

**City of Kelowna
Regular Council Meeting
AGENDA**



Tuesday, December 9, 2014
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order
2. Prayer

A Prayer will be offered by Councillor DeHart.
3. Confirmation of Minutes 1 - 13

Public Hearing - November 4, 2014
Regular Meeting - November 4, 2014
4. Bylaws Considered at Public Hearing
 - 4.1 Bylaw No. 11025 (Z14-0044) - 1250-1298 Ellis Street, Whitworth Holdings Ltd. 14 - 14

To give Bylaw No. 11025 second & third readings, and adoption, in order to rezone the subject property from the C10 - Service Commercial zone to the C10lp - Service Commercial (Liquor Primary) zone.
 - 4.2 Bylaw No. 11026 (TA14-0019) - Breweries and Distilleries, Minor in C3, C6 and C10 Zones 15 - 15

To give Bylaw No. 11026 second and third readings in order to include 'Breweries and Distilleries, minor' as a principle use in the C3, C6 and C10 zones.
 - 4.3 Bylaw No. 11027 (OCP14-0019) - (W of) Mountainside Drive, Cedar Creek Developments Ltd. 16 - 17

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

To give Bylaw No. 11027 second and third readings in order to change the future land use designations of the subject property from the Single/Two Unit Residential designation to the Single/Two Unit Residential - Hillside and the Major Park/Open Space designations and from the Major Park and Open Space designation to the Single/Two Unit Residential - Hillside designation.

- 4.4 Bylaw No. 11028 (Z14-0036) - (W of) Mountainside Drive, Cedar Creek Developments Ltd. 18 - 19
- To give Bylaw No. 11028 second and third readings in order to rezone the subject property from the RU4 - Low Density Cluster Housing zone to the RU1h - Large Lot Housing (Hillside Area), P3 - Parks and Open Space and CD2 - Kettle Valley Comprehensive Residential Development zones and from the P3 - Parks and Open Space zone to the RU1h - Large Lot Housing (Hillside Area) zone.
- 4.5 Bylaw No. 11029 (OCP14-0021) - 5505 Chute Lake Road, Calcan Investements Ltd. 20 - 22
- Requires a majority of all members of Council (5).**
- To give Bylaw No. 11029 second and third readings in order to change the future land use designation of part of the subject property from the Major Park & Open Space designation to the Single/Two Unit Residential Hillside designation; from the Single/Two Unit Residential designation to the Major Park & Open Space designation; form the Multiple Unit Residential (Cluster Housing) designation to the Single/Tow Unit Residential - Hillside designation; from the Multiple Unit Residential (Cluster Housing) designation to the Major Park & Open Space designation; from the Single/Two Unit Residential designation to the Single/Two Unit Residential Hillside designation.
- 4.6 Bylaw No. 11030 (Z14-0041) - 5505 Chute Lake Road, Calcan Investements Ltd. 23 - 26
- To give Bylaw No. 11030 second and third readings in order to rezone part of the subject property from the P3 - Parks and Open Space zone to the RH1 - Hillside Large Lot Residential zone; from the RH1 - Hillside Large Lot Residential zone to the P3 - Parks and Open Space; from the RH3 - Hillside Cluster Housing zone to the RH1 - Hillside Large Lot Residentia zone; from the RH3 - Hillside Cluster Housing zone to the P3 - Parks and Open Space zone and from the RH1 - Hillside Large Lot Residential zone to the RH3 - Hillside Cluster Housing zone.
- 4.7 Bylaw No. 11031 (OCP14-0015) - 1501 & 1511 Tower Ranch Drive and 2160 Tower Ranch Boulevard, Parkbridge Lifestyle Communities Inc., City of Kelowna & 0977415 BC Ltd. 27 - 33

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

To give Bylaw No. 11031 second and third readings in order to change the future land use designation of a portion of the subject properties from MRL – Multiple Unit Residential (Low Density) to S2RES – Single/Two Unit Residential; PARK - Park and Open Space (public) to S2RES – Single / Two Unit Residential; S2RESH – Single/Two Unit Residential- Hillside to MRL – Multiple Unit Residential (Low Density); S2RESH – Single/Two Unit Residential- Hillside to PARK – Major Park and Open Space (public); and PARK – Park and Open Space (public) to S2RESH – Single / Two Unit Residential – Hillside; from

S2RES – Single/Two Unit Residential to PARK - Park and Open Space (public); from PARK – Park and Open Space (public) to S2RES – Single/Two Unit Residential; from S2RES – Single/Two Unit Residential to S2RESH - Single/Two Unit Residential - Hillside; from S2RESH - Single/Two Unit Residential – Hillside to S2RESH - Single/Two Unit Residential; and from REC - Private Recreation (private) to S2RESH - Single/Two Unit Residential - Hillside; from S2RESH - Single/Two Unit Residential - Hillside to PARK - Major Park and Open Space (public); from S2RESH - Single/Two Unit Residential - Hillside to PSU - Public Services / Utilities; from Private Recreation (private) to- PSU - Public Services / Utilities; and from PARK - Major Park and Open Space (public) to S2RESH - Single/Two Unit Residential - Hillside; and from PARK - Major Park and Open Space (public) to S2RES - Single/Two Unit Residential; and from Public Service Utilities (PSU) to Single/Two Unit Residential - Hillside (S2RESH); and from Resource Protection Area (REP) to Single/Two Unit Residential - Hillside (S2RESH).

- 4.8 Bylaw No. 11032 (OCP14-0011) - 1280 Glenmore Drive, 561655 BC Ltd. 34 - 35

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

To give Bylaw No. 11032 second and third readings in order to change the future land use designation of a portion of the subject property from the MRL - Multiple Residential Low Density designation to the S2RES - Single/Two Unit Residential designation.

- 4.9 Bylaw No. 11033 (Z14-0026) - 1280 Glenmore Road, 561655 BC Ltd. 36 - 37

To give Bylaw No. 11033 second and third readings in order to rezone a portion of the subject property from the RU1 - Large Lot Housing zone to the RM2 - Low Density Row Housing zone.

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. LL14-0014 - 1250 Ellis Street, Whitworth Holdings Ltd. 38 - 63

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 seek Council's support for a liquor primary license.

7. Development Permit and Development Variance Permit Reports

- 7.1 Development Permit Application No. DP14-0183 - 1250 Ellis Street, Whitworth Holdings Ltd. 64 - 88

To consider a Development Permit to permit a brew pub in the old cigar factory building located at 1250 Ellis Street.

- 7.2 Development Variance Permit Application No. DVP14-0219 - 1511 Tower Ranch Drive (Phase 1), Parkbridge Lifestyle Communities Inc. 89 - 106

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

To consider a request by the applicant to reduce the minimum front yard setback from 4.5 m permitted to 3.0 m proposed for 27 single unit bareland strata lots in the proposed Phase I development and to reduce the minimum front yard setback from 4.5 m permitted to 1.5 m proposed for one Lot in the same phase, in order to facilitate the placement of pillars for a front porch.

- 7.3 Temporary Use Permit Application No. TUP14-0005 - 2092 Enterprise Way, 0838232 BC Ltd. 107 - 132

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

To seek a Temporary Use Permit to allow 2,111m² of the west portion of the existing building on the subject property to be used as a thrift store for the sale of used or discontinued construction material and home decor for the operation of "ReStore" through the organization Habitat for Humanity.

- 7.4 Development Variance Permit Application No. DVP14-0233 - 204 Poplar Point Drive, Rodney & Jody Hazard 133 - 150

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

To vary the Okanagan Lake Sight Lines from 60° required to 26° proposed.

- 7.5 Development Variance Permit Application No. DVP14-0179 - 1886 Parkview Crescent, Lifestyles Strata Management 151 - 163

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

To consider a Development Variance Permit application to vary the maximum combined height of a fence on top of a retaining wall from 2.0 m permitted to 3.2 m proposed.

- 7.6 Development Permit Application No. DP14-0192 & Development Variance Permit Application No. DVP14-0241 - 1982 Kane Road, Ralsanen Construction Ltd. 164 - 182

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

required variance(s) to come forward.

To consider a Development Permit and Development Variance Permit application for the form and character of a commercial development on the subject property.

- 7.7 Development Variance Permit Application No. DVP14-0166 - 924 Fairway Crescent, Jocelyn & Bradley Airey 183 - 196

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

To consider staff's recommendation to NOT authorize a Development Variance Permit application to vary the front yard from 6.0 m permitted to 3.0 m proposed.

- 7.8 Development Variance Permit Application No. DVP14-0170 - 1085 Westpoint Drive, Joshua Richmond 197 - 217

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

To seek a Development Variance Permit to vary the side yard setback along the east property line from 2.0m required to 0.0m proposed.

- 7.9 Development Variance Permit Application No. DVP14-0229 - 3358 Larkspur Court, Peter Schumann & Nada Critchlow 218 - 225

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

To obtain approval for a Development Variance Permit to vary the height of a fence from 2.0 m maximum height to 3.1 m proposed.

8. Reminders

9. Termination



City of Kelowna Public Hearing Minutes

Date: Tuesday, November 4, 2014
Location: Council Chamber
City Hall, 1435 Water Street

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

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Director, Subdivision, Agriculture & Environment, Shelley Gambacort; Urban Planning Supervisor, Linsley Ganczar; Urban Planner, Adam Csekes; and Council Recording Secretary, Arlene McClelland

(*denotes partial attendance)

1. Call to Order

Mayor Gray called the Hearing to order at 6:03 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 City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on October 23, 2014 and by being placed in the Kelowna Capital News issues on October 24, 2014 and October 29, 2014 and by sending out or otherwise delivering 29 statutory notices to the owners and occupiers of surrounding properties, and 700 informational notices to residents in the same postal delivery route, between October 23, 2014 and October 24, 2014. 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. 11012 (TA14-0017) - Vintage Landing Comprehensive Resort Development

Staff:

- Displayed a Power Point Presentation summarizing the application.

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

Letters of Opposition

Joseph R. Gordon (2), Dewdney Road
Richard L. Drinnan (2), Greene Road
Christine Bray, Clifton Road

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

Bryce Tupper, Applicant Representative

- Worked closely with staff and in a better place than where the zone was originally.
- The proposed amendments eliminate urban centre uses and better clarifies accommodation uses.
- Density remains the same.
- Comfort for neighbours is now within the servicing agreement.
- Confirmed that construction access is from Glenmore Road.
- Responded to questions from Council.

Gallery:

Michael O'Neil, KLO Neighbourhood Association

- Opposed to the proposed amendments.
- Raised concern regarding growth outside of the Official Community Plan area.
- Raised concern with financial impacts of this development on city finances and taxes.
- Unclear as to the amenities to be provided.
- Recommended the application be deferred until a complete review of the financial implications is conducted.

Staff:

- Confirmed that the development application is within the Official Community Plan.
- The Servicing Agreement requires the developer to pay costs.
- The road will be reconstructed by the developer for the broader spectrum of users.
- Confirmed there is no change in density.

Richard Drinnan, Greene Road

- Opposed to this application.
- Raised concern with the proposed amendments.
- Raised concern with lack of detail in the staff report and the public concerns not being heard once the Public Hearing closes.
- Raised concern regarding the elimination of commercial space resulting in huge increase of residential space. With no minimum floor area for types of units being introduced there is no way to determine the density outcome.
- Raised concern with impacts on public costs.

Brad Dahl, Arthur Road

- Spoke to density, roads and parks.
- Supportive of the increase in density.
- In August the City directed there be improvements to McKinley Road. There are markers for a sewer line in the middle of the road and suggested that the sewer line be located on the side of the road and include bike paths along both sides.
- Significant park opportunity. Suggested the city work with the developer to create a destination beach similar to the Eldorado.

Joyce Findlay, Clifton-Highlands Community Association

- Raised concern with increased traffic on Clifton Road that the development would bring.
- Raised concern regarding pedestrian safety along Clifton Road.
- Raised concern with specific aspects of Clifton Road that contribute to traffic concerns.
- Raised concern that this application is being rushed through the system.
- Recommended the decision on this application be postponed until it's determined whether everyone in the community received notice.

Resident, Dubbin Road

- Did not receive notification.
- Raised concern with lack of information provided by the Applicant.
- Raised concern with unknown limit on number of residential units. Depending on number of units it could affect the schools and roads.
- Recommended that Council defer further consideration pending additional information being circulated to area residents.
- It is difficult to formulate a neighbourhood opinion whether to support or not with so many unanswered questions.

Shane Jamieson, Dewdney Road

- Raised concern with notification of the application. Live within notification area but did not receive any notices.
- Recommended that Council defer further consideration pending neighbourhood receiving additional information.

City Clerk:

- Spoke to statutory notification and informational notices for the application.

Peter Kuhn, Clifton Road North

- Raised concern with future use of Clifton Road.
- Raised concern with increased traffic that the development will bring and the added pressure on Clifton Road.

Council:

- Confirmed that Council had directed staff to create a list of priority projects on Clifton Road.

Staff:

- Advised that Council will have another opportunity to review the safety upgrades for Clifton Road.

Terry Janes, Arthur Court

- Did not receive notification.
- Recommended that Council defer further consideration pending neighbourhood receiving additional information.
- Opposed to this application.

Debi Harrison, Dubbin Road

- Canada Post employee.
- Explained how Ad mail system works.

Resident

- Inquired if traffic assessment was taken into consideration.
- Raised concern with respect to policing this development.

Joe Gordon, Dewdney Road

- Did not receive notification.
- Raised concern with how the project keeps changing.
- Raised concern with lack of services in the area to handle increased population.
- Raised concern that the Servicing Agreement has not been made public.
- Raised concern with such short notice to the neighbourhood with a mass change of the development with no services and no amenities.

Richard Drinnen, Greene Road

- Speaking for a second time.
- Raised concern regarding density and removal of density cap.
- Raised concern regarding the unfinished area and number of units and number of suites that could potentially be built.

Bryce Tupper, Applicant Representative

- Confirmed that this application is not an OCP amendment and that the square footage is not being changed.
- Confirmed that this application is a staff supported text amendment and has been worked on since May 2014. Believes it to be a better zone.
- City procedures have been followed and noted that there is an information Sales Centre and website.
- Complying with every aspect of financial elements.
- Confirmed that intense urban uses were eliminated. Retail use was not eliminated. Assured the resort nature of the development.
- Reducing the burden of traffic perspective by way of these current use changes.
- Spoke to the Servicing Agreement.
- Spoke to the many amenities to be provided for the public.
- Responded to questions of Council.

Grant Gauchier, Kinnikinnik Developments Inc.

- Confirmed building under density.
- Currently marketing 30 bungalow sites.
- Confirmed there is no intent to develop open space amenities. Will be used as natural open space reserve that could be used as a golf course in the future if the market allows.
- Responded to questions of Council.

City Clerk:

- Clarified delivery of Informational Notices and confirmed Statutory advertising requirements were met.

There were no further comments.

4. Termination

The Hearing was declared terminated at 8:44 p.m.

Mayor

/acm



City Clerk



City of Kelowna

Date: Tuesday, November 4, 2014
Location: Council Chamber
City Hall, 1435 Water Street

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

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Director, Subdivision, Agriculture & Environment, Shelley Gambacort; Urban Planning Supervisor, Lindsey Ganczar; Urban Planner, Adam Cseke; and Council Recording Secretary, Arlene McClelland

(*denotes partial attendance)

1. **Call to Order**

Mayor Gray called the meeting to order at 8:59 p.m.

2. **Prayer**

A Prayer was offered by Councillor Hobson.

3. **Confirmation of Minutes**

Moved By Councillor Hobson/Seconded By Councillor DeHart

R805/14/11/04 THAT the Minutes of the Public Hearings and Regular Meetings of October 21, 2014 and October 22, 2014 be confirmed as circulated.

Carried

4. **Bylaws Considered at Public Hearing**

4.1. **Bylaw No. 11012 (TA14-0017) - Vintage Landing Comprehensive Resort Development**

Moved By Councillor Blanteil/Seconded By Councillor Given

R806/14/11/04 THAT Bylaw No. 11012 be amended at first reading to add a 1300 unit cap to the residential component of the Vintage Landing Comprehensive Resort Development.

Carried

Moved By Councillor Zimmermann/Seconded By Councillor DeHart

R807/14/11/04 THAT Bylaw No. 11012 as amended at first reading be read a second and third time.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit/ Provincial Referral Applications was given by sending out or otherwise delivering 290 statutory notices to the owners and occupiers of surrounding properties, and 2297 informational notices to residents in the same postal delivery route, between October 21, 2014 and October 24, 2014.

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. 369.

6. Development Permit and Development Variance Permit Reports

6.1. Development Permit Application No. DP14-0154 and Development Variance Permit Application No. DVP14-0155 - 783 Kinnear Avenue, W.K. Holdings Ltd.

Staff:

- Displayed a Power Point Presentation summarizing the application.

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

Letters of No Objection
Tina Taylor, Wardlaw Avenue

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

Applicant is present and available for questions.

There were no further comments.

Moved By Councillor Blanleil/Seconded By Councillor Stack

R808/14/11/04 THAT Council authorizes the issuance of Development Permit No. DP14-0154 for Lot 23, District Lot 135, ODYD, Plan 3929, located on 783 Kinnear Avenue, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied;

AND THAT the property owner be required to register a Section 219 Restrictive Covenant on the title of the subject property prior to stratification to permit a maximum of two dwelling units on the site;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0155, for Lot 23, District Lot 135, ODYD, Plan 3929, located on 783 Kinnear Avenue, Kelowna, BC;

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

Section 13.6.6(e): RU6 - Two Dwelling Housing Development Regulations

To vary the minimum rear yard for a 2 or 2 ½ storey portion of a building from 7.5 m permitted to 4.88 m proposed.

Section 13.6.7(f): RU6 - Two Dwelling Housing Other Regulations

To vary the vehicular access from rear lane permitted to a flanking street as proposed.

AND FURTHER THAT the applicant be required to complete the above-noted conditions within one year of Council's approval of the Development Permit and Development Variance Permit applications, in order for the permits to be issued.

Carried

6.2. Development Variance Permit Application No. DVP14-0178 - 1162 Montrose Place, Tracey Neill & Sergio Sartori

Staff:

- Displayed a Power Point Presentation summarizing the application.

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

Letters of No Opposition

Anne Mathieson, Mount Royal Drive

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

Applicant is present and available to answer questions.

There were no further comments.

Moved By Councillor Basran/Seconded By Councillor Blanleil

R809/14/11/04 THAT Council authorize the issuance of Development Variance Permit No. DVP14-0178 for Lot 9, Section 30, Township 26, ODYD, Plan DAP17272 located at 1162 Montrose Place, Kelowna, BC;

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

Section 13.1.6 Development Regulations

To vary the minimum rear yard setback from 7.5m required to 5.1m proposed.

Carried

6.3. Provincial Referral Application No. PR14-0010 - 3880 Truswell Road, Mission Shores Strata

Staff:

- Displayed a Power Point Presentation summarizing the application.

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

Additional Information as Submitted by the Applicant

Package of additional information as submitted by the applicant.

Letters of Opposition

Markus Heinrichs, Radiant Road
Peter Dill, Swaisland Court

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

Wayne Danforth, Consultant representing Applicant

- Complimented staff on their presentation.
- Spoke to the need for the facility as there is a loss of slips by virtue of the natural re-routing Mission Creek.
- Spoke to the implications of Mission Creek sand deposits on boat moorage.
- Spoke to improvements to walkways including the continuation of existing lighting along both major corridors to illuminate walkways.
- Responded to questions from Council.

Gallery:

Peter Dill, Swaisland Court

- Referenced correspondence submitted to Council.
- Spoke to the changes of water depth over the past 35 years.
- Spoke to the tremendous amount of sediment coming from Mission Creek.
- Continued construction of docks is contributing to the increased deposit of sand, mud and other debris on the lake bottom.
- Raised concerns with navigational hazard the dock creates for paddle powered vessels and the extension will make it worse.
- Raised concern regarding a blind spot in front of the dock that increases danger of colliding with speed boats while paddling.
- Summarized his circulated correspondence.

Wayne Danforth, Consultant representing Applicant

- Advised that the sand bar is not due to the dock but the natural restructuring of Mission Creek.
- Confirmed that a kayak could fit under the walkway most of the year.
- Confirmed the new dock layout has a greater benefit to water flow.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Blanleil

R810/14/11/04 THAT Provincial Referral Number PR14-0010 for the extension of an existing shared dock on Crown Land (Okanagan Lake) from 78.8 meters to 101.8 meters in length and from 34 boat slips to 54 boat slips associated with Lot CP, Plan KAS2672 located at 3880 Truswell Road, Kelowna, BC be supported by Municipal Council;

AND THAT Council makes comment on the following:

THAT appropriate lighting requirements for safety be installed for navigation;

THAT Council is concerned with the long term implications of accretion of sand;

THAT Council supports the proposed elevation for the dock;

AND FURTHER THAT Council directs staff to forward the subject application to the Province for consideration.

Carried

6.4. Development Variance Permit Application No. DVP14-0147 - 1383 Dilworth Crescent, Jason Hatter

Staff:

- Displayed a Power Point Presentation summarizing the application.

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

Letters of Opposition

Carol Carnegie, Ridgeway Drive

Haley Williamson & Rob Newmarch, Dilworth Crescent

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

Jason Hatter, Applicant

- Spoke to the issues raised in the correspondence and advised that the trailer that was referenced belongs to his neighbor and that he is only providing temporary storage.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Hobson

R811/14/11/04 THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0147, for Lot 14, Sections 20 & 20, Township 26, ODYD, Plan 5070, located on 1383 Dilworth Crescent, Kelowna, BC;

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

Section 13.1.6(d): RU1 - Large Lot Housing Development Regulations

To vary the minimum side yard for a 1 or 1 ½ storey portion of a building from 2.0 m permitted to 1.0 m proposed.

Section 13.1.6(e): RU1 - Large Lot Housing Development Regulations

To vary the minimum rear yard from 7.5 m permitted to 1.5 m proposed.

Carried

6.5. Development Variance Permit Application No. DVP14-0136 - 1398-1400 Cherry Crescent East, Rancar Services Ltd.

Staff:

- Displayed a Power Point Presentation summarizing the application.

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

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

Applicant is present and available for questions.

There were no further comments.

Moved By Councillor Hobson/Seconded By Councillor Stack

R812/14/11/04 THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0136, for Lot A, Section 20, Township 26, ODYD, Plan 11241, located on 1398-1400 Cherry Crescent East, Kelowna, BC;

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

Section 13.6.6(d): RU6 - Two Dwelling Housing Development Regulations

To vary the minimum side yard for a 1 or 1 ½ storey portion of a building from 2.0 m permitted to 0.97 m proposed.

Carried

6.6. Development Variance Permit Application No. DVP14-0180 - 2106 Harvey Avenue, WB133 Holdings Inc.

Staff:

- Displayed a Power Point Presentation summarizing the application.

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

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

Applicant is present and available for questions.

There were no further comments.

Moved By Councillor Blanleil/Seconded By Councillor Zimmermann

R813/14/11/04 THAT Council authorize the issuance of Development Variance Permit No. DVP10-0180 for Lot A, District Lot 127, ODYD, Plan 24849, Except Plan KAP88861, located at 2106 Harvey Avenue, Kelowna, BC;

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

Section 6.1: Specific Zone Regulations Major Commercial: Fascia Signage: 2 Per Business Frontage

To vary the number of allowable fascia signs on the southern façade of the building from 2 permitted to 3 proposed in addition to 3 existing.

Carried

6.7. Development Variance Permit Application No. DVP14-0172 - 1060 Kelly Road, Nancy & Terry Lock

Staff:

- Displayed a Power Point Presentation summarizing the application.

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

Letters of Opposition

Don & Judi Winkler, Rhondda Crescent
Pat Toth, Rhondda Crescent
Devin & Julie Rubadeau, Rhondda Crescent
Veronica McKittrick, Rhondda Crescent
Elaine von Tiesenhausen & Marjorie Favali, Kelly Road

Petition of Opposition

A petition of opposition containing 14 signatures of owners/occupants of the surrounding properties as submitted by Devin and Julie Rubadeau of Rhondda Crescent.

Letter of Conditional Support

Brenda Campbell, Gosnell Road

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

Birte Decloux, Applicant Representative

- Will respond to questions raised by the public.

Gallery:

John Tyre, Kelly Road

- Immediate neighbor to the Applicant.
- Raised concerns with respect to height and size of the proposed building.
- Raised concerns with vehicles parking on the front lawn and unsightly premises.
- Opposed to the application.

Devin Rubadeau, Rhondda Crescent

- Immediate neighbor to the Applicant.
- Raised concerns with respect to height and length of the proposed building. The proposed building is 25% larger than the Applicant's home.
- Raised concern with how this proposal will impact the character of the neighborhood.
- Opposed to the application.

Brenda Campbell, Gosnell Road

- Property borders the Applicant's property.
- Provided letter of conditional support but want to ensure that my neighbour's concerns are taken into consideration.
- The Applicant has agreed to plant shrubbery along the common property line to mitigate site line issues.

Birte Decloux, Applicant Representative

- The application is for a variance for an accessory building that is intended to house an RV, other vehicles, patio and pool items.
- The Zoning Bylaw permits an accessory building and asking for a variance to allow for a larger footprint.
- The creek riparian area limits the building envelope.
- Owners operate a contracting business off-site.
- There is no manufacturing that occurs on the property.
- There have been no bylaw enforcement complaints against the property.
- Responded to questions from Council.

Council:

- The requested building size and height are too great for the lot and neighbourhood.

- The accessory building is considerably larger than what the Zoning Bylaw permits.
- The variance is out of character with the neighbourhood.
- The neighbourhood is opposed to this application.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Blanleil

R814/14/11/04 THAT Council **NOT** authorize the issuance of Development Variance Permit No. DVP14-0172, for Lot 15, District Lot 135, ODYD, Plan 18974, located on 1060 Kelly Road, Kelowna, B.C.

Carried

Moved By Councillor Basran/Seconded By Councillor DeHart

R815/14/10/21 THAT the Regular Meeting proceed beyond 11:00 p.m.

Carried

Councillor Hobson - Opposed

6.8. Development Variance Permit Application No. DVP14-0187 - 4064 Lakeshore Road, Rex Jardine

Staff:

- Displayed a Power Point Presentation summarizing the application.

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

Letters of Opposition

David & Sharon Banman-Smith and Sherry Flintoft, Lakeshore Road

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

Gallery:

Dave Smith, Lakeshore Road

- Resident of Imperial Apartments.
- The proposal has an impact on site lines and seriously affects the view of the lake.
- Displayed power point presentation supporting his reasons for opposition.
- Opposed to this application.

Penny Ingleman, Lakeshore Road

- Immediate neighbor to Applicant.
- This proposal has a direct negative impact on my home restricting the view and privacy that my family has enjoyed for 35 years.
- The Applicant may argue that other properties have the same setback but those homes were constructed to the guidelines of that time.
- Submitted correspondence to Council approximately 3 to 4 weeks ago.
- Opposed to this application.

Staff:

- Confirmed that correspondence from Penny Ingleman was circulated to Council 3 to 4 weeks ago as council correspondence.

Gary Tebit, Applicant Representative

- Spoke to existing site lines.

- Not impeding the lake view but the side of Imperial Apartments.
- Responded to questions from Council.

Chris Thompson, Builder

- Great care and consideration was taken on this home to lesson impacts of site lines.

Tim Berg, Owner of Property

- Spoke to the location of houses on other lots in the neighbourhood and wanting to be in keeping with them.

There were no further comments.

Moved By Councillor Blanleil/Seconded By Councillor Basran

R816/14/10/21 THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0187, for Lot 1, Sec. 1, Twp. 25 and Sec 6, Twp. 26, ODYD, Plan KAP89719, located on 4064 Lakeshore Road, Kelowna, BC, subject to the following:

THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 6.11.1: General Development Regulations - Okanagan Lake Sight Line To vary the Okanagan Lake 120 Degree Panoramic Sight Line from 120 degrees required to 90 degrees proposed.

Defeated
Councillors DeHart, Hobson, Singh, Stack and Zimmermann - Opposed

7. Reminders

8. Termination

The meeting was declared terminated at 12:11 a.m.

Mayor

/acm



City Clerk

CITY OF KELOWNA
BYLAW NO. 11025
Z14-0044 - Whitworth Holdings Ltd.
1250-1298 Ellis Street

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 1, District Lot 139, ODYD, Plan 660 located on Ellis Street, Kelowna, B.C., from the C10 - Service Commercial zone to the C10lp - Service Commercial (Liquor Primary) 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 3rd day of November, 2014.

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. 11026

TA14-0019 - Breweries and Distilleries, Minor in the C3, C6 and C10 Zones

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 **Section 14.3, C3 - Community Commercial/C3lp/rls - Community Commercial (Liquor Primary/Retail Liquor Sales), 14.3.2 Principal Uses** be amended by adding in its appropriate location a new subsection "breweries and distilleries, minor" and renumbering subsequent subsections;
2. AND THAT **Section 14.6, C6 - Regional Commercial/C6rls - Regional Commercial (Retail Liquor Sales)/C6lp - Regional Commercial (Liquor Primary), 14.6.2 Principal Uses** be amended by adding in its appropriate location a new subsection "breweries and distilleries, minor" and renumbering subsequent subsections;
3. AND THAT **Section 14.10, C10 - Service Commercial/C10lp - Service Commercial (Liquor Primary)/ C10lp/rls - Service Commercial (Liquor Primary/Retail Liquor Sales), 14.10.2 Principal Uses** be amended by adding in its appropriate location a new subsection "breweries and distilleries, minor" and renumbering subsequent subsections;
4. 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 3rd day of November, 2014.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11027

Official Community Plan Amendment No. OCP14-0019 Cedar Creek Developments Ltd. (W OF) Mountainside Drive

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 part of the Northwest ¼ of Section 14, Township 28, SDYD, Except Plans KAP89467, KAP89468, KAP89849, EPP35362, EPP33759, EPP35140 and EPP38359, located on Mountainside Drive, Kelowna, B.C., from the S2RES - Single/Two Unit Residential designation to the S2RESH - Single/Two Unit Residential - Hillside designation and the PARK - Major Park/Open Space designation and from the PARK - Major Park and Open Space designation to the S2RESH - Single/Two Unit Residential - Hillside designation 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 10th day of November, 2014

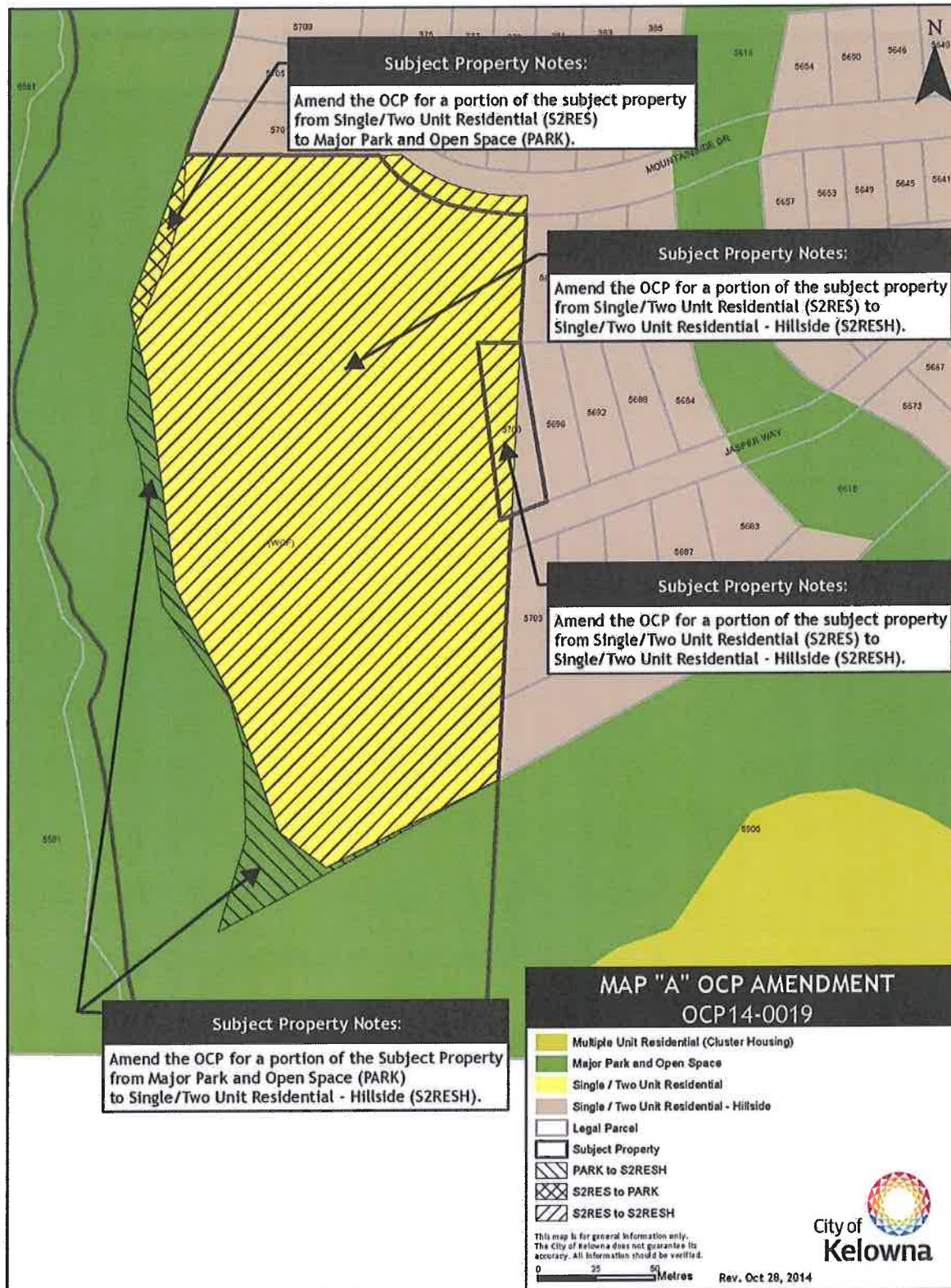
Considered at a Public Hearing on the

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. 11028
Z14-0036 - Cedar Creek Developments Ltd.
(W OF) Mountainside Drive

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 part of the Northwest ¼ of Section 14, Township 28, SDYD, Except Plans KAP89467, KAP89468, KAP89849, EPP35362, EPP33759, EPP35140 and EPP38359 located on Mountainside Drive, Kelowna, B.C., from the RU4 - Low Density Cluster Housing zone to the RU1h - Large Lot Housing (Hillside Area) zone, the P3 - Parks and Open Space zone and the CD2 - Kettle Valley Comprehensive Residential Development zone and from the P3 - Parks and Open Space zone to the RU1h - Large Lot Housing (Hillside Area) zone as per Map "B" attached to and forming part of this bylaw;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 10th day of November, 2014.

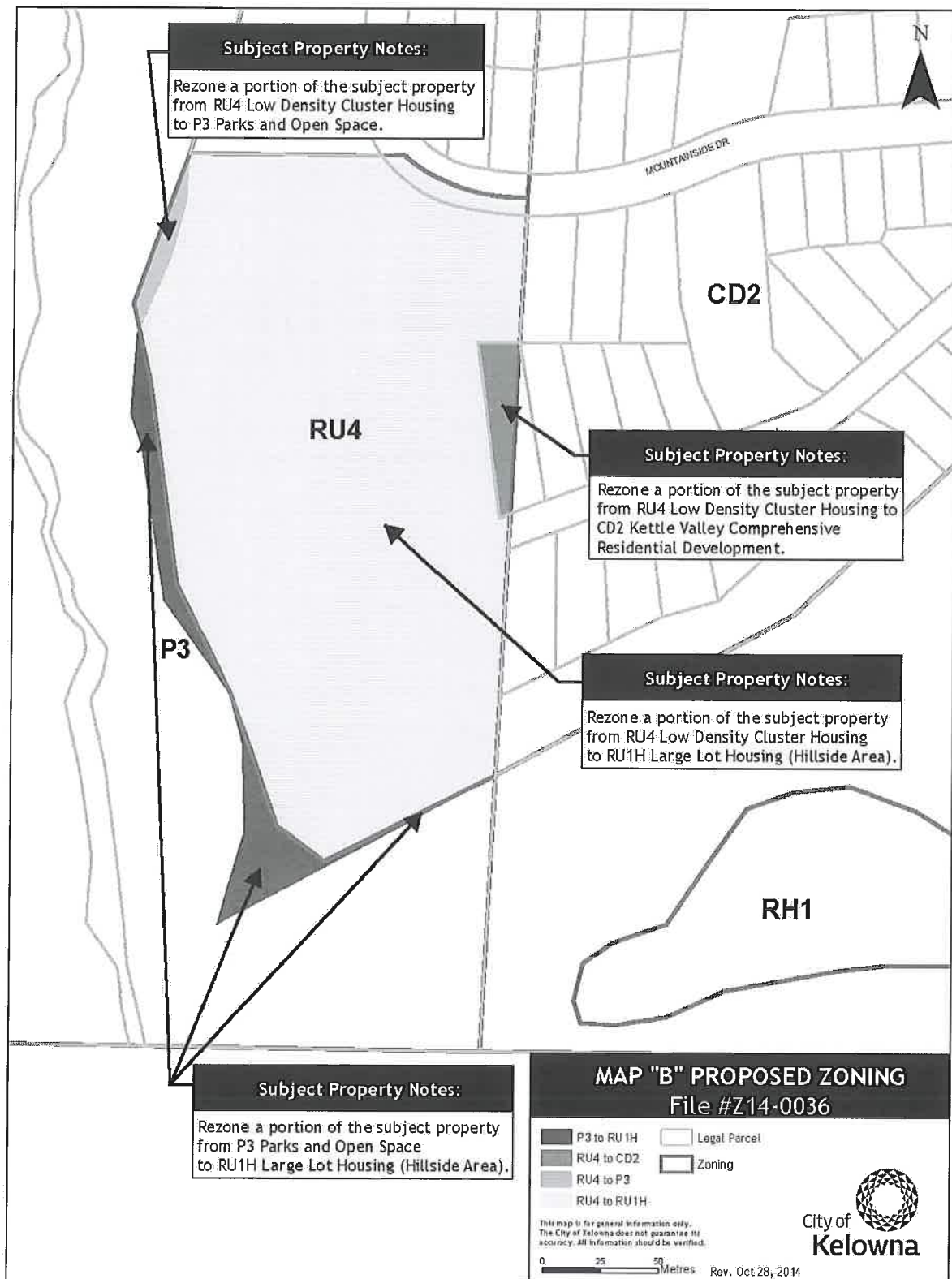
Considered at a Public Hearing on the

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. 11029

Official Community Plan Amendment No. OCP14-0021 - Calcan Investments Inc. 5505 Chute Lake 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 part of The North East ¼ , Section 14, Township 28, SDYD, Except Plan KAP57304, located on Chute Lake Road, Kelowna, B.C., from the PARK - Major Park & Open Space Designation to the S2RESH - Single/Two Unit Residential Hillside Designation, from the S2RES - Single/Two Unit Residential Designation to the PARK - Major Park & Open Space Designation, from the MRC - Multiple Unit Residential (Cluster Housing) Designation to the S2RESH - Single/Two Unit Residential - Hillside Designation, from the MRC - Multiple Unit Residential (Cluster Housing) Designation to the PARK - Major Park and Open Space Designation and from the S2RES - Single/Two Unit Residential Designation to the S2RESH - Single/Two Unit Residential - Hillside Designation as shown Map "A" #1 and Map "A" #2 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 10th day of November, 2014.

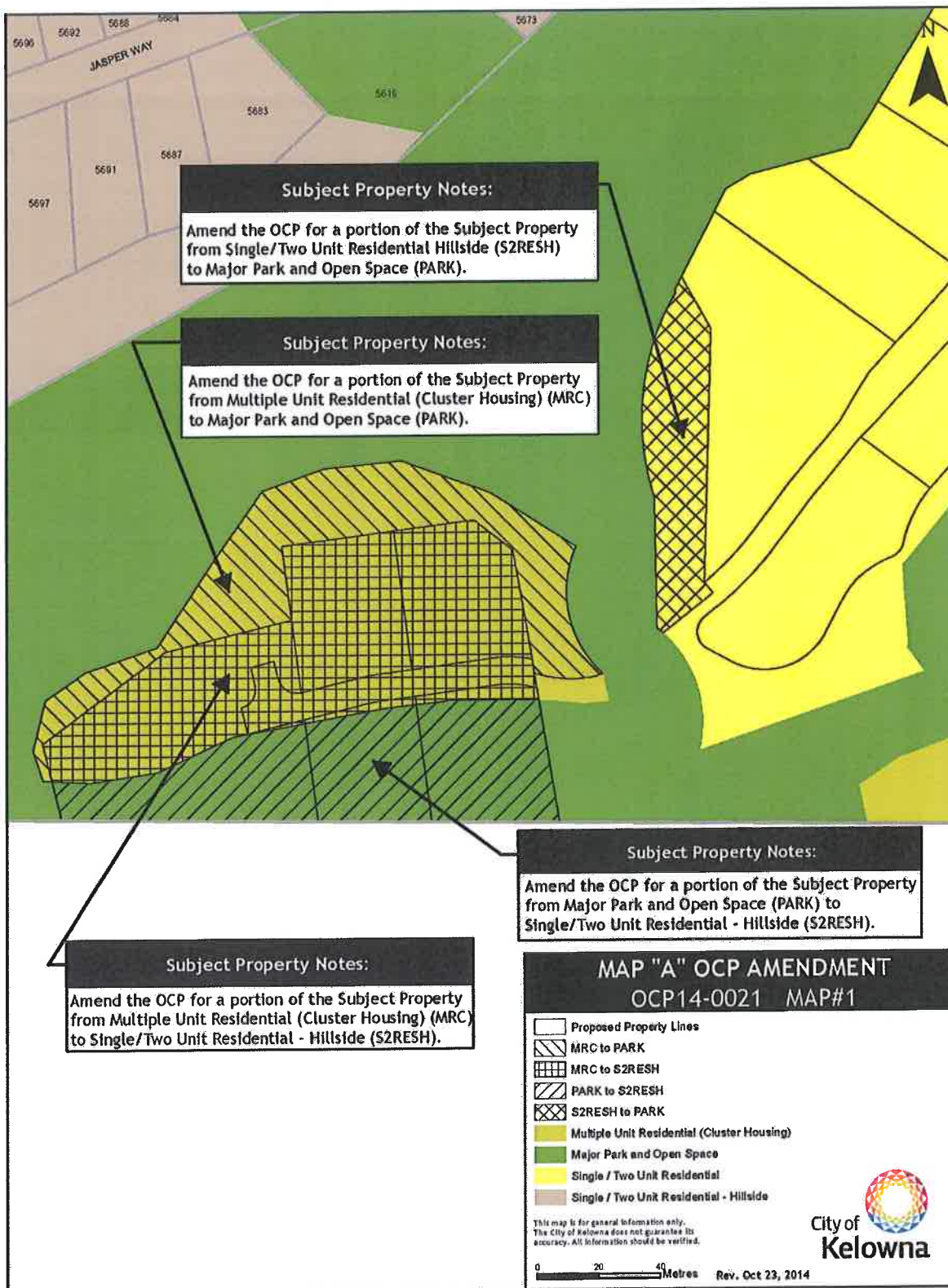
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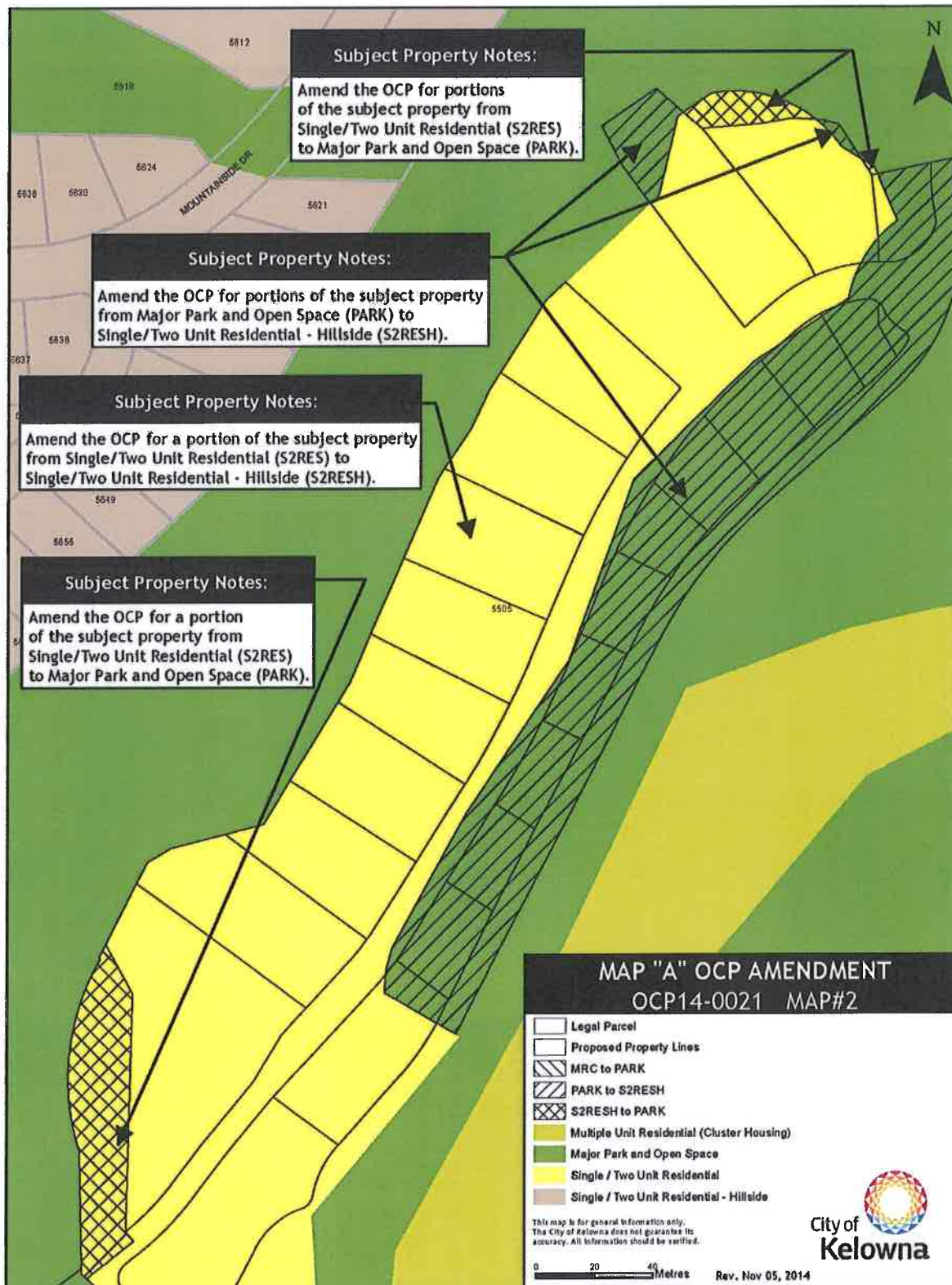
Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk





CITY OF KELOWNA
BYLAW NO. 11030
Z14-0041 - Calcan Investments Ltd.
5505 Chute Lake 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 a part of the North East ¼, Section 14, Township 28, SDYD, Except Plan KAP57304, located on Chute Lake Road, Kelowna, B.C., from the the P3 -Parks and Open Space zone to the RH1 - Hillside Large Lot Residential zone, from the RH1 - Hillside Large Lot Residential zone to the P3 - Parks and Open Space zone, from RH3 - Hillside Cluster Housing zone to the RH1 - Hillside Large Lot Residential zone, from the RH3 - Hillside Cluster Housing zone to the P3 - Parks and Open Space zone and from the RH1 - Hillside Large Lot Residential zone to the RH3 - Hillside Cluster Housing zone as per Map "B" #1, Map "B" #2 and Map "B" #3 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 10th day of November, 2014.

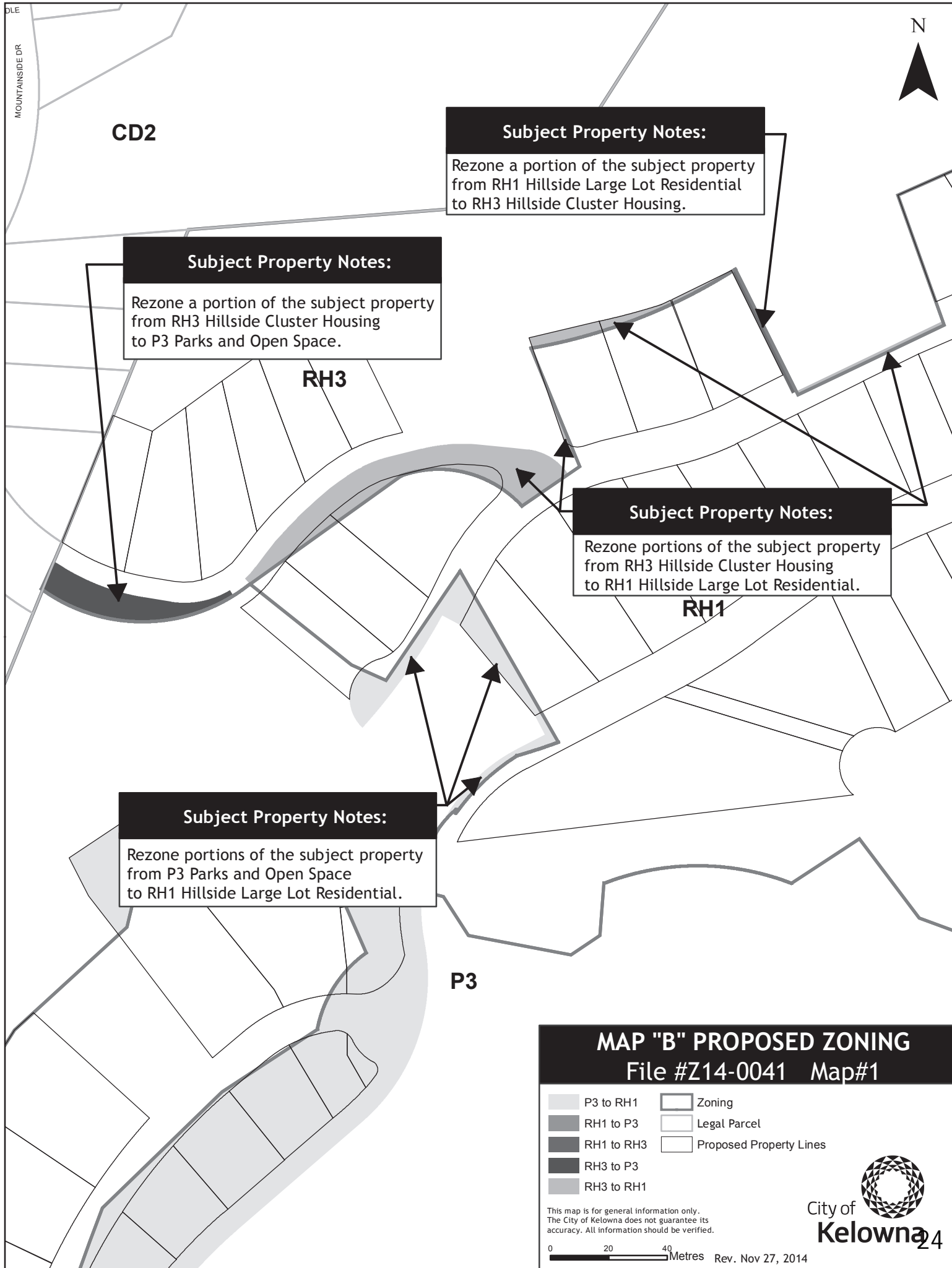
Considered at a Public Hearing on the

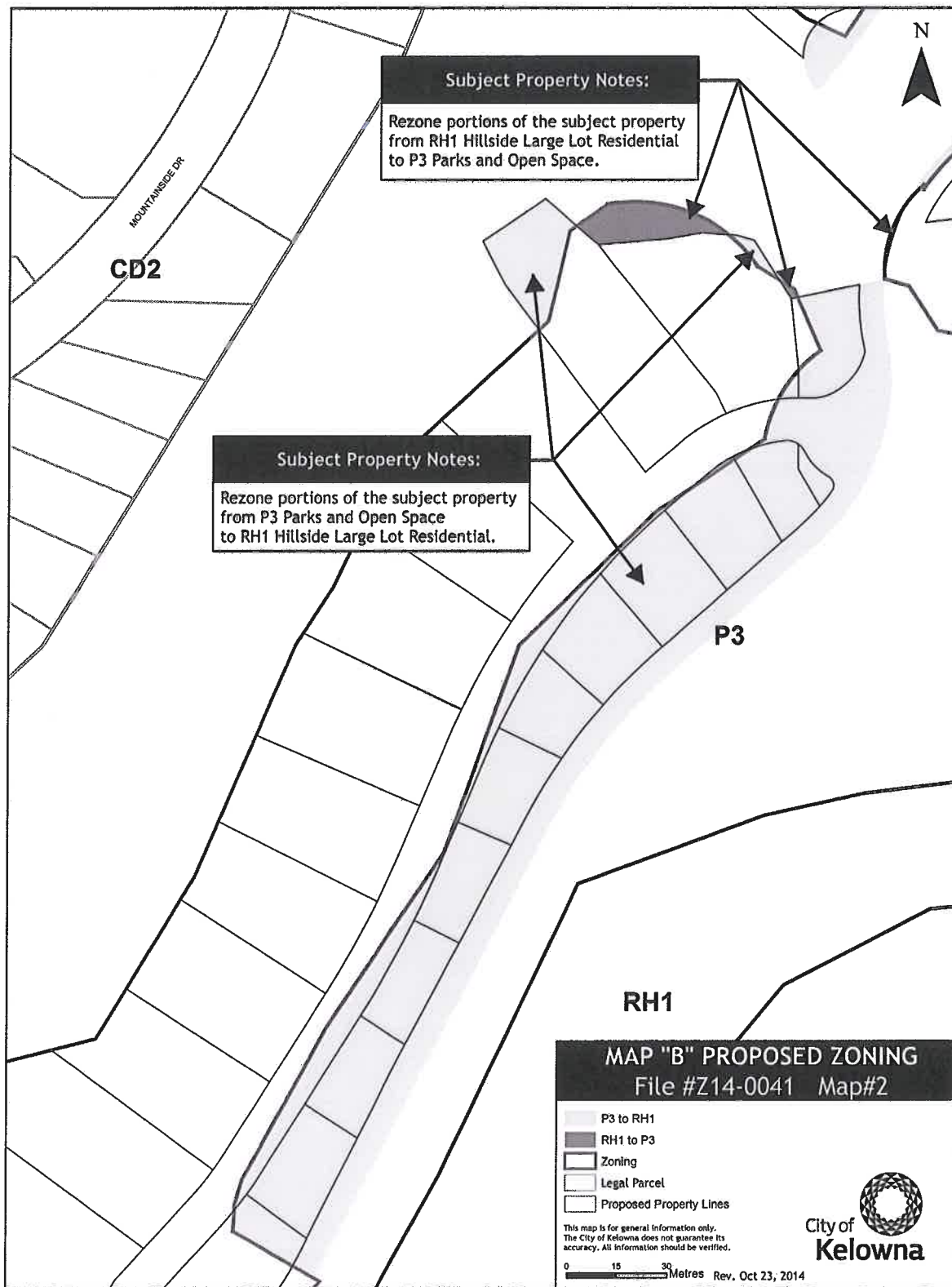
Read a second and third time by the Municipal Council this

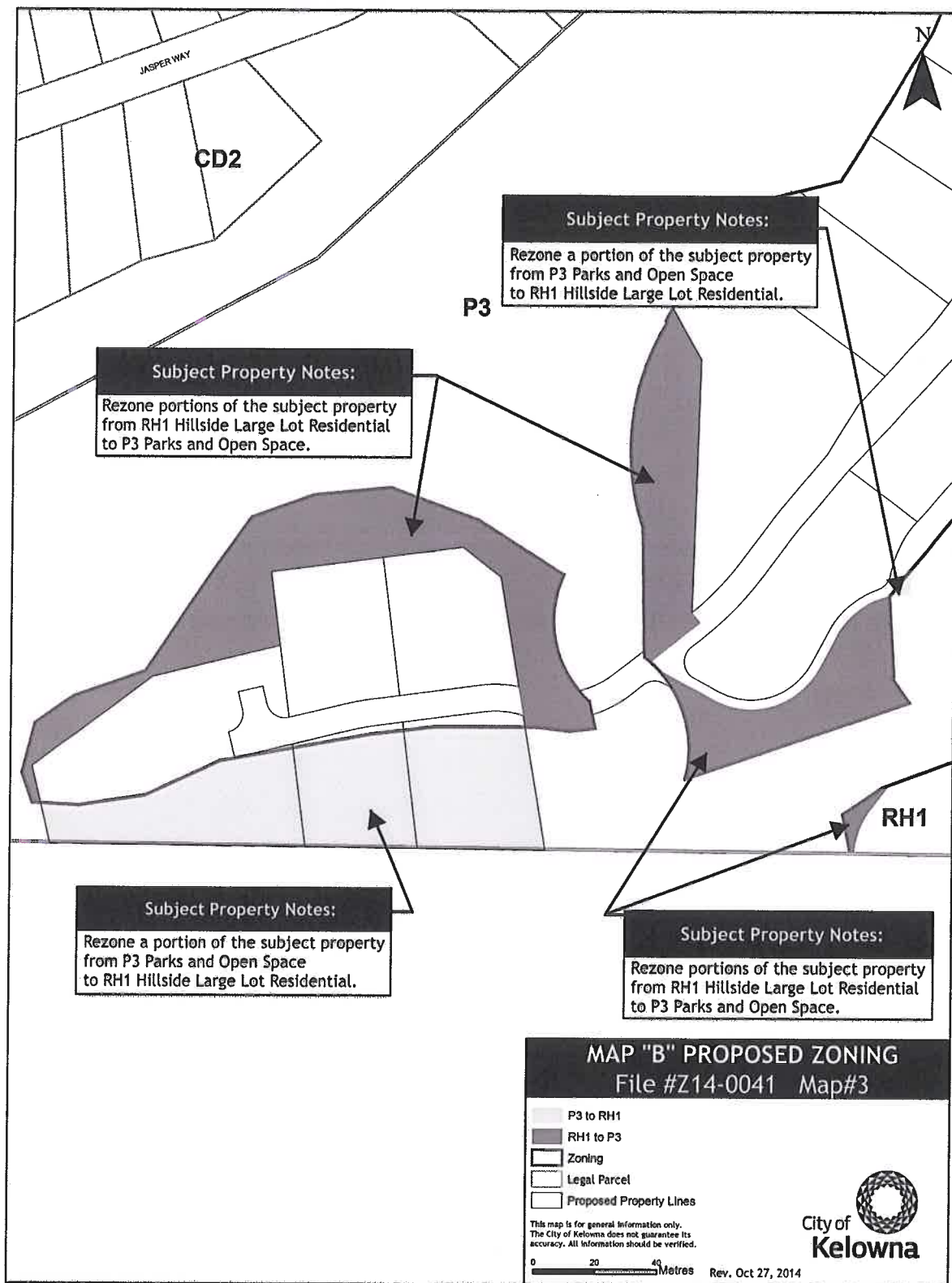
Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk







CITY OF KELOWNA

BYLAW NO. 11031

**Official Community Plan Amendment No. OCP14-0015
Parkbridge Lifestyle Communities Inc., City of Kelowna and 0977415
BC Ltd.
1511 Tower Ranch Drive, 2160 Tower Ranch Boulevard and 1501
Tower Ranch Drive**

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 a portion of Lot 3, Section 31, Township 27, ODYD, Plan KAP80993, located on Tower Ranch Drive, Kelowna, B.C., from the MRL - Multiple Unit Residential (Low Density) designation to the S2RES - Single/Two Unit Residential designation; from the PARK - Park and Open Space (public) designation to the S2RES - Single / Two Unit Residential designation; from the S2RESH - Single/Two Unit Residential- Hillside designation to the MRL - Multiple Unit Residential (Low Density) designation; from the S2RESH - Single/Two Unit Residential- Hillside designation to the PARK - Major Park and Open Space (public) designation; from the PARK - Park and Open Space (public) designation to the S2RESH - Single / Two Unit Residential - Hillside designation; from the S2RES - Single/Two Unit Residential designation to the PARK - Park and Open Space (public) designation; from the PARK - Park and Open Space (public) designation to the S2RES - Single/Two Unit Residential designation; from the S2RES - Single/Two Unit Residential designation to the S2RESH - Single/Two Unit Residential - Hillside designation; and from the S2RESH - Single/Two Unit Residential - Hillside designation to the S2RESH - Single/Two Unit Residential designation, as per Map "A" #3 and Map "A" #4 attached to and forming part of this bylaw;
2. 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 a portion of Lot 4, Section 31, Township 27, ODYD, Plan KAP80993, located on Tower Ranch Boulevard, Kelowna, B.C., from the S2RESH - Single/Two Unit Residential - Hillside designation to the REC - Private Recreation (private) designation; from the REC - Private Recreation (private) designation to the S2RESH - Single/Two Unit Residential - Hillside designation; from the S2RESH - Single/Two Unit Residential - Hillside designation to the PARK - Major Park and Open Space (public) designation; from the S2RESH - Single/Two Unit Residential - Hillside designation to the PSU - Public Services / Utilities designation; from the REC - Private Recreation (private) designation to the PSU - Public Services / Utilities designation as per Map "A" #1 and Map "A" #2 attached to and forming part of this bylaw;

3. 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 a portion of Lot 5, Section 31, Township 27, ODYD, Pkan KAP80993, located on Tower Ranch Drive, Kelowna, B.C., from the PARK - Major Park and Open Space (public) designation to the S2RESH - Single/Two Unit Residential - Hillside designation; and from the PARK - Major Park and Open Space (public) designation to the S2RES - Single/Two Unit Residential designation as per Map "A" #4 attached to and forming part of this bylaw;
4. 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 a portion of part of Tower Ranch Drive, located south of 1511 Tower Ranch Drive, being approximately 520 m², from the PSU - Public Service Utilities designation to the S2RESH - Single/Two Unit Residential - Hillside designation; and from the REP - Resource Protection Area designation to the S2RESH - Single/Two Unit Residential - Hillside designation, as per Map "A" #5 attached to and forming part of this bylaw;
5. 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 10th day of November, 2014.

