

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, March 3, 2015
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 - 10

Public Hearing - February 17, 2015
Regular Meeting - February 17, 2015
4. **Bylaws Considered at Public Hearing**
 - 4.1 **1027 Clement Avenue, BL11059 (OCP14-0025) - Okanagan Valley Construction Ltd.** 11 - 11

Requires a majority of all members of Council (5).
To give Bylaw No. 11059 second and third readings in order to change the future land use designation of the subject property.
 - 4.2 **1027 Clement Avenue, BL11060 (Z14-0038) - Okanagan Valley Construction Ltd.** 12 - 12

To give Bylaw No. 11060 second and third readings in order to rezone the subject property.
5. **Notification of Meeting**

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

6. Development Permit and Development Variance Permit Reports

- 6.1 889 Vaughan Avenue, DP14-0064 & DVP14-0052 - 1568447 Alberta Ltd. 13 - 58**

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 the form and character and associated variance request for a new brewery and accessory tasting room and events facilities on the subject property.

- 6.2 2210 Abbott Street, BL11045 (Z14-0042) - Strandhaus Developments Inc. 59 - 59**

To adopt Bylaw No. 11045 in order to rezone the subject property.

- 6.3 2210 Abbott Street, HAP14-0014 - Strandhaus Developments Inc. 60 - 78**

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 Heritage Alteration Permit application to allow the demolition of the existing dwelling and construction of a new semi-detached dwelling with variances.

- 6.4 1091 Westpoint Drive, DVP15-0003 - Cavan & Stefanie Loughran 79 - 94**

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 to vary the front yard setback to a garage.

7. Reminders

8. Termination



City of Kelowna Public Hearing Minutes

Date: Tuesday, February 17, 2015
Location: Council Chamber
City Hall, 1435 Water Street

Council Members Present: Mayor Colin Basran and Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh, and Luke Stack

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Urban Planning Supervisor, Lindsey Ganczar; Planner, Adam Cseke; Development Engineering Manager, Steven Muenz; and Planner, Damien Burggraefe*; and Council Services Coordinator, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the Hearing to order at 6:01 p.m.

Mayor Basran 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 of City Hall on February 3, 2015 and by being placed in the Kelowna Capital News issues of February 6, 2015 and February 11, 2015, and by sending out or otherwise delivering 71 statutory notices to the owners and occupiers of surrounding properties, and 474 informational notices to residents in the same postal delivery route, between February 3, 2015 and February 6, 2015.

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 1539-1541 Bedford Avenue, 1507-1511 Dickson Avenue & 1517-1521 Dickson Avenue, BL11051 (Z14-0050) - Al Stober Construction Ltd.

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.
- Clarified the concerns expressed by Ministry of Transportation with respect to the intersection at Gordon and Burtch.

The City Clerk advised that the following correspondence and/or petition were received:

Letters of Opposition & Concern
David & Shirley Carter, Dunn Street
Bill Sinclair, Dickson Avenue
Judy Askeland, Dunn Street
Jamie & Chika Phillips, Burtch Road

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

Jim Meiklejohn, Meiklejohn Architects, Applicant's Representative

- Displayed a map of the area.
- Provided an overview of the proposed development and rezoning application.
- Displayed an artist's rendering of the proposed development.
- Spoke to the parking requirements.
- Spoke to any traffic concerns and advised that by putting residential next to commercial, the development will help to reduce traffic as there is a hope people will walk to work.
- Responded to questions from Council.
- Expecting to commence construction in June of 2015.

Dave Cullen, Traffic Engineer, CTQ Consultants, Applicant's Representative

- Provided an overview of the traffic counts that were conducted at the intersection of Dickson at Burtch and advised that the peak hour occurs at 5:00 pm.
- Conducted a traffic analysis of the area and provided an overview of the process followed.
- Responded to questions from Council.

Gallery:

Gloria Steingart, Dickson Avenue

- Advised that she has lived on Dickson Avenue the past 9 years.
- Advised that she is in favour of the rezoning and the development provided that some of her concerns are addressed.
- Displayed a sketch on the overhead to help illustrate her concerns and suggestions.
- Made comment with respect to the traffic challenges she faces as an across the street neighbour.
- Believes that there are more issues than what have been addressed by the developer and the City.
- Advised that even though there is not supposed to be any parking in the alley, cars are parked in the alley all day long.
- Responded to questions from Council.
- Confirmed that she not opposed to the rezoning application.
- Submitted her speaking notes and sketch to the City Clerk.

Tom Smart, Dickson Avenue

- Made comment on the traffic and pedestrian challenges in the neighbourhood.
- Pleased to see that there will not be parking in front of the development on Dickson Avenue.

- Pleased to see that there will be a sidewalk on the side of the development.
- Expressed a concern with the lack of sidewalks and cross-walks in the area.
- Expressed a concern with the traffic calming devices already in the area as they are not working.
- In favour of speed bumps for the alley.
- Not opposed to the project, but worried about the traffic situation.

Elyse Selig, Dickson Avenue

- Resident of the area and speaking on behalf of the strata council for the 'The Mode'.
- Expressed a concern with the traffic and pedestrian impacts.
- Expressed a concern with pedestrian traffic impacts.
- Advised that during the peak hours, traffic is an issue on Dickson Avenue and during non-peak hours, speed is an issue.
- Inquired if the new development will have a loading zone.
- Expressed a concern with the form & character of the proposed development.
- Responded to questions from Council.

Keith Westwood, Dickson Avenue

- Expressed a concern with the traffic impacts.
- Believes that parking has been addressed for the development.
- In favour of speed bumps, particularly at the entrance of the alley.
- Advised that vehicles parking in the alley are an issue.
- Expressed a concern that there is no sidewalk on the south side of Dickson Avenue and noted that he likes that there will be a sidewalk in front of the new building.
- No objection to the look of the building.
- Feels that the proposed development should have a loading zone on site.

Noel Nissen, Burtch Road

- Advised that his unit backs onto the subject property.
- Expressed a concern that the proposed development will block his view.
- Raised concerns with safety issues created by the proposed parkade.
- Expressed a concern with the traffic impacts.
- Expressed a concern with the timing of the traffic analysis as traffic peak times in December are quite different from traffic peak times in August.
- Responded to questions from Council.

Jim Meiklejohn, Meiklejohn Architects, and Dave Cullen, Traffic Engineer, CTQ Consultants, Applicant's Representatives

- Addressed the issues raised by the interveners.
- Advised that no variances are required for the loading area and it will be constructed pursuant to the City's bylaws.
- Indicated that a loading zone area will be addressed and noted where the loading zone would be situated.
- Willing to work with staff to mitigate any traffic impact concerns.
- Willing to erect a barrier down the middle of Burtch Road in order to mitigate any traffic concerns with the alley.
- Believes that the site will be over-provided for in the area of parking. Because of the micro-suites, there should be ample parking available on site.
- Responded to questions from Council.
- Confirmed that the development will be a rental building.
- Advised that the parking structure will be secured. People will not be able to walk in or out of the structure.
- Advised that there will very likely be a live-in property manager on the site as it will be a rental building.

Staff:

- Responded to questions from Council;
- Confirmed that a crosswalk at Dayton Avenue and Dickson Avenue is being contemplated and as the area further develops, more crosswalks will be erected.
- Provided the rationale for sidewalks on Dickson Avenue.

There were no further comments.

Mayor Basran advised that Items 3.2 & 3.3 will be heard together.

3.2 BL11054 (TA14-0020) - Analytical Testing of Medical Marihuana in the I1, I2, I3 and I4 Zones, City of Kelowna

3.3 BL11055 - Medical Marihuana Producer Business Licence Amendment

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

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

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

4. Termination

The Hearing was declared terminated at 7:33 p.m.

Mayor

/slh



City Clerk



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, February 17, 2015
Location: Council Chamber
City Hall, 1435 Water Street

Council Members Present: Mayor Colin Basran and Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben*, Mohini Singh, and Luke Stack

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Urban Planning Supervisor, Lindsey Ganczar*; Planner, Adam Cseke*; Development Engineering Manager, Steve Muenz*; Planner, Damien Burggraeve*; and Council Services Coordinator, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:44 p.m.

2. Prayer

A Prayer was offered by Councillor Stack.

3. Confirmation of Minutes

Moved By Councillor Singh/Seconded By Councillor Gray

R107/15/02/17 THAT the Minutes of the Public Hearing and Regular Meeting of February 3, 2015 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 1539-1541 Bedford Avenue, 1507-1511 Dickson Avenue & 1517-1521 Dickson Avenue, BL11051 (Z14-0050) - Dickson Avenue Holdings Ltd.

Moved By Councillor Donn/Seconded By Councillor Hodge

R108/15/02/17 THAT Bylaw No. 11051 be read a second and third time.

Carried

Moved By Councillor Stack/Seconded By Councillor Sieben

R109/15/02/17 THAT staff report back to Council regarding parking issues in the alley between Dickson Avenue and Sutherland Avenue and whether or not speed bumps would be effective in the alley to reduce vehicle speed.

Carried

4.2 BL11054 (TA14-0020) - Amendment to City of Kelowna Zoning Bylaw No. 8000, Adding Analytical Testing of Medical Marihuana as a Principal Use

Moved By Councillor Singh/Seconded By Councillor Sieben

R110/15/02/17 THAT Bylaw No. 11054 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 Applications was given by sending out or otherwise delivering 85 statutory notices to the owners and occupiers of surrounding properties, and 1301 informational notices to residents in the same postal delivery route, between February 3, 2015 and February 6, 2015.

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

6. Development Permit and Development Variance Permit Reports

6.1 509 Okanagan Boulevard, DVP14-0264 - Edward Plotnikoff & Elizabeth Freedman

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

Mayor Basran invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicant was present, but did not have anything further to add to staff's comments. There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Hodge

R111/15/02/17 THAT Council authorize the issuance of Development Variance Permit No. DVP14-0264 for Lot 1, Block 8, District Lot 9, ODYD, Plan 3915, located on 509 Okanagan Boulevard, Kelowna, BC;

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

Section 9.5b.14 - Carriage House Regulations:

To vary the east sideyard setback from 2.0m required to 1.2m proposed.

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

Carried

6.2 130, 5505-5507 Airport Way, DVP14-0257 - Priority Permits Ltd.

Councillor Sieben declared a conflict of interest as potential tenant in a neighbouring building is a family member and left the meeting at 8:01 p.m.

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

Mayor Basran invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicant was not present. There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Gray

R112/15/02/17 THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0257, for Lot A District Lot 14 Township 23 ODYD Plan EPP23036, located on #130, 5505 - 5507 Airport Way, Kelowna, B.C.;

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

Section 6.1: Specific Zone Regulations Industrial and Commercial Zones:

Fascia Signage 2 Per Business - To vary the total number of allowable fascia signs for a business from two (2) permitted to four (4) proposed.

AND FURTHER THAT this Development Variance Permit be valid for two (2) years from the date of Council Approval, with no opportunity for extension.

Carried

6.3 840 Academy Way, DP14-0198 & DVP14-0199 - Watermark Developments Ltd.

Councillor Sieben rejoined the meeting at 8:04 p.m.

Staff:

- Displayed a PowerPoint presentation summarizing the application.
- Clarified that the Section 219 No-Build Covenant will be registered on the title to 755, 800 and 825 Academy Way.
- Responded to questions from Council;

Divisional Director, Community Planning & Real Estate:

- Spoke to the challenges with micro-suites as they are not defined in the City's Zoning Bylaw.
- Responded to questions from Council.

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

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

Tim McLennon, Eidos Architecture, Applicant's Representative

- Advised that Watermark Developments is the 'parent' developer of this development and that his client has the property under contract.
- Confirmed that his client is a student housing provider and that the proposal is for a purpose-built student housing development.
- Explained the difference between bachelor suites and micro-suites. Micro-suites are 'single-occupant' suites only.
- Displayed a PowerPoint presentation summarizing the application before Council.
- Responded to questions from Council;

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Singh

R113/15/02/17 THAT Council authorizes the issuance of Development Permit No. DP14-0198 for Lot 2, Section 10, Township 23, ODYD, Plan EPP45918, located on 840 Academy Way, 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 as described in the attached report dated November 3rd 2014";
5. That a section 219 no build restrictive covenant be registered on the remainder lots being:
 - a) Lot 1, Township 23, Land District 41, ODYD, Plan EPP45918, located on 800 Academy Way, Kelowna, BC;
 - b) Lot 3, Township 23, Land District 41, ODYD, Plan EPP45919, located on 825 Academy Way, Kelowna; BC; and
 - c) Lot 1, Township 23, Land District 41, ODYD, Plan EPP45919, located on 755 Academy Way, Kelowna, BC

until such time as the GEID water reservoir can be upgraded and that Academy Way road connection is completed to Sexsmith Road;

6. 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 THAT Council authorize the issuance of Development Variance Permit No. DVP14-0199 for Lot 2, Section 10, Township 23, ODYD, Plan EPP45918, located on 840 Academy Way, Kelowna, BC.

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

Section 8 Parking & Loading: Table 8.1 - Parking Schedule

Vary the parking requirements from a ratio of one parking stall per one unit (251 parking stalls) required to one parking stall per 0.59 units (148 parking stalls) proposed.

Carried

6.4 5505 Chute Lake Road, DVP14-0185 - Calcan Investments Ltd.

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

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

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

Dave Lange, Land Manager, Trestle Ridge, Applicant's Representative

- Displayed a PowerPoint presentation outlining the requested variances.
- Would like a slightly larger accessible building in order to utilize it as RV or 'toy' storage.
- The accessory buildings could also be used as a yoga studio or games room.
- Confirmed that there will only be 16 units in this strata development.
- Believe there is a site specific need for this type of accessory building.
- Responded to questions from Council.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Singh

R114/15/02/17 THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0185 for part of the North East 1/4, Section 14, Township 28, SDYD, Except Plan KAP57304, located on 5505 Chute Lake Road, Kelowna, BC, as shown on Map "A" attached to the Report of the Subdivision, Agriculture & Environment Department dated January 21, 2015;

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

Section 6.5.7: Accessory Development - Maximum Area

To vary the maximum area for an accessory building from 90 m² permitted to 140 m² proposed.

Section 13.14.8(a) and (e): Hillside Large Lot Residential - Building Form and Massing

To vary the maximum height for an accessory building from 4.5 m permitted to 7.5 m proposed.

Section 6.5.8(a): Accessory Development - Front Yard

To vary the front yard for an accessory building from 12.0 m permitted to 3.0 m or 6.0 m (to a garage or carport with access fronting the lane) proposed.

Section 6.5.11: Accessory Development - Bathroom

To vary the bathroom in an accessory building from one bathroom with a toilet and sink, up to 3 m² permitted to one bathroom with a toilet, sink, shower and bathtub, up to 5 m² proposed.

AND THAT the subdivision be registered prior to the Development Variance Permit being issued;

AND FURTHER THAT the applicant be required to complete the above-noted conditions within one (1) year of Council's approval of the Development Variance Permit Application, in order for the permit to be issued.

Carried

7. Reminders - Nil.

8. Termination

The meeting was declared terminated at 9:01 p.m.

Mayor

/slh



City Clerk

DRAFT

CITY OF KELOWNA

BYLAW NO. 11059

Official Community Plan Amendment No. OCP14-0025 - Okanagan Valley Construction Ltd. 1027 Clement Avenue

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of Lot 5, District Lot 138, Section 30, Township 26, ODYD, Plan 3763, located on Clement Avenue, Kelowna, B.C., from the MRM - Multiple Unit Residential (Medium Density) designation to the MRL - Multiple Unit Residential (Low Density) designation;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 16th day of February, 2015.

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. 11060
Z14-0038 - Okanagan Valley Construction Ltd.
1027 Clement Avenue

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 5, District Lot 138, Section 30, Township 26, ODYD, Plan 3763 located on Clement Avenue, Kelowna, B.C., from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 16th day of February, 2015.

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: 3/3/2015
RIM No. 0940-50
To: City Manager
From: Urban Planning Department, Community Planning & Real Estate (RS)
Application: DVP14-0052 / DP14-0064 **Owner:** 1568447 Alberta Ltd.
Address: 889 Vaughan Avenue **Applicant:** Gary Tebbutt
Subject: Development Permit / Development Variance Permit Application
Existing OCP Designation: IND - Industrial
Existing Zone: I2 - General Industrial &
I4 - Central Industrial

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP15-0064 for Lot 1, Section 30, Township 26, ODYD, EPP34493 located on 889 Vaughan 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. 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 THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0052, for Lot 1, Section 30, Township 26, EPP34493, located on 889 Vaughan Avenue, Kelowna, BC;

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

Section 15.2.5 (d): Development Regulations

To vary the minimum front yard setback from 7.5m permitted to 0.0m proposed.

Table 8.1: General Industrial Uses/Warehousing and Storage:

To vary the parking for general industrial uses/warehousing and storage from 59 stalls required to 24 stalls proposed.

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

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

2.0 Purpose

To consider the form and character and associated variance request for a new brewery and accessory tasting room and events facilities on the subject property.

3.0 Urban Planning Department

The Urban Planning Department supports this Development Permit application. The form and character of the proposed brewery is high quality and meets many of the City's design guidelines. The building will add both character and depth to this Kelowna north area with its growing number of breweries, wineries and distilleries as well as create a building that will in some ways function as a northeastern landmark entrance to the City's downtown. The proposed building setback variance along Clement Avenue will allow the building to be located much closer to the public realm which will serve to create a more interesting streetscape.

Staff is also supportive of the parking variance. The proposed parking variance has been reviewed in depth based on the applicants' analysis of the number of stalls required to serve the staff of the brewery and the plan to restrict liquor primary seating to a level that would see the required parking correspond to that available on-site. Research and discussion with the applicant team have indicated that the Zoning Bylaw requirement for "General Industrial Uses" is likely much too high for the proposed use 'brewery' use of the building and as such, staff has no reason to question that applicants proposal.

4.0 Proposal**4.1 Background**

Originally, the subject property formed a portion of four lots that comprised the block between Richter and Ethel Streets that was home to the BC Tree Fruits packing house. Also during its use, the site was a bulk fuel. After the sale of the site in 2013, the subject property was part of a subdivision application that resulted in the current lot configuration. At that time, the lot was found to contain contaminated soil as a result of the previous fuel storage use. A major restoration effort has resulted in lands that may now be developed, subject to receipt all necessary approvals from the Ministry of Environment.

The application under consideration is the first of what will eventually be three development lots on the former packing house site, running between Richter and Ethel Streets, and Clement and Vaughan Avenues. All three lots will be developed comprehensively and will be known as Urban Square.

At present, the lot is split zoned between part I2 - General Industrial, and part I4 - Central Industrial. These zoning lines reflect the previous lot configuration. Both zones permit the brewery development. As part of the broader Urban Square development, the split zoning will be corrected for administrative clarity.

In accordance with Council Policy No. 367, the applicant has conducted Neighbour Consultation. Of those tenants and owners contacted, no concerns were expressed (according to the applicant).

4.2 Project Description

The applicant is proposing to develop a brewery and accessory tasting room and events facilities on the subject property. All the proposed uses will be contained in a single building, being 5,387.5m² (58,000ft²) in gross floor area, which is planned to occupy the centre of the development site.

The principal public access for the building is located on its west elevation, facing inwards toward the Urban Square development site. The main entrance leads into the tasting/tap room, which has its own outdoor patio space. The remainder of the main floor is dedicated to a mix of production, storage, processing and staff space. The second level includes a walkway mezzanine overlooking the brewery operations below, a brewery tasting area, and administration and staff space.

Vehicle access and egress for the public will be taken from Vaughan Avenue, with parking located on the west side of the building. Loading access is taken from Vaughan Avenue, with egress directly onto Ethel Street. Staff parking is also located on the east side of the building.

The overall feel and scale of the building is an authentic expression of its principally industrial purpose. The bulk of the building houses the brewery operation, which needs very high ceilings to contain the silos, storage tanks and other warehousing and processing equipment. The exterior of this portion of the building evidences strong vertical elements. Nevertheless, both south and west building elevations benefit from a higher level of architectural detailing such as having building elements that step down to reduce massing, using alternating building materials including large expanses of glazing, and strategically locating lighting to create a more positive interface for surrounding development, and for future customers.

