

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, June 16, 2015
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. **Call to Order**
2. **Reaffirmation of Oath of Office**
The Oath of Office will be read by Councillor DeHart.
3. **Confirmation of Minutes** 1 - 10
Public Hearing - May 26, 2015
Regular Meeting - May 26, 2015
4. **Bylaws Considered at Public Hearing**
 - 4.1 **BL11056 (OCP15-0002) - Shared Gardens Amendments to OCP Bylaw No. 10500** 11 - 12
Requires a majority of all members of Council (5).
To give Bylaw No. 11056 second and third readings in order amend Official Community Plan Bylaw No. 10500.
 - 4.2 **BL11096 (TA15-0001) - Amendments to include Multi-Residential Shared and Community Gardens in Zoning Bylaw No. 8000** 13 - 18
To give Bylaw No. 11096 second and third readings in order to amend City of Kelowna Zoning Bylaw No. 8000.
 - 4.3 **5000 Gordon Drive, BL11098 (OCP15-0005) - No. 21 Great Projects Ltd.** 19 - 20
Requires a majority of all members of Council (5).
To give Bylaw No. 11098 second and third readings and adoption in order to change the future land use designation of the subject property.
 - 4.4 **5000 Gordon Drive, BL11099 (Z15-0019) - No. 21 Great Projects Ltd.** 21 - 22
To give Bylaw No. 11099 second and third readings, and adoption, in order to rezone the subject property from A1 - Agriculture 1 zone to the RU2H - Medium Lot Housing Hillside Area zone.

5. Notification of Meeting

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

6. Liquor License Application Reports

6.1 1370 Water Street, LL15-0005 - Cactus Club Cafe 23 - 38

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the liquor license application to come forward.

To seek Council's support for a Food Primary Liquor License with closing after midnight, a Restaurant Lounge Endorsement, and a Patron Non-Participation Entertainment Endorsement for a new Food Primary establishment to be located on the subject property.

7. Development Permit and Development Variance Permit Reports

7.1 4962 Lakeshore Road, BL11068 (Z15-0001) - Shane Jones 39 - 39

To adopt Bylaw No. 11068 in order to rezone the subject property to allow for a carriage house.

7.2 4962 Lakeshore Road, DP15-0009 & DVP15-0008 - Shane Jones 40 - 57

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 form and character Development Permit and Variances for the conversion of an existing Accessory Building to a Carriage House.

7.3 1429 KLO Road, BL10782 (Z11-0083) - Arnold & Melitta Frank 58 - 58

To adopt Bylaw No. 10782 in order to rezone the subject property to allow for a mobile home park.

7.4 1429 KLO Road, DP14-0258 & DVP14-0259 - Arnold & Melitta Frank and Jamac Holdings Ltd. 59 - 96

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 Permit application for the form and character of a modular home park on the subject property. b) Development Variance Permit to vary the rear landscape buffer area abutting ALR, to vary the landscape buffers to a mobile home space, the amount of required private open space and the minimum setback between mobile homes.

- 7.5 283 Lake Road, HAP15-0003 - City of Kelowna** **97 - 112**
- 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 Heritage Alteration Permit for the form and character and proposed variances of a single detached house and accessory building.
-
- 7.6 228 Caliburn Court, DVP15-0093 - David Wood** **113 - 127**
- 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 permit additional height for a portion of a proposed accessory building.
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- 7.7 840 Coronation Avenue, DP15-0090 & DVP15-0091 - Kelsey Fleming** **128 - 143**
- 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 Permit Application for an addition to a single family dwelling and a Development Variance Permit to vary a side yard setback.
-
- 7.8 1441 McInnes Avenue, DP15-0072 & DVP15-0073 - George Wannop** **144 - 163**
- 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 seek a Development Variance Permit to vary lot width for semi-detached housing.
-
- 7.9 776 Fordham Road, DVP15-0050 - Dave Rolleston** **164 - 172**
- 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 application for minimum lot depth to facilitate a two lot subdivision.

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 Permit for the form and character of a second dwelling, and a Development Variance Permit to reduce the minimum rear yard and distance between dwellings to facilitate the development of a second dwelling.

8. Reminders

9. Termination



**City of Kelowna
Public Hearing
Minutes**

Date: Tuesday, May 26, 2015
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran*, Councillors Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh*, Luke Stack

Members Absent Councillor Maxine DeHart

Staff Present City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Urban Planner, Ryan Roycroft*; Urban Planning Manager, Ryan Smith*; Council Recording Secretary, Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the Hearing to order at 6:03 p.m.

Mayor Basran advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030 - Official Community Plan Bylaw No. 10500" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

2. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on May 12, 2015 and by being placed in the Kelowna Capital News issues on May 15 and May 20, 2015 and by sending out or otherwise delivering 177 statutory notices to the owners and occupiers of surrounding properties, and 5790 informational notices to residents in the same postal delivery route, between May 12 and May 15, 2015.

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

3.1 700 Highway 33 East, BL11083 (TA15-0002) - Hillcrest Farm Market Inc.

Mayor Basran declared a conflict of interest as the applicant is a relative and departed the meeting at 6:08 p.m.

Councillor Singh declared a conflict of interest due to her close personal sister-like relationship to the applicant and left the meeting at 6:08 p.m.

Deputy Mayor Gray took over the Chair at 6:08 p.m.

City Clerk read the following statement recommending the item be deferred:

- New information has come forward regarding the Hillcrest Text Amendment application scheduled for tonight's public hearing. New information received from BMID Friday afternoon, after initial consideration was heard by Council, has resulted in the Fire Department yesterday substantively changing their comments regarding this application. This new information should be presented to Council at a Monday afternoon Council meeting, rather than at the public hearing. To ensure the procedural fairness of the process, including to the applicant and the public, staff recommend Council defer the item this evening. Mr. Ball was informed of staff's position this morning.
- The procedural concern is that neither Council, nor the applicant nor the public have been given the opportunity to hear, reflect upon and question the new information prior to proceeding this evening. The courts have placed a heavy emphasis on the City following procedural fairness when conducting public hearings.
- While staff's advice is to defer holding the public hearing, Council could decide to hold the Hearing this evening; however the public hearing would have to remain open, and no consideration of the application could be made during the meeting later this evening. Staff would still need to review the new information and have the opportunity to present it to Council at a Monday afternoon meeting. This would probably occur Monday, June 15th (no Council meeting June 8th due to FCM).
- Anyone who spoke this evening would be able to speak at the reconvened public hearing, as they would not have had a chance to hear the new information.
- We apologize for making this deferral recommendation the day of the public hearing; in reviewing the materials for this evening staff came to the recommendation that it is in the best interest of Council, the applicant and the public to defer this application to ensure procedural fairness.
- Responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Given

R401/15/05/26 THAT Council defer holding the Public Hearing for Text Amendment No. TA15-0002 (Bylaw No. 11083), located on 700 Highway 33 East.

Carried
Councillors Sieben and Donn - Opposed

Deputy Mayor Gray called a recess at 6:25 p.m.

Deputy Mayor Gray reconvened the meeting at 6:28 p.m.

Mayor Basran returned to the meeting and resumed the Chair at 6:28 p.m.

Councillor Singh rejoined the meeting at 6:28 p.m.

3.2 773 Glenmore Road & 720 Valley Road, BL11090 (OCP14-0008), BL11091 (TA14-0005) & BL11092 (Z14-0010) - 0904419 BC Ltd.

Staff:

- Provided a PowerPoint Presentation summarizing the application and responded to questions from Council.

The City Clerk advised that the following correspondence was received:

Letters of Opposition or Concern
Alan Pallett, Augusta Court

Michael Seifert, Nassau Crescent
 Don Porter, Valley Road
 Anne Fletcher, Walker Drive
 Janneke & Paul Smith, Walker Drive

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

Neither Applicant nor Applicant Representative was in attendance.

Gallery:

Derek Shaw, Valley Road

- Lived in current residence for 23 years.
- Raised concern with the current and future traffic implications that the proposed development would create.
- Strongly opposed to the application.
- Responded to questions from Council.

There were no further comments.

3.3 2265 Wilkinson Street, BL11093 (Z15-0015) - Jacob & Julie Cruise

Staff:

- Provided a PowerPoint Presentation summarizing the application and responded to questions from Council.

The City Clerk advised that the following correspondence was received:

Letters of Support

Sonya & Brian Arrance, Wilkinson Street
 Garlon Hui, Guisachan Road

Letters of Opposition or Concern

Sylvia Rufli, Nelson Place
 Harvey Bell, Wilkinson
 Brian Bittle, Guischan Road

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

Jacob Cruise, Wilkinson Street, Applicant

- Confirmed they are the second owners of the property and purchased the property as it is today.
- Spoke to his commitment to the neighbourhood.
- Had been made aware of and addressed immediate neighbour privacy concerns.
- Neighbours to the north and south are in support of the application. Occupants to the east were consulted and didn't have any issues.
- Confirmed there would be no parking in the front yard.
- Responded to questions from Council.

There were no further comments.

3.4 1432 McInnes Avenue, BL11094 (Z15-0014) - Caroline Kaltenhauser

Staff:

- Provided a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letters of Support
Eric Prehofer, Sutherland Avenue

Letters of Opposition or Concern
Sheila Seweryn, McInnes Avenue
Gillian Krol, McInnes Avenue
Ken Work, McInnes Avenue

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

Marlin Weninger, Henderson Drive, Applicant

- Been working closely with staff to create a nice plan for the area.
- Addressed on-street parking concerns raised in the letters of opposition of the application.
- Adequate parking will be provided on site.
- Responded to questions from Council

Gallery:

Sheila Seweryn, McInnes Avenue

- Referenced her previously submitted correspondence.
- Raised concerns with parking, increased noise and rental units.
- Raised concern that property values would decline in the area due to this development.
- Opposed to this application.
- Responded to questions from Council.
- Submitted speaking notes.

Tenant, 1432 McInnes Avenue

- Has been a resident for 10 years.
- Expressed her disappointment with the manner in which the eviction notice was served upon her.

Mayor Basran confirmed that Council has no jurisdiction on such issues and any concerns should be brought to the BC Residential Tenancy Branch.

Majda Gregori, McInnes Avenue

- Raised concern with on street parking in the neighbourhood.
- Raised concern with noisy residences in the neighbourhood.
- Opposed to this application.

Mr. Weninger, Applicant

- Believes with the addition of the new building property values will increase in the area.
- This development is supplying 6 legal size parking stalls and should improve parking concerns in this area.
- There are many noise complaints that currently exist in the neighbourhood.
- Responded to questions from Council.

There were no further comments.

3.5 1280 Highway 33 East, BL11095 (Z15-0011) - Imre & Jennifer Csorba

Staff:

- Provided a PowerPoint Presentation summarizing the application and responded to questions from Council.

The City Clerk advised that the following correspondence was received:

Letters of No Objection
Carole & Mayne McCutcheon, Charleswood Drive

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

There were no further comments.

4. Termination

The Hearing was declared terminated at 7:56 p.m.

Mayor



City Clerk

Deputy Mayor

/acm



City of Kelowna

Date: Tuesday, May 26, 2015
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh, Luke Stack

Members Absent Councillor Maxine DeHart

Staff Present City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Urban Planner, Ryan Roycroft*; Urban Planning Manager, Ryan Smith*; Council Recording Secretary, Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 8:09 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Sieben.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Singh

R402/15/05/26 THAT the Minutes of the Regular Meeting of May 12, 2015 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 700 Highway 33 East, BL11083 (TA15-0002) - Amending Agriculture 1 Zone

Bylaw was not considered.

4.2 773 Glenmore Road & 720 Valley Road, BL11090 (OCP14-0008) - 0904419 BC Ltd.

Moved By Councillor Gray/Seconded By Councillor Hodge

R403/15/05/26 THAT Bylaw No. 11090 be read a second and third time.

Carried

4.3 BL11091 (TA14-0005) - Replacing the CD3 - Comprehensive Development Three Zone in Zoning Bylaw No. 8000

Moved By Councillor Hodge/Seconded By Councillor Donn

R404/15/05/26 THAT Bylaw No. 11091 be read a second and third time.

Carried

4.4 773 Glenmore Road & 720 Valley Road, BL11092 (Z14-0010) - 0904419 BC Ltd.

Moved By Councillor Gray/Seconded By Councillor Donn

R405/15/05/26 THAT Bylaw No. 11092 be read a second and third time.

Carried

4.5 2265 Wilkinson Street, BL11093 (Z15-0015) - Jacob & Julie Cruise

Moved By Councillor Hodge/Seconded By Councillor Donn

R406/15/05/26 THAT Bylaw No. 11093 be read a second and third time.

Carried

Moved By Councillor Hodge/Seconded By Councillor Donn

R407/15/05/26 THAT Council direct staff to hold a Monday AM open meeting workshop to review the two storey accessory building regulations.

Carried

4.6 1432 McInnes Avenue, BL11094 (Z15-0014) - Caroline Kaltenhauser

Moved By Councillor Singh/Seconded By Councillor Sieben

R408/15/05/26 THAT Bylaw No. 11094 be read a second and third time.

Carried

4.7 1280 Highway 33 East, BL11095 (Z15-0011) - Imre & Jennifer Csorba

Moved By Councillor Singh/Seconded By Councillor Sieben

R409/15/05/26 THAT Bylaw No. 11095 be read a second and third time.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of these *Development Variance Permit Applications* was given by sending out or otherwise delivering 12 statutory notices to the owners and occupiers of surrounding properties, between May 12 and May 15, 2015.

The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

6. Development Permit and Development Variance Permit Reports

6.1 792 Lawrence Avenue, DP15-0048 & DVP15-0049 - Astrid Kneipp

Staff:

- Provided a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letter of Support Submitted by the Applicant:
Scott Renou, 809 Bernard Avenue

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

Astrid Kneipp, Lawrence Avenue, Applicant

- Confirmed that neighbours are supportive of the application.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Given

R410/15/05/26 THAT Council authorizes the issuance of Development Permit No. DP15-0048 for Lot 46 Block 15 District Lot 138 ODYD Plan 262, Located at 792 Lawrence Avenue, Kelowna, BC subject to the following:

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0049, for Lot 46 Block 15 District Lot 138 ODYD Plan 262, Located at 792 Lawrence Avenue, Kelowna, BC;

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

Section 13.6.6(d): RU6 - Two Dwelling Housing - Development Regulations

Vary the minimum required side yard setback (west) from 2.0 m required to 1.6 m proposed.

Vary the minimum required side yard setback (east) from 2.0 m required to 1.6 m proposed.

AND FURTHER THAT this Development Permit and Development Variance Permit be valid for two (2) years from the date of Council approval with no opportunity to extend.

Carried

6.2 341 Clifton Road, BL10892 (Z13-0035) - Adrian Hazzi & Mandi Moore

Moved By Councillor Donn/Seconded By Councillor Stack

R411/15/05/26 THAT Bylaw No. 10892 be adopted.

Carried

6.3 341 Clifton Road, DVP14-0240 - Adrian Hazzi & Mandi Moore

Staff:

- Provided a PowerPoint Presentation summarizing the application and responded to questions from Council.

The City Clerk advised that no correspondence was received.

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

Matt Cameron, CTQ Consultants, Applicant Representative

- Believes this is an exciting project even though there are some challenges to create Green Street on slopes.
- Confirmed Green Street concept is bonded.
- Responded to questions from Council.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Hodge

R412/15/05/26 THAT final adoption of Zone Amending Bylaw No. 10892 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0240 for Lot 5, Section 31, Township 26, ODYD, Plan 10686, located on 341 Clifton Road, Kelowna, BC;

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

Section 13.2.5(b): RU2 - Medium Lot Housing Subdivision Regulations

To vary the minimum lot depth from 30.0 m permitted to 24.19 m (future Lot 5) and 22.91 m (future Lot 9) proposed, as shown on the attached Schedule A.

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

7. Reminders

Wild Festival for Youth - Grant Application

Mayor Basran

- Referenced additional information he circulated to Council regarding the Grant request for \$2,800 from Wild Festival for Youth.
- Confirmed funding source would be from Council contingency.
- Responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Donn

R413/15/05/26 THAT Council authorizes the Grant for the Wild Festival for Youth Event to be held on June 11, 2015 in Kelowna, B.C., in the amount of \$2,800.00, be funded from Council contingency.

Carried

8. Termination

The meeting was declared terminated at 9:01 p.m.

Mayor

/acm

Steph Levine
City Clerk

DRAFT

CITY OF KELOWNA

BYLAW NO. 11056

Official Community Plan Amendment No. OCP15 - 0002 Shared Gardens Amendments to Official Community Plan Bylaw No. 10500

A bylaw to amend the "*Kelowna 2030* - Official Community Plan Bylaw No. 10500".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT **Chapter 5 - Development Process**, Objective 5.2 Develop sustainability be amended by adding in its appropriate location the following new Policy .5 with the Economic Sustainability, Social Sustainability, Environmental Sustainability and Cultural Sustainability icons that reads:

"Policy .5 **Integrated Land Use.** Integrate land use approaches wherever possible to improve opportunities for biodiversity, ecosystem connectivity, recreation, agriculture and local food production, while reducing conflicts."

2. AND THAT **Chapter 5 - Development Process**, Objective 5.13 Develop process be amended by adding in its appropriate location the following new Policy .13 with the Economic Sustainability, Social Sustainability, Environmental Sustainability and Cultural Sustainability icons that reads:

"Policy .4 **Multi-Residential Shared Garden.** Encourage new development to include contiguous space intended for garden space for residents."

3. AND THAT **Chapter 14 - Urban Design DP Guidelines**, 10.0 Decks, balconies, rooftops, and common outdoor amenity space be amended by adding a new 10.5 as follows:

"10.5 Multi-Residential Shared Garden plots should:

- Take inspiration from the site's architecture and landscape treatments for design and layout.
- Be located to maximize sunlight access.
- Incorporate enhanced universal accessibility features on some plots.
- Ensure landscape installation standards including growing medium depth and quality meet the requirements of the BC Landscape Standard (Latest Edition) and/or the Master Municipal Construction Document (Year 2000 Gold Edition)."

4. AND THAT **Chapter 17 - Definitions**, be amended by adding a new section F with a new definition for **Food Security** as follows:

“FOOD SECURITY

All community residents have access to sufficient, safe, healthy and culturally acceptable foods produced in a manner that promotes health, protects the environment and adds economic and social value to communities.”

5. 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 1st day of June, 2015.

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

CITY OF KELOWNA
BYLAW NO. 11096
**TA15-0001 - Amendments to Include Multi-Residential Shared
and Community Gardens**

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, **Section 2 - Interpretation** be amended by adding the following new definitions in their appropriate location:

"COMMUNITY GARDEN means the recreational growing of plants, on a publically or privately owned parcel, and does not include the growing and subsequent sale of produce for commercial purposes. This use is limited to production activities which are not deemed to be noxious or offensive to adjacent properties or the general public. This definition does not include the keeping of poultry and/or livestock.

MULTI-RESIDENTIAL SHARED GARDEN means a portion of a parcel, shared with a multi-residential dwelling that is used for the recreational growing of plants for food and/or pleasure for the residents of the multi-residential dwelling. It does not include the growing and sale of produce for commercial purposes."

2. AND THAT **Section 9 - Specific Use Regulations** be amended by adding the following new sub-sections as follows in their appropriate location:

"9.11 Multi-Residential Shared Garden

- 9.11.1 A **Multi-residential shared garden** must be solely for the use of the residents on the parcel. **Multi-residential shared gardens** shall:

- (a) be screened from adjacent **streets** and/or parking area by **landscaping**;
- (b) be integrated into the overall **landscape** design;
- (c) be located on a parcel where exposure to sunlight is optimal;
- (d) have no outdoor storage of equipment and materials related to the **multi-residential shared garden** kept on the parcel;
- (e) not have equipment, building or structures of any sort within 3m of a property line flanking a street;
- (f) an **accessory building or structure** may be constructed to support a **multi-residential shared garden** which may be no larger than 30m²;
- (g) have an easily accessible water source;
- (h) not block emergency routes or access;
- (i) follow the City of Kelowna's Pesticide Use Regulation Bylaw No. 9920;
- (j) not take up a designated vehicle parking or loading spaces; and
- (k) provide an onsite location for odour-free organic waste disposal or transport organic waste to a suitable disposal facility.

- 9.11.2 **Multi- residential Shared Gardens** shall provide a minimum of one garden plot that is universally accessible, a minimum of 0.75m high and located closest to the principal building and/or **multi-residential shared garden** entrance.

9.12 Community Garden

9.12.1 In order to be permitted on a parcel a **Community Garden** shall:

- (a) conform to the applicable zoning requirements for **accessory buildings or structures**, or **greenhouse** when accommodating these structures in conjunction with a **community garden**;
- (b) be delineated from adjacent **streets** and/or parking areas by **landscaping**;
- (c) have no or materials related to the **community garden** stored outside on the parcel;
- (d) not have any equipment, building or structures of any sort within 3m of an adjacent street;
- (e) have an easily accessible water source;
- (f) follow the City of Kelowna's Pesticide Use Regulation Bylaw No. 9920;
- (g) provide an onsite location for odour-free organic waste disposal or transport organic waste to a suitable disposal facility;
- (h) not take up designated vehicle parking or loading spaces; and
- (i) be limited to one **freestanding sign** or a fence mounted **sign** that is a maximum of 2.0m high and a maximum of 3.0m² sign area that displays the name of the **community garden**."

3. AND THAT Section 12 - Rural Residential Zones be amended by:

- a) adding "**Community Garden**" as a **Principal Use**, it is appropriate location in **Sub-Section 12.1.2 Principal Uses** and renumber subsequent subparagraphs;
- b) adding "**Community Garden**" as a **Principal Use**, it is appropriate location in **Sub-Section 12.2.2 Principal Uses** and renumber subsequent subparagraphs;
- c) adding "**Community Garden**" as a **Principal Use**, it is appropriate location in **Sub-Section 12.3.2 Principal Uses** and renumber subsequent subparagraphs.

4. AND THAT Section 13 - Urban Residential Zones be amended by:

- a) adding "**Community Garden**" as a **Principal Use**, it is appropriate location in **Sub-Section 13.1.2 Principal Uses** and renumber subsequent subparagraphs;
- b) adding "**Community Garden**" as a **Principal Use**, it is appropriate location in **Sub-Section 13.2.2 Principal Uses** and renumber subsequent subparagraphs;
- c) adding "**Community Garden**" as a **Principal Use**, it is appropriate location in **Sub-Section 13.3.2 Principal Uses** and renumber subsequent subparagraphs;
- d) adding "**Community Garden**" as a **Principal Use**, it is appropriate location in **Sub-Section 13.4.2 Principal Uses** and renumber subsequent subparagraphs;
- e) adding "**Community Garden**" as a **Principal Use**, it is appropriate location in **Sub-Section 13.5.2 Principal Uses** and renumber subsequent subparagraphs;
- f) adding "**Community Garden**" as a **Principal Use**, it is appropriate location in **Sub-Section 13.6.2 Principal Uses** and renumber subsequent subparagraphs;
- g) adding "**Community Garden**" as a **Principal Use**, it is appropriate location in **Sub-Section 13.7.2 Principal Uses** and renumber subsequent subparagraphs;

- h) adding **"Community Garden"** as a **Principal Use**, it is appropriate location in **Sub Section 13.8.2 Principal Uses** and renumber subsequent subparagraphs;
- i) adding **"Multi-Residential Shared Gardens"** as a **Secondary Use**, it is appropriate location in **Sub-Section 13.8.3 Secondary Uses** and renumber subsequent subparagraphs;
- j) adding to **Sub-Section 13.8.6 Development Regulations**, a new sub-paragraphs (i) and (j) that reads:
 - "(i) For multiple dwelling housing, congregate housing, group home, major or supportive housing, major developments up to 1.0m of required rear yard landscaping buffer may be transferred to a multi-residential shared garden on the same parcel.
 - (j) For multiple dwelling housing, congregate housing or group home, major developments 10% of the private open space requirement per unit may be transferred to a multi-residential shared garden located on the same parcel."
- k) adding **"Community Garden"** as a **Principal Use**, it is appropriate location in **Sub Section 13.9.2 Principal Uses** and renumber subsequent subparagraphs;
- l) adding **"Multi-Residential Shared Gardens"** as a **Secondary Use**, it is appropriate location in **Sub-Section 13.9.3 Secondary Uses** and renumber subsequent subparagraphs;
- m) adding to **Sub-Section 13.9.6 Development Regulations**, a new sub-paragraphs (h) and (i) that reads:
 - "(h) For multiple dwelling housing, congregate housing, group home, major or supportive housing, major developments up to 1.0m of required rear yard landscaping buffer may be transferred to a multi-residential shared garden on the same parcel.
 - (i) For multiple dwelling housing, congregate housing or group home, major developments 10% of the private open space requirement per unit may be transferred to a multi-residential shared garden located on the same parcel."
- n) adding **"Community Garden"** as a **Principal Use**, it is appropriate location in **Sub Section 13.10.2 Principal Uses** and renumber subsequent subparagraphs;
- o) adding **"Multi-Residential Shared Gardens"** as a **Secondary Use**, it is appropriate location in **Sub-Section 13.10.3 Secondary Uses** and renumber subsequent subparagraphs;
- p) adding to **Sub-Section 13.10.6 Development Regulations**, a new sub-paragraphs (h) and (i) that reads:
 - "(h) For multiple dwelling housing, congregate housing, group home, major or supportive housing, major developments up to 1.0m of required rear yard landscaping buffer may be transferred to a multi-residential shared garden on the same parcel.
 - (i) For multiple dwelling housing, congregate housing or group home, major developments 10% of the private open space requirement per

unit may be transferred to a **multi-residential shared garden** located on the same parcel.”

- q) adding “**Community Garden**” as a **Principal Use**, it is appropriate location in **Sub Section 13.11.2 Principal Uses** and renumber subsequent subparagraphs;
- r) adding “**Multi-Residential Shared Gardens**” as a **Secondary Use**, it is appropriate location in **Sub-Section 13.11.3 Secondary Uses** and renumber subsequent subparagraphs;
- s) adding to **Sub-Section 13.11.6 Development Regulations**, a new sub-paragraphs (g) and (h) that reads:
 - “(g) For multiple dwelling housing, congregate housing, group home, major or supportive housing, major developments up to 1.0m of required rear yard landscaping buffer may be transferred to a **multi-residential shared garden** on the same parcel.
 - (h) For multiple dwelling housing, congregate housing or group home, major developments 10% of the private open space requirement per unit may be transferred to a **multi-residential shared garden** located on the same parcel.”
- t) adding “**Community Garden**” as a **Principal Use**, it is appropriate location in **Sub Section 13.12.2 Principal Uses** and renumber subsequent subparagraphs;
- u) adding “**Multi-Residential Shared Gardens**” as a **Secondary Use**, it is appropriate location in **Sub-Section 13.12.3 Secondary Uses** and renumber subsequent subparagraphs;
- v) adding to **Sub-Section 13.12.6 Development Regulations**, a new sub-paragraphs (g) and (h) that reads:
 - “(g) For multiple dwelling housing, congregate housing, group home, major or supportive housing, major developments up to 1.0m of required rear yard landscaping buffer may be transferred to a **multi-residential shared garden** on the same parcel.
 - (h) For multiple dwelling housing, congregate housing or group home, major developments 10% of the private open space requirement per unit may be transferred to a **multi-residential shared garden** located on the same parcel.”
- w) adding “**Community Garden**” as a **Principal Use**, it is appropriate location in **Sub Section 13.13.2 Principal Uses** and renumber subsequent subparagraphs;
- x) adding “**Community Garden**” as a **Principal Use**, it is appropriate location in **Sub Section 13.14.3 Principal Uses** and renumber subsequent subparagraphs;
- y) adding “**Community Garden**” as a **Principal Use**, it is appropriate location in **Sub Section 13.15.3 Principal Uses** and renumber subsequent subparagraphs; and
- z) adding “**Community Garden**” as a **Principal Use**, it is appropriate location in **Sub Section 13.16.3 Principal Uses** and renumber subsequent subparagraphs;
- aa) adding “**Multi-Residential Shared Gardens**” as a **Secondary Use**, it is appropriate location in **Sub-Section 13.16.4 Secondary Uses** and renumber subsequent subparagraphs;

bb) adding to **Sub-Section 13.16.7 Development Regulations**, a new sub-paragraphs (c) and (d) that reads:

- “(c) For multiple dwelling housing, congregate housing, group home, major or supportive housing, major developments up to 1.0m of required rear yard landscaping buffer may be transferred to a multi-residential shared garden on the same parcel.
- (d) For multiple dwelling housing, congregate housing or group home, major developments 10% of the private open space requirement per unit may be transferred to a multi-residential shared garden located on the same parcel.”

5. AND THAT **Section 14 - Commercial Zones** be amended by:

- a) adding “**Community Garden**” as a **Principal Use**, it is appropriate location in **Sub Section 14.1.2 Principal Uses** and renumber subsequent subparagraphs;
- b) adding “**Community Garden**” as a **Principal Use**, it is appropriate location in **Sub Section 14.2.2 Principal Uses** and renumber subsequent subparagraphs;
- c) adding “**Community Garden**” as a **Principal Use**, it is appropriate location in **Sub Section 14.3.2 Principal Uses** and renumber subsequent subparagraphs;
- d) adding “**Community Garden**” as a **Principal Use**, it is appropriate location in **Sub Section 14.4.2 Principal Uses** and renumber subsequent subparagraphs;
- e) adding “**Community Garden**” as a **Principal Use**, it is appropriate location in **Sub Section 14.5.2 Principal Uses** and renumber subsequent subparagraphs;
- f) adding “**Community Garden**” as a **Principal Use**, it is appropriate location in **Sub Section 14.6.2 Principal Uses** and renumber subsequent subparagraphs;
- g) adding “**Community Garden**” as a **Principal Use**, it is appropriate location in **Sub Section 14.7.2 Principal Uses** and renumber subsequent subparagraphs;
- h) adding “**Community Garden**” as a **Principal Use**, it is appropriate location in **Sub Section 14.8.2 Principal Uses** and renumber subsequent subparagraphs;
- i) adding “**Community Garden**” as a **Principal Use**, it is appropriate location in **Sub Section 14.9.2 Principal Uses** and renumber subsequent subparagraphs; and
- j) adding “**Community Garden**” as a **Principal Use**, it is appropriate location in **Sub Section 14.10.2 Principal Uses** and renumber subsequent subparagraphs.

6. AND THAT **Section 16 - Public & Institutional Zones** be amended by:

- a) adding “**Community Garden**” as a **Principal Use**, it is appropriate location in **Sub Section 16.1.2 Principal Uses** and renumber subsequent subparagraphs;
- b) adding “**Community Garden**” as a **Principal Use**, it is appropriate location in **Sub Section 16.2.2 Principal Uses** and renumber subsequent subparagraphs;
- c) adding “**Community Garden**” as a **Principal Use**, it is appropriate location in **Sub Section 16.3.2 Principal Uses** and renumber subsequent subparagraphs;

- d) adding "Community Garden" as a **Principal Use**, it is appropriate location in **Sub Section 16.4.2 Principal Uses** and renumber subsequent subparagraphs;
- e) adding "Community Garden" as a **Principal Use**, it is appropriate location in **Sub Section 16.5.2 Principal Uses** and renumber subsequent subparagraphs;
- f) adding "Community Garden" as a **Principal Use**, it is appropriate location in **Sub Section 16.6.2 Principal Uses** and renumber subsequent subparagraphs;
- g) adding "Community Garden" as a **Principal Use**, it is appropriate location in **Sub Section 16.7.2 Principal Uses** and renumber subsequent subparagraphs;
- h) adding "Community Garden" as a **Principal Use**, it is appropriate location in **Sub Section 16.8.2 Principal Uses** and renumber subsequent subparagraphs;

- 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 1st day of June, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11098

Official Community Plan Amendment No. OCP15-0005 - No. 21 Great Projects Ltd., Inc. No. 355991 5000 Gordon Drive

A bylaw to amend the "*Kelowna 2030* - Official Community Plan Bylaw No. 10500".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of portions of The South ½, District Lot 579, SDYD, Except Plans KAP77336, KAP86178, KAP86917, KAP87090, KAP87918, EPP9619, EPP9638, EPP12863, EPP15721, EPP18670 and EPP22118, located on Gordon Drive, Kelowna, B.C., from the MRC - Multiple Unit Residential - Cluster Housing designation to the S2RESH - Single/Two Unit Residential - Hillside designation as per Map "A" attached to and forming part of this bylaw;
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 25th day of May, 2015.

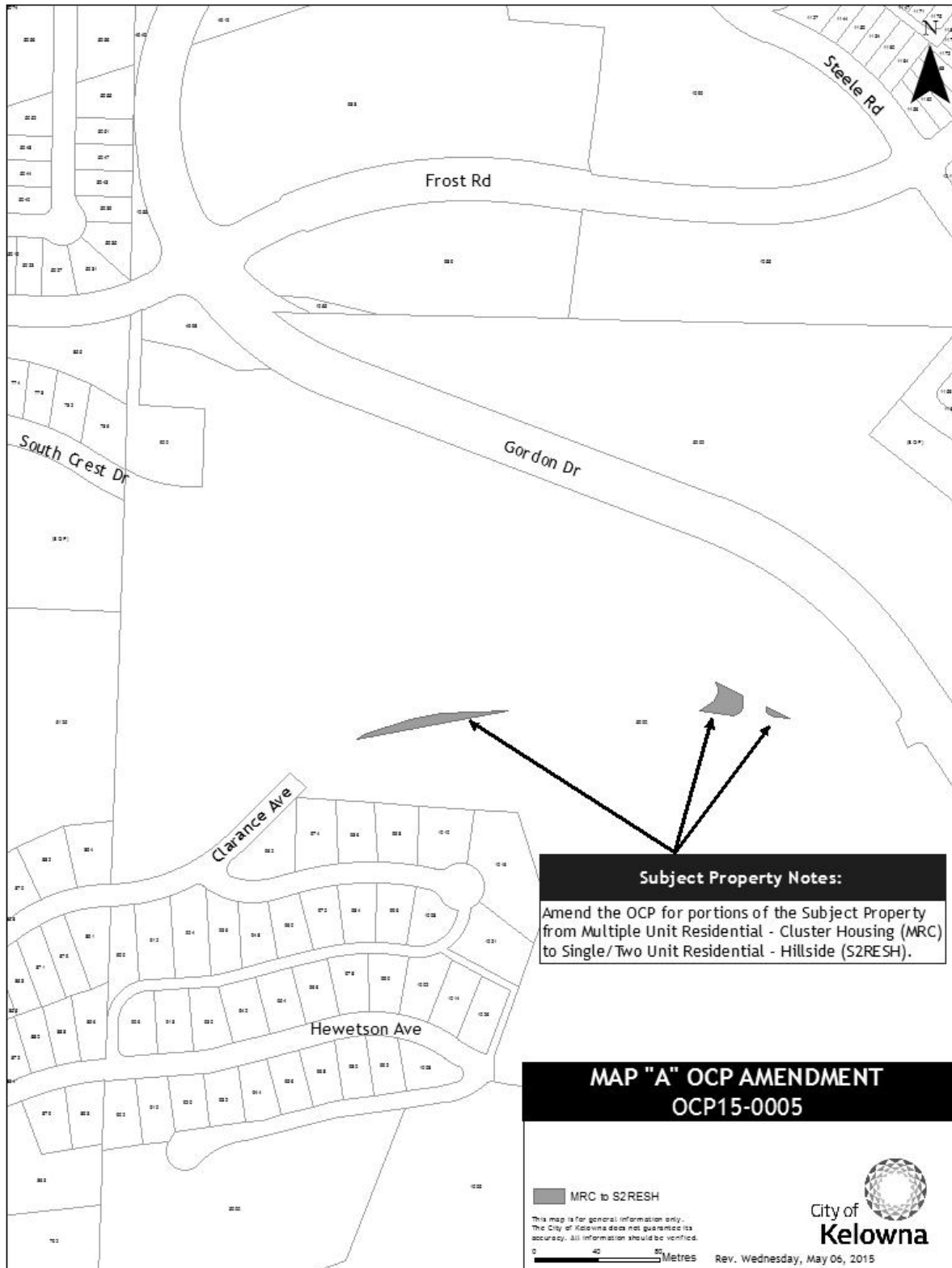
Considered at a Public Hearing on the

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



CITY OF KELOWNA
BYLAW NO. 11099
Z15-0019 - No. 21 Great Projects Ltd., Inc. No. 355991
5000 Gordon Drive

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 portions of The South ½, District Lot 579, SDYD, Except Plans KAP77336, KAP86178, KAP86917, KAP87090, KAP87918, EPP9619, EPP9638, EPP12863, EPP15721, EPP18670 and EPP22118 located on Gordon Drive, Kelowna, B.C., from the A1 - Agriculture 1 zone to the RU2h - Medium Lot Housing (Hillside Area) zone as per Map "B" attached to and forming part of this bylaw.
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 25th day of May, 2015.

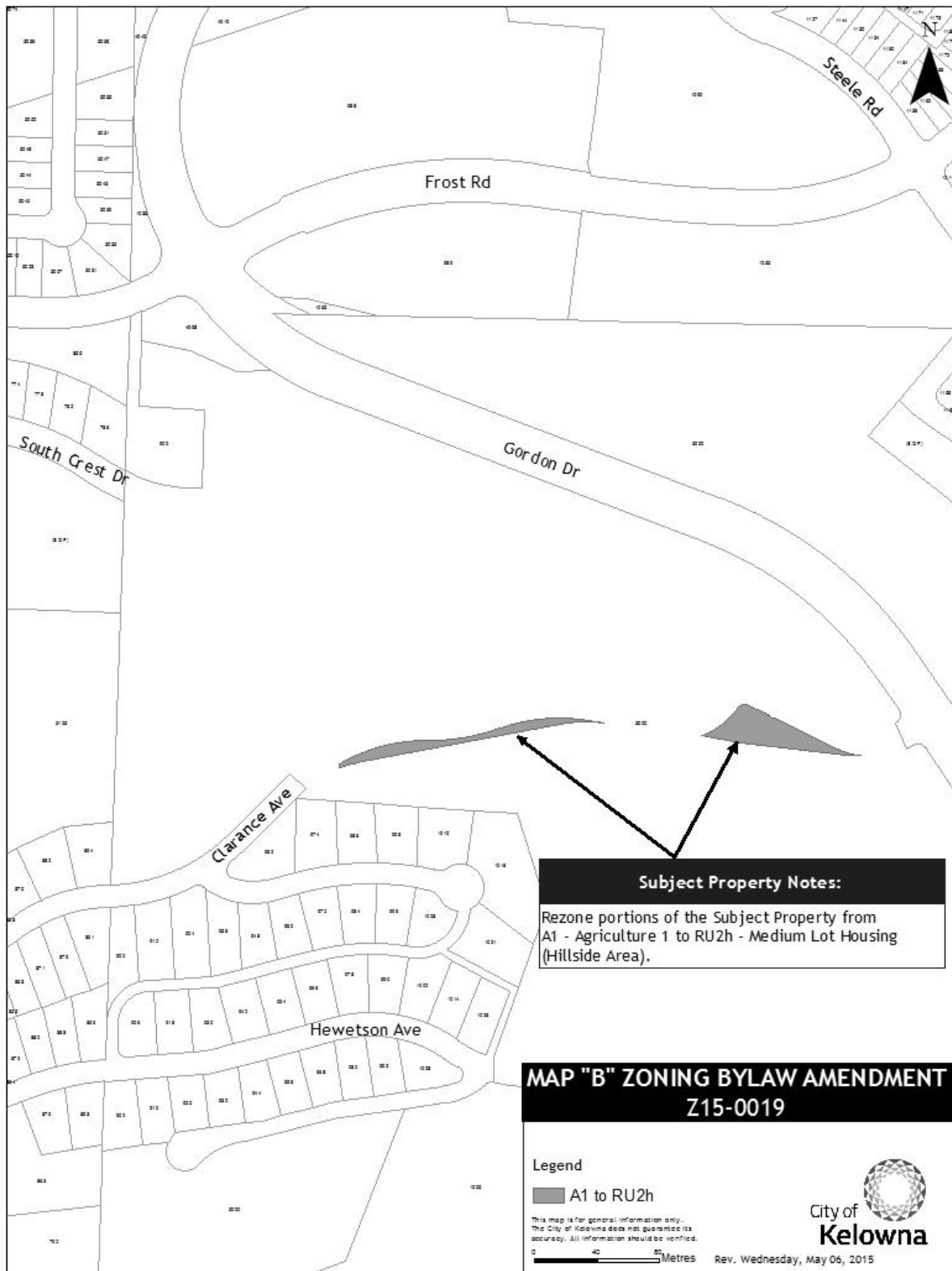
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



REPORT TO COUNCIL



Date: May 26, 2015

RIM No. 0930-50

To: City Manager

From: Urban Planning, Community Planning & Real Estate (AC)

Application: LL15-0005 **Owner:** Kelowna Yacht Club
(Inc. No. S-0003099)

Address: 1370 Water St. **Applicant:** Cactus Club Café - Randall
Olafson

Subject: Liquor License Application

Existing OCP Designation: Major Park/Open Space (public)

Existing Zone: P1lp - Major Institutional(Liquor Primary)

1.0 Recommendation

THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 18 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 from at address: 1370 Water Street, Kelowna BC, (legally described as Lot 1, District Lot 139 & 4083, ODYD, Plan EPP29214) closing at 1am and includes a Restaurant Lounge Endorsement and a Patron Non-Participation Entertainment Endorsement, are as follows:

- a) The potential for noise if the application is approved:
The potential impact for noise is minimal and would be compatible with surrounding land uses.
- b) The impact on the community if the application is approved:
The potential for negative impacts are 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 316 seats inside and a seasonal patio of 168 patrons, with operating hours of 9:00am to 1:00am for Monday to Saturday, and 9:00am to midnight on Sunday.

e) Traffic and Parking:

The parking requirements were addressed through the original Development Permit application and associated Development Variance Permit application which reduced the required off-street parking to 30 stalls. Therefore, the on-site parking provided is considered compliant.

f) If the proposed endorsement would result in the establishment being operated in a manner which is contrary to its primary purpose:

The endorsement is being sought to offer an additional level of service to the Food Primary establishment. The focus of the proposed facility will be as a Food Primary establishment.

g) Recommendation:

Council recommends that the application for a Food Primary License to close after midnight, a Restaurant Lounge Endorsement, and a patron non-participation entertainment Liquor License endorsement be approved.

2.0 Purpose

To seek Council's support for a Food Primary Liquor License with closing after midnight, a Restaurant Lounge Endorsement, and a Patron Non-Participation Entertainment Endorsement for a new Food Primary establishment to be located on the subject property.

3.0 Urban Planning Department

The proposed licensed hours of operation to remain open until 1:00am is also not perceived to have negative effects on the surrounding area given the location.

In consideration of the above, the Urban Planning Department recommends support for the proposed license endorsement. Discussion on the LCLB's regulatory criteria for Local Government comment on Liquor License endorsement applications is as contained within Staff's recommendation at the beginning of this report.

The applicant has canvassed the neighbourhood and had provided input that had been obtained during that process

4.0 Proposal

4.1 Background

An application has been forwarded by the licensee to the Provincial Liquor Control and Licensing Branch (LCLB) for their approval. Procedurally, all new Food Primary licenses closing after midnight require Local Government comment. Local Government comment is not required for a Patron non-Participation Entertainment endorsement and is also not required for a lounge endorsement.

4.2 Project Description

The applicant is proposing to develop a Food Primary establishment (known as the Cactus Club Cafe) within the southern portion of the new Kelowna Yacht Club building, currently under construction. The Liquor License application indicates that they are proposing to operate beyond midnight to close at 1:00am, as well as proposing to add a Patron Non-Participation Entertainment Endorsement to their Food Primary license. Only those hours beyond midnight require a Council Resolution to the Liquor Control and Licensing Branch (LCLB). In addition to this, the applicant is also seeking a Lounge Endorsement for the Food Primary Liquor License.

The Food Primary establishment is designed with an occupancy load of 148 persons for the interior locations, and a maximum occupant load of 168 persons for the exterior patio area adjacent to Stuart Park and the lakefront walkway.

The interior portion of the establishment is also designed to incorporate a designated lounge area with a total capacity of 30 patrons. The lounge area is proposed to be split into two areas with the interior lounge proposed to have a 22 patron capacity and the patio lounge proposed to have an 8 patron capacity. The 30 patrons within the lounge area is included within the 316 person occupant load for the establishment.

The floor space is to be operated as a Food Primary establishment.

Proposed License Summary:

Proposed Hours of Sale:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	9:00am	9:00am	9:00am	9:00am	9:00am	9:00am	9:00am
Close	midnight	1:00am	1:00am	1:00am	1:00am	1:00am	1:00am

Licensed Area	Capacity
Food Primary capacity	148 patrons
Patio capacity	168 patrons
Total Proposed Person Capacity	316 patrons*

*The proposed capacity is based on preliminary floor plans, which are subject to approval by the Building & Permitting Branch and the LCLB.

4.3 Site Context

The Cactus Club is currently under construction within the new two storey Kelowna Yacht Club building.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 - Parks and Open Space	boat launch
East	P1 - Major Institutional	community theatre
South	P3 - Parks and Open Space	parking lot
West	W2 - Intensive water use	yacht club docks

Subject Property Map: 1370 Water Street



5.0 Current Development Policies

5.1 Council Policy #359 - Liquor Licensing Policy and Procedures

The following sections of Policy #359 are applicable to this application;

Where appropriate, support alternative entertainment options, and/or establishments which are less focused on alcohol consumption (including event-driven establishments, and Food Primary establishments with the Patron Participation Entertainment Endorsement) to add a mix of entertainment options in Urban Centres. Consider limiting potential community impacts via license terms and conditions (hours, capacity, etc).

5.2 Kelowna Official Community Plan (OCP)

Entertainment Venues.¹ Within designated Urban Centres, encourage private-sector provision of facilities which diversify the selection of venues and entertainment opportunities throughout the city.

Downtown.² The City of Kelowna recognizes that a unique, attractive, thriving and livable downtown is strategically important to Kelowna's overall prosperity and success. Towards this end, the City will plan and manage the Downtown as a single and special entity and will take a proactive, comprehensive, integrated and collaborative approach towards providing services and infrastructure, delivering programs, and developing a supportive regulatory and financial environment.

