# City of Kelowna Regular Council Meeting REVISED AGENDA



Tuesday, April 1, 2014 6:00 pm Council Chamber City Hall, 1435 Water Street

			Pages
1.	Call t	o Order	
2.	Praye	r	
	A Pra	yer will be offered by Councillor Stack.	
3.	Confi	rmation of Minutes	1 - 14
		t Hearing - March 18, 2014 ar Meeting - March 18, 2014	
4.	Bylaw	s Considered at Public Hearing	
	4.1	Bylaw No. 10918 (Z13-0042) - 3112 Watt Road, Ian & Marguerite Sissett	15 - 15
		To give Bylaw No. 10918 second and third readings in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.	
	4.2	WITHDRAWN BY STAFF - Bylaw No. 10924 (OCP13-0021) - Thomson Flats, Melcor Development Ltd.	16 - 18
		Requires a majority of all members of Council (5).  To give Bylaw No. 10924 second and third readings, and adoption, in order to amend the Area Structure Plan in the Official Community Plan Bylaw No. 10500.	
	4.3	Bylaw No. 10930 (Z14-0007) - 375 Gibson Road, Robert Holden	19 - 19
		To give Bylaw No. 10930 second and third readings in order to rezone the subject property from the A1 - Agriculture 1 zone to the A1t - Agriculture 1 with Agri-Tourist Accommodation Zone.	
	4.4	Bylaw No. 10929 (OCP14-0003) - 103 Clifton Road N, 145 Clifton Road, 185 Clifton Road N, and (E of) Upper Canyon Drive, Glenwest Properties Ltd.	20 - 22

Requires a majority of all Members of Council (5).

To give Bylaw No. 10929 second and third readings in order to change the future land use designations of part of the subject properties in order to accommodate the development of a single-family subdivision.

4.5 Bylaw No. 10931 (Z14-0004) - 103 Clifton Road N, 145 Clifton Road, 185 Clifton Road N and (E of) Upper Canyon Drive, Glenwest Properties Ltd.

23 - 24

To give Bylaw No. 10931 second and third readings in order to rezone portions of the subject properties from the P3 - Parks and Open Space, RU1H - Large Lot Housing (Hillside Area) and RR1 - Rural Residential 1 zones to the RU1H - Large Lot Housing (Hillside Area) and P3 - Parks & Open Space zones in order to accommodate the development of a single family subdivision.

5. Notification of Meeting

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

- 6. Development Permit and Development Variance Permit Reports
  - 6.1 Development Variance Permit Application No. DVP14-0015 1831 Parkview Crescent, Jordan Desrochers

25 - 40

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

The purpose of the Development Variance Permit is to vary the number of permitted free-standing signs from one (1) to three (3), to vary the size of one (1) free-standing sign from 3.0 m2 to 3.14 m2, and to vary the maximum height of the fascia sign from 2.5m to 4.52 m.

6.2 Development Permit Application No. DP14-0016 and Development Variance Application No. DVP14-0017 - 225 Rutland Road S - Wendy Rempel, Bluegreen Architecture Inc.

41 - 67

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 the form and character of the proposed 4-storey, mixed-use building on the subject property. Council is also asked to consider the merits of a proposed variance to reduce the required rear yard setback where abutting a residential zone from 6.0 m required to 2.0 m proposed.

- 7. Reminders
- 8. Termination



# City of Kelowna Public Hearing Minutes

Date:

Tuesday, March 18, 2014

Location:

Council Chamber

City Hall, 1435 Water Street

Council Members

Present:

Mayor Walter Gray and Councillors Colin Basran, Maxine DeHart,

Gail Given, Robert Hobson, Mohini Singh and Gerry Zimmermann

**Council Members** 

Absent:

Councillors Andre Blanleil and Luke Stack

Staff Present:

City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Deputy City Clerk, Karen Needham: Divisional Director Community Planning & Real Estate, Doug Gilchrist; Urban Planning Manager, Ryan Smith; Subdivision, Agriculture & Environment Director, Shelley Gambacort; Bylaw Services Manager, Greg Wise; and Council Recording Secretary, Tania

Tishenko

(\* denotes partial attendance)

#### 1. Call to Order

Mayor Gray called the Hearing to order at 6:04 p.m. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030 - Official Community Plan Bylaw No. 10500" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

#### 2. Notification of Meeting

The Deputy City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board of City Hall on March 4, 2014 and by being placed in the Kelowna Capital News issues of March 7th, 2014 and March 11th, 2014. The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

#### 3. Individual Bylaw Submissions

3.1. Bylaw No. 10917 (TA14-0002) - City of Kelowna Medical Marihuana Production Facilities - Industrial Zones

#### Staff:

- Summarized the application before Council.
- Responded to questions from Council.

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

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

#### Gallery:

#### Mark Conlin, West Kelowna Resident

- Currently is a legal outdoor grower (not located in an industrial zone).
- Wants to dispel myths and fear based perceptions, and is seeking from Council that they don't act upon fears and make their decisions accordingly and based on facts.
- Believes Council is burdened with figuring out community impacts criminal, fire regulations, mould and other hazards,
- Believes if industry comes to fruition, recreational needs may be met, but believes medicinal patients will need smaller growers to keep costs manageable.

Responded to questions from Council.

## Kyle Mirnickle (ph), Kelowna Resident

- Does not support Industrial zoning.
- Believes small outdoor grow operations are not dangerous
- Large scale grow operations should be restricted. Small scale operations are more controlled.

Responded to questions from Council.

#### Gary Pushy, Kelowna.

- Doesn't understand zoning, but knows a lot of medicinal users will have difficulty with these changes.
- Has expressed his concerns in writing to the Federal Government.

#### Paul Mehain, Rutland

- Co owner of Be Kind Compassion Club. (in Rutland )
- Provided an overview of the Be Kind Compassion Club.
- Works with UBCO and they have a membership base of over 2500 people.
- Good relationship with neighbors and surrounding community and have had no RCMP issues.

- Believes they are taking people out of the streets and into their club.
- Stated that currently 29,000 people own license to possess.
- Concerned that club will have to close down and send 2500 people onto the street.
- Seeking confirmation that nothing in new Bylaw or new Business License Bylaw will impact the Club.
- Concerned that April 1, 2014 the RCMP could shut them down and that the legal foundation for Compassion Clubs will be gone.

#### Responded to questions from Council

City Clerk clarified that the City will not be enforcing the April 1st deadline.

#### Don Crompton, Kelowna

- Enquired if the new zoning will be taxed as industrial use?
- He disagrees and opposes and thinks this should be an agriculture land use only. (large commercial agricultural use)
- Thinks it's not good to spend money and resources servicing industrial land, not meant for agriculture.

#### No questions from Council

#### Staff:

- Confirmed that the portion of a site being used for production of medical marihuana is currently to be taxed under BC Assessment as "farm use", regardless of the actual zoning.

#### Tracey Jackson, Lake Country.

- Personal grower for own medicinal needs, and is concerned that personal control will be taken away.
- Concerned with standards and cross-contaminants of growing in buildings that have been used for industrial uses previously.

# Responded to questions from Council.

#### Keith Funk, Kelowna

- In support of A 1 and industrial.
- Thinks that fire safety is not a big issue.
- Believes that Health Canada permit requirements are rigorous and that City needs to consider future repurposing opportunities as well in zoning decisions.
- We need to seize the market in variety of ways that won't limit or restrict from future changes.

Responded to questions from Council.

There were no further comments.

# 3.2. Bylaw No. 10919 (TA14-0003) - City of Kelowna Medical Marihuana Production Facilities in Agriculture 1 Zones

#### Staff:

- Summarized the Proposed Amendment before Council.
- Responded to questions from Council.

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

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

#### Gallery:

#### Jennifer Thorne, Kelowna.

- Represents a number of Medical Marihuana Producers but is here as an individual.
- Believes this is a product and industry we should embrace.
- Understands there are concerns with zoning, "are we going to have agricultural land next to schools"?
- Believes trend and movement is towards green houses, although currently enclosed buildings are being used.
- Considers Agricultural land as a primary place where these operations should be located.

Responded to questions from Council.

#### Jesse McConnell

- Co-founder of Whistler Medical Marihuana.
- Believes industrial growth won't last beyond 3-5 years.
- Provided an overview of the intense process he had gone through with Health Canada to meet their requirements.
- Believes greenhouses are more economically viable as repurposing greenhouses for other agricultural production is easily done
- Zoning should allow certain structures consistent with agriculture and not concrete bunkers. Peace Naturals Project Inc plan to use green house productions.
- Other issues like odour can be addressed with large filtration systems and bylaw regulation.
- Believes one year permitting is to provide for transition and to ensure process for licensing is working.

Responded to questions from Council.

#### Staff:

- Confirmed that the City currently has no control on building specifications, character and design in A1 zone, and will be up to Health Canada to enforce these issues.
- Confirmed that the city could regulate siting on the property through zoning.

#### Kip Vogelsang, Kelowna

- Has epilepsy, diabetes as well as other issues.
- Medical user and is concerned that his right to help himself is being taken away.
- Feeling like he is being held captive and held ransom.
- Believes Industrial will only drive up cost.

#### Norton Singhavon, Kelowna

- Been operating Medical Marihuana Production facilities since 2010.
- Has been working with the City of Kelowna with inspections, drawings and his facilities are on hold.
- Has potential facilities in both industrial and agricultural zones and believes use is less intrusive on A1 land.

Responded to questions from Council.

There were no further comments.

# 3.3. Bylaw No. 10920, Medical Marihuana Producer Business Licence and Regulation Bylaw

#### Staff:

- Summarized the Amendments to the Business Licence and Regulation Bylaw before Council.

The Deputy City Clerk advised that no correspondence was received.

There were no further comments.

#### 4. Termination

The Hearing was declared terminated at 9:40 p.m.

