

**City of Kelowna  
Regular Council Meeting  
AGENDA**



Tuesday, November 4, 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 Hobson.
3. Confirmation of Minutes 1 - 29  

Public Hearing - October 21, 2014  
Regular Meeting - October 21, 2014  
Public Hearing - October 22, 2014  
Regular Meeting - October 22, 2014
4. Bylaws Considered at Public Hearing
  - 4.1 Bylaw No. 11012 (TA14-0017) - Vintage Landing Comprehensive Reosrt Development 30 - 37  

To give Bylaw No. 11012 second and third readings in order to amend the existing CD18 Vintage Landing Comprehensive Resort Development zone with a renamed/revised CD18 - McKinley Beach Comprehensive Development 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 Permit Application No. DP14-0154 and Development Variance Permit Application No. DVP14-0155 - 783 Kinnear Avenue, W.K. Holdings Ltd. 38 - 51  

**City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.**  
To consider: a. A Development Permit application to consider the form and

character of a second dwelling on the subject property. b. A Development Variance Permit application to reduce the required rear yard setback and to vary the driveway access from the rear lane to the flanking street.

- 6.2 Development Variance Permit Application No. DVP14-0178 - 1162 Montrose Place, Tracey Neill & Sergio Sartori 52 - 61

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

To seek a Development Variance Permit to allow the construction of an extension to an existing attached garage.

- 6.3 Provincial Referral Application No. PR14-0010 - 3880 Truswell Road, Mission Shores Strata 62 - 76

**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 extension of a shared dock from 78.8 meters (existing) to 101.8 meters (proposed), from the natural boundary of Okanagan Lake. This would allow the dock to expand from 34 boat slips (existing) to 54 boat slips (proposed).

- 6.4 Development Variance Permit Application No. DVP14-0147 - 1383 Dilworth Crescent, Jason Hatter 77 - 87

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

To consider a Development Variance Permit application to reduce the south side yard from 2.0 m permitted to 1.0 m proposed and to reduce the rear yard from 7.5 m permitted to 1.5 m proposed to accommodate converting the existing detached garage to a secondary suite with a connection to the existing dwelling.

- 6.5 Development Variance Permit Application No. DVP14-0136 - 1398-1400 Cherry Crescent East, Rancar Services Ltd. 88 - 97

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

To consider a Development Variance Permit application to reduce the south side yard from 2.0 m permitted to 0.97 m proposed to accommodate a wheelchair ramp.

- 6.6 Development Variance Permit Application No. DVP14-0180 - 2106 Harvey Avenue, WB133 Holdings Inc. 98 - 109

**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 allow three (3) additional proposed fascia signs on the south elevation of the building.

- 6.7 Development Variance Permit Application No. DVP14-0172 - 1060 Kelly Road, Nancy & Terry Lock 110 - 121

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

To consider a Development Variance Permit application to vary the maximum area for an accessory building.

- 6.8 Development Variance Permit Application No. DVP14-0187 - 4064 Lakeshore Road, Rex Jardine 122 - 133

**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 obtain approval for a Development Variance Permit to vary the required 120 degree panoramic sight line requirement for Okanagan Lake views to 90 degrees.

7. Reminders

8. Termination



## City of Kelowna Public Hearing Minutes

Date: Tuesday, October 21, 2014  
 Location: Council Chamber  
 City Hall, 1435 Water Street

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

Staff Present City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Manager, Urban Planning, Ryan Smith; Manager, Policy and Planning, Danielle Noble-Brandt\*; and Council Recording Secretary, Arlene McClelland

(\*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 City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on October 7, 2014 and by being placed in the Kelowna Capital News issues on October 10, 2014 and October 15, 2014 and by sending out or otherwise delivering 1035 statutory notices to the owners and occupiers of surrounding properties, and 2232 informational notices to residents in the same postal delivery route, between October 7, 2014 and October 10, 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.

Mayor Gray made comment that Item 3.3 Vintage Landing Comprehensive Resort Development deferred to Tuesday, November 4, 2014 starting in Council chambers at 6:00 p.m.

### 3. Individual Bylaw Submissions

3.1. Bylaw No. 10997 (TA14-0016) - Amendments to Health District Zone in the City of Kelowna Zoning Bylaw No. 8000

## Staff:

- Displayed an overhead of text amendments under consideration.

The City Clerk advised that no correspondence was 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:

Mike Griffin, Abbott Street

- Inquired as to impacts the text amendments may have on traffic and parking.

## Staff:

- Advised that no uses will be changed as part of the text amendment, therefore, no additional impacts on traffic.

There were no further comments.

### 3.2. Bylaw No. 11005 (OCP14-0013) and Bylaw No. 11006 (Z14-0027) - 310 and 320 Strathcona Avenue, Dr. Heather Martin Inc. and City of Kelowna

## Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

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

Letters of Support

Brent Carmichael, Abbott Street  
 Roland Harvey, Park Avenue  
 Julie Parker, Canyon Ridge Crescent  
 Judy & Warner Kunz, Francis Avenue  
 Pat Bentley, Beach Avenue  
 Shawn Russell, Morrison Avenue  
 Melissa Burton, Morrison Ave  
 True Outdoors Kelowna, Meshkat Javid. 97 N  
 Colton Jobst, Sutherland Avenue  
 Russell Couch, Pandosy  
 Karen Graham, Wintergreen Drive

Letters of Opposition:

Ron and Donna Rubadeau, Long Street  
 Hans Birker, Cadder Avenue  
 Rick Adrian, Sunset Drive  
 Howard Sures, Atwood Place  
 Mary Drzewiecki and Reynold Epp, Long Street  
 Myles Bruckal, Abbott Street  
 Dr. Cecilia Gossen, Abbott Street  
 Angela Steinruck, Francis Avenue  
 Stephani Bruckal, Abbott Street  
 Maria De Giovanni, Taylor Crescent  
 Sandy Magee, Taylor Crescent  
 Nigel Brown, West Avenue  
 Alan & Christine Surtees, Cadder  
 Jan Murphy, Cadder Avenue  
 Brian & Marilee Woinoski, Abbott Street  
 Dean Muscardin, Christleton Avenue  
 Howard J Sures, Atwood Place  
 Marshall McAnerney, Patterson Avenue

Jacqueline Jones, Abbott Street  
 Dorie Burnham, Teresa Road, Lake Country  
 Jan Bauman, Kelowna South-Central Association of Neighbourhoods  
 Bruce Jones, Abbott Street  
 Debbie Helf, Marshall Street  
 Hilde & Terry Schneider, Abbott Street  
 Dianne Friesen, Ellis Street  
 Kevin Kingston, Maple Street  
 Margot Sentes, Abbott Street  
 Jeannette Mergens, Abbott Street  
 Don McLeod, St. Andrews Drive  
 Dee Capozzi, Cadder Avenue  
 Monique Powell, Eva Road, Lake Country  
 Esterlee Muscardin, Christleton Avenue  
 Wayne & Dorothy Margerison, Glenwood Avenue  
 Michael Griffen, Abbott Street  
 Farhat Khan, Long Street  
 Ian Crichton, Park Avenue  
 Pam Couves, Burne Avenue  
 Doreen Morash, Sutherland Avenue  
 Michael Griffin, Abbott Street  
 Wendy & Bob Porter, Abbott Street  
 Dr. R. Shupe, Hobson Road  
 Susan Crichton, Park Avenue  
 Marten Gruenwald, Long Street  
 Adam Rich, Hobson Road  
 Amistie Lovell, South Crest Drive  
 Suzanne Anderton, Hobson Cres.  
 Jillian Stamp & James Williams, Abbott Street  
 Walley Lightbody, Abbott Street  
 Shirley Clarke, McDougall Street  
 Jim & Karen Bates, Glenwood Avenue  
 Catherine Almond, Ellis Street  
 Gordon Almond, Ellis Street  
 Carolyn Walsh, Longhill Road  
 Daphne & Cliff Moore, Mathison Place  
 Janet Taylor, Bath Street.  
 Jason Broome, Royal Avenue  
 John Green & Christy Anderson, Abbott Street  
 Manuella Farnsworth, Park Avenue  
 Dave McClellan, Glenwood Avenue  
 Angela Wallace, Rowcliffe Avenue  
 D & C Beedle, Mathison Place  
 Henry Mainemer, Glenwood Avenue  
 Ian & Penny Williams, Cadder Avenue  
 Drs. J Crook and R MacMillan, Park Avenue  
 David Anderson, Beach Avenue  
 Jane Matejka, Beach Avenue  
 Michael & Leslie Barton, Abbott Street  
 Pat Munro, Cadder Avenue  
 William Proznick, Shiraz Court, West Kelowna  
 Ted & Marilyn Wiltshire, Abbott Street  
 Hoa La & Charlie De Santis, Vimy Avenue  
 Ann & Charlie Fleming, Abbott Street  
 Neil Cadger, Burne Avenue  
 Sonny Swan, Royal Avenue  
 Gerald & Margo Gartner, Abbott Street  
 Emma Dalsvaag, Patterson Avenue  
 Jamie Maw, Abbott Street  
 Bruce McKee, Abbott Street

Shelly Would, Abbott Street  
 Claudia Cable, Bath Street  
 Dana Jones, Birch Avenue  
 Brenda Thomson, Beach Avenue  
 Liz vanGolen Vincent, Abbott Street  
 Valerie Hallford, Sutherland Avenue  
 Simon & Ian McKee, Abbott Street

Additional Information as Submitted by the Applicant:

Package of additional information including 207 letters of support from the owners/occupants of the surrounding properties as submitted by the applicant Heather Martin.

Form Letters of Opposition:

29 Form letters of opposition as submitted by the owners/occupants of the surrounding properties.

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

Applicant, Dr. Heather Martin

- Provided a brief history of the original plan for this property and advised that after some re-evaluating it was decided that it was not in keeping with the highest and best use of the property.
- Have created a clinic for myself and three other physicians. The adjacency to the hospital is invaluable.
- The café makes this facility unique and will be accessible to everyone.
- The building is designed to minimize traffic and congestion.
- Responded to questions from Council.

Jim Meiklejohn, Consultant on behalf of the Applicant

- Provided a Power Point Presentation and responded to questions from Council.

Mark Filatow, Chef and Sommelier Waterfront Restaurant on behalf of the Applicant:

- The vision is that of a neighbourhood spot with 40 seats.
- Will not be open late and will be responsive to what is supported by the neighbourhood.
- Providing an alternate dining option for KGH staff, visitors, patients and neighbourhood within walking distance.
- Responded to questions from Council.

Gallery:

Karen Stewart, Francis Avenue

- In Support of the application.
- The development is appropriate for the location and neighbourhood.

Ted Strange, Park Avenue

- In Support of the application.
- The development is appropriate for the neighbourhood.

Brian Woinoski, Abbott Street

- Opposed to the application.
- The development is too large and too tall for the location.
- Opposed to the restaurant and raised concern with the increased traffic it will bring to the neighbourhood.
- Would be supportive of a smaller building at this location.

Cecilia Gossen, Abbott Street

- Opposed to the application.
- Opposed to the restaurant use.
- The application is not in character with the Abbott Street corridor.

Howard Sures, Atwood Place

- Opposed to the application.
- This development is opposite to the city guidelines, bylaws and principles for the area.
- The application keeps changing over time.

Neil Cadger, Burne Avenue

- Opposed to the application.

Marguerite Berry, Bernard Avenue

- Opposed to the application.
- Building needs to be scaled back and needs to be appropriate for the area.
- Requires more feedback from the neighbourhood.

Donna Douglas, Knox Crescent

- Opposed to the application.
- Opposed to the restaurant use.
- The building will take away the view of the lake for those at the Cancer facility.

Janine Tuner, KGH Employee

- Supportive of the application.
- This development is in the appropriate location.

Miles Bruckal, Abbott Street

- Opposed to the application.
- Referenced slides displayed as part of the application.
- Raised concern with narrow road and lane width of Abbott Street.
- Raised concern with traffic impacts and parking.

Staff:

- Confirmed that the Zoning Bylaw restricts the restaurant to 40 seats.

Danielle Taylor, South Crest Drive

- Supportive of the application.
- Supportive of the restaurant and needed for those who do not have transportation.

Bruce Jones, Abbott Street

- Opposed to the application.
- The building is not appropriate for a residential neighbourhood.
- Opposed to the restaurant as part of this application.
- Supportive of the HD3 zone the Applicant originally came forward with.

Dr. Shannon Wires, Treadgold Court

- Supportive of the application.
- Supportive of the multi-use of this building and would operate her medical practice from this site should the development be approved.
- Supportive of the restaurant use.

Brent Carmichael, Abbott Street

- Supportive of the application as it is.

Jake Thiessen, Pandosy Street

- Supportive of the application.
- Supportive of the restaurant use.

Richard Templin, Glenwood Avenue

- Opposed to the application.
- Raised concerns with increased traffic and parking.

## Staff:

- Confirmed the application will include 30 on-site parking stalls.

Bruce McKee, Abbott Street

- Opposed to the application.
- Concerned with the size of the building in this location.
- Raised concerns with traffic impacts and parking.
- This development is at odds with the neighbourhood.

Dr. Lynn Teraposky, Tutt Street

- Spoke to the character and integrity of the Applicant.
- Supportive of the application.

Resident, Morrison Avenue

- Supportive of the application.
- Supportive of the restaurant use and its location.
- Supportive of mixed use of the property.

Chris Cochrane, Birch Avenue

- Supportive of the application.
- Supportive of the restaurant.
- The development is appropriate for the neighbourhood.

Dr. Brian Peterson, Fuller Road

- KGH is a Level 1 Trauma Centre and will only increase in size.
- Supportive of the application.
- Supportive of the restaurant.

Jamie Mah, Abbott Street

- Opposed to the application.
- Raised concern with lack of traffic study for this application.
- Raised concerns with increased traffic the development will bring.
- Raised concerns regarding parking.
- Supportive of the restaurant use.

Shawn Wild, Patterson Avenue

- Supportive of the application.
- Supportive of the restaurant.

Ann Laurie, Abbott Street

- Opposed to the application.
- This development is at odds with the neighbourhood.
- Opposed to the restaurant use.

Mayor Gray left the meeting at 8:55 p.m. and Deputy Mayor Given assumed the Chair.

Pat Klassen, Kelowna, BC

- Supportive of the application.
- Supportive of the restaurant.

Hans Birker, Cadder Avenue

- Opposed to the application.
- Opposed to the development at this location.
- Raised concern with increased traffic.
- This development is at odds with the neighbourhood.

Mayor Gray rejoined the meeting at 9:02 p.m. and re-assumed the Chair.

Jillian Stamp, Abbott Street

- Opposed to the application.
- Raised concern with increased traffic, parking impacts and safety.
- Opposed to the restaurant use.
- This development is at odds with the neighbourhood.

Rob Richardson, Christleton Avenue

- Supportive of the application as proposed.

Sue Morrison, Pandosy Street

- Opposed to the application.
- Raised concerns with increased traffic and parking impacts.
- Raised concern with impacts on uses in Sutherland Park.

Wayne Dodds, Christleton Avenue, Representing KSAN

- Opposed to the application.
- This development is not appropriate for this site.
- Opposed to the application.
- KSAN and neighbourhood would support HD3 zone.

James Avery, Abbott Street, President of FRACAS

- Opposed to the application.
- This development is not appropriate for this site. Too many competing land uses coverage at this location.
- The HD3 zone would be more appropriate for this site.

Carol Bachtold, Richter Street

- Supportive of the application.
- Supportive of multi-use development.
- Architectural design works well with the transition.

Marietta Lightbody, Abbott Street

- Opposed to the application.
- This development is at odds with the Heritage designated neighbourhood.

Bob Reynolds, Abbott Street

- Opposed to the application.
- This development is at odds with the Official Community Plan and Heritage designated neighbourhood.
- Opposed to this building on this site.

Alana Marrington, Woodridge Road

- Owner of Collette Manor.
- Raised concern that this application did not require a traffic study when her application did.
- Raised concern with parking requirements.
- Raised concern with massing of the proposed building.
- Supportive of the HD3 zone.

Jacqueline Jones, Abbott Street

- Opposed to the application.
- Opposed to the restaurant use.
- Raised concern that the discussion of walk-ability of the development is a ploy.
- This site should be zoned HD3.

Jason Tomm, Saucier Road

- Supportive of the application.

Joyce Broome, on behalf of Royal Avenue Residents

- Opposed to the application.
- Raised concern with increased traffic.
- This development is at odds with the Heritage designated neighbourhood.

Patty Hall, Cadder Avenue

- Opposed to the application.
- This is the wrong development in the wrong place.
- Raised concern with delivery traffic that the development would generate.
- HD3 zone would be more acceptable.

Sean Upshaw, Knox Crescent

- Inquired whether the City is an Applicant.

## Staff:

- Confirmed that since the application was made the City has sold the property and both parcels are owned by the Applicant.

Donna Douglas, Knox Crescent

- Speaking for a second time.
- Raised concern with the impact the restaurant would have on other similar uses in the area.

Bruce Jones, Abbott Street

- Speaking for a second time.
- Raised a question regarding correspondence without addresses submitted by the Applicant.
- Raised a question regarding the introduction of the HD3 text amendment and this particular application.

Applicant, Dr. Heather Martin and Consultant, Jim Meiklejohn

- Spoke to the traffic calming aspect of the Abbott Street corridor and advised that the corridor was professionally engineered for safety enhancement.
- Spoke to the building massing concerns raised by the public and displayed a photo showing that this development is a quarter of the size of the Abbott House.
- Displayed photos of the site lines and noted that the building is set back beyond what is required and reassured there is no safety hazard.
- Spoke to the parking requirements and noted that there will be ample parking for patients. Parking will be concealed.
- Spoke to the restaurant use, hours of operation and anticipated customer base. The restaurant is not a destination and will be used by hospital users and neighbourhood.
- Confirmed that the plan is to enter into a long term lease for the restaurant.
- Spoke to the number of patients anticipated per physician per hour.
- Spoke to the proposed form and character of the building should the application advance and conveyed willingness to tweak with the character and architecture to fit the heritage character of the neighbourhood.

There were no further comments.

Meeting adjourned for a break at 10:41 p.m.

Meeting re-convened at 10:56 p.m.

Moved By Councillor Stack/Seconded By Councillor Blancheil

R779/14/10/21 THAT the Public Hearing and Regular Meeting proceed beyond 11:00 p.m.

Carried

### 3.3. Bylaw No. 11012 (TA14-0017) - Vintage Landing Comprehensive Resort Development

Item 3.3 Withdrawn and rescheduled to the November 4<sup>th</sup> Public Hearing.

### 3.4. Bylaw No. 11013 (TA14-0018) - Amendments to the Zoning Bylaw No. 8000 - Section 16 - Public and Institutional Zones

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence was received.

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

There were no further comments.

### 3.5. Bylaw No. 11014 (Z13-0044) - Various Addresses, City of Kelowna

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence was received.

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

There were no further comments.

### 3.6. Bylaw No. 11015 (Z14-0030) - 519, 529 and 539 Truswell Road, MKS Resources Inc.

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

Letters of Opposition:

Douglas & Margaret Cebryk, Truswell Road  
 Lesley Eames, Truswell Road  
 E. Elizabeth Lavender, Truswell Road

Letters of Concern:

Royce & Merle Hetherington, Truswell Road  
 Jake Thiessen, Strata Corporation KAS4004, Truswell Road  
 Bob Dryden, Truswell Road

Letter of Conditional Support:

CJ (Kip) Butler, Truswell Road & Mary Ann Bishop, Truswell Road

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

Applicant, Steve Shoranick, MKS Resources

- Clarified that correspondence that was submitted for this application was in opposition to the variance set back and not the rezoning.
- Confirmed that Phase 2 will have separate Strata and will provide our own amenities.
- Commented on an additional letter of support from Richard and Susan Sawchuk, Phase 1, Truswell Road, Kelowna, B.C.

Mayor Gray asked the City Clerk to read aloud the letter of support for Council and public consideration.

Gallery:

Jake Thiessen, on behalf of Strata, Truswell Road

- Referred to correspondence submitted as part of the Public Hearing.
- Referred to meetings between the Applicant and the Strata Council and the agreements reached between the two parties.
- Raised concern with the public parking component required as part of the application. The Strata's position is that the parking should be designated for the residents of Phase 1 and Phase 2 only.

There were no further comments.

#### 4. Termination

The Hearing was declared terminated at 11:21 p.m.

\_\_\_\_\_  
Mayor

/acm



\_\_\_\_\_  
City Clerk

DRAFT



## City of Kelowna

Date: Tuesday, October 21, 2014  
Location: Council Chamber  
City Hall, 1435 Water Street

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

Staff Present City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Manager, Urban Planning, Ryan Smith; Manager, Divisional Director, Community Planning & Real Estate, Doug Gilchrist; and Council Recording Secretary, Arlene McClelland

(\*denotes partial attendance)

1. **Call to Order**

Mayor Gray called the meeting to order at 11:21 p.m.

2. **Prayer**

A Prayer was offered by Councillor DeHart.

3. **Confirmation of Minutes**

Moved By Councillor Zimmermann/Seconded By Councillor DeHart

R756/14/10/21 THAT the Minutes of the Public Hearing and Regular Meeting of October 7, 2014 be confirmed as circulated.

Carried

4. **Bylaws Considered at Public Hearing**

4.1. **Bylaw No. 10997 (TA14-0016) - Amendments to Health District Zone in the City of Kelowna Zoning Bylaw No. 8000**

Moved By Councillor DeHart/Seconded By Councillor Zimmermann

R757/14/10/21 THAT Bylaw No. 10997 be read a second and third time.

Carried

- 4.2. Bylaw No. 11005 (OCP14-0013) - 310 and 320 Strathcona Avenue, Dr. Heather Martin Inc. and City of Kelowna

Moved By Councillor Stack/Seconded By Councillor Given

R758/14/10/21 THAT Bylaw No. 11005 be read a second and third time.

Carried

- 4.3. Bylaw No. 11006 (Z14-0027) - 310 and 320 Strathcona Avenue, Dr. Heather Martin Inc. and City of Kelowna

Moved By Councillor Given/Seconded By Councillor Stack

R759/14/10/21 THAT Bylaw No. 11006 be read a second and third time.

Carried

Item 4.4 was deferred to the November 4, 2014 Public Hearing.

- 4.4. Bylaw No. 11012 (TA14-0017) - Vintage Landing Comprehensive Resort Development

- 4.5. Bylaw No. 11013 (TA14-0018) - Amendments to the Zoning Bylaw No. 8000 - Section 16 - Public and Institutional Zones

Moved By Councillor Zimmermann/Seconded By Councillor DeHart

R760/14/10/21 THAT Bylaw No. 11013 be read a second and third time.

Carried

- 4.6. Bylaw No. 11014 (Z13-0044) - Various Addresses, City of Kelowna

Moved By Councillor Hobson/Seconded By Councillor Singh

R761/14/10/21 THAT Bylaw No. 11014 be read a second and third time.

Carried

- 4.7. Bylaw No. 11015 (Z14-0030) - 519, 529 and 539 Truswell Road, MKS Resources Inc.

Moved By Councillor Singh/Seconded By Councillor Hobson

762/14/10/21 THAT Bylaw No. 11015 be read a second and third time.

Carried

## 5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise delivering 27 statutory notices to the owners and occupiers of surrounding properties, and 591 informational notices to residents in the same postal delivery route, between October 7, 2014 and October 10, 2014.

Notice of these (amendments to Liquor Primary Licences) were advertised by being posted on the Notice Board at City Hall on October 7, 2014, and by being placed in the Kelowna Capital News issues on October 10, 2014 and October 15, 2014 and by sending out or otherwise delivering 195 statutory notices to the owners and occupiers of surrounding properties, and 479 informational notices to residents in the same postal delivery route, between October 7, 2014 and October 10, 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. Liquor License Application Reports

### 6.1. Liquor License Application No. LL14-0009 - 1585 Springfield Road, Chances Kelowna

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence was received.

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

There were no further comments.

Moved By Councillor Zimmermann/Seconded By Councillor Blanleil

**R763/14/10/21** THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

“Be it resolved that:

1. Council recommends support of the application from Goldwing Investments (dba Chances Kelowna) at 1585 Springfield Road, (legally described as Lot A, District Lot 129, ODYD, Plan KAP70110) for a change to licensed hours of sale from 9:00 AM to 11:59 PM Monday to Sunday to 9:00 AM to 1:00 AM Monday to Sunday, as the hours would be consistent with other gaming facilities, and there is no record of complaints.
2. The Council's comments on the prescribed considerations are as follows:
  - a. The potential for noise if the application is approved;  
The potential for noise may increase due to the additional hour of service. However, noise has not been an issue at this location in the past.
  - b. The impact on the community if the application is approved:  
Significant negative community impacts are not anticipated.
3. The Council's comments on the views of residents (if applicable) are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 “Liquor Licensing Policy and Procedures”.

Carried

Councillor Basran left the meeting at 12:04 a.m.

7. **Development Permit and Development Variance Permit Reports**  
7.1. **Bylaw No. 10895 (Z13-0020) - 3131 Lakeshore Road, Trustees of the  
Congregation of St. Paul's United Church**

Moved By Councillor Singh/Seconded By Councillor Hobson

R764/14/10/21 THAT Bylaw No. 10895 be adopted.

Carried

**7.1.1. Development Permit Application No. DP14-0074 and Development  
Variance Permit Application No. DVP14-0075 - 3131 Lakeshore Road,  
Trustees of the Congregation of St. Paul's United Church**

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

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

Letters of Support:

A.B Reynolds, Richter Street  
Rev. Dr. Fred Speckeen, Sunset Drive  
Linda Hutchinson, Gallagher's Fairway South  
Richard Chung, Chute Lake Road  
Ingrid Hartloff Brown, Abbey Lane, Coquitlam  
Judy McAulay, Gosnell Road  
Judy Kent, Alice Road, West Kelowna  
Robert N. Plank, Altura Road  
Robert Sherman, Quilchena Drive  
Rev. Foster Freed, Spartan Road, Nanaimo  
Rev. Dr. Keith Howard, Juno Street, Victoria  
Beryl Baldeo, Lanfranco Road  
Barb Watts, Wallace Hill Road  
Alms & Ernie Burnett, West Avenue

Letters of Opposition:

Pandosy Village Business Association, Pandosy Street  
Dan Chun, Rhondda Crescent  
Bob Callahan, Callahan Property Group, Richter Street

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

Rob Couch and Jim Meiklejohn, Applicant Representatives:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.
- Confirmed that an Agreement has been reached with 595 KLO Road with respect to traffic flow and entry issues at KLO Road. Easements will be registered.
- Confirmed a License Agreement with ESSO is in place until the end of construction.

Gallery:

Bob Callahan, Callahan Property Group, Richter Street

- Raised concern with implications of the parking variance on neighbouring businesses. The variance is too large and will put pressure on our tenants.

- Raised concern with the 70% variance reduction requested.

Orison Wood, Coronation Avenue

- Supportive of the variance.
- Average 75 to 100 members in attendance and if there are 2 people per vehicle there is more than enough parking.

Rob Couch, Applicant Representative

- Raised issue with the current Zoning Bylaw parking requirements as being excessive for use and the basis for the variance request.
- Approximately 40 to 50 cars will require stalls on a Sunday. The access and parking agreement with 595 KLO allows us to share their parking stalls on weekends.

There were no further comments.

Moved By Councillor Hobson/Seconded By Councillor Stack

R765/14/10/21 THAT final adoption of Zone Amending Bylaw No. 10895 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP14-0074 for Lot 1, D.L. 14 & 135, ODYD, Plan 34984 Except Plans 35454 and KAP67299, located at 3131 Lakeshore Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the buildings to be constructed on the land be in general accordance with Schedule 'A';
2. The exterior design and finish of the buildings to be constructed on the land be in general accordance with Schedule 'B';
3. Landscaping to be provided on the land be in general accordance with Schedule 'C', 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';

AND THAT Council authorize the issuance of Development Variance Permit No. DVP14-0075 for Lot 1, D.L. 14 & 135, ODYD, Plan 34984 Except Plans 35454 and KAP67299, located at 3131 Lakeshore Road, Kelowna, B.C.;

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

Section 14.4.4 (a) - Subdivision Regulations

Vary the lot width for the existing KLO frontage from 40m required to 18.0m proposed.

Section 14.4.5 (c) - Development Regulations

Vary the building height from 4 storeys / 15m permitted to 6 storeys / 23.2m proposed.

Section 8: Table 8.1 Parking Schedule

To vary the parking for the religious assemblies land use from 168 stalls required to 53 stalls (1 per 5 seats) proposed.

Carried

8. Reminders - Nil.

9. Termination

The meeting was declared terminated at 1:04 a.m.

\_\_\_\_\_  
Mayor

/acm

  
\_\_\_\_\_  
City Clerk

DRAFT



## City of Kelowna Public Hearing Minutes

Date: Wednesday, October 22, 2014  
Location: Council Chamber  
City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Colin Basran, Andre Blankeil, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann

Staff Present: Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Manager, Urban Planning, Ryan Smith; Director, Subdivision, Agriculture & Environment, Shelley Gambacort\*; Manager, Development Engineering, Steve Muenz; Manager, Transportation & Mobility, Moudud Hasan; and Council Services Coordinator, Sandi Horning

(\* denotes partial attendance)

### 1. Call to Order

Mayor Gray called the Hearing to order at 6:10 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 of City Hall on October 7, 2014 and by being placed in the Kelowna Capital News issues of October 10, 2014 and October 15, 2014, and by sending out or otherwise delivering 294 statutory notices to the owners and occupiers of surrounding properties, and 4,492 information notices to residents in the same postal delivery route between October 7, 2014 and October 10, 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. 10998 (TA14-0003) and Bylaw No. 11016 (Z12-0056) - 1755 Capri Street, 1835 Gordon Drive and 1171 Harvey Avenue, RG Properties Ltd.

