

City of Kelowna
Regular Council Meeting
AGENDA



Tuesday, April 15, 2014
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order
2. Prayer

A Prayer will be offered by Councillor DeHart.
3. Confirmation of Minutes 1 - 12

Public Hearing - April 1, 2014
Regular Meeting - April 1, 2014
4. Bylaws Considered at Public Hearing
 - 4.1 Bylaw No. 10924 (OCP13-0021) - Thomson Flats, Melcor Development Ltd. 13 - 15

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.
 - 4.2 Bylaw No. 10933 (Z13-0038) - 721-725 Francis Avenue, Aldo & Wilma Clinaz 16 - 19

To give Bylaw No. 10933 second and third readings in order to legalize through rezoning an existing fouxplex that was originally approved as a duplex.
 - 4.3 Bylaw No. 10934 (Z13-0037) - 3657 Highway 97 North, Raul Holdings Inc. 20 - 23

To give Bylaw No. 10934 second and third readings in order to rezone the subject property from the A1 - Agriculture 1 zone to the C10 - Service Commercial zone.
 - 4.4 Bylaw No. 10937 (Z13-0045) - 469 Glenmore Road, Terry Johnson & Jeffery Pereverzoff 24 - 26

To give Bylaw No. 10937 second and third readings in order to rezone the subject property from the A1 - Agriculture 1 zone to the C3 - Community

Commercial zone.

- 4.5 Bylaw No. 10938 (HD14-0001) - 609 Burne Avenue, Craig Abernethy 27 - 27

To give Bylaw No. 10938 second and third readings, and adoption, in order to remove the Municipal Heritage Designation from the subject property.

- 4.6 Bylaw No. 10940 (OCP14-0007) - 1924 Henkel Road and (Part of) Henkel Road, Surinder Gosel & City of Kelowna 28 - 30

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

To give Bylaw No. 10940 second and third readings in order to change the future land use designations of part of the subject properties from the REP - Resource Protection Area and EDINST - Educational/Major Institutional designations to the S2RES - Single/Two Unit Residential designation.

- 4.7 Bylaw No. 10941 (Z14-0002) - 1908, 1924 and (Part of) Henkel Road, Surinder Gosel & City of Kelowna 31 - 33

To give Bylaw No. 10941 second and third readings in order to rezone part of the subject properties from the RR3 - Rural Residential 3 and P2 - Educational Minor Institutional zones to the RU2 - Medium Lot Housing zone.

- 4.8 Bylaw No. 10944 (TA14-0006) - Medical Marihuana Production Facilities - Industrial Zones 34 - 34

To give Bylaw No. 10944 second and third readings in order to amend Zoning Bylaw No. 8000 to allow Medical Marihuana Production Facilities as a principle use in the I1 - Business Industrial Zone.

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. DVP14-0034 - 1912 Enterprise Way, Trish Presenger-Stroma Signs 35 - 48

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 DVP is to permit fascia signs to be located more than 1.0m above the second storey.

7. Reminders

8. Termination



City of Kelowna Public Hearing Minutes

Date: Tuesday, April 1, 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, Luke Stack and Gerry Zimmermann

Council Members Absent: Councillor Andre Blaneil

Staff Present: Deputy City Manager, Paul Macklem; City Clerk, Stephen Fleming; Divisional Director, Community Planning & Real Estate, Doug Gilchrist*; Manager, Urban Planning, Ryan Smith; Director, Subdivision, Agriculture & Environment, Shelley Gambacort*; Planner II, Damien Burggraeve*; and Council Recording Secretary, Tania Tishenko

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the Hearing to order at 6:06 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 City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on March 18th, 2014 and by being placed in the Kelowna Capital

News issues on March 21, 2014 and March 25, 2014 and by sending out or otherwise delivering 443 Statutory Notices to the owners and occupiers of adjacent and adjoining properties, and 2651 "It's Your Neighborhood" Informational Notices to residents in the postal delivery area between March 18, 2014 and March 21, 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. 369.

3. Individual Bylaw Submissions

3.1. Bylaw No. 10918 (Z13-0042) - 3112 Watt Road, Ian & Marguerite Sissett

Councillor Hobson declared a conflict of interest as he has family living in the area and left the meeting at 6:12 p.m.

Staff:

- Summarized the application before Council and responded to questions from Council.

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

- Letters of Support:
 - 13 page correspondence package submitted by the Applicant containing 14 responses of support, from surrounding neighbors.
 - Paul Lee, 3122 Watt Road

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

Ian Sissett, Applicant/Owner

- Raised procedural issues regarding whether specific Councillors should hear the application.
- Verified that he had contact with neighbors and majority of support from the neighbors.
- Does not want to have trade off of beach or water rights.
- Responded to questions from Council.

City Clerk:

- Confirmed no reasons for any Council members to excuse themselves from hearing this application.

Gallery:

Albert Van Diest, friend of neighbour (Jim Walasko)

- Not in favor of application.
- Has a concern with creek undermining the side of the building.

Kevin Johnson, representing 3126 Watt Road

- In support of the application.
- Wanted to know about blanket zoning for the future, as he wants to put in a carriage house on his personal property.
- Questioned foreshore rights.

- In support of neighborhood wide carriage house rezoning.
Ian Sissett
- Responded to Albert Van Diest's comments concerning the wall.

There were no further comments.

Councillor Hobson rejoined the meeting at 6:42 p.m.

3.2. WITHDRAWN BY STAFF - Bylaw No. 10924 (OCP13-0021) - Thomson Flats, Melcor Development Ltd.

3.3. Bylaw No. 10930 (Z14-0007) - 375 Gibson Road, Robert Holden

Staff:

- Summarized the application before Council and responded to questions from Council.

City Clerk clarified if this application proceeded, it would be the first of this type.

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

- Letters of Opposition:
 - Scott and Teresa Reid
 - John N. Ringness
 - Jan Rauter
 - Leanne Wilson
 - Alexander Strauch
 - Cyndie Ludba
 - Wes Wilson
 - Jack and Linda Wolfe
 - Astrid Jaago and James Weedon
 - Diana Reynolds
- Letters of Concern:
 - Wayne Parser
 - Henry Wiebe
 - Loree Wright
 - Bruce G. Wilson
 - Garry and Elizabeth Heier

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

Robert Holden, Applicant, Owner's Representative

- Advised that property had been cleaned up by removing recyclable products and debris.
- Ensured that all construction will be done at the same time, or as close as possible, to complete project in a timely manner.
- Advised that he had spoken with 7 RV sales companies in the area, and they were thrilled that someone was putting in recreational vehicle lots. They were even willing to advertise and promote Mr. Gill's RV lots.

- Assured that the newly constructed home is for a family member to manage the fruit stand and RV lots.
- Advised that owner Mr. Gill wants to take a portion of the building and make it into an education centre for the community.
- Felt that the resulting traffic should only be minimal, with only be 9 RV lots.
- Expressed that the owner wanted to give back to the community with this project.
- Responded to questions from Council.

Mr. Gill, Owner

- Came forward and spoke of all the fruit he grows, and the education centre he wants to build.
- Confirmed that there will be onsite management with supervision on property 24 hours.
- Responded to questions from Council.

John Ringness, Neighbor (letter on file)

- Opposes the application.
- Wanted to know when Agri-Tourism started in Kelowna.
- His family moved to this area to enjoy the agricultural setting.
- Does not want the RV rental lots to begin to look like a mobile home park.
- Believes there will be an increase in traffic with more RV's on the road in the area.
- Does not want issues of RV's being in one spot year round (should be a 3 week maximum stay).
- Does not think it's a good idea of increased traffic flow on Gibson.
- Responded to questions from Council.

Simon Brandt, (letter on file)

- In opposition of application.
- Concerned with discharge from RV pad sites going in to Creek.
- Stated that Mr. Gill has an impeccable orchard, but wetlands have been filled.
- There is a conflict with septic system and flow of water.
- This area has one of the major water features left in Kelowna.
- Responded to questions from Council.

Albert Van Diest

- Not supporting this application.
- Concerned with the impact of large RV's coming onto roadways in this area.
- Responded to questions from Council.

Tyler, Gibson Road Resident

- Not in support of this application.
- Concerned with extra traffic in this area.

Astrid Jaago (letter on file)

- Advised that she drives that road everyday as a mail carrier, and is concerned with the extra traffic that may be a hazard.
- She has concerns with the environmental impact from the RV Park.
- Responded to questions from Council

Dave Sollosy Mackenzie Road Resident

- Stated he read in the application that there were 150 seasonal workers coming to work on the proposed land.
- Expressed that he already has seasonal workers living in front of his property, and is concerned that he's going to have seasonal workers beside him as well.
- Has a concern that the community centre will be used as a café and not an education centre as stated.
- Feels that Bylaw Enforcement does what they can between 8 a.m. and 4 p.m, and is concerned for all the other hours in between.
- Is not happy with the extra traffic that is coming to the area.

