

# City of Kelowna

## Regular Council Meeting

### AGENDA



Tuesday, May 12, 2015  
6:00 pm  
Council Chamber  
City Hall, 1435 Water Street

#### Pages

1. **Call to Order**
2. **Reaffirmation of Oath of Office**  
The Oath of Office will be read by Councillor Singh.
3. **Confirmation of Minutes** 1 - 15  
Public Hearing - April 28, 2015  
Regular Meeting - April 28, 2015
4. **Notification of Meeting**  
The City Clerk will provide information as to how the following items on the Agenda were publicized.
5. **Development Permit and Development Variance Permit Reports**
  - 5.1 **1250 Ellis Street, DVP15-0066 - Whitworth Holdings Ltd.** 16 - 38  
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 for the proposed brew pub signage.
  - 5.2 **2127 Ethel Street, BL11064 (Z15-0004) - Simple Pursuits Inc.** 39 - 39  
To adopt Bylaw No. 11064 in order to rezone the subject property.

## 8. Termination





## City of Kelowna Public Hearing Minutes

Date: Tuesday, April 28, 2015  
 Location: Council Chamber  
 City Hall, 1435 Water Street

Members Present Deputy Mayor Brad Sieben, Councillors Maxine DeHart, Gail Given, Tracy Gray, Mohini Singh, Luke Stack

Members Absent Mayor Colin Basran, Councillors Ryan Donn, Charlie Hodge

Staff Present Deputy City Manager, Paul Macklem; Deputy City Clerk, Karen Needham; Urban Planner, Ryan Roycroft; Urban Planning Supervisor, Lindsey Ganczar; Urban Planning Manager, Ryan Smith; Council Recording Secretary, Arlene McClelland

(\* denotes partial attendance)

### 1. Call to Order

Deputy Mayor Sieben called the Hearing to order at 6:00 p.m.

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

### 2. Notification of Meeting

The Deputy City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on April 14, 2015 and by being placed in the Kelowna Capital News issues on April 17 and April 22, 2015 and by sending out or otherwise delivering 10 statutory notices to the owners and occupiers of surrounding properties, and 294 informational notices to residents in the same postal delivery route, between April 14 and April 17, 2015. 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

3.1 605 Wallace Road, BL11079 (Z15-0003) - Robert John Volk & Gwendlyn Genevive Miller

Staff:

- Provided a PowerPoint Presentation summarizing the application.

The Deputy City Clerk advised that the following correspondence was received:

Letters of Opposition or Concern

Sarah Cherrey and Craig Woolford, Lacombe Road  
Linda & Hector Joly, Wallace Road  
Dan & Darlene Lwowski, Wallace Road

Petition of Opposition

A petition of opposition signed by 5 owners/occupants of the surrounding properties as submitted by Dan Lwowski, Wallace Road.

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

Robert Volk, Burne Avenue, Applicant

- The intent is to build a one storey wheelchair accessible unit.
- Described planned green space between the main house and carriage house.
- There is adequate parking on site and will not have any traffic issues.
- Confirmed the main house is currently being rented out; only two rentals are permitted; one in the main house and one in the carriage house.
- No intention of creating a basement suite in the main house.
- Confirmed support for a Restrictive Covenant to limit to one storey.
- Commented on strict development guidelines relating to the height of a secondary building.
- Responded to questions from Council.

Gallery:

Alfred Caron, Wallace Road

- Resident in the neighbourhood for twenty years and lives across the street from Applicant.
- All but one house has been owner occupied since 1977; concerned with renters and care of the homes.
- Confirmed concerns related mostly to rental property than carriage house; would be acceptable if the applicant lived in carriage house.
- Raised concern of possibility of renting another suite.
- Concerned there will not be enough onsite parking and those vehicles will spill out onto street.

Robert Volk, Applicant:

- Owns several properties in Kelowna and ensures all are professionally maintained.
- Can have bad renters but believes everyone deserves a nice home.
- Confirmed there is a single car garage. Displayed driveway access and parking.
- Current tenants in for 6 months. Confirmed he is aware of regulations and that two rentals in the main house is not permitted.

There were no further comments.

### **3.2 BL11077 (OCP14-0002) & BL11082 (TA14-0001) - I6 Zoning Bylaw Text Amendment**

Staff:

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

The Deputy City Clerk advised that no correspondence was received.



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

Gallery:

Pam Price, Appaloosa Road

- Owner of property zoned A1 with horses and chickens.
- Industrial uses are changing the character of the neighbourhood and want clarity with the move to the I6 zone.
- Questioned who incurs cost of road upgrades with these amendments; as well as servicing costs to Academy Way.
- Raised concern that it will be difficult to sell their property if expensive to service.
- Responded to questions from Council.

Staff:

- Confirmed that the recently constructed building at 3190 Sexsmith Road meets the new bylaw amendments. Worked with property owners to ensure that the property would meet requirements and will allow for some additional development further north on the site.

Corinne Dewhurst, Appaloosa Road

- Confirmed that outdoor storage would require servicing and upgrades.
- The Focus Group report stated a cost of \$180,000 to \$208,000 to connect services; questioned the feasibility if this is a requirement. Believes property owners will never be able to recoup that money.
- Believes these uses may not be viable in the neighbourhood.
- Asking for buffering for any development in this area yet allowing UBCO to dump fill behind properties. Not allowing property owners to stay rural.
- Believes value of property for current owners is low; as well, there is now going to be a highway right next to our homes.

Staff

- Servicing issues on these 47 properties to full industrial standards has been raised a number of times. Engineering and Infrastructure Planning Divisions will reach out to the community through surveys and Open Houses to determine servicing levels and what funding mechanisms will be put in place to address services; those findings and recommendations will be brought to Council.

Gallery:

Wayne Long, Appaloosa Road

- Owner of Lot 4.
- Lot 5 was developed without any requirements and would like know why so many requirements are being placed on other property owners.
- All current owners should have the same opportunity as the owner of Lot 5 with fewer requirements.

Chantelle Kshyk, Appaloosa Road

- Newest resident and looking for some clarity this evening.
- Believes the way the I6 zone was presented and sold was as transitional which is not reflective of the building that was just built and now exists.
- Concerned that there will be concrete towers back to back.
- Raised concern that their property along with other property owners will be difficult to sell. Feels misinformed.
- The idea of work, play and live on your land will not occur being surrounded by so much commercial and industrial. Soon there will be no neighbours.

- Would like clarity on what orderly development means. It sounds vague when clarity is needed.

Joe Maholvich, Sexsmith Road

- Builder of the Whitman Building.
- Exceeded the I6 zoning requirements; provided more landscaping; increased setbacks on 3 sides of the property; lowered the building height by 4 feet than what was allowed.
- The building will be painted and will look nice. Plan to do even more in the area.
- Confirmed the developers pay for upgrades and servicing as we develop. Have done our best to give more and make everyone happy.
- Believe we have done a good job to work with the city and residents.
- Agrees with all amendments, except would like less side yard setbacks between industrial.

Jerry Weninger, Building Owner, Sexsmith Road

- Believes the amendments make sense and hope they are approved.
- Have worked on this project with the city for many years and it has been very frustrating.
- Have lived in Kelowna for 52 years and would like the building to be appealing and something that fits within the community.
- Once the building is complete believes everyone will be pleasantly surprised.
- Commented on a city owned property in the area that looks like a dump. Believes this building will help the look of the whole area.

Staff:

- Will put in a service request to review the condition of city properties that adjoin 3190 Sexsmith Road.
- Transitional industrial zone is a difficult zone to craft. The zone is intended to be low intensity that allows residents to remain in the area and enjoy amenities. Can also live and work on property zoned transitional industrial.
- Confirmed amendment to 60% site coverage including driveway and parking restricts the maximum building footprint.
- Confirmed that side yard setback can be varied.


There were no further comments.

**4. Termination**

The Hearing was declared terminated at 7:21 p.m.

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Deputy Mayor

/acm



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Deputy City Clerk





**City of Kelowna**  
Regular Council Meeting  
Minutes

Date: Tuesday, April 28, 2015  
Location: Council Chamber  
City Hall, 1435 Water Street

Members Present Deputy Mayor Brad Sieben, Councillors Maxine DeHart, Gail Given, Tracy Gray, Mohini Singh, Luke Stack

Members Absent Mayor Colin Basran, Councillors Ryan Donn, Charlie Hodge

Staff Present Deputy City Manager, Paul Macklem; Deputy City Clerk, Karen Needham; Urban Planner, Ryan Roycroft\*; Urban Planning Supervisor, Lindsey Ganczar\*; Urban Planning Manager, Ryan Smith; Council Recording Secretary, Arlene McClelland

(\* denotes partial attendance)

**1. Call to Order**

Deputy Mayor Sieben called the meeting to order at 7:31 p.m.

**2. Reaffirmation of the Oath of Office**

The Oath of Office was read by Councillor Stack.

**3. Confirmation of Minutes**

Moved By Councillor Given/Seconded By Councillor Gray

R315/15/04/28 THAT the Minutes of the Public Hearing and Regular Meeting of April 14, 2015 be confirmed as circulated.

Carried

**4. Bylaws Considered at Public Hearing**

**4.1 605 Wallace Road, BL11079 (Z15-0003) - Robert John Volk & Gwendlyn Genevive Miller**

Moved By Councillor Given/Seconded By Councillor Gray

R316/15/04/28 THAT Bylaw No. 11079 be read a second and third time.

Carried

**4.2 BL11077 (OCP14-0002) - Amendments to Chapter 14, Urban Design DP Guidelines**

Moved By Councillor Gray/Seconded By Councillor Given

R317/15/04/28 THAT Bylaw No. 11077 be read a second and third time.

Carried

**4.3 BL11082 (TA14-0001) - Amendment to Section 15, Industrial Zones**

Moved By Councillor Singh/Seconded By Councillor DeHart

R318/15/04/28 THAT Bylaw No. 11082 be read a second and third time.

Carried

**5. Notification of Meeting**

The Deputy City Clerk advised that Notice of these (amendments to Liquor Licences) were advertised by being posted on the Notice Board at City Hall on April 14, 2015, and by being placed in the Kelowna Capital News issues on April 17 and April 22, 2015 and by sending out or otherwise delivering 96 statutory notices to the owners and occupiers of surrounding properties, and 3034 informational notices to residents in the same postal delivery route, between April 14 and April 17, 2015.

Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise delivering 152 statutory notices to the owners and occupiers of surrounding properties, and 474 informational notices to residents in the same postal delivery route, between April 14 and April 17.

The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

**6. Liquor License Application Reports**

**6.1 293-297 Bernard Avenue (Unit 1500 Water Street), LL15-0002 - Viewcrest Estates Ltd.**

Staff:

- Provided a PowerPoint Presentation summarizing the presentation and responded to questions from Council.

The Deputy City Clerk advised that no correspondence was received.

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

Applicant

- Present and available for questions.

There were no further comments.



Moved By Councillor Grey/Seconded By Councillor Given

**R319/15/04/28** THAT Council directs Staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB): In accordance with Section 53 of the Liquor Control and Licensing Regulation and Council Policy #359, be it resolved THAT:

Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application from Fresco Restaurant Ltd. 293-297 Bernard Avenue (unit address 1500 Water St.), Kelowna BC, (legally described as Lot 10, Block 13, DL 139, O.D.Y.D., plan 462 and Lot 11, Block 13 District Lot 139, ODYD Plan 462 except Plan 9892) to add a patio with capacity of 11 persons to an existing Liquor Primary license are as follows:

- a) The impact of noise on the community in the immediate vicinity of the establishment:  
The potential for noise would be compatible with surrounding land uses.
- b) The impact on the community if the application is approved:  
The proposed addition of a patio area to the existing license would add to the continued development of a safe, vibrant Downtown area.
- c) View of residents:  
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 & Procedures."
- d) Recommendation:  
Council recommends that the application for a change to a Liquor Primary license to add a patio be approved

Carried

**6.2 267-271 Bernard Avenue (Unit 271 Bernard Avenue), LL15-0004 - Dutchcad B.I.L. Investments Ltd.**

Staff:

- Provided a PowerPoint Presentation summarizing the presentation and responded to questions from Council.

The Deputy City Clerk advised that no correspondence was received.

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

Applicant:

- Not in attendance.

Gallery:

Jim Stewart, Peachland BC

- Owner of business adjacent to Applicant, Smokes Pouterie; business is open late nights.
- There is no bearing wall between establishments; limited or no insulation.
- Music is disruptive to clientele; could be rectified with sound proofing the walls.
- Would be supportive of the application if sound mitigation was provided between the shared walls.
- Was not aware of application. Not advised of application until City notification.
- Responded to questions from Council.

Cody Chambers, Kelglen Crescent, Rivals General Manager

- Would like to host bands but main focus is Karaoke and sports trivia; want the patrons to actively participate.
- Believe closing time at 12:00 a.m. is impacting business and are losing customers.
- Majority of live entertainment would take place Friday and Saturday evening.
- Was not aware of the sound being an issue.
- The building has multiple units and businesses, beside and above.
- Responded to questions from Council.

Staff:

- The existing liquor license allows for bands and live music. The request is for dancing and patrons active participation in music and events.

Council:

- Raised concern regarding potential noise affecting neighbouring businesses and would like sound mitigation issues addressed.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Given

**R320/15/04/28** THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB): In accordance with Section 53 of the Liquor Control and Licensing Regulation and Council Policy #359, BE IT RESOLVED THAT:

1. Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application at address: 271 Bernard Ave., Kelowna BC, (legally described as Amended Lot 14 (DD142773F), Block 13, District Lot 139, O.D.Y.D., Plan 462) for closing at 1am and to include a patron participation entertainment endorsement, are as follows:
  - a) The potential for noise if the application is approved:  
Council is concerned with potential noise affecting adjacent businesses and would like to see sound mitigation issues addressed.
  - b) The impact on the community if the application is approved:  
The potential for negative impacts is considered to be minimal.
  - c) View of residents:  
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 & Procedures."
  - d) The person capacity and hours of liquor service of the establishment:  
The total person capacity proposed for food primary service is 84 seats inside and a patio of 15 patrons, with operating hours of 9:00am to 1:00am for Sunday to Saturday.
  - e) Traffic and parking:  
There is no increase in traffic or parking associated with this application as there is no additional space or seating being added as part of the application. Therefore the parking and traffic situation should remain unchanged.
  - f) If the proposed endorsement would result in the establishment being operated in a manner which is contrary to its primary purpose:



The endorsement is being sought to offer an additional level of service to the food primary establishment. The focus of the proposed facility will be as a food primary establishment.

g) Recommendation:

Council recommends that the application for Food Primary License to close after midnight and the application for a patron participation entertainment Liquor License endorsement be approved.

**6.3 2986-3030 Pandosy Street, LL14-0017 - AD Sopa Holdings Inc.**

Staff:

- Provided a PowerPoint Presentation summarizing the presentation and responded to questions from Council.
- Clarified closing times of other establishments in the vicinity.

The Deputy City Clerk advised that the following correspondence was received:

Letters of Support

Heidi Adhofer and Al Janusas, Abbott Street

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

Daniel Ilg, Ambrosi Road, Applicant

- The goal is to provide late night food services in South Pandosy area.
- This is the first franchise location in BC; all other franchises are open until 2:00 a.m.
- This franchise is better known for the food than the brew.
- Canvassed businesses and residents in the area and received a lot of good feedback.
- Confirmed there will be an outdoor patio; the Franchise has very strict noise regulations. Patio music will be quieter than music inside.
- There is 10 meters of concrete between walls so noise should not be an issue.
- No late night deliveries on the backside of the building where residents are located.
- Pleased to advise that in 15 years have not received one noise complaint.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor DeHart

**R321/15/04/28** THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB): In accordance with Section 53 of the Liquor Control and Licensing Regulation and Council Policy #359, BE IT RESOLVED THAT:

1. Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application at address: 3030 Pandosy St., Kelowna BC, (legally described as Lot A, District Lot 14 and Section 13, Township 25, ODYD, Plan KAP90796, except Air Space Plan EPP17953) for closing at 1am and to include a patron participation entertainment endorsement, are as follows:
  - a) The potential for noise if the application is approved: The potential impact for noise is minimal and would be compatible with surrounding land uses.
  - b) The impact on the community if the application is approved: The potential for negative impacts is considered to be minimal.
  - c) View of residents: 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 & Procedures."

- d) The person capacity and hours of liquor service of the establishment:  
The total person capacity proposed for food primary service is 243 seats inside and a patio of 33 patrons, with operating hours of 11:00am to 1:00am for Sunday to Saturday.
- e) Traffic and parking: There is no increase in traffic or parking associated with this application as there is no additional space or seating being added as part of the application. Therefore the parking and traffic situation should remain unchanged.
- f) If the proposed endorsement would result in the establishment being operated in a manner which is contrary to its primary purpose:  
The endorsement is being sought to offer an additional level of service to the food primary establishment. The focus of the proposed facility will be as a food primary establishment.
- g) Recommendation:  
Council recommends that the application for Food Primary License to close after midnight and the application for a patron participation entertainment Liquor License endorsement be approved.

Carried

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

### **7.1 1290 Bothe Road, DVP15-0014 - Cheryl Rogers**

Staff:

- Provided a PowerPoint Presentation summarizing the presentation.

The Deputy City Clerk advised that no correspondence was received.

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

Applicant:

- Present and available for questions.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor DeHart

**R322/15/04/28** THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0014, for Lot G District Lot 131 ODYD Plan 38135, located on 1290 Bothe Road, 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 Zone Development Regulations**

To vary the side yard from 2.3m required to 2.13m existing;

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval with no opportunity to extend.

Carried

### **7.2 845 Bernard Avenue, DVP15-0046 - Wendy Marcolli**



Staff:

- Provided a PowerPoint Presentation summarizing the presentation and responded to questions from Council.

The Deputy City Clerk advised that no correspondence was received.

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

Wendy Marcolli, Bernard Avenue, Applicant

- Planning on using the garage for extra storage.
- Not intending to use the building as a carriage house; however, useful for re-sale.
- Confirmed photo image displayed of the garage that had been provided to neighbours as well as an information package. Neighbours are aware that it could potentially be a carriage house.

Council:

- Would have preferred the application be zoned for carriage house before requesting a variance.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Singh

**R323/15/04/28** THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0046, for 845 Bernard Avenue, located on Lot 26 Block 15 District Lot 138 ODYD Plan 262, Kelowna, BC;

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

**Section 13.6.6 (b): RU6 - Two Dwelling Housing Development Guidelines**  
To vary the maximum height of an accessory building from 4.5m to 4.8m;

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval with no opportunity to extend.

Carried

### **7.3 1480 Guisachan Place, DVP15-0037 - Andrew & Joan Marceau**

Staff:

- Provided a PowerPoint Presentation summarizing the presentation.

The Deputy City Clerk advised that no correspondence was received.

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

Joan Marceau, Guisachan Place, Applicant

- The variance is required to accommodate a vehicle with a wheelchair lift. Existing garage is not large enough to accommodate.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Gray

**R324/15/04/28** THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0037, for Lot 4 District Lot 136 ODYD Plan 9353, Located at 1480 Guisachan Place, Kelowna, BC;

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

**Section 13.1.6(e): RU1 - Large Lot Housing - Development Regulations**  
Vary the minimum required rear yard setback from 7.5 m required to 6.0 m proposed.

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval with no opportunity to extend.

Carried

**7.4 1502 & 1506 Sutherland Avenue, DP15-0033 & DVP15-0034 - Nor-Can Ventures Ltd.**

Staff:

- Provided a PowerPoint Presentation summarizing the presentation and responded to questions from Council.

The Deputy City Clerk advised that no correspondence was received.

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

Gary Trombowski, Nor-Can Holdings, Applicant Representative

- This is a challenging site however very excited about the project.
- Will be developed in phases due to leasing considerations. Intend to get the car wash up and running.
- Commented on integration with surrounding area and parking contained within the structure eliminating mass parking surrounding the building.
- Believes landscaping is very inviting and a key feature.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Given

**R325/15/04/28** THAT Council authorizes the issuance of Development Permit No. DP15-0033 for Lot A & B, District Lot 141, ODYD, Plan 19444, located on 1502 & 1506 Sutherland 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. That an access easement be registered on Lot A & B to ensure adequate vehicle stacking for the car wash be maintained.
5. That a blanket Statutory Right-of-Way for maintenance access to the riparian area be registered on Lot A & B.
6. That the land swap agreement between the applicant and the City of Kelowna be completed.



7. Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied as described in the attached report dated March 5<sup>th</sup> 2015”;
8. That 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. DVP15-0034 for Lot A, District Lot 141, ODYD, Plan 19444, located on 1502 & 1506 Sutherland Avenue, Kelowna, BC.

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

**Section 14.3.5 (d) Development Regulations**

Vary the front yard setback requirement from 3.0 metre required setback to 1.5 metre proposed; AND

**Section 14.3.5 (e) Development Regulations**

Vary the west flanking side yard setback requirement from 2.0 metre required setback to 1.5 metre proposed.

AND THAT the applicant be required to complete the above noted conditions of Council’s approval of the Development Permit / Development Variance Permit Applications in order for the permit to be issued.

AND FURTHER THAT this Development Permit / Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

**7.5 2422 Richter Street, DVP15-0039 - David & Janet Garland**

Staff:

- Provided a PowerPoint Presentation summarizing the presentation.

The Deputy City Clerk advised that no correspondence was received.

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

Birte Decloux, Applicant Representative

- Staff did a good job describing the property.
- Had investigated a carriage house however the site is challenging and that option would not work.
- Displayed photos of the property and highlighted where the addition would go.
- Stated the secondary suite is for an elderly family member.

There were no further comments.

Moved By Councillor Dehart/Seconded By Councillor Singh

**R326/15/04/28** THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0039, for Lot 7, DL 14, O.D.Y.D., Plan 1141, located on 2422 Richter Street, Kelowna, BC;

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

**Section 13.6.6(e): Development Regulations:**

To vary the rear yard setback from 7.5m required to 2.9m proposed.

AND FURTHER THAT this Development Variance Permit be valid for two (2) years from the date of Council approval, with no opportunity for extension.

**Carried**

**7.6 1539-1541 Bedford Avenue, 1507-1511 Dickson Avenue and 1517-1521 Dickson Avenue, BL11051 (Z14-0050) - Dickson Avenue Holdings Ltd.**

Moved By Councillor DeHart/Seconded By Councillor Singh

**R327/15/04/28** THAT Bylaw No. 11051 be adopted.

**Carried**

**7.7 1539-1541 Bedford Avenue, 1507-1511 Dickson Avenue & 1517-1521 Dickson Avenue, DP14-0197 & DVP14-0195 - Dickson Avenue Holdings Ltd.**

Staff:

- Provided a PowerPoint Presentation summarizing the presentation.

The Deputy City Clerk advised that the following correspondence was received:

Letters of Opposition or Concern  
David & Shirley Carter, Dunn Street  
James S. & Chika Phillips, Burtch Road

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

Jim Meiklejohn, Ellis Street, Applicant

- Spoke to the site plan drawing and rendering.
- Requested site coverage partly to accommodate townhouses brought forward of the parkade to the sidewalk for better connection with the street.
- Contained parking on site to avoid variances for parking. Micro suites require one stall.
- Spoke to variances and why they are warranted.

Council:

- Commented that they would like to see a parking study in the area.
- Believe amenity deck is imperative with micro suites.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Given

**R328/15/04/28** THAT Final Adoption of Zoning Amending Bylaw No. 11051 be considered by Council;

AND THAT Council authorize the issuance of Development Permit DP14-0197 for Lot 2-4, District Lot 141, ODYD, Plan 13608, located on 1539-1541 Bedford Ave, 1507-1511 Dickson Ave, & 1517-1521 Dickson Ave, 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. That 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 DVP14-0195 for Lots 2-4, District Lot 141, ODYD, Plan 13608, located on 1539-1541 Bedford Ave, 1507-1511 Dickson Ave, & 1517-1521 Dickson Ave, Kelowna, BC, subject to the following:

**Section 13.11.6 (d) RM5 Development Regulations:**

To vary the front yard setback for a patio from 1.5m required to 1.0m proposed.