##### Staff:

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

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

- o Letter of Support:
  - Greg Garrard, Brandt Avenue
- o Letters of Opposition:
  - Denise M. Bruns, Sutherland Avenue
  - Robert Cichocki, Kelglen Crescent
  - Richard Mark, Pacific Court
  - Maria Liscia, Sutherland Avenue
- o Petition of Opposition:
  - A petition of opposition containing 50 signatures from the owners/occupants of the surrounding properties as submitted by John Zeger, Sutherland Avenue

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

##### Leo Mariotto, Kevin King and Peter Joyce, Applicant's Representatives

- Displayed a PowerPoint Presentation outlining the rezoning application.
- Responded to questions from Council.
- Confirmed that there are a range of housing types being contemplated for the site.
- Confirmed that Extra Foods will remain in place during Phase 1.
- Advised that the proposed skating rink will be similar in size to the one in Stuart Park, but will be a different shape.
- Advised that the skating rink area will be utilized in the summer for other events such as an outdoor market, concerts, etc.
- Confirmed that there is no intention to charge for the use of the skating rink.
- Provided an overview of parking and access to the development.
- Confirmed that the majority of the parking will be located below grade.
- Advised that the current hotel on the site is expected to remain in place during all of the phases of the development. The hotel will remain exactly the same as it is with no plans to expand at this time.

##### Gallery:

##### Sean Upshaw, Knox Crescent

- Lives in the area and supports the rezoning application.
- Commended the developer for including affordable housing options.

##### Charlie Hodge, Centennial Crescent

- Expressed a concern with the amenities being offered.
- Expressed concerns with the height in the CD25 zone as the Official Community Plan shows 12 stories.
- Expressed a concern with the bus stop location on Gordon Drive near Highway 97.
- Expressed a concern with shadowing impacts of the proposed development on the neighbourhood.

John Zeger, Sutherland Avenue

- Outraged with the proposed development.
- Wants the neighbourhood to stay the same.
- Expressed a concern with the variances being asked for by the developer.
- Believes that increase in height and density is inappropriate for the neighbourhood.
- Expressed a concern with traffic congestion.
- Expressed a concern with the phasing of the development and the relocation of the existing tenants.
- Expressed concerns with the amenities being offered.
- Opposed to the text amendment and rezoning.

Leo Mariotto, Kevin King and Peter Joyce, Applicant's Representatives

- Clarified that the density being proposed is not out of context. There is only a slight increase in density than what is currently permitted on the site today.
- Addressed the concerns raised with respect to building heights and corresponding increase in open spaces.
- Addressed the concerns with respect to the underground parking and the water table in the area. The water table is approximately 4m-5m below ground and the developer is confident he will be able to control flooding should a major event occur. There are currently underground tunnels and rooms below the current hotel, which have yet to pose a problem with respect to flooding.
- Responded to questions from Council.
- Advised that the developer has considered handing over ownership of the amenities to the City.
- Provided further details regarding the proposed bus stops around the development.
- Advised that there could be a 10-12 year build out for the development.

There were no further comments.

**3.2. Bylaw No. 11017 (OCP14-0022) and Bylaw No. 11018 (Z14-0047) - 984 DeHart Road, Sherwood Mission Developments & Dr. Alexander Rezansoff**

**Staff:**

- Displayed a PowerPoint Presentation summarizing the application before Council and responded to questions from Council.
- Responded to questions from Council with respect to access and traffic/pedestrian concerns.
- Addressed the concerns raised regarding traffic volumes in the area.

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

- o Letters of Opposition:
  - Sharon & Ryan Brooks, Turner Road
  - Ryan Roussel, Tuner Road
  - Terry & Lil Rieger, Turner Road
  - Don Koehle, Young Road
  - Bryan & Sharon Johnston, Dehart Road
  - Karl & Gabi Heinitz, Turner Road
  - Ralph & Pauline Livingston, Turner Road
  - Kathy Jones & Steve Biollo, Young Road
  - Bob & Gertie Kueng, DeHart Road
  - K. Fern Hind, Turner Road
  - Lisa Sanderson, Turner Road
  - Gladi & Jim Rowlett, Turner Road
  - Naomi Dodd, Young Street
  - Anthony & Shirley McCarthy, Bartholomew Court
  - Tom & Brenda McBride, Bartholomew Court
  - Larry & Amanda Marzinzik, Bartholomew Court

- Giebelhaus Family, Turner Road
- Tryhurn Family, Turner Road
- Letters of Concern:
  - Marilyn St. Pierre, Eso Court
  - Michael A. Millard, Bartholomew Court
  - Brian & Nancy Comartin, Ashish & Manisha Dave, Young Road
  - Gerry Doeksen, West Point Road
  - Brenda Sbrozzi, Turner Road

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

Keith Funk and Benson Ho, New Town Planning, Applicant's Representatives

- Responded to questions from Council.
- Commented on the use of Turner Road as a result of this development.
- Clarified the size of the lots that have been added.
- Provided an overview of the traffic study that was conducted. The traffic generation model suggests that residents of the development would use DeHart Road rather than Turner Road.
- Provided an update with respect to the Agricultural Land Commission.

Gallery:

Anthony McCarthy, Bartholomew Court

- Opposed to the application.
- Expressed a concern with the traffic and lack of sidewalks on Dehart Road.
- Before any consideration is given to the rezoning, an upgrade of Dehart Road should occur.
- The proposed roundabout is not in an acceptable location. The roundabout should be located at Dehart and Swamp Roads.
- Responded to questions from Council.

Larry Marzinik, Bartholomew Court

- Opposed to the application.
- Advised that his back deck is elevated and therefore he will look at Okanagan Lake over this proposed subdivision.
- Purchased his property a couple of years ago and was told that this type of development would not happen on the subject property.
- Believes that the proposed development will change the character of the area. The development is out of character with the rural-residential neighbourhood due to smaller lot sizes.
- Expressed a concern with traffic impacts as a result of the development.
- Expressed a concern with the location of the proposed roundabout.
- Responded to questions from Council.

Ryland Giebelhaus, Turner Road

- Opposed to the development as it currently stands.
- Expressed a concern with the lack of sidewalks in the area.
- Expressed a concern with the increase in traffic the development will bring to the area.
- Expressed a concern with wildlife in the area and the interface with development.
- Expressed a concern that the schools in the area may not be able to accommodate the growth.

Ralph Livingston, Turner Road

- Expressed a concern with the safety of the children in the area.
- Expressed a concern with additional traffic that the development will bring to the area.
- Opposed to the Official Community Plan amendment and rezoning.
- Responded to questions from Council.
- Advised that he could live with emergency access onto Turner Road only.

Charlene Siddon, Turner Road

- Owns 3 homes in the area.
- Expressed a concern with safety of the students and the lack of sidewalks in the area.
- Expressed a concern with the number of units being proposed.
- Suggested that the development have fewer, larger lots which would be more appropriate for the neighbourhood.
- Responded to questions from Council.
- Advised that she would be happy if Turner Road was emergency access only.

Brenda Sbrozzi, Turner Road

- Expressed a concern with traffic congestion in the area.
- Expressed a concern with safety and the lack of sidewalks in the area.
- Opposed to the application.
- Questioned the comments from the Traffic Consultant that drivers would not use Turner Road.
- Responded to questions from Council.
- Would like Council to reconsider an intersection/roundabout at Swamp and Dehart Roads.
- Would prefer no access through Turner Road or Eso Court unless it's pedestrian access only.

Michael Atherton, Young Road

- Opposed to the rezoning at this time.
- Believes that the application does not address the 2 major problems in the area.
- Dehart and Swamp Roads have serious flow and safety concerns that will not be alleviated by the roundabout and therefore the roundabout should be located at Swamp and Dehart Roads.
- There is not a proper connection from Swamp and DeHart Road to Gordon Drive.
- Believes this development will create a traffic safety concern.

Doug Simister, 780 Turner Road

- Opposed to the application.
- Expressed a concern with safety in the area.
- Expressed a concern with the location of the roundabout.
- Expressed a concern with access to the development.
- Responded to questions from Council.
- Advised that he would accept emergency access only on Turner Road, however he would prefer no access.

Michelle Schroyen, 4238 Eso Court

- Has lived in the area for the past 8 years.
- Opposed to the application.
- Expressed a concern with development impacts on the safety of the children in the area.
- Expressed a concern with the proposed protection of the riparian area.
- Expressed a concern with development impacts on wildlife.
- Expressed a concern that the lands were once part of the Agricultural Land Reserve.
- Responded to questions from Council.
- Advised that she would support a 'gate' for emergency access only on Turner Road.

Bob Kueng, DeHart Road

- Opposed to the development.
- Expressed a concern with proposed location of the roundabout and noted that the proposed location is approximately 90 feet from his driveway.
- Commented on other traffic and land purchase options available to the developer.
- Expressed a concern with the lack of RCMP enforcement of speeding on DeHart and Swamp Roads.
- Opposed to turning farmland into residential land.
- Believes that another access to the development needs to be considered.

Shannon McLeod, Eso Court

- Expressed a concern with the traffic study.
- Expressed a concern with the lack of sidewalks and street lighting in the area.
- Opposed to the application.
- Responded to questions from Council.

Sean Upshaw, Knox Crescent

- Made suggestions as to how to address issues raised by members of the public, including land purchases and an Agricultural Land Reserve exclusion application.

Tom McBride, Bartholomew Court

- Opposed to the location of the roundabout. The roundabout should be located at Swamp and Dehart Roads.
- Would prefer emergency access only on Turner Road.

Carl Sorge, Turner Road

- Expressed a concern with traffic impacts on Turner Road.
- Questioned the definition of "emergency access".
- Questioned comments from the Traffic Consultant.
- Believes that the access to the development should be relocated.
- Would be supportive of a perimeter road access.

Alan Sanderson, Turner Road

- Opposed to the application.
- Questioned the definition of "emergency access".
- Expressed a concern with traffic impacts on Turner Road.
- Expressed a concern with the lack of sidewalks on Turner Road.
- Would be supportive of a perimeter road access.

Heather Ramirez, Dehart Road

- Expressed a concern with the lack of sidewalks in the area.
- Expressed a concern with the safety of children in the area.
- Opposed to the application.

Keith Funk and Benson Ho, New Town Planning, Applicant's Representatives

- Addressed the concerns raised by the public.
- Advised that constructing sidewalks in the adjoining neighbourhood is too heavy a financial burden on the developer.
- Advised that the location of the roundabout can be moved.
- Advised that the alternative road routes that were suggested are possible, but very unlikely.
- Admitted that the issue of short-cut traffic is a real possibility.
- Believes that a traffic circle on Bartholomew would slow down and calm traffic.
- Advised that the 110 lots is the maximum number permitted by the proposed subdivision; however the actual number of lots will be determined by the market.
- Believes that traffic calming measures are possible.
- Agreed that Turner Road could be gated with emergency access only.

- Believes that a roundabout in an appropriate location will adequately address traffic impacts.
- Advised that the developer is not pursuing the idea of a land swap within the Agricultural Land Reserve.
- Responded to questions from Council.

There were no further comments.

The meeting recessed at 9:53 p.m. The meeting reconvened at 10:10 p.m.

### **3.3. Bylaw No. 11019 (Z14-0029) - 801 Francis Avenue, D Squared Enterprises Inc.**

Staff:

- Displayed a PowerPoint Presentation summarizing the application before Council.

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

- o Letter of Concern:
  - Emma Dalsvaag, South Pandosy Resident

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicant was not present. No one came forward.

### **3.4. Bylaw No. 11020 (Z14-0026) - 1280 Glenmore Road, 561655 BC Ltd.**

Staff:

- Displayed a PowerPoint Presentation summarizing the application before Council and responded to questions from Council.
- Confirmed that there will only be 4 units on the western portion of the site and those units will not be able to accommodate secondary suites.

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

- o Letters of Opposition
  - Ryan Moir, Mountainview Street
  - Leslie Joy Plaisance, Mountainview Street
  - Derril & Jennifer McKenzie, Mountainview Street
  - Michael McKee, Glenmore Drive
  - Cheryl Fast, Mountainview Street
  - Kyleen K. Myrah, Mountainview Street
- o Letter of Concern:
  - Earl & Mary Wozny, Mountainview Street

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

Shawn, Applicant's Representative

- Provided the rationale for the proposal before Council.
- Advised that the units are non-stratified and will be freehold titles.
- Advised that an additional 8 parking stalls have been added off the back lane.
- Responded to questions from Council.

Gallery:

Bob Hayes, Mountainview Street

- Has lived in the area for 60 years.
- Expressed a concern with the massing of the project. The building is way too large for the property.
- Expressed a concern with an increase in traffic.
- Believes that this development will dramatically change the neighbourhood.
- Opposed to the rezoning.
- Responded to questions from Council.
- Advised that he would prefer single-family with a laneway.

Daniel Turner, Glenella Place

- Opposed to the rezoning.
- Expressed a concern with respect to the Development Sign posted on the property.

City Clerk:

- Provided comment regarding the Development Sign and advised that the signage meets the City's requirements.

Steve Cann, Glenella Place

- Expressed a concern with the lack of infrastructure in the area that would be required to support the proposed development.
- Expressed a concern with the increase in traffic and parking requirements should the development move forward.
- Would prefer 2 homes rather than a multi-family development.
- Would like to see sidewalks and traffic calming on Mountainview Street.

Dan Bjur, Glenmore Road

- Opposed to the rezoning.
- Expressed a concern with privacy as a result of the height of the proposed development.
- Expressed a concern that the townhouses will eventually have suites (legal or illegal).
- Expressed a concern with increased traffic and parking issues as a result of the development.
- Expressed a concern with the placement of the Development Signs on the property.
- Expressed a concern with the proposed density and advised that he would prefer single-family dwellings on the site.

Trent Johnson, Mountain Avenue

- Opposed to the rezoning and the proposal for 9 townhomes.
- Responded to questions from Council.

Jennifer McKenzie, Mountainview Street

- Opposed to the rezoning.
- Would prefer 4 buildings on reasonable sized lots.
- Expressed a concern with the parking being proposed.
- Responded to questions from Council.

Moved By Councillor Zimmermann/Seconded By Councillor DeHart

R766/14/10/22 THAT pursuant to Section 5.4 of Council Procedure Bylaw No. 9200, this Public Hearing and the following Council Meeting be permitted to continue past 11:00 p.m.

Carried

Karen Turner, Glenella Place

- Expressed a concern with the freehold strata being proposed for the property.

**Staff:**

- Explained the concept of freehold strata titles.

**Mark Taylor**

- Believes that the unsupported Option #1 is the best option for the property.

**Sharon Harper, Mountainview Street**

- Opposed to the proposed lane. If the lane goes through, would prefer emergency access only.
- Prefers unsupported Option #1.

**Doug, Glenmore Road**

- Commented on the proposal.
- Would prefer unsupported Option #1.

**Max Ungaro, Glenmore Drive**

- Does not like the density being proposed.

**Shawn, Applicant's Representative**

- Addressed the concerns raised by the public.
- Advised that the parcel was purchased to create some housing affordability.
- Advised that the option proposed is the best option in order to create more affordable housing.
- Believes that the project does take the parking concerns into consideration.
- Responded to questions from Council.
- Advised that unsupported Option #1 would not create the affordability the developer is trying to achieve.

There were no further comments.

### **3.5. Bylaw No. 11021 (Z14-0035) - 2271 Harvey Avenue, Orchard Park Shopping Centre Holdings Ltd.**

**Staff:**

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

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

- o Letters of Opposition:
  - o Gail & Gerry Inbeau, Baron Road
  - o Glen & Donna Bahsler, Underhill Street

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

**Dominic Rampone, Applicant's Representative**

- Advised that he is the Operations Manager for the Farmers' Market.
- Provided an overview of the proposal.

There were no further comments.

4. Termination

The Hearing was declared terminated at 11:31 p.m.

\_\_\_\_\_  
Mayor

/slh

*Steph Wang*  
\_\_\_\_\_

City Clerk

DRAFT



## City of Kelowna Regular Meeting Minutes

Date: Wednesday, October 22, 2014  
Location: Council Chamber  
City Hall, 1435 Water Street

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

Staff Present: Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Manager, Urban Planning, Ryan Smith; Director, Subdivision, Agriculture & Environment, Shelley Gambacort\*; Manager, Development Engineering, Steve Muenz\*; Manager, Transportation & Mobility, Moudud Hasan\*; and Council Services Coordinator, Sandi Horning

(\* denotes partial attendance)

### 1. Call to Order

Mayor Gray called the meeting to order at 11:31 p.m.

### 2. Prayer

A Prayer was offered by Councillor Given.

### 3. Bylaws Considered at Public Hearing

- 3.1. Bylaw No. 10998 (TA14-0003) - CD25, Capri Centre Comprehensive Development Zone

Moved By Councillor Zimmermann/ Seconded By Councillor DeHart

R767/14/10/22 THAT Bylaw No. 10998 be read a second and third time.

Carried

3.2. Bylaw No. 11016 (Z12-0056) - 1755 Capri Street, 1835 Gordon Drive and 1171 Harvey Avenue, RG Properties Ltd.

Moved By Councillor DeHart/Seconded By Councillor Zimmermann

R768/14/10/22 THAT Bylaw No. 11016 be read a second and third time.

Carried

3.3. Bylaw No. 11017 (OCP14-0022) - 984 Dehart Road, Sherwood Mission Developments Ltd. & Dr. Alexander Rezanoff

Moved By Councillor Stack/Seconded By Councillor Given

R769/14/10/22 THAT Bylaw No. 11017 be read a second and third time.

Carried

Councillors DeHart, Hobson & Zimmermann - Opposed.

3.4. Bylaw No. 11018 (Z14-0047) - 984 Dehart Road, Sherwood Mission Developments Ltd. & Dr. Alexander Rezanoff

Moved By Councillor Given/Seconded By Councillor Stack

R770/14/10/22 THAT Bylaw No. 11018 be read a second and third time.

Carried

Councillors DeHart, Hobson & Zimmermann - Opposed.

Moved By Councillor Blanleil/Seconded By Councillor Stack

R771/14/10/22 THAT Council directs staff to ensure that an emergency road access gate is installed at the Turner Road entrance to the property located at 984 Dehart Road.

Carried

3.5. Bylaw No. 11019 (Z14-0029) - 801 Francis Avenue, D Squared Enterprises Inc.

Moved By Councillor Basran/Seconded By Councillor Blanleil

R772/14/10/22 THAT Bylaw No. 11019 be read a second and third time.

Carried

3.6. Bylaw No. 11020 (Z14-0026) - 1280 Glenmore Road, 561655 BC Ltd.

Moved By Councillor Singh/Seconded By Councillor Basran

R773/14/10/22 THAT Bylaw No. 11020 be read a second and third time.

DEFEATED

Mayor Gray and Councillors Basran, Blanleil, DeHart, Given, Hobson, Singh, Stack & Zimmermann - Opposed.

Acting City Manager:

- Committed staff to reviewing the multi-family land use designation as part of the next Official Community Plan review.

3.7. Bylaw No. 11021 (Z14-0035) - 2271 Harvey Avenue, Orchard Park Shopping Centre Holdings Ltd.

Moved By Councillor Blanleil/Seconded By Councillor Singh

R774/14/10/22 THAT Bylaw No. 11021 be read a second and third time.

Carried

4. Reminders - Nil.

5. Termination

The meeting was declared terminated at 12:12 a.m.

\_\_\_\_\_  
Mayor

/slh



\_\_\_\_\_  
City Clerk

DRAFT

**CITY OF KELOWNA**  
**BYLAW NO. 11012**  
**TA14-0017 -**  
**CD18 - Vintage Landing Comprehensive Resort Development**

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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 deleting **Schedule 'B' - Comprehensive Development Zones, CD18 - Vintage Landing Comprehensive Resort Development** in its entirety and replacing with a new **CD18 - Vintage Landing Comprehensive Resort Development** as 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 29<sup>th</sup> day of September, 2014.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

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(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

## Schedule 'B' – Comprehensive Development Zones

### CD18 – McKinley Beach Comprehensive Resort Development

#### 1.1 PURPOSE

The purpose is to provide a zone for the development of a comprehensively planned multifaceted destination community having a variety of commercial and accommodation uses organized around a central lifestyle village.

#### 1.2 PRINCIPAL AND SECONDARY USES

The principal and secondary uses in this zone vary in accordance with the key resort elements identified in the Vintage Landing Area Structure Plan adopted as part of the Kelowna Official Community Plan. Pursuant to the Area Structure Plan this zone has been organized into (4) four distinctive areas as illustrated on Map A. Each area will have its own allowable principal and secondary uses as follows:

##### 1.2(a) AREA I Village Centre

###### Principal Uses:

The **principal uses** for the area designated as **Area I** on Map 1 are:

- (a) **apartment hotels**
- (b) **boat storage**
- (c) broadcast studio subject to 1.3f
- (d) **child care centre, major**
- (e) **community recreation services**
- (f) **congregate housing**
- (g) **emergency and protective services**
- (h) **exhibition and convention facilities**
- (i) **extended medical treatment services**
- (j) **food primary establishment**
- (k) **health services**
- (l) **hotels**
- (m) **liquor primary establishment**
- (n) **motels**
- (o) **non-accessory parking**
- (p) **offices**
- (q) **personal service establishments**
- (r) **private clubs**
- (s) **private education services**
- (t) **public parks**
- (u) **religious assemblies**
- (v) **retail liquor sales establishment**
- (w) **retail stores convenience**
- (x) **retail stores general**
- (y) reservation centres
- (z) **row housing** subject to 1.3e
- (aa) **single detached housing** subject to 1.3e
- (bb) **semi-detached housing** subject to 1.3e

**Secondary Uses:**

The **secondary uses** for the area designated as **Area I** on Map 1 are:

- (a) **amusement arcades major**
- (b) **artisan live/work studios**
- (c) **custom indoor manufacturing**
- (d) **emergency and protective services**
- (e) **gaming facilities**
- (f) **participant recreation services indoor**
- (g) **participant recreation services outdoor**
- (h) **private open space**
- (i) **recycled materials drop-off centre**
- (j) **residential security / operator unit**
- (k) **secondary suites in single detached housing** subject to 1.3e
- (l) **spectator and entertainment establishments** subject to 1.3h
- (m) **utility services minor impact**

**1.2(b) AREA 2 Winery and Resort Accommodation****Principal Uses:**

The **principal uses** for the area designated as **Area II** on Map 1 are:

- (a) **apartment hotels**
- (b) **food primary establishment**
- (c) **hotels**
- (d) **liquor primary establishment**
- (e) **motels**
- (f) **retail liquor sales establishment**
- (g) **wineries and cideries**
- (h) **reservation centres**
- (i) **row housing** subject to 1.3e
- (j) **single detached housing** subject to 1.3e
- (k) **semi-detached housing** subject to 1.3e

**Secondary Uses:**

The **secondary uses** for the area designated as **Area II** on Map 1 are:

- (a) **amusement arcades major**
- (b) **health services**
- (c) **participant recreation services indoor**
- (d) **private clubs**
- (e) **private open space**
- (f) **residential security / operator unit**
- (g) **retail stores convenience**
- (h) **secondary suites in single detached housing** subject to 1.3e
- (i) **spectator and entertainment establishments** subject to 1.3h
- (j) **utility services minor impact**

**1.2 (c) AREA III Hillside Resort Accommodation****Principal Uses:**

The **principal uses** for the area designated as **Area III** on Map 1 are:

- (a) **apartment hotels**
- (b) **hotels**
- (c) **motels**
- (d) reservation centres
- (e) **row housing** subject to 1.3e
- (f) **single detached housing** subject to 1.3e
- (g) **semi-detached housing** subject to 1.3e

**Secondary Uses:**

The **secondary uses** for the area designated as **Area III** on Map 1 are:

- (a) **health services**
- (b) **private open space**
- (c) **residential security / operator unit**
- (d) **secondary suites in single detached housing** subject to 1.3e
- (e) **utility services minor impact**

**1.2(d) AREA IV Waterfront Resort Accommodations****Principal Uses:**

The **principal uses** for the area designated as **Area IV** on Map 1 are:

- (a) **apartment hotels**
- (b) **food primary establishment**
- (c) **hotels**
- (d) **liquor primary establishment**
- (e) marinas
- (f) marine equipment rentals
- (g) **motels**
- (h) **public park**
- (i) reservation centres
- (j) **row housing** subject to 1.3e
- (k) **single detached housing** subject to 1.3e
- (l) **semi-detached housing** subject to 1.3e

**Secondary Uses:**

The **secondary uses** for the area designated as **Area IV** on Map 1 are:

- (a) **boat storage**
- (b) **personal service establishments**
- (c) **private clubs**
- (d) **private open space**
- (e) **residential security / operator unit**
- (f) **retail liquor sales establishment**
- (g) **retail stores convenience**
- (h) **secondary suites in single detached housing** subject to 1.3e
- (i) **Utility services minor impact**

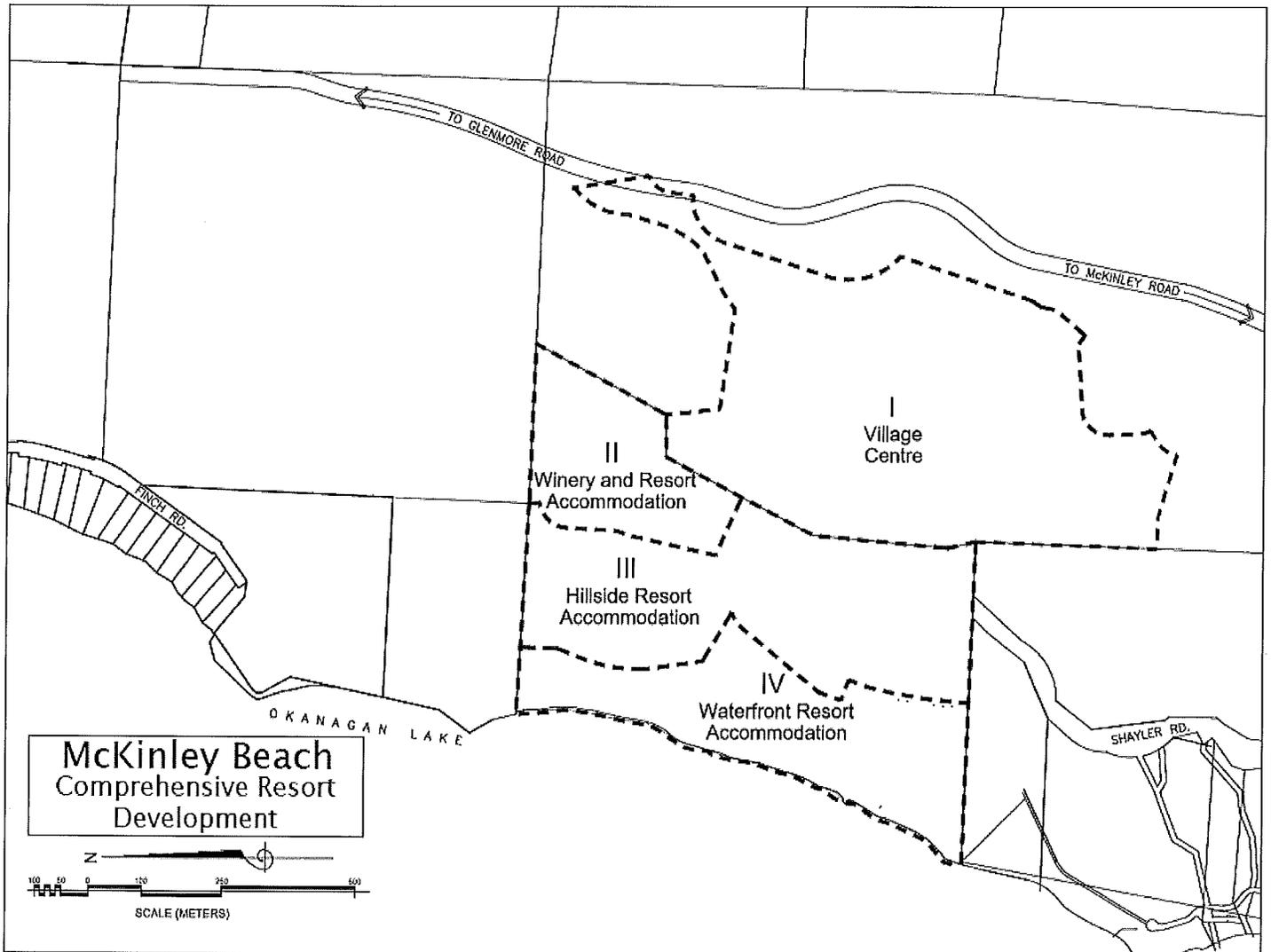
### 1.3 DEVELOPMENT REGULATIONS

- (a) Total density for the CD18 Zone shall not exceed 271,500m<sup>2</sup> in accordance with the Vintage Landing [McKinley Beach] Area Structure Plan adopted as part of the Kelowna Official Community Plan.
- (b) The maximum area of all commercial (retail and office) uses is 15,000m<sup>2</sup>.
- (c) The maximum allowable area of all office use is 5000m<sup>2</sup>. The maximum area of office space in any one building is 2000m<sup>2</sup> and the maximum size of any individual office tenancy shall not exceeding 500m<sup>2</sup>.
- (d) The maximum area for any one individual retail tenancy in Area I is 5500m<sup>2</sup>, in Areas II, III, IV the maximum area for any one tenancy is 400m<sup>2</sup>.
- (e) Density in the CD18 zone will be controlled in the form of a 219 covenant registered on the remainder parcel(s), which will indicate an allowable buildable area equal to the total site density of 271,500m<sup>2</sup> as outlined in section 1.3 (a) and which will be reduced by the:
1. buildable area approved through all Form & Character Development Permits within the CD18 Areas, and
  2. for those lots not requiring a form & character Development Permit it will be through the subdivision approval process based on a calculation of 350m<sup>2</sup> per unit (based on 1.3(f) Type B below). *For example: if there are 10 lots being approved and eight of those lots are for single detached housing and two of the lots are for semi-detached housing the calculation used to determine the buildable area would be  $12 \times 350m^2 = 4,200m^2$ .*
- The registered 219 Covenant will be amended, to reflect the remaining buildable area, as a condition of issuance of every Development Permit under 1.3(e)1 and as a condition of every subdivision approval under 1.3(e)2.
- (f) Resort accommodation which allows for short-term stays is made up of two types:
- Type A:
- Attached apartment hotel, hotel, congregate housing, motel units or row housing units (units in buildings exceeding 4 units with common amenities) – maximum area of 150m<sup>2</sup> per unit floor area net.
- Type B:
- Single detached housing with or without secondary suites, semi-detached housing, row housing with four units or less, with amenities that may be in separate buildings. The maximum gross floor area is 350m<sup>2</sup> per unit (excluding garages). The main floor footprint (excluding garage) may not exceed 175m<sup>2</sup> per unit (excluding garages). Type B units must be served by a common on-site or off-site reservation centre(s).
- (g) Broadcasting studios exclude facilities for permanent operation of radio and television stations and must be limited to television, movie and sound stage production.
- (h) Spectator and entertainment establishments exclude permanent stadiums, arenas, cineplex's and multiplexes.
- (i) Natural Environment/Hazardous Conditions

1. Impact to Environmentally Sensitive Areas designated as “High Value” or ESA 1 will be limited to infrastructure and utilities, where possible, and will strive to minimize impact to these areas. If development should occur within these areas, mitigation will promote no net loss to the habitat. If development is pursued in ESA 2 areas, portions of the habitat should be retained and integrated to maintain the contiguous nature of the landscape.
  2. Both ESA 1 and ESA 2 areas will require a Natural Environment/Hazardous Condition Development Permit to address the specific habitat or conditions outlined in the ESA Assessment Report. Some loss to these ESA areas can be offset by habitat improvements to the remaining natural areas found within the ASP boundary.
  3. Any development that impacts slopes over 30% will require a Natural Environment/Hazardous Condition Development Permit. For any development to occur in these areas, it would have to be demonstrated that it will be sensitively integrated with the natural environment and will present no hazards to persons or property.
- (j) Building Height:
1. The maximum height of buildings and structures in this zone are as follows:
    - Area I - Village Centre is the lesser of 8½ storeys or 38.25m.
    - Area II - Winery and Resort Accommodation is the lesser of 6½ storeys or 29.5m.
    - Area III - Hillside Resort Accommodation is the lesser of 2 ½ storeys or 11.5m starting from deck elevation. Supportive deck structures cannot exceed 7.0m in height.
    - Area IV - Waterfront Resort Accommodation is the lesser of 6½ storeys or 29.5m.
  2. For any buildings or structures in area I that exceed 6½ storeys any exposed storey where parking is provided within the building must include 60% of the exposed area as habitable space.
  3. For any buildings or structures in areas II and IV that exceed 4½ storeys any exposed storey where parking is provided within the building must include 60% of the exposed area as habitable space.
4. Setbacks:
1. The minimum setback from the CD Zone boundary for all uses shall be 10m (33 ft.) with the exception of the CD Zone boundary that fronts Okanagan Lake riparian management area or any park areas where the setback will be 1.5m.
  2. The minimum **front yard** is 0.0m.
  3. The minimum **side yard** is 0.0m.
  4. The minimum **rear yard** is 0.0m.

