

# City of Kelowna

## Regular Council Meeting

### AGENDA



Tuesday, March 26, 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 DeHart.

**3. Confirmation of Minutes**

Public Hearing - March 12, 2019  
Regular Meeting - March 12, 2019

**4. Bylaws Considered at Public Hearing**

**4.1 HWY 97 N 7770, 7782, 7800 and 7810, LUCT18-0006 (BL11762) - Multiple Owners**

1 - 2

To give Bylaw No. 11762 second and third reading in order to early terminate Land Use Contract LUC76-1104 and revert the parcels back to the underlying A1 – Agriculture 1 and RR2 – Rural Residential 2 zones.

**4.2 Pioneer Rd 1485 & 1535, LUCT18-0008 (BL11764) - Patricia Phelan and Michael & Cathy Kosick**

3 - 4

To give Bylaw No. 11764 second and third reading and adopt in order to early terminate Land Use Contract LUC77-1046 and revert the subject properties to the underlying A1 - Agriculture 1 zone.

**4.3 Slater Rd 3308 & 3318, LUCT18-0004 (BL11765) - Steven & Adele Williams and Gerald Bugera and Sandra Cooney**

5 - 6

To give Bylaw No. 11765 second and third reading and adopt in order to early terminate Land Use Contract LUC76-1033 and revert the subject properties to the underlying A1 - Agriculture 1 zone.

- |     |   |         |
|-----|---|---------|
| 4.4 | <b>Snowsell St 155, LUCT18-0010 (BL11767)- Joanne &amp; Kevin Tribiger</b>  | 7 - 8   |
|     | To give Bylaw No. 11767 second and third reading and adopt in order to early terminate Land Use Contract LUC77-1072 and revert the subject properties to the underlying RR3 - Rural Residential 3 zone. |         |
| 4.5 | <b>Tronson Ct 841, LUCT18-0005 (BL11768) - Isaac Potash &amp; Jennifer Large</b>  | 9 - 10  |
|     | To give Bylaw No. 11768 second and third reading and adopt in order to early terminate Land Use Contract LUC76-1063 and revert the subject property to the underlying RU1 – Large Lot Housing zone.     |         |
| 4.6 | <b>Yates Rd 373 &amp; 379, LUCT18-0009 (BL11769) - Kenneth &amp; Holly Finney and Jordan Huculak &amp; Kayla Madsen</b>   | 11 - 12 |
|     | To give Bylaw No. 11769 second and third reading and adopt in order to early terminate Land Use Contract LUC77-1052 and revert the subject properties to the underlying RU1 - Large Lot Housing zone.   |         |
| 4.7 | <b>Nickel Rd 240, 250, 260, Z18-0033 (BL11772) - 1129410 BC Ltd.</b>  | 13 - 13 |
|     | To give Bylaw No. 11772 second and third reading in order to rezone the subject property from the RU1 Large Lot Housing zone to the RM3 - Low Density Multiple Housing zone.                            |         |
| 4.8 | <b>Union Rd (W of), Clifton Rd N 225, Begbie Rd 2025, OCP17-0023 (BL11781) - Blenk Development Corp</b>   | 14 - 16 |
|     | <b>Requires a majority of all members of Council (5).</b>   |         |
|     | To give Bylaw No. 11781 second and third reading in order to change the future land use designation of the subject properties as per Map A.   |         |
| 4.9 | <b>Union Rd (W of), Clifton Rd N 225, Begbie Rd 2025, Z17-0098 (BL11785) - Blenk Development Corp</b>   | 17 - 19 |
|     | To give Bylaw No. 11785 second and third reading in order to rezone the subject properties as per Map B.  |         |

## 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 Kirschner Rd 1851, LL18-0034 - Whitworth Holdings Ltd., Inc. No. 1059455**

20 - 24

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 liquor license application for Copper Brewing Company Ltd to allow patrons to purchase and consume liquor products between the hours of 9:00 am to Midnight seven days a week and the hours of 9:00 am to 11:00 pm for the outdoor patio with a seating capacity of 70 persons indoors and 40 persons on the exterior patio.

### **6.2 Richter St 1033, LL19-0001 - Cellar-Tek Development Ltd., Inc. No. BCo880427**

25 - 29

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 for an outdoor patio for an existing manufacturer lounge liquor license application from Vice & Virtue Brewing Company Ltd to allow patrons to purchase and consume liquor products between the hours of 10:00 am to 11:00 pm for the outdoor patio with a seating area of 22 persons.

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

### **7.1 Venus Rd 165, DVP18-0246 - Andrew Bergestad**

30 - 37

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

To consider a Development Variance Permit to vary the footprint size from 90m<sup>2</sup> to 114.5m<sup>2</sup> in order to build a carriage house.

## **8. Reminders**

## **9. Termination**

# CITY OF KELOWNA

## BYLAW NO. 11762

LUCT18-0006

### Early Termination of Land Use Contract – LUC76-1104 7770, 7782, 7800 & 7810 Hwy 97 North

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WHEREAS a land use contract (the "Land Use Contract LUC76-1104") is registered at the Kamloops Land Title Office under the charge number M36870 against lands in the City of Kelowna particularly known and described as in Schedule "A" attached (the "Lands"), located on Hwy 97 North, 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 LUC76-1104 Bylaw";
2. Land Use Contract LUC76-1104 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 11<sup>th</sup> day of March, 2019.

Considered at a Public Hearing this

Read a second and third time by Municipal Council this

Approved under the Transportation Act this

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(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council this

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Mayor

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City Clerk

## Schedule A

Land Use Contract: **LUC76-1104**  
Charge Number: **M36870**

<u>No.</u>	<u>Legal Description</u>	<u>Address</u>	<u>Parcel Identifier Number</u>	<u>Underlying Zone</u>
1	Lot 1 Section 34 Township 23 ODYD Plan 28056	7770 Hwy 97 N	004-635-779	RR2 - Rural Residential 2 zone
2	Lot 2 Section 34 Township 23 ODYD Plan 28056	7782 Hwy 97 N	004-635-787	RR2 - Rural Residential 2 zone
3	Lot 3 Section 34 Township 23 ODYD Plan 28056	7800 Hwy 97 N	004-635-809	RR2 - Rural Residential 2 zone
4	Lot 4 Section 34 Township 23 ODYD Plan 28056	7810 Hwy 97 N	004-635-817	A1 - Agriculture 1 zone

# CITY OF KELOWNA

## BYLAW NO. 11764

LUCT18-0008

### Early Termination of Land Use Contract - LUC77-1046 1485 & 1535 Pioneer Road

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WHEREAS a land use contract (the "Land Use Contract LUC77-1046") is registered at the Kamloops Land Title Office under the charge number M72742 against lands in the City of Kelowna particularly known and described as in Schedule "A" attached (the "Lands"), located on Pioneer Road, 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 LUC77-1046 Bylaw";
2. Land Use Contract LUC77-1046 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 11<sup>th</sup> day of March, 2019.

Considered at a Public Hearing this

Read a second and third time and be adopted by Municipal Council this

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Mayor

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City Clerk

## Schedule A

Land Use Contract: **LUC77-1046**  
Charge Number: **M72742**

<u>No.</u>	<u>Legal Description</u>	<u>Address</u>	<u>Parcel Identifier Number</u>	<u>Underlying Zone</u>
1	Lot A District Lot 132 ODYD Plan 28646	1485 Pioneer Road	004-521-927	A1 - Agriculture 1 zone
2	Lot 12 District Lot 312 ODYD Plan 2021 Except Plans 27094 and 28646	1535 Pioneer Road	011-269-359	A1 - Agriculture 1 zone

# CITY OF KELOWNA

## BYLAW NO. 11765

LUCT18-0004

### Early Termination of Land Use Contract - LUC76-1033 3308 & 3318 Slater Road

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WHEREAS a land use contract (the "Land Use Contract LUC76-1033") is registered at the Kamloops Land Title Office under the charge number L54218 against lands in the City of Kelowna particularly known and described as in Schedule "A" attached (the "Lands"), located on Slater Road, 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 LUC76-1033 Bylaw";
2. Land Use Contract LUC76-1033 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 11<sup>th</sup> day of March, 2019.

