

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, November 7, 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 Councilor Given.
3. **Confirmation of Minutes** 1 - 8
Public Hearing - October 17, 2017
Regular Meeting - October 17, 2017
4. **Bylaws Considered at Public Hearing**
 - 4.1 **934 Grenfell Rd, Z17-0058 (B11494) - Allan and Annette Lipkovits** 9 - 9
To give Bylaw No.11494 second and third readings in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone.
 - 4.2 **486 Cadder Ave, HRA17-0002 (BL11495) - Dr. Alan Broome Inc.** 10 - 15
To give Bylaw No. 11495 second and third readings in order to enter into a Housing Revitalization Agreement located at 486 Cadder Ave.
 - 4.3 **440 Edith Gay Rd, Z17-0030 (BL11496) - Harbrinder Khangura** 16 - 16
To give Bylaw No. 11496 second and readings in order to rezone the subject property from the RR3 - Rural Residential 3 zone to the RU6 - Two Dwelling Housing zone.
 - 4.4 **1869 Maple St, Z17-0045 (BL11499) - Gregory and Linda Bauer** 17 - 17
To give Bylaw No. 11499 second and third readings in order to rezone the subject property from the RU1 - Rural Residential 1 zone to the RU1c - Rural Residential 1 with Carriage House zone.

4.5 9590 McCarthy Rd, Z17-0074 (BL11501) - 0954717 BC Ltd Inc 18 - 18

To give Bylaw No. 11501 second and third readings in order to rezone the subject property from the I3 - Heavy Industrial zone to the I2 - General Industrial zone.

4.6 1257 Rio Dr, Z17-0064 (BL11502) - Scott and Shelley LaHay 19 - 19

To give Bylaw No. 11502 second and third readings in order to rezone the subject property from the RR1 - Rural Residential 1 zone to the RU6 - Two Dwelling Housing zone.

4.7 4623 Gordon Dr, Z17-0052 (BL11505) - 1104166 BC Ltd Inc. 20 - 20

To adopt Bylaw No. 11505 in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone.

5. Notification of Meeting

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

6. Liquor Licence Application Reports

6.1 3762 Lakeshore Rd, LL17-0017 - Manteo Resort Ltd 21 - 34

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 seek Council's support for a Patron Participation Entertainment endorsement for an existing food primary establishment located on the subject property.

7. Development Permit and Development Variance Permit Reports

7.1 775 Rose Ave, BL11412 (Z17-0013) - Wes and Tammy Jones 35 - 35

To adopt Bylaw No. 11412 in order to rezone the subject property from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling Housing zone.

7.2 775 Rose Ave, DP17-0031 and DVP17-0032 - Wes and Tammy Jones 36 - 53

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

To consider the form and character of four-plex housing and to vary the location of two required parking stalls to be located within 1.5 m of the side property lines on the east and west sides.

7.3	861 Rose Ave, BL11411 (Z17-0012) - Pillar West Developments Inc.	54 - 54
	To adopt Bylaw No. 11411 in order to rezone the subject property from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling Housing zone.	
7.4	861 Rose Ave, DP17-0036 and DVP17-0037 - Pillar West Developments Inc.	55 - 70
	City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.	
	To consider the form and character of four-plex housing and to vary the location of two required parking stalls to be located within 1.5 m of the side property lines on the east and west sides.	
7.5	4646 McClure Rd, DVP16-0241 - Pillar West Developments Inc.	71 - 85
	City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.	
	To consider a Staff recommendation to issue a Development Variance Permit to vary the required lot width on 1 of 3 proposed lots being created through Subdivision, for Lot B from 16.50m required to 15.72m proposed.	
7.6	4610 Darin Pl, DVP17-0144 - Randall Schmidt & Josephine Piroli	86 - 105
	City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.	
	To vary the minimum side and rear yard setbacks to facilitate the conversion of an accessory building to a carriage house on the subject property.	
7.7	204 Poplar Point Dr, DVP17-0167 - Rodney & Jody Hazard	106 - 124
	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 Okanagan Lake Sight Lines from 60 ° required to 26 ° proposed for the west side of the subject property.	
7.8	3029 Appaloosa Rd, TUP17-0003 - T190 Enterprises Ltd	125 - 134
	City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.	
	To consider a Staff recommendation to NOT issue a Temporary Use Permit to allow outdoor storage on the subject property.	

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

To consider a Staff recommendation to NOT issue a Temporary Use Permit to allow for outdoor storage on the subject property.

8. Reminders

9. Termination



City of Kelowna Public Hearing Minutes

Date: Tuesday, October 17, 2017
 Location: Council Chamber
 City Hall, 1435 Water Street

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

Members Absent Councillor Charlie Hodge

Staff Present City Manager, Ron Mattiussi; City Clerk, Stephen Fleming, Urban Planning
 Manager, Terry Barton; Community Planning Department Manager, Ryan
 Smith; Suburban & Rural Planning Manager, Todd Cashin; Community
 Planning Supervisor, Lindsey Ganczar; Legislative Coordinator
 (Confidential), Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the Hearing to order at 6:02 p.m.

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

2. Notification of Meeting

The City Clerk advised that Notice of this *Public Hearing* was advertised by being posted on the Notice Board at City Hall on Tuesday, October 3, 2017 and by being placed in the Kelowna Daily Courier issues on Friday, October 6 and Wednesday, October 11, 2017 and by sending out or otherwise mailing 113 statutory notices to the owners and occupiers of surrounding properties on Tuesday, October 3, 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 4629 Lakeshore Rd, Amendment to HRA17-0001 (BL11478) - City of Kelowna and JEM HTB Properties Inc.

Staff:

- Provided a summary of the application.

The City Clerk advised that no correspondence had been received.

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

No one from the Gallery came forward.

There were no further comments

3.2 2825 Richter St, Z17-0057 (BL11479) - 1018545 BC Ltd

Councillor Gray declared a conflict of interest as she resides in the notification area and departed the meeting at 6:07 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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

Letters of Comment:

Ken Cappos, Casorso Road

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

The Applicant was present and available for questions.

No one from the Gallery came forward.

There were no further comments

Councillor Gray rejoined the meeting at 6:12 p.m.

3.3 1065 & 1075 Leathead Rd and 500 Fleming Rd, Z17-0040 (BL11486) - Balkar Gosal, Ranjit Heer and Satwinder and Amarjit Dhesi

Staff:

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

The City Clerk advised that no correspondence had been received.

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

Jesse Alexander, New Town Architecture, Applicant

- Commented that staff provided a great presentation and there wasn't a lot more information to provide.
- Displayed a PowerPoint Presentation, re: Urban Park Townhomes.
- Displayed photographs of the proposed project and noted the location on Leathead and Fleming Roads.

- Spoke to the OCP Future Land Use Designation being Multiple Unit Residential (medium density) and the current RU1 zoning and the proposed RM4 zoning, Transitional Low Density Housing, as well the surrounding context.
- The project proposal consists of 36 townhome units of 5 rows and confirmed vehicular access is off of Fleming Road.
- The design of the buildings is contemporary with sharp clean lines using quality materials and large windows.
- Spoke to the amenities on site including community gardens, a park with seating areas and landscaped areas in the centre of the site, all units are ground oriented with courtyards, as well visitor parking.
- Spoke to benefits of the proposed project:
 - o The project is sensitive to the surrounding community;
 - o There are no variances being sought;
 - o Consistent with OCP Future Land Use Designation;
 - o Providing some on-site amenities, i.e. parks and community gardens;
 - o Believes this is a key corner for redevelopment.

No one from the Gallery came forward.

There were no further comments

4. Termination

The Hearing was declared terminated at 6:22 p.m.

Mayor

/acm

City Clerk



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, October 17, 2017
Location: Council Chamber
City Hall, 1435 Water Street

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

Members Absent Councillor Charlie Hodge

Staff Present City Manager, Ron Mattiussi; City Clerk, Stephen Fleming, Urban Planning Manager, Terry Barton; Community Planning Department Manager, Ryan Smith; Suburban & Rural Planning Manager, Todd Cashin; Legislative Coordinator (Confidential), Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 6:22 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Donn.

3. Confirmation of Minutes

Moved By Councillor Donn/Seconded By Councillor Sieben

R846/17/10/17 THAT the Minutes of the Public Hearing and Regular Meeting of October 3, 2017 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 4629 Lakeshore Rd, (Amendment to HRA17-0001) BL11478 - City of Kelowna and JEM HTB Properties Inc.

Moved By Councillor Gray/Seconded By Councillor Given

R847/17/10/17 THAT Bylaw No. 11478 be read a second and third time and adopted.

Carried

4.2 2825 Richter St, (Z17-0057) BL11479 - 1018545 BC Ltd

Councillor Gray declared a conflict of interest as she resides in the notification area and departed the meeting at 6:24 p.m.

Moved By Councillor Donn/Seconded By Councillor Sieben

R848/17/10/17 THAT Bylaw No. 11479 be read a second and third time.

Carried

Councillor Gray rejoined the meeting at 6:24 p.m.

4.3 1065 & 1075 Leathead Rd and 500 Fleming Rd, (Z17-0040) BL11486 - Balkar Gosal, Ranjit Heer and Satwinder & Amarjit Dhesi

Moved By Councillor Stack/Seconded By Councillor DeHart

R849/17/10/17 THAT Bylaw No. 11486 be read a second and third time.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise mailing 94 statutory notices to the owners and occupiers of surrounding properties on Tuesday, October 3, 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 2446 Harvard Road, Z17-0011 (BL11422) - Wayne and Denise Henney

Moved By Councillor DeHart/Seconded By Councillor Stack

R850/17/10/17 THAT Bylaw No. 11422 be adopted.

Carried

6.2 2446 Harvard Road, DVP17-0027 - Wayne and Denise Henney

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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

Letters in Support:

Karen and Randy Ellis, Lancaster Crt.

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

The Applicant was present and available for questions.

No one from the Gallery came forward.

There were no further comments

Moved By Councillor Stack/Seconded By Councillor DeHart

R851/17/10/17 THAT final adoption of Rezoning Bylaw No. 11422 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0027 for Lot A, Section 33, Township 29, ODYD, Plan 9442, located at 2446 Harvard Road, Kelowna, BC;

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

Section 11.1.6(a): A1 – Agriculture Development Regulations

To vary the maximum floor area of a carriage house from 90m² required to 118.9m² existing;

Section 11.1.6(b): A1 – Agriculture Development Regulations

To vary the maximum height of the peak of a carriage house to be taller than the principal dwelling (6.9m required, 7.43m existing);

Section 11.1.6(e): A1 – Agriculture Development Regulations

To vary the maximum distance between the carriage house and the principal dwelling from 10.0m required to 21.5m 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.

Carried

6.3 495 Glen Pine Court, DVP17-0085 - Harold & Stephanie Schock

Staff:

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

The City Clerk advised that no correspondence had been received.

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

Harold Schock, Glen Pine Court, Applicant

- Displayed a PowerPoint Presentation, re: 495 Glen Park Court
- Resident of Kelowna since 1974.
- Spoke to the history and pride in his house and wants to build a pool for his sons.
- Displayed photos of backyard and noted there is only 9 feet from the concrete deck and that the backyard is not level.
- Believes that placing the pool in the backyard would negatively impact his neighbours and wants to be a good neighbour
- There is a real sense of community with all neighbours supporting their side yard pool.
- The lap pool will not fit in the backyard and would prefer not to reduce the width of the pool.
- Displayed illustration of retaining walls on Yates Road; consider the pool wall structure as a retaining wall.
- Spoke to the sewer repairs and maintenance costs and noted that they are the owner's responsibility within our property lines.

- Commented that the infrastructure work can continue as the pool wall is over engineered to handle the extra stress; the city has the ability to modify the road or boulevard with this unique pool design.
- Commented that the street is currently separated by 3 meters of Boulevard.
- Noted that there are no immediate plans to change the Official Community Plan on Yates Road.
- Responded to questions from Council.

Gallery:

William Smith, Glen Pine Court

- Supports this application.
- Spoke to the strong sense of community in the neighbourhood.
- Neighbours cannot see any major concerns with the retaining wall being extended from the front of house to the back of house and overall proposal.
- Have absolutely no issues supporting this application.
- The construction is over engineered to ensure safety.
- Believes there is a lot of land available for a future sidewalk.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments

Moved By Councillor Sieben/Seconded By Councillor Donn

R852/17/10/17 THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0085 for Lot 10 Section 32 Township 26 ODYD Plan KAP44247, located at 495 Glen Pine Court, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:
Section 6.2.3: Swimming Pools

1. To vary the required minimum flanking street setback from 1.5m required to 0.2m proposed;

AND THAT as a condition of the Development Variance Permit the sewer connection be relocated so it is no longer underneath the proposed pool structure;

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

Defeated

Mayor Basran, Councillors DeHart, Given, Gray, Stack, Sieben & Singh - Opposed

6.4 204 Poplar Point Dr, DVP17-0167 - Rodney & Jody Hazard

Moved By Councillor Stack/Seconded By Councillor Singh

R853/17/10/17 THAT Council defer further consideration of DVP17-0167, 204 Poplar Point Drive to the Tuesday, November 7, 2017 Regular Meeting.

Carried

7. Reminders – Nil.

8. Termination

The meeting was declared terminated at 7:14 p.m.

Mayor

/acm



City Clerk

DRAFT

CITY OF KELOWNA
BYLAW NO. 11494
Z17-0058 – 934 Grenfell Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, Section 2, District Lot 136, ODYD, Plan 39171 located on Grenfell Road 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 16th day of October, 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. 11495

Heritage Revitalization Agreement Authorization Bylaw

HRA17-0002 – 486 Cadder Avenue –
Dr. Alan Broome Inc., Inc. No. 447508

WHEREAS a local government may, by bylaw, enter into a heritage revitalization agreement with the Owner of property which Council deems to be of heritage value pursuant to section 610 of the *Local Government Act*;

AND WHEREAS the Municipal Council of the City of Kelowna is desirous of entering into a Heritage Revitalization Agreement with Dr. Alan Broome Inc., Inc. No. 447508 for the property located at 486 Cadder Avenue, Kelowna, B.C.;

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

1. The Municipal Council of the City of Kelowna hereby authorizes the City of Kelowna to enter into a Heritage Revitalization Agreement with Dr. Alan Broome Inc., Inc. No. 447508 for the property located at 486 Cadder Avenue, Kelowna, B.C., and legally described as:

Lot 1, District Lot 14, ODYD, Plan KAP69061

In the form of such Agreement attached to and forming part of this bylaw as Schedule "A".

2. The Mayor and City Clerk are hereby authorized to execute the attached agreement, as well as any conveyances, deeds, receipts and other documents in connection with the attached agreement, and to affix the corporate seal of the City of Kelowna to same.

Read a first time by the Municipal Council this 16th day of October, 2017.

Considered at a Public Hearing this

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

SCHEDULE "A"
HERITAGE REVITALIZATION AGREEMENT

THIS AGREEMENT dated as of the ____ day of _____, 2017

BETWEEN:

THE CITY OF KELOWNA, a Municipal Corporation having offices at
1435 Water Street, Kelowna, British Columbia, V1Y 1J4

(Herein called the "CITY")

AND:

Dr. Alan Broome Inc. (Inc. No. 447508)
486 Cadder Avenue, Kelowna, British Columbia, V1Y 5N3

(Herein called the "OWNER")

WHEREAS a local government may, by bylaw, enter into a Heritage Revitalization Agreement with the Owner of property which Council deems to be of heritage value pursuant to Section 610 of the *Local Government Act*,

AND WHEREAS the Owner owns certain real property located at 486 Cadder Avenue, on which is situated a building of heritage value pursuant to the City's Heritage Register, legally described as:

Lot 1, District Lot 14, ODYD, Plan KAP69061
(PID: 025-046-101)

(Herein called the "Heritage Property")

AND WHEREAS the Owner has presented to the City a proposal for the use and preservation of the Heritage Property and has voluntarily and without any requirement by the City, entered into this agreement pursuant to Section 610 of the *Local Government Act*;

AND WHEREAS a local government must hold a Public Hearing on the matter before entering into, or amending, a Heritage Revitalization Agreement, if the agreement or amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning of the Heritage Property, and for these purposes Section 464 through 470 of the *Local Government Act* apply;

AND WHEREAS within thirty days after entering into, or amending a Heritage Revitalization Agreement, the local government must file a notice in the Land Title Office in accordance with Section 594 of the *Local Government Act* and give notice to the Minister responsible to the *Heritage Conservation Act* in accordance with Section 595 of the *Local Government Act*;

NOW THEREFORE in consideration of the mutual promises contained in this agreement and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

Page 2 of 6

1.0 Heritage Revitalization and Preservation

- 1.1 The parties agree that the Heritage Property has heritage value, deserving of protection and conservation, and the Owner specifically agrees to maintain, preserve and protect the heritage character of the building located on the Heritage Property in accordance with Attached Schedule "AA".

2.0 Governing Regulations

The parties agree that except as varied or supplemented by the provisions of this Agreement, all bylaws and regulations of the City and all laws of any authority having jurisdiction shall apply to the Heritage Property.

3.0 Uses Permitted

- 3.1 The principal uses permitted on the Heritage Property are:

- a) Health Services, Major
- b) Health Services, Minor
- c) Single Dwelling Housing

- 3.2 The secondary uses permitted on the Heritage Property are:

- a) Secondary Suite

4.0 Proposed Development

- 4.1 The Owner agrees not to alter the exterior of the Heritage Building except pursuant to a Heritage Alteration Permit issued by the City and in accordance with this Agreement.
- 4.2 Where a Heritage Alteration Permit is required, the discretion to approve, refuse or revise such permit is delegated by Council to the Community Planning Department Manager.
- 4.3 The hours of operation for offices located on the subject property shall be between 8.00 am and 7.00 pm Monday through Friday, and 9.00 am to 4.00 pm on Saturday. Patients will be seen by appointment only.
- 4.4 Six (6) on-site parking stalls shall be provided as shown on Schedule "AA"
- 4.5 Signage will be limited to one sign to a maximum size of 2.0m² and a maximum height of 1.0m may be attached to the residence or may be free standing located in the front yard or a flanking side yard. Any such free standing sign may be located on the property line but must not encroach or overhang beyond the property line.

Damage or Destruction

5.1 In the event that the Heritage Property is damaged, the parties agree as follows:

- (a) The Owner may repair the Heritage Property in which event the Owner shall commence and complete the repair work within one year of the date of damage.

OR, in the event that the Heritage Property is destroyed,

- (b) The City will, by bylaw and after conducting a Public Hearing in the manner prescribed by Sections 464 through 470 of the *Local Government Act*, cancel this Agreement whereupon all use and occupation of the Heritage Property shall be in accordance with the zoning bylaws of the City and in accordance with all other bylaws or regulations of the City or any other laws of authority having jurisdiction.

6.0 Breach

6.1 In the event that the Owner is in breach of any term of this Agreement, the City may give the Owner notice in writing of the breach and the Owner shall remedy the breach within 30 days of receipt of the notice. In the event that the Owner fails to remedy the breach within the time allotted by the notice, the City may by bylaw and after conducting a Public Hearing in the manner prescribed by Sections 464 through 470 of the *Local Government Act* cancel this Agreement whereupon all use and occupation of the Heritage Property shall thenceforth be in accordance with the zoning bylaws of the City and in accordance with all other bylaws or regulations of the City or any other laws of authority having jurisdiction.

7.0 Amendment

7.1 The parties acknowledge and agree that this Agreement may only be amended by one of the following means:

- (a) By bylaw with the consent of the parties provided that a Public Hearing shall be held if an amendment would permit a change to use or density of use on site or;
- (b) By Heritage Alteration Permit (HAP), issued pursuant to Section 617 of the *Local Government Act*.

8.0 Representations

8.1 It is mutually understood and agreed upon between the parties that the City has made no representations, covenants, warranties, promises or agreements expressed or implied, other than those expressly contained in this Agreement.

9.0 Statutory Functions

9.1 Except as expressly varied or supplemented herein, this Agreement shall not prejudice or affect the rights and powers of the City in the exercise of its statutory functions and responsibilities including, but not limited to, the *Local Government Act* and its rights and powers under any

enactments, bylaws, order or regulations, all of which, except as expressly varied or supplemented herein, are applicable to the Heritage Property.

10.0 Enurement

- 10.1 This Agreement enures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

11.0 Other Documents

- 11.1 The Owner agrees at the request of the City, to execute and deliver or cause to be executed and delivered all such further agreements, documents and instruments and to do and perform or cause to be done and performed all such acts and things as may be required in the opinion of the City to give full effect to the intent of this Agreement.

12.0 Notices

- 12.1 Any notice required to be given pursuant to this Agreement shall be in writing and shall either be delivered mailed by registered mail as follows:

(a) To the City:

City of Kelowna
1435 Water Street
Kelowna, B.C. V1Y 1J4
ATTENTION: City Clerk

(b) To the Owner:

Dr. Alan Broome Inc. (Inc. No. 447508)
486 Cadder Avenue
Kelowna, BC, V1Y 5N3

Or to such other address of which one party may notify the other in writing.

13.0 No Partnership or Agency

- 13.1 The parties agree that nothing contained herein creates a relationship between the parties of partnership, joint venture or agency.

IN WITNESS WHEREOF this Agreement has been executed by the parties hereto on the day and year first above written.

CITY OF KELOWNA
by its authorized signatories

(Mayor)

(City Clerk)

Dr. Alan Broome Inc.
By its authorized signatory (ies)

In the presence of:

Andrew FASQUET
Witness (print name)

409 VIEWCREST Rd.
Address Kelowna, BC

Physician (retired)
Occupation

Attachments:

Schedule AA, page 1 Exterior Rendering
Schedule AA, page 2 Building Elevations
Schedule AA, page 3 Site Plan
Schedule AA, page 4 Floor Plan

CITY OF KELOWNA
BYLAW NO. 11496
Z17-0030 – 440 Edith Gay 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 10, Section 35, Township 26, ODYD, Plan 1866 located on Edith Gay Road from the RR3 – Rural Residential 3 zone to the RU6 – Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 16th day of October, 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. 11499
Z17-0045 - 1869 Maple Street

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 1, District Lot 14, ODYD, Plan 2683 located on Maple Street, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing 1 with Carriage House 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 16th day of October, 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. 11501
Z17-0074 – 9590 McCarthy 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 A, Sections 10 and 11, Township 20, ODYD, Plan KAP69077 located on McCarthy Road, Kelowna, B.C., from the I3 – Heavy Industrial zone to the I2 – General Industrial zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 16th day of October, 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. 11502
Z17-0064 – 1257 Rio 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 Lot 2, Section 6, Township 23, ODYD, Plan 19808 located on Rio Drive, Kelowna, B.C., from the RR1 – Rural Residential 1 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 16th day of October, 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. 11505
Z17-0052 – 4623 Gordon 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 Lot 1, District Lot 357, ODYD Plan KAP4623 located on Gordon Drive, 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 16th day of October, 2017.

Considered at a Public Hearing on the

Read a second and third time and adopted by the Municipal Council this

Mayor

City Clerk

REPORT TO COUNCIL



Date: November 7, 2017

RIM No. 0930-50

To: City Manager

From: Community Planning Department (EW)

Application: LL17-0017

Owner: Manteo Resort Limited Partnership

Address: 3762 Lakeshore Rd

Applicant: Inn – Trust Hospitality Ltd.

Subject: Liquor License Application

Existing OCP Designation: MXT – Mixed Use Tourism

Existing Zone: C9lp – Tourist Commercial (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 53 of the Liquor Control and Licensing Regulation and Council Policy #359, BE IT RESOLVED THAT:

1. Council comments on LCLB's prescribed considerations for the application from Manteo Resort Limited Partnership to add Patron Participation Entertainment to an existing Food Primary license for Lot1 District Lot 134 and Section 6 Township 26 ODYD Plan EEP55101, located at 3762 Lakeshore Rd, Kelowna, BC are as follows:
 - a) The potential for noise if the application is approved:
The potential impact for noise is minimal and would be compatible with surrounding land uses.
 - b) The impact on the community if the application is approved:
The potential for negative impacts are considered to be minimal.
 - c) If the amendment may result in the establishment being operated in a manner is contrary to its primary purpose:
The endorsement is being sought to offer an additional level of service to the food primary establishment. The focus of the establishment will be as a food primary establishment.

2. Council's comments on the views of residents (if applicable) are as contained within the minutes of the meeting at which the application was considered by Council.

2.0 Purpose

To seek Council's support for a Patron Participation Entertainment endorsement for an existing food primary establishment located on the subject property.

3.0 Community Planning

The proposed Patron Participation Entertainment endorsement would allow dancing, live entertaining or a DJ service for clients who rent the banquet spaces or visit the restaurant for family gatherings such as weddings. The proposal is consistent with Council Policy #359 which supports alternative entertainment options less focused on alcohol consumption including Food Primary Establishments with the Patron Participation Entertainment Endorsement where appropriate. The addition of Patron Participation Entertainment is not anticipated to have negative impacts on the surrounding land uses or to the larger community.

In consideration of the above, staff recommend support for the proposed change to the existing Food Primary License.

4.0 Proposal

4.1 Background

An application has been forwarded by the licensee to the Provincial Control and Licensing Branch (LCLB) for their approval. Local Government comment is required for a Patron Participation Entertainment endorsement.

4.2 Project Description

The applicant has operated a Food Primary establishment on the subject property known as "Smack Dab". The application to add a Patron Participation Entertainment endorsement to their Food Primary license requires a Council Resolution to the Liquor Control and Licensing Branch (LCLB).

The Food Primary establishment is designed with an occupancy load of 539 persons for the interior locations and a maximum occupant load of 700 for outdoor spaces.

The floor spaces are to continue to be operated as a food primary establishment.

4.3 Existing Food Primary License Summary

The proposed hours are consistent with existing Food Primary license.

Current Hours of Sale

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM
Close	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM

Capacity

Banquet 01	85	Banquet 02	66	Banquet 03	48	Banquet 04	25
Banquet 05	40	Banquet 06	60	Banquet 07	60	Patio 2	165
Patio 2	8	Patio 3	292	Patio 4	50	Patio 5	125
Patio 6	60	Person 01	82	Person 02	48	Person 03	25

4.4 Site Context

The property is located within the South Pandosy – KLO City Sector.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C9 – Tourist Commercial	Apartment Hotels
East	C9 – Tourist Commercial	Apartment Hotels
South	C9lp – Tourist Commercial (Liquor Primary)	Apartment Hotels
West	W2 – Intensive Water Use	Marina

Subject Property Map: 3762 Lakeshore Rd



5.0 Current Development Policies

5.1 Council Policy # 359 – Liquor Licensing Policy and Procedures

Liquor Primary (LP) Establishments – Other Policies:

- 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).

6.0 Technical Comments

- No technical comments

7.0 Application Chronology

Date of Application Received: August 8, 2017

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

Attachments:

Attachment 'A' – Applicant's Rationale Letter

Attachment 'B' – Existing Food Primary License



July 17, 2017

To Mayor and Council;

RE: Manteo Resort Food Primary License

Please see attached application to the City of Kelowna for a Council resolution supporting the change to our Food Primary License # 204035 to allow for Patron Participation Entertainment. Our intended use is to allow our clients who rent the various banquet spaces, or visit our restaurant for family gatherings (i.e.; Weddings), or corporate functions can enjoy dancing, live entertainment or a DJ service.

Please see attached documentation outlining the areas identified as Food Primary on our resort. I have also included an e-mail from the liquor Control and licensing Branch identifying me as a licensee representative in this regard.

Please let me know if you require any further documentation at the time.

Regards,

Thom Killingsworth
Chief Operating Officer
Inn-Trust Hospitality Ltd.
T: (250) 762-0585 ext. 301
858

Cc: Manteo Resort Waterfront Hotel and Villas





Liquor Control and Licensing Branch
Food Primary Licence #204035
Expires on February 28, 2018

Establishment Name: **Smack Dab**
Licence Name: **Smack Dab**
Location Address: 3766 Lakeshore Rd
KELOWNA, BC V1W 3L4
Issued to: Manteo Resort Limited Partnership

TERMS AND CONDITIONS
HOURS OF SALE

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM
Close	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM

CAPACITY

Banquet 01	85	Banquet 02	66	Banquet 03	48	Banquet 04	25
Banquet 05	40	Banquet 06	60	Banquet 07	60	Patio1	165
Patio2	8	Patio3	292	Patio4	50	Patio5	125
Patio6	60	Person01	82	Person02	48	Person03	25

- For the sale and consumption of all types of liquor in establishments with a primary focus on the service of food.
- The terms and conditions to which this licence is subject include the terms and conditions contained in the licensee Terms and Conditions Handbook, which is available on the Liquor Control and Licensing Branch website. The Terms and Conditions Handbook is amended from time to time.
- Liquor may only be sold, served and consumed within the service areas outlined on the official plan, unless otherwise endorsed or approved by the LCLB.
- Patio extension permitted as outlined in red on the official plan.
- Person 03 may only be used in conjunction with events in banquet rooms 1,2,3 and 4 and cannot operate as a standalone area nor exceed the occupant load determined for this area.

ATTACHMENT B

This forms part of application
LL17-0017


Planner
Initials EW

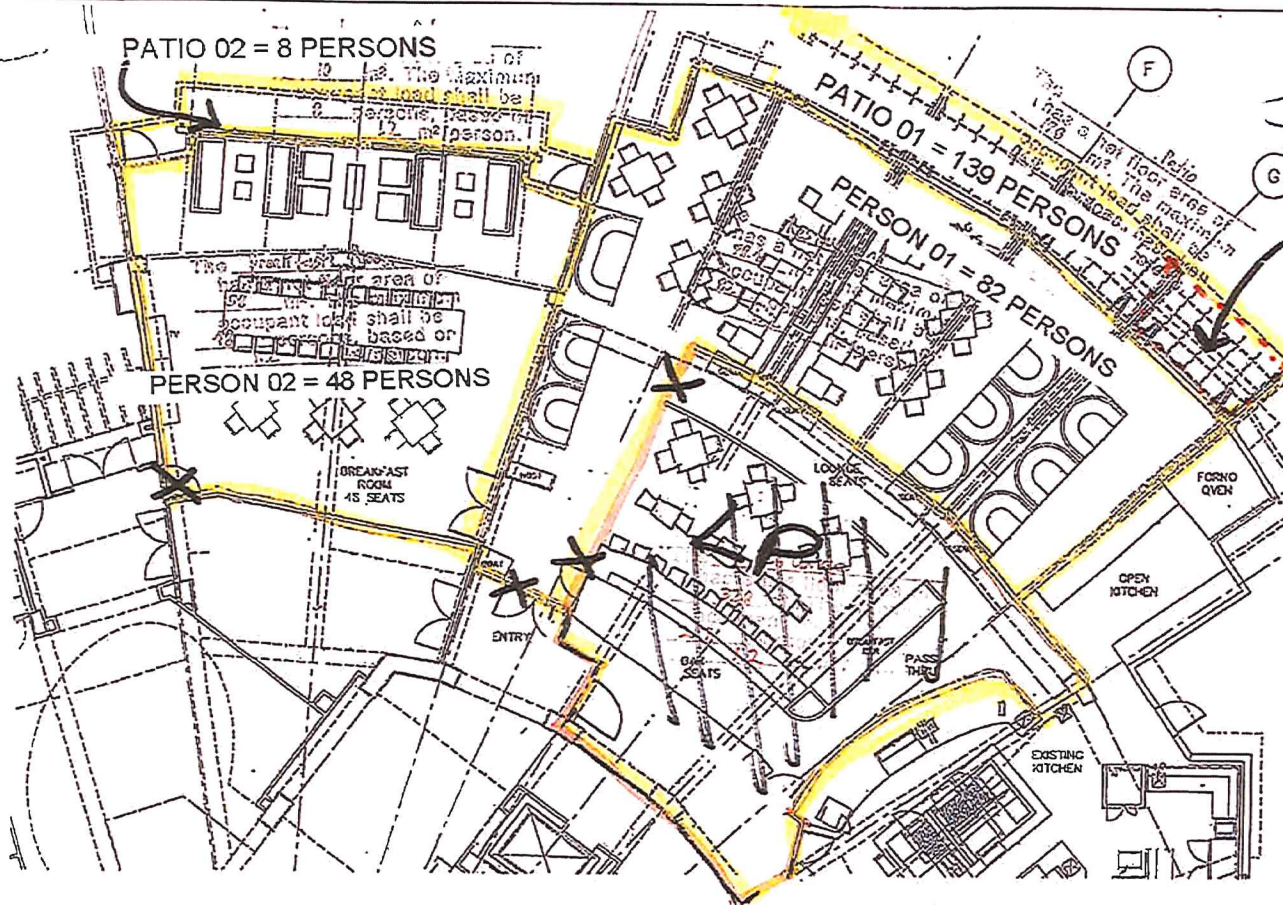
City of
Kelowna
COMMUNITY PLANNING

YOUR CURRENT VALID LICENCE MUST BE PROMINENTLY
DISPLAYED AT ALL TIMES. TAMPERING, ALTERING OR
DEFACING THIS LICENCE IN ANY MANNER MAY RESULT
IN THE LICENCE BEING CANCELLED.

June 22, 2017

DATE


GENERAL MANAGER
LIQUOR CONTROL AND LICENSING BRANCH



FP 204035
Job# 796643-20
796643-22

Received by City of Kelowna
Inspection Services
Jan 22/13
J.P.
Restaurant/Lounge

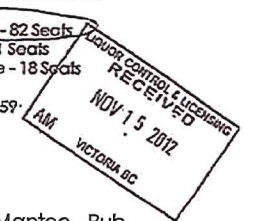
Proposed Plan - Seating

Breakfast Room - 48 Total Seats
*including soft seating

Restaurant - 111 Total Seats

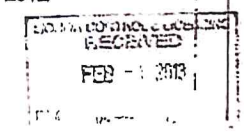
Dining - 82 Seats
Bar - 11 Seats
Lounge - 18 Seats

Total Seats - 159

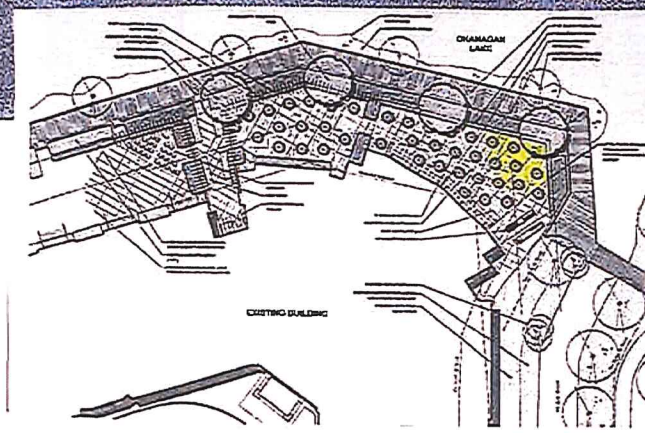


Project: Manteo - Pub
Renovation + Expansion

Date: March 1, 2012



Pub Plan - Proposed Seating



LIQUOR CONTROL AND LICENSING BRANCH
APPROVED, IN PRINCIPLE

Subject to the terms and/or conditions specified in the approval in principle letter(s) dated: Feb 7, 2013

- PERSON 01 = 82 PERSONS
- PERSON 02 = 48 PERSONS
- PATIO 01 = 165 PERSONS
- PATIO 02 = 8 PERSONS
- EXTERIOR LOUNGE = 26 SEATS

ATTACHMENT B

This forms part of application
LL17-0017

Planner
Initials

EW

City of
Kelowna
COMMUNITY PLANNING

FP # 204035

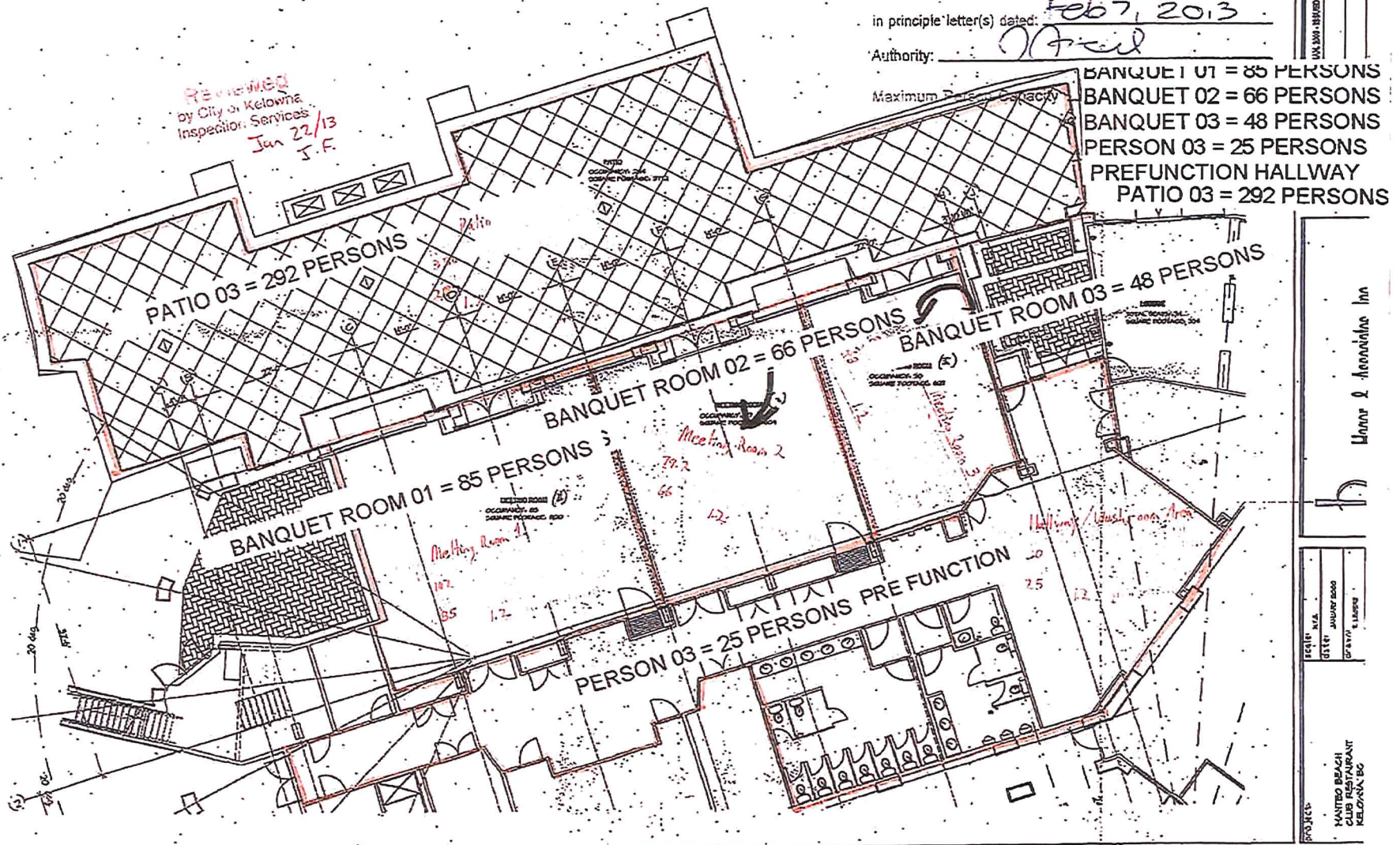
LIQUOR CONTROL AND LICENSING BRANCH
APPROVED, IN PRINCIPLE

Subject to the terms and/or conditions specified in the approval
in principle letter(s) dated: Feb 7, 2013

Authority: AF-1

100-100-1000-1000

Reviewed
by City of Kelowna
Inspection Services
Jan 22/13
J.F.



