

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, January 29, 2019
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 - 32
Public Hearing - January 15, 2019
Regular Meeting - January 15, 2019

Public Hearing - January 17, 2019
Regular Meeting - January 17, 2019
4. **Bylaws Considered at Public Hearing**
 - 4.1 **Drummond Court & Barnaby Road, BL11718 (LUC18-002) - Various Owners** 33 - 34
To give Bylaw No. 11718 second and third readings and adopt in order to early terminate multiple LUC76-1041 from multiple properties as per Schedule A.
 - 4.2 **Drummond Court & Barnaby Road, BL11719 (Z18-0089) - Various Owners** 35 - 36
To give Bylaw No. 11719 second and third readings and adopt in order to rezone multiple properties from the RR3 - Rural Residential 3 zone to the RU1 - Large Lot Housing zone as per Schedule B.
 - 4.3 **Coronation Avenue 1028, 1036, 1044, BL11731 (Z17-0117) - 1136605 BC Ltd., Inc No. BC1136605** 37 - 37
To give Bylaw No. 11731 second and third readings in order to rezone the subject properties from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone.

4.4 Taylor Crescent 2414, BL11735 (Z18-0100) - Mark E. A. Danielson and Erin A. Cram

38 - 38

To give Bylaw No. 11735 second and third readings in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.

5. Notification of Meeting

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

6. Liquor License Application Reports

6.1 Lakeshore Rd 4629, LL18-0030 - City of Kelowna

39 - 44

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the liquor license application to come forward.

To seek Council's support to allow a manufacturer lounge and special event area liquor license application for Barn Owl Brewery to allow patrons to purchase and consume liquor products between the hours of 9:00 AM to Midnight seven days a week but limit the hours to 11:00 PM on the patio with a seating capacity of 60 indoors and 27 on the exterior patio.

6.2 Lakeshore Rd 3477, LL18-0033 - 0984342 BC Inc. No. BC0984342

45 - 55

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the liquor license application to come forward.

To seek Council's support to allow a manufacturer lounge and special event area liquor license application for Shoreline Brewing Co to allow patrons to purchase and consume liquor products between the hours of 10:00 AM to Midnight seven days a week but limit the hours to 11:00 PM on the patio with a seating capacity of 95 indoors and 92 on the exterior patio.

7. Development Permit and Development Variance Permit Reports

7.1 Rutland Rd N 375, DVP18-0054 - Richard Martin and Nancy Ryan

56 - 63

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 variances to reduce the minimum side setback from a flanking street from 4.5 m required to 4.11 m proposed and to reduce the minimum distance to a principal dwelling from 3.0 m permitted to 1.0 m proposed.

7.2 Abbott Street 2900, PR18-0001 - K599 Dock Group

64 - 74

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 expansion of a shared dock for a 32 unit townhome strata as it pertains to the "City of Kelowna Guidelines for Assessment of Shared Dock Applications" and provide referral comments to the Province for their consideration.

8. Reminders

9. Termination



City of Kelowna Public Hearing Minutes

Date: Tuesday, January 15, 2019
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Ryan Donn, Gail Given, Brad Sieben, Mohini Singh, Luke Stack and Loyal Wooldridge

Members Absent Councillors Maxine Dehart and Charlie Hodge

Staff Present City Manager, Doug Gilchrist; Deputy City Clerk, Karen Needham; Community Planning Department Manager, Ryan Smith; Suburban and Rural Planning Manager, Dean Strachan*; Community Planning Supervisor, Laura Bentley; Planner, Kim Brunet*; Legislative Coordinator (Confidential), Clint McKenzie

(* denotes partial attendance)

1. Notification of Meeting

Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on Wednesday, January 2, 2019 and by being placed in the Kelowna Daily Courier issues on Friday January 4 and Wednesday, January 10 and by sending out or otherwise mailing 418 statutory notices to the owners and occupiers of surrounding properties on Wednesday, January 2, 2019.

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.

2. Call to Order

Mayor Basran called the Hearing to order at 6:03 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.

3. Individual Bylaw Submissions

3.1 Darin Pl 4627, Z18-0090 (BL11702) - Calvin Meldrum & Barbara Laupitz

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

Letter of Opposition and Concern:

Ken Cappos, Casorso Road

The Applicant was present and available for questions.

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

No one came forward from the Gallery.

There were no further comments.

3.2 Abbott St 2783A, 2783B & 2787, Z18-0038 (BL11703) - AJ Wiens Development Group Ltd., Inc No BC0798391

Staff:

- Displayed 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 and Concern:

Jim Lawrence, Bath Street
Sheila Strother, West Avenue
Ken Cappos, Casorso Road

Birte Decloux, Applicant's representative

- Displayed a PowerPoint presentation.
- There are 8-10 full mature trees approx. 60 years old; will not be able to save any of the existing trees.
- The landscape plan being proposed has 21 trees planned for the development.
- Stepped the buildings in to blend with the neighbourhood.

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

Gallery:

Sharon Maslund, Abbott Street

- Welcomes the development, not concerned with the trees coming down. Wonderful addition to the community.

Max Ward, Bath Street

- Concerned with the height being 3 stories.

Jim Lawrence, Bath Street

- Concerned with the height of the buildings being 3 stories.

Applicant representative:

- Confirmed the bulk of the building is on the bottom two floors; only bathroom and pergola on top.
- Confirmed they are not asking for any height variances

There were no further comments.

3.3 Sarsons Rd 439, Z18-0076 (BL11705) - Rock Shore Developments Ltd., Inc. No. BC1114860

Staff:

- Displayed 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 and Concern:

Corrine Peacock, Hobson Crescent - petition with 44 signatures
 Jamie Clerf and Claire Johnston, Sarsons Road
 Corrine Peacock, Hobson Crescent
 Dr. Anita Sanan, Hobson Road
 Ken Capps, Casorso Road

Applicant, Ralph Stapleton, Hobson Road:

- Commented there are two similar properties approved across the street.
- He purchased the property when he saw the support for other neighbours subdividing; his intent is to keep the integrity of the area.
- Understands traffic congestion concerns as he has three children who walk and bike.
- Has designed two homes that will respect what is in the neighbourhood.
- Back area will provide a green buffer area with the neighbour; he plans to keep trees along the back and the front yard.

Responded to questions from Council.

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

Gallery:

Corrine Peacock, Hobson Crescent:

- She is the adjacent property owner; will be directly impacted by the rezoning.
- Allowing RU2 zoning will negatively affect the character of the area.
- Does not feel the area has the infrastructure to support.
- Parking, safety and negative impact on character of the area are main concerns.

Anita Sanan, Hobson Road:

- Her own rezoning application to move to RU2 zoning in the neighbourhood was denied and therefore she expects the same concerns on this application around small lot size for the homes being built.
- Aug 28, 2018 public hearing; application was denied in a 5-4 vote by Council.
- Compared her own rezoning request with the one proposed.
- Noted the applicant signed the petition against her subdivision application and presented the petition from her Aug 28th application.

Responded to questions of Council.

Jay McClure, Sarsons Road:

- Opposed, concerned with uptake in the amount of traffic on the road with the additional walking and biking in the summer months; doesn't believe there is a strategy for development in the area including sidewalks and lighting.
- Mixed messages with densification in the neighbourhood.
- Older neighbourhood with new development arriving.

Renata Kenya, Hobson Cr.

- Concerned with parking on Sarsons Road - many school aged children on the road with no sidewalks.
- Concerned with safety.

Chris Messent, Hobson Crescent:

- Adjacent property owner, enjoyed the privacy and quiet area.
- Family operated a daycare from their house for many years. Was a safe, quiet mature neighbourhood.
- Charm of the area is the older mature lots; development rezoning to smaller lots will take away the charm of the neighbourhood.
- All enjoy the area, it is desirable and feels this type of development takes away from what makes the area desirable.
- Development is changing to what neighbours avoided in rest of city; don't change the neighbourhood.

Christina Donnack, Hobson Road:

- Oppose the development. Sarsons is a mess, parking everywhere and on to Hobson.
- Need to keep the integrity of the neighbourhood and accommodate the people already visiting Sarsons Beach and the area.
- Kids, dogs, bikes, walking is becoming a safety concern.
- Believes homes are being squeezed onto lots that are too small.
- Wants to keep the integrity of neighbourhood.

Response from Applicant:

- Wanted to address that he misunderstood the petition related to Anita Sanan's application. He was against enabling the subdivision of three lots and would have fully support her application if he understood.
- Spoke to petition for his application and noted some who had already subdivided their lots had signed, and others who didn't understand signed.
- Respects neighbours comments on congestion, likes the area and has a house on Hobson Road.
- Made further comments to the petition submitted.

Staff:

- Confirmed requirements of subdivision including calculations of lot lines for shape of property.
- Confirmed setbacks for building on each lot apply along each point of lot line.

There were no further comments.

3.4 Molnar Rd 435, Z18-0096 (BL11707) - Craig J. and Natasha B. Guidi

Staff:

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

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

Letter of Support:

Ken Cappos, Casorso Road

The applicant was present for comment.

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

No one from the gallery came forward.

There were no further comments.

3.5 Eagle Dr 925, Z18-0052 (BL11709) - Gary Johnson and Edi Cote

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

Letters of Opposition and Concern:

Timothy and Elizabeth Duignan, Eagle Drive
Tim and Edith Muri, Nassau Crescent

Letter of Support:

Ken Cappos, Casorso Road

Applicant was present for comment.

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

Gallery:

Tim Murray, Nassau:

- Neighbor to the rear of the property.
- Commented that his lot is not as deep and would be quite close to the carriage house.
- There is also a mature tree that would have roots into the back of the lot.
- Concern for the character of the lots as not suitable for carriage house.

Brent Martin, Golfview Road:

- Received no notice from the City; heard about the application from his neighbours.
- Neighbourhood is very consistent at this time, support density but would like to see consistency for the entire neighbourhood to allow carriage houses.

Responded to questions from Council.

Applicant, Edi Cote and Gary Johnson:

- Noted there is already precedence in neighbourhood with RU1C zoned lots.
- Handed out rezoning information to neighbours as per the map provided by the City.
- Doesn't feel there is much objection in the area to the proposal.
- Confirmed only a one-story carriage house and will be conscious when digging to not harm tree; can move the location as needed.

Responded to questions from Council.

- Confirmed no variances are being requested.

There were no further comments.

3.6 Fuller Ave 555, OCP18-0013 (BL11713) and Z18-0062 (BL11714) - City of Kelowna

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

Letters of Opposition and Concern:

Linda West, Fuller Avenue

The Applicant was available for comment.

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

Gallery:

Cliff Pace, Bertram Ave:

- In favour of residential, concerned if there is a commercial component and would like to know if there is any detail.

Applicant's Consultant, Devon Kronchaw:

- Confirmed that C7 zoning was chosen for increased density; there is no commercial use proposed for the project.

There were no further comments.

3.7 Knox Cr. 1969, Z18-0098 (BL11716) - Charles and Lesley Roberts

Staff:

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

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

Letter of Opposition and Concern:

Ken Cappos, Casorso Road

The Applicant's agent was available for comment.

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

No one from the gallery came forward.

There were no further comments.

3.8 Richter St 2125 and 2137, Z18-0081 (BL11717) - 1140648 B.C. LTD., Inc. No. 1140648

Staff:

- Displayed 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 and Concern:

Jackie Toews, Glenwood Avenue
Ken Cappos, Casorso Road

Applicant, Martin Boyle, Fagan Hold, Casoro Road

- Provided an overview of the proposal.
- Confirmed no variances being requested and hoping to work towards increased density in the downtown core.
- Proposal is for purely rentals at this time.
- There are plans for large bike storage in response to bike corridor along Ethel Street.

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

No one from the gallery came forward.

Staff responded to questions from Council.

There were no further comments.

3.9 Gore Street 2627 and 2643, Z18-0106 (BL11721) - Teano Holdings Ltd BC1090038

Staff:

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

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

Letter of Opposition and Concern:

Ken Cappos, Casorso Road

The Applicant was present for comment.

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

Gallery:

Willie Wilson, Osprey Avenue:

- Opposed, has lived in the neighbourhood for 25 years.
- Continual construction development in the area is hard on the existing neighbours with higher buildings being built.
- Believes the developer is wrecking the neighbourhood and wanted to voice his opinion.
- The vision is not taking into consideration the people on the ground.

Shane Worman, Applicant, West Avenue:

- Upgrading the water line to the neighbourhood so it has the proper firefighting capabilities; addition of sidewalks; and other improvements as well.
- Commented on the affordability in the area being addressed in this application with some smaller units under 450 square feet.

There were no further comments.

3.10 Old Vernon Rd 252, Z18-0034 (BL11722) - 0959036 BC Ltd Inc. No. BC0959036

Staff:

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

The Deputy City Clerk advised that no correspondence was received.

The applicant was available for comment.

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

No one from the gallery came forward.

There were no further comments.

3.11 Rutland Rd N 1354, Z18-0097 (BL11723) - Parminder Singh Kindhra and Sheetu Kindhra

Staff:

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

- Confirmed no parking variances only side and rear yard setback variances.

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

Letter of Opposition and Concern:

Sandra & Andy Nadeau, Aldon Road

The Applicant was available for comment.

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

No one from the gallery came forward.

There were no further comments.

3.12 Coopland Cr 786, Z18-0068 (BL11724) - Miles and Lisa Lang

Staff:

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

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

Letter of Opposition and Concern:

Jean Pelc, Coopland Crescent

Applicant, Miles and Lisa Lang, Riley Road:

- Confirmed there are two units in the house now.

- In terms of the parking: there is an existing spot at the front of the property and would prefer to retain it vs. all the parking to the rear of the lot.

- House originally had a carport prior to our ownership for last 16 years.

- Parking concern - street already has monitoring and permitted parking.

- We have continued to upgrade the property and wish to keep it long term.

- Plans to have son move into the property being developed.

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

No one from the gallery came forward.

Staff responded to questions from Council.

There were no further comments.

4. Termination

The Hearing was declared terminated at 7:43 p.m.

Mayor Basran

kn/cm

Seedham

City Clerk

DRAFT



City of Kelowna Regular Meeting Minutes

Date: Tuesday, January 15, 2019
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Ryan Donn, Gail Given, Brad Sieben, Mohini Singh, Luke Stack and Loyal Wooldridge

Members Absent Councillors Maxine Dehart and Charlie Hodge

Staff Present City Manager, Doug Gilchrist; Deputy City Clerk, Karen Needham; Community Planning Department Manager, Ryan Smith; Suburban and Rural Planning Manager, Dean Strachan*; Community Planning Supervisor, Laura Bentley; Planner, Kim Brunet*; Legislative Coordinator (Confidential), Clint McKenzie

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:53 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Given.

3. Confirmation of Minutes

Moved By Councillor Donn/Seconded By Councillor Wooldridge

(R0032/19/01/15) THAT the Minutes of the Public Hearing and Regular Meeting of December 4, 2018 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 Darin Pl 4627, BL11702 (Z18-0090) - Calvin Meldrum & Barbara Laupitz

Moved By Councillor Given/Seconded By Councillor Wooldridge

(R0033/19/01/15) THAT Bylaw No. 11702 be read a second and third time.

Carried

- 4.2 Abbott St 2783A, 2783B & 2787, BL11703 (Z18-0038) - AJ Wiens Development Group Ltd., Inc. No. BCo798391**

Moved By Councillor Wooldridge/Seconded By Councillor Given

(R0034/19/01/15) THAT Bylaw No. 11703 be read a second and third time.

Carried

- 4.3 Sarsons Rd 439, BL11705 (Z18-0076) - Rock Shore Developments Ltd., Inc. No. BC1114860**

Moved By Councillor Given/Seconded By Councillor Wooldridge

(R0035/19/01/15) THAT Bylaw No. 11705 be read a second and third time and be adopted.

Carried

Opposed - Councillor Sieben

- 4.4 Molnar Rd 435, BL11707 (Z18-0096) - Craig J. and Natasha B. Guidi**

Moved By Councillor Singh/Seconded By Councillor Wooldridge

(R0036/19/01/15) THAT Bylaw No. 11707 be read a second and third time.

Carried

- 4.5 Eagle Dr 925, Z18-0052 (BL11709) - Gary Johnson and Edi Cote**

Moved By Councillor Wooldridge/Seconded By Councillor Singh

(R0037/19/01/15) THAT Bylaw No. 11709 be read a second and third time and be adopted.

Carried

- 4.6 Fuller Ave 555, OCP18-0013 (BL11713) - City of Kelowna**

Moved By Councillor Singh/Seconded By Councillor Wooldridge

(R0038/19/01/15) THAT Bylaw No. 11713 be read a second and third time.

Carried

- 4.7 Fuller Ave 555, Z18-0062 (BL11714) - City of Kelowna**

Moved By Councillor Stack/Seconded By Councillor Donn

(R0039/19/01/15) THAT Bylaw No. 11714 be read a second and third time.

Carried

- 4.8 Knox Cr. 1969, Z18-0098 (BL11716) - Charles and Lesley Roberts**

Moved By Councillor Sieben/Seconded By Councillor Stack

(R0040/19/01/15) THAT Bylaw No. 11716 be read a second and third time.

Carried

4.9 Richter St 2125 and 2137, Z18-0081 (BL11717) - 1140648 B.C. LTD., Inc. No. 1140648

Moved By Councillor Stack/Seconded By Councillor Sieben

(R0041/19/01/15) THAT Bylaw No. 11717 be read a second and third time.

Carried

4.10 Gore Street 2627 and 2643, Z18-0106 (BL11721) - Teano Holdings Ltd BC1090038

Moved By Councillor Sieben/Seconded By Councillor Stack

(R0042/19/01/15) THAT Bylaw No. 11721 be read a second and third time.

Carried

4.11 Old Vernon Rd 252, Z18-0034 (BL11722) -0959036 BC Ltd Inc. No. BC0959036

Moved By Councillor Stack/Seconded By Councillor Donn

(R0043/19/01/15) THAT Bylaw No. 11722 be read a second and third time.

