

# City of Kelowna Public Hearing AGENDA

Tuesday, September 10, 2013  
6:00 pm  
Council Chamber  
City Hall, 1435 Water Street



Pages

## 1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

(a) The purpose of this Hearing is to consider certain bylaws which, if adopted, shall amend Kelowna 2030 - Official Community Plan Bylaw No. 10500 and Zoning Bylaw No. 8000.

(b) All persons who believe that their interest in property is affected by the proposed bylaws shall be afforded a reason-able opportunity to be heard or to present written submissions respecting matters contained in the bylaws that are the subject of this 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.

(c) All information, correspondence, petitions or reports that have been received concerning the subject bylaws have been made available to the public. The correspondence and petitions received after August 27, 2013 (date of notification) are available for inspection during the course of this hearing and are located on the information table in the foyer of the Council Chamber.

(d) Council debate on the proposed bylaws is scheduled to take place during the Regular Council meeting after the conclusion of this Hearing. It should be noted, however, that for some items a final decision may not be able to be reached tonight.

(e) It must be emphasized that Council will not receive any representation from the applicant or members of the public after conclusion of this Public Hearing.

## 2. Notification of Meeting

The City Clerk will provide information as to how the Hearing was publicized.

## 3. Individual Bylaw Submissions

- 3.1 Bylaw No. 10882 (Z13-0029) - 4770 Crighton Road, Donald Cowie & Varina Russell 4 - 12

To rezone the subject property from the A1 - Agriculture 1 zone to the A1c - Agriculture 1 with Carriage House zone. The rezoning is in support of the proposed redevelopment of the site with a new principal dwelling. An existing, non-conforming accessory structure (i.e. Carriage House) requires that the subject property be rezoned.

- 3.2 Bylaw No. 10885 (Z13-0028) - Braniff Real Estate Services Inc. & Ministry of Forests, Land & Natural Resource Operations 13 - 30

To consider a proposal to rezone portions of subject properties from the C1 - Local Commercial zone to the C3 - Community Commercial, from the RU5 - Bareland Strata zone to the C3 - Community Commercial zone, and from the C1 - Local Commercial zone to the RU5 - Bareland Strata zone to permit the development of a 3 storey retail and office building.

## 4. Termination

## 5. Procedure on each Bylaw Submission

(a) Brief description of the application by City Staff (Land Use Management);

(b) The Chair will request that the City Clerk indicate all information, correspondence, petitions or reports received for the record.

(c) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.

(d) The Chair will call for representation from the public in attendance as follows:

(i) The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.

(ii) The Chair will recognize ONLY speakers at the podium.

(iii) Speakers are encouraged to limit their remarks to 5 minutes, however, if they have additional information they may address Council again after all other members of the public have been heard a first time.

(e) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total of 10 minutes maximum.

(f) Questions by staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.

(g) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

Note: Any applicant or member of the public may use visual aids (e.g. photographs, sketches, slideshows, etc.) to assist in their presentation or questions. The computer and ELMO document camera at the public podium are available. Please ask staff for assistance prior to your item if required.

# REPORT TO COUNCIL



**Date:** July 30, 2013  
**RIM No.** 1250-30  
**To:** City Manager  
**From:** Greg Sauer, Land Use Planner

**Application:** Z13-0029      **Owner:** Donald Cowie  
Varina Russell  
**Address:** 4770 Crichton Road      **Applicant:** Worman Homes  
**Subject:** Rezoning

**Existing OCP Designation:** Single/Two Unit Residential  
**Existing Zone:** A1 - Agriculture 1  
**Proposed Zone:** A1c - Agriculture 1 with Carriage House

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## 1.0 Recommendation

THAT Rezoning Application No. Z13-0029 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Section 25, Township 28, ODYD Plan 8026, located at 4770 Crichton Road, Kelowna, BC from the A1 - Agriculture 1 zone to the A1c - Agriculture 1 with Carriage House zone be considered by Council;

AND THAT the Zone Amending Bylaw be forwarded to the September 10 Public Hearing for further consideration.

## 2.0 Purpose

To rezone the subject property from the A1 - Agriculture 1 zone to the A1c - Agriculture 1 with Carriage House zone. The rezoning is in support of the proposed redevelopment of the site with a new principal dwelling. An existing, non-conforming accessory structure (i.e. Carriage House) requires that the subject property be rezoned.

## 3.0 Land Use Management

The redevelopment proposal requires the subject property to be rezoned from the A1 - Agriculture 1 to the A1c - Agriculture 1 with Carriage House zone. The subject property has an OCP Future Land Use designation of Single/Two Unit Residential (S2RES) which permits up to Two Dwelling Housing. The proposed A1c zone is not consistent with the Future Land Use designation, rather, the A1c is consistent with the Resource Protection Area (REP). Rezoning to a preferred zone such as RR3c - Rural Residential 3, or RU1c - Large Lot Housing is not however practical at

this time given that the subject property is not currently connected to community sewer or water.

As the subject property will remain zoned A1, the proposed development will require a variance to site coverage regulations. While site coverage is an issue in the A1 zone, it would not be an issue with the RR3 or RU1 zones (which are more consistent with the property size). Both the Development Engineering Branch and Interior Health have flagged onsite wastewater disposal as a potential concern, especially given the proposed site coverage variance. The applicants/owners have been advised of this concern and accept the risk that the dwelling may not be able to be constructed as proposed. Land Use staff are however satisfied that the Building Permit provides a satisfactory checkpoint to ensure that a sewage system can be adequately developed within the remainder of the property.

The applicant is also seeking a variance with respect to the height of the proposed new principal dwelling. This height variance would be required in any of the above mentioned zones. The two variances are expected to be dealt with under a separate application (i.e. Development Variance Permit (DVP)) which will be considered by Council in the near future.

The applicant and owners have been very responsive to staff direction with respect to legalizing the existing non-conforming carriage house and attempts to rezone to a more appropriate zone. As the property is lakefront, consideration of natural environment features was important. While the former owners heavily developed within the 15.0 metre Riparian Management Area with a number of buildings (e.g. carriage house), structures (cabanas), patios/walkways, and large dock structure, the new owners have committed to a small area of restoration near the foreshore within the Riparian Management Area. While staff would ideally like to see the environmentally sensitive lakeshore free of development, staff recognize the grandfathering of these structures.

Overall, staff are supportive of the proposed rezoning and development. While the Riparian Management Area will not conform to current regulations, the minor restoration will be a net benefit. In addition to the DVP which must be authorized by Council, a Natural Environment Development Permit (DP) with respect to the Riparian Management Area and Hazardous Conditions (i.e. steep slopes) will need to be issued at the staff level.

## **4.0 Proposal**

### **4.1 Background**

The subject property is a large lot residential development in an urban/rural interface area of Kelowna. At the top of slope is the principal dwelling which the owners are proposing to replace. In addition, a lakeside beach house (i.e. carriage house) along with two cabanas and a shed have been developed along the lake foreshore. One cabana and portions of the 2<sup>nd</sup> cabana and existing carriage house are located within the 15 metre Riparian Management Area.

The history of the development of the existing non-conforming carriage house is unclear. However, the previous owners signed an affidavit that the carriage house would not be used as a rental dwelling, but would be for the sole use of the family. As the structure did and does contain a kitchen, the structure is treated as a dwelling unit by staff. As a result, the property must be rezoned prior to the demolition of the existing principal structure.

