# City of Kelowna Regular Council Meeting AGENDA



Monday, November 18, 2013 1:30 pm Council Chamber City Hall, 1435 Water Street

				Pages	
1.	Call to Order				
	This meeting is open to the public and all representations to Council form part of the public record. A live audio feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.				
2.	Confirmation of Minutes 3				
	Regular PM Meeting - November 4, 2013				
3.	Development Application Reports & Related Bylaws				
	3.1	Rezoning Application No. Z13-0020 - 3131 Lakeshore Road, Trustees of the Congregation of St. Paul's United Church			
	To rezone the subject property to C4 - Urban Centre Commercial to permit a mixed use development and a new mixed use 'arts and worship centre'.				
		3.1.1	Bylaw No. 10895 (Z13-0020) - 3131 Lakeshore Road, Trustees of the Congregation of St. Paul's United Church	42 - 42	
			To give Bylaw No. 10895 first reading.		
	3.2	Text Amendment Application No. TA13-0008 - Addition of Thift Stores as Primary Use in I4, C4, C7 and C10 Zones			
		To add 'Thrift Stores' as a permitted "Principal Use" within the I4-Central Industrial Zone, C4-Urban Centre Commercial Zone, C7-Central Business Commercial Zone and the C10-Service Commercial Zone.			
		3.2.1	Bylaw No. 10896 (TA13-0008) - Thrift Store Text Amendments to City of Kelowna Zoning Bylaw No. 8000	46 - 46	
			To give Bylaw No. 10896 first reading.		

#### 3.3 Agricultural Land Reserve Appeal Application No. A13-0011 - 3053-3057 Dunster Road, Friedelgunde (Gunde) Volk, Kenneth Volk & Edeltraut Hattenbach

The applicant is requesting permission from the Agricultural Land Commission (ALC) for a "Subdivision of Agricultural Land Reserve" under Section 21(2) of the Agricultural Land Commission Act. The subdivision is more specifically a "Homesite Severance" request as per ALC Policy #11 - Homesite Severance on ALR Lands.

**3.4 Rezoning Application No. Z11-0082, Extension Request - 4165 Wallace Road**, 59 - 61 Bernard & Christine Ross

To extend the date for adoption of Zone Amending Bylaw No. 10755 from October 2, 2013 to October 2, 2014. To consider a final extension to facilitate the rezoning of the subject property fromthe A1 - Agriculture 1 zone to the A1c - Agriculture 1 with Carriage House zone in order to allow the applicant time needed to prepare to legalize an existing suite within an accessory building. The applicant is requesting additional time to deal with registration of a restrictive covenant on title to control use of the mobile home on site.

- 4. Mayor and Councillor Items
- 5. Termination

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## City of Kelowna Regular Council Meeting Minutes

Date: Location: Monday, November 4, 2013 Council Chamber City Hall, 1435 Water Street

Councillor Mohini Singh

Council Members Present: Mayor Walter Gray and Councillors Colin Basran\*; Andre Blanleil\*, Maxine DeHart, Gail Given, Robert Hobson, Luke Stack and Gerry Zimmermann

Council Members Absent:

Staff Present:

City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Divisional Director, Corporate & Protective Services, Rob Mayne\*; Manager, Urban Planning, Ryan Smith\*; Director, Subdivision, Agriculture & Environment Services, Shelley Gambacort\*; Manager, Subdivision, Agriculture & Environment Services, Todd Cashin\*; Manager, Long Range Planning, Gary Stephen\*; Planner Specialist, Graham March\*; Parking Operations Coordinator, Dave Duncan\*; Manager, Public Works, Darryl Astofooroff\*; Traffic Technician, Laurens Campbell\*; Director, Development Services, Mo Bayat\*; Fire Chief, Jeff Carlisle\*; Manager, Parks Services, Ian Wilson\*; Urban Forest Health Technician, Andrew Hunsberger\*; Manager, Property Management, Ron Forbes\*; and Council Recording Secretary, Sandi Horning

(\* denotes partial attendance)

## 1. Call to Order

Mayor Gray called the meeting to order at 1:37 p.m.

Mayor Gray advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

#### 2. Confirmation of Minutes

#### Moved By Councillor Zimmermann/Seconded By Councillor Given

<u>**R694/13/11/04</u>** THAT the Minutes of the Regular PM Meetings of October 21, 2013 and October 28, 2013, and the Chauffeur's Permit Appeal Hearing of October 22, 2013 be confirmed as circulated.</u>

Carried

#### 3. Development Application Reports & Related Bylaws

# 3.1. Official Community Plan Bylaw Amendment Application No. OCP13-0012 and Rezoning Application No. Z13-0019 - 2049 Byrns Road, Margarita Littley

Staff:

- Displayed a PowerPoint Presentation and summarized the application before Council.

Councillor Blanleil joined the meeting at 1:40 p.m.

Staff:

- Responded to questions from Council.
- Clarified what staff is proposing with the 'alternate' recommendation in the Report to Council.
- Expressed a concern with the public consultation process proposed by the Applicant.

Mayor Gray invited the Applicant, or Applicant's Representative, to come forward.

Tony Lockhurst, Applicant's Representative:

- Thanked staff for their work on the file.
- Advised that the recommendation proposed by staff does not meet the family's requirements at this time. He wants to provide affordable housing for the family as well as financial support.
- Advised that the suite has been updated and is very nice.
- Expressed a concern with the recommendation to decommission the suite as he believes that the suite provides needed affordable housing.
- Responded to questions from Council.
- Believes that the suite is legally, non-conforming based on the regulations in place at the time of the purchase of the property.
- Advised that currently his son occupies the suite downstairs and the objective is to move him into one of the new duplexes.
- Believes that the duplex and carriage house meets the BC Building Code.
- Confirmed that a family member would be residing in the lower portion of the duplex and that he will not necessarily rent the suite to a non-family member.
- The whole reason for the application is to keep the family together and to provide affordable housing for his family members.

#### Staff:

- It is staff's understanding that the Building Permit for the carriage house was issued prior to 1973.
- There are a number of Affidavits from neighbours confirming that the carriage house was constructed and occupied in 1972.
- The units in the front are legal, non-conforming; however, the unit in the back has never been legalized. The Building Permit in 1972 was issued for a garage.
- Clarified that anything that is non-conforming must be brought into conformity with current regulations and that is why this application is before Council.

Margarita Littley, Applicant:

- Advised that she purchased the property because of the suites so that she could keep her family together and provide affordable housing for her children.
- Didn't think that the proposal would cause such a big deal until she made application to the City.

Deputy City Clerk:

- Provided clarification on procedure with respect to the alternate recommendation and responded to questions from Council.

#### Moved By Councillor Stack/Seconded By Councillor Hobson

<u>**R695/13/11/04</u>** THAT Council defers consideration of Official Community Plan Bylaw Amendment Application No. OCP13-0012 and Rezoning Application No. Z13-0019 for the property located at 2049 Byrns Road;</u>

AND THAT Council directs staff to work with the Applicant on an alternate proposal and report back to Council.

<u>Carried</u>

3.2. Agricultural Land Reserve Appeal Application No. A13-0007 - 700 Hwy 33 E, Hillcrest Farm Market Inc./Chanchal Bal

Councillor Basran declared a conflict of interest as the Applicant is a direct relative and left the meeting at 2:13 p.m.

Staff:

- Displayed a PowerPoint Presentation and summarized the application before Council.
- Provided an overview of the history of the property.
- Advised that the cafe has been in operation since 2012 without a Business Licence.

Mayor Gray invited the Applicant, or Applicant's Representative, to come forward.

Chancel Bal, Applicant:

- His family has been farming the subject property since the early 1940's. For years the property sat idle until his branch of the family purchased the property and decided to farm it.
- Believes that the farm and café should be considered an 'agri-tourism' operation.
- Advised that some of the facts stated in the Report to Council are incorrect.
- Advised that he applied for a Building Permit in early Spring of 2010 and that it took City staff approximately 7-8 months to approve the project. He was issued a Building Permit in November of 2010.
- Stated that it is incorrect that he constructed the building contrary to the Building Permit that was issued. The commercial kitchen was constructed in a way that was approved by City Building Inspectors.
- Displayed a drawing of the café that was submitted to City staff.
- Thought he was developing the site in accordance with the City's and Agricultural Land Commission's regulations.
- Expressed a concern that the City and Agricultural Land Commission's regulations are not clearly defined.
- Stated that he grows 98% of the goods that are sold at the Farmer's Market on the site.
- Believes that he is preserving land just like wineries and cideries and therefore he should be allowed the same type of operation on farm land that is currently being allowed on winery and cidery sites.
- Believes that he is preserving agriculture.
- Responded to questions from Council.