Carried

4.12 Rutland Rd N 1354, Z18-0097 (BL11723) - Parminder Singh Kindhra and Sheetu Kindhra

Moved By Councillor Donn/Seconded By Councillor Stack

(R0044/19/01/15) THAT Bylaw No. 11723 be read a second and third time.

Carried

4.13 Coopland Cr 786, Z18-0068 (BL11724) - Miles and Lisa Lang

Moved By Councillor Stack/Seconded By Councillor Donn

(R0045/19/01/15) THAT Bylaw No. 11724 be read a second and third time.

Carried

5. Notification of Meeting

The Deputy City Clerk advised that Notice of Council's consideration of the Development Variance Permits was given by sending out or otherwise delivering 59 statutory notices to the owners and occupiers of the surrounding properties on January 2, 2019.

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

6. Development Permit and Development Variance Permit Reports

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

6.1 Hwy 33 E 365, DP18-0123 DVP18-0124 - Harveer Singh Nijjar

Staff:

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

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

Letter of Support:

Gail Corrigan, Mallach Road

The Applicant was not available for questions.

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

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Singh/Seconded By Councillor Wooldridge

(R0046/19/01/15) THAT Council authorizes the issuance of Development Permit No. DP18-0123 and Development Variance Permit No. DVP18-0124 for Lot C Section 23 Township 26 Osoyoos Division Yale District Plan 5012, located at 365 Highway 33 East, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. 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 Registered Landscape Architect;

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

Section 13.9.6(e): RM3 – Low Density Multiple Housing Development Regulations

To vary the required minimum side yard from 4.0 m permitted to 1.2 m proposed.

Section 13.9.6(f): RM3 – Low Density Multiple Housing Development Regulations

To vary the required minimum rear yard from a public lane from 3.0 m permitted to 1.45 m proposed.

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

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

Carried

6.2 Academy Way 625, DP18-0188 DVP18-0189 - Watermark Developments Ltd, Inc No BCo642787

Staff:

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

- Confirmed there are 3 bedroom units which typically require two parking stalls

The Deputy City Clerk advised that no correspondence was received.

Applicant, Luke Turri, Mission Group:

- Reviewed the master plan to give an idea of overall development in the University area.
- Commented on the hilltop commercial space identified in the plan.
- Transit Service has just started in the area.
- Badminton court being added; nature trail is linking up to the future park and school site space.
- Building height - was reduced from original proposal due to site topography constraints.
- Retaining wall and parking provision – 12 tandem parking stalls dedicated to the 3 bedroom units. No issues with parking in U-series as they have empty spaces so feel meeting needs.
- Parking stall for each home will be provided plus 15 surplus stalls will be provided with the variance requested.

Responded to questions from Council.

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

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Stack

(R0046/19/01/15) THAT Council authorizes the issuance of Development Permit No. DP18-0188 and Development Variance Permit No. DVP18-0189 for Lot 6 Section 3 Township 23 Osoyoos Division Yale District Plan EPP53793, located at 625 Academy Way, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. 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 Registered Landscape Architect;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted in general accordance with Schedule "A":

Section 7.5.9: Fencing and Retaining Walls

To vary the required maximum height of a retaining wall from 1.2 m (permitted) to 2.5 m (proposed).

Table 8.1 – Parking Schedule

To vary the required number of parking stalls from 132 (required) to 119 (proposed).

Section 13.10.6(c): RM4 – Transitional Low Density Housing Development Regulations

To vary the required maximum height from 13.0 m or 3 storeys (permitted) to 13.0 m or 4 storeys (proposed).

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

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

Carried

7. Reminders


There were none.

8. Termination

The meeting was declared terminated at 8:56 p.m.

Mayor Basran

kn/cm



City Clerk



City of Kelowna Regular Council Meeting Minutes

Date: Thursday, January 17, 2019
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Ryan Donn, Gail Given, Charlie Hodge, Brad Sieben, Mohini Singh, Luke Stack and Loyal Wooldridge

Members Absent Councillor Maxine Dehart

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Acting Divisional Director, Community Planning and Strategic Investments, Derek Edstrom; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; Planner, Trisa Atwood; Legislative Coordinator (Confidential), Clint McKenzie

1. Call to Order

Mayor Basran called the meeting to order at 12:44 a.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Sieben.

Moved By Councillor Donn/Seconded by Councillor Hodge

(R0046/19/01/17) THAT the Regular Meeting continue past 11 p.m.

Carried

3. Bylaw Considered at Public Hearing

3.1 Agassiz Rd 2025, BL11701 (Z18-0109) - Provincial Rental Housing Corporation, Inc.
No. BC0052129

Moved By Councillor Singh/Seconded By Councillor Wooldridge

(R0047/19/01/17) THAT Bylaw No. 11701 be read a second and third time.

Carried

4. **Reminders**

There were no reminders.

5. **Termination**

The meeting was declared terminated at 1:15 a.m.

Mayor Basran

sf/cm



City Clerk

DRAFT



City of Kelowna

Public Hearing

Minutes

Date: Thursday, January 17, 2019

Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Ryan Donn, Gail Given, Charlie Hodge, Brad Sieben, Mohini Singh, Luke Stack and Loyal Wooldridge

Members Absent Councillor Maxine Dehart

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Acting Divisional Director, Community Planning and Strategic Investments, Derek Edstrom; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; Planner, Trisa Atwood; Legislative Coordinator (Confidential), Clint McKenzie

1. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board of City Hall on Monday, January 7, 2019 and by being placed in the Kelowna Daily Courier issues on Friday, January 11, 2019 and Monday, January 14, 2019, and by sending out or otherwise mailing 185 statutory notices to the owners and occupiers of surrounding properties on Monday, January 7, 2019.

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.

2. Call to Order

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

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

3. Individual Bylaw Submissions

3.1 Agassiz Rd 2025, Z18-0109 (BL11701) - Provincial Rental Housing Corporation, Inc. No. BC0052129

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk displayed the list of correspondence received and confirmed the list will appear in the minutes (see Schedule 'A' attached).

Applicant, Ann Howard, Regional Director, BC Housing and Juliet Anderton, Juliet Anderton Consulting Ltd.,

- Displayed a PowerPoint presentation outlining the application.
- Spoke to the community need for the development.
- Identified other BC Housing projects in the City.
- Spoke to resident and neighbourhood safety measures proposed for this project.
- Provided information on consultation efforts undertaken by the applicant.
- Provided information on how the proposed development fits existing City land use and housing policies.
- Spoke to how site and building plans were adapted in response to community concerns.
- Confirmed there is no covenant on land title restricting the height of the building.
- Responded to questions from Council.
- Confirmed a community advisory committee will be established by the operator, John Howard Society.

Mayor Basran invited those from the speakers list to come forward and then anyone in the public gallery who deemed themselves affected, followed by comments of Council.

Speaker's List:

Don Davies, Vasile Road:

- Opposed to the application.
- Concerned with their safety based on activities of those living in the proposed development.
- Raised concerns with lack of transparency of BC Housing public consultation efforts.
- Raised concerns with BC Housing appraisal of site.
- Believes property values will decrease should this go forward and wants to know who would reimburse them.
- Cited Vancouver & Victoria models that have not been successful.

Harvey Yule, Pandosy Street:

- Opposed to the application.
- Previous owner had agreed to a 2-storey height covenant.
- Should not be housed in a high density neighbourhood.
- Supportive of other forms of supportive housing but not a wet facility.

Dave Bradshaw, Ambrosi Rd.:

- Opposed to the application.
- Raised concerns with recent land sale to BC Housing and the appraisal of the land.
- Requested a dry facility or subsidized housing or women's shelter but not a wet facility.

Joanna Blacklock, Agassiz Rd.

- Opposed to the application and the building being a wet facility.
- Concern with property value declining.
- Raised concern with neighbourhood safety.
- Raised concerns with decline in property values.

Donna Furbank, Ambrosi Rd.:

- Opposed to the application.
- Provided history on the development of the area.
- Raised concerns with neighbourhood safety.
- Wet facility will add stress to the residents to the neighbourhood, not the right place for drug addicted individuals.
- Originally signs showed assisted living and now progressed to a wet facility.

Geraldine Bush, Ambrosi Rd.:

- Opposed to the application.
- Have previously sent petitions in 2017 & 2018 regarding homeless issues in the area.
- Stress on a vulnerable senior population in the area; grave concerns.
- Addiction and mental health facilities should be supported not integration.
- Concerned with a decrease in market value of their home.

Jack Bush, Ambrosi Rd.:

- Opposed to the application.
- Need purpose built facilities versus smaller facilities without adequate support services.
- Neighbourhood has faded since we moved into the area in 2006.
- Seniors in the area are stressed even thinking about the facility being proposed.

Don Larsen, Barlee Rd.:

- Opposed to the application.
- Raised concerns with how proposed occupants will obtain their drugs in a wet facility.
- Our facility will need to put in more fencing and security - who will cover that cost?

Corinne Snape, Barlee Rd:

- President of Orchard Haven Residents; speaking on behalf of the residents.
- 100% of residents oppose the facility due to the illegal drug activity and the risks associated with it.
- Made reference to the two storey covenant the previous owners had agreed to.
- Would rather see treatment centres instead of supportive housing.
- Spoke to lack of appropriate communication on the application.

Janet Brooks, Agassiz Rd:

- Opposed to the application.
- Raised concerns with neighbourhood safety.
- Raised concerns with the project being a wet facility
- Statistics from the John Howard annual report - Cardington Apartments say 82.5% struggle with drug misuse.
- Concerned with the devaluation of their property.

Gordon Brooks, Agassiz Rd:

- Opposed to the application.
- The facility will attract more harm than good. The proposal has already taken its toll on the neighbourhood, 5 predominantly senior facilities in the immediate area.
- Provided comment on other examples of BC Housing facilities not working.
- Made comment on the provincial auditor general report on BC Housing.

Katherine Parsons, Ambrosi Rd:

- Opposed to the application.
- Does not understand the desire for a wet facility in this area. It is wrong to put in a dense residential neighbourhood.
- already have a problem with drug use in the adjacent park in our neighbourhood.
- The facility will create an unsafe area and property values will go down.

Jeri Turman, Ambrosi Rd:

- Opposed to the application.
- Raised concern with the lack of communication regarding the application.

- Raised concern with neighbourhood safety.

Robert Yanchuk, Ambrosi Crt.:

- Opposed to the application.
- Concerned with property values dropping and longer times to sell with reduce values.
- Care deeply however helping vulnerable at the risk of neighbouring seniors is not right. Requested a dry facility or women's shelter vs. harm reduction or a wet facility being built.
- Raised concerns with BC Housing's approach to dealing with the City.
- Requested that the public hearing be left open pending receipt of their FOI request.

Elaine Ward, Ambrosi Rd:

- Opposed to the application.
- Raised concerns with the project being a wet facility.
- Raised concerns with neighbourhood safety.

Mary-Jo Mackie, Agassiz Rd.:

- Opposed to the application.
- Those at risk should not be housed next to vulnerable seniors.
- Provided perspective as a past paramedic – residents would not be helped, wet facility would enable addictions.
- Requested the facility be moved away from residential areas and provide the supports needed.

Rod Newlove Ambrosi Rd.:

- Opposed to the application.
- Raised concerns with the price paid by BC Housing for the property.
- Concern the facility's residents using drugs will be buying their drugs in the adjacent neighbourhood.
- Agreed a facility is needed but not in densely populated area.
- Raised concerns with failure of the City and BC Housing to abide by the height restrictions agreed to by the previous owners.

Karen Mason, Kelowna Women's Shelter, Richmond Street:

- Spoke on behalf of the Kelowna Women's Shelter.
- In support of the application.
- In recent years their facility has women and children staying longer.
- Housing is a basic human right and community has a responsibility.
- Homelessness does not equal addiction and crime.

Meeting broke at 8:08 p.m.

Meeting reconvened at 8:22 p.m.

Frank Truman, Ambrosi Rd:

- Opposed to the application.
- Supportive housing for non-addicted men and women would be more suitable in the neighbourhood.
- Concerned with negative effect on the resale value of his condo.

Kyleen Myrah, High Road:

- Supportive of the application.
- Read a poem from Diane Larsbeck, survivor and poet; referenced it was housing that led her to a better place with supports.
- Staff and residents of the apartment will want to be safe too; there is no "us" and "them" there is only "we".

Coco Alexander, Lakeshore Rd:

- Supportive of the application.
- Works for a shelter run by John Howard Society.
- Referenced the HESA report and encouraged those present to read it to gain a glimpse of what our country is facing with opioid addiction.

Bill Schullenberg, Clement Ave:

- Supportive of the application.
- Owns a business near the proposed facility.
- We all need housing. Housing and support means recovery.
- The facility is ideally located with transit and commercial nearby.

Elaine McMurray, Sutherland:

- Supportive of the application.
- Lives near several supportive housing facilities.
- Feels safe in her neighbourhood.

Peter Kirk, speaking on behalf of Amber Netherwick:

- Supportive of the application.
- Made comments on past and current government policies regarding the homeless.

Brenda Plitt, Lawrence Ave:

- Supports the application.
- Provided personal stories of her experiences with homelessness and addiction and living in shelters and in supportive housing.

Ben Koltermann, Barlee Rd

- Opposed to the application.
- Concerned with the project being a wet facility.
- Supports the rezoning and the look of the building but not how it will be used.
- Should be possible to rezone property with a covenant that no drugs to be allowed in the residence.

Dianne Varga, Lake Ave:

- Supportive of the application.
- Fear for the homeless being disconnected from community.
- Discussed her interaction with the homeless - privacy, dignity and safety are what they are looking for.

Stan Deeks, Bernard Ave.:

- Supportive of the application.
- Provided personal experience of being in affordable housing as a youth
- In most cases neighbourhood concerns are unfounded.
- Approving the facility is right for Kelowna - it makes us better.

Peggy Salaberry, Springfield Rd:

- Supportive of the application.

Craig Heise, Barlee Rd.:

- Opposed to the application.
- Raised concerns with the price BC Housing paid for the property.
- Raised concerns with neighbourhood safety.

Heather Bradshaw, Ambrosi Rd:

- Opposed to the application.
- Raised concerns with neighbourhood safety.
- Commented on the negative impacts harm reduction initiatives are having in other municipalities.
- Suggested a referendum be held to determine if the project should proceed.

Wayne Matthewson, Monashee Place:

- Opposed to the application.
- Raised concerns with the project being a wet facility.

John Mackie, Agassiz Rd:

- Opposed to the application.
- Raised concerns with the project being a wet facility.

- It is an inappropriate site for such a facility.
- Commented the BC Housing information sessions referenced supportive housing, not a wet facility.

Janet Ryder, Agassiz Rd:

- Opposed to the application.
- Raised concerns with neighbourhood safety.

Ian Wright, Springfield Rd:

- Opposed to the application.
- Speaking on behalf of four businesses near Commerce Avenue supportive housing project.
- Spoke to all the negative issues they are having in the area.
- Responded to questions from Council.

Dan Helgason, Lindahl St.:

- Opposed to the application.
- Businesses in his neighbourhood have threatened to leave. There will be an increase in drug trafficking and crime in the area.
- Concern regarding the equity in homes in the area.

Nicole Rustad, Merlin Court:

- Supportive of the application.
- Made reference to her personal experiences with those who are homeless.
- Made reference that one in five of us will suffer from mental health issues in our lifetime.

Caleb Jones, Gordon Drive:

- Supportive of the application.
- Spoke to being homeless a year ago and receiving support from the Gospel Mission.
- Commented that lives that can be helped by a warm meal and a roof to provide a chance for people to focus on getting better.

Debbie Hubbard, Ellis St:

- Supportive of the application.
- Provided comments on location and operation of the facility.
- Provided comments and experience with supportive housing in Edmonton.
- Commented that if we want to build healthy neighbourhoods, approval of the application is needed.

Meeting broke at 10:02 p.m.

Meeting reconvened at 10:14 p.m.

Sergio Cunial, Lawson Ave:

- Representing his mother who lives on Ambrosi Rd.
- Concerned about the wet facility.
- Fearful of this proposal with the residents and visitors it will attract. There are already problems in nearby Barlee Park.
- Wrong location for a wet facility - residents and visitors are unpredictable and who will pay for the extra security needed?

Dr Silvina Mema, Levitt Lane:

- Medical Health Officer with Interior Health Authority.
- Supportive of the application.
- Spoke to the benefits of supportive housing.
- Reviewed supportive housing and its importance to help residents regain control of their health and their lives.
- Commented that there is an urgent need for housing that integrates people into society.
- Responded to questions from Council.

Ron Cridland, Springfield Rd:

- Opposed to the application.

- Raised concerns with lack of meaningful communication from BC Housing and John Howard Society.
- Lack of Communication has created some of the issues raised this evening.
- Operates a nearby sleep deprivation clinic with 2000 patients a year who arrive after hours.
- Raised concern with impacts of the facility on their patients and staff.

Helen Jackson, Cooper Road:

- Read letter on behalf of Carrie McDonald.
- Supportive of the application.

Karla Davies on behalf of Helmut and Susan Herwig, Vasile Rd:

- Opposed to the application.
- No reason to put residents at risks by putting wet facilities in dense neighbourhoods.
- Location has been chosen that will maximize harm and makes it an acceptable cost.

Marianne Cote, Rowcliffe Avenue:

- Supportive of the application.
- Will offer safe, secure affordable home - in an ideal neighbourhood.
- John Howard Society is experienced - residents will be good neighbours.

Richard Taylor, Springfield Rd:

- Opposed to the application.
- Displayed a PowerPoint presentation.
- Discussed the history of the land assembly of the subject property.
- Provided an overview of the restrictive covenant to two stories that was never registered by previous owners.
- Requested the public hearing remain open until the FOI request to City can be responded to.
- Threatened legal action should Council proceed with the application.
- Responded to questions from Council.

Cherie Hanson, Okanagan Blvd:

- Supportive of the application.
- Spoke to the benefits of supportive housing on helping to deal with harm reduction.
- Solutions that have been chosen are working.
- The issue of homelessness cannot be moved to somewhere else where we cannot see it - they are not "others" - they are "us".

Alexis Hawrysh, Barlee Rd:

- Opposed to the application.
- Provided an overview experience with facility in Manitoba where senior facility changed to homeless facility.

