

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, February 3, 2015
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. **Call to Order**
2. **Prayer**

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

Public Hearing - January 13, 2015
Regular Meeting - January 13, 2015
4. **Bylaws Considered at Public Hearing**
 - 4.1 **1975 Union Road, BL10996 (TA14-0015) - Amendment to C5 - Transition Commercial Zone** 13 - 13

To give Bylaw No. 10996 second and third readings, and adoption, in order to amend the C5 - Transition Commercial Zone for the subject property.
 - 4.2 **828, 834, 871 & 877 McCurdy Place, BL11039 (Z14-0045) - Harmony Holdings Limited** 14 - 14

To give Bylaw No. 11039 second and third readings in order to rezone the subject properties.
 - 4.3 **Kettle Valley, Various Addresses, BL11046 (TA14-0013) - CD2-Kettle Valley Comprehensive Residential Development Zone** 15 - 20

To give Bylaw No. 11046 second and third readings in order to amend the C2 - Kettle Valley Comprehensive Residential Development Zone.
 - 4.4 **650-652 Wardlaw Avenue, BL11049 (Z14-0055) - Loren & Janette Desautels** 21 - 21

To give Bylaw No. 11049 second and third readings in order to rezone the subject properties.

- 4.5 545 Radant Road, BL11052 (Z14-0053) - Stacey Lynn Fenwick** **22 - 22**

To give Bylaw No. 11052 second and third readings in order to rezone the subject property.

- 4.6 385 Cadder Avenue, BL11053 (Z14-0056) - Andrew & Lesley Wilson** **23 - 23**

To give Bylaw No. 11053 second and third readings in order to rezone the subject property.

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- 6.1 WITHDRAWN BY APPLICANT - 1519 Lakeview Street, DVP14-0245 - Saffron Soderquist** **24 - 40**

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

To consider a development variance permit to vary the minimum building setback distance from the rear property line from 7.5m to 1.74m in order to accommodate a two storey addition to the rear of the existing home.

- 6.2 1975 Union Road, DP14-0127 & DVP14-0211 - 1006330 BC Ltd.** **41 - 56**

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

To consider the form and character of the car wash proposed on the subject parcel and to allow the site area coverage ratio per car wash bay to be reduced for the proposed carwash.

7. Reminders

8. Termination



City of Kelowna Public Hearing Minutes

Date: Tuesday, January 13, 2015
Location: Council Chamber
City Hall, 1435 Water Street

Council Members Present: Mayor Colin Basran and Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben* and Luke Stack

Council Members Absent: Mohini Singh

Staff Present: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Urban Planning Manager, Ryan Smith; Urban Planning Supervisor, Lindsey Ganczar*; Subdivision, Agriculture & Environment Planner*; and Council Recording Secretary, Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the Hearing to order at 6:02 p.m.

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

2. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on December 23, 2014 and by being placed in the Kelowna Capital News issues on January 2 and January 7, 2015 and by sending out or otherwise delivering 522 statutory notices to the owners and occupiers of surrounding properties, and 5304 informational notices to residents in the same postal delivery route, between December 23 and December 26, 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.

The Mayor advised that Item 3.4 has been deferred to the February 3, 2015 Public Hearing.

3. Individual Bylaw Submissions

3.1 Bylaw No. 11035 (TA14-0011) - Text Amendment to include the RM2h Zone in the CD6 - Comprehensive Residential Golf Resort Zone for Tower Ranch

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

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

Davin Shillong, Applicant Representative

- Available for questions.

There were no further comments.

3.2 Bylaw No. 11036 (Z14-0049) - 5505-5507 Airport Way, Midwest Ventures Ltd.

Councillor Sieben declared a conflict of interest as a family member could be a potential tenant should the rezoning be supported and departed the meeting at 6:10 p.m.

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that the following correspondence and/or petition was received:

Letters of Support

W. M. "Mac" Campbell, Quail Ridge Residents' Association
Phil Hyde, Quail Lane
Larry Bigler, Capistrano Drive
Terry Fraser, Capistrano Drive

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

Darren Schlump, Manhattan Drive, Applicant

- Available for questions.

There were no further comments.

Councillor Sieben rejoined the meeting at 6:14 p.m.

3.3 Bylaw No. 11037 (OCP14-0020) and Bylaw No. 11038 (Z14-0037) - 5000 Gordon Drive, No. 21 Great Projects Ltd.

Staff:

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

The City Clerk advised that the following correspondence and/or petition was received:

Letter of Opposition

Michael Peters, Steele Road

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

Crystal Lloyd, Development Manager, No. 21 Great Projects Ltd., Gordon Drive

- Available for questions.

Gallery:

Tom Ignatzi, South Crest Drive

- No concerns with the rezoning.
- Inquired about the future development of South Crest Drive.
- Commented that this is the first that I've been made aware of any development.
- Responded to questions from Council.

Resident, 205 Campion Street

- Do not oppose this Application.
- Oppose the Oath of Allegiance and this Mayor and Council.

Brian Tetlock, Lamont Lane

- Two lots have been added directly across the street that is impacting their unrestricted view.
- Paid a premium for the lot; it had not been presented that there would be additional lots at the time of purchase.

Crystal Lloyd, Development Manager

- The future of South Crest Drive has always been part of the original Sector Plan to be a continuous street from Gordon Drive to Chute Lake Road, however, there is a ravine in the area and the decision was made with staff to not continue through. Two cul-de-sacs will remain.
- Displayed plans indicating that the lots in question were always slated for single family development.
- Displayed engineered cross sections showing the grade of potential 2 storey with walk out that has been discussed with residents. Working to ensure the impact to current homeowners is minimized.
- Confirmed that building guidelines are in place to inform of size, roof pitch and height as well as form and character. Hillside guidelines must also be followed.
- Responded to questions from Council.

Staff:

- Confirmed that this area was always designated for single family development.
- Confirmed the maximum height allowed in the development.
- Road access changes being mitigated with traffic engineering in other areas.

There were no further comments.

3.4 ITEM DEFERRED - Bylaw No. 11039 (Z14-0045) - 828, 834, 871 & 877 McCurdy Place, Harmony Holdings Limited

Item deferred to the February 3, 2015 Public Hearing.

3.5 Bylaw No. 11040 (Z14-0046) - 822 McCurdy Place, Hyatt Auto Sales Ltd.

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

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

Applicant:

- Was not in attendance.

There were no further comments.

3.6 Bylaw No. 11041 (Z14-0039) - 2046 Pandosy Street, Camara Ventures Ltd.

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that the following correspondence and/or petition was received:

Letter of Support

Heather Martin, Francis Avenue

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

Jack Thiessen, Pandosy Street, Owner

- This will be our retirement home.
- Confirmed he met with the Community Heritage Committee to review his application.
- Confirmed custom design plans for his home.

There were no further comments.

3.7 Bylaw No. 11042 (Z14-0040)- 4065 Lakeshore Road, City of Kelowna

Staff:

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

The City Clerk advised that the following correspondence and/or petition was received:

Letter of Opposition

Janet Smith, Truswell Road

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

There were no further comments.

3.8 Bylaw No. 11043 (LUC14-0001) and Bylaw No. 11044 (Z14-0043) - 1020 Sutcliffe Court, 1009440 BC Ltd.

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that the following correspondence and/or petition was received:

Letter of Opposition

Stan McAllister & Addie Kelly, Sutcliffe Court

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

David Urich, Agent for Applicant

- Available to answer questions.

Gallery:

Robert Greig, Sutcliffe Court

- Advised by Realtor the lot has already been sold and believes the property is being misrepresented as already subdivided.
- Raised concern regarding the steepness of the driveway.
- Raised concern that there is nothing showing what will be built and residents are concerned with the size and height of the new building.

Valerie Toye, Sutcliffe Court

- Raised concern that there has been no public consultation.
- Raised concern with how close the building will be to her home.
- Raised concern with the building impeding the view.

Applicant:

- Confirmed the current owner has a purchaser. Placed the property on MLS so the purchaser could receive financial approval. If the property is not subdivided the party will move in as a tenant only.
- Displayed a revised drawing showing the driveway will be moved with an access agreement through Lot 2.
- Clarified that no design work has been done at this time.
- The plan is to build a walk out rancher as the lot has a smaller building envelope.

Staff:

- Confirmed that no Development Permit is required and will go directly to the Building Permit stage.
- Confirmed the house will meet the RU1 zone criteria.

There were no further comments.

3.9 Bylaw No. 11045 (Z14-0042) - 2210 Abbott Street, Strandhaus Developments Inc.

Staff:

- Displayed a Power Point Presentation summarizing the application.
- Confirmed there will be an uninterrupted beach access.
- Confirmed that the Applicant is constructing a sidewalk along Royal Avenue connecting Abbott Street to the waterfront.
- Responded to questions from Council.

The City Clerk advised that the following correspondence and/or petition was received:

Letter of Support

Marilee & Brian Woinoski, Abbott Street

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

Steven Nicholson, Co-owner, Applicant Strandhaus Developments

- Provided a Power Point presentation with an overview of the Frank Lloyd Wright inspired design.
- Lived in the neighbourhood since 2004.
- Acknowledged that parking is an issue however has achieved twice the amount of minimum parking on site.
- Proposed garage will be screened with added windows. Will be stepped back to provide visual interest.
- The goal is to not just meet minimum requirements but exceed to benefit the community.
- Believes the applicant maintains the residential and historical character of the Marshall Street and Abbott Street Heritage Conservation Area.

Gallery:

Richard Borroughs, Taylor Crescent

- Raised concern with respect to public access to the waterfront with this property and other properties adjacent to it.

Staff:

- Confirmed that beach/waterfront access to the public is being opened and that the developer is paying for the connection to Abbott Street. Great contribution to the City.

There were no further comments.

4. Termination

The Hearing was declared terminated at 7:24 p.m.

Mayor

/acm

Seedham

City Clerk



City of Kelowna

Date: Tuesday, January 13, 2015
Location: Council Chamber
City Hall, 1435 Water Street

Council Members Present: Mayor Colin Basran and Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben* and Luke Stack

Council Members Absent: Mohini Singh

Staff Present: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Urban Planning Manager, Ryan Smith; and Council Recording Secretary, Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:37 p.m.

2. Prayer

A Prayer was offered by Councillor Given.

3. Confirmation of Minutes

Moved By Councillor Stack/Seconded By Councillor Gray

R021/15/01/13 THAT the Minutes of the Public Hearing and Regular Meeting of December 9, 2014 be confirmed as circulated and amended.

Carried

4. Bylaws Considered at Public Hearing

4.1 Bylaw No. 11035 (TA14-0011) - Adding RM2h to the CD6 - Comprehensive Development Zone Golf Resort for Tower Ranch

Moved By Councillor Hodge/Seconded By Councillor Gray

R022/15/01/13 THAT Bylaw No. 11035 be read a second and third time and be adopted.

Carried

4.2 Bylaw No. 11036 (Z14-0049) - 5505-5507 Airport Way, Midwest Ventures Ltd.

Councillor Sieben declared a conflict of interest as a family member could be a potential tenant should the rezoning be supported and departed the meeting at 7:40 p.m.

Moved By Councillor Hodge/Seconded By Councillor Gray

R023/15/01/13 THAT Bylaw No. 11036 be read a second and third time.

Carried

Councillor Sieben rejoined the meeting at 7:41 p.m.

4.3 Bylaw No. 11037 (OCP14-0020) - 5000 Gordon Drive, No. 21 Great Projects Ltd.

Moved By Councillor Hodge/Seconded By Councillor Gray

R024/15/01/13 THAT Bylaw No. 11037 be read a second and third time.

Carried

4.4 Bylaw No. 11038 (Z14-0037) - 5000 Gordon Drive, No. 21 Great Projects Ltd.

Moved By Councillor Gray/Seconded By Councillor Hodge

R025/15/01/13 THAT Bylaw No. 11038 be read a second and third time.

Carried

4.5 Bylaw No. 11040 (Z14-0046) - 822 McCurdy Place, Hyatt Auto Sales Ltd.

Moved By Councillor Stack/Seconded By Councillor DeHart

R026/15/01/13 THAT Bylaw No. 11040 be read a second and third time.

Carried

4.6 Bylaw No. 11041 (Z14-0039) - 2046 Pandosy Street, Camara Ventures Ltd.

Moved By Councillor Gray/Seconded By Councillor Hodge

R027/15/01/13 THAT Bylaw No. 11041 be read a second and third time.

Carried

4.7 Bylaw No. 11042 (Z14-0040) - 4065 Lakeshore Road, City of Kelowna

Moved By Councillor DeHart/Seconded By Councillor Gray

R028/15/01/13 THAT Bylaw No. 11042 be read a second and third time.

Carried

4.8 Bylaw No. 11043 (LUC14-0001) - 1020 Sutcliffe Court, 1009440 BC Ltd.

Moved By Councillor Hodge/Seconded By Councillor DeHart

R029/15/01/13 THAT Bylaw No. 11043 be read a second and third time.

Carried

4.9 Bylaw No. 11044 (Z14-0043) - 1020 Sutcliffe Court, 1009440 BC Ltd.

Moved By Councillor Given/Seconded By Councillor DeHart

R030/15/01/13 THAT Bylaw No. 11044 be read a second and third time.

Carried

4.10 Bylaw No. 11045 (Z14-0042) - 2210 Abbott Street, Strandhaus Developments Inc.

Moved By Councillor Donn/Seconded By Councillor DeHart

R031/15/01/13 THAT Bylaw No. 11045 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 48 statutory notices to the owners and occupiers of surrounding properties, and 2452 informational notices to residents in the same postal delivery route, between December 23 and December 26, 2014. The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

6. Development Permit and Development Variance Permit Reports

6.1 Development Permit Application No. DP14-0158 & Development Variance Permit Application No. DVP14-0161 - 1745 Chapman Place, City of Kelowna

Staff:

- Displayed a Power Point Presentation summarizing the application and responded to questions from Council.