¹ Policy 5.17.1 (Development Process Chapter 5, page 5.21)

² Policy 8.9.2 (Economic Development Chapter 8, page 8.4)

6.0 Technical Comments

6.1 Building & Permitting Department

No comment.

6.2 Development Engineering Department

Servicing was addressed through Development Permit application DP12-0008

6.3 Fire Department

The Fire department had concerns with an exiting door that was previously approved by the plan check and is non existent. The building department has since confirmed that the exit door will have to be installed and is not relevant for the purposes of the Liquor License.

6.4 R.C.M.P.

The RCMP are not opposed to the application for liquor service until 1:00 a.m. within the restaurant area.

7.0 Application Chronology

Date of Application Received: April 2, 2015

Report prepared by:

Adam Cseke,
Planner

Approved for Inclusion:



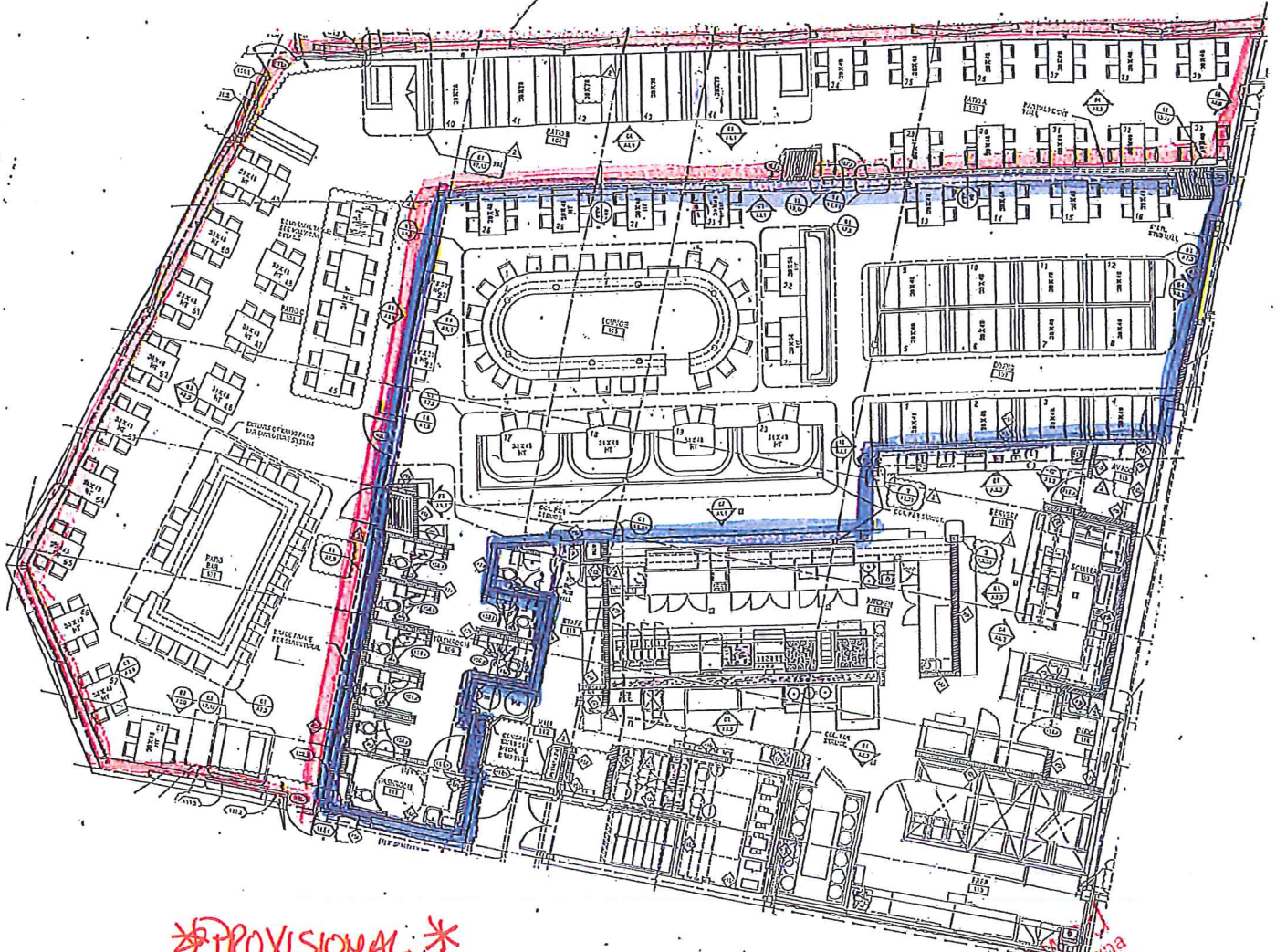
Lindsey Ganczar, Urban Planning Supervisor

Attachments:

Subject Property map
Provisional Floor Plan (Occupant Load)
LCLB application

CACTUS CLUB CAFE

kelowna yacht club
1360 Water Street
Kelowna, BC



PROVISIONAL
NOT SITE VERIFIED
AREA BASED OF PLANS.

Revised by City of Kelowna
Inspection Services
March 31 / 2015
DL

The **PATIO** (SEASONAL USE)
has a net floor area of
202 m². The maximum
occupant load shall be
160 persons, based on
1.2 m²/person.

The **RESTAURANT**
has a net floor area of
173 m². The maximum
occupant load shall be
140 persons, based on
1.2 m²/person.

INSTRUCTIONS: Complete all applicable fields, attach required documents and submit with payment as outlined in Part 10. You may complete this form one of three ways: 1) at your computer, then print; 2) by hand - print clearly using dark ink; or 3) online through the OneStop business registry at: <http://onestop.gov.bc.ca>

- If you have any questions about completing this application, call the Branch toll-free at: 1-866-209-2111
- Allow 4 to 6 weeks for LCLB to review and process your application.
- LCLB forms and supporting materials which may be referred to in this document can be found at: www.pssg.gov.bc.ca/lclb

PART 1: Application Contact Information

The applicant authorizes the person below to be the primary contact for the duration of the application process only.

Name: **RANDALL OLAFSON** Phone number: **604-644-7617**

Fax number: **604-273-9917** E-mail address: **randall.olafson@gmail.com**

PART 2: Applicant Information (Legal Entity)

Office use only

Job No. (new) _____

Name: **CACTUS CAFE KYC LTD.** Business Number*: **839422581**

Mailing address: **#200, 11575 BRIDGEPORT ROAD** **RICHMOND** **BC** **V6X 1T5**
(All correspondence will go to this address) Street City Province Postal Code

Phone number: **604-644-7617**

Fax: **604-273-9917** E-mail: **randall.olafson@gmail.com**

The applicant authorizes its shareholder, director or partner below to be the primary contact for the licence, if approved.

Contact Name: **RANDALL OLAFSON** Phone: **604-644-7617**

***NOTE:** Prior to licensing applicants must have a Canada Revenue Agency issued Business Number in place in the legal name of the applicant for the liquor licence. This is the first 9 digits of your 15 digit GST/HST registration number. If you don't have a GST/HST registration number, you can apply for one through the Canada Revenue Agency at <http://www.cra-arc.gc.ca>.

Do you or any of your shareholders currently hold, have held, or have previously applied for a British Columbia liquor licence? Please check (X) one:

☐ No, I do not currently hold - and have never held or applied for - a British Columbia liquor licence.

☒ Yes, I currently hold a British Columbia liquor licence, or I have held or applied for one in the past. If Yes, provide details of current or previous licence(s) or previous applications (date held, licence #(s), location, type of licence and name of establishment(s)):

SEE ATTACHED

Do you hold a Rural Agency Store Appointment? Please check (X) one:

☒ No, I do not currently hold a Rural Agency Store Appointment.

☐ Yes, I currently hold a Rural Agency Store Appointment.

Do you, or any of your shareholders, have any connection, financial or otherwise, direct or indirect, with a distillery, brewery or winery? Please check (X) one:

☒ No, I do not have any connection, financial or otherwise, directly or indirectly, with a distillery, brewery or winery.

☐ Yes, I acknowledge a connection, financial or otherwise, directly or indirectly, with a distillery, brewery or winery. If Yes, provide details:

PART 3: Type of Business

There are six types of businesses identified here. Choose (☒) the type of business used to operate your restaurant. Beneath the type of business you indicate are a list of documents to submit with this application.

☐ Society

The society's annual membership fee is: \$ The society has members.

The following documents are required and must be attached to this application:

☐ Certificate of Incorporation under the Society Act,

☐ current list of officers and directors,

Plus the top four executive officers must submit:

☐ a completed Consent for Disclosure of Criminal Record Information (RCMP GRC3584) form, and

☐ a completed Personal History Summary and Consent to Criminal Record Search (LCLB004) form and required documents noted on form.

☐ Partnership

Please check (☒) if you are a ☐ Registered Partnership or a ☐ Non-Registered Partnership

List Partners in the space provided below:

PARTNER 1: Percentage of Ownership: Legal Name:

PARTNER 2: Percentage of Ownership: Legal Name:

PARTNER 3: Percentage of Ownership: Legal Name:

PARTNER 4: Percentage of Ownership: Legal Name:

If there are more than four partners, provide same information for other partners on separate sheet and attach. If one or more of the partners are a private corporation, a public corporation or a society, submit all the documents listed under that business type with this application.

Plus, each partner (individual) must submit:

☐ a completed Consent for Disclosure of Criminal Record Information (RCMP GRC3584) form,

☐ a completed Personal History Summary and Consent to Criminal Record Search (LCLB004) form and required documents noted on form.

For a registered partnership the following documents are required and must be submitted with this application:

☐ Statement of Registration of General Partnership, OR

☐ Partnership Agreement or Joint Venture Agreement.

☒ Private Corporation

The following documents are required for this type of business and must be submitted with this application:

☒ Certificate of Incorporation,

☐ Extra-provincial registration, if your business is located outside British Columbia,

☒ Central Securities Register,

☒ Notice of Articles, and

☐ Special Rights and Restrictions within the articles of incorporation that detail the class and types of shares and whether or not each class or type of share has voting privileges (if the information is not already included in the Notice of Articles).

And, if one of the shareholders is a private corporation, a public corporation, a society or a partnership, submit all the documents listed under that business type.

Plus, all shareholders (individuals) holding 10% or greater interest in the applicant corporation must submit all the documents listed:

☐ a completed Consent for Disclosure of Criminal Record Information (RCMP GRC3584) form,

☐ a completed Personal History Summary and Consent to Criminal Record Search (LCLB004) form and required documents noted on form.

Note: Shareholders (individuals) holding less than 10% interest in the applicant corporation must provide their full legal name and date of birth in the space provided below or on a separate sheet of paper.

☐ **Public Corporation**

Check box (☒) if your shares are publicly traded; ☐

The following documents are required for this type of business and must be submitted with this application:

- ☐ Certificate of Incorporation,
- ☐ Extra-provincial registration, if your business is located outside British Columbia, and
- ☐ List of Directors and Officers.

Plus, for the four top executive officers in your public corporation, attach:

- ☐ a completed Consent for Disclosure of Criminal Record Information (RCMP GRC3584) form,
- ☐ a completed Personal History Summary and Consent to Criminal Record Search (LCLB004) form and required documents noted on form.

☐ **Sole Proprietorship**

The sole proprietor must submit the following documents with this application:

- ☐ a completed Consent for Disclosure of Criminal Record Information (RCMP GRC3584) form,
- ☐ a completed Personal History Summary and Consent to Criminal Record Search (LCLB004) form and required documents noted on form.

☒ **Other**

This includes entities incorporated through Federal or Provincial legislation. Examples: Local Government, First Nations, colleges, universities, etc. Contact the branch to discuss documentation requirements.

PART 4: Establishment Proposal

Proposed establishment name*: **CACTUS CLUB CAFE**

(*Signs should not be ordered prior to approval of the establishment's name by the Liquor Control and Licensing Branch.)

Establishment physical address: **#1, 1370 WATER STREET** **KELOWNA** **BC** **V1Y 1J1**
Street City Province Postal Code

Legal description of site: **LOT 1 PLAN 8654, LOT A PLAN 16952, LOT 1 PLAN EPP2921**
(Legal description and parcel identifier (PID) or Strata Plan number of the establishment site, found on property tax notice or from Land Titles office)

Establishment Phone: Establishment Fax:

Business e-mail:

Note: The applicant is responsible for obtaining all licenses and permits required to operate a business at this establishment and for verifying that current municipal zoning regulations permit a Food Primary Liquor Licence to operate at this location.

Hours of Liquor Service:

Hours of liquor service are permitted between 9:00 am and 4:00 am on the same business day. For hours of liquor service past midnight, you will require local government / First Nations approval. See Part 8 and 9 of this application form for more details.

Indicate your requested hours of liquor service below (must be between 9:00 am to 4:00 am of the same business day):

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
OPEN	9 AM	9 AM	9 AM	9 AM	9 AM	9 AM	9 AM
CLOSE	1 AM	1 AM	1 AM	1 AM	1 AM	1 AM	Midnight

Entertainment Endorsement:

If you are applying for an entertainment endorsement, please check (A) below or (B) on the next page and complete the appropriate section.

☒ (A) Patron Non-Participation entertainment endorsement (musicians, etc.) Note: All forms of entertainment must end by 1:00 AM.

☐ Describe in detail what kind of entertainment you propose and where it will take place within your restaurant.

☐ (B) Patron Participation entertainment endorsement (dance floor, sing-alongs) Note: All forms of entertainment must end by 12 midnight.

☐ Describe in detail what kind of entertainment you propose and where it will take place within your restaurant.
Note: Patron participation requires local government/First Nations approval (See Part 8 and Part 9).

Restaurant Lounge Endorsement:

Only food primary establishments with an occupant load of 50 persons or greater may apply for a restaurant lounge endorsement. A restaurant lounge is a separate area within the food primary establishment that is visually distinct from the main dining area. A games or dance area may not be located in the lounge area. Food service must be available in the lounge at all times and liquor service must only be offered in the lounge if the primary dining area of the restaurant is also fully open for service. Minors must be accompanied by an adult in the lounge area and signage at the entrance of the lounge must explain this requirement.

The maximum seating capacity of the restaurant lounge is 20 percent of the primary interior dining occupant load or 40 seats, whichever is less. Two areas may comprise the lounge, each equal to the total approved restaurant lounge capacity, and one area must be on a patio.

Example: Occupant load is $100 \times 20 \text{ percent} = 20$. 20 is less than 40, therefore 20 seats may be assigned to an interior or patio lounge, or both (20 interior and 20 patio), but no more than 20 people can occupy the two lounge areas at one time.

Are you applying for a Restaurant Lounge Endorsement? Yes ☒ No ☐

☒ Calculate the maximum permitted restaurant lounge capacity below:

Occupant load of the primary dining indoor area
of the restaurant as shown on your floor plan:
(not including banquet rooms or patios)

$148 \times 20\% \text{ (or } \times 0.20) =$

30

☒ Proposed restaurant lounge capacities, if planning to create two areas: Interior Lounge: 22 Patio Lounge: 8

☒ Indicate on the floor plan you submit with this application where the lounge area(s) will be.

☒ Describe the location of the lounge area(s) as well as the proposed number of seats:

THE INTERIOR LOUNGE IS SHOWN WITH DOTTED LINES AROUND THE OVAL-SHAPED BAR AREA AND IS COMPRISED WITH 22 STOOLS.

THE EXTERIOR LOUNGE IS MADE UP OF 10 SEATS LOCATED ON THE SQUARE BAR. THESE ARE ALSO STOOLS.

☒ Describe how the lounge area(s) is/are visibly distinct from the main dining area? (i.e., different flooring, different styles of furniture, seating only at bar, etc.):

THE INTERIOR LOUNGE IS ONLY THE STOOLS SURROUNDING THE BAR.

THE EXTERIOR LOUNGE SEATS ARE THE ONLY 10 LOCATED TOGETHER ON THAT BAR.

Catering Endorsement

A food primary applicant may apply for a catering endorsement if they wish to be licensed to transport and sell liquor at catered events where they have been hired to provide food service. The catered events must be hosted by other people and must take place outside the 'red-lined area' (the area where liquor is sold, served and consumed) and generally away from the establishment. The caterer must be present for the duration of a catered event. Licences with a catering endorsement are subject to an annual licensing fee of \$100 in addition to the annual renewal fees.

To qualify for an endorsement the applicant must demonstrate at the time of inspection:

- Catering service is focused on the preparation and serving of food.
- The applicant has the personnel and infrastructure necessary to prepare and serve food at events hosted by others. This includes a requirement to have a full commercial kitchen at the applicant's existing licensed establishment.

Are you applying for a catering endorsement? ☒ Yes ☐ No

NOTE: If a licence is approved with a catering endorsement, the licensee must notify LCLB of all catered events (except in private residences) using OneStop (www.bcbusinessregistry.ca). Some events may require approval from LCLB before the catered event can take place. Further information about how to notify LCLB will be provided by your local liquor inspector when they complete their final inspection.

Patios:

The licensing of an outdoor patio must be approved by the Liquor Control and Licensing Branch. The applicant is responsible for complying with any local bylaws relating to a licensed establishment patio.

Are you applying for a patio to be part of the licensed area? Yes ☒ No ☐

☒ The patio occupancy load must be marked on the floor plan by provincial (or designate) fire or building authorities as a separate occupant load or clearly stated that the occupancy load for the patio will be "taken from inside".

☒ Occupant Load from floor plan Patio 1: Patio 2:

☒ Indicate on the floor plan you submit with this application where the patio area will be. The floor plans must have sufficient detail to be acceptable to the branch.

Provide the following information:

1. Describe the patio perimeter that is designed to control entry/exits, (i.e., railing, fencing, planters, hedges, etc.):

THE PATIO IS COMPLETELY ENCLOSED BY CONCRETE WALLS 30 INCHES HIGH WITH ENTRY AND EXITS CLEARLY MARKED ON THE DRAWINGS.

2. Will your servers have to carry liquor through unlicensed areas to get to the patio? ☐ Yes ☒ No If Yes, please explain:

3. Is the patio located immediately adjacent or contiguous to the interior licensed area? ☒ Yes ☐ No If No, please explain:

4. Describe how your staff will manage and control the patio from the interior licensed area:

THE PATIO IS VIRTUALLY PART OF THE INTERIOR, AS ALL OF IT IS OPEN TO THE INTERIOR WITH A SLIDING-GLASS WINDOW SYSTEM THAT WILL REMAIN OPEN THE MAJORITY OF THE TIME. IF THEY ARE CLOSED 100% OF THIS AREA CAN STILL BE OBSERVED BY THE STAFF.

5. Will the patio have a fixed or portable liquor service bar? ☒ Yes ☐ No

6. If "No", will liquor be served from the interior service bar? ☐ Yes ☐ No

PART 5: Resident Manager

A licensee who does not reside in BC or who will not be present to manage the day to day business must hire an individual to manage the establishment. The resident manager must be an employee of the licensee, a resident of BC, a Canadian citizen or lawfully admitted to Canada under the Immigration and Refugee Protection Act (Canada) for permanent residence, and must be 19 years of age or over.

Will you employ a resident manager to operate your licence? Please check (☒) one:

☐ No, I will not employ a resident manager to operate my licence.

☒ Yes, I will employ a resident manager to operate my licence. If Yes, provide details:

Legal Name of Resident Manager:

KOBRYN

(Last)

OKTAWIAN

(Given Names)

Submit the following documents for the resident manager with this application:

☒ a completed Consent for Disclosure of Criminal Record Information (RCMP GRC3584) form,

☒ a completed Personal History Summary and Consent for Criminal Record Search (LCLB004) form and required documents noted on form.

PART 6: Additional Requirements and Information

- ☒ **Floor Plans:** Provide one legible reduced 8.5"x11" copy of the floor layout plan detailing furniture and equipment layout of the entire establishment. The **occupant load** on the establishment **must** be clearly marked/stamped ON the plans by provincial (or designate) fire or building authorities. An alternate qualified architect or design professional may be used in locations where building and fire authorities do not have jurisdiction to provide an occupant load and written acknowledgement by local government/First Nations is provided.

Floor plans should meet the following requirements:

- ☐ OCCUPANT LOAD(S) MUST BE CLEARLY MARKED/STAMPED ON THE PLAN
- ☐ provide dimensions of room sizes, partial height walls, planters, etc.
- ☐ main entrance/exits, access points
- ☐ indicate the proposed unlicensed areas
- ☐ stairs showing direction of travel
- ☐ location of liquor service bar or area from which liquor will be served
- ☐ all rooms labelled for intended use including kitchens, restaurant lounges, patios, storage, washrooms, furniture layout of tables, chairs, barstools, dance floors and stairs clearly marked, plus kitchen equipment and large appliances clearly labelled

- ☒ **Signage:** provide a sketch of the proposed establishment signage. Signs and establishment name are subject to LCLB approval

☐ **Gaming Facilities:**

If your proposed liquor licence will be located at a commercial casino, community gaming centre or bingo hall you must provide in addition to the above:

- ☐ a letter of support from the British Columbia Lottery Corporation (BCLC).

☐ **Manufacturing Facilities:**

If your proposed liquor licence will be located at a winery, brewery or distillery you must provide in addition to the above:

- ☐ a site map showing the location of the proposed Food Primary in relation to the manufacturing facility, tasting area(s) or any other endorsement area(s) (i.e., on-site store, lounge, special event, picnic or tour area).
- ☐ a description of the type of separation that will be in place between the Food Primary licences area(s) and the manufacturer licensed areas(s)
NOTE: A food primary licence cannot overlap any other licensed area. The manufacturer licensed area(s) should be contiguous - not separated by a food primary licence
- ☐ a copy of Agriculture Land Commission (ALC) approval (if you are located in the Agriculture Land Reserve) to permit a food primary establishment. ALC restrictions may apply.
- ☐ If the addition of a food primary licence will change the existing manufacturer licensed areas, complete *Manufacturer Structural Change Application* (<http://www.pssg.gov.bc.ca/clb/docs-forms/LCLB013.pdf>)

☐ **Motor Vessels:**

If your proposed liquor licence is located on a motor vessel you must provide in addition to the above:

- ☐ a legible copy of the captain's accreditation certificate.
- ☐ a legible copy of registration and safety certificates.
- ☐ floor plan, which must show public access areas, kitchen/food services area and washroom facilities.

The valid interest declaration signed on Part 7 of the application indicates you have a moorage contract in place for a period of at least 12 months from the date the liquor licence is issued.

☐ **Aircraft and Trains:**

If your proposed liquor licence is located on an aircraft or a train you must provide in addition to the above:

- ☐ floor plans submitted must show public access areas, kitchen/food services area and washroom facilities

☐ **Third party operator:**

If you are intending to have a third party operator run your business on your behalf, complete *Third Party Operator Application* (<http://www.pssg.gov.bc.ca/clb/docs-forms/LCLB026.pdf>) and submit completed application with your application for a new food primary licence.

Note: At the time of final inspection, the liquor inspector will confirm that your establishment meets the requirements of a food primary licence by verifying the following:

- Menus have a varied selection of food items, including both appetizers and main course, or their equivalent and are available at all times liquor is being served.
- Kitchen equipment is sufficient to prepare the food items listed on the menu.
- Flatware, china and other table accessories are sufficient to accommodate the number of patrons in your establishment (disposable dishes and flatware do not meet this requirement).
- Furnishing and lighting is suitable for dining and table service.

If you have applied for a catering endorsement, at the time of final inspection, the liquor inspector will confirm that your business location meets the requirements of a catering licence by verifying the following eligibility requirements:

- Catering service is focused on the preparation and serving of food.
- The applicant has the personnel and infrastructure necessary to prepare and serve food at events hosted by others. This includes a requirement to have a full commercial kitchen at the applicant's existing licensed establishment.

If at the time of final inspection the liquor inspector is not satisfied with the above requirements, you may be required to make changes and schedule a second (2nd) inspection to confirm you meet the licensing requirements. **A fee of \$200 will be charged if a second (2nd) inspection is required.**

PART 7: Declaration of Signing Authority Including Valid Interest


My signature, as Applicant, indicates that, with respect to the establishment:

- I am the owner of the business to be carried on at the establishment or the portion of the establishment to be licensed.
- I am the owner or lessee of the establishment or portion of the establishment to be licensed. If I have an option/offer to lease the establishment, or portion of the establishment to be licensed, prior to a licence being issued, I will obtain a completed lease that will not expire for a minimum of 12 months after the date the licence is issued.
- I understand that the general manager has the right to request the following documentation supporting valid interest at any time and I agree to provide the requested documentation in a timely manner upon request:
 - If the applicant owns the property, a Certificate of Title in the applicant's name.
 - If the applicant is renting or leasing, a fully executed lease or assignment/offer of lease which does not expire for at least 12 months from the date the licence is issued. An offer for rent/lease must show rent paid, have a term and an expiry date and be signed by both the applicant and the property owner.
 - If the applicant is buying the land and the building(s), a copy of the offer or option to purchase the property and building(s). An offer must show price paid, have a term and expiry date, and be signed by both the applicant and the property owner.
- I understand that loss of valid interest at any time while holding a licence is reason for the general manager to consider cancelling the licence.
- I understand that I must advise the branch immediately if at any time the potential exists to lose valid interest either during the licensing process or once a licence has been issued.
- I understand that the name(s) on documentation demonstrating valid interest must be identical to the applicant name(s).
- As the licensee, I will be accountable for the overall operation, for all activities within the establishment and will not allow another person to use the licence without having first obtained a written approval from the general manager.
- For licensees with a catering endorsement: I will be accountable for the overall operation, for all activities at catered events and will not allow another person to use the licence without having first obtained a written approval from the general manager.
- I understand that a licence can only be renewed if I am the owner of the business carried on at the licensed establishment and I am the owner or lessee of the licensed portion of the establishment.
- I solemnly declare that the statements in this declaration and all the application documents are true and complete to the best of my knowledge.

Signature of any shareholder of a private corporation, signing officer of a public corporation or society, sole proprietor or all individuals in a partnership is required below:

Note: An agent, lawyer, resident manager or third party operator may not sign the declaration on behalf of the applicant.

Name of Official: JAFFRAY / RICHARD / JAMES Position: PRESIDENT Date: 18/3/15
(last / first / middle) (Day/Month/Year)

Signature: 
Name of Official: _____ Position: _____ Date: _____
(last / first / middle) (Day/Month/Year)

Signature: _____
Name of Official: _____ Position: _____ Date: _____
(last / first / middle) (Day/Month/Year)

Signature: _____
Name of Official: _____ Position: _____ Date: _____
(last / first / middle) (Day/Month/Year)

Signature: _____

Section 15(2) of the Liquor Control and Licensing Act states: "A person applying for the issue, renewal, transfer, or amendment of a licence who fails to disclose a material fact required by the form of application or makes a false or misleading statement in the form of application commits an offence."

False declaration of valid interest is reason for the general manager to consider terminating the licence application and/or cancelling the licence.

PART 8: Local Government / First Nation Resolutions: Information for the Applicant

The following require a resolution from your local government or First Nation, commenting on the application.

- Patron participation entertainment endorsement.
- Liquor service past midnight.

NOTE: If you are applying for patron participation or liquor service past midnight, your application will take longer to process. You may wish to move forward with your new food primary application and apply for these changes at a later date by completing an *Application for a Permanent Change to a Liquor Licence* (LCLB005b) and submit the required fees.

Licensee responsibilities:

- ☒ Complete this application form.
 - ☒ Request your local government/First Nation sign and date Part 9 of this form.
 - ☒ Provide a legible photocopy of this form to the local government/First Nation and request that a resolution be provided within 90 days and sent directly to the Liquor Control and Licensing Branch, Victoria Head Office.
 - ☒ Send the original form and application fees to the branch.
- The Liquor Control and Licensing Branch will follow up with the local government/First Nation if a resolution has not been received by the branch within 90 days of the local government's receipt of your request.

Your local government/First Nation may decide that it does not wish to provide comment on your change request. However, they must still provide a resolution stating this decision and this resolution must be submitted to the Liquor Control and Licensing Branch.

For more information on resolutions regarding B.C. liquor licences, please visit the LCLB Web site publication index to consult the guide *Role of Local Government and First Nation* at <http://www.pssg.gov.bc.ca/lclb/publications/index.htm>

PART 9: Local Government/First Nation Confirmation of Receipt of Application

This application serves as notice from the Liquor Control and Licensing Branch (LCLB) that an application for a new food primary licence is being made within your community that is requesting hours of liquor service past midnight and/or patron participation. Please provide the following information:

Name of Municipality/
Regional District/First Nation:

City of Kelowna

Name of authorized
representative:

Adam Cseke

Position:

Planner

Phone # with area
code and extension:

250-469-8608

Signature:

Adam Cseke

Date:

04/02/15
Month/Day/Year

The Liquor Control and Licensing Branch (LCLB) requests that a resolution commenting on the application be sent to the LCLB Victoria Head Office within 90 days of the above date of receipt.

To comply with section 53 of the Liquor Control and Licensing Regulation, this resolution must:

- Comment on the following regulatory criteria:
 - the potential for noise if the application is approved;
 - the impact on the community if the application is approved; and
 - whether the amendment may result in the establishment being operated in a manner that is contrary to the primary purpose (provide comments only if the application is from a food-primary licence for an extension of hours of liquor service past midnight or the addition of patron participation entertainment).
- Indicate whether or not the views of residents were gathered, and if not, provide reasons why they were not gathered (residents include residents and business owners).
- If the views of residents were gathered explain:
 - the views of the residents;
 - the method used to gather the views of the residents; and
 - comments and recommendations with respect to the views of residents.
- Provide recommendation as to whether the amendment should be approved.

You may refer to and attach any report presented by an advisory body or sub-committee to the council or board.

If more than 90 days is required to provide a resolution, please contact the branch to make a request to the general manager for an extension. If the local government/First Nation decides not to provide comment, a resolution indicating this decision must be provided to the branch. Please be advised that if the LCLB does not receive a resolution or a request for an extension within 90 days, the general manager is authorized to review the application without a resolution and make a decision about the application.

For more information on resolutions regarding B.C. liquor licences, please visit the LCLB website publication index to consult the guide *Role of Local Government and First Nation* at <http://www.pssg.gov.bc.ca/lclb/resources/>.

PART 10: Application Fee - \$475.00 (non refundable)

Note: At the conclusion of your inspection, a \$475 licence fee is required for the first year of licensing. This fee must be received prior to issuing final licence approval.

In accordance with Payment Card Industry Standards, the branch is no longer able to accept credit card information via email.

Payment is by (check ☒ one):

☒ Cheque, payable to Minister of Finance (if cheque is returned as non-sufficient funds, a \$30 fee will be charged)

☐ Money order, payable to Minister of Finance

☐ Credit card: ☐ VISA ☐ MasterCard ☐ AMEX

☐ I am submitting my application by email and I will call with my credit card information. I will call Victoria Head Office at 250-952-5787 or 1-866-209-2111 and understand that no action can proceed with my application until the application fee is paid in full.

☐ I am submitting my application by fax or mail and have given my credit information in the space provided at the bottom of the page.

Liquor Control and Licensing Branch

Location: 4th Floor, 3350 Douglas St., Victoria BC V8Z 3L1

For Mail Only: PO Box 9292 Stn Prov Govt Victoria, BC V8W 9J8

Phone: 250 952-5787 Fax: 250 952-7066 Web: www.pssg.gov.bc.ca/lclb E-mail: liquor.licensing@gov.bc.ca

IMPORTANT NOTE: Your COMPLETE application package must contain this application form with responses in all the applicable fields, all the required documentation AND the full fee. If your application is submitted incomplete, it will cause a delay in processing your application and, therefore, your ability to sell liquor.

Freedom of Information and Privacy Act - The information requested on this form is collected for the purpose of obtaining or making changes to a liquor licence application. All personal information is collected under the authority of Section 15 of the Liquor Control and Licensing Act (RSBC 1996, c.267). Questions should be directed to: Liquor Control and Licensing Branch, Freedom of Information Officer, PO Box 9292 STN PROV GOVT, Victoria, BC V8W 9J8. Ph: In Victoria, 250 952-5787 Outside Victoria, 1 866 209-2111. Fax: 250 952-7066

LCLB001b

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Food Primary - Licence Application

Credit Card Information (To be submitted by fax or mail only)

Name of cardholder (as it appears on card):

Credit card number:

Expiry date:

(Month)

(Year)

Signature: _____

PART 11: Is your Application Package Complete?

Note: An application must be complete before it can be processed.

Please ensure you have enclosed the following:

- ☒ Completed signed new food primary application.
- ☒ Application fee for new food primary application (see Part 10).
- ☒ Completed *Consent for Disclosure of Criminal Record Information* (RCMP GRC3584) for all required individuals. (Please note, you must complete Part 1, 4 and 5 of the *Consent for Disclosure* form and all category boxes must be initialled in section 5.) Refer to the LCLB web page for information on criminal record searches:
http://www.pssg.gov.bc.ca/lclb/LLinBC/criminal_record_search.htm
- ☒ Completed *Personal History Summary and Consent to Criminal Record Search* (LCLB004) forms for all required individuals.
- ☒ Statutory Declaration must be completed by all individuals that answered "Yes" to 2, 3 or 10 in the *Personal History Summary and Consent to Criminal Record Search* form (LCLB004).
- ☐ Driver's abstract (driving record) by all individuals that answer "Yes" to 9 or 10 in the *Personal History Summary and Consent to Criminal Record Search* form (LCLB004).
- ☒ A legible copy of primary proof of identity for each of the above individuals. Acceptable photo identification includes a driver's licence from a Canadian jurisdiction, passport or BCID card.
- ☒ Relevant business documents as identified in Part 3 of this application form. These documents will vary according to applicant type: public corporation, private corporation, partnership, sole proprietorship, society or other.
- ☒ Legible copy of floor plan with occupant load stamped/marked on the floor plan.
- ☒ A sketch of proposed establishment signage. Signs and establishment name are subject to LCLB approval.
- ☐ A letter of support from BCLC if your liquor licence is located inside a gaming facility.
- ☐ Captain's accreditation, registration and safety certificates if your liquor licence is located on a motor vessel.

In addition have you:

- ☐ Applied for or provided a CRA (Federal) Business number (9 digits).
- ☐ Obtained required Serving it Right certification.

PART 12: What Happens Next?

1. You must submit a complete application package and fee to Victoria Liquor Control and Licensing Branch Head Office.
2. The Liquor Control and Licensing Branch (LCLB) staff will review the application package for completeness and will advise you of any information/documentation required before the application can be considered complete.
3. If the application is incomplete it will be returned to you by mail with a letter identifying the missing document(s). You will be asked to resubmit a completed application within 45 days or the new food primary application will be terminated and you will have to re-apply and pay the application fees.
4. If the branch is waiting for a resolution from your local government or First Nation, commenting on a request for late hours of liquor service or patron participation entertainment, your application package will be held for up to 90 days or until the Local government responds.
5. When all documents are received, LCLB staff will review the resolution (if applicable) and the application for eligibility. If application requirements have been met, the applicant will be asked to contact the inspector for an interview/final inspection once construction is fully completed. Before contacting the inspector for the interview/final inspection, the applicant must have the inspector interview letter and a legible copy of the floor plan.
NOTE: The applicant must contact the local area inspector to arrange for a final inspection by the date noted on the letter (30 days from the date on the letter). If the inspector is not contacted to arrange for a final inspection or for an extended time, the application will be terminated.
6. At your final inspection, the inspector will verify that your establishment meets the requirements for a food primary licence and, if applicable, a catering endorsement, by reviewing the menu, the kitchen equipment and the general layout of your establishment. If the inspector is not satisfied your establishment meets the requirements of a food primary licence and, if applicable, a catering endorsement, you may be asked to make changes and schedule a second (2nd) inspection to confirm you meet the requirements of a food primary licence and, if applicable, a catering endorsement. **A fee of \$200 will be charged if a second (2nd) inspection is required.**
7. At the conclusion of your inspection, you will be asked to submit a licence fee to the Victoria Branch of \$475 for your first year of licensing.
8. When Victoria LCLB receives your licence fee and the final inspection report, LCLB will review the information and ensure any outstanding issues are addressed (i.e. does applicant have a valid Business Number (BN9)).
9. When all outstanding issues are addressed, a new licence and a copy of the approved red lined floor plan will be issued from Victoria LCLB and sent by mail to the applicant.

CITY OF KELOWNA
BYLAW NO. 11068
Z15-0001 - Shane Jones
4962 Lakeshore 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 Lot 3, Section 26, Township 28, SDYD, Plan 4493, Except Plan 13503, located on Lakeshore Road, Kelowna, B.C., from the RR2 - Rural Residential 2 zone to the RR2c - Rural Residential 2 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 9th day of March, 2015.

Considered at a Public Hearing on the 31st day of March, 2015.

Read a second and third time by the Municipal Council this 31st day of March, 2015.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: June 16, 2015
RIM No. 0940-40
To: City Manager
From: Urban Planning, Community Planning & Real Estate (LK)
Application: DP15-0009 & DVP15-0008 **Owner:** Shane Jones
Address: 4962 Lakeshore Road **Applicant:** Sid Molenaar
Integrity Services Inc.
Subject: Development Permit & Development Variance Permit
Existing OCP Designation: S2RES - Single / Two Unit Residential
Existing Zone: RR2 - Rural Residential 2
Proposed Zone: RR2c - Rural Residential 2 with Carriage House

1.0 Recommendation

THAT final adoption of Zone Amending Bylaw No. 11068 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP15-0009 for Lot 3 Section 26 Township 28 SDYD Plan 4493 Except Plan 13503, located on 4962 Lakeshore Road, Kelowna, BC subject to the following:

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0008, for Lot 3 Section 26 Township 28 SDYD Plan 4493 Except Plan 13503, located on 4962 Lakeshore Road, Kelowna, BC;

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

Section 9: Specific Use Regulations: 9.5b.1 (c) Carriage House Regulations

To allow a carriage house to be located between the front yard and the principal dwelling

Section 9: Specific Use Regulations: 9.5b.11 Carriage House Regulations

To vary the minimum private open space from 30m² required to 0m² provided

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and the Development Variance Permit in order for the permits to be issued;

AND FURTHER THAT this Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval with no opportunity to extend.

2.0 Purpose

To consider a form and character Development Permit and Variances for the conversion of an existing Accessory Building to a Carriage House.

3.0 Urban Planning

The existing accessory building was constructed in 2009. The building was constructed with two storeys, which works with the sloped topography of the parcel. The lower level provides parking for three vehicles with side entry doors from the north, and the upper level single car garage allows for tandem parking for two vehicles.

The parcel will provide abundant parking to meet the Bylaw requirements for both the existing dwelling and the carriage house. The lower level of the garage provides 3 stalls within the garage for the principal dwelling. Parking for the carriage house is provided with two stalls located on the east side of the building.

The new home owners are applying to convert the existing accessory building to a carriage house. The structure will retain the same siting and exterior finish with the only change being to the upper level single car garage door which will be replaced by windows. The initial plans also included a larger balcony to replace the existing Juliette balcony located on the west side of the building in order to fulfil the requirement for 30m² private open space.

In fulfillment of Council Policy No. 367 regarding public consultation, the applicant undertook neighbour consultation by contacting each in person and providing proposal application packages. The owners of the property to the south of the subject parcel raised concerns with regards to overlooking and lack of privacy from the proposed new balcony.

At the March 31, 2015 Public Meeting, Council passed 2nd and 3rd reading for the rezoning but directed Staff to report back prior to final adoption of Bylaw No. 11068 (Z15-0001). Council's concern related to the privacy issue brought forward by the adjacent neighbor at the Public Meeting in regards to the balcony location.

To address this concern, the plans have been amended to removed the proposed larger balcony. The existing Juliette balcony will remain as originally constructed.

4.0 Proposal

4.1 Background

Building permit (BP38559) was issued in 2009 to allow the construction of the accessory building. DVP12-0139 granted a height variance from 4.5m to 5.1m to allow the building to be two storeys. The variance was granted due to the overall height of the accessory building being measured from the lower level of the garage. To be consistent, the building height measurement should be applied in the same way as it is to walkout basements for single family dwellings. The building height is measured from the front yard and not from the lowest floor or walkout basement level. As such, the height of the carriage house from the main level to the mid-point of the roof is 3.39m (1.41m below the 4.8m maximum height of a carriage house).

4.2 Project Description

The accessory building is located 37.7m from the front property line. This complies with the Zoning Bylaw requirement that the accessory building be a minimum of 18m from the front property line. The Zoning requirements for a carriage house vary from those for an accessory building. A variance is required to allow the carriage house to be situated between the principal dwelling and the front property line. The house is located in the middle of the parcel, just over 67m from the front property line.

In order to meet Council's directive from the March 31st, 2015 Council meeting, the applicant amended the proposed plans by removing the balcony located on the west side of the carriage house. The removal of the proposed balcony eliminates any overlooking concerns that could occur to the neighbouring property located to the south. The amended plans were emailed to the south adjacent homeowners on April 8, 2015. Staff have followed up by speaking with the homeowner and emailing the homeowner on April 22, 2015 with no response to date. The lack of response seems to indicate no further concerns. In order to accommodate Council's directive, a variance is needed to vary the 30m² private open space required to 0m² private open space provided.

As this parcel is not serviced by the City of Kelowna for water or sewer, a Septic Practitioner's report has been provided to ensure the increased service capacity requirements will be met.

4.3 Site Context

The subject property is located on the west side of Lakeshore Road in the Southwest Mission area of Kelowna.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
Northeast	RR2 - Rural Residential 2	Single Family Dwelling
Southeast	A1 - Agriculture 1	Farm Use
Southwest	RR2 - Rural Residential 2	Single Family Dwelling
Northwest	W1 - Recreational Water Use	Okanagan Lake

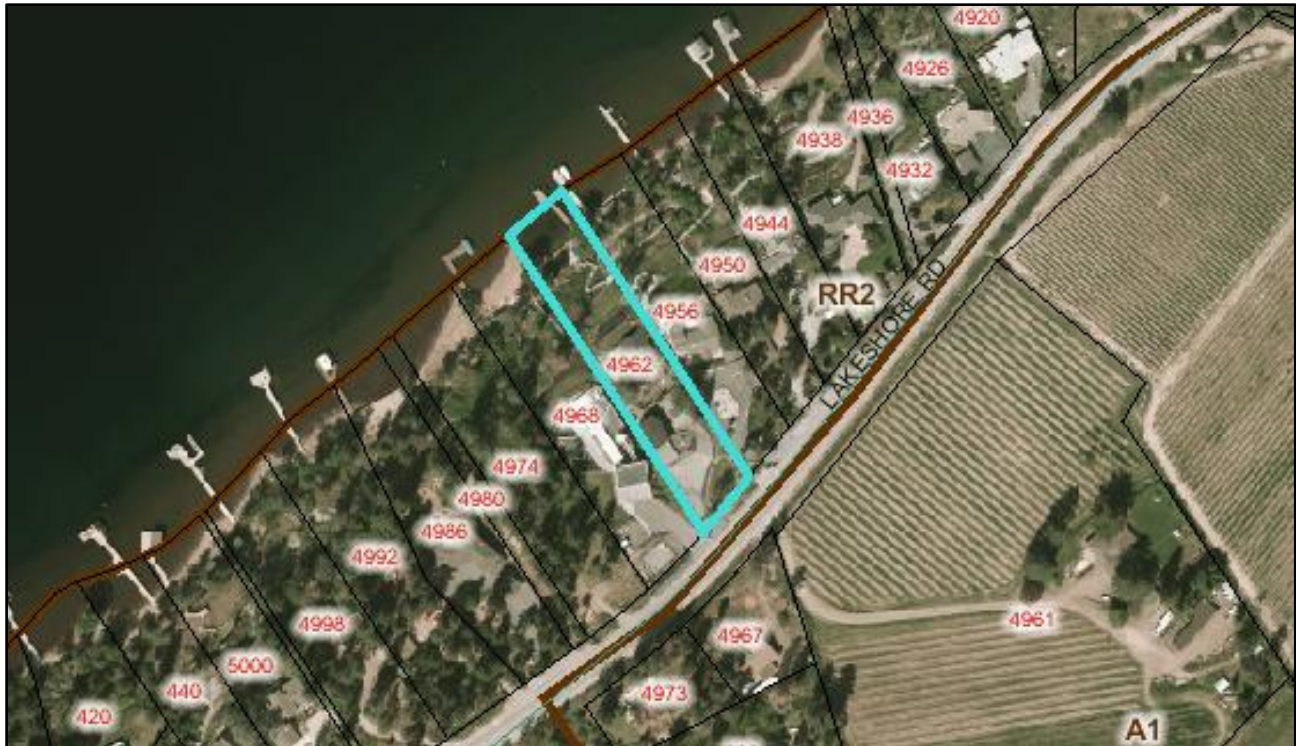
Subject Property Photos: 4962 Lakeshore Road
East Elevation (facing Lakeshore Rd)



North Elevation



Subject Property Map: 4962 Lakeshore Road



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RR2c ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	4,000m ²	3,062m ² *
Lot Width	36m	27m *
Lot Depth	30m	135.28m
Development Regulations		
Site Coverage	20%	11.1%
Site coverage: accessory buildings or structures and carriage house	14%	3.7%
Floor Area of carriage house	90m ²	84.8m ²
Maximum net floor area to total net floor area of principal building	75%	47.59%
Setback from Principal Dwelling	3.0m	13.35m
Carriage House Regulations		
Height (to roof mid-point)	4.8m	3.39m
Front Yard	6.0m	37.72m
Side Yard (southwest)	2.0m	2.03m
Side Yard (northeast)	2.0m	18.65m
Height (carriage house shall not be higher than existing primary dwelling unit)	5.13m ex. house roof peak	4.02m carriage house roof peak

Carriage House Location	Principal dwelling to be located between property line & carriage house	Variance required ❶
Other Regulations		
Minimum Parking Requirements	3 stalls	6 stalls
Private Open Space	30m ² min.	0m ² ❷
❶ Indicates a requested variance to allow the carriage house to be located between the primary dwelling and the front property line. ❷ Indicates a requested variance to Private Open Space as per Council's directive. *Existing non-conforming lot area and lot width.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

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

Sensitive Infill.² Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighborhood with respect to building design, height and siting.

6.0 Technical Comments

6.1 Building & Permitting Department

- 1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- 2) Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

See attached Memorandum dated February 10, 2015.