5. Signs:
1. Signs for Areas I and II shall be regulated as if in a C2 zone.
  2. Signs for Area III shall be regulated as if in a W-2 zone.
- (l) In accordance with the Official Community Plan (OCP), all development, except single-detached dwellings with or without secondary suites, within the zone shall require a Form and Character Development Permit.
- (m) The parking and loading regulations of Section 8 will apply.
- (n) A publicly accessible trail system will be provided by statutory right-of-way in favour of the City of Kelowna throughout the development property. Specific locations and right-of-way widths will be determined at time of Development Permit and in general accordance with the Vintage Landing Area Structure Plan
- (o) Road design will be as per the City of Kelowna's October 2009 Hillside Standards as may be amended.

### CD18 -McKinley Beach Comprehensive Resort Development Map A



# REPORT TO COUNCIL



Date: October 21, 2014

RIM No. 0940-40

To: City Manager

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

Application: DP14-0154 / DVP14-0155

Owner: W.K. Holdings Ltd.

Address: 783 Kinnear Avenue

Applicant: Warner & Judy Kunz

Title: Development Permit and Development Variance Permit

Existing OCP Designation: S2RES - Single / Two Unit Residential

Existing Zone: RU6 - Two Dwelling Housing

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP14-0154 for Lot 23, District Lot 135, ODYD, Plan 3929, located on 783 Kinnear Avenue, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied;

AND THAT the property owner be required to register a Section 219 Restrictive Covenant on the title of the subject property prior to stratification to permit a maximum of two dwelling units on the site;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0155, for Lot 23, District Lot 135, ODYD, Plan 3929, located on 783 Kinnear Avenue, Kelowna, BC;

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

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

To vary the minimum rear yard for a 2 or 2 ½ storey portion of a building from 7.5 m permitted to 4.88 m proposed.

### Section 13.6.7(f): RU6 - Two Dwelling Housing Other Regulations

To vary the vehicular access from rear lane permitted to a flanking street as proposed.

AND FURTHER THAT the applicant be required to complete the above-noted conditions within one year 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:

- a. A Development Permit application to consider the form and character of a second dwelling on the subject property.
- b. A Development Variance Permit application to reduce the required rear yard setback and to vary the driveway access from the rear lane to the flanking street.

## **3.0 Urban Planning**

Urban Planning staff supports the requested variances to the Zoning Bylaw to allow the applicant to use the existing building footprint and accommodate unique site constraints. This application is consistent with the intent of the RU6 - Two Dwelling Housing to permit two dwellings on a property, and several examples of semi-detached and two dwelling housing exist in the surrounding neighbourhood.

The first variance request is to reduce the rear yard setback to 4.88 m instead of the required 7.5 m. The existing detached garage is 4.88 m from the rear lot line and the applicant will maintain this setback for the new dwelling in this location. The rear lane acts as an additional buffer for the property to the south, and there is a large setback for the west side yard of 4.27 m.

The second variance request is to vary the rear lane access requirement to allow access from Curts Street. Site constraints present a challenge for rear lane access to the subject property. A utility pole is located near the southwest corner of the property with a guywire that extends approximately 6 m east immediately south of the rear lot line. On a corner lot, driveway access must be at least 7 m from the lot corner, leaving a limited amount of space for a driveway from the rear lane. Staff support the requested variance for vehicular access given the site constraints.

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 property. No concerns were expressed to the applicant. To date, staff has not been contacted with any questions or concerns regarding the applications.

## **4.0 Proposal**

### **4.1 Project Description**

The applicant is seeking to build a second dwelling on the subject property and stratify the buildings. There is an existing single family dwelling at the front of the property, facing Kinnear Avenue, and an existing detached double car garage at the rear, facing Curts Street. Vehicular access is currently off of Curts Street with a paved driveway immediately south of the dwelling and a paved driveway to the garage.

The existing garage will be converted to a new two-storey dwelling with a new driveway immediately north of the existing one. The applicant will use the existing building footprint for the new dwelling; therefore, a variance is required for the rear yard setback from 7.5 m required to 4.88 m proposed. A variance is also required for vehicular access. The property has access to a rear lane, but due to site constraints the driveway is proposed to be off of Curts Street.

Additionally, the applicant intends to renovate the existing dwelling with improvements to the interior and exterior, including gutter and fascia replacement. A new carport will be built at the end of the driveway immediately south of the existing dwelling.

4.2 Site Context

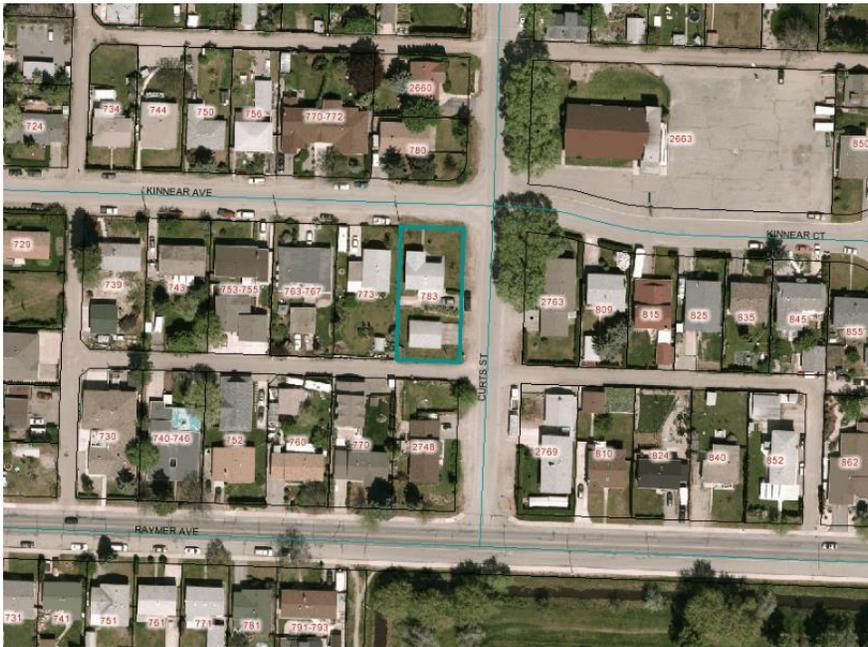
The subject property is located at the southwest corner of Kinnear Avenue and Curts Street, northeast of the intersection of Raymer Avenue and Richter Street. The property has a Future Land Use designation of S2RES - Single / Two Unit Residential in the Official Community Plan and is within the Permanent Growth Boundary. It is also within a block of the South Pandosy Urban Centre.

The area immediately surrounding the property is primary low density residential with an institutional use (church) located kitty-corner. The City’s Wastewater Treatment Facility is south of the property along Raymer Avenue.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 - Two Dwelling Housing	Single family dwelling
East	RU1 - Large Lot Housing	Single family dwelling
South	RU6 - Two Dwelling Housing	Single family dwelling
West	RU6 - Two Dwelling Housing	Single family dwelling

Subject Property Map: 783 Kinnear Avenue



### 4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	800 m <sup>2</sup>	864.92 m <sup>2</sup>
Lot Width	20.0 m	20.27 m
Lot Depth	30.0 m	42.67 m
Development Regulations		
Site Coverage (buildings)	40%	32.79%
Site Coverage (buildings, driveway & parking)	50%	42.95%
Height	9.5 m (2 ½ storeys)	6.96 m
Front Yard	4.5 m	28.64 m
Side Yard (east)	4.5 m	5.04 m
	6.0 m (to garage)	6.0 m (to garage)
Side Yard (west)	2.3 m	4.27 m
Rear Yard	7.5 m	4.88 m <sup>❶</sup>
Other Regulations		
Private Open Space	60 m <sup>2</sup> (30 m <sup>2</sup> per dwelling)	Meets requirements
Parking Stalls	4 (2 per dwelling)	Meets requirements
Vehicular Access	Rear lane	Flanking street <sup>❷</sup>
<sup>❶</sup> Indicates a requested variance to reduce the minimum rear yard from 7.5 m required to 4.88 m proposed. <sup>❷</sup> Indicates a requested variance to change the vehicular access from the rear lane required to the flanking street proposed.		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

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

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

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

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

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

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

6.2 Development Engineering Department

- See attached memorandum dated September 8, 2014.

6.3 Fire Department

- Emergency access to the houses cannot be through the lane. If access to the new house is off Curts Road, the address shall be off of Curts Road. The existing house can remain off of Kinneer Avenue.

7.0 Application Chronology

Date of Application Received: August 20, 2014  
Date of Public Consultation: September 15, 2014

Report prepared by:

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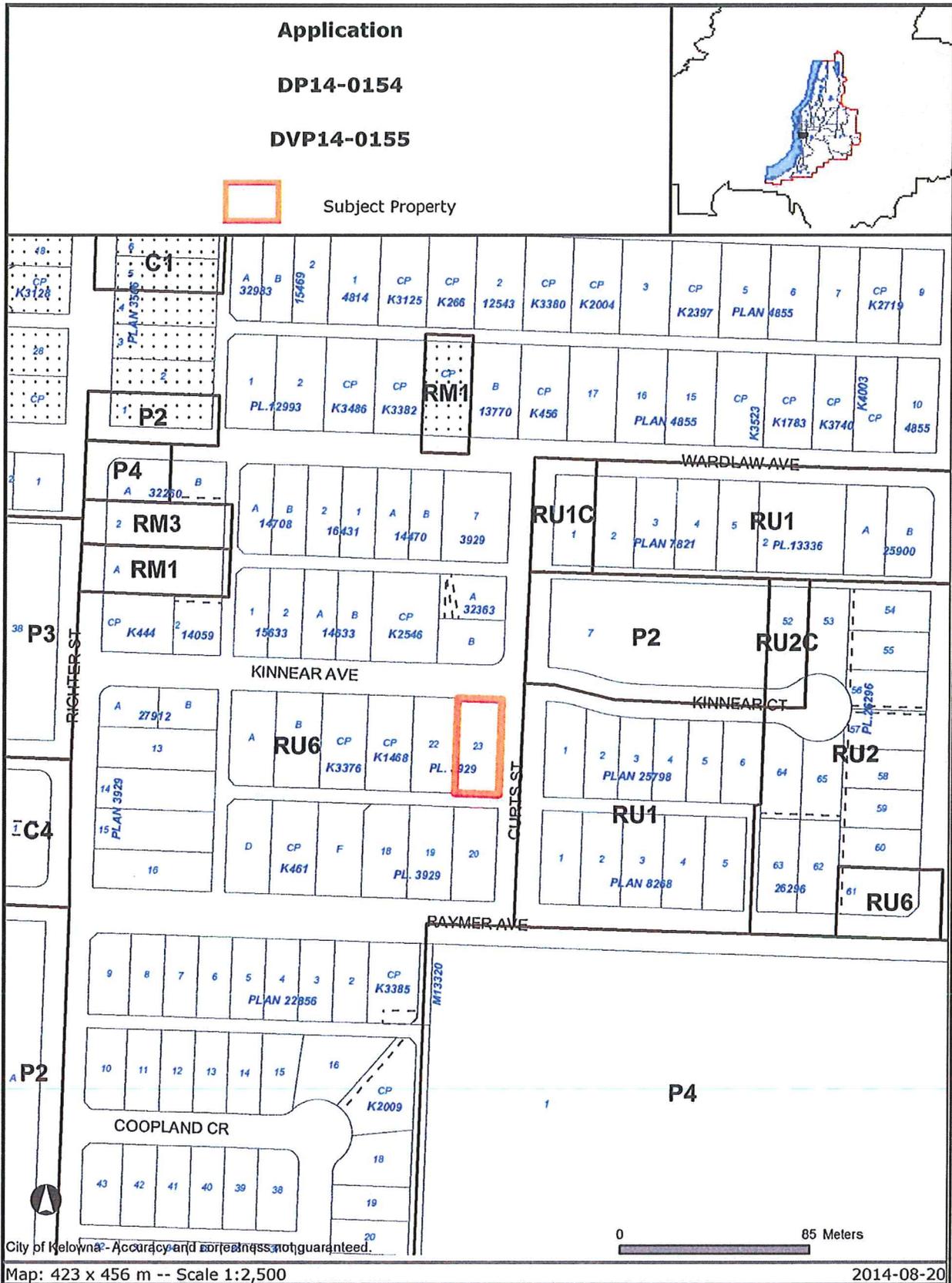
Laura Bentley, Planner

Reviewed by:  L. Ganczar, Urban Planning Supervisor

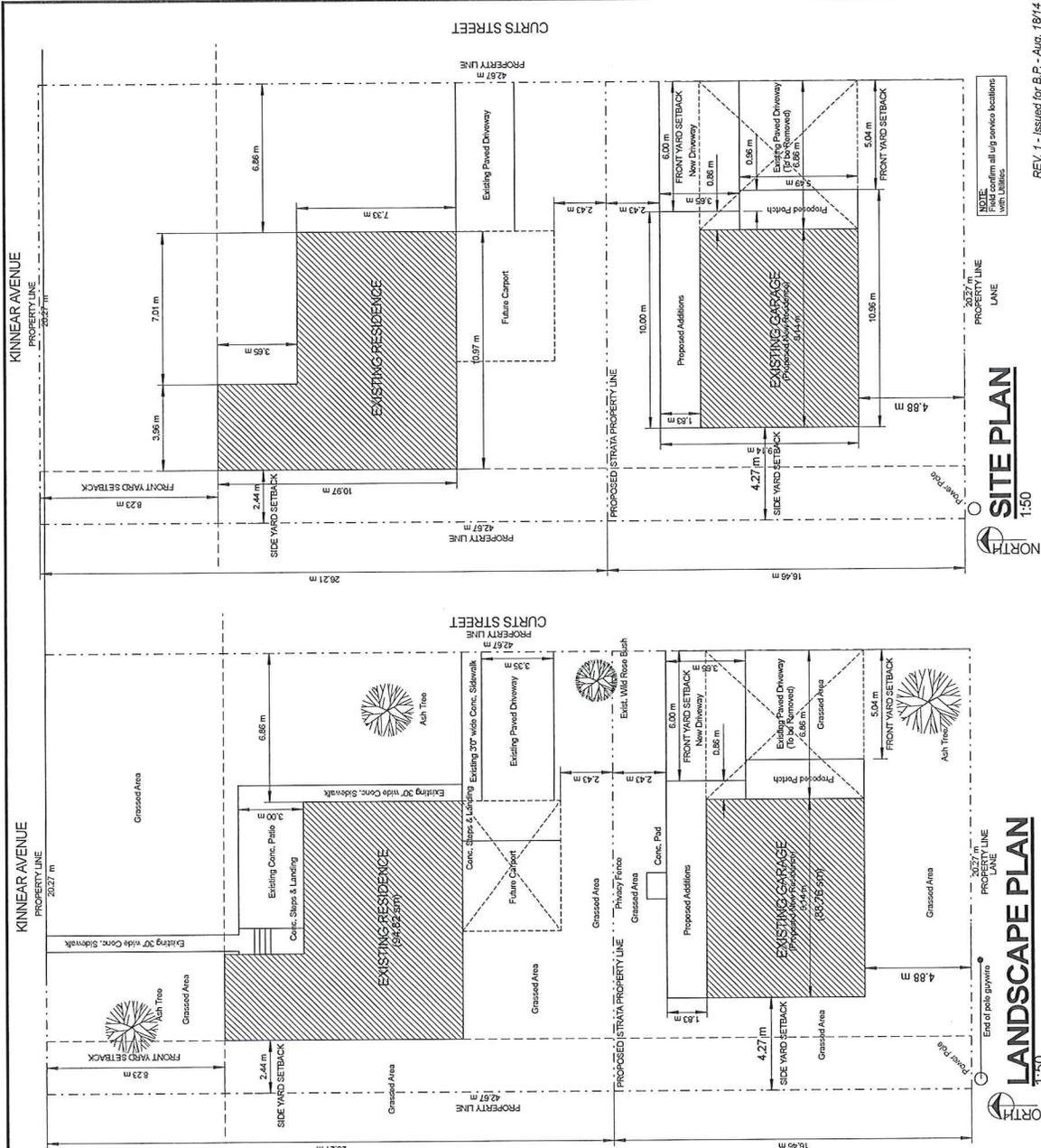
Approved for Inclusion:  R. Smith, Urban Planning Manager

Attachments:

Subject Property Map  
Site Plan & Landscape Plan  
Elevations  
Floor Plan  
Development Engineering Memorandum  
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.



REV. 1 - Issued for B.P. - Aug. 18/14

**A - 1**

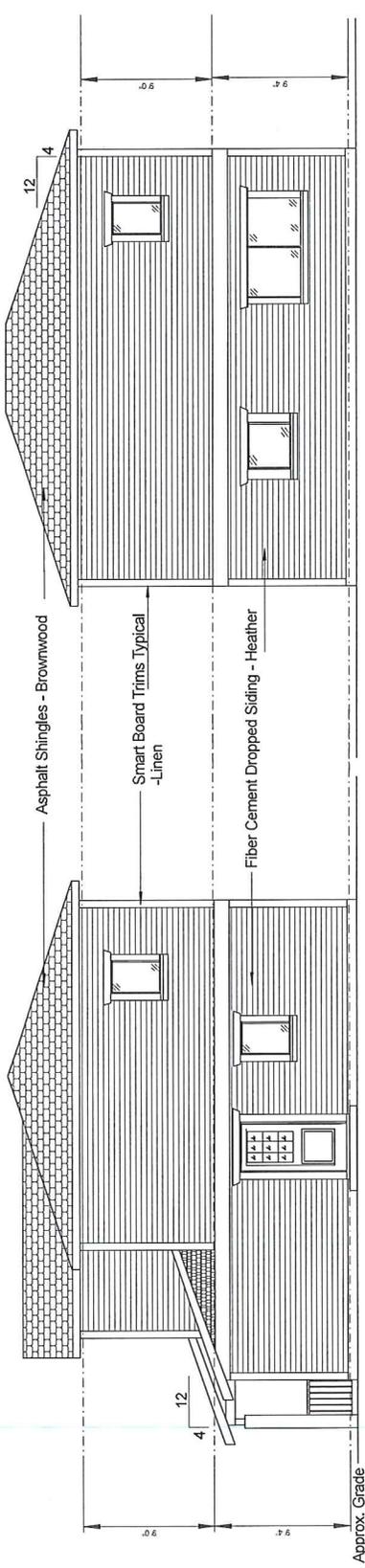
**Kinnear Avenue Residences**  
123 Kinnear Avenue, Kelowna, BC, V1Y 5E5  
KINNEAR AVENUE RESIDENCES  
123 KINNEAR AVENUE, KELOWNA, BC, V1Y 5E5  
PHONE: (250) 863-3365  
EMAIL: kinnear\_residences@shaw.ca

**LEGAL DESCRIPTION:**  
- Lot 23  
- Plan 3929  
- D.L. 135  
- O.D.Y.D.

**WK HOLDINGS LTD.**  
123 Kinnear Avenue  
Kelowna, BC, V1Y 5E5  
Phone: (250) 863-3365  
kinnear@shaw.ca

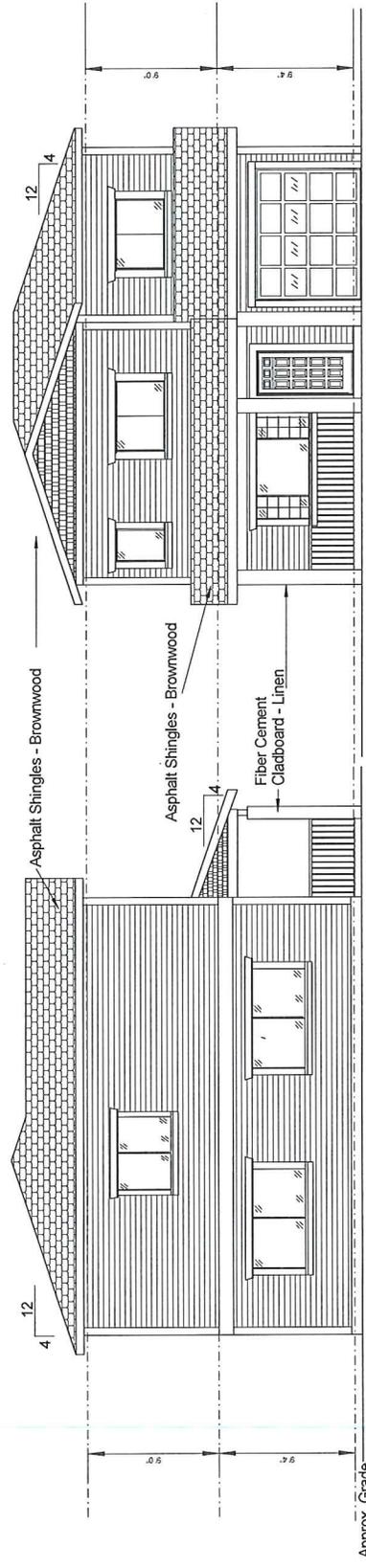
INFORMATION	PROPOSAL	RUE ZONE REGULATIONS
Site Area (m <sup>2</sup> )	42.67 x 20.27 = 864.02 m <sup>2</sup>	Minimum required = 700 m <sup>2</sup>
Site Width (m)	20.27 m	Minimum required = 10.0 m
Site Depth (m)	42.67 m	Minimum required = 30.0 m
Site Coverage of Building (m <sup>2</sup> )	64.82 x 48.76 = 283.58 m <sup>2</sup> = 22.75%	Minimum allowed @ 45% = 52.21 m <sup>2</sup>
Site Coverage of Building, Driveway, Deck, Pool, etc. (m <sup>2</sup> )	123.58 x 47.91 m <sup>2</sup> = 371.49 m <sup>2</sup> = 42.55%	Maximum allowed @ 50% = 441.02 m <sup>2</sup>

**SCHEDULE A & C**  
This forms part of development  
Permit # DPIA-01SA/DPIA-055



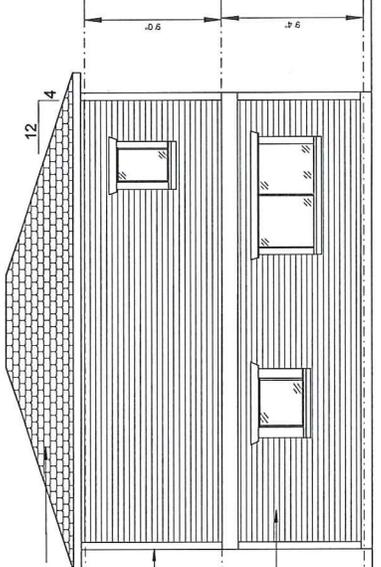
**NORTH ELEVATION**  
1/8" = 1'-0"

Approx. Grade

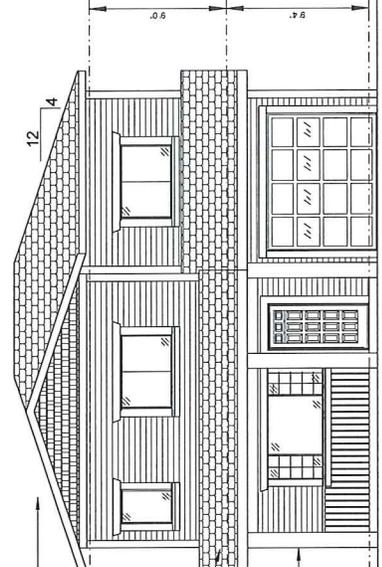


**SOUTH ELEVATION**  
1/8" = 1'-0"

Approx. Grade



**WEST ELEVATION**  
1/8" = 1'-0"



**EAST ELEVATION**  
1/8" = 1'-0"

Asphalt Shingles - Brownwood

Smart Board Trims - Typical - Linen

Fiber Cement Dropped Siding - Heather

Asphalt Shingles - Brownwood

Asphalt Shingles - Brownwood

Fiber Cement Cladboard - Linen

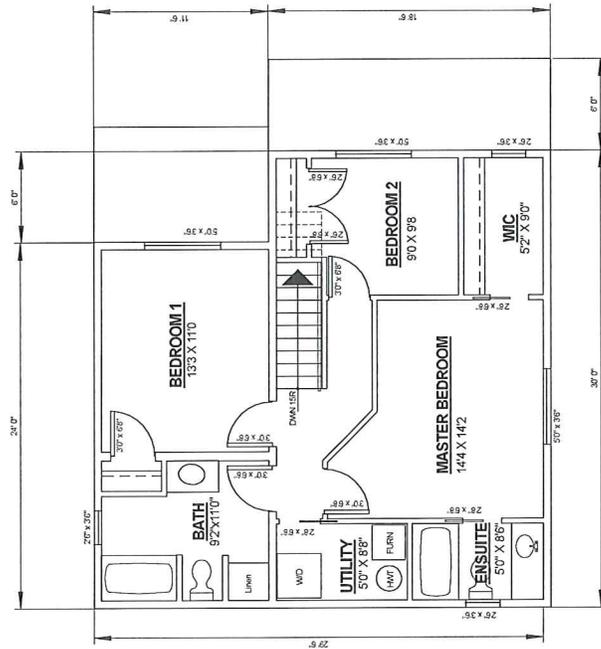
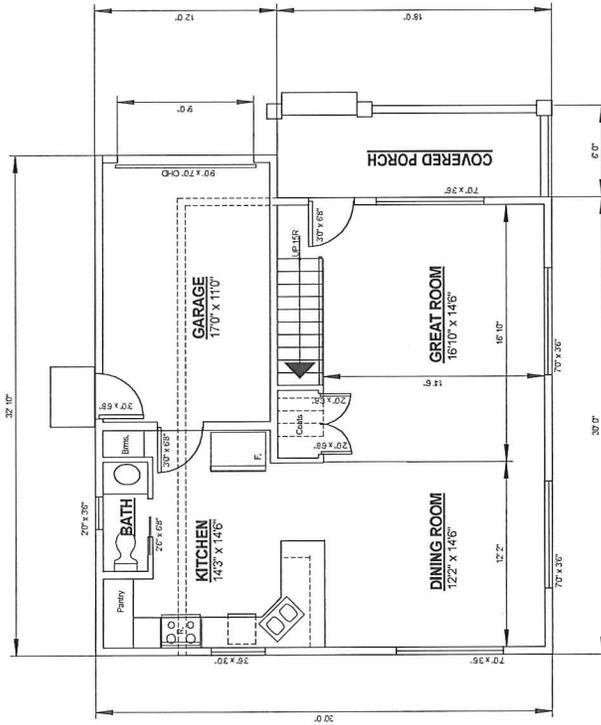
**NOTE:**  
-Changes are not to be made.  
-Field confirm all dimensions prior to construction.  
-Room sizes are approximate and do not include walls.