### **4.2 Project Description**

The applicants are proposing to replace an existing principal dwelling. The subject property is in a sensitive lakeside location with steep slopes thought to exceed 45% in one portion, though the proposed development is in a much flatter location near the top-of-slope.

The demolition of the existing dwelling triggers the need to rezone the property to legalize an existing non-conforming structure in the form of a lakeside carriage house. The redevelopment of the non-conforming A1 property requires a variance to the site coverage prior to construction.

The proposed dwelling takes advantage of the hillside topography with a three storey walk-out on the western face (permitted for the walk-out portion), but from a regulatory perspective, determined to be a four storey structure overall. As the dwelling is considered to be four storeys the proposed dwelling will also require a height variance.

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

Zoning Analysis Table		
CRITERIA	A1c ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	40,000 m <sup>2</sup>	2,460 m <sup>2</sup> ❶
Lot Width	40.0 m	31.9 m ❶
Development Regulations		
Site Coverage	10 %	22.5 % ❷
Height	9.5 m / 2-1/2 storeys	11.52 m / 4 storeys ❸
Height (walk-out)	12.0 m / 3 storeys	11.52 m / 4 storeys ❸
Front Yard	6.0 m	6.11 m
Side Yard (south)	3.0 m	8.89 m
Side Yard (north)	3.0 m	3.06 m
Rear Yard/Carriage House	10.0 m/3.0m	40.82 m
Other Regulations		
Minimum Parking Requirements	3 stalls	3 stalls
Private Open Space	30 m <sup>2</sup>	+ 30 m <sup>2</sup>
Okanagan Lake Sightlines	120°	120°
❶ Indicates an existing non-conformance. ❷ Indicates a variance to site coverage regulations is necessary. ❸ Indicates a variance to height regulations is required.		

### 4.3 Site Context

The subject property is lakefront, located in the Southwest Mission in a relatively rural, agricultural setting with relatively small rural residential lots to the north and south. Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture	Rural Residential
East	A1 - Agriculture	Orchard
South	A1 - Agriculture	Rural Residential
West	W1 - Recreational Water Use	Okanagan Lake

**Subject Property Map: 4770 Crighton Road**



**5.0 Current Development Policies**

**5.1 Kelowna Official Community Plan (OCP)**

**Residential Land Use Policies**

**Sensitive Infill.**<sup>1</sup> Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

**Carriage Houses & Accessory Apartments.**<sup>2</sup> Support carriage houses and accessory apartments through appropriate zoning regulations.

**6.0 Technical Comments**

**6.1 Building & Permitting Department**

1. This is a four storey building, refer to the building code for defined solutions (fire separations).
2. A minimum Geodetic Elevation of 343.66 is required for all habitable spaces.
3. A Demolition Permit is required for the existing structure.
4. Geotechnical report and schedules required for any fill that will be placed to support the new structure(s).
5. No floor plans were provided to establish compliance commentary within the proposed dwelling structure. We will provide commentary once floor plan drawings are available to review.
6. Full Plan check for Building Code related issues will be done at time of Building Permit applications

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.22.12 (Development Process Chapter).

6.2 Development Engineering Department

See attached.

6.3 Interior Health

See attached.

6.4 Fire Department

No concerns.

6.5 Fortis BC, Gas

The existing gas service line will need to be abandoned / renewed to accommodate the new house / garage.

6.6 Fortis BC, Electric

There are primary underground electrical distribution facilities along Crighton Road. The applicant is responsible for costs associated with servicing the proposed development as well as the provision of appropriate land rights where required.

**7.0 Application Chronology**

Date Application Received: July 9, 2013

**Report prepared by:**

\_\_\_\_\_  
Greg Sauer, Land Use Planner

**Reviewed by:**

Todd Cashin, Manager, Environment & Land Use

**Approved for Inclusion:**

Shelley Gambacort, Director, Subdivision, Agriculture & Environment

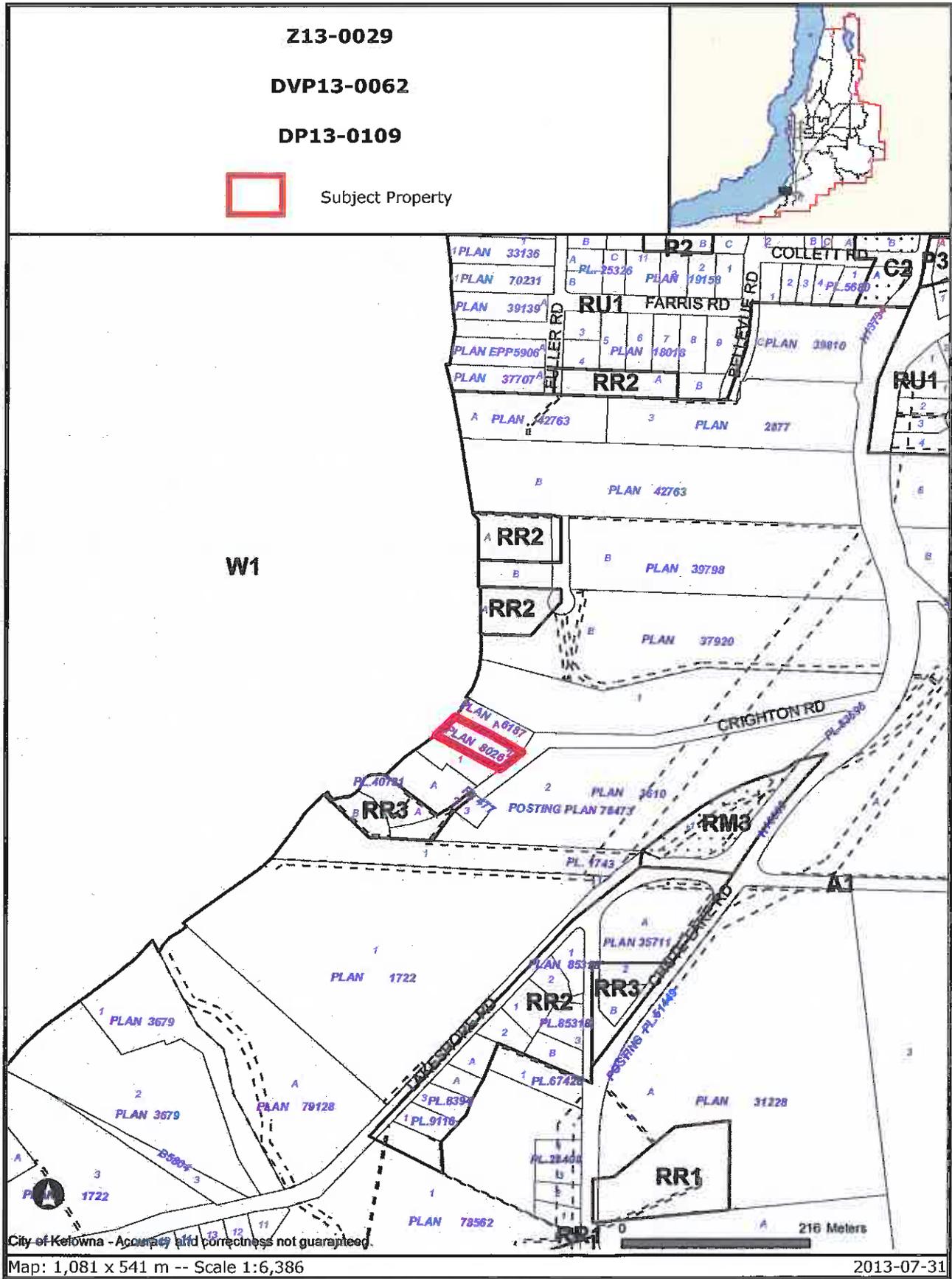
**Attachments:**

Subject Property Map

Site Plan

Development Engineering Comments

Interior Health Comments



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.



