

**City of Kelowna
Regular Council Meeting
AGENDA**



July 16, 2013
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order
2. Prayer

A Prayer will be offered by Councillor Singh.
3. Confirmation of Minutes 1 - 15

Public Hearing - June 18, 2013
Regular Meeting - June 18, 2013
Public Hearing - July 2, 2013
Regular Meeting- July 2, 2013
4. Bylaws Considered at Public Hearing
 - 4.1 Bylaw No. 10843 (OCP13-0006) - 3510 Landie Road and 3505 Lakeshore Road, Northern Lights Land Development Corporation 16 - 16

Requires a majority of all Members of Council (5).
To give Bylaw No. 10843 second and third readings.
 - 4.2 Bylaw No. 10844 (Z13-0007) - 3503 & 3505 Lakeshore Road, 602, 620, 630 & 640 Swordy Road and 3510 Landie Road, Northern Lights Land Development Corporation 17 - 17

To give Bylaw No. 10844 second and third readings.
 - 4.3 Bylaw No. 10860 (OCP13-0010) - Various Addresses on Central Avenue, Richter Street and Cambridge Avenue, Provincial Rental Housing Corporation 18 - 19

Requires a majority of all Members of Council (5).
To give Bylaw No. 10860 second and third readings.
 - 4.4 Bylaw No. 10861 (Z13-0018) - Various Addresses on Central Avenue, Richter Street and Cambridge Avenue 20 - 21

To give Bylaw No. 10861 second and third readings.

To give Bylaw No. 10862 second and third readings.

5. Notification of Meeting

The City Clerk will provide information as to how the following items on the Agenda were publicized.

6. Liquor License Application Reports

- 6.1 Liquor License Application No. LL13-0007 - 4870 Chute Lake Road, Stephen Cipes (Summerhill Estate Winery) 23 - 30

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the liquor license application to come forward.

To add Patron Participation endorsement to the existing Food Primary license.

7. Development Permit and Development Variance Permit Reports

- 7.1 Temporary Use Permit Application No. TUP12-0002, Extension - 4493 Stewart Road East, Becky & Andrew Habib and Sally Bloomfield (CrockTalk) 31 - 45

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the requested temporary use to come forward.

To consider an extension to a Temporary Use Permit (TUP10-0002) that expired on October 5, 2012. The TUP would allow for the continued operation of an exotic animal rescue/education facility on the subject property on an interim basis.

- 7.2 Temporary Use Permit Application No. TUP13-0001 - 2045 Begbie Road & 990 Glenmore Road, Michael & Latisha Dawson 46 - 55

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the requested temporary use to come forward.

To consider a proposal for a Temporary Use Permit (TUP) in order to legalize the existing non-farm use of the property (Contractor Services, General) for a duration less than one year.

- 7.3 Temporary Use Permit Application No. TUP13-0002 - 278 Leon Avenue and 1620 & 1630 Water Street, Kelowna Motors Holdings Limited 56 - 65

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the

requested temporary use to come forward.

To consider a Temporary Use Permit in order to legalize the 'automotive and equipment repair shop use' for a maximum 3 year period.

8. Reminders
9. Termination



City of Kelowna Public Hearing Minutes

Date: Tuesday, June 18, 2013
Location: Council Chamber
City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Colin Basran, Andre Blanleil, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann

Staff Present: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Manager, Urban Planning, Danielle Noble; and Council Recording Secretary, Sandi Horning

1. Call to Order

Mayor Gray called the Hearing to order at 6:00 p.m.

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

2. Notification of Meeting

The Deputy City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on June 4, 2013 and by being placed in the Kelowna Capital News issues on June 7, 2013 and June 11, 2013, and by sending out or otherwise delivering 32 letters to the owners and occupiers of surrounding properties between June 4, 2013 and June 7, 2013.

The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

3. Individual Bylaw Submissions

3.1. Rezoning Application No. Z13-0011 - 370 Fleming Road, Wendy Cullen & Michael Anderson

Staff:

- Summarized the application before Council.

The Deputy City Clerk advised that no correspondence and/or petitions had been received.

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicants' Representative was present, but did not have anything further to add to staff's comments. No one came forward.

4. Termination

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

Mayor

/slh

Deputy City Clerk

DRAFT



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, June 18, 2013
Location: Council Chamber
City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Colin Basran, Andre Blanleil, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann

Staff Present: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Manager, Urban Planning, Danielle Noble; and Council Recording Secretary, Sandi Horning

1. Call to Order

Mayor Gray called the meeting to order at 6:08 p.m.

2. Prayer

A Prayer was offered by Councillor Stack.

3. Bylaws Considered at Public Hearing

- 3.1. Bylaw No. 10849 (Z13-0011) - 370 Fleming Road, Wendy Cullen & Michael Anderson

Moved By: Councillor DeHart/Seconded By: Councillor Zimmermann

R435/13/06/18 THAT Bylaw No. 10849 be read a second and third time.

Carried

4. Notification of Meeting

The Deputy City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise delivering 640 letters to the owners and occupiers of surrounding properties between June 4, 2013 and June 7, 2013.

The Deputy City Clerk advised that Notice of these (amendments to Liquor Primary Licences) were advertised by being posted on the Notice Board at City Hall on January 3, 2012, and by being placed in the Kelowna Capital News issues on June 7, 2013 and June 11, 2013 and by sending out or otherwise delivering 89 letters to the owners and occupiers of surrounding properties between June 4, 2013 and June 7, 2013.

The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

5. Liquor License Application Reports

5.1. Liquor License Application No. 13-0004 - 3110 Lakeshore Road, Simple Pursuits Inc.

Staff:

- Summarized the application before Council.

The Deputy City Clerk advised that the following correspondence and/or petitions had been received:

- Letter of Concern:
 - Brian McCormick/TAFCO Realty Corp., 107-347 Leon Avenue

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Steve Stinson, Applicant's Representative

- Responded to questions from Council.
- Advised that the number of parking spots has not been increased. The establishment is trying to encourage its clientele to use other modes of transportation so that its clientele are less likely to drink and drive.

There were no further comments.

Moved By: Councillor Hobson/Seconded By: Councillor Basran

R436/13/06/18 THAT in accordance with Section 53 of the Liquor Control and Licensing Regulation and Council Policy #359, be it resolved that:

Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application from at address: 3110 Lakeshore Road, Kelowna BC, (legally described as Lot C, District Lot 14, ODYD, Plan 22527, Except Plan 35659) for a transfer of a Liquor Primary License, are as follows:

- a) The potential for noise if the application is approved: A Minimal increase in noise is expected compared to current circumstances.
- b) The impact on the community if the application is approved: The potential for negative impacts is considered to be minimal.

- c) View of residents: The Council's comments on the views of residents (if applicable) are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy & Procedures."
- d) The person capacity and hours of liquor service of the establishment: The total person capacity proposed for liquor primary service is 229 seats with closing hours remaining unchanged from the previous Pheasant and Quail Pub license holder.
- e) Traffic and parking: The C4 parking requirements are calculated based on gross floor area, regardless of use (or occupant load). Therefore, the onsite parking is considered compliant to the C4 zone regulations.
- f) The proximity of the establishment to other social or recreational facilities and public buildings: Surrounding facilities would not conflict with the proposed establishment.
- g) Recommendation: Council recommends that the application to transfer the existing liquor license for the property located at 3110 Lakeshore Road and to expand the capacity from 169 to 229 patrons be approved.

Carried

6. Development Permit and Development Variance Permit Reports

6.1. Development Variance Permit Application No. DVP13-0073 - 5458-5460 & 5462 Lakeshore Road, Stephen & Donara Krysko

Staff:

- Summarized the application before Council.

The Deputy City Clerk advised that no correspondence and/or petitions had been received.

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicants' Representative was present but did not have anything further to add to staff's comments. No one came forward.

Moved By: Councillor Basran/Seconded By: Councillor Zimmermann

R437/13/06/18 THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0073 for Lot 1, Section 22, Township 28, SDYD Plan EPP15367 located at 5462 Lakeshore Road; and for Lot 2, Section 22, Township 28, SDYD Plan EPP15367 located at 5458 - 5460 Lakeshore Road, Kelowna, BC;

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

Section 7.5.9 Fencing and Retaining Walls

Vary the maximum height of a retaining wall from 1.2m permitted to 3.9 metres proposed as per Schedule "A".

Carried

6.2. Temporary Use Permit Application No. TUP12-0001 - 1269 KLO Road, Pietro & Caterina Perretta

Staff:

- Summarized the application before Council.

The Deputy City Clerk advised that the following correspondence and/or petitions had been received:

- **Letters of Support:**
 - Mary & Vern Ritchie, 108-1055 Glenwood Avenue
 - John Perretta, 1450 Alta Vista Road

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicant was present but does not have anything further to add to staff's comments. No one came forward.

Moved By: Councillor Blanleil/Seconded By: Councillor Hobson

R438/13/06/18 THAT Council authorizes the issuance of Temporary Use Permit No. TUP12-0001 to allow the outdoor storage of recreational vehicles from June 10, 2013 until June 10, 2016, for Lot 2, District Lot 131, ODYD, Plan 13021, Except Plan KAP78631, located on 1269 KLO Road, Kelowna, BC as shown on Map "A" attached to the Report of the Land Use Management Department dated May 28, 2013, subject to the following conditions:

- a) THAT, prior to issuance of the Temporary Use Permit, the applicant be required to register on title an easement for access for the outdoor storage of recreational vehicles via 1319-1329 KLO Road;
- b) AND THAT, prior to issuance of the Temporary Use Permit, the applicant be required to remove all vehicles, objects and structures within an area of 15 metres from the Top of Bank of Fascieux Creek and to install appropriate fencing preventing future access to this area.

Carried

6.3. Development Variance Permit Application No. DVP13-0068 - 301 West Avenue, Teresa Roechoudt

Staff:

- Summarized the application before Council.

The Deputy City Clerk advised that no correspondence and/or petitions had been received.

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicant's Representative was present but did not have anything further to add to staff's comments. No one came forward.

Moved By: Councillor Hobson/Seconded By: Councillor Singh

R439/13/06/18 THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0068 for Parcel A, (DD 129455F and Plan B4490) of Lot 7, District Lot 14, ODYD, Plan 2336, located at 301 West Avenue, Kelowna, B.C;

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

Section 6.11.1 Okanagan Lake Sight Lines

Vary the Okanagan Lake Sightline from 60° to 0° proposed for the northern portion of the property, as per Schedule 'A'.

Section 13.6.6 (c) Development Regulations

To vary the front yard setback from 4.5m required to 2.5m proposed, as per Schedule 'A'.

Section 13.6.6 (c) Development Regulations

To vary the rear yard setback from 4.5m required to 2.01m proposed, as per Schedule 'A'.

Carried

- 6.4. Development Variance Permit Application No. DVP13-0071 - Unit 15, 3151-3155 Lakeshore Road, Callahan Construction Company Ltd. & 3720 Investments Ltd.

Staff:

- Summarized the application before Council.

The Deputy City Clerk advised that no correspondence and/or petitions had been received.

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicants' Representative was present but did not have anything further to add. No one came forward.

Moved By: Councillor Stack/Seconded By: Councillor Hobson

R440/13/06/18 THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0071 for Lot 2, District Lots 14 and 135, ODYD, Plan KAP54407, located at 3151-3155 Lakeshore Road, Kelowna, BC;

AND THAT a variance to the following section of the Sign Bylaw No. 8235 be granted:

Section 6.1 - Number of Signs Permitted Per Business Frontage in the C4 Zone

To vary the permitted number of signs along the east business frontage from two (2) signs permitted to three (3) signs proposed, as per Schedule 'A'.

Carried

7. Reminders - Nil.

8. Termination

The meeting was declared terminated at 6:31 p.m.

Mayor

/slh

Deputy City Clerk



City of Kelowna Public Hearing Minutes

Date: Tuesday, July 2, 2013
Location: Council Chamber
City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Colin Basran, Andre Blanleil, Maxine DeHart, Gail Given, Mohini Singh, Luke Stack and Gerry Zimmermann

Council Members Absent: Councillor Robert Hobson

Staff Present: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Manager, Urban Planning, Danielle Noble, and Council Recording Secretary, Sandi Horning

1. Call to Order

Mayor Gray called the Hearing to order at 6:04 p.m.

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

2. Notification of Meeting

The Deputy City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board of City Hall on June 18, 2013 and by being placed in the Kelowna Capital News issues of June 21, 2013 and June 25, 2013, and by sending out or otherwise delivering 531 letters to the owners and occupiers of surrounding properties between June 18, 2013 and June 21, 2013.

The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

3. Individual Bylaw Submissions

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

Staff:

- Summarized the application before Council and responded to questions from Council.

The Deputy City Clerk advised that no correspondence and/or petitions have been received.

Mayor Gray invited the Applicant, and anyone in the public gallery who deemed themselves affected by the proposed application to come forward, followed by comments from Council. The Applicant's Representative was present, but did not have anything further to add to staff's comments. No one came forward.

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

Staff:

- Summarized the application before Council and responded to questions from Council.

The Deputy City Clerk advised that no correspondence and/or petitions have been received.

Mayor Gray invited the Applicant, and anyone in the public gallery who deemed themselves affected by the proposed application to come forward, followed by comments from Council. The Applicant's Representative, Robert Becker, was present, but did not have anything further to add to staff's comments. No one came forward.

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.

Staff:

- Summarized the Application before Council.

The Deputy City Clerk advised that the following correspondence and/or petitions have been received:

- **Letter of Support:**
 - Gary Silbernagel, MDC Property Services Ltd., 200-1029 17th Avenue S.W., Calgary, Alberta

Mayor Gray invited the Applicant, and anyone in the public gallery who deemed themselves affected by the proposed application to come forward, followed by comments from Council.

Fred Marin, Applicant's Representative

- Provided an overview of the proposed development and requested rezoning.
- Displayed a before and after map of the proposed properties and their respective zones.
- The property owners to the east were consulted and decided not to join the current application before Council.
- Commented that without the co-operation of the neighbours, this development would not be able to be moved forward.
- Advised that Drysdale Boulevard will be completed as a result of this development.

- Displayed a concept drawing of a proposed round-about on Valley Road. The neighbourhood consultation meeting showed that residents in the area are supportive of the proposed round-about.
- Advised that access to the C3 zoned lands will be by way of an easement through the adjoining property.
- Responded to questions from Council.

Gallery:

Bruce Gillen, Glenmore Valley Community Association

- Supportive of the proposed Official Community Plan amendment and rezoning.
- Expressed a concern with the lack of on-site parking in the area.
- Commented on the need for commercial that does not duplicate existing services in the area.

Staff:

- Advised that if any parking variances are required, a Development Variance Permit application will need to be made and any concerns regarding parking can be dealt with at that time.

Ed Hall, Canadian Adult Communities Ltd.

- Supportive of the proposed Official Community Plan amendment and rezoning.
- Advised that the neighbouring community residences are managed by Canadian Adult Communities. Mr. Raisanen's has kept Canadian Adult Communities informed of the application.
- Believes that this development is good for the landowners and the neighbourhood.

There were no further comments.

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

Staff:

- Summarized the application before Council and responded to questions from Council.
- Provided an overview of the parking calculations for the C7 zone.

The Deputy City Clerk advised that the following correspondence and/or petitions have been received:

- o **Letter of Concern:**
 - Harp Brar, 1020 64th Ave NE, Calgary, Alberta

Mayor Gray invited the Applicant, and anyone in the public gallery who deemed themselves affected by the proposed application to come forward, followed by comments from Council.