Considered at a Public Hearing this

Read a second and third time by Municipal Council this

Adopted by the Municipal Council this

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Mayor

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City Clerk



## Schedule A

Land Use Contract: **LUC76-1033**  
Charge Number: **L54218**

<u>No.</u>	<u>Legal Description</u>	<u>Address</u>	<u>Parcel Identifier Number</u>	<u>Underlying Zone</u>
1	Lot B Section 28 Township 23 ODYD Plan 25331 Except Plan 27206	3318 Slater Road	005-506-131	A1 - Agriculture 1 zone
2	Lot 1 Section 28 Township 23 ODYD Plan 27206	3308 Slater Road	004-854-594	A1 - Agriculture 1 zone

# CITY OF KELOWNA

## BYLAW NO. 11767

LUCT18-0010

### Early Termination of Land Use Contract – LUC77-1072 155 Snowsell Street

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WHEREAS a land use contract (the "Land Use Contract LUC77-1072") is registered at the Kamloops Land Title Office under the charge number N61943 against lands in the City of Kelowna particularly known and described as in Schedule "A" attached (the "Lands"), located on Snowsell Street, 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 LUC77-1072 Bylaw";
2. Land Use Contract LUC77-1072 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 11<sup>th</sup> day of March, 2019.

Considered at a Public Hearing this

Read a second and third time by Municipal Council this

Adopted by the Municipal Council this

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Mayor

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City Clerk

## Schedule A

Land Use Contract: **LUC77-1072**  
Charge Number: **N61472**

<u>No.</u>	<u>Legal Description</u>	<u>Address</u>	<u>Parcel Identifier Number</u>	<u>Underlying Zone</u>
1	Lot A Section 4 Township 23 ODYD Plan 29850	155 Snowsell Street	004-142-071	RR3 - Rural Residential 3 zone

# CITY OF KELOWNA

## BYLAW NO. 11768

LUCT18-0005

### Early Termination of Land Use Contract - LUC76-1063 841 Tronson Court

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WHEREAS a land use contract (the "Land Use Contract LUC76-1063") is registered at the Kamloops Land Title Office under the charge number M7576 against lands in the City of Kelowna particularly known and described as in Schedule "A" attached (the "Lands"), located on Tronson 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 LUC76-1063 Bylaw";
2. Land Use Contract LUC76-1063 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 11<sup>th</sup> day of March, 2019.

Considered at a Public Hearing this

Read a second and third time by Municipal Council this

Adopted by the Municipal Council this

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Mayor

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City Clerk

## Schedule A

Land Use Contract: **LUC76-1063**  
Charge Number: **M7576**

<u>No.</u>	<u>Legal Description</u>	<u>Address</u>	<u>Parcel Identifier Number</u>	<u>Underlying Zone</u>
1	Lot A Section 29 Township 26 ODYD Plan 27577	841 Tronson Court	004-794-583	RU1 - Lage Lot Housing zone

# CITY OF KELOWNA

## BYLAW NO. 11769

LUCT18-0009

### Early Termination of Land Use Contract – LUC77-1052 373 & 379 Yates Road

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WHEREAS a land use contract (the "Land Use Contract LUC77-1052") is registered at the Kamloops Land Title Office under the charge number N61943 against lands in the City of Kelowna particularly known and described as in Schedule "A" attached (the "Lands"), located on Yates Road, 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 LUC77-1052 Bylaw";
2. Land Use Contract LUC77-1052 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 11<sup>th</sup> day of March, 2019.

Considered at a Public Hearing this

Read a second and third time by Municipal Council this

Adopted by the Municipal Council this

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Mayor

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City Clerk

## Schedule A

Land Use Contract: **LUC77-1052**  
Charge Number: **N61943**

<u>No.</u>	<u>Legal Description</u>	<u>Address</u>	<u>Parcel Identifier Number</u>	<u>Underlying Zone</u>
1	Lot A Section 32 Township 26 ODYD Plan 29878	373 Yates Road	004-125-541	RU1 - Large Lot Housing zone
2	Lot B Section 32 Township 26 ODYD Plan 29878	379 Yates Road	004-125-584	RU1 - Large Lot Housing zone

**CITY OF KELOWNA**  
**BYLAW NO. 11772**  
**Z18-0033 – 240, 250 & 260 Nickel Rd**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 1,2 & 3, Section 27, Township 26, ODYD Plan 8839, located on Nickel Rd Kelowna, BC from the RU1-Large Lot Housing Zone to the RM3 – Low Density Multiple Housing.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 4<sup>th</sup> day of March, 2019.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

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(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



# CITY OF KELOWNA

## BYLAW NO. 11781

### Official Community Plan Amendment No. OCP17-0023 2025 Begbie Road, 225 Clifton Road N & (W of) Union Road

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

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

1. THAT Official Community Plan Map Amendment Application No. OCP17-0023 to amend Map 4.1 in the *Kelowna 2030* – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of portions of:

- a) Lot A Sections 4, 5, 8 and 9 Township 23 ODYD Plan KAP69724 Except Plans KAP71944, KAP73768, KAP75949, KAP78547, KAP80107, KAP81912, KAP85278, KAP86750 and EPP24895, located on Begbie Road, Kelowna, BC;
- b) Lot D Section 8 Township 23 ODYD Plan KAP75116 Except Plans EPP24895, EPP24897, EPP64871 and EPP77782, located on Clifton Road N, Kelowna, BC;
- c) That Part Closed Road Lying Within Sections 8 and 9 Township 23 ODYD Shown as Parcel 2 on Plan KAP86749, located at (W of) Union Road, Kelowna, BC; and
- d) The North East 1/4 of Section 8 Township 23 ODYD Except Plan KAP69724, located at (W of) Union Road, Kelowna, BC

from the S2RES – Single / Two Unit Residential, S2RESH – Single / Two Unit Residential – Hillside, MRC – Multiple Unit Residential – Cluster Housing, MRL – Multiple Unit Residential (Low Density), MRM – Multiple Unit Residential (Medium Density), EDINST – Educational / Major Institutional, and PARK – Major Park / Open Space (Public) designations to the MRL – Multiple Unit Residential (Low Density), MRM – Multiple Unit Residential (Medium Density), COMM – Commercial, EDINST – Educational / Major Institutional, and PARK – Major Park / Open Space (Public) designations as shown on Map "A" attached to the bylaw.

2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 11<sup>th</sup> day of March, 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

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Mayor

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City Clerk



# **CITY OF KELOWNA**

## **BYLAW NO. 11785**

### **Z17-0098 – 2025 Begbie Rd, 225 Clifton Road N & (W of) Union Road**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of portions of:

- a) Lot A Sections 4,5,8 and 9 Township 23 ODYD Plan KAP69724 Except Plans KAP71944, KAP73768, KAP75949, KAP78547, KAP80107, KAP81912, KAP85278, KAP86750 and EPP24895, located at 2025 Begbie Road, Kelowna, BC;
- b) Lot D Section 8 Township 23 ODYD Plan KAP75116 Except Plans EPP24895, EPP24897, EPP64871 and EPP77782, located at 225 Clifton Road N, Kelowna, BC;
- c) That Part Closed Road Lying Within Sections 8 and 9 Township 23 ODYD Shown as Parcel 2 on Plan KAP86749, located at (W of) Union Road, Kelowna, BC; and
- d) The North East 1/4 of Section 8 Township 23 ODYD Except Plan KAP69724, located at (W of) Union Road, Kelowna, BC

from the RU2h – Medium Lot Housing (Hillside Area), RU3h – Small Lot Housing (Hillside Area), RM2h – Low Density Row Housing (Hillside Area), RM3 – Low Density Multiple Housing, C2 – Neighbourhood Commercial, P2 – Education and Minor Institutional, and P3 – Parks and Open Space zones to the RU2h – Medium Lot Housing (Hillside Area), RU4 – Low Density Cluster Housing, RM3 – Low Density Multiple Housing, RM5 – Medium Density Multiple Housing, C3 – Community Commercial, P2 – Education and Minor Institutional, and P3 – Parks and Open Space zones as shown on Map "B" attached to the bylaw.