ATTACHMENT B

This forms part of application

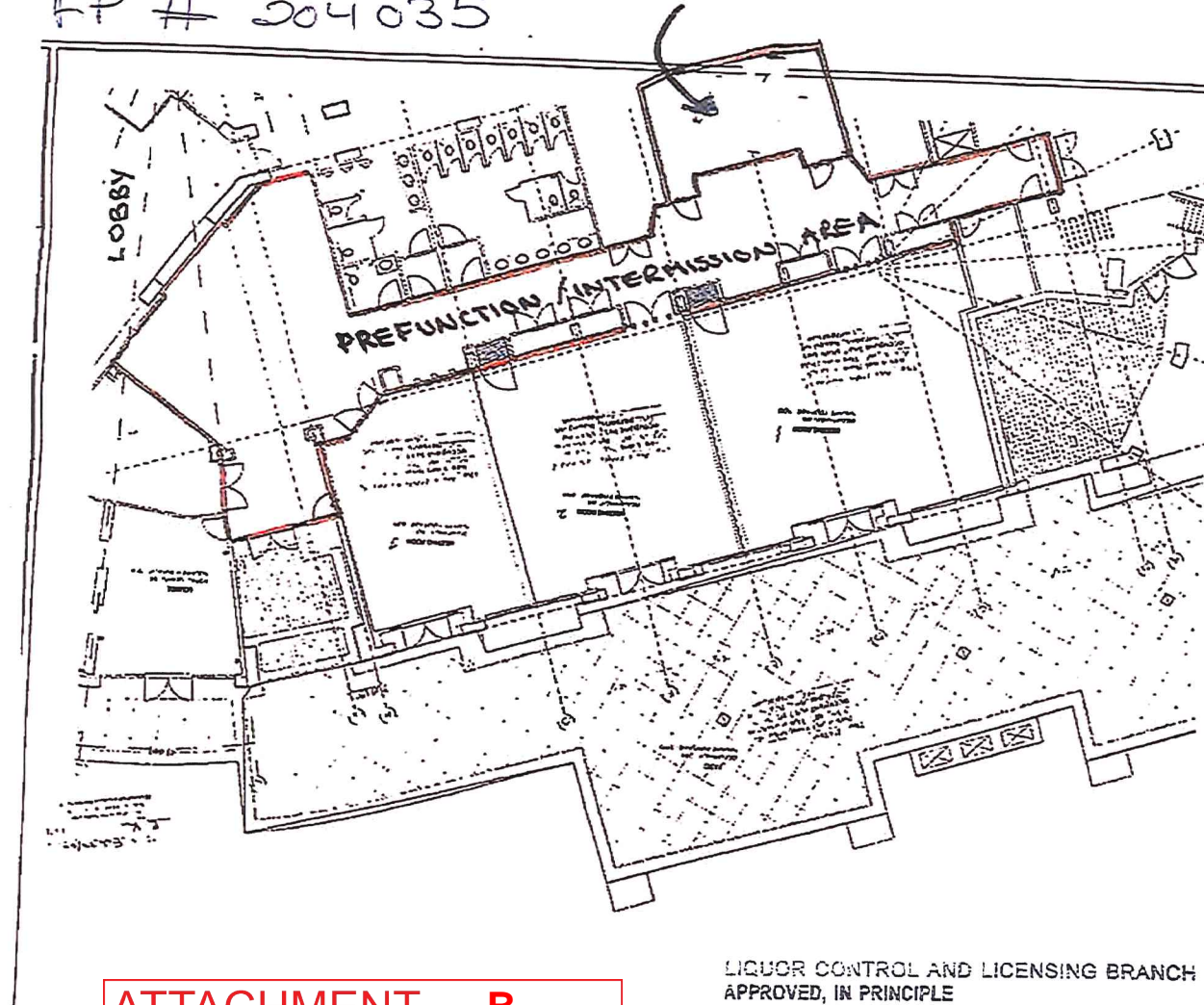
LL17-0017

Planner
Initials EW



FP # 204035

BANQUET ROOM 04 = 25 PERSONS



MANTEO RESORT HOTEL
(WILD APPLE GRILL)
CLASS: BDL
LICENCE NO: 204035

ATTACHMENT B

This forms part of application

LL17-0017

Planner
Initials

EW

City of
Kelowna
COMMUNITY PLANNING



LIQUOR CONTROL AND LICENSING BRANCH
APPROVED, IN PRINCIPLE

Subject to the terms and/or conditions specified in the approval
in principle letter(s) dated: Feb 7, 2013

Authority: [Signature]

Maximum Person Capacity: Person 06 = 25 persons

LIQUOR CONTROL AND LICENSING BRANCH
FLOOR PLANS - APPROVAL IN PRINCIPLE

DATE March 30, 2017
M. Bill LICENSING ADMINISTRATOR

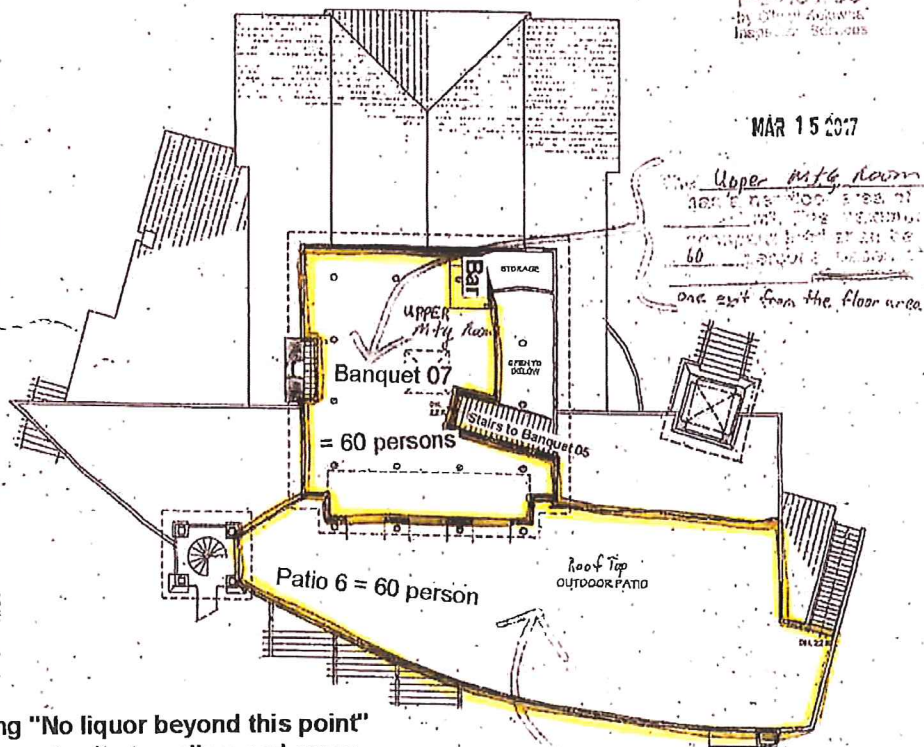
Maximum Capacity: **Patio 6 = 60 persons Banquet 07 = 60 persons**

Unless otherwise approved by the General Manager, Liquor Control and Licensing, approval is subject to the terms and/or conditions specified in the approval letter(s) dated:

DA RA AP

Reviewed
by Shawn Adams
Inspector Services

MAR 15 2017



Signage stating "No liquor beyond this point" must be in place at exits to unlicensed areas

Amenity Building - Upper Floor Plan
3/32"=1'-0"

The Roof Top Outdoor Patio area is not to be used for seating more than 60 persons. One exit from the floor area.

ATTACHMENT B

This forms part of application
LL17-0017

Planner Initials EW

City of **Kelowna**
COMMUNITY PLANNING

Reviewed
by Shawn Adams
Inspector Services

MAR 15 2017

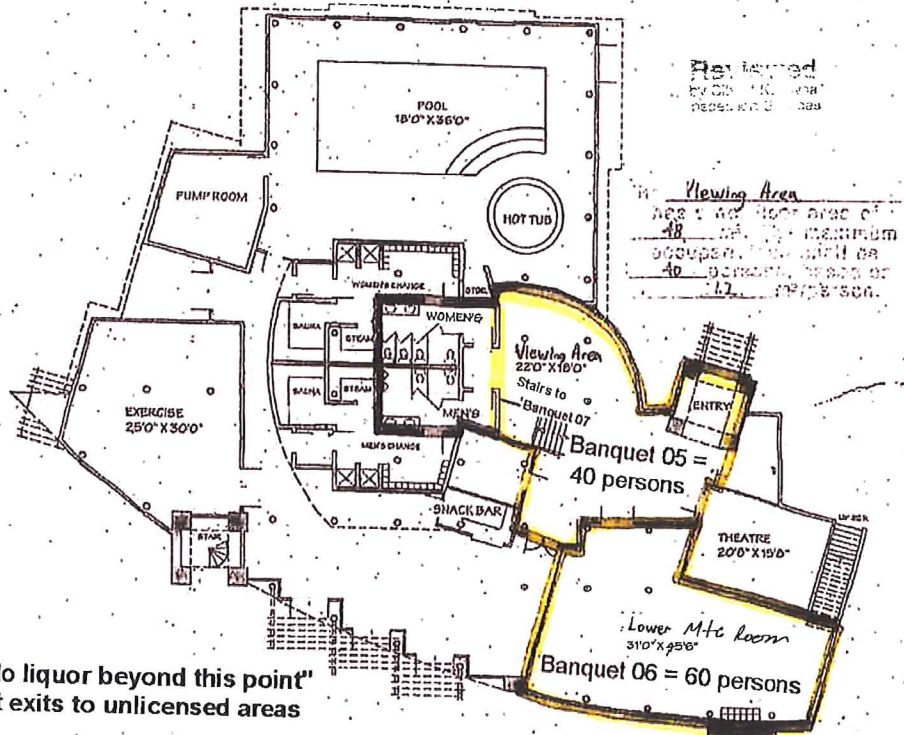
LIQUOR CONTROL AND LICENSING BRANCH
FLOOR PLANS - APPROVAL IN PRINCIPLE

DATE March 30, 2017
M Bull LICENSING ADMINISTRATOR

Maximum Capacity: Banquet 05 = 40 persons Banquet 06 = 60 persons

Unless otherwise approved by the General Manager, Liquor Control and Licensing, approval is subject to the terms and/or conditions specified in the approval letter(s) dated:

PSA PSA AIT



Signage stating "No liquor beyond this point" must be in place at exits to unlicensed areas

Portable bar used in Banquet 05 & Banquet 06

Amenity Building - Main Floor Plan
3/32"=1'-0"

Lower Mtg Room has a net floor area of 765 sq. ft. The maximum capacity is 60 persons, based on one exit from the floor area

ATTACHMENT B

This forms part of application
LL17-0017

Planner Initials **EW**

City of
Kelowna
COMMUNITY PLANNING



Reviewed
by
Date

ATTACHMENT B

This forms part of application

LL17-0017

Planner
Initials EW

City of
Kelowna
COMMUNITY PLANNING



LIQUOR CONTROL AND LICENSING BRANCH
FLOOR PLANS - APPROVAL IN PRINCIPLE

DATE March 30, 2017

M Bull

LICENSING
ADMINISTRATOR

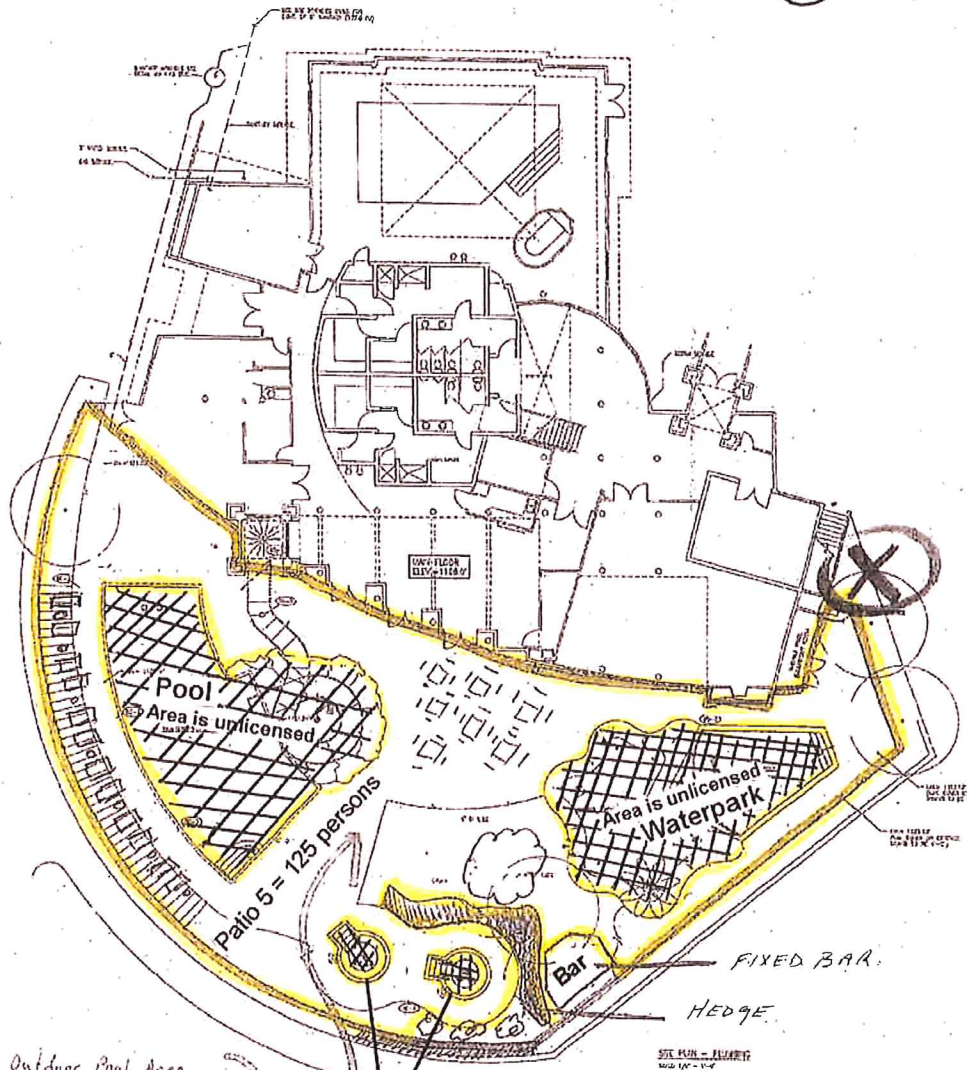
Maximum Capacity: **Patio 5 = 125 persons**

Unless otherwise approved by the General Manager, Liquor Control and Licensing, approval is subject to the terms and/or conditions specified in the approval letter(s) dated:

02/04

02/04

AIP



The Outdoor Pool Area has a net floor area of 150 m². The maximum capacity is 125 persons, based on 1.2 m² per person.

Hot tub

Reviewed
by City
Inspector

MAR 15 2017

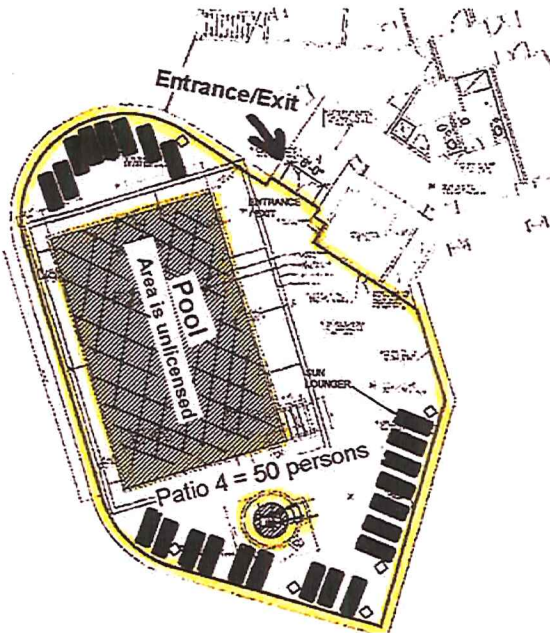
Signage stating "No liquor beyond this point" must be in place at exits to unlicensed areas

Signage stating "No liquor beyond this point" must be in place at the entrance to the waterslide

Signage stating "No liquor in the pool, hot tubs and waterpark" must be in place at all entrances

Liquor service from interior bar/
portable bar

Signage stating "No liquor beyond this point"
must be in place at exits to unlicensed areas



Signage stating "No liquor in the pool and hot tub"
must be in place at all entrances

Reviewed
by City of Kelowna
Inspector on 15/03/17

MAR 15 2017

The POOL DECK
has a net floor area of
_____ m². The maximum
occupancy load shall be
50 persons, based on
_____ m²/person
BASED ON NUMBER
OF W/C AVAILABLE

ATTACHMENT B

This forms part of application
LL17-0017

Planner
Initials **EW**

City of
Kelowna
COMMUNITY PLANNING

MAXIMUM OCCUPANCY LOAD DETERMINATION

GROSS POOL DECK AREA:- 202 SQ. M

NUMBER OF EXITS:- 1

TOTAL EXIT WIDTH:- 1800mm

OCCUPANCY LOAD + A-4 ASSEMBLY:- 1.2 SQ. M PER PERSON

OCCUPANCY LOAD: 202 SQ. M / 1.2 Sq. M PER PERSON = 168 PERSONS

EXIT CAPACITY: 1800mm / 6.1 = 295 PERSONS

WASHROOMS: 1 x MALE + 1 x FEMALE

LIQUOR LICENCE CAPACITY: 50 PERSONS

I HEREBY CERTIFY THE FIGURES ENTERED ABOVE REPRESENT A TRUE +
ACCURATE CALCULATION OF THE PREMISES IN QUESTION

SIGNATURE: _____

DATE: 16.06.30

LIQUOR CONTROL AND LICENSING BRANCH
FLOOR PLANS - APPROVAL IN PRINCIPLE

DATE March 30, 2017
M Bull LICENSING
ADMINISTRATOR

Maximum Capacity: Patio 4 = 50 persons

Unless otherwise approved by the General Manager, Liquor Control and
Licensing, approval is subject to the terms and/or conditions specified in
the approval letter(s) dated: _____

PSA **PSA** **AIP**



Job Title		MATEO RESORT WATERFRONT HOTEL 3762 LAKESHORE RD., KELOWNA, BC, V1W 3L4	
Drawing Title		POOL DECK PLAN OCCUPANCY	
01	189UED	1806/20	SK-01
No.	Revision	Date	Checked
Drawing Date		June 22, 2018	Drawn
Scale		1/16" = 1'-0"	TC
Project No.		2016-XX	JS

ssdg.

20231 Lakeshore Blvd.
Kelowna BC V1W 3L4
Tel: 250-860-1001 Fax: 250-860-1002

THOMAS CLARK
6/20/2018 2:27 PM
C:\Documents\2016 Hotel Develop\Water Pool Deck\Water Pool Deck.dwg

CITY OF KELOWNA
BYLAW NO. 11412
Z17-0013 – 775 Rose Ave

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 7, District Lot 136, ODYD, Plan 11487 located on Rose Avenue, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the RM1 – Four 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 29th day of May, 2017.

Considered at a Public Hearing on the 27th day of June, 2017.

Read a second and third time by the Municipal Council this 27th day of June, 2017.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: November 7, 2017

RIM No. 0940-00

To: City Manager

From: Community Planning Department (TB)

Application: DP17-0031 DVP17-0032 **Owner:** Wes Riley Jones
Tammy Retta Jones

Address: 775 Rose Avenue **Applicant:** Integrity Services Inc.

Subject: Development Permit and Development Variance Permit

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

Proposed Zone: RM1 – Four Dwelling Housing

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11412 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0031 and DVP17-0032 for Lot 7 DL 136 ODYD Plan 11487, located at 775 Rose Avenue, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";

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

Section 8.1.9(c) Parking and Loading: Location

To allow two required parking stalls to be located within 1.5m of the side property lines on the east and west sides;

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

2.0 Purpose

To consider the form and character of four-plex housing and to vary the location of two required parking stalls to be located within 1.5 m of the side property lines on the east and west sides.

3.0 Community Planning

Community Planning supports the Development Permit and Development Variance Permit on the subject property as it is consistent with Official Community Plan (OCP) Policies regarding Urban Growth and Infill. The proposed design meets the majority of the design guidelines for Comprehensive Development – Multi-Family and attention has been given to ensure the street facing frontages have a high quality of design. This is one of three similar applications on Rose Avenue, and the applicants have taken care to ensure variation in materials and colours between the three designs.

The two variances are to allow two required parking stalls to be located within the side yard setback within 1.5m of the property lines on the east and west sides. The impact will be minimal on the adjacent properties as the stalls are located in the rear off of the lane and the applicant has proposed fencing around the property to ensure privacy.

4.0 Proposal

4.1 Background

This is one of three similar four-plex applications on Rose Avenue, the first one was approved by Council on September 19th, 2017 and two are under consideration at this meeting. The existing home will be demolished as a function of this development.

4.2 Project Description

The proposed four-plex housing meets the current OCP Policies regarding Compact Urban Form and Sensitive Infill by creating density where infrastructure exists, and providing a height and massing that is sensitive to the neighbourhood.

The four-plex is designed in modern and contemporary style with visually interesting rooflines in addition to rooftop patio outdoor amenity space for each unit. The materials and colours relate to the region's visual landscape by incorporating natural materials such as stone into the design. Attention to the streetscape is apparent as the two front units have ground-oriented and well defined front entrances. There are wall projections and indentations that create visual interest along the front facade. The height is consistent with several other new builds in the area, and it is anticipated that as this area redevelops this proposal will be consistent with the future streetscape.

This is one of three similar applications on Rose Avenue, and the applicants have taken care to ensure there is variation in materials and colours between the three designs. This design, specifically, uses stone and wood details to provide differentiation and visual interest.

4.3 Variances

Two variances are considered as a function of the site layout. Each of the four units requires 1.5 parking stalls for a total of 6 parking stalls. The applicant is proposing 4 covered stalls in a common garage accessed from the lane, with 2 additional stalls on either side of the garage. The 2 uncovered stalls are located at 0.0 m to the lot line when 1.5 m is required in the Zoning Bylaw. The stalls have been increased in width to 3.45 m to accommodate the additional width required when both sides of a parking stall are obstructed (fence, and garage wall). It is not anticipated that the location of these parking stalls will have a negative impact

on the adjacent properties as they are located in the rear of the property well away from the nearby homes, and fencing will be used for screening.

4.4 Site Context

The subject property is located in South Pandosy east of Richter Street and south of Ethel Street on the south side of Rose Avenue. The subject property is within walking distance to a variety of amenities including Guisachan Village, Cameron Park, Kelowna General Hospital, and is located on a bicycle corridor with access to the proposed Ethel Street Active Transportation Corridor.

Subject Property Map: 775 Rose Avenue



5.0 Current Development Policies

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Authenticity and Regional Expression			
Do landscaping and building form convey a character that is distinct to Kelowna and the Central Okanagan?	✓		
Are materials in keeping with the character of the region?	✓		
Are colours used common in the region's natural landscape?	✓		

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Does the design provide for a transition between the indoors and outdoors?	✓		
Context			
Does the proposal maintain the established or envisioned architectural character of the neighbourhood?	✓		
Does interim development consider neighbouring properties designated for more intensive development?			✓
Are façade treatments facing residential areas attractive and context sensitive?	✓		
Are architectural elements aligned from one building to the next?			✓
For exterior changes, is the original character of the building respected and enhanced?			✓
Is the design unique without visually dominating neighbouring buildings?	✓		
For developments with multiple buildings, is there a sense of architectural unity and cohesiveness?	✓		
Relationship to the Street			
Do buildings create the desired streetscape rhythm?	✓		
Are parkade entrances located at grade?			✓
For buildings with multiple street frontages, is equal emphasis given to each frontage?			✓
Massing and Height			
Does the design mitigate the actual and perceived mass of buildings?	✓		
Does the height consider shading and view impacts for neighbouring properties and transition to less intensive areas?	✓		
Human Scale			
Are architectural elements scaled for pedestrians?	✓		
Are façades articulated with indentations and projections?	✓		
Are top, middle and bottom building elements distinguished?			✓
Do proposed buildings have an identifiable base, middle and top?			✓
Are building facades designed with a balance of vertical and horizontal proportions?	✓		
Are horizontal glazed areas divided into vertically proportioned windows separated by mullions or building structures?	✓		
Does the design incorporate roof overhangs and the use of awnings, louvers, canopies and other window screening techniques?		✓	
Is the visual impact of enclosed elevator shafts reduced through architectural treatments?			✓
Exterior Elevations and Materials			

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Are buildings finished with materials that are natural, local, durable and appropriate to the character of the development?	✓		
Are entrances visually prominent, accessible and recognizable?	✓		
Are higher quality materials continued around building corners or edges that are visible to the public?	✓		
Are a variety of materials used to create contrast, enhance the pedestrian environment and reduce the apparent mass of a building?	✓		
Are elements other than colour used as the dominant feature of a building?	✓		
Decks, Balconies, Rooftops and Common Outdoor Amenity Space			
Are decks, balconies or common outdoor amenity spaces provided?	✓		
Does hard and soft landscaping enhance the usability of decks, balconies and outdoor amenity spaces?	✓		
Are large flat expanses of roof enhanced with texture, colour or landscaping where they are visible from above or adjacent properties?			✓

6.o Application Chronology

Date of Application Received: December 23, 2017

Date Public Consultation Completed: May 5, 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 and Development Variance Permit DP17-0031 and DVP17-0032

Schedule "A": Dimensions and Siting

Schedule "B": Exterior Elevations and Materials

DEVELOPMENT PERMIT / DEVELOPMENT VARIANCE PERMIT



APPROVED ISSUANCE OF DEVELOPMENT PERMIT / DEVELOPMENT VARIANCE PERMIT NO. DP17-0031 DVP17-0032

Issued To: Wes Riley Jones, Tammy Retta Jones
Site Address: 775 Rose Avenue
Legal Description: Lot 7, DL 136, ODYD, Plan 11487
Zoning Classification: RM1 – Four Dwelling Housing
Development Permit Area: Comprehensive Development Permit – Multi-Family

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

AND THAT Council authorizes the issuance of Development Permit No. DP17-0031 and DVP17-0032 for Lot 7 DL 136 ODYD Plan 11487, located at 775 Rose Avenue, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";

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

Section 8.1.9(c) Parking and Loading: Location

To allow two required parking stalls to be located within 1.5m of the side property lines on the east and west sides;

AND FURTHER THAT this Development 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 17th day of October , 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

This forms part of application
DP17-0031 DVP17-0032

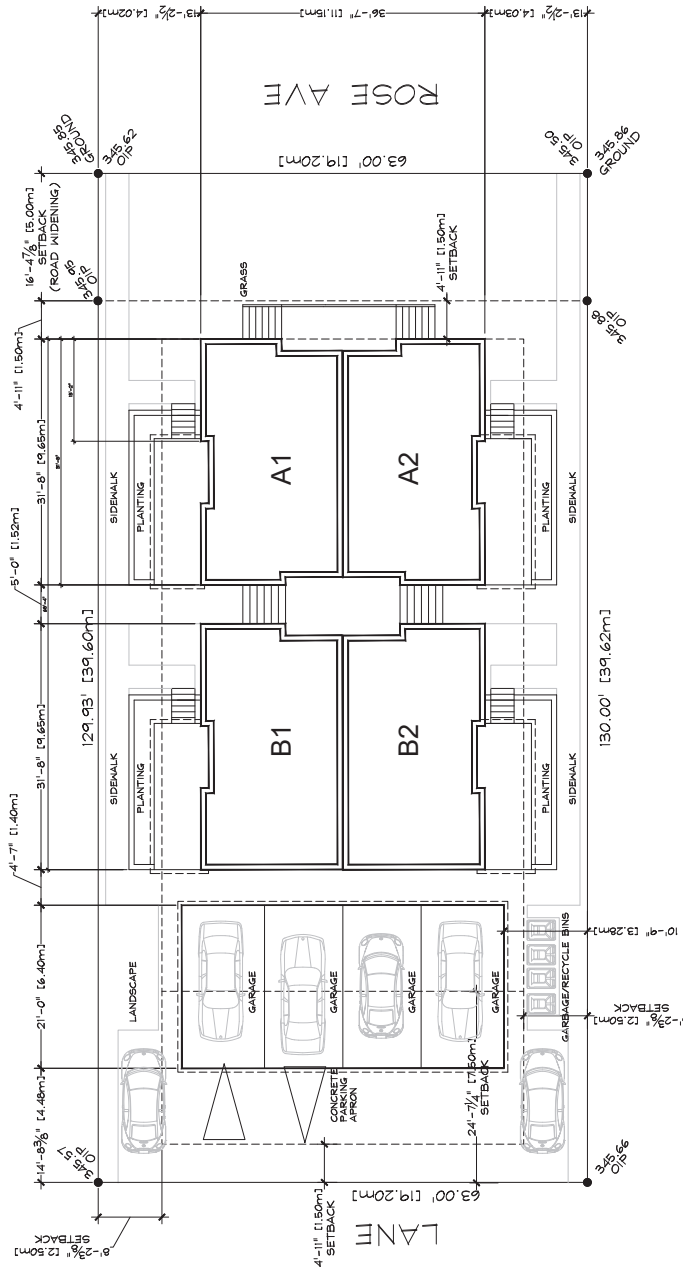
Planner
Initials TB



LOT INFORMATION

ZONING R16
LEGAL DESCR. 0.14-1-16, 00YD
CIVIC ADDRESS 775 ROSE AVE.
MILL CREEK FLOODPLAIN BYLAW: 345.05m

'Rose Avenue Project'
775 ROSE AVE, KELOWNA, BC



LOT COVERAGE

BUILDING COVERAGE
MAIN FLOOR = 2,022 SF
GARAGE = 872 SF
TOTAL LOT SQ/FT = 2,894 SF
TOTAL FOOTPRINT = 2,894 SF
TOTAL COVERAGE = 35.35%
MAX ALLOWED 40%

TOTAL SITE COVERAGE
MAIN FLOOR = 2,022 SF
GARAGE = 872 SF
PARKING/DRIVENAY = 9,872 SF
TOTAL LOT SQ/FT = 8,186 SF
TOTAL FOOTPRINT = 3,872 SF
TOTAL COVERAGE = 47.30%
MAX ALLOWED 50%

FLOOR AREA RATIO
MAIN FLOOR = 2,022 SF
UPPER FLOOR = 1,932 SF
GARAGE = 872 SF
TOTAL LOT SQ/FT = 4,826 SF
LOT AREA = 12,800 SF
FAR = 0.59 MAX ALLOWED 0.60

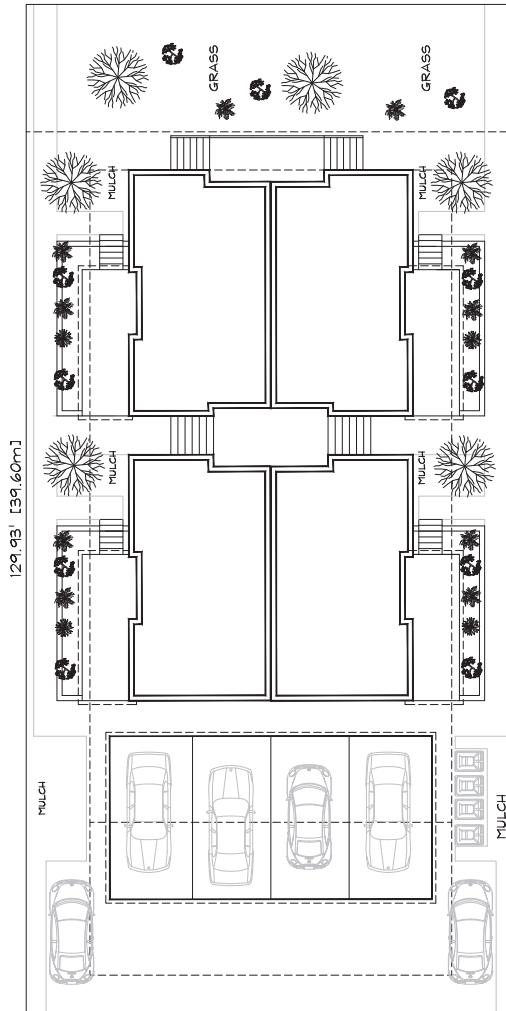


TB

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kelowna635@gmail.com

'Rose Avenue Project'
775 ROSE AVE., KELOWNA, BC

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ZONING RU6
LEGAL DESCR. PROPOSED RMI
LOT 7, DL 16, ODYD
PLAN 11487
CIVIC ADDRESS 775 ROSE AVE.