Ruth Mellor, Saucier Ave:

- Supportive of the application.
- Site will be a supervised facility by John Howard who has a very good track record.
- This is the new model for supportive housing that has been very successful in other communities.

Moved By Councillor Sieben/Seconded By Councillor Hodge

THAT the Public Hearing continue past 11:00 p.m.

Carried

Don Shewchenko on behalf of Leslie Badger, Springfield Rd.:

- Opposed to the application.
- Spoke on behalf of neighbours who are also opposed.
- Raised concerns with the project being a wet facility.

Additional speakers direct from the Gallery:

Arnold August, Lawrence Ave:

- Shared a poem on behalf of a person who died: I didn't have time.
- Member of the Lived Experience group - honour them at this time and remind everyone our nation will be known how we take care of our poor.

Betty Stroller, Barlee Rd:

- Opposed to the application.
- Spoke to spending too much money for the land that could have been spent to buy farm property and have homeless look after animals and grow vegetables to help provide them with more purpose.

Teresa Chompsky, Sunset Drive:

- Talked about her experiences with assisting a homeless person in her home, and her family's history with assisting.

Gaylene Askeland, John Howard Society:

- Supportive of the application.
- Spoke to various supportive housing projects in the community operated by John Howard Society.
- Responded to questions from Council.

Harold Smoke, Rutland Road N:

- Supportive of the application.
- Lives in supportive housing.
- Spoke to how John Howard Society assisted him to integrate back into society.

Resident, Mayson Rd:

- Supportive of the application.
- Has lived near half-way homes and has never been concerned for his safety.
- Property values have increased with such neighbouring land uses.
- Provided personal experience of having homeless parent.

Amanda, Coronation:

- Supportive of the application.
- Her experience is that property values have increased even though her residence was close to supportive housing.
- She has not experienced any safety issues in her neighbourhood.

Resident, Parkview:

- Supportive of the application.
- Commented on the increase in homeless people in her neighbourhood.
- Has not experienced any safety issues in her neighbourhood.

Cheryl Woods, Chapman Place:

- Supportive of the application.
- Spoke to her experiences working in shelters.

Richard Wensink, Blondeaux Cres.:

- Supportive of the application.

Hank Overton, Leon Avenue:

- Supportive of the application.
- Lives at the Gospel Mission, works full time.
- Hopes to be considered for housing.

Janet, Leon Avenue:

- Supportive of the application.
- Lives at the Gospel Mission.

Ararjit Singh Lalli, Mackenzie Road:

- Supportive of the Journey Home initiative.
- Referred to the McKinnon Report.
- Supports the application with the exception of it being a wet facility.

Greg, Dunn St:

- Supportive of the application.
- Need a plan for dealing with addiction

Dani M, Ellis St:

- Supportive of the application.
- Works at Hearthstone supportive housing complex.
- Supportive of the Journey Home strategy.
- Supportive housing required to begin harm reduction.

Responded to questions from Council.

George, Boucherie Rd:

- Supportive of the application.
- Commented on what a wet facility is.

Applicant in response to questions raised:

- Application meets City planning policies.
- Facility will maintain a community input committee.
- Responded to questions from Council.

4. Termination

The Hearing was declared terminated at 12:37 a.m.

Mayor Basran

sf/cm



City Clerk

Schedule A – Summary of Correspondence

BYLAW NO. 11701 (Z18-0109)

2025 Agassiz Road, Provincial Rental Housing Corporation, Inc. No. BC0052129

Letters of Comment:

Dave Bradshaw
C.B. McKernan, 204-1895 Ambrosi Road
Cherie Hanson, 557 Okanagan Boulevard

Petition Opposition

Submitted by Richard Taylor, Director, Ambrosi Neighbourhood Association
Change.org 658 signatures

Letters of Opposition and Concern: 42

Helmut and Susan Herwig, 2142 Vasile Road (4 letters)
Jeff Vanderwerf, 1895 Ambrosi Road
Joanna Blacklock, 203-2011 Agassiz Road
Gordon and Janet Brooks, 402-2011 Agassiz Road (2 letters)
Geraldine Bush, 104-1895 Ambrosi Road
Michael G. Hansen, Benson Law, retained by the Ambrosi Neighbourhood Association
Don and Karla Davies, 101-2142 Vasile Road
Kelly and Laurie Sanderson, 2040 Springfield Road
Laura Illichmann, 1114 Pacific Avenue
Shirley Mehus, Coldwell Banker Horizon Realty Commercial Property Management 320-550 West Avenue
Trudy Hurst, 103-1850 Spall Road
Bill Edgington, 650 Lexington Drive
La-Z-Boy Furniture Galleries, 1850 Spall Road
Joanne Leroux and Don Ritchings, 1692 Mission Hill Road West Kelowna
Judy Nicholson, 301-2011 Agassiz Road
Jim Walker, 413-1960 Enterprise Way
Greg and Beate Evtushevski, 933 Westpoint Place
Gloria Pada, 2708 Bath Street
A Mol, 305-2142 Vasile Road
Gary & Valerie Mauro, 102-1933 Ambrosi Road
S.J. Fromson, 2040 Springfield Road
Colleen Polychroniou, 809-2040 Springfield Road (2 letters)
Ron Cridland, MD, Kelowna Sleep Clinic, 205-2040 Springfield Road
Sandy McKay, 405-1933 Ambrosi Road
Kathy Norstrom, 1008-2040 Springfield Road
Marilyn Mack, 408-2040 Springfield Road
Ken Cappos, 317-3733 Casorso Road
Dianne Abrahamse, 409-1933 Ambrosi Road
Gerrie-Anne Corry, 708-2040 Springfield Road
Valerie & Gary Mauro, 102-1933 Ambrosi Road
Leslie Badger & Lindsay Johnson, 404-2142 Vasile Road
Jann Harrison, 303-2130 Vasile Road
Don Erdely, 312-2142 Vasile Road
Richard Taylor, 905-2040 Springfield Road
Don Watson, 2040 Springfield Road
Robin Brodhurst, 706-2040 Springfield Road
Daniel Helgason, 208 - 1903 Lindahl Street

Janet Ryder, 401-2011 Agassiz Road (2 letters)
Bob Schindel, 409-2142 Vasile Road
Margaret Henson, 207-2011 Agassiz Road

Sandra Brauchli, 205-2142 Vasile Road
 Alexis Hawrysh, 110-1931 Barlee Road

Letters of Support: 141

Michelle Fehr, 503-1290 St. Paul Street
 Taylor Price – 155 Summerhill Place
 Cindy Hewitt, 12820 Trewitt Road., Oyama
 Courtney Amanda Penner, 113-914 Craig Road
 Charisse Daley, Pathways Abilities Society, 123 Franklyn Road.
 Mark O'Hara, 416-1964 Enterprise Way
 Mary Ellen Gabias, 125 Muir Road
 Sarah Desrosiers, 2151A Richter Street
 Jane Morgan, 5114 Lakeshore Road
 Oliver G. Penner, M.Ed, 1443 Graham Street
 Connie Penner, 12-1836 Tower Ranch Boulevard
 Karen Mason, Kelowna Women's Shelter, Towne Centre
 Scott DeLong MSW, Community Living BC., 140-1060 Manhattan Drive
 Danielle Berube, 815 Francis Avenue
 Adrienne Nolan, 3895 Kimatouche Road
 Alexandere Newcombe, 846 Fuller Avenue
 Lauren Jefferies, 203-3160 De Montreuil Court
 Rachel Lindsay, 144-914 Craig Road
 Kyleen Myrah, 1597 High Road
 Tina Larouche, 503-654 Cook Road
 Kelly Taverner, 214-700 Martin Avenue
 Angie Lohr, 118-715 Beaver Lake Road
 Elaine McMurray, 136-1045 Sutherland Avenue
 Melissa Hunt, Okanagan Family & Childcare Society, 4-1890 Ambrosi Road
 Jude Brunt, 241-715 Leathead Road
 Giulio Piccioli, 1955 Bowes Street
 Crystal Croteau, Partners in Resources, 206-478 Bernard Avenue
 Dr. Susannah-Joy Schuilenberg, William & Associates Counselling Services, 114-1856 Ambrosi Road
 Rev. Deacon Heather Karabelas, Saint Mary's Anglican Church, 2710 E Kelowna Road
 Liz Talbott, NOW Canada Society, 2970 Tutt Street
 Judy Askeland, 1031 Coronation Avenue
 Calum Middleton, 373 B McClure Road
 Brenda Plitt, 1204-1110 Lawrence Avenue
 Ben Goerner, BSW, 15690 Roberts Road, Oyama
 Andrew Greer, 201A-460 Doyle Avenue
 Rita Smith, 403-305 Whitman Road
 Cindal McCabe, 318-1775 Chapman Place
 Dianne Varga, 331 Lake Avenue
 Lisa Wensink, 1664 Blondeaux Crescent.
 Bree Bootsman, 233-495 All Star Court
 Sharon Bootsman, 2938 Springfield Road
 Dylan Cocquyt, 233-495 All Star Court
 Sydney Morgan, 315 Whitman Road
 Buwan Basran, 463 Swan Drive
 Amanda Poon, 858 Coronation Avenue
 Pauline McCabe, 611 Bear Creek Road
 Baillie Bootsman, 2938 Springfield Road
 Maria P. Lowen, Elizabeth Fry Society, 649 Leon Avenue
 Carrie Lee, 1103 Chilcotin Court
 Alana Loewen, 5360 Scotty Creek Road
 Theresa Arsenaault, Q.C., 301-1665 Ellis Street
 Erika Busch, 107-205 Nickel Road
 Patrick Bobyn, 419 Curlew Drive

Brian Stephenson, 62-1120 Guisachan Road
 Andrea Dennett, 1288 Glenmore Drive.
 Dustin Andrei, 2031 Keller Place
 Kathy L. Brunsdon, 4932 B Harrison Court
 Patrick M. Gaffney, 1007 Neale Road
 Peggy Salaberry, 18-970 Springfield Road
 Harvey Nelson, 2040 Springfield Road
 Anne Winzer, 1050 Cameron Avenue
 Del Stone, 631 Pimlico Road
 Stephanie Sedmak, 1838 Water Street
 Cassie Jenkins, 2246 Quail Run Ridge
 Kelsey Smith, 1318 Sutherland Avenue
 Dr. Norah Bowman, 813-2 Rowcliffe Avenue
 Gail O'Hara, 416-1964 Enterprise Way
 Michelle Rule, 1916 Bowes Street
 Greg Courtice, MSc., P.Eng. 2163 Verde Vista Road
 Shayne Meechan, 2163 Verde Vista Road
 L. Taylor, 22-3787 Lakeshore Road
 Erin Joyal, 2650 Bourcherie Road, West Kelowna
 Krista Clement, 19-124 Mills Road
 Dave Krysko, 5462 Lakeshore Road
 Bryn McNair, 125-1898 Parkview Crescent
 Rick Miller, 4672 Fordham Road
 Elizabeth Harley, 2365 Stillingfleet Road, Unit 99
 Mona Hennenfent, CEO, BrainTrust Canada, 11-368 Industrial Avenue
 Kimberly Winkle, 1088 Sunset Drive
 Debbie Scarborough, SOWINS, 102-1027 Westminster Avenue W, Penticton
 Caroline Labbee, 1159 Kelview Street
 Britt Vig, Michelle Hopkins, Celine Thompson & John Yarschenko, The Bridge, 8-2604 Enterprise Way
 Ken Zeitner, 23-6200 Spencer Road
 Karen Krout, 122-1995 Burtch Road
 Dr. John Brinkerhoff and Joyce Brinkerhoff, 943 Purcell Court
 Helen Jackman and Sinead Scanlon, United Way, 202-456 St. Paul Street
 Ken and Miriam Westereng, 295 Dell Road
 Donna Bruch, 2047 Doryan Street
 Saskia Makela, 641 Broadway Avenue
 Aidan Cole, 739 Kinear Avenue
 Markus Hilbert, 115-1856 Ambrosi Road
 Raymond Koehler, 2242 Stillingfleet Road
 Trevor Cairns, A1 Bus Ltd, 5277 Silver Star Road, Vernon
 Warren Postnikoff, Society of Hope, 101-2055 Benvoulin Court
 Shelagh Turner and Wendy Creelman, Canadian Mental Health Association, 504 Sutherland Avenue
 Jill Atkey, BC Non-Profit Housing Association, 220-1651 Commercial Drive, Vancouver
 Kyla Bodenham MSW, 1937 Kloppenburg Court
 Martin Bell, 435 Hobson Crescent
 Marianne Cote, 105-523 Rowcliffe Avenue
 Kerry Rempel, MBA, 795 Richter Street
 Wes Kmet, 104-523 Rowcliffe Ave
 Allan Neilson, 1-600 Sherwood Road
 Erin Welk, 651 Okanagan Boulevard
 Dixie Styner, 794 Stockwell Avenue
 Bruce Wallace, PhD, School of Social Work, 2530 Vancouver Street, Victoria
 Linda MacGillivray, 120 Davie Road Unit 9
 Peter Whitbourn, 4205 Slocan River Road, Winlaw
 Holly Dagenais, 205-1063 KLO Street
 Shaunna Taylor, 3877 Summerside Drive
 Marion Krahn, 2029 Richter Street
 Alan Monk, 530 Jaschinsky Road

Allan Holmes, 106-1780 Gordon Drive
Melissa Acheson, 2-3440 Chocolate Lily Lane
Geoff Haney, 941 Bernard Avenue
Lisa Kurio, 940 Pitcairn Court
Lance Greenberg, 332 Murray Crest
Stanley E Gooch, 3949 Gallaghers Pky
Jack Welsh, 302 Avonlea Way
Richard McAdam, 950 Monashee Place
WRJ Rice, 5322 Upper Mission Drive
Alice MahWven, 481 Okaview Road
Deanna Kent, 1385 Alder Court
Keely Portsmouth, 821 Stockwell Avenue
Karina Daniluck, 500 Curlew Drive
Clinton Schnee, 1122 Montrose Place
Teala Beischer, 1380 Richter Street
David Gunderson, 427-550 Yates Road
Moni Schiller, 3321 Hall Road
Ken Cormack, 4016 Gallagher's Terrace
David Martyn, 4442 Pingrove Road
Jack Bush, 1895 Ambrosi Road
Amber Webster Kotak, 20-380 Providence Avenue
Cindy L. Smith, 2270 Dion Road
Shari McDowell, 1879 Ethel Street
Garth Martens, 113-914 Craig Road
Dr. Silvina Mema, Danielle Cameron, Deborah Preston, Heather Deegan, Maja Karlsson and Katrina Lehenbauer, Interior Health, 505 Doyle Avenue
Dr. Sana Shahram, 101-551 Yates Road
Reanne Amadio, 821 Hammer Avenue
Tim Lubbers, 4-1853 Parkview Cres.
Ellen Perrich, 208-515 Houghton Road

CITY OF KELOWNA

BYLAW NO. 11718

LUCT18-0002

Early Termination of Land Use Contract

LUC76-1041

Drummond Court and Barnaby Road

WHEREAS a land use contract (the "Land Use Contract LUC76-1041") is registered at the Kamloops Land Title Office under the charge number N73280 against lands in the City of Kelowna particularly known and described as in Schedule "A" attached (the "Lands"), located at Barnaby Road and Drummond Court, Kelowna, B.C.;

AND WHEREAS Section 548 of the *Local Government Act* provides that a local government may impose an early termination to land use contracts registered in a Land Title Office that applies to land within the jurisdiction of the local government;

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

1. This Bylaw may be cited for all purposes as "Early Termination of Land Use Contract LUC76-1041 Bylaw";
2. Land Use Contract LUC76-1041 is hereby terminated as of the date of adoption; and
3. This bylaw will come into force and effect one year after the adoption date.

Read a first time by the Municipal Council this 14th day of January, 2019.

Considered at a Public Hearing this

Read a second and third time by Municipal Council this

Adopted by the Municipal Council this

Mayor

City Clerk

Schedule A

Land Use Contract: **LUC76-1041**

Charge Number: **N73280**

<u>No.</u>	<u>Legal Description</u>	<u>Address</u>	<u>Parcel Identifier Number</u>	<u>Underlying Zone</u>
1	Lot 1 Distirct Lot 357 & 358 ODYD Plan KAP31179	631 Barnaby Rd	003-777-073	RR3 - Rural Residential 3 zone
2	Lot 2 Distirct Lot 357 & 358 ODYD Plan KAP31179	637 Barnaby Rd	003-777-081	RR3 - Rural Residential 3 zone
3	Lot 3 Distirct Lot 357 & 358 ODYD Plan KAP31179	645 Barnaby Rd	003-777-090	RR3 - Rural Residential 3 zone
4	Lot 4 Distirct Lot 357 & 358 ODYD Plan KAP31179	655 Barnaby Rd	003-777-103	RR3 - Rural Residential 3 zone
5	Lot 5 Distirct Lot 357 & 358 ODYD Plan KAP31179	665 Barnaby Rd	001-590-804	RR3 - Rural Residential 3 zone
6	Lot 6 Distirct Lot 357 & 358 ODYD Plan KAP31179	620 Barnaby Rd	003-777-111	RR3 - Rural Residential 3 zone
7	Lot 7 Distirct Lot 357 & 358 ODYD Plan KAP31179	621 Barnaby Rd	003-777-138	RR3 - Rural Residential 3 zone
8	Lot 8 Distirct Lot 357 & 358 ODYD Plan KAP31179	687 Barnaby Rd	003-777-146	RR3 - Rural Residential 3 zone
9	Lot 9 Distirct Lot 357 & 358 ODYD Plan KAP31179	691 Barnaby Rd	003-677-869	RR3 - Rural Residential 3 zone
10	Lot 10 Distirct Lot 357 & 358 ODYD Plan KAP31179	697 Barnaby Rd	003-777-154	RR3 - Rural Residential 3 zone
11	Lot 11 Distirct Lot 357 & 358 ODYD Plan KAP31179	636 Drummond Crt	002-614-952	RR3 - Rural Residential 3 zone
12	Lot 12 Distirct Lot 357 & 358 ODYD Plan KAP31179	632 Drummond Crt	003-777-171	RR3 - Rural Residential 3 zone
13	Lot 13 Distirct Lot 357 & 358 ODYD Plan KAP31179	628 Drummond Crt	003-777-197	RR3 - Rural Residential 3 zone
14	Lot 14 Distirct Lot 357 & 358 ODYD Plan KAP31179	646 Drummond Crt	003-777-201	RR3 - Rural Residential 3 zone
15	Lot 15 Distirct Lot 357 & 358 ODYD Plan KAP31179	692 Drummond Crt	003-777-219	RR3 - Rural Residential 3 zone
16	Lot 16 Distirct Lot 357 & 358 ODYD Plan KAP31179	688 Drummond Crt	003-777-227	RR3 - Rural Residential 3 zone
17	Lot 17 Distirct Lot 357 & 358 ODYD Plan KAP31179	684 Drummond Crt	002-761-939	RR3 - Rural Residential 3 zone
18	Lot 18 Distirct Lot 357 & 358 ODYD Plan KAP31179	680 Drummond Crt	001-541-757	RR3 - Rural Residential 3 zone
19	Lot 19 Distirct Lot 357 & 358 ODYD Plan KAP31179	677 Drummond Crt	003-777-260	RR3 - Rural Residential 3 zone
20	Lot 1 Distirct Lot 357 ODYD Plan KAP57673	641 Drummond Crt	023-544-104	RR3 - Rural Residential 3 zone
21	Lot 2 Distirct Lot 357 ODYD Plan KAP57673	645 Drummond Crt	023-544-112	RR3 - Rural Residential 3 zone

CITY OF KELOWNA
BYLAW NO. 11719
Z18-0089 – Drummond Court & Barnaby 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 for properties identified in 'Schedule B', located on Drummond Court and Barnaby Road Kelowna, BC from the RR3 – Rural Residential 3 zone to RU1 – Large 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 14th day of January, 2019.