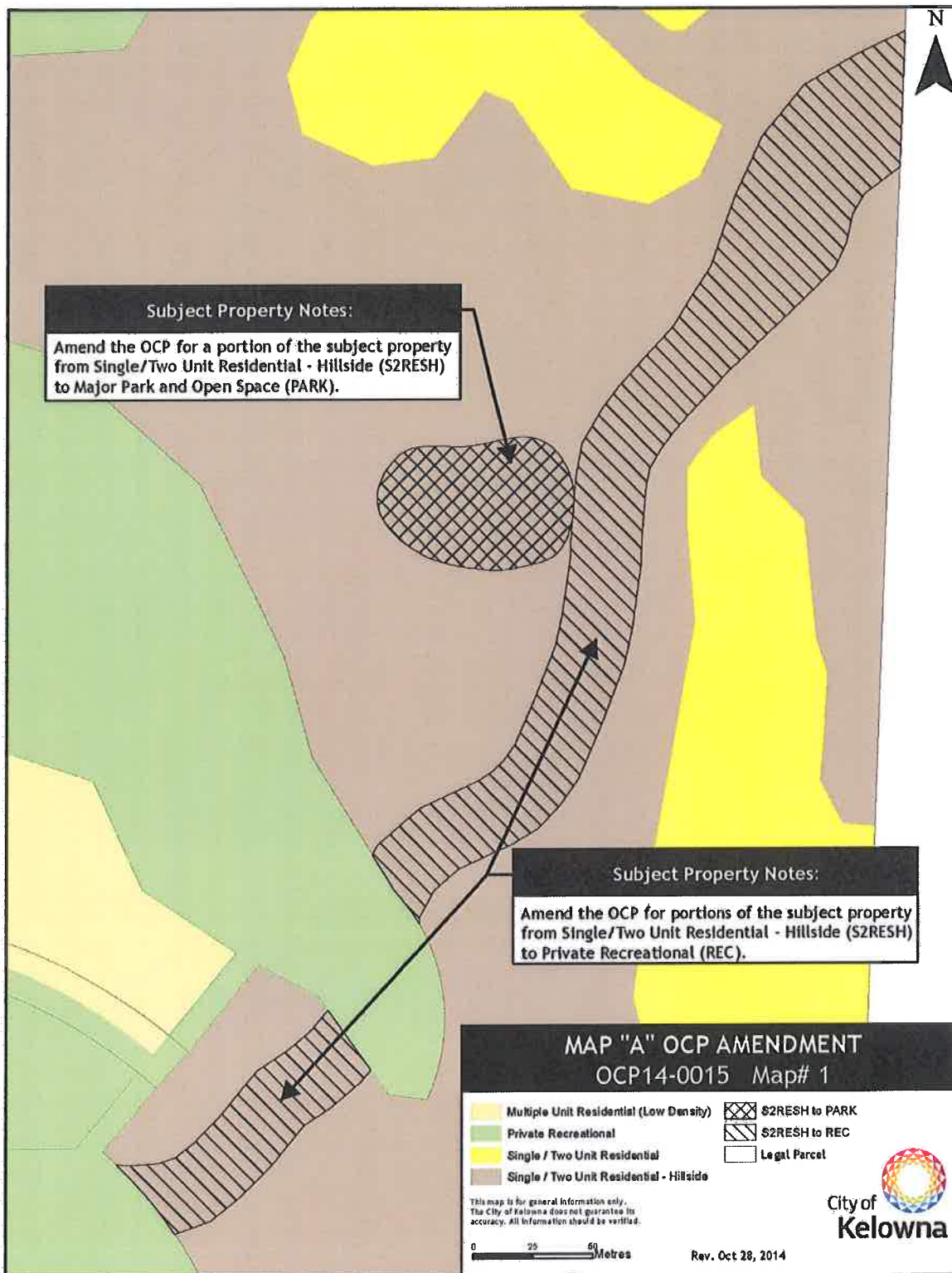
Considered at a Public Hearing on the

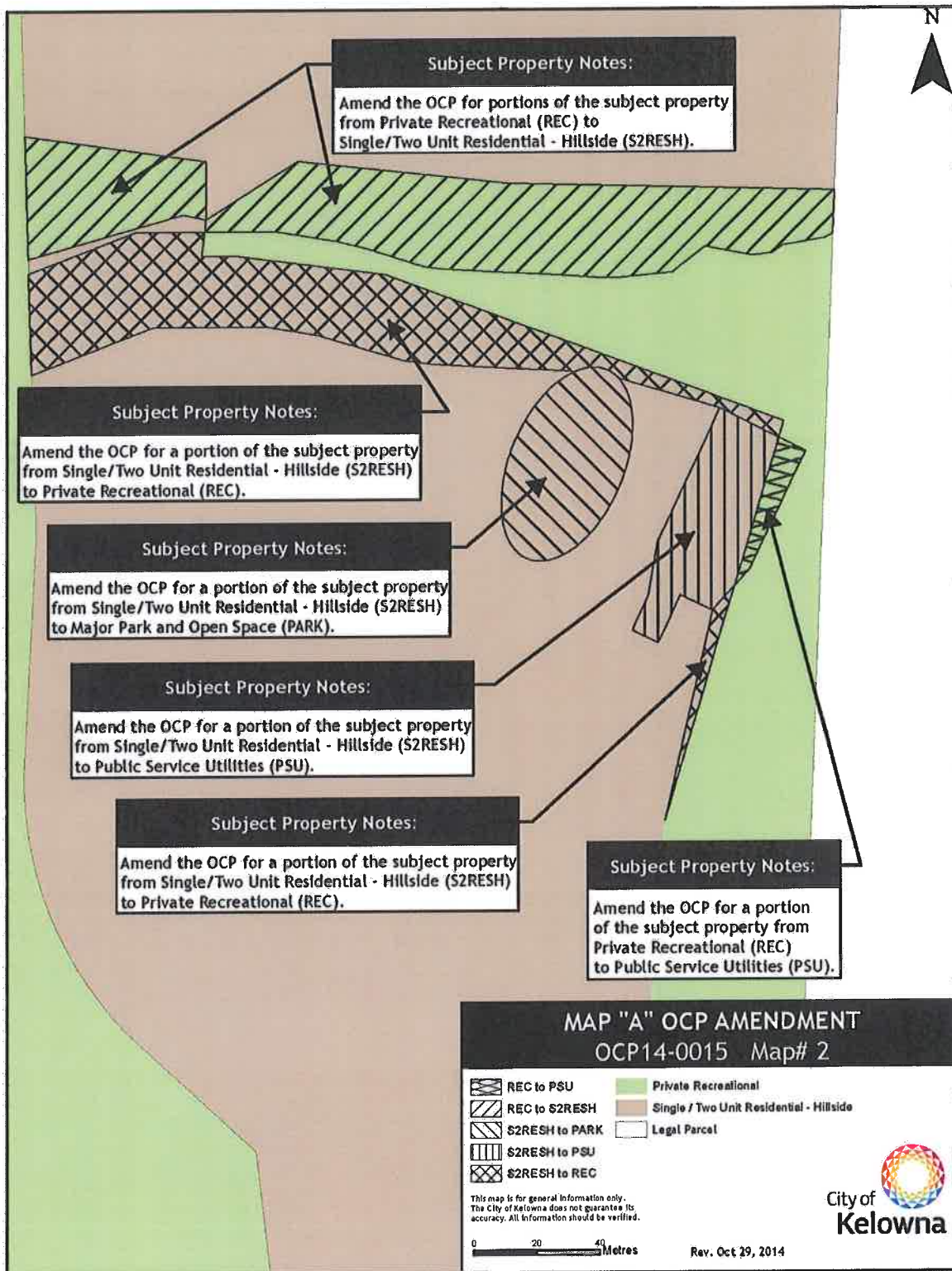
Read a second and third time by the Municipal Council this

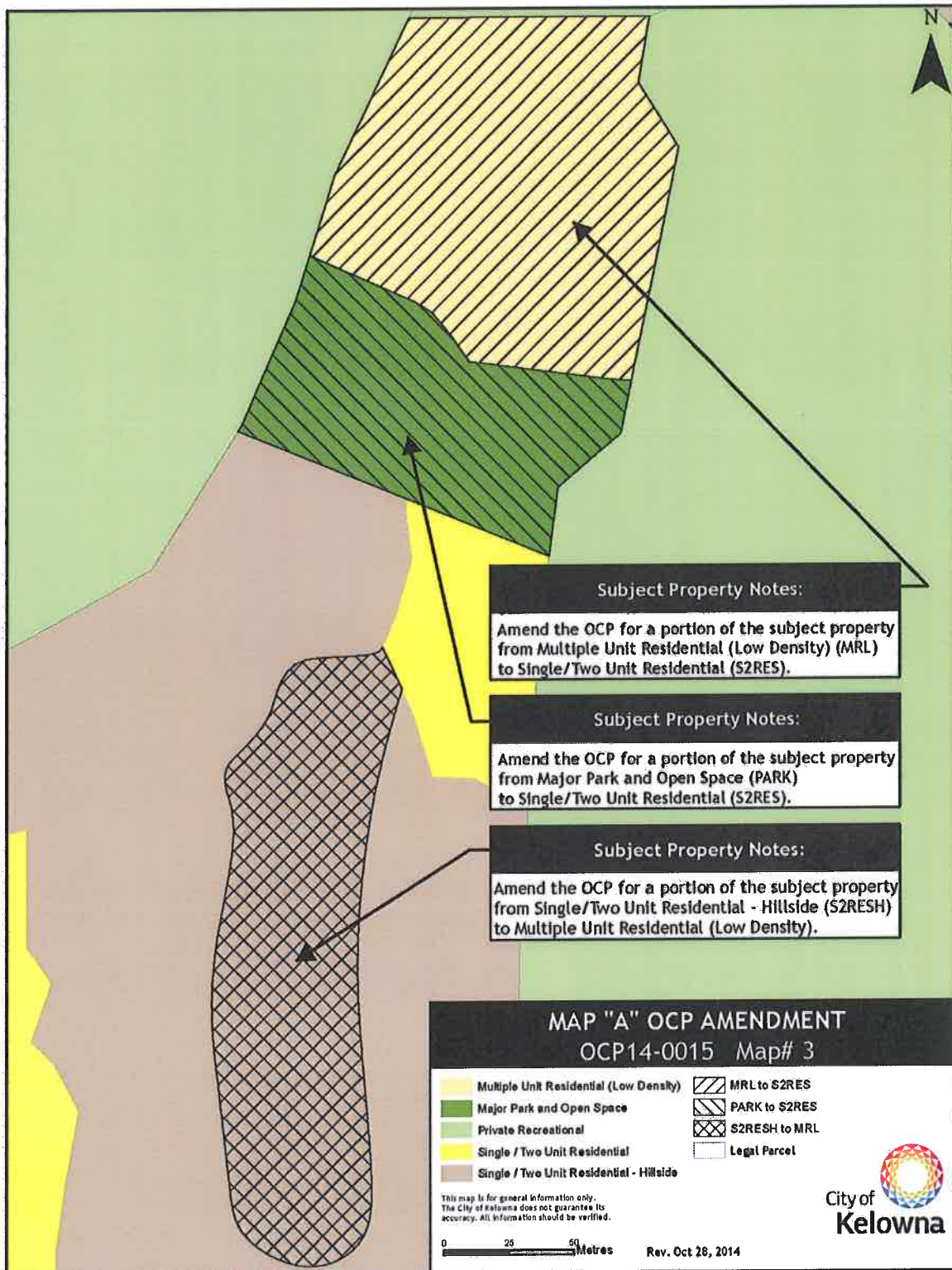
Adopted by the Municipal Council of the City of Kelowna this

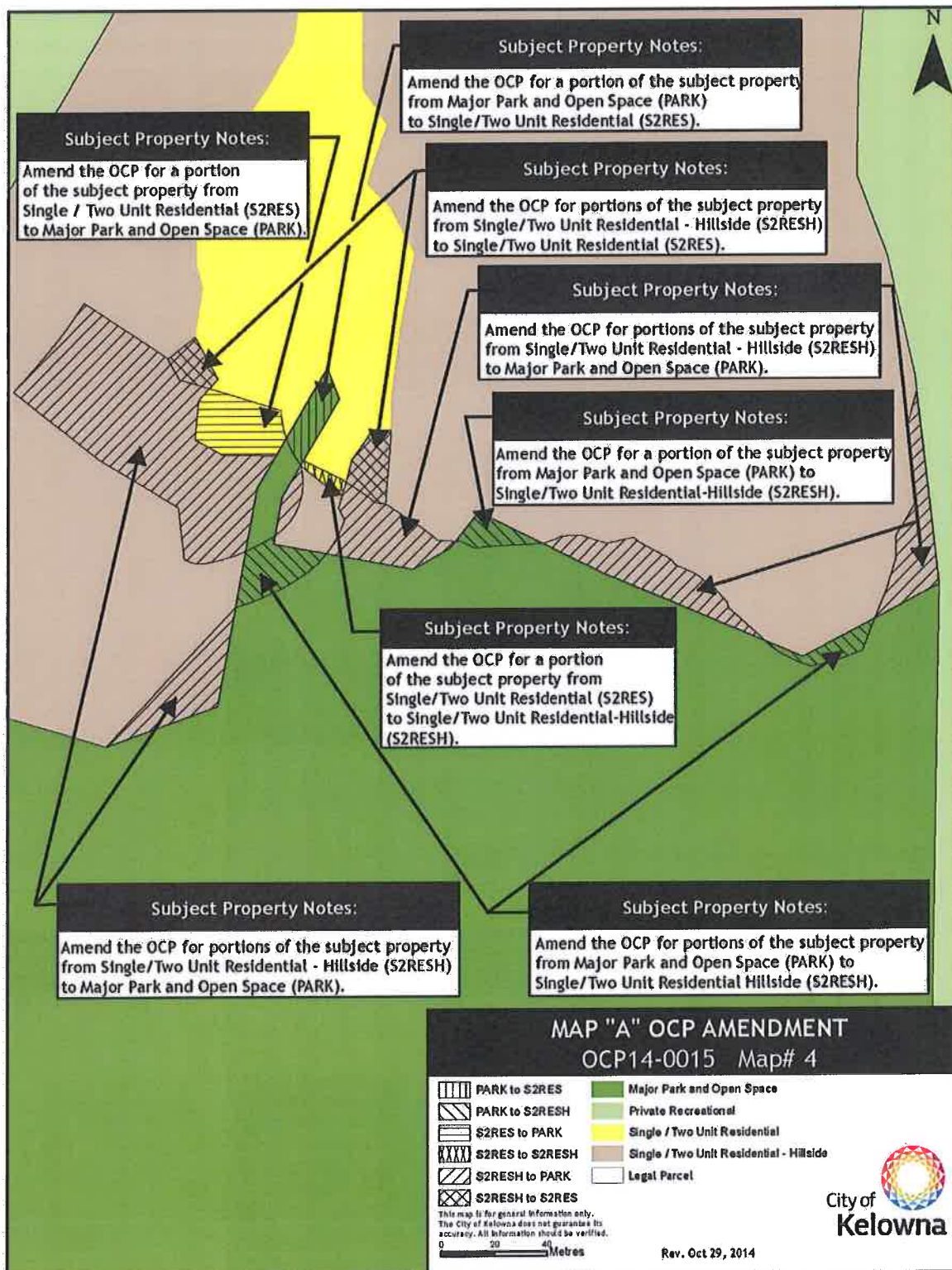
Mayor

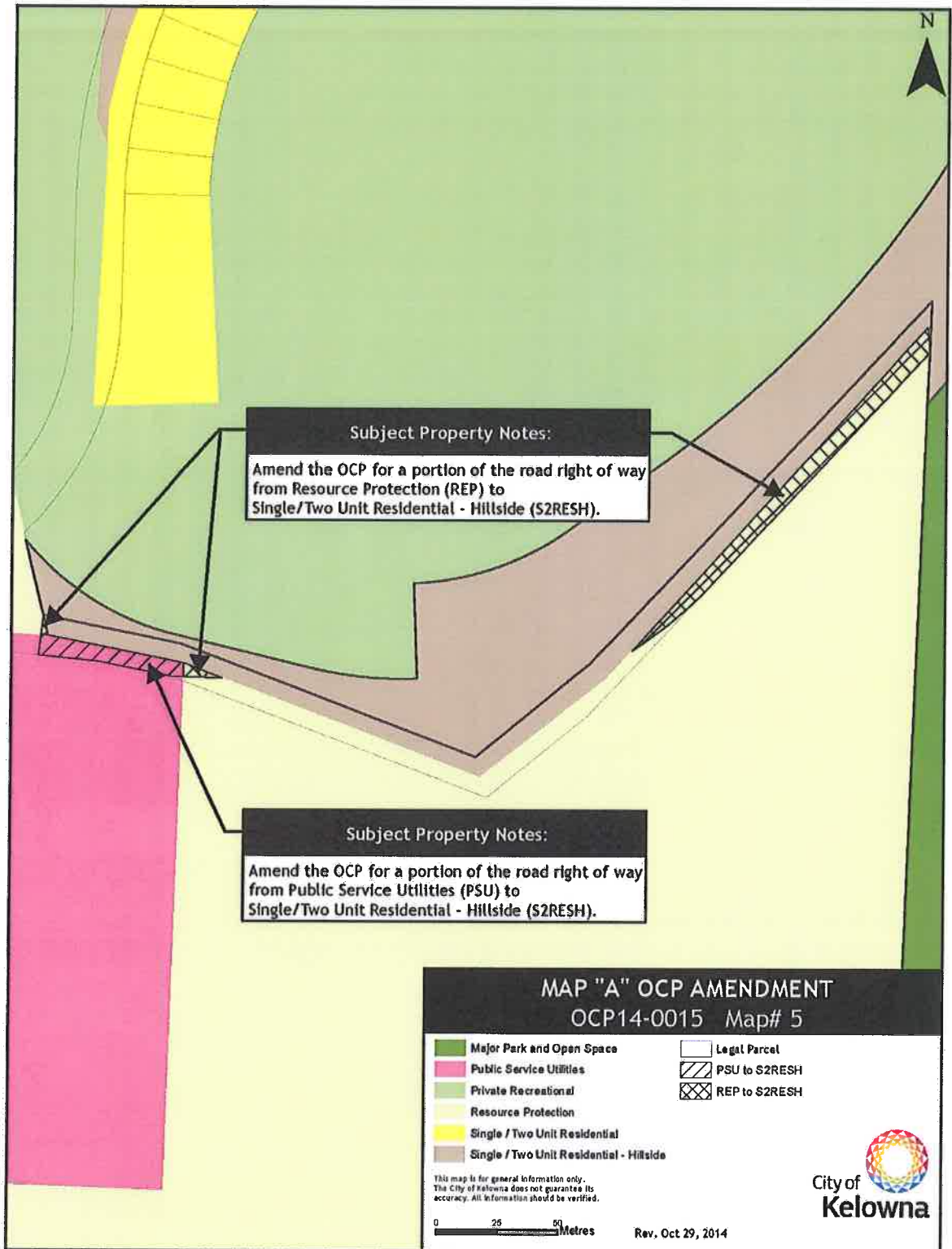
City Clerk











CITY OF KELOWNA

BYLAW NO. 11032

Official Community Plan Amendment No. OCP14-0011 - 561655 BC Ltd. 1280 Glenmore Drive

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 a portion of Lot 1, Section 29, Township 26, ODYD, Plan 29608, located on Glenmore Drive, Kelowna, B.C., from the MRL - Multiple Residential Low Density designation to the S2RES - Single/Two Unit Residential designation 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 10th day of November, 2014.

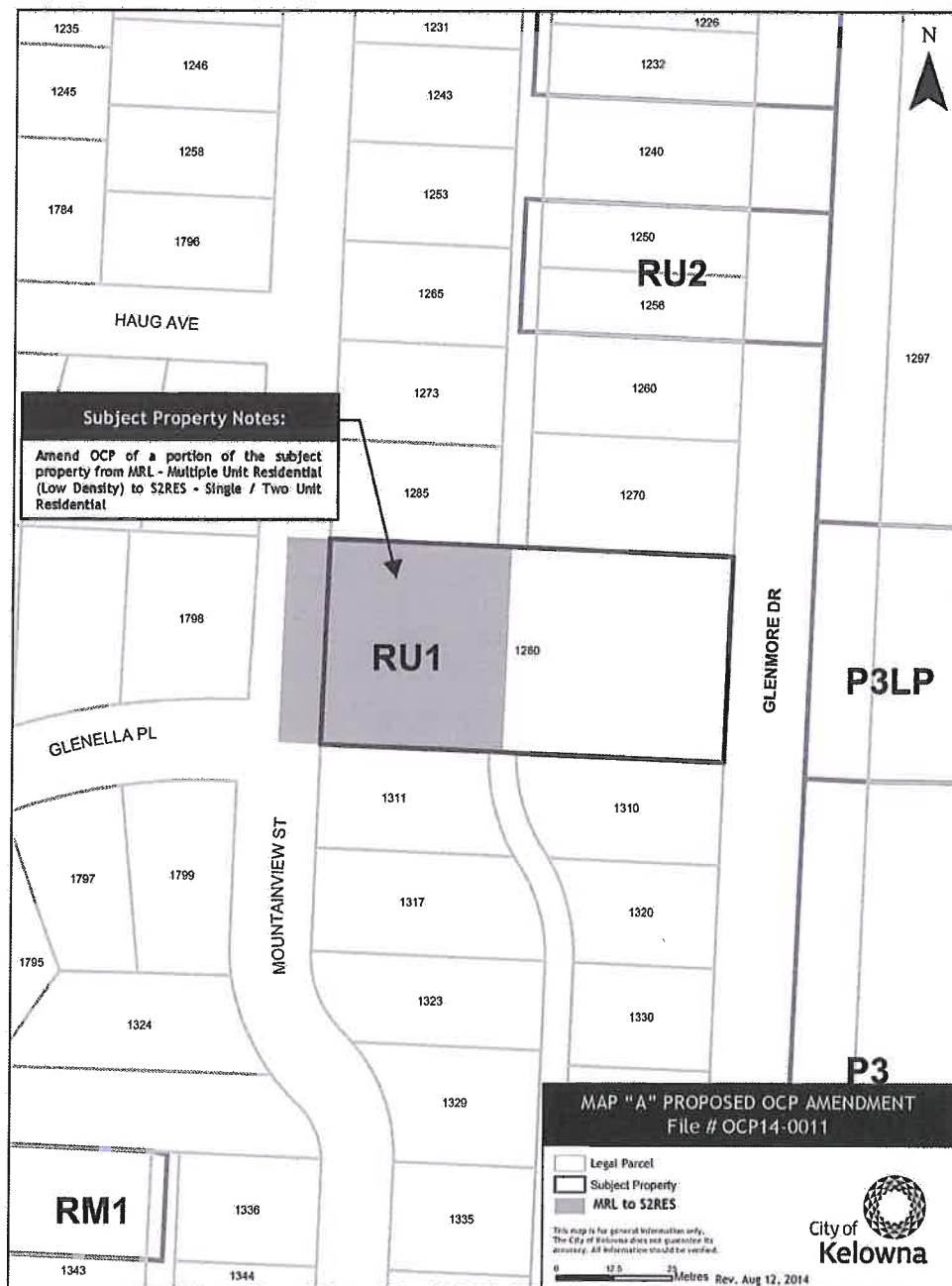
Considered at a Public Hearing on the

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. 11033
Z14-0026 - 561655 BC Ltd.
1280 Glenmore Drive

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 a portion of Lot 1, Section 29, Township 26, ODYD, Plan 29608, located on Glenmore Drive, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RM2 - Low Density Row Housing zone as per Map "B" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 10th day of November, 2014.

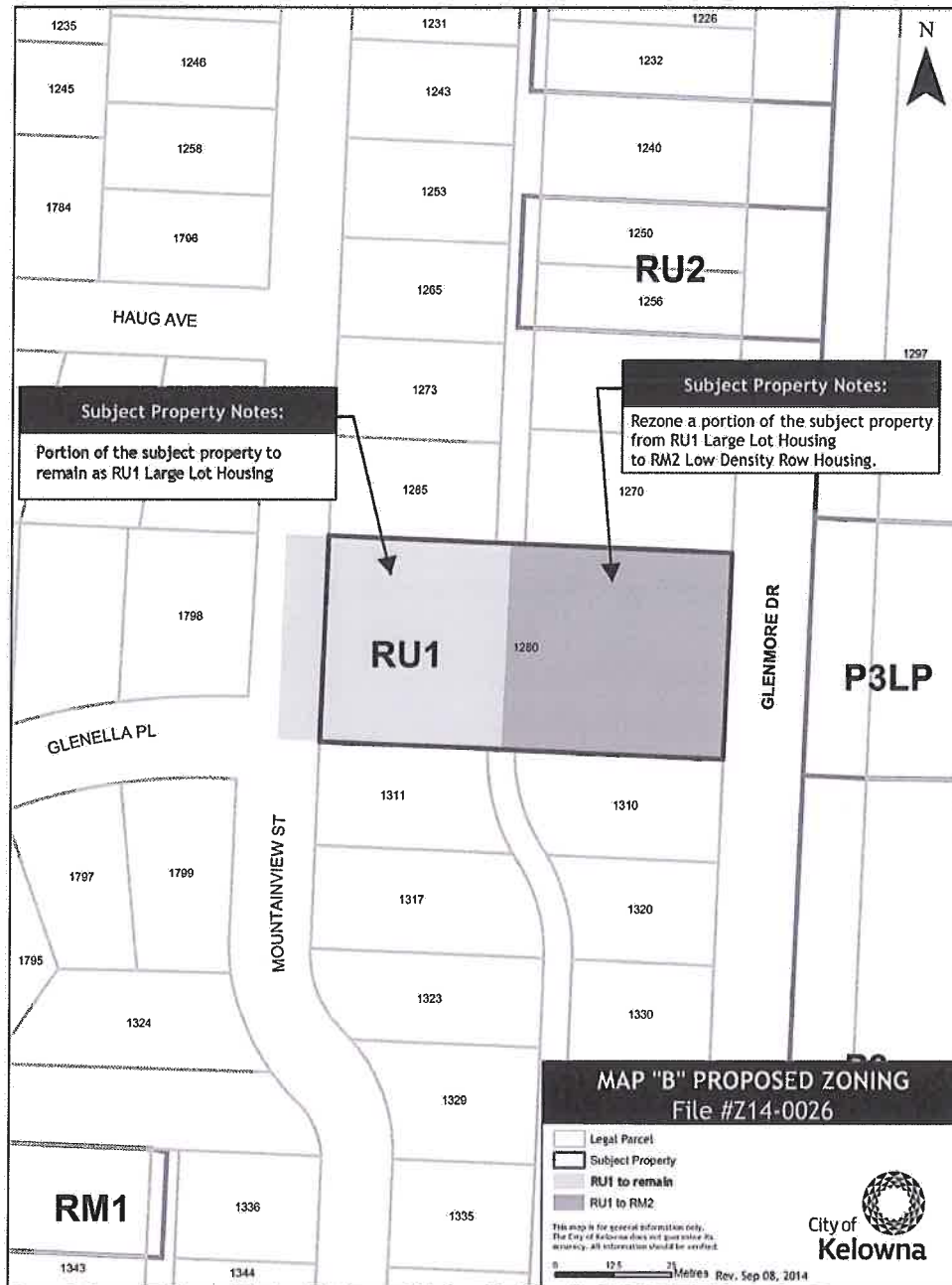
Considered at a Public Hearing on the

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: Sept 26, 2014

RIM No. 0930-50

To: City Manager

From: Urban Planning, Community Planning & Real Estate (AC)

Application: LL14-0014 **Owner:** Whitworth Holdings Ltd., Inc
No. BC0767813

Address: 1250 Ellis Street **Applicant:** Kyle and Carolyn Nixon

Subject: Liquor Primary License application to add a Brew Pub.

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

Existing Zone: C10 - Service Commercial

Proposed Zone: C10lp/rls - Service Commercial (Liquor Primary / Retail Liquor Sales)

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 the proposed brew pub at 1250 Ellis Street, Kelowna BC, (legally described as Lot 1, District Lot 139, ODYD, Plan 660 for a liquor primary application to add a brew pub, with an interior capacity of 292 persons and a patio capacity of 38 persons, and hours of service from 9:00am-12:00am Sunday to Wednesday and from 9:00am-1:00am Thursday to Saturday, are as follows:

a) The potential for noise if the application is approved:

The space had previous industrial uses. The change in use to a brew pub with a liquor primary license is anticipated to have a minor impact in noise in comparison to the previous operation. However, noise will increase in the evening hours but there is a significant distance (~85 metres) between the proposed brew pub and the closest residential dwelling units (Cannery Lofts). Additionally, those residents will not notice any increase in noise relative to the proposed brew pub as the Flashbacks nightclub (Liquor Primary establishment with a 2am closing) is located between the proposed brew pub and the closest residents.

b) The impact on the community if the application is approved:

The potential for negative impacts is considered to be minimal. Noise will increase in the evening hours but the location is appropriate for this land use and will occupy a vacated portion of a building. Similar to the Train Station Pub across the intersection of Clement Ave and Ellis Street, a liquor licensed establishment and restaurant will increase the vibrancy of the streetscape from a vacated parcel.

c) View of residents.

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 the interior capacity is 292 persons with a patio capacity of 38 persons, and hours of service from 9:00am-midnight Sunday to Wednesday and from 9:00am-1:00am Thursday to Saturday.

e) Traffic and parking:

There is ample parking in adjacent private parking lot and surrounding public parking facilities.

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. The proposed brew pub would support the cultural district in which it is located. The purpose of the cultural district is to develop and to enhance the cultural district as a centre for arts and entertainment, and a catalyst for community cultural development. The proposed brew pub would complement and enhance the entertainment and service value of the area.

g) Recommendation:

Council recommends that the application for the addition of a liquor primary license to operate a brew pub be approved.

2.0 Purpose

To seek Council's support for a liquor primary license.

3.0 Urban Planning Department

This application to add a liquor primary license to operate a brew pub represents the next step in the approval process for the "Chico's" brew pub to operate within the currently vacant space. This license requires a Council Resolution to be provided to the Liquor Control and Licensing Branch. The distance between large liquor primary establishments (greater than 249 people capacity) is recommended to be 250 metres according to Council Policy #359. The distance between the proposed brew pub and Flashbacks nightclub is approximately 40 metres. The distance between Rose's Pub (liquor primary nightclub) and the newly constructed Tree Brewing 'Beer Institute' is approximately the same 40 metre separation. That license was supported because the use was proposed to function as a brewery with lounge occupants rather than a traditional liquor primary nightclub. The applicant's proposed brew pub will also have a manufacturing element but will be more focused on a restaurant feel with full food service as compared to the 'Beer Institute'. As such, Staff are supportive of the revitalization of the heritage building, the proposed brew pub, and associate liquor primary license application.

4.0 Summary

4.1 Background

Staff are administering a number of other applications associated with “Chico’s” as described below:

1. First, the subject property should have had a “Liquor Primary” (LP) use because those sub-zones were added in 2003 and the Flashbacks nightclub has operated prior to that date. Therefore, Staff have proposed a housekeeping zoning bylaw amendment to correct that use.
2. Second, Staff have proposed a general text amendment to add “breweries & distilleries, minor” to all zones that have both a “food primary establishment” and “liquor primary establishment” to clarify that producing alcohol in a restaurant setting is permitted from a zoning perspective.
3. Third, a Development Permit has been submitted by the applicant to approve the form and character of the proposed brew pub.

4.2 Proposal

The intent of this facility is to provide a ‘Family Food Service’. The sole purpose for applying for a Liquor Primary License is to be eligible, under the regulations set by the BC Liquor Control and Licensing Branch (LCLB) to operate the business along the same lines as a brew pub. According to the LCLB, a brew pub must have a Liquor Primary license as well as a Manufacturer (winery, distillery, or brewery) License. As part of this liquor licensing application process, the applicant has made application for a Manufacturer Brewery license, which does not require a Council resolution. As part of the building program to create the brew pub, a Development Permit and Development Variance Permit will also be required to address the proposed exterior modifications associated with the interior renovations.

Proposed License Summary:

Proposed Hours of Sale:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	9:00am	9:00am	9:00am	9:00am	9:00am	9:00am	9:00am
Close	midnight	midnight	midnight	midnight	1:00am	1:00am	1:00am

Licensed Area	Capacity
First Floor Sitting area	151 persons
First Floor outdoor patio area	38 persons
The Second Floor Mezzanine area	141 persons
Total Proposed Person Capacity	330 persons*

*The proposed capacity is based on preliminary floor plans, which are subject to approval by the Building & Permitting Branch and the LCLB.

4.3 Site Context

The subject property is located at the west side of Ellis Street near the intersection of Ellis Street and Clement Avenue.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	CD5 - Multi Purpose Facility	Parking Lot
East	I4 - Central Industrial	Metal manufacturing
South	C10 - Service Commercial	Various commercial uses including retail and liquor primary nightclub
West	CD5 - Multi Purpose Facility	Prospera Place Arena

Subject Property Map: 1250 Ellis Street



5.0 Current Development Policies

5.1 Council Policy #359 - Liquor Licensing Policy and Procedures

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

5.1.1 General

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

5.1.2 Liquor Primary Establishments

In consideration of new, expanded or relocated Liquor Primary Establishments (cabarets/nightclubs, pubs, lounges), the following guidelines should be considered (see table below):

5.1.2.1 Siting/Density Guidelines:

- a) No establishment with a person capacity greater than 500 persons should be permitted.
- b) Large establishments (with person capacity greater than 249 persons):
 - i) Should only be located within an Urban Centre.
 - ii) Should be located a minimum of 250m from another Large establishment.
 - iii) Should be located a minimum of 100m from a Medium establishment.
 - iv) Should not be located beside a Small establishment.
- c) Medium establishments (with person capacity between 100-249 persons):
 - i) Should only be located within an Urban or Village Centre.
 - ii) Should be located a minimum of 100m from a Large or Medium establishment.
 - iii) Should not be located beside a Small establishment.
- d) Small establishments (with person capacity less than 100 persons):
 - i) Should not be located beside another liquor primary establishment

For the purposes of determining proximity, the shortest walking distance (door-to-door) will be applied. These distances are meant to guide staff in their recommendations for particular applications, however, a number of other factors should be considered, including (but not limited to):

- a) Pertinent input from the RCMP;
- b) Vehicular and pedestrian traffic patterns for area and current zoning;
- c) Availability of on-site and off-site parking; proximity of playgrounds, schools, and other social facilities;
- d) Surrounding land-uses, and general impact on the local neighbourhood;
- e) Correspondence received from abutting property owners;
- f) Past licensee compliance and performance issues as may be provided by the LCLB.

5.2 Kelowna Official Community Plan (OCP)

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Entertainment Venues.² Within designated Urban Centres, encourage private-sector provision of facilities which diversify the selection of venues and entertainment opportunities throughout the city.

¹ Policy 5.3.2 (Development Process Chapter)

² Policy 5.17.1 (Development Process Chapter 5, page 5.21)

6.0 Technical Comments

6.1 Building & Permitting Department

No comments.

6.2 Fire Department

No concerns.

6.3 Interior Health Authority

No comments.

6.4 R.C.M.P. _ Liquor License

The RCMP support the proposed application provided the licensees are deemed to fit and are proper as determined by the BC Liquor Control and Licensing Branch. The RCMP will not oppose the amended times of this application based on the current business model which is presented as a casual, family friendly, eatery and brew house. Given the number of liquor seats subject of this application, any deviation from the current business model towards a night club will have significant resource implications for the police and will not be supported

7.0 Application Chronology

Date of Application Received: September 11th, 2014

Date of Public consultation: September 8th 2014

Report prepared by:

Adam Cseke, Urban Planner

Reviewed by:

☐

Ryan Smith, Urban Planning Manager

Approved for Inclusion:

☐

D. Gilchrist, Divisional Director -
Community Planning & Real Estate

Attachments:

Subject Property Map

Applicant Rationale Document

Provisional Floor Plans

LCLB Application for Lounge endorsement





Community Planning &
Real Estate
1435 Water Street
Kelowna, BC V1Y 1J4
250 469-8626

Liquor License Application

Applicant (Development Application Primary Contact):

Full Legal Name: KYLE NIXON

Mailing Address: 536 CURLEW DRIVE Postal Code: V1W 4M2
KELOWNA BC

Telephone: 778 477 1720 Cell: 778 215 7883

Email: kylenixon@nixonhospitality.com

Registered Owner(s) of the Property:

Full Legal Name: WHITWORTH HOLDINGS LTD.

Mailing Address: #250-1855 KIRSCHNER RD KELOWNA BC Postal Code: V1Y 4N7

Telephone: 250-763-7506 Cell: 250-718-6808

Email: david@whitworthholdings.com Fax: _____

If the applicant is other than the registered owner(s), a Letter of Authorization is required.

Property Description:

Legal Description: LOT 1, DISTRICT LOT 139, PLAN 660, OBYD

Civic Address: 1250 ELLIS STREET KELOWNA BC

APPLICANT CONFIRMATION

I agree that the Development Services Division will not be held liable for any processing delays caused by the submission of incomplete or incorrect information contained in this application package.

Applicant Signature: [Signature] Date: Sept 5

*See page 2 for requirements and process

Chico's Eatery & Brew co. Liquor Primary Rational Letter

Chico's Eatery & Brew co. will service the downtown community with a lively, comfortable and unique place to enjoy casual and well-made food, house-brewed beer and other BC brewed beer. Its lighthearted sense of hospitality and fun atmosphere will be a draw for people to come and stay downtown. A perfect venue for residents of Kelowna to be social!

Our sole purpose for applying for a Liquor Primary License is to be eligible, under the regulations set by the BC Liquor Control and Licensing Branch (LCLB), to operate our future business along the same lines as a brew pub. According to the LCLB, a brew pub must have an LP as well as a Manufacturer (Winery, Distiller or Brewer) License.

Not Your Regular LP

We do not intend to operate as a traditional LP. Being that we are as much passionate about food as we are beer, we are enthusiastic about offering quality locally sourced food at approachable prices until at least 11pm each night. We are focused on having our staff well educated on the experience well-crafted beer can have when shared with a meal. Making this experience accessible and enjoyable to guests who choose to join us will be highly encouraged by our management team.

In addition, we intend to inherit LCLB's recent "Family Food Service" term which was accepted in June 2014. This policy allows minors to accompany an adult in to LP establishments until 10pm. We would like to welcome families taking part in activities in the Downtown Core to join us before and after these activities. Our opinion is that there is a lack of interesting dining venues downtown that attract young families who are looking for a stimulating dining experience to enjoy together.

We believe the intentions noted above will separate us from our neighboring LPs: Flashbacks Nightclub & Train Station Pub. Flashbacks is only on Friday and Saturdays 9pm-2am and offers a nightclub-type atmosphere. The Train Station Pub is open Monday-Thursday until 11:30pm, Friday & Saturday until 1am and Sunday until 10pm. Although our closing hours will be similar to the Train Station Pub, we intend to offer a stimulating atmosphere that attracts beer & food enthusiasts and also welcomes families.

Other Policy Adherence

The business plan and floor plan of Chico's supports the city's LP policy that encourages alternative entertainment options hosted within an LP. We plan to offer several avenues to adopt this policy which will provide a stimulating and interesting venue for our guests to be social. Included in our floor plan we intend to provide one indoor bocce court in a portion of the mezzanine space, one shuffle board table and one ring-toss game.

The main floor of Chico's will naturally lend itself well to socializing using long bench seating on one wall and a "living room-feel" in the middle of the main room. In the middle of the space will be a large staircase which takes guests to the second floor mezzanine. In addition to the bocce court, this space will have more traditional dining tables. Not only will it lend itself well to regular dining but it will also be a wonderfully unique space that can be reserved for private functions like office Christmas parties, small weddings and gatherings.

Lastly, the brewery will provide an element of interest in conversation between guests and between staff with guests. Although the brewery cannot be seen within the dining space of Chico's, as mentioned before, we intend for our staff to be highly educated and enthusiastic about providing the experience of craft beer appreciation, a wildly successful and growing industry! Guests may choose to join us in our brewery's tasting

room before or after their dining experience to purchase their favorite Chico's brew or perhaps an article of Chico's branded apparel.

Consistent with many elements of the City of Kelowna's OCP

Granting permission of our LP request for Chico's Eatery and Brew co. would allow a unique business to open in a unique and historical location in Kelowna. A business that supports many elements outlined in the city's OCP and its initiative to create a socially sustainable community by: providing a connectedness to our history & physical environment, encouraging a social well-being of a population and promoting mutual respect with people living together harmoniously and in mutual support for each other.

Located in the Cultural District, Chico's will proudly enhance the unique identity of the area offering an interesting place to go and a stimulating thing to do, likely to be enjoyed in conjunction with other similarly described activities offered in the area. Enhancing the unique identity of the area will also serve as conserving the location as a heritage resource to be enjoy and appreciated by the public.

Not only will Chico's be a downtown draw, its creation is very much in line with the OCP's policies on Urban Center development which encourages business under the C7 zoning and development of existing infrastructure. Our plan also complies with proponents of the City's Crime Prevention Through Environmental Design (CPTED). We proudly comply with CPTED in order to participate in the city's Community Vision which promotes citizens to feel safe downtown and encourages buildings and public spaces to be attractive.

Also included in the revitalization design of the building, Chico's will proudly honor the OCP's initiative to promote Pedestrian and Cycling Policies. We've included a street level ramp for wheelchair access, benches with provided shade at street level and excess bicycle parking to promote riding bikes to visit Chico's. In fact, we plan to encourage guests to ride their bikes when joining us as a major element of our social media marketing plan.

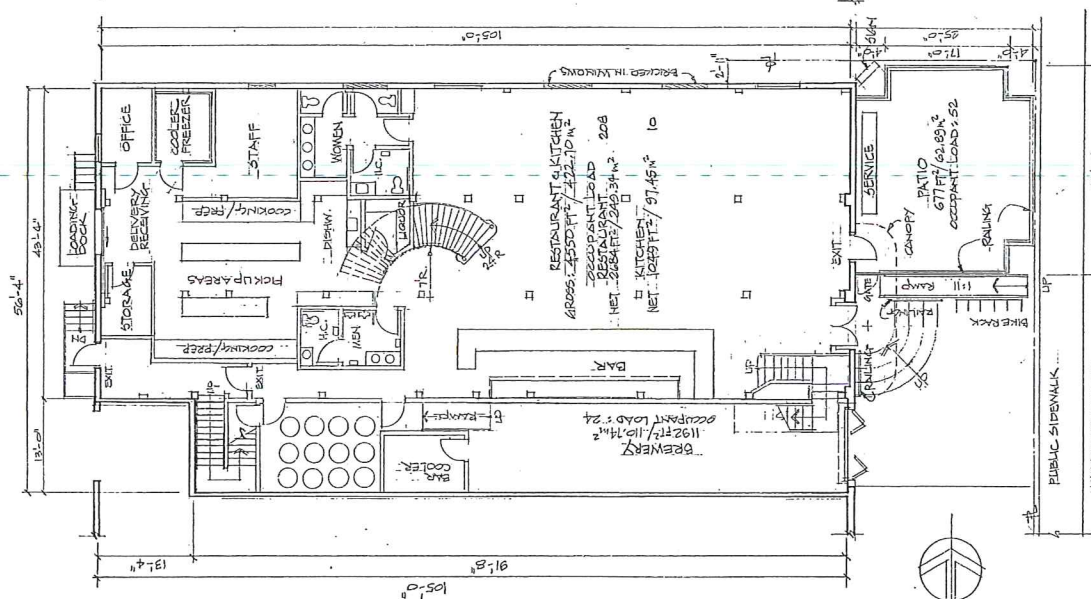
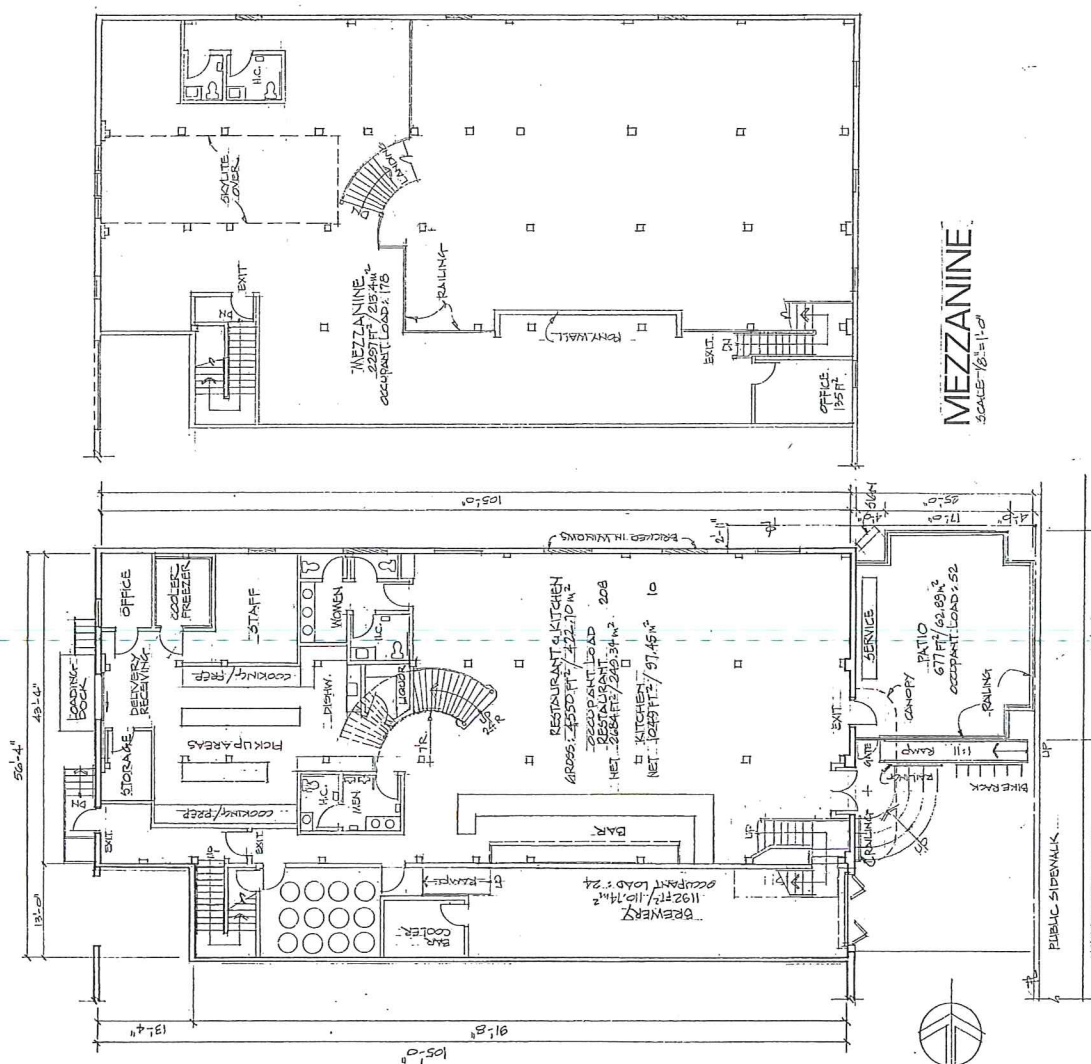
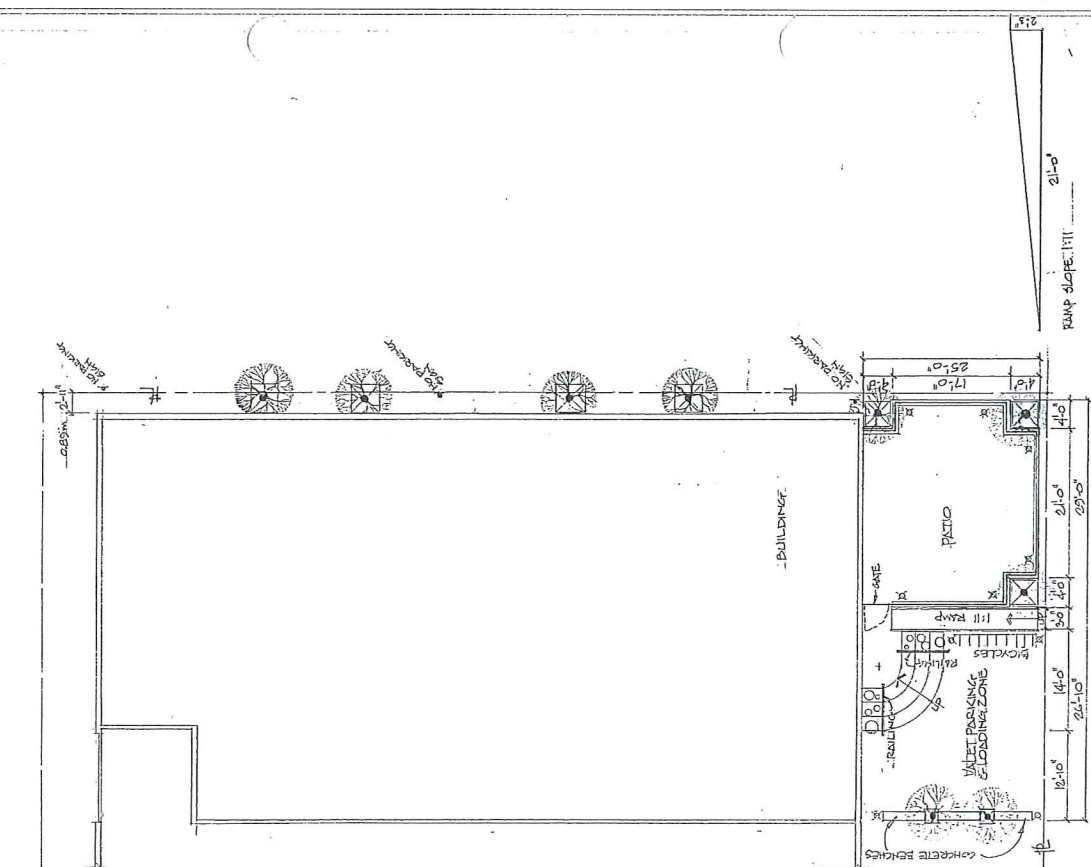
Our Experience

We do feel that our experience in the restaurant industry in Kelowna and our past compliance with Liquor License Policies is a valuable element that we bring to this application. Our family has 40 years of experience most notably, developing both McCulloch Station and the Hotel Eldorado where we ran profitable and well respected food and beverage businesses. Within this time, my husband and I headed the entire food and beverage department at the Hotel Eldorado where we took pride in staying current in the industry, providing our guests with a professional and memorable dining experience and providing our employees with a stimulating and respectful place to work. We loved being inspired by the historical elements of the Hotel Eldorado which is likely why we were so drawn to the uniqueness in the proposed location of Chico's.

Conclusion

We are passionate about hospitality and we are passionate about the city in which we were both born and raised. We would be honored to be given the opportunity to create a unique business for Kelowna residents to enjoy in an iconic historical Kelowna building. Given the chance, we are confident that we can restore this beautiful building and regain the beehive of activity that the 1250 block of Ellis saw in the early 1900s. Best of all, we know we can know we can make our city proud by helping to contribute to the goals laid out in the OCP.

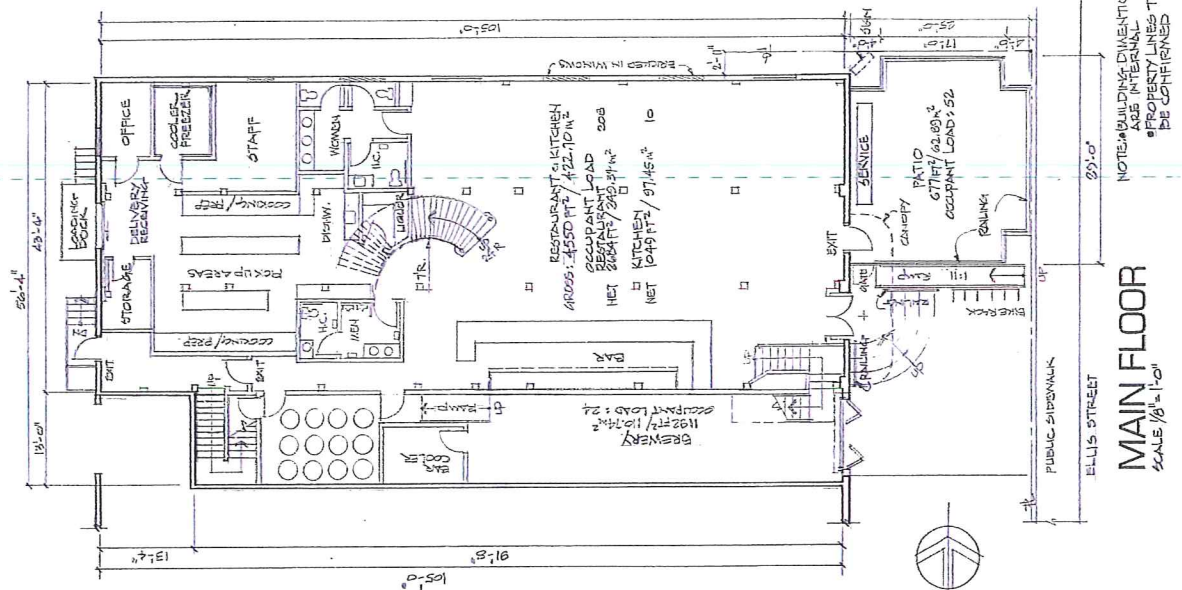
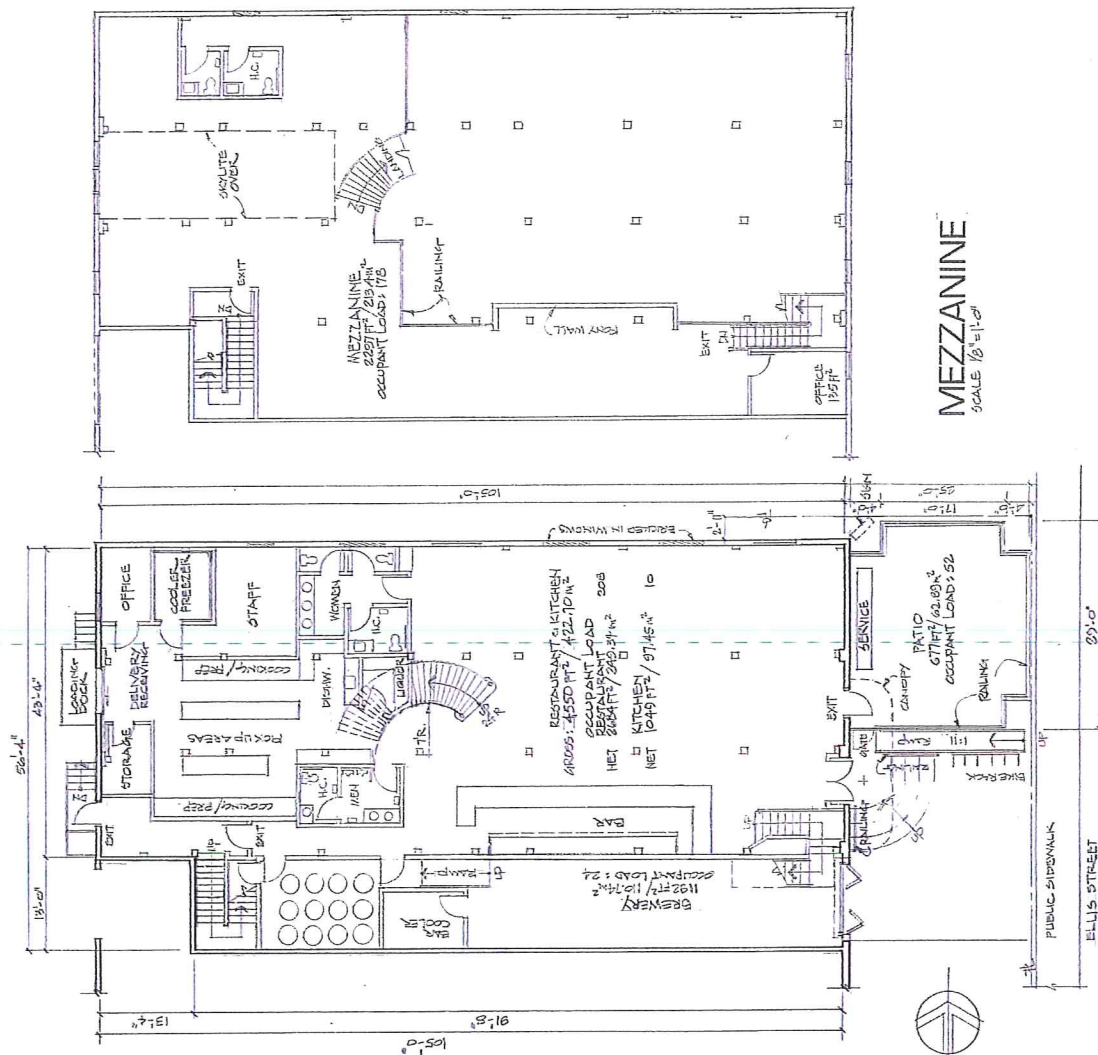
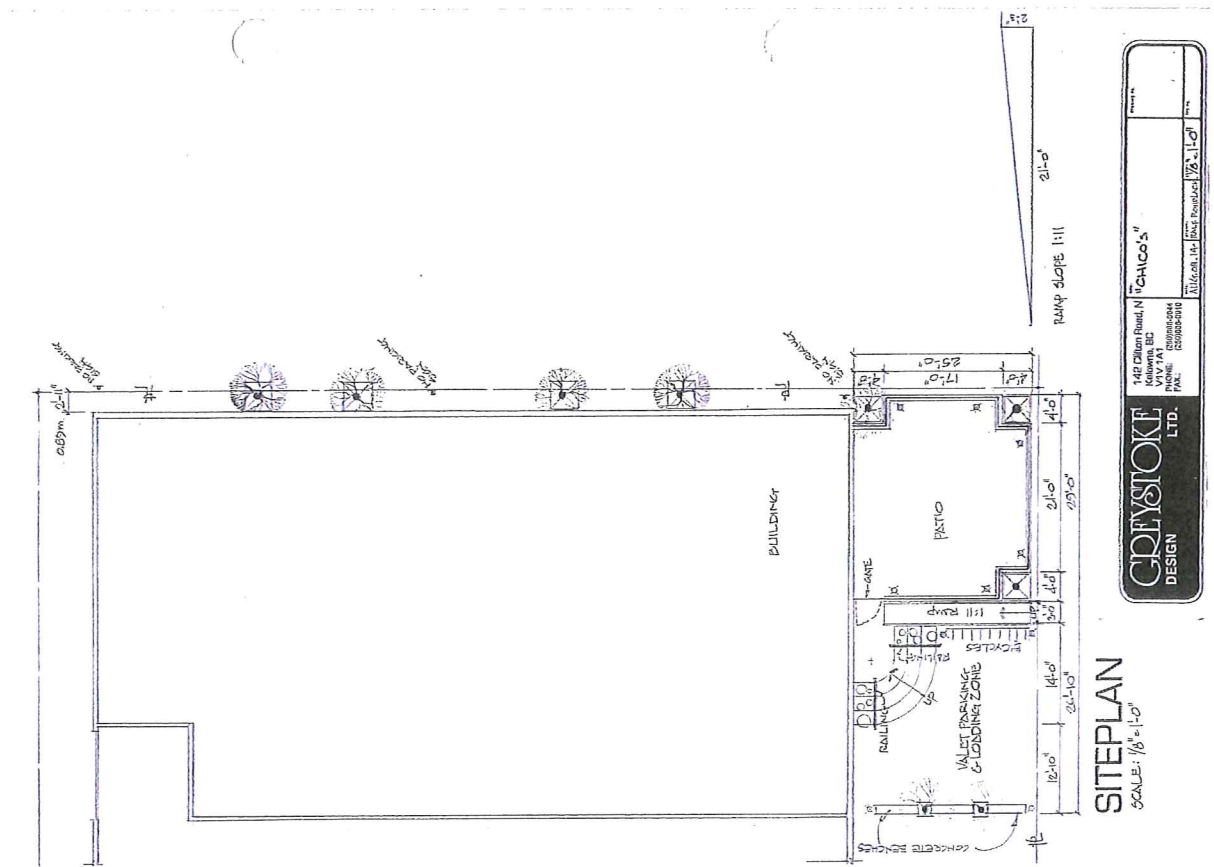
Respectfully,
Kyle and Carolyn Nixon



SITEPLAN
SCALE: 1/8" = 1'-0"

GREYSTOKETM DESIGN LTD.		142 Clifton Road, N Kewtown, BC V7P 1A7 PHONE: (250) 665-2644 FAX: (250) 665-9110		FORM NO.	DATE
		CHICO'S [®]		ORDER NO.	DATE
ALICE CHILDS, 14-		BARRY ROSENBACH, 78-		11-01	

NO OTHER BUILDING DIMENSION
ARE INTERNAL
PROPERTY LINES TO
BE CONFIRMED





WHITWORTH

HOLDINGS LTD.