- Believes that he followed all of the City and Agricultural Land Commission's rules that were in place, but that there was a misunderstanding as to 'interpretation' of those rules.
- Advised that his contractor lead him to believe that a sign permit was not required as the site is on agricultural lands.
- Noted that the City's Agricultural Advisory Committee supported the application.

#### Staff:

- Responded to questions from Council.
- Clarified the City's records with respect to the Building Permit that was originally applied for.
- Displayed a copy of the original Building Permit that was issued.
- Provided clarification regarding the original Building Permit that was applied for. Once the Building Permit was submitted and staff understood that a commercial kitchen was proposed, staff worked with the Applicant to ensure that commercial kitchen was constructed to code.
- In 2010, when the original Building Permit was issued, there was no discussion of a potential café being considered for the site.

City Manager:

- Provided comment regarding the next steps in the process.

#### Moved By Councillor Zimmermann/Seconded By Councillor Blanleil

THAT Agricultural Land Reserve Appeal Application No. A13-0007 for Lot A, Section 24, Township 26 Osoyoos Division Yale District Plan EPP7145, located at 700 Highway 33 E, Kelowna, B.C. for a non-farm use of agricultural land in the Agricultural Land Reserve, pursuant to Section 20(3) of the Agricultural Land Commission Act, be supported by Municipal Council;

AND THAT the Municipal Council directs staff to forward the subject application to the Agricultural Land Commission for consideration.

#### Amendment Moved By Councillor Hobson/Seconded By Councillor Stack

**R696/13/11/04** THAT Council's support for Agricultural Land Reserve Appeal Application No. A13-0007 be subject to compliance with all City of Kelowna Bylaws, including applying for any necessary variances to City of Kelowna Zoning Bylaw No. 8000.

#### **Carried**

The original motion, as amended, was then voted on as follows:

#### Moved By Councillor Zimmermann/Seconded By Councillor Blanleil

**R697/13/11/04** THAT Agricultural Land Reserve Appeal Application No. A13-0007 for Lot A, Section 24, Township 26 Osoyoos Division Yale District Plan EPP7145, located at 700 Highway 33 E, Kelowna, B.C. for a non-farm use of agricultural land in the Agricultural Land Reserve, pursuant to Section 20(3) of the Agricultural Land Commission Act, be supported by Municipal Council subject to compliance with all City of Kelowna Bylaws, including applying for any necessary variances to City of Kelowna Zoning Bylaw No. 8000;

AND THAT the Municipal Council directs staff to forward the subject application to the Agricultural Land Commission for consideration.

Councillors Given and Stack - Opposed.

## 3.3. Rezoning Application No. Z13-0033 - 868 Liban Ct, Laryn & Judith Penner

Councillor Basran rejoined the meeting at 3:27 p.m.

#### Staff:

Displayed a PowerPoint Presentation and summarized the application before Council.

#### Moved By Councillor Stack/Seconded By Councillor Basran

**R698/13/11/04** THAT Rezoning Application No. Z13-0033 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 4, Section 29, Township 26, Osoyoos Division Yale District, Plan 25918, located on 868 Liban Court, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU1c- Large Lot Housing with Carriage House zone be considered by Council;

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

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

**Carried** 

#### 3.3.1. Bylaw No. 10894 (Z13-0033) - 868 Liban Court, Laryn & Judith Penner

Moved By Councillor DeHart/Seconded By Councillor Zimmermann

R699/13/11/04 THAT Bylaw No. 10894 be read a first time.

Carried

3.4. Official Community Plan Bylaw Amendment Application No. OCP13-0015, Proposed Housekeeping Amendments (BL10887)

#### Staff:

- Summarized the housekeeping amendments.
- Displayed maps indicating the proposed Official Community Plan Land Use Amendments.
- Provided an overview of the public consultation process followed by staff in addition to the Public Hearing.

#### Moved By Councillor Zimmermann/Seconded By Councillor Basran

<u>**R700/13/11/04</u>** THAT OCP Bylaw Text Amendment No. OCP13-0015 to amend Kelowna 2030 - Official Community Plan Bylaw No. 10500 as outlined in the Report of the Planner Specialist dated November 4, 2013 be considered by Council;</u>

AND THAT Council considers the public process outlined in the Report of the Planner Specialist dated November 4, 2013 to be appropriate consultation for the purpose of Section 879 of the Local Government Act;

AND FURTHER THAT OCP Bylaw Text Amendment No. OCP13-0015 be forwarded to a Public Hearing for further consideration;

#### <u>Carried</u>

## 3.4.1. Bylaw No. 10887 - OCP13-0015 Housekeeping Amendments

## Moved By Councillor Stack/Seconded By Councillor Given

R701/13/11/04 THAT Bylaw No. 10887 be read a first time;

AND THAT the Bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

**Carried** 

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# 3.5. Official Community Plan Bylaw Amendment Application No. OCP13-0016, Proposed Miscellaneous Amendments (BL10888)

Staff:

- Summarized the miscellaneous amendments being proposed.

#### Moved By Councillor Hobson/Seconded By Councillor Given

<u>**R702/13/11/04</u>** THAT OCP Bylaw Text Amendment No. OCP13-0016 to amend Kelowna 2030 - Official Community Plan Bylaw No. 10500 as outlined in the Report of the Planner Specialist dated November 4, 2013 be considered by Council;</u>

AND THAT Council considers the public process outlined in the Report of the Planner Specialist dated November 4, 2013 to be appropriate consultation for the purpose of Section 879 of the Local Government Act;

AND FURTHER THAT OCP Bylaw Text Amendment No. OCP13-0016 be forwarded to a Public Hearing for further consideration;

## Carried

## 3.5.1. Bylaw No. 10888 - OCP13-0016 Miscellaneous Amendments

Moved By Councillor Hobson/Seconded By Councillor Basran

R703/13/11/04 THAT Bylaw No. 10888 be read a first time;

AND THAT the Bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

#### Carried

## 4. Non-Development Reports & Related Bylaws

#### 4.1. Free Downtown Parking

#### Moved By Councillor Hobson/Seconded By Councillor Blanleil

<u>**R704/13/11/04</u>** THAT Council receives for information, the report from the Director of Real Estate dated October 21, 2013, with respect to Free Downtown Parking on Saturdays in December;</u>

AND THAT Council approves free on-street parking in the Downtown area on the following Saturdays in 2013:

December 7, December 14, December 21, and December 28.

Carried

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#### 4.2. Rio Drive

Staff:

- Provided an overview of the proposed temporary speed bumps and responded to questions from Council.
- The permanent road will be constructed in 2014.

City Manager:

- Will have staff report back to Council with respect to the transportation network planning for the Wilden development area.

#### Moved By Councillor Hobson/Seconded By Councillor Stack

<u>R705/13/11/04</u> THAT Council receives, for information, the report from the Public Works Manager dated November 4, 2013 with respect to Rio Drive;

AND THAT Council directs staff to install two (2) temporary speed humps on Rio Drive as outlined in the Report of the Public Works Manager dated November 4, 2013.

<u>Carried</u>

#### 4.3. RCMP 2013 2014 Priorities - General

Divisional Director, Corporate & Protective Services:

- Advised that this is a housekeeping item and provided an overview of the 2013/2014 priorities.
- Responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Stack

**R706/13/11/04** THAT Council receives, for information, the Report from the Divisional Director, Corporate & Protective Services dated October 30, 2013 regarding the 2013/2014 RCMP Priorities;

AND THAT the priorities set for 2013/2014 collectively be Organized Crime, Police and Community Relations, Road Safety and Family Violence;

AND FURTHER THAT Council directs staff to continue to include Council, City Staff and key stakeholders in discussions regarding the setting of future policing priorities.

**Carried** 

#### 4.4. Balcony Sprinklers

Staff:

- Summarized the legislative options and staff's course of action for improving the fire protection requirements of the BC Building Code for balconies in new construction.
- Responded to questions from Council.

#### Moved By Councillor Hobson/Seconded By Councillor Zimmermann

<u>**R707/13/11/04</u>** THAT Council receives, for information, the Report from Development Services Director dated November 04, 2013, with respect to the condominium fires and balcony sprinklers update for new constructions.</u>

#### **Carried**

#### 4.5. Fire Prevention for Multi-Residential Structure Balconies

Fire Chief:

- Provided an overview of the Fire Department's analysis and recommended approach to reduce the occurrences of balcony fires in multi-residential structures.
- Responded to questions from Council.
- Will follow up with insurance companies in order to determine whether or not insurance premiums increase if strata complexes and condominiums allow barbeques and smoking on balconies.

#### Moved By Councillor Given/Seconded By Councillor Basran

**<u>R708/13/11/04</u>** THAT Council receives, for information, the Report from the Fire Chief dated November 4, 2013 with respect to the Kelowna Fire Department's (KFD) approach to reducing multi-family residential building balcony fires on existing structures;

AND THAT Council directs the Kelowna Fire Department to expand the public education focus to include workshops for strata managers, strata councils and building owners with an emphasis on balcony fire safety.