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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** July 25, 2013  
**File No.:** Z13-0029

**To:** Land Use Management Department (GS)

**From:** Development Engineering Manager (Revised Comments)

**Subject:** 4770 Crighton Road                      Lot 2 Plan 8026                      A1 to A1c

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Development Engineering Services have the following requirements associated with this rezoning application;

1.     Domestic Water and Fire Protection

This property is not currently within the Municipal service area. Domestic water is presently supplied by a private lake intake system.

2.     Sanitary Sewer

This property is currently not within the municipal service area. Sanitary sewage is to be handled by an on-site sewage disposal system.

Water and sanitary servicing will be reviewed by Interior Health Authority as well as Building & Permitting.

Development Engineering recommends that the applicant obtains confirmation from a Wastewater Practitioner, that a system can be designed and constructed to accommodate the proposed dwelling as well as the carriage house.

3.     Electric Power and Telecommunication Services

If the existing area is served by overhead wiring, the service connections may be provided overhead provided that there are no new poles required and service trespasses will not be created. If either of these conditions is not satisfied, then underground service will be required for that lot.

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.

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Steve Muenz, P. Eng.  
Development Engineering Manager



# Interior Health

July 26, 2013

City of Kelowna  
Land Use Management  
1435 Water Street  
Kelowna, BC V1Y 1J4

Re: Z13-0029 & DP13-0109 – 4770 Crighton Rd.

We have reviewed the above captioned rezoning and development and offer the following comments:

- It appears from the diagrams presented that the proposed buildings and associated infrastructure covers a considerable portion of the lot. Reducing area to contain sewerage dispersal areas.
- We note sloping topography from Crighton Road to Okanagan Lake. This, coupled with required setbacks from the lake and any wells placed on this or neighbouring properties, may limit the available areas for sewerage dispersal areas.

The City of Kelowna may wish to confirm there is sufficient area to contain current & future (replacement) sewerage systems, and allowance of setbacks from these installations as necessary. If Type 2 or Type 3 sewerage systems are proposed, the City may wish to ensure a bylaw addresses the continued maintenance and operation of the sewerage system to protect the lake and surrounding water supplies.

Sincerely

David Butt  
Registered Environmental Health Officer  
Health Protection

All information and correspondence can be sent to [HBE@interiorhealth.ca](mailto:HBE@interiorhealth.ca) Please note the file number in the subject line to ensure prompt service.

Additional information on land development can be found on our website:  
<http://www.interiorhealth.ca/YourEnvironment/LandDevelopment/Pages/default.aspx>

# REPORT TO COUNCIL



**Date:** August 13, 2013

**RIM No.** 1250-30

**To:** City Manager

**From:** Urban Planning, Community Planning & Real Estate (JM)

**Application:** Z13-0028      **Owner:** Braniff Real Estate Services Inc. (Michael Hoffman) & Crown (Ministry of Forests, Land and Natural Resource Operations)

**Address:** 3935 Lakeshore Road & adjacent Bed of Mission Creek      **Applicant:** Michael Hoffman

**Subject:** 2013-08-26 Report Z13-0028 3935 Lakeshore Rd

**Existing OCP Designation:** COMM - Commercial  
PARK - Major Parks & Open Space

**Existing Zones:** C1 - Local Commercial  
RU5 - Bareland Strata

**Proposed Zones:** C3 - Community Commercial  
RU5 - Bareland Strata

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## 1.0 Recommendation

THAT Rezoning Application No. Z13-0028 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot A, Section 6, Township 26, ODYD, Plan 12477, Except Plan KAP92361, located on 3935 Lakeshore Road, Kelowna, BC, from the C1 - Local Commercial zone to the C3 - Community Commercial zone, and from the C1 - Local Commercial Zone to the RU5 - Bareland Strata zone and to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of All that unsurveyed Crown foreshore being part of the bed of Mission Creek adjacent to Lot A, Section 6, Township 26, ODYD, Plan 12477, Except Plan KAP92361, containing 56.5 square metres, more or less, from the RU5 - Bareland Strata zone to the C3 - Community Commercial zone as shown on Map "B" attached to the Report of the Urban Planning Department dated August 13, 2013, be considered by Council.

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit for the subject property;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to registration of the proposed lot line adjustment on the eastern property line of the subject property;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the registration on title of an access easement in favour of the Province and the City for the purposes of dike maintenance.

## **2.0 Purpose**

To consider a proposal to rezone portions of subject properties from the C1 - Local Commercial zone to the C3 - Community Commercial, from the RU5 - Bareland Strata zone to the C3 - Community Commercial zone, and from the C1 - Local Commercial zone to the RU5 - Bareland Strata zone to permit the development of a 3 storey retail and office building.

## **3.0 Urban Planning Department**

Urban Planning staff are supportive of the proposed land use change, as it complies generally with the objectives and policies of the Official Community Plan (OCP). The proposed land use represents the next step in the gradual intensification of commercial land use on the east side of Lakeshore Road, moving from piecemeal local commercial development to a small, but established node of community commercial development. The development of commercial projects in this node will create a concentration of commercial uses that is needed to support bona fide community commercial purposes.

The siting and landscaping for the proposal are consistent with the development to the south; however, the three-storey massing of the proposed building is a departure from the two-storey commercial/residential building to the south and the single storey development to the north. Nevertheless, staff acknowledge the considerable effort that the applicant team has made in creating a respectful transition to neighbouring development. Staff further note that overall building massing for the area will likely continue to evolve and to intensify, as remaining underdeveloped sites are redeveloped over time.

## **4.0 Proposal**

### **4.1 Background**

In 2012, the Province and the City cooperated to improve the dike of the south side of Mission Creek. Since that work was completed, the Province has taken access through the subject property for dike maintenance purposes, with the permission of the land owner.

Since the applicant team has decided to move forward with the redevelopment of the site, they have been working with the staff from the City and the provincial government regarding a potential lot line adjustment for the eastern boundary of the subject property, which abuts the existing Mission Creek dike. This proposal would result in a more consistent setback from the dike. Provincial staff have confirmed that they support such a lot line adjustment on the condition that permanent maintenance access for the dike be granted through the site. However, the applicant team must make the necessary applications and receive formal provincial approval prior to final adoption of the zoning.

In addition to access for the Province for dike maintenance, the City is seeking the same, and has also worked with the applicant to re-establish a riparian area west of the dike. The riparian

restoration will be addressed through a Natural Environment Development Permit, which will be executed at a staff level.

The Official Community Plan (OCP) Future Land Use designation for the subject property is split between the COMM - Commercial designation and the PARK - Major Park & Open Space designation. There is a staff-initiated OCP amendment package being prepared for Council consideration, which includes a proposal to reduce the portion of the subject property identified for PARK such that it is consistent with the 15m riparian setback for this stretch of Mission Creek.

In accordance with Council Policy No. 367, the applicant team has been proactive in engaging with surrounding land owners and residents within 50m of the subject property. Feedback received was generally very positive, and is summarized in Appendix 'A'.

