

City of Kelowna

Regular Council Meeting

AGENDA



Date: February 26, 2013
Time: 6:00 pm
Location: Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

2. Prayer

A Prayer will be offered by Councillor Singh.

3. Confirmation of Minutes

1 - 13

Public Hearing - January 15, 2013

Regular Meeting - January 15, 2013

Public Hearing - January 29, 2013

Regular Meeting - January 29, 2013

4. Bylaws Considered at Public Hearing

4.1 Bylaw No. 10796 (Z12-0013) - City of Kelowna - Text Amendments to Zoning Bylaw No. 8000

14 - 17

To give Bylaw No. 10796 second and third readings.

4.2 Bylaw No. 10801 (TA12-0010) - Amending Section 14 - Commercial Zone - 1310-1352 Water Street

18 - 18

To give Bylaw No. 10801 second and third readings.

4.3 Bylaw No. 10802 (Z12-0071) - 1789 KLO Road

19 - 19

To give Bylaw No. 10802 second and third readings and adoption.

5. Notification of Meeting

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

6. Development Permit and Development Variance Permit Reports

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.

- | | | |
|-----|---|---------|
| 6.1 | Development Variance Permit Application No. DVP12-0185 - 2600 Dubbin Road | 20 - 41 |
| | <p>To consider a staff recommendation NOT to issue a Development Variance Permit for the subject property. The applicant is seeking to vary maximum permitted building height from the lesser of 9.5 m or 2.5 storeys permitted to 16.27 m and 4 storeys proposed, and to vary the maximum permitted building projection into a required front yard from 0.6 m permitted to 1.2 m proposed, to facilitate the construction of a new garage on the roof of an existing attached garage on this steeply sloped, lakefront property.</p> | |
| 6.2 | Development Permit Application No. DP12-0158 and Development Variance Permit Application No. DVP12-0218 - 1506 Harvey Avenue and 1544-1550 Harvey Avenue | 42 - 64 |
| | <p>The Development Permit application is for the Form and Character of a proposed one-storey commercial development at the northeast corner of Harvey Avenue and Burtch Road. The accompanying Development Variance Permit application requests to vary the minimum required setback along Highway 97 (Harvey Avenue) from 15 m required to 4.5 m proposed, to facilitate the prominent siting of the proposed commercial building along Harvey Avenue.</p> | |
| 6.3 | Development Permit Application No. DP13-0010 and Development Variance Permit Application No. DVP13-0012 - 840 Stockley Street | 65 - 88 |
| | <p>To consider a Development Permit for the form and character of the proposed 4 unit townhouse development. To consider a Development Variance Permit to the proposed site coverage for buildings and parking from 50% permitted to 55% proposed and to vary the setback for parking from 3.0m required to 0.7m proposed.</p> | |
| 6.4 | ITEM TO BE DEFERRED - Development Variance Permit Application No. DVP13-0001 - 988 and 989 Frost Road | 89 - 97 |
| | <p>To consider a Development Variance Permit to reduce the front yard setback from 3.0m proposed to 0.5m proposed for both 988 & 989 Frost Road.</p> | |
| 6.5 | Bylaw No. 10778 (Z12-0061) - 424 Park Avenue | 98 - 98 |

To adopt Bylaw No. 10778.

6.5.1 Heritage Alteration Permit Application No. HAP12-0011 - 424 Park Avenue

99 - 112

The applicant is requesting a Heritage Alteration Permit (HAP) to construct a carriage house on the site. A corresponding variance has been included as part of the HAP to vary the permitted location of a carriage house.

7. Reminders

8. Termination

Public HearingJanuary 15, 2013

A Public Hearing of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Tuesday, January 15, 2013.

Council members in attendance: Mayor Walter Gray, Councillors Colin Basran, Andre Blanteil, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann.

Council members absent: Councillor Maxine DeHart.

Staff members in attendance were: Acting City Manager, Rob Mayne; City Clerk, Stephen Fleming; Acting Director, Policy & Planning, Shelley Gambacort; Long Range Planning Manager, Gary Stephen; Planner Specialist, Graham March*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 6:00 p.m.
2. Mayor Gray 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. This Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.

The City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on December 14, 2012 and by being placed in the Kelowna Capital News issues of January 4, 2013 and January 8, 2013, and by sending out or otherwise delivering 626 letters to the owners and occupiers of surrounding properties between December 14, 2012 and December 21, 2012.

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 309.

3. INDIVIDUAL BYLAW SUBMISSIONS

- 3.1 Bylaw No. 10753 - Official Community Plan Bylaw Text Amendment Application No. OCP12-0012 - City of Kelowna - Miscellaneous Text Amendments - The City of Kelowna is proposed to proceed with miscellaneous amendments to Official Community Plan Bylaw No. 10500 based on staff-initiated policy and map changes.

Staff:

- Recommended that Attachment #11 to the Report to Council, being the property located at 1840 Gallagher Road, be removed from the OCP Land Use Amendments as it is not necessary due to a Statutory Right of Way already registered on the title to the subject property.
- Reviewed the proposed miscellaneous text amendments and responded to questions from Council.

The City Clerk advised that no correspondence and/or petitions had been received.

Public HearingJanuary 15, 2013

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

- 3.2 Bylaw No. 10786 - Rezoning Application No. Z12-0065 - Danco Developments Ltd. (Protech Consultants Ltd.) - 1650 KLO Road - The applicant is proposing to rezone a portion of the subject property in order to facilitate a future two (2) lot subdivision.

Staff:

- Responded to questions from Council regarding the Agricultural Land Commission's comments with respect to the subject property.
- Advised that the portion along Birtch Road will be excluded from the Agricultural Land Reserve.

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

- o Petition of Opposition:
 - Petition of Opposition signed by 44 owners/occupants of the surrounding properties as submitted by Rita Louise Parker and Walter L. Viita of 1358 Ladner Road
- o Letter of Support:
 - W.H. Bill Berard, 1740 KLO Road

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

Grant Maddock, Protech Consultants Ltd., Applicant's Representative

- Provided historical background information regarding how the property was included within the Agricultural Land Reserve's boundary.
- Displayed a site plan with respect to the extension of Burtch Road.
- Read an excerpt of a letter from the Agricultural Land Commission regarding the inclusion of the property into the Agricultural Land Reserve.
- The current owner purchased the property back in 2007.
- There is history with the property that the current owner was unaware of when he purchased the property.
- Responded to questions from Council.

Gallery:Rita Parker, 3158 Ladner Road

- Concerned about the neighbourhood.
- Confused as to whether or not the property is within the Agricultural Land Reserve or not.
- Believes that the property is agriculturally viable.
- Believes that the developer really wants to increase density on the site.
- Concerned with statements made in the Report to Council of November 2012.
- Expressed a concern with heavier traffic and the affect on her quality of life.
- Concerned about the environmental impact on the neighbourhood in general.
- Expressed a concern with the loss of agricultural lands within the City.
- Opposed to the rezoning.

Walter L. Vitta, 1358 Ladner Road

- Read a prepared statement on general land use planning principles and the concept of zoning as practised by the City of Kelowna.
- Opposed to the rezoning.

Public HearingJanuary 15, 2013Ted Porter, 1293 Bothe Road

- Opposed to the rezoning due to a lack of clarity of future use of the lands.

Shona Harrison, 946 Laurier Avenue

- Objects the rezoning as the property is in the Agricultural Land Reserve and believes that the property is agriculturally viable.
- Opposed to the property being excluded from the Agricultural Land Reserve.

Bill Burrard, 1740 KLO Road

- The property was purchased by his grandfather in 1918.
- Provided historical background information regarding the subject property.
- Believes that the subject property is not agriculturally viable.
- Supports the rezoning.

Grant Maddock, Protech Consultants Ltd., Applicant's Representative

- The proposed zoning will only allow up to a three (3) lot subdivision.
- The work required by the Agricultural Land Commission will be undertaken once the rezoning application is either adopted or defeated.

Staff:

- Responded to questions from Council regarding staff discussions with the Agricultural Land Commission back in 1999.
- Confirmed that the captions for the photographs on page 5 of the staff report incorrectly make reference to a "proposed RV site".

There were no further comments.

- 3.3 Bylaw No. 10789 - Rezoning Application No. Z12-0066 - Peter & Charlene Jones (Axel Hilmer) - 925 Kennedy Street - The applicant is proposing to rezone the subject property in order to construct a carriage house.

The City Clerk advised that no following correspondence and/or petitions had been received.

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

Axel Hilmer, Applicants' Representative

- Advised that the proposed development will be similar to one that is kitty-corner to this property.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 7:27 p.m.

Certified Correct:

Mayor

/slh



City Clerk

Regular MeetingJanuary 15, 2013

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Tuesday, January 15, 2013.

Council members in attendance: Mayor Walter Gray, Councillors Colin Basran, Andre Blaneil, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann.

Council members absent: Councillor Maxine DeHart.

Staff members in attendance were: Acting City Manager, Rob Mayne; City Clerk, Stephen Fleming; Acting Director, Policy & Planning, Shelley Gambacort; Long Range Planning Manager, Gary Stephen*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 7:39 p.m.

2. PRAYER

A Prayer was offered by Councillor Given.

3. CONFIRMATION OF MINUTES

Public Hearing - December 11, 2012
Regular Meeting - December 11, 2012

Moved by Councillor Hobson/Seconded by Councillor Zimmermann

R029/13/01/15 THAT the Minutes of the Public Hearing and Regular Meeting of December 11, 2012 be confirmed as circulated.

Carried

4. BYLAWS CONSIDERED AT PUBLIC HEARING

4.1 Bylaw No. 10753 (OCP12-0012) - City of Kelowna - Miscellaneous Text Amendments - Requires a majority of all Members of Council (5)

City Clerk:

- Confirmed that the Bylaw will need to be amended in order to remove the reference to 1840 Gallagher Road.

Moved by Councillor Stack/Seconded by Councillor Given

R030/13/01/15 THAT Bylaw No. 10753 be amended at first reading by deleting the reference to 1840 Gallagher Road;

AND THAT Bylaw No. 10753, as amended, be read a second and third time and be adopted.

Carried

4.2 Bylaw No. 10786 (Z12-0065) - Danco Developments Ltd. (Protech Consultants Ltd.) - 1650 KLO Road

Regular Meeting

January 15, 2013

Moved by Councillor Blanleil/Seconded by Councillor Basran

R031/13/01/15 THAT Bylaw No. 10786 be read a second and third time.

Carried

4.3 Bylaw No. 10789 (Z12-0066) - Peter & Charlene Jones (Axel Hilmer) - 925 Kennedy Street

Moved by Councillor Singh/Seconded by Councillor Hobson

R032/13/01/15 THAT Bylaw No. 10789 be read a second and third time and be adopted.

Carried

5. THE CITY CLERK WILL PROVIDE INFORMATION AS TO HOW THE FOLLOWING ITEMS ON THE AGENDA WERE PUBLICIZED.

The City Clerk advised that Notice of Council's consideration of the Development Variance Permit Applications was given by sending out or otherwise delivering 30 letters to the owners and occupiers of the surrounding properties between December 14, 2012 and December 21, 2012.

This meeting is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.

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 Land Use Management Department, dated December 9, 2012 re: Development Variance Permit Application No. DVP12-0202 - J.V.S. Enterprises Ltd. (Joerg Hopp) - 630-634 Adams Road 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.

The City Clerk advised that no correspondence and/or petitions had been received.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicant was present, but did not have anything further to add to staff's comments. No one came forward.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R033/13/01/15 THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0202 for Lot A, Section 2, Township 23, ODYD, Plan 38822, located at 630-634 Adams Road, Kelowna, BC;

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

Section 15.2.5(f): Development Regulations

To vary the minimum required rear (west) yard from 6.0 m required to 0.86 m proposed (as per Schedule A).

Table 7.1: Minimum Landscape Buffer Treatment Levels Schedule, and Sections 7.6.1(c) and 7.6.9(c): Minimum Landscape Buffers

To vary the minimum required landscaped buffer for the rear (west) yard from 3.0 m required to 0.0 m proposed (as per Schedule A).

AND THAT the above variances be granted subject to the applicant demonstrating compliance with on-site parking and landscaping requirements, as reflected on Schedule A;

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council's approval of the Development Variance Permit Application, in order for the permit to be issued.

Carried

- 6.2 Land Use Management Department, dated December 6, 2012 re: Development Variance Permit Application No. DVP12-0207 - Cammie Joy Regier (Cammie & Daryl Regier) - 1200 Mission Ridge Road 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.

The City Clerk advised that no correspondence and/or petitions had been received.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicant was present, but did not have anything further to add to staff's comments. No one came forward.

Moved by Councillor Basran/Seconded by Councillor Blanleil

R034/13/01/15 THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0207, for Lot 3, Section 31, Township 29, ODYD Plan 20390, located on Mission Ridge Road, Kelowna, BC;

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

Section 11.1.6(d) Development Regulations:

To vary the east side yard setback from 3.0m required to 1.7m proposed, as per schedule "A".

Carried

7. REMINDERS - Nil.

Regular Meeting

January 15, 2013

8. TERMINATION

The meeting was declared terminated at 7:54 p.m.

Certified Correct:

Mayor

/slh



City Clerk

DRAFT



City of Kelowna Public Hearing Minutes

Date: Tuesday, January 29, 2013
Time: 6:00 pm
Location: Council Chamber
City Hall, 1435 Water Street

Council members in attendance: Deputy Mayor Mohini Singh, Councillors Colin Basran, Andre Blaneil, Maxine DeHart, Gail Given, Robert Hobson, Luke Stack, and Gerry Zimmermann

Council members absent: Mayor Walter Gray

Staff members in attendance: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Manager, Urban Land Use, Danielle Noble; and Council Recording Secretary, Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Deputy Mayor Singh called the Hearing to order at 6:01 p.m.

Deputy Mayor Singh 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 January 15, 2013 and by being placed in the Kelowna Capital News issues on January 18, 2013 and January 22, 2013, and by sending out or otherwise delivering 124 letters to the owners and occupiers of surrounding properties between January 15, 2013 and January 18, 2013.

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. Bylaw No. 10791 (OCP12-0018) and Bylaw No. 10792 (Z12-0058) - Blaskovich and Mair Developments Ltd. - (N. OF) Steele Road and 1450 Steele Road

The applicant is proposing to amend the Official Community Plan and rezone a portion of the subject property in order to accommodate the proposed single family subdivision located in the "The Ponds" neighbourhood and to further enhance the neighbourhood's natural features and trail infrastructure.

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

Letters of Opposition:
Walter Viita, 1358 Ladner Road
Rita Louise Parker, 1358 Ladner Road

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

Dave Lange, The Creeks Kelowna, Applicant's Representative

- Gave a PowerPoint Presentation entitled "The Ponds" - Proposed Mair Neighbourhood Development".
- This is the southern area of the two sites with a site topography that is fairly flat.
- Proposing 23 lots in this area with park area and trails.
- The planning, design and servicing criteria established in the NH3 Area Structure Plan have been used to maintain the integrity of the overall Neighbourhood Concept.

There were no further comments.

3.2. Bylaw No. 10793 (OCP12-0019) and Bylaw No. 10794 (Z12-0057) - Interval Investment Inc., The Creeks Kelowna - (E OF) Steele Road

The applicant is proposing to amend the Official Community Plan and rezone a portion of the subject property in order to accommodate the proposed single family subdivision located in "The Ponds" neighbourhood.

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

Letters of Opposition:
Walter Viita, 1358 Ladner Road
Rita Louise Parker, 1358 Ladner Road

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

Dave Lange, The Creeks Kelowna, Applicant's Representative

- Gave a PowerPoint Presentation entitled "The Ponds" - Proposed Interval Neighbourhood Development".
- Proposing to initiate two additional neighbourhoods adjacent to Phase 2 of The Ponds.

- The site will offer a variety of housing options from attainable small lot options to larger estate lots with ravine and city views.
- There is a significant amount of green space.
- A variance is being requested to the RU3 - Small Lot Housing zone to consider the benefits of dual street/lane vehicular access.

There were no further comments.

5. Termination

The Hearing was declared terminated at 6:24 p.m.



City Clerk

Deputy Mayor

DRAFT



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, January 29, 2013
Time: 6:00 pm
Location: Council Chamber
City Hall, 1435 Water Street

Council members in attendance: Deputy Mayor Mohini Singh, Councillors Colin Basran, Andre Blanleil, Maxine DeHart, Gail Given, Robert Hobson, Luke Stack, and Gerry Zimmermann

Council members absent: Mayor Walter Gray

Staff members in attendance: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Manager, Urban Land Use, Danielle Noble; and Council Recording Secretary, Arlene McClelland

(* denotes partial attendance)

1. CALL TO ORDER

Deputy Mayor Singh called the meeting to order at 6:24 p.m.

2. PRAYER

A Prayer was offered by Councillor Hobson.

3. Bylaws Considered at Public Hearing

- 3.1. Bylaw No. 10791 (OCP12-0018), Blaskovich and Mair Developments Ltd., (N of) Steele Road and 1450 Steele Road

Moved by Councillor Given/Seconded by Councillor Stack

R058/13/01/29 THAT Bylaw No. 10791, be read a second and third time.

Carried

- 3.2. Bylaw No. 10792 (Z12-0058), Blaskovich and Mair Developments Ltd., (N of) Steele Road and 1450 Steele Road

Moved by Councillor Stack/Seconded by Councillor Given

R059/13/01/29 THAT Bylaw No. 10792, be read a second and third time.

Carried

3.3. Bylaw No. 10793 (OCP12-0019), Interval Investment Inc., (E of) Steele Road

Moved by Councillor DeHart/Seconded by Councillor Zimmermann

R060/13/01/29 THAT Bylaw No. 10793, be read a second and third time.

Carried

3.4. Bylaw No. 10794 (Z12-0057), Interval Investment Inc., (E of) Steele Road

Moved by Councillor DeHart/Seconded by Councillor Zimmermann

R061/13/01/29 THAT Bylaw No. 10794, be read a second and third time.

Carried

4. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of this Development Variance Permit Application was given by sending out or otherwise delivering 588 letters to the owners and occupiers of surrounding properties between January 15, 2013 and January 18, 2013.

This meeting is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.

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.

5. Development Permit and Development Variance Permit Reports

5.1. Development Variance Permit DVP11-0110, 1001 Westpoint Drive

The City Clerk advised that no correspondence and/or petitions had been received.

Deputy Mayor Singh invited the applicant or anyone in the public gallery who deemed to come forward, followed by comments from Council.

Cam Kourany, Agent for Bruce and Debra Reid, 1013 Westpoint Drive

- Clarified that the fence in the photograph is to deter hikers from trampling recently planted vegetation.
- Original neighbour concern over height and site lines has been resolved with a compromise reached between the two parties.

There were no further comments.

Moved by Councillor Blanleil/Seconded by Councillor Zimmermann

R062/13/01/29 THAT Council authorizes the issuance of Development Variance Permit No. DVP11-0110, for Lot 23, Sec. 31, Twp. 29, O.D.Y.D., Plan KAP74540, located on 1001 Westpoint Drive, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted: Section 6.5.8(B): Accessory buildings in residential zones To vary the south-east side yard for an accessory building from 1.0 m required to 0.6 m proposed. Section 13.1.6(e): Development Regulations To vary the rear yard for an accessory building from 1.5 m required to 0.0 m proposed.

Carried

6. Reminders

City Clerk

- Federal Boundary Commission Report for BC was tabled in the House of Commons yesterday; riding boundaries for that portion on the City of Kelowna proposed be included in the proposed Central Okanagan-Coquihalla riding changed from the Knox Mountain - Glenmore Road - Guisachan Road - Lake area to the area between Harvey Avenue and Mission Creek included in the new Central Okanagan-Similkameen - Nicola riding map distributed.

7. Termination

The meeting was declared terminated at 6:37 p.m.


City Clerk

Deputy Mayor

CITY OF KELOWNA

BYLAW NO. 10796

Text Amendment No. TA12-0013 -Amendment to the City of Kelowna Zoning Bylaw No. 8000 - Carriage House Text Amendments

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that City of Kelowna Zoning Bylaw No. 8000 be amended as follows:

1. THAT Section 2 - Interpretation, 2.3 General Definitions be amended by:

- a) deleting the definition for **HEIGHT** that reads:

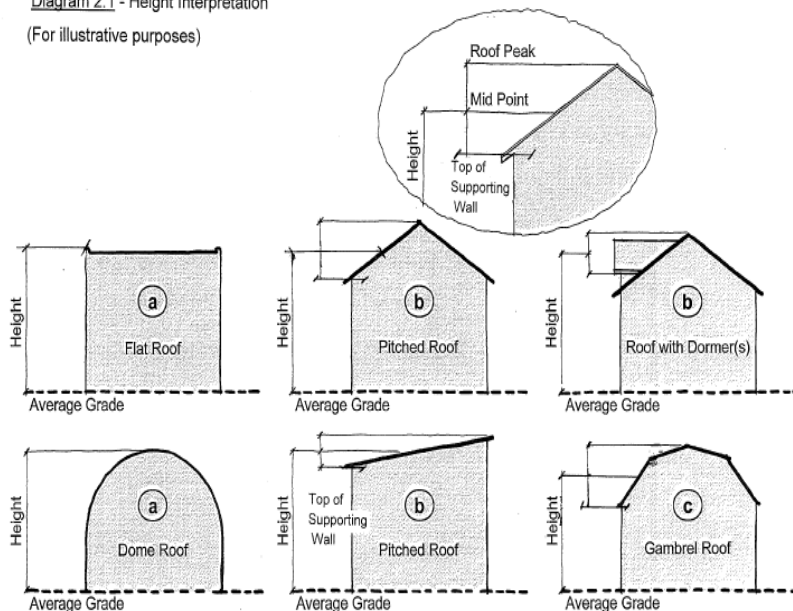
“**HEIGHT** means, with respect to a **building**, the maximum vertical distance between **building grade** and the highest point of the **structure** of a non-sloping roof, or the mid-point between the eaveline and ridge of a sloping roof excluding dormers as provided for in Section 6.6 describes restrictions for walkout basements.”

and replacing it with:

“**HEIGHT** with respect to a **building** refers to the maximum vertical distance between **building grade** and the highest point of the **structure** of a non-sloping roof, or the **mid-point** of a sloping roof. (see Diagram 2.1)

Note: Section 6. 6 provides additional **height** and **grade** regulations.

Diagram 2.1 - Height Interpretation
(For illustrative purposes)



Bylaw No. 10796

- b) Adding a new definition for **MID-POINT** in its appropriate location that reads:

“**MID-POINT** of a roof means, the half way point of a roof that falls between the top of the peak and the top of the supporting wall.”;

2. AND THAT **Section 6 - General Development Regulations, 6.6 Height and Grade**, Sub-Section 6.6.1 be amended to include the word “firewalls,” after the words “roof stairway entrances, ventilating equipment,”;
3. AND THAT **Section 6 - General Development Regulations, 6.6 Height and Grade**, Sub-Section 6.6.4 be deleted that reads:

“Where the width of the dormer or dormers exceeds 50% of the width of the roof on which they are located the **height** of the dormer will be measured as if it was the main roof.”

and replaced with:

“The **height** of dormers will be measured as if they are the main roof, unless the dormers are limited to 2 dormers per elevation, with a maximum width of 1.2m each and a minimum 1m separation. The total width of the dormers may not exceed 50% of the horizontal width of the building elevation on which they are located.”;

4. AND THAT **Section 7 - Landscaping and Screening**, Section 7.7.1 be amended by:
- a) deleting the words “an ‘s’” after the words “Properties with” and replacing it with the words “a ‘c’”; and
- b) deleting the word “RU1s” in the sentence that reads “(e.g. RU1s shall comply with the requirements of the RU1 zone)” and replace it with “RU1c”;
5. AND THAT **Section 7 - Landscaping and Screening, Table 7.1 - Minimum Landscape Buffer Treatment Levels Schedule** be amended by:
- a) deleting under **Rural Residential Zones**, “RR1s, RR2s, RR3s” and replacing it with “RR1c, RR2c, RR3c”; and
- b) deleting under **Urban Residential Zones** the following:
- i) “RU1, RU1s, RU2, RU2s, RU3” and replacing it with “RU1, RU1c, RU2, RU2c, RU3” and
- ii) “RU2hs” and replacing it with “RU2hc”
6. AND THAT **Section 8 - Parking and Loading, Location**, Section 8.1.9 be amended by adding a new sub-paragraph (e) as follows:
- “(e) no required parking shall be in the form of a parallel parking stall adjacent to a lane or alley way unless the parallel parking site is accessed by a driveway and is screened from the lane way.”;
7. AND THAT **Section 8 - Parking and Loading, Table 8.1 - Parking Schedule** be amended as follows:
- a) deleting under **Residential and Residential Related, Secondary Suites** at the end of the paragraph “**Carriage house: 1 additional parking space, plus the required parking spaces for the corresponding principal dwelling unit.**” and

Bylaw No. 10796

- b) adding under **Residential and Residential Related**, a new section in its appropriate location the following:

Carriage House	1 additional parking space , plus the required parking spaces for the corresponding principal dwelling unit.
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8. AND THAT **Section 11 - A1 - Agriculture 1/ A1c - Agriculture 1 with Carriage House/ A1t - Agriculture 1 with Agri-tourist Accommodation, 11.1.6 Development Regulations** be amended as follows:

- a) deleting sub-paragraph (b) that reads:

“(b) The maximum **height** is the lesser of 9.5 m or 2½ **storeys**, except it is 13.0m for **accessory buildings** and 16.0 m for **agricultural structures**.”

and replace it with;

“(b) The maximum **height** is the lesser of 9.5 m or 2½ **storeys**, except it is 16.0 m for **agricultural structures** and 6.0m for **accessory buildings** or **carriage house**.”

