City of Kelowna Regular Council Meeting AGENDA



Tuesday, June 18, 2024 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 *Kelowna 2040* - Official Community Plan Bylaw No. 12300 and 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 Stack.

#### 3. Confirmation of Minutes

Tuesday Meeting - May 14, 2024

#### 4. Call to Order the Public Hearing

5. Individual Bylaw Submissions

1 - 10

#### 5.1 START TIME 4:00 PM - Bennett Rd 1602, 1855 - OCP23-0008 (BL12664) Z23-0047 (BL12665) - Lakeside Communities Inc.

To amend the Official Community Plan to change the future land use designation of portions of the subject property from the NAT – Natural Areas designation to the S-RES – Suburban Residential designation and to rezone portions of the subject property from the P<sub>3</sub> – Parks and Open Space zone to the RU<sub>1</sub> – Large Lot Housing zone to facilitate a large lot housing subdivision.

#### 6. Termination

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

#### 8. Bylaws Considered at Public Hearing

8.1 START TIME 4:00 PM - Bennett Rd 1602, 1855 - BL12664 (OCP23-0008) - Lakeside 28 - 29 Communities Inc.

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

To give Bylaw No. 12664 second and third reading in order to change the future land use designation of portions of the subject property from the NAT – Natural Areas designation to the S-RES – Suburban Residential designation.

#### 8.2 START TIME 4:00 PM - Bennett Rd 1602, 1855 - BL12665 (Z23-0047) - Lakeside 30 - 31 Communities Inc.

To give Bylaw No. 12665 second and third reading in order to rezone portions of the subject property P<sub>3</sub> – Parks and Open Space to the RU1 – Large Lot Housing zone.

#### 9. Termination

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

#### 11. Individual Bylaw Submissions

### 11.1 START TIME 4:00 PM - Water St 1570-1580 - TA24-0006 (BL12668) - Mark Anthony 32 - 51 Group Inc., Inc.No. BC1202243 32 - 51

To amend the Zoning Bylaw by adding a Site-Specific Text Amendment to increase the maximum density from 1.5 FAR to 4.0 FAR and to increase the maximum height from 3 storeys to 4 storeys for the subject properties.

#### 12. Termination

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

14. Bylaws Considered at Public Hearing

#### 14.1 START TIME 4:00 PM - Water St 1570-1580 - BL12668 (TA24-0006) - Mark Anthony Group Inc., Inc.No. BC1202243

To give Bylaw No. 12668 second and third reading in order to amend the Zoning Bylaw by adding a Site-Specific Text Amendment to increase the maximum density from 1.5 FAR to 4.0 FAR and to increase the maximum height from 3 storeys to 4 storeys for the subject properties.

#### 15. Liquor License Application Reports

City Clerk to invite anyone participating online or in the public gallery who deems themselves affected by the liquor license application to come forward.

15.1	START TIME 4:45 PM - Ellis St 1559 - LL24-0004 - 612385 B.C. Ltd., Inc.No. 612385	53 - 69
	To seek Council's support for a Patron Participation Entertainment Endorsement to an existing Food Primary license.	
15.2	START TIME 4:45 PM - Lakeshore Rd 4638 - LL24-0005 - 1188283 B.C. Ltd., Inc.No. BC1188283	70 - 86
	To seek Council's support for a Patron Participation Entertainment Endorsement to an existing Food primary license.	
Develo	pment Permit and Development Variance Permit Reports	

### City Clerk to invite anyone participating online or in the public gallery who deems themselves affected by the required variance(s) to come forward for each item.

 16.1
 START TIME 4:45 PM - Belaire Ave 1330, 1340, 1350 - 1352 - DP23-0141 DVP23-0243 87 - 125

 Resurrection Recovery Resources Society, Inc.No. So045391
 87 - 125

To issue a Development Permit for the form and character for Phase 1 of a threephased supportive townhouse development. To issue a Development Variance Permit to vary the setback from provincial highways from 4.5 m required to 3.0 m proposed.

#### 17. Development Variance Permit and Liquor License Application Reports

City Clerk to invite anyone participating online or in the public gallery who deems themselves affected by the required variance(s) to come forward for each item.

17.1 START TIME 5:00 PM - Richter St 1080-1090 - DVP24-0087 LL23-0007 - Bromaxx Property Group Ltd., Inc.No. BC1021305

This item is deferred to a future Tuesday regular meeting.

#### 18. Termination

16.

#### 19. 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 applicant 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: Location: Tuesday, May 14, 2024 Council Chamber City Hall, 1435 Water Street

Members Present Mayor Tom Dyas, Ron Cannan\*, Maxine DeHart, Charlie Hodge, Mohini Singh\*, Luke Stack, Rick Webber and Loyal Wooldridge

Members Absent Councillor Gord Lovegrove

Staff Present

City Manager, Doug Gilchrist; City Clerk, Laura Bentley; Deputy City Clerk, Michael Jud; Divisional Director, Planning, Climate Sustainability and Development Services, Ryan Smith; Development Planning Department Manager, Nola Kilmartin; Long Range Policy Planning Manager, Robert Miles; Planner Specialist, Adam Cseke; Planner II, Tyler Caswell; Legislative Technician, Natasha Beauchamp\*

Staff Participating Remotely Legislative Coordinator (Confidential), Clint McKenzie

(\* 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 Wooldridge.

#### 3. Confirmation of Minutes

Moved By Councillor DeHart/Seconded By Councillor Webber

THAT the Minutes of the Public Hearing and Regular Meeting of April 9, 2024 be confirmed as circulated.

Carried

#### 4. Call to Order the Regular Meeting

- 5. Liquor License Application Reports
  - 5.1 START TIME 4:00 PM Pandosy St 1630 LL24-0003 1384597 B.C. Ltd., Inc.No. BC1384597

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Staff:

Displayed a PowerPoint Presentation summarizing the application.

Carmen McKeage, Ricco Room, Applicant, Online

- Took over ownership more than a year ago and operate within the existing licence hours approved.
- It is a food focused operation, with both a lounge and restaurant space.
- Looking to maintain a liquor primary.
- Spoke to losing revenue due to not being able to compete with like concepts given the limited hours.

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.

Councillor Cannan joined the meeting at 4:08 p.m.

No one Online or in the Gallery came forward.

There were no further comments.

#### Moved By Councillor Wooldridge/Seconded By Councillor Hodge

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:

- Council recommends support of an application from Taylorr Gramlich for a Liquor Primary License amendment for Strata Lot 1 District Lot 139 ODYD Strata Plan KAS3411 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as shown on Form V, located at 1630 Pandosy St, Kelowna, BC for the following reasons:
  - Proposed structural changes are compliant with Council Policy 359 and RCMP do not have concerns with the proposed changes.
- Council's comments on Liquor Control and Licensing Branch's (LCLB) prescribed considerations are as follows:
  - o The potential for noise if the application is approved:

The potential impact for noise is minimal as the outdoor patio hours will be consistent with Bernard Ave Patio Program.

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

The potential for negative impacts is minimal as the area is primarily commercial uses and there are no large occupancy liquor establishments in close proximity.

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

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#### 6. Development Permit and Development Variance Permit Reports

#### 6.1 START TIME 4:00 PM - Barber Rd 135 - BL12514 (TA22-0018) - ASI Barber Road GP Inc., Inc.No. A0122606

#### Moved By Councillor Stack/Seconded By Councillor DeHart

THAT Bylaw No. 12514 be amended at 3rd reading by deleting the Legal Description that reads:

"LOT 1 SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 17229 EXCEPT PLAN 39372 LOT 2 SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 17229 LOT 3 SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 17229"

And replacing it with:

"Lot A Section 22 Township 26 ODYD Plan EPP124267 Except Plan EPP134976";

AND THAT Bylaw No. 12514 be amended at 3<sup>rd</sup> reading by deleting the Civic Address that reads "765 HWY 33 W 135 Barber Rd 155 Barber Rd" and replacing it with "135 Barber Rd";

AND THAT Bylaw No. 12514 be amended at 3<sup>rd</sup> reading by deleting the title that reads "135, 155 Barber Road & 765 HWY 33 W" and replacing it with "135 Barber Road";

Carried

Moved By Councillor Stack/Seconded By Councillor DeHart

THAT Bylaw No. 12514, as amended, be adopted.

Carried

#### 6.2 START TIME 4:00 PM - Barber Rd 135 - BL12618 (Z23-0049) - ASI Barber Road GP Inc., Inc.No. A0122606

Moved By Councillor Stack/Seconded By Councillor DeHart

THAT Bylaw No. 12618 be amended at third reading by deleting the Legal Description that reads:

"Lot A Section 22 Township 26 ODYD Plan EPP124267"

And replacing it with:

"Lot A Section 22 Township 26 ODYD Plan EPP124267 Except Plan EPP134976"

Carried

Carried

#### Moved By Councillor Stack/Seconded By Councillor DeHart

THAT Bylaw No. 12618 as amended, be adopted.

#### 6.3 START TIME 4:00 PM - Barber Rd 135 - DP22-0225 DVP22-0226 - ASI BARBER ROAD GP INC, INC NO A0122606

Staff:

Displayed a PowerPoint Presentation summarizing the application.

Councillor Singh joined the meeting at 4:14 p.m.

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Kim McKechnie, Applicant's Agent

- Spoke to zero variances.
- Stepback was added to the Zoning Bylaw partway through the application.

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 Online or in the Gallery came forward.

Staff:

Responded to questions from Council.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Stack

AND THAT final adoption of Zoning Bylaw Text Amending Bylaw No. 12514 and Rezoning Bylaw No. 12618 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP22-0225 and Development Variance Permit No. DVP22-0226 for LOT A SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN EPP124267, located at 135 Barber Rd, Kelowna, BC subject to the following:

- The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- 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";
- The applicant be required to post with the City a Landscape Performance Security deposit in the amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;
   The applicant be required to make a payment into the Public Amenity & Streetscape Capital
- The applicant be required to make a payment into the Public Amenity & Streetscape Capital Reserve Fund as established by Bylaw No. 12386 in accordance with Table 6.8.a. in Zoning Bylaw No. 12375;

AND THAT variances to the following sections of Zoning Bylaw No. 12375 be granted as shown on Schedules "A" and "B":

Section 14.11: Core Area & Other Zones, Commercial and Urban Centre Zone Development Regulations (UC4r)

To vary the required minimum building stepback from the front yard from 3.0 m required to 0.0 m proposed.

Section 14.11: Core Area & Other Zones, Commercial and Urban Centre Zone Development Regulations (UC4r)

To vary the required minimum building stepback from the flanking side yard from 3.0 m required to 0.0 m proposed.

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

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

Carried

#### 7. Termination

The meeting was declared terminated at 4:19 p.m.

The meeting recessed at 4:19 p.m.

The meeting reconvened at 4:26 p.m.

#### 8. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 4:26 p.m.

#### Individual Bylaw Submissions

#### 9.1 START TIME 4:00 PM - Multiple Addresses - OCP23-0009 (BL12595) - City of Kelowna

Staff:

Displayed a PowerPoint Presentation summarizing the amendments.

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 from the Gallery or Online.

There were no further comments.

#### 10. Termination

The Hearing was declared terminated at 4:30 p.m.

#### 11. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 4:30 p.m.

#### 12. Bylaws Considered at Public Hearing

#### 12.1 STARTTIME 4:00 PM - Multiple Addresses - BL12595 (OCP23-0009) - City of Kelowna

#### Moved By Councillor Wooldridge/Seconded By Councillor Hodge

THAT Bylaw No. 12595 be read a second and third time and be adopted.

Carried

#### 13. Termination

The meeting was declared terminated at 4:31 p.m.

#### 14. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 4:31 p.m.

#### 15. Individual Bylaw Submissions

#### 15.1 START TIME 4:30 PM - Pandosy and Rutland Building Heights Maps - BL12621 (OCP24-0001) - City of Kelowna

Mayor Dyas declared a conflict due to owning properties in the South Pandosy area and left the meeting at 4:32 p.m.

Deputy Mayor Ron Cannan took over chairing the meeting.

Staff:

Displayed a PowerPoint Presentation summarizing the amendments.

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:

Barry Jessup, Abbott St.

- Represents FRAHCAS.
- Comments based on the agenda published on May 4, 2024.
- Spoke to collection of over 800 concerned citizen signatures.
- Spoke to the public petition with support for the heritage conservation area.
- Opposed the plan to diminish exiting heritage guidelines.
- Requested that the culture and historical value of the area be protected.
- Requested the existing footprint of the Heritage Conservation Area (HCA) be maintained.
- Suggested reinstating the Heritage Advisory Committee that was in place prior to the pandemic.
- Recommend future hearings be held well in advance.

#### Peter Chataway, Cadder Ave

- Commented on the hospital TOA that affects the Heritage Conservation Area.

Staff:

Responded to questions from Council.

There were no further comments.

#### 16. Termination

The Hearing was declared terminated at 4:48 p.m.

#### 17. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 4:48 p.m.

#### 18. Bylaws Considered at Public Hearing

#### 18.1 START TIME 4:30 PM - Pandosy and Rutland Building Heights Maps - BL12621 (OCP24-0001) - City of Kelowna

#### Moved By Councillor Stack/Seconded By Councillor Wooldridge

THAT Bylaw No. 12621 be read a second and third time and be adopted.

Carried

#### 19. Termination

The meeting was declared terminated at 4:49 p.m.

Mayor Dyas returned to the meeting and resumed chairing at 4:50 p.m.

20. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 4:50 p.m.

#### 21. Individual Bylaw Submissions

#### 21.1 START TIME 4:30 PM - Small-Scale Multi-Unit Housing and Transit Oriented Areas Alignment - OCP24-0005 (BL12649) - City of Kelowna

#### Staff:

- Displayed a PowerPoint Presentation summarizing the amendments.

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:

Barry Jessop, Abbott St.

- Represents FRAHCAS.
- Spoke to the need to ensure preservation of Kelowna's Heritage Conservation Area (HCA).
- New designation appears to reduce the HCA by 25%.
- No longer requiring HAP guidelines within TOÁ.
- Encouraged by Heritage Review presented to Council May 13, 2024.
- Spoke to provincial heritage mandates.
- Requested more public input take place.
- Requested the Heritage Advisory Committee be reinstated.
- Offered assistance in updating the heritage guidelines.
- Maintain the existing footprint of the HCA and not diminish the preservation of heritage in the community.
- Consistency of enforcement in guidelines.

#### Janette Mergens, Abbott St.

- Lives in the HCA.
- Concerned with previous developments, including apartment building on Royal Avenue.
- Four-unit developments in this area won't be affordable housing.
- Spoke to the disbandment of the Heritage Advisory Committee and interest in bringing it back.
- Consider trading density traded with other areas to protect the HCA.

#### George Mapson, Cadder Ave

- Spoke to the hospital exchange and confusion of designation of areas.
- Would like clarity on why the hospital TOA is designated.
- Spoke to the provincial designation listing Rutland and Okanagan College only as transit exchanges, and does not include the hospital.
- Hospital is a bus stop, not a transit station.
- No previous public input.

#### Gerry Fee, Cadder Ave

- Lives in the HCA and is concerned with preserving the it.
- Height and density would negatively impact area.
- Speaks to the history of Kelowna and a fascinating and well used area.
- Requested the City ask the Province to not implement on the requirements and to request an exemption.

#### Russell Smith, Cadder Ave

- Agrees with the other speakers.
- Interacts with members of the public who enjoy the area.
- Concerned the planned amendments will destroy the area.
- Concerned with additional transit exchange areas.

#### Penny Pearson, Glenwood Ave

- Does not live in HCA.
- No concerns with amendments except as they relate to the heritage district.

- Concerned changes are being rushed.
- Province states the OCP does not have to be in conformity until December 31, 2025.
- Requested a complete review of the heritage registry.
- Requested staff consult with associations so there is a more broad-based consultation on future plans.
- Can fit into the HCA with proper and strict guidelines.

- Don Henderson, Cameron Ave Does not live in HCA. Agrees with other speakers and enjoys the HCA. Referenced European cities and Bend, OR heritage areas.
- Does not want to have to go elsewhere to experience heritage.
- Spoke to better protection of the Heritage Conservation Area of Kelowna.

#### Erica Belll-Lowther, Abbott St.

- Family has lived in the conservation area for 52 years.
- Saw decline in 1970s and 1980s with hospital expansion.
- Change in 1990s with designation of HCA and establishment of Heritage Advisory Committee Commitment to heritage and preserving homes.
- Spoke to the love for the area.
- Spoke to seeing huge changes in the area over the years.
- Mom was a founding member of KSAN.
- Spoke to HCA approved in the mid-nineties.
- Concerned and opposed to the proposal to diminish the HCA by 25 percent.
- Support previous speakers.
- Spoke to the Heritage Advisory Committee being disbanded and the negative impact. -
- Spoke to the mature trees in the heritage area and the area being a jewel for the community.
- Six storey TOA should not be expanded into HCA.

#### Grant Billick, Cadder Ave

- Spoke to building houses on Cadder Avenue and later retiring in the area.
- Spoke to the improvements to the neighbourhood over the years. Concerned that six stories are not going to improve the neighbourhood.
- Understands commercialization in the area is also being proposed and is not in support.

#### Jan Murphy, KSAN, Bernard Ave

- Represents KSAN.
- Opposed to reducing the HCA by 25% within the hospital TOA.
- Encourage Council to strengthen preservation of buildings and natural heritage.
- Requested the Heritage Advisory Committee be reestablished.
- Lives in HCA.

The meeting recessed at 5:41 p.m.

The meeting reconvened at 5:51 p.m.

#### Sherry Fieldhouse, Cadder Ave

- Spoke to the area growing to a beautiful area and moving there 10 years ago.
- Seen positive change in area.
- Concerned about what might happen to the area with more development and congestion.
- Spoke to the back of her property and the potential for the adjacent lot to be a 6 storey building.

#### Jonathan Douglas, Coronation Ave

- Requested changes in how addressing is done, as there are challenges locating addresses off the lanes.
- Canada Post can't find address.

#### Ben Harris, Pimickle Rd.

Spoke to housing affordability not detracting from the character of the neighbourhood.

- Heard from homeowners, not yet from young people who aren't homeowners.
- Spoke to affordability and concern regarding the ability to purchase a house into the community.
- Spoke to densifying neighbourhoods across the community including the heritage conservation area.
- Affordability crisis caused by lack of housing supply.
- Uses the Abbott St active transportation corridor.
- Housing affordability does not need to detract from neighbourhood character.
- Need good direction on how to make buildings fit into the area.
- More density gives hope on affordability to live and own a home here.

#### Pat Munro, Cadder Ave

- Spoke to the HCA being 1% of the total land area of Kelowna.
- Spoke to tourism draw of the HCA.
- Spoke to visitors stopping to read the heritage designation sign.
- Spoke to not rushing any decisions as there is time to make a decision until end of 2025.
- Requested the City stand up to the Province.

#### Derek Plosemus, Long St.

- Sent correspondence outlining their concerns.
- Concerned with the size of the change and the lack of public input.
- No urban planning sense to six storey buildings in an established HCA.
- Do more to preserve the area.