Suite 250 | 1855 Kirschner Road | Kelowna, British Columbia | V1Y 4N7

Nixon Hospitality
536 Curlew Drive
Kelowna, BC
V1W 4M2

Via Email: carolinenixon@nixonhospitality.com

Attn: Caroline Nixon

RE: Proposed liquor license related to 1250 Ellis Street, Kelowna, BC

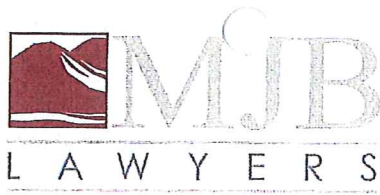
Dear Caroline,

We are writing this letter to confirm our support and permission for your company to apply for a liquor license for the above noted address. As part of our negotiations for a lease for 1250 Ellis Street you have informed us from the early stages of our discussion that your operation will be selling alcoholic beverages. We understand you will require the proper license(s) to satisfy the municipal and/or provincial requirements.

Please let us know if we can be of any assistance in this matter.

Yours Truly,
WHITWORTH HOLDINGS LTD.

David Ferguson
Leasing/Property Manager



REPLY TO:
DIRECT LINE:
email:

Mr. Coates
(250) 372-4923
dpc@mjbblaw.com

LEGAL ASSISTANT: Anita Moore-Nikoras
DIRECT LINE: (604) 559-9114
email: anita@mjbblaw.com

Our File: 26,705-02

August 25, 2014

VIA EMAIL: liquor.licensing@gov.bc.ca

Ministry of Justice
Liquor Control and Licensing Branch
4th Floor, 3350 Douglas Street
Victoria, BC V8Z 3L1

Attention: Douglas Scott, Assistant Deputy Minister and General Manager


Dear Sir:

RE: Application for a Liquor Primary ("LP") Liquor License
Applicant: Chico's Hospitality Inc.
Proposed Establishment Name: Chico's
Location: 1250 Ellis Street, Kelowna, BC

Please be advised that this letter is intended to serve as the "Letter of Intent" required pursuant to Part 9 of the Liquor Primary ("LP") License Application form. In accordance with the Liquor Branch's Letter of Intent criteria, we submit the following information and enclosed documentation with respect to the above-noted LP Licence application.

PURPOSE

The purpose and business focus of this establishment is hospitality services. The applicant intends to create an inviting and timeless social dining environment where guests are invited to indulge in some locally and globally inspired menu items. This new LP Licence, to be known as "Chico's", will be housed within a building, which is also intended to house a related brewery. The applicant's goal is to run a sophisticated brew pub operation where patrons will have the opportunity to try one of the in-house brews, select a beer from an exemplary collection of draught and bottled beers, enjoy a glass of wine or a cocktail.

Mair Jensen Blair LLP – Lawyers
700 – 275 Lansdowne Street, Kamloops, BC V2C 6H6 Canada 
Telephone: (250) 374-3161 Toll Free: 1-888-374-3161 Fax: (250) 374-6992 www.mjbblaw.com

As noted above, the proposed establishment is located at 1250 Ellis Street, which is at the fringe of Kelowna's downtown core. The interior of the proposed pub has a capacity of 218 and the patio has a capacity of 52. The floor plans are still at the preliminary stage of development and, therefore, these numbers will need to be confirmed prior to local government's neighbourhood consultation process.

Enclosed with this package are various maps and drawings, including the above-mentioned preliminary floor plans which depict the facility and the areas proposed to be covered by this LP Licence. The future brewery is also shown on the plan.

TARGET MARKET

In addition to providing excellent quality, affordable meals and drinks, the applicant is highly motivated to provide added value by creating an atmosphere that exudes hospitality, community and fun. Although they expect to appeal to the 25 – 55 year-old crowd, they aim to be an obvious destination in Kelowna for anyone looking to spend some time downtown, whether it be for a pre-game meal before taking in a Kelowna Rockets hockey game, or a post-concert cocktail after enjoying a concert at the stadium. Locals will be enticed to come for the consistently excellent food, drinks and fun atmosphere. Visitors and tourists will come because there is nothing else like it in Kelowna!

Although this establishment will not rely entirely on tourism to maintain a strong, viable business, there is a tourist component to its customer base. It is felt that the uniqueness of this brew pub will attract such a tourism component, and it will also attract "local" visitors from outside the immediate vicinity. Marketing for this establishment targets, not only the locals, but also business and pleasure travellers.

COMPOSITION OF THE NEIGHBOURHOOD

This new brew pub will be welcomed by not only the savvy diner, the social fun-seeker, and the beer enthusiast, but also by its fellow neighbours. The neighbourhood is comprised of Kelowna's largest entertainment arena, Kelowna's largest hotel and casino, the community theatre, the library, the museum, urban residential condominiums, and plenty of new commercial activity, as well as major future commercial development.

This site is located on property that is zoned Service Commercial / Service Commercial (Liquor Primary) - C10 / C10lp. The proposed LP Licence use is a permitted use of land at this site, as per the City of Kelowna's zoning bylaws. A zoning map, along with a list of the permitted uses is enclosed with this application package.

The block within which Chico's will be situated is the last block of the street considered to be in "downtown" Kelowna. It is also the most historical block of the street. In fact, the building in which Chico's will be located is part of the original tobacco drying and packaging warehouse from the early 1900's. Nearby is the original tree fruit processing

plant, which is now part museum, and part private event venue. The applicant's intent is to pay tribute to the building's heritage inside and out through design and maintenance of the original structural features. Locals and visitors alike will relish in the unique experience of enjoying a beer in one of Kelowna's oldest buildings. It will also be a welcome face-lift to that block of the street.

The reasonable distance that would be most suitable for determining the neighbourhood composition is 2 blocks, given that the proposed site is in the downtown core of the City. A map is enclosed, on which we have identified the various public facilities/buildings within a reasonable distance.

BENEFITS TO THE COMMUNITY

There are financial and non-financial benefits to the community associated with the operation of this new brew pub, including increased tourist offerings, as well as unique, accessible and affordable meals and drinks.

The applicant intends to use tasteful current and classic rock or indie rock music to contribute to the fun and lively atmosphere of Chico's, without disturbing their neighbours. This brew pub will fill a void that currently exists in terms of hospitality services in the City of Kelowna. The City and community has an acute focus on the wine industry, but beer connoisseurs are at a disadvantage, as services are lacking and out of date in this industry.

Although it is anticipated that a large percentage of the business will come from dinner/evening hour service, the applicant is cognizant of the mixed use neighbourhood and the balance that is required to be maintained as a neighbour to many businesses.

In addition, if the application is approved, employment opportunities will increase as a result of the proposed new brew pub operation, including chefs, managers, brew masters and wait service staff.

NOISE IN THE COMMUNITY

There may be live music performances a few times per year and during such events the utmost care will be taken to keep noise from emanating and to ensure control is maintained. Outdoor entry line-ups will be monitored and controlled according to a security plan by trained door security staff. The building's construction will also minimize noise, due to the dense construction of the exterior brick walls, which will serve to offer highly effective sound-proofing. In addition, live music is intended to be limited to midnight and outdoor/patio dining to 10:00 pm.

As noted above, noise will be controlled by the fact that the proposed brew pub will be housed within a building constructed of thick brick walls. The applicant will also ensure

compliance with all local municipal noise bylaws, and closing the patio at 10:00 pm will further mitigate possible unwanted noise.

Given all of the above factors, it is not expected that there will be any measurable or unreasonable noise emanating from this establishment.

In addition, there are limited residential units within the 2 block radius of this establishment and, therefore, the noise issue becomes less of a concern.

OTHER FACTORS

As we have previously mentioned, a brewery licence is intended to compliment the pub component of this operation. A formal manufacturer/brewery licence application will be filed with the LCLB in the near future. This LP Licence application was simply required to be submitted first, due to the lengthier process involved.

You will see that we have also provided a copy of this letter of intent to the City of Kelowna.

Thank you for your review of our application. We look forward to hearing from you.

Yours very truly,

MAIR JENSEN BLAIR LLP


Legal Assistant for:

DENNIS P. COATES, Q.C.

/amn

Enclosures

cc: Chico's Hospitality Inc.

cc: City of Kelowna



Liquor Primary Licence Application

Liquor Control and Licensing Form LCLB001

INSTRUCTIONS: Complete all applicable fields, attach required documents and submit with payment as outlined in Part 12. You may complete this form one of two ways: 1) at your computer, save and then print; or 2) by hand - print clearly using dark ink.

- If you have any questions about completing this application, call the Branch toll-free at 1-866-209-2111
- LCLB forms and supporting materials which may be referred to in this document can be found at: www.pssg.gov.bc.ca/lclb
- Approximate processing time for this application is between 7 - 12 months.

PART 1: Type of Application

Please check (☑) to indicate the type of application you are submitting:

Office use only

Job No. _____

☒ New Liquor Primary Licence

A Liquor-Primary licence is issued to an establishment whose primary business focus is hospitality, entertainment or beverage service, i.e., a lounge, bar, night club, etc. but cannot cater to youth-oriented activities, such as video arcades. Proper preparation and service of food to the public is required during all hours of liquor service. At minimum, licensees must have available hot or cold snacks and non-alcoholic beverages at reasonable prices. All types of liquor may be served once licensed.

Note: An incomplete application package will be held for forty-five (45) days and if still incomplete, the application may be terminated.

Gaming Facilities: Check (☑) appropriate box below if you are applying for a Liquor-Primary licence in a gaming facility:

☐ Casino ☐ Community gaming centre ☐ Commercial bingo hall

☐ New Liquor Primary Club Licence

Only a society registered under the *Societies Act*, in existence for one year or longer, with more than 50 members who pay annual fees of at least \$10 may apply for a Liquor-Primary Club Licence. A Liquor Primary Club Licence is void if the society (club) ceases to exist. A Liquor Primary Club Licence must meet the same eligibility and operational criteria as a liquor-primary, indicated above. Liquor Primary Club Licence applicants may be eligible for certain club privileges under section 27 of the *Liquor Control and Licensing Act*. Contact LCLB for more information. Restaurants are not eligible for a Liquor Primary Club Licence.

Note: An incomplete application package will be held for forty-five (45) days and if still incomplete, the application may be terminated.

PART 2: Applicant

Applicant name: Chico's Hospitality Inc.

[Enter the name of the Public or Private Corporation, Partnership, Sole Proprietor (last name, first name, middle name), Society or other entity applying for the licence.]

Applicant phone: 250-808-8778

Applicant fax: n/a

Applicant email: carolynnixon@nixonhospitality.com

Business Number: 841166986

Mailing address:
(All correspondence
will go to this address)

PO 29029, RPO Okanagan Mission

Kelowna

BC

V1W 4A7

Street

City

Province

Postal Code

***NOTE:** Prior to licensing applicants must have a Canada Revenue Agency issued Business Number in place in the legal name of the applicant for the liquor licence. This is the first 9 digits of your 15 digit GST/HST registration number. If you don't have a GST/HST registration number, you can apply for one through the Canada Revenue Agency at <http://www.cra-arc.gc.ca>.

PART 3: Application Contact Information

The applicant authorizes the person below to be the primary contact for the duration of the application process only.

Name: Anita Moore-Nikoras

Phone number: 604-559-9114

Fax number: 604-559-9115

E-mail address: anita@mjbblaw.com

PART 4: Applicant Information

1. Do you or any of your shareholders currently hold, have held, or have previously applied for a British Columbia liquor licence? Please check (☑) one box:

☒ No, I do not currently hold - and have never held or applied for - a British Columbia liquor licence.

☐ Yes, I currently hold a British Columbia liquor licence, or I have held or applied for one in the past. If Yes, provide details of current or previous licence(s) or previous applications (date held, licence # (s), location, type of licence and name of establishment(s)):

2. Do you hold a Rural Agency Store Appointment? Please Check (X) one:

☒ No, I do not currently hold a Rural Agency Store Appointment.

☐ Yes, I currently hold a Rural Agency Store Appointment.

3. Do you, or any of your shareholders, have any connection, financial or otherwise, direct or indirect, with a distillery, brewery or winery? Please check (X) one:

☒ No, I do not have any connection, financial or otherwise, directly or indirectly, with a distillery, brewery or winery.

☐ Yes, I acknowledge a connection, financial or otherwise, directly or indirectly, with a distillery, brewery or winery. If Yes, provide details:

PART 5: Resident Manager (Complete this section if there will be a resident manager for your business)

A licensee who does not reside in BC or who will not be present to manage the day to day business must hire an individual to manage the establishment. The resident manager must be an employee of the licensee, a resident of BC, a Canadian citizen or lawfully admitted to Canada under the Immigration and Refugee Protection Act (Canada) for permanent residence, and must be 19 years of age or over.

Legal Name of Resident Manager:

(Last)

(Given Names)

Contact telephone with area code:

Submit the following documents for the resident manager with this application:

☐ a completed Consent for Disclosure of Criminal Record Information (RCMP GRC3584) form,

☐ a completed Personal History Summary and Consent for Criminal Record Search (LCLB004) form and required documents noted on form.

PART 6: Type of Business

There are six types of businesses identified here. Choose (X) the type of business used to operate your liquor primary establishment. Beneath the type of business you indicate are further fields to complete and/or a list of documents to submit with this application.

☐ Partnership

Please check (X) if you are a ☐ Registered Partnership or a ☐ Non-Registered Partnership

List Partners in the space provided below:

PARTNER 1: Percentage of Ownership: Legal Name:

PARTNER 2: Percentage of Ownership: Legal Name:

PARTNER 3: Percentage of Ownership: Legal Name:

PARTNER 4: Percentage of Ownership: Legal Name:

If there are more than four partners, provide same information for other partners on separate sheet and attach. If one or more of the partners are a private corporation, a public corporation or a society, submit all the documents listed under that business type with this application.

Plus, each partner (individual) must submit:

☐ a completed Consent for Disclosure of Criminal Record Information (RCMP GRC3584) form,

☐ a completed Personal History Summary and Consent to Criminal Record Search (LCLB004) form and required documents on form.

For a registered partnership the following documents are required and must be submitted with this application:

☐ Statement of Registration of General Partnership, OR

☐ Partnership Agreement

☐ Society

The society's annual membership fee is: \$ The society has members.

The following documents are required and must be attached to this application:

☐ Certificate of Incorporation under the Society Act,

☐ current list of officers and directors,

Plus the top four executive officers must submit:

☐ a completed Consent for Disclosure of Criminal Record Information (RCMP GRC3584) form, and

☐ a completed Personal History Summary and Consent to Criminal Record Search (LCLB004) form and required documents noted on form.

☒ **Private Corporation**

The following documents are required for this type of business and must be submitted with this application:

- ☐ Certificate of Incorporation,
- ☐ Extra-provincial registration, if your business is located outside British Columbia,
- ☐ Central Securities Register,
- ☐ Notice of Articles, and
- ☐ Special Rights and Restrictions within the articles of incorporation that detail the class and types of shares and whether or not each class or type of share has voting privileges (if the information is not already included in the Notice of Articles).

And, if one of the shareholders is a private corporation, a public corporation, a society or a partnership, submit all the documents listed under that business type.

Plus, all shareholders (individuals) holding 10% or greater interest in the applicant corporation must submit all the documents listed:

- ☐ a completed Consent for Disclosure of Criminal Record Information (RCMP GRC3584) form,
- ☐ a completed Personal History Summary and Consent to Criminal Record Search (LCLB004) form and required documents noted on form.

Note: Shareholders (individuals) holding less than 10% interest in the applicant corporation must provide their full legal name and date of birth in the space provided below or on a separate sheet of paper.

☐ **Public Corporation**

Check box ☐ if your shares are publicly traded: ☐

The following documents are required for this type of business and must be submitted with this application:

- ☐ Certificate of Incorporation,
- ☐ Extra-provincial registration, if your business is located outside British Columbia, and
- ☐ List of Directors and Officers.

Plus, for the four top executive officers in your public corporation, attach:

- ☐ a completed Consent for Disclosure of Criminal Record Information (RCMP GRC3584) form,
- ☐ a completed Personal History Summary and Consent to Criminal Record Search (LCLB004) form and required documents noted on form.

☐ **Sole Proprietorship**

The sole proprietor must submit the following documents with this application:

- ☐ a completed Consent for Disclosure of Criminal Record Information (RCMP GRC3584) form,
- ☐ a completed Personal History Summary and Consent to Criminal Record Search (LCLB004) form and required documents noted on form.

☐ **Other**

This includes entities incorporated through Federal or Provincial legislation. Examples: Local Government, First Nations, colleges, universities, etc. Contact the branch to discuss documentation requirements.

PART 7: Establishment Information

NOTE: Signs should not be ordered prior to approval of the establishment's name by the Liquor Control and Licensing Branch.

Proposed establishment name: Chico's

Proposed establishment physical address: 1250 Ellis Street Street Kelowna City BC Province V1Y 1Z4 Postal Code

Proposed establishment mailing address: 1250 Ellis Street Street Kelowna City BC Province V1Y 1Z4 Postal Code

Establishment Phone # with area code and extension: Not yet known Establishment fax with area code: Not yet known

Business e-mail: carolynnixon@nixonhospitality.com

Local police jurisdiction: RCMP - Kelowna Detachment Local government or First Nation: City of Kelowna

Legal description of site: Lot 1, District Lot 139, ODYD, Plan 660

(Legal description and parcel Identifier (PID) or Strata Plan number of the establishment site, found on property tax notice or from Land Titles office)

PART 8: Establishment Proposal

An occupant load calculation will be required for each proposed licensed area(s). The occupant load calculation represents the maximum number of all persons permitted in a licensed area, if approved. Occupant load includes patrons plus staff (as set by the authority in your area).

The occupant load that you detail on the application form (although you may not have the floor plans finalized) will be subject to local government/First Nations consideration and will need to be stamped on the floor plan and signed off by the authority in your area. An alternate qualified architect or design professional may be used in locations only where fire and building authorities do not have jurisdiction to provide an occupant load. Written consent must be provided by local government/First Nations.

1. Proposed interior licensed area(s)

Provide the occupant load of each interior licensed area for which you are requesting approval for liquor service and consumption:

Area 1	Area 2	Area 3	Area 4	Area 5	Area 6
218					

2. Proposed patio(s)

Provide the occupant load of each patio area for which you are requesting approval for liquor service and consumption:

Patio 1	Patio 2	Patio 3	Patio 4
52			

- a) Describe the patio perimeter or bounding that you intend to construct to control patron entry/exit (i.e., railing, fencing, planters, hedging, etc.):

The patio's perimeter will be bound by a wrought iron railing with some decorative planters.

- b) Describe how your staff will manage and control the patio from the interior licensed area (i.e., surveillance cameras, staff frequency, etc.):

The patio will be visible from the interior through windows. In addition there will be staff dedicated to that area when it is in use.

- c) For information on patio policy, please see the Licensing Policy Manual: <http://www.pssg.gov.bc.ca/lcb/docs-forms/clb207-policy-licensing.pdf#page=85>

2. **Proposed hours of sale:** Enter the opening and closing times proposed for the establishment. Hours requested must fall between 9:00 am and 4:00 am of each business day. Requested hours are subject to your local government/First Nation consideration:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
OPEN	9 AM	9 AM	9 AM	9 AM	9 AM	9 AM	9 AM
CLOSE	1 AM	1 AM	1 AM	2 AM	2 AM	2 AM	1 AM

3. **Zoning:** If a zoning change/amendment is required, please indicate the status of your application.

N/A

4. Minors

☐ Tick this box if you are applying to licence a recreation facility such as a curling club, stadium, golf course, bowling alley, etc., and are applying for permission to allow minors unaccompanied in the lounge area until 10pm when the facility is functioning for recreational purposes on a day-to-day basis.

☒ Tick this box if you are applying for the Family Foodservice Term and Condition for permission to allow minors accompanied by a parent or guardian in all licensed areas of the liquor primary establishment until 10 pm when meal service is available for families.

Part 8 continued on next page...

To qualify for the Family F... Service Term and Condition, the following conditions must be met... Please confirm by checking the boxes below:

- ☒ Meal service includes a selection of appetizers and main courses or equivalent.
- ☒ Meal service will be available when minors are present in your establishment and prepared in: (check one)
 - ☒ Kitchen at establishment
 - ☐ Kitchen at another establishment located in the same building. If so, please explain below:
- ☒ Signage will be posted at all access points stating minors are permitted until 10 PM when accompanied by a parent or guardian.
- ☒ Minors will be prohibited from the establishment when there is adult entertainment or licensed gaming events (except for ticket raffles or bingo events licensed by Gaming Policy Enforcement Branch (GPEB)).
- Sale of lottery products (check one):
 - ☒ Lottery products are not offered at my establishment.
 - ☐ Lottery products are sold at my establishment and I have contacted British Columbia Lottery Corporation (BCLC) and satisfied BCLC that minors will be restricted from purchasing self-serve lottery products.
- Sale of tobacco products (check one):
 - ☒ Tobacco products are not offered for sale at my establishment.
 - ☐ Tobacco products are sold at my establishment and I will meet the Tobacco Control Program of the Ministry of Health requirements by covering tobacco vending machines and tobacco advertising during hours when minors are present.
- ☒ I understand that LCLB may share this information with the Ministry of Health, BCLC and GPEB.

5. **Catering Endorsement:** A liquor primary applicant (but not a liquor primary club applicant) may apply for a catering endorsement if they wish to be licensed to transport and sell liquor at catered events where they have been hired to provide food service. The catered events must be hosted by other people and must take place outside the 'red-lined area' (the area where liquor is sold, served and consumed) and generally away from the establishment. The caterer must be present for the duration of a catered event. A catering endorsement is subject to an annual licensing fee of \$100.

To qualify for an endorsement the applicant must demonstrate at the time of inspection:

- Catering service is focused on the preparation and serving of food.
- The applicant has the personnel and infrastructure necessary to prepare and serve food at events hosted by others. This includes a requirement to have a full commercial kitchen at the applicant's establishment. For more details please see the Catering Terms & Conditions Guide.

Are you applying for a Catering Endorsement? ☒ Yes ☐ No

PART 9: Letter of Intent and Site Map

1. **Letter of Intent** - Attach a detailed letter describing the functions and services your facility or venue will provide. The information you provide must address all of the categories below.

- a) **Purpose:** Describe the purpose and business focus of your establishment. If you intend to offer entertainment in your establishment, please describe the types you intend to offer. The business focus must fall within beverage service, entertainment and hospitality services and must not be youth-oriented.
- b) **Target market:** Describe the target market your proposed establishment will serve (e.g., urban locals, suburban locals, rural locals, neighbouring communities, tourists, etc.).
- c) **Composition of the neighbourhood:** Describe the composition of the neighbourhood surrounding the establishment location (e.g., commercial, residential, industrial, light industrial, urban, downtown, rural, ALR, First Nations' Land, etc.).
- d) **Benefits of the proposed establishment to the community:** Describe the community/market need you are addressing by providing an additional licensed establishment in the community (e.g., the proposed establishment will be located in a new mixed-use development where businesses, government offices, residences and sports facilities are located and the LP will be meeting a food and beverage need, there are currently no licensed establishments in the area, etc.).
- e) **Impact of noise on the community:** Describe the potential for noise impacts on the community from your proposed establishment and the measures that you intend to implement so that others are not disturbed by your establishment (e.g., entertainment involving amplified music will be addressed by soundproofing walls; noise from outdoor patio will be addressed by closing the patio by 10 p.m., outdoor entry lineups will be monitored according to our security plan by trained door security and outdoor lighting and cameras will be installed, etc.).
- f) **Other impacts on the surrounding community:** Describe any other issues expected from your establishment and the measures you will take to address them (e.g., late night community disturbance).
- g) **Other:** Any other relevant information or details you wish to provide.
- h) **Additional requests:** Detail any additional requests that you may have.

2. **Site Map** - Provide a site map (can be a tourist map, golf course layout, zoning map of the site, google map, etc.) and detail the following:
- a) Provide a site map of the area surrounding your proposed location identifying the following within a reasonable distance* of the proposed establishment:
- Site location
 - Road access, egress, parking and all residential areas
 - All other licensed liquor primary or liquor primary club establishments and liquor primary applications in progress
 - Churches
 - Clubs
 - Schools (K-12, colleges, universities)
 - Preschools
 - Day care centres
 - Health care facilities
 - Seniors facilities
 - Recreational/sports facilities
 - Police stations
 - Fire halls
 - Libraries
 - Government buildings
 - Any other social, public or private facilities
- *Reasonable Distance Guidelines**
 What constitutes a reasonable distance will vary depending on individual circumstances.
- In a densely populated city or municipality, reasonable distance is probably a 2 block radius;
 - In a pocket community having no adjacent developed regional areas (e.g. Gold River, Tumbler Ridge, Whistler, Valemont) reasonable distance is probably the whole community;
 - In a rural area having large acre parcels, reasonable distance is probably up to 8 km (5 miles);
 - In a moderately populated area of developed subdivisions, suburbs, reasonable distance is probably 1.5 or 2 km (1 mile).
- a) On the same map, please mark the boundaries of the neighbourhood of the proposed location as per the reasonable distance guidelines above. State what distance measure you chose and explain your logic.

PART 10: Required Documents

(an application must be complete before it can be processed)

To be considered a "complete application", the following documents must be provided:

- ☐ 1. Completed *Liquor Primary Licence Application* (LCLB001).
- ☐ 2. Letter of intent (See Part 9)
- ☐ 3. Site Map (See Part 9)
- ☐ 4. Application fee. See Part 12 of this application form.
- ☐ 5. Completed *Consent for Disclosure of Criminal Record Information* (RCMP GRC3584) for all required individuals. (Please note, you must complete Part 1, 4 and 5 of the *Consent for Disclosure* form and all category boxes must be initialled in section 5.) Refer to the LCLB web page for information on criminal record searches:
http://www.pssg.gov.bc.ca/lclb/LInBC/criminal_record_search.htm
- ☐ 6. Completed *Personal History Summary and Consent for Criminal Record Search* (LCLB004) forms for all required individuals.
- ☐ 7. Statutory Declaration must be completed by all individuals that answered "Yes" to 2, 3 or 10 in the *Personal History Summary and Consent for Criminal Record Search* form (LCLB004)
- ☐ 8. Driver's abstract (driving record) by all individuals that answered "Yes" to 9 or 10 in the *Personal History Summary and Consent for Criminal Record Search* form (LCLB004)
- ☐ 9. Relevant business documents as identified in Part 6 of this application form. These documents will vary according to applicant type: public corporation, private corporation, partnership, sole proprietorship, society or other.
- ☐ 10. Preliminary floor plan drawings that show access/egress, kitchen, washrooms, bar, stairs, patio(s), unlicensed areas and proposed occupant load determinations for the licensed area(s).
- ☐ 11. If you intend to advertise your business with a sign that includes graphics, please provide a sketch of the proposed signage for Branch approval. Refer to Section 13 of the Licensing Policy Manual (<http://www.pssg.gov.bc.ca/lclb/docs-forms/lclb207-policy-licensing.pdf#page=159>) for more information on signage. The graphics and/or name cannot be directed at minors, associate liquor with driving or show people drinking liquor or being intoxicated or behaving irresponsibly.
 If your signage simply displays your "establishment name", there is no need to submit a sketch of the sign. Staff will advise you if the establishment name is not acceptable.

Motor vessels, also provide:

- ☐ 12. Motor vessels: a) Evidence of moorage showing that the moorage contract is for at least 12 months from the date the liquor licence is issued.
 b) Site map showing the moorage location, berth number and surrounding areas.
- ☐ 13. Floor plans showing public access areas, kitchen/food service areas, liquor service bar and washroom facilities on the vessel.
- ☐ 14. A captain accreditation certificate.
- ☐ 15. Photocopy of registration and safety certificates. Motor vessels – Passenger Vessel: *Transport Canada Passenger Vessel Inspection Certificate*; Charter Vessel: *Small Vessel Regulation Certificate* or a *Courtesy Examination for Pleasure Craft*.

Golf courses, also provide:

- ☐ 16. Attach a map of the entire golf course clearly marking the following:
 - Label the holes (1-9 or 1-18 as applicable)
 - Public roads that may divide the golf course playing area (if applicable)
 - Existing licensed areas (which may include clubhouse, liquor primary and food primary licensed areas)
 - Putting green and driving range (these areas are not permitted for licensing)
 - Any other external buildings located on the golf course

PART 11: Declaration of Signing Authority Including Valid Interest

My signature, as Applicant, indicates that, with respect to the establishment:

- I am the owner of the business to be carried on at the establishment or the portion of the establishment to be licensed.
- I am the owner or lessee of the establishment or portion of the establishment to be licensed. If I have an option/offer to lease the establishment, or portion of the establishment to be licensed, prior to a licence being issued, I will obtain a completed lease that will not expire for a minimum of 12 months after the date the licence is issued.
- I understand that the general manager has the right to request the following documentation supporting valid interest at any time and I agree to provide the requested documentation in a timely manner upon request:
 - o If the applicant owns the property, a Certificate of Title in the applicant's name.
 - o If the applicant is renting or leasing, a fully executed lease or assignment/offer of lease which does not expire for at least 12 months from the date the licence is issued. An offer for rent/lease must show rent paid, have a term and an expiry date and be signed by both the applicant and the property owner.
 - o If the applicant is buying the land and the building(s), a copy of the offer or option to purchase the property and building(s). An offer must show price paid, have a term and expiry date, and be signed by both the applicant and the property owner.
- I understand that loss of valid interest at any time while holding a licence is reason for the general manager to consider cancelling the licence.
- I understand that I must advise the branch immediately if at any time the potential exists to lose valid interest either during the licensing process or once a licence has been issued.
- I understand that the name(s) on documentation demonstrating valid interest must be identical to the applicant name(s).
- As the licensee, I will be accountable for the overall operation, for all activities within the establishment and will not allow another person to use the licence without having first obtained a written approval from the general manager.
- For licensees with a catering endorsement: I will be accountable for the overall operation, for all activities at catered events and will not allow another person to use the licence without having first obtained a written approval from the general manager.
- I understand that a licence can only be renewed if I am the owner of the business carried on at the licensed establishment and I am the owner or lessee of the licensed portion of the establishment.

I solemnly declare that the statements in this declaration are true.

Signature of any shareholder of a private corporation, signing officer of a public corporation or society, sole proprietor or all individuals in a partnership is required below:

Note: An agent, lawyer, resident manager or third party operator may not sign the declaration on behalf of the applicant.

Name of Official: NIXON/KYLE/JAMES Position: SHAREHOLDER Date: 25/08/2014
(last / first / middle) (Day/Month/Year)

Signature: X

Name of Official: _____ Position: _____ Date: _____
(last / first / middle) (Day/Month/Year)

Signature: _____
Name of Official: _____ Position: _____ Date: _____
(last / first / middle) (Day/Month/Year)

Signature: _____
Name of Official: _____ Position: _____ Date: _____
(last / first / middle) (Day/Month/Year)

Signature: _____
Section 15(2) of the Liquor Control and Licensing Act states: "A person applying for the issue, renewal, transfer, or amendment of a licence who fails to disclose a material fact required by the form of application or makes a false or misleading statement in the form of application commits an offence".

False declaration of valid interest is reason for the general manager to consider terminating the licence application and/or cancelling the licence.

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Liquor Primary - Licence Application

PART 12: Application fee \$2,200 (non-refundable)

In accordance with Payment Card Industry Standards, the branch is no longer able to accept credit card information via email.

Payment is by (check ☒ one):

☐ Cheque, payable to Minister of Finance (if cheque is returned as non-sufficient funds, a \$30 fee will be charged)

☐ Money order, payable to Minister of Finance

☒ Credit card: ☐ VISA ☐ MasterCard ☐ AMEX

* ☒ I am submitting my application by email and I will call with my credit card information. I will call Victoria Head Office at 250-952-5787 or 1-866-209-2111 and understand that no action can proceed with my application until the application fee is paid in full.

☐ I am submitting my application by fax or mail and have given my credit information in the space provided at the bottom of the page.

* Please phone Ashley Scott at 1-250-979-6398
for credit card details.

Liquor Control and Licensing Branch

Location: 4th Floor, 3350 Douglas St., Victoria BC V8Z 3L1

For Mail Only: PO Box 9292 Stn Prov Govt Victoria, BC V8W 9J8

Toll-Free Phone: 866 209-2111 Fax: 250 952-7066 Web: www.pssg.gov.bc.ca/lclb E-mail: liquor.licensing@gov.bc.ca

PART 13: What Happens Next? — the Liquor Primary application and approval process

1. You must submit a complete application package and fee to Victoria Liquor Control and Licensing Branch Head Office.
2. The Liquor Control and Licensing Branch (LCLB) staff will review the application package for completeness and will advise you of any information/documentation required before the application can be considered complete.
3. LCLB staff will request your local liquor inspector conduct a site inspection and provide comments regarding your application.
4. LCLB staff will provide you with a summary of their application requesting any comment or corrections before the application summary is forwarded to the relevant local government or First Nation.
5. Your local government or First Nation will be asked to provide a letter or a resolution commenting on your application. They have 90 days to respond and may ask for an extension of this period. The local government or First Nation may also choose not to participate in the process but must provide a resolution explaining this decision.
6. LCLB will review the resolution and the application. If site and community assessment approval is granted, the applicant will be asked to provide detailed floor plans, with occupant load stamp, to the branch for approval. You will receive notification of floor plan approval in principle permitting the applicant to proceed with construction, if necessary.
7. When construction has been completed, you should contact the local liquor inspector for a final inspection of the establishment. If the establishment passes the inspection, you will be asked to submit a licence fee to the Victoria LCLB Head Office and a licence will be issued.

IMPORTANT NOTE: Your COMPLETE application package must contain this application form with responses in all the applicable fields, all the required documentation AND the full fee. If your application is submitted incomplete, it will cause a delay in processing your application and, therefore, your ability to sell liquor.

Freedom of Information and Privacy Act - The information requested on this form is collected for the purpose of obtaining or making changes to a liquor licence application. All personal information is collected under the authority of Section 15 of the Liquor Control and Licensing Act (RSBC 1996, c.267). Questions should be directed to: Liquor Control and Licensing Branch, Freedom of Information Officer, PO Box 9292 STN PROV GOVT, Victoria, BC V8W 9J8. Ph: In Victoria, 250 952-5787 Outside Victoria, 1 866 209-2111 Fax: 250 952-7066

LCLB 001

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Liquor Primary - Licence Application

Credit Card Information (To be submitted by fax or mail only)

Name of cardholder (as it appears on card): _____

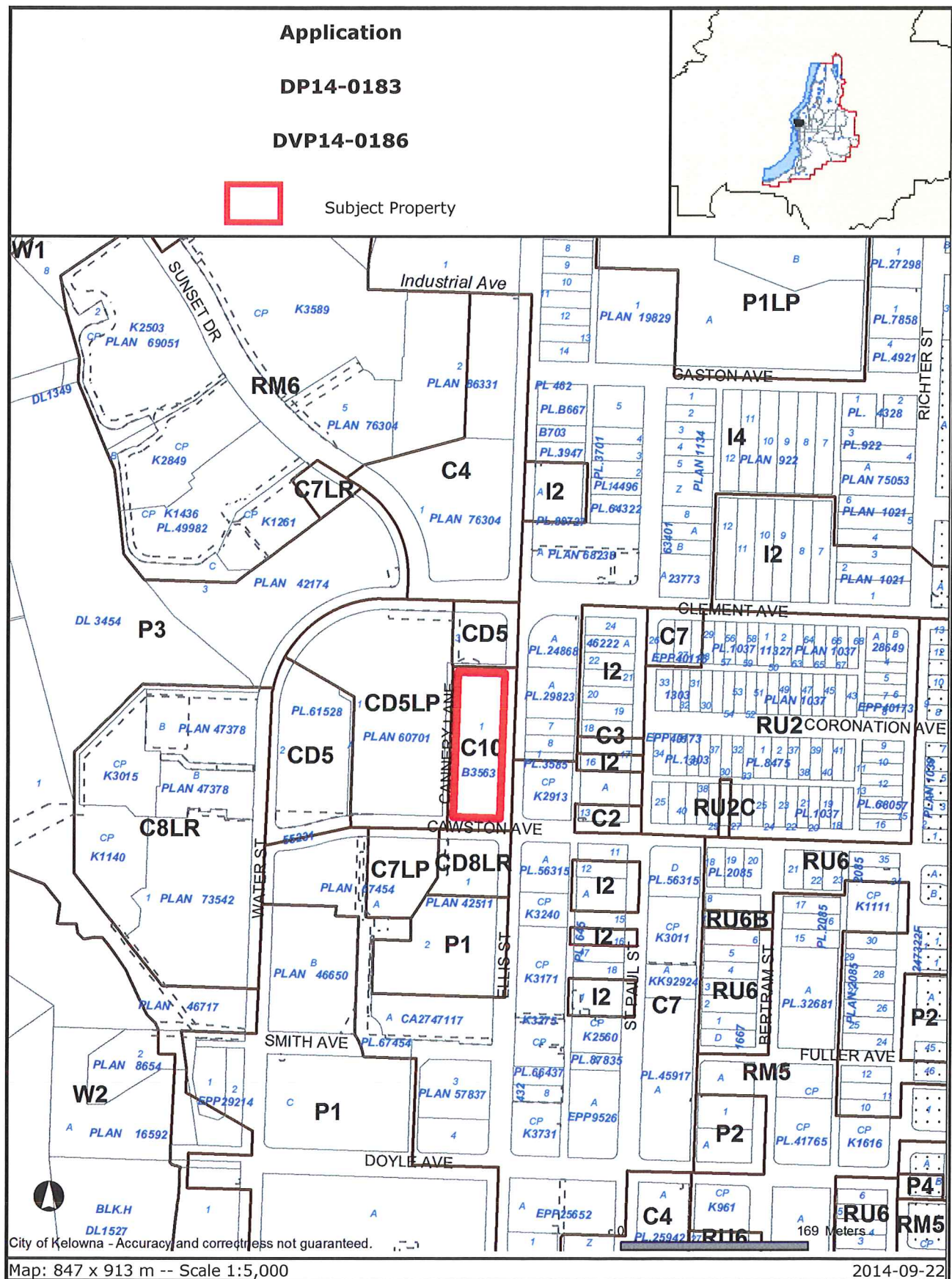
Credit card number: _____

Expiry date: _____

(Month)

(Year)

Signature: _____



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.

CHICO'S EATERY & BREW CO.

1250 Ellis

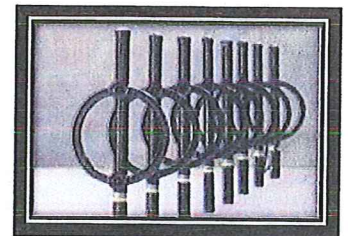
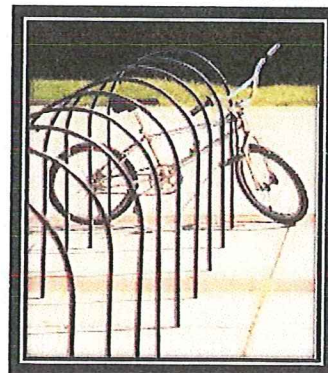
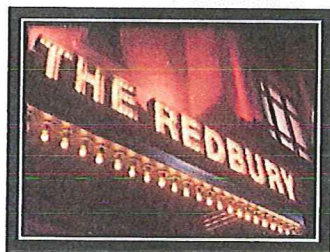
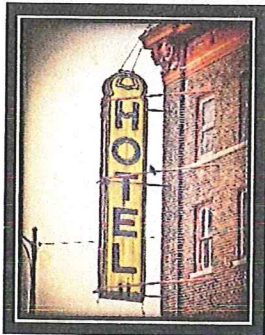
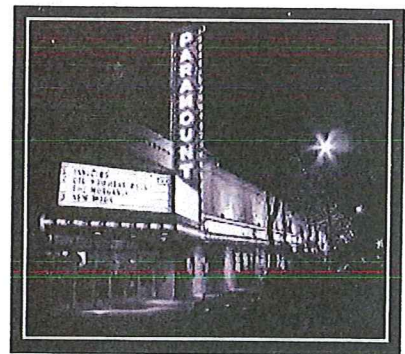
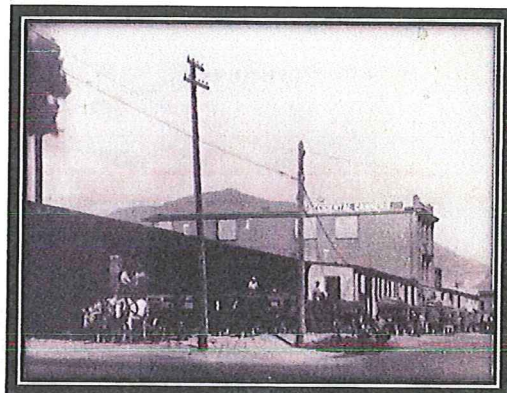
Our intention is to contribute aesthetic enhancement to this block of Ellis in an effort to achieve attractive consistency to the street.

Chico's Eatery & Brew co. will service the downtown community with a lively, comfortable and unique place to enjoy casual and well-made food, house-brewed beer and other BC brewed beer. It's lighthearted sense of hospitality and fun atmosphere will be a draw for people to come and stay downtown. A perfect venue for all of residents of Kelowna to be social!

Chico's core values are: **Be Honest, Be Hospitable, Be Consistent, Be Cool.** This will not only guide us on how we run our future business but also guide us through the process of creating the look and feel of the space inside and out. Timelessness will be our north star. Paying tribute to the building's history will be our inspiration.

As the owners and operators of Chico's, we are committed to establishing a respected business that proudly represents Kelowna and its history.

Kyle and Carolyn Nixon & Nixon Hospitality Group



SCHEDULE Public Consultation

This forms part of development

Permit # DP14-0183 / DV14-0186

Name	Business	Date	Signature
------	----------	------	-----------

	IMPAK 107 239 ^{1877 909 6199}		EMAIL ✓ Don. Fogarty/.
	MONASHEE		EMAIL ✓ CC. ADAM
Jason Weber - MANAGER	FLASHBACKS	<i>Steh</i>	Flashbacks@telus.net
	MOTOLIDA		EMAILED
	KELOWNA FOOD BANK		info@kcfb.ca ✓
	SECRET HAIR AFFAIR		secret@hairaffair@shaw.ca
	NICOLA'S LASER STUDIO		Nicola's Laser Studio ✓
Cristal Russell	CHAIRBAGGA		<i>Cristal Russell</i>
	PENCH SITE DESIGN		NEED EMAIL EMAILED
	SAHUNA & ASSOCIATES		NEED EMAIL EMAILED
	HATCH INTERIOR DESIGN		EMAILED
	LUSHIOUS LASHES		EMAILED
	BLISS BAKERY		EMAIL ✓ CC ADAM
	CALNACH LOFTS ^{KELOWNA CALDOPHANT SERVICES 860 5445}		Email ✓ office@kcshtd.ca
	PARKING LOT 3143 ^{Diamond Parking 1888 587 1111 SERVICES 250 491-4949}		EMAIL ✓ carleen.dobie@diamondparking.com
	LAUREL PARKING HOUSE - ^{KELOWNA MUSEUMS}		EMAILED ✓
Jason Webshall	SPORTS CARS AND COLLECTIBLES	SEPT 2ND	<i>Jason Webshall</i>
Wenigri	NAGANO SUSHI		CC
	JUSTIN PAUL Fastals		EMAIL ✓
TRACY STEWART	HAMILTON GALLERIES		<i>Tracy Stewart</i>
Linnea First	SWANIGES.	SEPT 2ND	<i>Linnea First</i>
	MONTES GOLF SHOP		CLOSED
	KELOWNA COID & CUMMEL.		EMAIL ✓ darins@shaw.ca
	GIPLY SOUL.		EMAIL ✓ ^{gypsysouldesigns.com} media@gypsysouldesigns.com
	FULL MOON GALLERY		EMAIL ✓
	BIMBELSHOT		EMAIL ✓
Georgette Johnson	TURTLE ISLAND GALLERY	250 717 8235	info@turtleislandgallery.com
	STATE OF THE ART		CLOSED
STACY ZEMAN	NEW WAVE FITNESS	250 826 4348	<i>Stacy Zeman</i>

All questions can be directed to:

Kyle Nixon | Owner | 778-215-7883 | kylenixon@nixonhospitality.com

Carolyn Nixon | Owner | 250-808-8778 | carolynnixon@nixonhospitality.com

Adam Cseke | Planner | City of Kelowna | 250 469-8608 | acseke@kelowna.ca

Darins@shaw.ca

SCHEDULE Public Consultation

This forms part of development

Permit # DPIH-0183 / DVP14-0186

CITY OF KELOWNA

MEMORANDUM

Date: September 25, 2014
File No.: HRA14-0002
To: Urban Planning (AC)
From: Development Engineering Manager
Subject: 1250 Ellis Street *REVISED* Chico's Eatery & Brew Co.

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

1. General

- a) Provide easements as may be required.

2. Domestic Water and Fire Protection

- a) The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs.
- b) The proposed development site is currently serviced with a 50mm and 200mm water services. Only one service will be permitted for the development and property. The applicant, at his cost, will arrange for the installation of one new water service and removal of the existing water services. The estimated cost of this construction for bonding purposes is **\$5,000.00**

3. Sanitary Sewer

- a) *Our records indicate that this property is connected with three (3) sewer services. The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. There is an existing service fronting this development which is a suitable service that meets current standard.*

4. Storm Drainage

- a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and recommendations for onsite drainage containment and disposal systems.
- b) *On site storm drainage systems for the site will be reviewed and approved by Engineering when a site servicing design is submitted.*

- c) There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.

5. Road Improvements

- a) Ellis Street fronting this development site is urbanized but the existing curb and sidewalk is in a deteriorated state. The existing driveway letdown will need to be removed and replaced with barrier curb and gutter and sidewalk. The upgrades will require curb, gutter, driveway letdown and sidewalk removal and reconstruction, as well as the re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The estimated cost of this construction for bonding purposes is **\$10,000.00**
- b) Cannery Lane behind the development has existing pavement markings for parking stalls which must be removed. The estimated cost of this construction for bonding purposes is **\$2,000.00**

6. Electric Power and Telecommunication Services

- a) All proposed service connections are to be installed underground.
- b) Streetlights must be installed on all roads.
- c) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- d) Re-locate existing utilities, where necessary.

7. Design and Construction

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

8. Servicing Agreements for Works and Services

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide

adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.

- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

9. Development Permit and Site Related Issues

Access and Manoeuvrability

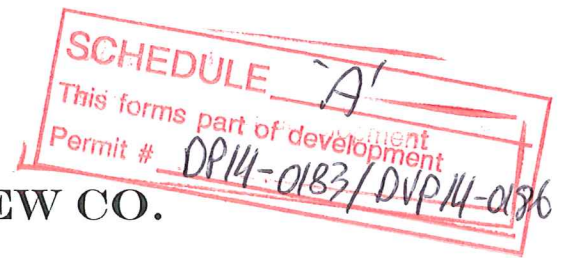
- (i) Access to the site will not be permitted from Ellis Street.
- (ii) Indicate on the site plan, the locations of loading bays as well as the garbage and recycle bins.

Steve Muenz, P. Eng.
Development Engineering Manager

SS

CHICO'S EATERY & BREW CO.

1250 Ellis



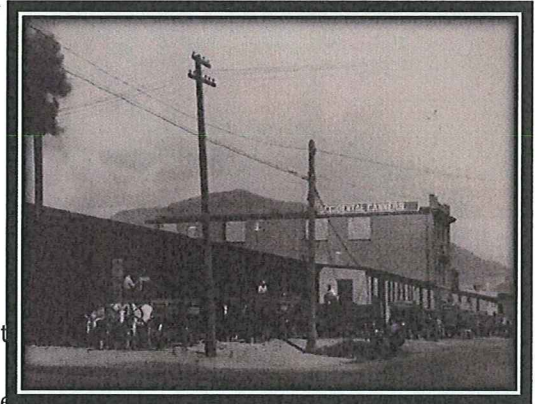
Our intention is to contribute aesthetic enhancement to this block of Ellis in an effort to achieve attractive consistency to the street.

Chico's Eatery & Brew co. will service the downtown community with a lively, comfortable and unique place to enjoy casual and well-made food, house-brewed beer and other BC brewed beer. It's lighthearted sense of hospitality and fun atmosphere will be a draw for people to come and stay downtown. A perfect venue for all of residents of Kelowna to be social!

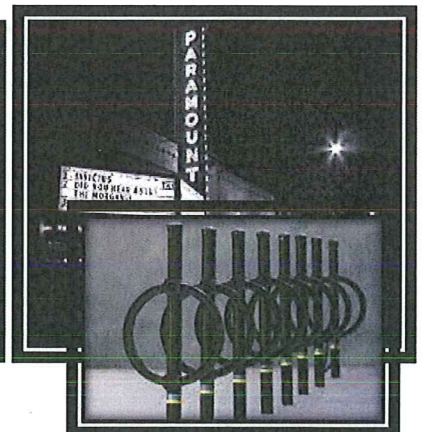
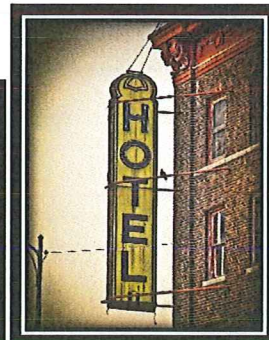
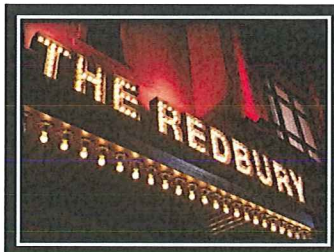
Chico's core values are: **Be Honest, Be Hospitable, Be Consistent, Be Cool.** This will not only guide us on how we run our future business but also guide us through the process of creating the look and feel of the space inside and out. Timelessness will be our north star. Paying tribute to the building's history will be our inspiration.

To best prepare the building for **revitalization**, we will strip it back to its heritage bones. We will expose the exterior brick via the process of sandblasting then seal the brick for preservation. We will remove the interior drywall, electric heaters hanging from the ceiling and un-original timbers attached to the original solid wood beams. What will be left will be a beautiful heritage canvas ready to be restored. A wide open space full of history ready to be embraced by timeless design.

The interior will feel like Hollywood mixed with Canadian Lodge where guests will have the overwhelming urge to be social and have fun! The exterior will draw people inside from the appealing warmth of the exposed brick walls contrasted with vibrant greenery provided by the trees used to define the exterior flow, use of space as well as interest and shade to the patio. Further definition will be provided by iron fencing, exposed concrete, light poles and concrete pavers to replace asphalt; all of which are inspired by adherence to CPTED. Adherence to CPTED will continue down the side of the building with the use of exterior sconces, trees for definition of space and motion lighting. Lastly, we will restore the windows to be similar in style to the neighboring restored brick gem three doors down.

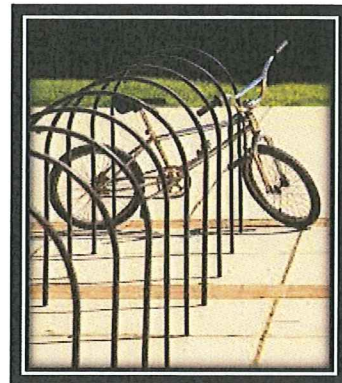


The signage is inspired by Kelowna's very own Paramount Theater, Seattle's Pike Place Market and a good classic hotel sign from the early 1900s.



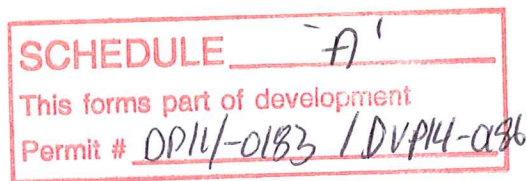
Our proposed site plan hopes to replace the existing four parking stalls in front of the building with interest, character, excitement and ambiance from the street. Life will be added with excess **bike racks** parallel to the ramp. We see the racks being not only extremely useful but also provide artistic interest to the front of the building. We would like to position ourselves in the downtown neighbourhood as a fun destination for a leisurely ride. In fact, we plan to reward guests who visit us by bike! If we find that is this is overly popular, we can add more racks to the side of the building parallel to the lane.

We also plan to investigate the possibility of providing **valet parking** to our guests. This is a service we have been successful with in past experiences. We see this as a service we would offer during times of high business volumes such as event nights at Prospera Place. We also feel fortunate that Chico's is located only meters away from two pay parking lots, two parkades within a two block radius and surrounded by plenty of street parking. Our site plan will maintain the parking stalls in the rear of the building.



As the owners and operators of Chico's, we are committed to establishing a respected business that proudly represents Kelowna and its history.