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

Schedule B

Land Use Contract: **LUC76-1041**

Charge Number: **N73280**

No.	Legal Description	Address	Parcel Identifier Number	Underlying Zone	Proposed Zone
1	Lot 1 Distirct Lot 357 & 358 ODYD Plan KAP31179	631 Barnaby Rd	003-777-073	RR3 - Rural Residential 3 zone	RU1 - Large Lot Housing zone
2	Lot 2 Distirct Lot 357 & 358 ODYD Plan KAP31179	637 Barnaby Rd	003-777-081	RR3 - Rural Residential 3 zone	RU1 - Large Lot Housing zone
3	Lot 3 Distirct Lot 357 & 358 ODYD Plan KAP31179	645 Barnaby Rd	003-777-090	RR3 - Rural Residential 3 zone	RU1 - Large Lot Housing zone
4	Lot 4 Distirct Lot 357 & 358 ODYD Plan KAP31179	655 Barnaby Rd	003-777-103	RR3 - Rural Residential 3 zone	RU1 - Large Lot Housing zone
5	Lot 5 Distirct Lot 357 & 358 ODYD Plan KAP31179	665 Barnaby Rd	001-590-804	RR3 - Rural Residential 3 zone	RU1 - Large Lot Housing zone
6	Lot 6 Distirct Lot 357 & 358 ODYD Plan KAP31179	620 Barnaby Rd	003-777-111	RR3 - Rural Residential 3 zone	RU1 - Large Lot Housing zone
7	Lot 7 Distirct Lot 357 & 358 ODYD Plan KAP31179	621 Barnaby Rd	003-777-138	RR3 - Rural Residential 3 zone	RU1 - Large Lot Housing zone
8	Lot 8 Distirct Lot 357 & 358 ODYD Plan KAP31179	687 Barnaby Rd	003-777-146	RR3 - Rural Residential 3 zone	RU1 - Large Lot Housing zone
9	Lot 9 Distirct Lot 357 & 358 ODYD Plan KAP31179	691 Barnaby Rd	003-677-869	RR3 - Rural Residential 3 zone	RU1 - Large Lot Housing zone
10	Lot 10 Distirct Lot 357 & 358 ODYD Plan KAP31179	697 Barnaby Rd	003-777-154	RR3 - Rural Residential 3 zone	RU1 - Large Lot Housing zone
11	Lot 11 Distirct Lot 357 & 358 ODYD Plan KAP31179	636 Drummond Crt	002-614-952	RR3 - Rural Residential 3 zone	RU1 - Large Lot Housing zone
12	Lot 12 Distirct Lot 357 & 358 ODYD Plan KAP31179	632 Drummond Crt	003-777-171	RR3 - Rural Residential 3 zone	RU1 - Large Lot Housing zone
13	Lot 13 Distirct Lot 357 & 358 ODYD Plan KAP31179	628 Drummond Crt	003-777-197	RR3 - Rural Residential 3 zone	RU1 - Large Lot Housing zone
14	Lot 14 Distirct Lot 357 & 358 ODYD Plan KAP31179	646 Drummond Crt	003-777-201	RR3 - Rural Residential 3 zone	RU1 - Large Lot Housing zone
15	Lot 15 Distirct Lot 357 & 358 ODYD Plan KAP31179	692 Drummond Crt	003-777-219	RR3 - Rural Residential 3 zone	RU1 - Large Lot Housing zone
16	Lot 16 Distirct Lot 357 & 358 ODYD Plan KAP31179	688 Drummond Crt	003-777-227	RR3 - Rural Residential 3 zone	RU1 - Large Lot Housing zone
17	Lot 17 Distirct Lot 357 & 358 ODYD Plan KAP31179	684 Drummond Crt	002-761-939	RR3 - Rural Residential 3 zone	RU1 - Large Lot Housing zone
18	Lot 18 Distirct Lot 357 & 358 ODYD Plan KAP31179	680 Drummond Crt	001-541-757	RR3 - Rural Residential 3 zone	RU1 - Large Lot Housing zone
19	Lot 19 Distirct Lot 357 & 358 ODYD Plan KAP31179	677 Drummond Crt	003-777-260	RR3 - Rural Residential 3 zone	RU1 - Large Lot Housing zone
20	Lot 1 Distirct Lot 357 ODYD Plan KAP57673	641 Drummond Crt	023-544-104	RR3 - Rural Residential 3 zone	RU1 - Large Lot Housing zone
21	Lot 2 Distirct Lot 357 ODYD Plan KAP57673	645 Drummond Crt	023-544-112	RR3 - Rural Residential 3 zone	RU1 - Large Lot Housing zone

CITY OF KELOWNA

BYLAW NO. 11731

Z17-0117 – 1028, 1036 & 1044 Coronation Avenue

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 9 & 10 District Lot 138 and of Section 30 Township 26 ODYD Plan 3763 and Lot 1 District Lot 138 ODYD Plan 4282, located on Coronation Avenue, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM5 – Medium 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 7th day of January, 2018.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11735
Z18-0100 – 2414 Taylor Crescent

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 16, District Lot 14, ODYD, Plan 7336, located on Taylor Crescent, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 14th day of January, 2019.

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: January 29, 2019

RIM No. 0930-50

To: City Manager

From: Community Planning Department (AC)

Application: LL18-0030

Owner: City of Kelowna / JEM HTB Properties Inc.

Address: 4629 Lakeshore Rd

Applicant: Barn Owl Brewing Company – Steve Van Dam

Subject: Liquor License

Existing OCP Designation: Park

Existing Zone: P3 – Parks and Open Space & HRA17-0001

1.0 Recommendation

THAT Council directs Staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 71 of the *Liquor Control and Licensing Regulation* and Council Policy #359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Barn Owl Brewing Company located at 4629 Lakeshore Rd, Kelowna, BC, legally described as Lot A, Section 25, Township 28, SDYD, Plan KAP71341, for a manufacturer lounge and special event area endorsement from:
 - (a) "9:00 AM to Midnight Sunday to Saturday" for the main floor and loft floor Service Areas; and
 - (b) "9:00 AM to 11:00 PM Sunday to Saturday" for the Patio Service Areas
2. That Council's comments on the prescribed considerations are as follows:
 - (a) The location of the brewery: The brewery is located in a commercial village setting along an arterial route;
 - (b) The person capacity of the brewery lounge: The person capacity is 36 persons on the main floor, 24 persons on the loft area, and 27 persons on the exterior patio;
 - (c) Traffic, noise, parking and zoning: The brewery is located in a commercial village and will have minimal negative impact on traffic, noise, parking, and the property is properly zoned. The exception is in regards to the patio. There are residential homes nearby and the noise from the patio could be a nuisance, therefore, the recommendation is to limit the patio's hours to 11:00pm;

- (d) The impact on the community if the application is approved: The potential for negative impact is considered to be minimal;

AND THAT Council's comments on the view of residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures".

2.0 Purpose

To seek Council's support to allow a manufacturer lounge and special event area liquor license application for Barn Owl Brewery to allow patrons to purchase and consume liquor products between the hours of 9:00 AM to Midnight seven days a week but limit the hours to 11:00 PM on the patio with a seating capacity of 60 indoors and 27 on the exterior patio.

3.0 Community Planning

Staff generally support all manufacturer lounge and special event area endorsements in order to permit customers to consume the manufacturer's product onsite. Staff do not foresee any negative land use impact of permitting this type of license with the exception of the patio hours. Staff are recommending, Council endorse the applicant's proposed hours from 9:00am to midnight 7 days a week but limit the outdoor patio hours to a maximum of 11:00pm. The applicant has agreed that limiting the patio hours to 11:00pm is reasonable for the purposes of limiting noise nuisance and being a good neighbour.

The RCMP has also requested the City "establishment of a comprehensive policy to address new liquor primary and manufacturer lounge endorsement license applications. Such a policy would facilitate a consistent, guided responses to applications." Within the new liquor policy review, there would be thresholds for a liquor primary establishment or an establishment that is similar to one to be required to have a certain level of security and patron safety measures in place (e.g Servall). Until such time as the new liquor policy can be established, the RCMP's suggestion on hours of sale is more conservative than Staff's guidelines. In this case, the applicant's proposed hours of sales are not supported by the RCMP mainly due to police resourcing but are supported by Staff. The Official Community Plan (OCP) encourages complete communities and complete suburbs which includes evening entertainment. This establishment will provide the local residents with a walkable neighbourhood pub setting whereby local residents can frequent without the necessity of taking a taxi to and from the urban centres.

4.0 Proposal

4.1 Background

An application has been forwarded by the licensee to the Provincial Liquor and Cannabis Regulation Branch for their approval. Procedurally, this type of application needs Local Government comments prior to the Provincial Liquor and Cannabis Regulation Branch making a final decision.

4.2 Project Description

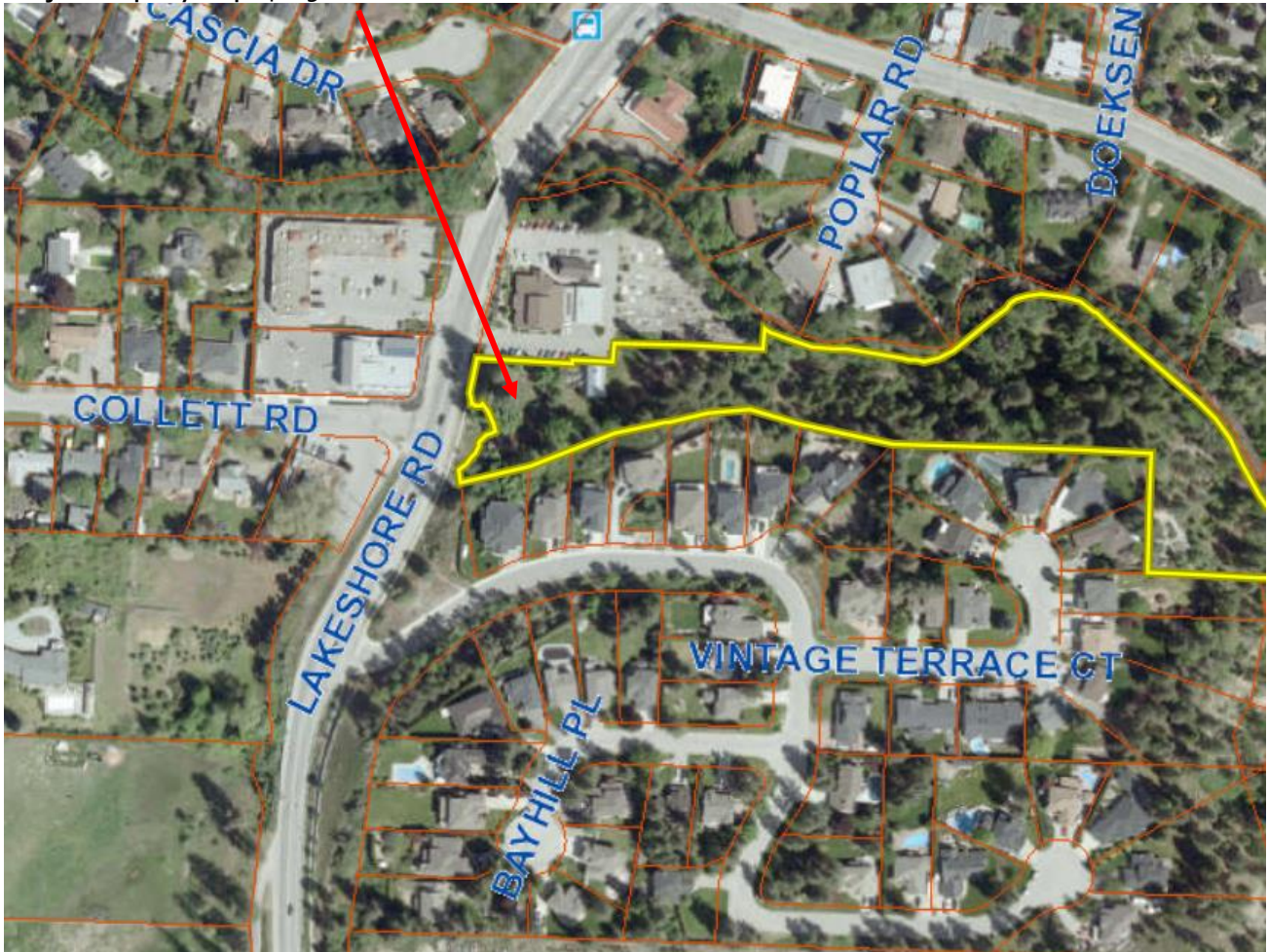
Existing Hours of Sale (Lounge and Special Event Area):

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Close	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Proposed Hours of Sale (Lounge and Special Event Area):

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	9:00 am	9:00 am	9:00 am	9:00 am	9:00 am	9:00 am	9:00 am
Close	Interior Space	12:00 am	12:00 am	12:00 am	12:00 am	12:00 am	12:00 am
	Patio	11:00 pm	11:00 pm	11:00 pm	11:00 pm	11:00 pm	11:00 pm

Subject Property Map: 4629 Lakeshore Road



5.0 Current Development Policies

5.1 Council Policy #359 – Liquor Licensing Policy and Procedures

The following sections of Policy #359 are applicable to this application:

- 5.2** Small establishments (with person capacity less than 100 persons should not be located beside another liquor primary establishment.
- 5.3** New patios associated with liquor establishments should be located and designed to limit potential impacts on surrounding property owners.

6.0 Technical Comments

RCMP

- The RCMP only supports the application with hours of operation between 10am – 10pm, Sunday to Saturday.

7.0 Application Chronology

Date of Application Received: November 6th, 2018

Report Prepared by: Adam Cseke, Planner Specialist
Reviewed by: Terry Barton, Urban Planning Manager
Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment 'A' - Floor Plans

ATTACHMENT A

This forms part of application

LL18-0030



City of
Kelowna
COMMUNITY PLANNING

Planner
Initials

AC
4 3 2

SEPARATE PERMITS REQUIRED
FOR ALL TENANT IMPROVEMENTS. 5

NO PERMITS HAVE BEEN APPLIED FOR AS
OF OCT 29, 2018 FOR HERITAGE, DEVELOPMENT
OR BUILDING

CONSTRUCTION NOTES:

- 1 42" AFF BAR TABLE CW SEATING
- 2 1 1/2" STEEL TOP RAIL CW SAFETY GLASS PANELS. SUPPORT POSTS ATTACHED TO SIDE OF STAIR STRINGERS
- 3 SLOPED & SEALED CONCRETE FLOOR CW TROWEL FINISH; TO BE SLOPED TOWARDS FLOOR DRAIN
- 4 4' HIGH PONY WALL COMPOSED OF:
 - 1/2" GWS, TAPED & SEALED, PAINTED,
 - 2X4 STUDS AT 16" O.C.
 - 1/2" GWS, TAPED & SEALED, PAINTED
 - MILLWORK SILL TO BE INSTALLED ON TOP OF PONY WALL @ 4" AFF
 - GLAZING SYSTEM TO BE INSTALLED ON TOP OF MILLWORK SILL TO 8" AFF
- 5 HOIST SYSTEM FROM BREWHA, TO BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS
- 6 BAR DOOR TO BE HINGED ON EAST SIDE OF ACCESS PANEL
- 7 FLOOR DRAIN CONNECTED TO SEWER SYSTEM
- 8 STAINLESS STEEL DOUBLE SINK CW 2" DRAIN CONNECTION TO SEWER SYSTEM
- 9 BREW CONTROLLER FROM BREWHA, TO BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS, 208V / 50A 3 PHASE SERVICE & 208V / 30A SINGLE PHASE SERVICE REQUIRED
- 10 STAINED WOOD BAR CW BAR SEATING AND SUPPORT AS REQUIRED
- 11 DISHWASHER BELOW COUNTER
- 12 GLASS WASHER BELOW COUNTER
- 13 LOCATION OF BEER TAPS MOUNTED TO THE WALL. MOUNTING HEIGHT TO BE CONFIRMED. GLASS FILL TAPS AND GROWLER FILL TAPS TO BE SEPARATE
- 14 INSULATED WALK-IN COOLER CW INSULATED FLOOR SLAB
- 15 STAINLESS STEEL SERVICE COUNTER @ 30" AFF
- 16 BENCH SEATING ALONG WEST WALL
- 17 1" WATER MAIN TO BE CONNECTED TO WATER FILTRATION SYSTEM
- 18 HOT WATER SOURCE VIA WALL-MOUNTED HOSE BIB ACCESSIBLE VIA OPEN SPACE UNDER SINK COUNTER
- 19 BREWERY FEATURE WALL
- 20 STAINLESS STEEL COUNTER AND BACKSPLASH
- 21 PERFORATED METAL DRAINAGE GRATE BELOW BEER TAPS CW DRAIN CONNECTION TO SEWER SYSTEM
- 22 STAINLESS STEEL SINGLE SINK CW 2" DRAIN CONNECTION TO SEWER SYSTEM
- 23 MAIN ENTRANCE DOOR
- 24 SECONDARY ENTRANCE DOOR
- 25 SERVICE ENTRY DOOR
- 26 STORAGE CW SHELVING

GENERAL CONSTRUCTION NOTES:

1. ALL WALLS TO BE FINISHED IN GWS AND PAINTED, UNLESS NOTED OTHERWISE
2. TYPICAL 2X4 WALL CONSTRUCTION FOR ALL INTERIOR WALLS. WALLS TO BE INSTALLED TO UPS OF FLOOR ABOVE, TYP
3. ALL CONSTRUCTION TO COMPLY WITH BCBC 2012
4. SEALED CONCRETE FLOOR CW TROWEL FINISH ON MAIN FLOOR, TYPICAL

Reviewed
by City of Kelowna
Inspection Services
OCT 29, 2018.