#### 4.2 Project Description

The proponent is seeking to develop a three storey commercial building on the subject property, containing a mix of retail and office space. The retail space would be located on the ground floor, with offices occupying the second and third floors. The footprint of the building is 490m<sup>2</sup> in area, and the Gross Floor Area of the three storeys together will be 1,336m<sup>2</sup>.

The proposal features a covered sidewalk, or "arcade", that is continued from the development to the south, allowing for seamless pedestrian movement between the two lots. The retail units will be accessed directly from this sidewalk, as will the lobby for the offices on the upper two storeys. There is a service access at the rear of the building for the retail units.

Vehicle access for the development would be achieved through the use of a cross-access easement with the property to the south, using a common entry/exit onto Lakeshore Road across from Radant Road. Customer parking is located principally in the front of the parcel, between Lakeshore Road and the proposed building. Staff parking is proposed to be located at the rear of the property, accessed through a service lane at the north side of the building. Short-term bicycle parking will be located at the front entrance to the building, and long-term secure bike storage is proposed in a "bike box" at the rear of the building. The garbage and recycling enclosure is also located at the rear of the building, adjacent to the secure bike parking.

As a condition of the zoning, the applicant will be required to urbanize the Lakeshore Road frontage, including sidewalk and landscaped boulevard.

In terms of form and character, the building displays a distinctly modern, playful esthetic that is inspired by the tourist commercial areas around Cook Road and the South Pandosy Urban Centre. While this architecture is a significant departure from the character of the building to the south, it nevertheless presents very high quality design and finishing, and responds to more contemporary massing from the recent building at 3975-3979 Lakeshore Road, and the residential development to the south ("The Lexington").

Three variances are triggered by the proposed development: two variances to the minimum side yard setback and minimum landscape buffer abutting residential development, and one variance to the minimum parking setback in a side yard. Two of these variances are triggered purely as a result of the building face extending for approximately 2-3m into the portion of the property abutting residential development.

Should Council give favourable consideration to this application, the Development Permit for form and character and the Development Variance Permit will be brought forward for consideration at a later meeting. A more detailed analysis of each request will be brought forward at that time.

### 4.3 Site Context

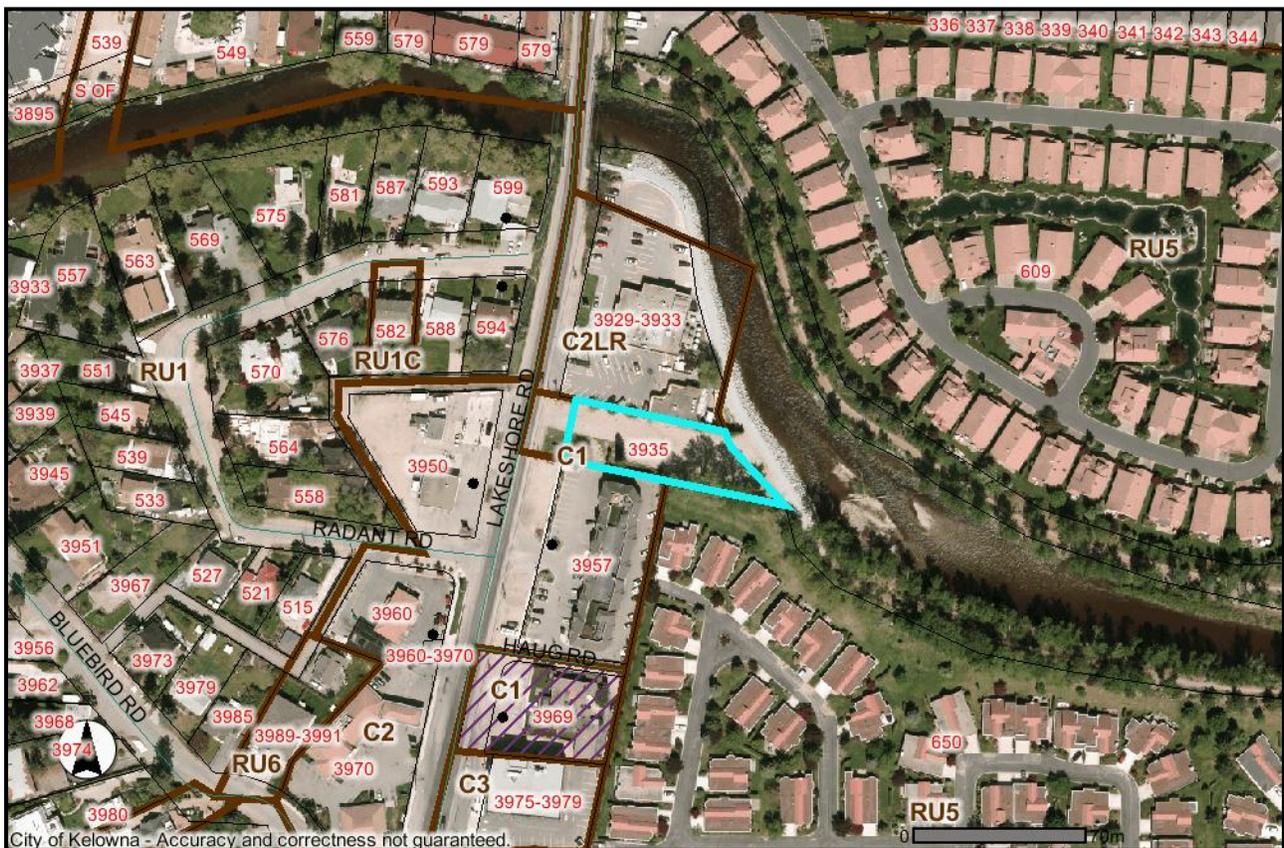
The subject property is approximately 1,871m<sup>2</sup> in area and is located on the east side of Lakeshore Road, south of the Mission Creek bridge. The lot is presently empty, but formerly contained a dentist's office building. The lot is within the Permanent Growth Boundary, but is not within any Urban or Village Centres.

The surrounding neighbourhood is characterized by a mix of commercial, service and residential uses. The lots fronting the east side of Lakeshore Road south of the Mission Creek bridge are gradually developing into a neighbourhood/community commercial centre, with a mix of retail and office development.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C2RLS - Neighbourhood Commercial (Retail Liquor Sales)	Creekside Pub Liquor Store
East	Mission Creek	Mission Creek
South	C2 - Neighbourhood Commercial RU5 - Bareland Strata	Mixed retail commercial/apartment housing The Lexington - bareland strata
West	C2 - Neighbourhood Commercial	Petro Canada