City Clerk clarified Bylaw's hours of operation, and contact phone numbers after hours.

Deputy, City Manager

- Clarified how Bylaws could be contacted after hours through fire dispatch.

City Clerk confirmed that ALR rules on duration of stay is maximum 30 day, and that the City does not have the power to enforce these rules.

Wayne Parser, Gibson Road Resident

- Would like Mr. Gill to plant cedars to obscure the view of the RV's and existing cherry tree circle.
- Stated that reference was made to a dwelling located across from his residence as used by Mr. Gill for "farm help".
- Confirmed that this house has had tenants in it year round and these tenants are not farm help.
- Has mixed feeling as past history of this landowner and farmer has shown otherwise.
- Wanted reassurance of what exactly is going to be done on the farm.

Mike Shear Gibson Road Resident

- Has been a resident in the area for 40 years, and the last 30 years the subject property has been a mess.
- Is pleased that the property owner has cleaned up his land, and is looking forward to future development on the land.
- Would like to see trees planted on Gibson Road and not just on McKenzie Road..

Graham Marvus, Gibson Road Resident

- Opposed to an RV Park coming into the area.
- Concerned for the well being of his family, with the increase of traffic flow on both Gibson and McKenzie roads.
- Feels that the speed limit has gone up.
- Would like the area to stay agricultural.
- Has been a professional tour guide for the last 4 years, and expressed he understood the noise issues of extra vehicles picking up and dropping off workers, and feels this would be a detriment to the area.
- Responded to questions from Council.

There were no further comments from gallery.

Tars Saran, Applicant Representative

- Expressed that Mr. Gill has invested a lot of money into this property.
- Reassured that RV traffic will be minimal as RV's will only move once a month.
- Clarified that there will not be a restaurant or café on this property.
- Responded to questions from Council.

Mr. Gill, Owner

- Responded to questions from Council.
- Clarified that there will not be any migrant housing on this property, and the housing will be management housing for year round lodging.
- There were no further questions or comments.

3.4. Bylaw No. 10929 (OCP14-0003) and 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.

Staff:

- Summarized the application before Council.

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

- Letters of Opposition:
 - Eric and Nives Zvaniga
 - D. Horton
- Letters of Concern:
 - Richard Stephure
 - Ken Campbell

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

Russ Foster, Wilden Project Manager

- Did not have anything further to add.

Gallery:

Eric Zvaniga, Clifton Road Resident

- Raised a concern with the OCP and rezoning mapping designations.
- Objects to application.


Richard Stephure, Area Resident

- Resides immediately adjacent to the proposed land.
- Objects to application.
- Not happy with financial and land value impact to his home due to this application.
- There were no further comments.

4. Termination

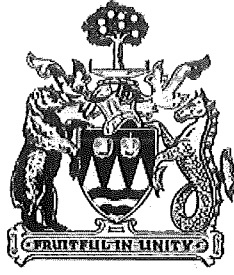
The Hearing was declared terminated at 8:30 p.m.

Mayor



City Clerk

DRAFT



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, April 1, 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, Luke Stack and Gerry Zimmermann

Council Members Absent: Councillor Andre Blanleil

Staff Present: Deputy City Manager, Paul Macklem; City Clerk, Stephen Fleming; Manager, Urban Planning, Ryan Smith; Director, Subdivision, Agriculture & Environment, Shelley Gambacort*; Planner II, Damien Burggraefe*; and Council Recording Secretary, Tania Tishenko

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the meeting to order at 8:44 p.m.

2. Prayer

A Prayer was offered by Councillor Stack.

3. Confirmation of Minutes

Moved By Councillor Hobson/Seconded By Councillor Basran

R219/14/04/01 THAT the Minutes of the Public Hearing and Regular Meeting of March 18, 2014 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

Councillor Hobson declared a conflict of interest and left the meeting at 8:45 p.m.

4.1. Bylaw No. 10918 (Z13-0042) - 3112 Watt Road, Ian & Marguerite Sissett

Moved By Councillor Basran/Seconded By Councillor Zimmermann

R220/14/04/01 THAT Bylaw No. 10918 be read a second and third time.

Carried

Councillor Hobson rejoined the meeting at 8:54 p.m.

4.2. WITHDRAWN BY STAFF - Bylaw No. 10924 (OCP13-0021) - Thomson Flats, Melcor Development Ltd.

4.3. Bylaw No. 10930 (Z14-0007) - 375 Gibson Road, Robert Holden

Moved By Councillor Zimmermann/Seconded By Councillor Singh

R221/14/04/01 THAT Bylaw No. 10930 be read a second and third time.

Carried

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.

Moved By Councillor Given/Seconded By Councillor Singh

R222/14/04/01 THAT Bylaw No. 10929 be read a second and third time.

Carried

- 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.

Moved By Councillor Given/Seconded By Councillor Singh

R223/14/04/01 THAT Bylaw No. 10931 be read a second and third time.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of the Development Variance Permit Applications was given by sending out or otherwise delivering 286 Statutory Notices to owners and occupiers of adjacent and adjoining properties, and 1398 "It's Your Neighborhood" Informational Notices to residents in the postal delivery area between March 18, 2014 and Mar 21, 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. 369.

6. Development Permit and Development Variance Permit Reports

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

Staff:

- Displayed a PowerPoint Presentation summarizing the application before Council.
- Responded to questions from Council.

The 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. No one came forward. There were no further comments.

Moved By Councillor Hobson/Seconded By Councillor Stack

R224/14/04/01 THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0015 for Lot 1, Block A, ODYD, Plan KAP76725, located at 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:

Section 6.1: Free-Standing Signs in the RM5 zone;

To vary the permitted number of free-standing signs per site from one (1) sign to three (3) signs (as per schedule 'A').

To vary the maximum area of one (1) free-standing sign from a maximum of 3.0m² to 3.14m² (as per schedule 'A').

Section 6.1: Fascia Signs in the RM5 zone;

To vary the maximum height of a fascia sign from 2.5 metres to 4.52 metres (as per schedule 'A').

Carried

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

Staff:

- Displayed a PowerPoint Presentation summarizing the application before Council.
- Responded to questions from Council.

The 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. No one came forward.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Hobson

R225/14/04/01 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';

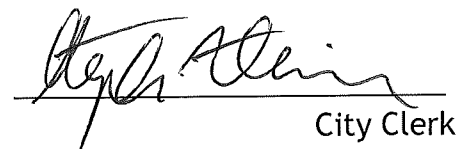
AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council's approval of the Development Permit and Development Variance Permit Applications, in order for the permits to be issued.

Carried

8. Termination

The meeting was declared terminated at 9:26 p.m.

Mayor


City Clerk

CITY OF KELOWNA

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

Area Structure Plans	A	B	C	D	E	F	G	H	I	J	K
1. Pier Mac	•			•	•		•	•		•	
2. North Clifton Road											
3. Eagle Ridge											
4. Tonn Mountain											

And replaced with:

Table 4.2 Potential ASP Development Components

Area Structure Plans	A	B	C	D	E	F	G	H	I	J	K
1. Pier Mac	•			•	•		•	•		•	
2. North Clifton Road											
3. Eagle Ridge											
4. Tonn Mountain											
5. Thomson Flats	•		•			•					

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 10th 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

Land Use Designations

- Future Land Use Boundaries are left with more than one Land Use Designation are conceptual only and may change based on Development Proposals.*

AREA STRUCTURE PLAN

- Alternative Re-Use of Heritage Buildings may be permitted within any Future Land Use Designation.**

Temporary Commercial and Industrial uses are not shown on this map. For information on approved temporary uses, please consult chapter 19 of the Official Community Plan.

Land use designations apply only to legal parcels. For example, roads, creeks, wetlands, etc. that are not a separate legal parcel have no land use designation applicable. The colors on the Future Land Use Map that extend to the outside of these features are applied to improve map aesthetics.

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

Proposed
Amendment
OCP13-0021

Rev. Mar 10, 2013

Map 4.1
Generalized Future
Land Use
Official Community Plan 2030

CITY OF KELOWNA
BYLAW NO. 10933
Z13-0038 - Aldo and Wilma Clinaz
721 - 725 Francis Avenue

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 Strata Lots 1 and 2, District Lot 136, ODYD, Strata Plan KAS1005 Together With An Interest In The Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown In Form 1, located on 721 - 725 Francis Avenue, Kelowna, B.C., from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling Housing Zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 24th day of March, 2014.