2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 11<sup>th</sup> day of March, 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

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Mayor

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City Clerk



# REPORT TO COUNCIL



**Date:** March 26, 2019

**RIM No.** 0930-50

**To:** City Manager

**From:** Community Planning Department (LK)

**Application:** LL18-0034

**Owner:** Whitworth Holdings Ltd., Inc.  
No. 1059455

**Address:** #102 - 1851 Kirschner Road

**Applicant:** Copper Brewing Company Ltd.

**Subject:** Liquor License Application

**Proposed OCP Designation:** MXR – Mixed Use (Residential/Commercial)

**Existing Zone:** C10 – Service Commercial

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## 1.0 Recommendation

THAT Council directs Staff to forward the following recommendation to the Provincial Liquor & Cannabis Regulation Branch (LCRB):

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 Copper Brewing Company Ltd. located at #102 – 1851 Kirschner Road, Kelowna, BC, legally described as Lot 1 District Lot 129 ODYD Plan EPP18842, for a manufacturer lounge from:
  - (a) "9:00 AM to Midnight Sunday to Saturday" for the indoor 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 mixed-use urban centre along a collector route;
  - (b) The person capacity of the brewery lounge: The person capacity is 70 persons for the indoor area, and 40 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 zoned appropriately. There are minimal residential dwellings nearby and the noise from the patio should not be a nuisance. The recommendation is to allow 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 liquor license application for Copper Brewing Company Ltd to allow patrons to purchase and consume liquor products between the hours of 9:00 am to Midnight seven days a week and the hours of 9:00 am to 11:00 pm for the outdoor patio with a seating capacity of 70 persons indoors and 40 persons on the exterior patio.

## 3.0 Community Planning

Staff generally support all manufacturer lounges 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 in this location. Staff are recommending that Council endorses the applicant's proposed hours from 9:00 am to midnight 7 days a week but limit the outdoor patio hours to 11:00 pm. This is consistent with all new outdoor patios both within and outside of the downtown City centre. The applicant has agreed that limiting the patio hours to 11:00 pm is reasonable for the purposes of limiting noise nuisance and being a good neighbour.

The Official Community Plan (OCP) encourages complete communities and complete suburbs which includes evening entertainment. While the neighbourhood has limited existing residential development, both the OCP and the Capri-Landmark Urban Centre Plan proposes increased residential density for the surrounding area. This establishment will provide the local residents with a walkable neighbourhood pub setting they can frequent without the necessity of driving a vehicle, taking a taxi or public transit.

RCMP were supportive of the application and the proposed hours of operation as having a venue outside of the downtown core offers local patrons the opportunity to socialize within their own Urban Centre, thereby reducing the traffic to the downtown core. This aids in reducing the pressure for responses by RCMP to highly concentrated areas.

## 4.0 Proposal

### 4.1 Background

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

### 4.2 Project Description

#### Proposed Hours of Sale (Manufacturer Lounge):

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



**Subject Property Map: #102 – 1851 Kirschner 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:

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

**6.0 Application Chronology**

Date of Application Received: December 18, 2018

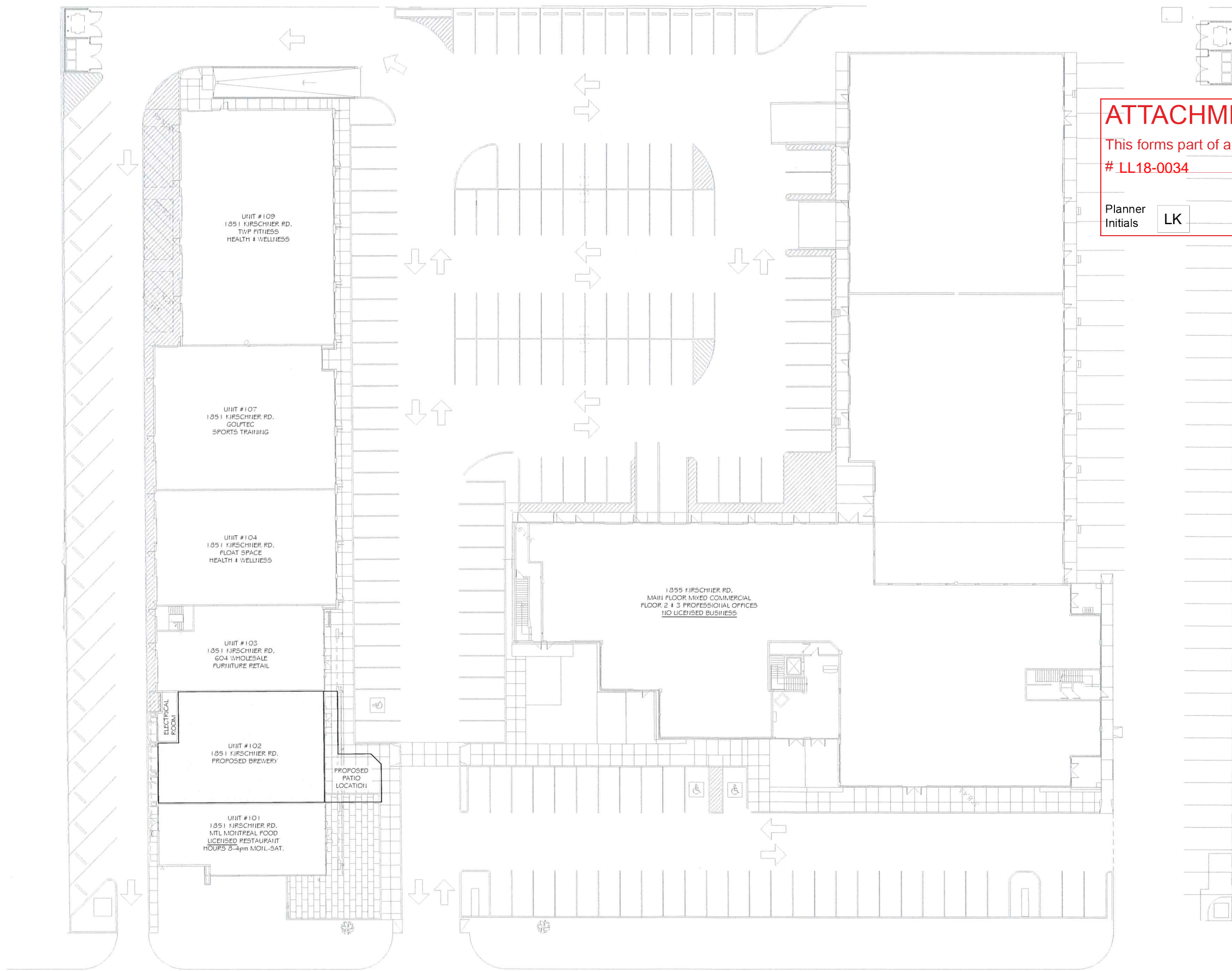
Prepared by: Lydia Korolchuk, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

**Attachments:**

Attachment A: Site plan/ Floorplan - Occupant Load



ATTACHMENT A

This forms part of application  
# LL18-0034

Planner  
Initials LK

City of Kelowna  
COMMUNITY PLANNING

Notes:

© Copyright Reserved. This drawing and design are, and at all times remain, the property of Patrick McCusker Architecture Inc. and can be reproduced only in the written consent.