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

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

Pat McCusker, Project Architect, Architecture Inc.

- Spoke to the form and character and noted the challenges in designing affordable rental housing. The building meets LEED Certification.
- Put a lot of emphasis on the courtyard which is a great amenity for the building and discussed the importance of the courtyard as open space. The courtyard is primarily grass and landscaped with planters and trees.
- Providing various sized units for families and barrier free units. Described the versatility of units to meet the needs of all size families and over generations.
- Hoping that being close to transit will reduce the reliance on vehicles.
- Bike stalls are located under stoop for residents. There could be more stalls for visitors if some landscaping is removed.
- Spoke to the timeline of the project which would begin in April with a completion date of July, 2016.
- Laundry will be available in every unit as well as a common laundry area.
- Visitor parking has been designated in the parkade.
- Responded to questions from Council.

Cam Martin, Program Manager, Kelowna Friendship Centre, 864 Sutherland Avenue

- Confirmed there have been inquiries regarding tenants but since there is no firm timeline a list has not yet been created.
- There is no operating funding so this is affordable housing, not social housing. Will work with BC Housing to develop strategies to recruit tenants.

Council:

- Raised concern regarding parking and handicap ramp.

Staff:

- Will take parking concerns, including loading area to Engineering Division, and review the handicap ramp layout to ensure accessibility for ambulance stretchers.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Given

R032/15/01/13 THAT Council authorizes the issuance of Development Permit No. DP14-0158 for Lot 2, District Lot 139, ODYD, Plan KAP92715 except plan EPP40150, located on 1745 Chapman Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
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;
5. The applicant be required to post with the City, a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;
6. Issuance of a lease agreement between the owner (City of Kelowna) and the tenant (Ki-Low-Na Friendship Society).
7. Contaminated Sites release letter from the Ministry of Environment

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

THAT Council authorize the issuance of Development Variance Permit No. DVP14-0161, Lot 2, District Lot 139, ODYD, Plan KAP92715 except plan EPP40150, located on 1745 Chapman Road, Kelowna, BC.;

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

Schedule 11.6 - Setbacks

Vary the front yard setback from 3.0 m required to 0.6 m proposed; and Vary the internal side yard setback from 3.0 m required to 0.0 m proposed

Section 8.1 - Parking Schedule

Vary the parking requirements from 80 parking stalls required to 67 parking stalls proposed.

Section 8.3 - Bicycle Parking Schedule

Vary the bicycle parking requirements from 9 'class 2' bicycle stalls required to 0 'class 2' bicycle stalls proposed.

Carried

6.2 Development Permit Application No. DP14-0221 and Development Variance Permit Application No. DVP14-0223 - 845 Academy Way, Watermark Developments Ltd.

Staff:

- Displayed a Power Point Presentation summarizing the application.
- Confirmed that a pathway to Sol Terra is being pursued.
- Responded to questions from Council.

The City Clerk advised that the following correspondence and/or petition was received:

Letters of Support

Christopher Grieve, Aberdeen Hall Preparatory School, Academy Way
Cory Berukoff, Beaumont Timber Co., Salmo BC

Letters of Concern

Cliff Serwa - Western Canadian Ranching Co. Ltd, Hall Road

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

Michael Bacon, Dickson Avenue, Applicant

- Indicated there has been meetings with the Okanagan Car Share group for a car share program on site.

Staff:

- Engineering is following up with the drainage concerns raised.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Sieben

R033/15/01/13 THAT Council authorizes the issuance of Development Permit No. DP14-0221 for Lot 4, Section 10, Township 23, ODYD, Plan EPP45918, located on 845 Academy Way, 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 as described in the report's "Attachments";
5. Prior to issuance of the Building Permit, the requirements of Subdivision file (S14-0036) must be satisfied;
6. That a statutory right-of-way be registered on the subject property for a trail connection as described in the Primary Parks, Trails, and Open Space Plan prepared by CTQ in July 2010 Area Structure Plan;
7. The applicant be required to post with the City, a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP14-0223, Lot 4, Section 10, Township 23, ODYD, Plan EPP45918, located on 845 Academy Way, Kelowna, BC.

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

Section 8.1 - Parking Schedule

Vary the parking requirements from 167 parking stalls required to 155 parking stalls proposed.

Carried

7. Resolutions

7.1 Draft Resolution, Bylaw No. 11039 (Z14-0045) - 828, 834, 871 & 877
McCurdy Place, Harmony Holdings Limited

Moved By Councillor Given/Seconded By Councillor DeHart

R034/15/01/13 THAT Council defers consideration of Bylaw No. 11039 (Rezoning Application No. Z14-0045) to the February 3, 2015 Public Hearing.

Carried

8. Reminders - Nil.

9. Termination

The meeting was declared terminated at 9:00 p.m.

Mayor

/acm



Deputy City Clerk

CITY OF KELOWNA
BYLAW NO. 10996
TA14-0015 - 657139 BC Ltd., Inc. No. 657139
Amendment to C5 - Transition Commercial Zone for 1975
Union Road

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

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

1. THAT **Section 14 - Commercial Zones, 14.5 C5 - Transition Commercial, 14.5.2 Principal Uses** be amended by adding **"Rapid Drive-Through Vehicle Services - applicable only to Lot 27, Section 4, Township 23, ODYD, Plan KAP51847 (1975 Union Road)"** in its appropriate location and renumbering subsequent sub-paragraphs.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 25th day of August, 2014.

Considered at a Public Hearing on the 9th day of September, 2014.

Read a second and third time by the Municipal Council this 9th day of September, 2014.

Rescinded second and third readings by the Municipal Council this 12th day of January, 2015.

Amended at first reading by the Municipal Council this 12th day of January, 2015.

Considered at a Public Hearing on the

Re-Read a second and third time as amended by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

City Clerk

Mayor

CITY OF KELOWNA
BYLAW NO. 11039
Z14-0045 - Harmony Holdings Limited Inc. No. 78095
828, 834, 871 and 877 McCurdy Place

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Strata Lots 24, 26, 27 and 29, District Lot 124, ODYD, Strata Plan KAS3323, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V, located on McCurdy Place, Kelowna, B.C., from the I1 - Business Industrial zone to the I2 - General Industrial zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 15th day of December, 2014.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11046
TA14-0013 - CD2 - Kettle Valley Comprehensive Residential
Development Zone

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 **SCHEDULE 'B' - Comprehensive Development Zones, CD2 - Kettle Valley Comprehensive Residential Development** be amended by:

a) Deleting **1.4 Development Regulations, (c)** in its entirety that reads:

“(c) The maximum site coverage shall be in accordance with the plans of the Comprehensive Development Project, as approved and incorporated as CD2, Map 1.

And replacing it with:

“(c) The maximum site coverage shall be in accordance with the Table of the Comprehensive Development Project, as approved and incorporated as CD2, Map 1.”

b) Deleting the following from **1.4 Development Regulations, (d)**:

“**Single detached housing, semi-detached housing and row housing (Types I-VII CD2 Map 1): 9.5 m**”

And replacing it with:

“**Single detached housing, semi-detached housing and row housing (Types II-VII CD2 Map 1): 9.5 m**”

c) Deleting the from **1.4 Development Regulations, sub-paragraph (e)** in its entirety that reads:

“(e) The siting of buildings shall be in accordance with the plans of the Comprehensive Development Project as approved and incorporated as CD2, Map 1, attached to this bylaw.”

d) Deleting the following from **1.4 Development Regulations, sub-paragraph (f)** that reads:

“The amount of the projection shall be in accordance with the plans of the Comprehensive Development Project, as approved and incorporated as CD2, Map 1, attached to this bylaw.”

And replace it with:

"The size of the encroachment area shall be in accordance with the Table, as approved and incorporated as CD2, Map 1, attached to this bylaw."

- e) Deleting the words "Types I through VIII inclusive." **1.5 Other Regulations**, (g) in and replacing it with the words "Types II through VIII inclusive."
- f) Deleting the words "Types I through VIII inclusive" **1.5 Other Regulations**, (i) in and replacing it with the words "Types II through VIII inclusive"
- g) Adding new sub-paragraphs (o) and (p) to **1.5 Other Regulations** in its appropriate location that reads:
 - "(o) For Type IX, Mixed Use Village Centre, all buildings shall be oriented facing a street with the Commercial/Apartment buildings orientated facing Main Street.
 - (p) For Type X, Village Centre Commercial, street oriented retail/office buildings shall be oriented facing towards Main Street and one storey retail buildings shall be oriented facing Chute Lake Road."
- h) Deleting the Kettle Valley Regulating Plan Overview Map and replacing it with new Kettle Valley Regulating Plan Overview Maps as attached to and forming part of this bylaw; and
- i) Adding in its appropriate location a new CD2 - Kettle Valley Comprehensive Development Zones, Table - Kettle Valley Regulating Plan 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 12th day of January, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