Subject Property Map: 3935 Lakeshore Road



### 4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C3 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	1,300 m <sup>2</sup>	1,871 m <sup>2</sup>
Lot Width	30.0 m	Approx. 25 m *
Lot Depth	40.0 m	exceeds
Development Regulations		
Floor Area Ratio	1.0	0.71
Site Coverage	50%	26%
Height	15.0 m / 4 storeys	12.0 m / 3 storeys
Front Yard	3.0 m	m
Side Yard (south)	0.0 m (abutting commercial) 2.0 m (abutting residential)	0.0 m (abutting commercial) 0.0 m (abutting residential) <sup>①</sup>
Side Yard (north)	0.0 m	6.0 m
Rear Yard	0.0 m	exceeds
Other Regulations		
Minimum Parking Requirements	Office @ 2.5/100m <sup>2</sup> GFA + Retail @ 2.0/100m <sup>2</sup> GFA = 26 stalls	28 stalls
Parking Setbacks	1.5 m from residential	0.0 m from residential <sup>②</sup>
Bicycle Parking	Class I = 3 Class II = 7	Class I = 3 Class II = 7
Loading Space	1 stall	1 stall
Landscaping	Front - Level 2 Side - Level 3 (abutting res) Rear - Level 3	Front - Level 2 Side - Level 1 (abutting res) <sup>③</sup> Rear - Level 3
<p>* the subject property does not need to meet minimum subdivision standards, as no subdivision is proposed.</p> <p>① Indicates a requested variance to the minimum side yard setback abutting a residential zone from 2.0m permitted to 0.0m proposed.</p> <p>② Indicates a requested variance to the minimum setback for parking areas from 1.5m permitted to 0.0m proposed.</p> <p>③ Indicates a requested variance to the minimum landscape buffer abutting a non-commercial zone from Level 3 permitted to Level 1 proposed.</p>		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

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

**Maximize Pedestrian / Cycling Connectivity.**<sup>2</sup> Require that pedestrian and cyclist movement and infrastructure be addressed in the review and approval of all City and private sector developments, including provision of sidewalks and trails and recognition of frequently used connections and informal pedestrian routes. With new developments, require dedication of on-

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.10.1 (Development Process Chapter).

site walking and cycling paths where necessary to provide links to adjacent parks, schools, transit stops, recreation facilities, employment nodes, cul-de-sacs and large activity areas.

**Environmentally Sensitive Area Linkages.**<sup>3</sup> Ensure that development activity does not compromise the ecological function of environmentally sensitive areas and maintains the integrity of plant and wildlife corridors.

**Offices Near Transit.**<sup>4</sup> Direct new office development to areas served by public transit.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- 1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s) for new construction
- 2) A minimum Geodetic Elevation of 343.66 meters is required for all habitable spaces
- 3) A Geotechnical report is required to address the sub soil conditions.
- 4) Access to any mechanical rooms at roof level are required or access to the roofs are required
- 5) Size and location of all signage to be clearly defined as part of the development permit.
- 6) Full Plan check for Building Code related issues will be done at time of Building Permit applications

### 6.2 Development Engineering Department

See attached Memorandum, dated July 19, 2013.

### 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 #7900 requires a minimum of 150ltr/sec fire flows. Additional comments will be required at the building permit application.

### 6.4 Telus

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

### 6.5 Infrastructure Planning (Parks & Public Places)

1. Black Cottonwood is naturally occurring along Mission Creek, therefore substitute the proposed trembling aspens with Black Cottonwood.
2. No conifers have been included in the riparian area. Western Red Cedar is naturally occurring along Mission Creek, therefore add this species to the riparian planting area.
3. Planting bed along the Lakeshore frontage seems to be light on plant quantities, therefore suggest adding more plants.

### 6.6 FortisBC Energy (gas)

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<sup>3</sup> City of Kelowna Official Community Plan, Policy 5.15.3 (Development Process Chapter).

<sup>4</sup> City of Kelowna Official Community Plan, Policy 5.27.2 (Development Process Chapter).

Please be advised FortisBC gas division has reviewed the above mentioned referral and has no objections or comments.

**6.7 FortisBC (electric)**

There are primary distribution facilities along Lakeshore Road. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

Otherwise, FortisBC Inc. (Electric) has no concerns.

**7.0 Application Chronology**

Date of Application Received: July 5, 2013

**Report prepared by:**

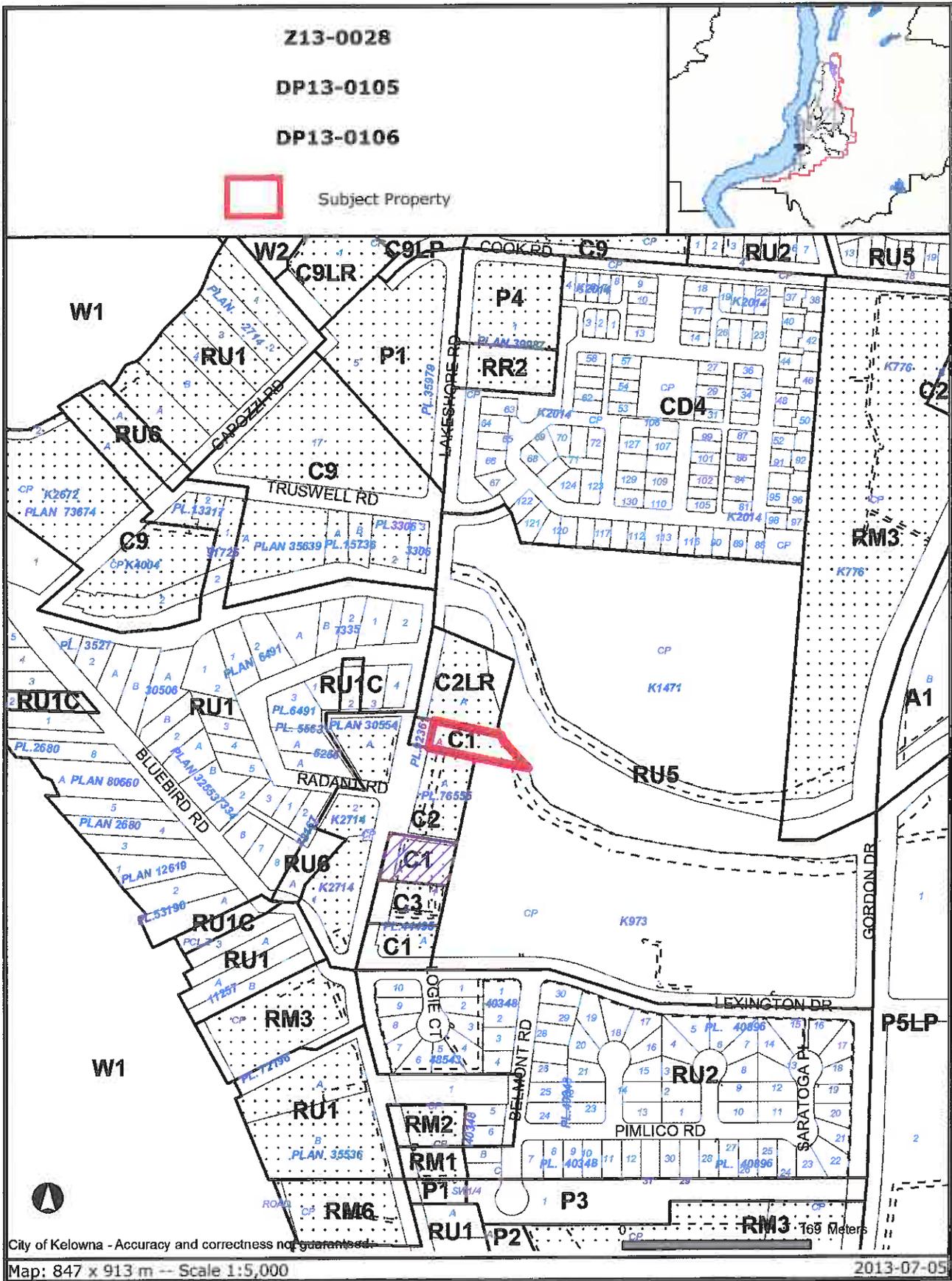
\_\_\_\_\_  
James Moore, Urban Land Use Planner