**Carried** 

## 4.6. Wildfire Fuel Mitigation Program

Staff:

- Displayed a PowerPoint Presentation.

## Moved By Councillor Blanleil/Seconded By Councillor Hobson

**<u>R709/13/11/04</u>** THAT Council receives, for information, the Report of the Urban Forest Health Technician dated November 4, 2013 regarding the status of the Wildfire Fuel Mitigation Program.

Carried

## 4.7. Rutland Skate Shop Lease

Staff:

- Provided an overview of the Lease.

#### Moved By Councillor Basran/Seconded By Councillor DeHart

**R710/13/11/04** THAT Council approves the City entering into a two (2) year Lease Agreement, with Ms. Una Mak, for the Rutland Arena Skate Shop, with three (3) further one (1) year renewals, in the form attached to the report of the Manager, Property Management, dated October 30, 2013;

AND THAT the Mayor and City Clerk be authorized to execute the Lease document.

Carried

#### 4.8. Stuart Park Skating Rink Contract

#### Staff:

- Provided an overview of License of Occupation.

#### Moved By Councillor Blanleil/Seconded By Councillor Stack

<u>**R711/13/11/04</u>** THAT Council approves the City entering into a one (1) year License of Occupation, with Bladez Skate Shop and Mr. Kevin Laflamme, for the Stuart Park Ice Rink, with four (4) further one (1) year renewals, in the form attached to the Report of the Manager, Property Management, dated October 30, 2013;</u>

AND THAT the Mayor and City Clerk be authorized to execute the License of Occupation.

<u>Carried</u>

#### 4.9. Regional District of Central Okanagan, Community Police Office

#### Staff:

- Provided an overview of the Lease Agreement with the Regional District of Central Okanagan.
- Noted that the subject property would not comply with the RU1 zoning and therefore advised that the recommendation in the staff report should reflect that the property should be rezoned from the P1 Major Institutional zone to the RU2 Medium Lot Housing zone.

Deputy City Clerk:

- Clarified the amendment to the staff's recommendation.

#### Moved By Councillor Hobson/Seconded By Councillor Zimmermann

**R712/13/11/04** THAT Council approves the City entering into a five (5) year Lease Agreement, with the Regional District of the Central Okanagan with the option to renew for an additional five (5) year term, in the form attached to the Report of the Manager, Property Management, dated October 30, 2013;

AND THAT the 2013 Financial Plan be amended for the monthly lease cost and estimated \$81,000 of improvements with funding from existing RCMP contract budget, and that the on-going lease requirements be included in the 2014 Provisional Budget;

AND THAT Council reaffirms the future use of a portion of 4065 Lakeshore Road as parkland as designated in the Official Community Plan for the extension of Belmont Park;

AND THAT Council directs staff to demolish the current building using funds from the Land Sales Reserve;

AND THAT Council directs staff to bring forward the necessary subdivision and rezoning applications in order to subdivide the remainder portion of 4065 Lakeshore Road and to rezone that portion of 4065 Lakeshore Road from the P1 - Major Institutional zone to the RU2 - Medium Lot Housing zone;

AND THAT Council directs staff to dispose of the subdivided and rezoned parcel at a price of no less than market value as determined by the Manager, Real Estate Services with the proceeds being used to replenish the Land Sales Reserve for demolition costs and any remainder to the Water Utility;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute all documents to complete the transactions.

**Carried** 

#### 5. Mayor and Councillor Items

Councillor Stack:

- Commented on the Drive for Life Challenge and noted that Kelowna beat Prince George.

Councillor Zimmermann:

 Commented on his attendance at the Rutland Parks Society's Annual General Meeting on October 30, 2013. Advised that a new executive was elected for the Society, that includes Todd Sanderson as President and Al Horning as Vice-President.

Councillor DeHart:

- Commented on her attendance at the local Ringette Tournament last week and noted that 'Team DeHart' beat 'Team Letnick'.

Councillor Basran:

- Commented on the Rutland Parks Society's Annual General Meeting and the election of a new executive.

Mayor Gray:

- Commented on his recent trip to Kasugai, Japan.
- Displayed a photo of a fire caldron from Scottsdale, Arizona and suggested that something similar be considered near the Stuart Park Skating Rink.

#### 6. Termination

This meeting was declared terminated at 4:58 p.m.

Mayor	
/slh	

Deputy City Clerk

# **REPORT TO COUNCIL**

...



Date:	November 18 <sup>th</sup> , 2013			Kelowna	
RIM No.	1250-30				
То:	City Manager				
From:	Urban Plannin	ng, Community Planning & Real Estate (AW)			
Application: Z13-0020			Owner:	Trustees of the Congregation of St. Paul's United Church	
Address: 3131 Lakesho		re Road	Applicant:	Meiklejohn Architects	
Subject: 2013-11-18		eport Z13-0020 3131 La	akeshore Road	ł	
Existing OCP Designation:		Mixed Use (Residential / Commercial)			
Existing Zone:		P2 - Educational & Minor Institutional			
Proposed Zone:		C4 - Urban Centre Commercial			

## 1.0 Recommendation

THAT Rezoning Application No. Z13-0020 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, D.L. 14 & 135, ODYD, Plan 34984 Except Plans 35454 and KAP67299, located at 3131 Lakeshore Road from P2 - Educational & Minor Institutional to C4 - Urban Centre Commercial be considered by Council;

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

AND THAT final adoption of the Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject properties;

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

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the submission of a plan of subdivision to subdivide the property.

#### 2.0 Purpose

To rezone the subject property to C4 - Urban Centre Commercial to permit a mixed use development and a new mixed use 'arts and worship centre'.

## 3.0 Land Use Management

The subject properties are located in the heart of the South Pandosy Urban Centre. The proposal represents a unique opportunity to maintain and enhance the religious and arts assembly within the Urban Centre while introducing a mixed use project. Redeveloping the subject property will achieve various objectives within the 2030 OCP.

## OCP Future Land Use Designation

The existing Mixed Use (Residential / Commercial) designation is intended to provide a mix of uses to support the principles of live, work, play for this urban centre. The proposed development offers a very interesting mix of retail, office, residential and religious assembly uses which will create a true mixed use project. Taking these details into consideration and recognizing the mix of uses and objectives that must be achieved within the South Pandosy Urban Centre, this project would be a welcomed addition to the area.

## Site Context

This large impermeable commercial block of properties bordered by Lakeshore, KLO, Richter and Lanfranco has always presented a challenge for the redevelopment of this portion of the South Pandosy Town Centre as a vibrant pedestrian oriented node. This project will help to create connections and draw pedestrians into the middle of this commercial block in what is presently an auto oriented mall. By introducing additional densities and uses into this large block will help to further the focus to more infill development opportunities, similar to the new KPMG building fronting Richter Street. Proximity to the main commercial core of the urban centre also lends itself to a strong argument of ensuring 'complete communities' with residential and religious assembly uses that would attract a broader demographic to the area.

## Site Planning

The applicant will be applying a similar level of streetscaping that can be found within the commercial core of the South Pandosy Urban Centre which will help to improve pedestrian mobility in the area. The project has a strong street edge condition along Lakeshore Road that helps to animate the streetscape while de-emphasizing the parking to be sited at the rear of the project. Along KLO Road site access will be cleaned up and consolidated with the westerly property, this will reduce the number of access points along this busy section of road from three to two.

In summary, Staff are supportive of the proposed development. It will help to introduce more retail, office and residential uses within this important town centre location. The building and site design are appropriate forms of development that will help to animate and draw people to the South Pandosy Urban Centre. The applicant has provided renderings of what can be provided on site but it is expected that some of the details will change as the concept is refined, these will be settled when the Development Permit is forwarded at a later date should council support the proposed rezoning application. The applicant held a Public Information meeting on June 11<sup>th</sup>, 2013 which satisfied Council Policy #367 with regards to public consultation and notification.

## 4.0 Proposal

## 4.1 Project Description

The project features two different forms organized into one comprehensively planned development. It is anticipated that the project will be modified prior to final adoption but

overall mix of uses and general format of the project will remain unchanged. The mixed use building fronting Lakeshore Road provides a strong street edge with an active retail frontage, this retail frontage also runs the northern length of the building. This feature will help draw people from Lakeshore Road. The 1<sup>st</sup> storey will accommodate the underbuilding parking which is wrapped with CRU's to animate the frontage, the 2<sup>nd</sup> storey is comprised of office space while the 3<sup>rd</sup> and 4<sup>th</sup> storeys will accommodate residential units of varying sizes. The Arts & Worship centre is located at the rear of the property which will also help draw people onsite. The modern building features a large stage with various other amenities for art studios and flex space. Parking for this component will be at grade and occupy the entire northern portion of the property up to KLO road, Staff will be working with the applicant to help enhance the aesthetics of the surface parking lot.