Mayor Deputy City Clerk

/tt



# City of Kelowna

Regular Council Meeting
Minutes

Date:

Tuesday, March 18, 2014

Location:

Council Chamber

City Hall, 1435 Water Street

Members Present:

Mayor Walter Gray and Councillors Colin Basran, Maxine DeHart,

Gail Given, Robert Hobson, Mohini Singh, and Gerry Zimmermann

Members Absent:

Councillors Andre Blanleil and Luke Stack

Staff Present:

City Manager, Ron Mattiussi; City Clerk, Stephen Fleming\*; Deputy City Clerk, Karen Needham; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Subdivision, Agriculture & Environment Director, Shelley Gambacort\*; Urban Planning Manager, Ryan Smith; Bylaw Services Manager, Greg Wise\*; and

Council Recording Secretary, Tania Tishenko

(\* denotes partial attendance)

#### 1. Call to Order

Mayor Gray called the meeting to order at 8:49 p.m.

#### 2. Prayer

A Prayer was offered by Councillor Singh.

#### 3. Confirmation of Minutes

#### Moved By Councillor DeHart/Seconded By Councillor Hobson

<u>R175/14/03/18</u> THAT the Minutes of the Public Hearing and Regular Meeting of March 4, 2014 be confirmed as circulated.

Carried

- 4. Bylaws Considered at Public Hearing
  - 4.1. Bylaw No. 10917 (TA14-0002) City of Kelowna Medical Marihuana Production Facilities Industrial Zones

#### Moved By Councillor Zimmerman/Seconded By Councillor DeHart

R176/14/03/18 THAT Bylaw No. 10917 be read a second and third time.

<u>Carried</u>

#### Moved By Councillor Zimmerman/Seconded By Councillor DeHart

R177/14/03/18 THAT Council direct staff to bring forward an amendment to the Zoning Bylaw to permit Medical Marihuana Production Facilities in the I1 - Business Industrial Zone

**Carried** 

4.2. Bylaw No. 10919 (TA14-0003) - City of Kelowna Medical Marihuana Production Facilities in Agriculture 1 Zones

#### Moved By Councillor Basran/Seconded By Councillor Hobson

R178/14/03/18 THAT Bylaw No. 10919 be read a second and third time.

Defeated

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

R179/14/03/18 THAT first reading given to Bylaw No. 10919 be rescinded;

Carried

Councillors Hobson and Given - Opposed.

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

<u>R180/14/03/18</u> THAT Council direct staff to bring forward an amendment to the Zoning Bylaw to permit Medical Marihuana Production Facilities in the A1 -Agriculture 1 Zone on a site by site basis, with regulations regarding siting.

Carried

#### 5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of the following Application was given by sending out 118 Statutory Notices or otherwise delivering 1565 letters to the owners and occupiers of the surrounding properties between March 4, 2014 and March 7, 2014. Also was advertised by being posted on the Notice Board of City Hall on March 4, 2014 and by being placed in the Kelowna Capital News issues of March 7th, 2014 and March 11th, 2014. The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

#### 6. Liquor License Application Reports

# 6.1. Liquor License Application No. LL13-0013 - 1125 Richter Street, Canrim Packaging Ltd. (Calona Wines)

Staff:

- Displayed a PowerPoint summarizing the application before Council.

The Deputy City Clerk advised that there was no correspondence received.

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

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

<u>R181/14/03/18</u> 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,

#### BE IT RESOLVED THAT:

Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application from at address: 1125 Richter St., Kelowna BC, (legally described as Lot A, Sections 30, Township 26, ODYD, Plan 30665, Except Plan M15406) for a Special Event Area endorsement, are as follows:

- a) The Winery Special Event Area is located within the building located at 1125 Richter St. in the south end of the building. There are no exterior areas proposed for the Special Event Area.
- b) The proximity of the Special Event Area to other social or recreational facilities and public buildings are as noted on the attached map. The potential for negative impacts is considered to be minimal.
- c) The person capacity of the Special Event Area; Interior overlapping retail area 110 persons; Interior overlapping barrel room 79 persons; Interior overlapping viewing area 18 persons; Any combination of rooms cannot exceed 110 persons.
- d) Hours of liquor service on the Special Event Area are proposed to be 9:00 AM to 12:00 midnight, Sunday to Saturday.
- e) Traffic, noise, parking and zoning: There is minimal increase in traffic or parking associated with this application. The parking provided on site meets zoning bylaw regulations for the proposed use. The use is permitted under the current I4 Central Industrial Zone
- f) The impact on the community if the application is approved: is not anticipated to be major, as the proposed development is expected to add more options for wine tour/tasting to the downtown area, and is expected to benefit other downtown tourist related businesses. Surrounding social or recreational facilities will not conflict with the proposed establishment.
- g) Recommendation: Council recommends that the application for a Special Event Areas Endorsement be approved for a total 110 person capacity.

Carried

#### 7. Development Permit and Development Variance Permit Reports

7.1. Development Variance Permit Application DVP14-0002 - 815 Burne Avenue, Daljit Dhami

#### Staff:

- Displayed a PowerPoint presentation summarizing the application before Council.

The City Clerk advised that there was no correspondence received.

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

#### Moved By Councillor Hobson/Seconded By Councillor Basran

<u>R182/14/03/18</u> THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0002 for Lot 75, Section 19, Township 26, ODYD, Plan 700, located at 815 Burne Avenue, Kelowna, BC;

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

#### Section 13.6.6 - RU6 Zone Development Regulations

To vary the maximum height for accessory buildings from 4.5 m permitted to 4.58 m proposed, as per Schedule 'A';

#### Section 9.5b.1(d) - Carriage House Regulations

To vary the maximum permitted height for a carriage house from the lesser of 4.5 m or the height of the existing principal dwelling unit to 4.58 m proposed, as per Schedule 'A'.

Carried

7.2. Development Permit Application No. DP13-0195 and Development Variance Permit No. DVP13-0196 - 2105 Benvoulin Court, National Society of Hope

#### Staff:

- Displayed a PowerPoint presentation summarizing the application before Council.

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

- Letter of Opposition:
  - Frank and Anne Jefferies

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

#### Paul Shuster, Applicant Representative

- Larry Weiss and Warren Postnikoff in attendance.
- Displayed a PowerPoint presentation and provided and overview of the project to Council
- Provided an overview of the National Society of Hope.
- Commented that the existing building is the anchor for next phases of development.

- Stated that many amenities provided in first phase, including parking, will be accessible to phase 2 and 3.
- Believes parking on the street is more a result of commercial activity in the area and not from residents of their development.

There were no further comments.

#### Moved By Councillor Hobson/Seconded By Councillor Singh

R183/14/03/18 THAT Council authorize the issuance of Development Permit No. DP13-0195 for Lot C D.L. 128 and 142 ODYD Plan KAP89861, located at 2105 Benvoulin Court, Kelowna B.C., subject to the following:

- 1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- 2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
- 3. Landscaping to be provided on the land be in general accordance with Schedule "C";
- 4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;
- 5. Registration of a plan of subdivision to subdivide the property into legal lots at the Land Titles Office prior to issuance of the Development Permit;

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

AND THAT Council authorize the issuance of Development Variance Permit No. DVP13-0196 for Lot C D.L. 128 and 142 ODYD Plan KAP89861, located at 2105 Benvoulin Court, Kelowna, B.C.;

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

#### Section 13.11.6 - Development Regulations

Vary the height from 4.5 storeys permitted to 5.0 storeys proposed

# Table 8.1 - Parking Schedule

Vary the required parking from 162 stalls required to 117 stalls proposed.

<u>Carried</u>

- 8. Reminders Nil
- 9. Termination

The meeting was declared terminated at 9:39 p.m.

/tt

Mayor

# BYLAW NO. 10918 Z13-0042 - Ian and Marguerite Sisett 3112 Watt 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 9, District Lot 14, ODYD, plan 6069, located on 3112 Watt Road, Kelowna, B.C., from the RU1 Large Lot Housing zone to the RU1c Large Lot Housing with Carriage house zone.
- 2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 10<sup>th</sup> day of March 2014.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor
,
 City Clerk

# **BYLAW NO. 10924**

# Official Community Plan Amendment No. OCP13-0021 -Thomson Flats - Amendment to Area Structure Plan in the 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 4 - Future Land Use, Table 4.2 Potential ASP Development Components be deleted that reads:

Table 4.2 Potential ASP Development Components

A	В	С	D	E	F	G	Н	Î	J	K
0			0	0		•	0		0	
				Dotor	otial l	Sutur	Lan	d I Ic	000	_
									cs .	
	A •	A B	A B C	• •	• • • Poter	• • • Potential l	• • • • • Potential Future	Potential Future Land		Potential Future Land Uses

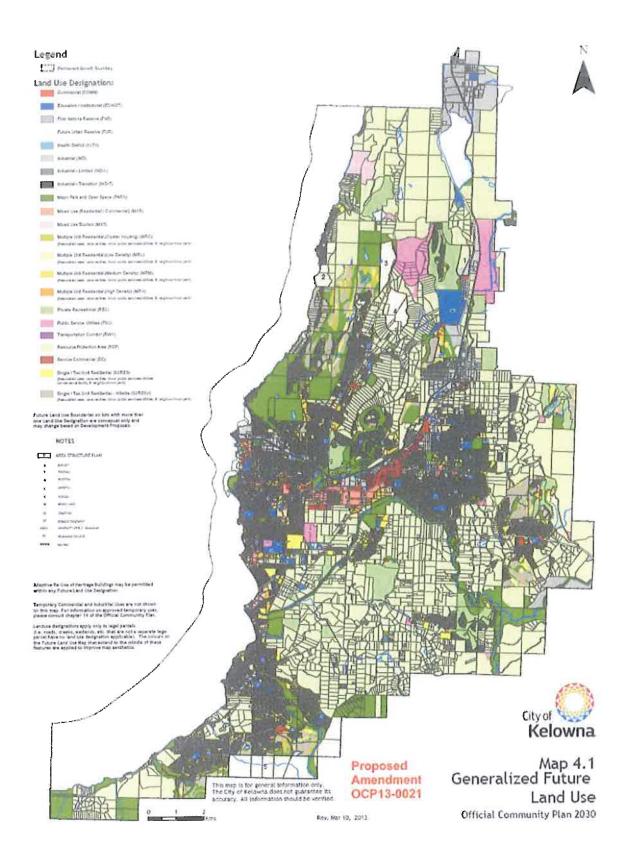
And replaced with:

Table 4.2 Potential ASP Development Components

Area Structure Plans	Α	В	С	D	E	F	G	Н	I	J	K
1. Pier Mac	0			0	0		•	0		•	
2. North Clifton Road		×		Potential Future Land Uses						es	_
3. Eagle Ridge					То	Γο be	Dete	ermine	d		
4. Tonn Mountain											
5. Thomson Flats	•		0			•					

2. AND THAT Map 4.1 Generalized Future Land Use Map be deleted in its entirety and replaced with a new Map 4.1 Generalized Future Land Use Map as attached to and forming part of this bylaw.