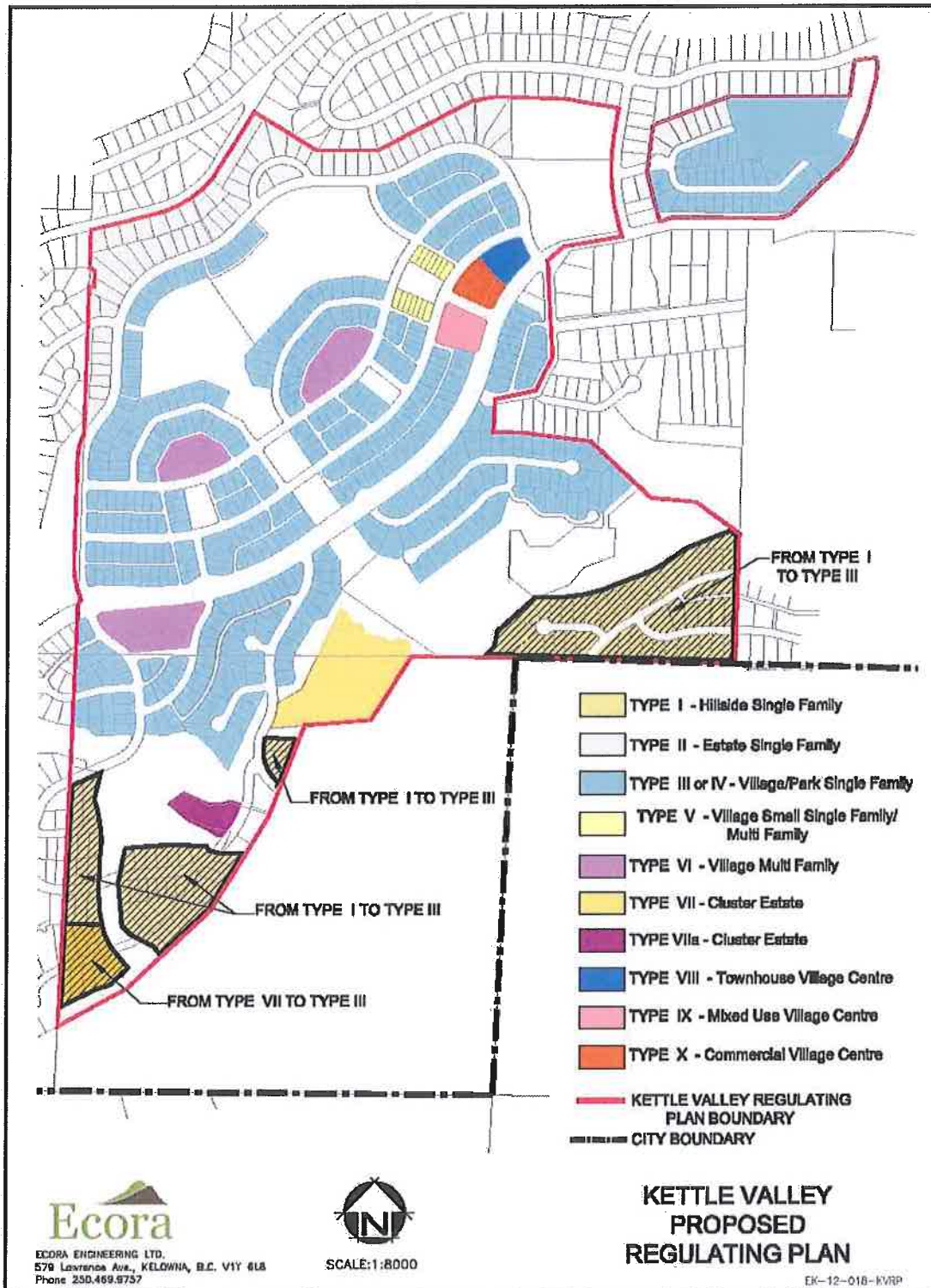
Approved under the Transportation Act

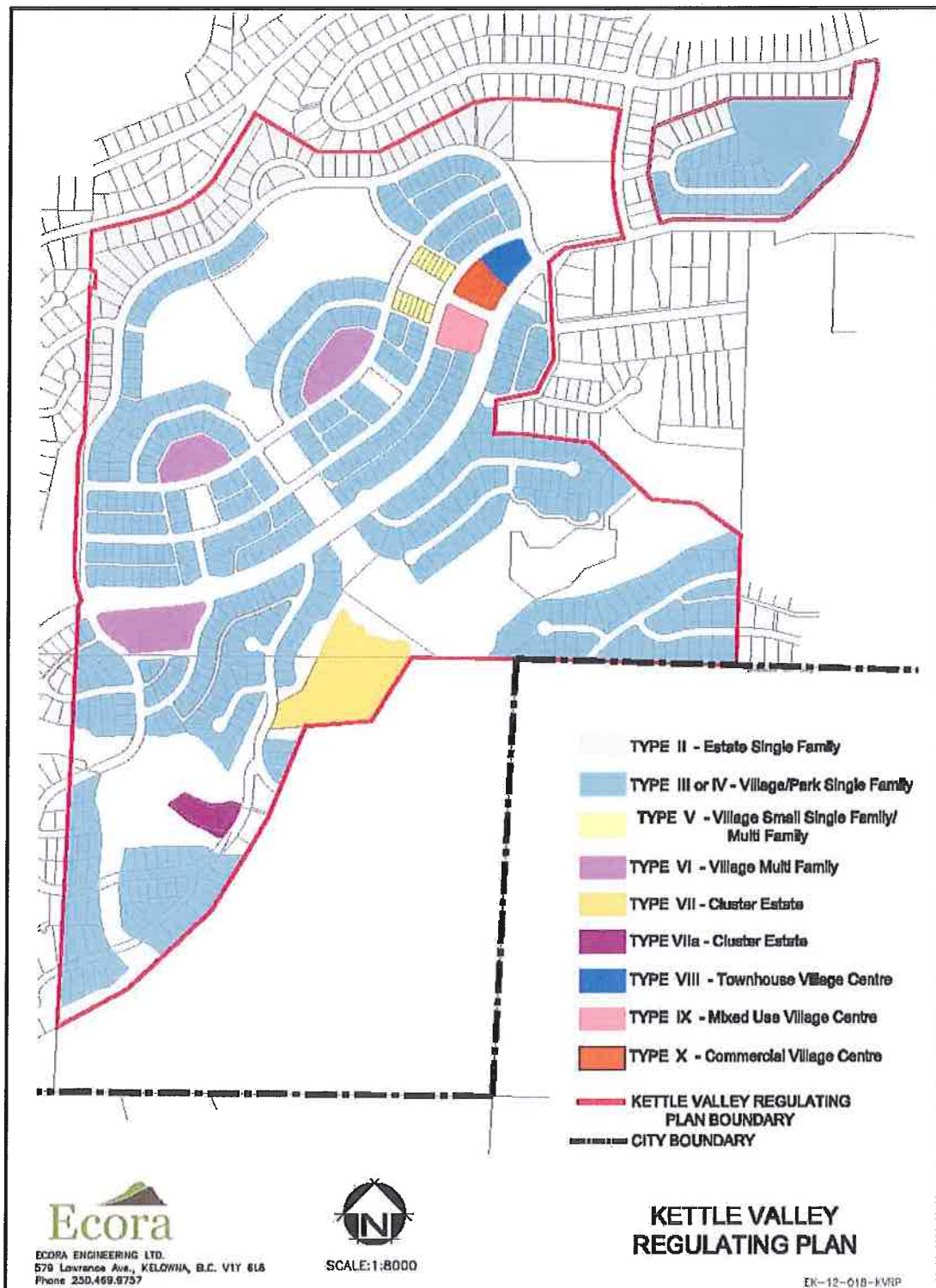
(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk





	Type II	Type III or IV	Type V	Type VI	Type VII	Type VIIa
Map Colour Code						
Lot type	Estate Family	Single	Village Park Single Family	Village Multi-Family	Cluster Estate	Cluster Estate
Dwelling Style	Single Family	Single Hillside Family	Row Narrow Family	Row Houses	Single Family, Semi-detached Houses, Multi-Family Housing (up to 4 units)	Single Family, Semi-detached, Multi-Family Housing (up to 4 Units)
Minimum Lot Area	700 m ²	455 m ²	245 m ² per dwelling unit	5000 m ²	Parcel: 5000 m ² Bareland Strata Lot: 225 m ²	Parcel: 5000 m ² Bareland Strata Lot: 225 m ²
Minimum Parcel Width	20 m	13 m	9.4 m	100 m	9 m	9 m
Average Parcel Depth	35 m	35 m	35 m	25 m	NA	NA
Maximum Lot Coverage	35%	40%	50%	45%	Parcel: 35% Bareland Strata Lot: 60%	Parcel: 35% Bareland Strata Lot: 60%
Net Density (Units Per Hectare)	NA	NA	NA	35	15	20
Vehicle Access	Street	Street, Lane	Lane	Lane	Street	Street
Maximum Building Height	9.5 m	9.5 m	9.5 m	9.5 m	9.5 m	9.5 m
Primary Dwelling Front Yard Setback	4 m Encroachment Line: 2 m	4 m Encroachment Line: 2 m	4 m	4 m Encroachment Line: 2 m	4 m Encroachment Line: 2 m	4 m Encroachment Line: 2 m
Accessory Building Front Yard Setback	6 m	Access from Street: 6 m Access from Lane: 12 m	12 m	12 m	12 m	12 m
Setback From Property Line Flanking a Street	4 m Encroachment Line: 2 m	4 m Encroachment Line: 2 m	4 m	4 m Encroachment Line: 2 m	4 m Encroachment Line: 2 m	4 m Encroachment Line: 2 m
Principle Dwelling Rear Setback	7.5 m	6 m	6 m	6 m	Cluster Estate: 6 m Estate: 7.5 m	Cluster Estate: 6 m Estate: 7.5 m
Accessory Building Rear Yard Setback	Access from Street: 7.5 m Access from Lane: 1.5 m	Access from Street: 7.5 m Access from Lane: 1.5 m	1.5 m	1.5 m	Cluster Estate: NA Estate: 7.5 m	Cluster Estate: NA Estate: 7.5 m

Map Colour Code	Type VIII	Type IX	Type X
Lot Type	Townhouse Village Centre	Mixed Use Village Centre	Commercial Village Centre
Dwelling Style	Townhouses	Mixed Use (Commercial & Residential Multi-Family) & Townhouses	Commercial
Minimum Lot Area	4000 m ²	4000 m ²	4000 m ²
Maximum Lot Coverage	40%	50%	50%
Maximum Floor Ratio (FAR)	1	1 (0.2 FAR bonus for providing parking underground)	0.7
Net Density (UPH)	21 self contained suites	107	NA
Vehicle Access	Internal Lane	Strata/Off street parking	Strata/Off street parking
Maximum Building Height	16 m	16 m	13 m
Primary Dwelling Front Yard Setback	4 m	4.5 m Encroachment Line: Apartments = 1.2 m for balconies Townhomes = 2.0 m Commercial = 2.4 m for awnings	4.5 m Encroachment Line: Awnings = 1.2 m for balconies All Other Encroachments = 2.4 m
Side Yard Setback (all buildings)	4 m	1.2 m	Between unattached buildings: 6 m
Setbacks from Property Line Flanking a Street	Same as Front Yard Setback		4.5 m Encroachment Line: 2.4 m Awnings = 1.2 m
Principal Building Rear Yard Setback	Varies (parking at rear)	Townhomes: 30 m (parking at rear)	30 m (parking at rear)

CITY OF KELOWNA
BYLAW NO. 11049
Z14-0055 - Loren & Janette Desautels
650-652 Wardlaw Avenue

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Strata Lot 1 & 2, District Lot 14, ODYD, Strata Plan KAS3613 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V located on 650-652 Wardlaw Avenue, Kelowna, B.C., from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling Housing Zone zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 12th day of January, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11052
Z14-0053 - Stacey Lynn Fenwick
545 Radant Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 3, Section 1, Township 25, ODYD, Plan 8768, located on Radant Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 19th day of January, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11053
Z14-0056 - Andrew and Lesley Wilson
385 Cadder Avenue

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, District Lot 14, ODYD, Plan 3305, located on Cadder Avenue, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 19th day of January, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: November 19, 2014

RIM No. 0940-40

To: City Manager

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

Application: DVP14-0245

Owner: Saffron Soderquist

Address: 1519 Lakeview Street

Applicant: Venture Realty Corp.

Subject: Development Variance Permit

OCP Designation: MRL - Multi-Residential Low Density

Zone: RU6 - Two Dwelling Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0245 for Lot 1, District Lot 137, ODYD, Plan 1173, located at 1519 Lakeview Street, Kelowna, BC;

AND THAT a variance to the following section of Zoning Bylaw No. 800 be granted:

Section 13.6.6: RU6 - Two Dwelling Housing Development Regulations

To vary the building setback to the rear property line from 7.5m permitted to 1.74m proposed.

2.0 Purpose

To consider a development variance permit to vary the minimum building setback distance from the rear property line from 7.5 m to 1.74 m in order to accommodate a two storey addition to the rear of the existing home.

3.0 Urban Planning

Urban Planning supports the variance for the proposal, as the addition respects the character and form of the existing dwelling and will be an improvement to functionality of the development.

The lot has particular constraints when it comes to development as there is a steep grade at the front of the property where the house faces Lakeview Street. This means the easiest point of access into the house is via the rear lane. The proposal seeks to capitalize on this access by creating a foyer, mudroom, drive way and two car garage on the main level of the proposed addition.

The two storey addition will consist of a double attached garage in order to create a secure location for residents' vehicles. Currently there is a public access from Bernard Avenue to the lane which is adjacent to where residents currently park. The addition will also incorporate additional living space on the upper floor and a new entry foyer on the main level will add to the functionality of the dwelling. The proposed addition will be screened from Bernard Avenue by existing boulevard trees by the difference in grade, and the space in between the subject addition and the Avenue.

Urban Planning Staff supports the 5.76 m variance for the building setback to the rear property line for the following reasons:

- The residents of the home across the rear lane (1441 Bernard Avenue) have submitted correspondence indicating support for the project.
- 1441 Bernard Avenue only contains windows on the main floor on the side of the house facing the addition. The proposed addition contains windows on the second floor therefore overlooking from the proposed addition should be not be an issue.
- The lane will add to the separation distance between the addition and 1441 Bernard Avenue

The proposed addition will match the colour scheme of the existing house for the roof, windows and door trim. The entire dwelling, including the addition, will be comprised of the same building material but will be painted an off white cream colour which is complementary to the existing street and area context. The addition entry will incorporate vertical strip shingles to match existing roof peak shingles, and new and existing shingles will be painted grey.

4.0 Proposal

4.1 Project Description

The two storey addition will be located at the East and North portion of the parcel, and will incorporate an attached garage and foyer on the main floor and upper floor living space.

The proposed attached garage will be accessible via the rear lane. Also proposed is a driveway which will run parallel to the lane from the new attached garage. Landscaping is proposed along this driveway to screen the area from the lane.

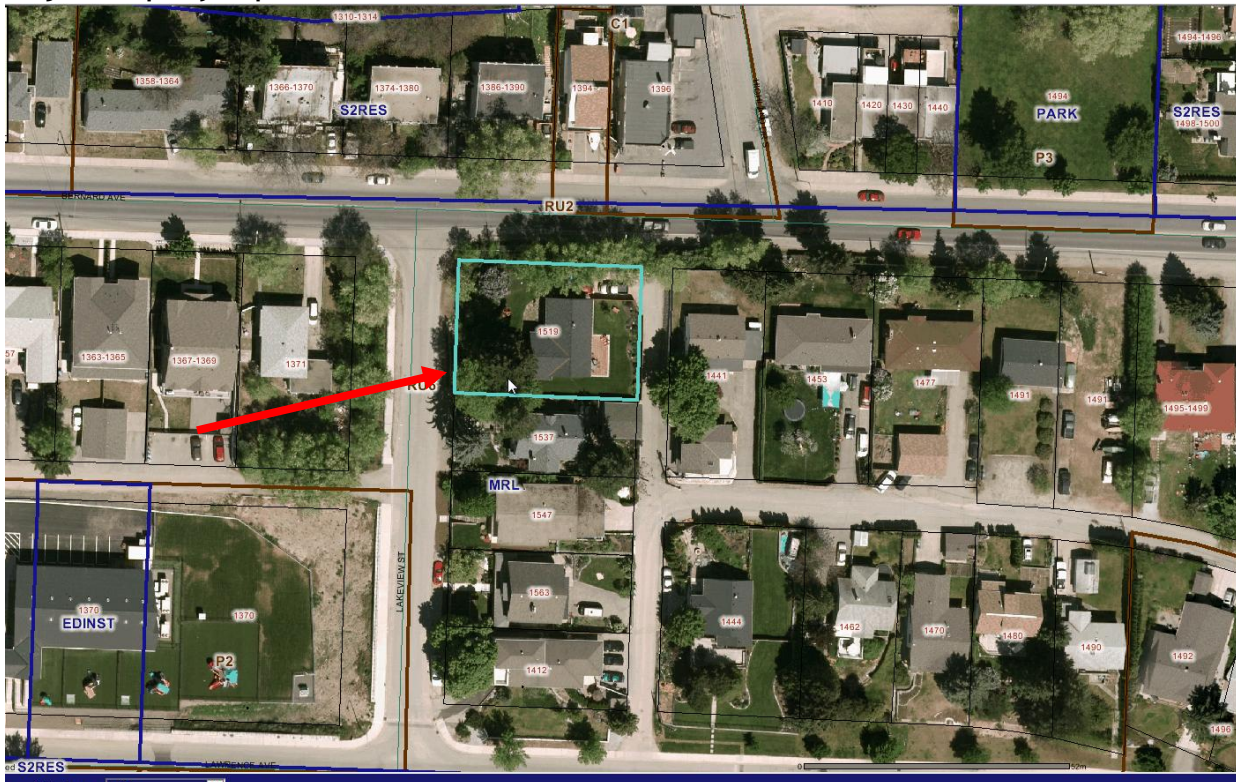
4.2 Site Context

The subject parcel is located at the corner of Bernard Avenue and Lakeview Street. The dwelling is orientated facing towards Lakeview Street but the steep grade from Lakeview Street makes vehicle access from the front infeasible, as with all the homes on Lakeview Street enter their properties are accessed from the rear lane which is located off of Lawrence Avenue at the west end of the block.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North 1394 Bernard Avenue	RU2 - Residential Medium Lot Housing	Single Detached Dwelling
East 1441 Bernard Avenue	RU6 - Residential Two Dwelling Housing	Single Detached Dwelling
South 1537 Lakeview Street	RU6 - Residential Two Dwelling Housing	Single Detached Dwelling
West 1372 Lakeview Street	RU6 - Residential Two Dwelling Housing	Single Detached Dwelling

Subject Property Map:



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	440 m ²	933 m ²
Lot Width	15 m	26.03 m
Lot Depth	30 m	35.87 m
Development Regulations		
Height	9.5 m/2 ½ storeys	6.91 m/2 storeys
Front Yard	4.5 m	13.54 m
Side Yard (north)	4.5 m	4.58 m
Side Yard (south)	2.0 m	4.42 m
Rear Yard	7.5 m	1.74 m*
Other Regulations		
Minimum Parking Requirements	2.0	2.0
Site Coverage of buildings (%)	40%	21.70%
Site Coverage including parking spaces and driveways (%)	50%	38.30%

*variance of 5.76 m to accommodate rear yard addition

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Sensitive Infill. 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.

