

Development Variance Permit

DVP22-0134



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

2339-2397 HWY 97 N

and legally known as

Lot A District Lots 126 and 532 ODYD Plan 40108

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

Food Primary Establishment

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 29, 2022

Decision By: COUNCIL OR DEVELOPMENT PLANNING DEPARTMENT MANAGER

Existing Zone: UC3dt-rcs – Midtown Urban Centre with Drive Through and Retail Cannabis Sales Zone

Future Land Use Designation: UC- Urban Centre

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: Dilworth Shopping Centre Ltd.

Applicant: Gustavson Wylie Architects

Terry Barton
Development Planning Department Manager
Planning & Development Services

Date of Issuance

ATTACHMENT A

This forms part of application

DVP22-0134

Planner
Initials **GA**



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 exterior design and finish of the building to be constructed on the land be in accordance with Schedule "A";
- b) AND THAT variances to the following sections of Sign Bylaw No. 11530 be granted:

Section 3.5.2 (c) Signs Not Requiring a Permit, Directional Sign, Regulations

To vary directional sign regulations to allow for lit directional signs.

Section 9.3 (b) h.: Urban Commercial Zones, Signage Regulations

To vary the maximum number of permanent illuminated fascia signs per business from two (2) permitted to three (3) proposed.

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

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.

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.**

ATTACHMENT A

This forms part of application
DVP22-0134



City of
Kelowna
DEVELOPMENT PLANNING

Planner
Initials
GA