**Section 13.11.6 (e) RM5 Development Regulations:**

To vary the side yard setback for the parkade from 4.5m required to 1.5m proposed.

**Section 13.11.6 (f) RM5 Development Regulations:**

To vary the rear yard setback for the parkade from 9.0m required to 3.0m proposed.

**Section 13.11.6 (b) RM5 Development Regulations:**

To vary the site coverage of building from 40% required to 66.3% proposed.

**Section 13.11.6 (b) RM5 Development Regulations:**

To vary the site coverage of buildings, driveways & parking from 65% required to 78.5% proposed.

AND FURTHER THAT this Development Permit and Development Variance Permit be valid for two (2) years from the date of Council approval, with no opportunity to extend.

**Carried**


8. Reminders - Nil.

9. Termination

The meeting was declared terminated at 9:35 p.m.

\_\_\_\_\_  
Deputy Mayor

/acm



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

# REPORT TO COUNCIL



**Date:** 3/30/2015

**RIM No.** 0940-40

**To:** City Manager

**From:** Urban Planning Department (AC)

**Application:** DVP15-0066 **Owner:** Whitworth Holdings Ltd., Inc  
No. BC0767813

**Address:** 1250 Ellis St **Applicant:** Worman Resources Inc.

**Subject:** Development Variance Permit

**Existing OCP Designation:** MXR - Mixed Use (Residential / Commercial)

**Existing Zone:** C10 - Service Commercial

---

## 1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP15-0066, for the property legally known as Lot 1, District Lot 139, ODYD, Plan 660, located on 1250 Ellis St., Kelowna, BC.

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

### Section 5.3.1 (c) - Specific Regulations

To vary that the canopy sign to project above the upper edge of a canopy from 300mm to 720mm.

### Section 5.8.1 (a) - Specific Zone Regulations

To vary the maximum height of a projecting sign from 7.5m to 8.3m above grade.

### Section 6 - Specific Zone Regulations

To vary the number of permitted signs from 2 per business to 3 per business.

To vary the number of permitted projecting signs from 0 to 1.

AND FURTHER THAT this Development Permit / Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

## 2.0 Purpose

To consider a Development Variance Permit for the proposed brew pub signage.



### 3.0 Urban Planning

Staff supports all the proposed variances. Signage was identified in the Development Permit, however, the previous name for the brew pub, "Chico's", was unusable. When Council reviewed the Development Permit there were no issues identified with the proposed signage which is similar in form and character to the current proposal.

The subject property is unique as it is the only commercial property within the downtown (and not located along the highway) that is zoned C10 - Service Commercial. All other commercial properties downtown are zoned C7 - Central Business Commercial. The C7 zone would permit the three signs including the canopy sign, the projecting sign, and the rear fascia sign. The increase in maximum height for the projecting sign is considered minor and the sign does not project above the top of the vertical face of the roofline. Lastly, Staff supports increasing the maximum permitted height of a canopy sign above the upper edge of a canopy. If this sign were a fascia sign it would be well under the maximum size.

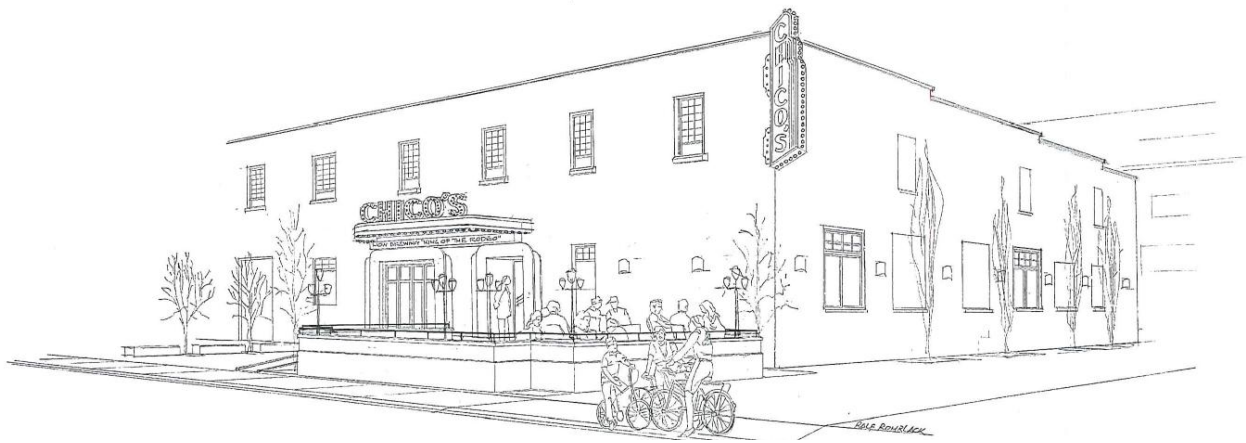


Figure 1: Previously approved Development Permit by Council

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by individually contacting the neighbours as described in the attached *Schedule 'A'*. No major issues were identified during consultation with neighbouring parcels.

### 4.0 Proposal


#### 4.1 Site Context

The subject property is located on Ellis Street and adjacent to Prospera Place.

**Subject Property Map: 1250 Ellis Street**



**Legend:**

-  Portion of Property under consideration for Development Permit and Development Variance Permit.

**5.0 Current Development Policies**

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

Comprehensive Development Permit Design Guideline

Section 17.0 Signs

- 17.1 Integrate signage that contributes to the overall quality and unique character of a development (e.g. coordinate proportion, materials, and colour);
- 17.2 Do not compromise the scale and visual qualities of a building with the size and number of signs;
- 17.3 Locate, size, and format signs such that they can be easily read by pedestrians.

**6.0 Technical Comments**

**6.1 Building & Permitting Department**

- Structural Engineering required for connection of signs to building at time of building permit application.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

**6.2 Development Engineering Department**

- See attached.

## 7.0 Application Chronology

Date of Application Received: March 24<sup>th</sup> 2015  
Date Public Consultation Received: April 1<sup>st</sup> 2015

**Report prepared by:**

---

Adam Cseke, Planner

**Reviewed by:**

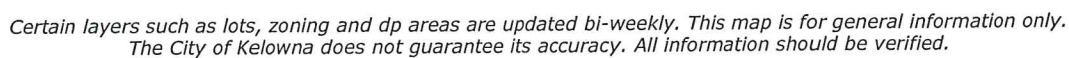


Lindsey Ganczar, Urban Planning Supervisor

### **Attachments:**

Subject Property Map  
Development Engineering Memo  
DVP15-0066





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

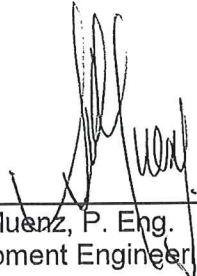
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**Date:** March 27, 2015  
**File No.:** DVP15-0066  
**To:** Urban Planning (AC)  
**From:** Development Engineering Manager (SM)  
**Subject:** 1250 Ellis Street

---

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

This development variance permit application to vary the sign bylaw for canopy and projecting sign 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.: DVP15—0066

EXISTING ZONING DESIGNATION:	C10 - Service Commercial
WITHIN DEVELOPMENT PERMIT AREA:	Comprehensive Development Permit Area

ISSUED TO:	Whitworth Holdings Ltd., Inc No. BC0767813
LOCATION OF SUBJECT SITE:	1250 Ellis Street

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	1	139	660			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 Sign Bylaw No. 8235 be granted:

##### Section 5.3.1 (c) - Specific Regulations

To vary that the canopy sign to project above the upper edge of a canopy from 300mm to 720mm.

##### Section 5.8.1 (a) - Specific Zone Regulations

To vary the maximum height of a projecting sign from 7.5m 8.3m above grade.

##### Section 6 - Specific Zone Regulations

To vary the number of permitted signs from 2 per business to 3 per business.

To vary the number of permitted projecting signs from 0 to 1.

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. PERFORMANCE SECURITY:

none

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 & 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:

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_\_ DAY OF \_\_\_\_\_, 2015 BY THE  
DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

\_\_\_\_\_  
Ryan Smith, Manager - Urban Planning Branch,  
Community Planning & Real Estate Division



Front (East) Elevation

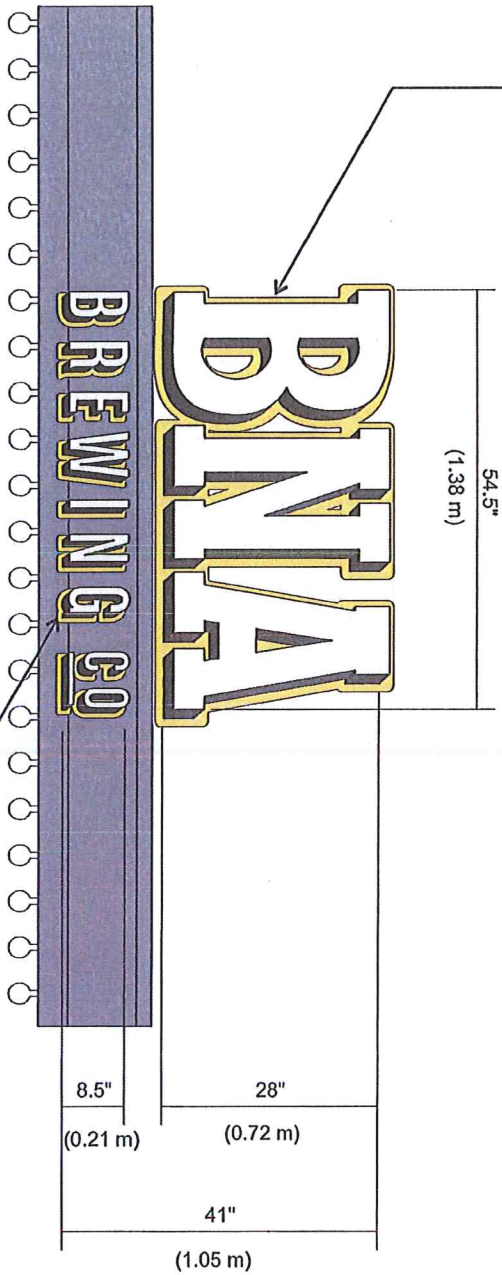


1250 Ellis Street  
BNA Brewing Co.

Sign A  
(Canopy sign)

- Freestanding channel letters:**
- 5" deep black aluminum returns
  - 1" deep black trimcap
  - 3/16" white acrylic faces
  - Internal white LED lighting
  - Metallic Gold aluminum composite backdrop
  - 1.5" around backs of letters.
- (face of letters are illuminated white)

EAST ELEVATION  
SCALE 1/2" = 1'



- Fascia mounted channel letters:**
- 3" deep black aluminum returns
  - 1" deep black trimcap
  - 3/16" white acrylic faces
  - Internal white LED lighting
  - Metallic Gold aluminum composite backdrop
  - 5/8" around backs of letters.
- (face of letters are illuminated white)

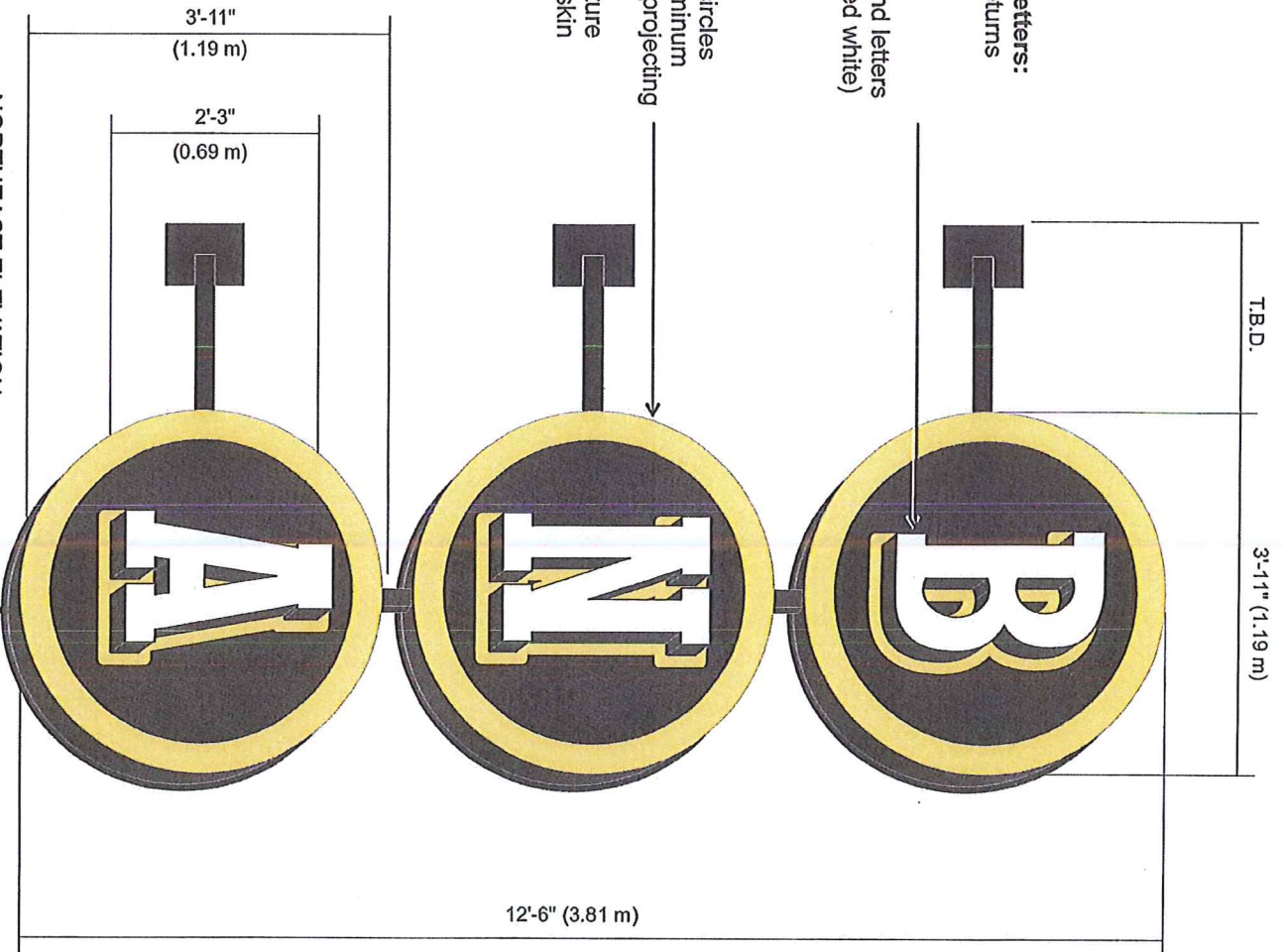


1250 Ellis Street  
BNA Brewing Co.

Sign B  
(Projecting sign)

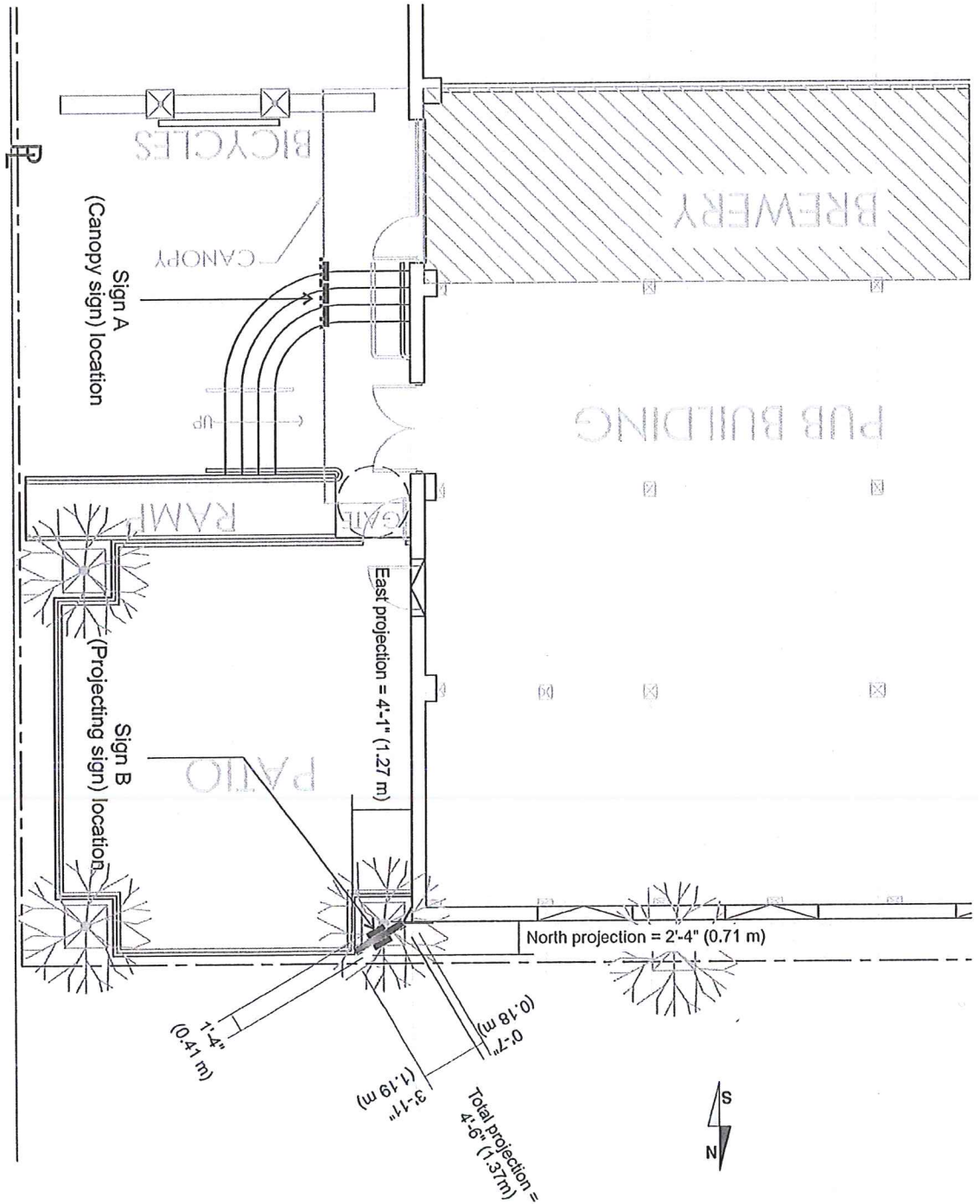
- Fascia mounted channel letters:**
- 5" deep black aluminum returns
  - 1" deep black trimcap
  - 3/16" white acrylic faces
  - Internal white LED lighting
  - 1.5" gold vinyl border behind letters (face of letters are illuminated white)

- Sign Cabinets**
- 3'-8" dia. x 6" deep circles
  - 3'-11" dia. gold aluminum composite rings, projecting 1" off surface
  - Steel internal structure
  - Black sheet-metal skin



**SCHEDULE Attachments**  
This forms part of development  
Permit # 04915-0066

1250 Ellis Street  
BNA Brewing Co.  
Site Plan (East)



SITE PLAN  
SCALE 3/32" = 1'

ELLIS STREET

PUBLIC SIDEWALK

**SCHEDULE** *Attachments*

This forms part of development  
Permit # AP15-0066



1250 Ellis Street  
BNA Brewing Co.

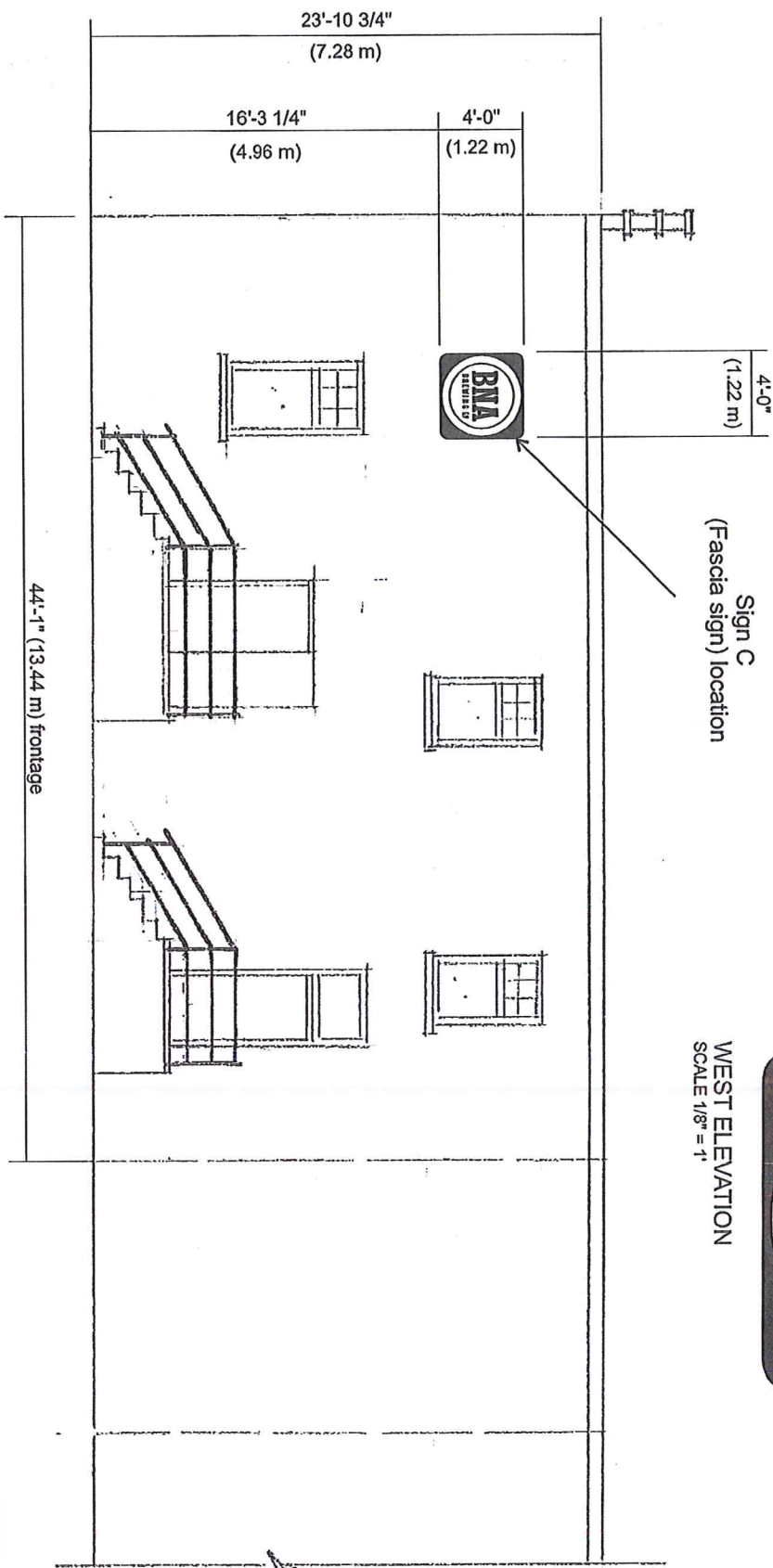
Rear (West) Elevation

48" x 48" black and white logo,  
painted directly onto brick wall



Sign C  
(Fascia sign) location

WEST ELEVATION  
SCALE 1/8" = 1'



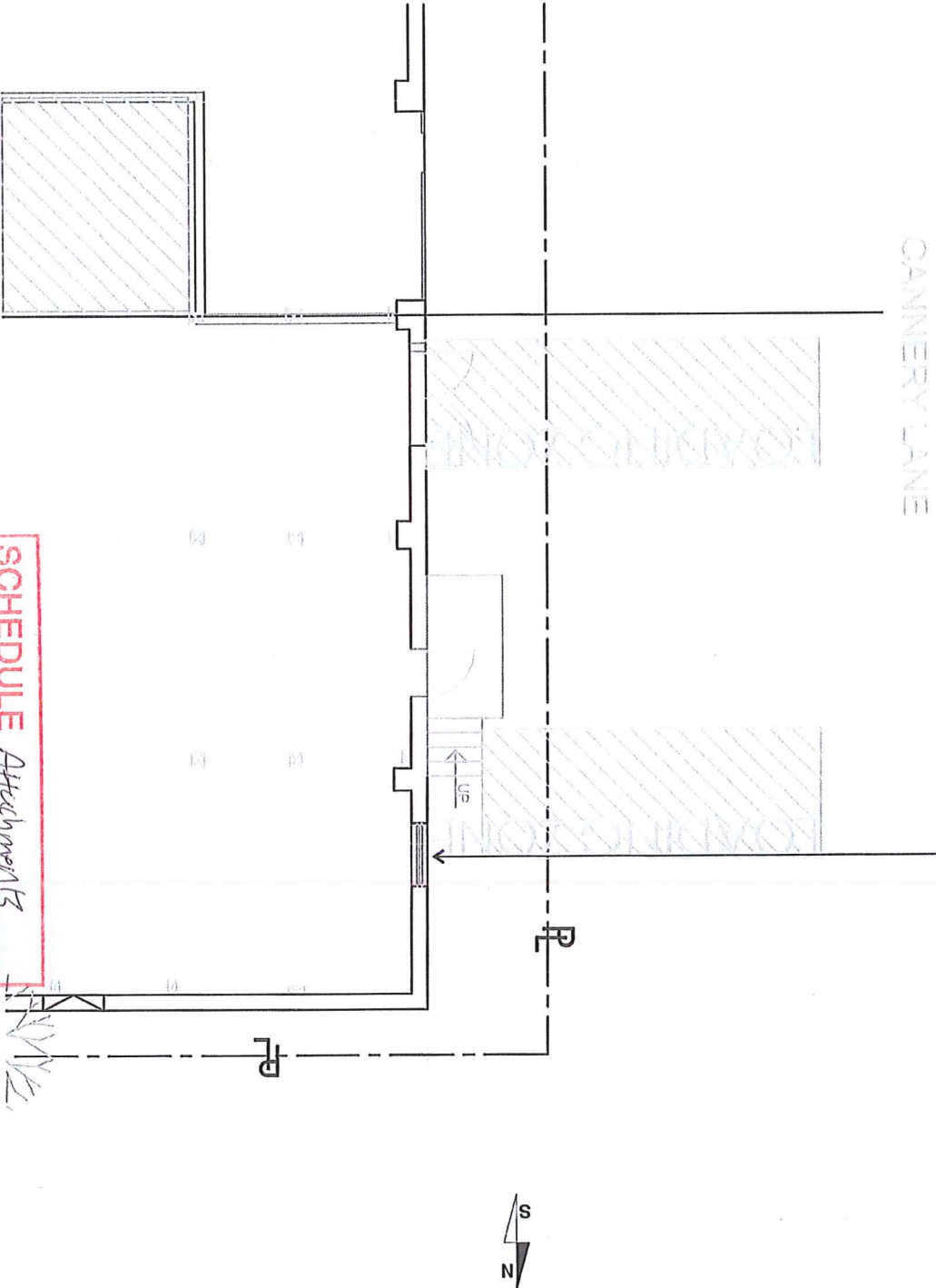
WEST ELEVATION  
SCALE 1/8" = 1'

**SCHEDULE Attachments**  
This forms part of development  
Permit # DVP15-0066

1250 Ellis Street  
BNA Brewing Co.  
Site Plan (West)

CANNERY LANE

Sign C  
(Fascia sign) location

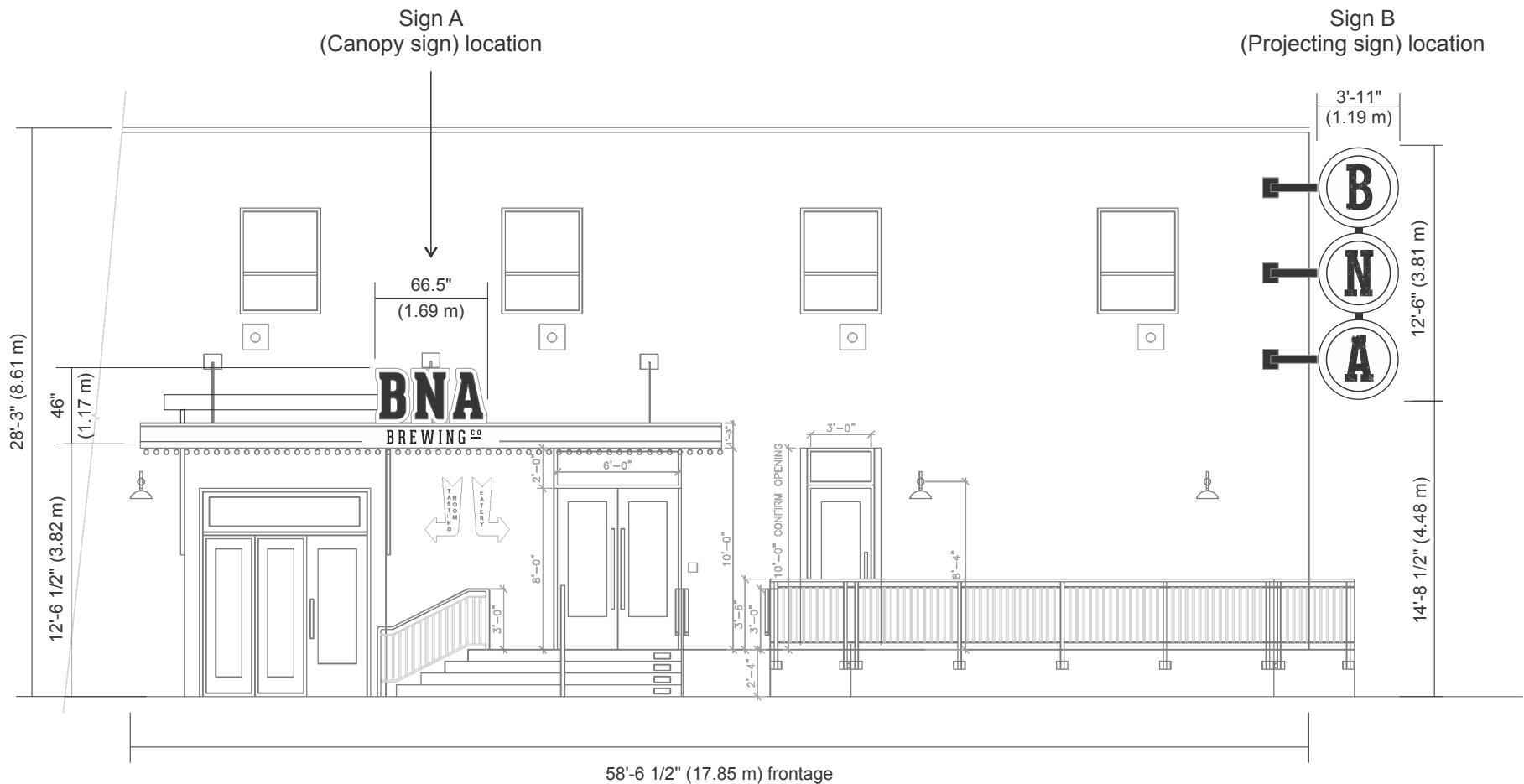


SITE PLAN  
SCALE 3/32" = 1'

**SCHEDULE** *Attachments*  
This forms part of development  
Permit # *DVP15-0066*

1250 Ellis Street  
BNA Brewing Co.

Front (East) Elevation



EAST ELEVATION  
SCALE 1/8" = 1'

## Structural Notes:

THIS STRUCTURE HAS BEEN DESIGNED TO MEET THE REQUIREMENTS OF PART 4 OF THE 2012 BC BUILDING CODE.

SNOW LOAD:  $S_s = 1.8 \text{ kPa}$   $S_r = 0.1 \text{ kPa}$

LATERAL LOADS: WIND 1/50  $q = 0.47 \text{ kPa}$

SEISMIC DATA:

$S_a(0.2) = 0.28$ ,  $S_a(0.5) = 0.17$ ,


$S_a(1.0) = 0.094$ ,  $S_a(2.0) = 0.056$

$PGA = 0.14$

STRUCTURAL STEEL HAS BEEN DESIGNED AND SHALL BE CONSTRUCTED IN CONFORMANCE WITH CAN/CSA S16-01 (CISC 2006 9th Edition), HANDBOOK OF STEEL CONSTRUCTION. ALL HSS SECTIONS SHALL CONFORM TO CAN/CSA-G40.21, 350W. ALL STRUCTURAL PLATES SHALL CONFORM TO G40.21-M, 300W. ALL WELDS E480xx,  $X_u = 480 \text{ Mpa}$  (70 ksi) WHERE MEMBERS ARE WELDED TOGETHER, THE WELDS SHALL DEVELOP THE FULL CAPACITY OF THE MEMBERS IN BENDING AND SHEAR. THREADED ROD SHALL CONFORM TO ASTM A36, GRADE 5



*April 23, 2015*

CUSTOMER BNA, Kelowna, BC.		CONTACT Dennis Knechtel	APPROVED
	PHONE 250.498.6365	FAX	E-MAIL
	DESIGNER Dave Veach	SALESPERSON Dennis Knechtel	FILE NAME cdr. file 15/B/BNA Structural drawing.cdr
	DATE April 20/15	THIS DRAWING IS THE SOLE PROPERTY OF OUTREACH NEON LTD. AND MAY NOT BE COPIED OR REPRODUCED IN ANY FASHION UNLESS PERMISSION IS EXPRESSED IN WRITING BY OUTREACH NEON LTD.	
	SCALE NTS		



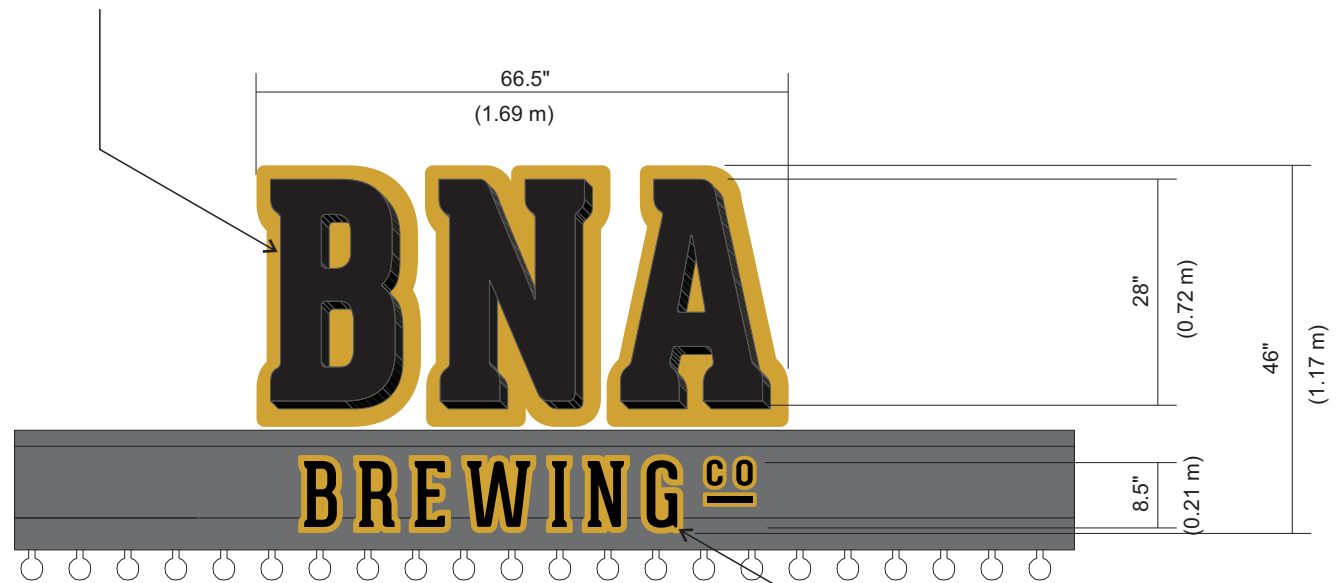
1250 Ellis Street  
BNA Brewing Co.

Sign A  
(Canopy sign)

**Freestanding channel letters:**

- 3" deep black aluminum returns
- Black aluminum faces
- Internal white LED halo-lighting
- Metallic Gold aluminum composite backdrop  
2.5" around backs of letters.

(white halo-lighting cast against gold backdrop)



EAST ELEVATION  
SCALE 1/2" = 1'

**Pin-mounted letters:**

- 1/8" thick black aluminum composite letters pin-mounted 1" off gold aluminum composite backdrop (non-illuminated)

1250 Ellis Street  
BNA Brewing Co.

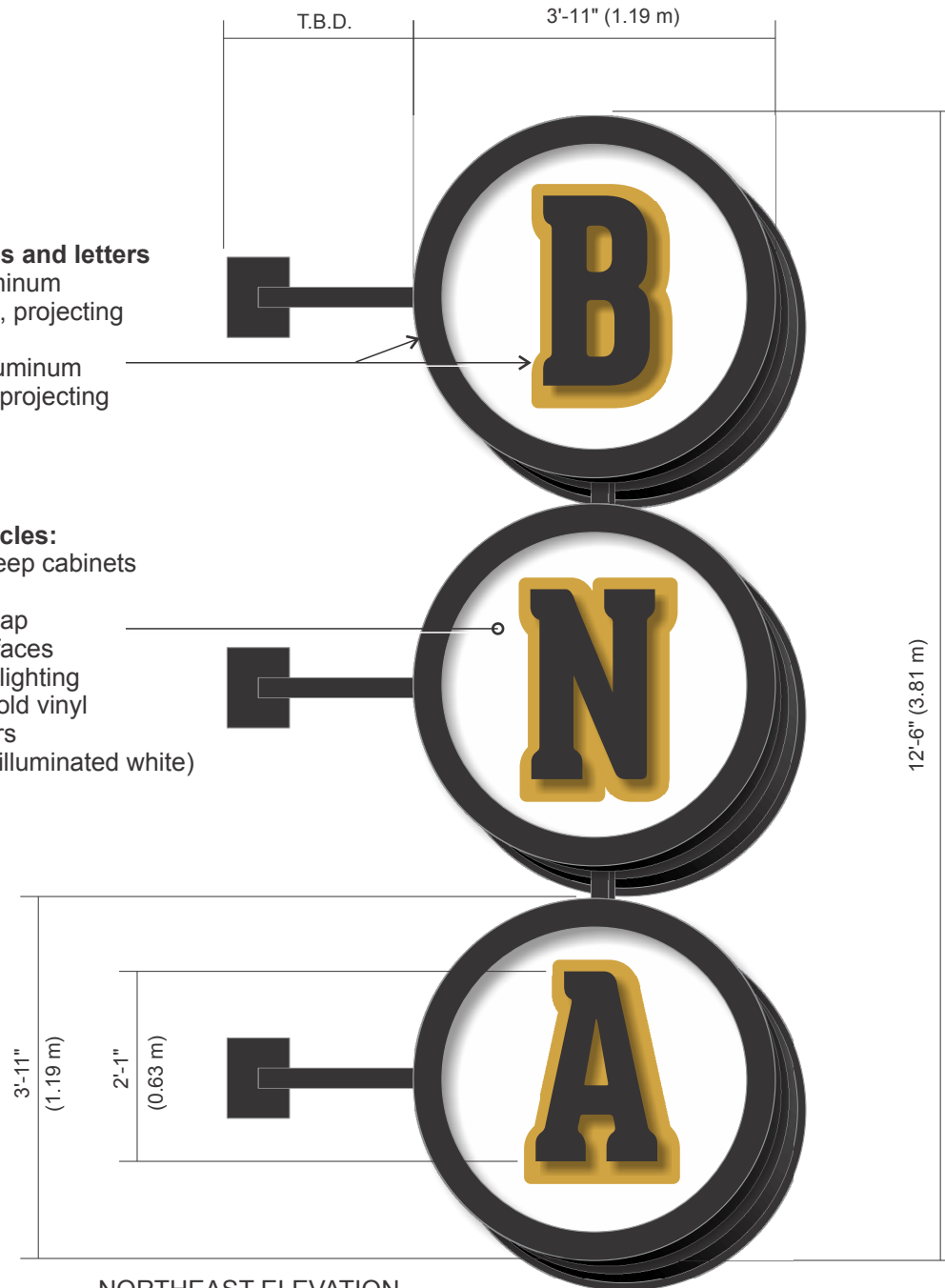
Sign B  
(Projecting sign)

**Pin-mounted circles and letters**

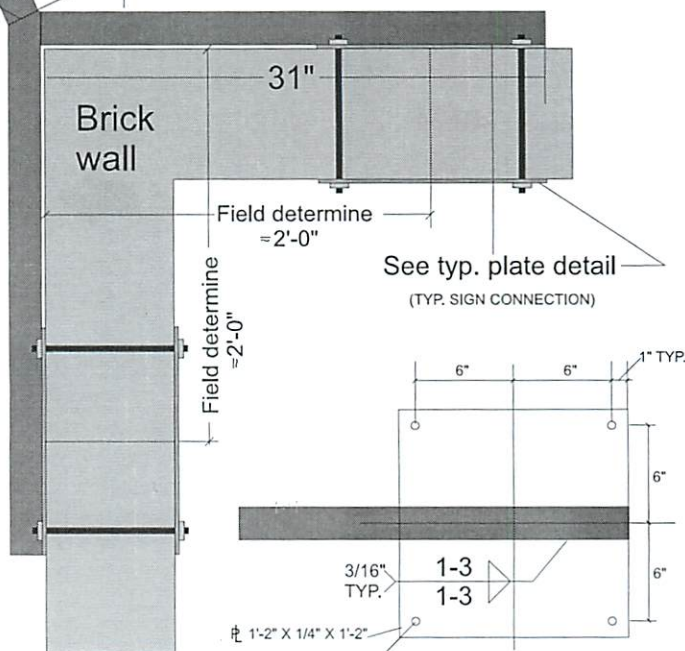
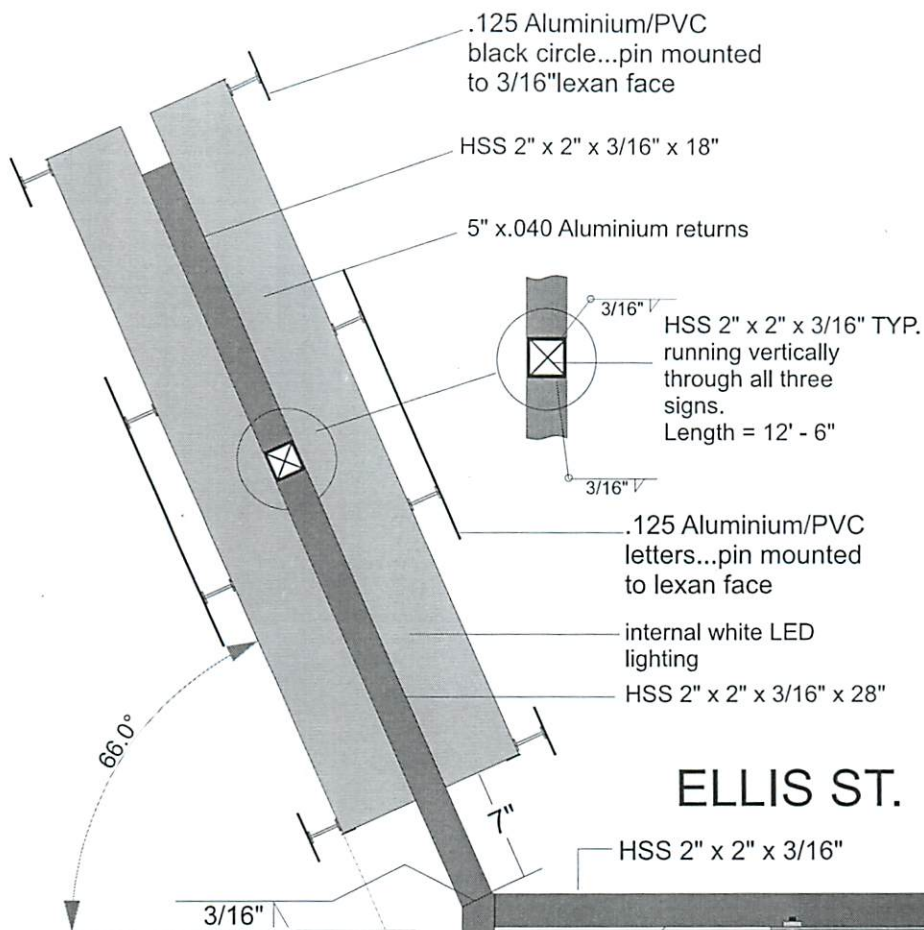
- 2'-1" tall black aluminum composite letters, projecting 2" off surface
- 3'-11" dia. black aluminum composite rings, projecting 2" off surface

**Face-lit channel circles:**

- (6) 3'-9" dia. x 5" deep cabinets
- Black returns
- 1" deep black trimcap
- 3/16" white Lexan faces
- Internal white LED lighting
- 2.25" translucent gold vinyl border behind letters (face of circles are illuminated white)



NORTHEAST ELEVATION  
SCALE 1/2" = 1'



PLAN

TYP. PLATE  
(12 REQ'D)  
FOR 3 SIGNS  
PLATE DETAIL

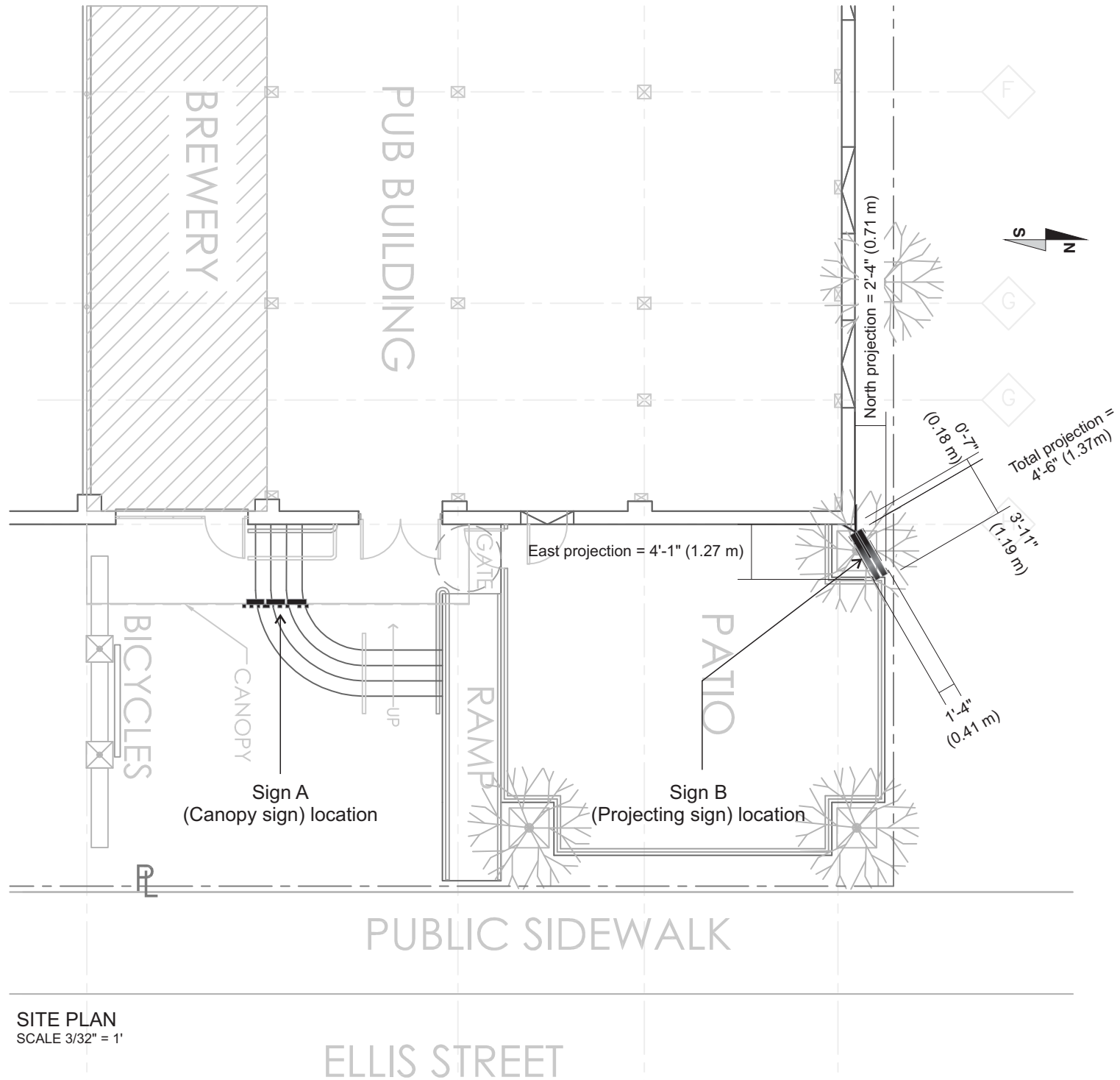


April 23, 2015

CUSTOMER BNA, Kelowna, BC.		CONTACT Dennis Knechtel	APPROVED
	PHONE 250.498.6365	FAX	E-MAIL
	DESIGNER Dave Veach	SALESPERSON Dennis Knechtel	FILE NAME cdr. file 15/B/BNA Structural drawing.cdr
	DATE April 20/15	THIS DRAWING IS THE SOLE PROPERTY OF OUTREACH NEON LTD. AND MAY NOT BE COPIED OR REPRODUCED IN ANY FASHION UNLESS PERMISSION IS EXPRESSED IN WRITING BY OUTREACH NEON LTD.	
	SCALE NTS		

1250 Ellis Street  
BNA Brewing Co.

Site Plan (East)



SITE PLAN  
SCALE 3/32" = 1'

1250 Ellis Street  
BNA Brewing Co.

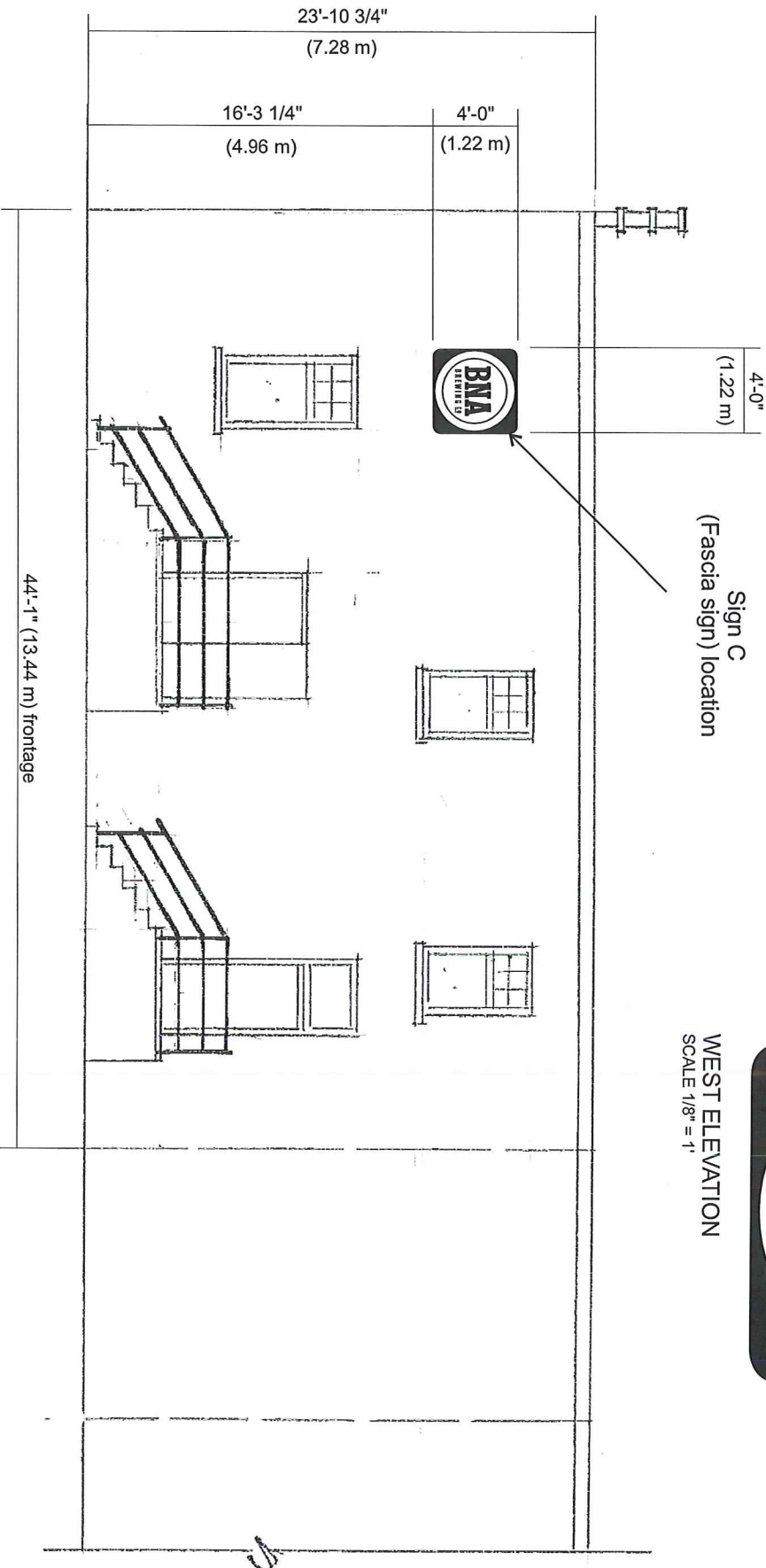
Rear (West) Elevation

48" x 48" black and white logo,  
painted directly onto brick wall



Sign C  
(Fascia sign) location

WEST ELEVATION  
SCALE 1/8" = 1'



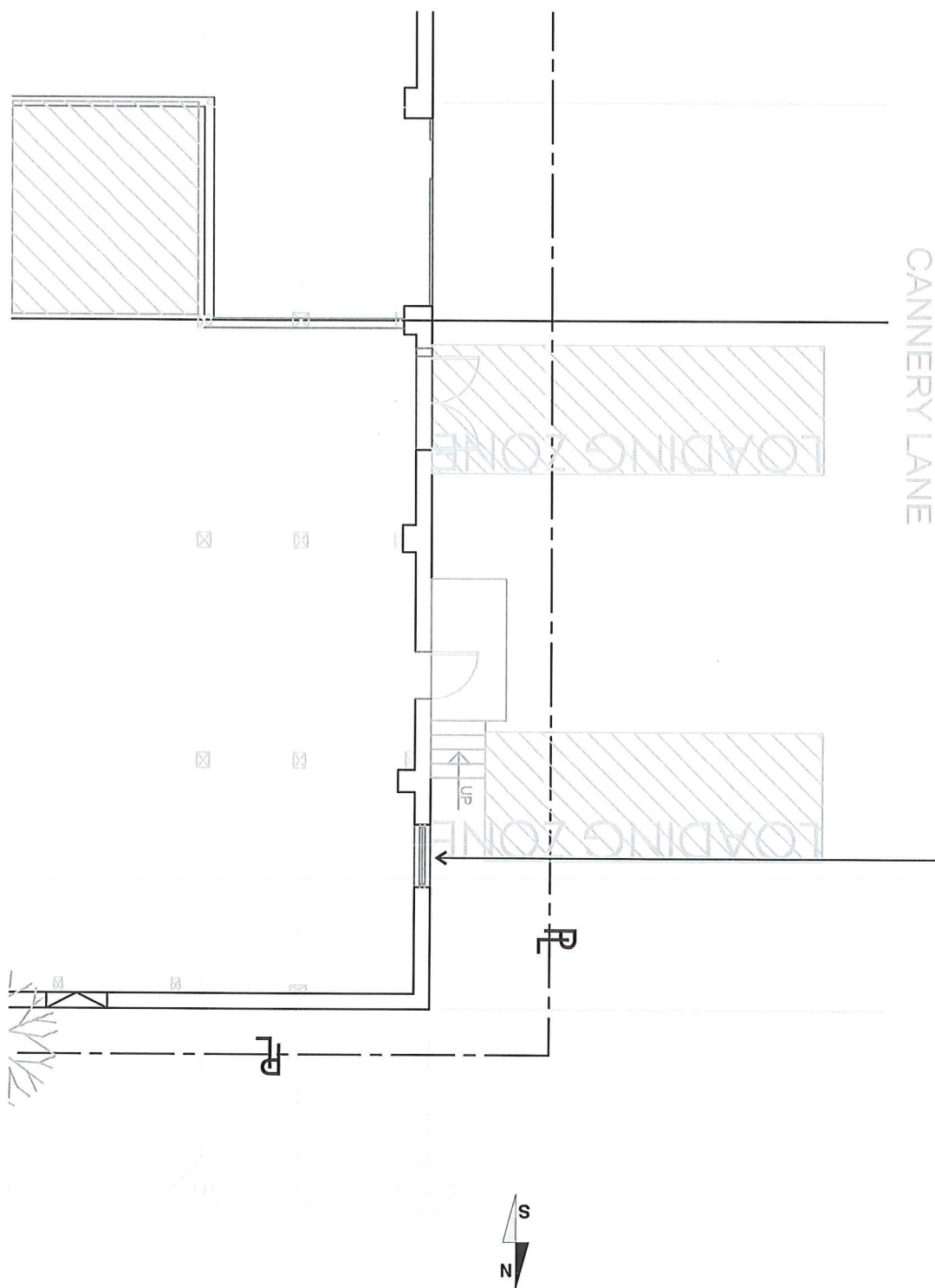
WEST ELEVATION  
SCALE 1/8" = 1'



1250 Ellis Street  
BNA Brewing Co.  
Site Plan (West)

CANNERY LANE

Sign C  
(Fascia sign) location



SITE PLAN  
SCALE 3/32" = 1'

**CITY OF KELOWNA**  
**BYLAW NO. 11064**  
**Z15-0004 - Simple Pursuits Inc.**  
**2127 Ethel Street**

---

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Section 19, Township 26, ODYD, Plan 29557, located on Ethel Street, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RM3 - Low Density Multiple 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 2<sup>nd</sup> day of March, 2015.

Considered at a Public Hearing on the 17<sup>th</sup> day of March, 2015.

Read a second and third time by the Municipal Council this 17<sup>th</sup> day of March, 2015.

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

---

City Clerk

# REPORT TO COUNCIL



**Date:** 4/8/2015

**RIM No.** 1250-30

**To:** City Manager

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

**Application:** Z14-0004, DP15-0019, DVP15-0080 **Owner:** Simple Pursuits Inc. No. BC449611

**Address:** 2127 Ethel Street **Applicant:** Simple Pursuits Inc. No. BC449611

**Subject:** Rezoning Adoption, Development Permit, and Development Variance Permit

**Existing OCP Designation:** MRL - Multi-Residential (Low Density)

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

**Proposed Zone:** RM3 - Low Density Multiple Housing

---

## 1.0 Recommendation

THAT Final Adoption of Zoning Amending Bylaw No. 11064 be considered by Council;

AND THAT Council authorize the issuance of Development Permit DP15-0019 for Lot 1, Section 19, Township 26, ODYD, Plan 29557, located on 2127 Ethel Street, 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. That 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 DVP15-0080 for Lot 1, Section 19, Township 26, ODYD, Plan 29557, located on 2127 Ethel Street, Kelowna, BC, subject to the following:



Subdivision, Development & Servicing Bylaw No. 7900/Schedule 4 - Design Standards/Section 4. Highway/4.6 Curb & Gutter, Sidewalks & Bike Lanes

- Variance to allow access from a class 1 collector road (Ethel Street) when an alternate access is available.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit/Development Variance Permit Applications in order for the permit to be issued.

AND FURTHER THAT this Development Permit and Development Variance Permit be valid for two (2) years from the date of Council approval, with no opportunity to extend.

## **2.0 Purpose**

To review the form and character Development Permit for a micro suite townhouse development, and to consider a variance to the Subdivision, Servicing, and Development Bylaw.

## **3.0 Urban Planning**

Staff supports the proposed Development Permit and Development Variance Permit. The project meets many objectives of the Comprehensive Development Permit Area. The property in question is currently designated as Multiple Unit Residential (Low Density) (MRL), allowing for RM3 Zoning with the condition that established street pattern be maintained. This application supports the City's broad goals of residential intensification within the Urban Core, while introducing an innovative design typology to the community.

Although the site is just outside of the Character Neighbourhood Development Permit Area it is well suited to redevelopment and intensification for the following reasons. The site is within an urban neighbourhood and it has good access to services and amenities in Pandosy area, Capri area as well as the City Centre. The site is located on a corner lot neighbouring on 3 sides by uses that are compatible with multiple-unit dwellings. For example to the east is a 4 story medium density development, to the south are seniors housing and institutional offices that would not be impacted by this development. Moreover, the low rise design of the development would have limited impact on the properties on the west side of Ethel Street. Further, the site is located within 100 metres of two BC Transit stops on Springfield Road which is a corridor identified as part of the Frequent Transit Network within the City's 25 Year Transit Vision.

The development is well positioned to improve streetscape and edge conditions of Ethel Street, especially in relationship to the long-term transformation of Ethel Street to a key Active Transportation corridor with separated walking and cycling lanes. The current proposal is to have the access to the development from Ethel Street across the future Active Transportation corridor rather than Glenwood Avenue. This proposal provides for a good site layout and that section of bike lane will have controlled speeds given that the bike lane's location is in-between intersections and heading towards a major intersection at Springfield Road. However, the Subdivision, Servicing, and Development Bylaw #7900 states:

"Residential driveway access onto an arterial or Class 1 collector road, is not permitted unless alternate access is impossible. Wherever physically possible, alternate local road or lane access shall be dedicated to preclude residential driveways accessing directly onto major roads."

In this case, access is possible from Glenwood Avenue which would require access from Glenwood Avenue rather than Ethel Street. Due to the size and orientation of the lot, the applicant could

not fit the desired building and parking on the site (and meet the zoning bylaw requirements) if the access was from Glenwood Avenue. The options for different building designs and parking layouts were limited as the developer needed to limit costs in order to create an affordable housing project. This meant restrictions on common hallways, parkades, and elevators. Due to all these restrictions on design, the applicant is required to apply for a Development Variance Permit to have the access from Ethel Street. Support for this variance will encourage affordable housing with minimal impact on the active transportation corridor along Ethel Street. The applicant has proposed changing the pavement paint colour, changing the paving material, and/or adding signage to mitigate the proposed vehicular access and crossing of the active transportation corridor along Ethel Street.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by individually contacting the neighbours as described in the 'Attachments'. No major issues were identified during the initial consultation with neighbouring parcels.

#### 4.0 Proposal

##### 4.1 Project Description

The current proposal is for a 24 'micro' unit row housing project.

##### 4.2 Site Context

The site area is approximately 1,665 m<sup>2</sup> and is located on the corner of Ethel Street and Glenwood Avenue. The subject property is designated as MRL - Multiple Residential (Low Density) and the lot is within the Permanent Growth Boundary. Specifically, the adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C2 - Neighbourhood Commercial	Mixed Use
East	RM5 - Multiple Residential (Medium Density)	Residential
South	P2 - Education and Minor Institutional	Cottonwoods
West	RU6 - Two Dwelling Housing	Residential

## Subject Property Map: 2127 Ethel Street



## 5.0 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM3 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Height	10.0 m / 3 storeys	7.3m / 2 storeys
FAR	0.75	0.42
Front Yard (south)	1.5 m for ground oriented housing	1.5 m
Side Yard (east)	4.0 m	4.0 m
Flanking Side Yard (west)	1.5 m for ground oriented housing	1.5 m
Rear Yard (west)	7.5 m	19.8 m
Site coverage of buildings	40 %	21 %
Site coverage of buildings, driveways & parking	60 %	54 %
Other Regulations		
Minimum Parking Requirements	24 parking stalls	24 parking stalls
Minimum Bicycle Parking Requirements	Class 1: 12 bikes Class 2: 3 bikes	Class 1: 12 bikes Class 2: 3 bikes
Private Open Space	180 m <sup>2</sup>	180 m <sup>2</sup>



## 6.0 Current Development Policies

### 6.1 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.

#### Relevant Development Permit Guidelines

**Ch14 / S1.6** - Provide generous outdoor spaces, including rooftops, balconies, patios and courtyards, to allow residents to benefit from the favourable Okanagan weather;

**Ch.14 / S2.3** - Design new multi-storey buildings to transition in height where the OCP land use designation provides for smaller structures on adjoining lots;

**Ch.14 / S.3.2** - Develop visual and physical connections between the public street and private buildings (e.g. patios and spill-out activity, views to and from active interior spaces, awnings and canopies);

**Ch.14 / S.4.2** - Ensure developments are sensitive to and compatible with the massing of the established and/or future streetscape;

**Ch.14 / S.5.2** - Design for human scale and visual interest in all building elevations. This can be achieved principally by giving emphasis to doors and windows and other signs of human habitation relative to walls and building structure;

**Ch.14 / S.8.1** Prioritize the safe and convenient movement of pedestrians above all other modes of transportation;

**Ch.14 / S.8.8** - Locate parking areas to the rear of buildings, internal to the building, or below grade;

**Ch.14 / S.8.12** - Avoid vehicle access from arterial and collector roads and from those roads with a prominent streetscape;

**Ch. 14 / S.8.14** Parking lots should have shade trees planted at 1 tree per 4 parking stalls.

**Ch.14 / S.10.1** - Incorporate decks, balconies and common outdoor amenity spaces into developments;

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

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

<sup>3</sup> City of Kelowna Official Community Plan, Chapter 4 (Future Land Use).

## 7.0 Technical Comments

### 7.1 Building & Permitting Department

- a) Demolition permits are required for any existing structures
- b) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- c) Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- d) A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
- e) Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
- f) The public corridor created between the upper two units needs protection for exiting of the upper units. We recommend that the code analysis be discussed in detail with the Building Department to ensure code compliance prior to the release of the DP.
- g) Size and location of all signage to be clearly defined as part of the development permit.
- h) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.
- i) Fire resistance ratings are required for storage, janitor, mechanical and/or garbage enclosure room(s). The drawings submitted for building permit are to clearly identify how these rating will be achieved and where these area(s) are located.
- j) An exit analysis is required as part of the code analysis at time of building permit application. The exit analysis is to address travel distances from the units, number of required exits per area, door swing direction, handrails on each side of exit stairs, width of exits etc
- k) Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this structure.

### 7.2 Development Engineering

- See attached

### 7.3 Fire Department

- a) Fire Department access is to be met as per BCBC 3.2.5.
- b) Requirements of section 9.10.19 Smoke Alarms of the BCBC 2012 are to be met.
- c) Provide a visible address for responding vehicles.
- d) Ensure the refuse location is 10 meters from the combustible structure.
- e) All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met.
- f) Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- g) We assume this would be a part 9 building with no fire alarm or fire sprinklers. In the event this building requires a fire alarm, the fire department will make further comments.

## 8.0 Application Chronology

Date of Application Received: January 30<sup>th</sup> 2015  
Date of Public consultation: January 30<sup>th</sup> 2015  
Date of First Reading: March 2<sup>nd</sup> 2015  
Date of Public Hearing and Third Reading: March 17<sup>th</sup> 2015

Report prepared by:

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Adam Cseke, Planner

Reviewed by:

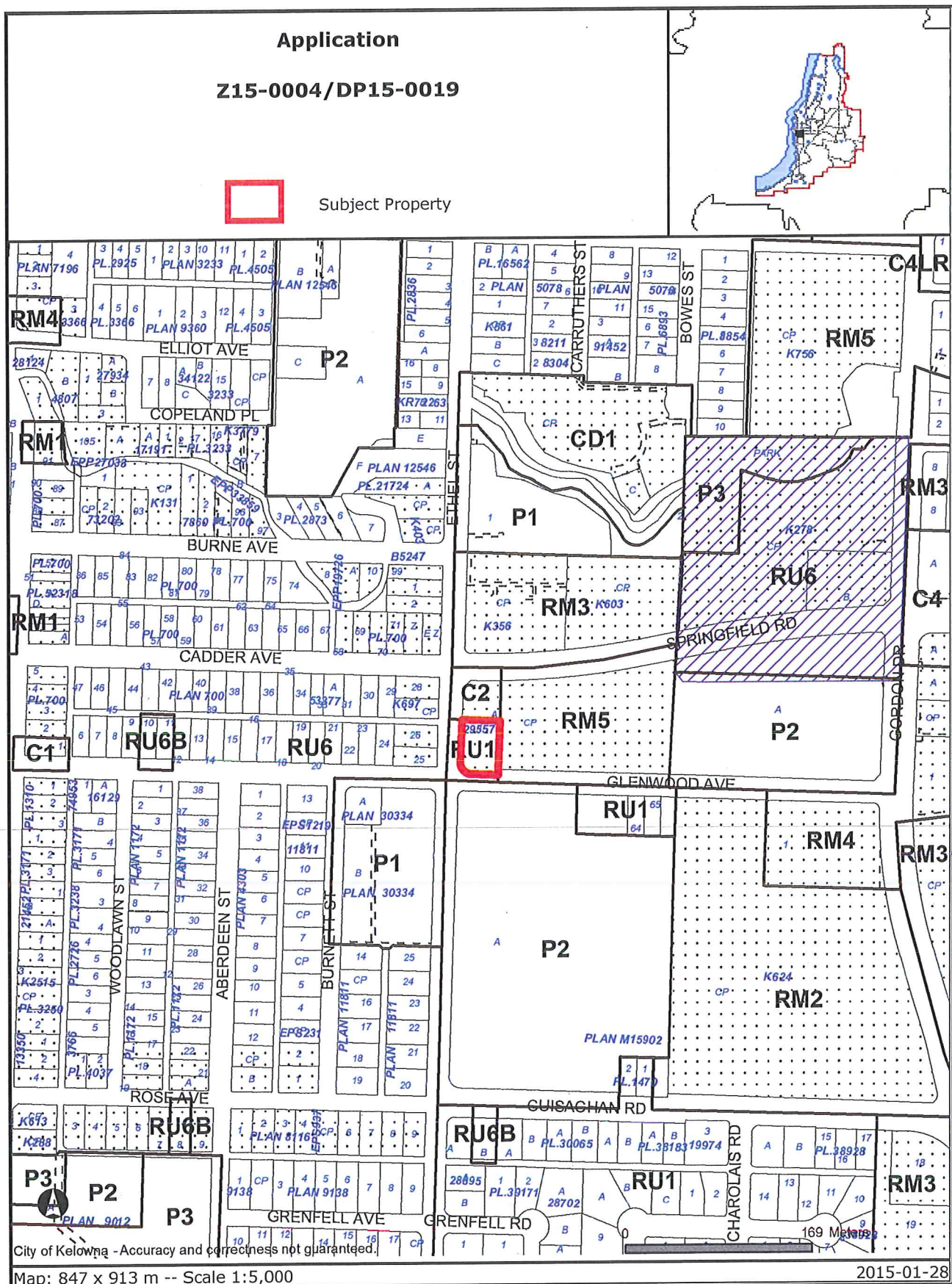


Ryan Smith, Urban Planning Manager

### Attachments:

- Subject Property Map
- Applicant Rationale
- Neighbourhood Consultation
- Draft Development Permit / Development Variance Permit
  - Schedule 'A'
    - Site Plan
    - Floor Plan
  - Schedule 'B'
    - Elevations
    - Colour Board





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

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

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**Date:** February 19, 2015  
**File No.:** Z15-0004

**To:** Urban Planning (AC)

**From:** Development Engineering Manager

**Subject:** 2127 Ethel Street *REVISED*

RU1 to RM3

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Development Engineering Department have the following comments and requirements associated with this application. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

The Development Engineering Technologist for this project is Sergio Sartori

1. Domestic Water and Fire Protection

- (a) The existing lot is serviced with 19mm diameter water service. The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. The estimated cost of this construction for bonding purposes is **\$10,000.00**
- (b) The applicant, at his cost, will arrange for the removal of the existing service on Ethel Street and the installation of one new larger metered water service. The new service should tie in to the main on Glenwood Ave.
- (c) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures. The City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters.

2. Sanitary Sewer

- (a) The existing lot is serviced with a 100mm diameter sanitary service. The developer's consulting mechanical engineer will determine the requirements of this proposed development and establish the required size and preferred location of the new service. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal of the existing small diameter service and the installation of a new larger service. The new service should tie in to the main on Glenwood Ave. The estimated cost of this construction for bonding purposes is **\$8,000.00**

3. Storm Drainage

- (a) The developer must engage a consulting civil engineer to provide a storm water management plan for these sites which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of lot grading plans, minimum basement



elevations (MBE), if applicable, and provision of a storm drainage service and recommendations for onsite drainage containment and disposal systems.

- (b) Only one service will be permitted for this development. The applicant, at his cost, will arrange for the installation of one new overflow service. The new service should tie in to the main on Glenwood Ave. The estimated cost of this construction for bonding purposes is **\$5,000.00**

4. Road Improvements

- (a) Ethel Street must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, sidewalk, landscaped boulevard complete with street trees drainage system including catch basins, manholes and pavement removal and replacement, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The estimated cost of this construction for bonding purposes is **\$23,000.00**
- (b) Glenwood Ave must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, sidewalk, landscaped boulevard complete with street trees drainage system including catch basins, manholes and pavement removal and replacement, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The estimated cost of this construction for bonding purposes is **\$15,000.00**

6. Subdivision

- (a) Grant Statutory Rights Of Way if required for utility services.
- (b) Dedicate ~4.8m width along the full frontage of Glenwood Ave.
- (c) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

7. Electric Power and Telecommunication Services

- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground.
- b) Streetlights must be installed on Ethel Street & Glenwood Ave if needed.
- c) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- d) Re-locate existing poles and utilities, where necessary. Remove aerial trespass (es).

8. Engineering

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

9. Design and Construction

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

10. Servicing Agreements for Works and Services

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

11. Geotechnical Report

As a requirement of this application the owner must provide a geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics.
- (b) Site suitability for development, unstable soils, etc.
- (c) Drill and / or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content,



Identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.

- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.
- (e) Additional geotechnical survey may be necessary for building foundations, etc.

## 12. Bonding and Levy Summary

### (a) Bonding

Water service upgrades	\$ 10,000
Sanitary sewer service upgrades	\$ 8,000
Storm overflow services	\$ 5,000
Ethel Street frontage improvements	\$ 23,000
Glenwood Ave frontage improvements	\$ 15,000
<b>Total Bonding</b>	<b>\$61,000.00</b>

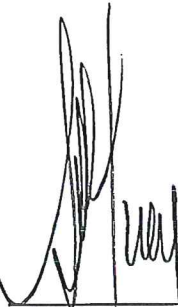
NOTE: The bonding amount shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual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

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

## 12. Development Permit and Site Related Issues

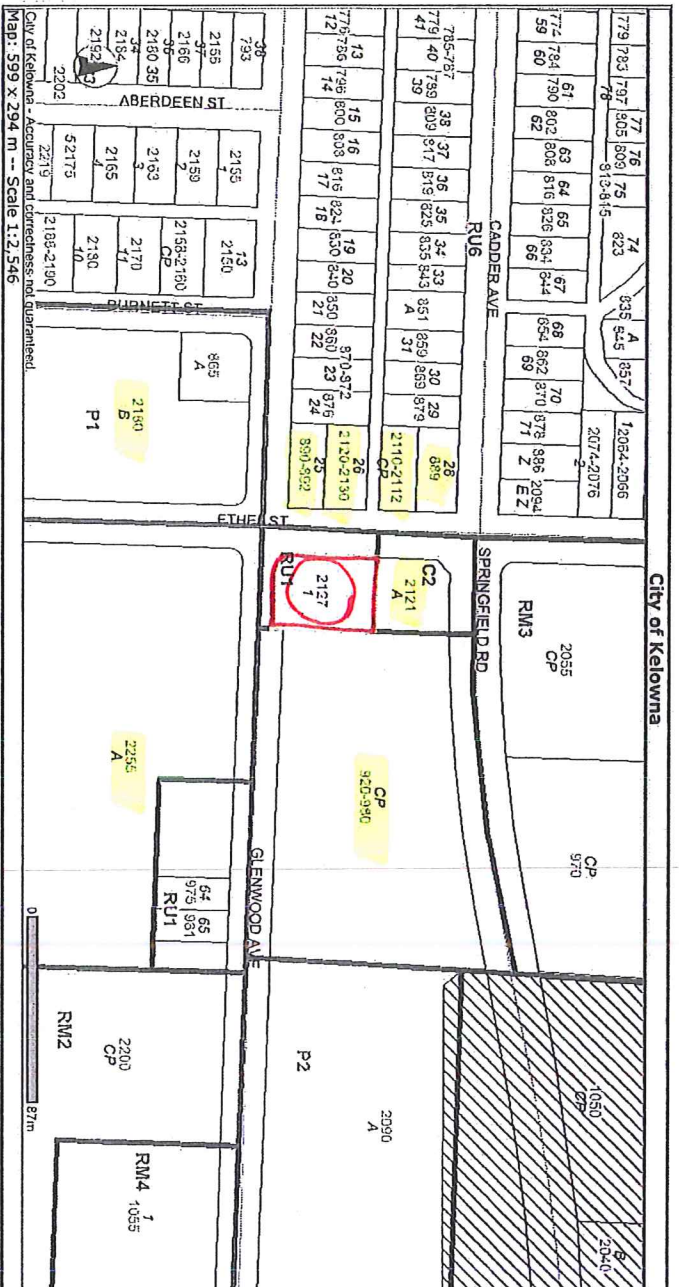
### Access and Manoeuvrability

- (i) *The preferred access to the site is from Glenwood Avenue, however, due to the site configuration, access from Ethel Street will be permitted provided that proper signage is installed and the insurance that sufficient sight distance is provided so as to limit conflicts with the future multi-use corridor. It is recommended that the signage be installed both within the proposed development and on the future multi-use corridor.*
- (ii) *Furthermore, it is advised that in the future, access and egress to and from the site may be restricted to right-in and right-out due to conflicts with the southbound to eastbound turn from Ethel Street to Glenwood Avenue or with a future median.*
- (iii) Indicate on the site, the locations of loading bays as well as the garbage and recycle bins.

  
 Steve Muenz, P. Eng.  
 Development Engineering Manager  
 SS

Rezoning  
Ethel, Cadder, Glenwood  
Re: 2127 Ethel Street

1. 889 Cadder – 012-119-156  
Owner: Crystal Lee O’Genski  
889 Cadder Ave., Kelowna, B.C. V1Y 5N7  
& Owner: Robert Lazare Jackson  
889 Cadder Ave., Kelowna, B.C. V1Y 5N7
2. 2110-2112 Ethel – 011-561-891  
Owner: Arthur Craig Brekkas  
532-52477 21 Hwy Sherwood Park AB T8A 6K2  
& Owner: Kaare Reid Brekkas  
Site 15 Comp 107 RR1 LCD Main, Fort St. John V1J 4M6  
& Owner: Cameron Krupka  
600 Horn Cres, Kelowna, B.C. V1W 4Y6
3. 2120-2130 Ethel – 012-119-105  
Owner: Wayne Roland Bridges  
1866 Riverside Ave Kelowna, B.C. V1Y 1A7
4. 890-892 Glenwood – 001-742-191  
Owner: Valerie Jean Zdralek  
2205 Stillingfleet Rd., Kelowna, B.C. V1Y 8N6
5. 920-980 Glenwood Strata Kas1202  
Owner: Rosemarie Bauer, President  
Shaunessy Green  
#314 – 980 Glenwood, Kelowna, B.C. V1Y 9P2
6. 2121 Springfield – 002-865-637  
Owner: 417414 BC Ltd.  
c/o Colliers International Centre Group Realty  
304 – 546 Leon Avenue, Kelowna, B.C. V1Y 6J6
7. 2180 Ethel Street  
Owner: Interior Health c/o Ms. Donna Lommer  
220-1815 Kirschner Road, Kelowna, BC V1Y 4N7
8. 2255 Ethel Street  
Owner: Interior Health c/o Ms. Donna Lommer  
220-1815 Kirschner Road, Kelowna, BC V1Y 4N7



2127- Subject Property

- Not Creation Provided.



Jan. 30, 2015

Crystal O'Genski & Robert Jackson  
889 Cadder Ave.,  
Kelowna, BC V1Y 5N7

Re: 2127 Ethel Street Rezoning and Development Permit

Dear Crystal and Robert,

This letter is to inform you of our development application for the property located at 2127 Ethel Street (corner of Ethel and Glenwood). Our development proposal is to rezone the property from its current designation of RU1 (large lot housing) to RM3 (low density multiple housing).

The goal of our application is to build a 2 storey, 24 unit apartment building. Attached to this letter is a site plan, floor plans, as well as a rendering of what we are proposing.

As you can see our concept is quite unique in its form. Rather than building a typical 4 storey apartment building, our idea was to try and have units that were accessible at street level or directly to outside. This provides small yard/courtyard spaces for the tenants rather than decks. It also means that all of the units on the main will be fully accessible. We hope that our units may offer a solution for a couple where one has had to move into Cottonwoods by providing a convenient and affordable housing option to the other, while still being able to live in close proximity.

Since we are well under the allowable height for multifamily development, this project keeps a very single family scale to it. Another of the community benefits of this design is that these grade level patios allow interaction with the neighbourhood at a much more human level than raised decks. This interface allows for personal interaction and helps keep "eyes on the street" for security.

All 24 of the units are bachelor units at under 319 sq. ft.. Some will have built-in beds while others will have murphy beds which will fold down from the walls. Each unit will have a storage unit located under the common patio for bigger items such as bikes and skis. All units are fully equipped with kitchens and their own laundry facilities.

Parking and access will enter off of Ethel Street with each unit having its own parking stall. With the great amenities within walking distance of this location though, one could certainly live here without the need for a car.

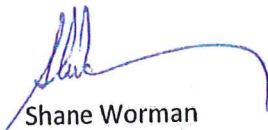


If you have any questions or concerns, please feel free to touch base with me. I can be reached at 250-862-1360 or by email at [shane@worman.ca](mailto:shane@worman.ca). You may also contact Adam Cseke who is coordinating the file for the City of Kelowna. His contact info is 250-469-8608 or [acseke@kelowna.ca](mailto:acseke@kelowna.ca).

If you are in support of our application, it would be appreciated if you could just drop myself or Adam a note confirming that support. If you have concerns, please don't hesitate to contact me to discuss. I would be happy to meet to review the project with you.

Thank you for consideration.

Sincerely,



Shane Worman  
Simple Pursuits Inc.  
Worman Homes/Commercial

Jan. 30, 2015

Arthur Brekkas  
532 – 52477 21 Hwy.,  
Sherwood Park, AB T8A 6K2

Re: 2127 Ethel Street Rezoning and Development Permit

Dear Arthur,

This letter is to inform you of our development application for the property located at 2127 Ethel Street (corner of Ethel and Glenwood). Our development proposal is to rezone the property from its current designation of RU1 (large lot housing) to RM3 (low density multiple housing).

The goal of our application is to build a 2 storey, 24 unit apartment building. Attached to this letter is a site plan, floor plans, as well as a rendering of what we are proposing.

As you can see our concept is quite unique in its form. Rather than building a typical 4 storey apartment building, our idea was to try and have units that were accessible at street level or directly to outside. This provides small yard/courtyard spaces for the tenants rather than decks. It also means that all of the units on the main will be fully accessible. We hope that our units may offer a solution for a couple where one has had to move into Cottonwoods by providing a convenient and affordable housing option to the other, while still being able to live in close proximity.

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Thank you for consideration.

Sincerely,



Shane Worman  
Simple Pursuits Inc.  
Worman Homes/Commercial

Jan. 30, 2015

Kaare Brekkas  
Site 15 Comp 107 RR1 LCD Main,  
Fort St. John, BC V1J 4M6

Re: 2127 Ethel Street Rezoning and Development Permit

Dear Kaare,

This letter is to inform you of our development application for the property located at 2127 Ethel Street (corner of Ethel and Glenwood). Our development proposal is to rezone the property from its current designation of RU1 (large lot housing) to RM3 (low density multiple housing).

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Thank you for consideration.

Sincerely,



Shane Worman  
Simple Pursuits Inc.  
Worman Homes/Commercial

Jan. 30, 2015

Cameron Krupka  
600 Horn Cres.,  
Kelowna, BC V1W 4Y6

Re: 2127 Ethel Street Rezoning and Development Permit

Dear Cameron,

This letter is to inform you of our development application for the property located at 2127 Ethel Street (corner of Ethel and Glenwood). Our development proposal is to rezone the property from its current designation of RU1 (large lot housing) to RM3 (low density multiple housing).

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Thank you for consideration.

Sincerely,



Shane Worman  
Simple Pursuits Inc.  
Worman Homes/Commercial

Jan. 30, 2015

Wayne Bridges  
1866 Riverside Ave.,  
Kelowna, BC V1Y 1A7

Re: 2127 Ethel Street Rezoning and Development Permit

Dear Wayne Bridges,

This letter is to inform you of our development application for the property located at 2127 Ethel Street (corner of Ethel and Glenwood). Our development proposal is to rezone the property from its current designation of RU1 (large lot housing) to RM3 (low density multiple housing).

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Since we are well under the allowable height for multifamily development, this project keeps a very single family scale to it. Another of the community benefits of this design is that these grade level patios allow interaction with the neighbourhood at a much more human level than raised decks. This interface allows for personal interaction and helps keep "eyes on the street" for security.

All 24 of the units are bachelor units at under 319 sq. ft.. Some will have built-in beds while others will have murphy beds which will fold down from the walls. Each unit will have a storage unit located under the common patio for bigger items such as bikes and skis. All units are fully equipped with kitchens and their own laundry facilities.

Parking and access will enter off of Ethel Street with each unit having its own parking stall. With the great amenities within walking distance of this location though, one could certainly live here without the need for a car.

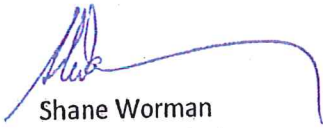


If you have any questions or concerns, please feel free to touch base with me. I can be reached at 250-862-1360 or by email at [shane@worman.ca](mailto:shane@worman.ca). You may also contact Adam Cseke who is coordinating the file for the City of Kelowna. His contact info is 250-469-8608 or [acseke@kelowna.ca](mailto:acseke@kelowna.ca).

If you are in support of our application, it would be appreciated if you could just drop myself or Adam a note confirming that support. If you have concerns, please don't hesitate to contact me to discuss. I would be happy to meet to review the project with you.

Thank you for consideration.

Sincerely,



Shane Worman  
Simple Pursuits Inc.  
Worman Homes/Commercial

Jan. 30, 2015

Valerie Zdralek  
2205 Stillingfleet Rd.,  
Kelowna, BC V1Y 8N6

Re: 2127 Ethel Street Rezoning and Development Permit

Dear Valerie Zdralek,

This letter is to inform you of our development application for the property located at 2127 Ethel Street (corner of Ethel and Glenwood). Our development proposal is to rezone the property from its current designation of RU1 (large lot housing) to RM3 (low density multiple housing).

The goal of our application is to build a 2 storey, 24 unit apartment building. Attached to this letter is a site plan, floor plans, as well as a rendering of what we are proposing.

As you can see our concept is quite unique in its form. Rather than building a typical 4 storey apartment building, our idea was to try and have units that were accessible at street level or directly to outside. This provides small yard/courtyard spaces for the tenants rather than decks. It also means that all of the units on the main will be fully accessible. We hope that our units may offer a solution for a couple where one has had to move into Cottonwoods by providing a convenient and affordable housing option to the other, while still being able to live in close proximity.

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Thank you for consideration.

Sincerely,



Shane Worman  
Simple Pursuits Inc.  
Worman Homes/Commercial

Jan. 30, 2015

920-980 Glenwood Strata Corp.  
c/o Rosemarie Bauer, President  
314 – 980 Glenwood Ave.,  
Kelowna, BC V1Y 9P2

Re: 2127 Ethel Street Rezoning and Development Permit

Dear Ms. Rosemarie Bauer,

We are writing to you today as we understand that you are the President of the strata for the properties at 920 – 980 Glenwood Avenue. Simple Pursuits Inc. has recently purchased the property next store to your development at 2127 Ethel Street and we were hoping you could help us in circulating our proposed development plan to the residents of your buildings. If you prefer a presentation to yourself or to your strata council, I would be happy to meet to do so.

Our development application is, as mentioned, for the property located at 2127 Ethel Street (corner of Ethel and Glenwood). Our intent is to rezone the property from its current designation of RU1 (large lot housing) to RM3 (low density multiple housing).

The goal of our application is to build a 2 storey, 24 unit apartment building. Attached to this letter is a site plan, floor plans, as well as a rendering of what we are proposing.

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Thank you for consideration.

Sincerely,



Shane Worman  
Simple Pursuits Inc.  
Worman Homes/Commercial

Jan. 30, 2015

4174141 BC Ltd.  
c/o Colliers International Centre Group Realty  
304 – 546 Leon Ave.,  
Kelowna, BC V1Y 6J6

Re: 2127 Ethel Street Rezoning and Development Permit

Dear Colliers property manager,

This letter is to inform you of our development application for the property located at 2127 Ethel Street (corner of Ethel and Glenwood). Our development proposal is to rezone the property from its current designation of RU1 (large lot housing) to RM3 (low density multiple housing).

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Thank you for consideration.

Sincerely,



Shane Worman  
Simple Pursuits Inc.  
Worman Homes/Commercial

Jan. 30, 2015

Interior Health Authority  
Attn: Ms. Donna Lommer  
220 – 1815 Kirschner Rd.,  
Kelowna, BC V1Y 4N7

Re: 2127 Ethel Street Rezoning and Development Permit

Dear Ms. Donna Lommer,

This letter is to inform you of our development application for the property located at 2127 Ethel Street (corner of Ethel and Glenwood). Our development proposal is to rezone the property from its current designation of RU1 (large lot housing) to RM3 (low density multiple housing).

The goal of our application is to build a 2 storey, 24 unit apartment building. Attached to this letter is a site plan, floor plans, as well as a rendering of what we are proposing.

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Shane Worman  
Simple Pursuits Inc.  
Worman Homes/Commercial

# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

- ☐ Development Permit No.: DP15-0019
- ☐ Development Variance Permit No.: DVP15-0080

ZONING DESIGNATION: RM3 - Low Density Multiple Housing

WITHIN DEVELOPMENT PERMIT AREA: Comprehensive Development Permit Area

ISSUED TO: Simple Pursuits Inc. No. BC 449611.

LOCATION OF SUBJECT SITE: 2127 Ethel Street

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	1	19		26	ODYD	29557

### 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:

- The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
- Landscaping to be provided on the land be in general accordance with Schedule "C";
- That 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

THAT the variances to the following sections of the Subdivision, Servicing, and Development Bylaw No. 7900 be granted:

### Section 4.6 - Curb and Gutter, Sidewalks and Bike Lanes

Variance to allow access from a class 1 collector road (Ethel Street) when an alternate access is available

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; OR
- (b) A Certified Cheque; OR
- (c) An Irrevocable Letter of Credit in the amount of \$\_\_\_\_\_.

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.

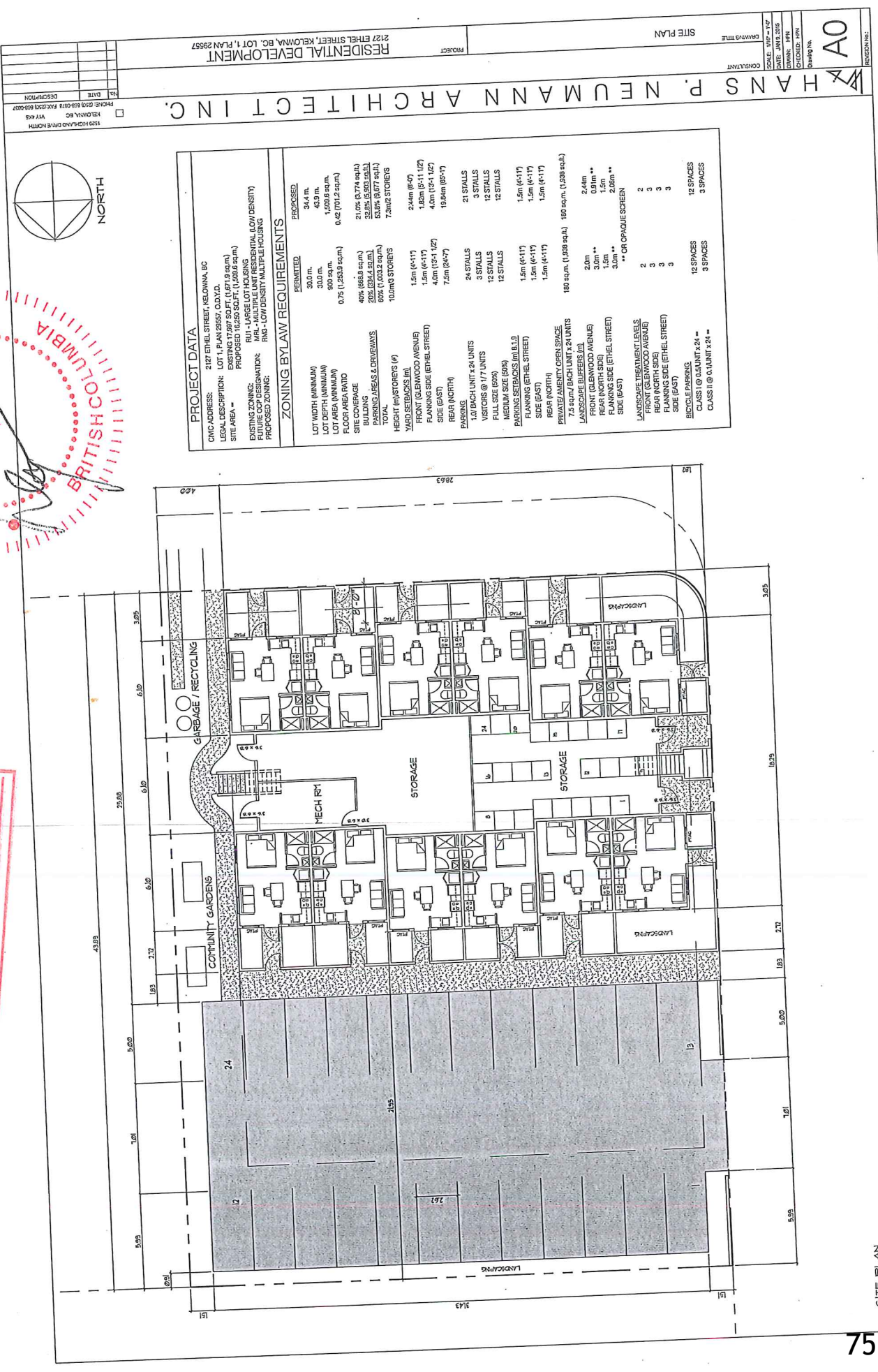
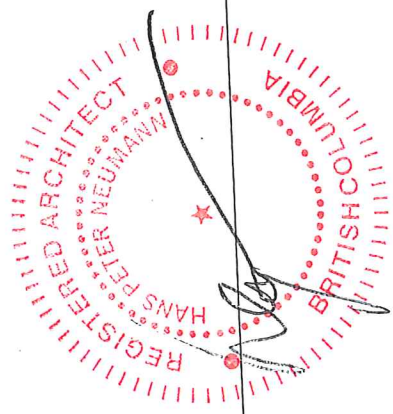
**6. APPROVALS:**

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_\_ DAY OF \_\_\_\_\_, 2015 BY THE  
DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

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

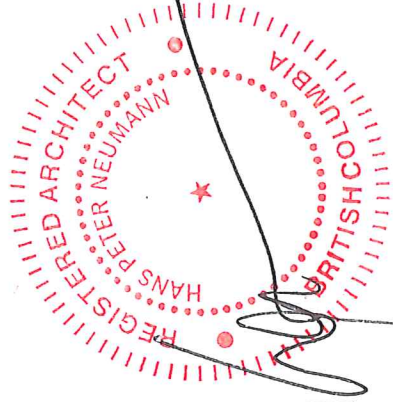


**SCHEDULE A**  
This forms part of development  
Permit # **DP15-0019**

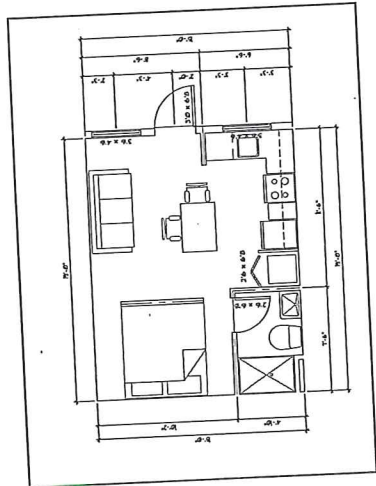


PROJECT DATA	
Civic Address: 2127 Ethel Street, Kelowna, BC	
Legal Description: LOT 1, PLAN 29557, O.D.V.D.	
Site Area: EXISTING 17,897 SQ. FT. (1,671.9 sq.m.)	
PROPOSED 16,250 SQ. FT. (1,509.6 sq.m.)	
Future Zoning: RUI - LARGE LOT HOUSING	
Future CDP Designation: MRL - MEDIUM DENSITY MULTIPLE HOUSING	
Proposed Zoning: RML - LOW DENSITY MULTIPLE HOUSING	
ZONING BYLAW REQUIREMENTS	
PERMITTED	PROPOSED
LOT WIDTH (MINIMUM)	34.4 m.
LOT DEPTH (MINIMUM)	30.0 m.
LOT AREA (MINIMUM)	1,509.6 sq.m.
FLOOR AREA RATIO	0.42 (70.12 sq.m.)
SITE COVERAGE	21.0% (3,774 sq.ft.)
BACKYARD SETBACKS (M)	3.0m (9.84 sq.m.)
FRONT SETBACKS (M)	53.2% (9,077 sq.m.)
PARKING AREAS & DRIVEWAYS	60% (1,003.2 sq.m.)
TOTAL	7,312 STORIES
HEIGHT (M) (STORIES #)	24m (80')
YARD SETBACKS (M)	1.5m (4'-11")
FRONT (GLENWOOD AVENUE)	1.5m (4'-11")
PLANNING SIDE (ETHEL STREET)	4.0m (13'-1 1/2")
SIDE (EAST)	7.5m (24'-7")
REAR (NORTH)	19.9m (65'-7")
PARKING	21 STALLS
1.0/1.0 UNIT x 24 UNITS	3 STALLS
VISITORS @ 1/7 UNITS	12 STALLS
FULL SIZE (60%)	12 STALLS
MEDIUM SIZE (60%)	12 STALLS
PARKING SETBACKS (M) 6.1/9	1.5m (4'-11")
PLANNING (ETHEL STREET)	1.5m (4'-11")
SIDE (EAST)	1.5m (4'-11")
REAR (NORTH)	1.5m (4'-11")
PRIVATE AMENITY OPEN SPACE	180 sq.m. (1,938 sq.ft.)
7.5 sq.m./1.0 UNIT x 24 UNITS	2.4m
LANDSCAPE BUFFERS (M)	0.9m **
FRONT (GLENWOOD AVENUE)	1.5m
REAR (NORTH SIDE)	3.0m **
PLANNING SIDE (ETHEL STREET)	2.0m **
SIDE (EAST)	** OR OPAQUE SCREEN
LANDSCAPE TREATMENT LEVELS	2
FRONT (GLENWOOD AVENUE)	3
REAR (NORTH SIDE)	3
PLANNING SIDE (ETHEL STREET)	3
SIDE (EAST)	3
BI-CYCLE PARKING	12 SPACES
CLASS 1 @ 0.1 UNIT x 24 =	3 SPACES
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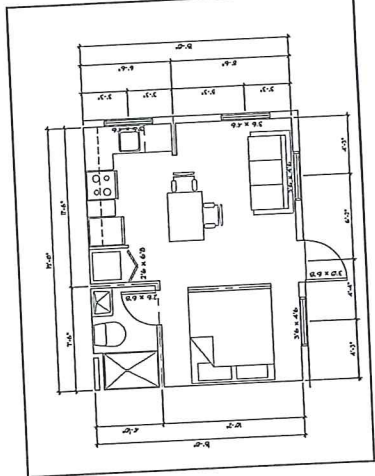
PROJECT RESIDENTIAL DEVELOPMENT 2127 ETHEL STREET, KILOMVA, BC, LOT 1, PLAN 28537		DRAWING TITLE MAIN FLOOR PLAN	
CONSULTANT HANS P. NEUMANN ARCHITECT INC.		DATE NOTED DATE JAN 2019	
DATE 1500 KILOMVA DRIVE NORTH KILOMVA, BC V1V 4K3		DATE 1500 KILOMVA DRIVE NORTH KILOMVA, BC V1V 4K3	
DESCRIPTION PROJECT: 2127 ETHEL STREET, KILOMVA, BC, LOT 1, PLAN 28537		DATE 1500 KILOMVA DRIVE NORTH KILOMVA, BC V1V 4K3	



**SCHEDULE A**  
This forms part of development  
Permit # **DP15-0019**



SUITE TYPE "A"  
SCALE: 1/4" = 1'-0"



SUITE TYPE "B"  
SCALE: 1/4" = 1'-0"



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

A2

DATE: 2019.04.01  
 DRAWN: JPN  
 CHECKED: JPN  
 DESIGNED: JPN

CONSULTANT  
 DRAWING TITLE

SECOND FLOOR PLAN

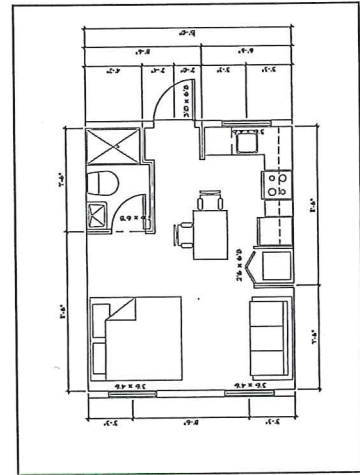
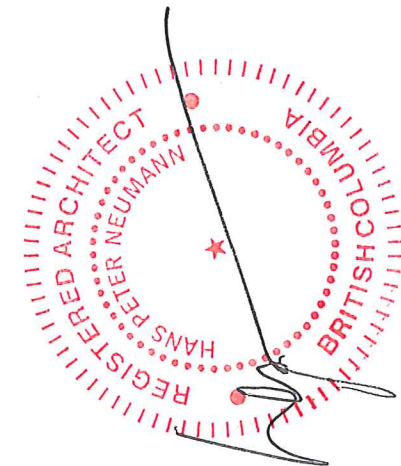
PROJECT

RESIDENTIAL DEVELOPMENT  
 2127 ETHEL STREET, KELLOWA, BC, LOT 1, PLAN 28557

NO.	DATE	DESCRIPTION
1		
2		
3		

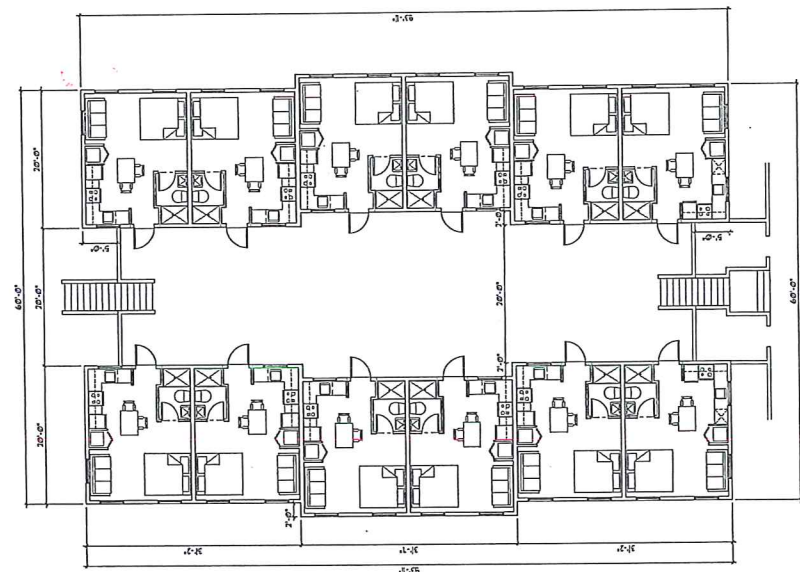
HANS P. NEUMANN ARCHITECT INC.

1520 KOWALD DRIVE NORTH  
 KELLOWA, BC V4X 4K5  
 PHONE: 604.869.0878 FAX: 604.869.0877



SUITE TYPE 'C'  
 SCALE: 1/8" = 1'-0"

**SCHEDULE A**  
 This forms part of development  
 Permit # **OP15-0019**



SECOND FLOOR  
 SCALE: 1/8" = 1'-0"



**SCHEDULE A+B**  
 This forms part of development  
 Permit # **OP15-0019**

**SOUTH (GLENWOOD AVENUE) ELEVATION**  
 SCALE: 1/8" = 1'-0"

**WEST (ETHEL STREET) ELEVATION**  
 SCALE: 1/8" = 1'-0"

**NORTH (INTERIOR COURTYARD) ELEVATION**  
 SCALE: 1/8" = 1'-0"

**EAST (INTERIOR SIDE YARD) ELEVATION**  
 SCALE: 1/8" = 1'-0"

**NORTH (PARKING AREA) ELEVATION**  
 SCALE: 1/8" = 1'-0"

**SOUTH (INTERIOR COURTYARD) ELEVATION**  
 SCALE: 1/8" = 1'-0"

**LEGEND:**

- ① STUCCO
- ② BRICK
- ③ METAL CAP FLASHING
- ④ VINYL WINDOW
- ⑤ WOOD DOOR, STAINED
- ⑥ METAL FLASHING
- ⑦ WOOD TRIM, PAINTED
- ⑧ WOOD KNEE BRACES, STAINED
- ⑨ ASPHALT SHINGLES
- ⑩ METAL DOOR PAINTED

**HANS P. NEUMANN ARCHITECT INC.**  
 1520 HIGHLAND DRIVE NORTH  
 KILGORE, BC V4K 4K5  
 PHONE: (250) 868-0378 FAX: (250) 868-0387

**PROJECT:** RESIDENTIAL DEVELOPMENT  
 2127 ETHEL STREET, KILGORE, BC, LOT 1, PLAN 29557

**CONSULTANT:**

**DATE:** JAN 9, 2015

**DRAWN:** HPN

**CHECKED:** HPN

**DATE:** JAN 9, 2015

**SCALE:** 1/8" = 1'-0"

**ELEVATIONS**

**PROJECT:**

**REVISION No.**

**DATE:**

**DESCRIPTION:**

**A3**



SCHEDULE 6  
This forms part of development  
permit # OP15-0019



WORMAN  
WORMAN HOMES | WORMAN COMMERCIAL

2127 ETHEL STREET | Kelowna, BC

Worman Homes | Worman Commercial





PROJECT NO:  
2127 ETHEL

DATE:  
JANUARY 21, 2015

# EXTERIOR FINISHES

2127 ETHEL STREET, KELOWNA, BC

WOOD ELEMENTS:  
"DARK OAK"  
SINKEN LOG AND SIDING



ASPHALT SHINGLES:  
"DUAL BLACK"



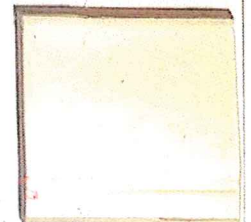
ARCHITECTURAL ELEMENTS:  
"BLACK"  
GUTTERS, GRATES & TRIMS



ACCENT BRICK:  
"CLASSIC USED"  
MUTUAL MATERIALS

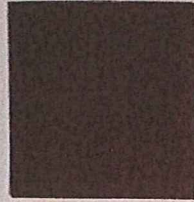


VINYL WINDOWS:  
"BEIGE"

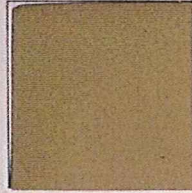


SCHEDULE B  
This forms part of development  
Permit # DP15-2019

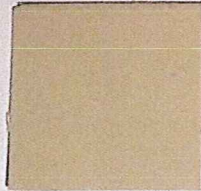
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CSP-420



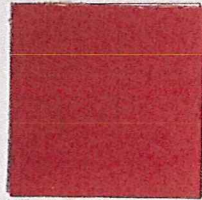
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"SHIITAKE MUSHROOM"  
CSP-1040



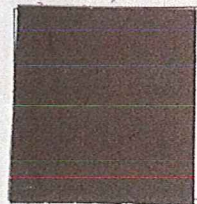
EXTERIOR PAINT:  
BENJAMIN MOORE  
"MAKE BELIEVE"  
CSP-1035



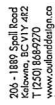
EXTERIOR PAINT:  
BENJAMIN MOORE  
"CINNABAR"  
CSP-1165



EXTERIOR PAINT:  
BENJAMIN MOORE  
"COACHMAN'S CAPE"  
CSP-90





Permit # DP15-0019

EXAMING TITLE  
CONCEPTUAL  
LANDSCAPE PLAN

ISSUED FOR PAYMENT	
1	15.01.21
2	
3	
4	
5	

PROJECT NO	15601
DESIGN BY	10
ISSUED BY	SP
CHECKED BY	18
DATE	JUN 21, 2015
SCALE	1:125



**ISSUED FOR REVIEW ONLY**  
Copyright Reserved. This drawing is the property of Oakland Design  
Landscapes Architects and shall not be reproduced.



**CITY OF KELOWNA**  
**BYLAW NO. 11067**  
**Z14-0058 - Jesse East**  
**3528 Landie 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 C, District Lot 134, ODYD, Plan 31819, located on Landie Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot 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 9<sup>th</sup> day of March, 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:** May 12, 2015  
**RIM No.** 0940-50  
**To:** City Manager  
**From:** Urban Planning, Community Planning & Real Estate (LB)  
**Application:** DVP14-0254 **Owner:** Jesse East  
**Address:** 3528 Landie Road **Applicant:** John Hodges  
**Subject:** Development Variance Permit Application  
**Existing OCP Designation:** S2RES - Single / Two Unit Residential  
**Existing Zone:** RU1 - Large Lot Housing  
**Proposed Zone:** RU2 - Medium Lot Housing

---

## 1.0 Recommendation

THAT final adoption of Zone Amending Bylaw No. 11067 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0254 for Lot C, District Lot 134, ODYD, Plan 31819, located on 3528 Landie Road, Kelowna, BC;

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

### **Section 13.2.6(d): RU2 - Medium Lot Housing Development Regulations**

To vary the minimum side yard for a 2 or 2 ½ storey portion of a building from 1.8 m permitted to 1.2 m proposed.

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

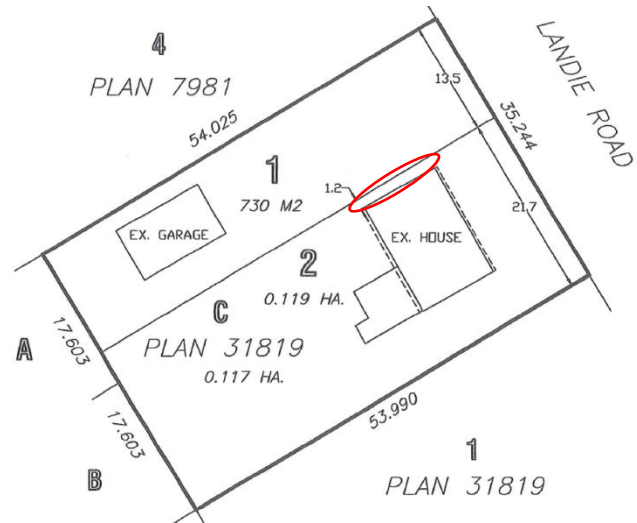
## 2.0 Purpose

To consider a Development Variance Permit application for a side yard.

## 3.0 Urban Planning

Urban Planning supports the Development Variance Permit application to reduce the minimum side yard from 1.8 m permitted to 1.2 m proposed. This variance is to facilitate a two lot subdivision and is associated with Rezoning and Subdivision applications Z14-0058 and S14-0083 respectively. Zone Amending Bylaw No. 11067 to rezone the subject property from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone was given Third Reading following the Public Hearing on March 31, 2015.

The applicant intends to retain the existing dwelling on the southern portion of the property, resulting in the side yard variance request from 1.8 m permitted to 1.2 m proposed along what will become the north side lot line, as shown in the image to the right. Although the lot width for the proposed north lot is 0.5 m wider than the minimum requirement (thus potentially reducing the requested variance to 0.1 m), the applicant would like the additional width on the north portion to better accommodate development of a single family dwelling. No other variances are required as a result of the proposed two lot subdivision.



In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by individually contacting neighbouring properties within 50 m. No major concerns regarding the side yard variance were identified during this consultation. Staff has responded to some questions and concerns regarding the proposed development as a whole, but not specifically regarding the variance.

#### 4.0 Proposal

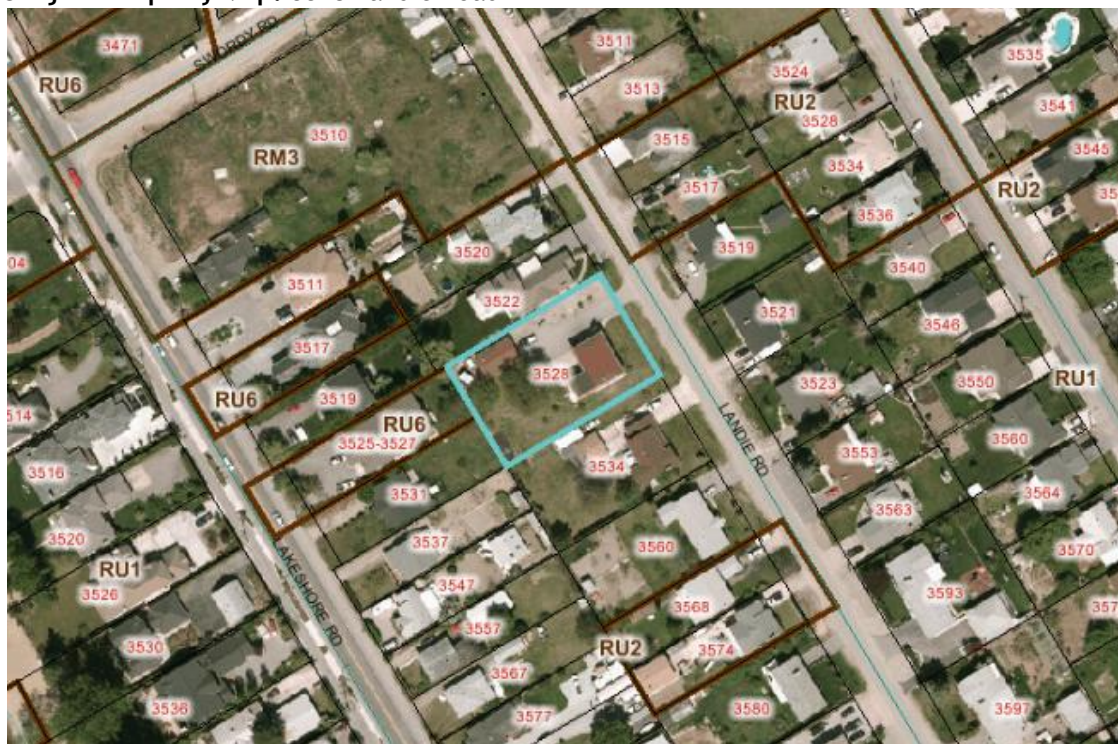
##### 4.1 Site Context

The subject property is located on the west side of Landie Road between Swordy Road and Bechar Road in the South Pandosy - KLO Sector. The property is designated S2RES - Single / Two Unit Residential in the OCP and is within the Permanent Growth Boundary. The surrounding area is characterized by low density residential development.

Specifically, adjacent land uses are as follows:

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

## Subject Property Map: 3528 Landie Road



## 4.2 Zoning Analysis Table

Zoning Analysis Table			
CRITERIA	RU2 ZONE REQUIREMENTS	PROPOSAL (Lot 1)	PROPOSAL (Lot 2)
Existing Lot/Subdivision Regulations			
Lot Area	400 m <sup>2</sup>	730 m <sup>2</sup>	1,190 m <sup>2</sup>
Lot Width	13.0 m	13.5 m	21.7 m
Lot Depth	30.0 m	54 m	54 m
Development Regulations			
Front Yard	4.5 m	n/a	Meets requirements
Side Yard (south)	1.8 m	n/a	Meets requirements
Side Yard (north)	1.8 m	n/a	1.2 m ●
Rear Yard	7.5 m	n/a	Meets requirements
● Indicates a requested variance to reduce the minimum side yard from 1.8 m permitted to 1.2 m 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

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



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

- Spatial separation calculations required for existing house. This may require a non-combustible cladding, reduction of windows and soffit protection. A building permit would be required.

### 6.2 Development Engineering Department

- See attached memorandum, dated December 15, 2014.

### 6.3 FortisBC - Electric

- There are primary distribution facilities within Landie 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.

## 7.0 Application Chronology

Date of Application Received: December 1, 2014  
Date Public Consultation Completed: February 20, 2015

**Report prepared by:**

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

**Reviewed by:**

☐

Lindsey Ganczar, Urban Planning Supervisor

**Approved for Inclusion:**

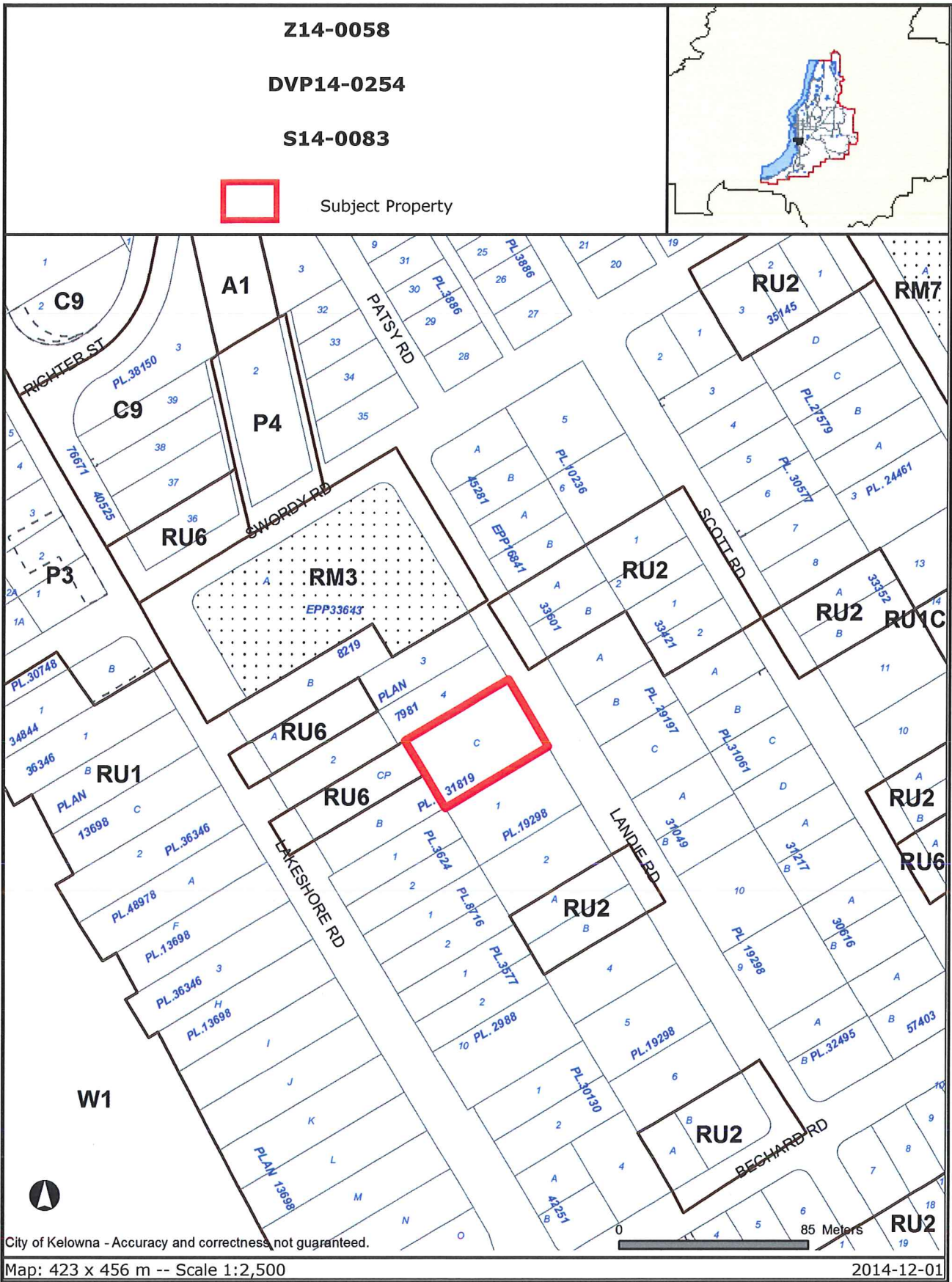
☐

Ryan Smith, Urban Planning Manager

## Attachments:

Subject Property Map  
Development Engineering Memorandum  
Draft Development Variance Permit No. DVP14-0254  
Schedule A: Site Plan

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



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

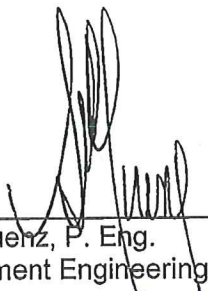
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**Date:** December 15, 2014  
**File No.:** DVP14-0254  
**To:** Urban Planning (LB)  
**From:** Development Engineering Manager (SM)  
**Subject:** 3528 Landie Road

---

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

This development variance permit application to vary the side yard setback to 1.2m 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.: DVP14-0254

EXISTING ZONING DESIGNATION:	RU2 - Medium Lot Housing
DEVELOPMENT VARIANCE PERMIT:	To vary the minimum side yard for a 2 or 2 ½ storey portion of a building from 1.8 m permitted to 1.2 m proposed.

ISSUED TO:	John Hodges
LOCATION OF SUBJECT SITE:	3528 Landie Road

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	C	-	134	-	ODYD	31819

### 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 a variance to the following section of Zoning Bylaw No. 8000 be granted, as shown on Schedule A:

#### Section 13.2.6: RU2 - Medium Lot Housing Development Regulations

To vary the minimum side yard for a 2 or 2 ½ storey portion of a building from 1.8 m permitted to 1.2 m proposed.

AND THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

### 2. PERFORMANCE SECURITY:

None required.

### 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 two years 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.**

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 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.

5. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE \_\_\_\_ DAY OF \_\_\_\_\_ 2015.  
ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_\_ DAY OF \_\_\_\_\_ 2015, BY  
THE URBAN PLANNING MANAGER.

\_\_\_\_\_  
Ryan Smith, Urban Planning Manager  
Community Planning & Real Estate

**SKETCH PLAN SHOWING PROPOSED SUBDIVISION OF  
LOT C, DISTRICT LOT 134, PLAN 31819  
OSOYDOS DIVISION, YALE DISTRICT,  
BRITISH COLUMBIA  
P.I.D.003-601-196**

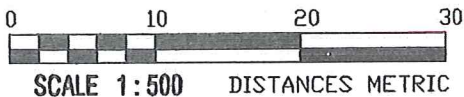
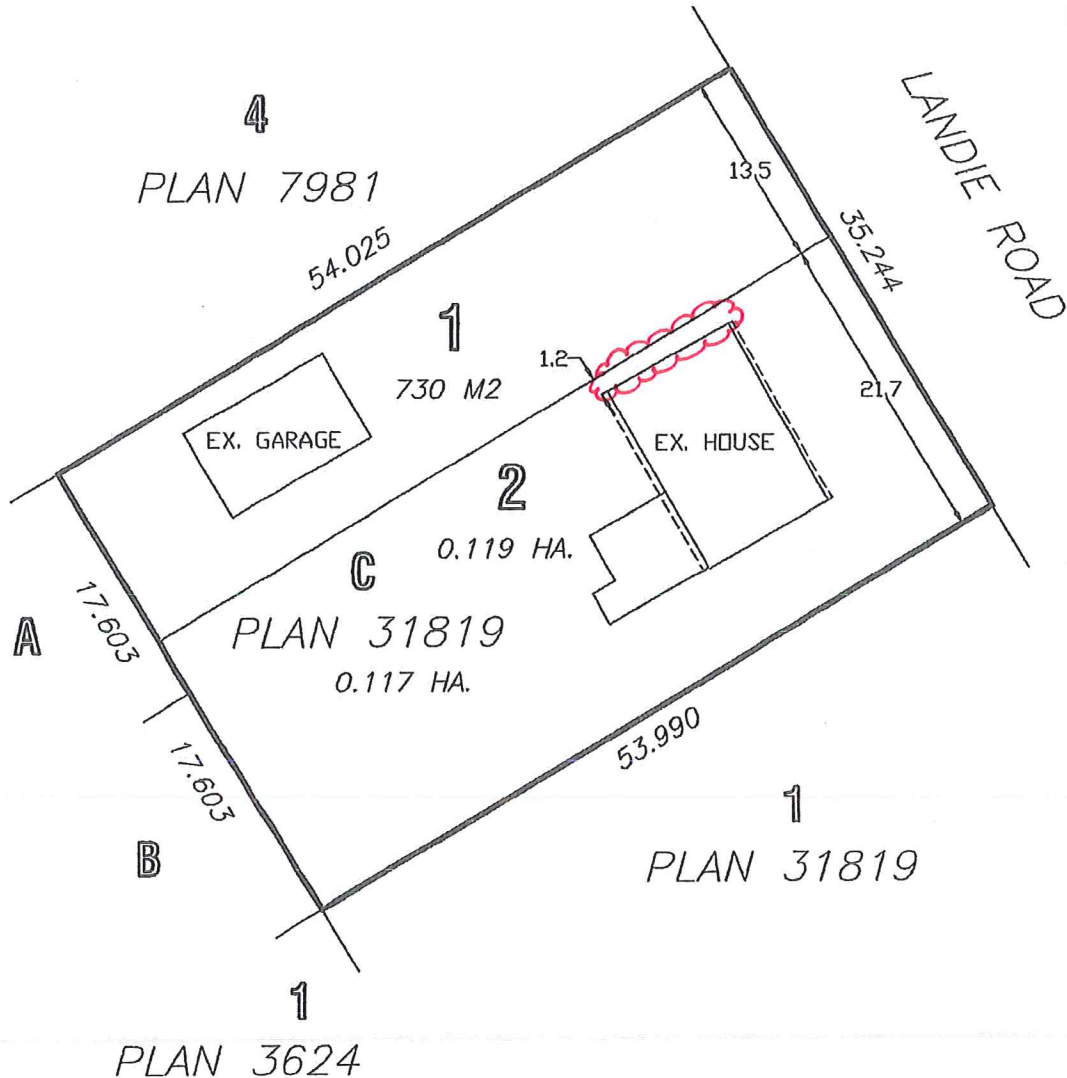
**CIVIC ADDRESS**

# 3528 LANDIE ROAD  
KELOWNA, B.C.

**SCHEDULE A**

This forms part of development

Permit # DVP14-0254



Ponderoka Consulting  
4661 Stewart Road East  
Kelowna, B.C. V1W 4C1  
Ph. & Fx. 764-2656 File SS1451

Nov. 4 / 14



# REPORT TO COUNCIL



**Date:** 5/12/2015

**RIM No.** 0940-50

**To:** City Manager

**From:** Subdivision, Agriculture & Environment Services (MS)

**Application:** DVP15-0036

**Owner:** Kewal Singh Mann  
Jasmel Kaur Mann

**Address:** 3373-3395 Neid Road

**Applicant:** Prabjeet Mann

**Subject:** Development Variance Permit - Front Yard Setback

**Existing OCP Designation:** REP - Resource Protection Area

**Existing Zone:** A1 - Agriculture 1

---

## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0036, for a variance for the South ½ of Lot 26 Section 16 Township 26 ODYD Plan 187 Except Plan B129 located at 3373-3395 Rd, Kelowna, BC, as shown in Schedule 'A';

AND THAT variance to the following Section 11 of Zoning Bylaw No. 8000 be granted:

### Section 11.1.6 (f) A1- Agriculture 1 (Development Regulations)

To vary the front yard setback from 15 m permitted to 8.0 m proposed for an agricultural garden stand to property line.

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

## 2.0 Purpose

To consider a request by the applicant to reduce the minimum front yard setback from 15.0m permitted for an agricultural garden stand to 8.0m proposed.

## 3.0 Subdivision, Agriculture & Environment Services

The variance is considered in the context of the Official Community Plan Policy to 'Protect farm land and farm operations'<sup>1</sup>. Placing the agricultural stand 8 metres from the property line, rather than the 15 metres permitted, will allow more of the existing productive orchard to be retained. In addition, there are no residences within 170 metres of the stand location.

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<sup>1</sup> City of Kelowna, 2012. Official Community Plan – Chapter 15 p. 15.2.

In consideration of the additional orchard that will be preserved, and the lack of immediate adjacent residences, staff supports this variance.

Staff notes that an agricultural garden stand is a permitted use in the A1 - Agriculture zone, as well as a 'farm use' as defined by the Agricultural Land Reserve Subdivision and Procedure Regulation<sup>2</sup>. As such, the use is permitted both within the zone and the ALR. The variance is requested for the front yard setback.

#### 4.0 Proposal

##### 4.1 Background

The applicants wish to construct an agricultural garden stand in the same location of a garden stand that had been used for many years. The property owners intend to sell produce from their orchard and other orchards they own and operate in the Okanagan, as well as produce and sell value added products such as juice from their own produce within the facility.

##### 4.2 Project Description

The proposed agricultural garden stand is located along East Kelowna Road, in the same location where a garden stand had been used to sell fruit for many years. The applicants wish to construct a new stand, in accordance with the drawings attached to this report.

##### 4.3 Site Context

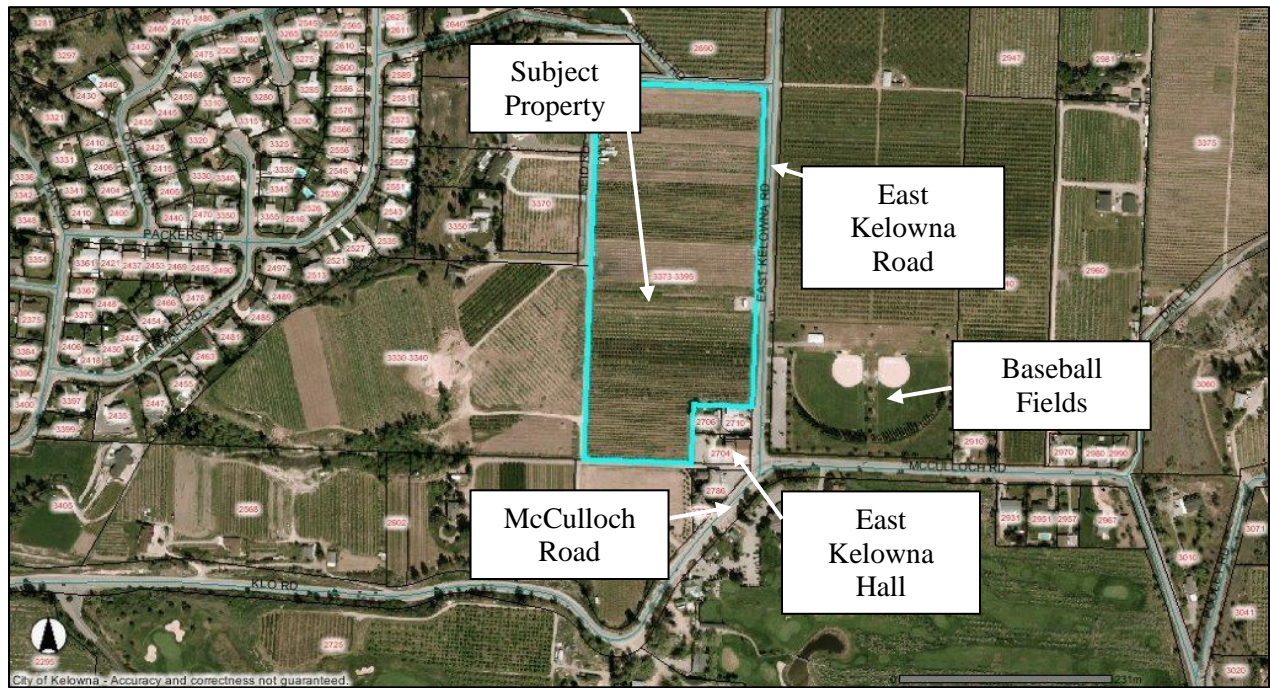
The site is located in the Southeast Kelowna Sector of the City, along East Kelowna Road just north of the McCulloch Road / East Kelowna Road intersection. The property is in the Resource Protection Area. The Future Land Use designation surrounding most of the property is also Resource Protection Area with a zoning of A1 - Agriculture. Across East Kelowna Road to the southeast are baseball fields, which are operated by the City of Kelowna and zoned P3 and P4, outlined below.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture 1 (ALR)	Agriculture (orchard)
East	A1 - Agriculture 1 (ALR) / P3 - Parks and Open Space and P4 - Utilities	Agriculture (orchard) and Ball Fields
South	A1 - Agriculture 1 (ALR) / P2 - Minor Institutional	Agriculture / East Kelowna Hall / Church
West	A1 - Agriculture 1 (ALR)	Agriculture (orchard)

<sup>2</sup> RSBC, 2002. Agricultural Land Reserve Use, Subdivision and Procedure Regulation- Section 2 (2) (a) and Section 1 (1). [http://www.alc.gov.bc.ca/alc/DownloadAsset?assetId=8CCC181D8D864EE1956A235F975B7C42&filename=policy\\_2\\_farm\\_retail\\_sales.pdf](http://www.alc.gov.bc.ca/alc/DownloadAsset?assetId=8CCC181D8D864EE1956A235F975B7C42&filename=policy_2_farm_retail_sales.pdf)

Map 1. Subject Area

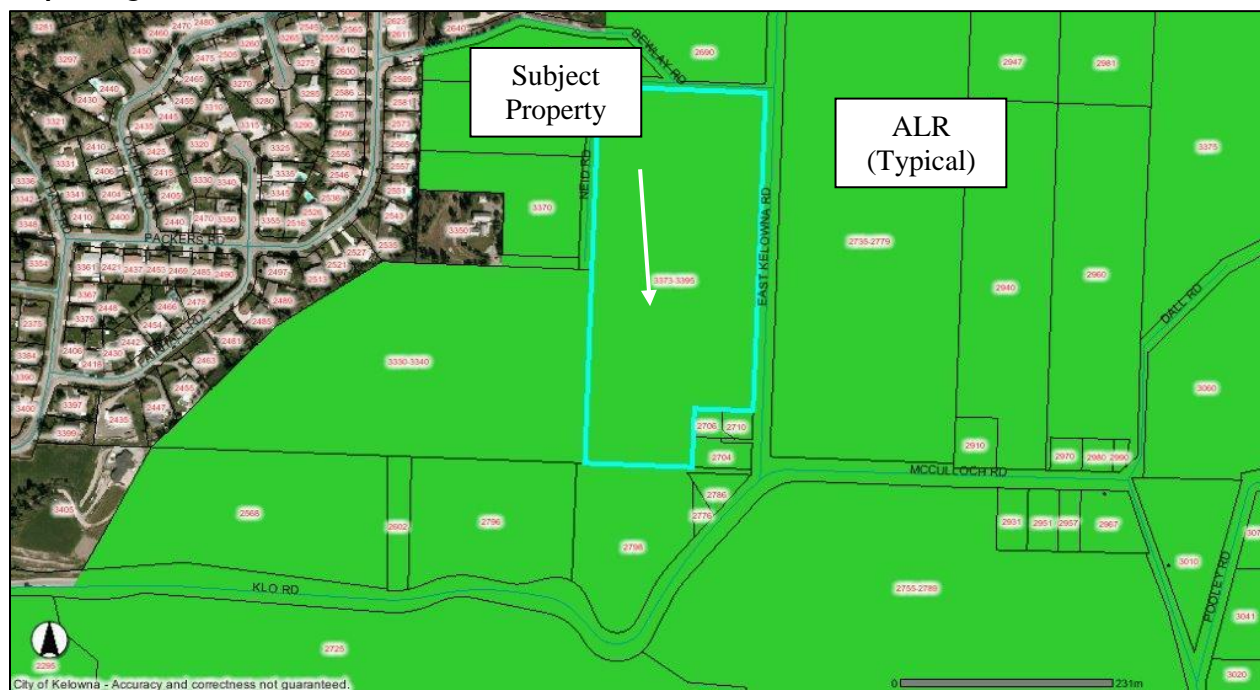


Map 2. Proposed Fruit Stand





### Map 3. Agricultural Land Reserve



#### 4.4 Zoning Analysis

A comparison of required and proposed zoning regulations is shown in the table below.

Zoning Analysis Table		
CRITERIA	ZONE REQUIREMENTS A1 - Agriculture 1	PROPOSAL
Development Regulations		
Front Yard - for agricultural garden stand to any property line	15.0 m	8.0 m <span style="color: red;">❗</span>
<span style="color: red;">❗</span> Indicates a requested variance		

Zoning Bylaw No. 8000, Section 11.1.6 (f) specifies a minimum distance to property line for an agricultural garden stand of 15 metres, with 8.0 metres proposed.

#### 5.0 Neighbourhood Consultation

The applicant has gone door to door to inform his neighbours of the proposed fruit stand and the requested variance, and was able to contact eight of their immediate neighbours. The applicants lease the property to the north, and the owners of this property are currently on holiday. The City of Kelowna owns the property immediately east of the subject property. A map showing the results of the neighbourhood consultation is attached, as well as the Neighbour Consultation Form.

## 6.0 Policies

### 6.1 Zoning Bylaw No. 8000

Section 11.1.6 of the Zoning Bylaw No. 8000 states:

(f) Notwithstanding subsections 11.1.6(c) to (e), **confined livestock areas** and/or **buildings** housing more than 4 animals, or used for the processing of animal products or for **agricultural and garden stands**, shall not be located any closer than 15.0 m from any **lot line**, except where the **lot line** borders a **residential zone**, in which case the area, **building** or stand shall not be located any closer than 30.0 m from the **lot line**.

### 6.2 Official Community Plan

Chapter 15: Objectives.

Protect farm land and farm operations.

## 7.0 Technical Comments

### 7.1 Building & Permitting Department

Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this structure.

7.2 Fire Department. A visible address must be posted as per City of Kelowna By-Laws. Contact Fire Prevention Branch for fire extinguisher requirements and placement. Unable to determine if the property would fall under the Subdivision Bylaw. If the property does, engineered Fire Flow calculations would be required to determine Fire Hydrant requirement of 150 litres/second. Hydrant would have to be within acceptable distance.

### 7.3 Fortis BC Inc. Electric

There are primary distribution facilities along East Kelowna Road and Neid 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.

### 7.4 South East Kelowna Irrigation District

We have reviewed the above referenced development permit application and discussed the water servicing requirements with the applicant. The applicant has agreed to comply with all applicable district bylaws. The following will provide you with the district's water servicing requirements:

The proposed facility is a 223 m<sup>2</sup> fruit stand, to be operated on a seasonal basis during the irrigation season. The primary product to be sold in the facility is farm produce from the orchard on the property and other local whole farm produce.

The applicant has agreed the facility can be provided water from the existing irrigation service to the property. As such a separate commercial service is not required.

Under the proposed use no additional charges need to be paid. The applicant has been advised that if, in the future, a separate service is required for the facility, additional charges, including Capital Expenditure Charges, service charges, metering costs and application fees will apply, and the facility will be classified as a commercial service and pay the commercial rate.

The applicant has also been advised that SEKID will monitor the use of the facility to insure it remains within the farm use category. If in future the use is deemed to fall within the commercial definition, the facility will be re-classified and the fees and charges referenced above will apply.

## 7.5 Development Engineering

Access to this property shall be constructed to allow vehicles to turn around on-site and exit the site in a forward direction.

## 8.0 Application Chronology

Date of Application Received: February 17, 2015

Date of Circulation Completion: March 3, 2015

Date of Neighbourhood Consultation Completion: April 14, 2015

Report prepared by:

---

Melanie Steppuhn, Land Use Planner

Approved for Inclusion:

☐

Todd Cashin, Manager  
Subdivision, Agriculture & Environment Services

Approved for Inclusion:

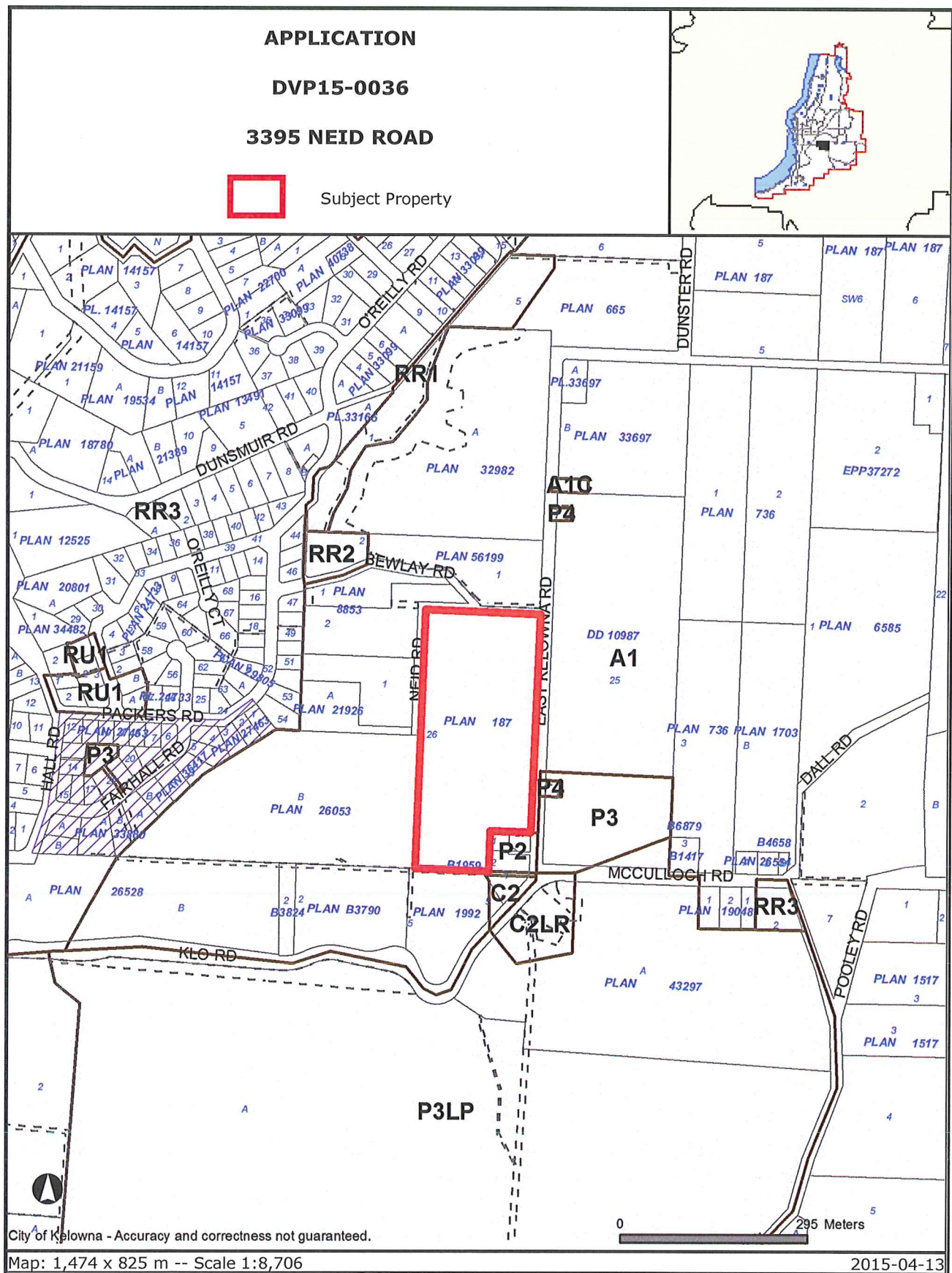
☐

Doug Gilchrist, Divisional Director, Community Planning  
& Real Estate

### Attachments:

Subject Property Map  
Site Survey Plan (AllTerra)  
Agricultural Garden Stand Plans (A1 - A4)  
Neighbourhood Consultation Form  
Neighbourhood Consultation Locations  
Draft DVP15-0036





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 SHOWING PROPOSED FRUIT STAND LOCATION UPON THE SOUTH 1/2 OF LOT 26, SECTION 16, TOWNSHIP 26, ODYD, PLAN 187, EXCEPT PLAN B129.