3.	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 10 <sup>th</sup> day of March, 2014.
Consid	dered at a Public Hearing on the
Read	a second and third time by the Municipal Council this
Adopt	ed by the Municipal Council of the City of Kelowna this
	Mayor
	City Clerk



# BYLAW NO. 10930 Z14-0007 - Karmjit S. Gill and Balvir K. Gill 375 Gibson 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 2 Section 25 TWP 26 ODYD Plan 1760 Except Plan KAP60715 located on 375 Gibson Road, Kelowna, B.C., from the A1 Agriculture zone to the A1t Agriculture 1 with Agri-tourist Accommodation 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 17<sup>th</sup> day of March 2014.

Considered at a Public Hearing on the 1<sup>st</sup> day of April, 2014.

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

## **BYLAW NO. 10929**

Official Community Plan Amendment No. OCP14 - 0003
Glenwest Properties Ltd.
103 Clifton Road N,145 Clifton Road, 185 Clifton Road N, and
(E of) Upper Canyon Drive.

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

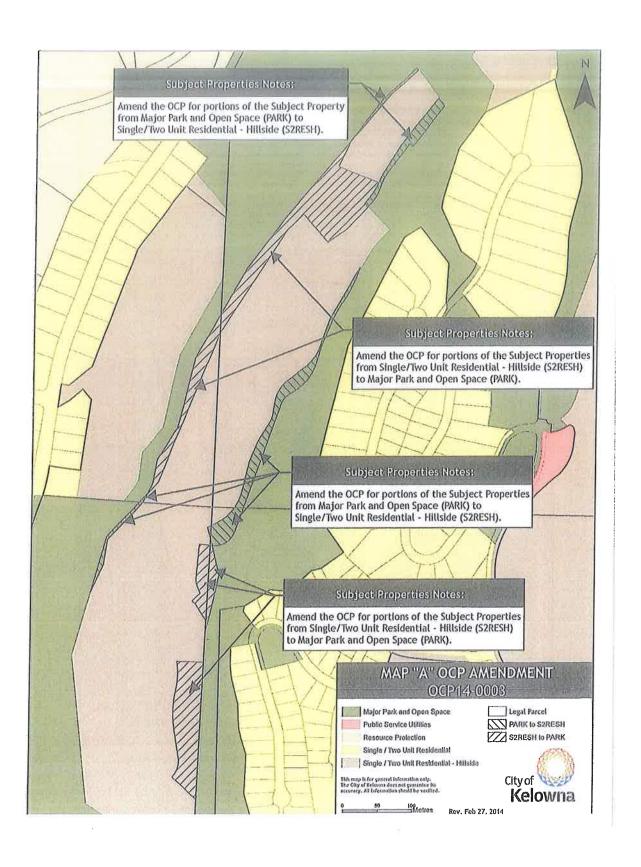
The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

- 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:
  - 1. Part of the South West ¼ of Section 5 Township 23 ODYD Except Plans KAP83526, KAP88266, EPP9195, EPP24895 and EPP24897 located (E of) Upper Canyon Drive. from the Major Park & Open Space designation to the Single/Two Unit Residential-Hillside designation and from the Single/Two Unit Residential-Hillside designation to the Major Park & Open Space designation;
  - 2. Part of the North West ¼ of Section 5 Township 23 ODYD Except Plans 20895, KAP88266, EPP24895 and EPP24897, located at 185 Clifton Rd. N. from the Major Park & Open Space designation to the Single/Two Unit Residential-Hillside designation and from the Single/Two Unit Residential-Hillside designation to the Major Park & Open Space designation;
  - 3. Part of Lot A Section 6 Township 23 ODYD Plan KAP70041, located at 145 Clifton Rd from the Major Park & Open Space designation to the Single/Two Unit Residential-Hillside designation and from the Single/Two Unit Residential-Hillside designation to the Major Park & Open Space designation; and
  - 4. Part of the Fractional North East ¼ Section 6 Township 23 ODYD Except Plans 25017, KAP82511 and EPP12985, located at 103 Clifton Rd N from the Major Park & Open Space designation to the Single/Two Unit Residential-Hillside designation and from the Single/Two Unit Residential-Hillside designation to the Major Park & Open Space 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 17<sup>th</sup> day of March, 2014.

Considered at a Public Hearing on the 1st day of April, 2014.

Read a second and third time by the Municipal Council this	
Adopted by the Municipal Council of the City of Kelowna this	
	Mayor
	City Clerk



# BYLAW NO. 10931 Z14-0004 - Glenwest Properties Ltd 103 Clifton Road N, 145 Clifton Road, 185 Clifton Road N, and (E of) Upper Canyon 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:
  - 1. Part of the South West ¼ of Section 5 Township 23 ODYD Except Plans KAP83526, KAP88266, EPP9195, EPP24895 and EPP24897 located (E of) Upper Canyon Drive from the P3 -Parks and Open Space zone to the RU1H Large Lot Housing (Hillside Area) zone and from the RU1H-Large Lot Housing (Hillside Area) zone to the P3 Parks & Open Space zone;
  - 2. Part of the North West ¼ of Section 5 Township 23 ODYD Except Plans 20895, KAP88266, EPP24895 and EPP24897, located at 185 Clifton Rd. N. from the P3 Parks and Open Space zone to the RU1H Large Lot Housing (Hillside Area) zone and from the RU1H-Large Lot Housing (Hillside Area) zone to the P3 Parks & Open Space zone;
  - 3. Part of Lot A Section 6 Township 23 ODYD Plan KAP70041, located at 145 Clifton Rd. from the P3 -Parks and Open Space zone to the RU1H Large Lot Housing (Hillside Area) zone and from the RU1H-Large Lot Housing (Hillside Area) zone to the P3 Parks & Open Space zone; and
  - 4. Part of The Fractional North East ¼ Section 6 Township 23 ODYD Except Plans 25017, KAP82511 and EPP12985, located at 103 Clifton Rd N from the RR1 Rural Residential 1 zone to the RU1H-Large 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 17<sup>th</sup> day of March 2014.

Considered at a Public Hearing on the 1st day of April 2014.

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: 2/24/2014

**RIM No.** 0940-50

To: City Manager

From: Land Use Management (AC)

Inc. No. BC0687510

**Applicant:** Priority Permits -

Address: 1825 -1831 Parkview Crescent

Jordan Desrochers

**Subject:** Development Variance Permit

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

Existing Zone: Medium Density Multi Housing (RM5)

#### 1.0 Recommendation

That Council authorizes the issuance of Development Variance Permit No. DVP14-0015 for Lot 1, District Lot 126, ODYD, Plan KAP76275, located at 1825 - 1831 Parkview Crescent, Kelowna, BC to vary Section 6 of the Sign Bylaw No. 8235 be granted.

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

- 1) Section 6.1: Free-Standing Signs in the RM5 zone;
  - a. To vary the permitted number of free-standing signs per site from one (1) sign to three (3) signs (as per schedule 'A').
  - b. To vary the maximum area of one (1) free-standing sign from a maximum of 3.0m<sup>2</sup> to 3.14m<sup>2</sup> (as per schedule 'A').
- 2) Section 6.1: Fascia Signs in the RM5 zone;
  - a. To vary the maximum height of a fascia sign from 2.5 metres to 4.52 metres (as per schedule 'A').

#### 2.0 Purpose

The purpose of the DVP is to vary the number of permitted free-standing signs from one (1) to three (3), to vary the size of one (1) free-standing sign from  $3.0 \text{ m}^2$  to  $3.14 \text{ m}^2$ , and to vary the maximum height of the fascia sign from 2.5 m to 4.52 m.

#### 3.0 Land Use Management

Staff is supportive of the proposed variance as way finding is an important consideration for a retirement residence and it seems reasonable to permit the additional free-standing signs on this corner lot. Further, the Sign Bylaw has an anomaly that makes it impossible to have the one permitted fascia sign due to the height and minimum clearance restrictions. The fascia sign is located in a logical location above the main entrance portico.

In accordance with Council Policy 367 - Public Notification & Consultation for Development Applications, the applicant has provided notification of the proposed Development Variance Permit application to neighbouring properties within 50 m of the subject site, and to date, City staff has not been contacted with any objections or concerns with the proposed sign variance.

#### 4.0 Proposal

#### 4.1 Project Description

The proposal compares to Sign Bylaw 8235 requirement as follows:

Sign Type	Variance No.	RM5 SIGN REQUIREMENTS	PROPOSAL
	1)	Max 1 per site	3 free-standing signs
Free- standing	2)	Max 3.0 m² area	3.14 m <sup>2</sup>
		Max 1.8 m	All signs < 1.8m
Fascia	3)	<ul><li>2.5 m maximum height (from grade)</li><li>2.5 m maximum clearance (from grade)</li></ul>	4.52 m (Height from Grade)

The applicant is seeking to replace all the existing signs (one fascia & three free-standing) at the Chatsworth Retirement Residence located at 1831 Parkview Crescent. Variance 1 seeks to increase the number of permitted free standing signs to permit the current sign situation and to update those signs. The freestanding signs are located at the north entrance, the west entrance, and the northwest corner of the property. The primary purpose for the additional free-standing signs is way finding.