Bert Hick, Rising Tide Consultants Ltd., Applicant's Representative

- Reviewed the staff report before Council and confirmed that it accurately sets out what the applicant is trying to achieve.
- The Applicant is prepared to have an acoustical study/report done in order to address any noise issues or concerns.
- The establishment will operate as a 'dinner club' and all entrances and exits will be out to Lawrence Avenue.
- The plan in the staff report is a concept plan and will be subject to a Development Permit as well as an application to the Liquor Control & Licensing Branch.
- Will ensure that satisfactory lighting is erected on the outside of the establishment.
- Displayed a rendering of the facade of the building, which will be upgraded.
- Have had discussions with the neighbouring property owners regarding the proposed changes to the façade.

There were no further comments.

4. Termination

The Hearing was declared terminated at 6:40 p.m.

Mayor

/slh

Deputy City Clerk

DRAFT



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, July 2, 2013
Location: Council Chamber
City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Colin Basran, Andre Blanleil, Maxine DeHart, Gail Given, Mohini Singh, Luke Stack and Gerry Zimmermann

Council Members Absent: Councillor Robert Hobson

Staff Present: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Manager, Urban Planning, Danielle Noble; and Council Recording Secretary, Sandi Horning

1. Call to Order

Mayor Gray called the meeting to order at 6:40 p.m.

2. Prayer

A Prayer was offered by Councillor Stack.

3. Confirmation of Minutes

Moved By: Councillor Given/Seconded By: Councillor Singh

R467/13/07/02 THAT the Minutes of the Public Hearing and Regular Meeting of June 4, 2013 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

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

Moved By: Councillor DeHart/Seconded By: Councillor Zimmermann

R468/13/07/02 THAT Bylaw No. 10852 be read a second and third time.

Carried

4.2. Bylaw No. 10856 (OCP13-0005) - Raisanen Construction Ltd, Inc., 1982 Kane Road

Moved By: Councillor Zimmermann/Seconded By: Councillor DeHart

R469/13/07/02 THAT Bylaw No. 10856 be read a second and third time.

Carried

4.3. Bylaw No. 10857 (Z13-0006) - Raisanen Construction Ltd., 1982 Kane Road

Moved By: Councillor Given/Seconded By: Councillor Stack

R470/13/07/02 THAT Bylaw No. 10857 be read a second and third time.

Carried

4.4. Bylaw No. 10858 (OCP13-0005) - PC Urban (Brandt's Creek) Holdings Corporation Inc., 1970-1974 Kane Road

Moved By: Councillor Basran/Seconded By: Councillor Singh

R471/13/07/02 THAT Bylaw No. 10858 be read a second and third time and be adopted.

Carried

4.5. Bylaw No. 10859 (Z13-0006) - PC Urban (Brandt's Creek) Holdings Corporation, Inc., 1970-1974 Kane Road

Moved By: Councillor Singh/Seconded By: Councillor Basran

R472/13/07/02 THAT Bylaw No. 10859 be read a second and third time and be adopted.

Carried

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

Moved By: Councillor Blangleil/Seconded By: Councillor Basran

R473/13/07/02 THAT Bylaw No. 10854 be read a second and third time.

Carried

5. Notification of Meeting

The Deputy City Clerk advised that Notice of Council's consideration of the Development Variance Permits was given by sending out or otherwise delivering 59 letters to the owners and occupiers of the surrounding properties between June 18, 2013 and June 21, 2013.

The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

6. Development Permit and Development Variance Permit Reports

6.1. Development Variance Permit Application No. DVP13-0069 - Don Bouwman, 381 Okaview Road

Staff:

- Summarized the Application before Council.

The Deputy City Clerk advised that no correspondence and/or petitions have been received.

Mayor Gray invited the Applicant, and anyone in the public gallery who deemed themselves affected by the proposed application to come forward, followed by comments from Council.

Don Bouwman, Applicant

- Have taken every avenue to ensure that the surrounding neighbours were advised of the discharge of the Land Use Contract and the requested variances.

There were no further comments.

Moved By: Councillor Blancheil/Seconded By: Councillor Basran

R474/13/07/02 THAT Council discharges Land Use Contract No. 77-1002 for Lot B, Section 23, Township 28, SDYD, Plan KAP47783, located on 381 Okaview Road, Kelowna, BC;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0069, for Lot B, Section 23, Township 28, SDYD, Plan KAP47783, located on 381 Okaview Road, Kelowna, BC;

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

Section 12.1.6(a): Development Regulations

To vary the maximum site coverage from 10% permitted to 21.3% proposed;

Section 12.1.6(d): Development Regulations

To vary the minimum side yard setback from 3.0m permitted to 1.5m proposed;

AND FURTHER THAT, prior to issuance, the applicant be required to provide evidence to the satisfaction of the Development Engineering Manager that the proposed driveway meets the 3.0m minimum standard width.

Carried

6.2. Development Variance Permit Application No. DVP13-0093 - Stephen Ronald Ferguson, 969 Manhattan Drive

Staff:

- Summarized the Application before Council.

The Deputy City Clerk advised that no correspondence and/or petitions have been received.

Mayor Gray invited the Applicant, and anyone in the public gallery who deemed themselves affected by the proposed application to come forward, followed by comments from Council.

Stephen Ferguson, Applicant

- Wants to add-on to his house.
- Confirmed that he obtained signatures from the adjoining neighbours.

There were no further comments.

Moved By: Councillor Stack/Seconded By: Councillor Given

R475/13/07/02 THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0093, for Lot 6, District Lots 9 and 139, ODYD, Plan 39668 located on 969 Manhattan Drive, Kelowna, BC;

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

Section 13.6.6 (d) Development Regulations

To vary the required east side yard setback from 2.3 m required to 2.18 m proposed and the west side yard setback from 2.3m required to 1.94m proposed (as per Schedule "A").

Carried

7. Reminders - Nil.

8. Termination

The meeting was declared terminated at 6:52 p.m.

Mayor

/slh

Deputy City Clerk

CITY OF KELOWNA

BYLAW NO. 10843

Official Community Plan Amendment No. OCP13-0006 - Northern Lights Land Development Corporation, Inc. No. A0063828 3503 and 3505 Lakeshore Road, 602, 610, 620, 630 and 640 Swordy Road and 3510 Landie Road

A bylaw to amend the "*Kelowna 2030* - Official Community Plan Bylaw No. 10500".

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of Lot 1, District Lot 134, ODYD, Plan 17308, located on Landie Road and Lot A, District Lot 134, ODYD, Plan 8219, Except Plan 17308, located at 3505 Lakeshore Road, Kelowna, B.C., from the Single/Two Unit Residential designation to the Multiple Unit Residential - Low Density designation;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 22nd day of April, 2013.

Amended at first reading by the Municipal Council this 24th day of June, 2013.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 10844

Z13-0007 - Northern Lights Land Development Corporation, Inc. No. A0063828 3503 and 3505 Lakeshore Road and 602, 610, 620, 630 & 640 Swordy Road and 3510 Landie Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, D.L. 134, ODYD, Plan 3232, located at 3503 Lakeshore Road, Lot A, District Lot 134, ODYD, Plan 8219, Except Plan 17308, located at 3505 Lakeshore Road, Lot 1, D.L. 134, ODYD, Plan 3232, located at 602 Swordy Road, Lot 3, D.L. 134, ODYD, Plan 3232, located at 610 Swordy Road, Lot 4, D.L. 134, ODYD, Plan 3232, located at 620 Swordy Road, Lot 5, D.L. 134, ODYD, Plan 3232, located at 630 Swordy Road, Lot 6, D.L. 134, ODYD, Plan 3232, located at 640 Swordy Road, Lot 1, D.L. 134, ODYD, Plan 17308, located at 3510 Landie Road, Kelowna, B.C., from the RU6 - Two Dwelling Housing zone to the RM3 - Low Density Multiple Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 22nd day of April, 2013.

Amended at first reading by the Municipal Council this 24th day of June, 2013.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 10860

**Official Community Plan Amendment No. OCP13 -0010
Provincial Rental Housing Corporation
602-650, 678 and 668 Central Avenue
648-650, 668-670, 680-692 Richter Street
603-607, 609-611, 621-631, 661-663, 671-673, 681-689 and 641
Cambridge Avenue**

A bylaw to amend the "*Kelowna 2030* - Official Community Plan Bylaw No. 10500".

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of Lot A, District Lot 9, ODYD, Plan 13927, located at 602-650 Central Avenue, Lot 1, District Lot 9, ODYD, Plan 4317, located at 603-607 Cambridge Avenue, Lot 2, District Lot 9, ODYD, Plan 4317, located at 609-611 Cambridge Avenue, Lot 3, District Lot 9, ODYD, Plan 4317, located at 621-631 Cambridge Avenue, Lot 1, District Lot 9, ODYD, Plan 7822, located at 661-663 Cambridge Avenue, Lot 2, District Lot 9, ODYD, Plan 7822, located at 671-673 Cambridge Avenue, Lot 3, District Lot 9, ODYD, Plan 7822, located at 681-689 Cambridge Avenue, Lot 4, District Lot 9, ODYD, Plan 7822, located at 648-650 Richter Street, Lot 5, District Lot 9, ODYD, Plan 7822, located at 668-670 Richter Street, Lot 6, District Lot 9, ODYD, Plan 7822, located at 680-692 Richter Street, Lot 13, District Lot 9, ODYD, Plan 4317, located at 678 Central Avenue, Lot 4, District Lot 9, ODYD, Plan 4317, located at 641 Cambridge Avenue, Lot 14, District Lot 9, ODYD, Plan 4317, located at 668 Central Avenue from Multiple Unit Residential - Low Density to Multiple Unit Residential - Low Density & Multiple Unit Residential - Medium Density as per Map "A" attached to and forming part of this bylaw;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 24th day of June, 2013.

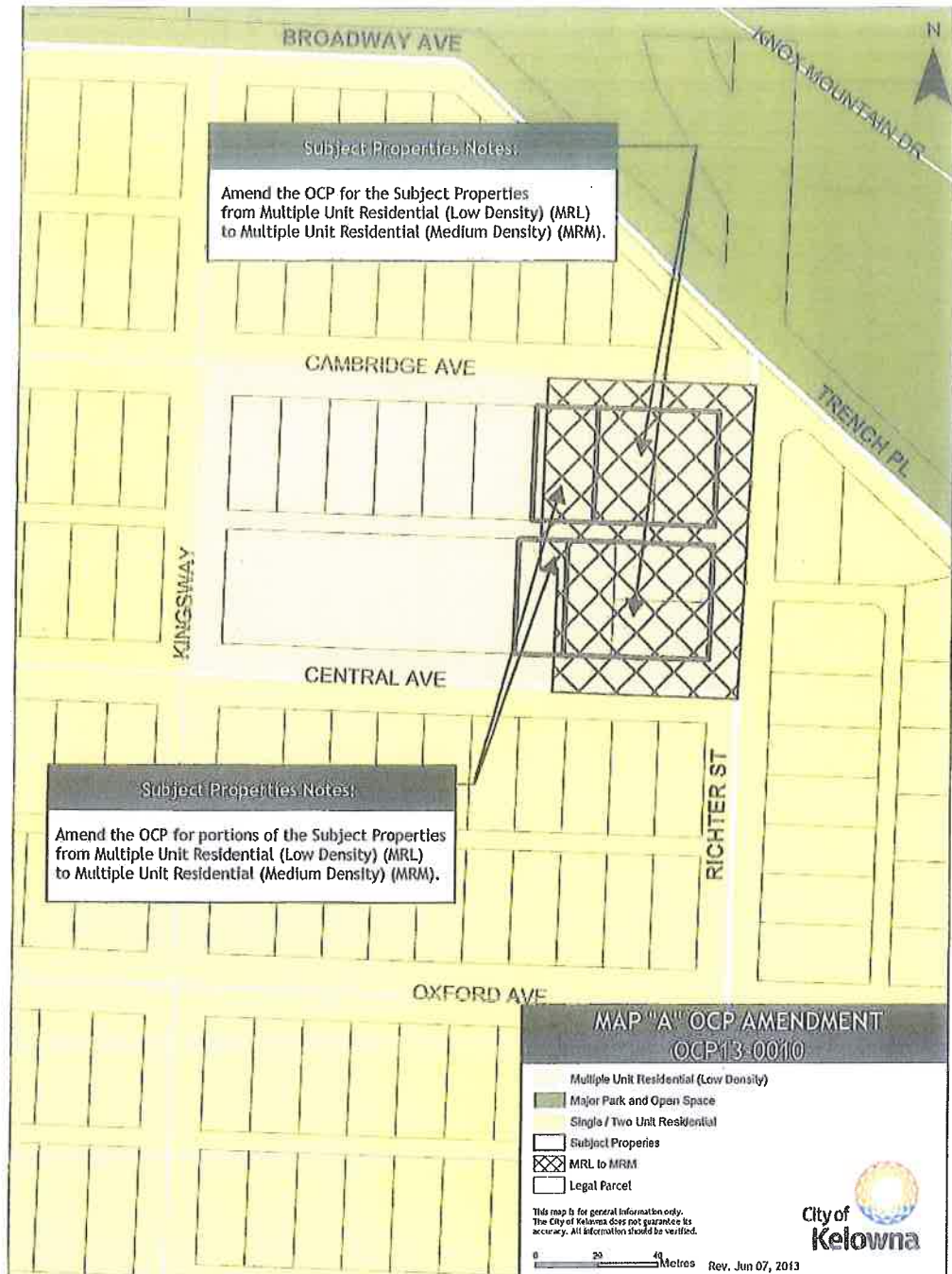
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



CITY OF KELOWNA

BYLAW NO. 10861

**Z13-0018 - Provincial Rental Housing Corporation
602-650, 678 and 668 Central Avenue
648-650, 668-670, 680-692 Richter Street
603-607, 609-611, 621-631, 661-663, 671-673, 681-689 and 641
Cambridge Avenue**

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, District Lot 9, ODYD, Plan 13927, located at 602-650 Central Avenue, Lot 1, District Lot 9, ODYD, Plan 4317, located at 603-607 Cambridge Avenue, Lot 2, District Lot 9, ODYD, Plan 4317, located at 609-611 Cambridge Avenue, Lot 3, District Lot 9, ODYD, Plan 4317, located at 621-631 Cambridge Avenue, Lot 1, District Lot 9, ODYD, Plan 7822, located at 661-663 Cambridge Avenue, Lot 2, District Lot 9, ODYD, Plan 7822, located at 671-673 Cambridge Avenue, Lot 3, District Lot 9, ODYD, Plan 7822, located at 681-689 Cambridge Avenue, Lot 4, District Lot 9, ODYD, Plan 7822, located at 648-650 Richter Street, Lot 5, District Lot 9, ODYD, Plan 7822, located at 668-670 Richter Street, Lot 6, District Lot 9, ODYD, Plan 7822, located at 680-692 Richter Street, Lot 13, District Lot 9, ODYD, Plan 4317, located at 678 Central Avenue, Lot 4, District Lot 9, ODYD, Plan 4317, located at 641 Cambridge Avenue, Lot 14, District Lot 9, ODYD, Plan 4317, located at 668 Central Avenue from the RU6 - Two Dwelling Housing and RM2 - Low Density Row Housing zones to the RM3 - Low Density Multiple Housing and RM5 - Medium Density Multiple Housing zones as per Map "B" as attached and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 24th day of June, 2013.