BARN OWL BREWING

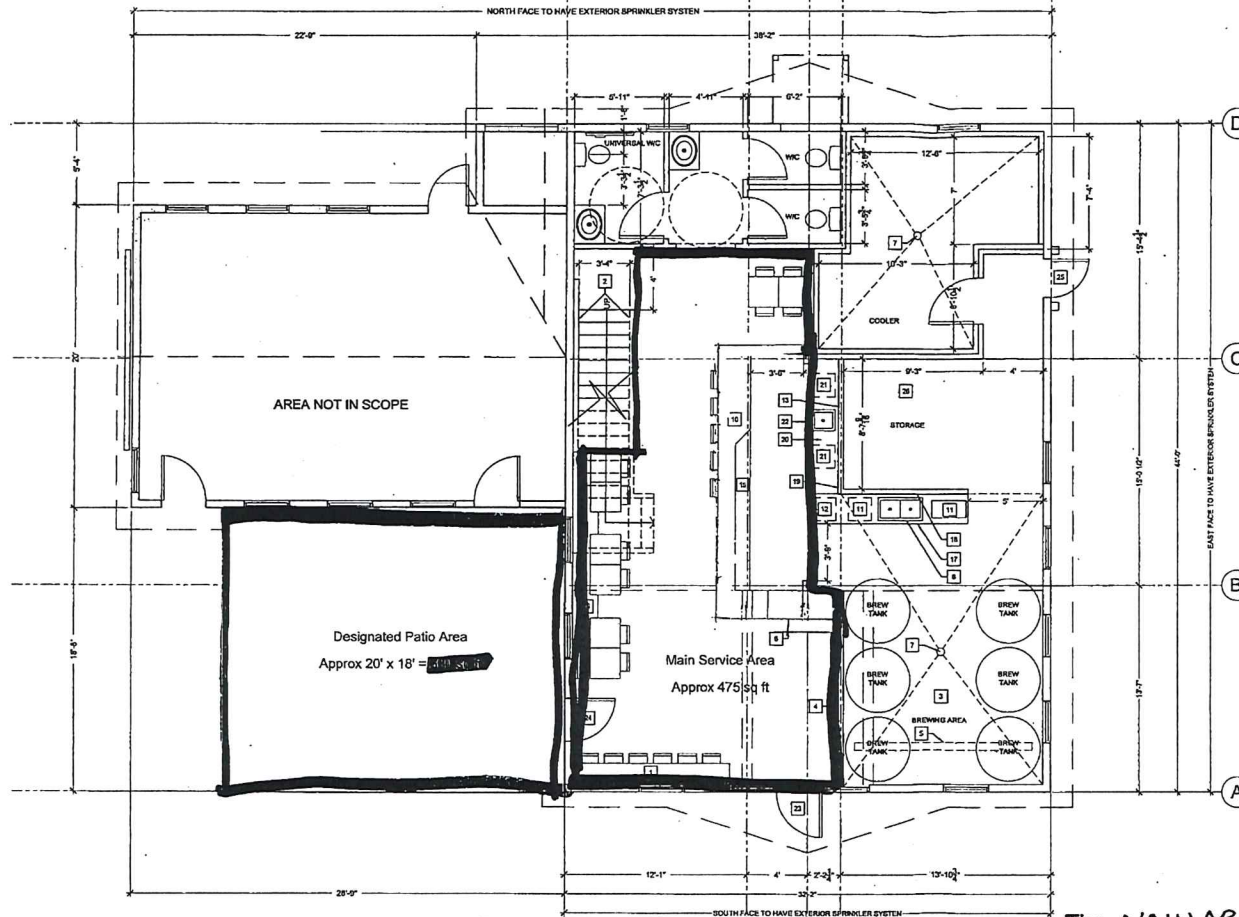
4629 LAKESHORE ROAD
KELOWNA, BC

Drawing Title
MAIN FLOOR PLAN

Scale
1/8" = 1'-0"

Date
23 OCT 2018

Sheet No.
A101

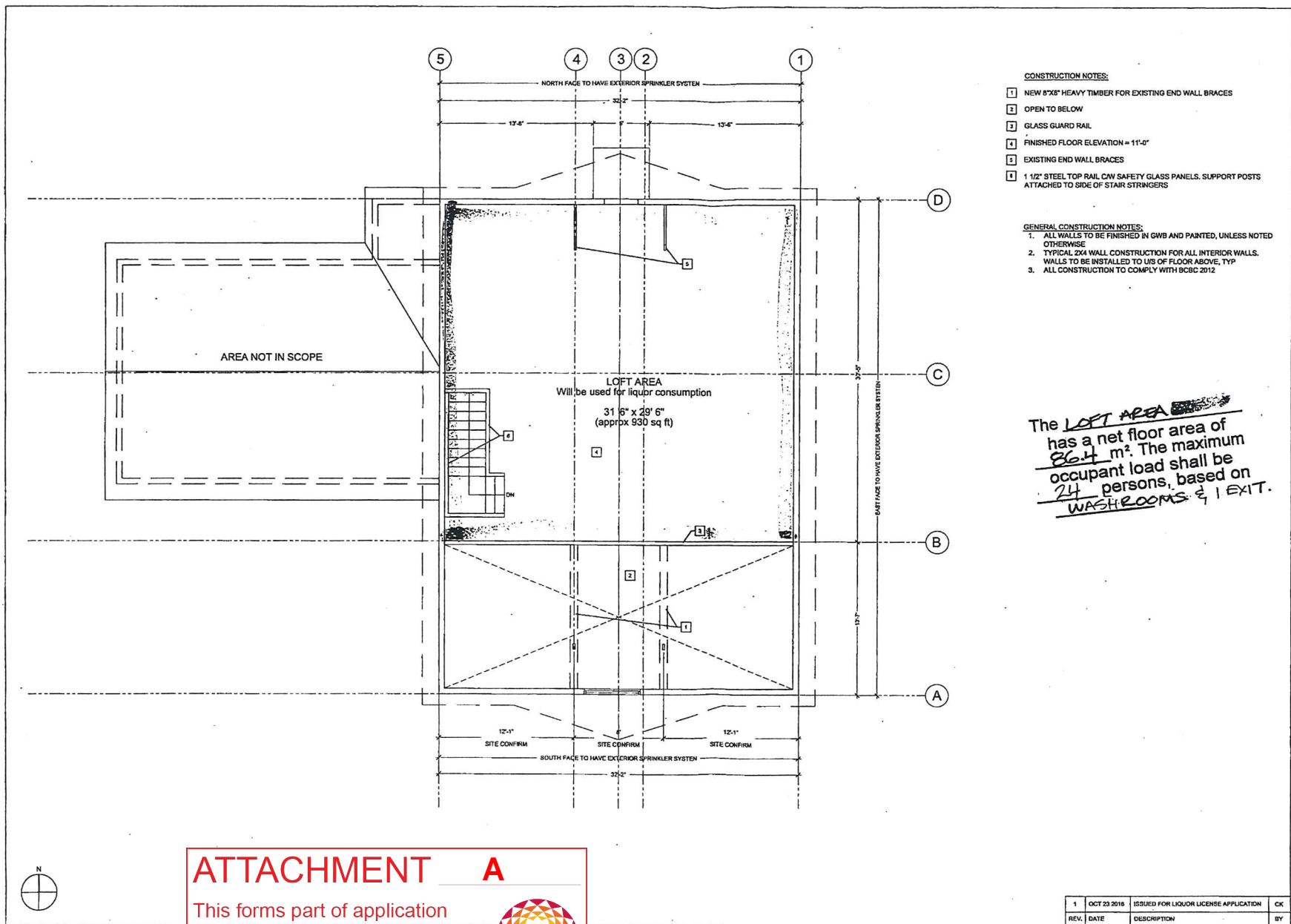


The PATIO
has a net floor area of
33.445 m². The maximum
occupant load shall be
27 persons, based on
1.2 m²/person

The MAIN AREA
has a net floor area of
44.129 m². The maximum
occupant load shall be
36 persons, based on
1.2 m²/person

THIS IS NOT A BUILDING
PERMIT. OCCUPANT LOAD SUBJECT TO CHANGE
ONCE APPROVED PERMITS HAVE BEEN ISSUED.

REV.	DATE	DESCRIPTION	CR.	BY
1	OCT 23 2018	ISSUED FOR LIQUOR LICENSE APPLICATION		



ATTACHMENT A

This forms part of application
LL18-0030

Planner Initials **AC**

City of Kelowna
COMMUNITY PLANNING

BARN OWL BREWING

4628 LAKESHORE ROAD
KELOWNA, BC

Drawing Title:
SECOND FLOOR PLAN

Scale:
1/8" = 1'-0"

1	OCT 23 2018	ISSUED FOR LIQUOR LICENSE APPLICATION	CK
REV.	DATE	DESCRIPTION	BY

Date:
23 OCT 2018

Sheet No.
A102

REPORT TO COUNCIL



Date: January 29, 2019

RIM No. 0930-50

To: City Manager

From: Community Planning Department (AC)

Application: LL18-0033

Owner: 0984342 B.C. LTD., INC.NO.
BC0984342 – Rise Management

Address: 3477 Lakeshore Rd

Applicant: Shoreline Brewing Co. Inc. -
Valerie Anne Jones

Subject: Liquor License

Existing OCP Designation: MXR – Mixed Use

Existing Zone: C4 – Urban Centre Commercial

1.0 Recommendation

THAT Council directs Staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 71 of the *Liquor Control and Licensing Regulation* and Council Policy #359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Shoreline Brewing Co. Inc. located at 3477 Lakeshore Rd, Kelowna, BC, legally described as Lot A, District Lot 134, ODYD, Plan EPP65105, for a manufacturer lounge and special event area endorsement from:
 - (a) "10:00 AM to Midnight Sunday to Saturday" for the interior floor area; and
 - (b) "10:00 AM to 11:00 PM Sunday to Saturday" for the Patio Service Areas.
2. That Council's comments on the prescribed considerations are as follows:
 - (a) The location of the brewery: The brewery is located in an Urban Centre setting along an arterial route and adjacent to a major park;
 - (b) The person capacity of the brewery lounge: The person capacity is 95 persons indoor and 92 persons on the exterior patio;
 - (c) Traffic, noise, parking and zoning: The brewery is located in an Urban Centre and will have minimal negative impact on traffic, noise, parking, and the property is properly zoned. The exception is in regards to the patio. There are residential homes nearby and the noise from the patio could be a nuisance, therefore, the recommendation is to limit the patio's hours to 11:00pm;

- (d) The impact on the community if the application is approved: The potential for negative impact is considered to be minimal;

AND THAT Council's comments on the view of residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures".

2.0 Purpose

To seek Council's support to allow a manufacturer lounge and special event area liquor license application for Shoreline Brewing Co to allow patrons to purchase and consume liquor products between the hours of 10:00 AM to Midnight seven days a week but limit the hours to 11:00 PM on the patio with a seating capacity of 95 indoors and 92 on the exterior patio.

3.0 Community Planning

Staff generally support all manufacturer lounge and special event area endorsements in order to permit customers to consume the manufacturer's product onsite. Staff do not foresee any negative land use impact of permitting this type of license with the exception of the patio hours. Staff are recommending, Council endorse the applicant's proposed hours from 10:00am to midnight 7 days a week but limit the outdoor patio hours to a maximum of 11:00pm. The applicant has agreed that limiting the patio hours to 11:00pm is reasonable for the purposes of limiting noise nuisance and being a good neighbour.

The RCMP has also requested the City "establishment of a comprehensive policy to address new liquor primary and manufacturer lounge endorsement license applications. Such a policy would facilitate a consistent, guided responses to applications." Within the new liquor policy review, there would be thresholds for a liquor primary establishment or an establishment that is similar to one to be required to have a certain level of security and patron safety measures in place (e.g Servall). Until such time as the new liquor policy can be established, the RCMP's suggestion on hours of sale is more conservative than Staff's guidelines. In this case, the applicant's proposed hours of sales are not supported by the RCMP mainly due to police resourcing but are supported by Staff. The Official Community Plan (OCP) encourages complete communities and complete suburbs which includes evening entertainment. This establishment will provide the local residents with a walkable neighbourhood setting whereby local residents can frequent and is located within an urban centre.

4.0 Proposal

4.1 Background

An application has been forwarded by the licensee to the Provincial Liquor and Cannabis Regulation Branch for their approval. Procedurally, this type of application needs Local Government comments prior to the Provincial Liquor and Cannabis Regulation Branch making a final decision.

4.2 Project Description

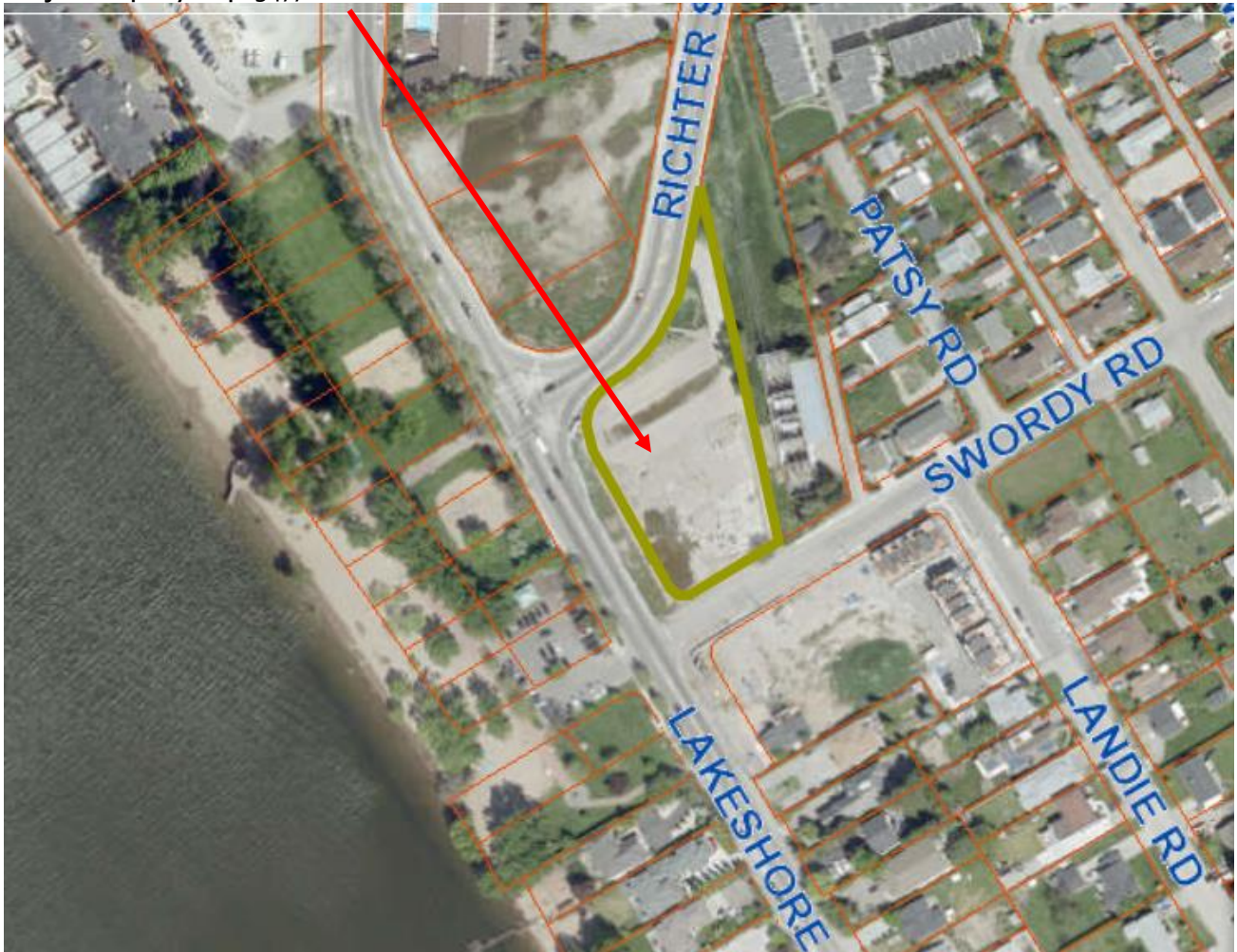
Existing Hours of Sale (Lounge and Special Event Area):

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Close	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Proposed Hours of Sale (Lounge and Special Event Area):

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	10:00 am	10:00 am	10:00 am	10:00 am	10:00 am	10:00 am	10:00 am
Close	Interior Space	12:00 am	12:00 am	12:00 am	12:00 am	12:00 am	12:00 am
	Patio	11:00 pm	11:00 pm	11:00 pm	11:00 pm	11:00 pm	11:00 pm

Subject Property Map: 3477 Lakeshore Road



5.0 Current Development Policies

5.1 Council Policy #359 – Liquor Licensing Policy and Procedures

The following sections of Policy #359 are applicable to this application:

- 5.2** Small establishments (with person capacity less than 100 persons should not be located beside another liquor primary establishment.
- 5.3** New patios associated with liquor establishments should be located and designed to limit potential impacts on surrounding property owners.

