

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, February 25, 2020

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 - 10

Public Hearing - February 4, 2020
Regular Meeting - February 4, 2020
4. **Bylaws Considered at Public Hearing**
 - 4.1 **BL11970 (TA19-0004) - Amendment to Section 7 of Zoning Bylaw No. 8000 - Landscaping & Screening** 11 - 13

To give Bylaw No. 11970 second and third reading to consider amendments to Section 7 - Landscaping & Screening of Zoning Bylaw No 8000.
 - 4.2 **Gallagher Rd 2975, BL11983 (TA19-0017) - David Geen** 14 - 14

To give Bylaw No. 11983 second and third reading in order to amend Section 9 - Specific Use Regulations of Zoning Bylaw No. 8000.
 - 4.3 **Coronation Ave 1028, 1036, 1044 BL11731 (Z17-0117) - 1136605 BC Ltd., Inc No. BC1136605** 15 - 15

To give Bylaw No. 11731 second and third reading to rezone the subject property from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone.
 - 4.4 **Gordon Dr 5100, BL11977 (OCP-19004) - Trailhead Communities Ltd.** 16 - 17

To give Bylaw No. 11977 second and third reading and adopt in order to change the future land use designation to PARK – Major Park/Open Space (Public) and MRC – Multiple Unit/Residential - Cluster Housing.

- 4.5 Gordon Dr 5100, BL11978 (Z19-0103) - Trailhead Communities Ltd.** 18 - 19
- To give Bylaw No.11978 second and third reading and adopt in order to rezone the subject property to RH3 – Hillside Cluster Housing, RU2h – Medium Lot Housing (Hillside Area), and P3 – Parks and Open Space.
- 4.6 Pandosy St 2660, BL11980 (Z19-0129) - Southgate Centre Holdings Inc., Inc.No. BC1077192** 20 - 20
- To give Bylaw No. 11980 second and third reading in order to rezone the subject property from the C4 – Urban Centre Commercial zone to the C4rcs – Urban Centre Commercial (Retail Cannabis Sales) zone.
- 4.7 Cawston Ave 640-650 & Richter St 1284-1292, BL11982 (OCP20-0002) - 1145287 B.C. LTD., Inc. No. BC1145287** 21 - 21
- To give Bylaw No. 11982 second and third reading in order to amend the Official Community Plan to change the future land use designation of the subject properties from MRM – Multiple Unit Residential Medium Density to MXR – Mixed Use Residential / Commercial.
- 4.8 Cawston Ave 640-650 & Richter St 1284-1292, BL11984 (Z19-0126) - 1145287 B.C. LTD., Inc. No. BC1145287** 22 - 22
- To give Bylaw No. 11984 second and third reading in order to rezone the subject properties from the RU2 – Medium Lot Housing zone to the C7 – Central Business Commercial zone.
- 4.9 Cadder Ave 338, BL11987 (Z19-0120) - Daniel Konrad** 23 - 23
- To give Bylaw No. 11987 second and third reading in order to rezone the subject property from the RU1 – Large Lot Housing zone to RU1c – Large Lot Housing with Carriage House zone.

5. Liquor License Application Reports

Mayor to invite anyone in the public gallery who deems themselves affected by the liquor license application to come forward.

- 5.1 Appaloosa Rd 1-3314, LL19-0034 - 1124770 B.C. Ltd., Inc. No. BC1124770** 24 - 32
- ITEM WITHDRAWN BY APPLICANT. TO BE RESCHEDULED.

6. Gaming Facility Change Application

Mayor to invite anyone in the public gallery who deems themselves affected by the gaming application to come forward.

6.1	Springfield Rd 1585, LL19-0036 - Springfield Plaza Inc., Inc. No. BCo479374	33 - 38
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To allow a substantial change to an existing gaming facility by introducing live table games.

7. Development Permit and Development Variance Permit Reports

Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward for each item.

7.1	Hazell Rd 714, DVP19-0222 - Brian and Catherine Reardon	39 - 48
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To vary the minimum lot depth for two lots in a proposed subdivision.

7.2	Clifton Rd 655, DVP19-0234 - Lee Emond	49 - 54
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To vary the front yard setback for an accessory building from 9.0m required to 6.1m proposed on the subject property.

7.3	Beach Ave 377, DVP20-0005 - Sarah L. MacLeod	55 - 63
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To vary a rear yard setback from 7.5m to 5.67m on the subject property.

8. Reminders

9. Termination



City of Kelowna Public Hearing Minutes

Date: Tuesday, February 4, 2020
 Location: Council Chamber
 City Hall, 1435 Water Street

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

Members Absent Councillors Maxine DeHart and Ryan Donn

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton; Planner Specialist, Wesley Miles; Planner, Hailey Rilkoff; Legislative Coordinator (Confidential), Clint McKenzie

(* Denotes partial attendance)

1. 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.

2. Individual Bylaw Submissions

2.1 Stockley St 1075, Z19-0057 (BL11968) - Melcor Lakeside Inc.

Councillor Sieben was absent from the public hearing for item 2.1 and consequently did not vote on the bylaw.

Staff:

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

Andrew Bruce, Melcor Lakeside Inc. Applicant

- Reviewed the master development plan for Bluesky.
- Reviewed the vision for the subject property and number of units.
- The development will offer fee simple ownership individually owned fee simple lots and homes.
- Reviewed design drawings and sierra wall design being used.
- Confirmed geotechnical investigations completed.
- Reviewed cross sections of the grading.

- Reviewed wall elevations.
- Reviewed pictures of previous finished slopes.
- Highlighted parking plan and setbacks of parking.

Responded to questions from Council.

- Answered a question regarding construction blasting and reviewed the pre-blast survey.

- Confirmed engineered structural walls will be used, which will be part of the structural grading not the landscaping plan.

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

Gallery:

Sid Molenaar, Stockley Street

- Concerned with the stability of the slopes in the area.
- Concerned blasting will shake the entire sidehill with over 50 units already in place.
- Concerned with limited parking and snow removal.
- Spoke to Cypress Hill strata and issues they are having.

Councillor Sieben joined the meeting at 6:23 p.m.

Kerry Heinrich, Stockley Street

- Concerned with blasting and damage it can create.
- Spoke to urban sprawl and park in the area.
- Requested Council work with the applicant on developing more park land in the area and less development.
- Concerned with adverse effects with blasting to the existing houses in the area.
- In favour of changing the zoning but against the blasting.

Andrew Bruce, Applicant

- Spoke to the nature of the geology in the area and common practices for geotechnical engineers with rock cuts and blasting.
- Spoke to the zoning trade-offs in the area and joint projects with the City to create trails in the area.
- Spoke to percentage of the site needing to be blasted. They are also willing to look at alternatives to blasting.
- Would create walkway to connect existing trail.

Responded to questions from Council.

Staff:

- Responded to questions from Council.
- Spoke to the primary and secondary liability for the construction of the development being the developer and/or contractor's responsibility.

There were no further comments.

2.2 McCurdy Rd 1085, Z19-0110 (BL11969) - Amandeep & Manpreet Singh

Staff:

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

Grant Maddock, Protech Consulting, Applicant

- Available for questions.

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

No one from the gallery came forward.

2.3 Nickel Rd 300, Z19-0104 (BL11972) - Okanagan Valley Construction Ltd., Inc. No. BCo665697

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The Applicant was not present.

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

No one from the gallery came forward.

2.4 Vaughan Ave 760, TA19-0019 (BL11973) - 760 Vaughan Inc., Inc. No. BC1148021

Councillor Sieben declared a conflict as he provides insurance for the applicant and left the meeting at 6:47 pm.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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 from Council.

No one from the gallery came forward.

Councillor Sieben returned to the meeting at 6:52 p.m.

2.5 Speer St 2257-2263, Z19-0102 (BL11974) - Jesse David East and John Thomas Hodges

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Birte Decloux, Urban Options Planning & Permits, Applicant's Agent

- Displayed a PowerPoint presentation highlighting how the proposal is consistent with land use and zoning in the area.
- Reviewed other development proposals in the area including those attached to the hospital.
- Spoke to support to the hospital in terms of residential uses.
- Spoke to the variances being requested.

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

Gallery:

Volera Jones, Speer Street

- Not opposed to the application. Not sure this is the best project for the site.
- There are limited areas where the hospital is able to expand.

Vincent Jones, Speer Street

- Not opposed; but has significant concerns with the development.

- Centralized to the hospital zone limits the future development of the zone. Concerned it will block future development of the hospital.
- Concerns with traffic flow and parking with more vehicles in the area.

Staff:

- Responded to questions from Council.

Confirmed how the Hospital District 2 boundaries were created and the long-term plan for the area.

There were no further comments.

2.6 Mugford Rd 550, Z19-0122 (BL11975) - Dr. A Ravindran Inc., Inc. No. B.C. 0814175

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Jessie Alexander, New Town Architecture, Applicant

- Spoke to the zoning density being sought and taking a modest approach to the development.

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

No one from the gallery came forward.

3. Termination

The Hearing was declared terminated at 7:15 p.m.

Mayor Basran

/cm

Deputy City Clerk



City of Kelowna Regular Meeting Minutes

Date: Tuesday, February 4, 2020
Location: Council Chamber
City Hall, 1435 Water Street

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

Members Absent Councillors Maxine DeHart and Ryan Donn

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton; Planner Specialist, Wesley Miles; Planner, Planner Specialist Adam Cseke; Hailey Rilkoff*; Legislative Coordinator (Confidential), Clint McKenzie

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:26 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Sieben.

3. Confirmation of Minutes

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0094/20/02/04 THAT the Minutes of the Public Hearing and Regular Meeting of January 21, 2020 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

Councillor Sieben was absent from the Public Hearing for Item 4.1 and consequently did not vote on the bylaw.

4.1 Stockley St 1075, BL11968 (Z19-0057) - Melcor Lakeside Inc.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0095/20/02/04 THAT Bylaw No. 11968 be read a second and third time.

Carried

4.2 McCurdy Rd 1085, BL11969 (Z19-0110) - Amandeep & Manpreet Sidhu

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R0096/20/02/04 THAT Bylaw No. 11969 be read a second and third time.

Carried

4.3 Nickel Rd 300, BL11972 (Z19-0104) - Okanagan Valley Construction Ltd., Inc. No. BC0665697

Moved By Councillor Wooldridge/Seconded By Councillor Given

R0097/20/02/04 THAT Bylaw No. 11972 be read a second and third time.

Carried

4.4 Vaughan Ave 760, BL11973 (TA19-0019) - 760 Vaughan Inc., Inc. No. BC1148021

Councillor Sieben declared a conflict as he provides insurance services to the applicant and left the room at 7:31 p.m.

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0098/20/02/04 THAT Bylaw No. 11973 be read a second and third time and be adopted.

Carried

Councillor Sieben returned to the meeting at 7:32 p.m.

4.5 Speer St 2257-2263, BL11974 (Z19-0102) - Jesse David East and John Thomas Hodges

Moved By Councillor Sieben/Seconded By Councillor Stack

R0099/20/02/04 THAT Bylaw No. 11974 be read a second and third time.

Carried

4.6 Mugford Rd 550, BL11975 (Z19-0122) - Dr. A Ravindran Inc., Inc. No. B.C. 0814175

Moved By Councillor Stack/Seconded By Councillor Sieben

R0100/20/02/04 THAT Bylaw No. 11975 be read a second and third time.

Carried

5. Liquor License Application Reports

5.1 Wallace Hill Rd 4380 - 4400, LL19-0010 - Blair Wilson

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Blair Wilson, Applicant

- Responded to questions from Council.
- Reviewed products made on-site from local fruit.

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

No one from the Gallery came forward.

Moved By Councillor Sieben/Seconded By Councillor Singh

R0101/20/02/04 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 Forbidden Spirits Distilling Co. for a Lounge and Patio for Lot 2 District Lot 360 ODYD Plan 39632 located at 4380-4400 Wallace Hill Road, Kelowna, BC, for the following reasons;
 - a. the requested change of hours introduces maximum person capacity for patio and lounge addition.
2. Council's comments on the views of residents are as contained within the minutes of the meeting at which the application was considered by Council. A sign was posted on the property notifying neighbours 10 days in advance of the Council meeting. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures."