Variance 2 seeks to increase the maximum area of one free-standing sign by  $0.14~\text{m}^2$  in order to permit the applicant's current design. During the development application review process, it was noted that upgrading the quality (form & character) of the corner sign to match the two driveway entrance signs would be desired from a aesthetic point of view.

Variance 3 seeks to increase the maximum allowable height from grade for the fascia sign. The fascia sign is logically located above the main entrance portico to the building. This regulation needs to be updated as the maximum height and the maximum clearance are both 2.5 metres which essentially requires a variance for any fascia sign in a high density residential zone or an agricultural zone.

#### 4.2 Site Context

The subject property is located at the corner of Leckie Road and Parkview Crescent.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM5 - Medium Density Multiple Housing	Residential
East	RM4 - Traditional Low Density Housing	Residential
South	RM3 - Low Density Multiple Housing	Residential
West	A1 - Agriculture 1 (Not ALR & OCP designates property as MRM)	Vacant

Subject Property Map: 1831 Parkview Crescent



#### **Current Development Policies**

4.3 Kelowna Official Community Plan (OCP)

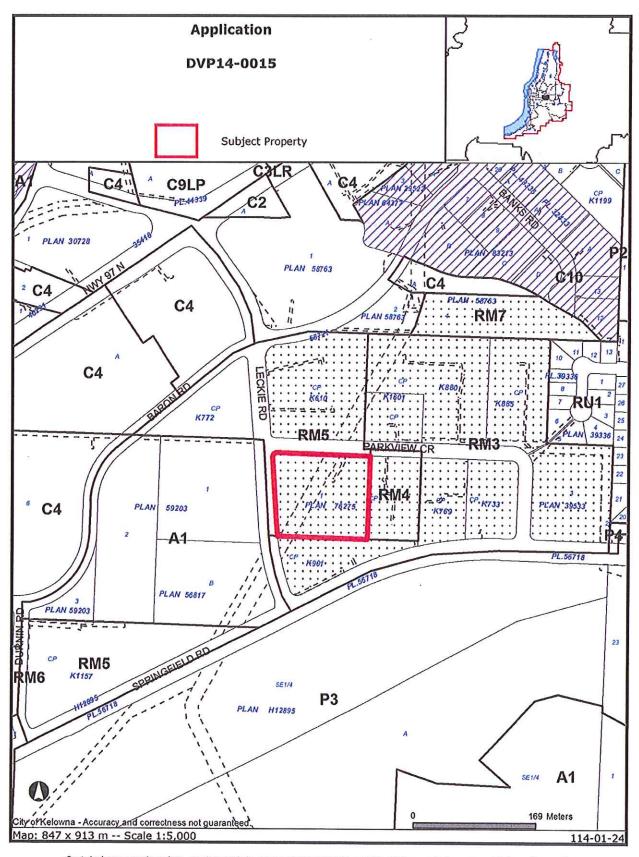
Urban Design Development Permit Areas (Chapter 14) - Revitalization Design Guidelines

#### Signage

- Design signage that is high quality, imaginative, and innovative;
- Design signage with consideration of the size of any individual sign as part of the overall scheme of building signage and the appearance of the building's façade. Scale and architectural expression should not be compromised by size and number of signs;
- Box signs are strongly discouraged;
- Incorporate concise messaging and simple graphics into signage. Corporate and store logos are appropriate only if they form part of an overall sign design, and are suitably scaled to the façade composition;
- Light lettering on a dark background is preferred over dark lettering on a light background and consideration should be given to those with visual impairment;
- Minimize signage lighting (i.e., incorporate indirect front-lit signs wherever possible);

• Counter-balance illuminated signs with natural materials and appropriate framing.

5.0	Technical Comments				
5.1	Building & Permitting Department				
No con	nment.				
5.2	Development Engineering Department				
See Att	tached				
6.0	Application Chronology				
	f Application Received: January 15 2014 f Consultation Received: February 24, 2014				
Report	prepared by:				
Adam (	Eseke, Land Use Planner				
Review	ved by: Ryan Smith, Urban Planning Manager				
Approv	ved for Inclusion:  Doug Gilchrist, Community Planning & Real Estate Div. Director				
Attach	ments:				
Develo	etails & Application Package pment Engineering Memorandum Development Variance Permit				



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

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



Building Department City of Kelowna 1435 Water Street Kelowna, BC V1Y 1J4

January 10, 2014

Attn: City of Kelowna

We are proposing to replace all existing signage at Chatsworth Retirement Residence located at 1831 Parkview Crescent. The proposal includes three freestanding signs; one on the northwest corner of the property, one at the north entrance, and one at the west entrance. Also included is one fascia sign above the entrance to the main building.

The proposed signage is in a Higher Density Residential Zone (R5.) Page 16 of the Consolidated Bylaw No. 8235 indicates that a site in this zone is allowed a maximum of one fascia sign with a maximum height of 2.5m and maximum area of  $2.5m^2$  and one free-standing sign with a maximum height of 1.8m and maximum area of  $3.0m^2$ .

Our proposed three free-standing signs exceeds the maximum allowed by two signs, one of which (sign #4 in the attached package) is  $0.14~\text{m}^2$  over the maximum allowable area of  $3.0\text{m}^2$ . The proposed fascia sign (Sign #3 in the attached package) is  $0.49\text{m}^2$  over the maximum allowable area and exceeds the maximum allowable height by 2.02m.

The primary purpose for the additional free-standing signs is for wayfinding purposes. Having a sign at the corner of Parkview Crescent and Leckie Road communicates to motorists that they are at the correct location. The signs at the north and west entrances serve the same purpose for motorists travelling to the site northbound on Leckie Road or westbound on Parkview Crescent. Appropriate signage allows motorists a safe amount of time to exit the roadway and enter the site. None of the free-standing signs are illuminated and no more than one is visible from any position on, or off of the property. This allows them to be neither distracting to passersby, nor contrary to the residential nature of the neighbourhood.

The proposed fascia sign's primary purpose is to indicate to first-time visitors of the site the location of the main entrance. The main entrance has a canopy structure over the main entrance that has a clearance of over 3.5m. Because of this, it would be impossible to erect a sign over the main entrance without being incompliant with the bylaw. The sign features a narrow, modest font and does not contain any graphics or logos. Additionally, the sign is not illuminated and the copy comprises less than half of the total area of the sign. Because of this, and because the sign is a significant distance from the roadways, the proposed fascia sign should not affect foot traffic or motorists in the area.

For the reasons outlined above and more, we kindly request that relaxations in the bylaw that allow for three free-standing signs, one of which is  $3.14 \text{m}^2$  in area, and one fascia sign with a maximum height of 4.52 m and area of  $2.49 \text{m}^2$ .