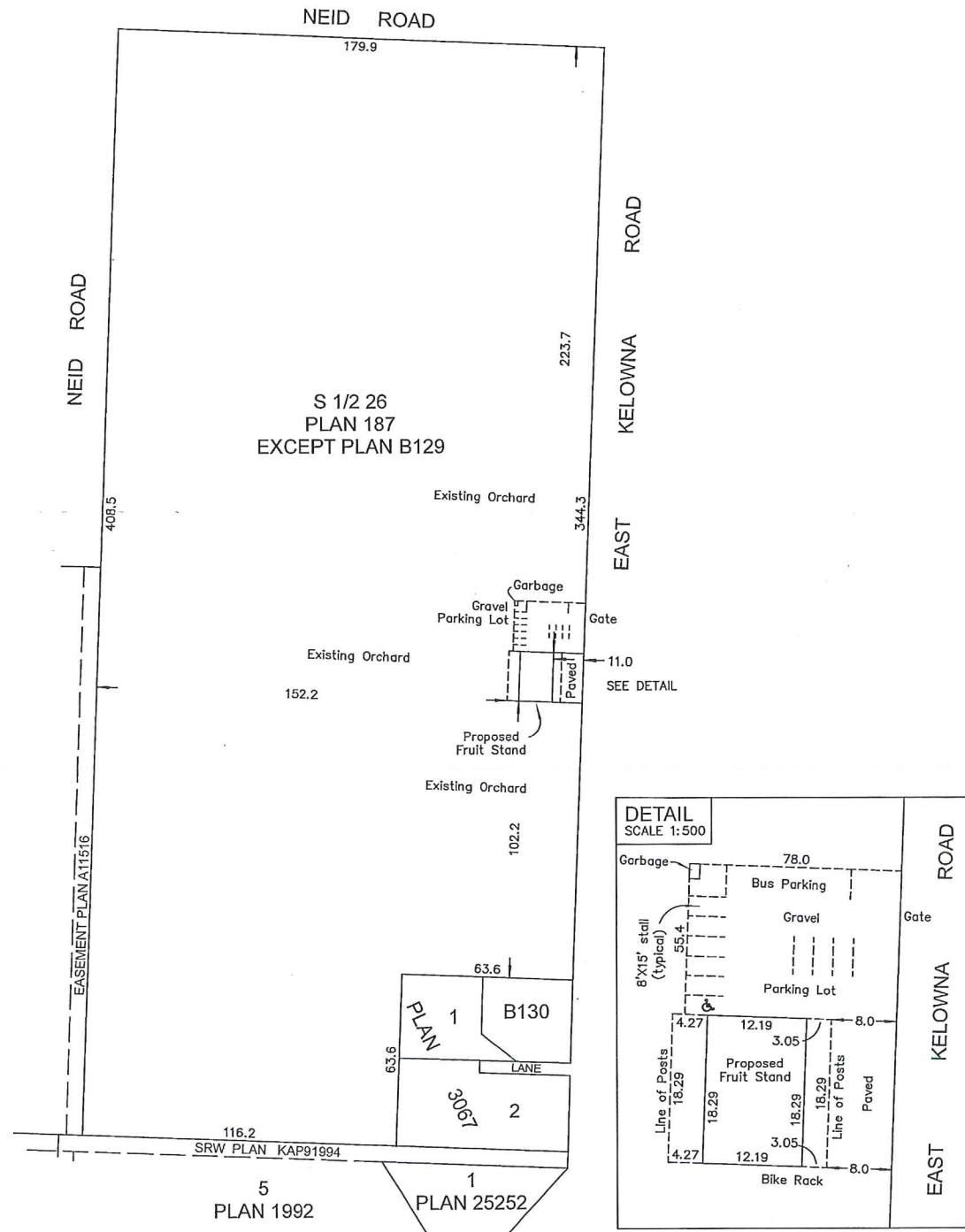
FOR DEVELOPMENT PROPOSAL APPLICATION  
SCALE 1:1500 METRIC

Civic Address: 3395 Neid Road

Distances shown are in metres and decimals thereof unless  
indicated otherwise.

This plan is not based upon a field survey.

Building offsets and lot dimensions may change upon the  
completion of a comprehensive legal survey.

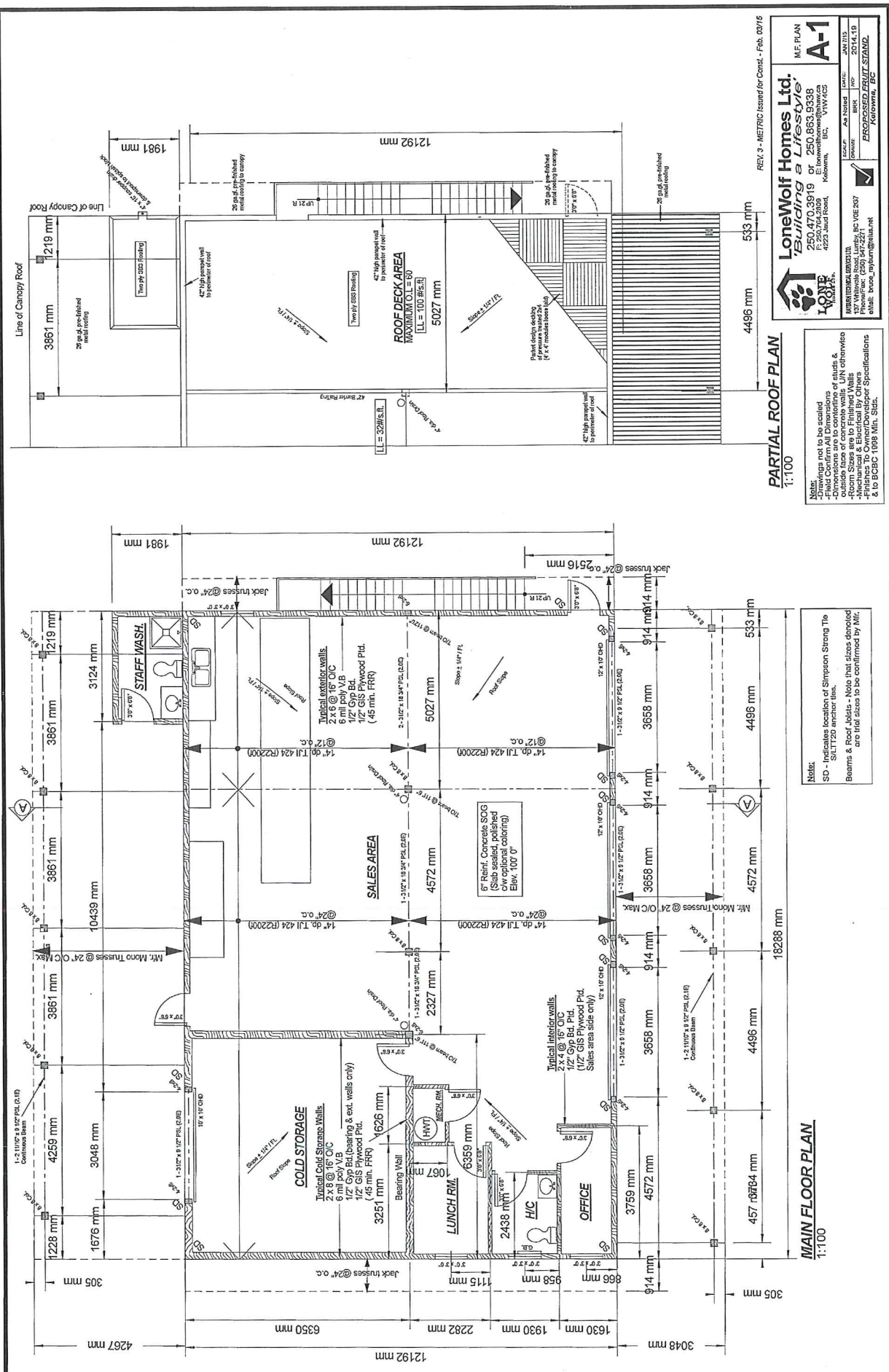


**AllTerra**

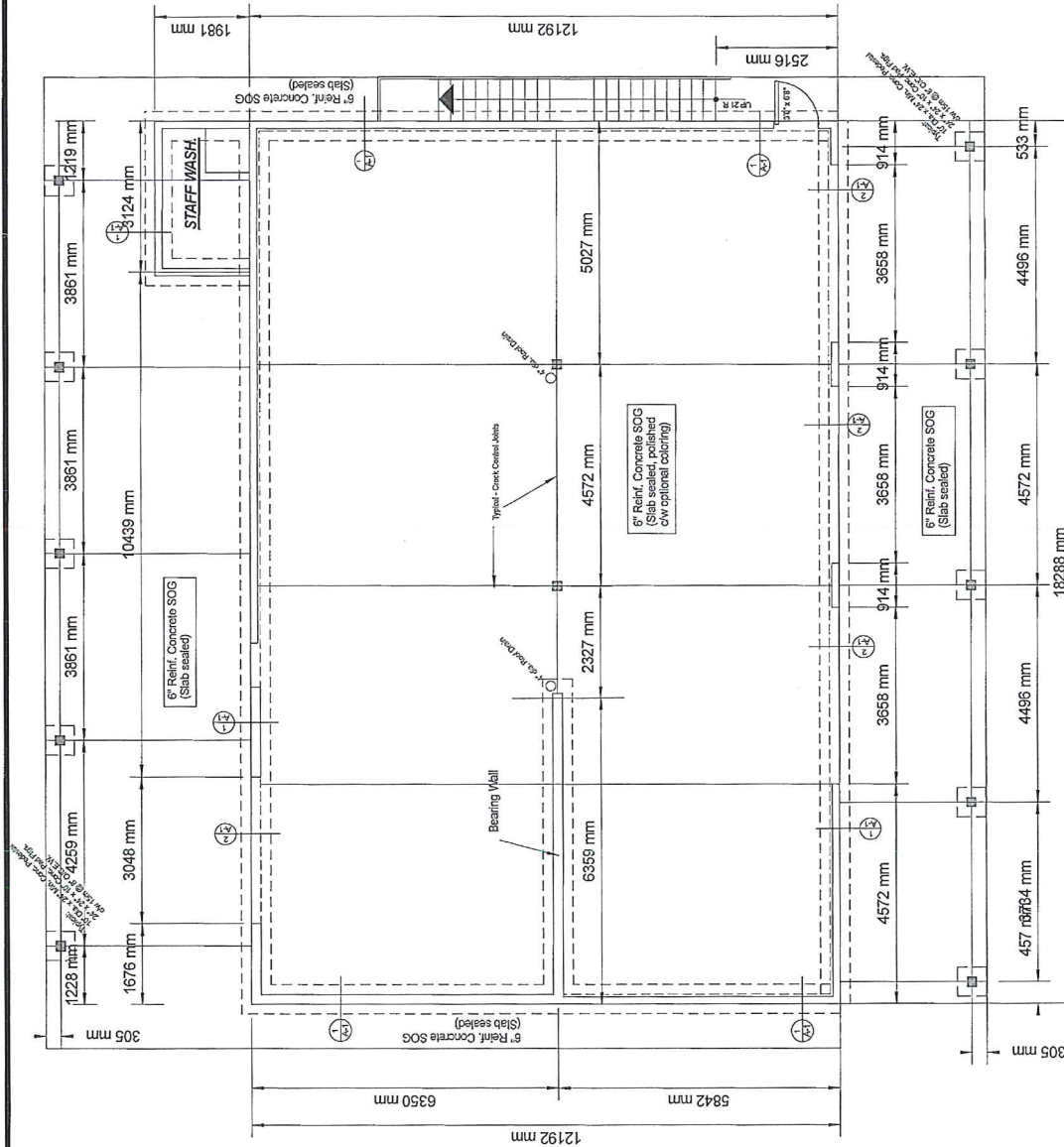
Land Surveying Ltd.

www.AllTerraSurvey.ca

Ph: 250.762.0122 File: 315209-PL February 12, 2015







**FOUNDATION PLAN**  
1:100

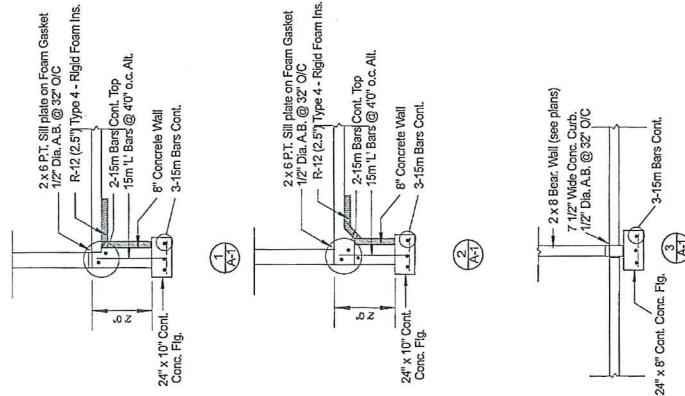
REV 3 - METRIC Issued for Const. - Feb. 03/15

**LoneWolf Homes Ltd.**  
*'Building a Lifestyle'*  
250.470.3919 or 250.863.9338  
4223 Judd Road, Kelowna, BC, V1W 4G5

**FOUND PLAN**  
**A-2**

DATE	REV	BY	CHKD
JAN 17/15	1	2014.10	2014.10
DESIGNED BY: J. SZABO			
CHECKED BY: J. SZABO			
E-MAIL: bura_m@lonewolf.com			

**Notes:**  
-All dimensions are to be sealed  
-Dimensions are to centerline of studs &  
-Room Sizes are to Finished Walls  
-Mechanical & Electrical by Others  
-Refer to drawings for specifications  
& to BCBC 1998 Min. Stds.



REV. 3 - METRIC issued for Consult - Feb. 03/15

ELEVATIONS

**A-3**



**LoneWolf Homes Ltd.**  
*'Building a Lifestyle'*  
 250 470 3919 or 250 863 9338  
 E: [lonewolfhomes@shaw.ca](mailto:lonewolfhomes@shaw.ca)  
 F: 250-764-2829  
 Kildare, BC, V1V 6C5

SCALE	AS NOTED	DATE	REVISED
Drawn	BBR	2014.10	

**PROPOSED FINAL STAND.**

**INTERNATIONAL RESIDUALS**

137 Wilmette Road, Lumby, BC V0E 2G7

Phone: 250-764-2829 Fax: 250-764-2830

email: [bruce\\_r@lonewolfhomes.net](mailto:bruce_r@lonewolfhomes.net)

**Notes:**

- Drawings not to be scaled
- Used Centimeter Measurements
- All dimensions are to center of studs & outside face of concrete walls, UN otherwise noted
- All dimensions are to center of studs & outside face of concrete walls, UN otherwise noted
- Mechanical & Electrical By Others
- Finishes To Comply With Manufacturer Specifications
- Finishes To Comply With Building Code





Neighbour Consultation Form  
(Council Policy No.367)



A summary of neighborhood consultation efforts, feedback and response must be provided to City staff, identifying how the efforts meet the objectives of this Policy. This form must be filled out and submitted to the File Manager a minimum of 20 days prior to initial consideration by Council.

I, PRABJEET MANN, the applicant for Application No. DVP 15-0036  
for 3395 neil rd Fruit-stem front yard variance to 9m  
(brief description of proposal)

at 3395 neil rd have conducted the required neighbour  
(address)  
consultation in accordance with Council Policy No. 367.

- ☒ My parcel is located **outside** of the Permanent Growth Boundary and I have consulted all owners & occupants within a 300m radius  
☐ My parcel is located **inside** of the Permanent Growth Boundary and I have consulted all owners & occupants within a 50m radius

I have consulted property owners and occupants by doing the following: Door to  
Door contact.

Please initial the following to confirm it has been included as part of the neighbour consultation:

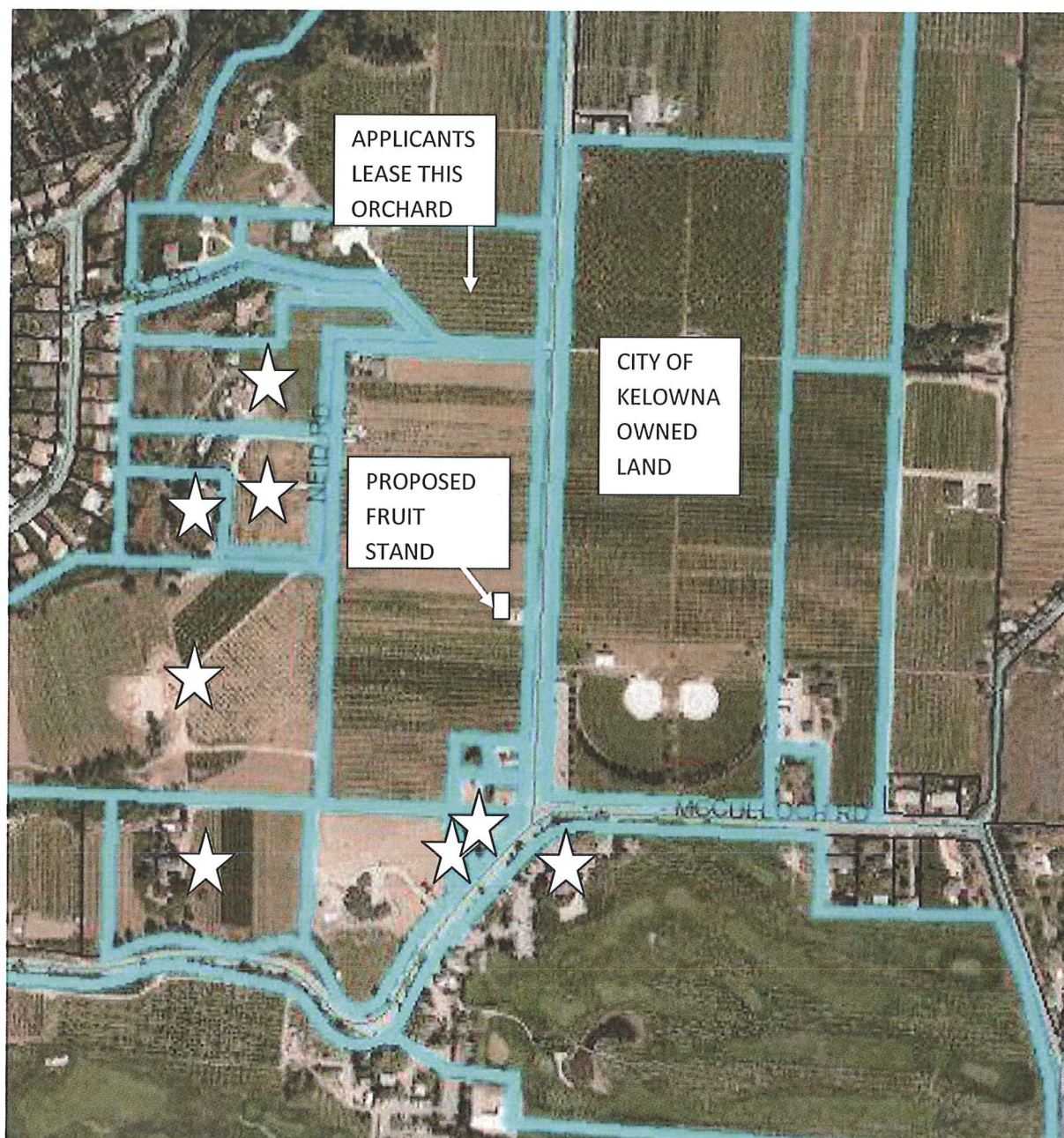
- ☒ Location of the proposal;  
☒ Detailed description of the proposal, including the specific changes proposed; - verbal  
☐ Visual rendering and/or site plan of the proposal;  
☒ Contact information for the applicant or authorized agent;  
☒ Contact information for the appropriate City department;  
☒ Identification of available methods for feedback.

Please return this form, along with any feedback, comments, or signatures to the File Manager 20 days prior to the anticipated initial consideration by Council date. On the back of this form please list those addresses that were consulted.

City of Kelowna  
1435 Water Street  
Kelowna, BC V1Y 1J4  
TEL 250 469-8600  
FAX 250 862-3330  
kelowna.ca







Applicant has spoken to Neighbour



# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP15-0040

EXISTING ZONING DESIGNATION: A1 - Agriculture 1

**Section 11.1.6 (f) A1- Agriculture 1 (Development Regulations)**

DEVELOPMENT VARIANCE PERMIT: To vary the front yard setback from 15 m permitted to 8.0 m proposed for an agricultural garden stand to property line.

ISSUED TO: Prabjeet Mann

LOCATION OF SUBJECT SITE: 3395 Neid Road, Kelowna BC

	LOT	SECTIONS	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	The South ½ of Lot 26	16		26	ODYD	187 Except Plan B129

### SCOPE OF APPROVAL

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

#### 1. TERMS AND CONDITIONS:

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

**Section 11.1.6 (f) A1- Agriculture 1 (Development Regulations)**

To vary the front yard setback from 15 m permitted to 8.0 m proposed for an agricultural garden stand to property line.

THAT the building be constructed in accordance with 'Schedule A'.

#### 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 Services.

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 VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2015.

ISSUED BY THE SUBDIVISION, AGRICULTURE & ENVIRONMENT DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_\_ DAY OF \_\_\_\_\_, 2015 BY THE DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE SERVICES.

\_\_\_\_\_  
Shelley Gambacort, Director  
Subdivision, Agriculture & Environment Department

Attachment – Schedule 'A'



## **DRAFT RESOLUTION**

Re: 341 Clifton Road, BL10892 (Z13-0035) and DVP14-0240 - Adrian Hazzi & Mandi Moore

THAT Council defers consideration of the adoption of Bylaw No. 10892 and the issuance of Development Variance Permit Application No. DVP14-0240 to the May 26, 2015 Regular Meeting.

### **BACKGROUND:**

Staff has been advised that the development sign was not posted on the subject property, and therefore the Applicant did not meet the requirements of Development Application Procedure Bylaw No. 8140 with respect to signage. The Applicant is aware that Council's consideration of its application will have to be deferred.

Date: May 6, 2015