

# City of Kelowna

## Regular Council Meeting

### AGENDA



Tuesday, June 30, 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 Donn.
3. **Confirmation of Minutes** 1 - 16  
Public Hearing - June 16, 2015  
Regular Meeting - June 16, 2015
4. **Bylaws Considered at Public Hearing**
  - 4.1 **BL11100 (TA14-0021) - New CD25 Light Industrial-Residential Mixed Use Zone** 17 - 22  
To give Bylaw No. 11100 second and third readings in order to create a new CD25 zone.
  - 4.2 **205 Loughheed Road, BL11101 (OCP14-0023) - Watermark Ventures Ltd.** 23 - 23  
**Requires a majority of all members of Council (5).**  
To give Bylaw No. 11101 second and third readings in order to change the future land use designation of the subject property.
  - 4.3 **205 Loughheed Road, BL11102 (Z14-0048) - Watermark Ventures Ltd.** 24 - 24  
To give Bylaw No. 11102 second and third readings in order to rezone the subject property.
  - 4.4 **883 McCurdy Place, BL11104 (Z15-0012) - Hyatt Auto Sales Ltd.** 25 - 25  
To give Bylaw No. 11104 second and third readings in order to rezone the subject property to allow general industrial uses with outdoor storage.

**5. Notification of Meeting**

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

**6. Development Permit and Development Variance Permit Reports**

**6.1 3393 & 3401 Sexsmith Road, TUP15-0001 - Donald Madge & Geoffrey Proteau 26 - 31**

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 an application to temporarily store recreational vehicles on two residentially zoned properties on Sexsmith Road during the design and reconstruction of the Hwy 97N six laning.

**7. Reconvene Public Hearing**

**8. Reconvene Regular Meeting**

**9. Bylaws Considered at Public Hearing**

**9.1 700 Highway 33 East, BL11083 (TA15-0002) - Amending Agriculture 1 Zone 32 - 32**

To give Bylaw No. 11083 second and third readings in order to amend Zoning Bylaw No. 8000 specifically for the property located at 700 Highway 33 East and the current owners.

**10. Reminders**

**11. Termination**



## City of Kelowna Public Hearing Minutes

Date: Tuesday, June 16, 2015  
Location: Council Chamber  
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben\*, Mohini Singh, Luke Stack

Staff Present Deputy City Manager, Paul Macklem; Deputy City Clerk, Karen Needham; Urban Planning Manager, Lindsey Ganczar; Urban Planner, Laura Bentley; Urban Planner, Adam Cseke; Council Recording Secretary, Arlene McClelland

(\* Denotes partial attendance)

### 1. Call to Order

Mayor Basran called the Hearing to order at 6:01 p.m.

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

### 2. Notification of Meeting

The Deputy City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on June 2, 2015 and by being placed in the Kelowna Capital News issues on June 5 and June 10, 2015 and by sending out or otherwise delivering 97 statutory notices to the owners and occupiers of surrounding properties, and 1735 informational notices to residents in the same postal delivery route, between May 29 and June 5, 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.

Councillor Sieben joined the meeting at 6:04 p.m.

### 3. Individual Bylaw Submissions

3.1 5000 Gordon Drive, BL11098 (OCP15-0005) & BL11099 (Z15-0019) - No 21 Great Projects Ltd.

Staff:

- Provided a PowerPoint presentation summarizing the application.

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

**Letters of Opposition or Concern:**

Bentley and Crystal Ratzlaff, Swallow Court

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

Crystal Lloyd, Gordon Drive, Applicant

- Present and available for questions.

There were no further comments.

**3.2 Multi-Residential Shared Garden Amendments, BL11056 (OCP15-0002) & BL11096 (TA15-0001)**

Staff:

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

The Deputy City Clerk advised that no correspondence was received.

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

There were no further comments.

**4. Termination**

The Hearing was declared terminated at 6:15 p.m.

\_\_\_\_\_  
Mayor

/acm



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Deputy City Clerk





## City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, June 16, 2015  
Location: Council Chamber  
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh, Luke Stack

Staff Present Deputy City Manager, Paul Macklem; Deputy City Clerk, Karen Needham; Urban Planning Manager, Lindsey Ganczar; Urban Planner, Laura Bentley; Urban Planner, Adam Cseke; Council Recording Secretary, Arlene McClelland

(\* Denotes partial attendance)

### 1. Call to Order

Mayor Basran called the meeting to order at 6:15 p.m.

### 2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor DeHart.

### 3. Confirmation of Minutes

Moved By Councillor Singh/Seconded By Councillor Sieben

R460/15/06/16 THAT the Minutes of the Public Hearing and Regular Meeting of May 26, 2015 be confirmed as circulated.

Carried

### 4. Bylaws Considered at Public Hearing

4.1 BL11056 (OCP15-0002) - Shared Gardens Amendments to OCP Bylaw No. 10500

Moved By Councillor Hodge/Seconded By Councillor Gray

R461/15/06/16 THAT Bylaw No. 11056 be read a second and third time.

Carried

**4.2 BL11096 (TA15-0001) - Amendments to include Multi-Residential Shared and Community Gardens in Zoning Bylaw No. 8000**

Moved By Councillor Hodge/Seconded By Councillor Donn

R462/15/06/16 THAT Bylaw No. 11096 be read a second and third time.

Carried

**4.3 5000 Gordon Drive, BL11098 (OCP15-0005) - No. 21 Great Projects Ltd.**

Moved By Councillor Donn/Seconded By Councillor Hodge

R463/15/06/16 THAT Bylaw No. 11098 be read a second and third time and be adopted.

Carried

**4.4 5000 Gordon Drive, BL11099 (Z15-0019) - No. 21 Great Projects Ltd.**

Moved By Councillor DeHart/Seconded By Councillor Singh

R464/15/06/16 THAT Bylaw No. 11099 be read a second and third time and be adopted.