#### Peter Chataway, Cadder Ave

- Requested a delay in the transit area decision.
- The decision being made will lead to the demise of the HCA.
- Development guidelines should be conservation guidelines versus being development oriented.
- Has lived in the area since 1991.
- New development makes the area less attractive, not in keeping with form and character.
- Give additional tools like HAP required for homes on the Heritage Register.
- Reinstate Heritage Advisory Committee.
- Implement conservation covenants and other tools to protect, not incentivize development.

#### Susan Ames, Abbott St.

- Affordable housing is not being built in Kelowna.
- Spoke to the HCA representing less than 1% of the entire area of the community.
- Heritage district is like Bernard with houses that are commercial uses.
- Spoke to the Provincial requirement not supporting affordability in the HCA.
- Concerned about commerical and institutional uses in a residential HCA.
- Spoke to transit hub at the hospital.
- Need to make sure that the new builds follow the guidelines of the HCA.
- TOA should not extend into HCA.
- One option for land use is commercial and institutional, don't want this in HCA.

#### Brenda Rusnak, Park Ave

- Spoke to building a house in the HCA and going through the HAP process.
- Does not see the area being able to embrace affordable housing.
- Spoke to wanting more clarity on density transfer.
- Concerned with the lack of public consultation.
- Spoke to the City online survey with over 40% of respondents not living in the HCA.
- Requested Council stand up to the Province.

#### Staff:

Responded to questions from Council.

There were no further comments.

#### 22. Termination

The Hearing was declared terminated at 7:02 p.m.

#### 23. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 7:02 p.m.

#### 24. Bylaws Considered at Public Hearing

#### 24.1 START TIME 4:30 PM - Small-Scale Multi-Unit Housing and Transit Oriented Areas -BL12649 (OCP24-0005) - City of Kelowna

#### Moved By Councillor Wooldridge/Seconded By Councillor Hodge

THAT Bylaw No. 12649 be read a second and third time and be adopted.

Councillor Cannan - Opposed

#### 25. Bylaws for Adoption (Non-Development Related)

#### 25.1 BL12641 - Annual Tax Rate Bylaw, 2024

Moved By Councillor Stack/Seconded By Councillor DeHart

THAT Bylaw No. 12641 be adopted.

Carried

#### 26. Termination

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

City Clerk

Mayor Dyas

lb/cm

### REPORT TO COUNCIL OCP & REZONING

Date:	May 13, 2024
То:	Council
From:	City Manager
Address:	1602 & 1855 Bennett Road
File No.:	OCP23-0008/Z23-0047
	Existing



The No.:	000/23 000/23 004/	
	Existing	Proposed
OCP Future Land Use:	NAT – Natural Areas	S-RES – Suburban Residential
Zone:	P3 – Parks and Open Space	RU1 – Large Lot Housing

#### 1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP23-0008 to amend Map 3.1 in the Kelowna 2040 – Official Community Plan Bylaw No. 12300 by changing the Future Land Use designation of portions of Lot 2 Section 17 Township 23 ODYD Plan KAP65503 Except Plan EPP93314 located at 1602 Bennett Road, Kelowna and Lot B Section 17 Township 23 ODYD Plan EPP80141 located at 1855 Bennett Road, Kelowna, BC and, BC from the NAT – Natural Areas designation to the S-RES – Suburban Residential designation, as shown on Map "A" attached to the Report from the Development Planning Department dated May 13, 2024 be considered by Council;

AND THAT the Official Community Plan Map Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the Purpose of Section 475 of the Local Government Act, as outlined in the Report from the Development Planning Department dated May 13, 2024;

AND THAT Rezoning Application No. Z23-0047 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of portions of Lot 2 Section 17 Township 23 ODYD Plan KAP65503 Except Plan EPP93314 located at 1602 Bennett Road, Kelowna and Lot B Section 17 Township 23 ODYD Plan EPP80141 located at 1855 Bennett Road, Kelowna, BC from the P3 – Parks and Open Space zone to the RU1 – Large Lot Housing zone as shown on Map "B" attached to the Report from the Development Planning Department dated May 13, 2024 be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration; and

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer.

#### 2.0 Purpose

To amend the Official Community Plan to change the future land use designation of portions of the subject property from the NAT – Natural Areas designation to the S-RES – Suburban Residential designation and to

rezone portions of the subject property from the P<sub>3</sub> – Parks and Open Space zone to the RU1 – Large Lot Housing zone to facilitate a large lot housing subdivision.

#### 3.0 Development Planning

Staff recommend support for the proposed Official Community Plan and rezoning amendments to facilitate future residential development on the subject properties. The North Clifton Area Structure Plan was approved in 2014 and lays out single family development for the area. The proposed mapping amendments are considered minor in nature stemming from required road realignments due to topographic constraints. The first phase of development will dedicated 2.84 acres of parkland with additional parks and open space to be added in future phases. The unit count and layout is consistent with the ASP, the proposed development is considered compatible with the surrounding land uses and meets a number of policies and objectives of the Official Community Plan (OCP).

Staff have reviewed this application, and it may move forward without affecting either the City's Financial Plan or Waste Management Plan

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Vacant/Single Family Residential
East	A2 – Agriculture/Rural Residential	Vacant
South	Ru1 – Large Lot Housing P3 – Parks and Open Space	Park/Single Family Residential
West	W1 – Recreational Water Use	Okanagan Lake

#### 4.0 Site Context & Background

#### Subject Property Map: 1602 & 1855 Bennett Road



#### 4.1 <u>Background</u>

The proposal is over two large development parcels approximately 35 ha and 15 ha in size. They are currently vacant and will eventually connect Clifton Road North with the McKinley Beach area.

#### 5.0 Current Development Policies

#### 5.1 Kelowna Official Community Plan (OCP)

#### The Big Picture: 10 Pillars to Realize our Vision

- 1) Take Action on Climate / Protect and Restore Environment: 2.84 acres of land will be dedicated as park in the first phase of development and will be added to an existing a future park and open space network.
- 2) Incorporate Equity into City Building / Promote more Housing Diversity: The proposal provides single family housing to the area and works towards the ultimate connection of Clifton Road south to the McKinley neighborhood.

Objective 7.1.1 Are	a Structure Plan Consistency	
Policy 7.2.1 Ground Oriented Housing.	Support development that is consistent with adopted Area Structure Plans	
	2014.	
Objective 7.2 Des adaptable.	ign Suburban Neighbourhoods to be low impact, context sensitive and	
Policy       7.2.3       Integrate the design of active parks with adjacent natural areas which individual park standards. Reduce the impacts of parks on ad systems         The site will be integrated with pattern areas and park trails as parks		
	The site will be integrated with natural areas and park trails as per established Parks Agreement and ASP.	

#### 6.0 Application Chronology

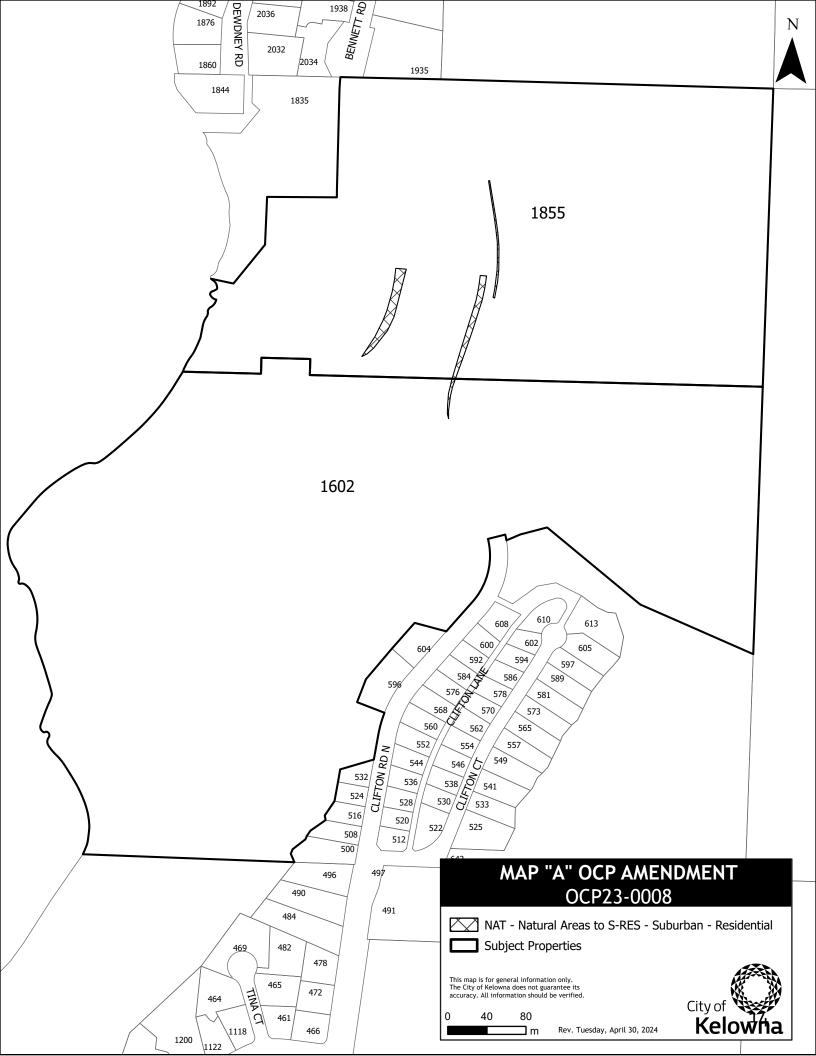
Application Accepted:	August 2, 2023
Neighbourhood Notification Summary Received:	November 21, 2023

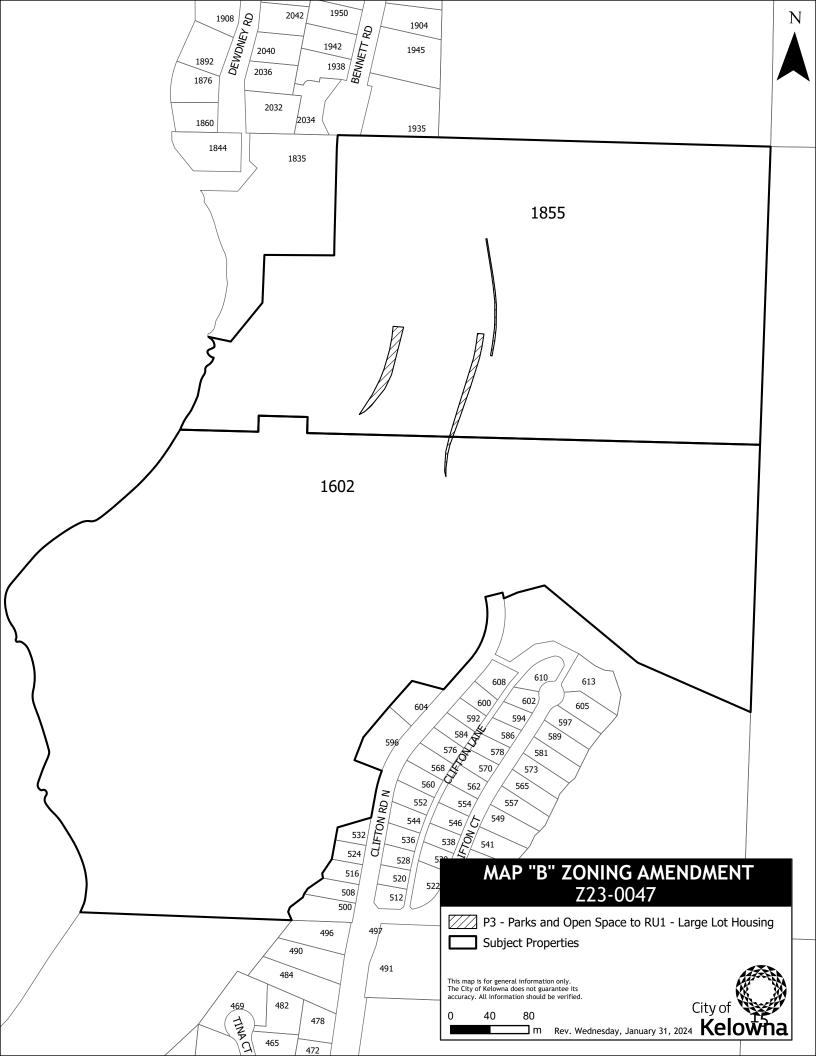
Report prepared by:	Wesley Miles, Planner Specialist
Reviewed by:	Dean Strachan, Community Planning & Development Manager
Reviewed by:	Nola Kilmartin, Development Planning Department Manager
Approved for Inclusion:	Ryan Smith, Divisional Director, Planning & Development Services

#### Attachments:

Map A: OCP Amendment Map B: Zoning Amendment

For additional information, please visit our Current Developments online at <u>www.kelowna.ca/currentdevelopments</u>.







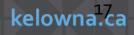
# OCP23-0008/Z23-0047 1602 & 1855 Bennett Rd

**OCP & Rezoning Application** 



### Proposal

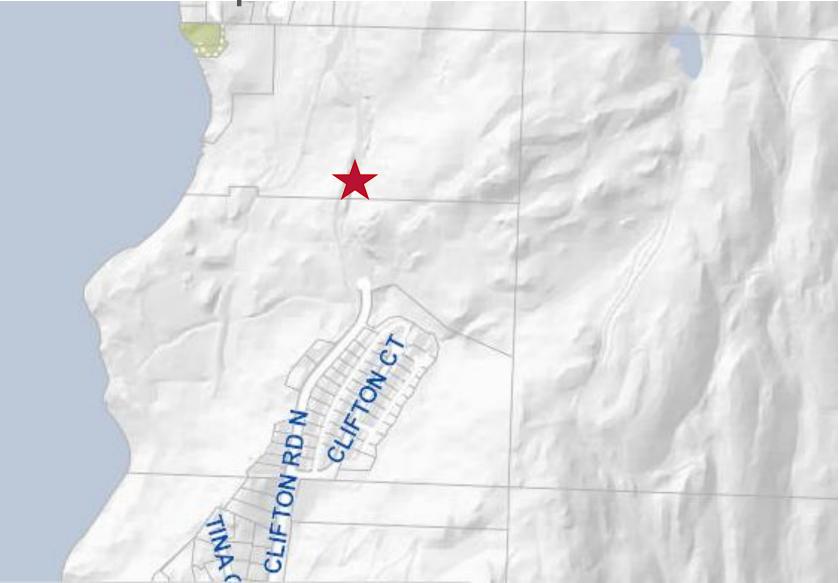
To amend the Official Community Plan and rezone to make minor mapping changes to portions of the subject properties to facilitate a large lot housing subdivision.



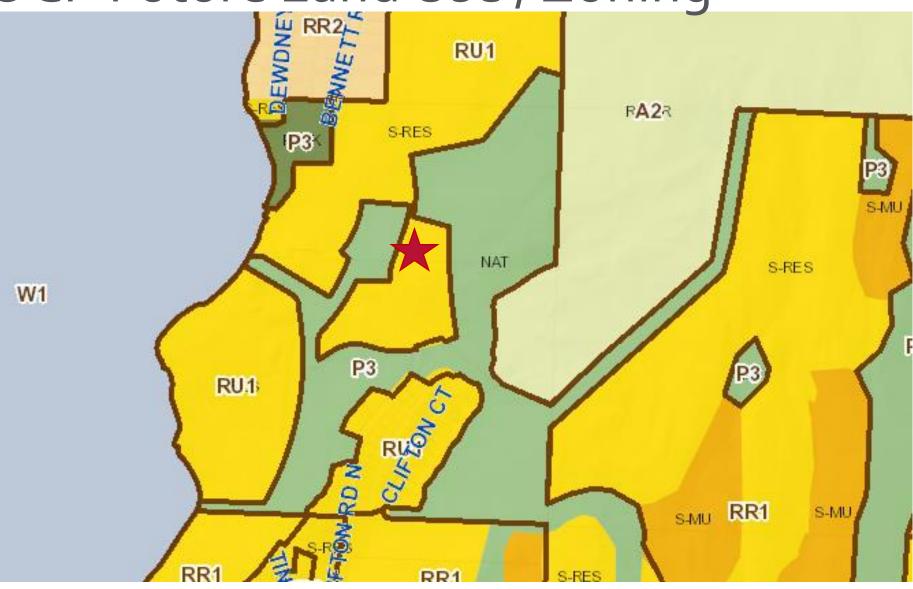
### **Development Process**



### Context Map



### **OCP** Future Land Use / Zoning



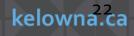
### Subject Property Map



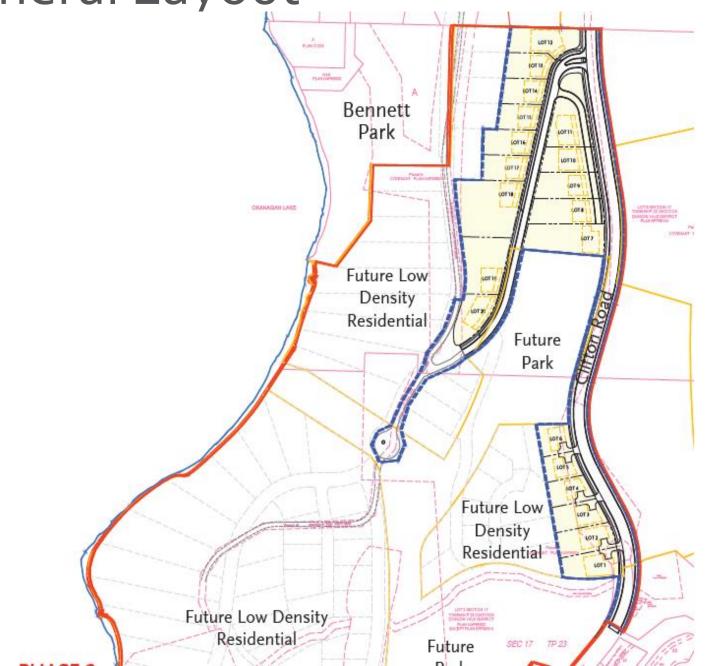


## Proposed Land Use Details

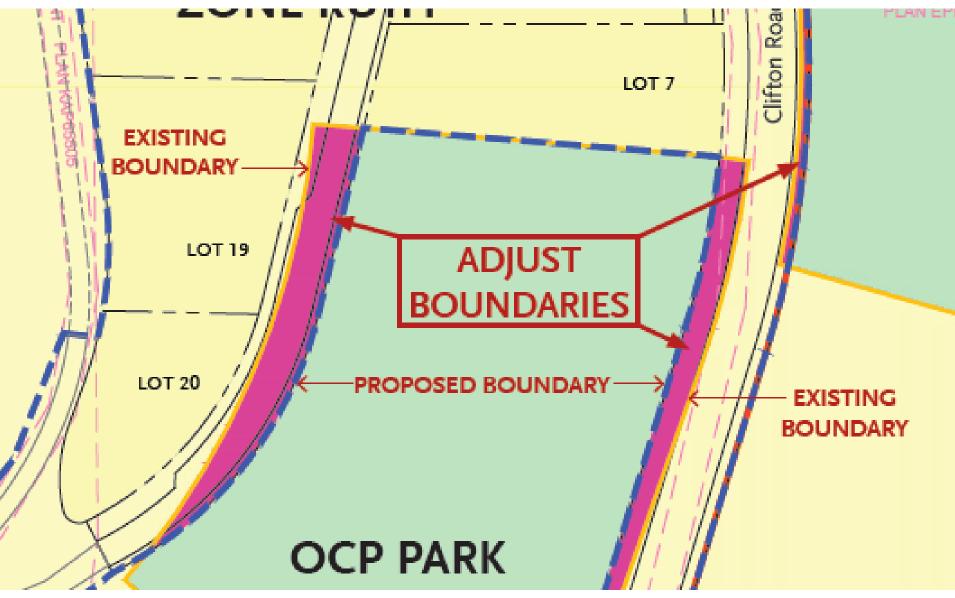
- North Clifton ASP approved in 2014
- Single family development
- First Phase has 20 lots
- Minor boundary adjustments
- Detailed designed required road realignment



## General Layout



### Land Use Boundary Adjustments



### **Development Policy**

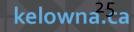
#### 5.1 Kelowna Official Community Plan (OCP)

#### The Big Picture: 10 Pillars to Realize our Vision

- Take Action on Climate / Protect and Restore Environment: 2.84 acres of land will be dedicated as park in the first phase of development and will be added to an existing a future park and open space network.
- 2) Incorporate Equity into City Building / Promote more Housing Diversity: The proposal provides single family housing to the area and works towards the ultimate connection of Clifton Road south to the McKinley neighborhood.