6.0 Technical Comments

RCMP

- The RCMP only supports the application with hours of operation between 10am – 10pm, Sunday to Saturday.

7.0 Application Chronology

Date of Application Received: December 17th, 2018

Report Prepared by: Adam Cseke, Planner Specialist
Reviewed by: Terry Barton, Urban Planning Manager
Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment 'A' - Floor Plans

Part 5: Lounge Proposal

This section requires several supporting documents to be submitted with your application. Please see the checklist on page 3 below for more information regarding letter of intent, floor plan and site map.

5a. Proposed Service Areas:

Complete the following based on your establishment floor plan and occupant load (see page 5 of guide):

Area No.	Floor Level (e.g. Basement, Main, 2nd)	Indoor	Patio	Occupant Load
1.	Main Floor	95	92	
2.				
3.				
4.				
5.				
Total Occupant Load (of all licensed areas):				

REVISED PLANS

File No. : LL18-0030

City of

Kelowna
COMMUNITY PLANNING

Date Received: 2018-12-18



5b. Hours of Liquor Service:

Applicant revised to 10am openings but 11pm patio closings

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	10	11	11	11	11	11	10
Close	12 am	12 am	12 am	12	12 am	12 am	12 am

Part 6: Special Event Area Proposal

This section requires several supporting documents to be submitted with your application. Please see the checklist on page 3 below for more information regarding letter of intent, floor plan and site plan.

6a. Proposed Service Areas:

Complete the following chart based on your establishment floor plan. Occupant load is required for indoor and patio areas (see page 5 of guide). If you want an outdoor area that is not a patio see 6b:

Area No.	Floor Level (e.g. Main, Mezzanine)	Indoor	Patio	Occupant Load
1.				
2.				
3.				
4.				
Total Occupant Load (of all licensed areas):				

6b. Complete the following chart if you will have an outdoor event area (not a patio). Outdoor areas require a person capacity not occupant load (see page 5 of guide):

Area No.	Outdoor Area Identify by location or name	Capacity
1.		
2.		
3.		
4.		
Total Person Capacity for all Outdoor Areas:		

2). Letter of Intent

Shoreline Brewing Company:

Letter of Intent

Primary Focus:

Shore Line Brewing Company (SLBC) is intending to open a Craft Brewery in the Shore Building off Lakeshore Drive in Kelowna. The Beer will be manufactured and sold on site, along with a full service restaurant specializing in top notch comfort food. Focus for both the onsite brew and the food will be local, fresh and imaginative ingredients. The beer products brewed on site will comprise of the majority of liquor sales, though some options will be offered such as wine and cider and other local brews. The Lounge Endorsement will help facilitate this service and the needs of the business to fulfill the business model.

Food Service:

A complete but focused menu of fresh comfort food with locally sourced ingredients will be offered during all hours of operation which include appetizers, main courses and desserts with lunch/brunch and dinner focus. The full 400 sq. ft. kitchen is designed to accommodate the anticipated volume food that will be served during operating hours.

A complimentary selection of non-alcoholic beverages will also be offered including sparkling water, pop, coffee tea etc.

On Site Store/Tasting Area

There will be no formal onsite tasting area. Shore Line brewed product will be sold at a single point of sale at the end of the bar where there will be a growler fill station behind the bar.

Entertainment:

Entertainment is not the focus of the business, but occasional live music may be featured. Examples would include local singers, acoustic artists, etc. Board games may be offered at tables such as cribbage, checkers, cards etc. to enhance the social and community environment of the space.

Composition of Neighborhood/ Minimal Disturbance

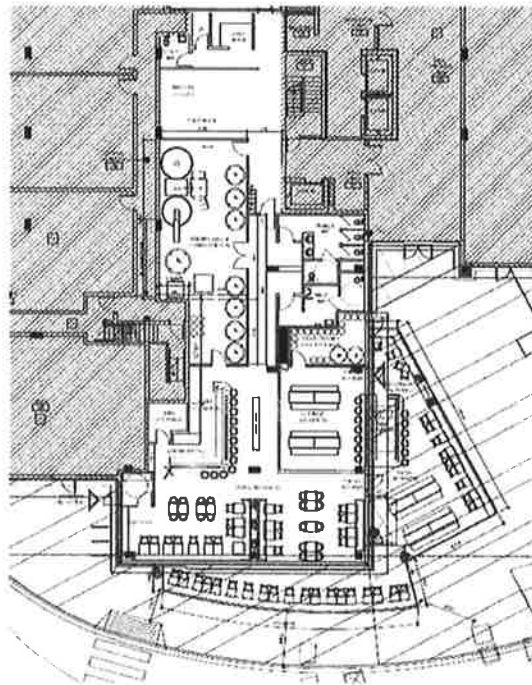
The Shore building where the Brewery is located has a mixture of commercial space with rental residential units. The majority of the surrounding neighborhood is residential, with a busy public beach park (Gyro Beach) just across the road. Shore Line Brewing will be a positive addition to the neighborhood, filling a niche need providing a community oriented brewpub to residents and beach goers alike within walking distance, where none previously existed within a few km's.

As with any establishment where there will be a concentrated gathering of people, there is potential for additional noise due to people talking and socializing. Music will be played during operating hours but will be kept to reasonable levels and will not provide any outside disturbance.

To limit any potential late night and noise disturbance, Shore line will limit operating hours to not later than midnight and not open prior to 10 am. SLBC will be extremely mindful of responsible consumption and will visibly (and verbally) post reminders to patrons as such.

Food and liquor service will be kept to interior area and designated, controlled (fenced) patio area thus limiting any potential disturbance to other tenants of the complex and residents of neighborhood. Staff will be trained on responsible service (pro serve) and sufficient staffing levels will be maintained at all times to manage patrons.

3, 4). Floor Plans with Patio



DEVELOPMENT AREA & PATIO

SEAT COUNT	66 SEATS
FOODS	66 SEATS
1/2 BAR	66 SEATS
1/2 PATIO	117 SEATS
TOTAL SEAT COUNT: 249 SEATS	

ATTACHMENT A

This forms part of application

LL18-0033

Planner
Initials AC



PREFERRED PLAN

FRANK

ATTACHMENT A

This forms part of application

LL18-0033

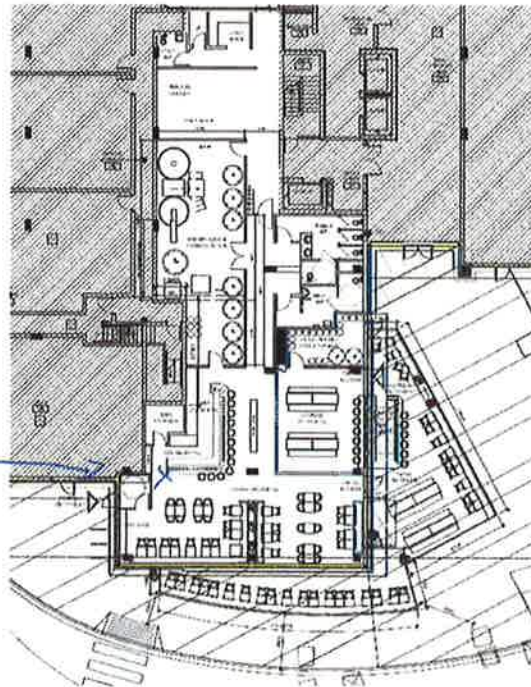


Planner Initials AC

single point of
Sales
for manufatures

SEATING AREA A PLAN

SEATING	65 SEATS
UPDOWN	65 SEATS
TOTAL	130 SEATS



PREFERRED PLAN

FRANK

ATTACHMENT A

This forms part of application
LL18-0033

Planner
Initials AC



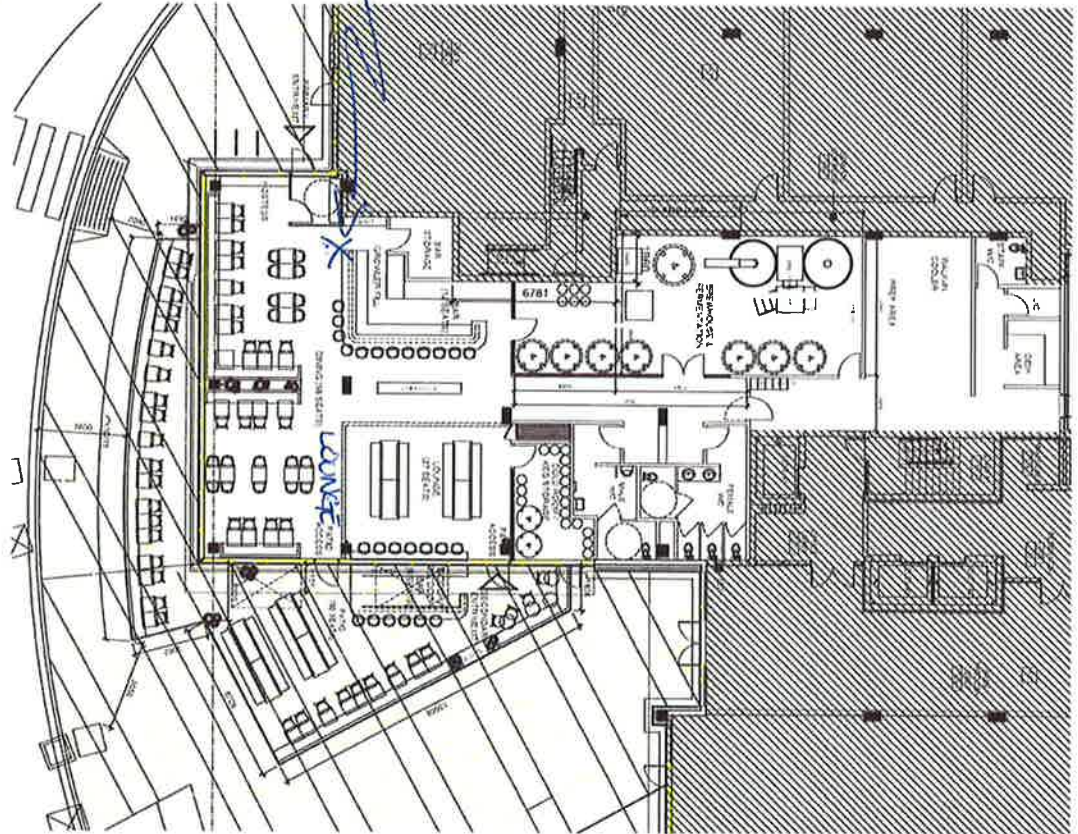
*Prelim
Drawing*

*5 m to park
disc for
manure*

REMOVED TENANT AREA & PATIO

SEAT COUNT	96 SEATS
INDOOR:	92 SEATS
OUTDOOR:	187 SEATS
TOTAL:	283 SEATS

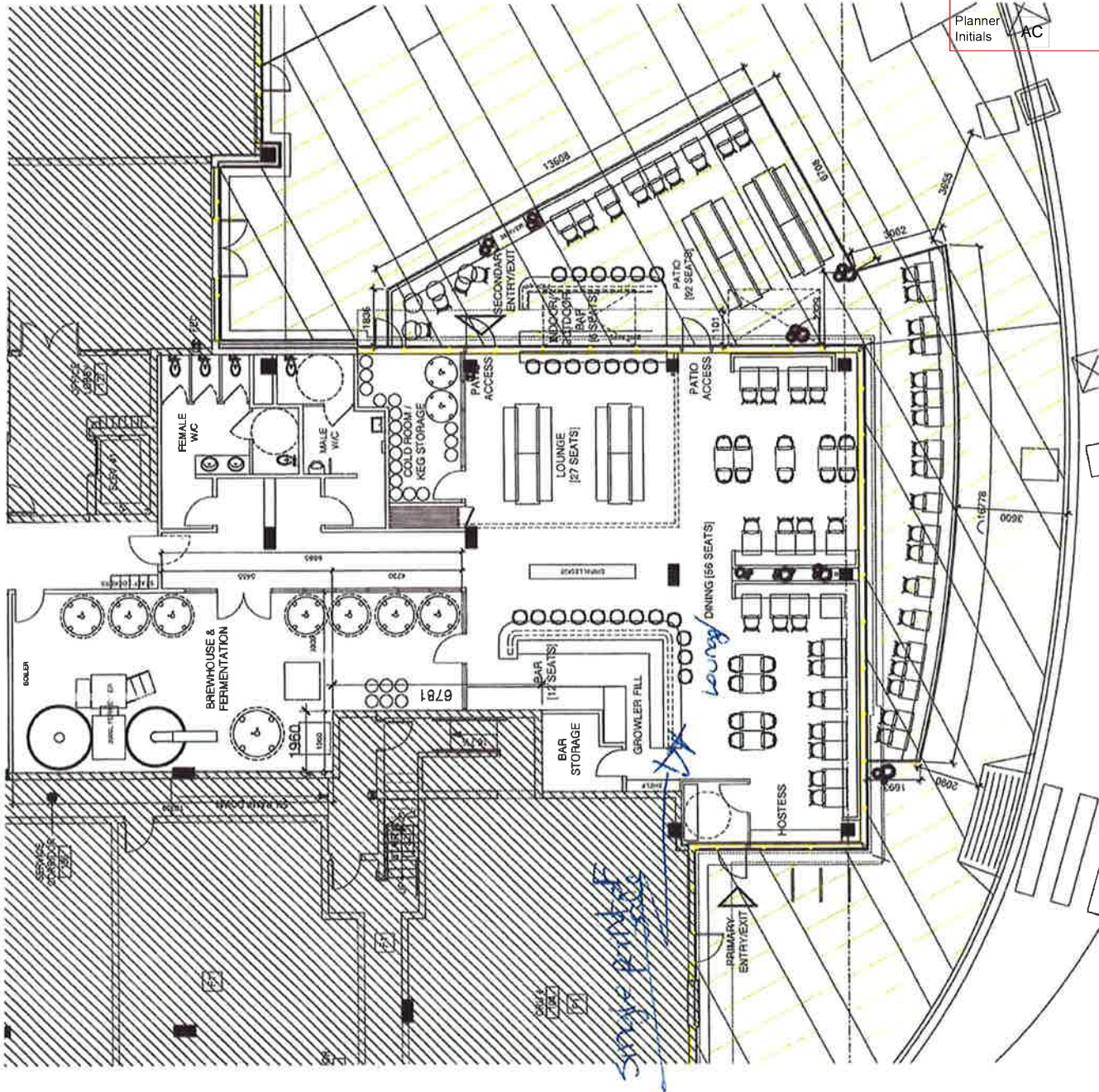
NOTES: PROPOSED FOR 2020 KCPA



PREFERRED PLAN
FRANK
ARCHITECTURE & INTERIORS



Planner
Initials AC



**Appendix I – Patio(s)**

Complete the following if your proposed endorsement(s) includes a patio(s).

1. Describe the height and composition of the patio perimeter or bounding (i.e. railings, fencing, planters, hedging, etc.). A patio must be defined and bounded by physical separation in order to control patrons and liquor within the service area.

The patio will be fully fenced with a 3'-4' high glass fencing with metal top/bottom railings. Additionally there will be a wood pergola structure 10'-13' high surrounding and covering the south patio.

2. Describe the location based on the endorsement type:
 - a. Lounge – may be a standalone patio on the manufacturing site. If there is an interior lounge area, the patio must be adjacent to the interior lounge.
 - b. Special Event Area – may be a patio attached to the manufacturing building or on-site store.

There will be an interior & exterior lounge area with the outside patio immediately adjacent to the interior lounge.

3. Describe how staff will manage and control the patio from the interior service area or how you will manage and control a stand-alone patio.

Staff will manage and control patrons on the patio by having an appropriate number of servers on the patio and controlled entrances. There are only two entrances to the patio through the interior service area which will be monitored & managed by staff.

4. Specify if liquor service to the patio is from: (a) fixed bar located on the patio, (b) portable bar for the patio, (c) licensed interior:

Liquor service to the patio is from the licensed interior.

5. Do servers have to carry liquor through any unlicensed areas to get to the patio? Explain:

No. All areas of the interior will be licensed therefore they will carry liquor through a fully licensed area to get to the patio.

Note: Patios on grass, earth or gravel require a permit from the local Health Authority. Sidewalk patios require a permit from LG/FN.

REPORT TO COUNCIL



Date: January 29, 2019

RIM No. 0940-50

To: City Manager

From: Community Planning Department (LK)

Application: DVP18-0054

Owner: Richard Martin & Nancy Ryan

Address: 375 Rutland Road N.

Applicant: Ken Kandola

Subject: Development Variance Permit

Existing OCP Designation: MRL – Multiple Unit Residential (Low Density)

Existing Zone: RU1 – Large Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0054 for Lot 1 Section 26 Township 26 ODYD Plan 3513 except Plan 37956, located at 375 Rutland Road N, Kelowna, BC;

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

Section 6.5.3(g): Accessory Development

To vary the required minimum distance to the principal dwelling from 3.0 m permitted to 1.0 m proposed;

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

To vary the required minimum side yard from 4.5 m permitted to 4.11 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 variances to reduce the minimum side setback from a flanking street from 4.5 m required to 4.11 m proposed and to reduce the minimum distance to a principal dwelling from 3.0 m permitted to 1.0 m proposed.

3.0 Community Planning

Community Planning is supportive of the two variances requested in order to construct the accessory building on the subject property. The requested variances are to the side setback from a flanking street and the separation distance between the primary dwelling and the accessory building. These variances do not

compromise municipal services or the functionality of the site and will be addressed through increased Building Code requirements for fire separations.

