

City of Kelowna
Regular Council Meeting
AGENDA



Tuesday, May 9, 2023
4:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

I would like to acknowledge that we are gathered today on the traditional, ancestral, unceded territory of the syilx/Okanagan people.

This evening, Council will hold both a Public Hearing and a Regular Meeting.

The purpose of the Hearing is to hear from the public on matters contained in the various bylaws which, if adopted, will amend Zoning Bylaw No. 12375.

After the close of the Public Hearing, Council will then debate and vote on the proposed bylaws at the Regular Meeting that follows.

Council has been provided with the information, correspondence, petitions or reports that have been received concerning the subject bylaws. This information is available to the public online at Kelowna.ca/council or by request to the Office of the City Clerk.

For those participating this evening, or who have already submitted letters to Council, a reminder that this Hearing and the Meeting is open to the public and all representations to Council form part of the public record. A live audio-video feed is being broadcast and recorded on kelowna.ca.

Following the close of the Public Hearing, no further information from the applicant or members of the public will be accepted by Council.

2. Reaffirmation of Oath of Office

The Oath of Office will be read by Councillor Singh.

3. Confirmation of Minutes

Tuesday Meeting - April 18, 2023

1 - 8

4. Call to Order the Public Hearing

5. Individual Bylaw Submissions

- 5.1 **START TIME 4:00 PM - Barber Rd 135, 155 and Hwy 33 W 765 - TA22-0018 (BL12514) - ASI Barber Road GP Inc., Inc.No. A0122606** 9 - 21

To amend Zoning Bylaw No. 12375 to allow a site-specific text amendment for the subject properties.

6. **Termination**

7. **Call to Order the Regular Meeting**

8. **Bylaws Considered at Public Hearing**

- 8.1 **START TIME 4:00 PM - Barber Rd 135, 155 and Hwy 33W 765 - BL12514 (TA22-0018) - ASI Barber Road GP Inc., Inc.No. A0122606** 22 - 23

To give Bylaw No. 12514 second and third reading for a site-specific text amendment for the subject properties.

9. **Termination**

10. **Call to Order the Public Hearing**

11. **Individual Bylaw Submissions**

- 11.1 **START TIME 4:00 PM - Ethel St 2473 - TA23-0003 (BL12515) - B.C. Life Builders Rehabilitation Society, Inc.No.S-0037307** 24 - 36

To amend Zoning Bylaw No. 12375 to allow a site-specific text amendment for Boarding or Lodging House within an accessory building.

12. **Termination**

13. **Call to Order the Regular Meeting**

14. **Bylaws Considered at Public Hearing**

- 14.1 **START TIME 4:00 PM - Ethel St 2473 - BL12515 (TA23-0003) - B.C. Life Builders Rehabilitation Society, Inc.No. S-0037307** 37 - 38

To give Bylaw No. 12515 second and third reading and adopt for a site-specific text amendment for the subject property.

15. **Termination**

16. **Liquor License Application Reports**

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

16.1 **START TIME 4:00 PM - Lapointe Dr 5800 - LL22-0007 - City of Kelowna** 39 - 53

To seek Council's support for a new liquor primary license for the KF Aerospace Centre for Excellence.

16.2 **START TIME 4:00 PM - Baillie Ave 727 - LL23-0001 - Acoma Holdings Ltd., Inc.No. 132091** 54 - 70

To seek Council's support for a manufacturer with lounge endorsement liquor license amendment to increase the occupant load for an existing manufacturer lounge license from 70 persons to 84 persons for the indoor service area and 21 persons to 66 persons for the exterior patio service area.

17. 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.

17.1 **START TIME 4:00 PM - Bay Ave 845 - DVP22-0223 - David Tribiger** 71 - 84

To vary the required minimum west side yard setback from 2.1 m permitted to 2.0 m proposed, to vary the required minimum east side yard setback from 2.1 m permitted to 1.48 m proposed, and to vary the required minimum rear yard setback from 7.5 m permitted to 3.35 m proposed to accommodate the change of use of an existing structure from a Carriage House to Single Detached Housing.

18. Reminders

19. Termination

20. Procedure on each Bylaw Submission

- a) Brief description of the application by City Staff (Development Planning);
- (b) The applicant has up to 15 minutes to make representations to Council regarding the project.
- (c) The Chair will call for representation from the public participating in person and online as follows:
 - (i) Any person wishing to make representations during the Hearing will have the opportunity to do so.
 - (ii) Speakers have up to 5 minutes to share their remarks.
- (d) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in questions be held open, the Chair shall state to participants the the Public Hearing on the Bylaw is closed.
- (e) Once the public has had an opportunity to comment, the application is given up to 10 minutes to respond to any questions raised.
- (f) Questions of staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.

Note: Any applicant or member of the public may use electronic visual aids to assist in their presentation or questions. Online participants must be able to share their screen to display the item.



**City of Kelowna
Regular Council Meeting
Minutes**

Date: Tuesday, April 18, 2023
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Tom Dyas, Councillors Ron Cannan, Maxine DeHart, Gord Lovegrove, Mohini Singh, Luke Stack*, Rick Webber and Loyal Wooldridge

Members participating Remotely Councillor Charlie Hodge

Staff Present City Manager, Doug Gilchrist; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton; Planner, Mark Tanner*; Planner Specialist, Adam Cseke; Legislative Technician, Natasha Beauchamp

Staff participating Remotely Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

- 1. Call to Order**
Mayor Dyas called the meeting to order at 4:00 p.m.
- 2. Reaffirmation of Oath of Office**
The Oath of Office was read by Councillor Lovegrove.
- 3. Confirmation of Minutes**

Moved By Councillor Hodge/Seconded By Councillor Lovegrove

THAT the Minutes of the Public Hearing and Regular Meeting of March 21, 2021 be confirmed as circulated.

Carried

- 4. Call to Order the Public Hearing**
Mayor Dyas called the Hearing to order at 4:02 p.m.
- 5. Individual Bylaw Submissions**

5.1 START TIME 4:00 PM - Coronation Ave 979 983 - Z22-0075 (BL12484) - 979 Coronation GP Ltd. and Jamie Dennis Haynes

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Jeff Waters, Waters Development Management, Applicant Representative

- Displayed a PowerPoint Presentation.
- Provided brief comments regarding the three project partners and the intent of one of the project partners to reside in one of the proposed suites.
- Provided an overview of the request for the MF2 zone vs. the existing MF1 zone; noting that there is no increase in density being requested, with the MF2 zone there will be no variances and it will strike a balance of secured parking and livable units while maximizing greenspace.
- Spoke to the overall improvements to the development under the MF2 zone:
 - 2.5 times distance of side yard setbacks;
 - Private front yards;
 - Common rooftop gardens;
 - Private rooftop patios;
 - Private balconies
- Displayed alternatives if developing under the MF1 zone including reduced greenspace, reduced setbacks, elimination of common amenity space and reduced ground oriented housing in the downtown community.

Brian Quiring, MQN Architects, Vernon BC

- Continued with the PowerPoint presentation and displayed a picture of ground oriented townhouses, called Stride Downtown, as it is very walkable.
- Identified core area considerations with respect to supporting the Official Community Plan:
 - Infill housing in core area;
 - Housing variety – top priority;
 - Access to jobs, amenities, transport;
 - Support a variety of households and life stages;
 - Build healthier neighbourhoods.
- The site is very well supported with transit bus routes, bike paths and sidewalks.
- Believes the proposal adheres to smart growth principles such as limiting urban sprawl, upgrading existing housing stocks, provides alternative housing type units and new low carbon efficient homes.
- Spoke to the site sensitive plan and massing consideration.
- Compared the difference between developing the site under the MF1 zone and MF2 zone
- Displayed images of the housing diversity and access and circulation on site.
- Spoke to the community benefits with respect to private and common spaces.

Deputy City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Gallery:

Desiree Skutshek, Coronation Avenue

- Spoke to previously submitted correspondence.
- Raised concern with lack of sensitive infill in the neighbourhood.
- Raised concern with increased height.
- Opposed to rezoning.

Logan Miller, Coronation Avenue

- Raised concern with the scale of the development and the lack of sensitivity to existing 2 storey houses.
- Believes this is not the right fit for the neighbourhood at this time.
- Opposed to rezoning.

Kelly Bulley, Coronation Avenue

- Questioned whether parking will be 1 stall per unit plus visitors or 2 stalls per unit.
- Raised concern that parking is currently an issue on Coronation Avenue.
- Agreed with comments from previous intervenor.

Lisa Robazza, Cawston Avenue

- Shares the laneway with this development and two empty lots across from her property.
- Questioned the reason why the rooftop deck is not shown in the height diagram.
- Raised concern with the reference to more parking than required being provided.

Brian Quiring, Applicant in Response

- Providing 1 parking stall per unit within the unit, 3 additional parking stalls outdoors at grade for visitors and 1 accessible parking stall for a total of 13 parking stalls.
- The MF2 zone is better for the community and provides more housing that is needed in the community.
- Commented that the site coverage is lower in the MF2 zone than what it could be in the MF1 zone.
- Spoke to the sensitive densification in proximity to bus routes and believes this proposal is of high quality and is the right fit for this neighbourhood.
- Rooftop gardens are not considered an additional storey and that the renderings do not represent exactly what was shown in the building section.
- Commented on height being within regulations permitted in the MF2 zone.
- This is not an increase in density from the MF1 zone but an increase in the number of unit doors.
- Commented that the proposal is not relying on any on-street parking.
- Responded to questions from Council.

Andrew Houston, MQN Architects

- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comment

6. Termination

The Hearing was declared terminated at 5:00 p.m.

7. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 5:00 p.m.

8. Bylaws Considered at Public Hearing

8.1 START TIME 4:00 PM - Coronation Ave 979 983 - BL12484 (Z22-0075) - 979 Coronation GP Ltd. and Jamie Dennis Haynes

Moved By Councillor Lovegrove/Seconded By Councillor Singh

THAT Bylaw No. 12484 be read a second and third time.

Carried
Councillors Cannan, Hodge, Lovegrove and Webber - Opposed

Mayor Dyas:

- Commented on form and character considerations.

9. Termination

The meeting was declared terminated at 5:17 p.m.

10. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 5:17 p.m.

11. Individual Bylaw Submissions

Items 11.1 to 26.1 were considered in a different order than presented on the Agenda.

17.1 START TIME 4:00 PM - TA23-0001 (BL12500) - Amendments to Multiple Sections of Zoning Bylaw - 2 of 3 - City of Kelowna

Staff:

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

Deputy City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Gallery

Penny Pearson, Glenwood Avenue

- Speaking to Item 8 on the Executive Summary with the removal of the HD2 zone in Part 2.
- Report and liaison with a number of neighbours on Glenwood Avenue, Royal Avenue and Richter Street.
- Most HD2 zones will become MF3 zones; however the vacant lot at 2169 Pandosy Street is going from the HD2 zone to the HD1 zone. Currently there is a building permit to construct a parking lot on that vacant lot.
- Commented that there has been an improvement of communication between the Planning Department and the neighbours to keep the neighbourhood informed regarding the progress of the rezoning application and building permit.
- Regarding design of the parking lot, Planning has agreed to put access onto Royal Avenue and not just the alley that accesses Glenwood Avenue, they agreed to put a right turn only sign exiting onto the alley to help limit east bound traffic behind houses.
- In summary, asking that a Covenant on 2169 Pandosy Street for further input from the neighbourhood once development plans come forward and to remove access from the parking lot to the alley in the residential neighbourhood.

The meeting recessed at 5:35 p.m.

The meeting reconvened at 5:42 p.m.

Council agreed to open the Public Hearing for the other two text amending bylaws to the Zoning Bylaw.

11.1 START TIME 4:00 PM - TA22-0014 (BL12497) - Amendments to Multiple Sections of Zoning Bylaw 1 of 3 - City of Kelowna

23.1 START TIME 4:00 PM - TA23-0002 (BL12475) - Spelling and Grammar Changes - Zoning Bylaw No. 12375 - 3 of 3

Staff:

- Displayed a PowerPoint presentation summarizing the packages of text amendments associated with Bylaws 12497 and 12475.

Deputy City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak to any of the Text Amending Bylaws 12497, 12500 and 12475 followed by comments from Council.

Birte Decloux, Urban Options Planning

- Displayed a PowerPoint presentation outlining comments regarding dwelling unit width and the areas that will be negatively impacted by this amendment.
- Speaking to Item 17.1, Bylaw 12500, Section 13.5 minimum dwelling unit width of 7.5 m which is the equivalent to 24.5 feet.
- Spoke to impact of the change in regulation on the design process for applications being prepared.
- Asked Council to defer the minimum building width requirement until early 2024.

There were no further comments.

12. Termination

The Hearing was declared terminated at 6:05 p.m.

13. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 6:05 p.m.

14. Bylaws Considered at Public Hearing

14.1 START TIME 4:00 PM - BL12497 (TA22-0014) - Amendments to Multiple Sections of Zoning Bylaw 1 of 3 - City of Kelowna

Moved By Councillor Singh/Seconded By Councillor Lovegrove

THAT Bylaw No. 12497 be read a second and third time.

Carried

20.1 START TIME 4:00 PM - BL12500 (TA23-0001) - Amendments to Multiple Sections of Zoning Bylaw 2 of 3 - City of Kelowna

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

THAT Bylaw No. 12500 be read a second and third time.

This motions was not voted on.

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

THAT Bylaw No. 12500, as amended, be read a second and third time.

Carried

Moved By Councillor Stack/Seconded By Councillor DeHart

THAT Bylaw No. 12500 be amended at first reading to remove minimum dwelling unit width in Section 13.5 of Zoning Bylaw No. 12375.

Carried

Moved By Councillor Stack/Seconded By Councillor Lovegrove

THAT Council direct staff to require neighbourhood consultation for future development of 2169 Pandosy Street and to investigate removing access from the parking lot to the lane to the east;

AND THAT Council direct staff to report back to Council regarding minimum dwelling unit width for townhouses in the MF2 – Townhouse Housing zone.

Carried

26.1 START TIME 4:00 PM - BL12475 (TA23-0002) - Amendments to Multiple Sections of Zoning Bylaw 3 of 3 - City of Kelowna

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

THAT Bylaw No. 12475 be read a second and third time.

Carried

27. Liquor License Application Reports

27.1 START TIME 4:30 PM - Gordon Dr 105-1111 - LL23-0003 - Lakeside Land Development Corp., Inc. No. BC0797739

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Liam Mitchell, Gordon Drive, Applicant

- Believes there should be minimal impact with minimal hours of operation.
- Looking forward to being good neighbours within the community.
- Available for questions.

Deputy City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Online:

Devan Gaffney, Kelglen Crescent

- Raised social concerns regarding alcohol and addiction.
- Would like to see a balance between social concerns and liquor facilities.
- Believes that drunk driving, domestic violence, risky behaviour, drug consumption are all influenced by alcohol consumption.
- Commented that the North end of Kelowna has a high concentration of breweries; an issue for those with addictions.
- Believes there is a lack of publicly available addiction support and that private facilities are unaffordable.
- Commented on overdose issues.
- Raised concern that Kelowna is branded as brewery and wine central.
- Asked Council to take a moment of silence.

