

# Development Permit

## DP23-0103

<b>ATTACHMENT</b>	<b>A</b>
This forms part of application # DP23-0103	
Planner Initials	Jl
 City of <b>Kelowna</b> DEVELOPMENT PLANNING	



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

**536-540 Hollywood Rd S**

and legally known as

**Lot 3 Section 22 Township 26 ODYD Plan 22192**

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

### **Gas Bar**

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

**Date of Council Approval:**            **January 22, 2024**

Development Permit Area:            Form and Character

Existing Zone:                            C1 – Local & Neighbourhood Commercial

Future Land Use Designation:        C-NHD – Core Area Neighbourhood

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

### **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:                                      Hollywood Deli Ltd., Inc. No. 247048

Applicant:                                    John Chisholm

---

Nola Kilmartin  
Development Planning Department Manager  
Planning & Development Services

---

Date of Issuance

## 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

THAT Council authorizes the issuance of Development Permit No. DP23-0103 for Lot 3 Section 22 Township 26 ODYD Plan 22192 located at 536-540 Hollywood Rd S, Kelowna, BC, subject to the following:

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

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Manager 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 owner of the day. Should the Developer carry out the development as per the conditions of this permit, the security shall be returned to the Developer or his or her designate following proof of Substantial Compliance as defined in Bylaw No. 12310. There is filed accordingly:

- a) An Irrevocable Letter of Credit **OR** certified cheque **OR** a Surety Bond in the amount of **\$12,827.93**

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.

