City of Kelowna
Regular Council Meeting
AGENDA

Tuesday, March 26, 2019
6:00 pm
Council Chamber
City Hall, 1435 Water Street

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

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

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

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 Snowsell St 155, LUCT18-0010 (BL11767)- Joanne & Kevin Tribiger

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 Tronson Ct 841, LUCT18-0005 (BL11768) - Isaac Potash & Jennifer Large

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 Yates Rd 373 & 379, LUCT18-0009 (BL11769) - Kenneth & Holly Finney and Jordan Huculak & Kayla Madsen

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 Nickel Rd 240, 250, 260, Z18-0033 (BL11772) - 1129410 BC Ltd.

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 Union Rd (W of), Clifton Rd N 225, Begbie Rd 2025, OCP17-0023 (BL11781) - Blenk Development Corp

Requires a majority of all members of Council (5).

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 Union Rd (W of), Clifton Rd N 225, Begbie Rd 2025, Z17-0098 (BL11785) - Blenk Development Corp

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

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. BC0880427

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 Bergstad

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 90m² to 114.5m² in order to build a carriage house.

8. Reminders

9. Termination
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 11th 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

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council this

_________________________________________ Mayor

_________________________________________ City Clerk
## Schedule A

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

<table>
<thead>
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<td>Lot 1 Section 34 Township 23 ODYD Plan 28056</td>
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<td>Lot 2 Section 34 Township 23 ODYD Plan 28056</td>
<td>7782 Hwy 97 N</td>
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<td>3</td>
<td>Lot 3 Section 34 Township 23 ODYD Plan 28056</td>
<td>7800 Hwy 97 N</td>
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<td>RR2 - Rural Residential 2 zone</td>
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<td>4</td>
<td>Lot 4 Section 34 Township 23 ODYD Plan 28056</td>
<td>7810 Hwy 97 N</td>
<td>004-635-817</td>
<td>A1 - Agriculture 1 zone</td>
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</table>
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 11th day of March, 2019.

Considered at a Public Hearing this

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

__________________________________________
Mayor

__________________________________________
City Clerk
## Schedule A

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

<table>
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<td>1</td>
<td>Lot A District Lot 132 ODYD Plan 28646</td>
<td>1485 Pioneer Road</td>
<td>004-521-927</td>
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<tr>
<td>2</td>
<td>Lot 12 District Lot 312 ODYD Plan 2021 Except Plans 27094 and 28646</td>
<td>1535 Pioneer Road</td>
<td>011-269-359</td>
<td>A1 - Agriculture 1 zone</td>
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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 11th 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

________________________________________________________________________ Mayor

________________________________________________________________________ City Clerk
Schedule A

Land Use Contract: LUC76-1033
Charge Number: L54218

<table>
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<td>3318 Slater Road</td>
<td>005-506-131</td>
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<td>2</td>
<td>Lot 1 Section 28 Township 23 ODYD Plan 27206</td>
<td>3308 Slater Road</td>
<td>004-854-594</td>
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</table>
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 11th 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

_____________________________________________________________ Mayor

_____________________________________________________________ City Clerk
# Schedule A

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

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<td>1</td>
<td>Lot A Section 4 Township 23 ODYD Plan 29850</td>
<td>155 Snowsell Street</td>
<td>004-142-071</td>
<td>RR3 - Rural Residential 3 zone</td>
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CITY OF KELOWNA

BYLAW NO. 11768

LUCT18-0005
Early Termination of Land Use Contract - LUC76-1063
841 Tronson Court

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 11th 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

________________________________________
Mayor

________________________________________
City Clerk
Schedule A

Land Use Contract: LUC76-1063
Charge Number: M7576

<table>
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<tr>
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<td>1</td>
<td>Lot A Section 29 Township 26 ODYD Plan 27577</td>
<td>841 Tronson Court</td>
<td>004-794-583</td>
<td>RU1 - Lage Lot Housing zone</td>
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</table>
CITY OF KELOWNA

BYLAW NO. 11769

LUCT18-0009
Early Termination of Land Use Contract – LUC77-1052
373 & 379 Yates Road