Liam Mitchell, Applicant:

- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comment.

Moved By Councillor Webber/Seconded By Councillor Wooldridge

THAT Council direct 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 Buffalo Rouge Brewing for a Lounge Endorsement for a Manufacturer's License for Lot 1 Section 30 Township 26 ODYD Plan EPP44783, located at 105-1111 Gordon Drive, Kelowna, BC for the following reasons:

- o The addition of Lounge Endorsement to the Manufacturer License is perceived to have a minimal impact on the community and surrounding properties as this is an existing industrial building and there are limited residential properties in the area.

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

- o The location of the winery/special event area:

The proposed location is suitable for a manufacturer with a lounge endorsement as the property is located in an industrial area and is close to the Downtown Urban Centre and areas in the Core Area Neighbourhood.

- o The proximity of the winery/special event area to other social or recreational facilities and public buildings:

The location is in relatively close proximity to other social gathering establishments.

- o The person capacity of the winery lounge:

The proposed capacity is 50 persons (34 in tasting room and 16 on patio). The inside areas and patio will be open until 11:00pm.

- o Traffic, noise, parking and zoning:

The potential impact for noise is minimal and would be compatible with surrounding land uses and the use is compatible with the underlying zone.

- o The impact on the community if the application is approved:

The low capacity and small patio will have minimal negative impacts on the community.

3. Council's comments on the views of resident's area 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

28. Development Permit and Development Variance Permit Reports

28.1 START TIME 4:30 PM - Clifton Rd N 372 - DVP23-0022 - Ryan Fugger

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Ryan Fugger, Clifton Road, Applicant

- Commented that they are not building into setback zone; connecting two existing buildings.
- Available to answer questions.

Deputy City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one came forward.

Ryan Fugger: Applicant

- Responded to questions from Council.

There were no further comment

Moved By Councillor Cannan/Seconded By Councillor Wooldridge

THAT Council authorizes the issuance of Development Variance Permit No. DVP23-0022 for Lot 40 Section 8 Township 23 ODYD Plan 20895, located at 372 Clifton Rd N, Kelowna, BC; AND THAT variances to the following section of Zoning Bylaw No. 12375 be granted as shown on Schedule "A":

Section 11.5: RU1 – Large Lot Housing Development Regulations

To vary the required minimum side yard setback from 2.1 m permitted to 0.95 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.

Carried

29. **Reminders -Nil.**

30. **Termination**

The meeting was declared terminated at 6:43 p.m.

Mayor Dyas

/acm



Deputy City Clerk

REPORT TO COUNCIL



Date: April 24, 2023
To: Council
From: City Manager
Department: Development Planning
Application: TA22-0018
Owner: ASI BARBER ROAD GP INC., INC.NO. A0122606
Address: 135 Barber Rd, 155 Barber Rd and 765 Hwy 33 W
Applicant: ASI BARBER ROAD GP INC.
Subject: Text Amendment Application
Existing OCP Designation: UC – Urban Centre
Existing Zone: UC₄ – Rutland Urban Centre

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA22-0018 to amend City of Kelowna Zoning Bylaw No. 12375 as outlined in Schedule "A" attached to the Report from the Development Planning Department dated April 24, 2023 for LOT 1 SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 17229 EXCEPT PLAN 39372 located at 765 Hwy 33 W, LOT 2 SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 17229 located at 135 Barber Rd and LOT 3 SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 17229 located at 155 Barber Rd be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Zoning Bylaw Text Amending Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit for the subject property.

2.0 Purpose

To amend the Zoning Bylaw with a Site-Specific Text Amendment to permit ground-floor commercial uses to occupy a minimum of 0% of the Hwy 33 W street frontage.

3.0 Development Planning

Staff recommend support for this Site-Specific Text Amendment application. Map 4.8 in the 2040 Official Community Plan (OCP) identifies the envisioned street character of roads within the Rutland Urban Centre. The portion of Hwy 33 W, fronting these properties, is identified as a Retail Street in the OCP. The street character of Hwy 33 W changes to Mixed-Residential Street to the west of Barber Rd, and Barber Rd is identified as a Residential Street. Given the Residential Street designation for Barber Rd, Staff feel the request to not include any commercial uses for this proposed development is reasonable. There are other locations within the Rutland Urban Centre that are appropriate for commercial uses, and as this proposed development is on the edge of the Retail Street Character Map, Planning feels this request would not deteriorate from establishing commercial in the heart of the Rutland Urban Centre.

Zoning Bylaw No. 12375 (Section 14.11) requires a minimum of 90% of the street frontage to be ground-floor commercial. As the request for the proposal to not include any commercial use pertains to the removal of a land-use requirement, this request cannot be handled as a variance and needs to be processed as a site-specific text amendment, in accordance with Local Government Act S. 498(2)(a).

4.0 Site Context & Background

4.1 Site Context

Orientation	Zoning	Land Use
North	P1 – Major Institutional P2 – Education and Minor Institutional UC4dt-fg – Rutland Urban Centre (Drive Through and Fuelling and Gas Stations)	Apartment Housing Health Services Gas Bar, Food Primary with Drive Through
East	UC4dt-rcs - Rutland Urban Centre (Drive Through and Retail Cannabis Sales)	Retail, Retail Cannabis Sales
South	RU1 – Large Lot Housing	Single Detached Housing
West	UC4 – Rutland Urban Centre	Apartment Housing Single Detached Housing

Subject Property Map: 135 Barber Rd, 155 Barber Rd and 765 Hwy 33 W



4.2 Background

The development proposal is for the three lots on the northeast corner of Barber Rd at Hwy 33 W, which front on to Hwy 33 W. They currently contain single detached housing.

5.0 **Technical Comments**

5.1 Development Engineering Department

Development Engineering Requirements are associated with the related Development Permit (DP22-0225)

6.0 **Application Chronology**

Date of Application Accepted: November 24, 2022

Date Public Consultation Completed: February 18, 2023

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:

Schedule A: Site-Specific Text Amendment Table

Schedule A – Proposed Text Amendments

No.	Section	Current Wording	Proposed Wording	Reason for Change												
11.	Section 14.15 Site Specific Regulations	N/A	<p>Section 14.15 Site Specific Regulations Uses and regulations apply on a site-specific basis as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 45%;">Legal Description</th> <th style="width: 15%;">Civic Address</th> <th style="width: 40%;">Regulation</th> </tr> </thead> <tbody> <tr> <td>LOT 1 SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 17229 EXCEPT PLAN 39372</td> <td>765 Hwy 33 W 135 Barber Rd 155 Barber Rd</td> <td>To permit: <ul style="list-style-type: none"> • ground-floor commercial principal uses to occupy 0% of the Hwy 33 W street frontage </td> </tr> <tr> <td>LOT 2 SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 17229</td> <td></td> <td></td> </tr> <tr> <td>LOT 3 SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 17229</td> <td></td> <td></td> </tr> </tbody> </table>	Legal Description	Civic Address	Regulation	LOT 1 SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 17229 EXCEPT PLAN 39372	765 Hwy 33 W 135 Barber Rd 155 Barber Rd	To permit: <ul style="list-style-type: none"> • ground-floor commercial principal uses to occupy 0% of the Hwy 33 W street frontage 	LOT 2 SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 17229			LOT 3 SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 17229			To not require any ground-floor commercial uses on the Hwy 33 W frontage
Legal Description	Civic Address	Regulation														
LOT 1 SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 17229 EXCEPT PLAN 39372	765 Hwy 33 W 135 Barber Rd 155 Barber Rd	To permit: <ul style="list-style-type: none"> • ground-floor commercial principal uses to occupy 0% of the Hwy 33 W street frontage 														
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City of
Kelowna

TA22-0018

135 Barber Rd, 155 Barber Rd
and 765 Hwy 33 W

Site-Specific Text Amendment Application

Purpose

- ▶ To amend the Zoning Bylaw by permitting ground-floor commercial uses to occupy a minimum of 0% of the Hwy 33 W street frontage.

Development Process



Nov 24, 2022

Development Application Accepted



Staff Review & Circulation



Feb 18, 2023

Public Notification Received



Apr 24, 2023

Initial Consideration



Public Hearing



Final Reading & DP/DVP



Building Permit



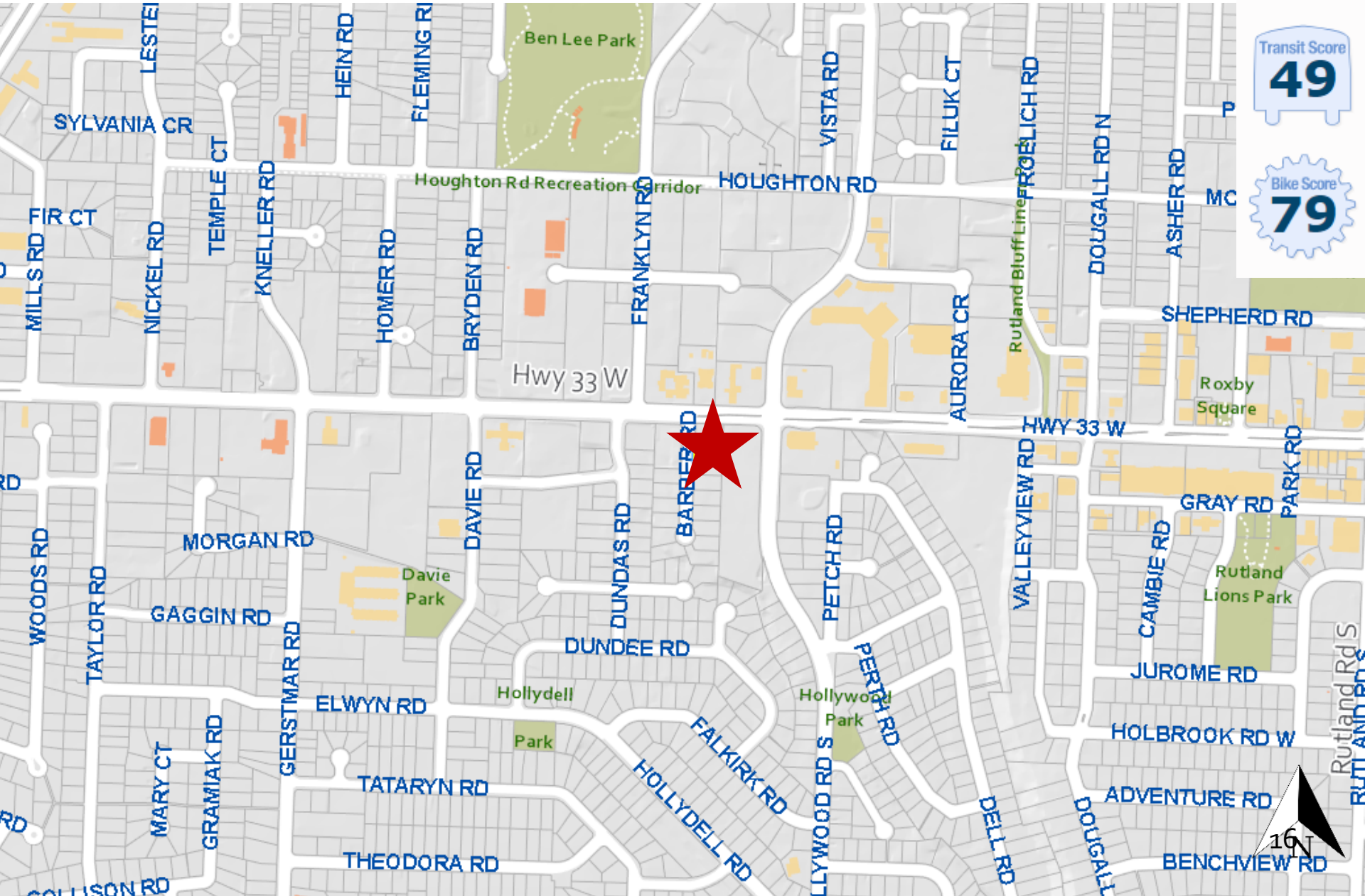
Council Approvals

Context Map

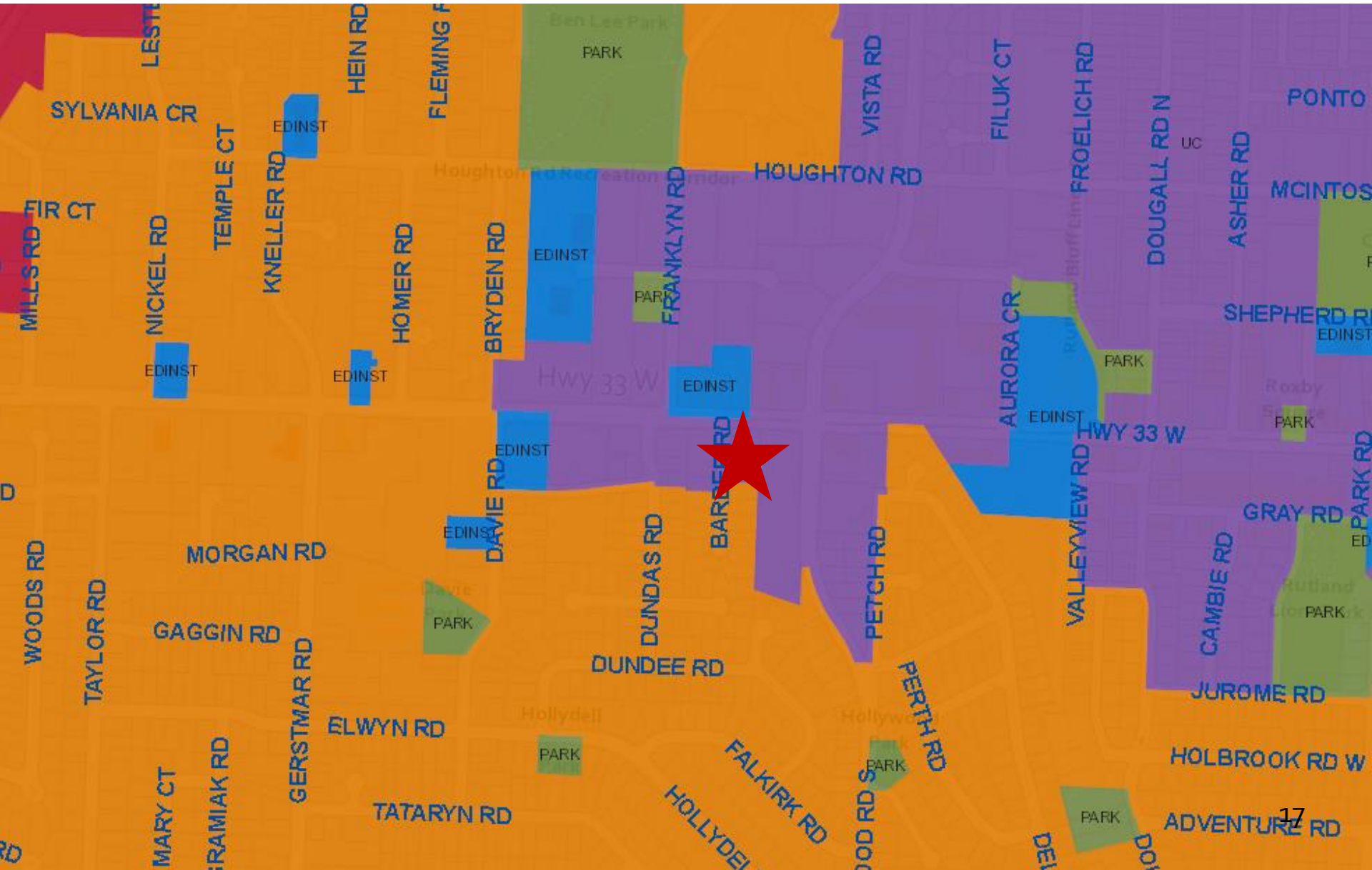
Walk Score
79

Transit Score
49

Bike Score
79



OCP Future Land Use



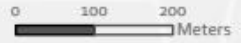
Subject Property Map



Subject property



- High Street
- Mixed Residential Street
- Retail Street
- Residential Street
- Mixed Street
- Future Retail Street
- Transit Supportive Corridor
- Transit Exchange