**SCHEDULE B**  
This forms part of development  
Permit # **DP14-0154/DP14-0155**

REV. 1 - Issued for B.P. - Aug. 1914

**Kinnear Avenue Residences**  
783 Kinnear Avenue, Kelowna, BC, V1Y 5E2  
SCALE: As Noted  
DATE: Aug. 2014  
DRAWN: BRB  
IND: 2014.11  
ELEVATIONS

**WK HOLDINGS LTD.**  
ARCHITECT  
450 Francis Avenue  
Kelowna, BC, V1Y 5G2  
Phone: 250-860-1111  
Email: kinnear@kinnear.ca



**NOTES**  
 - Drawings are not to be scaled.  
 - Field confirm all dimensions prior to construction.  
 - Room sizes are approximate and to finished walls.

**WK HOLDINGS LTD.**  
 450 Francis Avenue  
 Kelowna, BC, V1Y 5G2  
 KWHoldings@shaw.ca

**Kinnear Avenue Residences**  
 783 Kinnear Avenue, Kelowna, BC, V1Y 5E2  
 SCALE: As Noted | DATE: Aug 2014  
 DRAWN: BR | INCH: 2014.11  
**FLOOR PLANS**

REV. 1 - Issued for B.P. - Aug. 19/14

**SCHEDULE A**  
 This forms part of development  
 Permit # DP14-01SA/DP14-01SS

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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** September 8, 2014  
**File No.:** DP14-0154  
**To:** Urban Planning (LB)  
**From:** Development Engineering Manager  
**Subject:** 783 Kinnear Ave

2<sup>nd</sup> SFD

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

1. Domestic Water and Fire Protection

This property is currently serviced with a 13mm-diameter copper water service. Two new 19mm water services for the duplex to meet current by-law requirements can be provided by the City at the owner's cost. **The applicant will be required to sign a Third Party Work Order for the cost of the water service upgrades.** For estimate inquiry's please contact Sergio Sartori, by email [ssartori@kelowna.ca](mailto:ssartori@kelowna.ca) or phone, 250-469-8589.

2. Sanitary Sewer

Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service. An inspection chamber (IC) complete with brooks box must be installed on the service at the owner's cost. Service upgrades can be provided by the City at the applicant's cost. **The applicant will be required to sign a Third Party Work Order for the cost of the service upgrade.** For estimate inquiry's please contact Sergio Sartori, by email [ssartori@kelowna.ca](mailto:ssartori@kelowna.ca) or phone, 250-469-8589.

3. Road Improvements

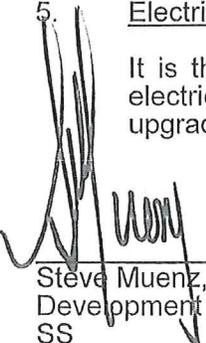
Dedicate a 6.0m radius corner rounding at the Kinnear Ave & Curts Street intersection. This dedication can be deferred to the strata subdivision approval.

4. Site Related Issues

The driveway access on Curts Street are acceptable as proposed on the Site A-1. The driveway must be a dust free surface such as asphalt such that surface drainage is directed to an approved drainage system.

5. Electric Power and Telecommunication Services

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



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Steve Muenz, P. Eng.  
Development Engineering Manager  
SS

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**CITY OF KELOWNA**  
**MEMORANDUM**

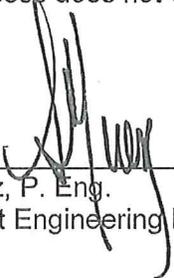
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**Date:** September 8, 2014  
**File No.:** DVP14-0155  
**To:** Urban Planning (CB)  
**From:** Development Engineering Manager (SM)  
**Subject:** 783 Kinnear Ave

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

This development variance permit application to vary the rear yard setback and the driveway access does not compromise any municipal services.

  
\_\_\_\_\_  
Steve Muenz, P. Eng.  
Development Engineering Manager

SS

# CITY OF KELOWNA

**APPROVED ISSUANCE OF A:**

- Development Permit No.: DP14-0154
- Development Variance Permit No.: DVP14-0155

EXISTING ZONING DESIGNATION:           RU6 - Two Dwelling Housing

WITHIN DEVELOPMENT PERMIT AREA:   Intensive Residential - Carriage House / Two Dwelling Housing

DEVELOPMENT VARIANCE PERMIT:       To vary the minimum rear yard for a 2 or 2 ½ storey portion of a building from 7.5 m permitted to 4.88 m proposed.  
To vary the vehicular access from rear lane permitted to flanking street proposed.

ISSUED TO:           Warner & Judy Kunz

LOCATION OF SUBJECT SITE:               783 Kinnear Avenue

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	23		135		ODYD	3929

SCOPE OF APPROVAL

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

1.    TERMS AND CONDITIONS:

- 1)    The dimensions, siting, and exterior design and finish of the building is to be constructed and the landscaping to be provided on the land be in general accordance with Schedule "A";
- 2)    Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied;
- 5)    A maximum of two dwelling units may be provided on the site, in conformance with the RU6 zone of Zoning Bylaw 8000;

Variances to the following sections of Zoning Bylaw No. 8000 are granted:

Section 13.6.6(e): RU6 – Two Dwelling Housing Development Regulations

To vary the minimum rear yard for a 2 or 2 ½ storey portion of a building from 7.5 m permitted to 4.88 m proposed.

Section 13.6.7(f): RU6 – Two Dwelling Housing Other Regulations

To vary the vehicular access from rear lane permitted to flanking street proposed.

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

2. DEVELOPMENT:

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

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

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

**THIS Permit IS NOT A BUILDING Permit.**

3. 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.

4. APPLICANT'S AGREEMENT:

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

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

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

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

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

\_\_\_\_\_  
Signature of Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

\_\_\_\_\_  
Telephone No.

5. APPROVALS:

DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE 21<sup>ST</sup> DAY OF OCTOBER 2014.

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE 22<sup>ND</sup> DAY OF OCTOBER 2014 BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

\_\_\_\_\_  
Doug Gilchrist  
Divisional Director of Community Planning & Real Estate



#### 4.2 Project Description

The proposed addition measures 2.4m deep x 4.0m wide for the purpose of covered and secured tandem parking of two vehicles. As per Council Policy 367, the applicant has circulated the proposed information to their neighbours. To date, City staff has not been contacted with any objections or concerns with the proposed variance.

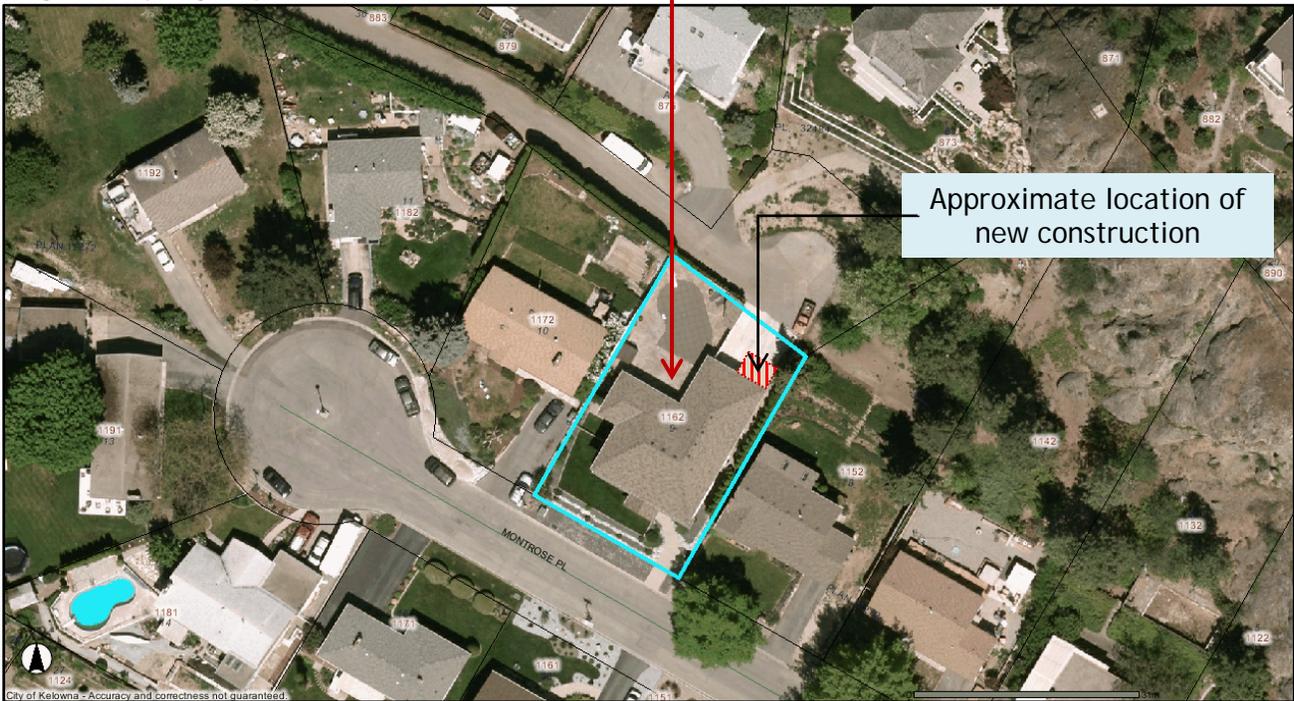
#### 4.3 Site Context

The subject property is located in the Southern Knox Mountain & Clifton area, on the north side of the cul-de-sac.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Single Family Dwelling
East	RU1 - Large Lot Housing	Single Family Dwelling
South	RU1 - Large Lot Housing	Single Family Dwelling
West	RU1 - Large Lot Housing	Single Family Dwelling

Subject Property Map: 1162 Montrose Place



Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Site Details		
Lot Area	550 m <sup>2</sup> min	841.69m <sup>2</sup>
Lot Width	16.5m min	22.86m Front 23.06 Rear
Lot Depth	30.0m min	35.05m East 38.05 West
Site Coverage of Building (s) %	40% max	29%
Site Coverage buildings, driveways, an parking %	50% max	36%
Development Regulations		
Set Backs (in meters)		
Front	4.5m	7.6m
Rear	7.5m	5.1m <span style="color: red;">●</span>
Side East	2.0m	2.31m
Side West	2.0m	6.5m
Height of Building(s) # of storeys / # (m)	lesser of 2.5 Storey / 9.5m	2 Storey / 7.4m
<span style="color: red;">●</span> Indicates a requested variance to the rear yard setback		

## 5.0 Technical Comments

### 5.1 Building & Permitting Department

No comment.

### 5.2 Development Engineering Department

See attached memo dated September 23, 2014.

### 5.3 Fire Department

No concerns.

### 5.4 Real Estate & Building Services Manager

No comments.

## 6.0 Application Chronology

Date of Application Received: September 12, 2014

Date of Neighbourhood Consultation August 27, 2014

Report prepared by:

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Tracey Yuzik, Planner

Reviewed by:

Lindsey Ganczar, Urban Planning Supervisor

Approved for Inclusion:

Ryan Smith, Urban Planning Manager

Attachments:

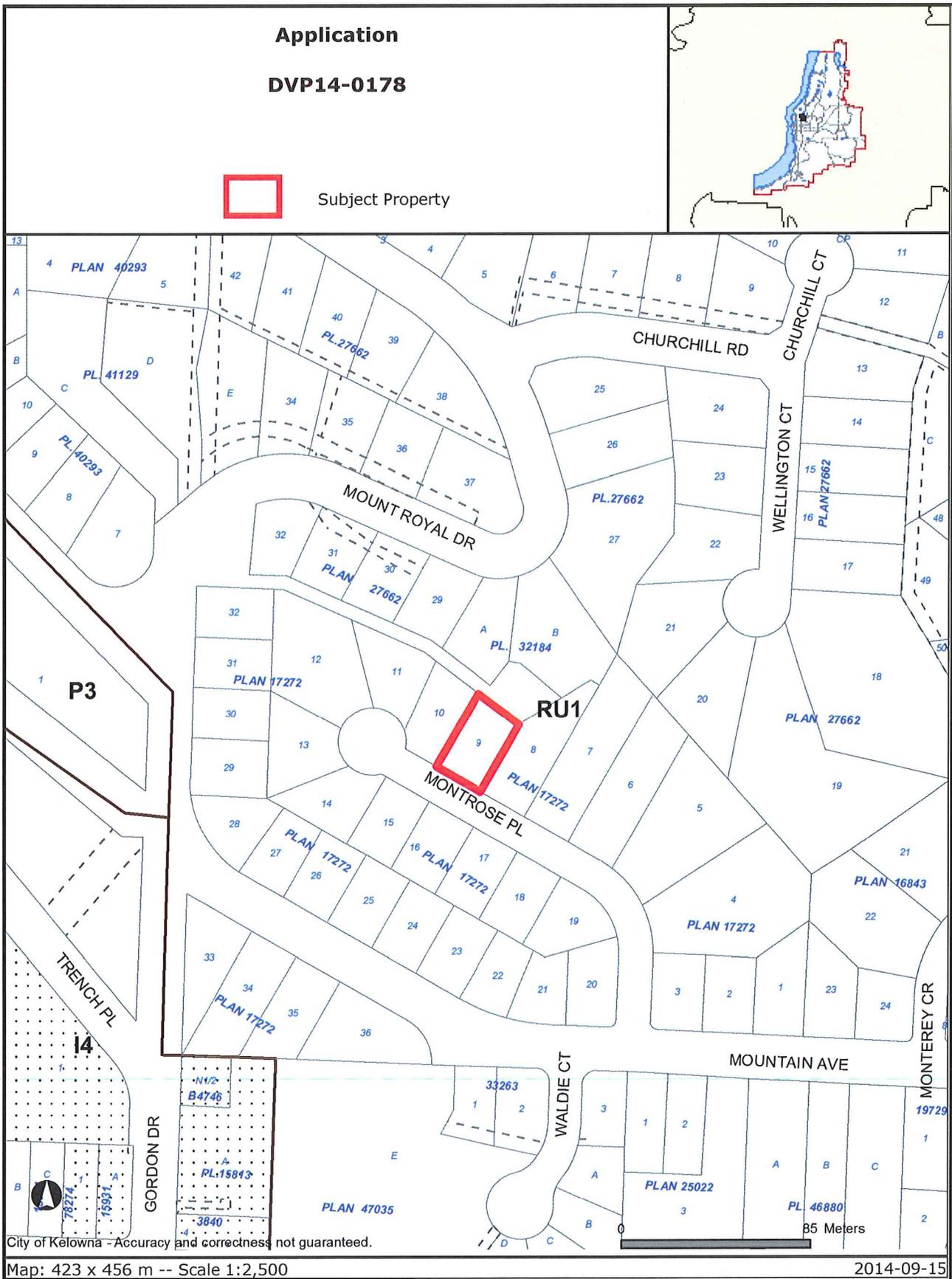
Subject Property Map

Site Plan

Elevations

Development Engineering Memo

Draft Development 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.

1162 Montrose Pl.

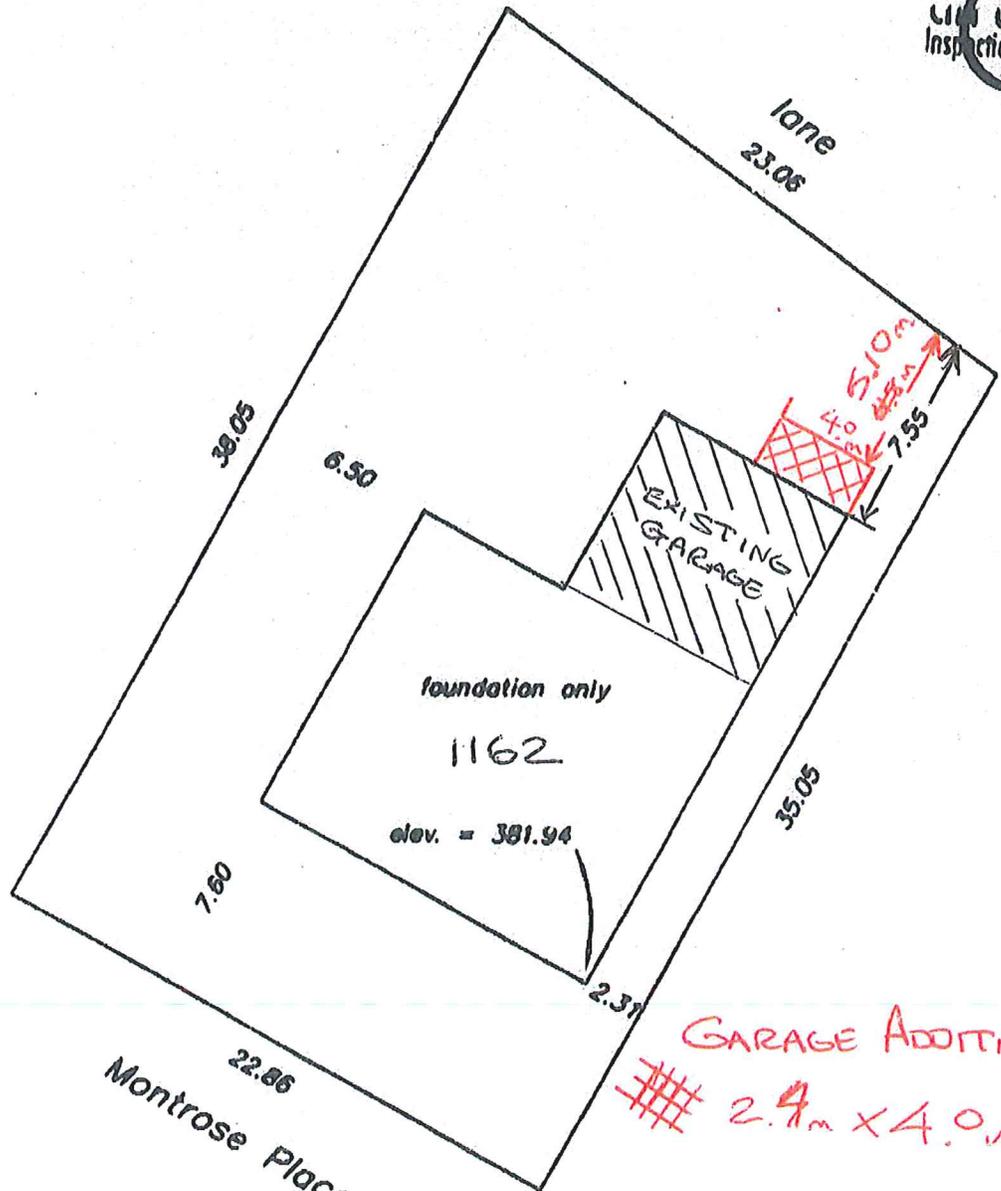
B.P. # 23341

B.C. LAND SURVEYOR'S CERTIFICATE OF  
LOCATION OF BUILDING ON LOT 9  
PLAN 17272 SEC. 30 TP. 26 O.D.Y.D.

RECEIVED

SCALE 1:300 DISTANCES ARE IN METRES.

NOV 23 2002  
L.M. URBAN  
Inspection Serv



©

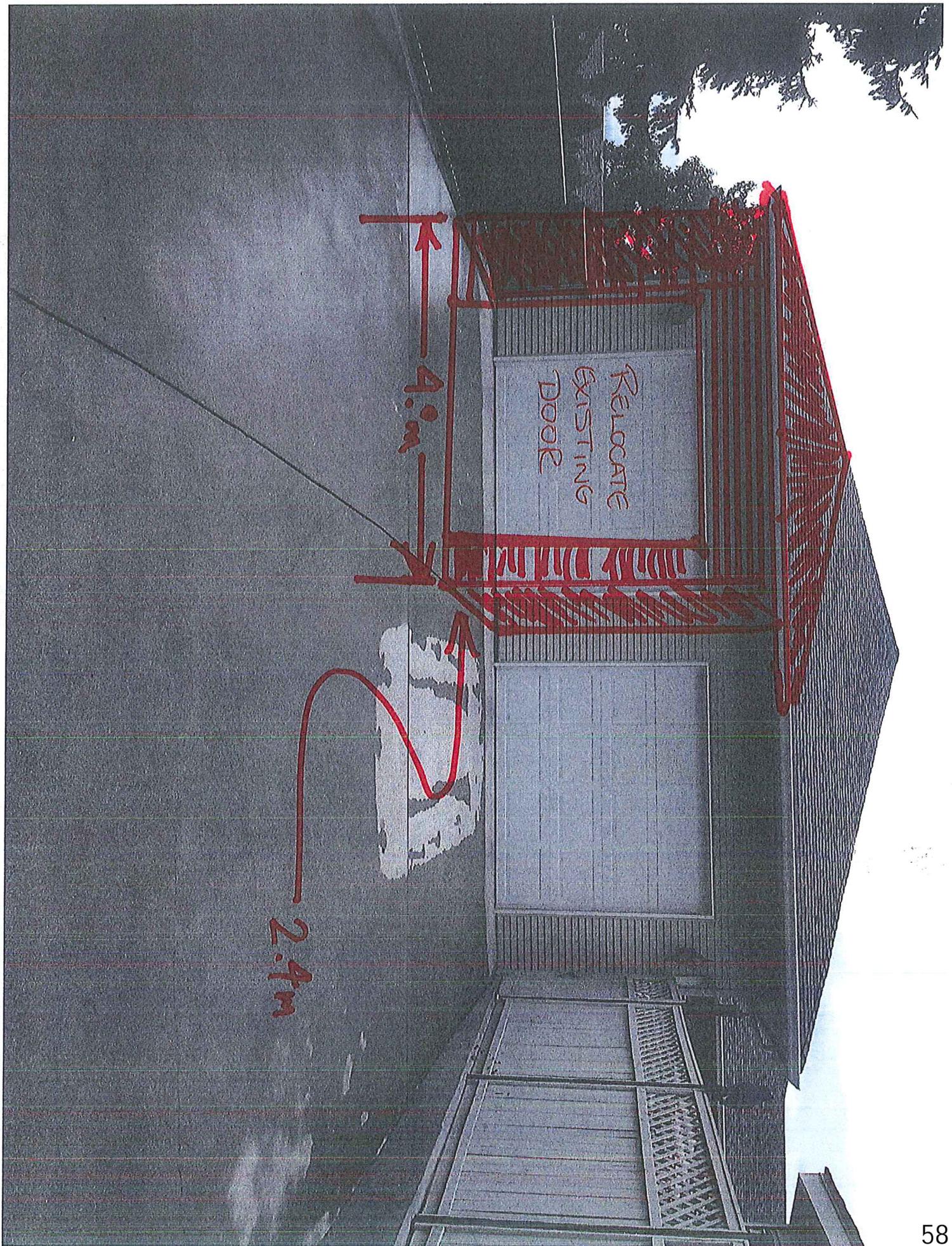
THIS DOCUMENT IS NOT VALID UNLESS  
ORIGINALLY SIGNED AND SEALED.

CERTIFIED CORRECT  
this 25th day of November, 2002.

FILE 11688

RE: A. Pal

THIS PLAN IS FOR  
MUNICIPAL PLANNING



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**CITY OF KELOWNA**  
**MEMORANDUM**

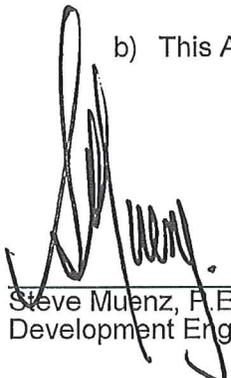
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**Date:** September 23, 2014  
**File No.:** DVP14-0178  
**To:** Urban Planning (AC)  
**From:** Development Engineer Manager (SM)  
**Subject:** 1162 Montrose Pl. Lot 9, Plan KAP17272, Sec. 30, Twp. 26, ODYD

---

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

1. General.
  - a) The requested variance from 7.5m. down to 4.8m. and 5.1 m. does not compromise any Municipal infrastructure.
  - b) This Application does not trigger any offsite upgrades.



---

Steve Muenz, P.Eng.  
Development Engineering Manager

B<sup>2</sup>

# CITY OF KELOWNA

**APPROVED ISSUANCE OF A:**

**Development Variance Permit No.:** DVP14-0178

EXISTING ZONING DESIGNATION:	RU1 - Large lot Housing
WITHIN DEVELOPMENT PERMIT AREA:	Southern Knox Mountain / Clifton Area

ISSUED TO:	Tracey Lynne Neill
LOCATION OF SUBJECT SITE:	1162 Montrose Place

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	9		DAP17272	30	26	ODYD

SCOPE OF APPROVAL

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

This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.

Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

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

Section 13.7.6 (e) - RU1 Development Regulations

Vary the rear yard setback requirement from 7.50m to 5.10m.

3. PERFORMANCE SECURITY: None Required.

4. DEVELOPMENT:

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

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

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

**THIS Permit IS NOT A BUILDING Permit.**

5. APPLICANT'S AGREEMENT:

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

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

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

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

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

\_\_\_\_\_  
Signature of Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

\_\_\_\_\_  
Telephone No.

6. APPROVALS:

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

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_\_ DAY OF \_\_\_\_\_, 2014 BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

\_\_\_\_\_  
Doug Gilchrist, Divisional Director - Community Planning & Real Estate



Total additional deck area of the dock expansion will increase by 203 square meters; however, removal of another existing dock on the north side of the property will eliminate 143 m<sup>2</sup>. Additionally, repairs to the existing dock in 2011 reduced the deck area by an additional 90.7 m<sup>2</sup>. When compared with the original permitted deck area of 862 m<sup>2</sup>, the deck area of 821.3 m<sup>2</sup> that would result from the proposed expansion represents a net decrease in deck area of 30.7 m<sup>2</sup> for the subject property.

Based on the overall reduced deck area, the minimal environmental impacts and additional re-design and repair improvements in 2011 to meet current Provincial environmental standards, City staff support this application.

At the time of writing this report, the applicant confirmed they had consulted nine neighbours regarding this project. Currently, two letters of support have been submitted to the City.

#### **4.0 Proposal**

##### **4.1 Background**

The subject property is located just north of Mission Creek and is designated as a Mixed Use Tourism and Park (Major Park and Open Space Public) in the Official Community Plan. The property consists of 54 strata units, which are individually owned for either full time or seasonal use.

The current moorage facilities consist of 34 slips and boatlifts. This was deemed to be adequate by the original developer to meet anticipated demand for moorage. Additionally, the developer was not prepared to build into deeper water at that time, since this was considered to be too expensive to construct. Twelve (12) of the 34 slips are allocated for full time usage by individual unit owners, while the remaining 22 slips are each shared by 2 unit owners on a 2 week on and 2 week off rotation.

Mission Shores Strata have applied to the province to expand the moorage facilities by 20 slips, which will allow 1 slip for each of the 54 strata owners. Additionally, the shared slip program has been problematic from the outset, particularly with regards to boat storage and use during the 2 week off periods.

In the summer of 2011, high lake levels combined with high winds badly damaged the access walkway portion of the existing dock. Repairs to the walkway updated this portion of the dock to current provincial requirements, which included a narrower 1.5 meter wide walkway, a raised walkway elevation above lake levels and a light penetrating decking. The aforementioned improvements increased light penetration into the near shore environment, which is considered to be a benefit to fish habitat. Additionally, the walkway was relocated further away from the south property further reducing the side yard setback conflict.

##### **4.2 Project Description**

The proposed 20 slip dock expansion will increase the length of the existing dock by 23 meters while keeping the same width as the existing dock. Twenty (20) additional boat slips with boatlifts are being proposed, which will expand the existing dock from 34 slips to 54 slips and increase the length of the dock from 78.8 meters to 101.8 meters from the natural boundary of Okanagan Lake.

A total of 74 steel piles and 36 steel cross caps would be utilized coupled with low cross section structural steel cross bracing and cables to provide lateral rigidity. The boatlifts will also be

supported by the cross bracing, thus eliminating the need for any additional piles. Stringers and decking will be constructed using timber. The main walkway deck width is proposed to be 1.5 m while the fingers will be 1.2 m wide.