- b) deleting sub-paragraph (e) that reads:

“(e) The minimum **rear yard** is 10.0 m, except it is 3.0 m for **accessory buildings**.”

and replacing it with:

“(e) The minimum **rear yard** is 10.0 m, except it is 3.0 m for **accessory buildings** and a **carriage house**. A **carriage house** must be located no closer than 4.5 m to the principal **dwelling** and no further than 10m from the principal **dwelling**.”;

9. AND THAT **Section 12 - Rural Residential Zones RR1/Rural Residential 1/RR1c - Rural Residential 1 with Carriage House, 12.1.6 Development Regulations** sub-paragraph (b) be amended by deleting the words at the end of the paragraph that read “, and 13.0 m for **agricultural structures**”;
10. AND THAT **Schedule ‘B’ - Comprehensive Development Zones, CD10 - Heritage Cultural, 1.3 Secondary Suites** be amended by adding a new sub-paragraph “(g) **Carriage House**” in its appropriate location.
11. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Bylaw No. 10796

Read a first time by the Municipal Council this 28th day of January, 2013.

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 City of Kelowna on the

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 10801

Text Amendment No. TA12-0010 -Amendment to the City of Kelowna Zoning Bylaw No. 8000 - Commercial Zone Text Amendments

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that City of Kelowna Zoning Bylaw No. 8000 be amended as follows:

1. THAT **Section 14 - Commercial Zone, 14.8 - Convention Hotel Commerical/C8rls-Convention Hotel Commercial (Retail Liquor Primary)/C8lp - Convention Hotel Commercial (Liquor Primary), 14.8.3 Secondary Uses** be amended by adding in its appropriate location a new subparagraph “(e) **breweries and distilleries, minor**” and renumbering the subsequent subparagraphs.
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 4th day of February, 2013.

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 and Infrastructure)

Adopted by the Municipal Council of City of Kelowna on the

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 10802
Z12-0071 - 0796838 BC Ltd.
1789 KLO 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 Strata Lot 2, District Lot 131, ODYD, Strata Plan EPS1034, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V, located on KLO Road, Kelowna, B.C., from the C2 - Neighbourhood Commercial zone to the C2rls - Neighbourhood Commercial (Retail Liquor Sales) 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 4th day of February, 2013.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: January 22, 2013

RIM No. 0940-50

To: City Manager

From: Land Use Management, Community Sustainability (AR)

Application: DVP12-0185

Owner: Dany Laliberte

Address: 2600 Dubbin Road

Applicant: Charles Cullen, Team
Construction Management

Subject: Development Variance Permit

Existing OCP Designation: Single / Two Unit Residential

Existing Zone: RR3 - Rural Residential 3

1.0 Recommendation

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP12-0185, for Lot A, Section 20, Township 23, O.D.Y.D., Plan KAP92774, located at 2600 Dubbin Road, Kelowna, BC.

2.0 Purpose

The applicant is seeking a Development Variance Permit to vary maximum permitted building height from the lesser of 9.5 m or 2.5 storeys permitted to 16.27 m and 4 storeys proposed, and to vary the maximum permitted building projection into a required front yard from 0.6 m permitted to 1.2 m proposed, to facilitate the construction of a new garage on the roof of an existing attached garage on this steeply sloped, lakefront property.

3.0 Land Use Management

Land Use Management staff is recommending non-support for the proposed variances to facilitate construction of a new garage on the roof of the existing attached garage on the subject site. Staff is of the opinion that that the requested variances would result in inappropriate development of the site (i.e., overbuild of the site), with substantial affects for the use and enjoyment of adjacent land (i.e., viewscape from Lake Okanagan), thereby potentially establishing an unfortunate precedent for other sloping lakefront properties.

Analysis of Proposed Height Variance

The addition of a proposed new garage on the roof of the existing attached garage would increase the height of the existing building to 16.27 m and 4 storeys, a height variance of 71% or 6.77 m and 1½ storeys, from the maximum permitted RR3 Zone height of the lesser of 9.5 m or

2½ storeys (see attached Elevation drawings). The existing residence with an attached double garage presently has a height exceeding the maximum permitted at 12.4 m and 3 storeys. While stepped back from the primary residence, the proposed garage addition would nonetheless be visible from Okanagan Lake as a 4th storey. It would span 14 m in length, nearing 50% of the existing building's length as viewed from the Lake (see attached West Elevation drawing).

It is staff's opinion that the requested variance is not minor in nature, representing a 71% increase in height over the maximum permitted. Indeed, the resultant height is in proportion to what one might anticipate of a multi-residential structure. For reference, the RM4 Transitional Low Density Housing permits a maximum height of 13 m and 3 storeys, and the RM5 Medium Density Multiple Housing Zone permits a maximum height of 16.5 m or 4 storeys.

The existing garage, and the proposed garage addition, are attached to the primary residence with interconnected access, and are therefore considered part of the primary residence for the purpose of calculating height and setbacks. Were it a detached garage (i.e., an accessory building), for comparison sake, the proposed garage addition would still not comply with zoning requirements. It would exceed the maximum permitted height of 4.5 m for accessory buildings by 47% at 6.6 m, and would not provide the minimum required setback distance of 12 m for accessory buildings from the front property line at 6.87 m, a variance of 43%.

Should support be provided for the proposed height variance to enable 4 storey construction on this site, an unfortunate precedent could be established for other sloping lakefront properties seeking greater height than that permitted in the underlying zone. A letter of opposition has been received from an adjacent neighbour concerned with this possibility, and the negative impacts that it would have for the rural character of the surrounding community. While it may be desirable to have enclosed parking for more than 2 vehicles (as provided in the existing garage), there are inherent limitations, benefits, and trade-offs when developing a steeply sloping site, and they require consideration and recognition when selecting a development site and formulating an overall site design.

4.0 Proposal

Project Description

The applicant proposes to construct a 90 m² addition to the existing residence to accommodate a new garage on the roof of the existing attached garage, located at the front of the property adjacent to Dubbin Road. The existing 90 m² garage presently provides required parking for 2 vehicles, as well as storage, and the roof of the existing attached garage presently accommodates open parking for an additional 3 vehicles. The proposed garage addition would replace the existing open rooftop parking, and provide enclosed parking for 2 vehicles, as well as area for a powder room, workshop/storage, and extension of the inside elevator for direct access to the residence.

Should the proposed variances be approved, the addition of the proposed new garage on the roof of the existing attached garage would increase the overall height of the existing residence from 12.4 m and 3 storeys to 16.27 m and 4 storeys, as measured from the base of the structure.

The new garage addition is proposed to mirror the design of the existing residence, and match the existing building finishing materials of concrete, metal, and glass. As such, matching cantilevered canopies are proposed to project 2.1 m beyond the east and west elevations of the proposed garage structure. The Zoning Bylaw permits a maximum projection of no more than

0.6 m into the required yard. If approved, the proposed canopy would project 1.2 m into the minimum required 6 m front (east) yard, a variance of 100%.

In support of the application, the applicant offers that the proposed garage is well suited since it would provide more level access to the site from Dubbin Road than the existing garage, and that combined with the inside elevator will provide the owners with “...the flexibility and a level of convenience that is associated with homes of this caliber.” Further the applicant notes that the proposed addition is designed to mirror that of the existing residence, and would “...not interfere with any sight lines nor does it stand out above the upper hillside.” (See attached Sight Line Analysis, submitted by the applicant on November 21, 2012).

Neighbourhood Response

The applicant has provided 3 letters of support for the proposed garage addition, only one of which is from an immediately adjacent neighbour. Two are from 2550 and 2560 Dubbin Road, which are properties located a few lots south of the subject site. The one letter of support from the north adjacent neighbours at 2630 Dubbin Road condition their approval on there being no future applications that would move the existing retaining wall along the front property line of 2600 Dubbin Road to provide wider access to the proposed garage entrance. The neighbours explain that the subject development has already compromised the driveway that provides access to their property at 2630 Dubbin Road, as well as 3 other properties located to the north (2650, 2660 and 2672 Dubbin Road)¹.

A letter opposing the proposed variances has been received from the owners of 2597 Dubbin Road, whose property is located directly east and upland from subject site. The letter advances that the proposal to construct a 4th level to accommodate a garage addition will have an adverse impact on their property value, as they presently have “...an un-obstructed view of Lake Okanagan and this additional floor will ruin what we currently enjoy from the deck, patio and house.” The owners note that they are in receipt of “computer generated literature from the applicant’s lawyer”, but are unconvinced of its accuracy, and would prefer to rely on their own visual line of sight as to what the impacts of the proposal will be on their views. They further register their concern that approval of the proposed variances “...could possibly open the flood gates for other property owners to apply for similar planning permission...” and negatively alter the rural community appeal of McKinley Landing.

To date, no other correspondence has been received from adjacent property owners or neighbours.

4.1 Site Context

The subject site is a lakefront property located on the west side of Dubbin Road. The subject site slopes steeply from the Dubbin Road frontage down to the lakeshore, with an approximate grade change of 26 m over a lot depth of 45.4 m (approx. 57% slope).

¹ The 2630 Dubbin Road neighbours are referring to a preceding circumstance in which an earlier owner of 2600 Dubbin Road built the existing retaining wall off-site within the boundaries of 2630 Dubbin Road (within an easement area covering a panhandle portion of 2630 Dubbin Road). This situation was recently resolved through a lot line adjustment and road dedication (Subdivision Application S12-0023), such that the previous owners of 2600 Dubbin Road acquired the easement portion of 2630 Dubbin Road, thereby ensuring that the retaining walls benefiting 2600 Dubbin Road were now entirely within its property boundaries.

Construction of the existing residence on the site was initiated in 1993, and did not receive final occupancy until 2012. The 3 storey house overlooks Okanagan Lake, with an outdoor swimming pool at the 1st storey and an attached garage (with 2 required parking spaces) at the 3rd storey. The roof of the existing garage was also designed to accommodate open parking for 3 vehicles. Two driveway accesses are presently provided to the site – one provides access to the attached garage, and the other to the parking area on top of the existing garage.

In April 2012, Subdivision Application S12-0023 was allowed for a lot line adjustment and road dedication, which saw the front property line of the subject property shift east approximately 7 m to its present location. Prior to this adjustment, the existing attached garage had been constructed to zero lot line, and access to the open parking area on top of the attached garage and the associated retaining wall were located within an easement over a panhandle portion of the adjacent property at 2630 Dubbin Road.

The surrounding area is generally characterized by larger, rural estate lots with single detached residential development. Specifically, the adjacent zoning and land uses are as follows:

Orientation	Zoning	Land Use
North	RR3 - Rural Residential 3	Single detached houses
East	RR2 - Rural Residential 2	Single detached houses
South	RR3 - Rural Residential 3	Single detached houses
West	W1 - Recreational Water Use	Okanagan Lake

Subject Property Map: 2600 Dubbin Road



4.2 Zoning Analysis Table

The following is the zoning analysis for the proposed garage addition, based on the RR3 Zone requirements.

Zoning Analysis Table		
CRITERIA	RR3 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Site Coverage	30%	28% (unchanged by proposal)
Height	Lesser of 9.5 m or 2½ storeys	16.27 m and 4 storeys ❶
Front Yard (East)	6.0 m	6.87 m
Other Regulations		
Max. Projection into Required Yard	0.6 m	1.2 m into required front yard ❷
Parking Requirements	2 spaces	2 spaces in existing garage, and 2 spaces in proposed garage addition
❶ To vary maximum permitted height from the lesser of 9.5 m or 2½ storeys permitted to 16.27 m and 4 storeys proposed. ❷ To vary the distance that a projection may project into a required front yard from 0.6 m permitted to 1.2 m proposed.		

5.0 Technical Comments

5.1 Building & Permitting Department

No comment.

5.2 Development Engineering Department

The Development Variance Permit application to vary maximum building height from the lesser of 9.5 m or 2.5 storeys permitted to 16.27 m and 4 storeys proposed, and to vary the distance that a projection may project into a required front yard from 0.6 m permitted to 1.2 m proposed, **does not compromise municipal servicing requirements.**

5.3 Environment & Land Use Branch

The Environment & Land Use Branch recommends that the foreshore of Okanagan Lake be protected via a no build/no disturb Section 219 Restrictive Covenant to be registered under the Land Title Act against the title of the subject property to effectively preserve the Riparian Management Area. The Riparian Management/No Disturb Covenant area is all the land within the property measured 15 metres upland of the Natural Boundary of Okanagan Lake.

5.4 Fire Department

No concerns.

6.0 Application Chronology

Date of Application Received: October 2, 2012

Note: the application was on hold pending receipt of application materials from October 9, 2012 until November 28, 2012.

7.0 Alternate Recommendation

Notwithstanding the staff recommendation of non-support outlined in this report, should Council decide to support the proposed variances to maximum building height and maximum projection distance into a required front yard, to enable the proposed expansion of the existing attached garage, staff recommend that Council grant approval on condition of a Section 219 Restrictive Covenant being registered on title for the subject property, prior to issuance of the permit, as reflected in the following alternate recommendation. The intent of the covenant would be to ensure ongoing protection of the Riparian Management Area measuring a distance of 15 m upland of the Natural Boundary of Okanagan Lake. Presently, there is a substantial, existing non-conforming deck structure within this area; however, the covenant would ensure no further alterations within this sensitive ecological area.

Alternate Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0185 for Lot A, Section 20, Township 23, O.D.Y.D., Plan KAP92774, located at 2600 Dubbin Road, Kelowna, BC;

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

1. Section 6.4.1: Projections into Yards

To vary the maximum permitted projection into a required front yard from 0.6 m permitted to 1.2 m proposed (as per Schedule A).

2. Section 12.3.6(b): Development Regulations

To vary the maximum permitted height from the lesser of 9.5 m or 2½ storeys permitted to 16.27 m and 4 storeys proposed (as per Schedule A);

AND THAT the above variances be granted subject to the applicant demonstrating that a no disturb/no build Section 219 Restrictive Covenant has been registered under the Land Title Act against the title of the subject property to preserve the Riparian Management Area, measuring 15 m upland of the Natural Boundary of Okanagan Lake on the subject property;

AND FURTHER THAT the applicant be required to complete the above-noted condition within 180 days of Council's approval of the Development Variance Permit Application, in order for the permit to be issued.

Report prepared by:

Abigail Riley, Land Use Planner

Reviewed by:

☐

Todd Cashin, Manager, Environment & Land Use

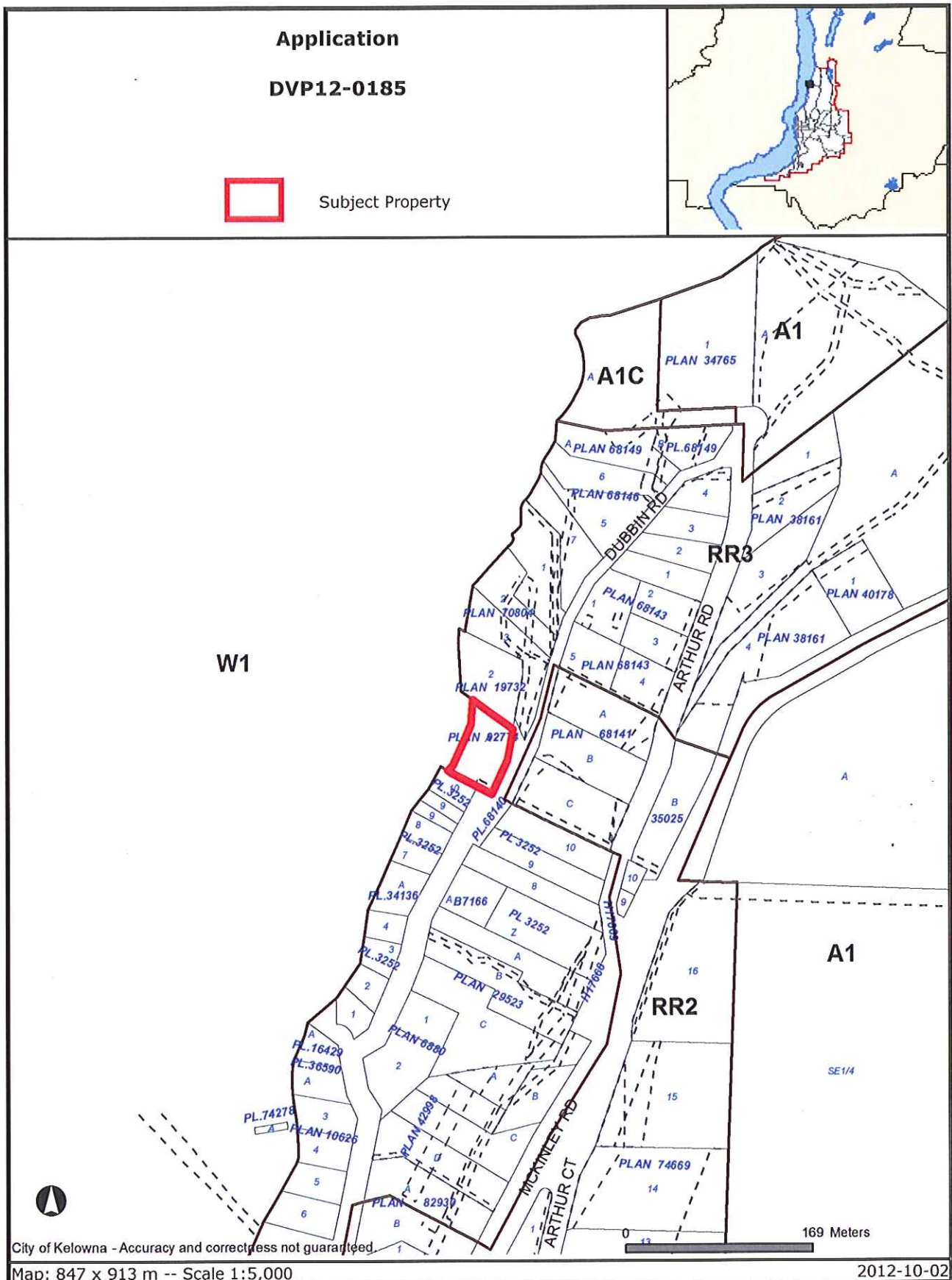
Approved for Inclusion

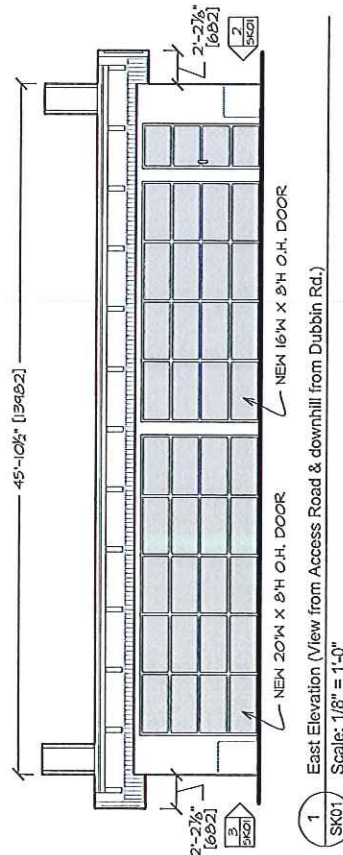
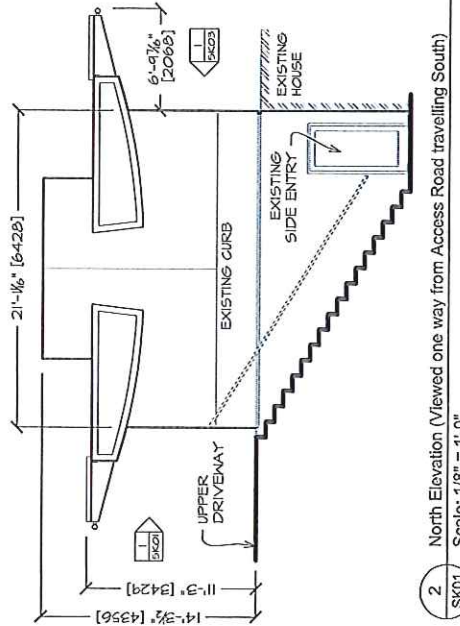
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Doug Gilchrist, Acting General Manager, Community Sustainability

Attachments:

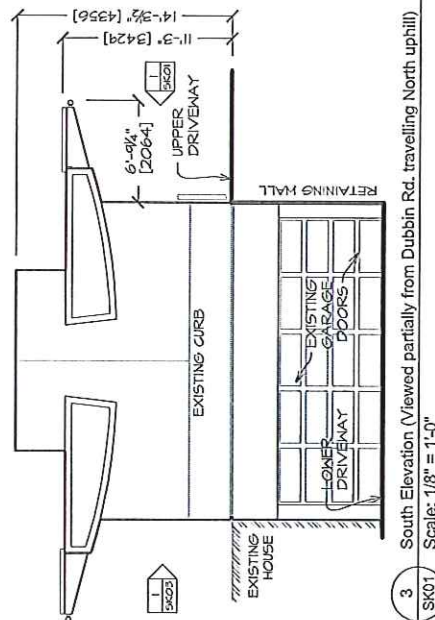
Subject Property Map
Site Plan
Building Elevations & Floor Plan
Conceptual Drawings/Photos
Site Line Analysis Drawings
Enlarged Aerial Photo
Existing Site Photos





AREA & HEIGHT SYNOPSIS:

PROPOSED GARAGE AREA (WITHIN EXISTING BUILDING FOOTPRINT)
= 89.88 SQ. M
SITE COVERAGE OF EXISTING BUILDINGS
= 755.43 SQ. M
*NO CHANGES TO SITE COVERAGE
BUILDING HEIGHT FROM UPPER FLOOR (FORMALLY CARPORT SLAB)
= 4.36 M
BUILDING HEIGHT ABOVE EXISTING PLANTER WALLS
= 3.54 M
OVERALL BUILDING HEIGHT FROM MAIN FLOOR GRADE TO T/O PROPOSED
= 16.27 M
ALLOWABLE PROJECTION INTO FRONT YARD
= 0.6 M
PROPOSED PROJECTION INTO FRONT YARD
= 1.20 M



REVISED PLANS

NOV 27 2012

CITY OF KELOWNA

Land Use Management

SCHEDULE A 2 of 4

This forms part of development

Permit # 12-0185

TEAM
CONSTRUCTION
MANAGEMENT LTD.
101 - 316 ETHEL ST.
KELOWNA, BC V1Y 2V2

NOTES:

THIS DRAWING IS
FOR ADDITIONAL
INFORMATION IN
THE D.V.P.
PACKAGE
SUBMITTED TO
CITY OF KELOWNA

BUILDING HEIGHT ILLUSTRATION

No.	Description	Date

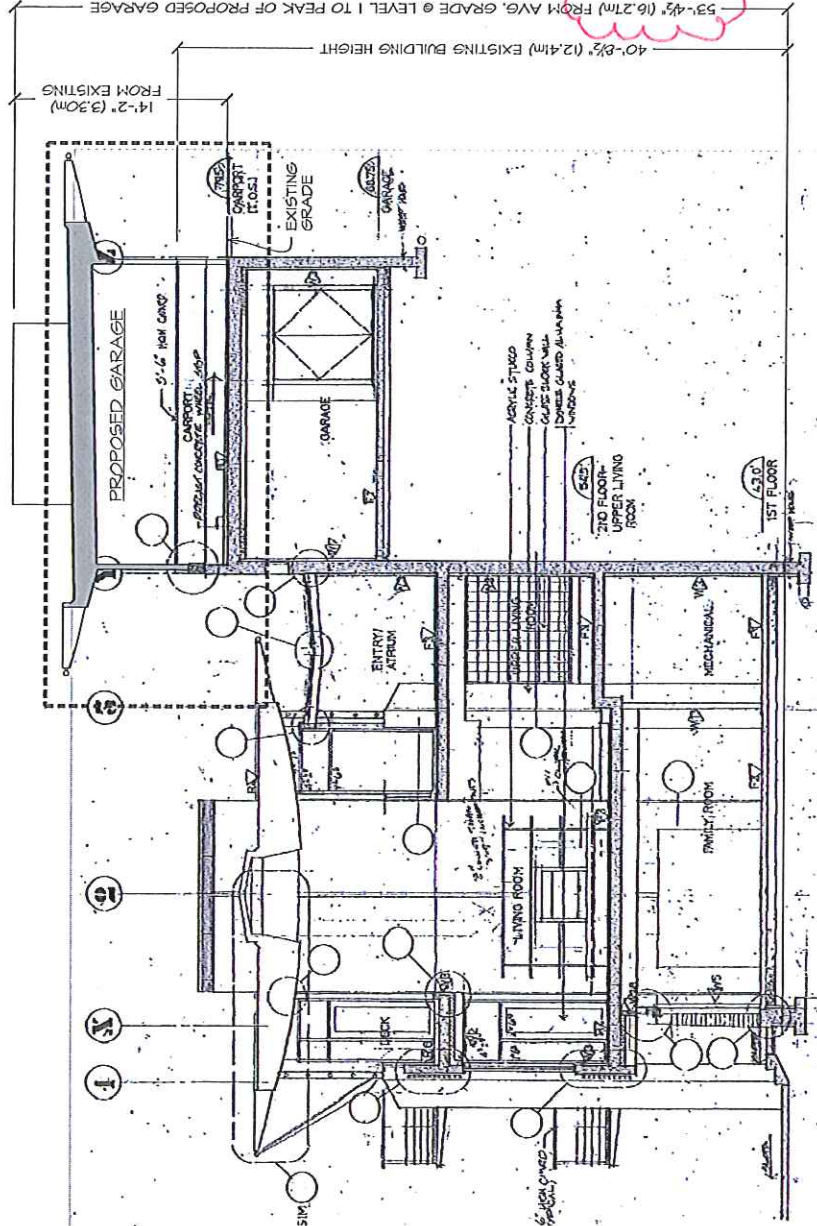
DRAWING TITLE

PROJECT:

2600 Dubbin Rd.
Garage Addition
LOCATION:
KELOWNA, BC

PROJECT NO.
10-1278

DRAWN KW/CW	DATE 27NOV2012
CHECKED CC	DRAWING NO.
APPROVED CC	SK-02
SCALE 1/8" = 1'-0"	



1 Overall Building Height - Modified Section through existing house from record drawings

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

REVISED PLANS

NOV 27 2012

CITY OF KELOWNA

Land Use Management

SCHEDULE A 3 of 4

This forms part of development

Permit # **2012-0195**

NOTES:
THIS DRAWING IS
FOR ADDITIONAL
INFORMATION IN
THE D.V.P.
PACKAGE
SUBMITTED TO
CITY OF KELOWNA

BUILDING HEIGHT - WEST ELEVATION

10-1278

012

03

DRAWN	DATE
KW/CW	27 NOV
CHECKED	DRAWING NO.

APPROVED	SK-
CC	
SCALE	

LOCATION:
KELOWNA, BC

REVISED PLANS

NOV 27 2012

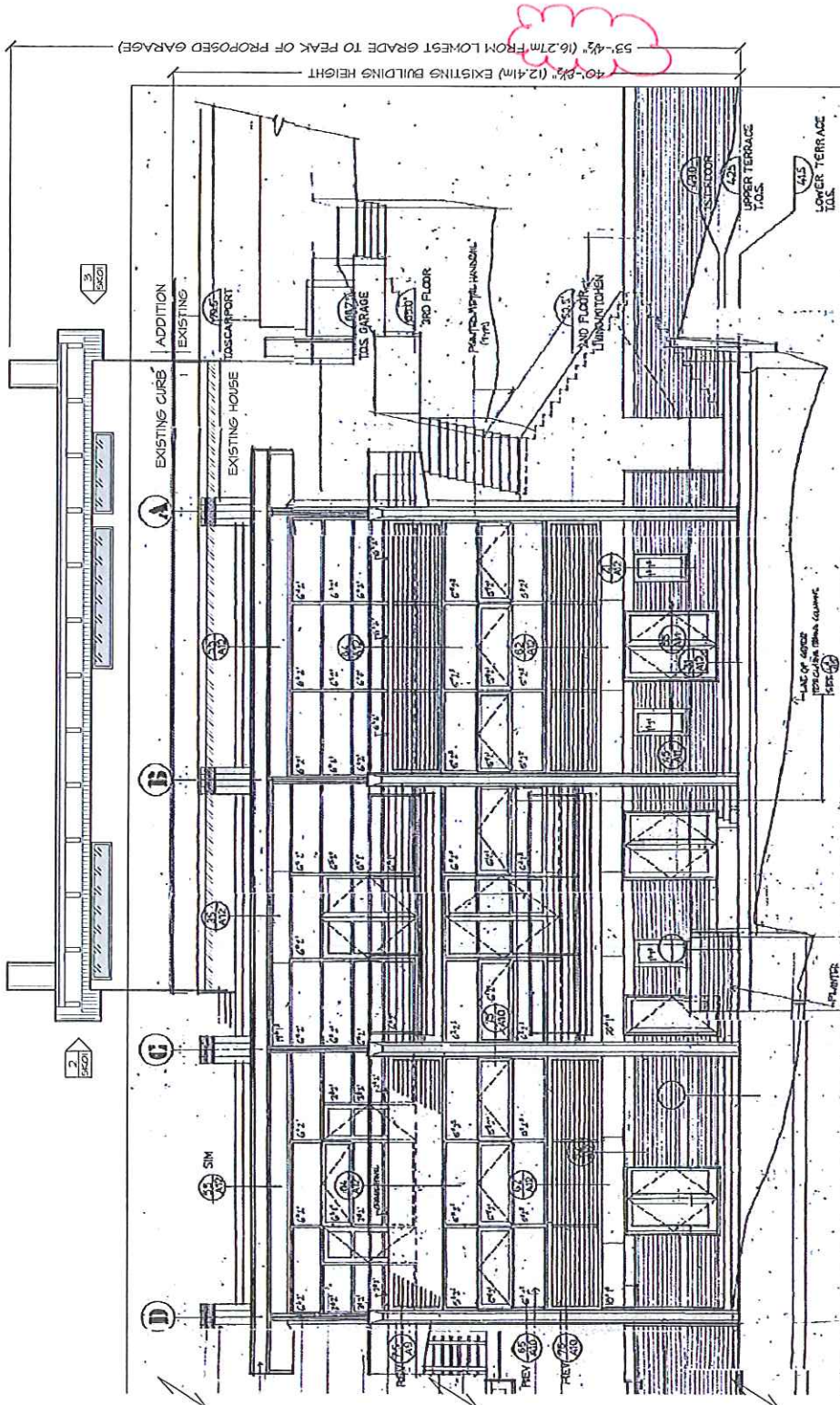
City of Milwaukee
Land Use Map 2010

SCHEDULE A 4964

This forms part of development

Permit # 2012-0185-

Overall Building Height - Modified Elevation of existing house from record drawings
Scale: 1/8" = 1'-0"

1
SK03

CONCEPTUAL ILLUSTRATION OF
PROPOSED GARAGE ADDITION



CONCEPTUAL ILLUSTRATION OF
PROPOSED GARAGE ADDITION, FROM DUBBIN RD.



TEAM
CONSTRUCTION
MANAGEMENT LTD.
100-100 ELM STREET
KELOWNA, BC V1Y 2W6

NOTES:

SIGHT LINE SECTION KEYPLAN

NO.	DESCRIPTION	DATE

DRAWING TITLE
PROJECT NO.
PROJECT
LOCATION

10-1278

2600 Dublin Rd.
Proposed Garage
Addition
KELOWNA, BC

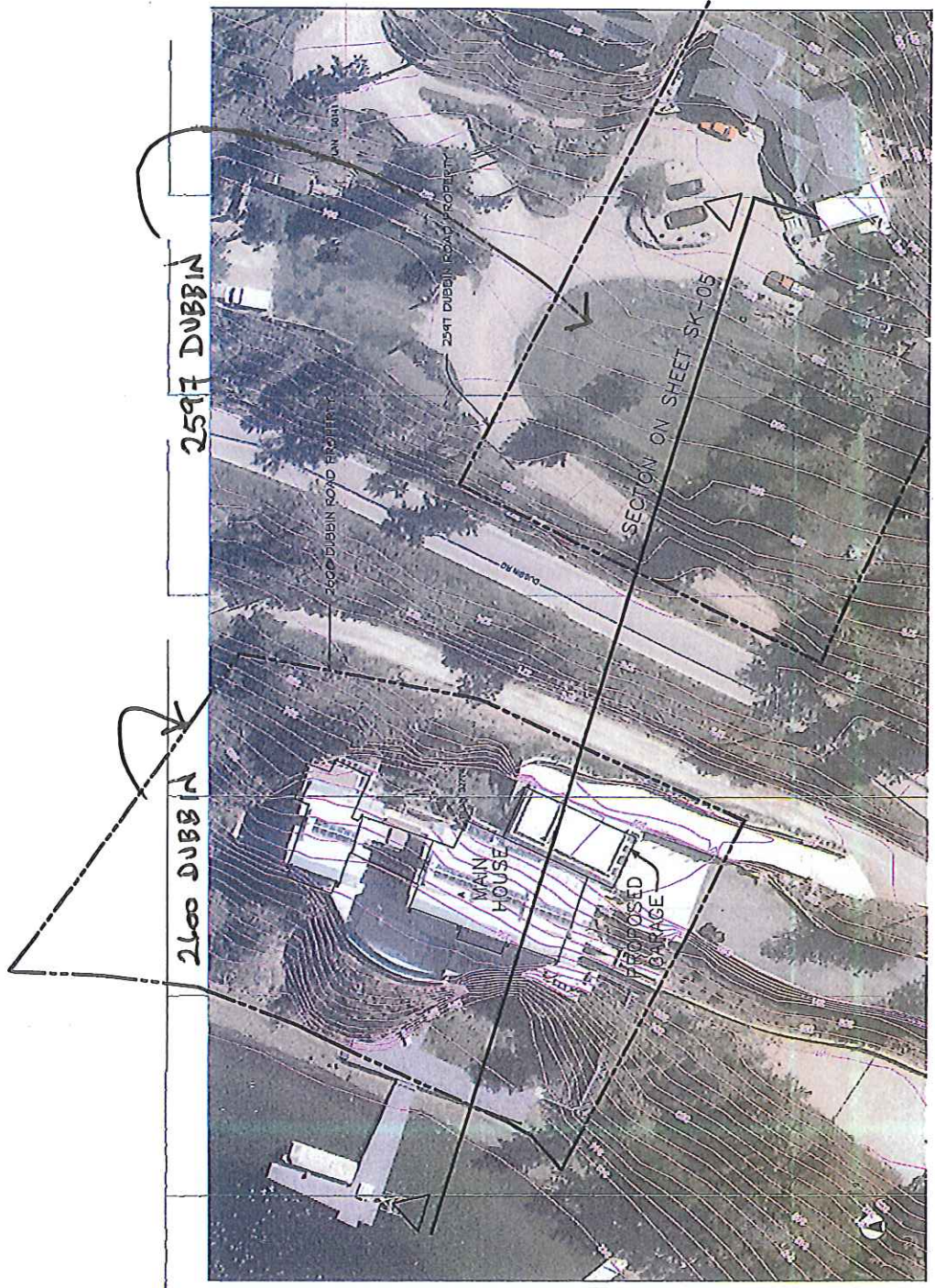
DATE
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APPROVED
SCALE

21 NOV 2012
KW/CW
CC
NFS

SK-04
REVISED PLANS

NOV 21 2012

CITY OF KELOWNA
Land Use Management



SIGHT LINE SITE SECTION

City of Kelowna



City of Kelowna - Accuracy and correctness not guaranteed.

Map: 351 x 243 m -- Scale 1:1,536

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

City of Kelowna

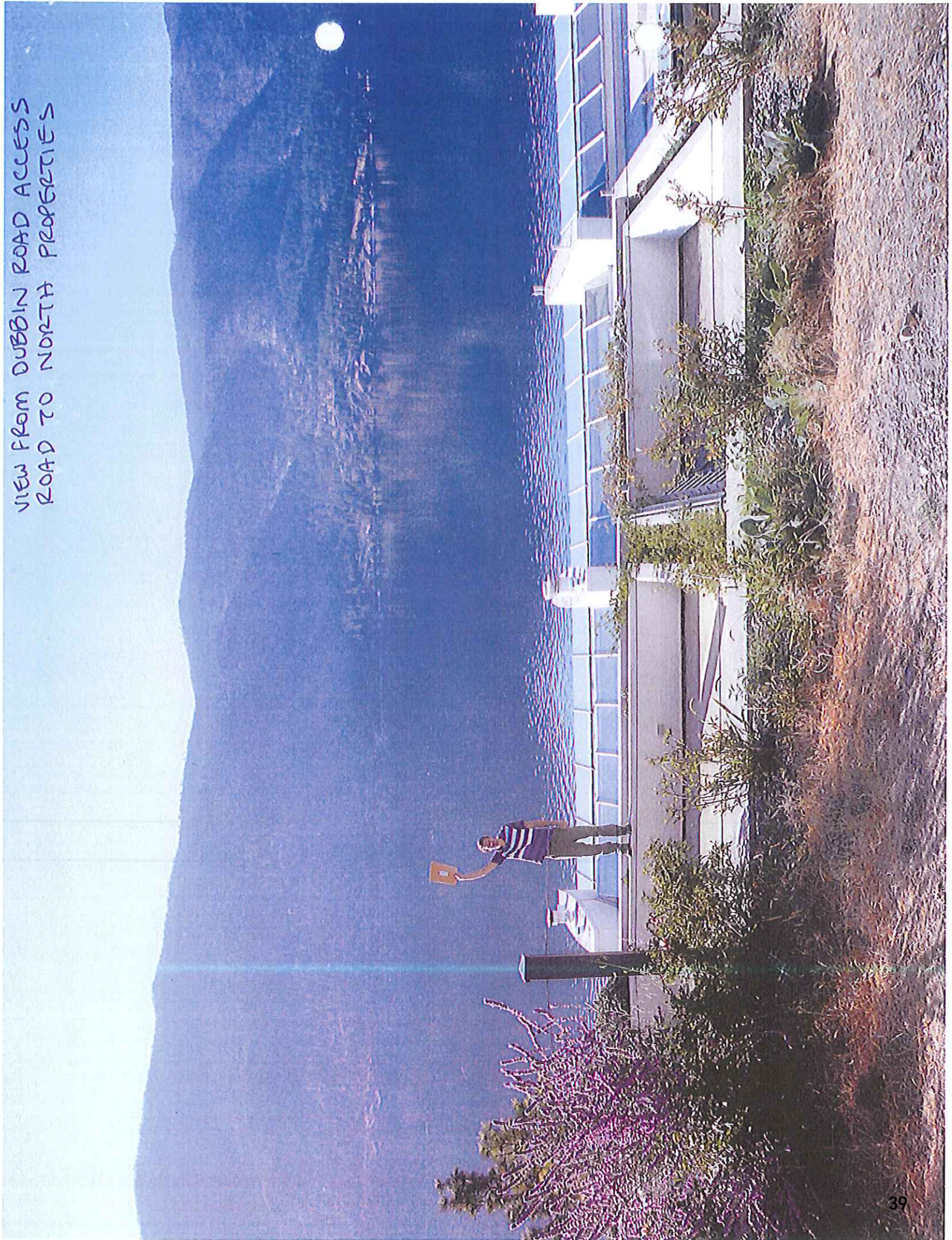


Map: 167 x 116 m -- Scale 1:732

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



VIEW FROM DUBBIN ROAD ACCESS
ROAD TO NORTH PROPERTIES



CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No .: DVP12-0185

EXISTING ZONING DESIGNATION:	RR3 - Rural Residential 3
WITHIN DEVELOPMENT PERMIT AREA:	N/A

ISSUED TO: Charles Cullen, Team Construction Management Ltd. (Owner: Dani Laliberte)
LOCATION OF SUBJECT SITE: 2600 Dubbin Road

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	A		KAP92774	20	23	ODYD

SCOPE OF APPROVAL	
<input type="checkbox"/>	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.
<input type="checkbox"/>	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.
<input type="checkbox"/>	Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the Applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the Applicant or City staff.

1. TERMS AND CONDITIONS:

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

1. Section 6.4.1: Projections into Yards

To vary the maximum permitted projection into a required front yard from 0.6 m permitted to 1.2 m proposed (as per Schedule A).

2. Section 12.3.6(b): Development Regulations

To vary the maximum permitted height from the lesser of 9.5 m or 2½ storeys permitted to 16.27 m and 4 storeys proposed (as per Schedule A).

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 which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

4. APPLICANT'S AGREEMENT:

I hereby declare that all 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 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 Director of Land Use Management.

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

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

5. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY COUNCIL ON THE __ th of February, 2013.

ISSUED BY THE LAND USE MANAGEMENT DEPT. OF THE CITY OF KELOWNA THE ____TH DAY OF FEBRUARY 2013.

Doug Gilchrist
Acting General Manager of Community Sustainability

REPORT TO COUNCIL



Date: February 1, 2013

RIM No. 0940-40

To: City Manager

From: Land Use Management, Community Sustainability (AR)

Application: DP12-0158 / DVP12-0218 **Owner:** Jabs Construction Ltd.
(Inc. No. 60327)

Address: 1506 Harvey Avenue & **Applicant:** Gary Tomporowski Architect
1544-1550 Harvey Avenue Ltd.

Subject: Development Permit & Development Variance Permit

Existing OCP Designation: Commercial

Existing Zone: C3 - Community Commercial

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP12-0158 for Lot 5, Section 20, Township 26, ODYD, Plan 32159 except Plan KAP88859, located at 1506 Harvey Avenue, Kelowna, BC, and Lot 4, Section 20, Township 26, ODYD, Plan 32159, located at 1544-1550 Harvey Avenue, Kelowna, BC, subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City, a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;
5. The Ministry of Transportation and Infrastructure requirements to be satisfied prior to the issuance of the Development Permit;
6. An access easement for access over Lot 5 (1506 Harvey Avenue) and Lot 4 (1544-1550 Harvey Avenue) in favour of each lot, and a cross-parking and loading agreement between Lot 5 (1506 Harvey Avenue) and Lot 4 (1544-1550 Harvey Avenue) in favour of each lot, to be registered on the titles of both Lots 5 and 4, to the satisfaction of the City of Kelowna and the Ministry of

Transportation and Infrastructure, prior to the issuance of the Development Permit;

7. Development Engineering requirements to be satisfied prior to the issuance of the Building Permit;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0218 for Lot 5, Section 20, Township 26, ODYD, Plan 32159 except Plan KAP88859, located at 1506 Harvey Avenue, Kelowna, BC, and Lot 4, Section 20, Township 26, ODYD, Plan 32159, located at 1544-1550 Harvey Avenue, Kelowna, BC;

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

Section 6.10: Setback from Provincial Highways

To vary the minimum required setback from Highway 97 from 15.0 m required to 4.5 m proposed (as per Schedule “A”);

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council’s approval of the Development Permit and Development Variance Permit applications, in order for the permits to be issued.

2.0 Purpose

The Development Permit application is for the Form and Character of a proposed one-storey commercial development at the northeast corner of Harvey Avenue and Burtch Road. The accompanying Development Variance Permit application requests to vary the minimum required setback along Highway 97 (Harvey Avenue) from 15 m required to 4.5 m proposed, to facilitate the prominent siting of the proposed commercial building along Harvey Avenue.

3.0 Land Use Management

Staff is supportive of the form and character of the proposed development. The new commercial building is proposed at the northeast corner of Harvey Avenue and Burtch Road, and the design proposal has improved significantly to address and animate this important corner site, through site programming, refined architectural form and detail, and augmented landscaping. While staff would have preferred to see the building’s primary entrances taken from the adjacent street frontages (instead of the rear parking area), it is satisfied with improvements to the building’s street interface, including the depth of design detail added to the street-fronting elevations; the augmented architectural treatment of the building’s southwest corner with an articulated tower feature and landscaped seating area; and the proposed placement of the restaurant at the west end of the building. Additionally, pedestrian access to the site and business entries has been provided from both street frontages.

Staff is also supportive of the requested variance to reduce the setback on Harvey Avenue to 4.5 m, as this enables the construction of the new building in line with the existing buildings to the east, and creates a stronger built form presence along Harvey Avenue. Additionally, the Ministry of Transportation and Infrastructure has noted that it has no concerns with the reduced setback.

The subject property at 1506 Harvey Avenue has been vacant for a considerable time, and developing this lot will complete this stretch of urban frontage along Harvey Avenue, and

enhance this important intersection at Burtch Road. It will also improve the overall view from the north adjacent residential development across Burtch Road. If approved, the proposal will include the improvement of the unconstructed road frontage along Burtch Road, with sidewalk, tree planting, and 3 m landscaped buffer.

4.0 Proposal

4.1 Project Description

The proposed development site consists of two parcels presently owned by the property owner - a vacant parcel at the corner of Harvey Avenue and Burtch Road (1506 Harvey Avenue), and the east adjacent parcel with three existing commercial buildings (1544-1550 Harvey Avenue). The subject Development Permit application proposes a new, 1-storey commercial building on the vacant parcel at 1506 Harvey Avenue, to be sited prominently along the Harvey Avenue frontage, in line with the existing commercial buildings on the east adjacent site. Proposed siting of the building along the Harvey Avenue frontage also enables on-site parking to be provided at the rear of the commercial buildings. An accompanying variance is being sought to reduce the minimum required setback from a Provincial Highway (Harvey Avenue) from 15 m required to 4.5 m proposed, to facilitate the proposed placement of the new building. The two properties will be serviced by the two existing accesses to 1544-1550 Harvey Avenue, one located on the Harvey Avenue frontage and the other on the Burtch Road frontage.

The proposed new building at 1506 Harvey Avenue is intended to provide commercial space, with a restaurant proposed at the west end of the building. The primary exterior building materials will consist of stucco cladding in earth-tone colours, complemented by an extensive stone veneer base and accent walls. Considerable attention has been given to the building's design interface with the public street, and in particular, the corner condition at Harvey Avenue and Burtch Road. While building entry will primarily occur from the parking area, the street-facing elevations have been enlivened with building projections and stepping, placement of "lifestyle image panels", layered finishing materials, and architectural details such as lighting and canopy features. The significance of the Harvey Avenue and Burtch Road corner condition is addressed through the provision of a significant tower feature and landscaped seating area at the southwest corner of the building. Additionally, the location of the anticipated restaurant at the west end of the building, with extensive window glazing, ensures an animated corner interface.

As part of a later phase of development at 1544-1550 Harvey Avenue (to come under a separate Development Permit application), the property owner intends to renovate two of the three existing commercial buildings (north and east buildings), and replace the west building with an addition to the east elevation of the proposed new building at 1506 Harvey Avenue.

Under the subject proposal, a portion of the required parking for the proposed new commercial building at 1506 Harvey Avenue will be provided on the adjacent property at 1544-1550 Harvey Avenue. As the property owner is presently not in a position to consolidate the two properties at this time, the intention is to secure the necessary cross agreements and covenants to ensure protection of the shared parking and site access circumstances between the two properties.