Site-Specific Text Amendment

- ▶ To permit ground-floor commercial uses to occupy a minimum of 0% of the Hwy 33 W street frontage
 - ▶ Required to be processed as a text amendment, in accordance with LGA S. 498(2)(a)

Staff Recommendation

- ▶ Staff recommend support for the proposed site-specific text amendment application.
 - ▶ Properties are located on the western edge of the OCP Retail Street Character
 - ▶ Barber Rd is identified as a Residential Street
 - ▶ Request would not deteriorate from establishing commercial in the Rutland Urban Centre

CITY OF KELOWNA

BYLAW NO. 12514

TA22-0018

135, 155 Barber Road & 765 HWY 33 W

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375, **Section 14 – Core Area and Other Zones, Section 14.15 – Site Specific Regulations** be amended by adding in its appropriate location the following:

“

Section 14.15 Site Specific Regulations			
Uses and Regulations apply on a site-specific basis as follows:			
	Legal Description	Civic Address	Regulation
11.	LOT 1 SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 17229 EXCEPT PLAN 39372	765 HWY 33 W	
	LOT 2 SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 17229	135 Barber Rd	To permit ground floor commercial principal uses to occupy 0% of the Hwy 33 W street frontage.
	LOT 3 SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 17229	155 Barber Rd	

”

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 24th day of April, 2023.

Considered at a Public Hearing on this

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: April 24, 2023
To: Council
From: City Manager
Department: Development Planning
Application: TA23-0003
Owner: B.C. Life Builders Rehabilitation Society, Inc.No.S-0037307
Address: 2473 Ethel St
Applicant: Tom Smithwick
Subject: Text Amendment
Existing OCP Designation: C-NHD - Core Area Neighbourhood
Existing Zone: RU4b – Duplex Housing with Boarding or Lodging House

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA23-0003 to amend City of Kelowna Zoning Bylaw No. 12375 as outlined in Schedule "A" attached to the Report from the Development Planning Department dated April 24, 2023 for Lot B District Lot 136 ODYD Plan 30919 located at 2473 Ethel Street be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration.

2.0 Purpose

To amend the Zoning Bylaw by adding a site-specific text amendment to allow Boarding or Lodging House within an accessory building, a reduction in minimum parking space requirements, and a maximum of 14 residents on the subject property.

3.0 Development Planning

Staff are supportive of the site-specific text amendment. The site is currently operating as a Boarding House with 11 bedrooms within the principal dwelling unit, 10 for residents and one for an employee. The accessory building will contain an additional four bedrooms. All residents share a communal kitchen within the principal dwelling unit.

The non-profit organization operating the site does not permit residents to have vehicles on site. Staff members have vehicles on-site and work with residents to attend appointments and basic needs.

Additionally, residents use public transport or cycling, therefore, a reduction in required parking from 10 stalls to 2 stalls is appropriate for this site.

4.0 Proposal

4.1 Background

A Building Permit was issued in November 2010 to construct the accessory building on the subject property (BP41409). Currently the Boarding House operates in the Single Detached Housing building only.

4.2 Project Description

The proposed site-specific text amendment would allow the use of Boarding or Lodging to operate within an accessory structure. In the RU4b zone the existing accessory building on site has been used in the past for garage and workshop space. A building permit would be required for the change of use to create conditioned space.

4.2 Site Context

The subject property is located on Ethel Street between Morrison Avenue and Grenfell Avenue. The property fronts onto the Ethel Street multi-use corridor.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Detached Housing
East	RU1 – Large Lot Housing	Single Detached Housing
South	RU4 – Duplex Housing	Duplex Housing
West	MF1 – Infill Housing	Duplex Housing

Subject Property Map: 2473 Ethel Street



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 5.11 Increase the diversity of housing forms and tenure to create an inclusive, affordable and complete Core Area.		
Policy	5.11.1	Ensure a diverse mix of low and medium density housing forms in the Core Area that support a variety of households, income levels and life stages.
Diverse Housing Forms		<i>The operator of the Boarding house is a non-profit and works with residents with a variety of income levels and different stages of life.</i>
Objective 5.12 Protect citizens from displacement due to Core Area development		
Policy	5.12.1	Prioritize the development of subsidized housing and housing with supports in the Core Area in addition to the Urban Centres, particularly near employment, public transit, services and amenities. Promote acceptance to the community for these supports, services and the citizens that are using them.
Housing with Supports		<i>The Boarding house has been operating out of the principle dwelling for several years. It is well established in the neighbourhood and benefits from nearby amenities.</i>

6.0 Application Chronology

Date of Application Accepted: January 17, 2023

Date Public Consultation Completed: March 1, 2023

Report prepared by: Jason Issler, Planner I
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:

Schedule A: Proposed Text Amendment

Schedule A – Proposed Site-Specific Text Amendments to Zoning Bylaw No. 12375 TA23-0003

No.	Section	Current Wording	Proposed Wording	Reason for Change												
1.	Section 11.6 – Site Specific Regulations, RU4b – Duplex Housing (Boarding and Lodging)	N/A	<table border="1"> <thead> <tr> <th colspan="4" data-bbox="726 363 1572 435">Section 11.6 – Site Specific Regulations Uses and regulations apply on a site-specific basis as follows:</th> </tr> <tr> <th data-bbox="726 435 785 509"></th> <th data-bbox="785 435 968 509"><i>Legal Description</i></th> <th data-bbox="968 435 1142 509"><i>Civic Address</i></th> <th data-bbox="1142 435 1572 509"><i>Regulation</i></th> </tr> </thead> <tbody> <tr> <td data-bbox="726 509 785 1227">1.</td> <td data-bbox="785 509 968 1227">Lot B District Lot 136 ODYD Plan 30919.</td> <td data-bbox="968 509 1142 1227">2473 Ethel Street</td> <td data-bbox="1142 509 1572 1227"> <p><i>Notwithstanding, Section 5.3 General Definitions, & Table 8.3.1a Other Residential Parking, the following uses and regulations are permitted:</i></p> <ul style="list-style-type: none"> Boarding and Lodging Houses can operate within an accessory building in addition to the Single Detached Housing; and The minimum parking is two stalls for the Boarding and Lodging use for the site; and The maximum of 14 residents on the subject property. </td> </tr> </tbody> </table>	Section 11.6 – Site Specific Regulations Uses and regulations apply on a site-specific basis as follows:					<i>Legal Description</i>	<i>Civic Address</i>	<i>Regulation</i>	1.	Lot B District Lot 136 ODYD Plan 30919.	2473 Ethel Street	<p><i>Notwithstanding, Section 5.3 General Definitions, & Table 8.3.1a Other Residential Parking, the following uses and regulations are permitted:</i></p> <ul style="list-style-type: none"> Boarding and Lodging Houses can operate within an accessory building in addition to the Single Detached Housing; and The minimum parking is two stalls for the Boarding and Lodging use for the site; and The maximum of 14 residents on the subject property. 	To allow Boarding and Lodging use to operate within accessory building and provide two parking stalls.
Section 11.6 – Site Specific Regulations Uses and regulations apply on a site-specific basis as follows:																
	<i>Legal Description</i>	<i>Civic Address</i>	<i>Regulation</i>													
1.	Lot B District Lot 136 ODYD Plan 30919.	2473 Ethel Street	<p><i>Notwithstanding, Section 5.3 General Definitions, & Table 8.3.1a Other Residential Parking, the following uses and regulations are permitted:</i></p> <ul style="list-style-type: none"> Boarding and Lodging Houses can operate within an accessory building in addition to the Single Detached Housing; and The minimum parking is two stalls for the Boarding and Lodging use for the site; and The maximum of 14 residents on the subject property. 													

SCHEDULE A

This forms part of application # TA23-0003

Planner Initials **Jl**



City of Kelowna
DEVELOPMENT PLANNING



City of
Kelowna

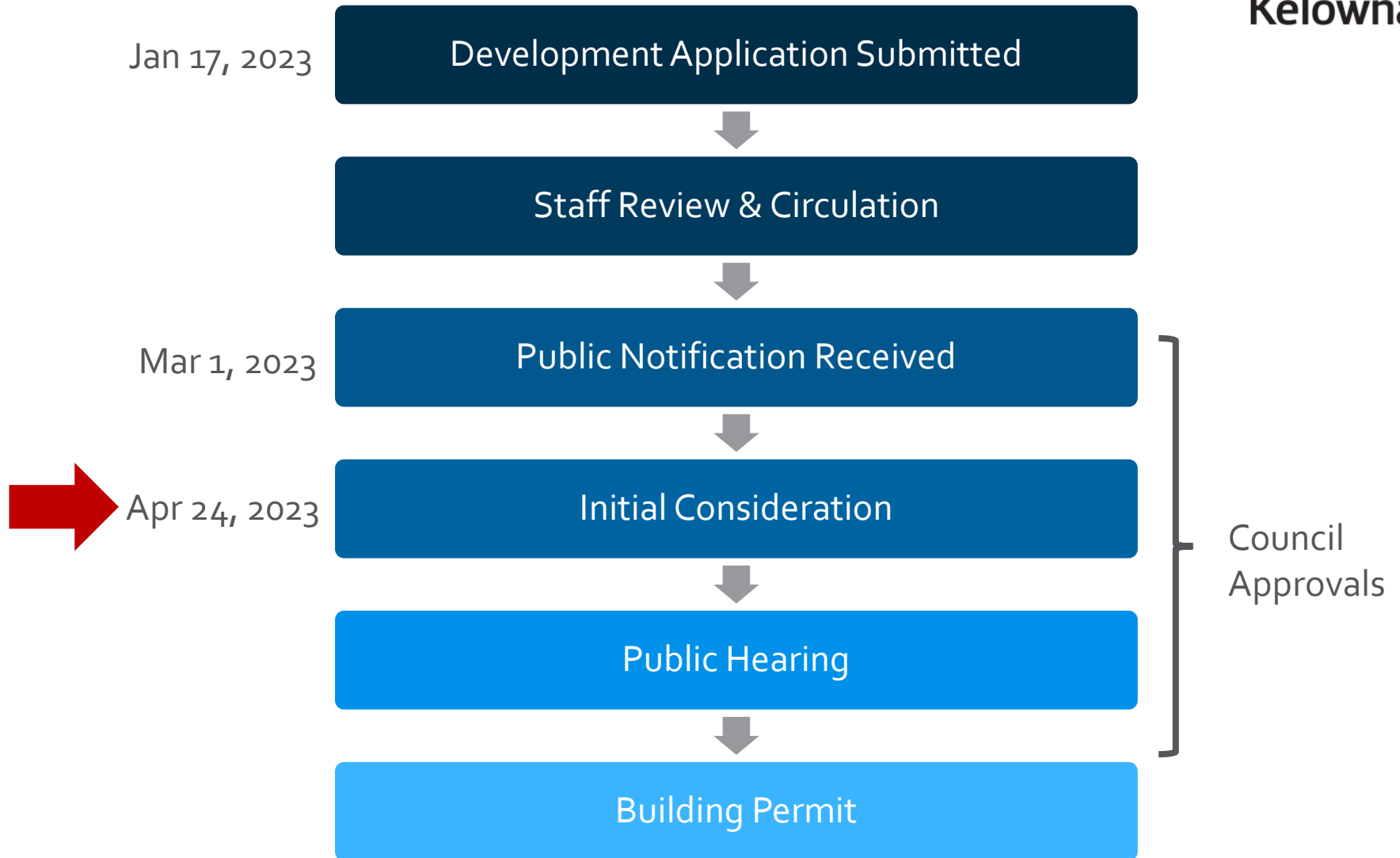
TA23-0003
2473 Ethel St

Text Amendment Application

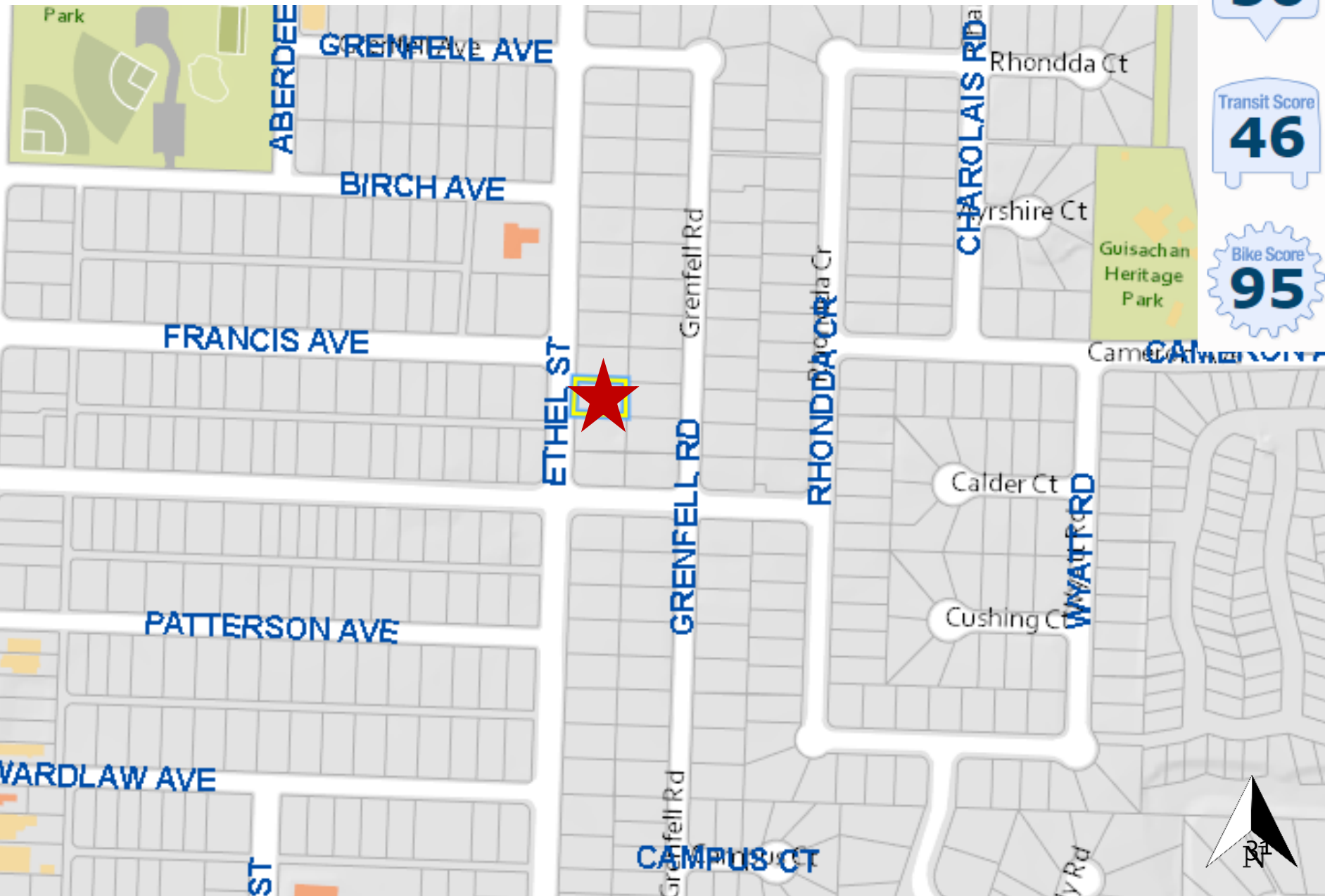
Purpose

- ▶ To amend the zoning bylaw by adding a site-specific text amendment to Zoning Bylaw No. 12375 to allow Boarding or Lodging House within an accessory building, a reduction in minimum parking space requirements, and a maximum of 14 residents on the subject property.