MAPLE

JAPANESE MAPLE

NINE BARK

BARBERRY

SMALL PLANTS AND FLOWERS
WILL BE ADDED TO PLANTING BEDS

SPECIFICATIONS

- EXTERIOR WALL
 - ACTIVE STUCCO ON
 - PAPER & WIRE BARS W/ SCRATCH COAT
 - 7" SHEATHING 4" O.C.
 - 8.25" BATT INSULATION
 - 9 MIL POLY V.A. (UV RESISTANT)
 - 5/8" GYPSUM BOARD
- GARAGE FLOOR
 - CONCRETE SLAB
 - SLOPE 2" MIN FOR DRAINAGE
- EXTERIOR FOUNDATION
 - 2" O.D. 36" SPIRANT INSULATION
 - 8" CONCRETE FOUNDATION WALL
 - 3" RIGID INSULATION TO EXTERIOR
 - 2" RIGID INSULATION TO INTERIOR
 - 24" 48" CONCRETE FOOTING
- INTERIOR FOUNDATION
 - 6" CONCRETE CURB
 - 6" 4" CONCRETE FOOTING
- DRAINAGE
 - 6" MIN DRAIN ROCK COVER
 - 4" DIA. DRAIN TILE

BELOW GRADE WALL ASSEMBLY OPTION 1

DESCRIPTION	NOMINAL	EFFECTIVE
8" FOUNDATION WALLS W/ 2X6 P.W.F. RSI 2.65 (#1.5.1)		
OTHER BUILDING ENCLOSURE LAYERS CONTRIBUTE TO EFFECT INSUL.		
1. DAMPROOFING/INTERIOR AIR FILM 0.33		1.9
TOTAL EFFECTIVE INSULATION VALUE (#1.6) O.C. FRAMING	RSI 2.99 (#1.7.0)	
MINIMUM THERMAL RESISTANCE FOR BELOW GRADE WALLS W/ HR. (#1.7.2)	RSI 2.98	
MINIMUM EFFECTIVE THERMAL RESISTANCE FOR BELOW GRADE WALLS (#1.9.2)	RSI 2.98	

BELOW GRADE WALL ASSEMBLY OPTION 2

DESCRIPTION	NOMINAL	EFFECTIVE
8" FOUNDATION WALLS W/ 3" EPS (#75.3)	RSI 2.65	
TOTAL EFFECTIVE INSULATION VALUE (#1.6) O.C. FRAMING	RSI 2.98	
MINIMUM THERMAL RESISTANCE FOR BELOW GRADE WALLS W/ HR. (#1.7.2)	RSI 2.98	
MINIMUM EFFECTIVE THERMAL RESISTANCE FOR BELOW GRADE WALLS (#1.9.2)	RSI 2.98	

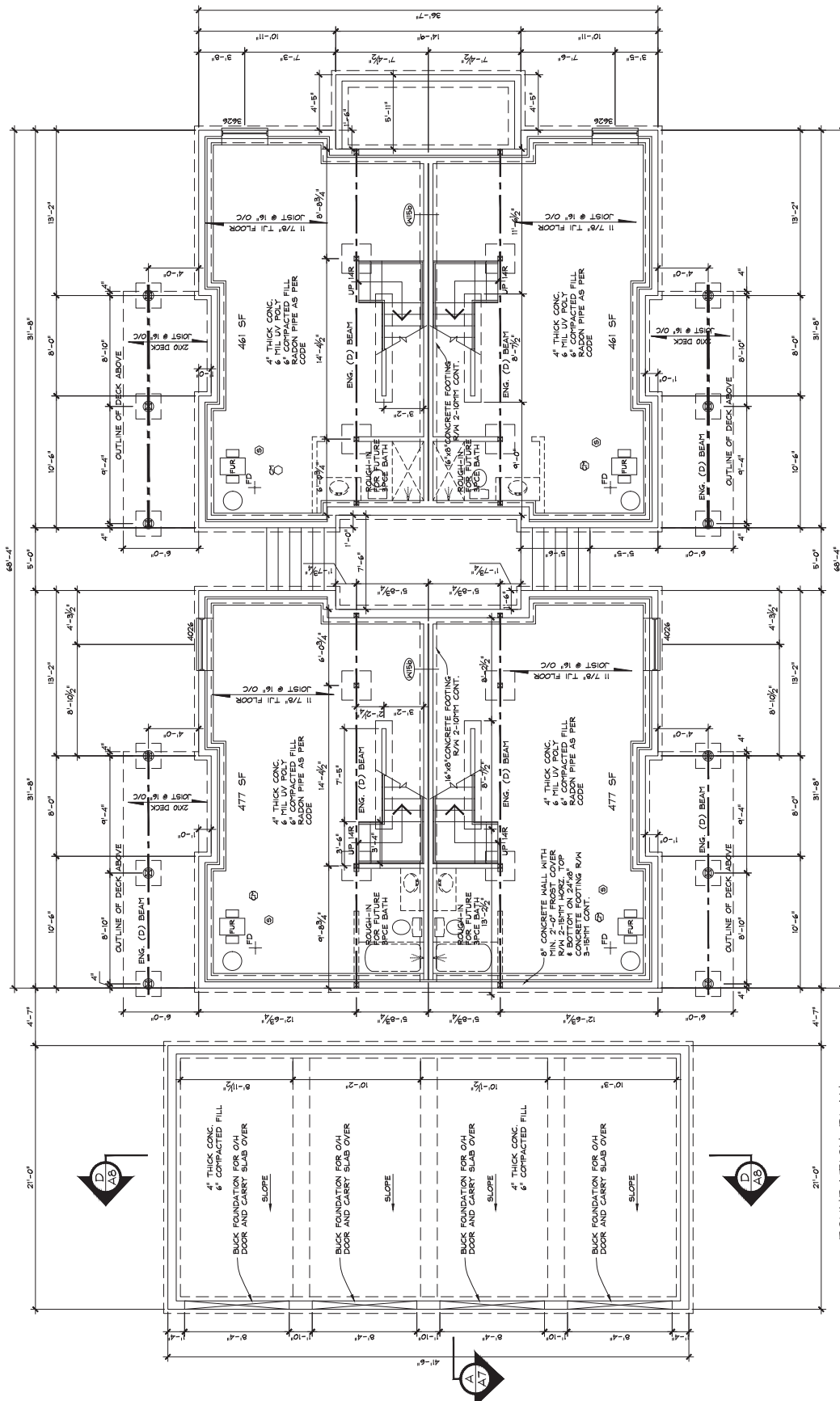
SCHEDULE

This forms part of application
DP17-0031 DVP 17-0032

Plumbing Initials	TB
OTHER BUILDING ENCLOSURE LAYERS CONTRIBUTE TO EFFECT INSUL.	
1. DAMPROOFING/INTERIOR AIR FILM	

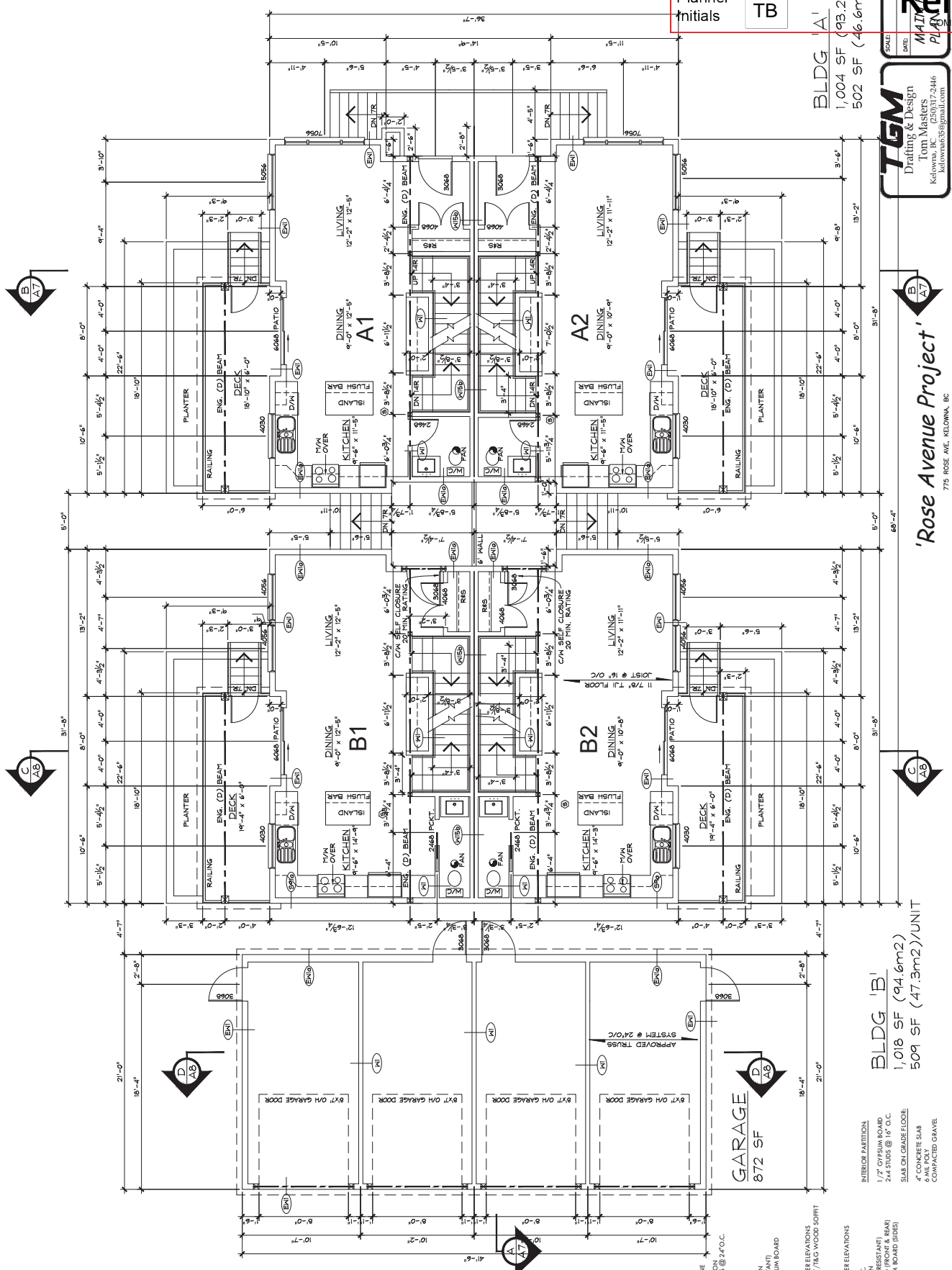
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City of Kelowna
COMMUNITY PLANNING



FOUNDATION PLAN

- NOTES**
- PROVIDE FIRE STOPS IN ACCORDANCE WITH BC BUILDING CODE REFERENCE 9.10.1.3 AND SMOKE ALARMS IN ACCORDANCE WITH REFERENCE 9.10.1.8.
 - PROVIDE DAMPROOFING, WATERPROOFING AND SOIL GAS CONTROL IN ACCORDANCE WITH BC BUILDING CODE REFERENCE SECTION 9.1.3 & 9.1.6.2.
 - FOOTINGS ARE TO BE PLACED ON UNDISTURBED OR COMPACTED SOIL WITH AN ALLOWABLE BEARING PRESSURE OF 2000LB/SQ.FT. OR GREATER.
 - FOOTINGS ARE TO BE PLACED ON UNDISTURBED OR COMPACTED SOIL WITH AN ALLOWABLE BEARING PRESSURE OF 2000LB/SQ.FT. OR GREATER. COMPACTION TO BE TESTED BY QUALIFIED PROFESSIONAL OR GEOTECHNICAL ENGINEER.



BLDG 'A'
1,004 SF (93.2m²)
502 SF (46.6m²)/UNIT

BLDG 'B'
1,018 SF (94.6m²)
509 SF (47.3m²)/UNIT

GARAGE
872 SF

SPECIFICATIONS

ROOF:
TORCH-ON MEMBRANE
1/2" T&G PLYWOOD ON
BNGD ROOF TRUSSES @ 24" O.C.

CEILING:
8-50 BATT INSULATION
6 MIL V.S. D.V. RESISTANT
1/2" ANTI-SAG GYPSUM BOARD

FASCIA/SOFFIT:
EXTERIOR FINISH AS PER ELEVATIONS
VENTED ALUM. SOFFIT/T&G WOOD SOFFIT

EXTERIOR WALL:
EXTERIOR FINISH AS PER ELEVATIONS
1/2" GYPSUM BOARD
244 STUDS @ 16" O.C.
1/2" GYPSUM BOARD (FRONT & REAR)
5/8" TYPE X GYPSUM BOARD (SIDES)

INTERIOR PARTITION:
1/2" GYPSUM BOARD
244 STUDS @ 16" O.C.
1/2" GYPSUM BOARD (FRONT & REAR)
5/8" TYPE X GYPSUM BOARD (SIDES)

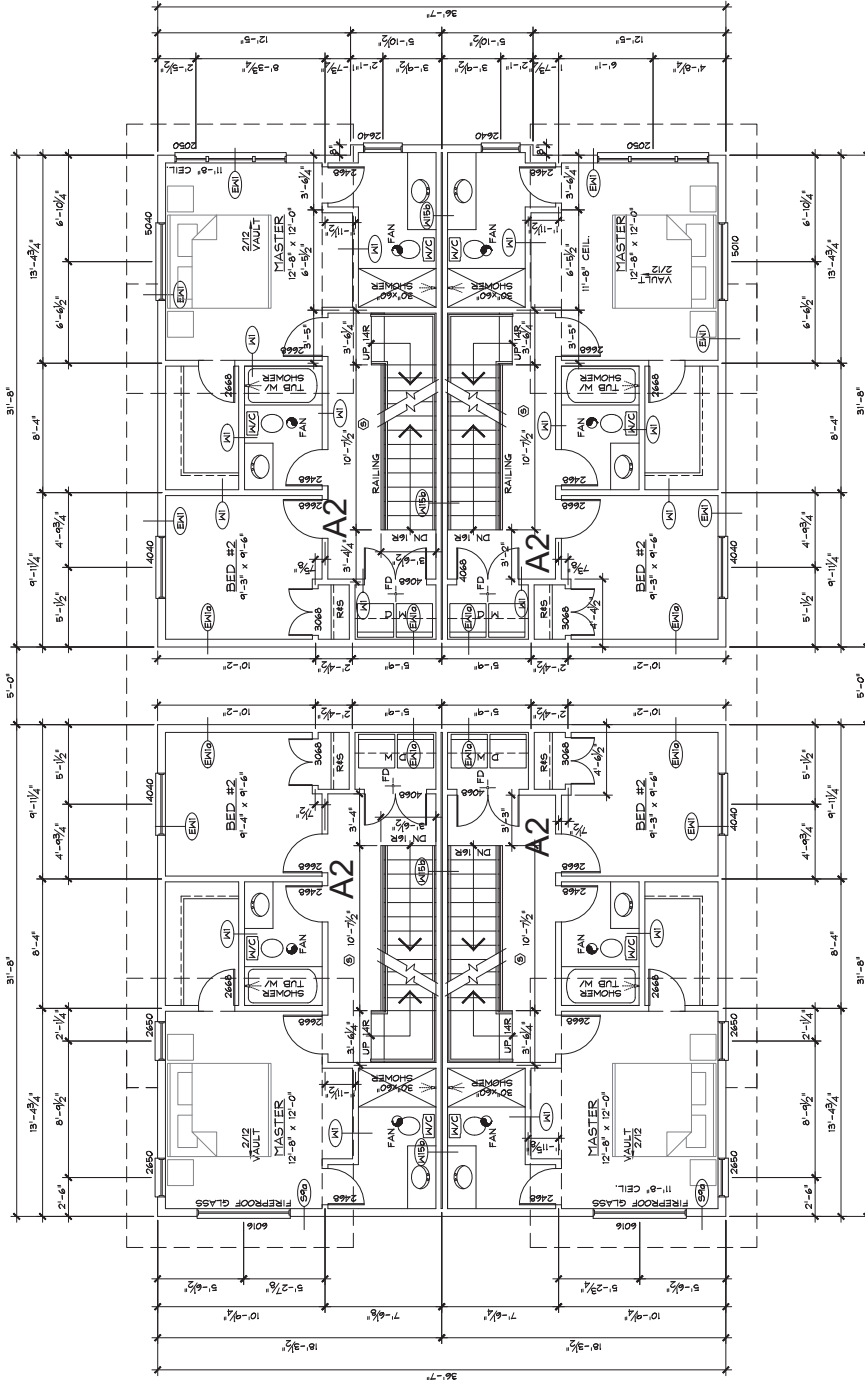
FLOOR:
4" CONCRETE SLAB
2" COMPACTED GRAVEL

'Rose Avenue Project'
775 ROSE AVE, KELOWNA, BC

SCHEDULE

This forms part of application
DP17-0031 DVP17-0032

Planner
Initials **TB**



BLDG 'A'
966 SF (89.7m2)
483 SF (44.9m2)/UNIT

BLDG 'B'
966 SF (89.7m2)
483 SF (44.9m2)/UNIT

'Rose Avenue Project'
775 ROSE AVE, KELOWNA, BC

ROOF ASSEMBLY - CATHEDRAL CEILINGS

DESCRIPTION R-55 MIN INSULATION IN ENG. TRUSS @ 24" O.C.	NOMINAL R-55 U.I.	EFFECTIVE R-55 U.I.
OTHER BUILDING ENCLOSURE LAYERS CONTRIBUTE TO EFFECT INSUL.		
1. INTERIOR AIR FILM	0.12	0.48
2. 1/2" GYPSUM BOARD	0.08	0.45
3. 7/8" SHEATHING	0.11	0.62
4. ROOF FINISH	0.00	0.00
TOTAL EFFECTIVE INSULATION VALUE (@24" O.C. FRAMING)		R-9.12 (R-51.75)
MINIMUM EFFECTIVE THERMAL RESISTANCE W/HV		R-9.47 (R-26.5)
MINIMUM EFFECTIVE THERMAL RESISTANCE		R-9.47 (R-26.5)

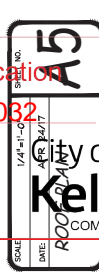
SCHEDULE

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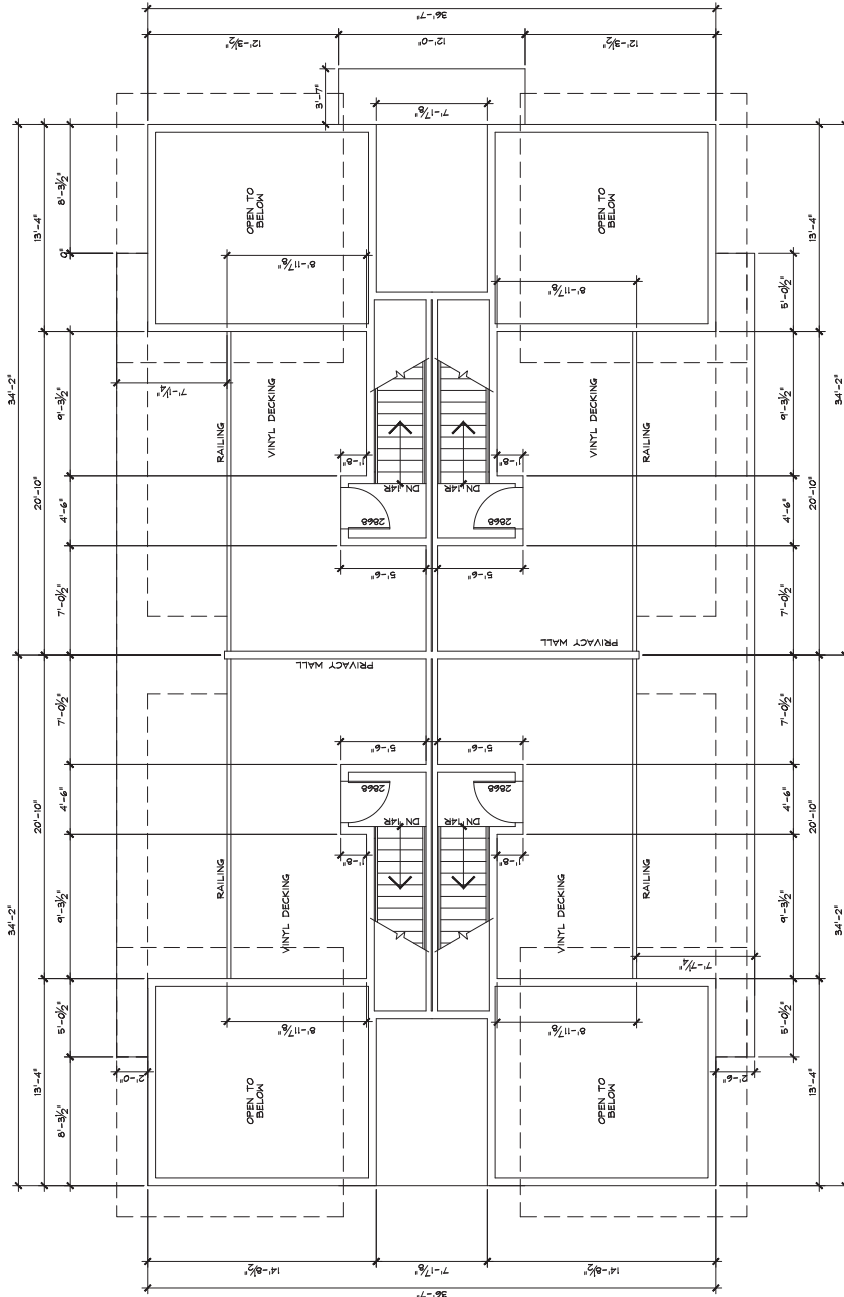
DP17-0031 DVP17-0032

Planner
Initials

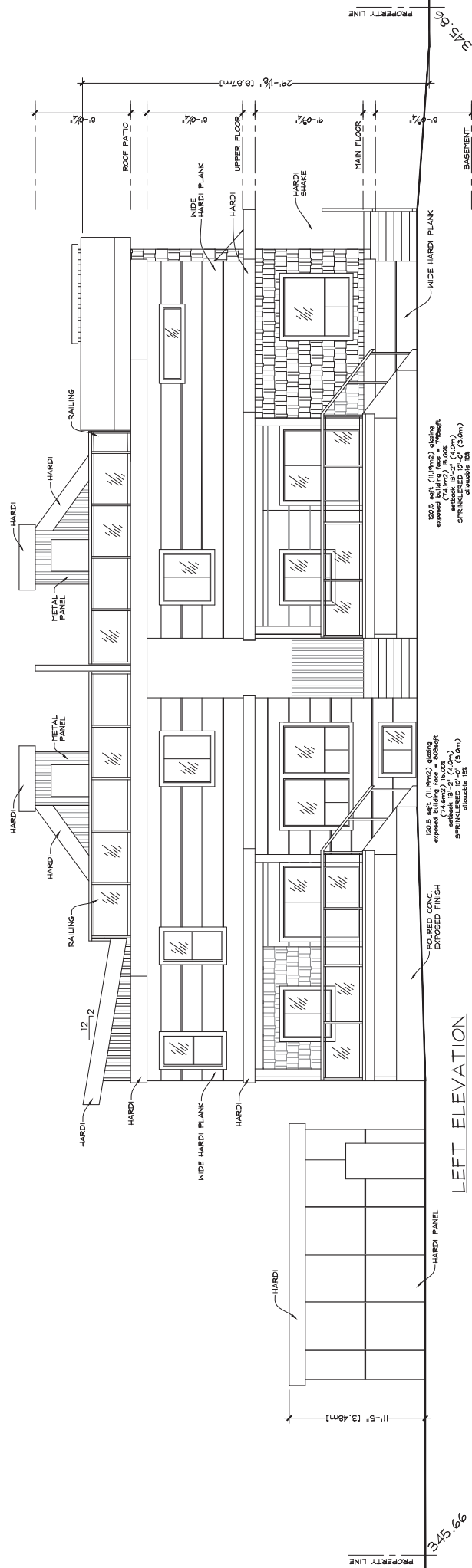
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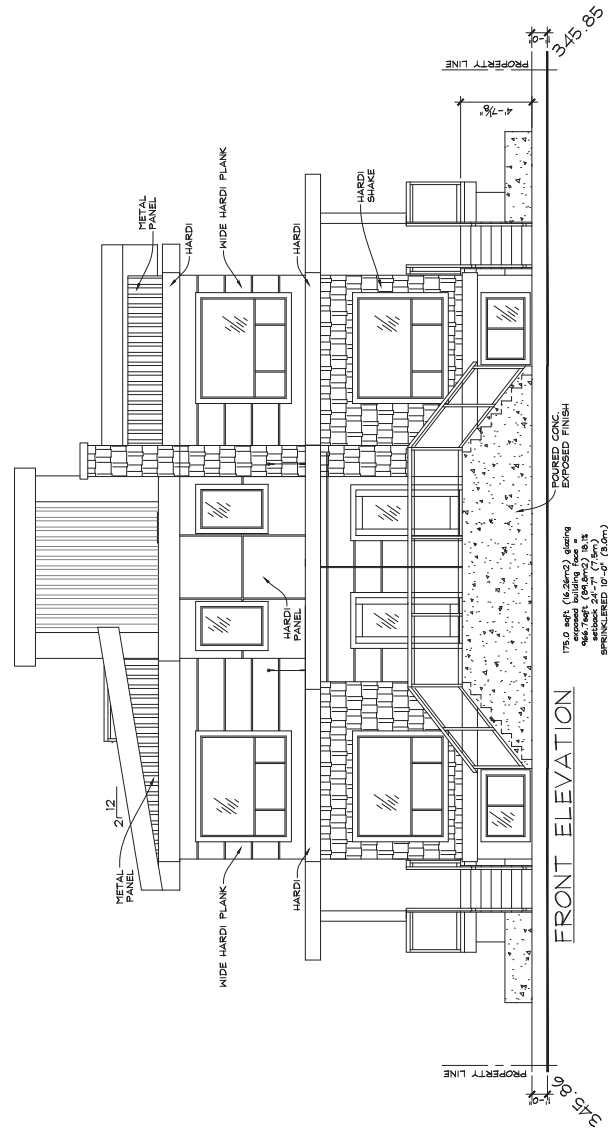
'Rose Avenue Project'
775 ROSE AVE, KELOWNA, BC



ROOF PATIO
213 SF(19.87 m2)/UNIT



LEFT ELEVATION



FRONT ELEVATION

SCHEDULE

This forms part of application
DP17-0031 DVP17-0032

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Initials

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City of Kelowna
COMMUNITY PLANNING

A6
ELEVATION

SCALE: 1/4" = 1'-0"
DATE: APR 24/17



'Rose Avenue Project'
775 ROSE AVE, KELOWNA, BC

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DP17-0031 DVP17-0032



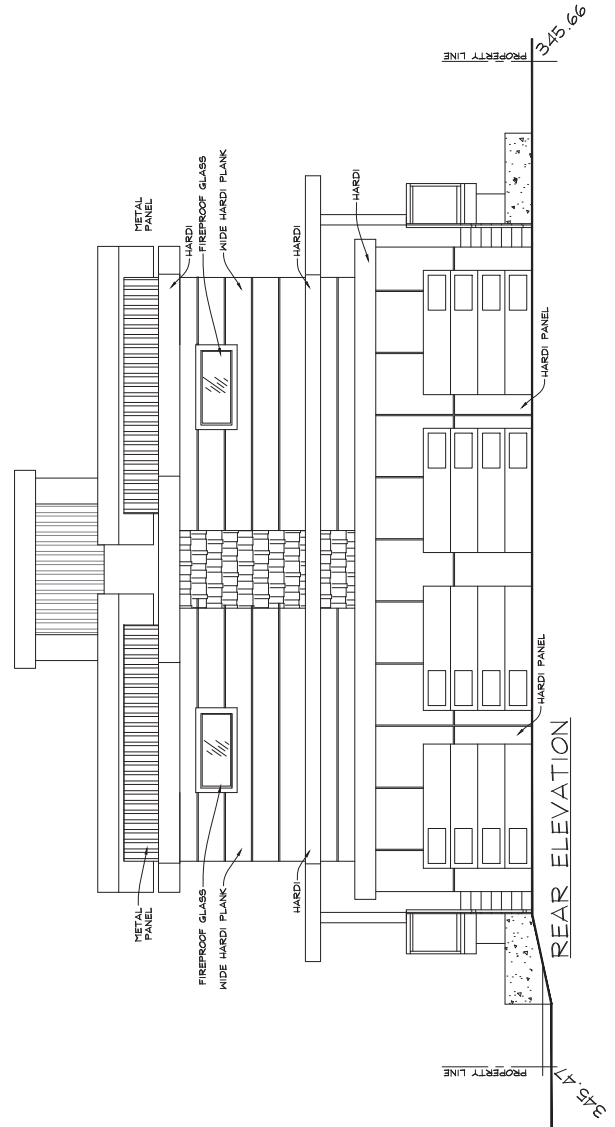
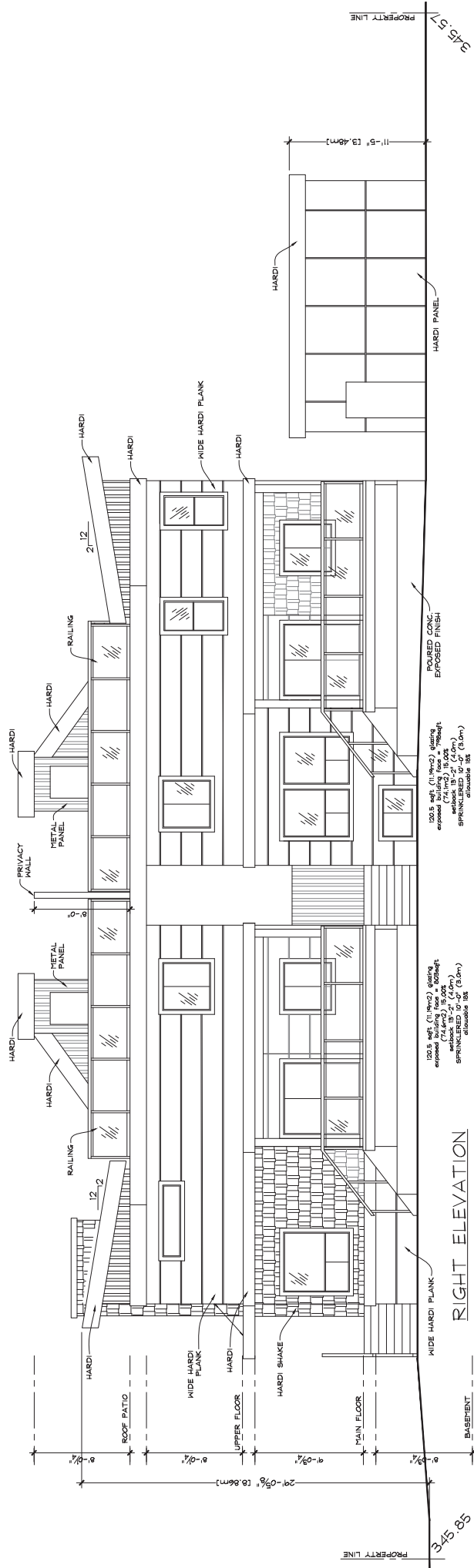
City of Kelowna
COMMUNITY PLANNING

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B

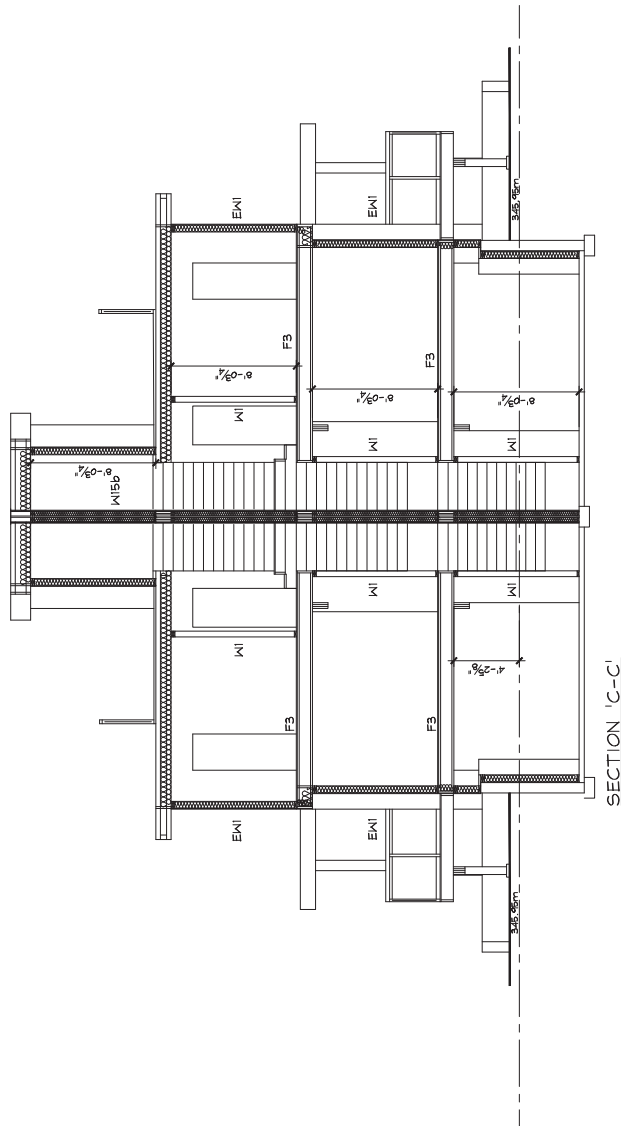
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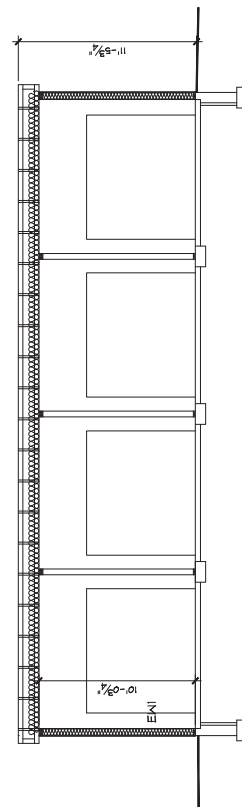
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775 ROSE AVE., KELOWNA, BC



SECTION 'C-C'



SECTION 'D-D'

WALL TYPES

- W1** 38 MM X 89 MM STUDS SPACED 400 MM OR 600 MM O.C.
WITH OR WITHOUT ABSORPTIVE MATERIAL
1 LAYER OF GYPSUM BOARD ON EACH SIDE
- W15** TWO ROWS 38 MM X 89 MM STUDS, EACH SPACED 400 MM
OR 600 MM O.C. ON SEPARATE 38 MM X 89 MM PLATES
SET 25 MM APART
WITH OR WITHOUT ABSORPTIVE MATERIAL
2 LAYERS OF GYPSUM BOARD ON EACH SIDE
- W15b** W15 WITH
89 MM THICK ABSORPTIVE MATERIAL ON EACH SIDE(4)(8)
12.7 MM TYPE X GYPSUM BOARD(5) 1 HR FR
- EW1** 38 MM X 89 MM STUDS SPACED 400 MM OR 600 MM O.C.
89 MM THICK ABSORPTIVE MATERIAL(6)
1 OR 2 LAYERS OF GYPSUM BOARD ON INSIDE
EXTERIOR SHEATHING AND SIDING
- EW1a** EW1 WITH
15.9 MM TYPE X GYPSUM BOARD(5)(9) 1 HR FR
- F3** SUBFLOOR OF 15.5 MM PLYWOOD, OSB OR WAFFERBOARD
OR 17MM TONGUE AND GROOVE LUMBER
ON WOOD JOISTS CHANGE BEGIN OR WOOD 1-JOISTS
CHANGE END SPACED NOT MORE THAN 600 MM O.C.
WITH OR WITHOUT ABSORPTIVE MATERIAL IN CAVITY
1 LAYER OF GYPSUM BOARD ON CEILING SIDE
- S9a** 31 MM X 152 MM STEEL STUDS SPACED 400 MM OR 600 MM O.C.
2 LAYERS OF 12.7 MM TYPE X GYPSUM BOARD ON EACH SIDE
150 MM THICK ABSORPTIVE MATERIAL

SCHEDULE

This forms part of application
DP17-0031 DVP17-0032

Planner
Initials

TB



'Rose Avenue Project'

775 ROSE AVE. KELOWNA, BC

CITY OF KELOWNA
BYLAW NO. 11411
Z17-0012 – 861 Rose Ave

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 7, District Lot 136, ODYD, Plan 8116 located on Rose Avenue, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the RM1 – Four 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 29th day of May, 2017.

Considered at a Public Hearing on the 27th day of June, 2017.

Read a second and third time by the Municipal Council this 27th day of June, 2017.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: November 7, 2017

RIM No. 0940-00

To: City Manager

From: Community Planning Department (TB)

Application: DP17-0036 DVP17-0037 **Owner:** Pillar West Developments Inc.
Inc No BC1066488

Address: 861 Rose Avenue **Applicant:** Integrity Services Inc.

Subject: Development Permit and Development Variance Permit

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

Proposed Zone: RM1 – Four Dwelling Housing

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11411 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0036 and DVP17-0037 for Lot 7 DL 136 ODYD Plan 8116, located at 861 Rose Avenue, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";

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

Section 8.1.9(c) Parking and Loading: Location

To allow two required parking stalls to be located within 1.5m of the side property lines on the east and west sides;

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

2.0 Purpose

To consider the form and character of four-plex housing and to vary the location of two required parking stalls to be located within 1.5 m of the side property lines on the east and west sides.

3.0 Community Planning

Community Planning supports the Development Permit and Development Variance Permit on the subject property as it is consistent with Official Community Plan (OCP) Policies regarding Urban Growth and Infill. The proposed design meets the majority of the design guidelines for Comprehensive Development – Multi-Family and attention has been given to ensure the street facing frontages have a high quality of design. This is one of three similar applications on Rose Avenue, and the applicants have taken care to ensure variation in materials and colours between the three designs.