Proposed addition is incorporating similar architectural style and materials of the existing development. The garage portion of the addition, while not a contextual feature, is at the rear of the property and not visible from street view.

6.0 Technical Comments

6.1 Building & Permitting Department

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

6.2 Development Engineering Branch

Does not compromise any municipal services

6.3 Fire Department

The Fire Department has no concerns with this variance

7.0 Application Chronology

Date of Application Received: November 17 2014

Report prepared by:

Lauren Morhart, Planner

Reviewed by:

☐

Lindsey Ganczar, Urban Planning Supervisor

Reviewed by:

☐

Ryan Smith, Urban Planning Manager

Attachments:

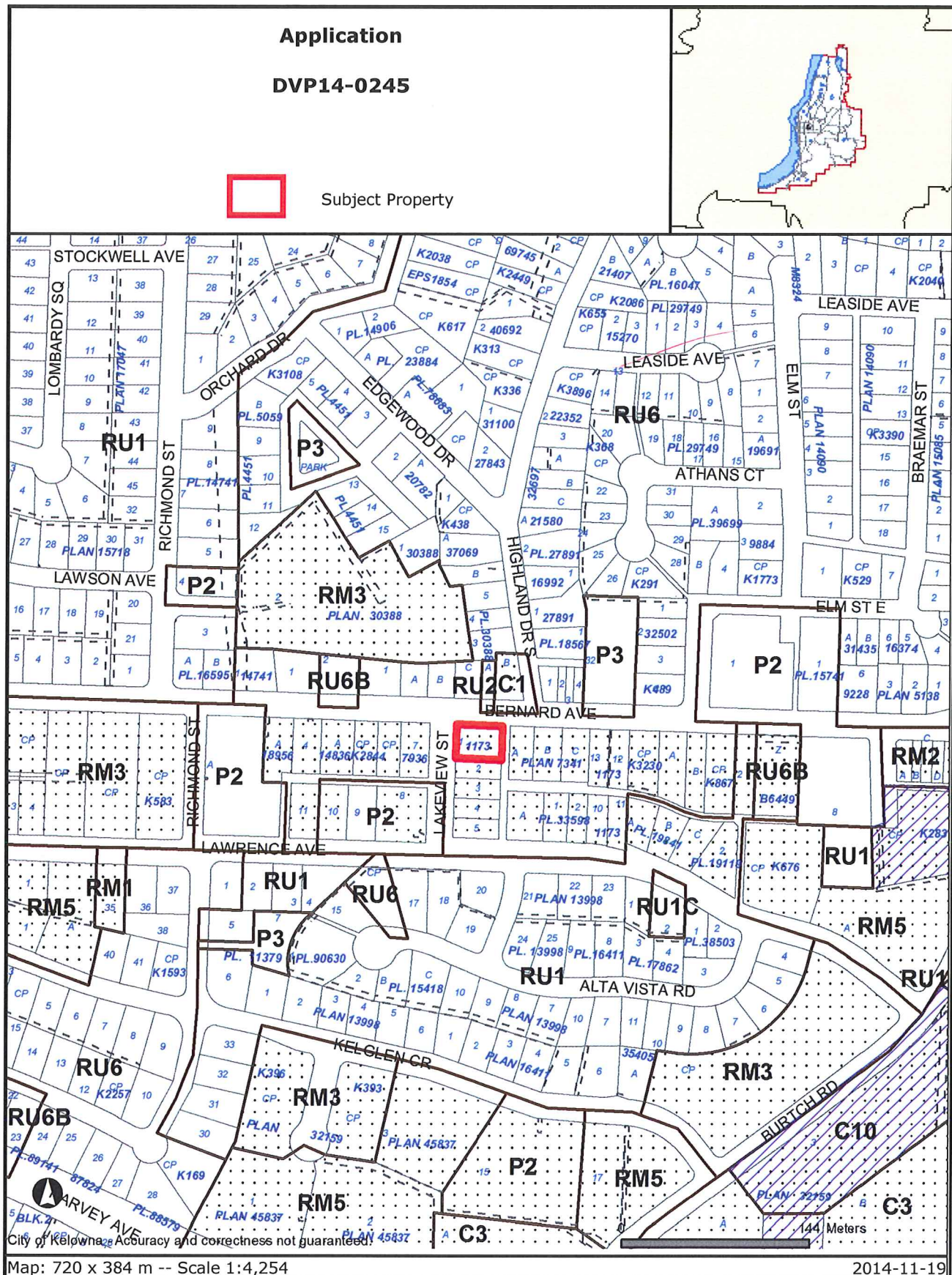
Subject Property Map

Site Plan "Schedule A"

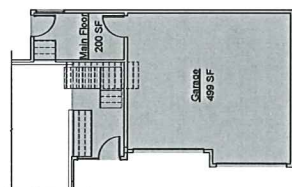
Elevation Plans "Schedule B"

Landscaping Plans "Schedule C"

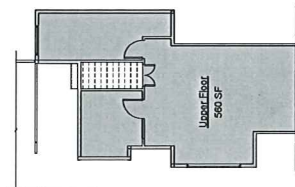
Development Engineer's Report



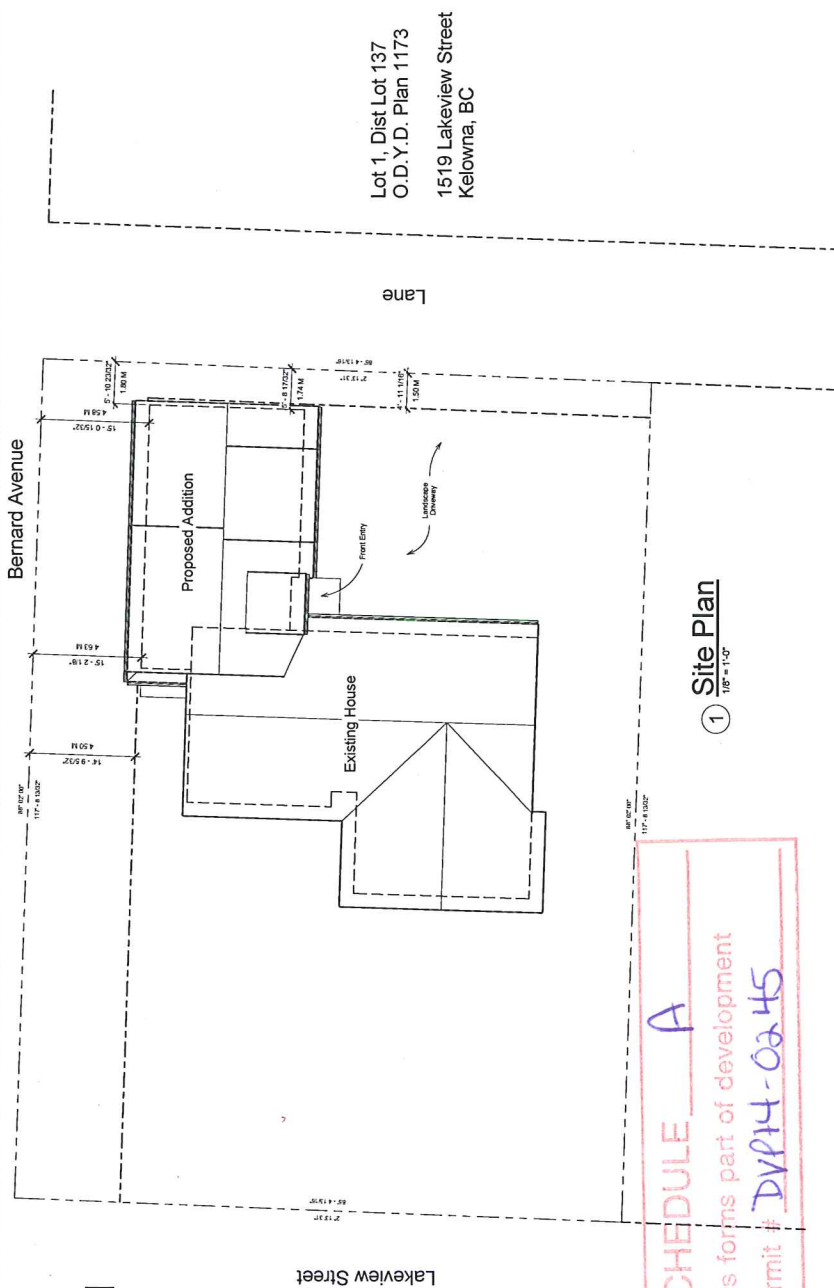
Drawing Number	Drawing Name
1	Cover Page and Site Plan
2	Main Floor
3	Upper Floor
4	Driveway and Permits



② Main Floor
18" = 1'-0"



③ Upper Floor
18" = 1'-0"



① Site Plan
18" = 1'-0"

SCHEDULE A
This forms part of development
Permit # **DV14-0245**

Proposed Addition for Saffron Quist

General Notes

Every effort has been made to ensure the accuracy of the construction documents. Any discrepancies should be brought to the attention of Meyer Designs for verification.

Site

- Building location to be verified by surveyor prior to construction.
- Foundations to be poured on undisturbed engineered building pad.

Frames and Foundations

- All dimensions to face of stud unless otherwise noted.
- Roof truss and floor joist layout will be provided by the manufacturer and approved by a professional engineer.
- Any roof truss web configurations shown are for representation only. Engineered drawings of each truss will be supplied by the truss supplier.

Permitted Mechanical Systems

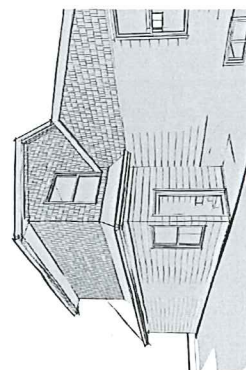
- Laundry rooms, utility rooms, in-floor heating, etc.
- Laundry rooms, utility rooms, in-floor heating, etc.

Local Bylaws and Development Requirements

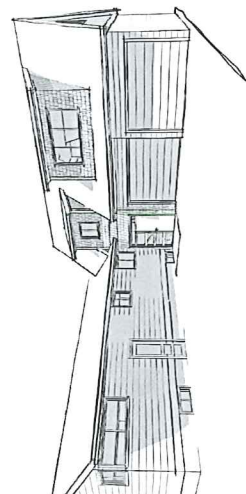
- All construction will be within local bylaw requirements. These include design restrictions, height restrictions, first coverage, water run off containment, water

Any changes required to these designs should be reported to Meyer Designs

Room	Name	Area	Comments
Main Floor			
Garage	499 SF	23.22 x 21.47	
Main Floor	200 SF	13.12 x 15.27	
Upper Floor	560 SF	24.47 x 22.87	
Laundry Room	76 SF	9.11 x 8.37	
Utility Room	100 SF	10.00 x 10.00	
Driveway	100 SF	10.00 x 10.00	