Development Process



Context Map



Walk Score
56

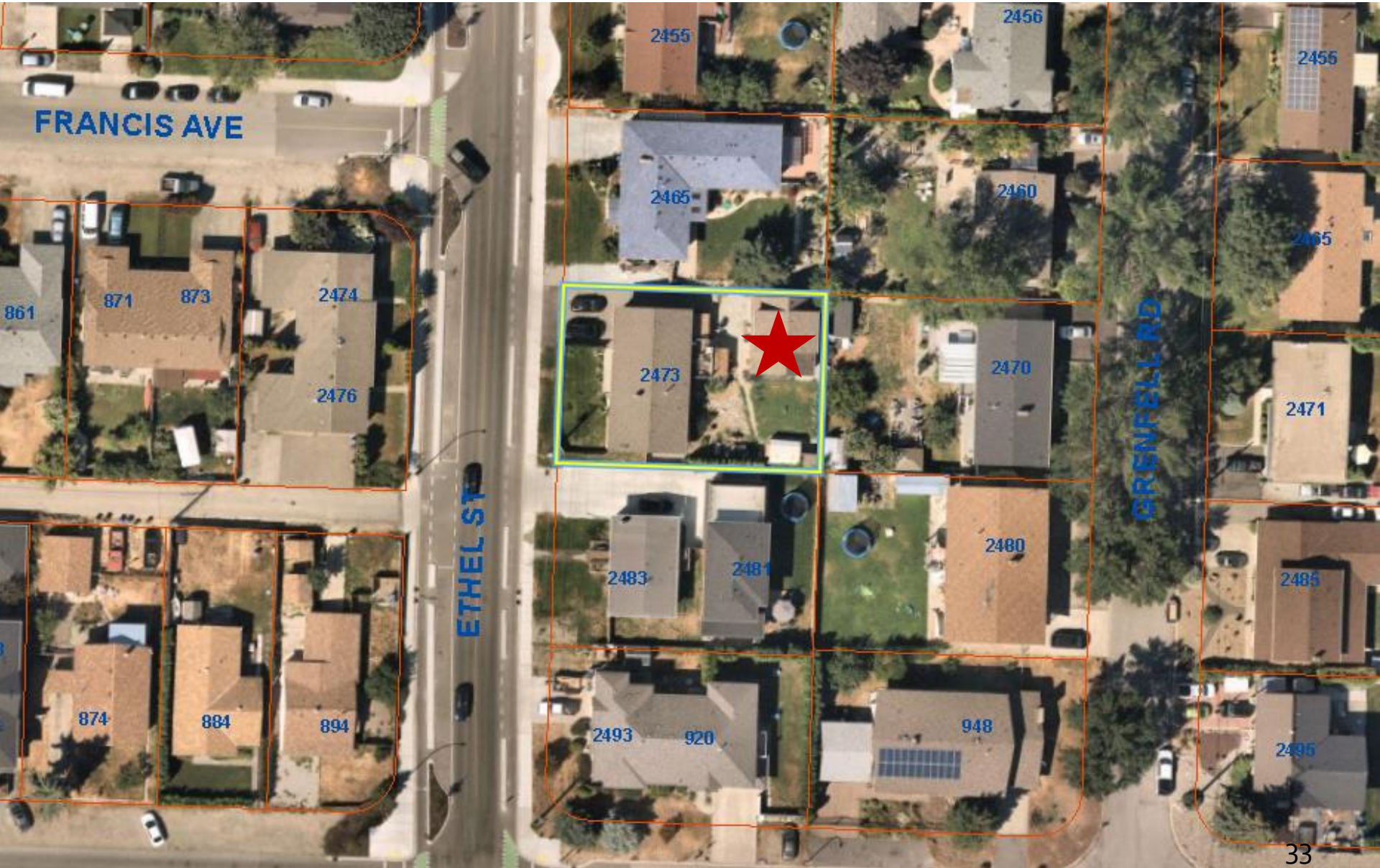
Transit Score
46

Bike Score
95

OCP Future Land Use



Subject Property Map



Project Details

- ▶ To permit Boarding or Lodging House within accessory building
- ▶ C-NHD – Core Area Neighbourhood
- ▶ Boarding or Lodging House
 - ▶ 11 Bedrooms in the house (10 residents 1 employee)
 - ▶ 4 new rooms proposed in accessory building
 - ▶ 2 parking stalls for employees
 - ▶ 14 residents total onsite

OCP Objectives & Policies

- ▶ Policy 5.11.1 Diverse Housing Forms
 - ▶ Supports variety of income levels and stages of life.
- ▶ Policy 5.12.1 Housing with Supports
 - ▶ Part of the neighbourhood for several years and benefits from nearby amenities.

Staff Recommendation

- ▶ Staff recommend **support** for the proposed Text Amendment as it is consistent with:
 - ▶ OCP Future Land Use C-NHD
 - ▶ OCP Objectives in Chapter 5 Core Area
 - ▶ Diverse Housing Forms
 - ▶ Housing with Supports

CITY OF KELOWNA

BYLAW NO. 12515

TA23-0003

2473 Ethel St

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375, **Section 11 – Single and Two Dwelling Zones**, be amended by adding **Section 11.6 – Site Specific Regulations** in its appropriate location as follows:

“

Section 11.6 – Site Specific Regulations			
Uses and regulations apply on a site-specific basis as follows:			
	Legal Description	Civic Address	Regulation
1.	Lot B District Lot 136 ODYD Plan 30919	2473 Ethel Street	<p><i>Notwithstanding, Section 5.3 General Definitions, & Table 8.3.1a Other Residential Parking, the following uses and regulations are permitted:</i></p> <ul style="list-style-type: none"> Boarding and Lodging Houses can operate within an accessory building in addition to the Single Detached Housing; and The minimum parking is two stalls for the Boarding and Lodging use for the site; and The maximum of 14 residents on the subject property.

”

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 24th day of April, 2023.

Considered at a Public Hearing on this

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: May 9, 2023
To: Council
From: City Manager
Department: Development Planning
Application: LL22-0007
Address: 5800 Lapointe Dr
Subject: Liquor License
Existing OCP Designation: IND - Industrial
Existing Zone: CD₁₂ - Airport

Owner: City of Kelowna
Applicant: KF Aerospace Centre For Excellence

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 KF Aerospace Centre for Excellence for a liquor primary license for Lot A, District Lot 32, ODYD, Plan EPP106690, located at 5800 Lapointe Drive, Kelowna, BC for the following reasons:
 - Council Policy No. 359 recommends supporting alternative entertainment options, and/or establishments which are less focused on alcohol consumption;
2. Council's comments on LCLB's prescribed considerations are as follows:
 - a. The location of the establishment:
The location is in the Gateway, adjacent to Kelowna International Airport and Highway 97 which is intended to be an important regional hub primarily centered around the airport, UBC Okanagan, and adjacent industrial development.
 - b. The proximity of the establishment to other social or recreational facilities and public buildings:
The proposed establishment is directly adjacent to Kelowna International Airport which is considered to be a compatible use.
 - c. The person capacity and hours of liquor service of the establishment:

The proposed 127 person capacity and hours of 12:00 PM to 5:00 PM ensures that the proposed liquor primary license is secondary to the use of the building as an aviation museum and will limit any impact on adjacent properties.

d. The number and market focus or clientele of liquor primary license establishments within a reasonable distance of the proposed location:

The closest licensed establishments are greater than 800 m from the subject property and consist of a manufacturing facility (cidery) to the north and establishments within the airport terminal building which primarily serve travelers.

e. The impact of noise on the community in the immediate vicinity of the establishment:

The potential impact of noise is minimal given the limited hours and surrounding land uses.

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

The potential for negative impact on the community is considered minimal.

3. Council's comments on the views of 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."

2.0 Purpose

To seek Council's support for a new liquor primary license for the KF Aerospace Centre for Excellence.

3.0 Development Planning

Staff support the request for a new Liquor Primary License for the KF Aerospace Centre for Excellence. The proposed liquor service is secondary to the use of the building as an aviation museum with conference facilities. The proposed location for an establishment of this size is appropriate given the establishment's link to KF Aerospace and Kelowna International Airport. The impact of the proposed establishment on the surrounding community is mitigated due to:

- The proposed liquor service hours of 12:00 PM to 5:00 PM;
- The surrounding land uses are primarily industrial and airport related;
- It is secondary to the use of the facility as a museum and conference facility.

Council Policy No. 359 recommends supporting entertainment options and establishments which are less focused on alcohol consumption.

4.0 Proposal

4.1 Background

In November 2020, Council considered a Form & Character Development Permit for a new aviation museum building on the subject property and Development Variance Permit to increase the permitted height of the building. The facility opened to the public in August 2022 as the KF Aerospace Centre for Excellence and includes interactive exhibits, conference facilities, and a rare aircraft collection.

4.2 Project Description

The applicant is proposing to obtain a Liquor Primary License for a portion of the KF Aerospace Centre for Excellence. The licensed area would be 153 m² in size and located on within the existing café on 2nd floor of the facility. It would have a maximum capacity of 127 persons.

Proposed Hours of Sale :

	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Open	12:00 PM	12:00 PM	12:00 PM	12:00 PM	12:00 PM	12:00 PM	12:00 PM
Close	5:00 PM	5:00 PM	5:00 PM	5:00 PM	5:00 PM	5:00 PM	5:00 PM

4.3 Site Context

The subject property is located on Lapointe Drive, between the airport and Highway 97. The surrounding land uses include the airport and industrial uses. Surrounding properties are designated as IND – Industrial, TC – Transportation Corridor, and PSU – Public Services/Utilities and are zoned CD12 – Airport and I2 – General Industrial. The Okanagan Rail Trail is immediately east of the subject property.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	CD12 – Airport	Vacant
East	CD12 - Airport	Airport
South	CD12 – Airport	Vacant
West	I2 – General Industrial	Industrial

Subject Property Map: 5800 Lapointe Drive



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:

- Medium establishments (with a person capacity between 100-249 persons):
 - Should only be located within an Urban or Village Centre.
 - Should be located a minimum of 100 m from a Large or Medium establishment.
 - Should not be located beside a Small establishment.
- For the purposes of determining proximity, shortest walking distance (door-to-door) will be applied. These distances are meant to guide staff in their recommendations for particular applications, however a number of other factors should be considered including (but not limited to):
 - Pertinent input from the RCMP;
 - Vehicular and pedestrian traffic patterns for area and current zoning;
 - Availability of on-site and off-site parking; proximity to playgrounds, schools, and other social facilities;
 - Surrounding land uses, and general impact on the local neighbourhood;
 - Correspondence received from abutting property owners;
 - Past licensee compliance and performance issues as may be provided by LCRB.
- Where appropriate, support alternative entertainment options, and/or establishments which are less focused on alcohol consumption 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 Technical Comments

6.1 R.C.M.P.

- No concerns

7.0 Application Chronology

Date of Application Accepted: April 28, 2022

Date Public Consultation Completed: April 6, 2023

Report prepared by: Mark Tanner, 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: Letter of Rationale

Attachment B: Floor Plan/Occupant Load



**KF Aerospace
Centre for
Excellence**
5800 LAPOINTE DRIVE
KELOWNA, BC CANADA

To Whom This May Concern,

A liquor primary application has been submitted for the KF Aerospace Centre of Excellence, located at 5800 Lapointe Way.

The Centre of Excellence was built to celebrate the incredible history of achievement in Canadian aerospace. It debuts a state-of-the-art aviation museum and conference centre located at the Kelowna International Airport. Intended to welcome locals, and visitors, the Centre promotes the advancement of aviation in Kelowna, and beyond.

The liquor license will be on the second floor of the Centre which is where a café will be operating. Guests will have the ability to enjoy an alcoholic beverage and small bite to eat after touring the Centre of Excellence, or while waiting for a loved one to land at YLW. Hours of liquor service will be between noon and 5pm daily. Our license will allow a capacity of 127 guests, yet we anticipate staying within 60 guests due to a seated floorplan.

Any additional questions may be directed towards myself, by emailing p.quinn@kfaero.ca or by phone 250-491-5594.

I look forward to having you visit the KF Aerospace Centre of Excellence.