4.2 Site Context

The subject site is located at the northeast corner of Harvey Avenue and Burtch Road, and composed of two properties. The vacant property at 1506 Harvey Avenue was formerly a gas station site, which has subsequently been remediated to Provincial standards. The property at

1544-1550 Harvey Avenue is an existing commercial property with two points of access, one on Harvey Avenue and one on Burtch Road.

The subject site is located immediately north of the Capri Landmark Urban Centre, with Harvey Avenue as the boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM5 - Medium Density Multiple Housing	Residential (apartment building)
East	C3 - Community Commercial	Commercial
South	C3 - Community Commercial	Commercial
West	C3 - Community Commercial	Commercial

Subject Property Map: 1506 & 1544-1550 Harvey Avenue



The application compares with the requirements of Zoning Bylaw No. 8000 as follows:

Zoning Analysis Table		
CRITERIA	C3 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	1,300 m ²	3,491 m ² (1506 Harvey Av.) 8,302 m ² (1506 & 1544-1550 Harvey Av.)
Development Regulations		
Floor Area Ratio (FAR)	1.0	0.39 (1506 Harvey Av.) 0.32 (1506 & 1544-1550 Harvey Av.)

Development Regulations Cont.		
CRITERIA	C3 ZONE REQUIREMENTS	PROPOSAL
Site Coverage (buildings)	50%	39% (1506 Harvey Av.) 32% (1506 & 1544-1550 Harvey Av.)
Height	Lesser of 15m or 4 storeys	6.1 m to 12.19 m / 1 storey
Front Yard	3.0 m	4.5 m
Side Yard (west)	2.0 m (flanking street)	2.0 m
Side Yard (east)	0 m	0 m
Rear Yard	6.0 m	Meets requirement
Setback from Provincial Hwy	15 m (outside urban centre)	4.5 m ①
Min. Parking Requirements	96 spaces	96 spaces
Bicycle Parking	11 spaces	24 spaces
Loading Space	1 per 1,900 m ²	Meets requirement
① Vary required setback from Provincial Hwy (Harvey Av.) from 15 m required to 4.5 m proposed.		

5.0 Current Development Policies

5.1 City of Kelowna Official Community Plan 2030 (OCP)

The subject property is designated as Commercial for future land use, and located immediately north of the Capri Landmark Urban Centre area, across Harvey Avenue.

Urban Design Development Permit Areas (Chapter 14) - Design Guidelines

Comprehensive Design Guidelines

Objectives

- Convey a strong sense of authenticity through urban design that is distinctive for Kelowna;
- Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures;
- Promote interesting, pedestrian friendly streetscape design and pedestrian linkages;

Guidelines

Authenticity and regional expression

- Incorporate landscaping and building form and character that is distinct to Kelowna and the Central Okanagan and conveys a sense of authenticity;
- Use colours found in the region's natural and cultural landscape;

Relationship to the street

- Locate buildings to provide an effective street edge while respecting the established, desired streetscape rhythm;
- Develop visual and physical connections between the public street and private buildings (e.g. patios and spill-out activity, views to and from active interior spaces, awnings and canopies);
- Design buildings with multiple street frontages to give equal emphasis to each frontage with respect to building massing, materials, details, and landscaping.

Human scale

- Design for human scale and visual interest in all building elevations. This can be achieved principally by giving emphasis to doors and windows and other signs of human habitation relative to walls and building structure;
- Articulate facades by means of indentations and projections of elements (e.g. windows and doors, cornice lines, pilasters, balconies, and other detailing).

Pedestrian access, provision for cyclists, circulation, vehicles and loading

- Promote the use of alternative modes of transportation in site design (e.g. prominent bicycle racks for convenience and security, orient building entrances to pedestrian areas);
- Locate parking areas to the rear of buildings, internal to the building, or below grade;
- Incorporate visible and secure bicycle parking in a priority location with the construction of all new parkades and parking lots;
- Parking lots should have shade trees planted at 1 tree per 4 parking stalls.

6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCCs) are required to be paid prior to issuance of any Building Permit(s) for new construction.
- Size and location of all signage to be clearly defined as part of the development permit.
- Full Plan check for Building Code related issues will be done at time of Building Permit. applications

6.2 Development Engineering Department

DP12-0158 - see attached.

DVP12-0218 - the Development Variance Permit application to vary the front yard setback does not compromise City of Kelowna municipal services.

6.3 Fire Department

Fire Department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900. The Subdivision Bylaw requires a minimum of 150 ltr/sec flow. A fire hydrant is to be located within 90 m of the principal entrance of the Part 3 building. Additional comments will be required at Building Permit application.

6.4 Ministry of Transportation

For DP12-0158, the Ministry requires the following:

- Application for a Controlled Access permit to be submitted to the Ministry for a joint access to serve both Lots 4 & 5, Plan 32159 - application is available at our website.
- Blanket easement documents for access over both lots in favour of each lot. Copy of registered easement to be provided to the Ministry.
- A Covenant to be registered on Lot 5, Plan 32159 that states that should Lot 5, Plan 32159 be sold to a separate party, direct access to Highway 97 will not be granted. Copy of registered covenant to be provided to the Ministry.
- Cross-parking agreement to be registered on the title for both Lots 4 & 5, Plan 32159. Copy of registered agreement to be provided to the Ministry.

For DVP12-0218, the Ministry has indicated that it has no concerns with the proposed setback as the required setback for buildings along a Provincial Highway is 4.5 m, per Part 3, Section 12 of the Transportation Act, Provincial Public Undertakings Regulation 513/2004. Further the MOTI has no issue with the proposed pylon sign projecting into the 4.5 m setback area.

6.5 Shaw Cable

Owner developer to install an underground conduit system per Shaw Cable drawings and specifications.

6.6 Telus

Telus will provide underground facilities to this development. Developer will be required to supply and install conduit as per Telus policy.

7.0 Application Chronology

Date of DP Application Received:	August 22, 2012
Revised Materials Received:	November 21, 2012
Date of DVP Application Received:	November 29, 2012
Revised Materials Received:	January 21, 2012
Revised Materials Received:	January 23, 2012

Report prepared by:

Abigail Riley, Land Use Planner

Reviewed by:

☐

Danielle Noble, Manager, Urban Land Use

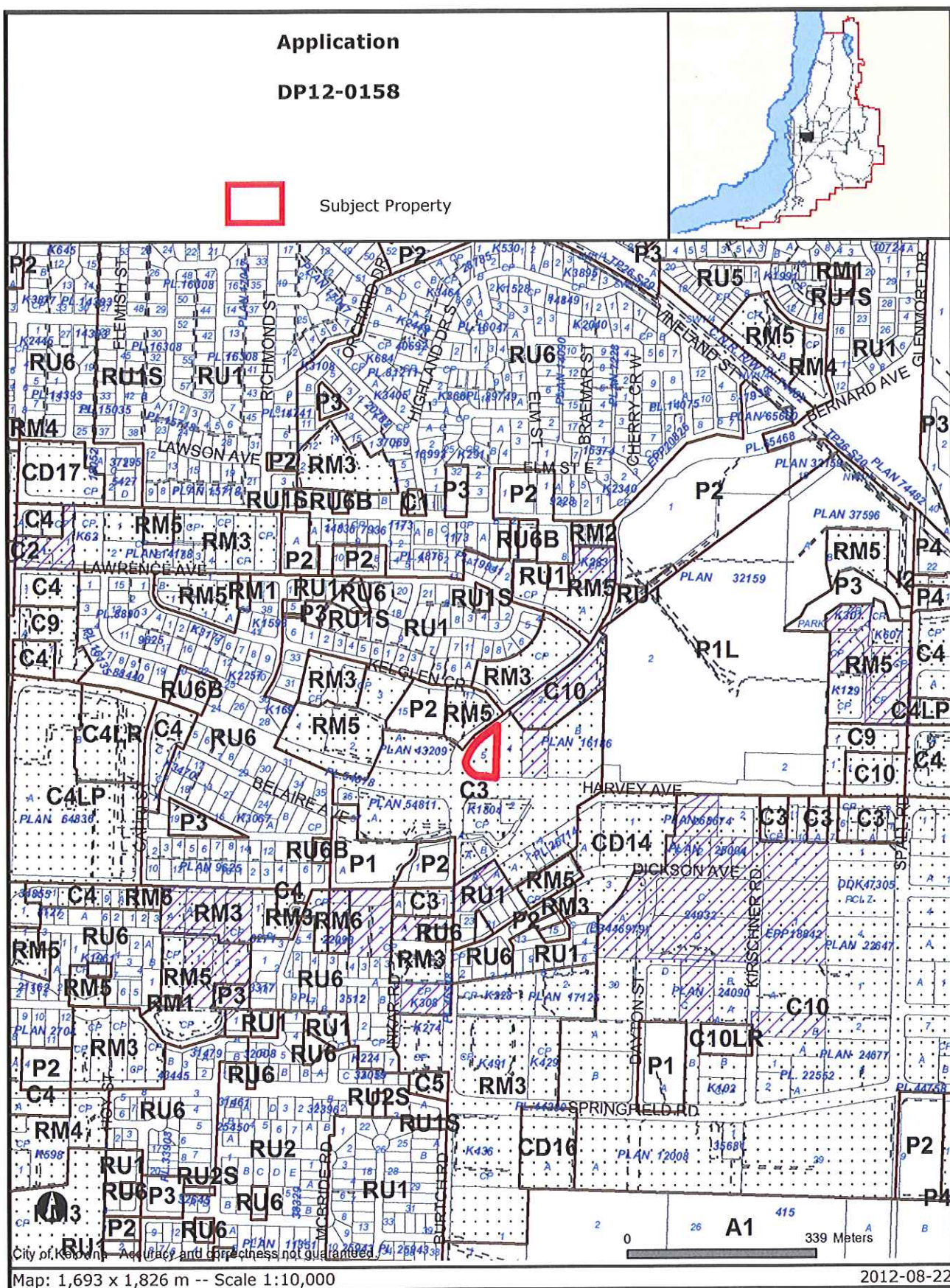
Approved for Inclusion

☐

Doug Gilchrist, Acting General Manager, Community Sustainability

Attachments:

Subject Property Map
 Site Plan
 Building Elevations & Finishing Materials
 Conceptual Illustrations
 Landscape Plan
 Development Engineering Memorandum
 Draft Development Variance Permit



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

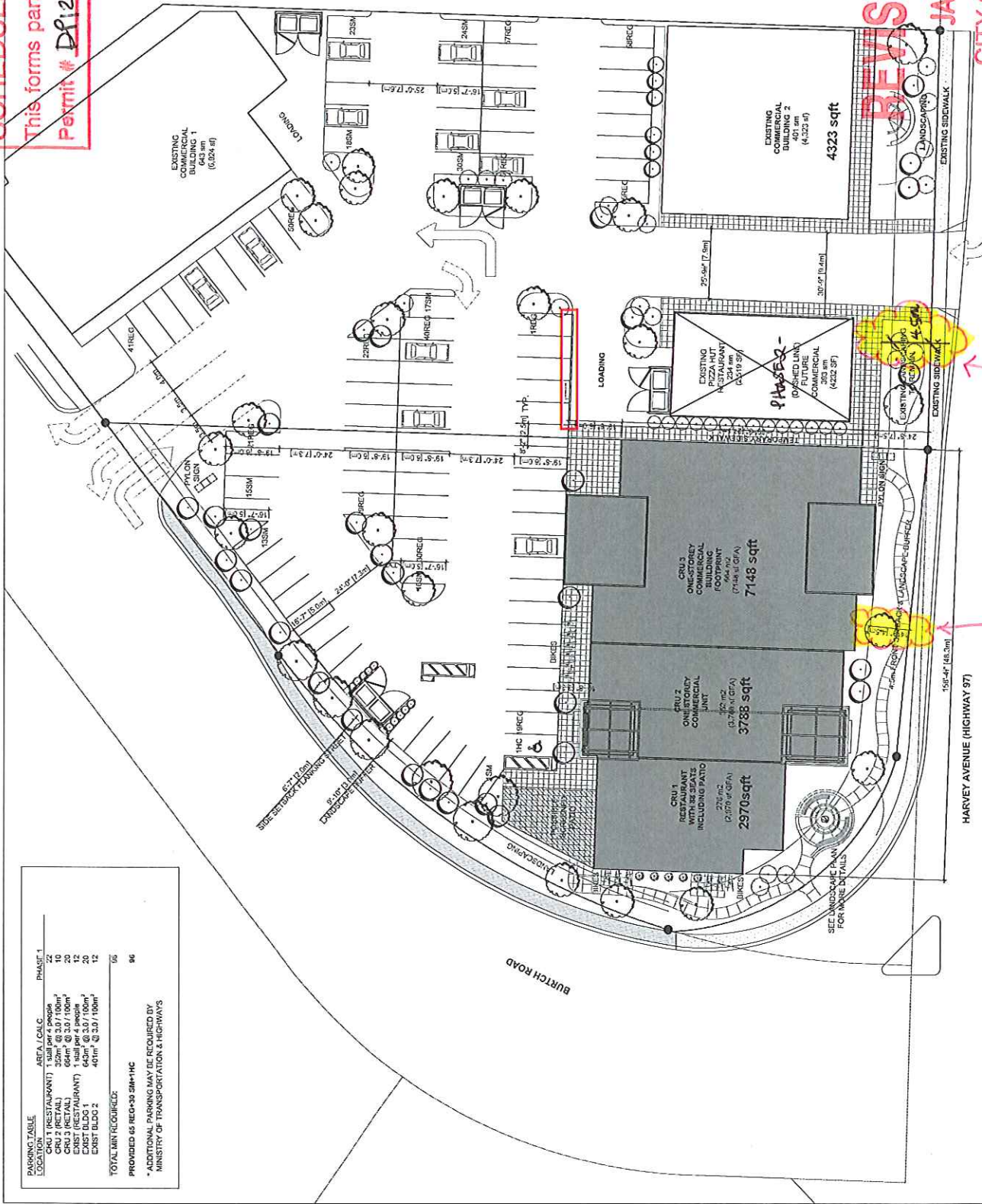
SCHEDULE A 1 OF 1

This forms part of development application
 Permit # **DP12-0158 / DP12-0210**

NOT FOR CONSTRUCTION

LOCATION	AREA / CALC	PHASE 1
EXIST BLDG 1	229m ² @ 3.0 / 100m ²	10
CRU 2 (RETAIL)	644m ² @ 3.0 / 100m ²	20
EXIST RESTAURANT	100m ² @ 3.0 / 100m ²	12
EXIST BLDG 2	401m ² @ 3.0 / 100m ²	12
TOTAL MIN FLOORSPACE		56
PROVIDED 65 REG+35 SH+HC		96

* ADDITIONAL PARKING MAY BE REQUIRED BY
 MINISTRY OF TRANSPORTATION & HIGHWAYS



gta

Garry Tompkinson Architects Ltd.
 243-1891 Seymour Rd.
 Victoria, British Columbia
 Tel: 250-681-3006
 Email: gta@gtarchitects.com

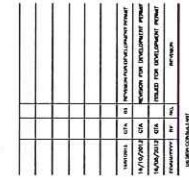
HWY 97 & BURCH RD.
 COMMERCIAL
 DEVELOPMENT
 KELOWNA, BC

REVISED PLANS

A1.1
 JAN 21 2013
 NORTH

CITY OF KELOWNA
 Land Use Management

PROPOSED SETBACK
 VARIANCE

[illegible]

NOT FOR CONSTRUCTION

gta

Garry Tomporowski Architect Ltd.
243-8891, 8891 Dundas Rd.
Unit 10, Mississauga, Ontario
L4V 1P5
Fax: 255-74-0300
Mobile: 255-74-058
Email: gta@gtaltd.ca

HWY 97'S BURCH RD.
COMMERCIAL
DEVELOPMENT
KELOWNA, BC

1041-1074

**BUILDING
ELEVATIONS**

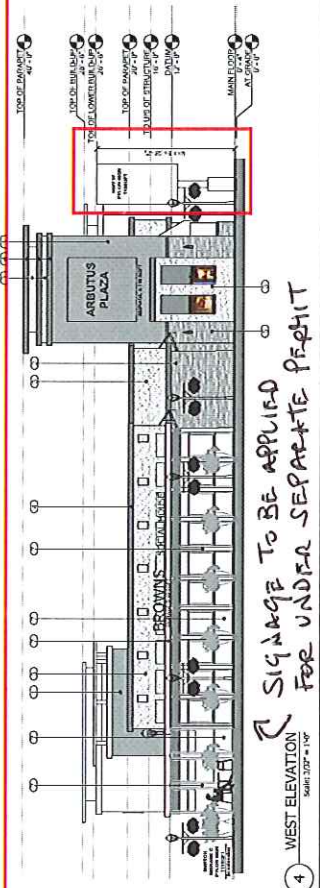
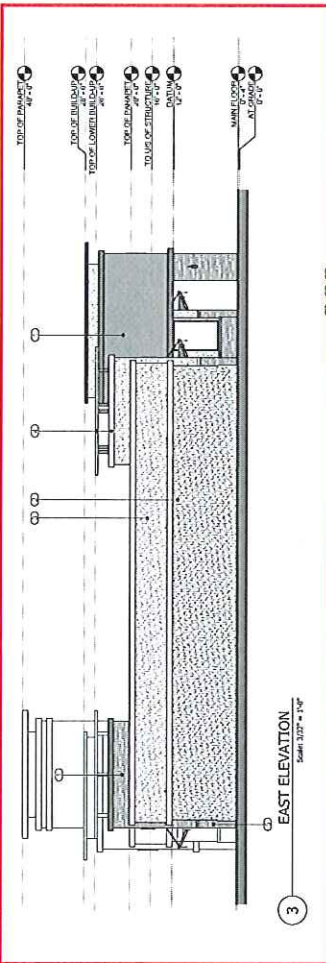
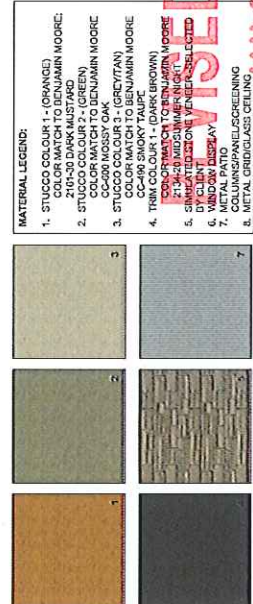
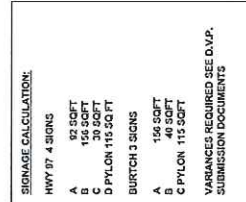
SOLD PLANS

A3.1

AS NOTED	3/22" x 1'-0"
JAN 21 2012	NOV 14, 2012

LEL A05-10

CITY OF KELOWNA
Land Use Management





OUTLAND DESIGN
LANDSCAPE ARCHITECTURE

204 - 847 4444
11501 140th Ave
T1C0N 1M0G2P0
www.outlanddesign.ca



PROJECT TITLE
**HIGHWAY 97 & BURTON
ROAD COMMERCIAL
DEVELOPMENT**
Edmonton, AB

LANDSCAPE PLAN

NO.	DATE	DESCRIPTION
1	2014.01.10	Final Landscape Plan
2	2014.01.10	Final Landscape Plan
3	2014.01.10	Final Landscape Plan
4	2014.01.10	Final Landscape Plan

NO.	DATE	DESCRIPTION
1	2014.01.10	Final Landscape Plan
2	2014.01.10	Final Landscape Plan
3	2014.01.10	Final Landscape Plan
4	2014.01.10	Final Landscape Plan

SCALE: 1" = 10'-0"



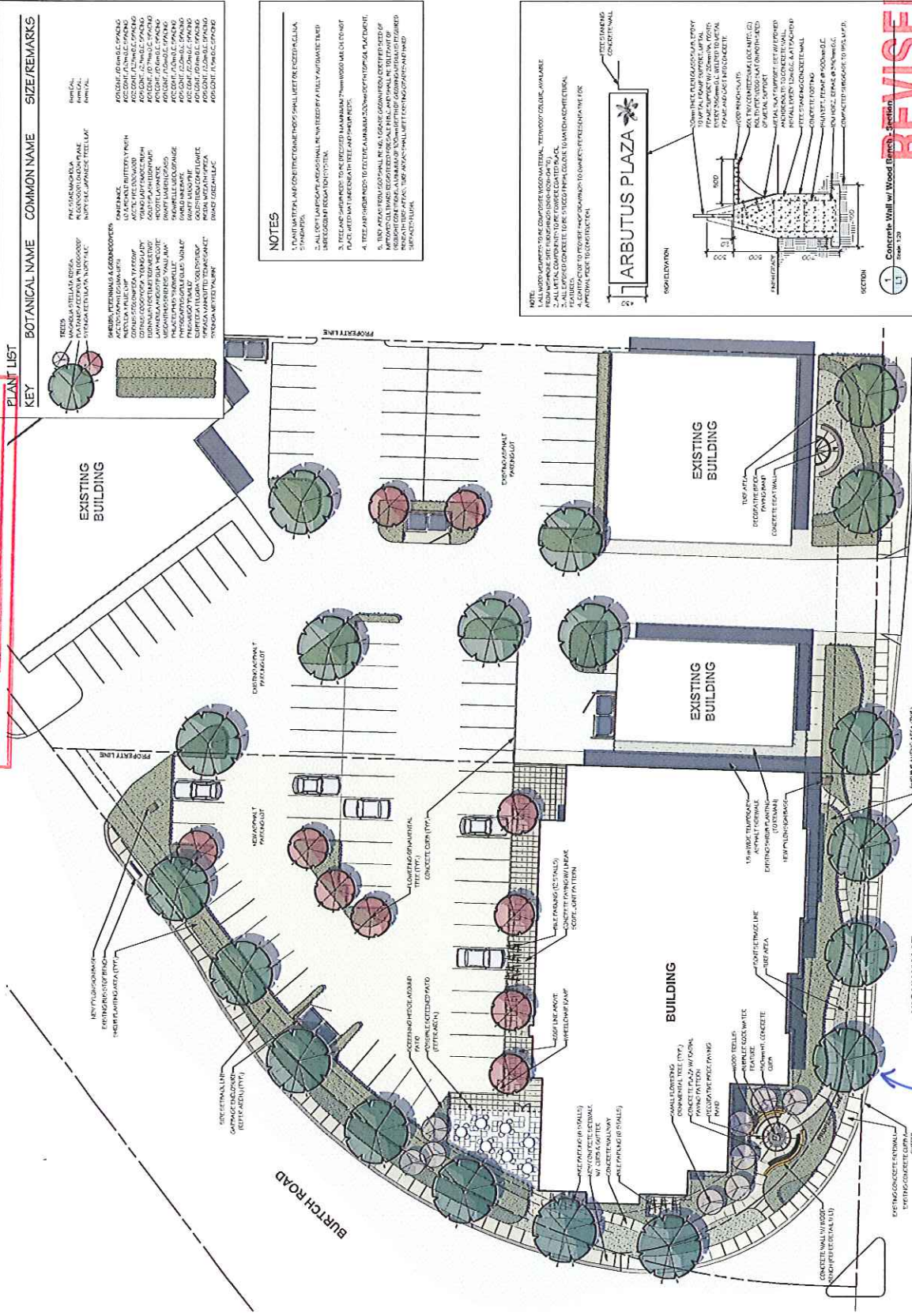
REVISIONS
1. 2014.01.10
2. 2014.01.10
3. 2014.01.10
4. 2014.01.10

FOR REVIEW ONLY
JAN 23 2014

CITY OF KELOWNA
Land Use Management

SCHEDULE C of 1

This forms part of development
Permit # **B12-0158**.



NOTE: TREES WITHIN CITY BOUNDARY ALONG THE
HARLEY AV. FRONTAGE TO BE
GLADITSIA TRIACANTHOS SKYLINE.

CITY OF KELOWNA
MEMORANDUM

FILE COPY

Date: November 29, 2012
File No.: DP12-0158
To: Land Use Management Department (AR)
From: Development Engineering Manager
Subject: 1506 Harvey Ave, Lot 5 Plan 32159 - Revised Drawing - Commercial Building

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

The Development Engineering Technologist for this project is Sergio Sartori.

1. General

- (a) Provide easements as may be required.
- (b) These are Development Engineering comments/requirements and are subject to the review and requirements from the Ministry of Transportation (MOT) Infrastructure Branch.