All drawings shall be read in conjunction with specifications and consultant details.

All work shall be carried out in accordance with Canadian standards, specifications, B.C. or A.B. Building Codes (Current Edition) and local authority by-laws and regulations.

Tabulated scales refer to Arch D size drawing sheet.

This drawing must not be scaled.

Contractors shall verify all dimensions prior to commencement of work.

Any omissions or discrepancies shall be reported to the architect.

Seal

- This document is:
- ☐ NOT controlled. Revisions may be made without notice.
  - ☒ A CONTROLLED document. Revisions will be advised.
  - ☐ The first issue of the document.
  - ☐ A complete revision. Remove previous issues from use.
  - ☐ A partial revision. Remove previous issues of corresponding sheets / pages from use.
  - ☒ For Construction Purposes



01 2018-12-03 PERMIT  
No. Date Description

PM

PATRICK McCUSKER  
ARCHITECTURE INC.

AAA MAIBC MRAIC  
3430 BENVOLIN ROAD  
KELOWNA BC V1W 4M5  
Phone: 778-484-0223  
pat@pmcarch.com  
www.pmcarch.com

project title  
COPPER BREWING CO.  
BREWERY / TAPROOM  
#102 - 1851 KIRSCHNER RD.  
KELOWNA, B.C.

project no. 3383

file no.

drawing title  
KEY PLAN

designed	SW	scale	AS SHOWN
drawn	SW		
checked	PM		
drawing no.			

KIRSCHNER ROAD

OVERALL SITE PLAN  
SCALE: 1" = 20'-0"  
1851 KIRSCHNER, KELOWNA B.C.,  
LOT 1, DL129, ODD, PLAN EPP18342



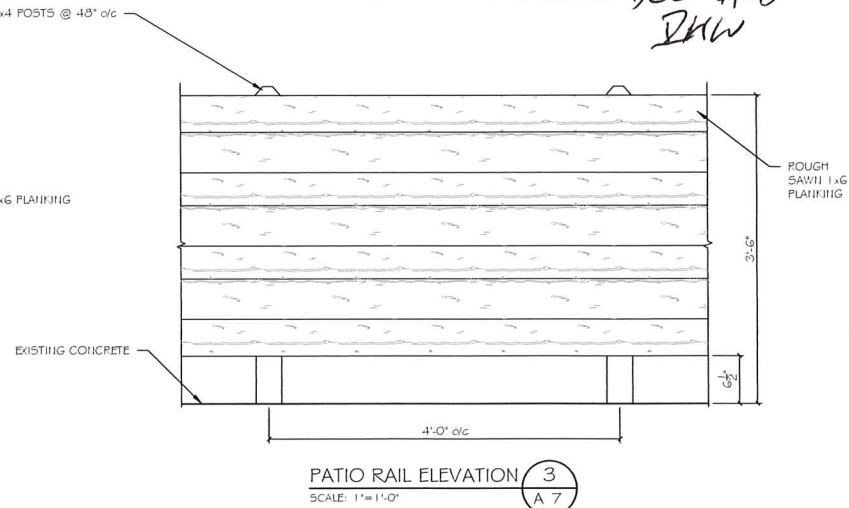
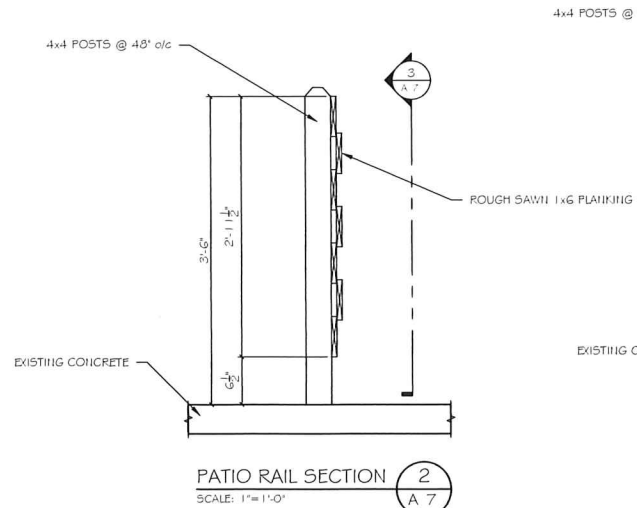




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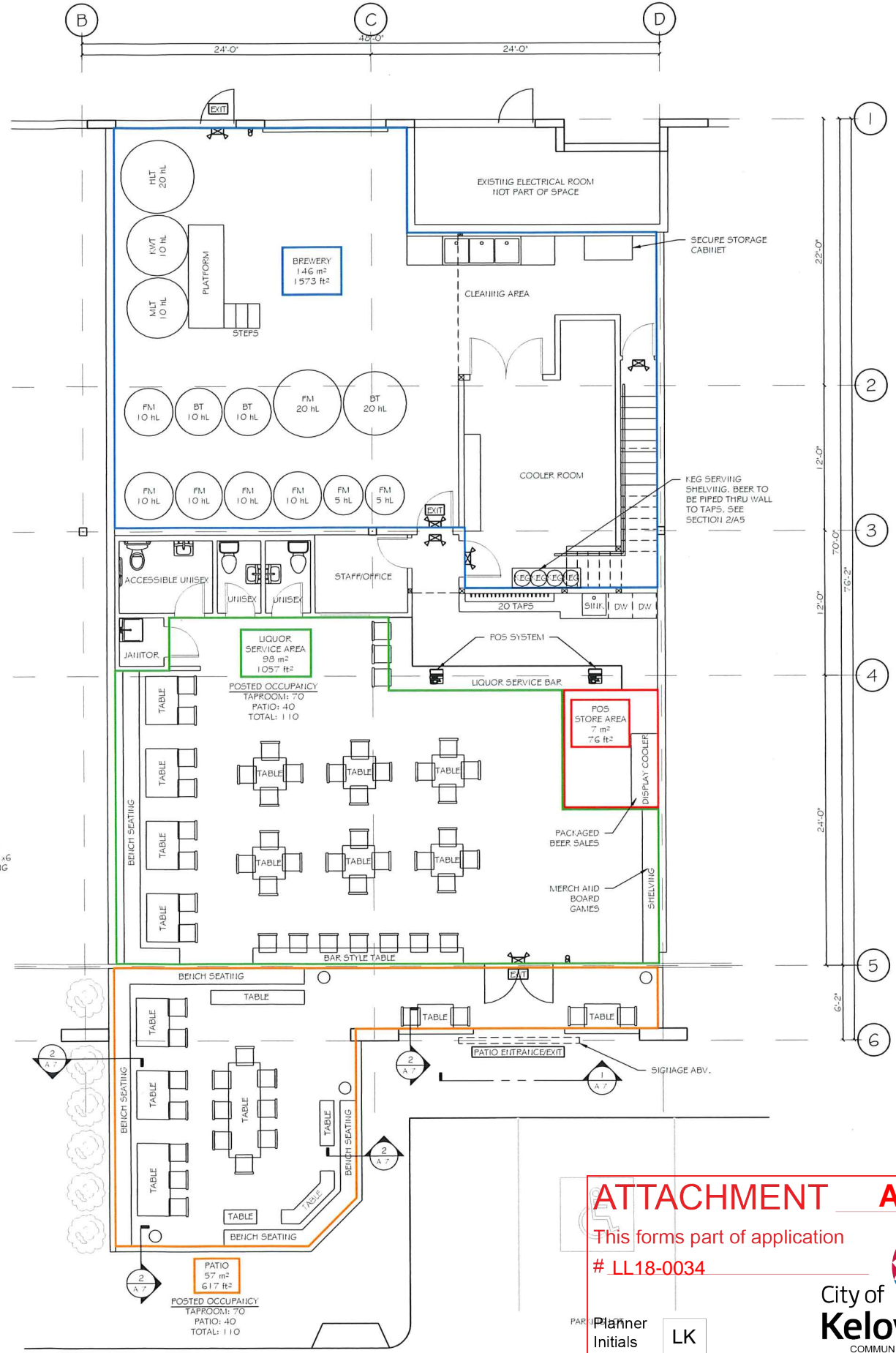
SIGNAGE ELEVATION  
SCALE: 1/4" = 1'-0"

