

# REPORT TO COUNCIL



**Date:** September 21<sup>st</sup> 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** DVP21-0160

**Owner:** Azhadi Vineyards Ltd, Inc.No.  
BC1155440

**Address:** (N OF) Shayler Road

**Applicant:** Kevin Johnson – Bear Land  
Development Ltd.

**Subject:** Development Variance Permit

**Existing OCP Designation:** REP – Resource Protection Area

**Existing Zone:** A1 – Agriculture 1

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0160 for Lot 2, Section 33, Township 23, ODYD, Plan EPP8753, located at (N OF) Shayler Road, Kelowna;

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

**Section 11.1.6(Table 11.1): A1 – Agriculture 1, Development Regulations**

To vary the maximum building height from 9.5m permitted to 19.5 m proposed.

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

## 2.0 Purpose

To vary the maximum building height of a proposed Alcohol Production Facility (Winery) from 9.5m to 19.5m to accommodate a proposed vineyard observation structure.

## 3.0 Development Planning

Staff support the proposed variance to increase the maximum allowable building height. The majority of the proposed winery building is compliant with the City's Zoning Bylaw height regulations except for a portion of the proposed winery building described as a 'Vineyard Observation Tower' which has been architecturally designed to resemble a Persian wind catcher/passive cooling tower. To achieve this architecturally unique design a variance to increase the maximum allowable building height from 9.5m to 19.5m is required.

Observation Towers/stairway entrances are typically exempted from being included in building height calculations under section 6.6.1 of the City's Zoning Bylaw; however, a development variance permit is required to allow this portion of the building as it is integrally connected with the winery building and it is designed to create additional floor space meant to be used by winery guests.

The building is located in an area of least agricultural impact to the land on a large rocky/bedrock knoll in the centre of the property. The proposed variance is not anticipated to impact any views from existing or future structures or home sites due the topography of the site and distance from any residential areas.

#### **4.0 Proposal**

##### **4.1 Background**

A winery at this location was envisioned since the 'Vintage Landing Area Structure Plan' was created in 2005. In 2018/2019 the property owners established roughly 5 hectares (12.5 acres) of vines/grapes on the subject property. In the Spring of 2021, an additional 5 acres were planted and the remaining arable areas of the site are currently in the process of being prepared for planting. There are no structures on the property except for a cold storage building permitted in 2020 which the owners plan to use for the manufacturing of wine on a temporary basis until the winery building under consideration is completed.

In Spring of 2021 the property owners submitted a 'Farm Protection Development Permit' for the new winery. The building is located in an area of least agricultural impact as the location chosen for the building is on a large rocky/bedrock knoll. As part of the Development Permit process staff have reviewed the proposal for compliance with applicable agricultural regulations. The proposed winery is compliant with the City's Development Permit guidelines and zoning bylaw regulations except that the proposed building features a 'Vineyard Observation Tower' which exceeds the maximum building height stated in the City's Zoning Bylaw.