Carried

**5. Notification of Meeting**

The Deputy City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise delivering 183 statutory notices to the owners and occupiers of surrounding properties, and 4909 informational notices to residents in the same postal delivery route, between May 29 and June 5, 2015.

Notice of these (*amendments to Liquor Primary Licences*) were advertised by being posted on the Notice Board at City Hall on June 2, 2015, and by being placed in the Kelowna Capital News issues on June 5 and June 10, 2015 and by sending out or otherwise delivering 22 statutory notices to the owners and occupiers of surrounding properties, and 562 informational notices to residents in the same postal delivery route, between May 29 and June 5, 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.

**6. Liquor License Application Reports**

**6.1 1370 Water Street, LL15-0005 - Cactus Club Cafe**

Staff:

- Provided a PowerPoint Presentation summarizing the application and responded to questions from Council.
- Provided information on the facilities patron non-participation entertainment endorsement.

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

**Letters of Support:**  
**Beryl Itani, Richter Street**

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

**Randall Olafson, Agent for Applicant**

- Inquired if the time of closing on Friday and Saturday evenings could be amended to 1:30 a.m. as opposed to 1:00 a.m. and indicated that most Cactus Club Cafes are open until 1:30 a.m. If unable to amend, happy with what we have.
- Spoke with the RCMP and the local team that looks after the area and they have no issues.
- Confirmed the opening date would occur the following week.
- Confirmed that the Cactus Club Café located at Banks Road will remain open.
- Believes the concern for late openings to 1:30 a.m. is due to a liquor primary issue and not a food primary issue.
- Commented that the Yacht Club, located above the Cactus Club, is open until 2:00 a.m. with a liquor primary license and the kitchen open until closing.
- Clarified the hours of operation for the Banks Road Cactus Club.
- Confirmed doors will be locked at 1:00 a.m., patrons will leave by 1:30 to 1:45 a.m.

**Staff:**

- Advised consideration of this application included the outdoor patio.
- The maximum hours for a patio downtown on city property is 11:00 p.m.
- Noted the patio is visible from Water Street and the adjacent walkway.
- Responded to questions from Council.

**Moved By Councillor DeHart/Seconded By Councillor Singh**

**R465/15/06/16** THAT Council hear from the Applicant's Representative, Rolland Olafson.

**Carried**

**Randall Olafson, Agent for Applicant**

- Believes this is not a patio and it is not on city property and should not be part of the City's patio program.

**Deputy City Clerk:**

- Advised of the application process for amendments.

**Council:**

- Prior to any changes to the closing time would like to see comments from the RCMP.

There were no further comments.

**Moved By Councillor Given/Seconded By Councillor Hodge**

**R466/15/06/16** THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 18 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application for the Cactus Club Café located



at 1370 Water Street, Kelowna BC, (legally described as Lot 1, District Lot 139 & 4083, ODYD, Plan EPP29214) closing at 1am and includes a Restaurant Lounge Endorsement and a Patron Non-Participation Entertainment Endorsement, are as follows:

The potential for noise if the application is approved:

The potential impact for noise is minimal and would be compatible with surrounding land uses.

The impact on the community if the application is approved:

The potential for negative impacts are considered to be minimal.

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."

The person capacity and hours of liquor service of the establishment:

The total person capacity proposed for Food Primary service is 316 seats inside and a seasonal patio of 168 patrons, with operating hours of 9:00am to 1:00am for Monday to Saturday, and 9:00am to midnight on Sunday.

Traffic and Parking:

The parking requirements were addressed through the original Development Permit application and associated Development Variance Permit application which reduced the required off-street parking to 30 stalls. Therefore, the on-site parking provided is considered compliant.

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.

Recommendation:

Council recommends that the application for a Food Primary License to close after midnight, a Restaurant Lounge Endorsement, and a patron non-participation entertainment Liquor License endorsement be approved.

Carried

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

### **7.1 4962 Lakeshore Road, BL11068 (Z15-0001) - Shane Jones**

Moved By Councillor DeHart/Seconded By Councillor Singh

**R467/15/06/16** THAT Bylaw No. 11068 be adopted.

Carried

## 7.2 4962 Lakeshore Road, DP15-0009 & DVP15-0008 - Shane Jones

Staff:

- Provided a PowerPoint Presentation summarizing the application.
- Advised that the Applicant had made amendments to the plan based on comments during the rezoning process and removed the proposed, larger balcony as per Council's directive.
- Responded to questions from Council.

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

**Letters of Opposition or Concern**  
**Gord Nykiforuk, Lakeshore Road**

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

**Sid Molenaar, Henderson Drive, Applicant**

- Worked with the neighbours and all are pleased with the amendments to the application.

There were no further comments

**Moved By Councillor Stack/Seconded By Councillor Sieben**

**R468/15/06/16** THAT final adoption of Zone Amending Bylaw No. 11068 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP15-0009 for Lot 3 Section 26 Township 28 SDYD Plan 4493 Except Plan 13503, located on 4962 Lakeshore Road, Kelowna, BC subject to the following:

The dimensions and siting of the building and landscaping 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';

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0008, for Lot 3 Section 26 Township 28 SDYD Plan 4493 Except Plan 13503, located on 4962 Lakeshore Road, Kelowna, BC;

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

**Section 9: Specific Use Regulations: 9.5b.1 (c) Carriage House Regulations**

To allow a carriage house to be located between the front yard and the principal dwelling

**Section 9: Specific Use Regulations: 9.5b.11 Carriage House Regulations**

To vary the minimum private open space from 30m<sup>2</sup> required to 0m<sup>2</sup> provided

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and the Development Variance Permit in order for the permits to be issued;

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



Carried

**7.3 1429 KLO Road, BL10782 (Z11-0083) - Arnold & Melitta Frank**

Moved By Councillor Singh/Seconded By Councillor DeHart

R469/15/06/16 THAT Bylaw No. 10782 be adopted.