Kyle and Carolyn Nixon & Nixon Hospitality Group

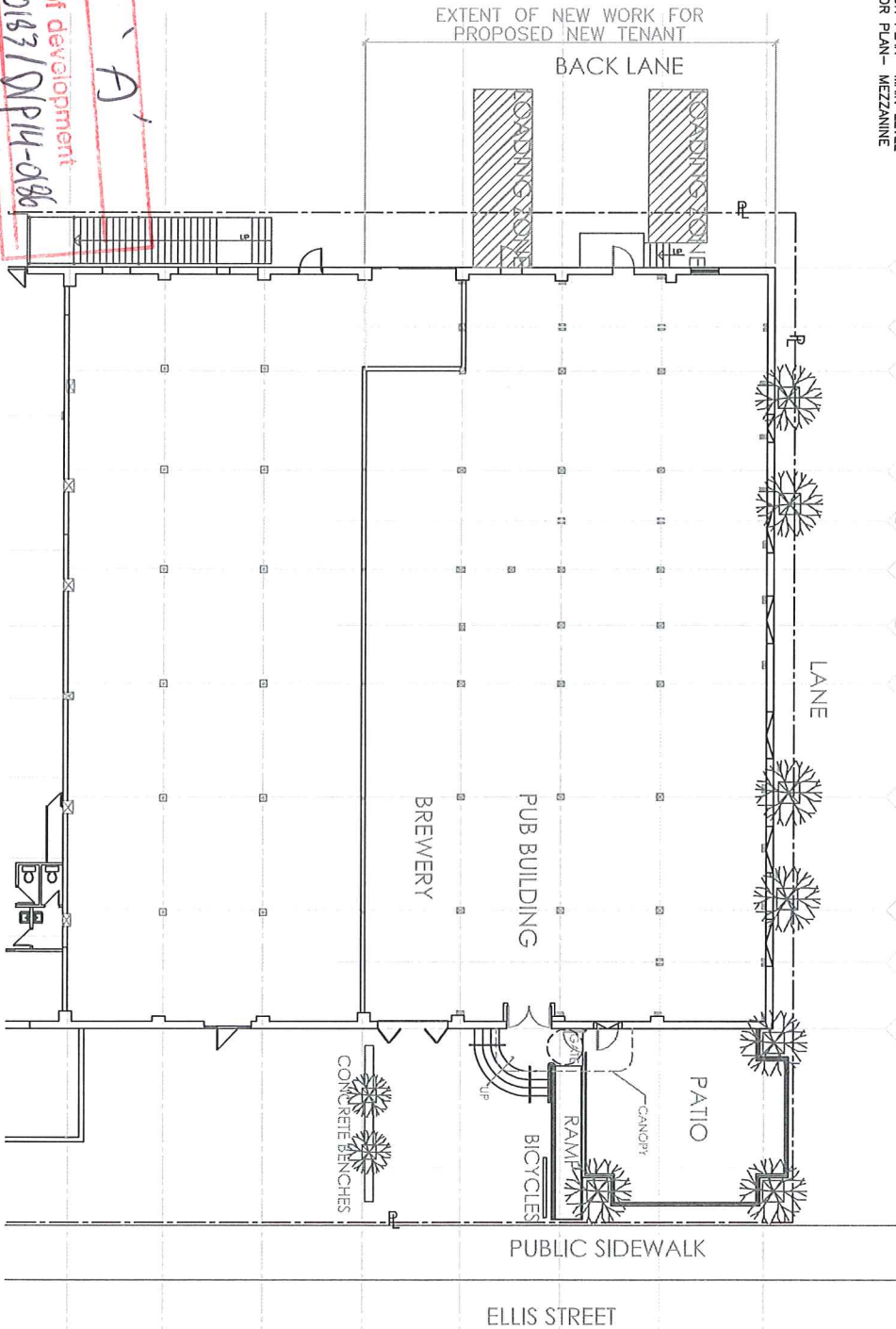


TENANT IMPROVEMENTS, 1250 ELLIS STREET KELOWNA, BC

SHEET INDEX

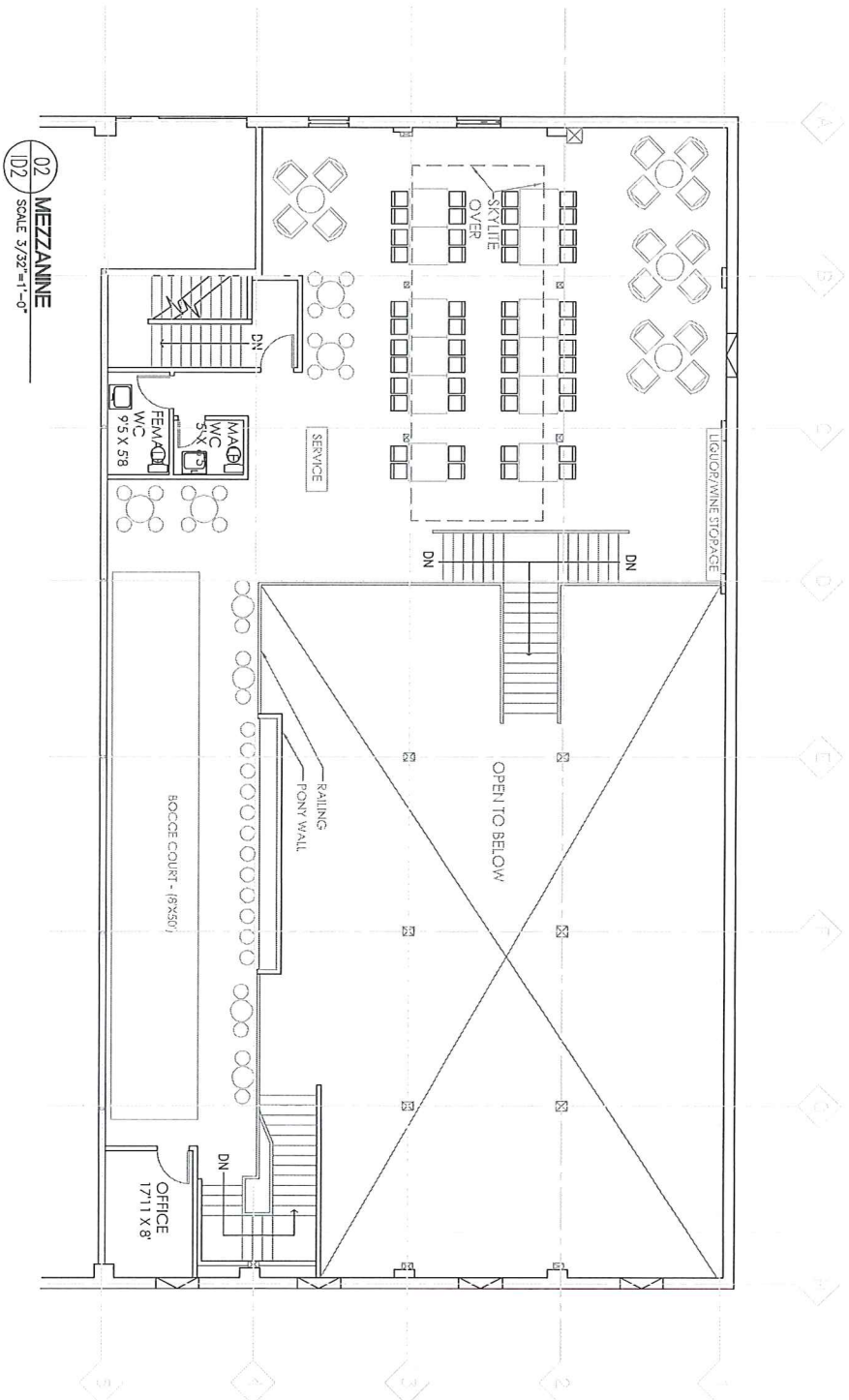
ID-1 SITE PLAN
ID-2 FLOOR PLAN- MAIN LEVEL
ID-3 FLOOR PLAN- MEZZANINE

PROPOSED SITE PLAN - SCALE : 1/16" = 1'-0"



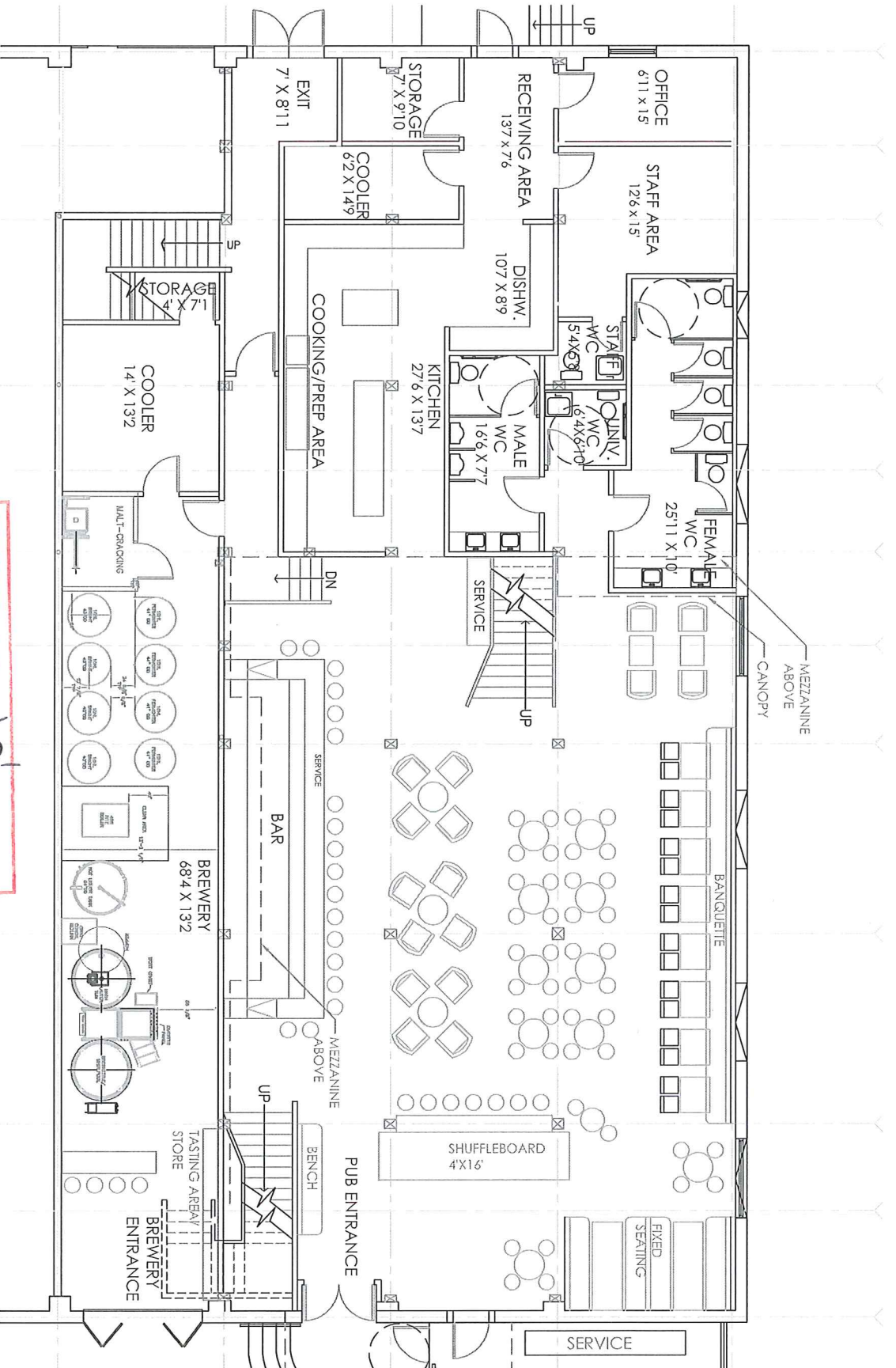
SCHEDULE
This forms part of development
Permit # DP14-0183/DP14-0186

DATE: 22/09/14 FOR OC STAMP 01. 15/09/14 FOR REVIEW NO. DATE REVISION REVISIONS	FORM 1000-1000-1000-1000 1000-1000-1000-1000 1000-1000-1000-1000 1000-1000-1000-1000
JOB TITLE TENANT IMPROVEMENTS 1250 ELLIS STREET KELOWNA BC	
DRAWING PROPOSED SITE PLAN	
JOB NO. 2014 008 DATE SEPTEMBER 22, 2014 SCALE AS SHOWN	DRAWING NO. ID - 1



SCHEDULE 'A'
 This forms part of development
 Permit # DP14-0153 / DP14-086

		01. 22/09/14 FOR CC Stamp 02. 16/09/14 FOR REVIEW 03. 12/09/14 FOR REVIEW NO. DATE REVISION	
		REVISIONS	
Formative Interior Design Inc. 1000 BURNHAMTHORPE RD. UNIT 10 MISSISSAUGA, ONTARIO L4V 1P6 TEL: 905.276.8888 WWW.FORMATIVEDESIGN.COM			
Copyright reserved. This proposal and design are the intellectual property of Formative Interior Design Inc. and shall remain the property of Formative Interior Design Inc. and shall not be used without written consent. All dimensions shall be verified on site by the contractor. Formative Interior Design Inc. is not responsible for the accuracy of the information provided.			
JOB TITLE TENANT IMPROVEMENTS 12500 BURNHAMTHORPE RD. KEDDVA, BC			
DRAWING MEZZANINE PLAN			
JOB NO. 2014 006 DATE SEPTEMBER 22, 2014 SCALE 3/32" = 1'-0" DRAWING NO. ID - 3			



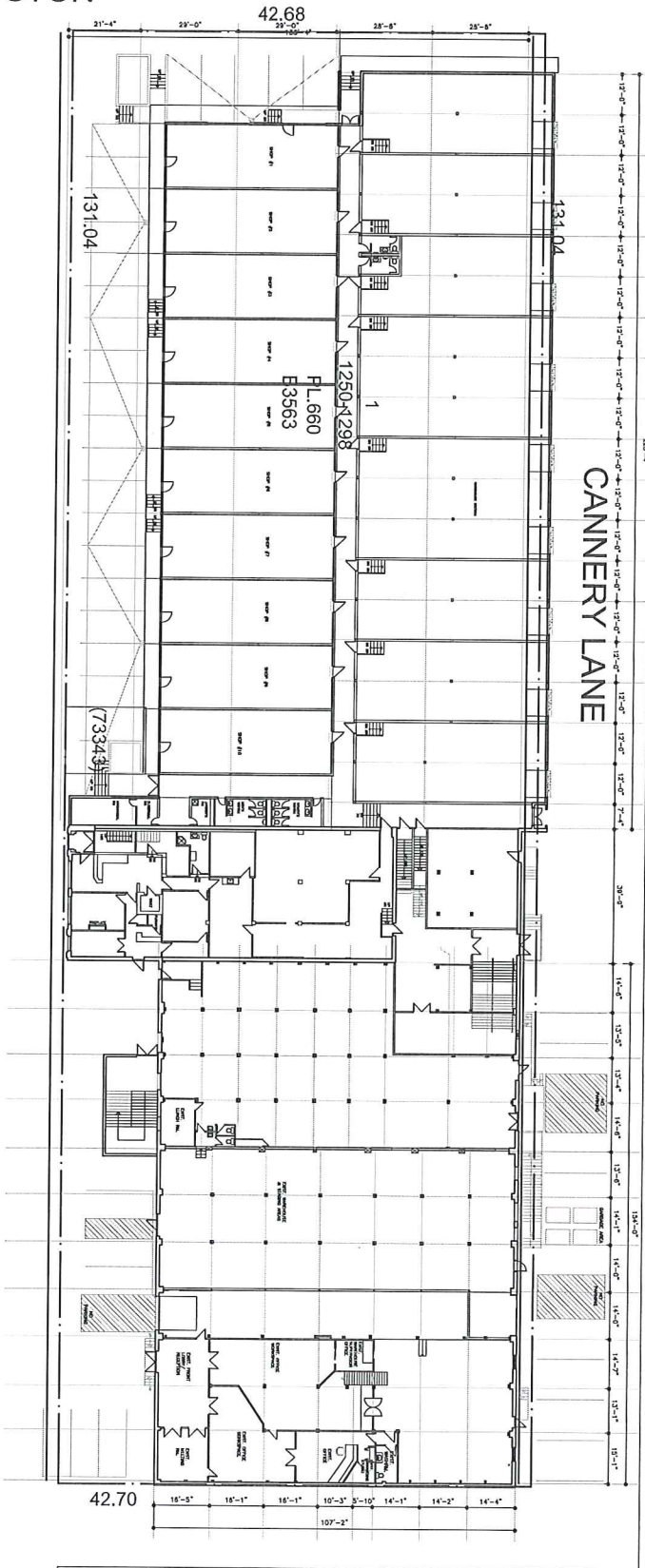
SCHEDULE 'A'

This forms part of development
Permit # DP14-0183 / DP14-0186

<p>Copyright reserved. This project and design are the property of the architect and shall not be reproduced or transmitted in any form or by any means electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without prior written permission from the architect.</p> <p>At drawing shall be worked on the site by the architect and shall be subject to the architect's approval.</p>		<p>DATE: 24/09/14</p> <p>BY: [Signature]</p>	
		<p>REVISIONS</p>	
<p>CLIENT: [Name]</p> <p>PROJECT: [Name]</p> <p>LOCATION: [Address]</p>		<p>DATE: 23/09/14</p> <p>BY: [Signature]</p>	
<p>CLIENT: [Name]</p> <p>PROJECT: [Name]</p> <p>LOCATION: [Address]</p>		<p>DATE: 23/09/14</p> <p>BY: [Signature]</p>	
<p>CLIENT: [Name]</p> <p>PROJECT: [Name]</p> <p>LOCATION: [Address]</p>		<p>DATE: 23/09/14</p> <p>BY: [Signature]</p>	

DP - 2

SCHEDULE *A1*
 This forms part of development
 Permit # *DP14-0183 / DP14-086*



CANNERY LOFT

ELLIS STREET

CAWSTON

200 MAIN STREET
 COWAN, N.S.W.
 TEL: 299 442 234
 FAX: 299 442 235
 EMAIL: info@m+marchitects.com.au
 222 BIRKENHEAD AVENUE
 WYNDHAM, VIC.
 TEL: 299 762 009
 FAX: 299 762 009
 EMAIL: info@m+marchitects.com.au

m+m
 MEIKLEJOHN ARCHITECTS INC.

WORTH
 ARCHITECTS

2014-06-24
 current
Original Site Plan



Project Name

1250 ELLIS STREET (ECONOMY VY 124)	1250 ELLIS STREET (ECONOMY VY 124)
LOT 1 PLAN 500	LOT 1 PLAN 500

Drawing Number

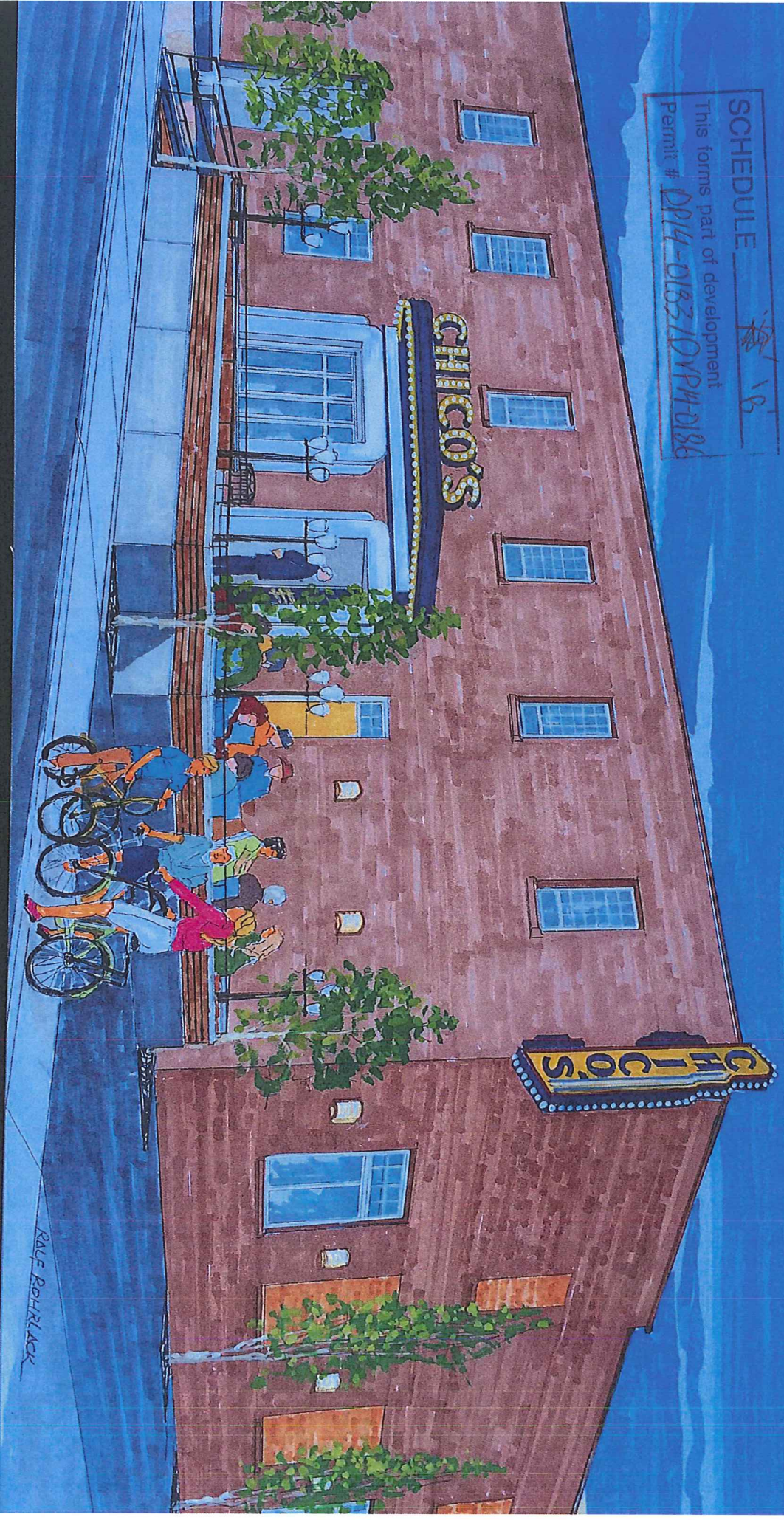
A2.02	1250 ELLIS STREET (ECONOMY VY 124)
1250 ELLIS STREET (ECONOMY VY 124)	1250 ELLIS STREET (ECONOMY VY 124)
LOT 1 PLAN 500	LOT 1 PLAN 500

A2.02

SITE PLAN

Date	2014-06-24
Drawn By	WJ
Checked By	WJ
Scale	1:100
Notes	See A2.01
Overall	1:100

SCHEDULE 18
This forms part of development
Permit # DP14-0183 / DP14-0186



RALPH ROHLACK



OUTLAND DESIGN
LANDSCAPE ARCHITECTURE

August 8, 2014

1250 Ellis Street: Chico's Restaurant
PO 29029, RPO Okanagan Mission (OKM)
Kelowna, BC V1W 4A7
Attn: Carolyn Nixon

Re: Proposed 1250 Ellis Street Development – Preliminary Cost Estimate for Bonding

Dear Carolyn:

Please be advised of the following preliminary cost estimate for bonding of the proposed landscape works shown in the 1250 Ellis Street conceptual landscape plan dated 14.08.08;

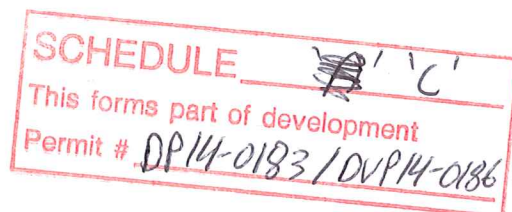
- 37 square metres (# square feet) of improvements = \$6,395.00

This preliminary cost estimate is inclusive of trees, mulch, topsoil & irrigation.

You will be required to submit a performance bond to the City of Kelowna in the amount of 125% of the preliminary cost estimate. Please do not hesitate to contact me with any questions about the landscape plan.

Best regards,

Fiona Barton, MBCSLA, CSLA
as per
Outland Design Landscape Architecture



206-1889 Spall Road, Kelowna, BC, V1Y 4R2 P 250.868.9270
outlanddesign.ca



OUTLAND DESIGN
LANDSCAPE ARCHITECTURE
2701 - 1802 South Ave
Chicago, IL 60608
T (773) 866-0220
www.outlandla.com

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11/1



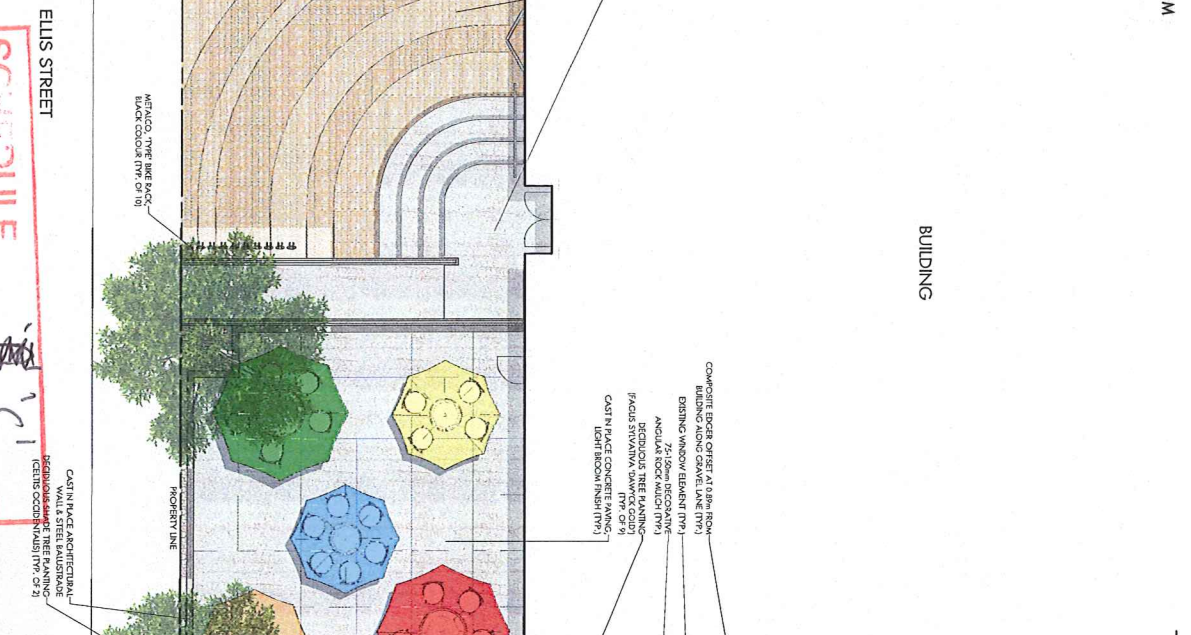
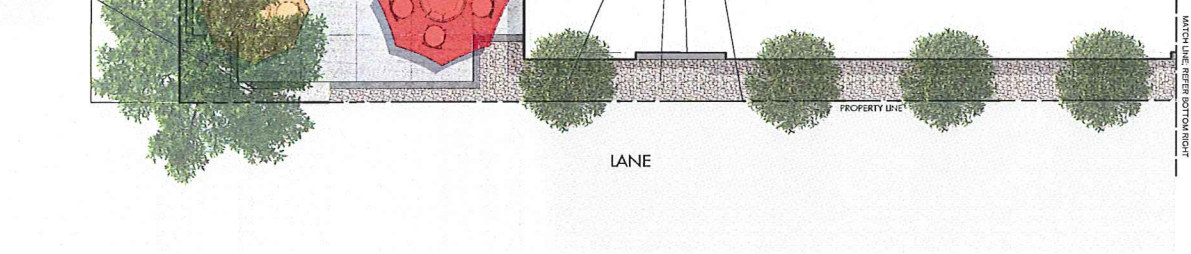
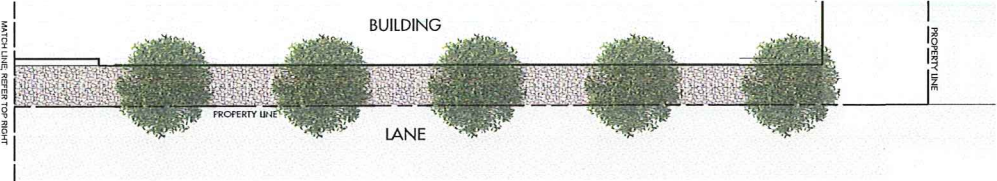
EXAMINED & APPROVED

PROJECT TITLE
1230 ELLIS STREET:
CHICO'S RESTAURANT
Chicago, IL
DATE: 11/1/18
CONCEPTUAL
LANDSCAPE PLAN

SELECTED PLANTING	
1	SHRUB
2	TREE
3	PERENNIAL
4	GRASS

PROJECT INFO	
DESIGNED BY	LD
DRAWN BY	LD
CHECKED BY	LD
DATE	NOV. 1, 2018
SHEET	1 OF 1

22'x4'



SCHEDULE
This forms part of development
Permit # DR14-0183/DR14-046

PLANT LIST			
BOTANICAL NAME	COMMON NAME	QTY	SIZE
1. TREE OCCIDENTAL	COMMON HICKORY	2	6cm CAL
2. FACUS STYVANA DAWYD CODE	DAWYD GOLD BECH	11	6cm CAL

- NOTES**
1. PLANT MATERIAL AND CONSTRUCTION METHODS SHALL MEET OR EXCEED B.C.L.A. STANDARDS.
 2. ALL SOFT LANDSCAPE AREAS SHALL BE WATERED BY A FANLY AUTOMATIC IRRIGATION SYSTEM.
 3. TREE AND SHRUB BEDS TO BE DIRECTED IN A MINIMUM 75mm WOOD MATCH. DO NOT PLACE WOOD MATCH UNDERNEATH TREE AND SHRUB BEDS.
 4. TREE AND SHRUB BEDS TO RECEIVE A MINIMUM 300mm DEPTH TOPSOIL.
 5. TREE AND SHRUB BEDS SHALL BE 1.0M DEPTH TOPSOIL.
 6. SEED OF WOODS PLANTS REQUIRED FOR SALE IN I.L. AND SHALL BE TO EXCEED OF DESIGN CONDITIONS. A MINIMUM OF 10mm DEPTH OF TOPSOIL SHALL BE REQUIRED FOR ALL PLANTS. TOPSOIL SHALL MEET DESIGN CHARTS AND HARD SURFACES FILL.



CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Permit No.: DP14-0183

EXISTING ZONING DESIGNATION:	C10 - Service Commercial
WITHIN DEVELOPMENT PERMIT AREA:	Comprehensive Development Permit Area

ISSUED TO:	Whitworth Holdings Ltd., Inc No. BC0767813
LOCATION OF SUBJECT SITE:	1250 Ellis Street

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	1	139	660			ODYD

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.
- ☐ Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

- a) The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
- c) Landscaping to be provided on the land be in general accordance with Schedule "C";

2. The development shall commence by and in accordance with an approved Building Permit within ONE YEAR of the date of the Municipal Council authorization resolution.

3. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is

returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ 7,9937.50.
- (b) A Certified Cheque in the amount of N/A
- (c) An Irrevocable Letter of Credit in the amount of N/A

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

4. 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.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

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.

5. 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.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Divisional Director of Community & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Urban Planning 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.

6. APPROVALS:

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF _____, 2014 BY THE
DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

Doug Gilchrist, Director, Community Planning & Real Estate Div.

REPORT TO COUNCIL



Date: 11/18/2014

RIM No. 1240-30

To: City Manager

From: Urban Planning Department (AC)

Application: DP14-0183 **Owner:** Whitworth Holdings Ltd., Inc
No. BC0767813

Address: 1250 Ellis St **Applicant:** Carolyn & Kyle Nixon

Subject: Development Permit

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

Existing Zone: C10 - Service Commercial

1.0 Recommendation

THAT Council authorize the issuance of Development Permit No. DP14-0183 for the property legally known as Lot 1, District Lot 139, ODYD, Plan 660, located on 1250 Ellis St., Kelowna, BC., subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied;
5. The applicant be required to post with the City, a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council's approval of the Development Permit Application in order for the permit to be issued.

2.0 Purpose

To consider a Development Permit to permit a brew pub in the old cigar factory building located at 1250 Ellis Street.

3.0 Urban Planning

3.1 Background

The subject property is on the City of Kelowna's Heritage Registry. The original building was built in 1912 as offices and a cigar factory for the British North American Tobacco Company, which failed in 1914. The building was taken over by the Occidental Fruit Company, which in 1918 began cannery operations within the building additions located to the south of the main block. In 1929, the cannery was bought out by Canadian Cannery Ltd. of Hamilton, which operated it until it closed in 1960. Since then, Kelowna Machine Works Ltd. and other industrial businesses have occupied the building.

The main building is an attractive and ornate brick building which represents some of the boldest brickwork of an industrial building within Kelowna. It was built by Charles Clement and designed by P.E. Corby. The large northern wing (which a portion is subject to this Development Permit) has recently been used for storage and has not been well kept. The original block and northern wing are of brick construction, with the exception of a small two-storey addition which was finished in stucco.

The original brick is the main architectural significance which has several different types of brick work but has since been painted over. The applicant is proposing to restore the heritage features of the building (see applicant's rationale letter) and modify the site to develop a brew pub (see attached for drawings).

3.2 Planning Considerations

While the current parking allocated to the portion of the building under consideration for Development Permit is insufficient, it is considered 'legally non-conforming' under the relevant legislation. For this reason a change in use complying with the current zone does not trigger additional parking requirements. The only official parking stalls are located in the front of the property adjacent to Ellis Street. The primary access for those parking stalls is identified in 'Figure 1' above.

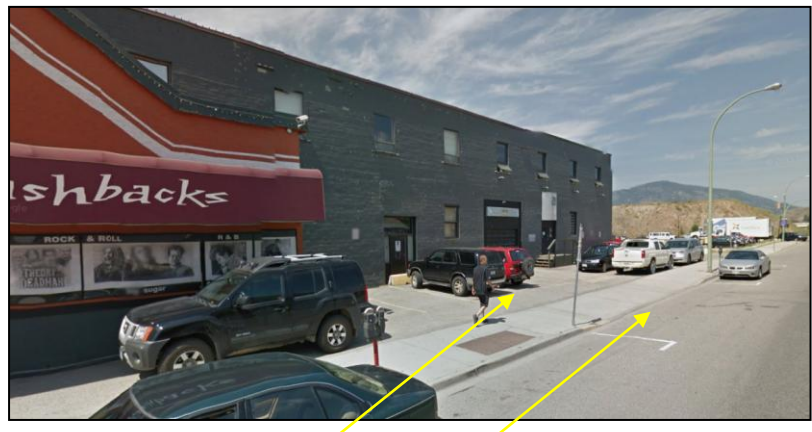


Figure 1: Shows the parking and let-down which is proposed to be eliminated.

This orientation of parking is dangerous for pedestrians and the Development Engineering Branch are requiring the 'curb cut' along Ellis Street to be raised to prevent vehicular access and improve pedestrian safety. This will also impact the adjacent motorcycle service, sales, and repair shop, which has four parking stalls accessed from Ellis Street. From an urban design, pedestrian safety, and land use perspective eliminating the parking in the front yard with an active street front is encouraged. Cash-in-lieu was not considered for the seven parking stalls as it was an engineering requirement to improve pedestrian safety. All parties have agreed to the pedestrian improvement works and the applicant has agreed to pay for the infrastructure improvements.



Through a collaborative process, Staff has worked with the applicant's multi-disciplinary team and appreciate the quality of the project. This project will help to restore and extend the life of this significant heritage building while helping to revitalize this key gateway location. Staff are not concerned with reducing parking on this site as there is a nearby public transit exchange (~600 metres) as well as adequate parking provided in the surrounding area as described in the applicant's letter. Finally, the applicant also has plans to set up a valet parking service to two off-site parking lots (1054 Ellis Street & 368 Industrial Ave). Overall, Staff are recommending approval of this Development Permit.

The application was considered by the Community Heritage Committee (CHC) at the September 4th 2014 meeting. The CHC supported the application and provided the following anecdotal comments:

The Community Heritage Committee supports the application and notes the loss of the three parking stalls [in front of the brew pub] to be a minor consolation considering new downtown parking options and application will improve the safety of the neighborhood pedestrians and creates a more vibrant environment.

4.0 Proposal

4.1 Project Description

Chico's Eatery & Brew Co. is proposing to significantly improve the north block of Ellis Street in order to run a brew pub. The applicant will revitalize the heritage building by first exposing the exterior brick via the process of sandblasting then seal the brick for preservation. The applicant will remove the interior drywall, electric heaters hanging from the ceiling and newer timbers attached to the original solid wood beams. The proposed changes will leave a heritage canvas ready to be restored.

Exterior definition will be provided by iron fencing, exposed concrete, light poles and concrete pavers to replace asphalt; all of which are inspired by adherence to Crime Prevention Through Environmental Design (CPTED). Adherence to CPTED will continue down the side of the building with the use of exterior sconces, trees for definition of space and motion lighting. Lastly, the windows will be restored to be similar in style to the neighboring restored brick. The signage is inspired by Kelowna's own Paramount Theater, Seattle's Pike Place Market and classic hotel signage from the early 1900s.

4.2 Site Context

The subject property is located on Ellis Street and adjacent to Prospera Place. The adjacent commercial unit in the northern wing is to be occupied by “MotoVida” which is a full service and repair motorcycle shop.

Subject Property Map: 1250 Ellis Street



Legend:

- Portion of Property under consideration for Development Permit and Development Variance Permit.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objectives for Development within Urban Centres (OCP Chapter 6)

- All development should be an appropriate response to its physical context, or anticipated future context where an area is designated for increased density or land use transition in the OCP.
- All development should contribute to the creation of pedestrian-oriented streets and public spaces (connections, social interaction).
- All development should contribute to a sense of community identity and sense of place (integration of development within larger community, belonging, community cohesiveness).

Urban Centre Policies

Tree Planting. Attach priority to planting street trees within Urban Centre areas where there are currently few trees and where pedestrian activity is high or is planned to be high.

Alternative Transportation. Ensure that pedestrians, bicyclists and transit users can move about pleasantly and conveniently and that they are not unduly impeded in their movements by provisions for enhanced automobile mobility.

Mixed Uses. Work towards increasing the number of buildings with mixed uses by encouraging developers to incorporate retail uses on the lower storeys with office and/or residential above.

Development Permit Guidelines to Encourage Revitalization within All Urban Centres

Parking. Parking areas should, wherever possible and safe, be located either under buildings or at the rear or side of main buildings.

Parking. Mutual access agreements providing for co-ordination and connection of parking lots should be encouraged.

Relationship to the Street. Buildings containing uses attracting visits from the general public should be located as close to the front property line as practical and as permitted under prevailing zoning regulations.

Relationship to the Street. People-oriented facilities (store entrances, café seating areas, displays, signage) should be focussed along public streets and in front of buildings.

Relationship to the Street. Storefronts should incorporate large windows such that passers-by can see in and occupants can “look out”.

Walls. End walls visible from a public street or residential lot should be finished to provide an attractive appearance. Blank or solid walls (without glazing) should not be longer than 5m. Walls longer than 5m should incorporate wall detailing that will provide visual interest.

Development Permit Guidelines for Form and Character of Commercial Development

Access. Design should facilitate pedestrian and bicycle access.

Amenities. Amenities such as benches, garbage receptacles etc. should be encouraged to provide a pedestrian-friendly environment.

5.2 Restoration Guidelines for Designated Heritage Sites

Where any heritage resource has been designated as a municipal, provincial, or national heritage site, the following conditions are encouraged:

- Authenticity to the architectural style, original site configuration, landscaping and auxiliary structures are encouraged to be adhered to for all restorations.
- Exact materials, or equals approved by the Community Heritage Committee, used in the original construction are encouraged to be used for all restorations.
- Colour schemes are encouraged to be authentic to the period and architectural style of the designated building.

6.0 Technical Comments

6.1 Building & Permitting Department

- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

- See attached.

6.3 Fire Department

- No concerns.

6.4 RCMP

- See LL14-0014 for liquor license comments.

7.0 Application Chronology

Date of Application Received: August 18th 2014

Report prepared by:

Adam Cseke, Planner

Reviewed by:

☐

Ryan Smith, Urban Planning Manager

Approved for Inclusion:

☐

Doug Gilchrist, Divisional Director -
Community Planning & Real Estate

Attachments:

Subject Property Map
Public Consultation
Development Engineering Memo
DP14-0183

REPORT TO COUNCIL



Date: 11/10/2014

RIM No. 0940-50

To: City Manager

From: Subdivision, Agriculture & Environment Services (MS)

Application: DVP14-0219 **Owner:** Parkbridge Lifestyle Communities Inc.

Address: 1511 Tower Ranch Drive
Phase I **Applicant:** MMM Group Ltd.

Subject: Development Variance Permit - Front Yard Setback

Existing OCP Designation: MRL - Multiple Unit Residential (Low Density)
S2RES - Single / Two Unit Residential
S2RESH - Single / Two Unit Residential - Hillside
PARK - Major Park and Open Space (public)

Existing Zone: Comprehensive Development Zone 6

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0219, for a variance for a portion of *Lot 3, Plan KAP80993, Section 31, TWP 27, ODYD*, located at 1511 Tower Ranch Drive, Kelowna, BC, as shown in Schedule 'A' as 'Phase I' for the development;

AND THAT Council considers the public process outlined in the Staff Report dated November 10, 2014 to be appropriate consultation for the purpose of Section 879 of the Local Government Act;

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

Section 13.5.6: RU5 - Bareland Strata Housing (*Development Regulations*)

To vary the site front yard from 4.5 m permitted to 3.0 m proposed, for

- proposed Lots 1 to 12 and
- Lots 14 to 28, as per Schedule 'A' attached; and

To vary the site front yard from 4.5 m permitted to 1.5 m proposed, for

- proposed Lot 13, per Schedule 'A', attached

2.0 Purpose

To consider a request by the applicant to reduce the minimum front yard setback from 4.5 m permitted to 3.0 m proposed for 27 single unit bareland strata lots in the proposed Phase I development and to reduce the minimum front yard setback from 4.5 m permitted to 1.5 m

proposed for one Lot in the same phase, in order to facilitate the placement of pillars for a front porch.

3.0 Subdivision, Agriculture & Environment (SAE) Services

SAE staff are supportive of the proposed variance to the Zoning Bylaw to accommodate the installation of front porch pillars for the proposed houses. The variance is considered in the context of the Development Permit (DP14-0031) which identifies a No-Build / No-Disturb area along the back yards of the lots. In addition, the front porches will add architectural interest to the community.

The variance is not expected to result in any negative impacts on adjoining properties.

4.0 Proposal

4.1 Background

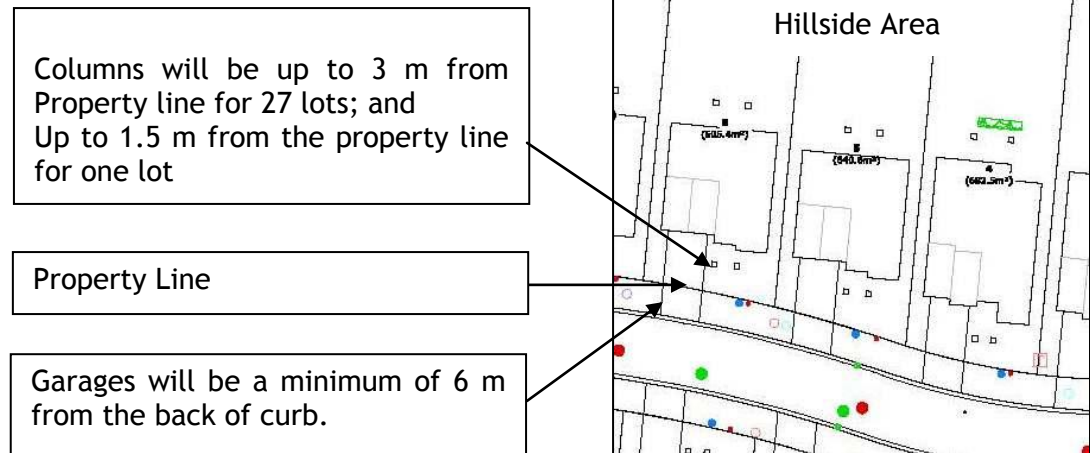
In 2012, Tower Ranch Lots 3, 4 and 6 were purchased by Parksbridge Lifestyle Communities Inc. (Parksbridge). Parksbridge develop communities based on a life lease concept, whereby the owner developer maintains ownership and management through the life of the development. The future land use was planned by a previous developer, and Parksbridge has an interest in amending the configuration of the future land uses to better suit their concept and target market.

The proposed Development Variance Permit has been designed in accordance with their Phase I Development Plan, as well as geotechnical and environmental assessments, under DP14-0031.

4.2 Project Description

The applicant is seeking variances to the minimum front yard required in order to accommodate the installation of the pillars of the front porches. Staff notes that the required 6.0 m from the garage to the back of curb will be maintained or exceeded in all cases, such that an additional car may be accommodated in this location if required for visitors etc. Specifically, the request is to vary:

- Lots 1 to Lot 12, and Lots 14 to 28 - minimum front yard from 4.5 m permitted to 3.0 m; and
- Lot 13 - minimum front yard from 4.5 permitted to 1.5 m.

Figure 1 - Detail of Site Plan

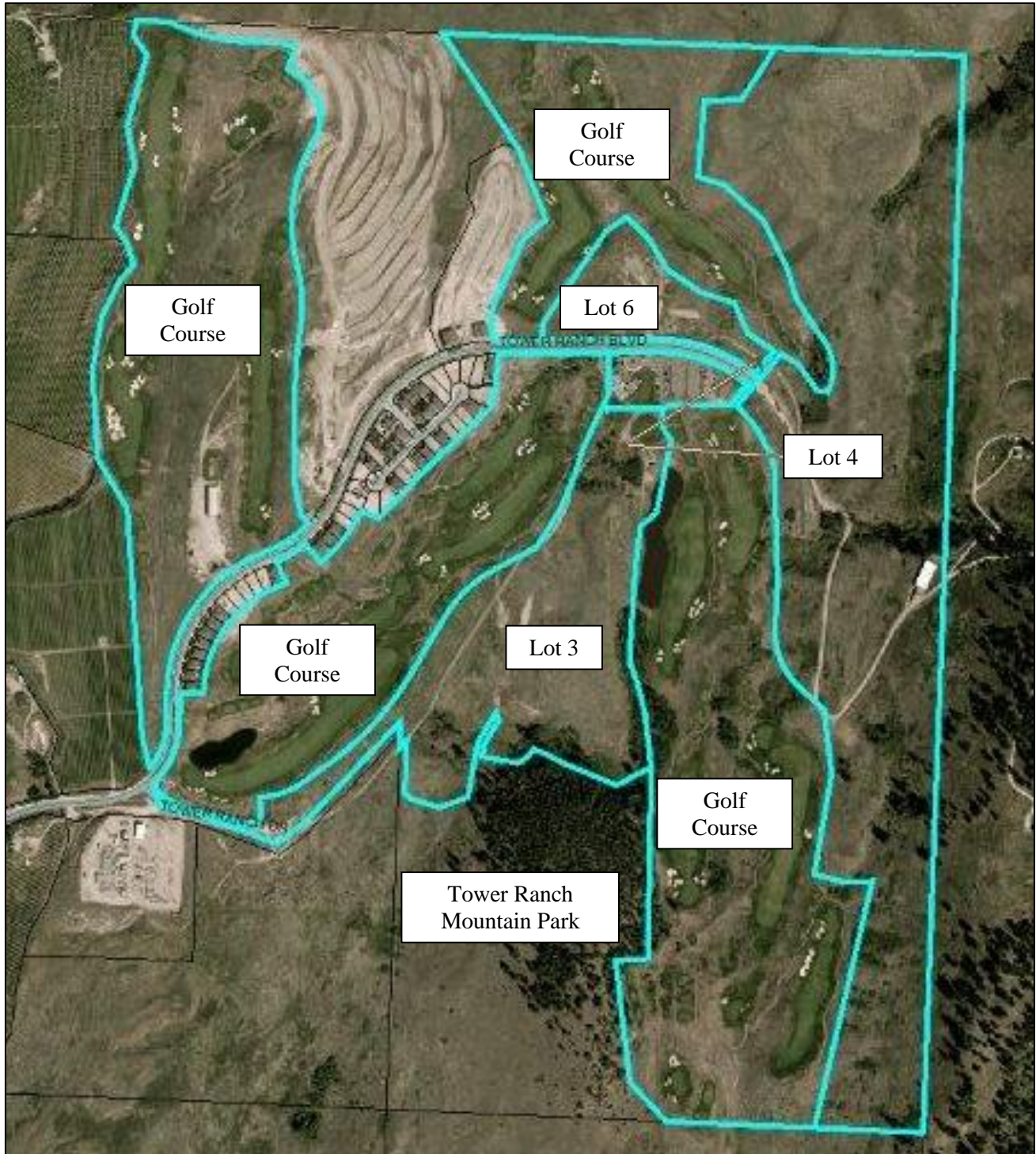
4.3 Site Context

The site is located on the upper McCurdy Bench in the Rutland OCP Sector. The Tower Ranch Golf Course lies to the west and east of Lot 3. The Clubhouse property is a strata lot to which Parksbridge is a part of, lies to the north. Tower Ranch Mountain Park lies to the south of Lot 3. Residential properties are further to the west and line Tower Ranch Boulevard and Split Rail, and more residences are being developed to the north of Tower Ranch Boulevard.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	CD6 - Comprehensive Residential Golf Course / CD6 LP - Comprehensive Residential Golf Course (Liquor Primary)	Golf Course / Clubhouse
East	CD6 - Comprehensive Residential Golf Course	Golf Course
South	A1 - Agriculture 1 / P3 - Park & Open Space	Rural Residential / Park / Hydro Transfer Station
West	CD6 - Comprehensive Residential Golf Course	Golf Course

Map 1. Tower Ranch Subject Area



4.4 Zoning Analysis

A comparison of required and proposed zoning regulations is shown in the table below.

Zoning Analysis Table		
CRITERIA	ZONE REQUIREMENTS RU5	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	325m ² (bareland strata lot)	325m ² (bareland strata lot)
Lot Width	12.0 m (bareland strata lot)	12.0 m (bareland strata lot)
Lot Depth	25.0 m (bareland strata lot)	25.0 m (bareland strata lot)
Development Regulations		
Height	9.5 m or 2½ storeys	9.5 m or 2½ storeys
Front Yard	4.5 m	3.0 m (27 lots) ● 1.5 m (1 lot) ●
Side Yard	3.0 m	3.0 m
Rear Yard	6.0 m	6.0 m
Other Regulations		
Minimum Parking Requirements	2 per dwelling unit & 1 per 7 dwelling units designated visitor parking	2 per dwelling unit & 1 per 7 dwelling units designated visitor parking
Bicycle Parking	N/A	N/A
Private Open Space	Required yards and 10% of site shall be open space	Required yards and 10% of site shall be open space
● Indicates a requested variance		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Steep Slopes.¹ Prohibit development on steep slopes (+30% or greater for a minimum distance of 10 metres) except where provided for in ASPs adopted or subdivisions approved prior to adoption of OCP Bylaw 10500.

Cluster Housing.² Require new residential development to be in the form of cluster housing on / or near environmentally sensitive areas and areas of steeper slopes to lessen site disturbance and environmental impact on those areas identified on the Future Land Use Map 4.1 as single-two unit residential hillside. Steeply sloped areas should be retained as natural open space, public or private. The intent of the clustering would be to preserve features identified through the Development Permit process that otherwise might be developed and to maximize open space in order to:

- Protect environmentally sensitive areas of a development site and preserve them on a permanent basis utilizing the most appropriate tools available;
- Facilitate creative and flexible site design that is sensitive to the land's natural features and adaptive to the natural topography;
- Decrease or minimize non-point source (i.e. asphalt roofs, driveways and parking) pollution impacts by reducing the amount of impervious surfaces in site development;
- Promote overall cost savings on infrastructure installation and maintenance; and

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

- e. Provide opportunities for social interaction, walking and hiking in open space areas.

Ground-Oriented Housing.³ Encourage all multiple-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with 2 or more bedrooms so as to provide a family housing choice within the multi-unit rental or ownership markets.

Pedestrian Connectivity.⁴ Improve the permeability of strata developments by ensuring that active transportation connections are facilitated where possible.

Design for People and Nature.⁵ Structure new neighbourhoods around parks, pedestrian and bike routes, open spaces, and environmental areas, rather than around roadways and cars.

6.0 Technical Comments

6.1 Building & Permitting Department

No Comment.

6.2 Development Engineering Department

The proposed variance does not compromise any Municipal Infrastructure Services, and does not trigger any services upgrades.

6.3 Policy and Planning

No concerns.

6.4 Policy Fire Department

The Fire Department has no concerns.

6.5 Shaw Cable

Shaw Cable approves proposed Development Variance Permit Application No. DVP14-0219 for 1511 Tower Ranch Drive.

6.6 Telus

TELUS will provide underground facilities to this development. Developer will be required to supply and install conduit as per TELUS policy.

³ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

⁴ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

⁵ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

7.0 Application Chronology

Date of Application Received: October 20, 2014

Report prepared by:

Melanie Steppuhn, Land Use Planner

Approved for Inclusion: ☐ Todd Cashin, Manager, Land Use Management

Attachments:

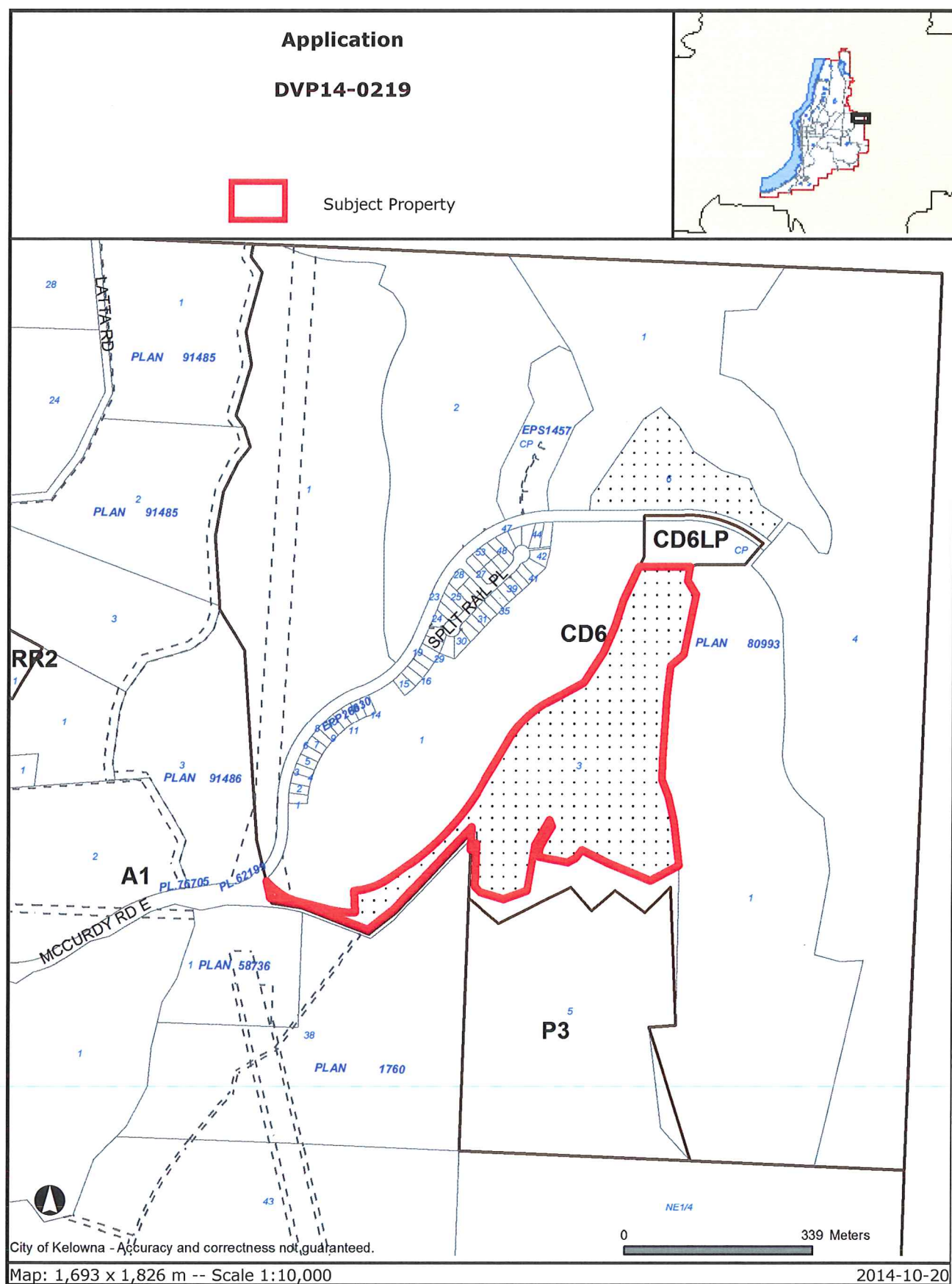
Site Plan

Conceptual Elevations

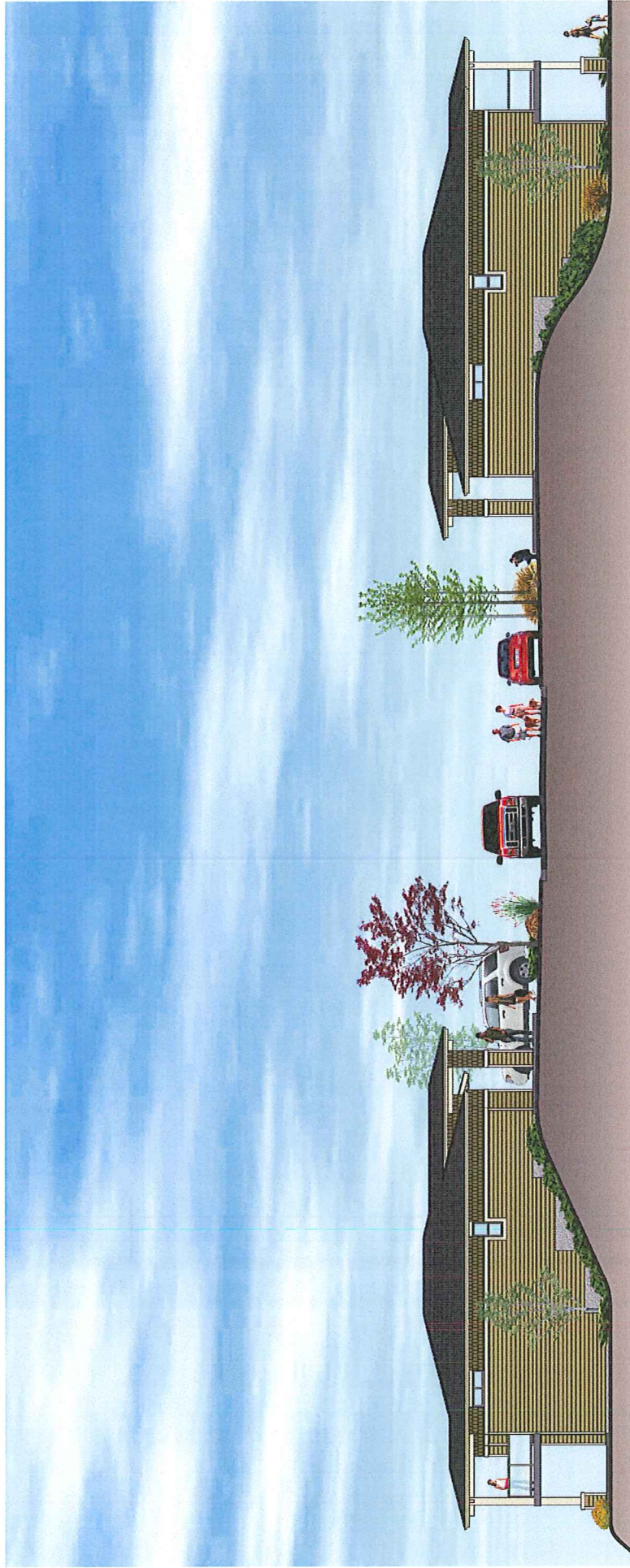
Public Notification Letter (Oct.28, 2014)

Public Notification Site Plan and Layout Plan

Public Notification Distribution Area

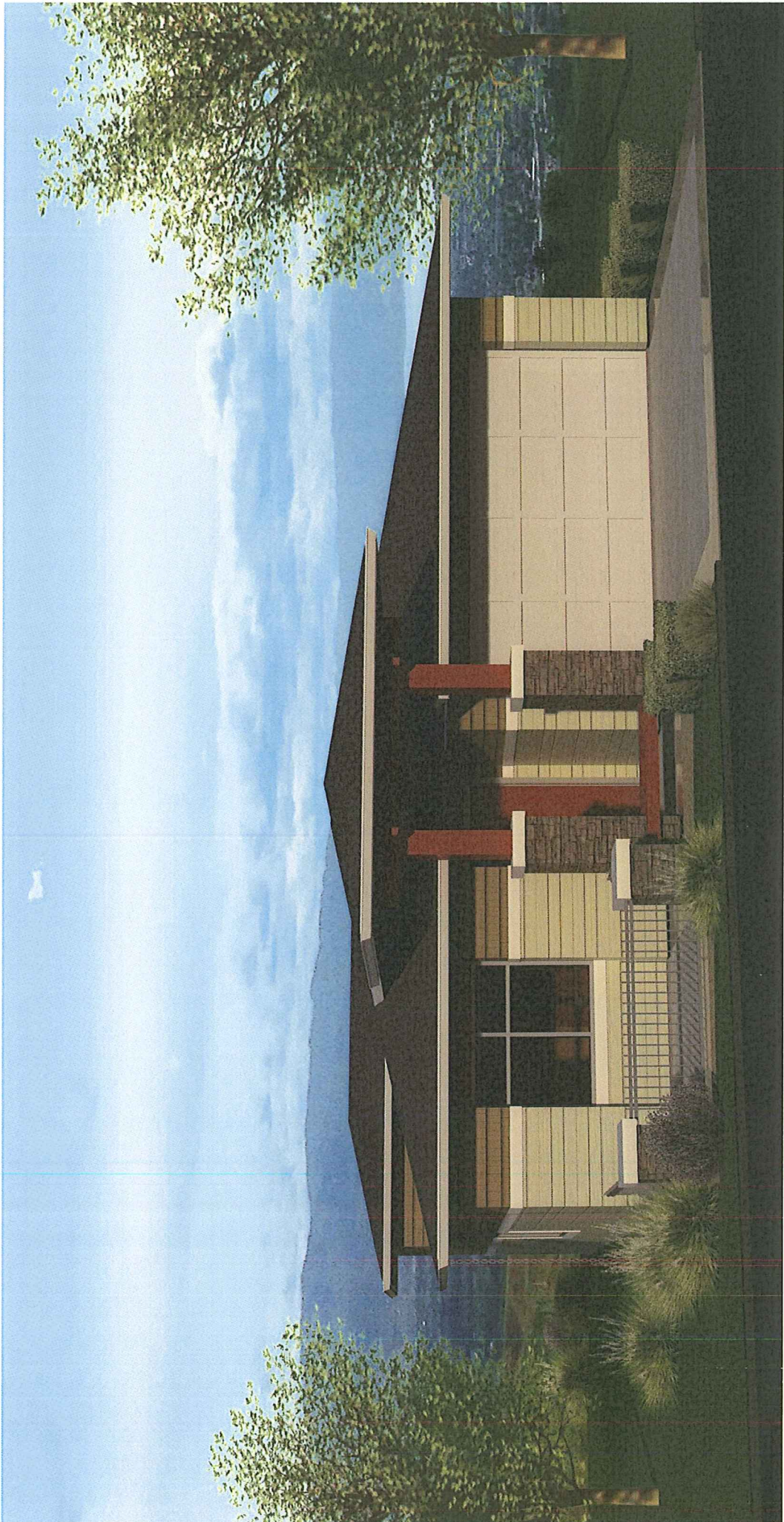


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.



**SOLSTICE AT TOWER RANCH
TYPICAL PHASE ONE CROSS SECTION**

PROJECT: 5113050-000
DATE: 16/10/2014





October 28, 2014

Dear Resident / Landowner,

Re: Development Permit Variance Application

In August 2014, the City of Kelowna provided Parkbridge Lifestyle Communities Inc. (Parkbridge) a PLR letter (conditional subdivision approval) for Phase 1 of their development, which encompasses 28 lots and will comply with the RU5 Zone development regulations.

Parkbridge has submitted a Development Variance Permit Application to the City of Kelowna to vary the development regulations of the RU5 zone of Zoning Bylaw No. 8000. The purpose of this text amendment is to facilitate the Phase 1 residential development on lands legally described as:

Lot 3, Section 31, Township 27, Osoyoos Division Yale District, Plan KAP80993

The development permit variance is required to relax the front yard setback requirement of a home. Specifically, the front yard setback variance is proposed as follows:

- Lots 1-12 and 14-28 require a 1.5 metre front yard setback variance (from 4.5 metres to 3.0 metres) and;
- Lot 13 requires a 3.0 metre front yard setback variance (from 4.5 metres to 1.5 metres) to the RU5 zone setback regulations.