2. Domestic Water and Fire Protection

- (a) The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs.
- (b) This property is currently not serviced.
- (c) Servicing requirements will be reviewed by Development Engineering when a Site Servicing Plan is submitted. Upgrades, if required will be at the applicant's cost and bonding will be required.

3. Sanitary Sewer

- (a) The developer's consulting mechanical engineer will determine the development requirements of this development and establish the service needs.
- (b) Our records indicate that this property is connected with 100mm diameter sewer service. It is anticipated that the existing servicing will need to be upgraded. Service upgrades, if required will be at the applicant's cost and additional bonding will be required.

4. Storm Drainage

- (a) The developer must engage a consulting civil engineer to provide a storm water management plan for this site which meets the requirements of the City Storm Water Management Policy and Design Manual.
- (b) Our records indicate that this property is not serviced.
- (c) On site storm drainage system modifications and improvements for this site will be reviewed and approved by Development Engineering when a Lot Grading Plan and Storm Management Plan are submitted.

5. Roads

- a) Burtch Road is designated an urban arterial road. Construction to a full urban standard including curb and gutter, separate sidewalk, piped storm drainage system, road works, landscaped boulevard complete with underground irrigation system, and street lights is required. These improvements may trigger road dedication to achieve the approved road cross section.

6. Development Permit and Site Related Issues

- (a) A parking requirement review is required.
- (b) Indicate on the Site Plan, the locations of loading bays as well as the garbage and recycle bins.
- (c) Provide a Lot Grading and Storm Management Plan

7. Geotechnical Report

As a requirement of this application and building permit approval the applicant must provide a comprehensive geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics, including water sources on the site.
- (b) Site suitability for development; i.e. unstable soils, foundation requirements etc.
- (c) Drill and/or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.
- (e) Additional geotechnical survey may be necessary for building foundations, etc.

8. Power and Telecommunication Services and Street Lights

- (a) Prior to issuance of Building Permit, the applicant must 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.

9. 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 Development Engineering 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.

10. Servicing Agreements for Works and Services

- (a) A Servicing Agreement is required for all offsite 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.

11. 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 Terasen, 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.



Steve Muenz, P. Eng.
Development Engineering Manager

ss

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Permit No.:

DP12-0158 & DVP12-0218

EXISTING ZONING DESIGNATION:	C3 - Community Commercial
WITHIN DEVELOPMENT PERMIT AREA:	Comprehensive Development Permit Area
DEVELOPMENT VARIANCE PERMIT:	To vary the minimum required setback from Highway 97 from 15 m required to 4.5 m proposed

ISSUED TO:	Gary Tomporowski Architect Ltd. (Owner: Jabs Construction Ltd.)
LOCATION OF SUBJECT SITE:	1506 Harvey Avenue & 1544-1550 Harvey Avenue

	SECTION	DISTRICT LOT	TWP	DISTRICT	PLAN
LEGAL DESCRIPTION:	20	4 & 5	26	ODYD	32159, except Plan KAP 88859

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.
- ☐ Applicants for a Heritage Alteration Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. Prior to the issuance of a building permit the applicant be required to post with the City a "Letter of Credit" in the amount of 125% of the estimated value of the cost to design, construct and complete the parking area, which includes parking spaces and sidewalks as shown in general accordance with Schedule "C";
5. Development Engineering requirements to be satisfied prior to the issuance of the Building Permit;

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

Section 6.10: Setback from Provincial Highways

To vary the minimum required setback from Highway 97 (Harvey Avenue) from 15.0 m required to 4.5 m proposed (as per Schedule "A");

The development shall commence by and in accordance with an approved Building Permit within ONE YEAR of the date of the Municipal Council authorization resolution.

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 which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferrable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

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 Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee 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 Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ N/A.
- (b) A Certified Cheque in the amount of \$ N/A.
- (c) An Irrevocable Letter of Credit in the amount of \$ TBD.

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. APPLICANT'S AGREEMENT:

I hereby declare that all 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 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 Director of Land Use Management.

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

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

5. APPROVALS:

DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE ____ DAY OF FEBRUARY, 2013

ISSUED BY THE ACTING GENERAL MANAGER OF COMMUNITY SUSTAINABILITY OF THE CITY OF KELOWNA THE ____ DAY OF FEBRUARY, 2013.

Doug Gilchrist, A. General Manager, Community Sustainability

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Permit No.:

DP12-0158 & DVP12-0218

EXISTING ZONING DESIGNATION:	C3 - Community Commercial
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3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. Prior to the issuance of a building permit the applicant be required to post with the City a "Letter of Credit" in the amount of 125% of the estimated value of the cost to design, construct and complete the parking area, which includes parking spaces and sidewalks as shown in general accordance with Schedule "C";
5. Development Engineering requirements to be satisfied prior to the issuance of the Building Permit;

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

Section 6.10: Setback from Provincial Highways

To vary the minimum required setback from Highway 97 (Harvey Avenue) from 15.0 m required to 4.5 m proposed (as per Schedule "A");

The development shall commence by and in accordance with an approved Building Permit within ONE YEAR of the date of the Municipal Council authorization resolution.

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 which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferrable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

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 Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee 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 Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ N/A.
- (b) A Certified Cheque in the amount of \$ N/A.
- (c) An Irrevocable Letter of Credit in the amount of \$ TBD.

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. APPLICANT'S AGREEMENT:

I hereby declare that all 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 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 Director of Land Use Management.

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

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

5. APPROVALS:

DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE ____ DAY OF FEBRUARY, 2013

ISSUED BY THE ACTING GENERAL MANAGER OF COMMUNITY SUSTAINABILITY OF THE CITY OF KELOWNA THE ____ DAY OF FEBRUARY, 2013.

Doug Gilchrist, A. General Manager, Community Sustainability

REPORT TO COUNCIL



Date: February 1st, 2013

RIM No. 0940-50

To: City Manager

From: Land Use Management, Community Sustainability (AW)

Application: DP13-0010 / DVP13-0012 **Owner:** 0951821 B.C. Ltd., Inc. No. BC0951821

Address: 840 Stockley Street **Applicant:** 0951821 BC Ltd.

Subject: Development Permit & Development Variance Permit

Existing OCP Designation: Multiple Unit Residential - Low Density

Existing Zone: RM3 - Low Density Multiple Housing

1.0 Recommendation

THAT Council authorize the issuance of Development Permit No. DP13-0010 for That part of Section 19, Township 27, ODYD, Shown on Plan EPP18660, located at 840 Stockley Street, Kelowna B.C., subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the Development Permit application in order for the permit to be issued.

AND THAT Council authorize the issuance of Development Variance Permit No. DVP13-0012 for That part of Section 19, Township 27, ODYD, Shown on Plan EPP18660, located at 840 Stockley Street, Kelowna, B.C.;

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

Section 8.1.9 (c) Parking Location - Setback from Parking:

To vary the required flanking street setback for parking from 3.0m required to 0.7m proposed.

Section 13.9.6 (b) Development Regulations - Site Coverage:

To vary the maximum site coverage from 50% permitted to 55% proposed.

2.0 Purpose

To consider a Development Permit for the form and character of the proposed 4 unit townhouse development. To consider a Development Variance Permit to the proposed site coverage for buildings and parking from 50% permitted to 55% proposed and to vary the setback for parking from 3.0m required to 0.7m proposed.

3.0 Land Use Management

Land Use Management staff are supportive of the proposal. It is seen to meet the objectives and supporting policies of the Official Community Plan (OCP), as well as the applicable urban design guidelines. The subject property is located at the corner of two roads in a location well suited for a townhouse form of development. The massing and scale of the development provides an appropriate transition with a stepped building footprint well suited for a sloping site, thereby reducing the amount of cut and fill required for the development.

The buildings represent a unique blend of modern architecture with traditional design elements. The hipped roof provides a traditional building aesthetic but the introduction of wood design features and horizontal and vertical glazing provides a modern appeal to the development. Site landscaping uses native species, and complements the building design. The proposed variances are due to the unconventional lot configuration and do not present any concerns for Staff.

4.0 Proposal

4.1 Project Description

The proposed development consists of a total of 4 dwelling units. Principal vehicular access for the units is from Stockley Street. Parking for the development is contained within each unit's two-car garage with access directly from the internal drive aisle. In both form and character, the proposed development acts as an effective transition for a slopping property. Stepping the building down the site rather than levelling the lot results in a more sensitive and aesthetically pleasing form of development. The buildings are representative of a more contemporary aesthetic and the massing is reduced through the use of building articulation, mixed siding treatments, and intimate design details.

Significant on site landscaping is provided in the form of native trees, shrubs and groundcover. This is concentrated principally at the main vehicular access point, around the perimeter of the building entrances and along the property lines. Private amenity space is provided to each individual unit in the form of large decks overlooking the golf course.

The variances associated with the project are primarily due to the unconventional lot layout. The site coverage variance from 50% to 55% is due to the turnarounds required to facilitate on site vehicular movements and the narrow lot depth pinches the setback from driveways and parking at the N/E edge of the development. Neither of these variances are significant and they should not have a negative impact on the surrounding area.

The project compares to Zoning Bylaw No. 8000 as follows:

Zoning Analysis Table		
CRITERIA	RM3 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Floor Area Ratio	0.5	0.41
Site Coverage - Buildings & Parking	50%	55% ¹
Height	9.5m	7.0m
Front Yard	4.5m	5.4m
Side Yard (south)	4.5m	4.5m
Side Yard (north)	4.5m	4.5m
Rear Yard	7.5m	4.5m
Setback from Parking	3.0m	0.7m ²
Other Regulations		
Minimum Parking Requirements	8 stalls	8 stalls
Bicycle Parking	Class I: 2 spaces Class II: 1 Spaces	Provided in garage
Private Open Space	100m ²	116m ²
¹ Vary site coverage from 50% to 55%		
² Vary the setback for parking from 3.0 to 0.7m		

4.2 Site Context

The subject property is located within the Black Mountain community directly across from the golf course. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM3 - Low Density Multiple Housing	Vacant
East	P3 - Parks & Open Space	Park / Open Space
South	RM3 - Low Density Multiple Housing	Vacant
West	P3 - Parks & Open Space	Golf Course

Subject Property Map: 840 Stockley Street



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Policy 5.23.1 - Ground-Oriented Housing. Encourage all multi-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with 2 or more bedrooms to provide a family housing choice within multi-unit rental or ownership markets. High density residential projects in the Downtown area are encouraged to include a ground-oriented housing component, especially where such can be provided on non-arterial and non-collector streets.'

Comprehensive Development Permit Objectives:

- Convey a strong sense of authenticity through urban design that is distinctive for Kelowna;
- Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures;
- Integrate new development with existing site conditions and preserve the character amenities of the surrounding area;
- Promote interesting, pedestrian friendly streetscape design and pedestrian linkages;
- Provide for a scale and massing of commercial buildings that promotes a safe, enjoyable living, pedestrian, working, shopping and service experience;
- Incorporate architectural features and detailing of buildings and landscapes that define an area's character;
- Promote alternative transportation with enhanced streetscapes and multimodal linkages;
- Protect and restore the urban ecology (i.e. architectural and site consideration with respect to the ecological impact on urban design).
- Moderate urban water demand in the City so that adequate water supply is reserved for agriculture and for natural ecosystem processes.
- Reduce outdoor water use in new or renovated landscape areas in the City by a target of 30%, when compared to 2007.

6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s) for new construction.
- Size and location of all signage to be clearly defined as part of the development permit along with building addressing per the bylaws.
- Code analysis is required for the structure at time of building permit.
- Landscaping or retaining walls c/w guards maybe required at / near front entrances to deal with grade differentials between units. This may affect the form and character of the buildings?
- Permits required for retaining walls & designed to the requirements of the loading from the fire trucks (hammer head turn around areas / vehicle areas). A Structural Engineer or Geotechnical Engineer may be required at time of permit application.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications

6.2 Development Engineering Department

See attached.

6.3 Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900. The Subdivision Bylaw requires a minimum of 150ltr/sec flow. No concerns with the variance requests.

7.0 Application Chronology

Date of Application Received: January 16th, 2013

Report prepared by:

Alec Warrender, Land Use Planner

Reviewed by:

☐

Danielle Noble, Manager, Urban Land Use

Approved for Inclusion:

☐

Doug Gilchrist, A. General Manager, Community Sustainability

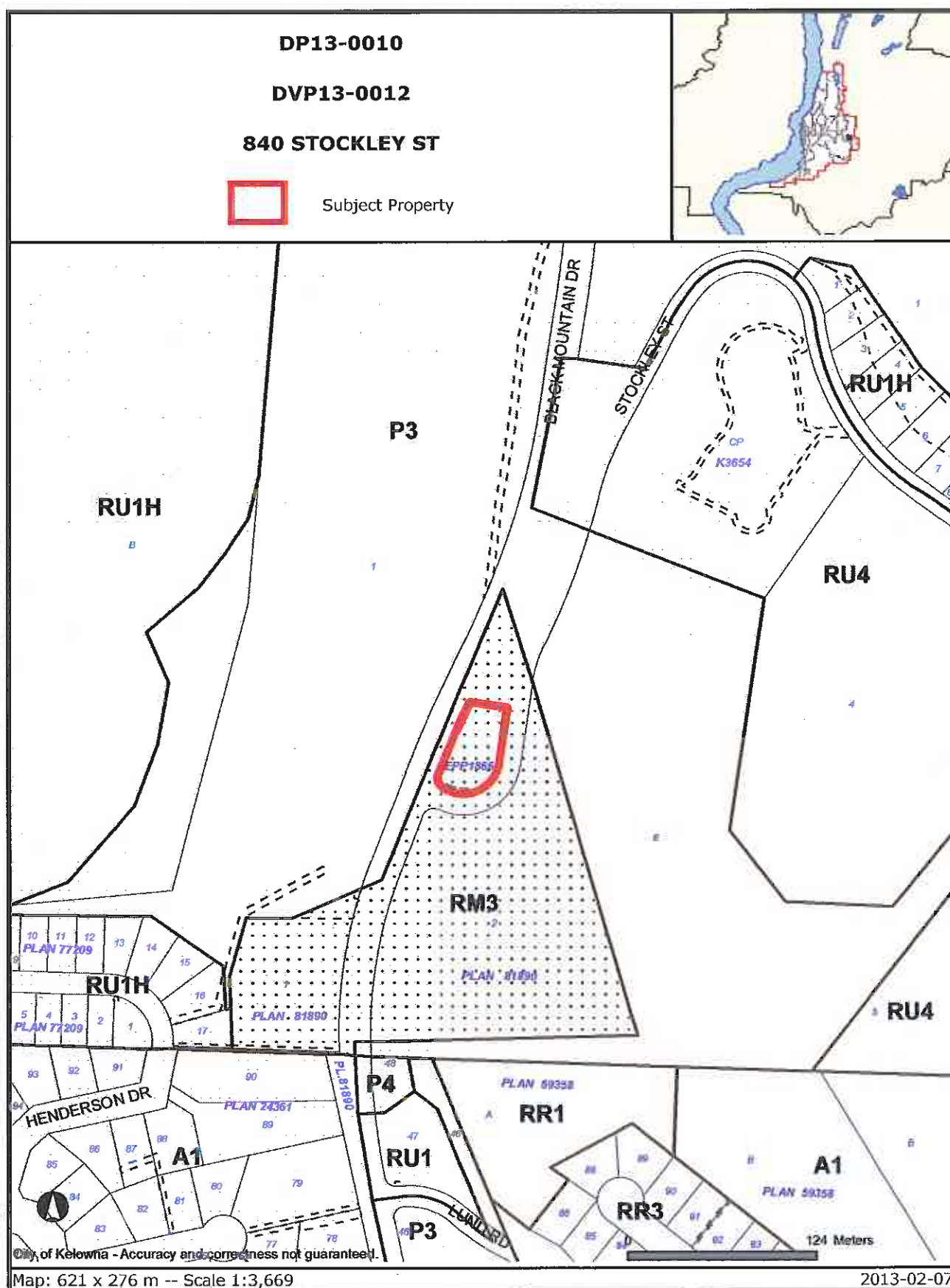
Attachments:

Site Plan

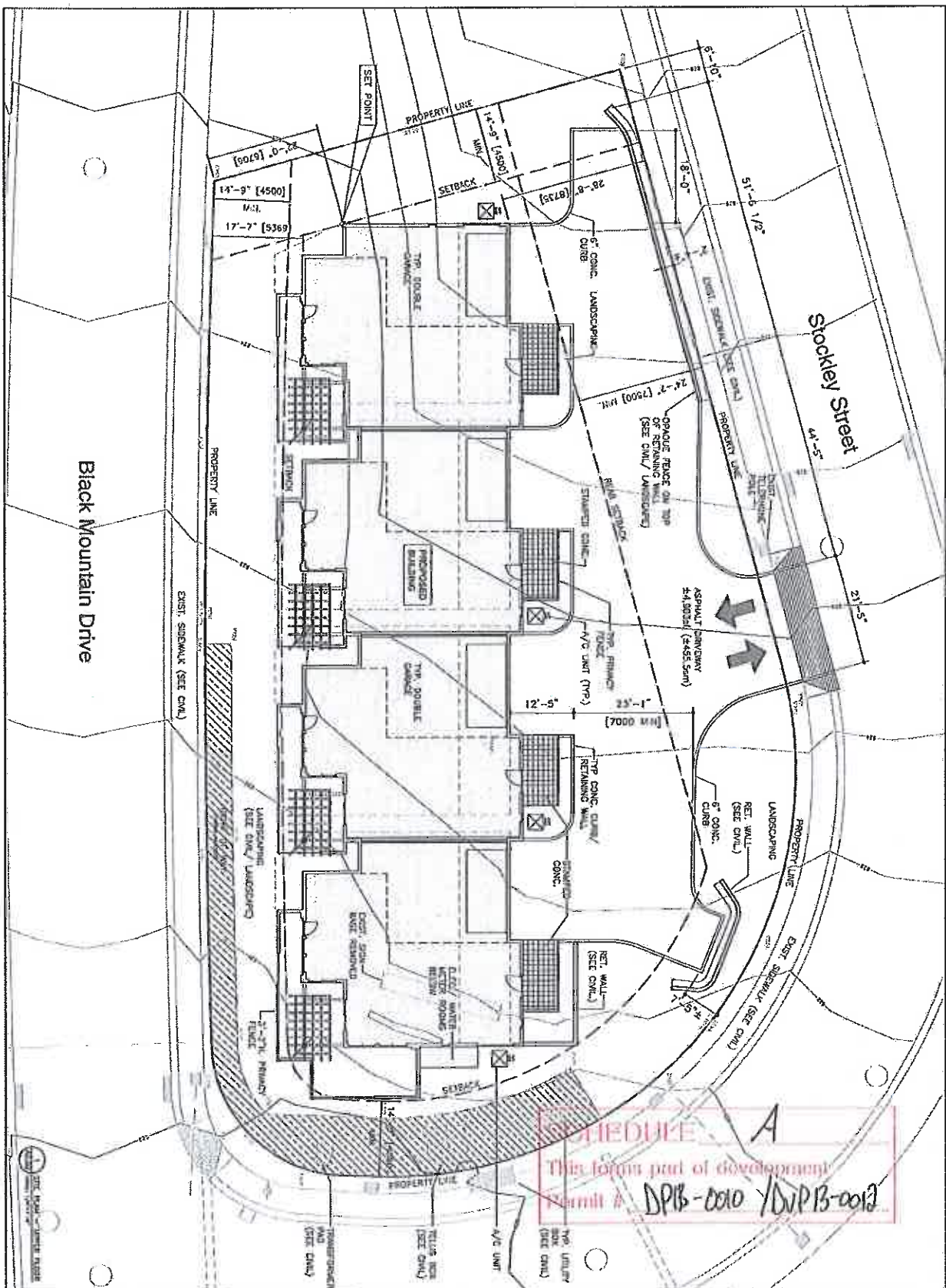
Conceptual Elevations

Landscape Plan

Development Engineering Requirements



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
 The City of Kelowna does not guarantee its accuracy. All information should be verified.



BLACK MOUNTAIN
4 UNIT TOWNHOUSES

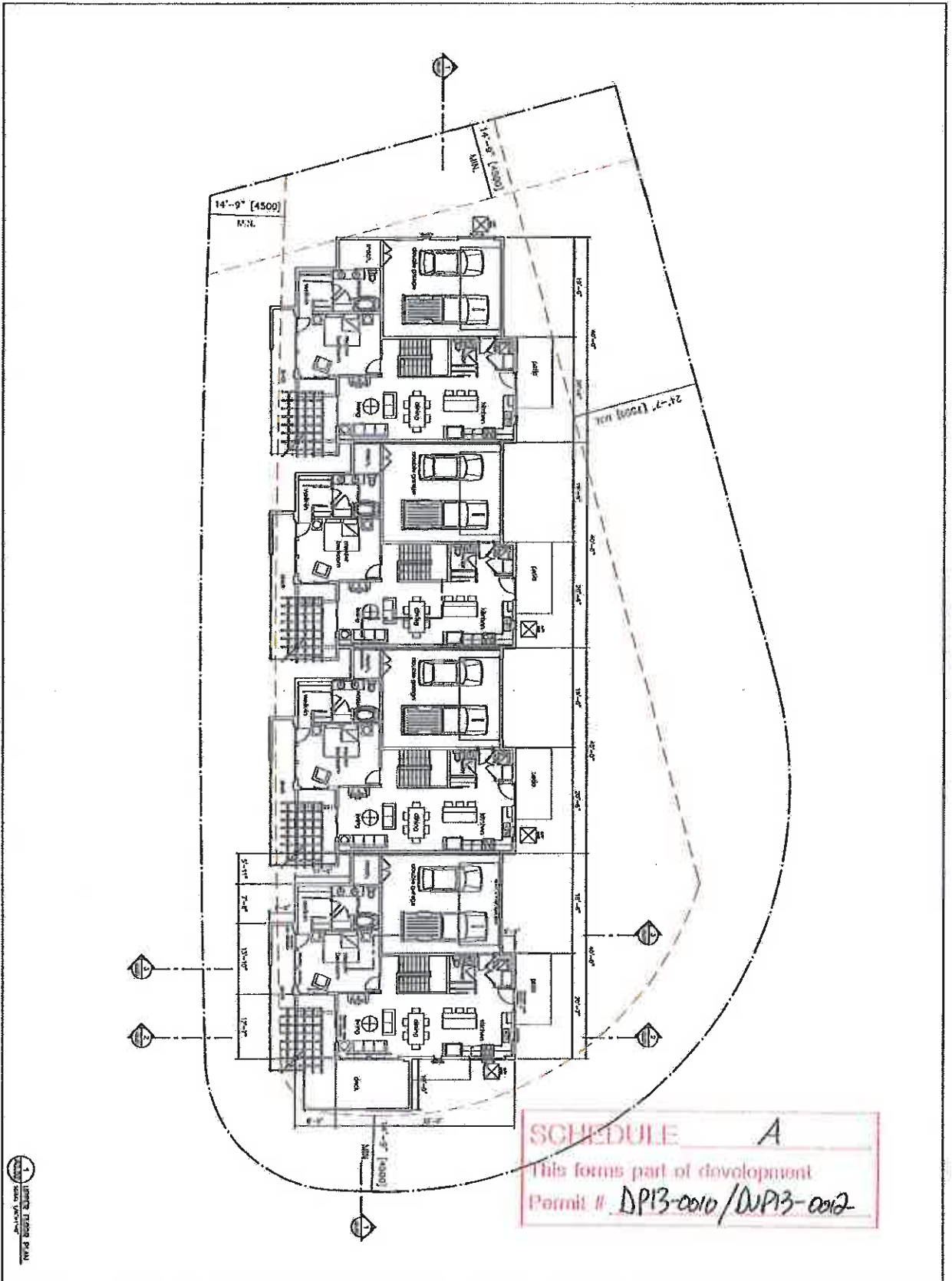
A2.02

SITE PLAN
UPPER FLOOR

issued for DP
2013-01-07

MELCOR
BLACK MOUNTAIN
840 STOCKLEY

m+m
HEIKLEJOHN ARCHITECTS INC.