In its massing, design and finishing, the proposed building succeeds in balancing clear references to Kelowna's industrial heritage while also projecting the image of a high-quality contemporary structure that looks to the future of the area. Tumbled brick and timber elements combine with simple building forms to provide a link to the area's industrial history evidenced in buildings such as the Laurel Packinghouse. Contrasting this, large glazed areas, exposed metal, and organic colours signal a more contemporary feel.

Landscaping on the site is focused on the west side of the lot, where a row of trees separate the vehicle parking area from the pedestrian walkway and entry feature. A mix of grasses and vines trained on trellis surround the perimeter of the structure. In addition, all three frontages of the development will include landscape boulevards and street trees the construction of which the applicant will be responsible.

Two variances are proposed as part of this development. The first is a variance to the minimum front yard setback from 7.5m permitted in the I2 zone. The applicant has stated that the additional space was critical to the building successfully locating on site. In order to mitigate the impacts of the reduced setback, the applicant has provided the south elevation of the building with a higher level of design detail (see attached Variance Rationale).

The second variance requested is to off-street vehicle parking. The applicant has requested a reduction in parking from 136 stalls required to 64 stalls proposed. As shown in the Zoning Analysis Table below, 59 of the 136 stall requirement is for the brewery production space and is calculated by Gross Floor Area. However, the applicant anticipates a maximum staff requirement of 16 for the brewery (and 8 for the brewpub). If one stall is provided per employee, this leaves 40 stalls available for patrons. The events centre and tap room are calculated using the Liquor Primary use class, yielding 40 stalls as a requirement for the 160 liquor primary occupancy load (1 stall per 4 seats). The 4 available stalls would support approximately 160 patrons, where the actual areas available would support more. In short, there is more space available for patrons than there is parking. As a means to equalize this imbalance the applicant has proposed to use the Liquor Licence process with a Liquor Licensing occupant load restriction of 160 persons.

4.3 Site Context

The subject property is located on the northwest corner of Clement Avenue and Ethel Street, on the east side of the former packinghouse site. The 0.78ha site is presently undeveloped and contains no improvements.

The lot sits on the southern boundary between the north end industrial area and the single detached residential area across Clement Avenue to the south. Surrounding uses reflect this division of residential and industrial uses separated by Clement. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I4 - Central Industrial	BC Tree Fruits cold storage facility
East	I4 - Central Industrial	Lois Lane Antiques SunRype
South	RU6 - Two Dwelling Housing	Established low and medium density single detached housing
West	I2 - General Industrial I4 - Central Industrial	Former packinghouse, Urban Square

Subject Property Map: 889 Vaughan Avenue



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	12/14 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	4,000 m ² /	7,819 m ²
Lot Width	40.0 m/	106-115 m
Lot Depth	35.0 m/	78.02 m
Development Regulations		
Floor Area Ratio	1.5/3.0	0.69
Site Coverage	60%/none	51.15%
Height	14.0 m/18.0 m	13.11 m
Front Yard	7.5 m	0.0 m ^①
Side Yard (east)	6.0 m/0.0 m	22.18 m
Side Yard (west)	0.0 m/0.0 m	21.84 m
Rear Yard	0.0 m/0.0 m	0.0 m
Other Regulations		
Minimum Parking Requirements	General Industrial Uses = 59 Warehousing & Storage = 5 Liquor Primary = 40 TOTAL = 104	General Industrial Uses + Warehousing = 24 Liquor Primary = 40 TOTAL = 64 stalls ^②
Bicycle Parking	Class I = 1 Class II = 5	Class I = 6 spaces Class II = 8 spaces

Landscaping Requirements:		
Front	Level 2	Level 2
Side (east)	Level 2	Level 2 (fence)
Side (west)	none	none
East	Level 2	Level 2
Loading Space	3 spaces	5 spaces
<p>① Indicates a requested variance to the minimum front yard setback from 6.0m permitted to 0.0m proposed.</p> <p>② Indicates a requested variance to the number of off-street vehicle parking spaces from 136 required to 64 proposed.</p>		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Ensure efficient use of industrial land supply.¹

Industrial Land Use Intensification.² Encourage more intensive industrial use of currently under-utilized industrial sites during site redevelopment or by permitting lot subdivision where new lots can meet the minimum lot size requirements of the Zoning Bylaw.

Comprehensive Development Permit Area - Objectives³

- Convey a strong sense of authenticity through urban design that is distinctive for Kelowna;
- Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures;
- Integrate new development with existing site conditions and preserve the character amenities of the surrounding area;
- Promote interesting, pedestrian friendly streetscape design and pedestrian linkages;
- Provide for a scale and massing of commercial buildings that promotes a safe, enjoyable living, pedestrian, working, shopping and service experience;
- Incorporate architectural features and detailing of buildings and landscapes that define an area's character;
- Promote alternative transportation with enhanced streetscapes and multimodal linkages;
- Highlight the significance of community institutional and heritage buildings; and
- Protect and restore the urban ecology (i.e. architectural and site consideration with respect to the ecological impact on urban design).
- Moderate urban water demand in the City so that adequate water supply is reserved for agriculture and for natural ecosystem processes.
- Reduce outdoor water use in new or renovated landscape areas in the City by a target of 30%, when compared to 2007.

6.0 Technical Comments

6.1 Building & Permitting Department

¹ City of Kelowna Official Community Plan, Chapter 5 (Development Process), Objective 5.29.

² City of Kelowna Official Community Plan, Chapter 5 (Development Process), Policy 5.29.1.

³ City of Kelowna Official Community Plan, Chapter 14 (Urban Design DP Guidelines), Objectives.

- a) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- b) Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- c) A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
 - i. Spatial issues with glazing between A2 and F2 occupancies
 - ii. Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
 - iii. Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
- d) A Geotechnical report is required to address the sub soil conditions and site drainage.
- e) Guards are required for all interconnected floors that provide access to exit for A2 type occupancies. The drawings provided don't clearly identify these requirements, but will be reviewed at time of building permit application.
- f) Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit are to clearly identify how this rating will be achieved and where these area(s) are located.
- g) The upper floor plans require dedicated corridors that connect to the exit stair shafts). An exit analysis is required as part of the code analysis at time of building permit application. The exit analysis is to address travel distances within the units based on equipment layout, number of required exits, vestibules requirements, etc.
- h) 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.
- i) Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

See attached Memoranda, dated May 6, 2014.

6.3 RCMP

No concerns.

6.4 Real Estate Services

If encroachments onto City lands occur, Encroachment Agreements will be required to be executed prior to DP/DVP issuance. If due to the encroachment, street lighting cannot be provided, consider agreements for lighting or protect for lighting poles on property using SRW.

6.5 Fire Department

- a) Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- b) Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900.
- c) A visible address must be posted as per City of Kelowna By-Laws
- d) Sprinkler drawings are to be submitted to the Fire Dept. for review when available.
- e) A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD or DVD to facilitate Fire Department pre-planning for this structure. The fire safety plan should clearly detail the unique requirements for this structure. A copy of the sprinkler system owner's certificate is to be included in the fire safety plan.
- f) Fire Department access is to be met as per BCBC 3.2.5.6
- g) Fire Department steel lock box or key tube acceptable to the fire dept. is required by the fire dept. entrance. Kurt's Lock & Safe at 100A - 1021 Ellis Street, Kelowna is the approved supplier for flush mount lock boxes.
- h) The standpipes connections are to be installed on the transitional landings of the stairwells as per NFPA 14. 3)
- i) Fire Stairwells to be marked clearly (including roof access) as per Fire Department requirements. This would be standardized and approved by the Kelowna Fire Department (KFD).
- j) All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met,
- k) Fire alarm system is to be monitored by an agency meeting the CAN/ULC S562 Standard.
- l) Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- m) Fire department connection is to be within 45M of a fire hydrant - please ensure this is possible and that the FD connection is clearly marked and visible from the street.

7.0 Application Chronology

Date of Application Received: April 9, 2014

Advisory Design Team (pre-application): January 16, 2014

Project placed "off-line" by developer: June 30, 2014

Revised Plans received: January 23, 2015

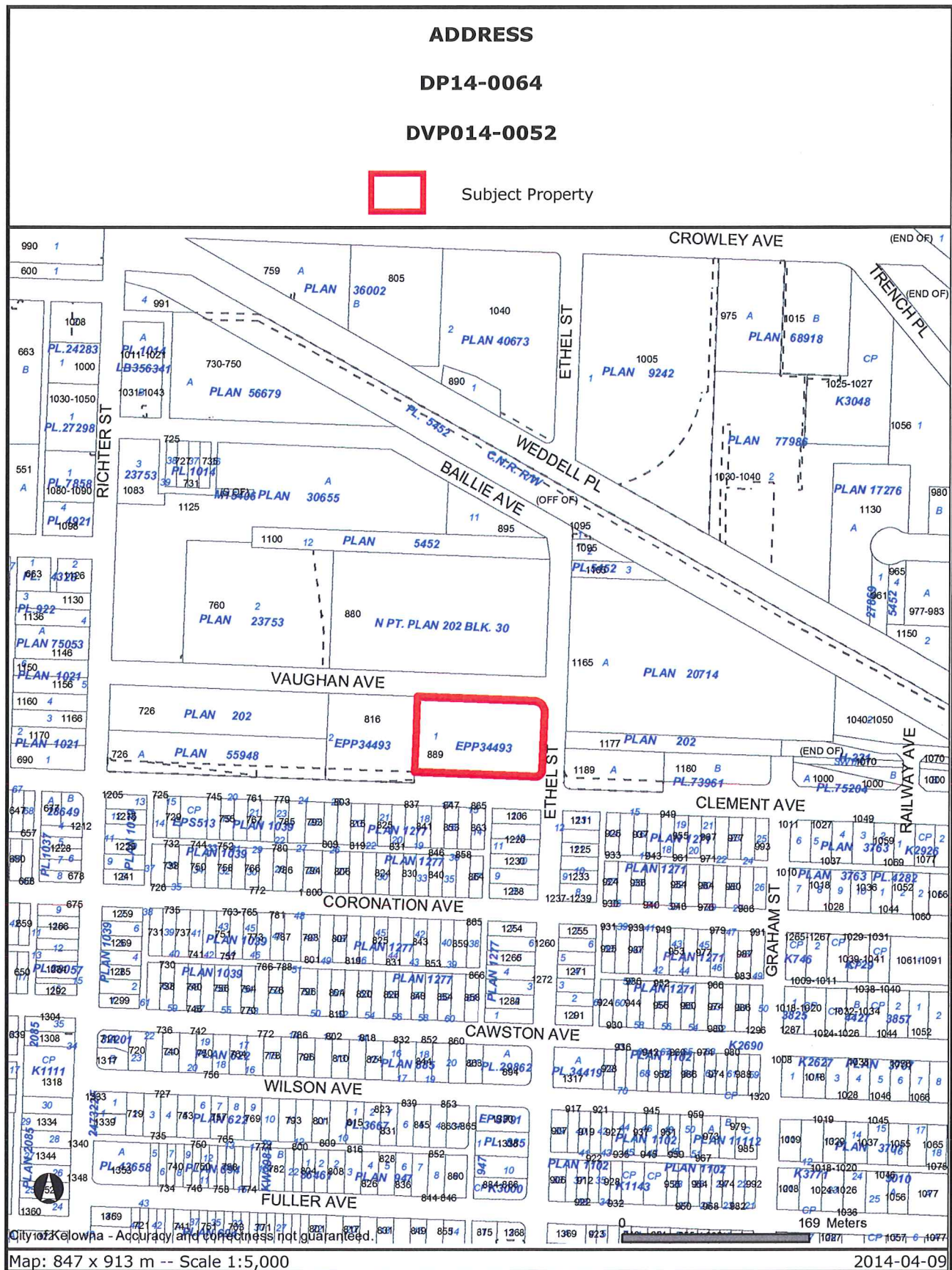
Report prepared by:

Ryan Smith
Urban Planning Manager

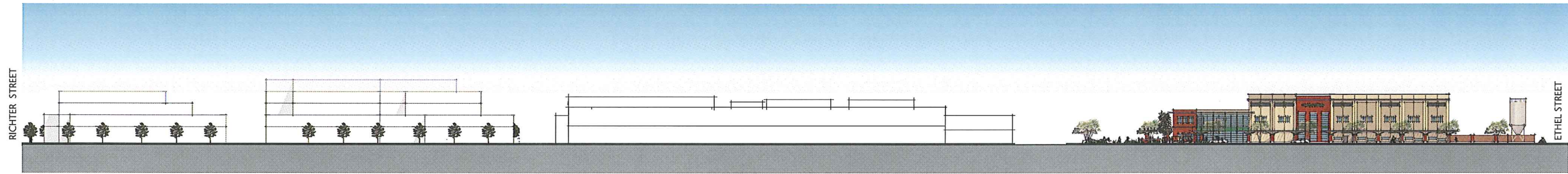
Approved for Inclusion: ☐ D. Gilchrist, Div. Dir. of Community Planning & Real Estate

Attachments:

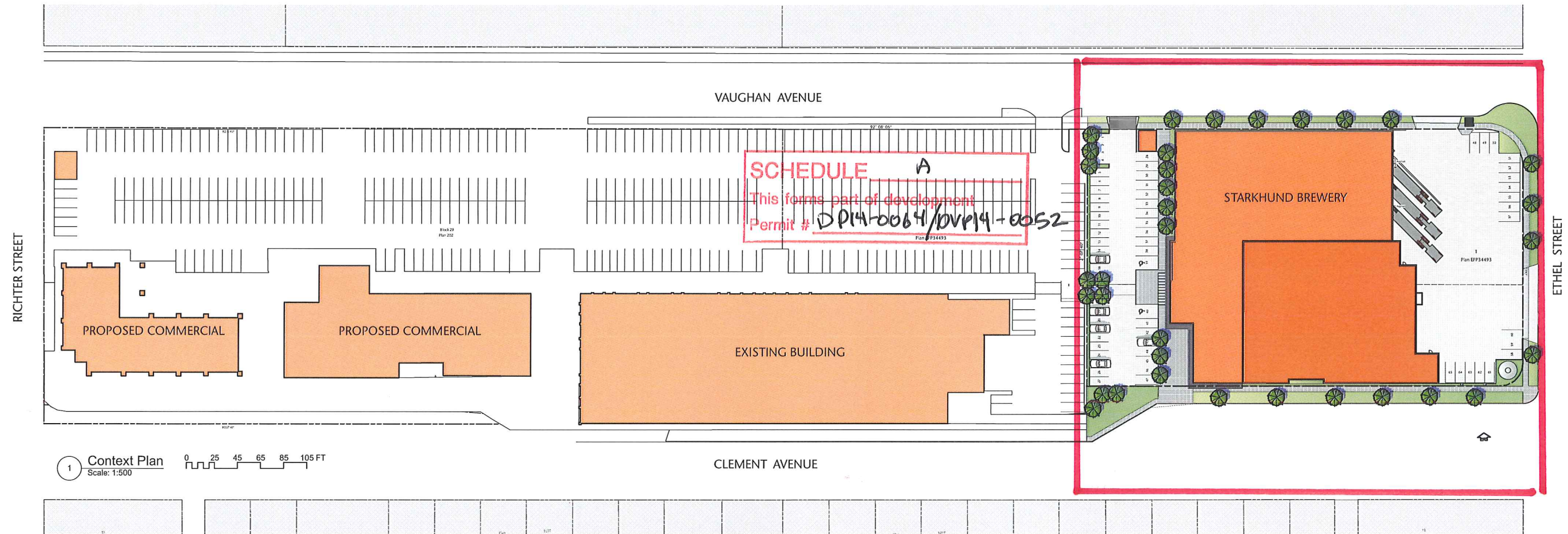
Subject Property Map
Context/Site Photos
Site Plan
Floor Plans
Conceptual Elevations
Landscape Plan
Conceptual Renderings
Design Rational
Development Engineering Memoranda, dated May 6, 2014.



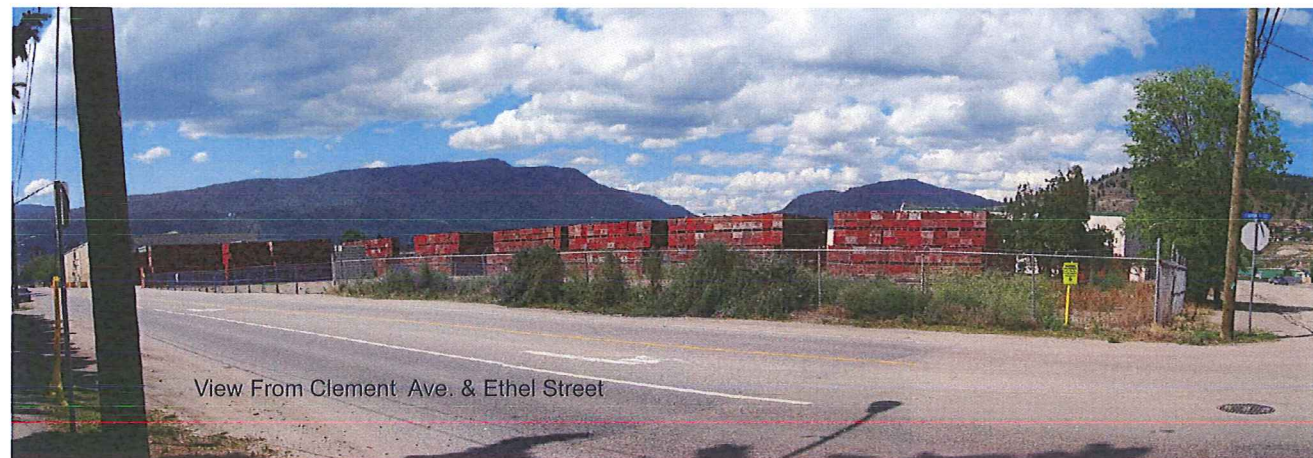
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.