A figure that visually identifies the location of the subject lands where the above-noted changes are being proposed can be found on the reverse page. The complete RU5 zone and its purpose and development regulations can be found on the City of Kelowna website at the following address:

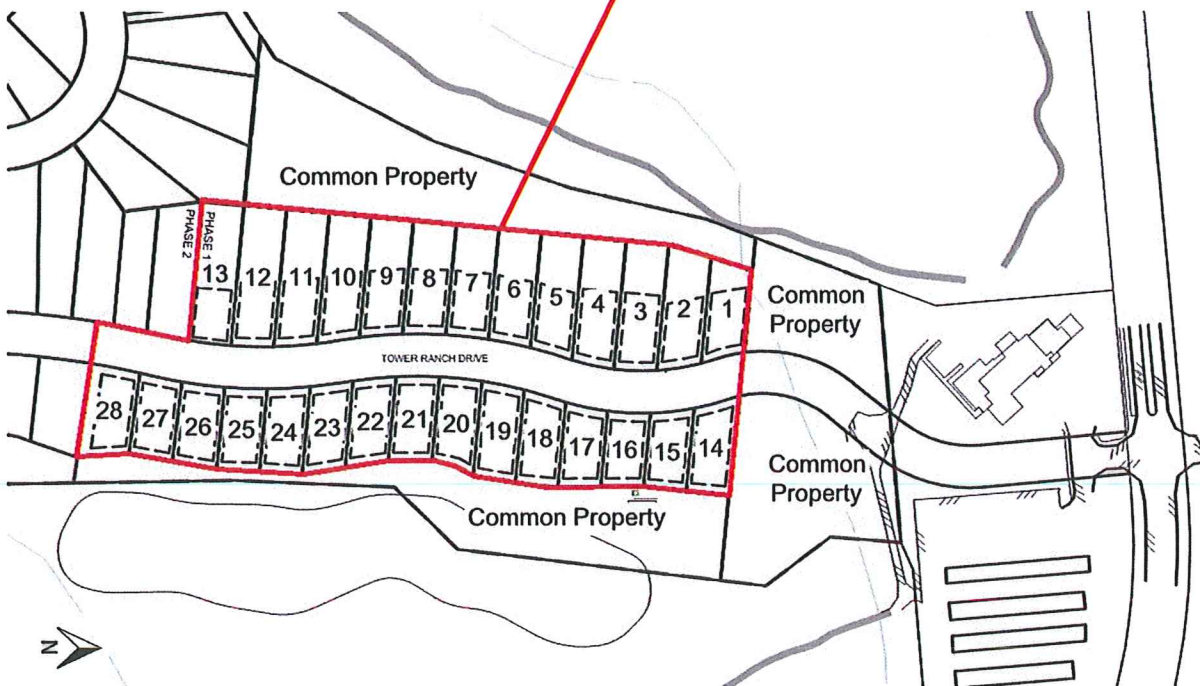
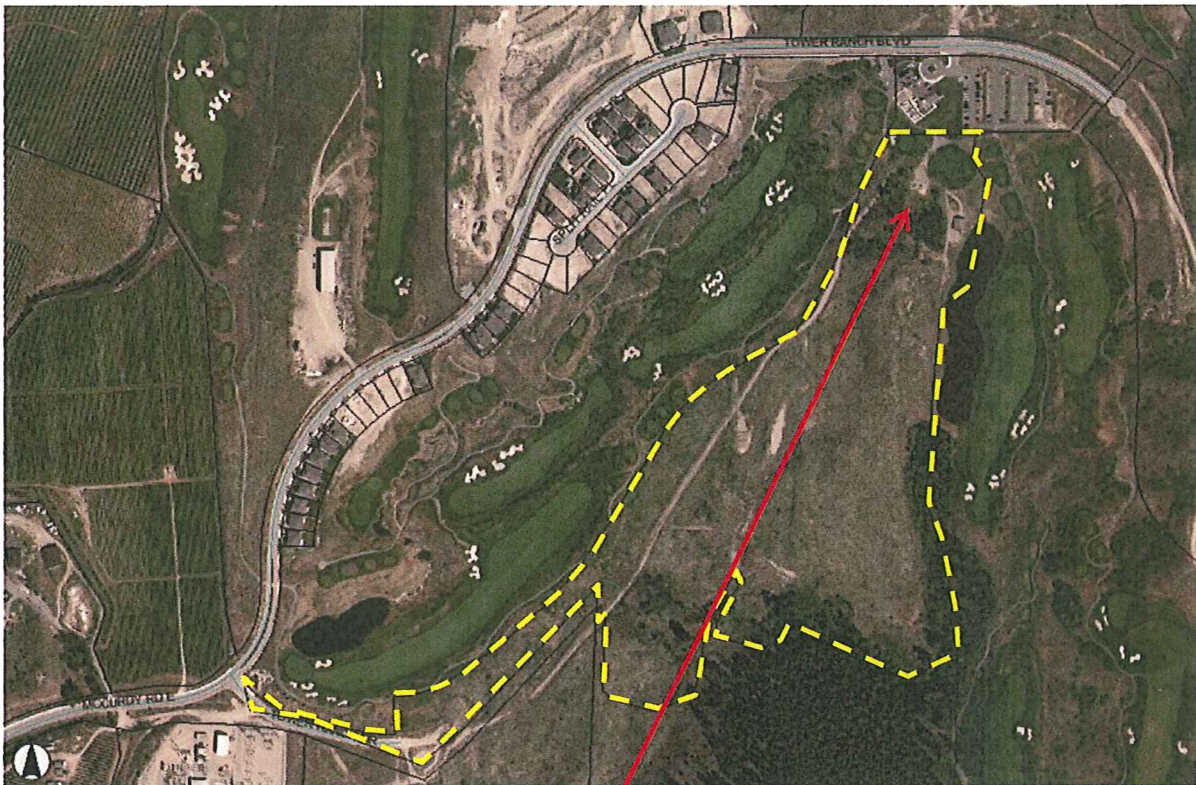
<http://www.kelowna.ca/CityPage/Docs/PDFs/%5CBylaws%5CZoning%20Bylaw%20No.%208000/Section%2013%20-%20Urban%20Residential%20Zones.pdf>

Should you have any questions regarding this application, please feel free to contact

Parkbridge's agent:
MMM Group Limited
Davin A. Shillong, MCIP, RPP
Project Manager
ShillongD@mmm.ca

or

City of Kelowna:
Melanie Steppuhn
Land Use Planner
MSteppuhn@kelowna.ca



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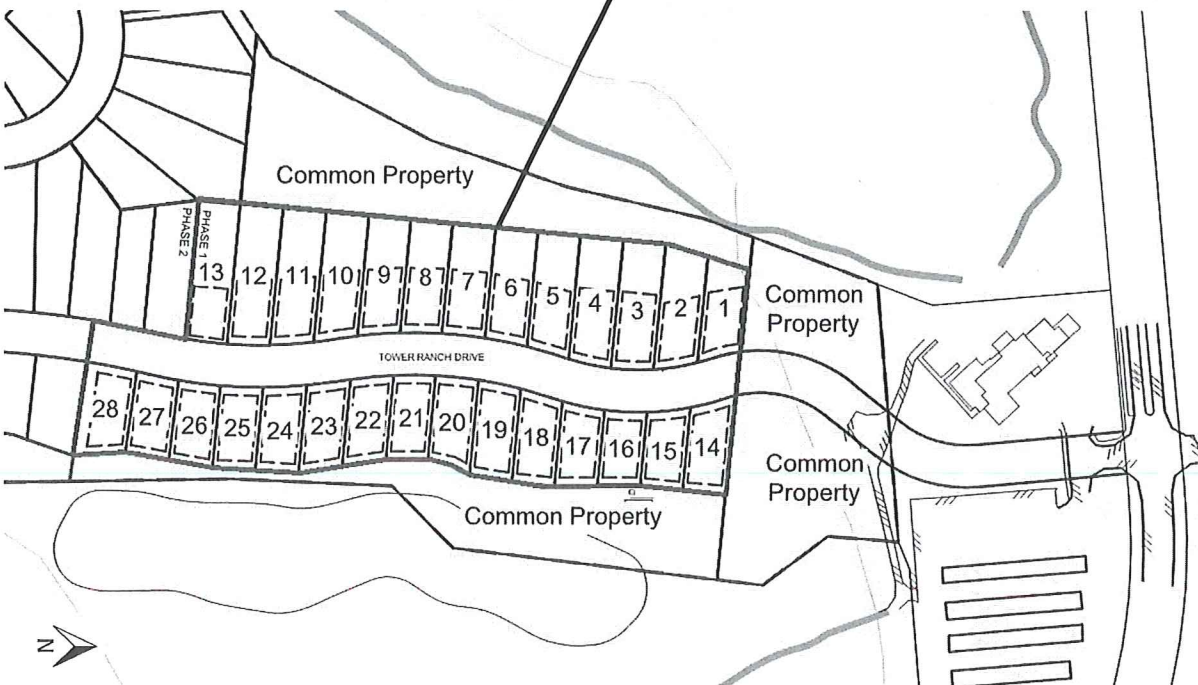
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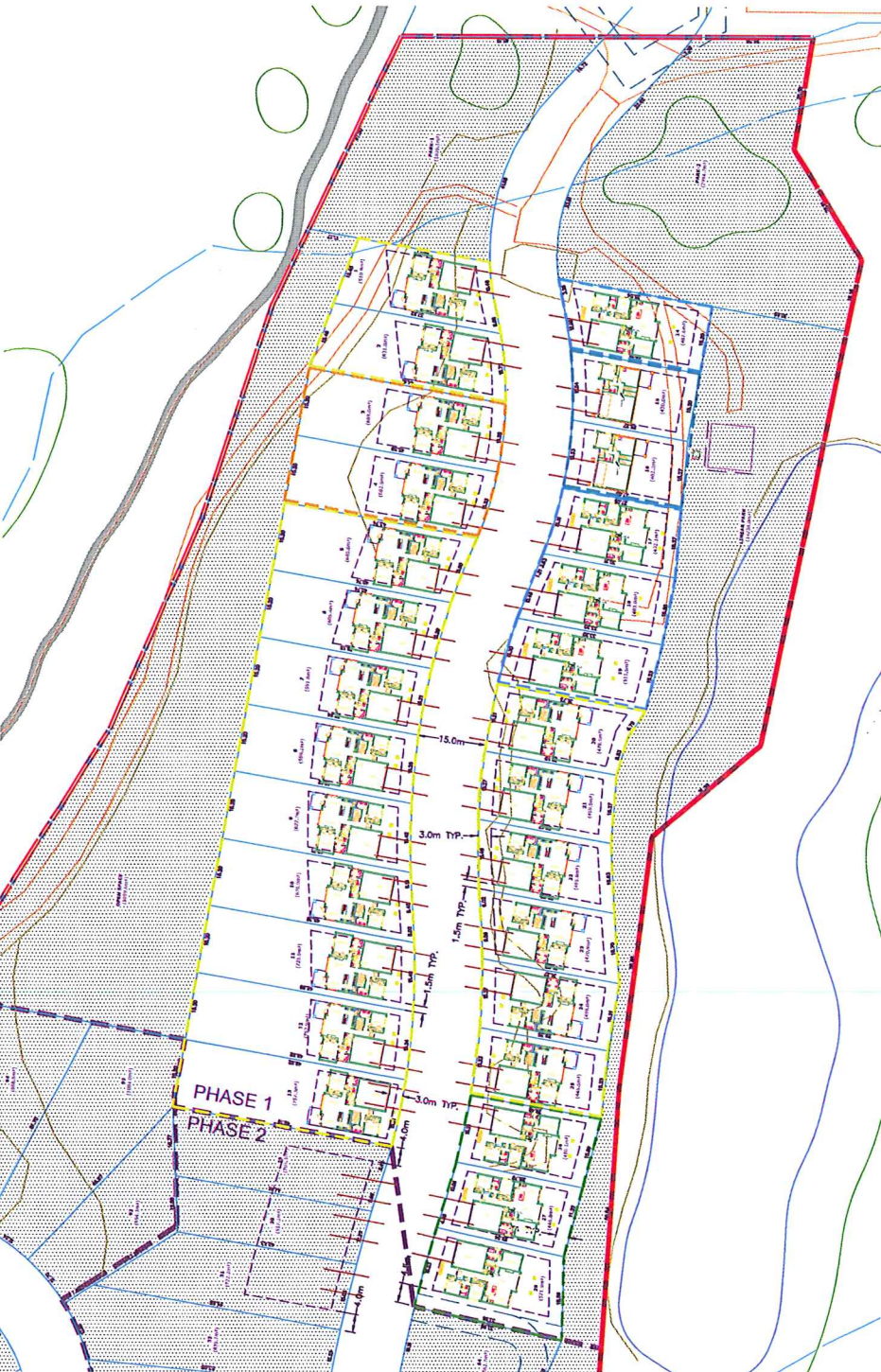
<http://www.kelowna.ca/CityPage/Docs/PDFs/%5CBylaws%5CZoning%20Bylaw%20No.%208000/Section%2013%20-%20Urban%20Residential%20Zones.pdf>

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Project Manager
ShillongD@mmm.ca

or City of Kelowna:
Melanie Steppuhn
Land Use Planner
MSteppuhn@kelowna.ca





LEGEND:

- BUIDABLE AREA
- DRIVEWAY
- RANCHER (FULL BASEMENT)
- RANCHER (WITH CRAWLSPACE)
- WALK-OUT
- WALK-OUT (LONGER FOOTPRINT)
- WALK-UP

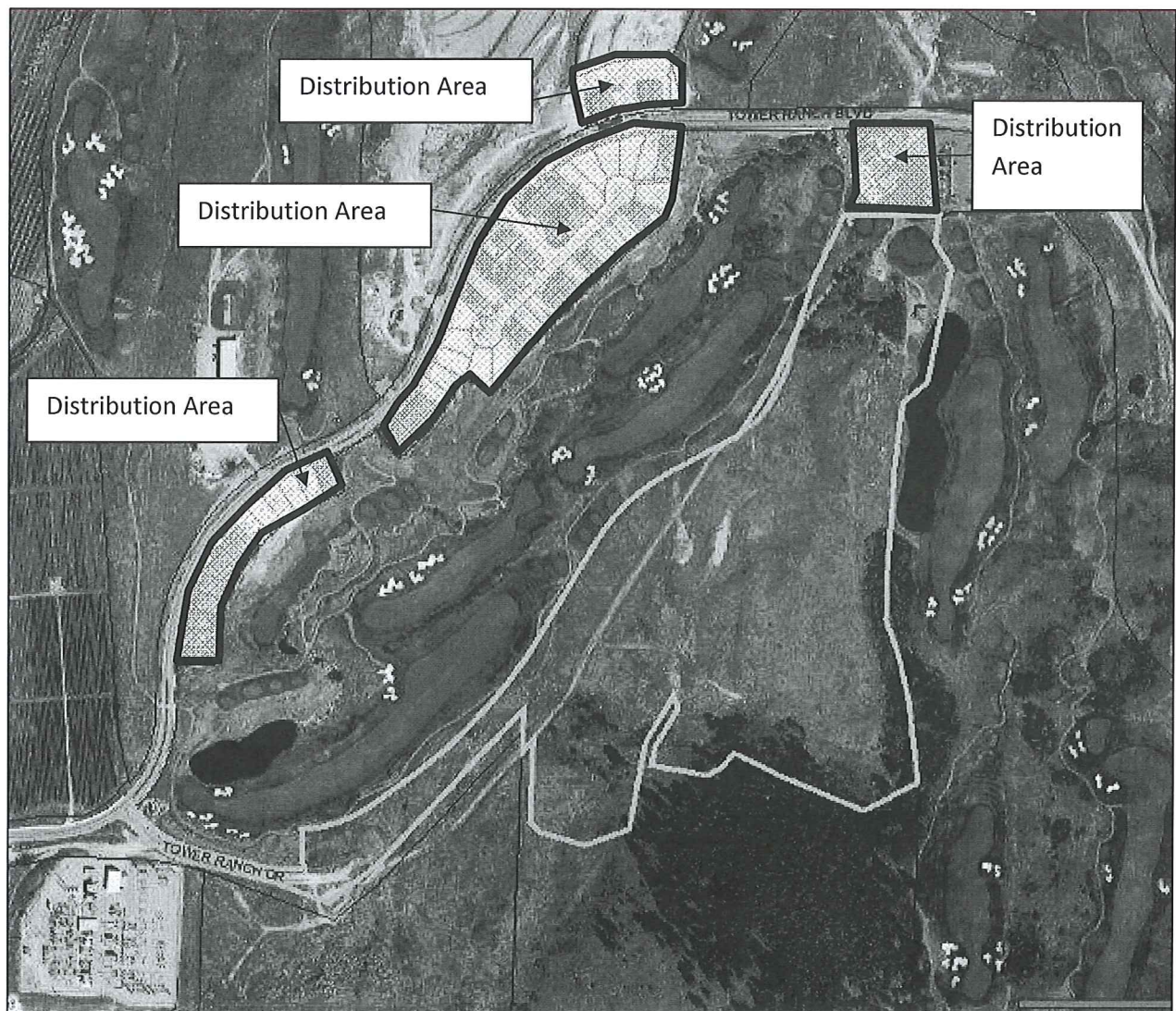


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SOLSTICE PHASE 1 HOUSING SCHEME

DATE: JULY 21, 2014
SCALE: 1:1000

Distribution Map - Public Notification



REPORT TO COUNCIL



Date: November 17, 2014

RIM No. 0940-93

To: City Manager

From: Urban Planning, Community Planning & Real Estate (TY)

Application: TUP14-0005 **Owner:** 0838232 BC Ltd.

Address: 2092 Enterprise Way **Applicant:** Peter Downward, Argus Properties Ltd.

Subject: Temporary Use Permit

Existing OCP Designation: Industrial (IND)

Existing Zone: I3 - Heavy Industrial

1.0 Recommendation

THAT Council authorize Temporary Use Permit No. TUP14-0005 to allow the use of a portion of the subject property for Thrift Store for Lot 3, District Lots 127 & 531, ODYD, Plan KAP54290, located at 2092 Enterprise Way, Kelowna, BC, for a three (3) year period commencing from Council approval subject to the following;

- a) The dimensions and siting of the temporary use space to be constructed on the land be in general accordance with Schedule "A";
- b) The exterior design and finish of the temporary use space to be constructed on the land be in general accordance with Schedule "B";

AND THAT issuance of the Temporary Use Permit be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

2.0 Purpose

To seek a Temporary Use Permit to allow 2,111m² of the west portion of the existing building on the subject property to be used as a thrift store for the sale of used or discontinued construction material and home decor for the operation of "ReStore" through the organization Habitat for Humanity.

3.0 Urban Planning Department

Staff recommends that Council supports this Temporary Use Permit Application. The TUP will allow the sale of used or discontinued construction material and home décor for the operation of "ReStore" through the organization Habitat For Humanity. Reuse programs like the proposed ReStore currently have 84 locations throughout Canada including the District of West Kelowna.

This proposed location accepts donations of used or discontinued construction material and home decor by contractors or commercial retailers that may otherwise end up in the landfill. This is an appropriate location for a reuse program as the storage and refurbishing of construction materials requires an industrial zone while the sale of these products requires a commercial zone. The subject property borders both of these land uses with industrial on all immediate property lines, commercial businesses to the south separated by Enterprise Way. The proposed Temporary Use is occurring on lands that are designated for Future Industrial use.

Section 8 - Parking and Loading of the Zoning Bylaw 8000 indicates that "Retail Store, Convenience Retail Store, General Flea Markets, and Second-hand Stores with GFA greater than 1,000m² require 3.0 parking spaces per 100m² GFA. The required parking for this proposed use is a total of 63 stalls. The other current uses of the existing building require 0.5 parking spaces per 100m² GFA. "Warehousing and Storage" requires a total of 57 stalls. Currently the proposed site plan shows a total of 101 parking stalls. This leaves the parking requirements for the proposed use deficient by 19 parking stalls. Loading space for the temporary use is provided for on the north end of the subject property.

The proposed temporary use is confined to the western portion of the existing building. The property immediately to the west of the subject property will be affected the most by this proposed temporary use as parking and storage of materials will be located in the space between the subject building and the west property line. The neighbouring property, 2076 Enterprise Way currently operates as an industrial operation.

4.0 Proposal

4.1 Background

The existing single building on the subject property currently accommodates two companies. Enviromech Industries assembles fuel storage and delivery systems. Rayburn's Marine World utilizes the space for boat storage. Previously, Crown Packaging operated in the building.

The subject property is currently zoned I3 - Heavy Industrial. The existing TUP portion of the building has been vacant since December, 2011. 0838232 BC Ltd is seeking to sublease the west portion of the building to Habitat for Humanity for the purpose of operating Restore. Due to the complexities of the different uses carried out on a daily basis there is not an existing zone that this proposed use complies with. The Temporary Use Permit will give 0838232 BC three years for temporary use of the property with an additional 3 year option should it be necessary (and supported by Council). Staff will be encouraging the applicant to pursue an I2 zone rather than a Temporary Use Permit extension.

4.2 Project Description

The existing building footprint is approximately 13,490m², with the proposed portion utilizing 2,111m² in the west side end the building. The ReStore operation will service the construction and commercial sales industry in Kelowna allowing the cost free drop off of reusable materials. The operation will also service the smaller construction companies as well as home owners with the sale of these items at wholesale cost.

4.3 Site Context

The subject property is located on the north side of Enterprise Way, between Hardy Street and Dilworth Drive. The property is currently zoned I3, identified in Kelowna's Official Community Plan as Industrial, and is within the Permanent Growth Boundary.

Subject Property Map: 2092 Enterprise Way

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I1 - Business Industrial	Custom Indoor Manufacturing & Technical Service Businesses
East	C7 - Central Business Commercial I2 - General Industrial	Automotive Parts Sales Window Manufacturing
South	C4 - Urban Centre Commercial C4 - Urban Centre Commercial C4LP - Urban Centre Commercial (Liquor Primary)	Commercial Business Restaurant Hotel
West	I2 - General Industrial	Power Line Contracting & Dry Coating Paint Business

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 4 - Future Land Use - Temporary Use Permits (TUP)

The temporary use designation is intended to apply to operations that are temporary in nature and the designation does not in itself permit specific uses on the designated sites. Within these areas, Council may, by resolution, issue a Temporary Use Permit and specify the conditions under which the temporary use be carried on. Upon the expiration of a Temporary Use Permit, the permitted uses revert to those outlined in the City of Kelowna Zoning Bylaw 8000.

The OCP allows Temporary Use Permits within “the Permanent Growth Boundary (PGB) on all lands designated in OCP2030 Commercial, Education /Institutional, Industrial, Mixed Use or Public Service / Utility.” The OCP defines Industrial as “uses that provide services and support to

industrial and business customers. This designation may also include CD Comprehensive Development zoning that provides for industrial uses.” The retail sales to the general public that this proposed use accommodates does blend in with the adjacent land uses to the south. The subject property fronts Enterprise Way, south of the subject property along Enterprise Way are future land uses of Mixed Use (Residential/Commercial) as well as Commercial.

Chapter 7 - Infrastructure - Solid Waste Policies

Divert solid waste from landfills¹ Ensure Regional Strategies for waste management are followed.

Resource Recovery² Provide opportunities for resource recovery from reuse and utilization of waste transported for disposal in order to reduce the carbon footprint associated with waste.

6.0 Technical Comments

6.1 Building & Permitting Department

This will affect the exiting of the existing tenant and additional requirement for exiting will be required. A full code analysis will be required at time of building permit application and this may affect the form and character of the building if additional door are required.

6.2 Development Engineering Branch

Refer to attached memorandum, dated November 12, 2014.

6.3 Fire Department

There are going to be exiting issues for the existing business that uses part of this building. We will need to make sure the travel distances are met.

7.0 Application Chronology

Date of Application Received: September 16, 2014

Date of Public Consultation: September 29, 2014

¹ City of Kelowna Official Community Plan, Policy 7.24.1 (Infrastructure Chapter).

² City of Kelowna Official Community Plan, Policy 7.25.1 (Infrastructure Chapter).

Report prepared by:

Tracey Yuzik

Reviewed by:

☐

Lindsey Ganczar, Urban Planning Supervisor

Approved for Inclusion:

☐

Ryan Smith, Urban Planning Manager

Attachments:

Subject Property Map

Rationale Letter

Schedule "A" -Site Plan

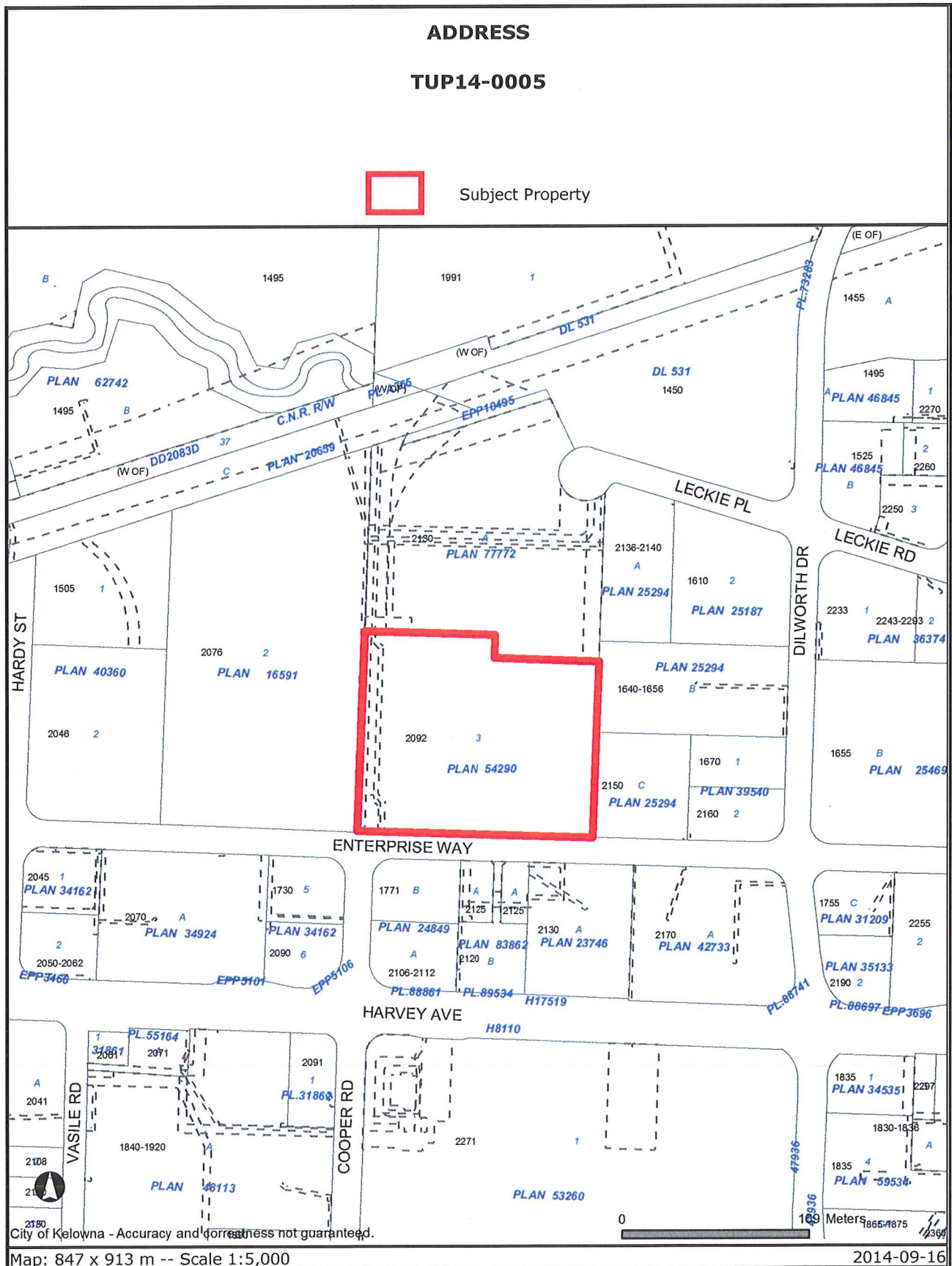
Schedule "B" - Elevations

Site Photos

Development Engineering Memo

Neighbour Consultation Documentation

DRAFT Temporary Use Permit No. TUP14-0005



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.

September 2, 2014

City of Kelowna
 Development Services
 1435 Water Street, V1Y 1J4

Attention: Ryan Smith, Urban Planning Manager

Dear Ryan:

**Re: Temporary Use Permit – Habitat for Humanity ReStore
 Detailed Rationale**

Please accept the following rationale in support of the Temporary Use Permit for the Habitat for Humanity ReStore facility at 2092 Enterprise Way.

Background

Argus Properties Ltd. is requesting a Temporary Use Permit in order to accommodate a building materials recycling and resale facility operated by Habitat for Humanity, named ReStore. The current zoning for the property at 2092 Enterprise Way is I3, which permits Recycling Plants and Recycling Depots. Due to the amount of floor area which will be devoted to retail display, City of Kelowna staff have indicated that the commercial aspects of the proposed land use do not fully comply with the purpose of I3 zoning. City staff have thus requested that an application for a Temporary Use Permit be made.

Land Use and Zoning

The proposed ReStore facility will encompass a mix of activities which do not neatly fit into any single land use. The range of activities would fall into some of the following land use definitions:

Land Use	Allowed Zones
Outdoor Storage	I2, I3, I4, I5
Recycling Depot	I2, I3, I6
Recycled Materials Drop-off Centre	C2, C3, C4, C6, C7, C10, I2, I3, I4
Recycling Plant	I3, I5
Thrift Store	C4, C7, C10, I1
Used Goods Store	C3, C4, C7, C10

As shown in the above table, it appears that there is no single existing zone which can fully accommodate all aspects of the proposed operation without some level of modification. The need for outdoor storage and the industrial aspects of conducting repair and restoration of building materials to enable resale are incompatible with commercial land uses. The repair and restoration activities are expected to produce noise impacts, along with the potential for dust and odour more typical of an industrial land use.

Similarly, the retail aspects of the operation are normally confined to commercial zones, or business industrial zones. These zones are largely incompatible with the outdoor storage, restoration, and repair activities.

Given the mixed industrial/commercial nature of the ReStore facility, there is expected to be a greater potential to disrupt neighbours in a commercial zone than in an industrial zone. The location on Enterprise Way is bordered by existing retail lands to the south, and the addition of a commercial activity onto this I3 site under a temporary use permit is expected to cause minimal disruption to neighbouring industrial uses. Conversely, were the operation to be sited within a commercial or business industrial area, the industrial aspects of the operation would have a greater potential to disrupt surrounding lands. This makes the I3 zone preferable for this proposed use.

Landscaping and Access

Photographs of the existing mature landscaping are attached. The age and sizes of the existing shrubs and trees provide a mature and attractive segment of landscaping, and are consistent with the surrounding established vegetation on properties to the east and west.

The entrances to the property are also visible in the photographs. This documentation of the existing entrances and landscaping was requested by the Urban Planning Manager under the provisions of paragraph 1.2 of Schedule 5 in Development Application Procedures Bylaw No. 10540.

Support for Official Community Plan Objectives

Recycling has become more available and prevalent in Kelowna with waste diversion and reuse programs supported by the City of Kelowna through the regional Waste Reduction Office. Based on the success achieved to date, the establishment of a strong local retail and wholesale market for recycled goods is the next step in the expansion of recycling opportunities for citizens and business in the City of Kelowna. By allowing a single site to deliver an integrated service from repair and restoration through retailing, the handling and trans-shipment of recycled goods is minimized. The reduction in handling and transporting of recycled goods further reduces the carbon footprint of the community.

Objectives and policies within the Official Community Plan support both the diversion of waste and reductions in the carbon footprint associated with all aspects of waste management as outlined below:

Objective 7.24 Divert solid waste from landfills.

Policy .1 Regional Strategies. Ensure Regional Strategies for waste management are followed.

Objective 7.25 Ensure the long term viable use of local landfills.

Policy .1 Resource Recovery. Provide opportunities for resource recovery from reuse and utilization of waste transported for disposal in order to reduce the carbon footprint associated with waste.

Policy .2 Glenmore Landfill. Continue to use the Glenmore Landfill facility for the disposal of waste in accord with the Regional Solid Waste Management Plan and the Comprehensive Site Development Plan (July 2008).

Habitat for Humanity Letter

A letter from Habitat for Humanity is attached, describing the operation, and the substantial community benefits delivered by a ReStore facility.

Conclusions

Based on the application's compliance with the OCP objectives and policies, and the expected benefits of achieving a lower carbon footprint and greater diversion of waste from the Glenmore Landfill, Argus Properties requests the support from the City of Kelowna council for this Temporary Use Permit.

The temporary use permit to permit the Habitat for Humanity ReStore is viewed as the preferred interim solution to enable rapid occupancy while Argus Properties Ltd. works through the various options which would enable this use to remain at the site on a permanent basis.

Thank you for your assistance over the past few weeks in framing the approval process and defining the scope of the application package. If you have any questions or require further addition regarding this application, please do not hesitate to contact the undersigned.

Kindest regards,

ARGUS PROPERTIES LTD.



Darren Schlamp
Development Manager

Attachments: Habitat for Humanity letter
 Site Photographs



What is a ReStore? Reduce, ReCycle, ReUse

ReStores are building and home supply centres run by Habitat for Humanity affiliates that accept and resell quality new and used building materials, furniture and home décor items. These items are wholesaled back into the public stream at a greatly reduced price compared to actual retail value. Shopping at a ReStore is a socially conscious decision, as funds generated are used to fund Habitat homebuilding projects. In addition, shopping at a ReStore is also an environmentally conscious decision. All product which is sold at a ReStore is procured through donation. These items are new, gently used or customer returns from commercial partners that would otherwise end up in a landfill. In Canada there are 84 ReStores currently in operation with additional locations slated to open in the near future.

Commonly donated items include windows, doors, paint, hardware, lumber, tools, lighting fixtures and appliances. This is not to say that all ReStores are alike as many vary, dependent upon the donations, however the main focus is and will continue to be building materials and home décor. Strategies of ReStores across Canada have also taken on broad recognition by the Retail Council of Canada as the HFH organization has been awarded the Corporate Social Responsibility Award for mid-sized retailers for each of the past two years.

ReStore secures itself not only with public donation, but with corporate entities both in retail and manufacturing. Many times when a retailer has goods that can no longer be sold in store, they are often sent to a landfill. Thus, donating end-of-line products, return to vendor and customer returns to a ReStore can substantially reduce waste to a business. In 2013, ReStores across Canada diverted more than 27,000 tonnes of material from local landfills. Strong corporate supporters of ReStore in the Kelowna region include Home Depot, Home Hardware Building Centre, Rona, Beachcomber Furniture, Euroclad Windows, Grand Openings Door and Window, Costco, Princess Auto and McGregor Thompson to name but a few. It is the choice of these supporters to donate items to ReStore to support local initiatives instead of sending them to the local landfill.

The profits generated by ReStores are used to fund the local affiliate that operates the store. Charities, like any other organization, incur administrative fees and ReStore profits help to cover 100% of these costs. As a result, money raised by the affiliate by conventional means, such as through individual and corporate giving, can go directly towards local builds providing more families in the community with safe, decent and affordable housing. The success of ReStore across Canada has also contributed greatly to assisting each affiliate in their home building initiatives.

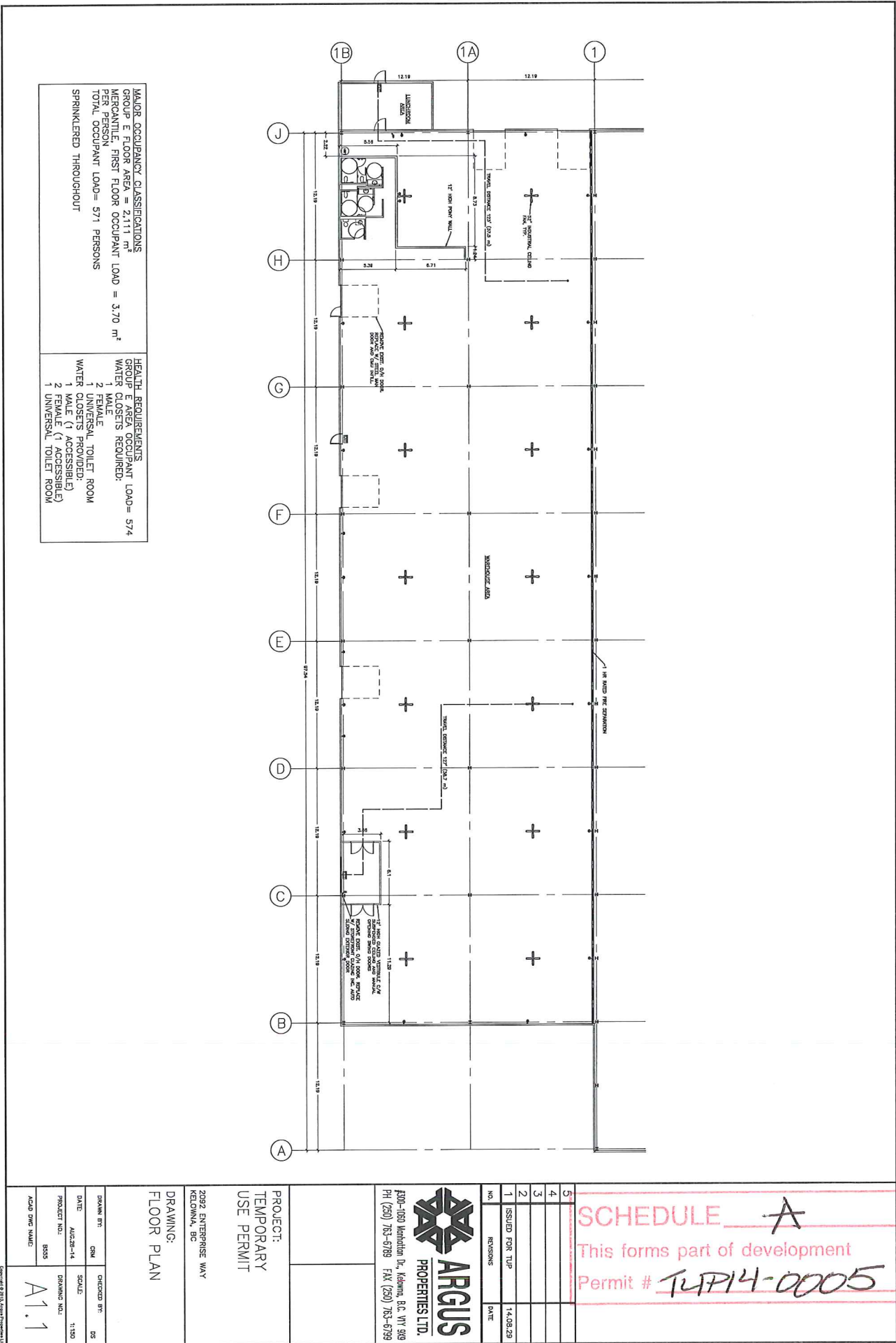
The proposed Kelowna location on Enterprise way would see the approximate 22,500 sq. ft. of floor space dedicated solely to ReStore purposes. 12% of this space is targeted for sorting and repair while the remaining space is utilized for wholesale of the products that arrive daily through the donation centre. The location also anticipates over 60 cubic yards of metals to be sorted and distributed to proper recyclers each month in addition to strategies that include plastics, styro, small electronic and cardboard recycling, all of which are by products of the donation process.

Sincerely

Ed McLean

Chairman, HFH Kelowna

1793 Ross Rd, West Kelowna. V1Z 3L9 778-755-4346



MAJOR OCCUPANCY CLASSIFICATIONS
 GROUP E FLOOR AREA = 2,111 m²
 MERCANTILE, FIRST FLOOR OCCUPANT LOAD = 3,70 m²
 PER PERSON
 TOTAL OCCUPANT LOAD = 571 PERSONS
 SPRINKLERED THROUGHOUT

HEALTH REQUIREMENTS
 GROUP E AREA OCCUPANT LOAD = 574
 WATER CLOSETS REQUIRED:
 2 MALE
 2 FEMALE
 1 UNIVERSAL TOILET ROOM
 WATER CLOSETS PROVIDED:
 1 MALE (1 ACCESSIBLE)
 2 FEMALE (1 ACCESSIBLE)
 1 UNIVERSAL TOILET ROOM

SCHEDULE A
 This forms part of development
 Permit # T4P14-0005

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1	ISSUED FOR TUP	14.08.29
NO.	REVISIONS	DATE



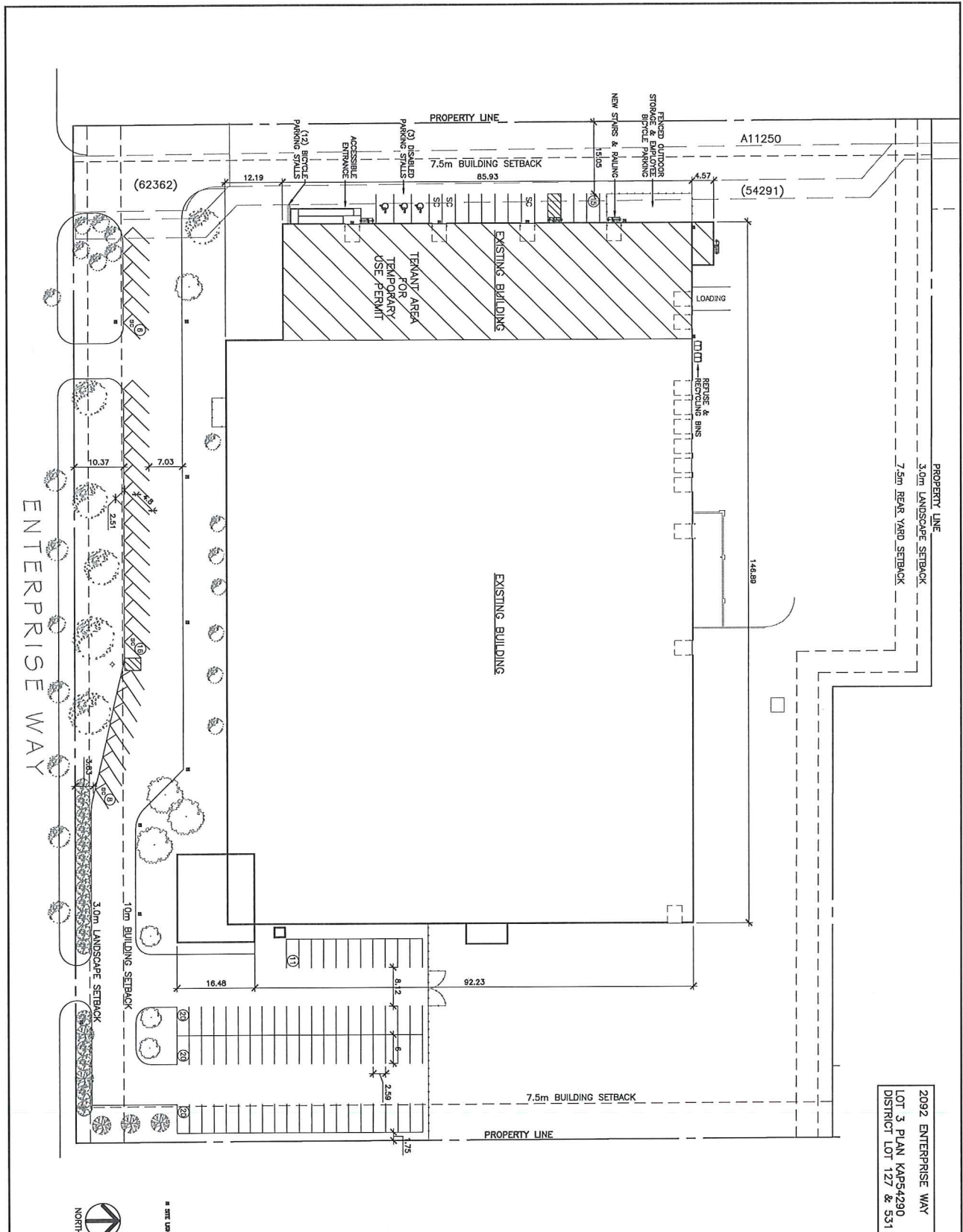
430-100 Hamilton Dr., Kelowna, B.C. V1Y 9K9
 PH (250) 763-6789 FAX (250) 763-6799

PROJECT:
 TEMPORARY
 USE PERMIT

2092 ENTERPRISE WAY
 KELOWNA, BC

DRAWING:
 FLOOR PLAN

DRAWN BY:	CMW	CHECKED BY:	DS
DATE:	AUG-28-14	SCALE:	1:500
PROJECT NO.:	8555	DRAWING NO.:	A1.1
ARCH DTC NAME:			



2092 ENTERPRISE WAY
LOT 3 PLAN KAP54290
DISTRICT LOT 127 & 531

SCHEDULE A
This forms part of development
Permit # **TUP14-0005**

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1	ISSUED FOR TUP	14.08.29
NO.	REVISIONS	DATE



830-1001 Mainville Dr., Kelowna, B.C. V1Y 3G9
PH (250) 765-6789 FAX (250) 765-6799

PROJECT:
TEMPORARY
USE PERMIT

2092 ENTERPRISE WAY
KELOWNA, BC

DRAWING:
SITE PLAN

DRAWN BY:	CMA	CHECKED BY:	DS
DATE:	AUG-28-14	SCALE:	1:250
PROJECT NO.:	8535	DRAWING NO.:	A1.0
ACAD DWG NAME:			



Detailed View of Landscaping at Frontage, facing northeast



Frontage from south side of Enterprise Way, facing north



Central Entrance to site, from south side of Enterprise Way, facing north



West Entrance to site, from south side of Enterprise Way, facing northeast

CITY OF KELOWNA
MEMORANDUM

Date: November 12, 2014
File No.: TUP14-0005

To: Urban Planning (TY)

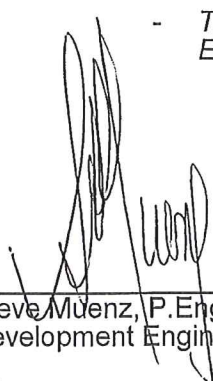
From: Development Engineering Manager (SM)

Subject: 2092 Enterprise Way *REVISED* Temporary Retail "RESTORE"

Development Engineering Services comments and requirements pertaining to this application are as follows:

The Temporary Use Permit application, to use the property for a retail use will require the following;

- *The traffic signal at Driveway access/Cooper Road & Enterprise Way will require adjustments to the video detection and lane control for northbound and southbound traffic to be improved. Northbound pavement marking and lane control signage needs to be revised to improve operation of the intersection. Southbound new pavement markings and stop signage will improve flow and onsite operation.*
- *The existing driveway access just east of the intersection of Cooper Rd & Enterprise Way should be closed for safety reasons.*



Steve Muenz, P.Eng.
Development Engineering Manager

SS

NEIGHBOUR CONSULTATION

*2092 Enterprise Way – Temporary Use Permit
October 8, 2014*

Summary of Neighbour Consultation completed in September/October 2014
City of Kelowna File No. TUP14-0005



Suite 300 - 1060 Manhattan Drive
Kelowna, B.C. V1Y 9X9

INTRODUCTION

Argus Properties Ltd. applied to the City of Kelowna on September 2, 2014 for a Temporary Use Permit to allow a portion of the building at 2092 Enterprise Way to accommodate the resale of recycled goods. The property is currently zoned I3, Heavy Industrial, and the future land use is classified as Industrial in the Official Community Plan.

The requirements for public notification and consultation for development applications within the City of Kelowna are outlined in Council Policy 367, and also in Bylaw 10540, Development Application Procedures Bylaw. For a temporary use permit, neighbor consultation is required, which is to include contacting tenants and owners for face-to-face discussions where possible. Information provided by the applicant is to include:

- Location of the proposal;
- Detailed description of the proposal, including the specific changes proposed;
- Visual rendering and/or site plan of the proposal;
- Contact information for the applicant or authorized agent;
- Contact information for the appropriate City department;
- Identifications of available methods for feedback.

A package providing the information required by Council Policy 367 was prepared and distributed to the surrounding landowners and tenants during the week of September 29, 2014. Appendix A includes a copy of the information package which was distributed.

CONSULTATION AREA AND METHODOLOGY

A 50m buffer was drawn surrounding the property boundary of 2092 Enterprise Way, as shown in Figure 1, attached. A total of eleven legal parcels were identified within the 50m radius, including five adjoining parcels to the east, west, and north, and six parcels on the south side of Enterprise Way.

The attached Table 1 provides a list of the surrounding properties, legal description, civic address, landowner names, and tenant names, along with the method of contact for each, and date of contact. Information packages were primarily delivered by hand to the majority of the surrounding businesses. In cases where a manager or business owner was available, a brief overview of the application was provided, and the contact and feedback methods were reviewed. Where a manager was unavailable, the information package was left with staff along with a brief overview, and staff committed to forwarding it to the business manager or owner.

FEEDBACK FROM NEIGHBOUR CONSULTATION

A limited number of verbal comments were received during visits to the surrounding parcels on September 29, 2014 and October 1, 2014.

During the visits to surrounding businesses, several individuals expressed support for additional recycling opportunities in the City. Approximately half of the people contacted in person were familiar with the existing Habitat for Humanity ReStore facility located on the Westside.

One question was received via email regarding outdoor storage and on-site disposal of waste. Argus Properties Ltd. staff indicated that outdoor storage was already permitted under the current I3 zoning, but pointed out the limited size of the designated storage area as shown on the attached drawing, along with the fact that storage would take place near the back of the property. In addition, the majority of the materials would be stored inside, and any refuse generated during the operations would be disposed of at an off-site facility by the proposed tenant.

CONCLUSIONS AND SUMMARY

Neighbour consultation was completed by Argus Properties Ltd. for Temporary Use Permit TUP14-0005 in accordance with the requirements of City of Kelowna Council Policy #367.

Limited feedback was received, and the concerns expressed were largely resolved with details contained in the information package.

**Figure 1: 50m buffer for Neighbour Consultation
2092 Enterprise Way, Temporary Use Permit TUP14-0005**

The map displays the following lots and their associated plans:

- Lot 1, Plan 62742
- Lot 1, Plan 40360
- Lot 2, Plan 16591
- Lot 2, Plan 40360
- Lot 1, Plan 77772
- Lot 2, Plan 25187
- Lot A, Plan 25294
- Lot B, Plan 25294
- Lot C, Plan 25294
- Lot 1, Plan 39540
- Lot 2, Plan 39540
- Lot 3, Plan 54290
- Lot A, Plan 83862
- Lot B, Plan 83862
- Lot A, Plan 24849
- Lot B, Plan 24849
- Lot A, Plan 34162
- Lot B, Plan 34162
- Lot A, Plan 42733
- Lot A, Plan 23746

The map also shows the following roads:

- ENTERPRISE WAY
- COOPER RD
- DILWORTH DR
- LECKIE PL

A scale bar indicates distances from 0 to 200 meters.

Table 1 - Summary of Neighbour Consultation

Civic Address	Legal Description	Owner	Tenant	Name	Date	Summary
2076 Enterprise Way	Lot 2, Plan 16591	•	•	Callahan Property Group	9/30/2014	Email to Marilyn Price
			•	FortisBC	10/1/2014	Fortis call centre, contact information forwarded to facilities group
			•	Barmac Coatings Inc.	10/1/2014	Telephone, email to Matthew Barlow
			•	Alteck Line Contractors	9/30/2014	Telephone, email to Hugh Barbour
2092 Enterprise Way	Lot 3, Plan 54290	•	•	0838232 BC Ltd	N/A	Applicant
			•	Agility Fuel Systems	10/1/2014	Telephone, email to Randy Isaak
			•	Rayburn's Marine	10/2/2014	Telephone, email to Kevin Isaby
2125 Enterprise Way	Lot A, Plan 83862	•	•	Northland Properties Corp.	9/29/2014	Information to be forwarded by Kelly Watt (Sandman)
			•	Chop Steakhouse	9/29/2014	Information to be forwarded by Kelly Watt (Sandman)
2150 Enterprise Way	Lot C, Plan 25294	•	•	Andrew Eggen	9/30/2014	Telephone, deliver and discuss information package
			•	NAP	9/29/2014	Reviewed information with Albert Raponi, Director of Mfg.
2120 Harvey Avenue	Lot B, Plan 83862	•	•	McDonald's	9/29/2014	Reviewed information with Asst. Mgr, who would forward to manager
2130 Harvey Avenue	Lot A, Plan 23746	•	•	Northland Properties Corp.	9/29/2014	Information to be forwarded by Kelly Watt (Sandman)
			•	Sandman Inn / Denny's	9/29/2014	Reviewed information with Kelly Watt, General Manager
2170 Harvey Avenue	Lot A, Plan 42733	•	•	Ramada Inn	9/29/2014	Information package left with staff for manager
1730 Cooper Road	Lot 5, Plan 34162	•	•	Northland Properties Corp.	9/29/2014	Information to be forwarded by Kelly Watt (Sandman)
			•	Moxies	9/29/2014	Information package left with staff for manager
1771 Cooper Road	Lot B, Plan 24849	•	•	Gloria Pietsch	9/29/2014	Reviewed information package with Gloria Pietsch, owner
			•	Park Boulevard Fashions	9/29/2014	Reviewed information package with Gloria Pietsch, owner
			•	Eurosport	9/29/2014	Information package left with staff for manager, Charlene Jones
			•	Cream Salon	10/1/2014	Information package left with staff for manager
			•	Okanagan Denture	9/29/2014	Information package left with staff for manager
			•	Solar Centre	9/29/2014	Information package left with staff for manager
			•	Dragon Cards and Collectables	10/1/2014	Information package left with staff for manager
			•	Kiwo Mexican Market	9/29/2014	Reviewed information package with owner
			•	Oasis Garden Supply	9/29/2014	Information package left with staff for manager
1640-1656 Dilworth Dr.	Lot B, Plan 25294	•	•	Callahan Property Group	9/30/2014	Email to Marilyn Price
			•	Lordco	10/1/2014	Reviewed information package with manager, Sean
			•	XS Cargo	10/1/2014	Information package left with staff for manager
			•	BC Ministry of Social Dev.	10/1/2014	Information package left in mail slot (closed)
2136-2140 Leckie Pl.	Lot A, Plan 25294	•	•	Westwood	10/2/2014	Email to Gerry McParland
2130 Leckie Pl.	Lot A, Plan 77772	•	•	McIntosh Properties	9/30/2014	Telephone, email to Randy Lowe
			•	Sun Valley Foods	9/29/2014	Reviewed information with Mark McInnes
			•	Rackforce	9/29/2014	Information package left with staff for Director of Operations
			•	Nature's Formula	9/29/2014	Reviewed information with Linda

APPENDIX A – INFORMATION PACKAGE

Temporary Use Permit – 2092 Enterprise Way
City of Kelowna File Number TUP14-0005

Background

Argus Properties Ltd. has requested a Temporary Use Permit from the City of Kelowna in order to accommodate a building materials recycling and resale facility. The current zoning for the property at 2092 Enterprise Way is I3, which permits Recycling Plants and Recycling Depots. Due to the amount of floor area which will be devoted to retail display, City of Kelowna staff have indicated that the commercial aspects of the proposed land use do not fully comply with the purpose of I3 zoning. City staff have thus requested that an application for a Temporary Use Permit be made. The attached site plan shows the portions of the building which would be used by the facility.

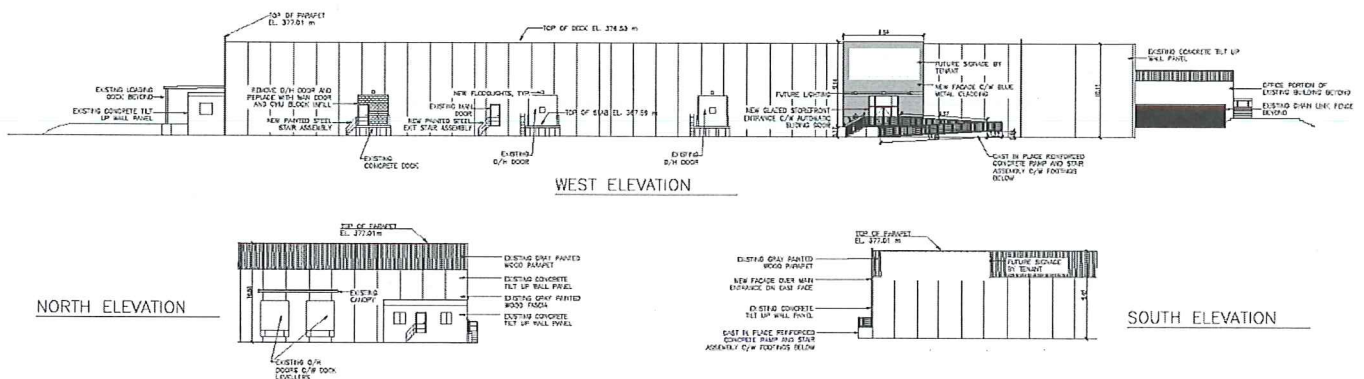
Description of Changes

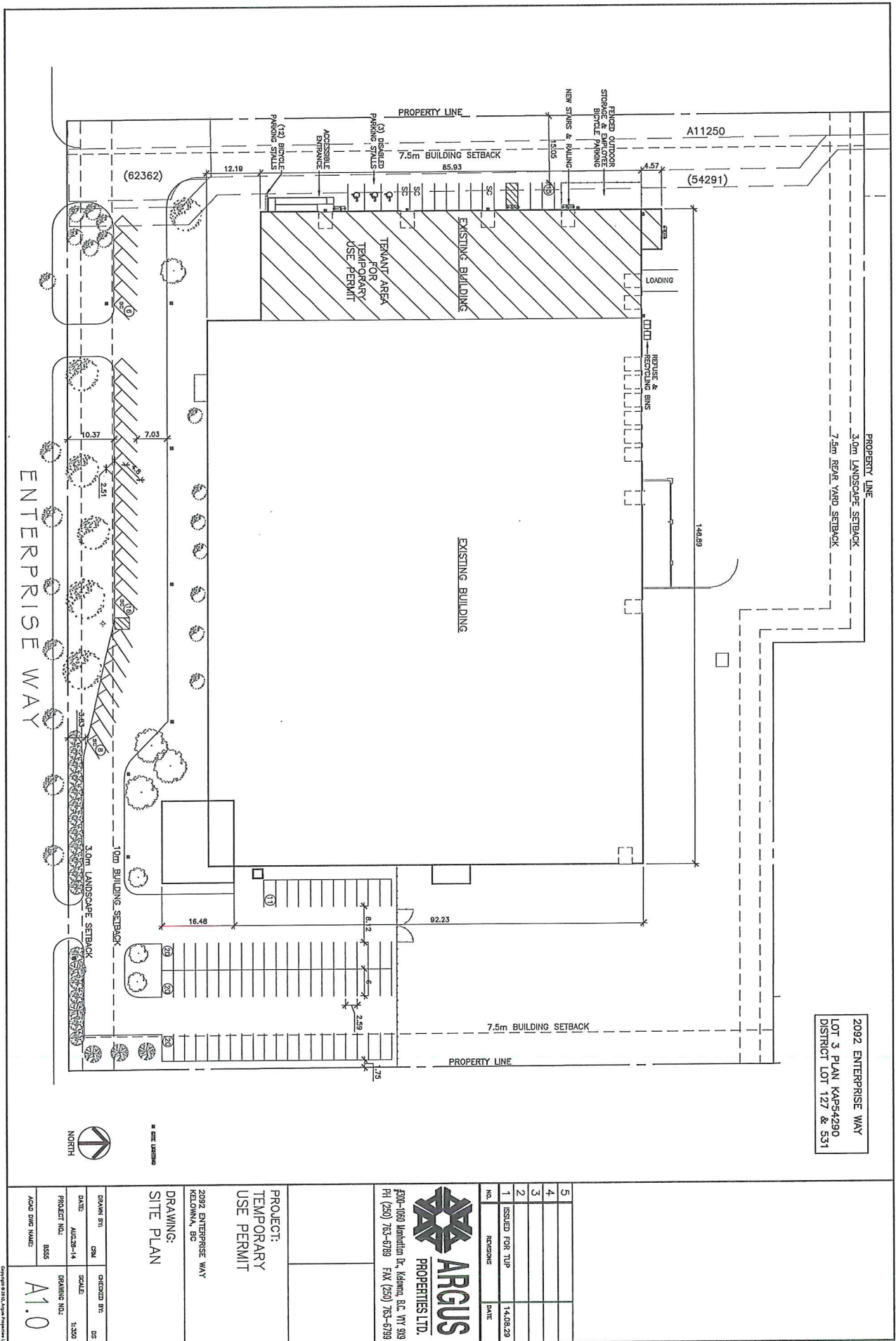
The primary changes to the site in association with the Temporary Use Permit application are the renovation of the western portions of the existing building to accommodate the proposed facility. This will include installation of automated doors, installation of fenced storage areas, minor building fascia modifications, and the addition of fascia signs.

An elevation view of the building is provided below.

Contact Information

If you have any questions or require further information regarding this application, please do not hesitate to contact Darren Schlamp at Argus Properties via telephone at (250) 763-6789, or via email at dschlamp@argusproperties.ca. If you wish to provide any feedback to Argus Properties on the above-noted Temporary Use Permit application, please do so by October 6, 2014. The City of Kelowna contact for the application is Ryan Smith, who can be reached via telephone at (250) 469-8426, or via email at rsmith@kelowna.ca.





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1	ISSUED FOR TUP	14.08.29
NO.	REVISION	DATE



F205-1050 Hamilton Dr., Kelowna, B.C. V1Y 9J9
PH (250) 763-6789 FAX (250) 763-6789

PROJECT:
TEMPORARY
USE PERMIT

2092 ENTERPRISE WAY
KELOWNA, BC

DRAWING:
SITE PLAN

DRAWN BY:	CEN	CHECKED BY:	BS
DATE:	AUG-29-14	SCALE:	1:200
PROJECT NO.:	BS55	DRAWING NO.:	
ADD'D Dwg NAME:	A1.0		

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Temporary Industrial Use Permit No. : TUP14-0005

EXISTING ZONING DESIGNATION: I3 – HEAVY INDUSTRIAL
WITHIN DEVELOPMENT PERMIT AREA: INDUSTRIAL, NATURAL ENVIRONMENT, ENTERPRISE WAY, & FLOODPLAIN DP AREAS

ISSUED TO: Argus Properties Ltd., ReStore

LOCATION OF SUBJECT SITE: 2092 Enterprise Way

	LOT	D.L.	PLAN	DISTRICT
LEGAL DESCRIPTION:	3	127 & 531	KAP54290	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 this Permit allows the use of the subject property for **Thrift Store, General** subject to the following;

1. The dimensions and siting of the temporary use space to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the temporary use space to be constructed on the land be in general accordance with Schedule "B";

AND THAT the issuance of the Temporary Use Permit Application be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

AND FURTHER THAT this Permit will expire on January 1, 2018.

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.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

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.

3. 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 Community Planning and Real Estate 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.

4. APPROVALS:

TEMPORARY USE PERMIT AUTHORIZED BY COUNCIL ON THE 29 DAY OF JULY, 2014.

ISSUED BY THE COMMUNITY PLANNING & REAL ESTATE DEPARTMENT OF THE CITY OF KELOWNA THE

_____ DAY OF _____, 2015.

Doug Gilchrist
Divisional Director, Community Planning and Real Estate Department

REPORT TO COUNCIL



Date: November 17, 2014
RIM No. 0940-50
To: City Manager
From: Community Planning & Real Estate (PMc)
Application: DVP14-0233 **Owner(s):** Rodney & Jody Hazard
Address: 204 Poplar Point Drive **Applicant:** Rodney Hazard
Subject: Development Variance Permit
Existing OCP Designation: Single/Two Unit Residential (S2RES)
Existing Zone: RU1 - Large Lot Housing

1.0 Recommendation

That Council authorize the issuance of Development Variance Permit No. DVP14-0233 for Lot 1, District Lot 219, ODYD, Plan 4561, located on 204 Poplar Point Dr., Kelowna, BC;

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

Section 6.11.1 - Okanagan Lake Sight Lines - To vary the required Okanagan Lake 120° Panoramic Sight Line to 86° proposed, resulting from the north sight line being reduced from 60° required, to 26° proposed as shown on Schedule "A".

2.0 Purpose

To vary the Okanagan Lake Sight Lines from 60° required to 26° proposed.

3.0 Urban Planning Department

Urban Planning Department staff do not have concerns with the requested variance. The property was the subject of a Development Variance Permit application (DVP09-0048) that was considered by Council on September 22, 2009 and subsequently issued. However, owing to economic conditions at the time, construction was not started, and the issued Development Variance Permit lapsed. This current application is the same as the previously approved variance. The applicant has also provided copy of the sales agreement for the dwelling located at 208 Poplar Point Drive, which acknowledged that the prospective purchaser agreed to support a variance to the Okanagan Lake Sight Lines for the subject property.

At the time of the previous application, the applicant registered a no-build covenant adjacent to Okanagan Lake to protect slope and reduce the potential impact on the foreshore of Okanagan Lake and the aquatic species.