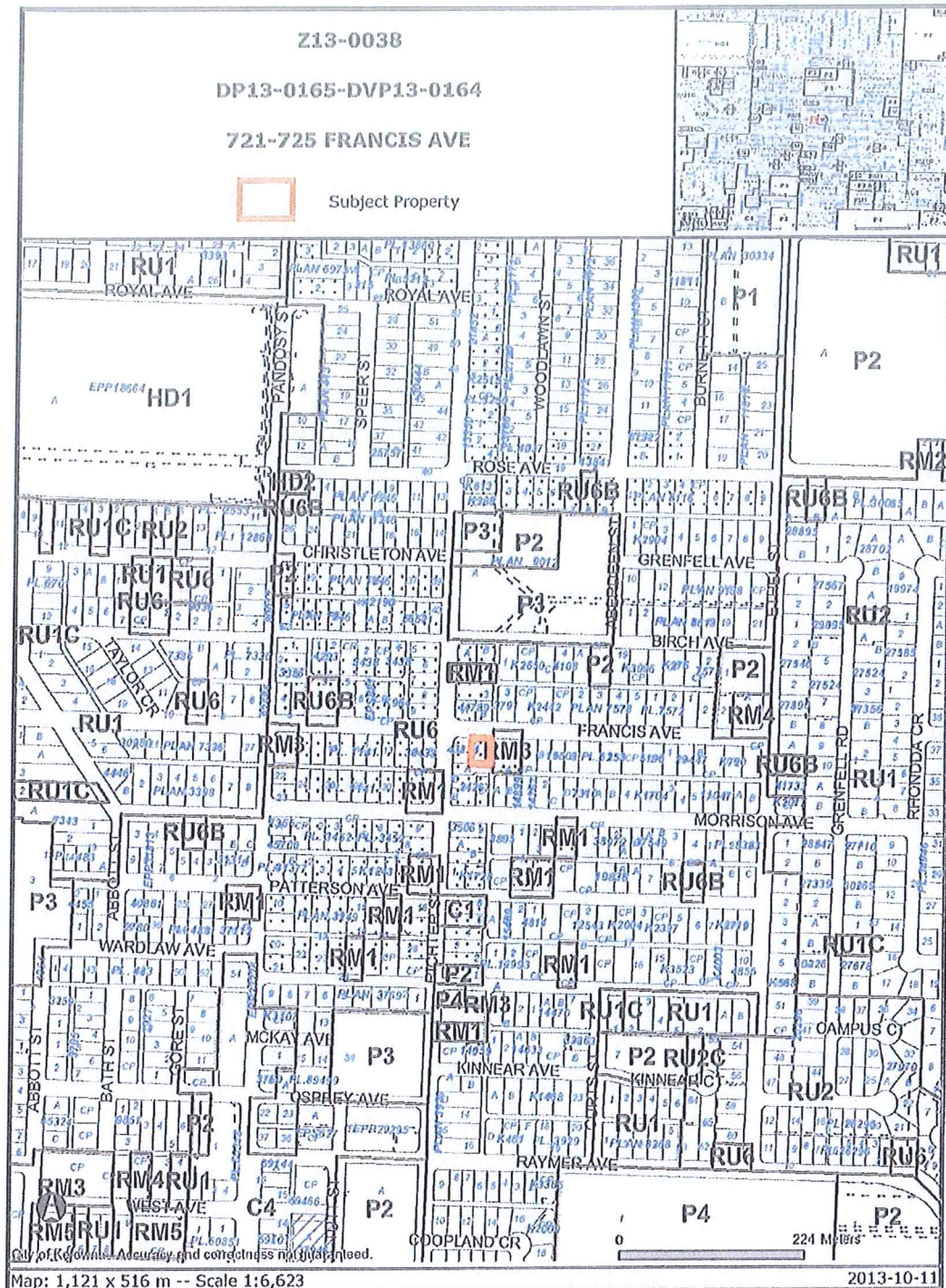
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

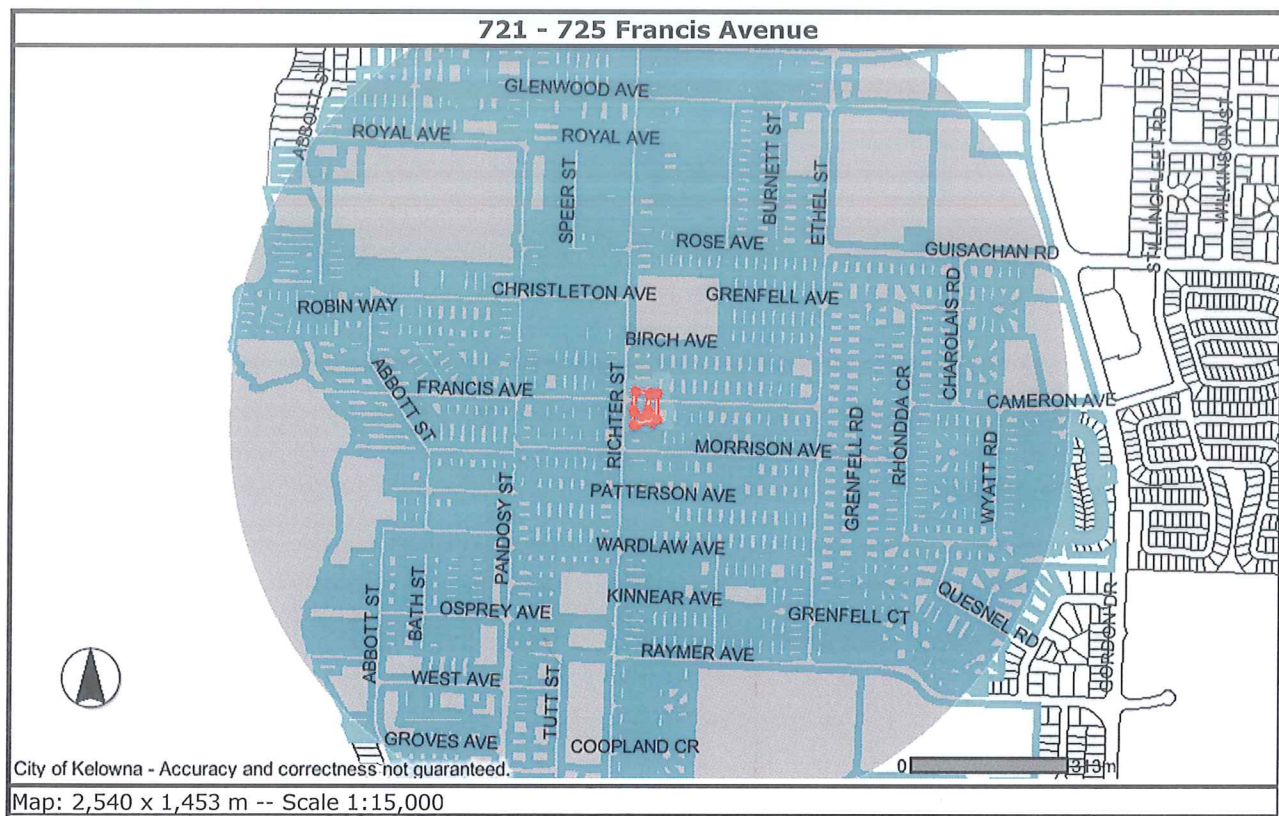
Adopted by the Municipal Council of the City of Kelowna this