Carried

**7.4 1429 KLO Road, DP14-0258 & DVP14-0259 - Arnold & Melitta Frank and Jamac Holdings Ltd.**

Staff:

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

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

Letters of Opposition or Concern:

Leanna Ennas, St. Amand Road

Walter Viita and Rita Louise Parker, Ladner Road

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

Arnold and James Frank, KLO Road, Applicant

- This application proposes a mobile home park as we believe there is a need for this type of development.
- Identified the layout and noted the location of green space and play area; the front will be gated with a courtyard.
- Advised that Bothe Road is not yet extended to St. Amand; the land and resources have been dedicated but is up to the city as to when that moves forward.
- Confirmed that this is a 5 Phase Development and will build as market demands.
- Stated that the model of the development is similar to Balmoral, however, there will be no age restrictions.

Staff:

- Advised that the Applicant has provided bonding and dedicated roadway and that this road development is city driven with construction timelines anticipated to coincide with the DCC program.

Gallery:

Rita Parker, Ladner Road

- Have been in Chambers on this issue before however this time we did not receive a notice. Questioned the postal delivery method of notices.
- Felt the notice displayed vague information.
- The signage that was posted on the property doesn't describe the changes or what is occurring.
- Raised concern with the impact to endangered species in the area. Would like a bigger setback and wall for protection.

Deputy City Clerk:

- Clarified the statutory and informational notification process.

Ian Sussett, Property Owner, downstream Fascioux Creek

- Not enough attention is being paid to upstream owners and the requirements.
- Not speaking for or against this application but believes there is not enough attention to the sensitivity of these wetlands.
- This is a very important park in our community and would like this application delayed in order to have more discussion around the buffer zone.

Walter Viita, Ladner Road

- Has lived in this area for many years.
- At the south end of the property the wetlands need to be protected.
- Would like to see further setbacks from this waterway to protect the western painted turtle and ecosystem.
- Raised concern with loss of critical habitat.
- Commented that the residents of St. Amand rely on the water well.
- Raised concern with KLO gutter drains.

Arnold Frank, Applicant

- Have worked this land for 48 years; believes the irrigation issue has been dealt with by Council years ago.
- Advised that originally the proposal started with 96 units and now it is down to 88 units; gave up 1 acre of land for this development.

Staff:

- Realize Fascioux Creek is an asset; City Policy states a 15 m roadway setback and there is a 24 m setback.
- The extension of Bothe Road is anticipated, however, not able to confirm the timeline.

Deputy City Manager commented that engineering staff would be able to provide an update on the road dedication, setbacks, and anticipated timelines.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Sieben

R470/15/06/16 THAT final adoption of Zone Amending Bylaw No. 10782 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP14-0258 for Lot 52 District Lot 131 ODYD Plan 186 Except Plan KAP78326 located on 1429 KLO Road, Kelowna, BC subject to the following:

The dimensions and siting of the buildings 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";

The landscaping to be provided on the land be in general accordance with Schedule "C";

Prior to the issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied;

Prior to the issuance of the Building Permit, the requirements of the Zoning application (Z11-0083) must be satisfied,



Prior to the issuance of the Building Permit, a Section 219 covenant restricting the form of dwellings to 'modular' units meeting the CSA A-277 standard must be registered on title;

Prior to the issuance of the Building Permit, a Section 219 ALR Buffering restrictive covenant must be registered on title;

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 estimated by a professional landscaper;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0259 for Lot 52 District Lot 131 ODYD Plan 186 Except Plan KAP78326, located on 1429 KLO Road, Kelowna, BC;

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

**Section 7.6.1 (e): Minimum Landscape Buffers**

To vary the minimum landscape buffer for parcels abutting ALR from 3.0m to 0.0m;

**Section 13.13.7(e): Mobile Home Park - Other Regulations**

To vary the minimum private open space from 5% of the site to 4.89%;

AND THAT variances to the following sections of Mobile Home Parks Bylaw No. 5453-83 be granted:

**Section 4.05 (1) Buffer Areas**

To vary the landscape buffer from a roadway to a mobile home space from 7.6m to 6.0m; and the landscape buffer from the side boundaries to a mobile home space from 4.6m to 0.0m.

**Section 4.06 (1): Setbacks**

To vary the minimum setback between mobile homes from 3.0m to 2.1m;

AND FURTHER THAT the applicant be required to complete the above-noted conditions of Council's Approval of the Development Permit and Development Permit Applications in order for the permit to be issued;

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

Councillors Donn and Hodge - Carried  
Opposed

**7.5 283 Lake Road, HAP15-0003 - City of Kelowna**

Staff:

- Provided a PowerPoint Presentation summarizing the application.

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

**Letters of Support:**

Edward Guy, Lake Avenue

**Letters of Opposition or Concern:**

Rudy Schoenfeld, Maple Street

Don Schultz, Lake Avenue

Mayor Basran 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 Stack/Seconded By Councillor Singh

R471/15/06/16 THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP15-0003 for Lot 1, District Lot 14, ODYD, Plan EPP37093, located on 283 Lake Avenue, Kelowna, BC, subject to the following:

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";

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A" attached:

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

To vary the minimum side yard from 2.3 m permitted to 1.5 m proposed.

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

To vary the minimum flanking street side yard from 4.5 m permitted to 1.5 m proposed.

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

Carried

#### **7.6 228 Caliburn Court, DVP15-0093 - David Wood**

Staff:

- Provided a PowerPoint Presentation summarizing the application.
- Confirmed there is no height variance and is in compliance with zoning requirements.
- Confirmed the variance for side yard setback is the same for garage or carriage house.
- Responded to questions from Council.