⑤ Rear Perspective



④ Driveway Perspective

Cover Page and Site Plan

Project Number: 2014-028
Date: Nov 4, 2014
Drawn by: Kelly Meyer

Client: Saffron Quist
Address: 1519 Lakeview Street
Kelowna, BC

1

For Construction and Permits



600 Mt. Fuji Drive
Columbia, SC
29203-5033-4579
Kelly@MeyerDesigns.ca
MeyerDesigns.ca

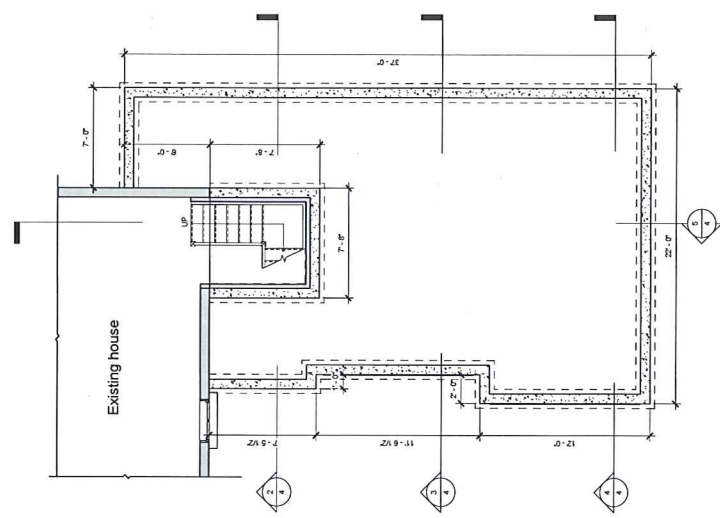
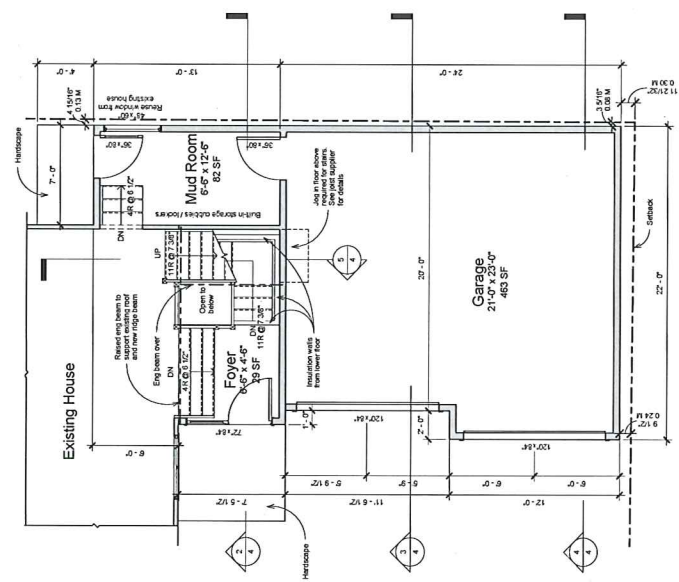
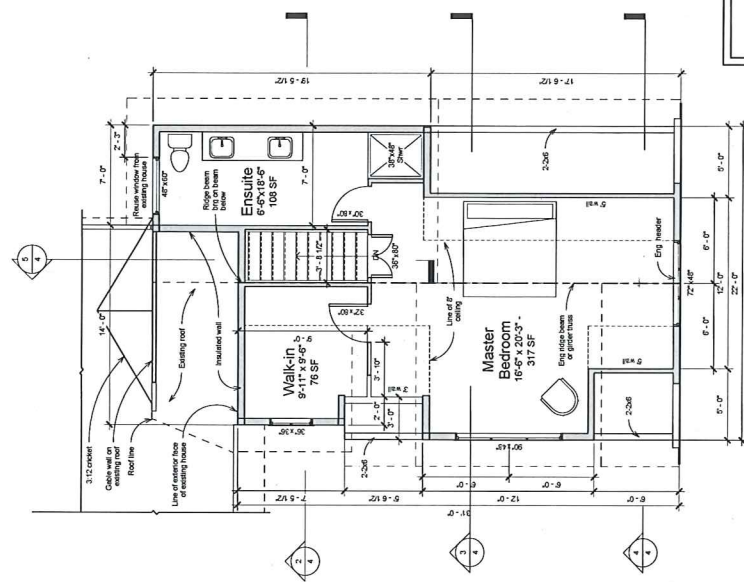
Floor Plans

Project number	2014-028
Date	Nov 4, 2014
Drawn by	Kelly Meyer

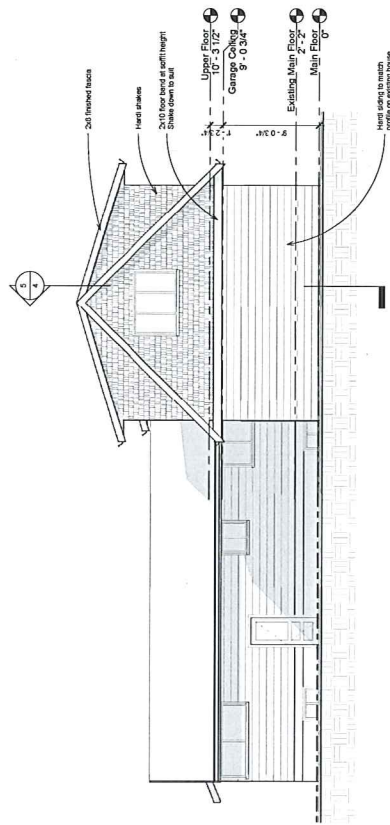
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Quiet Residence
1515 Lakeview Street
Kirkland, BC

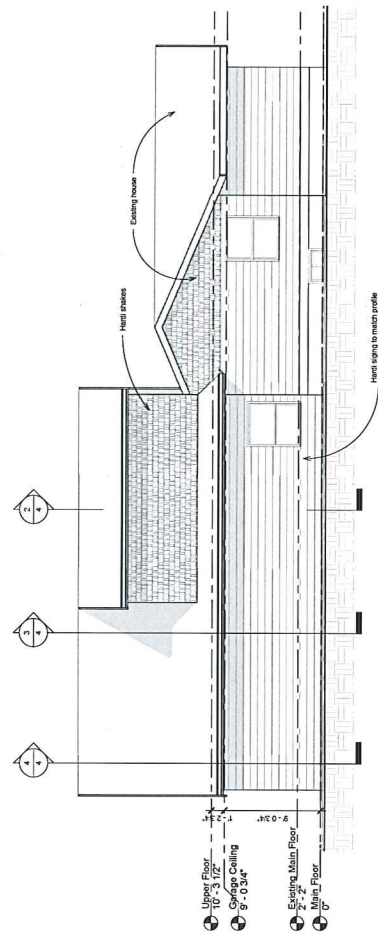
For Construction and Permits



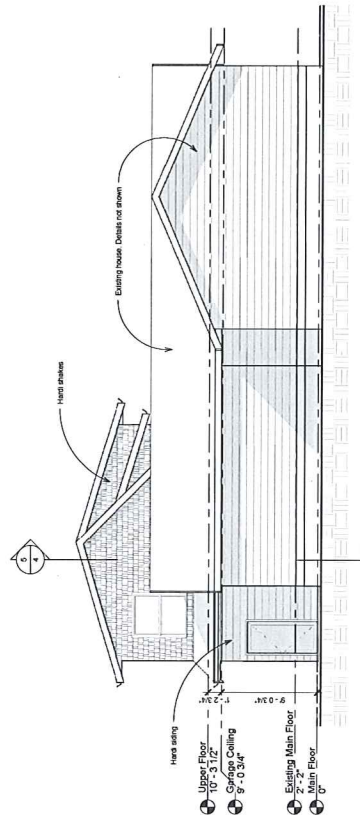
SCHEDULE A
This forms part of development
Permit # DVP14-0245



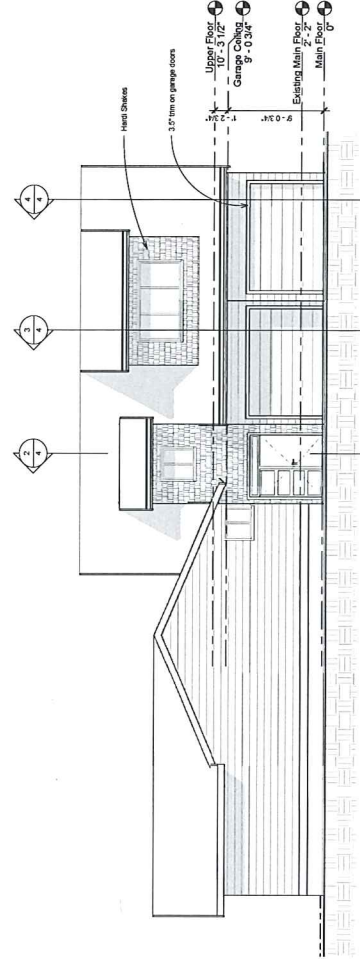
① Front Elevation
3/16" = 1'-0"



② Right Elevation
3/16" = 1'-0"



③ Rear Elevation
3/16" = 1'-0"



④ Left Elevation
3/16" = 1'-0"

SCHEDULE B
This forms part of development
Permit # **DX14-0245**

MEYER
CONSULTING
& DESIGNS

699 M. T. Dr.
Cockburn, BC
V1B 3Y6

250-503-4579

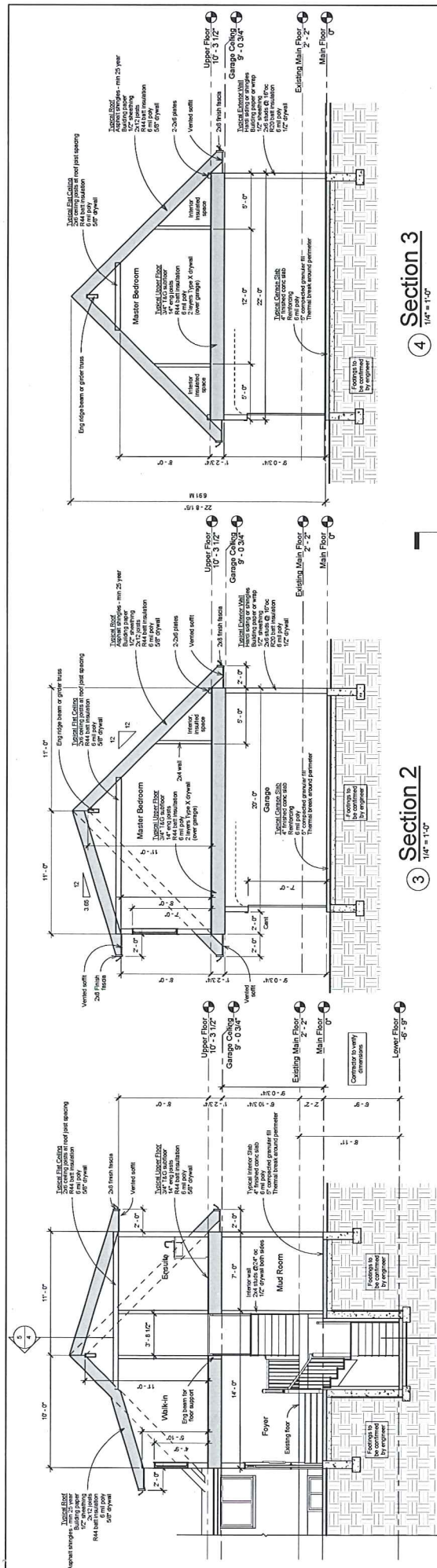
Kelly@MeyerDesigns.ca
MeyerDesigns.ca

Elevations

Project number: 2014-028
Date: Nov 4, 2014
Drawn by: Kelly Meyer

3
Quiet Residence
1518 Lakeview Street
Nanaimo, BC

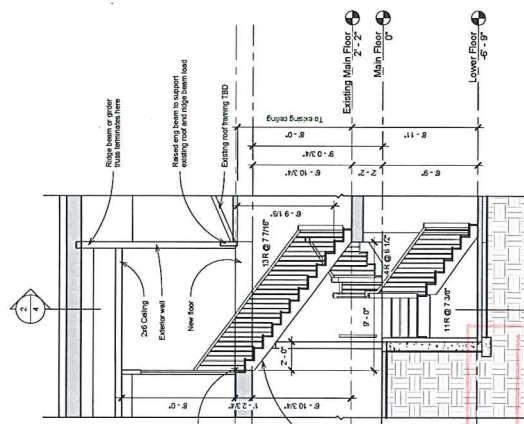
For Construction and Permits



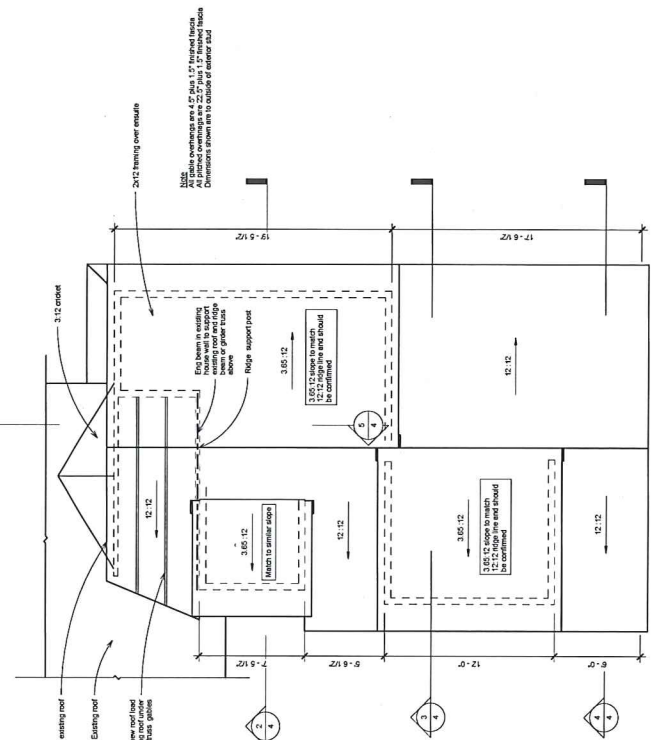
② Section 1
1/4" = 1'-0"

③ Section 2
1/4" = 1'-0"

④ Section 3
1/4" = 1'-0"



⑤ Section 4
1/4" = 1'-0"



① Roof Plan
1/4" = 1'-0"

MEYER CONSULTING & DESIGN
600 Mt. Teal Drive
Coldstream, BC
V1B 3V6
250-503-6579
Kelly@MeyerDesigns.ca
MeyerDesigns.ca

Sections and Details

Project number	2014-028
Date	Nov 4, 2014
Drawn by	Kelly Meyer

1519 Lakeshore Street
Nanaimo, BC
4

For Construction and Permits

SCHEDULE B
This forms part of development
Permit # **DNP14-0245**

Color Board

Existing house:

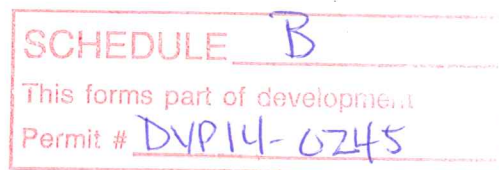


Proposed Roofing: Asphalt Shingles, Charcoal Color. Same as existing house.