CLEMENT STREET ELEVATION



1 Context Plan
Scale: 1:500



Drawing List

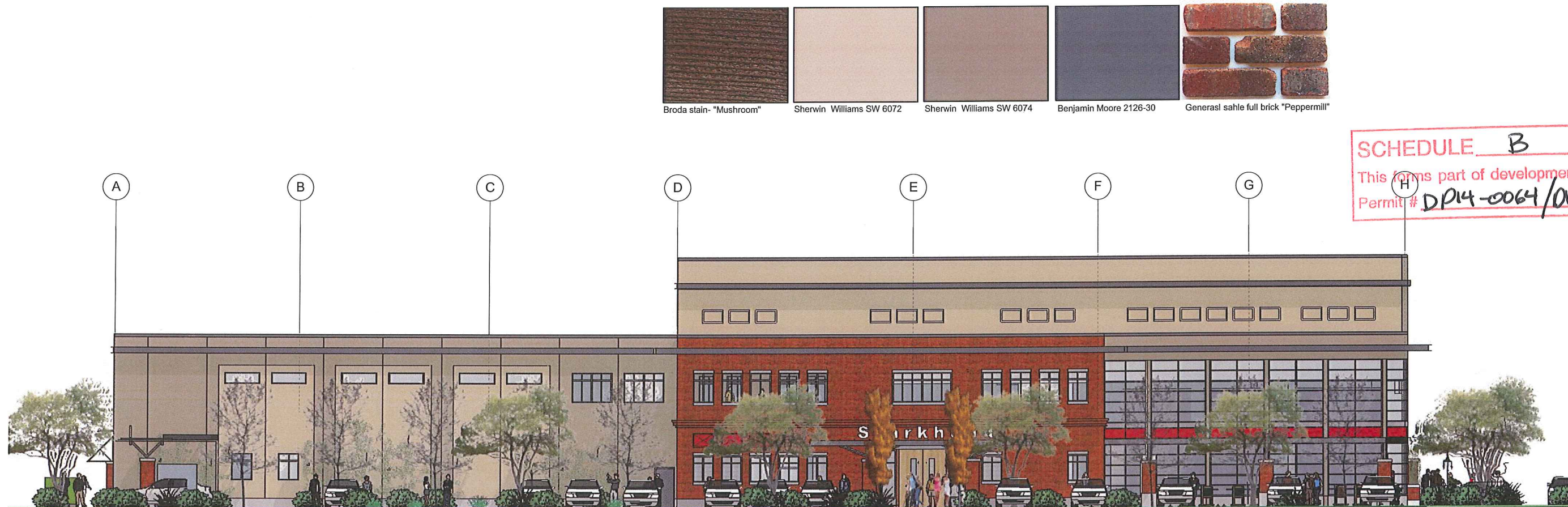
- A 0.0 Cover Sheet
- A 1.0 Context, Data, Street Elevation
- A 1.1 Site Photos
- A 2.0 Sketch
- A 2.1 Sketch
- A 3.0 First (ground) Floor & Site Plan
- A 3.1 Second Floor Plan
- A 3.2 Liquor Primary (First Floor)
- A 3.3 Liquor Primary (Second Floor)
- A 4.0 Sections
- A 4.1 Sections
- A 5.0 Elevations
- A 5.1 Elevations
- C 1.0 Grading
- C 2.1 Truck Tracking
- C 2.2 Truck Tracking
- L 1.1 Conceptual Landscape & Plant List
- L 2.1 Precedent Images
- L 2.2 Precedent Images
- L 2.3 Precedent Images
- L 2.4 Precedent Images

Project Data

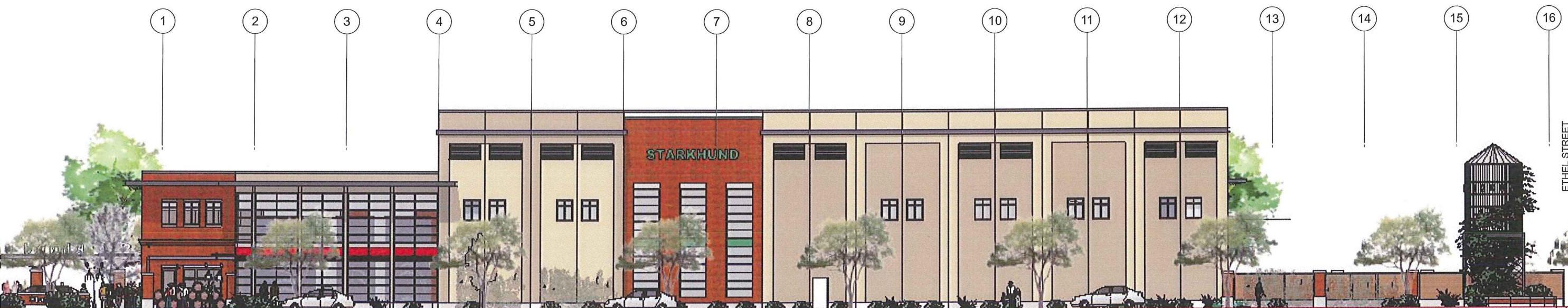
		Proposed	Allowed	Parking requirement
Legal Description	Plan of Subdivision of Lot 8 Sec 30 TP 26 ODYD Plan KAP55948 and Block 30 Sec 30 TP 26 ODYD Plan 202 except (1) the North 349.38', (2) Plans 5011 & KAP55948			
Site Address	899 Vaughan Avenue			
Site Area	84,173.78 s.f. (0.782 ha)			
Site Coverage		43,400 s.f. (51.56%)	50,504.27 (60%)	
Building Area				
	Ground Floor	43,057 s.f.		
	Second Floor/Mezzanine	12,158 s.f.		
	Total	58,000 s.f. (0.69 FAR)	126,260 s.f. (1.5 FAR)	
Specific Room Areas	Assembly Space - Pub & Tasting Room	172 people*	43 spaces	43 spaces
	Brewery Staff	(see letter attached)	21 spaces	21 spaces
	Total Parking Req'd		64 spaces	64 spaces
Setbacks				
	Front (South - Clement Street)	0	7.5m	
	East Side (Ethel Street)	72'-9.25"	19.68' (6.0m)	
	West Side	71'-8.5"	0	
	North Side (Vaughan)	1'-0"	0	
Building Height		43'-0"	45.93' (14.0m)	

* This will enable Starkhund to have 172 'floating' seats with on site parking
 ** 'Floating' means that although the combined Occupant Load for the BrewPub and Tasting Room is greater than 172, only 172 patrons can be in the building at one time.

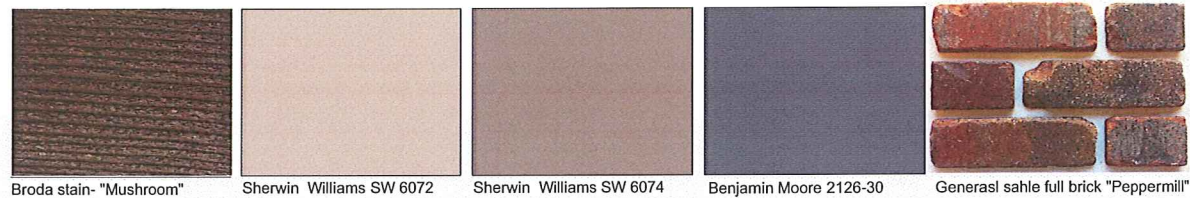
VAUGHAN AVENUE



4 West Elevation
Scale 1/8" = 1'-0"

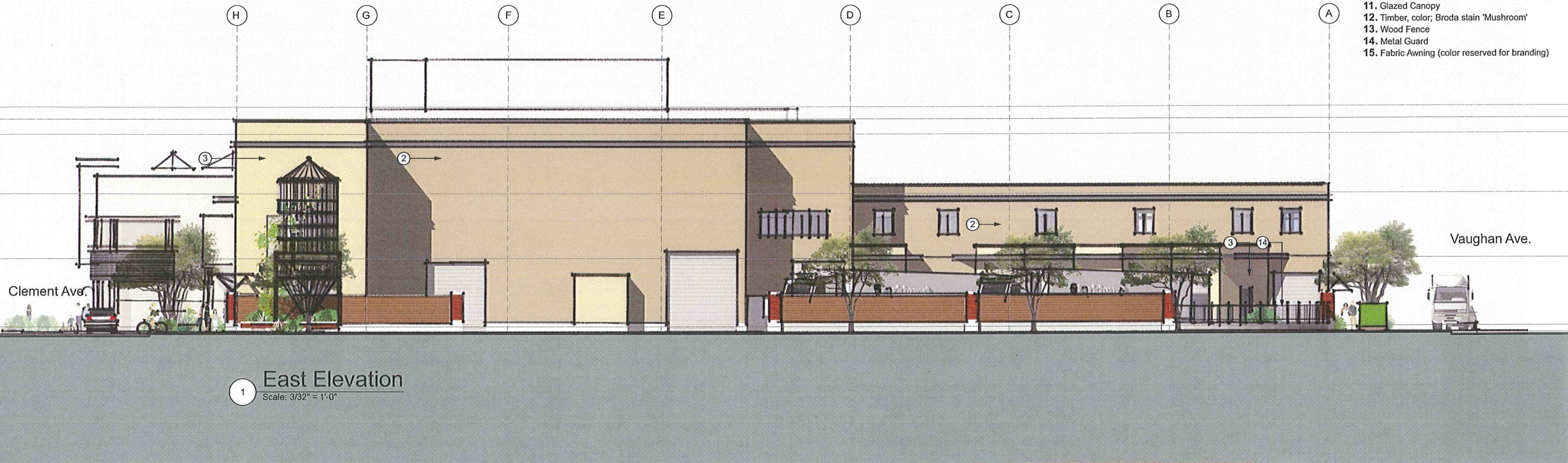


3 South Elevation - Clement Avenue
Scale 1/8" = 1'-0"



Materials List

1. Brick Generast Shale full brick 'Peppermill'
2. Concrete painted, Color; (SW 7025)
3. Concrete painted, Color; (SW 7023)
4. Concrete (Natural)
5. Concrete Joint
6. Metal Flashing, color; (Dark charcoal BM 2126-30)
7. Metal Painted, color; (Dark charcoal BM 2126-30)
8. Aluminum Window Frame, color; (Black anodized)
9. Glazing
10. Spandrel Panel (color reserved for branding)
11. Glazed Canopy
12. Timber, color; Broda stain 'Mushroom'
13. Wood Fence
14. Metal Guard
15. Fabric Awning (color reserved for branding)

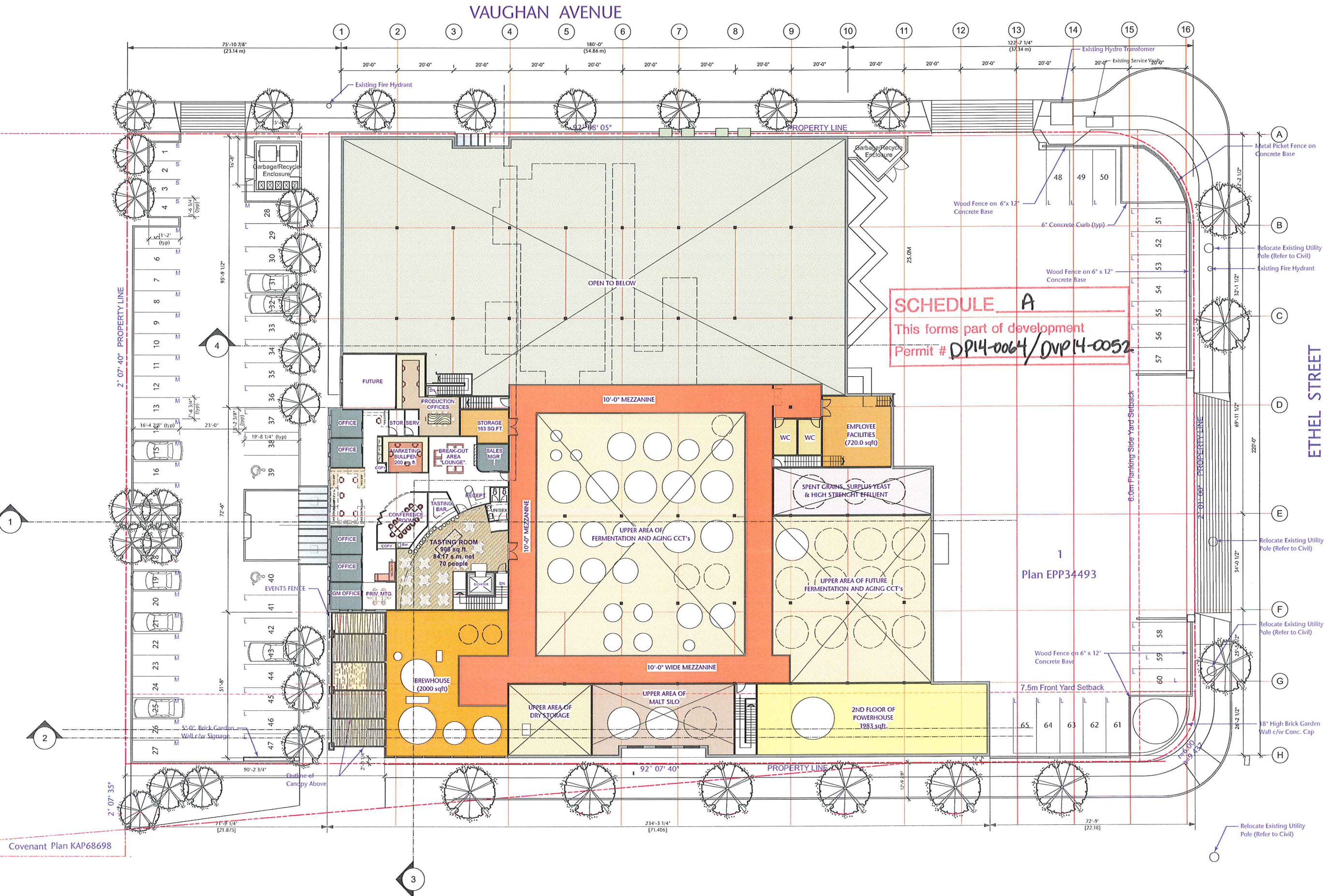


1 East Elevation
Scale: 3/32" = 1'-0"

SCHEDULE B
This forms part of development
Permit # DP14-0064/DP14-0052



3 North Elevation
Scale: 1/8" = 1'-0"



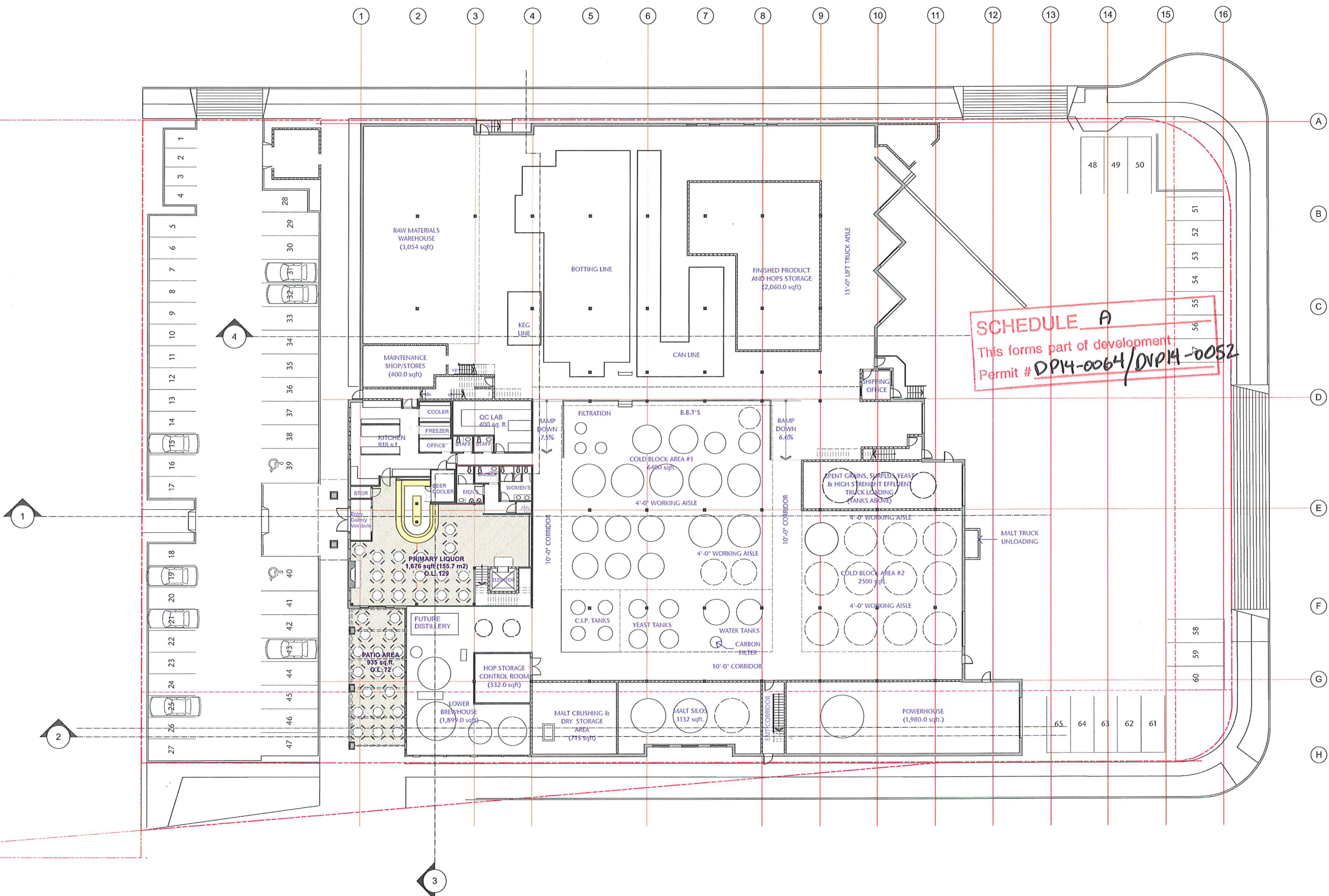
SCHEDULE A
This forms part of development
Permit # DP14-0064 / DVP14-0052