The two variances are to allow two required parking stalls to be located within the side yard setback within 1.5m of the property lines on the east and west sides. The impact will be minimal on the adjacent properties as the stalls are located in the rear off of the lane and the applicant has proposed fencing around the property to ensure privacy.

4.0 Proposal

4.1 Background

This is one of three similar four-plex applications on Rose Avenue, the first one was approved by Council on September 19th, 2017, and two are under consideration at this meeting. The existing home will be demolished as a function of this development.

4.2 Project Description

The proposed four-plex housing meets the current OCP Policies regarding Compact Urban Form and Sensitive Infill by creating density where infrastructure exists, and providing a height and massing that is sensitive to the neighbourhood.

The four-plex is designed in modern and contemporary style with visually interesting rooflines in addition to rooftop patio outdoor amenity space for each unit. The materials and colours relate to the region's visual landscape by incorporating natural materials such as stone into the design. Attention to the streetscape is apparent as the two front units have ground-oriented and well defined front entrances. There are wall projections and indentations that create visual interest along the front facade. The height is consistent with several other new builds in the area, and it is anticipated that as this area redevelops this proposal will be consistent with the future streetscape.

This is one of three similar applications on Rose Avenue, and the applicants have taken care to ensure there is variation in materials and colours between the three designs. This design, specifically, a combination of hardie plank siding in dark and light greys.

4.3 Variances

Two variances are considered as a function of the site layout. Each of the four units requires 1.5 parking stalls for a total of 6 parking stalls. The applicant is proposing 4 covered stalls in a common garage accessed from the lane, with 2 additional stalls on either side of the garage. The 2 uncovered stalls are located at 0.0 m to the lot line when 1.5 m is required in the Zoning Bylaw. The stalls have been increased in width to 3.45 m to accommodate the additional width required when both sides of a parking stall are obstructed (fence, and garage wall). It is not anticipated that the location of these parking stalls will have a negative impact

on the adjacent properties as they are located in the rear of the property well away from the nearby homes, and fencing will be used for screening.

4.4 Site Context

The subject property is located in South Pandosy east of Richter Street and south of Ethel Street on the south side of Rose Avenue. The subject property is within walking distance to a variety of amenities including Guisachan Village, Cameron Park, Kelowna General Hospital, and is located on a bicycle corridor with access to the proposed Ethel Street Active Transportation Corridor.

Subject Property Map: 861 Rose Avenue



5.0 Current Development Policies

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Authenticity and Regional Expression			
Do landscaping and building form convey a character that is distinct to Kelowna and the Central Okanagan?	✓		
Are materials in keeping with the character of the region?	✓		
Are colours used common in the region's natural landscape?	✓		
Does the design provide for a transition between the indoors and outdoors?	✓		
Context			
Does the proposal maintain the established or envisioned architectural character of the neighbourhood?	✓		

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Does interim development consider neighbouring properties designated for more intensive development?			✓
Are façade treatments facing residential areas attractive and context sensitive?	✓		
Are architectural elements aligned from one building to the next?			✓
For exterior changes, is the original character of the building respected and enhanced?			✓
Is the design unique without visually dominating neighbouring buildings?	✓		
For developments with multiple buildings, is there a sense of architectural unity and cohesiveness?	✓		
Relationship to the Street			
Do buildings create the desired streetscape rhythm?	✓		
Are parkade entrances located at grade?			✓
For buildings with multiple street frontages, is equal emphasis given to each frontage?			✓
Massing and Height			
Does the design mitigate the actual and perceived mass of buildings?	✓		
Does the height consider shading and view impacts for neighbouring properties and transition to less intensive areas?	✓		
Human Scale			
Are architectural elements scaled for pedestrians?	✓		
Are façades articulated with indentations and projections?	✓		
Are top, middle and bottom building elements distinguished?			✓
Do proposed buildings have an identifiable base, middle and top?			✓
Are building facades designed with a balance of vertical and horizontal proportions?	✓		
Are horizontal glazed areas divided into vertically proportioned windows separated by mullions or building structures?	✓		
Does the design incorporate roof overhangs and the use of awnings, louvers, canopies and other window screening techniques?		✓	
Is the visual impact of enclosed elevator shafts reduced through architectural treatments?			✓
Exterior Elevations and Materials			
Are buildings finished with materials that are natural, local, durable and appropriate to the character of the development?	✓		
Are entrances visually prominent, accessible and recognizable?	✓		
Are higher quality materials continued around building corners or edges that are visible to the public?	✓		

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Are a variety of materials used to create contrast, enhance the pedestrian environment and reduce the apparent mass of a building?	✓		
Are elements other than colour used as the dominant feature of a building?	✓		
Decks, Balconies, Rooftops and Common Outdoor Amenity Space			
Are decks, balconies or common outdoor amenity spaces provided?	✓		
Does hard and soft landscaping enhance the usability of decks, balconies and outdoor amenity spaces?	✓		
Are large flat expanses of roof enhanced with texture, colour or landscaping where they are visible from above or adjacent properties?			✓

6.o Application Chronology

Date of Application Received: December 23, 2017

Date Public Consultation Completed: May 5, 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 and Development Variance Permit DDP17-0036 and DVP17-0037

Schedule "A": Dimensions and Siting

Schedule "B": Exterior Elevations and Materials

DEVELOPMENT PERMIT / DEVELOPMENT VARIANCE PERMIT



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2. 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:

Section 8.1.9(c) Parking and Loading: Location

To allow two required parking stalls to be located within 1.5m of the side property lines on the east and west sides;

AND FURTHER THAT this Development 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 17th day of October , 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

This forms part of application

DP17-0036
DVP17-0037

Planner
Initials **TB**

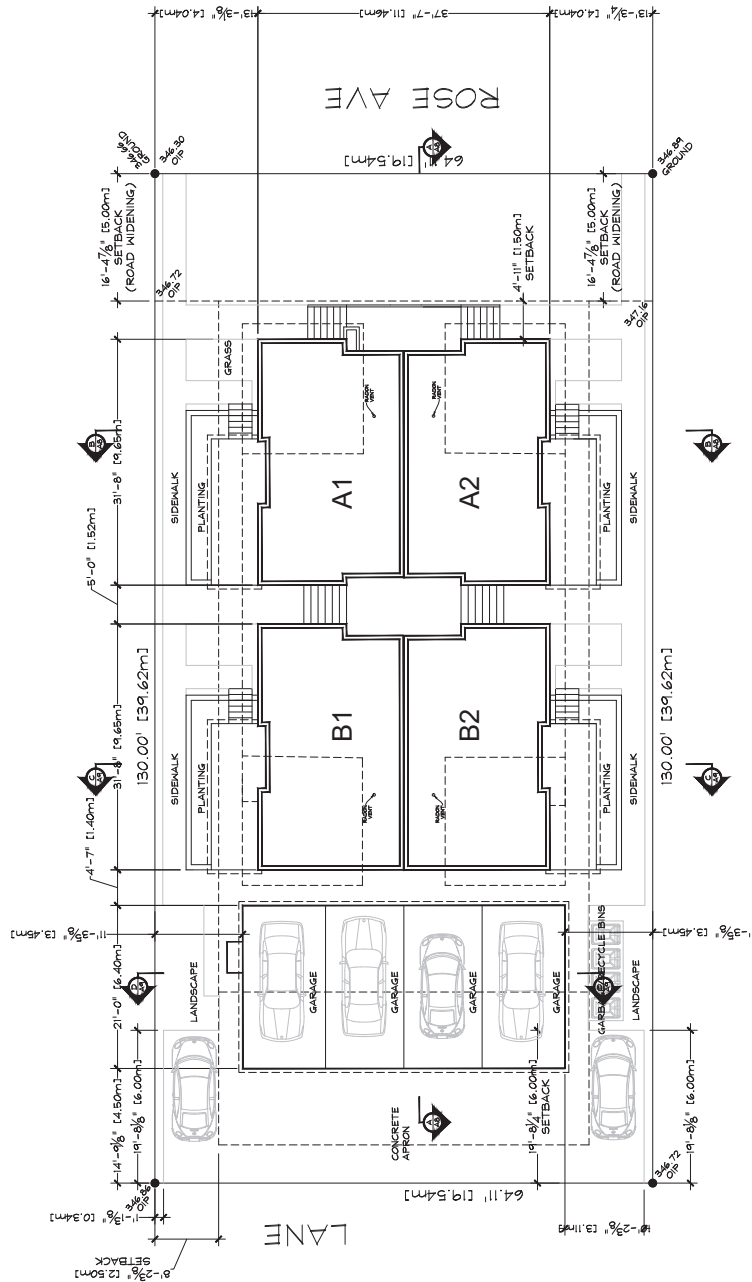
City of Kelowna
COMMUNITY PLANNING

TGM
Drafting & Design
Tom Masters
Kelowna, BC
(250)372-2446
kelowna6@gmail.com

A1

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

DATE: AUG 23/17



LOT INFORMATION

ZONING: R16
LEGAL DESCR.: 10' x 16', ODYD
CIVIC ADDRESS: 861 ROSE AVE.
MILL CREEK FLOODPLAIN BYLAW: 346.75m

FLOOR AREA RATIO:

MAIN FLOOR	= 2,082 SF
UPPER FLOOR	= 1,982 SF
PARKING/DRIVEWAY	= 978 SF
LANDSCAPE	= 4,946 SF
LOT AREA	= 8,334 SF
FAR	= 0.89 MAX ALLOWED 0.60

TOTAL SITE COVERAGE

MAIN FLOOR	= 2,082 SF
GARAGE	= 872 SF
PARKING/DRIVEWAY	= 978 SF
LANDSCAPE	= 3,932 SF
TOTAL LOT SQ/FT	= 8,334 SF
TOTAL FOOTPRINT	= 3,932 SF
TOTAL COVERAGE	= 47.18%
MAX ALLOWED	50%

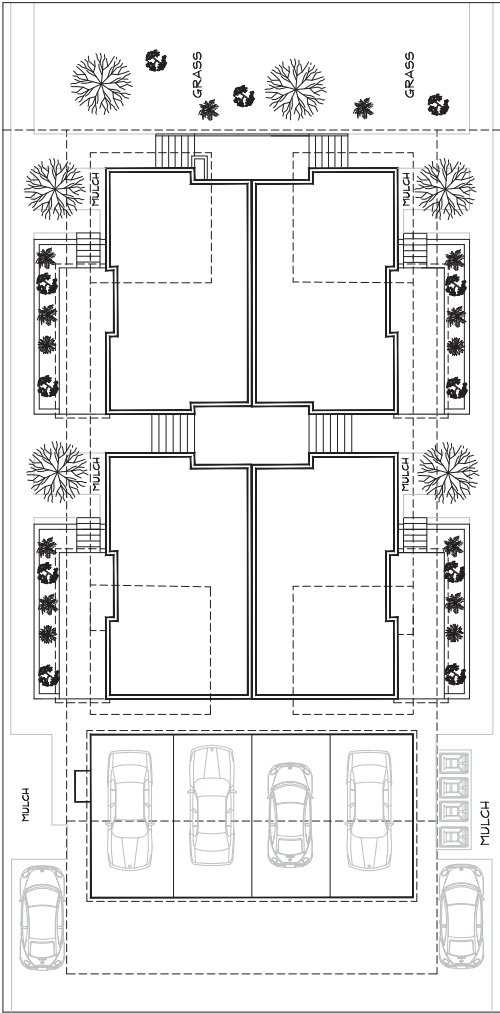
LOT COVERAGE

BUILDING COVERAGE

MAIN FLOOR	= 2,082 SF
GARAGE	= 872 SF
PARKING/DRIVEWAY	= 978 SF
LANDSCAPE	= 4,946 SF
TOTAL LOT SQ/FT	= 8,334 SF
TOTAL FOOTPRINT	= 2,954 SF
TOTAL COVERAGE	= 35.45%
MAX ALLOWED	40%

'Rose Avenue Project'

861 ROSE AVE, KELOWNA, BC



- MAPLE
- JAPANESE MAPLE
- NINE BARK
- BARBERRY
- SMALL PLANTS AND FLOWERS WILL BE ADDED TO PLANTING BEDS

LOT INFORMATION

PROPOSED RMH
ZONING RU6
LEGAL DESCR. PLAN 616
CIVIC ADDRESS 861 ROSE AVE.

Planner
Initials TB

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DVP17-0037

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SCHEDULE

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City of Kelowna
COMMUNITY PLANNING
DATE 12/23/17
SCALE 1/8"=1'-0"



'Rose Avenue Project'
861 ROSE AVE, KELOWNA, BC

SPECIFICATIONS

- EXTERIOR WALL
- ACTIVE STUCCO ON
- PAPER & WIRE BARS W/ SCRATCH COAT
- 2" SHEATHING 1/2" O.C.
- 2" RIGID INSULATION
- 5/8" POLY V.A. (U.V. RESISTANT)
- 5/8" GYPSUM BOARD
- GARAGE FLOOR
- CONCRETE SLAB
- SLOPE 2" MIN FOR DRAINAGE
- EXTERIOR FOUNDATION
- 2" COOLANT RADIATION
- 3" RIGID INSULATION TO
- CONCRETE FOUNDATION WALL
- MAX 24" BELOW FINISH GRADE
- 24" RIGID CONCRETE FOOTING
- INTERIOR FOUNDATION
- 6" CONCRETE CURB
- 6" 4" CONCRETE FOOTING
- DRAINAGE
- 6" MIN DRAIN ROCK COVER
- 4" DIA. DRAIN TILE

BELOW GRADE WALL ASSEMBLY

DESCRIPTION	NOMINAL	EFFECTIVE
8" FOUNDATION WALLS W/ 2X6 PWF	RSI 2.65	(R-15.1)
8" 24" O.C. W/ R-24 BATT INSULATION		
OTHER BUILDING ENCLOSURE LAYERS		
CONTRIBUTE TO EFFECT INSUL.		
1. DAMPROOFING/INTERIOR AIR FILM	0.33	1.9
TOTAL EFFECTIVE INSULATION VALUE		
(@24" O.C. FRAMING)		RSI 2.99
MINIMUM U-VALUE		(R-17.6)
FOR BELOW GRADE WALLS W/ R/V		RSI 2.98
MINIMUM U-VALUE		(R-17.5)
FOR BELOW GRADE WALLS		RSI 2.98
MINIMUM U-VALUE		(R-16.92)

SCHEDULE

This forms part of application

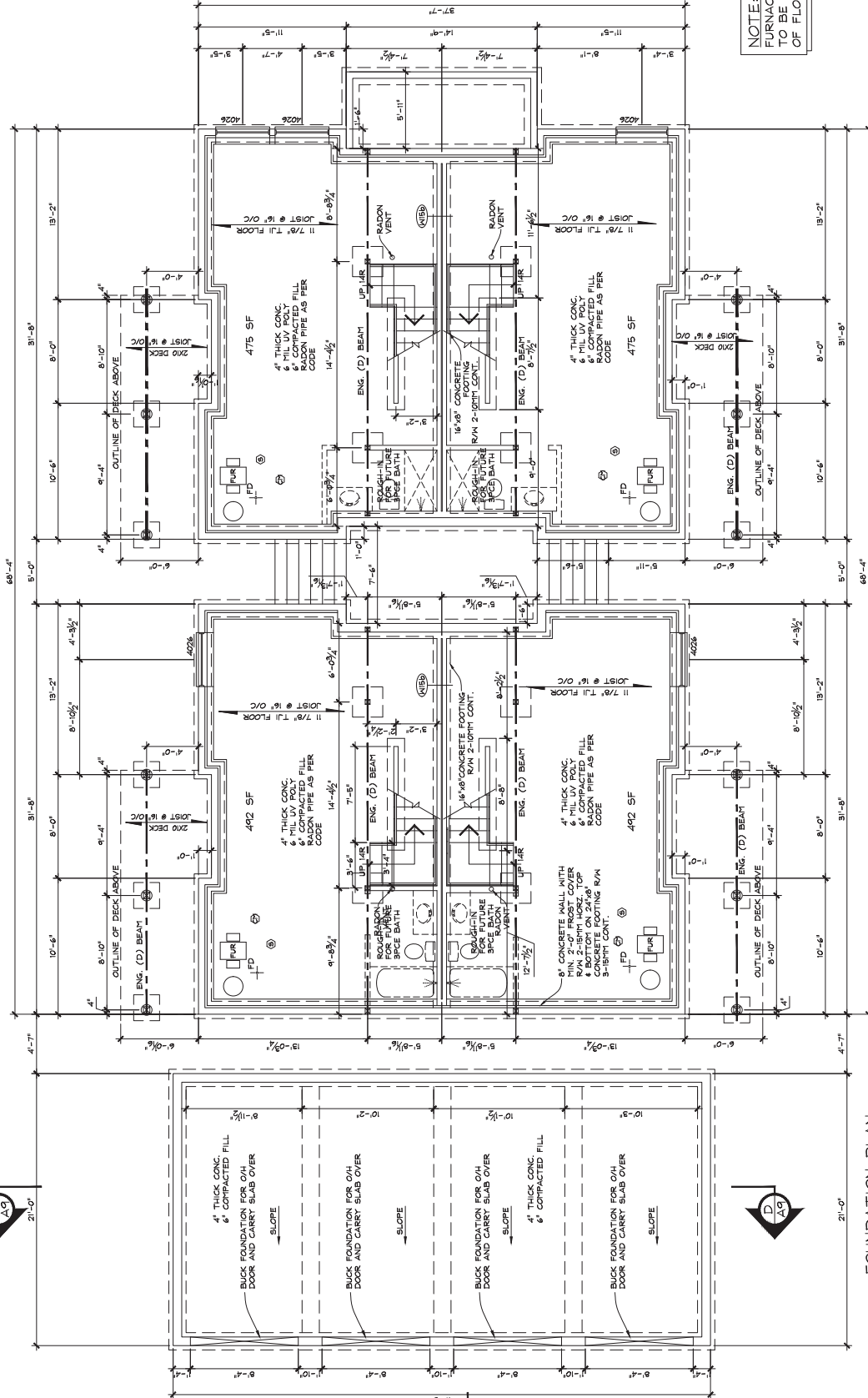
DP17-0036
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Planner
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NOTE:
FURNACES IN ALL UNITS
TO BE HUNG FROM UNDERSIDE
OF FLOOR JOISTS

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FOUNDATION PLAN

- NOTES
- PROVIDE FIRE STOPS IN ACCORDANCE WITH BC BUILDING CODE REFERENCE 9.10.1.3 AND SMOKE ALARMS IN ACCORDANCE WITH REFERENCE 9.10.1.8.
 - PROVIDE DAMPROOFING, WATERPROOFING AND SOIL GAS CONTROL IN ACCORDANCE WITH BC BUILDING CODE REFERENCE SECTION 9.1.3 & 9.1.2.
 - FOOTINGS ARE TO BE PLACED ON UNDISTURBED OR COMPACTED SOIL WITH AN ALLOWABLE BEARING PRESSURE OF 2000 LB/SQ.FT. OR GREATER.
 - FOOTINGS ARE TO BE PLACED ON UNDISTURBED OR COMPACTED SOIL WITH AN ALLOWABLE BEARING PRESSURE OF 2000 LB/SQ.FT. OR GREATER. COMPACTION TO BE TESTED BY QUALIFIED PROFESSIONAL OR GEOTECHNICAL ENGINEER.

'Rose Avenue Project'
861 ROSE AVE. KELOWNA, BC

ABOVE GRADE WALL ASSEMBLY (HARDI SIDING)

DESCRIPTION	NOMINAL	EFFECTIVE
R-24 BATT INSULATION IN 2X6	R-13.1	R-13.1
WOOD FRAMING @ 24" O.C.		
OTHER BUILDING ENCLOSURE LAYERS CONTRIBUTE TO EFFECT INSUL.		
1. EXTERIOR AIR FILM	0.03	0.17
2. HARD SIDING	0.03	0.11
3. FINISHING PAPER	N/A	N/A
4. N/A	0.11	0.63
5. 7/8" PLYWOOD SHEATHING	0.00	0.00
6. POLYETHYLENE	0.00	0.00
7. 3/4" TYPE X GYPSUM WALL BOARD	0.099	0.56
8. INTERIOR AIR FILM	0.12	0.68
TOTAL EFFECTIVE INSULATION VALUE		R-3.42
(R-17.49)		(R-17.49)
MINIMUM EFFECTIVE THERMAL RESISTANCE		R-12.50
FOR ABOVE GRADE WALLS W/HRY		(R-12.50)
MINIMUM EFFECTIVE THERMAL RESISTANCE		R-13.08
FOR ABOVE GRADE WALLS		(R-13.08)

SCHEDULE

This forms part of application

DP17-0036
DVP17-0037

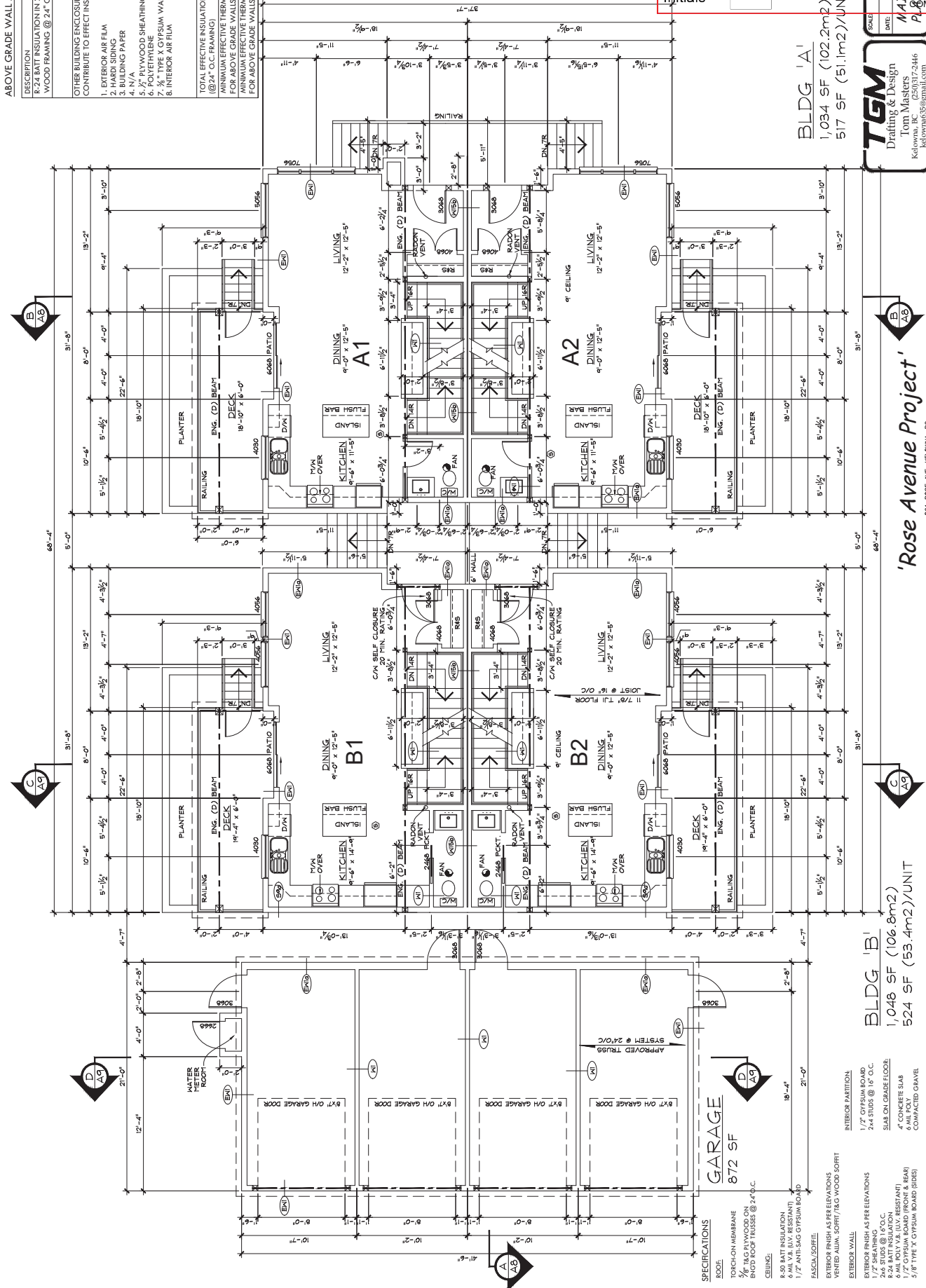
Planner
Initials

TB

BLDG 'A'
1,034 SF (102.2m²)
517 SF (51.1m²)/UNIT

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Tom Masters
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kelowna6@gmail.com

A3
MAINTENANCE
PLAN



'Rose Avenue Project'

BLDG 'B'
1,048 SF (106.8m²)
524 SF (53.4m²)/UNIT

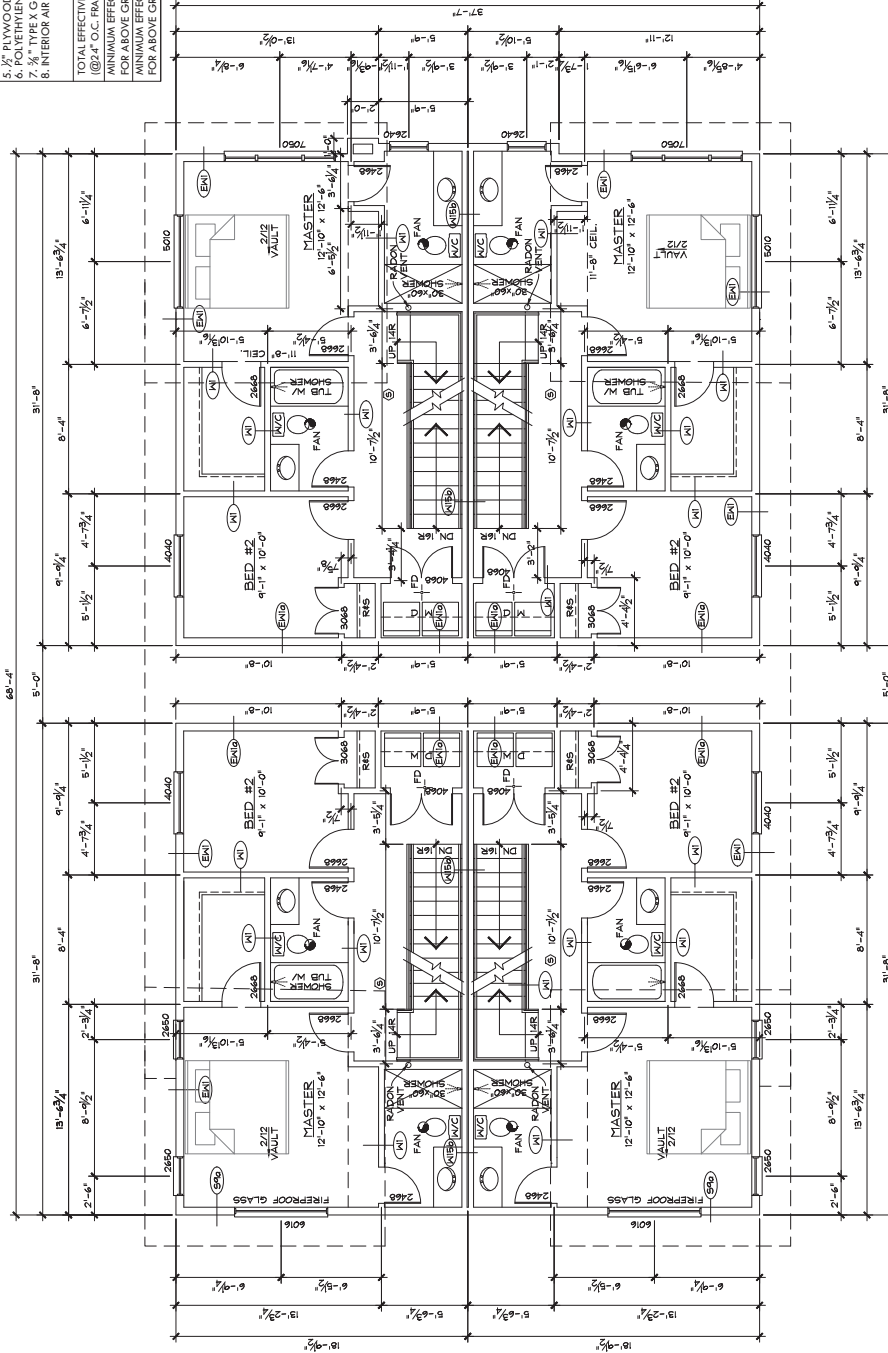
SPECIFICATIONS
ROOF:
TORCH-ON MEMBRANE
3/8" T&G PLYWOOD ON
BNC'D ROOF TRUSSES @ 24" O.C.
CEILING:
8.50 BATT INSULATION
6 MIL V.B. (A.V. RESISTANT)
1/7" ANTI-SAG GYPSUM BOARD
FASCIA/SOFFIT:
EXTERIOR FINISH AS PER ELEVATIONS
VENTED ALUM. SOFFIT/T&G WOOD SOFFIT
INTERIOR WALL:
1/7" GYPSUM BOARD
2x4 STUDS @ 16" O.C.
SUB ON GRADE FLOOR:
4" CONCRETE SLAB
5/8" GYPSUM BOARD (FRONT & REAR)
5/8" TYPE X GYPSUM BOARD (SIDES)

ROOF ASSEMBLY - CATHEDRAL CEILINGS

DESCRIPTION	NOMINAL	EFFECTIVE
R-50 BATT INSULATION IN ENG. TRUSS @ 24" O.C.	RSI 8.81	RSI 5.00
OTHER BUILDING ENCLOSURE LAYERS CONTRIBUTE TO EFFECT INSUL.		
1. INTERIOR AIR FILM	0.12	0.68
2. 1/2" GYPSUM BOARD	0.08	0.45
3. 1/4" SHEATHING	0.03	0.25
4. ROOF FINISH	0.00	0.00
TOTAL EFFECTIVE INSULATION VALUE (@24" O.C. FRAMING)		RSI 9.12 (R-51.7)
MINIMUM EFFECTIVE THERMAL RESISTANCE W/ HRV		RSI 2.65 (R-26.5)
MINIMUM EFFECTIVE THERMAL RESISTANCE FOR ABOVE GRADE WALLS		RSI 4.67 (R-26.5)

ROOF ASSEMBLY - CATHEDRAL CEILINGS

DESCRIPTION	NOMINAL	EFFECTIVE
R-50 BATT INSULATION IN ENG. TRUSS @ 24" O.C.	RSI 8.81	RSI 5.00
OTHER BUILDING ENCLOSURE LAYERS CONTRIBUTE TO EFFECT INSUL.		
1. INTERIOR AIR FILM	0.12	0.68
2. 1/2" GYPSUM BOARD	0.08	0.45
3. 1/4" SHEATHING	0.03	0.25
4. ROOF FINISH	0.00	0.00
TOTAL EFFECTIVE INSULATION VALUE (@24" O.C. FRAMING)		RSI 9.12 (R-51.7)
MINIMUM EFFECTIVE THERMAL RESISTANCE W/ HRV		RSI 2.65 (R-26.5)
MINIMUM EFFECTIVE THERMAL RESISTANCE FOR ABOVE GRADE WALLS		RSI 4.67 (R-26.5)



BLDG 'B'

996 SF (92.6m²)
498 SF (46.3m²)/UNIT

BLDG 'A'

996 SF (92.6m²)
498 SF (46.3m²)/UNIT

'Rose Avenue Project'

861 ROSE AVE, KELOWNA, BC

SCHEDULE

This forms part of application

DP17-0036
DVP17-0037

Planner
Initials

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SCHEDULE

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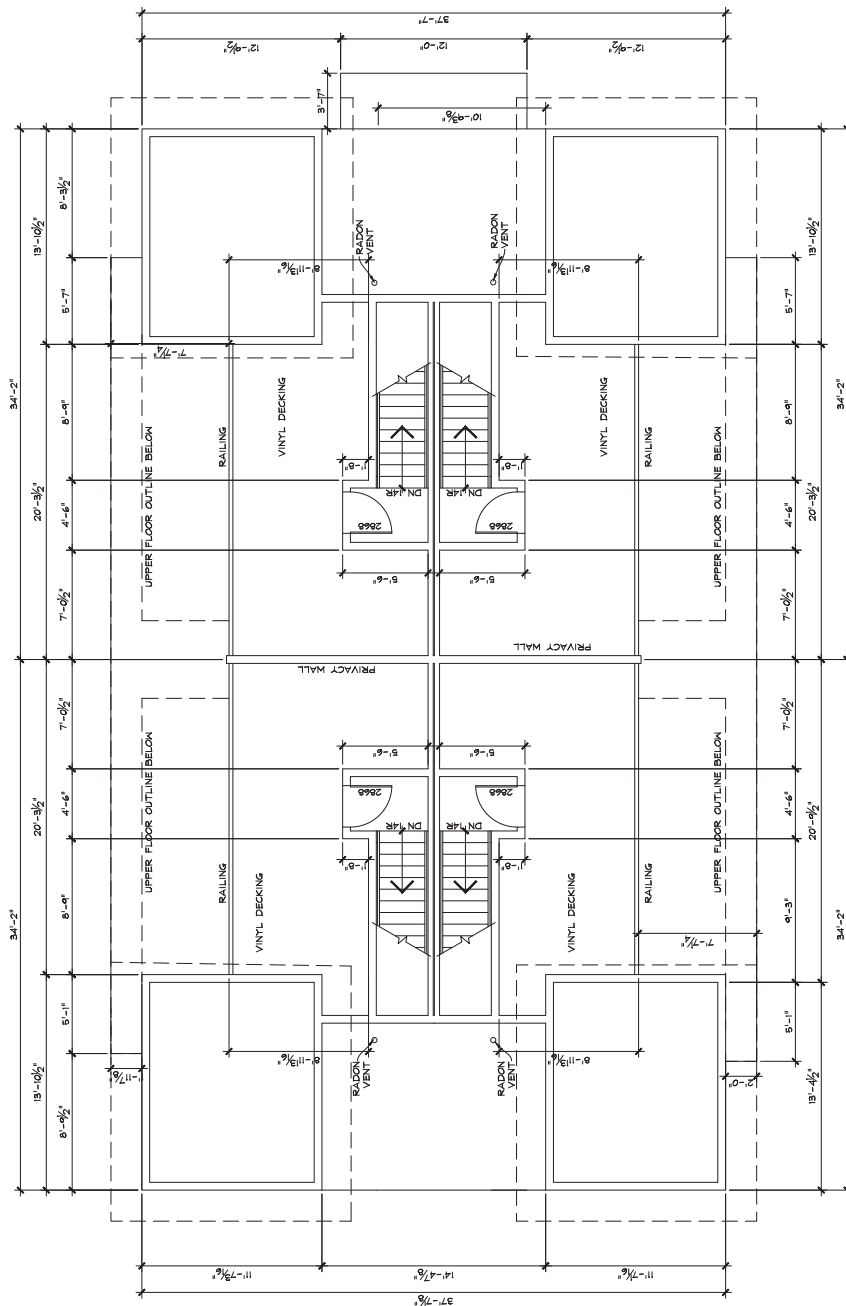
DP17-0036
DVP17-0037

Planner
Initials

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'Rose Avenue Project'
861 ROSE AVE, KELOWNA, BC