**Reviewed**  
by City of Kelowna  
Inspection Services  
*Dec 14/18  
DKW*



The Patio  
has a net floor area of  
57 m<sup>2</sup>. The maximum  
occupant load shall be  
40 persons, based on  
POSTED OCCUPANCY

The Liquor Service Area  
has a net floor area of  
98 m<sup>2</sup>. The maximum  
occupant load shall be  
70 persons, based on  
POSTED OCCUPANCY



**ATTACHMENT A**  
This forms part of application  
# LL18-0034

Planner Initials LK



Notes:  
© Copyright Reserved. This drawing and design are, and at all times remain, the property of Patrick McCusker Architecture Inc. and can be reproduced only with written consent.  
All drawings shall be read in conjunction with specifications and consultant details.  
All work shall be carried out in accordance with Canadian standards, specifications, B.C. or A.B. Building Codes (Current Edition) and local authority by laws and regulations.  
Tabulated scales refer to Arch D size drawing sheet.  
This drawing must not be scaled.  
Contractors shall verify all dimensions prior to commencement of work.  
Any omissions or discrepancies shall be reported to the architect.

Seal

This document is:  
☐ NOT controlled. Revisions may be made without notice.  
☒ A CONTROLLED document. Revisions will be advised.

☐ The first issue of the document.  
☐ A complete revision. Remove previous issues from use.  
☐ A partial revision. Remove previous issues of corresponding sheets / pages from use.  
☒ For Construction Purposes



01 2018-12-03 PERMIT  
No. Date Description  
Revisions

**PM**  
PATRICK McCUSKER  
ARCHITECTURE INC.  
AAA MAIBC MRAIC  
3430 BENVOLIN ROAD  
KELOWNA BC V1W 4M5  
Phone: 778-484-0223  
pat@pmccarch.com  
www.pmccarch.com

project title  
COPPER BREWING CO.  
BREWERY / TAPROOM  
#102 - 1851 KIRSCHNER RD.  
KELOWNA, B.C.

project no. 3383

file no.

drawing title

LIQUOR SERVICE PLAN

designed SW scale AS SHOWN  
drawn SW  
checked PM  
drawing no.

A7  
24

# REPORT TO COUNCIL



**Date:** March 26, 2019

**RIM No.** 0930-50

**To:** City Manager

**From:** Community Planning Department (LK)

**Application:** LL19-0001

**Owner:** Cellar-Tek Developments Ltd.,  
Inc. No. BCo880427

**Address:** 1033 Richter Street

**Applicant:** Vice & Virtue Brewing Co. Ltd.

**Subject:** Liquor License Application

Existing OCP Designation: IND – Industrial

Existing Zone: I2 – General Industrial

---

## 1.0 Recommendation

THAT Council directs Staff to forward the following recommendations to the Provincial Liquor and Cannabis Regulation Branch (LCRB):

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

1. Council recommends support of an application from Cellar-Tek Developments Ltd., Inc. No. BCo880427 located at 1033 Richter St, Kelowna, BC, legally described as Parcel B (Being a Consolidation of Lots 41 and 42, See LB356341) Section 30 Township 26 ODYD Plan 1014, for a structural change to an existing manufacturer lounge from:

(a) "10:00 AM to 11:00 PM Sunday to Saturday" for the patio service area

2. That Council's comments on the prescribed considerations are as follows:

(a) The location of the brewery: The brewery is located in a mixed-use area across from an urban centre along a major collector route;

(b) The person capacity of the brewery lounge patio: The person capacity is 22 persons on the exterior patio;

(c) Traffic, noise, parking and zoning: The brewery is located across the street from the City Centre urban centre boundary in a general industrial area and will have minimal negative impact on traffic, noise, parking, and the property is zoned appropriately. There are minimal residential dwellings nearby and the noise from the patio should not be a nuisance. The recommendation is to allow 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 for an outdoor patio for an existing manufacturer lounge liquor license application from Vice & Virtue Brewing Company Ltd to allow patrons to purchase and consume liquor products between the hours of 10:00 am to 11:00 pm for the outdoor patio with a seating area of 22 persons.

## **3.0 Community Planning**

Staff generally support manufacturer lounge requests in order to permit customers to consume the manufacturer's product onsite. This is an existing manufacturer lounge proposing a new outdoor patio area. Staff do not foresee any negative land use impact of permitting an expansion to this type of license in this location. Staff are recommending that Council endorses the applicant's proposed hours for the outdoor patio from 10:00 am to 11:00 pm. This is consistent with all new outdoor patios both within and outside of the downtown City Centre. The applicant has agreed that limiting the patio hours to 11:00 pm is reasonable for the purposes of limiting noise nuisance and being a good neighbour.

The Official Community Plan (OCP) encourages complete communities and complete suburbs which includes evening entertainment. While the immediate neighbourhood has limited existing residential development, it is a short walk to the north end residential area. The establishment will provide the local residents with a walkable neighbourhood pub setting they can frequent without the necessity of driving a vehicle, taking a taxi or public transit.

RCMP were supportive of the application and the proposed hours of operation as having a venue outside of the downtown core offers local patrons the opportunity to socialize within their neighbourhood, thereby reducing the traffic to the downtown core. This aids in reducing the pressure for responses by RCMP to highly concentrated areas.

## **4.0 Proposal**

### **4.1 Background**

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

On February 6, 2018 Council approved the manufacturer lounge liquor license application for Omen Brewing Co. Ltd. Since then, the company has re-branded the business to Vice and Virtue Brewing Co. Ltd. The existing brewery opened for business on July 10, 2018 and has a seating area for 50 people with current hours of operation from 10 am to midnight seven days per week. The approved hours and capacity for the interior space will remain unchanged.