Mayor

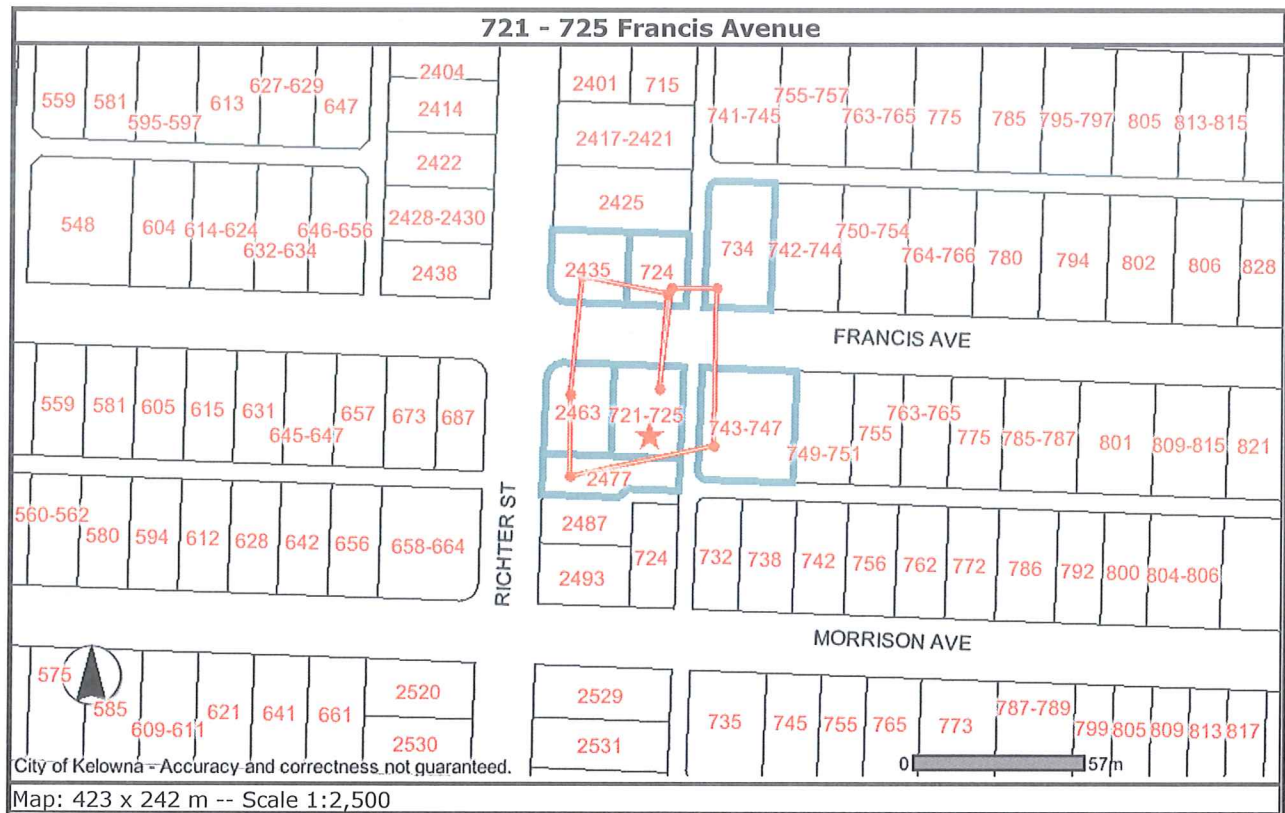
City Clerk



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



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CITY OF KELOWNA
BYLAW NO. 10934
Z13-0037 - Raul Holdings Inc.
3657 Highway 97 North

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 A, Section 35, Township 26, ODYD, Plan 19674, Except Plan 23587 located on 3657 Highway 97 North, Kelowna, B.C., from the A1 - Agriculture 1 zone to the C10 - Service 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 24th day of March, 2014.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

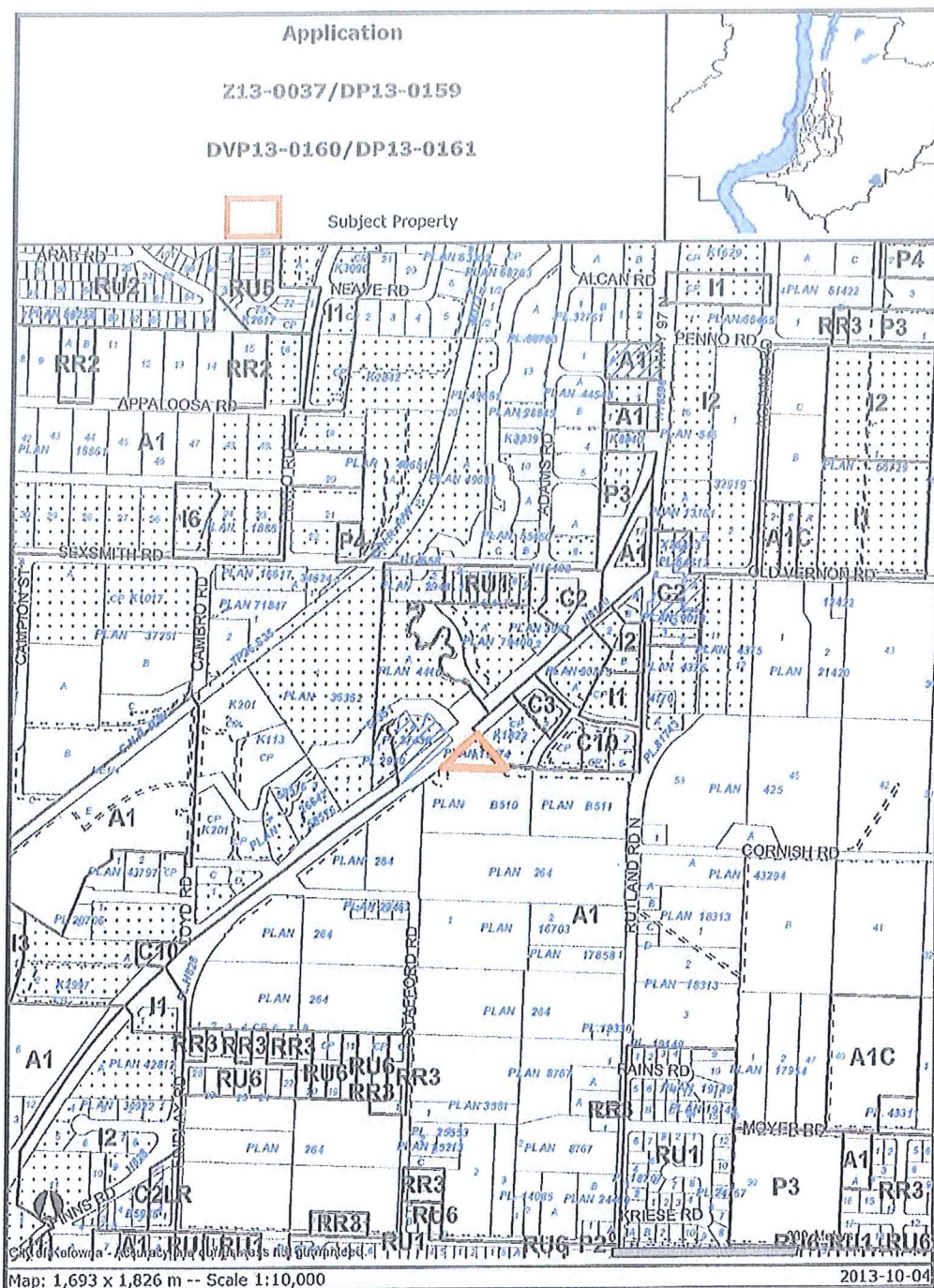
Approved under the Transportation Act

(Approving Officer-Ministry of Transportation)

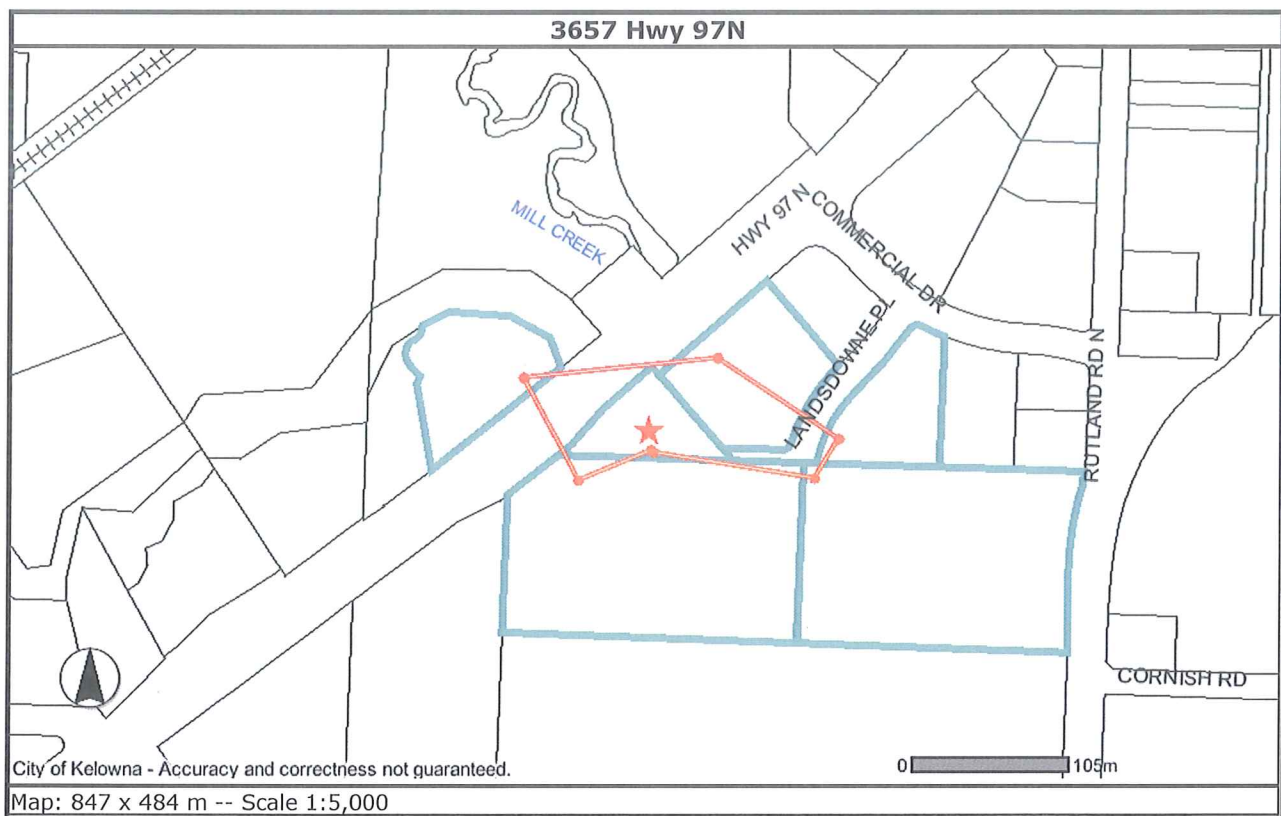
Adopted by the Municipal Council of the City of Kelowna this