Carried

5.2 Richter St 1080-1090 - LL19-0033 - Bromaxx Property Group Ltd., Inc No. BC1021305

Councillor Sieben declared a conflict on Items 5.2 and 6.1 as his business is within proximity and he also has financial interest in a business at 1481 Water Street and left the meeting at 7:38 p.m.

Staff:

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

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 from Council.

No one from the Gallery came forward.

Moved By Councillor Wooldridge/Seconded By Councillor Stack

R0102/20/02/04 THAT Council directs Staff to forward the following recommendation to the Provincial Liquor & Cannabis Regulation Branch (LCRB):
In accordance with Section 53 of the *Liquor Control and Licensing Regulation* and Council Policy #359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Red Bird Brewing for Lot 1, District Lot 139, ODYD, Plan 7858, located at 1080-1090 Richter St, Kelowna, BC, for a manufacturer lounge and special event area endorsement license with a capacity of 79 persons for License Number 307477.
2. That Council's comments on the prescribed considerations are as follows:
 - a. The location of the lounge/special event area:

The property is located adjacent to Recreation Avenue Park but is not in close proximity to any residential uses other than 740 Clement Ave (zoned for mixed-use residential/commercial)

which is located approximately 160.0 m to the south. There are a number of other existing breweries and distilleries within the area. The location of the subject property is suitable for a lounge/special event area and the impacts from this use are considered to be minimal.

- b. The proximity of the lounge/special event area to other social or recreational facilities and public buildings:

The subject property is located adjacent to Recreation Avenue Park which includes recreational facilities and public buildings. The potential for negative impacts on the adjacent park is considered to be minimal.

- c. The person capacity of the lounge/special event area:

The maximum person capacity of the existing licensed areas are as follows: lounge area (indoor) – 30 persons and lounge area (outdoor patio) – 10 persons for a total of 40 persons. The applicant is proposing to increase the lounge area (indoor) from 30 to 60 persons and the lounge area (outdoor patio) from 10 to 19 persons for a total of 79 persons.

- d. Traffic, noise, parking and zoning

The existing Red Bird business has been in operation since 2017 and has not generated any traffic, noise or zoning complaints. One issue was reported to Bylaw with respect to parking but has since been resolved. The impacts to traffic, noise, parking and zoning are considered to be minimal, even with a larger lounge/special event capacity.

- e. The impact on the community if the application is approved:

The potential for negative impacts is considered to be minimal.

3. Council's comments on the view of the residents are 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".

Carried

6. Development Permit and Development Variance Permit Reports

6.1 Queensway 289, DP19-0237 DVP19-0238 - 1324632 Alberta Inc., Inc No. A72431

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Gail Temple, Westcorp Properties, Applicant

- Provided a PowerPoint presentation summarizing the project status and application.
- March 25th they will be announcing the hotel brand partner and presentation beta suite will be at 327 Bernard Avenue.
- Reviewed features of the development and architecture.
- Reviewed the variances for the application.
- Reviewed the increase in the Floor Area Ratio due to the reclassification of space.
- Reviewed the reduction in the height of the proposed tower.
- Presented a video of the proposed landscaping and building.

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

No one from the Gallery came forward.

Moved By Councillor Given/Seconded By Councillor Wooldridge

Ro103/20/02/04 THAT Council authorizes the issuance of Development Permit No. DP19-0237 for Lot 1, District Lot 139, ODYD, Plan EPP77920, located at 289 Queensway, 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;
5. That the outstanding conditions set out in Attachment "A" attached to the Report from the Community Planning Department dated February 20th 2017;
6. A maintenance agreement with associated bonding be signed and submitted with the City of Kelowna to ensure the upgraded off-sites improvements along Queensway and Water St are provided for and maintained for in perpetuity.

AND THAT Council authorize the issuance of Development Variance Permit DVP19-0238 for Lot 1, District Lot 139, ODYD, Plan EPP77920, located at 289 Queensway, Kelowna, BC, subject to the following:

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

Section 14.7.5 (h)l C7 – Central Business Commercial Development Regulations.

To vary the maximum height of a building before a 3 metre setback is required from 16 metres to 18.8 metres as per A-3.16 drawing attached to Schedule 'A'.

Section 14.7.5 (h)iii C7 – Central Business Commercial Development Regulations.

To vary the maximum floorplate for any building above 16.0m from 1,221m² to 3,130m² as per A-3.18 drawing attached to Schedule 'A'.

Section 14.7.5 (b) C7 – Central Business Commercial Development Regulations.

To vary the maximum height of a building from 76.5 metres permitted to 127 metres proposed.

Section 8 Parking and Loading – Table 8.4 Minimum Loading Required

To vary the number of loading spaces from 8 spaces to 3 spaces.

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

AND THAT the applicant be required to complete the following conditions prior to a building permit being issued:

1. That a subdivision be registered with the land titles office completing the land exchange and lane dedication;
 - a. As part of the new registered plans, the vehicular right-of-way and turn around within the lane be amended to reflect the updated plans; and
 - b. A statutory right-of-way be registered on the property guaranteeing public access between the proposed building and Queensway / Kerry Park.
2. That a license of occupation be signed by the City of Kelowna to permit the canopy encroachments across the property lines.
3. That a license of occupation be registered for the Hotel permitting the portions of Queensway to be used for Hotel purposes such as valet services.

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

Carried
Councillor Hodge - Opposed

7. Reminders – Nil.

8. Termination

The meeting was declared terminated at 8:10 p.m.

Mayor Basran

/cm



Deputy City Clerk

DRAFT

CITY OF KELOWNA
BYLAW NO. 11970
TA19-0004 – Section 7 Landscaping & Screening

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000, **Section 7 – Landscaping and Screening, 7.1 Required Landscaping, 7.1.1** be deleted and replaced with:

"The minimum level of **landscaping** required in each **zone** along all front, rear and **side yards** shall be determined from the **Minimum Landscape Buffer Treatment Levels Schedule (Table 7.1)** and **landscaping** details entitled Minimum Landscape Buffer in Section 7.6;"
2. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 7 – Landscaping and Screening, 7.1 Required Landscaping, Landscaping Standards 7.2.2** be deleted and replaced with:

"Required landscape buffers in Section 7.6 shall be continuous along the affected property boundaries, except that they may be interrupted only by walkways and driveways providing access to the property and running perpendicular to the property line;"
3. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 7 – Landscaping and Screening, 7.2 Landscaping Standards, 7.2.10** be deleted and replaced with:

"Urban plazas are permitted as a substitute for a **front yard** or **side yard street** landscape buffers according to the provisions of Section 7.4 and Section 7.6;"
4. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 7 – Landscaping and Screening, 7.5 Fencing and Retaining Walls, 7.5.3** be deleted and replaced with:

"No **fence** constructed at the **natural grade** in rural residential or **residential zones** shall exceed 2.0 m in **height**, except where **abutting** an **agricultural** or **commercial zone**, the maximum **height** is 2.4 m. Where fences are constructed adjacent to the front lot line or a flanking street, the maximum fence height shall be 1.06 m;
5. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 7 – Landscaping and Screening, 7.6 Minimum Landscape Buffers, 7.6.1(b)** be deleted and replaced with:

"**Level 2:** a minimum 3.0 m landscape buffer is required to separate **uses** from **adjacent** properties;"
6. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 7 – Landscaping and Screening, 7.6 Minimum Landscape Buffers, 7.6.1(c)** be deleted and replaced with:

"**Level 3:** a minimum 3.0 m landscape buffer is required to separate **uses** from **adjacent** properties. The buffer will consist of a vegetative buffer and may include a continuous barrier;"
7. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 7 – Landscaping and Screening, 7.6 Minimum Landscape Buffers, 7.6.1(d)** be deleted and replaced with:

"**Level 4:** a minimum 3.0 m landscape buffer is required to separate **uses** from **adjacent** properties. The buffer will consist of coniferous tree species or native vegetation to provide a continuous opaque screen for parking areas; and;"

8. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 7 – Landscaping and Screening, 7.6 Minimum Landscape Buffers, 7.6.1(f)** be added as follows:

“Level 6: a minimum 3.0 m landscape buffer is required along all **lot lines abutting** a Future Land Use designation of Transportation Corridor (TC) in the **Official Community Plan**.

The minimum landscape buffer will include trees which are to be planted every 10.0 m on center within the landscape buffer area. Without limiting Section 7.5.5, any fencing within the minimum landscape buffer must be a black chain link fence, or other materials approved by the Divisional Director of Planning and Development Services, with a maximum height of 2.0 m and with a minimum of one pedestrian access gate along the **lot line** abutting the TC designation. The fence is to be located at least 0.15 m from the **lot line** abutting the TC designation. The pedestrian gate will be a minimum 1.6 m wide and may be lockable and controlled by the subject property owner.

Only where the bylaw requires a continuous opaque barrier may the chain link fence be substituted for the opaque barrier and a minimum of one pedestrian access gate is required within an opaque barrier.

Lands within the Agricultural Land Reserve and lots zoned P3 – Parks and Open Space are exempt from Level 6 requirements;”

9. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 7 – Landscaping and Screening, Table 7.1 – Minimum Landscape Buffer Treatment Levels Schedule** be amended, by adding in its appropriate location the following column heading:

Location	Front or Flanking Yard	Rear Yard	Side Yard	Urban Plaza Permitted (see 7.4)

10. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 7 – Landscaping and Screening, Table 7.1 – Minimum Landscape Buffer Treatment Levels Schedule** be amended, by adding in its appropriate location the following text:

Location	Front or Flanking Yard	Rear Yard	Side Yard	Urban Plaza Permitted (see 7.4)
All lots abutting a Future Land Use designation of Transportation Corridor (TC)	6			

11. AND FURTHER THAT City of Kelowna Zoning Bylaw No. 8000, **Section 7 – Landscaping and Screening** be amended, by deleting **Diagram 7.3, 7.4, 7.5 and 7.6**.

12. 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 27th day of January, 2020.

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. 11983
TA19-0017 – 2975 Gallagher 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 **Section 9 Specific Use Regulations, 9.13.4 Site Specific Regulations** be amended, by adding in its appropriate location the following:

“

	<i>Legal Description</i>	<i>Civic Address</i>	<i>Regulation</i>
	Lot A, Section 12, Township 26, ODYD, Plan EPP71625 located at 2975 Gallagher Drive, Kelowna, BC to existing table: 'Regulations apply for Temporary Farm Worker Housing on a site-specific basis as follows:' Notwithstanding section 9.13.2(a) TFWH Footprint Size, the TFWH footprint may not exceed 0.95 ha for structures to accommodate a maximum of 130 temporary farmworkers.	2975 Gallagher Drive, Kelowna, BC	The following regulations shall apply to this farm unit only. Notwithstanding section 9.13.2(a) TFWH Footprint Size, the TFWH footprint may not exceed 0.95 ha for structures to accommodate a maximum of 130 temporary farmworkers.

”

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 3rd day of February, 2020.

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. 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, 2019.

Considered at a Public Hearing on the 29th day of January, 2019.

Read a second and third time by the Municipal Council on the 29th day of January, 2019.

Rescind second and third reading on the 3rd day of February, 2020.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council on the

Adopted by the Municipal Council of the City of Kelowna on the

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11977

Official Community Plan Amendment No. OCP19-0002 5100 Gordon 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 Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* – Official Community Plan Bylaw No. 10500" be amended by changing the Future Land Use designation of portions of The South ½ District Lot 579 SDYD Except Plans KAP77336, KAP86178, KAP86917, KAP87090, KAP87918, EPP9619, EPP9638, EPP12863, EPP15721, EPP18670, EPP22118, EPP55798, EPP45189, EPP72926, EPP74481 AND EPP77194 located on Gordon Drive, Kelowna, BC from the following as shown on Map "A" attached to and forming part of this bylaw:
 - a.) Major Park / Open Space (public) (PARK) designation to the Multiple Unit Residential- Cluster Housing (MRC) designation;
 - b.) Multiple Unit Residential- Cluster Housing (MRC) designation to the Major Park / Open Space (public) (PARK) designation.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 3rd day of February, 2020.

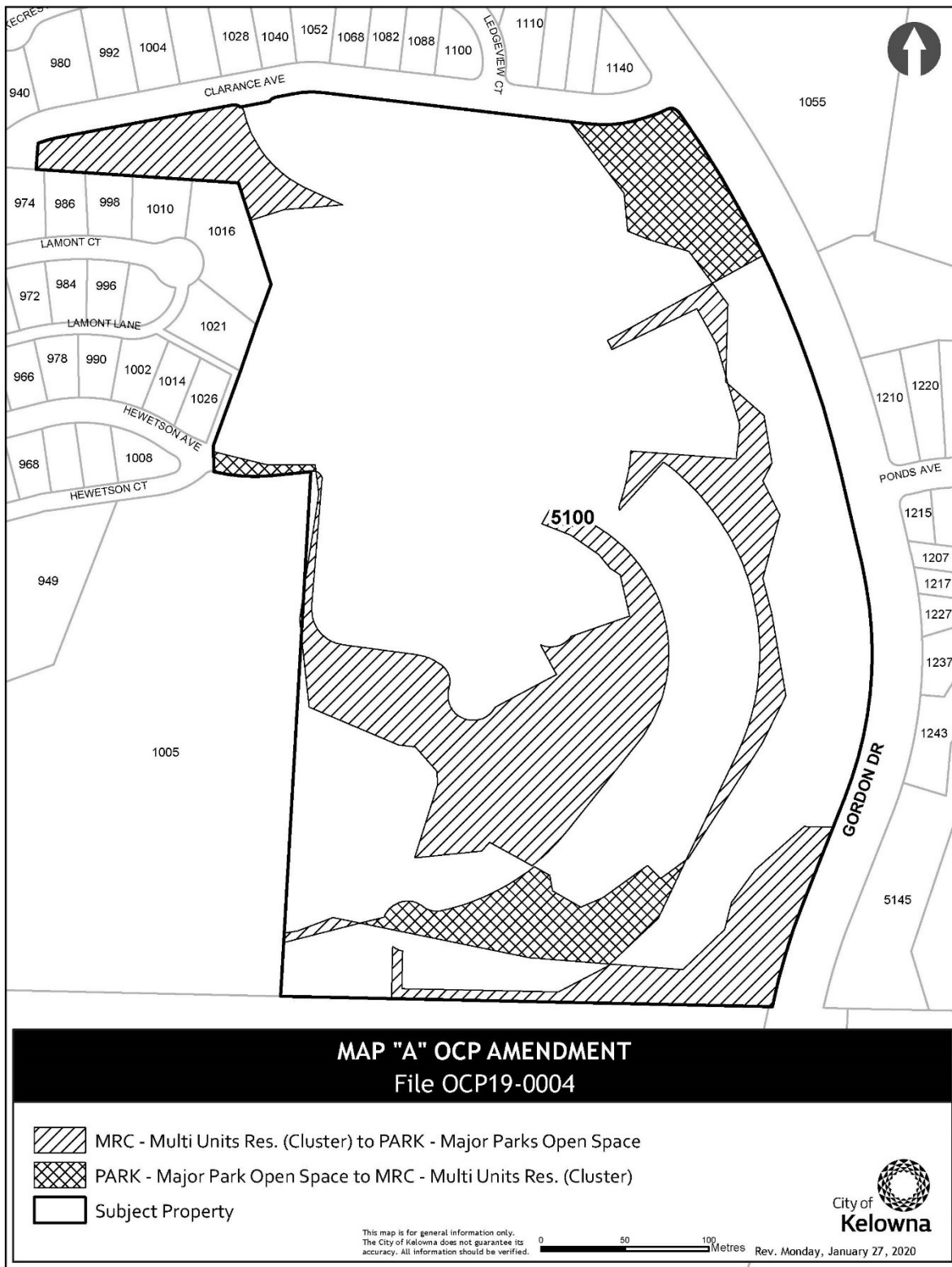
Considered at a Public Hearing on the

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. 11978
Z19-0103 – 5100 Gordon Drive

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 a portion of The South ½ District Lot 579 SDYD Except Plans KAP77336, KAP86178, KAP86917, KAP87090, KAP87918, EPP9619, EPP9638, EPP12863, EPP15721, EPP18670, EPP22118, EPP55798, EPP45189, EPP72926, EPP74481 AND EPP77194 located on Gordon Drive, Kelowna, BC, from the A1 – Agriculture zone to the RH3 – Hillside Cluster Housing zone, RU2h – Medium Lot Housing (Hillside Area) zone and the P3- Parks and Open Space zone as per Map "B" attached to and forming part of this 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 3rd day of February, 2020.

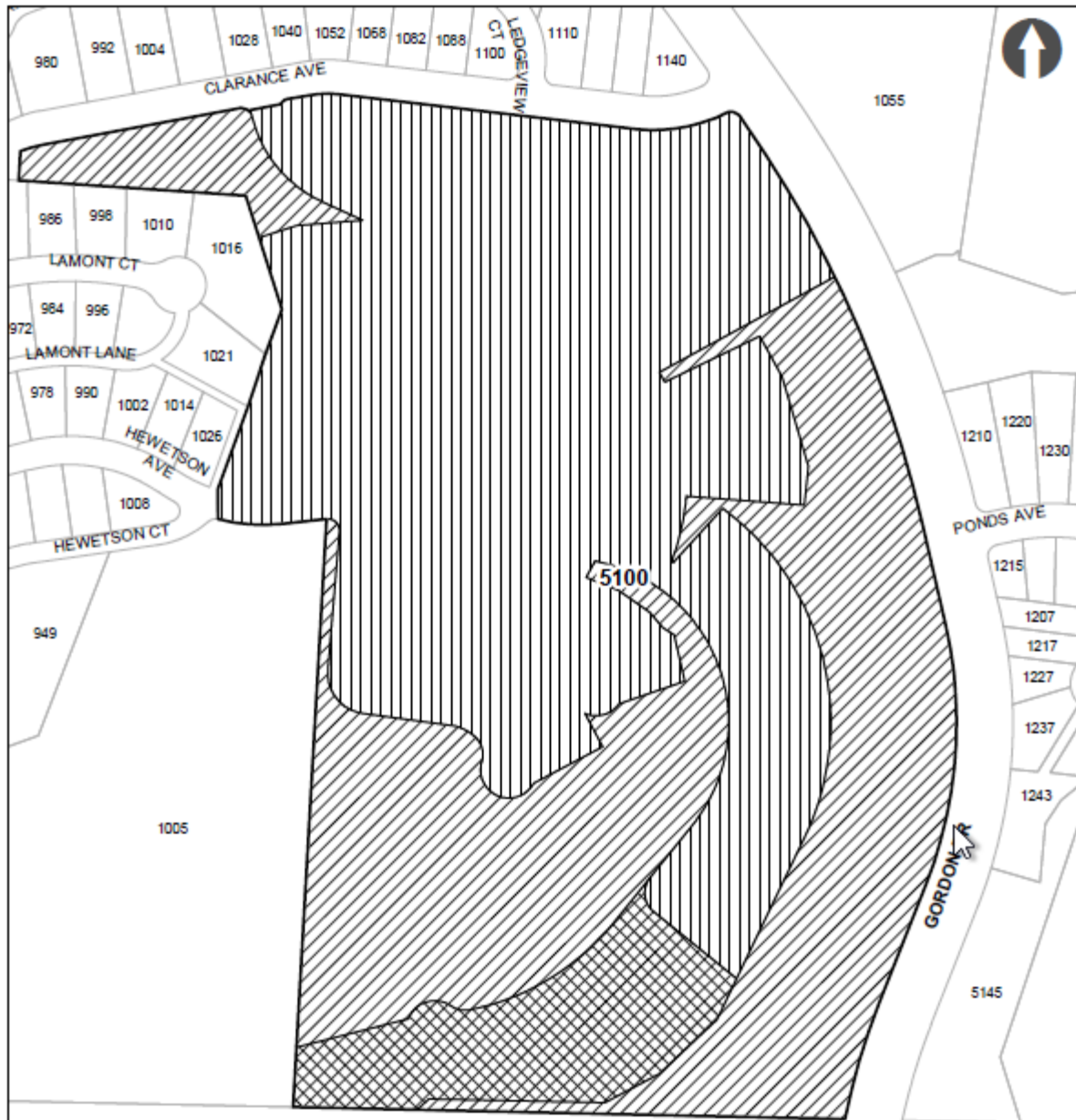
Considered at a Public Hearing on the

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



MAP "B" PROPOSED ZONING **File Z19-0103**

-  Subject Property
-  A1 - Agriculture to P3 - Parks and Open Space
-  A1 - Agriculture to RH3 - Hillside Cluster Housing
-  A1 - Agriculture to RU2H - Medium Lot Housing (Hillside Area)

This map is for general information only.
The City of Kelowna does not guarantee its
accuracy. All information should be verified.

0 37.5 75 Metres



Rev. Monday, January 27, 2020

CITY OF KELOWNA
BYLAW NO. 11980
Z19-0129 – 2660 Pandosy St

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A District Lot 14 ODYD Plan 33506, located on Pandosy Street, Kelowna, BC from the C4 – Urban Centre Commercial zone to the C4rcs – Urban Centre Commercial (Retail Cannabis Sales) 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 3rd day of February, 2020.

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. 11982

Official Community Plan Amendment No. OCP20-0002 640, 650 Cawston Avenue & 1284-1292 Richter Street

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "Kelowna 2030 – Official Community Plan Bylaw No. 10500" be amended by changing the Future Land Use designation of The East ½ of Lot 19 District Lot 139 ODYD Plan 1037; Lot 18 District Lot 139 ODYD Plan 1037; Lot 17 District lot 139 ODYD Plan 1037; Lot A District Lot 139 ODYD Plan KAP68057; Lot 16 District Lot 139 ODYD Plan 1037; The South ½ of Lot 15 District Lot 139 ODYD Plan 1037; and Road Plan 1037 EPP99502, located on Cawston Avenue and Richter Street, Kelowna, BC from the MRM – Multiple Unit Residential Medium Density designation to the MXR – Mixed Use Residential / Commercial designation;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 3rd day of February, 2020.

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. 11984

Z19-0126 – 640,650 Cawston Avenue & 1284 – 1292 Richter 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 The East ½ of Lot 19 District Lot 139 ODYD Plan 1037; Lot 18 District Lot 139 ODYD Plan 1037; Lot 17 District lot 139 ODYD Plan 1037; Lot A District Lot 139 ODYD Plan KAP68057; Lot 16 District Lot 139 ODYD Plan 1037; The South ½ of Lot 15 District Lot 139 ODYD Plan 1037; and Road Plan 1037 EPP99502, located on Cawston Avenue and Richter Street, Kelowna, BC from the RU2 – Medium Lot Housing zone to the C7 – Central Business Commercial 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 3rd day of February, 2020.

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. 11987
Z19-0120 – 338 Cadder 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 4, District Lot 14, Osoyoos Division Yale District Plan 3514, located on Cadder Avenue, Kelowna, BC from the RU1 – Large Lot Housing zone to 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 10th day of February, 2020.

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

REPORT TO COUNCIL



Date: February 25, 2020

To: Council

From: City Manager

Department: Development Planning

Application: LL19-0034

Owner: 1124770 B.C. Ltd., Inc. No.
BC1124770

Address: 1-3314 Appaloosa Rd

Applicant: Theresa Cashen

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 Recommendation to the Provincial Liquor and 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 Wild Ambitions Brewing Inc. (Brewery), Strata Lot 66, Section 2, Township 23, ODYD, Strata Plan KAS2842 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V, located at 1-3314 Appaloosa Road, Kelowna, BC for a manufacturer lounge for the hours of 9:00AM to 11:00PM Monday to Sunday;
2. Council's comments on LCRB's prescribed considerations are as follows:
 - a. The proximity of the establishment to other social or recreational facilities and public buildings:
The brewery (with person capacity less than 100 persons) is located within an industrial development near the corner of Appaloosa Road and Hollywood Road North and is not located beside another liquor primary establishment.
 - b. The person capacity and hours of liquor service of the establishment:
The proposed person capacity is 30 persons inside and 48 persons on the exterior patio. Proposed hours of operation will be from 9:00AM to 11:00Pm Monday to Sunday.

- c. The impact of noise on the community in the immediate vicinity of the establishment if the application is approved:
The impact of noise on the surrounding community should be minimal as City Staff are recommending restrictions on amplified music as detailed in this report. The Brewery is located in an industrial area and will have minimal negative impact on traffic and parking, and the property is properly zoned.
- 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 views 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 consider a manufacturer's lounge endorsement liquor license to allow patrons to purchase and consume liquor products within an existing brewery.

3.0 Development Planning

Development Planning Staff generally support manufacturer lounge and special event area endorsements 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. Three components of each license application require specific consideration by Council:

1. Capacity
2. Location
3. Hours of liquor sales

1. Capacity:

The proposed capacity must not exceed the building's occupant load. In this case, the maximum capacity is 30 persons inside and 48 persons outside. The proposed capacity is consistent with the maximum occupancy load.

2. Location:

Under Council Policy # 359 (*Liquor Licensing Policy & Procedures*), this license would be considered a small sized establishment (with person capacity less than 100 persons):

- Can be located City-wide.
- Should be located a minimum of 100m from a Large or Medium establishment.
- Should not be located beside a Small establishment.

The proposal is consistent with Council Policy #359. The Brewery is located within the Mill Creek Industrial Park. Other liquor establishments within the surrounding area include "Base Camp Brewery" located at 975 Academy Way (University of BC Campus) and 948 McCurdy Rd ("McCurdy Lanes"); both are Medium establishments and are well over 1.5 km away. The subject Brewery is not located beside a small establishment.

Additionally, impact to the surrounding businesses is expected to be minimal and noise is not anticipated be an issue as the applicant will enforce the following:

- Restriction to amplified voice and music as per Good Neighbour Bylaw No. 11500;
- Music to the outdoor patio area will be off by no later than 10:00 PM; and,
- Restrict liquor service to the outdoor patio area by no later than 11:00 PM.

3. Hours of Liquor Sales:

The proposed hours of operation are supported both by Staff and the RCMP.

4. Other Requirement:

The applicant is required to meet the current Sign Bylaw regulations for the permanent signs on the building at the time of sign permit application.

4.0 **Proposal**

4.1 Background

An application has been forwarded by the licensee to the Provincial Liquor and 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

Wild Ambitions Brewing Inc. is an existing brewery proposing to include an indoor lounge and retail area, and an outdoor patio area. The capacity of the indoor seating area is 30 persons, and the capacity for the outdoor seating area is 48 persons.

The establishment intends to provide light meal options to accompany their liquor beverages. A variety of hot and cold sandwiches with a selection of locally made pastries will be available to occupants. Although entertainment is not proposed to be the focus of the establishment, occasional live music or poetry performances along with trivia or craft nights and board games are being proposed.

Proposed Hours of Sale (Manufacturer's License) for Wild Ambitions Brewing Inc.:

	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	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM

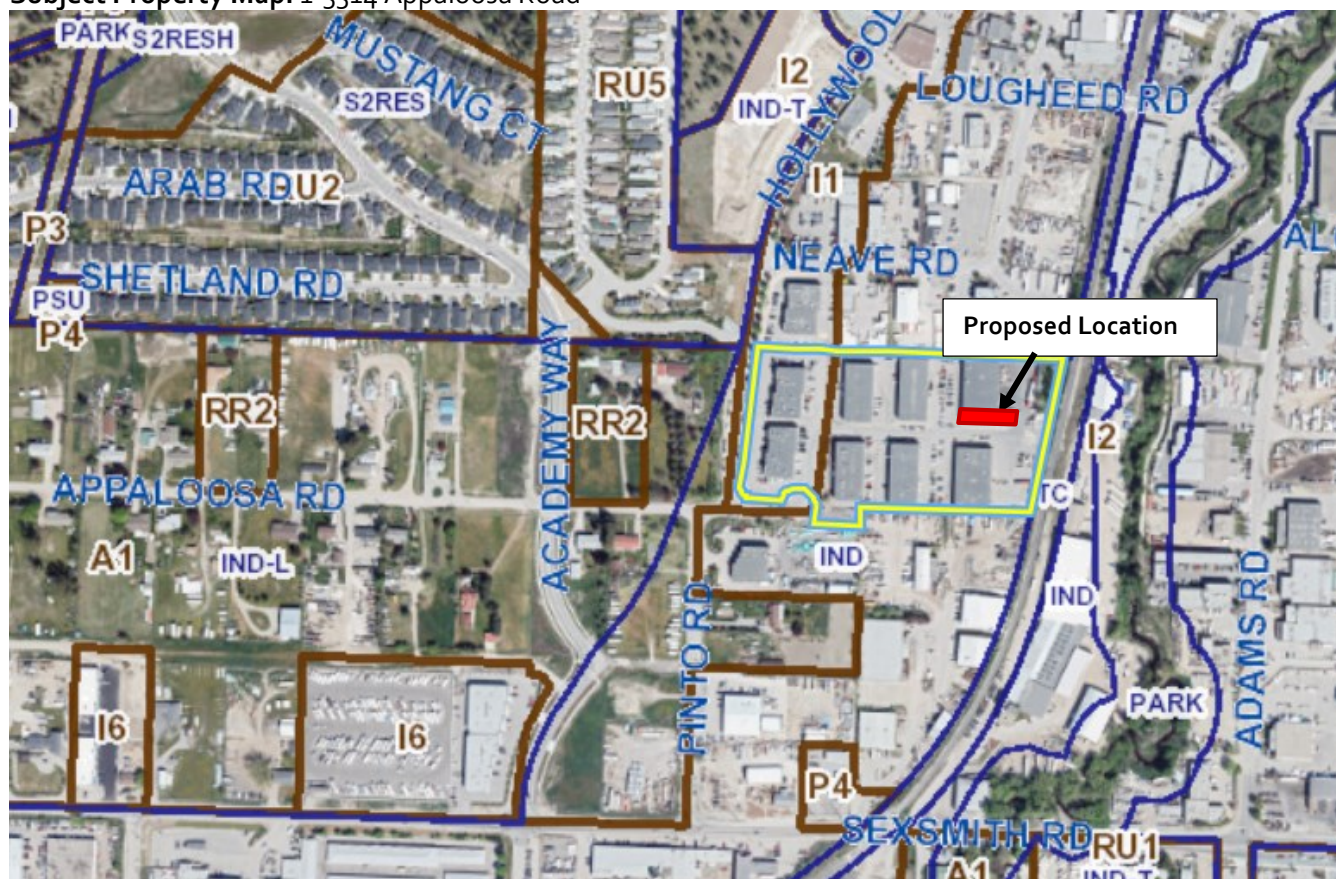
4.3 Site Context

The subject property is located in Mill Creek Industrial Park at the east end of Appaloosa Road, near the corner of Hollywood Road North and Appaloosa Road in an area of predominantly general industrial uses. The Rail Trail Transportation Corridor is located along the adjacent eastern property boundary.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I2 – General Industrial	Industrial
East	I2 – General Industrial	Industrial Rail Trail Transportation Corridor
South	I2 – General Industrial A1 – Agriculture 1	Industrial Agriculture
West	I1 – Business Industrial RR2 – Rural Residential 2	Industrial Residential

Subject Property Map: 1-3314 Appaloosa 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.
- The proposed capacity should never exceed the building's occupant load. In this case, the maximum capacity is 30 persons inside and 48 persons outside.
- Impact to the surrounding businesses is expected to be minimal and noise is not anticipated be an issue.

6.0 Technical Comments

6.1 RCMP

RCMP supports the above noted application, with restriction of hours of operation from 9:00 AM to 11:00 PM Monday to Sunday and capacity restricted to applicant's request (78 capacity), with the following additional requirements:

- Restriction to amplified voice and music as per Good Neighbour Bylaw No. 11500.

- Music to the outdoor patio area will be off by no later than 10:00 PM.
- Restrict liquor service to the outdoor patio area by no later than 11:00 PM.

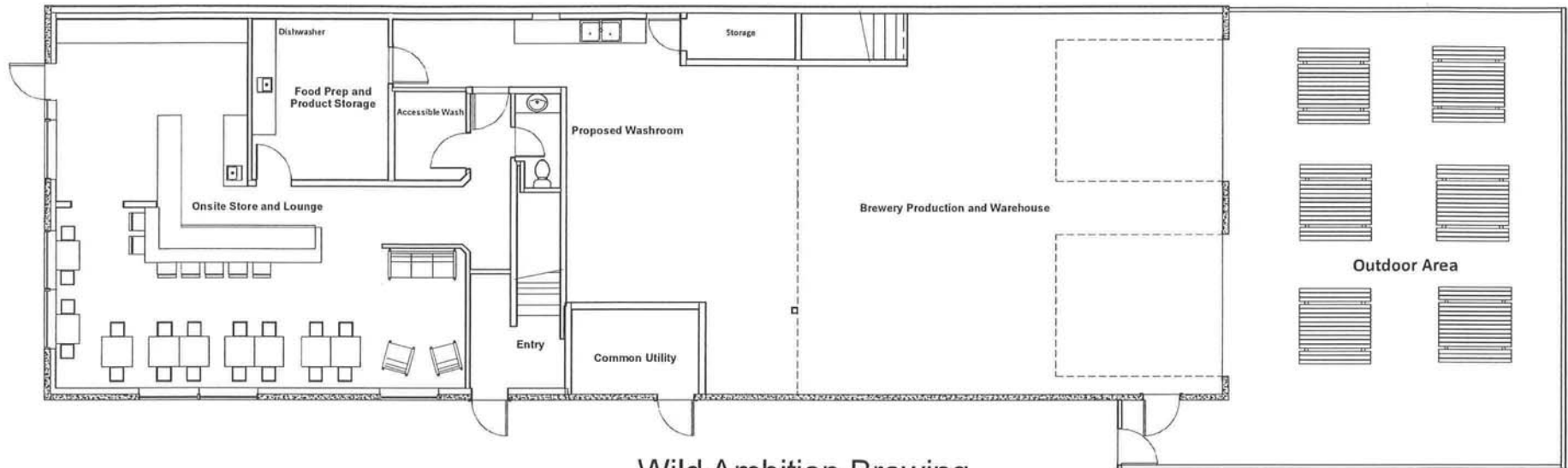
7.0 Application Chronology

Date of Application Received:	November 19, 2019
Date of Revised Floor Plans Received:	January 9, 2020
Date Revised RCMP Comments Received:	January 10, 2020

Report prepared by:	Barbara B. Crawford, Planner II
Reviewed by and Approved for Inclusion:	Terry Barton, Development Planning Department Manager

Attachments:

Attachment A – Occupant Load Drawing
Attachment B – Applicant’s Letter of Intent



Wild Ambition Brewing

1 - 3314 Appaloosa Rd
Kelowna

Application for Lounge

Revised January 8, 2020

**This review is for
occupant load ONLY.**

The LOUNGE
has a net floor area of
N/A m². The maximum
occupant load shall be
30 persons, based on
SEATING PROVIDED.

The OUTDOOR AREA
has a net floor area of
N/A m². The maximum
occupant load shall be
48 persons, based on
8 per TABLE.

Reviewed
by City of Kelowna
Inspection Services

RECEIVED
JAN 08 2020

Letter of Intent

RE: Wild Ambition Brewing Lounge Endorsement

ATTACHMENT		B
This forms part of application		
# LL19-0034		
Planner Initials	BC	 City of Kelowna DEVELOPMENT PLANNING

To Whom It May Concern,

Please find below the description of the proposed lounge for Wild Ambition Brewing at 1-3314 Appaloosa Road, Kelowna, BC.

Food

Wild Ambition intends to provide light meal options to accompany our ales. Inspired by the Belgian Brew Café model, a variety of hot and cold sandwiches with a selection of locally made pastries will service our industrial neighbourhood with well needed lunch time fare. These food options will aim to feature local ingredients and transition well to service our afternoon and evening patrons seeking a post shift meal with their beer. For non-alcoholic beverages, we intend for water and specialty sodas along with a selection of teas and coffee to be available to all guests.

Entertainment

Entertainment is not the focus of this brewery. However, we do envision a well-rounded community gathering place where locals and visitors alike can celebrate Kelowna's vibrant beer, food, and arts offerings - as well as each other! We see this taking the form of the occasional live music or poetry performance, along with trivia or craft nights, possibly accompanied by stable of board games.

Neighbourhood

The Mill Creek Industrial Park and surrounding area is composed primarily of contractor facing industrial operations. Wild Ambition would be included in a handful of other public facing businesses with manufacturing or industrial storage needs. Our neighbours primarily operate during daytime hours Monday to Friday with a few exceptions who continue their operations overnight and/or on weekends.

Potential Noise or Disturbances

Due to the existing composition of the neighbourhood, there are unlikely to be major concerns regarding potential noise or disturbances. The neighbouring businesses are already accustomed to large trucks making deliveries and the sounds of heavy machinery at all hours. Any noise produced by our patrons or entertainment offerings would likely be inconsequential.

Measures

As there is always the potential for unforeseen impacts, we will ensure that we respond to any concerns or complaints raised by any involved party and work promptly to identify a mutually agreeable solution.

Other Information

We are not expecting the transition from our existing retail shop and tasting area to retail shop and lounge to be particularly dramatic. The existing serving limit of three 125ml tasting pours disappoints our customers who would like the opportunity to sample more than three beers from our extensive beer list or have a larger serving of a single beer. Our goal is to offer them that choice in an environment that continues to promote responsible alcohol consumption with the addition of quality food service and casual entertainment.

Thank you for your time and consideration of our proposal. Please do not hesitate to reach out to me directly with any concerns.

Regards,



Theresa Cashen

Director

250-575-0787

theresa.cashen@wildambition.beer

ATTACHMENT		B
This forms part of application		
# LL19-0034		
Planner Initials	BC	 City of Kelowna DEVELOPMENT PLANNING

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 area will be completely enclosed by the existing chain link fence that borders the perimeter of the back yard of the unit. Access is either through a closable gate or via the man door at the back of the building.
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.
Service for the patio is provided through the manufacturing area of the building. Customer access is provided via the sidewalk running alongside the building
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.
The patio area will be supervised by staff physically working on the patio when busy and will be supervised by continuously monitored video when staffing is limited to the front lounge/retail shop.
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:
The patio area will be primarily serviced from the licensed interior with the option of setting up a temporary portable bar if practical for certain occasions.
5. Do servers have to carry liquor through any unlicensed areas to get to the patio? Explain:
Servers will carry liquor through the existing licensed manufacturing area to get to the patio. There will be no need to bring liquor through any unlicensed area to access 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: February 25, 2020

To: Council

From: City Manager

Department: Development Planning

Application: LL19-0036

Owner: Springfield Plaza Inc., Inc. No.
BCo479374

Address: 1585 Springfield Rd

Applicant: Chances Gaming
Entertainment

Subject: Substantial Change to an Existing Casino

Existing OCP Designation: COMM - Commercial

Existing Zone: CD16 – Bingo and Gaming

1.0 Recommendation

THAT Council directs Staff to forward the following recommendation to the British Columbia Lottery Corporation:

In accordance with Part 3 Section 19 of the *Gaming Control Act* and Council Policy #367, BE IT RESOLVED THAT:

1. Council recommends support of an application from Chances Gaming Entertainment located at 1585 Springfield Road, Kelowna, BC, legally described as Lot A District Lot 129 ODYD Plan KAP70110 for a Substantial Change to an existing Gaming Facility:
 - a. To expand the existing gaming options to include live table games which may include blackjack, baccarat, poker, roulette and other games which include a live dealer.
2. That Council's comments on the prescribed considerations are as follows:
 - a. The location of the gaming facility/ casino: Chances is located on the south side of Springfield Road beyond the boundary of the Capri Landmark Urban Centre within a mixed use area.
 - b. Traffic, noise, parking and zoning: The facility has been in operation at this location since 2002. To date, there has been negligible negative impact on traffic, noise, parking and the property is zoned appropriately.
 - c. The hours of operation of the facility will remain unchanged.

- d. The impact on the community if the application is approved: The potential for negative impact is considered to be minimal.
- e. Adjacent Notification of Municipalities within a 5 km radius of the subject property: The application was circulated for comment to the District of Lake Country, the City of West Kelowna, West Bank First Nations and RDCO. No objections or concerns were raised.

AND THAT Council's comments on the views of residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather the views of residents were as per Council Policy #367 'Public Notification & Consultation for Development Applications'.

2.0 Purpose

To seek Council's support to allow a substantial change to an existing gaming facility by introducing live table games.

3.0 Development Planning

Staff are supportive of the request to add live table games to the existing gaming facility and do not foresee any negative land use impacts of permitting this additional form of entertainment to what currently exists. The neighbourhood contains a mix of uses: the residential to the west contains both multi-family and single dwelling housing. To the north and east are a mix of commercial uses. The parcel is bounded to the south by agricultural land (orchards).

4.0 Proposal

4.1 Background

An application has been forwarded by the business owners to the British Columbia Lottery Corporation (BCLC) for their approval. Procedurally, this type of application requires Local Government comments prior to the BCLC making a final decision.

Chances opened for business in 2002 with various expansions occurring throughout the years. The cornerstone of the business is the large bingo hall which houses 410 permanent seats with includes 348 electronic terminals and the casino floor has expanded to include 343 slot machines and one electronic gaming table with five playing spaces. The site provides food and drink options with both a cafeteria and lounge.

4.2 Project Description

Chances casino is proposing to introduce live gaming tables to the otherwise electronic gaming environment. This would require a Building Permit for interior renovations to create a space that will allow for table seating with live dealers, betting chips and cards.

All games and equipment utilized are authorized and provided by the British Columbia Lottery Corporation (BCLC). Therefore, receiving Municipal approval is only the first step in the process. The facility operators will then work closely with BCLC staff to determine the type of games, number of dealers, tables and seats that would be provided. BCLC has extensive casino security and compliance programs to ensure adherence with both federal and provincial regulations and laws which govern the industry.

A portion of the net income generated from a gaming facility goes to the Province to support various programs, services and grants in various communities around the province. Municipalities which host a gaming facility also receive a portion of the net income generated to benefit their community. The owners

see this as a good opportunity to increase revenue for the business as well as for the Municipality and the Province.

Chances casino has a good relationship with its neighbour to the east, Rona. The two business have entered into a formal easement agreement which has allowed access to Rona's underused surface parking area via a permanent stair access. The RCMP and City of Kelowna Bylaw Services do not have any outstanding concerns with the proposed introduction of live gaming to the existing casino.

The hours of operation for the facility will remain unchanged as follows:

	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	1:00 am	1:00 am	1:00 am	1:00 am	2:00 am	2:00 am	2:00 am

Subject Property Map: 1585 Springfield Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 8: Economic Development

Objective 8.1 Focus on economic drivers that generate new and sustainable wealth.

Policy 1 – Sustainable Prosperity – Assign priority to supporting the retention, enhancement and expansion of existing businesses and post-secondary institutions and the attraction of new business and investment identified as bringing sustainable prosperity to Kelowna.

6.o Application Chronology

Date of Application Received: December 3, 2019

Report prepared by: Lydia Korolchuk, Planner II

Reviewed by: James Moore, Acting Urban Planning Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Applicant's Letter of Rationale



CHANCES KELOWNA
1585 Springfield Road, Kelowna, British Columbia, V1Y5V5
Phone 250- 860-9577, Fax 250-860-1764

November 8, 2019

Mayor and Council
City of Kelowna
1435 Water Street
Kelowna, BC
V1Y 1J4

Dear Mayor and Council,

Re: Proposed Substantial Change to Add Live Table Games

In cooperation with BCLC, I am writing to request Council consider approving the inclusion of Live Table games at Chances Kelowna as further detailed in the BCLC August 7, 2019 letter to Council.

Since we last appeared before Council in 2014, Chances has continued to mature as a business. The slot floor has expanded to 343 slot machines and 1 electronic table game offering 5 playing positions. Teletheatre horse racing is well established. Chances is the most prominent and comfortable venue for horse racing from Penticton to Vernon and as such we regularly entertain guests from throughout the valley.

Bingo has 410 permanent seats boasting 348 electronic terminals. We have the second highest sales volume in the province and we are continuing to grow at a rate of over 5% per year. Kelowna is the only major bingo facility in the valley as both Vernon and Penticton have closed. Bingo is a strong cornerstone of our business and we enjoy providing this entertainment to our region.

Chances is a vibrant and growing gaming facility and in order to meet the demands of our diverse customer base Chances is seeking to offer the one gaming product that is not yet available to our players. This component is Live Table Games that may include blackjack, roulette, baccarat, poker and other such games as Chances and BCLC see viable in the future. These will be games that are not electronic in nature but feature live dealers, betting chips and playing cards. This request is considered a "Substantial Change as defined in the Gaming Control Act" and as such requires that the municipality approve the introduction of live games at the Chances Kelowna facility.

The ability to offer all of the BCLC games is important as Chances works with BCLC to manage the changes that are happening in the Kelowna marketplace. As the Crown agency responsible to conduct and manage gaming in British Columbia, BCLC is required to approve what types of games and equipment are made available to the gaming properties. Approval of my request will allow Chances and BCLC to best manage the success of the business and the marketplace by having access to deploy all present and future gaming and Lottery products available to BCLC.

The request we have made will allow Chances to compete on a level playing field with its competition in Kelowna and the Okanagan valley. Our competition's casinos in Vernon, Kelowna and Penticton have access to all of the BCLC gaming and lottery products and their hours of operation go until 2:00am or later. I am asking council to allow me the ability to compete on equal footing with the other gaming establishments in Kelowna and the Okanagan.

The municipality of Kelowna receives a share of the revenue generated from casino gaming in Kelowna regardless of which facility it is earned at. It is anticipated that changes made at Chances will result in increased revenue in Kelowna and the City will share in that increase.

Since its inception in 2002 Chances has enjoyed a very good relationship with its neighbor Rona. They have allowed Chances to utilize the Rona parking lot for any excess parking and have allowed a permanent staircase to allow patrons to safely pass between the two properties and parking lots. In February of 2014 Chances and Rona entered into a formal easement agreement that allows Chances to use the Rona parking lot as shared parking. This arrangement assures the use of Rona's underused parking for Chances. The peak hours of operation for Chances are the slowest hours of operation for Rona so the arrangement is a very amenable one.

Since the building of Chances and the introduction of slot machines in 2005 there have been almost no incidents requiring police involvement. Chances has co-existed with its neighbors in a peaceful fashion and has maintained a clean well-kept property inside and out. I believe we have proven ourselves to be good corporate citizens and any concerns that Council may have had in the past have been allayed with our good example and unblemished community record. We wish only to provide a first class, fully equipped casino for the residents and visitors of our city. I hope Council will take this into consideration during their deliberations.

Chances is not requesting any changes to the hours of operation or to the occupancy of the building. An approval of the Proposed Substantial Change to Add Live Table Games will allow Chances to introduce Table games in the next 2 months.

It is the intent of Chances to request a Development Permit to expand the Chances Casino building in the near future. The expanded property will be presented to Council for consideration and if approved will grant Chances the ability to serve as an enhanced gaming entertainment and tourism offering in Kelowna. It is my hope that Council sees the merits in firstly granting a Substantial Change to allow Table Games in the existing casino and by extension consider allowing that to grow into the new expanded premises in the next 2-3 years.

Thank you for considering my request.

Sincerely,

A handwritten signature in black ink, appearing to read "Stanley R. Walt". The signature is fluid and cursive, with the first name "Stanley" and last name "Walt" clearly distinguishable.

Stanley R. Walt

REPORT TO COUNCIL



Date: February 25, 2020

To: Council

From: City Manager

Department: Development Planning – Suburban (HR)

Application: DVP19-0222 **Owner:** Brian A. Reardon & Catherine I. Reardon

Address: 714 Hazell Rd **Applicant:** Urban Options Planning & Permits

Subject: Development Variance Permit

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0222 for Lot 5 District Lot 358 ODYD Plan 16743, located at 714 Hazell Rd, Kelowna, BC;

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

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

To vary the required minimum lot depth from 30.0 m permitted to 28.34 m proposed for future Lot A.

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with not opportunity to extend.

2.0 Purpose

A Development Variance Permit application to reduce the minimum lot depth for two lots in a proposed subdivision.

3.0 Development Planning

Staff support the requested variance to reduce the minimum lot depth on the proposed Lot A from a minimum of 30.0 m permitted to 28.34 m. The variance is being requested due to the lot depth of the existing lot. Staff do not anticipate any impacts of the lot depth variances outside the subject subdivision.

The proposed Lot A meets the minimum required lot area and lot width for the RU1 zone. The proposed Lot B exceeds the minimum required lot area, width and depth for the RU1 zone.

Overall, the proposed subdivision meets Kelowna's Official Community Plan goals of containing urban growth and sensitive infill housing development. If the requested variance is approved, a Preliminary Layout Review (PLR) will be created to address the conditions and requirements of the proposed two lot subdivision.

4.0 Proposal

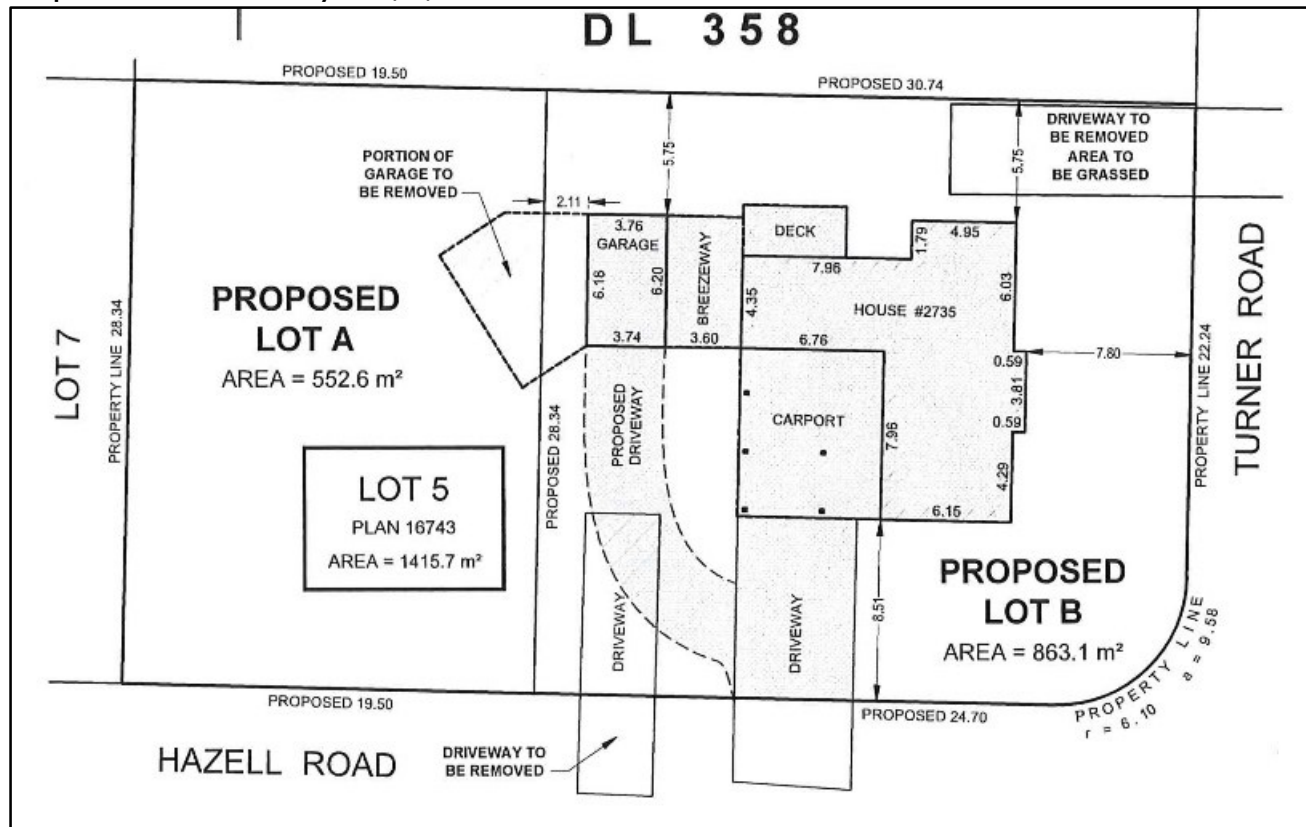
4.1 Project Description

The attached Site Plan identifies the proposed subdivision of the subject property into two lots. The applicant is proposing to create two RU1 zoned single dwelling residential lots, accessed off Hazell Road.

No specific development plans have been submitted for the proposed Lot A, however the lot would meet the minimum lot area and width requirements of the RU1 zone if the variance to reduce the minimum lot depth is approved. The proposed Lot A can be developed with a single residential dwelling that meets the RU1 zone regulations.

The subject property currently has three driveway accesses: two off Hazell Road and one off Turner Road. As a part of the subdivision application, the applicant is proposing to remove two of the driveway accesses, leaving only one driveway access to the proposed Lot B. The applicant is proposing to remove a portion of the existing garage in order to meet the setback requirements for the proposed Lot B.

Proposed Subdivision Layout: 714 Hazell Road



4.2 Site Context

The subject property is located in the North Mission – Crawford City Sector at the corner of Hazell Road and Turner Road. The property is within the permanent growth boundary and currently has a single detached house and attached garage with a breezeway. Dorthea Walker Elementary School is located less than one block away across Gordon Drive and the property has a walk score of 27 - Car Dependent, meaning most errands require a car.

The neighbourhood predominantly consists of single and two dwelling housing, with nearby properties zoned for four-dwelling housing. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Dwelling Residential
East	RU1 – Large Lot Housing	Single Dwelling Residential
South	RU1 – Large Lot Housing	Single Dwelling Residential
West	RU6 – Two Dwelling Housing	Two Dwelling Residential

Subject Property Map: 714 Hazell Road



4.3 Zoning Analysis Table

Zoning Analysis Table			
CRITERIA	RU1 ZONE REQUIREMENTS	PROP. LOT A	PROP. LOT B
Subdivision Regulations			
Min. Lot Area	550 m ²	552.6 m ²	863.1 m ²
Min. Lot Width	16.5 m (17.0 m for corner lot)	19.5 m	28.34 m
Min. Lot Depth	30.0 m	28.34 m ❶	30.74 m
Development Regulations			
Max. Site Coverage (buildings)	40 %	TBD	26.1 %
Max. Site Coverage (buildings, parking, driveways)	50 %	TBD	38.4 %
Min. Front Yard	4.5 m or 6 m from garage/carport	TBD	7.8 m

Min. Side Yard (south)	4.5 m	TBD	8.5 m
Min. Side Yard (north)	2 m	TBD	5.75 m
Min. Rear Yard	7.5 m	TBD	9.74 m
① Indicates a requested variance to the required lot depth.			

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 1: Introduction

Goals for a Sustainable Future:

Contain Urban Growth – Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

Policy .1 Permanent Growth Boundary. Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. The City of Kelowna will support development of properties outside the PGB for more intensive use only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except for Agri-Business designated sites or as per Council's specific amendment of this policy. The PGB may be reviewed as part of the next major OCP update.

Policy .2 Compact Urban Form. 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 per ha 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 and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Objective 5.22 Ensure context sensitive housing development

Policy.6 Sensitive Infill. 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.

5.2 Zoning Bylaw No. 8000

Section 13 – Urban Residential Zones

13.1 RU1 – Large Lot Housing

The purpose is to provide a **zone** for **single detached housing**, and compatible **secondary uses**, on larger serviced urban **lots**. Principal uses in this zone include single dwelling housing, urban agriculture, and community gardens. The maximum site coverage is buildings is 40% and the maximum building height is the lesser of 9.5 m or 2.5 storeys.

6.0 Technical Comments

6.1 Development Engineering Department

All Development Engineering requirements regarding the two-lot subdivision are to be addressed in the Preliminary Layout Review Agreement.

7.0 Application Chronology

Date of Application Received: November 29, 2019

Date Public Consultation Completed: January 14, 2020

Report prepared by: Hailey Rilkoff, Planner I

Reviewed by: Wesley Miles, Acting Suburban and Environment Planning Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

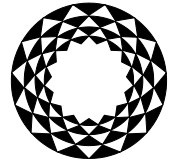
Attachment A: Draft Development Permit DVP19-0222

Attachment B: Applicant's Rationale

Schedule A: Proposed Site Plan

Development Variance Permit DVP19-0222

ATTACHMENT		A
This forms part of application		
# DVP19-0222		
Planner Initials	HR	 City of Kelowna DEVELOPMENT PLANNING



City of
Kelowna

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

714 Hazell Road

and legally known as

Lot 5 District Lot 358 ODYD Plan 16743

and permits the land to be used for the following development:

Single Dwelling Residential

With a variance to the following section of Zoning Bylaw No. 8000 in general accordance with Schedule "A":

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

To vary the required minimum lot depth from 30.0 m permitted to 28.34 m proposed for future Lot A.

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

Date of Council Decision February 25, 2020

Decision By: COUNCIL

This permit will not be valid if development has not commenced by February 24, 2022.

Existing Zone: Ru1 – Large Lot Housing

Future Land Use Designation: S2RES – Single/Two Unit Residential

This is NOT a Building Permit.

In addition to your Development 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: Brian A. Reardon & Catherine I. Reardon

Applicant: Urban Options Planning & Permits

Terry Barton
Development Planning Department Manager
Planning & Development Services

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 Permit is issued subject to compliance with all 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 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 of the proposed lot layout be registered on the land be in accordance with Schedule "A".

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

5. 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.**

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October 17, 2019

City of Kelowna
Community Planning Dept.
1435 Water Street
Kelowna, BC
V1Y 1J4

Re: Development Variance Permit for 714 Hazell Road

Dear Planning Staff;

The owners are wishing to subdivide the subject property into two lots. One lot will accommodate the existing dwelling which is to remain, and a new lot is to be created to the rear of the existing dwelling. As the existing lot is only 28.34m wide, we are applying for a variance to the lot depth of the new lot from 30m required to the 28.34m proposed, a variance of 1.66m.

The proposed subdivision will result in the lot for the existing dwelling being approximately 28.34m. wide x 30.9m deep (approximately 863m²). The new lot will be 19.5m wide x 28.34m deep (approximately 552m²). It is expected that the front of the remainder property will be on Turner Road. A portion of the existing garage will be removed to meet the rear yard setback provision of the RU1 zone. The rear yard setback measured from the proposed lot line to the existing dwelling will be 9.47m. Both lots will meet the minimum lot size requirements of the RU1 zone, except for the minimum lot depth of the new proposed lot.

We have had conversations with City staff (Dean Strachan) that have indicated a level of support for the variance.

We believe that this project is a good fit for the property and the neighbourhood. There are several properties in the area that are developed with two dwelling housing specifically the parcel directly to the west of the subject property. The area has many amenities including an elementary school, DeHart Park and the Okanagan Mission Community Hall. The addition of a residential lot into this neighbourhood will be good infill and will contribute to attainable housing stock in a very desirable area of Kelowna. We look forward to hearing your comments and feedback on the project.

Should you have any questions please call me at 250.575.6707.

Regards,



Birte Decloux on behalf of the owners

REPORT TO COUNCIL



Date: February 25th, 2020
To: Council
From: City Manager
Department: Development Planning (TC)
Application: DVP19-0234 **Owner:** Lee Emond
Address: 655 Clifton Road **Applicant:** Lee Emond
Subject: Development Variance Permit
Existing OCP Designation: S2RES – Single/Two Unit Residential
Existing Zone: RR3 – Rural Residential 3

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0234 for Lot 4, Section 32, Township 26, Plan 20929, located at 655 Clifton Road, Kelowna, BC;

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

Section 6.5.3 (d): Accessory Buildings in Residential Zones

To vary the front yard setback for an accessory building from 9.0m required to 6.1m proposed.

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

2.0 Purpose

To vary the front yard setback for an accessory building from 9.0m required to 6.1m proposed on the subject property.

3.0 Development Planning

Development Planning staff support the variance to reduce the front yard setback from 9.0m to 6.1m for the proposed detached garage. The applicant would like to build the garage in conformance with the bylaw; however, there is a Statutory Right-of-Way that runs along the North property line, limiting the options for the placement of the proposed garage. Conformance with the bylaw and Statutory Right-of-Way would force the proposed garage to be located directly in front of the primary residence. The applicant seeks a front

yard variance to allow for construction to be further away from the primary residence, creating a larger separation between the two dwellings.

The property is located along the downward slope of Clifton Road and this results in the properties to the north being at a higher elevation than the subject property. This elevation change will help limit the visibility of the garage from the properties to the north. In addition, the proposed garage will be below the allowable height at 3.69m. The existing landscaping will also remain along the front property line, helping screen the garage from the road. No neighbourhood impacts are anticipated with the proposed location of the detached garage.

4.0 Proposal

4.1 Project Description

The proposal is to vary the front yard setback for an accessory building from 9.0m required to 6.1m proposed. The variance is to accommodate the construction of a new two car garage. The garage will be flat-roofed at a height of 3.69m. If the garage complied with the permitted setback, the garage would only be 2.39m from the principal dwelling, but the applicant wants a greater separation between the two dwellings and proposes the construction of the garage to be 6.61m from the house.

4.2 Site Context

The subject property is zoned RR3, but since the property was built in 1973 and is 0.1ha in size, Section 1.7.1 of the Zoning Bylaw No.8000 comes into effect:

Section. 1.7.1: Non-conforming Agricultural, Urban Residential, or Rural Residential lots less than 0.2 ha., which existed prior to August 10, 1976, shall be developed in accordance with the provisions and regulations of the RU1, RU1(c), or RU1(h) zones.

Therefore, the property develops in accordance with the RU1 zone. The subject property has the OCP designation of S2RES – Single/Two Unit Residential and is located on Clifton Road in the Glenmore-Clifton-Dilworth OCP Sector. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR3 – Rural Residential 3	Single-Family Dwelling
East	RR3 – Rural Residential 3	Single-Family Dwelling
South	RR3 – Rural Residential 3	Single-Family Dwelling
West	RM4 – Transitional Low-Density Housing	Townhouse Dwellings

Subject Property Map: 655 Clifton Road



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU ₁ ZONE REQUIREMENTS*	PROPOSAL
Accessory Building Development Regulations		
Max. Site Coverage (buildings)	40%	27.86%
Max. Site Coverage (accessory buildings)	14%	7%
Max. Height	4.8m	3.96m
Min. Front Yard	9.0m	6.10m ❶
Min. Side Yard (south)	1.5m	11.22m
Min. Side Yard (north)	1.5m**	3.1m
Min. Rear Yard	1.5m	29.22m
<p>*Section 1.7.1 Non-conforming Agricultural, Urban Residential, or Rural Residential lots less than 0.2 ha., which existed prior to August 10, 1976, shall be developed in accordance with the provisions and regulations of the RU₁, RU₁(c), or RU₁(h) zones.</p> <p>**Statutory Right-of-Way on Title requiring 3.0m.</p> <p>❶ Indicates a requested variance to Section 6.5.3d: Accessory Building in Residential Zones.</p>		

5.0 **Application Chronology**

Date of Application Received: December 4th, 2019
Date Public Consultation Completed: December 17th, 2019

Report prepared by: Tyler Caswell, Planner I

Reviewed by: James Moore, Urban Planning & Development Policy Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Draft Development Permit DVP19-0234

Schedule A: Proposed Site Plan



Development Variance Permit DVP19-0194

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

655 Clifton Road

and legally known as

Lot 4 Section 32 Township 26 Plan KAP20929

and permits the land to be used for the following development:

Accessory Structure

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

Date of Council Decision February 25, 2020

Decision By: COUNCIL

Existing Zone: RR3- Rural Residential 3

Future Land Use Designation: Single/Two Unit Residential (S2RES)

This is NOT a Building Permit.

In addition to your Development 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: Lee Emond

Applicant: Lee Emond

Terry Barton
Community Planning Department Manager
Planning & Development Services

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 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 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

That variance to the following section of the Zoning Bylaw No. 8000 be granted in accordance with Schedule "A":

Section 6.5.3 (d): Accessory Buildings in Residential Zones

To vary the front yard setback for an accessory building from 9.0m required to 6.1m proposed.

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

3. PERFORMANCE SECURITY

Not Required

5. 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.**

SCHEDULE

A

This forms part of application
DVP19-0234

Planner
Initials TC



SITE PLAN OF LOT 4 SECTION 32 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 20929

PID: 007-673-035

CLIENT: LEE EMOND

CIVIC ADDRESS: 655 CLIFTON ROAD

HORIZONTAL COORDINATE SYSTEM: UTM 11 NAD83(CSRS)

VERTICAL DATUM: CGVD28

DATE OF FIELD SURVEY: OCTOBER 8, 2019

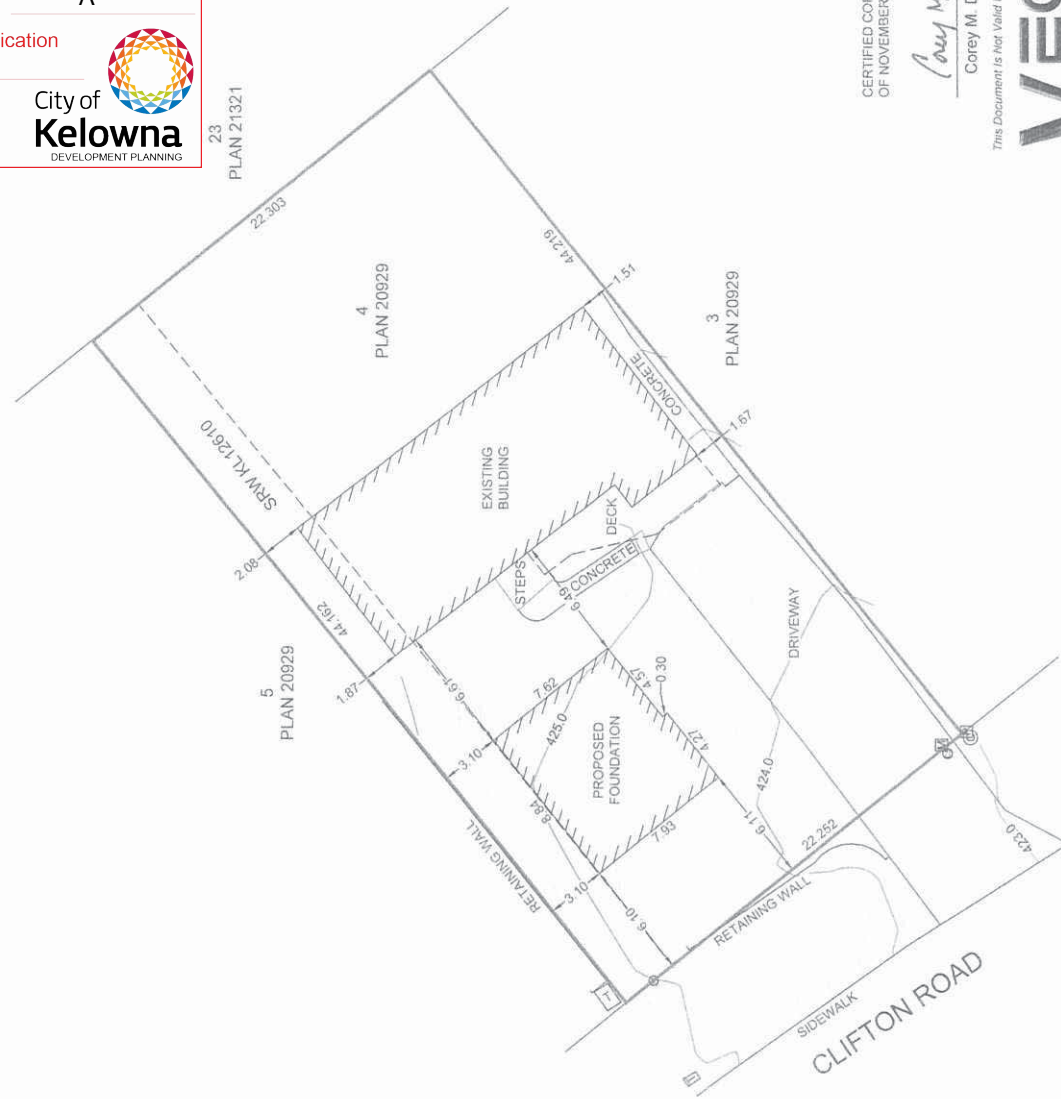
REFER TO THE CURRENT STATE OF TITLE FOR CHARGES,
LIENS, AND INTERESTS AFFECTING THIS LAND.

SCALE 1:250



LEGEND

- Subject Property
- Major Contour (1m)
- Minor Contour (0.2m)
- Communication Manhole
- Power Meter
- Curb Stop
- Clean Out
- Pedestal
- Vault
- Transformer



CERTIFIED CORRECT THIS 1st DAY
OF NOVEMBER, 2019.

Corey M. Doherty
Corey M. Doherty, B.C.L.S.

This Document Is Not Valid Unless Originally Signed and Sealed



File: 1900890R0 Date: 2019-11-01
Drafted by: MM Checked by: CMD

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REPORT TO COUNCIL



Date: February 25, 2020

To: Council

From: City Manager

Department: Development Planning

Application: DVP20-0005

Owner: Sarah L. MacLeod

Address: 377 Beach Avenue

Applicant: Sarah L. MacLeod

Subject: Development Variance Permit Application

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0005 for Lot 1 District Lot 14 ODYD Plan 2918, located at 377 Beach Avenue, Kelowna, BC;

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

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

To vary the required minimum rear yard setback from 7.5 m permitted to 5.67 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 approve a variance to reduce the rear yard setback from 7.5m to 5.67m on the subject property.

3.0 Development Planning

Development Planning supports the proposed variance to reduce the rear yard setback from 7.5m to 5.67m.

The proposed building addition is small in scale and staff are not aware of any negative impacts associated with the requested variance. The width of the building projection is narrow (4.6m) and the proponent is seeking only a modest relaxation of 1.83m, leaving a substantial rear yard remaining. In addition, little to no impact to neighbouring properties is expected as the nearest structure on a neighbouring lot is a detached garage.

4.0 Proposal

4.1 Background

On September 24, 2019 staff issued a Heritage Alteration Permit (HAP) for the subject property for a proposed addition to the existing home, which is in the Heritage Conservation Area (HAP19-0013). The applicant has now returned with some small changes to the original proposal. Chief among the changes is that the proposed addition at the back of the house now extends further to the south, such that the addition extends into the required rear yard setback and requires a variance.

4.2 Project Description

The applicant proposes an addition to the existing home on the subject property. A portion of the addition at the back of the house 4.6m in width would extend 1.83m into the required rear yard setback. The extended addition will allow for a balcony to be built on the second storey of the house, and thus the setback includes the first storey of the addition plus the balcony rail above. The area of the property where the proposed addition would extend into the required rear yard setback abuts a property to the rear where a garage is located. Staff have reviewed the amended proposal against the Heritage Alteration Guidelines and have determined that the proposal substantially meets the guidelines. An amended Heritage Alteration Permit (HAP19-0013-01) will be issued by staff should Council approve the proposed variance.

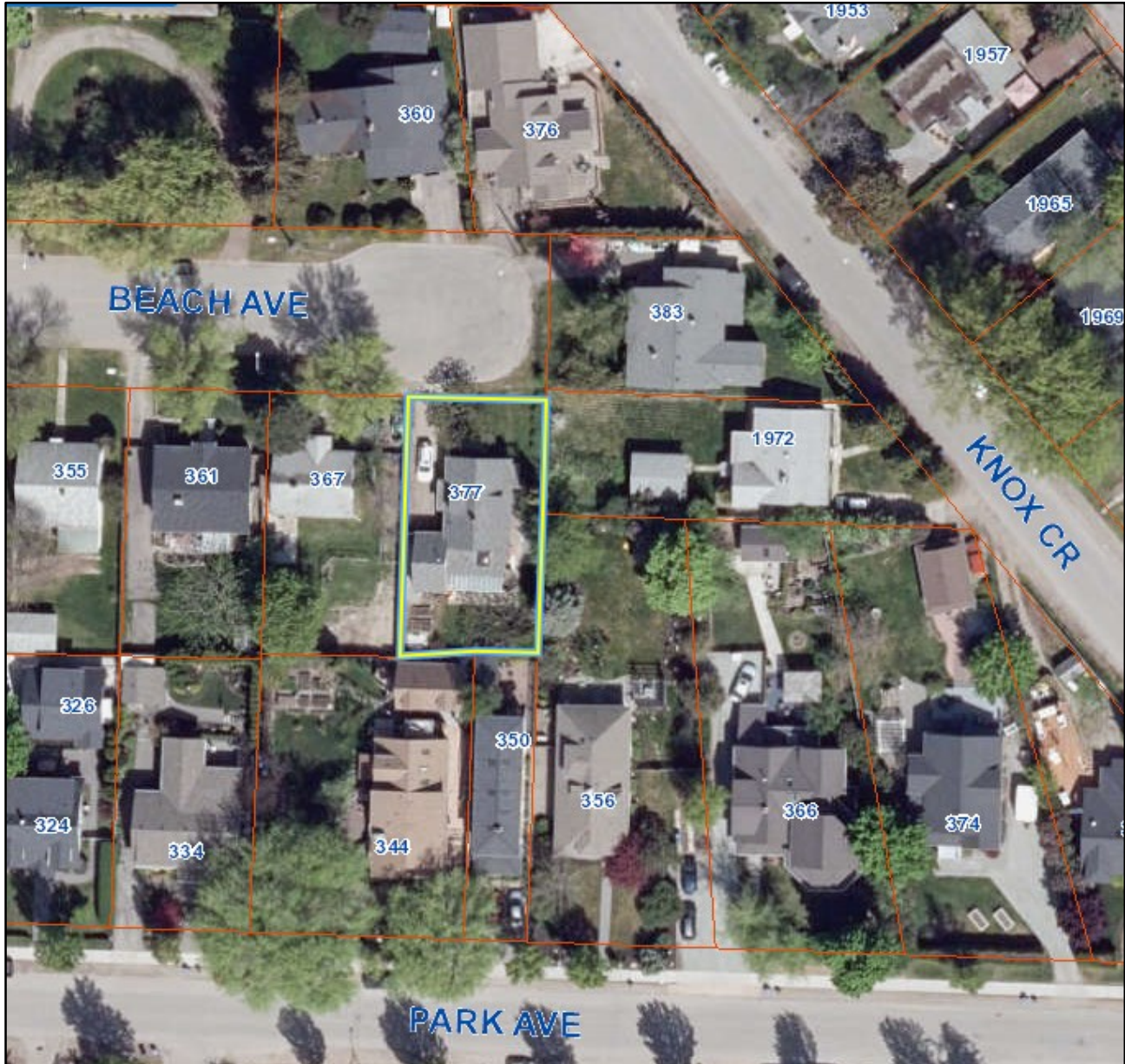
4.3 Site Context

The subject property contains a single family home and is in the Heritage Conservation Area. The lot abuts two properties to the south. The area of the lot where the proposed addition is to extend into the rear yard setback abuts a property where a garage is located.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Family Home
East	RU1 – Large Lot Housing	Single Family Home
South	RU1 – Large Lot Housing	Single Family Home
West	RU1 – Large Lot Housing	Single Family Home

Subject Property Map: 377 Beach Ave.



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU ₁ ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	550m ²	530m ²
Min. Lot Width	16.5m	16.76m
Min. Lot Depth	30m	33.09m
Development Regulations		
Max. Site Coverage (buildings)	40%	26%

Max. Site Coverage (buildings, parking, driveways)	50%	40%
Max. Height	9.5m, 2 ½ storeys	6.5m, 2 storeys
Min. Front Yard	4.5m	>4.5m
Min. Side Yard (south)	2m for 1 st 1 ½ storey; 2.3m for 2 or 2 ½ storey	>2.3m
Min. Side Yard (north)	2m for 1 st 1 ½ storey; 2.3m for 2 or 2 ½ storey	>2.3m
Min. Rear Yard	7.5m	5.67m ❶
❶ Indicates a requested variance to the minimum rear yard setback.		

5.0 Technical Comments

5.1 Development Engineering Department

- The proposed addition with variance to the rear yard setback does not compromise any municipal services.

6.0 Application Chronology

Date of Application Received: December 12, 2019

Date Public Consultation Completed: January 9, 2020

Report prepared by: Aaron Thibeault, Planner II

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Draft Development Variance Permit DVP20-0005

Attachment B: Applicant Rationale

Development Variance Permit DVP



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

377 Beach Avenue

and legally known as

Lot 1 District Lot 14 ODYD Plan 2918

and permits the land to be used for the following development:

Addition to a single family home with a variance to the following section of Zoning Bylaw No. 8000:

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

To vary the required minimum rear yard setback from 7.5 m permitted to 5.67 m proposed.



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

Date of Council Decision February 25, 2020

Decision By: COUNCIL

Development Permit Area: (N/A)

Existing Zone: RU1 – Large Lot Housing

Future Land Use Designation: S2RES – Single / Two Unit Residential

This is NOT a Building Permit.

In addition to your Development 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: Sarah L. MacLeod

Applicant: Sarah L. MacLeod

Terry Barton
Development Planning Department Manager

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 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 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";
- b) The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";

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

3. 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.

ATTACHMENT		A
This forms part of application		
# DVP20-0005		
Planner Initials	AT	 City of Kelowna COMMUNITY PLANNING

A

City of Kelowna
COMMUNITY PLANNING





PHOTO 1: EXISTING FRONT FASCAD

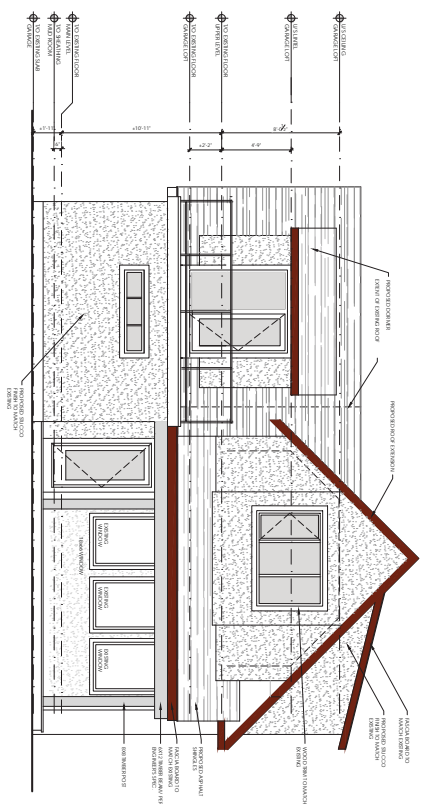
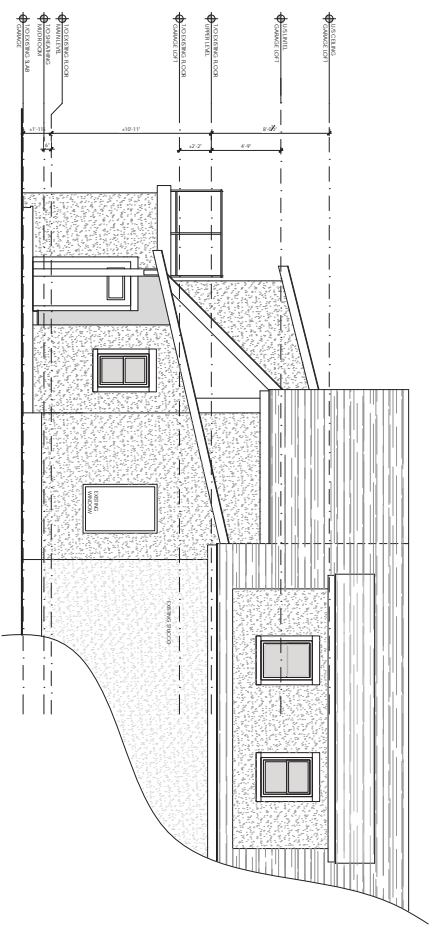
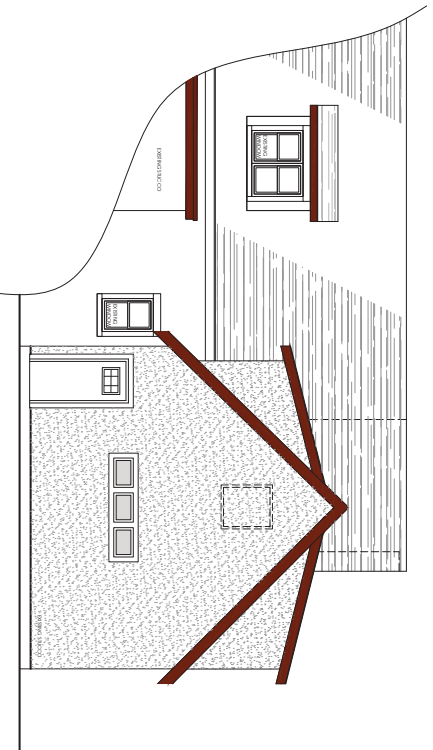


PHOTO 2: EXISTING FRONT/SIDE FASCAD



PHOTO 1: EXISTING FRONT FASCAD - GARAGE



SCHEDULE B
This schedule is for reference only.
DVP20-0005
City of Kelowna
Project: AT
Title: AT

OWNER'S AND ESTABLISHMENT'S SIGNATURE
DATE
PROJECT
DRAWING TITLE
BUILDING ELEVATIONS
SCALE
DATE
REVISION
R1
SHEET TWO
A3.1

Sarah Macleod

377 Beach Ave, Kelowna, BC V1Y 5R7 Phone: 250 212 2754
E-Mail: sahara_macleod@yahoo.com

ATTACHMENT		B
This forms part of application		
# DVP20-0005		
Planner Initials	AT	 City of Kelowna <small>COMMUNITY PLANNING</small>

Date: November 28, 2019

City of Kelowna Planning,

Re: Variance Rational Statement

We have been living at 377 Beach Ave for 6 years and find the location, community and accessibility perfect for our lifestyle and growing family. Our house was built in 1928 and we understand it to be the main house of an orchard before surrounding land was subdivided. Our plan is to alter the house in a manner to maintain the character and restore a previous renovation. A previous renovation in the mid 1980's added a garage and sunroom to the existing house, but we find much of the space difficult to use. Our plan would include the need of a minor variance to expand the current garage outside of the rear set back limits, by 1.8m. This proposed addition would function as personal storage, as the majority of the existing garage will be repurposed. We will also use the roof as a patio for the second story study/guest room. This proposed addition would help maintain our vision of increasing functional space, while maintaining the character of our house.

Sincerely,

Sarah MacLeod