
CITY OF KELOWNA

MEMORANDUM

Date: May 22, 2019
File No.: DP19-0092
To: Community Planning (LK)
From: Development Engineer Manager (JK)
Subject: 340 Hwy 33 W

SCHEDULE		A
This forms part of application		
# DP19-0092		
Planner Initials	AT	 City of Kelowna COMMUNITY PLANNING

Form and Character

The comments and requirements contained in this memo are in addition to the offsite infrastructure and services upgrades addressed in the Rezoning Engineering Report under file Z15-0052. The Development Engineering comments and requirements regarding this Development Permit application for Form and Character of the development of a proposed carwash addition to an existing gas bar and convenience store are as follows:

1. DRIVEWAY AND LANE ACCESS

- a) With reference to the driveway access to Dougall Rd N at the south west corner of the property, the Subdivision, Development & Servicing Bylaw (Bylaw 7900) stipulates that driveway accesses to commercial and industrial corner lots shall be a minimum of 15 m from the property line of the adjoining road (as per Section 4.6 of Schedule 4 of Bylaw 7900). Due to site grading constraints of this property, the driveway setback requirements will be waived, but right-in/right-out access from this driveway shall be enforced via appropriate signage.
- b) Only one access to the property via the laneway will be granted. Therefore, the 8-m wide parking pad directly east of the existing convenience store will require decommissioning.

2. FRONTAGE UPGRADES

- a) Property frontages on both HWY 33 W and Dougall Rd N are to be designed as per the Rutland Urban Centre Streetscape Plan Final Report.

3. 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 Security 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.

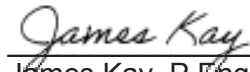
4. FEES AND CHARGES

- a) The 3.0% Engineering and Inspection Fee first noted in the Rezoning Engineering Report (Z15-0052) has changed since the original application was processed. The new

fees will be calculated at 3.5% of the total cost of off-site construction as per Bylaw 10560.

- b) Development cost charges are applicable and will be collected at time of Building Permit.

The Development Engineering comments/requirements are subject to the review and requirements from the Ministry of Transportation and Infrastructure (MoTI).



James Kay, P.Eng.
Development Engineering Manager

JKH

SCHEDULE

B

This forms part of application

DP19-0092

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Initials

AT



Revitalization Development Permit Area Consideration has been given to the following guidelines as identified in Section 14.B. of the City of Kelowna Official Community Plan relating to Revitalization Development Permit Areas:

REVITALIZATION DEVELOPMENT PERMIT AREA	YES	NO	N/A
Relationship to the Neighbourhood and Street			
Does the proposal maintain the established or envisioned architectural character of the neighbourhood?		✓	
Do developments adjacent to non-revitalization areas create an appropriate transition?			✓
Are spaces for pedestrian friendly amenities, such as street furniture, included on site?		✓	
Is the ratio of streetwall height to street width less than 0.75:1?	✓		
Does the building frontage occupy the entire length of the street, without drive aisles or other dead zones?		✓	
Building Design			
Are architectural elements aligned from one building to the next?	✓		
Are the effects of shadowing on public areas mitigated?	✓		
Are doors or windows incorporated into at least 75% of street frontage?		✓	
Do proposed buildings have an identifiable base, middle and top?	✓		
Are windows, entrances, balconies and other building elements oriented towards surrounding points of interest and activity?		✓	
Are architectural elements such as atriums, grand entries and large ground-level windows used to reveal active interior spaces?		✓	
Are buildings designed with individual entrances leading to streets and pathways rather than with mall style entrances and internal connections?		✓	
For multiple unit residential projects, is ground level access for first storey units provided?			✓
Are buildings finished with materials that are natural, local, durable and appropriate to the character of the development?	✓		
Are prohibited materials such as vinyl siding, reflective or non-vision glass, plastic, unpainted or unstained wood, and concrete block not used in the	✓		
Are stucco and stucco-like finishes omitted as a principal exterior wall material?	✓		
Are vents, mechanical rooms/equipment and elevator penthouses integrated with the roof or screened with finishes compatible with the building's design?	✓		
View Corridors			
Are existing views preserved and enhanced?	✓		
Vehicular Access and Parking			
Are at-grade and above-grade parking levels concealed with façade treatments?		✓	