ROOF PATIO
213 SF (19.87 m2)/UNIT

B

DP17-0036 DVP17-0037

TB

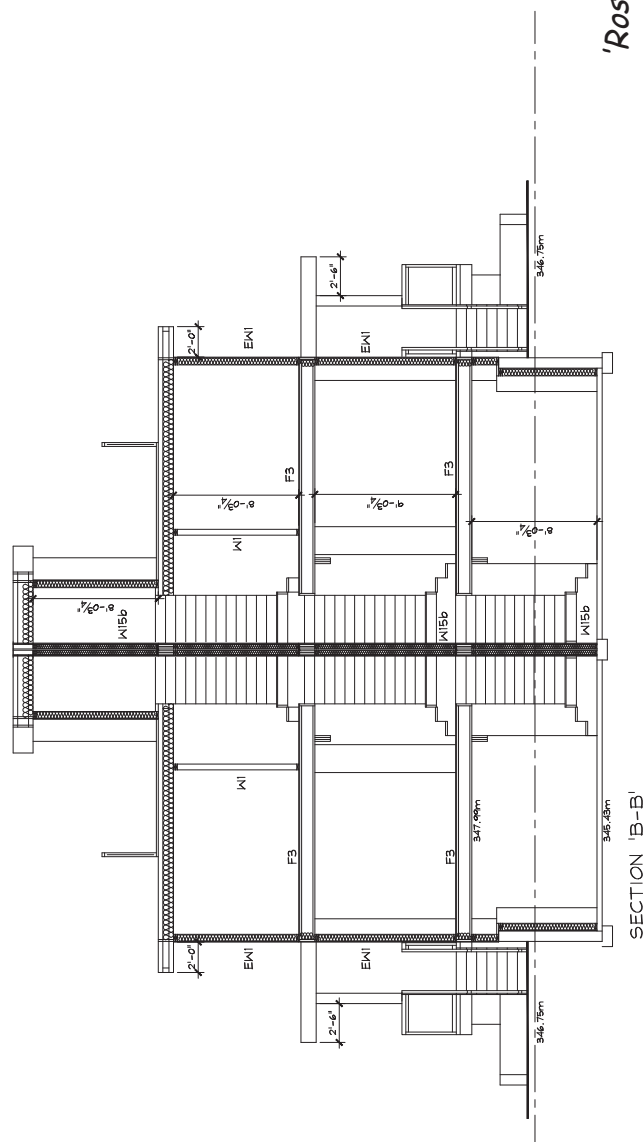
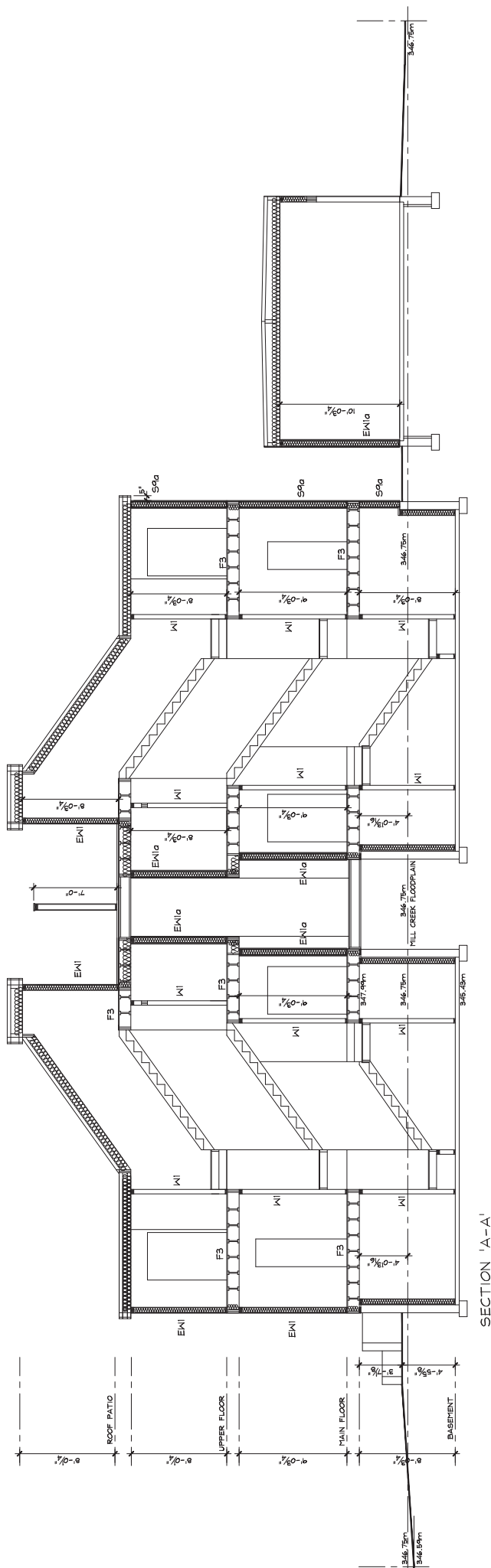


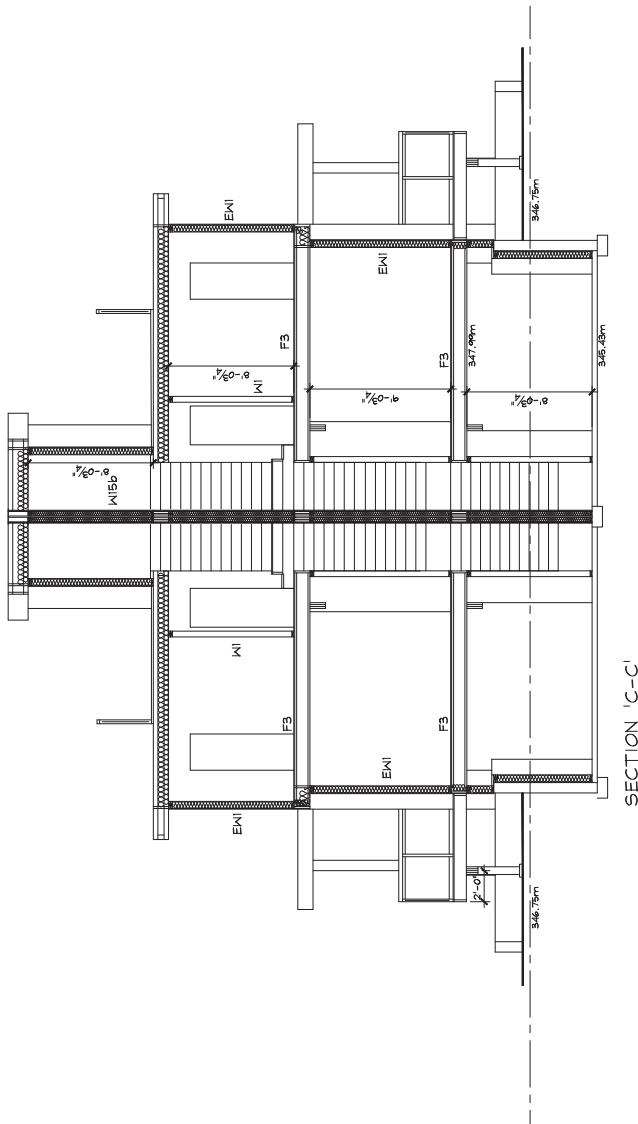
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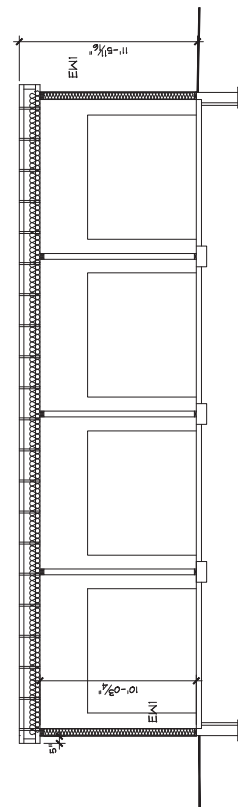
'Rose Avenue Project'

DATE: DOG AND KEN CUMULATIVE DOG





SECTION 'C-C'



SECTION 'D-D'

WALL TYPES

- K1 38 MM X 84 MM STUDS SPACED 400 MM OR 600 MM O.C. WITH OR WITHOUT ABSORPTIVE MATERIAL
1 LAYER OF GYPSUM BOARD ON EACH SIDE
- K1B TWO ROWS 38 MM X 84 MM STUDS, EACH SPACED 400 MM OR 600 MM O.C. WITH OR WITHOUT ABSORPTIVE MATERIAL
1 LAYER OF 13 MM GYPSUM BOARD ON INSIDE
2 LAYERS OF GYPSUM BOARD ON EACH SIDE
- K1Sb 12.7 MM THICK ABSORPTIVE MATERIAL ON EACH SIDE
12.7 MM TYPE X GYPSUM BOARD 1 H
- EN1 38 MM X 140 MM STUDS SPACED 400 MM OR 600 MM O.C. 84 MM THICK ABSORPTIVE MATERIAL
1 LAYER OF 13 MM GYPSUM BOARD ON INSIDE
EXTERIOR SHEATHING AND SIDING
- F3 SUBFLOOR OF 15.5 MM PLYWOOD, OSB OR MAFERBOARD, 15.5 MM THICK ABSORPTIVE MATERIAL
ON JOISTS CHANGE BEGINNING WOOD JOISTS CHANGE
END SPACED NOT MORE THAN 600 MM O.C.
WITH OR WITHOUT ABSORPTIVE MATERIAL IN CAVITY
1 LAYER OF GYPSUM BOARD ON CEILING SIDE
- S9a 81 MM X 183 MM STEEL STUDS SPACED 400 MM OR 600 MM O.C. 2 LAYERS OF 12.7 MM TYPE X GYPSUM BOARD ON EACH SIDE
150 MM THICK ABSORPTIVE MATERIAL

SCHEDULE

This forms part of application

DP17-0036 DVP17-0037

Planner
Initials

TB



'Rose Avenue Project'

861 ROSE AVE, KELOWNA, BC



SCHEDULE

B

This forms part of application

DP17-0036 DVP17-0037

Planner
Initials TB

City of
Kelowna
COMMUNITY PLANNING



2017/05/10

<http://cofk.kelowna.ca/sites/146/146%20Address%20File%20PR/Rose%20Ave%20861/front%201.bmp>

REPORT TO COUNCIL



Date: November 7, 2017

RIM No. 0940-00

To: City Manager

From: Community Planning Department (MS)

Application: DVP16-0241 **Owner:** Pillar West Developments Inc.

Address: 4646 McClure Rd **Applicant:** Integrity Services Inc.

Subject: Development Variance Permit for Lot Width to facilitate a Three Lot Subdivision

Existing OCP Designation: S2RES – Single / Two Unit Residential
PARK – Parks and Open Space

Existing Zone: RU1 – Large Lot Residential Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0241 for Lot 2 Section 25 TWP 28 SDYD Plan 29484, located on McClure Road, Kelowna, BC;

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

13.1.5 Subdivision Regulations

(a) The minimum **lot width** is 16.5 m permitted to:

Lot B – 15.72 m proposed on the subject property.

AND THAT Council's consideration of the Development Variance Permit be considered whereby the Bellevue Creek Floodplain and Riparian Management Area be dedicated to the City of Kelowna as a lot as a condition of and concurrent to subdivision, and the installation of a 1.2m tall black chain link fence be installed 150mm inside the owner's new property line adjacent to the dedicated area; and the registration on title of a 3.5 m wide Statutory Right of Way in favour of the City for flood protection and public access from McClure Road to Bellevue Creek; and the installation of a 1.2m tall black chain link fence be installed at the edge of the Statutory Right of Way, in accordance with Attachment A;

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

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 consider a Staff recommendation to issue a Development Variance Permit to vary the required lot width on 1 of 3 proposed lots being created through Subdivision, for Lot B from 16.50m required to 15.72m proposed.

3.0 Community Planning

Staff supports the application in its current form. This proposal is consistent with OCP policies requiring the dedication of natural areas upon subdivision, particularly in cases where rezoning or variances result in additional density. In addition, the policies are outlined to ensure that housing is an adequate distance with an intervening interface area between the housing and potential hazards such as flooding¹.

In addition to considerations for flood and riparian area protection, the Bellevue Creek Linear Park Master Plan runs along Bellevue Creek and a portion of the property has a Future Land Use of Park. While this future plan identifies a walking trail along the other side of the creek (south) from the property, the Concept Plan has identified an interest for crossings along this section of the stream that connect the trail to neighbourhoods north of Bellevue Creek where possible.

The applicant has indicated they are willing to provide a park dedication along Bellevue Creek, together with a 3.5m Statutory Right of Way (SRW) along the north property line, to provide access for maintenance in case of emergency flood protection or for future public access (if required). (See Proposed Subdivision Plan below).

As there are no short term plans for a public trail connection through the property at this time, the SRW would be fenced, gated and locked for maintenance purposes, for the foreseeable future. The SRW would only be opened should public access be required at this location to connect to the future Bellevue Creek corridor.

4.0 Proposal

4.1 Background

This property was originally subdivided in 1978, through a two lot split that divided the property from the property to the north (Lot 1). A Section 219 Covenant is on the property prohibiting building or disturbance within 15 metres of Bellevue Creek. This is shown on the Subject Property Map below.

4.2 Project Description

The application is for a Development Variance Permit to vary the required lot width on 1 of the 3 proposed lots, and thereby facilitating a three lot subdivision in the RU1 – Large Lot Housing zone. Specifically, the request is to vary Lot B from 16.50 m required to 15.72 m proposed, together with a 3.5m Statutory Right of Way for maintenance and public access on Lot A.

The Bellevue Creek Riparian Management Area and floodplain lies along the western boundary of the property. An existing No Build / No Disturb covenant is currently on title, but OCP policy outlines dedication as the preferred option for long term habitat and flood protection. In addition, correspondence from the Ministry of Forests, Lands and Natural Resource Operations states that the preferred option for riparian area protection is public park².

¹ City of Kelowna Official Community Plan, Policy 5.14.7 (Development Process Chapter).

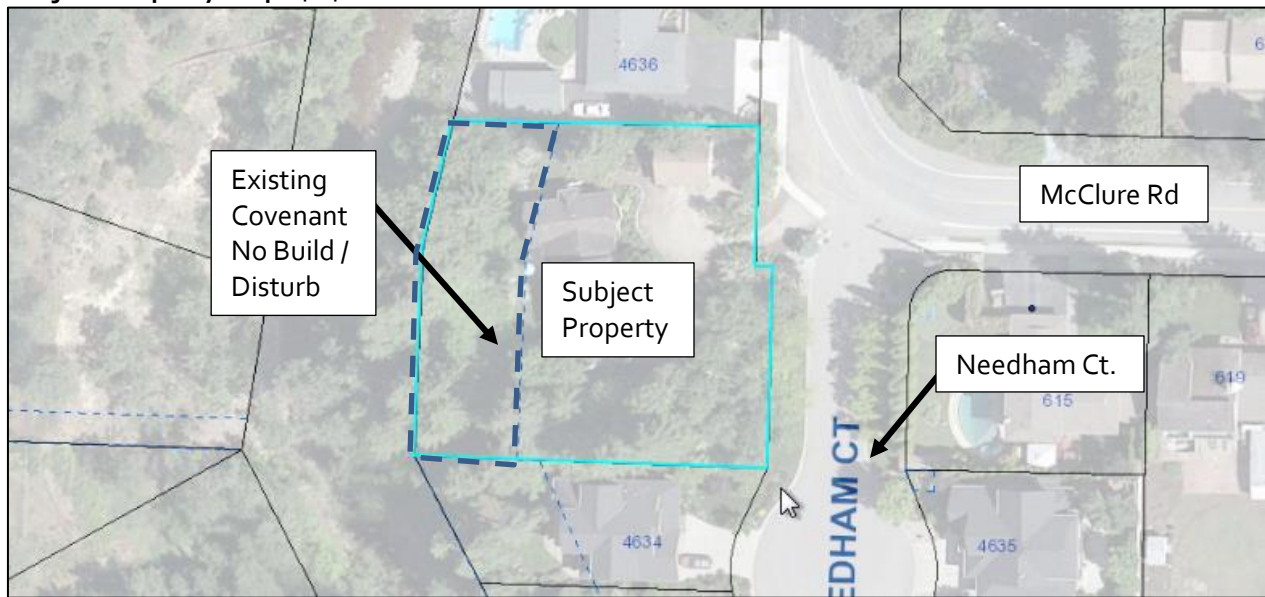
² Ministry of Environment, lands and Parks. May 15, 2001. Letter, Subdivision Application S01-018 McClure Road.

4.3 Site Context

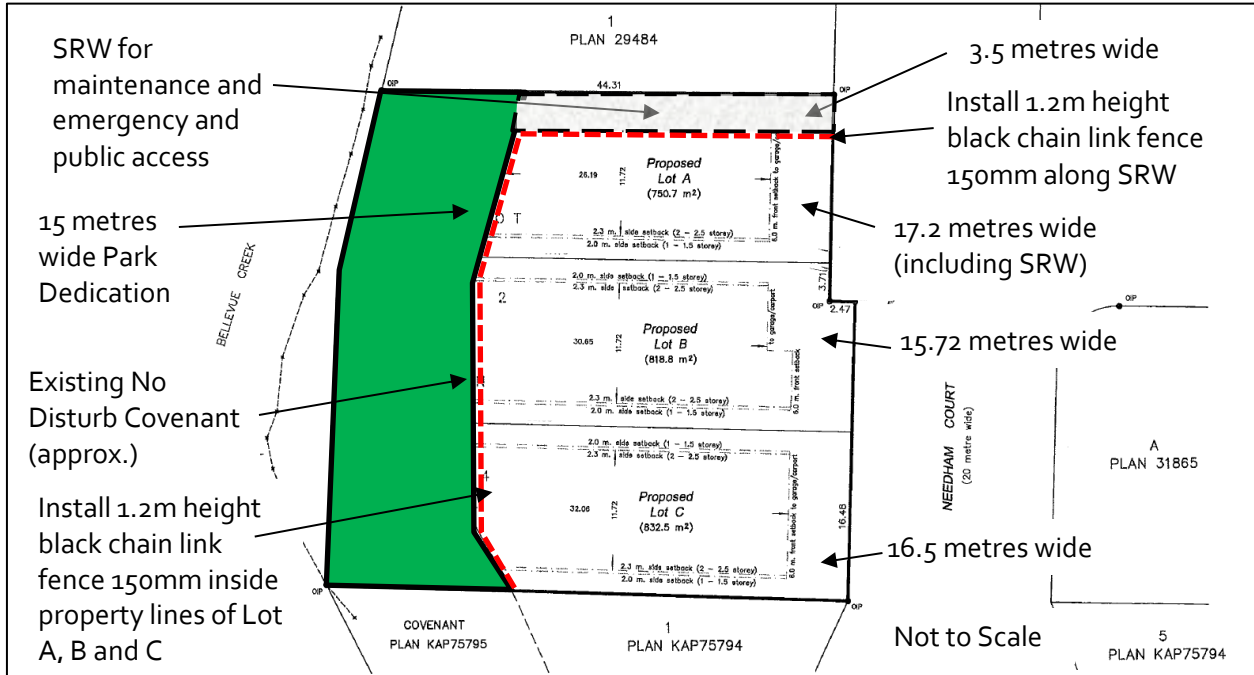
The property is within the Southwest Mission Sector of the City according to the Official Community Plan. The elevation ranges from 366.5 metres above sea level (m.a.s.l.) to 369 m.a.s.l. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single / Two Unit Residential
East	RU1 – Large Lot Housing	Single / Two Unit Residential
South	RU1 – Large Lot Housing	Single / Two Unit Residential
West	RU1 – Large Lot Housing	Major Park & Open Space (Bellevue Creek)

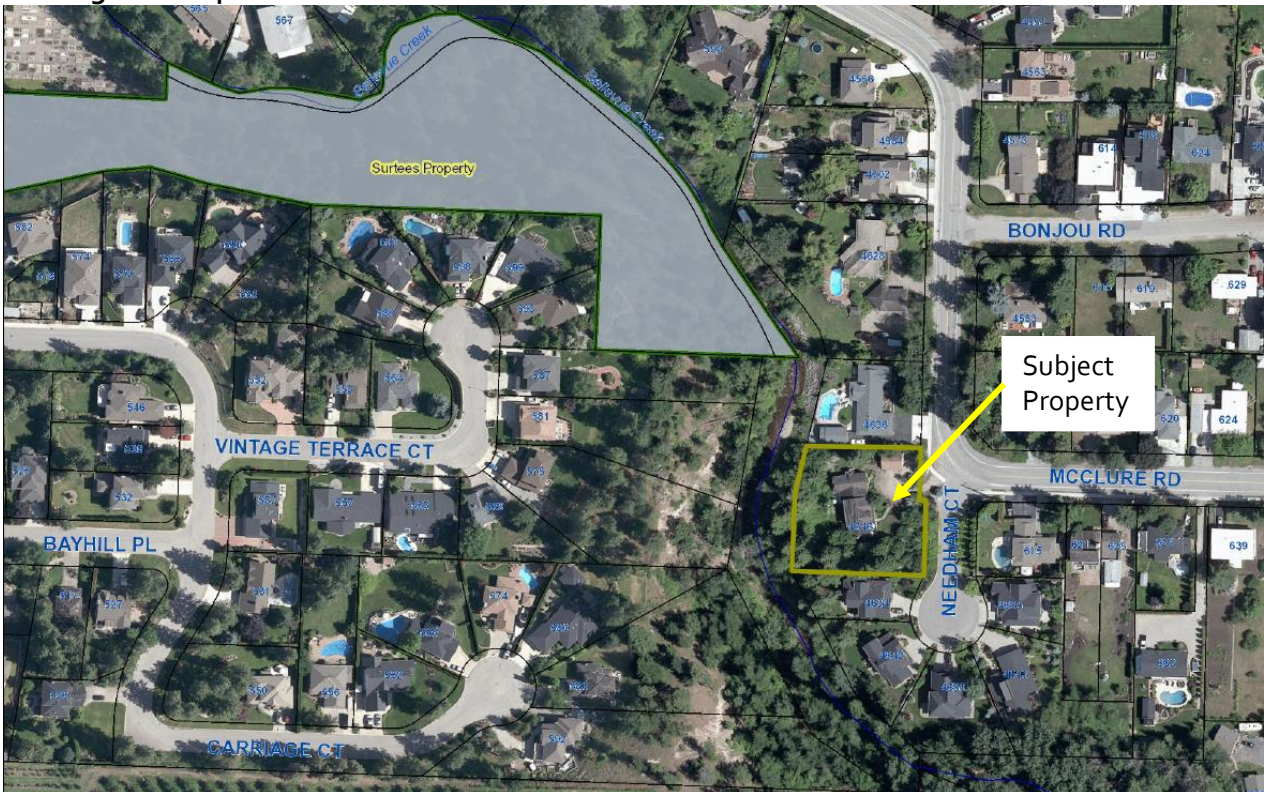
Subject Property Map: 4646 McClure



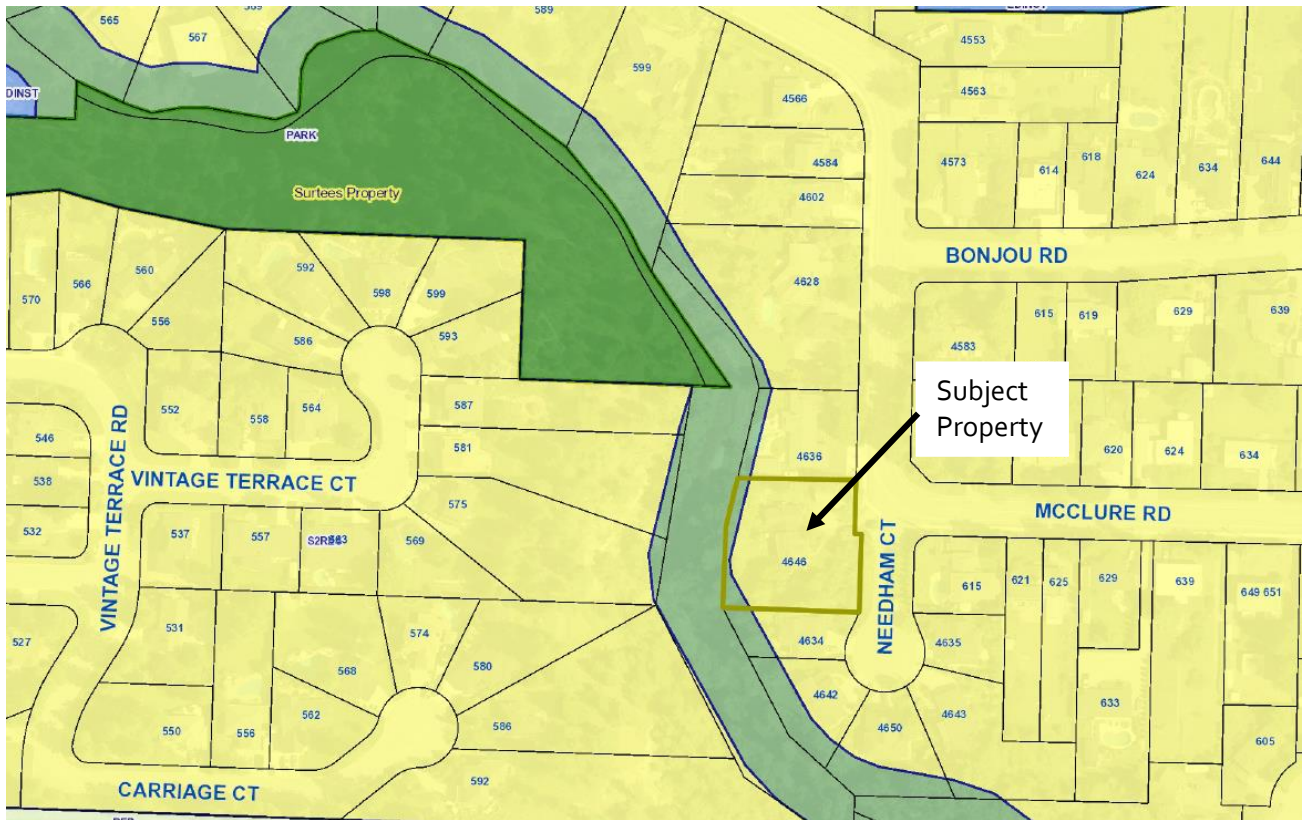
Proposed Subdivision Plan: 4646 McClure



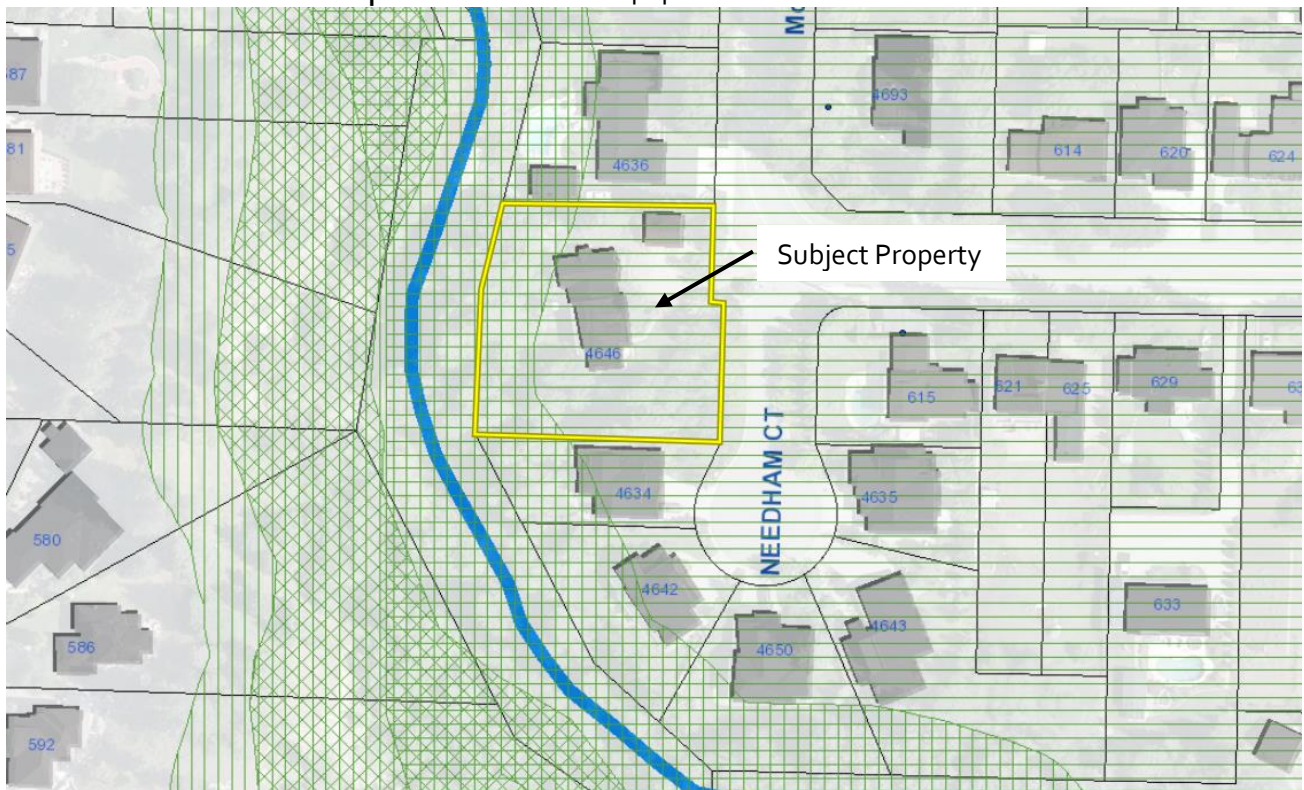
Existing Park Map



Future Land Use



Natural Environment Development Permit Area: 4646 McClure



4.4 Zoning Analysis Table

The subdivision regulations for RU1 – Large Lot Housing are noted in the table below, with requested variances noted.

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550 m ²	774 m ² (Lot A); 770 m ² (Lot B); 841m ² (Lot C) (approx..)
Lot Width	16.5 m	17.2 (Lot A); 15.72m (Lot B) ❶ and 16.5m (Lot C)
Lot Depth	30.0 m	46.05m (Lot A); 49.36m (Lot B); 51.06m (Lot C)
❶ Indicates a requested variance to the lot width for Lot B from 16.5m required to 15.72m (Lot B) ❶		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Dedication of Linear Parks³. Dedication of Linear Parks. At subdivision and rezoning for all development types secure a minimum 10-metre wide linear corridor for public access as included in Table 5.1 Linear Park – Public Access and/or are shown on Map 5.9 – Linear Corridors / Paths. The 10-metre wide corridor may be in addition to, and outside, any riparian management area requirements. Table 5.1 Linear Parks identifies Public Access for Bellevue Creek to be both sides of the creek.

Habitat Protection⁴. Ensure a proposed development footprint within an ESA is configured in such a way as to minimise the encroachment toward aquatic or terrestrial habitat. Consider zoning and/ or subdivision variances where needed to prevent or minimize a relaxation of or encroachment into the RMA or to acquire greater RMA width for environmental protection or hazard avoidance.

Protect Sensitive Areas⁵. Sensitive environmental areas and riparian management areas (RMA) will be protected by siting trails beyond their boundaries, unless there are absolutely no alternatives.

Protection Measures⁶. Protect and preserve environmentally sensitive areas using one or more of the following measures, depending on which measures are appropriate to a given situation:

- Dedication as a City park or trail where the area complements the goals and objectives of sustainable development. ESA's acquired as parks or trails will be managed to protect their sensitive features in balance with public use;
- Return to Crown Land or covenant for conservation purposes with the City, the Province and/or a nongovernmental organization (e.g. Central Okanagan Land Trust) eligible to hold Conservation Covenants;

³ City of Kelowna Official Community Plan, Policy 5.14.2 (Development Process Chapter).

⁴ City of Kelowna Official Community Plan, Policy 5.14.11 (Development Process Chapter).

⁵ City of Kelowna Official Community Plan, Policy 5.14.4 (Development Process Chapter).

⁶ City of Kelowna Official Community Plan, Policy 5.14.7 (Development Process Chapter).

- Some form of development incentive (density transfer, cluster housing, etc.) that will facilitate the protection of all or significant portions of ESAs;
- Protection of ESAs or portions of ESAs as an amenity contribution when new development requires a change to zoning that increases density over present zoning;
- Ensure setbacks on adjacent developments are adequate to maintain the integrity of the ESA and to minimize hazards created at the interface between natural areas and development. For example, ensure housing is setback an adequate distance adjacent to an interface area with potential tree, rock fall, flooding or fire hazards;
- As a last option, dedication to a land trust or similar nongovernment organization for conservation purposes.

Environmental Protection Guidelines

Habitat Protection⁷

- Plan, design and implement land development and subdivision to protect environmentally sensitive areas. Habitats that provide for at risk species, at-risk ecological communities and keystone species will be given priority for protection.
- Maintain intact ecosystems. An intact ecosystem is considered to be a community or ecosystem that is maintaining proper function and has not lost significant species (for communities) or significant communities (for ecosystems).
- Retain connectivity to adjacent ecosystems and avoid the creation of isolated islands of ecosystems.

5.2 Linear Parks Master Plan (2009)

Trail Development Priorities

The top six linear park priorities for acquisition and development are as follows:

- Waterfront Walkway
- Mill Creek Linear Park
- Rails with Trails
- Bellevue Creek Linear Park
- Gopher Creek Linear Park
- Mission Creek Greenway

Land Acquisition

There are two key methods for linear parkland acquisitions:

- City acquisition of properties or portions of properties from land owners (funds are allocated for linear park acquisition in the City's annual budget); and
- Linear park dedication as a requirement of subdivision and rezoning approvals.

6.0 Technical Comments

⁷ City of Kelowna Official Community Plan, Page 12.4 (Natural Environment Development Permit Guidelines Chapter).

6.1 Development Engineering Department

A memo from the Development Engineering Manager has been submitted for subdivision requirements, should the Development Variance Permit be approved. This is attached.

6.2 Infrastructure Planning

Infrastructure Planning has requested a 3.0 m wide SRW for public access through to Bellevue Creek for any potential future connections to Bellevue Creek Linear Park.

6.3 Fire Department

Ensure the lots are addressed off of the street they are accessed from as some appear to be accessed off of Needham Court.

6.4 Transportation

Comments from transportation regarding the subdivision at 4646 McClure Rd:

- The existing sidewalk on McClure should be rebuilt more in-line with the curvature of the road.
- Access (4m ROW) through the property to the creek would be advantageous.

7.0 Application Chronology

Date of Application Received: September 9, 2016

Date of Determination of Final Lot Widths: August 1, 2017

Report prepared by:

Melanie Steppuhn, Land Use Planner

Reviewed by:



Ryan Smith, Community Planning Department Manager

Approved for Inclusion:



Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Development Engineering Memo (October 31, 2016)

Draft DVP16-0241 – Proposed Plan, including Attachment A

CITY OF KELOWNA

MEMORANDUM

Date: October 31, 2016
File No.: S16-0104

To: Community Planning (MS)

From: Development Engineering Manager (SM)

Subject: Subdivision Application – PLR Requirements

LOCATION: 4646 McClure Road

ZONE RU1

APPLICANT: Integrity Services

LEGAL: Lot 2 Plan 29484

WORKS AND SERVICES REQUIREMENTS

The City's Development Services Department will handle the Works & Services requirements identified below between time of Preliminary Layout Review (PLR) and application for Subdivision Approval. Arrangements for construction must be made before making application for Approval of a subdivision plan. The Development Engineering Technologist for this project is Sergio Sartori.

The following Works & Services are required for this subdivision:

.1) General

- a) This proposed subdivision may require the installation of centralized mail delivery equipment. Please contact Rick Ould, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC V1Y 2K0 to obtain further information and to determine suitable location(s) within the development.

.2 Geotechnical Report

- (a) Provide a geotechnical report, prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.
The Geotechnical reports must be submitted to the Development Services Department (Subdivision Approving officer) for distribution to the Development Engineering Branch and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Any special requirements for construction of roads, driveways, utilities and building structures.
- (iv) Recommendations for roof drains and perimeter drains.
- (v) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (vi) Recommendations for items that should be included in a Restrictive Covenant.
- (vii) Any items required in other sections of this document.

.3 Water

- a) The property is located within the City of Kelowna service area. The existing PVC water service will need to be upgraded to current standard. Arrange for the upgrade and additional lot connections for the new lots before submission of the subdivision plan.

.4 Sanitary Sewer

- a) Arrange for additional lot connections for the new lots and existing upgrades before submission of the subdivision plan.

.5 Drainage

- (a) The property is located within the City of Kelowna drainage service area. The Subdivision, Development and Servicing Bylaw requires each lot be provided with an individual connection; however, the City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydro geotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit).

.6) Roads

- a) McClure Road frontage must be upgraded to a full urban standard including curb, gutter, sidewalk, fillet pavement, street lights, storm drainage, landscaping and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction.
- b) Needham Court frontage must be upgraded to a full urban standard including sidewalk and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction.
- c) Re-locate existing poles and utilities, where necessary.

.7) Power and Telecommunication Services and Street Lights

- a) If the existing area is served by overhead wiring, the service connections may be provided overhead provided that there are no new poles required and service trespasses will not be created. If either of these conditions is not satisfied, then underground service will be required for that lot.
- b) Streetlights must be installed on all roads.
- c) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- d) Before making application for approval of your subdivision plan, please make arrangements with Fortis for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application for final approval.
- e) Re-locate existing poles and utilities, where necessary. Remove aerial trespass (es).

.8) Design and Construction

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

.9) Servicing Agreements for Works and Services

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not

to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

.10) Other Engineering Comments

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as B.C. Gas, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

.11) Charges and Fees

- a) Development Cost Charges (DCC's) are payable
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Survey Monument Fee: **\$100.00** (\$50.00 per newly created lot (GST exempt).
 - ii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
- c) A hydrant levy charge of **\$500.00** (250.00 per new lot).

Steve Muenz, P.Eng.
Development Engineering Manager

SS

Schedule 'A'

DEVELOPMENT VARIANCE PERMIT



APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT NO. DVP16-0241

Issued To: Pillar West Developments Inc.
Site Address: 4646 McClure Rd
Legal Description: Lot 2 Section 25 TWP 28 SDYD Plan 29484
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 Council authorizes the issuance of Development Variance Permit No. DVP16-0241 for Lot 2 Section 25 TWP 28 SDYD Plan 29484, located on McClure Road, Kelowna, BC;

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

13.1.5 Subdivision Regulations

(a) The minimum **lot width** is 16.5 m permitted to:

Lot B – 15.72 m proposed on the subject property.

AND THAT Council's consideration of the Development Variance Permit be considered whereby the riparian area of 15 metres from the Top of Bank from Bellevue Creek be dedicated to the City of Kelowna as a lot as a condition

of and concurrent to subdivision, and the installation of a 1.2m tall black chain link fence be installed 150mm inside the owner's new property line adjacent to the dedicated area; and the registration on title of a 3.5 m wide Statutory Right of Way in favour of the City for flood protection and public access from McClure Road to the riparian area; and the installation of a 1.2m tall black chain link fence be installed at the edge of the Statutory Right of Way, in accordance with Attachment A;

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

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

2. PERFORMANCE SECURITY

None required.

3. DEVELOPMENT

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

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

This Permit IS NOT a Building Permit.

4. 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: November 7

RIM No. 0940-30

To: City Manager

From: Community Planning Department (LK)

Application: DVP17-0144 **Owner:** Randall Schmidt & Ann Josephine Pirolli

Address: 4610 Darin Place **Applicant:** Randall Schmidt

Subject: Development Variance Permit Application

Existing OCP Designation: S2RES – Single/ Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU1c – Large Lot Housing with Carriage House

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11463 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0144 for Lot 5 District Lot 357 ODYD Plan KAP57058, located at 671 Darin Place, Kelowna, BC;

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

Section 9.5b.14: Carriage House Development Regulations

To vary the required minimum side yard from 2.0 m permitted to 1.06 m proposed;

Section 9.5b.15: Carriage House Development Regulations

To vary the required minimum rear yard from 2.0 m permitted to 1.47 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 side and rear yard setbacks to facilitate the conversion of an accessory building to a carriage house on the subject property.

3.0 Community Planning

Community Planning Staff are supportive of the two variances required to facilitate the conversion of an existing accessory building to a carriage house on the subject property. The application meets the Official Community Plan (OCP) Future Land Use Designation of S2RES – Single/Two Unit Residential.

The property is within the Permanent Growth Boundary in the North Mission/Crawford area of Kelowna. The parcel is centrally located near Gordon Drive and McClure Road on Darin Place. The increase in density at this location is supported by local amenities such as parks, schools, transit and recreational opportunities in the immediate area.

Council Policy No. 367 with respect to public consultation was undertaken by the applicant and all neighbors within a 50 m radius of the subject parcel.

4.0 Proposal

4.1 Project Description

The proposal is to convert an existing accessory building with loft space to a two-storey 1-bedroom carriage house. The accessory building was constructed in 1997 and does not meet the current zoning regulations and would require two variances for siting. One for the existing side yard setback and the second to the rear yard setback. At time of construction, the building met all zoning regulations for accessory structures.

The first variance is for the side yard setback to reduce the 2.0 m requirement to 1.06 m proposed. The building does not have doors or windows on the north side and will not cause any privacy issues or overlooking concerns to the adjacent parcel. There is a significant amount of mature landscaping in the form of trees and hedges along both the side and rear property lines.

The second variance is to reduce the rear yard setback from 2.0 m required to 1.47 m proposed. Similar to the side setback variance, the rear of the building does not have any windows or openings to bring about privacy concerns. Building code will require a protected soffit be installed to increase the fire protection value of the structure and this will be addressed at time of Building Permit.

The existing building has not raised any concerns to date and the loft space has remained unfinished and utilized for storage. The conversion to a carriage house should be a seamless transition to the area. The parcel directly west of the subject property also has an existing carriage house. The buildings share a rear property line which is fenced and landscaped. Sufficient parking and amenity space are both provided on the subject parcel.

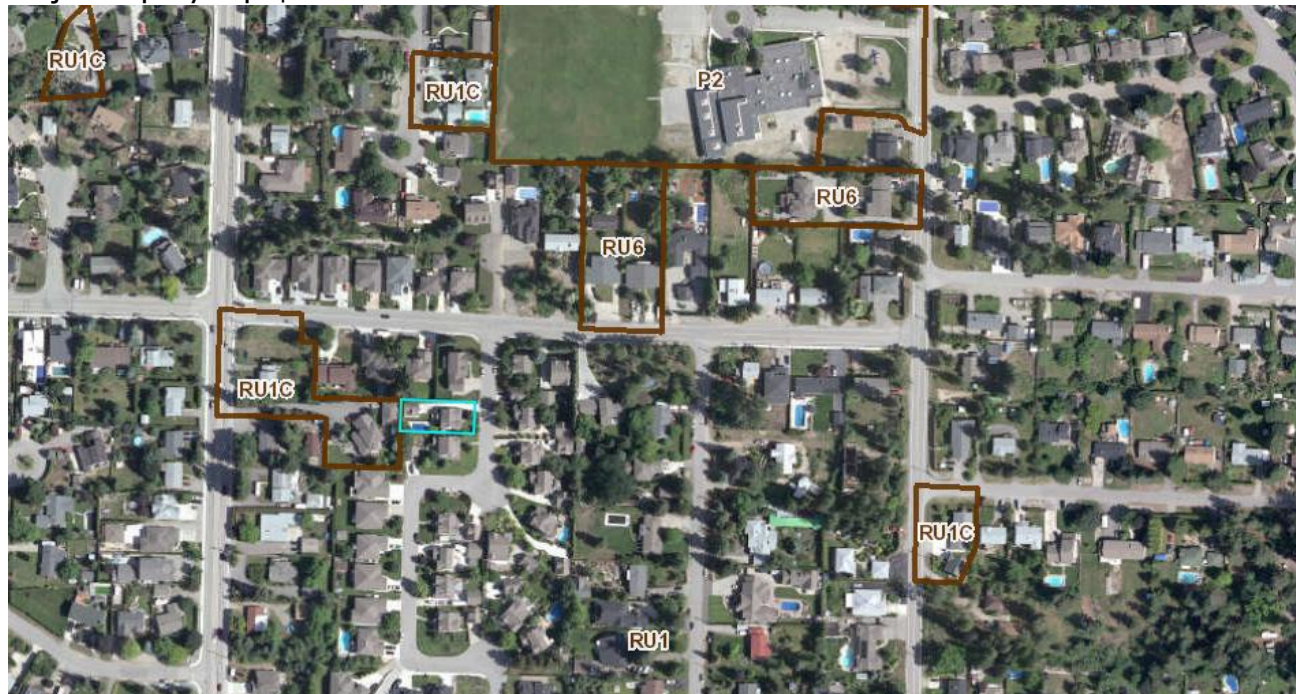


4.2 Site Context

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Family Dwelling
East	RU1 – Large Lot Housing	Single Family Dwelling
South	RU1 – Large Lot Housing	Single Family Dwelling
West	RU1c – Large Lot Housing with Carriage House	Single Family Dwelling & Carriage House

Subject Property Map: 4610 Darin Place



4.3 Zoning Analysis Table

5.0 Zoning Analysis Table		
CRITERIA	RU1c ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550 m ²	787 m ²
Lot Width	16.5 m	18.3 m
Lot Depth	30 m	43 m
Development Regulations		
Max. Site Coverage (Buildings)	40%	21%
Max. Site Coverage (Buildings & driveway & parking)	50%	40%
Carriage House Regulations		
Max. Accessory Site Coverage	14%	7%
Max. Accessory Building Footprint	90 m ²	58.76 m ²
Max. Net Floor Area	90 m ²	38.65 m ²

Max. Net Floor Area to Principal Building	75%	16%
Maximum Height (mid-point)	4.8 m	4.06 m
Maximum Height (to peak)	8.2 m	6.4m
Side Yard (north)	2.0 m	1.06 m ^①
Side Yard (south)	2.0 m	9.0 m
Rear Yard	2.0 m	1.47 m ^②
Min. Distance to Principal Building	3.0 m	13 m
Other Regulations		
Minimum Parking Requirements	3 stalls	3 stalls
Min. Private Open Space	30 m ²	+30 m ²
① Indicates a variance to the side yard setback from 2.0 m required to 1.06 m proposed.		
② Indicates a variance to the rear yard setback from 2.0 m required to 1.47 m proposed.		

6.0 Current Development Policies

6.1 Kelowna Official Community Plan (OCP)

Development Process

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

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

Healthy Communities.³ Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

Carriage Houses & Accessory Apartments.⁴ Support carriage houses and accessory apartments through appropriate zoning regulations.

7.0 Technical Comments

7.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- Operable bedroom windows required as per the 2012 edition of the British Columbia Building Code (BCBC 12).

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Policy 5.22.7 (Development Process Chapter).

⁴ City of Kelowna Official Community Plan, Policy 5.22.12 (Development Process Chapter).

- Refer to attached City of Kelowna Bulletin #12-03 (Secondary Suites Requirements in a single family dwelling) for minimum requirements. The drawings submitted for Building Permit application is to indicate the method of fire separation between the suite and the garage
- A fire rated exit stairwell is required from the suite to the exterior c/w fire rated doors that open into the stairwell and a fire rating on the bottom of the stairs. Please provide these details on the building permit drawing sets.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

7.2 Development Engineering Department

- Refer to Attachment A.

7.3 Fire Department

- No issues with zoning.
- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.
- All units shall have a posted address on Darin Pl.

7.4 FortisBC - Electric

- There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Darin Place. 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.
- For more information, please refer to FBC(E)'s overhead and underground design requirements:
 1. FortisBC Overhead Design Requirements: <http://fortisbc.com/ServiceMeterGuide>
 2. FortisBC Underground Design Specification: <http://www.fortisbc.com/InstallGuide>
- Otherwise, FBC(E) has no concerns with this circulation.
- In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). Please have the following information available in order for FBC(E) to set up the file when you call:
 1. Electrician's Name and Phone number
 2. FortisBC Total Connected Load Form
 3. Other technical information relative to electrical servicing
- It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

8.o Application Chronology

Date of Application Received: June 15, 2017

Date Public Consultation Completed: May 10, 2017

Report prepared by: Lydia Korolchuk, Planner

Reviewed by: Terry Barton, Urban Planning Manager

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

Attachments:

Attachment A: Draft Development Permit

Attachment B: Development Engineering Memorandum

Attachment C: Site Plan & Floor Plans

Attachment D: Elevations & Site Photos

DEVELOPMENT VARIANCE PERMIT



APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT NO. DVP17-0148

Issued To: Randall Schmidt & Josephine Pirolli

Site Address: 4610 Darin Place

Legal Description: Lot 5 District Lot 357 ODYD Plan KAP57058

Zoning Classification: RU1c – Large Lot Housing with carriage house

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

Section 9.5b.14: Carriage House Development Regulations

To vary the required minimum side yard from 2.0 m permitted to 1.06 m proposed;

Section 9.5b.15: Carriage House Development Regulations

To vary the required minimum rear yard from 2.0 m permitted to 1.47 m proposed.

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

2. PERFORMANCE SECURITY

None required.

3. DEVELOPMENT

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

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

This Permit IS NOT a Building Permit.

4. APPLICANT'S AGREEMENT

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

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

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

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

5. APPROVALS

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

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

Date

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

CITY OF KELOWNA
MEMORANDUM

Date: June 19, 2017
File No.: Z17-0054
To: Community Planning (LK)
From: Development Engineering Manager(SM)
Subject: 4610 Darin Place Lot 5 Plan 57058 RU1 to RU1c Carriage House

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

1. Domestic Water and Fire Protection

Our records indicate that this property is currently serviced with a 19mm-diameter water service which is adequate for this application.

2. Sanitary Sewer

Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service which is adequate for this application.

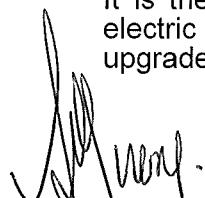
3. Development Permit and Site Related Issues

Direct the roof drains onto splash pads.

Driveway access permissible is one (1) per property as per bylaw.

4. Electric Power and Telecommunication Services

It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.



Steve Muenz, P. Eng.
Development Engineering Manager

JA



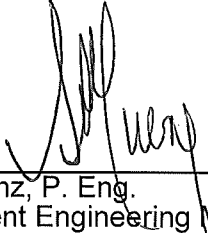
CITY OF KELOWNA

MEMORANDUM

Date: June 19, 2017
File No.: DVP17-0144
To: Community Planning (LK)
From: Development Engineer Manager (SM)
Subject: 4610 Darin PL

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

The request to vary the side yard setback from 2m to 1.06m and vary the rear yard setback from 2m to 1.47m does not compromise any municipal services.



Steve Muenz, P. Eng.
Development Engineering Manager

JA

BRITISH COLUMBIA LAND SURVEYOR'S CERTIFICATE OF LOCATION OF A GARAGE ON LOT 5, DISTRICT LOT 357, ODYD, PLAN KAP57058.

PID: 023-449-632
CIVIC ADDRESS: 4610 DARIN PLACE
CLIENT: SCHMIDT/PIROLI

This document shows the relative location of improvement(s) named above with respect to the boundaries of the described parcel.

This document was prepared for the exclusive use of the client named herein, for planning purposes.

Lot dimensions shown are derived from Land Title Office records.

This document shall not be used to define property lines or corners.

AllTerra Land Surveying Ltd. and the signatory accept no responsibility for, and hereby disclaim all obligations and liabilities for:

- any damages arising out of any direct or indirect use or reliance upon this document beyond its intended use,
- any damages suffered by a third party as a result of actions taken or decisions made based upon this document.

All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or in part, without the express written consent of AllTerra Land Surveying Ltd.

Scale 1:300 Metric. Distances shown are in metres and decimals thereof.

Notes:

- Unregistered interests have not been included or considered.

Charges on Title:

- Covenant KK47494

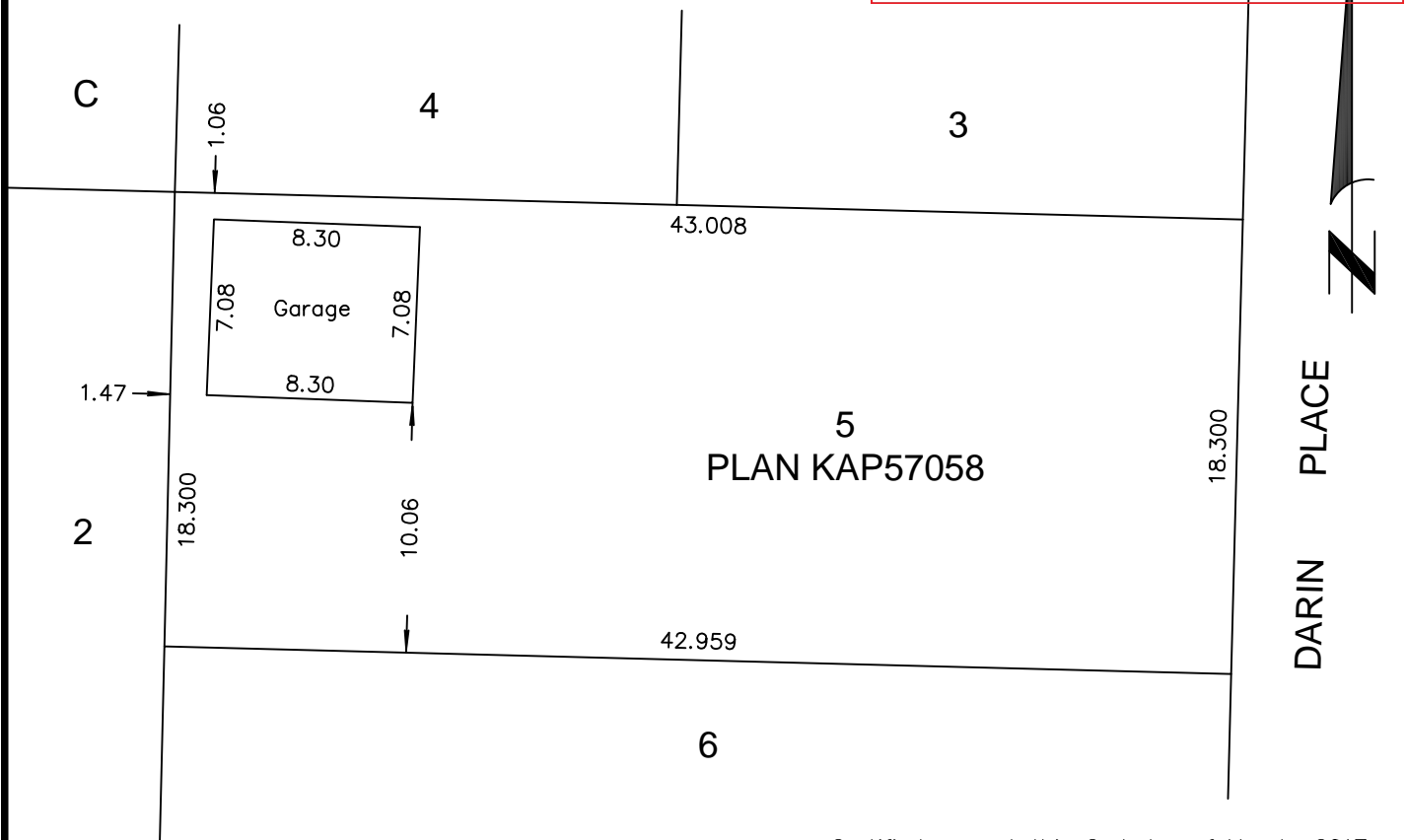
ATTACHMENT C

This forms part of application

DVP17-0144

Planner
Initials

LK



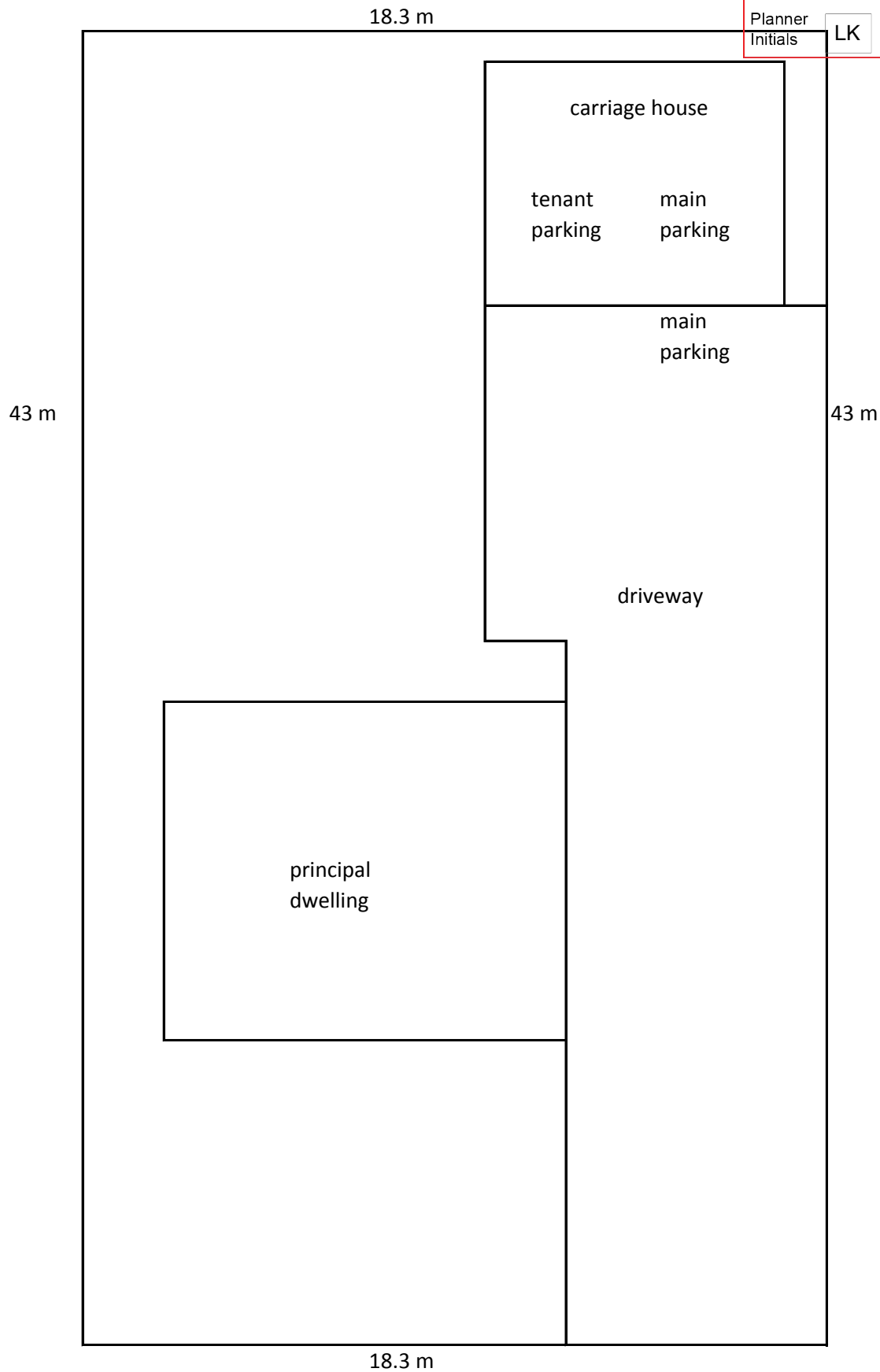
Certified correct this 2nd day of March, 2017.

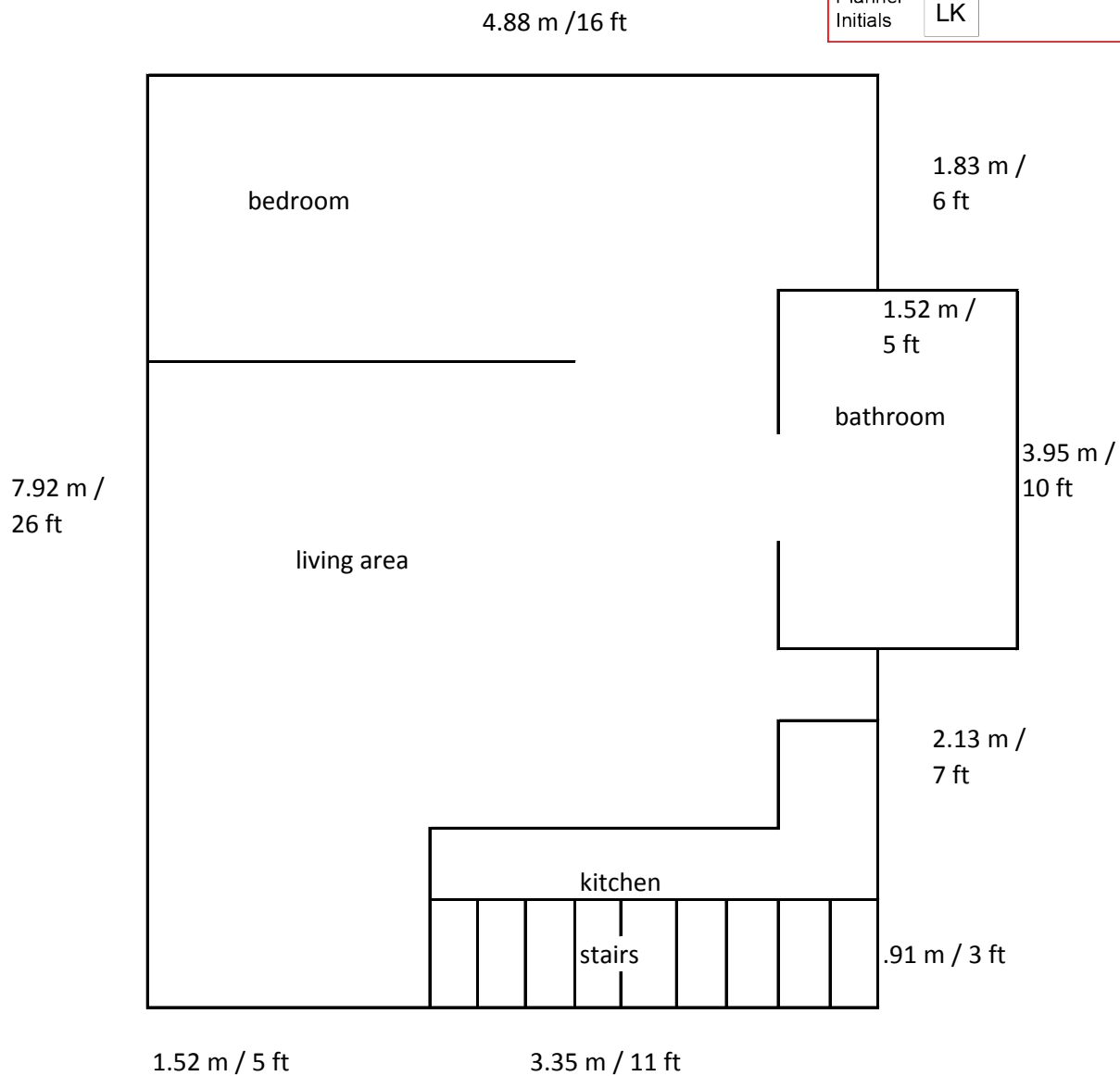
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www.AllTerraSurvey.ca File: 317009-CO

This document is not valid unless originally signed and sealed.

British Columbia Land Surveyor





Total area: 38.65 sq m / 416 sq ft

LK

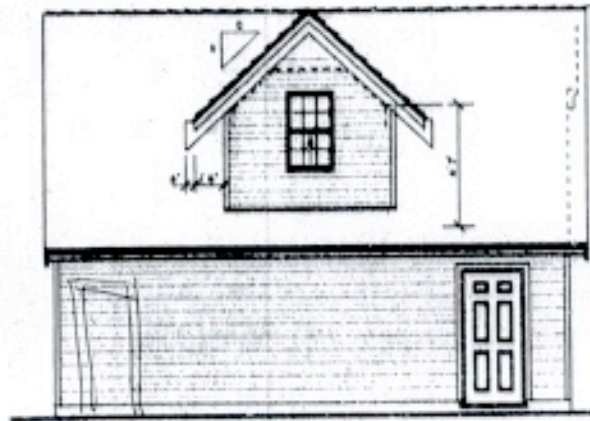
ATTACHMENT D

This forms part of application

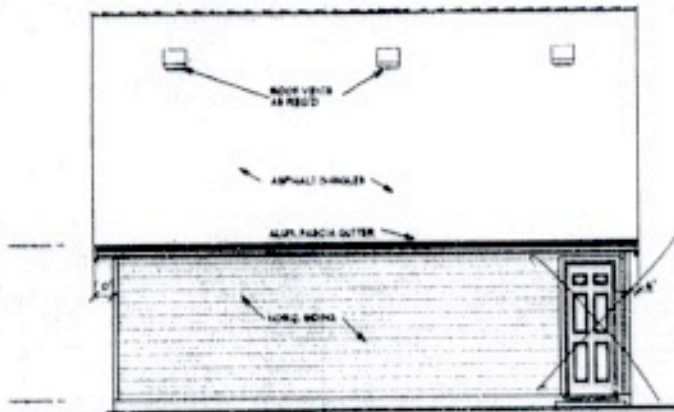
DVP17-0144

Planner
Initials LK

City of
Kelowna
COMMUNITY PLANNING



LEFT ELEVATION



RIGHT ELEVATION

GARAGE PLAN 'C'

REVISIONS	COPYRIGHT	CUSTOM HOME DESIGN FOR
DATE: 2017-01-10 BY: [signature] DATE: [blank] BY: [blank]	THE DRAWING IS THE SOLE PROPERTY OF VARITEC ENTERPRISE AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION SYSTEM.	VARITEC ENTERPR KELOWNA B.C.

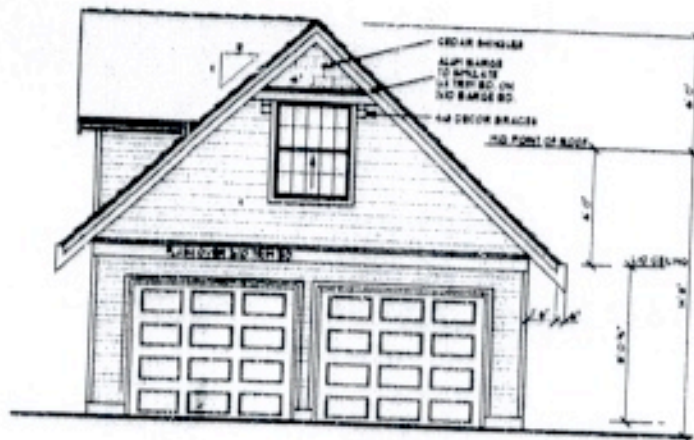
ATTACHMENT **D**

This forms part of application

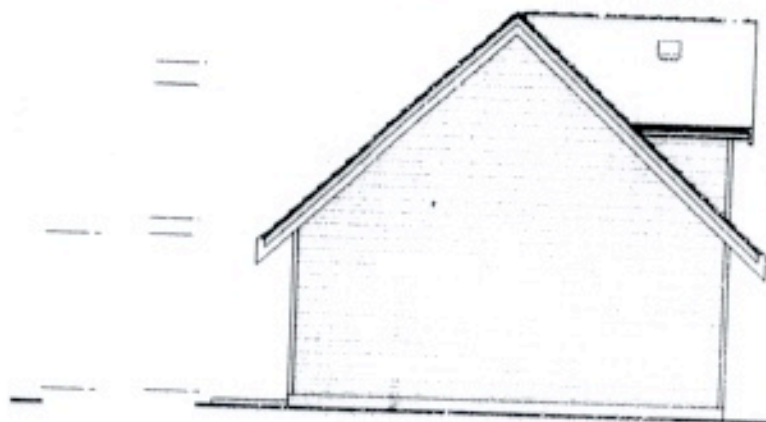
DVP17-0144

Planner
Initials **LK**

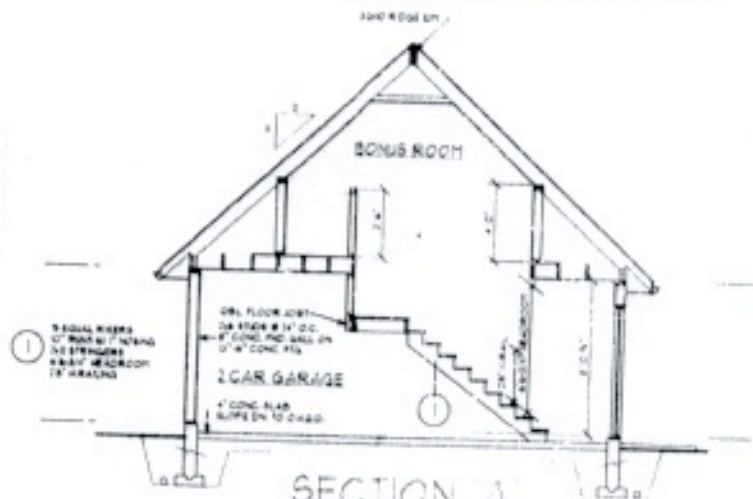
City of
Kelowna
COMMUNITY PLANNING



FRONT ELEVATION



REAR ELEVATION



SECTION A

ISES LTD.



DATE ISSUED:	APRIL '17	SHE
DRAWN BY:	LP	1
SCALE:	1/4"=1'-0"	
JOB NO:	0000	01









REPORT TO COUNCIL



Date: October 17, 2017

RIM No. 0940-50

To: City Manager

From: Community Planning Department (PMc)

Application: DVP17-0167

Owner: Rodney & Jody Hazard

Address: 204 Poplar Point Drive

Applicant: Rodney hazard

Subject: Development Variance Permit

Existing OCP Designation: Single/Two Unit Residential (S2RES)

Existing Zone: RU1 – Large Lot Housing

1.0 Recommendation

That Council authorize the issuance of Development Variance Permit No. DVP17-0167 for Lot 1, District Lot 219, O.D.Y.D., Plan 4561, located on 204 Poplar Point Drive, Kelowna BC;

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

Section 6.11.1 – Okanagan Lake Sight Lines – To vary the required Okanagan Lake 120° Panoramic Sight Line to 86° proposed, resulting from the west sight line being reduced from 60° required, to 26° proposed as shown on Schedule "A".

2.0 Purpose

To vary the Okanagan Lake Sight Lines from 60 ° required to 26 ° proposed for the west side of the subject property.

3.0 Community Planning

Community Planning staff do not have concerns with the requested variance. The property was the subject to two Development Variance Permit applications (DVP09-0048 & DVP14-0233) that were considered by Council on September 22, 2009 and again on December 9, 2014, and both permits were subsequently issued. However, owing to the proponent's economic circumstances, construction was not started, and both issued Development Variance Permits have lapsed. This current application to vary the Okanagan Lake Sight Lines is the same as the two previously approved variance applications. The applicant has also provided copy of the sales agreement for the dwelling located at 208 Poplar Point Drive, which acknowledged that the prospective purchaser agreed to support a variance to the Okanagan Lake Sight Lines for the subject property.

At the time of the 2009 application, the applicant registered a no-build covenant adjacent to Okanagan Lake to protect slope and reduce the potential impact on the foreshore of Okanagan Lake and aquatic species.

4.0 Proposal

4.1 Background/Description

The subject property was under application for a Development Variance Permit (DVP09-0048) in 2009 and a Development Variance Permit (DVP14-0233) in 2014 to vary the Okanagan Lake Sight Lines. Those applications were considered by Council in October 2009 and again in December 2014, and were subsequently issued. However, owing to delays in commencing construction, both Development Variance permit have lapsed, in that an issued permit is only good for a maximum of two years if no construction starts.

The applicant now wishes to commence construction on the subject property, and will need to have the associated variance to the Okanagan Lake Sight Lines reconsidered by Council in order to get the Development Variance Permit reinstated.

Zoning Bylaw No. 8000, Section 6.11.1 – Okanagan Lake Sight Lines notes that all buildings and structures, greater than 1.2m above natural grade, on lots along Okanagan Lake foreshore shall be sited to not obstruct views of the lake from the established abutting development. New development shall be sited to permit the adjacent occupants a 120° Panoramic Sight Line (see below).

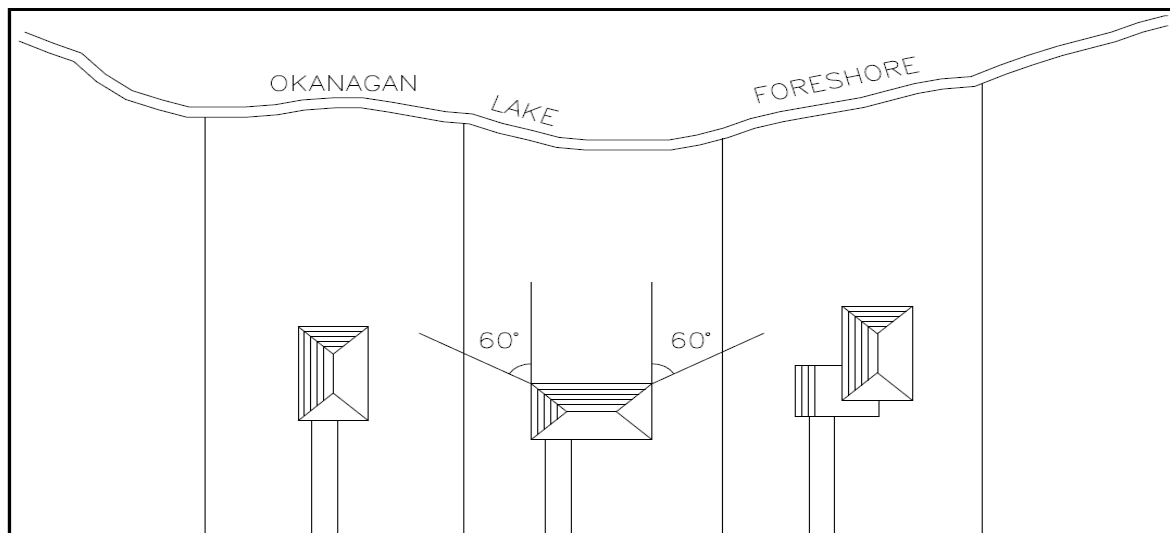


Diagram 6.2: Okanagan Lake 120° Panoramic Sight Line

The applicant has proposed to reduce the west site line from 60° (required) to 26° (proposed). As a result, the panoramic sight line would be reduced from 120° (required), to 86° (proposed).