## 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.

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  
# DP23-0103

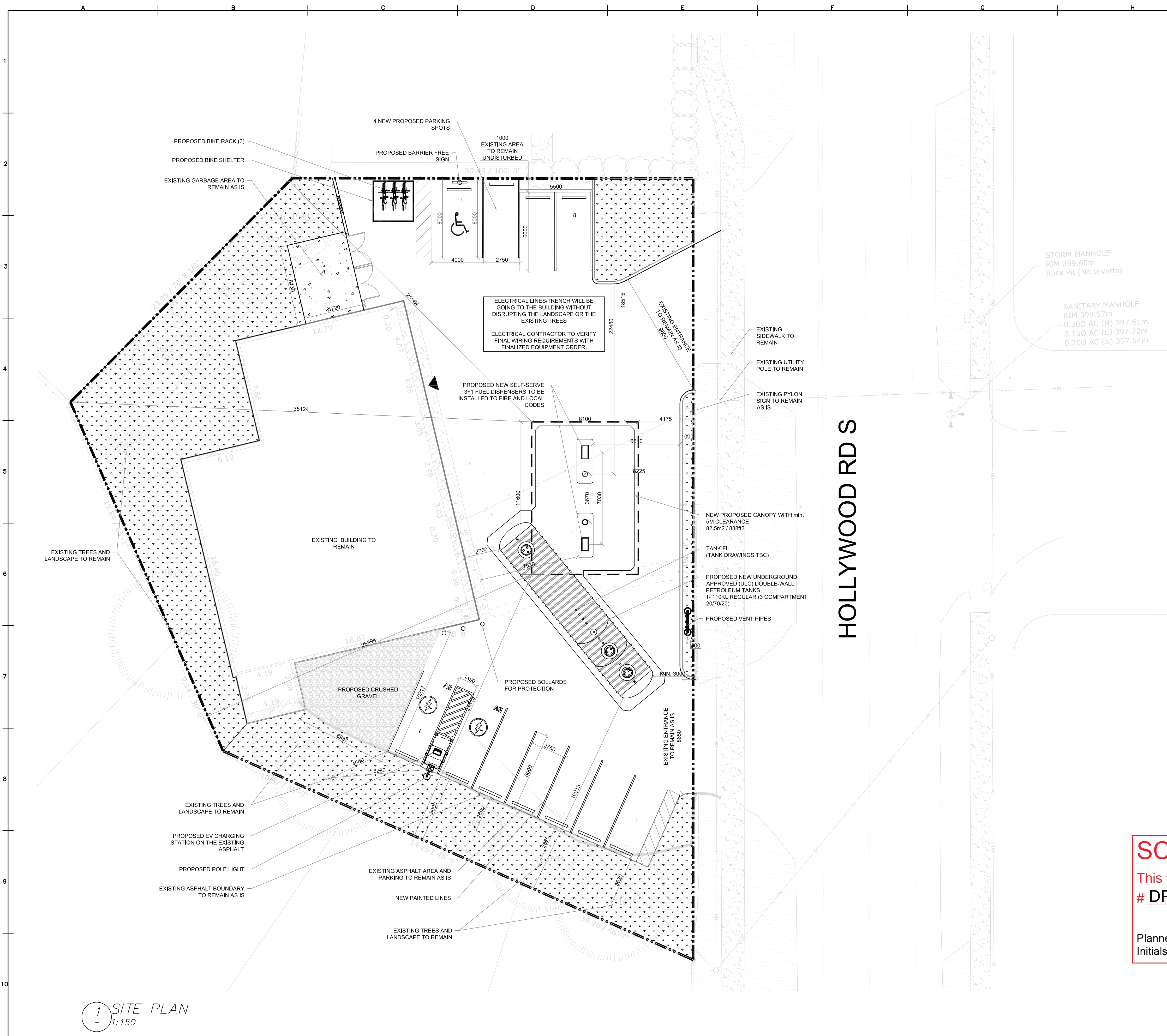
Planner Initials      JI     



City of  
**Kelowna**  
DEVELOPMENT PLANNING

DRAFT





KEY PLAN



MUNICIPAL ADDRESS 540 HOLLYWOOD RD S, KELOWNA, BC V1X 3T3, CANADA	LEGAL DESCRIPTION LOT 3, SECTION 22, TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 22192	APPLICANT/OWNER INFO
GENERAL NOTES: 1. ALL SITE FEATURES ARE TO BE CONSIDERED NEW UNLESS OTHERWISE NOTED. 2. CONTRACTOR TO VERIFY EXISTING CONDITIONS PRIOR TO CONSTRUCTION. 3. CONTRACTOR TO ENSURE ALL SETBACKS ARE MAINTAINED DURING CONSTRUCTION OF SITE. 4. OWNER OR OWNER REPRESENTATIVE ARE TO BE NOTIFIED OF ANY ERRORS OR OMISSIONS THAT ARE DISCOVERED. 5. OWNER OR OWNER REPRESENTATIVE ARE RESPONSIBLE FOR FINAL CONFIRMATION AND PLACEMENT OF ALL EQUIPMENT. 6. CONTRACTOR TO HAVE LOCATES DONE PRIOR TO ANY CONSTRUCTION ACTIVITIES. 7. ALL DIMENSIONS ARE APPROXIMATE AND NEED TO BE VERIFIED PRIOR TO CONSTRUCTION. 8. DO NOT SCALE DRAWINGS. 9. ALL THE SITE DIMENSIONS WERE PROVIDED BY THE OWNER. GC RESPONSIBLE FOR FINAL SITE LOCATES WORKING TO TRUE SITE CONDITION		

SITE PLAN BUILDING STATISTICS			
DEVELOPMENT PROPOSAL USAGE	-NEW GAS BAR -4 NEW PARKING INCLUDING NEW BARRIER FREE PARKING -NEW LANDSCAPE AREA		
SITE ADDRESS	540 HOLLYWOOD RD S, KELOWNA, BC		
LEGAL DESCRIPTION	C1 - LOCAL & NEIGHBORHOOD COMMERCIAL		
SURVEYOR			
OWNER	JOE FLEMMING & SIMON JONES (blueprint2build)		
AGENT REPRESENTATIVE	ZONING & ZONING BY-LAW		
NO.	CATEGORY	REQUIRED	PROVIDED
	Lot Area	830m2 - 1500m2	2076m2
	Lot Coverage for Buildings	50% max	Building + Canopy (443m2 + 93m2 / 2076 x 100) 26%
	Lot Area for Buildings, Structures, & Impermeable surfaces	70% max	Building (448m2) + Canopy (93m2) + Landscape (556m2) = 1097 / 2076 x 100 = 52.84% (Improvement from existing)
*Landscaping Area improved with added landscaping in parking area and beside building			
Building Area			N/A
PARKING		EXISTING PARKING TO REMAIN	Existing Parking To Remain- 5 Proposed Parking- 4 Proposed EV Charging Parking- 2 <b>Total Parking- 11</b>
Building Height		TBC	TBC
Front Yard Setback South		2.0m	4.1m
Exterior Yard Setback West		3.0m	14.1m
Interior Yard Setback East		3.0m	28.1m
Rear Yard Setback North	To Building	3.0m	6.7m
Entrance Width (Combined)		9.0m Req.	Existing

HOLLYWOOD RD S

**SCHEDULE A**

This forms part of application # DP23-0103

Planner Initials **JJ**

City of Kelowna DEVELOPMENT PLANNING

1 SITE PLAN  
1:150

SP01

blueprint2build

SITE PLAN

540 HOLLYWOOD RD S,  
KELOWNA, BC V1X 3T3, CANADA

REV	Date	Description	APRVD
1	23.03.24	ISSUED FOR PRE-CONSULTATION	SDJ
2	23.04.18	ISSUED FOR DEVELOPMENT PERMIT	SDJ
3	23.08.12	ISSUED FOR DEVELOPMENT PERMIT	SDJ
4	23.12.28	ISSUED FOR REVIEW	SDJ