4.0 Proposal

4.1 Background

In 1963, the Department of Highways issued a License of Occupation to the original owner of 375 Rutland Road which allowed the accessory building to remain until such time that the use of the lane was deemed necessary. On August 10, 2010, the City of Kelowna Real Estate & Building Services Department issued a letter to the current owners which included a Building Location Certificate. The letter indicated the laneway encroachment (accessory building) could remain until it is deemed necessary to remove it.

Applications came before Council in 2017 to rezone and develop the properties located at 140 Mugford Road and 415 Rutland Road to allow the development of multiple dwelling housing. That development triggered the requirement for rear lane access. At that time, it was noted that an existing accessory building located on the subject parcel would need to be removed to allow the construction of the lane to move forward.

The owner of the adjacent development has worked with the home owners of the subject property to come to an amicable resolution for the removal of the accessory building from the laneway. Demolition of the building was completed in March 2018

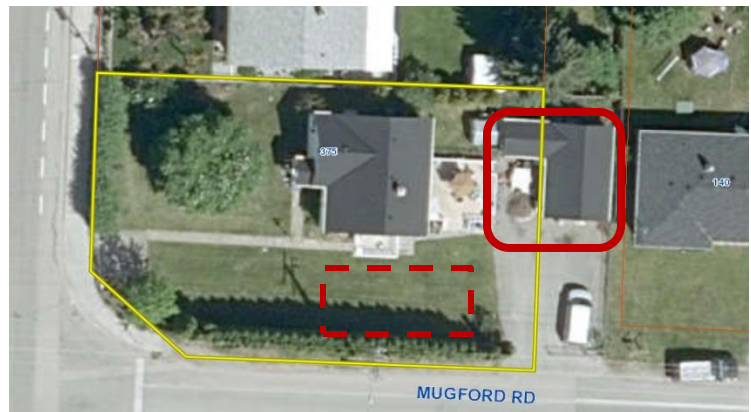


Figure 1 – Dashed red outline indicated the location of the proposed accessory building. The bubble indicates the encroaching accessory building which was removed.

4.2 Project Description

The current proposal is for the construction of a new accessory building to replace the one which encroached within the laneway. The location of the accessory building is somewhat limited due to the location of the existing primary dwelling. The placement of the accessory building has triggered two variances. The first variance is to vary the flanking street side setback from 4.5 m required to 4.11 m proposed. The requested variance is minimal and the site has existing mature landscaping to provide sufficient screening to the adjacent roadway.

The second variance is to reduce the separation distance between the principal dwelling and the accessory building from 3.0 m required to 1.0 m proposed. This variance can be addressed through increased fire protection measures that would be addressed at time of Building Permit and will not negatively impact the development on the site.

4.3 Site Context

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Detached Dwelling
East	RM2 – Low Density Row Housing	Single Family Dwelling
South	P2 – Education & Minor Institutional	Religious Assembly
West	RM5 – Multiple Dwelling Housing	Apartment Housing

Subject Property Map: 375 Rutland Road



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU ₁ ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550 m ²	811 m ²
Lot Width	17.0 m	22.82 m
Lot Depth	30.0 m	36.55 m
Development Regulations		
Site Coverage (buildings)	40%	15.91%
Site Coverage (buildings, driveways & parking areas)	50%	22.1%
Front Yard	4.5 m	17.3 m
Side Yard (south)	4.5 m	4.11 m ^①
Rear Yard	0.9 m	10.27 m
Other Regulations		
Distance to principal dwelling	3.0 m	1.0 m ^②
^① Indicates a requested variance to the flanking street side setback from 4.5 m required to 4.11 m proposed. ^② Indicates a requested variance to the distance to the principal dwelling from 3.0 m required to 1.0 m proposed.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Sensitive Infill.¹ 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

- Full Plan check for Building Code related issues will be done at time of Building Permit applications

6.2 Development Engineering Department

- Refer to Attachment A dated March 12, 2018.

7.0 Application Chronology

Date of Application Received: April 2, 2018
Date Public Consultation Completed: December 10, 2018

Report prepared by: Lydia Korolchuk, Planner
Reviewed by: Terry Barton, Urban Planning Manager
Approved for Inclusion by: Ryan Smith, Community Planning Department Manager

Attachments:

Draft Development Variance Permit DVP18-0054
Schedule A: Site Plan
Schedule B: Elevations

¹ City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

Development Variance Permit



This permit relates to land in the City of Kelowna municipally known as
375 Rutland Road

and legally known as Lot 1 Section 26 Township 26 ODYD Plan 3513
and permits the land to be used for the following development:

Accessory Building

USE as per Zoning Bylaw

Single Detached House

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.

Date of Decision: January 29, 2019

Decision By: Council

Development Permit Area: N/A

This permit will not be valid if development has not commenced by January 29, 2021.

Existing Zone: Future Land Use Designation:

This is NOT a Building Permit.

In addition to your Development Variance Permit, a Building Permit may be required prior to any work commencing. For further information, contact the City of Kelowna, Development Services Branch.

NOTICE

This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Owner: Nancy Ryan & Richard Martin

Applicant: Ken Kandola

Ryan Smith
Community Planning Department Manager
Community Planning & Strategic Investments

Date

1. SCOPE OF APPROVAL

This Development 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 Development Variance 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.

The issuance of a permit limits the permit holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific variances have been authorized by the Development Variance Permit. No implied variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

2. CONDITIONS OF APPROVAL

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";

This Development Permit is valid for two (2) years from the date of January 29, 2019 approval, with no opportunity to extend.

3. PERFORMANCE SECURITY

N/A

4. INDEMNIFICATION

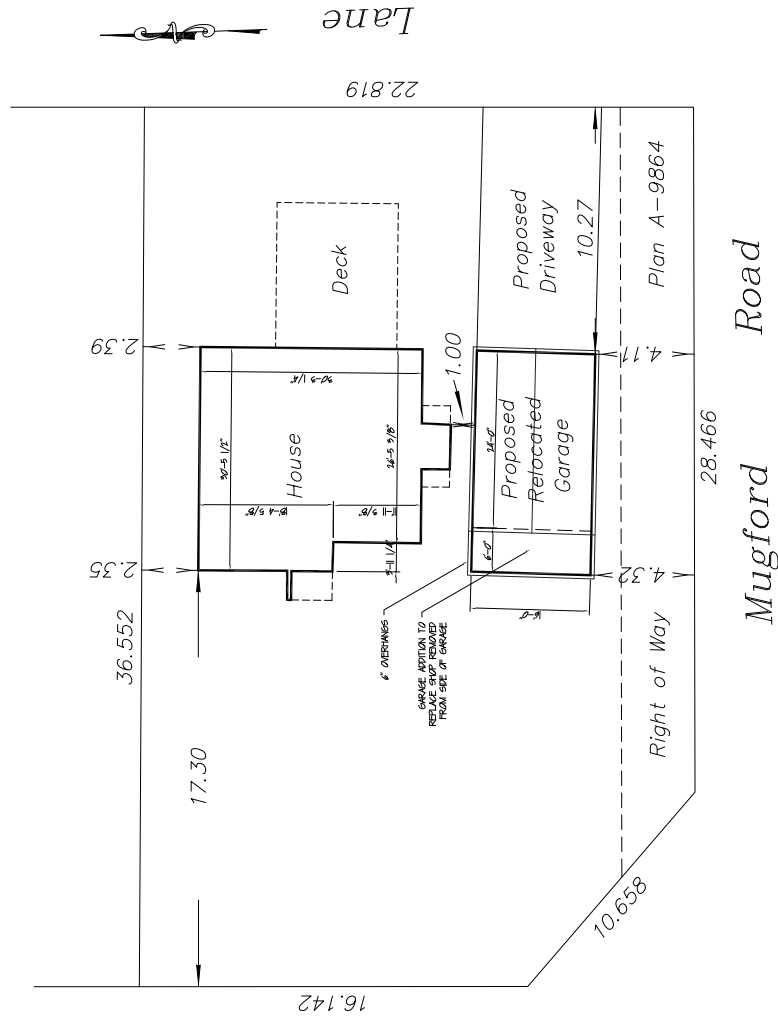
Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.

All costs, expenses, claims that may be incurred by the Municipality where the construction, 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.

**The PERMIT HOLDER is the CURRENT LAND OWNER.
Security shall ONLY be returned to the signatory of the
Landscape Agreement or their designates.**

Rutland Road North



DEVELOPMENT REGULATIONS

LOT 1 PLAN 985 575 RUTLAND ROAD	
CURRENT ZONING RU-1	
SINGLE DWELLING TOWN	
SITE AREA - 8,726 SF (0.21 AC)	
PRIMARY BUILDING FOOTPRINT	8,726 SF (0.21 AC)
PROPOSED GARAGE FOOTPRINT	8,726 SF (0.21 AC)
PROPOSED PRESENT ACEN	8,726 SF (0.21 AC)
SITE COVERAGE	
PRIMARY BUILDING	48%
PROPOSED GARAGE	48%
TOTAL	96%
SETBACKS - PROPOSED GARAGE	
REAR SETBACK	15m
LEFT SETBACK	5m
RIGHT SETBACK	5m
ALL DIMENSIONS TAKEN FROM VAN CURB AND CORNER LAND SURVEYORS DRAWING 10/23	

OASIS DESIGN

DESIGNED BY: JAMES W. HAASDYK
868-2275
10000 ROUTE 100, SUITE 100
FARMINGTON, CT 06030

DATE: FEBRUARY 14, 2018

SITE PLAN
375 MUGFORD ROAD

SCALE: 1/8" = 1'-0"
DRAWING NUMBER: 16-105-001
REVISION:

<< REPRESENTATION OF THIS PLAN IS PROVIDED WITHOUT THE FIRM'S WRITTEN CONSENT. FIRM AND/OR DESIGNER >>

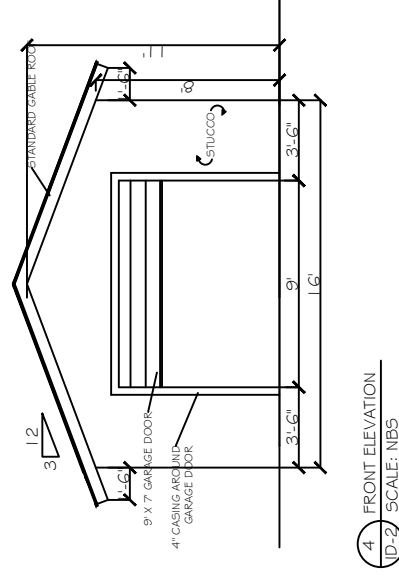
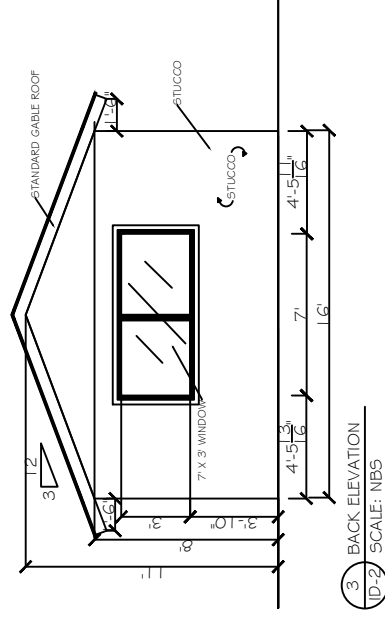
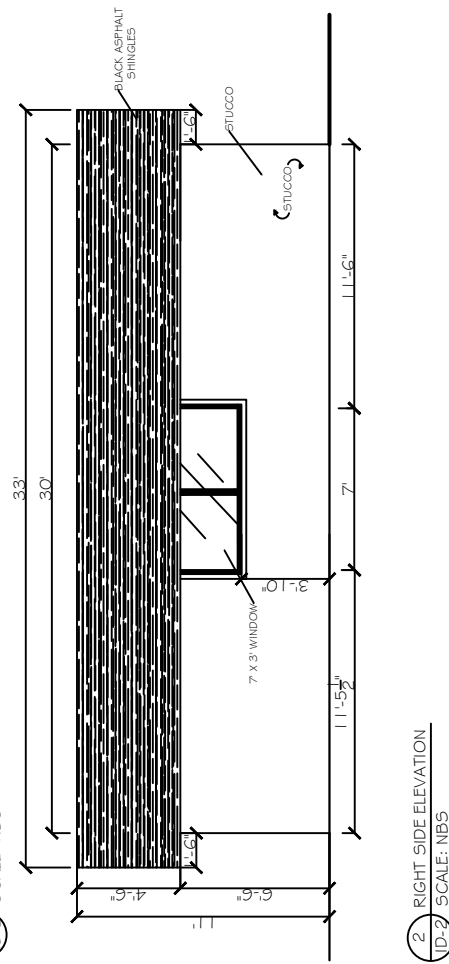
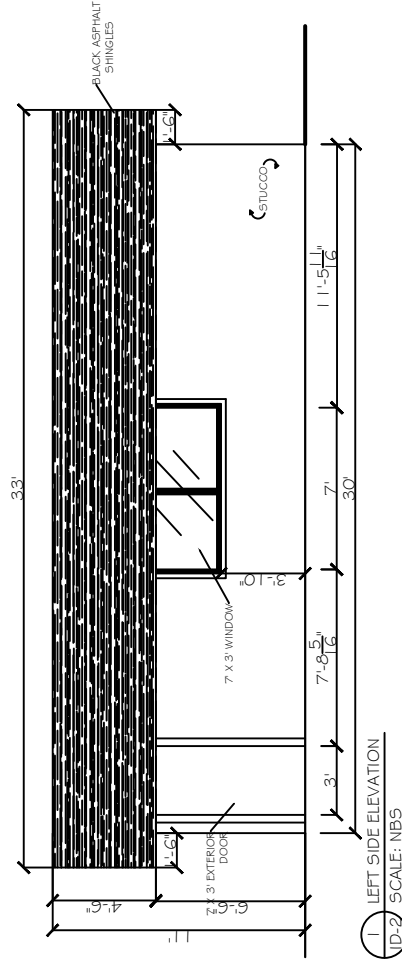
GENERAL NOTES

NO. REVISION / ISSUE DATE

AKAM
CONSTRUCTION

MUGFORD RD.
GARAGE

PROJECT: EXT. ELEVATION
DATE: 11/21/2018
SHEET: ID-2
SCALE: NOT TO SCALE



EXTERIOR ELEVATIONS

REPORT TO COUNCIL



Date: January 29, 2019

RIM No. 0705-41

To: City Manager

From: Community Planning Department (CD)

Application: PR18-0001

Owner: K599 Dock Group

Address: 2900 Abbott Street

Applicant: K599 Dock Group

Subject: Provincial Dock Referral

Existing OCP Designation: MRL – Multiple Unit Residential (Low Density)

Existing Zone: W1 – Recreational Water Use

1.0 Recommendation

That Provincial Referral No. PR18-0001 for Lot CP, Plan K599, District Lot 14, ODYD located at 2900 Abbott Street, Kelowna, BC for a shared dock, NOT be supported by Council;

AND THAT Council directs staff to forward the subject application to the Province for consideration.

2.0 Purpose

To consider an expansion of a shared dock for a 32 unit townhome strata as it pertains to the "City of Kelowna Guidelines for Assessment of Shared Dock Applications" and provide referral comments to the Province for their consideration.

Community Planning

Staff do not support the proposed shared dock expansion as it does not comply with the "City of Kelowna Guidelines for Assessment of Shared Dock Applications", which Council endorsed in 2001. The guidelines were implemented in order to limit visual impacts arising from dock construction on Okanagan Lake.

The applicant, which is a 32-unit strata, would like to increase the length of their dock from 71.3 meters to 78 meters by adding a "T" to the end of the dock to facilitate four (4) additional boat slips for a total of twenty-six (26) slips. The dock expansion would also increase the deck area from 279.09 square meters (existing) to 353.67 square meters (proposed).

The proposed dock expansion exceeds several parameters outlined within the City's Shared Dock Guidelines, which includes the dock length, deck coverage and number of boat lifts. The guidelines allow for a maximum dock length of 40 meters whereas the applicant is proposing a length of 78 meters; the maximum deck area allowed is 203.35 square meters whereas the applicant is proposing an expansion to 353.67 square meters; and the maximum number of boat lifts allowed is eight (8) whereas the applicant is proposing twenty-six

(26). It is to be noted that the existing dock configuration already exceeds the City's Shared Dock Guidelines for dock length, deck coverage and number of boat lifts, since the dock was built prior to implementation of the City's design guidelines, which came into effect in 2001.

The Province has confirmed that the proposed expansion will have negligible environmental impacts to the lake and Transport Canada has approved the application as it would not interfere with navigation. There were also no concerns via consultation with First Nations.

At the time of writing this report, the applicant confirmed they had consulted eight (8) neighbours regarding this project. Currently, six (6) letters of support have been submitted to the City.

Proposal

2.1 Background

The applicant, which is a 32-unit townhome strata, has applied to the Province to increase the length of their dock from 71.3 meters to 78 meters by adding a "T" to the end of the dock to facilitate four (4) additional boat slips for a total of twenty-six (26) slips. The proposed dock expansion is due to increased moorage demand from strata residents.

The subject property is located within the South Pandosy City Sector adjacent to West Avenue and Okanagan Lake. Public beach accesses and single family residential properties are located to the north and south of the subject property along Okanagan Lake. The strata property was originally developed in 1984 and the first shared dock was constructed for the residents in 1991 with a subsequent expansion in 1996.

The Province has subsequently referred the dock application to the City of Kelowna for review to ensure compliance with the "City of Kelowna Guidelines for Assessment of Shared Dock Applications". The guidelines were endorsed by Council in 2001 to allow staff to assess situations where multi-family developments were seeking to share a dock. The guidelines were implemented in order to limit visual impacts arising from dock construction on Okanagan Lake.

2.2 Project Description

The proposed dock expansion would increase the length of the existing dock from 71.3 meters to 78 meters by adding a "T" to the end of the dock to facilitate four (4) additional boat slips for a total of twenty-six (26) slips. The dock expansion would also increase the deck area from 279.09 square meters (existing) to 353.67 square meters (proposed). An additional four (4) boat lifts would be installed into the new slips for a total of twenty-six (26). The dock is currently 20 meters wide and the proposed width would be 22 meters.