Objective 7.1.1 Are	a Structure Plan Consistency	
Policy 7.2.1 Ground Oriented Housing.		
Objective 7.2 Design Suburban Neighbourhoods to be low impact, context sensitive and adaptable.		
Policy 7.2.3 Integrate Nature	Integrate the design of active parks with adjacent natural areas while maintaining individual park standards. Reduce the impacts of parks on adjacent natural systems The site will be integrated with natural areas and park trails as per established Parks Agreement and ASP.	







## Staff Recommendation

- Staff are recommending support of the proposed OCP and rezoning amendment
  - Meets the intent of the Official Community Plan
  - Consistent with existing ASP





### Conclusion of Staff Remarks

#### **CITY OF KELOWNA**

#### BYLAW NO. 12664

#### Official Community Plan Amendment No. OCP23-0008 – 1602 and 1855 Bennett Road

A bylaw to amend the "Kelowna 2040 – Official Community Plan Bylaw No. 12300".

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

- 1. THAT Map 3.1 **Future Land Use** of "*Kelowna 2040* Official Community Plan Bylaw No. 12300" be amended by changing the Future Land Use designation of portions of:
  - a) Lot 2 Section 17 Township 23 ODYD Plan KAP65503 Except Plan EPP93314 located at 1602 Bennett Road, Kelowna, BC;
  - b) Lot B Section 17 Township 23 ODYD Plan EPP80141 located at 1855 Bennett Road, Kelowna, BC; and

from the NAT – Natural Areas designation to the S-RES – Suburban Residential designation, as shown on Map "A" attached to and forming part of this bylaw;

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

Read a first time by the Municipal Council this 13<sup>th</sup> day of May, 2024.

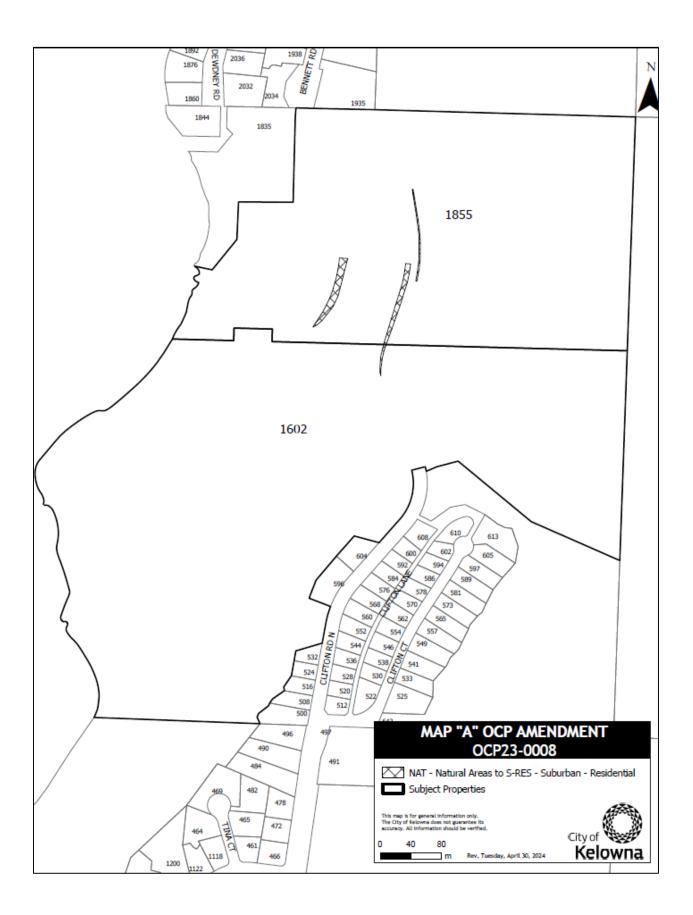
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



#### **CITY OF KELOWNA**

#### BYLAW NO. 12665 Z23-0047 1602 and 1855 Bennett Road

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 be amended by changing the zoning classification of portions of:
  - a) Lot 2 Section 17 Township 23 ODYD Plan KAP65503 Except Plan EPP93314 located at 1602 Bennett Road, Kelowna, BC;
  - b) Lot B Section 17 Township 23 ODYD Plan EPP80141 located at 1855 Bennett Road, Kelowna, BC; and

from the P<sub>3</sub> – Parks and Open Space to the RU<sub>1</sub> – Large Lot Housing zone as shown on Map "B"attached to and forming part of this bylaw;

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

Read a first time by the Municipal Council this 13<sup>th</sup> day of May, 2024.

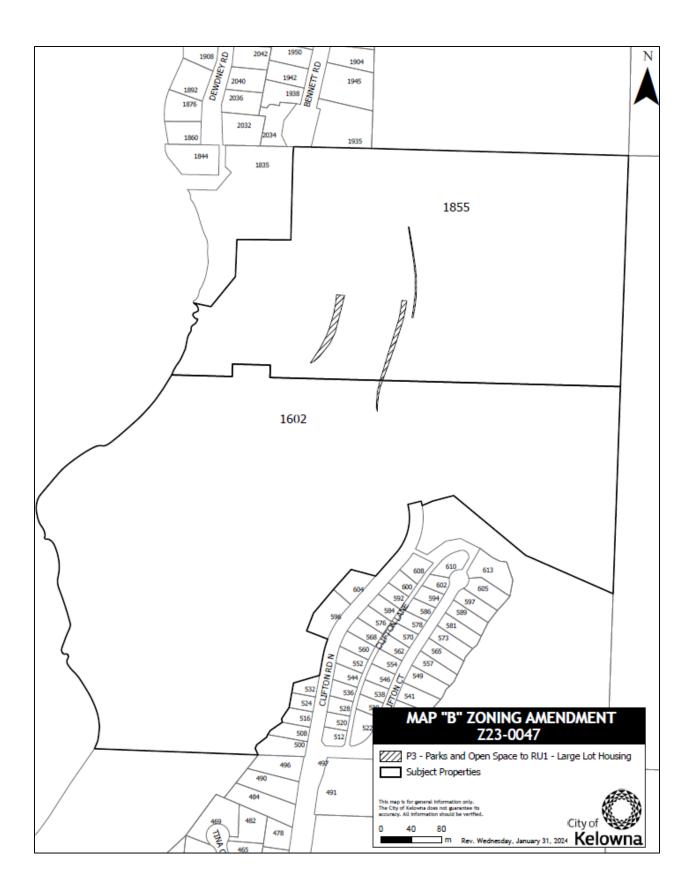
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



### REPORT TO COUNCIL Text Amendment



Date:	May 27 <sup>th</sup> , 2024
То:	Council
From:	City Manager
Address:	1570-1580 Water Street
File No.:	TA24-0006

#### 1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA24-0006 to amend City of Kelowna Zoning Bylaw No. 12375 as outlined in Schedule 'A' attached to the Report from the Development Planning Department dated May 27, 2024, be considered by Council;

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

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

#### 2.0 Purpose

To amend the Zoning Bylaw by adding a Site-Specific Text Amendment to increase the maximum density from 1.5 FAR to 4.0 FAR and to increase the maximum height from 3 storeys to 4 storeys for the subject properties.

#### 3.0 Development Planning

Staff are supportive of the proposed site-specific Text Amendment to increase the allowable height and density on the subject property. The applicant has been in discussion with Staff on the condition of the crane onsite and the condition of the stalled construction site on the subject property. The applicant agreed to a fast-tracked schedule to expedite the project's reconstruction start date. A Development Permit for a four-storey mixed use building will come forth to Council shortly to analyze the form and character. In order to accommodate the project's accelerated schedule the Text Amendment application is needed prior to finalizing the Development Permit submission. The allowed maximum density of 1.5 FAR would only accommodate a one and half storey building, assuming zero setbacks, which is typical of the surrounding downtown context. Therefore, the additional density is needed to accommodate a four storey, mixed use building.

#### 4.0 Site Context & Background

1580 Water St. was originally built as a 1 storey building in 1908 to house the Kelowna Courier—one of Kelowna's original newspapers. The second storey of the building was added in 1928. Kelowna Courier continued to occupy the building until 1957 when the business moved to a new location on Doyle Ave. From this point the building hosted a series of businesses, including the Keg restaurant.

1570 Water St. was originally built circa 1910 to house a Chinese restaurant on the ground floor with living quarters above. The building changed ownership numerous times over the years but has always remained a restaurant, and served as an extension of the Keg restaurant at one point. More recently, the building housed La Lupita restaurant. Though the building was originally built in brick, similar to 1580 Water St., the brick had

stucco applied over it in the post-WWII era. The original 2019 application, where the building was largely demolished, removed the stucco and refurbished the original brick façade facing Water Street.



Original Development Permit (DP19-0143) December 2020



New Development Permit (DP24-0061) April 2024

#### 5.0 Application History

The site at 1570-1580 Water Street had a Development Permit (DP19-0143) approved December 14<sup>th</sup> 2020.

The original application was for an unique establishment featuring a wine bar; lounge, roof top deck, interpretative centre, tasting room, education centre and lab, and wine shop. The applicant continued with a demolition and building permit to build the structure in December 2020. For provincial regulations and logistical reasons the applicant put the building permit on hold. The partially constructed site has remained fenced off ever since.

The applicant pivoted to a 12 storey hotel proposal and submitted an application on April  $4^{th}$  2024. After preliminary feedback on the form and character of the hotel development and neighbourhood consultation, the applicant informed Staff on May  $7^{th}$  2024 that the application would need to be significantly changed. The development proposal now is for a 4-storey commercial building, with the opportunity for a residential suite.

The potential uses of the building include, but are not limited to a restaurant, wine tasting room, wine shop, urban winery, distillery, urban market, events space, and a residential unit.



Subject Property Map: 1570-1580 Water Street

Downtown Context Map:



#### 6.0 Current Development Policies

#### 6.1 <u>Kelowna Official Community Plan (OCP)</u>

Objective 4.4 Reinforce Downtown as the Urban Centre with the greatest diversity and intensity of uses in the City (Chapter 4 Urban Centres).	

<ul> <li>Civic and cultural uses, with supporting retail uses along the Art Walk and partians of Water Street designated as giving streets, in logning with the</li> </ul>
portions of Water Street designated as <b>civic streets</b> , in keeping with the
directions of the Civic Precinct Plan.
This project will provide high quality retail space along Water Street and Lawrence
Avenue that will create dynamic spaces this policy is looking to reinforce.

10 Pillars to Reali	10 Pillars to Realize our Vision - Focus Investment in Urban Centres		
Chapter 1 The Big	Growing Kelowna's Urban Centres – Downtown, Capri-Landmark, Pandosy, Rutland		
Picture	and Midtown – into vibrant hubs of activity is one of the major goals of Imagine		
	Kelowna. It's also a critical component of accommodating growth without more		
	urban sprawl. To support this, the Official Community Plan directs public and private		
	investments towards providing more jobs, housing, transportation options, parks		
	and other amenities in and around the Urban Centres.		
	This statement encourages unique commercial ventures like the one proposed that		
	will enhance living downtown for current and future residents. The commercial		
	options will attract customers and visitors to the downtown while increasing		
	vibrancy and employment opportunities.		

#### 7.0 Application Chronology

Application Accepted:	April 4 <sup>th</sup> 2024
Neighbourhood Notification Summary Received:	May 24 <sup>th</sup> 2024

Report prepared by:	Adam Cseke, Planner Specialist
Reviewed by:	Jocelyn Black, Urban Planning Manager
Reviewed by:	Nola Kilmartin, Development Planning Department Manager
Approved for Inclusion:	Ryan Smith, Divisional Director, Planning, Climate Action, & Development
	Services

**Attachments:** Attachment A: Applicant Rationale Package Schedule 'A': Site specific content changes to Zoning Bylaw 12375

For additional information, please visit our Current Developments online at <u>www.kelowna.ca/currentdevelopments</u>.



May 7, 2024

Adam Cseke Planner City of Kelowna

Subject: 1570/1580 Water St - Change in Development Plans

Dear Adam,

I am writing to inform you of a change in our development plans (DP24-0060) for the property located at 1570/1580 Water Street, Kelowna from a 12-story hotel to a 4-story commercial building.

Per our agreement with the city, we were working on a fast-tracked schedule to expedite the project's start date and were addressing various details simultaneously with the permit application. We have come to realize that our initial vision was overly ambitious for the given site due to unforeseen circumstances that only became apparent during this application process. As a result, we had to pivot our development idea in order to keep our promise to expedite our build.

To align with the site's constraints, zoning bylaws and the surrounding area's needs more effectively, we have decided to transition our plans to the construction of a four-story commercial building instead. This decision allows us to adapt to the site's characteristics more appropriately while still contributing positively to the neighborhood's development.

The potential uses of this building include but are not limited to restaurant, wine tasting room, wine shop, urban winery, distillery, urban market. events space and a residential suite.

We understand the importance of transparency and collaboration in such matters and are committed to working closely with the City of Kelowna throughout this transition. To expedite the start date, we propose building a shell first and applying for a Tenant Improvement permits at a later date.

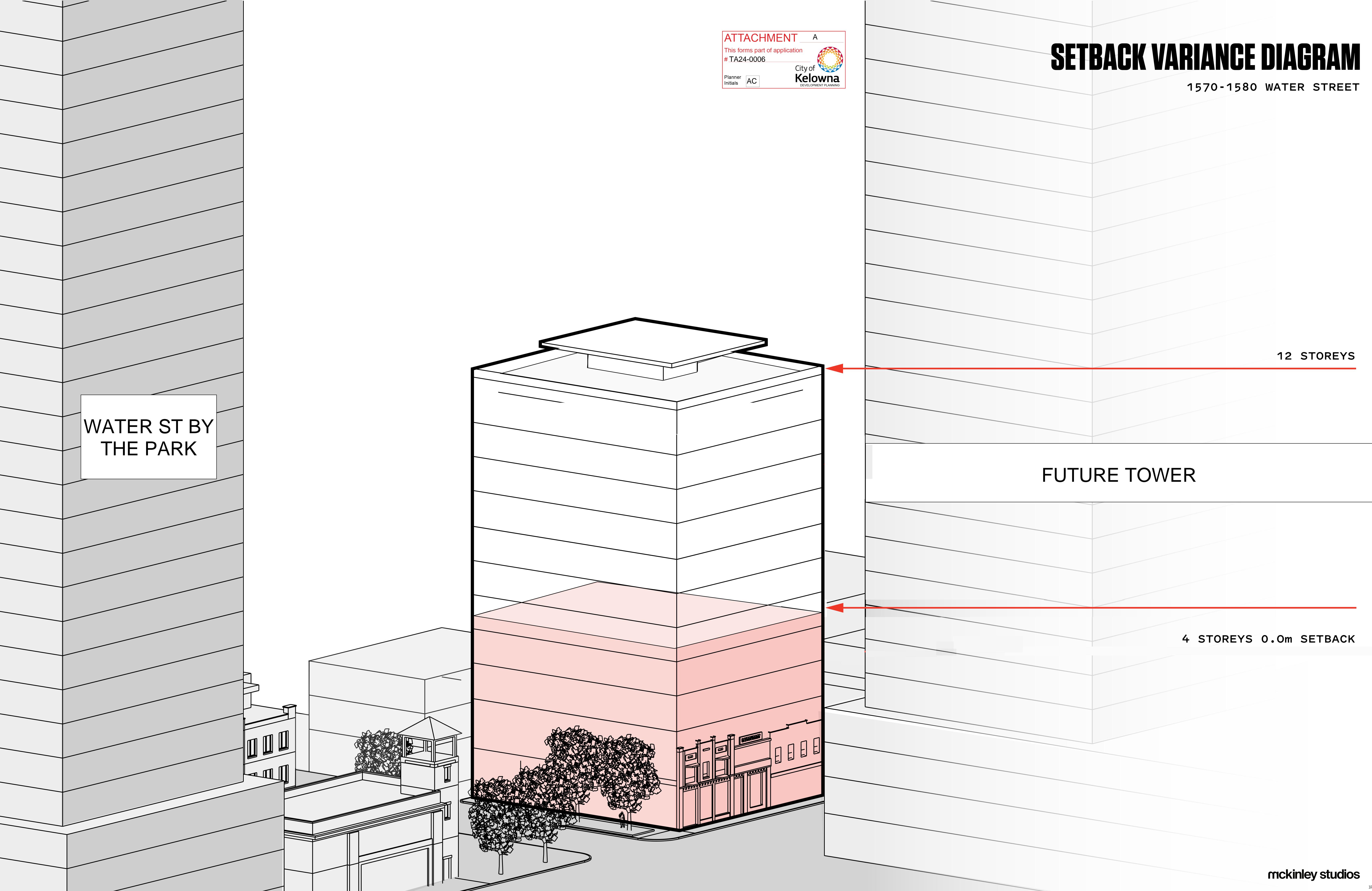
Please do not hesitate to reach out if you require any further information or clarification regarding this matter.

Thank you for your understanding and cooperation.

Sincerely, Slava Korshunov | Director

Vines&Rebar Construction Management Ltd.







#### Schedule 'A' Content Changes to Zoning Bylaw No. 12375

No.	Section	Current Wording	Proposed Wording	Reason for Change
1.	Section 14.15 – Site Specific Regulations	n/a	Add line 13 for a site specific amendment: See Chart A for details	To accommodate a 4- storey mixed use building.