While the applicant has not proposed a specific development or building envelope, a variance has been requested for the sight line requirements, which currently restrict the building envelope to the front (east) approximate 1/3 of the parcel. As no dwelling is being proposed at this time, the variance will only pertain to the Okanagan Lake 120° Panoramic Sight Line, and provide greater certainty to the building envelope in anticipation of a building design. As this site is located within both the Natural Environment and Hazardous Condition Development Permit Areas, the proponent will be required to obtain a Natural Environment Development Permit, including a geotechnical assessment prior to commencing construction on this

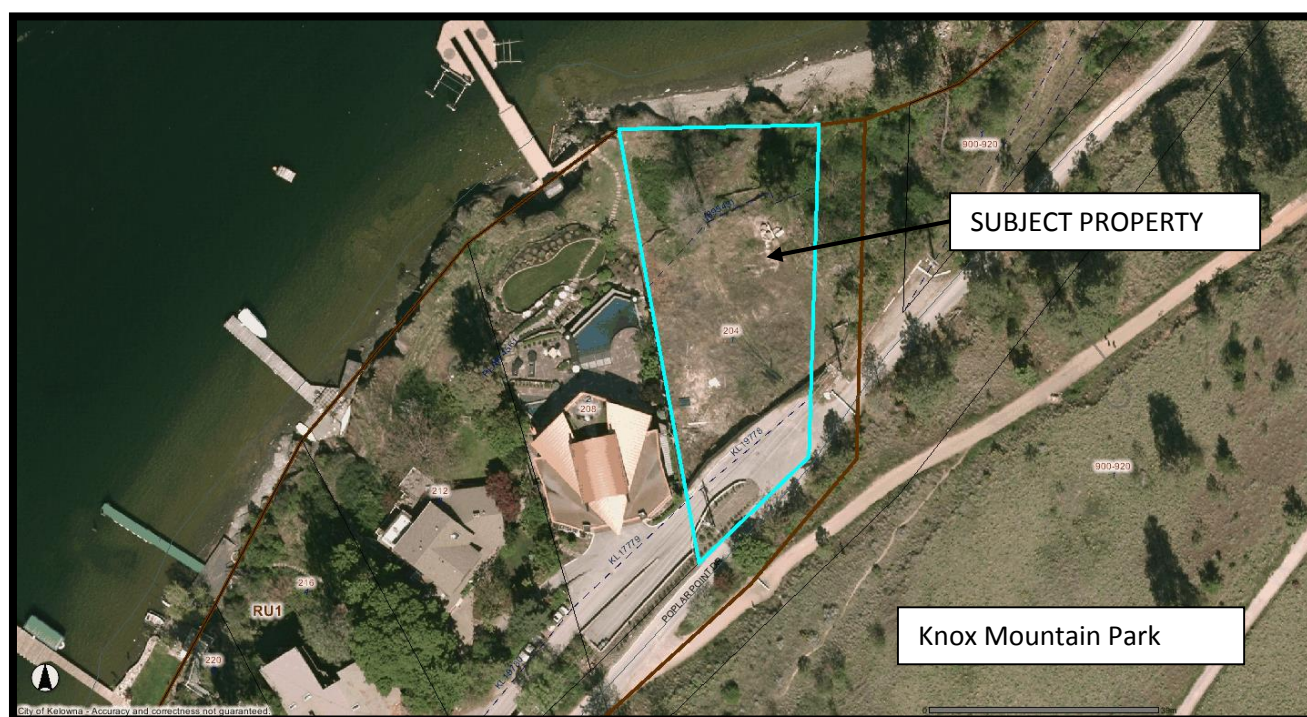
parcel. As part of the 2009 application, the applicant has registered a no-build covenant on the lot to protect the sensitive slopes adjacent to Okanagan Lake.

4.2 Site Context

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	W1 – Recreational Water Use	Okanagan Lake
East	P3 – Parks and Open Space	Road End access to lake
South	P3 – Parks and Open Space	Knox Mountain Park
West	RU1 – Large Lot Housing	Single Unit Dwelling

Subject Property Map: 204 Poplar Point Dr.



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Height	9.5m/2 ½ storeys	<9.5m
Front Yard	6.0m	>6.0m
Side Yard (east)	2.3m	>2.3m
Side Yard (west)	2.3m	>2.3m
Rear Yard	7.5m	>7.5m
Other Regulations		
Okanagan Lake Sightlines	120°	26° (west side subject property) ❶
❶ Indicates a requested variance to section 6.11.1 Okanagan Lake Sight Lines.		

5.0 Technical Comments

5.1 Building & Permitting Department

No Comment

5.2 Development Engineering Department

This Development Variance Permit application to vary the Okanagan Lake Sight Lines from 60 to 26 does not compromise any municipal services.

5.3 Fire Department

No concerns

6.0 Application Chronology

Date of Application Received: July 7, 2017.

Date Public Consultation Completed: July 17, 2017

Report prepared by: Paul McVey, Urban Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Site Plan (Schedule "A")

Context/Site Photos

Plan of restrictive Covenant

Draft Development Variance Permit

DEVELOPMENT VARIANCE PERMIT



APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT NO. DVP17-0167

Issued To: Rodney Hazard
Site Address: 204 Poplar Point Drive
Legal Description: Lot 1, D.L.219, O.D.Y.D., Plan 4561
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 Variance Permit No. DVP17-0167, Lot 1, D.L.219, O.D.Y.D., Plan 4561, located at 204 Poplar Point Drive, Kelowna, BC to approve a residential development subject to the following:

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

- a) Section 6.11.1 – Okanagan Lake Sight Lines – To vary the required Okanagan Lake 120° Panoramic Sight Lines to 86° proposed, resulting from the west sight line being reduced from 60° required, to 26° proposed, as shown on Schedule "A".

AND FURTHER THAT this Development Variance Permit DVP17-0167 is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer fail to carry out

the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property own of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

- a) No Security required

DEVELOPMENT

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

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

This Permit IS NOT a Building Permit.

3. 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.

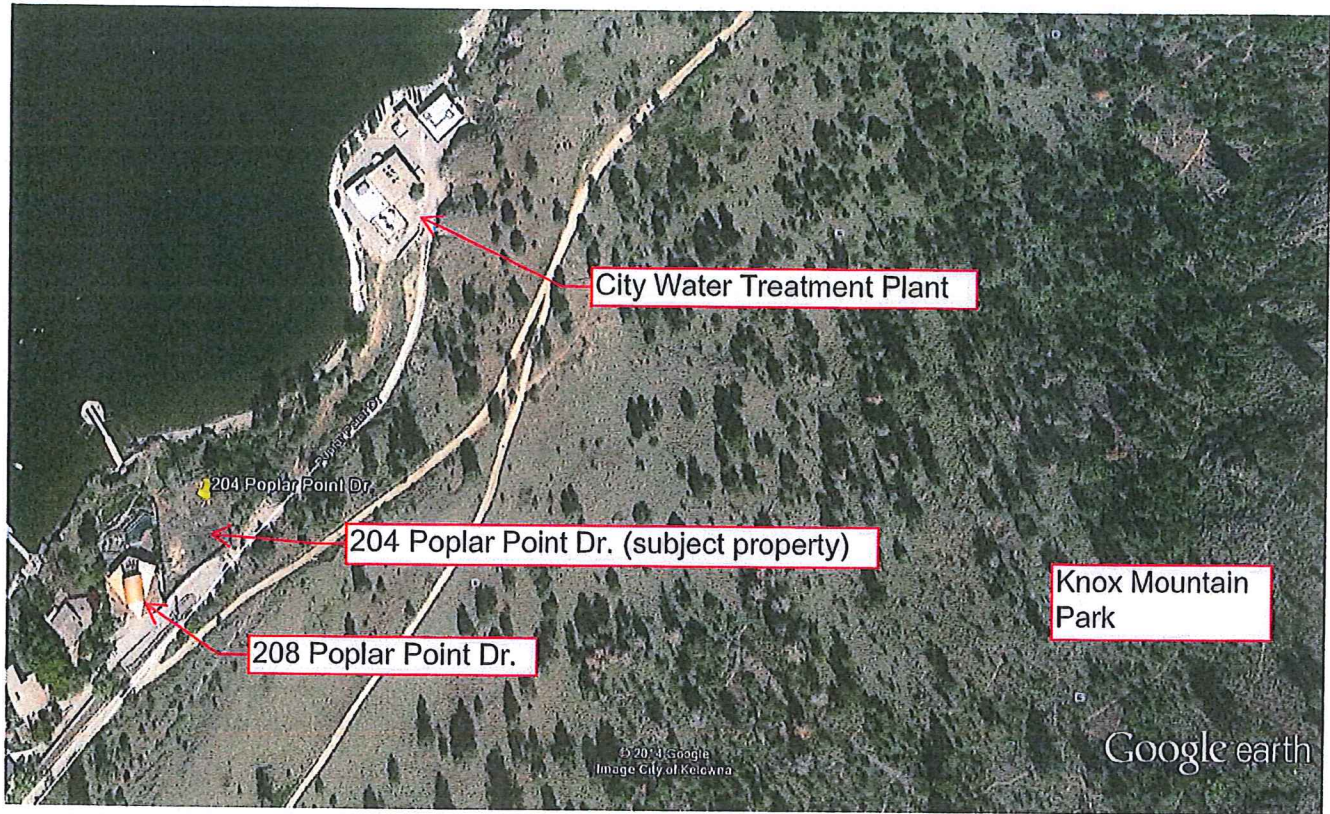
4. APPROVALS

Issued and approved by Council on the @ day of @ 2017

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

Date

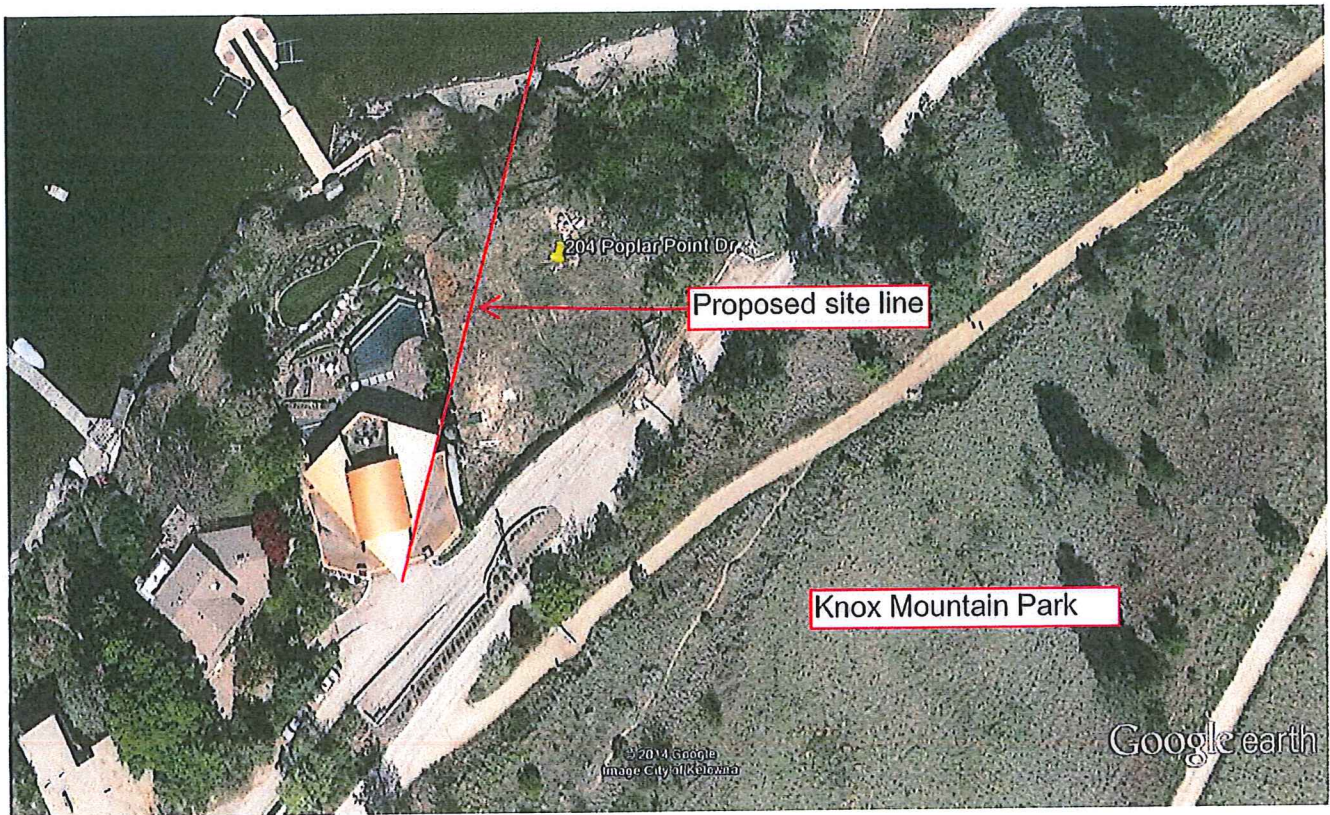
**The PERMIT HOLDER is the CURRENT LAND OWNER.
Security shall ONLY be returned to the signatory of the
Landscape Agreement or his or her designates**



Google earth

feet 700
meters 200





Google earth



Photo from above
subject site facing
slightly West



Photo from top
edge of subject site
pointing West

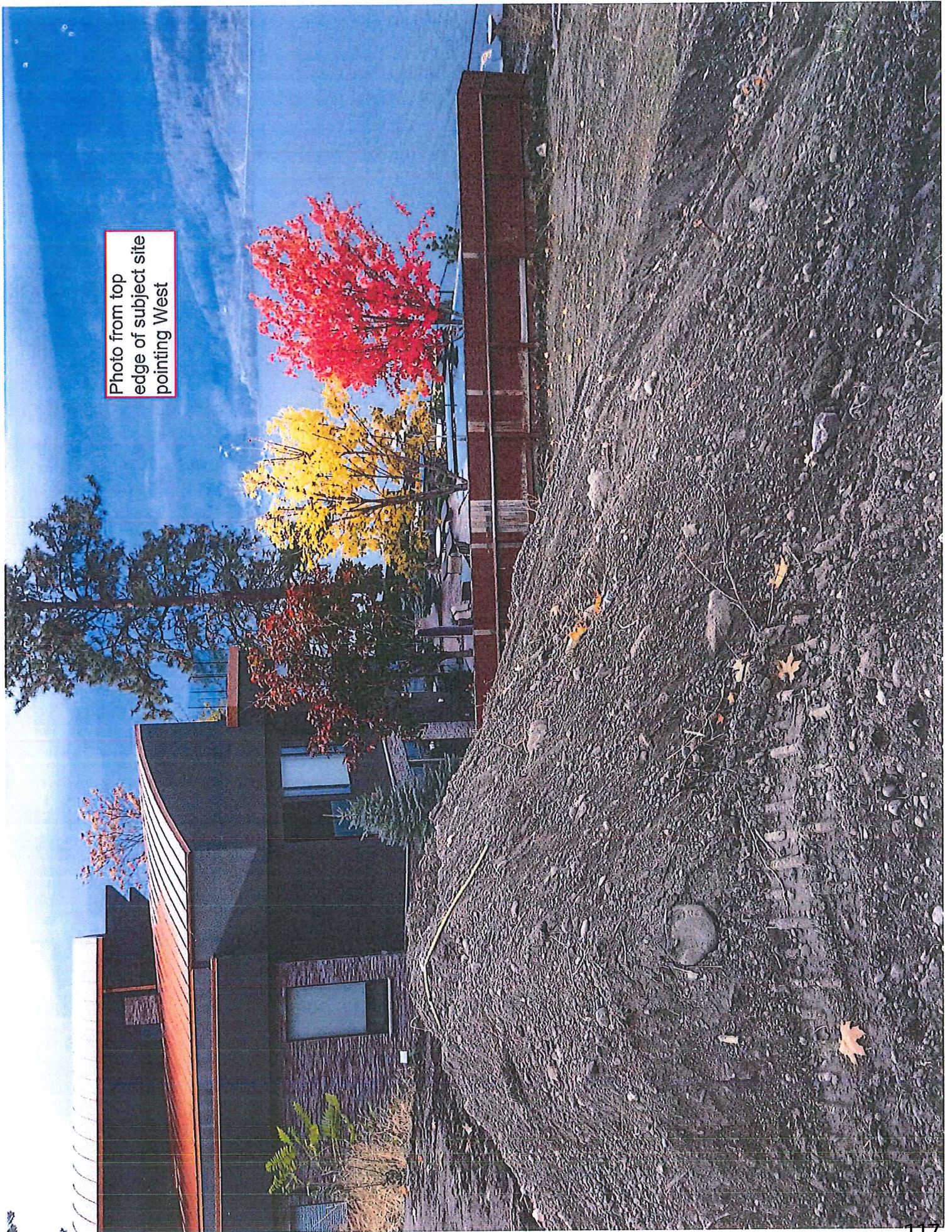


Photo edge of subject site
overlooking shore line slightly
West

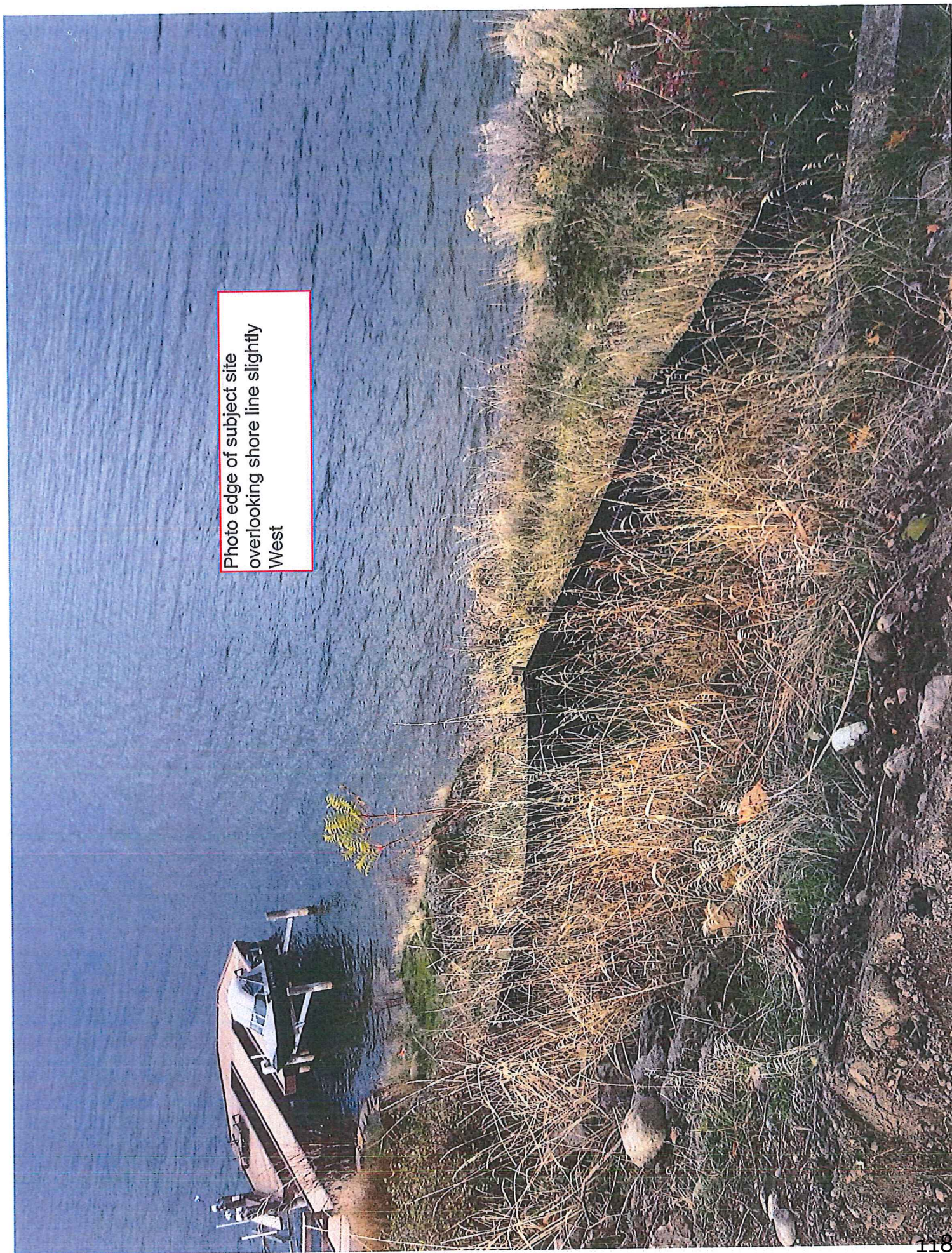
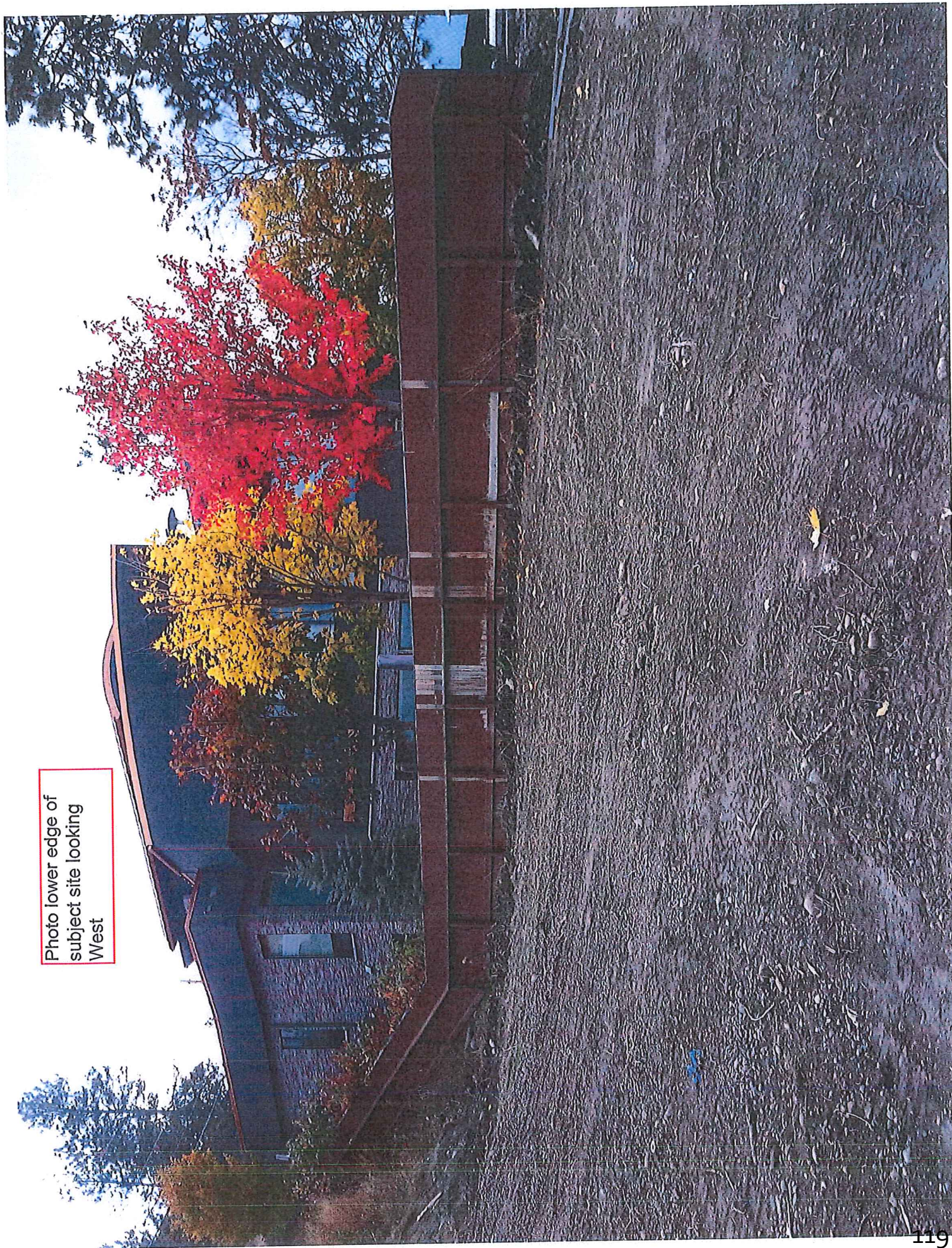


Photo lower edge of
subject site looking
West



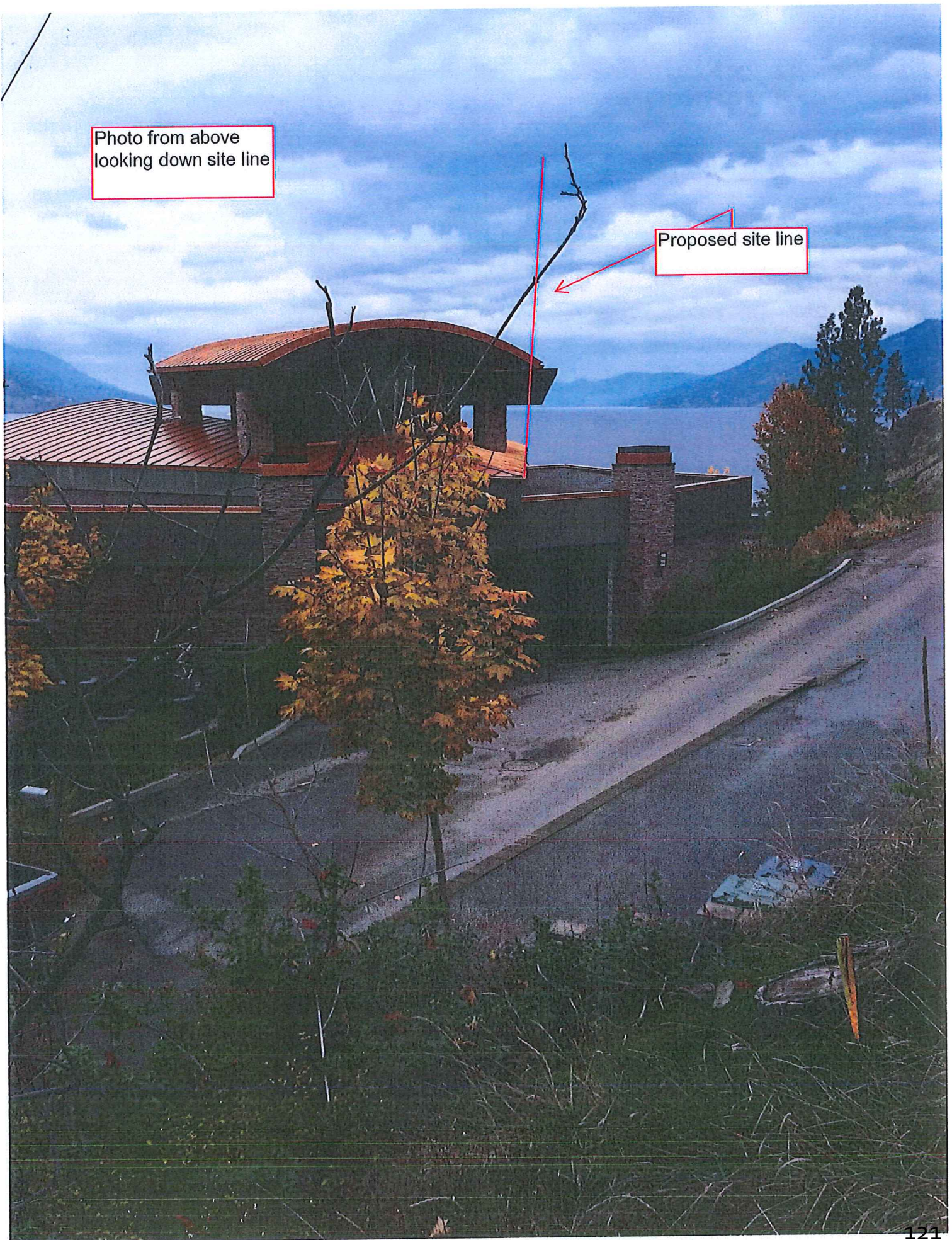


Proposed site line

Photo from
uphill
overlooking
proposed site
line

Photo from above
looking down site line

Proposed site line



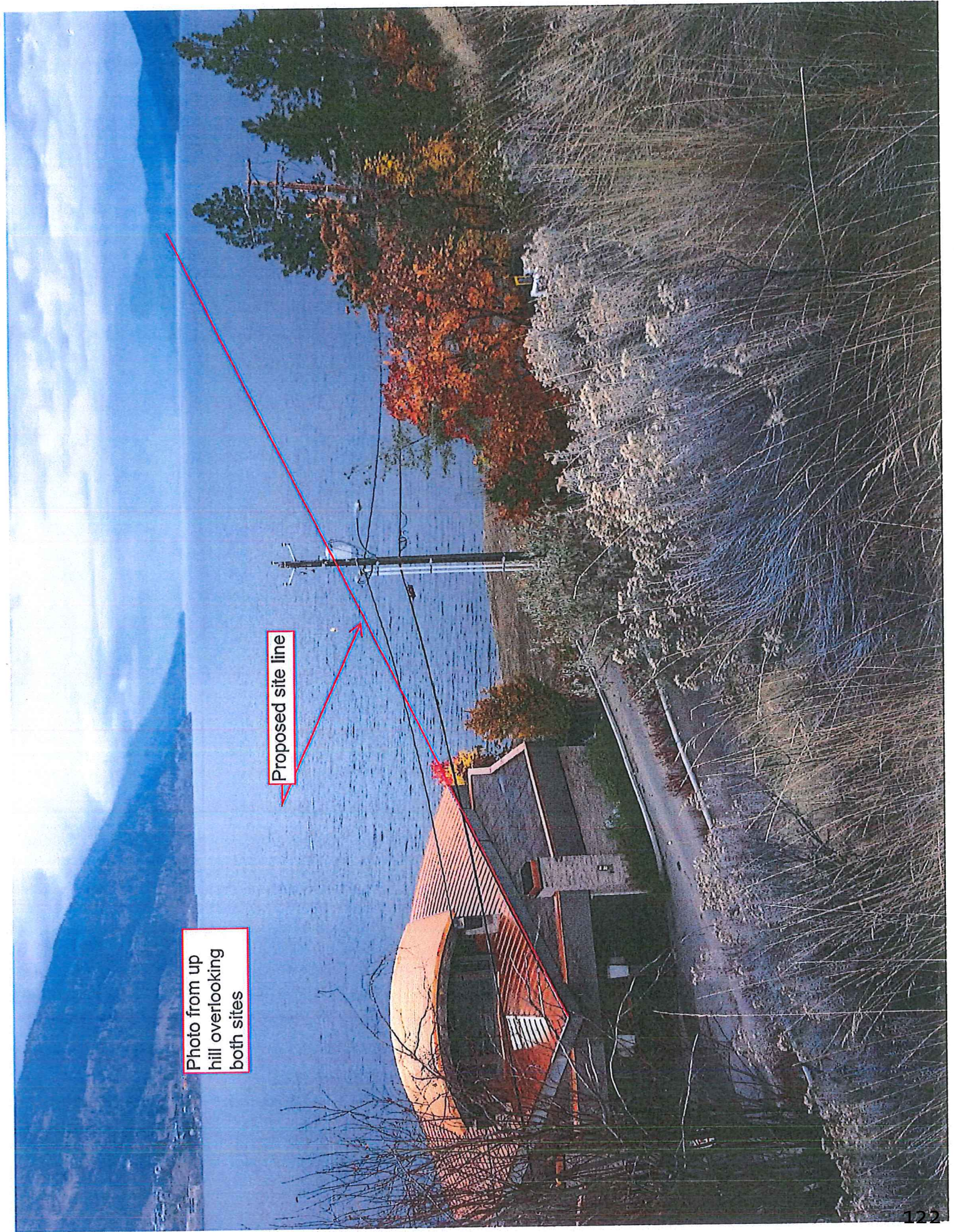


Photo from up
hill overlooking
both sites

Proposed site line

REFERENCE PLAN OF COVENANT OVER PART OF LOT 1, DISTRICT LOT 219, OSOYOOS DIVISION YALE DISTRICT, PLAN 4561

BCGS 82E.083 PURSUANT TO SECTION 99(1)(e) LAND TITLE ACT

0 5 10 25
SCALE 1:300 (All distances are in metres)

LEGEND

- Denotes standard iron post found
- Denotes standard iron post set
- ⊙ Denotes control monument found
- ⊕ Denotes non-standard post found

Grid bearings are derived from observations between control monuments 75H2443 and 75H2471. This plan shows ground level measured distances. Prior to computation of U.T.M. coordinates multiply by combined factor 0.9999351 integrated survey area No. 4 - City of Kelowna.

PLAN KAP 89543

Deposited in the Land Title Office at Kamloops, B.C.,
this 11th day of August, 2009.

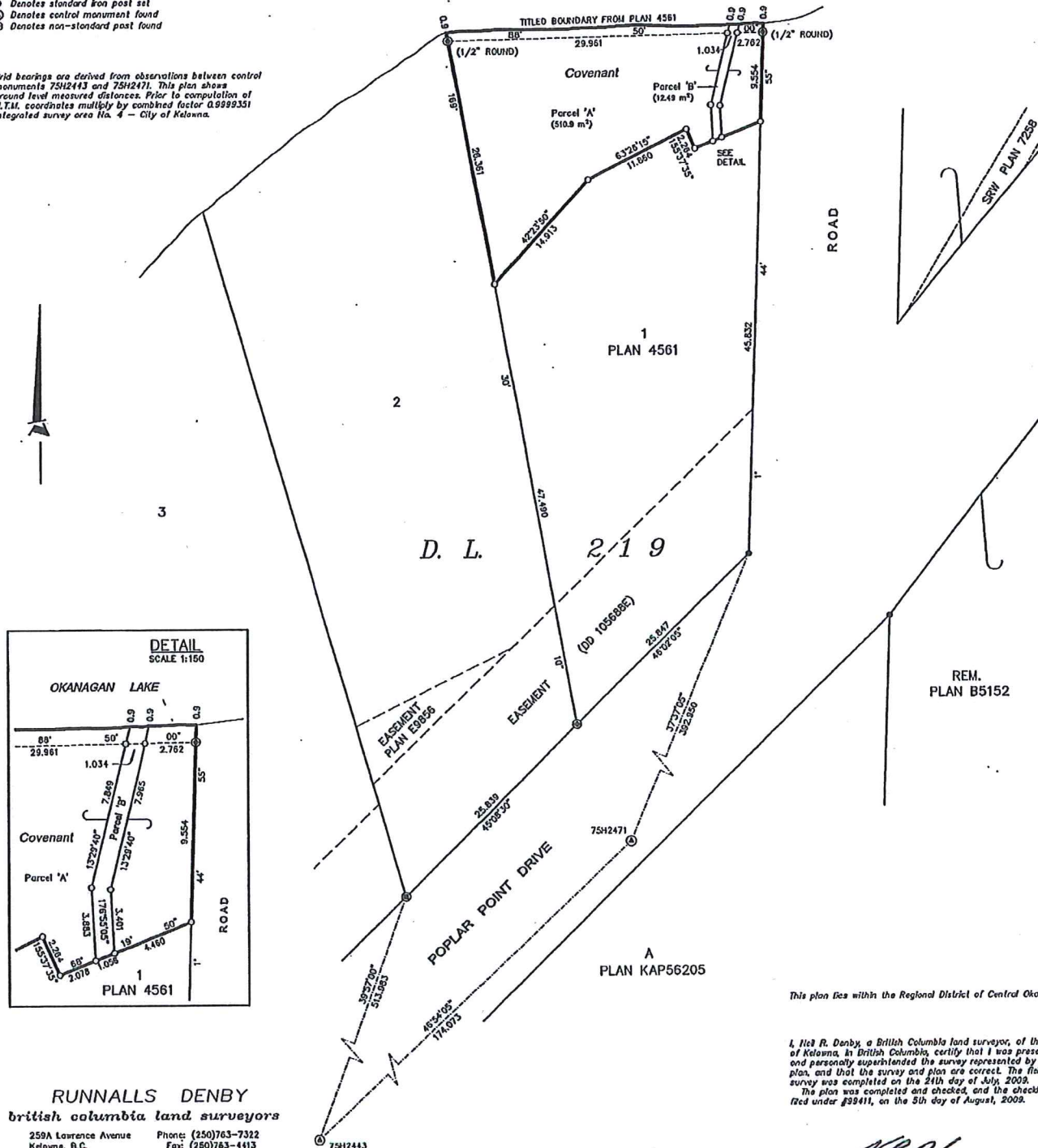
A. Brace

Registrar

Ref AB

V.B. 880280

OKANAGAN LAKE



This plan lies within the Regional District of Central Okanagan.

I, Neil R. Denby, a British Columbia land surveyor, of the City of Kelowna, in British Columbia, certify that I was present at and personally supervised the survey represented by this plan, and that the survey and plan are correct. The field survey was completed on the 21st day of July, 2009. The plan was completed and checked, and the checklist filed under #39411, on the 5th day of August, 2009.

