City of Kelowna Regular Council Meeting AGENDA



Tuesday, November 19, 2013 6:00 pm Council Chamber City Hall, 1435 Water Street

			Pages							
1.	Call to	o Order								
2.	Prayer									
	A Prayer will be offered by Councillor Stack.									
3.	Confirmation of Minutes 1 - 7									
	Public Hearing - November 5, 2013 Regular Meeting - November 5, 2013									
4.	Bylaw	s Considered at Public Hearing								
	4.1	Bylaw No. 10893 (Z13-0034) - 464 Cadder Avenue, Painchaud Family Holdings Inc.	8 - 8							
		To give Bylaw No. 10893 second and third readings and be adopted.								
	4.2	Bylaw No. 10894 (Z13-0033) - 868 Liban Court, Laryn & Judith Penner	9 - 9							
		To give Bylaw No. 10894 second and third readings.								
	4.3	Bylaw No. 10887 - OCP13-0015 Housekeeping Amendments	10 - 13							
		Requires a majority of all Members of Council (5). To give Bylaw No. 10887 second and third readings and be adopted.								
	4.4	Bylaw No. 10888 - OCP13-0016 Miscellaneous Amendments	14 - 20							
		Requires a majority of all Member of Council (5). To give Bylaw No. 10888 second and third readings and be adopted.								
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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
 - 6.1 Development Variance Permit Application No. DVP13-0126 554 Leon Ave 1660 21 29 Water St, 0871089 BC Ltd.

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.

To consider a Development Variance Permit to vary the off street parking regulations to permit the applicant to register remote parking on a property that is approximately 400m from the development site.

6.2 Bylaw No. 10815 (Z13-0001) - 674 Old Meadows Road, Mission Group Old Meadows G.P. Ltd.

30 - 30

DEFERRED TO THE DECEMBER 3, 2013 REGULAR MEETING.

6.2.1 Development Permit Application No. DP13-0039 & Development Variance Permit Application No. DVP13-0040 - 674 Old Meadows, Brighton-Mission Group Homes Ltd.

31 - 73

TO BE DEFERRED TO THE DECEMBER 3, 2013 REGULAR MEETING AS THE REQUIREMENTS OF THE DEVELOPMENT APPLICATION PROCEDURES BYLAW NO. 10540 WITH RESPECT TO SIGNAGE WAS NOT MET.

6.3 Development Variance Permit Application No. DVP13-0154 - 23-180 Sheerwater Ct, 0973789 BC Ltd.

74 - 94

TO BE DEFERRED TO THE DECEMBER 3, 2013 REGULAR MEETING AS THE REQUIREMENTS OF THE DEVELOPMENT APPLICATION PROCEDURES BYLAW NO. 10540 WITH RESPECT TO SIGNAGE WAS NOT MET.

6.4 Development Variance Permit Application No. DVP13-0113 - 700 Hwy 33 S, Hillcrest Farm Market Inc.

95 - 116

TO BE DEFERRED TO THE DECEMBER 3, 2013 REGULAR MEETING AS THE REQUIREMENTS OF THE DEVELOPMENT APPLICATION PROCEDURES BYLAW NO. 10540 WITH RESPECT TO SIGNAGE WAS NOT MET.

- 7. Reminders
- 8. Termination



City of Kelowna **Public Hearing** Minutes

Date: Tuesday, November 5, 2013

Council Chamber Location:

City Hall, 1435 Water Street

Mayor Walter Gray and Councillors Colin Basran, Andre Blanleil, Council Members Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luké Present:

Stack and Gerry Zimmermann

Staff Present:

City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Manager, Urban Planning, Ryan Smith; Manager, Subdivision, Agriculture & Environment Services, Todd Cashin; and Council

Recording Secretary, Sandi Horning

(* denotes partial attendance)

Call to Order 1.

Mayor Gray called the Hearing to order at 6:00 p.m.

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.

2. Notification of Meeting

The Deputy City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board of City Hall on October 22, 2013 and by being placed in the Kelowna Capital News issues of October 25, 2013 and October 29, 2013 and by sending out or otherwise delivering 595 letters to the owners and occupiers of surrounding properties between October 29, 2013 and November 1, 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. 10891 (Z13-0032) - 325 Hartman Road, Gary Martin Lupul

Staff:

Summarized the application before Council.

The Deputy 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.

Gary Lupul, Applicant

- Advised that it is his business to construct small developments like this.
- Advised that he consulted with City staff and neighbours.
- Agrees with staff's comments and is available to answer any questions.

There were no further comments.

3.2. Bylaw No. 10892 (Z13-0035) - 341 Clifton Road, Adrian Hazzi & Mandi Moore

Staff:

- Displayed a PowerPoint Presentation summarizing the application before Council; and responded to questions from Council.

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

- Letter of Comment:
 - Keith Newcomb, 101-1860 Richter Street
- Letter of Opposition:
 - Robert Decloux, 287 Rialto Drive

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

Kevin Johnson, CTQ Consultants, Applicant's Representative

- Confirmed that there is no formal connection east of the site to the park.
- Currently the site is not being utilized as agricultural property.
- Believes that providing a wide variety of lots on the site is the right thing to do.
- Advised that the emphasis is on family-oriented housing. There will not be any townhomes or condos, only single-family dwellings.
- Advised that there are infrastructure services available off of Clifton Road.
- Advised that the developer is planning on providing sustainability systems as part of the development and is currently working with City staff to look at sustainable alternatives such as the 'green street'.
- Responded to questions from Council.

Gallery:

Dan Buhler, 353 Clifton Road

- Lives right next to the proposed development.
- Feels that this proposal doesn't offer anything new. There are already existing developments such as 'Wilden' that have lots available for development.
- Believes that this development will take a very unique area and change it.
- Does not feel that the development will benefit the residents that already live in the area.

There were no further comments.

4. Termination

The Hearing was declared terminated at 6:18 p.m.

Mayor Deputy City Clerk



City of Kelowna Regular Council Meeting **Minutes**

Tuesday, November 5, 2013 Council Chamber Date:

Location:

City Hall, 1435 Water Street

Council Members

Present:

Mayor Walter Gray and Councillors Colin Basran, Andre Blanleil, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack

and Gerry Zimmermann

Staff Present:

City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Manager, Urban Planning, Ryan Smith; Manager, Subdivision, Agriculture & Environment Services, Todd Cashin*; and Council Recording Secretary, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the meeting to order at 6:18 p.m.

2. **Prayer**

A Prayer was offered by Councillor Singh.

3. Confirmation of Minutes

Moved By Councillor Singh/Seconded By Councillor Given

R713/13/11/05 THAT the Minutes of the Public Hearing and Regular Meeting of October 22, 2013 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1. Bylaw No. 10891 (Z13-0032) - 325 Hartman Road, Gary Martin Lupul

Moved By Councillor Given/Seconded By Councillor Stack

R714/13/11/05 THAT Bylaw No. 10891 be read a second and third time.

Carried

4.2. Bylaw No. 10892 (Z13-0035) - 341 Clifton Road, Adrian Hazzi & Mandi Moore

Moved By Councillor Blanleil/Seconded By Councillor Basran

R715/13/11/05 THAT Bylaw No. 10892 be read a second and third time.

<u>Carried</u>

5. Notification of Meeting

The Deputy City Clerk advised that Notice of the amendment to the Liquor Primary Licence was advertised by being posted on the Notice Board at City Hall on October 22, 2013 and be being placed in the Kelowna Capital News issues on October 25, 2013 and October 29, 2013 and by sending out or otherwise delivering 1,523 letters to the owners and occupiers of the surrounding properties between October 29, 2013 and November 1, 2013.

Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise delivering 554 letters to the owners and occupiers of the surrounding properties between October 29, 2013 and November 1, 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.

6. Liquor License Application Reports

6.1. Liquor Licence Application No. LL13-0009, 5505-5507 Airport Way, Midwest Ventures Ltd. Inc.

Staff:

- Displayed a PowerPoint Presentation summarizing the application before Council.

The Deputy 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 to come forward, followed by comments from 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 Zimmermann

<u>R716/13/11/05</u> THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 53 of the Liquor Control and Licensing Regulation and Council Policy #359, BE IT RESOLVED THAT:

Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application at address: 5505 Airport Way, Kelowna BC, (legally

described as Lot A, District Lot 14, Township 23, ODYD, Plan EPP23036) for a patron participation entertainment endorsement, are as follows:

a) The potential for noise if the application is approved:

There may be a minimal increase in noise associated with the application due to live music associated with the weddings, conferences and private parties. The enclosed the "Banquet Room" area has acoustic insulation to mitigate the noise.

b) The impact on the community if the application is approved:

The potential for negative impacts is considered to be minimal.

c) View of residents:

The Council's comments on the views of residents (if applicable) are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy & Procedures."

d) The person capacity and hours of liquor service of the establishment:

The total person capacity proposed for food primary service is 603 seats, with amended operating hours of 9:00am to 12:00 midnight for Sunday to Thursday, and 9:00am to 1:00 am for Friday and Saturday.

e) Traffic and parking:

There is no increase in traffic or parking associated with this application as there is no additional space or seating being added as part of the application. Therefore the parking and traffic situation should remain unchanged.

f) The proximity of the establishment to other social or recreational facilities and public buildings:

Surrounding social or recreational facilities would not conflict with the proposed establishment.

g) Recommendation:

Council recommends that the application for a patron participation entertainment Liquor License endorsement be approved.

Carried

- 7. Development Permit and Development Variance Permit Reports
 - 7.1. Development Variance Permit Application No. DVP13-0152, 560 Christleton Ave, Carreras Interiors Ltd. and Inc. No. BC0329813/Carreras Interiors Ltd.

Staff:

Displayed a PowerPoint Presentation summarizing the application before Council.

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

- Letters of Support:
 - 16 page Correspondence Package submitted by the Applicant containing ten
 (10) Letters of Support from surrounding neighbours.

Mayor Gray invited the applicant or anyone in the public gallery who deemed to come forward, followed by comments from 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

<u>R717/13/11/05</u> THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0152 for Lot 23, District Lot 14, ODYD, Plan 1246, located at 560 Christleton Avenue, Kelowna, BC;

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

Section 6.5.7 - General Development Regulations - Accessory Development To vary the maximum permitted lot coverage of accessory buildings or structures from 14% permitted to 16.5% proposed, as per Schedule 'A'.

Carried

Moved By Councillor Stack/Seconded By Councillor Hobson

<u>R718/13/11/05</u> THAT Council directs staff to consider policy options for one-storey carriage home proposals when considering proposed amendments to City of Kelowna Zoning Bylaw No. 8000.

Carried

- 8. Reminders Nil.
- 9. Termination

The meeting was declared terminated at 6:32 p.m.

Mayor Deputy City Clerk

/slh

BYLAW NO. 10893 Z13-0034 - Painchaud Family Holdings Inc. 464 Cadder Avenue

ΑŁ	ovlaw	to amend	the "	'Citv of	Kelowna	Zoning I	Bvlaw	No.	8000".
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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 3, District Lot 14, ODYD, Plan 1063 located on 464 Cadder 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 28th day of October, 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

BYLAW NO. 10894 Z13-0033 - Laryn & Judith Penner 868 Liban Court

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 4, Section 29, Township 26, ODYD, Plan 25918 located on 868 Liban Court, 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 4th day of November, 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

BYLAW NO. 10887

OCP13-0015 -Housekeeping Amendments

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the "Kelowna 2030 - Official Community Plan Bylaw No. 10500" be amended as follows:

- THAT Chapter 1 Introduction, Greenhouse Gas (GHG) Reductions be amended by 1. deleting the sentence in the first paragraph that reads "This target will be reviewed as part of a forthcoming Climate Action Plan."
- AND THAT Chapter 3 Growth Projections 20 Year Development Projection be 2. amended by deleting:

"The development of new housing between 2010 and 2030 is projected to occur as a function of both development / redevelopment in some areas, and development initiatives in new growth areas. Based on related Sector and Neighbourhood Plan initiatives, and approved projects within the community, a pattern of housing growth is projected to occur on a distribution of 57% multiple unit and 43% single / two unit as shown in Table 3.5."

and replacing it with:

"The development of new housing between 2010 and 2030 is projected to occur as a function of both development / redevelopment in some areas, and development initiatives in new growth areas. Based on previous planning initiatives, and approved projects within the community, a pattern of housing growth is projected to occur on a distribution of 57% multiple unit and 43% single / two unit as shown in Table 3.5."

- 3. AND THAT Chapter 5 - Development Process be amended by:
 - a) deleting "8600" after the words "Development Permit guidelines adopted by Bylaw" in General, Objective 5.1 Ensure new development is consistent with OCP goals, Policy .2 Processing Time and replacing it with "10500";
 - b) deleting from Table 5.1 Linear Park Public Access the following:
 - "Sumac Rd to Mill Creek Springfield Rd to N/E" under Reach and replacing i)
 - it with "Sumac Rd to Mill Creek"; and "of Old Joe Rich Rd" under Reach and replacing it with "Springfield Rd to N/E of Old Joe Rich Rd" ii)
 - c) adding a new Policy .8 Joint Use, with the Economic, Social and Cultural Sustainable icons and re-numbering subsequent Policies under INSTITUTIONAL LAND USE POLICIES. Objective 5.32 Ensure the development of institutional facilities meets the needs of residents that reads:
 - Joint Use. Continue to encourage the development of joint use "Policy .8 of community facilities and services for non-profit purposes."

- d) deleting Policy .6 Agri-Tourist Accommodation and re-numbering subsequent Policies under AGRICULTURAL LAND USE POLICES, Objective 5.33 Protect and enhance local agriculture in its entirety that reads:
 - "Policy .6 Agri-tourist Accommodation. Agri-tourist accommodation will only be approved and operated in a manner that supports agricultural production and which limits the impact on agricultural land, City services and the surrounding community."
- e) deleting the quote under AGRICULTURAL LAND USE POLICES, that reads:

"Retain the agricultural land base by supporting a no net loss approach, except as otherwise noted in the Agricultural Plan."

and replacing it with:

"Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the Agriculture Plan."

- 4. AND THAT Chapter 8 Economic Development be amended by adding a new Policy.5 with the Economic Sustainability icon under Objective 8.4 Encourage a positive investment climate that reads:
 - "Policy .5 Entrepreneurial Initiatives. Continue to encourage self-employment initiatives, including home-based business, while ensuring neighbourhood fit through the zoning regulations, and work with pertinent agencies to raise awareness of these opportunities."
- 5. AND THAT Chapter 9 Arts, Culture & Heritage be amended by:
 - a) Deleting under ARTS AND CULTURE POLICIES, Objective 9.1 Provide public art & cultural opportunities, Policy .6 that reads:

"Cultural Resource Management. Require cultural resource management to be integrated in the development and review of pertinent Area Structure Plans, Neighbourhood Plans, Sector Plans, Parks Plans and Transportation Plans."

and replacing with:

- "Cultural Resource Management. Require cultural resource management to be integrated in the development and review of pertinent plans."
- b) Deleting under HERITAGE POLICIES, Objective 9.2 Identify and conserve heritage resources, Policy .2 that reads:

"Heritage Resource Management. Require heritage resource management to be integrated in the development and review of pertinent Area Structure Plans, Neighbourhood Plans, Sector Plans and Parks Plans and Transportation Plans."

and replacing with:

"Heritage Resource Management. Require heritage resource management to be integrated in the development and review of pertinent plans."

6. AND THAT Chapter 10 - Social Sustainability be amended by:

a) deleting the cover text in its entirety that reads:

"Urban planning and development has long been focused on a community's physical infrastructure - roads, sewers, utilities and parks."

and replacing it with:

"A community is as much a social environment as a physical environment, and to be successful communities must be socially sustainable."

b) deleting the third bullet in its entirety that reads:

"enhances, or at least does not impair, the physical, mental and social wellbeing of the population;"

and replacing it with:

"maintains or enhances the physical, mental and social wellbeing of the population;"

- 7. AND THAT Map 4.1 Generalized Future Land Use Map be deleted in its entirety and replaced with a new Map 4.1 Generalized Future Land Use Map as attached to and forming part of this bylaw as Schedule "A".
- 8. This bylaw may be cited for all purposes as "Bylaw No. 10887, being OCP13-0015 Miscellaneous Housekeeping Amendments.
- 9. 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 November, 2013.

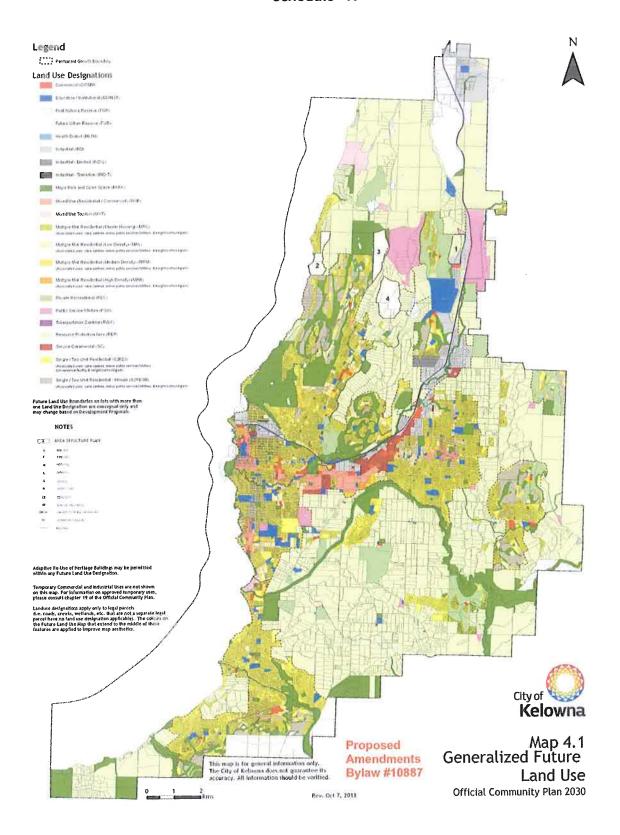
Considered at a Public Hearing on the

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

Schedule "A"



BYLAW NO. 10888

OCP13-0016 - Miscellaneous Amendments

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the "Kelowna 2030 - Official Community Plan Bylaw No. 10500" be amended as follows:

- 1. THAT Chapter 5 Development Process, GENERAL be amended by:
 - a) Objective 5.15 Ensure environmentally sustainable development, Policy .4 Habitat Management hierarchy be deleted that reads:

"Habitat Management Hierarchy. Require that all City projects and private development proposals adhere to the following sequence of management actions, as identified in a Development Permit, to achieve the "no net loss/net gain" principle of ESA's:"

And replaced with:

"Habitat Management Hierarchy. Ensure the following sequence of management actions for all public or private projects be adhered to, as identified in a Development Permit, to achieve the "no net loss/net gain" principle of ESA 's:"

- b) Objective 5.19 Ensure development is compatible with surrounding land uses, Policy .9 Truswell Rd. Area be deleted in its entirety and all subsequent Policies be re-numbered that reads:
 - **"Truswell Rd. Area.** A developer-funded design charette providing for neighbourhood and professional input will be required before any re-zoning or variances allowing for increased building height in the mixed use tourism commercial area near Truswell Rd. will be considered by Council."
- c) AGRICULTURAL LAND USE POLICIES, Objective 5.33 Protect and enhance local agriculture, Policy .2 ALR Exclusions be amended by deleting the word "forward" after the words "The City of Kelowna will not" and replacing it with the word "support";
- d) SUBDIVISION APPLICATIONS, Objective 5.36 Ensure subdivisions are consistent with sustainability goals, Policy .1 Hydro-Geologically Sensitive Areas, be deleted in its entirety that reads:

"Hydro-Geologically Sensitive Areas. Require an assessment of potential ground and surface water seepage as part of any subdivision on hillside lands in excess of 20% slope. Require or no irrigation water use in areas where limited or no infiltration capacity exists based on hydro-geological assessments of sensitive areas."

and replaced with:

"Hydro-Geologically Sensitive Areas. Reduce or eliminate irrigation water use in areas where limited or no infiltration capacity exists based on hydro-geological assessments of sensitive areas. An assessment of potential ground and surface water seepage may be required as part of any subdivision on hillside lands in excess of 20% slope."

e) SUBDIVISION APPLICATIONS, Objective 5.36 Ensure subdivisions are consistent with sustainability goals, Policy .2 Permeability, be deleted in its entirety that reads:

"Permeability. Improve the permeability of strata developments by ensuring that active transportation connections can occur by setting a maximum ratio for direct travel to a road outside the development."

And replaced with:

"Pedestrian Connectivity. Improve the permeability of strata developments by ensuring that active transportation connections are facilitated where possible."

f) SUBDIVISION APPLICATIONS, Objective 5.37 Reduce non-compliant foreshore structures, Policy .1 Foreshore Structures, be deleted in its entirety that reads:

"Foreshore Structures. Require that foreshore structures be brought into compliance with current regulations prior to subdivision application on the upland parcel being approved."

And replaced with:

"Foreshore Structures. Ensure foreshore structures that obstruct public access along the foreshore be brought into compliance with current regulations prior to subdivision application on the upland parcel being approved."

g) SUBDIVISION APPLICATIONS, Objective 5.38 Ensure non-sewered lots do not cause harm to the environment, be deleted in its entirety that reads:

"Objective 5.38 Ensure non-sewered lots do not cause harm to the environment.

Policy .1 Minimum Lot Size for Septic Systems. Require that any lot created and serviced by an approved septic disposal system shall be a minimum of 1.0 ha (2.5 acres) in size, except where such lot is created with the approval of the appropriate Provincial ministry or agency as a home-site severance or a lot in lieu of a home-site severance.

Policy .2 Un-Sewered Lots in ESA's. Require that subdivisions must meet the Ministry of Health's criteria for placing septic tank systems within Environmentally Sensitive Areas."

- 2. AND THAT Map 4.1 Generalized Future Land Use be deleted in its entirety and replaced with a new Map 4.1 Generalized Future Land Use as attached to and forming part of this bylaw as Schedule "A".
- 3. AND THAT Map 5.2 Permanent Growth Boundary be deleted in its entirety and replaced with a new Map 5.2 Permanent Growth Boundary as attached to and forming part of this bylaw as Schedule "B".

- 4. AND THAT Map 5.4 City Sector Map be deleted in its entirety and replaced with a new Map 5.4 City Sector Map as attached to and forming part of this bylaw as Schedule "C".
- 5. AND THAT Map 5.8 Urban Design DP Area Designation be deleted in its entirety and replaced with a new Map 5.8 Urban Design DP Area Designation as attached to and forming part of this bylaw as Schedule "D".
- 6. This bylaw may be cited for all purposes as "Bylaw No. 10888, being OCP13-0016 Miscellaneous Housekeeping Amendments.
- 7. 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 November, 2013.