Thank you,

Jordan Desrochers Priority Permits



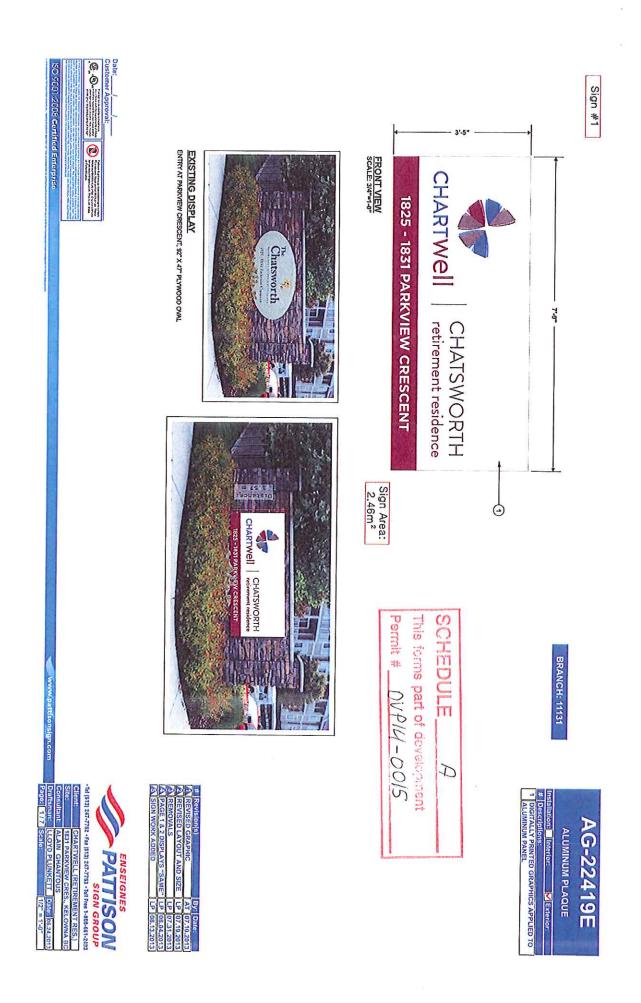
SCHEDULE A

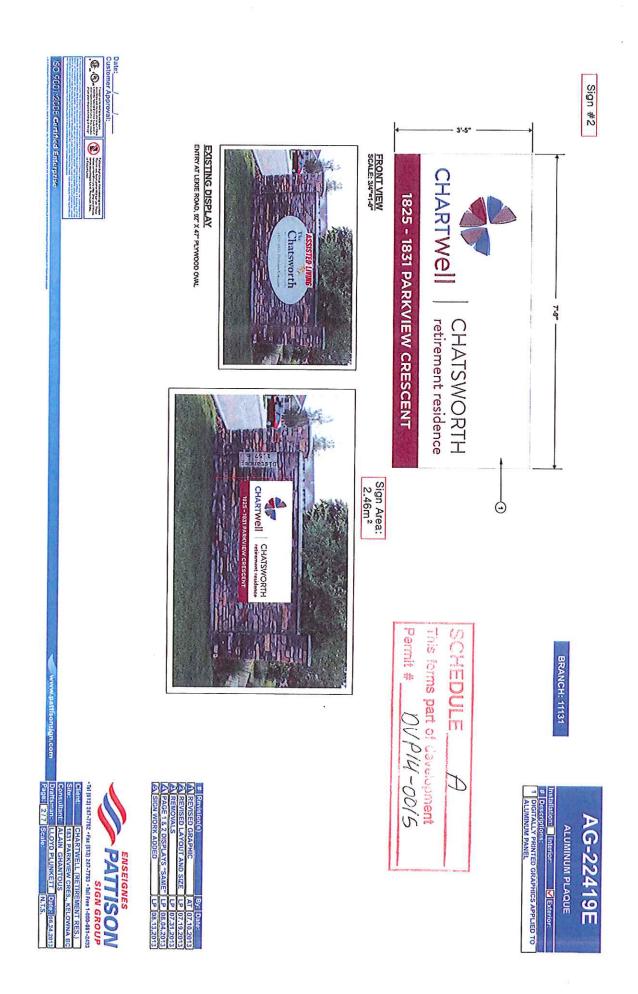
This forms part of development

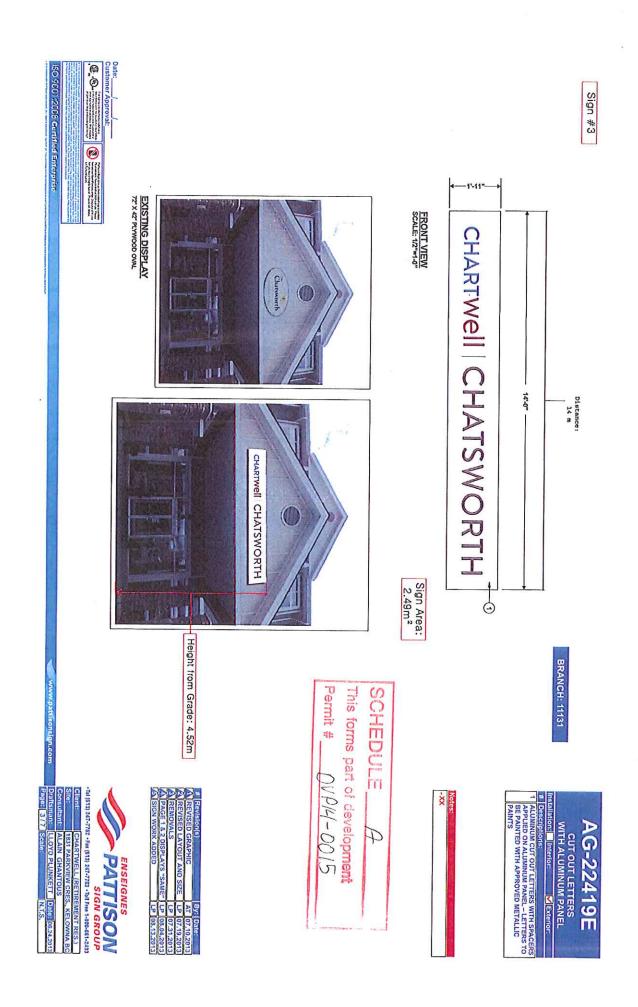
Permit #

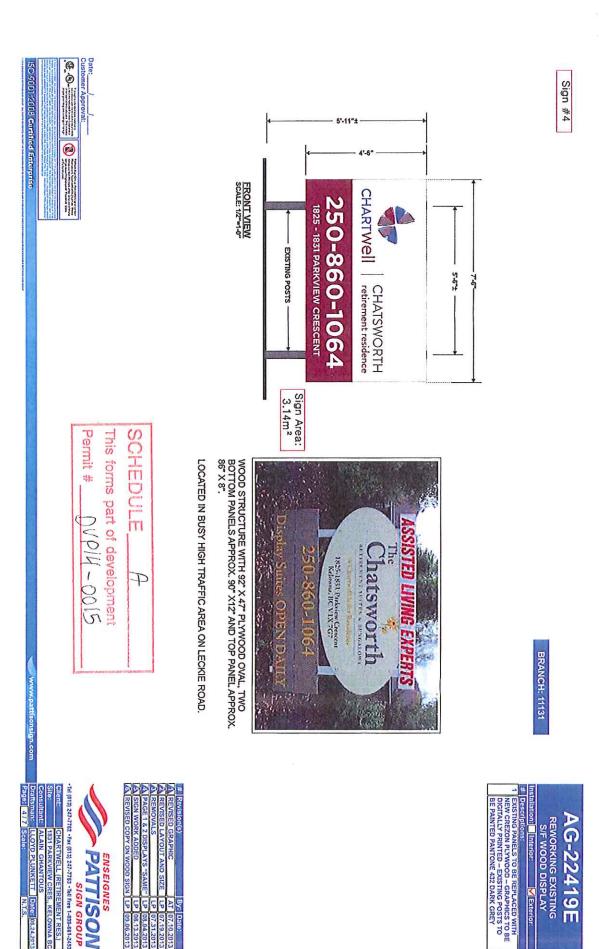
1-0015

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ENSEIGNES

SIGN GROUP

# CITY OF KELOWNA

# **MEMORANDUM**

Date:

February 4, 2014

File No.:

DVP14-0015

To:

Urban Planning (AR)

From:

Development Engineer Manager (SM)

Subject:

1831 Parkview Cr. Lot 1, Plan 76275 D.L.126, ODYD

The Development Engineering comments and requirements regarding this development variance application for a sign along the frontage of the property and on the building are as follows:

### 1. General.

a) The changes of the existing sign posted at the entrances do not compromise any Municipal Infrastructure nor sight traffic sight lines.

b) The requested height variance for the sign located at the entrance of the facility does not compromise any Municipal infrastructure.

Steve Muerlz, P.Eng.

Development Engineering Manager

 $B^2$ 

# CITY OF KELOWNA

### APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.:

DVP14-0015

EXISTING ZONING DESIGNATION:

RM5 - Medium Density Multi Housing

**DEVELOPMENT VARIANCE PERMIT:** 

The purpose of the DVP is to varythe number of permitted free-standing signs from one (1) to three (3), to vary the size of one (1) free-standing sign from  $3.0~\text{m}^2$  to  $3.14~\text{m}^2$ , and to vary the maximum height of the fascia sign

from 2.5 m to 4.52 m.

ISSUED TO:

Chartwell Master Care LP.

LOCATION OF SUBJECT SITE:

1831 Parkview Crescent

	LOT	SECTION	D,L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	1				ODYD	KAP76725

### 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.

### TERMS AND CONDITIONS:

THAT variances to the following sections of Sign Bylaw No. 8325 be granted:

- 1) Section 6.1: Free-Standing Signs in the RM5 zone;
  - a. To vary the permitted number of free-standing signs per site from one (1) sign to three (3) signs.
  - b. To vary the maximum area of one (1) free-standing sign from a maximum of  $3.0 \text{m}^2$  to  $3.14 \text{m}^2$ .
- 2) Section 6.1: Fascia Signs in the RM5 zone;
  - a. To vary the maximum height of a fascia sign from 2.5 metres to 4.52 metres.

#### 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.

### 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.

### APPLICANT'S AGREEMENT:

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

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

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

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

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

Signature of Owner/Authorized Agent	Date
Drint Name in Bold Latters	Tolonkow No.
Print Name in Bold Letters	Telephone No.
6. <u>APPROVALS</u> :	
DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE CO	UNCIL ON THEDAY OF, 2014.
ISSUED BY THE LAND USE MANAGEMENT DEPARTMENT OF THE DIRECTOR OF LAND USE MANAGEMENT.	THE CITY OF KELOWNA THE DAY OF, 2014 BY
Doug Gilchrist	
Divisional Director, Community Planning & Real Estate	

# REPORT TO COUNCIL



**Date:** April 1, 2014

**RIM No.** 0940-40

To: City Manager

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

**Application:** DP14-0016 & DVP14-0017 Owner: Dr. Dale Forsythe

Address: 225 Rutland Road South Applicant: Wendy Rempel

Bluegreen Architecture Inc.

Subject: Development Permit and Development Variance Permit

Existing OCP Designation: Mixed Use (Residential/Commercial)

Existing Zone: C4 - Urban Centre Commercial

### 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP14-0016 for Lot A, Section 23, Township 26, ODYD, Plan KAP84050, located at 225 Rutland Road South, Kelowna, BC subject to the following:

- 1. The dimensions and siting of the buildings to be constructed on the land be in general accordance with Schedule 'A';
- 2. The exterior design and finish of the buildings to be constructed on the land be in general accordance with Schedule 'B';
- 3. Landscaping to be provided on the land be in general accordance with Schedule 'C', which is to be sealed by a Landscape Architect in good standing prior to permit issuance;
- 4. Prior to issuance of the Development and Development Variance Permit applications, 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 Landscape Architect (BCSLA), and as shown in general accordance with Schedule "C";
- 5. The applicant be required to satisfy the requirements of the Development Engineering Branch and the Rutland Waterworks District prior to issuance of the Building Permit;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0017 for Lot A, Section 23, Township 26, ODYD, Plan KAP84050, located at 225 Rutland Road South, Kelowna, BC;

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

### Section 14.4.5 (f) - C4 Development Regulations

To vary the minimum required rear yard where abutting a residential zone from 6.0 m required to 2.0 m proposed, as per Schedule 'A';

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

### 2.0 Purpose

To consider the form and character of the proposed 4-storey, mixed-use building on the subject property. Council is also asked to consider the merits of a proposed variance to reduce the required rear yard setback where abutting a residential zone.