**Reviewed by:**  Danielle Noble, Manager, Urban Land Use

**Approved for Inclusion**  D. Gilchrist, Divisional Director  
Community Planning & Real Estate

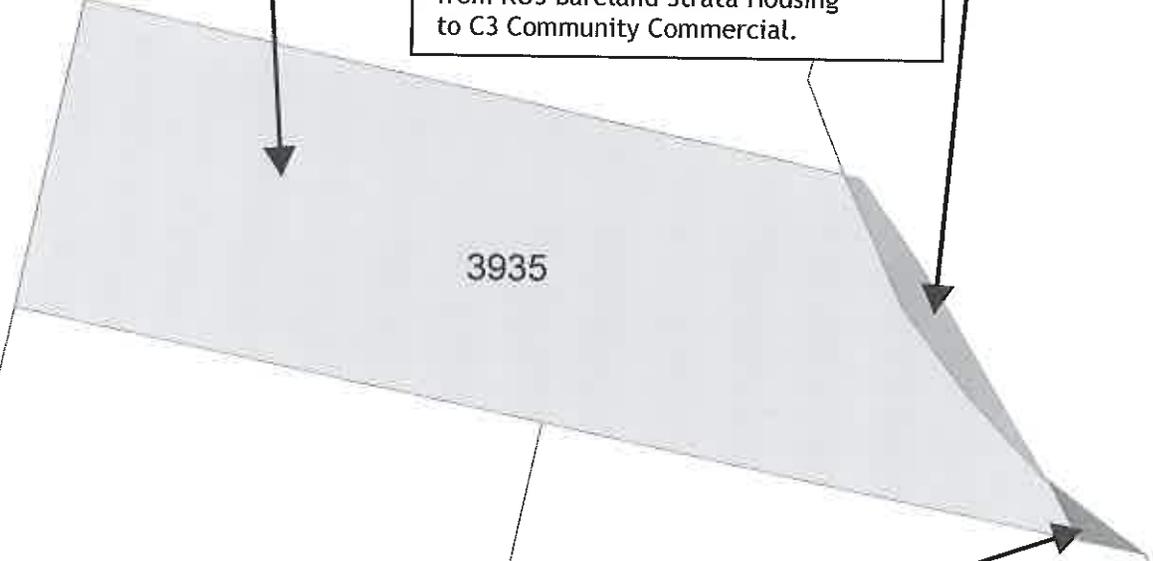
**Attachments:**

- Subject Property Map (1 page)
- Map 'B' - Proposed Zoning
- Site Plan (1 page)
- Conceptual Elevations (1 paged)
- Applicant's Record of Public Consultation (3 pages)
- Memorandum from the Development Engineering Branch, dated July 19, 2013 (5 pages)



**Subject Property Notes:**  
Rezone a portion of the subject property from C1 Local Commercial to C3 Community Commercial.

**Subject Property Notes:**  
Rezone a portion of the subject property from RU5 Bareland Strata Housing to C3 Community Commercial.



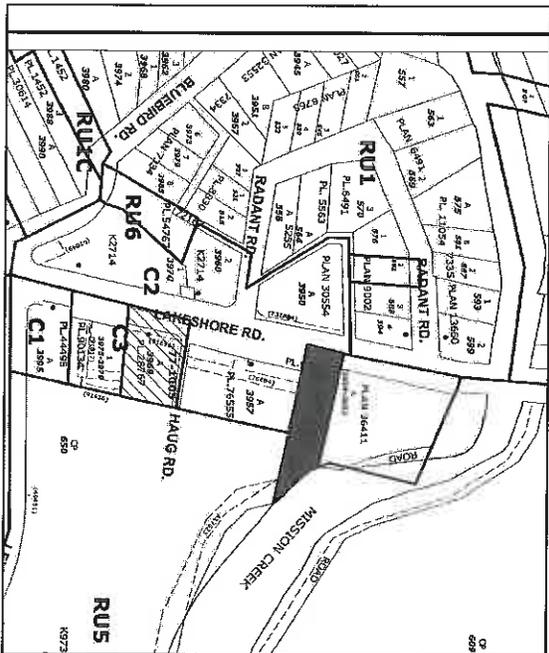
**Subject Property Notes:**  
Rezone a portion of the subject property from C1 Local Commercial to RU5 Bareland Strata Housing.

**MAP "B" PROPOSED ZONING**  
File #Z13-0028

- Proposed Legal
- C1 to C3
- C1 to RU5
- RU5 to C3

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





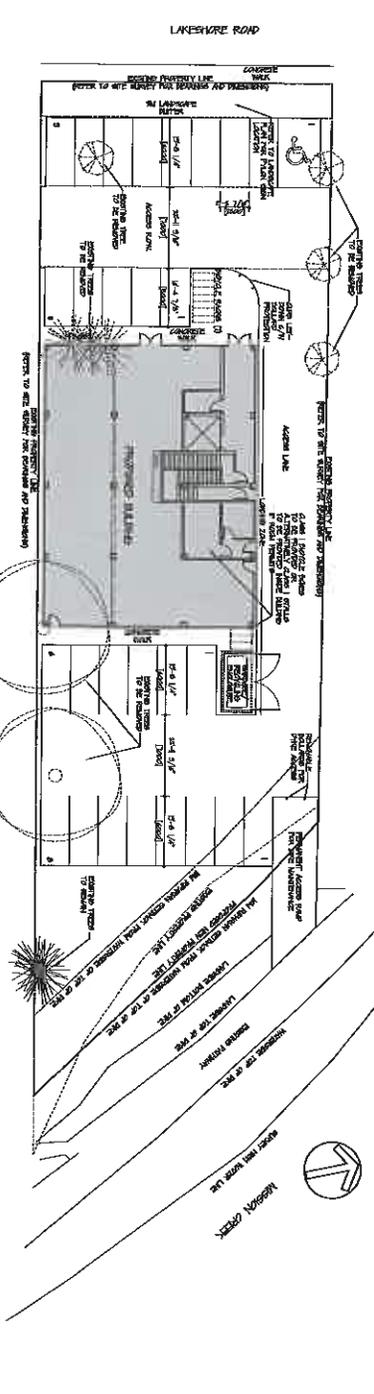
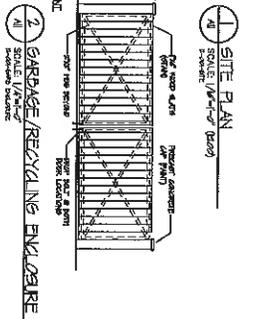
3 MINORITY PLAN  
 ALL SCALE 1/8" = 1'-0"  
 COUNTY PLAN