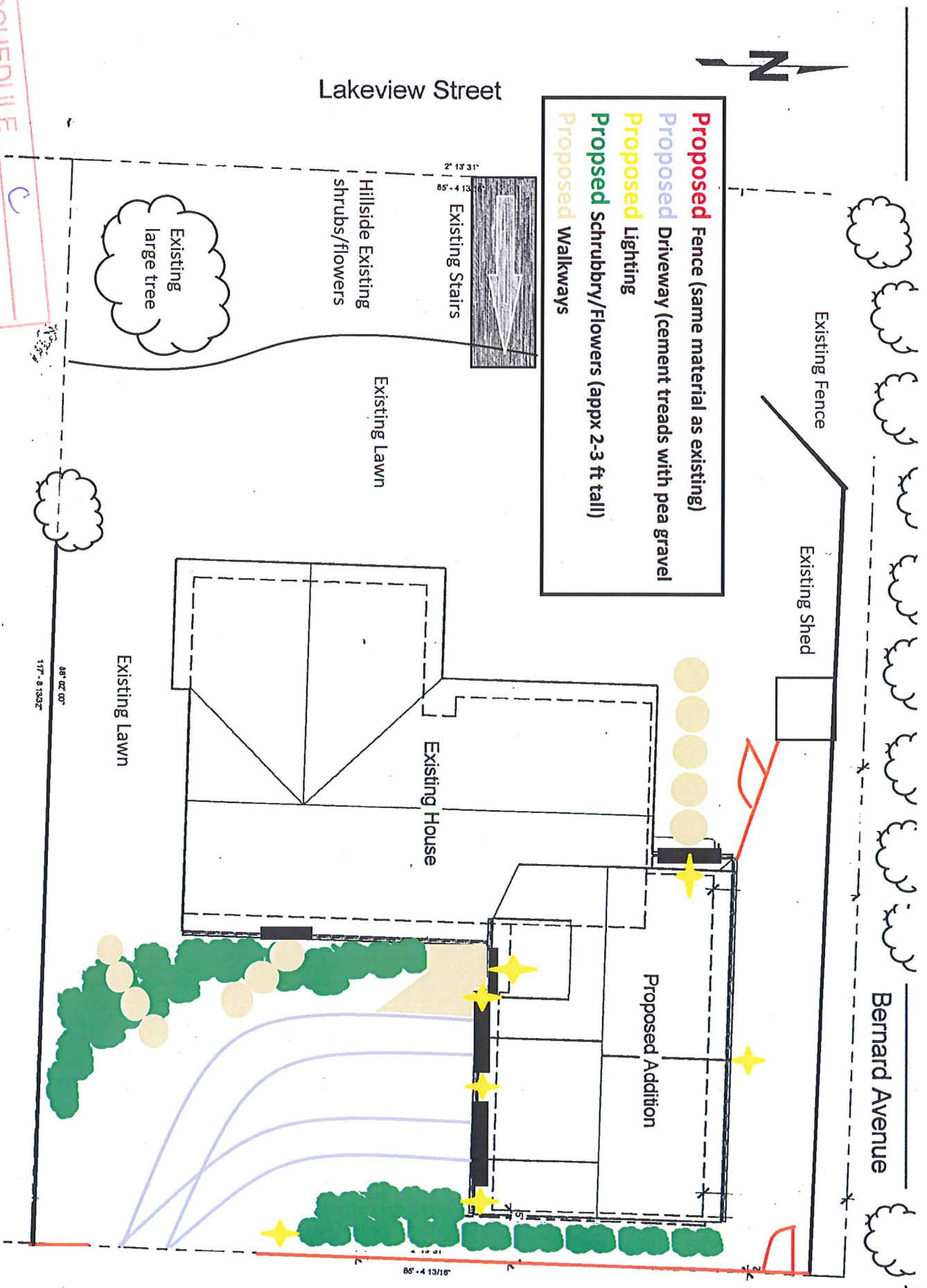
Proposed Window and Door Trim: Black. Same as Existing house

Proposed Main Body: Horizontal Boards to match existing house. Existing and proposed all to be painted an off white cream color. Linen Sand –Benjamin Moore

Proposed Entry: Vertical strip of shingles to match existing roof peak shingles. Existing and proposed shingles all to be painted a medium grey color. Pewter –Benjamin Moore



SCHEDULE
 This forms part of development
 Permit # DVPN-0245



Proposed Fence (same material as existing)
Proposed Driveway (cement treads with pea gravel)
Proposed Lighting
Proposed Shrubbery/Flowers (appx 2-3 ft tall)
Proposed Walkways

Bernard Avenue

CITY OF KELOWNA
MEMORANDUM

Date: November 24, 2014
File No.: DVP14-0245
To: Urban Planning (LM)
From: Development Engineering Manager (SM)
Subject: 1519 Lakeview Street

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

This development variance permit application to vary the rear yard setback from 7.5m to 1.74m 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.: DVP14-0245

EXISTING ZONING DESIGNATION: RU6 - Two Dwelling Housing
WITHIN DEVELOPMENT PERMIT AREA: None

ISSUED TO: Saffron Soderquist
LOCATION OF SUBJECT SITE: 1519 Lakeview Street

	LOT	DISTRICT LOT	TWP	DISTRICT	PLAN
LEGAL DESCRIPTION:	1	137	-	ODYD	1173

SCOPE OF APPROVAL

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

1. TERMS AND CONDITIONS:

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

Section 13.6.6: RU6 - Two Dwelling Housing Development Regulations

To vary the building setback to the rear property from 7.5m permitted to 1.74m proposed.

2. 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.

3. DEVELOPMENT:

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

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

THIS Permit IS NOT 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.

5. APPLICANT'S AGREEMENT:

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

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

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

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

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

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

5. APPROVALS:

ISSUED BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE OF THE CITY OF KELOWNA THE
____th DAY OF _____, 2014.

Doug Gilchrist, Divisional Director Community Planning & Real Estate

REPORT TO COUNCIL



Date: December 15, 2014

RIM No. 0940-50

To: City Manager

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

Application: DP14-0127, DVP14-0211 **Owner:** 657139 BC Ltd.

Address: 1975 Union Rd **Applicant:** Dawn Williams (D.E.Pillings & Associates Ltd)

Subject: 2015 02 03 Report DP14-0127 DVP14-0211 1975 Union Rd

Existing OCP Designation: Comm - Commercial

Existing Zone: C5 - Transition Commercial

1.0 Recommendation

THAT Council authorize the issuance of Development Permit No. DP14-0127 for Lot 27, Section 4, Township 23, ODYD Plan 51847, located on 1975 Union Rd, Kelowna, B.C. subject to the following:

- 1) The landscaping, 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) Prior to the issuance of the Building Permit, the requirements of Development Engineering, Real Estate and Building Services and GEID must be satisfied;

AND THAT Council authorize the issuance of Development Variance Permit No. DP14-0211 for Lot 27, Section 4, Township 23, ODYD Plan 51847, located on 1975 Union Rd, Kelowna, B.C.

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

Section 9.8.3: Specific Use Regulations

To vary Car Washes: Site Area & Coverage from the required 370m² to 283m² of uncovered site area provided per car wash bay.

2.0 Purpose

To consider the form and character of the car wash proposed on the subject parcel and to allow the site area coverage ratio per car wash bay to be reduced for the proposed carwash.

3.0 Urban Planning

Urban Planning supports the Development Permit and the associated proposed variance to the Zoning Bylaw. The layout of the car wash and the area of this parcel is consistent with numerous other existing car washes within Kelowna's commercial districts. The parcel provides plenty of area for vehicle queuing prior to entry into a car wash bay. This is contained at the front of the building, facing the roadways and therefore, away from the adjacent residential. As parking spaces at the rear of the building are limited, the exit lane will direct vehicles towards Union Road and away from the residential. This maintains a low impact interface with the adjacent community.

The proposed building is a two-storey structure with a shed roof. The angle of the roof allows for the placement of solar panels, which aids in energy efficiency. The exterior cladding is a combination of fibre cement siding and galvalume. Both materials require little maintenance once installed. The overlapping slats gives the appearance of wood siding without the required maintenance. Cultured stone detailing added at the corners of the building enhance the rustic design.

4.0 Proposal

4.1 Background

In December, 2013 the applicant submitted a proposal for a car wash on Glenmore Road that was subsequently rejected by Council. Council's decision was based on neighbourhood concerns regarding noise and the proposed location adjacent to a park.

4.2 Project Description

The subject site is located on the southeast corner of the intersection of Glenmore Road and Union Road and is currently zoned C5 - Transition Commercial. Based on the location of the site, this limited commercial use is an appropriate transition to the residential community.

Text Amendment application TA14-0015 received Second and Third readings on September 9, 2014 to add *Service Stations, Minor*.

A amendment to the application is required to delete '*Service Stations, Minor*' and replace it with '*Rapid Drive-Through Vehicle Services*' as a Principal Use for this parcel only. Car washes more appropriately fall under the *Rapid Drive-Through Vehicle Services* use in the Zoning Bylaw. This will limit future development on the parcel to uses that provide an appropriate interface with the adjacent residential community.

The proposed car wash is located on a larger site allowing the developers to provide adequate landscaping and buffering as per the Zoning Bylaw. One site access is proposed off of Union Road. The project proposes two automatic drive-thru wash bays and five coin-operated manual wash bays. Upstream vehicle stacking is provided at the front of the building with staff parking provided at the rear of the building.

The proposal includes one apartment housing unit on the second floor to allow the facility caretaker to reside on the premises as an added security measure.

4.3 Site Context

The subject property is located at the south corner of Glenmore Road and Union Road. Neighbouring the site is North Glenmore Elementary School and a vacant lot to the north, a

vacant medium density multiple residential lot and small park to the northwest, a single family dwelling on an agriculture lot to the northeast, and low density row housing to the south.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P2 - Education and Minor Institutional	Elementary School
East	A1 - Agriculture 1	Agricultural, Orchard/RV Park
South	RM2 - Low Density Row Housing	Residential
West	RM5 - Medium Density Multiple Housing, P3 - Parks and Open Space	Multi-Residential, Park

Subject Property Map: 1975 Union Road



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C5 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	1300m ²	12,344m ²
Lot Width	40m	40m
Lot Depth	35m	43.94m
Development Regulations		
Floor Area Ratio	0.4	.26
Height	9.5m	8.41m
Front Yard	4.5m	10.67m (Union Rd)

Side Yard (Flanking Street)	4.5m	4.52m (Glenmore Rd)
Rear Yard	6.0m	8.7m
Site Coverage (max.)	40%	15.6%
Other Regulations		
Minimum Parking Requirements	Staff parking = 1 stall	2 stalls provided
Loading Space	1 space required	1 space provided
Minimum Uncovered Space	370m ² / wash bay	283m ² / wash bay ①
Upstream Vehicle Storage (Automated)	5/ bay = 10 req.	10 spaces provided
Upstream Vehicle Storage (Manual Wash)	2/ bay = 10 req.	10 spaces provided
① Indicates required variance for uncovered space.		

5.0 Current Development Policies

Recognizing that car washes can be both land consumptive and nuisance generating, the Zoning Bylaw provides specific rules for car wash developments. One of these regulations addresses the proportion of the site covered by buildings by requiring a minimum amount of land area per wash bay that is to remain free of buildings. The requirement is 370m² per wash bay. Contrary to the applicant's original proposal where they were only able to supply 194m² per bay, this proposal is large enough to provide 283m² per bay as well as a wide landscaping buffer from the adjacent residential area. The previous application was not able to provide the appropriate landscape buffer.

Design details and confirmation of required variances will be further explored when the applicants makes their permits applications.

The proposal is also consistent with the Official Community Plan (OCP) future land use designation. The subject parcel is designated Commercial.

5.1 Kelowna Official Community Plan (OCP)

Development Process

Retention of Commercial Land.¹ In order to ensure that the City's commercial land supply is not eroded, where the OCP Bylaw 10500 indicated a commercial land use designation for the property, the expectation would be that there be no net loss of commercial space on the site as a result of the redevelopment to include other uses.

6.0 Technical Comments

6.1 Development Engineering Department

- See attached memorandum dated November 12, 2014

6.2 Fire Department

- Ensure appropriate unobstructed distance to a fire hydrant and proper fire department access. A visible address must be posted as per City of Kelowna By-Laws.

6.3 FortisBC - Electric

¹ City of Kelowna Official Community Plan, Policy 5.24.2 (Development Process Chapter).

- There are primary distribution facilities along Union 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.

6.4 Glenmore-Ellison Improvement District

- See attached letter dated October 30, 2014

6.5 Real Estate and Building Services

- Please work with Real Estate Services for the required SRW for storm on property. Also, please note significant landscaping proposed over required SRW area.