### 3.0 Urban Planning Department

Urban Planning is supportive of the proposed development as it is generally consistent with the objectives of the OCP Development Permit Guidelines for the Rutland Urban Centre to achieve a high quality of design that enhances the Urban Centre's main street character and that promotes interesting, pedestrian-friendly streetscapes.

While designed on the whole as a contemporary building, the proposed development also incorporates a 'historic flavour', notably along the ground level, to address the main street context of the Rutland Urban Centre. Taken with the newer Interior Savings building located directly adjacent, the proposed development will extend a strong street interface along Rutland Road South. A strong sense of street identity is provided through the use of significant glazed openings and brick at the street level and above, and through the use of pedestrian-scale elements such as precast concrete entry archways and fabric awnings. The contrasting use of brick and stucco has been employed at different heights to generate visual interest and to contribute to perceived facade depth. The primary building entry is highlighted by a central component of full-height brick finishing and a precast concrete archway with wrought iron gate.

The proposed development transitions well to the established single family area to the south, with a stepped facade above the first storey, and with street-level design detail wrapping the building's corner and extending along the Robson Road frontage. The building also transitions well to the existing single family property to the east, with the majority of the building set back 13.2 m from the rear property line.

A variance is being sought to reduce the required rear yard setback for the north portion of the site to accommodate one storey of covered parking. The proposed residential building above this area is setback 6 m from the rear property line and complies with the minimum rear yard setback requirement of the C4 zone. Staff believes that the proposed variance to accommodate this discrete portion of covered parking will be of negligible impact, as it is limited to one storey in height (approx. 3 m), and set back 2 m from the rear property line with a continuous 2 m landscaped buffer and 1.8 m high fence. Arguably, providing low-profile covered parking where adjacent to the residential neighbour's rear yard area may yield more privacy than a permitted open parking area.

In accordance with Council Policy 367 - Public Notification & Consultation for Development Applications, the applicant has undertaken efforts to contact the neighbouring properties within 50 m of the subject site of the proposed Development Variance Permit application, including the east adjacent residential property owner. Through the applicant's process, one neighbour

expressed concern about possible increased traffic, and another about possible on-street parking. To date, the file manager has not been contacted with any questions or concerns regarding the subject applications.

### 4.0 Proposal

### 4.1 Project Description

The applicant is proposing to develop the subject site with a 4-storey, mixed-use building under the existing C4 - Urban Centre Commercial zone. The proposed development is of an L-shaped configuration, with the long elevation fronting Rutland Road South, and consists of ground-floor commercial with 3 storeys of residential development above. A combination of covered and open parking is provided at surface at the rear of the property, with access from Robson Road.

The proposed, ground-floor commercial will accommodate a minimum of two commercial units, with primary frontage on Rutland Road South and separated by a central building access and pedestrian walkway. The proposed walkway creates an active access between the street and the residential lobby, and adds to the project's main street entry identity. In response to the perceived demand for affordable student housing in proximity to the UBC Okanagan campus, the residential component is largely intended to provide market rental student housing. Of the 22 residential units proposed, the majority are configured as four-bedroom suites. A caretaker's suite is also provided in the development to accommodate a full-time, onsite caretaker.

The primary proposed building materials include a traditional red/brown brick and beige stucco, with black accents. Precast concrete archway entries are provided along Rutland Road South and Robson Road. The brick finishing is employed at the street level and for portions of the building at the second level. It is also used to full-height above the central entry. Larger glazed openings with black mullions and awnings are provided along the street level to highlight the ground-level commercial space.

A variance is proposed to reduce the required rear yard setback adjacent to the existing residential property to the east from 6 m required to 2 m proposed, to accommodate one storey of covered parking at the north end of site. The proposed residential building above is setback 6 m from the rear property line and complies with the minimum rear yard setback requirement. A minimum 1.8 m fence will be provided along the full length of the rear property line, as well as a 2 m landscaped buffer with trees and shrubbery. The exterior east wall of the covered parking area adjacent to the existing residential property will also be visually softened by planting of creeping evergreen vines.

The property owner has submitted an application for a Revitalization Tax Exemption (RTE), which is presently under review. The RTE Agreement would be forwarded for Council consideration should the subject Development Permit and Development Variance Permits be approved.

### 4.2 Site Context

The subject site is located at the northeast corner of Rutland Road South and Robson Road East, in the Rutland Urban Centre area, approximately one block south of Highway 33 East. The area surrounding the site to the north and west is characterized by Urban Centre commercial development, while the areas to the south and east are characterized by established single-family development.

Bus service is provided nearby along both Rutland Road and Highway 33, with access to the No. 8 University bus route on Rutland Road. Rutland Lions Park and Rutland Centennial Park are both within a 5 minute (400 m) walking distance of the subject site.

# Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4 - Urban Centre Commercial	Commercial (Interior Savings)
East	RU1 - Large Lot Housing	Single Family Residential
South	RU1c - Large Lot Housing with Carriage House	Single Family Residential
West	C4 - Urban Centre Commercial	Commercial (Salvation Army Thrift Store)

# Subject Property Map: 225 Rutland Road South



# 4.3 Zoning Analysis

The proposed development compares to the C4 zone requirements as follows:

Zoning Analysis Table				
CRITERIA C4 ZONE REQUIREMENTS		PROPOSAL		
	Existing Lot/Subdivision Regulations			
Lot Area	1,300 m <sup>2</sup>	1,767 m <sup>2</sup>		
Lot Width	40 m	51.43 m		
Lot Depth	30 m	36.68 m		
Development Regulations				
Floor Area Ratio	1.442	1.432		
Height	Lesser of 15 m or 4 storeys	15 m and 4 storeys		
Site Coverage	75%	63.1%		
Front Yard (Rutland Rd. S)	0 m	1.3 m		
Side Yard (south)	0 m	0 m		
Side Yard (north)	0 m	0 m		
Rear Yard	6 m abutting a residential zone	2 m <b>o</b>		

Zoning Analysis Table (cont.)				
CRITERIA C4 ZONE REQUIREMENTS		PROPOSAL		
	Other Regulations			
Min. Parking Requirements	30 spaces (8 commercial + 22 residential)	30 spaces		
Bicycle Parking	14 Class 1 spaces 6 Class 2 spaces	14 Class 1 spaces 6 Class 2 spaces		
Private Open Space	525 m <sup>2</sup>	534.9 m <sup>2</sup>		
• Indicates a requested variance to reduce the minimum required rear yard from 6 m required to 2 m proposed.				

### 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

### Chapter 5 - Development Process

**Policy 5.1.3. Rutland & Downtown Revitalization Tax Exemption.** Provide a revitalization tax exemption for the municipal portion of the annual taxes on improvements for development within the City Centre and Rutland Town Centre as per Revitalization Tax Exemption Bylaw No. 9561.

**Policy 5.3.2 Compact Urban Form.** 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 per ha 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.

### Chapter 14 - Urban Design DP Guidelines

Revitalization Development Permit Objectives:

- Use appropriate architectural features and detailing of buildings and landscapes to define area character;
- Convey a strong sense of authenticity through high quality urban design that is distinctive of Kelowna:
- Enhance the urban centre's main street character in a manner consistent with the area's character;
- Provide for a scale and massing of buildings that promotes an enjoyable living, pedestrian, working, shopping and service experience;
- Encourage an appropriate mix of uses and housing types and sizes;
- Design and facilitate beautiful public open spaces that encourage year-round enjoyment;
- Create open, architecturally-pleasing and accessible building facades to the street;
- Improve existing streets and sidewalks to promote alternative transportation.

### 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. Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.

- 3. 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):
  - a. Hard surface paths are to be provided from the exit stairwells to the street(s).
  - b. Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
  - c. Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
  - d. No restricted access gate would be allowed to restrict vehicle or pedestrian flow without an exiting analysis provided at time of building permit application.
- 4. A Geotechnical report is required to address the sub soil conditions and site drainage.
- 5. Guards are required for all decks. The drawings provided don't clearly identify these requirements, but will be reviewed at time of building permit application.
- 6. Fire resistance ratings are required for storage, janitor and/or 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.
- 7. The upper floor plan may have a dead end corridor(s). An exiting analysis is required as part of the code analysis at time of building permit application. No cross-sections were provided at time of DP review.
- 8. Size and location of all signage to be clearly defined as part of the development permit. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
- 9. Full Plan check for Building Code related issues will be done at time of Building Permit application.

### 6.2 Development Engineering Department

See attached Development Engineering Memorandums, dated February 25, 2014.

### 6.3 Fire Department

- 1. Fire Department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900.
- 2. The Subdivision Bylaw requires a minimum of 150ltr/sec flow.
- 3. A Construction Fire Safety Plan is required and shall be submitted prior to start of construction.
- 4. All applicable sections of the Fire and Life Safety Bylaw #10760 shall be met.
- 5. Additional comments will be required with the building permit application.

### 6.4 Rutland Waterworks District

See attached Rutland Waterworks District Letter, dated February 4, 2014.

### 6.5 FortisBC (Electric)

No comments received to date.

### 6.6 FortisBC (Gas)

No comments received to date.

### 6.7 Telus

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

### 6.8 Shaw Cable

Shaw Cable approves proposed development permit application and to vary east side yard setback from 7m required to 2m proposed. Owner/developer to install an underground conduit system per Shaw Cable drawings and specifications.