7.0 Application Chronology

Date of Application Received:	January 12, 2015
Date Public Consultation Completed:	January 24, 2015
Date of Amended Plans Received by City and Circulated to affected neighbour	April 8, 2015

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

Report prepared by:

Lydia Korolchuk, Planner

Reviewed by:



Lindsey Ganczar, Urban Planning Supervisor

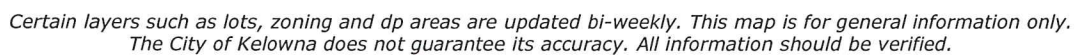
Reviewed by:



Ryan Smith, Urban Planning Manager

Attachments:

Site Plan - Schedule 'A'
Floor Plans - Schedule 'A'
Elevations - Schedule 'B'
Landscape Plan - Schedule 'A'
Development Engineering Memorandum
Email from Applicant and Staff to adjacent owner



CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Permit No. DP15—0009
DVP15-0008

EXISTING ZONING DESIGNATION: RR2c
WITHIN DEVELOPMENT PERMIT AREA: Comprehensive Development Permit Area (Residential)

ISSUED TO: Integrity Service Inc.
LOCATION OF SUBJECT SITE: 4962 Lakeshore Rd

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	3		4493 Except Plan 13503	26	28	SDYD

SCOPE OF APPROVAL

- ☐ This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- ☐ This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- ☐ Applicants for Development and 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:

- a) THAT the dimensions and siting of the building and the landscaping are to be constructed on the land in general accordance with Schedule "A".
- b) THAT the exterior design / finish are to be constructed on the land in general accordance with Schedule "B":
- c) AND THAT the variance to the following section Zoning Bylaw No. 8000 be granted:
Section 9.5b.1(c) Carriage House Regulations
To allow a Carriage House to be located between the front yard and the principal dwelling

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

3. PERFORMANCE SECURITY: None Required.

4. DEVELOPMENT:

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

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

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

THIS Permit IS NOT A BUILDING Permit.

5. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Director of Land Use Management.

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

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

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

6. APPROVALS:

DEVELOPMENT PERMIT AUTHORIZED BY COUNCIL ON THE ____ DAY OF _____, 2015.

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF _____, 2015 BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

Doug Gilchrist, Director, Community Planning & Real Estate Div.

CITY OF KELOWNA
MEMORANDUM

Date: February 10, 2015
File No.: DP15-0009

To: Land Use Management Department (LK)

From: Development Engineering Manager

Subject: 4962 Lakeshore Road Plan 4493 Lot 3 RU2 to RU2c

Development Engineering Services have the following requirements associated with this rezoning Application.

Requirements addressed in rezoning file Z15-0001 must be satisfied prior to the issuance of this Development Permit.



Steve Muenz, P. Eng.
Development Engineering Manager

JF

CITY OF KELOWNA
MEMORANDUM

Date: February 10, 2015
File No.: DVP15-0008

To: Land Use Management Department (LK)


From: Development Engineering Manager

Subject: 4962 Lakeshore Road Plan 4493 Lot 3 RU2 to RU2c

Development Engineering Services have the following requirements associated with this rezoning Application.

Requirements addressed in rezoning file Z15-0001 must be satisfied prior to the issuance of this Development Permit.

The application for a Development Variance Permit to allow variances to the building height and to allow a carriage house within the front yard does not compromise any municipal services.



Steve Muenz, P. Eng.
Development Engineering Manager

JF

Lydia Korolchuk

From: Lydia Korolchuk
Sent: Wednesday, April 22, 2015 2:00 PM
To: 'Sid Molenaar'; shonnafoxdesign@gmail.com
Cc: Shane & Shellie Jones; Lindsey Ganczar
Subject: RE: 4962 Lakeshore Rd

Hi Shonna,

I spoke with you last week regarding the application at 4962 Lakeshore Dr to see if you were able to review the information that the applicant, Sid Molenaar had sent to you. At that time, your husband was out of town and was returning later in the week. I am hoping you have reviewed the information with him and can respond to me regarding your discussions.

As this is a request from Council, I would like to respond to it in a timely manner. If you have any questions or concerns, please feel free to call me. I will need a written response that I can provide back to Council regarding this. If you could provide a response to me by next Friday, May 1, that would be appreciated.

Thanks,

Lydia Korolchuk

Planner

250-470-0631 | lkorolchuk@kelowna.ca

From: Sid Molenaar [<mailto:sidmolenaar@me.com>]
Sent: Wednesday, April 08, 2015 11:27 AM
To: shonnafoxdesign@gmail.com
Cc: Shane & Shellie Jones
Subject: 4962 Lakeshore Rd

Hi Shonna and Dave

I am emailing on behalf of Shane and Shellie Jones regarding the past City Council meeting on March 31, 2015. You both raised concern in regards to converting the upper level garage into a suite, specifically about the outdoor living space (the deck:balcony). With the City Councils support and recommendation we have removed the deck and applied for a variance with the city to have a carriage suite without a 30 sq. m. outdoor living space (deck:balcony). I hope this addresses your concern regarding this matter.

I have attached a new updated drawings reflecting the new changes.

Your response would be appreciated.

Sincerely

Sid Molenaar
1112 Henderson Dr.
Kelowna, BC V1P 1L8
250-859-4884
sidmolenaar@me.com

PROJECT DATA

1. LEGAL DESCRIPTION

CIVIC ADDRESS
4962 LAKESHORE RD.
LOT 3, PLAN 4493
KELOWNA, BC
2. ZONING

RR2 - RURAL RESIDENTIAL 2
3. LOT AREA

3,062.08 m² 32,960 ft² 0.756 acres
4. SITE COVERAGE

PRINCIPAL BUILDING

PRINCIPAL BUILDING DECKS

GARAGE - CARRIAGE HOUSE

PROPOSED COVERAGE

PERMITTED COVERAGE

161.6 m² (1,739 ft²)

64.0 m² (689 ft²)

84.8 m² (913 ft²)

11.1 %

20.0 %
5. BUILDING AREAS - CARRIAGE HOME

UPPER FLOOR - SUITE

GARAGE FLOOR

TOTAL BUILDING AREA

76.9 m² (828 ft²)

84.8 m² (913 ft²)

161.7 m² (1,741 ft²)

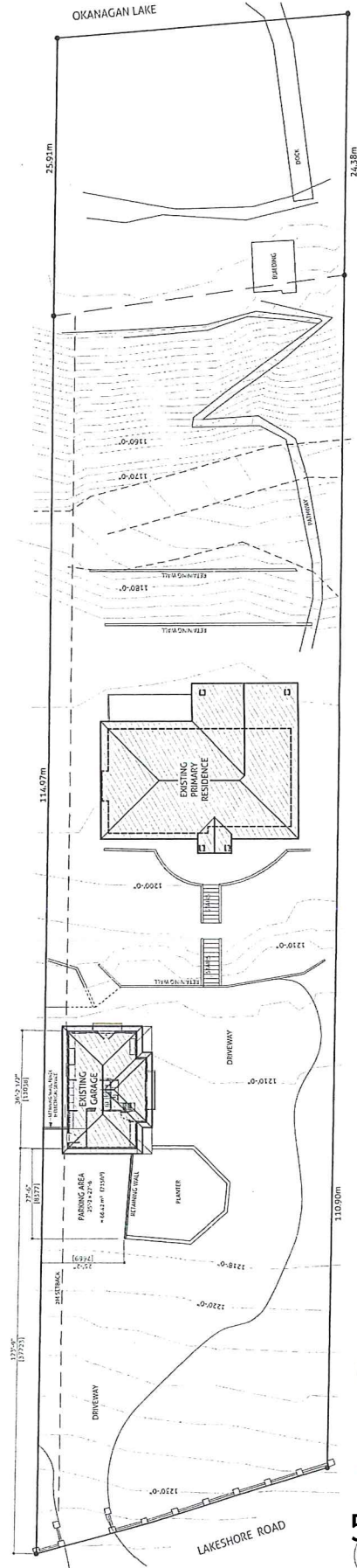
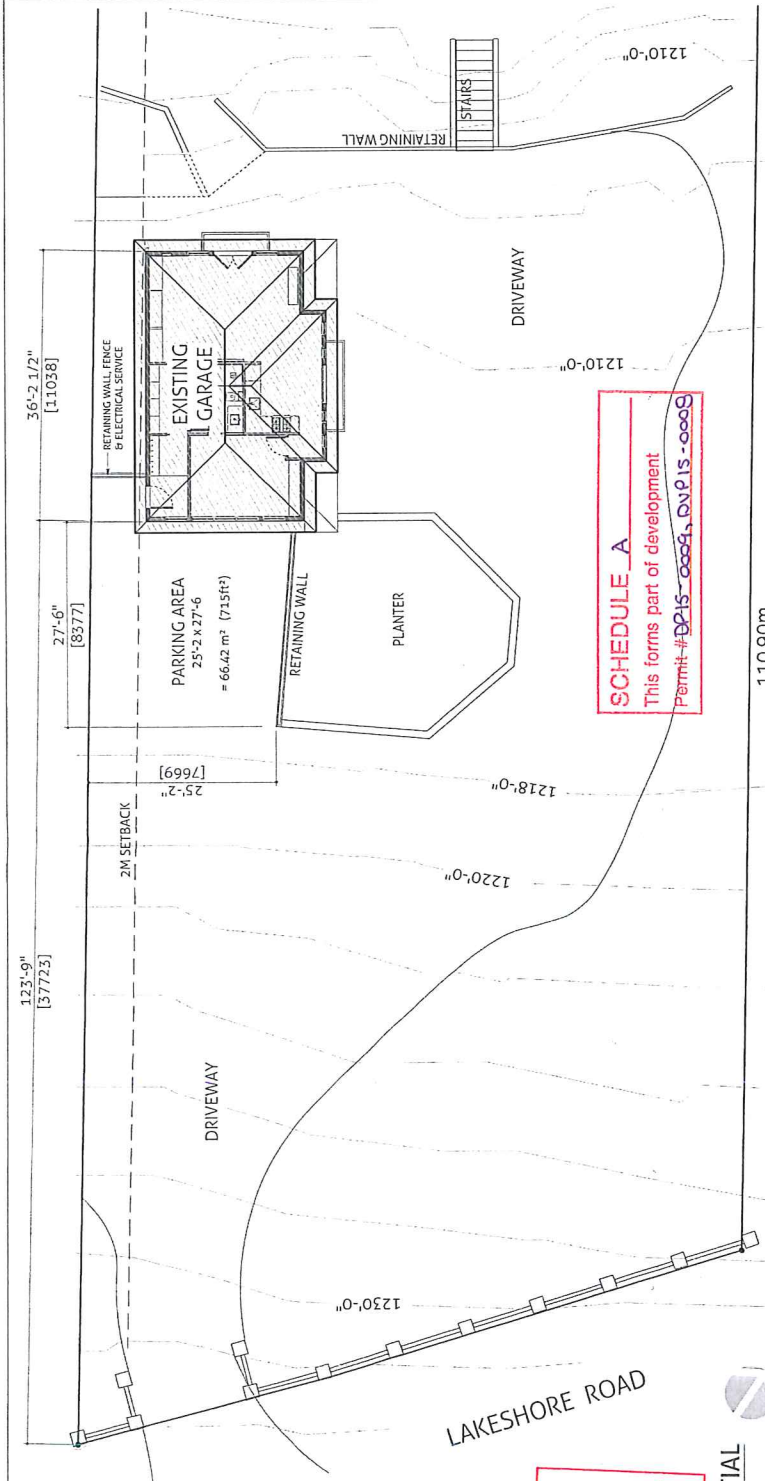
CITY OF KELOWNA - COMMUNITY PLANNING

REVISED PLANS

File No.: **DP15-0009, Dup15-0008**
Date Received: **Apr 8 1/5**

2 SITE PLAN - PARTIAL

A1.01 SCALE 1:200 METRIC



1 SITE PLAN

A1.01 SCALE 1:400 METRIC

WEST COAST DESIGN

250.215.1905

42-218 glen park dr., kelowna, bc

NOTES

ISSUED / REVISIONS	
7	REVISED DECK REMOVED
6	ISSUED SITE SECTION
5	ISSUED FOR PERMIT (METRIC)
4	ISSUED FOR PERMIT (METRIC)
3	ISSUED FOR PERMIT (METRIC)
2	ELECTRICAL PLAN ADDED
1	DESIGN CHANGES
1	DESIGN REVIEW
#	DATE
DESCRIPTION	

CLIENT

JONES

PROJECT

4962 LAKESHORE
CARRIAGE SUITE

SHEET

SITE PLAN

DESIGNED BY	CHK	DATE
DRAWN BY	CHK	DATE
CHECKED BY	CHK	DATE
PROJECT NO.	SCALE	3/16" = 1'-0"

A1.01

#	DATE	DESCRIPTION
7	6/08	REVISED (DECK REMOVED)
6	6/09	ISSUED SITE SECTION
5	6/09	ISSUE FOR PERMIT (METRIC)
4	6/05	PERMIT READY
3	6/04	ELECTRICAL PLAN ADDED
2	6/04	DESIGN CHANGES
1	6/04	DESIGN REVIEW

CLIENT

JONES

PROJECT

4962 LAKESHORE
CARRIAGE SUITE

SHEET

SITE PLAN &
SITE SECTION

DESIGN BY	GS
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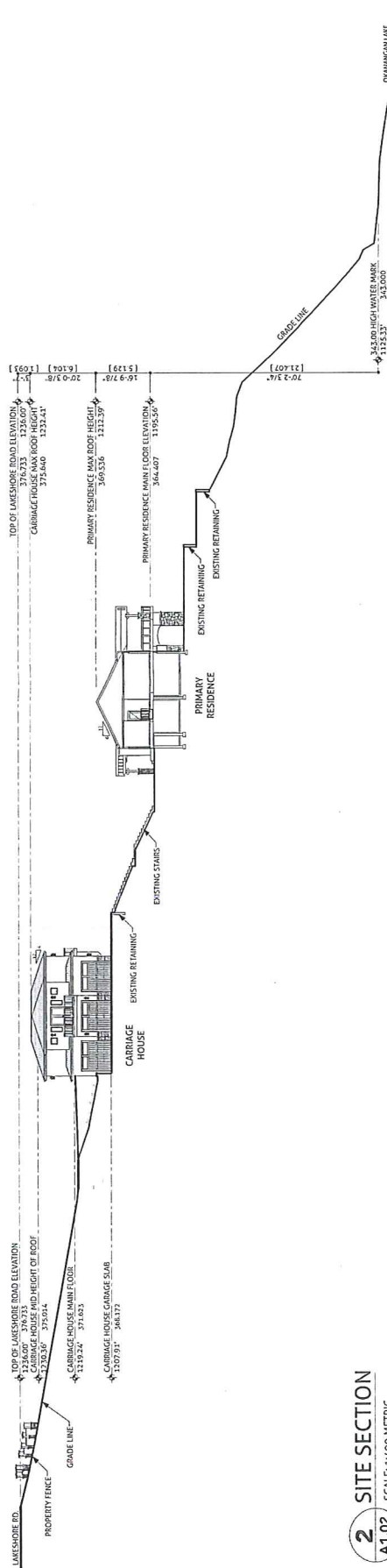
DRAWN BY	OS
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CHECKED BY	OS
PROJECT NO.	.

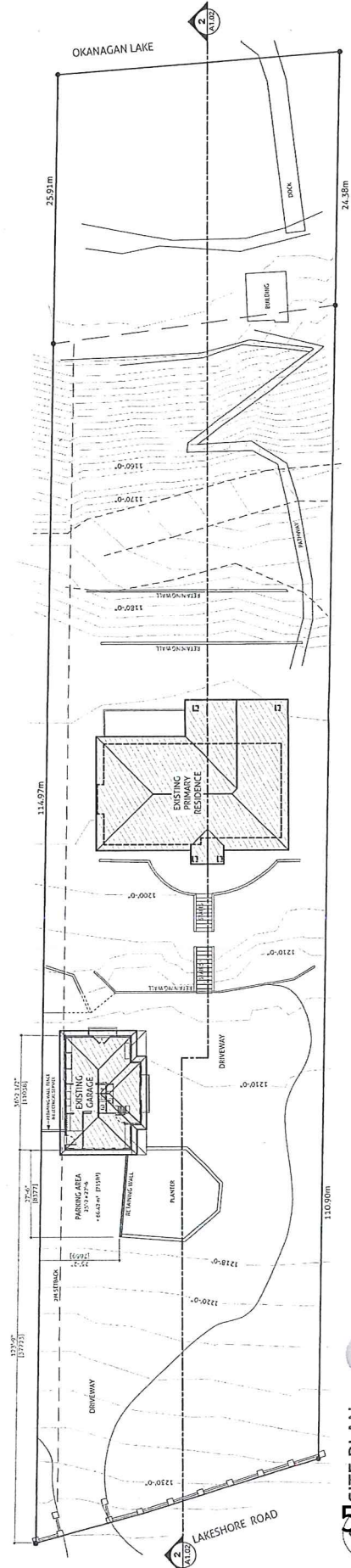
SCALE 3/16" = 1'-0"

A1.02

2 SITE SECTION
A1.02 SCALE: 1"=100 METRIC



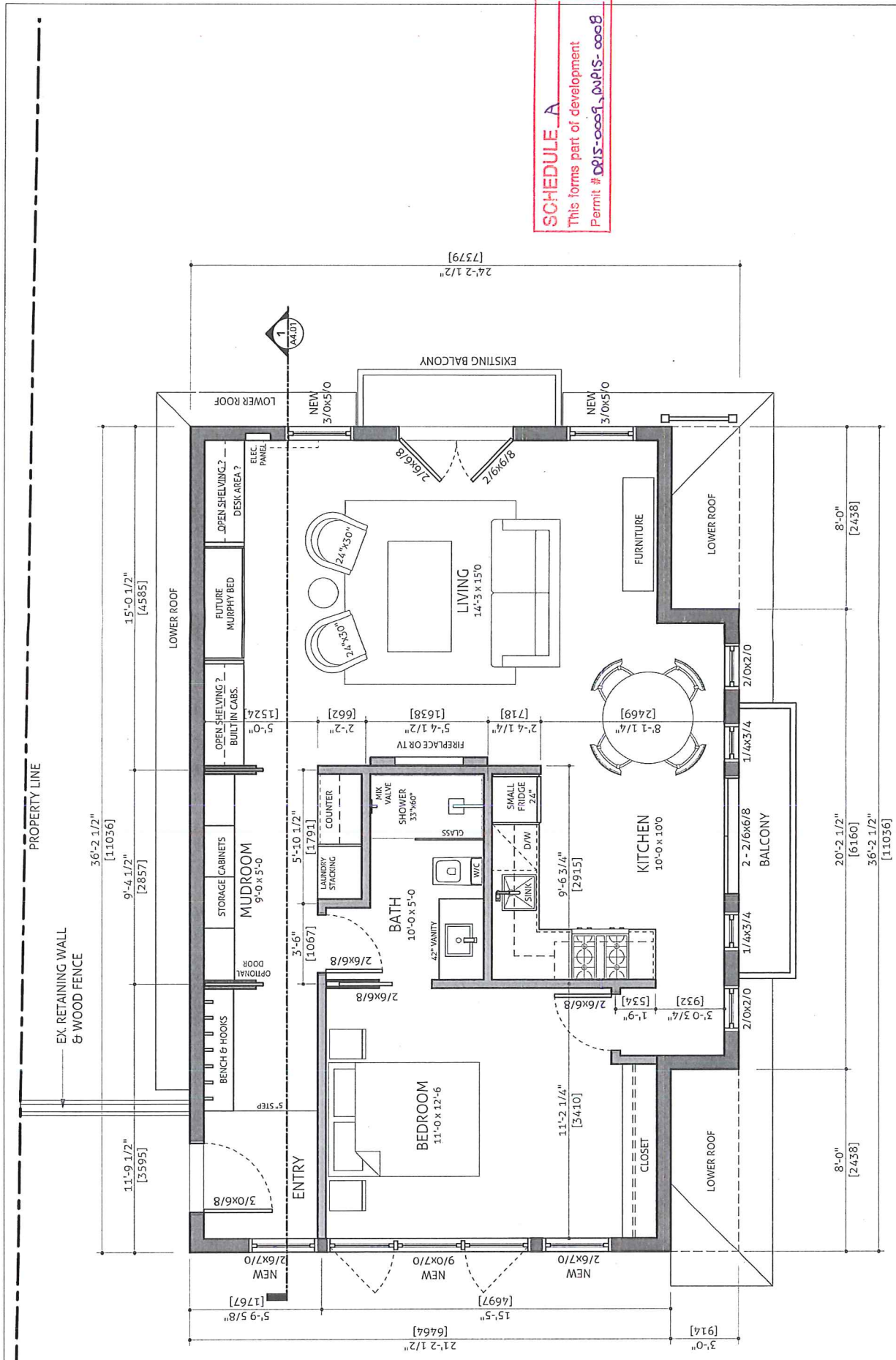
SCHEDULE A
This forms part of development
Permit # 0015-000A-0015-000B



DESIGN BY	QS
DRAWN BY	QS
CHECKED BY	QS
PROJECT NO.	-
SCALE	1/4" = 1'-0"

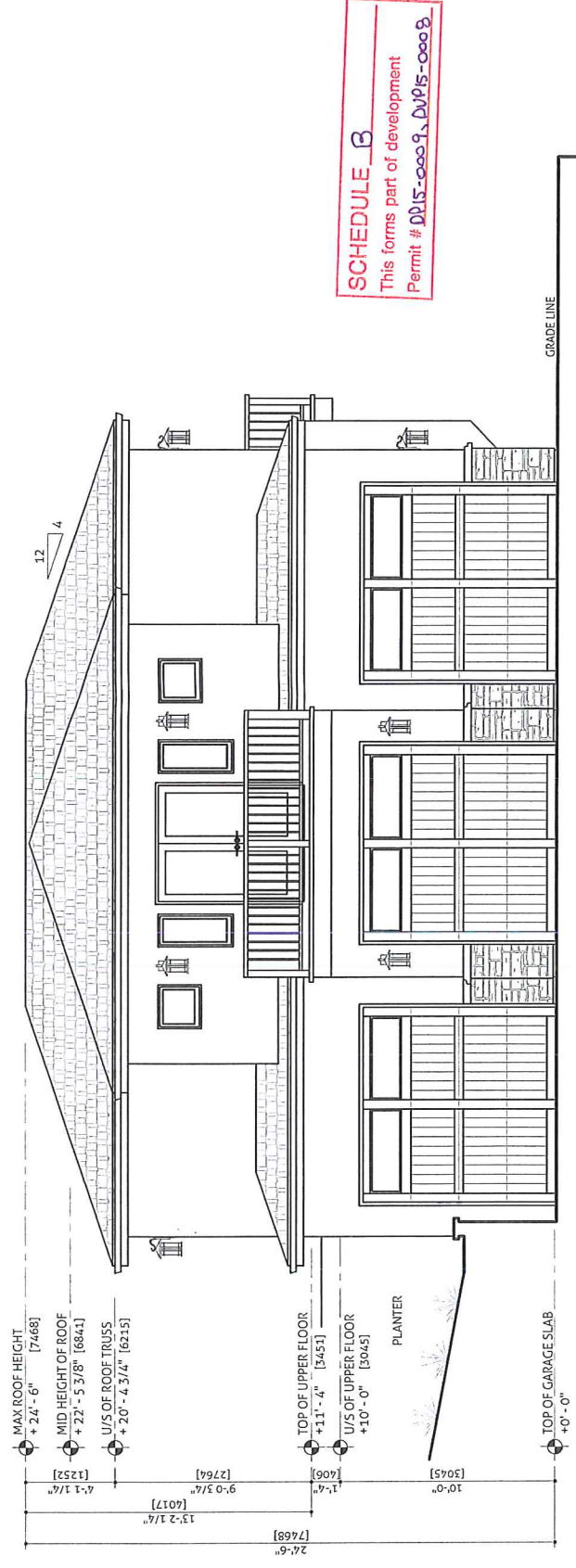
A2.02

SHEET NO.

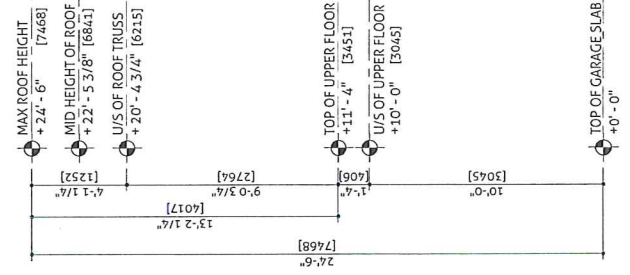


NOTES

SCHEDULE B
This forms part of development
Permit # D015-0009, D1015-0008



1 EAST ELEVATION
SCALE 3/16" = 1'-0"



2 NORTH ELEVATION
SCALE 3/16" = 1'-0"

ISSUED / REVISIONS	
7	REVISED DECK REMOVED
6	ISSUED SITE SECTION
5	ISSUED FOR PERMIT (METRIC)
4	PERMIT READY
3	ELECTRICAL PLAN ADDED
2	DESIGN CHANGE
1	DESIGN REVIEW
#	DATE
DESCRIPTION	

CLIENT

JONES

PROJECT

4962 LAKESHORE
CARRIAGE SUITE

SHEET

ELEVATIONS

DESIGN BY	OS
DRAWN BY	OS
CHECKED BY	OS
PROJECT NO.	-
SCALE	3/16" = 1'-0"

SHEET NO.

A3.01

NOTES

SCHEDULE B

This forms part of development

Permit # DR15-0009, DR15-0008

ISSUED / REVISIONS	
#	DATE
7	2015
6	2015
5	2015
4	2015
3	2015
2	2015
1	2015

CLIENT

JONES

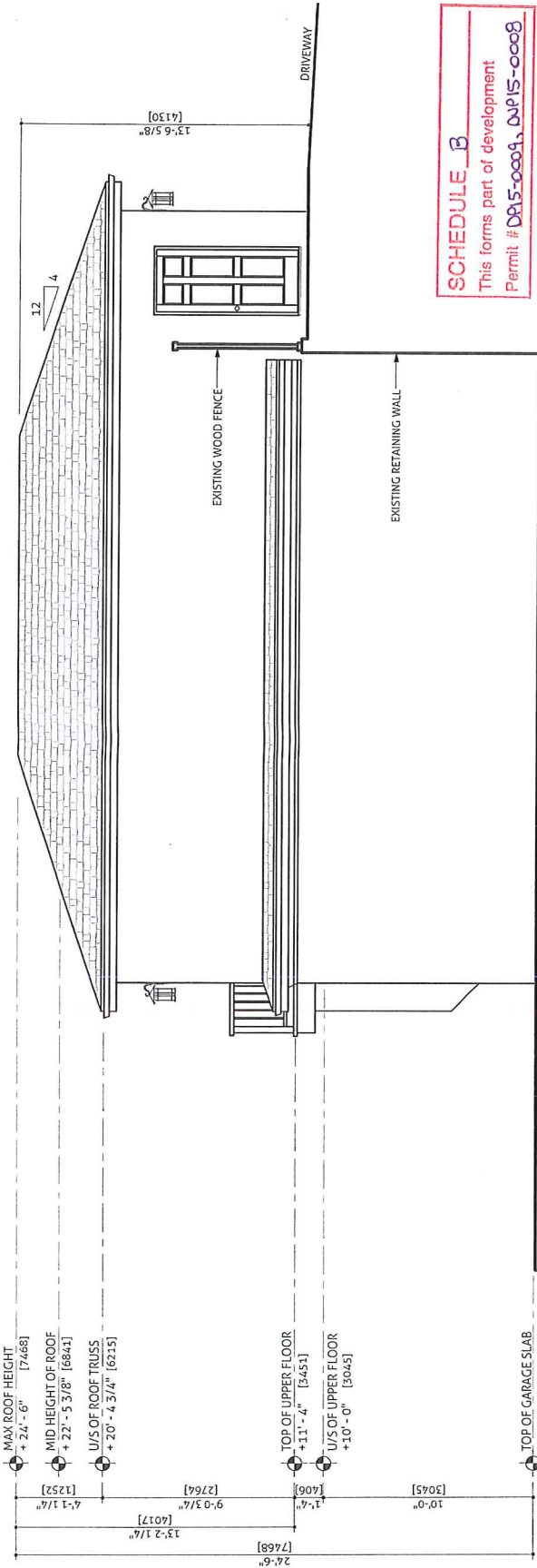
PROJECT

4962 LAKESHORE
CARRIAGE SUITE

SHEET

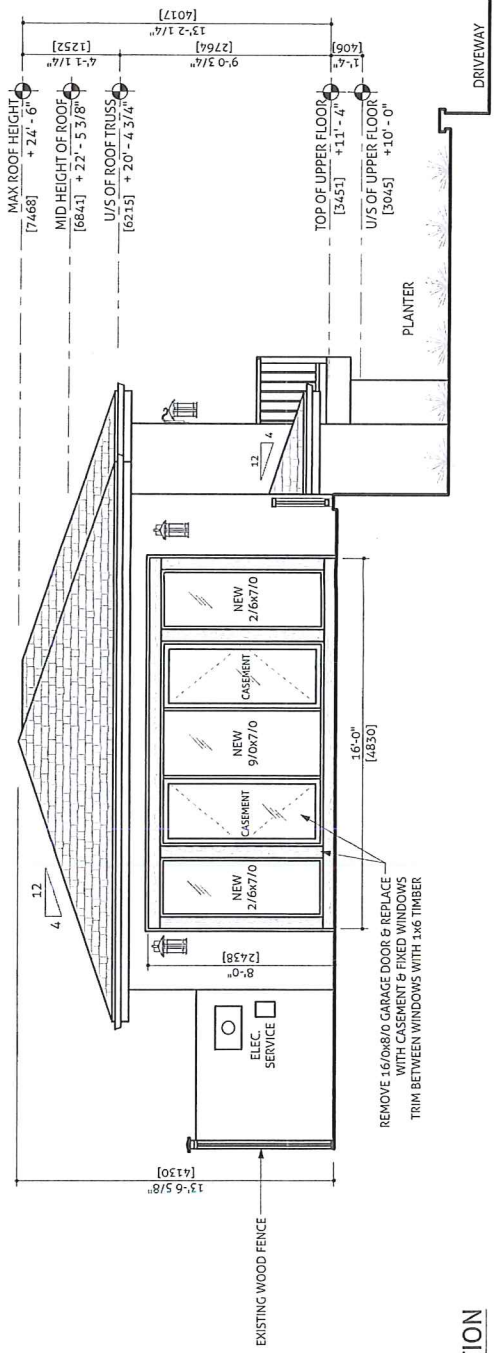
ELEVATIONS

REVISION #	DATE	BY	DESCRIPTION
1	2015	US	ISSUED FOR PERMIT
2	2015	US	ISSUED FOR PERMIT
3	2015	US	ISSUED FOR PERMIT
4	2015	US	ISSUED FOR PERMIT
5	2015	US	ISSUED FOR PERMIT
6	2015	US	ISSUED FOR PERMIT
7	2015	US	ISSUED FOR PERMIT
8	2015	US	ISSUED FOR PERMIT
9	2015	US	ISSUED FOR PERMIT
10	2015	US	ISSUED FOR PERMIT
11	2015	US	ISSUED FOR PERMIT
12	2015	US	ISSUED FOR PERMIT
13	2015	US	ISSUED FOR PERMIT
14	2015	US	ISSUED FOR PERMIT
15	2015	US	ISSUED FOR PERMIT
16	2015	US	ISSUED FOR PERMIT
17	2015	US	ISSUED FOR PERMIT
18	2015	US	ISSUED FOR PERMIT
19	2015	US	ISSUED FOR PERMIT
20	2015	US	ISSUED FOR PERMIT
21	2015	US	ISSUED FOR PERMIT
22	2015	US	ISSUED FOR PERMIT
23	2015	US	ISSUED FOR PERMIT
24	2015	US	ISSUED FOR PERMIT
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26	2015	US	ISSUED FOR PERMIT
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31	2015	US	ISSUED FOR PERMIT
32	2015	US	ISSUED FOR PERMIT
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35	2015	US	ISSUED FOR PERMIT
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95	2015	US	ISSUED FOR PERMIT
96	2015	US	ISSUED FOR PERMIT
97	2015	US	ISSUED FOR PERMIT
98	2015	US	ISSUED FOR PERMIT
99	2015	US	ISSUED FOR PERMIT
100	2015	US	ISSUED FOR PERMIT



1 WEST ELEVATION

A3.02 SCALE: 3/16" = 1'-0"



2 SOUTH ELEVATION

A3.02 SCALE: 3/16" = 1'-0"

CITY OF KELOWNA
BYLAW NO. 10782
Z11-0083 - Arnold and Melitta Frank
1429 KLO Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 52, District Lot 131, ODYD, Plan 186, Except Plan KAP78326 located on KLO Road, Kelowna, B.C., from the A1 - Agriculture 1 zone to the RM7 - Mobile Home Park 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 19th day of November, 2012.

Considered at a Public Hearing on the 11th day of December, 2012.

Read a second and third time by the Municipal Council this 11th day of December, 2012.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: June 16, 2015

RIM No. 0940-50

To: City Manager

From: Urban Planning, Community Planning & Real Estate (LK)

Application: DP14-0258, DVP14-0259 **Owner:** Jamac Holdings Ltd

Address: 1429 KLO Road **Applicant:** Arnold & Melitta Frank

Subject: Development Permit and Development Variance Permit

Existing OCP Designation: MRL - Multiple Unit Residential

Existing Zone: A1 - Agriculture 1

Proposed Zone: RM7 - Mobile Home Park

1.0 Recommendation

THAT final adoption of Zone Amending Bylaw No. 10782 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP14-0258 for Lot 52 District Lot 131 ODYD Plan 186 Except Plan KAP78326 located on 1429 KLO 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 building to be constructed on the land, be in general accordance with Schedule "B";
3. The landscaping to be provided on the land be in general accordance with Schedule "C";
4. Prior to the issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied;
5. Prior to the issuance of the Building Permit, the requirements of the Zoning application (Z11-0083) must be satisfied,
6. Prior to the issuance of the Building Permit, a Section 219 covenant restricting the form of dwellings to 'modular' units meeting the CSA A-277 standard must be registered on title;
7. Prior to the issuance of the Building Permit, a Section 219 ALR Buffering restrictive covenant must be registered on title;

8. 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 estimated by a professional landscaper;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0259 for Lot 52 District Lot 131 ODYD Plan 186 Except Plan KAP78326, located on 1429 KLO Road, Kelowna, BC;

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

Section 7.6.1 (e): Minimum Landscape Buffers

To vary the minimum landscape buffer for parcels abutting ALR from 3.0m to 0.0m;

Section 13.13.7(e): Mobile Home Park - Other Regulations

To vary the minimum private open space from 5% of the site to 4.89%;

AND THAT variances to the following sections of Mobile Home Parks Bylaw No. 5453-83 be granted:

Section 4.05 (1) Buffer Areas

To vary the landscape buffer from a roadway to a mobile home space from 7.6m to 6.0m; and the landscape buffer from the side boundaries to a mobile home space from 4.6m to 0.0m.

Section 4.06 (1): Setbacks

To vary the minimum setback between mobile homes from 3.0m to 2.1m;

AND FURTHER THAT the applicant be required to complete the above-noted conditions of Council's Approval of the Development Permit and Development Permit Applications in order for the permit to be issued;

AND FURTHER THAT this Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To consider:

- a) Development Permit application for the form and character of a modular home park on the subject property.
- b) Development Variance Permit to vary the rear landscape buffer area abutting ALR, to vary the landscape buffers to a mobile home space, the amount of required private open space and the minimum setback between mobile homes.

3.0 Urban Planning

Urban Planning staff supports the requested variances to both Zoning Bylaw No. 8000 and the Mobile Home Parks Bylaw 5453-83 to allow the development of a new 88 unit modular home park. This application is consistent with the future land use of the Official Community Plan to encourage increased density in an urban neighbourhood.

Parcels which are abutting ALR land require a 3.0m buffer in addition to the required 6.0m setback from the rear property line. The proposal provides the required 6.0m rear setback from Bothe Rd, but does not provide the additional 3.0m buffer area. The variance is supportable through the provision of Level 5 landscape buffering provided within the south setback area. This

is the highest landscaping requirement within the Zoning Bylaw as it requires screening to a height of 1.8m in the form of vegetation or a decorative wall or fence, 1 tree placed every 10m along the length of the setback area and high density planting beds between tree locations.

The second variance is to reduce the amount of private open space from 5% to 4.89%. The parcel size is 4.87 ha and requires 2435m² of private open space. The modular home park provides three separate open space areas throughout the parcel totaling 2381m², which is 150m² less than required. The shortage of common private open space is made up for in the outdoor area of the individual mobile home spaces. The minimum mobile home space requirement is 325m² and the smallest space proposed is 354m², therefore providing at least 29m² of additional area per unit.

The third variance is for the Mobile Home Park buffer areas. This development is unique as two sets of rules apply, the Zoning Bylaw and the Mobile Home Park Bylaw. The proposed development meets the building setback requirements of the Zoning Bylaw, which requires front and rear setbacks of 6.0m. The Mobile Home Park Bylaw requires a larger setback of 7.5m when adjacent to roadways. This is a supportable variance as the parcel meets the Zoning Bylaw requirement. Abundant screening is provided along KLO road in the form of a 1.82m high fence with landscaping along the length. The fence will also provide sound buffering for the development.

The Mobile Home Park Bylaw requires a 4.6m landscape buffer from the side property line to the edge of a mobile home space. The proposal provides a 4.5m setback from the side property line to the dwelling and meets the Zoning Bylaw requirement. This variance is minimal and will not affect the overall development.

The final variance is to reduce the distance between mobile homes. The Mobile Home Park Bylaw requires a minimum of 1.5m from the building to the side property line. This distance is maintained from the dwelling to the side property line. The garage portion projects 0.90m into this area. In the instances where this does occur, the building code requirements increase to ensure life safety requirements are provided. This is accomplished through the use of fire resistant material, non-combustible siding and no windows allowed within these areas.

4.0 Proposal

4.1 Project Description

The applicant is proposing a new 88 unit modular home park on a parcel which currently has an existing single family dwelling and associated accessory buildings. These will remain on site and be occupied by the owners. The development will be completed in five phases with the first being the most northeast portion of the parcel directly accessed from KLO Road. The second phase is the northwest portion of the parcel and the remaining phases following the perimeter of the parcel clockwise.

Primary access from KLO Road is at the eastern corner of the parcel. In the long term the Bothe Road extension will provide access to the site from the southeast corner of the parcel. The parcel provides a 24m road dedication to the City that facilitates the road design for Bothe Road and will substantially reduce any impact on Fascieux Creek, which is located directly south of the subject parcel. The project also provides an additional 4.0m road reserve setback above and beyond the road dedication for the future construction of Bothe Road.

The proposed 88 modular units will provide a form of housing that is more attainable in terms of price and is accessible for a variety of age groups and family types from senior citizens to young families wanting to own their first home. The modular homes will look like more traditional

single storey detached homes. Once complete, the development will have the look and feel that resembles a bareland strata development rather than a typical mobile home park.

Each modular unit has a double car garage and associated driveway. Visitor parking on the site is located south of the existing dwelling and along the roadway, adjacent to the large common area on the west side of the parcel. The driveways of each unit also provides additional parking space for visitors.

Private amenity areas are provided for each unit in the form of a front patio area as well as a rear yard. The project provides three common green space areas for resident use. Eventually, the existing dwelling on the parcel will become a common amenity building and recreation area for the use of all residents.

4.2 Site Context

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P1 - Major Institutional, P2 - Education and Minor Institutional	Library, RDCO, Private Club
East	RM5 - Medium Density Multiple Family	Single Family Dwelling
South	P2 - Education and Minor Institutional	Religious Assembly
West	P4 - Utilities, P2 - Education and Minor Institutional	City of Kelowna - Parks, Religious Assembly

Subject Property Map: 1429 KLO Road



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM7 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	2.0 ha	4.87 ha
Lot Width	50.0m	144 m
Lot Depth	50.0m	358 m
Development Regulations		
Density (max.)	20 dwellings / ha (97 max)	18.3 dwellings / ha (89 proposed)
Height	7.6m or 1 storey	4.73 m
Front Yard	6.0m	6.0 m
Side Yard (east)	4.5m	4.5 m
Side Yard (west)	4.5 m	4.5 m
Rear Yard	6.0m	6.0 m
Other Regulations		
Minimum Parking Requirements	2 stalls / dwelling	2 stalls / dwelling + driveways
Visitor Parking Stalls	1 stall / 7 dwellings	13 visitor stalls
Private Open Space	5% (2435 m ²)	4.49% (2381m ²)provided❶
Landscape Buffer (where abutting ALR land)	3.0m required	0.0 provided❷ (will provide level 5 landscaping)
CRITERIA	Mobile Home Park Bylaw	PROPOSAL
Landscape Buffer	7.5m req. from a roadway to a mobile home space	6.0m from the north and south property lines to the Modular Home ❸
	4.6m from a side property line to a mobile home space	4.5m from the side property line to the Modular Home ❸
Mobile Home Unit Separation	3.0m min.	2.4m provided ❹
❶ Indicates a requested variance to the private open space provided. ❷ Indicates a requested variance to the minimum landscape buffer for land abutting ALR land where non-farm uses exist. ❸ Indicates a requested variance to the buffer area from a mobile home to the property line (front and rear to a roadway & sides). ❹ Indicates a requested variance to the amount of separation between mobile home units.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

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

Complete Communities.² Support the Development of complete communities with a minimum intensity of approximately 35 - 40 people and/or jobs per hectare to support basic transit service - a bus every 30 minutes.

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

² City of Kelowna Official Community Plan, Policy 5.2.4 (Development Process Chapter).

Permanent Growth Boundary.³ Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. Support development of property outside the Permanent Growth Boundary for more intensive uses only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except as per Council's specific amendment of this policy. Resource Protection Area designated properties not in the ALR and outside the Permanent Growth Boundary will not be supported for subdivision below parcel sizes of 4.0 ha (10 acres). The Permanent Growth Boundary may be reviewed as part of the next major OCP update.

New Residential Developments.⁴ Ensure that new residential developments and subdivisions have active transportation links to the nearest arterial or major collector roads at developer cost.

Natural Ecosystem Management.⁵ Ensure the protection of biodiversity, the conservation of critical habitats and the sustainable use of biological resources through the incorporation of an integrated ecosystem management approach and the use of best available knowledge.

6.0 Technical Comments

6.1 Subdivision, Agriculture and Environment

1) The request for a 6.0 metre buffer at the south property line adjacent the ALR does not comply with Section 7.6.1 (e) of the Zoning Bylaw No. 8000, that requires an additional 3.0 metres of buffer area be added to the required setback of a zone where the property abuts ALR land.

Therefore, under the current proposed plan, an additional variance requesting the relaxation of the 3.0 m setback in addition to the standard setback, along the south property line is required. This variance is supportable on the condition that a landscape plan that complies with the Level 5 Landscape Buffer (Diagram 7.6) of the Zoning Bylaw (attached).

2) A No-Build / No Disturb / Properties adjacent the ALR Restrictive Covenant should be placed on the property and provided to the mobile home renters / owners, to alert them of potential neighbourhood impacts of being adjacent farming operations, and prevent them from planting plants that could be of detriment to agriculture. This is in accordance with Ministry of Agriculture and Lands: Guide to Edge Planning (2009) standards. An example covenant is attached.

6.2 Building & Permitting Department

1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.

2) Structural Engineering is required for connection of a modular home to a stick framed garage or decks for each unit since they are built to different standards.

3) There appears to be spatial separation issues between units if the side yard variance is accepted. This may require reduced windows, non combustible siding and soffit protection which is not standard to modular construction.

4) Full Plan check for Building Code related issues will be done at time of Building Permit applications.

³ City of Kelowna Official Community Plan, Policy 5.3.1 (Development Process Chapter).

⁴ City of Kelowna Official Community Plan, Policy 7.8.3 (Infrastructure Chapter).

⁵ City of Kelowna Official Community Plan, Policy 7.8.3 (Environment Chapter).

6.3 Development Engineering Department

See attached Memorandum dated January 14, 2015 and October 30, 2012 (rev 3)

6.4 Fire Department

- 1) Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required. Section 5.9 of the Fire and Life Safety Bylaw 10760 pertaining to Construction Sites shall be included.
- 2) Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900.
- 3) A visible address must be posted on KLO as per City of Kelowna Bylaw
- 4) Fire Department access is to be met as per BCBC 3.2.5.6, from KLO to the subdivision - 6 M minimum width and appropriate turning radius
- 5) All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met

6.5 Parks & Public Places

- 1) Boulevard street trees and associated irrigation system to be provided and installed by developer and to match spacing and species that has already been established in front of 1359 KLO Road (the Parks Yard), i.e., Armstrong Maple, Acer freemanii X Armstrong. Location of boulevard trees should take into consideration appropriate setbacks from existing street lights.
- 2) A fencing plan needs to be submitted that includes locations of and details for all types of proposed fencing, i.e., height, materials and setback from property lines for "solid screen fence" and "metal rail fence".
- 3) Rock mulch is not permitted as a boulevard treatment adjacent to a public sidewalk (Bylaw 10425 Section 4g) as issues are created regarding rocks migrating onto the sidewalk.
- 4) Robinia psuedoacacia "Purple Robe" is proposed for the development's open space area. The City's experience with this tree species has been unfavourable as wind events cause a high number of broken limbs.
- 5) Iplan - Parks and Public spaces does not encourage public access to the Parks Yard and therefore does not support construction of a walkway through the tot lot terminating at the common property line.