Sincerely,

Paula Quinn
Executive Director
KF Aerospace Centre of Excellence



ATTACHMENT B

This forms part of application
LL22-0007

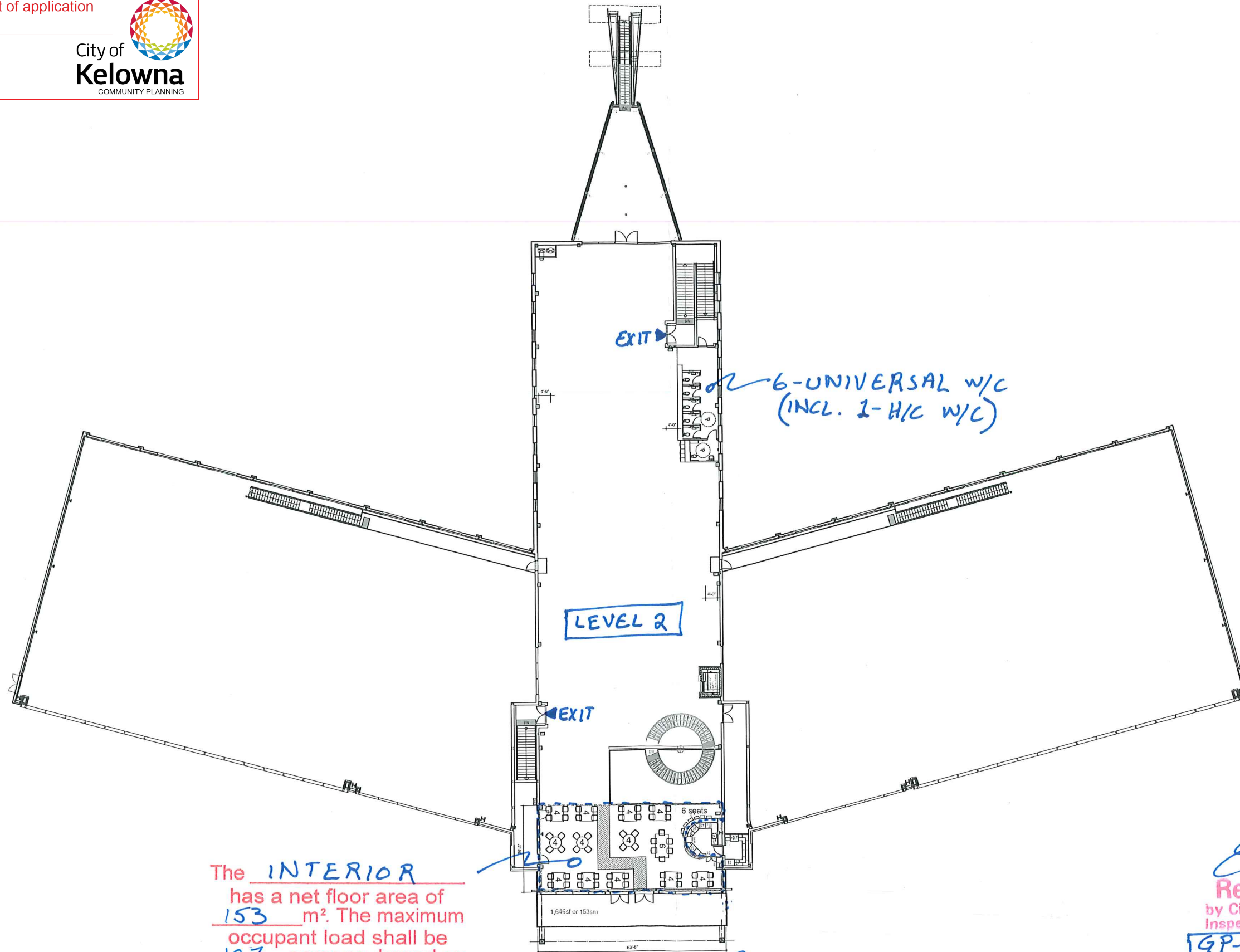
Planner Initials **MT**



233 BERNARD AVENUE
KELOWNA, B.C.
V1Y 6H2
TEL: 250.762.3004
EMAIL: kel-mat@shaw.ca



2023-02-21
LIQUOR
LICENSE
GP-11608



The INTERIOR has a net floor area of 153 m². The maximum occupant load shall be 127 persons, based on 1.2 m²/person (SEATED OR STANDING)

INT. MAX. AREA = 153m² PER ZONING BYLAW

[Signature]
Reviewed
by City of Kelowna
Inspection Services
GP-11608
2023-02-22



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No.	Date	Revision

Project Title
KF AEROSPACE
CENTRE FOR
EXCELLENCE
5800 LAPOINTE WAY, KELOWNA

Drawing Number
A3.11

DRAWINGS ARE NOT TO BE SCALED. ALL DIMENSIONS SHALL BE VERIFIED ON JOB

Drawing Title
**LEVEL 2
LIQUOR LICENSE**

scale: 1/16"=1'0"

Date	2023-02-21
Job No.	1944-18-1840
Scale	AS SHOWN
Drawn	SH
Checked	



City of
Kelowna



LL22-0007
5800 Lapointe Drive
Liquor License Application

Purpose

- ▶ To seek Council's support for a new Liquor Primary License for the KF Aerospace Centre for Excellence

Development Process



April 28, 2022

Development Application Submitted



Staff Review & Circulation



May 9, 2023

Tuesday Council Meeting

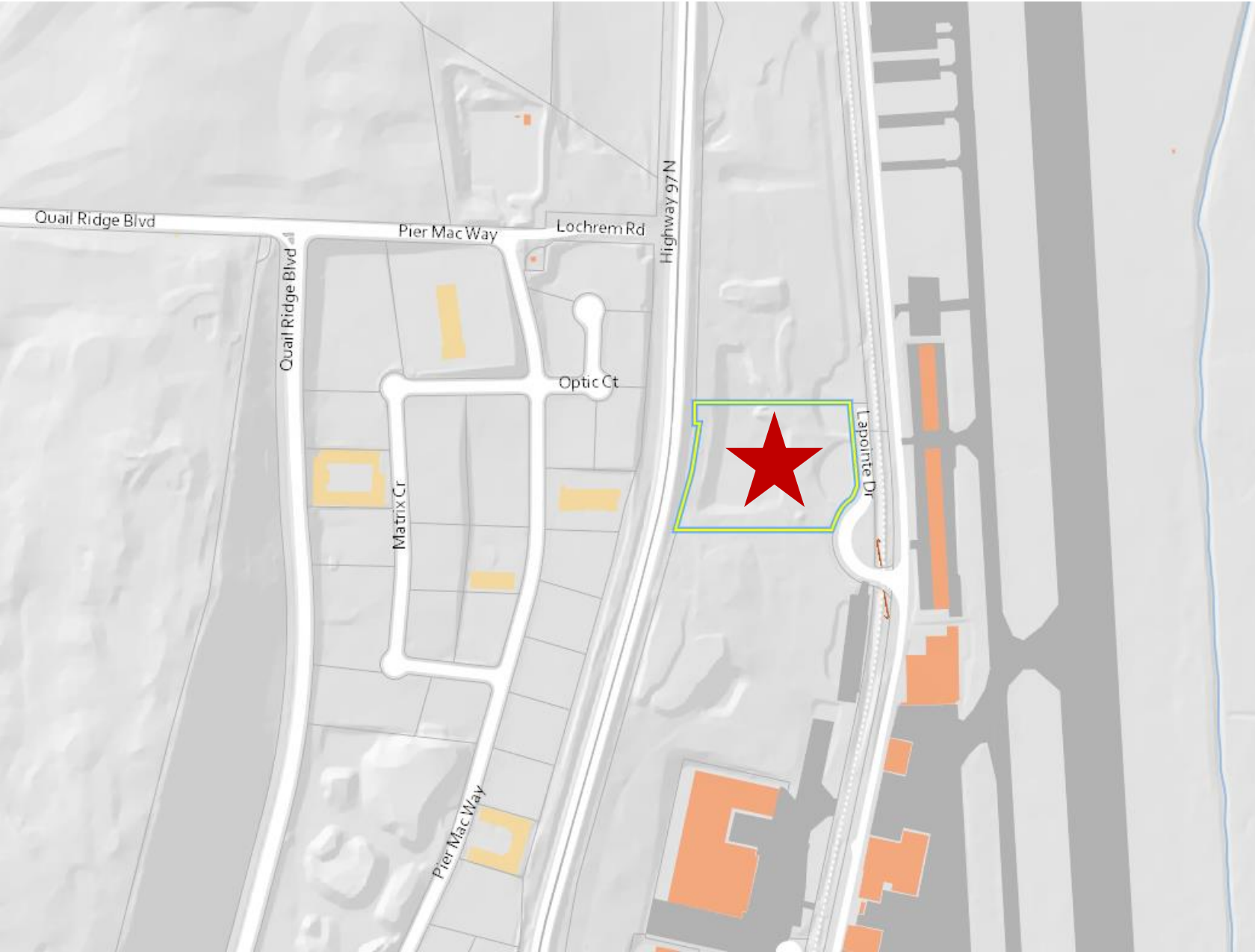


Council Consideration



Recommendation Forwarded to LCRB

Context Map



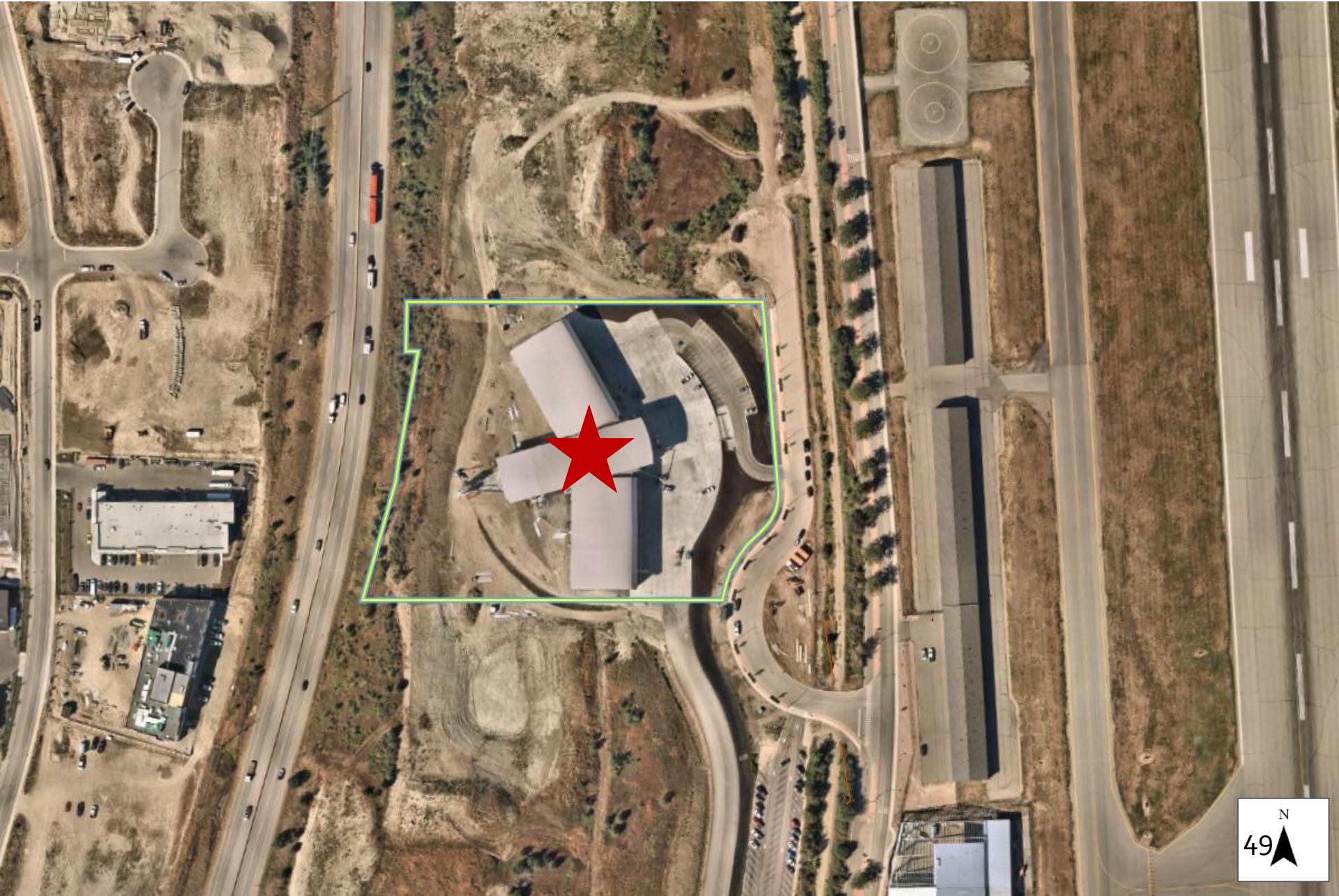
Walk Score
1

Transit Score
24

Bike Score
33



Subject Property Map



Hours of Sale & Occupant Load

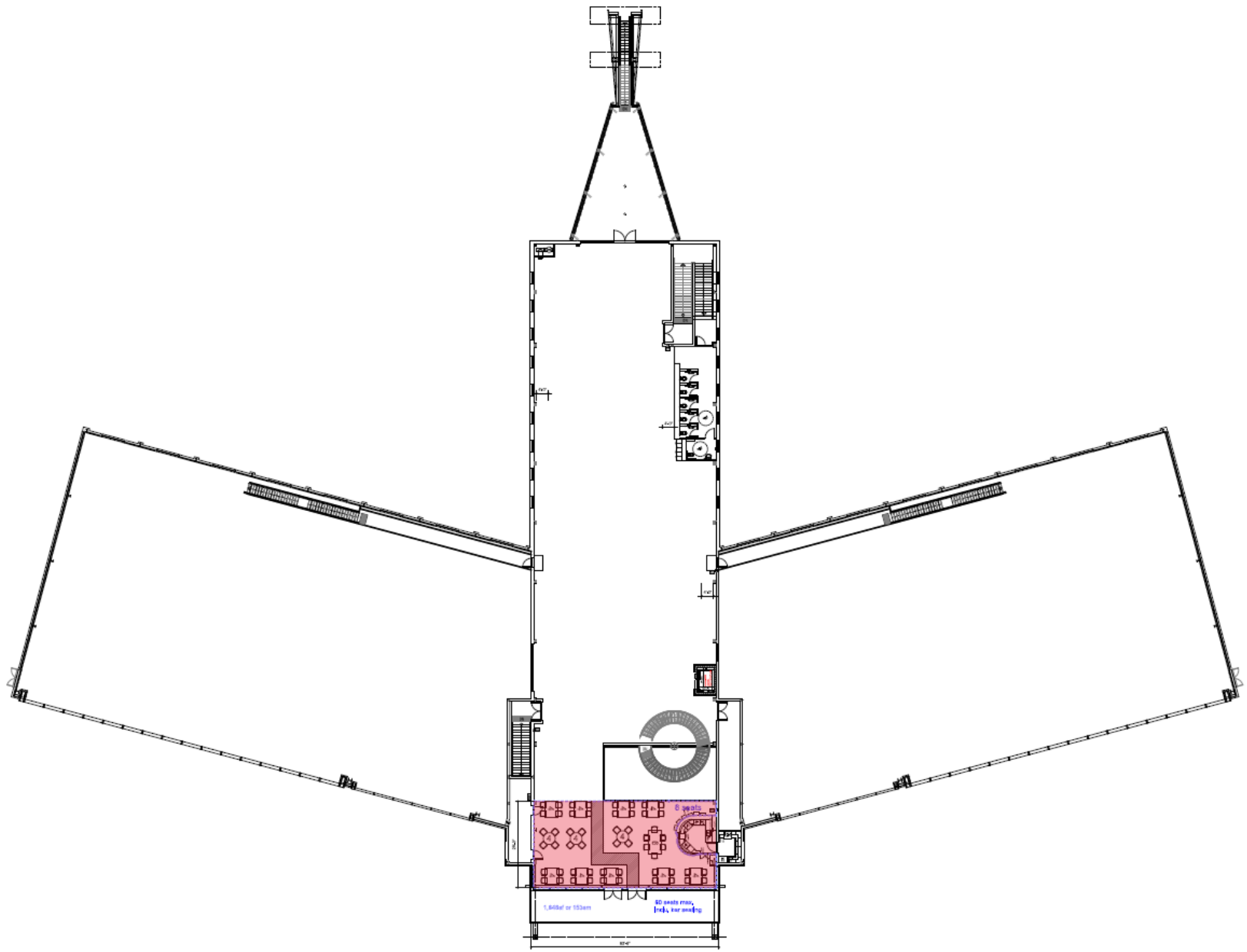
Proposed Hours of Sale:

	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Open	12:00 PM	12:00 PM	12:00 PM	12:00 PM	12:00 PM	12:00 PM	12:00 PM
Close	5:00 PM	5:00 PM	5:00 PM	5:00 PM	5:00 PM	5:00 PM	5:00 PM

Proposed Occupant Load:

	Proposed
Occupant Load	127

Floor Plan



Council Policy #359

- ▶ Medium establishments: capacity between 100-249 persons
 - ▶ Should only be located within an Urban or Village Centre
 - ▶ Should be located a minimum of 100 m from a Large or Medium establishment
- ▶ Support establishments which are less focused on alcohol consumption
- ▶ Neighbourhood notification completed by delivering a letter to properties within 50 m

Staff Recommendation

- ▶ Staff recommend **support** for the proposed liquor license as:
 - ▶ Secondary to the aviation museum and conference facility
 - ▶ Location is appropriate due to the connection with the airport
 - ▶ Proposed hours and adjacent land uses mitigate impacts on the surrounding community
 - ▶ Council Policy No. 359 recommends supporting establishments which are less focused on alcohol consumption
- ▶ That Council directs Staff to forward a resolution of support to the LCRB.

