

**City of Kelowna
Regular Council Meeting
AGENDA**



Tuesday, July 13, 2021
9:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. **Call to Order**
2. **Reaffirmation of Oath of Office**

The Oath of Office will be read by Councillor Donn.
3. **Confirmation of Minutes** 1 - 11

Public Hearing - June 22, 2021
Regular Meeting - June 22, 2021
4. **Liquor License Application Reports**

Mayor to invite anyone participating online who deems themselves affected by the required variance(s) to indicate they wish to speak for each item.

 - 4.1. **START TIME 9:00 PM - Baillie Ave 727 - LL21-0004 - Acoma Holdings Ltd Inc No 132091** 12 - 26

To seek Council's support for a liquor licence amendment to increase the occupant load for an existing manufacturer lounge licence to accommodate an expansion of the exterior patio service area.
 - 4.2. **START TIME 9:00 PM - Lexington Dr 900 - LL21-0006 - City of Kelowna** 27 - 44

To seek Council's support for the addition of an outdoor patio area to be included in the approved liquor service area for an existing Liquor Primary establishment.
5. **Reminders**
6. **Termination**



City of Kelowna Public Hearing Minutes

Date:	Tuesday, June 22, 2021
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Brad Sieben* and Loyal Wooldridge
Members participating remotely	Councillors Charlie Hodge and Mohini Singh
Members Absent	Councillor Luke Stack
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith; Community Planning & Development Manager, Dean Strachan; Urban Planning Manager, Jocelyn Black; Legislative Technician, Rebecca Van Huizen
Staff participating remotely	Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. **Due to COVID-19 a Public Hearing Agenda will also include Regular Meeting Items**
2. **Call to Order the Public Hearing - START TIME 6:00 PM - Banks-Baron Road Area - LUCT21-0002 (BL12205) - Multiple Owners**

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

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

3. **Individual Bylaw Submissions**
 - 3.1 **START TIME 6:00 PM - Banks-Baron Road Area - LUCT21-0002 (BL12205) - Multiple Owners**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online indicated they wished to speak.

There were no further comments.

Councillor Sieben joined the meeting at 6:07 p.m.

4. Termination

The Hearing was declared terminated at 6:07 p.m.

5. Call to Order the Regular Meeting

Mayor Basran called the meeting to order at 6:07 p.m.

6. Bylaws Considered at Public Hearing

6.1 START TIME 6:00 PM - Banks-Baron Road Area - BL12205 (LUCT21-0002) - Multiple Owners

Moved By Councillor Given/Seconded By Councillor Donn

Ro628/21/06/22 THAT Bylaw No. 12205 be read a second and third time and be adopted.

Carried

7. Termination

The meeting was declared terminated at 6:08 p.m.

8. Call to Order the Public Hearing - START TIME 6:00 PM - TA21-0007 (BL12216) - Car Share Agreement Review

Mayor Basran called the Hearing to order at 6:08 p.m.

The item regarding Application No. TA21-0007 above was deferred following Items 14 to .18.2

14. Call to Order the Public Hearing - START TIME 6:00 PM - Upper Mission Dr 5347 - OCP20-0016 (BL12217) Z20-0079 (BL12218) - Essential Idea Ltd., Inc. No. BC0134064

Mayor Basran called the Hearing to order at 6:12 p.m.

15. Individual Bylaw Submissions

15.1 START TIME 6:00 PM - Upper Mission Dr 5347 - OCP20-0016 (BL12217) Z20-0079 (BL12218) - Essential Idea Ltd., Inc. No. BC0134064

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Keith Funk, Newtown Services, Applicant Representative

- Provided introductory comments.
- Available for questions.

Michael Goodman, Applicant

- Spoke to the history of the property.
- Available for questions.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online indicated they wished to speak.

There were no further comments.

16. Termination

The Hearing was declared terminated at 6:22 p.m.

17. Call to Order the Regular Meeting

Mayor Basran called the meeting to order at 6:22 p.m.

18. Bylaws Considered at Public Hearing

- 18.1 START TIME 6:00 PM - Upper Mission Dr 5347 - BL12217 (OCP20-0016) - Essential Idea Ltd., Inc. No. BC0134064**

Moved By Councillor DeHart/Seconded By Councillor Sieben

R0629/21/06/22 THAT Bylaw No. 12217 be read a second and third time.

Carried

- 18.2 START TIME 6:00 PM - Upper Mission Dr 5347 - BL12218 Z20-0079 - Essential Idea Ltd., Inc. No. BC0134064**

Moved By Councillor Sieben/Seconded By Councillor DeHart

R0630/21/06/22 THAT Bylaw No. 12218 be read a second and third time.

Carried

19. Termination

The meeting was declared terminated at 6:24 p.m.

Item 8 to 12.1 deferred from above.

8. Call to Order the Public Hearing - START TIME 6:00 PM - TA21-0007 (BL12216) - Car Share Agreement Review

Mayor Basran called the Hearing to order at 6:24 p.m.

- 9.1 START TIME 6:00 PM - TA21-0007 (BL12216) - Car Share Agreement Review**

Staff:

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

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Online Participants:Patrick Nangle, Modo Co-operative CEO

- Shared a PowerPoint Presentation.
- Made comments on collaboration and operating with 25 municipalities.
- Made comment on number of vehicles in the fleet, with over 24,000 members and over 1,000 business accounts.
- Displayed maps showing the impacts Modo has in Kelowna and other communities.
- Opposed to the bylaw amendment and does not see a need to eliminate the car sharing incentive.
- Car sharing is a community amenity and will ensure congestion does not increase.
- Proposed alternate improvements to Zoning Bylaw No. 8000.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments.

10. Termination

The Hearing was declared terminated at 7:09 p.m.

11. Call to Order the Regular Meeting

Mayor Basran called the meeting to order at 7:09 p.m.

12. Bylaws Considered at Public Hearing

12.1 START TIME 6:00 PM - Section 8 - Car Share Incentives - BL12216 (TA21-0007) - City of Kelowna

Moved By Councillor Given/Seconded By Councillor Donn

Ro631/21/06/22 THAT Bylaw No. 12216 be read a second and third time.

Defeated
Mayor Basran, Councillors Donn, Hodge and Wooldridge - Opposed

13. Termination

The meeting was declared terminated at 7:30 p.m.

Mayor Basran

/acm



City Clerk



City of Kelowna Regular Meeting Minutes

Date: Tuesday, June 22, 2021
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart*, Ryan Donn, Gail Given, Brad Sieben* and Loyal Wooldridge

Members participating remotely Councillors Charlie Hodge, Mohini Singh and Luke Stack

Staff Present City Manager, Doug Gilchrist*; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith; Community Planning & Development Manager, Dean Strachan*; Development Planning Department Manager, Terry Barton*; Planner, Aaron Thibeault*; Legislative Technician, Rebecca Van Huizen

Staff participating remotely Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:40 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor DeHart.

3. Confirmation of Minutes

Moved By Councillor Donn/Seconded By Councillor Hodge

Ro632/21/06/22 THAT the Minutes of the Public Hearing and Regular Meeting of June 1, 2021 be confirmed as circulated.

Carried

4. Liquor License Application Reports

4.1 START TIME 6:40 PM - Richter St 1080-1090 - LL20-0009 - Bromaxx Property Group Ltd., Inc. No. BC1021305

Councillor Sieben declared a conflict of interest due to being a shareholder in BNA Brewing Company and close proximity of the application and departed the meeting at 7:42 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Andrew Seminiuk and Powell Maxfield, Applicant

- Present and available for questions.
- Responded to questions from Council.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Online Participants:

Martin Weilmeier, Kelowna Badminton Club

- Referenced previously submitted correspondence.
- Raised concerns with parking and how such an expansion will affect parking in the area.
- Responded to questions from Council.

Andrew Seminiuk and Powell Maxfield, Applicant

- Unaware of previous parking concerns from the Badminton Club.
- There are other influences in the area that can affect parking.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

City Manager joined the meeting at 8:10 p.m.

Moved By Councillor Donn/Seconded By Councillor Wooldridge

R0633/21/06/22 THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and 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 a special event area endorsements/license amendment for Lot 1 District Lot 139 ODYD, Plan 7858, located at 1080-1090 Richter Street, Kelowna, BC for the following reasons:
2. Council's comments on LCLB's 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 / 1195 Richter St (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 in the area. The location of the subject property is suitable for an increase to the existing lounge/special event area liquor service capacity.

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 liquor service area proposed for the site predominantly faces Richter St and the building location and orientation on-site

provides a natural buffer to Recreation Avenue Park. Furthermore, a public lane is located in between the rear of the buildings which naturally help to buffer the on-site uses from the park. 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 application is to increase the approved establishment capacity from 99 persons existing to 500 persons proposed. The expansion involves a large majority of the site, including both interior and exterior spaces. With the expansion, the capacity would increase by 401 persons in total. The existing liquor service will be removed from the existing building and relocated to the rear building on-site and include an expansion of the seasonal patio space.

d. Traffic, noise, parking and zoning:

Expanding the existing liquor service for the site to include an additional liquor licence capacity of 401 persons will increase the potential conflict for traffic, noise, and parking demand. Of the 500-person capacity proposed, 314-persons would be for the outdoor seasonal (march-sept) patio space with the additional 186-persons being for the interior of the building which will remain open during all 12-months of the year.

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

Due to the fairly large exterior seasonal patio space capacity proposed, Staff have some concerns regarding the potential impact noise could have on the surrounding area and the largely single-family residential properties situated to the north of the site and at the base of Knox Mountain Park. The applicants have been operating on the subject site since 2017, have hosted a number of outdoor events and have had minimal impact on the surrounding community to date. It is expected that the applicants will manage noise complaint issues as best they can. Additionally, there are a number of other existing brewery and distilleries in the area which also incorporate exterior seasonal patio spaces in a range of sizes and capacities.

Liquor Service Hours Change Proposed

The applicants are proposing to amend the existing liquor service hours from 12:00pm opening Sunday-Saturday, to 9am opening Sunday-Saturday and will close at the same time as existing (midnight) 7 days a week. The applicants intend to open the establishment 3 hours earlier than they do currently to be able to provide a breakfast service with liquor consumption.

3. 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."

Carried

Councillor Sieben rejoined the meeting at 8:16 p.m.

5. Development Permit and Development Variance Permit Reports

5.1 START TIME 6:40 PM - Baron Rd 2125 - TUP21-0001 - Victor Projects Ltd

Staff:

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

Nola Kilmartin, WSP Canada Group and Brian Menzies, Construction Project Manager, Applicant

- Shared a PowerPoint Presentation.
- Provided rationale for crushing on site; noting fewer truck trips reduce road congestion and improves safety around the site.
- Material found on site will be crushed; rocks will not be brought on site for crushing.
- The goal is to have maximum separation distance to residents; spoke to potential decibel levels at different distances to residential buildings.
- Provided information on the order of operations and dust mitigation efforts.
- Spoke to noise and subject to Noise Bylaw restrictions.
- Spoke to public consultation with residents and businesses in the area.
- Responded to questions from Council.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Online Participants:

Stuart Rosove, Durnin Road Bristol Gardens

- Opposed to the application.
- Raised concern with additional materials being brought on site that need to be crushed and dust particles.
- Raised concern with noise impacts and noted that many residents work from home.
- Responded to questions from Council.

Bill Doyle, Durnin Road, Briston Gardens

- In support of the application.

Ron Ready, Leckie Road

- Opposed to the application.
- Raised concern with amount of dust being deposited on nearby properties and believes there is inadequate water sources to mitigate the dust.
- Raised concern with ground vibration disturbance.
- Questioned why the rocky soil conditions were not recognized earlier.

Nola Kilmartin, and Brian Menzies, Applicant

- Importing of material is not the intent, crusher to process by product of what is on site only.
- Responded to questions from Council.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Donn

Ro634/21/06/22 THAT Council authorizes the issuance of Temporary Use Permit No. TUP21-0001 to allow the operation of a mobile rock crusher for Lot A District Lot 126 ODYD, Plan EPP110834, located at 2125 Baron Road, Kelowna, BC for a three (3) month period commencing from Council approval subject to the following conditions:

- a. The duration of the Temporary Use Permit Application TUP21-0001 shall be for a total of three (3) months.
- b. The siting and location of the mobile rock crusher to be in accordance with Schedule "A".

AND FURTHER THAT any application to extend the permit must be approved by Council prior to this permit expiring.

Carried
Councillors Hodge and Wooldridge - Opposed

5.2 START TIME 7:20 PM - Uplands Crt 377 - DVP21-0003 - Dale and Kimberly Loewen

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Michele Watson, Uplands Court, Applicant

- Looking to expand the usable recreational space.
- Available for questions.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online indicated they wished to speak.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor DeHart

Ro635/21/06/22 THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0003 for Lot 1 Section 23 Township 28 SDYD Plan KAP66197, located at 377 Uplands Court, Kelowna, BC;

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

Section 7.5.9 – Landscaping and Screening, Fencing and Retaining Walls

To vary the maximum height of the retaining wall from 1.2 m required to 4.8m proposed.

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

Carried

5.3 START TIME 7:20 PM - Patterson Ave 664 - DVP21-0082 - Scott Carmen Wells and Hilary Evelyn Wells

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The Applicant was not in attendance.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online indicated they wished to speak.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Given

Ro636/21/06/22 THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0082 for Lot 2 District Lot 14 Osoyoos Division Yale District Plan 31764, located at 664 Patterson Avenue, Kelowna, BC;

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

Section 9.5b.1(g): Carriage House Regulations

To vary the maximum height of a carriage house to be higher than the height of the principal dwelling, as measured to the midpoint, to a maximum of 4.8 m.

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

Carried

5.4 START TIME 7:40 PM - Capozzi Rd 3838 - DP21-0014 DVP21-0015 - Aqua Resort LTD. Inc. No. BCo796165

Councillor DeHart declared a conflict of interest as the Applicant is in competition with her hotel employer and she owns two short term rental units downtown and departed the meeting at 9:30 p.m.

Staff:

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

Councillor Singh lost Teams connection at 9:46 p.m. and rejoined the meeting at 9:49 p.m.

Luke Turri, Mission Group Applicant

- Shared a PowerPoint Presentation.
- Spoke to the history of the development and recent delays due to Covid-19; the project has since been refined and believe it is better than originally presented in 2018.
- Spoke to the vision of Aqua as being a lakefront destination, waterfront village, community hub, highly accessible and a world class design.
- Shared an explanatory video presentation of the proposed site.
- Spoke to project improvements since 2018 approvals being reduced building massing; enhanced public realm and streetscaping; reimagined public plaza and porte cochere; public art mural and over \$2.5 million in new Park DCC's.
- Highlighted community benefits.
- Responded to questions from Council.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Online Participants:

Mark Jeanes, GM Eldorado Resort

- Referenced previously circulated correspondence.
- Opposed to the variances requested.
- Believes this development on this scale and massing is not in keeping with the lower mission area.
- Would like residents and business community to have a more public forum with stakeholders as this proposal will have a significant impact.
- Recommended the meeting for this item be deferred due to the time of evening and lack of public on-line.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Wooldridge

Ro637/21/06/22 THAT Council authorizes the issuance of Development Permit No. DP21-0014 for Lot A Section 1 Township 25 ODYD Plan EPP92691, located at 3838 Capozzi Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"

2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0015 for Lot A Section 1 Township 25 ODYD Plan EPP92691, located at 3838 Capozzi Road, Kelowna, BC;

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

Section 14.9.5(i): C9 – Tourist Commercial Development Regulations

To vary the required minimum front yard from 6.0m permitted to 0.0m proposed.

Section 14.9.5(d): C9 – Tourist Commercial Development Regulations

To vary the required minimum side yard from a flanking street from 4.5 m permitted to 0.0m proposed (Truswell Rd.).

Section 14.9.5(d): C9 – Tourist Commercial Development Regulations

To vary the required minimum side yard from 3.0m permitted to 0.0m proposed (Cook Rd. Boat Launch).

Section 8.2.10: Parking & Loading, Off-Street Parking Regulations, Numbers of Spaces

To vary the required minimum number of off-street parking spaces for Phase I of the project from 249 required to 233 proposed.

Section 14.9.6(f): C9 – Tourist Commercial Other Regulations

To vary the maximum height for boat storage from 6m and 1 tier of storage permitted to 20m and 4 tiers of storage proposed.

Section 14.9.5(b): C9 – Tourist Commercial Development Regulations

To vary the maximum height from 22.0m or 6 storeys permitted to 42m and 13 storeys; 46m and 15 storeys; and 54m and 17 storeys proposed.

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

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

Carried
Councillor Donn - Opposed

6. Reminders – Nil.

7. Termination

The meeting was declared terminated at 10:45 p.m.

Mayor Basran



City Clerk

/acm

REPORT TO COUNCIL



Date: July 13, 2021
To: Council
From: City Manager
Department: Development Planning
Application: LL21-0004
Owner: Acoma Holdings Ltd., Inc.No. 132091
Address: 727 Baillie Ave
Applicant: Jackknife Brewing Inc.
Subject: Liquor Licence Amendment Application
Existing OCP Designation: IND - Industrial
Existing Zone: I4 – Central 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 Jackknife Brewing Inc. for a license amendment for Lot 38 Section 30 Township 26 Osoyoos Division Yale District Plan 1014, located at 727 Baillie Avenue, Kelowna, BC for:
 - An increase in the total occupant load of an existing manufacturer lounge licence from 91 persons to 105 persons, to accommodate an expansion to the exterior patio service area.
2. Council's comments on LCLB's prescribed considerations are as follows:
 - a. The potential for noise if the application is approved: The brewery is located in an industrial area just outside of the City Centre Urban Centre and the increased occupant load for the expanded patio service area will have minimal negative impact on noise. The property is zoned appropriately for this type of use (brewery and distilleries, minor). There are no residential dwellings in the immediate vicinity and the noise from the patio is not anticipated to be a nuisance.

- b. The impact on the community if the application is approved: The potential for negative community impact is considered minimal. The increased occupant load for this business will aid in the redevelopment and activation of the industrial neighbourhood beyond the standard work day hours.

3. 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 seek Council’s support for a liquor licence amendment to increase the occupant load for an existing manufacturer lounge licence to accommodate an expansion of the exterior patio service area.

3.0 Development Planning

Staff recommends support for the proposed liquor licence amendment to the existing manufacturer lounge licence, and the requested change is viewed as a small increase that would cause minimal impact. The exterior patio service area, where the proposed increase is for, is located in the rear of the property and minimal negative impact is anticipated in relation to noise or the community. The hours of sales on the patio are restricted to 11:00 pm for the purpose of limiting noise and being a good neighbor, and the hours are not proposed to change through this 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 requires Local Government comments prior to the LCRB making a final decision.

Council previously recommended support for a new manufacturer lounge liquor license with an exterior patio for Jackknife Brewing Inc. on August 27, 2019. This existing licence allows patrons to purchase and consume liquor products between the hours of 10:00 am to midnight for the indoor service area with a capacity of 70 people and 10:00 am to 11:00 pm for the patio service area with a capacity of 21 people. This application proposes an increase to the exterior patio service area to increase the occupant load for this exterior area by 14 persons. Should Council support this request, this would result in the new overall occupant load for the liquor licence being 105 persons.

4.2 Project Description

This application is requesting an increase to the occupant load to accommodate an expansion of the exterior patio service area only. The existing hours are as follows, and are not proposed to change:

Existing Hours of Sale (Indoor Service Area)

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

Existing Hours of Sale (Exterior Service Area)

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

4.3 Site Context

The subject property is located on the south side of Baillie Avenue, a short distance from Richter Street. It is primarily an industrial area, and there are other existing other breweries both adjacent to, and within close proximity to this property. The property is located just outside of the City Centre Urban Centre, and has a Walk Score of 46 indicating it is largely car-dependent.

Subject Property Map: 727 Baillie Avenue



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:

- New patios associated with liquor establishments should be located and designed to limit potential impacts on surrounding property owners.

6.o Application Chronology

Date of Application Accepted: March 17, 2021

Date Neighbourhood Notification Completed: April 21, 2021

Report prepared by: Kimberly Brunet, Planner II

Reviewed by: Jocelyn Black, Urban Planning Manager

Reviewed by: Terry Barton, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Floorplan – Occupant Load

The occupant load shall be based on seating and have an occupant load of 105 persons.

REVIEWED BY CITY OF KELOWNA INSPECTIONS SERVICES

FORMING PART OF BUILDING PERMIT # _____ THESE DRAWINGS SHALL REMAIN ON SITE AVAILABLE TO CITY BUILDING INSPECTORS

DATE MAY 20/21 PLAN CHECKER L. Polyz

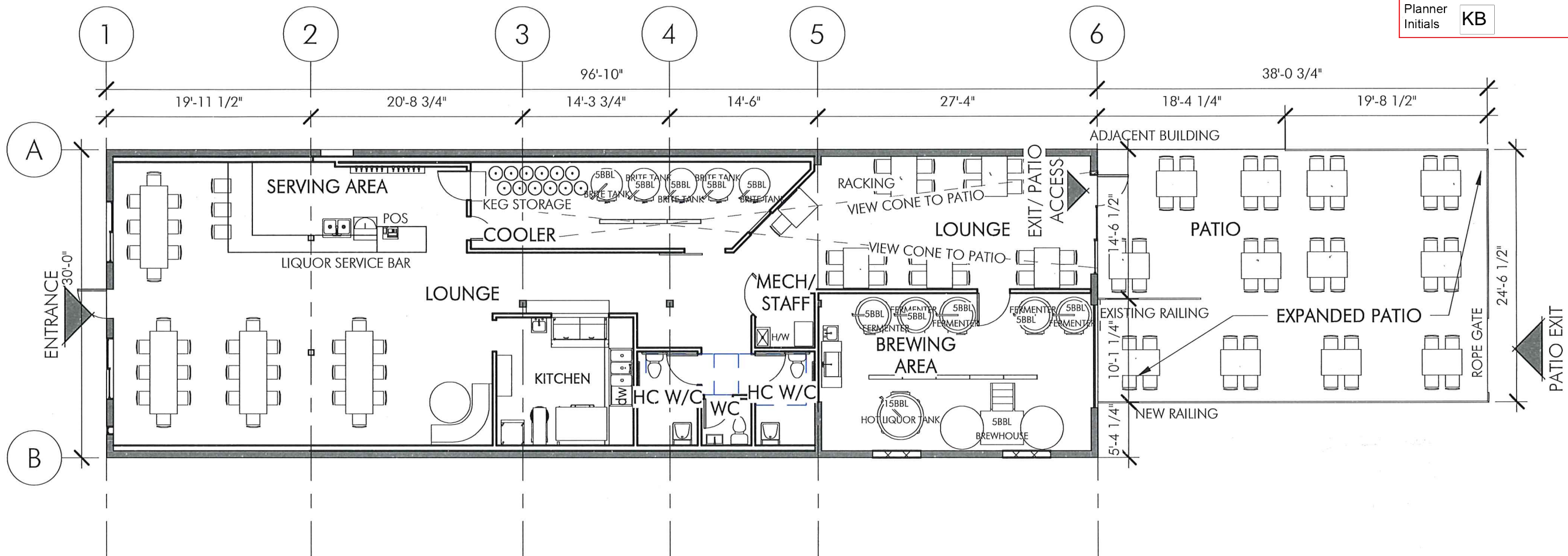
ATTACHMENT A

This forms part of application # LL21-0004

Planner Initials **KB**



City of Kelowna
DEVELOPMENT PLANNING



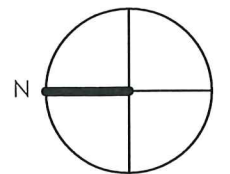
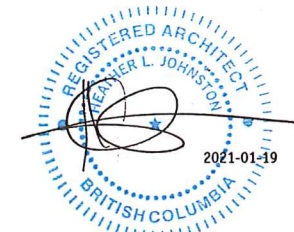
1 LL LEVEL 1 FLOOR PLAN
LL01 SCALE - 3/32" = 1'-0"

Occupant Load: Based on 3.7.17.7 of the 2018 BCBC

Brewery Area	27.5 sqm @ 4.6 sqm/ person = 6 persons
Storage Area	34 sqm @ 46 sqm/ person = 1 persons
Tasting Area	71.8 sqm @ 1.2 sqm/ person = 60 persons
Patio	57.1 sqm @ 1.2 sqm/ person = 48 persons

TOTAL 115 persons

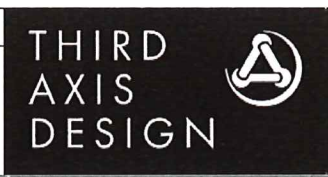
NOTE: 75% OF GFA USED FOR AREA CALCULATIONS SINCE ROUGHLY 25% OF THE SPACE WILL BE USED FOR CIRCULATION AND FURNITURE.



DRAWING:	LL PLANS
SCALE:	3/32" = 1'-0"

PROJECT NAME:	JACKKNIFE BREWERY 727 BAILLIE AVENUE KELOWNA, BC
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NO	DATE	ISSUE
01	20190314	LL APPLICATION
02	20191030	REVISION
03	20210115	REVISION



heather ljohnston architect AIBC
PLACE architect ltd.
6262 st georges avenue
west vancouver bc, v7w 1z7
778 386 6769
www.placearchitects.com





LL21-0004

727 Baillie Avenue

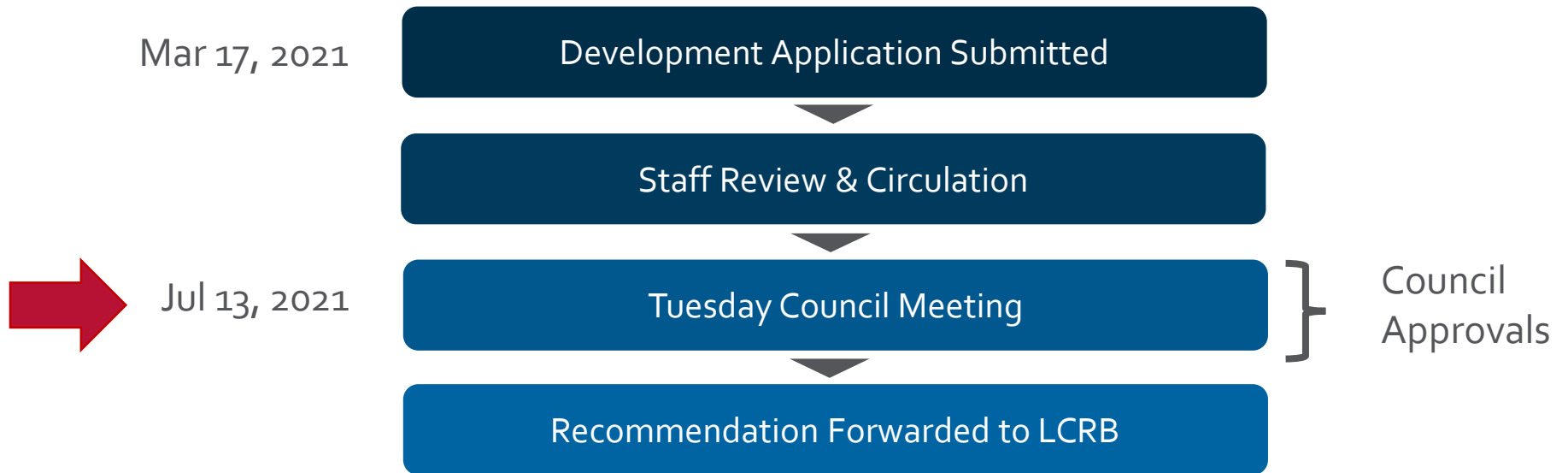
Amendment to Existing Liquor Licence Application



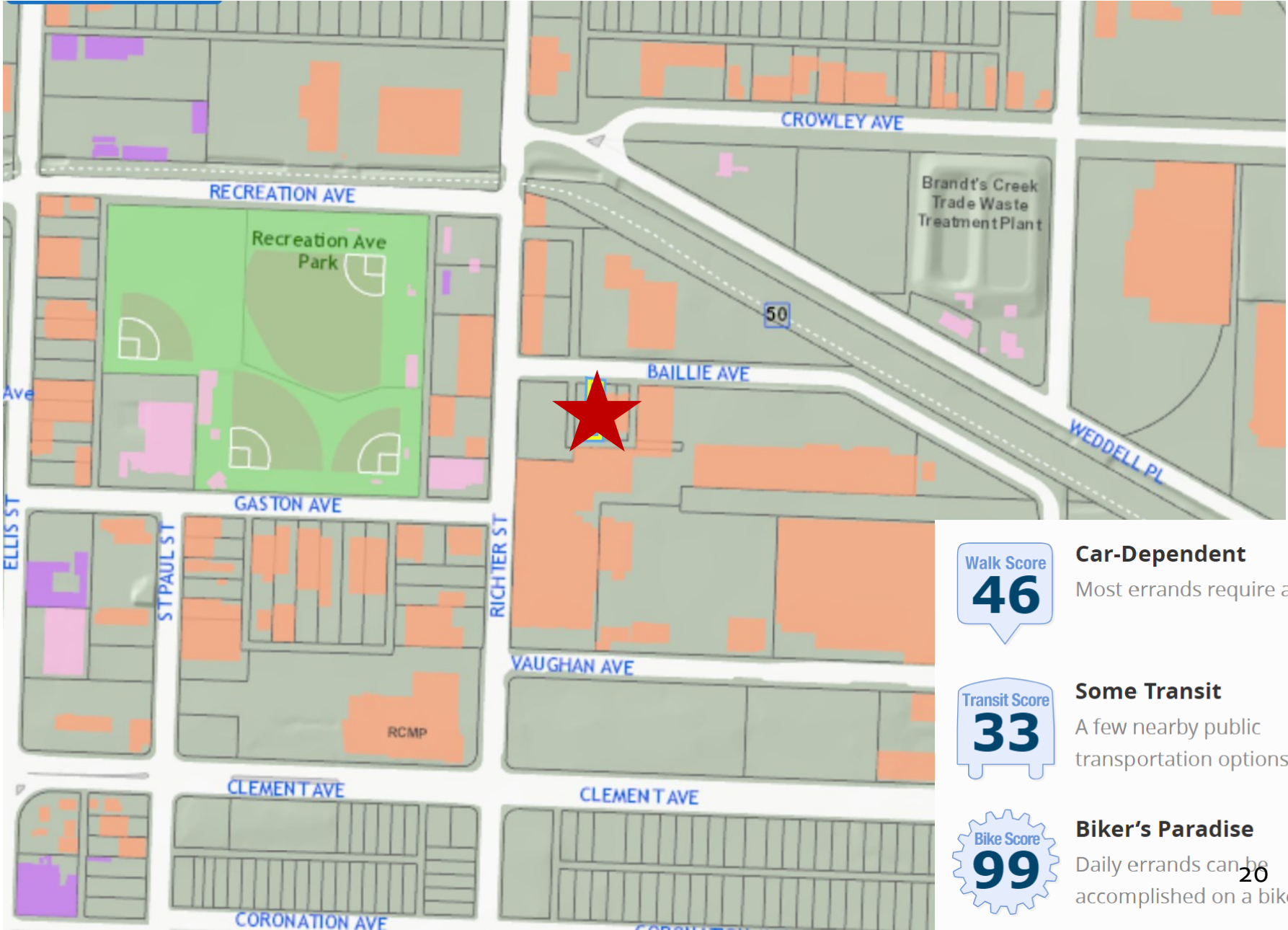
Proposal

- ▶ To seek Council's support for a liquor licence amendment to increase the occupant load for an existing manufacturer lounge licence to accommodate an expansion of the exterior patio service area

Development Process



Context Map



Walk Score
46

Car-Dependent
Most errands require a car.

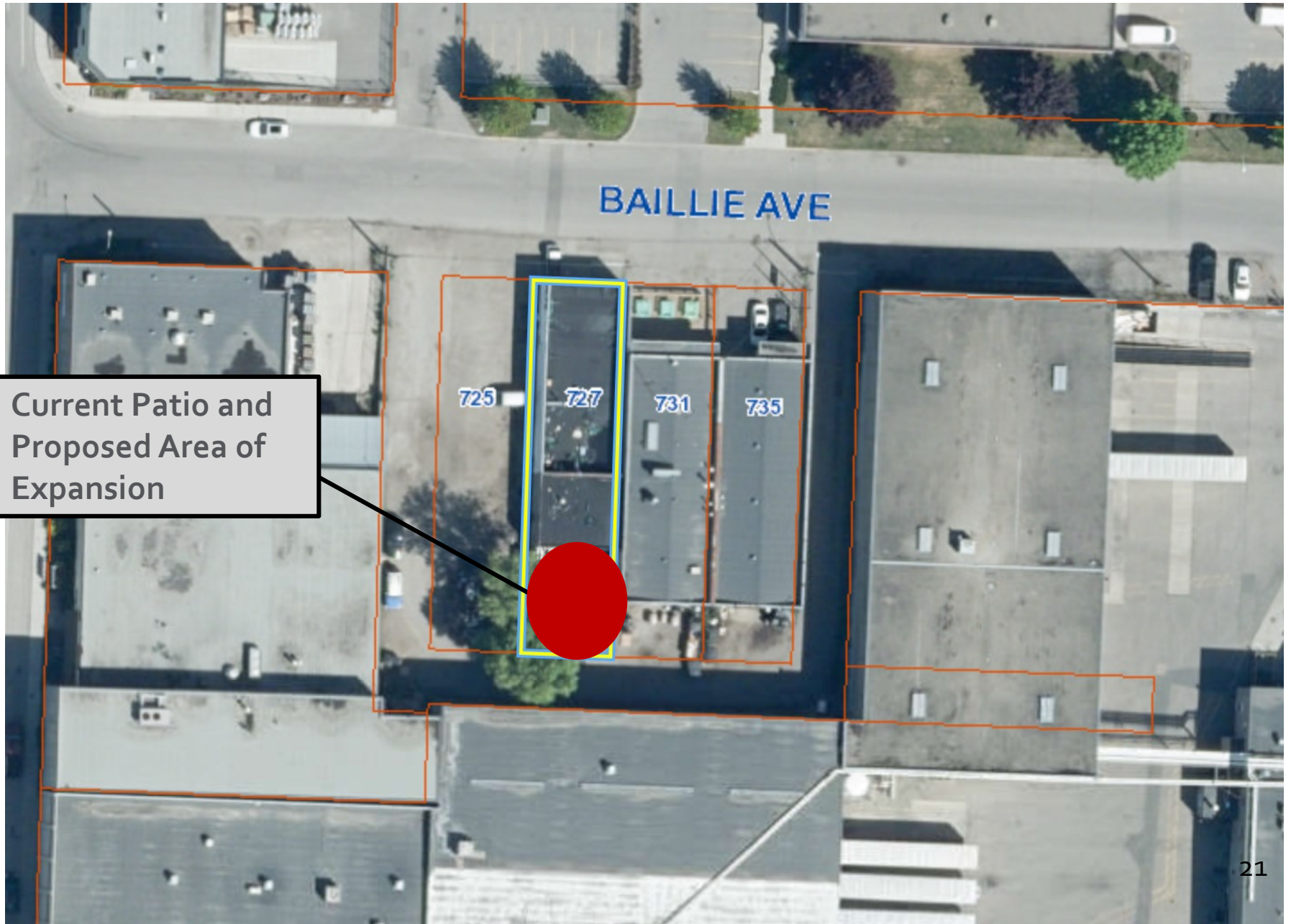
Transit Score
33

Some Transit
A few nearby public transportation options.

Bike Score
99

Biker's Paradise
Daily errands can be accomplished on a bike.

Subject Property Map



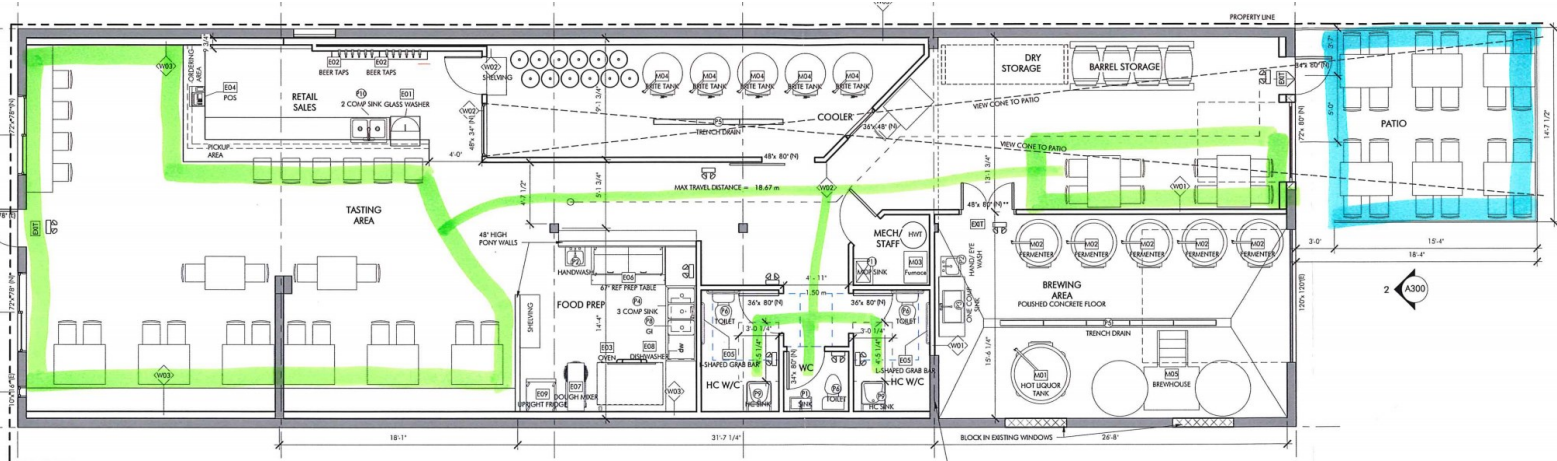
Current Patio and
Proposed Area of
Expansion

Project/technical details

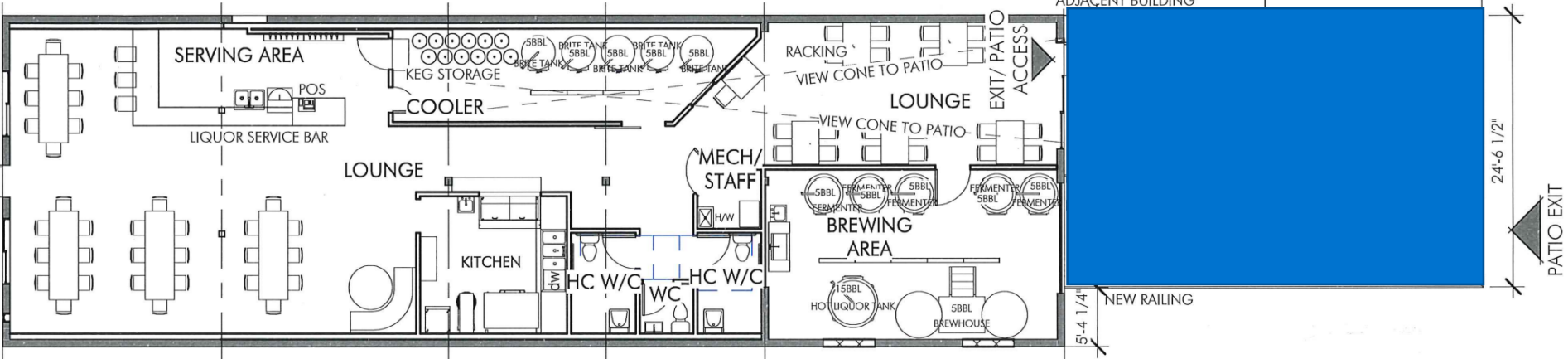
- ▶ License amendment for existing manufacturer lounge endorsement
- ▶ Current: Total occupant load of 91 persons
 - ▶ 70 persons indoors, 21 persons patio
- ▶ Proposed: Total occupant load of 105 persons
 - ▶ 70 persons indoors, 35 persons patio
 - ▶ 14 persons increase for exterior service area (patio)
- ▶ Hours to remain the same
 - ▶ Indoors: 10am – midnight
 - ▶ Patio: 10am – 11pm



Existing: (91 persons total occupant load)



Proposed: (105 persons total occupant load)



Council Policy#359

- ▶ Noise and Community Impact analysis
 - ▶ No residential dwellings in the immediate vicinity
 - ▶ Located in an industrial area
 - ▶ Potential for negative community impact is considered minimal
 - ▶ Aids in the redevelopment and activation of the industrial neighbourhood beyond the standard work day hours
- ▶ Minimal risk of negative impact

Staff Recommendation

- ▶ Development Planning recommends **support** for a liquor licence amendment to increase the occupant load for an existing manufacturer lounge licence
- ▶ That Council directs Staff to forward a resolution of support to the LCRB.



Conclusion of Staff Remarks

REPORT TO COUNCIL



Date: July 13, 2021
To: Council
From: City Manager
Department: Development Planning
Application: LL21-0006 **Owner:** City of Kelowna
Address: 900 Lexington Drive **Applicant:** Doug Nicholas
Subject: Liquor License Application
Existing OCP Designation: PARK – Major Park/Open Space (public)
Existing Zone: P5LP – Municipal District Park

1.0 Recommendation

THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB): In accordance with Division 9 (71) of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from the City of Kelowna - Kinsmen Athletic Park (Softball Quadplex) to include an outdoor patio into the existing liquor primary service area for Lot 1 District Lot 168 and Section 6 Township 26 ODYD Plan KAP80134, located at 900 Lexington Drive, Kelowna, BC for the following reasons:
 - The request is to include a newly constructed outdoor patio into the liquor service area. There are no changes to the number of patrons or the hours of operation. There should be no new or additional impact to the surrounding area.
2. Council's comments on LCLB's prescribed considerations are as follows:
 - a. The location of the establishment: The Kinsmen Athletic Park – Softball Quadplex is part of the larger Mission Creek Recreation Park which includes the H2O and Capital New Centre. The softball quadplex is located on a separate parcel at the northeast corner of the recreation park site.
 - b. The proximity of the establishment to other social or recreational facilities and public buildings: The softball quadplex is situated at the northeast corner of the parcel. To the north is the Mission Creek Greenway with agricultural properties to the north and east of the site. Michaelbrook Ranch Golf Course is to the southeast of the site.

c. The person capacity and hours of liquor service of the establishment: The previously approved capacity of 600 patrons will remain unchanged. The hours of operation will remain unchanged.

d. The number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location: The site is within walking distance of two existing liquor primary locations as follows:

- 1) Boomers Bar and Grill is located within the Capital New Centre on the Mission Creek Recreation Park parcel on the south side of Lexington Drive.
- 2) Michaelbrook Ranch Golf Course is situated to the southeast of the site.
The primary focus of both venues is recreational activity with the liquor primary as a supplemental use.

e. The impact of noise on the community in the immediate vicinity of the establishment: The negative impact the change poses is considered minimal due to the nature of the area as there is no intensification anticipated.

f. The impact on the community if the application is approved: The inclusion of the new patio area into the existing approved liquor service area will not have an impact to the community. The facility has operated for a number of years without incidence.

3. 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 seek Council's support for the addition of an outdoor patio area to be included in the approved liquor service area for an existing Liquor Primary establishment.

3.0 Development Planning

Staff are supportive of the request to expand the approved liquor service area to include the newly constructed outdoor patio area. Impacts to the surrounding neighbourhood will be negligible and additional noise is not an anticipated issue due to the current use of the site being for recreational activity (baseball quadplex). There are no changes requested to the site capacity or the hours of operation.

The application was circulated to the RCMP, Bylaw Services and Real Estate departments with no concerns raised by the proposal.

4.0 Proposal

4.1 Project Description

Council approved the use of Liquor Primary for the Kinsmen Sportsplex back in 2003. The site is well used from May to September for a number of slo-pitch leagues and tournaments. Liquor Service is provided from the on-site concession via a 3rd party agreement through the Kelowna Adult Softball Association. The concession operates during weekly league play and tournament times only. The funds raised from concession sales are put into the Associations 'reserve fund' which is then utilized for site improvements as needed.

The site has a designated 'beer garden' area with picnic tables. The new outdoor patio construction was recently completed earlier this year. The patio will provide a better raised viewing area of the ballfields and allow for socializing while watching the ball games.

4.2 Site Context

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Farm uses
East	A1 – Agriculture 1	Farm uses
South	P3 – Parks and Open Space P5 – Municipal District Park	Michaelbrook Ranch Golf Course Mission Creek Recreation Park
West	RU5 – Bareland Strata Housing	Residential

Subject Property Map: 900 Lexington Drive



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Provide Public Art and Cultural Activities

Entertainment Venues.¹ Within designated Urban Centres, encourage private-sector provision of facilities which diversify the selection of venues and entertainment opportunities throughout the city.

5.2 Council Policy #359 – Liquor Licensing Policy & Procedures

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

Other Policies:

- a) New Patios associated with liquor establishments should be located and designed to limit potential impacts on surrounding owners.
- b) Where appropriate, support alternative entertainment options, and/or establishments which are less focused on alcohol consumption (including event-driven establishments, and Food Primary establishments with the Patron Participation Entertainment Endorsement) to add a mix of entertainment options in Urban Centres. Consider limiting potential community impacts via license terms and conditions (hours, capacity, etc).

6.0 Application Chronology

Date of Application Accepted: April 28, 2021

Report prepared by: Lydia Korolchuk, Planner Specialist

Reviewed by: Jocelyn Black, Urban Planning Manager

Reviewed by: Terry Barton, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Occupant Load Drawing

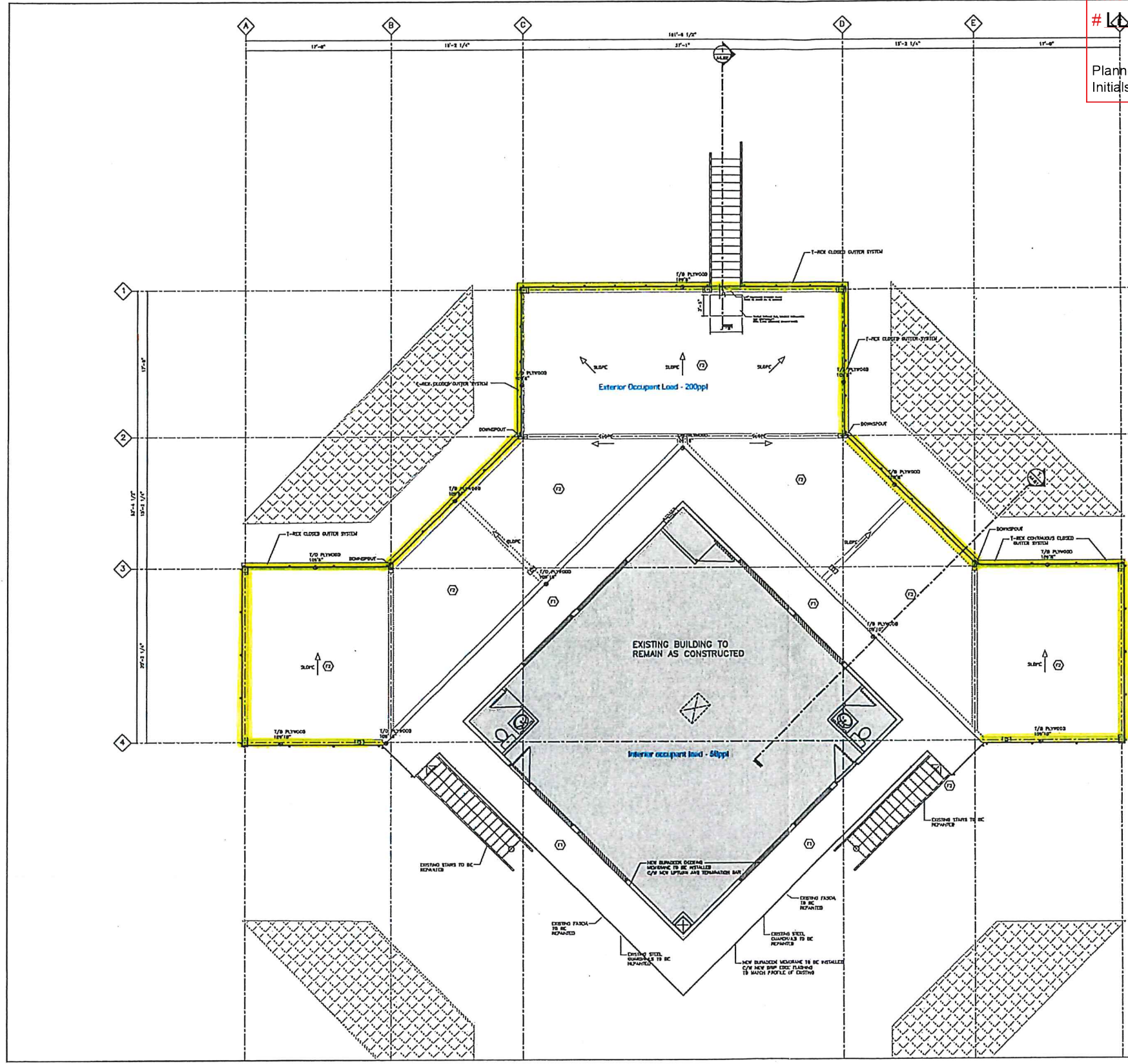
Attachment B: Applicant Project Rationale

¹ Policy 5.17.1 (Development Process Chapter 5, page 5.21)

201-75 FRONT STREET
 PEKIN, B.C.
 V2A 1H2
 TEL: 250.492.3143
 EMAIL: gen-mail@shaw.ca

233 BERNARD AVENUE
 KELOWNA, B.C.
 V7Y 6N2
 TEL: 250.762.2004
 EMAIL: tel-mail@shaw.ca

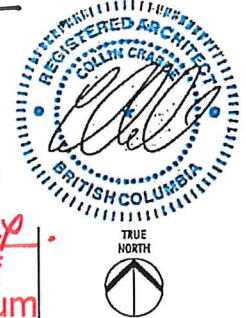
m+m a
 MEKLEJOHN ARCHITECTS INC.



900 LEXINGTON DRIVE.

* **KELOWNA KINSMEN**
 The **SOFTBALL COMPLEX**
 has a net floor area of **N/A m²**. The maximum
 occupant load shall be
600 persons.

AS PER PREVIOUS OCCUPANT LOAD
 EXISTING NO CHANGE BCBC 1.1.1.2



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No.	Date	Revision
1	2017.01.20	ISSUED FOR BUILDING PERMIT
2	2017.07.21	ISSUED FOR PERMITS
3	2017.12.08	RE-CHECK FOR TOWER
4	2018.11.07	ISSUED FOR CONSTRUCTION

Reviewed
 by City of Kelowna
 Inspection Services
 MAY 20 2021

SCALE 3/16" = 1'-0"

Project Title
**KELOWNA KINSMEN
 SOFTBALL COMPLEX
 MISSION SPORTFIELDS**

4105 GORDON DRIVE KELOWNA BC

Drawing Number
A3.02

DETAILED AREAS MUST BE SCALED.
 ALL DIMENSIONS SHALL BE VERIFIED ON JOB

Drawing Title
**PROPOSED SECOND
 FLOOR PLAN**

Drawn	mm 13-1155
Scale	AS SHOWN
Drawn	T.S.J.C.
Checked	JH

Addition of (permanent) Outdoor Patio at Kinsmen Softball Quadplex

900 Lexington Dr.

Purpose – the outdoor viewing patio project was a joint venture between City of Kelowna & Kelowna Adult Softball Association. It was designed to enhance the viewing experience for players and spectators, and create a social environment at the ballpark.

Events – Kinsmen Softball Quadplex is home to numerous slo-pitch leagues & tournaments in Kelowna

League Play

- City of Kelowna Slo-Pitch League (one of the biggest slo-pitch leagues in Canada)
- Major Men’s Slo-Pitch League (Kelowna Adult Softball Association)
- Ladies Slo-Pitch League (Kelowna Adult Softball Association)
- Major Mixed Slo-Pitch League
- Senior’s Slo-Pitch League
- Kinsmen Slo-Pitch League

ATTACHMENT B
This forms part of application
LL21-0006
Planner Initials **LK**
City of Kelowna
DEVELOPMENT PLANNING



These organizations typically have games scheduled 2-3 times per week, evenings 6-11pm. A typical slo-pitch season is May 1-Sep 1, with the City of Kelowna league running longer (mid-Apr to end of Oct).

Tournament Play – with the exception of approx. 2-3 weekends during a season, there is a slo-pitch tournament or league playoffs every weekend from May 1-Sep 15.

- These tournaments are hosted by Kelowna based organizations and many of them attract teams from outside of Kelowna. During tournament play, Kinsmen Softball Quadplex (M1-M4) will host games from Friday 6pm thru to Sunday at 6pm on all 4 diamonds. Some of the larger tournaments also use M5-M6.

Capacity – during league play (evenings 6pm-11pm), you will have 8 teams of approx. 14 players/team participating at the Quadplex during any given timeslot. Game start times are typically: 6pm, 7:30pm, & 9pm. At any given time during league night play, there are no more than 200 persons on-site at any given time. For tournament play, there are more opportunities for teams to linger between games, so the estimated capacity would rise to 300 persons on-site at any given time. There are no other instances, maybe a one-time special event, where there would be more than 300 persons on-site at any given time during the ball season. There is a designated “beer garden” area with picnic tables between diamonds M1 & M2. Before the viewing deck patio was constructed, this is where many teams would congregate in a social manner in between or after games.

City of Kelowna is not looking to increase the capacity of the liquor license, we simply want to include the new outdoor viewing deck patio within the current site.

Concession Operator - Active Living & Culture email the concession operator (hired via third party agreement through Kelowna Adult Softball Association) a weekly report of scheduled activities at the Quadplex. Concession operator is expected to be Open for all hours of scheduled play. Overall, the Kinsmen Softball Quadplex is a low-key venue. Liquor service is sold out of the concession window as a service to players & spectators, and as a way for Kelowna Adult Softball Association to raise money for "the reserve" to be then used for park improvements. In fact, a considerable amount of funds were allocated from "the reserve" to pay for the new outdoor viewing patio.



LL21-0006

900 Lexington Drive

Change to an existing Liquor Primary Application



Proposal

- ▶ To consider the addition of an outdoor patio area to be included in the approved liquor service area for an existing Liquor Primary establishment.

Development Process

Apr 28, 2021

Development Application Submitted

Staff Review & Circulation

July 13, 2021

Tuesday Council Meeting

Council Approvals

Recommendation Forwarded to LCRB

Context Map



Subject Property Map

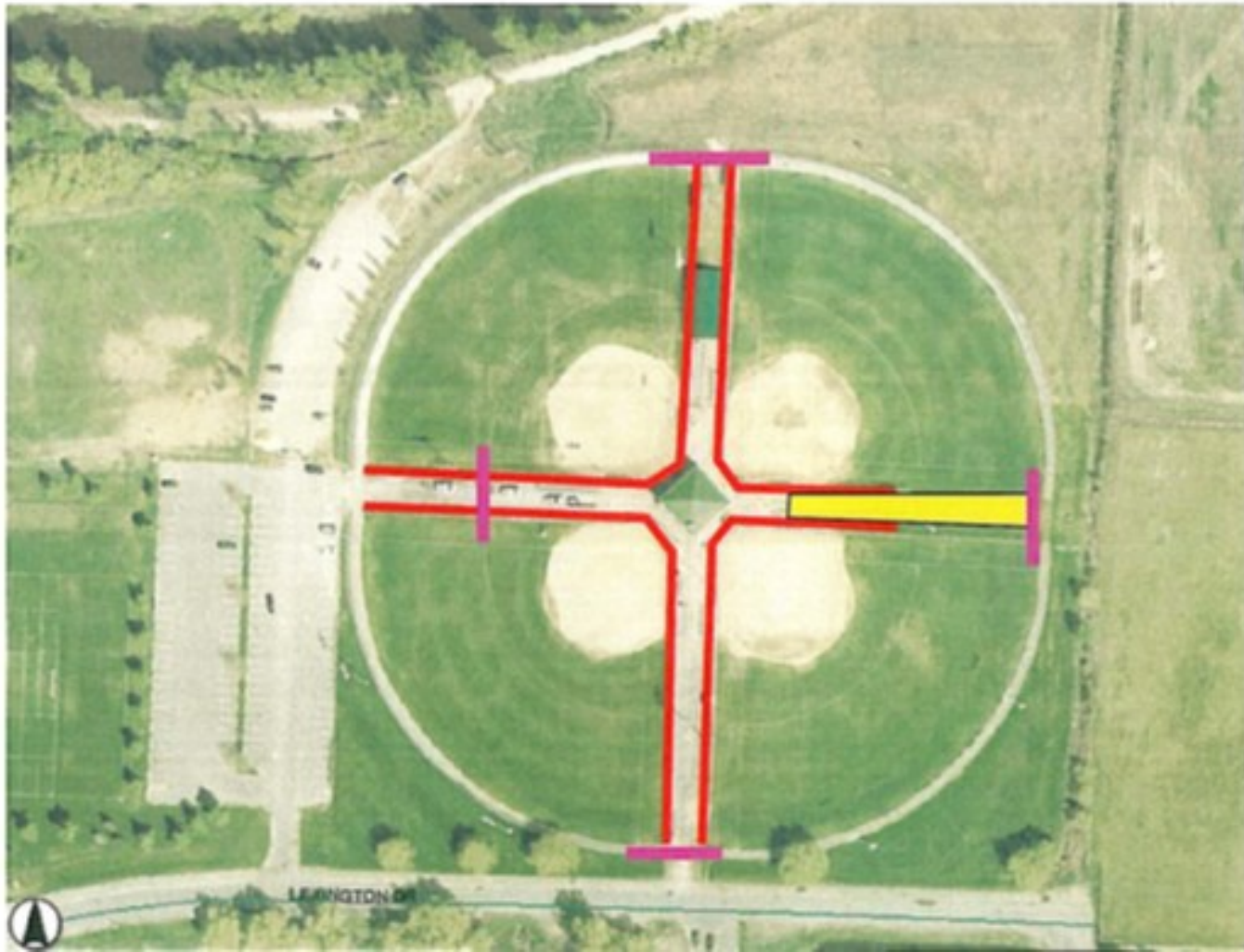


Subject Property:
Kinsmen Quadplex

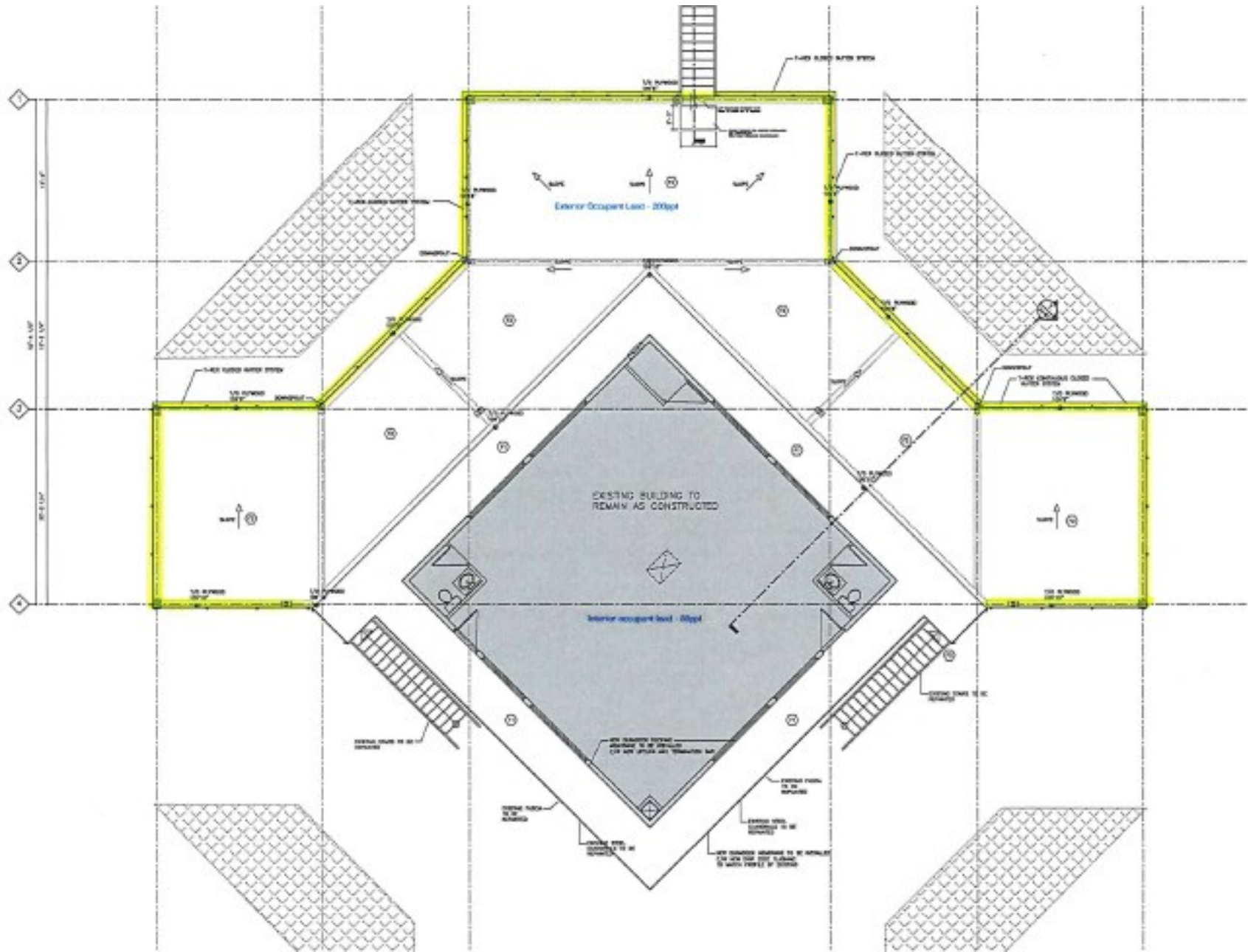
Lexington Drive

Liquor Service Area

-  Gate
-  Licenced Area
-  Designated non-alcohol area



Outdoor Patio Layout



Project/technical details

- ▶ Maximum capacity of 600 persons (for entire approved liquor service area)
- ▶ Expected maximum capacity would be approx. 300 persons.
- ▶ New Patio to be part of approved area.
- ▶ Liquor Service from Concession Stand (operated by 3rd party agreement through Kelowna Adult Softball Association.
- ▶ Hours of operation are during scheduled game play times only.

Council Policy#359

- ▶ Location is suitable
 - ▶ Where appropriate, support alternative entertainment options, and/or establishments which are less focused on alcohol consumption (including event-driven establishments).
- ▶ Hours of operation and site capacity remain unchanged
- ▶ Minimal risk of negative impact

Staff Recommendation

- ▶ Recommend **support** of the proposed change to the existing Liquor Primary establishment;
- ▶ That Council directs Staff to forward a resolution of support to the LCRB.



Conclusion of Staff Remarks