Mayor

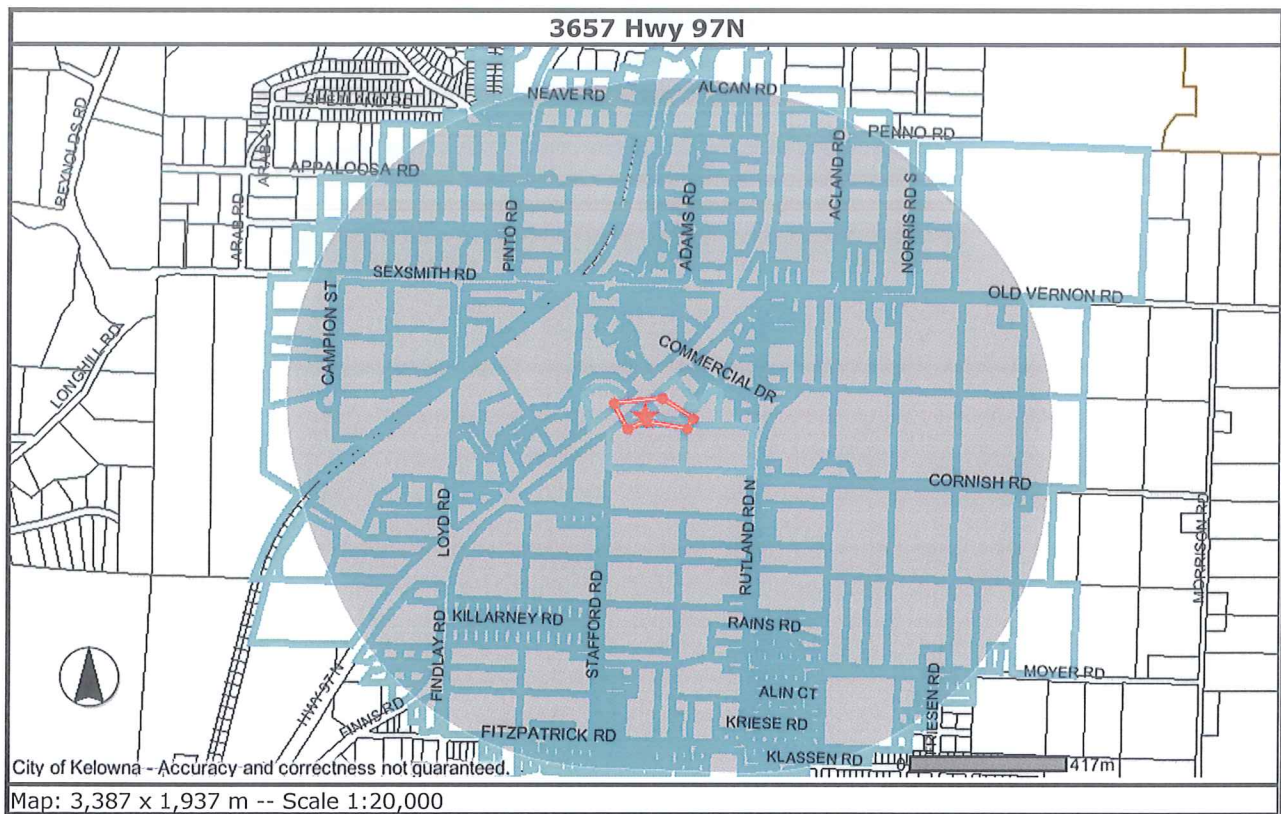
City Clerk



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CITY OF KELOWNA
BYLAW NO. 10937
Z13 - 0045 - Terry Johnston and Jeffery Pereverzoff
469 Glenmore 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, Section 32, Township 26, ODYD, Plan 9951 located on 469 Glenmore Road, Kelowna, B.C., from the A1 - Agriculture 1 zone to the C3 - Community 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 31st day of March, 2014.

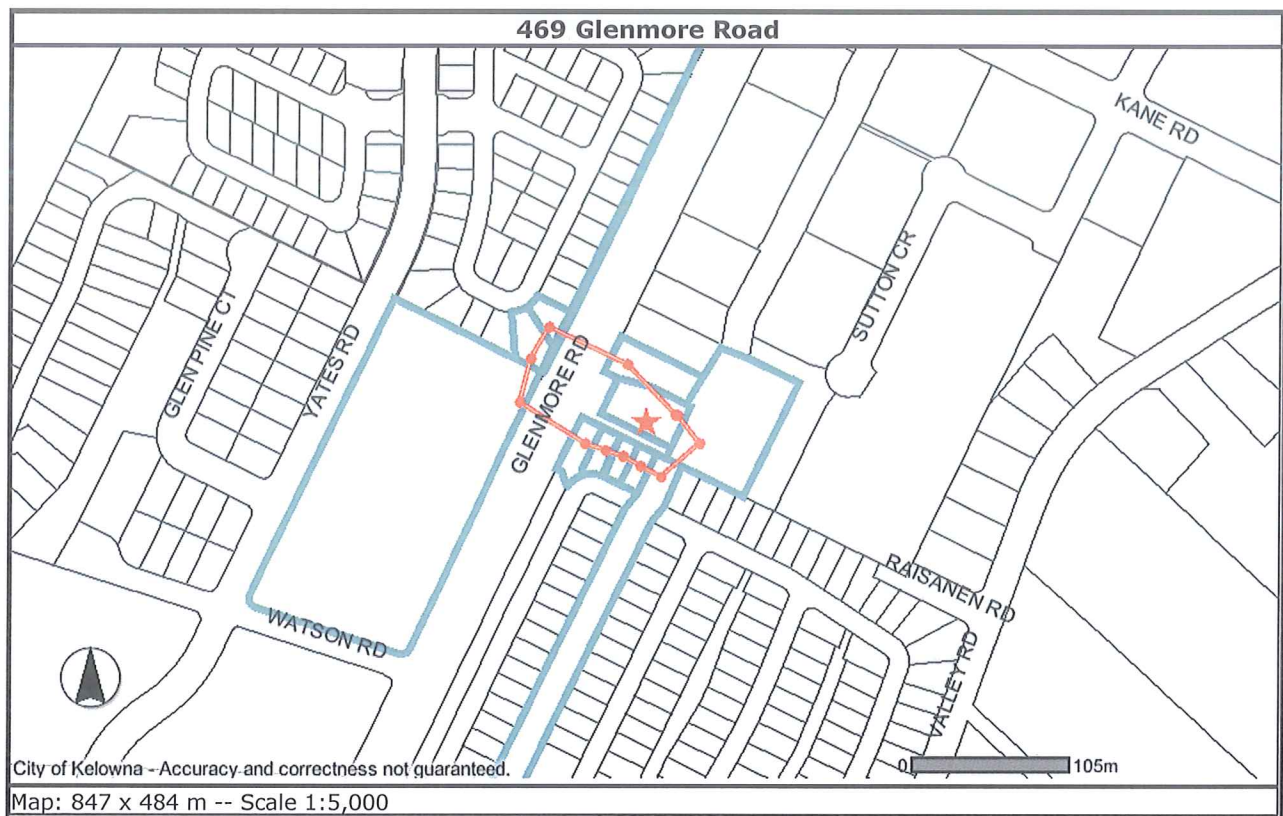
Considered at a Public Hearing on the

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



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

CITY OF KELOWNA

BYLAW NO. 10938

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

1. THAT City of Kelowna Heritage Designation Bylaw No. 7555 (J.F. Burne House) and all amendments thereto, be repealed.
2. This bylaw shall come into full force and effect upon the date of adoption.

Read a first time by the Municipal Council this 31st day of March, 2014.

Considered at a Public Hearing on the

Read a second and third time and be adopted by the Municipal Council this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 10940

Official Community Plan Amendment No. OCP14-0007 Surinder Gosal and City of Kelowna 1924 Henkel Road and part of Henkel Road Closure Area

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 part of Lot A, Section 4, Township 23, ODYD, Plan 34105, Except Plan KAP61643, located on 1924 Henkel Road, Kelowna, B.C., from the REP - Resource Protection Area designation to the S2RES - Single Two Unit Residential designation and part of Henkel Road Closure Area from the EDINST - Education/Major Institutional Area designation to the S2RES - Single Two Unit Residential 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 31st day of March, 2014.

