3 PER 100 sq.m. GFA	= 22 STALLS	22 STALLS

LANDSCAPING & SCREENING

FRONT YARD (PARKING IN FRONT) - 3.0m WIDE LANDSCAPE BUFFER, LEVEL 4

SIDE YARDS (FLANKING ST) - 3.0m WIDE LANDSCAPE BUFFER, LEVEL 4

REAR YARD - LANDSCAPE BUFFER REDUCED TO 0.0m SETBACK

* VARIANCE REQUIRED

CORNERSTONE

CONTRACT SERVICES

3422 CAMELBACK DRIVE, KELOWNA, BC V1X 8A8
TEL: (250) 481-4090 FAX: (250) 760-8355
EMAIL: cornerstonecontractservices@shaw.ca OR wetherill@shaw.ca

PROJECT NAME:

PROPOSED STORAGE FACILITY FOR RAYBURNS MARINE

DRAWING TITLE:

SITE PLAN

DRAWING NUMBER:

DVP-1

DRAWN: SAW

CHECKED: SAW

SCALE: 1" = 25'-0"

DATE:

PROJECT NO. -

2017-000

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REVISION:

NO.

DESCRIPTION

BY

DATE

ISSUED FOR:

NO.

DESCRIPTION

BY

DATE

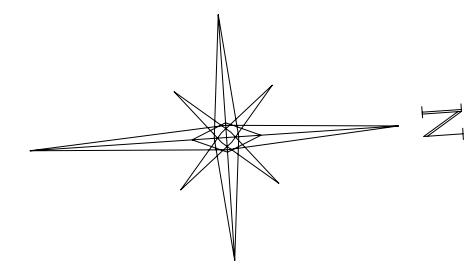
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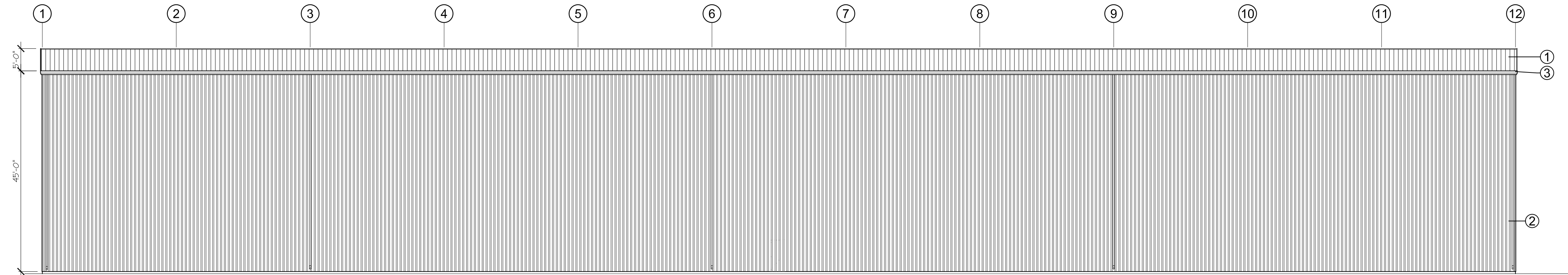
DEVELOPMENT VARIANCE PERMIT

MAY 12/17

NOTES:

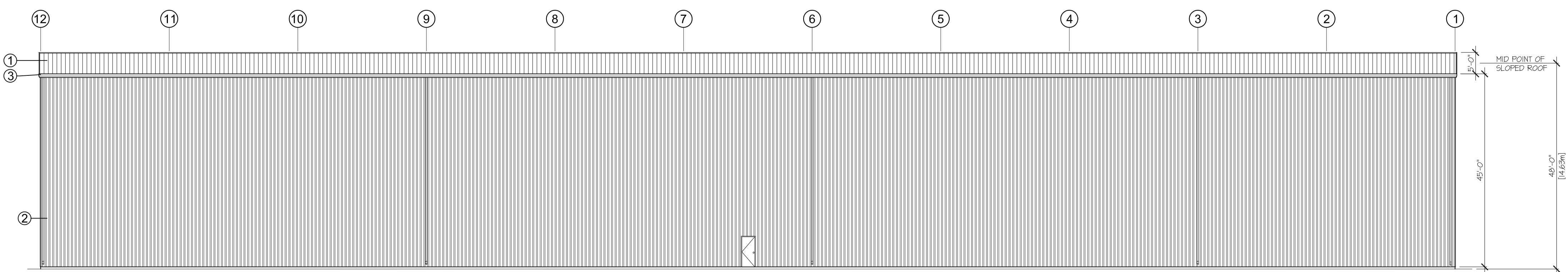
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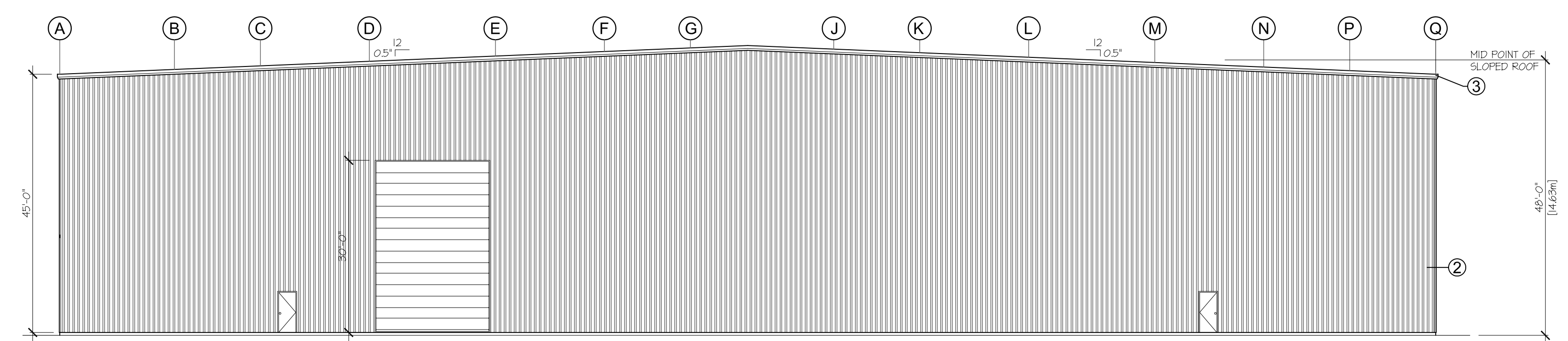