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

Letters of Opposition or Concern:

Tom Maxted, Rio Drive S.  
Andrea Lye, Magic Drive

Mayor Basran 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

- Demonstrated lake view from both sides of the property.
- Confirmed the accessory building was built in compliance with city regulations.

There were no further comments

Moved By Councillor Sieben/Seconded By Councillor Hodge

**R472/15/06/16** THAT Council authorize the issuance of Development Variance Permit No. DVP15-0093 for the property legally known as Lot B, Section 6, Township 23, ODYD, Plan 50505, located on 228 Caliburn Court, Kelowna, BC;

AND THAT the variance to the following sections of Zoning Bylaw No. 8000 be granted in accordance with the drawings attached to the Development Variance Permit described in Schedule "A":

Section 13.1.6 (b) - Development Regulations

To vary the height of an accessory building from 4.5 metres to 5.87 metres.

Carried

#### **7.7 840 Coronation Avenue, DP15-0090 & DVP15-0091 - Kelsey Fleming**

Staff:

- Provided a PowerPoint Presentation summarizing the application.

The Deputy City Clerk advised that no correspondence was received.

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

Kelsey Fleming, Coronation Avenue, Applicant

- Confirmed there is no change to the porch.

There were no further comments

Moved By Councillor Donn/Seconded By Councillor DeHart

**R473/15/06/16** THAT Council authorizes the issuance of Development Permit No. DP15-0090 for Lot 33 District Lot 138 ODYD Plan 1277, located at 840 Coronation Avenue, Kelowna, BC, subject to the following:

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";

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0091 for Lot 33 District Lot 138 ODYD Plan 1277, located at 840 Coronation Avenue, Kelowna, BC;

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

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

Vary the minimum required side yard setback (west) from 2.3 m required to 1.3 m 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



## 7.8 1441 McInnes Avenue, DP15-0072 & DVP15-0073 - George Wannop

Staff:

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

The Deputy City Clerk advised that no correspondence was received.

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

George Wannop, McInnes Avenue, Applicant

- Confirmed that there is no potential to develop suites under the home as the present house has a crawl space and the new house is on a concrete slab with a partial crawl space.

There were no further comments

Moved By Councillor Hodge/Seconded By Councillor Gray

**R474/15/06/16** THAT Council authorizes the issuance of Development Permit No. DP15-0072 for Lot B District Lot 137 ODYD Plan 23706, located at 1441 McInnes Avenue, Kelowna, BC subject to the following:

The dimensions and siting of the building and landscaping 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';

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0073, for Lot B District Lot 137 ODYD Plan 23706, located at 1441 McInnes Avenue, Kelowna, BC;

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

**Section 13.6.5 (b) RU6 - Two Dwelling Housing Subdivision Requirements**

Vary the minimum required lot width for a site with semi-detached or duplex housing for a corner lot from 20.0 m required to 19.2 m proposed.

AND THAT this Development Permit and Development Variance Permit be considered subsequent to the requirements of the Development Engineering Department being completed to their satisfaction.

AND THAT this Development Permit and Development Variance Permit be considered subject to the property owner being responsible for all legal fees and charges resulting from the Statutory Right of Way associated with this application.

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

Carried

## 7.9 776 Fordham Road, DVP15-0050 - Dave Rolleston

### Staff:

- Provided a PowerPoint Presentation summarizing the application.
- Confirmed neighbourhood consultation took place.
- Confirmed carriage house would require rezoning and another application would need to be submitted for a variance.

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

### Letters of Opposition or Concern:

James Sharko and Maureen Atrens-Sharko, Fordham Road  
Bob and Betty Smerchinski, Fordham Road  
John & Doris Van Andel, Varney Court  
Mark & Sandy Claggett, Fordham Road  
Jack Holly, Fordham Road  
Peter M. Revane and Diana G. Knodel, Fordham Road

Mayor Basran 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.

### Gallery:

#### Jason Martin, Riley Court

- Believed there was going to be two houses built plus the existing house. Is now satisfied with the explanation that only one house is being built.

#### Rick Miller, Fordham Road

- Raised concern regarding form and character and that the setbacks are not meeting neighbourhood character being so close to the road way.
- Discussed setbacks of his own home and others in the neighbourhood and believes the house will stick out.
- Stated there is a Restrictive Covenant on this property since 1972.
- Feels the lot is small and the allowable building will push it back to the setbacks.
- Spoke with the Applicant to suggest he provide a proposal for the house on the site before subdividing to get neighbourhood approval.

### Staff:

- Confirmed that staff reviewed the Restrictive Covenant and it does not preclude subdivision.
- Clarified building possibilities as currently exists for an accessory building.

There were no further comments

Moved By Councillor Sieben/Seconded By Councillor Singh

**R475/15/06/16** THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0050 for Lot 22, District Lot 357, ODYD, Plan 18457, located on 776 Fordham Road, Kelowna, BC;

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

**Section 13.1.5(b): RU1 - Large Lot Housing Subdivision Regulations**

To vary the minimum lot depth from 30.0 m permitted to 27.6 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  
Councillors Gray, Hodge and Stack - Opposed

**7.10 605 Monterey Road, DP14-0248 & DVP15-0055 - Marcel & Bertha Gal**

Staff:

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

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

**Letters of Opposition:**

Wayne Maglio, Monterey Road

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

Dr. Barry McCullough, Applicant Representative

- Staff has summarized the application with clarity.
- Council approved the rezoning in 2008.
- Received 21 signatories in support.
- Available for questions.

Gallery:

Wayne Maglio, Monterey Road

- Purchased home on April 21, 2015 and took possession on May 11, 2015.
- Was not consulted and feels the most affected by this application.
- Displayed photos that had been submitted with his letter of opposition.
- Displayed a photo of the main entrance which is 8 feet from the property line.
- Explained that his kitchen window and front door will be looking at the wall of this proposed house.
- Raised concern regarding a 50 foot Fir tree just inside the property line that will be affected by excavation, along with other vegetation providing privacy and green space.
- Commented that this would be the only lot with a second dwelling in the neighbourhood.