Zoning Analysis Table					
CRITERIA	C4 ZONE REQUIREMENTS	C4 PROPOSAL			
Development Regulations					
Floor Area Ratio	1.3	1.3 15.0m / 4 Storeys			
Height	15.0m / 4 Storeys				
Front Yard	0.0m	0.0m			
Side Yard (south)	0.0m	4.4m 15.0m 0.0m			
Side Yard (north)	0.0m				
Rear Yard	0.0m				
Site Cov Buildings Buildings, driveways & Parking	75% N/A	51% N/A			
Other Regulations					
Minimum Parking Requirements	72 Stalls	72 Stalls			
Bicycle Parking	Class I: 11 stalls Class II: 6 stalls	Class I: 22 stalls Class II: 6 stalls			
Loading stalls	1 stall	1 stall			

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

## 4.2 Site Context

The subject property is located within the heart of the South Pandosy Urban Centre where the existing St. Paul's church is located.

Orientation	Zoning	Land Use		
North	C4 - Urban Centre Commercial	Commercial		
East C4 - Urban Centre Commercial		Commercial		
South	C4 - Urban Centre Commercial	Commercial		
West	C4 - Urban Centre Commercial	Commercial		

Specifically, adjacent land uses are as follows:

#### Subject Property Map:



- 5.0 Current Development Policies Kelowna Official Community Plan 2030 (OCP)
- 5.1 <u>Development Process (Chapter 5) Considerations in Reviewing Development Applications</u>

Ensure appropriate and context sensitive built form (Objective 5.5)

**Building Height** (Policy .1). Locate taller buildings in the geographic centre of Urban Centres and generally decrease height moving away from the centre, to a maximum of 4 storey's at the periphery of the Urban Centres, where adjoining land is designated for single/two unit housing.

South Pandosy: Generally 4 storey's. Six storey's within C4 or C9 zoned areas. Potential for 8 storey's where an architecturally distinct and significant buildings is placed at a corner, gateway or view terminus location that is of significance to the community or where a building is of cultural significance to the community.

## Objective 5.8 Achieve high quality urban design.

Streetscaping (Policy 2). Urban Centre roads should be considered as part of the public space and streetscaped with full amenities (i.e. sidewalks, trees and other planting, furniture, bike facilities, boulevards, etc.).

Ensure opportunities are available for greater use of active transportation and transit to: improve community health; reduce greenhouse gas emissions; and increase resilience in the face of higher energy prices (Objective 5.10)

**Maximize Pedestrian / Cycling Connectivity.** Require that pedestrian and cyclist movement and infrastructure be addressed in the review and approval of all City and private sector developments, including provision of sidewalks and trails and recognition of frequently used connections and informal pedestrian routes.

**Transit Infrastructure.** Require that transit service needs to be integrated into community designs and development proposals to optimize access to transit service and incorporate essential infrastructure on transit routes identified.

#### Objective 5.20 Achieve high quality urban design and appropriate land uses.

South Pandosy Urban Design (Policy 2). Ensure that the urban design for South Pandosy clearly differentiates this commercial district from others in the City and interior of BC. To this end, redevelopment should:

• encourage the development of landmark buildings at key intersections within the precinct and at the terminus of significant sight lines. Landmark buildings should be distinguished from other buildings through the conscientious use of siting, common entrances, additional storey's, articulation of the footprint or roof-line, decorative structures, colour and other means appropriate to the setting and desired effect.

#### 6.0 Technical Comments

- 6.1 Building & Permitting Department
  - Demolition permits are required for any existing building(s).
  - Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s) for new construction
  - These buildings are required to be of non-combustible construction. Any proposed deviance from this requirement of BCBC 12 requires an approved alternate solution report approved prior to the release of the Development Permit.
  - A minimum Geodetic Elevation of 343.66 meters is required for all habitable spaces
  - A Geotechnical report is required to address the sub soil conditions and potential impact on neighbouring properties. A Geotechnical pier review may be required at time of building permit application.
  - A Structural pier review may be required at time of building permit application.
  - A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
  - The British Columbia Building Code (BCBC) will define this development as two separate buildings, so if firewalls or equivalents are to be utilized, a complete building code analysis would be required to be reviewed prior to complete comments being provided for the spatial separation between the two buildings.
  - Main floor man doors in building B appear to open over property line.
  - The exits from the second floor appear to not appear to meet minimum code requirements (number of exits, travel distance etc). The third and fourth floors appear to have a dead end corridor.

- Door swing and travel distances to be addressed at time of building permit application
- Guards are required for patio areas & all decks. The drawings provided don't clearly identify these requirements, but will be reviewed at time of building permit application.
- A fire resistance rating is required for garbage enclosure room(s). The drawings submitted for building permit are to clearly identify how this rating will be achieved and where these area(s) are located.
- Access to any mechanical rooms at roof level are required or access to the roofs are required
- Size and location of all signage to be clearly defined as part of the development permit.
- How does the parking on the east side (existing mall) work from an access agreement allowance?
- Awnings over city property require an indemnification agreement(s).
- 6.2 Development Engineering Department

See Attached.

6.3 Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900. The Subdivision Bylaw #7900 requires a minimum of 150ltr/sec fire flows. The access road is to be a minimum of 6M in width with no parking signs provided along the roadway. Additional comments will be required at the building permit application.

6.4 Fortis BC - Gas

FortisBC gas division has reviewed the above mentioned referral and has no concerns

6.5 Fortis BC - Electric

No comment provided.

6.6 Infrastructure Planning

The sketches submitted with this rezoning application show approximately 40 trees, however the site plan does not seem to provide any room for planting beds, therefore it is requested that the applicant provide a planting plan to explain the location of the proposed landscaping.

## 7.0 Application Chronology

Date Application Received: April 26<sup>th</sup>, 2013 Applicant Hosted Public Open House: June 11<sup>th</sup>, 2013 Transportation Impact Assessment Complete: October 10<sup>th</sup>, 2013

## Report prepared by:

Alec Warrender, Land Use Planner

**Reviewed by:** Ryan Smith, Manager, Urban Land Use

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

Attachments: Subject Property Map Sit Plan Conceptual Renderings Development Engineering Requirements Applicant's Letter of Rationale Open House Summary



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:October 23, 2013File No.:Z13-0020To:Urban Planning Department (AW)From:Development Engineering ManagerSubject:3131 Lakeshore Rd

The Development Engineering Department has the following comments and requirements associated with this application to rezone from P2 to C4. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

The Development Engineering Technologist for this project is Sergio Sartori

#### General

- a) The postal authorities must be contacted to determine whether or not a "community mailbox" will be utilized, and if so, its location should be determined and the proposed location shown on the construction plans. Please contact the Canadian Post Corporation, Delivery Services, P.O. Box 2110, Vancouver, B.C. V6B 4Z3 (604) 662-1381 in this regard.
- b) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement buildings may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- c) Provide easements and cross access to 595 KLO Road and as may be required.
- d) The proposed development triggers a traffic impact assessment. The applicant's transportation engineer shall contact the City's Transportation & Mobility Branch who will determine the terms of reference for the study. Recommendations from the Traffic Impact Analysis (TIA) have been described in Section 10 (i) to (iv) of this report.

#### 1. Domestic Water and Fire Protection

- (a) The existing lot is serviced with a 19mm diameter water service. The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs.
- (b) Only one service will be permitted per lot. The applicant, at his cost, will arrange for the removal of all existing services and the installation of fire hydrants and new larger metered water services. The estimated cost of this construction for bonding purposes is **\$20,000.00**

P2 to C4

#### Z13-0020 3131 Lakeshore Road C4 REVISED SS.doc

- (c) If it is determined that upgrades to the remaining water distribution system must be made to achieve the required fire flows, additional bonding will be required.
- (d) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost. Boulevard landscaping, complete with underground irrigation system, must be integrated with the on-site irrigation system.
- (e) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures. The City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters.

#### 2. <u>Sanitary Sewer</u>

(a) The developer's consulting mechanical engineer will determine the requirements of these proposed developments and establish the required sizes and preferred location of the new services. Only one service will be permitted per lot. The applicant, at his cost, will arrange for the removal of both existing 150mm diameter services if necessary and the installation of new services if necessary. The estimated cost of this construction for bonding purposes is \$20,000.00

#### 3. <u>Storm Drainage</u>

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

## 4. Road Improvements

- (a) Lakeshore Road is upgraded to full urban standards along the full frontage of this proposed development.
- (b) KLO Road is upgraded to a full urban standard along the full frontage of this proposed development.
- 5. Road Dedication and Subdivision Requirements
  - (a) Grant Statutory Rights Of Way if required for utility services.
  - (b) Provide cross access agreements with the adjacent properties.