SCHEDULE	A
This forms part of ap # TA24-0006	plication
Planner Initials AC	City of <b>Kelowna</b>



#### <u>Chart A</u>

Proposed Addition to Section 14.15 – Site Specific Regulations

	Section 14.15 - Site Specific Regulations Uses and regulations apply on a site-specific basis as follows:				
	Legal Description	Civic Address	Regulation		
	Lot 1 District Lot 139 ODYD Plan 1355,	1580 Water St			
12	Lot 2 District Lot 139 ODYD Plan 1355,	1570 Water St	To permit:		
13.	Lot 5 District Lot 139 ODYD Plan 1355, and	1570 Water St	<ul> <li>A maximum building height of 4 storeys and 20 metres.</li> <li>A maximum density of 4.0 FAR.</li> </ul>		
	Lot 6 District Lot 139 ODYD Plan 1355,	1580 Water St			

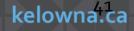


# **City of Kelowna TA24-0006 1570-1580 Water St May 27, 2024**



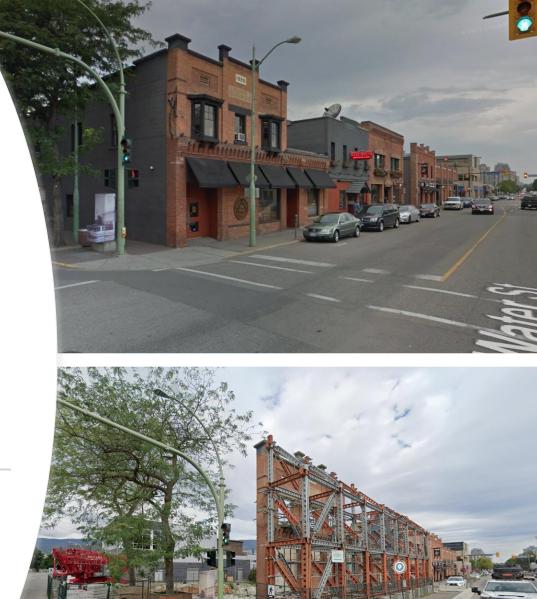


To consider a Site-Specific Text Amendment for this property to increase the maximum density from 1.5 FAR to 4.0 FAR and to increase the maximum height from 3 storeys to 4 storeys.





# Background



### **Development Process**



kelowna.ca

### Subject Property Map







#### Biker's Paradise

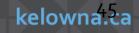
Daily errands can be accomplished on a bike.

kelowna.ca

### Downtown Context Map



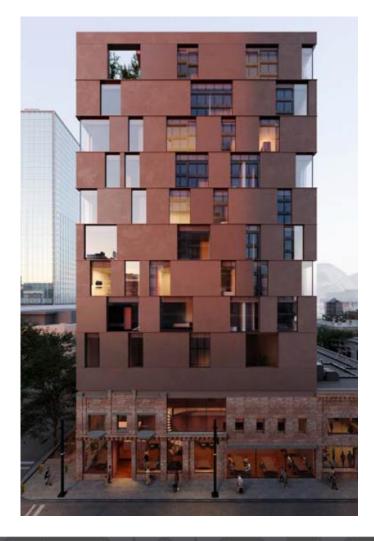




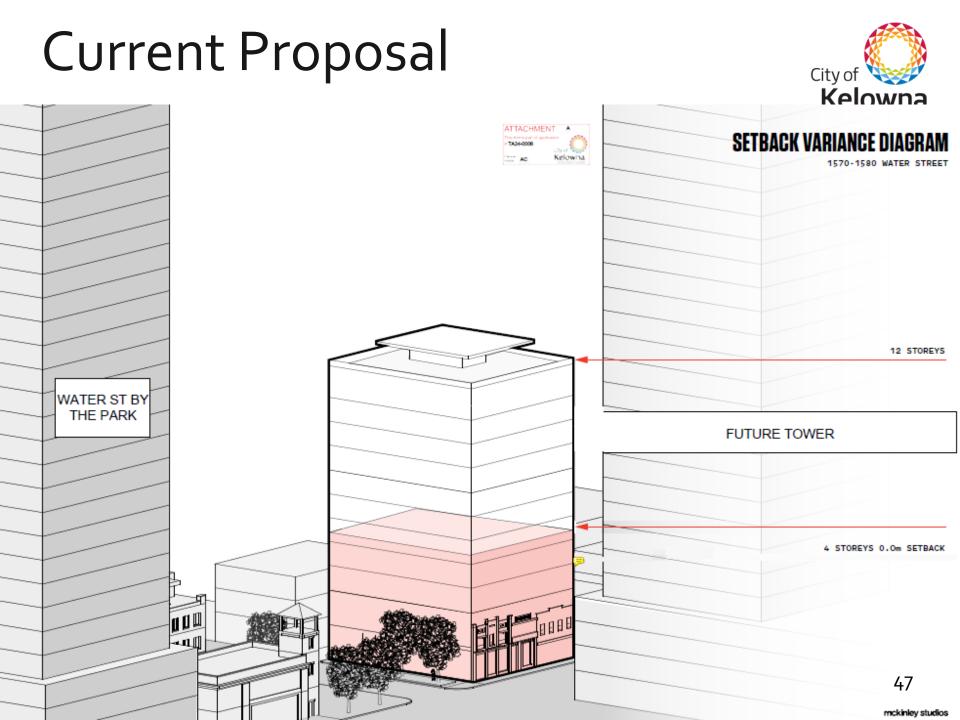
## **Application History**











### Text Amendment



	Section 14.15 - Site Specific Regulations Uses and regulations apply on a site-specific basis as follows:				
	Legal Description	Civic Address	Regulation		
13.	Lot 1 District Lot 139 ODYD Plan 1355, Lot 2 District Lot 139 ODYD Plan 1355, Lot 5 District Lot 139 ODYD Plan 1355, and Lot 6 District Lot 139 ODYD Plan 1355,	1570-1580 Water Street, Kelowna, BC	<ul> <li>To permit:</li> <li>A maximum building height of 4 storeys and 20 metres.</li> <li>A maximum density of 4.0 FAR.</li> </ul>		





# **OCP** Objectives & Policies

- Reinforce Downtown as the Urban Centre with the greatest diversity and intensity of uses in the City
- Focus Investment in Urban Centres

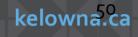


## Staff Recommendation



### Staff recommend support for TA24-0006 and accompanying bylaws

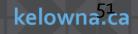
### Recommend the bylaws be forwarded to a Public Hearing







### Conclusion of Staff Remarks



#### **CITY OF KELOWNA**

#### BYLAW NO. 12668 TA24-0006 1570-1580 Water Street

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:

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

	Lot 1 District Lot 139 ODYD Plan 1355	1580 Water St	
10	Lot 2 District Lot 139 ODYD Plan 1355	1570 Water St	To permit: • A maximum building height of 4
13.	Lot 5 District Lot 139 ODYD Plan 1355	1570 Water St	<ul> <li>storeys and 20 metres.</li> <li>A maximum density of 4.0 FAR.</li> </ul>
	Lot 6 District Lot 139 ODYD Plan 1355	1580 Water St	
"			

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 27<sup>th</sup> day of May, 2024.

Considered at a Public Hearing on the

...

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

### REPORT TO COUNCIL LIQUOR LICENSE

Date:	June 18, 2024
То:	Council
From:	City Manager
Address:	1559 Ellis St
File No.:	LL24-0004



	Existing	Proposed
OCP Future Land Use:	UC- Urban Centre	UC- Urban Centre
Zone:	UC1 – Downtown Urban Centre	UC1 – Downtown Urban Centre

#### 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 Karyn Mackenzie for a Patron Participation Entertainment Endorsement to an existing Food Primary license for Lot 12 District Lot 139 ODYD PLAN 1347, located at 1559 Ellis St, Kelowna, BC for the following reasons:
  - The Patron Participation Entertainment Endorsement is perceived to have minimal impact on the community and surrounding properties.
- 2. Council's comments on LCRB's prescribed considerations are as follows:

Criteria for new food primary with Patron Participation Entertainment Endorsement:

- a) <u>The potential for noise if the application is approved:</u> The potential impact for noise is minimal as the Patron Participation Entertainment Endorsement would be limited to the existing hours of operation and be located indoors.
- b) <u>The impact on the community if the application is approved:</u> The potential for negative impact on the community is considered minimal as it is an existing establishment.
- c) If the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose:

The operations would be consistent with the primary purpose of food primary establishment.

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 Patron Participation Entertainment Endorsement to an existing Food Primary license.

#### 3.0 Development Planning

The applicant is seeking to obtain a Patron Participation Entertainment Endorsement for an existing Food Primary license at DunnEnzies Pizza Co., downtown location. The endorsement area is in the main dining/bar area, which has a maximum capacity of 60 people. The applicant is not seeking a change to the current capacity. The endorsement would permit the operator to have live music and patron dancing. Patrons would also be able to participate in karaoke, trivia, and open microphone events. There is no outdoor patio at this location. The hours and operation will be consistent with the existing terms of the Food Primary license.

#### 4.0 Project Details

#### Existing Hours of Sale:

		Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Open		12:00 PM	11:00 AM	12:00 PM				
Close	Indoor	10:00 PM	3:00 AM	3:00 AM				
	Patio	N/A						

#### 5.0 Site Context & Background

Orientation	Zoning	Land Use
North	UC1 – Downtown Urban Centre	Financial Services
East	UC1 – Downtown Urban Centre	Apartment Housing / Food Primary Establishment
South	UC1 – Downtown Urban Centre	Personal Service Establishment
West	UC1 – Downtown Urban Centre	Parking Lot

#### Subject Property Map: 1559 Ellis St



#### 6.0 Current Development Policies

#### 6.1 <u>Council Policy #359 – Liquor Licensing Policy and Procedures</u>

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

• 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 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.).

#### 7.0 Technical Comments

7.1 <u>R.C.M.P.</u>

Police have no concerns with this application.

#### 8.0 Application Chronology

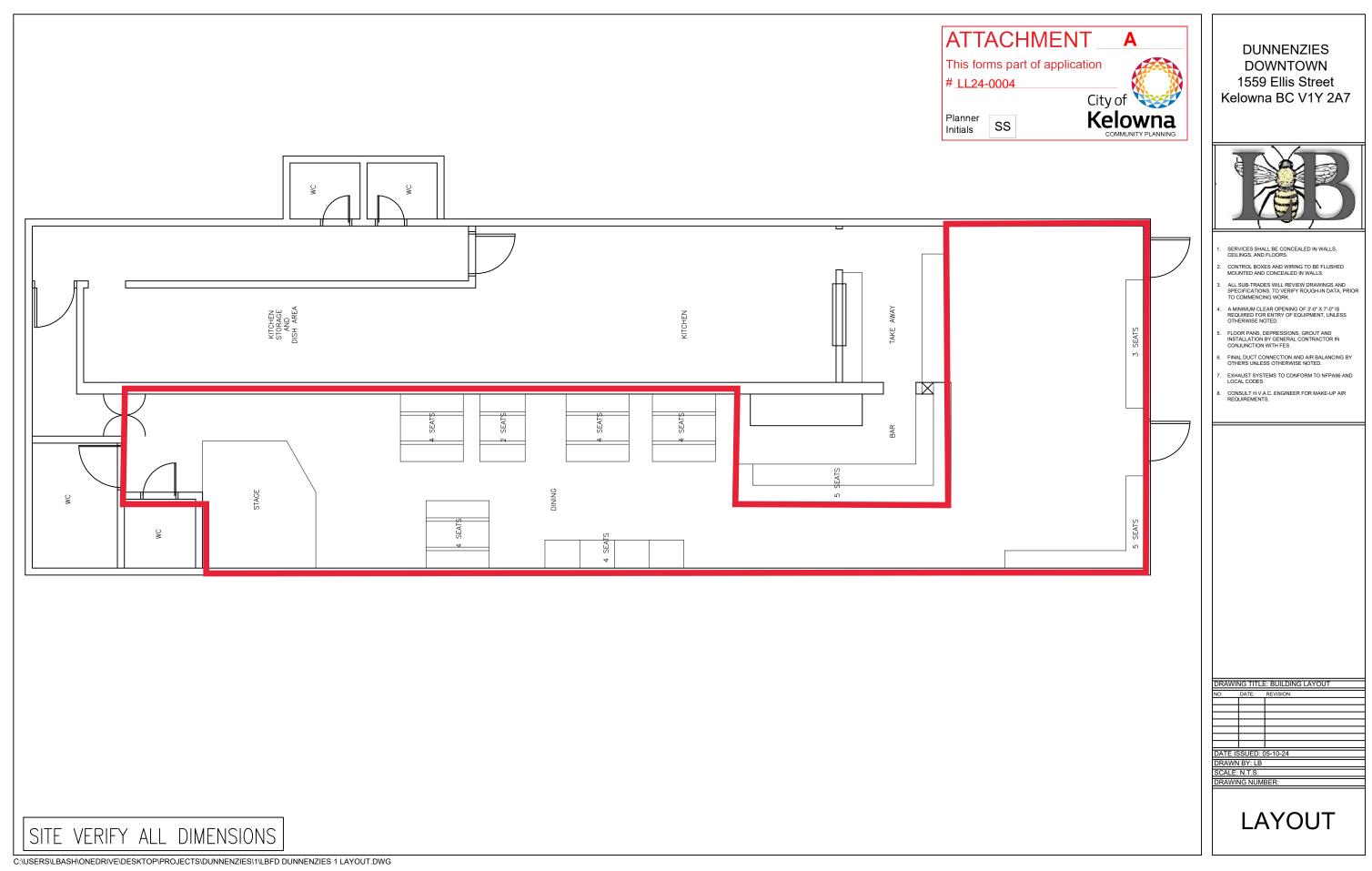
Application Accepted:	March 13, 2024
Public Consultation Completed:	April 26, 2024

Report prepared by:	Sara Skabowski, Planner I
Reviewed by:	Jocelyn Black, Urban Planning Manager
Reviewed by:	Nola Kilmartin, Development Planning Department Manager
Approved for Inclusion:	Ryan Smith, Divisional Director, Planning & Development Services

#### Attachments:

Attachment A: Floor Plan/Site Plan Attachment B: Letter of Rationale

For additional information, please visit our Current Developments online at <u>www.kelowna.ca/currentdevelopments</u>.





#### Project Rationale - DunnEnzies Pizza Downtown

#### Who is DunnEnzies Pizza Co?

DunnEnzies Pizza Co is a locally-owned restaurant founded by two remarkable women. It all started in downtown Kelowna with a single location that offered delicious pizza with a unique twist. DunnEnzies quickly gained popularity for its large pizza slices and lively atmosphere, making it a lunchtime regular and a popular spot for post-night-out hangouts. Despite dealing with difficult customers in the later hours, the founders remained committed to their long-term vision of expanding the business with larger restaurants, while avoiding the bar or nightclub scene.

#### What they have become?

Karyn Mackenzie and Deb Dunnigan had already established a loyal following of customers with their downtown restaurant. They saw an opportunity to expand by taking over the milkcrate records store next door to their location. With this expansion, they could convert their takeout location into a full restaurant with seating and obtain a liquor license to serve alcohol. This was the first step in their transformation to better serve their existing customers and attract new ones.

#### What is the next step?

DunnEnzies, a popular restaurant that expanded from takeout to full service, has maintained its vibrant atmosphere and loyal customer base over the years. One of the key factors in attracting both new and returning customers has been their live music nights. However, customers have often asked if they could get up and sing or do karaoke. Unfortunately, due to licensing limitations, this has not been possible. To provide the best possible experience for their customers, DunnEnzies has applied for a Patron Participation Endorsement. This endorsement will allow them to host events such as karaoke, open mic nights, and poetry readings, making the experience more engaging and interactive for their patrons. This will enable customers to not only enjoy local performers but also become part of the show. By offering this endorsement, DunnEnzies is committed to providing the best possible experience for its customers.

#### Focus of the Business?

DunnEnzies is a restaurant that wants to maintain its focus on food and not change it, despite being allowed to interact more with patrons due to its endorsement. The business was founded on its incredible food offerings, so the owners Karyn and Deb want to keep their Food Primary Liquor Licence. The endorsement just allows them to offer varied entertainment and experiences to customers without getting into the late night drinking scene, as they are located downtown. They plan to continue closing the restaurant early while still offering their pizza to the late night crowd, as they have done since expanding. This will help them maintain their status as a local favourite.

#### Potential for Noise?

DunnEzies Pizza Co has always strived to maintain a good reputation as a respectful neighbour in their community. They have a strong focus on giving back to the community without causing any disturbance. Despite expanding in 2018 and new residential areas being built, they have never received a noise complaint. Karyn, Deb and their team are committed to upholding and promoting this reputation. They close the restaurant side early as a way of maintaining this commitment. Additionally, they place the entertainment at the back of the restaurant so that it does not disturb the surrounding areas, even as patrons enter and exit.

LL24-0004 1559 Ellis St

SATEB?

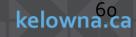
Liquor License Application

City of Kelowna



### Purpose

To seek Council's support for a Patron Participation Entertainment Endorsement to an existing Food Primary License.



### **Development Process**

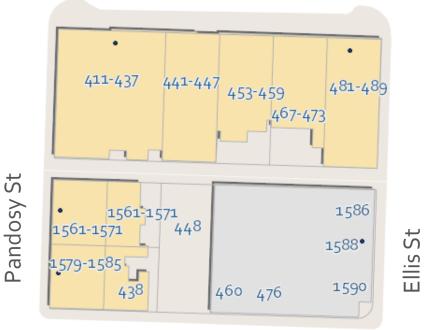




### Context Map



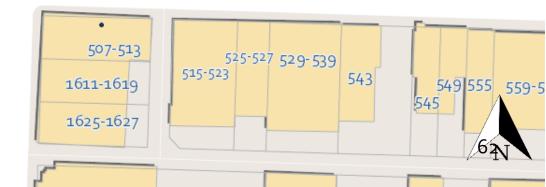
Bernard Ave





#### Lawrence Ave





## Subject Property Map







# **Project Description**

- Seeking to add Patron Participation Entertainment Endorsement to the existing Food Primary License.
- This allows the active involvement of patrons or results in patrons leaving their seats, for example:
  - Dancing
  - Karaoke
  - Open Microphone
  - Trivia





### Hours of Sale

### Existing:

		Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Open		12:00 PM	11:00 AM	12:00 PM				
Close	Indoor	10:00 PM	12:00 AM	12:00 AM				
	Outdoor	N/A						





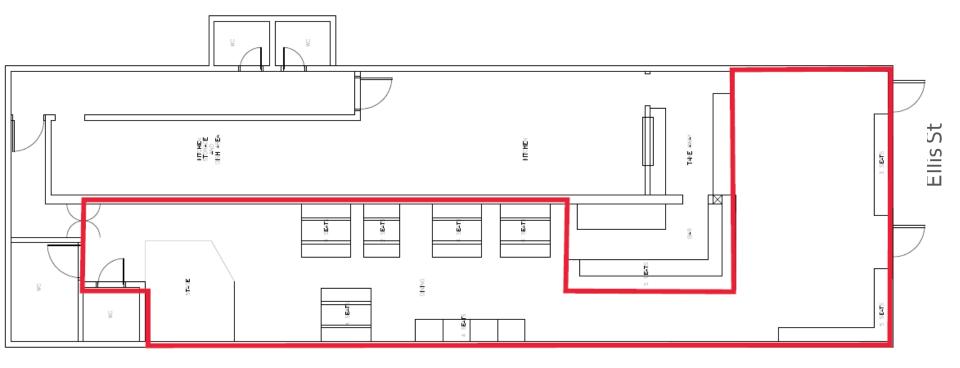
### Occupant Load

	Existing	Proposed		
Indoor	6o persons	6o persons		
Outdoor	N/A	N/A		



Floor Plan







# Council Policy #359

- Supports alternative entertainment options for establishments which are less focused on alcohol consumption
- Mix of entertainment options in urban centres
- Neighbourhood notification completed





# Staff Recommendation

- Staff recommend support for the proposed Patron Participation Entertainment Endorsement as it is consistent with:
  - Council Policy #359
- That Council directs Staff to forward a resolution of support to the LCRB.