Barry McCullough, Applicant Representative

- Commented that it's an 1100 square foot house which is not large.
- Neighbour in the back has signed off on the process.
- The design of the house calls for the variance.
- Will defer to staff regarding green space that will be lost or eroded.

Staff:

- Clarified frontages and rear yard setbacks as related to the corner lot siting.
- Clarified variances and staff's support.
- Confirmed that a carriage house would meet the zoning requirements and could be stratified in the future.

There were no further comments.



Moved By Councillor Sieben/Seconded By Councillor Given

**R476/15/06/16** THAT Council authorizes the issuance of Development Permit No. DP14-0248 for Lot 13, Section 23, Township 26, ODYD, Plan 25160, located on 605 Monterey Road, Kelowna, BC subject to the following:

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";

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0055 for Lot 13, Section 23, Township 26, ODYD, Plan 25160, located on 605 Monterey Road, Kelowna, BC;

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

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

To vary the minimum rear yard for a 1 or 1 ½ storey portion of a building from 6.0 m permitted to 2.0 m proposed for those portions of the building shown on Schedule "A".

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

To vary the minimum distance between two single detached housing units from 4.5 m permitted to 3.8 m proposed.

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

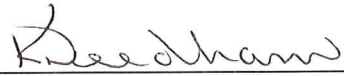
Councillors DeHart, Donn, Gray, Hodge, Singh and Stack - Defeated  
Opposed

8. Reminders - Nil.

9. Termination

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

\_\_\_\_\_  
Mayor

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

/acm

**CITY OF KELOWNA**  
**BYLAW NO. 11100**  
**TA14-0021 - New CD25 - Light Industrial-Residential Mixed Use Zone**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000, **Section 1 - General Administration, 1.3 Zoning Map, 1.3.1** be amended by adding the following to the table under **Section 18 - Comprehensive Development Zone**:

|      |   |
|------|---|
| CD25 | Light Industrial-Residential Mixed Use Zone |
|------|---|

2. AND THAT **Schedule 'B' - Comprehensive Development Zones**, be amended by adding a new **CD25 - Light Industrial-Residential Mixed Use Zone** as attached to and forming part of this bylaw.
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 1<sup>st</sup> day of June, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

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(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



# **Schedule 'B' Comprehensive Development Zones**

## **CD25 - Light Industrial-Residential Mixed Use Zone**

### **1.1 Purpose**

The intent of this zone is to permit a mixed light industrial and residential use development. The development will consist of residential uses in combination with small light industrial uses to be contained in the same structure. The purpose for this zone is to provide for a transition between the adjacent residential on one side and the light industrial on the other side. This strategic use of the site allows a residence in close proximity to a superior class of clean industrial and office space where compatibility amongst all uses is paramount.

### **1.2 Principal Uses**

The principal uses in this zone are as follows:

- a) **broadcasting studios**
- b) **commercial storage**
- c) **contractor services, limited**
- d) **custom indoor manufacturing**
- e) **equipment rentals**
- f) **food primary establishment**
- g) **household repair services**
- h) **industrial high technology research and product design**
- i) **liquor primary establishment, minor**
- j) **mobile catering food services**
- k) **participant recreation services, indoor**
- l) **private clubs**
- m) **multiple dwelling housing**

### **1.3 Secondary Uses**

The secondary uses in this zone are as follows:

- a) **home based business, minor**
- b) **retail (ancillary to principle uses)**

### **1.4 General Conditions of Use**

#### **1.4.1 Industrial**

- a) No use shall produce dust or other emissions that exceed standards set by provincial legislation without the authorization from appropriate provincial agency.

- b) No use shall produce odor, glare, vibration or noise that creates a nuisance or that impairs the use, safety or livability of adjacent properties including the residential units above the industrial.
- c) All principal uses, except residential, shall be confined to the lower units with all operations, storage, office and administration functions.
- d) Outdoor operations, storage or associated long term **vehicle** parking is not permitted on the premises.
- e) Contractors and other similar operators requiring fleet vehicles are not permitted to park more than two **vehicles** in outdoor parking areas.
- f) **Drive-in food services** are not a permitted form of development in this zone.
- g) All lighting shall be of a residential character in design, downward directional and constructed at the lowest elevation practical for the intended application so as to minimize light trespass to residential units above.
- h) Mezzanine floors within the first storey may only be used for office or light storage. Operations, residential use and associated industrial activity are not permitted on mezzanine floors.
- i) Principal uses other than residential are not permitted above the first storey.
- j) Auto body repair and paint shops are prohibited in this zone.

#### 1.4.2 Residential

- a) All residential uses shall be located above the first storey.
- b) Garages for residential units shall be on the second storey, accessed from ground level from the rear of the building.
- c) Residential outdoor space is restricted to amenity areas on decks and balconies. Common landscaped areas are accessible as passive green space for all homeowners.
- d) Separate entrances to each residential unit will be located on the upper floor and separated from the industrial uses respecting all British Columbia Building Code requirements that are in force.
- e) **Home based businesses** shall only be permitted within a dwelling unit.

#### 1.4.3 Outdoor Storage

- a) No outdoor storage of any kind is permitted.
- b) **Ancillary** storage shall not be permitted in compounds, **accessory buildings**, or **storage containers**. Outdoor storage racks are also not permitted on site, except when exchanging equipment and apparatus from inside the industrial

units. Duration of such racking will not be permitted longer than one (24 hour) day.

- c) All garbage bins shall be located and screened in accordance with the City of Kelowna Zoning Bylaw requirements. Access for pick up and drop off of garbage bins shall not conflict with residential or customer traffic and parking.
- d) Trucks and company fleet vehicles may not be parked in designated on-site parking spaces while being used for storage, outdoor displays or sales and in any state of disrepair.