7.0 Application Chronology

Date of Application Received:	December 22, 2014
Date Public Consultation Completed:	February 26, 2015

Report prepared by:

Lydia Korolchuk, Planner

Reviewed by:



Lindsey Ganczar, Urban Planning Supervisor

Reviewed by:



Ryan Smith, Urban Planning Manager

Attachments:

Site Plan - Schedule 'A'

Floor Plans - Schedule 'A'

Conceptual Elevations - Schedule 'B'

Landscape Plans - Schedule 'C'

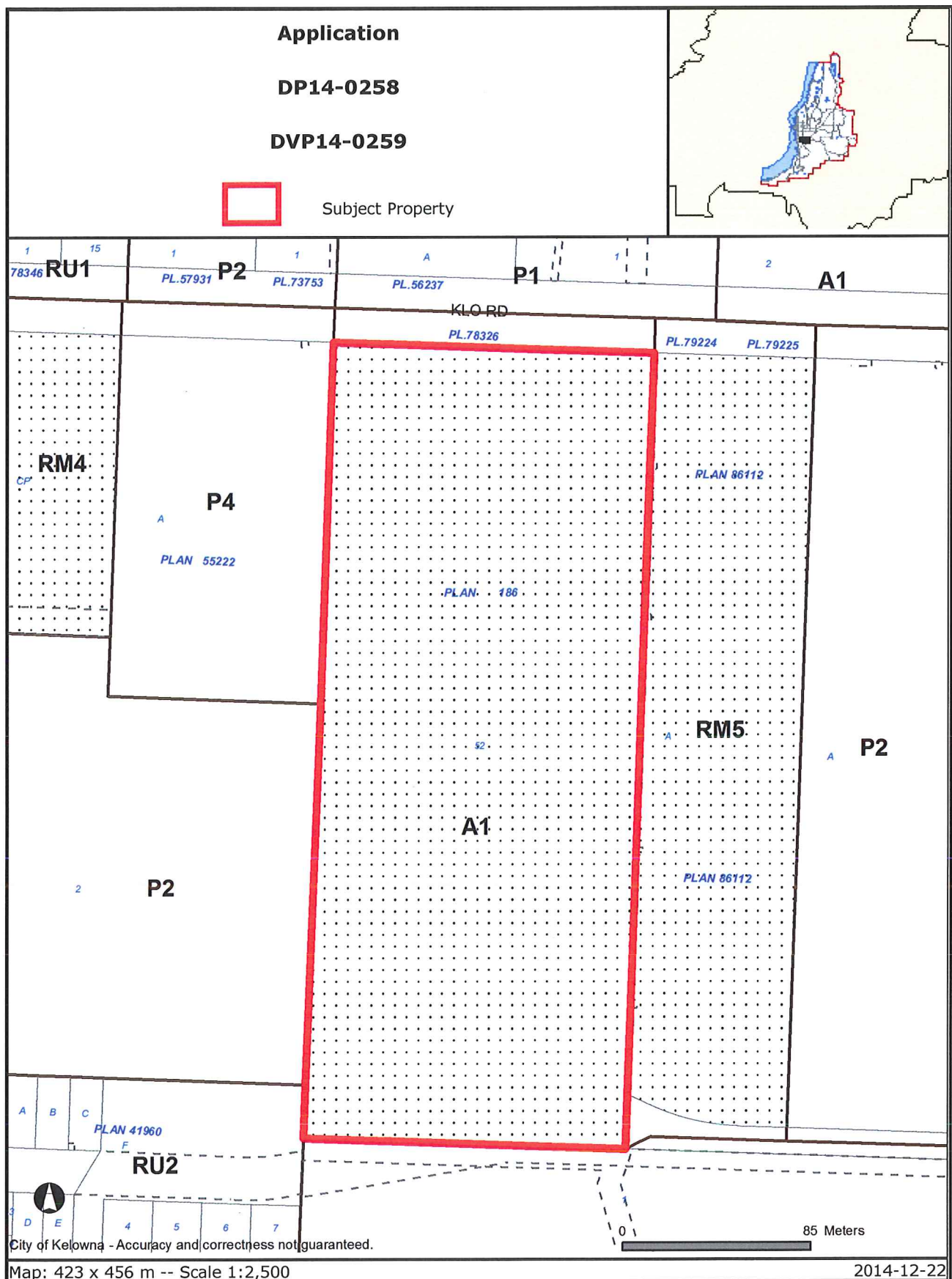
Fence Detail Drawing - Schedule 'C'

Phasing Plan

Development Engineering Memorandum

Summary of Technical Comments

Development Permit/Development Variance Permit No. DP15-0258 DVP14-0259



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.

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Permit No. DP14-0258
DVP14-0259

EXISTING ZONING DESIGNATION:	RM7 - Mobile Home Park
WITHIN DEVELOPMENT PERMIT AREA:	Comprehensive Development Permit Area (Residential)

ISSUED TO:	Jamac Holdings Inc.
LOCATION OF SUBJECT SITE:	1428 KLO Road

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	52	131	186 Except Plan KAP78326			ODYD

SCOPE OF APPROVAL

- ☐ This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- ☐ This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- ☐ Applicants for Development and 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:

- a) That the dimensions and siting of the buildings to be constructed on the land in general accordance with Schedule "A".
- b) That the exterior design / finish are to be constructed on the land in general accordance with Schedule "B":
- c) That the landscaping to be provided on the land be in general accordance with Schedule "C".
- d) Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied;
- e) Prior to issuance of the Building Permit, the requirements of Zoning application (Z11-0083) must be satisfied;
- f) Prior to the issuance of the Building Permit, a Section 219 covenant restricting the form of dwellings to 'modular' units meeting the CAS A-277 standard must be registered on title;

- g) Prior to the issuance of the Building Permit, a Section 219 ALR Buffering restrictive covenant must be registered on title;
- h) 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;

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

Section 7.6.1 (e): Minimum Landscape Buffers

To vary the minimum landscape buffer for parcels abutting ALR from 3.0m to 0.0m;

Section 13.13.7(e): Mobile Home Park - Other Regulations

To vary the minimum private open space from 5% of the site to 4.89%;

- j) AND THAT variances to the following sections Mobile Home Parks Bylaw No. 5453-83 be granted:

Section 4.05 (1) Buffer Areas

To vary the landscape buffer from a roadway to a mobile home space from 7.6m to 6.0m; and the landscape buffer from the side boundaries to a mobile home space from 4.6m to 0.0m.

Section 4.06 (1): Setbacks

To vary the minimum setback between mobile homes from 3.0m to 2.1m;

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

3. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash; OR
- (b) A Certified Cheque; OR
- (c) An Irrevocable Letter of Credit in the amount of \$82,010.00 .

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. 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 two years of the date of this Permit, this Permit shall lapse.

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

THIS Permit IS NOT A BUILDING Permit.

5. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a 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 Divisional Director of Community Planning & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Community Planning & Real Estate Department immediately to avoid any unnecessary delay in processing the application.

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

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

6. APPROVALS:

DEVELOPMENT PERMIT AUTHORIZED BY COUNCIL ON THE ____ DAY OF _____, 2015.

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF _____, 2015
BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

Doug Gilchrist, Director, Community Planning & Real Estate Div.

CITY OF KELOWNA

MEMORANDUM

Date: January 14, 2015
File No.: DP14-0258

To: Land Use Management Department (LK)

From: Development Engineering Manager

Subject: Proposed Modular Home Park 1429 KLO Rd Plan 186 Lot 52

Development Engineering has the following comments and requirements associated with this application.

The Development Engineering Technologist for this project is John Filipenko, ASCT

1. General.

Development Engineering servicing and frontage improvement requirements were addressed under File Z11-0083 Rev 3. The requirements must be satisfied prior to issuance of the Development Permit.

2. Domestic Water and Fire Protection

- (a) The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant locations and service needs.
- (b) This development site is provided with a new 250mm diameter water service.
- (c) A water meter is mandatory for this development and must be installed inside a building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost.
- (d) An approved backflow protection device must also be installed on site as required by the City Plumbing Regulation and Water Regulation bylaws.
- (e) The boulevard landscape irrigation systems are to be connected to the on the site irrigation system.

3. Sanitary Sewer

- (a) The developer's consulting mechanical engineer will determine the servicing requirements of this proposed development.

- (b) A new 150mm diameter sanitary sewer service is provided to this development site from a sanitary sewer main on KLO Road.
- (c) The property is in the Chamberlain Sewer Connection Area.(No. 25)
An area connection fee assessment will be required. The modified charge is \$2,249.56 per single family equivalent (SFE)

4. Storm Drainage

- (a) A 150mm diameter storm overflow service is provided to this development site from a storm sewer main on KLO Road.
- (b) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Subdivision, development and servicing Bylaw. The storm water management plan must also include provision of a lot grading plan, identify minimum basement elevation (MBE), overland drainage routes, floodplain elevations and setbacks, and provision of storm drainage overflow services for the lot and recommendations for onsite drainage containment, treatment and disposal systems.

5. Road Improvements

- (a) KLO Road access driveway removal, curb replacement, boulevard landscaping complete with trees and underground irrigation system will be a requirement of this development.
- (b) Provide a Boulevard Landscape and Underground Irrigation Plan for KLO Rd.
- (c) ***To accommodate the City of Kelowna Fire Department internal circulation requirements on-site, each Phase will make provisions for a turn-around. After Unit #50, a permanent emergency access / secondary access will be constructed.***

6. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Secure and or grant Statutory Rights Of Way for utility services.
- (b) Register a cross access agreement in favour of Lot A Plan 861121 which will facilitate a future common KLO Road access driveway. This agreement need only cover the obligation of the current application, but the site driveway layout must be configured to permit the future common driveways to operate.
- (c) Register a cross access agreement which will facilitate a hard surface pedestrian walkway through approximately the center of the property (Lot 2 Plan KAP44292 to Plan KAP86112).

7. Electric Power and Telecommunication Services

The electrical and telecommunication services to this development must be installed in an underground duct system. It is the developer's responsibility to make a servicing

application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost.

8. Engineering

- (a) Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site drainage collection and disposal systems and lot grading, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked "issued for construction" by the City Engineer before construction may begin.
- (b) A lot-grading plan is to be submitted prior to construction and adhered to during the construction of this development. The Bothe Road grade fronting this development will need to be established by the developer's civil consulting engineer to set the future sidewalk and proposed driveway access elevations.

9. Geotechnical Report

- a) Provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed development.**
The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.
 - (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
 - (ii) Site suitability for development. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
 - (iii) Any special requirements for construction of roads, utilities and building structures.
 - (iv) Suitability of on-site disposal of storm water, including effects upon adjoining lands in accordance with the Subdivision, Development and Servicing Bylaw, Schedule 4 Sanitary Item 2.18.
 - viii) Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
 - ix) Recommendations for items that should be included in a Restrictive Covenant.
 - x) Any items required in other sections of this document.
 - xi) Recommendations for erosion and sedimentation controls for water and wind.
 - xii) Recommendations for roof drains and perimeter drains.

10. Bonding and Levy Summary(a) Cash Levy

- (i) Sewer Connection Charge, Area No 25 (Chamberlain)
To be paid at building permit stage

$$96 \text{ units} \times 0.7 \text{ SFE / unit} \times \$2,249.56 / \text{SFE} = \underline{\$1,574.69 \text{ per unit}}$$

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

11. Latecomer Protection

- (a) Emergency access within Bothe Road

12. Site Related Issues

- (a) The development will be required to contain, treat and dispose of site generated storm water on the site.
- (b) A Lot-Grading Plan, Erosion and Sediment Control Plan are to be submitted prior to construction and adhered to during the construction of this development.
- (c) Access and Manoeuvrability

The site plan should illustrate the ability of an SU-9 standard size vehicle to manoeuvre onto and off the site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles, the site plan should be modified and illustrated accordingly.



Steve Muenz, P. Eng.
Development Engineering Manager
JF/jf

cc. Building & Permitting Branch Manager (DP) see Items 5. (c) (ii) 10. (a) (i)

CITY OF KELOWNA

MEMORANDUM

Date: October 30, 2012
File No.: Z11-0083

To: Land Use Management Department (JM)

From: Development Engineering Manager (Revision 3 Comments)

Subject: Proposed Modular Home Park 1429 KLO Rd Plan 186 Lot 52

Development Engineering has the following requirements associated with this application to rezone from A1 to RM7. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

The Development Engineering Technologist for this project is John Filipenko. ASCT

1. Domestic Water and Fire Protection

- (a) The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant locations and service needs.
- (b) This development site is provided with a new 250mm diameter water service.
- (c) A water meter is mandatory for this development and must be installed inside a building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost.
- (d) An approved backflow protection device must also be installed on site as required by the City Plumbing Regulation and Water Regulation bylaws.
- (e) The boulevard landscape irrigation systems are to be connected to the on the site irrigation system.

2. Sanitary Sewer

- (a) The developer's consulting mechanical engineer will determine the servicing requirements of this proposed development.
- (b) A new 150mm diameter sanitary sewer service is provided to this development site from a sanitary sewer main on KLO Road.
- (c) Future phases of this development will require the developer to construct a sanitary main on Bothe Road from the existing sanitary sewer system to the east boundary of the development. It is recognized that this main is a part of the

Chamberlain Sewer Connection Area (No. 25). As such, the future costs of this main will be borne by the Connection Area and bonding is not required. It is further recognized, that if sufficient funds are not available from the Connection Area Reserve, the developer will be required to front-end this construction.

- (d) The property is in the Chamberlain Sewer Connection Area.(No. 25)
An area connection fee assessment will be required. The modified charge is \$2,249.56 per single family equivalent (SFE)

The proposed sewer main construction on Bothe Road is eligible to receive a credit. The amount of the credit will be determined when the design engineer has submitted actual construction tender costs.

3. Storm Drainage

- (a) A 150mm diameter storm overflow service is provided to this development site from a storm sewer main on KLO Road.
- (b) Construct storm drainage facilities on Bothe Road within the frontage of this development. The estimated cost for frontage drainage facility improvements for bonding purposes is included in the road upgrading cost estimates.
- (c) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of a lot grading plan, identify minimum basement elevation (MBE), overland drainage routes, floodplain elevations and setbacks, and provision of storm drainage overflow services for the lot and recommendations for onsite drainage containment, treatment and disposal systems.

4. Road Improvements

- (a) KLO Road access driveway removal, curb replacement, boulevard landscaping complete with trees and underground irrigation system will be a requirement of this development. The estimated cost for bonding purposes is **\$20,000.00**
- (b) Bothe Road fronting this development must be constructed to a modified standard (SS-R7) including a barrier curb and gutter, monolithic sidewalk north side, a pipes storm drainage system, curb letdown, landscaped boulevard complete with underground irrigation system, and street lights. It is agreed that the City will construct Bothe Road on its own schedule. The cash in-lieu amount is determined to be **\$100,000.00**
- (c) Provide the City of Kelowna Fire Department with a temporary emergency to the west of the main access in the area designated for the watermain connection and the pedestrian access.

To accommodate the City of Kelowna Fire Department internal circulation requirements, the 1st Phase will have a turn-around in the vicinity of the existing residence. Subsequent phases will be reviewed as to turn-around locations. After Unit #50, a permanent emergency access/ secondary access will be constructed.

5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Dedicate a 24.00m road allowance right-of-way generally from the top of bank of Fascieux creek and also provide a 4.0m wide road reserve for the future construction of Bothe Road.
- (b) Secure and or grant Statutory Rights Of Way for utility services.
- (c) Register a cross access agreement in favour of Lot A Plan 861121 which will facilitate a future common KLO Road access driveway. This agreement need only cover the obligation of the current application, but the site driveway layout must be configured to permit the future common driveways to operate.

6. Electric Power and Telecommunication Services

The electrical and telecommunication services to this development must be installed in an underground duct system. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost.

7. Street Lighting

Street lighting including underground ducts must be installed on all roads fronting this proposed development. The cost of this requirement is included in the roads upgrading item.

8. Engineering

- (a) Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site drainage collection and disposal systems and lot grading, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked "issued for construction" by the City Engineer before construction may begin.
- (b) A lot-grading plan is to be submitted prior to construction and adhered to during the construction of this development. The Bothe Road grade fronting this development will need to be established by the developer's civil consulting engineer to set the sidewalk and driveway access elevations.

9. Geotechnical Report

- a) Provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed development.**
The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (iii) Any special requirements for construction of roads, utilities and building structures.
- (iv) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands in accordance with the Subdivision, Development and Servicing Bylaw, Schedule 4 Sanitary Item 2.18.
- viii) Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
- ix) Recommendations for items that should be included in a Restrictive Covenant.
- x) Any items required in other sections of this document.
- xi) Recommendations for erosion and sedimentation controls for water and wind.
- xii) Recommendations for roof drains and perimeter drains.

10. Bonding and Levy Summary

(a) Bonding

(i)	Driveway modifications	KLO	\$20,000.00
(ii)	Emergency Access <u>Required after Unit #50</u>	Bothe Rd	\$76,000.00

Not included in the above estimates are the costs to install Electric Power and Telecommunication Services and facilities.

(b) Cash Levy

- (iii) Sewer Connection Charge, Area No 25 (Chamberlain)
To be paid at building permit stage
 $96 \text{ units} \times 0.7 \text{ SFE} / \text{unit} \times \$2,249.56 / \text{SFE} = \underline{\$1,574.69 \text{ per unit}}$
- (iv) Frontage road and drainage works Bothe
The cash in-lieu amount is determined to be **\$100,000.00**

NOTE: The bonding amounts shown above are comprised of estimated construction costs escalated to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he

wishes to do so. Bonding for required off-site construction must be provided and may be in the form of cash or an irrevocable letter of credit, in an approved format. The owner must also enter into a servicing agreement in a form provided by the City.

11. Latecomer Protection

- (a) Emergency access within Bothe Road


12. Site Related Issues

- (a) The development will be required to contain, treat and dispose of site generated storm water on the site.
- (b) A Lot-Grading Plan, Erosion and Sediment Control Plan are to be submitted prior to construction and adhered to during the construction of this development.
- (c) Access and Manoeuvrability

The site plan should illustrate the ability of an SU-9 standard size vehicle to manoeuvre onto and off the site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles, the site plan should be modified and illustrated accordingly.

13. Administration Charge

An administration charge is assessed for processing of this application, review and approval of engineering designs and construction inspection. Based on the initial bonding and construction, the administration charge is calculated as (3% of Total Off-Site Construction Cost plus HST) in the amount of **\$2,480.80 (\$2,215.00 + 265.80 HST)**



Steve Muenz, P. Eng.
Development Engineering Manager
JF/jf

cc. Building & Permitting Branch Manager (DP) see items 10. (a) (ii) 10. (b) (i)



1:500 (ON 24X36)

A
Plan KAP55222

2
Plan KAP44292

SCHEDULE A

This forms part of development

Permit # DR14-0358 0014-0359

X PLEX

Blvd. #1960

road reserve Plan KAP73439

Ecora
ECORA ENGINEERING LTD.
679 Lawrence Ave. Kelowna, B.C. V1Y 8L8
TEL: 250.498.8757 www.ecora.ca

EX. EXPOSED DRIVEWAY SECTION TO BE
REMOVED, SIDEWALK, CURB AND GUTTER,
& BOULEVARD TO BE RESTORED

MOBILE HOME PARK
SOURCE APPROX.
1.5M X 1.5M

TYPICAL VISITOR PARKING
STALLS, MINIMUM 12

VISITOR PARKING

SCALE 1:250

A
Plan KAP88112

TOTAL LOT AREA
= 4.87 HA
5% OPEN SPACE REQ
= 2435 SQ M
ACTUAL = 2441 SQ M

DENSITY
20 UNITS/HA
= 97 UNITS MAX
ACTUAL 89 LOTS

**MOBILE HOME PARK AND RM7
REQUIRED ZONING SETBACKS**

FRONT YARD (SITE) - 6.0M
HIGHWAY BUFFER (SITE) - 7.6M
REAR YARD (SITE) - 6.0M
SIDE YARD BUFFER (SITE) - 4.6M

FRONT YARD (UNIT) - 3.0M FROM BOC
(MINIMUM)

SIDE YARD (UNIT) - 3.0M BETWEEN
HOMES

REAR YARD (UNIT) - 6.0M BETWEEN
HOMES

366 M2
OPEN SPACE

BOTHE ROAD

1429 KLO ROAD, KELOWNA, BC
REZONING AND DEVELOPMENT PERMIT
RM7 MOBILE HOME PARK

SEPTEMBER 2014
REVISED MARCH 17, 2015

EX-13-019-DP



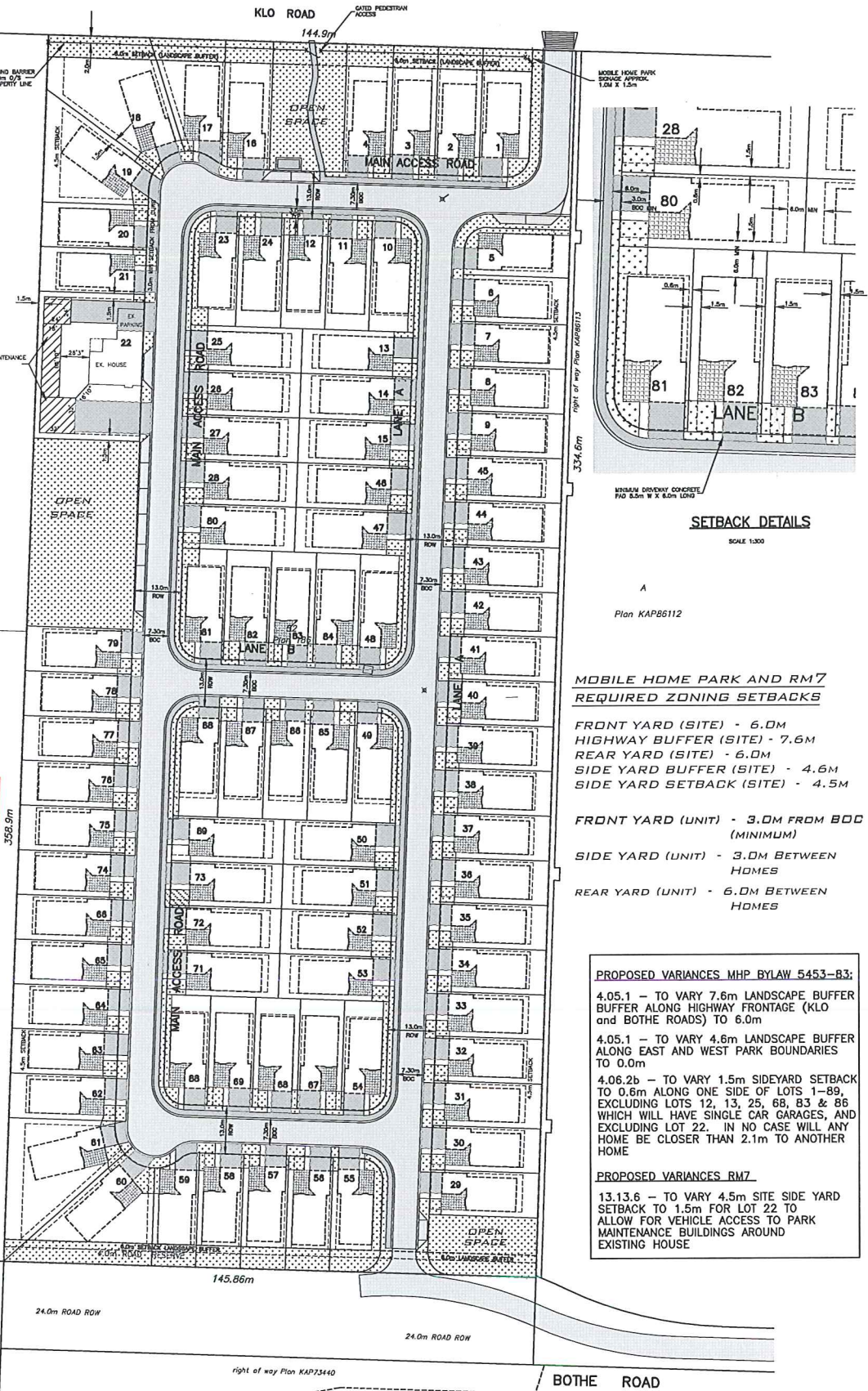
A
Plan KAP55222

2
Plan KAP44292

SCHEDULE A
This forms part of development
Permit #014-0258 0014-0259

X FLEX
F
Plan 41950

Ecora
ECORA ENGINEERING LTD.
879 Lawrence Ave. Kelowna, B.C. V1Y 8L8
TEL: 250-868-8797



SETBACK DETAILS
SCALE 1:300

A
Plan KAP86112

**MOBILE HOME PARK AND RM7
REQUIRED ZONING SETBACKS**

FRONT YARD (SITE) - 6.0M
HIGHWAY BUFFER (SITE) - 7.6M
REAR YARD (SITE) - 6.0M
SIDE YARD BUFFER (SITE) - 4.6M
SIDE YARD SETBACK (SITE) - 4.5M

FRONT YARD (UNIT) - 3.0M FROM BOD
(MINIMUM)
SIDE YARD (UNIT) - 3.0M BETWEEN
HOMES
REAR YARD (UNIT) - 6.0M BETWEEN
HOMES

PROPOSED VARIANCES MHP BYLAW 5453-83:

4.05.1 - TO VARY 7.6m LANDSCAPE BUFFER
BUFFER ALONG HIGHWAY FRONTAGE (KLO
and BOTHE ROADS) TO 6.0m
4.05.1 - TO VARY 4.6m LANDSCAPE BUFFER
ALONG EAST AND WEST PARK BOUNDARIES
TO 0.0m
4.06.2b - TO VARY 1.5m SIDEYARD SETBACK
TO 0.6m ALONG ONE SIDE OF LOTS 1-89,
EXCLUDING LOTS 12, 13, 25, 68, 83 & 86
WHICH WILL HAVE SINGLE CAR GARAGES, AND
EXCLUDING LOT 22. IN NO CASE WILL ANY
HOME BE CLOSER THAN 2.1m TO ANOTHER
HOME

PROPOSED VARIANCES RM7

13.13.6 - TO VARY 4.5m SITE SIDE YARD
SETBACK TO 1.5m FOR LOT 22 TO
ALLOW FOR VEHICLE ACCESS TO PARK
MAINTENANCE BUILDINGS AROUND
EXISTING HOUSE

1429 KLO ROAD, KELOWNA, BC
DEVELOPMENT VARIANCE PERMIT
OF BYLAW 5453-83 and
CITY OF KELOWNA ZONING BYLAW 8000

SEPTEMBER 2014
REVISED MARCH 17, 2015
EK-13-019-DVP



EX. DEPRESSED DRIVEWAY SECTION TO BE REMOVED. SIDEWALK, CURB AND GUTTER, & BOULEVARD TO BE RESTORED

STAGE 2

STAGE 1

MOBILE HOME PARK
SIGNAGE APPROX.
1.0M X 1.5m

A
Plon KAP55222

13 LOTS
STAGE 2

15 LOTS
STAGE 1

16 LOTS
STAGE 5

2
Plan KAP44292

19 LOTS
STAGE 4

X-PLEX

Page 41960

 Ecora

ECORA ENGINEERING LTD.
579 Lawrence Ave. KILDRINA, B.C. V1Y 6L8
TEL: 250.419.9757 www.ecora.ca

TOTAL LOT AREA
= 4.87 HA
5% OPEN SPACE REQ
= 2435 SQ M
ACTUAL = 2441 SQ M

DENSITY
20 UNITS/HA
= 97 UNITS MAX
ACTUAL 89 LOTS

26 LOTS
STAGE 3

BOTHE ROAD

1429 KLO ROAD, KELOWNA, BC
REZONING AND DEVELOPMENT PERMIT
RM7 MOBILE HOME PARK
PROPOSED STAGING


FEBRUARY 2015

EX-13-019-DP

SCHEDULE A
This forms part of development
Permit # DP14-0358 DP14-0259

[illegible]

NOTES: MODULINE ASSUMES NO RESPONSIBILITY FOR
FIRE SEPARATION, SEISMIC OR DOOR/WINDOW
FENESTRATION REQUIREMENTS. CONSULT YOUR LOCAL
BUILDING OFFICIAL OR ENGINEER OF RECORD TO CONFIRM

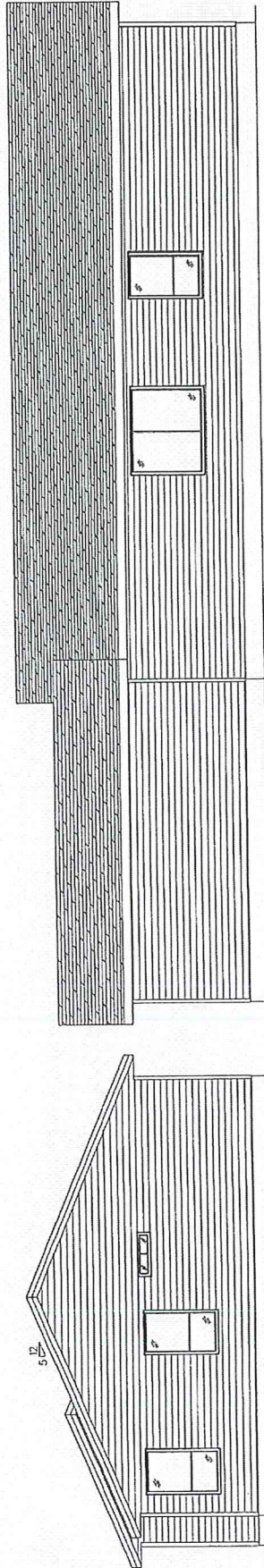
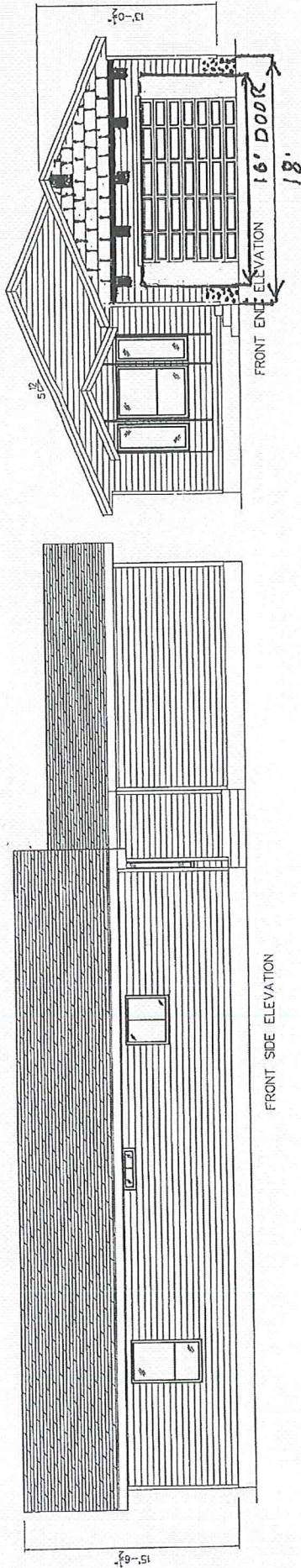
 MODULINE PENICTON P.O. BOX 190 1175 RAILWAY STREET PENICTON, B.C. V2A 6K3 (250) 493-0122		CUSTOMER: _____ _____ SIGN			
		DEALER: _____ _____ SIGN		A	
		DATE: _____ _____ _____		B	
				C	
DEALER CHANGE REQUEST					
TITLE:		SYMPHONY			
DRAWING NO.		Q8114			
DRAWN BY:					
DATE:		3-18-14			
J.B.T.					

SCHEDULE B

This forms part of development

Permit # DP14-0258 DP14-0259

CUSTOM PRINT



BACK SIDE ELEVATION

BACK END ELEVATION

Any renderings and depictions are conceptual only and are for the convenience of reference. They should not be relied upon as representations, express or implied, of the final detail of the Unit. Modline Industries expressly reserves the right to make modifications, revisions, and changes it deems desirable in its sole and absolute discretion. All depictions of appliances, counters, furniture, finishes, lighting, plumbing fixtures, soffits, floor covering and other matters of detail are conceptual only and are not necessarily included in each Unit. Consult your Purchase Agreement and the Offering Documents for the items included with the Unit. Dimensions and square footage are approximate and may vary with actual construction.

NOTES: MODLINE ASSUMES NO RESPONSIBILITY FOR FIRE SEPARATION, SEISMIC OR DOOR/WINDOW PENETRATION REQUIREMENTS. CONSULT YOUR LOCAL BUILDING OFFICIAL OR ENGINEER OF RECORD TO CONFIRM

MODLINE PENTICTON
P.O. BOX 190
1175 RAILWAY STREET
PENTICTON, B.C. V2A 6K3
(250) 453-0122

CUSTOMER: _____
DEALER: _____
DATE: _____

DEALER CHANGE REQUEST

TITLE: SYMPHONY


DRAWING NO. Q8114

DRAWN BY: JBT.

DATE: 3-18-14

Permit # DP14-0253 DUP14-0259

NOTES: MODULINE ASSUMES NO RESPONSIBILITY FOR FIRE SEPARATION, SEISMIC OR DOOR/WINDOW FENESTRATION REQUIREMENTS. CONSULT YOUR LOCAL BUILDING OFFICIAL OR ENGINEER OF RECORD TO CONFIRM



MODULINE PENTITION
P.O. BOX 190
1175 RAILWAY STREET
PENTITION, B.C. V2A 6K3
(250) 493-0122

SIGN	SIGN
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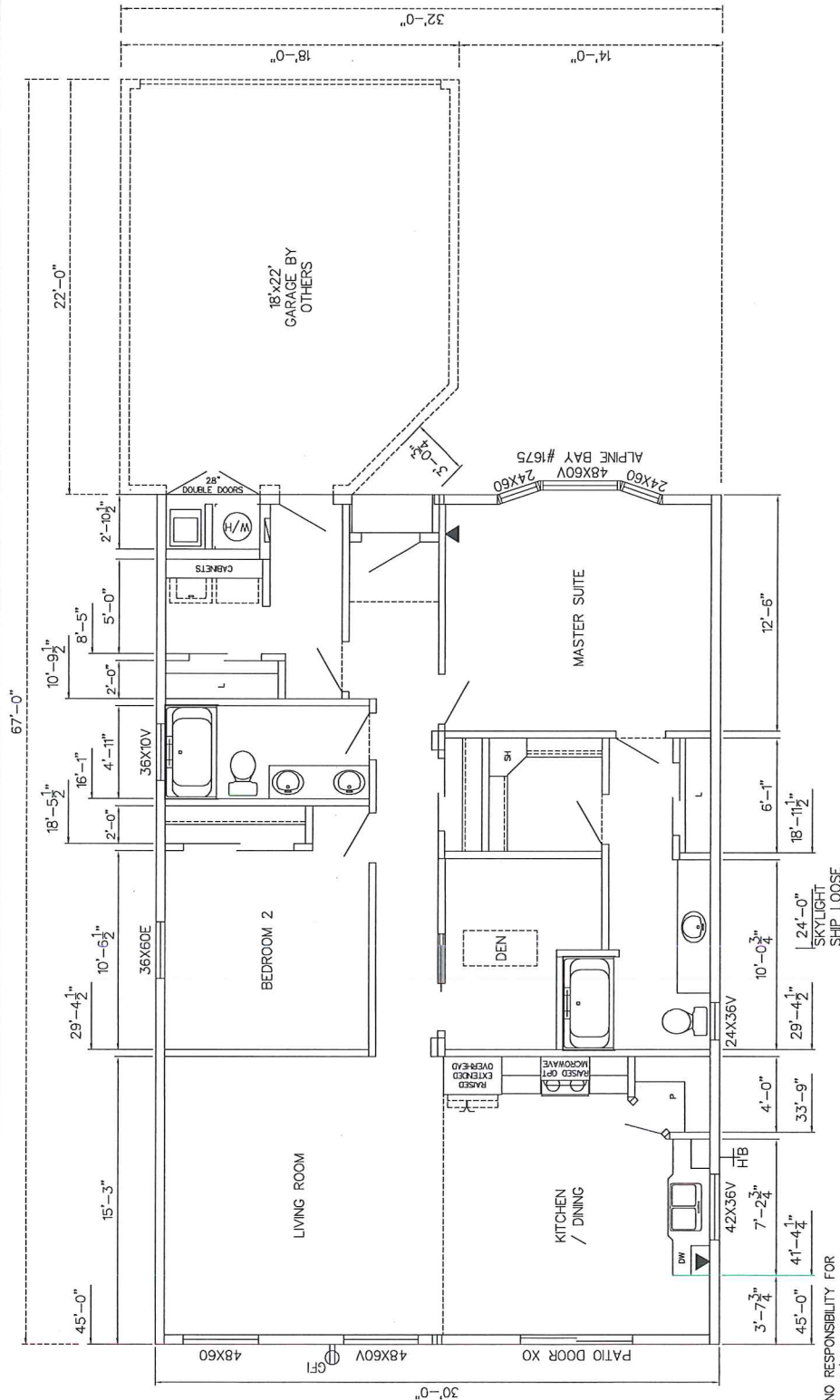
DATE: 3-20-14

SCHEDULE A

This forms part of development

Permit # D14-0258 0014-0259

CUSTOM PRINT



NOTES: MODULE ASSUMES NO RESPONSIBILITY FOR
FIRE SEPARATION, SEISMIC OR DOOR/WINDOW
FELDER REQUIREMENTS. CONSULT YOUR LOCAL
BUILDING OFFICIAL OR ENGINEER OF RECORD TO CONFIRM

MODULINE PENTICTON
P.O. BOX 190
1176 RAILWAY STREET
PENTICTON, B.C. V2A 6K3
(250) 483-0122

CUSTOMER: _____
DEALER: _____
DATE: _____

SIGN _____

A
B
C

DEALER CHANGE REQUEST

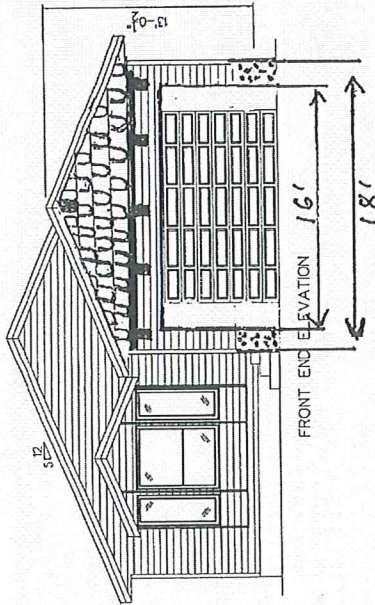
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DRAWING NO. Q8115A
DRAWN BY: K.E.A.
DATE: 09/29/2014

SCHEDULE B

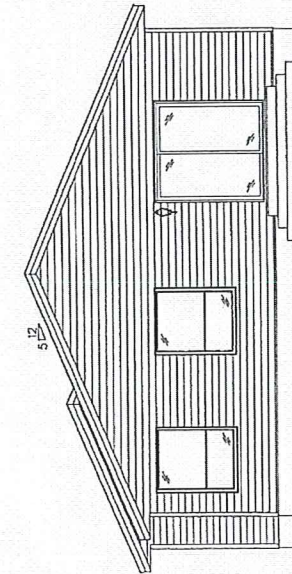
This forms part of development

Permit # 0P14-0258 Dup 15-0259

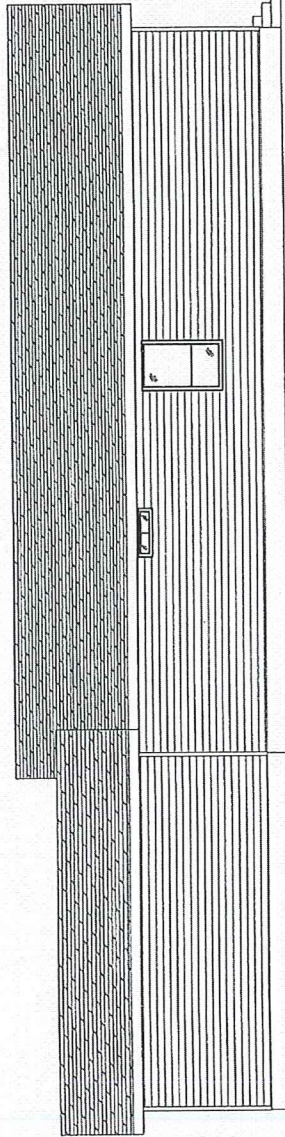
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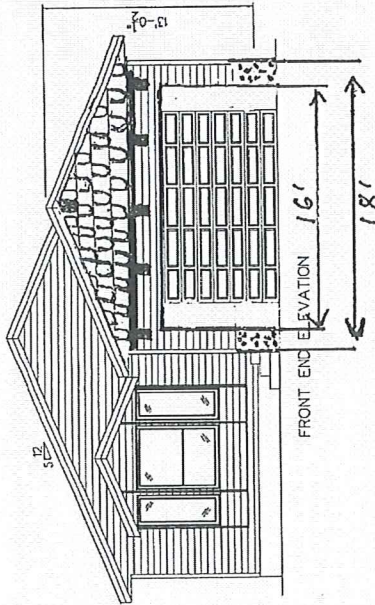
FRONT SIDE ELEVATION



BACK END ELEVATION



BACK SIDE ELEVATION



FRONT END ELEVATION

NOTES: MODULE ASSUMES NO RESPONSIBILITY FOR
FIRE SEPARATION, SEISMIC OR DOOR/WINDOW
FENESTRATION REQUIREMENTS. CONSULT YOUR LOCAL
BUILDING OFFICIAL OR ENGINEER OF RECORD TO CONFIRM

MODULINE, PENTICTON
P.O. BOX 190
1175 RAILWAY STREET
PENTICTON, B.C. V2A 0K3
(250) 495-0122

CUSTOMER: _____
DEALER: _____
DATE: _____

DEALER CHANGE REQUEST

TITLE: SYMPHONY
DRAWING NO. Q8115A - ELEVATIONS
DRAWN BY: K.E.A.
DATE: 09/28/2014

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Permit # DP14-0258 DP14-0259

88

Permit # DP14-0258 DP14-0259

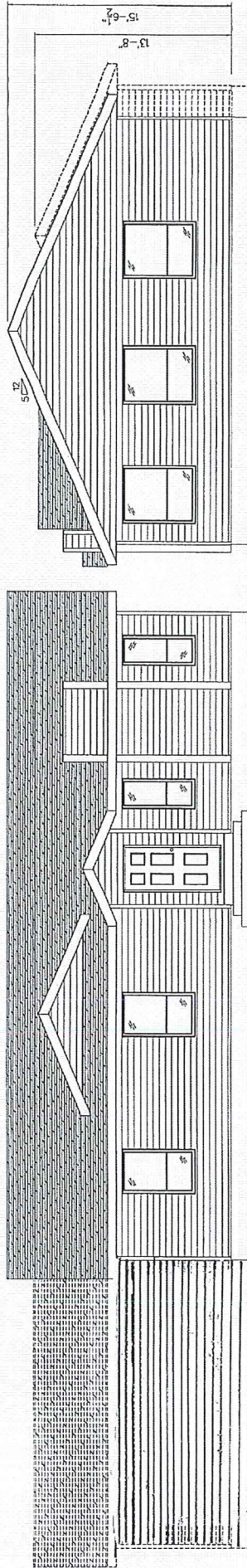
DATE: 05/16/14

SCHEDULE B

This forms part of development

Permit # 0814-0258 DUP14-0259

CUSTOM PRINT



FRONT END ELEVATION

FRONT SIDE ELEVATION

BACK SIDE ELEVATION

BACK END ELEVATION

NOTES: MODULE ASSUMES NO RESPONSIBILITY FOR
FIRE SEPARATION, SEISMIC OR DOOR/WINDOW
FENESTRATION REQUIREMENTS. CONSULT YOUR LOCAL
BUILDING OFFICIAL OR ENGINEER OF RECORD TO CONFIRM

MODULINE PENTITION
P.O. BOX 190
PENTITION, B.C. V2A 6K3
(250) 453-0122

CUSTOMER: _____
DEALER: _____
DATE: _____

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DEALER CHANGE REQUEST

TITLE: SYMPHONY

DRAWING NO.

Q8116A ELEVATION

DRAWN BY:

RGS

DATE:

05/16/14

SCHEDULE C

This forms part of development

Permit # DP14-0058 DP14-0059

CONCEPTIONAL DRAWING

STEEL RING

CAP

ADVANCE
PANELS DONE BY PRECAST

20' OR LESS

5 1/2'

6' OR LESS

POSTS DONE ON SITE

2 METERS FROM SIDEWALK
AS PER OUTLAND DESIGN DRAWING

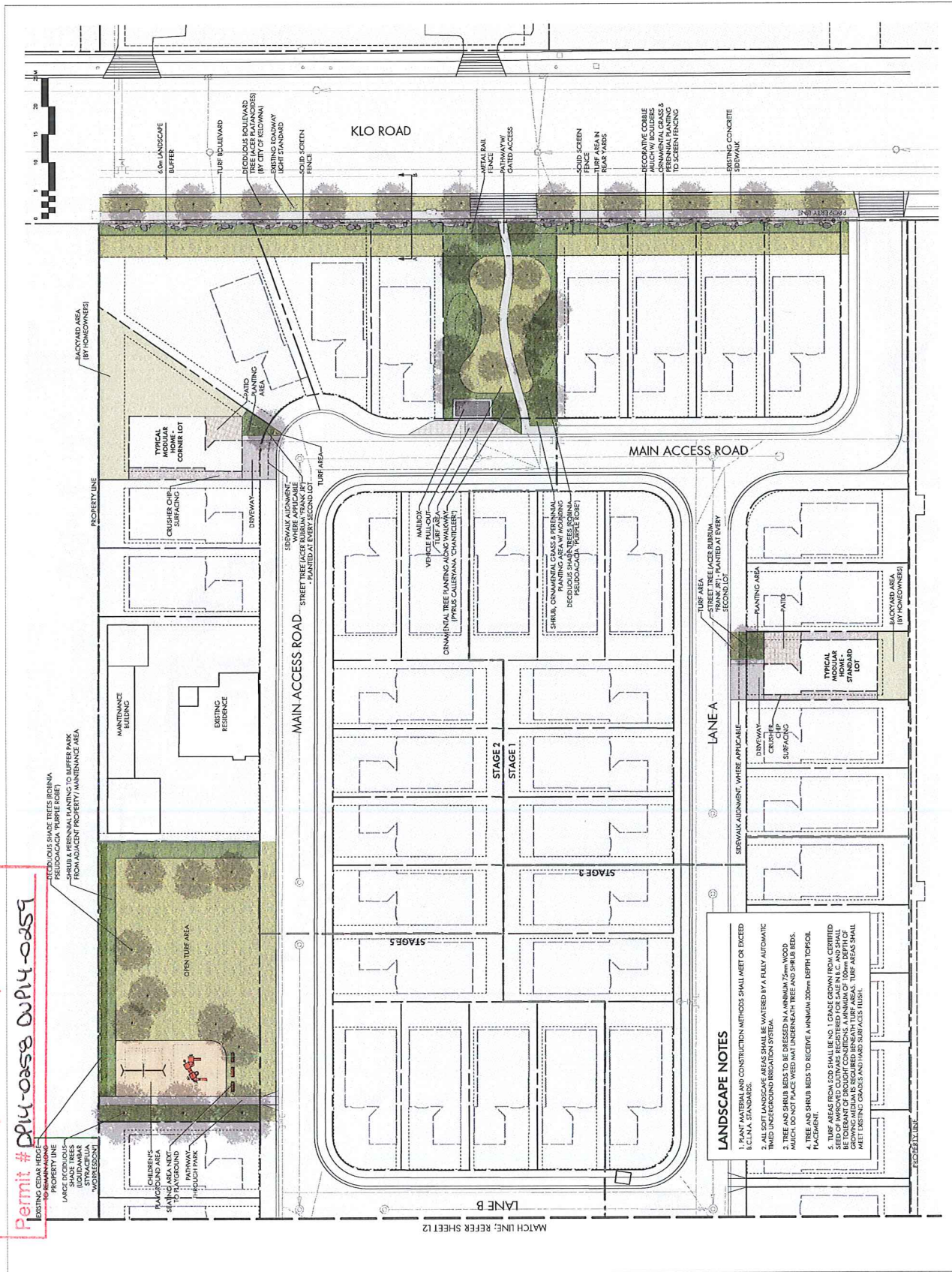


SCHEDULE C

This forms part of development

Permit # DP14-0458 DP14-0459

MATCH LINE: REFER SHEET 12



PROJECT TITLE

**KLO ROAD
MOBILE HOME PARK**
Kalamazoo, MI

DESIGNER'S TITLE

**CONCEPTUAL
LANDSCAPE PLAN**

NO.	DATE	DESCRIPTION
1	11.10.20	Development Permit
2		
3		
4		
5		

PROJECT NO.	14004
DESIGNER	OD
DATE	07
CHECKED BY	TR
DATE	21.04.14
SCALE	1:200

7/2



DESIGNED BY

L1/4

ISSUED FOR REVIEW ONLY
This drawing is not to be used for construction without the written permission of the designer.