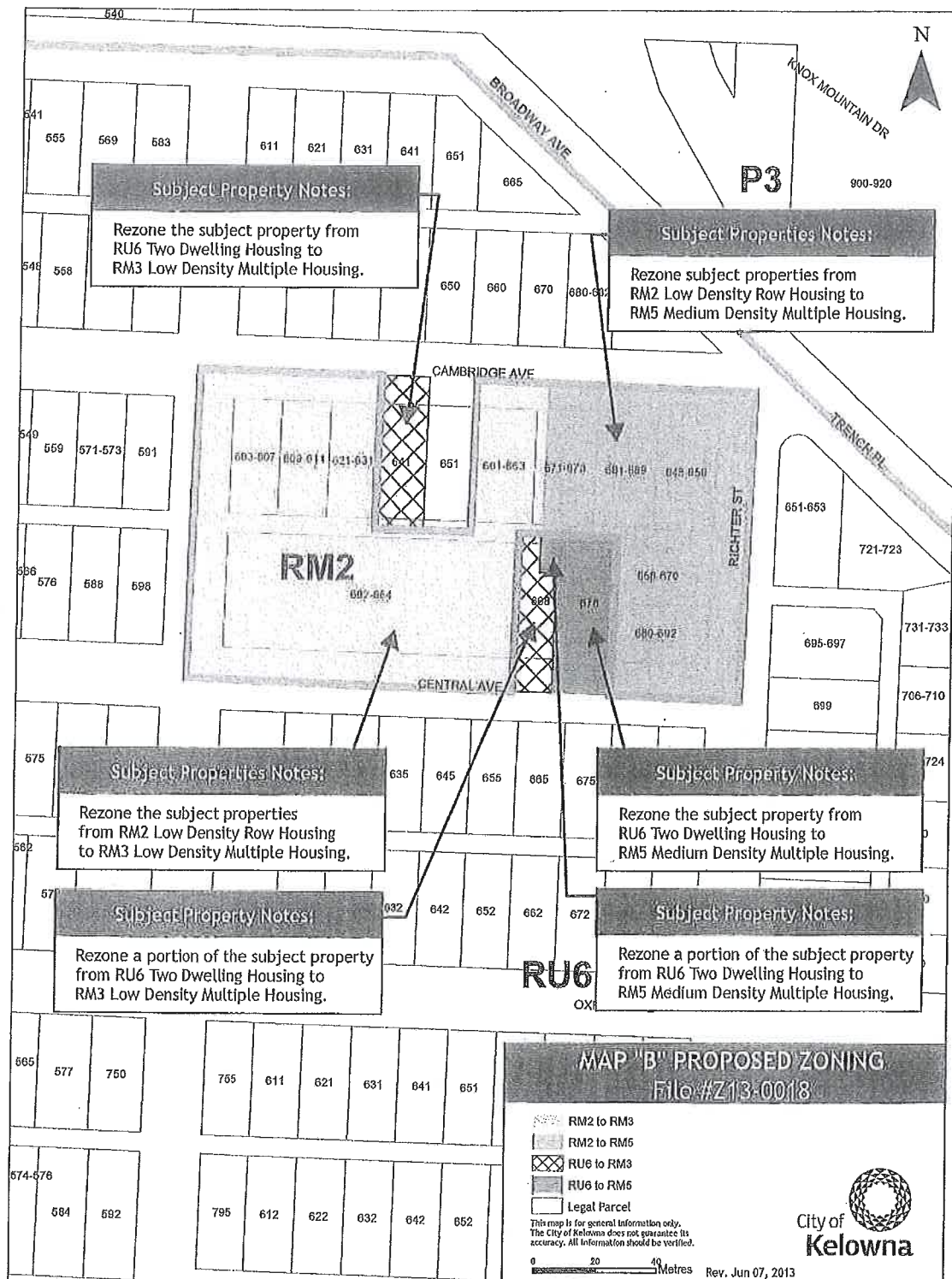
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



CITY OF KELOWNA
BYLAW NO. 10862
Z11-0051 - Richard and Walter Denman
2641 Longhill Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, Section 34, Township 26, ODYD, Plan 39180 located on Longhill Road, Kelowna, B.C., from the RR2 - Rural Residential 2 zone to the RR2c - Rural Residential 2 with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 24th day of June, 2013.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: June 24th, 2013
RIM No. 0930-50
To: City Manager
From: Land Use Management, Community Sustainability (PMc)
Application: LL13-0007 **Owner:** Stephen Cipes
Address: 4870 Chute Lake Road **Applicant:** Summerhill Estate Winery
Subject: Patron Participation Endorsement Application (Food Primary)
Existing OCP Designation: Resource Protection Area (ALR)
Existing Zone: A1 - Agriculture 1

1.0 Recommendation

THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 53 of the Liquor Control and Licensing Regulation and Council Policy #359, BE IT RESOLVED THAT:

Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application from at address: 4870 Chute Lake Road, Kelowna BC, (legally described as Lot 1, Sections 24 and 25, Township 28, SDYD, Plan KAP78562) for a patron participation Liquor License endorsement, are as follows:

- a) The potential for noise if the application is approved:
There will be an increase in noise associated with the application due to live music and DJ's playing associated with the weddings, conferences and private parties. The owner has built a sound barrier wall and enclosed the "Banquet Room" area to help mitigate the increase in noise.
- b) The impact on the community if the application is approved:
The potential for negative impacts is considered to be minimal.
- c) View of residents:
The Council's comments on the views of residents (if applicable) are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy & Procedures."

d) The person capacity and hours of liquor service of the establishment:

The total person capacity proposed for liquor primary service is 517 seats with operating hours of 9:00am to 12:00 midnight 7 days a week.

e) Traffic and parking:

There is no increase in traffic or parking associated with this application, no additional space or seating is being added as part of the application. Therefore the parking and traffic situation should remain unchanged.

f) The proximity of the establishment to other social or recreational facilities and public buildings:

Surrounding social or recreational facilities would not conflict with the proposed establishment. However, given the rural location and proximity to other residences there is a history of bylaw complaints predominantly related to noise.

g) Recommendation:

Council recommends that the application for a patron participation Liquor License endorsement be approved, excluding the patio, for a total of 402 person capacity.

2.0 Purpose

To add Patron Participation endorsement to the existing Food Primary license.

3.0 Land Use Management

The proposed Patron Participation Entertainment endorsement would allow the venue to hold wedding receptions and other functions where patrons would typically participate in some form of entertainment (usually dancing). While there may be negative impacts on the surrounding area due to increases in noise, they are anticipated to be more proactively managed given the acoustic improvement undertaken by the owner. In 2012, the applicant received an ALC endorsement for a Food Primary license which includes an "Event Endorsement" which is in line with the current patron participation application. The physical space and seating capacity are not being increased, therefore there are no anticipated increases in traffic or parking demand.

In consideration of the above, the Land Use Management Department recommends support for the proposed license endorsement with the exclusion of the patio area. Given the history of noise complaints, containing this use to inside the building where acoustic control could mitigate noise from travelling, this would be a measure to ensure minimal conflict with abutting uses. Discussion on the LCLB's regulatory criteria for Local Government comment on liquor license endorsement applications is as contained within staff's recommendation at the beginning of this report.

4.0 Proposal

4.1 Background

A liquor license application has been forwarded by the owner to the Provincial Liquor Control and Licensing Branch (LCLB) for their approval. Procedurally, any food primary applications requesting a Patron Participation Entertainment endorsement require Local Government comment.

The applicant is seeking Council support for a Patron Participation Entertainment endorsement for an existing Food Primary License. The operators wish to accommodate requests for functions

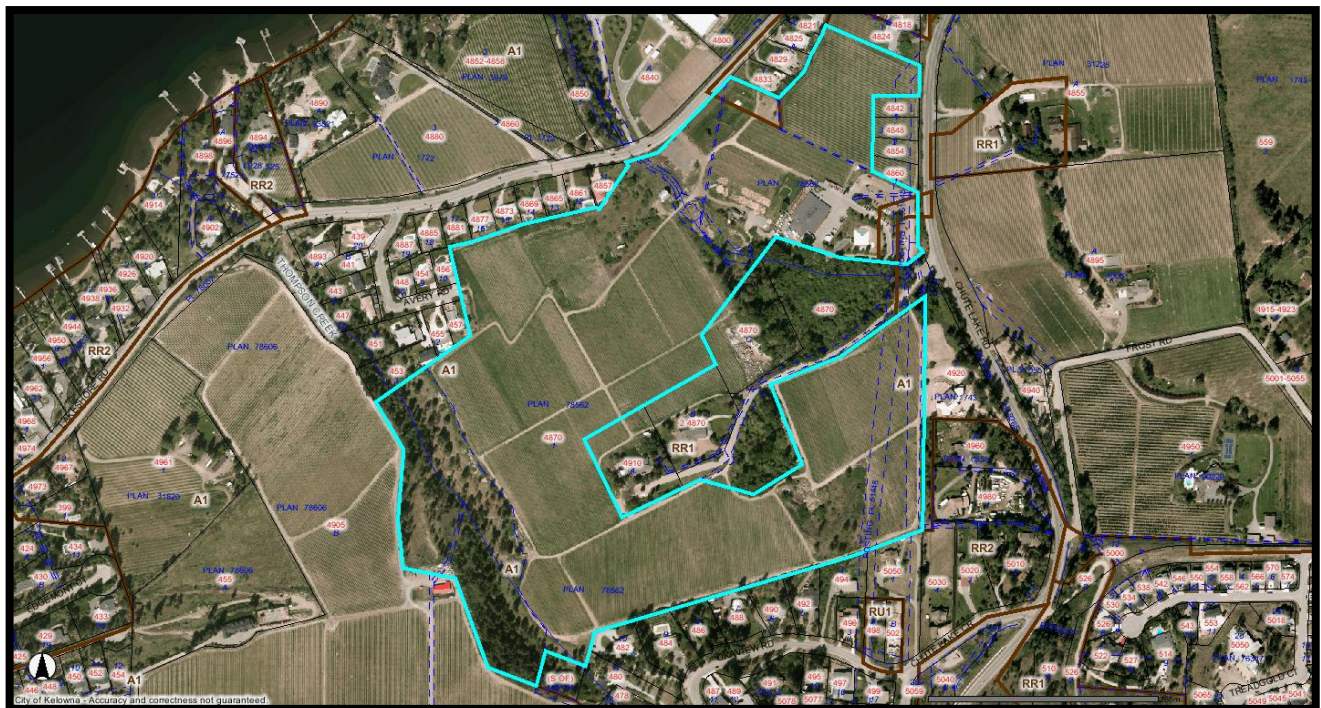
which include dancing and live music, particularly weddings, reunions and corporate functions. The Patron Participation Entertainment endorsement allows forms of entertainment that encourages patrons to participate, such as sing-along, dancing and karaoke, or perform stand-up comedy routines.

Summerhill Winery has operated a restaurant out of their winery for a number of years, the space features a patio area with seating for 115 persons and an indoor area for 120 persons located on the upper floor and a lower floor banquet room with seating for 235 persons. While the patron participation endorsement is tied to the license which covers all 517 seats mentioned above, it is anticipated that the banquet room with a 235 person capacity will be the principle patron participation space.

Existing License Summary	Details
Food Primary License Capacity	Restaurant & Patio (Upper Floor): 235 Persons Banquet Room (Lower Floor): 235 persons Total Capacity: 517 persons
Hours of Operation	9:00am-Midnight, 7 days a week
Endorsements	Winery License with Winery Lounge Endorsement Food Primary License (Currently being reviewed by LCLB) <i>Patron Participation Entertainment*</i>

***Proposed**

4.2 Site Context - 4870 Chute Lake Road



Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture 1 RR2 - Rural Residential 2	Single Unit Residential Single Unit Residential
East	A1 - Agriculture 1 RR1 - Rural Residential 1	Agriculture uses Single Unit Residential
South	RR1 - Rural Residential 1 RR2 - Rural Residential 2	Single Unit Residential Single Unit Residential
West	A1 - Agriculture 1	Agriculture uses

5.0 Current Development Policies

5.1 Council Policy #359 - Liquor Licensing Policy & Procedures

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

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

6.0 Circulation Comments

6.1 Building & Permitting

No comment.

6.3 Fire Department

KFD has no concerns with this license in the restaurant. Please ensure the Pyramid is not used for such events.

6.4 Public Health Inspector - No comment provided.

6.5 RCMP

Have neighbours (especially down the hill as sound travels) been canvassed by the applicant and is no one opposed? Anticipate noise complaints as noise can travel a long way from up there.

6.6 Bylaw Services

No concerns at present, as Bylaw Services have not received noise complaint since 2009-1-21 (*time of noise attenuation installed*).

7.0 Application Chronology

Date Application Received: June 4th, 2013

Report prepared by:

Paul McVey, Land Use Planner

Reviewed by:



Danielle Noble, Manager of Urban Land Use Management

Approved for Inclusion:



Doug Gilchrist, GM, Community Planning & Real Estate

Attachments:

Subject Property Map

Provisional Internal Floor Plan (Occupancy Load)

Reviewed
by City of Kelowna
Inspiration Services



The Patio Area has a net floor area of 138 m². The maximum occupant load shall be 115 persons, based on 1.2 m²/person.

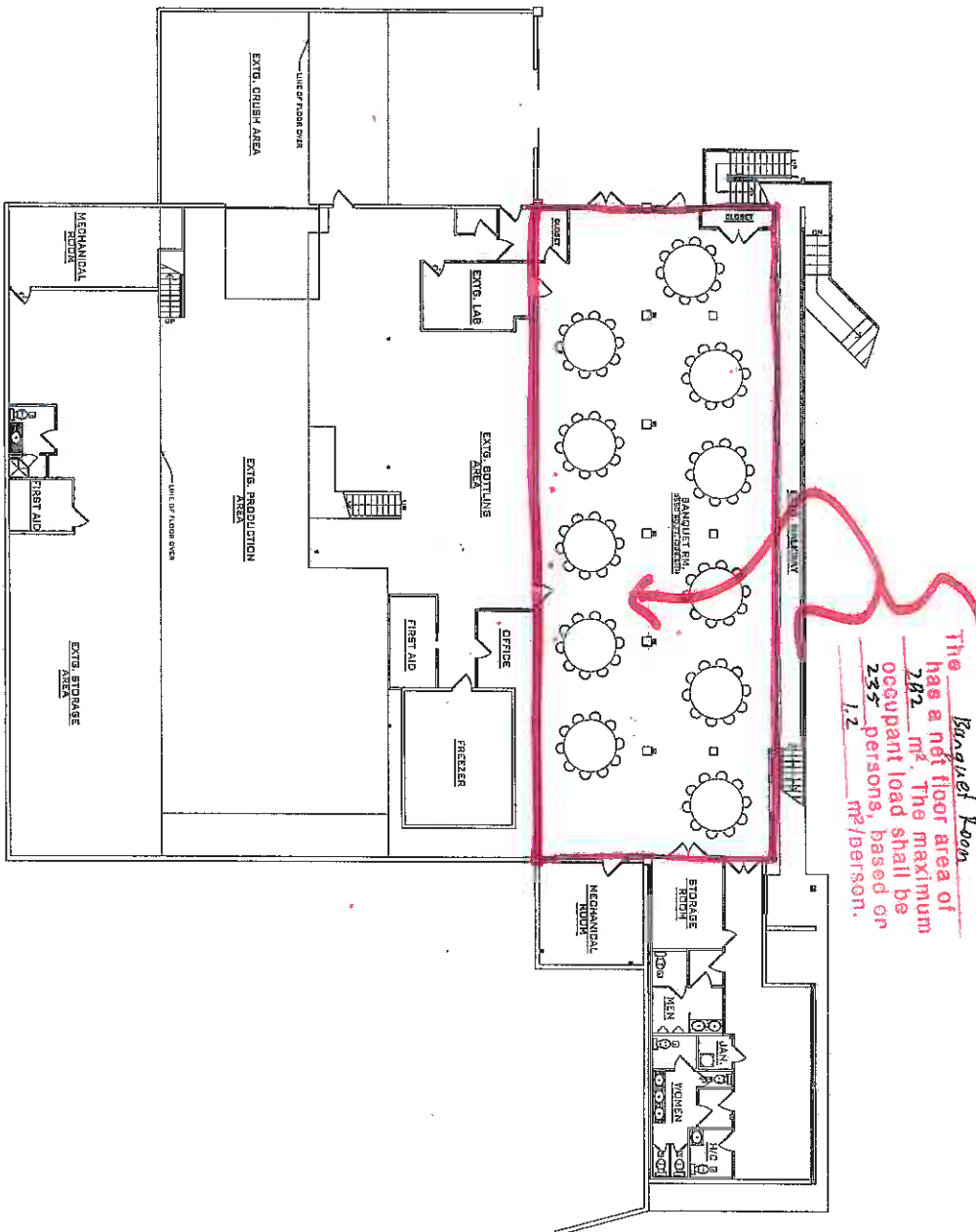
The Area # 1
has a net floor area of 144 m^2 . The maximum
occupant load shall be 120 persons, based on
1.2 m^2 /person.