#### **1.4.4 Parking**

- a) Parking for residential tenants shall be separate from parking designated for the industrial uses and associated customers.
- b) Residential uses will be required to contain their own parking spaces within the structure in accordance to the City of Kelowna Zoning Bylaw.

#### **1.4.5 Home Based Business**

- a) A **home based business, minor** will be permitted in accordance to the City of Kelowna zoning provisions and only if associated with the principal residential use.
- b) A home occupation/home based business will not be permitted to occupy additional residential units in the building.

#### **1.4.6 Retail Commercial**

- a) Retail for the purposes of the CD25 zone means where goods, merchandise and other materials are offered for sale at retail to the general public.
- b) Retailing of any goods and services may only be permitted if such goods and services are directly related to the principal use, must entail minor retail occurrences and occupy very limited space to displays within the industrial unit. The maximum floor area devoted to retailing and such accessory activities shall not exceed 25% of the **gross floor area** of the **building(s)**.

#### **1.4.7 Signs**

- a) The type, size, design, amount and placement of signs shall be subject to Development Permit Area Guidelines and provisions of the City of Kelowna Sign Bylaw.

#### **1.4.8 Landscaping, Screening and Fencing**

- a) All landscaping of yards shall be in accordance with the City of Kelowna Zoning Bylaw.
- b) Visual screening of any appurtenances and equipment on building walls and rooftops is required in accordance with the Development Permit Area Guidelines.

- c) Garbage receptacles and bins must be screened from view with appropriate opaque fencing and landscape materials which are consistent with the overall site design.
- d) All other requirements shall be subject to the Development Permit Area Guidelines.

#### **1.4.9 Appurtenances/Mechanical**

- a) Vents, ducts, stacks and any other appurtenances or mechanical equipment that may be required for the lower floor uses shall not direct noise, dust or odors towards or onto the upper floor uses or adjacent uses.
- b) All external appurtenances and mechanical equipment must be designed to not be visually obtrusive or are to be properly screened.

#### **1.5 Floor Area Ratio/Lot Coverage**

- a) The maximum **floor area ratio** is 0.20.
- b) The maximum **site coverage** is 50% including building, drive lanes and parking areas.

#### **1.6 Setbacks**

- a) The minimum front yard is 10m for all buildings and structures.
- b) The minimum side yards are 25m (east side) and 11.5m (west side) for all buildings and structures.
- c) The minimum rear yard is 41m for all buildings and structures (abutting other zones).

#### **1.7 Height**

- a) The maximum height is 14m for the combined industrial and residential building.

#### **1.8 Parking and Loading (Off-street)**

- a) Parking shall be provided in accordance with the Parking and Loading regulations of the City of Kelowna Zoning Bylaw.
- b) Off-street parking space requirements for the industrial uses will account for 41 stalls, including space for tenants and customers.
- c) Off-street parking space requirements for the residential uses will account for 14 stalls, including the enclosed garages and visitor parking spaces.
- d) Loading and unloading bays are required at one stall per industrial unit (9 oversized stalls).

### **1.9 Development Permit Guidelines**

- a) Every application for CD25 Zone shall be accompanied by an application for a Development Permit.



# CITY OF KELOWNA

## BYLAW NO. 11101

**Official Community Plan Amendment No. OCP14-0023 -  
Watermark Ventures Ltd. formerly known as Georg-Michael Holzhey  
Ltd. Inc. No. BC0812540  
205 Lougheed Road**

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of Lot A, Section 2, Township 23, ODYD, Plan KAP84518, located on Lougheed Road, Kelowna, B.C., from the IND - Industrial designation to the IND-T - Industrial -Transitional designation;
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 1<sup>st</sup> day of June, 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

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Mayor

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City Clerk

**CITY OF KELOWNA**  
**BYLAW NO. 11102**  
**Z14-0048 - Watermark Ventures Ltd. formerly known as**  
**Georg-Michael Holzhey Ltd. Inc. No. BC0812540**  
**205 Lougheed 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 A, Section 2, Township 23, ODYD, Plan KAP84518, located on Lougheed Road, Kelowna, B.C., from the I1 - Business Industrial zone to the CD25 - Light Industrial/Residential Mixed Use 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 1<sup>st</sup> day of June, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

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(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

**CITY OF KELOWNA**  
**BYLAW NO. 11104**  
**Z15-0012 - Hyatt Auto Sales Ltd**  
**883 McCurdy Place**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Strata Lot 25, District Lot 124, ODYD, Strata Plan KAS3323 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V, located on McCurdy Place, Kelowna, B.C., from the I1 - Business Industrial zone to the I2 - General Industrial zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 15<sup>th</sup> day of June, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

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(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

# REPORT TO COUNCIL



**Date:** June 16, 2015

**RIM No.** 0940-93

**To:** City Manager

**From:** Urban Planning, Community Planning & Real Estate

**Application:** TUP15-0001      **Owner:** Donald Madge & Geoffrey Proteau

**Address:** 3393 and 3401 Sexsmith Road      **Applicant:** Donald Madge

**Subject:** Temporary Use Permit

**Existing OCP Designation:** Industrial - Transitional

**Existing Zone:** RU1

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## 1.0 Recommendation

THAT Council authorizes Temporary Use Permit No. TUP15-0001 to allow the temporary use of Lot 1, Section 35, Township 26, ODYD, Plan 10278 and Lot 2, Section 35, Township 26, ODYD, Plan 10278 located at 3393 and 3401 Sexsmith Road, Kelowna, BC as an RV Storage Yard for a three (3) year period commencing from Council approval subject to the following:

- a) That all business related access to the subject properties be taken through the adjacent property to the south.

## 2.0 Purpose

To consider an application to temporarily store recreational vehicles on two residentially zoned properties on Sexsmith Road during the design and reconstruction of the Hwy 97N six laning.