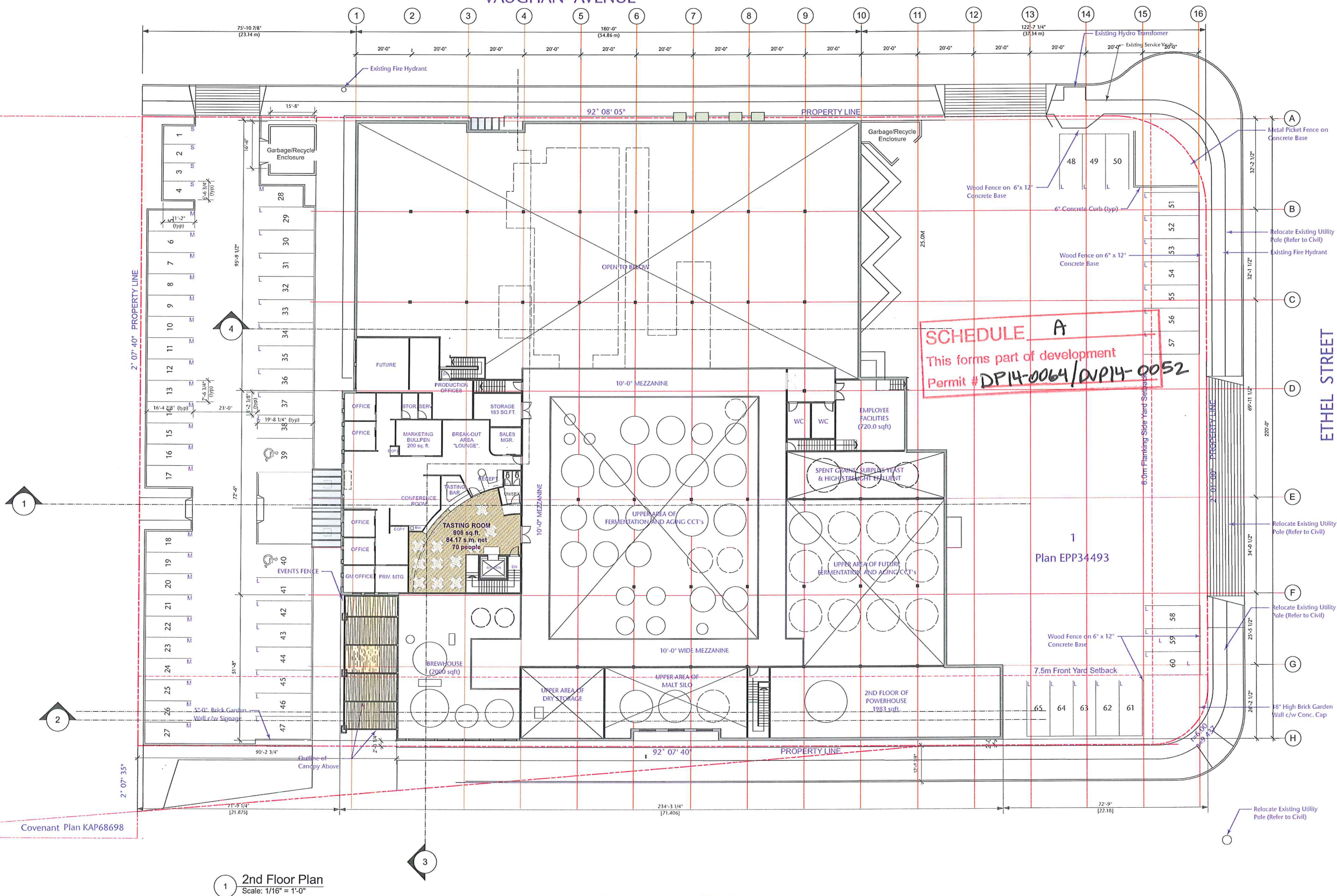
1
Plan EPP34493

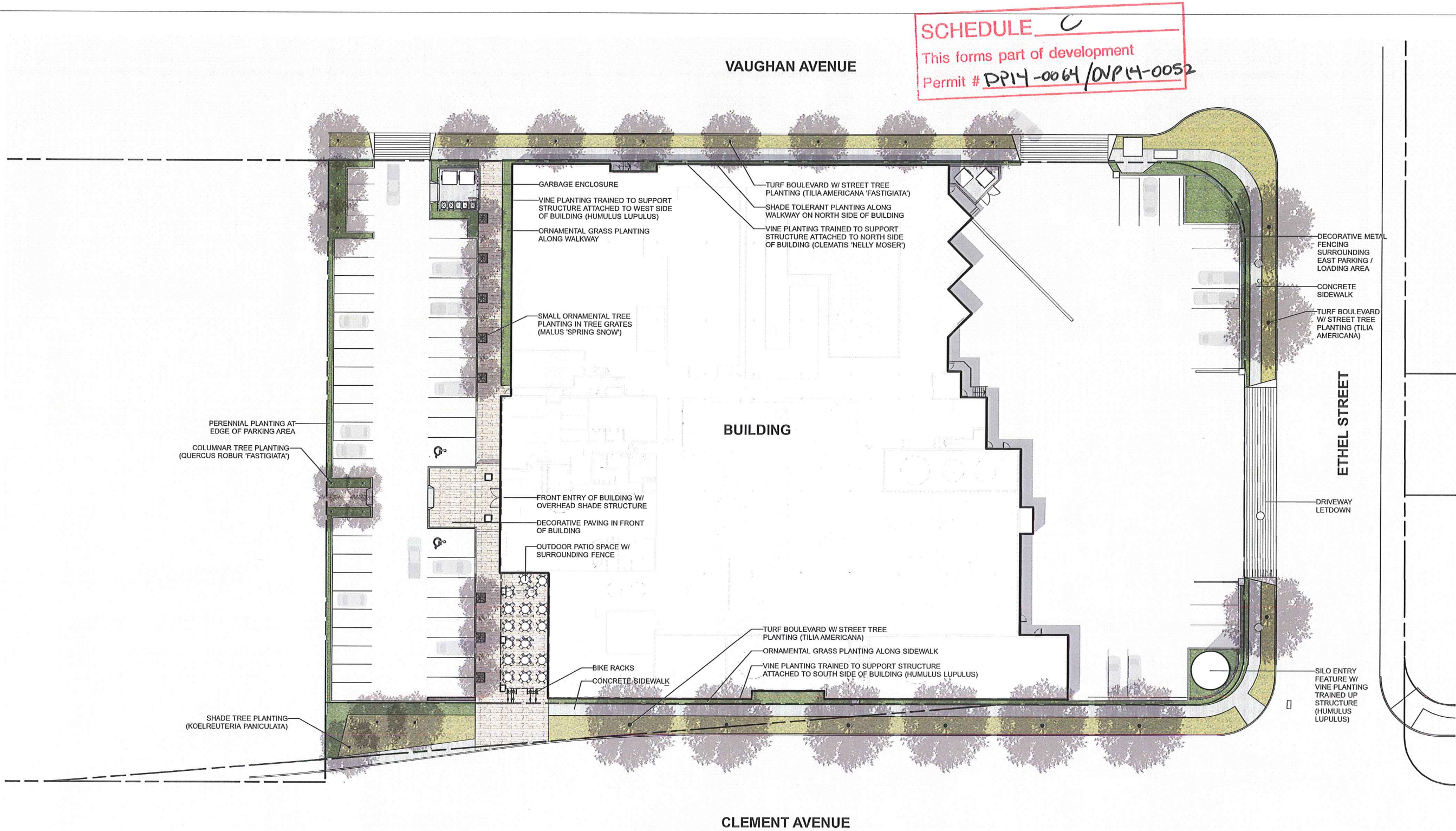
Covenant Plan KAP68698

Second Floor Plan

CLEMENT AVENUE







SCHEDULE C
This forms part of development
Permit # PP14-0064 / OVP14-0052

OUTLAND DESIGN
LANDSCAPE ARCHITECTURE
206 - 1889 Spall Road
Kelowna, BC V1Y 4R2
T (250) 868-9270
www.outlanddesign.ca



PROJECT TITLE
STARKHUND BREWERY
894 Clement Avenue
Kelowna, BC

DRAWING TITLE
**CONCEPTUAL
LANDSCAPE PLAN**

ISSUED FOR / REVISION		
1	15.01.21	Development Permit
2		
3		
4		
5		

PROJECT NO	14-001
DESIGN BY	BD
DRAWN BY	SP
CHECKED BY	FB
DATE	JAN. 21, 2015
SCALE	1:250

SEAL



DRAWING NUMBER

PLANT LIST

BOTANICAL NAME	COMMON NAME	QTY	SIZE / SPACING & REMARKS
TREES			
KOELREUTERIA PANICULATA	GOLDEN RAIN TREE	3	6cm CAL.
MALUS 'SPRING SNOW'	SPRING SNOW CRABAPPLE	8	6cm CAL.
QUERCUS ROBUR 'FASTIGIATA'	COLUMNAR ENGLISH OAK	4	6cm CAL.
TILIA AMERICANA	AMERICAN LINDEN	9	6cm CAL.
TILIA AMERICANA 'FASTIGIATA'	COLUMNAR AMERICAN LINDEN	10	6cm CAL.
SHRUBS, PERENNIALS & GROUNDCOVERS			
CLEMATIS 'NELLY MOSER'	NELLY MOSER CLEMATIS	14	#01 CONT. /1.8m O.C. SPACING
DESCHAMPSIA CESPITOSA	TUFTED HAIR GRASS	145	#01 CONT. /0.75m O.C. SPACING
HUMULUS LUPULUS	HOPS	30	#01 CONT. /1.8m O.C. SPACING
NEPETA 'SIX HILLS GIANT'	SIX HILLS GIANT CATMINT	197	#01 CONT. /0.75m O.C. SPACING
PACHYSANDRA TERMINALIS	JAPANESE SPURGE	93	#01 CONT. /0.6m O.C. SPACING

NOTES

1. PLANT MATERIAL AND CONSTRUCTION METHODS SHALL MEET OR EXCEED B.C.L.N.A. STANDARDS.
2. ALL SOFT LANDSCAPE AREAS SHALL BE WATERED BY A FULLY AUTOMATIC TIMED UNDERGROUND IRRIGATION SYSTEM.
3. TREE AND SHRUB BEDS TO BE DRESSED IN A MINIMUM 75mm WOOD MULCH. DO NOT PLACE WEED MAT UNDERNEATH TREE AND SHRUB BEDS.
4. TREE AND SHRUB BEDS TO RECEIVE A MINIMUM 300mm DEPTH TOPSOIL PLACEMENT.
5. TURF AREAS FROM SOD SHALL BE NO. 1 GRADE GROWN FROM CERTIFIED SEED OF IMPROVED CULTIVARS REGISTERED FOR SALE IN B.C. AND SHALL BE TOLERANT OF DROUGHT CONDITIONS. A MINIMUM OF 100mm DEPTH OF GROWING MEDIUM IS REQUIRED BENEATH TURF AREAS. TURF AREAS SHALL

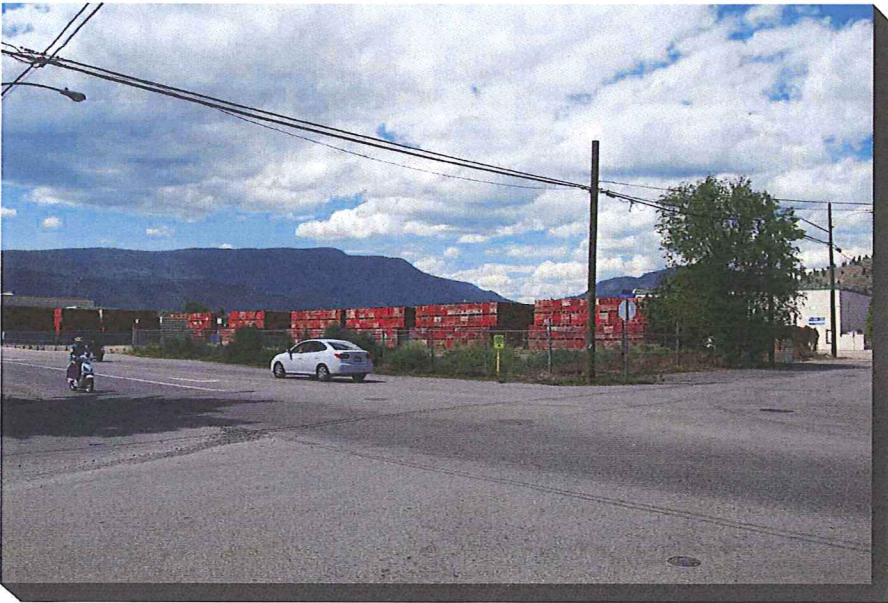
L1/2



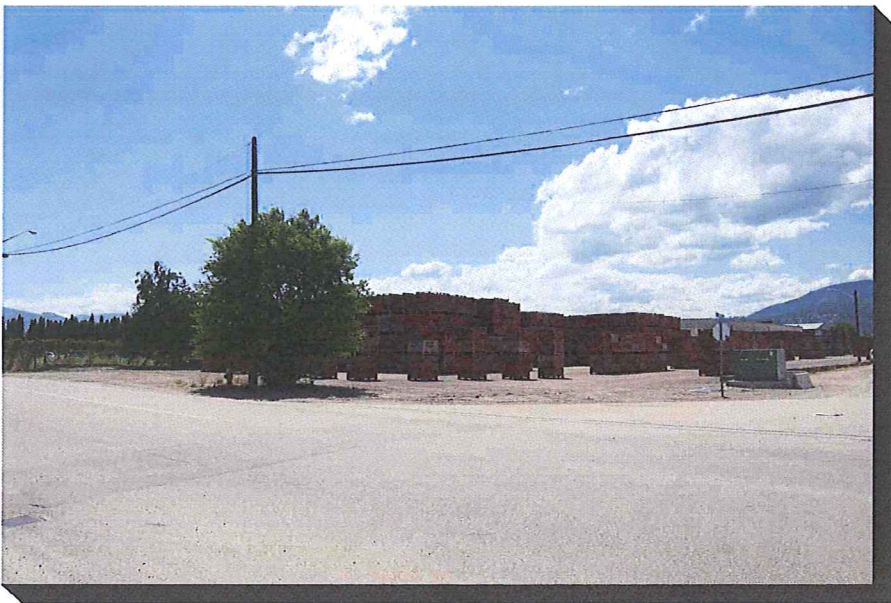
View of Patio and Entry Beyond



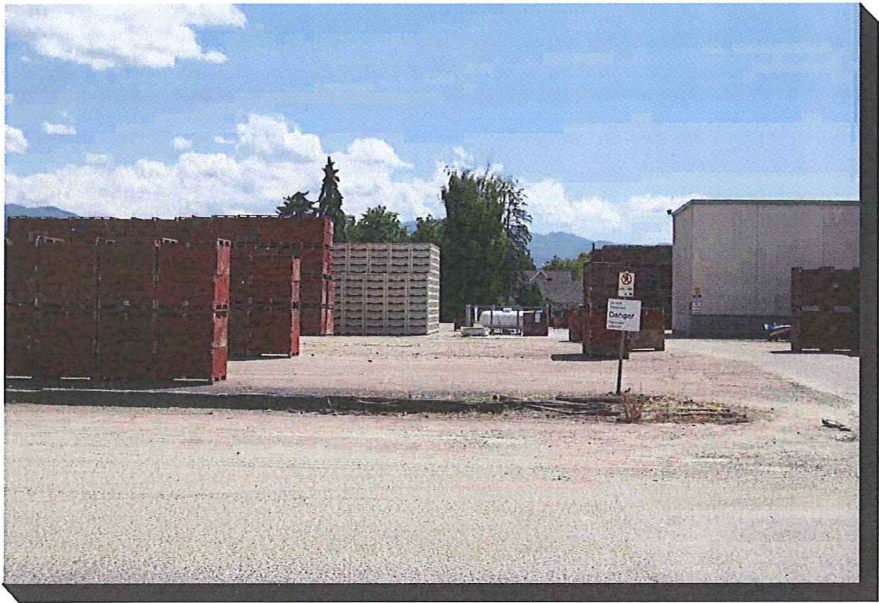
View From Southwest



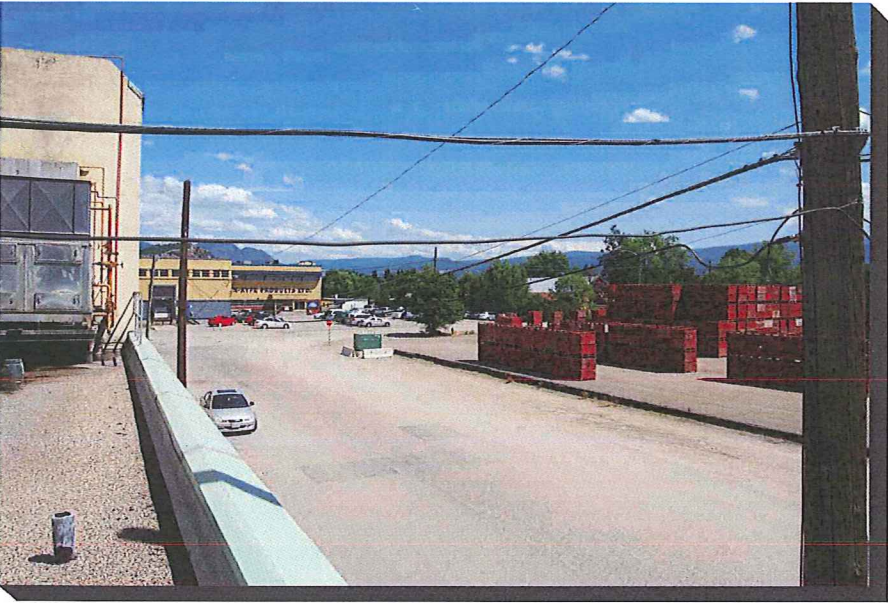
CLEMENT & ETHEL LOOKING NORTHWEST



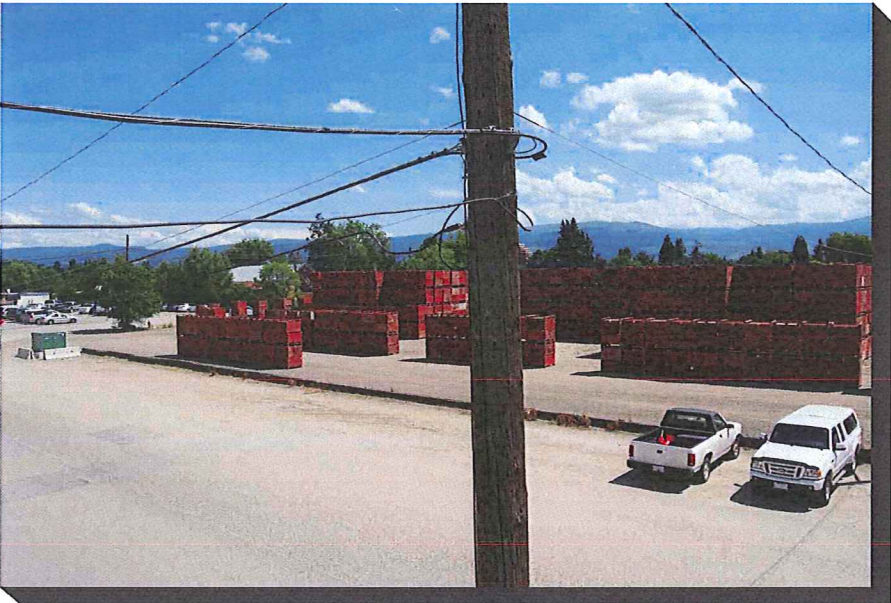
VAUGHAN & ETHEL LOOKING SOUTHWEST



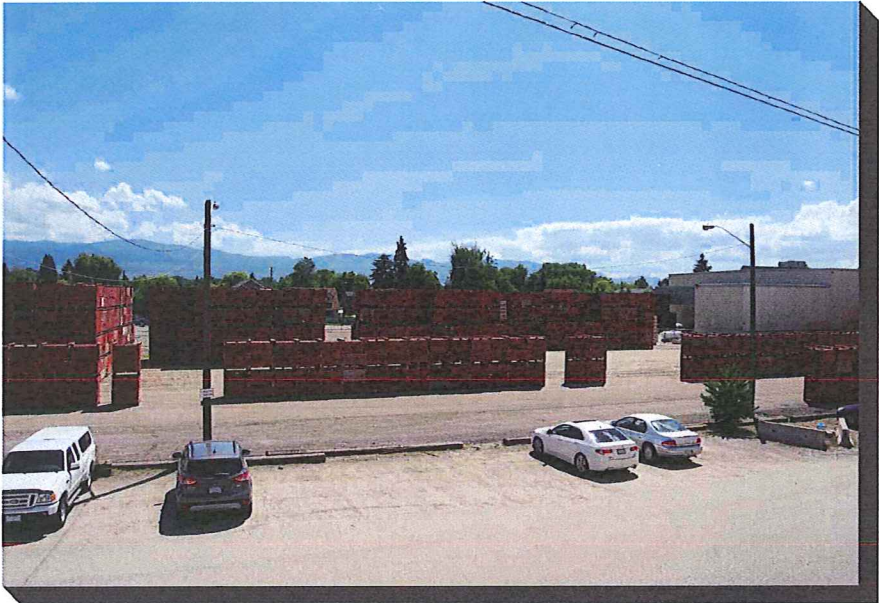
WEST BOUNDARY OF STARKHUND SITE LOOKING SOUTH



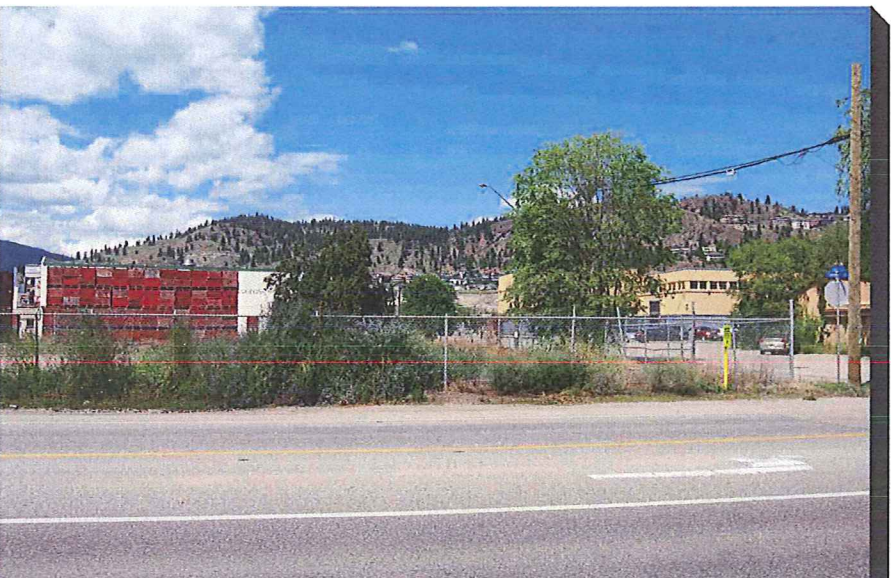
VAUGHAN & ETHEL LOOKING SOUTHEAST FROM 2ND FLOOR