REPORT TO COUNCIL



Date: May 9, 2023
To: Council
From: City Manager
Department: Development Planning
Application: LL23-0001
Address: 727 Baillie Ave
Subject: Liquor License
Existing OCP Designation: IND - Industrial
Existing Zone: I2 – General Industrial

Owner: ACOMA HOLDINGS LTD.,
INC.NO. 132091
Applicant: Jackknife Brewing Inc.

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 Jackknife Brewing Inc. for a manufacturer with lounge endorsement liquor license amendment for Lot 38 Section 30 Township 26 Osoyoos Division Yale District Plan 1014, located at 727 Baillie Ave, Kelowna, BC for the following reasons:
 - The applicant is proposing an increase to the approved occupant load from 70 persons to 84 persons for the indoor service area and 21 persons to 66 persons for the exterior patio service area. The requested amendment will have negligible impact to the neighbourhood.
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 within the City's Core Area and the increased occupant load for the indoor service area and expanded patio service area are not expected to increase current noise levels. The property is zoned appropriately for this type of use

(alcohol production facilities). 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 manufacturer with lounge endorsement liquor license amendment to increase the occupant load for an existing manufacturer lounge license from 70 persons to 84 persons for the indoor service area and 21 persons to 66 persons for the exterior patio service area.

3.0 Development Planning

Staff recommend support for the proposed liquor license amendment to the existing manufacturer with lounge endorsement liquor license, and the requested change is viewed as a small increase that would cause minimal impact. Interior renovations to create additional washrooms, as well as an expanded patio service area, have allowed for an increase in the occupant load. The renovations did not result in the addition of any new gross floor area to the existing building.

The exterior patio service area, 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 with lounge endorsement 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 both the indoor service area and exterior patio service area to increase the occupant load by a total of 59 persons. Should Council support this request, this would result in the new overall occupant load for the liquor licence being 150 persons (84 indoor, 66 outdoor). The existing hours of sale are not proposed to change.

4.2 Project Description

Existing Hours of Sale (not proposed to change):

		Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Open		10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM
Close	Indoor	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight
	Patio	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM

Occupant Load:

	Existing	Proposed
Indoor	70	84
Outdoor	21	66

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 breweries both adjacent to, and within close proximity to this property. The property is located outside of the Downtown Urban Centre, and has a Walk Score of 46 indicating it is car-dependent and most errands require a car.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I2 – General Industrial	General Industrial Use
East	I2 – General Industrial	Alcohol Production Facilities, General Industrial use
South	I2 – General Industrial	General Industrial Use
West	I2 – General Industrial	Vacant Land, Temporary Shelter Services, General Industrial Use

Subject Property Map: 727 Baillie Ave



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

6.0 Technical Comments

6.1 Royal Canadian Mounted Police

The R.C.M.P. expressed no concerns with the proposed manufacturer with lounge endorsement liquor license amendment.

7.0 Application Chronology

Date of Application Accepted: Jan 11, 2023

Date of Neighbourhood Notification: Jan 23, 2023

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: Floor Plan - Occupant Load

Attachment B: Letter of Rationale

ATTACHMENT A

This forms part of application
LL23-0001

Planner Initials **KB**

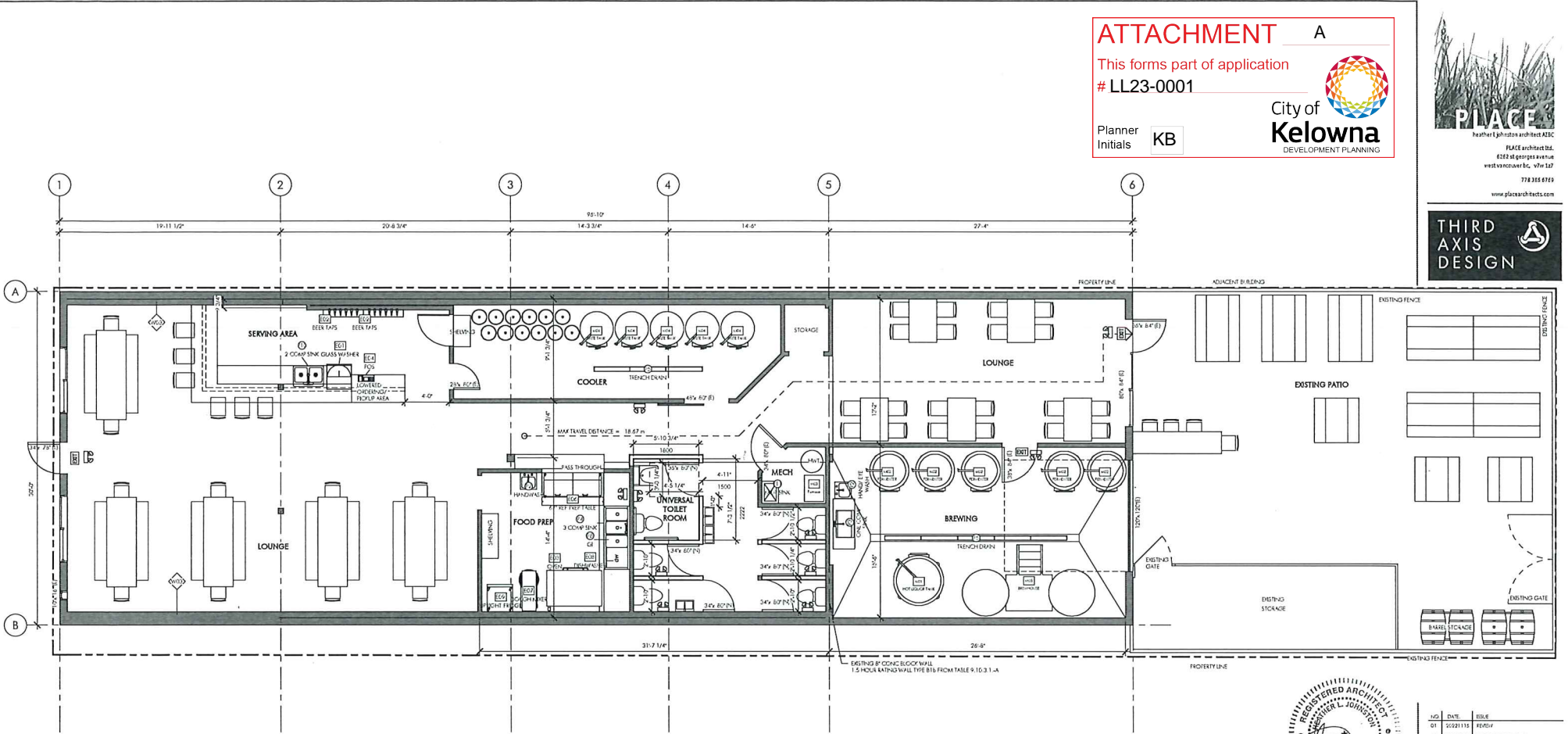
City of Kelowna
DEVELOPMENT PLANNING



PLACE
heather johnston architect AEC

PLACE architects Ltd.
6120 St Georges Avenue
West Kelowna BC V1X 1A7
778 316 6161
www.placearchitects.com

THIRD AXIS DESIGN

1 LIQUOR LICENCE FLOOR PLAN
LL-01 SCALE - 1/4" = 1'-0"

The LOUNGE has a net floor area of N/A m². The maximum occupant load shall be 64 persons, based on AS PER ARCHITECT

The PATIO has a net floor area of N/A m². The maximum occupant load shall be 66 persons, based on AS PER ARCHITECT

Occupant Load: 2,177.1

Brewery Area	27.5 sqm @ 4.6 sqm/person = 6 persons
Storage Area	34 sqm @ 45 sqm/person = 1 person
Spring Room	42.5 sqm @ 1.2 sqm/person = 77 persons
Patio	79.3 sqm @ 1.2 sqm/person = 66 persons
total	150 persons

Health/Water Closets: 372.2 L x 1.5 m = 55 seats



Reviewed
by City of Kelowna
Inspection Services
JAN 10 2022

OK

NO.	DATE	ISSUE
01	20221115	PERMIT
02	20221117	FOR ELUCIDATION PERMIT
03	20221209	PERMIT COMMENT RESPONSE
04	20230310	PERM

PROJECT NAME:
JACKKNIFE BREWERY - RENOVATION
727 BAILLIE AVENUE
KELOWNA, BC

DRAWING:
FLOOR PLAN AND OCCUPANT LOAD

PROJECT NO.: 2018055
SHEET NO.: ARCH D
SCALE: 1/4" = 1'-0"
DATE: TAD



LL-01

Jackknife Brewing Inc. - Patio expansion and increase of occupancy.

Letter of Intent / Community Impact

Jackknife Brewing has submitted an application to increase the capacity of its space.

Our hours will not change from the existing previously permitted hours.

The area surrounding Jackknife Brewing is a mix of manufacturing and commercial spaces. We are in a stand-alone building backed by an alley and surrounded by warehouses. Noise will be limited to the small patio located in the back of the building where it will be buffered by the alley and tall surrounding buildings.

The patio space is wrapped in a wood fence with a large gate. This patio is adjacent to the lounge area and is visible from the bar via 2 cameras. .

If you have any further questions, please feel free to contact us for more information.

Cheers,
Brad Tomlinson

Owner/Brewer
Jackknife Brewing
727 Baillie Ave, Kelowna, BC, V1Y7E9



City of
Kelowna



LL23-0001
727 Baillie Ave
Liquor License Application

Purpose

- ▶ To seek Council's support for a manufacturer with lounge endorsement liquor licence amendment to increase the occupant load for an existing manufacturer lounge licence.