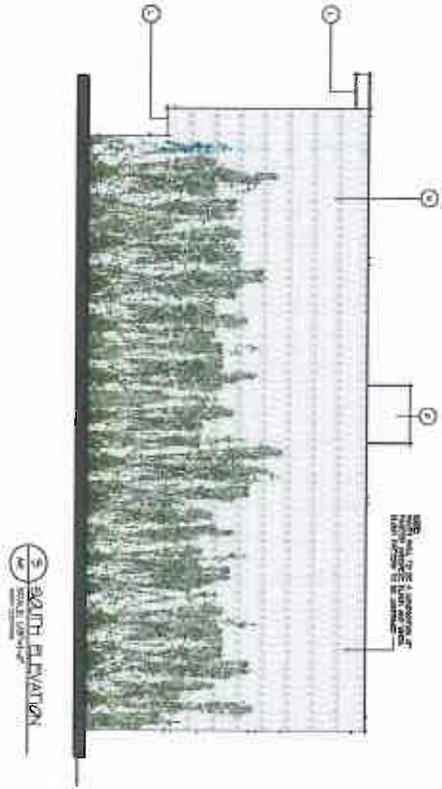
ZONING INFORMATION		C1	
GENERAL ZONING	PROPOSED ZONING	RESIDENTIAL SINGLE-FAMILY	RESIDENTIAL SINGLE-FAMILY
LOT AREA	LOT AREA	MINIMUM 10,000 SQ. FT.	MINIMUM 10,000 SQ. FT.
LOT WIDTH	LOT WIDTH	MINIMUM 30 FT.	MINIMUM 30 FT.
LOT DEPTH	LOT DEPTH	MINIMUM 120 FT.	MINIMUM 120 FT.
SETBACKS	SETBACKS	FRONT 10 FT., REAR 10 FT., SIDE 5 FT.	FRONT 10 FT., REAR 10 FT., SIDE 5 FT.
MAXIMUM HEIGHT	MAXIMUM HEIGHT	35 FT.	35 FT.
MAXIMUM GROUND COVER	MAXIMUM GROUND COVER	30%	30%
MAXIMUM LOT COVERAGE	MAXIMUM LOT COVERAGE	30%	30%
MAXIMUM LOT AREA	MAXIMUM LOT AREA	10,000 SQ. FT.	10,000 SQ. FT.
MAXIMUM LOT WIDTH	MAXIMUM LOT WIDTH	100 FT.	100 FT.
MAXIMUM LOT DEPTH	MAXIMUM LOT DEPTH	120 FT.	120 FT.
MAXIMUM LOT AREA	MAXIMUM LOT AREA	10,000 SQ. FT.	10,000 SQ. FT.
MAXIMUM LOT WIDTH	MAXIMUM LOT WIDTH	100 FT.	100 FT.
MAXIMUM LOT DEPTH	MAXIMUM LOT DEPTH	120 FT.	120 FT.

GENERAL INFORMATION	
LOCAL DESCRIPTION	LOT A, SECTION 4, TOWNSHIP 20 N, RANGE 14 E, R1477
PROJECT NAME	3935 LAKESHORE ROAD
PROJECT ADDRESS	3935 LAKESHORE ROAD
SECTION	SECTION 4
CITY OF KANSAS	CITY OF KANSAS
REFERENCE	BEST MANAGEMENT PRACTICES, 2012 EDITION
ENCLOSURE PERMIT NUMBERS	

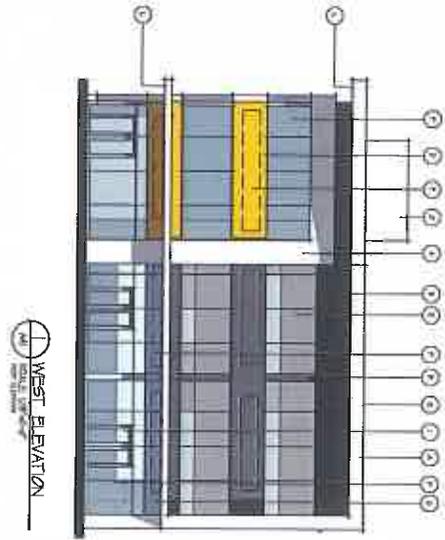
PROPOSED BUILDING AREAS			
STRUCTURE	AREA (SQ. FT.)	USE	CONVERTIBLE
FRONT	4,444	REAR	4,444
SECOND	4,444	DRIVE	4,444
THIRD	4,444	DRIVE	4,444
TOTAL	17,776		

PARKING CALCULATION	
TOTAL	41,200
MINIMUM	41,200
MAXIMUM	41,200

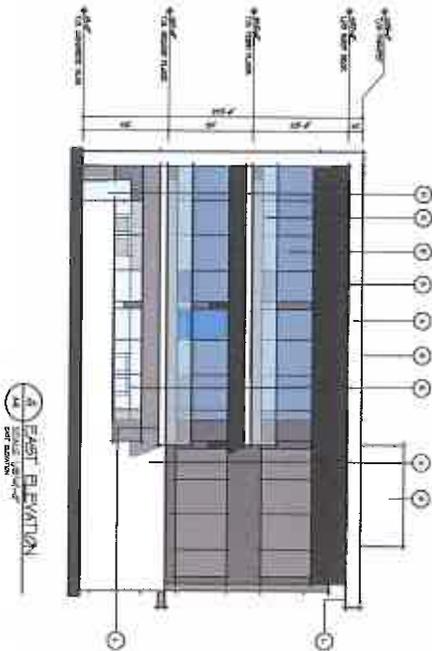




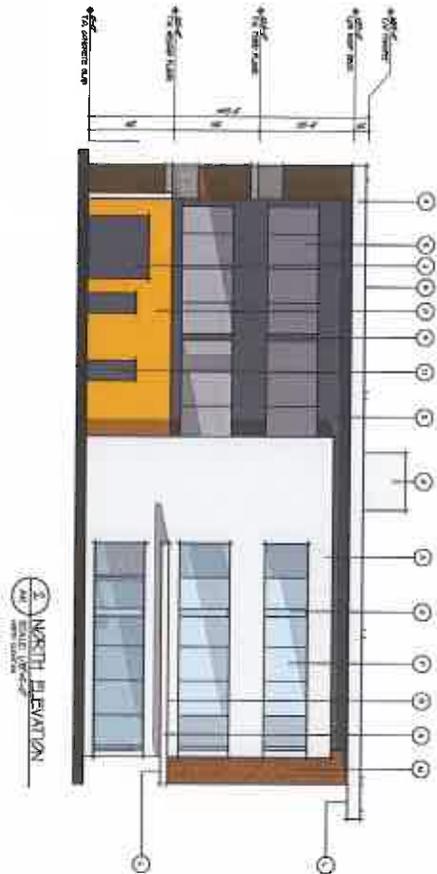
3 SOUTH ELEVATION



4 WEST ELEVATION



5 EAST ELEVATION



6 NORTH ELEVATION

LEGEND	
1	BRIS 1
2	BRIS 2
3	BRIS 3
4	BRIS 4
5	1 IN ALUM. FRAME GLAZING
6	2 IN ALUM. FRAME GLAZING
7	PREFINISHED ALUM. FRAME
8	METAL DOOR & FRAME
9	METAL DOOR IN ALUM. FRAME
10	METAL OVERHEAD DOOR
11	GLASS GLAZED IN ALUM. FRAME
12	WOOD FINISH
13	ASBEST. BLOCK
14	SCHEDULED MECHANICAL UNIT
15	POTENTIAL SIGNAGE LOCATION

KR\_ARCHITECT INC  
PROJECT: 3935 LAKESHORE ROAD

DATE: AUGUST 7, 2013  
ISSUED FOR DEVELOPMENT PERMIT REVISIONS

THIS DRAWING IS A PRELIMINARY DESIGN AND IS THE PROPERTY OF THE ARCHITECT AND SHALL NOT BE REPRODUCED WITHOUT THE ARCHITECT'S PERMISSION AND UNLESS THE ARCHITECT HAS GIVEN WRITTEN PERMISSION TO DO SO. ALL RIGHTS ARE RESERVED BY THE ARCHITECT. NO PART OF THIS DRAWING SHALL BE USED FOR ANY OTHER PROJECT WITHOUT THE ARCHITECT'S PERMISSION. THE ARCHITECT SHALL HAVE PRECEDENCE OVER ALL OTHER CONTRACTORS AND SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE SITE AND THE ARCHITECT SHALL BE ADVISED OF ANY VIOLATIONS.