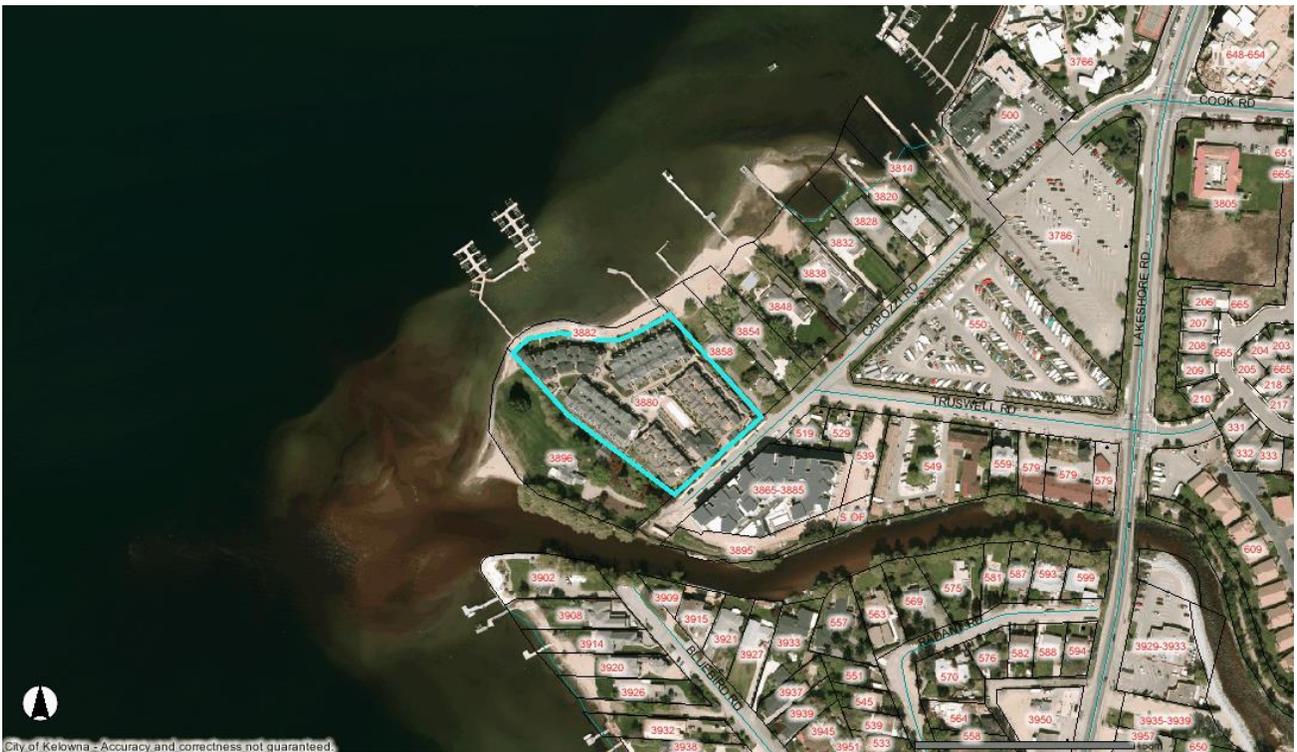
Total additional deck area would be 203 m<sup>2</sup>; however, removal of another dock on this property and upgrades required to this dock in 2011 will result in a net decrease in deck area of 30.7 m<sup>2</sup> from the original permitted dock in 2001. Two navigation lights would be provided, on the south and north corners of the dock.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	MXT - Mixed Use Tourism, Park - Major Park/Open Space (Public)
East	C9 - Tourist Commercial	MXT - Mixed Use Tourism, Park - Major Park/Open Space (Public)
South	RU1 - Large Lot Housing	Park - Major Park/Open Space (Public)
West	W1 - Recreational Water Use	Okanagan Lake

**Subject Property Map:**

3880 Truswell Road, Kelowna, B.C.



**6.0 Technical Comments**

**6.1 Building & Permitting Department**

- No building permit necessary.

**6.2 Development Engineering Department**

- No concerns.

**6.3 Parks and Public Places**

- No concerns.

**6.4 Fire Department**

- Upgrade/install fire protection as per NFPA 303.

**6.5 Real Estate and Building Services Manager**

- No concerns.

**7.0 Application Chronology**

Date of Application Received: August 18, 2014

**Report prepared by:**

\_\_\_\_\_  
Corey Davis, Environmental Coordinator

**Reviewed by:**

Todd Cashin, Manager, Subdivision Agriculture & Environment Services

**Approved for Inclusion:**

Shelley Gambacort, Director, Subdivision, Agriculture & Environment Services

**Attachments:**

- Strata Moorage Provincial Referral Application
- Council Endorsed Guidelines for Assessment of Shared Dock Applications

**CITY OF KELOWNA**  
**GUIDELINES FOR ASSESSMENT OF SHARED DOCK APPLICATIONS**  
(Endorsed by Kelowna City Council on June 11, 2001 as the “criteria by which staff will assess all shared dock applications which the Province refers to the City for comment”).

The following guidelines will be utilized by City staff to assess applications referred to them for comment by the Province of B.C.

In addition to the requirements noted below, staff may require those applying for a shared dock to submit evidence that neighbouring property owners have been advised of the application. Staff may use neighbours’ comments as a basis for considering more or less onerous requirements than those noted in sections a, c, d and q below.

- a. No portion of a dock shall extend more than 40 m from the natural boundary. Exemptions to this provision will be considered only where local shoreline conditions suggest extenuating consideration, where the Province has indicated that there would be no adverse impacts associated with extending a dock beyond the normally permitted distance and where adjacent property owners have no objection to the extension. Given the generally wider configuration of shared docks, such docks *may* be limited to less than 40 m extensions into the lake provided that water depths closer to shore are sufficient to allow for secure boat moorage and passage. The limitation on dock lengths will be given particular consideration where there would be greater than typical visual impact on neighbouring properties (for example, a shared dock located off of a peninsula or point).
- b. No portion of any dock runway shall exceed a width of 1.83 m. Decking at the lake-end of the dock may reach a width of 3.66 m over a maximum 10 m.
- c. The portion of the shared dock structure which runs roughly parallel to the shoreline shall not, in the case of single-detached housing properties sharing a dock, extend across more than 50% of the frontage of any given upland property and must in no case exceed 25 m. Input from adjoining property owners shall be considered in placing restrictions on the exact placement of the dock.

The portion of the shared dock structure which runs roughly parallel to the shoreline shall not, in the case of bareland strata developments, extend across more than 40% of the frontage of the bareland strata parent parcel, and must in no case exceed 90 m. Input from adjoining property owners shall be considered in placing restrictions on the exact placement of the dock.

The portion of the shared dock structure which runs roughly parallel to the shoreline shall not, in the case of multi-family developments, extend across more than 40% of the frontage of the upland development, and must in no case exceed 90 m. Input from adjoining property owners shall be considered in placing restrictions on the exact placement of the dock.

- d. The maximum permissible deck surface of a shared dock (including surfaces separating individual moorage slips) shall, in the case of single detached participating properties, be calculated using the following formula, to a maximum of 200 m<sup>2</sup>.

$$\text{permissible deck surface (m}^2\text{)} = 112 \text{ m}^2 + (\text{Total lake frontage of participating abutting properties} - 20\text{m}) * 1.05 \text{ m}^2$$

The maximum permissible deck surface of a shared dock (including surfaces separating individual moorage slips) shall, in the case of bareland strata developments, be calculated using the following formula.

$$\text{permissible deck surface (m}^2\text{)} = 112 \text{ m}^2 + (\text{Total lake frontage of the bareland strata subdivision} - 20\text{m}) * 1.05 \text{ m}^2$$

A bareland strata development will not be permitted to apply for a shared dock if any of the properties within the development already have docks. Similarly, once a shared dock has been approved, none of the properties within the bareland strata development will be permitted to apply for individual docks.

The maximum permissible deck surface of a shared dock (including surfaces separating individual moorage slips) shall, in the case of multi-family developments, be calculated using the following formula.

$$\text{permissible deck surface (m}^2\text{)} = 112 \text{ m}^2 + (\text{Total lake frontage of participating abutting properties} - 20\text{m}) * 1.05 \text{ m}^2$$

- e. Docks shall not impede pedestrian access along the foreshore. In cases where the dock platform is raised by more than 0.3 m above any point on the public foreshore, steps must be provided for public access over the dock and this access must not be blocked by fences or other means. Where this solution is impractical, the owners may choose, as an alternative, to allow the public to cross the upland property above the natural boundary. If this alternative is chosen, a sign must be posted on the property to advise the public of the alternative crossing.
- f. No portion of a dock shall be elevated more than 1 m above 342.53 m (geodetic elevation).
- g. Where a dock is shared, and constructed in front of abutting properties sharing the dock, the dock can be constructed on or across the common property boundaries. In such an instance, the minimum sideyard setback between those two properties would be 0 m. Docks must be set back a minimum of 6.0 m from all other side property lines (as projected perpendicularly onto the foreshore from upland properties).
- h. Setback from the side property line of the upland parcel, projected perpendicularly onto the foreshore, shall be a minimum of 6.0 m where the property abuts a creek or where the adjacent property is a right-of-way beach access or is in a P3 zone.
- i. Siting of the dock shall be undertaken in a manner that is consistent with the orientation and site placement of neighbouring docks.
- j. Siting of the dock shall avoid impacts on access to existing docks and adjacent properties and shall preserve the ability of abutting property owners who are not sharing the dock to construct their own docks and gain access to their properties.

- k. Dock structures shall be supported by wooden or steel piles and be made of non-toxic materials (solid core supports will not be allowed).
- l. No roof or covered structures shall be used, constructed, or maintained on the dock or over boatlifts.
- m. No structures other than those expressly permitted in these regulations shall be permanently affixed to dock structures.
- n. Dock lighting may be installed for security and safety purposes but shall be on sensor detectors such that the lights are only on when there are people on or near the dock. Lights should be installed at not less than 10 m intervals. Bulbs should have a maximum wattage of 60 w. Lamp heads should be no more than 22" higher than the dock decking.
- o. No overhead lift systems will be permitted. Boatlifts shall be of single-post construction
- p. Boatlifts shall not suspend the underside of any boat more than one (1) m above the surface of the water.
- q. There shall, for single detached participating properties, be a maximum of one boatlift per property involved in sharing a dock, to an absolute maximum of six boat lifts per dock structure.

There shall, for bareland strata properties, be a maximum of one boatlift per residential waterfront lot in the development (with the possibility of up to one boatlift per moorage space if the additional boat lifts meet with approval from neighbours whose views could be impacted).

The number of boatlifts per multi-family shared dock, shall be limited to the number of waterfront lots that could have been accommodated had the multi-family property been developed as a single detached subdivision with RU2 zoning (with the possibility of up to one boatlift per moorage space if the additional boat lifts meet with approval from neighbours whose views could be impacted).

- r. Boat lifts should be designed and placed so as to have minimal impact on neighbours' views (both when the boat lifts are in use and when they are not).
- s. Deck surfaces must be supported by at least two parallel rows of piles.
- t. No overhead electrical wiring will be permitted.
- u. Those participating in a single-detached shared dock must submit written acknowledgement that they will refrain from seeking permission to build a private dock off of their individual properties until the tenure on the shared dock expires.
- v. In the case of single-detached shared docks, the owner of the property off of which the shared dock is constructed must acknowledge, in writing, that the tenure on that dock lasts only for 10 years. At the end of the ten years, the applicant (or subsequent owner) must reapply for a shared dock. If the dock can no longer comply with the established guidelines because sufficient participating property owners are no longer

interested, then the dock will, at that time, be required to conform to the regulations in place for private (non-shared) moorage facilities.

- w. Shared docks that were licensed and built in conformance with an approved shared dock license prior to the date of adoption of these guidelines will be allowed to be replaced as per the terms of the original agreement, provided that public access along the foreshore is not impeded.

*Note: Where there are a combination of development types (single detached, bareland strata, multi-family) present among waterfront properties proposing to share a dock, and where it is thereby unclear which conditions apply to the shared structure, the conditions that are most stringent, shall apply.*



1609 Munson Road  
Kelowna, BC  
V1W 2G8

Office: (778) 478-9755  
Fax: (778) 478-9756  
E-mail: [info@burtonpiledriving.com](mailto:info@burtonpiledriving.com)  
Web: [www.burtonpiledriving.com](http://www.burtonpiledriving.com)

*"Putting you on solid ground"*

## MANAGEMENT PLAN FOR PRIVATE STRATA MOORAGE APPLICATION

**OWNER:** Mission Shores, KAS 2672

**LOCATION:** 3880 Truswell Road,  
Kelowna, B.C.

**DATE:** November 28, 2013

This management plan is for the addition to the existing strata moorage (Licence No: **3410458**) and the removal of a separate pier on the north end of the property. The existing strata moorage is attached to Lots A,B, C, D, and E, Plan KAP 67760, Sec 1, TWP 25, ODYD on the east side of Okanagan Lake in Kelowna, B.C.

### **1) Background**

The Mission Shores condominium project consists of 54 strata units, all of which are individually owned for either full time or seasonal use.

The moorage facilities for the project however consist of only 34 slips / boatlifts. This was deemed by the original developer to be adequate to meet the anticipated demand for moorage, and was also financially expedient as additional slips would have been in increasingly deeper water and thus more expensive to construct.

Twelve of the 34 slips are allocated for full time usage by individual unit owners, while the remaining 22 slips are each shared by 2 unit owners on a 2 week on, 2 week off rotation.

### **2) Need for Expansion**

All 54 owners utilize the moorage facilities, not just 34 as anticipated by the developer.

Additionally, the 22 shared slips have been problematic from the outset, particularly with regards to storage and use during the 2 week "off" periods.

### **3) Existing Moorage**

The existing Mission Shores condominium development incorporated 3 pre-existing private docks. The 2 most southerly of which shared a common shore access and were incorporated into the existing Mission Shores moorage facility.

In the summer of 2011, high lake levels combined with high winds badly damaged the access walkway portion of the dock (this was essentially all of the original most southerly and oldest pre-existing private dock), and repairs to same upgraded this

portion of the dock to current provincial requirements including 1.5M wide walkway, 343 elevation to bottom of stringers, and Thru-Flow decking. (see drawing MS-EXP-2012-01)

The third pre-existing dock remains as a free standing structure at the north boundary of the property. This dock will be removed as part of the proposed expansion, thus removing an obstruction from the foreshore and reducing the net deck area of the proposed expansion. (see drawing MS-EXP-2012-01)

The portions of the dock constructed as part of the Mission Shores condominium project utilized steel piles and cross caps with structural cross bracing between adjacent piles in the deeper water depths for lateral rigidity. Stringers and decking were timber. The boatlifts were custom built for the project and utilized the steel dock piles for support.

#### 4) Proposed Additional Moorage

Twenty additional boat slips, each with a boatlift are proposed (see drawings MS-EXP-2012-01 & 02). A total of 74 - 219 mm OD steel piles and 36 steel cross caps would be utilized c/w low cross section structural steel cross bracing and cables to provide lateral rigidity. The boatlifts will also be supported by the cross bracing, thus eliminating the need for many additional piles. Stringers and decking would be timber. Main walkway deck width would be 1.5M and the fingers 1.2M wide. Total additional deck area would be 203 sqm, however removal of the existing dock on the north side of the property eliminates 143 sqm of deck area resulting in a net addition of 60 sqm. Elevation to the underside of stringers would be 342.6m to match the existing dock.

Two navigation marker lights would be provided, one each on the outer north and south corners of the dock.

Structural timbers will be ACQ treated Douglas fir. Decking shall consist of 2x6 Douglas fir on the walkways and fingers.

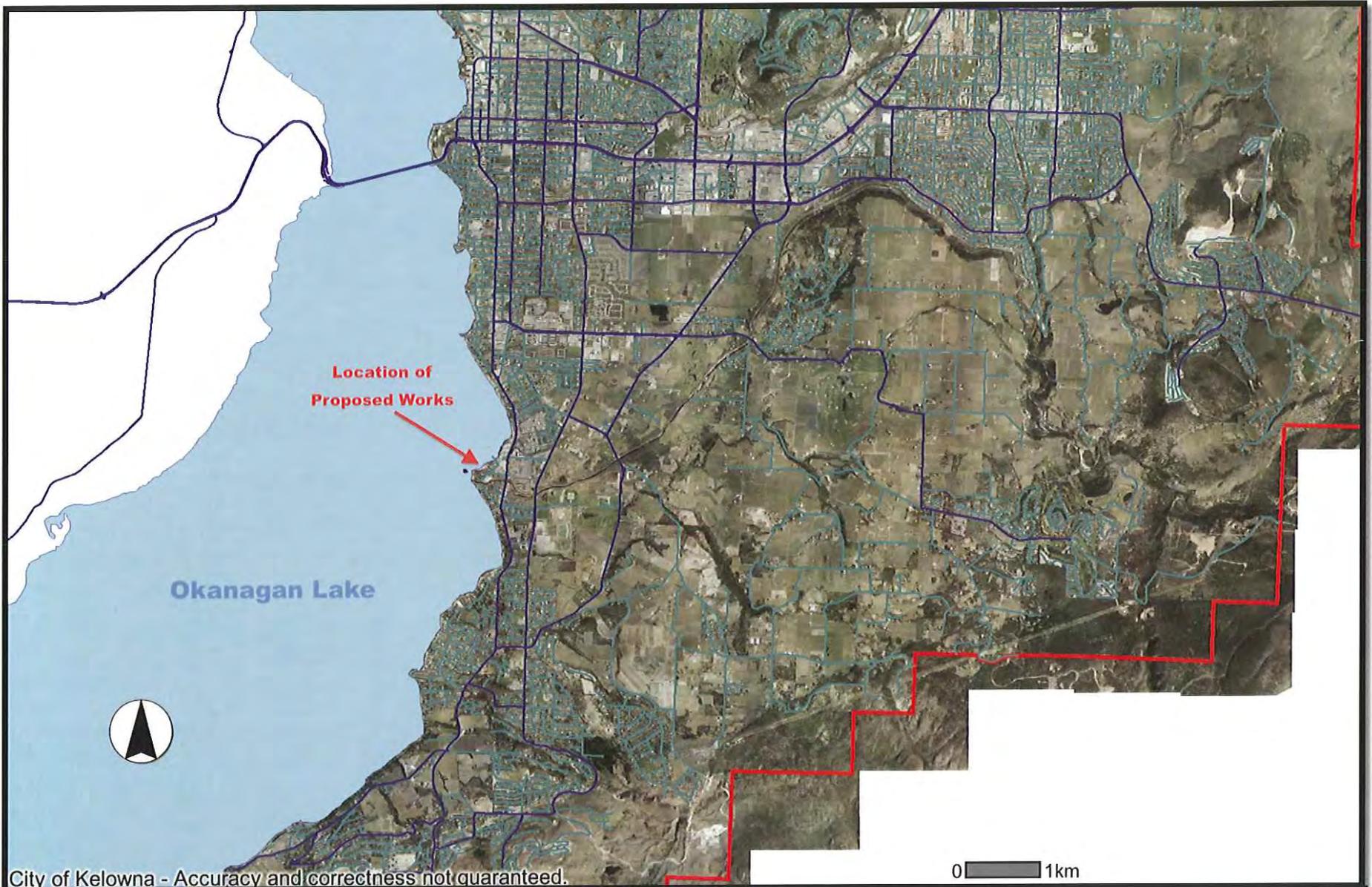
An Environmental Impact Assessment has been completed for this proposed works and has deemed the foreshore in the proposed location as to having low shore spawning habitat value. Construction is therefore not restricted to the least risk work windows as specified by the Ministry of Environment.

Piles will be installed by a floating barge rigged with a pile driving unit. A Qualified Professional will be on site at commencement of work to ensure that the work being done follows Best Management Practices and the Ministry of Environment's Habitat Officer's Terms and Conditions.



Kevin Hanson, RPF  
Burton Marine Pile Driving Inc.

Prepared for: Mission Shores Strata, KAS 2672, 3880 Truswell Road, Kelowna, B.C.



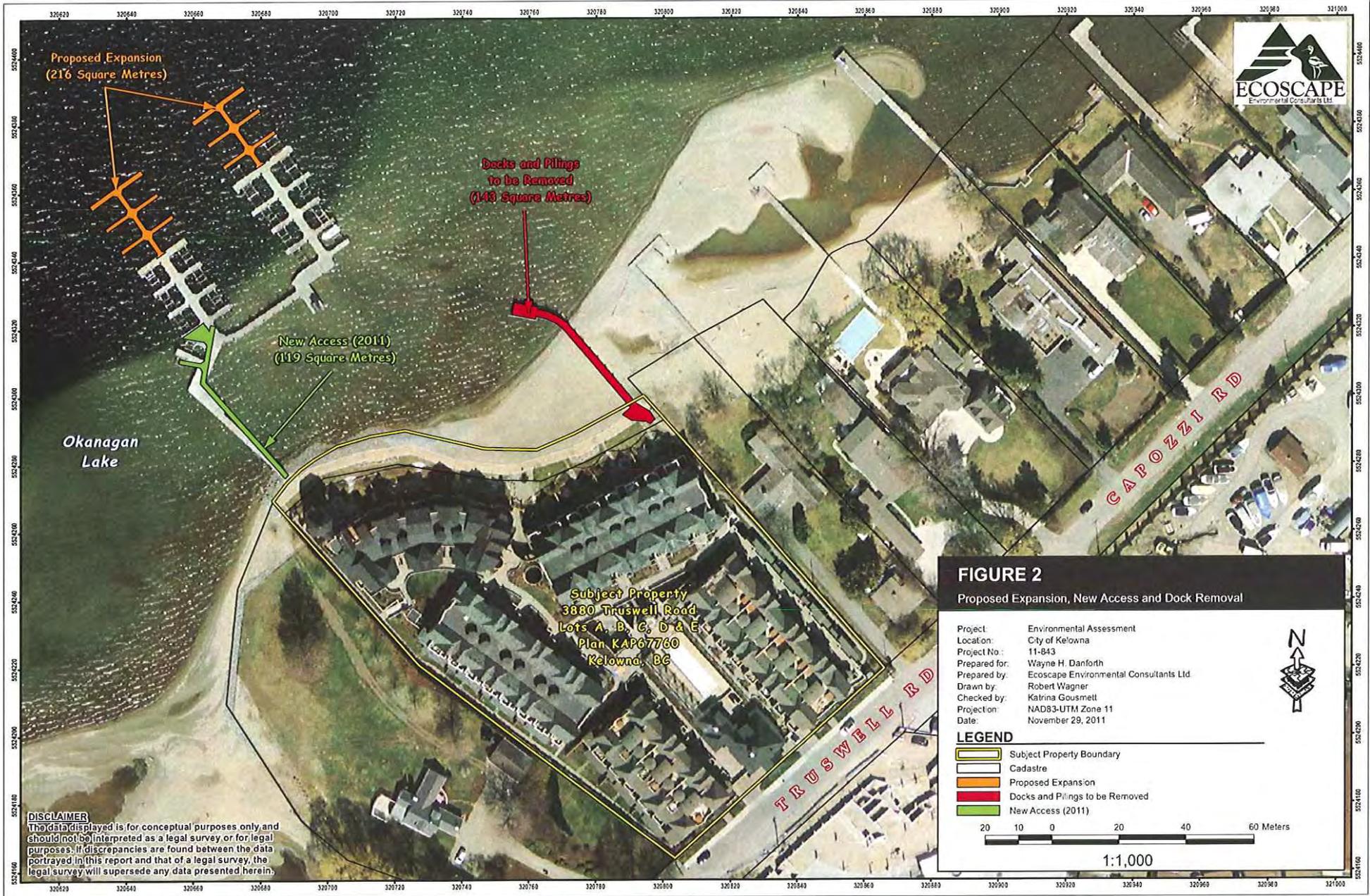
City of Kelowna - Accuracy and correctness not guaranteed.

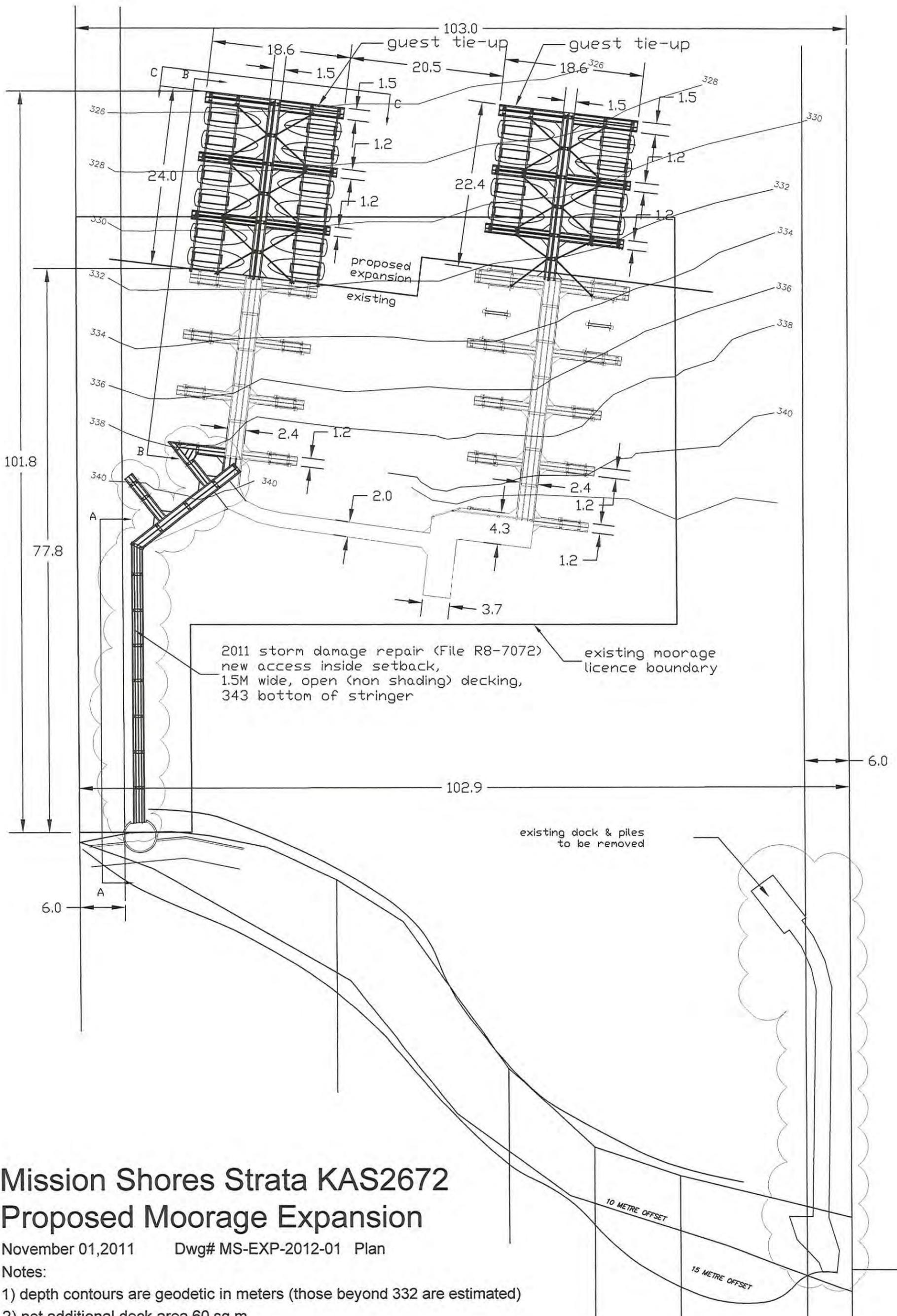
**Mission Shores Strata KAS 2672**  
**3880 Truswell Road, Kelowna, B.C.**  
**1:100,000 Proposed Works Location**  
**January 30, 2012**



Mission Shores Strata KAS 2672  
3880 Truswell Road, Kelowna, B.C.  
1:5000 Property Overview

January 30, 2012



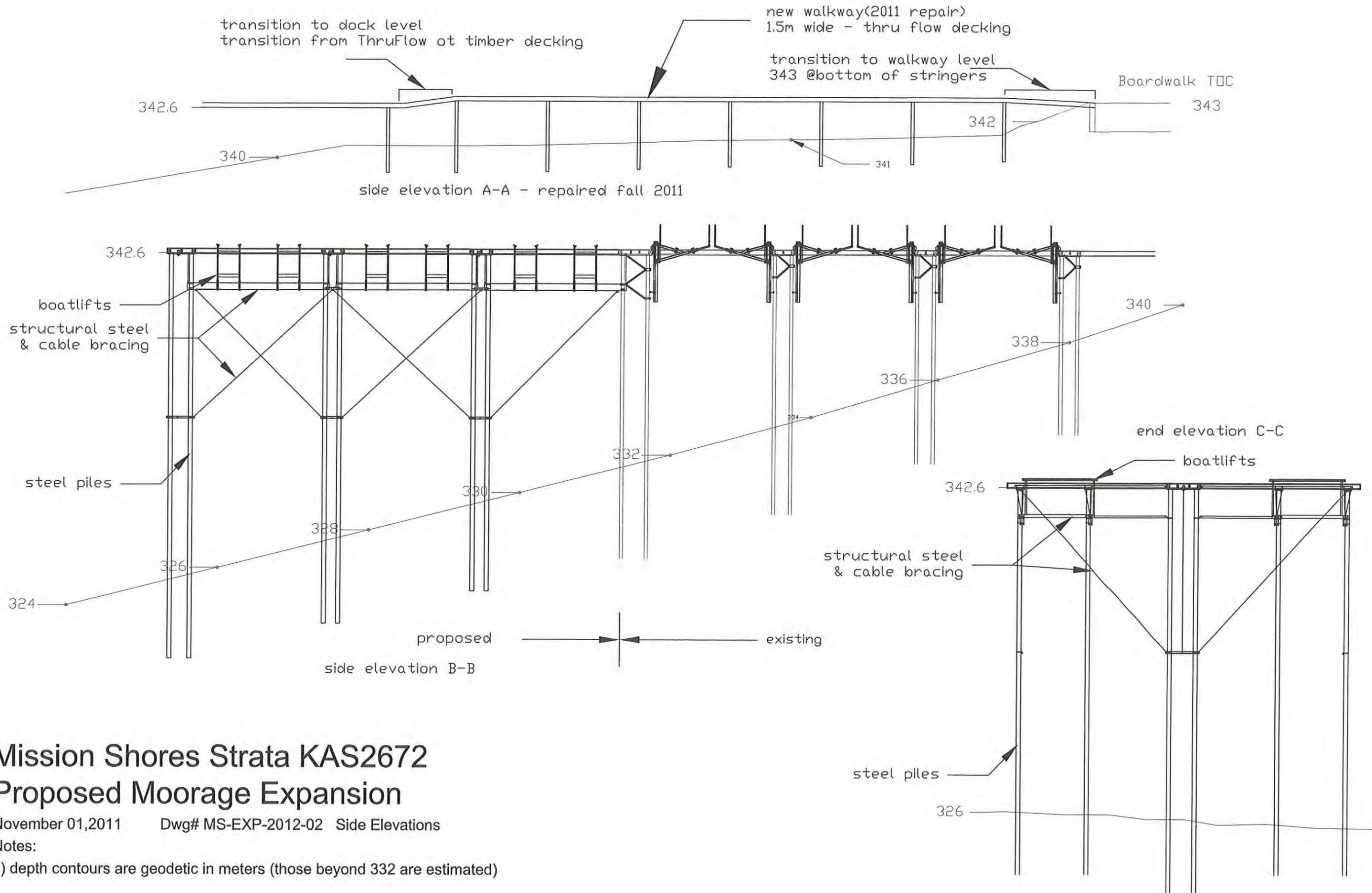


# Mission Shores Strata KAS2672 Proposed Moorage Expansion

November 01, 2011 Dwg# MS-EXP-2012-01 Plan

**Notes:**

- 1) depth contours are geodetic in meters (those beyond 332 are estimated)
- 2) net additional deck area 60 sq.m.