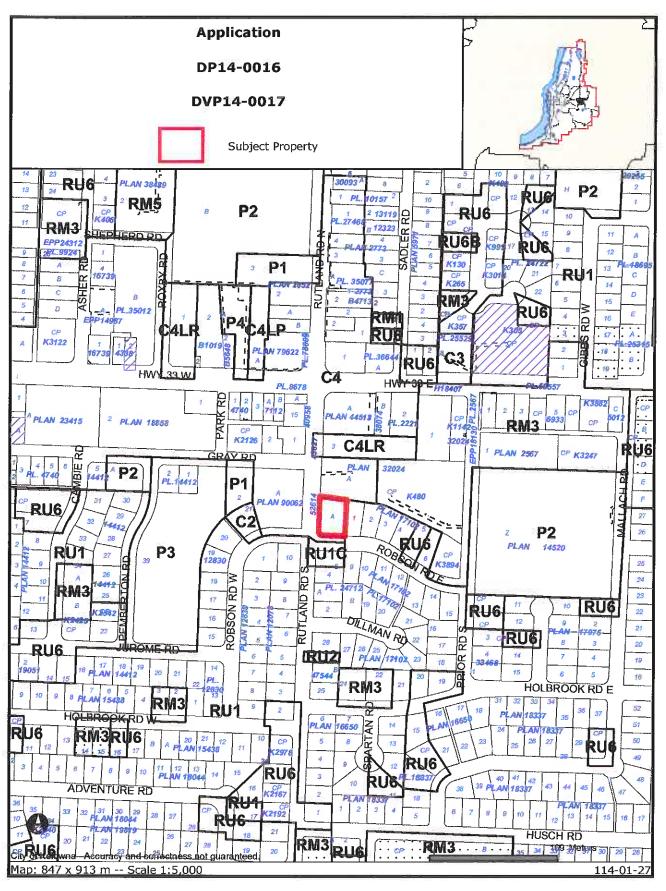
### 7.0 Application Chronology

Date of Application Received: January 27, 2014 Summary of Public Consultation Received: March 3, 2014

Report prepared by:	
Abigail Riley, Planner Urban Planning	
Reviewed by:	Ryan Smith, Urban Planning Manager
Approved for Inclusion	Doug Gilchrist, Divisional Director, Community Planning & Real Estate

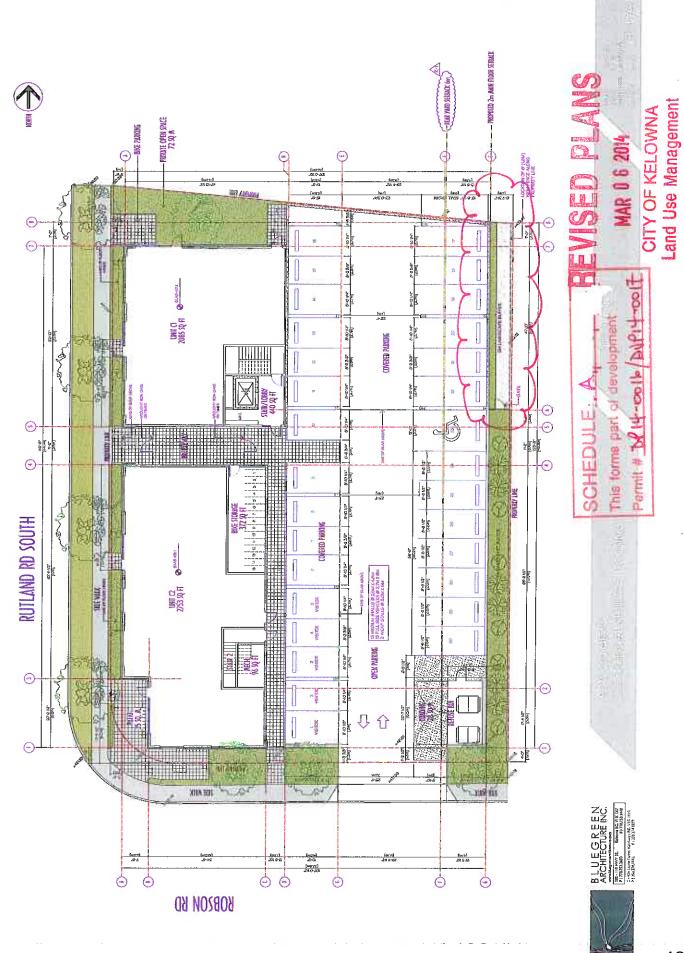
# Attachments:

Subject Property Map
Site Plan
Floor Plans
Building Elevations
Colour/Materials Board
Landscape Plan
Development Engineering Memorandums, dated February 25, 2014
Rutland Waterworks District Letter, dated February 4, 2014
DRAFT Development Permit / Development Variance Permit

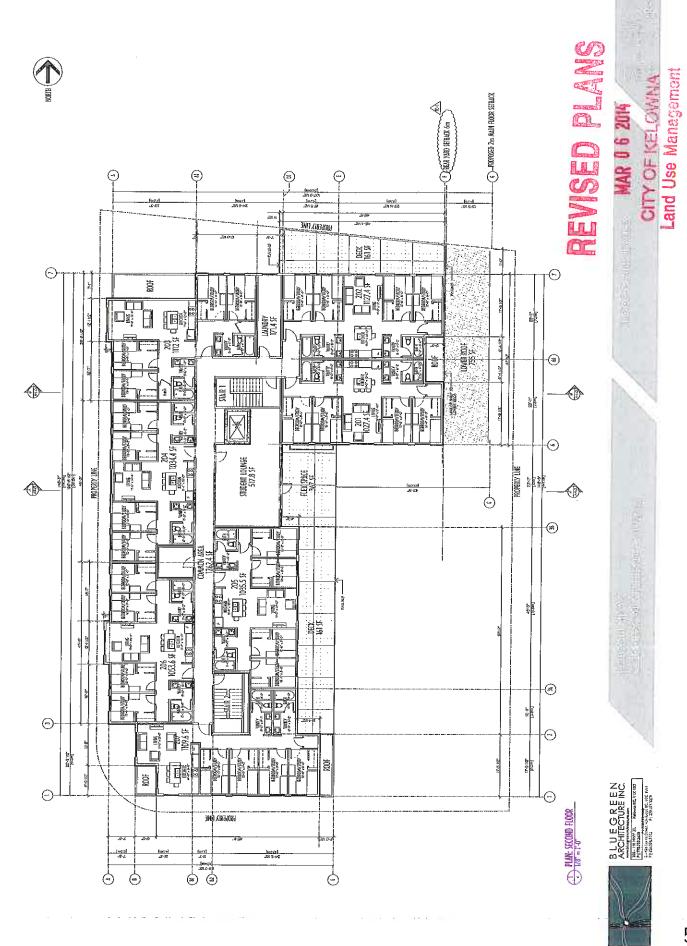


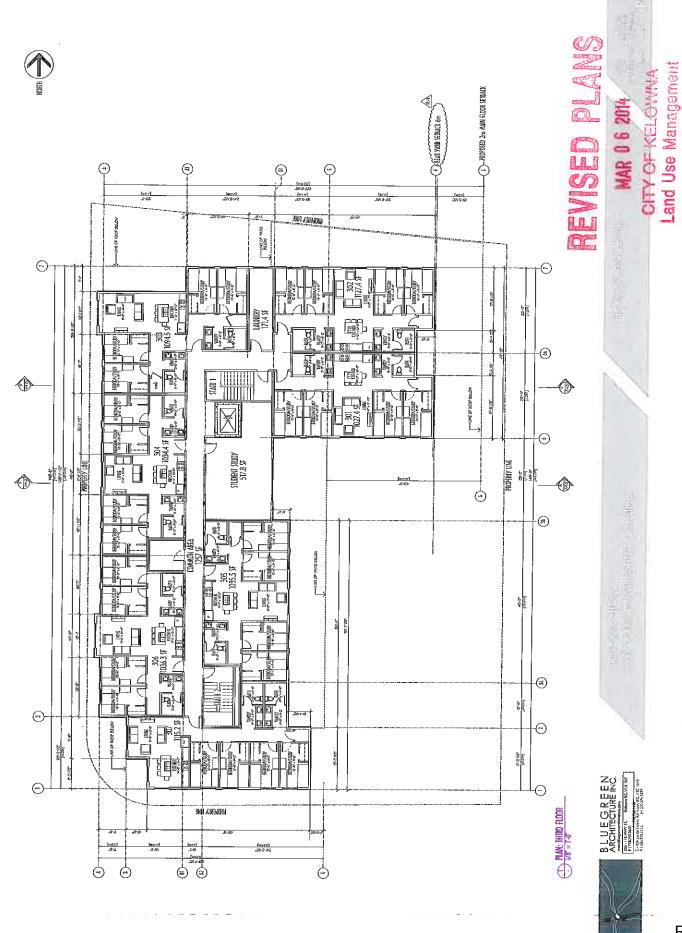
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.

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



CITY OF KELOWNA Land Use Management



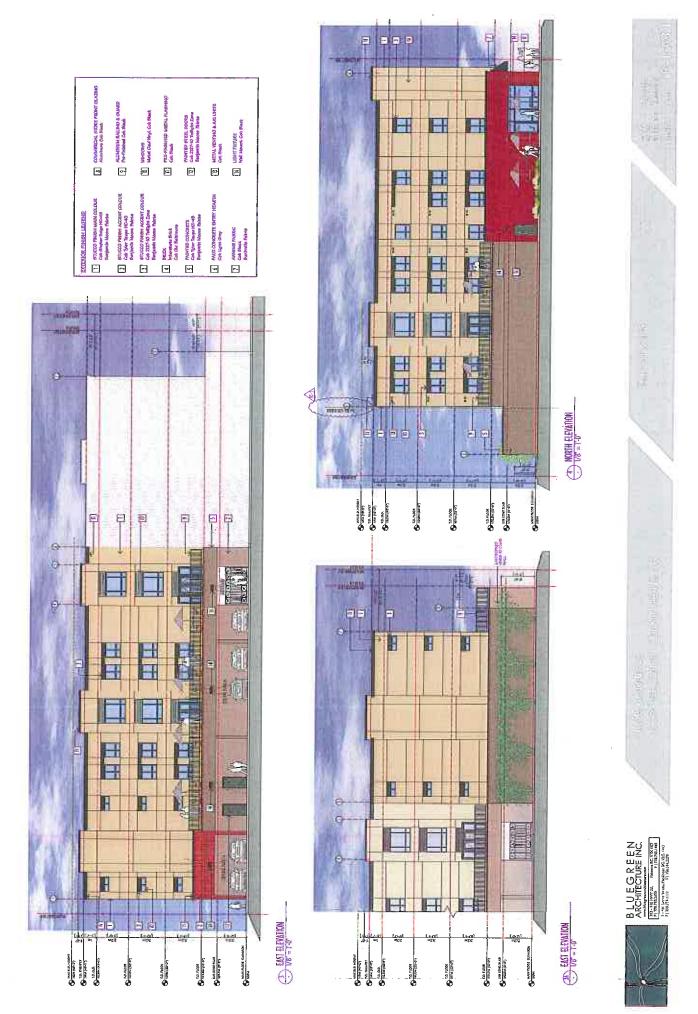


Land Use Management

53



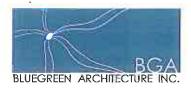
CITY OF KELOWNA Land Use Menagoment











# ROBSON MEWS COMMERCIAL/STUDENT HOUSING DEVELOPMENT Building Colour Scheme Development Permit

2014.01.14







ROBSON MEWS MIXED-USE DEVELOPMENT

CONCEPTUAL
LANDSCAPE PLAN

# CITY OF KELOWNA

# **MEMORANDUM**

RECEIVED

FEB 2 6 2014

Date:

February 25, 2014

File No.:

DP14-0016

To:

Community Planning (AR)

From:

Development Engineer Manager (SM)

Subject:

225 Rutland Road - Lot A, PLAN 84050, Sec. 22, twp. 26, ODYD

The Development Engineering Services comments and requirements regarding this application for the construction of a mixed use development are as follows:

### 1. Subdivision

a) Provide easements as may be required.

### 2. Geotechnical Study,

A comprehensive Geotechnical Study is required, which is to be prepared by a Professional Engineer competent in the field of geotechnical engineering, the study is to address the following:

- Overall site suitability for development.
- Presence of ground water and/or springs.
- Presence of fill areas.
- Presence of swelling clays.
- Presence of sulphates.
- Potential site erosion.
- Provide specific requirements for footings and foundation construction.
- Provide specific construction design sections for roads and utilities over and above the City's current construction standards

### 3. Domestic water and fire protection.

a) This development is within the service area of the Rutland Waterworks District (RWD). The developer is required to make satisfactory arrangements with the RWD for a connection and upgrades. All charges for service connection and upgrading costs are to be paid directly to the RWD. The developer is required to provide a confirmation that the district is capable of supplying fire flow for the requested development in accordance with current policies and regulations.

.../2

b) A watermeter is mandatory as well as a sewer credit meter to measure all the irrigation water. Watermeters must be housed in an above-ground, heated, accessible and secure building, either as part of the main site buildings or in a separate building. Remote readers units are also mandatory on all meters.

### 4. Sanitary Sewer.

The consolidated property has two 150 mm. diameter services to the property line. Only one service is acceptable when the building is connected The redundant service will have to be decommissioned to the City's satisfaction at the developer's cost.

### 5. Drainage.

A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual, is a requirement of this application. The drainage study should indicate the size and location of the detention facility and provide for a positive outflow to the existing municipal storm drainage system. This plan can become part of the geotechnical study to identify possible ground recharge/detention areas.

### 6. Power and Telecommunication Services.

The services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works.

### 7. Road improvements.

### a) Rutland Road

- i. The applicant is responsible for the removal of the temporary sidewalk where it does not meet the ultimate cross-section and construct the entire frontage of the consolidated lots to an urban arterial standard equivalent to City Standard SS-R15 complete with fillet paving, curb, gutter, separate sidewalk, landscaped boulevard to the City's parks department standard and approval, storm drainage works, removal and/or relocation of utilities as may be required, etc. The estimated cost of this work, for bonding purpose would be \$43,720.00, inclusive of a bonding contingency (Utilities and poles relocation/removal is not included).
- ii. The City has collected some financial contribution from previous development application on the subject property towards the completion of a full urban standard along the frontage of the subject property. Upon completion of the frontage upgrades, the City will make the collected funds available to the developer. The total contribution will be limited to the accrued amount in the account; any shortfall shall be born by the current developer undertaking the frontage upgrades.

### b) Robson Road.

The applicant is responsible to upgrade Robson Road to a paved urban collector standard (SS-R5). The construction consists of curb, gutter and sidewalk, fillet paving, storm drainage works, removal and/or relocation of utilities as may be required, etc. The estimated cost for this work, for bonding purpose, would be \$30,750.00, inclusive of a bonding contingency (Utilities and poles relocation/removal is not included).

### 8, Street lights.

Street lights must be installed on all fronting roads as determined by the Manager of Electrical Utilities.

# 9. <u>Design and Construction.</u>

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Development Engineering Branch. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

# 10. Servicing Agreements for Works and Services.

a) A Servicing Agreement is required for all offsite works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw. b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

### 11. Access.

The access to the proposed development meets the City of Kelowna transportation network plan objectives with regard to the distance to the intersection.

### 12. DCC Credits.

None of the required improvements qualify for DCC credit consideration, as these upgradings are not identified in the current DCC schedules.

### 13. Bonding and Levies Summary.

### a) Performance Bonding

Rutland Road frontage upgrading Robson Road frontage upgrading Less security in place	\$	43,720.00 30,750.00 7,200.00
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Total security

<u>\$ 67,270.00</u>

### b) Levies

Administration and Inspection fee (3% of construction costs)

**\$1,837.50** (\$1,750.00 + \$87.50 GST)

Steve Muenz, P.Eng.

Development Engineering Manager

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# CITY OF KELOWNA

# **MEMORANDUM**



Date:

February 25, 2014

File No.:

DVP14-0017

To:

Community Planning (AR)

From:

Development Engineer Manager (SM)

Subject:

225 Rutland Road - Lot A, PLAN 84050, Sec. 22, twp. 26. ODYD

The Development Engineering Services comments and requirements regarding this rear yard setback variance application are as follows:

### 1. General

- a) All Engineering requirements have been addressed in the Development Permit application under file DP14-0016.
- b) The requested rear yard variance setback does not compromise any Municipal Infrastructure Services.

Steve Muenz, P.Eng.

Development Engineeking Manager

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106 – 200 Dougalt Road North Kelowna, BC VIX 3K5 www.ruflandwaterworks.com

p: (250) 765-5218 & (250) 765-7765 m info@rutlandwaterworks.com



February 4, 2014

Wendy Rempel 202 – 110 Hwy 33 W Kelowna BC V1X 1X7

# RE: Development Proposal at 225 Rutland Rd S Plan KAP84050 Lot A RWD File # 14/02 City of Kelowna File # DP14-0016 & DVP14-0017

Rutland Waterworks District acknowledges receipt of a proposal for development at the above noted address, forwarded to us for comment by the City of Kelowna Planning Department.

Our engineer, Jody Good of Mould Engineering in Kelowna, will be requested to review the plans as submitted to determine requirements for fire flows, connection details, Capital Expenditure Charges (CEC's) water system upgrades (if required) and an estimate of these costs based on these initial plans.

A \$5000 00 deposit is required for this initial engineering review. Please note that the review will commence upon receipt of payment.

For your information any determined Capital Expenditure Charges will be due to Rutland Waterworks District at the building permit stage. Any other costs will be due prior to the issuance of a water certificate letter to the City of Kelowna.

Further all bylaws and regulations of Rutland Waterworks District must be adhered to for the commitment of water service to this property.

Sincerely

Peter Preston General Manager

pc: Mould Engineering

City of Kelowna Planning Department

# CITY OF KELOWNA

APPROVED ISSUANCE OF A:

□ Development Permit No.:□ Development Variance Permit No.:□ DP13-0016□ DVP13-0017

EXISTING ZONING DESIGNATION: C4 - Urban Centre Commercial

WITHIN DEVELOPMENT PERMIT AREA: Revitalization Development Permit Area

DEVLOPMENT VARIANCE PERMIT: To vary the minimum required rear yard from 6.0 m required where

abutting a residential zone to 2.0 m proposed.

ISSUED TO: Applicant: Wendy Rempel, Bluegreen Architecture Inc.; Owner: Dr. Dale Forsythe

LOCATION OF SUBJECT SITE: 225 Rutland Road South

	SECTION	LOT	TWP	DISTRICT	PLAN
LEGAL DESCRIPTION:	Section 23	Lot A	26	ODYD	KAP84050

# SCOPE OF APPROVAL

This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings,
structures and other development thereon.

- ☐ This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- Applicants for a Heritage Alteration Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

### 1. TERMS AND CONDITIONS:

- 1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- 2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
- 3. Landscaping to be provided on the land be in general accordance with Schedule "C", which is to be sealed by a Landscape Architect in good standing prior to permit issuance;
- 4. Prior to the issuance of the Development and Development Variance Permit applications, 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 Landscape Architect (BCSLA), and as shown in general accordance with Schedule "C";

5. Prior to the issuance of the Building Permit, the applicant be required to satisfy the requirements of the Development Engineering Branch and the Rutland Waterworks District;

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

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

### Section 14.4.5 (f) - C4 Development Regulations

To vary the minimum required rear yard where abutting a residential zone from 6.0 m required to 2.0 m proposed, as per Schedule 'A';

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

### 2. DEVELOPMENT:

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

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

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

THIS Permit IS NOT A BUILDING Permit.

### 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 an	nount of \$	N/A		
(c)	An Irrevocable Letter of Cre	dit in the amour	nt of \$	27,620	

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.

#### 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.

### 5. APPLICANT'S AGREEMENT:

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

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

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

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.

Signature of Owner/Authorized Agent	Date	_
Print Name in Bold Letters	Telephone No.	
6. <u>APPROVALS</u> :		
	RMIT AUTHORIZED BY THE COUNCIL ON THE OF 20	14.
Doug Gilchrist, Divisional Director Community Planning & Real Estate		