- LANDSCAPE NOTES**
1. PLANT MATERIAL AND CONSTRUCTION METHODS SHALL MEET OR EXCEED THE FOLLOWING STANDARDS:
 2. ALL PLANT MATERIALS SHALL BE WATERED BY A FULLY AUTOMATIC SYSTEM UNDERGROUND IRRIGATION SYSTEM.
 3. TREE AND SHRUB BEDS TO BE DRESSED IN A MINIMUM 75mm WOOD MULCH. DO NOT PLACE WEED MAT UNDERNEATH TREE AND SHRUB BEDS.
 4. TREE AND SHRUB BEDS TO RECEIVE A MINIMUM 200mm DEPTH TOPSOIL PLACEMENT.
 5. TURF AREAS FROM 225 SHALL BE NO. 1 GRADE GROWN FROM CERTIFIED SEED OF IMPROVED CULTIVARS REGISTERED FOR SALE IN M.C. AND SHALL BE COVERED WITH A MINIMUM 75mm MULCH. TURF AREAS SHALL MEET EXISTING GRADES AND HARD SURFACES FURNISH.

SCHEDULE C

This forms part of development

Permit # DP14-0014-0059



PROJECT TITLE

**KLO ROAD
MOBILE HOME PARK**
Kilburn, BC

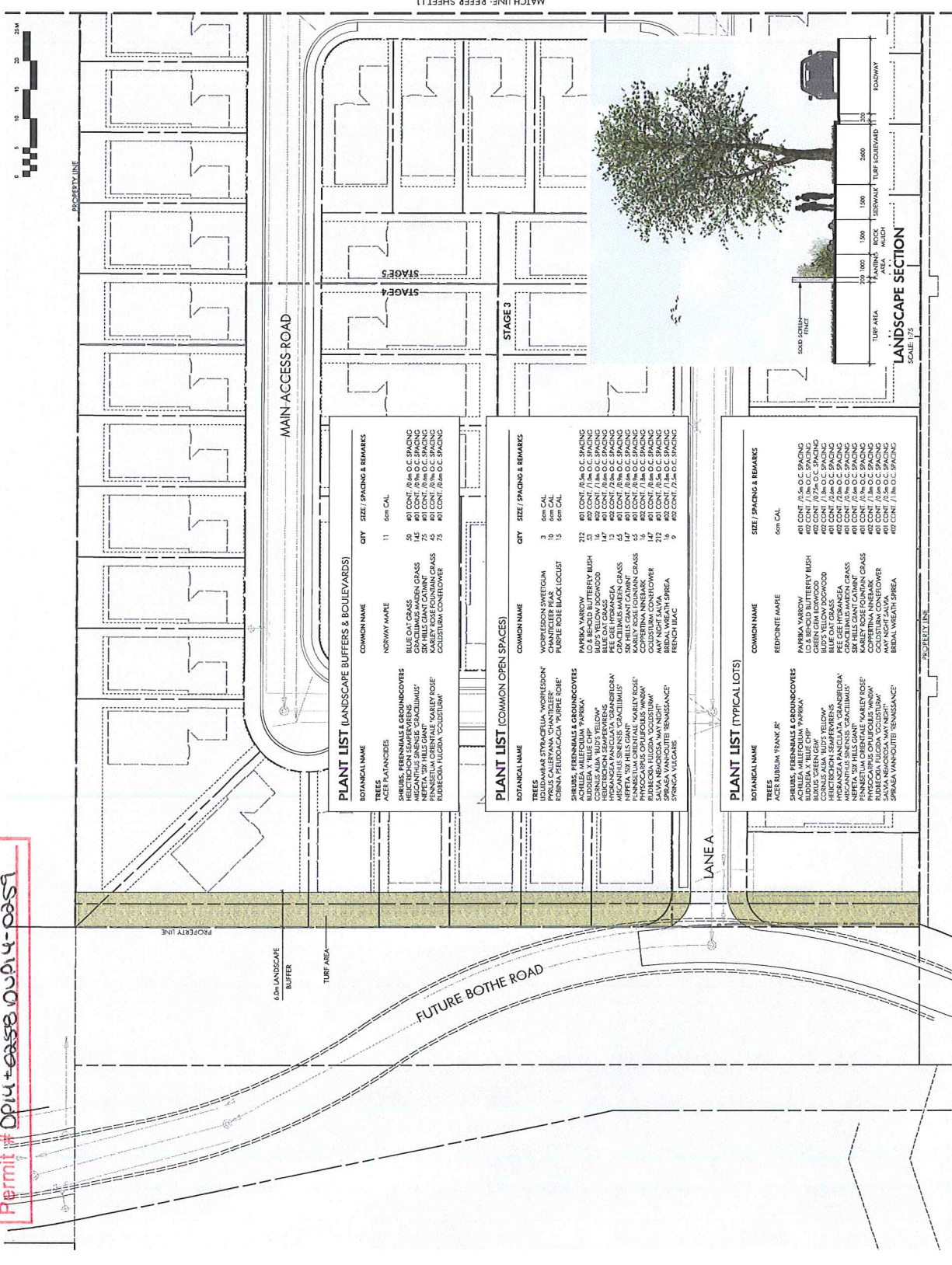
**CONCEPTUAL
LANDSCAPE PLAN**

DESIGNED BY	DATE
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100. 11.10.15	11.10.15



L2/4

ISSUED FOR REVIEW ONLY
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Scale: 1:1000



PLANT LIST (LANDSCAPE BUFFERS & BOULEVARDS)

BOTANICAL NAME	COMMON NAME	QTY	SIZE / SPACING & REMARKS
ACER PLATANUS	NORWAY MAPLE	11	50m CAL
SHRUBS, PERENNIALS & GROUNDCOVERS			
ARCTICUM ALPES	BLUE OAT GRASS	50	#10 CONT 75cm O.C. SPACING
ARCTICUM ALPES	GRACIOUS HAZEL GRASS	145	#10 CONT 75cm O.C. SPACING
ARCTICUM ALPES	GRACIOUS HAZEL GRASS	145	#10 CONT 75cm O.C. SPACING
ARCTICUM ALPES	KARLEY ROSE	75	#10 CONT 75cm O.C. SPACING
ARCTICUM ALPES	COLDESTUM CONEFLOWER	75	#10 CONT 75cm O.C. SPACING

PLANT LIST (COMMON OPEN SPACES)

BOTANICAL NAME	COMMON NAME	QTY	SIZE / SPACING & REMARKS
ACER PLATANUS	NORWAY MAPLE	3	50m CAL
SHRUBS, PERENNIALS & GROUNDCOVERS			
ARCTICUM ALPES	BLUE OAT GRASS	145	#10 CONT 75cm O.C. SPACING
ARCTICUM ALPES	GRACIOUS HAZEL GRASS	145	#10 CONT 75cm O.C. SPACING
ARCTICUM ALPES	GRACIOUS HAZEL GRASS	145	#10 CONT 75cm O.C. SPACING
ARCTICUM ALPES	KARLEY ROSE	75	#10 CONT 75cm O.C. SPACING
ARCTICUM ALPES	COLDESTUM CONEFLOWER	75	#10 CONT 75cm O.C. SPACING

PLANT LIST (TYPICAL LOTS)

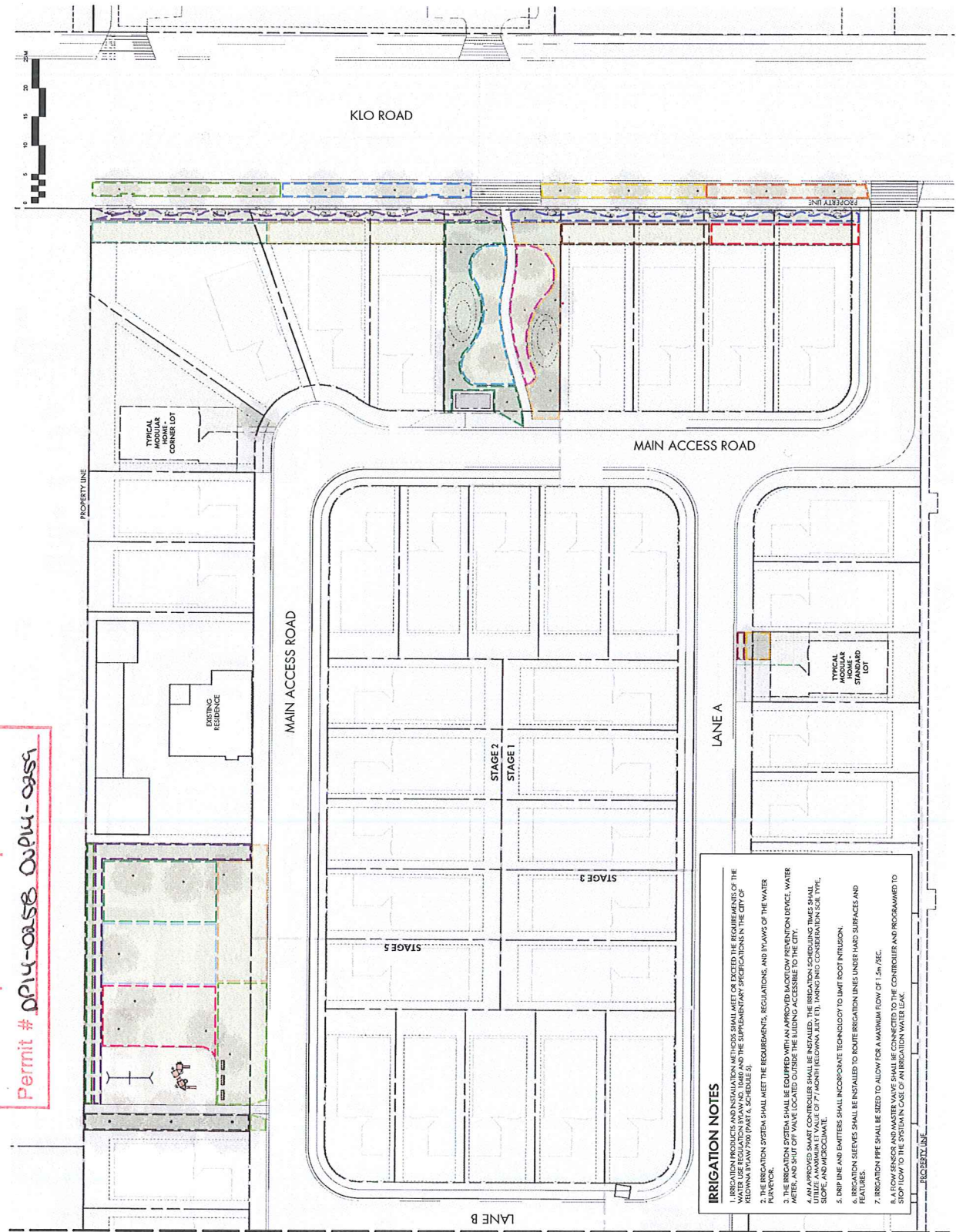
BOTANICAL NAME	COMMON NAME	QTY	SIZE / SPACING & REMARKS
ACER PLATANUS	NORWAY MAPLE	3	50m CAL
SHRUBS, PERENNIALS & GROUNDCOVERS			
ARCTICUM ALPES	BLUE OAT GRASS	145	#10 CONT 75cm O.C. SPACING
ARCTICUM ALPES	GRACIOUS HAZEL GRASS	145	#10 CONT 75cm O.C. SPACING
ARCTICUM ALPES	GRACIOUS HAZEL GRASS	145	#10 CONT 75cm O.C. SPACING
ARCTICUM ALPES	KARLEY ROSE	75	#10 CONT 75cm O.C. SPACING
ARCTICUM ALPES	COLDESTUM CONEFLOWER	75	#10 CONT 75cm O.C. SPACING

SCHEDULE C

This forms part of development

Permit # 0014-0058 0014-0059

MATCH LINE; REFER SHEET 12



IRRIGATION NOTES

1. IRRIGATION PRODUCTS AND INSTALLATION METHODS SHALL MEET OR EXCEED THE REQUIREMENTS OF THE WATER USE REGULATION (WUR) AND 1040 AND THE SUPPLEMENTARY SPECIFICATIONS IN THE CITY OF KEDLOWNA BYLAW 7900 (PART 6, SCHEDULE 6).
2. THE IRRIGATION SYSTEM SHALL MEET THE REQUIREMENTS, REGULATIONS, AND BYLAWS OF THE WATER FURNISHING.
3. THE IRRIGATION SYSTEM SHALL BE EQUIPPED WITH AN APPROVED BACKFLOW PREVENTION DEVICE, WATER METER, AND SHUT OFF VALVE LOCATED OUTSIDE THE BUILDING ACCESSIBLE TO THE CITY.
4. ALL IRRIGATION SYSTEM COMPONENTS SHALL BE INSTALLED TO THE IRRIGATION SCHEDULING TIMES SHALL BE LIMITED TO A MAXIMUM OF 77 MINUTES (MAXIMUM 11.11 HOURS) AND CONSIDERATION FOR THE TYPE, SIZE, AND MICROCLIMATE.
5. Drip line and emitters shall incorporate technology to limit root intrusion.
6. IRRIGATION SYSTEMS SHALL BE INSTALLED TO ROUTE IRRIGATION LINES UNDER HARD SURFACES AND FEATURES.
7. IRRIGATION PIPE SHALL BE SIZED TO ALLOW FOR A MAXIMUM FLOW OF 1.5m / SEC.
8. A FLOW SENSOR AND METER VALVE SHALL BE CONNECTED TO THE CONTROLLER AND PROGRAMMED TO STOP FLOW TO THE SYSTEM IN CASE OF AN IRRIGATION WATER LEAK.



PROJECT TITLE
**KLO ROAD
MOBILE HOME PARK**
KLO ROAD, BC
DRAWN BY: TMT
**WATER CONSERVATION
& IRRIGATION PLAN**

DATE	DESCRIPTION
12/10/20	Development Issues
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Scale: 1:200

SCHEDULE C

This forms part of development

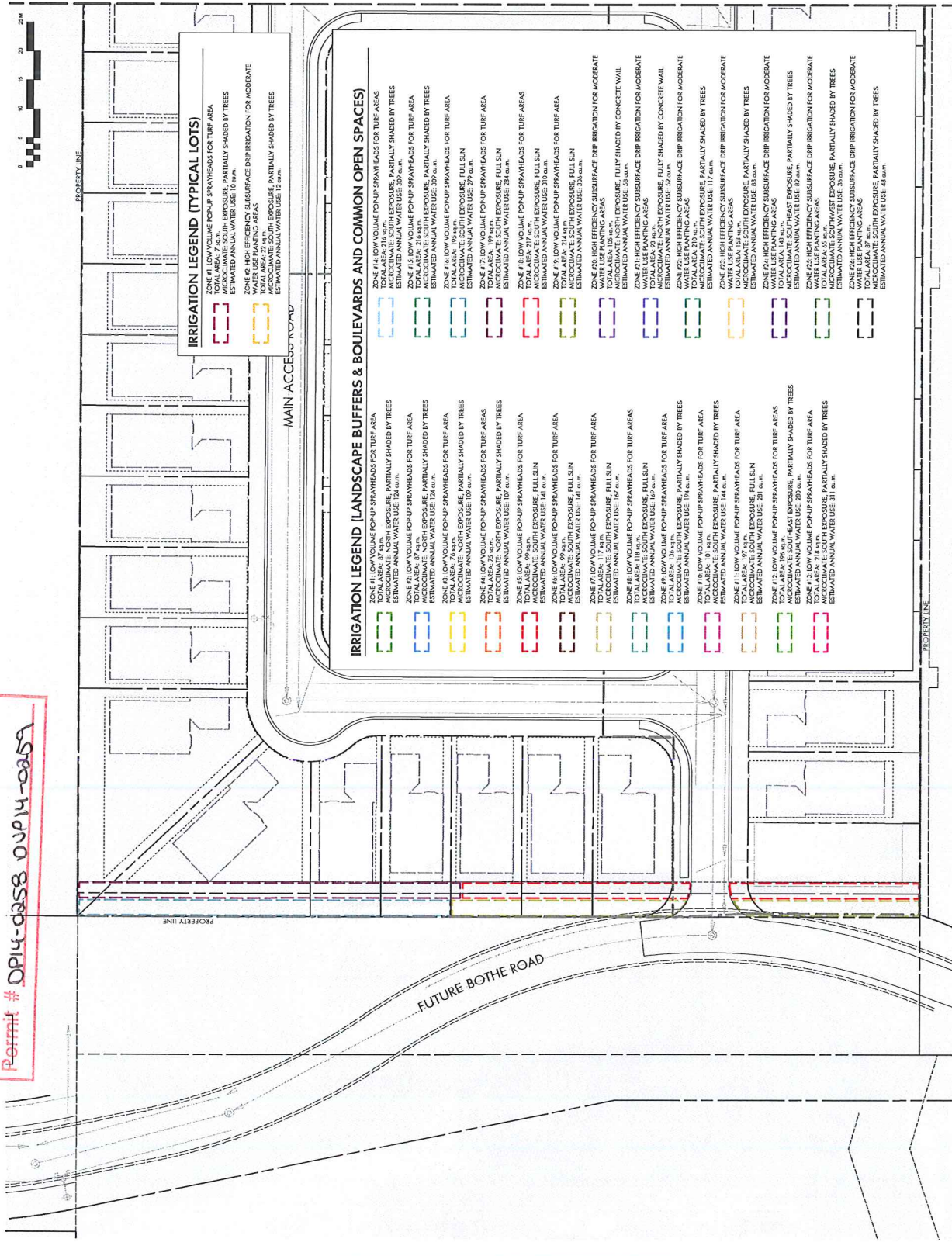
Permit # DP14-0258 DP14-0259



OUTLAND DESIGN
LANDSCAPE ARCHITECTURE

204 - 830 South
Kalamazoo, MI 49001
T 269 864-2270
www.outlanddesign.com

FUTURE BOTHE ROAD



MATCH LINE; REFER SHEET LI

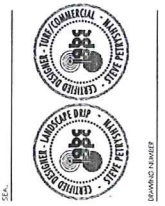


PROJECT TITLE
**KLO ROAD
MOBILE HOME PARK**
Kalamazoo, MI

WATER CONSERVATION
& IRRIGATION PLAN

NO.	DESCRIPTION	DATE
1	DESIGN	1/1/2014
2	REVISION	1/1/2014
3	REVISION	1/1/2014
4	REVISION	1/1/2014
5	REVISION	1/1/2014

PROJECT NO.	14-008
DESIGN BY	DP
CHECKED BY	DP
DATE	01/1/2014
SHEET	1/200



L4/4

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REPORT TO COUNCIL



Date: June 16, 2015

RIM No. 0940-60

To: City Manager

From: Urban Planning, Community Planning & Real Estate (LB)

Application: HAP15-0003

Owner: City of Kelowna

Address: 283 Lake Avenue

Applicant: Hundal Legacy Homes Ltd.

Subject: Heritage Alteration Permit Application

Existing OCP Designation: S2RES - Single / Two Unit Residential

Existing Zone: RU1 - Large Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP15-0003 for Lot 1, District Lot 14, ODYD, Plan EPP37093, located on 283 Lake Avenue, Kelowna, BC, subject to the following:

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

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A" attached:

Section 13.1.6(d): RU1 - Large Lot Housing Development Regulations

To vary the minimum side yard from 2.3 m permitted to 1.5 m proposed.

Section 13.1.6(d): RU1 - Large Lot Housing Development Regulations

To vary the minimum flanking street side yard from 4.5 m permitted to 1.5 m proposed.

AND FURTHER THAT this Heritage Alteration Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To consider a Heritage Alteration Permit for the form and character and proposed variances of a single detached house and accessory building.

3.0 Urban Planning

Staff supports the proposed Heritage Alteration Permit to construct a single detached house and accessory building on the subject property. The property is within the Abbott Heritage Conservation Area and a dwelling has never been built on the property.

Form & Character

The identified building style for the property and the dominant style for the block is Late Vernacular Cottage from the Third Civic Phase. This style is characterized by: flush gable verges, stucco or horizontal siding, up to two storey massing, clustered vertical window sashes, asymmetrical façade design, flush front entrance, minor decorative detailing, gable roof forms, wood or interlocking asphalt shingle, and side or rear yard parking.

The proposed house is consistent with many of the design characteristics of the Late Vernacular Style, featuring horizontal siding on the first storey, two storey massing, vertical window design, an asymmetrical façade, gable roof forms, asphalt shingles and parking off the lane. The design also meets most of the applicable Heritage Conservation Area Guidelines in the Official Community Plan, with the main exception being consistency with the established streetscape massing. Most of the existing houses in the area have one or one and one-half storey massing and various architectural styles are represented. Given the limited buildable footprint on the subject property, the inclusion of a second storey is an appropriate means of building a dwelling with adequate living space.

Proposed East Elevation (Front)



Proposed North Elevation (Side)



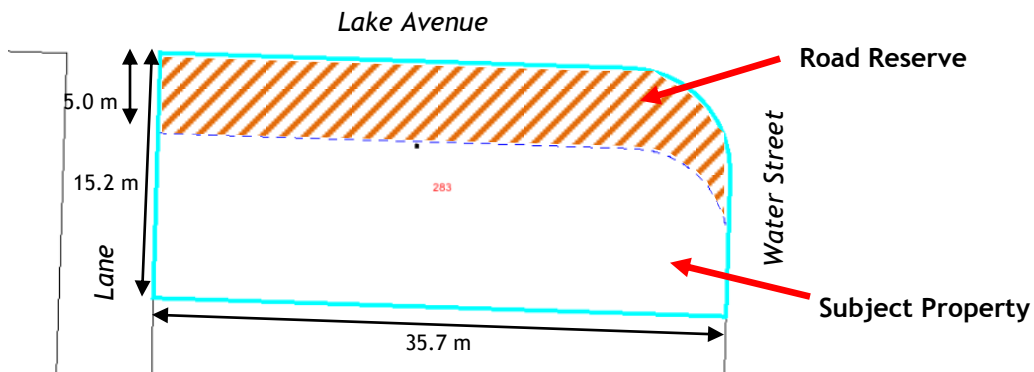
Side Yard Variances

The property is legal non-conforming since it is both smaller than the minimum lot area and narrower than the minimum lot width permitted in the RU1 - Large Lot Housing zone, as follows:

Subdivision Regulation	Permitted	Actual
Minimum Lot Area	550 m ²	534 m ²
Minimum Lot Width	17.0 m	15.2 m
Minimum Lot Depth	30.0 m	35.7 m

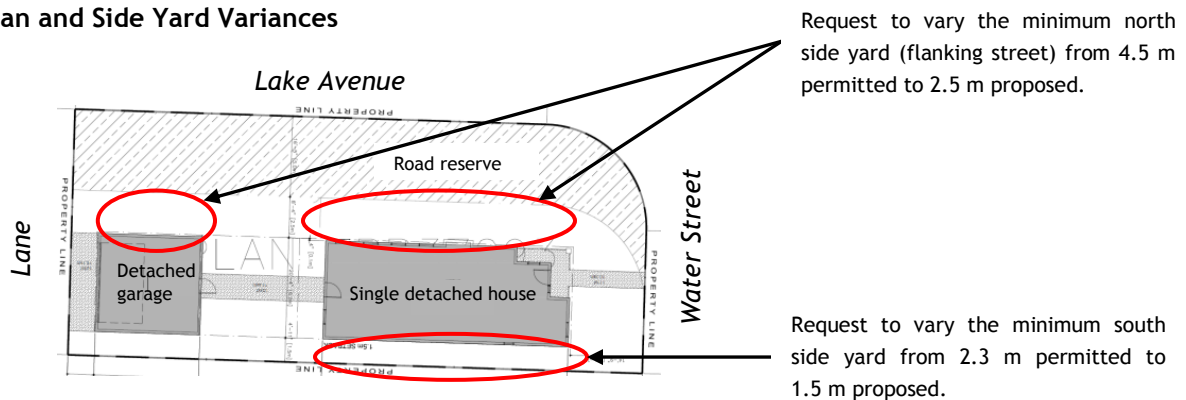
There is a 5.0 m wide road reserve along the north portion of the property for a future active transportation corridor along Lake Avenue, reducing the lot area to 357 m² and the lot width to 10.2 m. The map below shows the existing property and road reserve dimensions.

Subject Property and Road Reserve



The applicant is requesting a variance to the minimum south side yard from 2.3 m permitted to 1.5 m proposed. In addition, to avoid future non-conformity once the road reserve is required, the applicant is requesting a variance to the minimum north side yard (flanking street) from 4.5 m permitted to 2.5 m proposed, as measured from the road reserve line. Staff supports the proposed setbacks, which allow a buildable width of 6.2 m.

Site Plan and Side Yard Variances



4.0 Proposal

4.1 Background

The subject property is located in the Abbott Street Heritage Conservation Area and has been owned by the City of Kelowna since 1994. A 5.0 m wide road reserve has been registered along the north portion of the property to accommodate a future active transportation corridor along Lake Avenue; the remainder of the property is available for development. The prospective buyer has submitted this Heritage Alteration Permit application to construct a single detached house and accessory building on the property.

4.2 Site Context

The subject property is located at the southwest corner of the intersection of Lake Avenue and Water Street in the Abbott Street Heritage Conservation Area. The property is designated S2RES - Single / Two Unit Residential in the Official Community Plan and is within the Permanent Growth Boundary. The surrounding area is predominantly single family residential with an apartment building to the east.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Single dwelling housing
East	RM5 - Medium Density Multiple Housing	Multiple dwelling housing
South	RU1 - Large Lot Housing	Single dwelling housing
West	RU1 - Large Lot Housing	Single dwelling housing

Subject Property Map: 283 Lake Avenue



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	550 m ²	534 m ²
Minimum Lot Width	17.0 m	15.2 m
Minimum Lot Depth	30.0 m	35.7 m
Development Regulations		
Maximum Site Coverage (buildings)	40%	23.7%
Maximum Site Coverage (buildings, driveways & parking)	50%	29.7%
Maximum Height	9.5 m / 2 ½ storeys 4.5 m (accessory building)	6.5 m / 2 storeys 4.1 m (accessory building)
Minimum Front Yard	4.5 m	4.7 m
Minimum Side Yard (south)	2.3 m	1.5 m ❶
Minimum Side Yard (north)	4.5 m (flanking street)	2.5 m ❷
Minimum Rear Yard	7.5 m 1.5 m (accessory building)	15.7 m 1.6 m (accessory building)
Other Regulations		
Minimum Parking Requirements	2 stalls	Meets requirements
❶ Indicates a requested variance to reduce the minimum south side yard from 2.3 m permitted to 1.5 m proposed. ❷ Indicates a requested variance to reduce the minimum north side yard from 4.5 m permitted to 2.5 m proposed.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

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

Sensitive Infill.² Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

Heritage Conservation Area Guidelines³

Site Layout and Parking: Maintain established front yard setbacks; locate new driveways and garages in the rear; retain established spacing between buildings.

Building Massing (Envelope): Maintain established streetscape massing.

Architectural Pattern: Consider established building spacing, foundation height, proportions, opening ratios and setbacks of adjacent development.

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Chapter 16 (Heritage Conservation Area Guidelines Chapter).

Roof Forms, Dormers & Chimneys: Maintain consistent neighbourhood roof pattern, complexity, silhouette and use of secondary elements; use high quality, low maintenance roofing materials of similar design to traditional materials; use overhang, eaves and chimney details consistent with the building's architectural style; use consistent roof slopes for secondary roof elements.

Cladding Materials: Use low maintenance materials of similar design to traditional materials; use exterior paint or material colours of similar traditional tones to building's architectural style.

Doors & Windows: Maintain established pattern of window and door to wall area ratio, placement and style; create prominent and visible entrances; use door and window design and materials consistent with the established architectural style.

Landscaping, Walks & Fences: Protect healthy, mature trees; consider landscaping design similar to adjacent properties; limit front yard fences and landscaped screening to no more than 1.0 m in height.

Privacy & Shadowing Guidelines: Provide sightlines to the front yard and building from the street; minimize shadowing on adjacent private open space.

6.0 Technical Comments

6.1 Building & Permitting Department

- No comments.

6.2 Development Engineering Department

- See attached memorandum, dated April 1, 2015.

7.0 Application Chronology

Date of Application Received:	March 24, 2015
Date Public Consultation Completed:	May 4, 2015

Report prepared by:

Laura Bentley, Planner

Reviewed by:

☐

Lindsey Ganczar, Urban Planning Supervisor

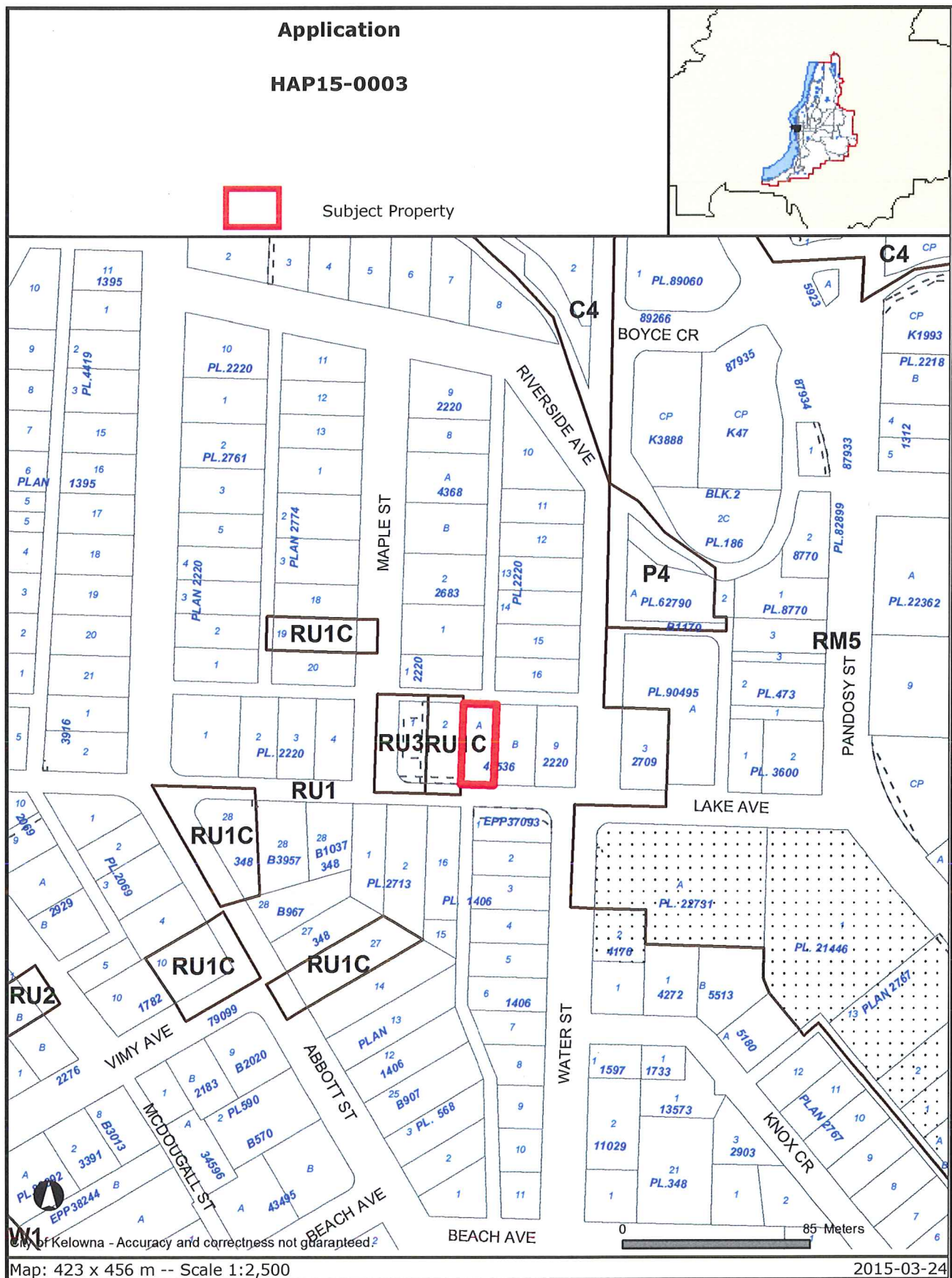
Approved for Inclusion:

☐

Ryan Smith, Urban Planning Manager

Attachments:

Subject Property Map
Development Engineering Memorandum
Draft Heritage Alteration Permit No. HAP15-0003
Schedule A: Site Plan and Floor Plans
Schedule B: Elevations and Colour Board



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.

CITY OF KELOWNA
MEMORANDUM

Date: April 1, 2015
File No.: HAP15-003

To: Urban Planning (LB)

From: Development Engineering Manager (SM)

Subject: 283 Lake Ave

New SFD

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

1. Domestic Water and Fire Protection

This property is currently serviced with a 19mm-diameter copper water service. The service will be adequate for this application.

2. Sanitary Sewer

The property is currently serviced with a 100mm-diameter sanitary sewer service which is adequate for this application.

3. Development Variance Permit and Site Related Issues

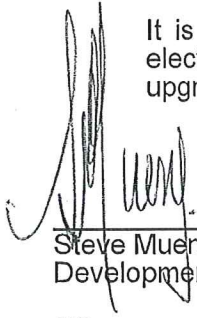
The development variance for both north and south side yard setbacks does not compromise any municipal services.

Direct the roof drains into on-site rock pits.

Driveway access is permitted from the lane only.

4. Electric Power and Telecommunication Services

It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.



Steve Muenz, P. Eng.
Development Engineering Manager

SS

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Heritage Alteration Permit No.: HAP15-0003

EXISTING ZONING DESIGNATION: RU1 – Large Lot Housing

ISSUED TO: Hundal Legacy Homes Ltd.

LOCATION OF SUBJECT SITE: 283 Lake Avenue

	LOT	BLOCK	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	1	-	14	-	ODYD	EPP37093

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".

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

Section 13.1.6(d): RU1 – Large Lot Housing Development Regulations

To vary the minimum side yard from 2.3 m permitted to 1.5 m proposed.

Section 13.1.6(d): RU1 – Large Lot Housing Development Regulations

To vary the minimum flanking street side yard from 4.5 m permitted to 1.5 m proposed.

AND THAT this Heritage Alteration Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

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 two years 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. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Heritage Alteration Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Director of Community Planning & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Community Planning & Real Estate 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

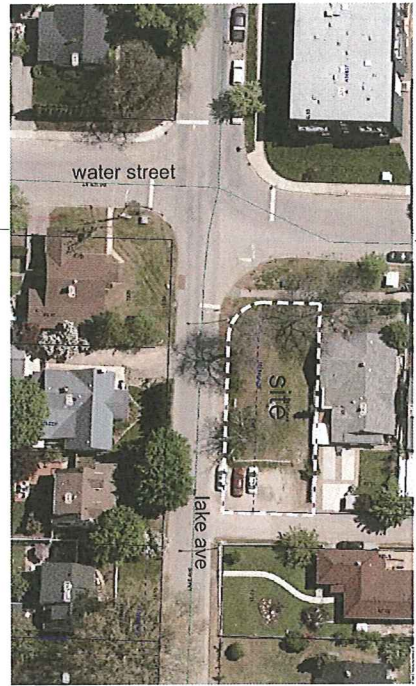
Print Name in Bold Letters

Telephone No.

4. APPROVALS:

HERITAGE ALTERATION PERMIT AUTHORIZED BY THE COUNCIL ON THE ____ DAY OF _____ 2015.
ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF _____
2015 BY THE URBAN PLANNING MANAGER.

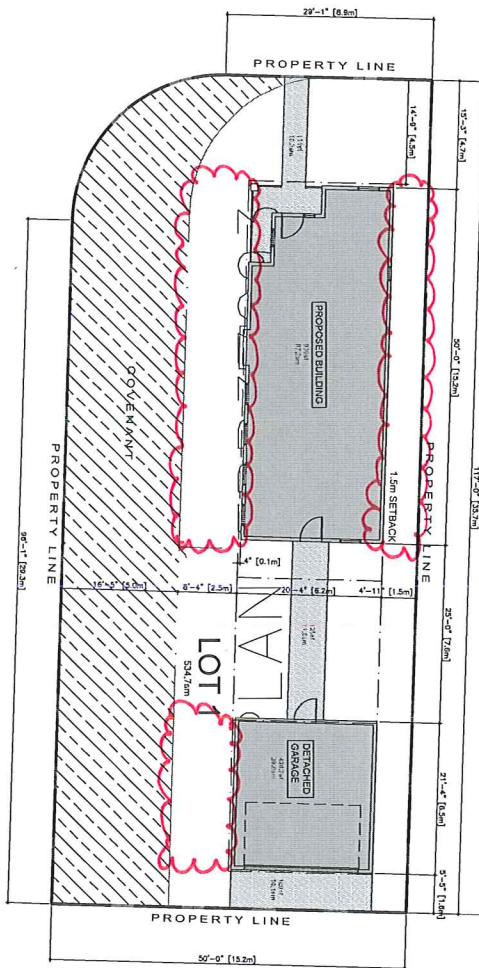
Ryan Smith, Urban Planning Manager
Community Planning & Real Estate



2 AERIAL VIEW
SCALE: 1/8" = 1'-0"

Water Street

SCHEDULE A
This forms part of development
Permit # HAP5-0003



Lake Ave

Lane Access

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

defined by lines
PARM HUNDAL CONCEPTS

(250) 899 0504

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PROJECT
Lake Ave Residence
283 LAKE AVE, KILGORE, TX
DRAWING NUMBER
A2.01

REVISIONS ARE NOT TO BE SCALED
ALL DIMENSIONS SHALL BE VERIFIED ON JOB
DRAWING TITLE
SITE PLAN

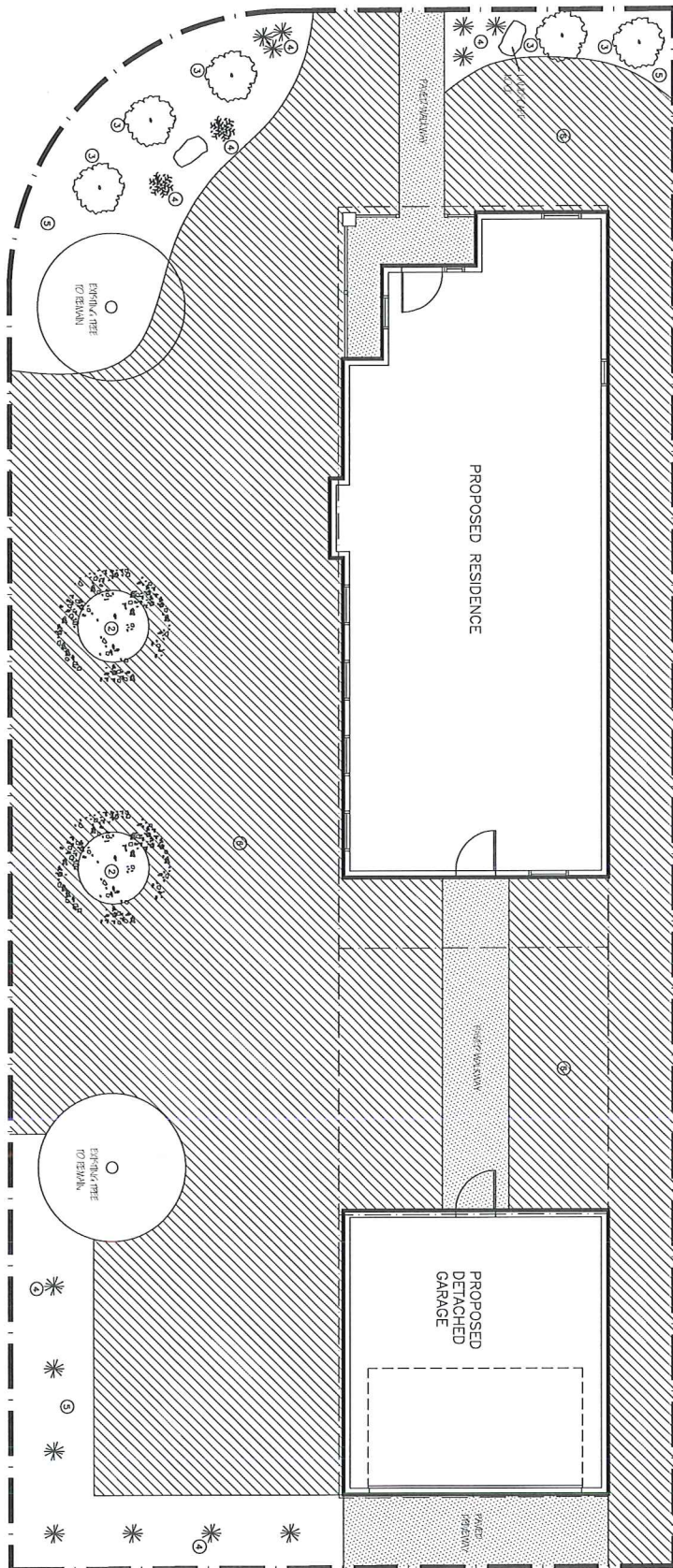
No.	Date	Revision
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02	2015-03-17	
03	2015-03-17	
04	2015-03-17	
05	2015-03-17	
06	2015-03-17	
07	2015-03-17	
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SCHEDULE A

This forms part of development

Permit # HAP15-0003



LANDSCAPE LEGEND

NOTE: PLANT SELECTION TO BE BASED ON LOW- NO WATER DESIGN (VERMICULITE)

- 1 LARGE TREE (20' OR LARGER AT MATURITY)
- 2 MEDIUM TREE (10'-15' AT MATURITY)
- 3 SMALL SHRUBS - FLOWERING AND NON (2'-3' AT MATURITY)
- 4 SMALL SHRUBS - FLOWERING AND NON (4'-5' AT MATURITY)
- 5 MULCH OR LANDSCAPE STONE
- 6 GRASS
- 7 GRAVEL PATHWAY

1 LANDSCAPE PLAN
Scale: 1/4" = 1'-0"

defined by lines
PARM HUNDAL CONCEPTS
(250) 899 0504 WWW.HUNDALHOMES.COM



PROJECT
Lake Ave Residence
203 LAKE AVE, MELBOURNE, FL

DRAWING NUMBER

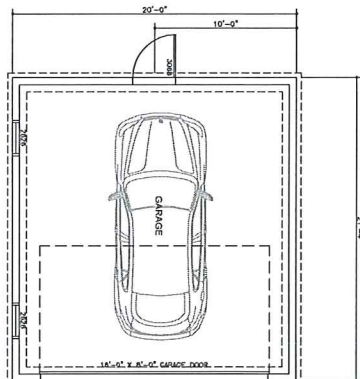
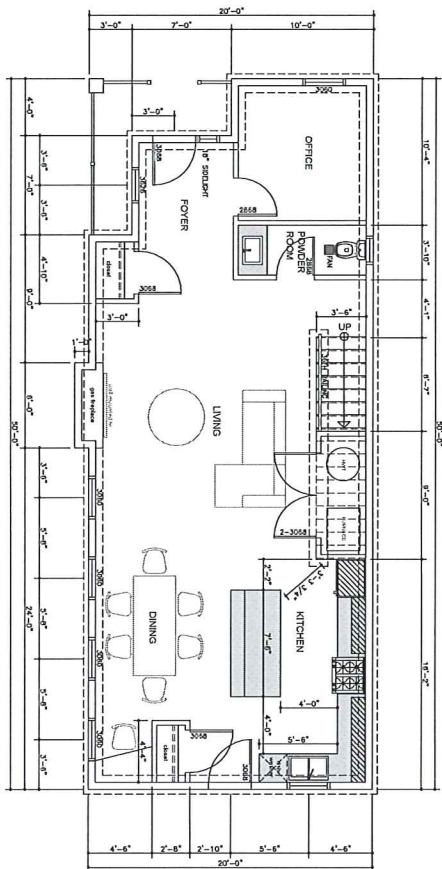
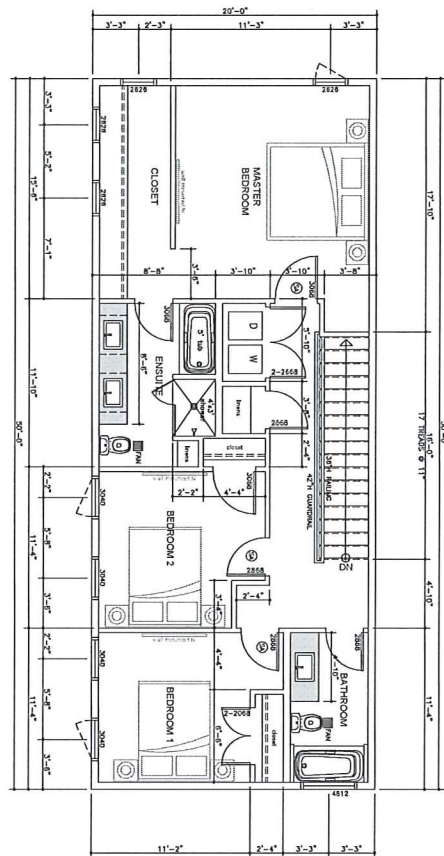
A2.02

DESIGNER'S ARE NOT TO BE SCALE
ALL DIMENSIONS SHALL BE VERIFIED ON JOB
DATE: 2015-05-17
BY: [Signature]

LANDSCAPE PLAN

No.	Date	Revision
01	2015-05-17	Issued for DP
02	2015-05-17	
03	2015-05-17	
04	2015-05-17	
05	2015-05-17	
06	2015-05-17	
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19	2015-05-17	
20	2015-05-17	

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GENERAL NOTES:

FRAMER TO BLOCK ALL INTERIOR 2X4 AND 2X6 WALLS WITH SCRAP / CUT-OFF WOOD.