File No. **SP01**





② EAST ELEVATION  
1:30

③ NORTH ELEVATION  
1:30

④ WEST ELEVATION  
1:30

① SOUTH ELEVATION  
1:30

**SCHEDULE B**  
 This forms part of application  
 # DP23-0103  
 Planner Initials **JI**  
 City of Kelowna  
 DEVELOPMENT PLANNING

Date: 2023-03-20		Date: 2023-04-19 1:32:51 PM	File No. 1703-094-00
Drawn By: JN	Reviewed By: SDJ		
DWG Scale: 1:30		File No. 1703-094-00	
<b>blueprint2build</b>			
CANOPY ELEVATIONS			
540 HOLLYWOOD RD S. KELOWNA, BC V1Y 3T3, CANADA. LOT 3, SECTION 22, TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 22192			
Revisions	Description	Apr	SDJ
1	ISSUED FOR DEVELOPMENT PERMIT	23.04.18	
File No. 1703-094-00			
<b>AD35</b>			





**SCHEDULE C**

This forms part of application # DP23-0103

Planner Initials **JJ**

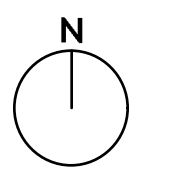
City of Kelowna  
DEVELOPMENT PLANNING

- NOTES**
1. PLANT MATERIAL AND CONSTRUCTION METHODS SHALL MEET OR EXCEED CANADIAN LANDSCAPE STANDARDS. ALL OFFSITE LANDSCAPE WORKS TO MEET CITY OF KELOWNA BYLAW 1237'S STANDARDS.
  2. ALL SOFT LANDSCAPE AREAS SHALL BE WATERED BY A FULLY AUTOMATIC TIMED UNDERGROUND IRRIGATION SYSTEM.
  3. TREE AND SHRUB BEDS TO BE DRESSED IN A MINIMUM 75mm NATURAL WOOD MULCH AS SHOWN IN PLANS. DO NOT PLACE WEED MAT UNDERNEATH TREE AND SHRUB BEDS.
  4. SHRUB BEDS TO RECEIVE A MINIMUM 300mm DEPTH TOPSOIL PLACEMENT. TREE BEDS TO RECEIVE A MINIMUM 1000mm DEPTH TOPSOIL PLACEMENT.
  5. TURF AREA FROM SOD SHALL BE NO 1 GRADE GROWN FROM CERTIFIED SEED OF IMPROVED CULTIVARS REGISTERED FOR SALE IN B.C. AND SHALL BE TOLERANT OF DROUGHT CONDITIONS. A MINIMUM OF 150mm DEPTH OF GROWING MEDIUM IS REQUIRED BENEATH TURF AREAS. TURF AREAS SHALL MEET EXISTING GRADES AND HARD SURFACES FLUSH.
  6. SITE GRADING AND DRAINAGE WILL ENSURE THAT ALL STRUCTURES HAVE POSITIVE DRAINAGE AND THAT NO WATER OR LOOSE IMPEDIMENTS WILL BE DISCHARGED FROM THE LOT ONTO ADJACENT PUBLIC, COMMON, OR PRIVATE PROPERTIES.
  7. FOR CONFORMANCE WITH DEVELOPMENT PERMIT LANDSCAPE REQUIREMENTS, THE PRIME CONTRACTOR AND/OR CONSULTANTS RESPONSIBLE FOR SITE SERVICING AND UTILITIES SHALL ENSURE THAT ALL BUILDING PERMIT SUBMITTALS ARE COORDINATED WITH LANDSCAPE ARCHITECTURAL SUBMITTALS.

**PLANT LIST**

\*PLANT QUANTITIES ESTIMATED ONLY. NOT FOR PRICING\*

BOTANICAL NAME	COMMON NAME	QTY*	SIZE/SPACING & REMARKS
<b>TREES</b>			
ACER PLATANOIDES 'ROYAL RED'	ROYAL RED NORWAY MAPLE	1	6cm CAL.
SYRINGA RETICULATA 'SUMMER STORM'	SUMMER STORM LILAC TREE	5	6cm CAL.
<b>SHRUBS</b>			
CORNUS ALBA 'BUD'S YELLOW'	BUD'S YELLOW DOGWOOD	3	#02 CONT. /1.8M O.C. SPACING
EUONYMUS ALATA 'COMPACTA'	DWARF WINGED BURNING BUSH	4	#02 CONT. /1.5M O.C. SPACING
ROSA WOODSII	WOOD'S ROSE	6	#02 CONT. /1.2M O.C. SPACING
SYMPHORICARPOS ALBUS	SNOWBERRY	4	#02 CONT. /1.5M O.C. SPACING
<b>ORNAMENTAL GRASSES</b>			
NEPETA X FAASSENII 'WALKER'S LOW'	WALKER'S LOW CATMINT	10	#01 CONT. /0.9M O.C. SPACING
PANICUM VIRGATUM 'ROTSTRAHLBUSCH'	RED SWITCH GRASS	8	#01 CONT. /1.0M O.C. SPACING
PENNISETUM ORIENTALE 'KARLEY ROSE'	KARLEY ROSE FOUNTAIN GRASS	10	#01 CONT. /0.9M O.C. SPACING