### REPORT TO COUNCIL LIQUOR LICENSE

Date:	June 18, 2024	
То:	Council	Kelowna
From:	City Manager	
Address:	4638 Lakeshore Rd	
File No.:	LL24-0005	
	Existing	Proposed
OCP Future Land Use:	NCOM – Neighbourhood Commercial	NCOM – Neighbourhood Commercial
Zone:	C2 – Vehicle Oriented Commercial	C2 – Vehicle Oriented Commercial

City of

### 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:

- Council recommends support of an application from Karyn Mackenzie for a Patron Participation Entertainment Endorsement to an existing Food Primary license for Lot 1 Section 25 Township 28 SDYD PLAN EPP68343, located at 4638 Lakeshore Rd, Kelowna, BC for the following reasons:
  - The Patron Participation Entertainment Endorsement is perceived to have minimal impact on the community and surrounding properties.
- 2. Council's comments on LCRB's prescribed considerations are as follows:

Criteria for new food primary with Patron Participation Entertainment Endorsement:

- a) <u>The potential for noise if the application is approved:</u> The potential impact for noise is minimal as hours of the Patron Participation Entertainment Endorsement would be limited to 11:00 PM on the outdoor patio which is consistent with other licensed patioed areas in the City and compatible with adjacent land uses.
- b) <u>The impact on the community if the application is approved:</u> The potential for negative impact on the community is considered minimal as it is an existing establishment.
- c) <u>If the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose</u>: The operations would be consistent with the primary purpose of food primary establishment.
- 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 Patron Participation Entertainment Endorsement to an existing Food primary license.

### 3.0 Development Planning

The applicant is seeking to obtain a Patron Participation Entertainment Endorsement for an existing Food Primary License at the Lower Mission DunnEnzies Pizza Co. restaurant. The endorsement area is in the main dining/bar area, including the outdoor patio, which has a total maximum capacity of 170 people. The applicant is not seeking a change to the current capacity. The endorsement would permit the operator to have live music and patrons dancing. Patrons would also be able to participate in karaoke, trivia, and open microphone events. The hours on the outdoor patio will be consistent with other approved outdoor patios, where any activity under the Patron Participation Entertainment Endorsement will conclude by 11:00pm.

### 4.0 Project Details

### **Existing Hours of Sale:**

		Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Open		11:00 AM						
Close	Indoor	10:00 PM	12:00 AM	12:00 AM				
	Patio	10:00 PM	11:00 PM	11:00 PM				

### 5.0 Site Context & Background

Orientation	Zoning	Land Use
North	C2 – Vehicle Oriented Commercial	Mission Creek Animal Hospital
East	P3 – Parks and Open Space	Open Space
South	A1 - Agriculture	Vacant
West	RU1 – Large Lot Housing	Single Detached Dwelling

### Subject Property Map: 4638 Lakeshore Rd



The subject property is located at the intersection of Lakeshore Rd and Collett Rd in the Lower Mission. This neighbourhood corridor includes a variety of uses including a veterinary hospital, Barn Owl Brewing, a market, a salon, a church, and other commercial uses.

### 6.0 Current Development Policies

### 6.1 <u>Council Policy #359 – Liquor Licensing Policy and Procedures</u>

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

• 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 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.)

### 7.0 Technical Comments

### 7.1 <u>R.C.M.P.</u>

Police have no concerns with this application.

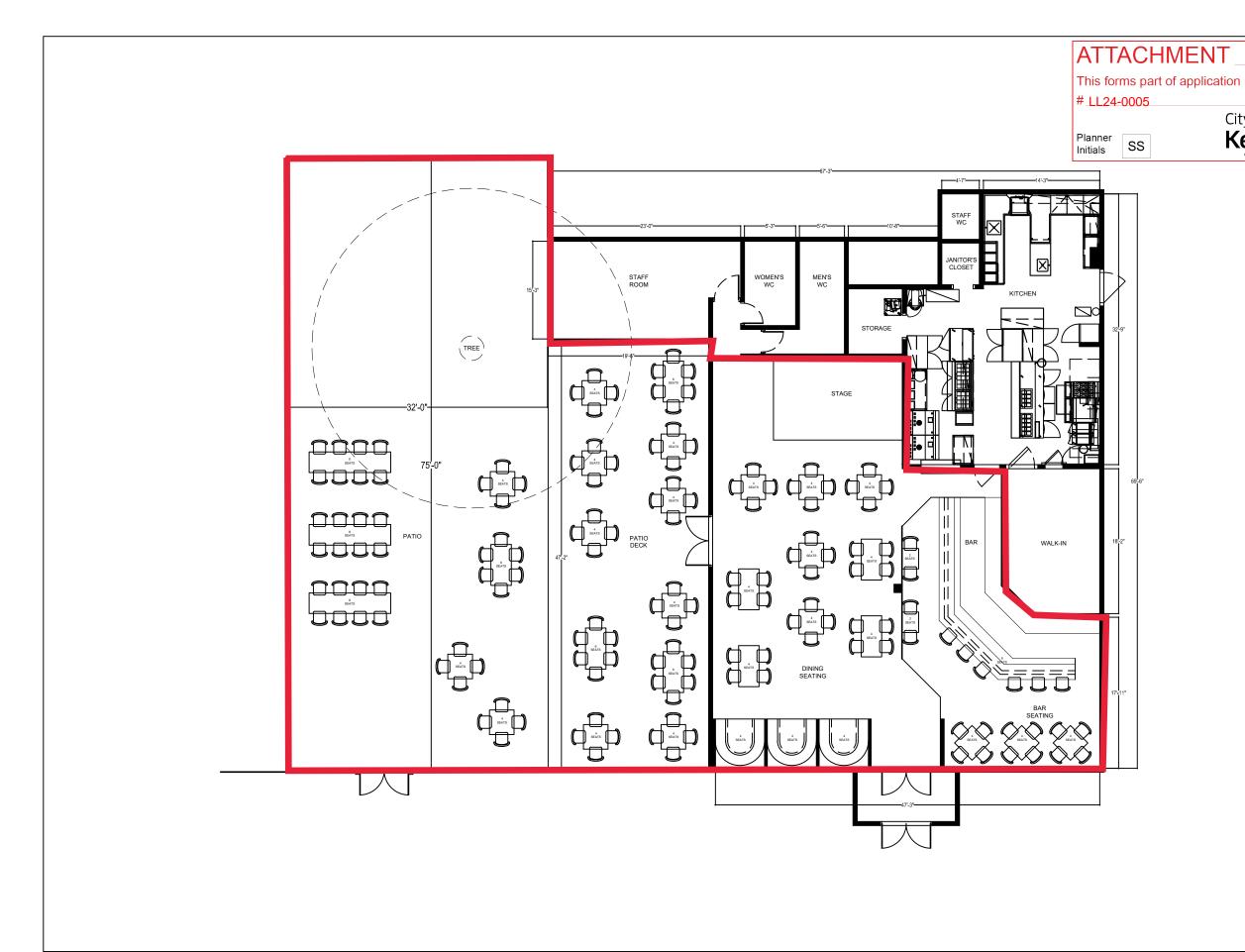
### 8.0 Application Chronology

Application Accepted:	March 13, 2024
Neighbourhood Notification:	April 26, 2024

Report prepared by:	Sara Skabowski, Planner I
Reviewed by:	Jocelyn Black, Urban Planning Manager
Reviewed by:	Nola Kilmartin, Development Planning Department Manager
Approved for Inclusion:	Ryan Smith, Divisional Director, Planning & Development Services

Attachments: Attachment A: Floor Plan/Site Plan Attachment B: Letter of Rationale

For additional information, please visit our Current Developments online at <u>www.kelowna.ca/currentdevelopments</u>.



T A ation City of Kelowna COMMUNITY PLANNING	DUNNENZIES 4.0
	Foodservice Design
	<ol> <li>SERVICES SHALL BE CONCEALED IN WALLS, CEILINGS, AND FLOORS.</li> <li>CONTROL BOXES AND WIRING TO BE FLUSHED MOUNTED AND CONCEALED IN WALLS.</li> <li>ALL SUB-TRADES WILL REVIEW DRAWINGS AND SPECIFICATIONS, TO VERIFY ROUGH-IN DATA, PRIOR TO COMMENCING WORK.</li> <li>A MINIMUM CLEAR OPENING OF 3-0" X 7-0" IS REQUIRED FOR ENTRY OF EQUIPMENT, UNLESS OTHERWISE NOTED.</li> <li>FLOOR PANS, DEPRESSIONS, GROUT AND INSTALLATION BY GENERAL CONTRACTOR IN CONJUNCTION WITH FES.</li> <li>FINAL DUCT CONNECTION AND AIR BALANCING BY OTHERS UNLESS OTHERWISE NOTED.</li> <li>EXHAUST SYSTEMS TO CONFORM TO NFPA96 AND LOCAL CODES.</li> <li>CONSULT H.V.A.C. ENGINEER FOR MAKE-UP AIR REQUIREMENTS.</li> </ol>
	DRAWING TITLE: SEATING LAYOUT
	DRAWING ITTLE: SEA IING LAYOUT

Project Rationale - DunnEnzies Pizzanner

Initials SS

# LL24-0005

ATTACHMENT

This forms part of application

Β

City of

Kelov

### Who is DunnEnzies Pizza Co?

DunnEnzies Pizza Co is a locally-owned restaurant founded by two remarkable women. It all started in downtown Kelowna with a single location that offered delicious pizza with a unique twist. DunnEnzies quickly gained popularity for its large pizza slices and lively atmosphere, making it a lunchtime regular and a popular spot for post-night-out hangouts. Despite dealing with difficult customers in the later hours, the founders remained committed to their long-term vision of expanding the business with larger restaurants, while avoiding the bar or nightclub scene.

### What they have become?

Karyn Mackenzie and Deb Dunnigan, who had already built a following of regular patrons with their downtown restaurant, saw an opportunity to take over a well-known location in Kelowna's Lower Mission Community. The location was the former Minstrel restaurant, which had been popular among locals for its music scene. By acquiring this location, Karyn and Deb were able to prevent it from being converted into a condominium, while also preserving one of the most famous trees in Kelowna. They transformed the building into DunnEnzies Pizza and Parlour, bringing the place back to life and making it a favourite spot for locals. The restaurant also became a great venue for local musicians to showcase their talents once again.

### What is the next step?

Over the past few years, the hospitality industry has faced several challenges, along with many other industries. These challenges have compelled them to be innovative and creative in finding ways to stay operational without breaking rules. DunnEnzies, being a responsible and committed member of the community, has also faced many of these challenges. They are constantly looking for ways to improve their services for their loyal customers and attract new ones. In this regard, they have applied for a Patron Participation Endorsement, which will allow them to offer their patrons an opportunity to not only enjoy local musicians or performers but also become a part of the show. The endorsement would permit them to host events such as Karaoke, open mic nights, poetry readings, dinners and dances, making the experience more engaging and interactive for their customers.

### Focus of the Business?

DunnEnzies wants to maintain its primary focus on food and not change it, even though the endorsement allows for greater interaction with patrons. The business was founded on the incredible food that it offers, so Karyn and Deb, the owners, want to remain a Food Primary Liquor Licence holder. The endorsement is simply a means for them to offer varied entertainment and experiences to their patrons. To ensure this is the case the kitchen is always open and they maintain service of 75% of their menu until close.

### Potential for Noise?

DunnEnzies Pizza and Parlour has been operating at this location since 2017. To their knowledge, the business has only received one noise complaint, which was back in 2019. The team takes great pride in being a part of the community and being a good neighbour. Live music has been a part of their business for the past six years, and they have always maintained good relationships with the community, without being a noise polluter. They want to offer new types of entertainment to provide customers with a different experience while still maintaining exceptional community relations.

LL24-0005 4638 Lakeshore Rd Liquor License Application

3742

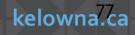
City of

Kelowna



## Purpose

To seek Council's support for a Patron Participation Entertainment Endorsement to an existing Food Primary License.



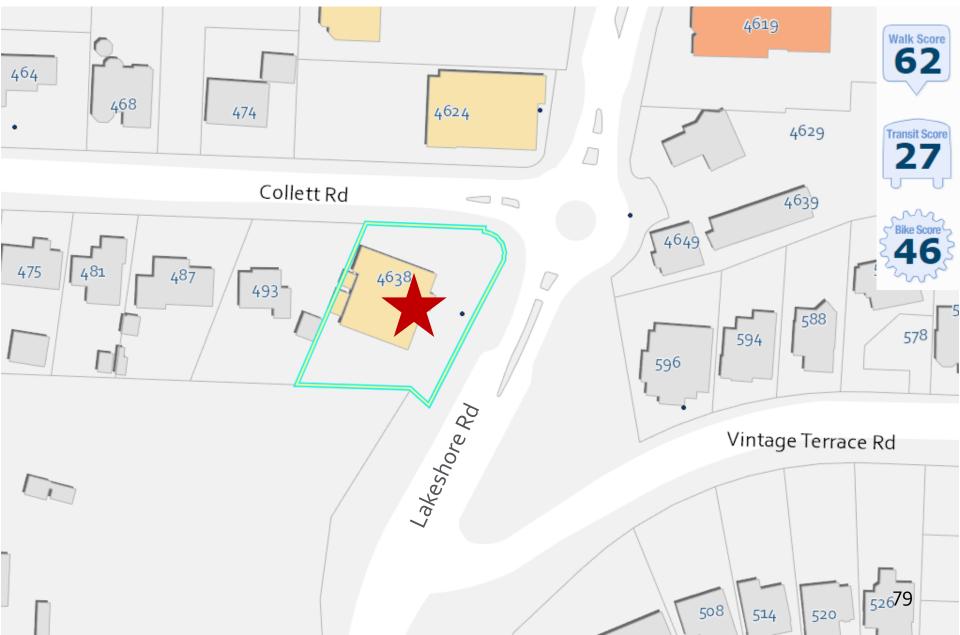
## **Development Process**



kelowna.ca

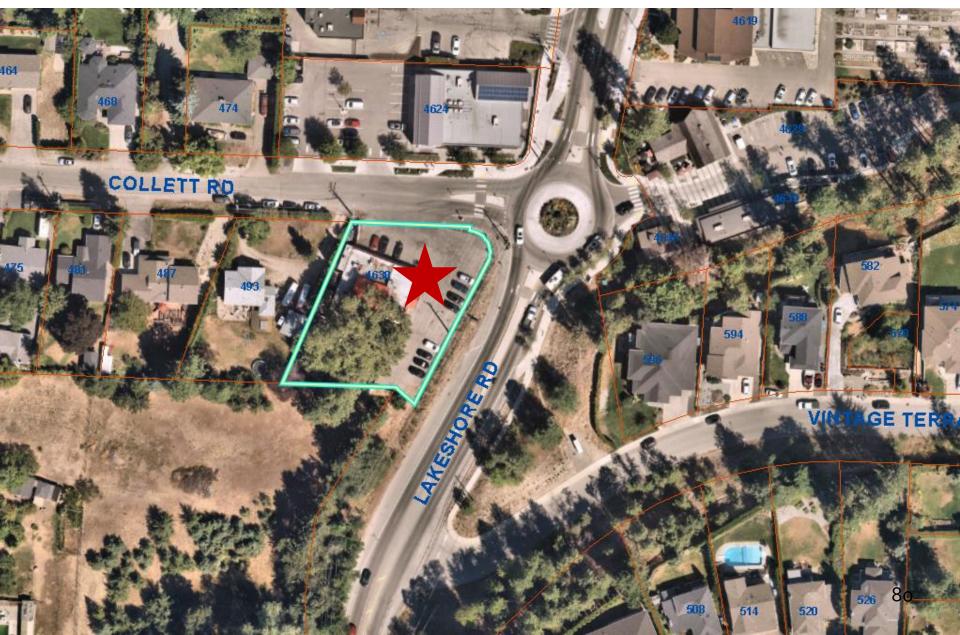
## Context Map





## Subject Property Map







# **Project Description**

- Seeking to add Patron Participation Entertainment Endorsement to the existing Food Primary License.
- This allows the active involvement of patrons or results in patrons leaving their seats, for example:
  - Dancing
  - Karaoke
  - Open Microphone
  - Trivia





## Hours of Sale

### Existing:

		Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Open		11:00 AM						
Class	Indoor	10:00 PM	12:00 PM	12:00 PM				
Close	Outdoor	10:00 PM	11:00 PM	11:00 PM				





## Occupant Load

	Existing	Proposed
Indoor	100	100
Outdoor	70	70



## Floor Plan Existing



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Collet Rd



# Council Policy #359

- Supports alternative entertainment options for establishments which are less focused on alcohol consumption
- Mix of entertainment options
- Neighbourhood notification completed





# Staff Recommendation

- Staff recommend support for the proposed Patron Participation Endorsement as it is consistent with:
  - Council Policy #359
  - Operations are consistent with purpose of food primary establishment
  - Minimal potential negative impact on community
- That Council directs Staff to forward a resolution of support to the LCRB.



### REPORT TO COUNCIL DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT



Date:	June 18, 2024
То:	Council
From:	City Manager
Address:	1330, 1340, 1350-1352 Belaire Ave
File No.:	DP23-0141 and DVP23-0243
Zone:	UC2 — Capri-Landmark Urban Centre

### 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP23-0141 for:

- Lot 31 District Lot 137 ODYD Plan 10011 located at 1330 Belaire Ave, Kelowna, BC;
- Lot 32 District Lot 137 ODYD Plan 10011 located at 1340 Belaire Ave, Kelowna, BC; and

• Lot 33 District Lot 137 ODYD Plan 10011 located at 1350-1352 Belaire Ave, Kelowna, BC; subject to the following:

- The dimensions and siting of the buildings to be constructed on the land be in accordance with Schedule "A";
- 2. The exterior design and finish of Phase 1 building to be constructed on the land be in accordance with Schedule "B";

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP23-0243 for:

- Lot 31 District Lot 137 ODYD Plan 10011 located at 1330 Belaire Ave, Kelowna, BC;
- Lot 32 District Lot 137 ODYD Plan 10011 located at 1340 Belaire Ave, Kelowna, BC; and
- Lot 33 District Lot 137 ODYD Plan 10011 located at 1350-1352 Belaire Ave, Kelowna, BC;

AND THAT variance to the following section of the Zoning Bylaw No. 12375 be granted:

Section 6.4.1 – General Development Regulations, Setback from Provincial Highways To vary the required distance to any lot line abutting the highway for all buildings and structures on lots abutting Highway 97 or Highway 33 from 4.5 m required to 3.0 m proposed.