Development Process

Jan 11, 2023

Development Application Accepted



Staff Review & Circulation

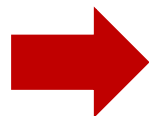


May 9, 2023

Tuesday Council Meeting

Council
Consideration

Recommendation Forwarded to LCRB

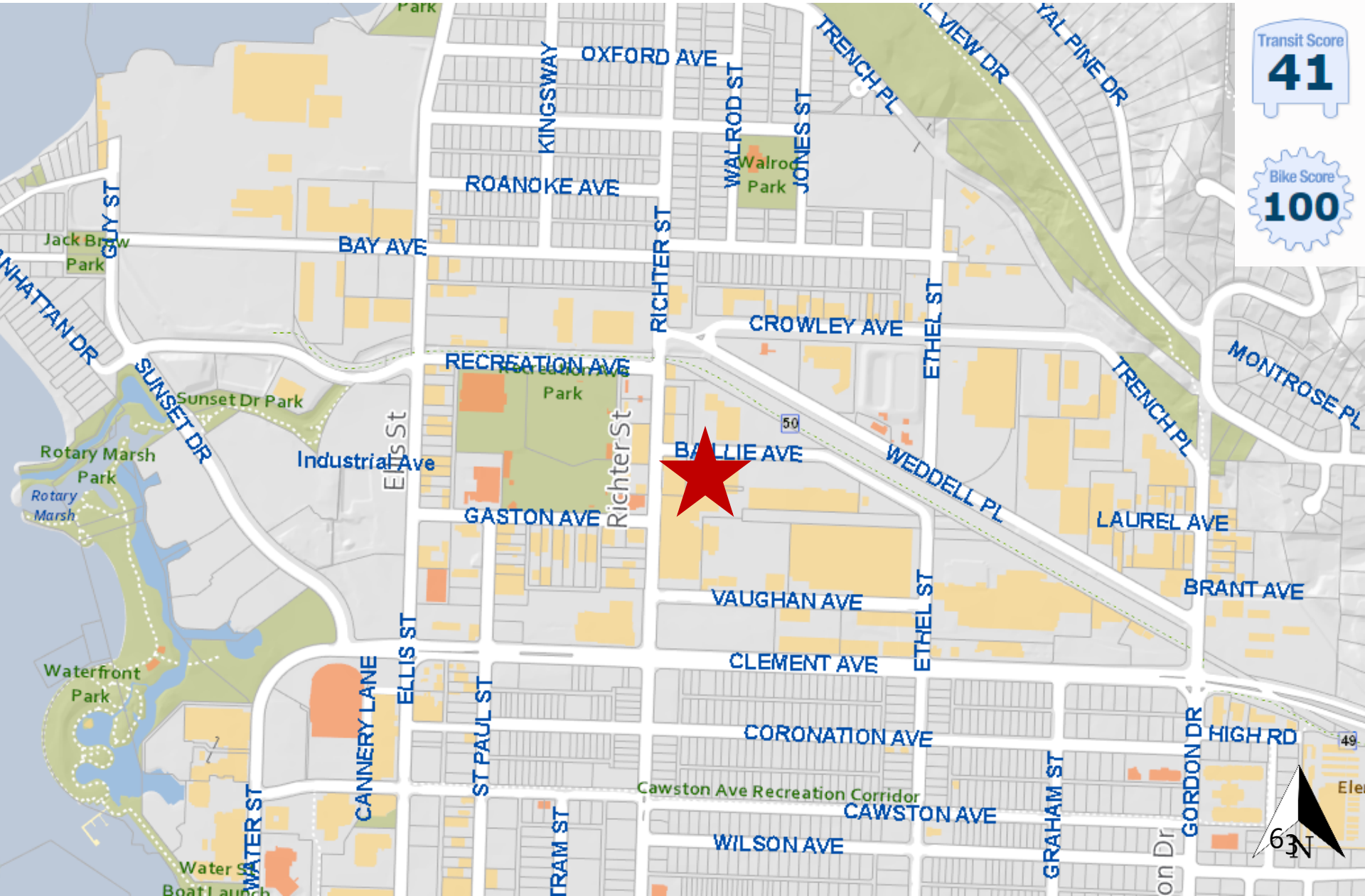


Context Map

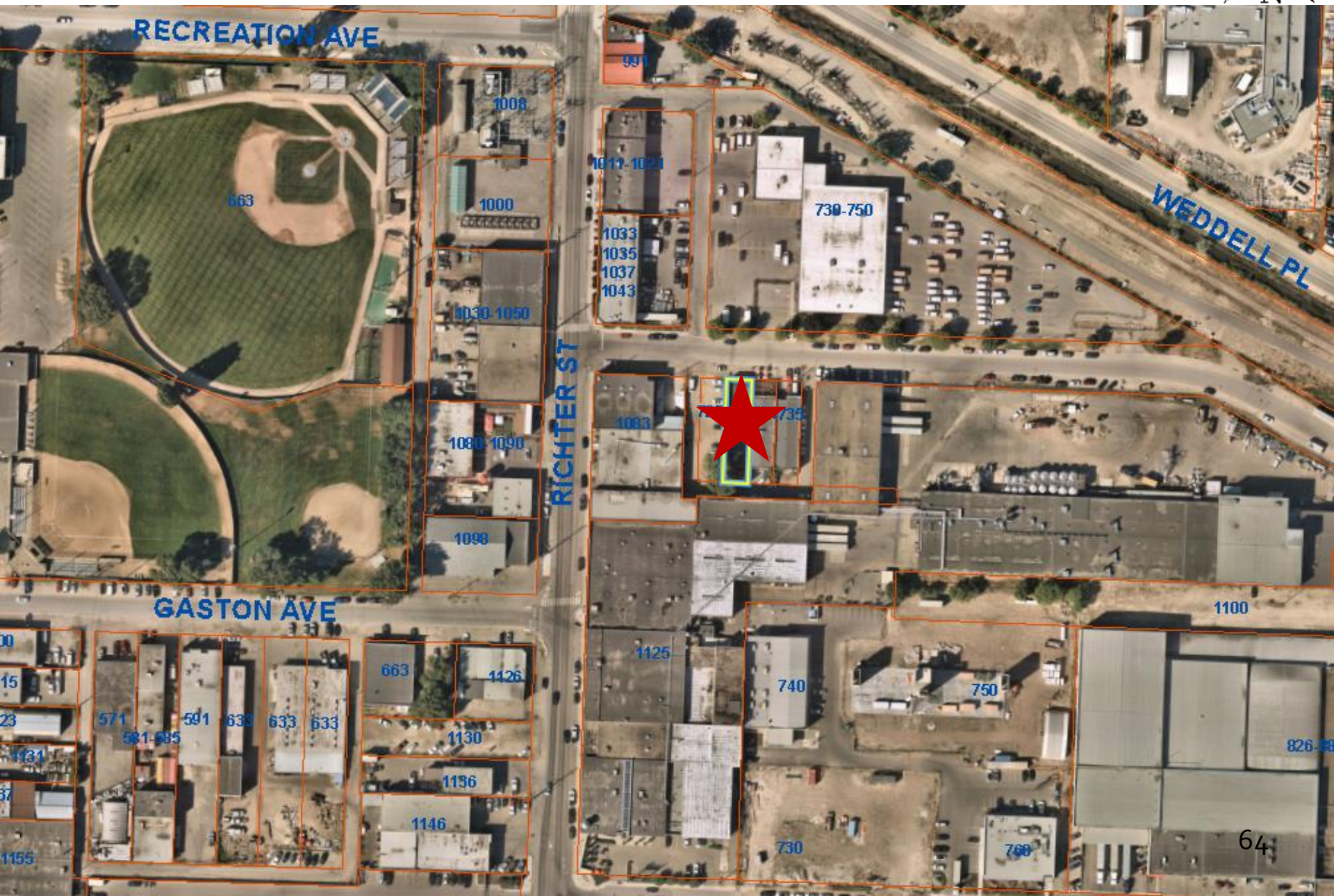
Walk Score
45

Transit Score
41

Bike Score
100



Subject Property Map



Hours of Sale

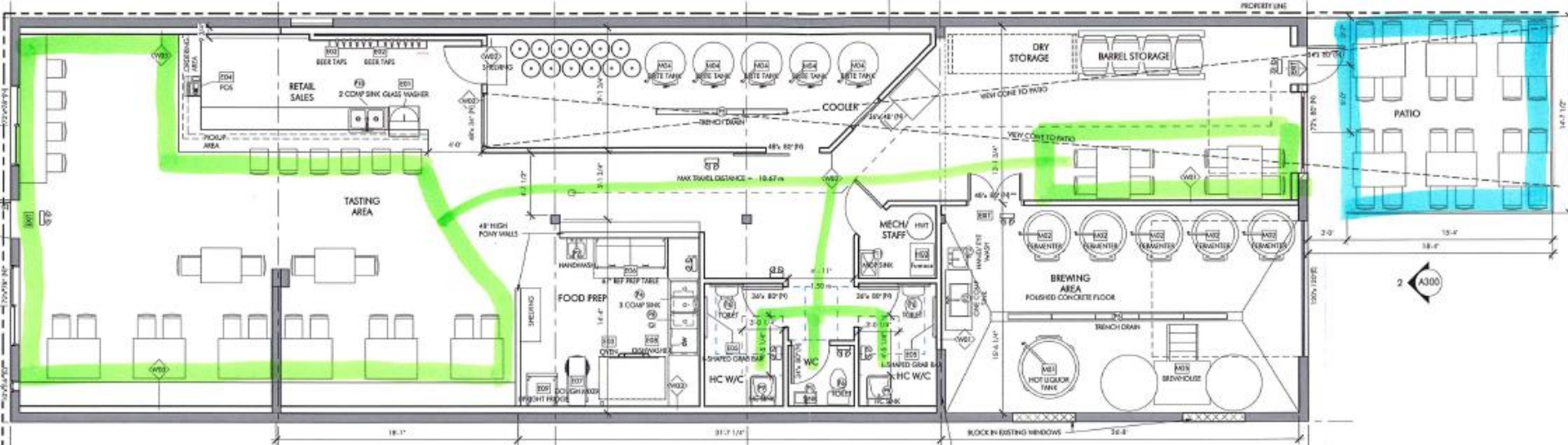
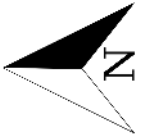
Existing (not proposed to change):

		Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Open		10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM
Close	Indoor	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight
	Outdoor	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM

Occupant Load

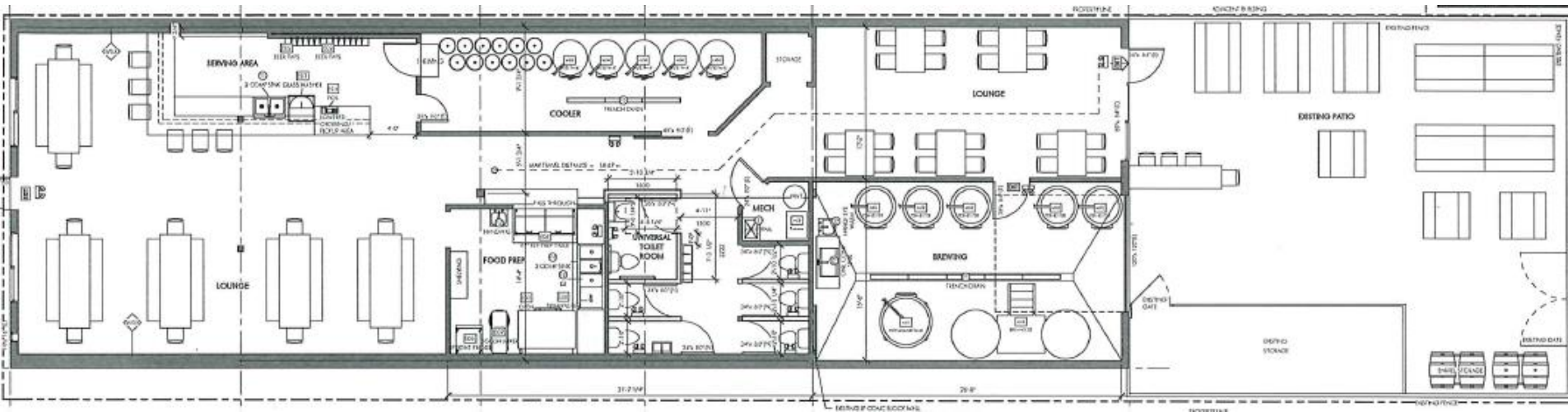
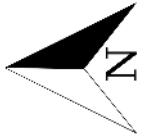
	Existing	Proposed
Indoor	70	84
Outdoor	21	66

Floor Plan Existing



G

Floor Plan Proposed



Council Policy #359

- ▶ New patios associated with liquor establishments should be located and designed to limit potential impacts on surrounding property owners
- ▶ Neighbourhood notification was completed on January 23, 2023

Staff Recommendation

- ▶ Staff recommend **support** for the proposed amendment to increase the occupant load for an existing manufacturer lounge licence as it is consistent with:
 - ▶ Council Policy #359
- ▶ That Council directs Staff to forward a resolution of support to the LCRB.

REPORT TO COUNCIL



Date: May 9, 2023
To: Council
From: City Manager
Department: Development Planning
Application: DVP22-0223 **Owner:** David Tribiger
Address: 845 Bay Avenue **Applicant:** David Tribiger
Subject: Development Variance Permit
Existing OCP Designation: IND – Industrial
Existing Zone: RU4 – Duplex Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0223 for Lot 2 Section 30 Township 26 ODYD Plan 10292, located at 845 Bay Avenue, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 12375 be granted as shown on Schedule "A":

Section 11.5: RU4 – Duplex Housing Development Regulations

To vary the required minimum west side yard setback from 2.1 m permitted to 2.0 m proposed and the required minimum east side yard setback from 2.1 m permitted to 1.48 m proposed.

Section 11.5: RU4 – Duplex Housing Development Regulations

To vary the required minimum rear yard setback from 7.5 m permitted to 3.35 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.

Purpose

To vary the required minimum west side yard setback from 2.1 m permitted to 2.0 m proposed, to vary the required minimum east side yard setback from 2.1 m permitted to 1.48 m proposed, and to vary the required minimum rear yard setback from 7.5 m permitted to 3.35 m proposed to accommodate the change of use of an existing structure from a Carriage House to Single Detached Housing.

Development Planning

Staff recommend support for the Development Variance Permit. The applicant is seeking to modify an existing structure from a carriage house to a single family dwelling. Renovating the floor area of the existing carriage house would change the use of the building to single family dwelling, and while the proposed use is listed as a primary use in the RU4 – Duplex Housing Zone, variances to the side yard and rear yard setbacks are required as a result of the change in use.

2.0 Proposal

2.1 Project Description

The applicant is proposing an interior renovation to an existing carriage house with an attached garage. The renovation would convert the attached garage into additional living space. The total net floor area exceeds the maximum permitted area for a carriage house. The renovation would instead convert the use of the structure from carriage house to single detached housing, which is a primary use in the RU4 zone. Due to the change in use, a development variance permit is required to bring the dwelling into compliance. There are existing driveways off of Bay Avenue and the lane that satisfy the minimum parking requirements for the two detached dwellings on the property.

2.2 Site Context

The subject site is Zoned RU4 – Duplex Housing and has a Future Land Use Designation of IND – Industrial. The property is located within the permanent growth boundary. The property is located in the North End on Bay Avenue at the intersection with Pettigrew Street. The surrounding area is primarily zoned RU4 – Duplex Housing and I2 – General Industrial.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU4 – Duplex Housing	Single Dwelling Housing
East	RU4 – Duplex Housing	Single Dwelling Housing
South	I2 – Industrial General	General Industrial Use
West	RU4 – Duplex Housing	Single Dwelling Housing

Subject Property Map:



2.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU ₄ ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Site Coverage (buildings)	40%	36%
Max. Site Coverage (buildings, parking, driveways)	70%	61%
Min. Front Yard	6.0 m	31.0 m
Min. Side Yard (West)	2.1 m	1.48 m ❶
Min. Side Yard (east)	2.1 m	2.0 m ❶
Min. Rear Yard	7.5 m	3.35 m ❶
❶ Indicates a requested variance to the side and rear yard setback.		

3.0 **Application Chronology**

Date of Application Received: October 11, 2022

Date Public Consultation Completed: March 24, 2023

Prepared by: Graham Allison, Planner I

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: Draft Development Permit DVP22-0223

Schedule A: Site Plan

Development Variance Permit

DVP22-0223



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

845 Bay Avenue

and legally known as

Lot 2 Section 30 Township 26 ODYD Plan 10292

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

Single Dwelling Housing

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

Date of Council Approval: May 9, 2023

Existing Zone: RU4 – Duplex Housing

Future Land Use Designation: IND – Industrial

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

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: David Tribiger

Applicant: David Tribiger

Terry Barton
Development Planning Department Manager
Planning & Development Services

Date of Issuance

ATTACHMENT A

This forms part of application
DVP22-0223

Planner Initials **GA**

City of **Kelowna**
DEVELOPMENT PLANNING

The logo for the City of Kelowna, featuring a stylized geometric pattern of overlapping squares forming a circular shape.

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 Council authorizes the issuance of Development Variance Permit No. DVP22-0223 for Lot 2 Section 30 Township 26 ODYD Plan 10292, located at 845 Bay Avenue, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 12375 be granted as shown on Schedule "A":

Section 11.5: RU4 – Duplex Housing Development Regulations

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Section 11.5: RU4 – Duplex Housing Development Regulations

To vary the required minimum rear yard setback from 7.5 m permitted to 3.35 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.