PROJECT TITLE  
**540 HOLLYWOOD ROAD**

Kelowna, BC

DRAWING TITLE  
**CONCEPTUAL LANDSCAPE PLAN**

ISSUED FOR / REVISION

1	23.11.17	Review
2	23.12.06	Review
3		
4		
5		

PROJECT NO: 23-0853

DESIGN BY: NM

DRAWN BY: MC

CHECKED BY: FB

DATE: DEC 6, 2023

SCALE: 1:125

PAGE SIZE: 24"x36"

SEAL



DRAWING NUMBER

**L1/2**

**NOT FOR CONSTRUCTION**

Copyright Reserved. This drawing is the property of Ecora Engineering & Resources Group Ltd. and shall not be reproduced, resold, or rendered without permission.



## FORM & CHARACTER – DEVELOPMENT PERMIT GUIDELINES


Consideration has been given to the following guidelines as identified in Chapter 18 of the City of Kelowna 2040 Official Community Plan:

SECTION 6.0: RETAIL, COMMERCIAL AND INDUSTRIAL						
RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE <i>(1 is least complying &amp; 5 is highly complying)</i>	N/A	1	2	3	4	5
<b>6.1 General Guidelines</b>						
<b>6.1.2 Site Planning and Landscaping</b>	N/A	1	2	3	4	5
a. Locate buildings to ensure good sight lines for vehicular and pedestrian traffic.	x					
b. Provide direct, safe, continuous, and clearly defined pedestrian access from public sidewalks, parking areas, and transit stops to building entrances.					x	
c. Use large canopy trees to define the public realm (e.g. at the sidewalk and property edge facing the street)					x	
d. Distribute trees and landscaping throughout the site in order to: <ul style="list-style-type: none"> <li>• Soften property edges facing the street;</li> <li>• Define internal roads, pedestrian routes, and open spaces;</li> <li>• Create pleasant pedestrian conditions;</li> <li>• Screen parking, loading, service, and utility areas;</li> <li>• Manage stormwater on-site; and</li> <li>• Break up large rows of parking by substituting a parking stall with a canopy tree in planter every 8-10 parking stalls;</li> </ul>						x
e. Provide on-site bio-retention facilities (e.g. bioswales, rain gardens) to collect, store and filter stormwater from parking areas.					x	
f. Use permeable materials such as paving blocks or permeable concrete in parking areas to maximize rainwater infiltration.					x	
g. Pedestrian pathways should provide clear sight lines and connect the following: <ul style="list-style-type: none"> <li>• Parking areas to building entrances;</li> <li>• Main building entrances to public sidewalks (where applicable);</li> <li>• Main building entrances to transit stopes (where applicable);</li> <li>• Between buildings on adjacent lots.</li> </ul>					x	
h. Provide separation between vehicular routes (especially truck access/loading) and pedestrian routes on-site to avoid conflict and distinguish pedestrian routes from driving surfaces by using varied paving treatments and/or raising walkways to curb level.					x	
i. Base new development on an internal circulation pattern that allows logical movement throughout the site and that will accommodate, and not preclude, intensification over time.	x					
<b>6.1.3 Site Servicing, Access, and Parking</b>	N/A	1	2	3	4	5
a. Design site accesses to provide the potential for future shared access with neighbours and to minimize curb cuts.	x					

**ATTACHMENT** B

This forms part of application  
# DP23-0103

Planner Initials



City of  
**Kelowna**  
DEVELOPMENT PLANNING

b. Where practical, link access drives and parking lots of adjacent properties in order to allow for circulation of vehicles between sites.	x					
c. The preferred location for main parking areas is at the rear and/or side of the building. Avoid locating large parking areas between the building and the street.				x		
d. Where parking areas are visible from the street, screen them using strategies such as tree planting, berming, low walls, decorative fencing and/or hedging.						x
e. Break parking areas into smaller blocks defined by landscaping in order to minimize the amount of paved areas.						x
f. Locate loading, utilities, mechanical equipment and garbage collection areas away from public view by: <ul style="list-style-type: none"> <li>Integrating these facilities into the footprint of the building; or</li> <li>Screening using fencing, walls, and/or landscaping</li> </ul>						x
g. Provide areas for temporary snow storage that do not conflict with site circulation, landscaping, and access to utility boxes. For example, by providing access via a lane away from public view.						x

**ATTACHMENT**      **B**     

This forms part of application  
# DP23-0103

Planner Initials



City of  
**Kelowna**  
DEVELOPMENT PLANNING