## 3.0 Urban Planning

The temporary use permit will allow the owners of the properties to use the lands while the Ministry undertakes design and construction of the Hwy 97N expansion. In the long term, it would be most appropriate if the properties are re-zoned for industrial use, but in the interim, a temporary use permit is an appropriate tool.

The use is not expected to impact neighbouring properties. Access will not be taken from a public road and no additional traffic will be generated on Sexsmith.

After the roadway design and construction are complete, the applicants will be required to re-zone for industrial use if they wish to continue the storage operation.

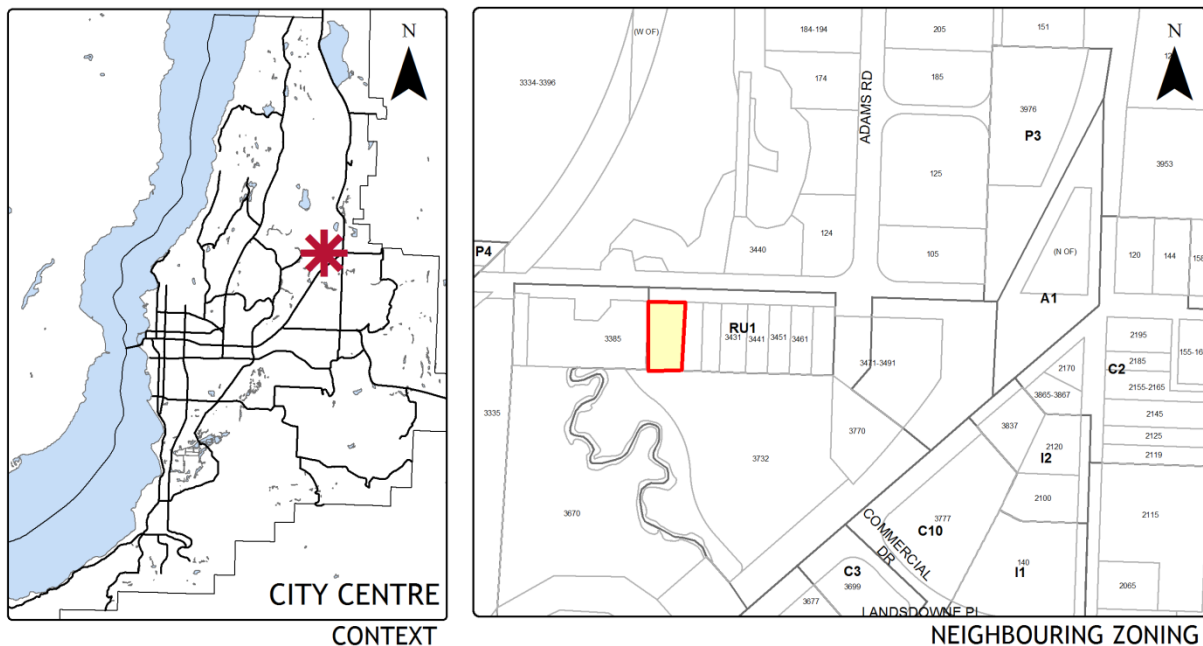
## 4.0 Proposal

### 4.1 Background

The properties are located along the south side of Sexsmith Road, just to the east of Mill Creek. The properties are designated Transitional Industrial, with an eye to eventual industrial use.

The Ministry of Transportation is currently planning to expand Hwy 97N to the east of the site to a six lane highway. As part of this expansion, Sexsmith Road in front of the subject properties may be redesigned and reconstructed. The Ministry may also require road taking along Sexsmith to accommodate the new design.

At this time, the Ministry has not completed the final design and determined if land will be required from the subject properties.



### 4.2 Project Description

The applicants have applied for a Temporary Use Permit to store RVs on the subject properties. The RVs would be stored on the subject property, but sold from an off-site business on the adjoin property to the south. Sales would not occur on site.

The properties would be fenced and accessed from the Country RV site to the south. Access would not be taken from Sexsmith Road.



Normally, this use would require Industrial or Commercial zoning. However, because of the uncertainty surrounding the eventual road design, staff are not recommending a re-zoning at this time. Instead, the applicant was directed to apply for a Temporary Use Permit, which would allow the use to commence and operate for a limited time.

Once the construction associated with the Highway expansion has been completed, the applicants would be required to re-zone the properties to continue the use.



### 4.3 Site Context

The properties are located south of Sexsmith Road and east of Mill Creek, in a small residential node identified for future industrial use. Properties to the north and zone are zoned for industrial use.

The property directly to the south of the subject properties is currently used as an RV Storage and Sales lot, by a different company.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning                  | Land Use                    |
|-------------|-------------------------|-----------------------------|
| North       | I2 - General Industrial | Park / Undeveloped          |
| East        | RU1- Large Lot Housing  | Single Dwelling Residential |
| South       | I2 - General Industrial | RV Sales and Storage        |
| West        | RU1 - Large Lot Housing | Single Dwelling Residential |

### Subject Property Map:



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Temporary Use Permit

*The temporary use designation is intended to apply to operations that are temporary in nature and the designation does not in itself permit specific uses on the designated sites. Within these areas, Council may, by resolution, issue a Temporary Use Permit and specify the conditions under which the temporary use be carried on. Upon the expiration of a Temporary Use Permit, the permitted uses revert to those outlined in the City of Kelowna Zoning Bylaw 8000.*

*Temporary Use Permits may be considered within the Permanent Growth Boundary (PGB) on all lands designated in OCP2030 Commercial, Education /Institutional, Industrial, Mixed Use or Public Service / Utility. (...)*

*All Temporary Use Permits must conform to other policy direction in this OCP, including fit within the character of the neighbourhood and surrounding uses. Appropriate landscaping, screening and buffering will be included as conditions of the permit to protect adjacent land uses.*

## **6.0 Technical Comments**

### **6.1 Building & Permitting Department**

Building & Permitting had no comments.