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 11th 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

______________________________  Mayor

______________________________  City Clerk
**Schedule A**

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

<table>
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<th>Legal Description</th>
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<td>1</td>
<td>Lot A Section 32 Township 26 ODYD Plan 29878</td>
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<td>RU1 - Large Lot Housing zone</td>
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<td>Lot B Section 32 Township 26 ODYD Plan 29878</td>
<td>379 Yates Road</td>
<td>004-125-584</td>
<td>RU1 - Large Lot Housing zone</td>
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CITY OF KELOWNA

BYLAW NO. 11772
Z18-0033 – 240, 250 & 260 Nickel Rd

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 4th 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

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

___________________________________________________________________________ Mayor

___________________________________________________________________________ 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

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 11th 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

__________________________________
Mayor

__________________________________
City Clerk
CITY OF KELOWNA

BYLAW NO. 11785
Z17-0098 – 2025 Begbie Rd, 225 Clifton Road N & (W of) Union Road

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

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

1. THAT 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 11th 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

__________________________________ Mayor

__________________________________ City Clerk
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):

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<th>Sunday</th>
<th>Monday</th>
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<tr>
<td>Patio</td>
<td>11:00 pm</td>
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<td>11:00 pm</td>
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</table>
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
The **Patio**
has a net floor area of **5.7 m²**. The maximum occupant load shall be **60 persons**, based on法定 occupancy.

The **Liquor Service Area**
has a net floor area of **98 m²**. The maximum occupant load shall be **30 persons**, based on法定 occupancy.
**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. BC0880427

**Address:** 1033 Richter Street

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

**Subject:** Liquor License Application

**Existing OCP Designation:** IND – Industrial

**Existing Zone:** I2 – General Industrial

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### 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. BC0880427 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):

<table>
<thead>
<tr>
<th></th>
<th>Sunday</th>
<th>Monday</th>
<th>Tuesday</th>
<th>Wednesday</th>
<th>Thursday</th>
<th>Friday</th>
<th>Saturday</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open</td>
<td>10:00 am</td>
<td>10:00 am</td>
<td>10:00 am</td>
<td>10:00 am</td>
<td>10:00 am</td>
<td>10:00 am</td>
<td>10:00 am</td>
</tr>
<tr>
<td>Close</td>
<td>11:00 pm</td>
<td>11:00 pm</td>
<td>11:00 pm</td>
<td>11:00 pm</td>
<td>11:00 pm</td>
<td>11:00 pm</td>
<td>11:00 pm</td>
</tr>
</tbody>
</table>

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
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 90m² to 114.5m²;

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 90m² to 114.5m². 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

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>ZONE REQUIREMENTS</th>
<th>PROPOSAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Lot/Subdivision Regulations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Area</td>
<td>550m²</td>
<td>804.6m²</td>
</tr>
<tr>
<td>Lot Width</td>
<td>16.5m</td>
<td>22.0m</td>
</tr>
<tr>
<td>Lot Depth</td>
<td>30.0m</td>
<td>36.56m</td>
</tr>
<tr>
<td>Development Regulations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height</td>
<td>4.8m</td>
<td>4m</td>
</tr>
<tr>
<td>Front Yard</td>
<td>9.0m</td>
<td>9.18m from carriage house to property line.</td>
</tr>
<tr>
<td>Side Yard (east)</td>
<td>1.5m</td>
<td>7.1m</td>
</tr>
<tr>
<td>Side Yard (west)</td>
<td>1.5m</td>
<td>1.5m</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>1.5m</td>
<td>1.5m</td>
</tr>
<tr>
<td>Building Footprint</td>
<td>90m²</td>
<td>114.5m²</td>
</tr>
</tbody>
</table>

*Variance request for increase to building footprint.*
5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ 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.² 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

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).
² 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 90m² to 114.5m²;

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.
CITY OF KELOWNA

MEMORANDUM

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 90m2 to 114.5m2, does not compromise any municipal services.

James Kay
James Kay, P.Eng.
Development Engineering Manager

agm