BLACK MOUNTAIN
4 UNIT TOWNHOUSES

A3.02

UPPER FLOOR PLAN

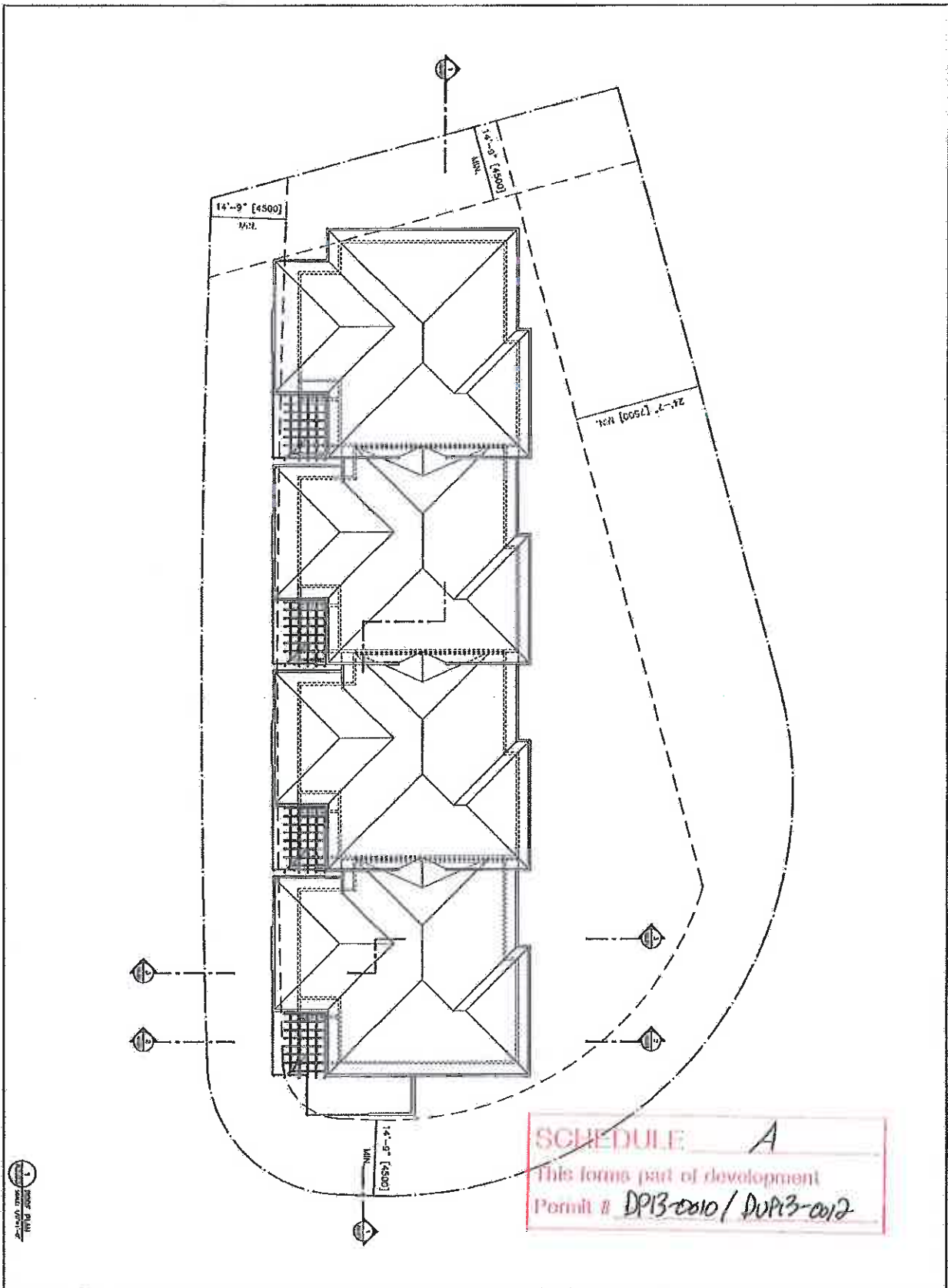
ISSUED FOR DP
2013-01-07

840 SPOCKLEY

MELCOR

BLACK MOUNTAIN

m+m
HERRLESHOE ARCHITECTS, INC.



BLACK MOUNTAIN
4 UNIT TOWNHOUSES

A3.03

ROOF PLAN

issued for DP
2013-01-07

8410 STODOLSKY

MELCOR
BLACK MOUNTAIN

m+m
HEIKLEJOHN ARCHITECTS INC.

MELCOR

BLACK MOUNTAIN
smaller caption or subtext

issued for DP
2013-01-07

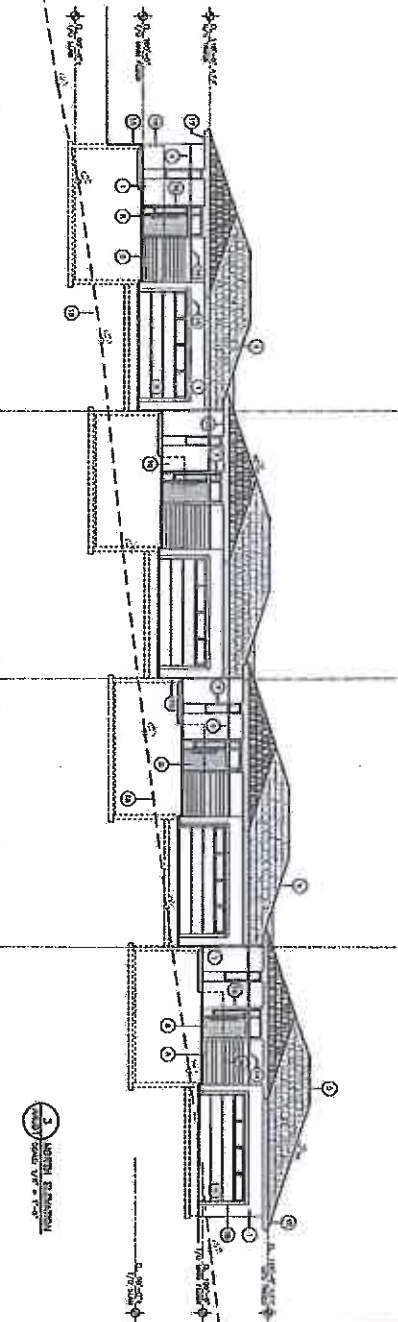
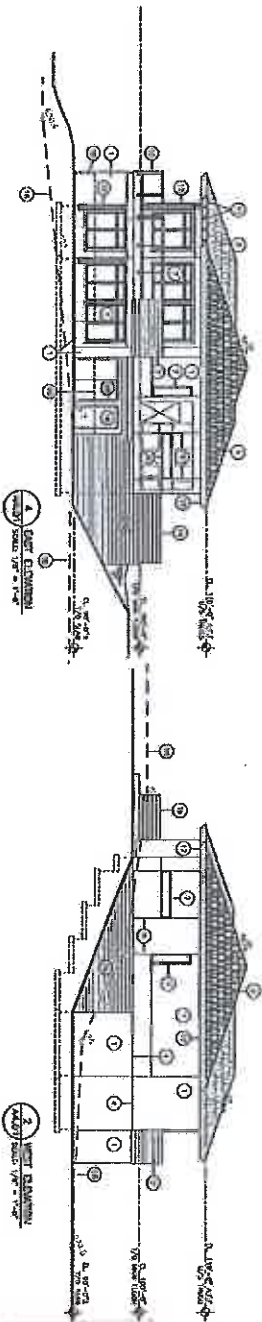
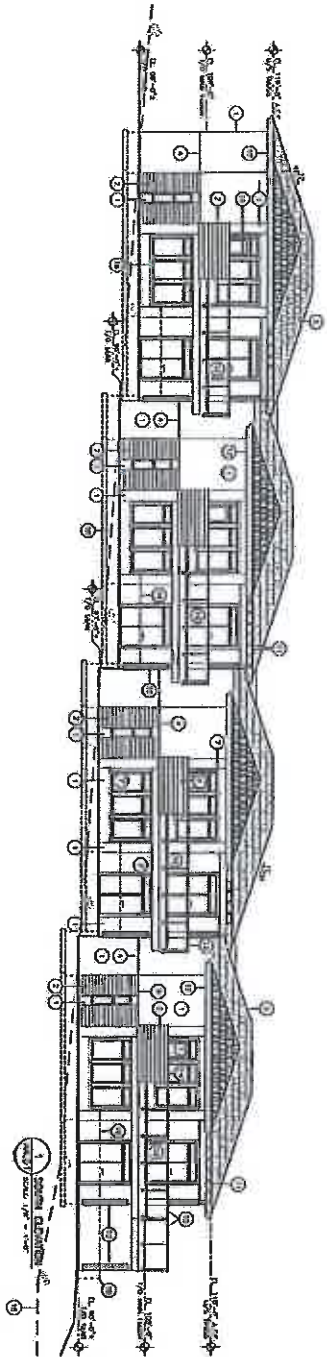
**BLACK MOUNTAIN
4 UNIT TOWNHOUSES**

A4.01

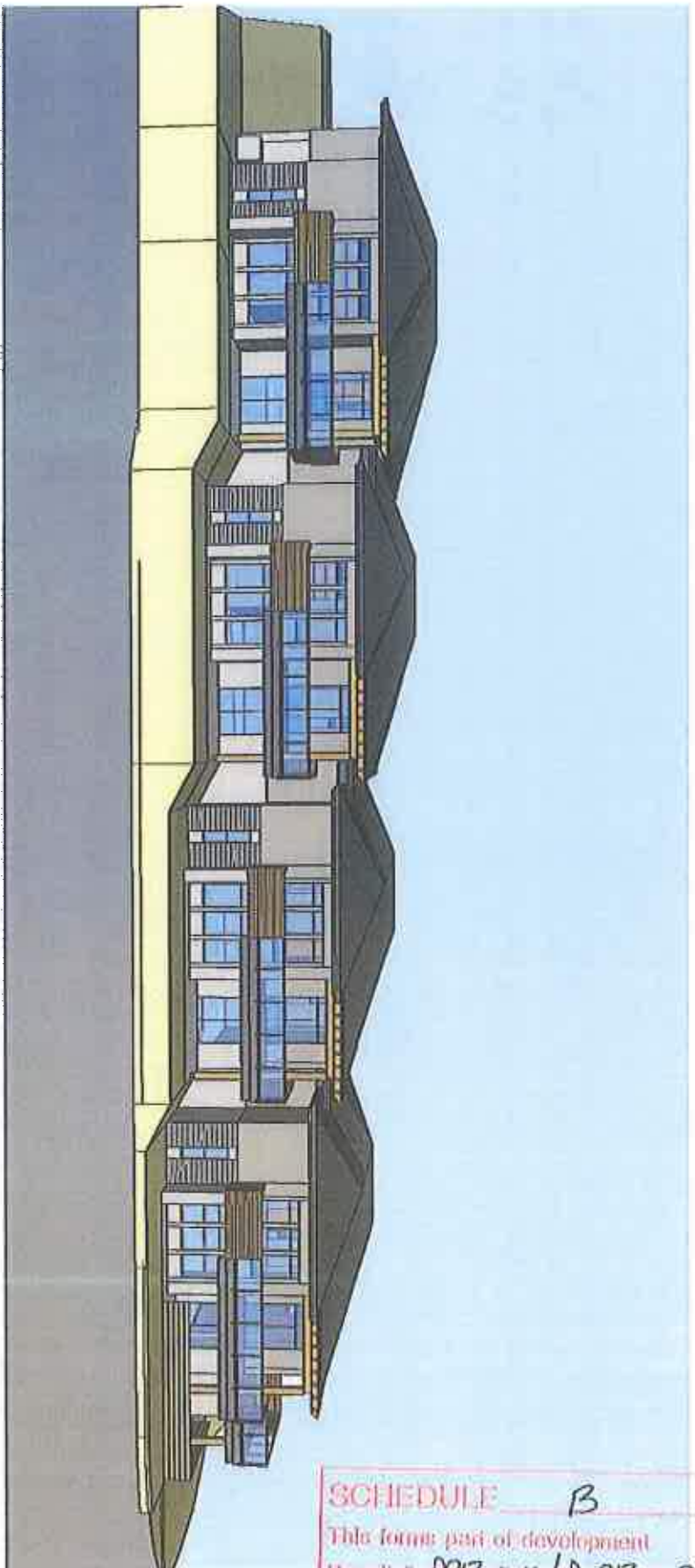
BUILDING ELEVATIONS

Address	1312 4th St
City	Seattle, WA 98101
State	WA
Country	USA
Phone	206-461-1111
Fax	206-461-1111
Website	http://www.4thst.com
Comments	
Created	10/10/2001
Modified	10/10/2001

BUILDING ELEVATION KEY NOTE	
1	ROOF
2	CONCRETE SLAB
3	WALL
4	WALL CLADDING
5	GLASS CURTAIN WALL
6	GLASS CURTAIN WALL
7	GLASS CURTAIN WALL
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SCHEDULE A
This forms part of development
Permit # DP13-0010 / DP13-0012



SCHEDULE B
 This forms part of development
 Permit # DP13-0010 / DUP13-0012

stucco benjamin moore 2112-60
 cement gray

wood stain

stucco benjamin moore 2137-40
 desert twilight

MELCOR
 CONSULTANTS

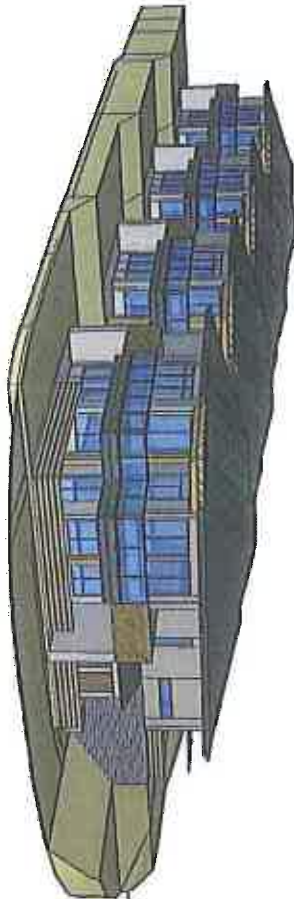
WEIKLEJOHN ARCHITECTS

BLACK MOUNTAIN
 GROUP

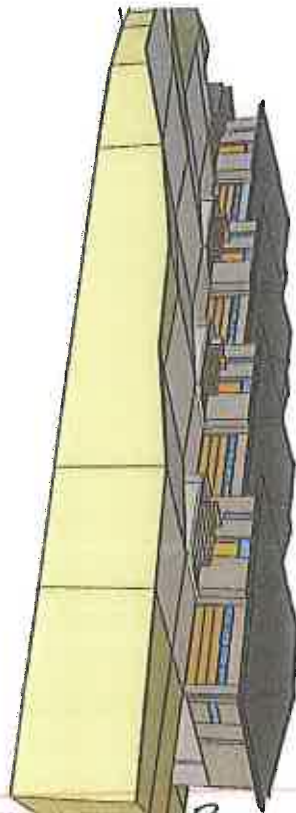
840 Stockley Townhouses

material board

JANUARY 7, 2013



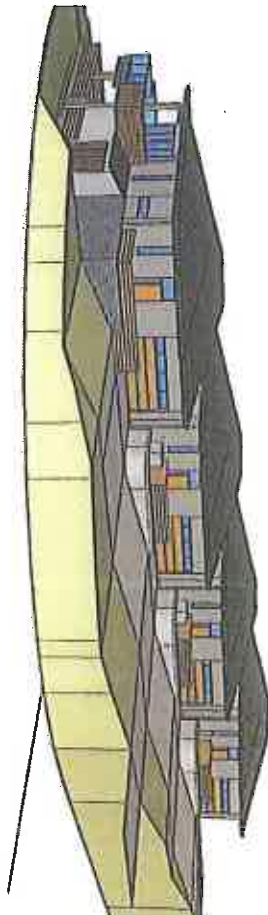
Townhouses view at black mountain drive/stockley street.



Townhouses with driveway at high point.



Corner townhouse with patio and concrete wall treatment.



Driveway entry to double garage with screen creen at entry door.

SCHEDULE B
This forms part of development
Permit # DP13-0010 / DU13-0012

MELCOR

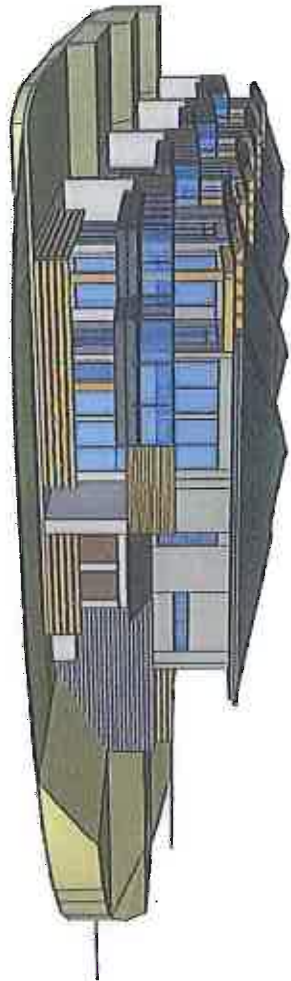
WEIKLEJOHN ARCHITECTS

BLACK MOUNTAIN

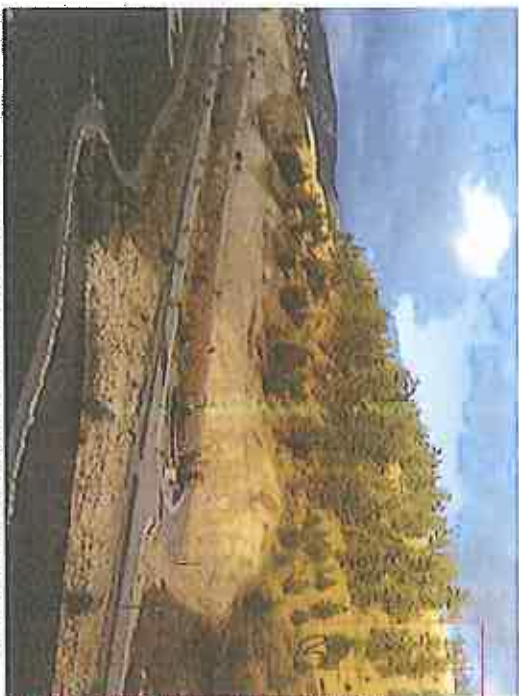
840 Stockley Townhouses

3d views

JANUARY 7, 2013



Corner view of the development design to work with existing grades.

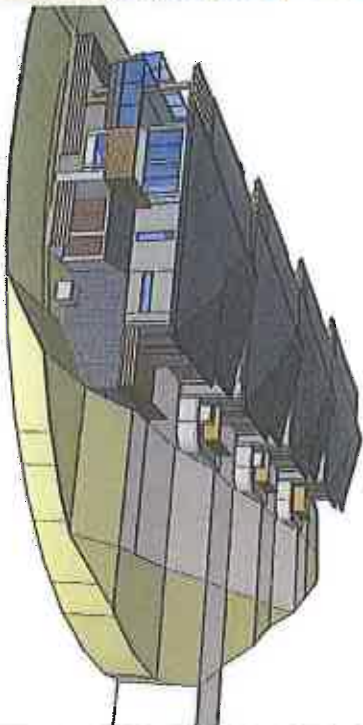


Aerial view of the proposed site access from black mountain drive.

This is the part of development
Permit # DP13-0010 / DUP13-0010



Existing site elevation at high point.



Connect access to the development with the driveway to the garage.



site aerial view

MELCOR
ENGINEERS ARCHITECTS

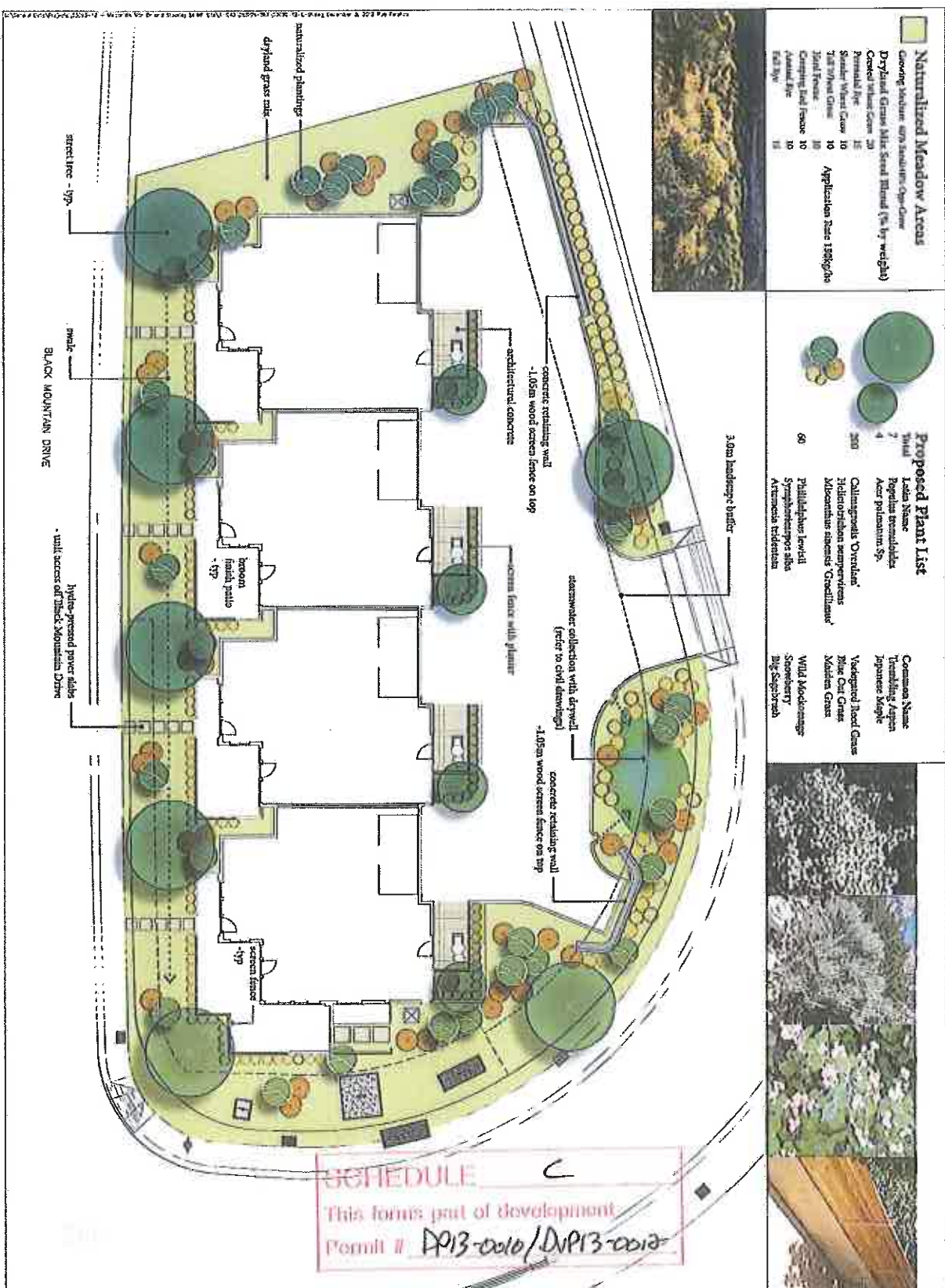
WEIKLEJOHN ARCHITECTS

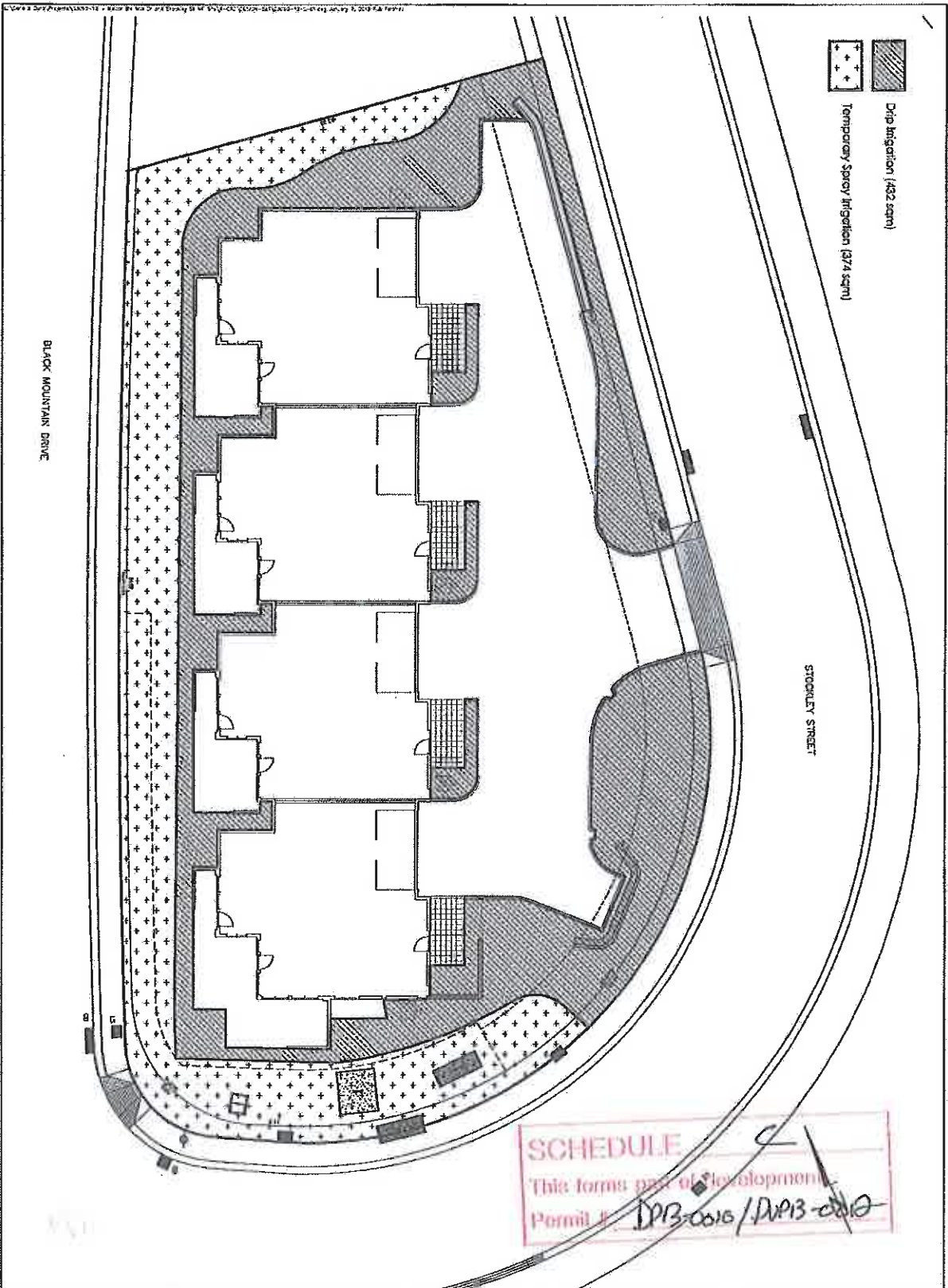
BLACK MOUNTAIN
JOHN T. WATSON ARCHITECTS