A41

Michael Hoffman  
Director of Development & Construction  
Braniff Real Estate Services  
1240 industrial road  
West Kelowna, BC  
V1Z 1G5

August 14, 2013

James Moore, MCIP, RPP  
Planner II  
Urban Planning | Community Planning & Real Estate Division  
City of Kelowna  
1435 Water Street  
Kelowna, BC  
V1Y 1J4

Dear James,

Subject: Z13-0026 & Z13-0028 3935 Lakeshore Rd. Neighbour Consultation

As the owners of 3935 Lakeshore Rd., we have endeavoured to meet with our neighbours in accordance with City of Kelowna Policy No. 367. As our property lies within the City of Kelowna Permanent Growth Boundary, per the attached diagram, we have identified the following properties as being within 50m of our property:

- 3929-3933 Lakeshore Road (met owners on August 13, 2013)
- 3957 Lakeshore Road (met owner on August 13, 2013)
- 3950 Lakeshore Road (met owner on August 14, 2013)
- 588 Radant Road (made efforts to contact owner and waiting for response)
- 594 Radant Road (made efforts to contact owner and waiting for response)
- 650 Lexington Road (met strata council on August 8, 2013)

In addition to these properties, we have also contacted and met with the strata council of 609 Truswell Road on August 2, 2013 as this development is immediately adjacent to our property across the creek to the east. For all of the above noted properties to date, with the exception of the properties indicated, we have successfully met with and fulfilled the requirements of Policy 367 to present:

- Location of the proposal;
- Detailed description of the proposal, including the specific changes proposed;
- Visual rendering and/or site plan of the proposal;
- Contact information for the applicant or authorized agent;
- Contact information for the Land Use Management department;
- Identification of available methods for feedback.

Our meetings included but were not limited to a full review of the drawings submitted to the City of Kelowna, discussion around rezoning of the site, removal of existing trees on site and the proposed landscaping, discussion around the form and character of the proposed building, discussion around parking and access to the site, discussion around flooding, and the following variances:

- Variance to the minimum setback for parking in a side yard abutting a residential zone from 1.5m permitted to 0.0m proposed.
- Variance to the minimum side yard setback abutting residential zones from 2.0m permitted to 0.0m proposed.
- Variance to the minimum landscape requirement of a property zoned C3 abutting a residential use from Level 3 required to Level 1 proposed.

Any questions that were raised by any party were resolved through a detailed dialogue and a thorough explanation and understanding of the proposal. We have not been made aware of any formal objections by any party, and no additional efforts or revisions to the proposed design as discussed have been requested.

We are continuing efforts to contact the owners of the properties who are currently unavailable due to the summer season, and once we have met with them, we will confirm this to you.

Sincerely,



Michael Hoffman  
Director of Development & Construction  
Braniff Real Estate Services

Encl.



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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** July 19, 2013  
**File No.:** Z13-0028  
**To:** Urban Planning Department (JM)  
**From:** Development Engineering Manager (SM)  
**Subject:** 3935 Lakeshore Rd

C1 to C3

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The Development Engineering Department has the following comments and requirements associated with this application to rezone from C1 to C3. 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

General

- a) The postal authorities must be contacted to determine whether or not a "community mailbox" will be utilized, and if so, its location should be determined and the proposed location shown on the construction plans. Please contact the Canadian Post Corporation, Delivery Services, P.O. Box 2110, Vancouver, B.C. V6B 4Z3 (604) 662-1381 in this regard.
- b) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement buildings may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- c) Provide easements and cross access may be required.

1. Domestic Water and Fire Protection

- (a) The existing lot is serviced with a 19mm diameter water service. 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) Only one service will be permitted per lot. The applicant, at his cost, will arrange for the removal of all existing services and the installation of fire hydrants and new larger metered water services. The estimated cost of this construction for bonding purposes is **\$20,000.00**
- (c) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost. Boulevard landscaping, complete with underground irrigation system, must be integrated with the on-site irrigation system.

## 2. Sanitary Sewer

- (a) The developer's consulting mechanical engineer will determine the requirements of these proposed developments and establish the required sizes and preferred location of the new services. Only one service will be permitted per lot. The applicant, at his cost, will arrange for the removal of the existing 100mm diameter services if necessary and the installation of new service if necessary. The estimated cost of this construction for bonding purposes is **\$20,000.00**

## 3. Storm Drainage

- (a) The developer must engage a consulting civil engineer to provide a storm water management plan which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of a lot grading plan, identify minimum basement elevation (MBE), overland drainage routes, floodplain elevations and setbacks, and provision of a storm drainage service for the lot and /or recommendations for onsite drainage containment and disposal systems. The on-site drainage systems may be connected to the street drainage system with an overflow service when the City upgrades Lakeshore Rd anticipated in 2014. The estimated cost of this construction for bonding purposes is **\$5,000.00**
- (b) Storm drainage systems and overflow service(s) for the site will be reviewed and approved by Engineering when site servicing designs are submitted.

## 4. Road Improvements

- (a) Lakeshore Road is to be upgraded to full urban standards along the full frontage including curb, gutter, separate sidewalk, pavement, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction.

## 5. Road Dedication and Subdivision Requirements

- (a) Grant Statutory Rights Of Way if required for utility services.
- (b) Provide cross access agreements with the adjacent properties.
- (c) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

## 6. Electric Power and Telecommunication Services

All proposed service connections are to be installed underground. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost. If the electrical source is on the west side of Lakeshore Road, this source must be in underground ducts.

## 7. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked "issued for construction" by the City Engineer before construction may begin.

8. Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

9. Bonding and Levy Summary(a) Bonding

Service Upgrades	\$ 45,000.00
<b>Total</b>	<b>\$ 45,000.00</b>

NOTE: The bonding amount shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so. Bonding for required off-site construction must be provided and may be in the form of cash or an irrevocable letter of credit, in an approved format.

- (b) Only the service upgrades must be completed at this time. The City wishes to defer the remainder of the upgrades to Lakeshore Road fronting this development. Therefore, cash-in-lieu of immediate construction is required and the City will initiate the work later, on its own construction schedule.

Item	Cost
Drainage	\$6,250.00
Curb & Gutter	\$ 1,906.00
Sidewalk	\$ 2,188.00
Street Lighting	\$ 844.00
Landscape Boulevard	\$ 2,500.00
Road Fillet	\$ 3,375.00
<b>Total</b>	<b>\$17,063.00</b>

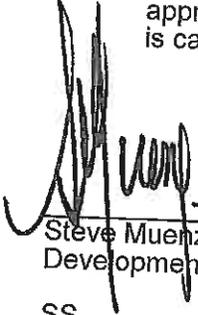
10. Development Permit and Site Related Issues

## (a) Access and Manoeuvrability

- (i) An SU-9 standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways.
- (ii) Indicate on the site, the locations of loading bays as well as the garbage and recycle bins.

14. Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as (3% of Total Off-Site Construction Cost plus GST)



Steve Muenz, P. Eng.  
Development Engineering Manager

SS