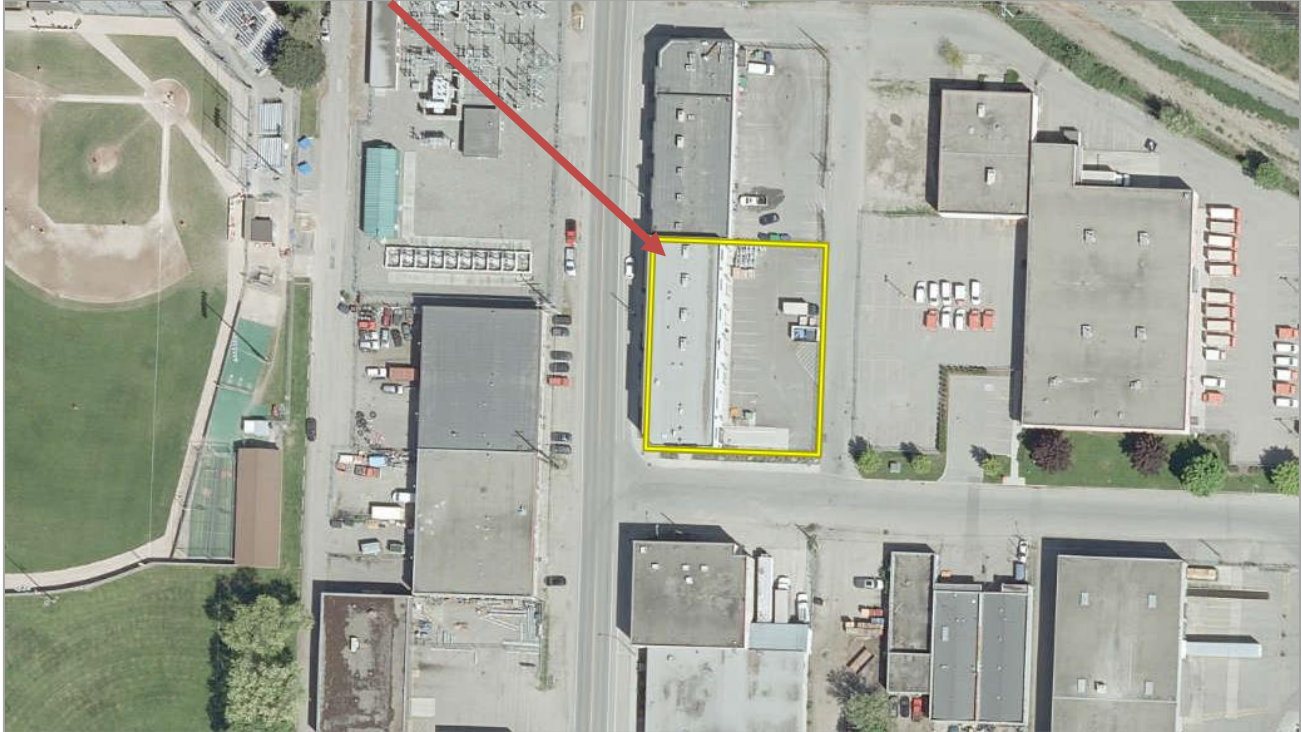


#### 4.2 Project Description

##### Proposed Hours of Sale (Outdoor Patio):

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	10:00 am	10:00 am	10:00 am	10:00 am	10:00 am	10:00 am	10:00 am
Close	11:00 pm	11:00 pm	11:00 pm	11:00 pm	11:00 pm	11:00 pm	11:00 pm

##### Subject Property Map: 1033 Richter Street



#### 5.0 Current Development Policies

##### Council Policy #359 – Liquor Licensing Policy and Procedures

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

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

#### 6.0 Application Chronology

Date of Application Received: January 24, 2019

Prepared by: Lydia Korolchuk, Planner

Reviewed by: Terry Barton, Urban Planning Manager

**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

**Attachments:**

Attachment A: Site plan/ Floorplan - Occupant Load

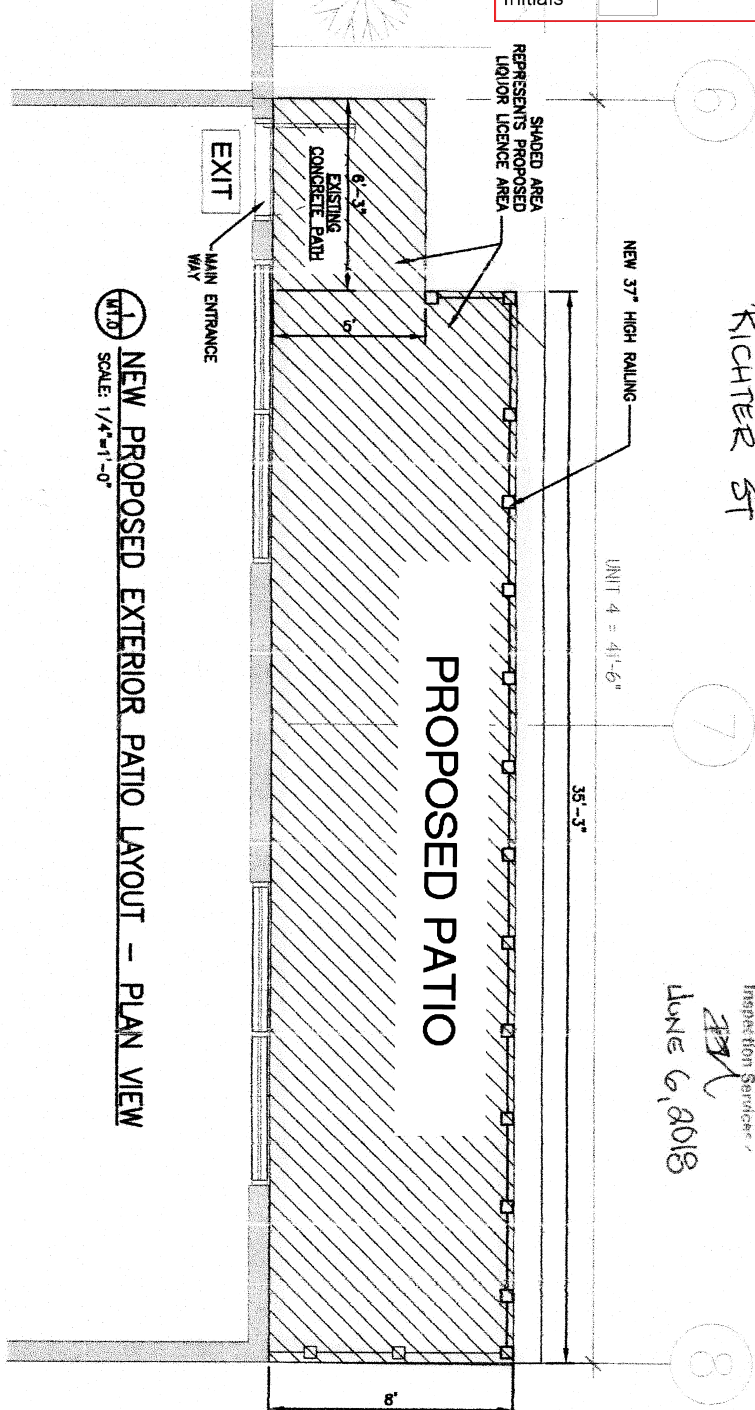
# ATTACHMENT A

This forms part of application

# LL19-0001

City of  
**Kelowna**  
COMMUNITY PLANNING

Planner  
Initials **LK**



**NEW PROPOSED EXTERIOR PATIO LAYOUT - PLAN VIEW**  
SCALE: 1/4"=1'-0"

NOTE: Ensure proper approval for exterior patio is obtained from City of Kelowna "Real Estate and Property Services" department. This review is for occupant load ONLY.

The PATIO has a net floor area of 26.4 m<sup>2</sup>. The maximum occupant load shall be 22 persons, based on 1.2 m<sup>2</sup>/person

Reviewed  
by City of Kelowna  
Inspection Services  
JUNE 6, 2018

1033 RICHTER ST



REV	DESCRIPTION	DATE	BY	CHECKED	DATE	REF. DRAW. NO.	REFERENCE DRAWINGS
0	ISSUED FOR PERMIT	5/25/2018	BB	ML	ML	1	
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**cellar tek**

VICE & VIRTUE BREWING CO. LTD.  
1033 RICHTER AVENUE  
KELOWNA, B.C.