#### Z13-0020 3131 Lakeshore Road C4 REVISED SS.doc

(c) If any road dedication or closure affects lands encumbered by a Utility right-ofway (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

#### 6. <u>Electric Power and Telecommunication Services</u>

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

#### 7. Engineering

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

#### 8. <u>Survey Monuments and Iron Pins</u>

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

#### 9. Bonding and Levy Summary

(a) <u>Bonding</u>

Service Upgrades

#### \$45,000.00

#### Total

#### \$ 45,000.00

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

The owner must also enter into a servicing agreement in a form provided by the City.

Z13-0020 3131 Lakeshore Road C4 REVISED SS.doc

#### 10. Development Permit and Site Related Issues

- (a) Access and Manoeuvrability
  - (i) The proposed site access on Lakeshore Rd must be designed to reflect right-in/right-out movements only as permitted.

4

- (ii) Both accesses should be designed with a minimum clear throat length/storage distance of 15m.
- (iii) As identified in the TIA, the existing east-west lane between the subject property and the mall will not be used for access or service purposes.
- (iv) The proposed access on KLO Rd must be aligned directly opposite Tutt St. A separate westbound left turn lane is recommended on KLO Rd for movements onto the site access. The City envisions redesigning this section of KLO Rd for improved pedestrian and bicycle facilities and/or a new crosswalk. This could preclude left turn movements to/from the access in the future.
- (v) An SU-9 standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways.
- (vi) Indicate on the site, the locations of loading bays as well as the garbage and recycle bins.
- 14. Administration Charge

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

Steve Muenz, P. Eng. Development Engineering Manager

SS



November 04, 2013

Alec Warrender, Land Use Planner, MCIP City of Kelowna, 1435 Water Street, Kelowna, BC V1Y 1J4

## The Sanctuary @ St Paul's United

10-1177

#### **DESIGN RATIONALE**

We have attached below our updated Design Rationale for the project

#### THE NEED

The current St. Paul's United Church is in need of renewal. Changing dynamics due to a nationwide shift from conventional church operating structure, an aging congregation and an aging building which no longer reflects the core values nor meets the needs of new ministry prompted renewal and pro-active vision.

#### THE VISION

Five years ago St. Paul's began a vision quest for sustainability and vibrant outreach. The goal and core program proposed the church become the patron of local visual and performing arts and to offer community programs to complement future church programs and synchronize participation of arts and worship.

Changes in local demographics created opportunity for St. Paul's United Church. To create sustainability for the organization St. Paul's organized a comprehensive development strategy to enhance management of its land asset. Through development the organization could realize its new arts and worship centre and sustained income to continue the life, work, ministry and outreach of the church.

#### **NEIGHBORHOOD CHALLENGES**

St. Paul's property is sited within neighboring buildings, laneways, and parking lanes built with deficient planning for vehicular traffic, building servicing and pedestrian movement. The development strategy includes assisting the neighborhood to realize acceptable traffic flow and parking conditions. Key design elements include pedestrian friendly movement, respite areas and functional service lanes, traffic flow and parking ease.

#### ZONING LIMITATIONS

St Paul's United Church property is zoned P2 (Parks and Institutional), a "single-use" zone that prevents the property from contributing to the Commercial Mixed-Use neighborhood envisaged by Kelowna's OCP. We have proposed C-4 zoning to allow the creation of two properties with a more complex and community oriented development of the site than would be allowed under either zone separately. The arts and worship centre and its required parking located on C-4 property with access from KLO. Re-zoning the multi-use building site to C4 will allow the development of retail, office, and residence with access from Lakeshore Road. The results would produce an integrated community plan rather than strictly commercial development with little of the attributes envisaged by the Kelowna community plan...

#### **OCP REFERENCES** - (Highlights from Comprehensive Development Permit Area)

#### 1.0 Authenticity and regional expression

1.4 Incorporate materials that relate to the character of the region and the context of the surrounding neighborhood;

1.6 Provide generous outdoor spaces, including rooftops, balconies, patios and courtyards, to allow residents to benefit from the favorable Okanagan weather;

2.7 Design developments with multiple buildings such that there is a sense of architectural unity or cohesiveness.

3.0 Relationship to the street

3.1 Locate buildings to provide an effective street edge while respecting the established, desired streetscape rhythm;

3.2 Develop visual and physical connections between the public street and private buildings (e.g. patios and spill-out activity, views to and from active interior spaces, awnings and canopies);3.4 Design buildings with multiple street frontages to give equal emphasis to each frontage with

4.0 Massing and height

4.1 Mitigate the actual and perceived bulk of buildings by utilizing appropriate massing, including:

- Visually-interesting rooflines (e.g. variations in cornice lines and roof slopes);
- Step back upper floors to reduce visual impact;
- Detailing that creates a rhythm and visual interest along the line of the building;

Building frontages that vary architectural treatment in regular intervals....

4.3 Design developments with multiple, separate buildings such that individual buildings are of different but compatible shapes, masses, and exterior finishes;

5.0 Human Scale

5.1 Design for human scale and visual interest in all building elevations. This can be achieved principally by giving emphasis to doors and windows and other signs of human habitation relative to walls and building structure;

5.2 Articulate facades by means of indentations and projections of elements (e.g. windows and doors, cornice lines, pilasters, balconies, and other detailing);

5.3 Distinguish key building elements through the use of setbacks, projections, textures, materials, and detailing:

- Base: Within the first few stories, a base should be clearly defined and positively contribute to the quality of the pedestrian environment;

- Middle: The body of the building above the base should contribute to, but not dominate, the physical and visual quality of the overall streetscape;

- Top: The roof should be distinguished from the rest of the building and designed to contribute to the visual quality of the skyline;

5.4 Design building facades with a balance of vertical and horizontal proportions (e.g. vertical elements at regular intervals to strengthen the pedestrian-scale of otherwise horizontal buildings);

201 – 75 FRONT STREET	PENTICTON	BC	V2A 1H2	t: 250.492.3143	e: pen-mai@shaw.ca
233 BERNARD AVENUE	KELOWNA	BC	V1Y 6N2	t: 250.762.3004	e: kel-mai@shaw.ca

5.5 Incorporate windows with vertical proportions. Horizontal glazed areas should be divided into vertically proportioned windows separated by mullions or building structure;

5.6 Incorporate roof overhangs, and the use of awnings, louvers, canopies and other window screening techniques;

5.7 Incorporate windows within enclosed stairwells to exhibit human scale, reduce their visual bulk, and enhance safety;

7.0 Public and private open space

7.1 Design varied and interesting public open space to promote social interaction, ensure continuity of pedestrian movement through the site, and accommodate a range of uses and activities year-round;

7.2 Orient public and private open spaces to take advantage of sunlight

#### THE PROPERTY

St. Paul's United Church occupies 1.6 acres located at 3131 Lakeshore Road in the hub of Pandosy Village. The property has 150 feet of frontage on Lakeshore Road and 60 feet of frontage on KLO Road. The neighborhood is undergoing fundamental change and St. Paul's site is strategic in location to our community.

The property is L-shaped with frontage on both KLO Road and Lakeshore Road as it wraps-around the Mission Square Mall and vacant Imperial Oil corner lot. The unusual L-shape of this property does create very-interesting opportunity. The strategy we have been planning (for over two years) is the development of a civic-cultural centre (arts & worship), placed at the south eastern edge of the property with a landscaped pedestrian corridor connecting to Tutt Street. The commercial, residential "mixed-use", fronting Lakeshore Road will synchronize with neighboring commercial properties and extend east to integrate with the arts and worship centre.

The Arts and Worship Centre emphasizes community gathering and patronage of the local arts. The mixed-use building will combine first floor retail shops and parking with second floor offices and business center. The building's third and fourth floors will become home to twenty-two exclusive residences with a ground level parkade.

The site will create pedestrian friendly, landscaped corridors to support and promote alternate transportation and access within the urban center. Rooftop gardens and green construction integrated with respite areas and social gathering are primary design goals.

Sincerely,

Jim Meiklejohn, MAIBC, MRAIC, LEED<sup>°</sup> AP

201 – 75 FRONT STREET PENTICTON BC V2A 1H2 t: 250.492.3143 e: pen-mai@shaw.ca 233 BERNARD AVENUE KELOWNA BC V1Y 6N2 t: 250.762.3004 e: kel-mai@shaw.ca


Public Information Session - Summary Report St. Paul's United Church, 3131 Lakeshore Rd.

- 1. Where was the information session held?
- 2. At what time and for what duration was the information session held?