The live loading area has a net floor area of 25 m^2 . The maximum occupant load shall be 70 persons, based on 1.2 m^2 /person.

[illegible]

Reviewed
by City of Kelowna
Inspection Services

LOWER FLOOR PLAN
SCALE: 1/8" = 1'-0"



The Banquet Room
has a net floor area of
282 m². The maximum
occupant load shall be
235 persons, based on
1.2 m²/person.

<p>Willson Construction Set</p> <p>GROUP LTD.</p> <p>100-1000 1st Avenue East Kelowna BC V1Y 1C1 Phone: 250-860-1111 Fax: 250-860-1112 www.willsonconstruction.com</p>		<p>DATE: _____</p> <p>REVISIONS:</p> <table border="1"> <tr> <th>NO.</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	NO.	DESCRIPTION								
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<p>This drawing is the property of Willson Construction Set Group Ltd. and is not to be reproduced or used in any manner without the written consent of Willson Construction Set Group Ltd. The design is the property of Willson Construction Set Group Ltd. and is not to be reproduced or used in any manner without the written consent of Willson Construction Set Group Ltd.</p>												
<p>PROJECT: 4800 DUKE LAKE RD SUNNYSIDE ESTIMATE: 27,001.2 DATE: 27,001.2 DRAWN BY: J. WILLSON CHECKED BY: J. WILLSON DATE: 27,001.2 DATE: 27,001.2</p>												
<p>NO. 28107 1 of 2</p>												

REPORT TO COUNCIL



Date: June 10, 2013

RIM No. 0940-93

To: City Manager

From: Land Use Management, Community Sustainability (GS)

Application: TUP12-0002 **Owner:** Becky Habib
Andrew Habib
Sally Bloomfield

Address: 4493 Stewart Road East **Applicant:** CrocTalk (Doug Illman & Brenda Bruce)

Subject: Temporary Use Permit - Extension

Existing OCP Designation: Resource Protection Area (REP)

Existing Zone: A1 - Agriculture 1

1.0 Recommendation

THAT Council authorize Temporary Use Permit No. TUP12-0002 extension to allow an "Exotic Animal Rescue/Conservation Facility" on Lot 182, Section 33, Township 29, ODYD, Plan 1247, located at 4493 Stewart Road East, Kelowna BC, as shown on Map "A" attached to the Report of the Land Use Management Department dated June 10, 2013, subject to the following conditions:

- a) No expansion of the existing facility (or any additional buildings/structures) or parking is permitted during the term of the Temporary Use Permit.
- b) The Temporary Use Permit will expire on June 30, 2014.
- c) That on-site disposal of water, waste and other related activities be in accordance with Best Management Practices of both the Ministry of Environment and the Interior Health Authority.
- d) Remediation of the site following expiration of the Temporary Use Permit to a viable agricultural standard.
- e) Decommissioning of the dwelling located on the upper level of the accessory building currently being inhabited by CrocTalk as per City of Kelowna technical guidelines.
- f) General requirements for obtaining a Business License are to be met.

2.0 Purpose

To consider an extension to a Temporary Use Permit (TUP10-0002) that expired on October 5, 2012. The TUP would allow for the continued operation of an exotic animal rescue/education facility on the subject property on an interim basis.

3.0 Land Use Management

A request for temporary use was made in 2010 following extensive efforts to bring the non-conforming CrocTalk operations into compliance. The two year Temporary Use Permit applied for was intended as a stop-gap measure to allow the owners time to find a permanent home for their facility in an appropriate zone. The owners have identified that their needs include a parcel with adequate space for the growing animals, and which meets the demand for larger groups of attendees, and the ability to remain open daily.

In 2010 staff noted that given the previous period of enforcement leniency, the proposed two year Permit is considered to be generous to achieve relocation and that staff would not support a future extension to an approved TUP. Specific Land Use Management concerns with the ongoing use of the subject property included:

- The existing operation does not comply with the Zoning Bylaw or OCP Future Land Use.
- Urban/non-farm uses should be located in areas which do not impact existing agricultural areas, in the interests of preserving farmland and limiting speculative pressures on such land. Policies within both the Agriculture Plan and the Official Community Plan affirm these recommendations.
- Servicing implications: the property does not have access to community sewer, and the surrounding road network is not designed to accommodate a tourist operation of this scale.

This operation is regulated under the *Wildlife Act* of BC and is subject to multiple permits under the Act. Significant delays in obtaining both the Personal Possession Permit and Temporary Zoo Permit from the Province (with the latter being obtained in June, 2012 for a period of two years ending June 30, 2014) are cited by the applicants as the primary reason that they have not been able to meet the two year timeline provided by the City in 2010. The owners note that the absence of Permits and the uncertainty associated with their operations have limited their ability to operate the business and also pursue the investment capital necessary to relocate to an appropriate zone.

Council is now being asked to approve an extension to the original two year Permit. While the applicants originally sought an extension of not less than two years, the applicants and staff have agreed to a shorter duration that will help them facilitate their move while providing the City with a timeframe within which the use of the agricultural property must cease. An extension of the TUP to June 30, 2014, is consistent with the "Temporary Zoo Permit" and is supported by staff given the challenges faced by the applicants in obtaining the Provincial Permits and the unique nature of this enterprise.

While the application to extend the TUP from the initial two years was submitted after the lapse of the Permit, processing delays have arisen due to proposed changes to the OCP with respect to the issuance of TUPs. Changes to the OCP endorsed by Council at the end of May make the processing of TUPs easier to administer, as an OCP amendment is no longer necessary.

4.0 Proposal

4.1 Background

CrocTalk has been located at the subject property since at least 2006 when correspondence shows that the applicants were made aware that they were in contravention of the City's Zoning Bylaw which does not permit this use. Applications for an OCP Amendment and TUP were received in 2010 at which time Council authorized an OCP Amendment (OCP10-0013) on the subject property to temporarily amend the Future Land Use designation of the subject property

from “Resource Protection Area” to “Commercial” and the Temporary Use Permit (TUP10-0002) issued.

Staff supported this request given the goal of the owners to provide “conservation through education” regarding exotic animals both locally and abroad. The hope was to allow the business owners to obtain an interim business license that would lead to adequate financial support to relocate their business to an appropriate zone.

4.2 Project Description

The proposed TUP would allow “CrocTalk” to achieve interim compliance with the Zoning Bylaw.

The applicant’s describe their business as follows:

“CrocTalk Conservation and Rescue promotes conservation efforts for crocodilians, African wild cats, and tortoises, through educational events called Croc ‘Talks’. The partners offer on-site and off-site Croc ‘Talks’ for local residents and tourists in numerous settings and for many types of events such as: family outings, birthday parties, community functions, school outings, trade fairs, fund raisers and other special events. The interactive presentations are provided year-round, for a fee based on location, group size, type of event and unique factors.”

A detailed explanation of the CrocTalk operation is provided within the attached submission.

4.3 Site Context

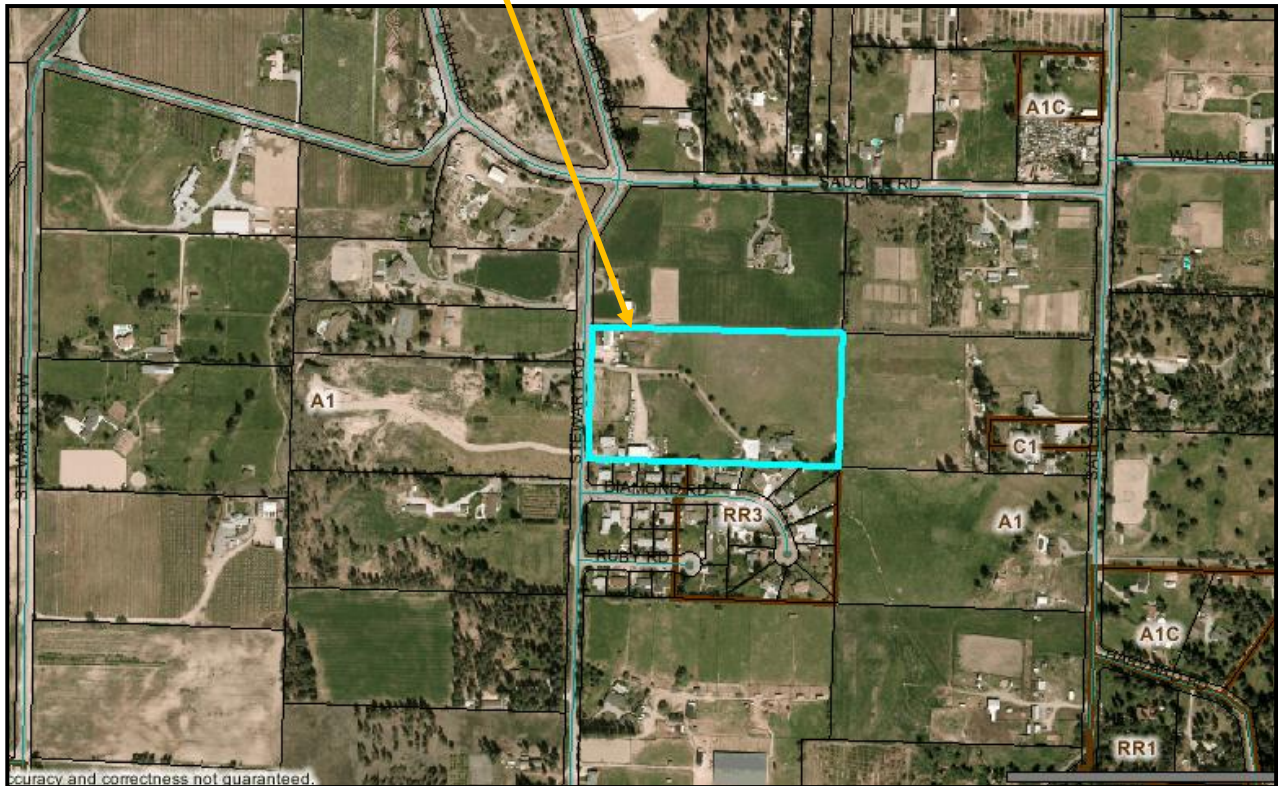
The subject property is located in Southeast Kelowna, northeast of Crawford Estates. The surrounding area is rural, with an older established single-family subdivision immediately to the south.

The CrocTalk facility is located in the northeast corner of the 4.9 ha (12.1 acre) parcel. The facility includes both indoor and outdoor space, as well as a personal residence on the upper level for the operators. In addition two other single family dwellings currently exist. The original dwelling was allowed to remain with a statutory declaration stating that the “existing single family dwelling on the subject land will be used solely by the families of full time agricultural workers on the site or to accommodate seasonal agricultural labourers employed on the site” (see attached). A new home was constructed in the southeast corner of the property in the late 1990’s.

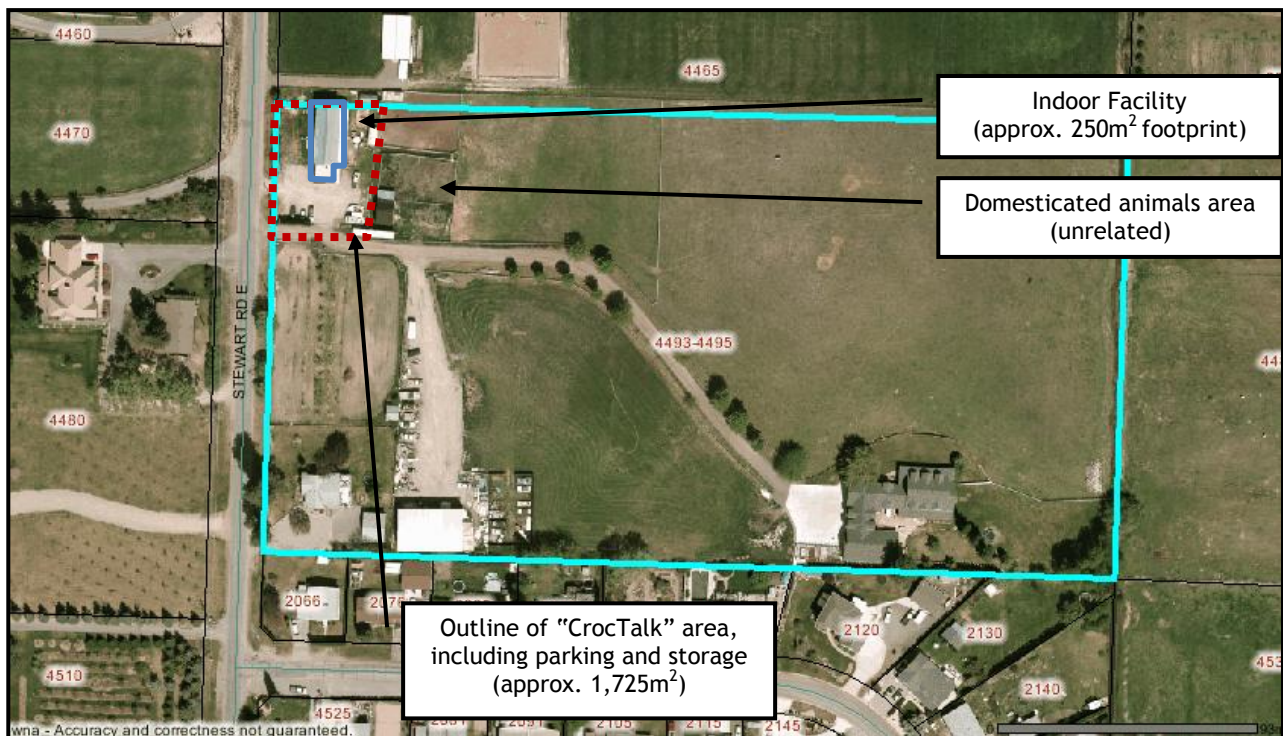
Specifically, the adjacent zones and uses are as follows:

Orientation	Zoning	ALR	Land Use
North	A1 - Agriculture 1	Yes	Rural/Agricultural
East	A1 - Agriculture 1 (ALR)	Yes	Rural/Agricultural
South	A1 - Agriculture 1 RR3 - Rural Residential 3	No	Single Family Subdivision
West	A1 - Agriculture 1 (ALR)	Yes	Rural/Agricultural

Context Map: 4493 Stewart Road East



Subject Property Map: 4493 Stewart Road East



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Temporary Use Permits.¹

Temporary Use Permits outside the PGB may be considered on lands designated Resource Protection Area, with a stated time period considerably less than the maximum three (3) year time limit. A Temporary Use Permit on lands in the ALR will require the approval of the Agricultural Land Commission.

All Temporary Use Permits must conform to other policy direction in this OCP, including fit within the character of the neighbourhood and surrounding uses. Appropriate landscaping, screening and buffering will be included as conditions of the permit to protect adjacent land uses.

Objective 5.33 Protect and enhance local agriculture².

Policy .1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Policy .3 Urban Uses. Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

Policy .7 Non-farm Uses. Support non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses:

- are consistent with the Zoning Bylaw and OCP;
- provide significant benefits to local agriculture;
- can be accommodated using existing municipal infrastructure;
- minimize impacts on productive agricultural lands;
- will not preclude future use of the lands for agriculture;
- will not harm adjacent farm operations.

Farm Protection DP Guidelines³

Objectives

- Protect farm land and farm operations;
 - Minimize the impact of urban encroachment and land use conflicts on agricultural land;
- Minimize conflicts created by activities designated as farm use by ALC regulation and non-farm uses within agricultural areas.

6.0 Technical Comments

6.1 Bylaw Services

Since the issuance of this TUP in 2010 the subject property has been subject to two Bylaw Enforcement/RCMP investigations though neither of these have anything to do with CrocTalk.

7.0 Application Chronology

Date of Application Received: November 14, 2012

¹ City of Kelowna Official Community Plan, Future Land Use Chapter; pp. 4.9 & 4.10.

² City of Kelowna Official Community Plan - Chapter 5 - Development Process; pp. 5.33 & 5.34.

³ City of Kelowna 2030 Official Community Plan (2011) - Farm Protection Development Permit Chapter; p. 15.2 - 15.4.

Date of Original Permit Issuance: October 5, 2010
Date of Original Permit Lapse: October 5, 2012
OCP Amendment (re: TUPs): May 21, 2013

Report prepared by:

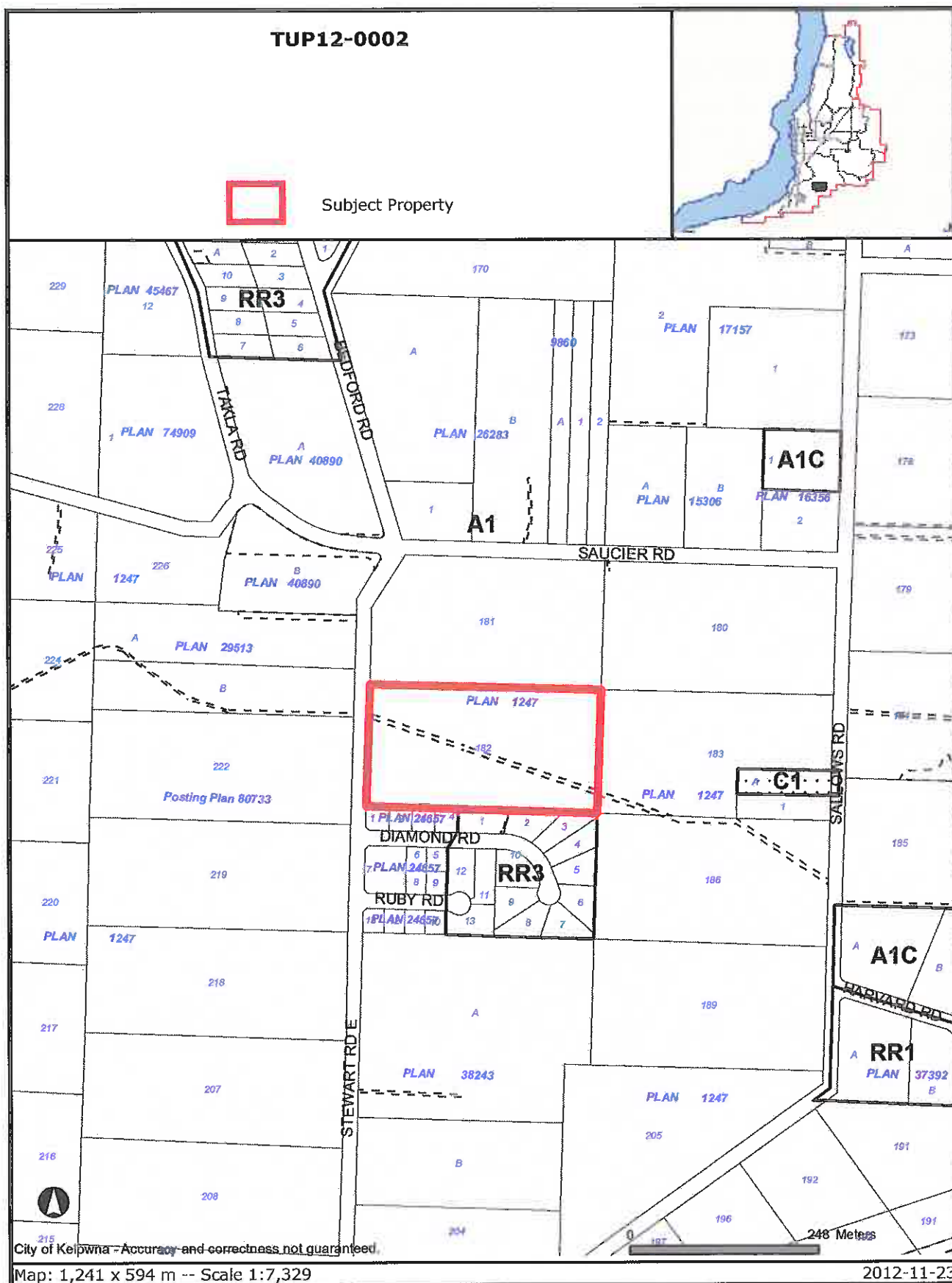
Greg Sauer, Environment & Land Use Planner

Reviewed by: ☐ Danielle Noble, Manager, Urban Land Use

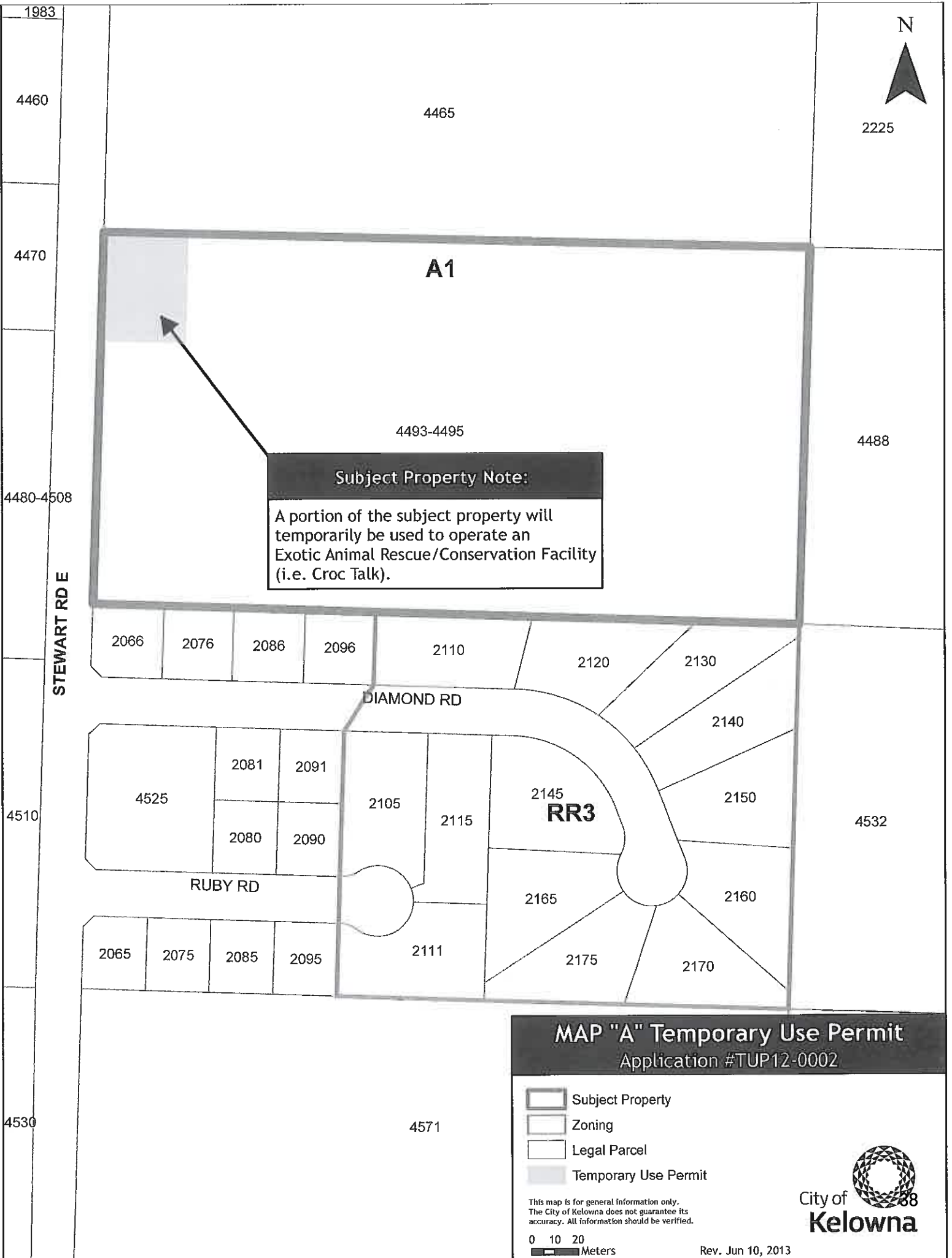
Approved for Inclusion ☐ D. Gilchrist, Acting GM, Community Sustainability

Attachments:

Subject Property Map
Map "A" - Temporary Use Permit
Letter from Applicant - "Overview: CrocTalk Conservation & Rescue"
Facility Photos
Draft Temporary Use Permit - TUP12-0002



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.





Mailing Address: PO Box 25135 Kelowna, BC, V1W-3Y7
4493 Stewart Road East, Kelowna, BC, V1W-4C1

www.croctalk.com

250-764-1616

were@croctalk.com brenda@croctalk.com

Overview: CrocTalk Conservation and Rescue

July 22, 2010

Current operations

CrocTalk Conservation and Rescue, is an eight year old partnership, based in the city of Kelowna, B.C., and specializes in promoting conservation through education with its focus on several species of animals that are not indigenous to all of Canada. Live specimens that have either been rescued or placed at the facility are used for all Croc "Talk" presentations. The facility currently houses 27 crocodilians, 3 Sulcata tortoises, 2 African wild cats and a variety of small indigenous animals. The partners also own a replicated skull display of the world's largest crocodile, the 110 million year old *Sarcosuchus Imperator*, also known as: SuperCroc. Mr. Illman and Ms. Bruce also own a replica of the largest crocodile skull ever to be found in one piece, called *Gavialosuchus*.

The partners provide on-site and off-site educational Croc "Talks" for birthday parties, family outings, community functions, schools, trade fairs, fund raisers and other special events. The unique, interactive presentations are provided year-round, for a fee based on location, group size, type of event and unique factors.

Containment Areas

All containment areas are designed with simulated-natural surroundings to make certain that all animals in the facility have the best possible environment to help them flourish.

Each specially made crocodilian pond is constructed from high grade lumber that is lined with thermostatically controlled, in-floor heating, and is spray-finished with a 3/8' thick coating of a hard rubber polyurea sealant, a coating similar to truck-box liner. All ponds are surrounded by custom-made cultured rock, creating the illusion of sand stone. All ponds are surrounded by cultured rock

which simulates sand stone, and provide a surface for the crocodilians to roam out of the water. The total containment area provides sufficient square footage for the reptiles to live comfortably in their current facility. Heat bulbs replicate the required sunlight.

The frame of each pond is constructed from high grade lumber, is lined with thermostatically controlled, in-floor heating, and is spray-finished with a 3/8' thick coating of a hard rubber polyurea sealant, a coating similar to truck-box liner. All ponds are surrounded by custom-made cultured rock, creating the illusion of sand stone. Heat bulbs replicate the required sunlight.

The ambiance is further set with Mr. Illman's sky mural that flows into non-stop wall murals that replicate "the Everglades". Several varieties of palm trees measuring eight to twelve feet in height finish the simulated habitat. Additionally, air temperature is maintained by thirty feet of radiant heat tubes installed in the ceiling and is of benefit for both animals and the public. The tube also heats the cement floor space and as a result is comfortable for walking on and for placing animals when needed.

The African Caracal and African Serval have their own space within the structure, and freely enjoy all areas that are not croc-dedicated. All other animals have their own comfortable living space created both in and around the structure.

Relocation Goals

Because the majority of crocodilians being housed at the CrocTalk Conservation and Rescue Center have not reached their mature size, it is critical that the partners relocate their CrocTalk operations to a larger, permanent facility to satisfy the "growing" requirements of their animals. The permanent location will provide superior containment areas that, again, will replicate a simulated-natural environment, and that will ensure a safe and comfortable atmosphere, free from stress or harm.

After relocation, the ultimate goal of Mr. Illman and Ms. Bruce is to firmly establish CrocTalk Conservation and Rescue as a world-class destination spot that provides an interactive and entertaining visitor experience based on conservation through education, and focusing on crocodilians, tortoises, wild cats, pre-historic replicas, and much more. The partners will continue providing educational Croc "Talks", for which they are now recognized, yet they will be able to present their programs to larger numbers of individuals and groups, including members of the local community, visitors from out of province, and international tourists and their families.



Welcome to
CrocTalk
 Kelowna, B.C.
 4493a Stewart Road East Kelowna V1W-4C1
 250-764-1616



Sarcosuchus or SUPERCROC Exhibit 110MYO



Our CrocTalk facility is fresh & clean,
 wheelchair accessible, veterinarian
 friendly and most important...supports
 all the wants and needs of the crocodilians.

"Mr. Illman's efforts should not only be applauded but fully supported and endorsed"

Colin Sanders, B Sc Hon., Herpetologist, UBC, Canada/ UNESP, Brazil

**"Having visited the facility, I am impressed by the effort that you have undertaken to
 make this dream a reality"**

Robert Fine, Executive Director, Economic Development Commission for the Regional District Central Okanagan



CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Temporary Industrial Use Permit: TUP12-0002

EXISTING ZONING DESIGNATION: A1 - AGRICULTURE 1

ISSUED TO: CrocTalk (Doug Illman & Brenda Bruce)

LOCATION OF SUBJECT SITE: 4493 Stewart Rd E

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	182		Plan 1247	33	29	O.D.Y.D.

SCOPE OF APPROVAL

- ☐ This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- ☐ This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.

1. TERMS AND CONDITIONS:

- THAT, in addition to the permitted uses of the A1 - Agricultural 1 zone of Zoning Bylaw 8000, as amended or replaced from time to time, this Permit allows for the operation of an exotic animal rescue/education facility within the area shown shaded on the attached Map "A";
- AND THAT this Permit will expire on June 30, 2014;
- AND THAT no expansion of the existing facility or parking area is permitted;
- AND THAT, following the expiry of this Permit, the use of the subject property must comply with the provisions of the A1-Agriculture 1 zone of Zoning Bylaw 8000, as amended or replaced from time to time;
- AND THAT on-site disposal of water, waste and other related activities must be in accordance with Best Management Practices of both the Ministry of Environment and the Interior Health Authority;
- AND THAT the site be remediated following expiration of the Temporary Use Permit to a viable agricultural standard;
- AND THAT Decommissioning of the dwelling located on the upper level of the accessory building currently being inhabited by CrocTalk as per City of Kelowna technical guidelines;
- AND FURTHER THAT general requirements for obtaining a Business License are to be met.

2. DEVELOPMENT:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

This Permit is not transferable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

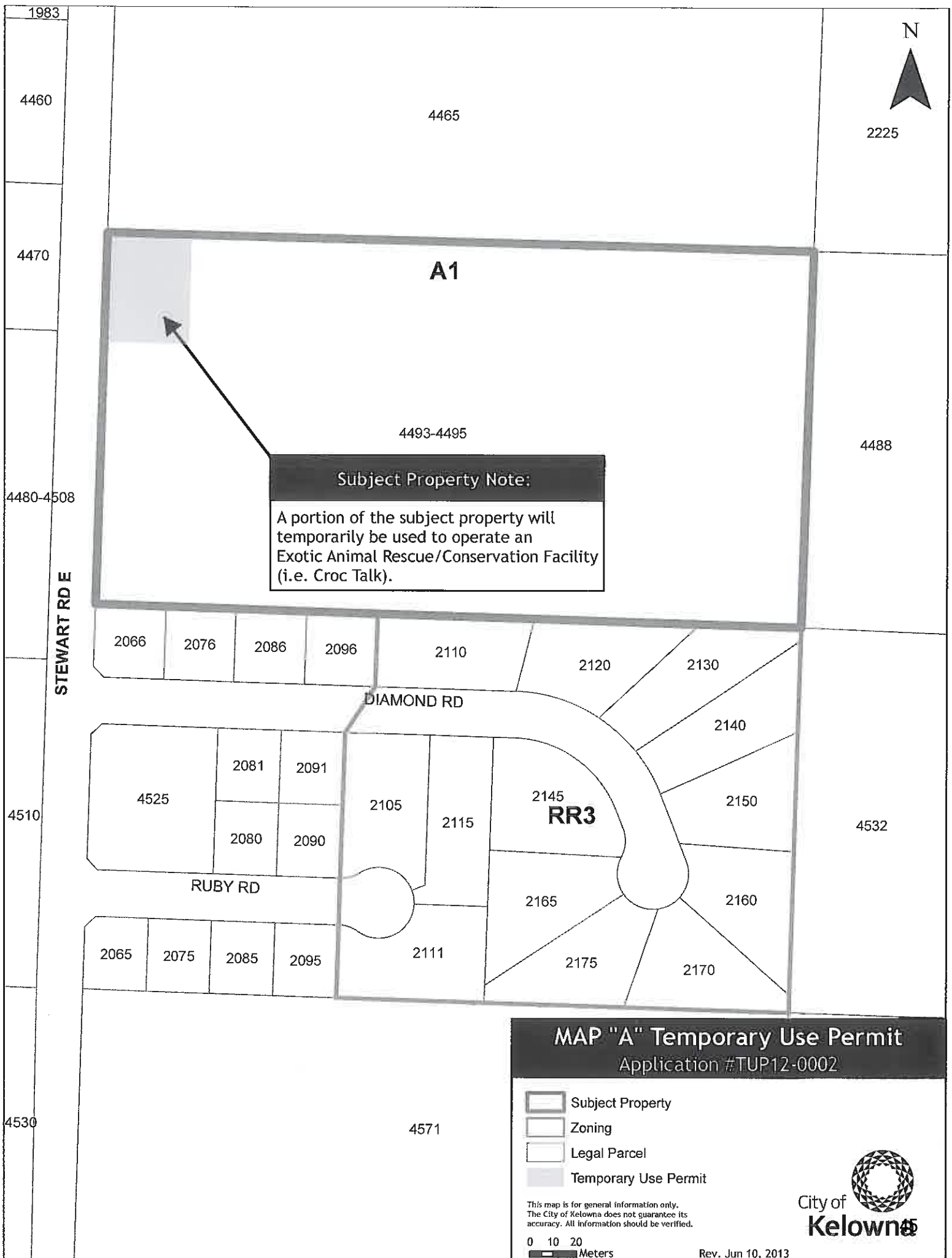
Telephone No.

3. APPROVALS:

TEMPORARY USE PERMIT AUTHORIZED BY COUNCIL ON THE ____ DAY OF _____, 2013.

ISSUED BY THE LAND USE MANAGEMENT DEPT. OF THE CITY OF KELOWNA THE ____ DAY OF _____, 2013.

Doug Gilchrist
Acting GM, Community Sustainability for the Director, Land Use Management



REPORT TO COUNCIL



Date: June 10, 2013

RIM No. 0940-93

To: City Manager

From: Land Use Management, Community Sustainability (GS)

Application: TUP13-0001 **Owner:** Michael (Sean) Dawson
Latisha Jae Dawson

Address: 2045 Begbie/990 Glenmore Road **Applicant:** Sean Dawson

Subject: Temporary Use Permit

Existing OCP Designation: Resource Protection Area

Existing Zone: A1 - Agriculture

1.0 Recommendation

THAT Council authorize the issuance of Temporary Use Permit No. TUP13-0001 to allow the continued operation of Advanced Powerlines (a Contractor Services General use) on a portion of Lot 16, Block 4, Section 9, Township 23, ODYD, Plan 896, Except Plans KAP64694 and KAP85916, located at 2045 Begbie Road, Kelowna, BC as shown on Map "A" attached to the Report of the Land Use Management Department dated June 10, 2013, subject to the following conditions:

- a) The Temporary Use Permit will expire on February 4, 2014;
- b) Issuance of a Business License for Advanced Powerlines at the subject property; and
- c) The applicant be required to bring the residential uses (i.e. Mobile Home) into compliance with ALC and City regulations.

2.0 Purpose

To consider a proposal for a Temporary Use Permit (TUP) in order to legalize the existing non-farm use of the property (Contractor Services, General) for a duration less than one year.

3.0 Land Use Management

In general, staff do not support the use of agricultural land for non-farm use purposes. This is especially true where the non-farm use has not been authorized by the Agricultural Land Commission (ALC) where the land is within the Agricultural Land Reserve (ALR). While there are cases (e.g. agri-industrial) where the use can exist in a gray area, this is not the case with the subject property as the use is clearly of an industrial nature.

In addition to the inappropriate use of farm land, the use of agricultural land for industrial purposes also has transportation impacts. The higher volume of large trucks and trailers lends itself to dangerous turning movements into and out of the subject property and is exacerbated during peak hours. It was this concern with traffic accessing the site which led to City staff being asked to investigate.

Staff are also concerned with the occupancy of a mobile home onsite. Staff authorized the placement of a mobile home for farm workers in 1994 based on the then owners farm needs. A second residence is only permissible in the ALR and zoning bylaw when used for these purposes¹. At this time the applicant acknowledges that the mobile home is not being used to house farm workers as intended.

The application represents ongoing efforts by the City and Agricultural Land Commission to ensure compliance on agricultural land. It is hoped that the clear direction provided by this file will help to dissuade others who are currently, or are thinking about using ALR land for non-farm purposes in the future from doing so. Staff recommend that the TUP be issued subject to the removal of the mobile home, or the decommissioning of the mobile home to the satisfaction of the City's Chief Building Inspector.

4.0 Proposal

4.1 Background

Staff were advised of a potential illegal use of agricultural land by a concerned citizen. City staff investigated and found that a portion of the property was being used for the business operations of Advanced Powerlines Ltd. Advanced Powerlines Ltd. is in the business of installing and maintaining powerline distribution lines for both utilities and private customers.

The business being conducted by Advanced Powerlines Ltd. is consistent with *Contractor Services, General*² as defined by *Zoning Bylaw 8000*. This use is not permitted in the A1 - Agriculture 1 zone, nor is it a permitted use in the ALR.

The agriculturally zoned subject property has been unlawfully used as the business operations for Advanced Powerlines Ltd. (i.e. Industrial use) for a number of years. A "Non-Farm Use" file was submitted for decision by the Agricultural Land Commission in 2012 following investigation by City staff. City Council recommended that the ALC approve the Non-Farm Use for one year, a duration believed to be appropriate to relocate Advanced Powerlines Ltd. to an appropriate zone.

The Commissioners at the ALC agreed with Council's recommendation and authorized the unlawful non-farm use to take place for a duration of one year from their decision (i.e. February 4, 2013). The ALC decision states that there is no possibility of extension.

As conditions of the temporary non-farm use, the ALC required the owner to "rehabilitate to an agricultural condition equal to or better than the remainder of the property" and also to deposit a \$10,000 performance bond to ensure the work is satisfactorily completed.

While the City could authorize a TUP for up to three years, the ALC decision provides strict guidance on the duration that the City may authorize the ongoing operations.

¹ In addition to occupancy by a farm worker, ALC regulations allow for a mobile home to be occupied by a member of the owners' immediate family. ALC (and zoning) regulations do not, however, allow for a mobile home to be used for rental purposes.

² Contractors Services, General means premises used for the provision of building and road construction services including landscaping, concrete, electrical, excavation, drilling, heating and plumbing or similar services of a construction nature which require on-site storage and warehouse space. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor services use only.

4.2 Project Description

While the ALC has permitted the “non-farm use” for a duration of one year, the use (i.e. Contractor Services, General) is not a permitted principal or secondary use in the City’s agricultural zone. The TUP is the mechanism to allow the operations to take place on agriculturally zoned land.

The applicants are seeking Council support for continued use of a portion of the subject property. No new buildings or structures are being proposed for the business use. The TUP would authorize the use of a 0.47 hectare portion only. The 0.47 hectare portion of the subject property includes a number of accessory buildings. The area to be used for this purpose is consistent with the area authorized for temporary non-farm use via ALC Resolution #21/2013 (ALC File: # 52992).

Advanced Powerlines Ltd. would occupy that portion of the subject property for business operations including parking (both business and employee personal automobiles), material storage and a staff meeting room. Traffic generated by this use is said to include approximately 12 personal vehicles arriving between 06:00 and 07:00, approximately six work vehicles (large trucks and trailers) departing the subject property for worksites. Work vehicles typically return between 15:00 and 17:00 and the personal vehicles depart shortly thereafter.

4.3 Site Context

The subject property is located west of Glenmore Road North in the McKinley sector. The general context is predominantly large agricultural properties with ALR on three of four sides. Upslope to the west is Long Ridge Drive and the community of Wilden.

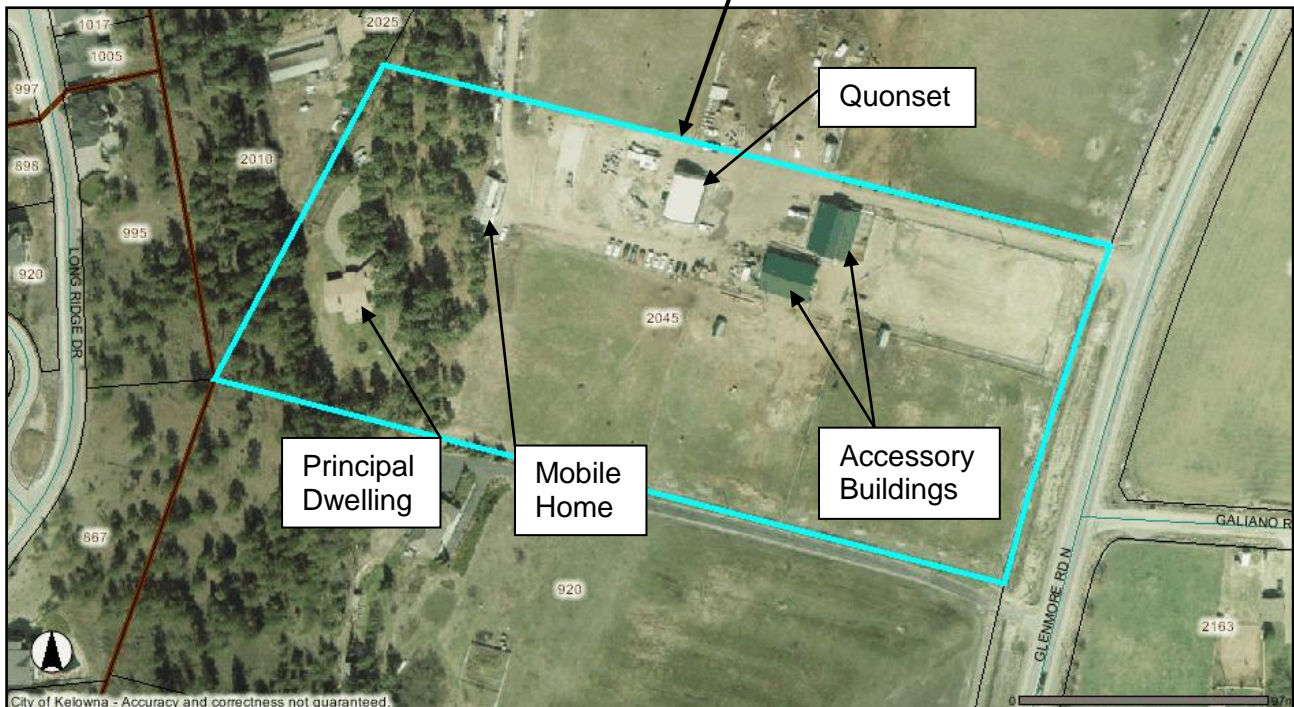
At present two dwellings (one single family dwelling and one mobile home) are situated on the subject property. In addition to the dwellings, a number of accessory buildings and structures currently exist along with fenced pasture areas and a treed section in the western portion.

Parcel Summary: 2045 Begbie Road
Parcel Size: 4.1 ha (10.1 ac)
Elevation: 434 - 518 masl

The subject property is located west of Glenmore Road North. The surrounding properties are zoned as follows:

Direction	Zoning	ALR	Land Use
North	A1 - Agriculture 1	Yes	Rural/agricultural
South	A1 - Agriculture 1	Yes	Rural/agricultural
East	A1 - Agriculture 1	Yes	Rural/agricultural
West	A1 - Agriculture 1	No	Rural/agricultural

Subject Property Map: 2045 Begbie Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Temporary Use Permits.³

Temporary Use Permits outside the PGB may be considered on lands designated Resource Protection Area, with a stated time period considerably less than the maximum three (3) year time limit. A Temporary Use Permit on lands in the ALR will require the approval of the Agricultural Land Commission.

All Temporary Use Permits must conform to other policy direction in this OCP, including fit within the character of the neighbourhood and surrounding uses. Appropriate landscaping, screening and buffering will be included as conditions of the permit to protect adjacent land uses.

Objective 5.33 Protect and enhance local agriculture⁴.

Policy .1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Policy .3 Urban Uses. Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

Policy .7 Non-farm Uses. Support non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses:

- are consistent with the Zoning Bylaw and OCP;

³ City of Kelowna Official Community Plan, Future Land Use Chapter; pp. 4.9 & 4.10.

⁴ City of Kelowna Official Community Plan - Chapter 5 - Development Process; pp. 5.33 & 5.34.

- provide significant benefits to local agriculture;
- can be accommodated using existing municipal infrastructure;
- minimize impacts on productive agricultural lands;
- will not preclude future use of the lands for agriculture;
- will not harm adjacent farm operations.

Farm Protection DP Guidelines⁵

Objectives

- Protect farm land and farm operations;
- Minimize the impact of urban encroachment and land use conflicts on agricultural land;
- Minimize conflicts created by activities designated as farm use by ALC regulation and non-farm uses within agricultural areas.

6.0 Technical Comments

6.1 Building & Permitting Department

Business License must be issued for the subject property.

6.2 Development Engineering Department

No concerns.

7.0 Application Chronology

Date of Application Received: April 11, 2013

OCP Amendment (re: TUPs): May 21, 2013

ALC Decision: February 4, 2013

Report prepared by:

Greg Sauer, Environment & Land Use Planner

Reviewed by:

☐

Todd Cashin, Manager, Environment & Land Use

Approved for Inclusion

☐

D. Gilchrist, Acting GM, Community Sustainability

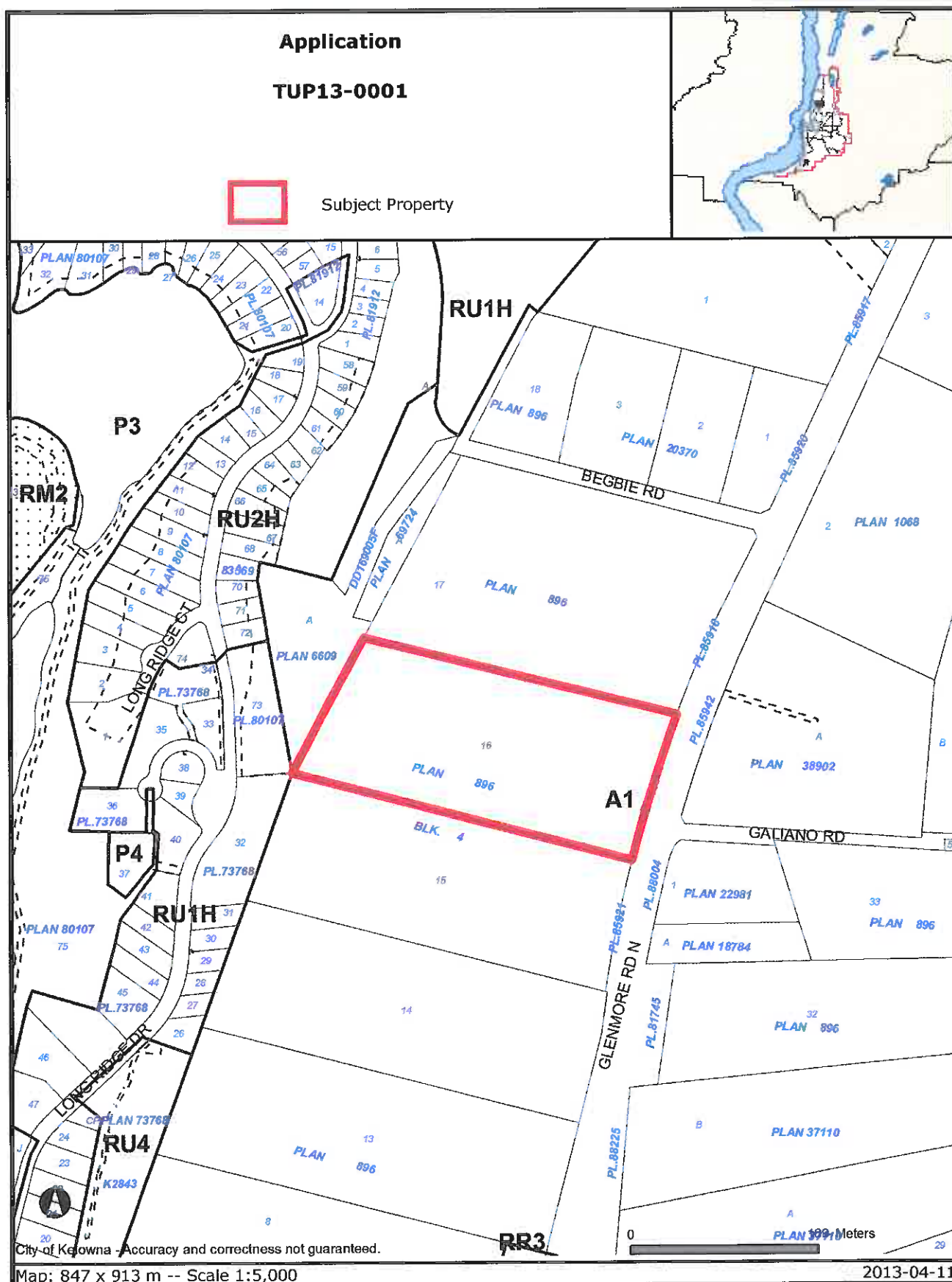
Attachments:

Subject Property Map

Map "A" - Temporary Use Permit

Draft Temporary Use Permit - TUP13-0001

⁵ City of Kelowna 2030 Official Community Plan (2011) - Farm Protection Development Permit Chapter; p. 15.2 - 15.4.



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.

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Temporary Industrial Use Permit: TUP13-0001

EXISTING ZONING DESIGNATION: A1 - AGRICULTURE 1

ISSUED TO: Michael (Sean Dawson)

LOCATION OF SUBJECT SITE: 2045 Begbie/990 Glenmore Road

	LOT	BLOCK	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	16	4	Plan 896	9	23	O.D.Y.D.

SCOPE OF APPROVAL

- ☐ This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- ☐ This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.

1. TERMS AND CONDITIONS:

- a) THAT, in addition to the permitted uses of the A1 - Agricultural 1 zone of Zoning Bylaw 8000, as amended or replaced from time to time, this Permit allows for the "Contractor Services, General" use within the area shown shaded on the attached Map "A";
- b) THAT, for the purposes of this Permit, "Contractor Services, General" shall be defined as follows:
"CONTRACTOR SERVICES, GENERAL means premises used for the provision of building and road construction services including landscaping, concrete, electrical, excavation, drilling, heating and plumbing or similar services of a construction nature which require on-site storage and warehouse space. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor services use only."
- c) AND THAT this Permit will expire on February 4, 2014;
- d) AND THAT no expansion of the existing facility or parking area is permitted;
- e) AND THAT, following the expiry of this Permit, the use of the subject property must comply with the provisions of the A1-Agriculture 1 zone of Zoning Bylaw 8000, as amended or replaced from time to time;
- f) AND THAT the site be remediated following expiration of the Temporary Use Permit to a viable agricultural standard;
- g) AND FURTHER THAT general requirements for obtaining a Business License are to be met.

2. DEVELOPMENT:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

This Permit is not transferable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner/Authorized Agent

Date

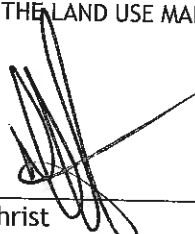
Print Name in Bold Letters

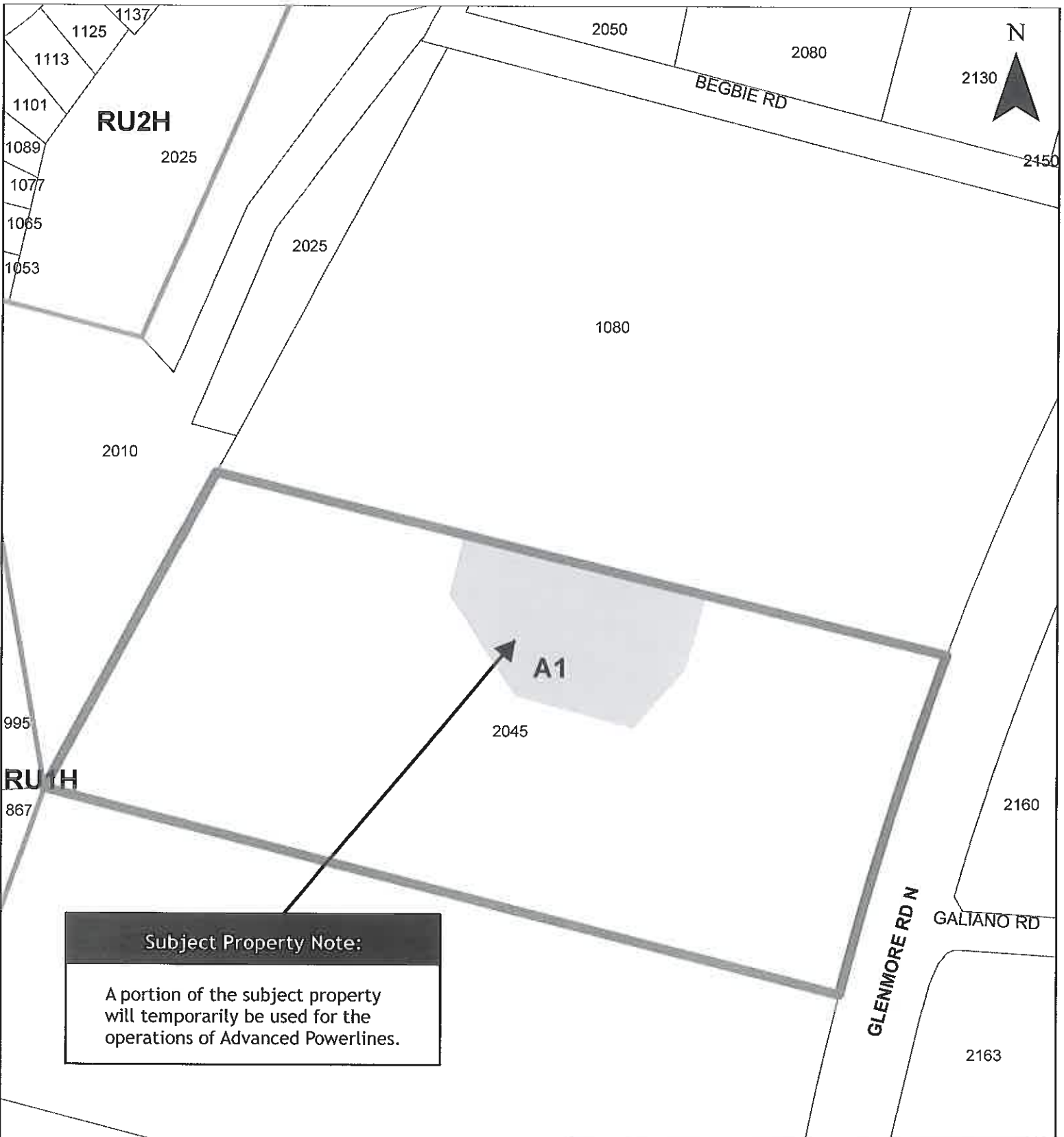
Telephone No.

3. APPROVALS:

TEMPORARY USE PERMIT AUTHORIZED BY COUNCIL ON THE ____ DAY OF _____, 2013.

ISSUED BY THE LAND USE MANAGEMENT DEPT. OF THE CITY OF KELOWNA THE ____ DAY OF _____, 2013.


Doug Gilchrist
Acting GM, Community Sustainability for the Director, Land Use Management



Subject Property Note:

A portion of the subject property will temporarily be used for the operations of Advanced Powerlines.

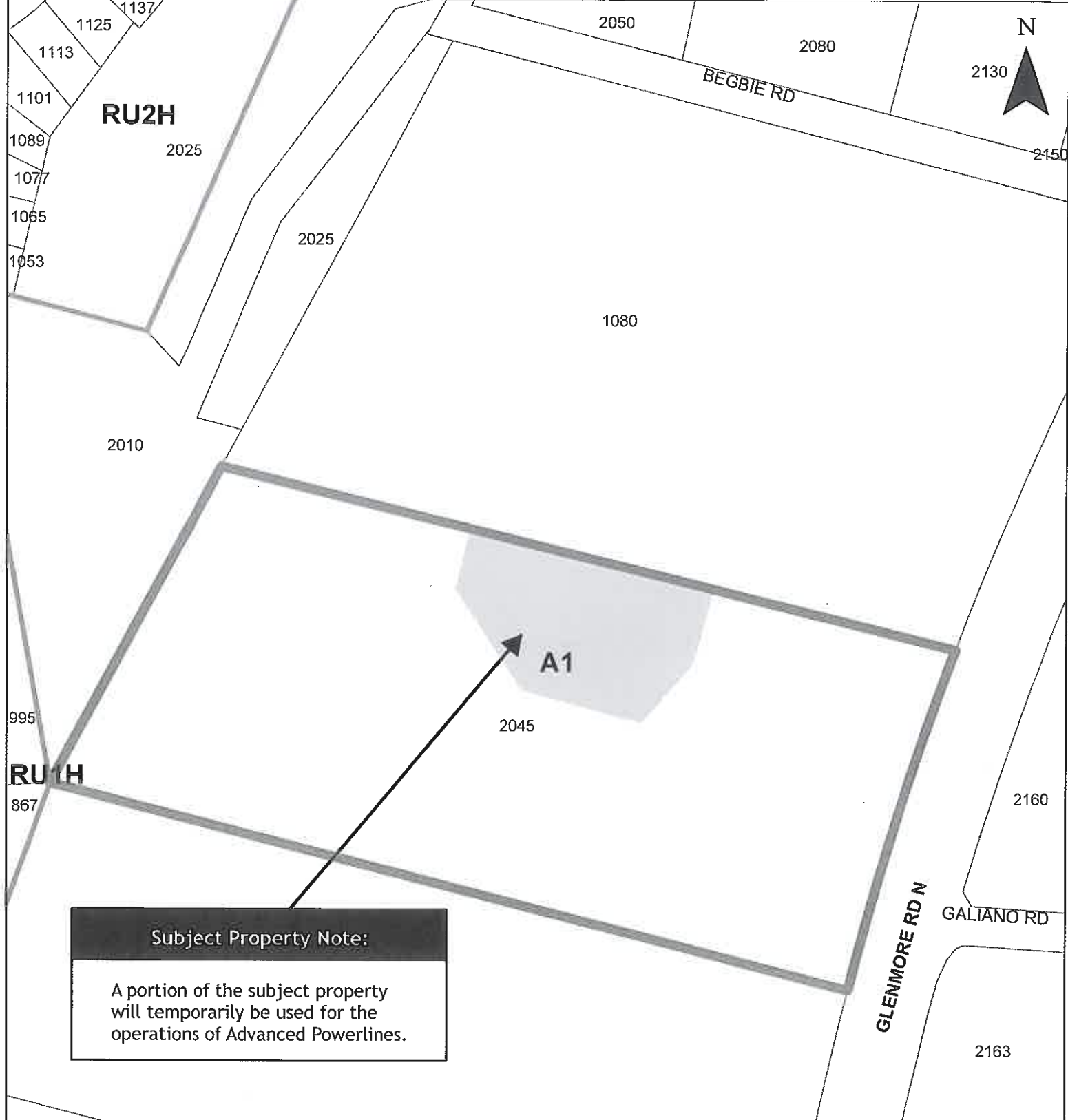
MAP "A" Temporary Use Permit
Application #TUP13-0001

- Subject Property
- Zoning
- Legal Parcel
- Temporary Use Permit

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

0 10 20
Meters

Rev. Jun 10, 2013



Subject Property Note:

A portion of the subject property will temporarily be used for the operations of Advanced Powerlines.