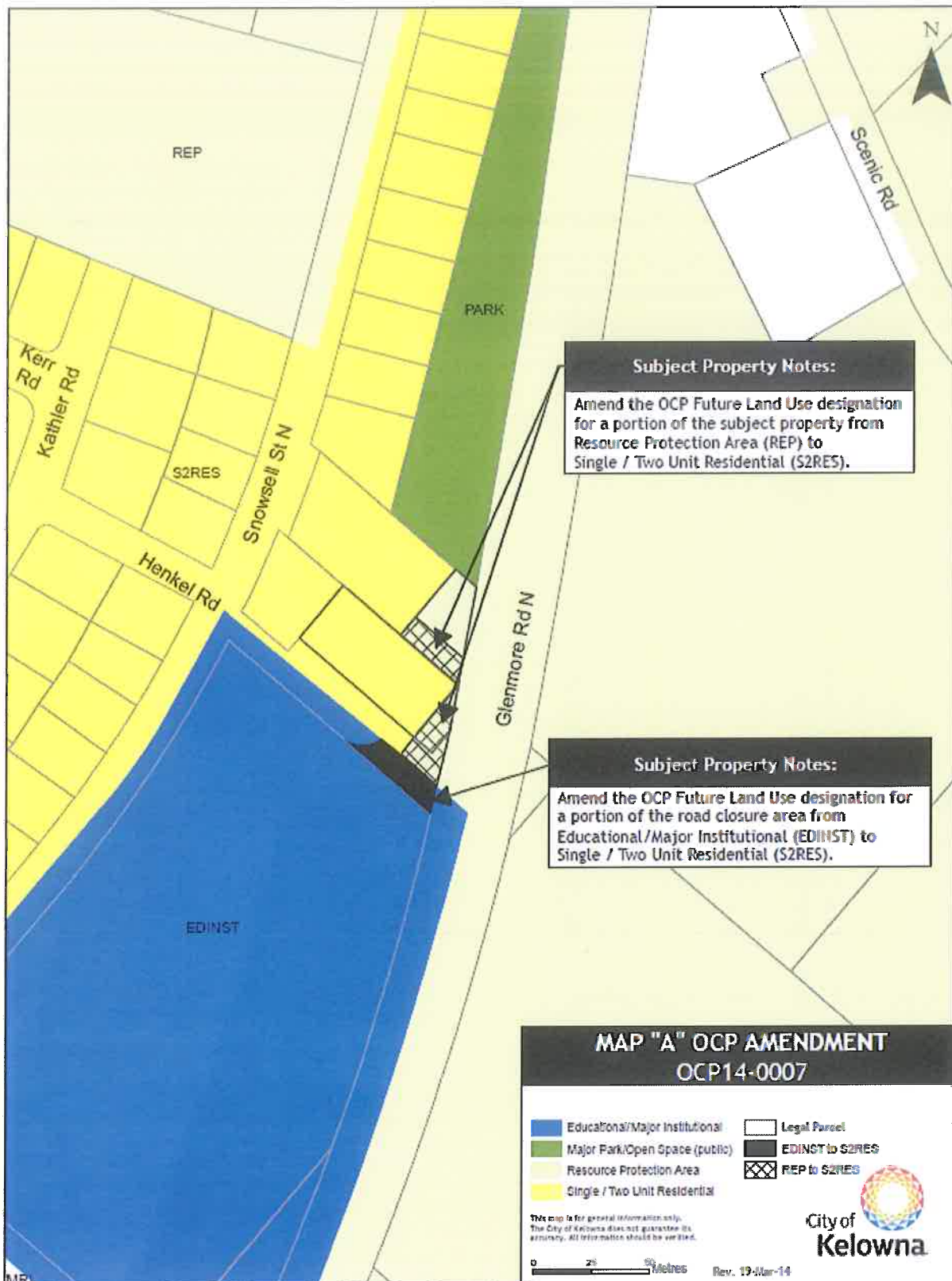
Considered at a Public Hearing on the

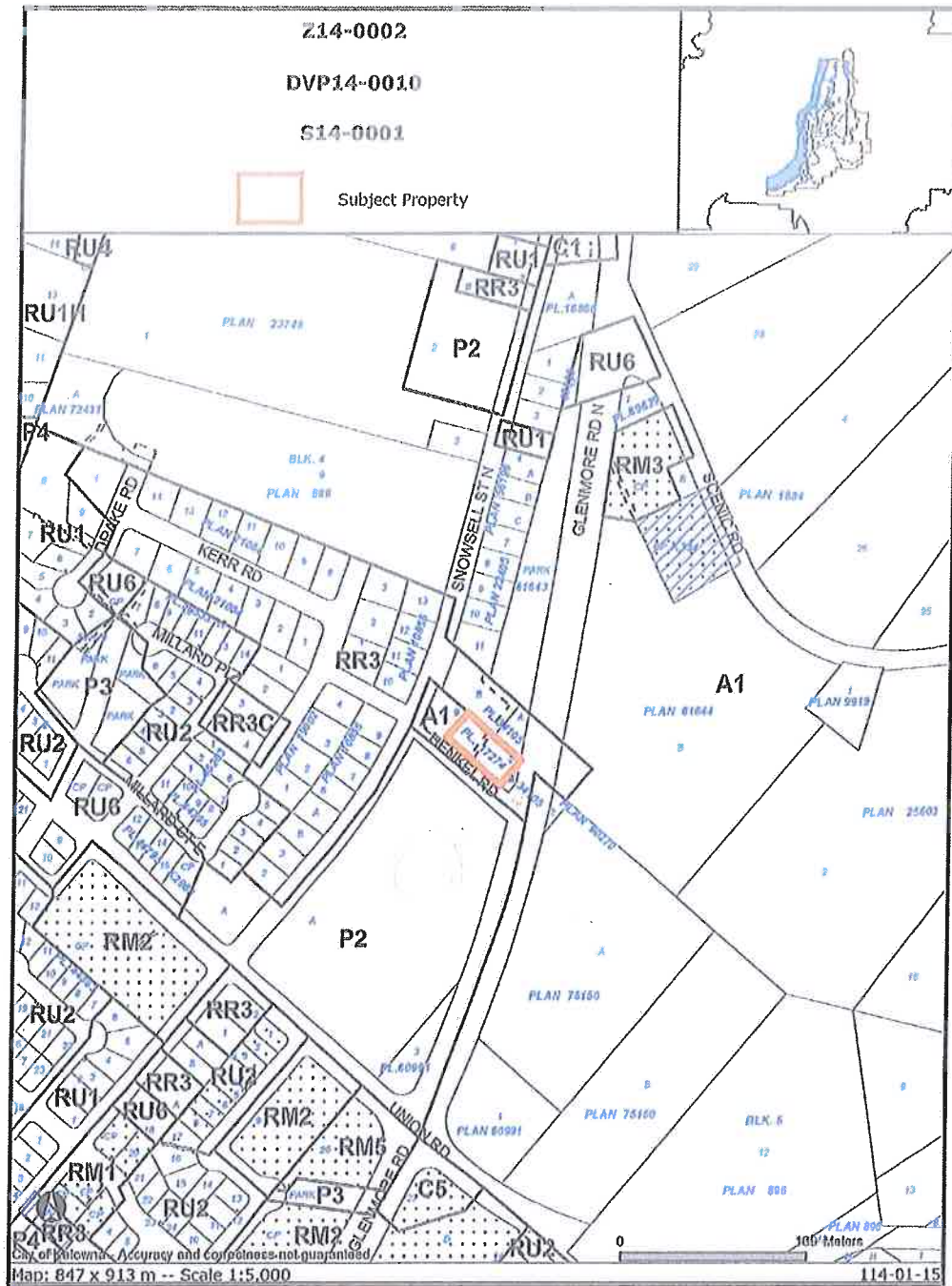
Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk





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

BYLAW NO. 10941

Z14-0002 - Surinder Gosal and City of Kelowna 1908 Henkel Road, 1924 Henkel Road and part of Henkel Road Closure

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 part of Lot A, Section 4, Township 23, ODYD, Plan 34105, Except Plan KAP61643 located on 1924 Henkel Road, Kelowna, B.C. and Lot 2, Section 4, Township 23, ODYD, Plan 17274, Located at 1908 Henkel Road, Kelowna, B.C., from the RR3 - Rural Residential 3 zone to the RU2 - Medium Lot Housing zone, and part of the Henkel Road Closure Area from the P2 - Educational and Minor Institutional zone to the RU2 - Medium Lot Housing 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 31st day of March, 2014.