# Mission Shores Strata KAS2672

## Proposed Moorage Expansion

November 01,2011 Dwg# MS-EXP-2012-02 Side Elevations

Notes:

1) depth contours are geodetic in meters (those beyond 332 are estimated)

# REPORT TO COUNCIL



Date: November 4, 2014  
RIM No. 0940-50  
To: City Manager  
From: Urban Planning, Community Planning & Real Estate (LB)  
Application: DVP14-0147 Owner: Jason Hatter  
Address: 1383 Dilworth Crescent Applicant: Jason Hatter  
Title: 2014 11 04 Report DVP14-0147 1383 Dilworth Cres  
Existing OCP Designation: S2RES - Single / Two Unit Residential  
Existing Zone: RU1 - Large Lot Housing

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0147, for Lot 14, Sections 20 & 20, Township 26, ODYD, Plan 5070, located on 1383 Dilworth Crescent, Kelowna, BC;

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

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

To vary the minimum side yard for a 1 or 1 ½ storey portion of a building from 2.0 m permitted to 1.0 m proposed.

### **Section 13.1.6(e): RU1 - Large Lot Housing Development Regulations**

To vary the minimum rear yard from 7.5 m permitted to 1.5 m proposed.

## 2.0 Purpose

To consider a Development Variance Permit application to reduce the south side yard from 2.0 m permitted to 1.0 m proposed and to reduce the rear yard from 7.5 m permitted to 1.5 m proposed to accommodate converting the existing detached garage to a secondary suite with a connection to the existing dwelling.

## 3.0 Urban Planning

Urban Planning staff support the requested variances to reduce the south side yard and rear yard setback areas. The existing detached garage at the rear of the property will be converted to a secondary suite with a new connection to the existing dwelling. The resulting single family dwelling requires the setback variances because the converted suite will no longer be an accessory building. New construction for the connection will not be located within the required

setback areas. The change in use is not expected to have a significant impact since it is an existing structure and the rear lane is a buffer for the property to the east.

Parking for the suite will be accessed from the rear lane; however, the existing driveway off Dilworth Crescent will be retained for the existing dwelling. A patio area provides the required private open space area for the suite.

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 property. No concerns were expressed to the applicant. To date, staff has not been contacted with any questions or concerns regarding the applications.

#### 4.0 Proposal

##### 4.1 Site Context

The subject property is located on the east side of Dilworth Crescent, north of Bernard Avenue. The property has a Future Land Use designation of S2RES - Single / Two Unit Residential in the Official Community Plan and is within the Permanent Growth Boundary.

The surrounding area is residential, with low density residential to the north and east, and medium density residential development to the west. The Apple Bowl and Parkinson Recreation Centre are further south, across from Bernard Avenue and Clement Avenue.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Single family dwelling
East	RU1 - Large Lot Housing	Single family dwelling
South	RU1 - Large Lot Housing	Single family dwelling
West	RM4 - Transitional Low Density Housing	Townhouse complex

Subject Property Map: 1383 Dilworth Crescent



## 4.2 Zoning Analysis

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550 m <sup>2</sup>	732 m <sup>2</sup>
Lot Width	15.0 m	22.86 m
Lot Depth	30.0 m	41.45 m
Development Regulations		
Site Coverage (buildings)	40%	22.7%
Site Coverage (buildings, driveways and parking)	50%	37.9%
Front Yard	4.5 m	10.0 m
Side Yard (south)	2.0 m	1.0 m ①
Side Yard (north)	2.0 m	6.7 m
Rear Yard	7.5 m	1.5 m ②
Other Regulations		
Minimum Parking Requirements	3 stalls	Meets requirements
Private Open Space	60 m <sup>2</sup>	Meets requirements
① Indicates a requested variance to reduce the minimum side yard from 2.0 m permitted to 1.0 m proposed. ② Indicates a requested variance to reduce the minimum rear yard from 7.5 m permitted to 1.5 m proposed.		

## 5.0 Technical Comments

### 5.1 Building & Permitting Department

- No comments.

### 5.2 Development Engineering Department

- See attached memorandum dated September 23, 2014.

### 5.3 Fortis BC - Electric

- There are secondary distribution facilities within the laneway adjacent to the subject's east property line. The applicant is responsible for costs associated with changes to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.
- In order to initiate the design process, the customer must call 1-866-436-7847. It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

## 6.0 Application Chronology

Date of Application Received: August 13, 2014  
 Date of Public Consultation: August 12, 2014

Report prepared by:

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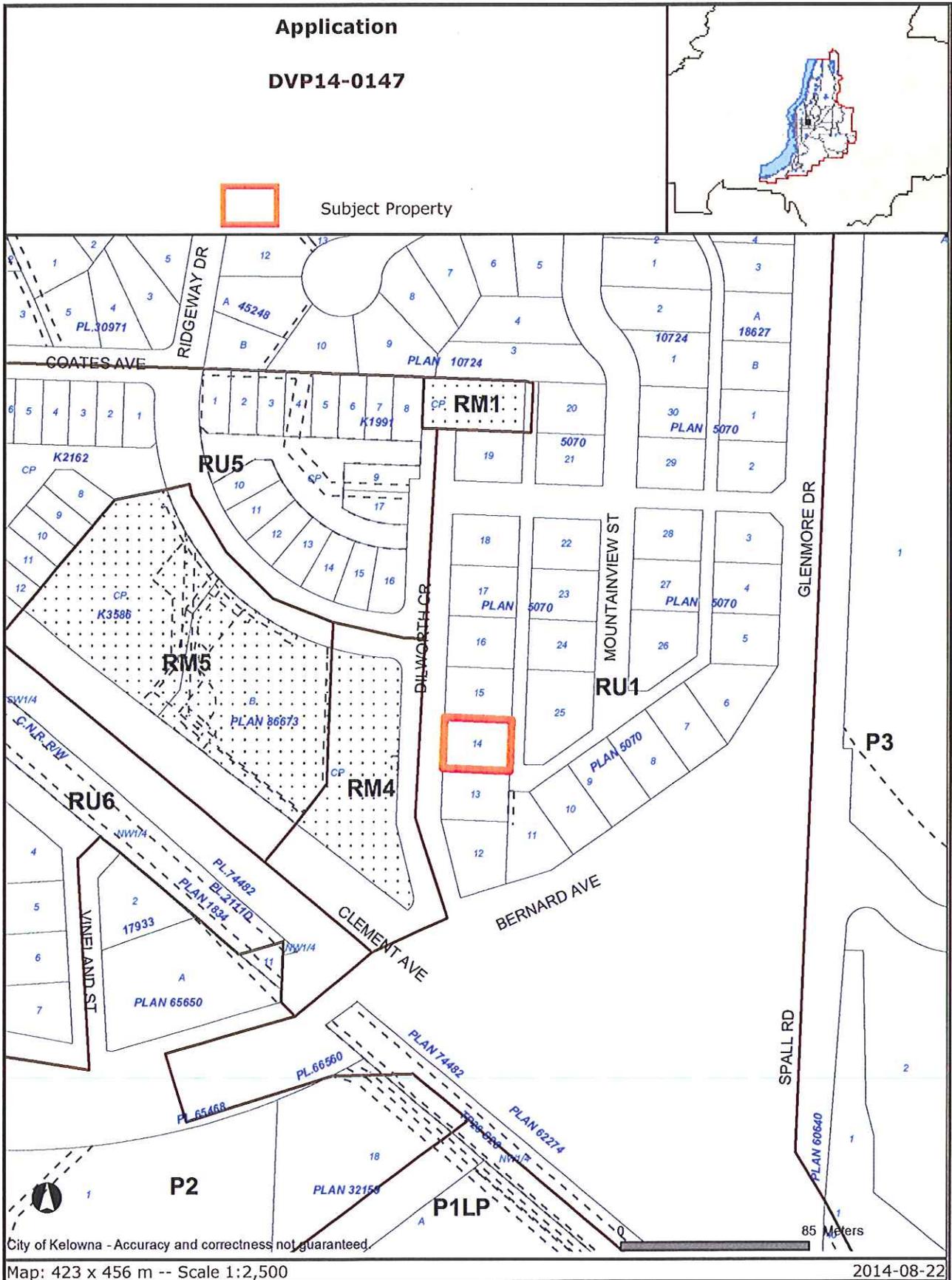
Laura Bentley, Planner

**Reviewed by:**  Lindsey Ganczar, Urban Planning Supervisor

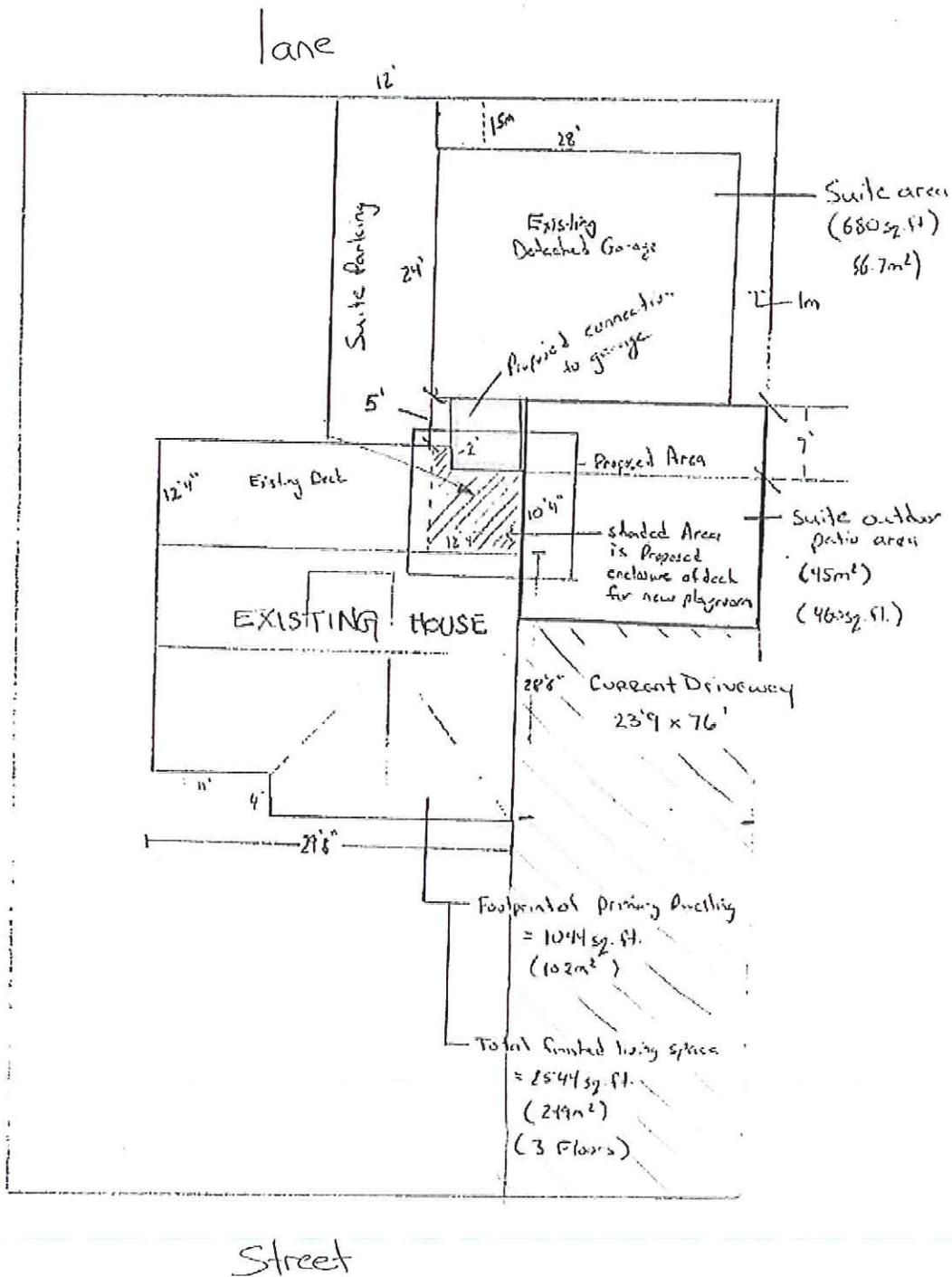
**Approved for Inclusion:**  Ryan Smith, Urban Planning Manager

**Attachments:**

- Subject Property Map
- Site Plan - Schedule A
- Floor Plan (Suite) - Schedule B
- Development Engineering Memorandum
- Draft Development Variance Permit

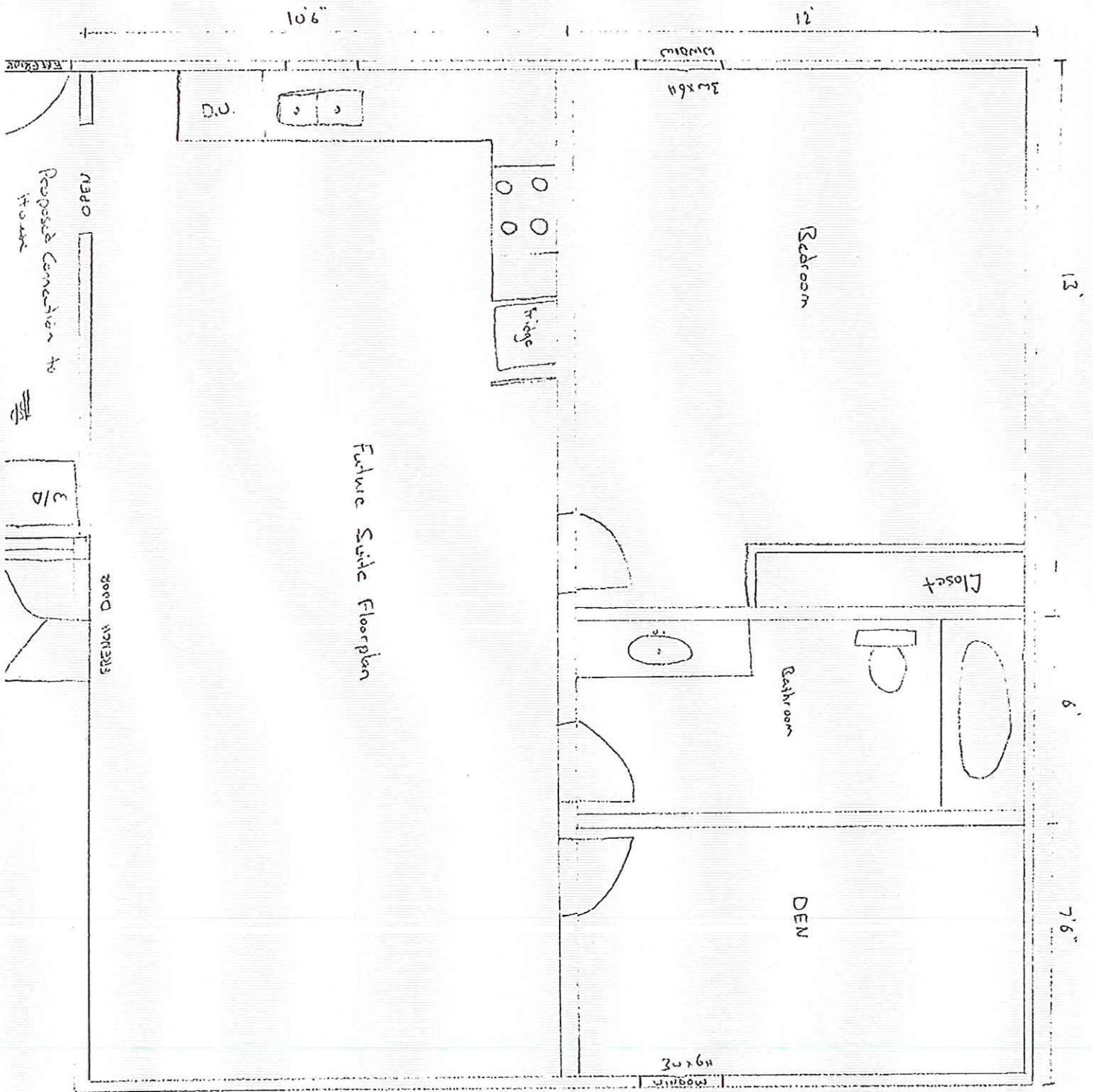


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



Site Plan 1383 Dilworth Crescent

**SCHEDULE A**  
 This forms part of development  
 Permit # DP14-0147



**SCHEDULE B**  
 This forms part of development  
 Permit # 01914-0147

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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** September 23, 2014  
**File No.:** DVP14-0147  
**To:** Urban Planning (LB)  
**From:** Development Engineering Manager (SM)  
**Subject:** 1383 Dilworth Crescent

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

This development variance permit application to vary the rear yard setback to 1.5m and the side yard setback to 1.0m 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.: DVP14-0147

EXISTING ZONING DESIGNATION:	RU1 - Large Lot Housing
DEVELOPMENT VARIANCE PERMIT:	To vary the minimum side yard for a 1 or 1 ½ storey portion of a building from 2.0 m permitted to 1.0 m proposed. To vary the minimum rear yard from 7.5 m permitted to 1.5 m proposed.

ISSUED TO:	Jason Hatter
LOCATION OF SUBJECT SITE:	1383 Dilworth Crescent

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	14	20 & 29	-	26	ODYD	5070

<u>SCOPE OF APPROVAL</u>
<p><input type="checkbox"/> 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.</p> <p><input type="checkbox"/> 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.</p> <p><input type="checkbox"/> Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.</p>

1. TERMS AND CONDITIONS:

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

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

To vary the minimum side yard for a 1 or 1 ½ storey portion of a building from 2.0 m permitted to 1.0 m proposed.

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

To vary the minimum rear yard from 7.5 m permitted to 1.5 m proposed.

2. 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.

4. DEVELOPMENT:

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

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

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

**THIS Permit IS NOT A BUILDING Permit.**

5. APPLICANT'S AGREEMENT:

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

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

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

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

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

\_\_\_\_\_  
Signature of Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

\_\_\_\_\_  
Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE 4<sup>TH</sup> DAY OF NOVEMBER 2014.  
ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE 5<sup>TH</sup> DAY OF NOVEMBER 2014, BY THE  
DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

\_\_\_\_\_  
Doug Gilchrist  
Divisional Director of Community Planning & Real Estate

# REPORT TO COUNCIL



**Date:** November 4, 2014  
**RIM No.** 0940-50  
**To:** City Manager  
**From:** Urban Planning, Community Planning & Real Estate (LB)  
**Application:** DVP14-0136      **Owner:** Rancar Services Ltd  
**Address:** 1398-1400 Cherry Crescent East      **Applicant:** Rancar Services Ltd (Randy Villeneuve)  
**Title:** 2014 11 04 Report DVP14-0136 1398-1400 Cherry Cres E  
**Existing OCP Designation:** S2RES - Single / Two Unit Residential  
**Existing Zone:** RU6 - Two Dwelling Housing

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0136, for Lot A, Section 20, Township 26, ODYD, Plan 11241, located on 1398-1400 Cherry Crescent East, Kelowna, BC;

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

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

To vary the minimum side yard for a 1 or 1 ½ storey portion of a building from 2.0 m permitted to 0.97 m proposed.

## 2.0 Purpose

To consider a Development Variance Permit application to reduce the south side yard from 2.0 m permitted to 0.97 m proposed to accommodate a wheelchair ramp.

## 3.0 Urban Planning

Urban Planning staff support the requested variance to reduce the south side yard from 2.0 m permitted to 0.97 m proposed for a new wheelchair ramp. A licensed group home is located on the subject property and provides long-term care for adults with brain injuries. The wheelchair ramp will improve accessibility for residents by connecting the deck at the rear of the house to the sidewalk at the front of house.

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 property. No concerns were expressed to the applicant. To date, staff has not been contacted with any questions or concerns regarding the application. The property

owner immediately south of the subject property, who will be most affected by the requested variance, has provided written support for the variance request.

#### 4.0 Proposal

##### 4.1 Site Context

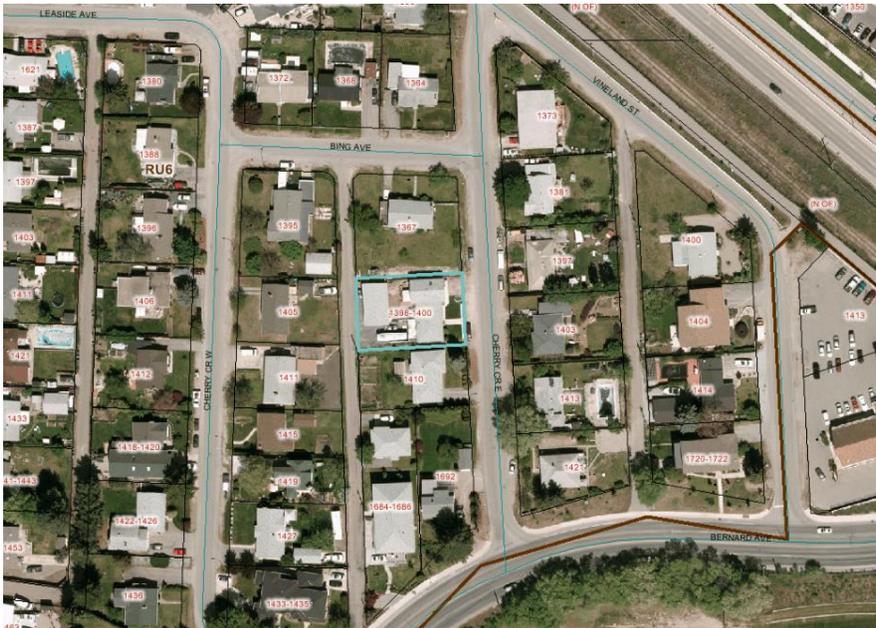
The subject property is located on the west side of Cherry Crescent East, between Bing Avenue and Bernard Avenue. The property has a Future Land Use designation of S2RES - Single / Two Unit Residential in the Official Community Plan and is within the Permanent Growth Boundary.

Adjacent properties are all zoned RU6 - Two Dwelling Housing and this is an established low density residential area.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 - Two Dwelling Housing	Single family dwelling
East	RU6 - Two Dwelling Housing	Single family dwelling
South	RU6 - Two Dwelling Housing	Single family dwelling
West	RU6 - Two Dwelling Housing	Single family dwelling

Subject Property Map: 1398-1400 Cherry Crescent East



## 4.2 Zoning Analysis

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	700 m <sup>2</sup>	844 m <sup>2</sup>
Lot Width	18.0 m	23.7 m
Lot Depth	30.0 m	35.36 m
Development Regulations		
Front Yard	4.5 m	6.02 m
Side Yard (south)	2.0 m	0.97 m ●
Side Yard (north)	2.3 m	2.3 m
Rear Yard	6.0 m (1 or 1 ½ storey portion) 7.5 m (2 or 2 ½ storey portion)	18.64 m
● Indicates a requested variance to reduce the minimum side yard (south) from 2.0 m required to 0.97 m proposed.		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Social Sustainability

**Housing Availability.**<sup>1</sup> Support the provision of housing for all members of the community, including those in core housing need or requiring special needs housing (transitional, age in place, emergency or shelter).

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- A Building Permit is required for the ramp assembly and the ramp must meet the minimum requirements of BC Building Code 2012. This includes but is not limited to slope, handrail heights, flat areas of rest (dependent on length), frost cover and structural design.

### 6.2 Fortis BC - Electric

- The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

## 7.0 Application Chronology

Date of Application Received: July 23, 2014  
Date of Public Consultation: October 1, 2014

<sup>1</sup> City of Kelowna Official Community Plan, Policy 10.3.1 (Social Sustainability Chapter).

**Report prepared by:**

\_\_\_\_\_  
Laura Bentley, Planner

**Reviewed by:**

L. Ganczar, Urban Planning Supervisor

**Approved for Inclusion:**

R. Smith, Urban Planning Manager

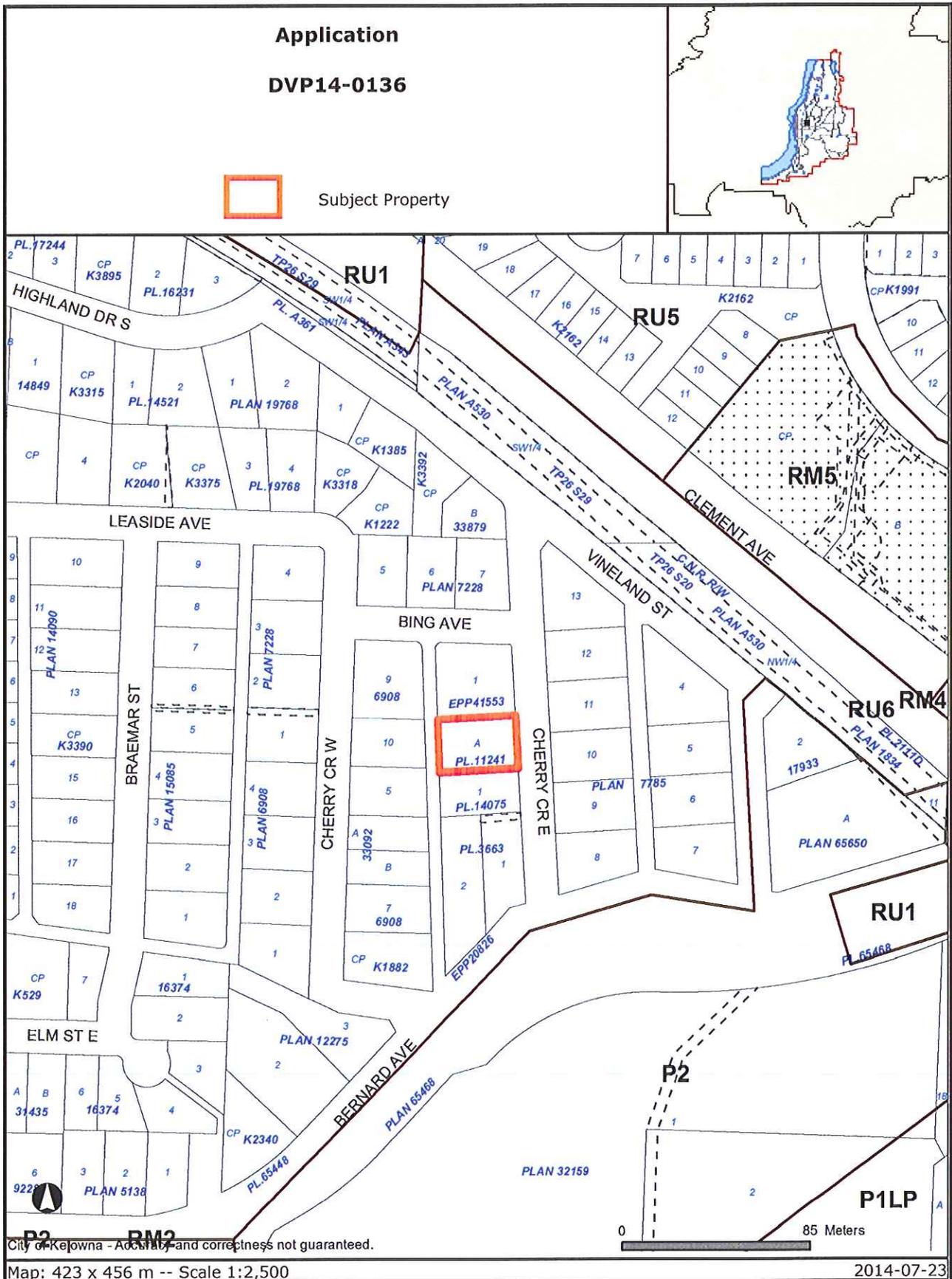
**Attachments:**

Subject Property Map

Site Plan - Schedule A

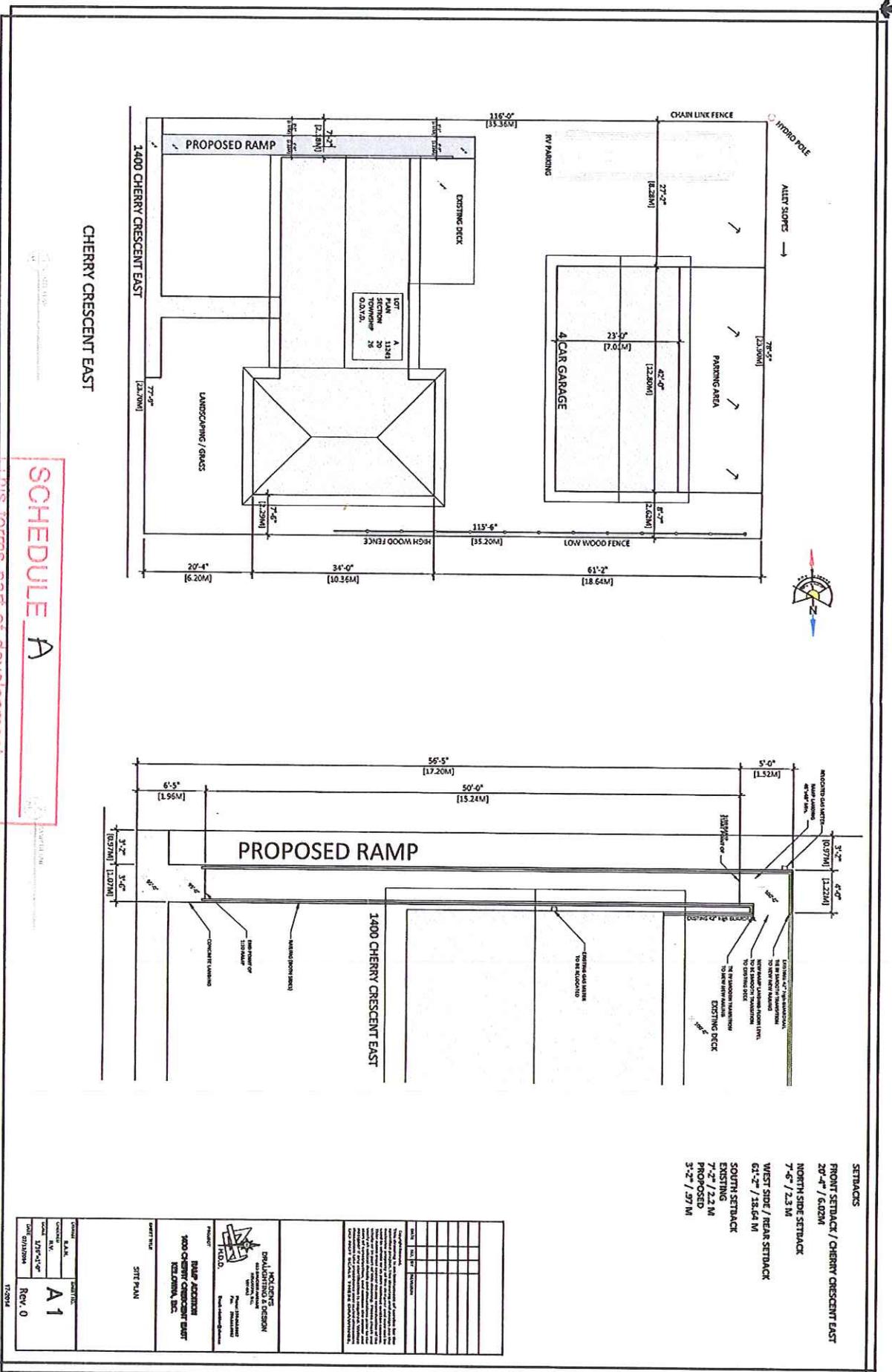
Elevation and Cross Section - Schedule B