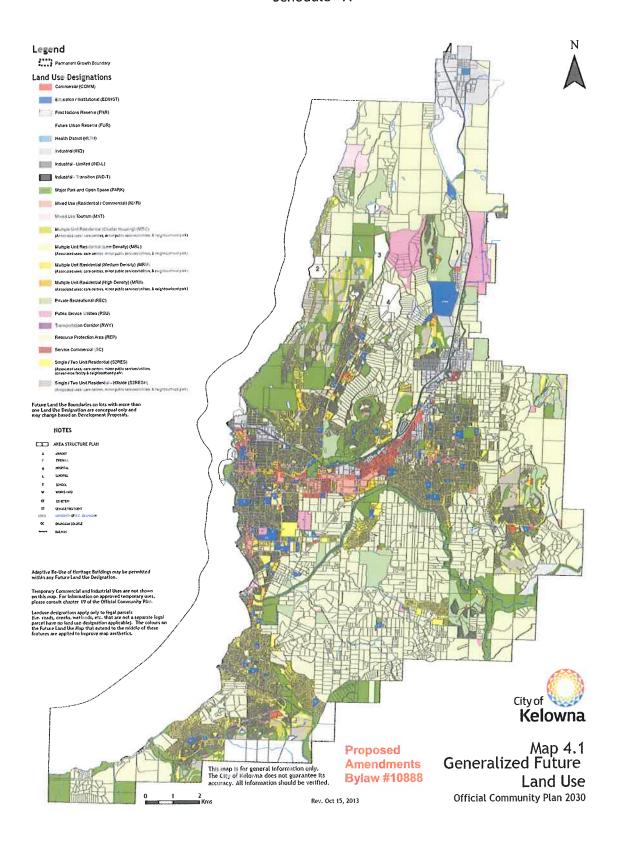
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

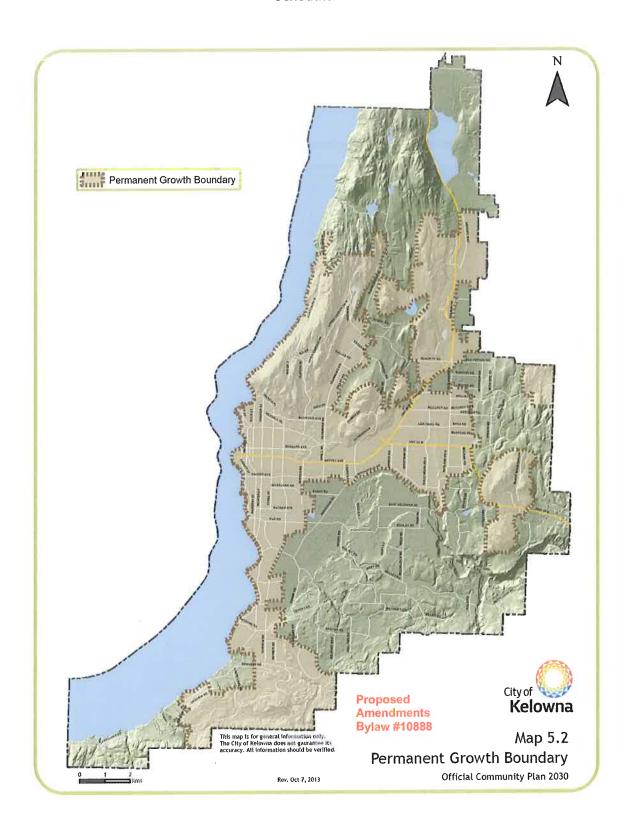
Adopted by the Municipal Council of the City of Kelowna this

 Mayor
 City Clerk

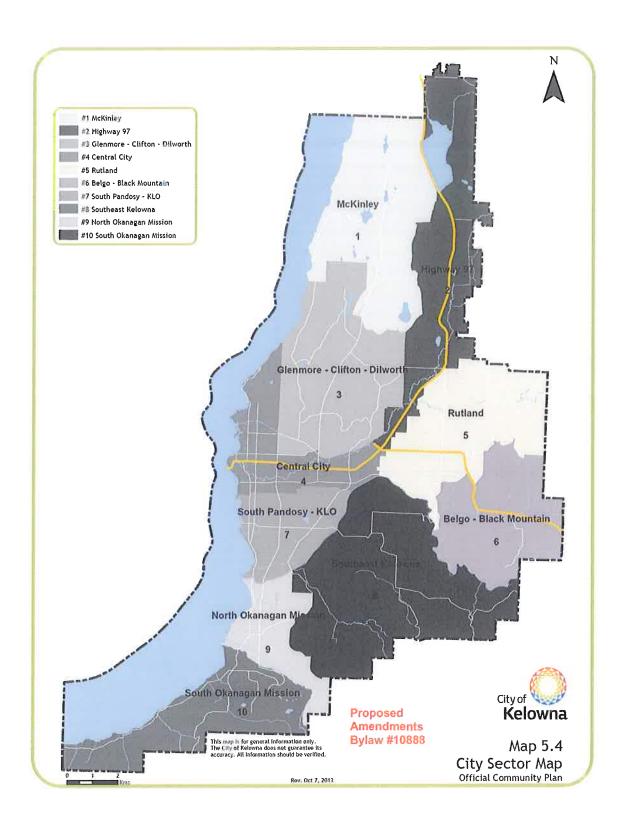
Schedule "A"



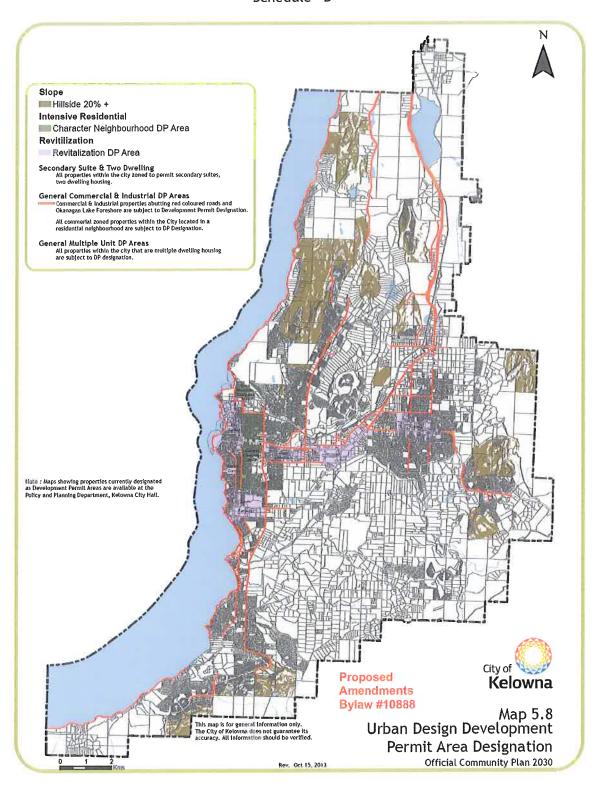
Schedule "B"



Schedule "C"



Schedule "D"



REPORT TO COUNCIL



Date: November 19th, 2013

RIM No. 1250-30

To: City Manager

From: Urban Planning, Community Sustainability (AW)

Application: DVP13-0126 Owner: 0871089 BC Ltd. &

Address: 554 Leon Avenue Applicant: Troika Developments

Subject: Development Variance Permit Application

Existing OCP Designation: Mixed-Use (Residential/Commercial)

Existing Zone: C7 - Central Business Commercial

1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP13-0126 for Lot A, District Lot 139, ODYD, Plan 34415, located at 554 Leon Ave, Kelowna, B.C., subject to the following:

- 1. Landscaping to be provided on the offsite parking lot be in general accordance with Schedule "C".
- 2. Offsite parking covenant to be registered on the title of both legal parcels prior to issuance of the Development Variance Permit.

AND THAT the applicant be required to complete the above-noted condition No. 1 within 180 days of Council approval of the Development Permit application in order for the permit to be issued.

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

Section 8.1.10 (a)

To permit remote offsite parking at a distance in excess of 200m (approximately 400m) from the development site where the maximum distance for remote parking is 200m.

2.0 Purpose

To consider a Development Variance Permit to vary the off street parking regulations to permit the applicant to register remote parking on a property that is approximately 400m from the development site.

3.0 Land Use Management

A Development Permit was previously approved for the office building currently under construction at 554 Leon Avenue, at the time of issuance the applicant had secured 17 of the required parking stalls via covenant at 532 Lawrence Avenue which is within 200m of the subject property. The applicant is requesting to move the parking covenant to the property located at 1660 Water Street which is approximately 400m from the development site. While Staff would prefer to have the remote parking located within the 200m limit, there isn't significant concern with securing the parking in excess of 200m. The proposed parking lot still provides a relatively direct route to the office building which is currently under construction. The applicant will be required to bring the parking lot up to current standards including adding landscape buffers.

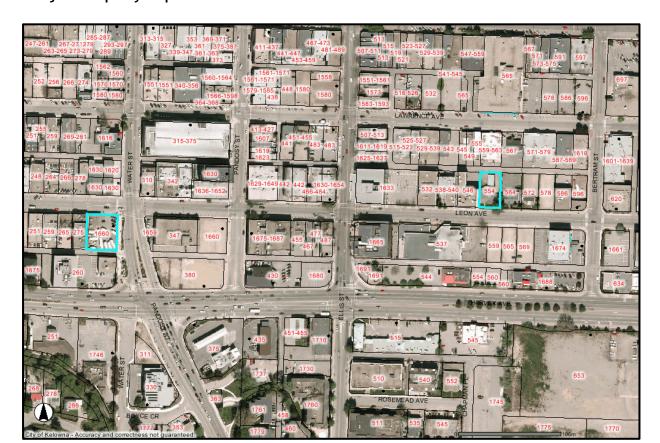
4.0 Proposal

4.1 Project Description

A Development Permit was previously approved for the office building currently under construction at 554 Leon Avenue, at the time of approval the applicant had secured an offsite parking covenant securing 17 of the required parking stalls at 532 Lawrence Avenue. The applicant is requesting to move the parking covenant to the property located at 1660 Water Street which is approximately 400m from the development site.

4.2 Site Context

Subject Property Map: 554 Leon Ave. & 1660 Water St.



The subject properties are located within the Downtown Urban Centre in an area designated for a Mixed Use form of development. The surrounding area is also zoned C7 and occupied by various commercial uses.

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5.0	100	nnical	l Comments
J.U	160	i i i i i i i i i i i i i i i i i i i	i Comments

- 5.1 Building & Permitting Department
- 5.2 Development Engineering Department

This development variance permit application to vary the distance to offsite parking from 200m to 450m does not compromise any municipal services.

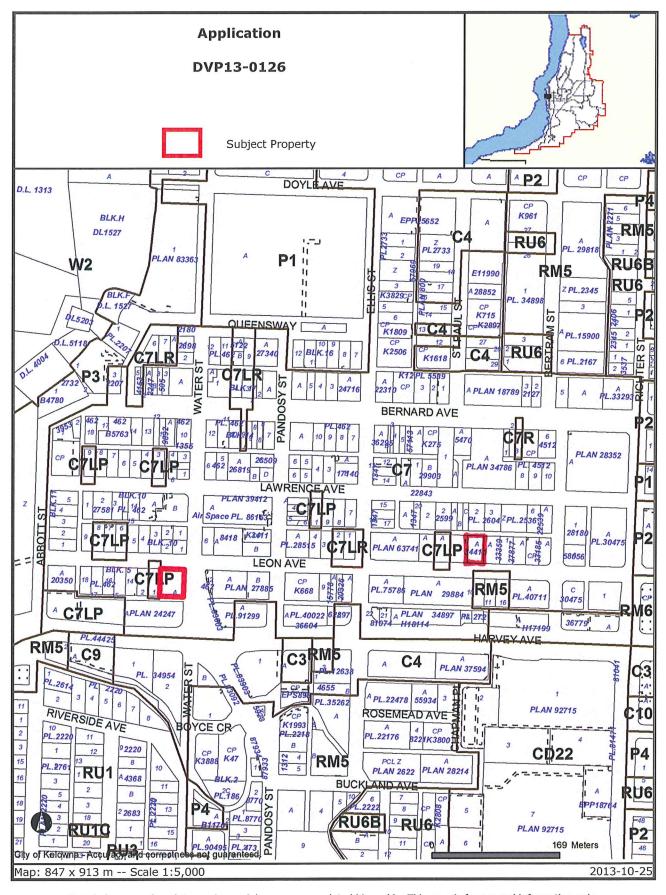
6.0	Applic	ation	Chro	nology
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Date of Application Complete: October 25, 2013

Report prepared by:
Alec Warrender, Land Use Planner
Reviewed by: Ryan Smith, Manager, Urban Land Use
Approved Inclusion: D. Gilchrist, Community Planning & Real Estate Divisional Director

Attachments:

Subject Property Map Water Street Landscape Plan



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.



Notes

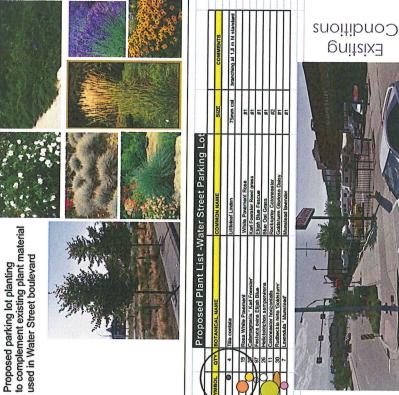
All planting beds to be mounded 1 in 10 slope to avoid flat appearance. Prior to delivery to site, a representative amonle and test results of topsoil should be made available to the consultant for approval No plant species substitution will be accepted without written consent of the

planting areas to receive landscape fabric and 75 mm rock mulch

Contractor to provide a warranty and maintenance period of 1 year on all plants and materials. Plants or materials that fail before end of warranty period shall be replaced by

Contractor to verify the location of all existing utilities on site

All plants, materials and planting practices to conform to the BCLNA "BC Landscape Standard" – $7^{\rm th}$ Edition



Conceptual Landscape Plan Water Street and Leon Avenue Z TROIKA



APPROVED ISSUANCE OF A:

Development Variance Permit No.:

DVP13-0126

EXISTING ZONING DESIGNATION:

C7 - Central Business Commercial

DEVELOPMENT VARIANCE PERMIT:

Vary the maximum distance for off-site parking from 200m

permitted to 400m proposed

ISSUED TO:

Troika Developments

LOCATION OF SUBJECT SITE:

554 Leon Avenue & 1660 Water Street

	PARCEL	LOT	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	-	А	139	-	ODYD	34415
LEGAL DESCRIPTION:	- /	A	139		ODYD	22722

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 8.1.10 (a): Off-Street Vehicle Parking
To permit remote offsite parking at a distance in excess of 200m (approximately 400m) from the development site where the maximum distance for remote parking is 200m.

AND THAT, prior to issuance of the Development Variance Permit, the following conditions be met:

- Landscaping to be provided on the offsite parking lot be in general accordance with Schedule "C".
- 2. Offsite parking covenant to be registered on the title of both legal parcels.

AND FURTHER THAT the applicant be required to complete the above-noted condition No. 1 within 180 days of Council approval of the Development Permit application in order for the permit to be issued.

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:

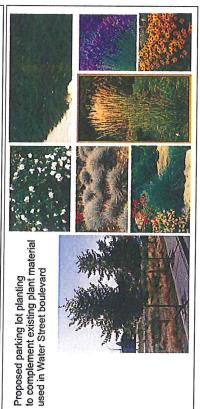
- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other 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 TER	RMS AND CONDITIONS SPECIFIED IN THIS PERMIT.
Signature of Owner/Authorized Agent	Date
Print Name in Bold Letters	Telephone No.
6. <u>APPROVALS</u> : DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COU	UNCIL ON THE DAY OF, 2013.
ISSUED BY THE GENERAL MANAGER OF COMMUNITY PLANN OF, 2013.	
Doug Gilchrist Divisional Director, Community Planning & Real Estate	





SOLON

No plant species substitution will be accepted without written consent of the

should be made available to the consultant for approval

7.

All planting areas to receive landscape fabric and 75 mm rock mulch

All planting areas to receive 450 mm of topsoil All planting beds to be mounded 1 in 10 slope to avoid flat appearance. Prior to delivery to site, a representative sample and test results of topsoil

6.4.7.0

Contractor to provide a warranty and maintenance period of 1 year on all plants and materia Plants or materials that fail before end of warranty period shall be replaced by

All plants, materials and planting practices to conform to the BCLNA "BC

Landscape Standard" - 7th Edition

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This forms part of development

DVP 13-0126

Permit #

Conceptual Landscape Plan Water Street and Leon Avenue

S TROIKA

BYLAW NO. 10815 Z13-0001 - Mission Group Old Meadows G.P. Ltd. Inc. No. BC0954893 674 Old Meadows 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 The Fractional South West ¼ of Section 6, Township 26, ODYD, Exclusive of District Lot 358, ODYD, Except: (1) Plans B1246, 1384, 4873, 4912, 5547, 10613, 19017 and H17715; (2) Part Described in D.D. 190710F, located on Old Meadows Road, Kelowna, B.C., from the A1 Agriculture 1 zone to the RM4 Transitional Low Density Housing 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 March, 2013.

Considered at a Public Hearing on the 9th day of April, 2013.

Read a second and third time by the Municipal Council this 9^{th} day of April, 2013.

Adopted by the Municipal Council of the City of Kelowna this

 Mayor
 City Clerk

DRAFT RESOLUTION

Re: Development Permit Application No. DP13-0039 & Development Variance Permit Application No. DVP13-0040 - 674 Old Meadows Road, Brighton-Mission Group Homes Ltd.

THAT Council defers consideration of Development Permit Application No. DP13-0039 and Development Variance Permit Application No. DVP13-0040 to the December 3, 2013 Regular Meeting at 6:00 pm in the Council Chamber.

BACKGROUND:

Staff has advised that the development sign was not posted on the subject property, and therefore the Applicant did not meet the requirements of Development Application Procedure Bylaw No. 10540 with respect to signage. The Applicant is aware that Council's consideration of its application will have to be deferred.

Date: November 14, 2013

REPORT TO COUNCIL



Date: October 30, 2013

RIM No. 0940-40

To: City Manager

From: Urban Planning, Community Planning & Real Estate Services (AR)

Brighton- Mission Group

Application: DP13-0039 & DVP13-0040 Owner: Homes Ltd., Inc. No.

BC0954893

Address: 662-698 Old Meadows Road

(formerly 674 Old Meadows Road)

Applicant: The Mission Group

Subject: 2013-11-19 Report DP13-0039 DVP13-0040 674 Old Meadows

Existing OCP Designation: Multiple Unit Residential (Medium Density)

Existing Zone: A1 - Agriculture 1

Proposed Zone: RM4 - Transitional Low Density Housing

1.0 Recommendation

THAT final adoption of Zone Amending Bylaw No. 10815 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP13-0039 for the fractional south west ¼ of Section 6, Township 26, ODYD exclusive of District Lot 358, ODYD except: (1) Plans B1246, 1384, 4873, 4912, 5547, 10613, 19017 and H17715; (2) part described in D.D. 190710F, located at 662-698 Old Meadows Road, Kelowna, BC subject to the following:

- 1. The dimensions and siting of the buildings to be constructed on the land be in general accordance with Schedule 'A';
- 2. The exterior design and finish of the buildings 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 Council authorizes the issuance of Development Variance Permit No. DVP13-0040 for

the fractional south west ¼ of Section 6, Township 26, ODYD exclusive of District Lot 358, ODYD except: (1) Plans B1246, 1384, 4873, 4912, 5547, 10613, 19017 and H17715; (2) part described in D.D. 190710F, located at 662-698 Old Meadows Road, Kelowna, BC;

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

Section 13.10.6 (d) - RM4 Development Regulations

To vary the minimum required front yard from 6.0 m required to 1.8 m proposed, as per Schedule 'A';

Section 13.10.6 (e) - RM4 Development Regulations

To vary the minimum required side (east) yard from 4.5 m required to 1.6 m proposed, as per Schedule 'A';

Section 8.1.9 (c) - Off-Street Vehicle Parking - Location

To vary the minimum required setback for off-street parking from 1.5 m from any side property line and 3.0 m from any flanking street to 0.5 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

To consider the form and character of the proposed 108 unit row house and duplex development on the subject property. Council is also asked to consider the merits of three variances to facilitate the proposed development: to reduce the minimum required front yard along Old Meadows Road; to reduce the minimum required side yard on Gordon Drive; and to reduce the minimum required setback for vehicle parking.

3.0 Urban Planning Department

Staff is supportive of both the Development Permit and Development Variance Permit applications. The proposed development of a comprehensive townhouse and duplex development under the RM4 - Transitional Low Density Housing Zone is consistent with the intention of the Multiple Unit Residential (Medium Density) land use designation for the subject site. While the applicant has applied for a comprehensive development of the subject site, construction is anticipated to be phased.

Site Planning

The proposed development creates a strong street interface along both the Old Meadows Road and Gordon Drive frontages —a generally continuous row of street-fronting residential units frames Old Meadows Road, and Gordon Drive is improved with pedestrian entries and accesses, façade detailing, and comprehensive landscaping. The development transitions well from Gordon Drive (4-lane arterial) to the established single-family community to the west and south, with heights graduating from 3-storeys along Old Meadows Road, Gordon Drive, and in the interior of the site to 2-storeys along the west boundary adjacent to single family residential and along the north boundary adjacent to Thomson Creek.

Form & Character

The proposed form and character are generally consistent with the objectives of the OCP Comprehensive Development Urban Design Guidelines to achieve a high quality design that promotes a strong sense of authenticity and that provides interesting, pedestrian-friendly streetscapes. Active building frontages are presented outwards to Old Meadows Road and to Gordon Drive, with unit main entries and front yards oriented to the street. Visual interest is achieved throughout the development, but most notably along the street frontages, by layering different building materials (vinyl, stucco, shingles), as well as by incorporating varied architectural features and details (roof lines, covered porches, bays, windows). Proposed soft and hard landscaping at the perimeter is extensive and layered, and ample private open space is provided for each unit. The development incorporates an architecturally prominent entry gate and water feature along the Old Meadows frontage and a landscape wall feature at Old Meadows Road and Gordon Drive to anchor this visually significant corner.

Variances

Two of the variances requested are to permit reduced setbacks along the Old Meadows Road and Gordon Drive frontages. While the proposed building footprint along Old Meadows Road would encroach (approx. 1.8 m) within the required front yard setback area, the variances being sought are in large part to accommodate the proposed entry stairs and porches of the street-fronting units. Staff is generally supportive of the variances since the result is to strengthen visual interest and street interface along Old Meadows Road and Gordon Drive. While, the proposed development will be located relatively closer to Old Meadows (at approx. 4.5 m) than the existing single family houses to the west (at approx. 10 m), the relative impact on the adjacent residential property will be offset by the increased west side yard of 4.6 m, where only 2.3 m is required by the RM4 zone.