In accordance with Council Policy No. 367 for the Sanctuary development property application  $\frac{\# 213-0020}{1000}$ , a Public Information Session was held at 3131 Lakeshore Road on Tuesday, June 11<sup>th</sup>, 2013 from 1:00 – 4:00 pm (3 hours) and 7:00 – 9:00 pm. (2 hours)

3. How was the information session advertised (include copies of all advertising)?

### I. Advertising & Promotion

Prior to the actual event, details regarding the Public Information Session were communicated vis-a-vis:

- 1) Newspaper advertising published May 30<sup>th</sup>, Daily Courier, see Appendix A Circulation: 12, 074 households
- 2) One page flyers distributed May 30<sup>th</sup>, see Appendix B
  # of flyers distributed: 86
- 3) Church bulletins distributed June 9<sup>th</sup>, see Appendix C
  # of bulletins distributed: 125
- 4) Electronic newsletter distributed May 31<sup>st</sup>, see Appendix D
  # of newsletters emailed: 118
- 5) Website http://sanctuarykelowna.com/arts-and-worship/open-house
- 6) Twitter http://twitter.com/info\_sanctuary
- 7) Signage see Appendix E

## 4. How were affected property owners notified of the information session?

#### II. Notification

All properties abutting, adjoining and 50m from the subject property at 3131 Lakeshore Road received a one page flyer (Appendix B) which was personally distributed by a member of the development committee. This individual attempted to speak directly with the business owner or manager at each of the properties and personally invite them and their staff to Public Information Session on June 11<sup>th</sup>, 2013.

### 5. What information was provided at the information session?

#### III. Open House - Overview

The goal of our Public Information Session was to create an Open House atmosphere where the community was invited to drop in to peruse the site plans and design concepts, as well as experience performing and visual arts indicative of the vision for the future Arts & Worship Centre. Upon arrival, visitors were greeted and encouraged to move between the different rooms in which they could find entertainment, visual arts, refreshments and site/ concept plans. Directors from St. Paul's Board and members of the development committee circulated among the groups probing for questions and feedback. A sign-up sheet for those requesting more information was brought to everyone's attention prior to exiting.

#### Illa. Open House – Performing & Visual Arts

Visitors were entertained by musical performances that ranged from songs by the Montessori Preschool children to swing revival tunes by the Little Big Band to percussion drumming by Cyril Moore. SongShine, a music-based vocal therapy group for people with speech afflictions, also entertained visitors demonstrating the healing power of music. Additionally, local visual artists showcased their work for visitors which included acrylic, water colour and mixed media pieces.



Little Big Band



Cyril Moore



Oil paintings by Ron Tuchsen



Watercolors by Loraine Kemp





Mixed media paintings by John Rimes

### 5. What information was provided at the information session? (continued)

**IIIb. Open House – Site Plans & Design Concepts** The site plans and design concepts were broken into 4 main categories:

- 1) Site layout
- 2) Condos
- 3) Retail and Office
- 4) Arts & Worship



Earlier drawings and designs showing the evolution of the overall project were also on display for discussion. As was a fly-by audio-visual presentation of the future design of the Arts & Worship Centre.

St. Paul's United Church Kelowna

### 6. How many people attended the information session?

### IIIc. Open House – Attendance

The overall attendance for both sessions was in excess of 150 people.

The afternoon session from 1:00 - 4:00 pm recorded the most visitors with 139. This was a formidable number considering there was a heavy downpour all afternoon.

The evening session from 7:00 - 9:00 pm recorded 20 visitors.













### St.Paul's United Church Kelowna

# 7. How was the input received at the information session used?

### IIId. Open House - Input

All feedback and comments received at the Open House was logged for reference. Individuals were encouraged to leave their email address on the sign-up sheet, so they could be added to our database for project updates or more information

# 8. Was the information session organized and conducted in a manner consistent with the Objective of this policy?

Yes, the information session was organized and conducted as per the objectives of Council Policy No. 367. The organizing committee worked to make the event and experience inviting, welcoming, informative and memorable.

#### Appendix A



St.Paul's United Church Kelowna

## **CITY OF KELOWNA**

## BYLAW NO. 10895 Z13-0020 - Trustees of the Congregation of St. Paul's United Church 3131 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 1, District Lot 14 & 135, ODYD, Plan 34984 Except Plans 35454 and KAP67299 located on 3131 Lakeshore Road, Kelowna, B.C., from the P2 Educational & Minor Institutional zone to the C4 Urban Centre Commercial 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

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: November 12, 2013

**Rim No.** 1250-04

To: City Manager

From: Ryan Smith, Urban Planning Manager

Subject: Addition of Thrift Stores as Primary Use in I4, C4, C7 and C10 Zones

### Recommendation:

THAT Zoning Bylaw Text Amendment No. TA13-0008 to amend City of Kelowna Zoning Bylaw No. 8000 by amending the I4 Central Industrial Zone, C4-Urban Centre Commercial Zone, C7-Central Business Commercial Zone and C10 Service Commercial Zone, as outlined in "Schedule A" of the Report of the Urban Planning Department dated November 12, 2013, be considered by Council;

AND FURTHER THAT the Text Amendment bylaw be forwarded to Public Hearing for further consideration.

## Purpose:

To add 'Thrift Stores' as a permitted "Principal Use" within the I4-Central Industrial Zone, C4-Urban Centre Commercial Zone, C7-Central Business Commercial Zone and the C10-Service Commercial Zone.

## Background:

In October of 2013, staff received an inquiry from a thrift store looking to relocate to a location in the north end (with an I4-Central Industrial Zone) from a property located on Lawrence Avenue (with a C7-Central Business Commercial zone). After some research, staff discovered that while the land Use of 'Thrift Store' exists in the City's Zoning Bylaw No.8000, it does not appear as a permitted use in any zones where such a use would commonly be located. As such, staff is proposing to add the land use of 'Thrift Store' to several zones where such uses currently are or could practically be located. The following table lists the zones and number of Thrift Stores with business licenses which are currently located in those zones:

Zone	Number of Thrift Stores with Business License
C4 - Urban Centre Commercial	3
C7 - Central Business Commercial	3
C10 - Service Commercial	1
14 - Central Industrial	1



### **Existing Policy:**

Official Community Plan (OCP)

Objective 10.1 Promote social well-being and quality of life by providing facilities and services for all community members.

Policy .1 Distribution of Community Resources. Appropriately distribute and locate community resources (such as libraries, parks, meeting places, community policing, recreation services etc.) so that all neighbourhoods have convenient access.

### Internal Circulation:

**Policy and Planning:** Policy and Planning has no concerns with the proposed amendments.

**RCMP:** The RCMP did not respond to the circulation request.

Considerations not applicable to this report:

Legal/Statutory Authority: Legal/Statutory Procedural Requirements: Financial/Budgetary Considerations: Personnel Implications: External Agency/Public Comments: Communications Comments: Alternate Recommendation:

Submitted by:

R. Smith, Urban Planning Manager

Reviewed by:	Ryan Smith, Urban Planning Manager
Approved for Inclusion	Doug Gilchrist, Acting General Manager, Community Sustainability

### Attachments:

Schedule "A" - Summary of Proposed Text Amendments

## SCHEDULE 'A' Thrift Store Text Amendments TA13-0008

	Zoning Bylaw No. 8000				
No.	No.SectionExisting TextProposed Text		Proposed Text		
1	15.1.2 Principal Uses	n/a	Add: (p) Thrift Stores		
2	14.4.2 Principal Uses	n/a	Add: (pp) Thrift Stores		
3	14.7.2 Principal Uses	n/a	Add: (ss) Thrift Stores		
4	14.10.2 Principal Uses	n/a	Add: (pp) Thrift Stores		

## **CITY OF KELOWNA**

## BYLAW NO. 10896 TA13-0008 - Thrift Store Text Amendments to Zoning Bylaw No. 8000

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 Section 14 Commercial Zones 14.4 C4 Urban Centre Commercial/C4rls -Urban Centre Commercial (Retail Liquor Sales)/C4lp - Urban Centre Commercial (Liquor Primary)/C4lp/rls - Urban Centre Commercial (Liquor Primary/Retail Liquor Sales), 14.4.2 Principal Uses be amended by adding "thrift stores" in its appropriate location and renumbering subsequent sub-paragraphs;
- AND THAT Section 14 Commercial Zones 14.7 C7 Central Business Commercial/C7rls - Central Business Commercial (Retail Liquor Sales)/C7lp -Central Business Commercial (Liquor Primary)/C7lp/rls - Central Business Commercial (Liquor Primary/Retail Liquor Sales), 14.7.2 Principal Uses be amended by adding "thrift stores" in its appropriate location and renumbering subsequent subparagraphs;
- AND THAT Section 14 Commercial Zones 14.10 C10 Service Commercial/C10lp - Service Commercial (Liquor Primary)/C10lp/rls - Service Commercial (Liquor Primary/Retail Liquor Sales), 14.10.2 Principal Uses be amended by adding "thrift stores" in its appropriate location and renumbering subsequent sub-paragraphs;
- 4. AND THAT Section 15 Industrial Zones 15.1 11 Business Industrial, 15.1.2 Principal Uses be amended by adding "thrift stores" in its appropriate location and renumbering subsequent sub-paragraphs;
- 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

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

# **REPORT TO COUNCIL**



Date:	November 18, 2013		Kelowna	
RIM No.	1210-21			
То:	City Manager	City Manager		
From:	Subdivision, A	Subdivision, Agriculture & Environment Services (		(TC)
Application:	A13-0011		Owner:	Friedelgunde (Gunde) Volk Kenneth Volk Edeltraut Hattenbach
Address:	3053-3057 Dunster Road		Applicant:	Friedelgunde (Gunde) Volk Kenneth Volk Edeltraut Hattenbach
Subject:	A13-0011 Council Report			
Existing OCP D	esignation:	Resource Protection	Area	
Existing Zone:	Zone: A1 - Agriculture ?			