REVITALIZATION DEVELOPMENT PERMIT AREA	YES	NO	N/A
Are garage doors integrated into the overall building design?			✓
Are pedestrian entrances more prominent features than garage doors and vehicle entrances?		✓	
Is surface parking located to the rear of the building or interior of the block?		✓	
Are truck loading zones and waste storage areas screened from public view?	✓		
Do parking lots have one shade tree per four parking stalls?		✓	
Are pedestrian connections provided within and between parking lots?			✓
Are driving, parking, pedestrian and cycling areas distinguished through changes in colour or pattern of paving materials?		✓	
Signage			
Is signage design consistent with the appearance and scale of the building?	✓		
Are corporate logos on signs complimentary to the overall building character?	✓		
Is signage lighting minimized?	✓		
Public Art			
Is public art incorporated into the project?		✓	

Development Permit & Development Variance Permit DP19-0092



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

340 Hwy 33 W

and legally known as

Lot 1 Section 26 ODYD Plan EPP62403

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

a mixed-use building with a car wash at grade and an apartment above

ATTACHMENT		A
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Planner Initials	AT	
		City of Kelowna COMMUNITY PLANNING

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

Date of Council Decision November 18, 2019

Decision By: COUNCIL

Development Permit Area: Revitalization DP Area

Existing Zone: C4 – Urban Centre Commercial

Future Land Use Designation: Mixed Use Residential / Commercial (MXR)

This is NOT a Building Permit.

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

NOTICE

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

Owner: ZSY Holdings Ltd. Inc.No. BC0981442

Applicant: Urban Options Planning and Permits

Terry Barton
Community Planning Department Manager
Planning & Development Services

Date

1. SCOPE OF APPROVAL

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

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

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

2. CONDITIONS OF APPROVAL

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

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

3. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the 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) An Irrevocable Letter of Credit **OR** certified cheque in the amount of **\$15,377.50**

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.

5. INDEMNIFICATION

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

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

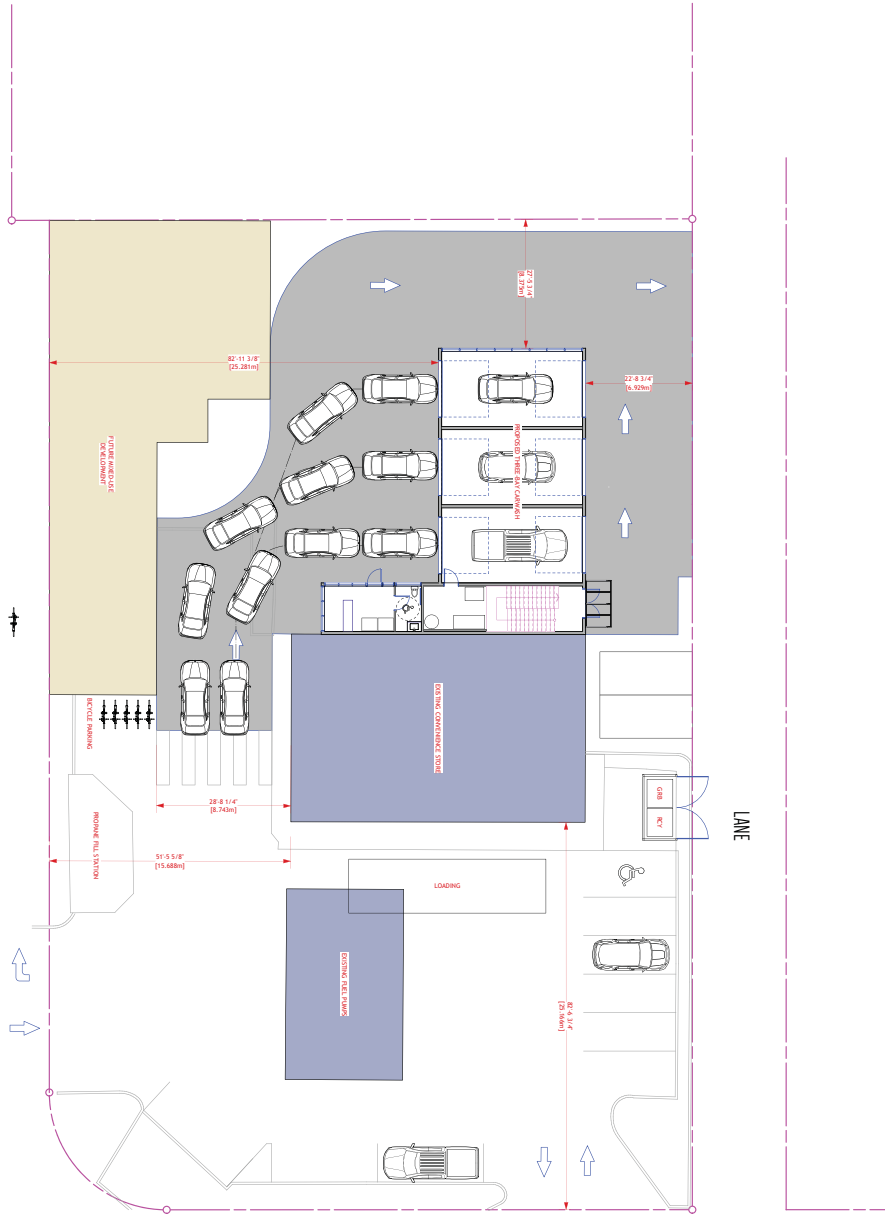
All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly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