MAP "A" Temporary Use Permit
Application #TUP13-0001

- Subject Property
- Zoning
- Legal Parcel
- Temporary Use Permit

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

0 10 20
Meters

Rev. Jun 10, 2013



REPORT TO COUNCIL



Date: June 13, 2013

RIM No. 0940-93

To: City Manager

From: Land Use Management, Community Sustainability (BD)

Application: TUP13-0002 **Owners:** Kelowna Motors Holdings Limited. Inc. No. 52192

Address: 278 Leon Avenue, 1620 & 1630 Water Street **Applicant:** Lynn Welder Consulting

Subject: Temporary Use Permit

Existing OCP Designation: MXR- Mixed Use Residential / Commercial

Existing Zone: C7 - Central Business Commercial

1.0 Recommendation

THAT Council authorizes the issuance of Temporary Use Permit No. TUP13-0002 to allow the "Automotive and Equipment Repair Shop" use for North ½ Lot 1 & 2, Block 10, District Lot 139, ODYD, Plan 462, and South ½ lot 1 & 2, Block 10, District Lot 139, ODYD Plan 462, and Lot 3 Block 10, District Lot 139, ODYD Plan 462, located on 1620 & 1630 Water Street and 278 Leon Avenue, Kelowna, BC as shown on Map "A" attached to the Report of the Land Use Management Department dated June 13, 2013 for a maximum of a three year period commencing from the date of Council consideration.

2.0 Purpose

To consider a Temporary Use Permit in order to legalize the 'automotive and equipment repair shop use' for a maximum 3 year period.

3.0 Land Use Management

The proposed Temporary Use Permit is a means to facilitate the continued automotive use operation on the parcel and avoid unoccupied buildings at a gateway entrance to the Downtown urban centre. The property is zoned C7 - Central Business Commercial and the Official Community Plan envisions intensification of mixed use residential / commercial redevelopment to occur. Automotive uses including "Automotive and Equipment Repair Shop" are not permitted in the C7 zone and are inconsistent with the future land use.

The premises have been used for automotive purposes since 1949, however there was a lapse in the use and therefore the non-conforming privileges have lapsed. It is expected that by allowing the "automotive and equipment repair shop" use to be reinstated, it will allow an interim use for

the property owner and additional time to evaluate the highest and best use of this key land assembly for the longer term horizon.

Notably, the “automotive and equipment repair shop” use is a permitted use in the C10 - Service Commercial zone. The purpose of this zone is to designate and preserve land for the accommodation of a mix of commercial uses, including vehicular oriented areas, not provided for in other zones. As the preferred location for this zone is typically outside of urban centres and/or along prominent road networks, permanently approving the use on the subject property would be at counter purposes with the long term land use vision for this area of the Downtown Urban Centre, and would risk establishing a pattern of development that is not conducive to creating a diverse compact downtown core. Therefore, Staff would not be supportive of an application to rezone the subject property to legalize the use permanently and see this temporary use as an interim solution.

4.0 Proposal

4.1 Background

4.2 Project Description

The applicant is seeking a Temporary Use Permit (TUP) in order to legalize for a period of 3 years the ‘automotive and equipment repair shop use’ that has generally been active on the subject property since 1949. In 2008, the automotive shop located on the site vacated the premises, as the property was for sale. The deal did not complete and another tenant conforming to the C7 uses utilized the premises. That business was unable to continue operating at the site. The previous tenant has returned into the building and through this TUP application is seeking to legalize the use. The applicant has put the City on notice that there is a strong likelihood that an extension to this TUP will be sought to maximum a total of a 6 year TUP timeframe.

The building had received substantial functional upgrades by the previous tenants in 2011 including exterior paint. The proposal does not show any alteration or improvements to the existing building. No landscape or site functionality enhancements are planned. An internal tenant improvement was issued to facilitate the existing tenant.

The applicant submitted the results from the public notification and consultation in keeping with Council’s public notification policy. The purpose is to promote, where possible, direct, face-to-face conversations between an applicant and their immediate neighbours. Of the 13 properties identified within the 50m radius of the subject property, 3 favourable responses were received and 10 property owners did not respond to either direct contact or mailed contact within one month.

4.3 Site Context

The subject properties are located on the west side of Water Street one block north of Harvey Avenue. This intersection is significant given its entranceway to the Downtown core from Hwy 97. Ideally, this corridor would be vibrant and inviting, however, currently is flanked with undeveloped parking areas and under-utilized buildings.

Orientation	Zoning	Land Use
North	C7 - Central Business Commercial	Historic Fire Hall
East	C7 - Central Business Commercial	Unknown
South	C7 - Central Business Commercial C7LP - Central Business Commercial with Liquor Primary License	OK Auto Sales

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Complete Communities.¹ Support the development of complete communities with a minimum intensity of approximately 35 - 40 people and/or jobs per hectare to support basic transit service - a bus every 30 minutes.

Retention of Commercial Land² In order to ensure that the City's commercial land supply is not eroded, where the OCP Bylaw 10500 indicated a commercial land use designation for the property, the expectation would be that there be no net loss of commercial space on the site as a result of the redevelopment to include other uses.

Downtown.³ Recognize that a unique, attractive, thriving and livable downtown is strategically important to Kelowna's overall prosperity and success. Towards this end, the City will plan and manage the Downtown as a single and special entity and will take a proactive, comprehensive, integrated and collaborative approach towards providing services and infrastructure, delivering programs, and developing a supportive regulatory and financial environment.

6.0 Technical Comments

No technical concerns were raised for this application.

7.0 Application Chronology

Date of Application Received: April 18, 2013

Policy Change to the process: May 27, 2013

Report prepared by:

Birte Decloux, 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

Map "A" - Temporary Use Permit property map

Applicant's Site Plan

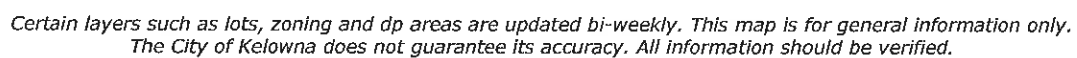
Context/Site Photos

DRAFT Temporary Use Permit No. TUP13-0002

¹ City of Kelowna. 2011. 2030 Official Community Plan: Greening Our Future. Policy 5.3.1 - 4 (Development Process).

² OCP Objective 5.25 policy .2 (retaining Commercial nodes.)

³ OCP Objective 8.9 Portray a positive image of Kelowna. policy 0.2

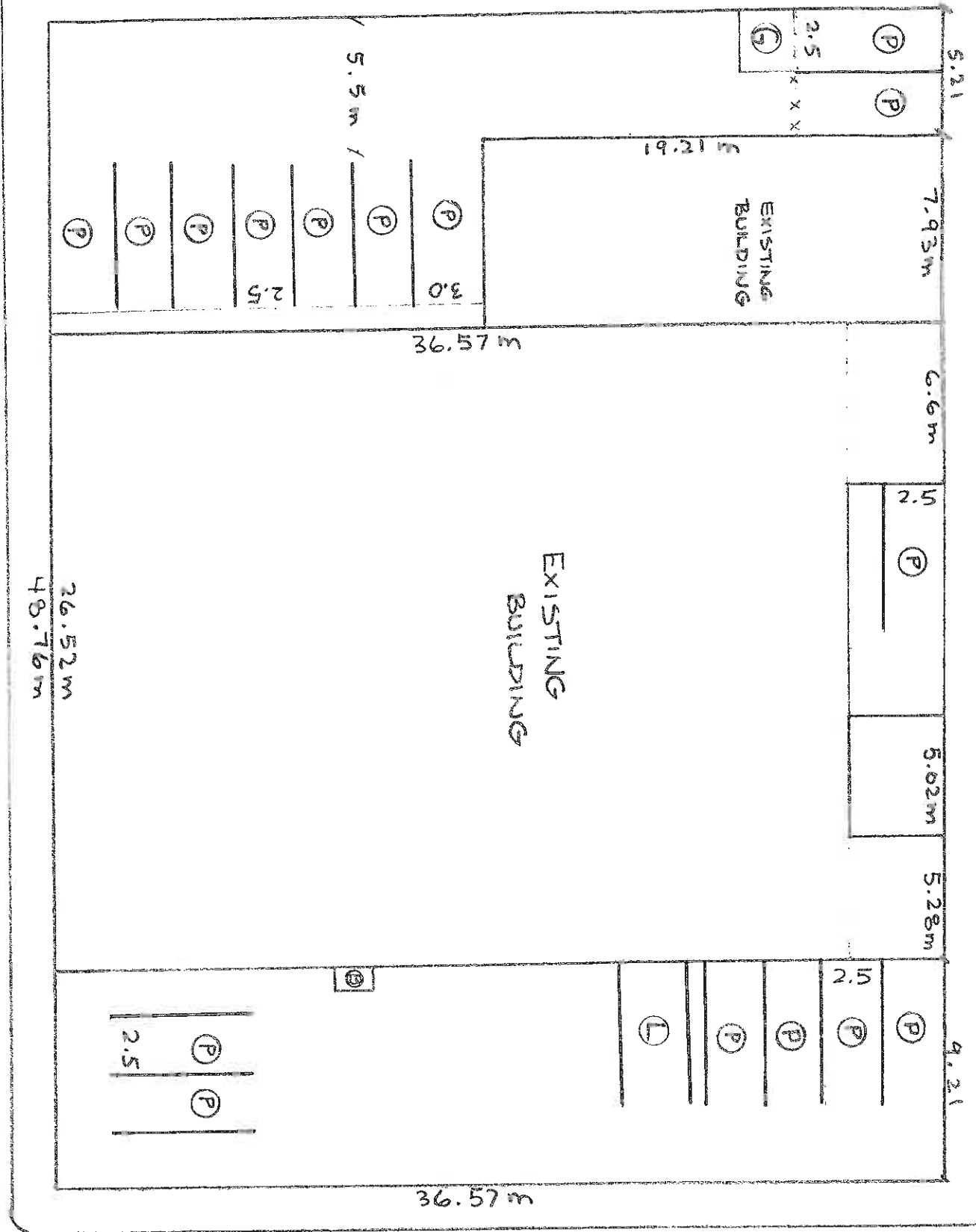


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REV. 0

N 1/2 LOTS 1 and 2, S 1/2 LOTS 1 and 2, LOT 3
 PLAN 462, BLOCK 10, DL 139, ODTID

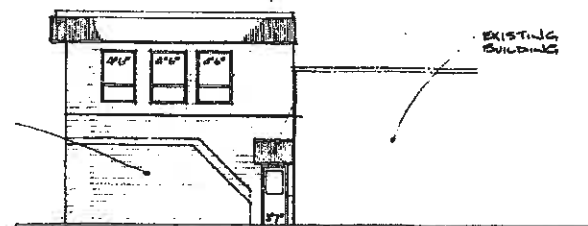
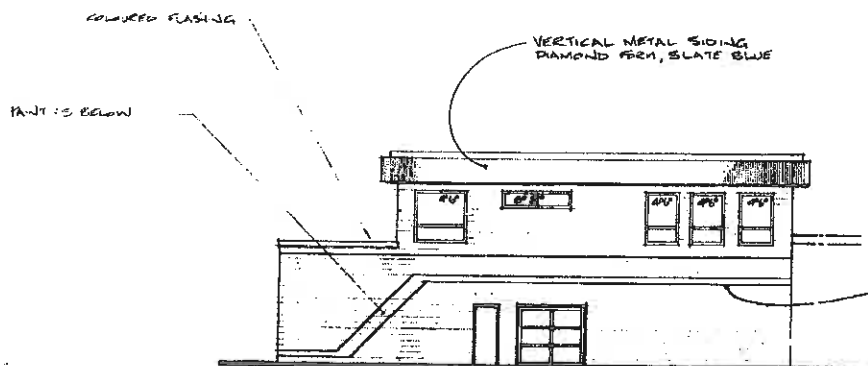
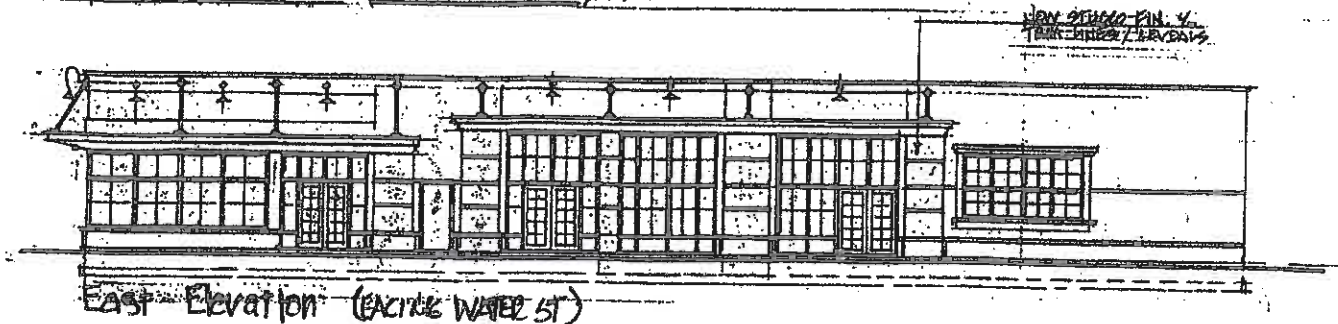
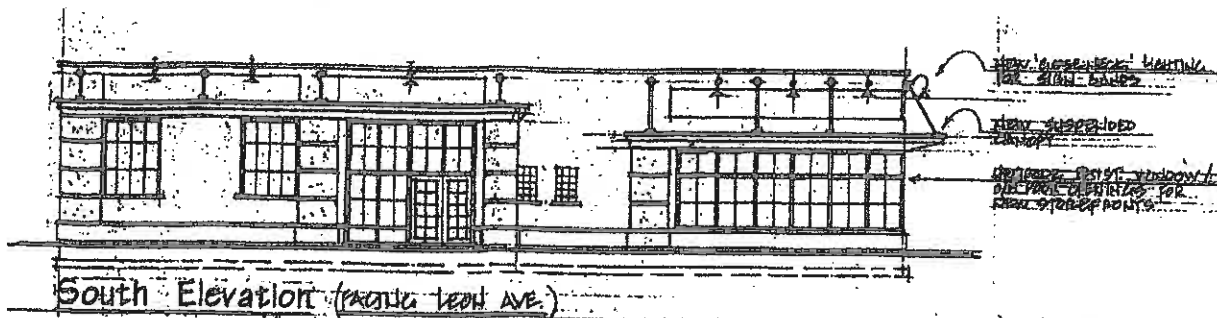


WATER STREET

LEON AVENUE

SCALE: 1:60

- (G) Garbage
- (L) Loading
- (B) Bicycle stall
- (P) Parking



ELEVATION PLANS

N 1/2 LOTS 1 and 2, S 1/2 LOTS 1 and 2,
LOT 3, PLAN 462

1630 WATER STREET and
278 LEON AVENUE



REAR (FACING WEST)

278 LEON AVE.

SIDE (FACING NORTH - LANE)



REAR

REAR / SIDE



Small
out building
to be
relocated



FRONT



FRONT (FACING EAST)

1630 WATER STREET

SIDE (FACING SOUTH)



SIDE (FACING NORTH - LAKE)