4.0 Proposal

4.1 Background/Description

The subject property was under application for a Development Variance Permit (DVP09-0048) in 2009 to vary the Okanagan Lake Sight Lines. That application was considered by Council in October 2009, and was subsequently issued. However, owing to delays in commencing construction, that Development Variance Permit has lapsed as an issued permit is only good for a maximum of 2 years if no construction starts.

The applicant now wishes to commence construction on the subject property, and will need to have the associated variance to the Okanagan Lake Sight Lines reconsidered by Council in order to get the Development Variance Permit reinstated.

Zoning Bylaw No. 8000, Section 6.11.1 - Okanagan Lake Sight Lines notes that all buildings and structures, greater than 1.2m above natural grade, on lots along Okanagan Lake foreshore shall be sited to not obstruct views of the lake from the established abutting development. New development shall be sited to permit the adjacent occupants a 120° panoramic view from the corner of the house, parallel with the adjacent property lines, as shown in Diagram 6.2: Okanagan Lake 120° Panoramic Sight Line (see below).

The applicant has proposed to reduce the north site line from 60° (required), to 26° (proposed). As a result, the panoramic sight line would be reduced from 120° (required), to 86° (proposed).

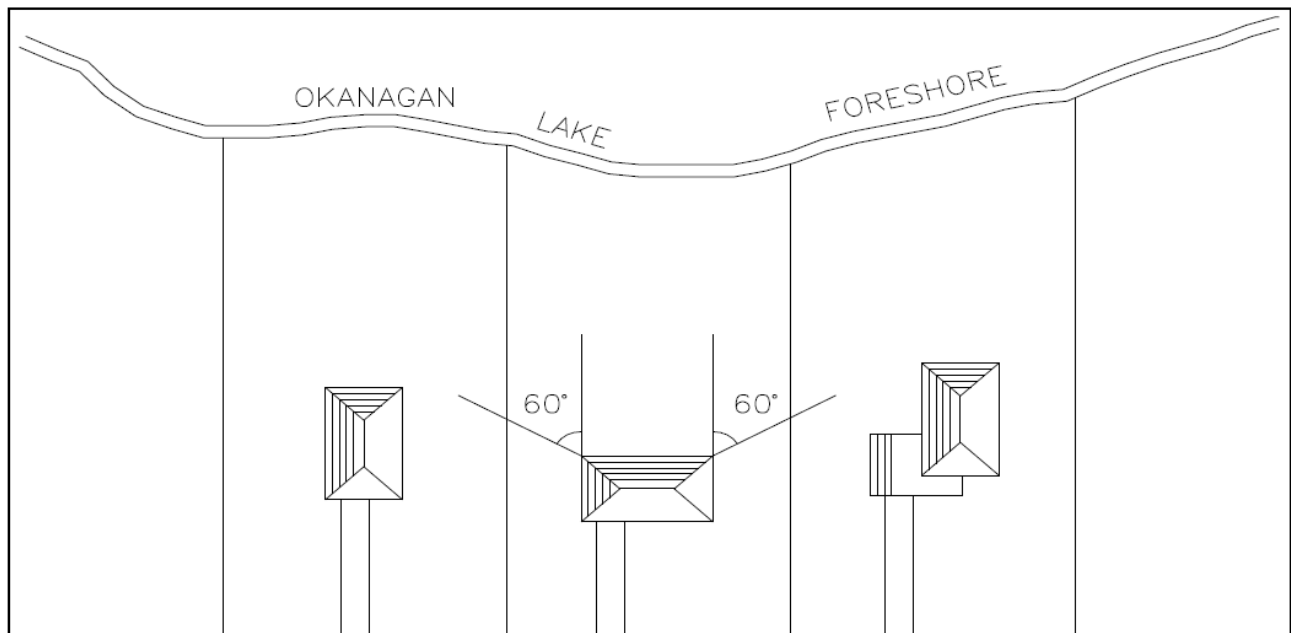


Diagram 6.2: Okanagan Lake 120° Panoramic Sight Line

While the applicant has not proposed a specific development or building envelope, a variance has been requested for the sight line requirements, which currently restrict the building envelope to the front (east) approximate 1/3 of the parcel. As no dwelling is being proposed at this time, the variance will only pertain to the Okanagan Lake 120° Panoramic Sight Line, but will provide

greater certainty to the building envelope in anticipation of a building design. As this site is within both the Natural Environment and Hazardous Condition Development Permit Areas, the proponent will be required to obtain a Natural Environment Development Permit including a geotechnical assessment prior to commencing construction on this parcel. As part of the 2009 application, the applicant has registered a no-build covenant on the lot protect the sensitive slopes adjacent to Okanagan Lake.

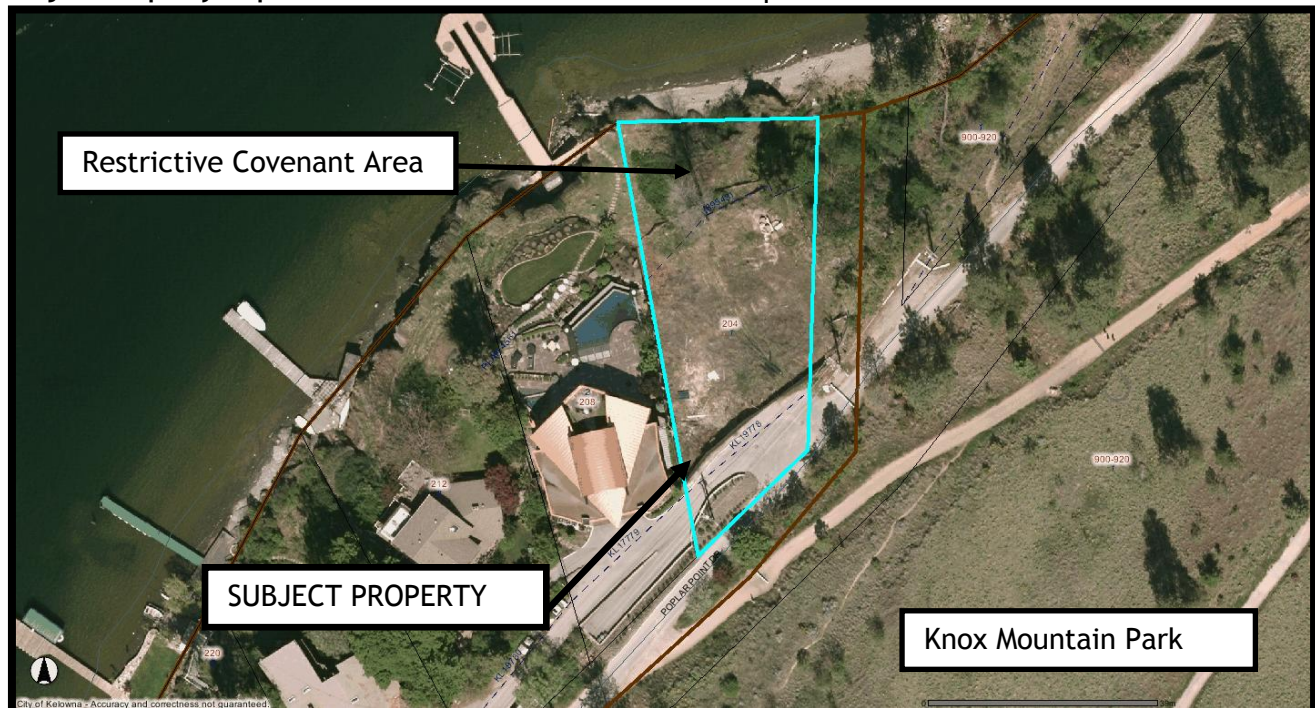
4.2 Site Context

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	W1 - Recreational Water Use	Okanagan Lake
East	P3 - Parks & Open Space	Road End access to lake
South	P3 - Parks & Open Space	Knox Mountain Park
West	RU1 - Large Lot Housing	Single Unit dwelling

Subject Property Map:

204 Poplar Point Drive



4.3 Zoning Analysis Table

The table below depicts this application's compliance with the requirements of the RU1 zone.

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Development Regulations		
Site Coverage (buildings)	<40%	40%
Site Coverage (buildings,	<50%	50%

driveways, and parking)		
Height	<9.5 m	9.5 m, 2 ½ storeys
Front yard	>6.0 m	6.0 m
Rear yard	>7.5 m	7.5 m
Side yard	>2.0 m	2.0 m
Other Regulations		
Okanagan Lake 120° Panoramic Sight Line (60° per abutting development)	26° •	60°
• Indicates that a variance is requested		

5.0 Technical Comments

5.1 Development Engineering Department

Application to encroach within the 60 degree sight line does not compromise any municipal services.

5.2 Fire Department

No Concerns

6.0 Application Chronology

Date of Application Received: November 7, 2014

Report prepared by:

Paul McVey, Urban Planner

Reviewed by:

☐

Lindsey Ganczar, Urban Planning Supervisor

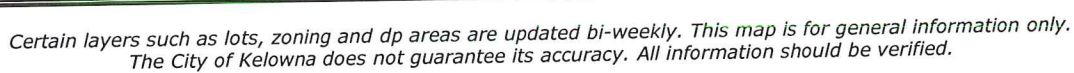
Approved for Inclusion:

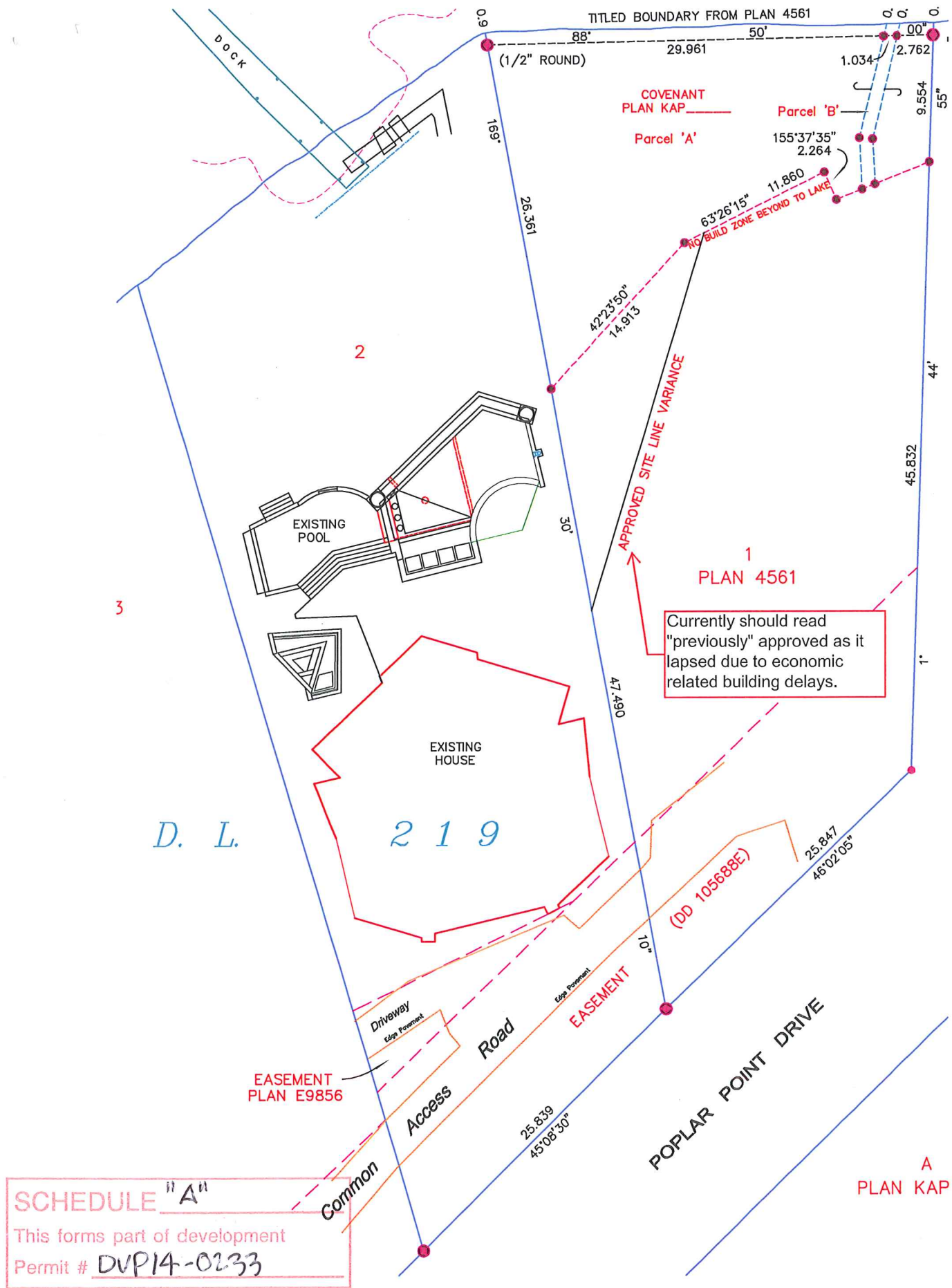
☐

Ryan Smith, Urban Planning Manager

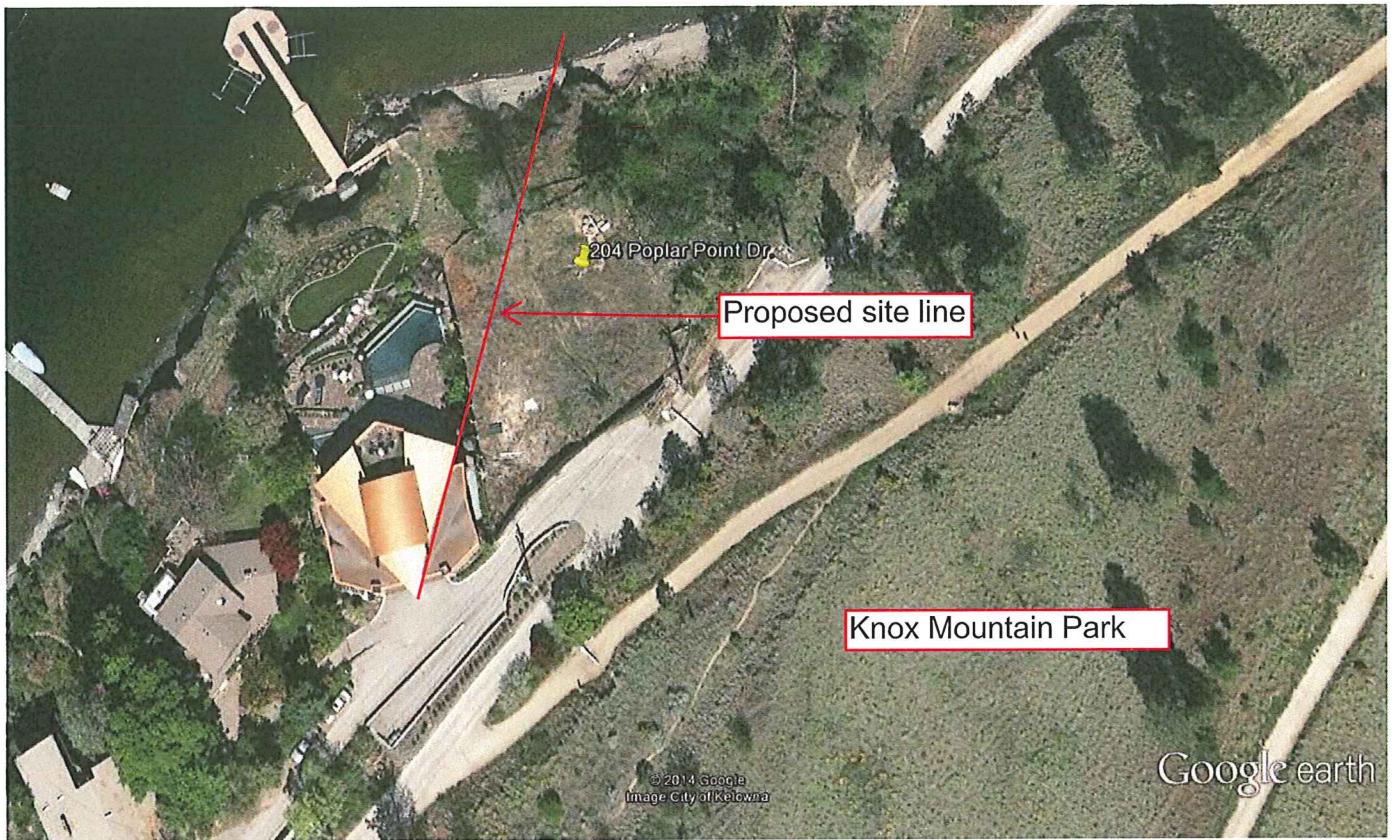
Attachments:

Subject property map
Site Plan (Schedule "A")
Context/Site Photos
Plan of restrictive covenant
Draft Development Variance Permit





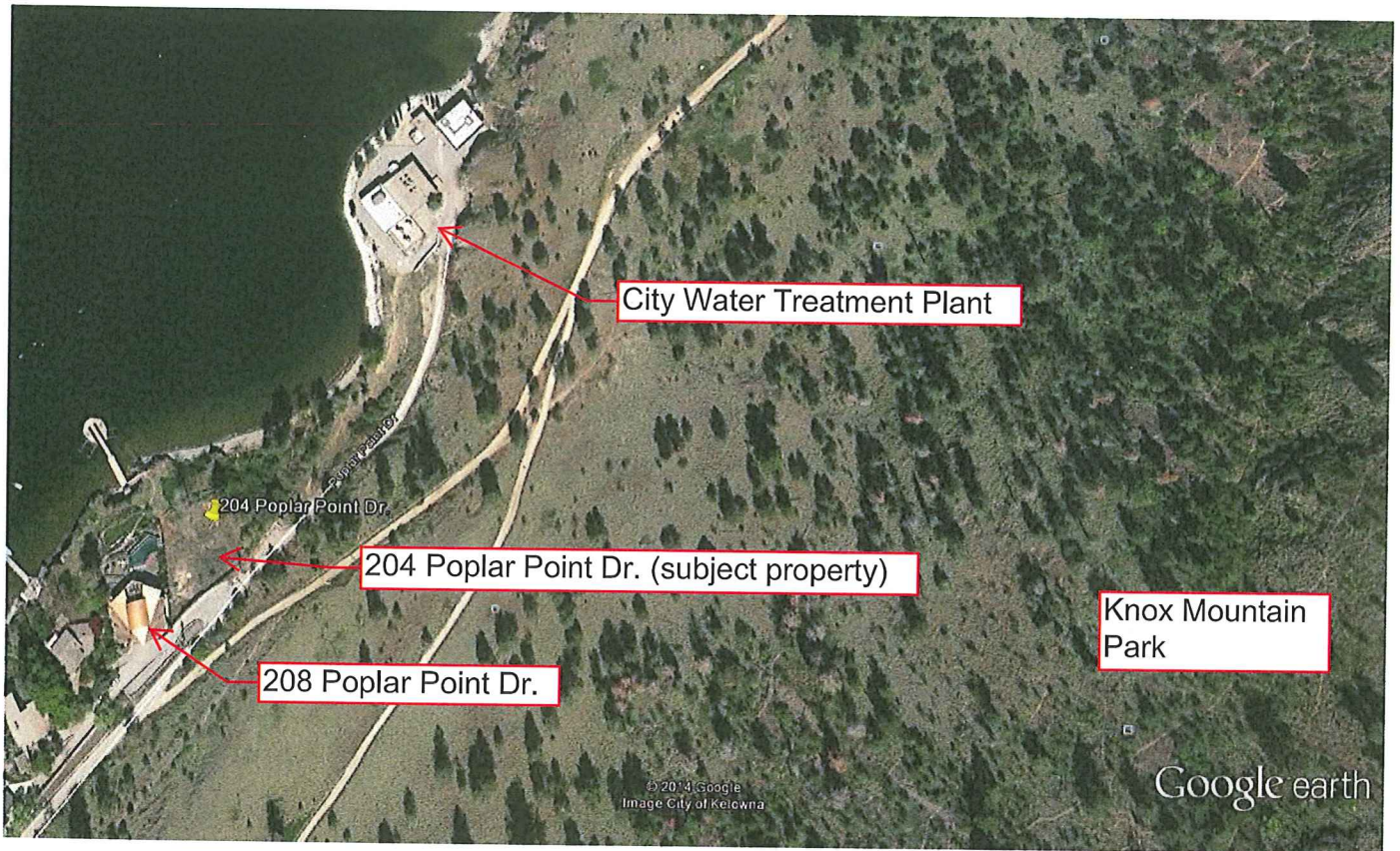
SITE PLAN OF LOT 1,
 PLAN 4561, DISTRICT LOT 219,
 DND



Google earth

feet 200
meters 90





Google earth

feet
meters



A landscape photograph showing a calm lake under a clear sky. In the background, a range of mountains is visible, with a small town or village nestled in a valley. The foreground is dominated by several large, dark green pine trees. To the left, a tree with bright red and yellow autumn foliage stands out. A small wooden structure, possibly a dock or shed, is partially visible near the water's edge. A white rectangular box with a red border is superimposed on the image, containing text. The overall scene is peaceful and scenic.

Photo from above
subject site facing
slightly West

Photo from top
edge of subject site
pointing West



Photo edge of subject site
overlooking shore line slightly
West

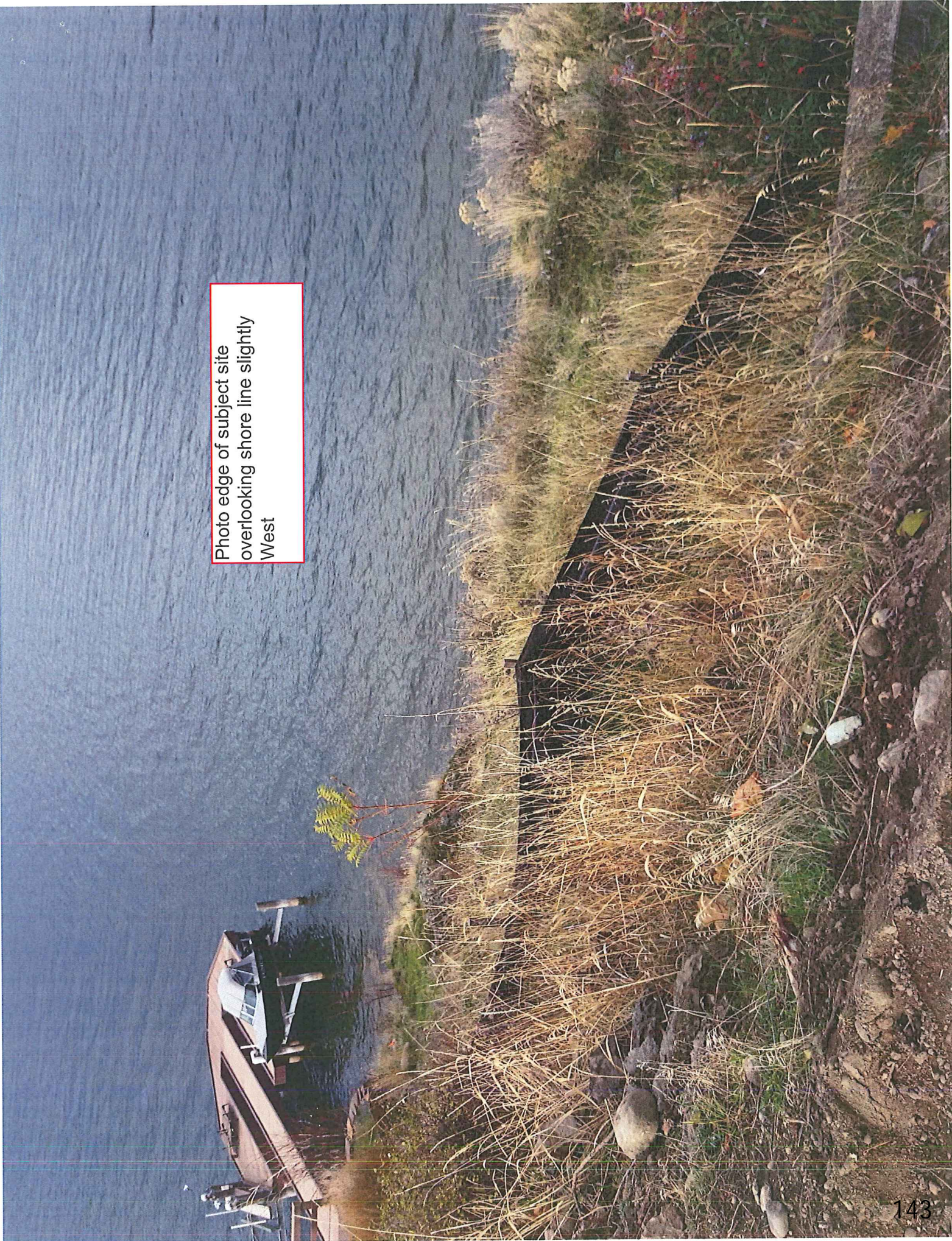


Photo lower edge of
subject site looking
West



Proposed site line

Photo from
uphill
overlooking
proposed site
line

Photo from above
looking down site line

Proposed site line

Photo from up
hill overlooking
both sites

Proposed site line



REFERENCE PLAN OF COVENANT OVER PART OF LOT 1, DISTRICT LOT 219, OSOYOOS DIVISION YALE DISTRICT, PLAN 4561

BCGS 82E.083 PURSUANT TO SECTION 99(1)(e) LAND TITLE ACT

0 5 10 25
SCALE 1:300 (All distances are in metres)

LEGEND

- Denotes standard iron post found
- Denotes standard iron post set
- ⊙ Denotes control monument found
- ⊕ Denotes non-standard post found

Grid bearings are derived from observations between control monuments 75H2443 and 75H2471. This plan shows ground level measured distances. Prior to computation of U.T.M. coordinates multiply by combined factor 0.9999351 Integrated survey area No. 4 - City of Kelowna.

PLAN KAP 89543

Deposited in the Land Title Office at Kamloops, B.C.,
this 11th day of August, 2009.

A. Brace

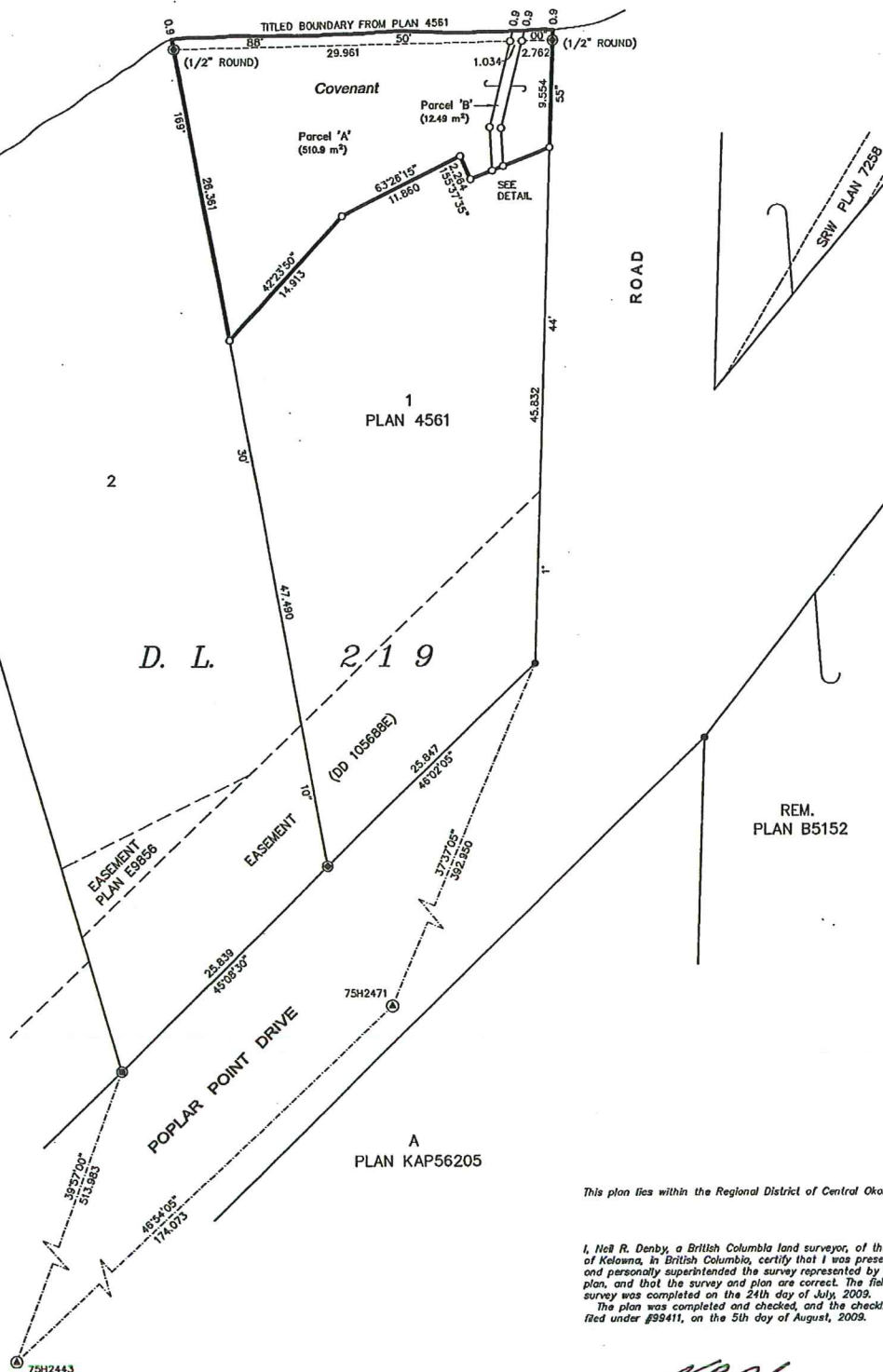
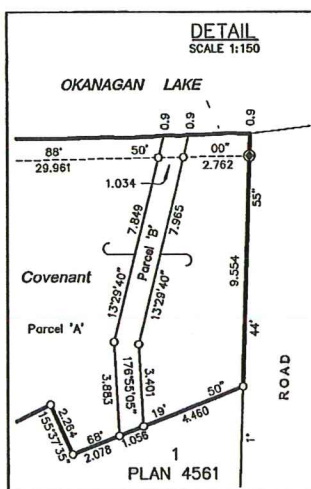
Registrar

for AS

LB330260

OKANAGAN LAKE

ROAD



This plan lies within the Regional District of Central Okanagan.

I, Neil R. Denby, a British Columbia land surveyor, of the City of Kelowna, in British Columbia, certify that I was present at and personally supervised the survey represented by this plan, and that the survey and plan are correct. The field survey was completed on the 24th day of July, 2009. The plan was completed and checked, and the checklist filed under #99411, on the 5th day of August, 2009.

Neil R. Denby

B.C.L.S.

RUNNALLS DENBY
british columbia land surveyors

259A Lawrence Avenue Kelowna, B.C. V1Y 6L2
Phone: (250)763-7322 Fax: (250)763-4413 Email: neil@runnallsdenby.com

DWG. No.: 12909 COV

FILE: 12909

ORIGINAL

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP14-0233

EXISTING ZONING DESIGNATION: RU6 - Two Dwelling Housing
WITHIN DEVELOPMENT PERMIT AREA: Intensive Residential - Character Neighbourhood Design Guideline

ISSUED TO: Rodney Hazard
LOCATION OF SUBJECT SITE: 204 Poplar Point Road

	LOT	D.L.	PLAN	DISTRICT
LEGAL DESCRIPTION:	1	219	4561	ODYD

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.
- ☐ Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

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

Section 6.11.1 - Okanagan Lake Sight Lines - To vary the required Okanagan Lake 120° Panoramic Sight Line to 86° proposed, resulting from the north sight line being reduced from 60° required, to 26° proposed as shown on Schedule "A".

3. PERFORMANCE SECURITY: None Required.

4. 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.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

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.

5. 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.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Divisional Director of Community Planning & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Urban Planning 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.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE ____ DAY OF _____, 2014.

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF _____, 2014 BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

Doug Gilchrist, Divisional Director - Community Planning & Real Estate

REPORT TO COUNCIL



Date: November 18, 2014

RIM No. 0940-50

To: City Manager

From: Urban Planning, Community Planning & Real Estate (LB)

Application: DVP14-0179 **Owner:** Lifestyles Strata Management

Address: 1886 Parkview Crescent **Applicant:** Jenine Trudeau

Subject: Development Variance Permit Application

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

Existing Zone: RM3 - Low Density Multiple Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0179, for the Common Property of Strata Plan KAS885, located on 1886 Parkview Crescent, Kelowna, BC;

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

Section 7.5.11: Fencing and Retaining Walls

To vary the maximum combined height of a fence on top of a retaining wall from 2.0 m permitted to 3.2 m proposed.

2.0 Purpose

To consider a Development Variance Permit application to vary the maximum combined height of a fence on top of a retaining wall from 2.0 permitted to 3.2 m proposed.

3.0 Urban Planning

Urban Planning staff support the requested variance to vary the maximum height of a fence and retaining wall to 3.2 m. The chain link fence will be 2.0 m in height on top of a concrete block retaining wall that will be 1.2 m in height. The structures will be along the north property line where a wood fence in need of replacement is currently located. The retaining wall is required because the subject property is higher in elevation than the abutting property to the north (Peacock Mobile Home Park).

The variance is being requested to facilitate adequate screening with a 2.0 m high fence. There is a large commercial area north of the subject property as well as a mobile home park to the immediate north. A variance would not be required if the fence was at least 1.2 m away from the

property line; however, further encroachment into the already limited rear yard space is not desirable.

There will be backfill along the retaining wall on the subject property to level the rear yard. The existing landscaping along the fence, which consists of some small shrubs and grasses, will be replaced with grass.

In accordance with Council Policy 367 - Public Notification & Consultation for Development Applications, the applicant has undertaken efforts to contact the neighbouring properties. No concerns were expressed to the applicant. To date, staff has not been contacted with any questions or concerns about the application. Peacock Mobile Home Park, located immediately north of the subject, provided written confirmation that they have no objections to the new fence and retaining wall being built to approximately the same height as the existing fence.

4.0 Proposal

4.1 Site Context

The subject property is located on the north side of Parkview Crescent between Leckie Road and Springfield Road. The property is designated MRL - Multiple Unit Residential (Low Density) in the Official Community Plan. The area surrounding the property is primarily residential with a mobile home park to the north, single family dwellings to the east, and other townhouse complexes to the south and west. Large-scale commercial uses are located farther north of the subject property.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM7 - Mobile Home Park	Peacock Mobile Home Park
East	RU1 - Large Lot Housing	Single family dwellings
South	RM3 - Low Density Multiple Housing	Columbus Place (townhouse complex) Pennington Court (townhouse complex)
West	RM3 - Low Density Multiple Housing	Orchard Place (townhouse complex)

Subject Property Map: 1886 Parkview Crescent**4.2 Zoning Analysis Table**

Zoning Analysis Table		
CRITERIA	RM3 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	900 m ²	12,590 m ²
Lot Width	30.0 m	84.01 m
Lot Depth	30.0 m	148.48 m
Fencing and Retaining Wall Regulations		
Combined Height	2.0 m	3.2 m ①
① Indicates a requested variance to vary the maximum combined height of a fence on top of a retaining wall at or within 1.2 m of the property line from 2.0 m permitted to 3.2 m proposed.		

5.0 Technical Comments**5.1 Building & Permitting Department**

- No comments.

5.2 Development Engineering Department

- See attached memorandum, dated September 25, 2014.

5.3 FortisBC - Gas

- Please be aware that we have a 42 PE main running along the property line.

6.0 Application Chronology

Date of Application Received: September 15, 2014
Date Public Consultation Completed: September 13, 2014

Report prepared by:

Laura Bentley, Planner

Reviewed by:



Lindsey Ganczar, Urban Planning Supervisor

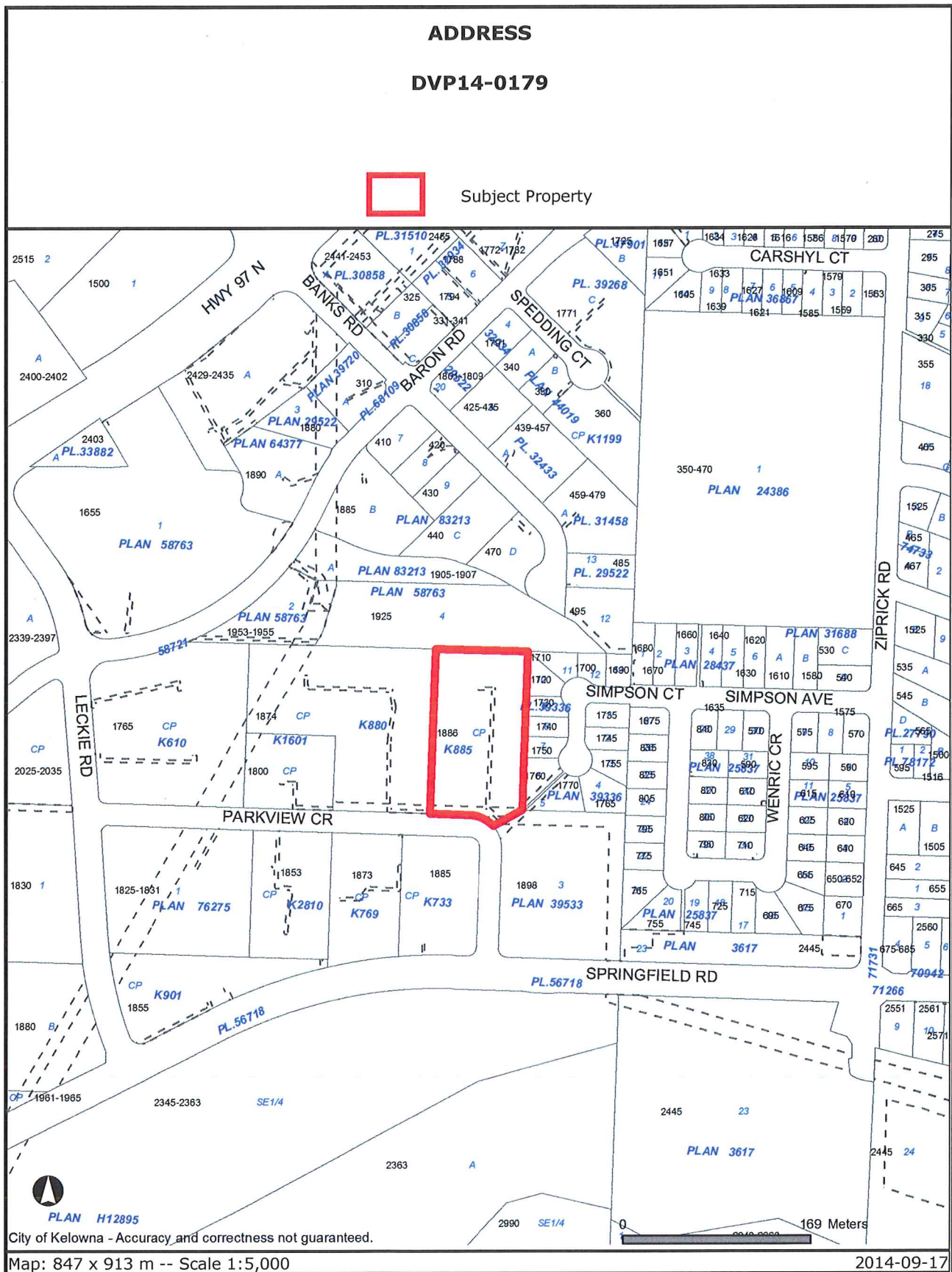
Approved for Inclusion:



Ryan Smith, Urban Planning Manager

Attachments:

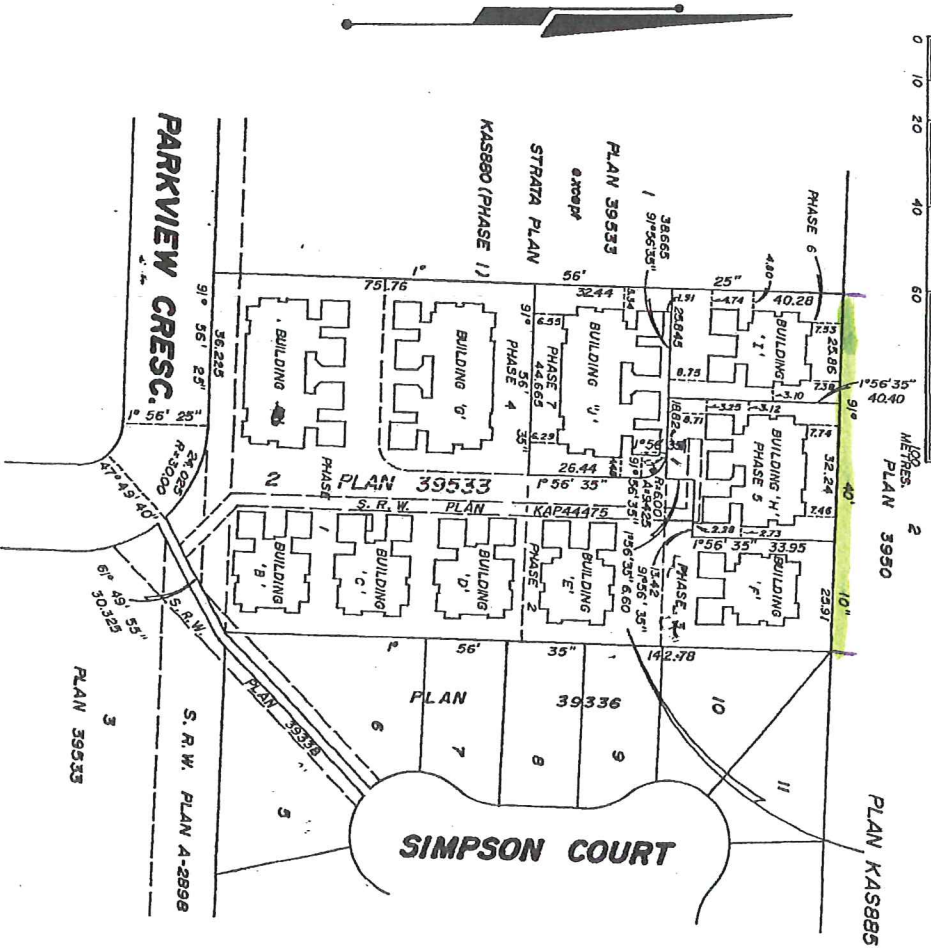
Subject Property Map
Site Plan
Existing Site Photos
Development Engineering Memorandum
Draft Development Variance Permit No. DVP14-0179



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.

PHASED STRATA PLAN OF LOT 2 PLAN 39533, SEC. 21, TP 26, O.D.Y.D. B.C.G.S. 82E.083

SCALE: 1:1000 CITY OF KELOWNA.



highlighted area - retaining wall & fence

STRATA PLAN KAS885
(PHASES 5, 6 & 7)
DEPOSITED AND REGISTERED IN THE
LAND TITLE OFFICE AT KAMLOOPS, B.C.
THIS DAY OF 1992.

[Signature]
REGISTRAR

ALL DISTANCES ARE IN METRES.
GRID BEARINGS ARE DERIVED FROM PLAN 39533.
LOT DIMENSIONS ARE FROM REGISTERED RECORDS.
THIS PLAN LIES WITHIN THE REGIONAL DISTRICT
OF CENTRAL OKANAGAN AND THE CITY OF KELOWNA.
INTEGRATED SURVEY AREA NO. 4, KELOWNA, B.C.

THE ADDRESS FOR THE SERVICE OF DOCUMENTS
ON THE STRATA CORPORATION IS:
THE OWNERS, STRATA PLAN KAS885,
5670 YEW STREET, VANCOUVER, B.C.
V6M 3Y3

CIVIC ADDRESS
1886 PARKVIEW CRESC., KELOWNA, B.C.
V1X 7G6

I, C.W. GEHUE, OF KELOWNA, B.C., BRITISH COLUMBIA
LAND SURVEYOR, HEREBY CERTIFY THAT THE BUILDINGS
ERECTED ON THE PARCEL DESCRIBED ABOVE ARE WHOLLY
WITHIN THE EXTERNAL BOUNDARIES OF THAT PARCEL.

[Signature]
C.W. GEHUE B.C.L.S.
DATED AT KELOWNA, B.C., THIS 13TH DAY OF AUGUST 1992.

C.W. GEHUE & ASSOCIATES
B.C. LAND SURVEYORS
201-1470 ST. PAUL ST. KELOWNA
V1Y 2E6 763-5711



fence 3'-4' below upper ground level



fence 3'-4' below upper ground
level




CITY OF KELOWNA
MEMORANDUM

Date: September 25, 2014
File No.: DVP14-0179
To: Urban Planning (LB)
From: Development Engineer Manager (SM)
Subject: 1886 Parkview Cres. KAS885, Sec. 21, Twp. 26, ODYD

The Development Engineering comments and requirements regarding this development variance application for the erection of a fence on top of a retaining wall exceeding the allowed 2.0 m. total maximum height are as follows:

1. General.

- a) The requested variance to increase the combined height of a new fence on top of a retaining wall does not compromise any Municipal infrastructure.
- b) This Application does not trigger any offsite upgrades.



Steve Muenz, P.Eng.
Development Engineering Manager

B²

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP14-0179

EXISTING ZONING DESIGNATION:	RM3 - Low Density Multiple Housing
DEVELOPMENT VARIANCE PERMIT:	To vary the maximum combined height for a fence on top of a retaining wall from 2.0 m permitted to 3.2 m proposed.

ISSUED TO:	Jenine Trudeau
LOCATION OF SUBJECT SITE:	1886 Parkview Crescent

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	Common Property-	-	-	-	-	Strata Plan KAS883

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.
- ☐ Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 7.5.11: Fencing and Retaining Walls

To vary the maximum combined height of a fence on top of a retaining wall from 2.0 m permitted to 3.2 m proposed.

2. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ N/A.
- (b) A Certified Cheque in the amount of N/A.
- (c) An Irrevocable Letter of Credit in the amount of N/A.

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

4. 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.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

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.

5. 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.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Divisional Director of Community Planning & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Community Planning & Real Estate 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.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE 9TH DAY OF DECEMBER 2014.
ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF DECEMBER 2014, BY THE
DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

Doug Gilchrist
Divisional Director of Community Planning & Real Estate

REPORT TO COUNCIL



Date: November 7th, 2014

RIM No. 0940-40

To: City Manager

From: Urban Planning, Community Planning & Real Estate (AC)

Application: DP14-0192 & DVP14-0241 **Owner:** Raisanen Construction Ltd.

Address: 1982 Kane Rd **Applicant:** Garry Fawley (PC Urban Properties Corp.)

Title: Development Permit & Development Variance Permit

Existing OCP Designation: COMM (Commercial)

Existing Zone: C-3 (Community Commercial)

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP14-0192 for Lot 1, Section 33, Township 26, ODYD, Plan 4043, located on 1982 Kane Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied;
5. The applicant be required to post with the City, a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council's approval of the Development Permit Application in order for the permit to be issued.

THAT Council authorize the issuance of Development Variance Permit No. DVP14-0241, Lot 1, Section 33, Township 26, ODYD, Plan 4043, located on 1982 Kane Road, Kelowna, BC.

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

Section 14.3.5 (d) - Development Regulations

To vary the front yard setback from 3.0 m to 1.5 m; and

Section 8.1 - Parking and Loading (Table 8.1 - Parking Schedule)

To vary the parking requirements as calculated within Table 8.1 - Parking Schedule from 63 parking stalls to 61 parking stalls.

2.0 Purpose

To consider a Development Permit and Development Variance Permit application for the form and character of a commercial development on the subject property.

3.0 Urban Planning

Staff supports the requested variances to the Zoning Bylaw and recommend issuance of the Development Permit.

This Development Permit reviewed the second phase of the Brandt's Creek development. Phase 2 was always anticipated to be an extension of Phase 1 and the intent is that they blend seamlessly together. Phase 2 employs the same bright exteriors and peak roof elements present in phase 1 as well as continuing the same principals employed in landscape design.

Building 5 includes a bank / financial service establishment which has an attached drive through. The C-3 zone does not permit "Drive-In Food Services" therefore this space cannot be converted in the future to a fast food restaurant without a rezoning or a text amendment.

The proposed building setback variance to Kane Road is reasonable as it is the same setback variance approved by Council in Phase 1 and helps to create an urban edge to the Kane frontages, while providing some additional flexibility for site planning and vehicle parking allocation. The applicant is proposing a two vehicle reduction in their off-street parking requirement for phase 2 which is approximately a 3% reduction. In Phase 1, Council approved a parking variance from 184 stalls to 169 stalls, which was approximately a 8% reduction. To date, Staff have received no complaints and the applicant states that the level of parking currently provided exceeds demand.

4.0 Proposal

4.1 Project Description

This Development Permit is for the second phase of the Brandt's Creek development at the intersection of Kane Road and Drysdale Boulevard. The second phase will be located to the east of the first phase and will complete the Brandt's Creek development. The phases together will comprise of 62,000 square feet of commercial development anchored by Coopers Foods and Shoppers Drug Mart.

Gable roof elements and parapet heights add variety and scale to the building massing. Hardi-plank panels (the principal finishing treatment) are used in a variety of colors and widths throughout the development. Generous fabric awnings and timber elements further animate the elevations and create a consistent approach between buildings.

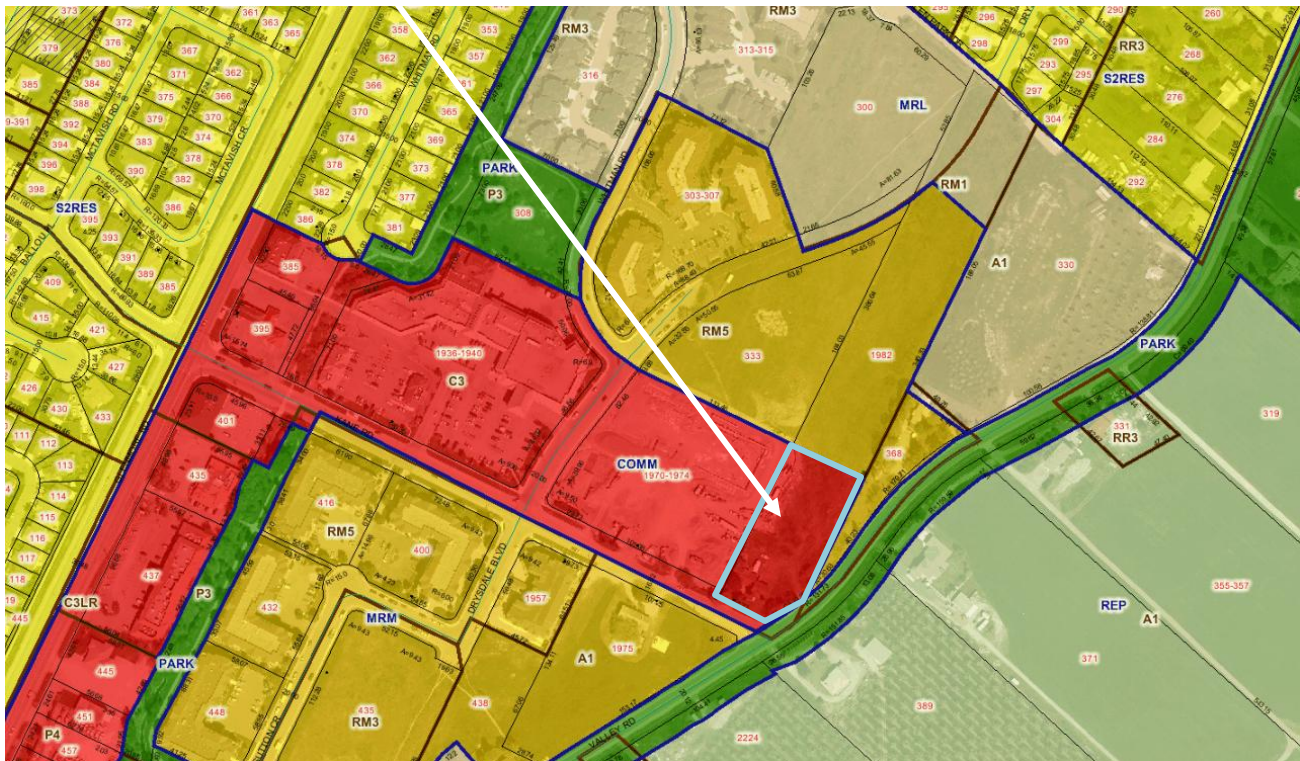
4.2 Site Context

The subject property is located at the corner of Valley Road and Kane Road. The property has a Future Land Use designation of COMM - Commercial in the Official Community Plan and is within the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM5 - Medium Density Multiple Housing	Vacant
East	A1 - Agriculture	Agriculture
South	A1 - Agriculture RM3 - Low Density Multiple Housing	Agriculture Multiple family dwellings
West	C3 - Community Commercial	Commercial

Subject Property Map: 1982 Kane Road



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C3 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	800 m ²	5,410 m ²
Lot Width	20.0 m	34.2 m
Lot Depth	30.0 m	104.2 m
Development Regulations		
Site Coverage (buildings)	50%	28.89%
FAR	1.0	0.29

Height	15 m (4 storeys)	1 storey
Front Yard (Kane Road)	3.0 m	1.5 m ❶
Side Yard (east)	2.0 m	0.0 m
Side Yard (west)	0.0 m	0.0 m
Rear Yard	6.0 m	9.0 m
Other Regulations		
Loading Spaces	1	1
Parking Stalls	63	60 ❷
Bicycle Spaces	12 spaces	12 spaces
❶ Indicates a requested variance to reduce the minimum rear yard from 3.0 m required to 1.5 m proposed. ❷ Indicates a requested variance to change the number of parking stalls from 63 required to 60 proposed.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Sensitive Infill.² Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

Urban Design Guidelines

Exterior Elevations and Materials.³ Continue higher quality materials used on the principal façade around any building corner or edge which is visible to the public;

Human Scale.⁴ Distinguish key building elements through the use of setbacks, projections, textures, materials, and detailing:

- Base: Within the first few storeys, a base should be clearly defined and positively contribute to the quality of the pedestrian environment;
- Middle: The body of the building above the base should contribute to, but not dominate, the physical and visual quality of the overall streetscape;
- Top: The roof should be distinguished from the rest of the building and designed to contribute to the visual quality of the skyline;

6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCCs) are required to be paid prior to issuance of any Building Permits.

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Policy 6.4 (Chapter 14 Urban Design Development Permit Areas)

⁴ City of Kelowna Official Community Plan, Policy 5.3 (Chapter 14 Urban Design Development Permit Areas)

- A Building Code analysis is required for the structure at time of building permit applications.
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.
- Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located.
- Washroom requirements for base building are to be addressed in the building permit application.
- Size and location of all signage to be clearly defined as part of the development permit. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

- See attached memorandum dated October 22nd, 2014.

7.0 Application Chronology

Date of Application Received: September 1st, 2014
 Date of Public Consultation: November 18th, 2014

Report prepared by:

Adam Cseke, Planner

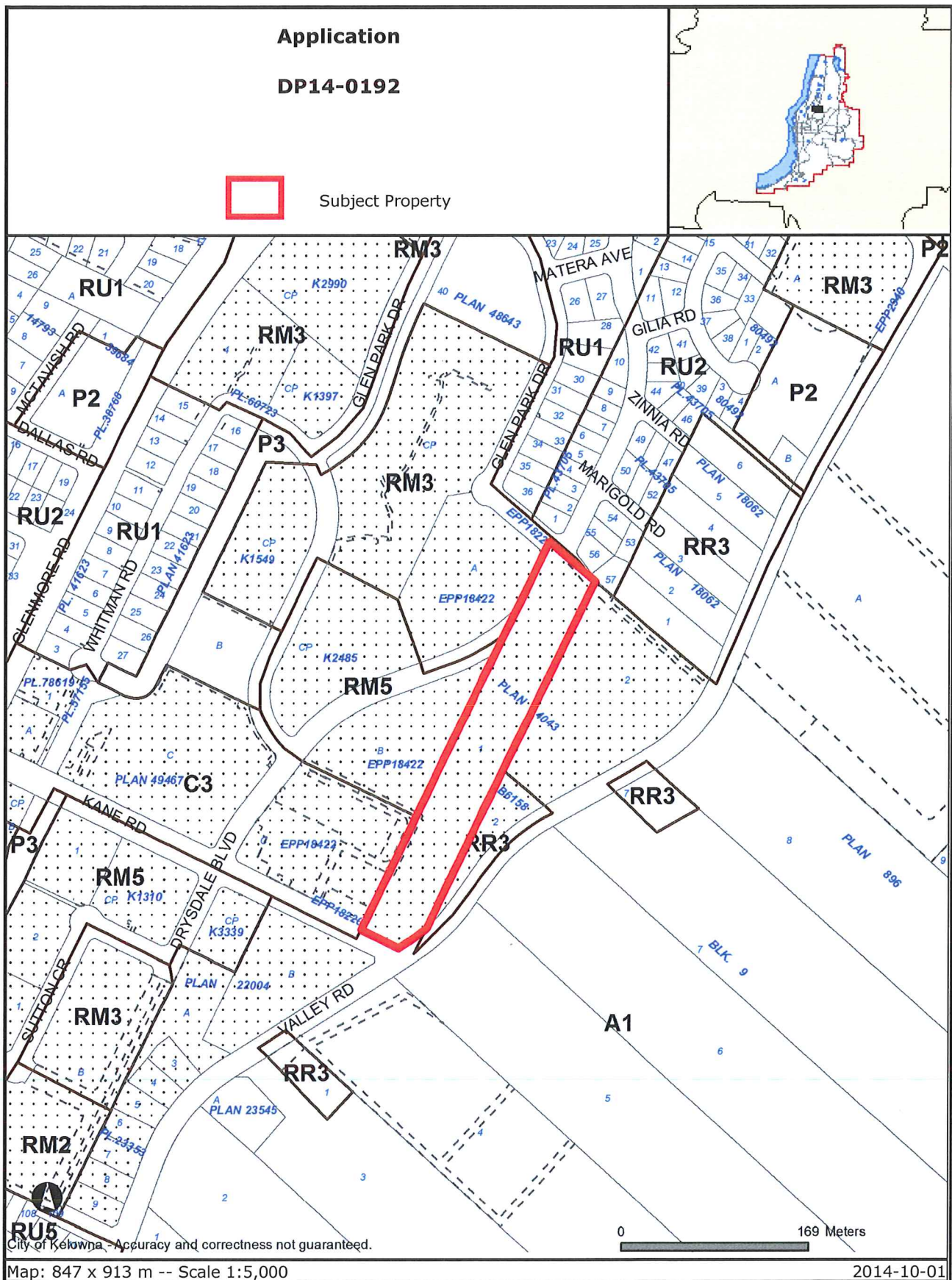
Reviewed by: ☐ Ryan Smith, Urban Planning Manager

Approved for Inclusion: ☐ Doug Gilchrist, Divisional Director -
 Community Planning & Real Estate

Attachments:

Subject Property Map
 Development Engineering Memorandum
 Draft Development Permit / Development Variance Permit

- Schedule 'A'
 - Site Plan
 - Floor Plan
- Schedule 'B'
 - Elevations
- Schedule 'C'
 - Landscape Plan



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
MEMORANDUM

Date: October 22, 2014
File No.: DP14-0192
To: Land Use Management (AC)
From: Development Engineering Manager
Subject: 1892 Kane Rd, Drysdale Blvd. Lot 1 Sec 33 TP 26 ODYD Plan 4043

The Development Engineering Branch comments and requirements regarding this application are as follows:

The Development Engineering Technologist for this project is John Filipenko. AScT

1. General.

Development Engineering servicing and frontage improvement requirements were addressed under File Z13-0006. The requirements must be satisfied prior to issuance of the Development Permit.

2. Domestic Water and Fire Protection

- (a) The property is located within the Glenmore Ellison Improvement District service area.
- (b) Ensure an adequately sized domestic water and fire protection system is in place. The developer is required to make satisfactory arrangements with the GEID for these items. All charges for service connection and upgrading costs are to be paid directly to the GEID.
- (c) Landscaped boulevards, complete with underground irrigation systems, must be integrated with the on-site irrigation system.

3. Storm Drainage

- (a) The developer must engage a consulting civil engineer to provide a storm water management plan for this development which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of lot grading plan, and recommendations for onsite drainage containment and disposal systems.

- (b) Provide a Storm Management and Lot-Grading Plan.

4. Geotechnical Report

- a) Provide a geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed development.**
- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
 - (ii) Site suitability for development. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
 - (iii) Any special requirements for construction of roads, utilities and building structures.
 - (iv) Recommendations for items that should be included in a Restrictive Covenant.
 - (v) Any items required in other sections of this document.
 - (vi) Recommendations for erosion and sedimentation controls for water and wind.

Steve Muenz, P. Eng.
Development Engineering Manager
JF/jf

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

- ☐ Development Permit No.: DP14-0192
- ☐ Development Variance Permit No.: DVP14-0241

EXISTING ZONING DESIGNATION: C-3 Community Commercial

WITHIN DEVELOPMENT PERMIT AREA: Comprehensive Development Permit Area

ISSUED TO: Raisanen Construction Ltd.

LOCATION OF SUBJECT SITE: 1982 Kane Road

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	1	33		26	ODYD	4043

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.
- ☐ Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

- The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
- Landscaping to be provided on the land be in general accordance with Schedule "C";

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

Section 14.3.5 - Development Regulations

To vary the front yard setback from 3.0 m to 1.5 m; and

Section 14.3.6 - Other Regulations

To vary the parking requirements from 63 parking stalls to 61 parking stalls.

2. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash; OR
- (b) A Certified Cheque; OR
- (c) An Irrevocable Letter of Credit in the amount of \$33,586.51 .

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

4. 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.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

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.

5. 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.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Divisional Director of Community Planning & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Community Planning & Real Estate 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.

6. APPROVALS:

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF _____, 2014 BY THE
DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

Doug Gilchrist
Divisional Director of Community Planning & Real Estate

SCHEDULE A
 This forms part of development
 Permit # **DP14-0192**

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REVISION:
 No. Description
 1. Initial
 2. Initial

DATE: 10/10/2014
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]



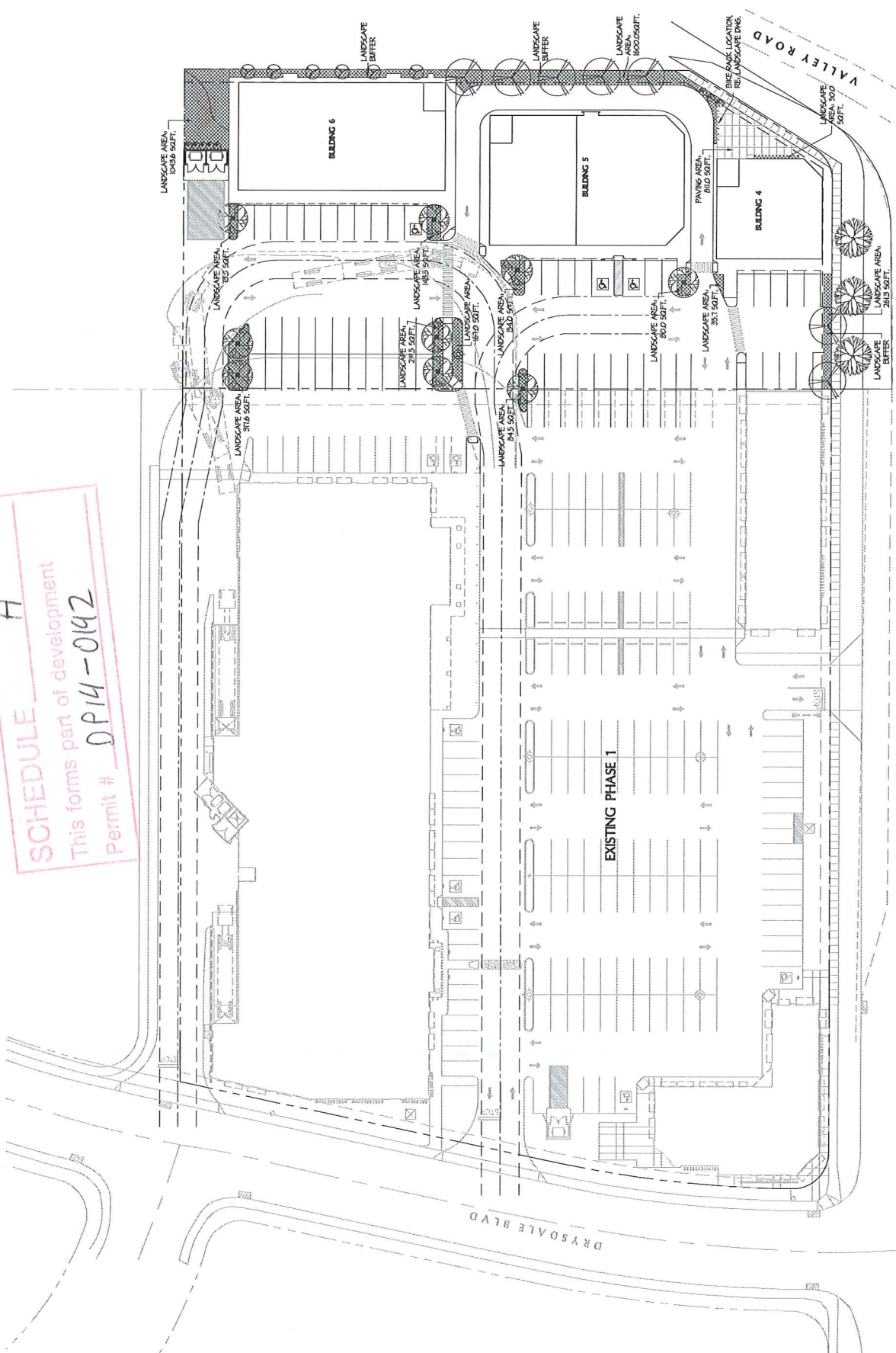
RCA
 Robert C. Anderson
 200 - 2338 Columbia Street
 Kelowna, BC V1Y 1Y3
 Tel: (250) 867-4241
 Fax: (250) 867-4242
 admin@rcaconsulting.com

**FC URBAN
 PROPERTIES CORP.**

**BRANDT'S
 CREEK CROSSING
 RETAIL CENTRE
 PHASE-2**
 1800 KANE ROAD
 KILGUNA, B.C.

**LANDSCAPE
 OVERLAY
 SITE PLAN**

AIL



KANE ROAD

VALLEY ROAD

DRYSDALE BLVD

EXISTING PHASE 1

BUILDING 4

BUILDING 5

BUILDING 6

LANDSCAPE AREA 1000 50FT.

LANDSCAPE AREA 800 50FT.

LANDSCAPE AREA 600 50FT.

LANDSCAPE AREA 400 50FT.

LANDSCAPE AREA 200 50FT.

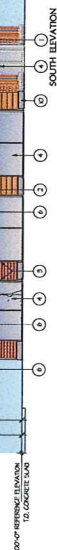
LANDSCAPE BUFFER

PAVING AREA 800 50FT.

BIKE LANE LOCATION REL. LANDSCAPE DMS.

PROPOSED LANDSCAPE BUFFERS:
 PROPOSED MINIMUM 5' (15 M) LANDSCAPE BUFFER ON KANE ROAD FRONTAGE
 PROPOSED MINIMUM 6' (1.8 M) LANDSCAPE BUFFER ON VALLEY ROAD FRONTAGE
 (SEE SHEET A11 FOR LANDSCAPE BUFFERING LOCATIONS)

LANDSCAPED OPEN SPACE WITHIN THE PARKING AREA:
 2133 SQ. FT. (20 SQ. M) PER PARKING 4 LANDSCAPE
 LANDSCAPE AREA REQUIRED: 2133 SQ. FT. X 60 STALLS = 127980 SQ. FT. (120 SQ. M)
 LANDSCAPE AREA PROVIDED: 42810 SQ. FT. (400 SQ. M)



PCA
Robert Gordon Architects Inc.
200 - 2339 Columbia Street
Vancouver, B.C.
Canada V5V 3Y3
Tel: (604) 687-4741
Fax: (604) 687-4641
rdginn@pca.cozarchitects.com



<p>NAME: _____</p> <p>DATE: _____</p>	<p>A2</p>
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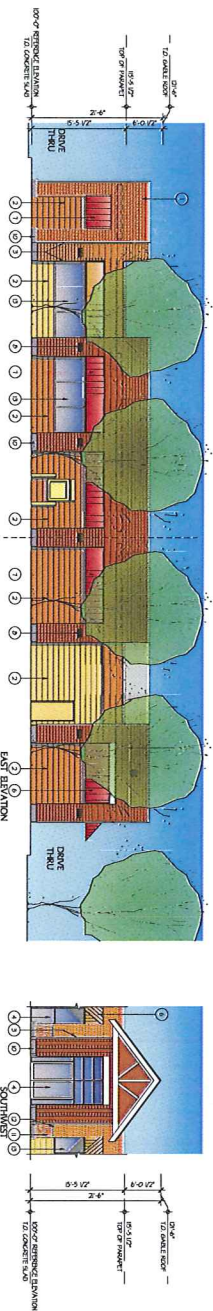
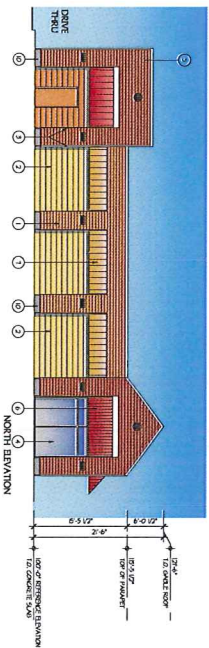
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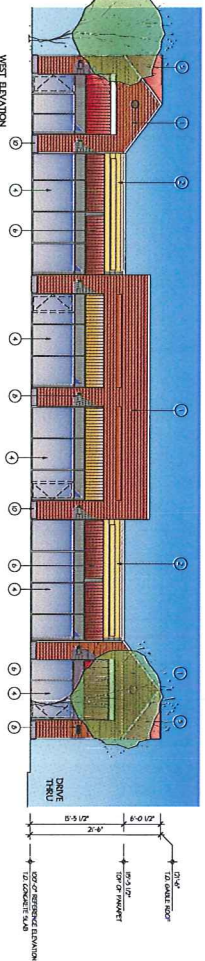
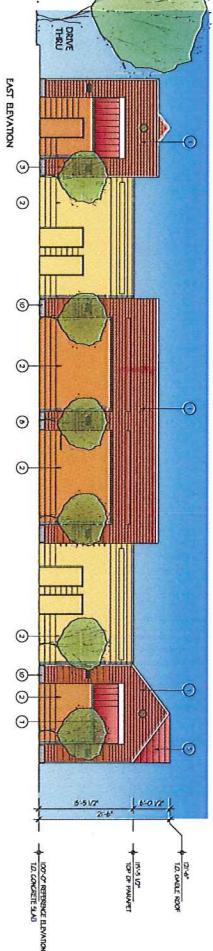
BRANDT'S
CREEK CROSSING
RETAIL CENTRE
PHASE-2
1987 KANE ROAD
KELONA, B.C.

COLOUR	01	100% (RAL 9001)
FINISH	UP + 1-0*	PERMETT. PERM.
WORK TYPE		RECA 337

COLOUR
ELEVATIONS
BUILDING 5

<p>Unit 3 only</p> <p>A3</p>	<p>For details see p. 10</p> <p>-</p>
------------------------------	---------------------------------------



PC URSAN
PROPERTIES CORP

BRANDT'S
CREEK CROSSING
RETAIL CENTRE
PHASE-2
1987 KANE ROAD
KELONA, B.C.

Permit # 0814-0192

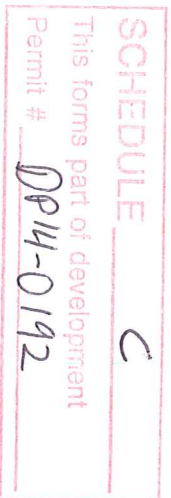
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Iomg
LANDSCAPE
ARCHITECTS
Suite C102 - 4185 8th Creek Drive
P. 604-584-0011 F. 604-584-0022

SCALE:

1. 1/8"=1'-0"	2. 1/4"=1'-0"	3. 1/2"=1'-0"	4. 3/4"=1'-0"	5. 1"=1'-0"	6. 1 1/4"=1'-0"	7. 1 1/2"=1'-0"	8. 1 3/4"=1'-0"	9. 2"=1'-0"	10. 3"=1'-0"	11. 4"=1'-0"	12. 6"=1'-0"	13. 8"=1'-0"	14. 10"=1'-0"	15. 12"=1'-0"	16. 14"=1'-0"	17. 16"=1'-0"	18. 18"=1'-0"	19. 20"=1'-0"	20. 22"=1'-0"	21. 24"=1'-0"	22. 26"=1'-0"	23. 28"=1'-0"	24. 30"=1'-0"	25. 32"=1'-0"	26. 34"=1'-0"	27. 36"=1'-0"	28. 38"=1'-0"	29. 40"=1'-0"	30. 42"=1'-0"	31. 44"=1'-0"	32. 46"=1'-0"	33. 48"=1'-0"	34. 50"=1'-0"	35. 52"=1'-0"	36. 54"=1'-0"	37. 56"=1'-0"	38. 58"=1'-0"	39. 60"=1'-0"	40. 62"=1'-0"	41. 64"=1'-0"	42. 66"=1'-0"	43. 68"=1'-0"	44. 70"=1'-0"	45. 72"=1'-0"	46. 74"=1'-0"	47. 76"=1'-0"	48. 78"=1'-0"	49. 80"=1'-0"	50. 82"=1'-0"	51. 84"=1'-0"	52. 86"=1'-0"	53. 88"=1'-0"	54. 90"=1'-0"	55. 92"=1'-0"	56. 94"=1'-0"	57. 96"=1'-0"	58. 98"=1'-0"	59. 100"=1'-0"	60. 102"=1'-0"	61. 104"=1'-0"	62. 106"=1'-0"	63. 108"=1'-0"	64. 110"=1'-0"	65. 112"=1'-0"	66. 114"=1'-0"	67. 116"=1'-0"	68. 118"=1'-0"	69. 120"=1'-0"	70. 122"=1'-0"	71. 124"=1'-0"	72. 126"=1'-0"	73. 128"=1'-0"	74. 130"=1'-0"	75. 132"=1'-0"	76. 134"=1'-0"	77. 136"=1'-0"	78. 138"=1'-0"	79. 140"=1'-0"	80. 142"=1'-0"	81. 144"=1'-0"	82. 146"=1'-0"	83. 148"=1'-0"	84. 150"=1'-0"	85. 152"=1'-0"	86. 154"=1'-0"	87. 156"=1'-0"	88. 158"=1'-0"	89. 160"=1'-0"	90. 162"=1'-0"	91. 164"=1'-0"	92. 166"=1'-0"	93. 168"=1'-0"	94. 170"=1'-0"	95. 172"=1'-0"	96. 174"=1'-0"	97. 176"=1'-0"	98. 178"=1'-0"	99. 180"=1'-0"	100. 182"=1'-0"	101. 184"=1'-0"	102. 186"=1'-0"	103. 188"=1'-0"	104. 190"=1'-0"	105. 192"=1'-0"	106. 194"=1'-0"	107. 196"=1'-0"	108. 198"=1'-0"	109. 200"=1'-0"	110. 202"=1'-0"	111. 204"=1'-0"	112. 206"=1'-0"	113. 208"=1'-0"	114. 210"=1'-0"	115. 212"=1'-0"	116. 214"=1'-0"	117. 216"=1'-0"	118. 218"=1'-0"	119. 220"=1'-0"	120. 222"=1'-0"	121. 224"=1'-0"	122. 226"=1'-0"	123. 228"=1'-0"	124. 230"=1'-0"	125. 232"=1'-0"	126. 234"=1'-0"	127. 236"=1'-0"	128. 238"=1'-0"	129. 240"=1'-0"	130. 242"=1'-0"	131. 244"=1'-0"	132. 246"=1'-0"	133. 248"=1'-0"	134. 250"=1'-0"	135. 252"=1'-0"	136. 254"=1'-0"	137. 256"=1'-0"	138. 258"=1'-0"	139. 260"=1'-0"	140. 262"=1'-0"	141. 264"=1'-0"	142. 266"=1'-0"	143. 268"=1'-0"	144. 270"=1'-0"	145. 272"=1'-0"	146. 274"=1'-0"	147. 276"=1'-0"	148. 278"=1'-0"	149. 280"=1'-0"	150. 282"=1'-0"	151. 284"=1'-0"	152. 286"=1'-0"	153. 288"=1'-0"	154. 290"=1'-0"	155. 292"=1'-0"	156. 294"=1'-0"	157. 296"=1'-0"	158. 298"=1'-0"	159. 300"=1'-0"	160. 302"=1'-0"	161. 304"=1'-0"	162. 306"=1'-0"	163. 308"=1'-0"	164. 310"=1'-0"	165. 312"=1'-0"	166. 314"=1'-0"	167. 316"=1'-0"	168. 318"=1'-0"	169. 320"=1'-0"	170. 322"=1'-0"	171. 324"=1'-0"	172. 326"=1'-0"	173. 328"=1'-0"	174. 330"=1'-0"	175. 332"=1'-0"	176. 334"=1'-0"	177. 336"=1'-0"	178. 338"=1'-0"	179. 340"=1'-0"	180. 342"=1'-0"	181. 344"=1'-0"	182. 346"=1'-0"	183. 348"=1'-0"	184. 350"=1'-0"	185. 352"=1'-0"	186. 354"=1'-0"	187. 356"=1'-0"	188. 358"=1'-0"	189. 360"=1'-0"	190. 362"=1'-0"	191. 364"=1'-0"	192. 366"=1'-0"	193. 368"=1'-0"	194. 370"=1'-0"	195. 372"=1'-0"	196. 374"=1'-0"	197. 376"=1'-0"	198. 378"=1'-0"	199. 380"=1'-0"	200. 382"=1'-0"	201. 384"=1'-0"	202. 386"=1'-0"	203. 388"=1'-0"	204. 390"=1'-0"	205. 392"=1'-0"	206. 394"=1'-0"	207. 396"=1'-0"	208. 398"=1'-0"	209. 400"=1'-0"	210. 402"=1'-0"	211. 404"=1'-0"	212. 406"=1'-0"	213. 408"=1'-0"	214. 410"=1'-0"	215. 412"=1'-0"	216. 414"=1'-0"	217. 416"=1'-0"	218. 418"=1'-0"	219. 420"=1'-0"	220. 422"=1'-0"	221. 424"=1'-0"	222. 426"=1'-0"	223. 428"=1'-0"	224. 430"=1'-0"	225. 432"=1'-0"	226. 434"=1'-0"	227. 436"=1'-0"	228. 438"=1'-0"	229. 440"=1'-0"	230. 442"=1'-0"	231. 444"=1'-0"	232. 446"=1'-0"	233. 448"=1'-0"	234. 450"=1'-0"	235. 452"=1'-0"	236. 454"=1'-0"	237. 456"=1'-0"	238. 458"=1'-0"	239. 460"=1'-0"	240. 462"=1'-0"	241. 464"=1'-0"	242. 466"=1'-0"	243. 468"=1'-0"	244. 470"=1'-0"	245. 472"=1'-0"	246. 474"=1'-0"	247. 476"=1'-0"	248. 478"=1'-0"	249. 480"=1'-0"	250. 482"=1'-0"	251. 484"=1'-0"	252. 486"=1'-0"	253. 488"=1'-0"	254. 490"=1'-0"	255. 492"=1'-0"	256. 494"=1'-0"	257. 496"=1'-0"	258. 498"=1'-0"	259. 500"=1'-0"	260. 502"=1'-0"	261. 504"=1'-0"	262. 506"=1'-0"	263. 508"=1'-0"	264. 510"=1'-0"	265. 512"=1'-0"	266. 514"=1'-0"	267. 516"=1'-0"	268. 518"=1'-0"	269. 520"=1'-0"	270. 522"=1'-0"	271. 524"=1'-0"	272. 526"=1'-0"	273. 528"=1'-0"	274. 530"=1'-0"	275. 532"=1'-0"	276. 534"=1'-0"	277. 536"=1'-0"	278. 538"=1'-0"	279. 540"=1'-0"	280. 542"=1'-0"	281. 544"=1'-0"	282. 546"=1'-0"	283. 548"=1'-0"	284. 550"=1'-0"	285. 552"=1'-0"	286. 554"=1'-0"	287. 556"=1'-0"	288. 558"=1'-0"	289. 560"=1'-0"	290. 562"=1'-0"	291. 564"=1'-0"	292. 566"=1'-0"	293. 568"=1'-0"	294. 570"=1'-0"	295. 572"=1'-0"	296. 574"=1'-0"	297. 576"=1'-0"	298. 578"=1'-0"	299. 580"=1'-0"	300. 582"=1'-0"	301. 584"=1'-0"	302. 586"=1'-0"	303. 588"=1'-0"	304. 590"=1'-0"	305. 592"=1'-0"	306. 594"=1'-0"	307. 596"=1'-0"	308. 598"=1'-0"	309. 600"=1'-0"	310. 602"=1'-0"	311. 604"=1'-0"	312. 606"=1'-0"	313. 608"=1'-0"	314. 610"=1'-0"	315. 612"=1'-0"	316. 614"=1'-0"	317. 616"=1'-0"	318. 618"=1'-0"	319. 620"=1'-0"	320. 622"=1'-0"	321. 624"=1'-0"	322. 626"=1'-0"	323. 628"=1'-0"	324. 630"=1'-0"	325. 632"=1'-0"	326. 634"=1'-0"	327. 636"=1'-0"	328. 638"=1'-0"	329. 640"=1'-0"	330. 642"=1'-0"	331. 644"=1'-0"	332. 646"=1'-0"	333. 648"=1'-0"	334. 650"=1'-0"	335. 652"=1'-0"	336. 654"=1'-0"	337. 656"=1'-0"	338. 658"=1'-0"	339. 660"=1'-0"	340. 662"=1'-0"	341. 664"=1'-0"	342. 666"=1'-0"	343. 668"=1'-0"	344. 670"=1'-0"	345. 672"=1'-0"	346. 674"=1'-0"	347. 676"=1'-0"	348. 678"=1'-0"	349. 680"=1'-0"	350. 682"=1'-0"	351. 684"=1'-0"	352. 686"=1'-0"	353. 688"=1'-0"	354. 690"=1'-0"	355. 692"=1'-0"	356. 694"=1'-0"	357. 696"=1'-0"	358. 698"=1'-0"	359. 700"=1'-0"	360. 702"=1'-0"	361. 704"=1'-0"	362. 706"=1'-0"	363. 708"=1'-0"	364. 710"=1'-0"	365. 712"=1'-0"	366. 714"=1'-0"	367. 716"=1'-0"	368. 718"=1'-0"	369. 720"=1'-0"	370. 722"=1'-0"	371. 724"=1'-0"	372. 726"=1'-0"	373. 728"=1'-0"	374. 730"=1'-0"	375. 732"=1'-0"	376. 734"=1'-0"	377. 736"=1'-0"	378. 738"=1'-0"	379. 740"=1'-0"	380. 742"=1'-0"	381. 744"=1'-0"	382. 746"=1'-0"	383. 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996"=1'-0"	508. 998"=1'-0"	509. 1000"=1'-0"	510. 1002"=1'-0"	511. 1004"=1'-0"	512. 1006"=1'-0"	513. 1008"=1'-0"	514. 1010"=1'-0"	515. 1012"=1'-0"	516. 1014"=1'-0"	517. 1016"=1'-0"	518. 1018"=1'-0"	519. 1020"=1'-0"	520. 1022"=1'-0"	521. 1024"=1'-0"	522. 1026"=1'-0"	523. 1028"=1'-0"	524. 1030"=1'-0"	525. 1032"=1'-0"	526. 1034"=1'-0"	527. 1036"=1'-0"	528. 1038"=1'-0"	529. 1040"=1'-0"	530. 1042"=1'-0"	531. 1044"=1'-0"	532. 1046"=1'-0"	533. 1048"=1'-0"	534. 1050"=1'-0"	535. 1052"=1'-0"	536. 1054"=1'-0"	537. 1056"=1'-0"	538. 1058"=1'-0"	539. 1060"=1'-0"	540. 1062"=1'-0"	541. 1064"=1'-0"	542. 1066"=1'-0"	543. 1068"=1'-0"	544. 1070"=1'-0"	545. 1072"=1'-0"	546. 1074"=1'-0"	547. 1076"=1'-0"	548. 1078"=1'-0"	549. 1080"=1'-0"	550. 1082"=1'-0"	551. 1084"=1'-0"	552. 1086"=1'-0"	553. 1088"=1'-0"	554. 1090"=1'-0"	555. 1092"=1'-0"	556. 1094"=1'-0"	557. 1096"=1'-0"	558. 1098"=1'-0"	559. 1100"=1'-0"	560. 1102"=1'-0"	561. 1104"=1'-0"	562. 1106"=1'-0"	563. 1108"=1'-0"	564. 1110"=1'-0"	565. 1112"=1'-0"	566. 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NO.	DATE	REVISION DESCRIPTION	DR	PR
1	14-NOV-11	UPDATE PROJECT COMMENTS	CSJ	
2	14-NOV-11	POSSIBLE IMP		
3	14-SEP-16	REV. OF PLAN		

DATE: 14.AUO.21 DRAWING NUMBER: 14-106

SCALE: 1/8" = 10"

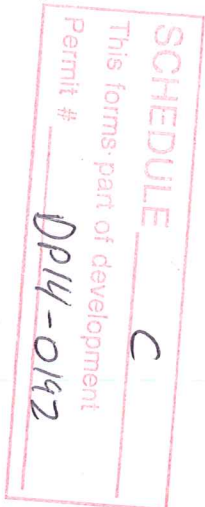
DRAWN: MR

DESIGN: MR

CHECK: PC

OF 4

PAGE PROJECT NUMBER: 14-106



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pmg
LANDSCAPE
ARCHITECTS

5501 C/O 105 SHI CAY DRIVE
BURNING WOODS, OHIO 44125
P. 204-294-0011 • F. 204-294-0022

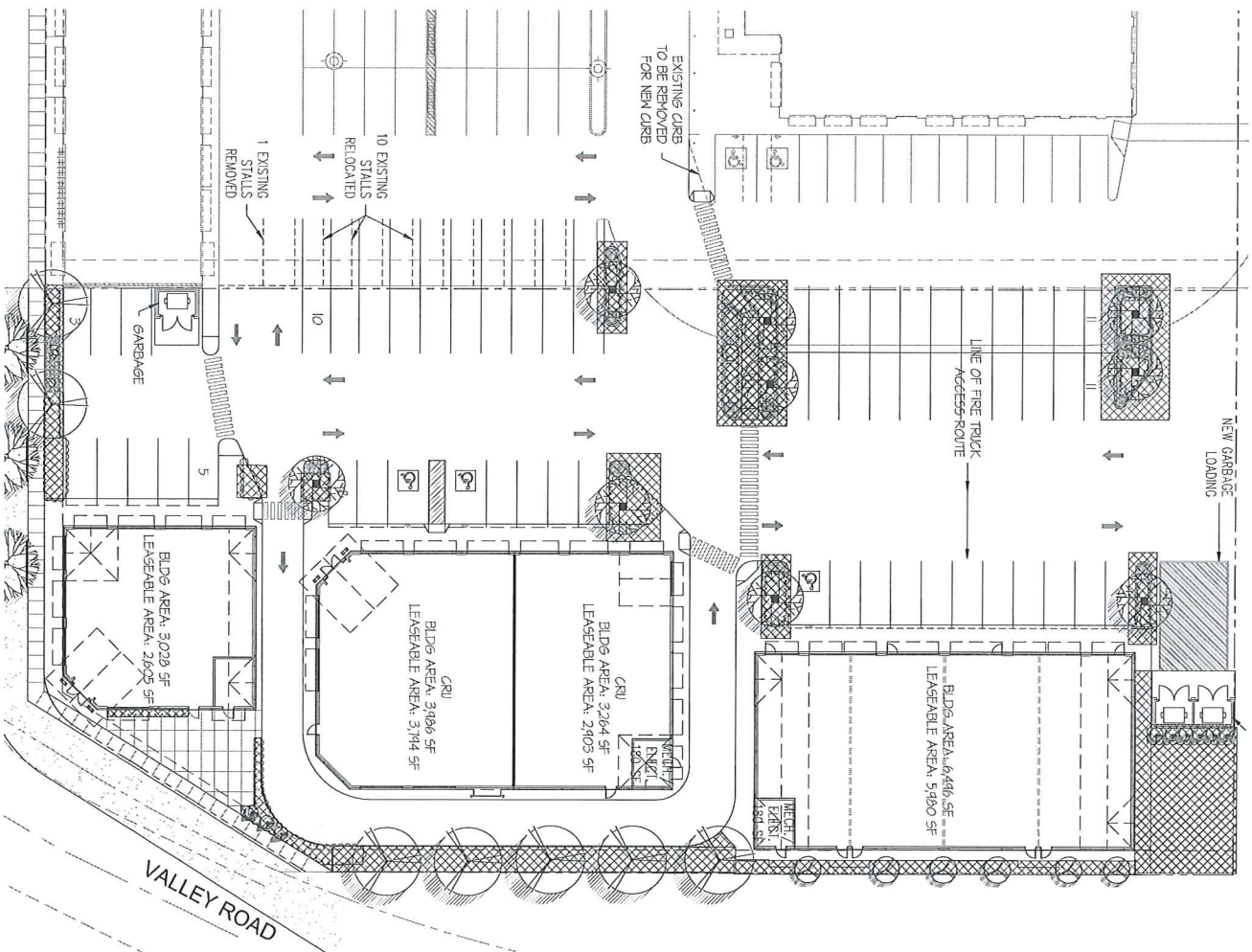
52AL

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PROJECT:
LOT 1
1982 KANE ROAD
KELOWNA, B.C.

DATE:	14 AUG 21	DRAWING NUMBER:	
SCALE:	1/16" = 1"0"		
DRAWN:	MR		
DESIGN:	MR		
CHECK:	PC		
		OF 4	

SCHEDULE C
This forms part of development
Permit # DP14-0192



- LOW WATER USE REQUIREMENT
- MEDIUM WATER USE REQUIREMENT
- HIGH WATER USE REQUIREMENT

LANDSCAPE NOTES
PLANTS HAVE BEEN GROUPED INTO HIGH, MEDIUM AND LOW WATER REQUIREMENT AREAS. SEE DRAWING.
REFER TO DRAWING L14.1 FOR PLANT SPECIES.
USE OF RIVER ROCK, Boulders and shale mulch have been utilized ALONG WITH PROPOSED TOLERANT PLANTING TO MINIMIZE WATER USE.
WATER EVAPORATION IN SOIL.
AT THE TIME OF APPLICATION, THE LANDSCAPE PLAN IS SUBJECT TO AND COMPLIES WITH THE LANDSCAPE WATER CONSERVATION DESIGN REQUIREMENTS OF THE CITY OF KEDLOWNA FOR THE EFFICIENT USE OF WATER.
AT THE TIME OF SUBMITTAL, PERFORMANCE OF THE CONSTRUCTION, THE WATER CONSERVATION AND LANDSCAPE PLANS SPECIFICATIONS AND IRRIGATION NOTES.
ALL SOFT LANDSCAPE AREAS TO BE AUTOMATICALLY IRRIGATION WITH DESIGNER'S IRRIGATION SYSTEM TO ILLA.B.C. STANDARDS. SYSTEM TO INCLUDE RAIN SENSOR.
IRRIGATION DESIGN, INSPECTION, AND CERTIFICATION TO BE COMPLETED BY A CERTIFIED IRRIGATION DESIGNER AND MEMBER OF THE IRRIGATION INDUSTRY ASSOCIATION OF BRITISH COLUMBIA.

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LANDSCAPE ARCHITECTS
Suite 1100 • 4195 8th Street West
Burnaby, British Columbia V5C 2G3
P: 604-294-9111 F: 604-294-9102

SCALE

DRAWING TITLE:
IRRIGATION ZONES

DATE: 14 AUG 21
SCALE: 1/8" = 1'-0"
DRAWN: MM
CHECKED: MM
CLIENT: PC

PROJECT:
**LOT 1
1982 KANE ROAD
KEDLOWNA, B.C.**

CLIENT:
PC URBAN

NO. DATE REVISION DESCRIPTION DR.

1	14 AUG 21	ISSUED FOR TENDERS	MM
2	14 AUG 21	REVISED PLAN	MM

1499-309-29

14-106

REPORT TO COUNCIL



Date: November 19, 2014

RIM No. 0940-50

To: City Manager

From: Urban Planning, Community Planning & Real Estate (LB)

Application: DVP14-0166 **Owner:** Jocelyn & Bradley Airey

Address: 924 Fairway Crescent **Applicant:** Jocelyn & Bradley Airey

Subject: 2014-11-04 Report - DVP14-0166 - 924 Fairway Cres

Existing OCP Designation: S2RES - Single / Two Unit Residential

Existing Zone: RU1 - Large Lot Housing

1.0 Recommendation

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP14-0166, Lot B, Section 29, Township 26, ODYD, Plan 22497, located on 924 Fairway Crescent, Kelowna, BC.

2.0 Purpose

To consider staff's recommendation to NOT authorize a Development Variance Permit application to vary the front yard from 6.0 m permitted to 3.0 m proposed.

3.0 Urban Planning

Urban Planning staff do not support the requested variance to reduce the front yard setback to accommodate an addition to the existing attached garage. The minimum regulation for a garage having vehicular entry from the front is intended to limit land use conflicts and safety concerns. On driveways less than 6 m in length, vehicles often overhang onto the road right-of-way. The applicant inquired about this variance in early 2014 and was informed that staff would not support a front yard variance request.

On the subject property, the property line / end of the driveway immediately abuts the paved road surface without a landscaped boulevard as buffer. Reducing the front yard setback to 3 m would not allow for a vehicle to park on the driveway without overhanging onto the road. Although Fairway Crescent has a wide right-of-way and paved boulevard in this section, this presents a safety concern.

The existing dwelling is already closer to the front property line than adjacent properties and the proposed addition would bring it still closer, affecting the character of the neighbourhood. Furthermore, the proposed garage length is approximately 9.75 m, which is not sufficient to accommodate two vehicles with tandem parking. Therefore, the minimum parking requirements for a single family residential use would not be met.

Staff discussed other options with the applicant to achieve the desired increase in garage space, including extending the garage towards the rear of the house. Due to the basement and covered deck at the rear of the property, this option was not reasonable. The applicant also proposed different driveway configurations, but these could not address access and safety concerns.

In accordance with Council Policy 367 - Public Notification & Consultation for Development Applications, the applicant has undertaken efforts to contact the neighbouring properties within 50 m of the subject property. One neighbour expressed concerns that the application may set a precedent. To date, staff have not been contacted with any questions or concerns regarding the application.

4.0 Proposal

4.1 Project Description

The applicant is seeking to build an addition to extend the existing single car attached garage towards the front property line, along Fairway Crescent. The intent is to create additional storage and parking space to increase the home's functionality.

4.2 Site Context

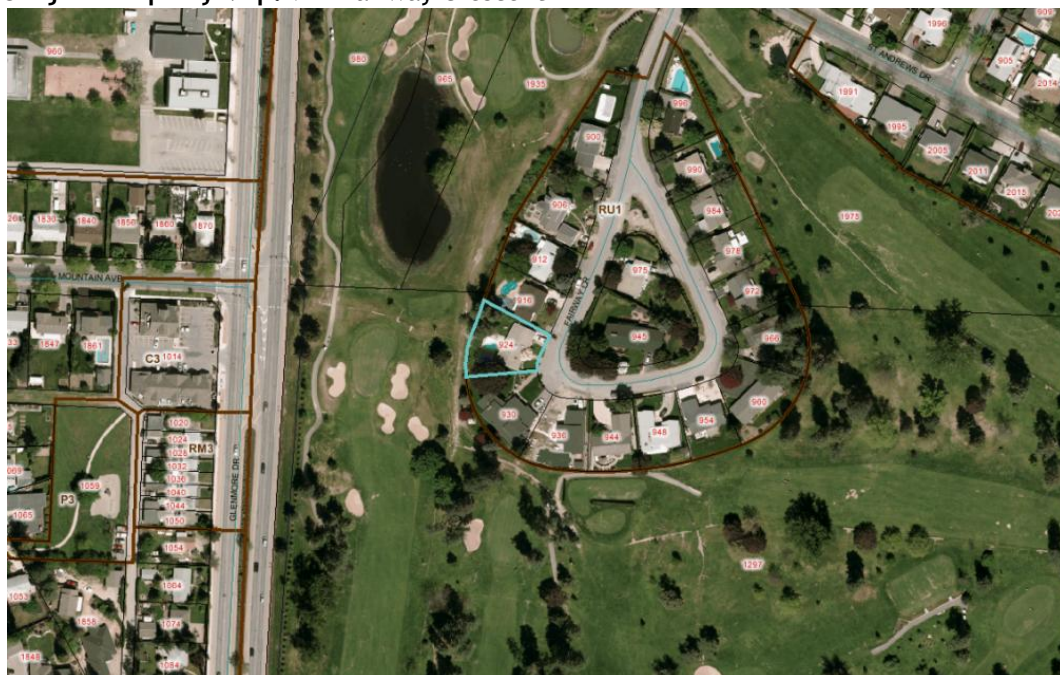
The subject property is located on the west side of Fairway Crescent in the Glenmore-Clifton-Dilworth sector. The property is designated S2RES - Single / Two Unit Residential in the Official Community Plan and is within the Permanent Growth Boundary.

The property backs onto the Kelowna Golf and Country Club and is otherwise within a low density residential area.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Single family dwelling
East	RU1 - Large Lot Housing	Single family dwelling
South	RU1 - Large Lot Housing	Single family dwelling
West	P3 - Parks and Open Space	Kelowna Golf and Country Club

Subject Property Map: 924 Fairway Crescent



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550 m ²	1,102 m ²
Lot Width	16.5 m	19.54 m
Lot Depth	30.0 m	38.09 m
Development Regulations		
Site Coverage (buildings)	40%	20%
Site Coverage (buildings, driveways & parking)	50%	21.9%
Height	9.5 m	4.16 m
Front Yard	6.0 m	3.0 m ❶
Side Yard (south)	m	m
Side Yard (north)	2.0 m	2.18 m
Rear Yard	7.5 m	Meets requirements
❶ Indicates a requested variance to reduce the front yard from a garage having vehicular entry from the front from 6.0 m permitted to 3.0 m proposed.		

5.0 Technical Comments

5.1 Building & Permitting Department

- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

5.2 Development Engineering Department

- See attached memorandum, dated September 18, 2014.

6.0 Application Chronology

Date of Application Received: September 5, 2014
Date Public Consultation Completed: July 10, 2014

7.0 Alternate Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0166, for Lot B, Section 29, Township 26, ODYD, Plan 22497, located on 924 Fairway Crescent, Kelowna, BC;

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

Section 13.1.6(c): RU1 - Large Lot Housing Development Regulations

To vary the front yard from 6.0 m permitted to 3.0 m proposed.

Report prepared by:

Laura Bentley, Planner

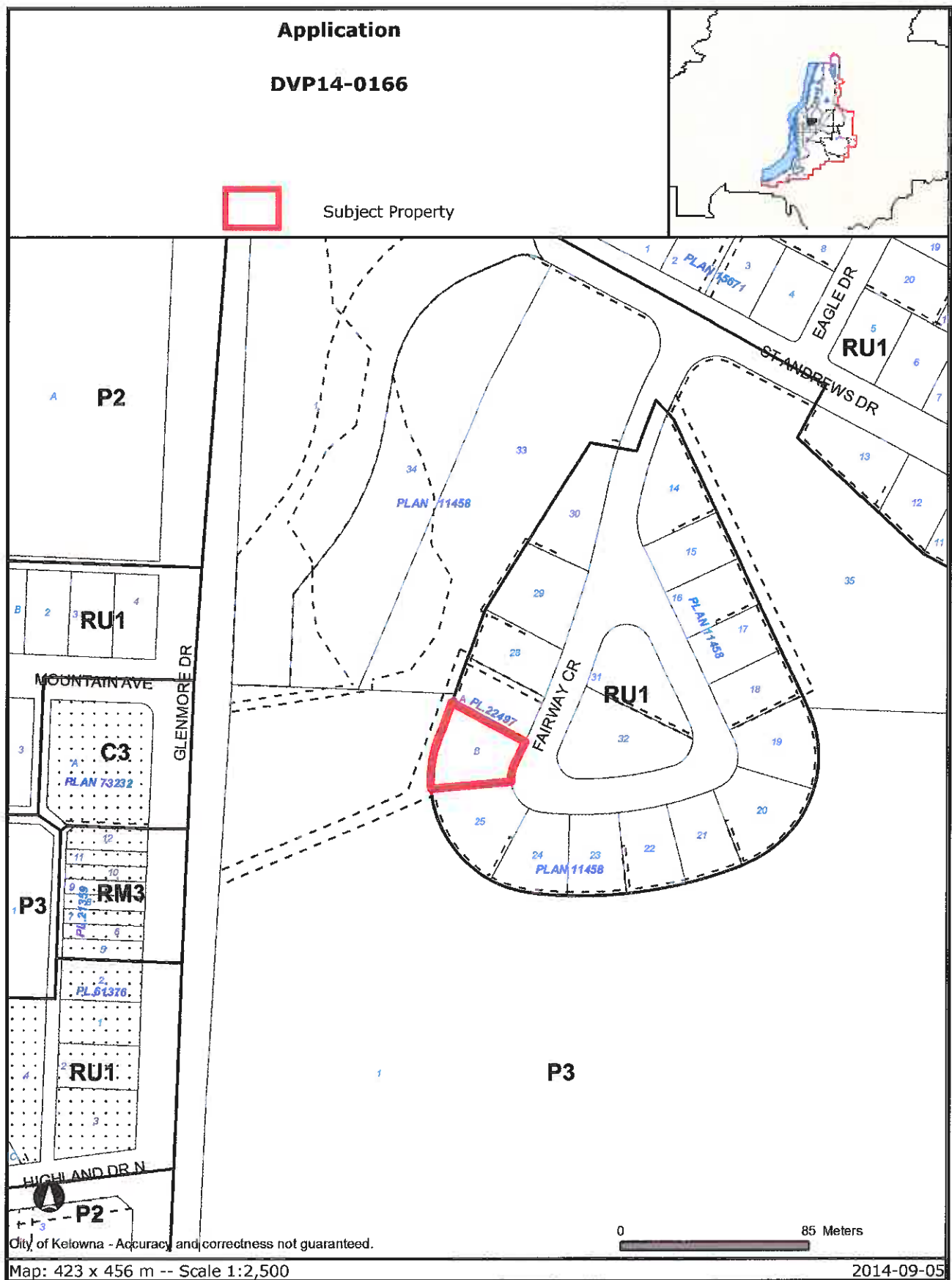
Reviewed by: ☐ Lindsey Ganczar, Urban Planning Supervisor

Reviewed by: ☐ Ryan Smith, Urban Planning Manager

Approved for Inclusion: ☐ Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

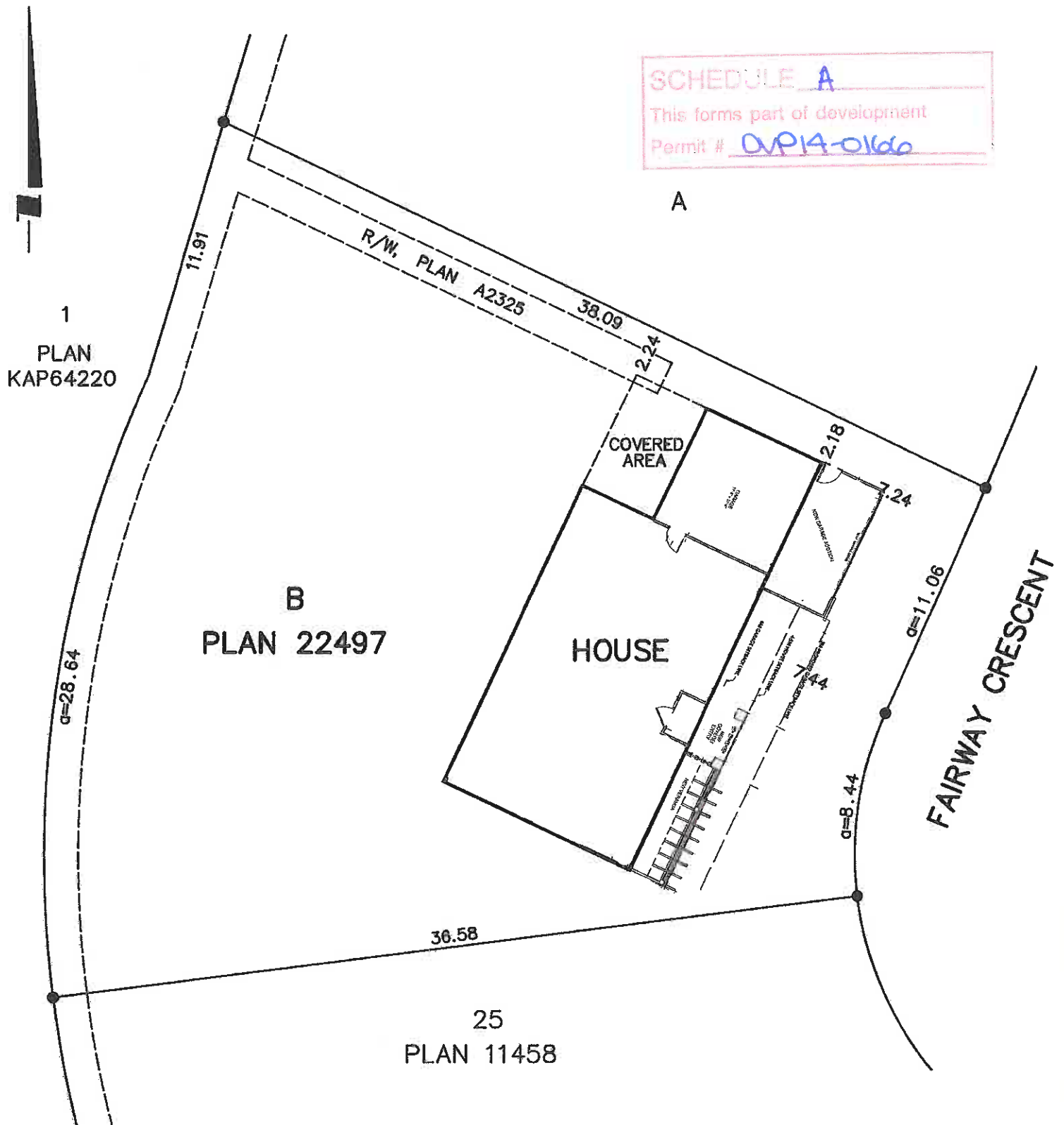
Subject Property Map
Site Plan - Schedule A
Floor Plan - Schedule A
Elevations - Schedule B
Colour Board - Schedule B
Site Photo and Rendering
Development Engineering Memorandum
Draft Development Variance Permit



SKETCH PLAN SHOWING SURVEY EVIDENCE FOUND ON LOT B SECTION 29 TOWNSHIP OSOYOOS DIVISION YALE DISTRICT PLAN 22497

PID: 006-826-741

924 FAIRWAY CRESCENT



SCHEDULE A

This forms part of development

Permit # 0014-0166

A

B

HOUSE

FAIRWAY CRESCENT

CLIENT: BRAD AIREY

DATE: JANUARY 24, 2014

SCALE: 1:250 METRES

FILE: 19804

DRAWN BY: CF

Ferguson Land Surveying & Geomatics Ltd.

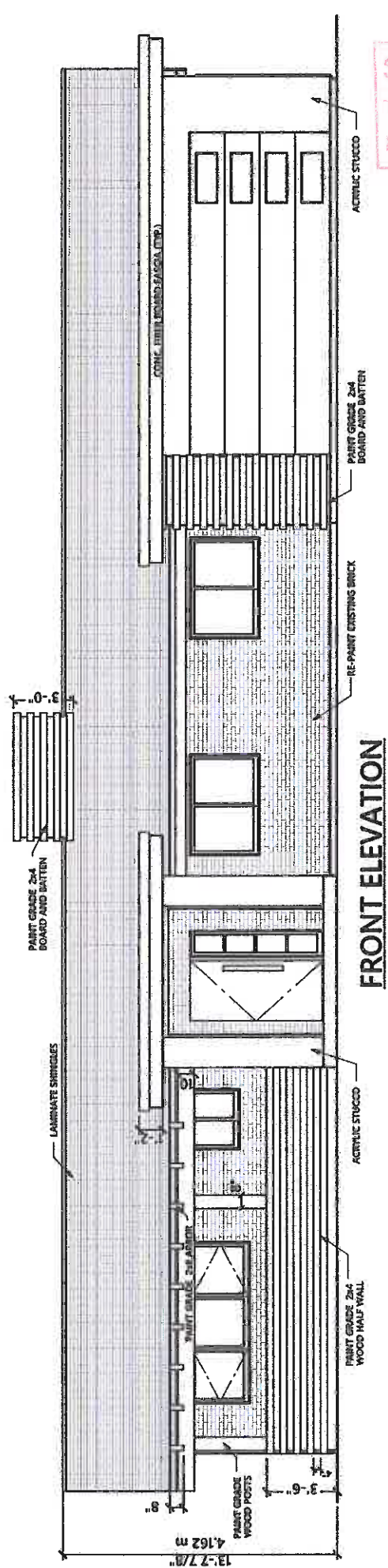
BC AND CANADA LAND SURVEYORS 404-1630 PANDOSY STREET, KELOWNA, BC
PHONE: (250) 763-3115 FAX: (250) 763-0321

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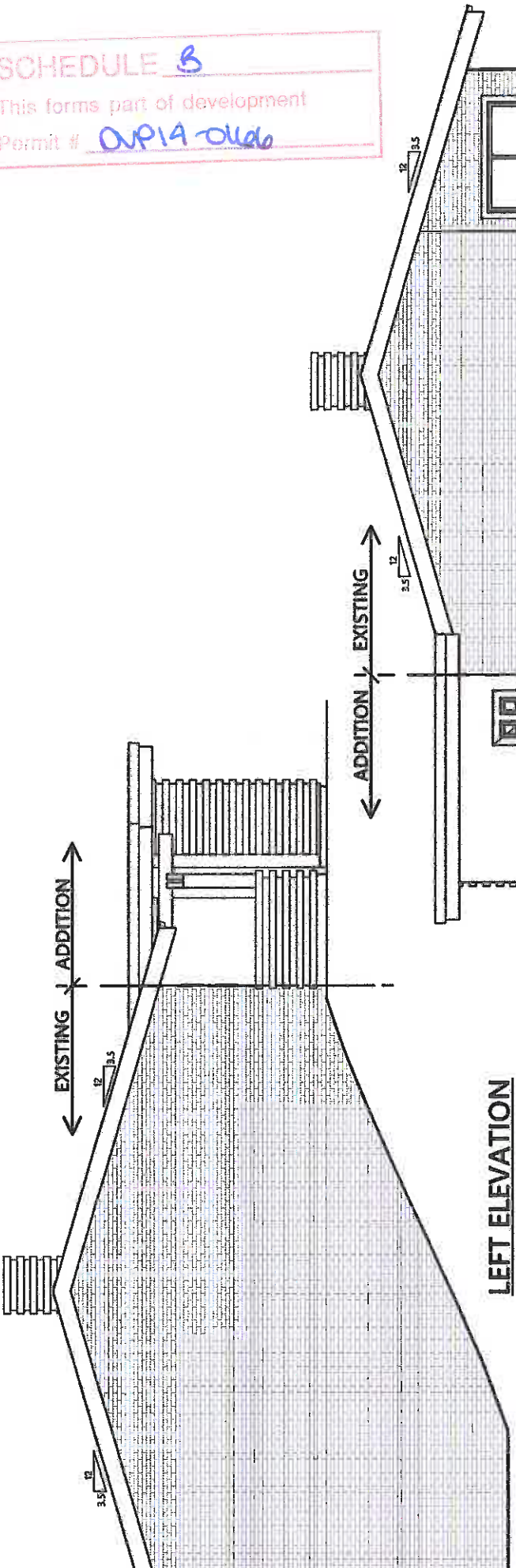
LEGEND

● = FOUND IRON POST

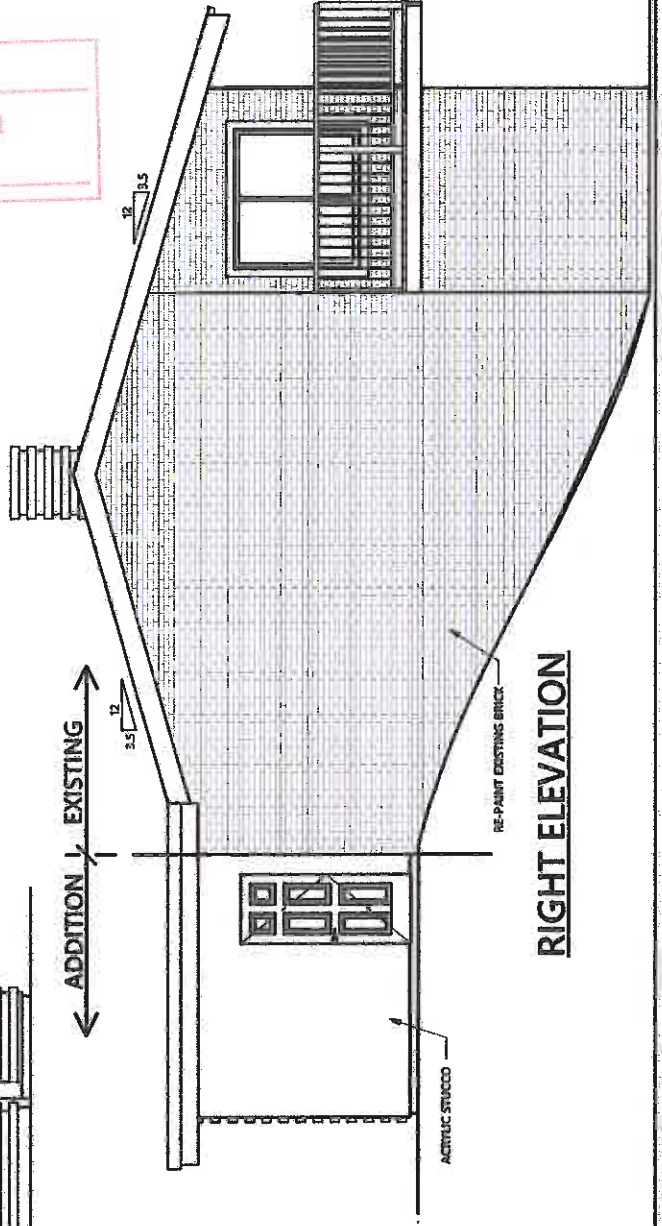
SCHEDULE B
 This forms part of development
 Permit # 0114-0466



FRONT ELEVATION

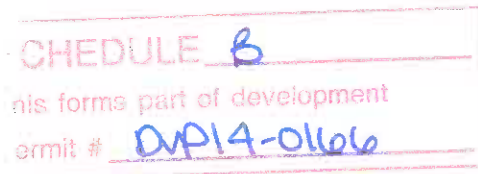


LEFT ELEVATION



RIGHT ELEVATION

Colour Board
924 Fairway Crescent



Benjamin Moore
Classic Grey
OC-23



Benjamin Moore
Kendall Charcoal
HC-166



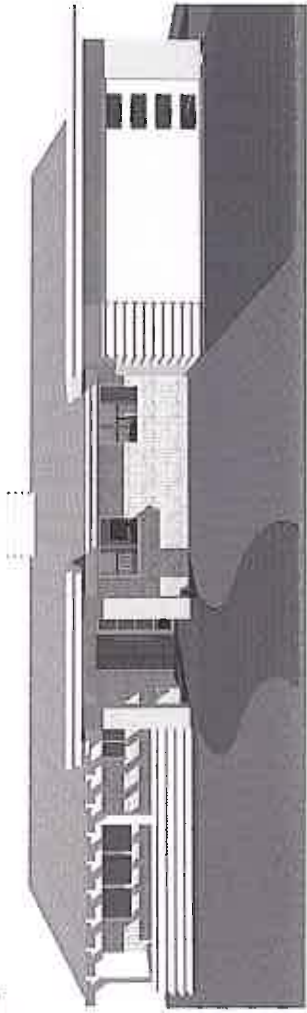
Main Colour & Trim
Contrast



Trim to go on front
facing eaves



Before



After



CITY OF KELOWNA
MEMORANDUM

Date: September 18, 2014
File No.: DVP14-0166

To: Land Use Management Department (LB)

From: Development Engineering Manager (SM)

Subject: 924 Fairway Crescent Lot B Plan 22497

Development Engineering has the following requirements associated with this Development Permit application.

The request to vary the building addition front yard setback from 6.00m required to 3.00m proposed is not supported.

The applicant is required to revise the Site Plan so that the distance from the garage door to the property line is a minimum of 6.00 meters.



Steve Muenz, P. Eng.
Development Engineering Manager
JF/jf

Cc Transportation & Mobility Manager (MH)

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP14-0166

EXISTING ZONING DESIGNATION:	RU1 - Large Lot Housing
DEVELOPMENT VARIANCE PERMIT:	To vary the minimum front yard from 6.0 m permitted to 3.0 m proposed.

ISSUED TO:	Jocelyn & Bradley Airey
LOCATION OF SUBJECT SITE:	924 Fairway Crescent

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	B	29	-	26	ODYD	22497

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.
- ☐ Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 13.1.6: RU1 - Large Lot Housing Development Regulations
To vary the minimum front yard from 6.0 m permitted to 3.0 m proposed.

2. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ N/A.
- (b) A Certified Cheque in the amount of N/A.
- (c) An Irrevocable Letter of Credit in the amount of N/A.

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

4. 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.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

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.

5. 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.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Divisional Director of Community Planning & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Community Planning & Real Estate 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.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE 9TH DAY OF DECEMBER 2014.
ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF DECEMBER 2014, BY THE
DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

Doug Gilchrist
Divisional Director of Community Planning & Real Estate

REPORT TO COUNCIL



Date: November 19, 2014

RIM No. 0940-50

To: City Manager

From: Urban Planning, Community Planning & Real Estate (TY)

Application: DVP14-0170 **Owner:** Joshua Richmond

Address: 1085 Westpoint Drive **Applicant:** Joshua Richmond

Subject: Report to Council DVP14-0170 1085 Westpoint Dr

Existing OCP Designation: S2Res - Single / Two Unit Residential

Existing Zone: RU1 - Large Lot Housing

1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP14-0170, for Lot 12, Section 31, Township 29, ODYD Plan KAP87220, located at 1085 Westpoint Drive, Kelowna, BC, subject to the following:

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

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

Section 13.1.6 (d) - RU1 Development Regulations

To vary the minimum permitted side yard setback from 2.0m required to 0.0m proposed.

AND FURTHER THAT the applicant be required to complete the above-noted condition within 1 year of Council's approval of the Development Variance Permit Application, in order for the permit to be issued.

2.0 Purpose

To seek a Development Variance Permit to vary the side yard setback along the east property line from 2.0m required to 0.0m proposed.

3.0 Urban Planning

The Urban Planning department supports the requested variance to reduce the east side yard setback. The proposed variance is to allow a wall along the property line to create an inner courtyard within the main dwelling. The inner courtyard is designed to have a 1.8m high opaque

wall that supports an arbor structure. This wall runs along the property line for a length of 6.6m. This area and arbor structure connect to the main dwelling on three sides, requiring a variance from 2.0m setback to 0.0m setback to allow the wall to be located on the property line.

The arbour ties in with the roof line which is set back 2.3m from the property line. The application complies with all other requirements of the Zoning Bylaw such as site coverage, remaining setbacks and no-build covenants.

To address the relationship with the neighbouring property to the east, staff worked with the applicant to ensure that the exterior wall on the property line is not higher than an allowed fence height in the same proposed location in a residential zone.

Zoning Bylaw No. 8000 Section 7.5 indicates that screen fences shall be consistent with the quality of building design and materials of the principal building and that a fence maximum height in this residential zone is not to exceed 2.0m in height. The opaque portion of the proposed courtyard wall is 1.8m in height, constructed to match the design and materials of the principal dwelling.

The proposed expansion that encroaches into the side yard setback along the east property line allows the homeowner a private courtyard space. The rear yard where this would otherwise be located has a no-disturb covenant and Wildland Fire Protection that runs near the exterior of the dwelling.

In accordance with Council Policy 367 - Public Notification & Consultation for Development Variance Applications, the applicant has distributed notification information to the neighbouring properties. To date no concerns have been brought to the attention of City staff.

4.0 Proposal

4.1 Background

The subject property is in a subdivision with no-disturb covenants. There is a statutory right of way in the rear yard of the subject property for utility purposes along with a no-disturb covenant protecting the existing slope and mature Ponderosa Pine trees.

4.2 Project Description

The applicant is proposing a variance from 2.0m to 0.0m setback for the construction of a wall along the east property line for a total length of 6.55m. This opaque wall is 1.8m high constructed of stucco to match the dwelling. This wall supports a metal arbour structure that reaches a total of 3.2m in height.