ALL WINDOW HEADER HEIGHT @ 8'-6" (UNLESS NOTED OTHERWISE)

10'-0" CEILING HEIGHT (UNLESS NOTED OTHERWISE)

SCHEDULE A
This forms part of development
Permit # HAP150003

Permit # HAP15-0003

defined by lines
PARM HUNDAL CONCEPTS
(250) 899 0504 WWW.HUNDALHOMES.COM

(250) 899 0504

WWW.HUNDALHOMES.COM



PROJECT
Lake Ave Residence
283 LAKE AVE, KELOWNA, B.C.
DRAWING NUMBER
A3.01

DRAWINGS ARE NOT TO BE SCALED
ALL DIMENSIONS SHALL BE VERIFIED ON JO

DRAWING TITLE

**MAIN & 2nd
FLOOR PLAN**

No.	Date	Revision
01	2015-04-17	Issued for DIP
02	2015-04-14	Revised for DRP&VISIONI
Data	2015-04-14	
Job #	V6-008	
Scale	A6-Drawn	
Drawing	PW	

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All information shown on this drawing is for the use on this specific project only.

SCHEDULE B

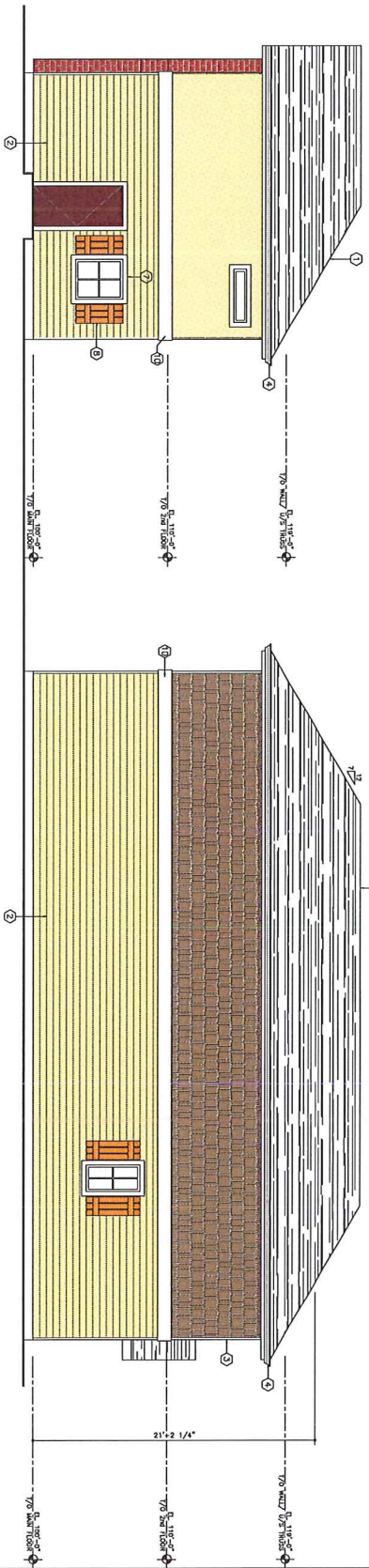
This forms part of development
Permit # HAP15-0003



3. SIDE ELEVATION (EAST)
A4.01 Scale: 1/8" = 1'-0"

1. FRONT ELEVATION (NORTH)
A4.01 Scale: 1/8" = 1'-0"

EXTERIOR FINISHES SCHEDULE	
1	SPRINK SHINGLES
2	PAINTED LAP SIDING (C-1) GORDON MOORE
3	STONE SHINGLES
4	PAINTED, LOCAL CEMENT
5	PAINTED, LOCAL CEMENT
6	PAINTED, LOCAL CEMENT
7	PAINTED, LOCAL CEMENT
8	PAINTED, LOCAL CEMENT
9	PAINTED, LOCAL CEMENT
10	PAINTED, LOCAL CEMENT
11	PAINTED, LOCAL CEMENT
12	PAINTED, LOCAL CEMENT
13	PAINTED, LOCAL CEMENT



4. SIDE ELEVATION (WEST)
A4.01 Scale: 1/8" = 1'-0"

2. REAR ELEVATION (SOUTH)
A4.01 Scale: 1/8" = 1'-0"



defined by lines
PARM HUNDAL CONCEPTS
(250) 899 0504
WWW.HUNDALHOMES.COM

PROJECT
Lake Ave Residence
280 LAKE AVE. KENOSHA, WI
DRAWING NUMBER
A4.01

ELEVATIONS	
No.	Revision
01	2015-04-17 Initial Set
02	2015-04-14 Revised Set (CHANGES)
Date: 2015-04-17	
Scale: As Shown	
Drawn: PH	

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This forms part of development

Permit # HAP15-0003

defined by lines
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Lake Ave Residence

DRAWING NUMBER

A5.01

DRAWINGS ARE NOT TO BE SCALED
ALL DIMENSIONS SHALL BE VERIFIED ON JOB

DRAWING TITLE

**BUILDING SECTIONS
& GARAGE ELEV**

No.	Date	Revision
01	2015-03-17	Issued for DP
02	2015-04-14	Revised for DP-REVISION1
Date	2015-04-14	
Job #	15-030	
Scale	As Shown	
Drawn	PH	

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SCHEDULE " "

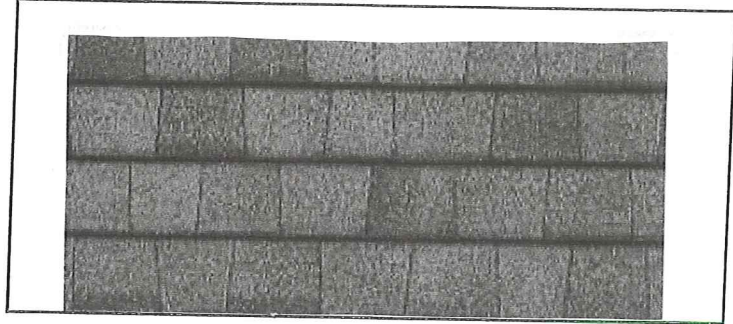
This forms part of development
Permit # DP0__-0__

SCHEDULE B

This forms part of development
Permit # HAP15-0003

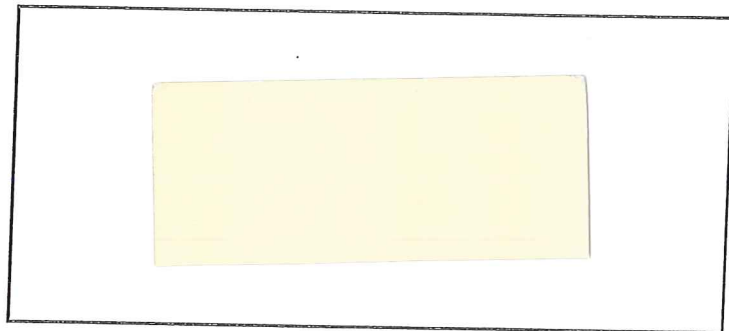
The following finishes are proposed for the Principal and Secondary Dwellings:

Roofing Material: ASPHALT SHINGLES
Colour: BLACK



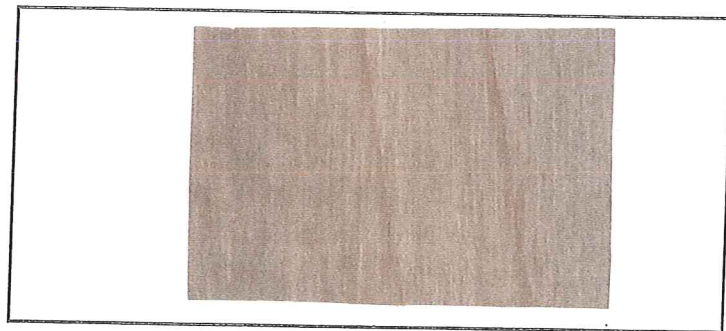
Main Body:

Material: HARDIE LAP SIDING
Colour: BENJAMIN MOORE
VC-1 OXFORD IVORY



Second Colour/Accent Colour:
(If applicable):

Material: CEDAR SHINGLES
Colour: ESPRESSO



Window/Door/Trim Colour:

Material: HARDIE TRIM (WINDOW)
Colour: CLOUD WHITE CC-40

EXTERIOR DOORS
- FIBRE GLASS
COLOR: VC-28 MELLISH RUST



REPORT TO COUNCIL



Date: 3/25/2015
RIM No. 0940-40
To: City Manager
From: Urban Planning Department (AC)
Application: DVP15-0093 **Owner:** David Wood
Address: 228 Caliburn Court **Applicant:** Urban Options Planning & Permits
Subject: Development Variance Permit
Existing OCP Designation: S2RES - Single / Two Unit Residential
Existing Zone: RU1 - Large Lot Housing

1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP15-00693 for the property legally known as Lot B, Section 6, Township 23, ODYD, Plan 50505, located on 228 Caliburn Court, Kelowna, BC;

AND THAT the variance to the following sections of Zoning Bylaw No. 8000 be granted in accordance with the drawings attached to the Development Variance Permit described in Schedule "A":

Section 13.1.6 (b) - Development Regulations

To vary the height of an accessory building from 4.5 metres to 5.87 metres.

AND FURTHER THAT this Development Variance Permit be valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

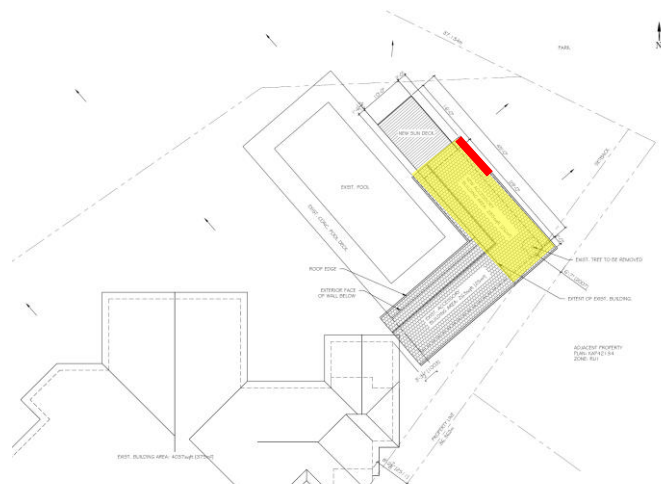
To consider a Development Variance Permit to permit additional height for a portion of a proposed accessory building.

3.0 Urban Planning

Staff supports the proposed variance. The City of Kelowna's Zoning Bylaw defines height as the maximum vertical distance between building grade and the highest point of the structure of a non-sloping roof, or the mid-point of a sloping roof. The maximum height permitted for an accessory building is 4.5 metres. Since the pool deck is cantilevered, approximately 1/3 of the proposed accessory building is over height when measured from the natural grade. The additional

height is from the pool deck to the natural grade. To proceed with the proposal the applicant is seeking a variance to the accessory building height from 4.5m permitted to 5.87m proposed.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by individually contacting the neighbours as described in the attached *Schedule 'A'*. No major issues were identified during consultation with neighbouring parcels.



4.0 Proposal

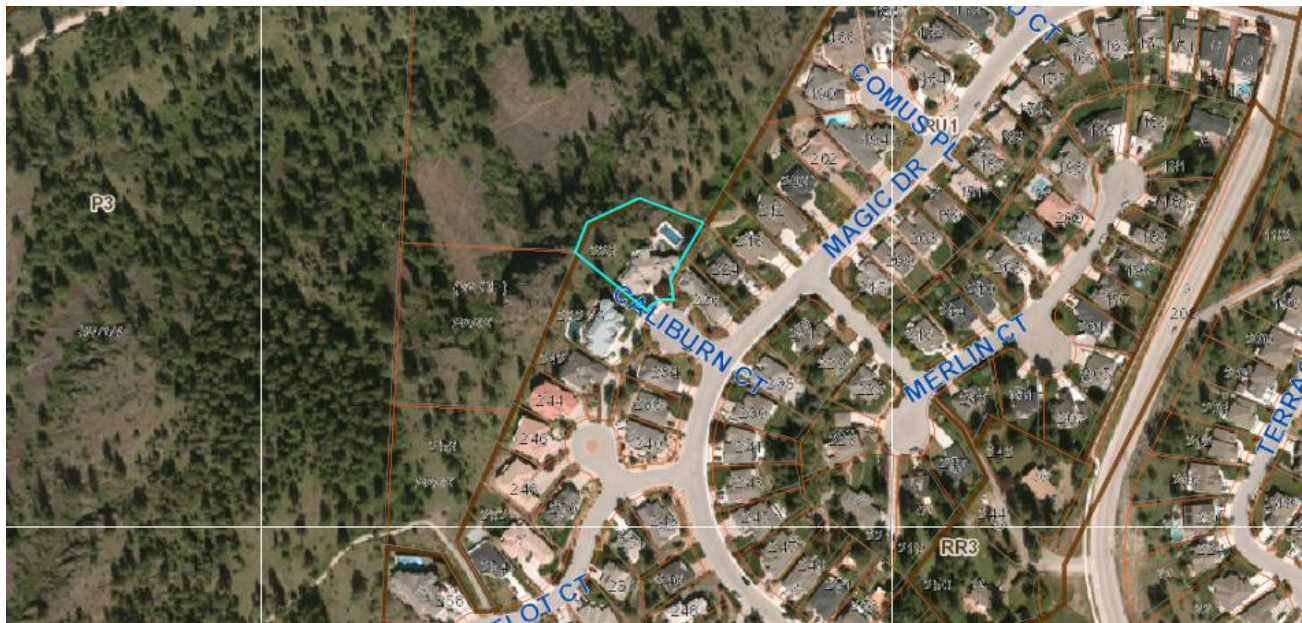
4.1 Project Description

The project proposes to add a covered shelter to the pool deck. The pool deck is cantilevered over a sloping portion of the property. The shelter will function to give shade, provide winter storage of garden furniture and reduce noise transfer to neighbouring properties. The proposed shelter/accessory building will be 3.35m (11 ft.) high when measured from the existing pool deck and 51m² (548 sq. ft.) in size.

4.2 Site Context

The subject property is located in Magic Estates and is designated as S2RES - Single Two Unit Residential. Knox Mountain Park (zoned P3 - Parks and Open Space) is located to the north and west. The surrounding single family neighbourhood is zoned RU1.

Subject Property Map: 228 Caliburn Court



5.0 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Maximum Height	4.5 m	4.5m (for the majority of the proposed building) 5.87 m for a 3 m portion of the building ^①
Minimum Front Yard	12.0 m	>12.0 m
Minimum Side Yard	2.0 m	2.0 m
Minimum Rear Yard	1.5 m	>21 m
Maximum Site coverage of buildings	40 %	16 %
Maximum Site coverage of buildings, driveways & parking	50 %	23 %
Other Regulations		
Minimum Parking Requirements	2 parking stalls	3 parking stalls
^① Indicates a requested variance to reduce the side yard setback requirement.		

6.0 Current Development Policies

6.1 Kelowna Official Community Plan (OCP)

Development Process

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

Sensitive Infill.² Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

7.0 Technical Comments

7.1 Building & Permitting Department

- Structural Engineering required for connection of signs to building at time of building permit application.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

7.2 Development Engineering Department

- See attached.

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

8.0 Application Chronology

Date of Application Received: April 23, 2015

Date Public Consultation Received: April 23, 2015

Report prepared by:

Adam Cseke, Planner

Reviewed by:



Lindsey Ganczar, Urban Planning Supervisor

Attachments:

Subject Property Map

Development Engineering Memo

Neighbourhood Consultation

DVP15-0093

CITY OF KELOWNA
MEMORANDUM

Date: April 30, 2015
File No.: DVP15-0093

To: Land Use Management Department (AC)

From: Development Engineering Manager

Subject: 228 Caliburn Court Lot B Plan KAP 50505 Building Height

Development Engineering Services have the following comments associated with this application for a development variance permit to vary section 13.1.6b of zoning bylaw.

The Development Variance Permit Application to allow for the construction of a Accessory Building which is 5.87m in height (4.5m permitted), does not compromise the municipal servicing requirements.

Steve Muenz, P. Eng.
Development Engineering Manager

JF

April 2015

**Neighbourhood consultation as required by City of Kelowna Council Policy #367 -
Public Notification & Consultation for Development Applications**

Subject Property: 228 Caliburn Court.

Proposal: We are planning to add a covered shelter to our pool deck. The pool deck is cantilevered over a sloping portion of the property. The shelter/accessory building will be 3.35m (11 ft) high (when measured from the existing pool deck) and 51m² (548 sq. ft.) in size. The City of Kelowna's height definition measures a building's height from the natural grade to the mid-line of the peak, therefore due to the slope of the property our proposed accessory building is over height in some sections. We are asking City Council for a variance to allow a portion of the building to be a maximum of 5.87m high (please view attached drawing for clarification).

The City of Kelowna requires that all rezoning applicants consult the immediate neighbourhood. Your property falls within the required consultation area. Attached are a letter and project drawings explaining the proposal and contact information should you require more information.

Neighbours Address	Name (please print)	Choose (please circle)	SUPPORT proposal (please sign & date)	Do NOT support proposal (please sign & date)
232 Caliburn Court	WANDA DENNIS	Owner, or Tenant,	Wanda Dennis April 9, 15	
234 Magic Drive 224	Andrea Lye	Owner, Or Tenant	A. Lye 9 April 2015	
226 Magic Drive	CORY PREISSL	Owner, or Tenant	Cory Preissl Apr 11/15	
224 Magic Drive 234	Melanie Wenger	Owner, Or Tenant	M. Wenger 9 April 2015	
242 Pendragon Place	RICHARD MOHR. ATTACHED	Owner, Or Tenant	ATTACHED ✓	

Thank you for your assistance!

212 MAGIC DRIVE

YVONNE TOPP

OWNER

OR TENANT

Apr 09/15

Yvonne Topp

04/09/15

M. J. R. Smith

✓

Guy Leclerc

4-9-15

✓

218 MAGIC DRIVE

MACK LETCH

OWNER

OR TENANT

206 MAGIC DRIVE

GUY LECLERC

OWNER

OR TENANT



CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP15—0093

EXISTING ZONING DESIGNATION: RU1 - Large Lot Housing
WITHIN DEVELOPMENT PERMIT AREA: n/a

ISSUED TO: David Wood
LOCATION OF SUBJECT SITE: 1250 Ellis Street

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	b		50505	6	23	ODYD

SCOPE OF APPROVAL

- ☐ This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- ☐ This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- ☐ Applicants for Development and 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 the variance to the following section Sign Bylaw No. 8235 be granted:

THAT the variance to the following sections of Zoning Bylaw No. 8000 be granted in accordance with the drawings described in Schedule "A":

Section 13.1.6 (b) - Development Regulations

To vary the height of an accessory building from 4.5 metres to 5.87 metres¹.

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

3. PERFORMANCE SECURITY:

none

4. DEVELOPMENT:

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

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

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

THIS Permit IS NOT A BUILDING Permit.

5. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a 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 Divisional Director of Community & Real Estate.

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

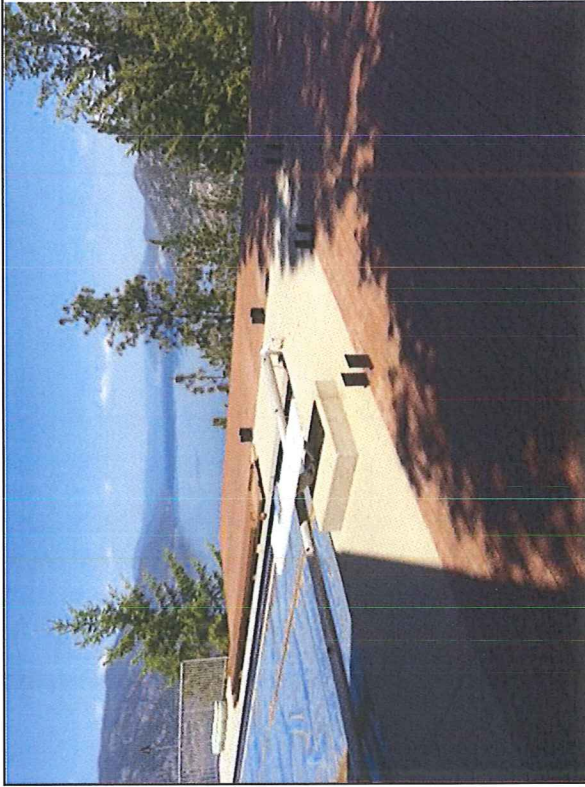
Print Name in Bold Letters

Telephone No.

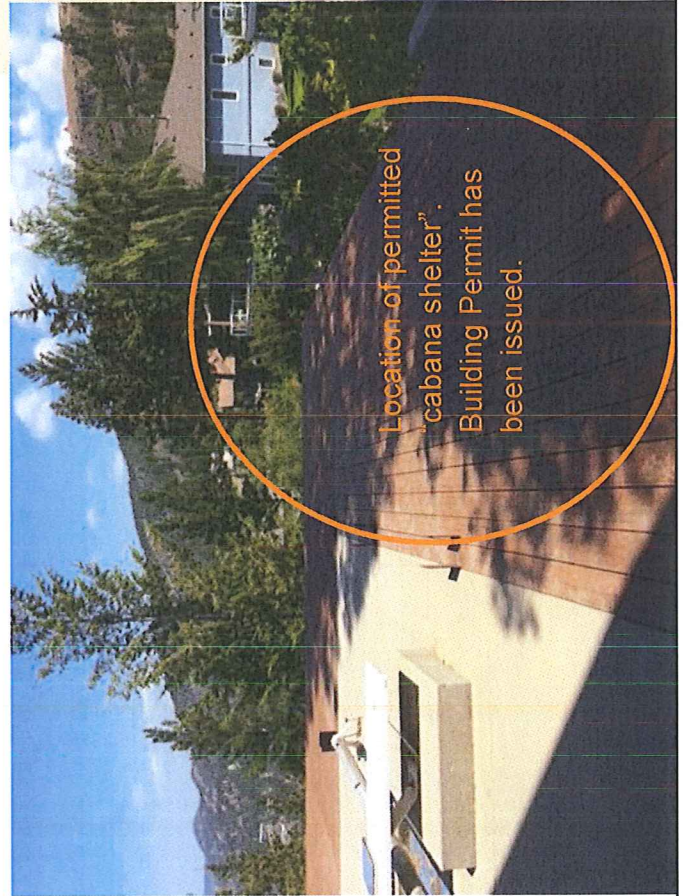
6. APPROVALS:

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF _____, 2015 BY THE
DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

Ryan Smith, Manager - Urban Planning Branch
Community Planning and Real Estate



Pool with decking

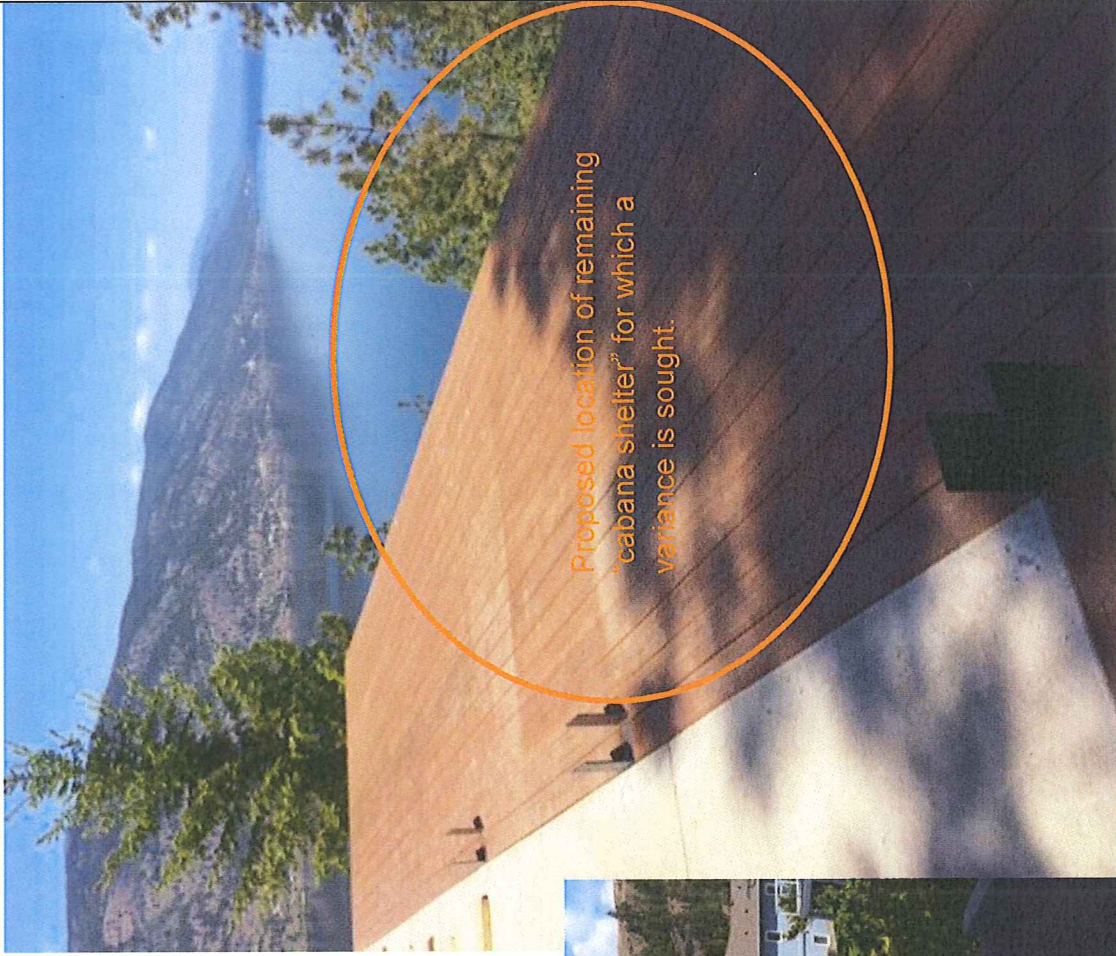


Location of permitted
"cabana shelter".
Building Permit has
been issued.

Development Variance Permit request at:

228 Caliburn Crt.

(May 11, 2015)



Proposed location of remaining
"cabana shelter" for which a
variance is sought.



SCHEDULE A

This forms part of development
Permit # DVP15-0093

[illegible]

NO.	REVISIONS	DATE
3	VARIANCE	06.04.15
2	REVIEW	03.04.15
1	REVIEW	23.03.15

HAMLET HOMES INC.
PAUL DAY
3960 JUNE SPRINGS
RD. KELOWNA, BC
V1W4E4
paulday63@gmail.com

JOB TITLE
Pool Cabana
228 Callburn crt.
City of Kelowna, BC

DRAWING TITLE

GENERAL NOTES

SCALE	PER PLAN	
DRAWN BY	CHECKED	
B.V.		
DATE	JOB NO.	2015-005
23.03.15		

A
O

SCHEDULE A
This forms part of development
Permit # DVP15-0093

GENERAL NOTES FOR BUILDING CONFORMING TO PART 9 OF THE B.C. BUILDING CODE

[illegible][illegible]

INSULATION AND VENTILATION:

VENTILATION AND VENTILATION
At secondary buildings are unheated, and therefore need not be insulated.
At roof spaces shall be ventilated with e.g., roof or space vents, or a combination of these, to ensure adequate ventilation between the top of roof space and the atmosphere.
Venting area for attics and roof spaces shall be a minimum of 1/500 of the total floor area of the building.
Vents for unheated crawlspaces shall be closable, with a minimum total area 1/500 of the total floor area of the building.

[illegible][illegible][illegible]



Blue Vision
Drafting & Design
1041 Faulkner Cres.
West Kelowna, BC
V1Z 3N8
250-864-6666
bvdesign@live.com

NO.	REVISIONS	DATE
3	VARIANCE	06.04.15
2	REVIEW	03.04.15
1	REVIEW	23.03.15

HAMLET HOMES INC.
PAUL DAY
3960 JUNE SPRINGS
RD. KELOWNA, BC
V1W4E4
paulday63@gmail.com

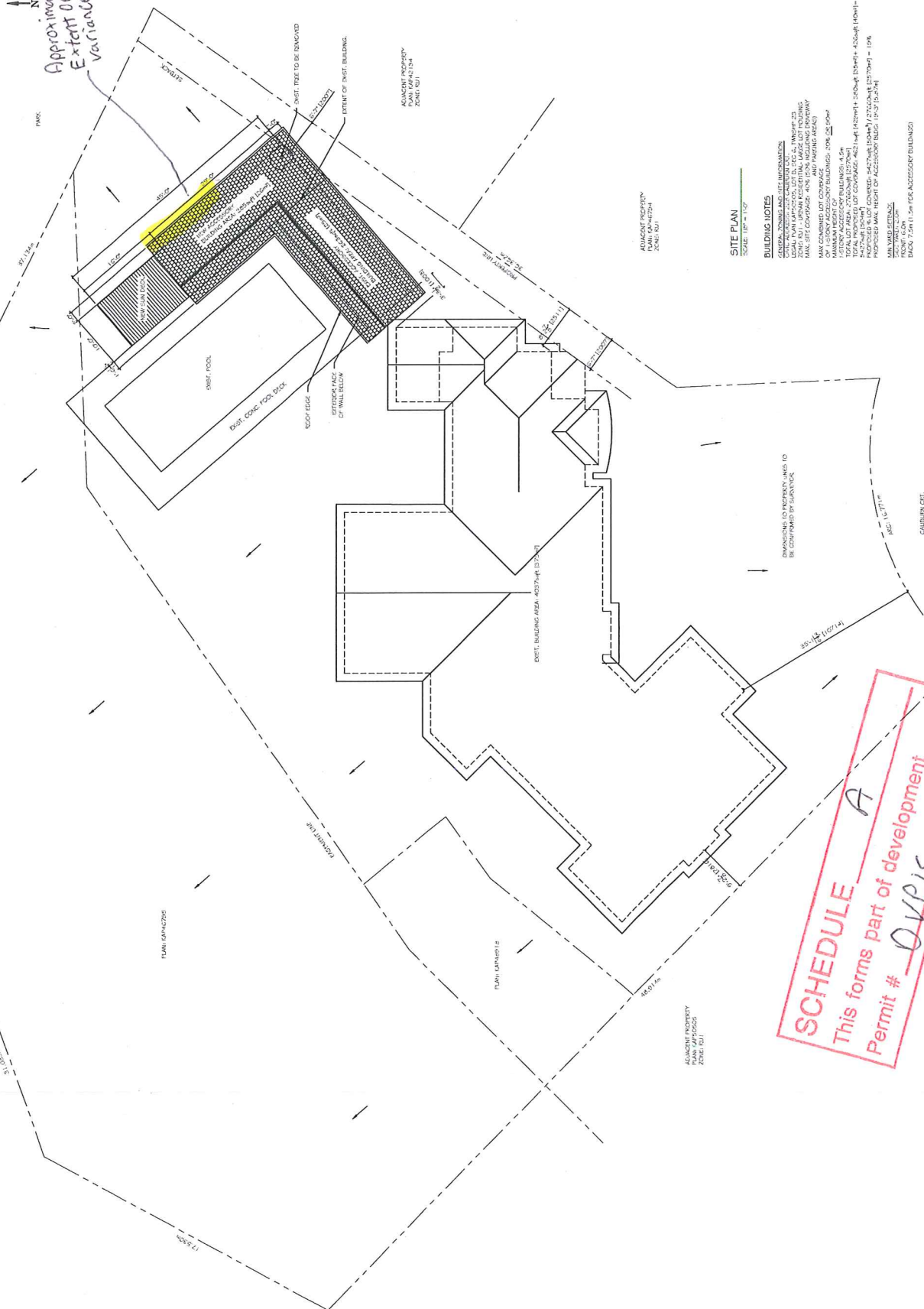
JOB TITLE
Pool Cabana
228 Calburn crt.
City of Kelowna, BC

DRAWING TITLE
SITE PLAN

PER PLAN	DATE	JOB NO.
B.V.	23.03.15	2015-005

A1

Approximate
Extent of
Variance



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

BUILDING NOTES

GENERAL NOTES:
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
2. LOCAL PLAN APPROVED LOT BUILDING HEIGHT: 12.0M (39'6").
3. MAX. SETBACK: 4.0M (13'2"). INCLUDING EXISTING
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100. MAX. SETBACK: 4.0M (13'2"). INCLUDING EXISTING

SCHEDULE A
This forms part of development
Permit # DVP15-0093



REPORT TO COUNCIL



Date: June 16, 2015

RIM No. 0940-50

To: City Manager

From: Urban Planning, Community Planning & Real Estate (TY)

Application: DP15-0090 & DVP15-0091 **Owner:** Kelsey Fleming

Address: 840 Coronation Avenue **Applicant:** Kelsey Fleming

Subject: Development Permit & Development Variance Permit

Existing OCP Designation: MRM - Multiple Unit Residential (Medium Density)

Existing Zone: RU6 - Two Dwelling Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP15-0090 for Lot 33 District Lot 138 ODYD Plan 1277, located at 840 Coronation Avenue, Kelowna, BC, subject to the following:

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0091 for Lot 33 District Lot 138 ODYD Plan 1277, located at 840 Coronation Avenue, Kelowna, BC;

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

Section 13.6.6(d): Two Dwelling Housing - Development Regulations

Vary the minimum required side yard setback (west) from 2.3 m required to 1.3 m proposed.

AND THAT this Development Permit and Development Variance Permit be considered subsequent to the requirements of the Development Engineering Department being completed to their satisfaction.

AND FURTHER THAT this Development Permit and Development Variance Permit be valid for two (2) years from the date of Council approval with no opportunity to extend.

2.0 Purpose

To consider a Development Permit Application for an addition to a single family dwelling and a Development Variance Permit to vary a side yard setback.

3.0 Urban Planning

Urban Planning supports the proposed variance on the subject property. The applicant is seeking a variance to legalize the non-conforming siting of the current dwelling in order to add a second storey to the existing dwelling footprint. The existing single storey dwelling currently sits 1.3 m from the west property line. This development variance permit application will allow the proposed second storey to also be 1.3 m from the west property line.

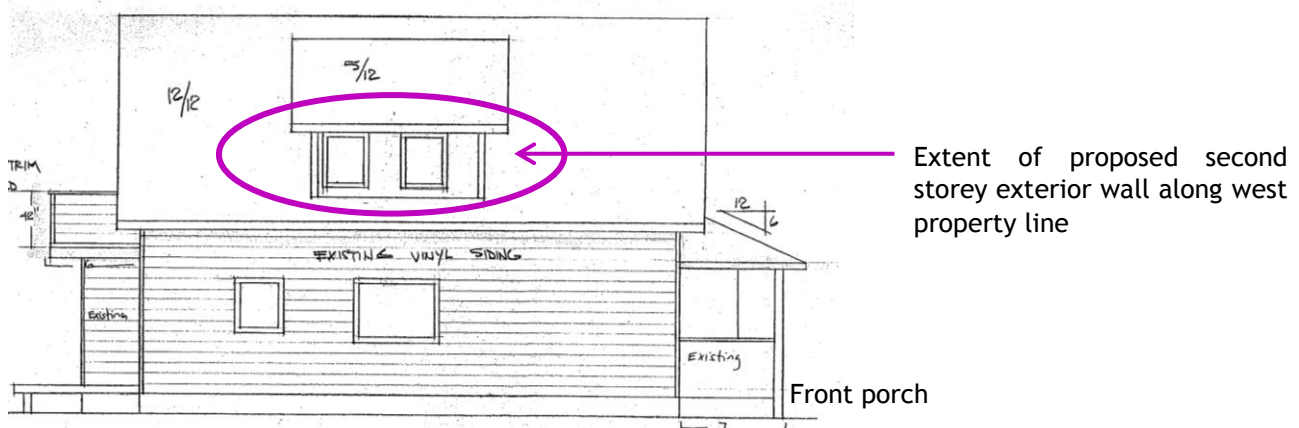
Residential lots on the subject property block have widths measuring 12.2 m, and areas varying from 450 m² to 518 m². The narrow lots on this block are zoned RU6 - Two Dwelling Housing, however they are not large enough to develop duplex housing. The trend in this area is to renovate the existing single family dwellings to increase the existing footprint of the dwelling and on some properties renovations include the addition of a half or second storey. Carriage homes are also being developed on this block. Staff support the variance for a second storey to be 1.3 m from one side property line as the existing single family home has a small footprint on the site and the visual impact of a two storey dwelling is minimized by proposing a design that mimics the style of a dormer on each side of a gable roof.

4.0 Proposal

4.1 Project Description

The existing one storey home, built in the 1930s, is in Kelowna's Central Character Neighbourhood. The residence currently encroaches into the 2.0 m minimum side yard setback for a single storey dwelling as regulated in Zoning Bylaw No. 8000. The side yard setback for a second storey is 2.3 m.

The proposed addition includes an office, furnace room, bedroom and a bathroom. The proposed renovation will not increase the first storey footprint but increase the non conforming siting as the west and east exterior walls will continue in height to become second storey walls. The visual impact of a second storey within a side yard setback is minimized as exterior walls on both the west and east side are limited in height and length to that of a dormer style.



A window facing the street is designed on the upper storey along with a small balcony on the north side of the dwelling, looking into the rear yard. The proposed design includes a new roof

and hardiplank siding, the existing exterior not affected by the addition will remain in its current condition. Overall the proposed design fits well with neighbouring properties on the block as the footprint of the dwelling and exterior colours will remain the same.

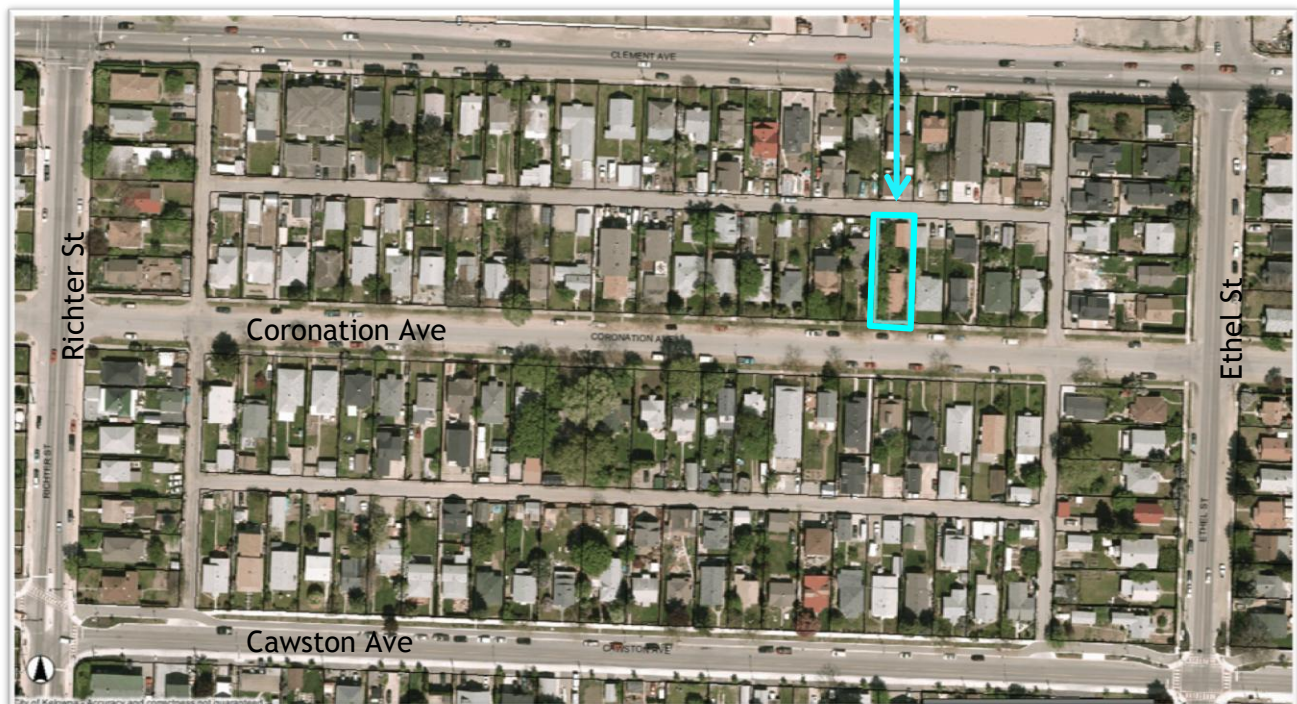
4.2 Site Context

The subject property is located on the north side of Coronation Avenue between Richter Street and Ethel Street in the Central Character neighbourhood of Kelowna. The property is zoned RU6, identified in Kelowna's OCP as MRM, and is within the Permanent Growth Boundary. Neighbouring properties on the subject property block are in different stages of renovations such as expanding the first storey footprint and additions of half and second storeys to the existing single family dwellings.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6	Single Family Dwelling
East	RU6	Single Family Dwelling
South	RU6	Single Family Dwelling
West	RU6	Single Family Dwelling

Subject Property Map: 840 Coronation Avenue



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	400 m ²	458 m ²
Minimum Lot Width	13.0 m	12.2 m
Minimum Lot Depth	18.0 m	37.6 m
Development Regulations		
Maximum Site Coverage	40%	151 m ² - 33%
Maximum Site Coverage including driveways and parking areas	50%	165 m ² - 36%
Maximum Height	9.5 m or 2 ½ storeys	6.9 m - 2 storeys
Minimum Front Yard	4.5 m	(existing 4.2 m) proposed addition begins 6.3 m from front property line
Minimum Side Yard (west)	2.0 m for 1 storey portion of dwelling	1.3 m ●
Minimum Side Yard (east)	2.0 m for 1 storey portion of dwelling	3.3 m
Minimum Rear Yard	7.5 m	Detached garage 2.3 m Dwelling 18.0 m
Other Regulations		
Minimum Parking Requirements	2 stalls	2 stalls
● Indicates a requested variance to Side Yard Setback (west)		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

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

Sensitive Infill² Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighborhood with respect to building design, height and siting.

6.0 Technical Comments

6.1 Building & Permitting Department

- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter)

6.2 Development Engineering

- See attached Memorandum dated May 5, 2015

6.3 Fire Department

- Requirements of section 9.10.19 Smoke Alarms of the BCBC 2012 are to be met. A visible address is required from Coronation Avenue.