Draft Development Variance Permit



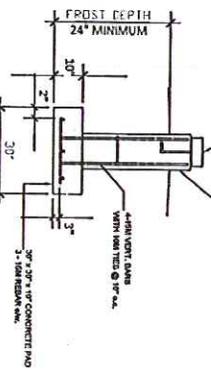
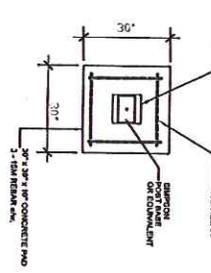
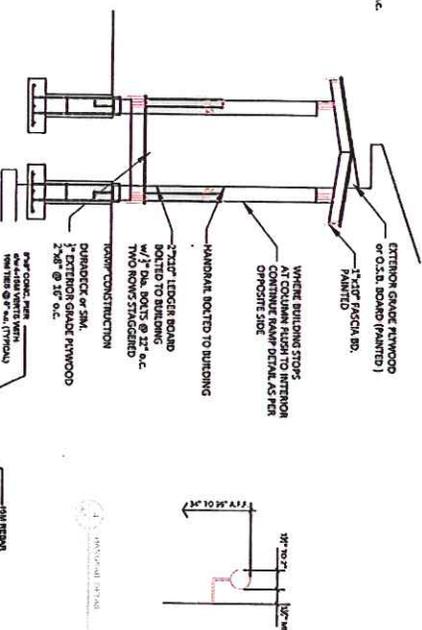
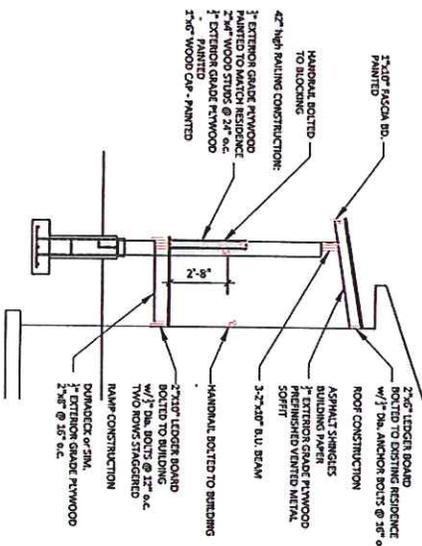
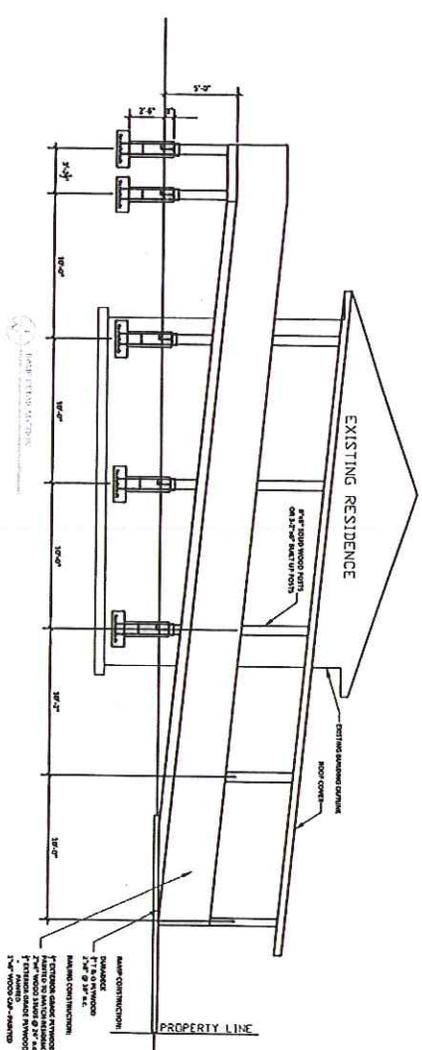
City of Kelowna - Accuracy and correctness not guaranteed.

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.



**SCHEDULE A**

Permit # **MPA-0136**



**SCHEDULE B**  
 This forms part of development  
 Permit # DPA-0136

<b>PROJECT</b> 1400 CHEVY CHASSIS BUILT KILGORE, TX	
<b>DESIGNER</b> KILGORE ARCHITECTS KILGORE, TX	
<b>CROSS-SECTION AND DETAILS</b>	
<b>DATE</b> 08/20/14	<b>SCALE</b> A2
<b>REV</b> 0	<b>REV</b> 0

# CITY OF KELOWNA

**APPROVED ISSUANCE OF A:**

**Development Variance Permit No.:** **DVP14-0136**

<b>EXISTING ZONING DESIGNATION:</b>	RU6 - Two Dwelling Housing
<b>DEVELOPMENT VARIANCE PERMIT:</b>	To vary the minimum side yard for a 1 or 1 ½ storey portion of a building from 2.0 m permitted to 0.97 m proposed.

<b>ISSUED TO:</b>	Rancar Services Ltd. (Randy Villeneuve)
<b>LOCATION OF SUBJECT SITE:</b>	1398-1400 Cherry Crescent East

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
<b>LEGAL DESCRIPTION:</b>	A	20	-	26	ODYD	11241

<u>SCOPE OF APPROVAL</u>
<p><input type="checkbox"/> 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.</p> <p><input type="checkbox"/> 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.</p> <p><input type="checkbox"/> Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.</p>

**1. TERMS AND CONDITIONS:**

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

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

To vary the minimum side yard for a 1 or 1 ½ storey portion of a building from 2.0 m permitted to 0.97 m proposed.

**2. 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.

4. DEVELOPMENT:

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

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

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

**THIS Permit IS NOT A BUILDING Permit.**

5. APPLICANT'S AGREEMENT:

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

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

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

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

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

\_\_\_\_\_  
Signature of Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

\_\_\_\_\_  
Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE 4<sup>TH</sup> DAY OF NOVEMBER 2014.  
ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE 5<sup>TH</sup> DAY OF NOVEMBER 2014, BY THE  
DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

---

Doug Gilchrist  
Divisional Director of Community Planning & Real Estate

# REPORT TO COUNCIL



**Date:** October 15, 2014

**RIM No.** 0940-50

**To:** City Manager

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

**Application:** DVP14-0180

**Owners:** WB133 Holdings Inc.

**Address:** 2106 Harvey Avenue

**Applicant:** Fibe Star Permits

**Subject:** 2014 10 15 Report DVP14-0180 2106 Harvey Avenue

**Existing OCP Designation:** MXR

**Existing Zone:** C4-Urban Centre Commercial

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## 1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP10-0180 for Lot A, District Lot 127, ODYD, Plan 24849, Except Plan KAP88861, located at 2106 Harvey Avenue, Kelowna, BC;

AND THAT a variance to the following section of Sign Bylaw No. 8235 be granted:

Section 6.1: Specific Zone Regulations

Major Commercial: Fascia Signage: 2 Per Business Frontage

To vary the number of allowable fascia signs on the southern façade of the building from 2 permitted to 3 proposed in addition to 3 existing.

## 2.0 Purpose

To allow three (3) additional proposed fascia signs on the south elevation of the building.

## 3.0 Urban Planning

A Development Variance Permit (DVP04-0024) was approved by Council on July 6, 2004 for the subject property. The application allowed a variance from 2 permitted to 3 proposed fascia signs on the south elevation.

Staff supports the proposed variance request as the impact is minor in nature and the proposed sign content matches the existing building and signage. The framing and sign band were constructed with the original building. The proposed sign locations currently have blank panels. The variance is to allow for new copy area in the location of the three blank panels.

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. To date, City staff has not been contacted with any objections or concerns regarding the proposed variance.

#### 4.0 Proposal

##### 4.1 Project Description

The applicant is seeking a Development Variance Permit to allow three new sign copy areas to be installed in existing fascia sign structures. The Sign Bylaw allows for a maximum of two fascia signs per frontage and there are currently three fascia signs on the south facing façade of Prospera Credit Union. Two of the existing fascia signs are located on a sign band above the first storey and the three proposed signs will be located between the existing signs.

##### 4.2 Site Context

The subject property is located on the northeast corner of Highway 97N and Cooper Road. The parcel is zoned C4 - Urban Centre Commercial and contains a two storey commercial building with multiple tenants.

Development surrounding the parcel is characterized by a mix of highway oriented service commercial and tourist commercial.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4 - Urban Centre Commercial	Various Commercial Uses
East	C4 - Urban Centre Commercial	A & W Restaurant
South	C6 - Regional Commercial	Orchard Park Mall
West	C4 - Urban Centre Commercial	Tim Hortons/Lord Chumley's Fish & Chips

**Subject Property Map: 2106 - 2112 Harvey Avenue**



### 4.3 Zoning Analysis Table

Sign Bylaw Analysis Table		
CRITERIA	SIGN REQUIREMENTS	PROPOSAL
Existing Sign Regulations		
Clearance from Grade	2.5m min.	3.5m
Number of Fascia Signs	Max. 2 per Frontage	3 Proposed (+3 Existing) ●
● Indicates a requested variance to...		

### 5.0 Current Development Policies

#### 5.1 Kelowna Official Community Plan (OCP)

#### Comprehensive Development Permit Guideline Objectives<sup>1</sup>

- Provide for a scale and massing of commercial buildings that promotes a safe, enjoyable living, pedestrian, working, shopping and service experience;
- Incorporate architectural features and detailing of buildings and landscapes that define an area's character;

### 6.0 Technical Comments

#### 6.1 Building & Permitting Department

No comment.

<sup>1</sup> City of Kelowna Official Community Plan, Chapter 14: Urban Design Development Permit Area, Comprehensive Development Permit Area Objectives, p. 14.2.

6.2 Development Engineering Department

See attached memorandum dated September 24, 2014.

7.0 Application Chronology

Date of Application Received: September 23, 2014  
Date Public Consultation Info Received: October 6, 2014

Report prepared by:

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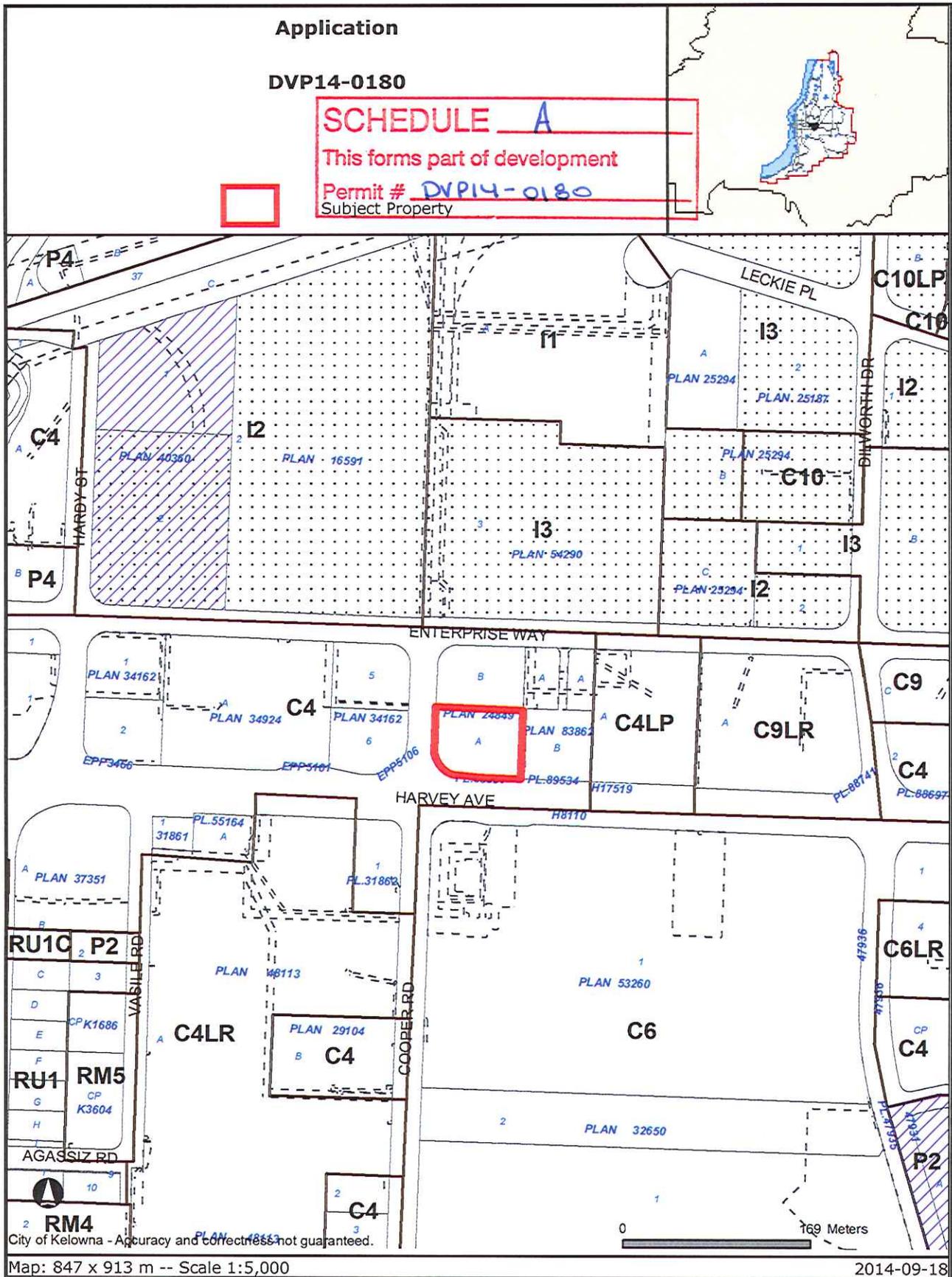
Lydia Korolchuk, Planner

Reviewed by:  Lindsey Ganczar, Urban Planning Supervisor

Approved Inclusion:  Ryan Smith, Urban Planning Manager

**Attachments:**

Subject Property Map - Schedule A  
Site Plan - Schedule A  
Elevations with Proposed Signage - Schedule A  
Sign Drawing - Schedule A  
Development Engineering Memorandum  
Draft Development Variance Permit



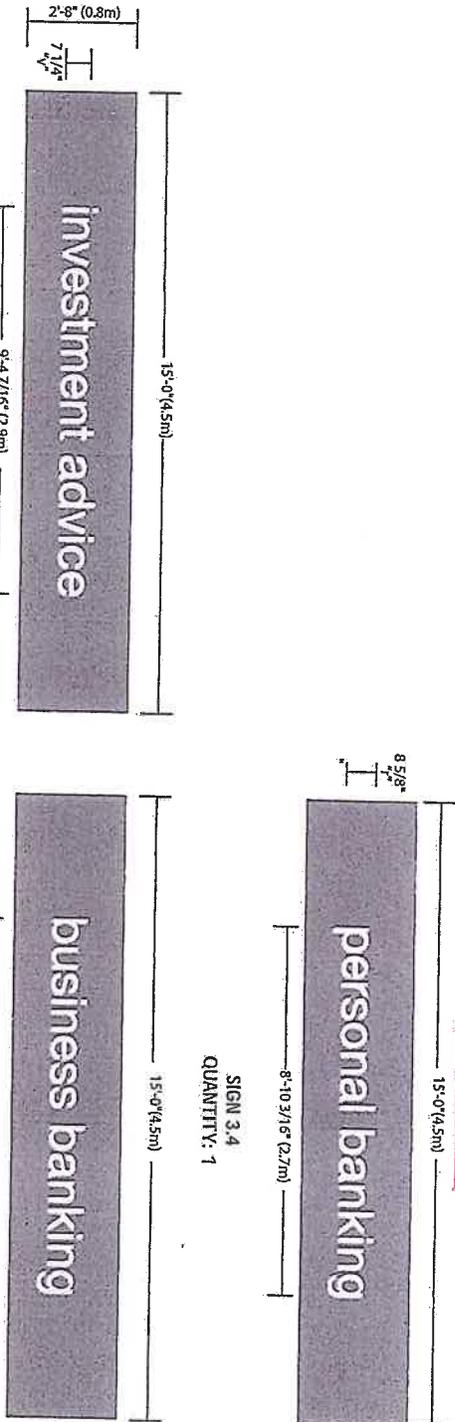
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
 The City of Kelowna does not guarantee its accuracy. All information should be verified.



**SCHEDULE A**  
 This forms part of development  
 Permit # **DVP14-0180**



SOUTH ELEVATION



**SCHEDULE A**  
 This forms part of drawing  
 Permit # **DVPI4-0180**

SIGN 3. ITEM 1.

**MODEL:**  
 Replacement of Sign Faces for Existing Single Faced Illuminated Fascia Displays  
**TYPE/DEPTH:** EX (Survey Is Required)  
**LIGHTING:**  
 Existing T12  
**FRAME:** Existing (Survey Is Required)  
**FACE FACE OVER FRAME**  
 1/8" aluminum routed out w/ 1/2" clear acrylic push thru copy w/ vinyl applied  
 Logo is routed out & backed w/ 3/16" acrylic/vinyl applied  
**MOUNTING:** Mounted onto existing frame

<b>Vinyl Colours:</b>	1060 Anycy Asti37 Pantone	<b>Paint Colours:</b>	Painted to Match
	1060 Yellow		3M 7725-41 Dark Grey #115 425C
	1060 Red		3M 7725-41 Dark Grey #115 425C
	3M 3550-20 White		3M 3550-20 White

<p><b>KNIGHT SIGNS</b>                  COMMERCIAL SIGNAGE &amp; LIGHTING                  1000 W. 10th St. Vancouver, BC V6H 2Y6                  Tel: 604-275-1130 Fax: 604-275-1130</p>		<p><b>Project Name:</b> Prospera Centre  <b>CUSTOMER:</b> Prospera Credit Union                  100 - 2108 Harvey Ave., Kelowna, BC  <b>Account Manager:</b> Dale Walschuk  <b>Date:</b> Nov 01, 2013 <b>Scale:</b> 3/16" = 1'-0"  <b>Client's Approval:</b> _____ <b>Date:</b> _____</p>	
<p><b>Art Revisions:</b></p>		<p><b>Quote Number:</b> 6225-10-13-PRO-DJ  <b>Revision:</b>  <b>Job Number:</b>  <b>Date:</b></p>	
<p><b>Account Manager Approval:</b> _____ <b>Date:</b> _____</p>		<p><b>QUANTITY:</b> 5 FACES  <b>DRAWING:</b> 3</p>	



**SCHEDULE A**  
 This forms part of development  
 Permit # **DVE14-0180**

 <p><b>Knight Signs</b>                  1887 Fraser St.                  Delta, BC V4L 1Y1                  778-944-8888                  1-800-468-7222                  731-464-4644                  416-464-4644                  416-464-4644                  416-464-4644</p>		Project Name: <b>Prospera Centre</b> CUSTOMER: <b>Prospera Credit Union</b> 100 - 2106 Harvey Ave, Kelowna, BC Account Manager: <b>Dale Wasichuk</b> Date: <b>Nov 01, 2013</b>		Art Revisions: _____ _____ _____		Quote Number: <b>6225-10-13-PRO-DJ</b> Revision: _____ Job Number: _____		Client's Approval _____ Date: _____		Account Manager Approval _____ Date: _____		SIGN 3 QUANTITY: <b>5 FACES</b>	
DRAWING <b>5</b>													

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**CITY OF KELOWNA**  
**MEMORANDUM**

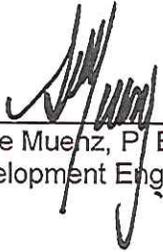
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**Date:** September 24, 2014  
**File No.:** DVP14-0180  
**To:** Urban Planning (LK)  
**From:** Development Engineering Manager (SM)  
**Subject:** 100 – 2106 Harvey Ave

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

This development variance permit application to vary the number of signs 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.: DVP14-0180

EXISTING ZONING DESIGNATION:	C4- Urban Centre Commercial
WITHIN DEVELOPMENT PERMIT AREA:	A. Comprehensive Development Permit Area (Commercial)

ISSUED TO: WB133 Holdings Inc
LOCATION OF SUBJECT SITE: 2106 Harvey Avenue

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	A	127	24849 Except Plan KAP73626 and KAP88861			ODYD

### SCOPE OF APPROVAL

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

1. TERMS AND CONDITIONS:

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

Section 6.6 - Height and Grade Regulations

To vary the number of allowable fascia signs on the southern facade of the building from 2 permitted to 3 proposed in addition to 3 existing.

3. PERFORMANCE SECURITY: None Required.

4. DEVELOPMENT:

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

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

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

**THIS Permit IS NOT A BUILDING Permit.**

5. APPLICANT'S AGREEMENT:

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

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

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

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

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

\_\_\_\_\_  
Signature of Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

\_\_\_\_\_  
Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE \_\_\_\_\_.

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_\_\_ BY  
THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

\_\_\_\_\_  
Doug Gilchrist, Divisional Director - Community Planning & Real Estate

# REPORT TO COUNCIL



**Date:** October 15, 2014

**RIM No.** 0940-50

**To:** City Manager

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

**Application:** DVP14-0172 **Owners:** Nancy & Terry Lock

**Address:** 1060 Kelly Road **Applicant:** Birte Decloux

**Subject:** 2014 10 15 Report DVP14-0172 1060 Kelly Road rev2

**Existing OCP Designation:** S2RES -Single / Two Unit Residential

**Existing Zone:** RU1 - Large Lot Housing

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0172, for Lot 15, District Lot 135, ODYD, Plan 18974, located on 1060 Kelly Road, Kelowna, BC:

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

Section 6.5.7: Accessory Development

To vary the maximum area for an accessory building or structure from 90 m<sup>2</sup> permitted, to 133.78 m<sup>2</sup> proposed.

AND THAT the property owner be required to register a Section 219 Restrictive Covenant on the title of the subject to restrict the accessory building from being converted to a dwelling;

AND FURTHER THAT the property owner be required to register a Section 219 No Build / No Disturb Covenant on the title of the subject property to ensure the protection of the riparian management area.

## 2.0 Purpose

To consider a Development Variance Permit application to vary the maximum area for an accessory building.

## 3.0 Urban Planning

Urban Planning staff support the requested variance to increase the maximum area for an accessory building to 133.78 m<sup>2</sup>. The variance in area is needed to accommodate the intended uses of recreational vehicle parking and workshop / hobby space. The accessory building also includes one half bathroom. The application complies with all other requirements of the Zoning

Bylaw, such as site coverage, height and setback regulations. The site is relatively flat with a slight slope towards the east side of the property. The existing dwelling footprint is 135.3 m<sup>2</sup>, including the attached carport.

Vehicular access to the accessory building will be from the existing driveway off Kelly Road along the northwest side of the existing dwelling. The overhead door on the building’s south elevation is primarily intended to improve airflow within the building for the workshop space and will not have additional driveway access.

To restrict the possibility of converting the building to dwelling space in the future, staff worked with the applicant to address several concerns due to its size. The original application included a full bathroom with shower; this has been reduced in size and limited to a toilet and sink, as per Section 6.5.11 of Zoning Bylaw No. 8000. The pool’s mechanical equipment will be located in the building, and the high windows limit its use as a dwelling. Furthermore, a Section 219 Restrictive Covenant will restrict the accessory building from being converted to a dwelling.

The accessory building is set back approximately 6.25 m from the riparian management area that is associated with Fascieux Creek which runs along the east side of the property. A Section 219 No Build / No Disturb Covenant is required for this portion of the property to protect the riparian 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 property. The applicant has received some support for the proposal as well as some opposition from neighbours in the immediate vicinity. Several neighbours have contacted staff to express concerns regarding this application. Specifically, residents have identified concerns with the possibility of using the building as a dwelling and the height of the building impeding views. As described above, staff have worked with the applicant to address the potential conversion issues and the building height meets the Zoning Bylaw regulations.

**4.0 Proposal**

**4.1 Project Description**

The applicant is seeking to build an accessory building on the north side of the subject property. The building will be used to store the property owner’s recreational vehicle and provide workshop space for hobbies. A covered patio on the south side of the building will serve as an extension of the existing pool deck, and the pool’s mechanical equipment will be located inside the accessory building. The existing dwelling located on the west portion of the property has an attached carport.

**4.2 Site Context**

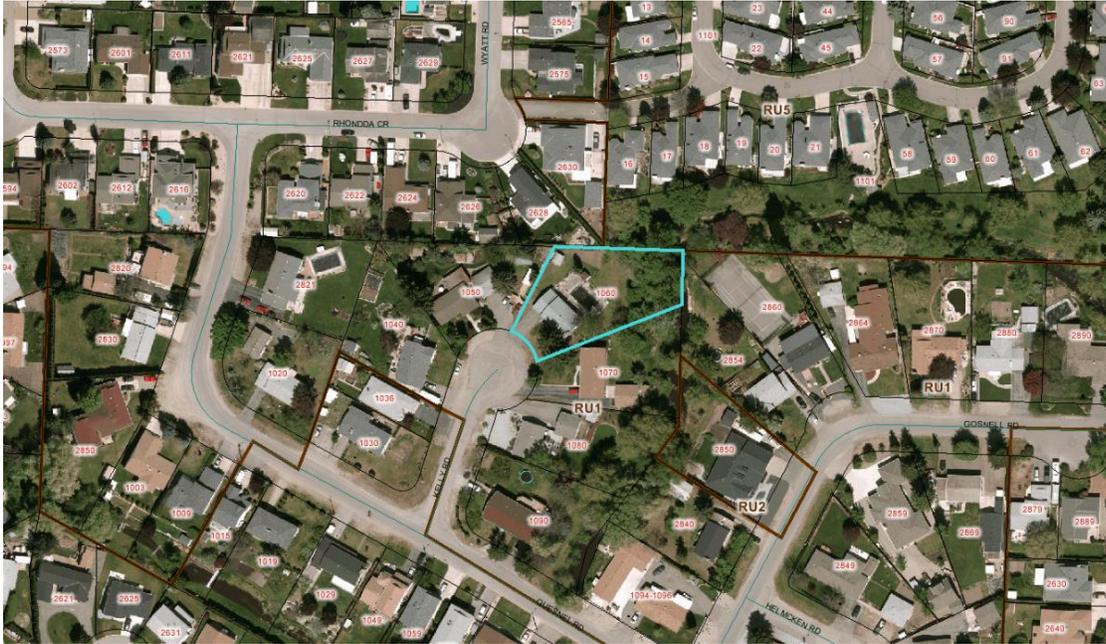
The subject property is located at the north end of Kelly Road in the South Pandosy - KLO sector. The property is designated S2RES - Single / Two Unit Residential in the Official Community Plan and is within the Permanent Growth Boundary. The area surrounding the property is low density residential.