### 1.0 Recommendation

THAT Agricultural Land Reserve appeal A13-0011 for Lot 11, Section 16, Township 26 Osoyoos Division Yale District, Plan 665, located at 3053 Dunster Road for a subdivision of agricultural land in the Agricultural Land Reserve, pursuant to Section 21(2) of the Agricultural Land Commission Act, be supported by Municipal Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

### 2.0 Purpose

The applicant is requesting permission from the Agricultural Land Commission (ALC) for a "Subdivision of Agricultural Land Reserve" under Section 21(2) of the Agricultural Land Commission Act. The subdivision is more specifically a "Homesite Severance" request as per ALC Policy #11 - Homesite Severance on ALR Lands.

### 3.0 Land Use Management

The subject property was purchased by the current owners (Gunde and Kenneth) in 2006 from the owner's (Gunde's) mother (Edeltraut) with a "Life Estate" registered on the land allowing Edeltraut to remain on the land. The applicants have provided documentation showing that the property was originally purchased by Gunde's parents in 1970 prior to the establishment of the Land Commission and ALR.

The proposed subdivision is somewhat uncertain given the change of ownership which typically would make the applicant ineligible for a homesite severance. Interpreting the ALC Policy strictly may suggest that the applicants do not qualify. However, the existence of a "Life Estate" for Edeltraut (i.e. Gunde's mother) does further complicate things.

In an effort to obtain greater certainty, City staff discussed the proposal with ALC staff upon submission. ALC staff were also unable to confirm that the Homesite Severance Policy would in fact apply in this case. The City's review of this application is challenged by the uncertainty. However, ALC staff felt that the Commission is likely to give special consideration to this subdivision and may in fact review it as a Homesite Severance.

While this is an important consideration given that homesite severance subdivisions in the ALR are the only subdivisions supported with any regularity, the applicants eligibility for a severance must be made by the Commission.

ALC policies state that consideration of any homesite severance should be reviewed in the context of the overall agricultural integrity of the parcel, where the size and configuration will, in the Commission's opinion, constitute a viable agricultural remainder.

The proposal is for a 0.2 ha homesite which is consistent with a rural residential parcel. While the parcel does not meet the 1.0 hectare minimum parcel size for properties serviced by a septic system, homesite severances are the only exception available to the City which is made in the interests of preserving agricultural land.

## 4.0 Proposal

4.1 Project Description/Proposal

The applicant is requesting permission from the ALC for a "Subdivision of agricultural land reserve" under Section 21(2) of the ALC Act. The applicants are seeking a two lot subdivision.

ALC Policy #11 - Homesite Severance on ALR Lands states that "a once only severance may be permitted where the applicant submits documentary evidence that he or she has continuously owned and occupied the property as his or her principal place of residence since 21 December 1972". Based upon this policy, it is unclear if the applicants do in fact qualify for subdivision consideration as a homesite severance, or if this is simply a request for "Subdivision of Agricultural Land Reserve".

The current proposal is to subdivide a homesite located in the southwest corner of the property. The applicant is seeking a 0.2 ha (0.5 ac) subdivision from the existing 4.0 hectare (10 acre) parcel. For reference purposes, a 0.2 ha (2,000 m<sup>2</sup>) parcel is under the Rural Residential 2 (RR2) zone subdivision requirements which require a minimum parcel size of 4000 m<sup>2</sup>, but easily meets the requirements of the RR3 zone which requires a 1,600 m<sup>2</sup> parcel size<sup>1</sup>. The proposal is for a more or less square parcel with dimensions of ~50 metres (165 feet) deep by ~40 metres (130 feet) wide.

The existing pole barn, including the one dwelling and associated structures, would stay with the remainder (farm) parcel with an area of 3.8 ha (9.5 ac) if the subdivision is permitted as proposed.

## 4.2 Site Context

The subject property is located on the south and east side of Dunster Road in the Southeast Kelowna Sector of the City. The subject property is in a rural/agricultural area, surrounded by agricultural land (ALR) on all sides.

<sup>&</sup>lt;sup>1</sup> The minimum parcel size applies to properties connected to community sewer, while the minimum parcel size for those on septic is  $1.0 \text{ ha} (10,000 \text{ m}^2)$ .

The property contains two distinct home sites in close proximity to Dunster Road, but located approximately 85 metres apart. Each of the home sites is well defined and relatively well contained within a homeplate. With no community sewer in this area, the dwellings are both served by private septic systems.

### 4.2.1 Agricultural Capability/Soil Type(s)

Based on Canada Land Inventory information (see attached Maps), the subject property is thought to be comprised of two soil types including Rutland (R) and Dartmouth (DH). More specifically, it is expected that the western portion (~80%) of the property is 100% Rutland, while the eastern 20% is comprised of 70% Rutland and 30% Dartmouth.

Rutland soils are defined as very gently to strongly sloping fluvioglacial deposits, comprised of 10 to 25cm of sandy loam or loamy sand over gravelly loamy sand or very gravelly sand, with rapid drainage.

Dartmouth soils are defined as nearly level to very steeply sloping fluvioglacial deposits, comprised of 25 to 60 cm of sandy loam or loam over gravelly sandy loam or gravelly loamy sand with drainage cited as well to rapid.

The western 80% has been identified as 100% Class 3 (improved) with stoniness as a limiting factor. The eastern 20% of the property is expected to be 70% Class 3 with stoniness and 20% Class 2 with soil moisture deficiency as limiting factors.

The proposed new home site would be on the marginally better eastern portion (i.e. 70% Class 3  $\pounds$  20% Class 2). No additional documentation has been provided with respect to the agricultural capability of the land which at "Class 2  $\pounds$  3" is rated as Prime agricultural land.

### Parcel Summary:

Parcel Size: 3.99 ha (9.87 ac) Elevation: 433 - 436 masl

Direction	Zoning Designation	Land Use	In the ALR?
North	A1 - Agriculture 1	Agriculture	Yes
East	A1 - Agriculture 1	Agriculture	Yes
South	A1 - Agriculture 1	Agriculture	Yes
West	A1 - Agriculture 1	Agriculture	Yes

## 4.3 Zoning of Adjacent Property

Map 1 - Subject Property - 3053 - 3057 Dunster Road -



Map 2 - Original Homesite Severance (proposed to AAC)



Map 3 - Current Homesite Severance Proposal



## 5.0 Current Development Policies

## 5.1 Kelowna 2030 Official Community Plan (OCP)

Objective 5.33 Protect and enhance local agriculture<sup>2</sup>.

- Policy .1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.
- Policy .3 Urban Uses. Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.
- Policy .7 Non-farm Uses. Support non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses:
  - are consistent with the Zoning Bylaw and OCP;
  - provide significant benefits to local agriculture;
  - can be accommodated using existing municipal infrastructure;
  - minimize impacts on productive agricultural lands;
  - will not preclude future use of the lands for agriculture;
  - will not harm adjacent farm operations.
- Policy .8 Subdivision. Maximize potential for the use of farmland by not allowing the subdivision of agricultural land into smaller parcels (with the exception of Homesite Severances approved by the ALC) except where significant positive benefits to agriculture can be demonstrated.

<sup>&</sup>lt;sup>2</sup> City of Kelowna Official Community Plan - Chapter 5 - Development Process; pp. 5.33 & 5.34.

Policy .9 Housing in Agricultural Areas. Discourage residential development (both expansions and new developments) in areas isolated within agricultural environments (both ALR and non-ALR).

Objective 5.34 Preserve productive agricultural land<sup>3</sup>.

- Policy .1 Secondary Suites. Encourage secondary suites on agricultural land to be located within a permitted principal dwelling.
- Policy .3 Homeplating. Locate buildings and structures, including farm help housing and farm retail sales area and structures, on agricultural parcels in close proximity to one another and where appropriate, near the existing road frontage. The goal should be to maximize use of existing infrastructure and reduce impacts on productive agricultural lands.