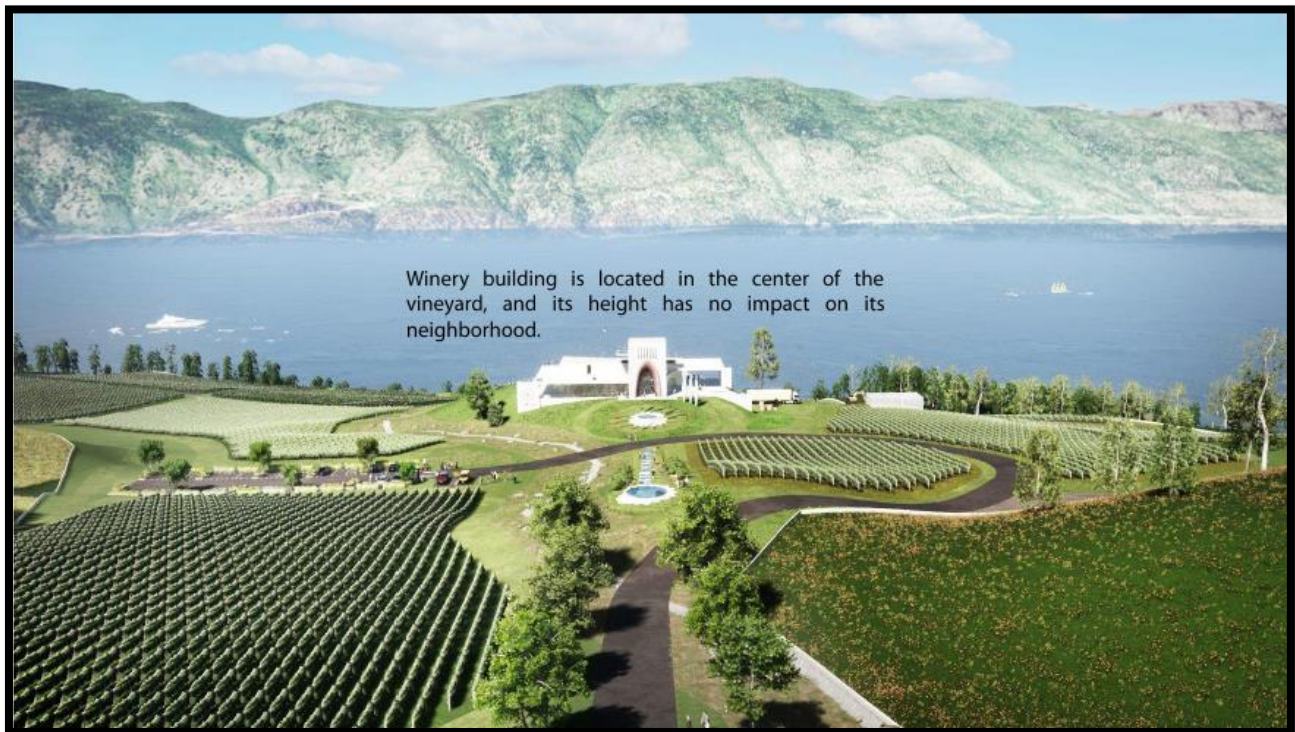


#### 4.2 Project Description

The proposed winery includes significant architectural motifs from Iranian architecture combined with modern western architectural features. To achieve this architecturally unique design, a variance to height is required for the portion of the building deemed to be a 'Vineyard Observation Tower' which has been architecturally designed to resemble a Persian wind catcher/passive cooling tower. A detailed design rational letter and architectural drawings are attached as 'Attachment B'

The proposed observation tower is meant to be used to monitor vineyard growth, ground cover, drainage, irrigation, wildlife, but also for wine tours for guests. Observation Towers/stairway entrances are typically exempted from being included in building height calculations under section 6.6.1 of the City's Zoning Bylaw; however, a development variance permit is required as the space under consideration forms an integral part of the winery building design/entryway and provides approximately 500sqft of additional floor space and a 500sqft un-enclosed deck meant to be used by winery guests.

There is little to no visual impact anticipated with the proposed height of the winery building or the vineyard observation structure. This proposed building location is in the middle of the property which will not result in a reduction of productive farm/vineyard area and is more than 300m away from the existing residential areas of McKinley Beach.



#### 4.3 Site Context

The subject property is located in the McKinley City Sector and designated REP – Resource Protection Area in the context of the Official Community Plan. The property is zoned A1 – Agriculture and located within the Agricultural Land Reserve. The site is surrounded by vacant land zoned A1 – Agriculture with the exception to the south of the site a portion of the lot abuts lands zoned CD18 which are intended to be used for a mix of residential/commercial uses (McKinley Beach Neighbourhood).

**Subject Property Map: (N of) Shayler Rd**



**5.0 Current Development Policies**

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

Chapter 15: Farm Protection DP Guidelines

Section 1.10 On agricultural lands, locate farm retail sales, wineries, cideries, breweries, distilleries, and any other structures and services related to the public that are defined as farm uses under the ALC Act near the road entrance or in a location that minimizes road construction to reduce the footprint and extent of services through the lot with the goal of reducing impact on the agriculture potential.

**Technical Comments**

**5.2 Development Engineering Department**

- No comments or requirements associated with this Development Variance Permit

**5.3 Ministry of Agriculture**

- The size of the vineyard, topography and proposed location of the winery appear to provide sufficient distance such that the winery will not be visually obtrusive to surrounding properties.
- Provided that the observation tower does not require an increase in the footprint of the winery, Ministry staff have no objections.

**6.0 Application Chronology**

Date of Application Received: June 17<sup>th</sup> 2021

Date Public Consultation Completed: July 8<sup>th</sup> 2021

**Report prepared by:** Alex Kondor, Planner Specialist

**Reviewed by:** Dean Strachan, Community Planning & Development Manager

**Reviewed by:** Terry Barton, Development Planning Department Manager

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

**Attachments:**

Attachment A: Draft Development Variance Permit DVP21-0160

Attachment B: Applicant's Letter of Rational