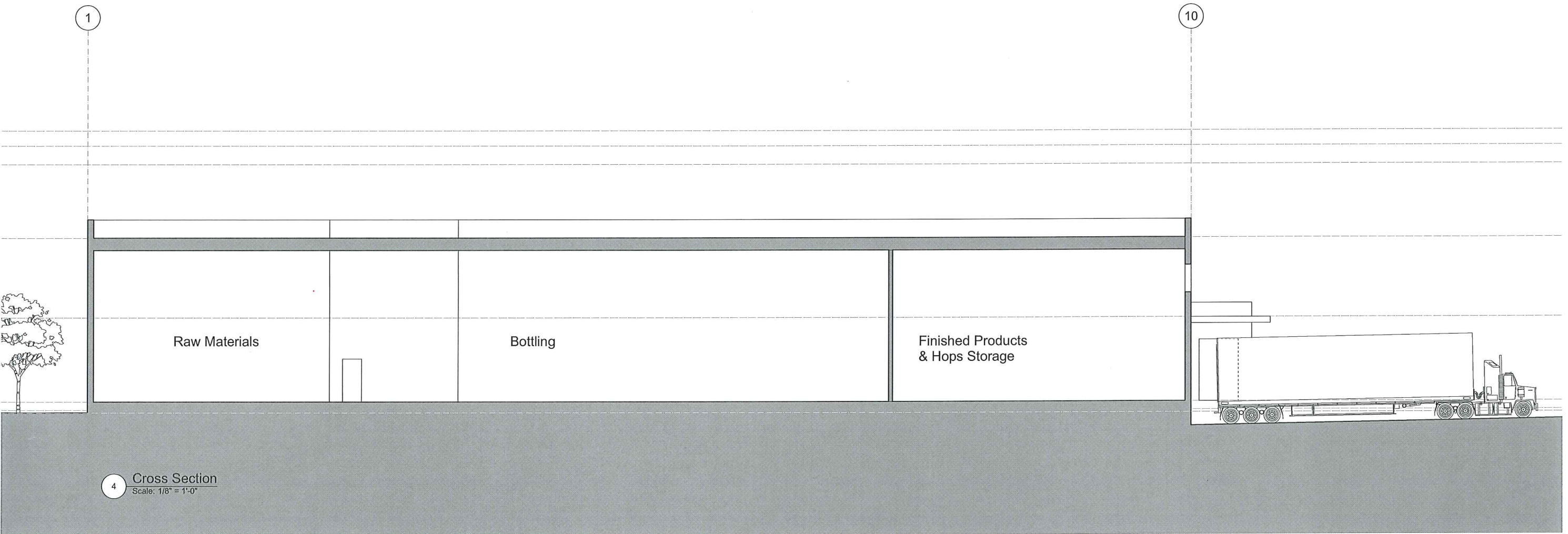


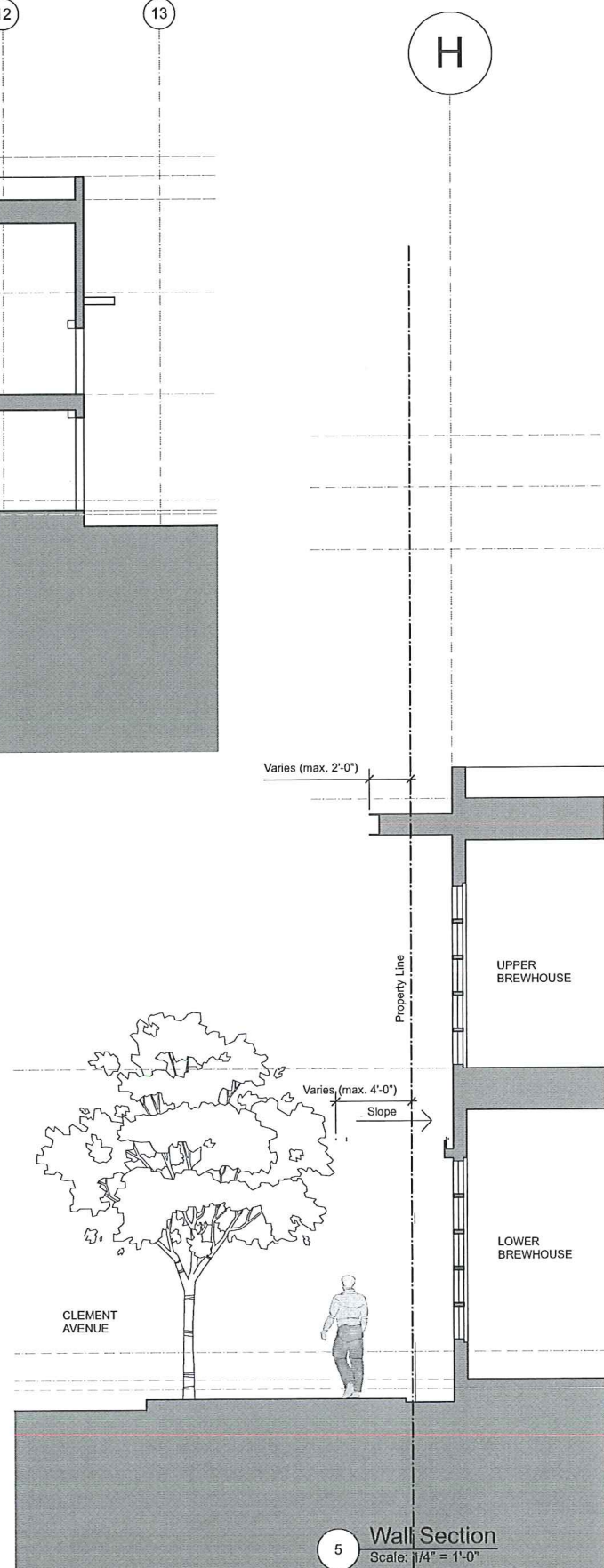
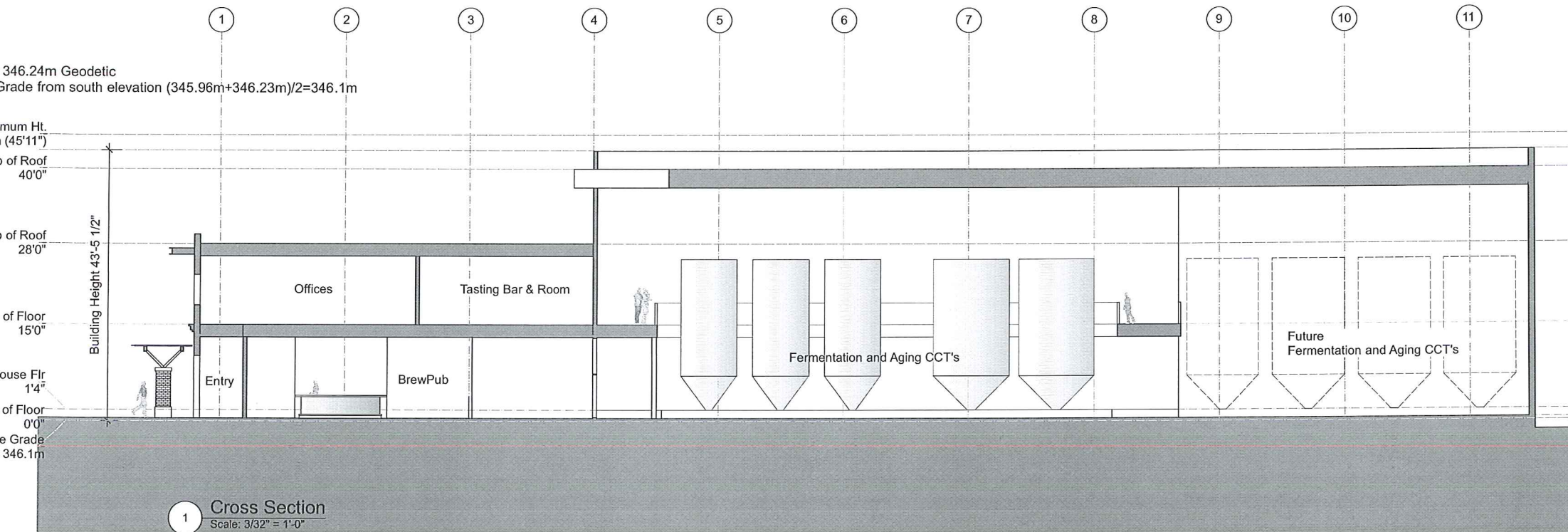
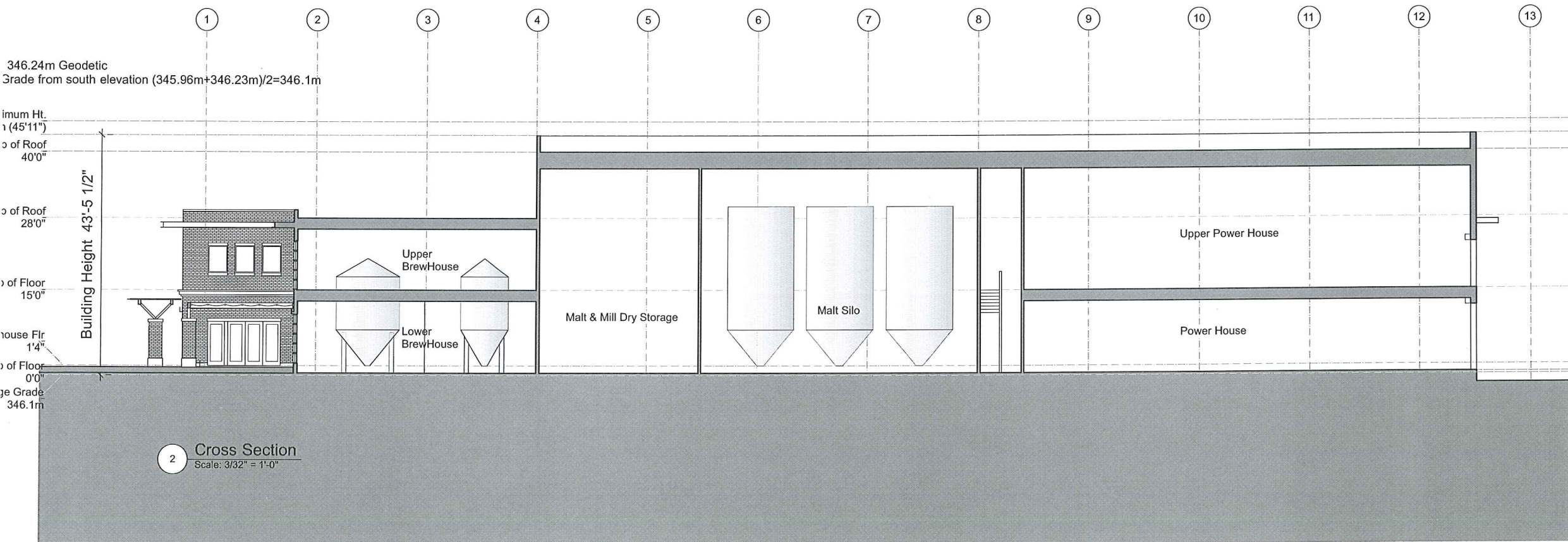
SITE LOOKING SOUTHEAST FROM 2ND FLOOR



SITE LOOKING SOUTH FROM 2ND FLOOR







Design Rationale.

Client's brief:

- To design a simple cost effective building that will afford the best possible internal layout for the brewery and the best delivery area.
- To design a building that best represents the Starkhund brand.
- To design a building that facilitates good public interaction

City's brief:

- To design a building that will act as a gateway to downtown along Clement Street.
- To have a building design that will be catalyst for others in the area.
- The building to have a heritage flavor, and pulling materials and details from the past.
- To provide an interesting, pedestrian friendly façade treatment for Clement and the west elevation
- To provide a strong east west connection between this site and the market to the west.

The Starkhund brand and building will be a significant addition to the City of Kelowna. Designed to be a landmark building in mass, scale and detail, it will be an integral part of this industrial /commercial city block, as well as act as gateway to the downtown business district.

Massing of the building came from the internal function of the building, as well as a reflection of it's context within this City block. Brewing vessels, silos, storage each have height requirements reflected in the building' roof heights. The entry portion of the building corresponds with the height of the adjacent building.

Circulation has been a strong determinant in shaping the building. Having a very efficient loading area was paramount. Parking was required to be contiguous with the future building to the west. A strong eastwest between the future building to the west and the brewery and south-north pedestrian flow between Clement and Vaughan was an essential driving force.

Height of the building is similar to that of the building to the west.

As part of our mandate we have featured 3 areas: the brewhouse, the brewpub and the caged silo on the southeast corner of the site. The brew house with it's storefront glazing, brand colour spandrel panel, wood and metal soffit, will all showcase the stainless steel and copper kettles behind. The beer store with events centre will be clad in full clinker brick, with concrete lintels and sills, reminiscent of classical breweries and distilleries elsewhere in Canada. The 'caged' silo made of strips of galvanized steel, will be a base from which signage can be placed, hops be encouraged to grow up and will be well illuminated. The building subtly gestures toward this gateway feature.

Landscaping has been designed to compliment and soften the building, screen parking areas and garbage enclosures, and enhance the pedestrian experience. Environmentally, drought tolerant plants will conserve water, vine planting will reduce the building's energy consumption, and trees will provide shade to mitigate heat island effects.

1. Front Yard Setback

In order to fit this size of brewery on this site, with the required parking and loading, we needed to encroach into the front yard setback. The resultant setback is minimum setback of 0m (inclusive of a 2'-0" 'on the property' landscape strip), when 7.5m is required in the I2 zoning. In order to mitigate the visual impact of the building on this busy street, we've included large, stately trees in the boulevard to compliment the scale, ornamental grasses to soften the edges, and vine planting trained to a support structure to screen the building façade. Further we will illuminate this walkway with scalloped up lights and down lights.

2. Parking

Parking has been calculated based upon total staff and users of the brewery pub and tasting room. We are requesting a parking variance for the 'brewery side', not the 'liquor primary side.'

The Brewery side

The expected maximum staff count at one time for this building, including brewery and office workers is 16 people (see attached letter from the Brewery consultants), which equates to 16 parking spaces total.

Under 'Industrial' in the Bylaw (the closest option from which to calculate the parking), it does not equate to the actual staff that could ever be on site for a brewery.

General Industrial requires 2 spaces/100 s.m. or 1,077 sq.ft.

Total (General Industrial) area	42,164 sq.ft.		
General Industrial 75%	31,615 sq.ft.	$31,615/1077 = 29.35 \times 2$	= 59 spaces
Warehouse 25%	10,538 sq.ft.	$10,538/1077 = 9.78/2 = 4.89$	= 5 spaces

Total Parking required using area calculation = 64 spaces

We recommend that the best way to determine the required number of parking spaces would be to use *staff count*, not *square footage*. Using this staff count method, we will satisfy the parking requirements for now and in the future.

Liquor Primary Side

We are able to meet the total requirement for liquor primary on our site without any variance. These 40 spaces on site will enable us to have 160 liquor primary seats.

Actual liquor primary spaces requested Starkhund are as follows:

Production & Office Staff (as referenced above)	16 people
Brewpub staff	8 people
Brewpub	129 people
Tasting Room	70 people
Total	223 people*

In summary we can accommodate 64 parking spaces on the site, with 24 spaces allotted to the staff, leaving 40 spaces for liquor primary.

- Note this figure is a global Occupant Load, therefore this is the maximum number of liquor primary patrons allowed in the building at one time. None of these rooms can exceed this total number of patrons at one, as defined above.

January 28, 2015

Ryan Smith
Urban Planning Manager
City of Kelowna
1435 Water Street
Kelowna, B.C. V1J 1J4

*Re: Starkhund Brewery, 899 Vaughan Avenue, Kelowna., B.C.
Proposed Brewpub Staffing requirements*

Dear Mr. Smith,

This letter is to advise Kelowna Planning Department our anticipated number of staff in the new brewpub, to be located in Starkhund Brewery.

At this time we foresee 8 staff total at any one time in the brewpub. This will breakdown as follows:

- BrewPub manager
- Bartender
- 3 kitchen staff
- 3 wait staff

It is noted that these 8 staff will be separate from the 16 staff in the production facility.

Please contact the writer if you require any further information.

Sincerely,

Michael Grenke
Starkhund Brewery





FIRST KEY CONSULTING INC.

Suite 300, 1090 Homer Street

Vancouver, BC, V6B 2W9

Vancouver, Canada

Tel: (604) 273-8884

www.firstkey.com

29 January 2015

Mr. David Eaton
DAVID EATON ARCHITECT INC
1690 West 2nd Ave
Vancouver, BC V6J 1H3

Re: Staffing requirements at Starkhünd Brewery

Dear Mr. Eaton:

Please find the Starkhünd Brewery employee requirements. These requirements are based on the brewery operating at full production capacity and encompass the maximum number of employees required on site at any one time to operate the facility.

Production Staff	3
Packaging Operators	6
Warehouse	1
Quality Control	1
Maintenance	1
Sales, Marketing, G&A	4
<hr/>	
Total Staff Required	16
<hr/>	

Please contact me if you require any additional information.

Best regards,
FIRST KEY CONSULTING INC.

A handwritten signature in black ink, appearing to read "J Clarke".

Jim Clarke

FIRST KEY CONSULTING INC.

2368 No.5 Road, Suite 160

Richmond, BC, V6X 2T1

Vancouver, Canada

Tel: (604) 273-8884

Fax: (604) 273-1481

www.firstkey.com

27 March 2014

Mr. David Eaton

DAVID EATON ARCHITECT INC1690 West 2nd Ave

Vancouver, BC V6J 1H3

Re: Staffing requirements at Starkhünd Brewery

Dear Mr. Eaton:

Please find the Starkhünd Brewery employee requirements. These requirements are based on the brewery operating at full production capacity and encompass the number of employees required on site at any one time to operate the facility.

Production Staff	3
Packaging Operators	6
Warehouse	1
Quality Control	1
Maintenance	1
Sales, Marketing, G&A	4
<hr/>	
Total Staff Required	16
<hr/>	

Please contact me if you require any additional information.

Best regards,

FIRST KEY CONSULTING INC.

Jim Clarke



July 25, 2014

*Public
Consultation
Letter*

Dear Resident/Business

As I am sure you have heard recently the lands outlined in the following plan are being proposed for development as Urban Square.



The portion of the lands outlined in green have been purchased to develop the new Starkhünd Brewery. The brewery will be:

- Approximately 58,000 sq. ft. in size;
- Include a retail outlet / tasting room;
- Include an Event Centre;
- Will host tours of the brewery.

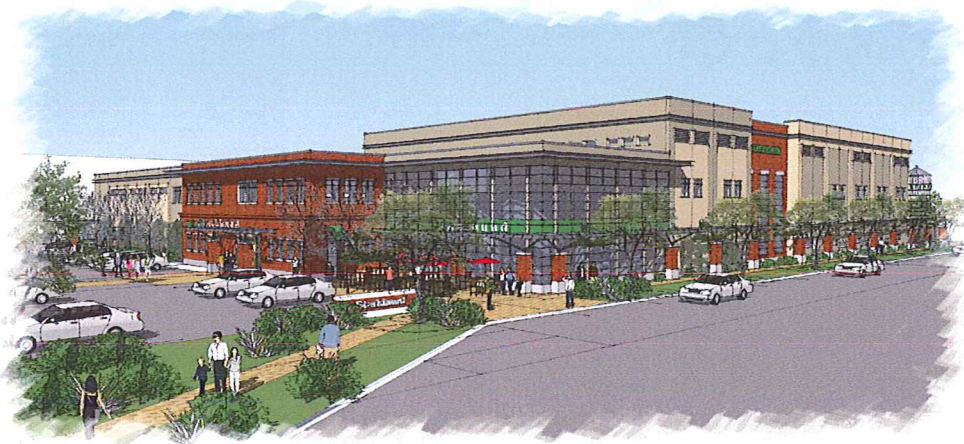
We are delivering this information package firstly to inform you of the plans for development of the brewery and to secondly invite you to an open house August 05, 2014 from 4:00 pm until 6:00 pm at the offices of Compass Real Estate Developments 100-1353 Ellis Street to view plans of both Urban Square and the Starkhünd Brewery to familiarize yourself with the entire development and ask any questions that you may have.

Between the Starkhünd Brewery, Urban Square, new RCMP Building, Sandhill Tasting Room and the newly planned BC Tree Fruits Apple Store and Cidery the entire neighborhood is embarking on an exciting and significant transition.

The following renderings will give you an indication of what the final Starkhünd Brewery building will look like.




 A 2.4 March 04, 2014
 Sketch
 PROPOSED STARKHUND BREWERY




 A 2.5 March 04, 2014
 Sketch
 PROPOSED STARKHUND BREWERY




 A 2.2 March 04, 2014
 Sketch
 PROPOSED STARKHUND BREWERY

The centerpiece of the entire Urban square development will be the Public Market at Urban Square.