It is to be noted that the existing dock configuration already exceeds the City's Shared Dock Guidelines for dock length, deck coverage and number of boat lifts, since the dock was built prior to implementation of the City's design guidelines, which came into effect in 2001.

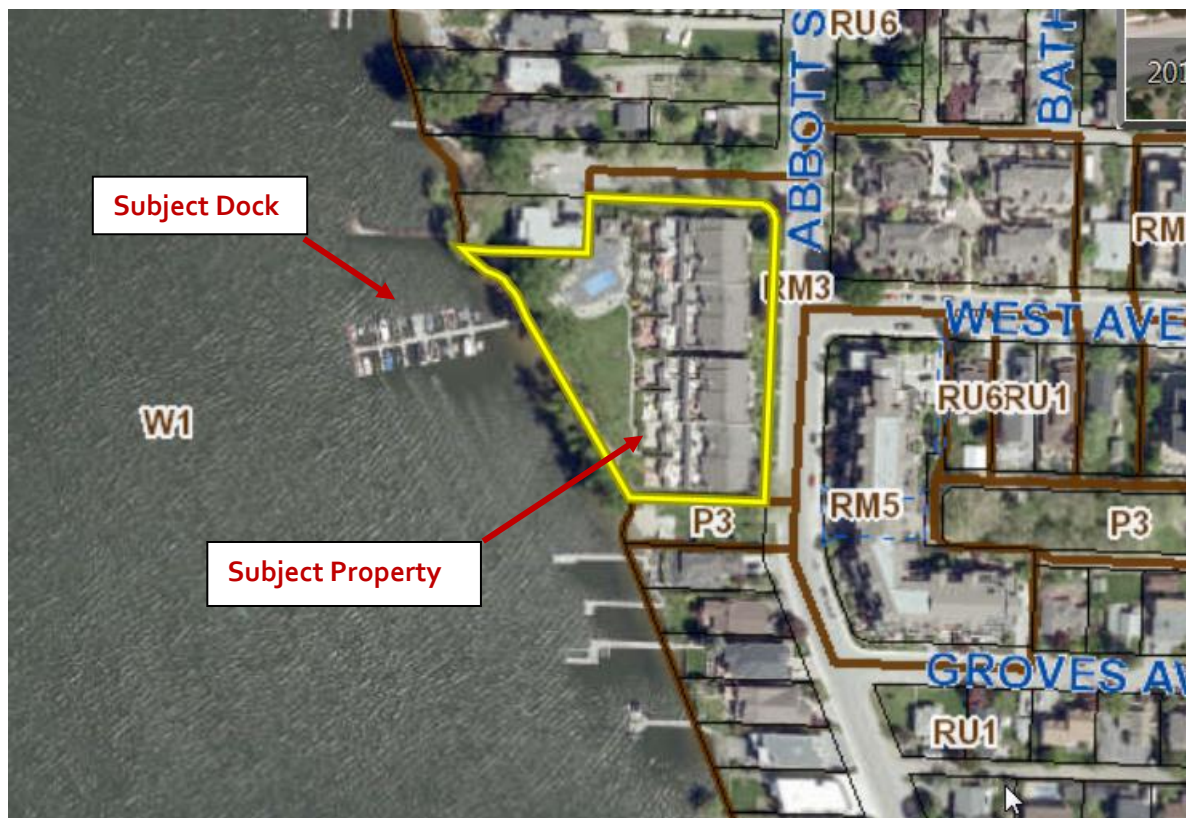
2.3 Site Context

The subject property is located within the South Pandosy City Sector adjacent to West Avenue and Okanagan Lake. Public beach accesses and single family residential properties are located to the north and south of the subject property and multifamily developments are located to the east. The shared dock system is located within the W1 – Recreational Water Use Zone. Approximately four (4) properties to the north and nine (9) properties to the south may have their views affected by the proposed dock expansion.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Residential
East	RM3 – Low Density Multiple Housing RM5 – Medium Density Multiple Housing	Residential
West	W1 – Recreational Water Use	Recreational Water Use
South	P3 – Park and Open Space	Park

Subject Property Map: 2900 Abbott Street



3.0 Technical Comments

Parks and Public Spaces

- No concerns

4.0 Application Chronology

Date of Application Received: July 25, 2018

Report prepared by:

Corey Davis, Environmental Coordinator

Reviewed by:

☐

Dean Strachan, Suburban and Rural Planning Manager

Approved for Inclusion:

☐

Ryan Smith, Community Planning Department Manager

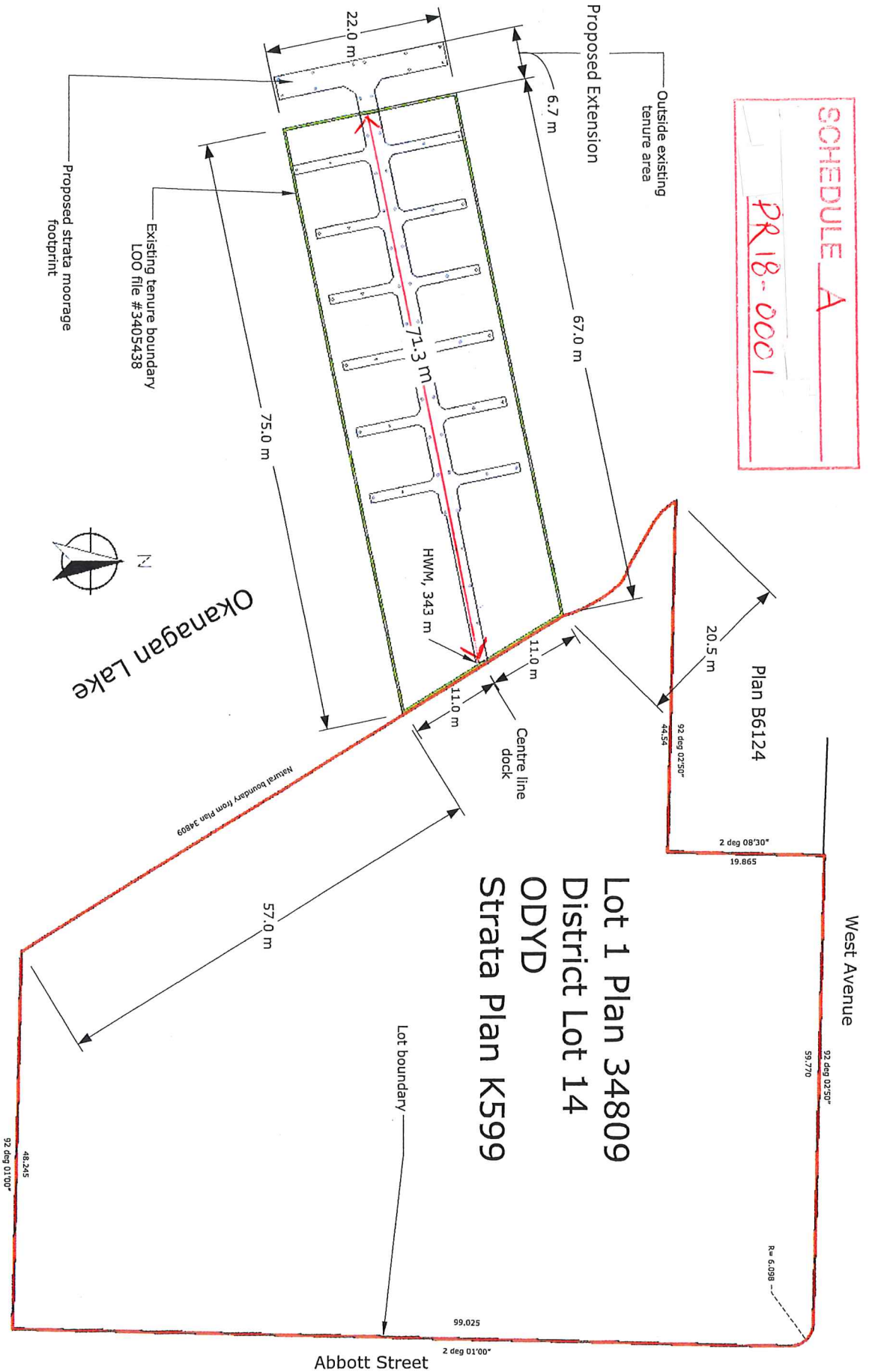
Attachments:

Schedule A - Site Plan/Elevations

Schedule B - City of Kelowna Guidelines for Assessment of Shared Dock Applications

SCHEDULE A

PR 18-0001



Existing tenure boundary
LOO file #3405438

Proposed strata moorage
footprint



Kelowna Shores
2900 Abbott St.
Kelowna, B.C.

#7 - 2322 Dominion Rd.
West Kelowna, BC
V1Z 2W8



Ph: 778-755-6600
Fk: 778-755-6601
Web: burtonpiledriving.com

Strata Plan K599 - Lot overview and dock tenure location

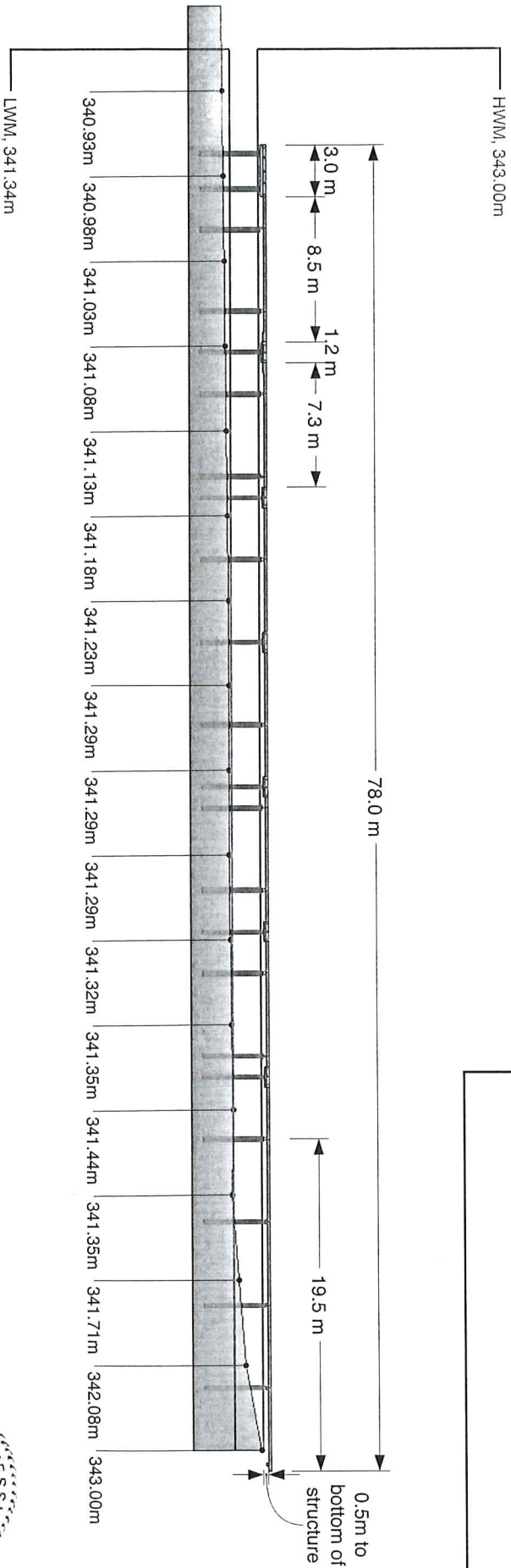
REVISIONS

22/01/18 Drawing created

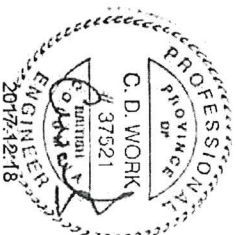
BMPD 2017

Notes

* Drive bearing piles to a minimum 5 meter depth unless solid bearing is reached at a lesser depth and approved by the departmental representative in writing.



→ 5.0 m →



NOTES:
1. FOR GENERAL NOTES SEE HEROLD
ENGINEERING LIMITED DRAWING 3071-011-S01
2. ISSUED FOR PERMIT, NOT FOR CONSTRUCTION

Kelowna Shores
2900 Abbott St.
Kelowna, B.C.

#7 - 2322 Dominion Rd.
West Kelowna, BC
V1Z 2W8



Ph: 778-755-6600
Fx: 778-755-6601
Web: burtonpliedriving.com

Specific Permission - Profile View

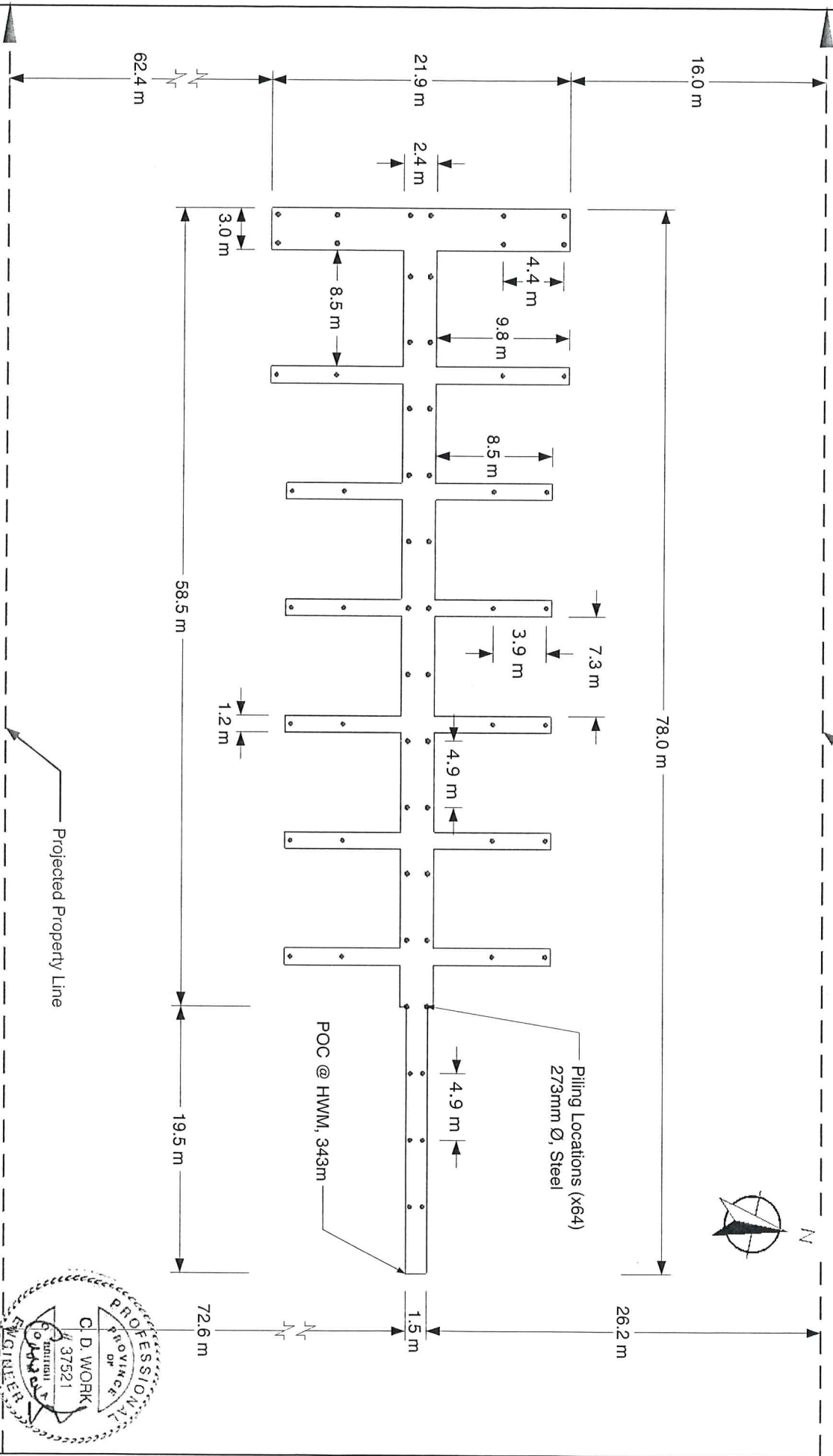
REVISIONS

REVISIONS	REMARKS
09/11/17	Drawing created
11/07/17	Drawing revised

BMPD 2017

NOTES:

1. FOR GENERAL NOTES SEE HEPFOLD ENGINEERING LIMITED DRAWING 3071-011-S01
2. ISSUED FOR PERMIT, NOT FOR CONSTRUCTION



Kelowna Shores
2900 Abbott St.
Kelowna, B.C.

#7 - 2322 Dominion Rd.
West Kelowna, BC
V1Z 2W8



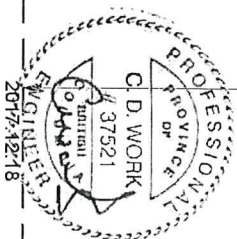
Ph: 778-755-6600
Fx: 778-755-6601
Web: burtonpiledriving.com

Specific Permission - Plan View

REVISIONS

REVISIONS	REMARKS
08/14/17	Drawing created
11/07/17	Drawing revised

BMPD 2017



CITY OF KELOWNA**GUIDELINES FOR ASSESSMENT OF SHARED DOCK APPLICATIONS**

(Endorsed by Kelowna City Council on June 11, 2001 as the "criteria by which staff will assess all shared dock applications which the Province refers to the City for comment").

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

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

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

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

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

- d. The maximum permissible deck surface of a shared dock (including surfaces separating individual moorage slips) shall, in the case of single detached participating properties, be calculated using the following formula, to a maximum of 200 m².

permissible deck surface (m²) = 112 m² + (Total lake frontage of participating abutting properties – 20m) * 1.05 m²

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

permissible deck surface (m²) = 112 m² + (Total lake frontage of the bareland strata subdivision – 20m) * 1.05 m²

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

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

permissible deck surface (m²) = 112 m² + (Total lake frontage of participating abutting properties – 20m) * 1.05 m²

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

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

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

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

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

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

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

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