The final variance is to accommodate the location of 2 visitor parking spaces within 0.5 m of the west boundary and 6 visitor parking spaces within 0.5 m of the east (Gordon Drive) boundary, where 1.5 m and 3.0 m setbacks, respectively, would otherwise be required. While not ideal, there is a unique grade difference which permits these parking spaces to be provided below the adjacent street level (by approx. 1 m). When combined with landscape screening, these discrete parking spaces would not be visible or have significant impact on the adjacent street or property.

The applicant has satisfied Council Policy 367 - Public Notification & Consultation for Development Applications and has provided notification of the proposed Development Variance Permit application to neighbouring properties within 50 m of the subject site.

Proposal

3.1 Background

On April 9, 2013, Council gave 2nd and 3rd readings to the proposed Rezoning for this project subject to conditions, including the consideration of Development Permit application prior to final adoption of the zoning amending bylaw. The applicant has now successfully satisfied the conditions of zoning.

3.2 Project Description

Overall Project

The applicant is proposing to develop the subject site with a comprehensive, ground-oriented row house and duplex development, under the RM4 - Transitional Low Density Housing Zone. The development will consist of 108 dwelling units, comprised of 43 two-bedroom units and 65 three-bedroom units, and provided in 22 two- and three-storey buildings.

Unit parking will be provided in a combination of individual garages and carports, with visitor parking provided at surface in a few locations on the site. Vehicular access will be provided from Old Meadows Road, with a controlled emergency access on Gordon Drive. A semi-circular private road will provide internal vehicular circulation within the site.

Each unit will be provided with a minimum private open space of at least 25 m², in accordance with Zoning Bylaw 8000. The open space for interior units (Buildings 8, 9 and 15-22) is proposed to be raised (approx. 2.7 m above grade) to match the second floor elevation so that it can be accessed directly from the primary living space.

A 15 m setback measured from the top of bank of Thompson Brook is provided at the north end of the site for protection of the associated riparian area. As a condition of rezoning, a no disturb/no build Section 219 Restrictive Covenant has been registered on title, and a restoration plan for this environmentally sensitive area is being considered under the Natural Environment Development Permit application.

Form and Character

The proposal contemplates a generally continuous edge of street-fronting units with main entries along the Old Meadows Road frontage, creating a strong residential interface and pedestrian orientation opposite the established single family area to the south. Individual gates and front yard areas will create an active street frontage, while providing a transition from the public to the private realms.

An improved interface and design treatment is also proposed along Gordon Drive, transitioning to the agricultural area to the east. Each row-end unit abutting Gordon Drive features a street-fronting pedestrian entry and articulated façade. In addition to individual gates and front yard areas for the abutting units, there are also several gateway points for the use by internal residents to access the public sidewalk along Gordon Drive. A mix of soft and hard landscaping features is proposed along Gordon Drive to enhance the streetscape and screen on-site vehicular and amenity areas. Further, sidewalk and boulevard trees will be extended along the Old Meadows and Gordon Drive frontages.

The main vehicular and pedestrian entry to the development is proposed midway along the Old Meadows Road frontage and will be demarked with a formal entry gate, with a water feature beyond. Further, a substantial architectural feature is proposed at the corner of Old Meadows Road and Gordon Drive to anchor the site at this key intersection. Both features are proposed to incorporate cultured stone to highlight their prominence.

The proposed architectural theme is informed by the "English Revival" style, which is typically characterized by steeply pitched gable and hipped roofs, side gables, tall narrow windows, substantive chimneys, asymmetrical façade design, and decorative details such as eave brackets and covered porches. The proposed primary building finishing material is 3" and 4.5" vinyl siding, with secondary materials of stucco and fibre cement shingles used to accent bays and entries.

Variances

There are three variances proposed to facilitate the development, as follows:

- to vary the minimum front yard along Old Meadows Road from 6 m to 1.8 m;
- to vary the minimum side yard on Gordon Drive from 4.5 m to 1.6 m; and
- to vary the minimum setback for vehicle parking from 3.0 m (along Gordon Drive) and 1.5 m (along the interior west property line) to 0.5 m.

The applicant outlines that the variances to the minimum front and side yard setbacks are needed to accommodate primarily the exterior stair and porch elements thereby facilitating the orientation of the perimeter units to the street. The further variance to accommodate visitor parking is proposed to be of modest impact, as these parking spaces will be lower than the surrounding street grade and screened from view by landscaping.

3.3 Site Context

This 2.27 ha site is presently vacant and located at the northeast corner of Old Meadows Road and Gordon Drive, with a future land use designation of Multi Unit Residential (Medium Density). Thomson Brook borders the northern property line of the subject property, with the Ecole de l'Anse-au-sable located further beyond. The surrounding area to the west and south is characterized by established single-family development. Across Gordon Drive to the east are agricultural lands located in the Agricultural Land Reserve (ALR), as well as the Thomson Marsh to the north and the Capital News Centre, the H_2O Adventure and Fitness Centre, and Mission Creek Recreational Park beyond.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 - Parks & Open Space	Thomson Brook
NOICH	P2 - Educational & Minor Institutional	School (École de l'Anse-au-sable)
East	A1 - Agricultural 1	Agricultural
South	RU1 - Large Lot Housing	Single Family Residential
Journ	RU2 - Medium Lot Housing	Single Faility Residential
West	RU1 - Large Lot Housing	Single Family Residential

Subject Property Map: 674 Old Meadows Road



The conceptual proposal compares to the proposed RM4 zone requirements as follows:

	Zoning Analysis Table	
CRITERIA	RM-4 ZONE REQUIREMENTS	PROPOSAL
	Existing Lot/Subdivision Regulations	
Lot Area	900 m²	22,663 m² (2.27 ha)
Lot Width	30 m	Approx. 110 m
Lot Depth	30 m	Approx. 160 m
	Development Regulations	
Floor Area Ratio	0.65, with max. 0.20 bonus	Approx. 0.615
Site Coverage (buildings)	50%	Approx. 33%
Site Coverage (buildings, driveways, parking areas)	60%	Approx. 48%
Height	Lesser of 13 m or 3 storeys	Max. 13 m or 3 storeys
Front Yard	6 m (if more than 2 storeys)	1.83 m o
Side Yard (east)	4.5 m (flanking street)	1.68 m ଡ
Side Yard (west)	4.5 m (if more than 2 storeys)	4.57 m
Rear Yard	7.5 m (if 2 storeys or less)	19.75 m
	Other Regulations	
Min. Parking Requirements	194 spaces	236 spaces
Min. Setback for Vehicular	1.5 m from any side property line,	0.5 m from east and west
Parking	except 3.0 m from any flanking street	property lines €
Bicycle Parking	Class 1: 0.5/unit (54 spaces)	54 Class 1 spaces
	Class 2: 0.1/unit (11 spaces)	11 Class 2 spaces
Visitor Parking	16 spaces	21 spaces
Private Open Space	25 m² per unit	Min. 25 m² per unit

- Indicates a requested variance to reduce the minimum front yard from 6m required to 1.8 m proposed.
- Indicates a requested variance to reduce the minimum side yard (flanking street) from 4.5 m required to 1.6 m proposed.
- Indicates a requested variance to reduce the min. required setbacks for vehicular parking from 1.5 m (east) and 3.0 m (west) to 0.5 m proposed.

4.0 Current Development Policies

4.1 Kelowna Official Community Plan (OCP)

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;
- 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 Cit by a target of 30%, when compared to 2007.

5.0 Technical Comments

5.1 Building & Permitting Department

- 1. Demolition permits are required for any existing building(s).
- 2. Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s) for new construction
- 3. Size and location of all signage to be clearly defined as part of the development permit.
- 4. This is an area with a potentially high ground watertable, a geotechnical engineer may be required to establish a safe building elevation.
- 5. A Building Code analysis is required for the structure(s) at time of building permit applications, but the following items may affect the form and character of the building(s):
 - a) The 2012 edition of the British Columbia Building Code (BCBC) may limit the amount of unprotected openings between buildings. Spatial calculations should be provided prior to the release of the Development Permit
 - b) The entrance stairs appear to project into the required setbacks
- 6. Full Plan check for Building Code related issues will be done at time of Building Permit applications, but the flowing item may be required to be addressed at time of application:
 - a) Submission drawings to show the required fire stopping/blocking details and cross sections required for all mechanical shafts separations.
 - b) Architectural drawings to show sections and details indicating the insulation details of cantilever floor areas
 - c) Drawings to show the fire stopping and framing method(s) for the back to back stairs on either side of the unit demising walls. Fire stopping details also required within the attic spaces of the shared front entrances as sell as soffit protection details.

5.2 Development Engineering Department

See attached Development Engineering Memorandum, dated April 9, 2013.

5.3 Fire Department

- 1. Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900.
- 2. The Subdivision Bylaw requires a minimum of 150 ltr/sec flow for row housing.
- 3. A fire department lock box is required at the main entrance on Old Meadows Rd. and at the emergency access on Gordon Dr.
- 4. No parking signs are to be provided along the entire access route as the roadway is 6 m wide.

6.4 FortisBC (Electric)

There are primary electrical distribution facilities along the subject's property line along Old Meadows Rd. Currently, no arrangements have been made to service the proposed townhouse development. Otherwise, FortisBC Inc. (Electric) has no land rights concerns at this time. If changes to the existing service are required, the customer must call 1-866-4 FORTIS (1-866-436-7847) to initiate the design process.

6.0 Application Chronology

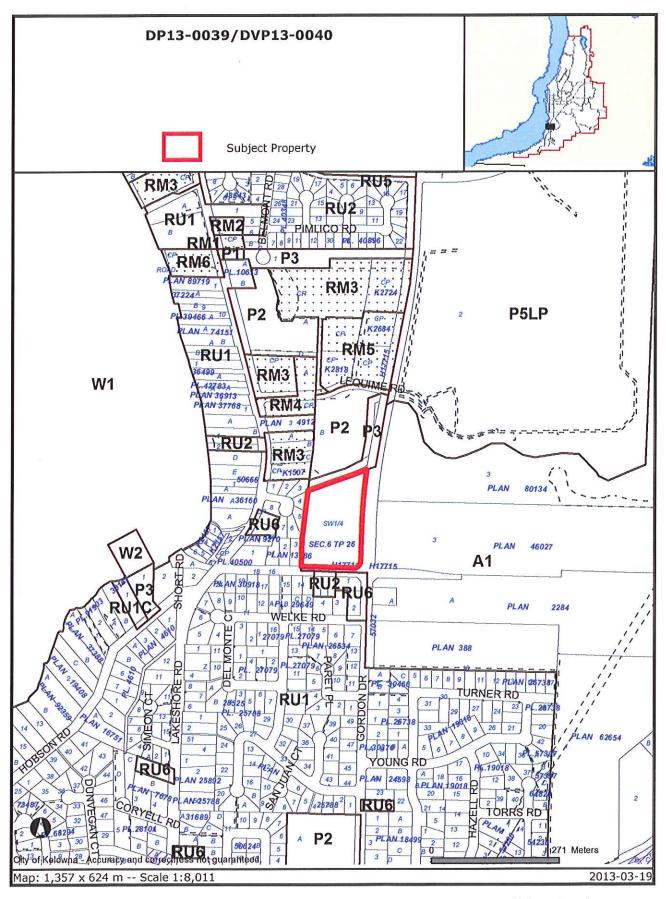
Date of Application Received: March 19, 2013

Supplementary Materials Received: May 31, June 4, & October 21, 2013

Report prepared by:	
Abigail Riley, Urban Planner	_
Reviewed by:	Danielle Noble-Brandt, Urban Planning Manager
Approved for Inclusion	Doug Gilchrist, Divisional Director, Community Planning & Real Estate Services

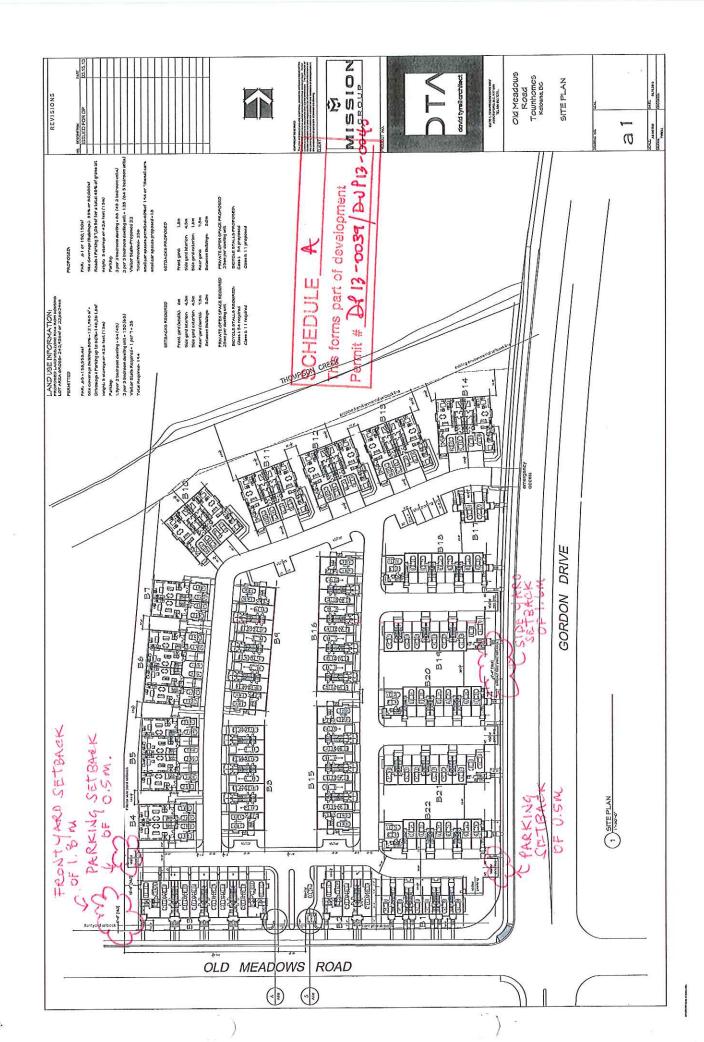
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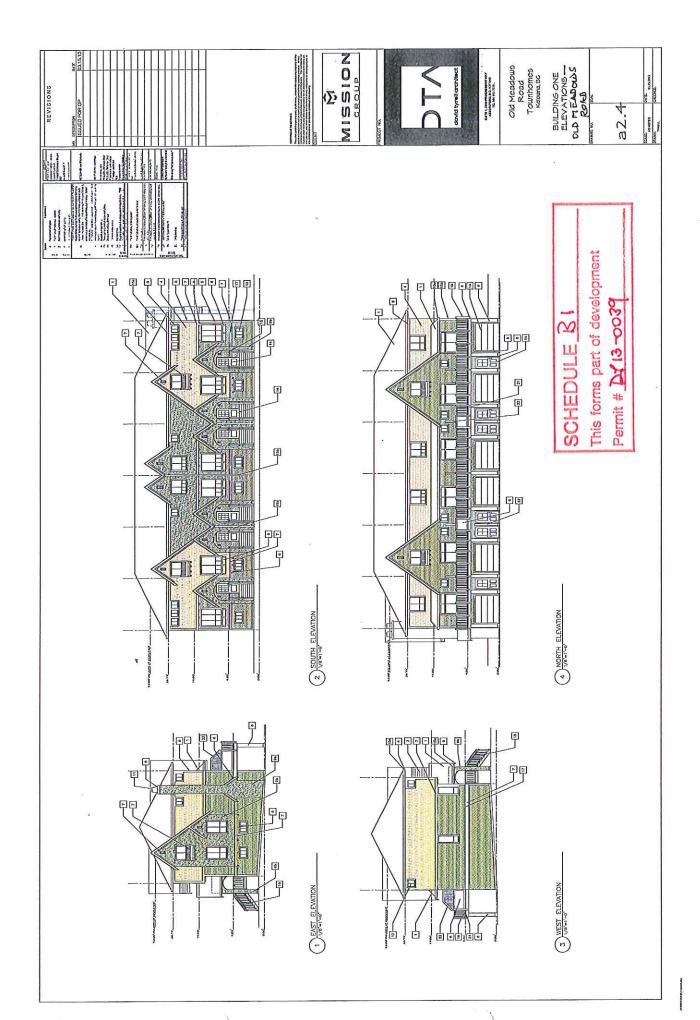
Subject Property Map
Site Plan
Conceptual Elevations
Colour/Materials Board
Landscape Plan
Development Engineering Memorandums, dated April 9, 2013
DRAFT Development Permit / Development Variance Permit

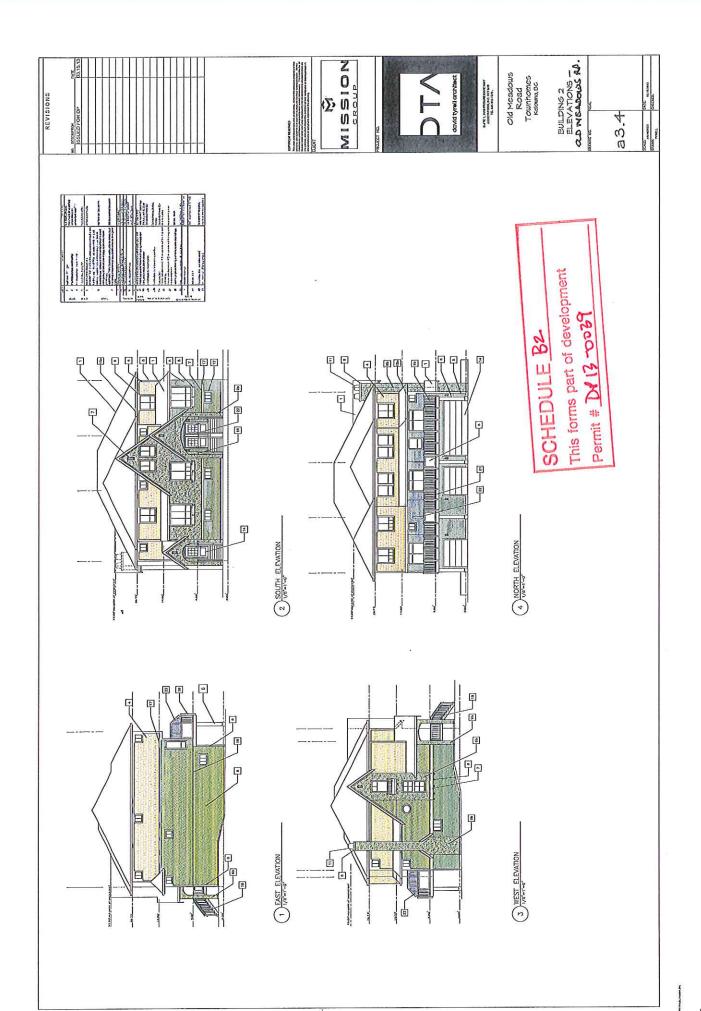


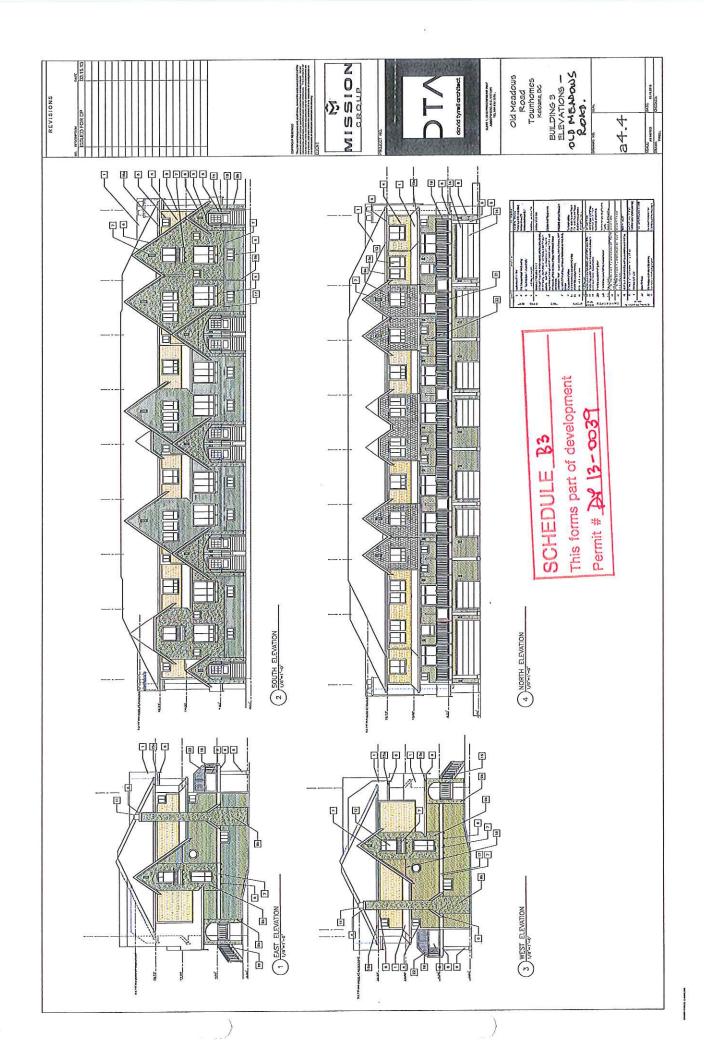
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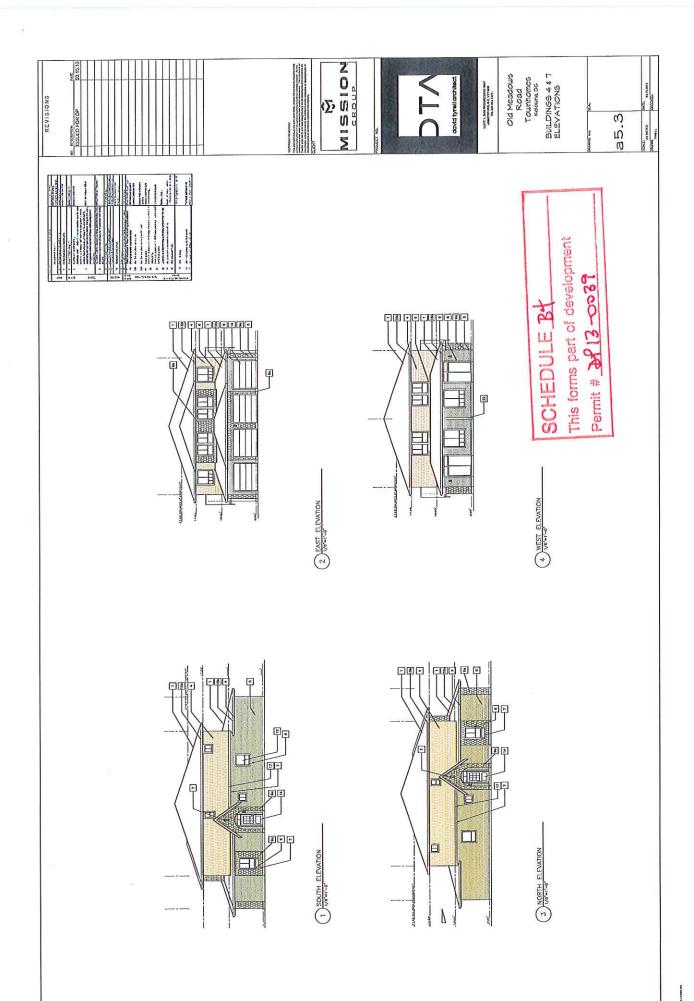
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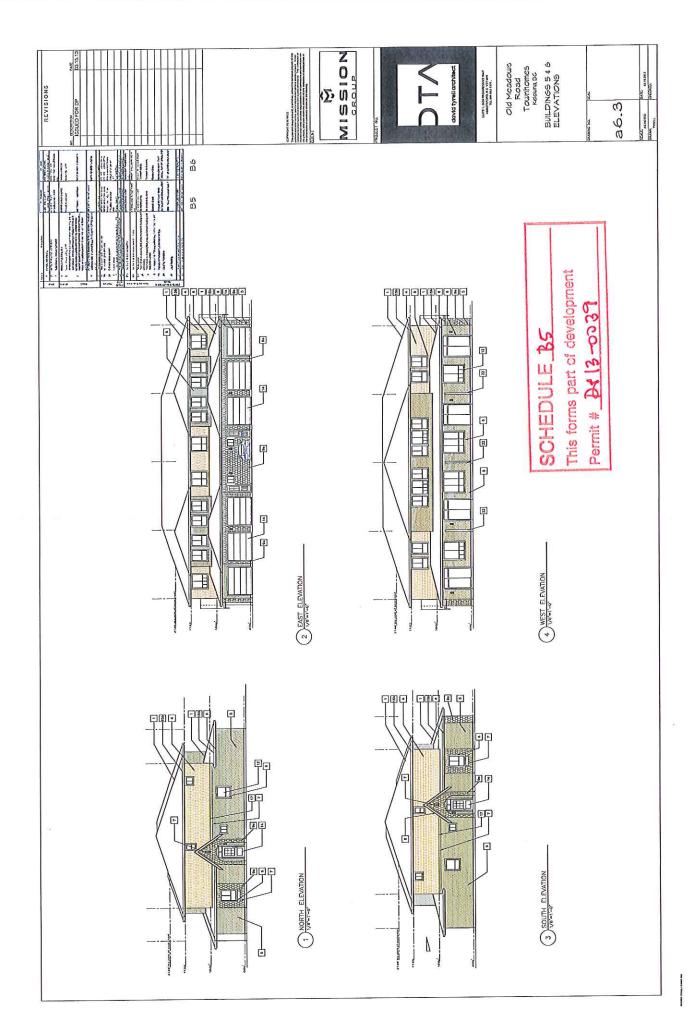