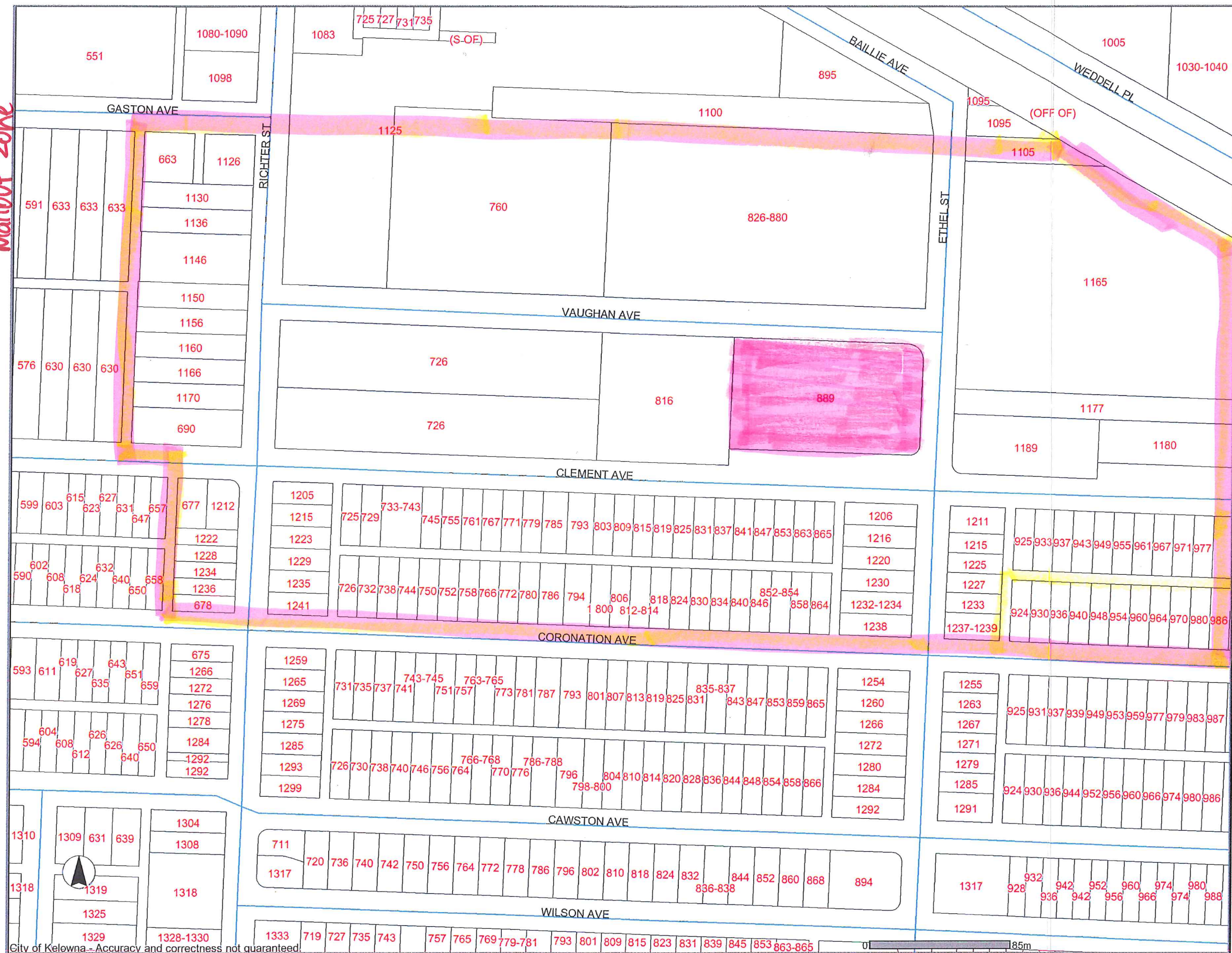


BlueGreen Architecture Inc.
 2000 NE Oregon Street
 Portland, OR 97232
 Phone: 503.241.1234
 Fax: 503.241.1235
 Email: info@bluegreenarch.com
 Website: www.bluegreenarch.com

CLEMENT AVENUE PROPOSED DEVELOPMENT
 10/07/2014 10:00 AM

PROPOSED SITE DEVELOPMENT
 CLEMENT STREET ELEVATIONS

Public Consultation
Mailout Zone



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: May 6, 2014
File No.: DP14-0064
To: Urban Planning (JM)
From: Development Engineering Manager (SM)
Subject: 889 Vaughan Ave Brewery Development

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

The Development Engineering Technologist for this project is Sergio Sartori

General

- a) Provide easements as may be required.

1. Domestic Water and Fire Protection

- (c) The existing lot is serviced with 4 water services. 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.
- (d) Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal of all existing services and the installation of a fire hydrant and one new larger metered water service.
- (e) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost. Boulevard landscaping, complete with underground irrigation system, must be integrated with the on-site irrigation system.

2. Sanitary Sewer

- (a) A Pre-design report specific to this development is required to identify sanitary servicing needs in accordance with the Subdivision, Development and Servicing Bylaw. If it is determined that upgrades to the existing offsite facilities must be made, additional bonding will be required.

- (b) The developer's consulting mechanical engineer will determine the requirements of this proposed development and establish the required size and preferred location of the new service. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal of the existing 100mm diameter service and the installation of a new larger service.
- (c) A downstream flow analysis check is required by a consulting civil engineer to determine the impact of additional flow contributions on the existing pipe system and sewer lift station. If it is determined that upgrades to the existing facilities must be made, additional bonding will be required.

3. 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 provision of a storm drainage service for the development and /or recommendations for onsite drainage containment and disposal systems. The on-site drainage system may be connected to an existing or proposed drainage system with an overflow service.
- (b) It will be necessary for the applicant to construct piped storm drainage systems along Vaughan Ave and Clement Av for the full development frontage. These works are included in the road upgrading requirements.

4. Road Improvements

- (a) Vaughan Avenue fronting this development must be upgraded to a full urban standard SS-R5 including a sidewalk, curb and gutter, storm drainage system road works, landscaped boulevard complete with underground irrigation system, street lights and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction.
- (b) Ethel Street is designated an urban linear corridor road. Frontage improvements required include curb and gutter, separate sidewalk, piped storm drainage system, road works, landscaped boulevard complete with underground irrigation system, and street lights. Existing overhead wires are to be located underground.
- (c) Ethel St and Clement Ave will require the installation of a traffic control signal, complete with left turn bays on Ethel St in both directions.
- (c) Clement Ave is designated an urban arterial road. Frontage improvements required include curb and gutter, separate sidewalk, piped storm drainage system, road works, transit shelter, landscaped boulevard complete with underground irrigation system, and street lights, and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction.

5. Subdivision

By registered plan to provide the following:

- (a) Grant statutory rights-of-way if required for utility services.

6. Electric Power and Telecommunication Services

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

7. Street Lighting

Street lighting including underground ducts must be installed on all roads fronting on the proposed development. The cost of this requirement is included in the roads upgrading item.

8. Engineering

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

9. Design and Construction

- (c) 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.
- (d) 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.
- (e) 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).
- (f) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- (g) 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.

10. Servicing Agreements for Works and Services

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

11. Geotechnical Report

As a requirement of this application the owner must provide a geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics.
- (b) Site suitability for development, unstable soils, etc.
- (c) Drill and / or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, Identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.
- (e) Additional geotechnical survey may be necessary for building foundations, etc.

12. Development Permit and Site Related Issues

- (a) No driveway access will be permitted to Clement Ave.
- (b) Access and Manoeuvrability
 - (i) An SU-9 standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles movements should also be illustrated on the site plan.
 - (ii) Perimeter access must comply with the BC Building Code. Fire Truck access designs and proposed hydrant locations will be reviewed by the Fire Protection Officer.

13. Charges and Fees

- a) Development Cost Charges (DCC's) are payable
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
 - ii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - iii) Engineering and Inspection Fee: 3% of construction value (plus GST).

Steve Muenz, P. Eng.
Development Engineering Manager

SS



OUTLAND DESIGN
LANDSCAPE ARCHITECTURE

March 4, 2014

Starkhund Brewery Development
C/o Compass Real Estate Developments Limited
1574 Harvey Avenue
Kelowna, BC V1Y 6G2
Attn: Gary Tebbutt

Re: Proposed Starkhund Brewery Development – Preliminary Cost Estimate for Bonding

Dear Gary:

Please be advised of the following preliminary cost estimate for bonding of the proposed landscape works shown in the Starkhund Brewery conceptual landscape plan dated 14.03.04;

- 1,007 square metres (10,839 square feet) of improvements = \$63,304.00

This preliminary cost estimate is inclusive of trees, shrubs, turf, 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

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Permit No.:

DP14-0064 / DVP14-0052

EXISTING ZONING DESIGNATION:

I2 - General Industrial & I4 - Central Industrial

WITHIN DEVELOPMENT PERMIT AREA:

Comprehensive Development Permit Area (Clement Ave.)

ISSUED TO:

1568447 Alberta Ltd.

LOCATION OF SUBJECT SITE:

889 Vaughan Avenue, Kelowna, BC

	LOT	SECTION	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	1	30	26	ODYD	EPP34493

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:

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

THAT Council authorizes the issuance of Development Permit No. DP15-0064 for Lot 1, Section 30, Township 26, EPP34493 located on 889 Vaughan 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. 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 THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0052, for Lot 1, Section 30, Township 26, EPP34493, located on 889 Vaughan Avenue, Kelowna, BC;

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

Section 15.2.5 (d): Development Regulations

To vary the minimum front yard setback from 7.5m permitted to 0.0m proposed.

Table 8.1: General Industrial Uses/Warehousing and Storage:

To vary the parking for general industrial uses/warehousing and storage from 59 stalls required to 24 stalls proposed.

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

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

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 two years 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.

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 \$ N/A.
- (b) A Certified Cheque in the amount of \$ \$79,130.00.
- (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.

5. APPROVALS:

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF ____ 2015, BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE SERVICES.

Ryan Smith, Manager - Urban Planning
Divisional Director Community Planning & Real Estate

LANDSCAPE AGREEMENT - 889 Vaughan Avenue (DP14-0064/DVP14-0052)

DOCUMENT APPROVAL			
Document No. DP14-0064/DVP14-0052			
Cir.	Department	Date	Init.
	Urban Planning Branch		

THIS AGREEMENT made as of the day of , 2015.

BETWEEN:

1568447 ALBERTA LTD.
640-101 1865 DILWORTH DRIVE
KELOWNA BC V1Y 9T1

(hereinafter called "Developer")

AND:

CITY OF KELOWNA, a Municipal Corporation under the "*Local Government Act*", having its offices at 1435 Water Street, in the City of Kelowna, in the Province of British Columbia, V1Y 1J4

(hereinafter called the "Municipality")

WHEREAS:

- A. The Developer is the owner of and proposes to develop for residential use, certain lands and premises located within the City of Kelowna, British Columbia, and more particularly known and described as:

Lot 1 Section 30 Township 26 Osoyoos Division Yale District Plan epp34493

(hereinafter called the "Lands")

- B. The Developer and the Municipality are concerned about the character of the development of the Lands and the Developer has voluntarily agreed to install landscaping works on the Lands; and
- C. The Developer desires to enter into this Agreement with the Municipality.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the premises and the mutual covenants and agreements contained in this Agreement and the sum of One Dollar (\$1.00) now paid to the Developer by the Municipality (the receipt and sufficiency of which is hereby acknowledged), the parties covenant and agree each with the other as follows:

1.0 In this Agreement:

- 1.1 "complete" or "completion" or any variations of these words when used with respect to the Landscaping Works (defined below) shall mean completion to the satisfaction of the Subdivision Approving Officer (defined below) when so certified in writing; and
 - 1.2 "Director of Development Services" means the Director of Development Services designated by the Municipality from time to time or any other person duly authorized by the Director of Development Services as agent or assistant or such other consulting or professional planner as may be designated by the Municipality to perform the functions of the Director of Development Services for the purpose of this Agreement.
 - 1.3 "Works" shall be construed to mean and include all work required to be done for the setting out, the execution and the completion of this Agreement to the satisfaction of the Municipality, and may include but shall not be limited to tree and shrub planting, site drainage, ground covers, grass, landscape construction, fencing, curbing, walkways, paving stones, site furnishings and irrigation facilities.
- 2.0 THE DEVELOPER COVENANTS AND AGREES with the Municipality:
- 2.1 to construct and install fully completed landscaping works or screening works or both, in conformity with plans and specifications prepared by a Landscape Architect registered with the British Columbia Society of Landscape Architects (BCSLA), or qualified Landscape Designer as approved by Municipal Council, and attached as SCHEDULE "C" (hereinafter called the "Landscaping Works") to approved Subdivision Application S09-0074 (hereinafter called a "Subdivision") a copy of which is attached for reference; and
 - 2.2 that the construction and installation of the Landscaping Works shall be completed no later than 12 months from the date of approval from the date of this landscape agreement.
- 3.0 THE DEVELOPER FURTHER COVENANTS AND AGREES WITH THE MUNICIPALITY:
- 3.1 to construct and install the fully completed Landscaping Works to the Municipality's standards and to the satisfaction of the Subdivision Approving Officer;
 - 3.2 the Landscaping Works and the plans therefore shall not be changed for any reason including on-site conditions discovered during the installation of the Landscaping Works which may require the Landscaping Works to be changed, except with the prior written approval of the Director of Development Services;
 - 3.3 to provide to the Municipality such revised drawings, specifications and estimates as may be necessary to document changes in the design of the Landscaping Works approved during the course of construction;
 - 3.4 as security for the due and proper completion of the Landscaping Works, the Developer shall, prior to the approving the Subdivision Application for the proposed development on the Lands, deposit with the Municipality security in the amount of **\$79,130.00** (Seventy Nine Thousand One Hundred and Thirty

and to employ, at the Developer's expense, a British Columbia Land Surveyor to replace any such markers, pins, posts or similar things which may be moved, damaged or destroyed during such construction, installation, maintenance or repair; and

3.10 to save harmless and effectually indemnify the Municipality against:

- .1 all actions and proceedings, costs, damages, expenses, claims and demands whatsoever and by whomsoever brought by reason of the construction, installation, maintenance or repair of the Landscaping Works;
- .2 all expenses and costs which may be incurred by reason of the construction, installation, maintenance or repair of the Landscaping Works resulting in damage 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, install, maintain, or repair; and
- .3 all expenses and costs which may be incurred by reason of liens for non-payment of labour or materials, workers' compensation, unemployment insurance, Federal or Provincial tax, check-off or encroachments owing to mistakes in survey.

4.0 THE MUNICIPALITY COVENANTS AND AGREES with the Developer to permit the Developer to perform all of the Landscaping Works upon the terms and conditions herein contained.

5.0 IT IS MUTUALLY UNDERSTOOD, agreed and declared by and between the parties hereto:

- 5.1 the Municipality has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise), with the Developer other than those contained in this Agreement;
- 5.2 nothing contained or implied herein shall prejudice or affect the rights and powers of the Municipality in the exercise of its functions under any public and private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by the Developer;
- 5.3 wherever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or the body corporate or politic where the context or the parties so require and, where the context or the parties so require and, where the Developer consists of more than one person, the term "Developer" shall mean all such persons jointly and severally;
- 5.4 this agreement shall enure to the benefit of and be binding upon the parties hereto, and their respective heirs, executors, administrators, successors and assigns; and
- 5.5 the parties hereto shall do and cause to be done all things and execute and cause to be executed all documents which may be necessary to give proper effect to the intention of this Agreement.

Dollars) for one hundred twenty-five percent (125%) of the total value of the Landscape Works, in a form satisfactory to the Municipality (hereinafter called the "security deposit");

- 3.5 10% of the landscaping security deposit, provided pursuant to the contents of this Landscaping Agreement, shall be withheld by the City for twelve (12) months, or such additional time as may be required to include one growing season, or the City shall be provided with copies of warranties covering soft and hard landscaping for the same period;
- 3.6 in the event that the Landscaping Works or any part thereof are not completed as provided above and within the time provided above, and if a building permit has been issued by the Municipality authorizing construction of the development on the Lands or any part of such development, that the Municipality may, at its option, draw on the security deposit, enter upon the Lands and carry out and complete the Landscaping Works, and recover the costs of so doing, including the costs of administration and supervision thereof, from the security deposit. In the event the security deposit is not sufficient to cover the costs of the Municipality, the Developer covenants and agrees to pay the balance owing to the Municipality forthwith upon receipt of its invoice. It is understood that the Municipality may do such work either by itself or by contractors employed by the Municipality. If the Landscaping Works are completed by the Developer as provided in this Agreement, then the security deposit shall be returned to the Developer as outlined in (3.7) below on receipt by the Director of Development Services of a Certificate of Completion;
- 3.7 upon completion of the Landscaping Works to the satisfaction of the Director of Development Services, and submission of a Certificate of Substantial Completion prepared by the Landscape Architect confirming to the City that the Landscape Architect has done the work and has conducted the necessary field reviews during the construction process. Upon receipt of this, the Municipality shall release a portion of the landscape security. As provided for in Section 3.5, the developer shall choose to deposit a new security in the amount of 10% of the original security deposit (hereinafter called the "warranty deposit"), which warranty deposit shall be held by the Municipality for twelve (12) months or such additional time as may be required to include one growing season and thereafter to guarantee satisfactory maintenance of the Landscaping Works by the Developer, or the developer may choose to provide the Municipality copies of warranties for all hard and soft landscaping features in lieu of the 10% Warranty Deposit. The 10% warranty deposit shall be refunded to the Developer at the end of the one year period, less any expenditures made by the Municipality on the maintenance of the Landscaping Works made necessary by the failure of the Developer to properly perform. Refund of the warranty deposit shall only be made by the Municipality on submission of a Certificate of Completion prepared by the Landscape Architect and/or satisfactory inspection by the Director of Development Services;
- 3.8 to remedy any defects in the Landscaping Works appearing within a period of 1 year after the date of completion of the Landscaping Works and to pay for any damage to other works or property resulting therefrom;
- 3.9 to protect all survey markers, pins, posts and similar things during the construction, installation, maintenance and repair of the Landscaping Works

IN WITNESS WHEREOF the parties have executed this Agreement on the date shown on the first page of this Agreement.

1568447 ALBERTA LTD.
by its authorized signatory(ies):

Authorized Signatory

Print Name: _____

CITY OF KELOWNA
by its authorized signatory(ies):

Mayor

Clerk

CITY OF KELOWNA
BYLAW NO. 11045
Z14-0042 - Strandhaus Developments Inc., Inc. No.
BC1005533 and Steven & Loretta Nicholson
2210 Abbott 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 27, District Lot 14, ODYD, Plan 535, located on Abbott Street, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 15th day of December, 2014.

Considered at a Public Hearing on the 13th day of January, 2015.

Read a second and third time by the Municipal Council this 13th day of January, 2015.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: February 4, 2015

RIM No. 0940-60

To: City Manager

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

Application: HAP14-0014 **Owner:** Strandhaus Developments Inc., Inc. No. BC1005533

Address: 2210 Abbott Street **Applicant:** Steve & Loretta Nicholson

Subject: Heritage Alteration Permit

Existing OCP Designation: S2RES - Single / Two Unit Residential

Existing Zone: RU1 - Large Lot Housing

Proposed Zone: RU6 - Two Dwelling Housing

1.0 Recommendation

THAT final adoption of Zone Amending Bylaw No. 11045 be considered by Council;

AND THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP14-0014 for Lot 27, District Lot 14, ODYD, Plan 535, located on 2210 Abbott Street, 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 variances to the following sections of Zoning Bylaw No. 8000 be granted:

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

To vary the maximum height for accessory buildings from 4.5 m permitted to 5.64 m proposed.

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

To vary the front yard from 4.5 m permitted to 1.21 m proposed.

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

To vary the north side yard from 4.5 m permitted to 2.03 m / 2.34 m proposed.

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

2.0 Purpose

To consider a Heritage Alteration Permit application to allow the demolition of the existing dwelling and construction of a new semi-detached dwelling with variances.