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

1 SITE PLAN
Scale: 1:150



DOUGLAS ROAD NORTH



HIGHWAY 33 WEST



IHS DESIGN
402 - 14015 PALL STREET
KELOWNA, BC V1Y 4Z8
www.ihsdesign.com
250.212.7758
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PROJECT NORTH

REVISION DATE DESCRIPTION

PROJECT

COMMERCIAL DEVELOPMENT
340 HIGHWAY 33 WEST
KELOWNA, BC V1X 1X9
LOT 1 PLAN EPP62403

DRAWING TITLE

SITE

DATE MARCH 18, 2019

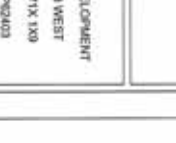
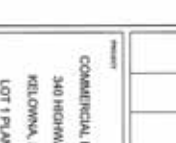
DRAWING NUMBER

9 of 10

SCHEDULE B

This forms part of application
DP19-0092

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Initials AT



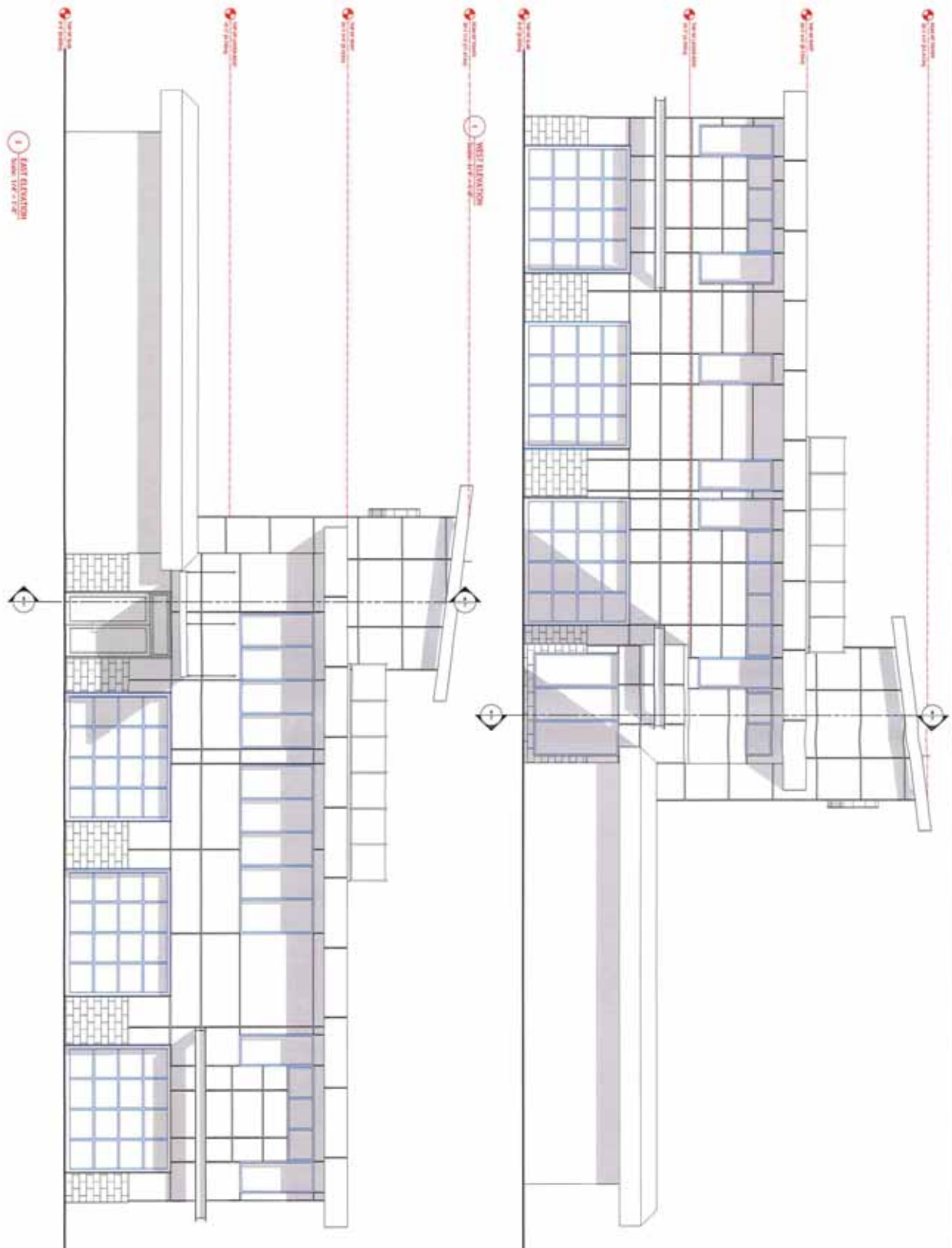
PROJECT
COMMERCIAL DEVELOPMENT
340 HIGHWAY 23 WEST
KELOWNA, BC V1Y 1X9
LOT 1 PLAN EPP2403

DATE
MARCH 18, 2019

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400 - 1401 ST. JAMES STREET
KELOWNA, BC V1Y 1X9
250-322-7624
www.ihisdesign.com