Specifically, adjacent land uses are as follows:

1	Orientation	2	Zoning	3	Land Use
4	North	5	RU1 - Large Lot Housing	6	Single family dwelling
7	East	8	RU5 - Bareland Strata Housing	9	Sandhaven (single family dwellings)
10	South	11	RU1 - Large Lot Housing	12	Single family dwelling

13	West	14	RU1 - Large Lot Housing	15	Single family dwelling
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Subject Property Map: 1060 Kelly Road



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550 m <sup>2</sup>	1,756.8 m <sup>2</sup>
Lot Width	16.5 m	Exceeds requirements
Lot Depth	30.0 m	Exceeds requirements
Development Regulations		
Site Coverage (buildings)	40%	15.3%
Site Coverage (buildings, driveways & parking)	50%	25.3%
Development Regulations (Accessory Building)		
Site Coverage (accessory buildings)	14%	7.6%
Building Footprint	90 m <sup>2</sup>	133.78 m <sup>2</sup> ●
Height	4.5 m	4.5 m
Front Yard	18.0 m	30.73 m
Side Yard (north)	1.2 m	1.55 m
Side Yard (south)	1.2 m	18.89 m
Side Yard (west)	1.2 m	7.5 m
Rear Yard	1.5 m	21.94 m
● Indicates a requested variance to increase the maximum area for an accessory building or structure from 90 m <sup>2</sup> permitted to 133.78 m <sup>2</sup> proposed.		

**5.0 Technical Comments**

**5.1 Building & Permitting Department**

- Structural Engineer may be required for over height wood framed wall, but will be determined at time of Building Permit application.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

**5.2 Development Engineering Department**

- See attached memorandum, dated September 24, 2014.

**5.3 FortisBC Inc - Electric**

- There are primary distribution facilities within Kelly Road. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.
- It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

**6.0 Application Chronology**

Date of Application Received: September 9, 2014  
Date Public Consultation Completed: September 4, 2014

**Report prepared by:**

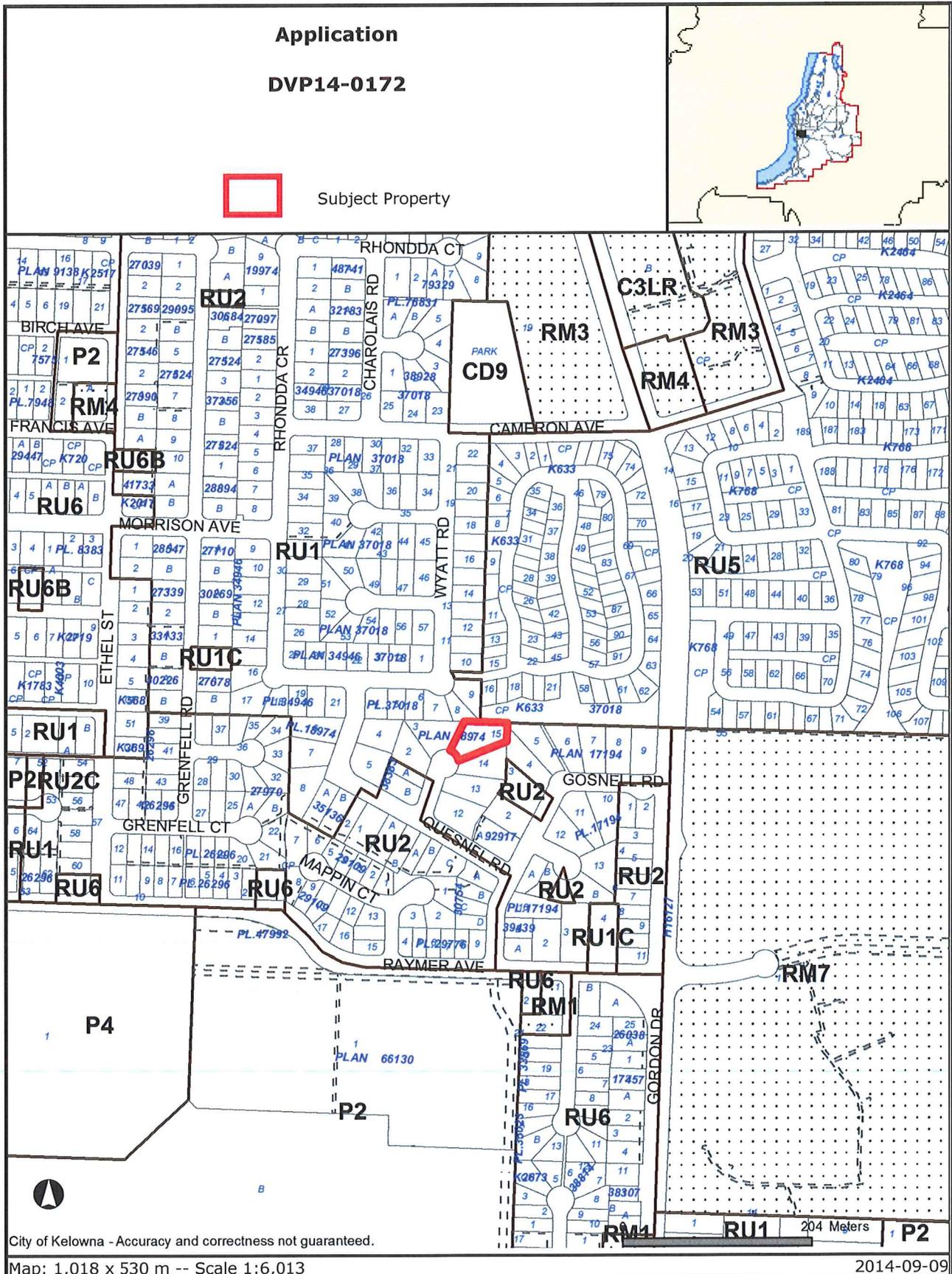
\_\_\_\_\_  
Laura Bentley, Planner

**Reviewed by:**  Lindsey Ganczar, Urban Planning Supervisor

**Approved for Inclusion:**  Ryan Smith, Urban Planning Manager

**Attachments:**

- Subject Property Map
- Site Plan - Schedule A
- Elevations - Schedule B
- Floor Plan - Schedule C
- Development Engineering Memorandum
- Draft Development Variance Permit



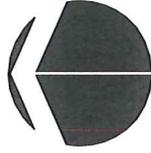
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.





IHS DESIGN  
644 ARROWLEAF LANE  
KELOWNA, BC  
V1W 4T5

THIS DRAWING IS THE PROPERTY OF IHS DESIGN AND MAY NOT BE REPRODUCED OR USED WITHOUT EXPRESS WRITTEN PERMISSION FROM THE SAME.



PROJECT NORTH

REVISION DATE DESCRIPTION

PROJECT

NEW DETACHED GARAGE  
1060 KELLY ROAD  
KELOWNA, BC V1Y 3J9  
LOT 15 PLAN 18574

DRAWING TITLE

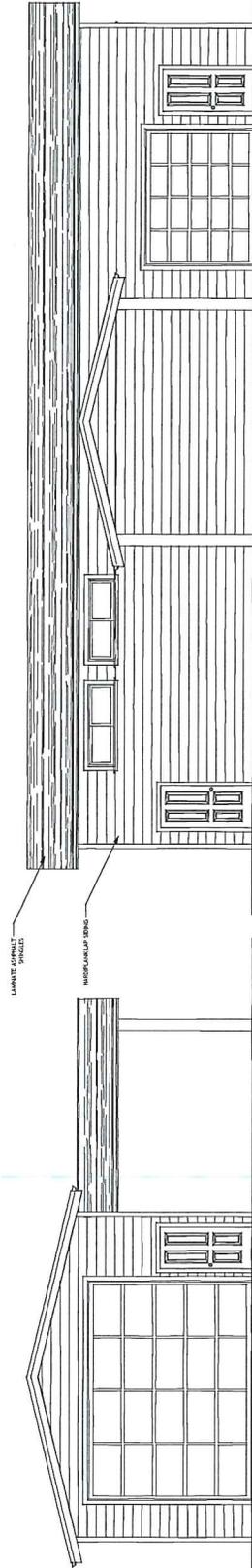
ELEVATIONS/SITE DATA

DATE

JULY 29, 2014

DRAWING NUMBER

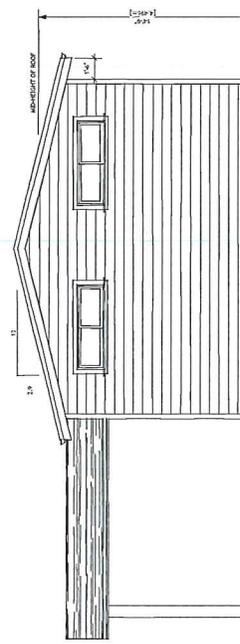
1 of 3



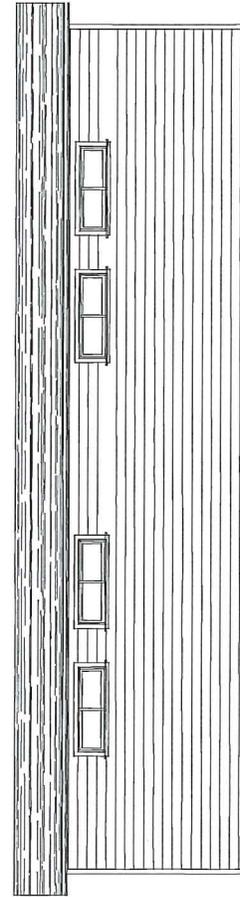
1 WEST ELEVATION  
Scale: 1/4" = 1'-0"

2 SOUTH ELEVATION  
Scale: 1/4" = 1'-0"

SCHEDULE B  
This forms part of development  
Permit # DVPIA-0172



3 EAST ELEVATION  
Scale: 1/4" = 1'-0"



4 NORTH ELEVATION  
Scale: 1/4" = 1'-0"



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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** September 24, 2014  
**File No.:** DVP14-0172  
**To:** Urban Planning (LB)  
**From:** Development Engineering Manager (SM)  
**Subject:** 1060 Kelly Road

---

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

This development variance permit application to vary the size of an accessory building from 90m<sup>2</sup> to 157.18m<sup>2</sup> does not compromise any municipal services.

It should be noted that the driveway access to the accessory building must be considered to be a dust free surface.

  
\_\_\_\_\_  
Steve Wuenz, P. Eng.  
Development Engineering Manager

SS

# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP14-0172

EXISTING ZONING DESIGNATION:	RU1 - Large Lot Housing
DEVELOPMENT VARIANCE PERMIT:	To vary the maximum area for an accessory building or structure from 90 m <sup>2</sup> permitted to 133.78 m <sup>2</sup> proposed.

ISSUED TO:	Birte Decloux
LOCATION OF SUBJECT SITE:	1060 Kelly Road

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	15	-	135	-	ODYD	18974

<u>SCOPE OF APPROVAL</u>
<input type="checkbox"/> 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.
<input type="checkbox"/> 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.
<input type="checkbox"/> Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

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

Section 6.5.7: Accessory Development

To vary the maximum area for an accessory building or structure from 90 m<sup>2</sup> permitted to 133.78 m<sup>2</sup> proposed.

2. 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.

4. DEVELOPMENT:

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

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

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

**THIS Permit IS NOT A BUILDING Permit.**

5. APPLICANT'S AGREEMENT:

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

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

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

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

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

\_\_\_\_\_  
Signature of Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

\_\_\_\_\_  
Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE 4<sup>TH</sup> DAY OF NOVEMBER 2014.  
ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE 5<sup>TH</sup> DAY OF NOVEMBER 2014, BY THE  
DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

---

Doug Gilchrist  
Divisional Director of Community Planning & Real Estate



afforded a reasonable panoramic view and are provided an opportunity to be consulted when the proposed development does not conform.

A couple of factors can result in a hardship being created on a given lakefront lot with respect to Okanagan Lake sight lines. Typically hardships would relate to the undulating nature of the shoreline, lot-line orientation/lot configuration, or the location of existing homes. In this case, the variance request largely stems from the location of an existing dwelling located at 4074/4076 Lakeshore Road, south of the subject property. Should 4074/4076 Lakeshore Road redevelop, there is a strong likelihood that the dwelling would be located closer to Okanagan Lake and this would either diminish or eliminate the sight line impacts created by the proposed development.

#### 4.0 Proposal

##### 4.1 Background

The subject property is a large urban residential lot located in the North Mission sector. The property is 0.77 hectares in size and has a current Subdivision Application pending to create 2 parcels. The requested variance is for the south portion of the subject parcel. The parcel is located on Okanagan Lake. As a result of the proximity to the lake, the property is subject to the Okanagan Lake Sight Lines constraints. The applicants propose a new development which does not conform with the current zoning requirements.

##### 4.2 Project Description

The proposed sight line reduction affects one neighbour located to the south and whose home is set quite far back from Okanagan Lake, relatively speaking. The variance to the sight line requirement would result in the unobstructed sight line for the southern property being reduced from 60° required to 30° proposed. The adjacent landowner has been contacted by the applicant and has noted that they are opposed to the proposed variance request.

##### 4.3 Site Context

The adjacent zones and land uses are as follows:

Orientation	Zoning	Land Use
North	RM6 - High Rise Apartment Housing	Imperial Apartments
East	RU1- Large Lot Housing / P2-Educational & Minor Institutional	Residential / First Lutheran Church & School
South	RU1 - Large Lot Housing	Residential
West	None	Okanagan Lake

**Subject Property Map: 4064 Lakeshore Road**



**4.4 Zoning Analysis Table**

Zoning Analysis Table		
CRITERIA	ZONE REQUIREMENTS	PROPOSAL
General Development Regulations		
Okanagan Lake Sightlines	120°	90° ●
● Indicates a requested variance to...		

**5.0 Current Development Policies**

5.1 Kelowna Official Community Plan (OCP)

**Development Process**

**Lakeside development.**<sup>1</sup> Incorporate distinctive massing articulation, architectural treatment, and appropriate materials on the lakeside frontage.

**6.0 Technical Comments**

6.1 Development Engineering Department

See attached memorandum dated September 29, 2014.

6.2 IPLAN - Parks & Public Places

No Comment

<sup>1</sup> City of Kelowna Official Community Plan, Chapter 14, 15.5 (Urban Design DP Guidelines Chapter).

## 7.0 Application Chronology

Date of Application Received: September 9, 2014  
Date Amended Drawings Received: October 9, 2014

Report prepared by:

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Lydia Korolchuk, Planner

Reviewed by:  Lindsey Ganczar, Urban Planning Supervisor

Approved Inclusion:  Ryan Smith, Urban Planning Manager

### Attachments:

Subject Property Map - Schedule A  
Site Plan - Schedule A  
Floor Plan - Schedule A  
Conceptual Elevations - Schedule A  
Development Engineering Memorandum  
Draft Development Variance Permit





Existing Imperial Apartments

Property to be Subdivided into 2 - 50' lots

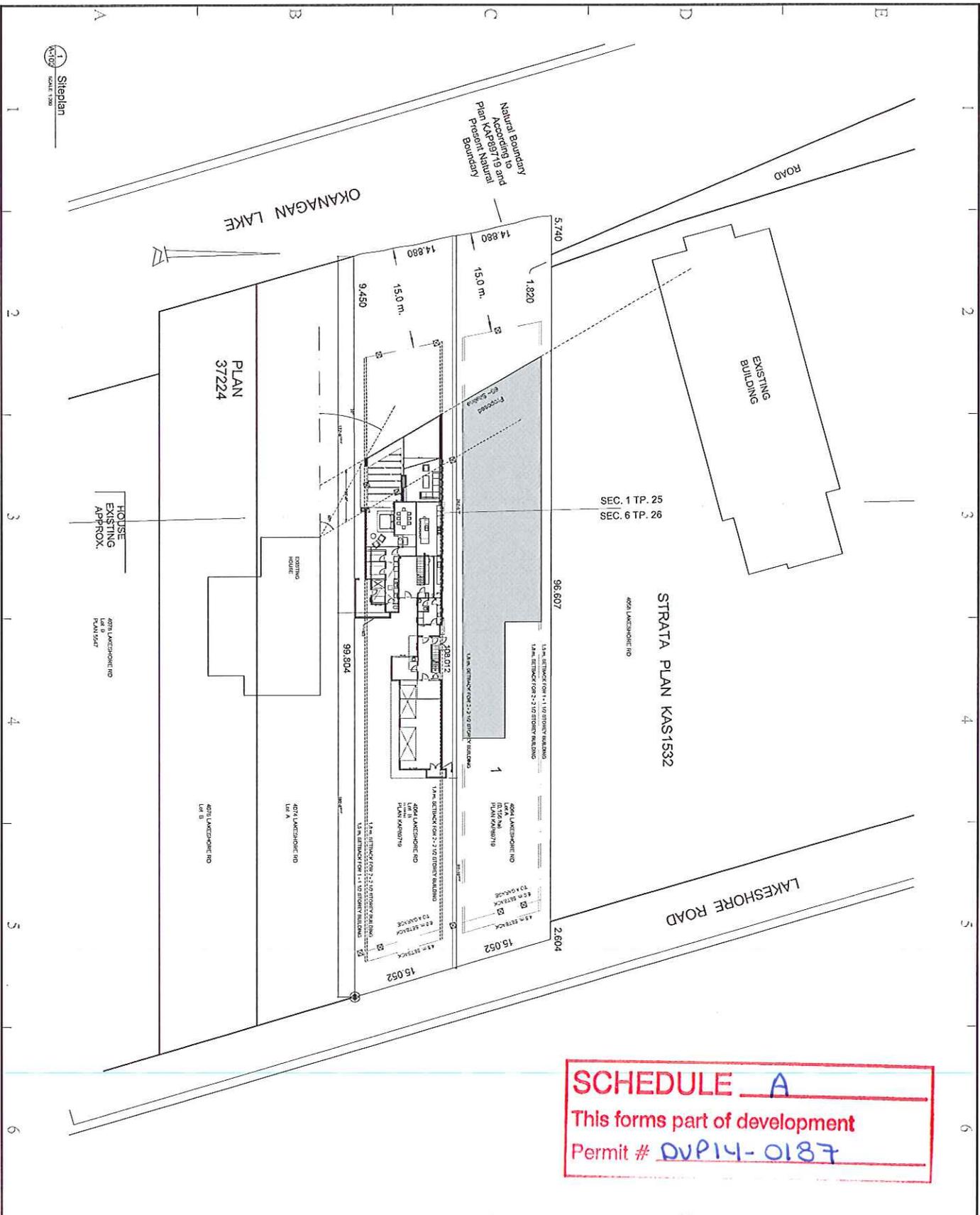
Northwest Corner of Neighboring

Sheppard / Genereux Residence

**SCHEDULE A**

This forms part of development

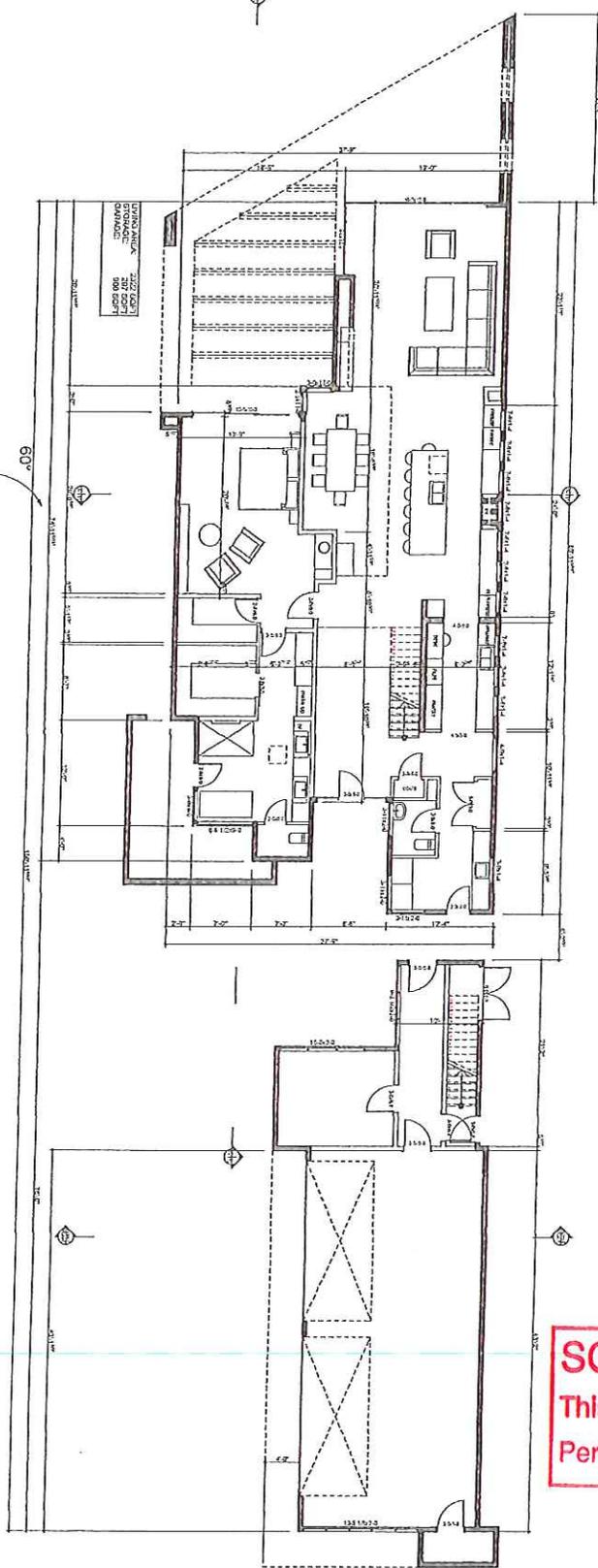
Permit # DVPI4-010+



**SCHEDULE A**  
 This forms part of development  
 Permit # 0V14-0187

WESTERNAM DESIGN INC. KELLOWNA, B.C. V1W1H1 (250) 825-2948 <small>Member of McCarthy Group</small>	
CONSULTANTS	
PRELIMINARY	
THE BIRD RESIDENCE	
4054 LAKESHORE RD KELOWNA, B.C.	
Lot B PLAN KAP89719	
MAKE DATE DESCRIPTION 1/1	MODEL CLND #/M WOOD FILE DRAWN BY: MONTY DUBO COPYRIGHT © P.S. 18, 2014
SHEET TITLE PROPOSED - SITE PLAN	
A-102 OF 75	

1. MAIN FLOOR  
SCALE: 1/8" = 1'-0"



**SCHEDULE A**  
This forms part of development  
Permit # DVP14-0187



PAUL WESTERDAHL, AIA (Principal)  
KELLY ANN WILSON, AIA (Principal)  
CARRIE BISHOP (Architect)  
Address: 14000 14th Avenue  
Seattle, WA 98148  
Phone: (206) 441-1111  
Website: www.maynard.com

CONSULTANTS

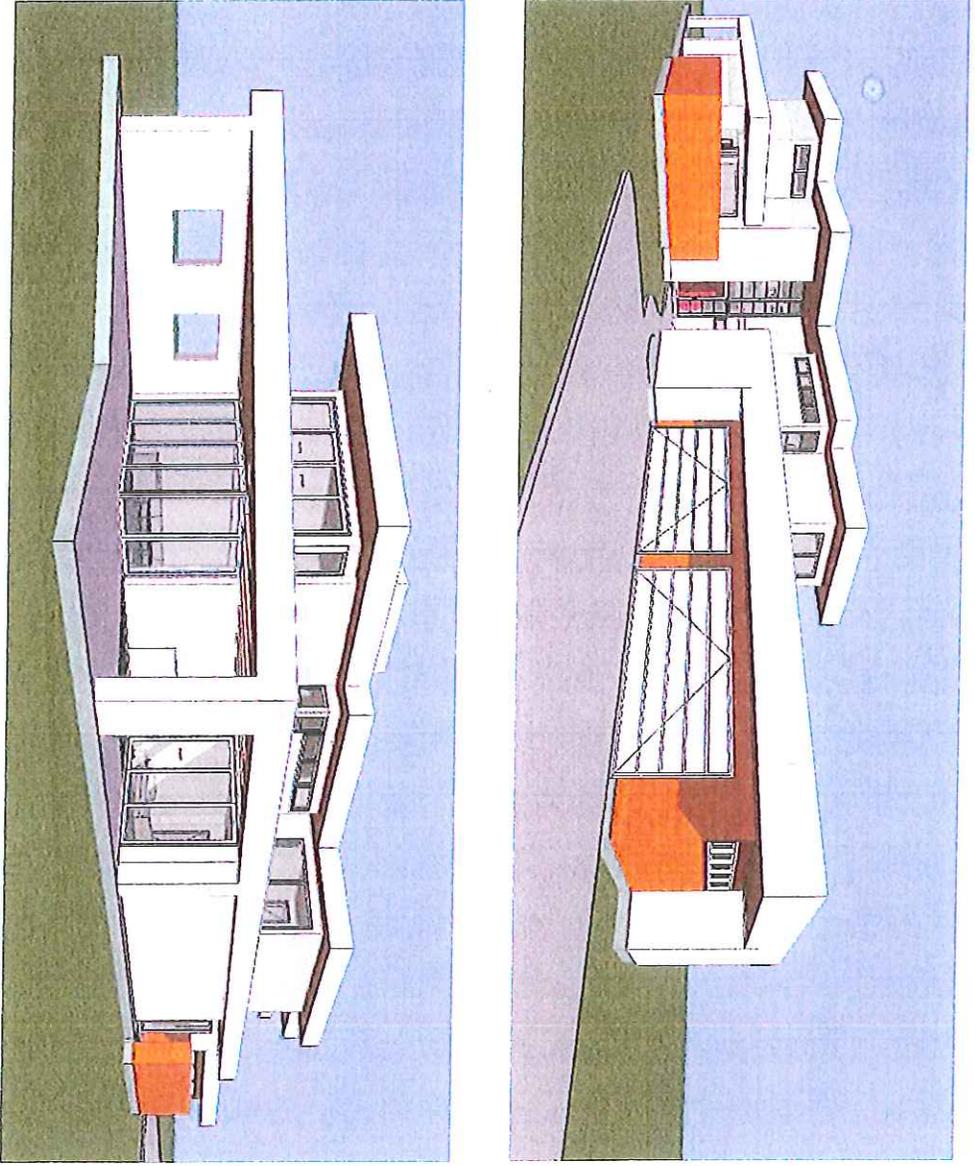
PRELIMINARY

THE BIRD RESIDENCE

NO.	DATE	DESCRIPTION
1	11/11/14	ISSUED FOR PERMIT
2	11/11/14	ISSUED FOR PERMIT
3	11/11/14	ISSUED FOR PERMIT
4	11/11/14	ISSUED FOR PERMIT
5	11/11/14	ISSUED FOR PERMIT
6	11/11/14	ISSUED FOR PERMIT
7	11/11/14	ISSUED FOR PERMIT
8	11/11/14	ISSUED FOR PERMIT
9	11/11/14	ISSUED FOR PERMIT
10	11/11/14	ISSUED FOR PERMIT

PROJECT TITLE  
MAIN FLOOR - ARCHITECTURAL

PROJECT NO. A-106  
DATE: 11/11/14



**SCHEDULE A**  
 This forms part of development  
 Permit # DVP14-0187



WALTER BERKELEY ARCHITECTS  
 1000 BAYVIEW AVENUE  
 SUITE 1000  
 OAKLAND, CA 94612  
 TEL: 415.778.1400  
 WWW.WALTERBERKELEY.COM

CONSULTANTS

PRELIMINARY

THE  
 BIRD RESIDENCE

NO.	REVISION	DATE	BY	DESCRIPTION
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

PROJECT TITLE  
 COVER PAGE/ SITE PLAN

PROJECT NO.  
 A-101  
 SHEET 2 OF 78

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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** September 29, 2014  
**File No.:** DVP14-0187  
**To:** Urban Planning (LK)  
**From:** Development Engineering Manager (SM)  
**Subject:** 4064 Lakeshore Rd

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

This development variance permit application to encroach within the 60 degree sight line angle does not compromise any municipal services.

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Steve Muenz, P. Eng.  
Development Engineering Manager

SS

# CITY OF KELOWNA

**APPROVED ISSUANCE OF A:**

**Development Variance Permit No.: DVP14-0187**

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

ISSUED TO:	Rex Jardine
LOCATION OF SUBJECT SITE:	4064 Lakeshore Road

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	1		KAP89719	6	26	ODYD

<u>SCOPE OF APPROVAL</u>
<p><input type="checkbox"/> 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.</p> <p><input type="checkbox"/> 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.</p> <p><input type="checkbox"/> Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.</p>

**1. TERMS AND CONDITIONS:**

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

Section 6.11.1 - General Development Regulations - Okanagan Lake Sight Line

To vary the Okanagan Lake 120° Panoramic Sight Line from 120° required to 90° proposed.

**3. PERFORMANCE SECURITY: None Required.**

**4. DEVELOPMENT:**

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

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

**THIS Permit IS NOT A BUILDING Permit.**

**5. APPLICANT'S AGREEMENT:**

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

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

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

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

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

\_\_\_\_\_  
Signature of Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

\_\_\_\_\_  
Telephone No.

**6. APPROVALS:**

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE \_\_\_\_\_.

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_\_\_ BY  
THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

\_\_\_\_\_  
Doug Gilchrist, Divisional Director - Community Planning & Real Estate