### **6.2 Fire Department**

The Fire Department has no issues with the storage of RV's on the property as there are no buildings on the lot. Please ensure accessibility to the property should a vehicle fire occur - an access aisle through the storage.

## **7.0 Application Chronology**

Date of Application Received: March 17, 2015

Date of Completed Application: April 4, 2015

**Report prepared by:**

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Ryan Roycroft, Planner 2

**Reviewed by:**

☐

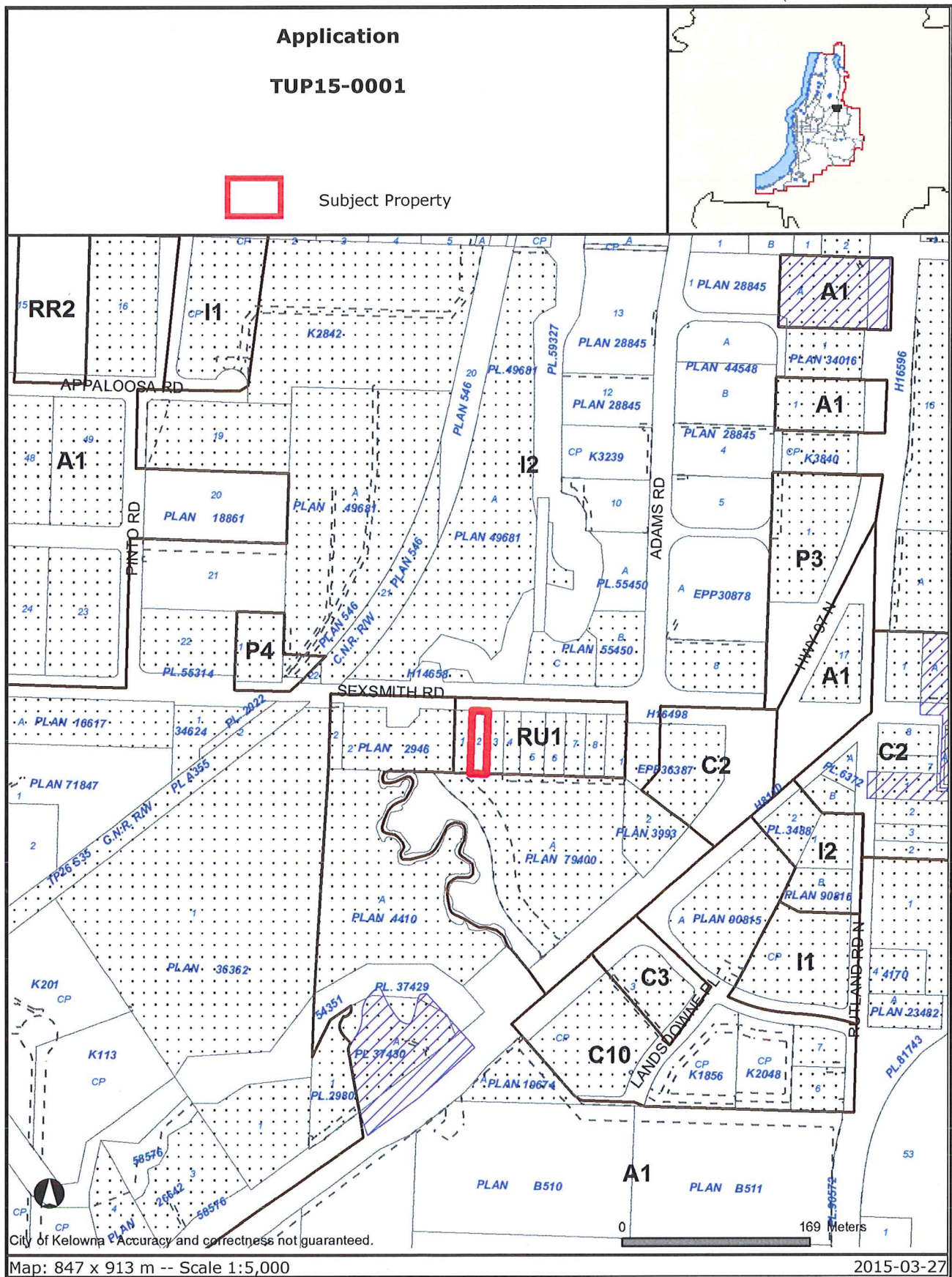
Ryan Smith, Urban Planning Manager

**Approved for Inclusion:**

☐

Doug Gilchrist, Divisional Director, Community Planning & Real Estate





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

**CITY OF KELOWNA**  
**BYLAW NO. 11083**  
**TA15-0002 - Amending Agriculture 1 Zone for 700 Hwy 33 E**

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

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

1. THAT **Section 11 - Agriculture 1 Zone, 11.1.3 Secondary Uses** be amended by adding in its appropriate location a new sub-paragraph "**Food Primary Establishment**" and renumber subsequent subparagraphs that reads:

**"Food Primary Establishment** - \*Only applies to Lot A, Section 24, Township 26, ODYD, Plan EPP7145 located at 700 Hwy 33 E also known as the "Hillcrest Farm Market Cafe".

This existing cafe is subject to the Agricultural Land Commission (ALC) Resolution #101/2014 for application #53542 (City of Kelowna File A13-0007) and which conditionally approved this non farm use on the subject property subject to the following condition:

- i) The Cafe facility is limited to current size being 25.3m<sup>2</sup> (272ft<sup>2</sup>) indoor and 34.6m<sup>2</sup> (372ft<sup>2</sup>) outdoor and that there be submission of notification or an application to the ALC should there be plans in the future for any significant changes or plans to expand the current footprint.
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 4<sup>th</sup> day of May, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

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(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk