

City of Kelowna
Public Hearing
AGENDA



Tuesday, July 2, 2013
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

1.(a)The purpose of this Hearing is to consider certain bylaws which, if adopted, shall amend *Kelowna 2030 - Official Community Plan* Bylaw No. 10500 and Zoning Bylaw No. 8000.

(b)All persons who believe that their interest in property is affected by the proposed bylaws shall be afforded a reason-able opportunity to be heard or to present written submissions respecting matters contained in the bylaws that are the subject of this hearing. This Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.

(c)All information, correspondence, petitions or reports that have been received concerning the subject bylaws have been made available to the public.The correspondence and petitions received after June 18, 2013 (date of notification) are available for inspection during the course of this hearing and are located on the information table in the foyer of the Council Chamber.

(d)Council debate on the proposed bylaws is scheduled to take place during the Regular Council meeting after the conclusion of this Hearing. It should be noted, however, that for some items a final decision may not be able to be reached tonight.

(e)It must be emphasized that Council will not receive any representation from the

applicant or members of the public after conclusion of this Public Hearing.

2. Notification of Meeting

The City Clerk will provide information as to how the Hearing was publicized.

3. Individual Bylaw Submissions

3.1 Bylaw No. 10852 (Z13-0013) - 1383 Ellis Street, 564913 BC Ltd. 5 - 14

This application seeks to rezone the subject property from I4 - Central Business Industrial zone to C7 - Central Business Commercial, to facilitate commercial uses within the existing building on site.

3.2 Land Use Contract Discharge LUC13-0001 - 381 Oakview Road, Don Bouwman 15 - 23

To consider a proposal to discharge the existing Land Use Contract over the subject property in order to permit the development of an accessory building.

3.3 Bylaw No. 10856 (OCP13-0005), Bylaw No. 10857 (Z13-0006), Bylaw No. 10858 (OCP13-0005) and Bylaw No. 10859 (Z13-0006) - 1982 Kane Road and 1970-1974 Kane Road, Raisanen Construction Ltd. and PC Urban (Brandt's Creek) Holdings Corporation Inc. 24 - 48

This application seeks to rezone the subject lands at 1982 Kane Road from the A1 - Agricultural zone to the C3 - Community Commercial, RM1 - Four Dwelling Housing, RM3 - Low Density Multiple Housing, and RM5 - Medium Density Multiple Housing zones, to facilitate Phase 2 of the existing Brandt's Creek Crossing retail shopping centre and future multi-family development. The proposed zoning requires amendments to the existing Official Community Plan (OCP) future land use designations, including expansion of the existing COMM - Commercial and MRM - Multiple Unit Residential (Medium Density) designations. In conjunction with the subject applications, a minor correction to the zoning and OCP future land use designation on the west adjacent property at 1970-1974 Kane Road (Brandt's Creek Crossing - Phase 1) is proposed, to rezone a small portion of the northeast corner of the property from the RM5 - Medium Density Multiple Housing zone to C3 - Community Commercial, and to amend the future land use designation from MRM - Multiple Unit Residential (Medium Density) to COMM - Commercial, consistent with the balance of the property.

3.4 Bylaw No. 10854 (Z12-0006) - 587-589 Lawrence Avenue, Finnasha Holdings Corp. Inc. 49 - 63

The applicant is proposing to rezone the subject property with the “Liquor Primary” designation to allow for a new liquor primary license with a patron capacity proposed at 250 people.

4. Termination

5. Procedure on each Bylaw Submission

(a) Brief description of the application by City Staff (Land Use Management);

(b) The Chair will request that the City Clerk indicate all information, correspondence, petitions or reports received for the record.

(c) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.

(d) The Chair will call for representation from the public in attendance as follows:

(i) The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.

(ii) The Chair will recognize ONLY speakers at the podium.

(iii) Speakers are encouraged to limit their remarks to 5 minutes, however, if they have additional information they may address Council again after all other members of the public have been heard a first time.

(e) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total of 10 minutes maximum.

(f) Questions by 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.

(g) Final calls for resrepresentation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

Note: Any applicant or member of the public may use visual aids (e.g. photographs, sketches, slideshows, etc.) to assist in their presentation or questions. The computer and ELMO document camera at the public podium are available. Please ask staff for assistance prior to your item if required.

REPORT TO COUNCIL



Date: May 22, 2013
RIM No. 1250-30
To: City Manager
From: Land Use Management, Community Sustainability (AR)
Application: Z13-0013 **Owner:** 564913 BC Ltd., Inc. No. 564913
Address: 1383 Ellis Street **Applicant:** Joseph Higgins, President, 564913 BC Ltd.
Subject: Rezoning Application
Existing OCP Designation: Mixed Use (Residential/Commercial)
Existing Zone: I4 - Central Industrial
Proposed Zone: C7 - Central Business Commercial

1.0 Recommendation

THAT Rezoning Application No. Z13-0013 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8, District Lot 139, ODYD, Plan 432, located at 1383 Ellis Street, Kelowna, BC from the I4 - Central Industrial zone to the C7 - Central Business Commercial zone, be considered by Council;

AND THAT Council considers the applicant's April 30, 2013 Public Information Session to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the Report of the Land Use Management Department dated May 22, 2013;

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

AND THAT final adoption of the Zone Amending Bylaw be considered following provision of the nine (9) required parking spaces through registration of an off-site parking agreement on 1350 Ellis Street in the Land Titles Office, to the satisfaction of the City of Kelowna;

AND THAT final adoption of the Zone Amending Bylaw be considered subject to receipt of payment for a bicycle parking facility accommodating a minimum of four (4) bicycles;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements Development Engineering Branch being completed to their satisfaction.

2.0 Purpose

This application seeks to rezone the subject property from I4 - Central Business Industrial zone to C7 - Central Business Commercial, to facilitate commercial uses within the existing building on site.

3.0 Land Use Management

The subject property is designated Mixed Use (Residential/Commercial) in the Kelowna 2030 Official Community Plan (OCP) and located in the Downtown Urban Centre. The proposal to rezone the subject property from the existing I4 - Central Business Industrial zone to the C7 - Central Business Commercial zone is consistent with the future land use designation, and is the appropriate zone for the Downtown.

The proposed rezoning will enable the existing building to be re-used for commercial uses that are both appropriate for and consistent with the surrounding Downtown context. Given that the existing building is proposed to be retained at this point in time, staff is satisfied with the provision of additional, secured off-site parking to accommodate future commercial uses at 1350 St. Paul Street (a short walking distance away at approximately 120 m), and with a contribution towards a future bicycle parking facility in this area of Ellis Street.

4.0 Proposal

4.1 Project Description

The purpose of this application is to rezone the subject property from I4 - Central Business Industrial zone to C7 - Central Business Commercial, to facilitate commercial uses within the existing building on site, consistent with the Kelowna 2030 Official Community Plan (OCP) future land use designation for the subject site of MXR - Mixed Use (Residential/Commercial) and the surrounding downtown properties.

Until recently, the building was the long-time location of Valley Canvas and Awning Ltd. The property owner is now seeking to rezone the property to the C7 zone to enable re-use of the existing building for commercial uses that are appropriate and consistent with the surrounding downtown context.

Rezoning to the C7 zone imports a higher parking standard resulting in nine (9) required parking spaces for the subject site, an increase from the five (5) previously provided under the I4 zone. As the existing building is presently built entirely to property line, the applicant proposes to amend the existing off-site parking agreement registered on the property at 1350 St. Paul Street to accommodate the additional four (4) required parking spaces. On-site loading and employee bike parking can be accommodated within the existing building with access from the rear lane. Given the inability to accommodate accessible on-site bicycle parking for visitors on the subject site, the applicant is providing payment in lieu to be allocated towards future provision of City bicycle parking along this block of Ellis Street. As the existing building is proposed to be retained and no changes to the exterior are proposed at this time, no Development Permit is required.

4.2 Site Context

This 700 m² site is located on Ellis Street in Kelowna's Downtown Urban Centre, directly east of the Kelowna Branch of the Okanagan Regional Library and the Cultural District area. It is bound by The Madison development to the south and the future Monaco development to the east.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C7 - Central Business District	Commercial (Kelowna Actors Studio)
East	C7 - Central Business District	Vacant (future Monaco development)
South	C7 - Central Business District	Mixed Commercial/Residential (The Madison)
West	C7 - Central Business District	Institutional (Kelowna Library Branch)

Subject Property Map: 1383 Ellis Street



Zoning Analysis Table		
CRITERIA	C7 ZONE REQUIREMENTS	EXISTING BUILDING
Existing Lot/Subdivision Regulations		
Lot Area	200 m ²	699 m ²
Lot Width	6 m	15.24 m
Lot Depth	30 m	45.94 m
Development Regulations		
Floor Area Ratio	9.0 FAR	1.0 FAR
Height	44 m	Approx. 6.1 m
Front Yard	0 m	0 m
Side Yard (south)	0 m	0 m
Side Yard (north)	0 m	0 m
Rear Yard	0 m	0 m

Zoning Analysis Table Cont.		
CRITERIA	C7 ZONE REQUIREMENTS	EXISTING BUILDING
Other Regulations		
Minimum Parking Requirements	9 spaces	9 spaces (secured off-site)
Bicycle Parking	2 Class I / 4 Class II	Provided
Loading Space	28 m ²	Provided

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5 - Development Process

Policy 4 - Downtown Development. Support rezoning to C7 use in the downtown Urban Centre area only where properties are surrounded on a minimum of 3 sides by existing C7 zoning. The intent of this policy is to support intensification within the existing core areas of the Downtown.

6.0 Technical Comments

6.1 Development Engineering Department

See attached Memorandum.

7.0 Application Chronology

Date of Application Received: March 11, 2013

Applicant Hosted Public Information Session: April 30, 2013 (See attached Summary)

Report prepared by:

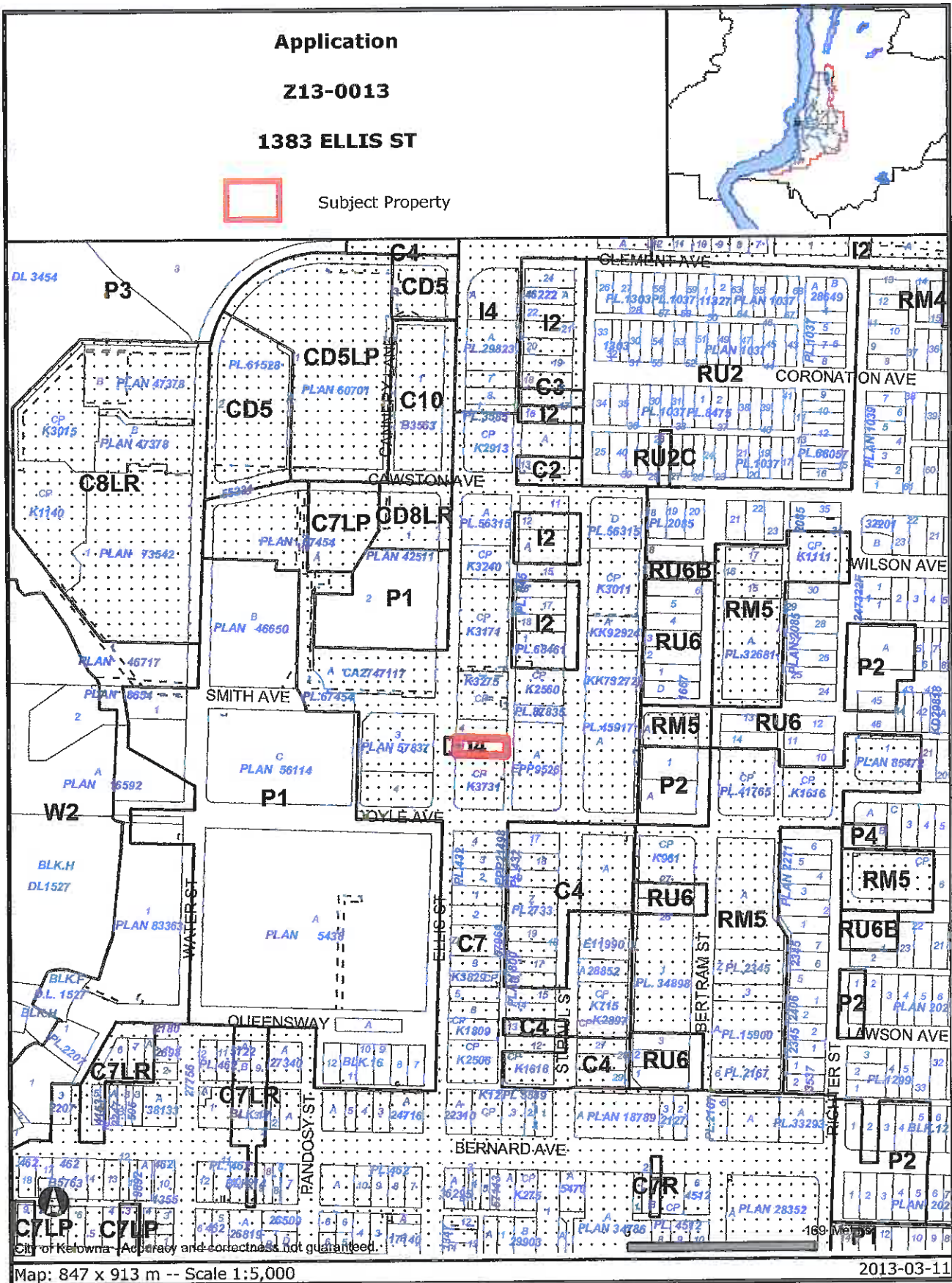
Abigail Riley, Land Use Planner

Reviewed by: Danielle Noble, Manager, Urban Land Use

Approved for Inclusion Doug Gilchrist, A/General Manager, Community Sustainability

Attachments:

- Subject Property Map
- Site Photos
- Development Engineering Requirements
- Applicant’s Summary - Public Information Session



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

ATTACHMENT B



FRONT VIEW - 1383 ELLIS STREET



REAR VIEW - 1383 ELLIS STREET

CITY OF KELOWNA
MEMORANDUM

Date: May 22, 2013
File No.: Z13-0013
To: Land Use Management (AR)
From: Development Engineering Manager
Subject: 1383 Ellis Street, Lot 8, Plan 432 *REVISED*
I4 to C7

The Development Engineering Department has the following comments and requirements associated with this application to rezone from I4 to C7. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

The Development Engineering Technologist for this project is Sergio Sartori.

1. Domestic Water and Fire Protection

- (a) The existing lot is serviced with a 19mm diameter copper water service and 150mm diameter cast iron (substandard) water service. The developer must engage a consulting mechanical engineer to determine the domestic and fire flow requirements of this development. The applicant, at his cost, will arrange for the removal of all existing services and the installation of one metered water service and if determined, the installation of fire hydrants.
- (b) Tie-ins and disconnections to the existing watermain must be supervised by City forces at the applicants cost.
- (c) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost.

2. Sanitary Sewer

- (a) The existing lot is serviced with 100mm diameter sanitary sewer service. The developer must engage a consulting mechanical engineer to determine the requirements of this development. The applicant, at their cost, will arrange for the disconnection of the existing service and the installation of one new larger service if necessary.

3. Storm Drainage

- (a) The existing lot is serviced with 100 mm diameter storm drainage service.
- (a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual.

4. Road Improvements

Ellis Street

The existing curb and 2.5m wide monolithic sidewalk fronting this development is acceptable.

Public Lane

The lane is in poor condition and the drainage is not functioning properly. Upgrade lane to a paved standard. *The cash in lieu of construction is \$2,970.00 and will be completed by the City at its own schedule.*

1. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Dedicate, by way of road reserve, ~1.31m lane widening along the lane frontage.
- (b) Grant statutory-right-of-way without charge, if required for utility services.

2. Electric Power and Telecommunication Services

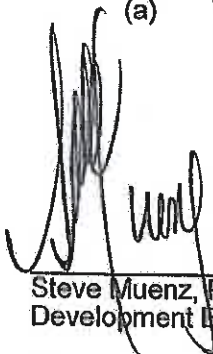
The electrical and telecommunication services to this building as well as the local distribution must be installed in an underground duct system, and the building must be connected by underground ducting. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost.

3. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked "issued for construction" by the City Engineer before construction may begin.

4. Development Permit and Site Related Issues

- (a) The developer must provide a location for screened garbage bins on the site that is accessible to an SU-9 standard garbage truck.



Steve Muenz, P. Eng.
Development Engineering Manager

ss

RECEIVED
MAY 2/13
[Signature]

564913 BC Ltd.
PO Box 2309 Banks Centre RPO
Kelowna, BC
V1X 6A5

May 1, 2013

To: City of Kelowna Planning Department
1435 Water Street
Kelowna, BC V1Y 1J4
Attention: Abigail Riley, Land Use Planner, RPP, MCIP

From: 564913 BC Ltd.
Joe Higgins, President

Re: **Public Information Meeting in Support of Rezoning Application Z13-0013**
1383 Ellis Street, Kelowna BC

As required by City of Kelowna planning staff, the owner of the above named property held a Public Information Meeting on April 30, 2013. The meeting was announced and held in compliance with City of Kelowna Council Policy 367 - Public Notification & Consultation for Development Applications. As per your email of April 4, 2013, notification by way of newspaper ad was waived based on the uniqueness of the rezoning and ownership adjacencies.

In your email dated March 20, 2013, you outlined the requirements for the Public Information Meeting (PIM). The purpose of the meeting is to allow a meaningful opportunity for owners and occupants of neighbouring properties to access information on the rezoning application, and provide input on the application. As such, we notified the owners and occupants of all abutting and adjoining parcels within 50m of the subject property (1383 Ellis Street), and invited them to attend the meeting. The remainder of this report and attachments provide information to summarize how the meeting was planned, advertised, and conducted.

Location:

The Bean Scene Coffee House, 274 Bernard Avenue, Kelowna - This venue is within walking distance or a short drive from the subject property.

Date/Time, and Duration:

Tuesday April 30, 2013 from 5 pm to 7 pm. This timeframe allowed flexibility to those who work and was not disruptive of plans that neighbours may have had for the evening.

Planning/Advertising:

In your March 20, 2013 email, you kindly provided a map showing the catchment area for all properties within 50m of 1383 Ellis Street (copy attached). We prepared and issued an invitation letter and Site Plan describing the nature of the rezoning application, and the reason for the PIM. A copy of the letter is attached, as well as copies of the email correspondence indicating who was invited to attend the PIM. The correspondence was issued 15 days from the date of the meeting.

Meeting Format:

The PIM was intended to be informal and allow one-on-one discussion between neighbours and the applicant. Cathy Higgins attended to represent the applicant.

We had a Sign-In sheet, two different site plans, and photographs. These materials, as well as a photograph of the room and display materials are included with the attachments.

The applicant was available to describe the purpose of the application - i.e., to rezone the property from the current I4 (Central Industrial) to C7 (Central Business Commercial), which is consistent with the City of Kelowna OCP.

Meeting Attendance/Results:

No one attended the meeting, with the exception of Abigail Riley. The Sign-In sheet which summarizes the meeting attendance is attached.

We trust that this report and attachments provide the information necessary to satisfy the City's requirement for a Public Information Meeting in support of this rezoning application. Please contact us if you have any questions or concerns.

Sincerely,



Joe Higgins, 564913 BC Ltd.

Attachments:

List and Map of Neighbours invited to the PIM
Example of the Invitation Letter
Sign-In Sheet and Materials on Display at the Meeting
Photograph

REPORT TO COUNCIL



Date: May 28, 2013
RIM No. 0940-50
To: City Manager
From: Land Use Management, Community Sustainability (JM)
Application: LUC13-0001 **Owner:** Alan Dadswell, Marguerite Alston
Address: 381 Okaview Road **Applicant:** Don Bouwman
Subject: Land Use Contract Discharge
Existing OCP Designation: S2RES - Single / Two Unit Residential
Existing Zone: RR1 - Rural Residential 1
Land Use Contract: 77-1002

1.0 Recommendation

THAT Application No. LUC13-0001 to discharge Land Use Contract No. 77-1002 from Lot B, Section 23, Township 28, SDYD, Plan KAP47783, located at 381 Okaview Road, Kelowna, BC, be considered by Council;

AND THAT LUC13-0001 be forwarded to be forwarded to a Public Hearing for further consideration.

2.0 Purpose

To consider a proposal to discharge the existing Land Use Contract over the subject property in order to permit the development of an accessory building.

3.0 Land Use Management

Land Use Management staff are supportive of the proposed land use contract discharge over the subject property. Land use contracts are an antiquated method of regulating land use that contribute to greater confusion in the administration of land use regulation and development activity. Council Policy No. 282 "Strategy for the Elimination of Remaining Land Use Contracts" directs staff, where practical, to seek to eliminate land use contracts. In this instance, the land owner was amenable to this strategy.

It is noteworthy that the subject property will be rendered lawfully non-conforming in lot area through this discharge, as the minimum lot area of the RR1 - Rural Residential 1 zone is 8,000m².

This will not negatively impact the land owner, as the lot was not able to be subdivided under the minimum lot area regulations of the land use contract.

4.0 Proposal

4.1 Background

The Land Use Contract was a tool that entered into use in the early 1970's before it was eliminated in 1978. The purpose of the tool was to allow local governments to arrive at agreements with specific developers to grant development rights over and above what was allowed under current zoning. This was typically done in exchange for commitments by developers to help finance the infrastructure costs of development.

In 1978, the City entered into a Land Use Contract (LUC #77-1002) to allow the development of a large portion of the Okaview Road area. At that time, the Kelowna Mission area had recently been incorporated into the City, and a mass rezoning of lands had taken place, severely limiting development potential. The developer at the time used the Land Use Contract tool to arrive at a customized agreement with the City to develop the lands in excess of what was permitted under zoning at that time.

Under LUC #77-1002, the subject property was governed under the provisions of the A-4 (Rural Residential) zone of Zoning Bylaw No. 4500, 1976. Once an LUC is discharged, the underlying zoning of a property applies. In this case, the underlying zoning is RR1 - Rural Residential 1.

4.2 Project Description

The applicant is seeking to develop a large garage structure at the rear of the subject property in order to accommodate a recreational vehicle (RV) and one or more classic cars. There is an existing two car garage attached to the principal dwelling. To access this new garage the existing driveway at the front yard will be continued through the side yard to the rear of the property.

The proposed garage is approximately 151.4m² in area and contains two bays: one bay with a 3.0m ceiling to accommodate up to two standard vehicles in tandem, and one bay with a 4.9m ceiling to accommodate the recreational vehicle. The structure is one storey with a height of 5.3m.

The garage proposed is taller than what is permitted within the current LUC. As a result, the applicant is proposing to discharge the LUC in favour of the underlying RR1 zoning. However, it should be noted that the proposal also triggers two (2) variances to the underlying RR1 zone (see Section 4.4), which will be brought forward for Council consideration should this LUC discharge be approved.

The applicant has canvassed surrounding land owners within a 50m radius of the subject property. All but three (3) have signed in support of the project. The remaining three were either not available or vacant. In addition, the three properties that were not able to sign in favour of the proposal are well below the grade of the subject property and the project is not visible from their lots.

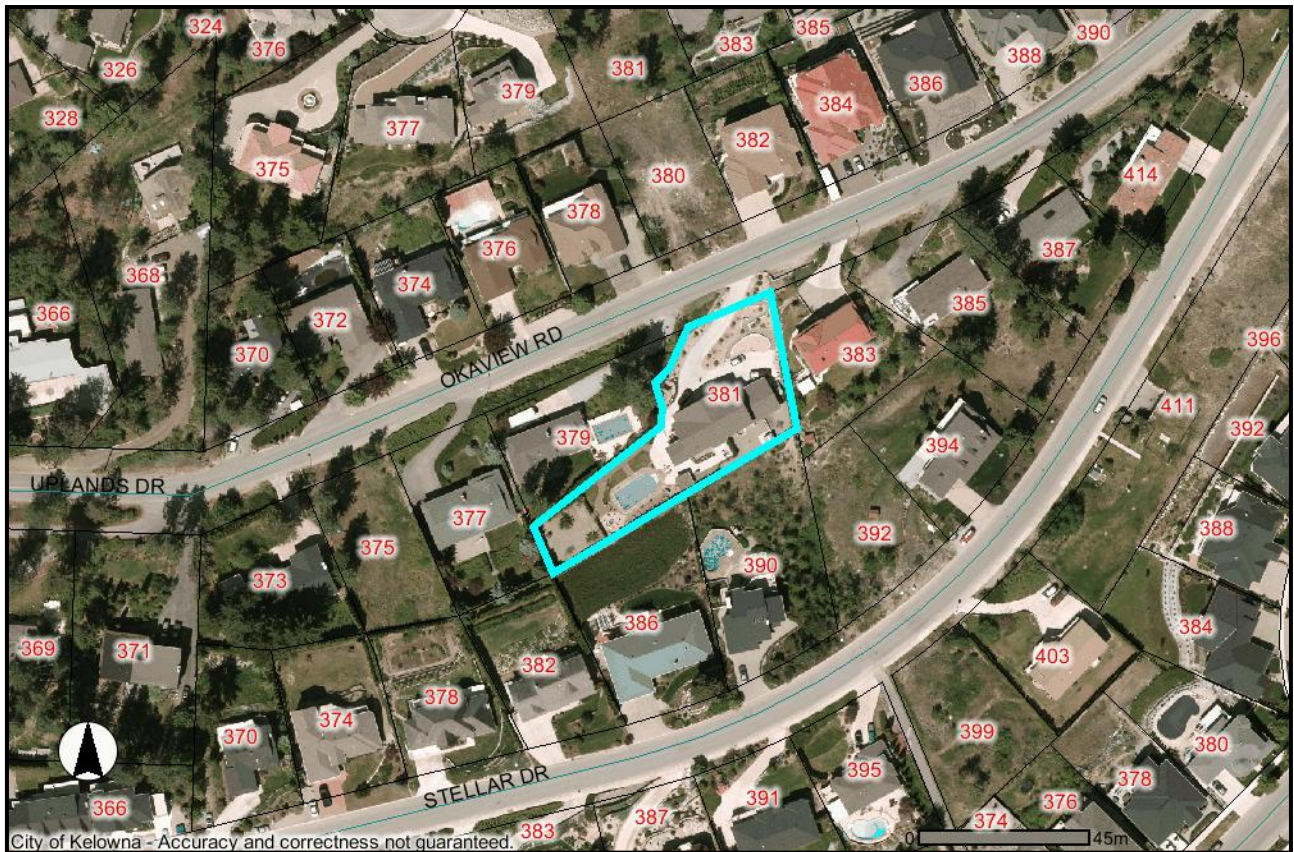
4.3 Site Context

The subject property is situated on the south side of Okaview Road, approximately 185m west of its intersection with Stellar Drive. The lot is 1,936m² in area and is zoned RR1 - Rural Residential 1 in the Zoning Bylaw, but is subject to a Land Use Contract (LUC#77-1002). The parcel under consideration is serviced by City of Kelowna water and sanitary services, and is located within the Permanent Growth Boundary.

Surrounding development is characterized by large lot, rural residential development. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR2 - Rural Residential 2	Large lot, rural residential housing
East	RR1 - Rural Residential 1, RR2 - Rural Residential 2	Large lot, rural residential housing
South	RR1 - Rural Residential 1, RU1 - Large Lot Housing	Large lot, rural residential housing
West	RR2 - Rural Residential 2	Large lot, rural residential housing

Subject Property Map: 381 Okaview Road



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RR1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	8,000 m ²	1,936 m ²
Lot Width	40 m	variable
Lot Depth	30 m	36.55 m
Development Regulations		
Height (accessory bldgs)	6.0 m	5.37 m
Front Yard	6.0 m	exceeds
Side Yard (west)	3.0 m	1.5 m ^o

Side Yard (east)	3.0 m	exceeds
Rear Yard (accessory bldgs)	3.0 m	3.0 m
Site Coverage	10%	21.4% [ⓐ]
Other Regulations		
Minimum Parking Requirements	2	5
<p>ⓐ Indicates a requested variance to the minimum side yard setback from 3.0m required to 1.5m proposed.</p> <p>ⓑ Indicates a requested variance to the maximum site coverage from 10% required to 21.4% proposed.</p>		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

The subject property is designated S2RES - Single / Two Unit Residential in the Official Community Plan.

5.2 Council Policy No. 282: “Strategy for Elimination of Remaining Land Use Contracts”

“...That the City of Kelowna initiate proceedings to discharge Land Use Contracts that have provisions enabling the City to unilaterally discharge the contracts subject to consultation with affected owners of the land and subject to prior approval by Council with regard to affected contracts...”

6.0 Technical Comments

To be addressed in the associated Development Variance Permit application (DVP13-0069), which will be brought forward for Council consideration, should this LUC be successfully discharged.

7.0 Application Chronology

Date of Application Received: May 10, 2013

Updated Drawings Received: May 23, 2013

Report prepared by:

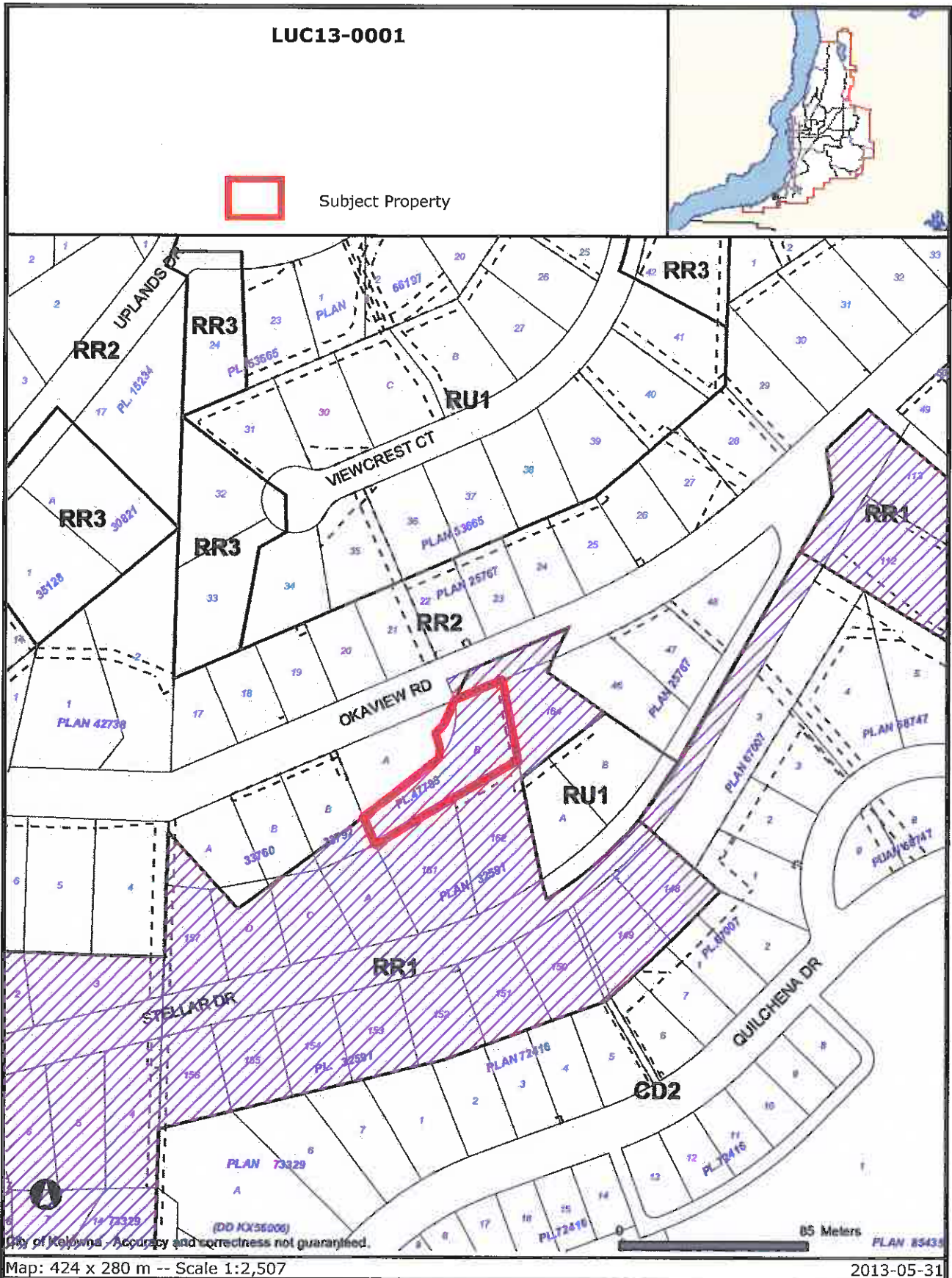
James Moore, Land Use Planner

Reviewed by: Danielle Noble, Urban Land Use Manager

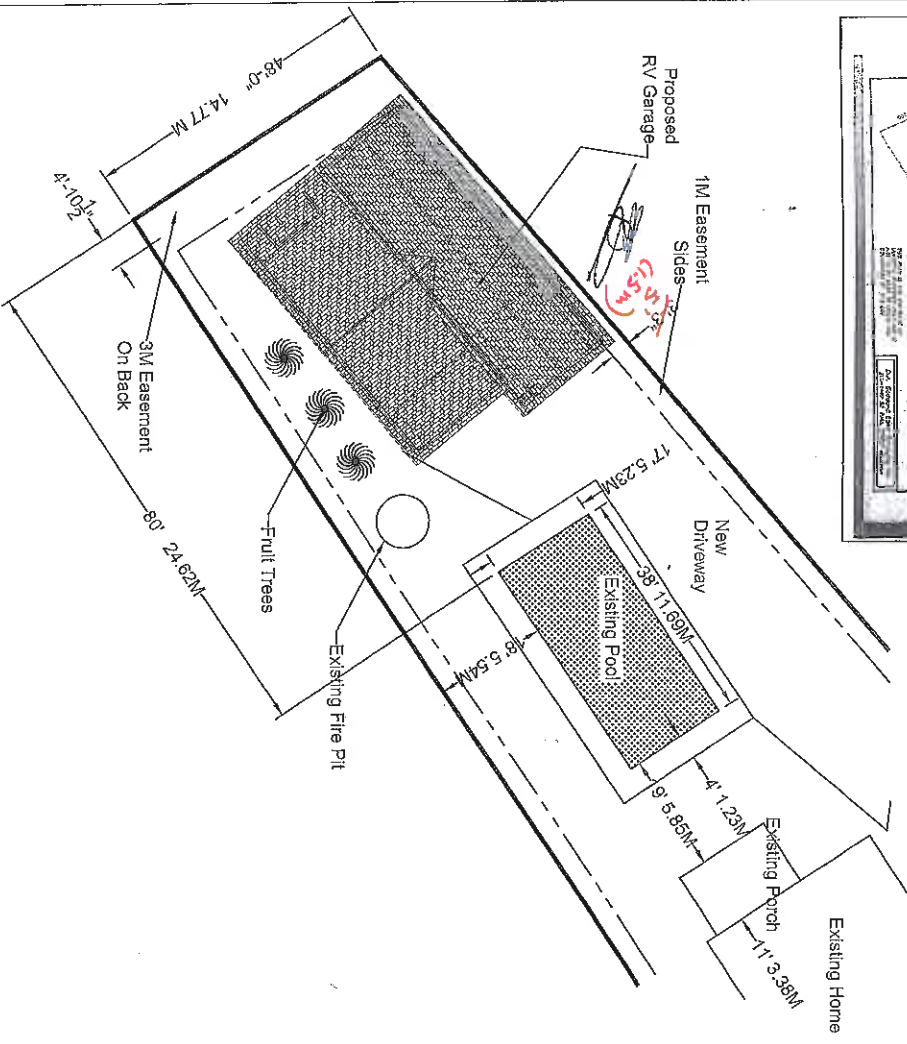
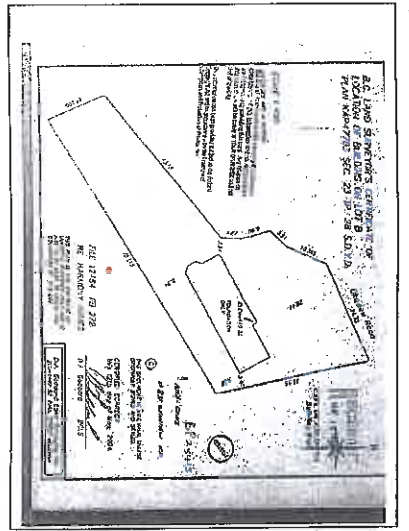
Approved for Inclusion: Doug Gilchrist, Acting GM of Community Sustainability

Attachments:

- Subject Property Map
- Site Plan
- Conceptual Elevations
- Excerpts from LUC77-1002



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



NOTE: All utilities & site work to be done per code and per subdivision requirements

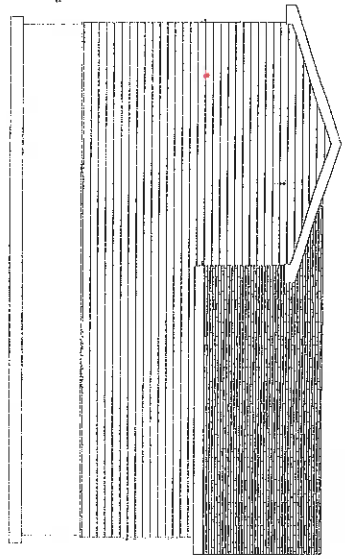


Google Maps View



381 ^{KA} Oakview
 Kelowna BC
 Proposed RV Garage
 Plot Plan
 Scale 1"=20'

Note: Paper size 8.5" x 11" printed on D-22-85 scale is 20% of actual scale
 ©ICOP/RIGHT 2003 SPECIALIZED DESIGN SYSTEMS

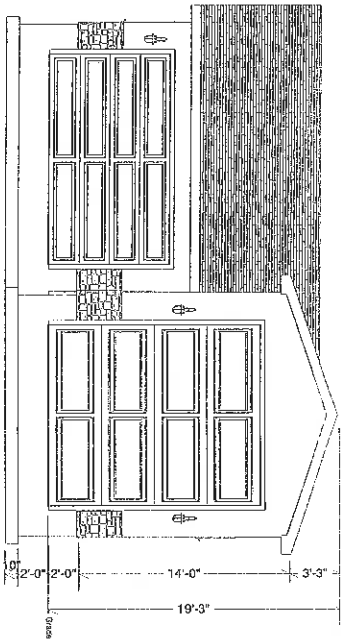


REAR ELEVATION

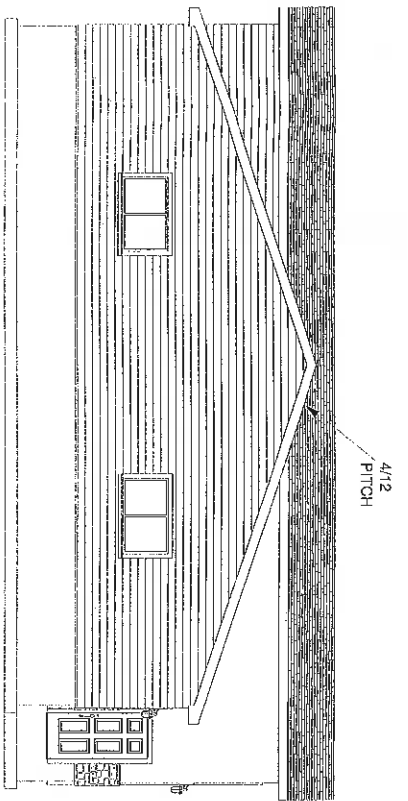
SCALE
1/8"=1'

Asphalt Shingles
14" Tall 2 x Walls
Horizontal Vinyl Siding
Sides and Back
Stucco and Rock on
the Front

4/12
PITCH

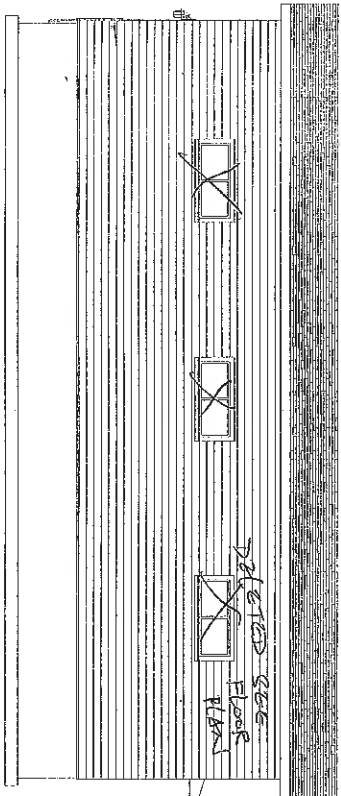


FRONT ELEVATION



LEFT ELEVATION

4/12
PITCH



RIGHT ELEVATION

©COPYRIGHT SDS-CAD Specialized Design Systems

Garage for		SDS-CAD Specialized Design Systems	Residential Design								
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- (4) The southeast quarter of
Section 23
Township 28
Similkameen Division Yale District
(except that part thereof included in Plan
23380 and the 35.72 acre portion shown out-
lined in red on Schedule "E" attached hereto)
(herein called the "Land")



2. The Developer has obtained the consent of all persons having a registered interest in the Land as set out in the Schedule prefacing the consents to the use and development set forth herein which consents are attached hereto.

OPMENT

3. Except as hereinafter specifically provided, the Land shall be used and developed strictly in compliance with all of the By-Laws and all consistently applied policy of the Municipality which By-Laws and policies are in effect as at the date of application for each stage of development as hereinafter described and shall be subdivided generally in compliance with the plan attached hereto as Schedule "A".

4. (a) The use of Land, including the surface of water, buildings and structures within the Land and the regulation of the size, shape and siting of buildings and structures and the provision of off-street parking and other zoning regulations shall be subject to the provisions of the A-4 (Rural-Residential) zone as described in the City of Kelowna By-Law No. 4500 as amended and the Land shall be used and developed strictly in compliance with such regulations.

(b) Notwithstanding the provisions of paragraph 4(a) herein, portions of the Land required for school and park purposes may be developed in strict accordance with the P-2 (Institutional) and P-3 (Park, Recreation and Open Space) zones as more particularly set out in the City of Kelowna Zoning By-Law, 1976, No. 4500.

5. Notwithstanding the provision of Section 4 above, no lot shall be created which is less than twelve thousand square feet (12,000 square feet) in area or of such larger area as may be required by the Medical Health Officer in order to provide adequate sewage disposal.

26. No terms of this Contract shall be construed as imposing upon the Municipality a liability to the Developer save and except the specific covenants herein contained as made by the Municipality for the expenditure of funds and construction of vehicular access as set out herein.

27. Schedules "A", "B", "B1", "B2", "C" and "D" hereinbefore referred to are hereby incorporated into and made part of this Contract.

28. On or after the 31st day of December, 1994, the Municipality may by resolution, in its sole discretion, unilaterally terminate all or any part of this Contract provided always that:

TERMINATED
(a) the Municipality before adopting any such resolution shall hold a Public Hearing thereon in the manner provided for in Section 703 of the Municipal Act, R.S.B.C. 1960 Chapter 255 and amendments thereto;

(b) any such resolution shall be registered in the Land Registry Office at the City of Kamloops in the same manner as this Contract.

(c) the Municipality shall still be liable to the Developer pursuant to Section 17 (b) (3) herein.

29. None of the payments required to be made herein by the Developer are to be construed in any way as payment by the Developer towards any tax, charge or other levy made by the Municipality against the Developer or the Lands.

30. The Developer agrees to pay all of the legal costs incurred by the Municipality in the preparation of this Contract.

31. It is understood and agreed that the Municipality has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with the Developer other than those in this Contract.

32. This Contract shall be construed as running with the Land and shall be registered in the Land Registry Office by the Municipality pursuant to the provisions of Section 702A(4) of the Municipal Act. 23

REPORT TO COUNCIL



Date: June 5, 2013
RIM No. 1250-30
To: City Manager
From: Land Use Management, Community Sustainability (AR)

Application: Z13-0006 & OCP13-0005
Owners: Raisanen Construction Ltd. (Inc. No. 135257)
PC Urban (Brandt's Creek) Holdings Corp. (Inc. No. BC0933576)

Address: 1982 Kane Road
1970-1974 Kane Road
Applicant: Fred Marin

Subject: Rezoning & Official Community Plan Amendment Applications

Existing OCP Designation: MRL - Multiple Unit Residential (Low Density)
MRM - Multiple Unit Residential (Medium Density)

Proposed OCP Designation: COMM - Commercial
MRL - Multiple Unit Residential (Low Density)
MRM - Multiple Unit Residential (Medium Density)

Existing Zone: A1 - Agriculture 1

Proposed Zone: C3 - Community Commercial
RM1 - Four Dwelling Housing
RM3 - Low Density Multiple Housing
RM5 - Medium Density Multiple Housing

1.0 Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP13-0005 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of portions of Lot 1, Section 33, Township 26, ODYD, Plan 4043, located at 1982 Kane Road, Kelowna, BC from the MRL - Multiple Unit Residential (Low Density) and MRM - Multiple Unit Residential (Medium Density) designations to the COMM - Commercial, MRL - Multiple Unit Residential (Low Density), and MRM - Multiple Unit Residential (Medium Density) designations, as shown on Map "A1" attached to the Report of Land Use Management Department dated June 5, 2013, be considered by Council;

AND THAT Official Community Plan Bylaw Amendment No. OCP13-0005 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of a portion of Lot C, Section 33, Township 26, ODYD, Plan EPP18422, located at

1970-1974 Kane Road, Kelowna, BC from the MRM - Multiple Unit Residential (Medium Density) designation to the COMM - Commercial designations as shown on Map "A2" attached to the Report of Land Use Management Department dated June 5, 2013, be considered by Council;

AND THAT Rezoning Application No. Z13-0006 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot 1, Section 33, Township 26, ODYD, Plan 4043, located at 1982 Kane Road, Kelowna, BC from the A1 - Agricultural 1 zone to the C3 - Community Commercial, RM1 - Four Dwelling Housing, RM3 - Low Density Multiple Housing, and RM5 - Medium Density Multiple Housing zones, as shown on Map "B1" attached to the Report of the Land Use Management Department dated June 5, 2013, be considered by Council;

AND THAT Rezoning Application No. Z13-0006 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot C, Section 33, Township 26, ODYD, Plan EPP18422, located at 1970-1974 Kane Road, Kelowna, BC from the RM5 - Medium Density Multiple Housing zone to the C3 - Community Commercial zone, as shown on Map "B2" attached to the Report of the Land Use Management Department dated June 5, 2013, be considered by Council;

AND THAT Council considers the applicant's April 11, 2013 Public Information Session to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the Report of the Land Use Management Department dated June 5, 2013;

AND THAT the Official Community Plan Bylaw Amendment Bylaws and the Zone Amending Bylaws be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Zone Amending Bylaw for Lot 1, Section 33, Township 26, ODYD, Plan 4043 (1982 Kane Road) be considered in conjunction with Council's consideration of a Development Permit on the subject property;

AND THAT final adoption of the Zone Amending Bylaw for Lot 1, Section 33, Township 26, ODYD, Plan 4043 (1982 Kane Road) be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer;

AND THAT final adoption of the Zone Amending Bylaw for Lot 1, Section 33, Township 26, ODYD, Plan 4043 (1982 Kane Road) be considered following registration of a mutual access agreement for access over Lot C, Section 33, Township 26, ODYD, Plan EPP18422 (1970-1974 Kane Road) and Lot 1, Section 33, Township 26, ODYD, Plan 4043 (1982 Kane Road) in favour of each lot, and a cross-parking and loading agreement between Lot C, Section 33, Township 26, ODYD, Plan EPP18422 (1970-1974 Kane Road) and Lot 1, Section 33, Township 26, ODYD, Plan 4043 (1982 Kane Road) in favour of each lot, to the satisfaction of the City of Kelowna, on the titles of both Lots C and 1 in the Land Titles Office;

AND THAT final adoption of the Zone Amending Bylaw for Lot 1, Section 33, Township 26, ODYD, Plan 4043 (1982 Kane Road) be considered subsequent to the requirements of the Development Engineering Branch and Glenmore-Ellison Improvement District being completed to their satisfaction;

AND FURTHER THAT final adoption of the Official Community Plan Bylaw Amendment Bylaw and the Zone Amending Bylaw for Lot C, Section 33, Township 26, ODYD, Plan EPP18422 (1970-1974 Kane Road) be considered separately from final adoption of the Official Community Plan Bylaw

Amendment Bylaw and the Zone Amending Bylaw for Lot 1, Section 33, Township 26, ODYD, Plan 4043 (1982 Kane Road).

2.0 Purpose

This application seeks to rezone the subject lands at 1982 Kane Road from the A1 - Agricultural zone to the C3 - Community Commercial, RM1 - Four Dwelling Housing, RM3 - Low Density Multiple Housing, and RM5 - Medium Density Multiple Housing zones, to facilitate Phase 2 of the existing Brandt's Creek Crossing retail shopping centre and future multi-family development. The proposed zoning requires amendments to the existing Official Community Plan (OCP) future land use designations, including expansion of the existing COMM - Commercial and MRM - Multiple Unit Residential (Medium Density) designations.

In conjunction with the subject applications, a minor correction to the zoning and OCP future land use designation on the west adjacent property at 1970-1974 Kane Road (Brandt's Creek Crossing - Phase 1) is proposed, to rezone a small portion of the northeast corner of the property from the RM5 - Medium Density Multiple Housing zone to C3 - Community Commercial, and to amend the future land use designation from MRM - Multiple Unit Residential (Medium Density) to COMM - Commercial, consistent with the balance of the property.

3.0 Land Use Management

According to the Kelowna 2030 OCP, commercial uses and increased residential density are encouraged within Village Centres, in the interest of supporting viable, pedestrian-oriented centres. The proposed extension of the COMM - Commercial future land use designation along Kane Road eastwards to Valley Road, to accommodate Phase 2 of the Brandt's Creek Crossing retail shopping centre, and the relative shift of the MRM - Multiple Unit Residential (Medium Density) designation northwards, is generally consistent with the principles of the OCP.

Within the proposed Commercial designation, the C3 - Community Commercial zone is considered to be the most appropriate for this location within the Glenmore Valley Village Centre, and is consistent with existing commercial lands within the Centre. Whereas Urban Centres are planned as strongly urbanized environments supported by high residential density, Village Centres are smaller scale areas, providing convenience commercial for area residents, typically focused along one or two arterial roads. Per the Zoning Bylaw, the C3 zone provides for "...the development of community commercial centres to serve more than one neighbourhood."

As proposed, the overall potential for residential development on the subject parcel is generally consistent with that afforded under the present OCP land use designations. The proposed RM5 - Medium Density Multiple Housing zone and the RM1 - Four Dwelling Housing zone are consistent with the residential density expectations of the MRM and MRL future land use designations, respectively, and provide for a transition of building form approaching the single family neighbourhood to the north of the subject site. Unfortunately, achievement of the comprehensive vision for the area north of Kane Road between Drysdale Boulevard and Valley Road is somewhat compromised by the unwillingness for coordinated development to proceed on the remnant parcel at 368 Valley Road.

Proposed Commercial Retail Development

In future design work, consideration should be given to the comprehensive design of development on the proposed commercial parcel relative to the existing Brandt's Creek Crossing - Phase 1 commercial development on the west adjacent site at 1970-1974 Kane Road – in terms of

coordinated design, layout, access and circulation – such that the two sites appear and function as one comprehensive commercial development.

A strong design interface with Kane Road should be maintained, with the continuation of building frontage adjacent to Kane Road in alignment with the existing commercial retail building on the west adjacent site, refined building elevations with glazing and building accesses, and enhanced landscaping. The proposed development should also provide a strongly articulated design response to the corner condition at Kane Road and Valley Road, through architectural form and treatment, landscaping, and public realm enhancements. Additionally, there should be a well considered treatment along the east property line, as the site is clearly visible from Valley Road and the relative portion of adjacent intervening property at 368 Valley Road is unlikely to develop given its relatively narrow dimension (see Subject Property Map on p.7).

In order for Village Centres to succeed, there needs to be integrated design for pedestrian circulation, safety, and comfort. As such, the proposed design should demonstrate a clear plan for separated, safe and comfortable pedestrian access and circulation, and coordinate seamlessly with the west adjacent commercial retail site. It should also be noted that there is a Zoning Bylaw requirement for a minimum of 2 m² of landscaped island per required parking space, as well as an OCP policy of one shade tree for every 4 parking spaces.

4.0 Proposal

4.1 Background

In January 2012, Council approved Zoning and OCP Amendment applications, subject to conditions, for the west adjacent property, to facilitate the construction of a retail shopping centre at 1970-1974 Kane Road (present Brandt's Creek Crossing - Phase 1) and future multi-family residential development at 333 Drysdale Boulevard and 300 Glen Park Drive. In March 2012, Council subsequently approved Development and Development Variance Permit applications for the retail shopping centre at 1970-1974 Kane Road.

4.2 Project Description

1982 Kane Road

The applicant has submitted Official Community Plan (OCP) Amendment, Rezoning and Subdivision applications to extend the existing commercial and multi-family residential land uses on the west adjacent properties to the subject site, to enable:

- the continuation of commercial development on the north side of Kane Road to Valley Road, adjacent to the existing Brandt's Creek Crossing retail development;
- the completion of the final remaining portion of Drysdale Boulevard north to Glen Park Drive; and
- the reconfiguration of the subject lands relative to the west adjacent lands at 333 Drysdale Boulevard, so that the proposed multi-family residential parcels can be comprehensively developed, with access from Drysdale Boulevard (see attached Conceptual Site Plan).

Specifically, the Rezoning application proposes to rezone the subject property from the existing A1 - Agriculture 1 zone to the C3 - Community Commercial, RM5 - Medium Density Multiple Housing, RM3 - Low Density Multiple Housing, and RM1 - Four Dwelling Housing zones, consistent with Map 'B1' attached.

Consistent with the existing commercial properties in the Glenmore Valley Village Centre, C3 zoning is proposed along the Kane Road frontage, at the south end of the subject parcel. The proposed C3 zoning would facilitate the development of community commercial uses adjacent to the existing Brandt's Creek Crossing - Phase 1 retail shopping centre site to the west at 1970-1974 Kane Road, and the completion of commercial development along the north side of Kane Road to Valley Road. The proposed commercial parcel would be approximately 5,360 m² in area and subdivided from the remainder of the subject development parcel. The conceptual site plan anticipates two retail buildings, with an approximate area of 1,635 m². It is anticipated that the proposed commercial parcel will be developed as Phase 2 of the existing Brandt's Creek Crossing retail shopping centre on the west adjacent property at 1970-1974 Kane Road.

The subject property owner, Raisanen Construction Ltd., has made demonstrated efforts to coordinate with the east adjacent property owner at 368 Valley Road, so that the proposed commercial site might extend fully to Valley Road; however, the property owner of this remnant parcel has not expressed an interest in moving ahead with development at this time.

The proposed RM5 and RM3 zone areas, north of the proposed C3 zone area, reflect the future alignment of Drysdale Boulevard relative to the existing RM5 and RM3 zoning on the west adjacent parcels at 333 Drysdale Boulevard and 300 Glen Park Drive, and would typically facilitate condominium and/or townhouse development. The proposed RM1 zoning at the far north end of the subject property, at Drysdale Boulevard and Glen Park Drive, would serve as a transition to the existing single-family neighbourhood, and permits a maximum of four dwelling units in a residential building.

While the zoning boundaries proposed are generally congruent with the OCP, they necessitate an amendment to the OCP to change the Future Land Use Designations for the subject property, consistent with Map 'A1' attached. The existing Commercial designation would be expanded to the east property boundary of the subject site, while the existing MRM and MRL designations would be updated to consider the Drysdale Boulevard alignment and existing land use designations on the west adjacent lands.

The applicant has provided a conceptual site plan that considers both the commercial development proposed at the south end of the subject property, and multi-family development to the north. Development Permit applications, however, have not yet been submitted in conjunction with the rezoning application. Should Council give favourable consideration to the rezoning application, Development Permit applications will be required for the commercial component of the proposal, as well as for the proposed RM1 component, prior to final adoption of the zone amending bylaw for the subject property. The proposed corresponding subdivision application would see the creation of two new multi-family residential parcels (in combination with the west adjacent multi-family lands at 333 Drysdale Boulevard) with access from Drysdale Boulevard. At present, it is anticipated that the development of multi-family residential on the proposed parcels will be pursued at a future date through a separate Development Permit process. The OCP Comprehensive Design Guidelines will apply to future commercial and multi-family development on the site.

Proposed Future Multi-Family Residential Development

When plans for the multi-family sites advance – for townhouse and/or apartment development – design consideration should be given to creating an effective, pedestrian-oriented street edge, with primary building elevations and entrances for ground-level units fronting onto public street.

In conjunction with the Subdivision application, vehicular access for the proposed RM5 zoned parcels will be sought from Drysdale Boulevard. Based on the proposed concept plan, staff would seek consolidated access for “Proposed Lot 2” with “Proposed Lot 3” on Drysdale Boulevard. Provision of access for the proposed multi-family residential complex from the existing commercial service lane is not suitable and would result in significant vehicular conflicts. Additionally, the layout and design of the proposed RM5 site should aim to minimize the effects of the south adjacent commercial site (Brandt’s Creek Crossing - Phase 1) on the enjoyment of proposed residential units, given that loading activities for the existing grocery store occur along the shared property boundary. The proposed new commercial development should ensure appropriate setbacks and landscaping to the adjacent residential parcels.

1970-1974 Kane Road

In conjunction with the subject applications, a minor correction to the zoning and OCP future land use designation on the west adjacent property at 1970-1974 Kane Road (Brandt’s Creek Crossing - Phase 1) is also proposed, to rezone a small portion of the northeast corner of the property from the RM5 - Medium Density Multiple Housing zone to C3 - Community Commercial, and to amend the future land use designation from MRM - Multiple Unit Residential (Medium Density) to COMM - Commercial, consistent with the balance of the property, and as reflected on Maps “A2” and “B2”. These amendments are consistent with the intent of the original Zoning and OCP Amendment applications approved in January 2012.

4.3 Site Context

The subject 1.98 ha property is located in the Glenmore Valley Village Centre, with primary frontage on Kane Road. The surrounding area is a mix of Village Centre commercial, existing and future multi-family development, and single-family housing. Within a 5 minute walking distance (400 m) of the site are Whitman Glen Park, Sutton Glen Park, Brandt’s Creek Linear Park, and the future Glenmore Recreation Park. Nearby transit routes run along Kane Road and Valley Road.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU2 - Medium Lot Housing	Single family housing
East	A1 - Agriculture 1 RR3 - Rural Residential 3	Undeveloped rural property (future multi-family)
South	A1 - Agriculture 1	Undeveloped rural property (future multi-family)
West	C3 - Community Commercial RM3 - Low Density Multiple Housing RM5 - Medium Density Multiple Housing	Brandt’s Creek Crossing - Phase 1 retail shopping centre Vacant (future multi-family) Vacant (future multi-family)

Subject Property Map: 1982 Kane Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Staff recommends that the applicant’s April 11th, 2013 Public Information Session be considered appropriate consultation for the purpose of Section 879 of the *Local Government Act*, and that the process is sufficiently early and does not need to be further ongoing in this case. Furthermore, additional consultation with the Regional District of Central Okanagan, other boards, councils or agencies listed in Section 879, is not required in this case.

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

Chapter 5 - Development Process

Policy 5.2.3 - Complete Suburbs. Support a mix of uses within Kelowna’s suburbs (see Map 5.1 - Urban Core Area), in accordance with “Smart Growth” principles to ensure complete communities. Uses that should be present in all areas of the City (consistent with Map 4.1 - Future Land Use Map), at appropriate locations, include: commercial, institutional, and all types of residential uses (including affordable and special needs housing) at densities appropriate to their context. Building heights in excess of four storeys will not be supported within the suburban areas, unless provided for by zoning existing prior to adoption of OCP Bylaw 10500.

Policy 5.3.2 - Compact Urban Form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through

development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Policy 5.10.1 - Maximize Pedestrian / Cycling Connectivity. Require that pedestrian and cyclist movement and infrastructure be addressed in the review and approval of all City and private sector developments, including provision of sidewalks and trails and recognition of frequently used connections and informal pedestrian routes. With new developments, require dedication of on-site walking and cycling paths where necessary to provide links to adjacent parks, schools, transit stops, recreation facilities, employment nodes, cul-de-sacs and large activity areas.

Policy 5.40.1 - Evaluation Checklist (OCP Amendment Applications)

Evaluate development applications that require an OCP amendment on the basis of the extent to which they comply with underlying OCP objectives, including the following:

- Does the proposed development contribute to preserving lands with slopes greater than 30%? - *Yes.*
- Does the proposed development respect the OCP Permanent Growth Boundary (OCP Map 4.1 and 5.2)? - *Yes.*
- Does the proposed development feature a mix of residential, employment, institutional, and/or recreational uses within individual buildings or larger development projects? - *Yes. The overall site calls for a mix of commercial and multi-family uses.*
- Is the proposed development located in an Urban Centre? - *No. The site is located within a Village Centre.*
- Does the proposed development increase the supply of affordable (as defined in the OCP) apartments or townhouses? *No affordable housing component is contemplated at this time.*
- Is the property serviced with water and City sanitary sewer at the time of application? - *Yes.*
- Could the proposed project be built at no financial cost to the City? (This should consider operational and maintenance costs.) - *Yes.*
- Would the proposed project help decrease the rate of travel by private automobile, especially during peak hours? - *Yes. The increased commercial space would create a greater critical mass in the Glenmore area, limiting automobile trips to other areas.*
- Is there transit service within 400 metres of non-residential projects or major employment generators (50+ employees)? - *Yes.*
- Does the proposed project involve redevelopment of currently under-utilized, urbanized land? - *Yes.*
- Does the proposed project result in the creation of substantially more public open space than would be available if the development were not to proceed (not including required open space dedications or non-developable areas)? - *No.*
- Is there a deficiency of properties within the applicable Sector (see Map 5.4) that already have the required OCP designation? - *Yes. The other commercially designated sites in the Glenmore Valley Village Centre are already developed, with the exception of a modest A1 zoned site on Glenmore Road.*
- Does the project avoid negative impacts (shadowing, traffic, etc.) on adjoining properties where those adjoining properties are not slated for land use changes? - *Yes. Adjoining properties to the east and west are designated and/or zoned for multi-family development.*

- Is the project consistent with the height principles established in the OCP? - Yes.
- If the project goes ahead, would surrounding property owners be likely to develop their properties as per OCP Future Land Use and other City policy provisions? *The proposed development would not impede surrounding property owners from developing as per OCP Future Land Use and other City policy provisions, with the exception of the remnant lot to the east at 368 Valley Road, which is presently not part of the subject land assembly.*
- Would the additional density or new land use designation enhance the surrounding neighbourhood in a way that the current land use designation does not? *The proposal would provide for additional commercial opportunities for surrounding residents.*
- Could the project be supported without over-burdening existing park and other community resources or threatening the viability of existing neighbourhood resources? - Yes. *Approximately the same amount of residential development potential over the entire site remains under the proposed future land use designations.*

Chapter 7 - Infrastructure

Policy 7.7.2 - Ease of Movement. Ensure that pedestrians, bicyclists and transit users can move about pleasantly and conveniently and that they are not unduly impeded in their movements by provisions for enhanced automobile mobility.

Policy 7.10.2 - Traffic Calming. At rezoning, require that all local and minor collector roads be traffic calmed at developer's cost if they are connected to a new development generating more than 10 trips during the peak hour. Priority should be given to traffic calming measures on roads near elderly and child-oriented spaces and facilities.

6.0 Technical Comments

6.1 Development Engineering Department

See attached Memorandum

6.2 Glenmore-Ellison Irrigation District

See attached Memorandum

7.0 Application Chronology

Application received:	February 4, 2013
Applicant Hosted Public Information Session:	April 11, 2013 (see attached Summary)
Supplementary materials received:	May 31, 2013

Report prepared by:

Abigail Riley, Land Use Planner

Reviewed by:

Danielle Noble, Manager, Urban Land Use

Approved for Inclusion

D. Gilchrist, A. General Manager, Community Sustainability

Attachments:

Maps A1 & B1

Maps A2 & B2

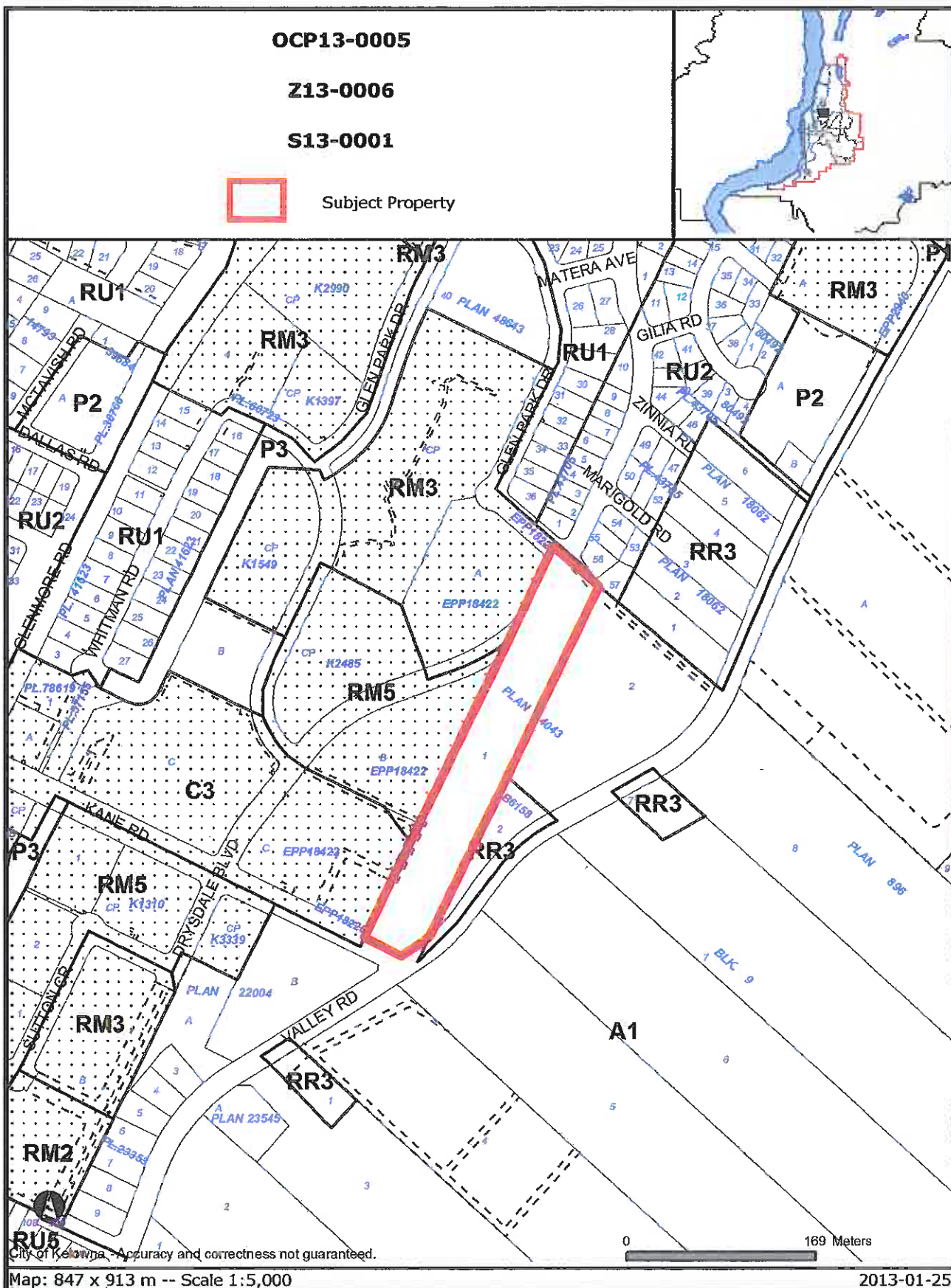
Subject Property Map

Conceptual Site Plan

Development Engineering Memorandum

Glenmore Ellison Irrigation District Memorandum

Applicant's Summary - Public Information Session










Subject Property Notes:

Amend the OCP for a portion of the subject property from Multiple Unit Residential (Low Density) MRL to Multiple Unit Residential (Medium Density) MRM.

Subject Property Notes:

Amend the OCP for a portion of the subject property from Multiple Unit Residential (Medium Density) MRM to Commercial COMM.

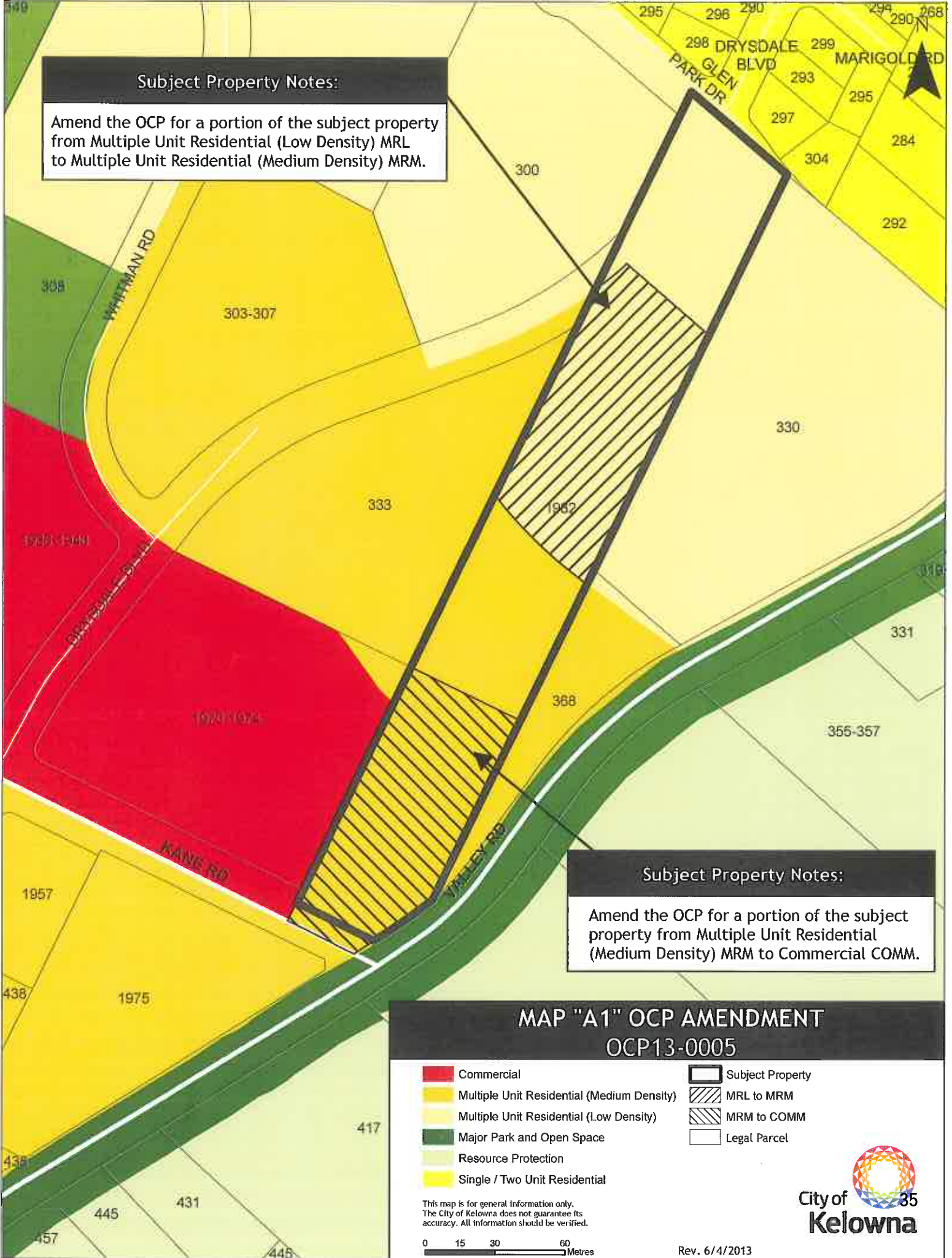
**MAP "A1" OCP AMENDMENT
OCP13-0005**

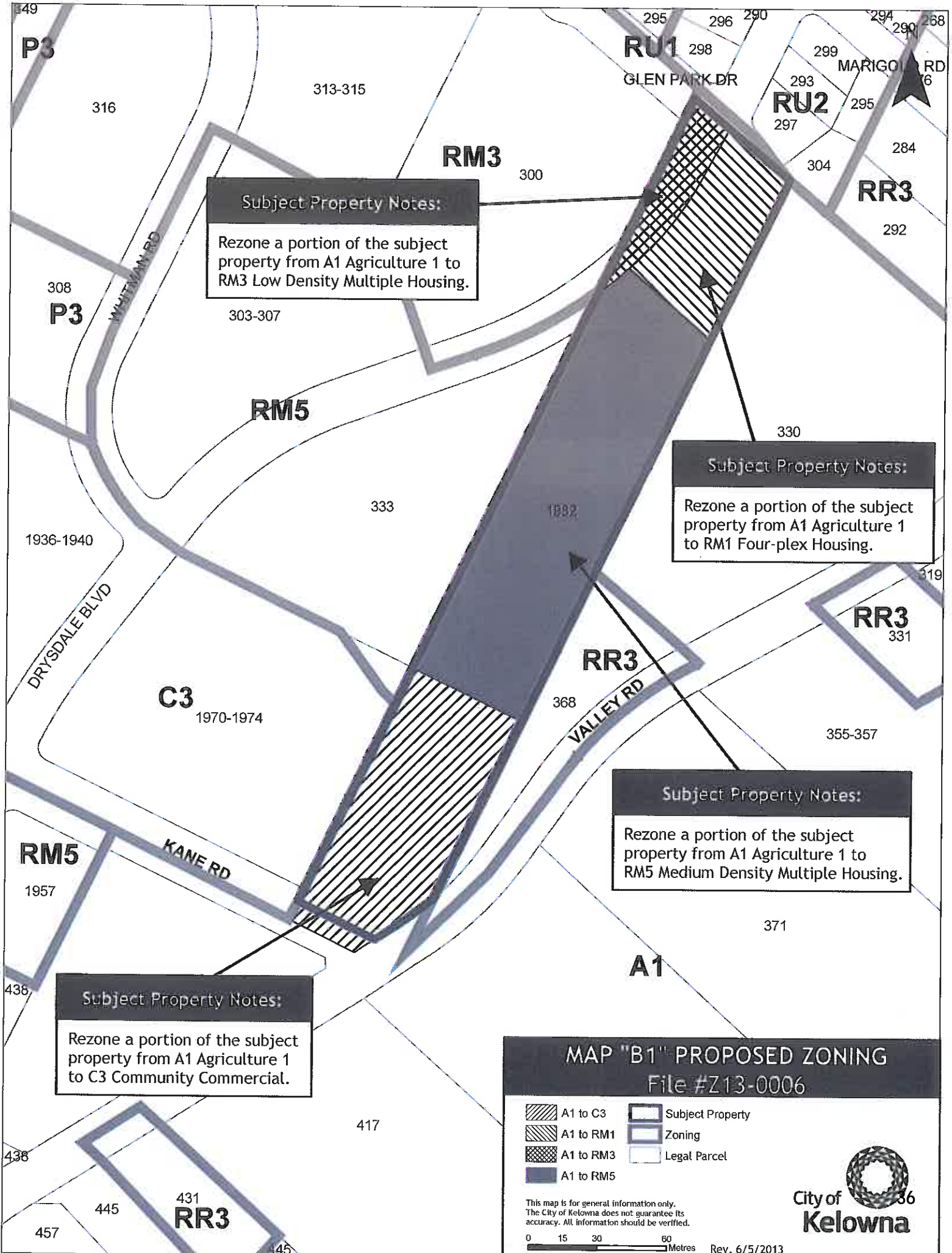
- | | |
|--|--|
|  Commercial |  Subject Property |
|  Multiple Unit Residential (Medium Density) |  MRL to MRM |
|  Multiple Unit Residential (Low Density) |  MRM to COMM |
|  Major Park and Open Space |  Legal Parcel |
|  Resource Protection | |
|  Single / Two Unit Residential | |

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

0 15 30 60 Metres

Rev. 6/4/2013





Subject Property Notes:
 Rezone a portion of the subject property from A1 Agriculture 1 to RM3 Low Density Multiple Housing.

Subject Property Notes:
 Rezone a portion of the subject property from A1 Agriculture 1 to RM1 Four-plex Housing.

Subject Property Notes:
 Rezone a portion of the subject property from A1 Agriculture 1 to RM5 Medium Density Multiple Housing.

Subject Property Notes:
 Rezone a portion of the subject property from A1 Agriculture 1 to C3 Community Commercial.

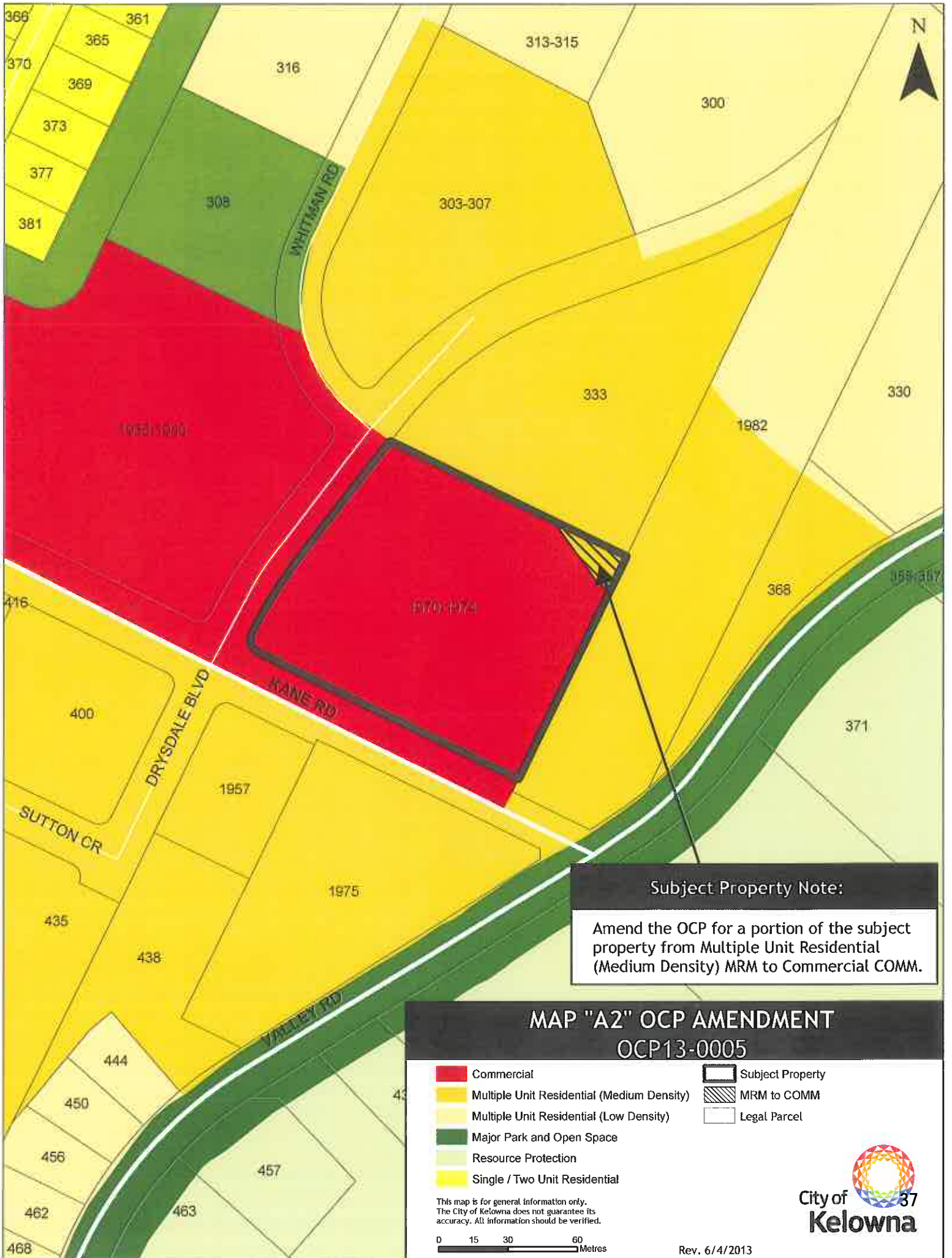
MAP "B1" PROPOSED ZONING
 File #Z13-0006

- A1 to C3
- A1 to RM1
- A1 to RM3
- A1 to RM5
- Subject Property
- Zoning
- Legal Parcel

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










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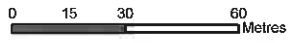


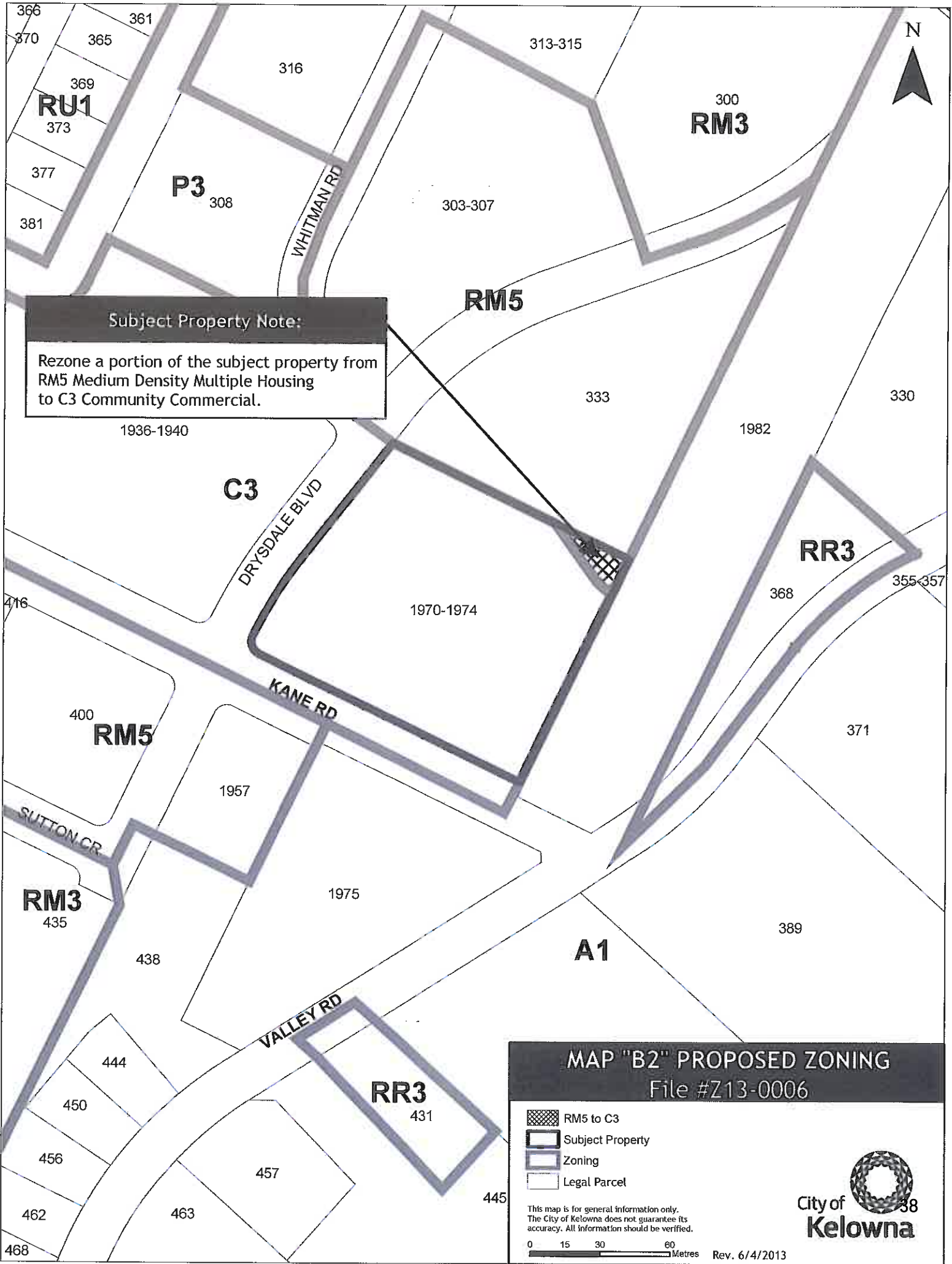
Subject Property Note:
 Amend the OCP for a portion of the subject property from Multiple Unit Residential (Medium Density) MRM to Commercial COMM.

**MAP "A2" OCP AMENDMENT
 OCP13-0005**

- | | |
|--|--|
|  Commercial |  Subject Property |
|  Multiple Unit Residential (Medium Density) |  MRM to COMM |
|  Multiple Unit Residential (Low Density) |  Legal Parcel |
|  Major Park and Open Space | |
|  Resource Protection | |
|  Single / Two Unit Residential | |





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



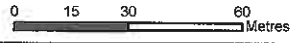


Subject Property Note:
 Rezone a portion of the subject property from RM5 Medium Density Multiple Housing to C3 Community Commercial.

MAP "B2" PROPOSED ZONING
 File #Z13-0006

-  RM5 to C3
-  Subject Property
-  Zoning
-  Legal Parcel

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



1	PLANNING	PREPARED BY
2	DESIGN	DATE
3	REVISIONS	BY
4	DATE	BY

RAISANEN
CONSTRUCTION
LTD.

THOMAS
GAFFNEY
ARCHITECT
INC.
1000 W. WASHINGTON ST. # 200
MILWAUKEE, WI 53233

DRYSDALE BLVD
APARTMENTS

AREA
SITE PLAN

SCALE	DATE	BY
1" = 80'-0"	11/17/11	A-1
NO. OF SHEETS	TOTAL SHEETS	SHEET NO.
1	1	1



1 AREA PLAN
1" = 80'-0"

AREA SITE PLAN

CITY OF KELOWNA
MEMORANDUM

FILE COPY

Date: April 28, 2013
File No.: Z13-0006
To: Land Use Management (AR)
From: Development Engineering Manager (Revision 2 Comments)
Subject: 1892 Kane Rd, Drysdale Blvd. Lot 1 Sec 33 TP 26 ODYD Plan 4043

The Development Engineering Branch comments and requirements regarding this application to rezone from A-1 Agriculture 1 zone to C3-Community Commercial, RM1 Four Plex Housing, RM3 Low Density Multiple Housing and RM5 Medium Density Multiple Housing are as follows:

.1) General

- a) The postal authorities must be contacted to determine whether or not a "community mailbox" will be utilized, and if so, its location should be determined and the proposed location shown on the construction plans. Please contact the Canadian Post Corporation, Delivery Services, P.O. Box 2110, Vancouver, B.C. V6B 4Z3 (604) 662-1381 in this regard.
- b) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- c) Provide easements as may be required.

.2) Dedications

- a) On the Kane Road frontage, provide an additional 6m dedication for a roadway allowance matching the adjacent parcels to the west.
- b) Dedicate a 6m x 6m corner truncation at the Kane Rd, Valley Rd property line intersection.
- c) Additional road allowance widening (road reserve) for a roundabout at the Valley Rd intersection
- d) Dedicate and construct Drysdale Boulevard to a SS-R5 (20m) standard, matching the existing Drysdale Blvd. Provide a 6m radius corner rounding.
- e) Dedicate and construct Glen Park Drive to a SS-R5 (20m) standard, matching the existing Glen Park Drive.

.3) Geotechnical Study.

A comprehensive Geotechnical Study is required, which is to be prepared by a Professional Engineer competent in the field of geotechnical engineering, the study is to address the following:

- Overall site suitability for development.
- Presence of ground water and/or springs.
- Presence of fill areas.
- Presence of swelling clays.
- Presence of sulphates.
- Potential site erosion.
- Provide specific requirements for footings and foundation construction.
- Provide specific construction design sections for roads and utilities over and above the City's current construction standards

.4) Water

- a) The property is located within the Glenmore Ellison Improvement District service area.
- b) Ensure an adequately sized domestic water and fire protection system is in place. The developer is required to make satisfactory arrangements with the GEID for these items. All charges for service connection and upgrading costs are to be paid directly to the GEID.

.5) Sanitary Sewer

- a) Provide an adequately sized sanitary sewer connection. Only one service is to be provided per lot.
- b) Decommissioning of the existing small diameter services and the installation of the new service will be at the applicant's cost.
- c) Perform a downstream capacity analysis of the City's Sanitary Sewer system based on the proposed development unit count.

.6) Drainage

- a) A requirement of this rezoning application will be to prepare a storm water management plan complete with a detailed Site Grading Plan including erosion and sedimentation controls required onsite and on the frontage roads.
- b) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- c) There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.

.7) Roads

- a) Kane Road is designated an urban collector road. Dedicate and construct the road to match the existing road section to the west and also to accommodate a future roundabout at the Valley Road intersection, including curb and gutter, separate sidewalk, piped storm drainage system, road works, landscaped boulevard complete with underground irrigation system, and street lights.
- b) On Kane Road a future asphalt overlay is required for the full road frontage up to the centre line of the road however, the City wishes to complete this work at a later date as part of a larger project; therefore cash in-lieu of construction is required.
- c) Drysdale Boulevard is designated an urban collector road. Dedicate and construct to a full urban standard including curb and gutter, sidewalk, piped storm drainage system, road works, landscaped boulevard complete with underground irrigation system, and street lights. The completion of the Drysdale Boulevard connection will necessitate traffic calming in the form of six speed humps. Locations are provided in the attached plan.
- d) Glenpark Drive shall be dedicated and constructed to a SS-R5 standard along the applicant's frontage, complete with curb and gutter, sidewalk, piped storm drainage system, road works, landscaped boulevard, underground irrigation and street lights.
- e) The existing driveway letdown along the Valley Road frontage shall be removed and the curb, gutter and sidewalk reconstructed to match the existing standard.
- f) Other comments may be forthcoming pending submission of Development Permit Drawings for on-site and directly adjacent-to-site zones.

.8) Power and Telecommunication Services and Street Lights

- a) Prior to issuance of Building Permit, the applicant must make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.

.9) Design and Construction

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Development Engineering Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

.10) Servicing Agreements for Works and Services

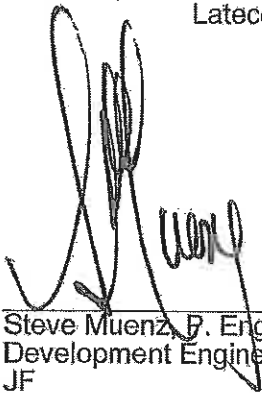
- a) A Servicing Agreement is required for all offsite works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. **The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works.** The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

.11) Other Engineering Comments

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

.12) Charges and Fees

- a) Development Cost Charges (DCC's) are payable
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
 - ii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - iii) Engineering and Inspection Fee: 3% of construction value (plus GST).
- c) Sewer Specified Area Administration Fee of \$250.00 to amend service boundary (Spec area 1).
- d) Storm Drainage (Detention Tank) proportionate cost **\$67,726.91** as per Latecomer Agreement 2250-70-91



Steve Muenz, P. Eng.
Development Engineering Manager
JF



Glenmore-Ellison Improvement District

445 Glenmore Road
Kelowna, BC V1V 1Z6

Email: glenmore.ellison@shaw.ca
Website: www.glenmoreellison.com

Phone: 250-763-6506

Fax: 250-763-5688

March 5, 2013

City of Kelowna
Land Use Management Dept.
1435 Water St.
Kelowna, BC

V1Y 1J4

Attention: Abigail Riley (via email: hbenmore@kelowna.ca)

Re: City of Kelowna Rezoning Application Z13-0006, OCP13-0005 & S13-0001
Lot 1, Plan 4043 - 1892 Kane Rd.

Glenmore-Ellison Improvement District is in receipt of a referral for the rezoning and subdivision of Lot 1, Plan 4043, 1892 Kane Rd.

According to Drawing A-1.1 dated January 2, 2013 from Thomas Gaffney Architect Inc., a total of six lots will be created from the three existing lots. This application includes the subdivision of Lot 1, Plan 4043, Lot A, Plan EPP18422, and Lot B, Plan EPP18422 to create six new parcels. The subdivision will also include the extension of Drysdale Boulevard north to Glen Park Drive. The newly created parcels will be zoned as RM-3, RM-1, RM-5, and C-3.

Water servicing

Lot 1, Plan 4043 has one domestic service connection on Kane Rd. and a separate irrigation connection at the north end of the property. Lots A & B, Plan EPP18422 are currently unserviced.

At the time of development, the two existing services currently supplying Lot 1, Plan 4043 must be removed and capped at GEID's watermains on Kane Rd. and Glen Park Dr., with all costs borne by the applicant. In addition, water service connections will need to be installed to all six lots created by the subdivision. Upon receipt of servicing details for these properties, GEID will be able to provide comments on the costs for this work, and any additional water servicing requirements that exist.

Performance bonding, maintenance bonding, and review fees will be required in accordance with GEID bylaws in force at the time of application. The applicant will need to have hydrant spacing and locations reviewed by the City of Kelowna Fire Department, based on expected fire flow requirements for the future development.

Capital Expenditure Charges

CECs were paid at time of subdivision for Lots A and B, EPP18422 and CECs are considered paid for Lot 1, Plan 4043. GEID's 2011 Capital Expenditure Charge Bylaw provides credits for existing water rights. A summary of the current CEC credits are as follows:

Parcel	Domestic CEC Credit	Agricultural CEC Credit
Lot A, Plan EPP18422	\$4,800	2.67 ac/1.08 ha * \$7,200 = \$7,776
Lot A, Plan EPP18422	\$4,800	3.29 ac/1.33 ha * \$7,200 = \$9,576
Lot 1, Plan 4043	\$4,800	4.85 ac/1.96 ha * \$7,200 = \$14,112
Subtotal	\$14,400	\$31,464

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TOTAL	\$45,864
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The total CECs payable for the six newly created lots are based on construction of a single family residence or the first 250 m2 of commercial floor area. Under current bylaws, the CEC rate is \$4,800 per unit, so a total of \$28,800 in CECs are required.

A total of \$17,064 in credits will remain after subdivision, which can be split among the six new parcels, or for simplicity, allocated to one of the six parcels of the applicant's choice. These credits, along with the \$4,800 per lot, will be credited towards the CECs payable at time of development. For multifamily and commercial developments, the actual CECs are based on the number of units or the floor area respectively, and will be assessed at the time of development.

Due to the existing CEC credits, no CECs are currently payable for the current subdivision application. Please note that GEID charges CECs on the basis of the bylaw in force at the time of payment, or at the time a water letter for subdivision is issued by GEID. In the event that a new CEC bylaw is passed between the date of this letter and the date of payment (or in the case of credits, the date that a water letter is requested from GEID), the new rates will be applied. The property owner must advise GEID regarding the allocation of the remaining credits prior to GEID issuing any water letters.

Development Application Fee

A Development Application Fee of \$150.00 is payable under GEID Miscellaneous Charge Bylaw #121 for the review of all subdivision, rezoning and development applications. Additional review fees will be billed to the developer in the event that multiple revisions are required to design drawings.

New Account Fees

As required in Miscellaneous Charge Bylaw #121, a fee of \$20.00 per newly created parcel is required. As this application includes the registration of six new parcels, new account fees of \$120.00 apply.

Inspection, Administration and Connection Fees and Bonding

GEID applies fees for inspection of new water service connections, for the disconnection of the existing services. Submission of engineering design drawings for water servicing is required to calculate the all other fees that apply under GEID bylaws, along with bonding requirements for the construction of new water main beneath Drysdale Road.

If you have any questions on this matter, please do not hesitate to contact my office.

Yours truly,

**GLENMORE-ELLISON
IMPROVEMENT DISTRICT**



Darren Schlamp
Operations Manager

c.c. Tim Brown, Porter Ramsay (via email: tbrown@porterramsay.com)

REB JRO
APR 12/13.
[Signature]

Summary Report of Neighborhood Consultation

Rezoning Z13-0006 / OCP Amendment OCP13-0005 / Subdivision S13-0001
1982 Kane Road, Kelowna (Raisanen Construction Ltd. – Owner)

Date: April 11, 2013

Prepared by: Fred Marin , Authorized Agent

In an effort to comply with recently adopted City of Kelowna policy No. 367, the applicant initiated and staged a neighborhood "Public open House" information session relating to the above noted application. The details of this neighborhood consultation are listed in point form as follows:

1. Where was the information session held ?
 - Okanagan Jewish Community Centre, 102 Snowsell St., Kelowna
 - Hosted by : Terry Raisanen (Owner), Fred Marin (Agent)
 - City of Kelowna representative: Abigail Riley (Land Use Management)

2. At what time and for what duration was the information session held?
 - Start was 7:00 pm for two hours, ended at 9:00 pm

3. How many people attended the information session?
 - Nine (9) signed attendees (plus 3 spouses for a total of 12)
 - Five (5) members of the Glenmore Valley Community Assn. (incl. above)

4. How was the information session advertised ?
 - Newspaper Ad , Th e Daily Courier , Friday , March 22, 2013 (copy attached)
 - Newspaper Ad, Capital News, Friday , March 22, 2013 (copy attached)
 - Hand delivered flyers to each of the properties within the 50 meter radius
 - E-mail copies of the flyer to each of the abutting property owners
 - E-mail copies of the flyer to the Glenmore Valley Community Assn. executive
 - E-mail notice to Strata Manager of condo complex at 333 – 337 Whitworth
 - Copies of the flyer and handout are attached.

5. How were affected property owners notified of the information session?
 - See 4. Above

6. What information was provided at the information session?

- 2' x 3' foam board display: color drawing of proposed rezoning
- 2' x 3' foam board display: line drawing of proposed buildings / site plan
- 2' x 3' Civil Engineer's drawing of proposed roadway (Drysdale Road)
- 11" x 17" handouts of proposed rezoning, site plan, proposed roundabout at corner of Kane Rd and Valley Rd (City Engineering supplied drawing).

7. How was the input received at the information session used?

- Concerns were expressed by attendees as to the traffic issues possibly resulting from the completion of Drysdale Blvd., this was already anticipated by the City Engineering dept. and traffic calming "bumps" have been made a requirement at suitable locations along the proposed extension of Drysdale Blvd. The residents were satisfied that the City / Developer had taken suitable precautions in this respect.
- Concerns were expressed as to density and building height for the RM-5 portion of the development. The Developer indicated medium density multi-family has been part of the OCP for a large portion of the subject property for many years. The proposed OCP amendment is relatively minor and it was pointed out that the RM-1 (fourplex) zoning provided a reasonable buffer to the single family residential neighborhood to the north. Residents were satisfied the proposed development did not exceed the height of existing medium density multi-family developments now existing in the neighborhood.
- Neighborhood residents expressed support for both the traffic circle proposed for Kane Rd. at Valley Rd., as well as the commercial rezoning proposed for the lands fronting Kane Rd. Information session attendees deemed these "appropriate" and of no concern.

8. Was the information session organized and conducted in a manner consistent with the Objectives of this policy?

- It is the belief of the Owner and the Owner's Agent that suitable efforts were made to inform the immediate neighborhood and the general public of the application and to afford a reasonable opportunity for those so inclined to voice their opinion on the application.

REPORT TO COUNCIL



Date: June 5, 2013
RIM No. 1250-30
To: City Manager
From: Land Use Management, Community Sustainability (PMc)

Application: Z12-0006 **Owner:** Finnasha Holdings Corp. Inc.
No. BC0905417

Address: 587-589 Lawrence Ave **Applicant:** Rising Tide Consultants Ltd.
For DV8 Entertainment Inc.

Subject: Rezoning

Existing OCP Designation: MXR - Mixed Use (Commercial / Residential)

Existing Zone: C7 - Central Business Commercial

Proposed Zone: C7lp - Central Business Commercial (Liquor Primary)

1.0 Recommendation

THAT Rezoning Application No. Z12-0006 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, DL 139, O.D.Y.D., Plan 2536, located on 578-589 Lawrence Avenue, Kelowna, BC from the C7 - Central Business zone to the C7 lp - Central Business (Liquor Primary) zone, be considered by Council.

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

AND THAT final adoption of the Zone Amending Bylaw be considered in conjunction with Council's consideration of a Liquor License Application for the subject property.

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

2.0 Purpose

The applicant is proposing to rezone the subject property with the "Liquor Primary" designation to allow for a new liquor primary license with a patron capacity proposed at 250 people.

3.0 Land Use Management

This application is for a new liquor primary license (Large Establishment) for the subject property. The new license is to accommodate a full service entertainment venue that will provide both a kitchen and bar (featuring local microbreweries and local wineries) in addition to a social lounge that will be marketed as "The Mixing Room". The goal is to create an

entertainment venue that “will be a premier go to destination for diners and entertainment seekers of all ages throughout the Okanagan.... Our vision is to provide a safe, relaxed atmosphere where adults 25+ can come to enjoy great food, a one of a kind dining experience, award winning wines and a variety of entertainment options under one roof”. With this objective, multiple components of the Downtown Plan could be achieved by adding to entertainment options to residents and visitors alike, creating vibrancy to this block of Lawrence with both day and evening social activities, and establishing a venue that caters to a wide demographic profile. The applicant provided a list of support from adjacent land owners/tenants in the immediate area and general consensus was that this was an exciting proposal that will rejuvenate this area and provide positive activity to this Downtown block.

Council Policy #359 provides guidance related to the establishment of Liquor Primary establishments. The proposal is consistent with the Council Policy, given that the location is within the Downtown core, and is not located within 250m of another large liquor primary establishment. Notably, the nearest liquor primary establishment (Blue Gator) is located 288m away, while Tonics Pub is located within 325m. For the above reasons, Staff are supportive of this new entertainment establishment to revitalize this area of the Downtown and add to the entertainment options that serve to deliver on components of realizing the Downtown Plan.

4.0 Proposal

4.1 Background

The applicant originally made application for rezoning and liquor licensing on February 12, 2012. However, owing to a company restructuring, the applicant requested that the application be held in abeyance till these issues were sorted out. The corporate structure reorganization concluded in April 2013 and the applicant wishes to proceed with this application with a new consultant team involved.

4.2 Project Description

The subject property is developed with a single storey commercial building. The C7 - Central Business Commercial zone requires provision of parking at a rate of 1.3 stall per 100m² GFA, regardless of the use category of the building. There is no increase in building area proposed as part of this application. Therefore the existing parking provided on the subject property is deemed adequate from a zoning bylaw perspective. To date, there has been no mention of façade improvements to update the exterior of the building.

The applicant is proposing to develop two licensed establishments on the subject property; a 204 m² (2,200sf) kitchen and bar, operated as a coffee shop with a pub featuring micro breweries and local wineries. Additionally, a 297 m² (3,200sf) Social Lounge catering to a more mature, upscale clientele will also be offered. The intent is to provide a combination of beverage, dining and entertainment options, operating as one facility called the “Mixing Room”. The proposal includes a Kitchen and Bar area with a capacity of 120 persons, while the lounge area of a 130 persons, for a total capacity of 250 patrons. The lounge area includes a dance floor.

Capacity

Kitchen and Bar area	120 patrons
Social Lounge area	130 patrons
Total proposed Capacity	250 Patrons

Hours of Operation requested

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
11:00 am	11:00 am	11:00 am	11:00 am	11:00 am	11:00 am	11:00 am
2:00 am	2:00 am	2:00 am	2:00 am	2:00 am	2:00 am	2:00 am

4.3 Site Context

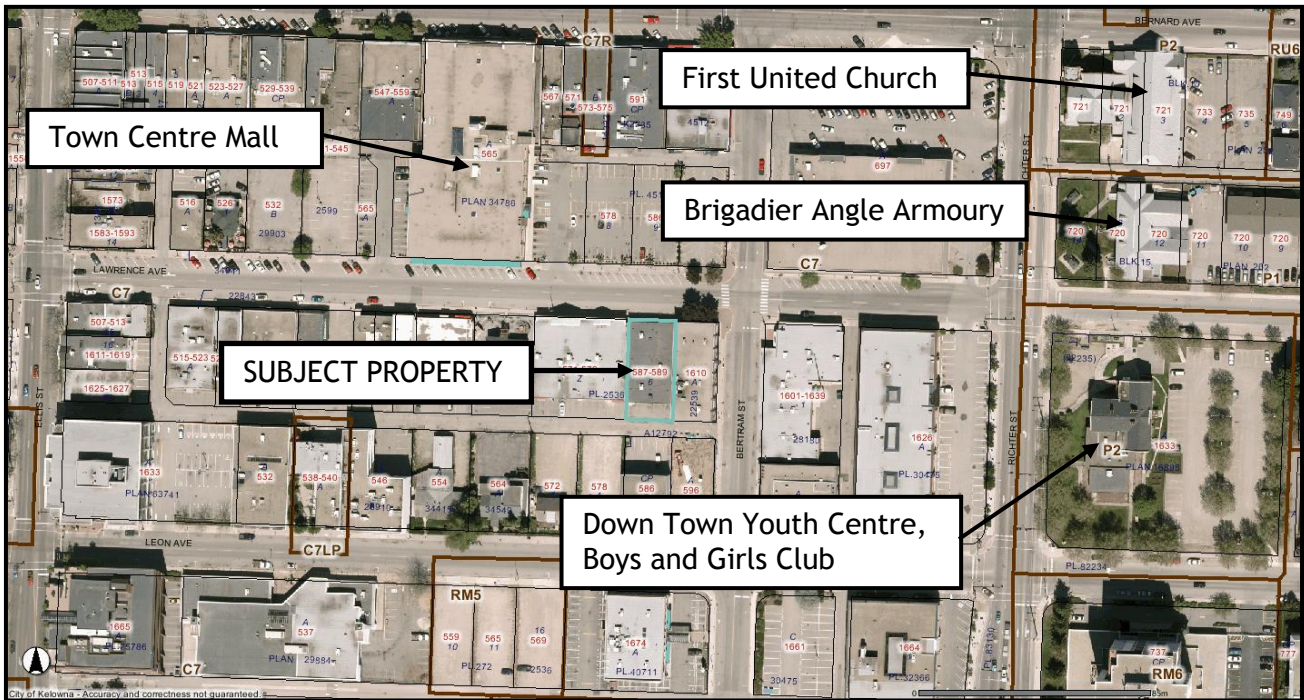
The subject property is surrounded by a mix of commercial and retail uses. See attached map for existing community services and liquor primary locations.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C7 - Central Business Commercial	Parking lot (Town Centre Mall)
East	C7 - Central Business Commercial	Retail / Commercial uses
South	C7 - Central Business Commercial	Retail / Commercial uses
West	C7 - Central Business Commercial	Retail / Commercial uses

Subject Property Map:

587-589 Lawrence Ave.



4.4 Council Policy #359 - Liquor Licensing Policy & Procedures

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

- Large establishments (with person capacity greater than 249 persons):
 - Should only be located within an Urban Centre. **(Meets this criteria)**

- Should be located a minimum of 250m from another Large establishment. **(Satisfied)**
- Should be located a minimum of 100m from a Medium establishment. **(Satisfied)**
- Should not be located beside a Small establishment. **(Satisfied)**
- Where appropriate, support alternative entertainment options, and/or establishments which are less focused on alcohol consumption (including event-driven establishments, and Food Primary establishments with the Patron Participation Entertainment Endorsement) to add a mix of entertainment options in Urban Centres. Consider limiting potential community impacts via license terms and conditions (hours, capacity, etc)

5.0 Technical Comments

5.1 Building & Permitting Department

No comment

5.2 Development Engineering Department

Development Engineering has the following comments and requirements associated with this application. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

1. Domestic Water and Fire Protection

- (a) The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. Only one service will be permitted for this subject property. The applicant, at his cost, will arrange for the disconnection and replacement of the existing 19mm diameter service with a larger service. The estimated cost of this construction for bonding purposes is **\$14,000.00**
- (b) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost.

2. Sanitary Sewer

- (a) The developer's consulting civil / mechanical engineer will determine the requirements of this proposed development and establish the required service needs. The development site is presently serviced with a 100mm-diameter sanitary service. The City has a tentative schedule to commence with the replacement of the existing sanitary main in 2013. Service upgrades prior to the main replacement will be at the developer's cost and additional bonding will apply.

3. Storm Drainage

- (a) The development site is presently serviced with a 150mm-diameter storm service which will be adequate for this application.

4. Road Improvements

Lawrence Avenue

- (a) Lawrence Avenue fronting this development site is urbanized. The decommissioning of existing services and installation of new services will

require road cuts. The extent of pavement and boulevard restoration will be at the discretion of the City Development Engineer.

Public Lane

The lane fronting this development is urbanised to a paved standard. No improvements are anticipated for this application.

5. Electric Power and Telecommunication Services

This development is located within an urban centre. The electrical and telecommunication services to this building as well as the distribution wiring must be installed in an underground duct system, and the building must be connected by underground ducting. It is the developer’s responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant’s cost

6. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked “issued for construction” by the City Engineer before construction may begin.

7. Bonding and Levy Summary

(a) Bonding

Service upgrades	\$14,000.00
Total Bonding	<u><u>\$14,000.00</u></u>

5.3 Bylaw Services

No comment

5.4 Fire Department

Additional comments will be required at the building permit application.

5.5 Interior Health Authority

The applicant has contacted the Environmental Health Office concerning approval of the proposed food service establishment.

5.6 R.C.M.P.

The RCMP are not opposed to the application in principle.

Because the applicant is undertaking renovations to accommodate his business plan, it would be beneficial to ensure some level of acoustic engineering is incorporated in the design plans to mitigate noise complaints as this area must not be restricted in any way from achieving its full development potential.

The RCMP would also encourage design considerations to accept client queuing within the confines of the business rather than relying entirely on the public sidewalk. Providing adequate lighting to the front end and rear of the building will also enhance public safety.

Further comments to be provided with the accompanying Liquor License application.

6.0 Application Chronology

Date of Application Received: Feb 12, 2012

Date application placed on hold: April 2012

Date new information received: April 24, 2013

Report prepared by:

Paul McVey, Land Use Planner

Reviewed by: Danielle Noble, Manager, Urban Land Use

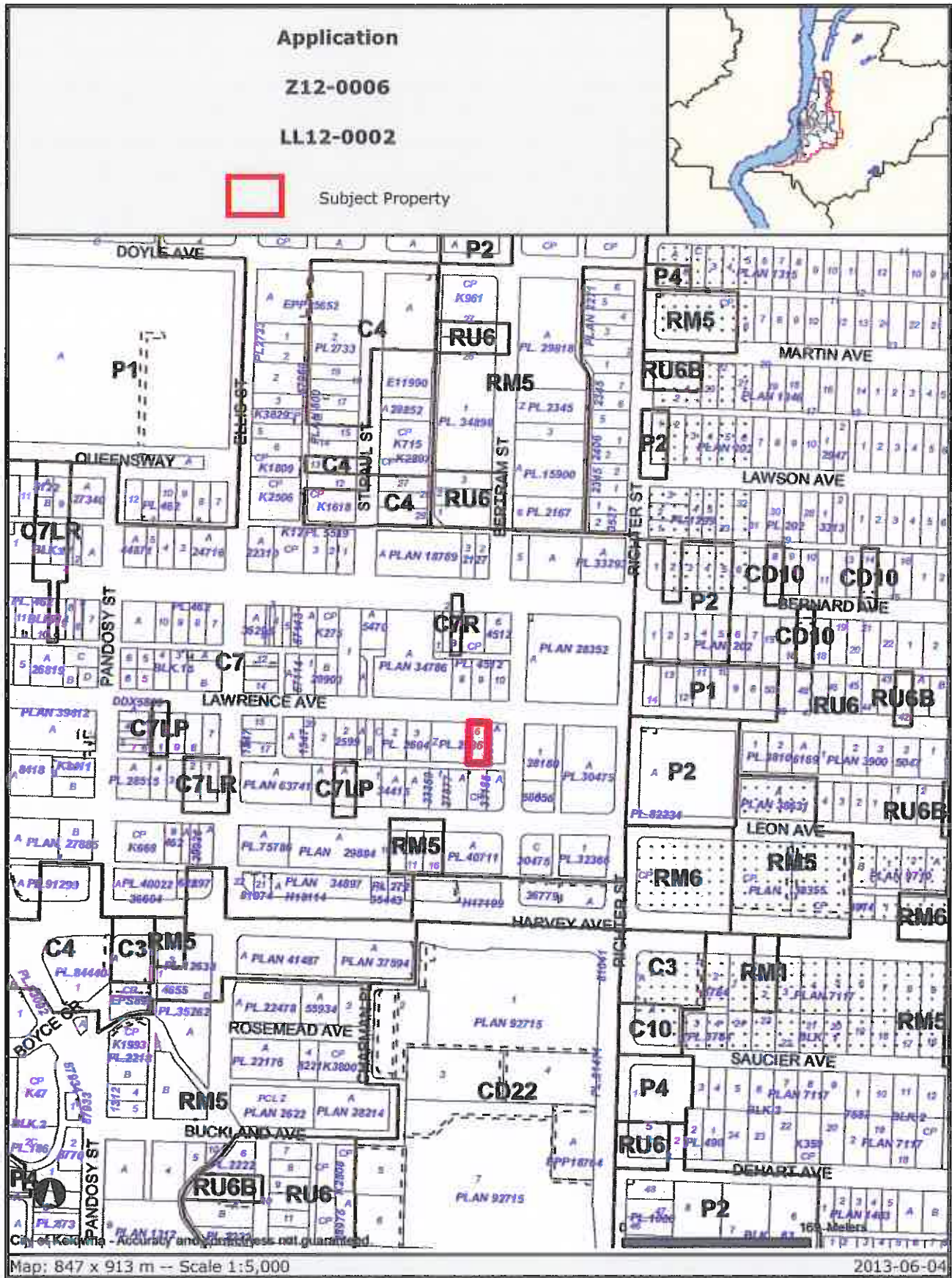
Approved for Inclusion: Doug Gilchrist, Acting Director, Land Use Management

Attachments:

Location Map

Executive Summary

Neighbourhood Comments



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



EXECUTIVE SUMMARY

Company Overview

DV8 Entertainment Inc. is a British Columbia registered company founded in 2011 to open and operate a full service entertainment venue at 587 Lawrence Avenue in the City of Kelowna.