7.0 Application Chronology

Date of Application Received: April 22, 2015

Date Public Consultation Completed: April 29, 2015

Report prepared by:

Tracey Yuzik, Planner

Reviewed by:



Lindsey Ganczar, Urban Planning Supervisor

Approved for Inclusion:



Ryan Smith, Urban Planning Manager

Attachments:

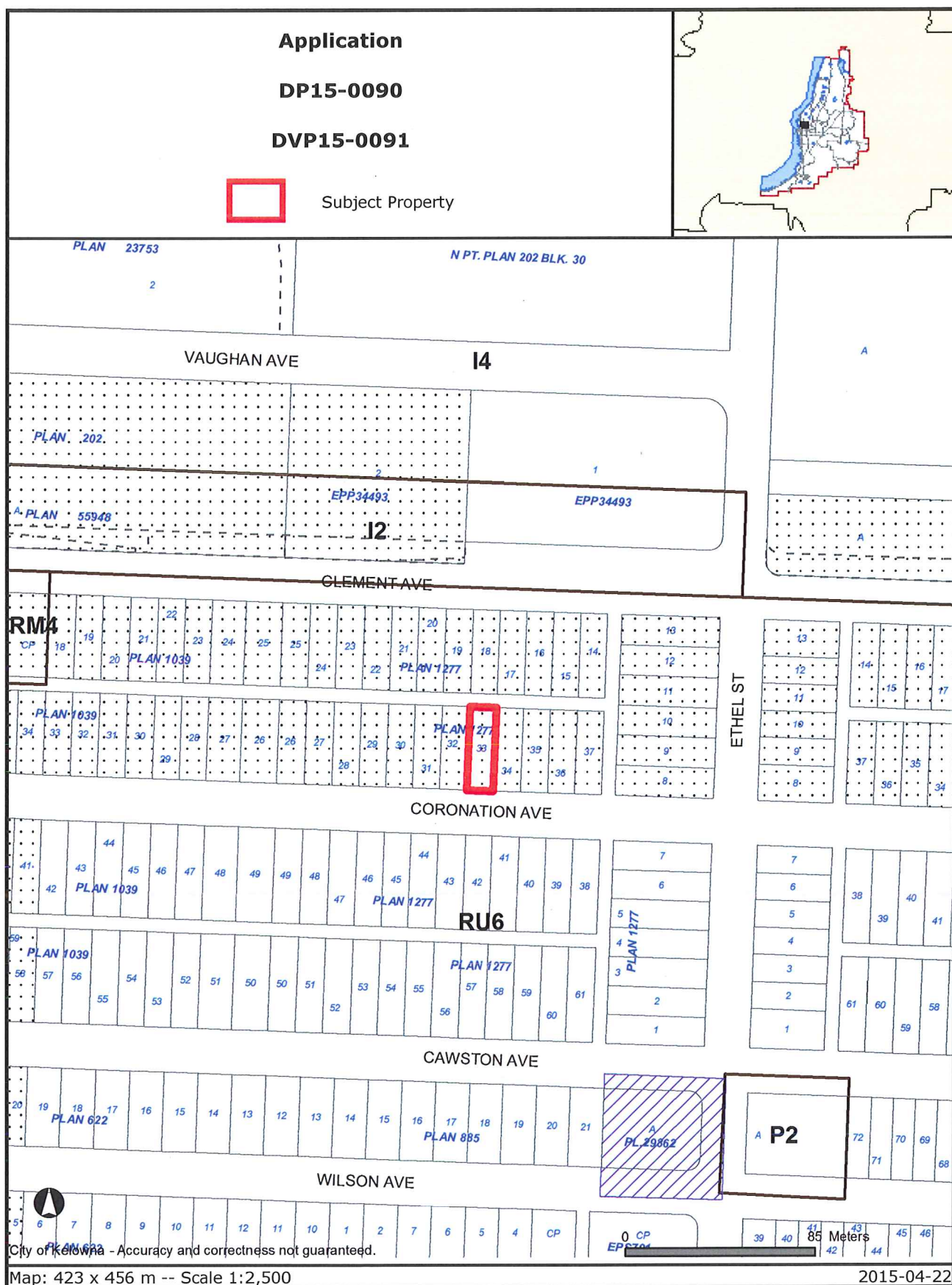
Subject Property Map

Schedule "A" Site Plan

Schedule "B" Elevations

Context/Site Photos

Development Engineering Memorandum

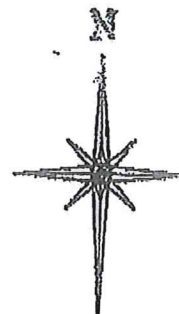


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

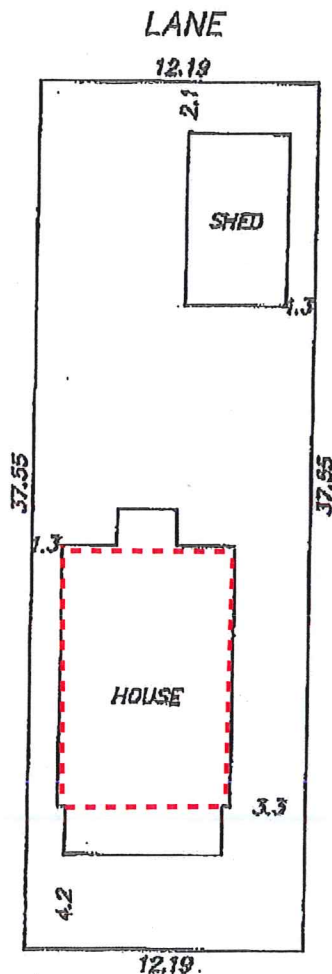
B.C. LAND SURVEYOR'S CERTIFICATE OF
LOCATION OF BUILDING ON LOT 33
PLAN 1277 D.L. 138 O.D.Y.D.

SCALE 1:300

DISTANCES ARE IN METRES.



Area of half storey addition



SCHEDULE A

This forms part of development
DPIS 0090
Permit # DVP15-0091

(C)

THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY SIGNED AND SEALED.

CERTIFIED CORRECT,
this 17th day of September, 1996.

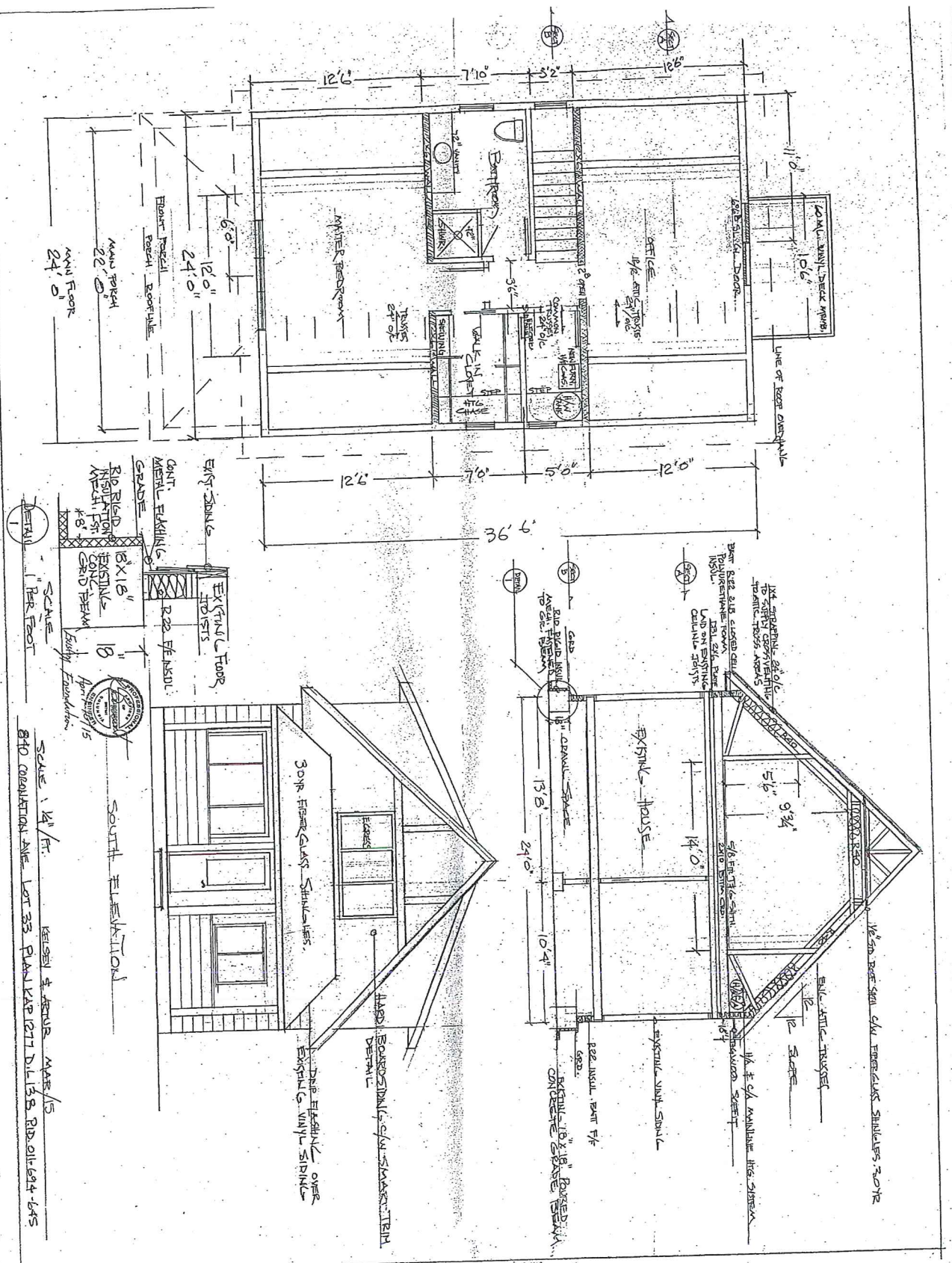
D.A. Goddard BCLS

FILE 96-9354 FB 198

RE: 40655

THIS PLAN IS FOR MORTGAGE OR
MUNICIPAL PURPOSES ONLY AND IS
NOT TO BE USED TO DEFINE THE
BOUNDARIES OF THIS LOT.

D.A. Goddard Land Surveying Inc.
200-1449 ST. PAUL STREET KELOWNA

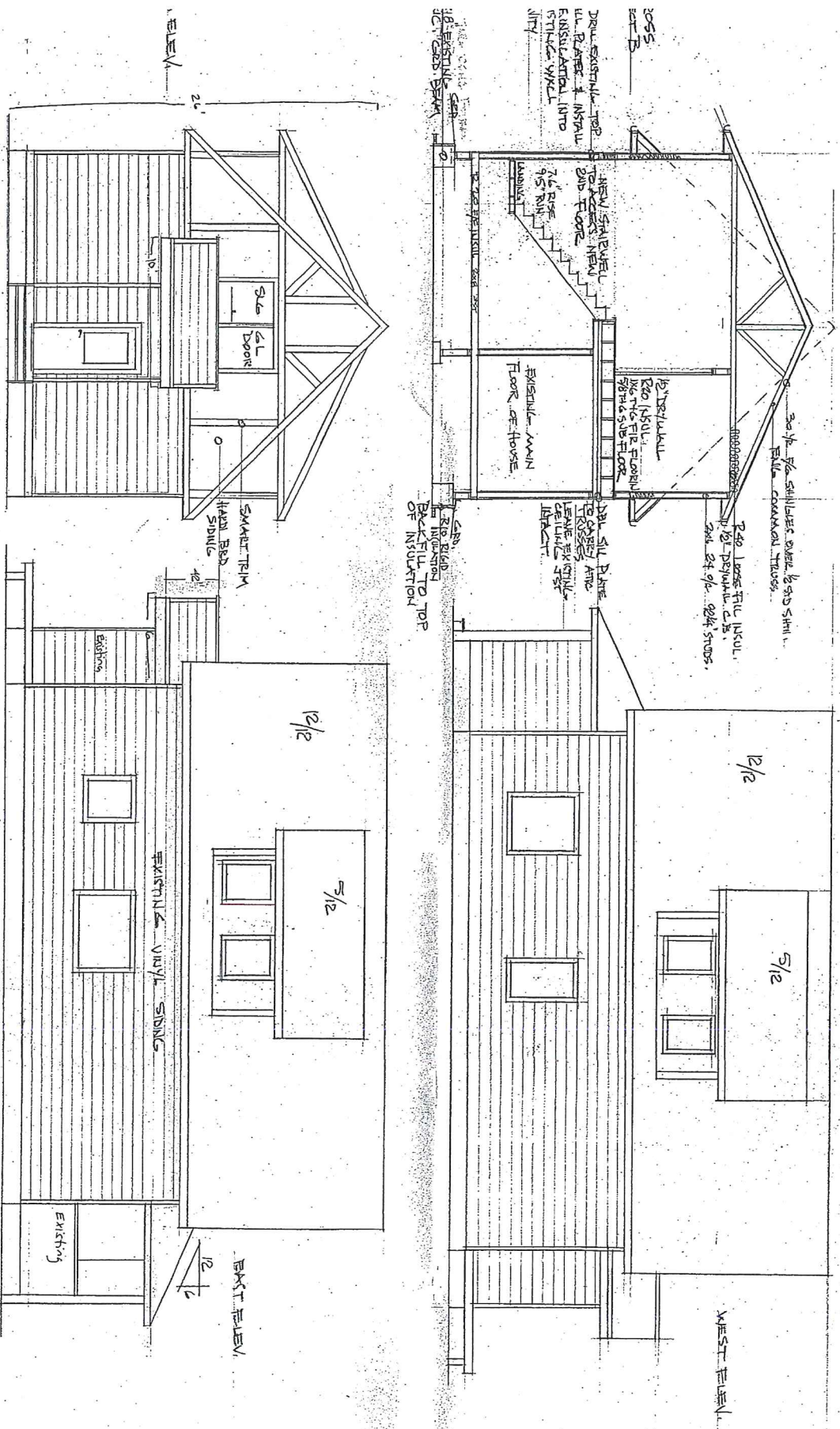


SCHEDULE A

This forms part of development

DP15-0090

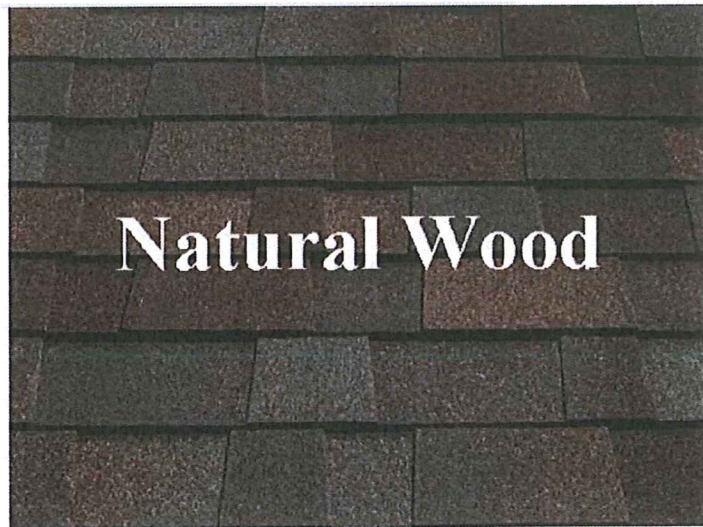
Permit # DP15-0091



25'3"
308 9016

KEISEY ELEMNTS
810 CORPORATION AVE LOT 33 PLAKA 1217 BIL 138
FID 011 692 145

30 yr fibreglass shingles



Natural Wood



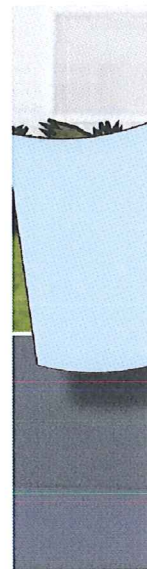
628 Tumbleweed Tan



509 Warm Sandalwood



052 Wheat



Hardiplank exterior

Burgundy trim to match existing



SCHEDULE B

This forms part of development

Permit # DPI5-0090
DVPI5-0091



Front view from Coronation Avenue



Addition of half storey will begin behind the existing front porch

CITY OF KELOWNA

MEMORANDUM

Date: May 5, 2015
File No.: DP15-0090

To: Urban Planning (TY)

From: Development Engineering Manager(SM)

Subject: 840 Coronation Ave Addition

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

1. Domestic Water and Fire Protection

The existing lot is serviced with a small diameter (13-mm) copper water service, which is substandard. Adequate metered water service must be provided to meet current by-law requirements. **The disconnection of the existing small diameter water service and the tie-in of a larger new service can be provided by City forces at the developer's expense. The applicant will be required to sign a Third Party Work Order for the cost of the water service upgrades.** For estimate inquiry's please contact Sergio Sartori, by email ssartori@kelowna.ca or phone, 250-469-8589.

2. Sanitary Sewer

Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service. An inspection chamber (IC) complete with brooks box should be installed on the service at the owner's cost. Service upgrades can be provided by the City at the applicant's cost. **The applicant will be required to sign a Third Party Work Order for the cost of the service upgrade.** For estimate inquiry's please contact Sergio Sartori, by email ssartori@kelowna.ca or phone, 250-469-8589.

3. Development Permit and Site Related Issues

Direct the roof drains into on-site rock pits.

Access to this site is permitted from the lane only.

4. Electric Power and Telecommunication Services

It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.



Steve Muenz, P. Eng.
Development Engineering Manager

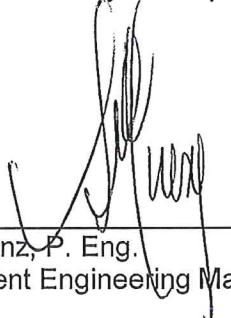
SS

CITY OF KELOWNA
MEMORANDUM

Date: May 5, 2015
File No.: DVP15-0091
To: Urban Planning (TY)
From: Development Engineering Manager (SM)
Subject: 840 Coronation Ave

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

This development variance permit application to vary the front & side yard setback does not compromise any municipal services.



Steve Muenz, P. Eng.
Development Engineering Manager

SS

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Permit No. DP15-0090
Development Variance Permit No. DVP15-0091

EXISTING ZONING DESIGNATION:	RU6 - Two Dwelling Housing
WITHIN DEVELOPMENT PERMIT AREA:	Central Character Neighbourhood
DEVELOPMENT PERMIT PURPOSE:	To consider the form and character of a single family dwelling addition.
DEVELOPMENT VARIANCE PERMIT PURPOSE:	To vary the minimum required side yard setback.
PERMIT PREPARED BY:	Tracey Yuzik

ISSUED TO:	Kelsey Fleming
LOCATION OF SUBJECT SITE:	1840 Coronation Avenue

	LOT	BLOCK	D.L.	DISTRICT	PLAN
LEGAL DESCRIPTION :	33		138	ODYD	1277

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 the dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- AND THAT the exterior design and finish of the building to be constructed on the land in general accordance with Schedule "B";
- AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 13.6.6(d): Two Dwelling Housing – Development Regulations

Vary the minimum required side yard setback (west) from 2.3 m required to 1.3 m proposed.

- d) AND THAT this Development Permit and Development Variance Permit be considered subsequent to the requirements of the Development Engineering Department being completed to their satisfaction.
- e) AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend;

3. DEVELOPMENT:

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

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

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

THIS Permit IS NOT A BUILDING Permit.

4. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

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

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

5. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or

part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Manager of Urban Planning.

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

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

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE

_____ DAY OF _____, 2015.

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE

_____ DAY OF _____, 2015 BY THE MANAGER OF URBAN PLANNING.

Ryan Smith,

Urban Planning Manager

REPORT TO COUNCIL



Date: June 16, 2015

RIM No. 0940-50

To: City Manager

From: Urban Planning, Community Planning & Real Estate (TY)

Application: DP15-0072 & DVP15-0073 **Owner:** George Wannop

Address: 1441 McInnes Avenue **Applicant:** George Wannop

Subject: Development Permit & Development Variance Permit Application

Existing OCP Designation: S2RES - Single/Two Unit Residential

Existing Zone: RU6 - Two Dwelling Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP15-0072 for Lot B District Lot 137 ODYD Plan 23706, located at 1441 McInnes Avenue, Kelowna, BC subject to the following:

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0073, for Lot B District Lot 137 ODYD Plan 23706, located at 1441 McInnes Avenue, Kelowna, BC;

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

Section 13.6.5 (b) RU6 - Two Dwelling Housing Subdivision Requirements

Vary the minimum required lot width for a site with semi-detached or duplex housing for a corner lot from 20.0 m required to 19.2 m proposed.

AND THAT this Development Permit and Development Variance Permit be considered subsequent to the requirements of the Development Engineering Department being completed to their satisfaction.

AND THAT this Development Permit and Development Variance Permit be considered subject to the property owner being responsible for all legal fees and charges resulting from the Statutory Right of Way associated with this application.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit Applications in order for the permits to be issued.

AND FURTHER THAT this Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval with no opportunity to extend.

2.0 Purpose

To seek a Development Variance Permit to vary lot width for semi-detached housing.

3.0 Urban Planning

Urban Planning supports the proposed variance on the subject property. The applicant is seeking the variance to legalize the non compliant existing width of the RU6 - Two Dwelling Housing lot. The subject property is currently zoned RU6, which allows for duplex, semi-detached, or two single detached housing only on lots that meet duplex lot size requirements. These minimum size requirements for a corner lot are:

	Minimum Required	Subject Property
• Width of	20.0 m	19.2 m
• Depth of	30.0 m	48.5 m
• Area of	800m ²	893 m ³

The Local Government Act states that density on a site cannot be varied from a Bylaw. Even though Staff are recommending a variance to the lot width on the subject property, the density of development is not increasing. The applicant is proposing to develop semi-detached housing on a parcel that exceeds 800m²; therefore the two dwellings on the subject property are not increasing the density of the RU6 zone. Urban Planning Staff support the variance as 19.2 m is an acceptable lot width for this subject property that exceeds the lot depth and area.

Kelowna's Official Community Plan designates this property as Single/Two Unit Residential. The design put forth by the applicant does not trigger any additional variances and is a complimentary style to the existing dwelling and neighbouring properties.

Ritchie Brook is a drainage corridor that runs along the north end of the subject property. This brook is confined in a concrete drainage channel that flows from the east side of the property to the west neighbouring residential properties, eventually emptying into Mill Creek. The applicant does not wish to develop in or around this area and has agreed to register a statutory right of way over the brook which will begin at the north property line, extending 3.0m south of the concrete channel. This right of way is necessary for the City to maintain the drainage corridor.

Ritchie Brook Drainage Map:



4.0 Proposal

4.1 Project Description

The subject property currently contains a 1960s single family dwelling. The applicant has renovated the existing dwelling and is seeking to construct a second dwelling, creating a semi-detached dwelling on the property. The proposed two storey second dwelling footprint will be approximately one and a half times larger than the existing single family dwelling on site. This size difference is due to the existing dwelling footprint of 84 m².

Currently the driveway to the subject property comes off of McInnes Avenue. Vehicle access will remain in this location for the existing dwelling, and a second vehicle access for the proposed dwelling will come off of Inkar Road. Both of these driveways are more than 7.5 m from the intersection of McInnes Avenue and Inkar Road.

The proposed dwelling will be constructed in the rear of the property, on the south side of the existing dwelling. Private open space is provided for each dwelling on opposite ends of the property. A roof with a similar pitch to the existing dwelling is proposed for the new dwelling.

4.2 Site Context

The subject property is located on the southwest corner of McInnes Avenue and Inkar Road in the Capri Landmark Revitalization Development Permit area. The property is zoned RU6, identified in Kelowna's OCP as S2RES, and is within the Permanent Growth Boundary.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 - Two Dwelling Housing	Single Family Dwelling
East	RU6 - Two Dwelling Housing w/ Land Use Contract	Apartment Complex
South	RU6 - Two Dwelling Housing	Duplex Dwelling
West	RU6 - Two Dwelling Housing	Single Family Dwelling

Subject Property Map: 1441 McInnes Avenue



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS FOR SEMI-DETACHED	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	800 m ²	893 m ²
Minimum Lot Width	20 m	19.2 m ●
Minimum Lot Depth	30 m	48.5 m
Development Regulations		
Maximum Site Coverage	40%	320 m ² - 36%
Maximum Site Coverage including driveways and parking areas	50%	435 m ² - 49%
Maximum Height	9.5 m or 2 ½ storeys	6.7 m - 2 storeys
Minimum Front Yard	4.5 m	13.5 m
Minimum Side Yard (west)	2.0 m for up to 1 ½ storey portion of dwelling	2.7 m
Minimum Side Yard (east, flanking street)	4.5 m to a house, 6.0 m to a garage	4.5 m house, 6.5 m garage
Minimum Rear Yard	7.5 m	7.8 m
Other Regulations		
Minimum Parking Requirements	4 stalls	5 stalls
Private Open Space	30 m ² per dwelling	+40 m ² per dwelling
● Indicates a requested variance to Lot Width		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

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

Sensitive Infill² Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighborhood with respect to building design, height and siting.

6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter)

- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

- See attached Memorandum dated May 1, 2015

6.3 Real Estate & Building Services

- A Statutory Right of Way is required to be registered from the north property line of the subject property to 3.0 m south of the existing concrete drainage corridor. The applicant is required to contact John Saufferer, Real Estate & Building Services Manager 250-469-8658 to register the ROW.

6.4 Fire Department

- Requirements of section 9.10.19 Smoke Alarms of the BCBC 2012 are to be met.
- If a fence is ever constructed between the dwellings a gate with a clear width of 1100mm is required. Any gate is to open with out special knowledge.
- Additional visible address is required from McInnis Ave.

6.5 Fortis BC Inc - Electric

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

7.0 Application Chronology

Date of Application Received: March 30, 2015
Date Public Consultation Completed: May 2, 2015

Report prepared by:

Tracey Yuzik, Planner

Reviewed by:

☐

Lindsey Ganczar, Urban Planning Supervisor

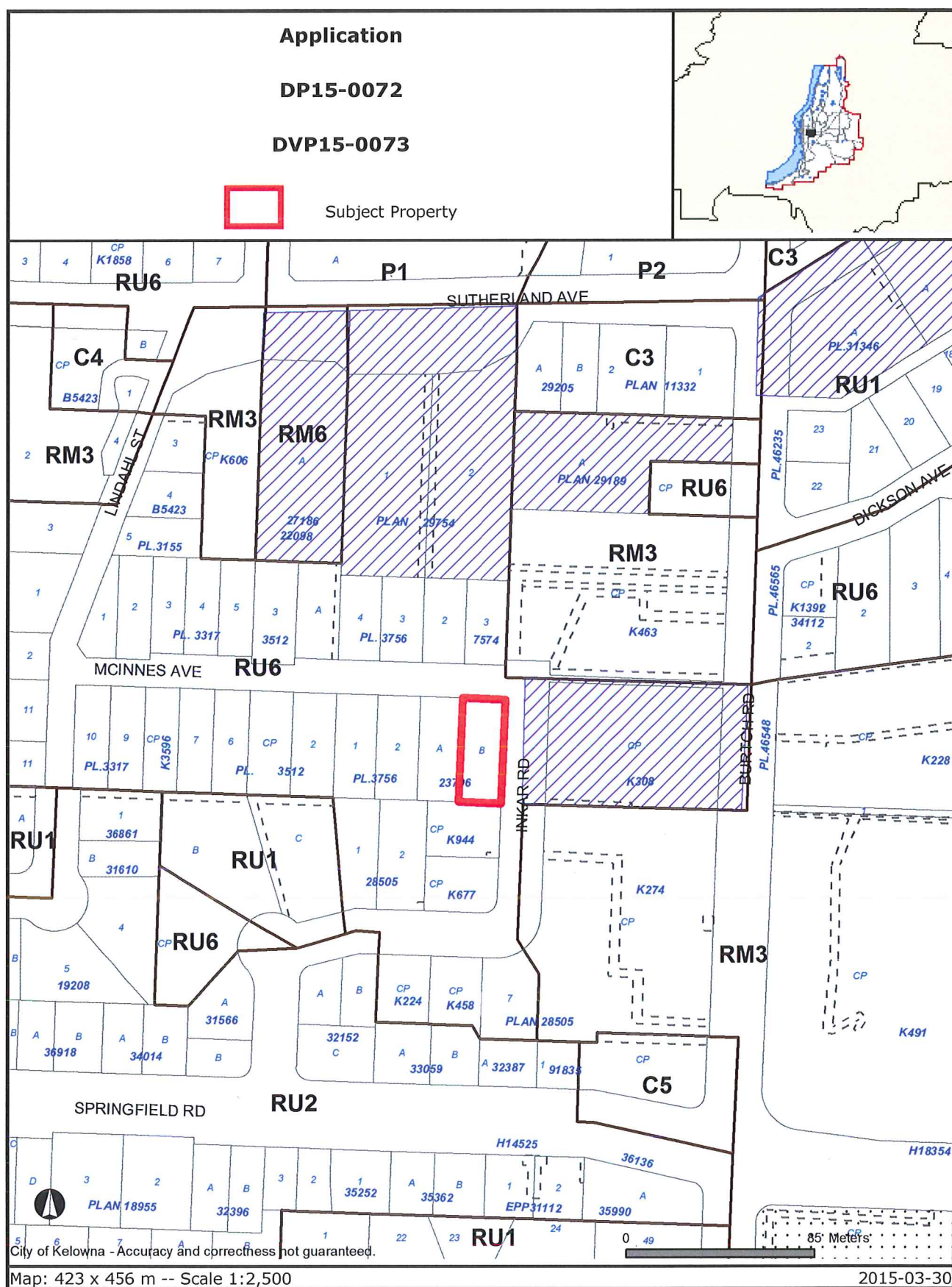
Approved for Inclusion:

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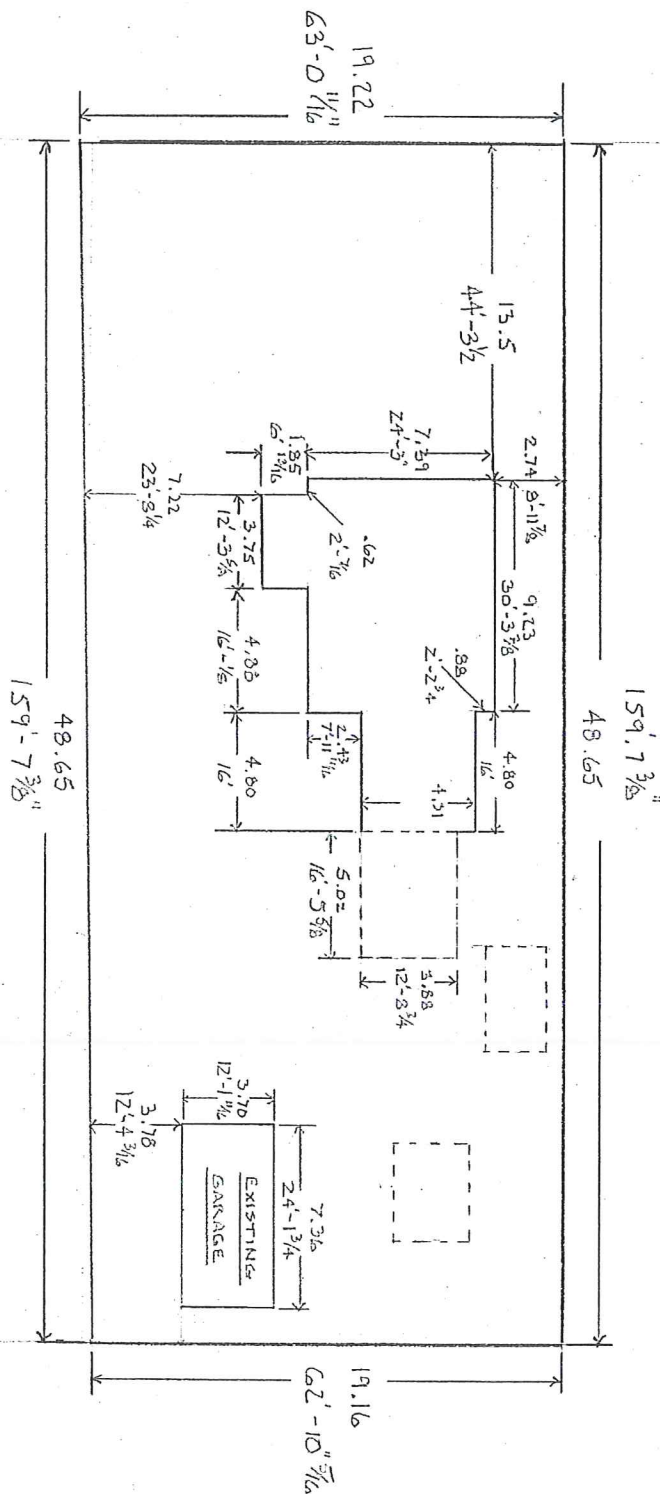
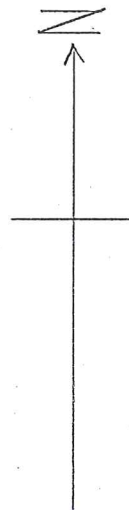
Ryan Smith, Urban Planning Manager

Attachments:

Subject Property Map
Schedule "A" Site Plan
Schedule "B" Elevations
Context/Site Photos
Development Engineering Memorandum
DRAFT Development Variance Permit DP15-0072 DVP15-0073



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.



1441 McINNES AVE.

EXISTING BUILDINGS

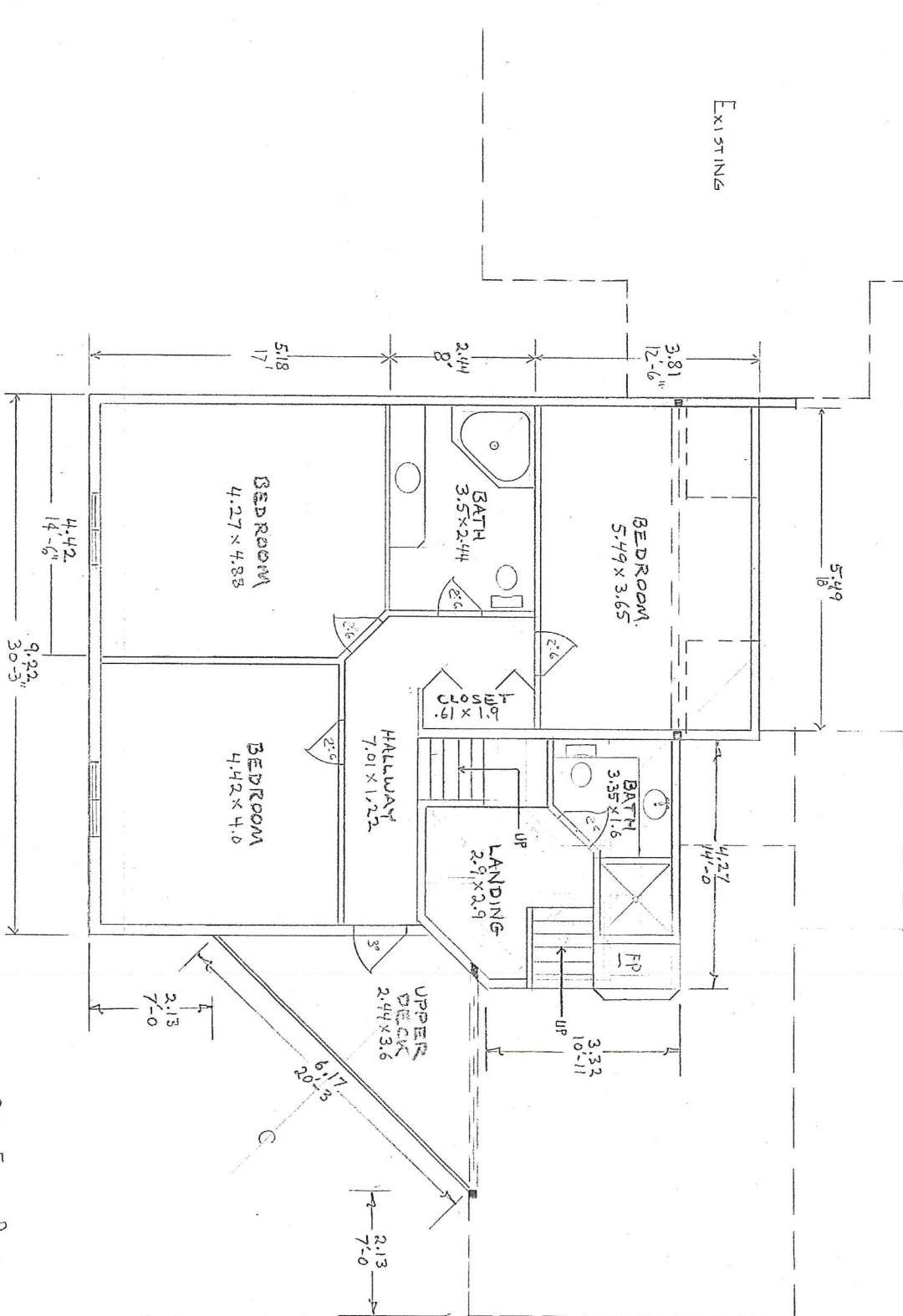
DR BY R E KEMPE
azteck@shaw.ca

SCHEDULE A

This forms part of development

Permit # DP150072 DVP150073

1A



1441 McILINNES AVE

2ND FLOOR PLAN

DR BY R.E. KEMPE

aztec@shaw.ca

SCALE: 1/4" = 1'

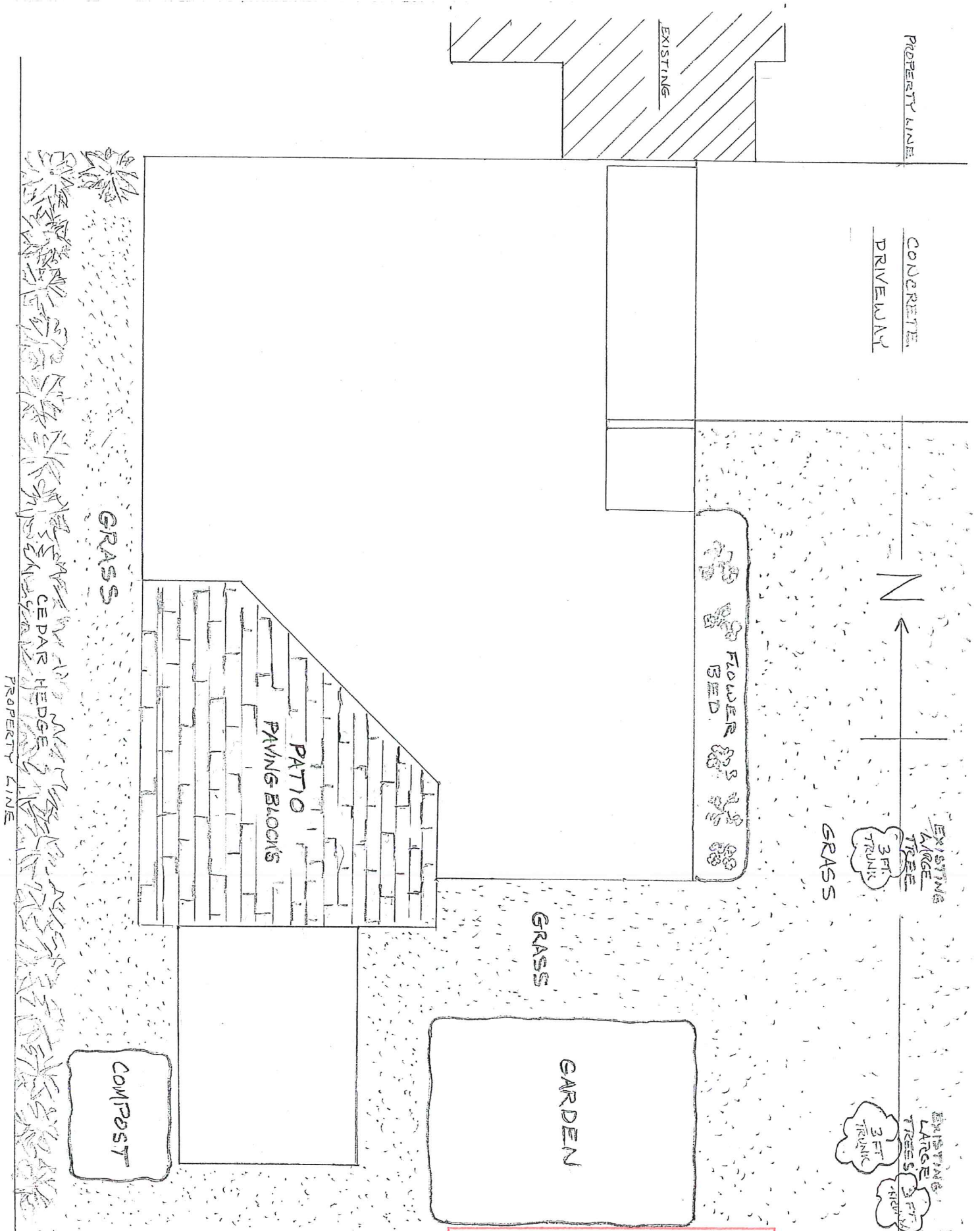
1 cm = 48 mm

SCHEDULE A

This forms part of development

Permit # DPIS-0072
DPIS-0073

3



PROPERTY LINE

SCHEDULE A

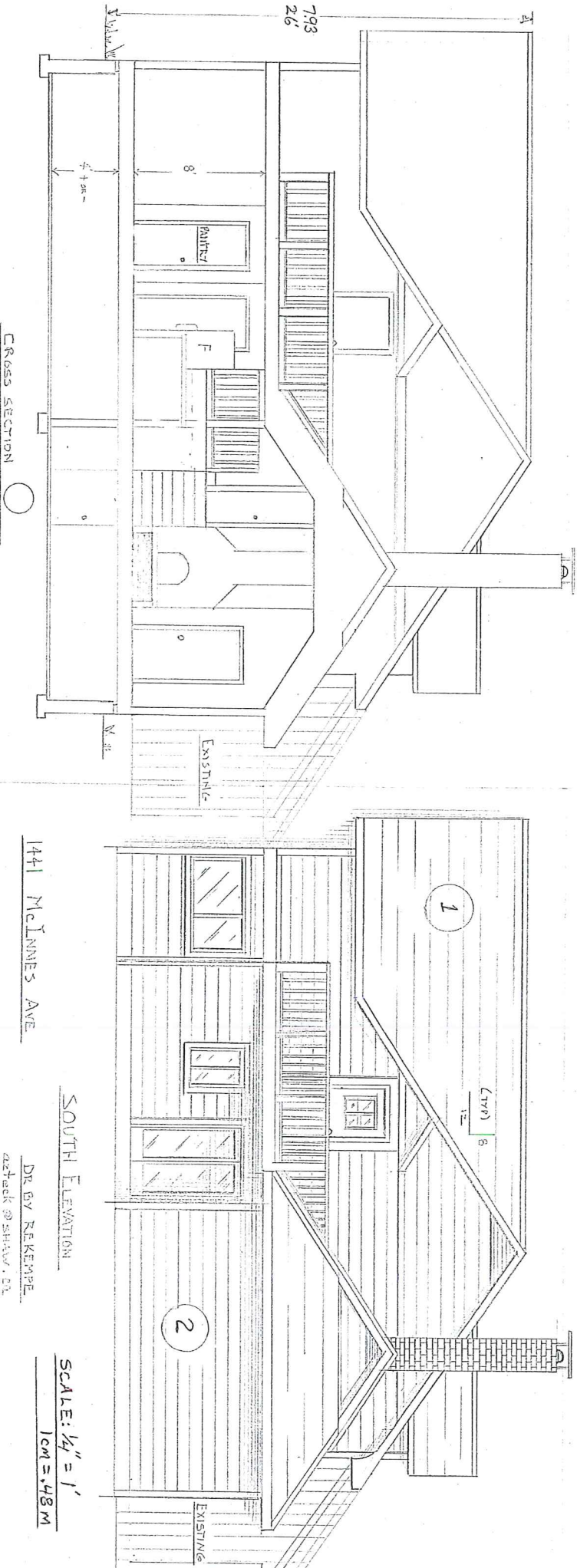
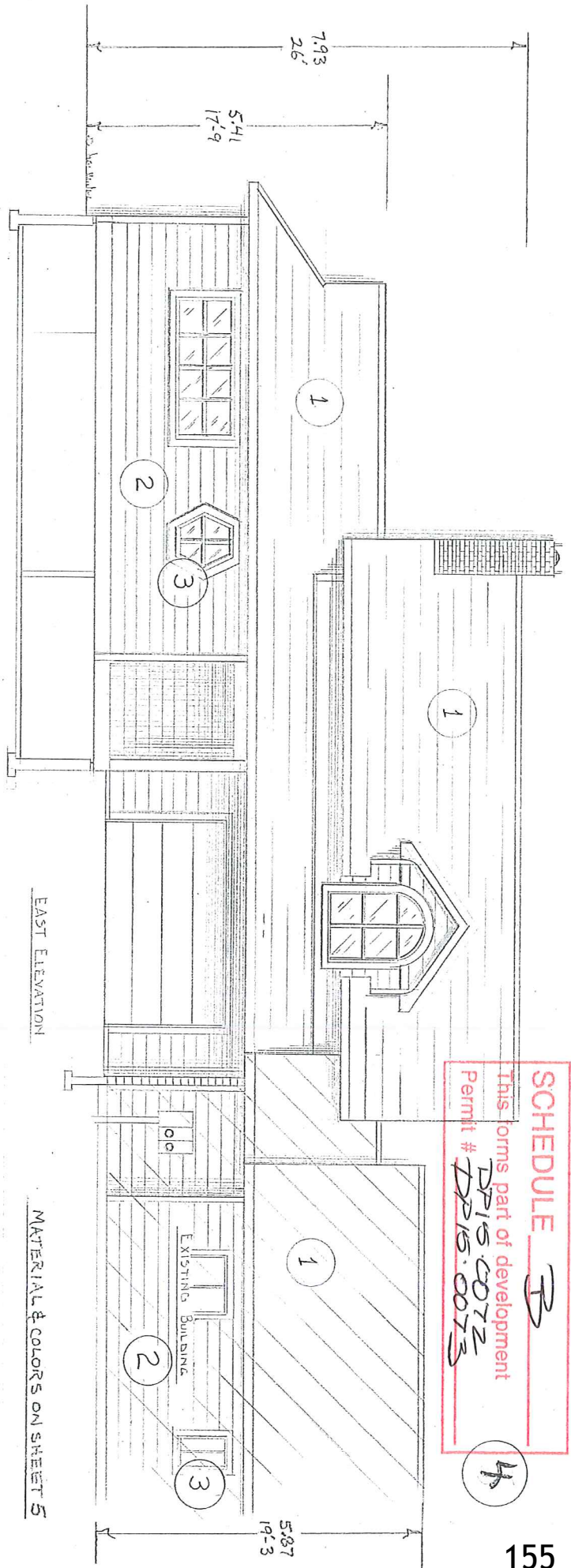
This forms part of development

Permit # DP15.0072
DP15.0073

6

SCHEDULE B

This forms part of development
 DP15-0072
 Permit # DP15-0073



1441 McJANNES AVE

SCALE: 1/4" = 1'