7.0 Application Chronology

Date of Application Received: October 9, 2014

Report prepared by:

Lydia Korolchuk, Planner

Reviewed by:

☐

Lindsey Ganczar, Urban Planning Supervisor

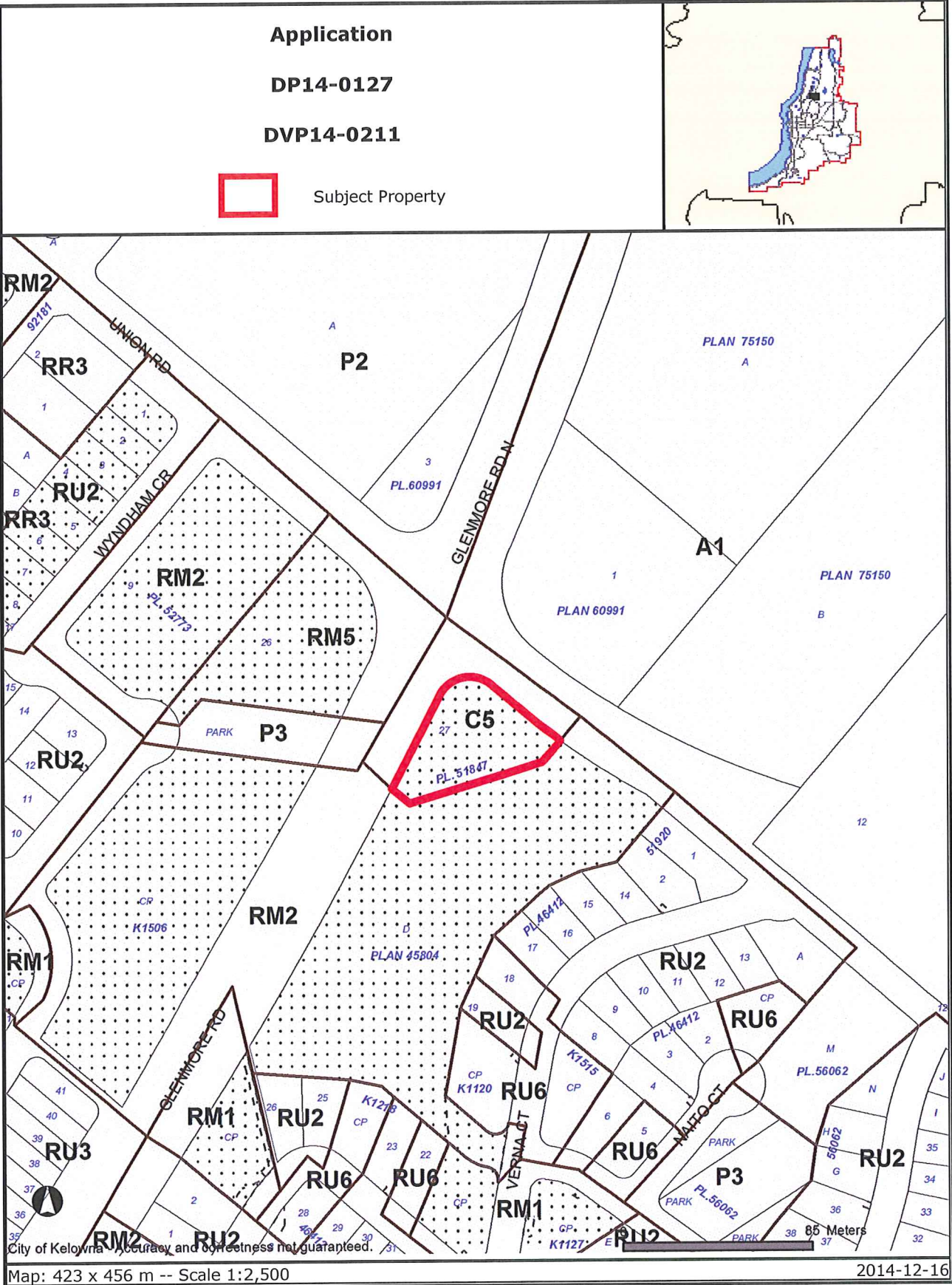
Approved for Inclusion:

☐

Ryan Smith, Urban Planning Manager

Attachments:

Subject Property Map
Site Plan - Schedule 'A'
Conceptual Elevations - Schedule 'B'
Landscape Plan - Schedule 'A'
Development Engineering Memorandum
GEID Letter



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

CITY OF KELOWNA
MEMORANDUM

Date: October 14 2014
File No.: DVP14-0211

To: Land Use Management Department (PMcV)


From: Development Engineering Manager

Subject: 1975 Union Road Glenmore Rd Lot 27 Plan 51847 **Car Wash**

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

1. **General.**

- a) The request the vary site area, site coverage and building height will not compromise municipal servicing requirements.
- b) All the offsite infrastructure and services upgrades are addressed in the Development Engineering Report under file Z14-0028.



Steve Muenz, P. Eng.
Development Engineering Manager

JF



Glenmore-Ellison Improvement District

445 Glenmore Road
Kelowna, BC V1V 1Z6

Email: glenmore.ellison@shaw.ca

Website: www.glenmoreellison.com

Fax: 250-763-5688

Phone: 250-763-6506

October 30, 2014

City of Kelowna
Land Use Management Dept.
Community Planning & Real Estate
1435 Water St.
Kelowna, BC V1Y 1J4

Attention: Deb Champion (via email: dchampion@kelowna.ca)

Re: City of Kelowna Files DP14-0127 & TA14-0015
1975 Union Rd. – Lot 27, Plan KAP51847
657139 BC Ltd. /D.E. Pilling & Assoc. Ltd.c 0076

GEID provided comments on July 9, 2014 regarding the development (attached) and the further information has been provided by the developer's engineer.

D.E. Pilling will also be supplying GEID with more site servicing details, including expected flows, meter details and an FUS calculation for the facility, at a later date, once application is made for a building permit. Upon receipt and review, as well as payment of the various fees and charges, GEID will be in a position to issue a water letter.

GEID has no concerns regarding this development permit/text amendment file. If you have any questions please do not hesitate to contact me at 250-763-6506.

Yours truly,
GLENMORE-ELLISON
IMPROVEMENT DISTRICT

Darwyn Kutney, R.E.T., CRM
General Manager

c.c. Dawn Williams, D.E. Pilling & Assoc. Ltd. (via email: dawnw@pilling.ca)



Glenmore-Ellison Improvement District

445 Glenmore Road
Kelowna, BC V1V 1Z6

Email: glenmore.ellison@shaw.ca

Website: www.glenmoreellison.com

Fax: 250-763-5688

Phone: 250-763-6506

July 9, 2014

City of Kelowna
Land Use Management Dept.
Community Planning & Real Estate
1435 Water St.
Kelowna, BC V1Y 1J4

Attention: Deb Champion (via email: dchampion@kelowna.ca)

Re: City of Kelowna Files Z14-0028, DP14-0127
1975 Union Rd. – Lot 27, Plan KAP51847
657139 BC Ltd. /D.E. Pilling & Assoc. Ltd.

GEID is in receipt of a referral concerning the rezoning and development for Lot 27, Plan KAP51847 at 1975 Union Rd. to accommodate a car wash facility.

The subject vacant property is within the District's servicing area and is currently classified with 0.578 acres "R" grade (residential). Upon development, the property will be classified as "C" grade (commercial).

Capital Expenditure Charges (CECs)

Payment of Capital Expenditure Charges (CECs) is required for each new parcel or new development connecting to GEID. For the proposed development, CECs are payable for each sprinklered building at a rate of \$4,800 minimum charge for the first 250 m² of each building floor area, and a rate of \$8/ m² for additional floor area over 250 m², and a rate of \$10/m² for buildings without fire sprinkler systems. CECs are payable according to the bylaw in force at time of payment.

Please note that no CECs were paid for the lot when it was subdivided and registered in 1994 therefore no CEC credit is available for this development.

Fireflow Availability and Hydrants

Hydrant spacing and flow rates must conform to City of Kelowna Bylaw # 7900. GEID requires that the developers have hydrant locations and spacing reviewed by the City of Kelowna Fire Department, and that a written response be provided to GEID prior to constructing the proposed water works. In the event that additional hydrants are required by the Kelowna Fire Department, the hydrant purchase, connection, and installation shall be at the applicant's cost.

The developer must submit a New Fire Hydrant Data form, as required by both GEID and the City of Kelowna, for any new hydrant installed as part of this development.

Water Works

No information has been provided regarding expected flows, demands, or the size of the service required for the car wash. We note that there is a water service on Union Rd. for the property. The service was installed at GEID expense during 2009 road construction.

Meters

All water within the property must be metered. As specified in GEID Bylaws #147 and #148, a water meter must be installed on all new water services and **supplied and installed by the applicant** according to manufacturer's directions and GEID standards. At this time, all meters installed within the GEID service area are required to be compatible with the Sensus RadioRead system. The meter shall be installed with adequate clearances to permit repair or replacement, and will be inspected by GEID to meet GEID requirements. A mechanical drawing should be provided showing clearances for the meter.

A three conductor, 22 gauge, solid conductor cable with red, green, and black wire colours is required, and must be installed between the meter and MXU location on the building exterior.

GEID's contractor, CORIX Utilities, will supply and install a remote meter reading device (MXU) compatible with the Sensus RadioRead™ system. The remote MXU will be located outside the building near the entrance door, and shall be in line-of-sight from a publicly accessible roadway servicing at the site. A fee of \$300.00 is charged for the supply and installation of the MXU.

If an irrigation system is proposed, it must be connected to the water system after the main water meter, and be designed to 10 USgpm maximum flow. GEID requires that irrigation system mechanical plans be submitted to review the irrigation flow allotment and cross connection control.

Development Application Fee

A Development Application Fee of \$150.00 is required for staff review of each Subdivision, Rezoning or Development Permit application.

New Account Fees

GEID Bylaw #149 states that all new accounts or transfers of ownership shall pay a fee of \$20.00/parcel. For the proposed development, a \$20.00 fee will be applicable.

Tolls and Taxes

Under Tolls Bylaw #155, a new account will be set up to invoice the car wash at a metered commercial rate. The 2014 monthly minimum rate is \$48.25 for the first 30 m³, with excess water charged at \$0.40/m³.

Under Tax Bylaw #154, the property will be charged at a rate of \$156.00/acre for all "C" Grade lands where a business, institution or commercial enterprise exists. This tax is invoiced annually and will be based on the actual acreage of the property.

The above-noted rates are current to 2014 and according to the bylaw in force.

Summary

GEID is not in a position to issue a water letter for this development until further details are provided to GEID.

File Z14-0028, DP14-0127
1975 Union Rd.

If you have any questions please do not hesitate to contact me at 250-763-6506.

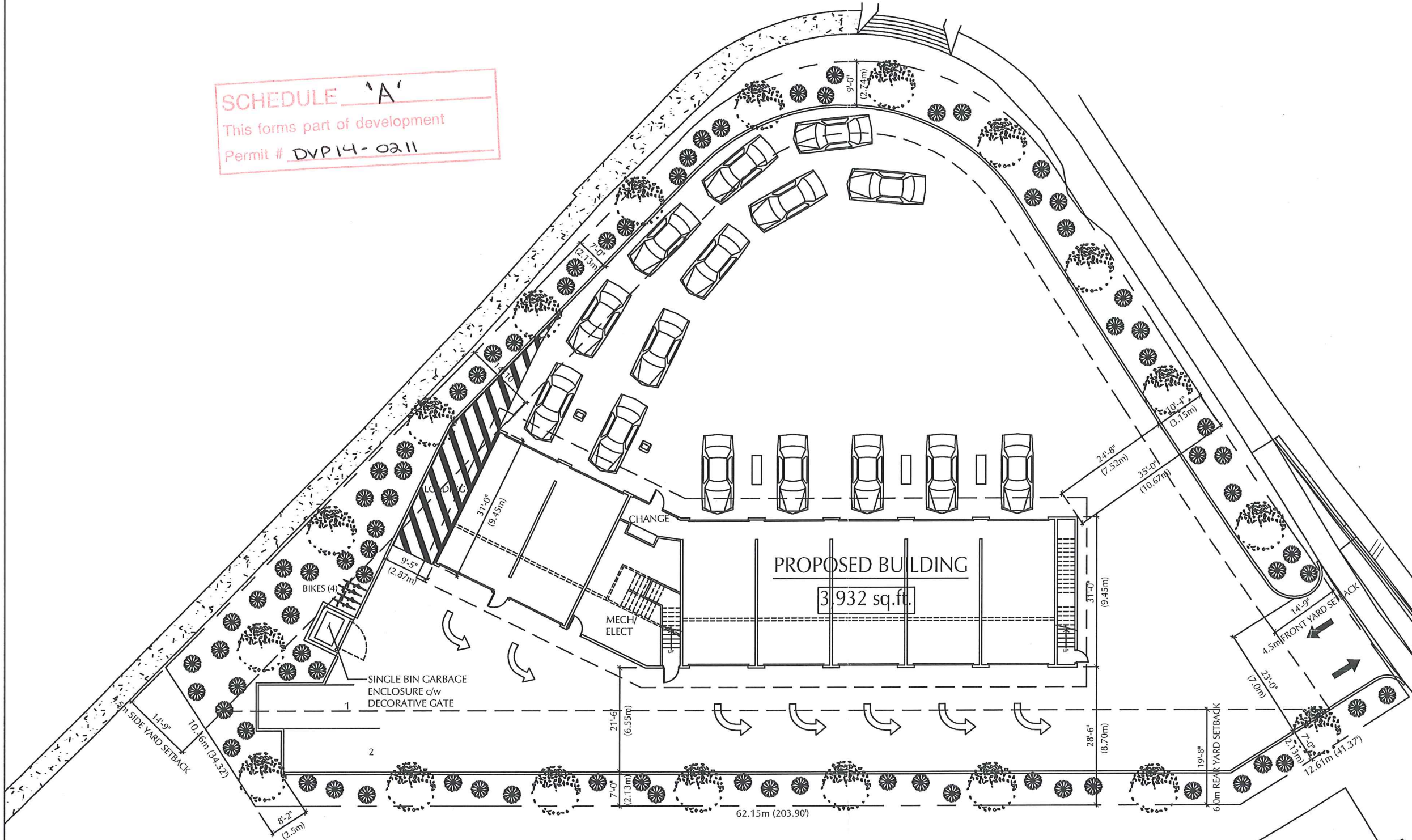
Yours truly,
GLENMORE-ELLISON
IMPROVEMENT DISTRICT