EAST ELEVATION (LINE A)
SCALE: 1/16" = 1'-0"

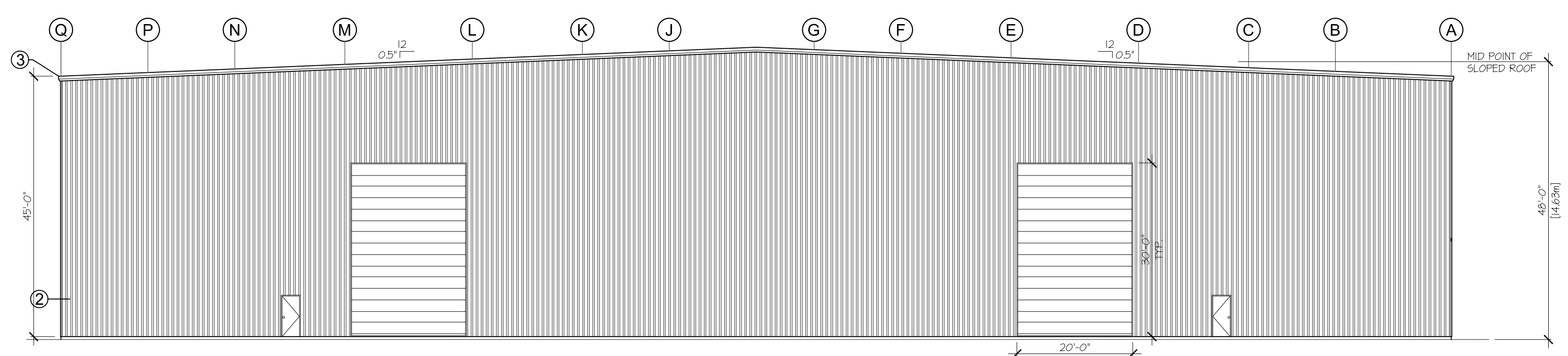
- FINISHES
- 1. ROOF:
24 GA GALVALUME 6" MBI - R 20
 - 2. EXT WALLS:
26 GA AFR (BEHLEN STD COLOR) W/ 6" MBI
 - 3. GUTTERS & GABLE TRIM:
26 GA TRIM & GUTTERS (BEHLEN STD COLOR)



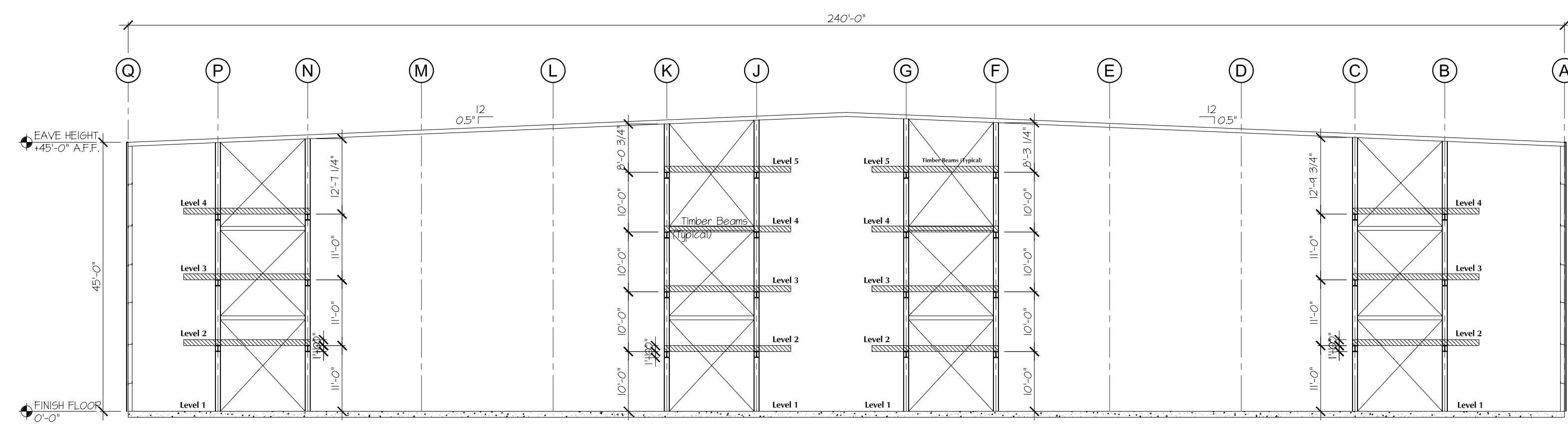
WEST ELEVATION (LINE Q)
SCALE: 1/16" = 1'-0"



NORTH ELEVATION (LINE 12)
SCALE: 1/16" = 1'-0"



SOUTH ELEVATION (LINE 1)
SCALE: 1/16" = 1'-0"



A BLDG CROSS SECTION
DVP-2
SCALE: 1/16" = 1'-0"

PROJECT NAME:
PROPOSED STORAGE
FACILITY FOR
RAYBURNS MARINE

DRAWING TITLE:
ELEVATIONS &
CROSS SECTION

DRAWING NUMBER:	
DVP-3	
REVISION	
DRAWN: SAW	CHECKED: SAW
SCALE: 1/16" = 1'-0"	DATE:

PROJECT NO. - 2017-000

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REVISION:
NO. DESCRIPTION BY DATE

ISSUED FOR:
NO. DESCRIPTION BY DATE
1. DEVELOPMENT VARIANCE PERMIT MAY 12/17

NOTES:

DEVELOPMENT VARIANCE PERMIT



APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT NO. DVP17-0115

Issued To: Sea Lion Holdings Inc.
Site Address: 9305 & 9325 Balser Court
Legal Description: Lots 3 & 4, Section 2, Township 20 ODYD Plan EPP66963
Zoning Classification: I2 – General Industrial
Development Permit Area: N/A

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 Council authorizes the issuance of Development Variance Permit No. DVP17-0115 for Lots 3 & 4, Section 2, Township 20 ODYD Plan EPP66963, located at 9305 & 9325 Balser Court, Kelowna, BC;

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

Section 15.2.5(b): I2 – General Industrial Development Regulations

To vary the required maximum site coverage from 60% permitted to 65.4% proposed;

Section 15.2.5(c): I2 – General Industrial Development Regulations

To vary the required maximum height from 14.0 m permitted to 14.63 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

N/A.

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 _____, 2017.

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

Date

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

REPORT TO COUNCIL



Date: July 25th, 2017

RIM No. 0940-93

To: City Manager

From: Community Planning Department (JR)

Application: TUP16-0003-01

Owner: Tolko Industries Ltd.

Address: 945 Guy Street

Applicant: Kerkhoff Construction (2016) Ltd.

Subject: Temporary Use Permit

Existing OCP Designation: IND - Industrial

Existing Zone: I4 – Central Industrial

1.0 Recommendation

THAT Council authorize the extension of Temporary Use Permit No. TUP16-0003-01 to allow for the existing building to continue to be used as a marketing and sales center for the proposed One Water Development under construction for Lot D, District Lot 139, ODYD, Plan KAP71362 located at 945 Guy Street, Kelowna, BC, for a three (3) year period commencing from the date of Council approval, subject to the following conditions:

- a) The dimensions and siting of the temporary use on the land be in general accordance with Schedule "A";

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

2.0 Purpose

To seek a three (3) year extension on a Temporary Use Permit to allow for the existing building to continue to be used as a marketing and sale center for the proposed developments in the neighbourhood.

3.0 Community Planning

Staff support the extension of the Temporary Use Permit for the existing building on the subject property for a three (3) year period. The existing building was constructed and used for a similar purpose as part of the Waterscapes Development a number of years ago. The building sat vacant until last year where the applicant proposed to utilize it again temporarily as a marketing and sales center associated with the 1157 Sunset Development, that is currently under construction. Council approved the Temporary Use Permit and it has been used as a sales center since. The applicant is requesting extension of the Temporary Use Permit for another three (3) years to facilitate a marketing and sales center for the One Water Development

and potential other redevelopment in the neighbourhood. This is the last opportunity for the applicant to renew the permit.

4.0 Proposal

4.1 Background

The subject property is owned by Tolko Industries Ltd and is currently used for its sawmill operations. A small corner of the industrial property near the intersection of Manhattan Drive and Sunset Drive was previously used as a marketing/sales center for the Waterscapes Development from 2007 to 2010. From 2012 to present, many potential applicants have inquired to the City regarding possible alternative uses (e.g. daycare, office, market, etc.) for the building but the high cost of upgrading the temporary structure to meet the BC Building Code for a permanent use has been a significant deterrent. The structure was vacant until last year when Kerkhoff Construction Ltd. began leasing the corner of the property from Tolko and obtained a Temporary Use Permit for one (1) year as a marketing/sales center for the 1157 Sunset Development.

The applicant is requesting an extension for another three (3) years as the previous one (1) year period will be expiring in August.

4.2 Project Description

The applicant is requesting an extension to allow the existing building near the intersection of Manhattan Drive and Sunset Drive owned by Tolko Industries to be used as a marketing/sales centre for the One Water Development currently under construction.

4.3 Site Context

The subject property is located near the corner of Sunset Drive and Manhattan Drive and is currently designated as IND – Industrial. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I ₄ – Central Industrial	Industrial - Sawmill
East	I ₄ – Central Industrial	Industrial - Warehouse
South	I ₁ – Business Industrial	Under construction
West	RU6 – Two Dwelling Housing / P ₃ – Parks and Open Space	Urban Residential and Park

Subject Property Map: 945 Guy Street



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 4 – Future Land Use - Temporary Use Permits (TUP)

The temporary use designation is intended to apply to operations that are temporary in nature and the designation does not in itself permit specific uses on the designated sites. Within these areas, Council may, by resolution, issue a Temporary Use Permit and specify the conditions under which the temporary use be carried on. Upon the expiration of a Temporary Use Permit, the permitted uses revert to those outlined in the City of Kelowna Zoning Bylaw 8000.

Temporary Use Permits may be considered within the Permanent Growth Boundary (PGB) on all lands designated in OCP2030 Commercial, Education/Institutional, Industrial, Mixed Use, or Public Service/Utility. All Temporary Use Permits must conform to other policy direction in this OCP, including fit within the character of the neighbourhood and surrounding uses. Appropriate landscaping, screening and buffering will be included as conditions of the permit to protect adjacent land uses.

6.0 Technical Comments

6.1 Building & Permitting Department

- No Comment

6.2 Fire Department

- No Comment

7.0 Application Chronology

Date of Application Received: June 12th, 2017

Date Public Consultation Completed: June 7th, 2017

Report prepared by: Jenna Ratzlaff, Planner

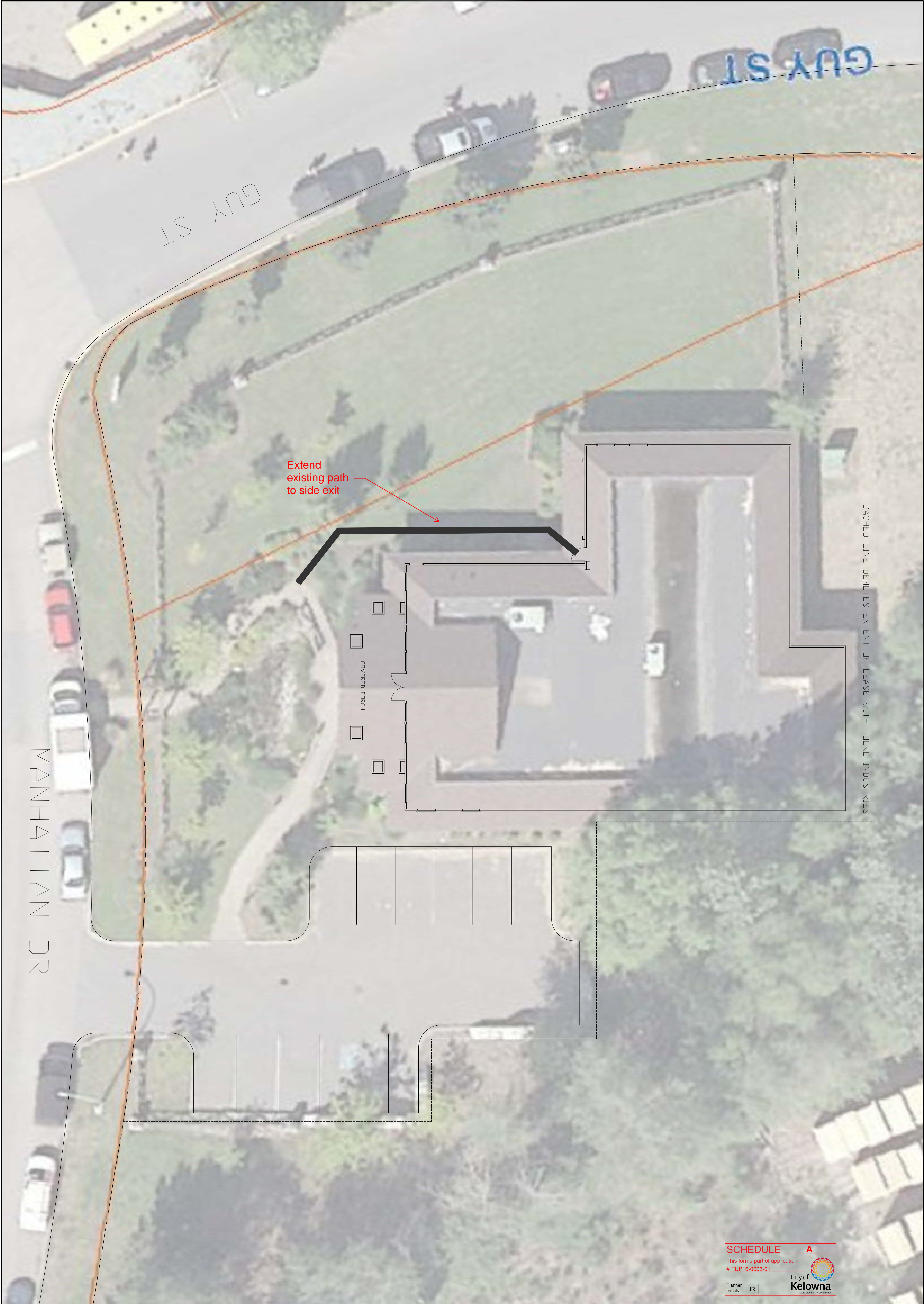
Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Schedule "A": Site Plan

DRAFT Temporary Use Permit No. TUP16-0003-01



SCHEDULE

A

This forms part of application

TUP16-0003-01

Planner Initials JR

City of Kelowna

COMMUNITY PLANNING

A-01

DRAWING NUMBER

DATE:

SCALE:

NTS

FILE NAME:

DRAWING TITLE :

ELEVEN 51 SUNSET DRIVE

SITE PLAN

REVISION No.	DESCRIPTION OF CHANGE	DATE
1.0	ISSUED FOR PRELIMINARY DISCUSSION	
2.0	ISSUED FOR PERMIT	2016-07-5



kerkhoff

CONSTRUCTION

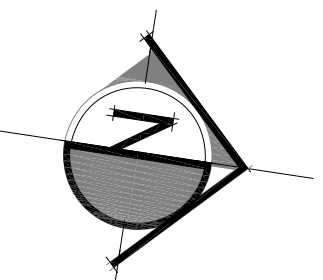
www.kerkhoff.ca

PROJECT ADDRESS: 945 GUY STREET

KELOWNA, BC

LEGAL DESCRIPTION: PLAN 71362 LOT D

KID: 587027



33



SCHEDULE

A

This forms part of application
TUP16-0003-01

Planner
Initials

JR



DEVELOPMENT VARIANCE PERMIT



APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT NO. DVP17-0128

Issued To: Folio Building Group Inc.
Site Address: 781 Bay Avenue
Legal Description: Lot 28 & 29 Section 30 Township 26 ODYD Plan 1304
Zoning Classification: RU6 – Two Dwelling 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 Permit No. DPV17-0128 for Lot 28 & 29 Section 30 Township 26 ODYD Plan 1304, located at 781 Bay Avenue, Kelowna, BC to allow the construction of two single family dwellings with a carriage houses be approved subject to the following:

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";

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

Section 13: RU6 – Two Dwelling Housing

- 1) To vary the required side yard setback (adjoining lot line) on each property from 2-2.3m permitted to 1.2m proposed.
- 2) To vary the required carriage home roof height from 4.5m permitted to 6.26m proposed.

- 3) To vary the required upper storey floor area ratio to carriage house footprint from 75% permitted to 100% 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. Indemnification

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

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

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 CURRENT LAND OWNER.
Security shall ONLY be returned to the signatory of the
Landscape Agreement or his or her designates**

REPORT TO COUNCIL



Date: August 15th, 2017

RIM No. 0940-93

To: City Manager

From: Community Planning Department (JR)

Application: TUP17-0001

Owner: Emil Anderson Construction Co. Ltd.

Address: 1700 Tower Ranch Boulevard

Applicant: Matthew J. Temple

Subject: Temporary Use Permit

Existing OCP Designation: PARK – Major Park / Open Space (Public)
REC – Private Recreation
S2RES – Single / Two Unit Residential
S2RESH – Single / Two Unit Residential Hillside

Existing Zone: CD6 – Golf Resort
P3 – Parks & Open Space
RU1H – Large Lot Housing (Hillside Area)
RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Council authorize the issuance of Temporary Use Permit No. TUP17-0001 to allow processing of existing materials from nearby projects for use at Tower Ranch for Lot 2, Section 31, Township 27, ODYD, Plan KAP80993, Except Plans KAP85114, KAP90346, EPP50442 and EPP64271 located at 1700 Tower Ranch Boulevard, Kelowna, BC, for a three (3) week period commencing from applicants start date, to be confirmed with Community Planning Staff upon date where the permit will be released, subject to the following conditions:

- a) The dimensions and siting of the temporary use on the land be in general accordance with Schedule "A";

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

2.0 Purpose

To process granular materials for use at Tower Ranch. Specifically, the processing of waste concrete and asphalt for recycling and re-use in new road structures, sidewalk sub-base, and granular fill.

3.0 Community Planning

Staff support the issuance of a Temporary Use Permit to process waste concrete and asphalt for recycling and re-use for a three (3) week period. The property is currently undeveloped with the closest single family dwelling approximately 200 meters up the hill from the processing site. The applicant estimates that ±8000 cu.m of material will be processed under the proposed Temporary Use Permit. Staff agree that processing and re-using on site is a better choice than transporting waste to a facility and then back after processing has been complete. Processing will occur for a maximum of three (3) weeks during regular work hours on week days only. The applicant is required to notify the City once a date has been set to begin the work. At that time the permit will be issued for three (3) weeks.

The position of support is consistent with the Aggregate Supply and Demand Study ¹, which forms a part of the Regional Growth Strategy for the Regional District of the Okanagan. The report recommends planning for Near Market Extraction first, including:

- Use close to market resource first;
- Use resource prior to sterilization by other land use; and
- Plan for recycling facilities near market in perpetuity.

The report outlines mitigation measures that should be included in the permit, including:

- Locate haul roads and processing equipment low in the site;
- Procedures for noise mitigation;
 - Procedures to avoid noise generation and contain noise (e.g. hours of work);
 - Use stockpiles to interrupt noise;
 - Reduce the drop height (distance from the conveyor to the pile);
 - Stagger engine starts;
 - Keep mobile equipment speeds low;
 - Turn off equipment when not in use;
 - Avoid revving engines;
 - Direct noise away from sensitive areas whenever possible;
 - Close truck tailgates when possible.
- Use dust mitigation techniques;
 - Use a water truck to reduce dust;
 - Reduce stock pile height and use gentle slopes;
 - Spray exposed surfaces to maintain surface moisture;
 - Minimize handling;
 - Maintain equipment;

¹ RDCO, 2013. Aggregate Supply and Demand Update and Analysis.

https://www.regionaldistrict.com/media/112368/2013_11_o8_Full_Report_Aggregate_Supply_and_Demand_Update_and_Analysis.pdf

4.0 Proposal

4.1 Background

The subject property is owned by Emil Anderson Construction Co. Ltd. and will be developed as Phase 7 for the Tower Ranch development. In the summer of 2016, the applicant brought the material onto the site from waste product from the Highway 97 N Road widening project. It was stockpiled in the location noted on the Subject Property Map. The project received a Development Permit in 2008 and was rough graded at that time. The location of proposed crushing is intended for future road/residential lot area.

4.2 Project Description

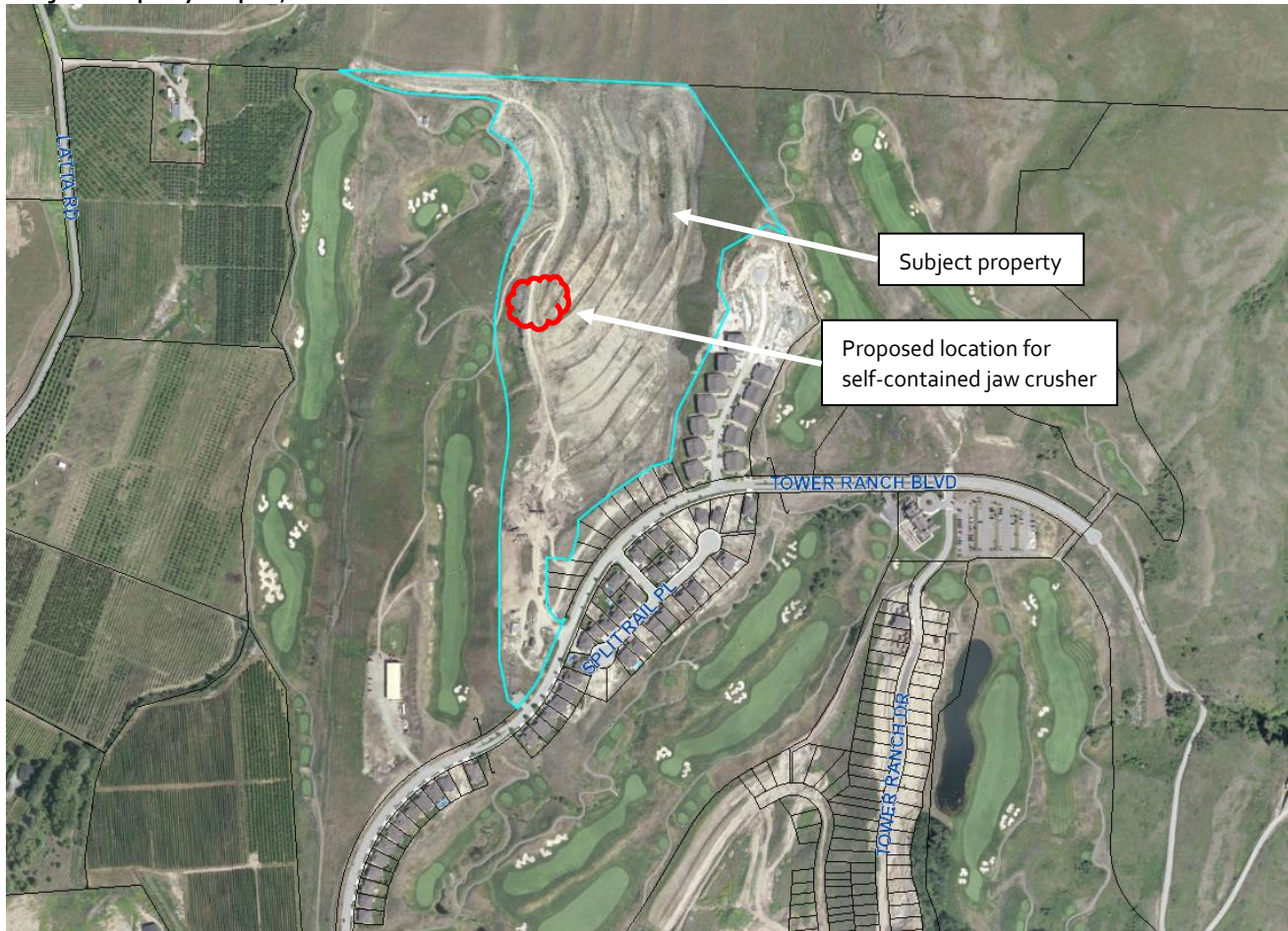
The applicant is requesting approval to process existing materials (waste concrete and asphalt) from nearby project for use at Tower Ranch for recycling and re-use in new road structures and other applications that require crushed granular.

4.3 Site Context

The subject property is located off of Tower Ranch Boulevard, adjacent to the Tower Ranch Golf and Country Club and is currently designated as PARK – Major Park / Open Space (Public), REC – Private Recreation, S2RES – Single / Two Unit Residential, and S2RESH – Single / Two Unit Residential Hillside.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1 (RDCO) (ALR)	Bare Land
East	CD6 – Comprehensive Development Zone 6	Residential
South	RU1 – Large Lot Housing	Residential
West	P3 – Parks and Open Space	Tower Ranch Golf and Country Club

Subject Property Map: 1700 Tower Ranch Boulevard**5.0 Current Development Policies****5.1 Kelowna Official Community Plan (OCP)****Future Land Use****Temporary Use Permits (TUP).²**

The temporary use designation is intended to apply to operations that are temporary in nature and the designation does not in itself permit specific uses on the designated sites. Within these areas, Council may, by resolution, issue a Temporary Use Permit and specify the conditions under which the temporary use be carried on. Upon the expiration of a Temporary Use Permit, the permitted uses revert to those outlined in the City of Kelowna Zoning Bylaw 8000.

Temporary Use Permits may be considered within the Permanent Growth Boundary (PGB) on all lands designated in OCP2030 Commercial, Education/Institutional, Industrial, Mixed Use, or Public Service/Utility. All Temporary Use Permits must conform to other policy direction in this OCP, including fit within the character of the neighbourhood and surrounding uses. Appropriate landscaping, screening and buffering will be included as conditions of the permit to protect adjacent land uses.

² City of Kelowna Official Community Plan, Policy 4.9 (Future Land Use Chapter)

Policy Development Process³

Objective 5.31 Encourage the use and extraction of gravel resources and ensure appropriate redevelopment of gravel pits.

Policy .1 Use of Gravel Prior to Development. Encourage identified gravel resources to be extracted prior to development of these sites for urban uses to avoid the necessity of seeking such resources in ALR areas.

5.2 Regional Growth Strategy

Aggregate Supply and Demand Study, 2013.⁴

The position of support is consistent with the Aggregate Supply and Demand Study⁵, which forms a part of the Regional Growth Strategy for the Regional District of the Okanagan. The report recommends planning for Near Market Extraction first, including:

- Use close to market resource first;
- Use resource prior to sterilization by other land use; and
- Plan for recycling facilities near market in perpetuity.

6.0 Technical Comments

6.1 Building & Permitting Department

No concerns

6.2 Policy & Planning

No concerns

7.0 Application Chronology

Date of Application Received: June 15th, 2017
Date Public Consultation Completed: June 5th, 2017

Report prepared by: Jenna Ratzlaff, Planner

Reviewed by: Terry Barton, Urban Planning Manger

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Schedule 'A': Site Plan and Rational

³ City of Kelowna Official Community Plan, Policy 5.31.1 (Development Process Chapter 5)

⁴ RDCO, 2013. Aggregate Supply and Demand Update and Analysis.

https://www.regionaldistrict.com/media/112368/2013_11_o8_Full_Report_Aggregate_Supply_and_Demand_Update_and_Analysis.pdf

DRAFT Temporary Use Permit No. TUP17-0001



EMIL ANDERSON CONSTRUCTION (EAC) INC.

SCHEDULE		A
This forms part of application		
# TUP17-0001		
Planner Initials	JR	City of Kelowna COMMUNITY PLANNING

May 11, 2017

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

Attention: Ryan Smith, BA, RPP, MCIP
Department Manager, Community Planning

Re: Tower Ranch – Phase 7 Construction
Temporary Use Permit – Material Processing

Dear Mr. Smith,

Further to previous discussions regarding the proposed processing of waste asphalt and concrete materials at Tower Ranch for re-use in proposed new roadway structures, please find enclosed application for Temporary Use Permit. Past correspondence with the City has been included for information, as well, materials distributed to a list of nearby residents regarding the proposed works.

As the nature of this work is very similar to that which would be covered under a permit for soil deposit, I would like to provide the following summary information which may be of interest to Council.

EAC Co. Ltd. is the developer of this land, and has hired EAC Inc., a member of the EAC group of companies, to complete the civil construction. As outlined in the application and included correspondence, it is proposed that waste asphalt and concrete be processed for re-use as road base structure.

The exact quantity of material to be re-used is to be determined, as it will depend on what quantity by volume percentage is supported by the geotechnical consultant and approved by the City, as well as the extent of new roads to be constructed. At this time, it is estimated that $\pm 8,000\text{cu.m}$ of material will be deposited and processed under this Temporary Use Permit. It is proposed that deposit and processing take place anytime during active Tower Ranch Phase 7 construction, which is estimated to be completed by mid-June.

The subject property is not located within the ALR.

The material will be sourced from nearby EAC Inc. projects, most notably the Highway 97 Corridor Upgrade currently underway. The material will be stockpiled onsite at the location outlined on the map included with the application where it will be processed, and then used for road construction in the Phase 7 areas.

The stockpile location is in a future Tower Ranch phase area, down the hill from nearby residents to minimize any potential for noise or dust concerns. There are not pertinent topographical features in this area to note.

The proposed access to the site for soil deposit will be consistent with the current access for Phase 7 construction, entry via Tower Ranch Boulevard. This area is already in use and cleaned regularly due to existing construction activities. Once soil is deposited at the stockpile location, there will be no need to use additional public roadways to haul material for new road construction.

The proposed operation will not trigger any additional trucking, in fact, it will reduce overall trucking travel when compared to the alternative, which would be to use typical gravels from the EAC pit in West Kelowna.

Noise and dust control will be managed by EAC Inc. during processing. Noise is managed by strategically placing the equipment far enough away from residents that they will not experience any change vs. the current construction activities. Dust will be managed by use of water trucks as required.

The existing ESC plans provided with the Phase 7 civil package will not be altered, as the proposed stockpiling of this material is not large enough, nor will it be in place long enough to impact the function of the ESC measures put in place to protect the development area.

We ask that you please review and distribute this information as required for approval. Please address any questions about the information contained within to Matthew Temple at 250-763-8232 x289.


Yours truly,

Emil Anderson Construction (EAC) Inc.



Matthew J. Temple, P.Eng
Development – Construction Manager

- Encl. Temporary Use Permit Application
Copy of Land Title
Tower Ranch Phase 7 IFC Notice
Tower Ranch Phase 7 NTP
City Correspondence
Geotechnical Engineering Correspondence
Site Maps (x2)
Copy of Public Notice
Neighborhood Consultation List

SCHEDULE		A
This forms part of application # TUP17-0001		
Planner Initials	JR	 City of Kelowna <small>COMMUNITY PLANNING</small>

Proposed location for self-contained jaw crusher



Legend

SCHEDULE A

This forms part of application
TUP17-0001

Planner Initials **JR**

City of Kelowna
COMMUNITY PLANNING



Notes

0 65 130Meters

April 28, 2017

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

TEMPORARY USE PERMIT



APPROVED ISSUANCE OF TEMPORARY USE PERMIT NO. TUP17-0001

Issued To:	Emil Anderson Construction Co. Ltd.
Site Address:	1700 Tower Ranch Boulevard
Legal Description:	Lot 2, Section 31, Township 27, ODYD, Plan Kap80993 Except Plans KAP85114, KAP90346, EPP50442 and EPP64271
Zoning Classification:	CD6 – Golf Resort P3 – Parks & Open Space RU1H – Large Lot Housing (Hillside Area) RU6 – Two Dwelling 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 Temporary Use Permit No. TUP17-0001 for Lot 2, Section 31, Township 27, ODYD, Plan Kap80993 Except Plans KAP85114, KAP90346, EPP50442 and EPP64271, located at 1700 Tower Ranch Boulevard, Kelowna, BC be approved for a three (3) week period subject to the following:

- a) The dimensions and siting of the temporary use on the land be in general accordance with Schedule "A"
- b) Mitigation measures be carried out, including:
 - Locate haul roads and processing equipment low in the site;
 - Procedures for noise mitigation;
 - Procedures to avoid noise generation and contain noise (e.g. hours of work); -
 - Use stockpiles to interrupt noise;
 - Reduce the drop height (distance from the conveyor to the pile);
 - Stagger engine starts;

- Keep mobile equipment speeds low;
- Turn off equipment when not in use;
- Avoid revving engines;
- Direct noise away from sensitive areas whenever possible;
- Close truck tailgates when possible.
- Use dust mitigation techniques;
 - Use a water truck to reduce dust;
 - Reduce stock pile height and use gentle slopes;
 - Spray exposed surfaces to maintain surface moisture;
 - Minimize handling;
 - Maintain equipment;

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

2. PERFORMANCE SECURITY

None required.

3. DEVELOPMENT

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

This Permit IS NOT a Building Permit.

4. APPLICANT'S AGREEMENT

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

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

I further covenant and agree that should I be granted a Temporary Use Permit, 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 CURRENT LAND OWNER.
Security shall be returned to the PERMIT HOLDER.**