3.0 Urban Planning

Urban Planning supports the proposed development of a semi-detached dwelling on the subject property. The property is within the Abbott Street Heritage Conservation Area, but is not listed on the City's Heritage Register. The *Abbott Street & Marshall Street Heritage Conservation Areas Development Guidelines* identifies the dominant style for the property is "Early Suburban" and for the block as "Arts & Crafts (late)".

Form & Character

The architecture of the new semi-detached dwelling takes design cues from the "Early Suburban" style with the asymmetrical façade, horizontal design, massing, and brick and stucco exterior. The design is also inspired by Frank Lloyd Wright's Prairie Style of the early 1900s. It complements the semi-detached dwelling at 2248 Abbott Street (approved in 2014) and the single detached dwelling at 2195 Abbott Street, which was constructed in the late 1950s.

The development respects established building spacing and driveway access as per the Heritage Conservation Area policies in the Official Community Plan. The applicant will retain the existing driveway access from Royal Avenue, reducing it to 5.78 m in width, which will avoid disrupting the Abbott Street recreational corridor and streetscape.

To address the Community Heritage Committee's initial comments on the proposed development, the applicant revised the proposed Abbott Street elevation of the detached garage. Windows, column details and a cantilevered roof overhang were added to the lower portion of the building to break up the brick wall and create visual interest along this portion of the site. Ivy will be planted on this wall to form natural screening. The existing hedge along the recreational corridor is within the City-owned right-of-way and the applicant has been in discussion with City Staff to replace the hedge with other appropriate forms of landscaping to enhance this corner.

Variances

The applicant has requested three variances to the Zoning Bylaw:

- To vary the accessory building height from 4.5 m permitted to 5.64 m proposed;
- To vary the front yard from 4.5 m permitted to 1.21 m proposed; and
- To vary the north side yard from 4.5 m permitted to 2.03 - 2.34 m proposed.

The variance for the height of the accessory building is due to the second storey storage area above the garage. The second storey is set back 1.22 m from the east exterior wall of the first storey and includes a balcony and windows facing Abbott Street, which reduces the massing and improves the façade along the street. Were the garage attached to the dwelling it would not be limited to 4.5 m in height. Furthermore, height is measured to the highest point on a non-sloping (i.e. flat) roof as opposed to the mid-point of a sloping roof; therefore, a sloping roof could have a similar peak height.

The detached garage requires a variance to be located 1.21 m from the front lot line. Detaching the garage from the dwelling reduces the structure's massing and allows for sightlines through

the property. Unlike most properties along Abbott Street, the property line is set back from the Abbott Street recreational corridor by up to 10 m at the north end of the property. The existing landscaping and mature tree between the property line and the recreational corridor provide a buffer and will screen the first storey of the garage from view along Abbott Street. Staff will work with the applicant to ensure any changes to the landscaping will continue to provide appropriate screening.

The north side yard is along a flanking street (Royal Avenue) and a variance is required to reduce the side yard to 2.03 m and 2.34 m. The portions of the dwelling that extend into the side yard setback are adjacent to the pocket park and associated parking area at the west end of Royal Avenue and would comply with the regular side yard requirements without a flanking street. Overall the semi-detached dwelling has a smaller footprint and larger setbacks than the existing non-conforming dwelling.

Consultation

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by individually contacting the neighbours within 50 m of the subject property. No major concerns were identified during this consultation. Staff received correspondence from a few residents who expressed some concerns with the proposed design. The neighbour immediately to the south provided written correspondence in support of the proposed development.

4.0 Proposal

4.1 Background

The Community Heritage Committee first considered the Heritage Alteration Permit application on October 2, 2014. At this meeting, the Committee did not support the application, requesting a more complete set of drawings and changes to the accessory building. In consultation with staff, the applicant provided an improved set of drawings and revised the design of the accessory building. At the November 6, 2014 meeting the Committee passed a recommendation supporting the application, acknowledging the changes made to the façade facing Abbott Street.

The Rezoning application was first considered by Council on December 15, 2014 and the Bylaw received second and third reading following the Public Hearing on January 13, 2015.

4.2 Project Description

The applicant is seeking to rezone the subject property and develop a semi-detached dwelling in place of the existing single detached dwelling, which is in a state of disrepair. The property is within the Abbott Street Heritage Conservation Area and interfaces with residential properties, hospital-related uses and the waterfront, and has been designed with open spaces that address the public realm. The proposed architectural style is based on the Frank Lloyd Wright / Prairie Style.

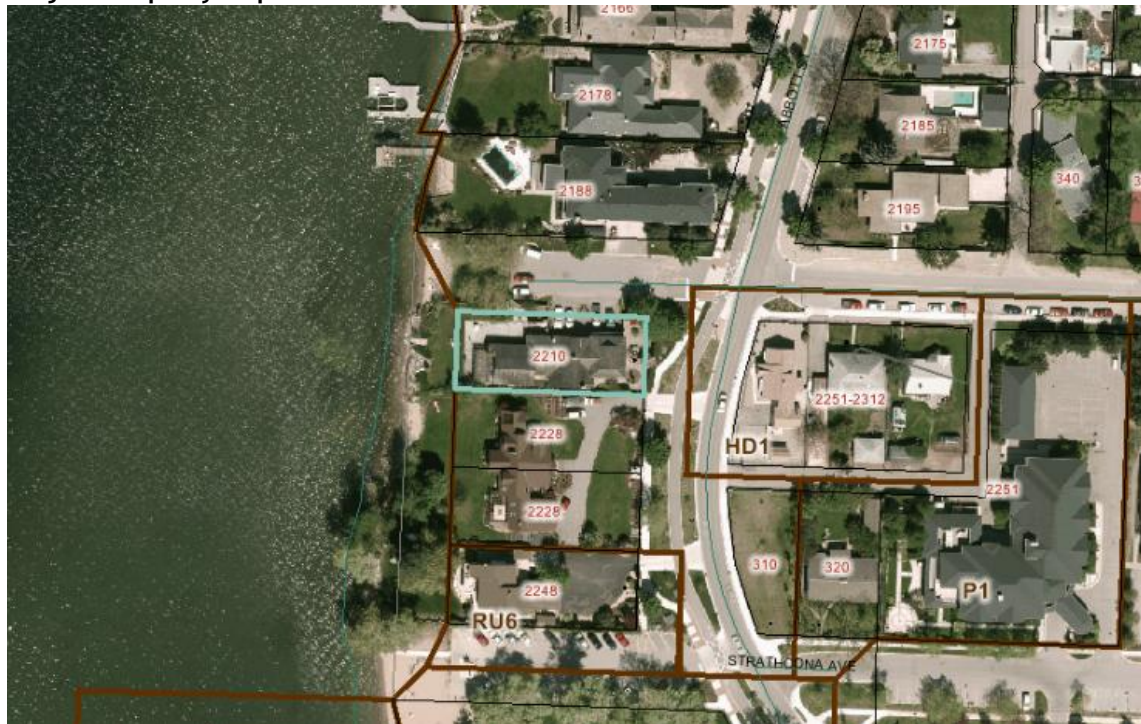
4.3 Site Context

The subject property is located at the southwest corner of the intersection of Abbott Street and Royal Avenue in the Abbott Street Heritage Conservation Area. The property is designated S2RES - Single / Two Unit Residential in the Official Community Plan and is within the Permanent Growth Boundary as well as the Abbott Street Heritage Conservation Area. Bordering the property are residential areas to the north and south, a parking lot for Kelowna General Hospital to the east and Okanagan Lake to the west.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Single detached dwelling
East	HD1 - Kelowna General Hospital	Kelowna General Hospital parking lot
South	RU1 - Large Lot Housing	Single detached dwelling
West	W1 - Recreational Water Use	Okanagan Lake and future public trail

Subject Property Map: 2210 Abbott Street



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	800 m ² min.	968.58 m ²
Lot Width	20.0 m min.	20.07 m
Lot Depth	30.0 m min.	48.26 m
Development Regulations		
Site Coverage (buildings)	40% max.	38.3%
Site Coverage (buildings, driveways & parking)	50% max.	38.3%
Height	9.5 m or 2 ½ storeys (principal building) max. 4.5 m (accessory building) max.	6.32 m 5.64 m ①
Front Yard	4.5 m min.	1.21 m ②
Side Yard (south)	2.0 m (1-1 ½ storeys) min. 2.3 m (2-2 ½ storeys) min.	Varies between 2.03 and 6.85 m
Side Yard (north)	4.5 m (flanking street) min.	Varies between 2.03 and 6.85 m ③
Rear Yard	7.5 m min.	9.064 m

Other Regulations		
Private Open Space	60 m ² (30 m ² / dwelling) min.	Meets requirements
Minimum Parking	4 (2 stalls / dwelling) min.	Meets requirements
Okanagan Lake Sightlines	120° min.	Meets requirements
<p>❶ Requested variance to increase the accessory building height from 4.5 m permitted to 5.64 m proposed.</p> <p>❷ Requested variance to reduce the front yard from 4.5 m permitted to 1.21 m proposed.</p> <p>❸ Requested variance to reduce the north side yard from 4.5 m permitted to 2.03 m / 2.34 m proposed.</p>		

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.

Heritage Conservation Area Guidelines

Objectives:³

- Maintain the residential and historical character of the Marshall Street and the Abbott Street Heritage Conservation Areas;
- Encourage new development, additions and renovations to existing development which are compatible with the form and character of the existing context;
- Ensure that changes to buildings and streetscapes will be undertaken in ways which offer continuity of the 'sense-of-place' for neighbours, the broader community; and
- Provide historical interest for visitors through context sensitive development.

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

- See attached memorandum, dated September 29, 2014.

6.3 Fire Department

- Requirements of Section 9.10.19 Smoke Alarms of the BC Building Code 2012 are to be met.

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, Objectives (Heritage Conservation Area Guidelines Chapter).

6.4 FortisBC - Electric

- There are primary distribution facilities within Abbott Street. 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.

6.5 Parks & Public Places

- The applicant is required to provide a section and details regarding any proposed retaining walls on this property adjacent to the west and north property lines, i.e. the common property lines with the future waterfront walkway. How the wall works with proposed fencing / railings should be addressed in these details.
- Construction of a public sidewalk within the Royal Avenue road right-of-way be considered to connect the proposed waterfront walkway with the Abbott Street recreational corridor and the existing Royal Avenue sidewalk across Abbott Street.

6.6 Telus

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

7.0 Application Chronology

Date of Application Received: September 16, 2014
 Date Public Consultation Completed: August 28, 2014

Community Heritage Committee November 6, 2014

The above noted application was reviewed by the Community Heritage Committee at the meeting held on November 6, 2014 and the following recommendations were passed:

THAT the Community Heritage Committee does support Heritage Alteration Permit Application No. HAP14-0014 for the property located at 2210 Abbott Street in order to allow the demolition of the existing dwelling and the form and character of a new semi-detached dwelling with variances.

Anecdotal Comments:

The Community Heritage Committee acceptance of the variances is largely due to the contextual situation of this property, bearing in mind the buffer zone of the recreational corridor on Abbott Street.

Report prepared by:

Laura Bentley, Planner

Reviewed by:

☐

Lindsey Ganczar, Urban Planning Supervisor

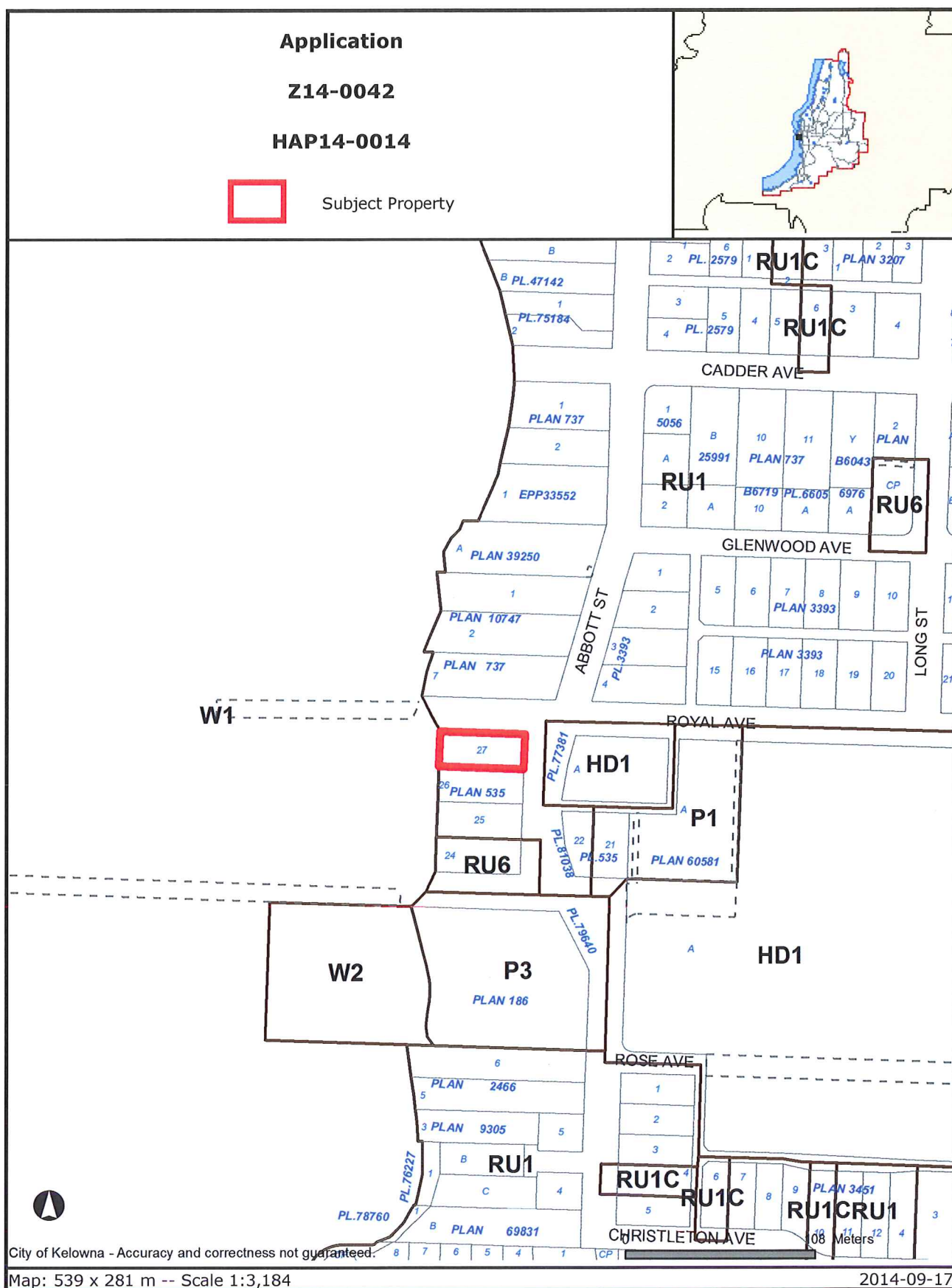
Approved for Inclusion:

☐

Ryan Smith, Urban Planning Manager

Attachments:

Subject Property Map
Development Engineering Memorandum
Draft Heritage Alteration Permit No. HAP14-0014
Schedule A: Site Plan and Floor Plans
Schedule B: Elevations and Colour Board



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: September 29, 2014
File No.: Z14-0042
To: Urban Planning (LB)
From: Development Engineering Manager
Subject: 2210 Abbott Street RU6

Development Engineering has the following comments and requirements associated with this application to rezone from RU1 to RU6.

1. Domestic Water and Fire Protection

Our records indicate this property is currently serviced with a 19mm-diameter water service. An additional water service will be required and can be provided by City forces at the developer's expense. The applicant will be required to sign a Third Party Work Order for the cost of the water service upgrade. For estimate inquiry's please contact Sergio Sartori by email ssartori@kelowna.ca or phone 250-469-8589.

2. Sanitary Sewer

Our records indicate that this property is serviced with a 100mm-diameter sanitary sewer service complete with inspection chamber. The service is adequate for the proposed application.

3. Road Improvements

- a) Abbott Street has been upgraded along the full frontage of this property, and no further upgrades are required.
- b) Royal Ave has been upgraded along the full frontage of this property with the exception of sidewalk; therefore a sidewalk is a requirement of this application.

4. Access, Manoeuvrability and Parking Requirements

The Parking Area shall be designed so as to allow vehicles to turn-around on-site and exit onto Royal Ave in a forward direction.

Driveway access is limited to Royal Ave only and should be a maximum of 6m in width.

5. Electric Power and Telecommunication Services

It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.



Steve Muenz, P. Eng.
Development Engineering Manager

SS

CITY OF KELOWNA


MEMORANDUM

Date: September 29, 2014
File No.: HAP14-0014
To: Urban Planning (LB)
From: Development Engineer Manager (SM)
Subject: 2210 Abbott Street

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

1. General.

- a) All the offsite infrastructure and services upgrades are addressed in the Development Engineering Report under file Z14-0042.



Steve Muenz, P. Eng.
Development Engineering Manager

SS

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Heritage Alteration Permit No.: HAP14-0014

EXISTING ZONING DESIGNATION: RU6 – Two Dwelling Housing

ISSUED TO: Steve & Loretta Nicholson

LOCATION OF SUBJECT SITE: 2210 Abbott Street

	LOT	BLOCK	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	27	-	14	-	ODYD	535

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:

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".

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

Section 13.6.6(b): RU6 – Two Dwelling Housing Development Regulations

To vary the maximum height for accessory buildings from 4.5 m permitted to 5.64 m proposed.

Section 13.6.6(c): RU6 – Two Dwelling Housing Development Regulations

To vary the front yard from 4.5 m permitted to 1.21 m proposed.

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

To vary the north side yard from 4.5 m permitted to 2.03 m / 2.34 m proposed.

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

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 two years 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.

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.

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 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.

4. APPROVALS:

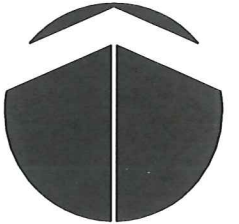
HERITAGE ALTERATION PERMIT AUTHORIZED BY THE COUNCIL ON THE ____ DAY OF _____ 2015.
ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF _____ 2015 BY THE URBAN PLANNING MANAGER.