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

### 2.0 Purpose

To issue a Development Permit for the form and character for Phase 1 of a three-phased supportive townhouse development.

To issue a Development Variance Permit to vary the setback from provincial highways from 4.5 m required to 3.0 m proposed.

### 3.0 Development Planning

Staff support the proposed Development Permit for the form and character of a supportive townhouse development. The proposal generally conforms to the Official Community Plan (OCP) Form and Character Development Permit Design Guidelines for Townhouse Development. Guidelines that are met include:

- Orienting primary building façades and entries to the fronting street and minimizing the distance between the building and the sidewalk to create street edge definition, activity, and a sense of enclosure;
- Designing units to have easy access to useable private and semi-private outdoor amenity space;
- Avoid locating off-street parking between the front façade of a building and the fronting public street;

The applicant is proposing a three-phased development. This will allow the 26 residents currently residing in three existing dwellings to maintain their housing while the townhouses are constructed one at a time. As each construction phase is completed, the residents from the existing dwellings will relocate into a new townhouse, then existing dwellings demolished one at a time making room for the next development phase. The phased approach will require three different development permits. Following the completion of the full buildout, the applicant will consolidate the three properties into one.

The full build-out consists of 12 dwelling units with a total of 50 sleeping units. Currently the applicant is seeking development permit for Phase 1 of the proposed development which consist of:

- Phase 1 building 4 dwelling units with 16 sleeping units and a staff office space;
- Phase 2 building 4 dwelling units with 20 sleeping units, two of which are ground oriented wheelchair accessible sleeping units;
- Phase 3 building 4 ground-oriented dwelling units with 14 sleeping units.

Common amenity space includes designated landscaped outdoor areas as well a deck on the second floor of each townhouse. The required number of on-site residential and visitor parking stalls are met for Phase 1.

Staff are tracking one development variance to setback from Provincial Highways - the applicant is seeking relaxation to Highway 97 setback from 4.5 m required to 3.0 m propose. The Ministry of Transportation and Infrastructure (MoTI) was consulted with early in the application review process. Although the MoTI does not have legislative authority to approve DVPs, the proposed site plan, building layout and proposed landscaping in the varied setback was approved by the Ministry. Additionally, reducing the setback to 3.0 m is consistent with how this setback regulation has been managed for other similar applications.

Finaly, the proposed supportive townhouse development the intent of number of Official Community Plan objectives and policies in the Urban Centre zone, namely:

• <u>OCP Objective 4.12 - Increase the diversity of housing types and tenures to create inclusive, affordable,</u> <u>and complete Urban Centres</u> Policy 4.12.3 – Diverse Housing Tenures: Encourage a range of rental and ownership tenures that

support a variety of households, income levels and life stages. Promote underrepresented forms of tenure, including but not limited to co-housing, fee-simple row housing, co-ops, and rent-to-own.

• <u>OCP Objective 4.13 – Protect citizens from displacement due to Urban Centre development.</u> Policy 4.13.1 – Housing supports: Prioritize the development of subsidized housing and housing with supports in the Urban Centres in addition to the Core Area, particularly near employment, public transit, services, and amenities. Promote acceptance by the community for these supports, services and the citizens that are using them. *Policy* 4.13.2 – *Displacement effects of gentrification:* Ensure Urban Centre planning initiatives and significant redevelopment opportunities include affordable housing and access to services to ensure low to moderate income renters are protected from displacement effects of gentrification.

### 4.0 Subject Property

### 4.1 <u>Subject Property Map</u>



The surrounding neighbourhood context mostly consists of single detached housing, however, there are also townhouses and mid-rise apartment housing within the area of the proposed development.

The subject properties are located within the Capri-Landmark Urban Centre, abutting Hwy 97, a Transit Supportive Corridor, and a short walking distance to transit bus stops located along the Sutherland Avenue Recreation Corridor. Additionally, the proposed development site is near several parks, including Parkinson Recreation and Pacific Court Park, as well as Capri Mall and a variety of service providers.

### 5.0 Zoning Bylaw Regulations Summary for <u>Phase 1</u> of Proposed Development

AREA & UNIT STATISTICS – PHASE 1		
Gross Lot Area 2,549.7 m <sup>2</sup>		
Total Number of Units 4		
1-bed sleeping units	12	
Town homes	1	

DEVELOPMENT REGULATIONS – PHASE 1				
CRITERIA UC2 ZONE PROPOSAL				
Total Maximum Floor Area Ratio	1.8	0.1		
Max. Site Coverage (buildings)	85%	Approx. 10%		
Max. Site Coverage (buildings, parking, driveways)	90%	Approx. 20%		
Max. Height	6 storey / 22 m	3 storey / 11.5 m		
Setbacks				
Min. Front Yard (South)	2.0 M	34.0 m		
Min. Side Yard (East)	0.0 M	22.7 M		
Min. Side Yard (West)	0.0 M	1.8 m		
Min. Rear Yard (North)	4.5 m	3.0 m *		

PARKING REGULATIONS – PHASE 1				
CRITERIA UC2 ZONE REQUIREMENTS PROPOSAL				
Total Required Vehicle Parking	9 stalls	9 stalls		
Residential	8	8		
Visitor	1	1		
Ratio of Regular to Small Stalls	Min. 50% Regular Max. 50% Small	100 % Regular		
* Variance to Section 6 / 1 of the Zor	ning Bylaw No. 12275 - Setback from Pr	ovincial Highways, seeking relaxation		

\* Variance to Section 6.4.1 of the Zoning Bylaw No. 12375 – Setback from Provincial Highways, seeking relaxation to Highway 97 setback from 4.5 m required to 3.0 m proposed.

### 6.0 Application Chronology

Application Accepted:	August 11, 2023
Revised Drawings Received:	December 15, 2023
Neighbour Notification Received:	N/A
Adoption of Zone Amending Bylaw:	N/A

Report prepared by:	Barbara B. Crawford, Planner II
Reviewed by:	Dean Strachan, Community Planning & Development Manager
Reviewed by:	Nola Kilmartin, Development Planning Department Manager
Approved for Inclusion:	Ryan Smith, Divisional Director, Planning, Climate Action & Development
	Services

### Attachments:

Attachment A: Draft Development Permit DP23-0141 & DVP23-0243 Schedule A: Site Plan & Floor Plans Schedule B: Elevations & Renderings Attachment B: OCP Form and Character Development Permit Guidelines Attachment C: Applicant's letter of rationale Attachment D: MoTI Letter

For additional information, please visit our Current Developments online at <u>www.kelowna.ca/currentdevelopments</u>.

### **Development Permit**

### DP23-0141 & DVP23-0243





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

#### as: 1330, 1340, 1350-1352 Belaire Ave

and legally known as:

- Lot 31 District Lot 137 ODYD Plan 10011 located at 1330 Belaire Ave, Kelowna, BC,
- Lot 32 District Lot 137 ODYD Plan 10011 located at 1340 Belaire Ave, Kelowna, BC, and,
- Lot 33 District Lot 137 ODYD Plan 10011 located at 1350-1352 Belaire Ave, Kelowna, BC

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

#### Phase 1 of a three-phased supportive townhouse development

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

Date of Council Approval:	June 18, 2024
Development Permit Area:	Urban Centre Form and Character
Existing Zone:	UC2 – Capri-Landmark Urban Centre
Future Land Use Designation:	Urban Centre

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:

Resurrection Recovery Resources Society, Inc., No. Soo45391

Applicant:

Tom Smithwick

Nola Kilmartin Development Planning Department Manager Planning & Development Services Date of Issuance

#### 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 Permit No. DP23-0141 for:

- Lot 31 District Lot 137 ODYD Plan 10011 located at 1330 Belaire Ave, Kelowna, BC,
- Lot 32 District Lot 137 ODYD Plan 10011 located at 1340 Belaire Ave, Kelowna, BC, and,
- Lot 33 District Lot 137 ODYD Plan 10011 located at 1350 and 1352 Belaire Ave, Kelowna, BC

### subject to the following:

- 1. The dimensions and siting of the buildings to be constructed on the land be in accordance with Schedule "A";
- The exterior design and finish of Phase 1 building to be constructed on the land be in accordance with Schedule "B";

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP23-0243 for

- Lot 31 District Lot 137 ODYD Plan 10011 located at 1330 Belaire Ave, Kelowna, BC,
- Lot 32 District Lot 137 ODYD Plan 10011 located at 1340 Belaire Ave, Kelowna, BC, and,
- Lot 33 District Lot 137 ODYD Plan 10011 located at 1350 and 1352 Belaire Ave, Kelowna, BC

AND THAT variance to the following section of the Zoning Bylaw No. 12375 be granted:

### Section 6.4.1 – Setback from Provincial Highways

To vary the required distance to any lot line abutting the highway for all buildings and structures on lots abutting Highway 97 or Highway 33 from 4.5 metres required to 3.0m proposed.

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

### 3. PERFORMANCE SECURITY

Lanscape Agreement and Performance Securities is not applicable for the Phase 1 twonhouse development permit. Landscape Agreement and Securities will be required for future Phase 2 and Phase 3 townhouse development permit applications.

### 4. PAYMENT-IN-LIEU OF PARKING BYLAW NO. 8125

N/A

### 5. PUBLIC AMENITIES AND STREETSCAPE CAPITAL RESERVE FUND

N/A

### 6. INDEMNIFICATION

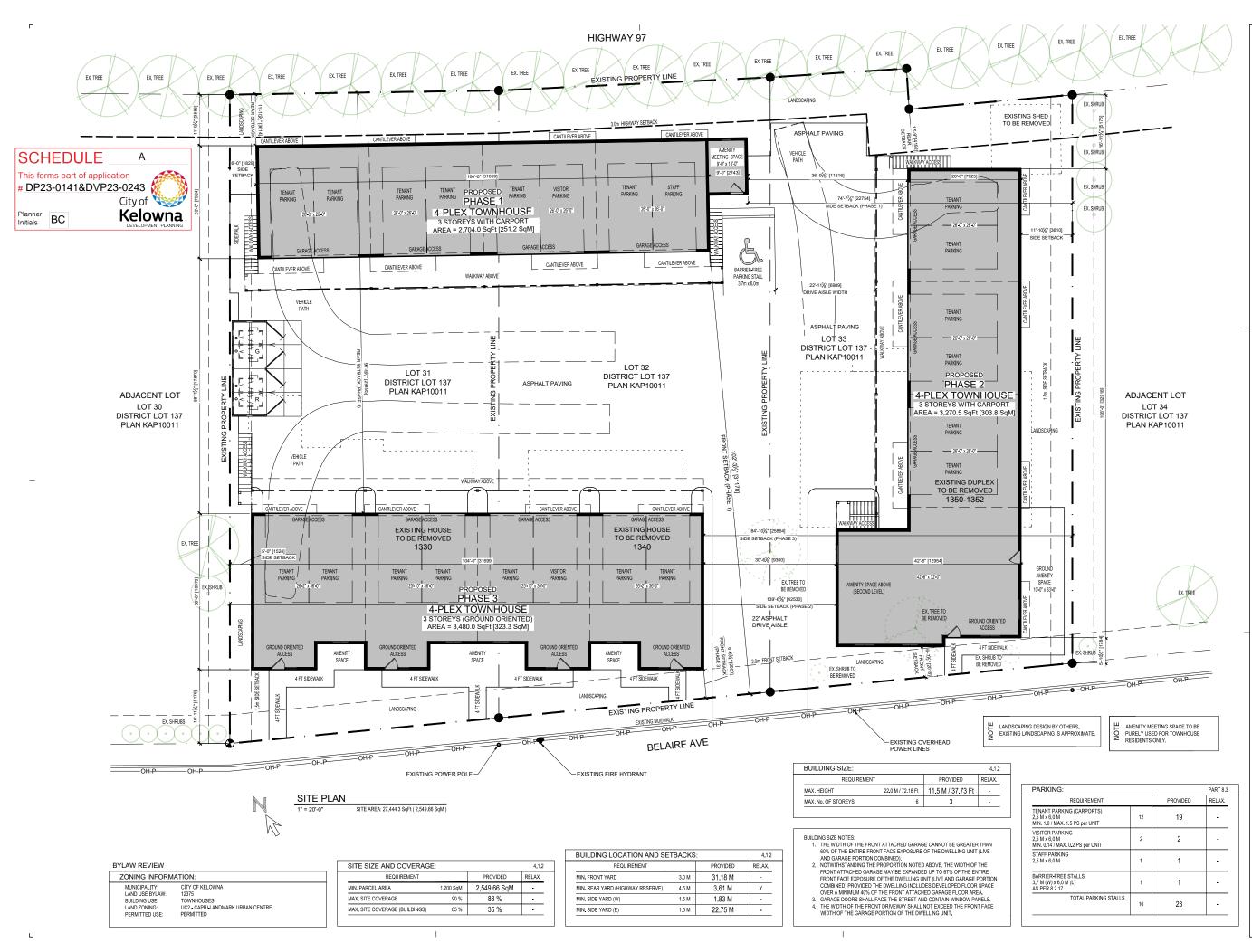
Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

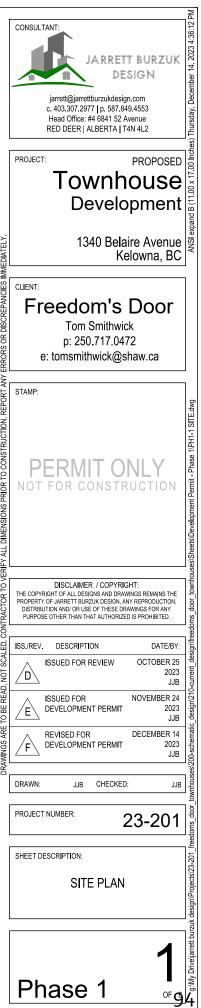
a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.

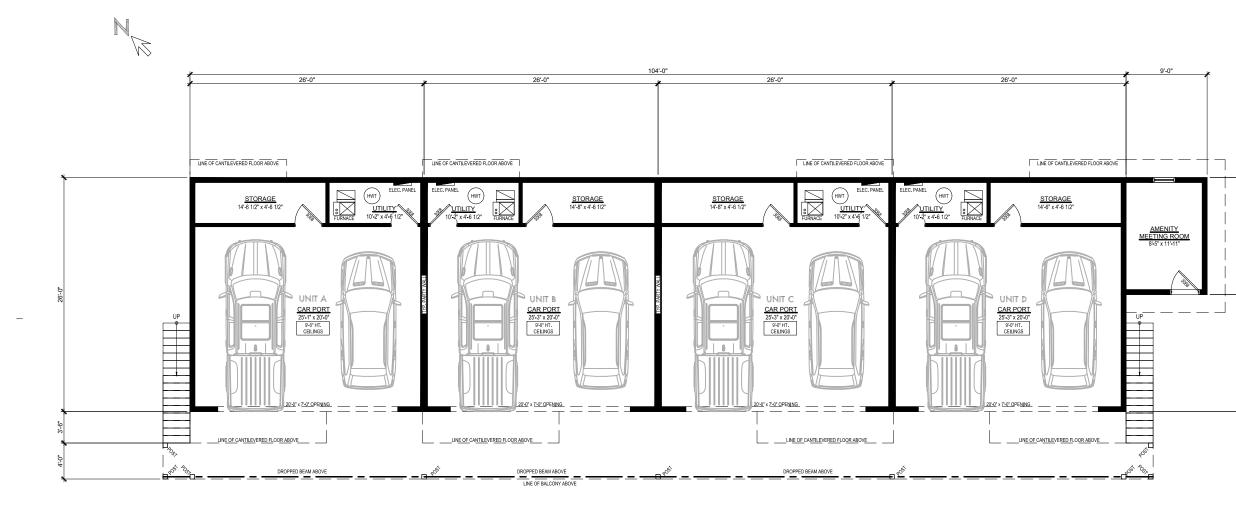
All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly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

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

ATTACHME	ΕΝΤ Α
This forms part of ap	plication
# DP23-0141&D\	/P23-0243 🐰 🕅
	City of 💖
Planner Initials BC	Kelowna DEVELOPMENT PLANNING







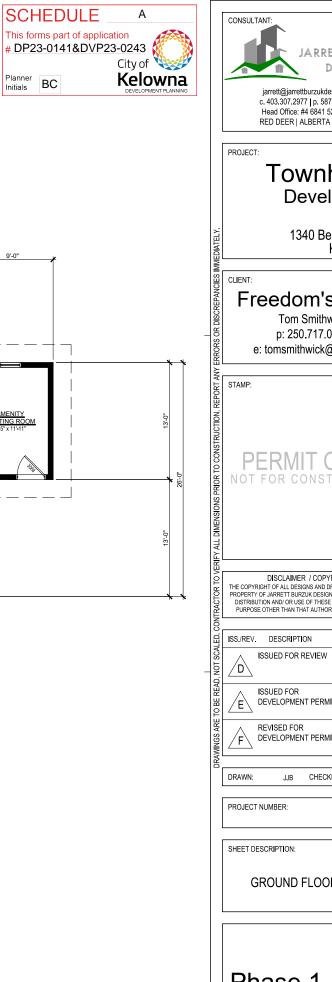
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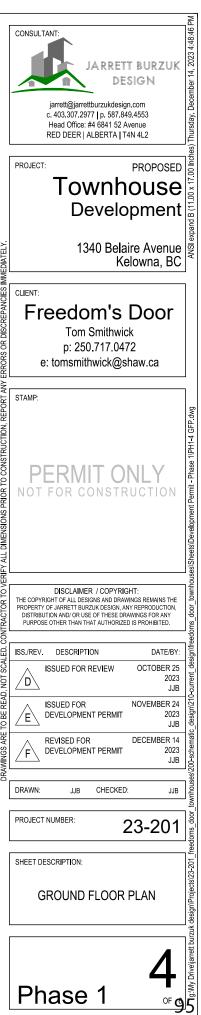
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#### GROUND FLOOR PLAN 3/32" = 1'-0"

1

FLOOR AREA - UNIT & 142 SqFt CARPORT AREA - UNIT & 142 SqFt FLOOR AREA - UNIT & 1533 SqFt FLOOR AREA - UNIT B: 141 SqFt FLOOR AREA - UNIT D: 141 SqFt CARPORT AREA - UNIT C: 143 SqFt FLOOR AREA - UNIT C: 142 SqFt CARPORT AREA - UNIT D: 533 SqFt