4. INDEMNIFICATION

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

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

All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

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

BP 30718

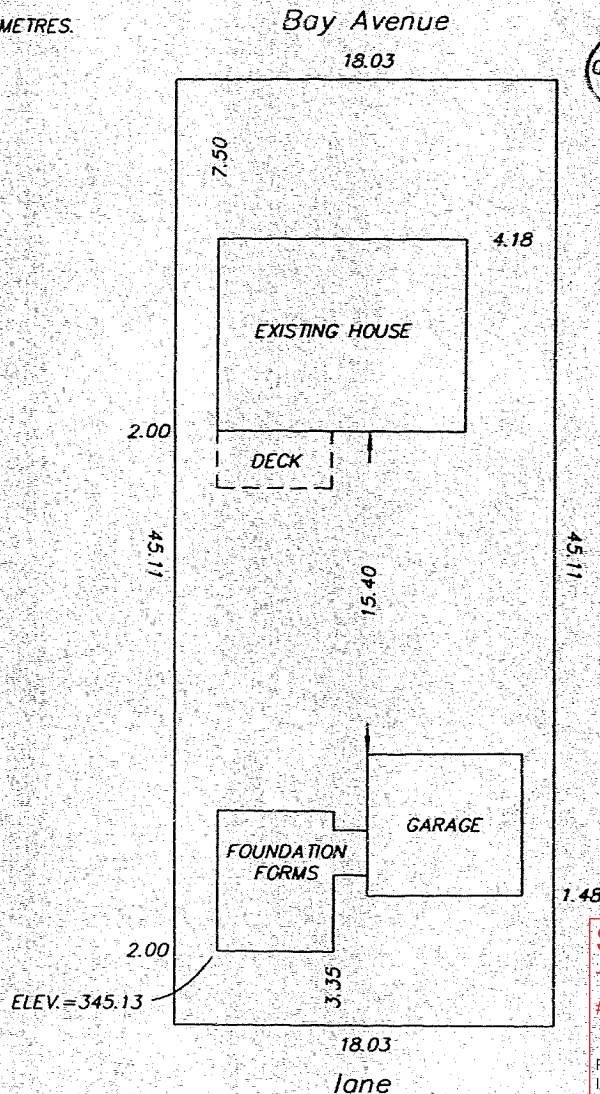
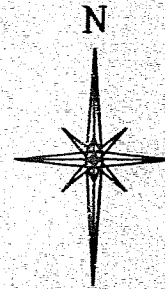
2-845 Bay Ave

BY

B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF BUILDING ON LOT 2 PLAN 10292 SEC. 30 TP. 26 O.D.Y.D.

SCALE 1:300

DISTANCES ARE IN METRES.



RECEIVED

MAR 17 2006

CITY OF KELOWNA
Inspection Services Dept

SCHEDULE A

This forms part of application # DVP22-0223

Planner Initials GA

(C)

THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY SIGNED AND SEALED.

CERTIFIED CORRECT
this 14th day of March, 2006.

D.A. Goddard BCLS

FILE 13561 FB 297

RE: Intex Renovations

THIS PLAN IS FOR MORTGAGE OR MUNICIPAL PURPOSES ONLY AND IS NOT TO BE USED TO DEFINE THE BOUNDARIES OF THIS LOT.

D.A. Goddard Land Surveying Inc.
103-1358 ST. PAUL STREET KELOWNA



City of
Kelowna

DVP 22-0223
845 Bay Avenue

Development Variance Permit

Purpose

- ▶ To vary the required minimum west side yard setback from 2.1 m permitted to 2.0 m proposed, to vary the required minimum east side yard setback from 2.1 m permitted to 1.48 m proposed, and to vary the required minimum rear yard setback from 7.5 m permitted to 3.35 m proposed to accommodate the change of use of an existing structure from a Carriage House to Single Dwelling Housing.

Development Process



Oct 11, 2022

Development Application Submitted



Dec 2, 2022

Staff Review & Circulation



Mar 24, 2023

Public Notification Received



May 9, 2023

DVP



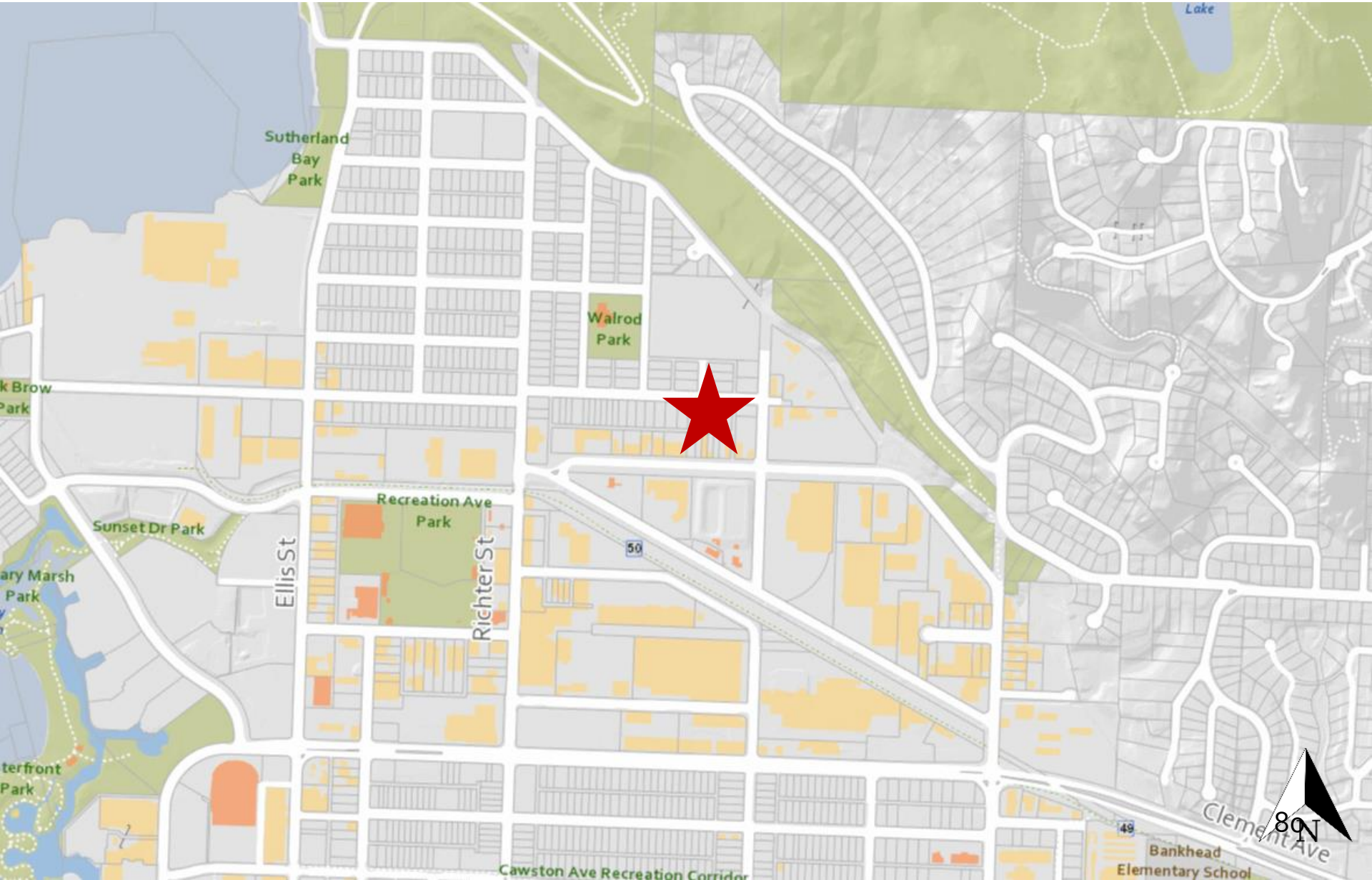
Council Approvals



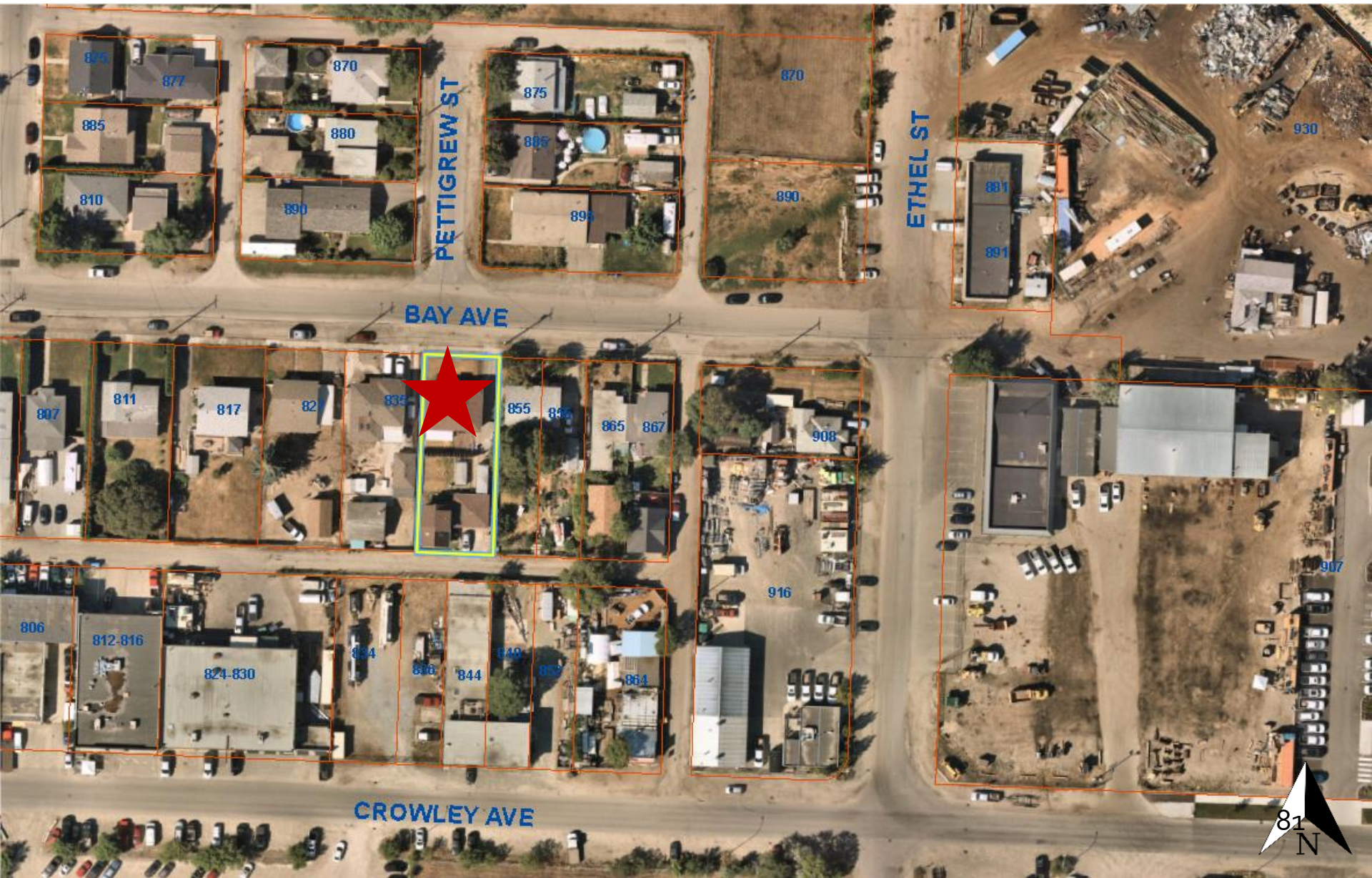
Building Permit



Context Map



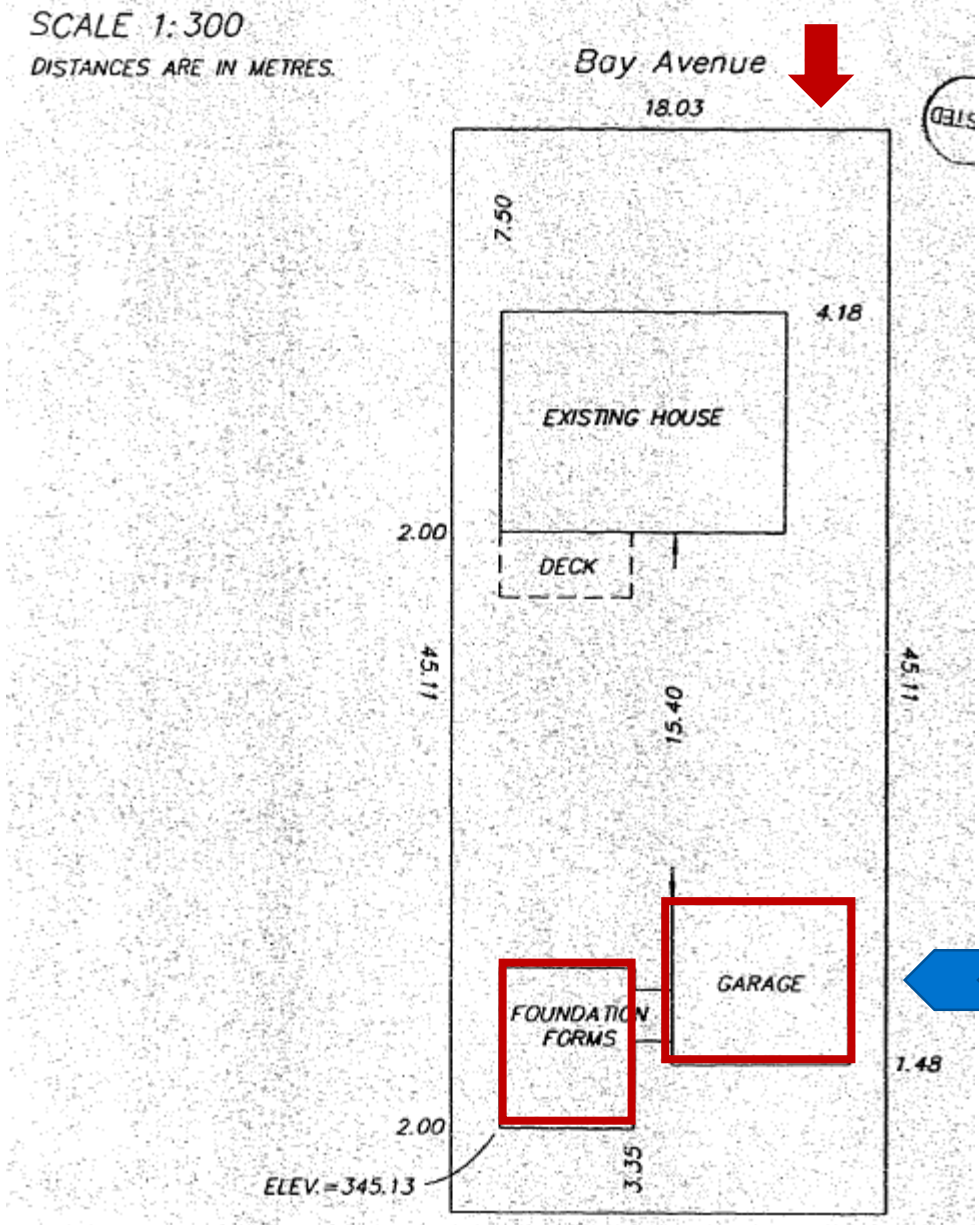
Subject Property Map



Variances

- ▶ **Section 11.5: RU4 – Duplex Housing Development Regulations** : To vary the required minimum west side yard setback from 2.1 m permitted to 2.0 m proposed and the required minimum east side yard setback from 2.1 m permitted to 1.48 m proposed.
- ▶ **Section 11.5: RU4 – Duplex Housing Development Regulations** : To vary the required minimum rear yard setback from 7.5 m permitted to 3.35 m proposed

Site Plan



Garage to be converted to living space

City of Kelowna

Staff Recommendation

- ▶ Staff recommend **support** for the proposed Development Variance Permit as it:
 - ▶ Is required as a result of an interior renovation rather than a new structure
 - ▶ Provides an additional single detached dwelling, which is a primary use within the RU₄ – Duplex Housing Zone