Darwyn Kutney, R.E.T., CRM
General Manager

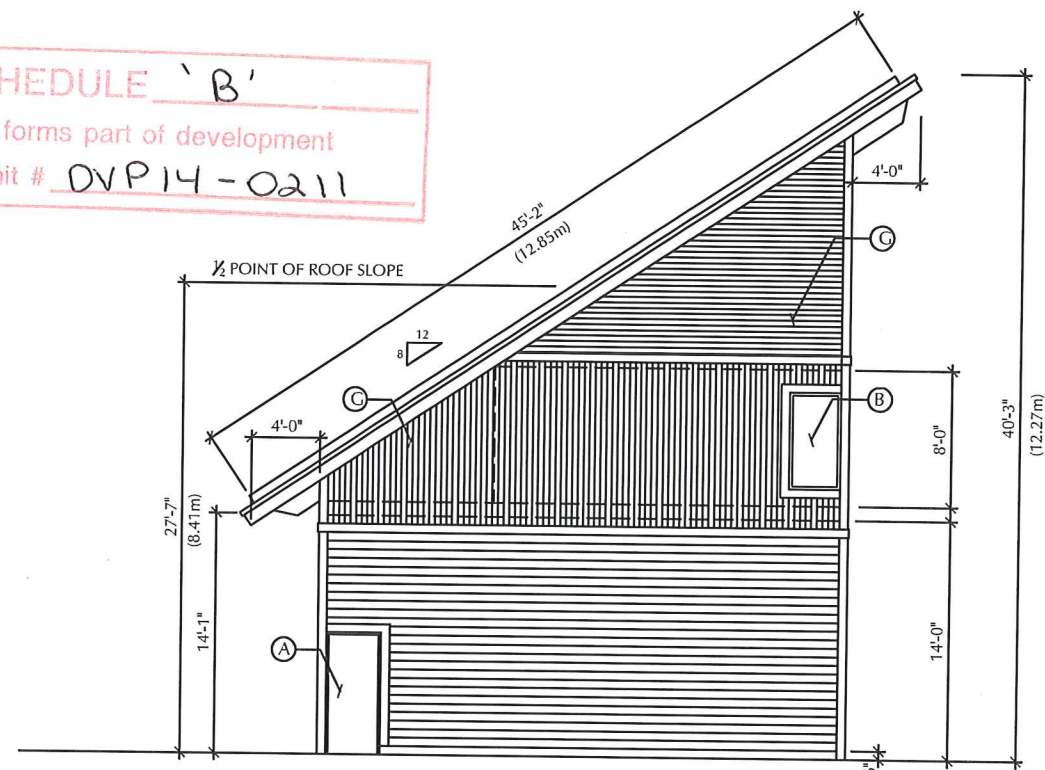
c.c. Dawn Williams, D.E.Pilling & Assoc. Ltd. (via email: dawmw@pilling.ca)

SCHEDULE 'A'
This forms part of development
Permit # DVP14-0211



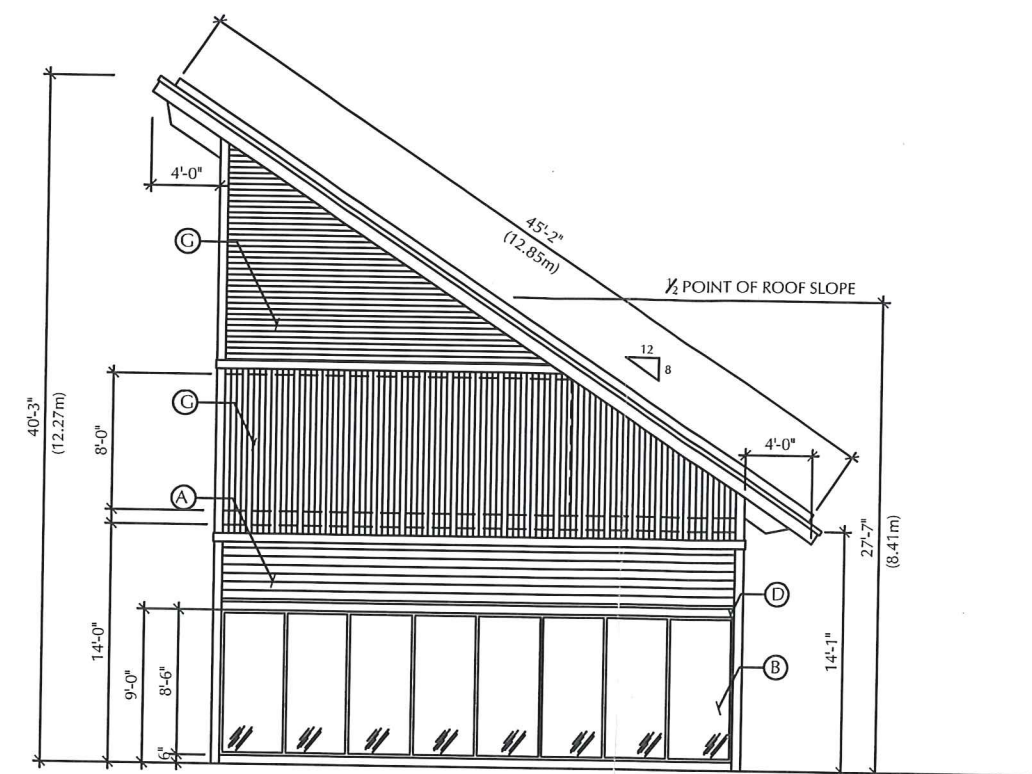
PROJECT DATA		
CIVIC ADDRESS:	1975 UNION ROAD, KELOWNA B.C.	
LEGAL DESCRIPTION:	LOT 27, SEC 4, TWP 23, O.D.Y.D., PLAN KAP51847	
CURRENT ZONING:	C5 - TRANSITION COMMERCIAL	
ZONING BYLAW REQUIREMENTS		
SITE AREA = 25,231 SQ.FT. (2,344 SQ.M.)		
BUILDING AREA:		
MAIN FLOOR = 3,932 SQ.FT. (365.3 SQ.M.)		
UPPER FLOOR = 2,505 SQ.FT. (232.7 SQ.M.)		
TOTAL = 6,437 SQ.FT. (598.0 SQ.M.)		
	REQUIRED	PROPOSED
LOT WIDTH	40.0m	40.0m
LOT DEPTH	35.0m	43.94m
LOT AREA	1,300 sq.m.	2,344 sq.m.
COMMERCIAL FLOOR AREA RATIO (FAR)	0.4 (937.6 SQ.M.)	.26 (598.0 SQ.M.)
SITE COVERAGE	40% (937.6 SQ.M.)	15.6% (365.3 SQ.M.)
HEIGHT (m)/STOREYS (#)	9.5 m/ 2 1/2 STOREYS	8.41 m/2 STOREYS
SETBACKS (m)		
FRONT (UNION ROAD)	4.5 m	8.90 m
REAR (SOUTH)	6.0 m	6.70 m
SIDE (FLANKING- GLENMORE ROAD)	4.5 m	4.50 m
SIDE	4.5 m	13.80 m
PARKING		
CAR WASH 2 SERVICE BAY x 2 AUTO SERVICE BAYS	4 STALLS	1 STALL *
1/2 EMPLOYEES + CARETAKER	1 STALL	1 STALL
LOADING @ 1/1,900 sq.m. CFA =	1 STALL	1 STALL
BICYCLE (CLASS I) @ .2/100 sq.m. CLA =	2 SPACES	2 SPACES
BICYCLE (CLASS II) @ .6/100 sq.m. CLA =	4 SPACES	4 SPACES
LANDSCAPE BUFFERS (m)		
FRONT (UNION ROAD)	2.0 m	2.13 m
REAR (SOUTH)	3.0 m	2.13 m*
SIDE (FLANKING - GLENMORE ROAD)	3.0 m	2.13 m*
SIDE	3.0 m	2.13 m*
		(OPAQUE FENCE)
LANDSCAPE TREATMENT LEVELS		
FRONT (UNION ROAD)	2	2
REAR (SOUTH)	3	3
SIDE (FLANKING - GLENMORE ROAD)	3	3
SIDE (SOUTH)	3	3
		(OPAQUE FENCE)
CARWASH REQUIREMENTS		
VEHICLE UPSTREAM STORAGE (AUTOMATED)	5	5
VEHICLE UPSTREAM STORAGE (MANUAL)	2	2
		(INCL. INSIDE BAY)
OPEN SITE AREA @ 370 sq m/ BAY x 7 BAYS =	2,590 sq.m.	1,446 sq.m. *
* VARIANCE REQUIRED		

SCHEDULE 'B'
 This forms part of development
 Permit # **DVP14-0211**

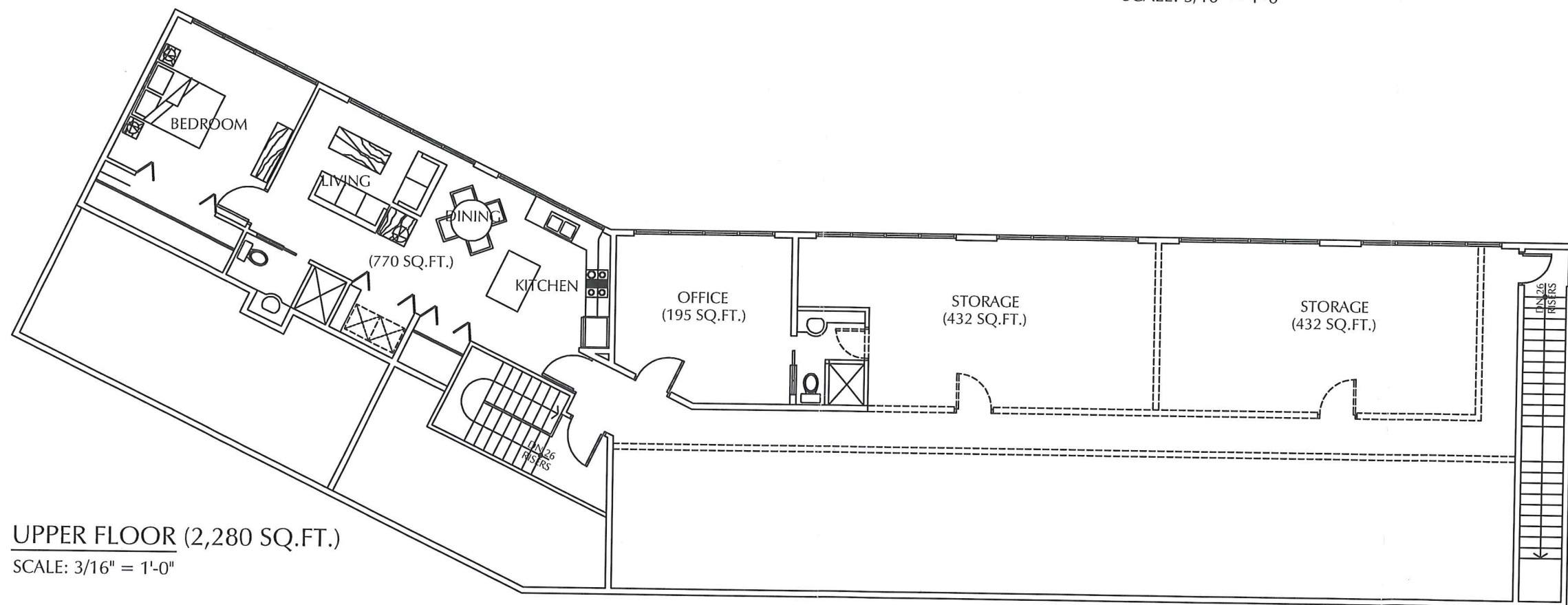


SIDE (EAST) ELEVATION
 SCALE: 3/16" = 1'-0"

LEGEND	
(A)	FIBER-CEMENT SIDING
(B)	PRE-FINISHED ALUMINUM STOREFRONT WINDOW
(C)	CULTURED STONE CLADDING
(D)	FIBER-CEMENT TRIM BOARDS
(E)	PRE-FINISHED METAL FLASHING
(F)	SOLAR PANEL ROOF
(G)	GALVALUME ARCHITECTURAL METAL CLADDING



SIDE (WEST) ELEVATION
 SCALE: 3/16" = 1'-0"



UPPER FLOOR (2,280 SQ.FT.)
 SCALE: 3/16" = 1'-0"



HANS P. NEUMANN ARCHITECT INC.

1520 HIGHLAND DRIVE NORTH, KELOWNA, B.C. V1Y 4K5 PHONE (250) 868-0878 FAX (250) 868-0837

PROJECT
PROPOSED CARWASH DEVELOPMENT
 1975 UNION ROAD
 KELOWNA, BC

DRAWING TITLE
UPPER FLOOR PLAN/ BUILDING ELEVATIONS



No.	DATE	DESCRIPTION	SCALE: 3/16" = 1'-0"
1	OCT 31/14	ISSUED FOR DEVELOPMENT PERMIT	DATE: SEPTEMBER 22, 2014
			DRAWN: HPN
			Drawing No.
			DP3
			REVISION No.

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Permit No.

DP14-0127

DVP14-0211

EXISTING ZONING DESIGNATION:	C5 - Transition Commercial
WITHIN DEVELOPMENT PERMIT AREA:	Comprehensive Development Permit Area

ISSUED TO: D.E. Pillings & Associates LTD

LOCATION OF SUBJECT SITE: 1975 Union Rd

	LOT	Section	Township 23	DISTRICT	PLAN
LEGAL DESCRIPTION:	27	4	23	ODYD	51847

SCOPE OF APPROVAL

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

1. TERMS AND CONDITIONS:

- a) The landscaping, dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
- c) AND THAT the variance to the following section Zoning Bylaw No. 8000 be granted:

Section 9.8.3: Specific Regulations

Vary the site area and coverage from the required 370m² to 283m² of uncovered site area provided per car wash bay.

2. 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.

3. DEVELOPMENT:

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

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

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

THIS Permit IS NOT A BUILDING Permit.

4. PERFORMANCE SECURITY: None Required.

5. APPLICANT'S AGREEMENT:

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

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

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

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

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

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

6. APPROVALS:

DEVELOPMENT PERMIT AUTHORIZED BY COUNCIL ON THE 3rd DAY OF FEBRUARY, 2015.

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

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