PROJECT NO. A17324  
DRAWING NO. M1.0  
NEW PROPOSED EXTERIOR PATIO LAYOUT - PLAN VIEW



# REPORT TO COUNCIL



**Date:** March 26, 2019

**RIM No.** 0940-00

**To:** City Manager

**From:** Community Planning Department (LKC)

**Application:** DVP18-0246

**Owner:** Andrew Bergestad

**Address:** 165 Venus Rd

**Applicant:** Adam Rumpel

**Subject:** Development Variance Permit

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RU1c – Large Lot Housing with Carriage House

---

## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0246 for Lot 62, Section 23, Township 26, ODYD, Plan 22418, located at 165 Venus Rd, Kelowna, BC;

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

### **Section 9.5b.1(b): RU1C – Carriage House Development Regulations**

To vary the required maximum combined site coverage of a carriage house and all other accessory buildings or structures from 90m<sup>2</sup> to 114.5m<sup>2</sup>;

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

## 2.0 Purpose

To consider a Development Variance Permit to vary the building footprint size in order to build a carriage house.

## 3.0 Community Planning

Staff are recommending support for the proposed variance to allow for an increase in building footprint size from 90m<sup>2</sup> to 114.5m<sup>2</sup>. This variance was the least impactful on adjacent neighbours compared to other options the applicant was considering. The applicant desired a workshop to be located on the main floor of the accessory building and is the reason why the proposed carriage house requires a variance for footprint size. Initially the applicant proposed all the floor area on the top floor and staff negotiated with the

applicant to re-design the proposal to eliminate the height variance and re-locate more floor area on the first floor with the intent that the form and massing is more sensitive to neighbouring properties.

#### 4.0 Proposal

##### 4.1 Background

The subject property is located in a Rutland single family area and has an existing one and a half story single family dwelling with a carport. The applicant has applied for a Development Variance Permit to build a carriage house with a larger than standard footprint.

**Subject Property Map: 165 Venus Rd**



##### 4.2 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550m <sup>2</sup>	804.6m <sup>2</sup>
Lot Width	16.5m	22.01m
Lot Depth	30.0m	36.56m
Development Regulations		
Floor Area Ratio		
Height	4.8m	4m
Front Yard	9.0m	9.18m from carriage house to property line.
Side Yard (east)	1.5m	7.1m
Side Yard (west)	1.5m	1.5m
Rear Yard	1.5m	1.5m
Building Footprint	90m <sup>2</sup>	114.5m <sup>2</sup> ●
● Variance request for increase to building footprint.		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### **Development Process**

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

**Carriage Houses & Accessory Apartments.**<sup>2</sup> Support carriage houses and accessory apartments through appropriate zoning regulations.

## 6.0 Technical Comments

See Schedule: B for Development Engineering Technical Comments

## 7.0 Application Chronology

Date of Application Received: October 18, 2018

Date Public Consultation Completed: January 12, 2019

**Report prepared by:** Levan King Cranston, Planner I

**Reviewed by:** Terry Barton, Urban Planning Manager

**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

#### **Attachments:**

Attachment A: Development Variance Permit Draft

Schedule A: Site Plan

Schedule B: Development Engineering Technical Comments

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

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.22.12 (Development Process Chapter).

# DEVELOPMENT VARIANCE PERMIT



## APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT

**File Number** Z18-0120/DVP18-0246  
**Issued To:** Andrew Bergestad  
**Site Address:** 165 Venus Rd  
**Legal Description:** Lot 62, Section 23, Township 26, ODYD, Plan 22418,  
**Zoning Classification:** RU1c – Large Lot Housing with Carriage House

### SCOPE OF APPROVAL

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

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

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 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.

### 1. TERMS AND CONDITIONS

THAT Development Variance Permit No. DVP18-0246, located at 165 Venus Rd, Kelowna, BC be approved subject to general conformance to the drawings (Schedule "A") attached to this permit.

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

Section 9.5b.1(b): RU1C – Carriage House Development Regulations

To vary the required maximum combined site coverage of a carriage house and all other accessory buildings or structures from 90m<sup>2</sup> to 114.5m<sup>2</sup>;

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. DEVELOPMENT

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

If the Permit Holder does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

**This Permit IS NOT a Building Permit.**

The issuance of this Permit grants to the municipality a save harmless and effectually indemnify the Municipality against:

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

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

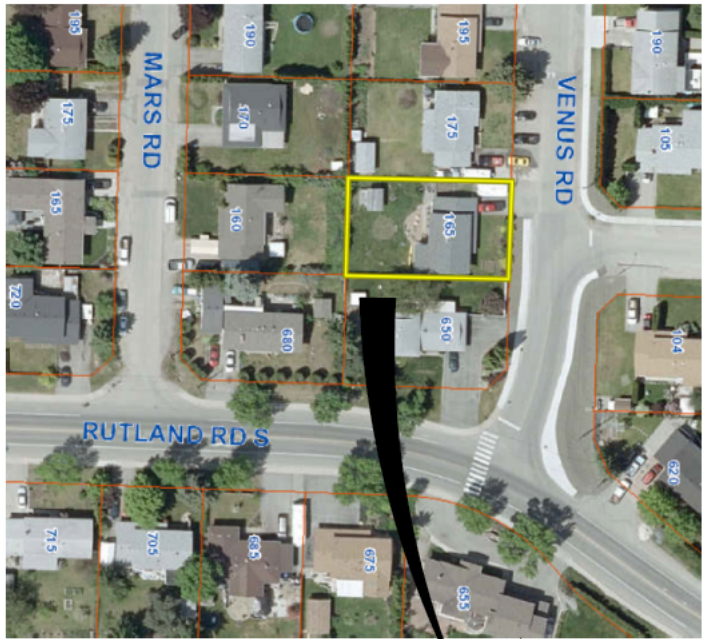
**3. APPROVALS**

Issued and approved by Council on the \_\_\_\_ day of \_\_\_\_.

\_\_\_\_\_  
Ryan Smith, Community Planning Department Manager

\_\_\_\_\_  
Date

**The PERMIT HOLDER is the CURRENT LAND OWNER.  
Security shall be returned to the PERMIT HOLDER.**



#### LEGAL LAND DESCRIPTION

PLAN: 22/418  
LOT: 62  
SECTION: 23  
TOWNSHIP: 26  
ZONING:  
CURRENT: RUI  
PROPOSED: RUIC

#### SITE DATA

LOT AREA: 8,661 SQ. FT.  
LOT COVERAGE OF ALL BUILDINGS - MAX 40%  
EXISTING HOUSE FOOTPRINT: 970 SQ. FT. [90.11 SQ.M.]  
EXISTING COVERED DECK: 187 SQ. FT. [17.37 SQ.M.]  
PROPOSED CARRIAGE HOUSE FOOTPRINT: 1232 SQ. FT. [114.45 SQ.M.]  
TOTAL AREA: 2,389 SQ. FT. [221.95 SQ.M.]