DV8 is developing two licensed establishments on the premises:

1. the 2200 square foot **Kitchen and Bar** combines a Blenz type coffee shop with a pub featuring local microbreweries and local wineries, and
2. the 3200 square foot **Social Lounge** targets the mature crowd for its upscale urban lounge

that gives Kelowna and area a combination of beverage, dining and entertainment options not previously available outside of the Lower Mainland. We are calling it **The Mixing Room**.

Mission

The Mixing Room will be the premier go to destination for diners and entertainment seekers of all ages throughout the Okanagan. Our goal is to be the leading edge entertainment option for Okanagan residents and visitors from all over the world. We want our customers to have more fun during their leisure time. Our vision is to provide a safe, relaxed atmosphere where adults 25+ can come to enjoy great food, a one of a kind dining experience, award winning wines and a variety of entertainment options under one roof. We combine menu selection, atmosphere, ambiance, and service to create a sense of "place" in order to reach our goal of over-all value in a dining/entertainment experience.

Our vision is to provide a safe, relaxed atmosphere where adults of all ages and proclivities can come and enjoy world class cuisine and drinks prepared by several of Canada's most recognized and awarded "celebrity" chefs. We will be distinguished by being one of a select few establishments in Canada to offer a "full service" entertainment experience.

Keys to Success

The key elements of The Mixing Room Social Lounge concept are as follows:

- **Quality food**--The Mixing Room will serve freshly prepared, high quality popular cuisine that is locally and sustainably sourced to target and appeal to a variety of tastes and budgets with an emphasis on reasonably and moderately priced signature items.
- **Continued training**--The partners behind The Mixing Room subscribe to the theory of ongoing and focused training of all personnel and staff. The Okanagan is home to a diverse and highly mobile population which makes it imperative that we stay on top of industry changes world-wide.
- **Quality service**--In order to maintain its unique image the Company will provide a higher than average ratio of extensively trained, attentive and friendly service personnel per client. All staff members will be formally trained in the rules and procedures necessary to ensure customer satisfaction while maintaining compliance with any and all rules and regulations from any government organization.
- **Distinctive design features**--The premises have been designed by Canada's leading design house and will be characterized by spectacular visual designs and layout.
- **High profile location**--The company selected its lounge location based on key demographic indicators including traffic counts, average income, number of households, hotels, and offices within a certain radius.



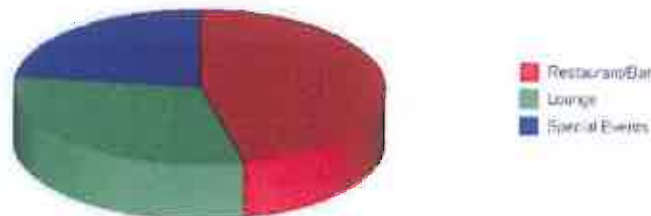
- **Celebrity events**--The Mixing Room will be distinguished by the promotional activities of local media, sports and business celebrities and by media coverage of appearances and special events.

Target Market Customers

The Mixing Room has identified two primary demographic target segments. The first segment is 25+ adults in Kelowna and throughout the whole of the Central Okanagan who want a warm and inviting dining, drinking and entertainment experience. This segment enjoys experiencing live entertainment in an adult orientated setting. They appreciate the opportunity to socialize and mingle with friends and like minded adults while dining, dancing and enjoying a changing venue of performances. This group is growing at the annual rate of 4% with 60,000 potential customers from the start.

The second segment of the population that will be targeted is special interest groups. The research and design team behind The Mixing Room have exhaustively researched and designed the space to allow the various groups the opportunity to turn The Mixing Room into their personal entertainment venue. With upscale yet neutral design themes, the space can be easily transformed into a myriad of different ambiances with minimal effort. Research has shown that these groups schedule regular events and bring repeat business. Examples of these groups include; Real Estate marketing and promotional companies, identified social groups, corporate industries, and the burgeoning local film industry. This segment has an annual growth rate of 7% and well in excess of 30,000 potential customers.

Market Analysis



Management

DV8 Entertainment Inc. serves as a holding company for some of the investment assets of the Dhaliwal family. Juggy Dhaliwal, along with his brother Gary, serve as managing partners of their family's investment companies and assets, including the successful Friends Pub in West Kelowna.

Juggy Dhaliwal will serve as general manager of The Mixing Room and will oversee its daily operations.



Marketing Strategy

Conventional Marketing:

The standards in the conventional marketing field tell us that radio is most effective, followed by local print and online media. The casual users will be reached through a series of advertisements, generally in Kelowna's two newspapers and online news service. The Courier, Capital News and Castanet are a source of information that most patrons consult in determining activities and events. These are the three main outlets, each with a slightly different readership demographic.

Unconventional Marketing:

The partners have identified that conventional, mainstream marketing is quickly becoming obsolete in today's high-tech dominated marketplace. In order to connect to and succeed with today's consumers, businesses need to take an unconventional route to promote their venues and distinguish them from the competition. Although a combination of local media and event marketing will be utilized, it is understood that conventional marketing techniques need to be supplemented with newer guerrilla style marketing efforts.

The beauty (for The Mixing Room) of the social events is that most special interest groups meet weekly, bimonthly or monthly and the amenities at The Mixing Room will encourage this customer segment to use The Mixing Room as a place to socialize regularly. The special interest group sponsorships will generate visibility on the local (city as well as provincial) special interest group websites. The visibility will take the form of activity by members of The Mixing Room staff in association based activities. Becoming active within these associations of people is valuable networking that is likely to bring many new customers to The Mixing Room. We believe that this grassroots approach will be particularly effective for these unusual but tight knit groups of people.

The strategy of live broadcasting and special events tie-ins has been most effective in generating free publicity which has been more effective than any advertising that could have been purchased.

Competitors

Several companies have offerings with similar but singular elements of the feature set to The Mixing Room, but these competitors' businesses differ greatly. Most are located in smaller venues, focus on providing one or two of The Mixing Room amenities, target a younger demographic and are located in Kelowna's Red Zone. A few examples include:

Pubs

Tonics Pub and Grill
Blue Gator Pub and Grill
Doc Willoughby's Downtown Pub
Kelowna Club
Roses

Nightclubs

The Level
The Blue Gator
Flashbacks

Financial Projections

The over-all financial plan for growth allows for use of the significant cash flow generated by operations.

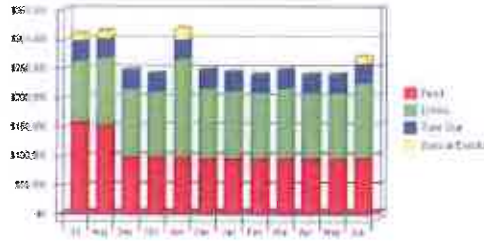
Equity infusion of \$1.5 million allows for more rapid expansion of The Mixing Room than could be accomplished from cash flow alone.



The management is projecting sales of \$2.7 million in the first year and consistent growth of 12% in Year 2 and in Year 3. Gross profits in the first year will be \$449,000.

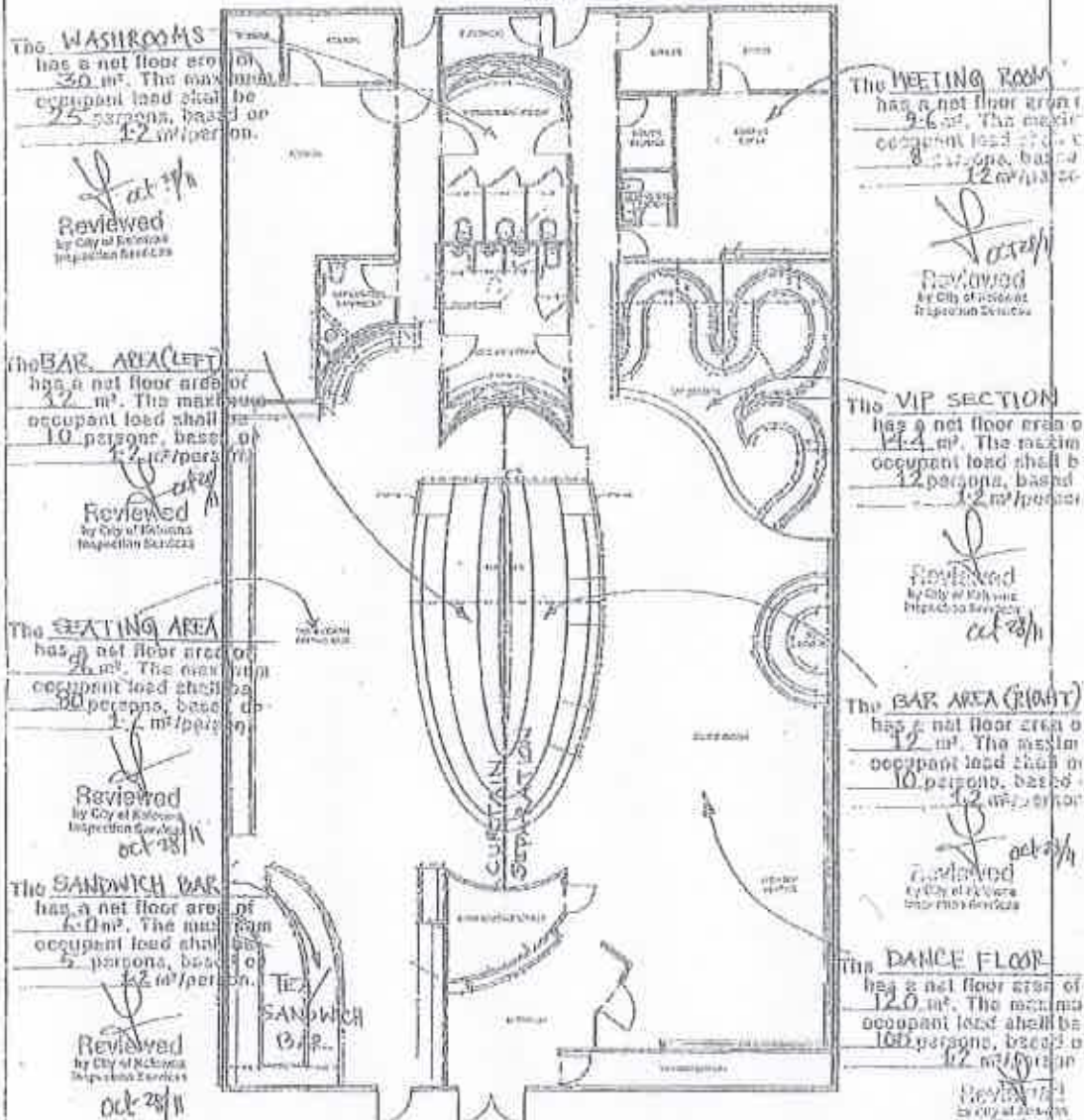
Upon start-up the business will employ a minimum of 20 employees directly and up to 40 employees indirectly and contribute in excess of \$250,000 per year in additional taxes and benefits for the City of Kelowna and the Province of British Columbia.

Sales Monthly



587-589 LAWRENCE AVE
DV'S ENTERTAINMENT INC.

SEE THE NOTE BELOW



The WASHROOMS has a net floor area of 30 m². The maximum occupant load shall be 25 persons, based on 1.2 m²/person.

Reviewed by City of Victoria Inspection Services
Oct 27/11

The MEETING ROOM has a net floor area of 9.6 m². The maximum occupant load shall be 8 persons, based on 1.2 m²/person.

Reviewed by City of Victoria Inspection Services
Oct 27/11

The BAR AREA (LEFT) has a net floor area of 32 m². The maximum occupant load shall be 10 persons, based on 1.2 m²/person.

Reviewed by City of Victoria Inspection Services
Oct 27/11

The VIP SECTION has a net floor area of 14.4 m². The maximum occupant load shall be 12 persons, based on 1.2 m²/person.

Reviewed by City of Victoria Inspection Services
Oct 27/11

The SEATING AREA has a net floor area of 24 m². The maximum occupant load shall be 20 persons, based on 1.2 m²/person.

Reviewed by City of Victoria Inspection Services
Oct 27/11

The BAR AREA (RIGHT) has a net floor area of 12 m². The maximum occupant load shall be 10 persons, based on 1.2 m²/person.

Reviewed by City of Victoria Inspection Services
Oct 27/11

The SANDWICH BAR has a net floor area of 6.0 m². The maximum occupant load shall be 5 persons, based on 1.2 m²/person.

Reviewed by City of Victoria Inspection Services
Oct 27/11

The DANCE FLOOR has a net floor area of 120 m². The maximum occupant load shall be 100 persons, based on 1.2 m²/person.

Reviewed by City of Victoria Inspection Services
Oct 27/11

ON CONSULTED BY ARCHITECTURE
110 SOUTH - 110

NOTE: THIS IS A PRELIMINARY OCCUPANT LOAD CALCULATION. A FINAL CALCULATION IS REQUIRED TO VERIFY THIS AFTER OCCUPANCY PERMITS.

<p><i>Reed & Jones</i> Architects</p>	Project: Bar & Dining Room	Sheet no.	Revision number:
	Job number: 105	002-01	
	Sheet title: Diner and Bar Plan	Date:	
	Scale: 1/8" = 1'-0"	Author:	
	Date drawn:	Checked:	
Copyright reserved.	This drawing is an instrument of service for the specific project. The drawing and design are the exclusive property of Reed, Jones & Jones and may not be used in whole or in part without written consent. This notice must appear on any reproduction of the drawing as part of the drawing. Please check and notify of any omissions and corrections prior to the start of construction, and contact Reed, Jones & Jones if any correction is required.		

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The Mixing Room 587 Lawrence Ave. Raleigh, NC 27601

Name	Business	Date	Support	Comments
Paulette Issacs	Loaves and Fishes *** Lawrence Ave	03-19-12	YES	Absolutely excited about project and proposal. Is a dancer and will help to bring other dancers, talk to Dance studio Will sign a letter of support
Christine Pineault	Loaves and Fishes	03-19-12	YES	Loves the idea, hope for a patio for coffee. It will help her business by giving people a place to stay and meet. Will sign a letter of support.
Perry Freeman	Colliers Int. 547 Leon	05-20-12		Will need to review parking plans, will help to negotiate parking with Town Center Mall, great idea. Will not sign support but will not talk against.
Dave Sargent	Davara/Streaming	06-10-12		Huge supporter, this will add to what they offer by allowing their clients to meet before and after. Will help to clean the area up. Provide refreshments for new office tower employees. Will sign a letter of support



591 LAWRENCE

547 COLLIER

506 LEON

The Mixing Room 587 Lawrence Ave. ^{Community Consultation} ^{Left City} ^{Neighbors} ^{Board} B.C.

Name	Business	Date	Support	Comments
Coni Grande	Amicis	03-19-12		Could not be happier this will bring so much to the neighborhood. Will bring 30 of her clients to City Hall to support. Has been asking for help to clean up the druggies. Will sign a letter of support and many more.
Francesca Pugliese	Amicis	03-19-12		This is much needed, will be regular clients. Would like to establish a neighborhood program to support each other. Will book all their parties there and they like to party. Will sign a letter of support.
James Alfonso	Momma Rosa's	04-16-12		This is a great idea for the City and the area, will help to clean the area up. No conflict with times as they are usually done by 9:30 most evenings. Will sign a letter of support.
Jeff Simla	Dollar Store CHQ	03-02-12		Much needed in the area, please bring healthy food alternatives. Establish a lunch program for neighbors? Will sign a letter of support.

585 LAWRENCE

581 LAWRENCE

610 WERN

The Mixing Room 587 Lawrence Ave. Raleigh, NC

Name	Business	Date	Support	Comments
Peggy Athans	Downtown Business	03-12-12		Loves the idea, family has holdings in area and this will help them all. She will help with marketing and getting the word out. Will get support letters from other downtown businesses.
Jody Good	Mould Engineering	03-26-12		New to the area but it really needs cleaning up. They have lots of client meetings and no place to go. Think it is a great idea. Will sign a letter of support
Lydia Thomson	Thomson Law	03-26-12		Great idea, does not drink so please bring lots of non-alcoholic choices. Will help to reduce the vandalism and needles left around. Will sign a letter of support
Maria Cuetkovich	Jabbs Construction	04-11-12		Own the buildings next door. Have some concern over parking. Needs to attract pedestrian traffic to the area.

567 LAWRENCE

1603 BERTMAN

571-579 LAWRENCE