1cm = 48mm

DR BY REKEMPE

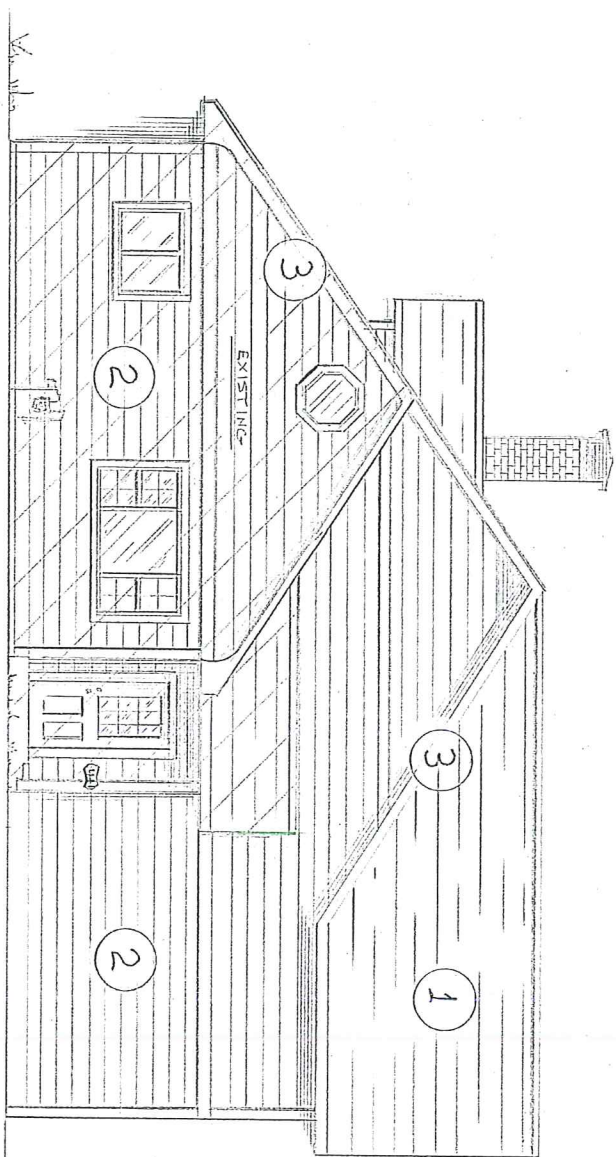
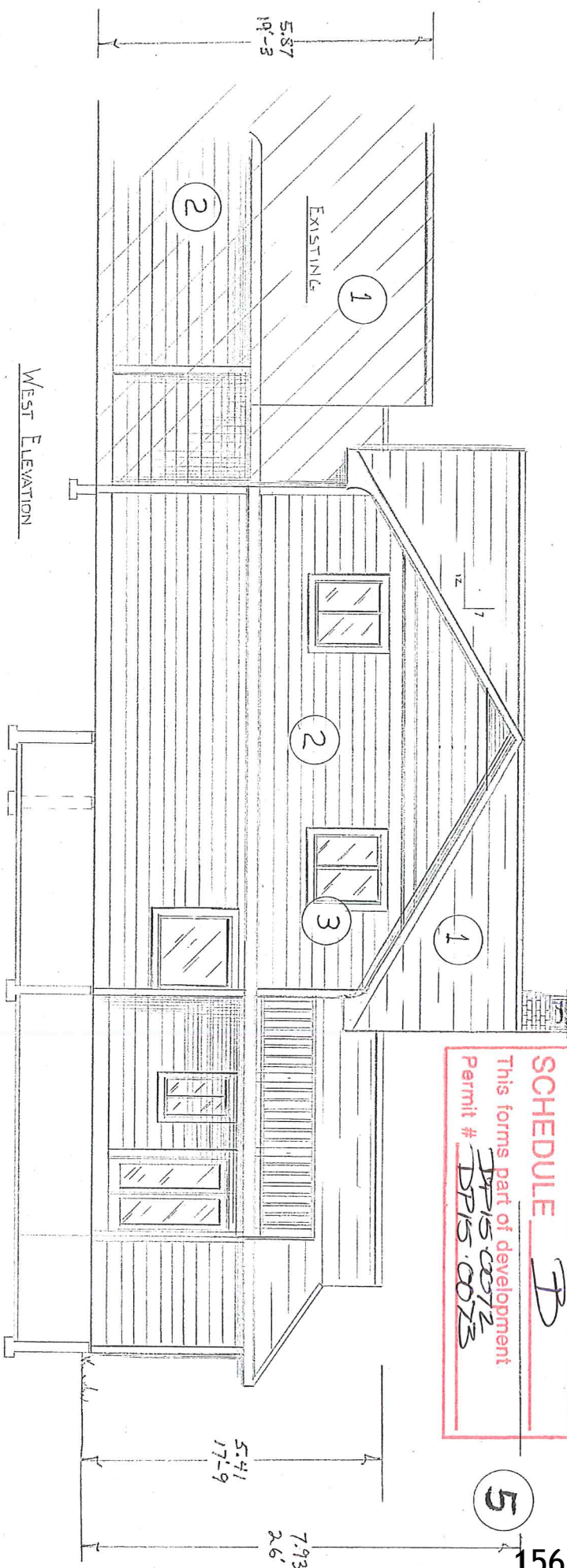
ARCHITECT @ SHAW . CA

SCHEDULE

P

This forms part of development
 Permit # *DP15-0072*
DP15-0073

5

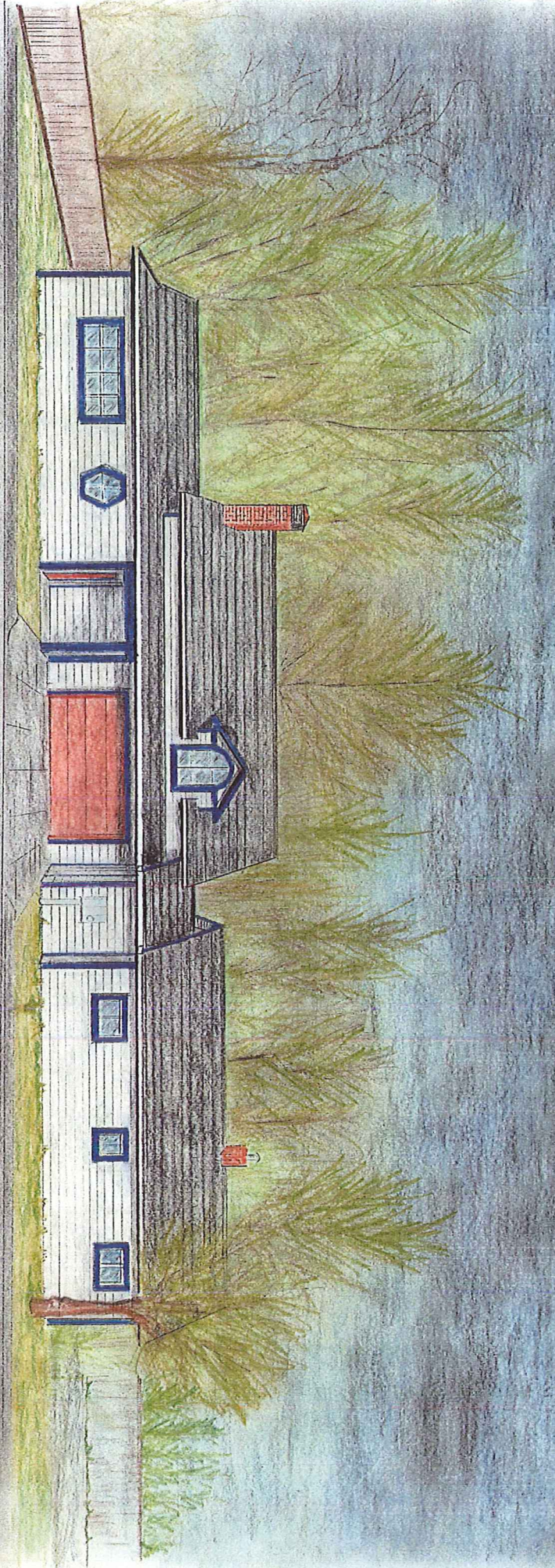


- MATERIAL & COLORS**
- 1 SHINGLES - ONYX BLACK
 - 2 HARDY BOARD - JH 4010
 - 3 TRIM - CARBON FIBRE

NORTH ELEVATION

1441 McILWINE AVE

DR BY: REHEMME SCALE: 1/4" = 1'
 aztec@shaw.ca 1 CM = 48 M



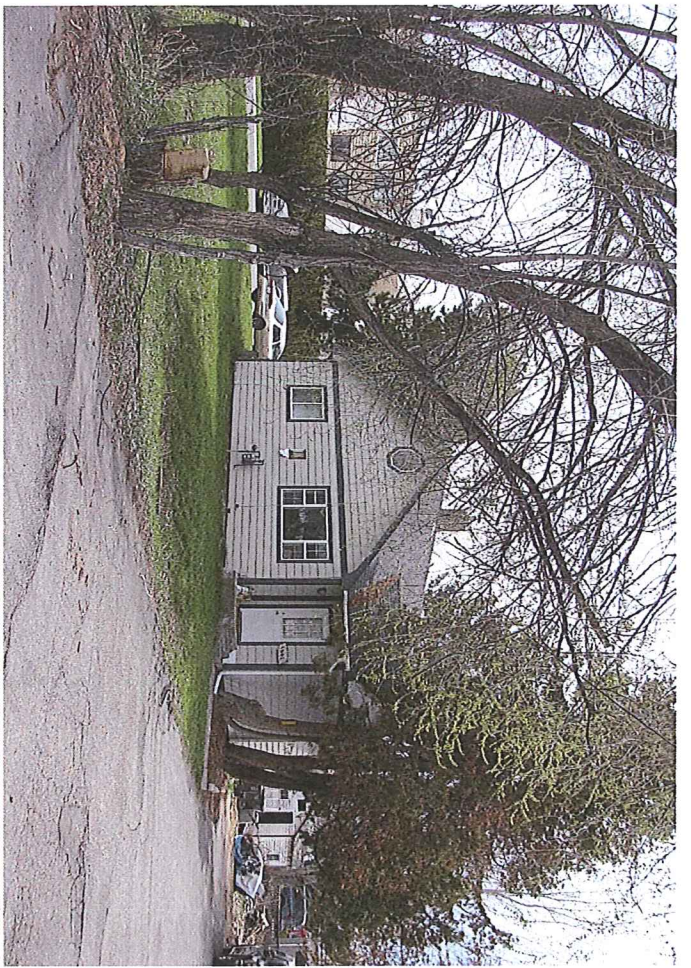
1441
MCINNIS AVE.
COLOR SCHEME

R. KEMPE
Azteck @ SHAW.CA

SCHEDULE

[Handwritten signature]

This forms part of development
12/15/0072
Permit # 12/15/0073



North



East



East



CITY OF KELOWNA
MEMORANDUM

Date: May 1, 2015
File No.: DP15-0072
To: Urban Planning (TY)
From: Development Engineering Manager
Subject: 1441 McInnes Ave -Revised Duplex

Development Engineering Services have the following requirements associated with this Development Permit Application.

1. Domestic Water and Fire Protection

Our records indicate this property is currently serviced with a 19mm-diameter water service. An additional water service will be required and can be provided by City forces at the developer's expense. The applicant will be required to sign a Third Party Work Order for the cost of the water service upgrade. For estimate inquiry's please contact Sergio Sartori by email ssartori@kelowna.ca or phone 250-469-8589.

2. Sanitary Sewer

Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service. An inspection chamber (IC) complete with brooks box should be installed on the service at the owner's cost. Service upgrades can be provided by the City at the applicant's cost. The applicant will be required to sign a Third Party Work Order for the cost of the service upgrade. For estimate inquiry's please contact Sergio Sartori, by email ssartori@kelowna.ca or phone, 250-469-8589.

3. Site Related Issues

Direct the roof drains into on-site rock pits.

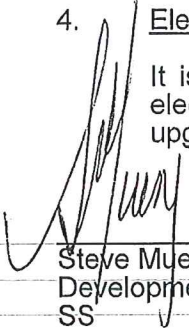
The driveway must be a dust free surface such as asphalt such that surface drainage is directed to an approved drainage system.

By registered plan, provide the following:

(a) Grant a Statutory Right Of Way (SROW) along the full frontage of Ritchie Brooke creek channel.

4. Electric Power and Telecommunication Services

It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.



Steve Muenz, P. Eng.
Development Engineering Manager
SS

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Permit No. DP15-0072
Development Variance Permit No. DVP15-0073

EXISTING ZONING DESIGNATION: RU6 - Two Dwelling Housing
WITHIN DEVELOPMENT PERMIT AREA: Capri Landmark Revitalization Development Permit Area
DEVELOPMENT PERMIT PURPOSE: To consider the form and character of a semi-detached dwelling.
DEVELOPMENT VARIANCE PERMIT PURPOSE: To vary the minimum lot width of a lot with semi-detached housing.
PERMIT PREPARED BY: Tracey Yuzik

ISSUED TO: George Wannop
LOCATION OF SUBJECT SITE: 1441 McInnes Avenue

	LOT	BLOCK	D.L.	DISTRICT	PLAN
LEGAL DESCRIPTION:	B		137	ODYD	23706

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:

- a) THAT the dimensions and siting of the building and landscaping to be constructed on the land be in general accordance with Schedule "A";
- b) AND THAT the exterior design and finish of the building to be constructed on the land in general accordance with Schedule "B";
- c) AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 13.6.5 (b) RU6 - Two Dwelling Housing Subdivision Requirements

Vary the minimum required lot width for a site with semi-detached or duplex housing for a corner lot from 20.0 m required to 19.2 m proposed.

- d) AND THAT this Development Permit and Development Variance Permit be considered subsequent to the requirements of the Development Engineering Department being completed to their satisfaction.
- e) AND THAT this Development Permit and Development Variance Permit be considered subsequent to the property owner being responsible for all legal fees and charges resulting from the Statutory Right of Way associated with this application.
- f) AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend;

3. DEVELOPMENT:

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

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

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

THIS Permit IS NOT A BUILDING Permit.

4. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

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

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

5. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned

in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Manager of Urban Planning.

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

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

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE
_____ DAY OF _____, 2015.

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE
_____ DAY OF _____, 2015 BY THE MANAGER OF URBAN PLANNING.

Ryan Smith,
Urban Planning Manager

REPORT TO COUNCIL



Date: June 16, 2015

RIM No. 0940-50

To: City Manager

From: Urban Planning, Community Planning & Real Estate (LB)

Application: DVP15-0050 Owner: Dave Rolleston

Address: 776 Fordham Road Applicant: Dave Rolleston

Subject: Development Variance Permit Application

Existing OCP Designation: S2RES - Single / Two Unit Residential

Existing Zone: RU1 - Large Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0050 for Lot 22, District Lot 357, ODYD, Plan 18457, located on 776 Fordham Road, Kelowna, BC;

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

Section 13.1.5(b): RU1 - Large Lot Housing Subdivision Regulations

To vary the minimum lot depth from 30.0 m permitted to 27.6 m proposed.

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To consider a Development Variance Permit application for minimum lot depth to facilitate a two lot subdivision.

3.0 Urban Planning

Urban Planning supports the requested variance to reduce the minimum lot depth from 30.0 m permitted to 27.6 m proposed to facilitate a two lot subdivision. The lot width and area exceed the minimum requirements for both proposed lots, as shown in the Zoning Analysis table below. The existing house will remain on the east portion of the property and no variances to setbacks are required. The lot to be created on the west portion of the property will have a buildable area of approximately 221.5 m² (2,384 ft²) within required setbacks, which is sufficient area to construct a dwelling that is consistent with the character of the neighbourhood.

Although variances to subdivision regulations are not typically supported, the size of the lot and siting of the existing house allow subdivision of the property without significantly altering the

character of the area, and without varying any setbacks or rezoning to a zone that permits narrower lots.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by individually contacting neighbouring properties within 50 m. No major concerns regarding the requested variance were identified through this consultation. To date, staff have not been contacted with any questions or concerns about the application.

4.0 Proposal

4.1 Site Context

The subject property is located on the northeast side of Fordham Road between McClure Road and Raymer Road in the City's North Mission - Crawford Sector. The property is designated S2RES - Single / Two Unit Residential in the Official Community Plan and is within the Permanent Growth Boundary. The surrounding area is characterized by single family residential development.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Single dwelling housing
East	RU1 - Large Lot Housing	Single dwelling housing
South	RU1 - Large Lot Housing	Single dwelling housing
West	RU1 - Large Lot Housing	Single dwelling housing

Subject Property Map: 776 Fordham Road



4.2 Zoning Analysis Table

Zoning Analysis Table			
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSED (WEST PORTION)	PROPOSED (EAST PORTION)
Existing Lot/Subdivision Regulations			
Lot Area	550 m ²	591.5 m ²	863.6 m ²
Lot Width	17.0 m	21.8 m	31.4 m
Lot Depth	30.0 m	27.6 m ①	27.6 m ①
① Indicates a requested variance to reduce the minimum lot depth from 30.0 m permitted to 27.6 m proposed.			

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

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

Sensitive Infill.² Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

6.0 Technical Comments

6.1 Building & Permitting Department

- No comments.

6.2 Development Engineering Department

- See attached memorandum, dated March 20, 2015.

6.3 FortisBC - Electric

- There are primary distribution facilities along Fordham Road. The existing service will be bisected by the proposed lot line and passes over the building area of the proposed west lot. As a result the existing service may have to be reconfigured and / or protected by appropriate land rights. The applicant is responsible for costs associated with any changes to the proposed lots' existing service, if any, as well as the provision of appropriate land rights where required.

7.0 Application Chronology

Date of Application Received: March 4, 2015
 Date Public Consultation Completed: March 13, 2015

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

Report prepared by:

Laura Bentley, Planner

Reviewed by:



Lindsey Ganczar, Urban Planning Supervisor

Approved by:



Ryan Smith, Urban Planning Manager

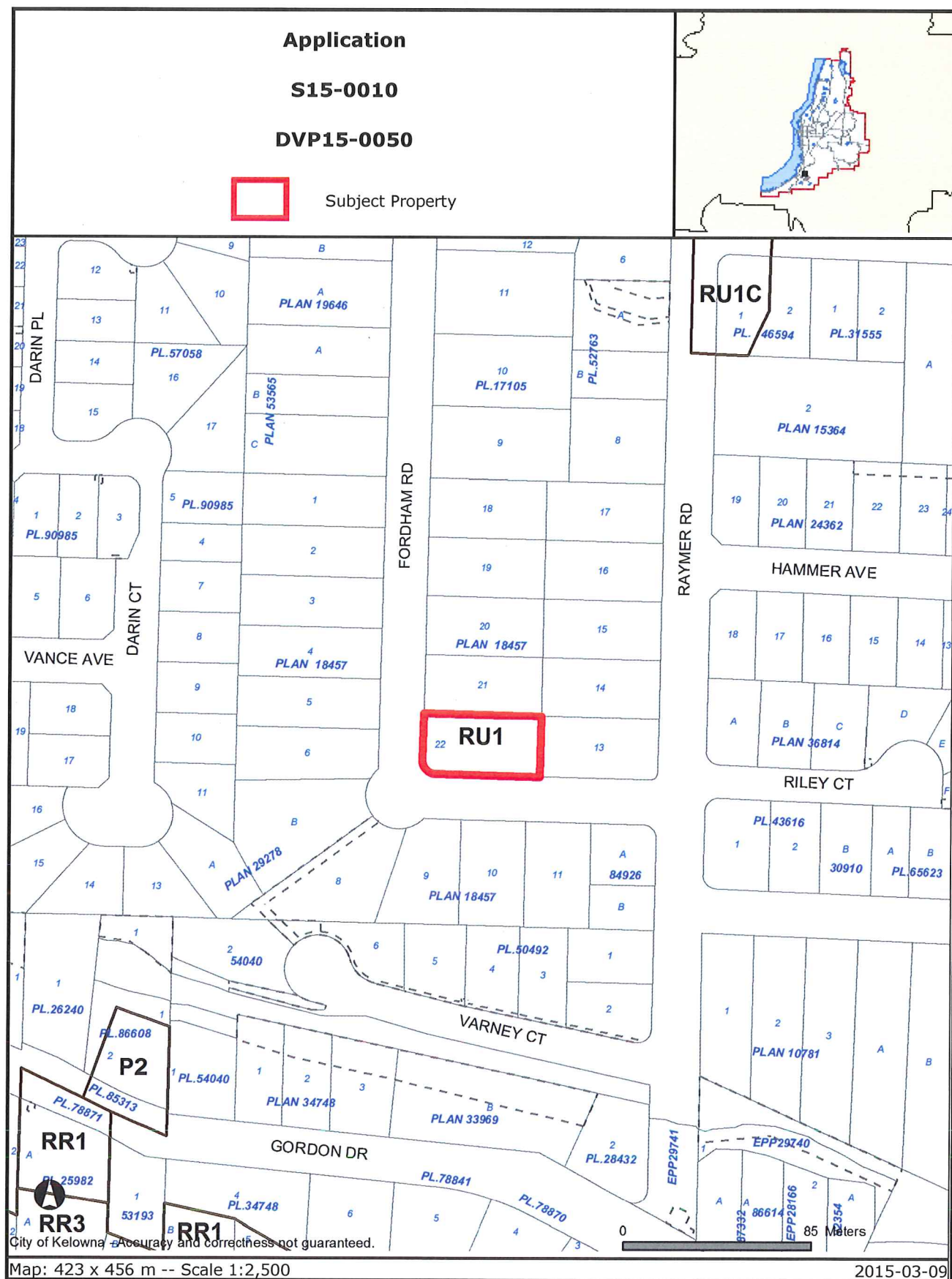
Attachments:

Subject Property Map

Development Engineering Memorandum

Proposed Subdivision Layout

Draft Development Variance Permit No. DVP15-0050



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.

CITY OF KELOWNA
MEMORANDUM

Date: March 20, 2015
File No.: DVP15-0050
To: Subdivision Agriculture & Environment (DB)
From: Development Engineering Manager (SM)
Subject: 776 Fordham Road

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

This development variance permit application to vary the lot depth from 30m to 27.55m does not compromise any municipal services.



Steve Muenz, P. Eng.
Development Engineering Manager

SS

776 FORDHAM ROAD, KELOWNA, BC
 PID: 008-263-728

LOT 22, DISTRICT LOT 357, ODYD, PLAN 18457

ORIGINAL LOT AREA: ±1,455.1m²

EXISTING HOUSE FOOTPRINT AREA: ±122.0m²

PROPOSE NEW LOT AREA: ±591.5m²

PROPOSED NEW LOT MAX. BUILDING AREA: ±221.5m²

RU1 ZONING

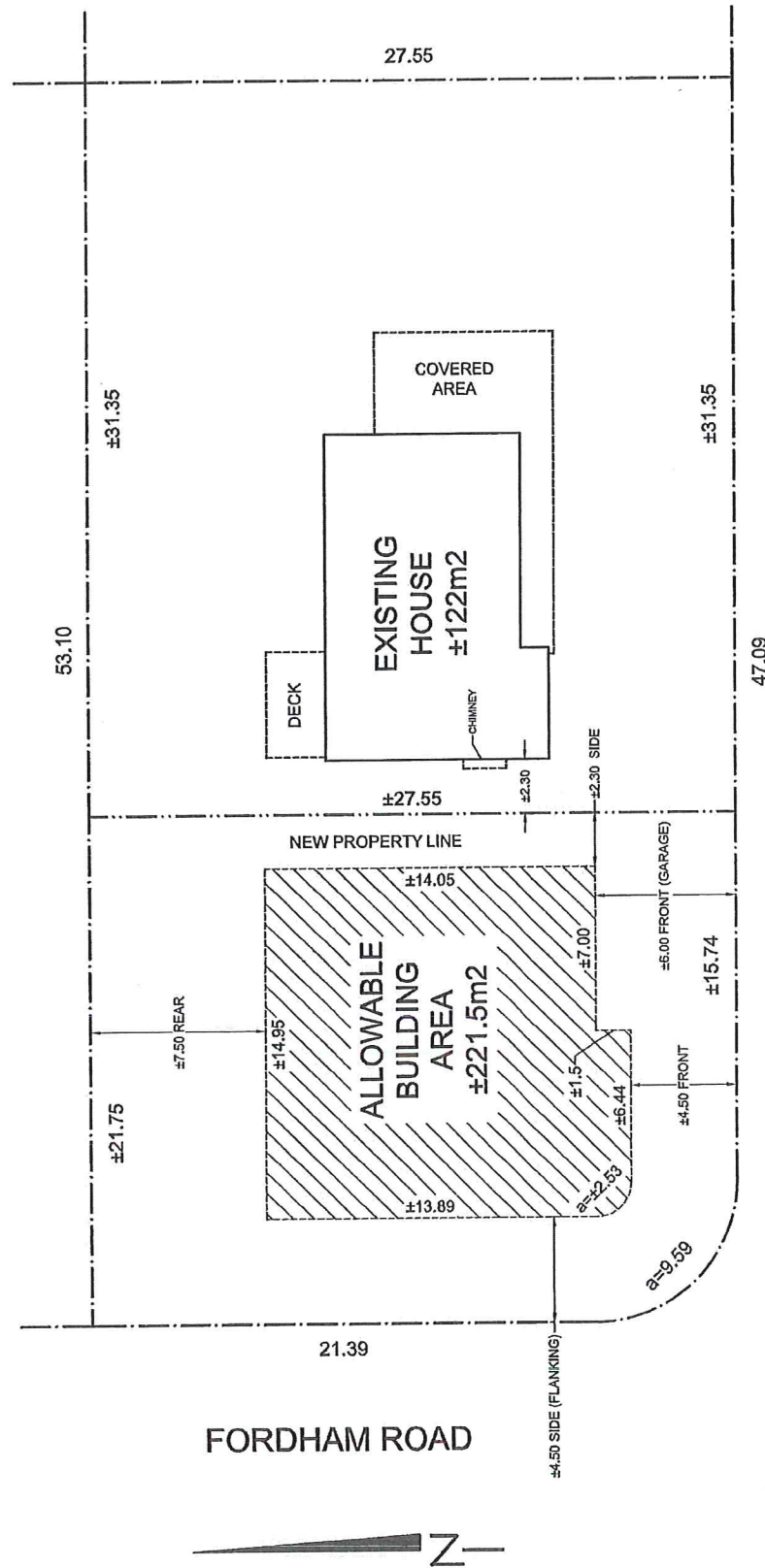
CORNER LOT SETBACKS (2 - 2 ½ STOREYS):

FRONT: 4.5m (HOUSE); 6.0m (GARAGE)

SIDE: 2.3m

FLANKING SIDE: 4.5m

REAR: 7.5m



FORDHAM ROAD

776 FORDHAM ROAD, KELOWNA, BC

DATE: FEBRUARY 27, 2015 SCALE: 1:300

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP15-0050

EXISTING ZONING DESIGNATION:	RU1 - Large Lot Housing
DEVELOPMENT VARIANCE PERMIT:	To vary the minimum lot depth from 30.0 m permitted to 27.6 m proposed.

ISSUED TO:	Dave Rolleston
LOCATION OF SUBJECT SITE:	776 Fordham Road

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	22	-	357	-	ODYD	18457

SCOPE OF APPROVAL

- ☐ This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- ☐ This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- ☐ Applicants for Development and 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 a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 13.1.5(b): RU1 - Large Lot Housing Subdivision Regulations

To vary the minimum lot depth from 30.0 m permitted to 27.6 m proposed.

AND THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2. PERFORMANCE SECURITY:

None required.

3. DEVELOPMENT:

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

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

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

THIS Permit IS NOT A BUILDING Permit.

4. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Divisional Director of Community Planning & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Community Planning & Real Estate Department immediately to avoid any unnecessary delay in processing the application.

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

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

5. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE ____ DAY OF _____ 2015.
ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF _____ 2015, BY
THE URBAN PLANNING MANAGER.

Ryan Smith, Urban Planning Manager
Community Planning & Real Estate

REPORT TO COUNCIL



Date: June 16, 2015

RIM No. 0940-40

To: City Manager

From: Urban Planning, Community Planning & Real Estate (LB)

Application: DP14-0248 / DVP15-0055 Owner: Marcel and Bertha Gal

Address: 605 Monterey Road Applicant: Marcel Gal

Subject: Development Permit and Development Variance Permit Applications

Existing OCP Designation: S2RES - Single / Two Unit Residential

Existing Zone: RU6 - Two Dwelling Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP14-0248 for Lot 13, Section 23, Township 26, ODYD, Plan 25160, located on 605 Monterey Road, Kelowna, BC subject to the following:

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0055 for Lot 13, Section 23, Township 26, ODYD, Plan 25160, located on 605 Monterey Road, Kelowna, BC;

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

Section 13.6.6(e): RU6 - Two Dwelling Housing Development Regulations

To vary the minimum rear yard for a 1 or 1 ½ storey portion of a building from 6.0 m permitted to 2.0 m proposed for those portions of the building shown on Schedule "A".

Section 13.6.6(g): RU6 - Two Dwelling Housing Development Regulations

To vary the minimum distance between two single detached housing units from 4.5 m permitted to 3.8 m proposed.

AND FURTHER THAT this Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To consider a Development Permit for the form and character of a second dwelling, and a Development Variance Permit to reduce the minimum rear yard and distance between dwellings to facilitate the development of a second dwelling.

3.0 Urban Planning

Urban Planning staff supports the form and character and requested variances for the second dwelling on the subject property.

Form and Character

The proposed design and siting of the second dwelling meet the Development Permit guidelines for Intensive Residential - Carriage House / Two Dwelling Housing. The design generally reflects the character of the neighbourhood and the existing dwelling, and respects the privacy of adjacent properties.

During staff review, it was identified that the subject property is within an area of relatively high water table and concerns were raised regarding minimum elevations and groundwater levels. To address these concerns, the applicant provided a surveyed site plan that shows the existing basement and proposed slab for the second dwelling are at a higher elevation than Monterey Road to the east of the property.

Variances

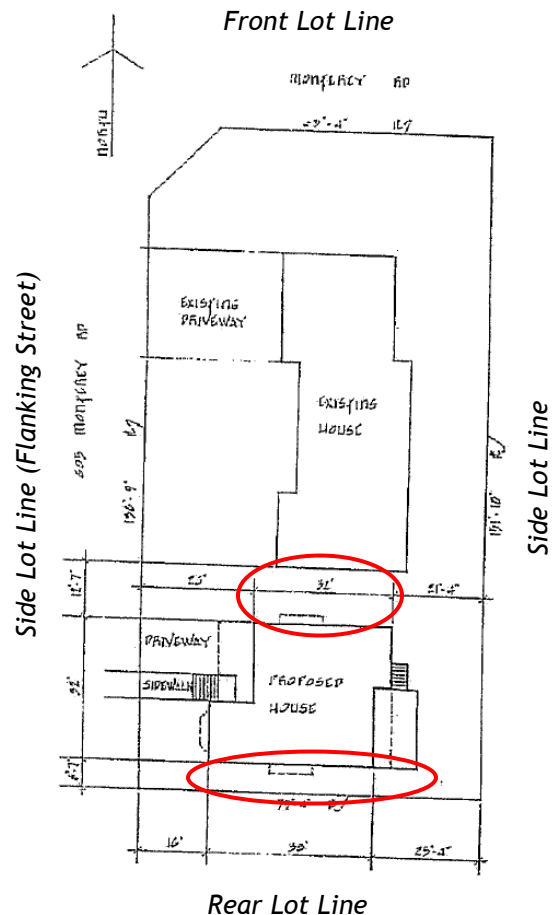
The requested variances are to reduce the minimum rear yard from 6.0 m permitted to 2.0 m proposed and to reduce the minimum distance between the two dwellings from 4.5 m permitted to 3.8 m proposed.

The rear lot line, on the south side of the property, abuts the side lot line of 611-615 Monterey Road and the requested variance to 2.0 m is consistent with a side yard setback for the RU6 zone. The setback to the east side lot line is larger than required and creates a buffer between the second dwelling and the rear yard of the adjacent property at 535 Monterey Road.

The total buildable area for the second dwelling is relatively limited given the location of the existing house. Reducing the distance between dwellings allows a wider buildable area for the second dwelling without additional impacts to adjacent properties.

Neighbour Consultation

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by individually contacting neighbouring properties within 50 m. No major concerns regarding the requested variances were



identified through this consultation. To date, staff has not been contacted with any questions or concerns about the application.

4.0 Proposal

4.1 Background

In 2007, the owner applied to rezone the subject property from RU1 to RU6 and build a second dwelling with variances to the minimum rear yard and distance between dwellings. The rezoning was adopted and Council authorized the Development Permit / Development Variance Permit on August 5, 2008. The second dwelling was not constructed and the permit lapsed.

The owner has submitted a new Development Permit / Development Variance Permit application to construct the second dwelling. The proposed design has changed somewhat from the original application; however, the siting and associated variances remain the same.

4.2 Site Context

The subject property is located on the southeast side of Monterey Road between Springfield Road and Cactus Road in the City's Rutland Sector. The property is designated S2RES - Single / Two Unit Residential in the Official Community Plan and is within the Permanent Growth Boundary. The surrounding area is primarily single and two dwelling residential development with some institutional uses to the southwest and north.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Single dwelling housing
East	RU1 - Large Lot Housing	Single dwelling housing
South	RU6 - Two Dwelling Housing	Two dwelling housing
West	RU1 - Large Lot Housing	Single dwelling housing

Subject Property Map: 605 Monterey Road

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

Sensitive Infill.² Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCCs) are required to be paid prior to issuance of any Building Permits.
- Operable bedroom windows are required as per the BC Building Code 2012.
- Spatial calculation will be required to allow for unprotected openings for both dwellings.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

- See attached memorandums, dated March 31, 2015.

6.3 Fire Department

- Both dwellings require Class A non-combustible roofing material (e.g. asphalt shingle) and non-combustible siding or stucco.
- The second dwelling shall have a visible address off of Monterey Road.

6.4 FortisBC - Electric

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

7.0 Application Chronology

Date of Application Received:	November 24, 2014
Date Public Consultation Completed:	March 15, 2015

Report prepared by:

Laura Bentley, Planner

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

Reviewed by:



Lindsey Ganczar, Urban Planning Supervisor

Approved by:



Ryan Smith, Urban Planning Manager

Attachments:

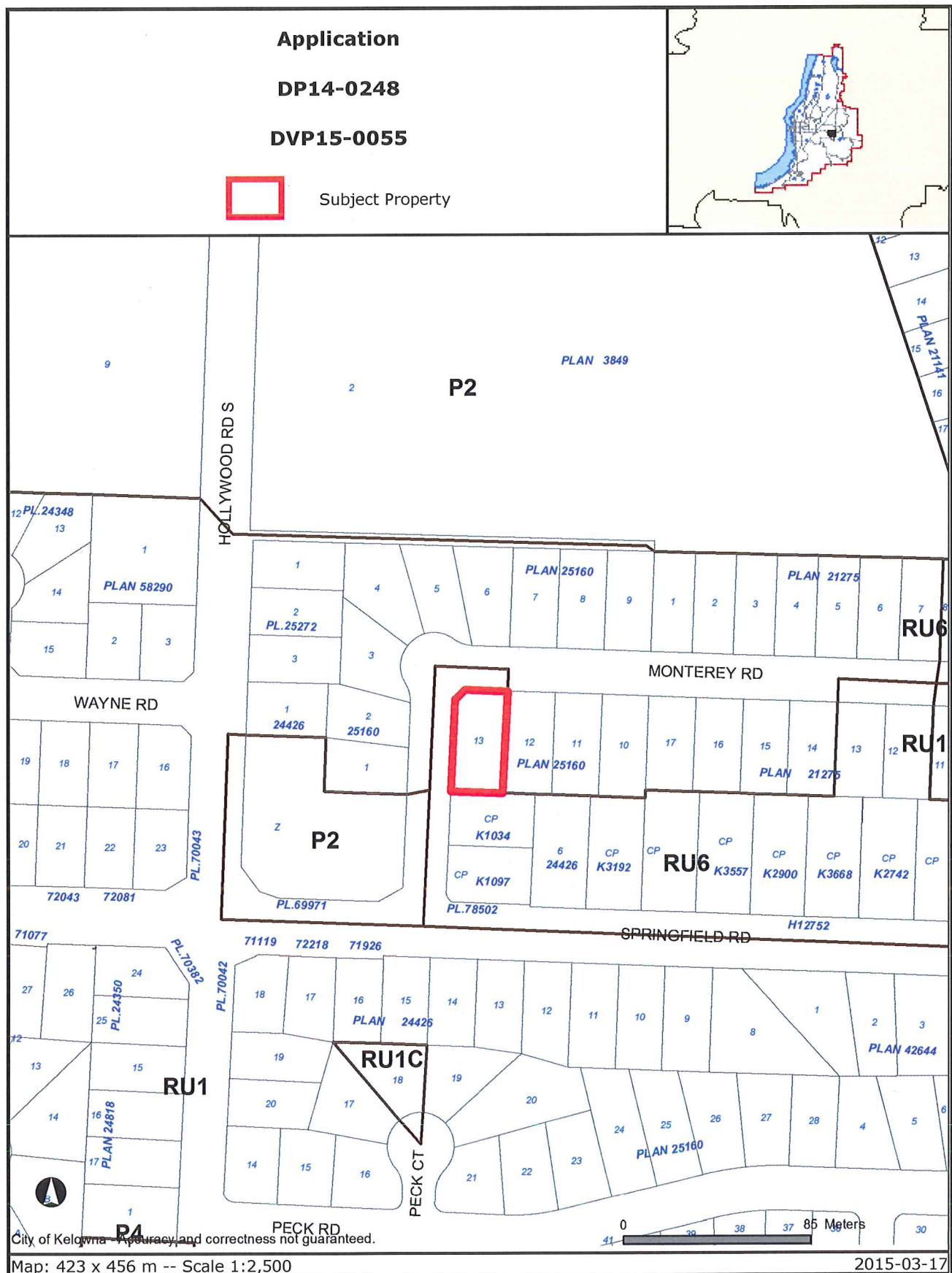
Subject Property Map

Development Engineering Memorandum

Draft Development Permit No. DP14-0248 / Development Variance Permit No. DVP15-0055

Schedule A: Site Plan and Floor Plans

Schedule B: Elevations and Colour Board




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.

CITY OF KELOWNA
MEMORANDUM

Date: March 31, 2015
File No.: DP14-0248
To: Urban Planning Services (LB)
From: Development Engineering Manager (SM)
Subject: 605 Monterey Rd Road – Lot 13, Plan 25160, Sec. 23, Twp. 26, ODYD

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

1. General
 - a) The servicing requirements were addressed at the rezoning under file Z07-0011.
 - b) The Specified Area #23 charges (2 Single Family Equivalent) were paid in 2008.
 - c) This Development Permit application does not trigger any additional offsite upgrades.



Steve Muenz, P.Eng.
Development Engineering Manager

B²

CITY OF KELOWNA
MEMORANDUM

Date: March 31, 2015
File No.: DVP15-0055
To: Urban Planning Services (LB)
From: Development Engineering Manager (SM)
Subject: 605 Monterey Rd Road – Lot 13, Plan 25160, Sec. 23, Twp. 26, ODYD

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

1. General
 - a) The rear yard setback and the building separation distances reduction does not compromise any Municipal Services.



Steve Muenz, P.Eng.
Development Engineering Manager

B²

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

- ☐ Development Permit No.: DP14-0248
☐ Development Variance Permit No.: DVP15-0055

EXISTING ZONING DESIGNATION: RU6 - Two Dwelling Housing
WITHIN DEVELOPMENT PERMIT AREA: Intensive Residential - Carriage House / Two Dwelling Housing
DEVELOPMENT VARIANCE PERMIT: To vary the minimum rear yard for a 1 or 1 ½ storey portion of a building from 6.0 m permitted to 2.0 m proposed.
To vary the minimum distance between two single detached housing units from 4.5 m permitted to 3.8 m proposed.

ISSUED TO: Marcel Gal
LOCATION OF SUBJECT SITE: 605 Monterey Road

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	13	23	-	26	ODYD	25160

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:

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

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

Section 13.6.6(e): RU6 – Two Dwelling Housing Development Regulations

To vary the minimum rear yard for a 1 or 1 ½ storey portion of a building from 6.0 m permitted to 2.0 m proposed for those portions of the building shown on Schedule "A".

Section 13.6.6(g): RU6 – Two Dwelling Housing Development Regulations

To vary the minimum distance between two single detached housing units from 4.5 m permitted to 3.8 m proposed.

AND FURTHER THAT this Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

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 two years of the date of this Permit, this Permit shall lapse.

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

THIS Permit IS NOT A BUILDING Permit.

3. **PERFORMANCE SECURITY:**

None required.

4. **APPLICANT'S AGREEMENT:**

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Director of Community Planning & Real Estate.

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

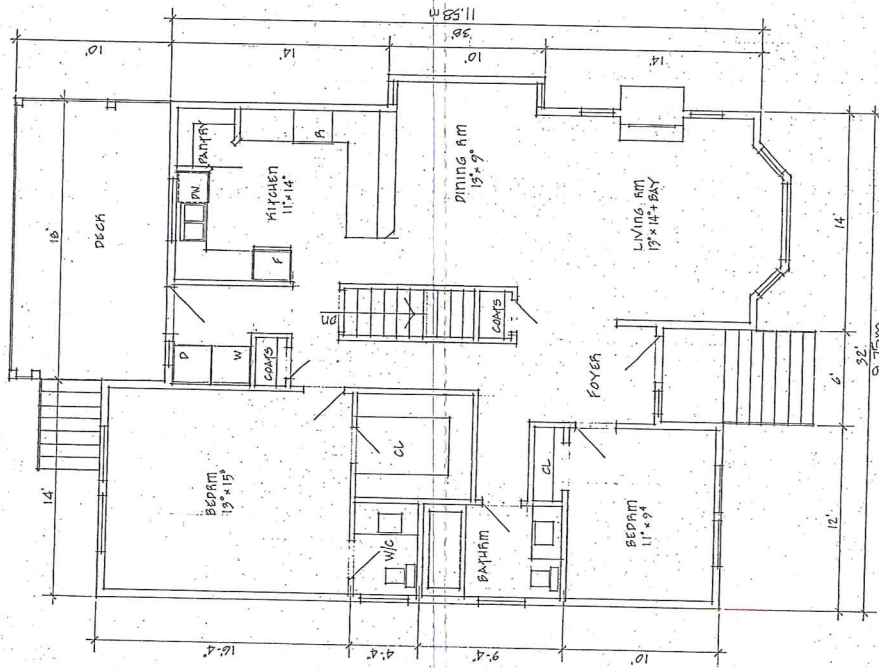
Telephone No.

5. APPROVALS:

DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE ____ DAY
OF _____, 2015.

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF
_____, 2015 BY THE URBAN PLANNING MANAGER.

Ryan Smith, Urban Planning Manager
Community Planning & Real Estate



BEDRM
13' x 15'

KITCHEN
11' x 14'

11' x 9'

DINING RM
13' x 9'

LIVING RM
13' x 14' + BAY

BEDRM
11' x 9'

BATHRM

WIC

CL

CL

FOYER

MAIN FL.: 1248 sq ft

BASMENT: 1092 sq ft (GARAGE: 400 sq ft REMAINDER: 600 sq ft)

Project: 605 MONTEREY RD.

FLOOR PLANS

SCALE: 1/4" = 1'-0"
DATE: FEB 15
DRAWN BY: DAI

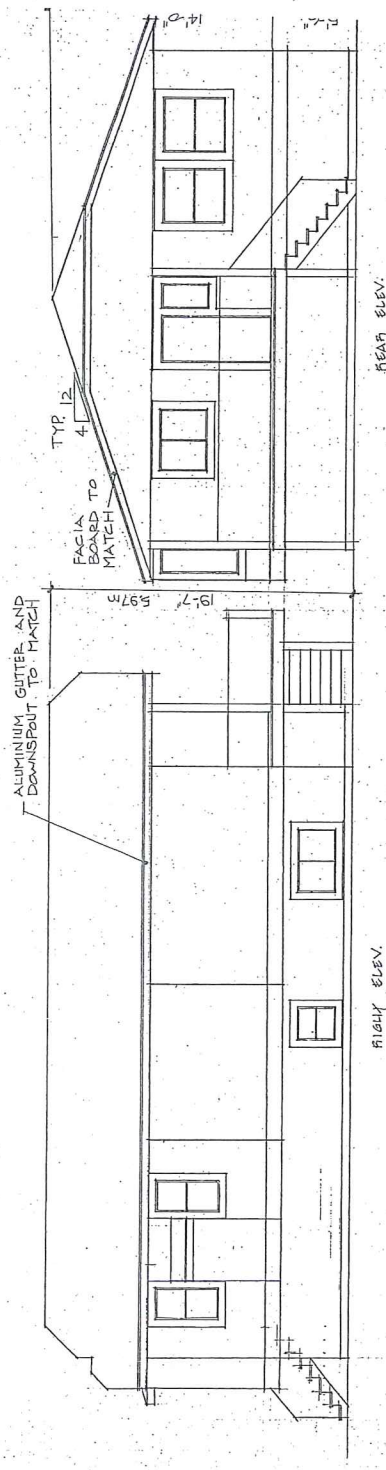
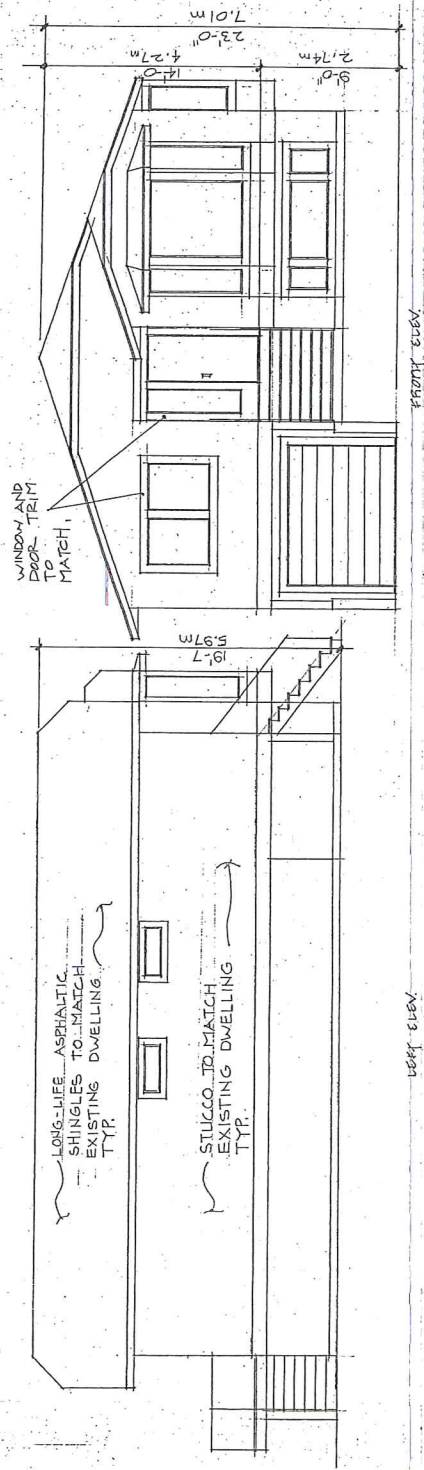
Sheet: 2 of 3
PLAN: RH-15-03

SCHEDULE A

This forms part of development

Permit # DP14-02481

DWP15-0055



PROJECT: 605 MONTEREY RD	ELEVATIONS	SCALE: 1/4"=1'-0" DATE: FEB 15 DRAWN BY: ALI	SHEET: 3 OF 3 PLAN: RH-1502
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SCHEDULE B

This forms part of development

Permit # **DP14-03461**

DP15-0055

SCHEDULE " "

This forms part of development
Permit # DPO__-0____

SCHEDULE B

This forms part of development

Permit # DPA-02481

DWP15-0055

The following finishes are proposed for the Principal and Secondary Dwellings:

Roofing Material: Asphalt
Colour: shingles
Light grey

Main Body:

Material: Stucco
Colour: Grey

Second Colour/Accent Colour:
(If applicable):

Material:
Colour:

Window/Door/Trim Colour:

Material: Vinyl
Colour: white