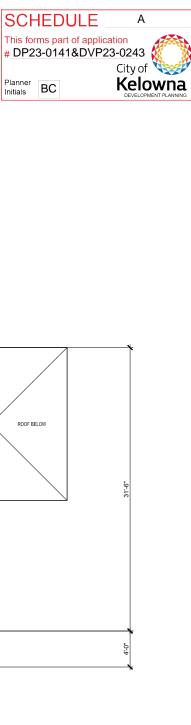
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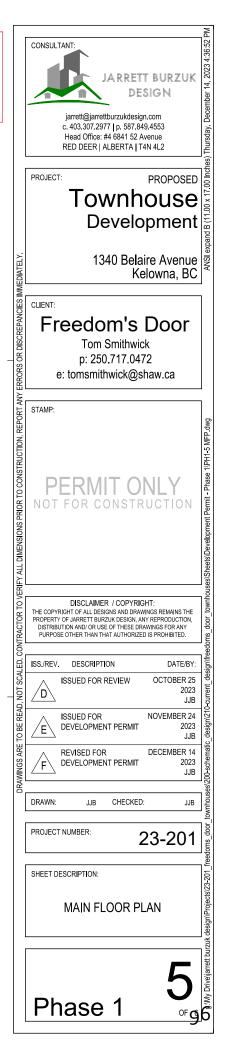
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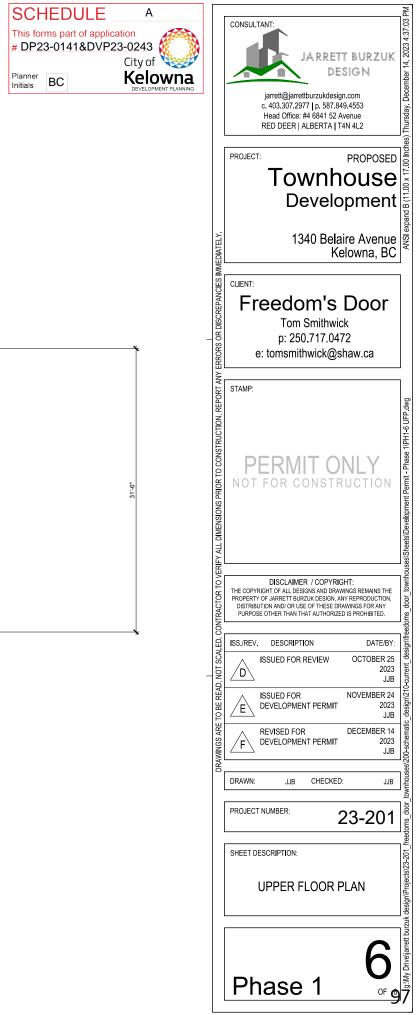
MAIN FLOOR PLAN 3/32" = 1'-0"

1

FLOOR AREA - UNIT A: 749 SqFt FLOOR AREA - UNIT B: 748 SqFt FLOOR AREA - UNIT C: 748 SqFt FLOOR AREA - UNIT D: 749 SqFt









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UPPER FLOOR PLAN FLOOR AREA - UNIT A: 685 SqFt FLOOR AREA - UNIT B: 700 SqFt FLOOR AREA - UNIT C: 700 SqFt FLOOR AREA - UNIT D: 685 SqFt 3/32" = 1'-0"

1

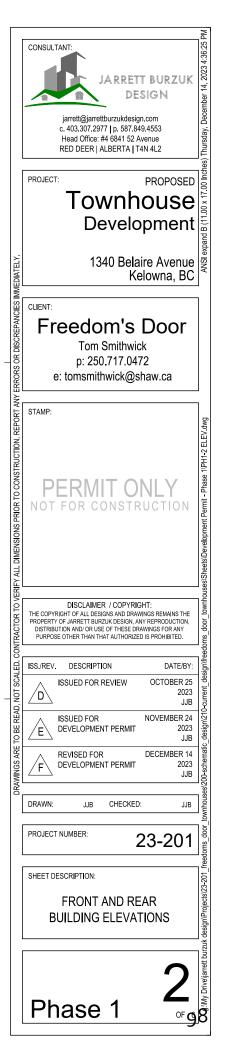




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1" = 10'-0"

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EAST ELEVATION (RIGHT) 1" = 10'-0"

1

EAST PERSPECTIVE

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1

WEST PERSPECTIVE

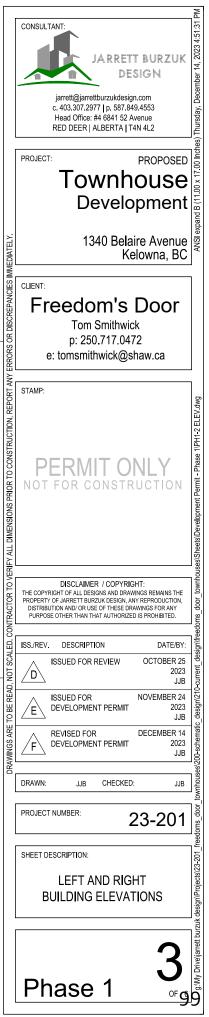
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WEST ELEVATION (LEFT) 1" = 10'-0'

1







### FORM & CHARACTER – DEVELOPMENT PERMIT GUIDELINES

Chapter 2 - The Design Foundations : apply to all projects and provide the overarching principles for supporting
creativity, innovation and design excellence in Kelowna.

- Facilitate Active Mobility
- Use Placemaking to Strengthen Neighbourhood Identity
- Create Lively and Attractive Streets & Public Spaces
- Design Buildings to the Human Scale
- Strive for Design Excellence

The General Residential and Mixed Use Guidelines : provide the key guidelines that all residential and mixed use projects should strive to achieve to support the Design Foundations.

• The General Guidelines are supplement by typology-specific guidelines (e.g., Townhouses & Infill on page 18-19, High-Rise Residential and Mixed-Use on page 18-42), which provide additional guidance about form and character.





Consideration has been given to the following guidelines as identified in Chapter 18 of the City of Kelowna 2040 Official Community Plan:

	SECTION 2.0: GENERAL RESIDENTIAL AND MIX	(ED US	δE				
RA	TE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE	N/A	1	2	3	4	5
(1 İ	s least complying & 5 is highly complying)				<b>_</b>		5
	. General residential & mixed use guidelines						
	1 Relationship to the Street	N/A	1	2	3	4	5
a.	Orient primary building facades and entries to the fronting street					~	
	or open space to create street edge definition and activity.						
b.	On corner sites, orient building facades and entries to both	$\checkmark$					
	fronting streets.						
с.	Minimize the distance between the building and the sidewalk to					<	
	create street definition and a sense of enclosure.					-	
d.	Locate and design windows, balconies, and street-level uses to				~		
	create active frontages and 'eyes on the street', with additional						
	glazing and articulation on primary building facades.						
e.	Ensure main building entries are clearly visible with direct sight					<	
	lines from the fronting street.					-	
f.	Avoid blank, windowless walls along streets or other public open				~		
	spaces.						
g.	Avoid the use of roll down panels and/or window bars on retail and	$\checkmark$					
5	commercial frontages that face streets or other public open	-					
	spaces.						
h.	In general, establish a street wall along public street frontages to	$\checkmark$					
	create a building height to street width ration of 1:2, with a						
	minimum ration of 11:3 and a maximum ration of 1:1.75.						
•	Wider streets (e.g. transit corridors) can support greater streetwall						
	heights compared to narrower streets (e.g. local streets);						
•	The street wall does not include upper storeys that are setback						
	from the primary frontage; and						
•	A 1:1 building height to street width ration is appropriate for a lane						
	of mid-block connection condition provided the street wall height						
	is no greater than 3 storeys.						
2.1	2 Scale and Massing	N/A	1	2	3	4	5
	Provide a transition in building height from taller to shorter	$\checkmark$					-
	buildings both within and adjacent to the site with consideration						
	for future land use direction.						
b.	Break up the perceived mass of large buildings by incorporating					~	
	visual breaks in facades.						
с.	Step back the upper storeys of buildings and arrange the massing	$\checkmark$					
	and siting of buildings to:						
•	Minimize the shadowing on adjacent buildings as well as public						
	and open spaces such as sidewalks, plazas, and courtyards; and						
•	Allow for sunlight onto outdoor spaces of the majority of ground						
	floor units during the winter solstice.						

ATTACHMENT B This forms part of application # DP23-0141&DVP23-0243 City of Planner Initials BC DEVELOPMENT PLANNING

2.1	1.3 Site Planning	N/A	1	2	3	4	5
a.		✓	-	-	5	4	5
-	opportunities, such as oddly shaped lots, location at prominent	·					
	intersections, framing of important open spaces, corner lots, sites						
	with buildings that terminate a street end view, and views of						
	natural features.						
b.	Use Crime Prevention through Environmental Design (CPTED)			$\checkmark$			
	principles to better ensure public safety through the use of			-			
	appropriate lighting, visible entrances, opportunities for natural						
	surveillance, and clear sight lines for pedestrians.						
с.	Limit the maximum grades on development sites to 30% (3:1)	~					
d.	Design buildings for 'up-slope' and 'down-slope' conditions	$\checkmark$					
	relative to the street by using strategies such as:						
•	Stepping buildings along the slope, and locating building						
	entrances at each step and away from parking access where						
	possible;						
•	Incorporating terracing to create usable open spaces around the						
	building						
•	Using the slope for under-building parking and to screen service						
	and utility areas;						
•	Design buildings to access key views; and						
•	Minimizing large retaining walls (retaining walls higher than 1 m						
	should be stepped and landscaped).						
e.	Design internal circulation patterns (street, sidewalks, pathways)	$\checkmark$					
	to be integrated with and connected to the existing and planed	•					
	future public street, bicycle, and/or pedestrian network.						
f.	Incorporate easy-to-maintain traffic calming features, such as on-	$\checkmark$					
	street parking bays and curb extensions, textured materials, and	·					
	crosswalks.						
q.	Apply universal accessibility principles to primary building entries,			$\checkmark$			
5	sidewalks, plazas, mid-block connections, lanes, and courtyards			Ť			
	through appropriate selection of materials, stairs, and ramps as						
	necessary, and the provision of wayfinding and lighting elements.						
2.1	1.4 Site Servicing, Access, and Parking	N/A	1	2	3	4	5
a.	Locate off-street parking and other 'back-of-house' uses (such as					~	
	loading, garbage collection, utilities, and parking access) away						
	from public view.						
b.	Ensure utility areas are clearly identified at the development			<			
	permit stage and are located to not unnecessarily impact public or						
	common open spaces.						
c.	Avoid locating off-street parking between the front façade of a						$\checkmark$
	building and the fronting public street.						
d.	In general, accommodate off-street parking in one of the						$\checkmark$
	following ways, in order of preference:						
•	Underground (where the high water table allows)						
•	Parking in a half-storey (where it is able to be accommodated to						
	not negatively impact the street frontage);						



•	Garages or at-grade parking integrated into the building (located						
	at the rear of the building); and						
•	Surface parking at the rear, with access from the lane or						
	secondary street wherever possible.						
e.	Design parking areas to maximize rainwater infiltration through			$\checkmark$			
	the use of permeable materials such as paving blocks, permeable						
<i>c</i>	concrete, or driveway planting strips.						
f.	In cases where publicly visible parking is unavoidable, screen using	$\checkmark$					
_	strategies such as:						
•	Landscaping;						
•	Trellises;						
•	Grillwork with climbing vines; or						
•	Other attractive screening with some visual permeability.						
g.	Provide bicycle parking at accessible locations on site, including:				$\checkmark$		
•	Covered short-term parking in highly visible locations, such as near primary building entrances; and						
	Secure long-term parking within the building or vehicular parking						
•							
h.	area. Provide clear lines of site at access points to parking, site				~		
	servicing, and utility areas to enable casual surveillance and safety.				~		
i.	Consolidate driveway and laneway access points to minimize curb	~					
1.	cuts and impacts on the pedestrian realm or common open	~					
	spaces.						
j.	Minimize negative impacts of parking ramps and entrances	$\checkmark$					-
5	through treatments such as enclosure, screening, high quality	-					
	finishes, sensitive lighting and landscaping.						
2.1	.5 Streetscapes, Landscapes, and Public Realm Design	N/A	1	2	3	4	5
a.	Site buildings to protect mature trees, significant vegetation, and	~					
	ecological features.						
b.	Locate underground parkades, infrastructure, and other services	~					
	to maximize soil volumes for in-ground plantings.						
с.	Site trees, shrubs, and other landscaping appropriately to					$\checkmark$	
	maintain sight lines and circulation.						
d.	Design attractive, engaging, and functional on-site open spaces					$\checkmark$	
	with high quality, durable, and contemporary materials, colors,						
	lighting, furniture, and signage.						
e.	Ensure site planning and design achieves favourable microclimate			$\checkmark$			
	outcomes through strategies such as:						
•	Locating outdoor spaces where they will receive ample sunlight						
	throughout the year;						
•	Using materials and colors that minimize heat absorption;						
•	Planting both evergreen and deciduous trees to provide a balance						
	of shading in the summer and solar access in the winter; and						
•	Using building mass, trees and planting to buffer wind.						
f.	Use landscaping materials that soften development and enhance				$\checkmark$		
	the public realm.			1			



			_				
g.	Plant native and/or drought tolerant trees and plants suitable for the local climate.			~			
h.	Select trees for long-term durability, climate and soil suitability, and compatibility with the site's specific urban conditions.			~			
i.	Design sites and landscapes to maintain the pre-development flows through capture, infiltration, and filtration strategies, such as the use of rain gardens and permeable surfacing.	~					
j.	Design sites to minimize water use for irrigation by using strategies such as:	~					
•	Designing planting areas and tree pits to passively capture rainwater and stormwater run-off; and						
• k.	Using recycled water irrigation systems. Create multi-functional landscape elements wherever possible, such as planting areas that also capture and filter stormwater or landscape features that users can interact with.	~					
١.	Select materials and furnishings that reduce maintenance requirements and use materials and site furnishings that are sustainably sourced, re-purposed or 100% recycled.	~					
m.	Use exterior lighting to complement the building and landscape design, while:			~			
•	Minimizing light trespass onto adjacent properties; Using full cut-off lighting fixtures to minimize light pollution; and Maintaining lighting levels necessary for safety and visibility.						
• n.	Employ on-site wayfinding strategies that create attractive and appropriate signage for pedestrians, cyclists, and motorists using a 'family' of similar elements.	~					
2 1	.6 Building Articulation, Features and Materials	N/A	1	2	2	4	F
<b>2.1</b> a.	Express a unified architectural concept that incorporates variation	N/A	1	2	3	4	5
•	in façade treatments. Strategies for achieving this include: Articulating facades by stepping back or extending forward a portion of the façade to create a series of intervals or breaks;						
•	Repeating window patterns on each step-back and extension interval;						
•	Providing a porch, patio, or deck, covered entry, balcony and/or bay window for each interval; and						
•	Changing the roof line by alternating dormers, stepped roofs, gables, or other roof elements to reinforce each interval.						
b.	Incorporate a range of architectural features and details into building facades to create visual interest, especially when approached by pedestrians. Include architectural features such as: bay windows and balconies; corner feature accents, such as turrets or cupolas; variations in roof height, shape and detailing; building entries; and canopies and overhangs.			~			
	Include architectural details such as: Masonry such as tiles, brick, and stone; siding including score lines and varied materials to						



	-	_				
trellises, pergolas, and arbors.						
Design buildings to ensure that adjacent residential properties						$\checkmark$
have sufficient visual privacy (e.g. by locating windows to						
minimize overlook and direct sight lines into adjacent units), as						
well as protection from light trespass and noise.						
Design buildings such that their form and architectural character				<		
reflect the buildings internal function and use.						
Incorporate substantial, natural building materials such as		<				
masonry, stone, and wood into building facades.						
Provide weather protection such as awnings and canopies at			<			
primary building entries.						
Place weather protection to reflect the building's architecture.			<			
Limit signage in number, location, and size to reduce visual clutter	~					
and make individual signs easier to see.						
Provide visible signage identifying building addresses at all					~	
entrances.						
	have sufficient visual privacy (e.g. by locating windows to minimize overlook and direct sight lines into adjacent units), as well as protection from light trespass and noise. Design buildings such that their form and architectural character reflect the buildings internal function and use. Incorporate substantial, natural building materials such as masonry, stone, and wood into building facades. Provide weather protection such as awnings and canopies at primary building entries. Place weather protection to reflect the building's architecture. Limit signage in number, location, and size to reduce visual clutter and make individual signs easier to see. Provide visible signage identifying building addresses at all	railings; substantial trim details and moldings / cornices; and trellises, pergolas, and arbors. Design buildings to ensure that adjacent residential properties have sufficient visual privacy (e.g. by locating windows to minimize overlook and direct sight lines into adjacent units), as well as protection from light trespass and noise. Design buildings such that their form and architectural character reflect the buildings internal function and use. Incorporate substantial, natural building materials such as masonry, stone, and wood into building facades. Provide weather protection such as awnings and canopies at primary building entries. Place weather protection to reflect the building's architecture. Limit signage in number, location, and size to reduce visual clutter and make individual signs easier to see. Provide visible signage identifying building addresses at all	railings; substantial trim details and moldings / cornices; and trellises, pergolas, and arbors. 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Design buildings to ensure that adjacent residential properties have sufficient visual privacy (e.g. by locating windows to minimize overlook and direct sight lines into adjacent units), as well as protection from light trespass and noise. Design buildings such that their form and architectural character reflect the buildings internal function and use. Incorporate substantial, natural building materials such as masonry, stone, and wood into building facades. Provide weather protection such as awnings and canopies at primary building entries. Place weather protection to reflect the building's architecture. Limit signage in number, location, and size to reduce visual clutter and make individual signs easier to see. Provide visible signage identifying building addresses at all	railings; substantial trim details and moldings / cornices; and trellises, pergolas, and arbors. Design buildings to ensure that adjacent residential properties have sufficient visual privacy (e.g. by locating windows to minimize overlook and direct sight lines into adjacent units), as well as protection from light trespass and noise. Design buildings such that their form and architectural character reflect the buildings internal function and use. Incorporate substantial, natural building materials such as masonry, stone, and wood into building facades. Provide weather protection such as awnings and canopies at primary building entries. Place weather protection to reflect the building's architecture. Limit signage in number, location, and size to reduce visual clutter and make individual signs easier to see. Provide visible signage identifying building addresses at all

	SECTION 4.0: TOWNHOUSES & INFILL							
	RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE		1	2	3	4	5	
	s least complying & 5 is highly complying)							
	Townhouses & Infill	1		1				
3.1	.1 Relationship to the Street	N/A	1	2	3	4	5	
а.	Design primary unit entrances to provide:					v		
•	A clearly visible front door directly accessible from a public street							
	or publicly accessible pathway via a walkway, porch and/or stoop;							
•	Architectural entrance features such as stoops, porches, shared							
	landings, patios, recessed entries, and canopies;							
•	A sense of transition from the public to the private realm by							
	utilizing strategies such as changes in grade, decorative railings,							
	and planters; and							
•	Punctuation, articulation, and rhythm along the street							
b.	A maximum 1.2 m height (e.g. 5-6 steps) is desired for front						$\checkmark$	
	entryways or stoops. Exceptions can be made in cases where the							
	water table requires this to be higher.							
с.	In the case of shared landings that provide access to multiple						$\checkmark$	
	units, avid having more than two doors in a row facing outward.							
d.	For buildings oriented perpendicularly to the street (e.g. shotgun						$\checkmark$	
	townhomes), ensure that the end unit facing the street is a custom							
	street-oriented unit with primary entry directly accessible from							
<u> </u>	the fronting street and primary living space at grade.					<u> </u>		
e.	For large townhouse projects (e.g. master planned communities	$\checkmark$						
	with internal circulation pattern), Guidelines 3.1.1.a-d apply for							