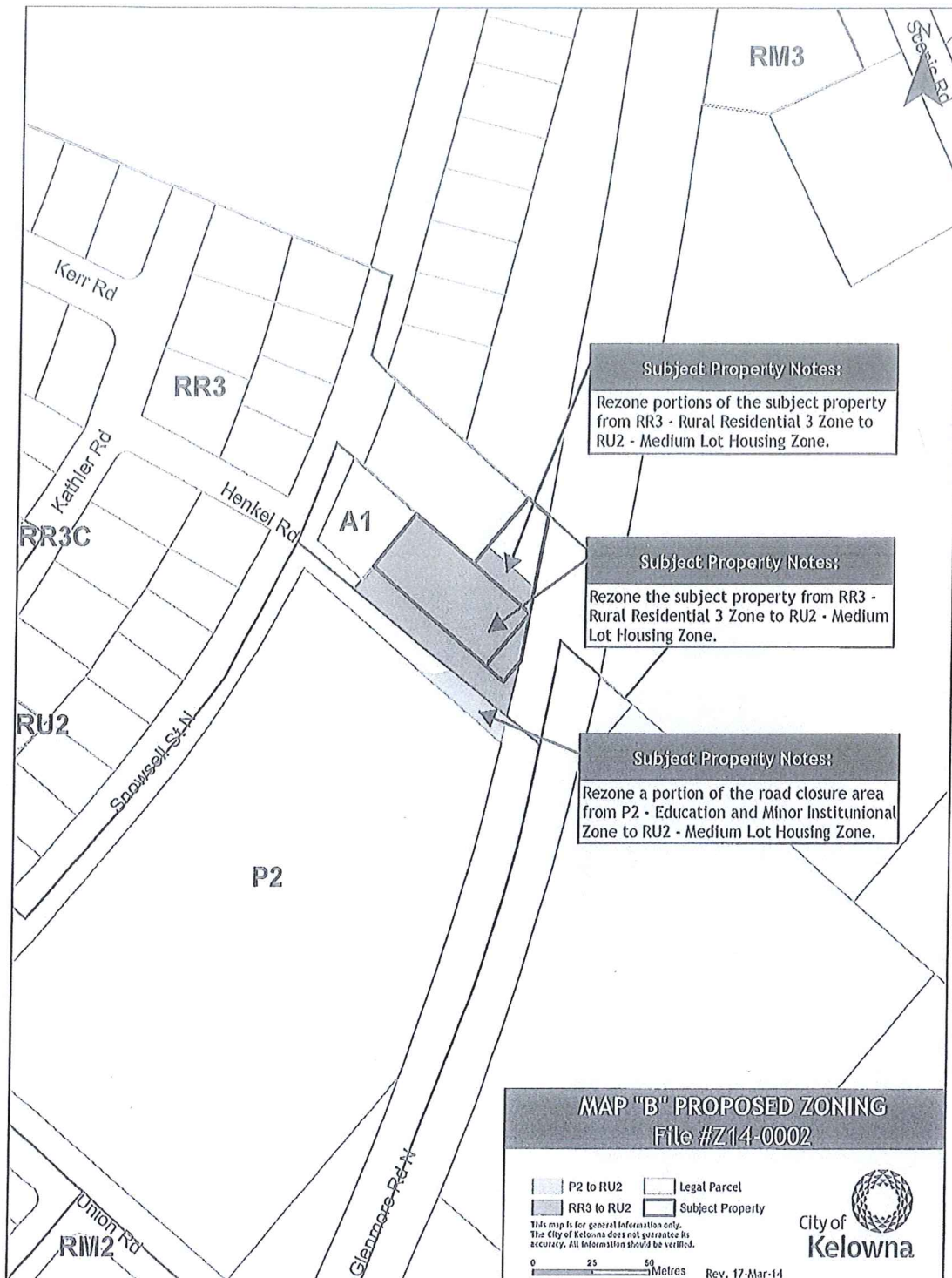
Considered at a Public Hearing on the

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



CITY OF KELOWNA
BYLAW NO. 10944
TA14-0006 - City of Kelowna
Medical Marihuana Production Facilities - Industrial Zones

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. **AND THAT Section 15 - Industrial Zones, 15.1 I1-Business Industrial, 15.1.2 Principal Uses** be amended by adding in its appropriate location a new sub-paragraph for **Medical Marihuana Production Facilities** and renumber subsequent sub-paragraphs;
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 31st day of March, 2014.

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: 3/19/2014
RIM No. 0940-50
To: City Manager
From: Urban Planning, Community Planning & Real Estate (AC)
Application: DVP14-0034
Owner: 0743531 B.C. Ltd.,
Inc. No. 0743531
Address: 1912 Enterprise Way
Applicant: Trish Presenger-Stroma Signs
Subject: Development Variance Permit
Existing OCP Designation: Mixed Use (Residential / Commercial) (MXR)
Existing Zone: Urban Centre Commercial (C4)

1.0 Recommendation

That Council authorizes the issuance of Development Variance Permit No. DVP14-0034 for Strata Lot 7, District Lot 140, ODYD, Strata Plan KAS2453 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V, located at 1912 Enterprise Way, Kelowna, BC.

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

Section 5.5.3 (c): To allow two additional fascia signs above the second storey which are different than the existing sign at that level of the building.

2.0 Purpose

The purpose of the Development Variance Permit is to permit additional tenant fascia signs to be located more than 1.0m above the second storey of the existing building.

3.0 Urban Planning

Staff are supportive of the proposed variance. The three storey building has commercial tenants throughout and it seems the visual impact would be minimal from the street based upon the photos submitted by the applicant.

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

An existing third storey tenant has a fascia sign (Wilson Engineering). This sign met the Sign Bylaw requirements because it consisted of a tenant logo which was directly attached to the building face and was the first fascia sign above two storeys. This proposal compares to Sign Bylaw 8235 requirement as follows:

Sign Type	SECTION 5 - SPECIFIC REGULATIONS	PROPOSAL
Fascia	c. There are no more than one sign per building face and no more than 4 per building provided all signs are identical and identify the same business.	c. To allow two additional signs above the second storey that does not match the existing sign.

4.2 Site Context

The subject property is located at the corner of Enterprise Way and Spall Road.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P4 - Utilities	Mill Creek & Utility Use
East	RM5 - Medium Density Multiple Housing	Residential
South	C4 - Urban Centre Commercial	Commercial
West	RM5 - Medium Density Multiple Housing	Residential

Subject Property Map: 1912 Enterprise Way



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.

The proposed CUPE sign meets all the design guidelines save the first guideline which is to provide signage that is high quality, imaginative, and innovative. The CUPE sign is relatively plain and simple but does meet the rest of the guidelines.

5.0 Technical Comments

5.1 Building & Permitting Department

No comment.

5.2 Development Engineering Department

See Attached

6.0 Application Chronology

Date of Application Received: February 25, 2014

Date of Consultation Received: March 6, 2014

Report prepared by:

Adam Cseke, Land Use Planner

Reviewed by:



Ryan Smith, Urban Planning Manager

Approved for Inclusion:

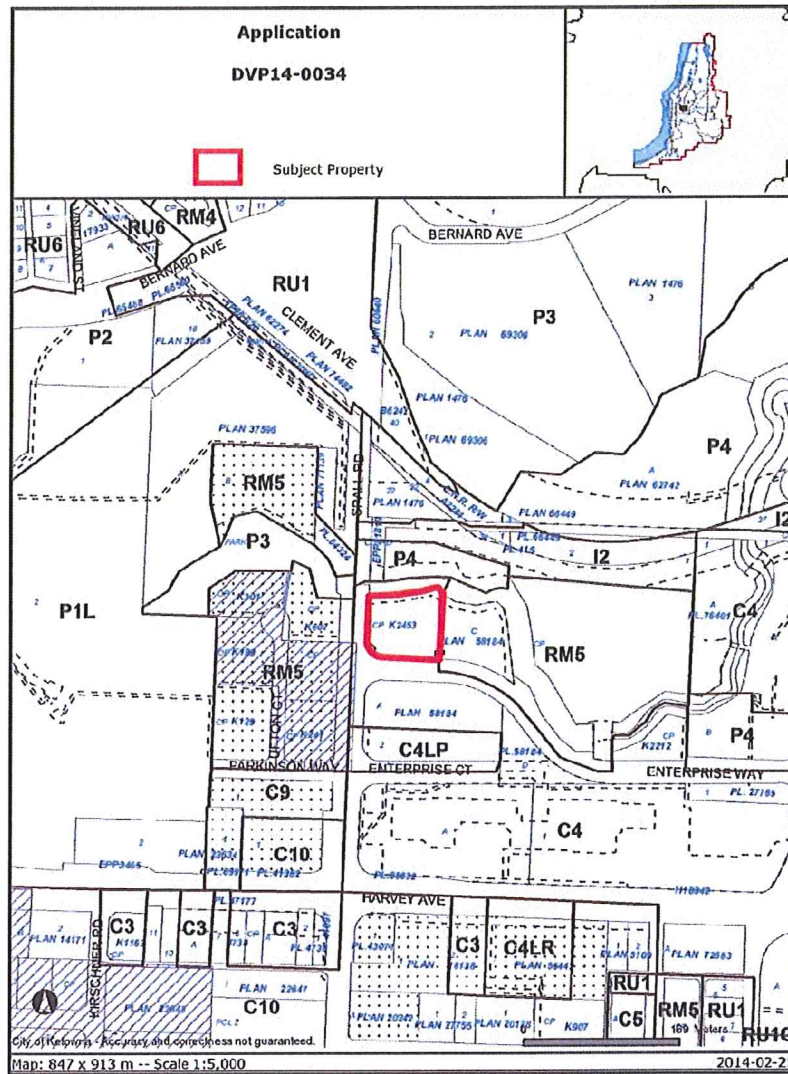


Doug Gilchrist, Community Planning
& Real Estate Div. Director

Attachments:

Sign Details & Application Package

Development Engineering Memorandum



*Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
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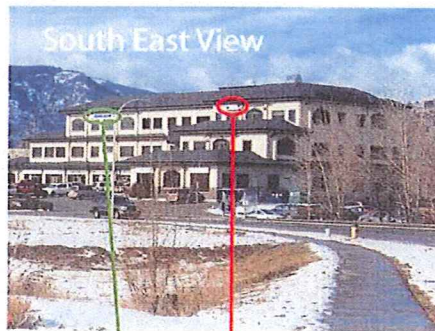
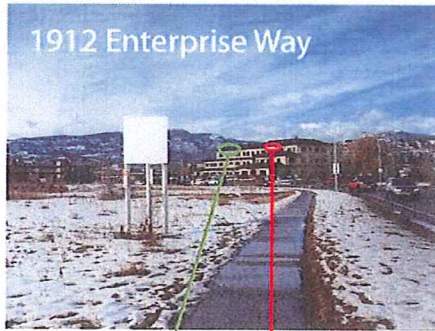
http://kelintranetd/servlet/com.esri.esrimap.Esrimap?ServiceName=Overview_Map&Client=... 2/25/2014



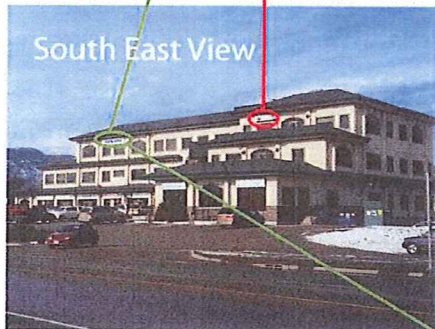
CUPE Kelowna Area Office at 1912 Enterprise Way, Kelowna, BC
 2 Sign face cabinets, 2' x 10' each
 One facing Spall Road in a sq ft area of approximate 40'
 One facing Enterprise Way, in a sq. ft. area of approximate 160'
 with a height span of approximate 40' sq. ft. tall

Cost of signs are: \$4,200.00 plus taxes

StromaSigns.com
 Phone (250) 860-0038 Fax (250) 860-1009 Email info@stromasigns.com
 2009-8 Enterprise Way, Kelowna B.C.-Canada, V1Y 8G6



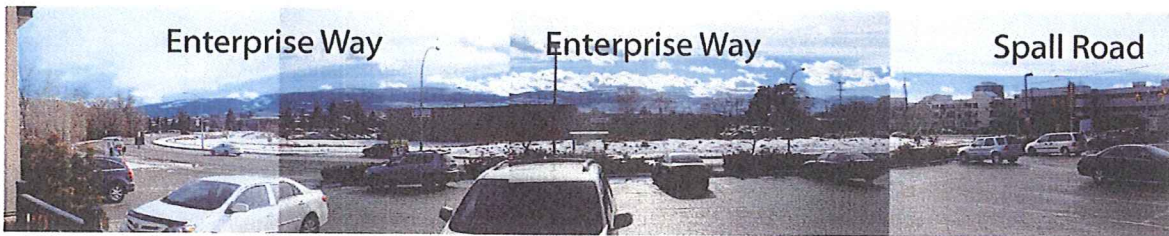
Existing sign cabinet for Williams Engineering Located on the 3rd floor



Purposed 2' x 10' Sign Cabinets for CUPE.SCFP
Located at 1912 Enterprise way at the corner of Spall Road.

StromaSigns.com
 Phone (250) 860-0038 Fax (250) 860-1009 Email info@stromasigns.com
 2009-8 Enterprise Way, Kelowna B.C.-Canada, V1Y 8G6

Panoramic south side view of empty field across the street
from the building of 1912 Enterprise Way



In front of building a total of **60** above ground painted **parking stalls**.

3 of the 60 parking stalls are Handicap Parking.

No bike rack(s).

Other parking as seen in empty field on east side of building.

More parking under ground of building.

StromaSigns.com
Phone (250) 860-0038 Fax (250) 860-1009 Email info@stromasigns.com
2009-8 Enterprise Way, Kelowna B.C.-Canada, V1Y 8G6

Different views of the corner of Spall Road and 1912 Enterprise Way enter section.



north west



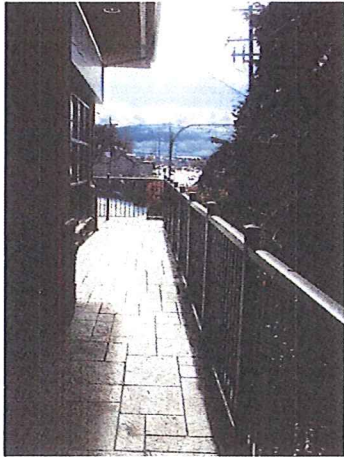
west south



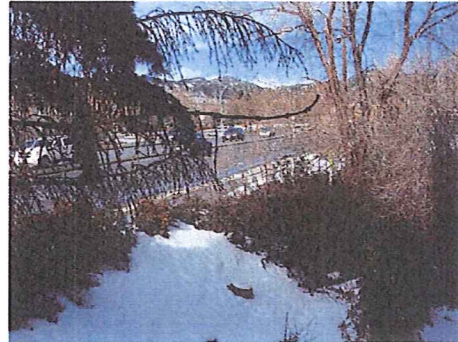
Purposed 2' x 10' Sign Cabinets for CUPE.SCFP
 Located at 1912 Enterprise way at the corner of Spall Road.

StromaSigns.com
 Phone (250) 860-0038 Fax (250) 860-1009 Email info@stromasigns.com
 2009-8 Enterprise Way, Kelowna B.C. - Canada, V1Y 8G6

3' easement
above first floor



Spall Road
North west view from first floor



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Phone (250) 860-0038 Fax (250) 860-1009 Email info@stromasigns.com
2009-8 Enterprise Way, Kelowna B.C. - Canada, V1Y 8G6

East side of building 1912 Enterprise Way with view of the empty lot, used as an off building parking.



North side of building 1912 Enterprise Way with view of trees & bush



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 2009-8 Enterprise Way, Kelowna B.C.-Canada, V1Y 8G6

CITY OF KELOWNA
MEMORANDUM

Date: February 26, 2014
File No.: DVP14-0034
To: Urban Planning (AC)
From: Development Engineering Manager
Subject: 1912 Enterprise Way

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

This development variance permit application to vary the height of a fascia sign more than 1.0m above the second storey does not compromise any municipal services.

Steve Muenz, P. Eng.
Development Engineering Manager

SS

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP14-0034

EXISTING ZONING DESIGNATION: C4 – Urban Centre Commercial

DEVELOPMENT VARIANCE PERMIT: The purpose of the DVP is to permit fascia signs to be located more than 1.0m above the second storey of an existing building.

ISSUED TO: 0743531 B.C. Ltd., Inc. No. 0743531

LOCATION OF SUBJECT SITE: 1912 Enterprise Way

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	Strata lot 7		140		ODYD	Strata Plan KAS2453
Together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V						

SCOPE OF APPROVAL

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

1. TERMS AND CONDITIONS:

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

- 1) To vary Section 5.5.3 (c): To allow two additional fascia signs above the second storey which are different than the existing sign at that level of the building.

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.

1. PERFORMANCE SECURITY:

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

- (a) Cash in the amount of \$ N/A.
- (b) A Certified Cheque in the amount of N/A
- (c) An Irrevocable Letter of Credit in the amount of N/A

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

5. APPLICANT'S AGREEMENT:

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

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

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

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

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

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE ____ DAY OF ____, 2014.

ISSUED BY THE LAND USE MANAGEMENT DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF ____, 2014 BY THE DIRECTOR OF LAND USE MANAGEMENT.

Doug Gilchrist
Divisional Director, Community Planning & Real Estate