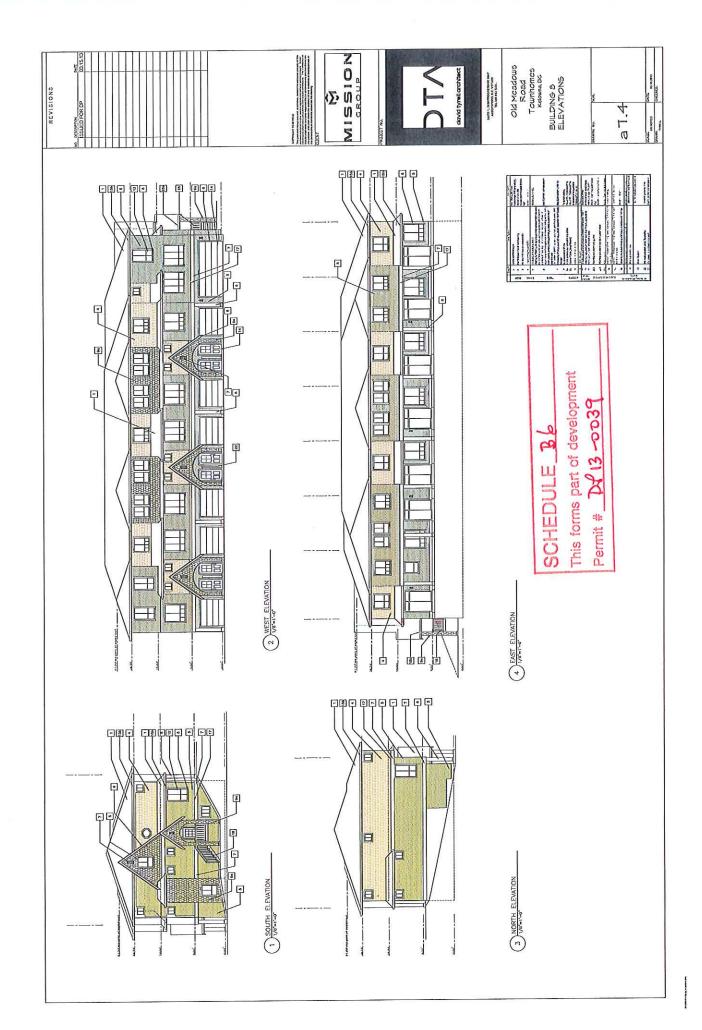


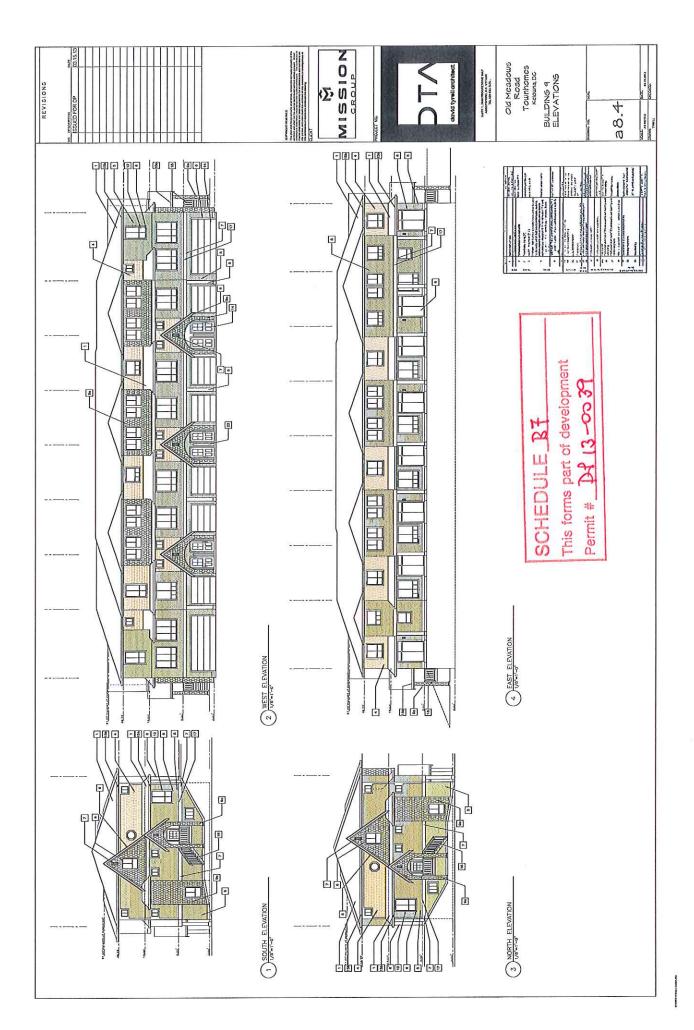


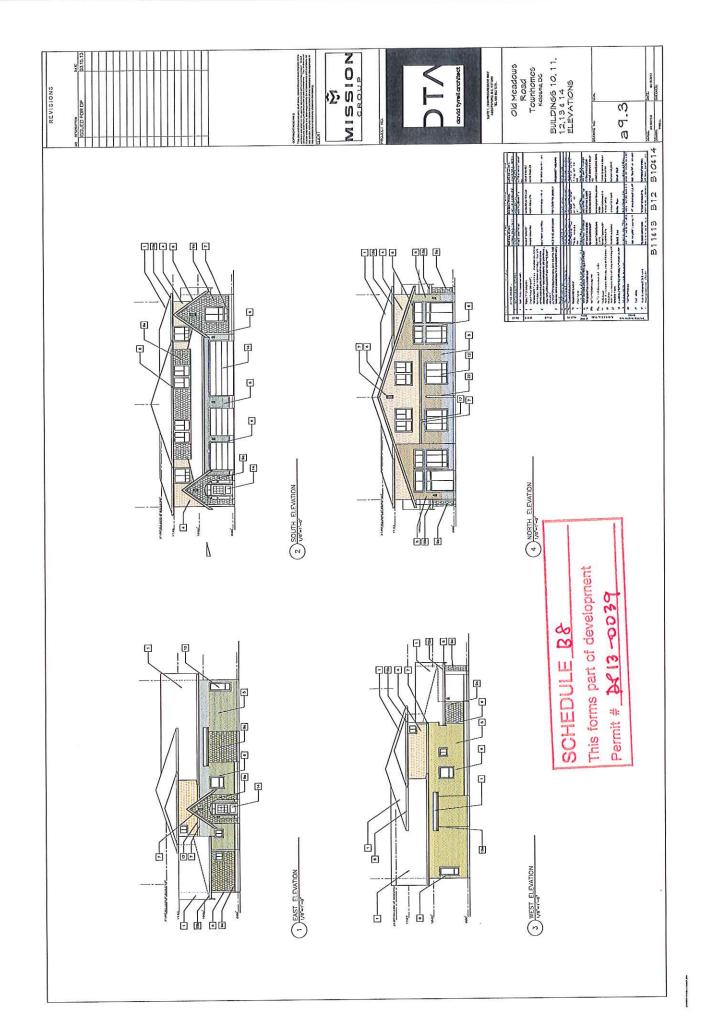


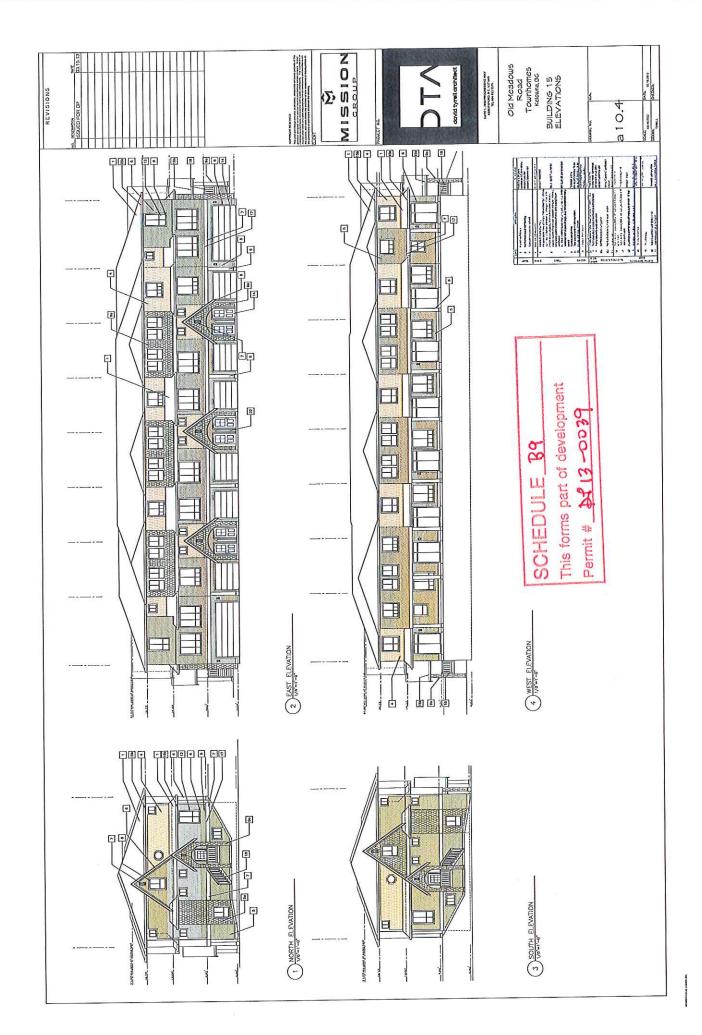


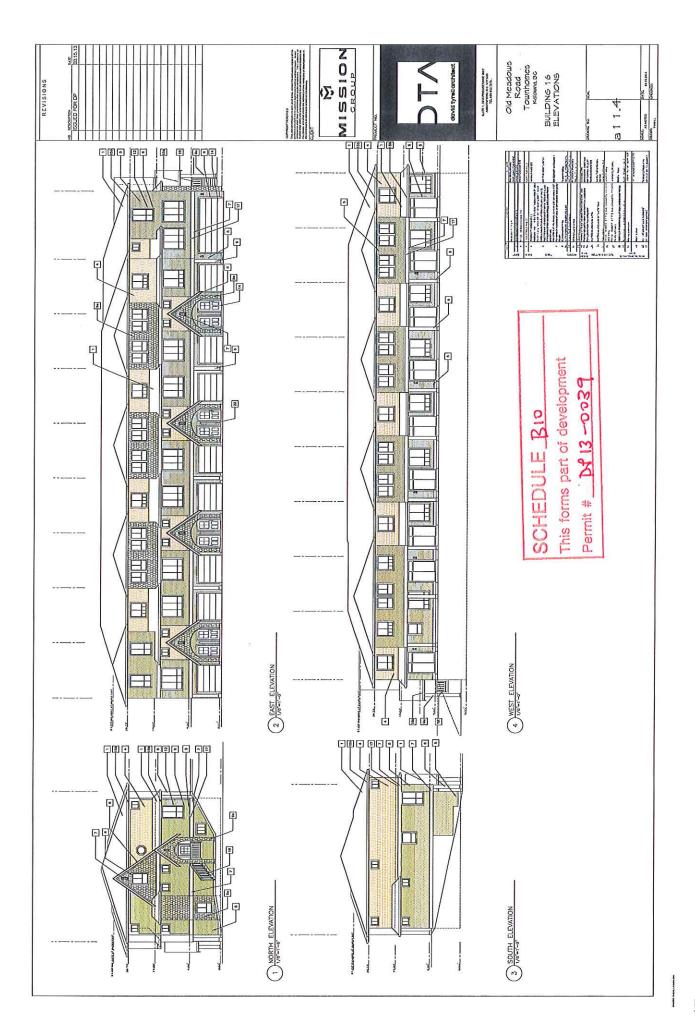


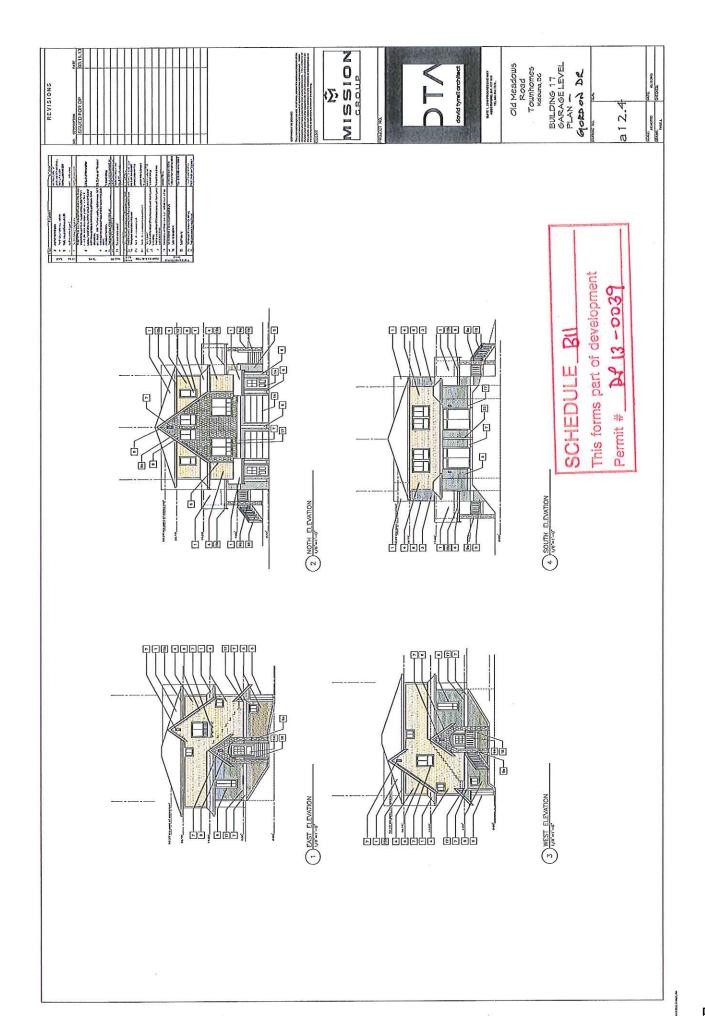


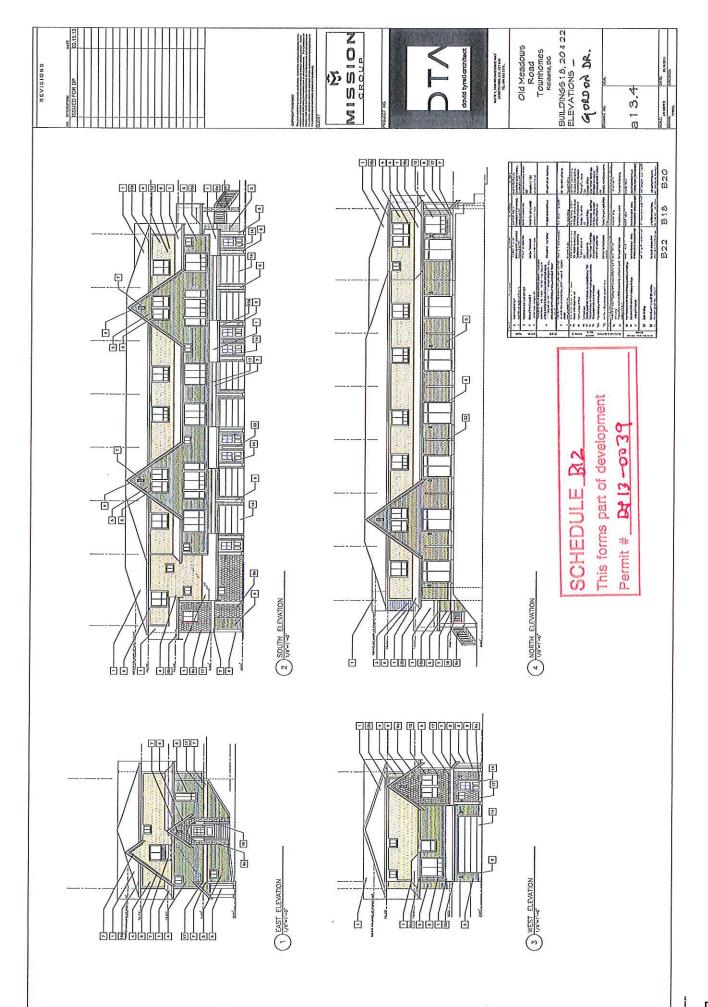


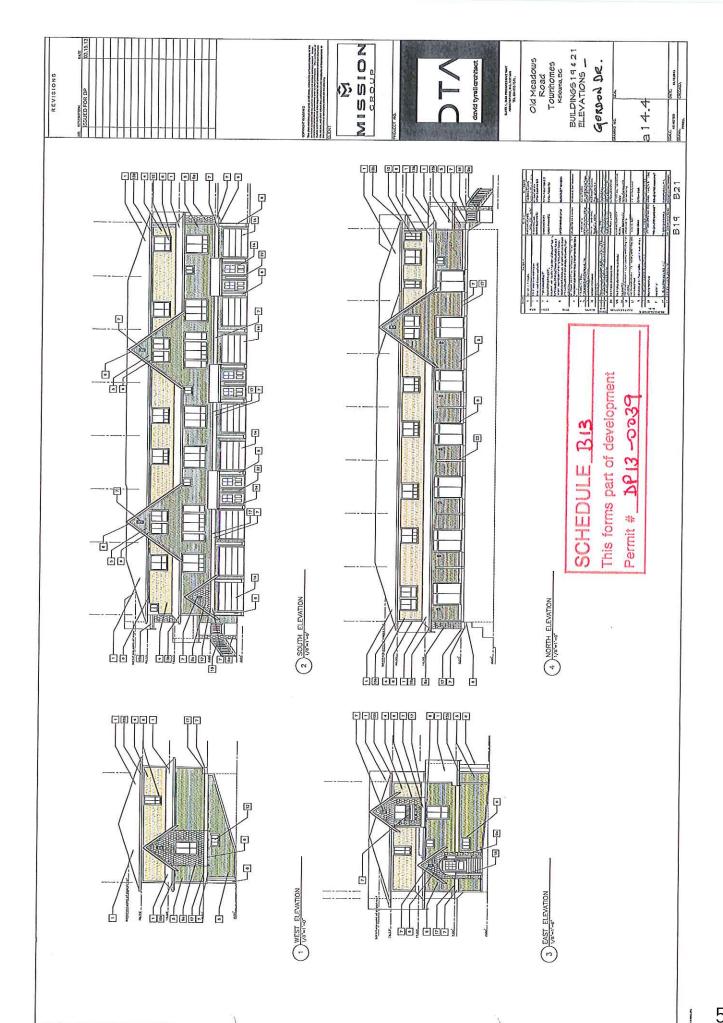


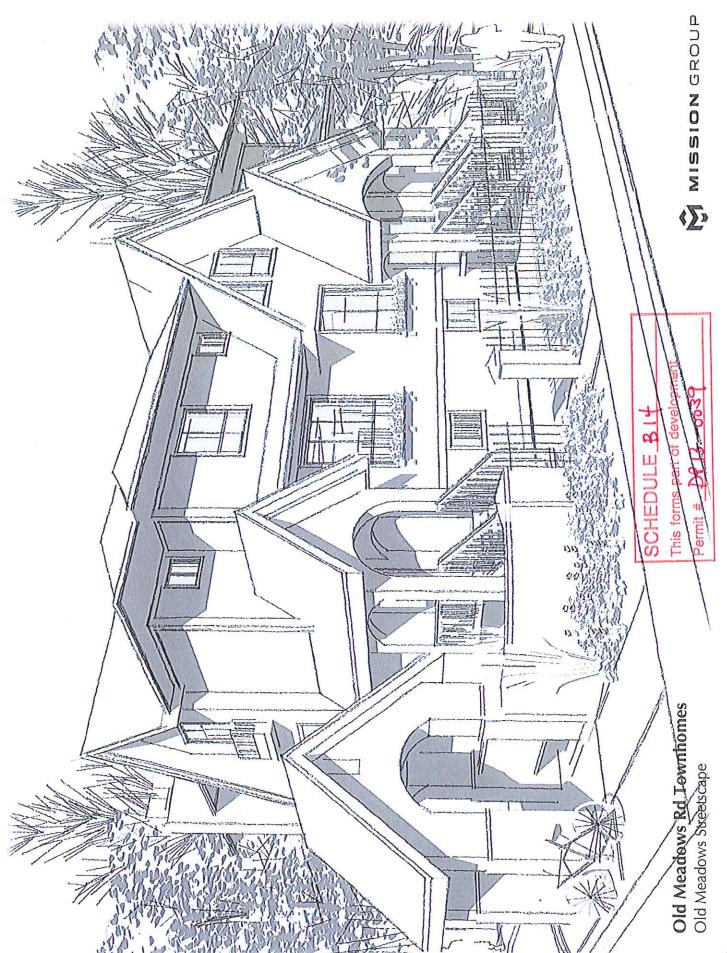


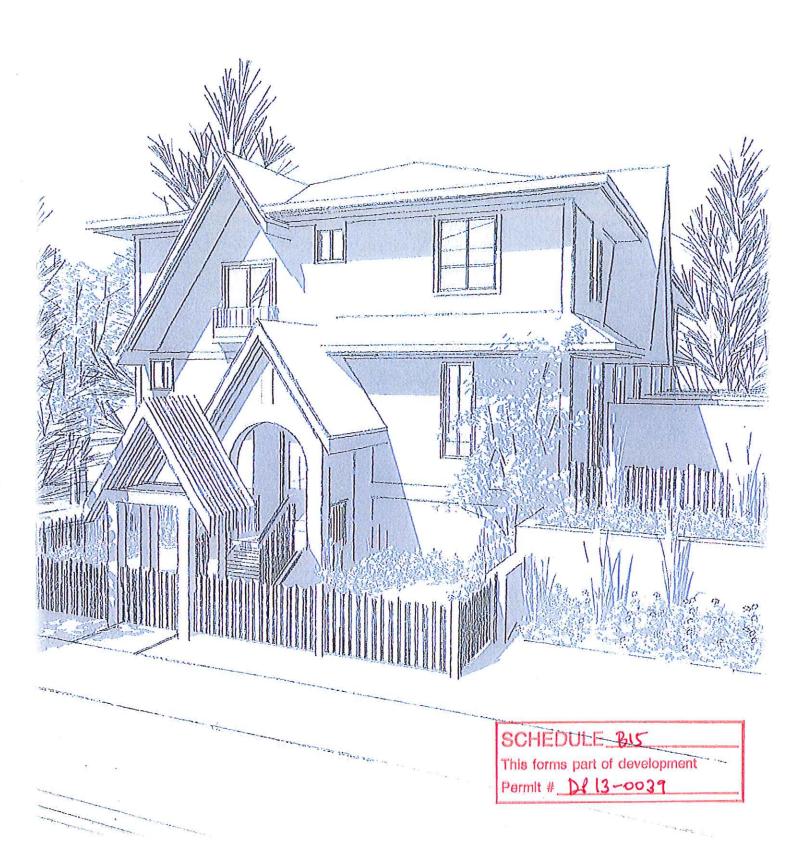












MISSION GROUP

Old Meadows Rd Townhomes Gordon Drive Streetscape

DP13-0039 - 674 Old Meadows Road

Building Finishing Materials & Colours.

-	Spec #	Description	/ HI-LIGHT /
-		Asphalt roof shineles	Oual Black, 30 years,
10			Cambridge IKO (or similar).
108	-2	Pre-finished metal roof flashing	Gentek Black 525
	m	Perforated aluminum roof soffit	Gentek Cashmere 514
อม	4	Triple 3 Vinyl Siding (3")	Gentek Pebble 559
IOIS	s	Double 2 Vinyl Siding (4.5")	Gentek Almond 532
SWIN	v	PRIMARY TRIN: 1.x 6 hardie painted window trim, balkony hardie factor, 1x4 on 2x40 wood paintee gable facings & corbels, bearns & posts, chimney trim, vertical boards expectable wall shingles and horizontal siding on flat wall, entry posts, corbels at base of bays, solid wood, flower man-halms.	BM 2148-60 Timid White
	7	ALTERNATE TRIM: Decorative vents, juliet baiconles, 2x10 horizontal trim at base of bays, 2x10 horizontal trim (belly bands)	BM 2134-30 Iron Mountain
_	8	Outside corner trims.	To match slding.
	93	Fibre cement wall shingles and trims.	BM HC-167 Asmherst Gray
SIF	96	Stucco Walls (Bays/Entries)	BM HC-167 Asmherst Gray
1300A	10	Cultured stone veneer	Dutchstone Ledgestone ' "Prestige" or similar
02	11	Chimney cap	TBD
	12	Double glazed vinyl windows (with muntin bars - TBD)	Standard White
S	13	Prefinished steel window head flashing with end dam	Makin Metal "Cambridge
	14	Paint grade metal clad entry door	BM Black Iron 21-2020
28	15a	Pre-finished aluminum gutter	Gentek Cashmere 514
TTUE	15b	Pre-finsihed aluminum rain water leader	Gentek Pebble/Gentek Almond
3	15c	Fascla gutter	Gentek Cashmere 514
DNIRS	16	Prefinished aluminum (TBD) cross cavity wall flashing used with siding	To match siding.
AJ1	11	Prefinished aluminum (TBD) cross cavity wall flashing with hardle belly band	To match belly band.
	18	Aluminum picket fencing with caps, outside stair railings.	Gentek - Black
	19	Baked enamel aluminum balcony railings	Gentek Standard - White
	8	Decking membrane	Tuffdeck Pearl (thickness tbd)
CING, BA	. 13	Deck flashing	TBD - Grey PVC coated steel?
2.	22	Painted partition walls (Balconles)	To match primary trim.
_	23	Perimeter wood fencing (Yards)	BM 2134-30 Iron Mountain

	Soort	Description	N C#Z-MEDIUM
		1	Dual Black, 30 years,
3	н	Asphalt roof shingles	Cambridge IKO (or similar).
00	2	Pre-finished metal roof flashing	Gentek Black 525
В	ю	Perforated aluminum roof soffit	Gentek Cashmere 514
DN	4	Triple 3 Vinyl Siding (3")	Gentek Canyon Clay 010
Idis	s	Double 2 Vinyl Siding (4.5")	Gentek Pebble 628
SMIRS	و	PRINARY TRIN. 1 x 6 hardle painted window trim, balcomy hardle factor. Live of back to wood painted gable facious & corbes, beams & posts, chimney trim, vertical boards seperating wall shingles and horizontal siding on flat wall, entry posts, corbels at base of bays, solid wood, flower ont short-one.	BM 2148-60 Timid White
	7	ALTERNATE TRIM: Decorative vents, juliet balconles, 2x10 horizontal trim at base of bays, 2x10 horizontal trim (belly bands)	BM 2134-30 Iron Mountain
	00	Outside corner trims	To match siding.
	93	Fibre cement wall shingles and trims.	BM HC-85 Fairview Taupe
51	99	Stucco Walls (Bays/Entries)	BM HC-85 Fairview Taupe
ИЗЭЭА	10	Cultured stone veneer	Dutchstone Ledgestone "Prestige" or similar
	11	Chimney cap	TBD
	12	Double plazed vinyl windows (with muntin bars - TBD)	Standard White
8 S	13	Prefinished steel window head flashing with end dam	Makin Metal "Cambridge
	14	Paint grade metal clad entry door	BM Black fron 21-2020
SR	15a	Pre-finished aluminum gutter	Gentek Cashmere 514
атто	15b	Pre-finsihed aluminum rain water leader	Gentek Canyon Clay/Gentek Pebble
8	15c	Fascia gutter	Gentek Cashmere 514
DNIHS	16	Prefinished aluminum (TBD) cross cavity wall flashing used with siding	To match siding.
A.H	17	Prefinished aluminum (TBD) cross cavity wall flashing with hardle belly band	To match belly band.
78	18	Aluminum picket fencing with caps, outside stair rollings.	Gentek - Black
53	19	Baked enamel aluminum balcony railings	Gentek Standard -Black
S)	20	Decking membrane	Tuffdeck Pearl (thickness tbd)
DECH 2' BV	7		TBD - Grey PVC coated steel?
CINC	77	Deck flashing	
631	77	Painted partition walls (Balconies)	To match primary trim.
	23	Desimator wood footlas (Varde)	phy 2134-30 Iron Mountain

M 2134-30 Iron Mountair

corbeis, beams & posts, chimney trim, vertical boards and perspecting wall shingles and brotzental siding of the wall, mentry posts, carbolis at base of buys, solid wood, flower posts, carbolis at base of buys, solid wood, flower per scheles, carbolis at base of buys, solid wood, flower per scheles, carbonis business of buys, 2AD hoftencies, 2AD hoftencial trim (bobly hoftencial trim at base of buys, 2AD hoftencial trim (bobly hoftencial trim (bobly)

ZMIAT

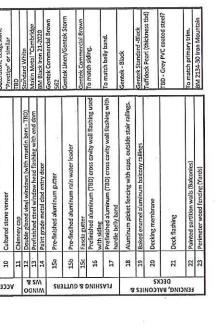
Double 2 Vinyl Siding (4,5") PRINARY TRIM: 1 x 6 hardle painted window trim, balcon hardle fascia, 1x4 on 2x10 wood painted gable fascias &

Perforated aluminum roof soffit

Asphalt roof shingles

Triple 3 Vinyl Siding (3")

entek Unen 012 entek Storm 631 3M 2148-60 Timid White





#1 Light – Buildings 2, 4, 7, 11, 13, 16, 17, 19, and 22 #2 Medium – Buildings 3, 5, 9, 12, 15, 18, and 21

#3 Dark - Buildings 1, 6, 8, 10, 14, and 20

COLOUR SCHEME 1 - LIGHT.

Old Meadows Road Townhomes

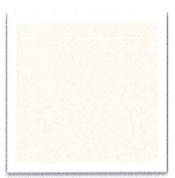
Colour/Materials Selections



Upper Siding

Gentek "Pebble" Triple 3" Vinyl





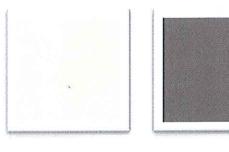
Lower Siding

Gentek "Almond" Double 4.5" Vinyl



Stucco/Fibre Cement Shingle Accent

BM HC-167 "Amherst Gray"



Trims

Primary: BM 2148-60 "Timid White" Secondary: BM 2134-30 "Iron Mountain"





Gutters/Soffits/Railings

Gentek Aluminum "Cashmere" Gentek Aluminum "Black"



COLOUR SCHEME 2 - MEDIUM.

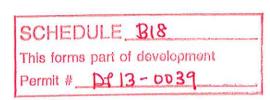
Old Meadows Road Townhomes

Colour/Materials Selections



Upper Siding

Gentek "Canyon Clay" Triple 3" Vinyl





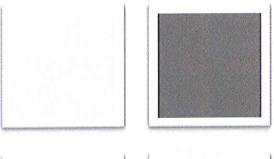
Lower Siding

Gentek "Pebble" Double 4.5" Vinyl



Stucco/Fibre Cement Shingle Accent

BM HC-85 "Fairview Taupe"



Trims

Primary: BM 2148-60 "Timid White" Secondary: BM 2134-30 "Iron Mountain"



Gutters/Soffits/Railings

Gentek Aluminum "Cashmere" Gentek Aluminum "Black"



COLOUR SCHEME 3 - DARK

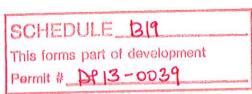
Old Meadows Road Townhomes

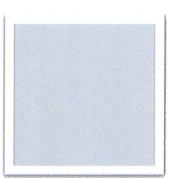
Colour/Materials Selections



Upper Siding

Gentek "Linen" Triple 3" Vinyl





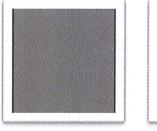
Lower Siding

Gentek "Storm" Double 4.5" Vinyl



Stucco/Fibre Cement Shingle Accent

Pratt & Lambert 3321 "Diplomat Gray"





Trims

Primary: BM 2134-30 "Iron Mountain" Secondary: BM 2148-60 "Timid White"





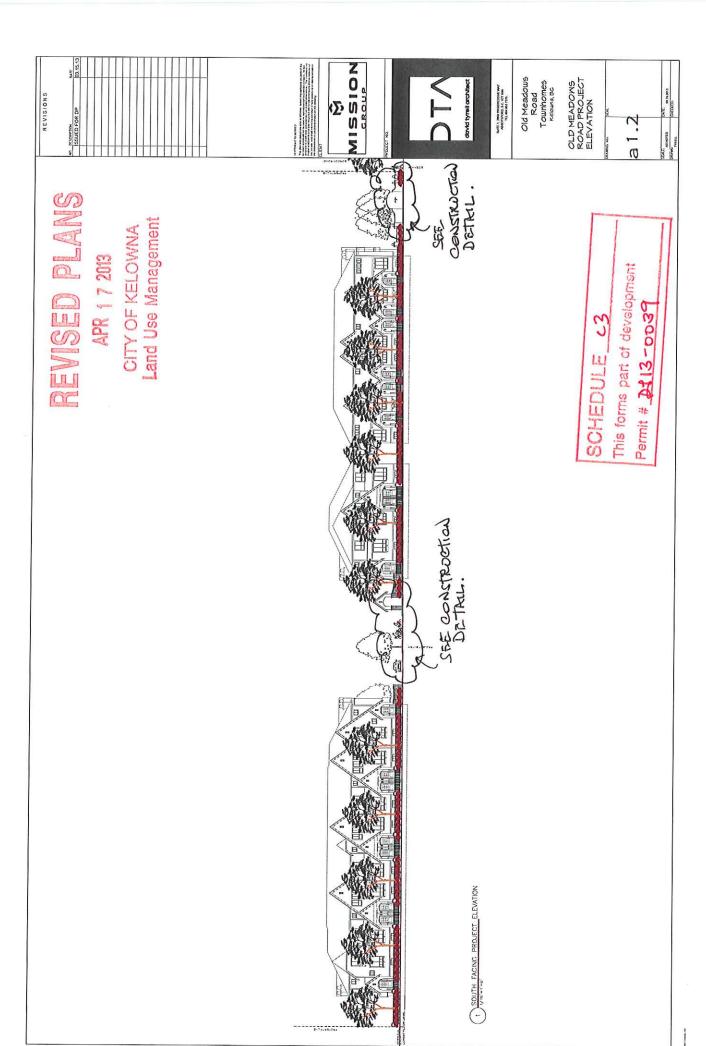
Gutters/Soffits/Railings

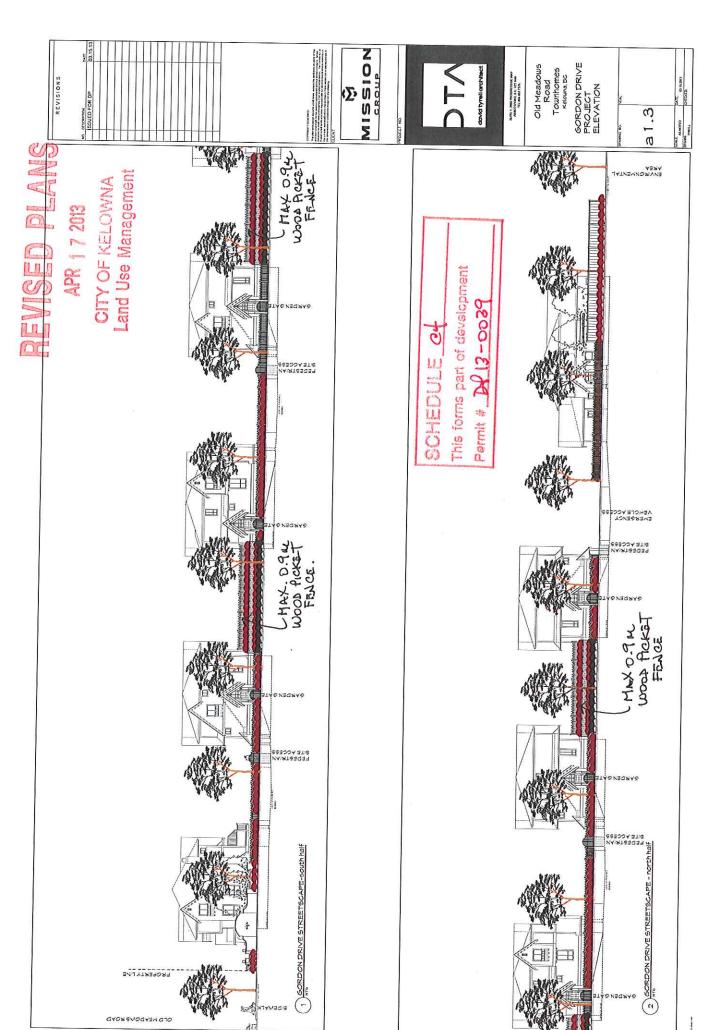
Gentek Aluminum "Commercial Brown" Gentek "Black"

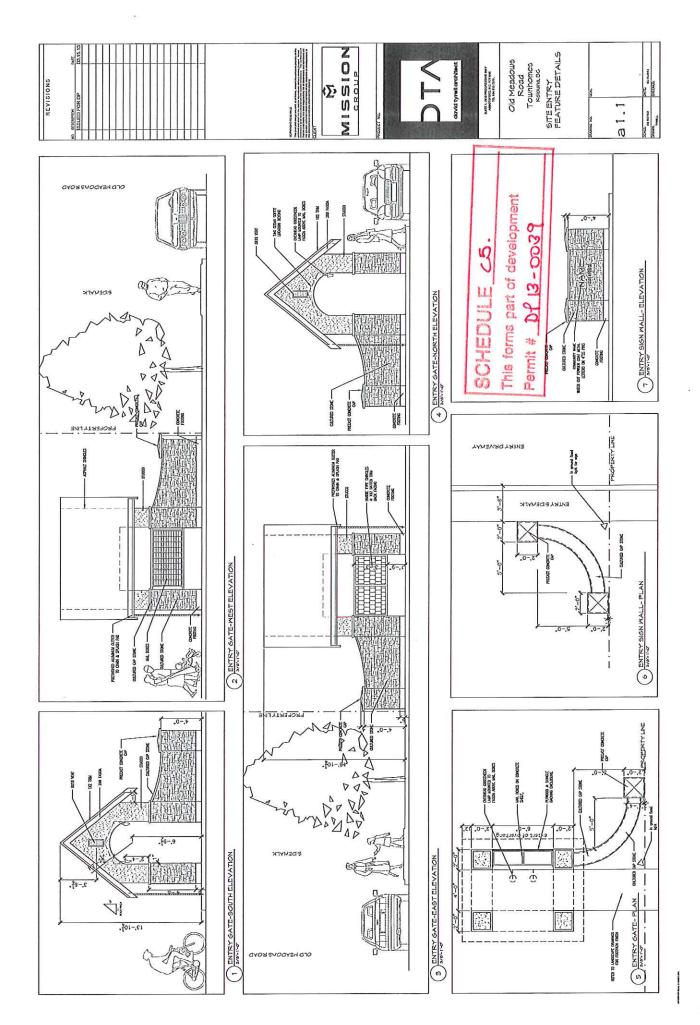


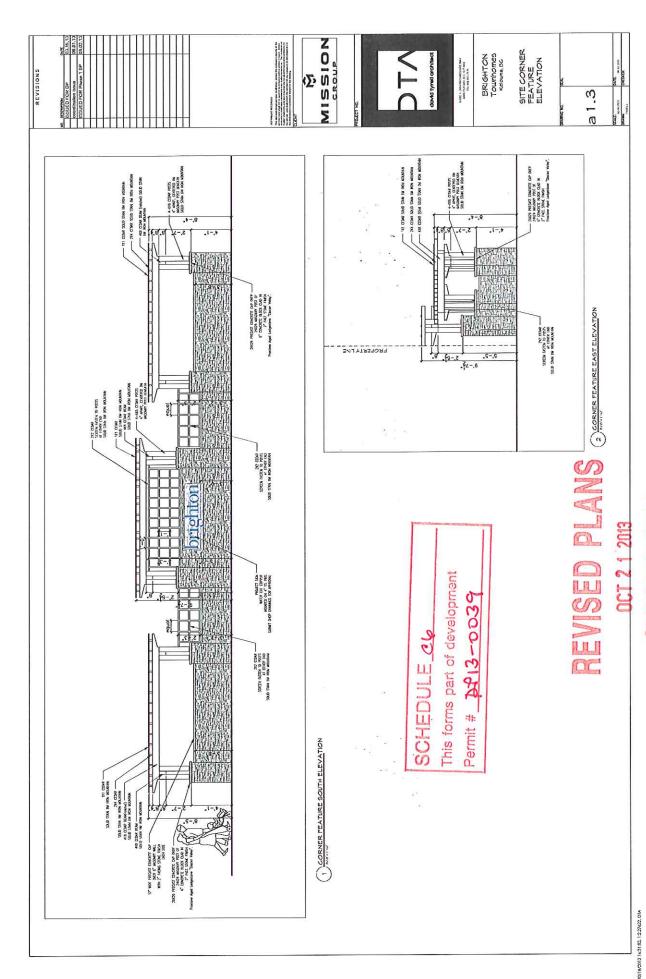




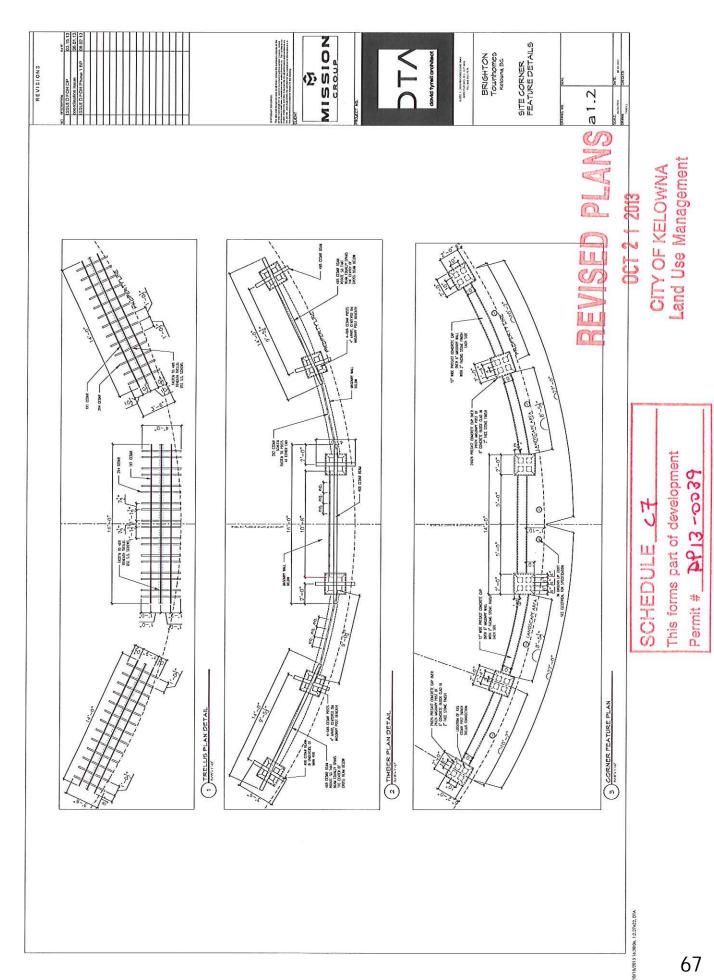








CITY OF KELOWNA Land Use Management





Tuesday June 4, 2013

Old Meadows Townhomes C/o Mission Group 620 – 1632 Dickson Avenue Kelowna, BC V1Y 7T2 Attn: Luke Turri, Development Manager SCHEDULE_C3.
This forms part of development
Permit #_Df 13-0039

Re: Old Meadows Townhomes – Preliminary Cost Estimate for Proposed Residential Development

Dear Mr. Turri:

Please be advised of the following preliminary cost estimate for the proposed landscape works shown in the Old Meadows Townhomes conceptual landscape plan dated 13.06.04;

6,823 square metres (73,442 square feet) of improvements

\$263,052.00

This preliminary cost estimate is inclusive of trees, shrubs, turf, mulch, topsoil & irrigation for the main site.

• 2,055 square metres (22,120 square feet) of riparian area restoration

\$38,552.00

This preliminary cost estimate is inclusive of trees, shrubs, dryland seed & temporary irrigation for the restoration area.

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

Best regards,

Fiona Barton, MBCSLA, CSLA

as per

Outland Design Landscape Architecture

REVISED PLANS

JUN 0 4 2013

CITY OF KELOWNA Land Use Management

206-1889 Spall Road, Kelowna, BC, V1Y 4R2 P 250.868.9270 outlanddesign.ca

CITY OF KELOWNA

MEMORANDUM

Date:

April 9, 2013

File No.:

DP13-0039

To:

Land Use Management (AR)

From:

Development Engineer Manager (SM)

Subject:

674 Old Meadows Road

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

1. General.

a) All the offsite infrastructure and services upgrades are addressed in the Development Engineering Report under file Z13-0001.

Steve Muerz, P. Eng. Development Engineering Manager

SS

CITY OF KELOWNA

MEMORANDUM

Date:

October 21, 2013

File No.:

DVP13-0040

To:

Urban Planning (AR)

From:

Development Engineering Manager

Subject:

674 Old Meadows Road REVISED

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

The Development Variance Permit to vary;

the front yard setback from 6m to 1.8m

- the side yard setback from 4.5m to 1.6m

does not compromise any municipal services.

Steve Muenz, P. Eng.

Development Engineering Manager

SS

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

□ Development Permit No.:□ Development Variance Permit No.:□ Development Variance Permit No.:

EXISTING ZONING DESIGNATION:

RM4 - Transitional Low Density Housing

WITHIN DEVELOPMENT PERMIT AREA:

Comprehensive Development Permit Area

DEVLOPMENT VARIANCE PERMIT:

- To vary the minimum required front yard from 6.0 m required to 1.8 m proposed.
- To vary the minimum required side (east) yard from 4.5 m required to 1.6 m proposed.
- To vary the minimum required setback for off-street parking from 1.5 m from any side property line and 3.0 m from any flanking street to 0.5 m proposed.

ISSUED TO:

The Mission Group

LOCATION OF SUBJECT SITES

662-698 Old Meadows Road (formerly 674 Old Meadows Road)

SECTION			DISTRICT
LEGAL DESCRIPTION: Section 6	Fractional SW 1/4	26	ODYD exclusive of DL 358 ODYD except: (1) Plans B1246, 1384, 4873, 4912, 5547, 10613, 19017 and H17715; (2) part described in D.D. 190710F

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 the Development and Development Variance Permit applications, the applicant be required to post with the City a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional Landscape Architect, and as shown in general accordance with Schedule "C";

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

Section 13.10.6 (d) - RM4 Development Regulations

To vary the minimum required front yard from 6.0 m required to 1.8 m proposed, as per Schedule 'A';

Section 13.10.6 (e) - RM4 Development Regulations

To vary the minimum required side (east) yard from 4.5 m required to 1.6 m proposed, as per Schedule 'A';

Section 8.1.9 (c) - Off-Street Vehicle Parking - Location

To vary the minimum required setback for off-street parking from 1.5 m from any side property line and 3.0 m from any flanking street to 0.5 m proposed, as per Schedule 'A';

AND FURTHER THAT 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.

2. 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. <u>PERFORMANCE SECURITY</u>:

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 amo	ount of \$	N/A		
(c)	An Irrevocable Letter of Credi	it in the amour	it of \$	263,052.00	 ,

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

4. <u>APPLICANT'S AGREEMENT:</u>

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 Community Planning & Real Estate Services .

Should there be any change in ownership or legal description of the property, I undertake to notify the Urban Planning 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. <u>APPROVALS</u> :	
DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT A	UTHORIZED BY THE COUNCIL ON THE OF NOVEMBER 2013.
ISSUED BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANN OF NOVEMBER 2013.	ING & REAL ESTATE SERVICES OF THE CITY OF KELOWNA ON THE DA
Doug Gilchrist, Divisional Director, Community Plannin	g & Real Estate Services

DRAFT RESOLUTION

Re: Development Variance Permit Application No. DVP13-0154 - 23-180 Sheerwater Ct., 0973789 BC Ltd.

THAT Council defers consideration of Development Variance Permit Application No. DVP13-0154 to the December 3, 2013 Regular Meeting at 6:00 pm in the Council Chamber.

BACKGROUND:

Staff has advised that the development sign was not posted on the subject property, and therefore the Applicant did not meet the requirements of Development Application Procedure Bylaw No. 10540 with respect to signage. The Applicant is aware that Council's consideration of its application will have to be deferred.

Date: November 14, 2013

REPORT TO COUNCIL



Date: October 25, 2013

RIM No. 0940-50

To: City Manager

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

0973789 BC LTD, Inc. No. Application: DVP13-0154

Owner: BC0973789

Timberhaven Homes Ltd. Address: 23 - 180 Sheerwater Court **Applicant:**

(Harvey Scott Ross)

Subject: 2013-11-19 Report DVP13-0154 23-180 Sheerwater Ct

Existing OCP Designation: S2RES - Single / Two Unit Residential

RR1 - Rural Residential 1 zone Existing Zone:

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0154, for Strata Lot 23, Section 6, Township 23, ODYD, Strata Plan KAS3129, 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 23 - 180 Sheerwater Court, Kelowna, BC;

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

Section 12.1.6(b): Development Regulations

To vary the maximum height from the lesser of 9.5m or 2 ½ storeys permitted to the lesser of 10.8m or 3 storeys proposed.

2.0 **Purpose**

To consider the merits of a proposal to vary the maximum height of a single detached dwelling from the lesser of 9.5m or 2 ½ to the lesser of 10.8m or 3 stories to accommodate the addition of another storey on an existing dwelling.

3.0 **Urban Planning Department**

Urban Planning staff are generally supportive of the proposed height variance. In most contexts, Development Variance Permits are applied in unusual circumstances in order to relieve land owners in hardship situations from zoning regulations that may not be appropriate in their context. While there is no hardship in this situation that would preclude the land owner from developing a single detached dwelling on the lot (one already exists), the relative impact of this

additional storey is expected to be minimal, and the building has been thoughtfully designed to reduce visual impact. The addition will not create any unreasonable impact on the privacy of neighbouring properties beyond a standard that would be expected in a typical large lot context.

While staff are supportive of this minor height variance, each variance request is reviewed on its own merits and in its own context. As such, should the variance be viewed favourably by Council, it should not be seen as precedent for future requests for height relaxations.

4.0 Proposal

4.1 Background

The existing single detached dwelling on the subject property was completed in June of 2012 in compliance with zoning bylaw requirements. Subsequent to initial construction, the home was sold. The new owners wish to expand the dwelling by adding a storey.

The applicant has completed Neighbour Consultation in accordance with Council Policy No. 367. The only significant concern raised by area residents was construction noise. In response to this, the applicant has noted that they are aware of and will comply with all City of Kelowna time restrictions with respect to construction.

4.2 Project Description

The applicant is seeking a variance to the maximum height for a principal dwelling in the RR1 - Rural Residential 1 zone in order to accommodate the addition of another storey on the existing dwelling. Specifically, the variance being requested is 1.3m over the maximum height of 9.5m in the RR1 zone (total height of 10.8m proposed).

The total floor area of the additional storey is approximately 331.2m², which will contain additional living, entertaining and fitness areas over and above those contained in the existing dwelling. Once complete, the proposed addition will result in the dwelling having three storeys exposed towards the lake, and two storeys exposed upslope.

The addition will be designed so as to match the form and character of the exiting dwelling, having a modern aesthetic, but finished using natural materials (wood and stone). No changes are proposed to access or landscaping, or to the footprint of the building as part of this application.

4.3 Site Context

The subject property is located on the east side of Sheerwater Court at the south end of the Sheerwater development, just north of Knox Mountain Park. The site is subject to significant grade change, running downslope from east to west towards Okanagan Lake.

Surrounding development is overwhelmingly large lot rural residential development containing single detached dwellings.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use	
North	RR1 - Rural Residential 1 zone	Large lot rural residential	
East	RR1 - Rural Residential 1 zone	Large lot rural residential	
South	RR1 - Rural Residential 1 zone	Large lot rural residential	
Journ	P3 - Major Park and Open Space	Knox Mountain Park	
West	RR1 - Rural Residential 1 zone	Large lot rural residential	

Subject Property Map: #23 - 180 Sheerwater Court



4.4 Zoning Analysis Table

Zoning Analysis Table				
CRITERIA	RR1 ZONE REQUIREMENTS	PROPOSAL		
Ex	sting Lot/Subdivision Regulatio	ns		
Lot Area	10,000 m ²	10,237 m ²		
Lot Width	40.0 m	68.45 m		
Lot Depth	30.0 m	140.17 m - 183.96 m		
Development Regulations				
Height	9.5 m or 2 ½ storeys	10.8 m or 3 storeys [●]		
Site Coverage	10%	No change		
Front Yard	6.0 m	exceeds		
Side Yard (south)	3.0 m	3.0 m		
Side Yard (north)	3.0 m	3.0 m		
Rear Yard	9.0 m	exceeds		
Other Regulations				
Minimum Parking Requirements		2 stalls		
Okanagan Lake Sightlines	120°	n/a		

ullet Indicates a requested variance the maximum height of a single detached dwelling from the lesser of 9.5m or 2 $\frac{1}{2}$ to the lesser of 10.8m or 3 stories

5.0	Current Development Policies
5.1	Kelowna Official Community Plan (OCP)

The subject property is designated S2RES - Single / Two Unit Residential in the OCP.

6.0 Technical Comments

6.1 Building & Permitting Department

No concerns.

6.2 Development Engineering Department

No concerns.

6.3 Fire Department

The Kelowna Fire department has no objection to the variance but has concerns in regards to protecting this property (roof) in an interface fire. The driveway is steep and the closest fire hydrant is on the main road.

6.4 Shaw Cable

No concerns.

7.0 Application Chronology

Date of Application Received: September 19, 2013

Evidence of Consultation Submitted: October 25, 2013

Report prepared by:

James Moore, Land Use Planner

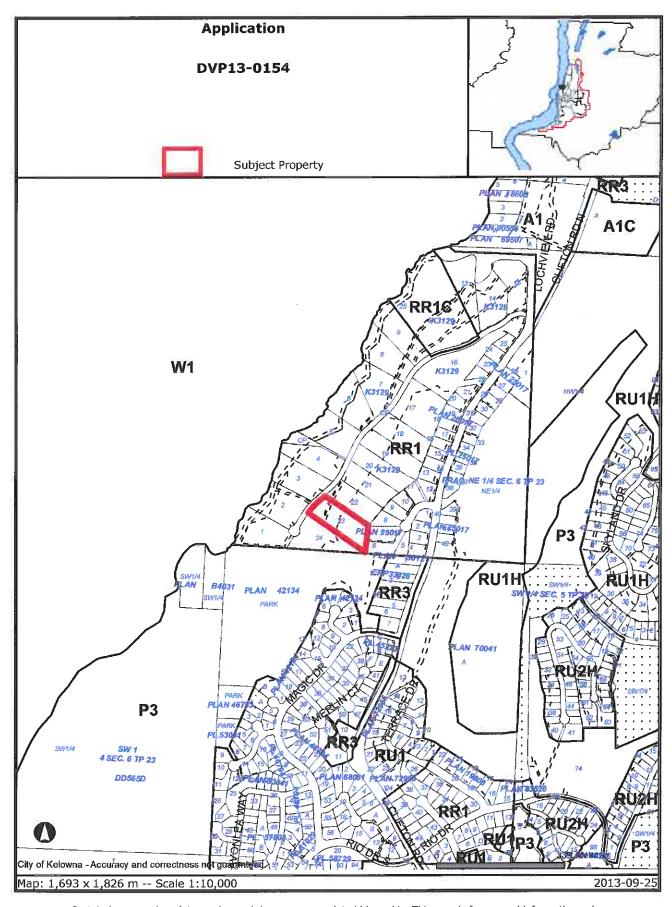
Approved for Inclusion

D. Gilchrist, Divisional Director of Community Planning & Real Estate

Attachments:

Subject Property Map Site Plan Floor Plans Conceptual Elevations Context/Site Photos Conceptual Renderings

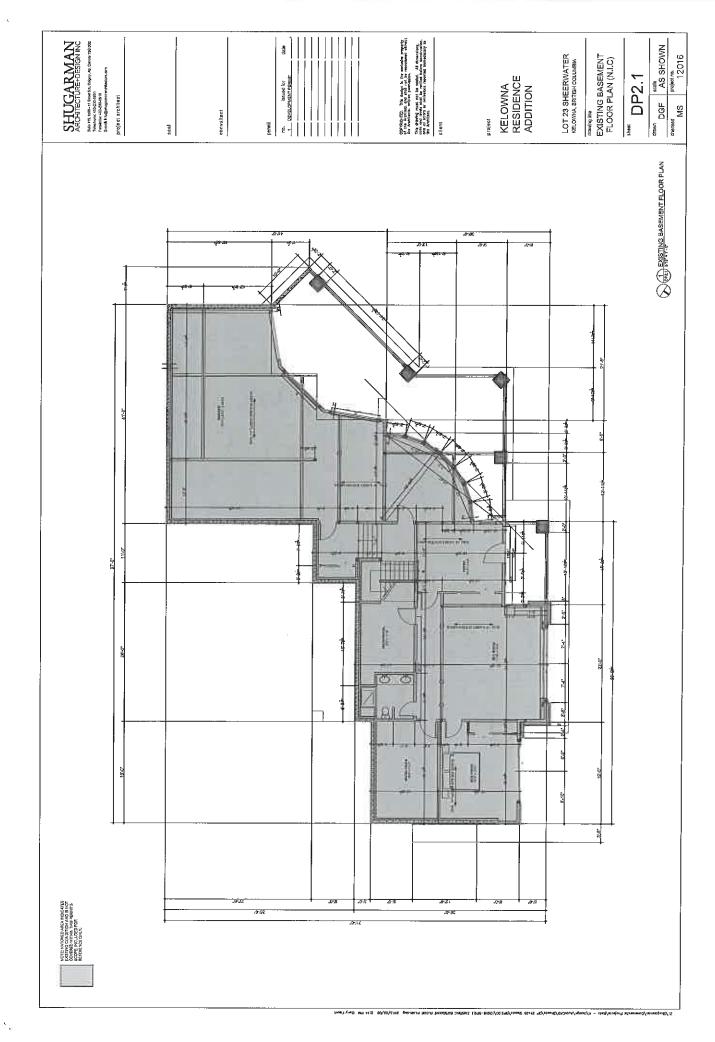
DRAFT Development Variance Permit No. DVP13-0154

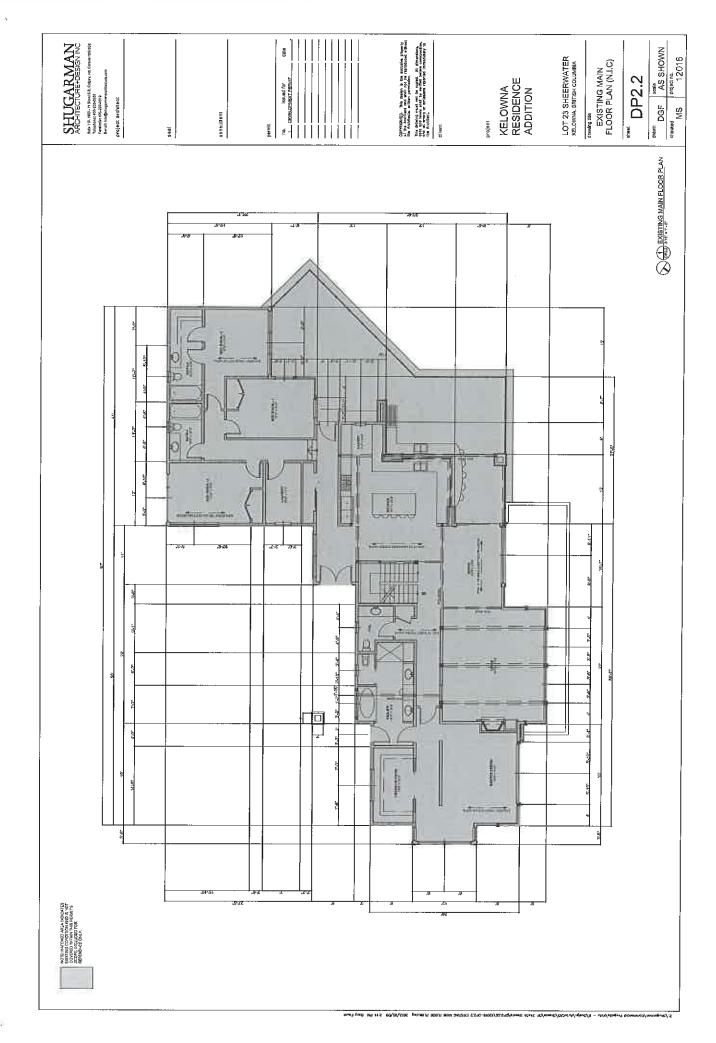


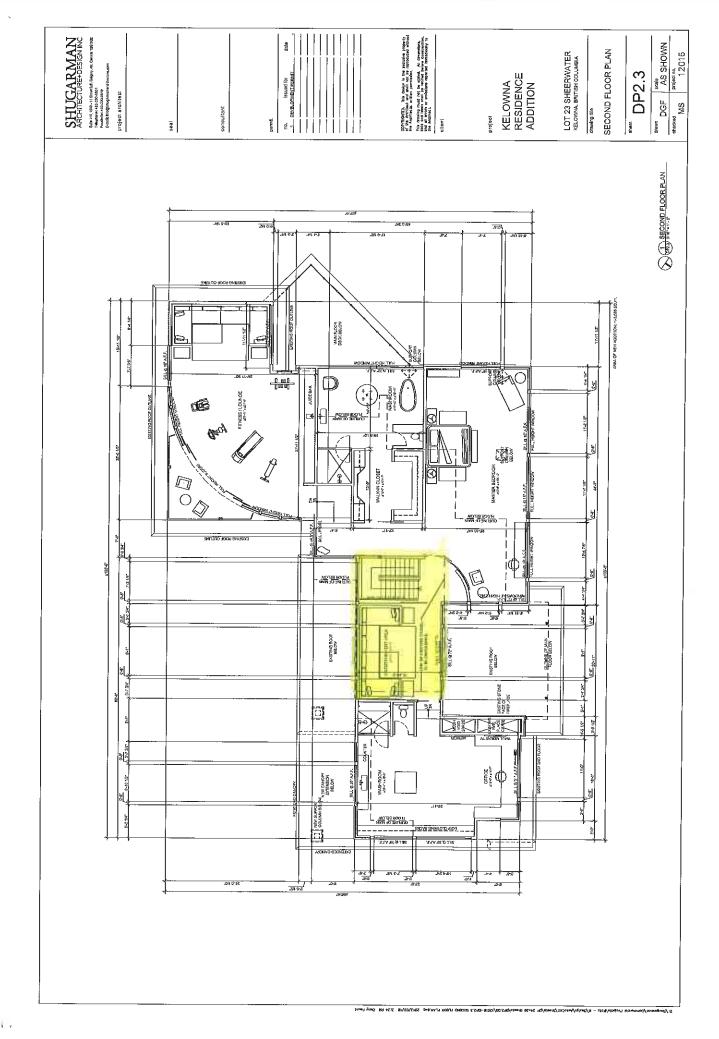
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.

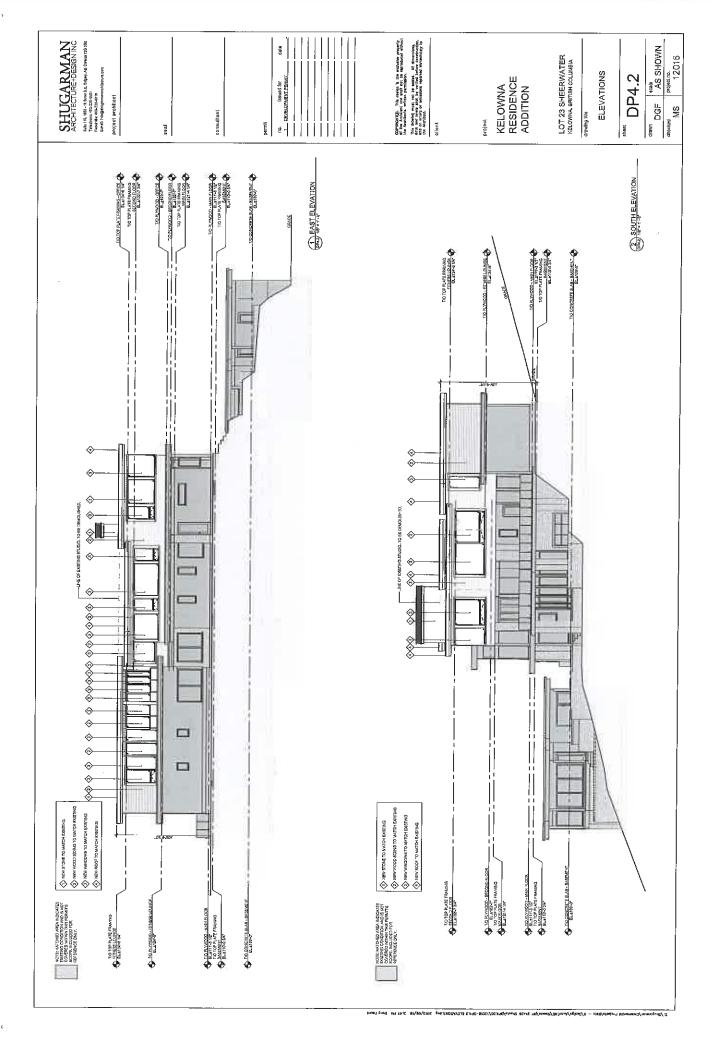
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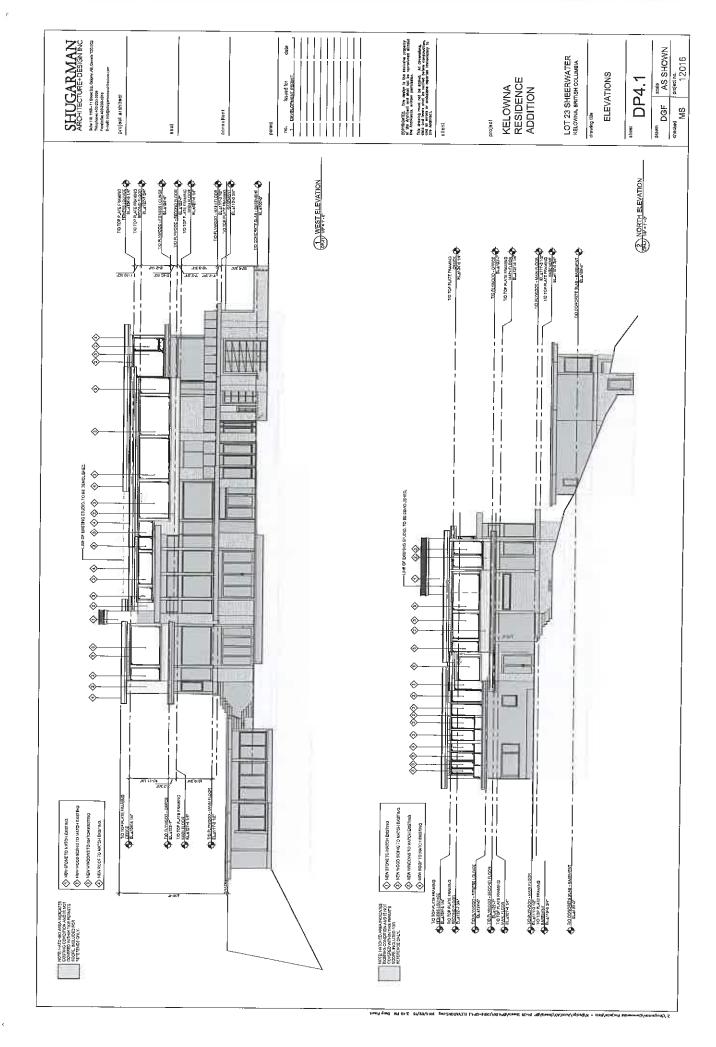








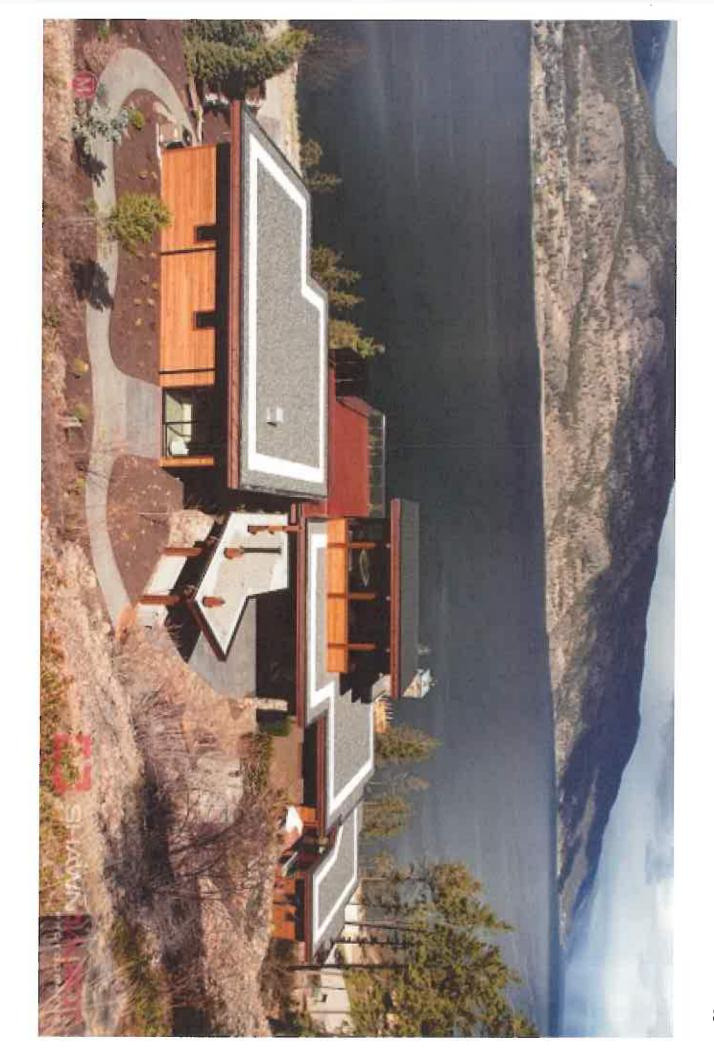






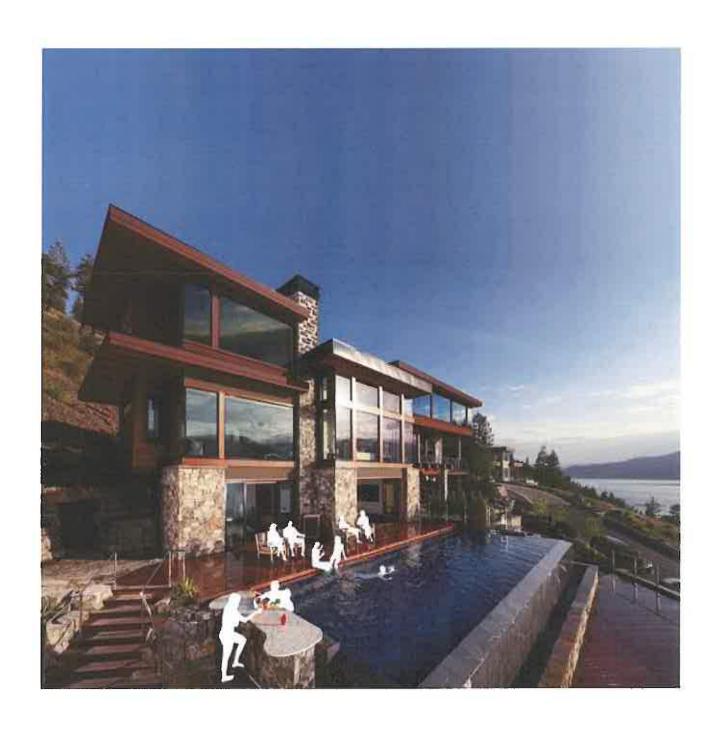
Google earth me

feet 100 meters 40





CONCEPTUAL RENDERING 1



CONCEPTUAL RENDERING 2



CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.:

DVP13-0154

EXISTING ZONING DESIGNATION:

RR1- Rural Residential 1

DEVELOPMENT VARIANCE PERMIT:

To vary the minimum height from the lesser of 9.5m or 2 ½ storeys to the

lesser of 10.8m or 3 storeys.

ISSUED TO:

0973789 BC LTD, Inc. No. BC0973789

LOCATION OF SUBJECT SITE:

23 - 180 Sheerwater Court

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	23	6	-	23	ODYD	KAS3129, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V

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 12.1.6 (b) Development Regulations:

To vary the maximum height from the lesser of 9.5m or 2 ½ storeys permitted to the lesser of 10.8m or 3 storeys proposed (as per Schedule "A").

2. <u>DEVELOPMENT:</u>

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 <u>PERFORMANCE SECURITY</u>: Not applicable.

4. <u>APPLICANT'S AGREEMENT:</u>

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:

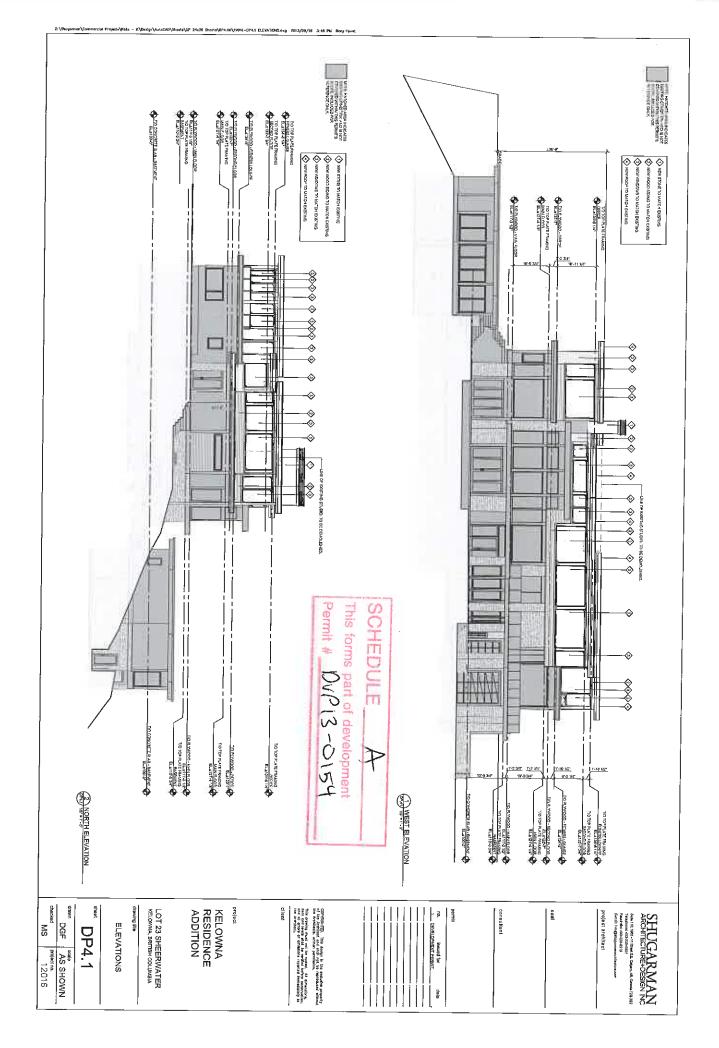
- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other 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.

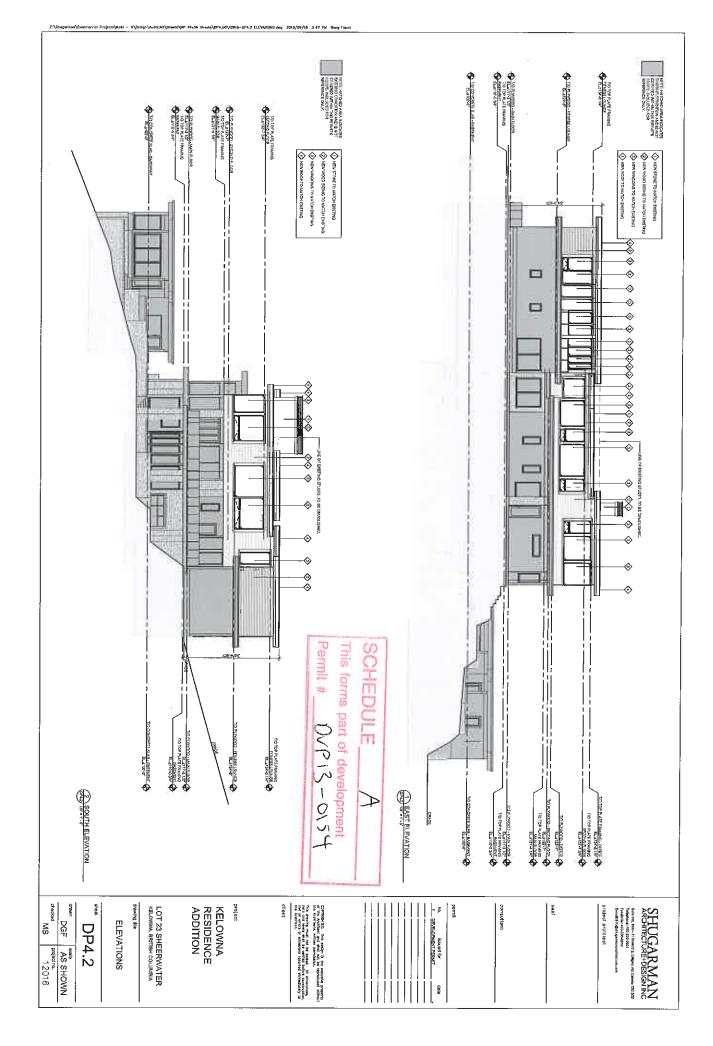
I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the 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. <u>APPROVALS</u> :	
DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY TH	HE COUNCIL ON THE DAY OF, 2013.
ISSUED BY THE GENERAL MANAGER OF COMMUNITY DAY OF, 2013.	$^\prime$ PLANNING AND REAL ESTATE OF THE CITY OF KELOWNA THE $_$
Doug Gilchrist, Divisional Director, Community Planning & Real Estate	





DRAFT RESOLUTION

Re: Development Variance Permit Application No. DVP13-0113 - 700 Hwy 33 S. Hillcrest Farm Market Inc.

THAT Council defers consideration of Development Variance Permit Application No. DVP13-0113 to the December 3, 2013 Regular Meeting at 6:00 pm in the Council Chamber.

BACKGROUND:

Staff has advised that the development sign was not posted on the subject property, and therefore the Applicant did not meet the requirements of Development Application Procedure Bylaw No. 10540 with respect to signage. The Applicant is aware that Council's consideration of its application will have to be deferred.

Date: November 14, 2013

REPORT TO COUNCIL



Date: October 30, 2013

RIM No. 0940-50

To: City Manager

From: Todd Cashin, Subdivision, Agriculture & Environment Services

Application: DVP13-0113 Owner: Hillcrest Farm Market Inc.

Address: 700 Hwy 33 E Applicant: Chanchal Bal

Subject: DVP13-0113 Report to Council

Existing OCP Designation: Resource Protection Area

Existing Zone: A1 - Agriculture 1

1.0 Recommendation

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP13-0113, for Lot A, Section 24, Township 26, ODYD, Plan EPP7145, located on 700 Hwy 33 E, Kelowna, BC.

2.0 Purpose

To consider non-support for the Development Variance Permit application to vary a number of requirements of the City's Sign Bylaw No. 8235 and Zoning Bylaw No. 8000 in order to legalize an existing free-standing sign and legalize an existing loading bay, which were both constructed without permits.

3.0 Land Use Management

There are two components to this Development Variance Permit application: Sign Bylaw variances for the free-standing sign and Zoning Bylaw variances for the loading space. A site survey was completed which identified that both the sign and the loading bay were constructed beyond the property line of the subject property into the road right of way, contrary to the setback regulations.

Sign Bylaw

The existing free-standing sign advertises both the farm retail sales (e.g. Hillcrest Farm Market) and the Cafe which is currently under application for a non-farm use. The sign was erected without a Building Permit and without the required Development Variance Permit.

Bylaw Services has been actively seeking compliance on this non-conforming sign issue which has resulted in this Development Variance Permit application. Based on the applicant's submission (and the site survey), it has been determined that the sign requires Council authorization for the following four variances:

- Section 5.6.1(d) Free-Standing Signs
 - To vary the setback distance from a lot line from 1.5 metres required to 0.0 metres proposed, as per Schedule "A".
- Section 6.1 Specific Zone Regulations Fascia or Free-standing
 - To vary the maximum height from 2.5m permitted to 6.5m proposed, as per Schedule "B";
 - To vary the maximum area for a principal commercial use from 3.0m² permitted to 8.36m²proposed; as per Schedule "B"; and
 - \circ To vary the maximum area for a secondary commercial use from 1.5 m² permitted to 3.5 m² proposed; as per Schedule "B".

The applicant has indicated in his submission letter (copy attached) that the need for the sign variances is for visibility due to the extent of the highway widening. Staff note, however, that the size of the sign compares to the size of a free-standing sign typically located within the C10-Service Commercial zone which is significantly larger than the size of sign that was intended for use to advertise farm retail sales associated with normal farm practice.

	Proposal	A1 Zone	C1/C2/C5 Zones	C10 Zone
Maximum Height	6.5m	2.5m	3.0m	8.0m
Maximum Area	8.36 m ² (principal use) 3.5 m ² (secondary use) 11.86 m ² (total)	3.0 m ² (principal use) 1.5 m ² (secondary use) 4.5 m ² (total)	3.0 m ²	12 m ² to 18 m ² (depending on lot size)

Staff appreciates the need for advertising in order to realize an economic benefit to the farm retail sales. However, staff consider the bylaw requirements, regulating the size of signage within the A1 zone, to be adequate to allow for suitable visibility for this site. Had the applicant consulted with staff, prior to commissioning the sign, the variances or at least the extent of the variances could likely have been avoided. As evident by the photo attached to this report, unlike other highway frontages within the City, this farm retail sales business does not compete visually with other existing commercial signage. Furthermore, there are no extenuating circumstances that would exonerate the need to encroach onto the road right of way, which not only requires a variance but if approved will require the City to enter into a Licence of Occupation for the encroachment.

Staff also note that provision of power to the sign is currently from an extension cord running from the existing building over the ground to the sign, should Council authorize the variances, issuance of the permit should be subject to the provision of an underground electrical source in accordance with Section 4.1.3 of the Sign Bylaw which states as follows:

4.1.3 All free-standing signs requiring power shall be connected to an underground electrical source. All light fixtures, switches and wiring shall be weather proofed unless a permanent rigid sealed structure is provided which ensures that the electrical installation is kept dry at all times. All wiring and conduits shall be placed within building walls, located underground or somehow concealed from view.

Zoning Bylaw

With regards to the Zoning Bylaw, the applicant is seeking the following four variances to the loading space requirements specific to the access and siting requirements:

- Section 8.2.7 Location
 - To vary the requirement that an off-street loading space shall be provided entirely within the property of the development being served.
- Section 8.2.11 Size and Access
 - o To vary the requirement that any loading area shall be provided, wherever possible, internally to the development or from a lane abutting the development.
- Section 8.2.12 Size and Access
 - To vary the requirement that any loading area shall be arranged such that no backing or turning movement of vehicles going to or from the site causes interference with traffic on the abutting streets or lanes.
- Section 11.1.6(c) Development Regulations
 - To vary the minimum front yard setback from 6.0 m required to 0.0 proposed.

The loading space was constructed within the road right of way and access and egress to this space will require the movement of vehicles from and onto the abutting street. Given that a majority of the site development has occurred in the last couple of years, this loading space could have been facilitated such that it would not have required any variances. Though the impact onto the existing road is minimal at this time there will likely be more intensive agricultural operations occurring on the other property fronting onto Bal Place. If similar farm retail sales are developed this could result in a significant increase in the traffic and conflicts with the trucks accessing the loading space.

As with the above discussed sign encroachment should the variances for the loading space siting be approved it will require that the City enter into a Licence of Occupation for the encroachment.

4.0 Proposal

4.1 Background

The subject property is a mid-sized agricultural property which in addition to agricultural production (orchard) in the northern portion contains a number of farm and non-farm accessory buildings and structures. Buildings and structures currently include (refer to Map 2 below and Photo 1 attached):

- a two storey structure housing the farm retail sales and café on the ground floor and four units of Bed and Breakfast (B&B) and the B&B operator's unit on the second floor;
- a two storey structure containing a cooler on the main floor and 22 units of farm worker housing on the second floor;
- a cherry packing plant which includes office space and accommodation to house a farm worker on the second floor;
- a single family dwelling which can be used for farm worker housing (west side of Hwy 33 E); and
- a large free standing sign advertising both Hillcrest Farm Market and the Café.

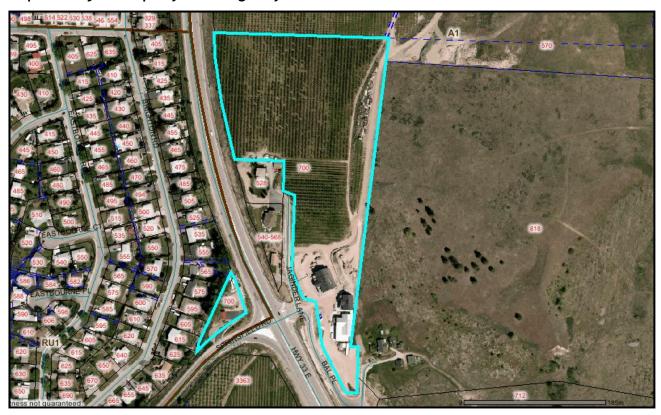
Uses also include extensive paved surfaces including extensive vehicular car parking for the farm retail sales, café and B&B and a truck loading bay.

A free standing sign was erected, without the required permits, to advertise two commercial businesses. Variances required include the distance from the front property line, the height, and the area of advertising for both the principal and secondary commercial uses. Specific to the front yard setback, a site survey was conducted for the purpose of determining the number and extent of the variances required. The site survey identified that both the sign and the loading bay have been constructed within the required front yard setback and beyond the boundary of the subject property (i.e. into the road right of way). With respect to the loading structure, the applicant is seeking a total of four variances to the zoning bylaw for both the loading and access.

The existing sign is "electronic changeable copy". The use of electronic changeable copy is permitted, but is regulated in terms of the timing sequences and must incorporate public service information (e.g. time, date, temperature). As the applicant has noted a willingness to incorporate public service information no variance to this section of the bylaw is required

4.2 Site Context

The subject property is located east of Highway 33 E at the intersection with Springfield Road in the Rutland Sector. The site area is ~5.8 hectares (14.3 acres) and the site elevation varies between 457 and 493 metres. The subject property includes a ~0.22 ha hooked portion (across Hwy 33 E) which is zoned RU1 - Large Lot Housing.



Map 1 - Subject Property - 700 Highway 33 E

Specifically, adjacent land uses are as follows:

Direction	Zoning	ALR	Land Use
North	A1 - Agriculture 1	Yes	Orchard
South	A1 - Agriculture 1 Roadway	No No	Rural Residential Highway
East	A1 - Agriculture 1	Yes	Rural/agricultural
West	A1 - Agriculture 1 RU1 - Large Lot Housing	Yes Yes/No	Rural/agricultural Residential

Map2 - Subject Property Map



4.3 Current Development Policies

4.4 2030 Official Community Plan: Greening Our Future

The subject property has a future land use designation of Resource Protection Area and relevant policies are included below:

Objective 5.33 Protect and enhance local agriculture¹.

Policy. 1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

¹ City of Kelowna 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.33.

4.5 City of Kelowna Agriculture Plan

There are a number of circumstances that would benefit from the provision of standardized agricultural signage. Safety considerations that include hidden driveways, agricultural trucks turning, slow moving farm traffic, spray drift, and farm equipment crossings are all issues that could require signage.

It may be appropriate for farmers to propose signage for specific sites that the City could consider based on safety needs. In this way the City could initiate research and development of a signage warrant policy.

Transportation Policies²

The City of Kelowna will:

15. Agricultural Signage. Consider the use of commercial / educational signs at the urban / rural interface only, that warn motorists that agricultural activity should be expected or that direct traffic to farm business / agri-tourism opportunities.

Economic Enhancement - Signage³

The issue of signage as related to agriculture encompasses several areas: signage related to traffic safety in agricultural areas, signage related to sensitivity to agricultural operations, and signage related to farm businesses. Signage for safety or agriculture area awareness has been discussed under the Transportation Chapter. This discussion relates to the need for signage that advertises or directs people to specific areas or farm businesses toward the enhancement of those businesses.

On-site signs advertising a specific farm business are regulated by the City of Kelowna Sign Bylaw. Off-site signage, generally within the public road right-of-way, is regulated by either the City or the Ministry of Transportation and Highways.

As part of the general direction of enhancing agriculture the Land Commission and the City have, and will continue, to investigate and modify the regulations toward increasing the ability of farmers to supplement their income from sources other than strictly growing or producing a farm product. To that end, Land Commission policies and City zoning have or will reflect changes for such uses as bed and breakfast, home occupations, farm retail sales, and other direct farm marketing or agri-tourism related businesses. In order for these businesses to survive they need to be able to advertise or otherwise direct people to the business in question.

The issue is complicated by the concern that excessive signage, particularly in rural areas, detracts from the visual character of the area and may create competitive circumstances that interfere with signage necessary for route information or safety needs. Visual character could also be threatened by a lack of coordination or standards for such signage.

Economic Enhancement Policies⁴

The City of Kelowna will:

21. Agriculture Signage Standards. Coordinate, in conjunction with the Ministry of Transportation and Highways, the Ministry of Agriculture and Food, Central Okanagan Regional District, and the Direct Farm Marketing Association, a process to investigate and establish standards with respect to the form of agricultural business signage. The process should include appropriate locations for such signage, policy direction on combination, clustering, or grouping of signs, and an implementation procedure.

² City of Kelowna Agriculture Plan (1998); p. 153.

³ City of Kelowna Agriculture Plan (1998); p. 158

⁴ City of Kelowna Agriculture Plan (1998); p. 97.

4.6 City of Kelowna Sign Bylaw

5.6 Free-Standing Signs

- 5.6.1 A free-standing sign is permitted only if it:
 - (a) has a minimum clearance of 2.5 m when projecting over an open area, unless it is an integral part of a permanent landscaped area which discourages pedestrians;
 - (b) does not obscure a pedestrian or drivers' line of vision from a street, access road or sidewalk to oncoming traffic. The line of vision shall be measured a distance of 8.0 m back along both abutting and intersecting streets along the abutting property lines of the lot from the point of intersection of the streets. In the case of an access road, the 8.0 m shall be measured back along the edge of the access road from the point of intersection with the street;
 - (c) maintains a minimum clearance of 4.4 m when it projects over a vehicular traffic area such as a parking lot aisle or driveway; and
 - (d) is not located closer than 1.5 m to a lot line, within 1.0 m of any building, or within 30.0 m of another free standing sign.

5.10 Electronic Changeable Copy Signs

- 5.10.1 An Electronic Changeable Copy Sign is permitted if it;
 - (a) is part of a freestanding or fascia sign;
 - (b) incorporates public service information (time, date, or temperature) for a portion of the message;
 - (c) limits the change to the complete message to one change per minute;
 - (d) does not incorporate any form of scrolling, fading, movement of any kind as part of the change of message;
 - (e) does not incorporate any form of animation, moving letters, symbols, or image, or any change in intensity of illumination to the message;
 - (f) does not incorporate any form of chasing borders or animation of any kind to the sign or message.

Section 6 - Specific Zone Regulations

6.1 The specific zone regulations of this Section for signs shall apply in addition to, and take precedence over, the general sign regulations of Sections 4.1 and 5.1.

The zone regulations are as follows:

Type of Sign	Number of Signs	Regulation
Agricultural Zone (A1)*		
Fascia or Free-standing	1 per building frontage	(a) 2.5 m maximum height (b) 3 m² maximum area for a principal commercial use and 1.5 m² maximum area for a secondary
		commercial use

4.7 Technical Comments

4.8 Building & Permitting Department

- 1) Refer to Bylaws Department for file update on compliance action for this property
- 2) Structural Engineer required for Sign Design
- 3) Full Plan check for Building Code related issues will be done at time of Building Permit applications

4.9 Development Engineering Department

1. General

- a. The existing sign encroaches onto the public right of way by an estimated 0.8m. The sign should be relocated with the subject property.
- b. The existing loading bay encroaches onto the public right of way. The loading bay should be relocated within the subject property and the applicant is to provide a plan with turning templates indicating that the commercial vehicle can safely ingress and egress the loading bay with forward motion from the public right of way.

4.10 Fire Department

No concerns

4.11 Fortis BC - Electric

- 1. There are primary distribution facilities along Highway 33E adjacent to the subject's west property line. Provided the signage does not encroach on the safe limits of approach or interfere with the operation and maintenance of the facilities, FortisBC Inc. (Electric) has no concerns with this circulation.
- 2. In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

4.12 Ministry of Transportation & Infrastructure

No objections

5.0 Application Chronology

Date of Application Received: July 16, 2013

Agricultural Advisory Committee September 12, 2013

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting on September 12, 2013 and the following recommendations were passed:

THAT the Agricultural Advisory Committee recommends that Council support Development Variance Permit Application No. DVP13-0113 for 700 Highway 33 East, Kelowna, BC to vary the following sections of each of the Sign Bylaw No. 8235 and Zoning Bylaw 8000:

Sign Bylaw Section 5.6.1(d) Free-Standing Signs

To vary the requirement that a free-standing sign not be permitted closer than 1.5 m to a lot line from 1.5 m to 0.0 m;

Sign Bylaw Section 6.1 Specific Zone Regulations: Fascia or Free-standing

- (a) To vary the maximum height of a sign in Agricultural Zone (A1) from 2.5 m permitted to 6.3 proposed;
- (b) To vary the maximum area for a principal commercial use from 3.0 square meters permitted to 8.36 square meters proposed;

(c) To vary the maximum area for a secondary commercial use from 1.5 square meters permitted to 3.5 square meters proposed.

To legitimize the existing Hillcrest Farm Market and Café sign located next to the existing loading area at Bal Place near the southwest corner of the portion of the subject property east of Highway 33 E.

Anecdotal Comments:

The Agricultural Advisory Committee supported Development Variance Permit Application No. DVP13-0113 because the sign is appropriate for the site along the highway. While the size of the sign would not be appropriate elsewhere, the size, scale, design and siting of this sign 'fit' the subject site.

The Agricultural Advisory Committee felt it was important to note that:

- The technical issues with respect to the location of the loading dock are not within the mandate of the AAC.
- Staff indicated not aware of any complaints regarding the sign.
- Highway 33 is a wide road wide and traffic is moving fast down a 6% grade; the sign needs to be it's current size to be readable by passing cars.
- The Committee would have supported variance if the application had been made prior to construction of the sign.
- A distinction needs to be made between advertising an on-site business and third-party advertising.

6.0 Alternate Recommendation

Should Council choose to authorize the requested variances the following recommendations would be applicable:

THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0113, for Lot A, Section 24, Township 26, ODYD, Plan EPP7145, located on 700 Hwy 33 E, Kelowna, BC;

AND THAT variances to the following sections of Sign Bylaw No. 8235 be granted:

Section 5.6.1(d) - Free-Standing Signs

To vary the setback distance from a lot line from 1.5 metres required to 0.0 metres proposed, as per Schedule "A"

Section 6.1 Specific Zone Regulations - Fascia or Free-standing

To vary the maximum height from 2.5m permitted to 6.5m proposed, as per Schedule "B"

To vary the maximum area for a principal commercial use from 3.0m² permitted to 8.36m² proposed; as per Schedule "B"; and

To vary the maximum area for a secondary commercial use from 1.5 m^2 permitted to 3.5 m^2 proposed; as per Schedule "B".

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

Section 8.2.7 - Location

To vary the requirement that an off-street loading space shall be provided entirely within the property of the development being served.

Section 8.2.11 - Size and Access

To vary the requirement that any loading area shall be provided, wherever possible, internally to the development or from a lane abutting the development.

Section 8.2.12 - Size and Access

To vary the requirement that any loading area shall be arranged such that no backing or turning movement of vehicles going to or from the site causes interference with traffic on the abutting streets or lanes.

Section 11.1.6(c) - Development Regulations

To vary the minimum front yard setback from 6.0 m required to 0.0 proposed.

AND THAT the required Licence of Occupations be executed for the both the free-standing sign and loading space encroachments into the road right of way;

AND THAT the underground electrical service be provided to the sign;

AND THAT the required Building Permit be ready for issuance;

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

Report prepared by:

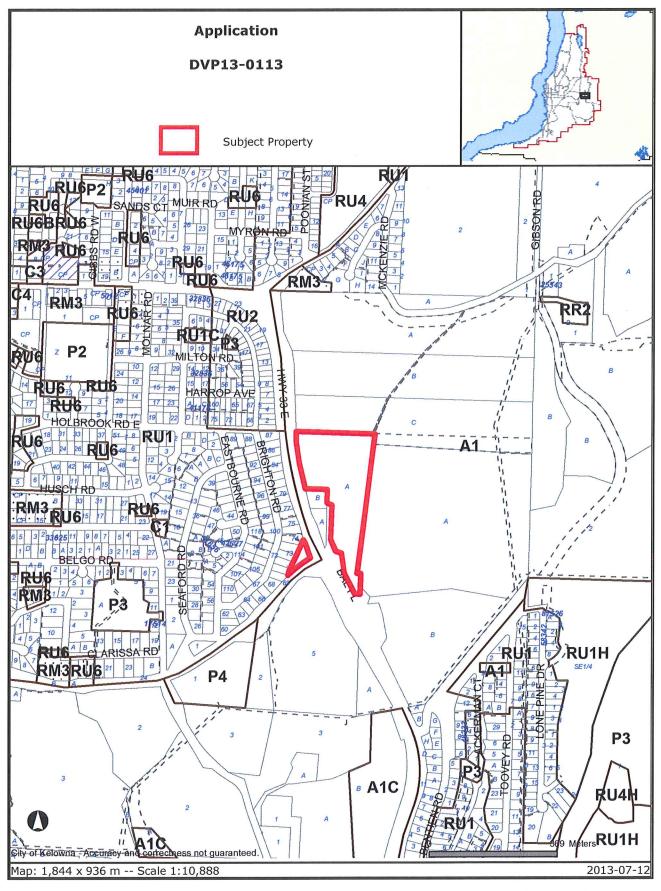
Todd Cashin, Manager Subdivision, Agriculture & I	Environment
Approved for Inclusion:	Shelley Gambacort Director, Subdivision, Agriculture & Environment

Attachments:

Photo 1 - Free Standing Sign (1 page)
Subject property/zoning & ALR map (2 pages)
Schedule "A" - Sign Specifications
Schedule "B" - Survey of encroachments
Loading Space Encroachment (aerial)
Applicants Rationale Letter (1 page)

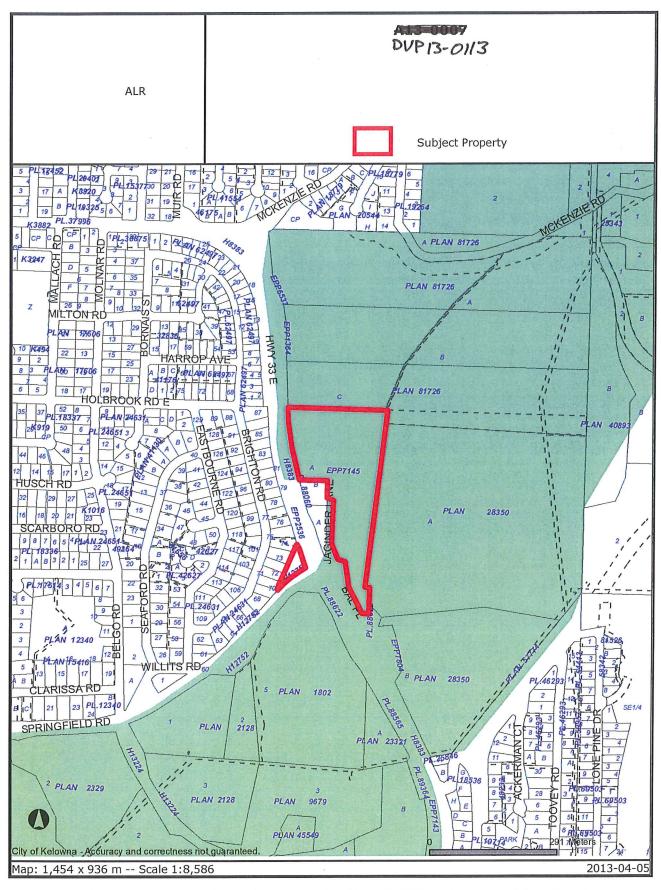
Photo 1 - Free Standing Sign and Loading Space





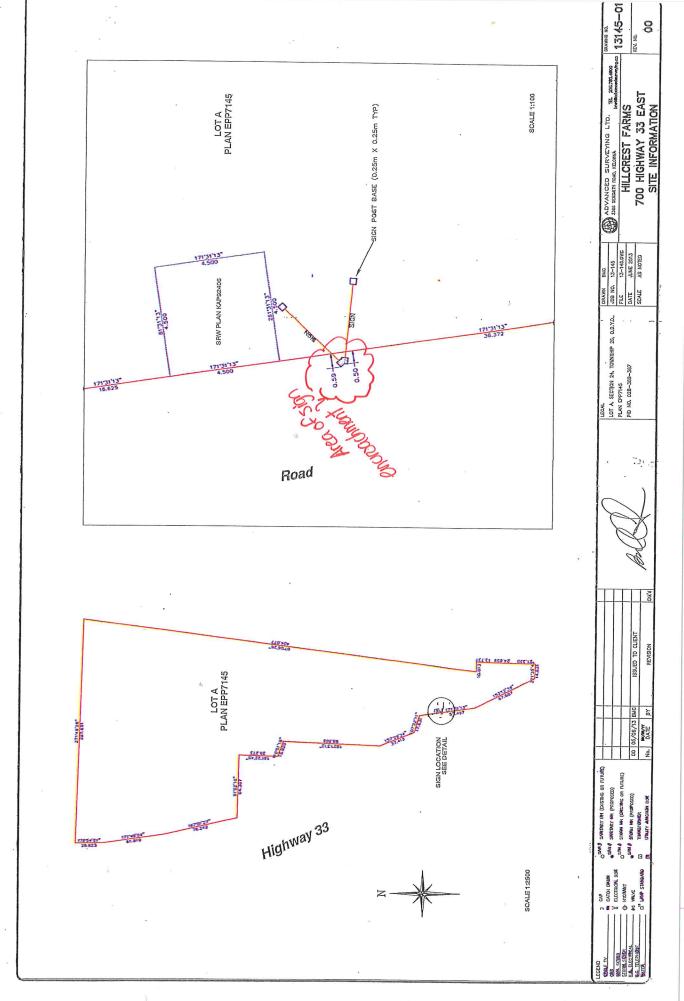
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.

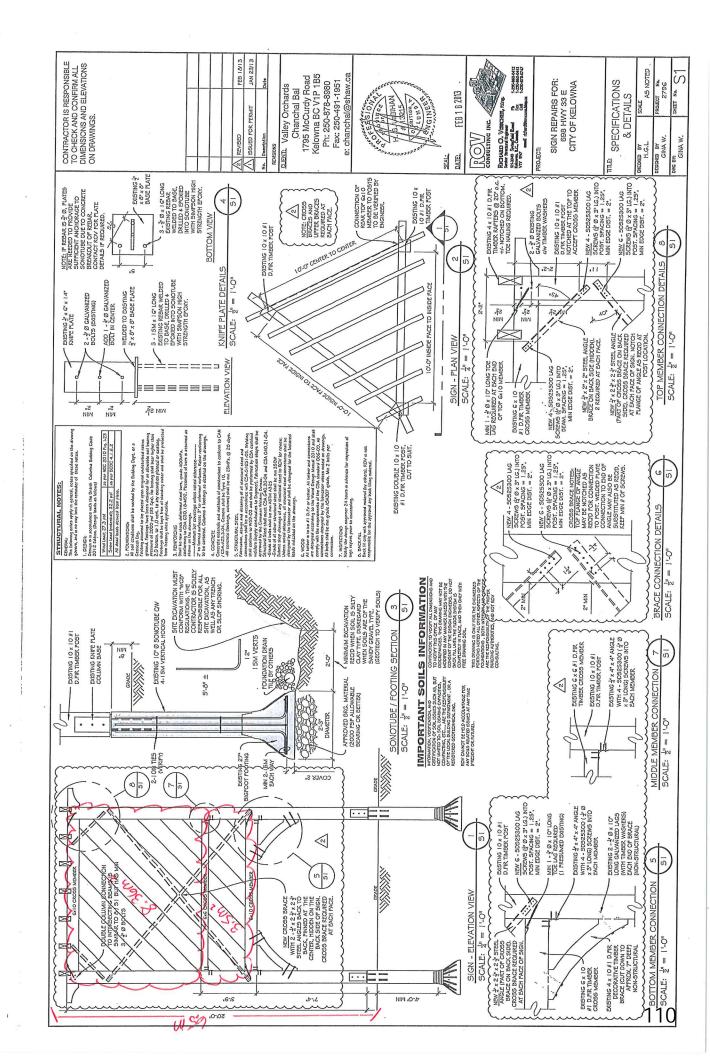
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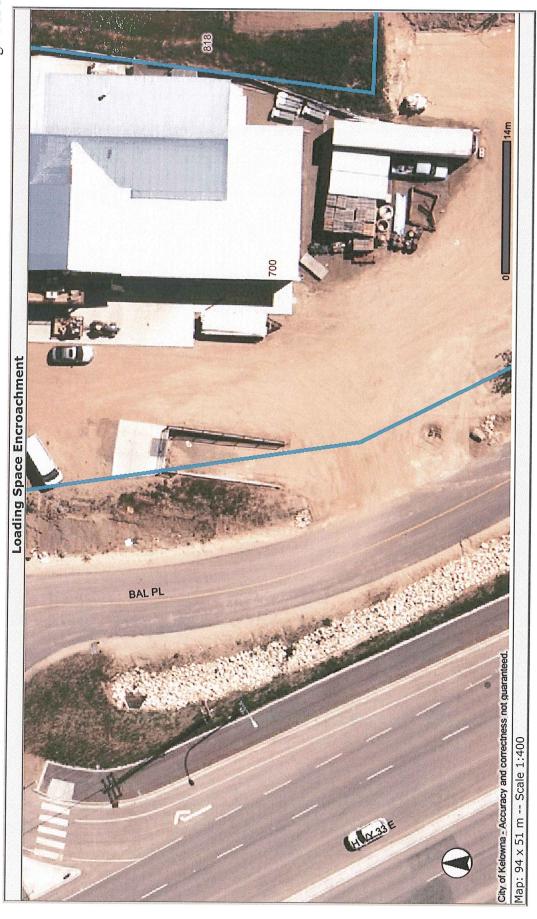
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.

The City of Kelowna does not guarantee its accuracy. All information should be verified.





http://kelintranetd/servlet/com.esri.esrimap.Esrimap?ServiceName=Kelowna_Map_Viewer&ClientVersion=4.0&Form=True...



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Hello Greg,

Please find below a written rationale for the proposed sign variances, as requested in your email.

Item #8

Due to the highway widening, our property was set back considerably from the highway and consequently our building also had to be moved further from the road. This resulted in a significant loss of highway business frontage. As a result, the Farm Market could not be easily visualized and located by the highway traffic. In order to accommodate the loss of business frontage, a suitable sign was developed and placed. The current size of the sign was found to be the most optimal because it can be read with ease from the highway but at the same time, does not cause any obstruction or any other issues with far away neighbours.

The location of the sign was based on a couple of factors. Firstly, given the amount of the highway frontage that was lost due to the highway widening, we subsequently lost a significant amount of working area for our already existing cherry packaging plant. In order to salvage as much space as possible for the forklifts and machinery and to facilitate loading and unloading of the fruit, the sign was placed as far from the building as possible. Additionally, by placing the sign in the current location, it can be optimally viewed by vehicles utilizing Highway 33. Lastly, the placement of the sign helps to ensure that vehicles are able to see the Farm Market well in advance of the turn off and are therefore able to safely merge into the left hand turning lane.

Item #9

Prior to designing and placing the sign, consideration was given to whether or not our neighbours would be affected by the size and placement of the sign. Given that our neighbours are located distant from our establishment, the final design of the sign did not interfere with or alter the view of our neighbours. Additionally, the sign was designed to ensure that it matched the natural landscape and character of the Black Mountain area.

Thank you,

Chanchal Bal

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP13-0113

EXISTING ZONING DESIGNATION: A1 - Agriculture 1

DEVELOPMENT VARIANCE PERMIT: To vary the City of Kelowna Sign Bylaw No. 8235 and Zoning Bylaw

No. 8000 in order to legalize an existing free-standing sign and

legalize an existing loading bay

ISSUED TO: Hillcrest Farm Market Inc. (Chanchal Bal)

LOCATION OF SUBJECT SITE: 700 Hwy 33 East

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	А	24		26	ODYD	EPP7145

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 Sign Bylaw No. 8235 be granted:

Section 5.6.1(d) - Free-Standing Signs

To vary the setback distance from a lot line from 1.5 metres required to 0.0 metres proposed, as per Schedule "A"

Section 6.1 Specific Zone Regulations - Fascia or Free-standing

To vary the maximum height from 2.5m permitted to 6.5m proposed, as per Schedule "B"

To vary the maximum area for a principal commercial use from 3.0m² permitted to 8.36m² proposed; as per Schedule "B"; and

To vary the maximum area for a secondary commercial use from 1.5 m^2 permitted to 3.5 m^2 proposed; as per Schedule "B".

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

Section 8.2.7 - Location

To vary the requirement that an off-street loading space shall be provided entirely within the property of the development being served.

Section 8.2.11 - Size and Access

To vary the requirement that any loading area shall be provided, wherever possible, internally to the development or from a lane abutting the development.

Section 8.2.12 - Size and Access

To vary the requirement that any loading area shall be arranged such that no backing or turning movement of vehicles going to or from the site causes interference with traffic on the abutting streets or lanes.

Section 11.1.6(c) - Development Regulations

To vary the minimum front yard setback from 6.0 m required to 0.0 proposed

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. <u>PERFORMANCE SECURITY</u>:

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 Community Planning & Real Estate Services.

Should there be any change in ownership or legal description of the property, I undertake to notify the Urban Planning 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. <u>APPROVALS</u> :				
DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE	COUNCIL ON THE DAY OF NOVEMBER 2013.			
ISSUED BY THE SUBDIVISION, AGRICULTURE & ENVIRON NOVEMBER, 2013 BY THE DIRECTOR OF SUBDIVISION, AG	MENT DEPARTMENT OF THE CITY OF KELOWNA THE DAY OF GRICULTURE & ENVIRONMENT.			
Shelley Gambacort, Director/Approving Officer				

Subdivision, Agriculture & Environment