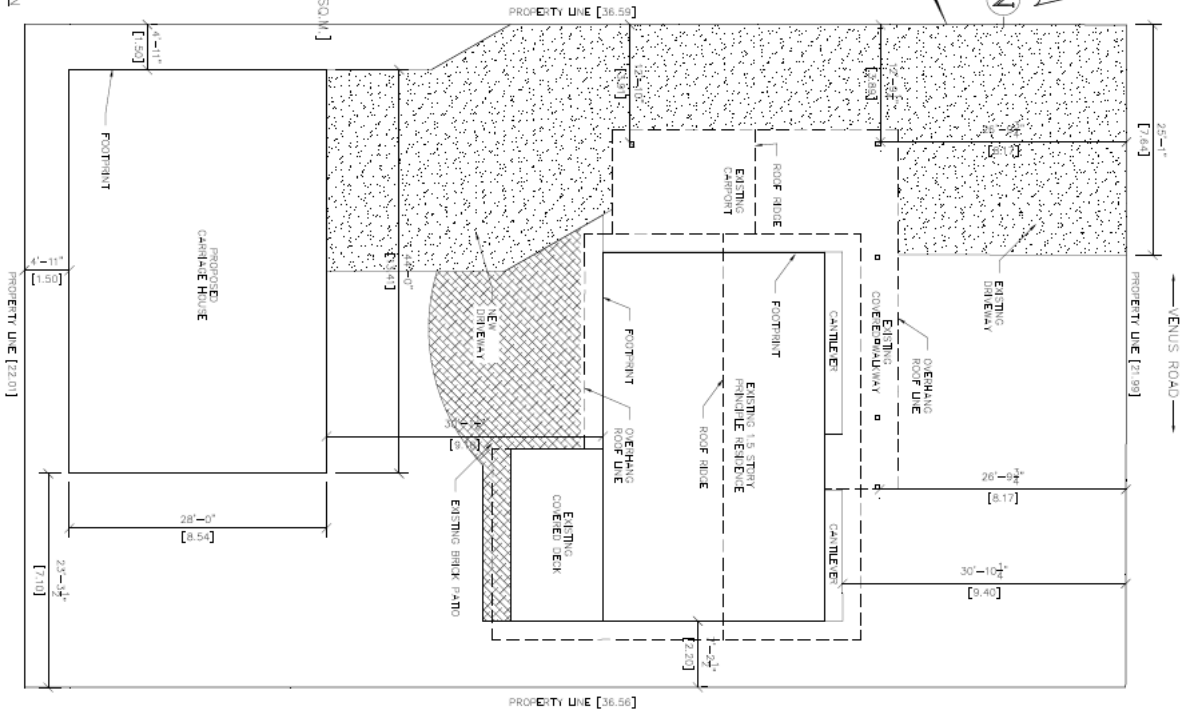
2,389 SQ. FT. / 8,661 SQ. FT. = 28% SITE COVERAGE

LOT COVERAGE OF ACCESSORY BUILDING - MAX 14%

TWO STOREY CARRIAGE HOUSE  
TOTAL FOOTPRINT: 1232 SQ.FT. [114.45 SQ.M.]  
MAIN LEVEL LIVING AREA: 348 SQ.FT. [32.33 SQ.M.]  
UPPER LEVEL LIVING SPACE: 614 SQ.FT. [57.04 SQ.M.]  
TOTAL LIVING AREA: 962 SQ.FT. [89.37 SQ.M.]

1232 SQ. FT. / 8,661 SQ. FT. = 14% ACCESSORY COVERAGE

PARKING SPOTS: 6



PROJECT:

## BERGESTAD RESIDENCE - CARRIAGE HOUSE

165 VENUS ROAD, KELOWNA BC

DRAWING TITLE:

SITE PLAN

## SCHEDULE A

This forms part of application  
# DVP18-0246

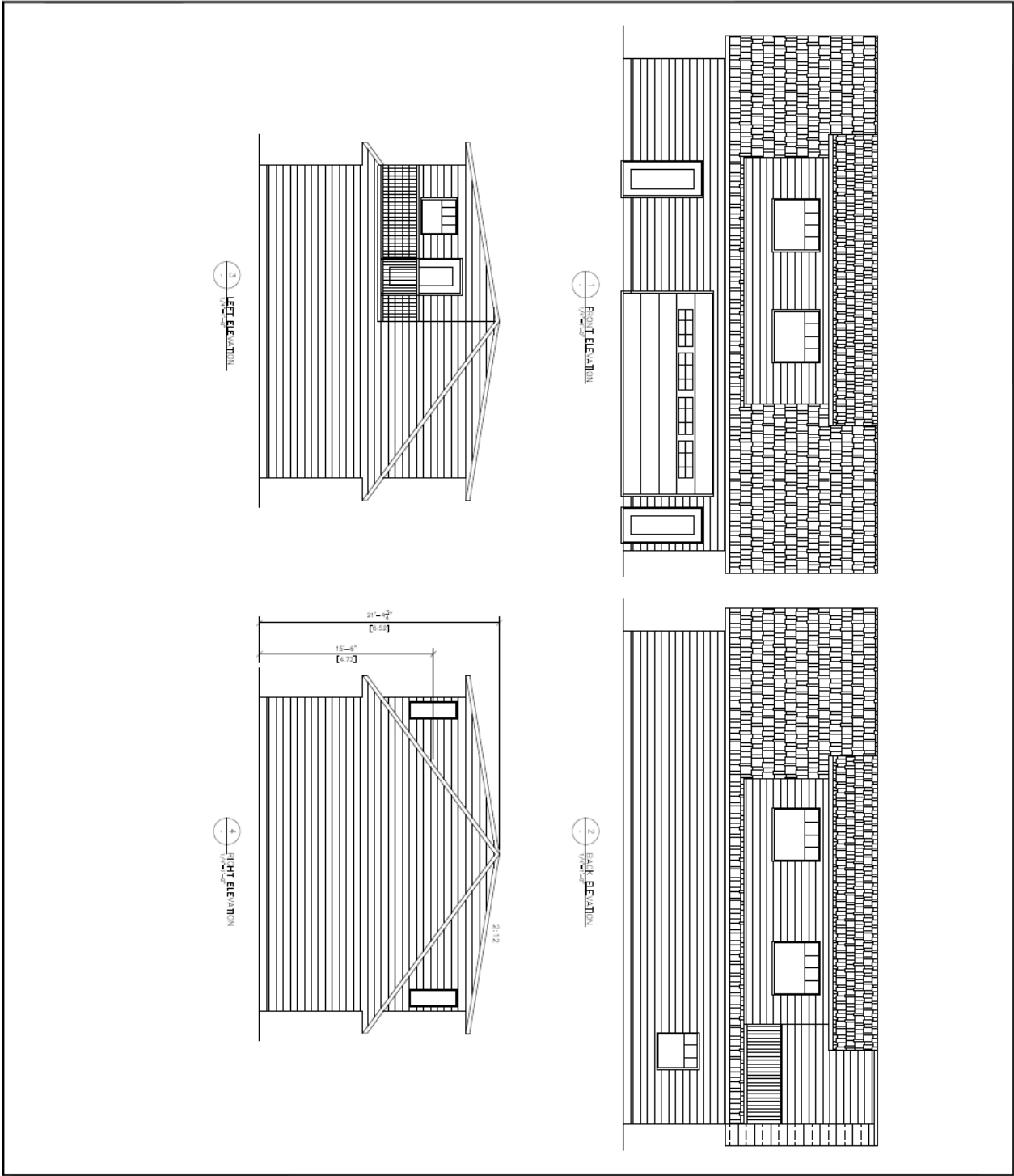
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COMMUNITY PLANNING



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PROJECT:  
**BERGESTAD RESIDENCE - CARRIAGE HOUSE**  
 165 VENUS ROAD, KELOWNA BC

DRAWING TITLE:  
**ELEVATIONS**

**SCHEDULE A**

This forms part of application  
 # DVP18-0246

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## CITY OF KELOWNA

# MEMORANDUM

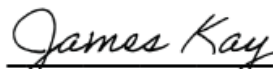
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**Date:** December 14, 2018  
**File No.:** DVP18-0244  
**To:** Urban Planning Management (LC)  
**From:** Development Engineering Manager (JK)  
**Subject:** 165 Venus Rd.

---

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

This development variance permit application to vary the maximum carriage house footprint size from 90m<sup>2</sup> to 114.5m<sup>2</sup>, does not compromise any municipal services.

  
James Kay, P. Eng.  
Development Engineering Manager

agm

<b>SCHEDULE</b>		<b>B</b>
This forms part of application # <u>DVP18-0246</u>		
Planner Initials	<div style="border: 1px solid black; padding: 2px;">LKC</div>	 City of <b>Kelowna</b> <small>COMMUNITY PLANNING</small>