RUNNALLS DENBY
british columbia land surveyors

259A Lawrence Avenue
Kelowna, B.C.
V1Y 6L2

Phone: (250)763-7322
Fax: (250)763-4413
Email: net@runnallsdenby.com

DHQ. No: 12909 COV

FILE: 12909

Neil R. Denby

B.C.L.S.

ORIGINAL

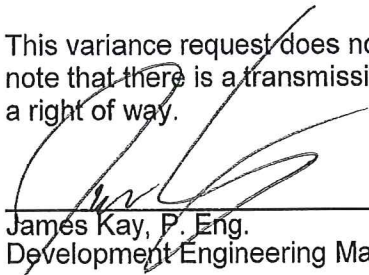
CITY OF KELOWNA

MEMORANDUM

Date: July 25, 2017
File No.: DVP17-0167
To: Urban Planning (PM)
From: Development Engineer Manager (JK)
Subject: 204 Poplar Point Dr

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

This variance request does not have any impact on any municipal infrastructure, however, we note that there is a transmission main along the south property line that we would like to pursue a right of way.



James Kay, P. Eng.
Development Engineering Manager

JA

REPORT TO COUNCIL



Date: November 7, 2017

RIM No. 0940-93

To: City Manager

From: Community Planning Department (EW)

Application: TUP17-0003

Owner: T 190 Enterprises Ltd., Inc.No.
BCo622798

Address: 3029 Appaloosa Rd

Applicant: T 190 Enterprises Ltd., Inc.No.
BCo622798

Subject: Temporary Use Permit Application

Existing OCP Designation: IND-L – Industrial - Limited

Existing Zone: A1 – Agricultural 1

1.0 Recommendation

THAT Council NOT authorize the issuance of Temporary Use Permit No. TUP17-0003 to allow outdoor storage for Lot 41 Section 3 Township 23 ODYD Plan 18861, located at 3029 Appaloosa Rd, Kelowna, BC.

2.0 Purpose

To consider a Staff recommendation to NOT issue a Temporary Use Permit to allow outdoor storage on the subject property.

3.0 Community Planning

The intent in issuing Temporary Use Permits (TUPs) as outlined in the *Local Government Act* is to allow temporary uses where they might otherwise be prevented under the current Zoning Bylaw so long as they are removed following the expiration of the permit. The applicant's proposal is to allow outdoor storage on the subject property while residents in the Arab/Appaloosa area pursue a neighbourhood-led land use and servicing plan. Staff have concerns regarding the temporary nature of the applicant's proposal.

The subject property is currently vacant and does not have commercial storage compliance issues, unlike some of the other properties in the Arab/Appaloosa area. Staff's goal is to work with the applicant to ensure that the property remains in compliance with the current A1 zoning until the overall servicing and infrastructure financing plan for the neighbourhood has been developed. With the appropriate infrastructure in place, it is anticipated that the property could be rezoned to the I6 – Low Impact Transitional Industrial zone which is designated in the Official Community Plan. The I6 zone permits outdoor storage as proposed by the applicant.

TUPs were recommended to property owner's in the area that have long standing non-conforming businesses in order to provide a transitional time period to eventually conform to the existing agricultural zone. Staff do not want TUPs used as a mechanism to circumvent the Zoning Bylaw that will result in the expansion of commercial or industrial land uses and lead to further bylaw enforcement issues upon expiry of the TUPs.

To date staff have had no communication with the residents about a Terms of Reference for neighbourhood-led planning and engineering work. A coordinated and approved servicing plan from the Arab/Appaloosa residents would be necessary for Staff to support any expansion of TUPs to non-established businesses in the area. Therefore, staff do not support the proposed temporary use permit.

Should Council choose to support the proposal, an Alternate Recommendation has been included in Section 8.o.

To fulfill Council Policy No. 367, the applicant notified property owners/tenants within 50m of the subject property and submitted a Neighbour Consultation Form to staff on September 14, 2017.

4.0 Proposal

4.1 Background

Due to the high cost of infrastructure and the results of the Public Interest Survey, the Sexsmith/Appaloosa area residents voted in January 2017 not to support a servicing plan for the entire area. Council supported a neighborhood led planning and engineering process on April 25th to determine if other more efficient planning/servicing options exist.

Staff will support Temporary Use Permits for established non-conforming industrial businesses for two years up to April 25th 2019. By April 25th 2019, it is expected that the property owners conform to the existing zone or the property owners have an approved and funded servicing plan as well as a rezoning application submitted.

4.2 Project Description

The applicant is requesting the use of 'outdoor storage' on a northwest portion of the vacant property (Schedule A). The area identified for outdoor storage is 2036m². The applicant would like to store recreational vehicles and storage containers on the property and bring in some income while the neighbourhood led planning and engineering process is explored.

4.3 Site Context

The subject property is located within the Highway 97 City Sector, east of Arab Rd and on the south side of Appaloosa Rd. The lot area is 7446m² and is typical of other surrounding properties. The property is within the Permanent Growth Boundary. The property is zoned A1 – Agriculture 1 and has a future land use designation of IND – L Industrial – Limited.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Residential/Agriculture
East	A1 – Agriculture 1	Residential
South	A1 – Agriculture 1	Residential/ Outdoor Storage
West	A1C – Agriculture 1 with Carriage House	Residential

Subject Property Map: 3029 Appaloosa Rd**5.0 Current Development Policies****5.1 Kelowna Official Community Plan (OCP)****Future Land Use****Temporary Use Permits (TUP).¹**

In accordance with the Local Government Act (Sections 879 and 921), an Official Community Plan may designate areas where Council may consider allowing temporary uses, and may specify general conditions regarding the issuance of temporary use permits in those areas.

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.

¹ City of Kelowna Official Community Plan (Future Land Use Chapter 4).

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 Development Engineering Department

- See Schedule "A", attached memorandum dated September 21, 2017.

6.2 Fire Department

- The Fire Department has no objections to the TUP request. The access shall be maintained on the property to all storage areas. The problem with these storage arrangements in the past has been the monitoring of the storage containers so that dangerous activities and manufacturing does not take place in them, that no flammable or combustible liquids are being stored - dangerous goods. Also, no units shall be used for dwelling - storage only.

7.0 Application Chronology

Date of Application Received: June 15, 2017
 Date Public Consultation Completed: September 13, 2017

8.0 Alternate Recommendation

Approval of a Temporary Use Permit may be subject to certain conditions such as a letter of credit to restore the land pending the expiry of the permit. This would provide the City additional assurances that the temporary uses would be removed and that the property would continue to conform to the Zoning Bylaw.

THAT Council authorizes the issuance of Temporary Use Permit No. TUP17-0003 to allow outdoor storage for Lot 41 Section 3 Township 23 ODYD Plan 18861, located at 3029 Appaloosa Rd, Kelowna, BC up to April 25th, 2019 subject to the following conditions:

- a) The dimensions and siting of the temporary use on the land be in general accordance with Schedule "A";
- b) The applicant posts a \$20,000 security deposit, in the form of a Letter of Credit, to ensure the outdoor storage use is removed and the previous land use restored.

AND THAT Council's consideration of this Temporary Use Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "B" attached to the Report from the Community Planning Department dated November 7, 2017;

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

Report prepared by:	Emily Williamson, 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 TUP17-0003

Schedule "A" – Site Plan

Schedule "B" – Development Engineering memorandum dated September 21, 2017

TEMPORARY USE PERMIT



APPROVED ISSUANCE OF TEMPORARY USE PERMIT NO. TUP17-0003

Issued To: T 190 Enterprises Ltd., Inc.No. BCo622798
Site Address: 3029 Appaloosa Rd
Legal Description: Lot 41 Section 3 Township 23 ODYD Plan 18861
Zoning Classification: A1 – Agricultural 1

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. TUP17-0003 for Lot 41 Section 3 Township 23 ODYD Plan 18861, located at 3029 Appaloosa Rd, Kelowna, BC be approved up to April 25th, 2019 subject to the following:

- a) The dimensions and siting of the temporary use on the land be in general accordance with Schedule "A";
- b) The applicant posting a \$20,000 security deposit, in the form of a Letter of Credit, to ensure the outdoor storage use is removed and the previous land use restored.
- c) The outstanding conditions of approval as set out in Schedule "B" attached to the Report from the Community Planning Department dated November 7, 2017;

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

2. PERFORMANCE SECURITY

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

- a) An Irrevocable Letter of Credit in the amount of \$ 20,000.00 .

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

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.**



0 20 40Meters

September 14, 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.

Notes

SCHEDULE

A

This forms part of application
TUP17-0004

Planner
Initials

EW

City of
Kelowna
COMMUNITY PLANNING



Date: September 21, 2017
File No.: TUP17-0003

To: Land Use Management Department (EW)

From: Development Engineering Manager (JK)

Subject: 3029 Appaloosa Road Zoned: A1 to Temporary Parking Lot

- Dust free surface complete with 100mm thickness of $\frac{3}{4}$ minus gravel
- The existing driveway letdown location should be confirmed. Only one driveway will be allowed to this property driveway must be paved 10m from edge of Appaloosa road not to track gravels on road way.
- Parking lot should be graded such that it is crowned with a 2% grade to each side for drainage.
- Allow for onsite turning movements, so that access and egress in a forward direction.

134

REPORT TO COUNCIL



Date: November 7, 2017

RIM No. 0940-93

To: City Manager

From: Community Planning Department (AC)

Application: TUP17-0004 **Owner:** 1056175 BC Ltd. Inc. No. BC1056175

Address: 3128 Appaloosa Rd **Applicant:** Darcy Holloway

Subject: Temporary Use Permit Application

Existing OCP Designation: IND-L – Industrial - Limited

Existing Zone: A1 – Agricultural 1

1.0 Recommendation

THAT Council NOT authorize the issuance of Temporary Use Permit No. TUP17-0004 to allow outdoor storage (RV's & boat storage) for Lot 11, Section 3, Township 23, ODYD, Plan 18861, located at 3128 Appaloosa Rd, Kelowna, BC.

2.0 Purpose

To consider a Staff recommendation to NOT issue a Temporary Use Permit to allow for outdoor storage on the subject property.

3.0 Community Planning

The intent in issuing Temporary Use Permits (TUPs) as outlined in the *Local Government Act* is to allow temporary uses where they might otherwise be prevented under the current Zoning Bylaw and are required to be removed following the expiration of the permit. The applicant indicated that his ultimate goal is to build a series of commercial / industrial units on the subject property. A rezoning application to the I6 – Low Impact Transitional Industrial zone would be necessary to allow that land use. The applicant understands the property owners in Arab/Appaloosa area intend to pursue a neighbourhood-led land use and servicing plan which would eventually open up the possibility of I6 rezoning applications. However, in the meantime the applicant would like to use the property for RV, trailer, and boat storage.

Staff are recommending that Council not support Temporary Use Permits that would allow for new commercial or industrial uses. TUPs were recommended to property owners in the area that have had long standing non-conforming businesses in order to provide a transitional time period to eventually conform to the existing agricultural zone. Staff do not want TUPs used as a mechanism to circumvent the Zoning Bylaw that will result in the expansion of commercial or industrial land uses and lead to further bylaw enforcement

issues upon expiry of the TUPs. To date staff have had very little communication with the residents about a Terms of Reference for neighbourhood-led planning and engineering work and to date are not aware of consultants being engaged. A coordinated and approved servicing plan from the Arab/Appaloosa residents would be necessary for Staff to support any expansion of TUPs to non-established businesses in the area.

Should Council choose to support the proposal, an Alternate Recommendation has been included in Section 8.o. Approval of a Temporary Use Permit may be subject to certain conditions such as a letter of credit to restore the land pending the expiry of the permit. Staff has recommended this approach as it would provide the City additional assurances that the temporary uses would be removed and that the property would continue to conform to the Zoning Bylaw.

4.0 Proposal

4.1 Background

Due to the high cost of infrastructure and the results of the Public Interest Survey, the Sexsmith/Appaloosa area residents voted in January 2017 not to support a servicing plan for the entire area. Council supported a neighborhood led planning and engineering process on April 25th 2017 to determine if other more efficient planning/servicing options exist.

Staff will support Temporary Use Permits for established non-conforming industrial businesses for two years up to April 25th 2019. By April 25th 2019, it is expected that the property owners conform to the existing zone or the property owners have an approved and funded servicing plan as well as a rezoning application submitted.

4.2 Project Description

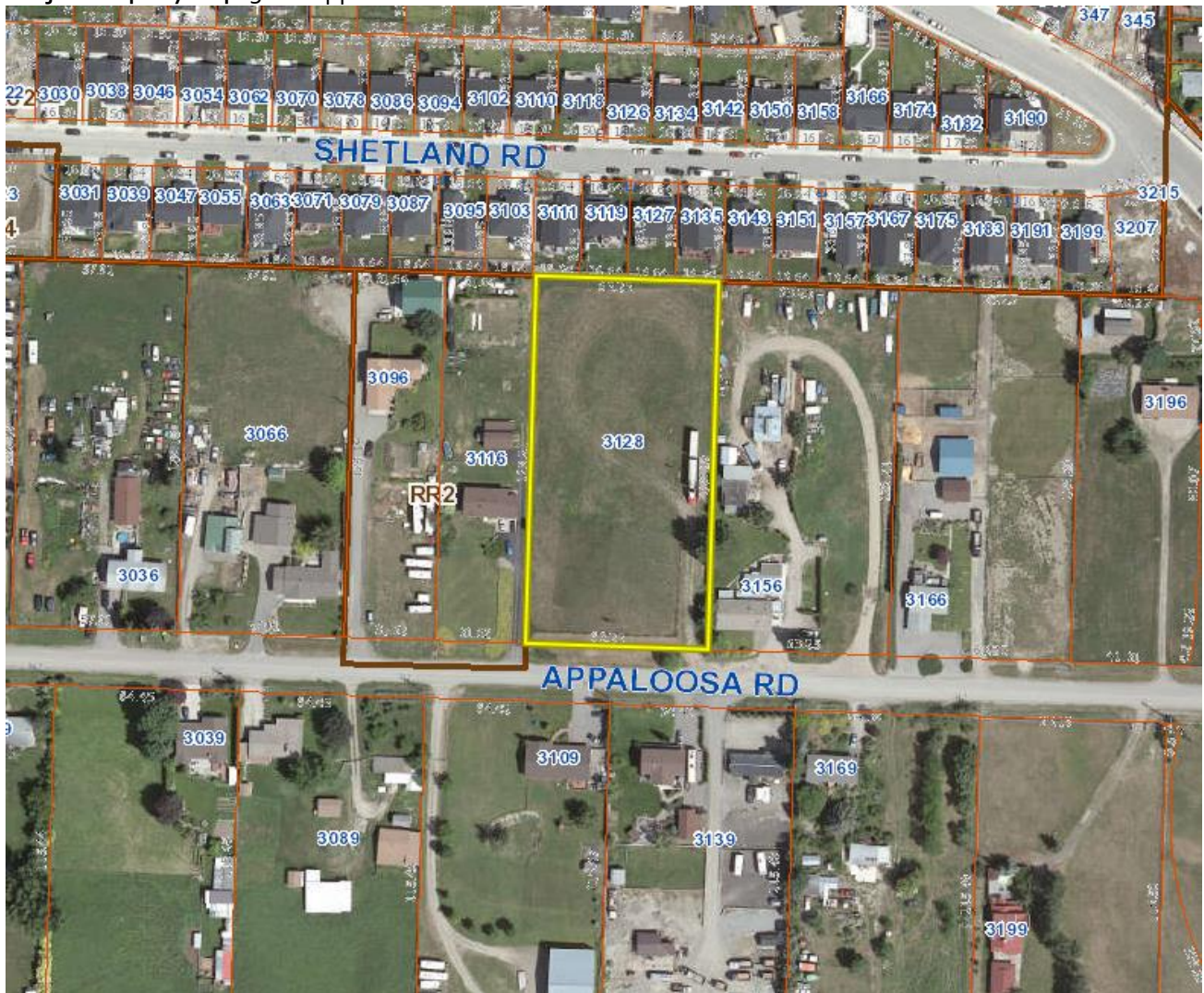
The applicant is requesting the land use of 'outdoor storage' on the subject property to facilitate the storage of RV's, trailers, and boats. The applicant would like this land use to bring in some income while the neighbourhood led planning and engineering process is explored.

4.3 Site Context

The subject property is located within the Highway 97 City Sector, east of Arab Rd and on the north side of Appaloosa Rd. The lot area is 8134m² and is typical of other surrounding properties. The property is within the Permanent Growth Boundary. The property is zoned A1 – Agriculture 1 and has a future land use designation of IND – L Industrial – Limited.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Residential
East	A1 – Agriculture 1	Rural Residential
South	A1 – Agriculture 1	Rural Residential/ Outdoor Storage
West	A1C – Agriculture 1 with Carriage House	Rural Residential

Subject Property Map: 3128 Appaloosa Rd

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 Development Engineering Department

- See Schedule "A", attached memorandum dated October 10, 2017.

6.2 Fire Department

- The Fire Department has no objections to the TUP request. The access shall be maintained on the property to all storage areas. The problem with these storage arrangements in the past has been the monitoring of the storage containers so that dangerous activities and manufacturing does not take place in them, that no flammable or combustible liquids are being stored - dangerous goods. Also, no units shall be used for dwelling - storage only.

7.0 Application Chronology

Date of Application Received: August 3rd, 2017
Date Public Consultation Completed: October 5th, 2017

8.o Alternate Recommendation

THAT Council authorizes the issuance of Temporary Use Permit No. TUP17-0004 to allow outdoor storage for Lot 11, Section 3, Township 23, ODYD, Plan 18861, located at 3128 Appaloosa Rd, Kelowna, BC up to April 25th 2019 subject to the following conditions:

- a) The dimensions and siting of the temporary use on the land be in general accordance with Schedule "A";
- b) The applicant posts a \$20,000 security deposit, in the form of a Letter of Credit, to ensure the outdoor storage use is removed and the previous land use restored.

AND THAT Council's consideration of this Temporary Use Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "B" attached to the Report from the Community Planning Department dated November 7, 2017;

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

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

Attachments:

Draft TUP17-0004

Schedule "A" – TUP Drawings

Schedule "B" – Development Engineering memorandum dated October 10, 2017

June 28 2017

In November 2015, I (Darcy Holloway) purchased 3128 Appaloosa Rd (1056175 BC LTD). My intent for the property is to build a small commercial unit where I can move my company and four or five other commercial units. Until the I6 zoning is complete, I would like to use the property for RV, trailer, and boat storage. As I understand, this requires a temporary use permit which I am applying for at this time.

Thank You,


Darcy Holloway

TEMPORARY USE PERMIT



APPROVED ISSUANCE OF TEMPORARY USE PERMIT NO. TUP17-0004

Issued To: T 190 Enterprises Ltd., Inc.No. BCo622798
Site Address: 3128 Appaloosa Rd
Legal Description: Lot 11 Section 3 Township 23 ODYD Plan 18861
Zoning Classification: A1 – Agricultural 1

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. TUP17-0004 for Lot 11 Section 3 Township 23 ODYD Plan 18861, located at 3128 Appaloosa Rd, Kelowna, BC be approved up to April 25th 2019 subject to the following conditions:

- a) The dimensions and siting of the temporary use on the land be in general accordance with Schedule "A";
- b) The applicant posting a \$20,000 security deposit, in the form of a Letter of Credit, to ensure the outdoor storage use is removed and the previous land use restored.
- c) The outstanding conditions of approval as set out in Schedule "B" attached to the Report from the Community Planning Department dated November 7, 2017;

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

2. PERFORMANCE SECURITY

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

- a) An Irrevocable Letter of Credit in the amount of \$ 20,000.00 .

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

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.**

SCHEDULE

A

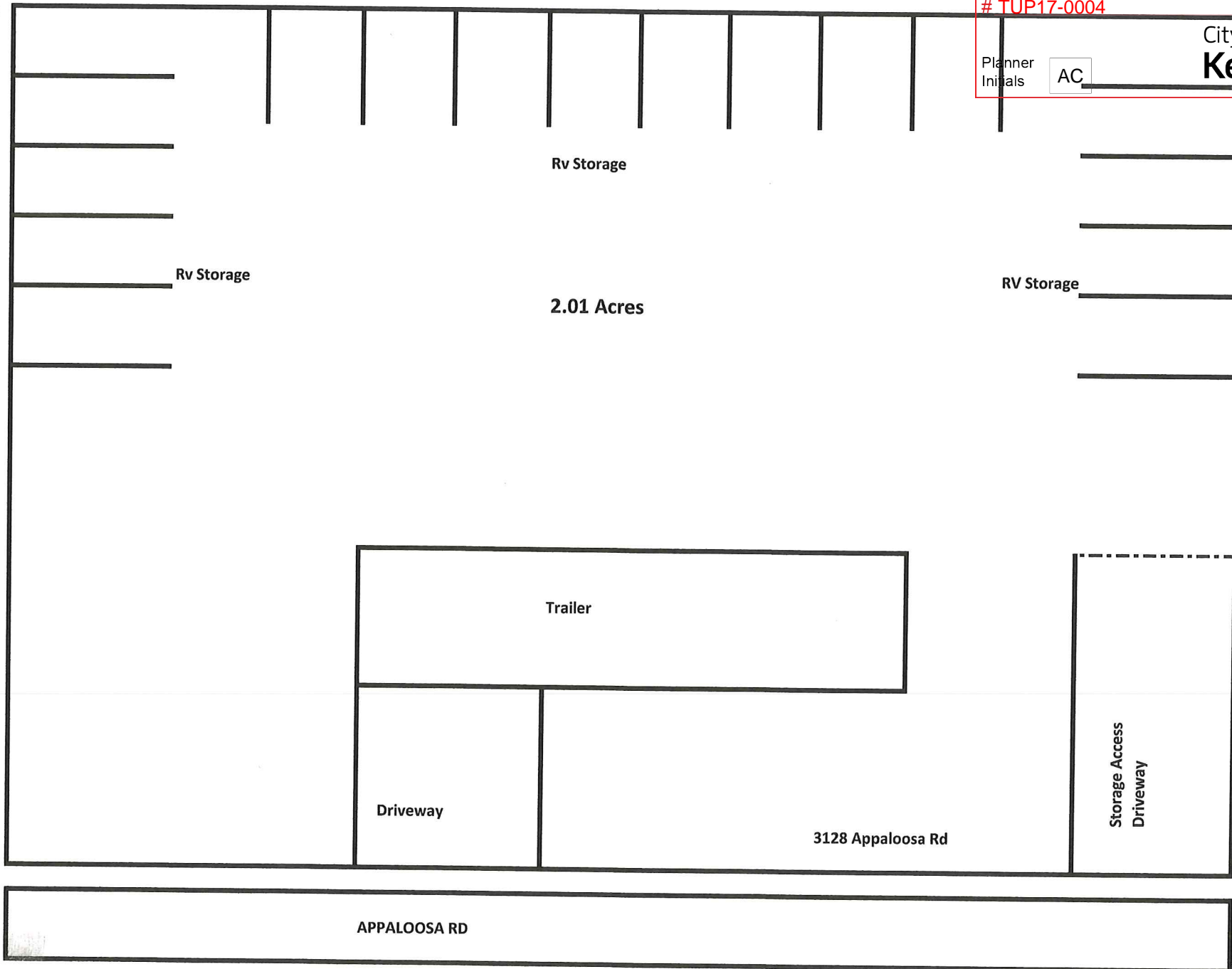
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TUP17-0004



City of
Kelowna
COMMUNITY PLANNING

Planner
Initials

AC



SCHEDULE

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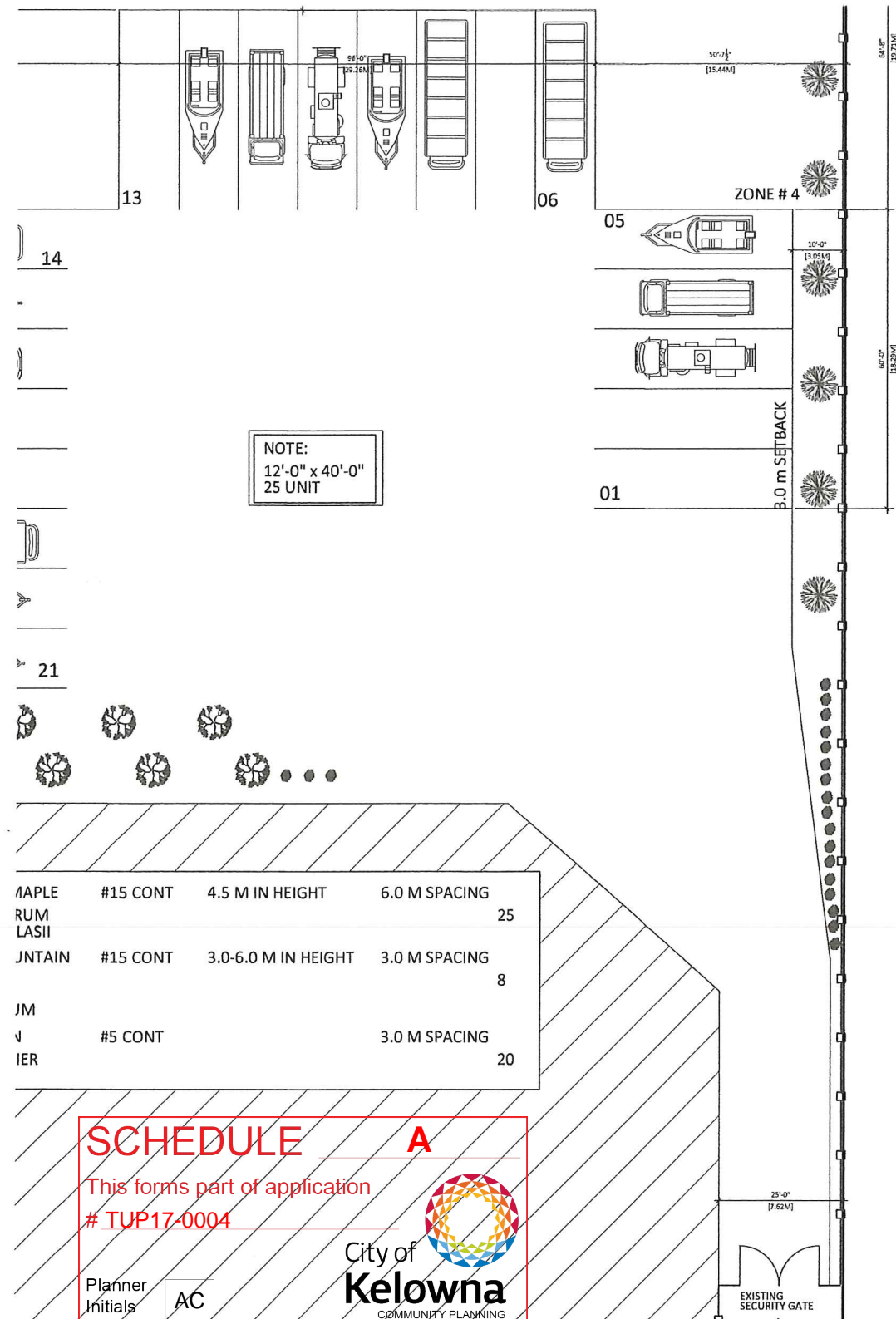
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Initials

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City of
Kelowna
COMMUNITY PLANNING





Zone No. 3	SETBACK BORDER	Low Flow Plant Drip Emitters	40 PSI	14 gpm / 3 times a week
Zone No. 4	SETBACK BORDER	Low Flow Plant Drip Emitters	40 PSI	14 gpm / 3 times a week

AUTOMATIC UNDER GROUND IRRIGATION SYSTEM

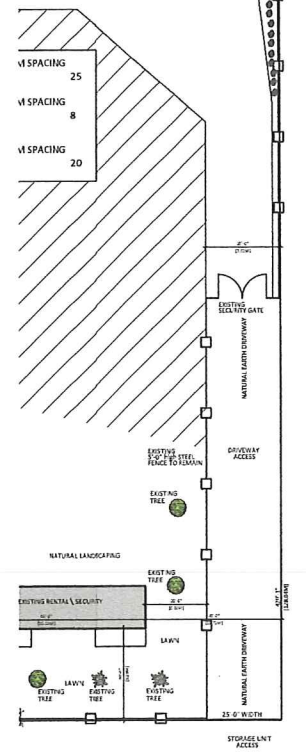
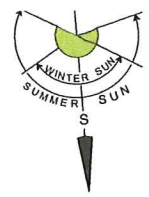
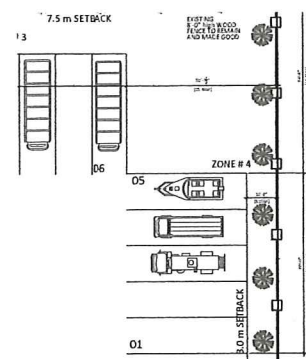
ENSURE THAT
ADHERES TO CITY OF KELOWNA - WATER SUPPLY PROGRAM

LANDSCAPE NOTES:

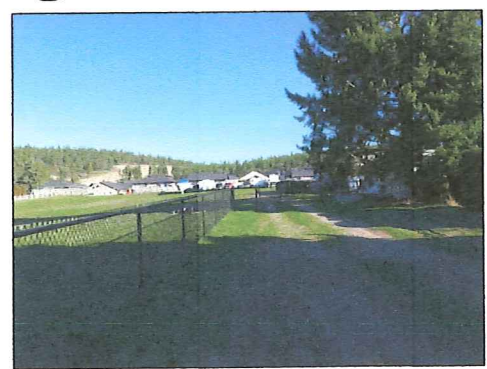
- PLANT MATERIAL AND CONSTRUCTION METHODS SHALL CONFORM TO MINIMUM STANDARDS ESTABLISHED PUBLISHED BY B.C.N.T.A. AND B.C.S.L.A. AS WELL AS THE CITY OF KELOWNA LANDSCAPE STANDARDS IN BYLAW 7900
- THE LANDSCAPE DESIGN DESIGNATED HEREIN IS CONCEPTUAL BUT REFLECTS THE MINIMUM CITY OF KELOWNA FORM AND CHARACTER REQUIREMENTS.
- TREES SHALL BE INSTALLED IN DEFINED SOIL. PITS OR PLANTING BEDS AREAS. ADEQUATE SOIL VOLUME SHALL BE PROVIDED. BASED ON THE SPECIFIC TREE SPECIES AND LOCATION.
- PLANT MATERIAL SELECTION ARE CONCEPTUAL ONLY. FINAL PLANTING, SELECTION MAY VARY DEPENDING UPON AVAILABILITY AT THE TIME OF PLANTING.
- ORNAMENTAL SHRUBS, GRASSES AND PERENNIAL CLUSTERS ARE TO BE PLACED WITHIN DEFINED PLANTING BEDS. ALL PLANTING BEDS SHALL HAVE A MIN. OF 450mm (18") IMPORTED GROWING MEDIUM AND 75mm (3") OF DECORATIVE ROCK OR MULCH OR APPROVED EQUAL. THE CONTRACTOR SHALL PROVIDE SAMPLES FOR APPROVAL PRIOR TO DELIVERY TO THE SITE AND INSTALLATION.
- LANDSCAPE FABRICS SHALL BE INSTALLED BELOW ALL DECORATIVE ROCK AREAS. LANDSCAPE FABRIC SHALL BE NILEX 4545 OR APPROVED EQUAL.
- TURF AREAS SHALL BE LOW WATER USE NO. 1 PREMIUM SOD WITH A MIN. OF 150 mm (6") IMPORTED GROWING MEDIUM.
- A HIGH EFFICIENCY IRRIGATION SYSTEM SHALL BE INSTALLED FOR ALL ORNAMENTAL AREAS AND SHALL CONFORM TO THE CITY OF KELOWNA IRRIGATION STANDARDS IN BYLAW 7900.
- DESIGN INTENT: THESE DRAWINGS REPRESENT THE GENERAL DESIGN INTENT TO BE IMPLEMENTED ON THE SITE. CONTRACTOR SHALL BE RESPONSIBLE FOR CONSULTING THE CONTRACT ADMINISTRATOR FOR ANY ADDITIONAL CLARIFICATION OF DETAILS NECESSARY TO ACCOMMODATE SITE CONDITIONS OR DETAILS
- LIMIT OF WORK: THE CONTRACTOR SHALL VERIFY THE LIMIT OF WORK ON SITE WITH THE CONTRACT ADMINISTRATOR PRIOR TO CONSTRUCTION. ALL WORK OF THE CONTRACTOR SHALL BE WITHIN THE LIMITS OF WORK IDENTIFIED ON THESE DRAWINGS. ANY DAMAGE TO AREAS OUTSIDE OF THE LIMIT OF WORK WILL BE REPAIRED OR REPLACED AT THE

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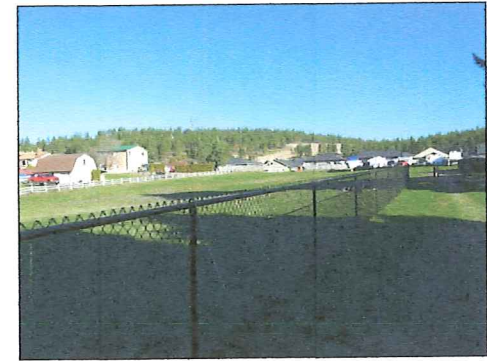
6 NORTH VIEW
A 1 SCALE:



3 NORTH VIEW
A 1 SCALE:



7 ALONG APPALOOSA ROAD
A 1 SCALE:



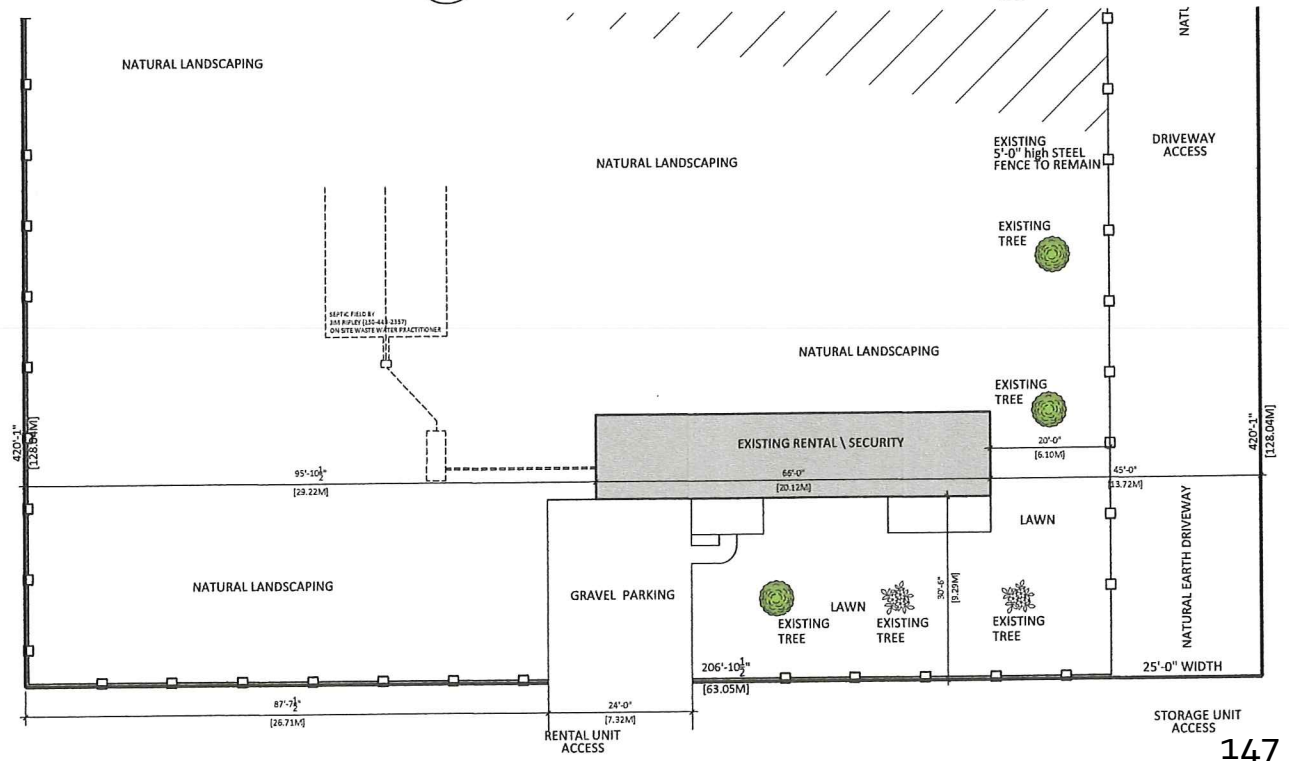
4 WESTVIEW
A 1 SCALE:



8 VIEW INTO PROP
A 1 SCALE:



5 WEST VIEW
A 1 SCALE:



SCHEDULE A

This forms part of application
TUP17-0004

Planner Initials **AC**

City of Kelowna
COMMUNITY PLANNING