840 Stockley Townhouses

proposed development and site context

JANUARY 7, 2013





PROJECT NAME
BLACK MOUNTAIN
4 UNIT TOWNHOUSES

ADDRESS
240 STOCKLEY STREET, MELBURN, VIC 3067

CLIENT
L-02

DESIGNER
MELCOR

DATE
2016

SCALE
1:500

PROJECT TYPE
LANDSCAPE
CONCEPT PLAN

APPROVED BY
[Signature]

DATE
2016

PROJECT NO.
L-02

PROJECT TYPE
LANDSCAPE
CONCEPT PLAN

APPROVED BY
[Signature]

DATE
2016

PROJECT NO.
L-02

PROJECT TYPE
LANDSCAPE
CONCEPT PLAN

APPROVED BY
[Signature]

DATE
2016

PROJECT NO.
L-02

PROJECT TYPE
LANDSCAPE
CONCEPT PLAN



January 8, 2013

City of Kelowna
Land Use Management
1435 Water Street
Kelowna, B.C. V1Y 1J4

Attention: Ms. Danielle Noble

Subject: Development Permit and Development Variance Permit
Application for 840 Stockley Street, Kelowna, B.C.

Dear Ms. Noble:

Please accept this letter of rationale as part of our application package for our latest project at Melcor's Black Mountain development – Fore! at 840 Stockley Street. This project is a joint venture between Melcor Lakeside Inc. and Okanagan Premium Builders. Together, we have formed a joint venture company called Black Knight Communities Joint Venture which is registered as 0951821 B.C. Ltd.

Development Permit

We have designed this four unit attached townhouse project to fit into the sloping nature of this RM3 zoned high profile site. Attention to detail of exterior finishing has resulted in no less than four different materials, chosen to minimize maintenance and maximize aesthetic qualities. The site landscaping includes a generous amount of trees for the size of the site and extensive use of plant materials that are suited to the local climate. The estimated water consumption for irrigation is approximately 38% of the maximum allowable.

Specific attention has been given to designing unit floor plans targeted to those looking for open living concepts within a golf course community setting. Each unit provides approximately 2000 square feet of finished floor space with an adaptable layout that appeals to small families or early retirees.

Integrity in Real Estate since 1923

207, 1664 Richter Street, Kelowna, BC V1Y 8N3 • 250.717.8390 fx 250.717.8391 • melcor.ca

The main floor contains all the necessities for a couple; master bedroom with ensuite, kitchen, dining, living areas, a generous outdoor deck and an attached side by side double garage. The lower floor is finished with a home office, second bedroom, common area and a flex room. The laundry can optionally be located on the lower floor.

While all four units are attached, there are no common walls that have living spaces on both sides, thus reducing the potential for noise and other nuisances between units.

Development Variance Permit

The overall design of the project reflects a blend of contemporary craftsman and west coast contemporary that are signature design themes at Melcor's Black Mountain.

While every effort has been made to fit this project into the site, we are requesting two minor variances:

Setback to Parking and Driveways

Required minimum 3.0 m, proposed as minimum 0.71 m. This variance is triggered by the turn around area located in the northeast corner of the site. The site narrows at the north end of the site and we are required to provide an area for vehicles to turn around when existing from the northern unit garage. In lieu of the 3.0m setback, the use of plantings at back of sidewalk and a horizontal screen fence will provide an adequate visual screen to the parking area and driveway beyond.

Site Coverage for Buildings, Parking and Driveways

Required 50% maximum, proposed 55% maximum. Our site coverage for buildings only is well within the 40% maximum at 30.2%. However, due to the requirement to provide two "hammerhead" maneuvering areas for vehicles, the paved driveway area combined with the building site coverage pushes slightly over the maximum permitted.

With respect to the impact of the variances requested, we feel that they do not detract from the overall project design. Furthermore, there are no adjacent neighbors impacted as the site abuts City owned land (road right of way) on all four sides. Melcor Lakeside owns an RM3 parcel to the

south and the golf course is located across Black Mountain Drive to the west. We are therefore confident that there will be no objections to the proposed variances from any members of the public.

We respectfully submit our application package for consideration. If there are any questions, comments or concerns, please do not hesitate to contact me at your earliest convenience.

Yours truly,

A handwritten signature in cursive script that reads "Andrew Bruce".

Andrew Bruce
Regional Manager
Melcor Developments Ltd.
(President and Director of 0951821 BC Ltd)

CITY OF KELOWNA
MEMORANDUM

Date: January 28, 2013
File No.: DP13-0010
To: Planning and Development Officer (AW)
From: Development Engineering Manager (SM)
Subject: 840 Stockley Street - EPP18660 Sec. 19, Twp. 27, ODYD.

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

1. Subdivision
Provide easements as may be required.
2. Geotechnical Study.
A comprehensive geotechnical study will be required prior to the submission of a building permit.
3. Domestic water and fire protection.
The subject property is within the service area of the Black Mountain Irrigation District (BMID). The developer is required to make satisfactory arrangements with the BMID for these items. All charges for service connection and upgrading costs are to be paid directly to the BMID.
4. Sanitary Sewer.
The subject property is adequately serviced by the Municipal Wastewater collection system.
5. Drainage.
The subject property is adequately serviced by the Municipal Storm Water drainage system.



Steve Muenz, P.Eng.
Development Engineering Manager

B²

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Permit No.: DP13-0010 & DVP13-0012

EXISTING ZONING DESIGNATION:	RM3 - Low Density Multiple Housing
WITHIN DEVELOPMENT PERMIT AREA:	Revitalization Development Permit Area
DEVELOPMENT VARIANCE PERMIT:	To vary the required flanking street setback for parking from 3.0m required to 0.7m proposed. To vary the maximum site coverage from 50% permitted to 55% proposed.

ISSUED TO: Andrew Bruce
LOCATION OF SUBJECT SITE: 840 Stockley Street

	SECTION	DISTRICT LOT	TWP	DISTRICT	PLAN
LEGAL DESCRIPTION:	That part of Section 19		27		Shown on Plan EPP18660

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.
- ☐ Applicants for a Heritage Alteration Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

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

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

Section 8.1.9 (c) Parking Location - Setback from Parking:

To vary the required flanking street setback for parking from 3.0m required to 0.7m proposed.

Section 13.9.6 (b) Development Regulations - Site Coverage:

To vary the maximum site coverage from 50% permitted to 55% proposed.

2. The development shall commence by and in accordance with an approved Building Permit within ONE YEAR of the date of the Municipal Council authorization resolution.

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 which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferrable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

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 Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee 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 Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ N/A.
- (b) A Certified Cheque in the amount of \$ N/A.
- (c) An Irrevocable Letter of Credit in the amount of \$ TBD.

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. APPLICANT'S AGREEMENT:

I hereby declare that all 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 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 Director of Planning & Development Services.

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

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

5. APPROVALS:

DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE 26th DAY OF FEBRUARY, 2013

ISSUED BY THE ACTING GENERAL MANAGER OF COMMUNITY SUSTAINABILITY OF THE CITY OF KELOWNA THE _____ DAY OF FEBRUARY, 2013.

Doug Gilchrist, A. General Manager, Community Sustainability

REPORT TO COUNCIL



Date: February 8th, 2013

RIM No. 0940-50

To: City Manager

From: Land Use Management, Community Sustainability (AW)

Application: DVP13-0001 **Owner:** No. 21 Great Projects Ltd., Inc. No. 355991;
0954654 B.C. Ltd., Inc. No. BC0954654

Address: 988 & 989 Frost Road **Applicant:** 0954654 B.C. Ltd.

Subject: Development Variance Permit

Existing OCP Designation: Commercial

Existing Zone: C3 - Community Commercial

1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP13-0001 for Lot 1, D.L. 579, SDYD, Plan EPP22118 Except Plan EPP24124, located at 988 Frost Road and Lot 2, D.L. 579, SDYD, Plan EPP22118 Except Plan EPP24124, located at 989 Frost Road, Kelowna, B.C;

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

Section 14.3.5 (d) Development Regulations

To vary the front yard setback from 3.0m required to 0.5 m proposed for both 988 & 989 Frost Road, as per Schedule 'A'.

2.0 Purpose

To consider a Development Variance Permit to reduce the front yard setback from 3.0m proposed to 0.5m proposed for both 988 & 989 Frost Road.

3.0 Land Use Management

The variance has been proposed so that the Ponds Commercial development provides a more urban and intimate Village Centre experience. The road cross section ended up being larger than anticipated then what the Area Structure Plan anticipated so this variance will help to keep the building frontages close to the street which will create a more vibrant pedestrian experience. Although the variance would apply to the entire property the approved DP shows a few of the buildings stepped back slightly from the property line in order to provide space for patios.

Although a Development Permit for Phase 2 (south side of Frost Road) has not yet been submitted the applicant has requested that the front yard setback be relaxed in anticipation of future

development opportunities. While Staff would prefer to have a better understanding of the Phase 2 design details, having an intimate building to street relationship is one of the overarching design principles as outlined in the 2030 OCP and the Neighbourhood 3 Area Structure Plan (ASP).

4.0 Proposal

4.1 Background

In accordance with the ASP the subject properties were rezoned to the C3 - Community Commercial and a Development Permit for the form and character of the first 5 buildings was approved by Council in September 2012. Although the DP was approved, it has not yet been issued. When the DP was approved it conformed to Zoning Bylaw regulations, since then the Frost Road cross section was adjusted, necessitating the proposed Development Variance Permit.

4.2 Project Description

The applicant has applied to vary the front yard setback from 3.0m required to 0.5m proposed. The form and character of the approved buildings will not be changing nor will their perceived siting on site. The sidewalk was originally going to be located on private property but it has now been included as part of the road dedication. Therefore, the variance is required because the road dedication / property line moved closer to the buildings but the form and character of the development remains the same.

Zoning Analysis Table		
CRITERIA	C3 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Front Yard	3.0m	0.5m ¹
¹ Vary the front yard setback from 3.0m required to 0.5m proposed.		

4.3 Site Context

Subject Property Map: 988 & 989 Frost Road



The subject properties are located in the South West Mission Sector and the adjacent land uses are as follows:

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>
North	P3 - Parks & Open Space	Power lines
West	RU1 - Large Lot Housing	Residential
South	A1 - Agriculture 1	Vacant
East	C3 - Community Commercial	Vacant

5.0 Technical Comments

5.1 Building & Permitting Department

1) The 0.5 meter setback may affect the building spatial allowances as defined in the 2012 edition of the British Columbia Building Code.

2) Projection over property line onto city owned land is to be reviewed and approved by the Real Estate Division. Please circulate this to Real Estate for comment

5.2 Development Engineering Department

The Development Variance Permit application to allow for a 0.5m front yard setback does not compromise municipal servicing requirements.

5.3 Real Estate & Building Services

No Concerns

6.0 Application Chronology

Date of Application Received: January 8th, 2013

Report prepared by:

Alec Warrender, Land Use Planner

Reviewed by:

☐

Danielle Noble, Manager, Urban Land Use

Approved for Inclusion:

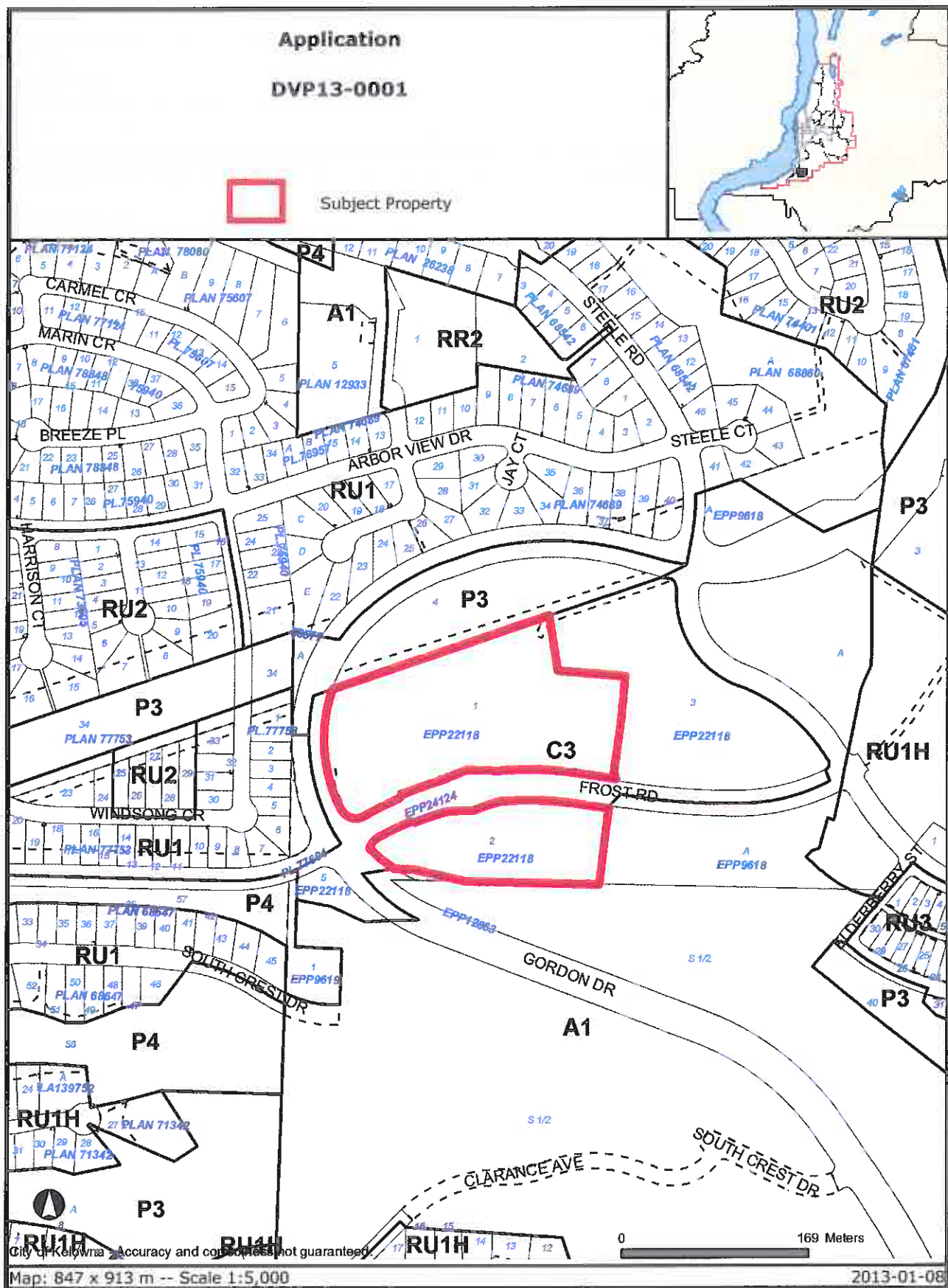
☐

Doug Gilchrist, A. General Manager, Community Sustainability

Attachments:

Site Plan

Cross Section



PROPOSED VARIANCE

PHASE 1

NEW ROAD DEDICATION LINES

FROST ROAD

PHASE 2

OLD PROPERTY LINES

- PROPERTY LINE
- SETBACK LINE (0.5m VARIANCE FROM PROPERTY LINE)
- MAX. CANOPY PROJECTION LINE (1.8m BEYOND SETBACK)

VILLAGE at the PONDS



October 2012

Kelowna, BC

SK-43

SCHEDULE A
This forms part of development
Permit # WP13-0061

Permit # DNPB-0001

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP13-0001

EXISTING ZONING DESIGNATION:

C3 – Community Commercial

DEVELOPMENT VARIANCE PERMIT:

To vary the front yard setback from 3.0m required to 0.5 m proposed for both 988 & 989 Frost Road, as per Schedule 'A'.

ISSUED TO: 0954654 B.C. Ltd. (Kim M.)

LOCATION OF SUBJECT SITE: 988 & 989 Frost Road

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	1 & 2		579		SDYD	Plan EPP22118 Except Plan EPP24124

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.
- ☐ Applicants for a Development Permit and/or Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

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

Section 14.3.5 (d) Development Regulations

To vary the front yard setback from 3.0m required to 0.5 m proposed for both 988 & 989 Frost Road, as per Schedule 'A'.

3. DEVELOPMENT:

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

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferrable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

4. 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 Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee 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 Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ N/A
- (b) A Certified Cheque in the amount of N/A
- (c) An Irrevocable Letter of Credit in the amount of N/A

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. APPLICANT'S AGREEMENT:

I hereby declare that all 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 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 Director of Planning & Development Services.

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

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE 12th DAY OF MARCH, 2013.

ISSUED BY THE ACTING GENERAL MANAGER OF COMMUNITY SUSTAINABILITY OF THE CITY OF KELOWNA THE ____ DAY OF MARCH, 2013.

Doug Gilchrist
A. General Manager, Community Sustainability

CITY OF KELOWNA
BYLAW NO. 10778
Z12-0061 - Sharon Walker
424 Park Avenue

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 3878 located on Park Avenue, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing 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 5th day of November, 2012.

Considered at a Public Hearing on the 27th day of November, 2012.

Read a second and third time by the Municipal Council this 27th day of November, 2012.

Approved under the Transportation Act this 23rd day of January, 2013.

Robyn Clifford
(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: January 24, 2013

RIM No. 0940-60

To: City Manager

From: Land Use Management, Community Sustainability (BD)

Application: HAP12-0011 **Owner:** Sharon Lynn Walker

Address: 424 Park Avenue **Applicant:** Sharon Lynn Walker

Subject: Heritage Alteration Permit and Corresponding Development Variance Permit

Existing OCP Designation: 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 Zone Amending Bylaw No. 10778 be considered by Council;

AND THAT Council authorize the issuance of a Heritage Alteration Permit No. HAP12-0011, for Lot 1, District Lot 14, ODYD, Plan 3878, located on 424 Park Avenue, Kelowna, BC subject to the following:

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

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

To vary regulation - Section 9.5b.1(c)

To vary the location of a carriage house in an accessory building from the rear yard (permitted) to the front yard (proposed).

2.0 Purpose

The applicant is requesting a Heritage Alteration Permit (HAP) to construct a carriage house on the site. A corresponding variance has been included as part of the HAP to vary the permitted location of a carriage house.

3.0 Land Use Management

A two bedroom carriage house is proposed for the subject property. It has been designed to match the existing building utilizing the same roof line, cornices, window forms and planters which are all identified characteristics of the Late Arts and Crafts guidelines. The carriage house is anticipated to be clad in a rich brown stucco with white trim. Wood windows are proposed for the addition and will be painted to match the existing dwelling. The plan meets the characteristics for the windows, parking, building height and roof as designated in the Conservation guidelines for the site.

The subject property is large enough to accommodate the carriage house, parking and private outdoor space required. The lot is an irregular diamond shape which dictates the placement of the carriage house. A variance is sought to allow the siting of the carriage house next to the principal dwelling instead of between the principal dwelling and rear lot line as required by the Zoning Bylaw. The historic layout of this neighbourhood has created lots in various sizes thereby creating an irregular streetscape pattern when considering the diverse side yards. It is anticipated that the proposed carriage house will fit within the established street rhythm.

4.0 Proposal

4.1 Project Description

A modest 69m² (743 sq. ft.) single storey carriage house is being proposed. It is planned to have two bedrooms and a generous kitchen living area that faces interior of the site. A patio located at the west rear section of the dwelling will meet the requirements for private open space. Given that the unit is orientated to Park Avenue, ideally there would be identifiable entrance features for the south elevation. However the principal entrance faces the east into the yard, but does have a pedestrian connection from the street.

The plans show that the parking requirements are achievable on site. There are no plans to alter the existing landscaping except for incorporating pathways to the proposed carriage house from the parking area and the street, and installing gates in the existing chain link / cedar tree fencing along the front of the site. Notably, the principal building is used as the sample for the Arts and Crafts style.

4.2 Site Context

The subject property is located on the north side of Park Avenue in the Abbott Street Conservation Area near the Pandosy Village and in close proximity to Downtown Kelowna. The property is not on the Heritage register. Surrounding land uses are:

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>
North	RM5 - Medium Density Multiple Housing	Residential
North east	RM5 - Medium Density Multiple Housing	Residential
North west	RU1c - Large Lot Housing with carriage house	Residential
South	RU1 - Large Lot Housing	Residential

4.3 Subject Property Map: 424 Park Avenue



4.4 Zoning Analysis

The proposed application meets the requirements of RU1c- Large Lot Housing with carriage house zone follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU1c ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	808 m ²	550 m ²
Lot Width	38.46 m	15 m
Lot Depth	36.98 m	30.0 m
Site Coverage (buildings)	28 %	40%
Site Coverage (buildings/parking)	43 %	50%
Height (existing house)	1 storey	2 ½ storeys
Carriage House Development		
Height	4.1 m	1 ½ storeys / 4.5 m
Front Yard	4.5 m	4.5 m
Side Yard (e)	26.78 m	2.0 m (1 - 1 ½ storey)
Side Yard (w)	2.0 m	2.0 m (1 - 1 ½ storey)
Rear yard	7.5 m	7.5m
Distance between dwellings	4.5 m	4.5m
Carriage house Location	Front yard *	Rear yard
Floor Area of principal dwelling ratio	Principal dwelling: 141 m ² Carriage House: 69 m ² 50%	Lesser of 90m ² or 75% of the for principal dwelling
Other Requirements		
Parking Stalls (#)	3 spaces	3 spaces

* A variance is being sought for the location of the carriage house.