IHS DESIGN

4000 S. 10th St., Suite 100
 Lincoln, NE 68502
 402.433.2100
 www.ihdesign.com



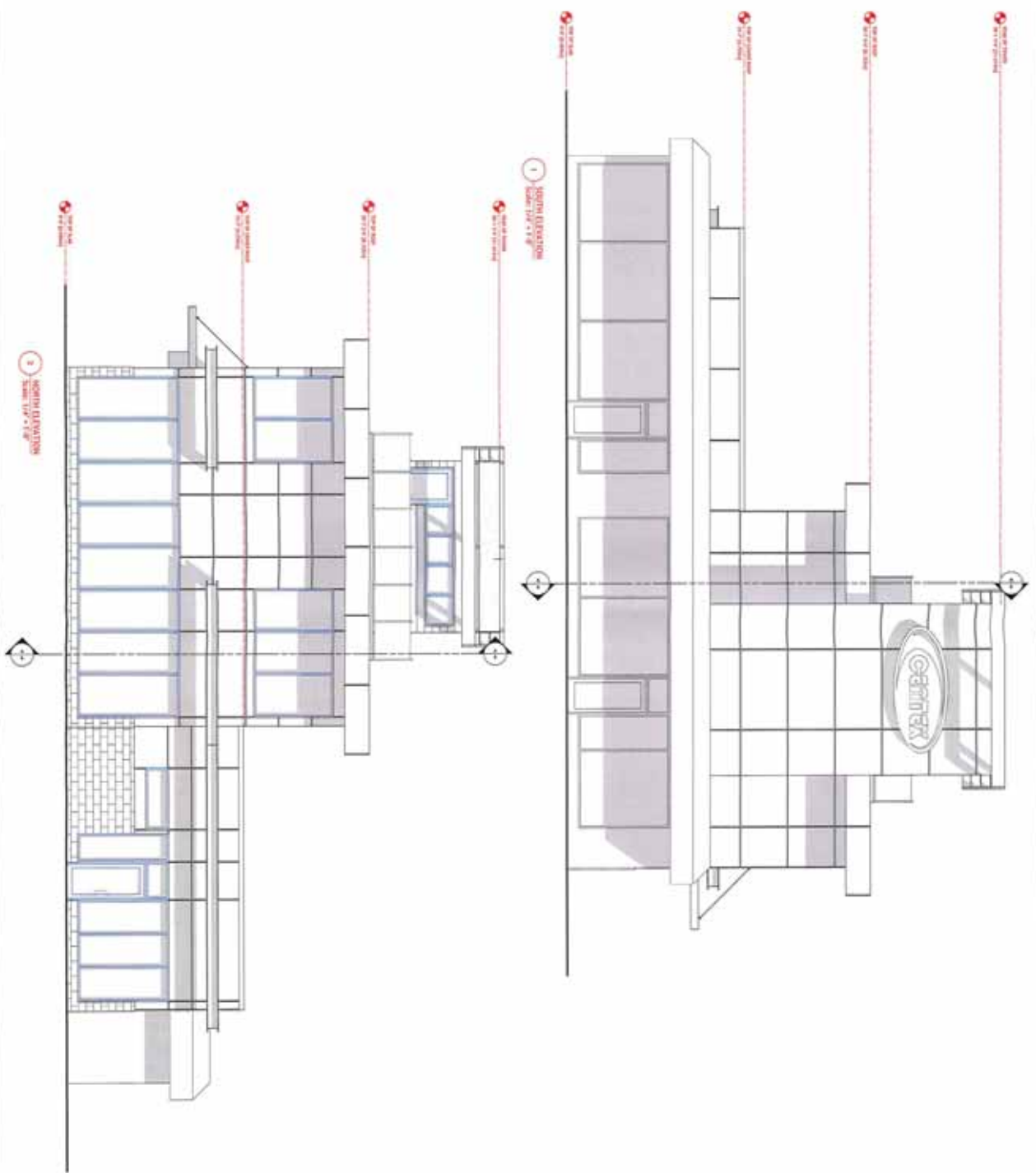
PROJECT NORTH

DATE	DESCRIPTION

PROJECT
 COMMERCIAL DEVELOPMENT
 3400 HIGHWAY 23 WEST
 NELOHNA, ND 58058
 LOT 1 PLAN EPR2403

DATE
 MARCH 18, 2019

PROJECT
 ELEVATIONS



PROJECT

COMMERCIAL DEVELOPMENT
340 HIGHWAY 33 WEST
KELCHINA, BC V1X 1X9
LOT 1 PLAN EPP2403

DATE

MARCH 18, 2019

PROJECT TITLE

ELEVATIONS



PROJECT: NORTH

ARCHITECT

IHS DESIGN
401 - 1401 ST. JAMES STREET
VICTORIA, BC V8W 2E7
TEL: 250.363.7777
FAX: 250.363.7778

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of
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DP19-0092



Planner Initials AT

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340 HIGHWAY 33 W

Abstract

CONCEPTUAL LANDSCAPE PLAN

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PLANT LIST

[illegible]

NOTES

PLAYING FOOTBALL AND CONSIDERING HOPKINS IS A LOT DIFFERENT THAN PLAYING FOOTBALL AND CONSIDERING HARVARD. (COURTESY OF THE HARVARD FOOTBALL TEAM)



RESEARCHER'S NAME: _____



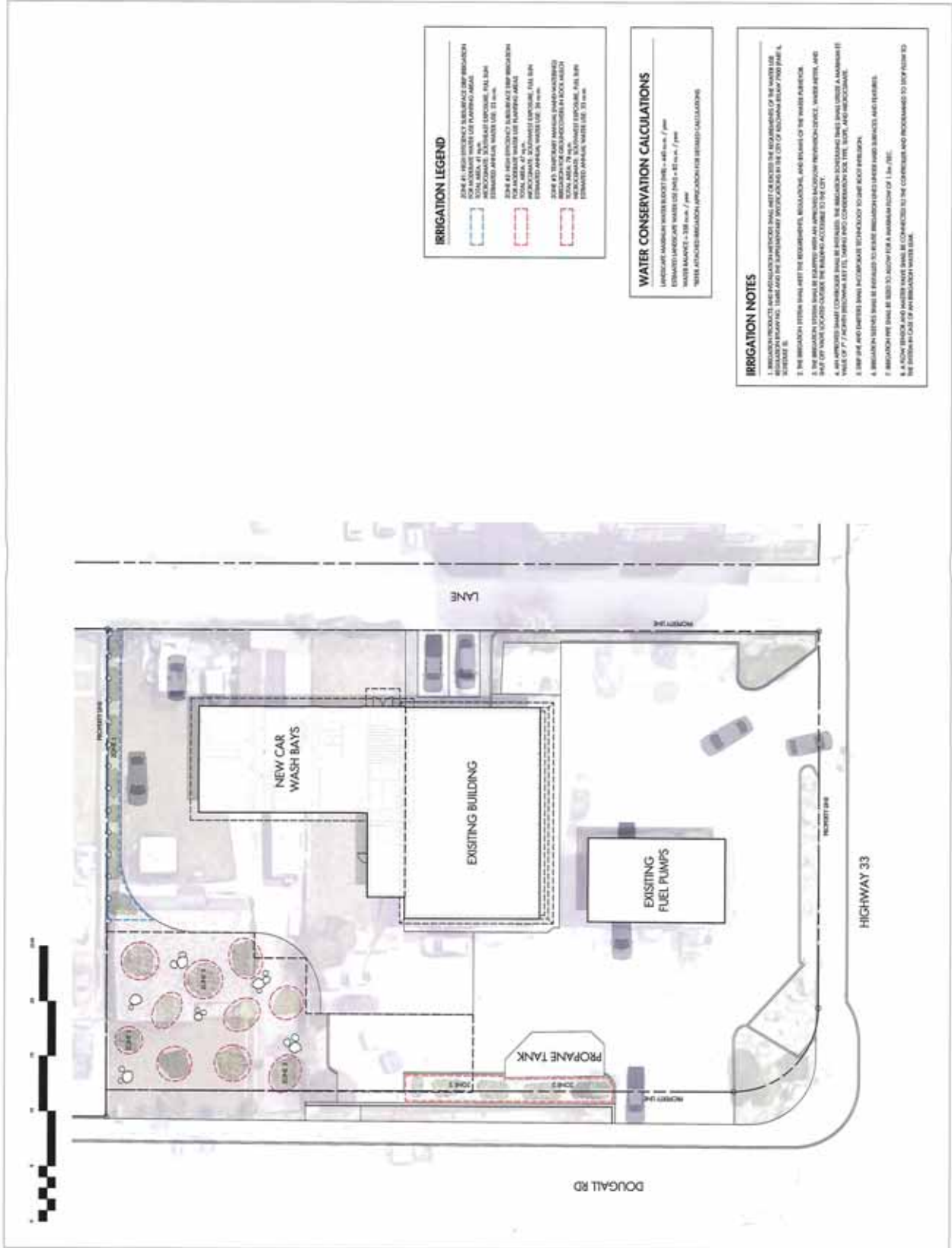
340 HIGHWAY 33 W

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 $L2/2$

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OUTLAND DESIGN
LANDSCAPE ARCHITECTURE

Monday, March 29th, 2019

340 Highway 33 W

C/o Centex Kelowna

340 Highway 33 W

Kelowna, BC V1X 1X9

Attn: Chandan Dulay (Ruby)

Via email to: rubydulay1@gmail.com

Dear Ruby:

Please be advised of the following preliminary cost estimate for bonding of the proposed landscape works shown in the 340 Highway 33 W conceptual landscape plan dated 19.03.29:

- 440 square metres (4,736 square feet) of improvements = \$12,302.00

This preliminary cost estimate is inclusive of shrubs, mulch, topsoil, irrigation, boulders, & fencing.