ATTACHMENT B This forms part of application # DP23-0141&DVP23-0243 City of Planner Initials BC Kelowna

	Initials DO DEVEL	OPMENT PLANNING	6				
	units facing strata roads as well as those units fronting onto public						
	streets.						
3.1	2 Scale and Massing	N/A	1	2	3	4	5
a.	Wherever possible, reflect the positive attributes of adjacent				$\checkmark$		
	housing while integrating new higher density forms of housing as						
	envisioned in the OCP.						
b.	Scale and site buildings to establish consistent rhythm along the					$\checkmark$	
	street by, for example, articulating individual units through						1
	integration of recessed entries, balconies, a change in materials						1
	and slight projection/recess in the façade.						
с.	Limit the number of connected townhouse units to a maximum of						$\checkmark$
	6 units before splitting into multiple buildings.						
•	In larger townhouse developments (e.g., master planned						
	communities with internal circulation pattern), integrate a large						
	proportion of 4 unit townhouse buildings to create a finer gran of						
	development and limit visual impacts.			-	_		-
	3 Site Planning	N/A	1	2	3	4	5
a. b.	Gated or walled communities are not supported.						$\sim$
υ.	For large townhouse projects, consider including communal amenity buildings.	$\checkmark$					
6	nnectivity						<u> </u>
с.	Provide pedestrian pathways on site to connect:						
€. ●	Main building entrances to public sidewalks and open spaces;				~		
•	Visitor parking areas to building entrances;						1
•	From the site to adjacent pedestrian/trail/cycling networks (where						1
•	applicable).						1
d.	When pedestrian connections are provided on site, frame them	$\checkmark$					
u.	with an active edge – with entrances and windows facing the path	~					1
	or lane.						1
e.	For large townhouse projects (e.g. master planned communities	$\checkmark$					
с.	with internal circulation pattern):	•					1
•	Design the internal circulation pattern to be integrated with and						1
	connected t the existing and planned public street network.						1
Fa	cing Distances and Setbacks				I		
f.	Locate and design buildings to maintain access to sunlight, and				$\checkmark$		
	reduce overlook between buildings and neighbouring properties.						1
g.	Separate facing buildings on site a minimum of 10 – 12 m to						<
5	provide ample spatial separation and access to sunlight.						1
h.	Limit building element projections, such as balconies, into setback						$\checkmark$
	areas, streets, and amenity areas to protect solar access.						
i.	Front yard setbacks on internal roads should respond to the height	~					
	of townhouses, with taller townhouses (e.g. 3 storeys) having						
	greater setbacks to improve liveability and solar access.						
3.1	4 Open Spaces						
a.	Design all units to have easy access to useable private or semi-				<		
	private outdoor amenity space.						



• 3.1 a. Sit	Design internal roadways to serve as additional shared space (e.g. vehicle access, pedestrian access, open space) suing strategies such as: High quality pavement materials (e.g. permeable pavers); and Providing useable spaces for sitting, gathering and playing. 5 Site Servicing, Access, and Parking Provide landscaping in strategic locations throughout to frame building entrances, soften edges, screen parking garages, and break up long facades. :e Servicing Exceptions for locating waste collection out of public view can be made for well-designed waste collection systems such as Molok bins. rking	N/A	1	2	3	4	5
• 3.1 a. Sit	vehicle access, pedestrian access, open space) suing strategies such as: High quality pavement materials (e.g. permeable pavers); and Providing useable spaces for sitting, gathering and playing. 5 Site Servicing, Access, and Parking Provide landscaping in strategic locations throughout to frame building entrances, soften edges, screen parking garages, and break up long facades. ::e Servicing			2		4	5
• 3.1 a.	vehicle access, pedestrian access, open space) suing strategies such as: High quality pavement materials (e.g. permeable pavers); and Providing useable spaces for sitting, gathering and playing. 5 Site Servicing, Access, and Parking Provide landscaping in strategic locations throughout to frame building entrances, soften edges, screen parking garages, and break up long facades.	N/A		2		4	5
•	vehicle access, pedestrian access, open space) suing strategies such as: High quality pavement materials (e.g. permeable pavers); and Providing useable spaces for sitting, gathering and playing. 5 Site Servicing, Access, and Parking Provide landscaping in strategic locations throughout to frame	N/A		2		4	5
•	vehicle access, pedestrian access, open space) suing strategies such as: High quality pavement materials (e.g. permeable pavers); and Providing useable spaces for sitting, gathering and playing. 5 Site Servicing, Access, and Parking	N/A		2		4	5
•	vehicle access, pedestrian access, open space) suing strategies such as: High quality pavement materials (e.g. permeable pavers); and Providing useable spaces for sitting, gathering and playing.	N/A		2	2		-
•	vehicle access, pedestrian access, open space) suing strategies such as: High quality pavement materials (e.g. permeable pavers); and		·				
•	vehicle access, pedestrian access, open space) suing strategies such as:		·				
			•				
J.	Design internal roadways to serve as additional chared space (o.g.			1	1	1	
j.	amenity buildings, and other communal uses.		~				
	and other ecological features, pedestrian circulation, communal						
	amenity spaces integrating play spaces, gardening, storm water						
i.	For large townhouse projects, provide generous shared outdoor	~					
•	Avoid isolated, irregularly shaped areas or areas impacted by parking, mechanical equipment, or servicing areas.						
	that encourage gathering or recreation; and						
•	Incorporate landscaping, seating, play space, and other elements						
	outdoor amenity spaces that:						
h.	Provide a minimum of 10% of the total site area to common					~	
	could impact energy performance.						
•	potential for heat loss through thermal bridge connections which						
•	shelter, reduce building bulk, and minimize shadowing. Consider using balcony strategies to reduce the significant						
g.	Design balconies to be inset or partially inset to offer privacy and	$\checkmark$					
•	Have access away from primary facades.						
•	Minimize direct sight lines into nearby units; and						
•	Have parapets with railings;						
f.	Design rooftop patios to:	$\checkmark$					
	semi-private transition zone.						
•	Be raised a minimum of 0.6 m and a maximum of 1.2 m to create a						
•	Provide an entrance to the unit; and	Í					
e.	Design front patios to:	~					
•	open spaces/						
•	Have railing and/or fencing to help increase privacy; and Have landscaped areas to soften the interface with the street or						
•	Have access to sunlight;						
d.	Design private outdoor amenity spaces to:					$\checkmark$	
	streets and open spaces.						
с.	Avoid a `rear yard' condition with undeveloped frontages along						$\checkmark$
	space.						
-	primary entry, landscaping, and semi-private outdoor amenity					•	
b.	Design front yards to include a path from the fronting street to the					~	

	т # Р!	ATTACHMEN his forms part of applica DP23-0141&DVP23	ation		DF	923-01		-	-0243 2024
C.	Rear-access garage or integrated tuck under par in townhouses, in general, and is required for to public streets.	<b>.</b> .							~
d.	Centralized parking areas that eliminate the new parking into individual units are supported.	ed to integrate	~	-					
е. •	Front garages and driveway parking are accepta facing internal strata roads, with the following c Architecturally integrate the parking into the bu	onsiderations:		-					
•	weather protection to building entries; and Design garage doors to limit visual impact, using	g strategies suc							
f.	as recessing the garage from the rest of the faça Provide visitor parking in accessible locations th and provide pedestrian connections from visitor townhouse units. Acceptable locations include:	roughout the s	tie					~	
•	Distributed through the site adjacent to townho Centralized parking, including integration with s amenity space								
Aco	cess								
g.	Ensure that internal circulation for vehicles is de accommodate necessary turning radii and provi safe access and egress.	2	and					~	
h.	For large townhouse projects (e.g. master plann with internal circulation pattern), a minimum of points to the site is desired.			-					
i.	Locate access points to minimize impacts of head building interiors.	adlights on				~			
j.	Design the internal circulation pattern and pede network to be integrated with and connected to planned public street and open space network.			-					
3.1	.6 Building Articulation, Features, and Materia	ls	Ν	/A	1	2	3	4	5
а. •	Design facades to articulate the individual units positive attributes of neighbourhood character. achieving this include: Recessing or projecting facades to highlight the individual units and	Strategies for	9				>		
•	individual units; and Using entrance features, roofline features, or ot elements.	her architectura	al						
b.	To maximize integration with the existing neigh infill townhouses to:	-	ign				<		
•	Incorporate design elements, proportions, and c characteristics found within the neighbourhood	; and							
•	Use durable, quality materials similar or comple fond within the neighbourhood.		se						
С.	Maintain privacy of units on site and on adjacen minimizing overlook and direct sight lines from strategies such as:		ing					~	



•	Off-setting the location of windows in facing walls and locating doors and patios to minimize privacy concerns from direct sight lines;				
•	Use of clerestory windows;				ĺ
•	Use of landscaping or screening, and				ĺ
•	Use of setbacks and articulation of the building.				
d.	In larger townhouse developments (e.g. master planned	~			
	communities with internal circulation pattern), provide modest				1
	variation between different blocks of townhouse units, such as				1
	change in colour, materiality, building, and roof form.				





March 29, 2023

City of Kelowna Water Street Kelowna, B.C.

Att: Planning Department

Re: DP 1330, 1340, 1350-1352 Belaire Ave

Dear Sir/Madame,

This letter is to advise you of our desire to make a Development Permit application to construct townhomes along the rear yard of 1330, 1340 and 1350-1352 Belaire Avenue.

Our goal is to create affordable, low income, transition housing for the residents of Freedom's Door who have completed the initial recovery program. These men will be a part of our Next Step Program. This means that they have been sober for a lengthy period and are in the life skills and employment training section. The homes and residents will be managed by our staff.

We wish to build, in phases, as money is available. We do not wish to build an apartment building on this site as there are three homes that currently house 26 of our residents. If we tear down these homes at the outset the residents will have no safe housing into which they can move. The existing homes will be removed, one at a time, once the townhomes in the rear yard are constructed and available for the men in the front homes to move in.

We trust that this gives you a concept of our planning strategy. Feel free to contact us with any questions.

Sincerely, ومعالية والمعالية وال 

Tom Smithwick, Director

info@freedomsdoorkelowna.com www.freedomsdoorkelowna.com From:Henry, Audrie L MOTI:EXTo:Barbara CrawfordSubject:RE: 1330-1352 Belaire Ave LandscapingDate:Monday, January 22, 2024 2:28:27 PM

#### CAUTION: External email - Check before you click!

Good afternoon Barbara, Happy New Year to you also!

The Ministry does not have a legislative approval for a DVP, so there is nothing here that requires Ministry approval. If there was a rezoning application then yes we would be required to sign a bylaw after 3<sup>rd</sup> reading.

I hope this helps but please feel free to reach out if you have any questions.

Have a great rest of your Monday!

Regards,

Audrie Henry, Development Officer Ministry of Transportation and Infrastructure #300-1358 St. Paul Street Kelowna, BC V1W 4T8 Phone: 236-766-7193 (UC) / 778-214-1666 (cell) Fax: 250-712-3669

From: Barbara Crawford <BCrawford@kelowna.ca>
Sent: Wednesday, January 17, 2024 9:40 AM
To: Henry, Audrie L MOTI:EX <Audrie.Henry@gov.bc.ca>
Subject: RE: 1330-1352 Belaire Ave Landscaping

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Good morning Audrie and Happy New Year!

A quick follow up to Lesley's email from earlier this month. I understand that there are no permits needed to be issues by MOTI.

Lesley mentioned that she closed the file, however I wanted to verify that MOTI will still need to send notification of final approval following Council consideration and approval, correct? In my recommendations to Council I will state that the DVP be considered subsequent to approval of the MOTI. Just want to make sure I have it right Feel free to call if needed.

Cheers, Barbara Crawford, PGeo Planner II | City of Kelowna 250-469-8586 | bcrawford@kelowna.ca



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Kelowna is located on the traditional, ancestral, unceded territory of the syilx/Okanagan people

From: Goon, Lesley MOTI:EX <<u>Lesley.Goon@gov.bc.ca</u>>
Sent: Thursday, January 4, 2024 12:12 PM
To: Barbara Crawford <<u>BCrawford@kelowna.ca</u>>
Cc: Planning Info <<u>planninginfo@kelowna.ca</u>>
Subject: RE: 1330-1352 Belaire Ave Landscaping

CAUTION: External email - Check before you click!

Hi Barbara,

We have received a DP permit request (MOTI: 2023-05959). I have looked over the revised site plan and we have no concerns. The only thing I wanted to remind the property owner of is to make sure there is no overhang into the 3 m setback. I'm unsure from the design.

MoTI doesn't have a DP variance permit application (I believe this is City of Kelowna processes) and there are no permit's that need to be issued here. The 4.5 m to 3.0 m doesn't require a permit because of no access to the highway. Landscaping also will not require a permit because it isn't extending into our right of way. Due to these reasons, I will upload the design and close this file. As noted, no concerns for this project on the latest design.

As I had mentioned, I will be going on maternity leave after next week. Please email us at <u>da.kelowna@gov.bc.ca</u> or give Audrie a call if you'd like to discuss any upcoming applications!

All the best,

#### Lesley Goon, BSc.

Development Officer Ministry of Transportation and Infrastructure #300 - 1358 St. Paul St, Kelowna BC VIY 2E1 Phone: (778) 475-9209

From: Goon, Lesley MOTI:EX
Sent: Friday, November 17, 2023 10:29 AM
To: 'Barbara Crawford' <<u>BCrawford@kelowna.ca</u>>
Cc: 'Henry, Audrie L MOTI:EX' <<u>Audrie.Henry@gov.bc.ca</u>>
Subject: RE: 1330-1352 Belaire Ave Landscaping

Hi Barbara,







## Purpose

To issue a Development Permit for the form and character for Phase 1 of a three-phased supportive townhouse development

To issue a Development Variance Permit to vary the setback from provincial highways from 4.5 m required to 3.0 m proposed

### **Development Process**

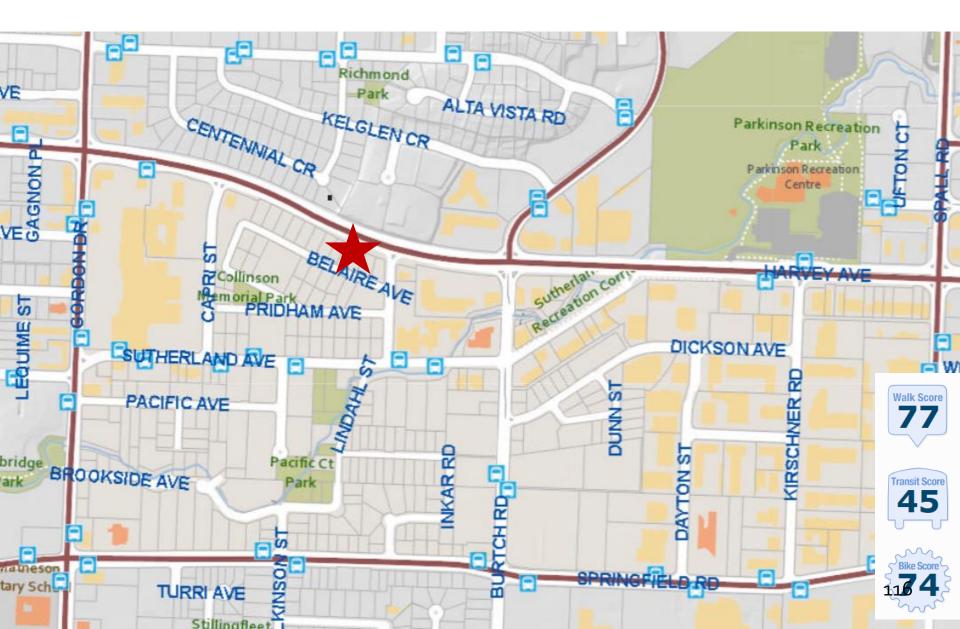




kelowna.ca

## **Context** Map





## Subject Property Map



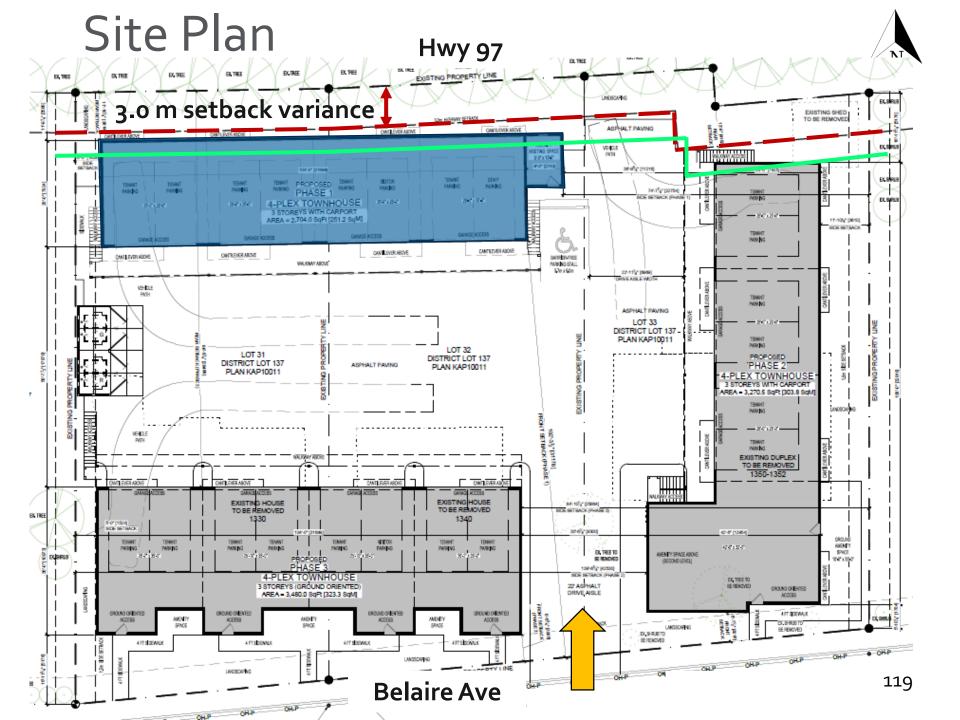


# **Technical Details**



Supportive Housing Full Buildout - 3 Townhouse Housing ▶ 12 dwelling units 50 1-bed sleeping units – 2 ground-oriented wheelchair accessible ▶ 23 parking stalls Three Phased Development Phase 1 = 4 dwelling units with 16 sleeping units One Variance - Setback from provincial highway

4.5 m required to 3.0 m proposed



### South Elevation – Phase 1



#### North Elevation – Phase 1



## **East Elevation**

## West Elevation



## Rendering – Phase 1



## Rendering – Full Buildout





# Staff Recommendation

Staff recommend support for the proposed development permit as it:

- Generally meets OCP Design Guidelines
- Provide long term social & community benefits
- Variance to highway setback from 4.5 m required to 3.0 m proposed