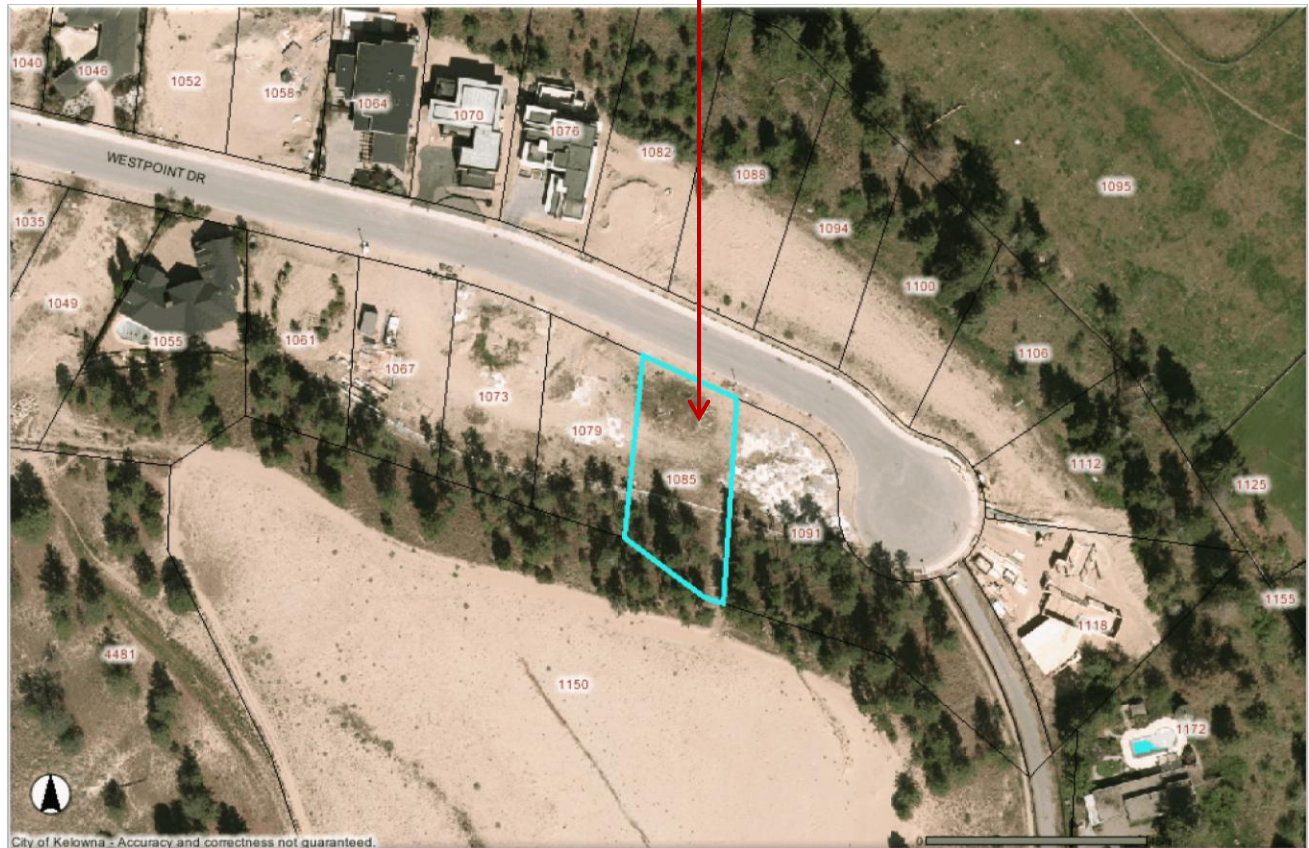
4.3 Site Context

The subject property is located at the eastern portion of Westpoint Drive in the North Mission - Crawford sector. The property is designated S2RES - Single / Two Unit Residential in the official Community Plan is within the Permanent Growth Boundary. The area surrounding the property is RU1 - Large Lot Housing.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 Large Lot Housing	Single Family Dwelling Lot
East	RU1 Large lot Housing	Single Family Dwelling Lot
South	RU1 Large lot Housing	Undeveloped Land
West	RU1 Large Lot Housing	Single Family Dwelling Lot

Subject Property Map: 1085 Westpoint Drive



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550m ²	935m ²
Lot Width	16.5m	22.4m
Lot Depth	30m	39.8m
Development Regulations		
Height	9.5m	8.4m
Front Yard	4.5m to house 6.0m to garage	4.5m to house 6.0m to garage
Side Yard (west)	2.3m	2.3m
Side Yard (east)	2.0m	0.0m ●
Rear Yard	7.5m	15.5m
Other Regulations		
Maximum site coverage	40%	33%
Maximum site coverage with driveways and parking	50%	41%
● Indicates a requested side setback variance		

5.0 Technical Comments

5.1 Building & Permitting Department

No comment.

5.2 Development Engineering Department

See attached Development Engineering Memo dated September 16, 2014.

5.3 Fortis BC Energy Inc - Electric

There are primary distribution facilities along Westpoint Drive. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required. Otherwise, FortisBC Inc. (Electric) has no concerns with this circulation.

6.0 Application Chronology

Date of Application Received: September 9, 2014

Date Public Consultation Completed: November 4, 2014

Report prepared by:

Tracey Yuzik, Planner

Reviewed by:



Lindsey Ganczar, Urban Planning Supervisor

Reviewed by:



Ryan Smith, Urban Planning Manager

Attachments:

Subject Property Map

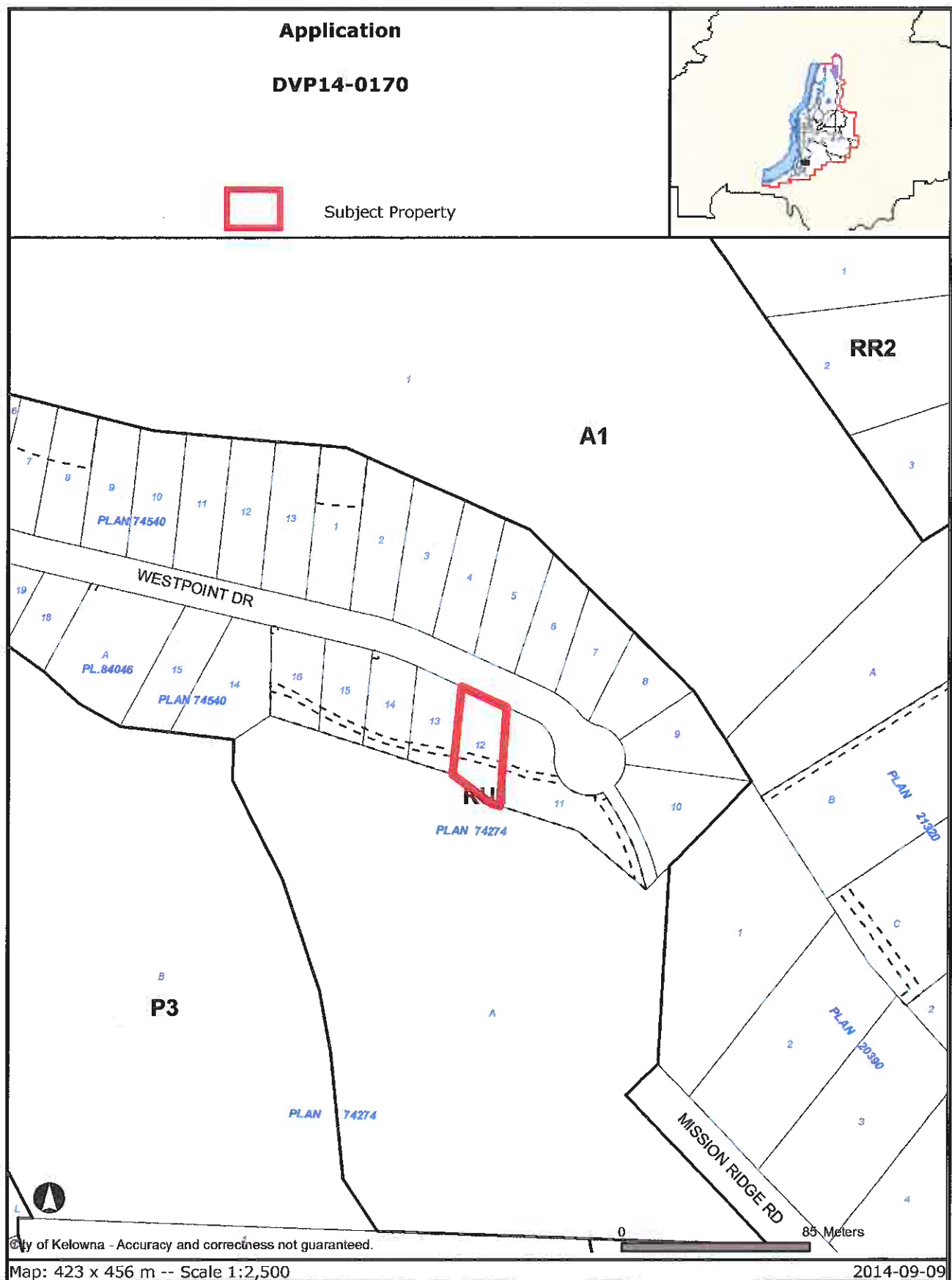
Schedule "A" - Site Plan

Schedule "B" - Elevations

Development Engineering Memorandum

Neighbourhood Consultation Documentation

Draft Development Variance Permit DVP14-0170



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.

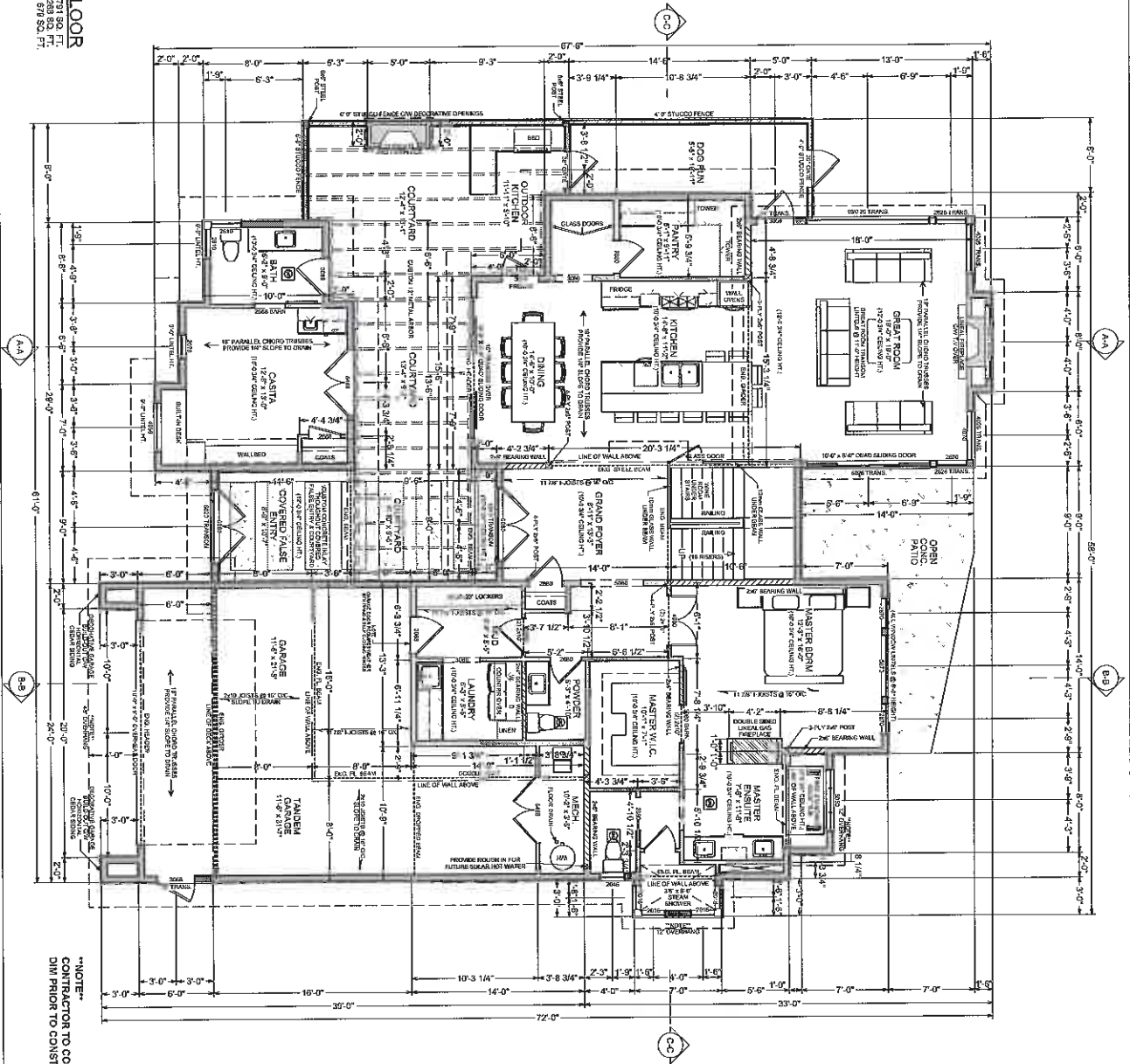
SCHEDULE

A

This forms part of development

Permit # **DVP14-0170**

MAIN FLOOR
AREA:
1,731 SQ. FT.
GARAGE:
579 SQ. FT.



NOTE:
CONTRACTOR TO CONFIRM
DIM PRIOR TO CONST.

MULLINS
DRAFTING & DESIGN



1964 Dayton Street
Kelowna BC V1Y 7W6
Bus: (250) 717-3415
Cell: (250) 258-7819
e-mail: mullinsdrafting@shaw.ca

PROPOSED PROJECT FOR

**LOT # 12
WOODLAND HILLS**

RICHMOND
CUSTOM HOMES

SCALE: 1/4" = 1'

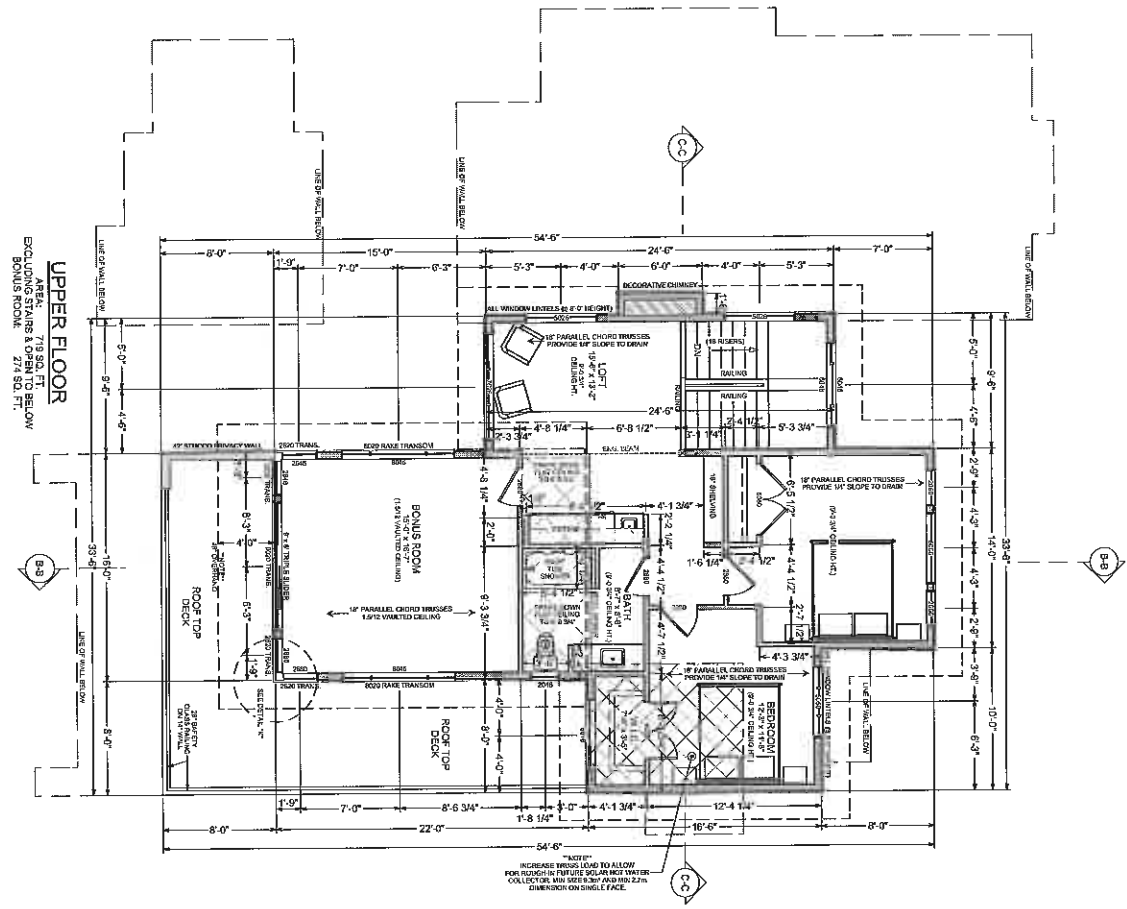
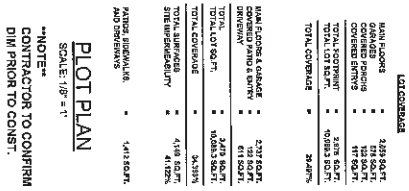
DATE: JULY-03-2014



SHEET NUMBER

4/7

Permit No. 74-11187-1
P4.924m

DVP14-0170

937.33m²

MULLINS DRAFTING & DESIGN 	1964 Dayton Street Kelowna BC V1Y 7W6 Bus: (250) 717-3415 Cell: (250) 258-7819 e-mail: mullinsdrafting@shaw.ca	PROPOSED PROJECT FOR LOT # 12 WOODLAND HILLS	 RICHMOND CUSTOM HOMES	SCALE: 1/4" = 1' DATE: JULY-03-2014	SHEET NUMBER 5/7
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Permit # DVP14-0170

e-mail: mullins@franklin@slaw.com

WOODLAND HILLS

RICHMOND
CUSTOM HOMES

DATE: JULY-03-2014

3/7

SCHEDULE B

This forms part of development

Permit # **DVP14-0170**

GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE BUILDING DEPARTMENT OF THE CITY OF RICHMOND, BRITISH COLUMBIA.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE VERIFICATION OF THE EXISTING CONDITIONS AND DIMENSIONS OF THE BUILDING AND SHALL BE RESPONSIBLE FOR THE VERIFICATION OF THE EXISTING CONDITIONS AND DIMENSIONS OF THE BUILDING AND SHALL BE RESPONSIBLE FOR THE VERIFICATION OF THE EXISTING CONDITIONS AND DIMENSIONS OF THE BUILDING.
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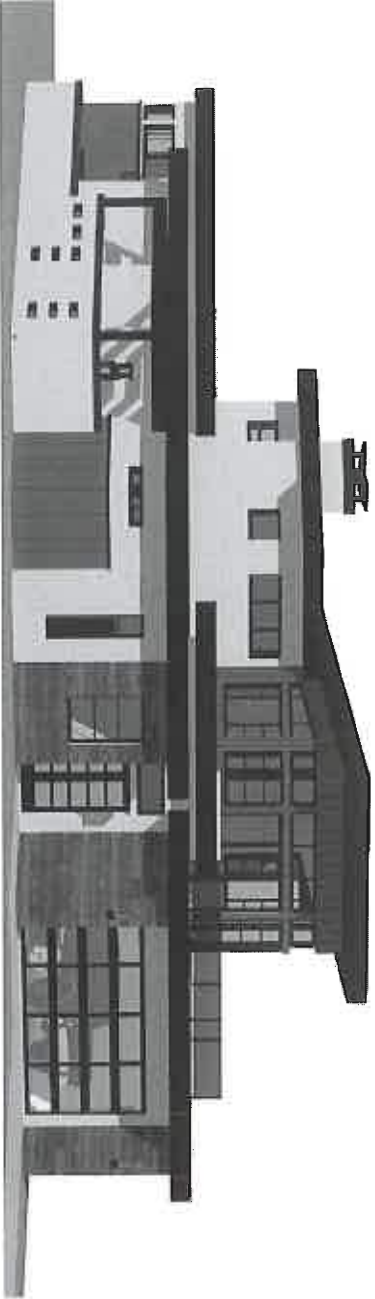
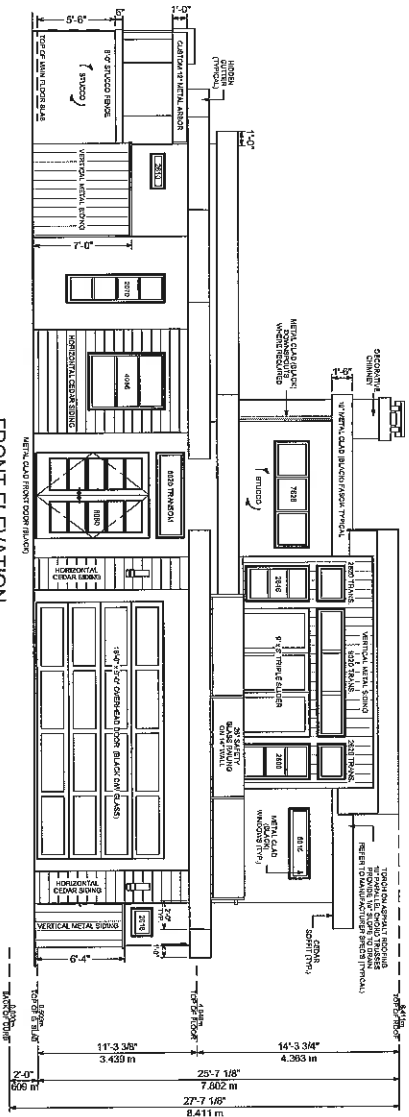
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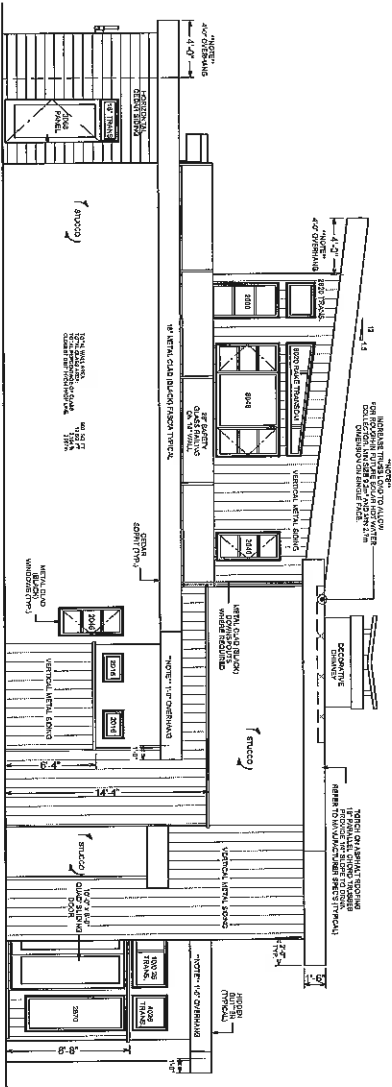
FRONT ELEVATION



SPECIFICATIONS

- ROOF**
- 1. 1/2" OSB SHEATHING
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RIGHT ELEVATION



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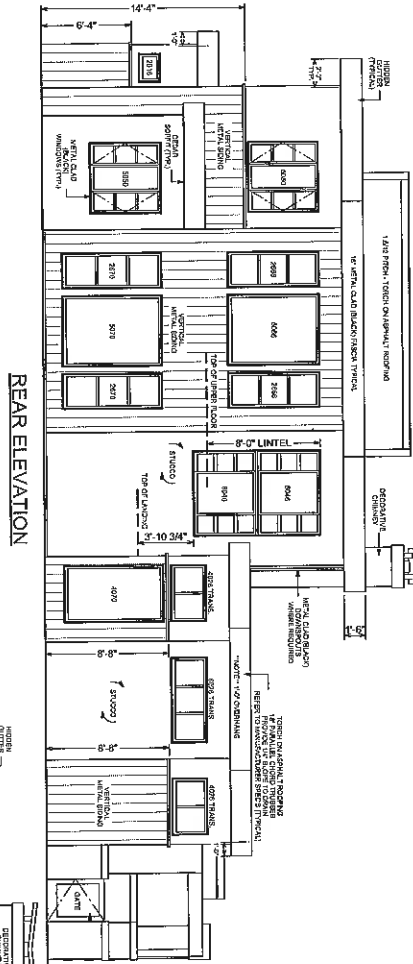
1964 Dayton Street
Kelowna BC V1Y 7W6
Bus: (250) 717-3415
Cell: (250) 258-7819
e-mail: mullinsdrafting@shaw.ca

PROPOSED PROJECT FOR
LOT # 12
WOODLAND HILLS

RICHMOND
CUSTOM HOMES

SCALE: 1/4" = 1'
DATE: JULY-03-2014

SHEET NUMBER
1/7

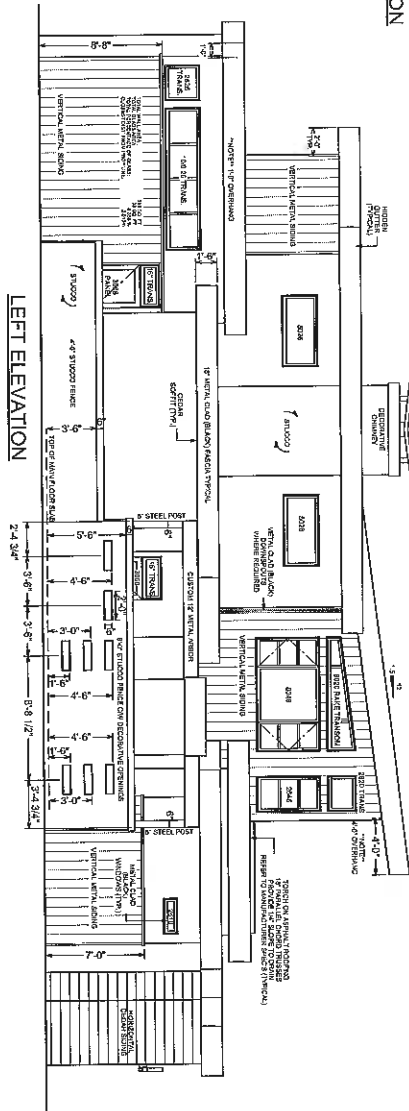


- GENERAL NOTES**
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE B.C. BUILDING CODE AND ALL LOCAL LAWS AND BY-LAWS.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
 3. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE B.C. BUILDING CODE AND ALL LOCAL LAWS AND BY-LAWS.

NOTE:
CONTRACTOR TO CONFIRM
DIM PRIOR TO CONST.

SPECIFICATIONS

- ROOF**
- 1/2\"/>



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PROPOSED PROJECT FOR

LOT # 12
WOODLAND HILLS

RICHMOND
CUSTOM HOMES

SCALE: 1/4" = 1'

DATE: JULY-03-2014

SHEET NUMBER

2/7

CITY OF KELOWNA
MEMORANDUM

Date: September 16, 2014
File No.: DVP14-0170

To: Land Use Management Department (AC)

From: Development Engineering Manager

Subject: 1085 Westpoint Dr Lot 12 Plan 87220 Setback Variance

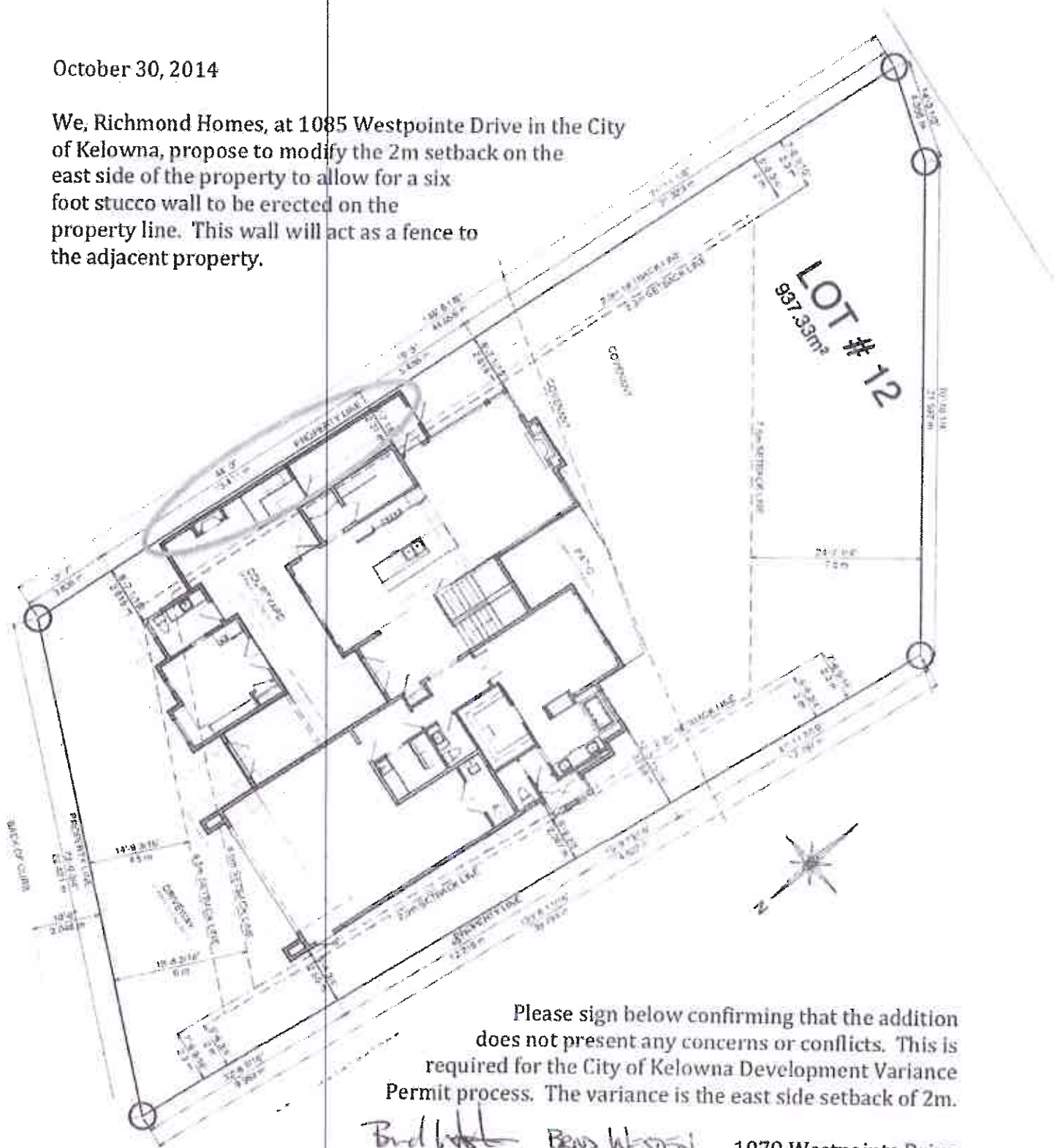
Development Engineering has the following requirements associated with this Development Permit application.

The application for a development variance permit vary section 13.1.6 (d) to decrease the minimum side yard setback from 2.0m required to 0m proposed to permit the 1.97m wall to extend to property line and provide increased space for the inner courtyard, does not compromise our servicing requirements. Note that the proposed wall height will make it necessary for the wall to be engineered.



Steve Muenz, P. Eng.
Development Engineering Manager
JF

We, Richmond Homes, at 1085 Westpointe Drive in the City of Kelowna, propose to modify the 2m setback on the east side of the property to allow for a six foot stucco wall to be erected on the property line. This wall will act as a fence to the adjacent property.



Please sign below confirming that the addition does not present any concerns or conflicts. This is required for the City of Kelowna Development Variance Permit process. The variance is the east side setback of 2m.

Brad West

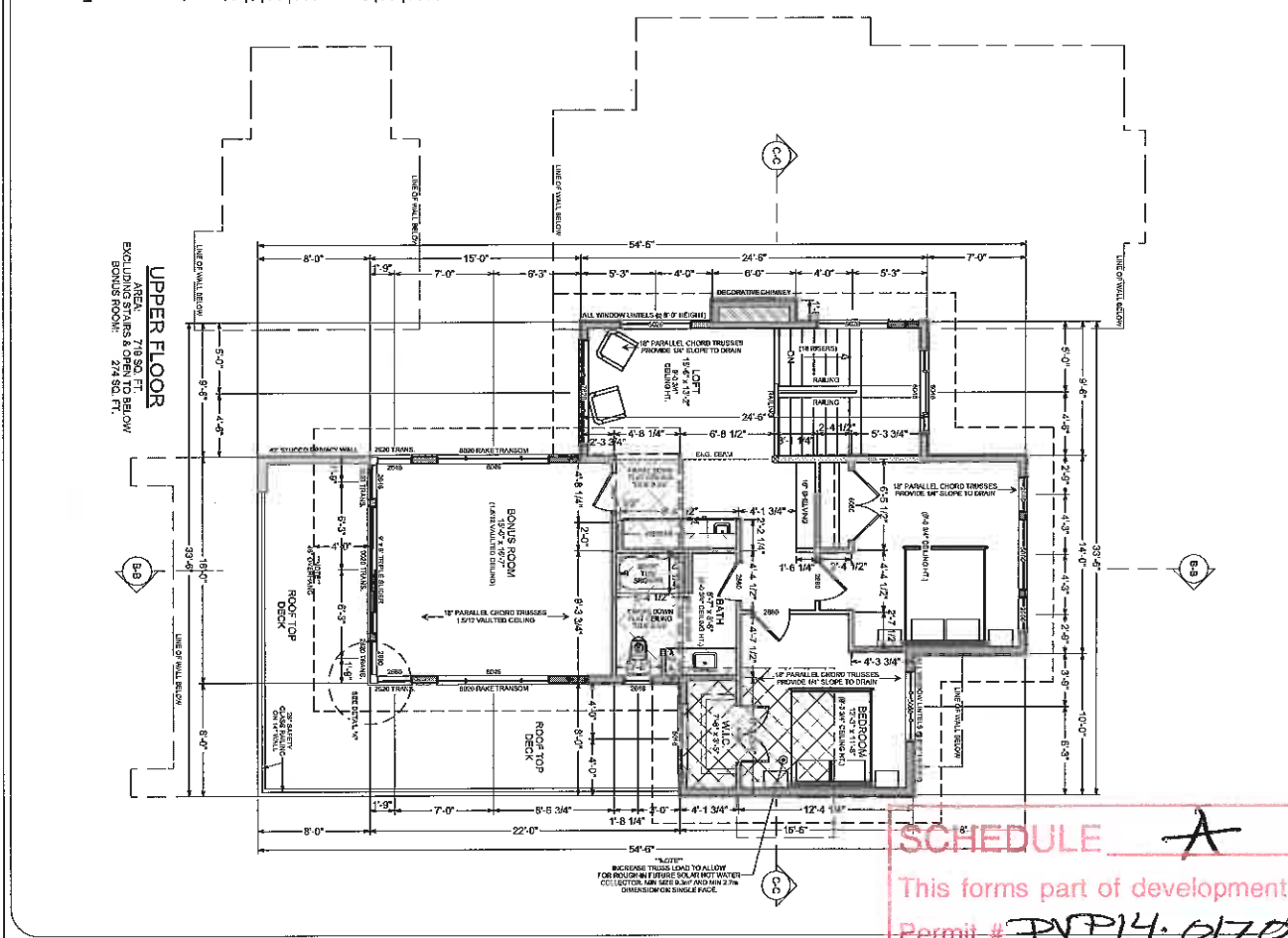
1079 Westpointe Drive

no other



1091 Westpointe Drive

no output

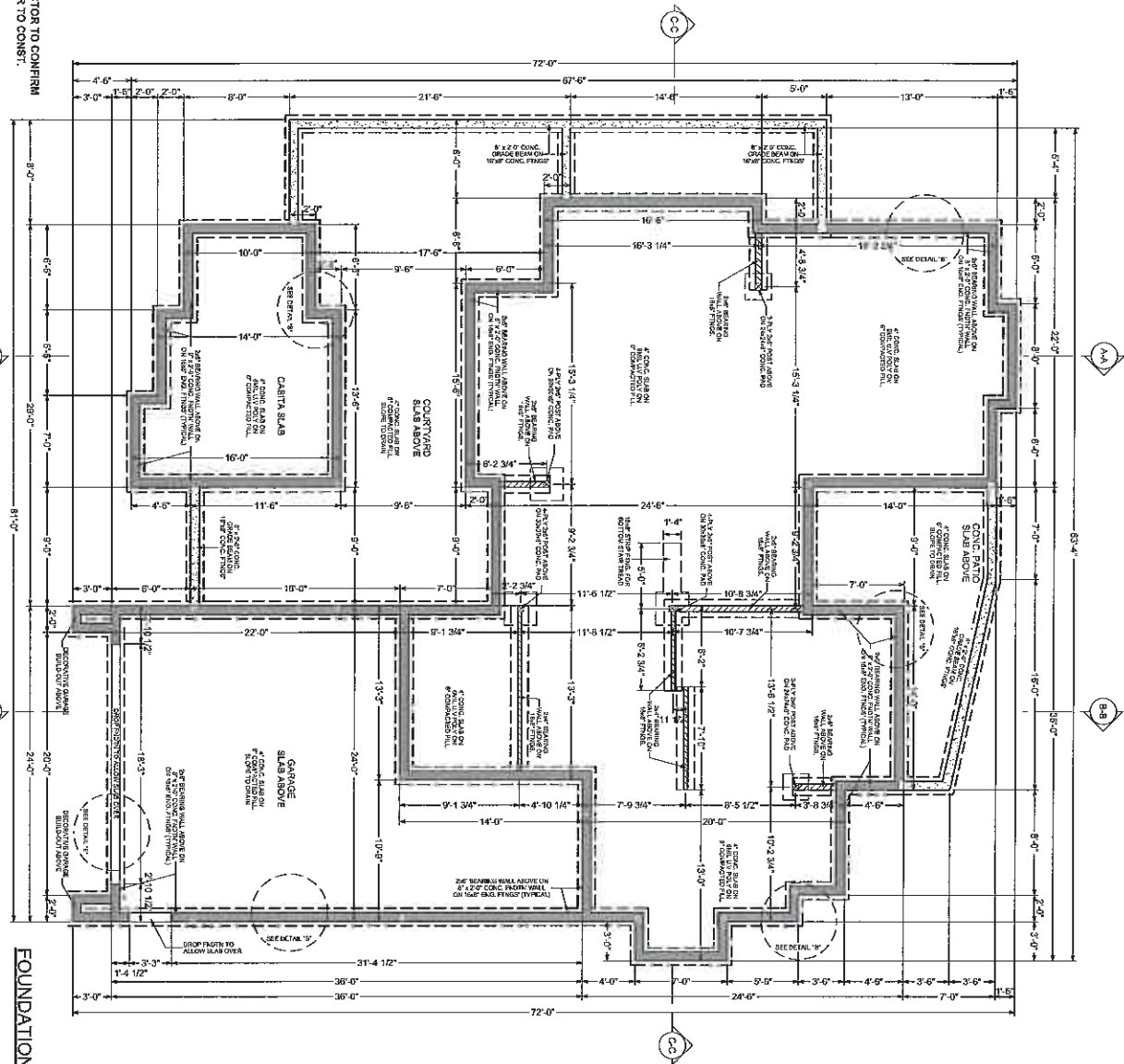
1088 Westpointe Drive



SCHEDULE A
This forms part of development
Permit # DVP14.6170

MULLINS DRAFTING & DESIGN 	1964 Dayton Street Kelowna BC V1Y 7W6 Bus: (250) 717-3415 Cell: (250) 258-7819 e-mail: mullinsdrafting@shaw.ca	PROPOSED PROJECT FOR LOT # 12 WOODLAND HILLS	 RICHMOND CUSTOM HOMES	SCALE: 1/4" = 1' DATE: JULY-03-2014	SHEET NUMBER 5/7
----------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------	--------------------------------------------	--------------------------------

"NOTE"
CONTRACTOR TO CONFIRM
DIM PRIOR TO CONSTRUCTION



FOUNDATION PLAN

SCHEDULE **A**

This forms part of development
Permit # **DVP14.0170**



MULLINS
DRAFTING & DESIGN
1964 Dayton Street
Kelowna BC V1Y 7W6
Bus: (250) 717-3415
Cell: (250) 258-7819
e-mail: mullinsdrafting@shaw.ca

PROPOSED PROJECT FOR

**LOT # 12
WOODLAND HILLS**



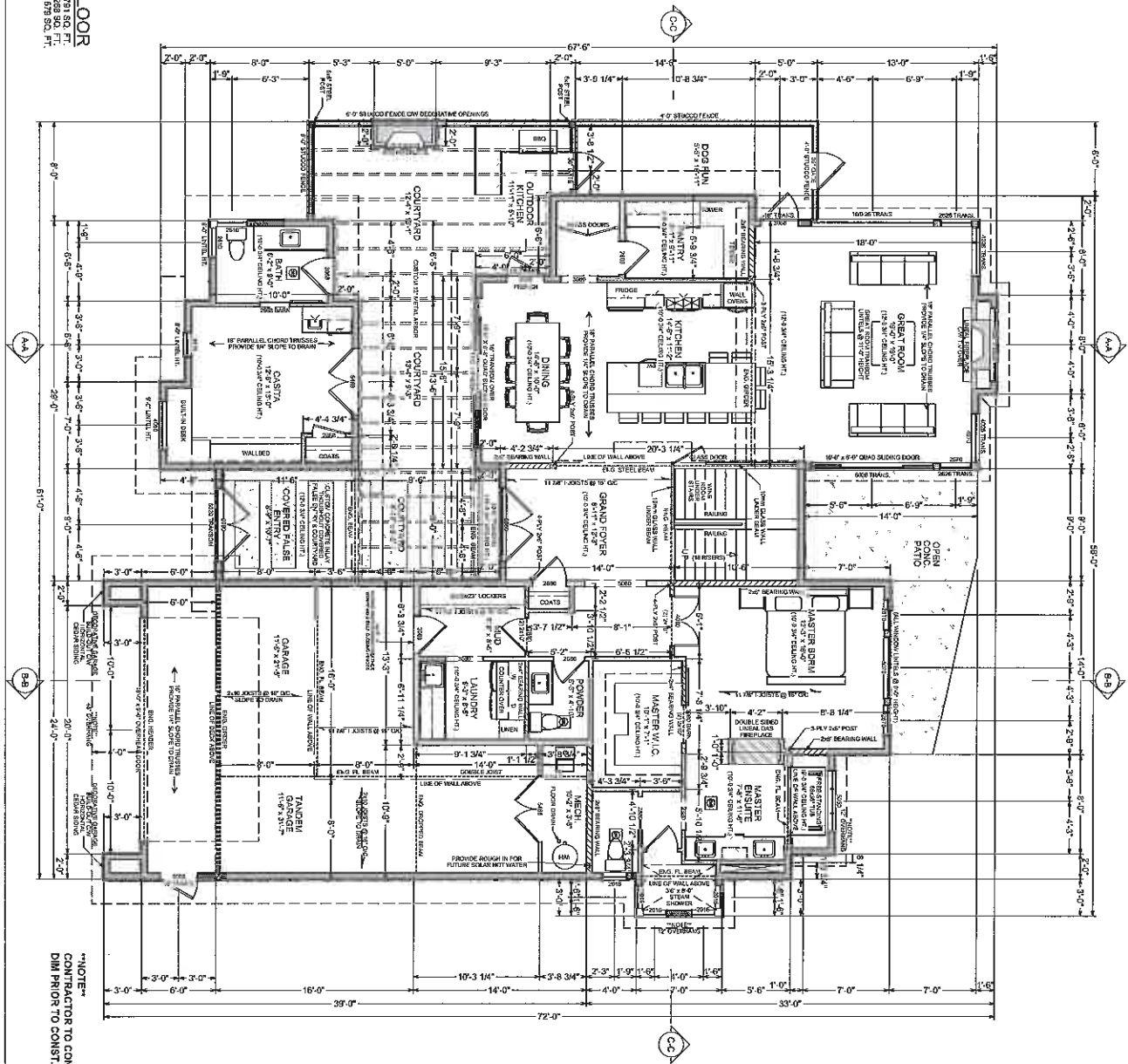
SCALE: 1/4" = 1'

DATE: JULY-03-2014

SHEET NUMBER

3/7

MAIN FLOOR
AREA: 1,739 SQ. FT.
CASITA: 288 SQ. FT.
GARAGE: 875 SQ. FT.



SCHEDULE A
This forms part of development
Permit # DPI4-0170

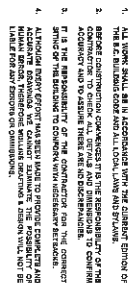
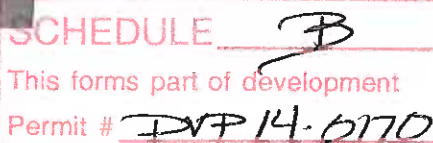
MULLINS
DRAFTING & DESIGN
1964 Dayton Street
Kelowna BC V1Y 7W6
Bus: (250) 717-3415
Cell: (250) 258-7819
e-mail: mullinsdrafting@shaw.ca

PROPOSED PROJECT FOR
LOT # 12
WOODLAND HILLS

RICHMOND
CUSTOM HOMES

SCALE: 1/4" = 1'
DATE: JULY-03-2014

SHEET NUMBER
4/7



GENERAL NOTES

"NOTE"
MAKING SURE TO BE COMPAIRED BY DURING COLLECTED PRICE TO OBTAIN TO EXHIBIT PROVEN VENTING AND COVER.

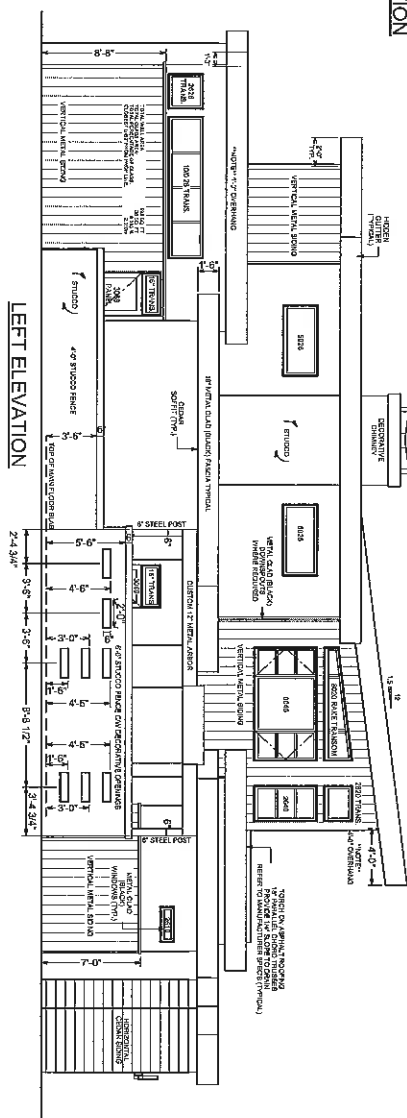
"NOTE"
PHOTOS PLEASE HAVE TO ALONG STANDARD AMY FROM RESEARCH.

"NOTE"
CONTRACTOR TO CONFIRM DIM PRIOR TO CONST.

SPECIFICATIONS

[illegible]

REAR ELEVATION



1964 Dayton Street
Kelowna BC V1Y 7W6
Bus: (250) 717-3415
Cell: (250) 258-7819
e-mail: mullinsdrafting@shaw.ca

PROPOSED PROJECT FOR

LOT # 12
WOODLAND HILLS

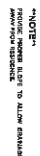


SCALE: 1/4" = 1'

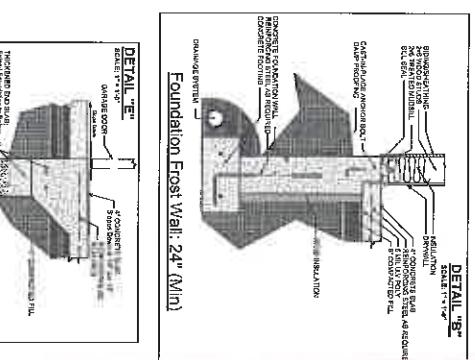
DATE: JULY-03-2014

SHEET NUMBER

2/7



NOTE: PROVIDE PROPER BLADE TO ALLOW GRASSHOPPER TO AVOID FROM RESIDENCE.

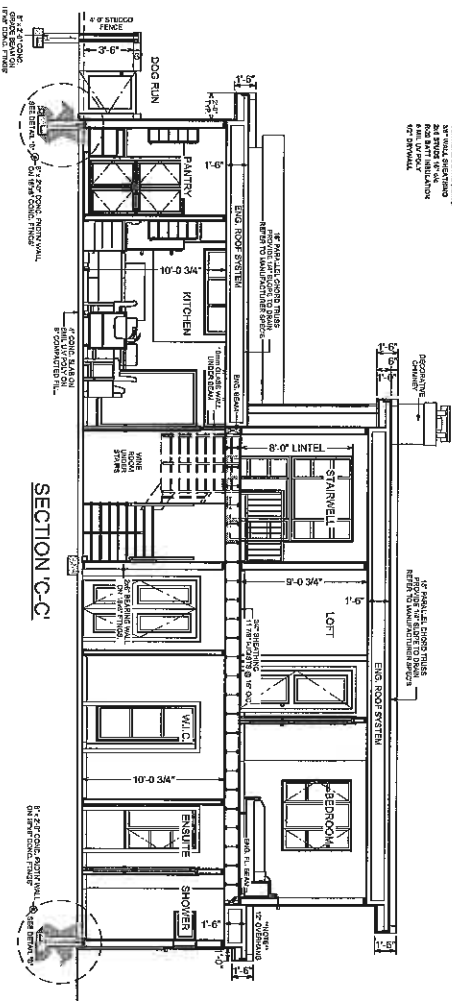


SPECIFICATIONS

[illegible][illegible]

T

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Permit # DVP14-0170

7/7



RICHMOND
CUSTOM HOMES

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP14-0170

EXISTING ZONING DESIGNATION:	RU1 - Large Lot Housing
DEVELOPMENT VARIANCE PERMIT:	To vary the minimum west side yard for a 1 or 1 ½ storey portion of a building from 2.0 m permitted to 0.0 m proposed.

ISSUED TO: Richmond Custom Homes Ltd.

LOCATION OF SUBJECT SITE: 1085 Wespoint Dr.

	LOT	SECTION	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	12	31	29	ODYD	KAP87220

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.
- ☐ Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

- a) The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";

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

Section 13.1.6(d): RU1 - Large Lot Housing Development Regulations

To vary the minimum side yard for a 1 or 1 ½ storey portion of a building from 2.0 m permitted to 0.0 m proposed.

AND FURTHER THAT the applicant be required to complete the above noted condition within one year of Council's approval of the Development Variance Permit Application, in order for the permit to be issued.

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.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

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.

3. PERFORMANCE SECURITY: not applicable.

4. 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.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Divisional Director of Community Planning & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Community Planning & Real Estate 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.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE _____ DAY OF _____ 20____.

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE _____ DAY OF _____ 20____,
BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

Doug Gilchrist
Divisional Director of Community Planning & Real Estate

REPORT TO COUNCIL



Date: November 18, 2014

RIM No. 0940-50

To: City Manager

From: Urban Planning, Community Planning & Real Estate (LK)

Application: DVP14-0229 **Owner:** Peter Schumann & Nada Critchlow

Address: 3358 Larkspur Court **Applicant:** Kent-MacPherson Appraisals Inc.

Subject: 2014 11 19 - DVP14-0229 - Council - 3358 Larkspur Crt

Existing OCP Designation: S2RES - Single / Two Unit Residential

Existing Zone: RR2 - Rural Residential 2

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No.DVP14-0229, for Lot 9 Section 3 Township 26 ODYD Plan KAP62126, located on 3358 Larkspur Court, Kelowna, BC;

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

Section 7.5.3: Fencing and Retaining Walls

To vary the maximum fence height from 2.0 m permitted to 3.1 m proposed.

2.0 Purpose

To obtain approval for a Development Variance Permit to vary the height of a fence from 2.0 m maximum height to 3.1 m proposed.

3.0 Urban Planning

Urban Planning staff supports the maximum fence height variance. The owners of the subject parcel are proposing to construct a tennis court adjacent to the west property line of the parcel. The proposed fence height surrounding the court is 3.1 m or 10 feet in height, which is the customary height used in tennis court construction. Only that portion along the west property line requires the height variance.

4.0 Proposal

4.1 Project Description

The subject parcel is a large rural residential lot located in the Southeast Kelowna Sector. The property is 1.06 acres in size. The parcel's primary access and addressing is via a lane from Larkspur Court, with secondary access via a driveway from Water Road.

In accordance with Council Policy 367 - Public Notification & Consultation for Development Applications, the applicant has provided notification of the proposed Development Variance Permit application to neighbouring properties within 50 m of the subject site. To date, City staff has not been contacted with any objections or concerns regarding the proposed variance. Letters of support from 8 surrounding properties were submitted with the initial application.

4.2 Site Context

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agricultural 1	Orchard
East	RR2 - Rural Residential 2	Residential
South	RR3 - Rural Residential 3	Residential
West	RR2 - Rural Residential 2	Residential

Subject Property Map: 3358 Larkspur Court



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	LANDSCAPING AND SCREENING REQUIREMENTS	PROPOSAL
Development Regulations		
Fence Height	2.0 m max	3.1m proposed ●
● Indicates a requested variance to...		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

6.0 Technical Comments

6.1 Development Engineering Department

See Attached Memorandum dated November 17, 2014

7.0 Application Chronology

Date of Application Received: November 4, 2014

Report prepared by:

Lydia Korolchuk, Planner

Reviewed by:

☐

Lindsey Ganczar, Urban Planning Supervisor

Approved for Inclusion:

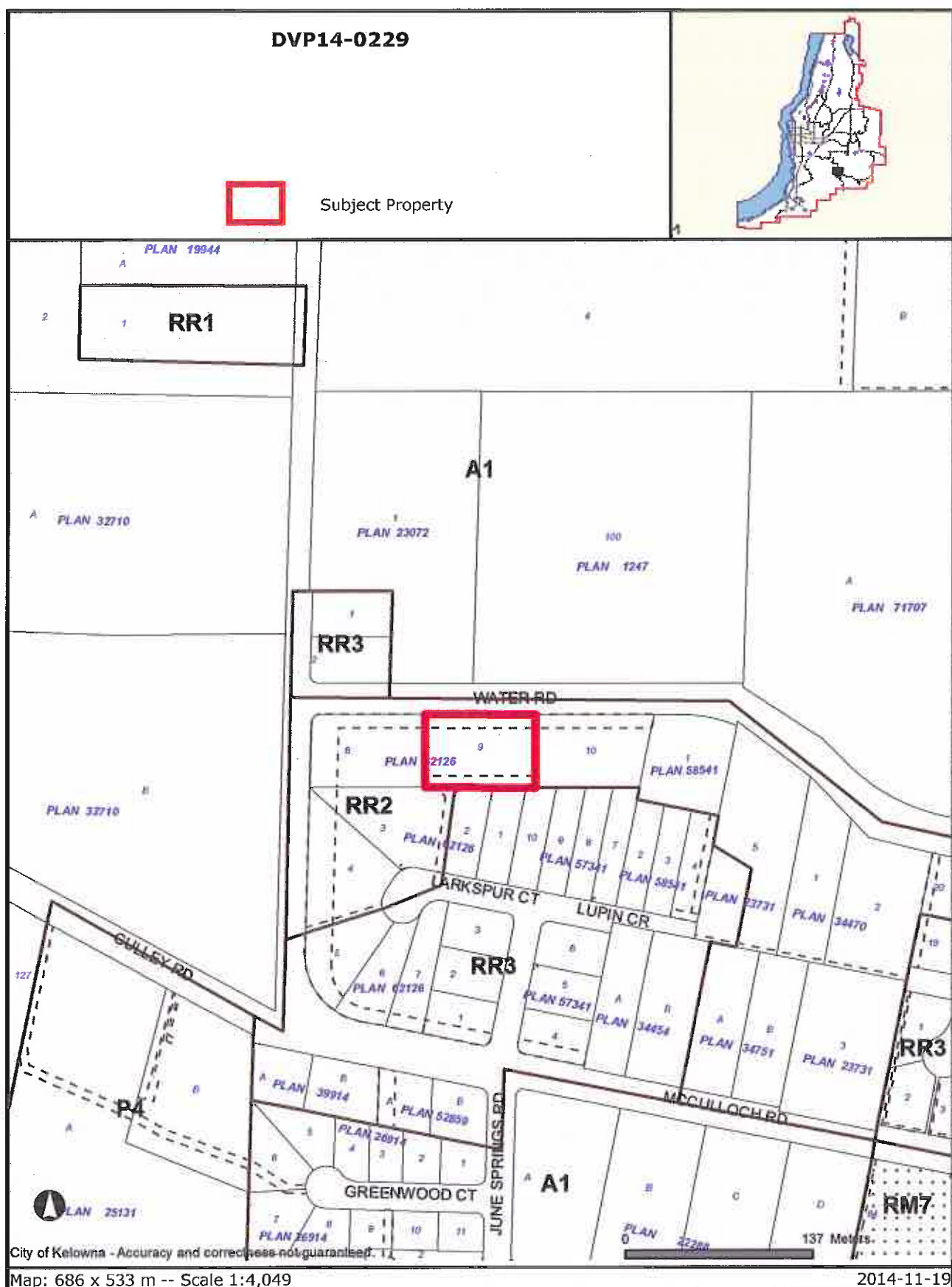
☐

Ryan Smith, Urban Planning Manager

Attachments:

Subject Property Map
 Site Plan - Schedule A
 Development Engineering Memorandum
 Draft Development Variance Permit

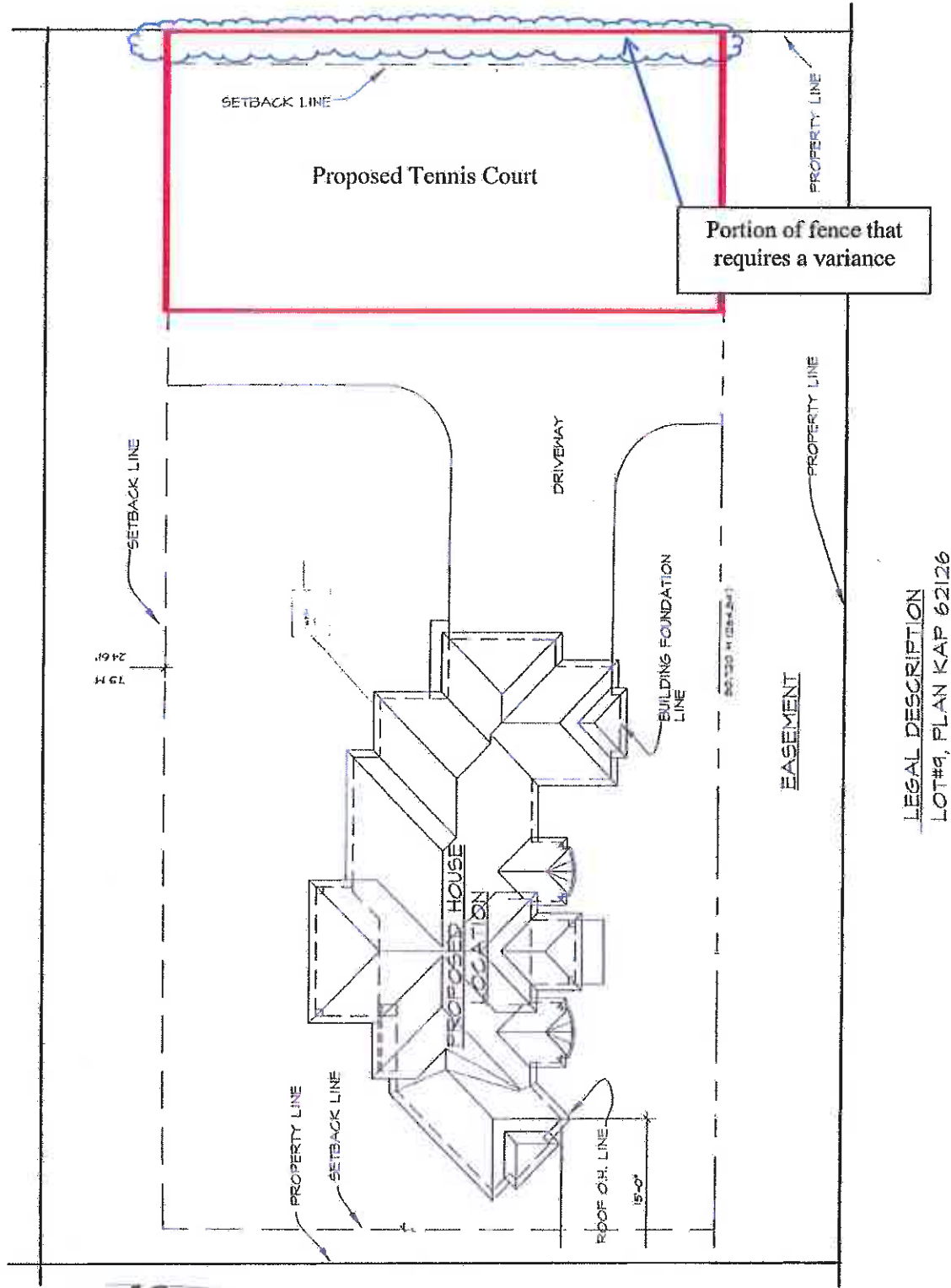
¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).



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.

Site Plan:

Area of fence requiring variance



CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Permit No.: DVP14-0229

EXISTING ZONING DESIGNATION: RR2 - Rural Residential 2
WITHIN DEVELOPMENT PERMIT AREA: Revitalization Development Permit Area

ISSUED TO: Peter & Nada Schumann
LOCATION OF SUBJECT SITE: 3358 Larkspur Court

	LOT	Section	Township	DISTRICT	PLAN
LEGAL DESCRIPTION:	9	3	26	ODYD	KAP62126

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.
- ☐ Applicants for a Heritage Alteration Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

- a) Landscaping to be provided on the land be in general accordance with Schedule "A".

2. The development shall commence by and in accordance with an approved Building Permit within ONE YEAR of the date of the Municipal Council authorization resolution.

3. 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.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferrable 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.

4. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ N/A.
- (b) A Certified Cheque in the amount of \$ N/A.
- (c) An Irrevocable Letter of Credit in the amount of \$ N/A.

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

5. 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.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Director of Planning & Development Services.

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.

6. APPROVALS:

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF NOVEMBER 2014, BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE SERVICES.

Doug Gilchrist,
Divisional Director Community Planning & Real Estate