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

Best regards,

Kim McNamee, MBCSLA, CSLA

as per

Outland Design Landscape Architecture



March 28, 2019

City of Kelowna
Urban Planning Department
1435 Water Street
Kelowna B.C.

ATTACHMENT **B**

This forms part of application

DP19-0092

Planner
Initials **AT**



RE: Form and Character Development Permit at 340 HWY 33 W.

Dear Urban Planning Department:

We are seeking a Comprehensive Development Permit to allow for a proposed carwash addition to the rear of the existing gas bar and convenience store located on the subject property. The property was rezoned to the C4 – Urban Centre Commercial zone in 2015.

The proposed carwash building addition is designed as a two storey building, with an office area and a 2 bedroom residence located on the upper level, and a 3 bay carwash on the main level. The car wash bays are accessed from the west side of the addition from a paved driveway and stacking area located behind the existing gas bar building. The exit from the carwash bays is from the east side of the building to a driveway area that will give the users an option to exit towards the east to the adjacent lane or to proceed back towards the gas bar and exist onto Dougall Road N.

There is a portion of the property located between the paved stacking area and Dougall Rd. N. that is to be left undeveloped. It is planned that this area will be developed in the near future.

The exterior of the addition is designed to incorporate several modern contemporary elements. The exterior of the addition is to be finished with "Hardi-Panel" product. The bulk of the wall area is to be finished with a "grey" coloured material, while there will be a "blue" coloured product used as an accent feature near the windows located on the north portion of the addition. "Orange" coloured material is used as an accent to the cashier area, as well as on the tower element. The base of the wall areas is to be finished with a "dark grey" cultured stone product. The stair tower portion will project above the roof line of the addition to provide access to a roof-top patio area for the occupants of the building. This tower element will also provide a focal point for the building as well as a location for signage.

The building design also includes a number of black brushed metal architectural metal shade structures above the main level windows to add visual interest to the resulting building facades.

The vacant future building portion of the property is proposed to be landscaped with a number of shrubs and stone features. The portion of the property located at the north end of the property adjacent to the existing residential uses is designed to be landscaped with a

blend of ornamental shrub plantings along with grasses. There is also a 1.8m high screen fence to be installed along this property line as well.

We feel that the high level of design and the incorporation of high-quality materials will result in a development project that will enhance the visual appeal of the site development. It is anticipated that the proposed addition will have a minimal impact on the surrounding area and be a welcome addition to the neighbourhood.

Regards

A handwritten signature in blue ink, appearing to read 'Birte Decloux', written over the word 'Regards'.

Birte Decloux on behalf of Chandan Dulay, ZSY Holdings Ltd.

ATTACHMENT C

This forms part of application

DP19-0092

Planner
Initials

AT



October 08, 2019

City of Kelowna

Dear Sir:

**Re: Letter of Intent to develop property located at 340 Hwy 33 W. Kelowna BC
(the "Property")**

This letter of intent is to confirm our intention to develop the Property as follows:

1. The Property development will occur in accordance with applicable City of Kelowna zoning bylaws and official community plan guidelines.
2. The development of the Property will consist of a mixed-use building on the Dougall frontage of the Property.
3. A development permit application will be made for the proposed mixed-use building.
4. That the application for a development permit for the proposed mixed-use building will be submitted to the City on or before October 8, 2029.
5. If the terms of this non-binding letter of intent are acceptable, kindly execute below, signifying your approval and provide one fully executed copy to me.

Yours truly,

SIGNED, SEALED AND DELIVERED
by Chandan (Ruby) Dulay in the presence of:

VARINDER JATANA
Name
#43-31255 UPPER MACLURE Rd.
Address Abbotsford, B.C.
Occupation Realtor.

Chandan (Ruby) Dulay

City of Kelowna
by its authorized signatory:

Per: _____