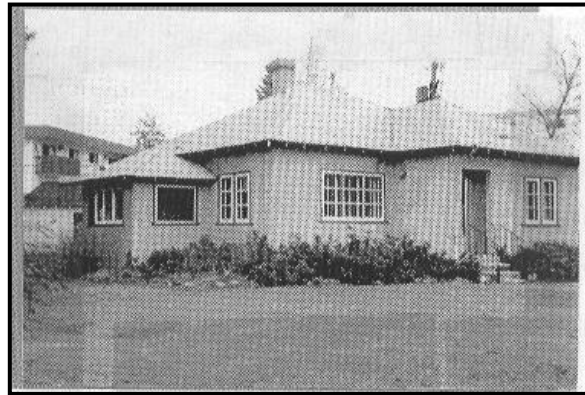
5.0 Current Development Policies

5.1 Heritage Conservation Area Development Guidelines

The subject property falls within the second civic phase which spans from the end of the Great War, 1918, and continues through to the Great Depression, about 1932. This period is noted for traditional styles continuing to be favoured by builders and home buyers of the period.

The Late Arts & Crafts characteristics are identified as follows in the City's Heritage Conservation Area Development Guidelines:

- Stick-built feel to the architecture
- Medium gable and hip roof form
- Decorated soffit & brackets
- Open front verandah
- Up to 1 ½ storeys
- Horizontal wood siding & corner-boards
- Upper storey belting (cladding may vary)
- Ornamental crafted wood
- Vertical double-hung window openings
- Single & multi-sash window assembly
- Wide window & door surrounds
- Multiple pane windows
- Asymmetrical front facade
- Side or rear yard parking



5.2 Heritage Policies¹

Objective 9.2 Identify and conserve heritage resources.

5.3 Heritage Conservation Area - Objectives:²

- Encourage new development, additions and renovations to existing development which are compatible with the form and character of the existing context;
- Ensure that change to buildings and streetscapes will be undertaken in ways which offer continuity of the 'sense-of-place' for neighbours, the broader community; and
- Provide historical interest for visitors through context sensitive development.

6.0 Technical Comments

All technical comments were provided for the rezoning application and not further requirements were identified.

7.0 Application Chronology

Date of Application Received: September 10, 2012
Council Consideration of rezoning: November 27, 2012

¹ City of Kelowna, Official Community Plan, Chapter 9; Objective 9.2 Policy .4

² City of Kelowna, Official Community Plan, Chapter 16

7.1 Community Heritage Commission

The above noted application was reviewed by the Community Heritage Commission at the meeting on October 4, 2012 and the following recommendations were passed:

THAT the Community Heritage Commission supports Rezoning Application No. Z12-0061 and Heritage Alteration Permit Application No. HAP12-0011 for 424 Park Avenue, for a rezoning of the subject property to the RU1c-Large Lot housing with carriage house to allow the construction of a carriage house.

Report prepared by:

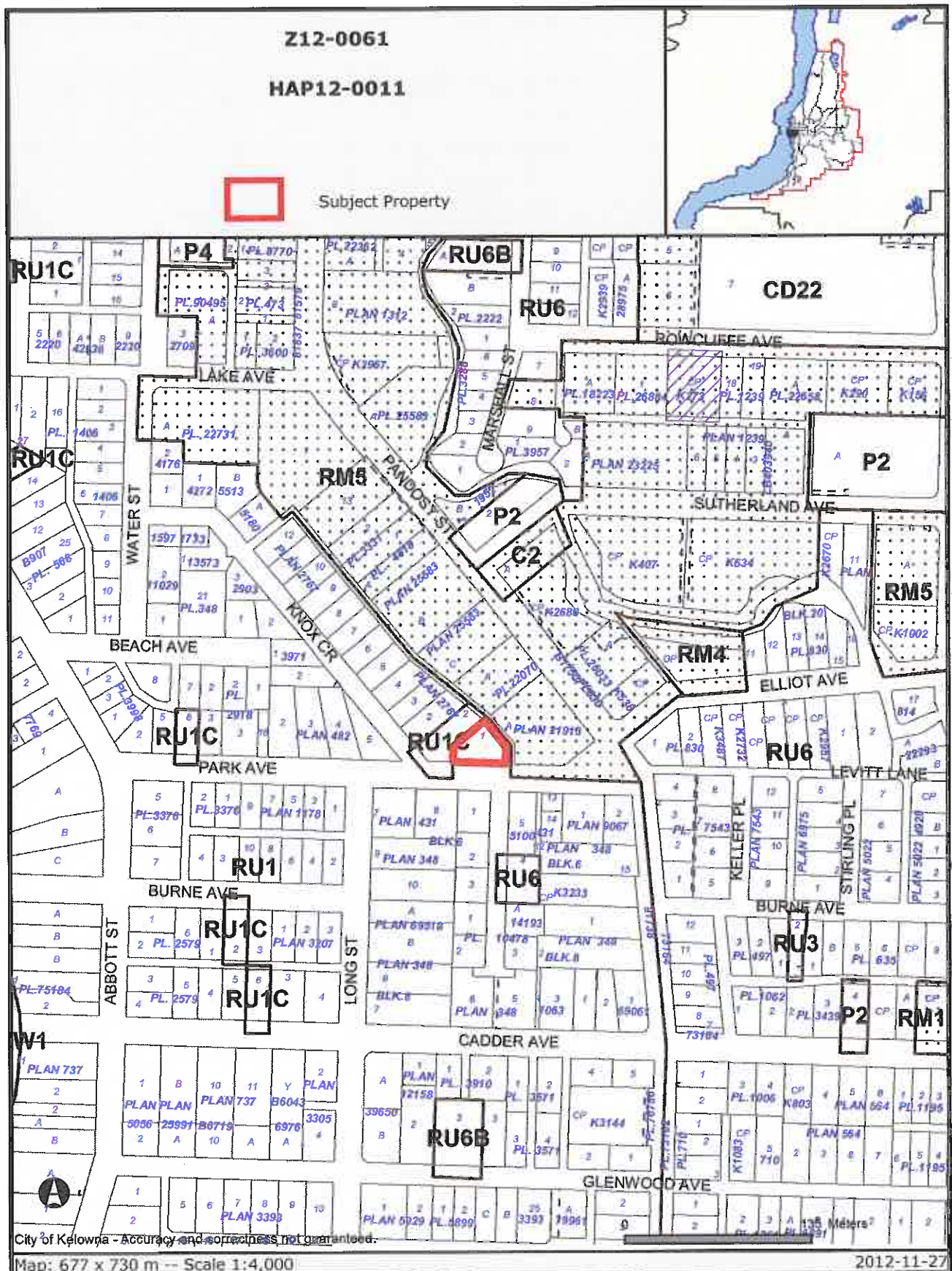
Birte Decloux, Land Use Planner

Reviewed by: ☐ Danielle Noble Manager, Urban Land Use

Approved for Inclusion: ☐ Doug Gilchrist, Acting General Manager, Community Sustainability

Attachments:

Site/Landscape Plan
Conceptual Elevations
Context/Site Photos



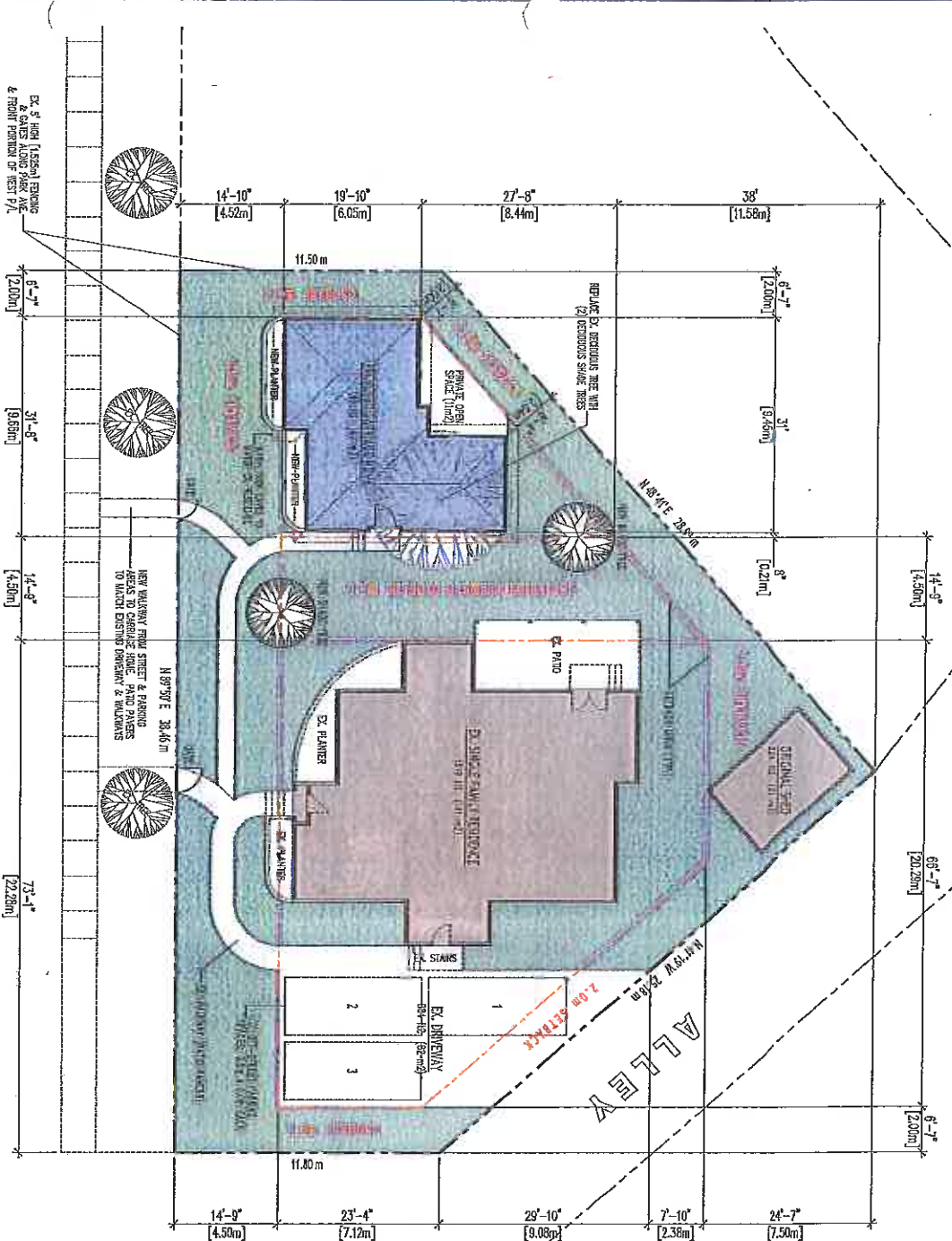
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

Proposed Carriage Home
424 Park Ave

PROPERTY DETAILS
OWNER: SHARON WILKINSON
PROJECT: PROPOSED CARRIAGE HOME
ADDRESS: 424 PARK AVE, ROCKVILLE, MD 20850
DATE: 09/12/2012
DRAWN BY: J. WILKINSON

ZONING:
DISTRICT: RESIDENTIAL
SUBDISTRICT: RESIDENTIAL
ZONING: RES-10
ZONING: RES-10

SITE COVERAGE	
1. TOTAL LOT AREA	1.54 AC (66,400 SQ FT)
2. TOTAL LOT AREA EXCLUDING EXISTING BUILDING	1.54 AC (66,400 SQ FT)
3. TOTAL LOT AREA EXCLUDING EXISTING BUILDING AND DRIVEWAY	1.54 AC (66,400 SQ FT)
4. TOTAL LOT AREA EXCLUDING EXISTING BUILDING, DRIVEWAY AND PARKING	1.54 AC (66,400 SQ FT)
5. TOTAL LOT AREA EXCLUDING EXISTING BUILDING, DRIVEWAY, PARKING AND STAIRS	1.54 AC (66,400 SQ FT)
6. TOTAL LOT AREA EXCLUDING EXISTING BUILDING, DRIVEWAY, PARKING, STAIRS AND EXISTING DRIVEWAY	1.54 AC (66,400 SQ FT)
7. TOTAL LOT AREA EXCLUDING EXISTING BUILDING, DRIVEWAY, PARKING, STAIRS AND EXISTING DRIVEWAY AND EXISTING DRIVEWAY	1.54 AC (66,400 SQ FT)
8. TOTAL LOT AREA EXCLUDING EXISTING BUILDING, DRIVEWAY, PARKING, STAIRS AND EXISTING DRIVEWAY AND EXISTING DRIVEWAY AND EXISTING DRIVEWAY	1.54 AC (66,400 SQ FT)
9. TOTAL LOT AREA EXCLUDING EXISTING BUILDING, DRIVEWAY, PARKING, STAIRS AND EXISTING DRIVEWAY AND EXISTING DRIVEWAY AND EXISTING DRIVEWAY AND EXISTING DRIVEWAY	1.54 AC (66,400 SQ FT)
10. TOTAL LOT AREA EXCLUDING EXISTING BUILDING, DRIVEWAY, PARKING, STAIRS AND EXISTING DRIVEWAY AND EXISTING DRIVEWAY AND EXISTING DRIVEWAY AND EXISTING DRIVEWAY	1.54 AC (66,400 SQ FT)



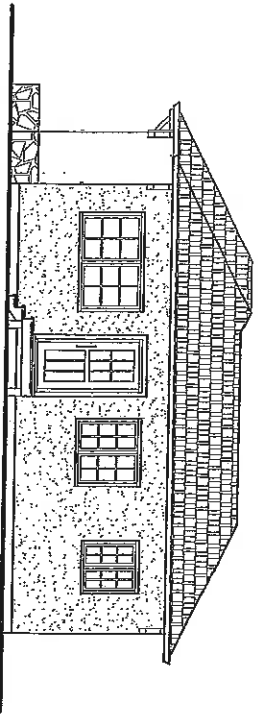
SITE PLAN
SCALE: 1/8"=1'-0"

PARK AVENUE

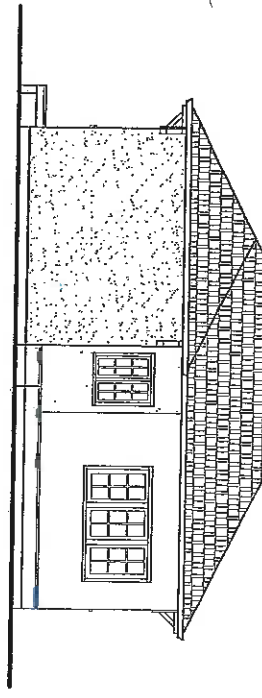
DATE: SEPTEMBER 03, 2012	CREATED: P. WODJANSKI, ASST	APPROVED:	SCALE: 1/8"=1'-0"	SHEET NUMBER: 1 OF 3
PROJECT: PROPOSED CARRIAGE HOME				
DRAWING TITLE: SITE PLAN				
OWNER: SHARON WILKINSON				

SCHEDULE A&C
This forms part of development
Permit # **HAP12-0011**

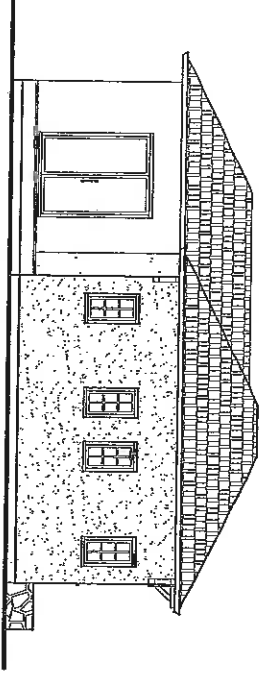
ISSUED FOR DP APPLICATION: SEPTEMBER 03, 2012



○ WEST ELEVATION
SCALE 1/8"=1'-0"



○ NORTH ELEVATION
SCALE 1/8"=1'-0"

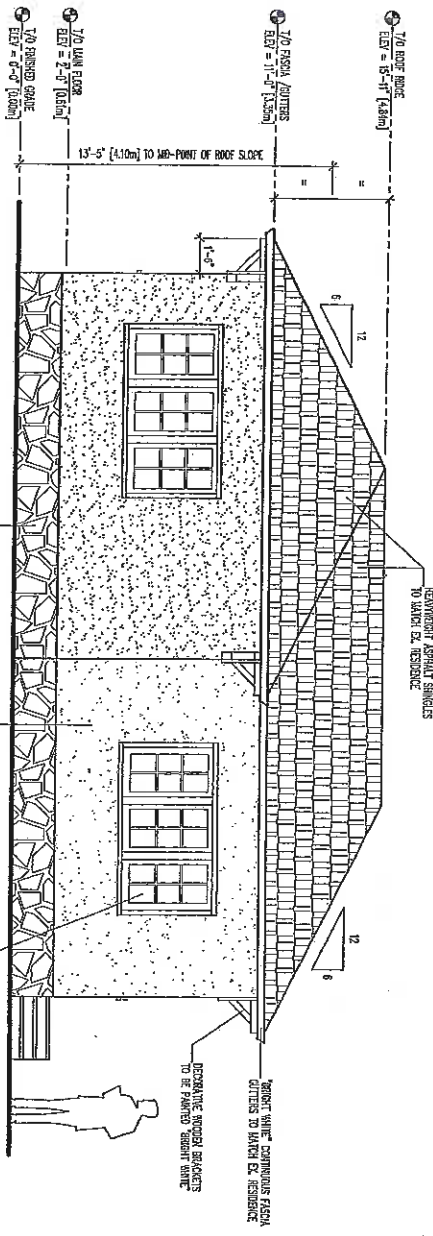


○ EAST ELEVATION
SCALE 1/8"=1'-0"



PROPOSED CARRIAGE HOME

EXISTING RESIDENCE



○ SOUTH ELEVATION
SCALE 3/16"=1'-0"

○ PERSPECTIVE
SCHEMATIC SCALE N/A

PLANCITY 10000 WILLOW LANE, SUITE 100 LITTLE ROCK, AR 72206 L. 208.897.046 WWW.PLANCITY.COM	PROJECT: PROPOSED CARRIAGE HOME DATE: SEPTEMBER 03, 2012 OWNER: SHARON WALKER	DRAWING TITLE: ELEVATIONS + PERSPECTIVE SCHEMATIC DATE: SEPTEMBER 03, 2012 CREATED: P. WODANSKI, ASST APPROVED:	SCALE: AS NOTED SHEET NUMBER: 3 OF 3
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SCHEDULE B1/a
 This forms part of development
 Permit # HA18-0011

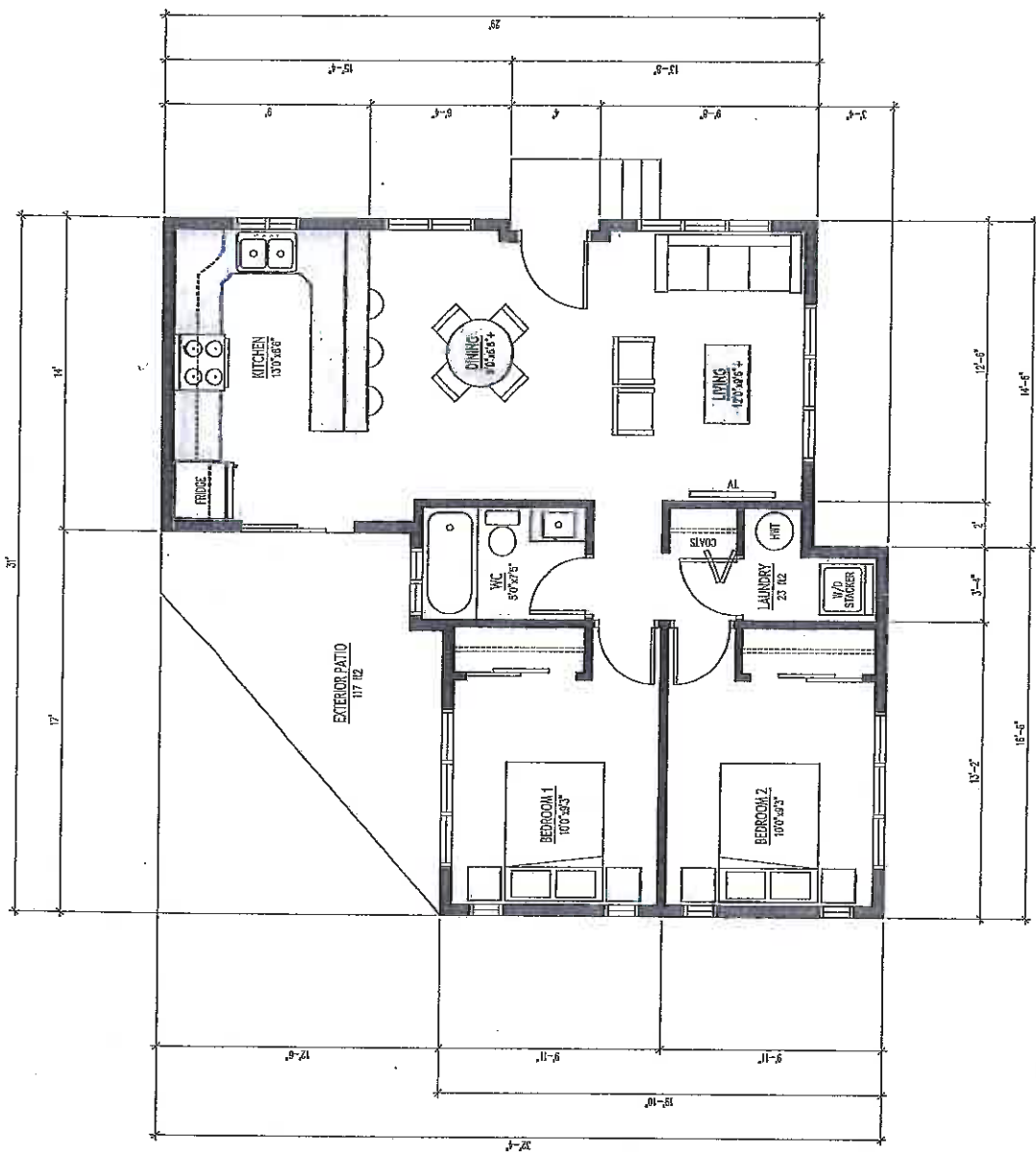
424 PARK AVE
WHITE TRIM ON CARRIAGE
HOUSE

424 PARK
EXTERIOR COLOUR STUCCO

SCHEDULE B2/a

This forms part of development

Permit # WPA-0011



MAIN FLOOR
SCALE: 3/16"=1'-0"

PLANCITY 694 LITTLE AVENUE • KENOSHA, WI 53141 T. 228.889.0444 F. 228.889.0445 www.plancityusa.com	DATE: SEPTEMBER 03, 2012 PROJECT: PROPOSED CARRIAGE HOME 424 PARK AVE • KENOSHA, WI OWNER: SHARON WALKER	CREATED: P. NORDANSKI, ASST APPROVED:	SCALE: 3/16"=1'-0"	SHEET NUMBER: 2 OF 3
	DRAWING TITLE: MAIN FLOOR PLAN GROSS AREA = 746.12 (89 sq ft)			



CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Heritage Alteration Permit No .: HAP12-0011

EXISTING ZONING DESIGNATION:	RU1c - Large Lot Housing with Carriage House
WITHIN DEVELOPMENT PERMIT AREA:	Heritage Register

ISSUED TO: Sharon Lynn Walker

LOCATION OF SUBJECT SITE: 424 Park Avenue

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	1	14	3878			ODYD

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.
- ☐ Applicants for Development and Heritage Alteration Permit should be aware that the issuance of a Permit limits the Applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the Applicant or City staff.

1. TERMS AND CONDITIONS:

THAT Council authorize the issuance of a Heritage Alteration Permit subject to the following:

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

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

To vary regulation - Section 9.5b.1(c):

To vary the location of a carriage house from the rear yard (permitted) to the front yard (proposed).

2. The development shall commence by and in accordance with an approved Building Permit within ONE YEAR of the date of the Municipal Council authorization resolution.

3. PERFORMANCE SECURITY: Not required.

4. 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 which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

5. APPLICANT'S AGREEMENT:

I hereby declare that all 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 Heritage Alteration 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 Director of Land Use Management.

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

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

6. APPROVALS:

HERITAGE ALTERATION PERMIT AUTHORIZED BY COUNCIL ON THE ____^h DAY OF JANUARY, 2013.

ISSUED BY THE LAND USE MANAGEMENT DEPT. OF THE CITY OF KELOWNA THE ____TH DAY OF JANUARY, 2013.

Shelley Gambacort
Director of Land Use Management