### 5.2 <u>City of Kelowna Agriculture Plan</u>

ALR Application Criteria<sup>4</sup>

Exclusion, subdivision, or non-farm use of ALR lands will generally not be supported. General non-support for ALR applications is in the interest of protecting farmland through retention of larger parcels, protection of the land base from impacts of urban encroachment, reducing land speculation and the cost of entering the farm business, and encouraging increased farm capitalization.

Urban - Rural/Agricultural Boundary Policies<sup>5</sup>

Parcel Size (Agricultural Land) - Discourage the subdivision of agricultural land into smaller parcels, except where positive benefits to agriculture can be demonstrated.

Homesite Severance - Continue to support the concept of homesite severance, consistent with Agricultural Land Commission Policy #025/78 [11]<sup>6</sup>.

### 5.3 Agricultural Land Commission Policy #11- Homesite Severance on ALR Lands

Persons making use of this policy should understand clearly that<sup>7</sup>:

- a. no one has an automatic right to a "homesite severance";
- b. the Commission shall be the final arbiter as to whether a particular "homesite severance" meets good land use criteria;
- c. a prime concern of the Commission will always be to ensure that the "remainder" will constitute a suitable agricultural parcel.

4. There will be cases where the Commission considers that good land use criteria rule out any subdivision of the land because subdivision would compromise the agricultural integrity of the area, and the Commission must therefore exercise its discretion to refuse the "homesite severance".

Where the Commission decides to allow a "homesite severance", there are two options:

a) the existing homesite may be created as a separate parcel where it is of a minimum size compatible with the character of the property (plus a reasonable area, where required, for legal access purposes); or

<sup>&</sup>lt;sup>3</sup> City of Kelowna 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.34.

<sup>&</sup>lt;sup>4</sup> City of Kelowna Agriculture Plan (1998); p. 130.

<sup>&</sup>lt;sup>5</sup> City of Kelowna Agriculture Plan (1998); p. 131.

<sup>&</sup>lt;sup>6</sup> City of Kelowna Agriculture Plan (1998); p. 85.

<sup>&</sup>lt;sup>7</sup> Agricultural Land Commission - Policy #11 - Homesite Severance on ALR Lands (http://www.alc.gov.bc.ca/legislation/policies/Pol11-03\_homesite-severance.htm)

b) where the location of the existing homesite is such that the creation of a parcel encompassing the homesite would, in the Commission's opinion, create potential difficulty for the agricultural operation or management of the "remainder", the Commission may, as it deems appropriate, approve the creation of a parcel elsewhere on the subject property.

5. The remainder of the subject property after severance of the homesite must be of a size and configuration that will, in the Commission's opinion, constitute a suitable agricultural parcel. Where, in the Commission's opinion, the "remainder" is of an unacceptable size or configuration from an agricultural perspective, there are three options:

- a) the Commission may deny the "homesite severance";
- b) the Commission may require that the "remainder" be consolidated with an adjacent parcel; or
- c) the Commission may require the registration of a covenant against the title of the "remainder" and such a covenant may prohibit the construction of dwellings.

### 6.0 Technical Comments

6.1 Development Engineering Department

Development Engineering has no comments at this time. A comprehensive report will be provided at the time of application should the ALC agree to the subdivision.

6.2 Subdivision, Agriculture & Environment Services

Should the ALC agree to the subdivision, the following will need to be considered at the time of subdivision application:

- The new eastern lot line will need to be setback appropriately from the existing barn;
- A buffer will need to be established around the homesite; and
- Both the garage and driveway currently encroach over the southern property line and will need to be removed/relocated as part of the subdivision.

### 7.0 Application Chronology

Date of Application Received: September 24, 2013

Agricultural Advisory Committee October 17, 2013

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting on October 17, 2013 and the original recommendation was defeated:

THAT the Agricultural Advisory Committee recommends that Council supports Agricultural Land Reserve Appeal Application No. A13-0011 for 3053-3056 Dunster Road, Kelowna, BC for a application to the Agricultural Land Commission for a "Subdivision of agricultural land reserve" pursuant to Section 21(2) of the Agricultural Land Commission Act for a "Homesite Severance" pursuant to Policy #11 - Homesite Severance on ALR Lands as proposed by the Applicants.

The subsequent recommendation was supported:

THAT the Agricultural Advisory Committee recommends that Council supports Agricultural Land Reserve Appeal Application No. A13-0011 for 3053-3056 Dunster Road, Kelowna, BC for a application to the Agricultural Land Commission for a "Subdivision of agricultural land reserve" pursuant to Section 21(2) of the Agricultural Land Commission Act for a "Homesite Severance" pursuant to Policy #11 - Homesite Severance on ALR Lands subject to the location

of the homesite severance being relocated to one of the existing dwellings already on the site.

### Anecdotal Comments:

Based on the comments by the Applicant, the Agricultural Advisory Committee is recommending Council support of the Homesite Severance application subject to the location being moved to one of the existing dwellings on the site. The Agricultural Advisory Committee felt it would be more appropriate if one of the existing dwellings was the site of the homesite severance rather than creating a third dwelling on the site.

### Report prepared by:

Todd Cashin,	Subdivision,	Agriculture &	Environment	Services Manager	

Approved for Inclusion S. Gambacort, Subdivision, Agriculture & Environment

### Attachments:

Subject property/zoning map & ALR map (2 pages) BC Land Inventory Maps (2 pages) ALC application by landowner (2 pages) Map Output



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.





Land Capability = Brown/ Soil Class = Green



ALC Application by Land Owner for a Home-site Severance at 3053 Dunster Rd, Kelowna BC

We are applying for approximately 0.8 acre of property to be severed from the 10.04 parcel of which approximately 7.5 acres in apple orchard.

Edeltraut Hattenbach is 83 years old and we are 60 and 58 and would all like to remain at the property which has been our family homestead since 1964. My mother, Edeltraut Hattenbach and father, Ernst Hattenbach who passed away in 2005 bought the property in 1964 and raised the family here. In 2006 Ken and I came on title as my mother could not manage the operation on her own after my father passed away and we have farmed it since. When we first moved to the property Ken and I both had to work off the orchard to make ends meet and now that we are retired we can't keep up nor manage the work ourselves.

The plan of the property being severed is attached.

It makes economic sense that the remaining farm acreage be sold to individuals with a larger operation where the economies of scale make this small operation and farm land viable and ideally profitable.

We are amenable to discuss any suggestions or other options that may brought forward by the ALC or the City of Kelowna staff.

# **REPORT TO COUNCIL**



Date:	November 1, 2013			Kelowna
RIM No.	1250-30			
То:	City Manager			
From:	Subdivision, Agriculture & Environment Services (PM)		PM)	
Application:	Z11-0082		Owner:	Bernard & Christine Rinas
Address:	4165 Wallace Hill Rd		Applicant:	Bernard & Christine Rinas
Subject:	Rezoning Application, Extension Reque		quest	
Existing Zone:		A1 - Agriculture 1		
Proposed Zone:	e: A1c - Agriculture 1 v		ith Carriage H	ouse

### 1.0 Recommendation

THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw No. 10755, for Parcel B (DD 278127F) of Lot A, Section 3, Township 26, ODYD, Plan 12667 located on 4165 Wallace Hill Rd, Kelowna, BC, be extended from October 2, 2013 to October 2, 2014.

## 2.0 Purpose

To consider a final extension to facilitate the rezoning of the subject property from the A1-Agriculture 1 zone to the A1c - Agriculture 1 with Carriage House zone in order to allow the applicant time needed to prepare to legalize an existing suite within an existing accessory building. The applicant is requesting additional time to deal with registration of a restrictive covenant on title to control use of the mobile home on site.

### 3.0 Land Use Management

Section 2.12.1 of Procedure Bylaw No. 10540 states that:

In the event that an application made pursuant to this bylaw is one (1) year old or older and has been inactive for a period of six (6) months or greater:

a) The application will be deemed to be abandoned and the applicant will be notified in writing that the file will be closed;

b) Any bylaw that has not received final adoption will be of no force and effect;

c) In the case of an amendment application, the City Clerk will place on the agenda of a meeting of **Council** a motion to rescind all readings of the bylaw associated with that Amendment application.

Section 2.12.2 of the Procedure Bylaw makes provision that upon written request by the applicant prior to the lapse of the application, **Council** may extend the deadline for a period of twelve (12) months by passing a resolution to that affect.

By-Law No. 10755 received second and third readings on October 2, 2012 after the Public Hearing held on the same date. The applicant wishes to have this application remain open for an additional twelve (12) months in order to address the outstanding issues related to the final adoption of the zone amending bylaw.

Report prepared by:

Paul McVey, Urban Planner	-
/dc	
Reviewed by:	
-	Todd Cashin, Manager Subdivision, Agriculture & Environment Services
Approved for Inclusion	Shelley Gambacort, Director Subdivision, Agriculture & Environment Services
Attachments:	

Site Plan

Map Output



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.