Ryan Smith, Urban Planning Manager
Community Planning & Real Estate



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644 ARROWLEAF LANE
KELOWNA, BC
V1W 4Y5

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PROJECT NORTH

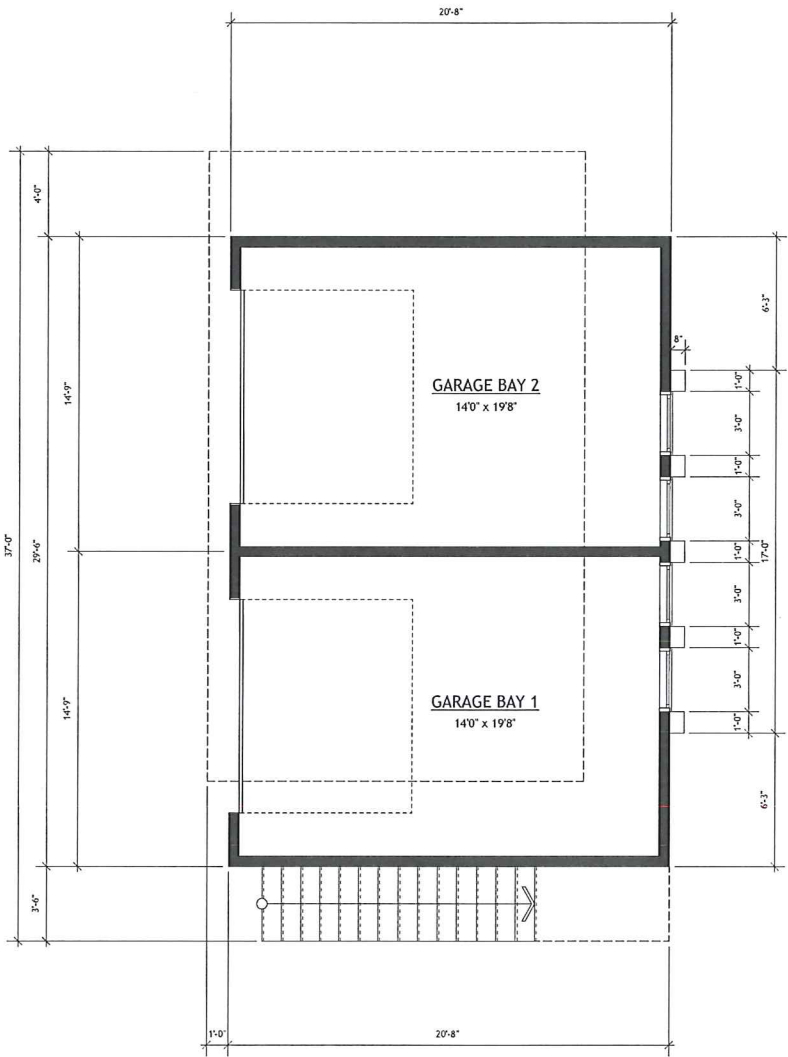
REVISION	DATE	DESCRIPTION

PROJECT
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2210 ABBOTT STREET
KELOWNA, BC V1Y 1E1
LOT 27 PLAN 535

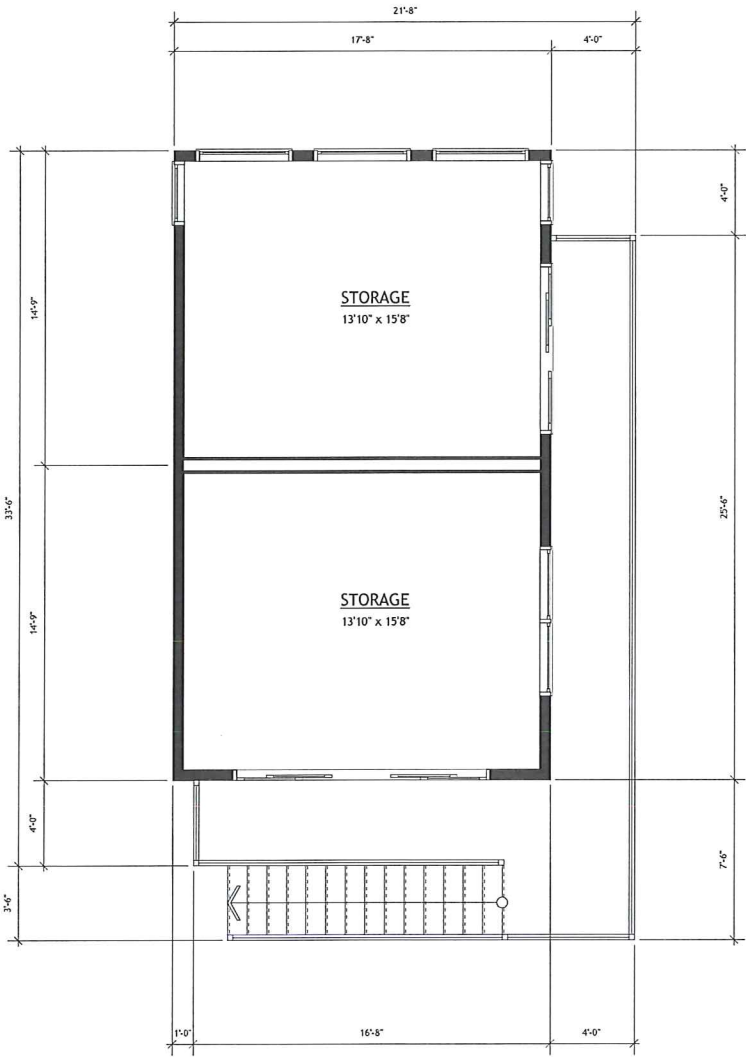
DRAWING TITLE
DETACHED GARAGE

DATE
SEPTEMBER 8, 2014

DRAWING NUMBER
1
of
6



1 DETACHED GARAGE MAIN FLOOR
Scale: 1/4" = 1'-0"



2 DETACHED GARAGE SECOND FLOOR
Scale: 1/4" = 1'-0"

SCHEDULE A
this forms part of development
permit # HAP14-0014



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REVISION	DATE	DISCRPTION

PROJECT

MULTIFAMILY DEVELOPMENT

2210 ABBOTT STREET

KELOWNA, BC V1Y 1E1

LOT 27 PLAN 535

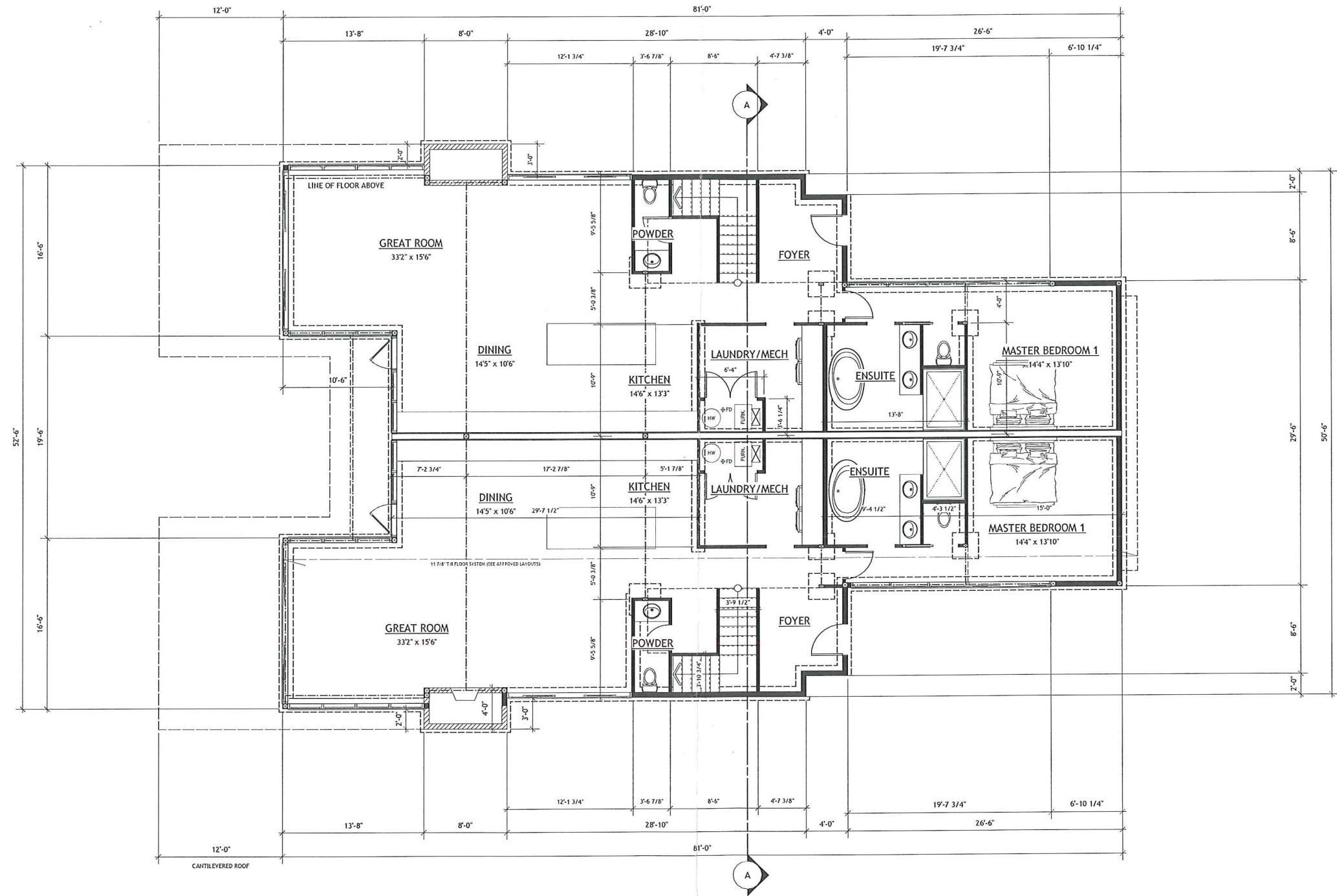
DRAWING TITLE

MAIN FLOOR PLAN

DATE SEPTEMBER 8, 2014

DRAWING NUMBER

3
— of —
6

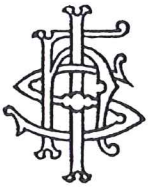


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SCHEDULE A

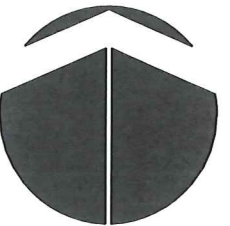
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Permit # HAP14-0014



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PROJECT NORTH

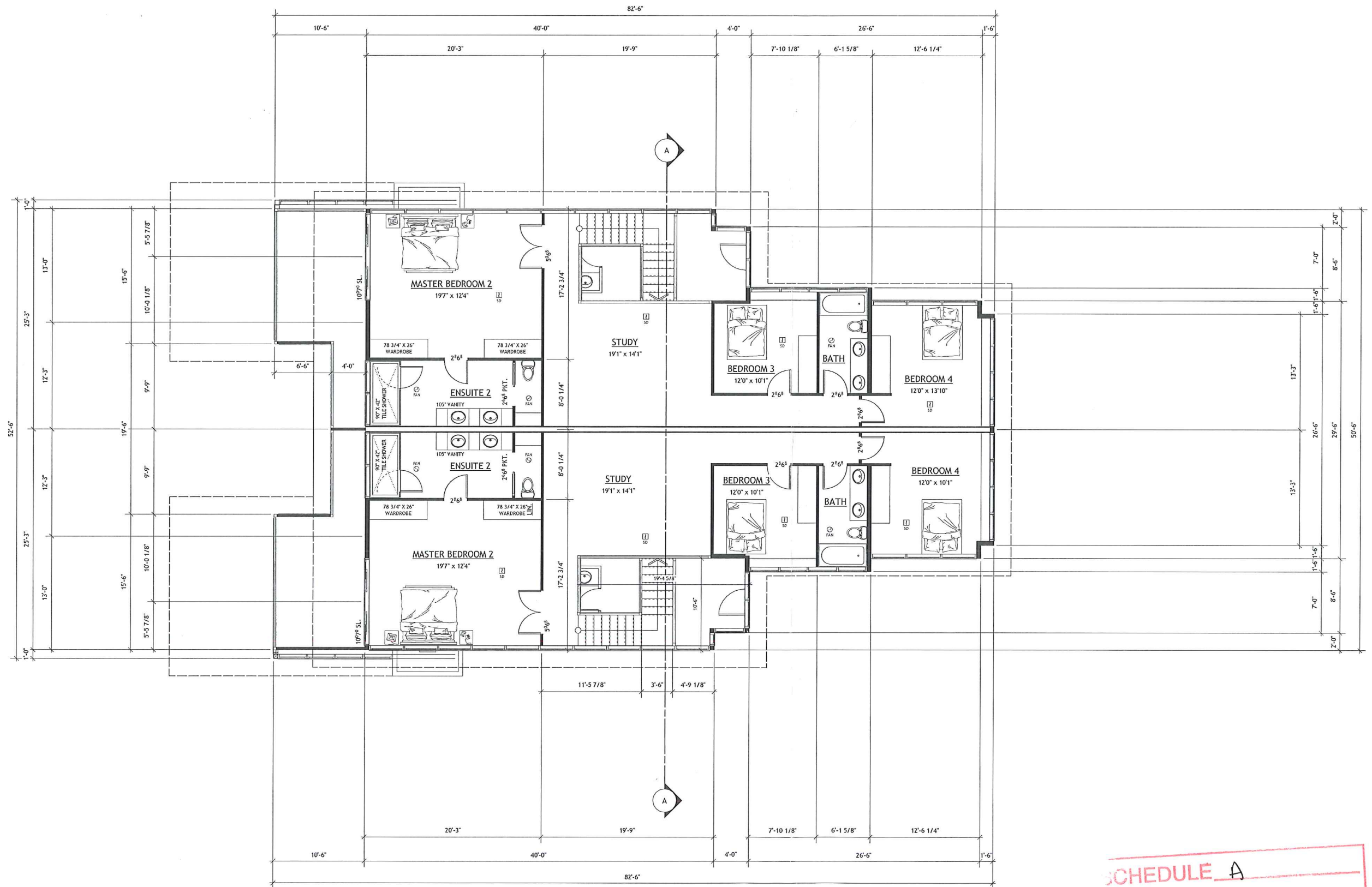
REVISION	DATE	DESCRIPTION

PROJECT
MULTIFAMILY DEVELOPMENT
2210 ABBOTT STREET
KELOWNA, BC V1Y 1E1
LOT 27 PLAN 535

DRAWING TITLE
SECOND FLOOR PLAN

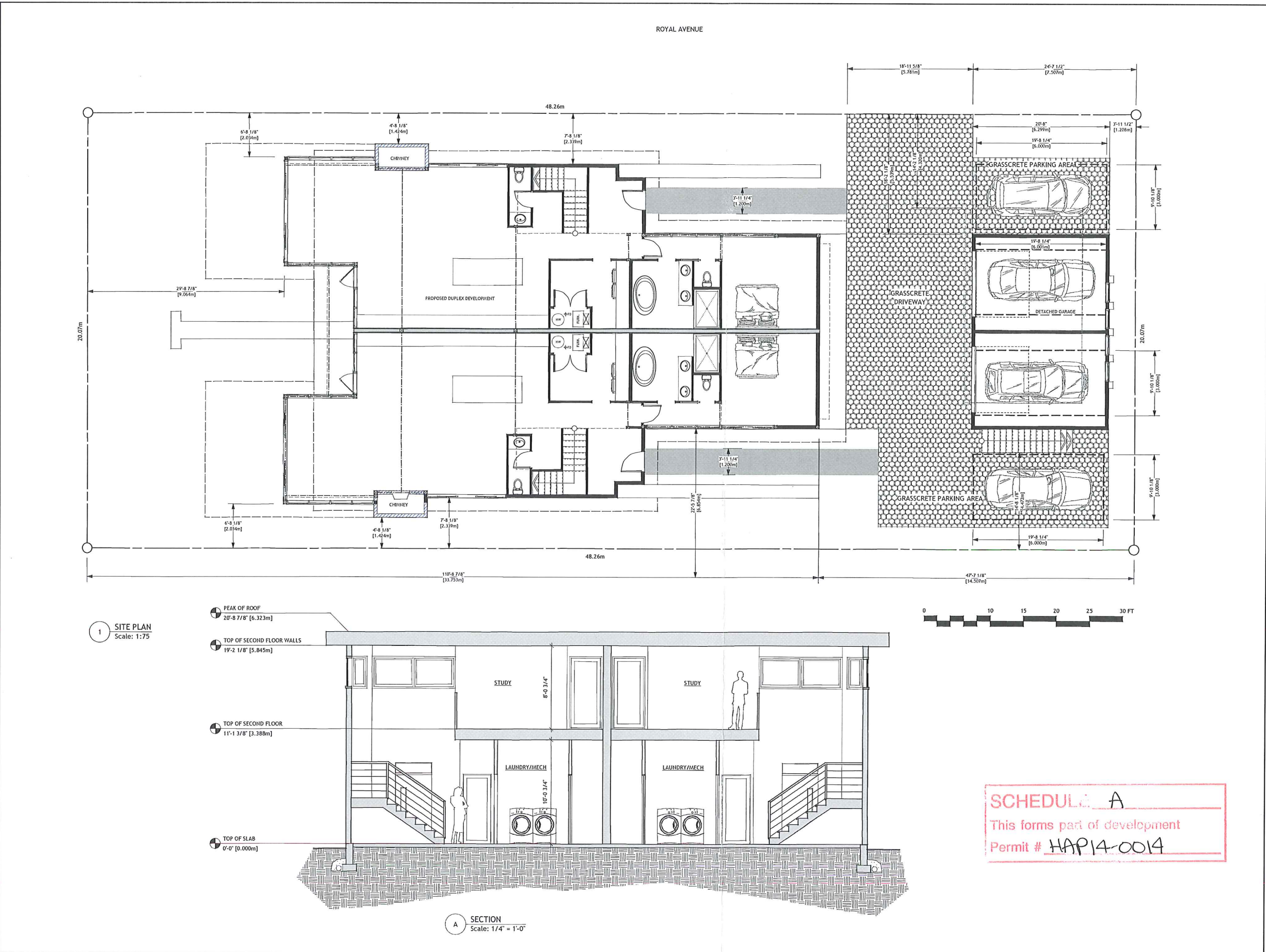
DATE
SEPTEMBER 8, 2014


DRAWING NUMBER
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6



1 SECOND FLOOR
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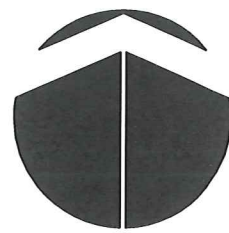
SCHEDULE A
this forms part of development
Permit # **HAPIA-0014**





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V1W 4Y5

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PROJECT NORTH

REVISION	DATE	DISCRIPTION

PROJECT

MULTIFAMILY DEVELOPMENT

2210 ABBOTT STREET

KELOWNA, BC V1Y 1E1

LOT 27 PLAN 535

DRAWING TITLE

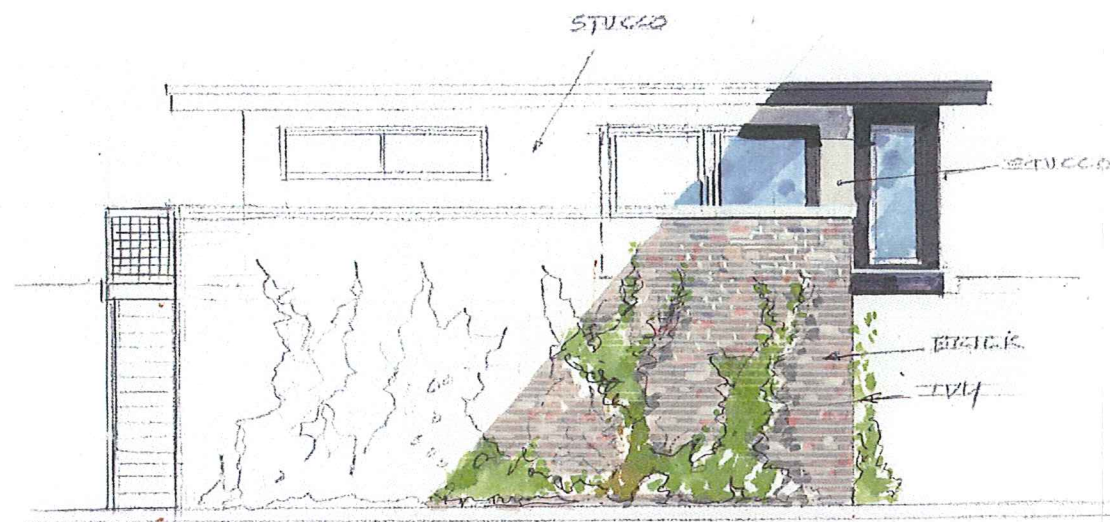
SITE/SECTION

DATE

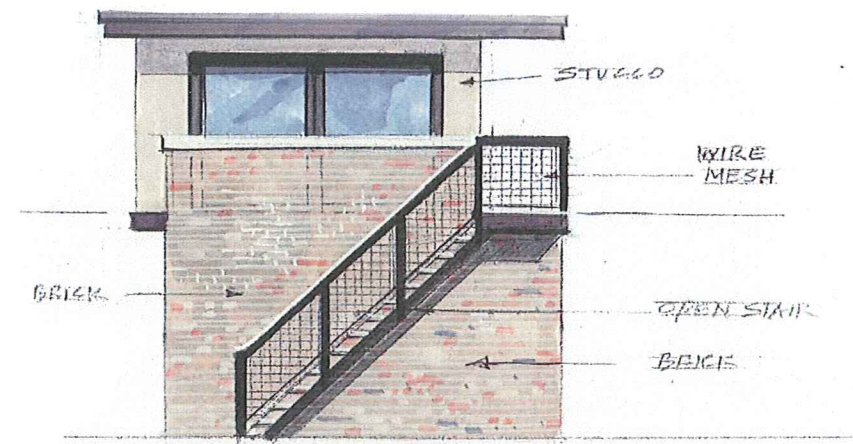
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DRAWING NUMBER

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— of —
6



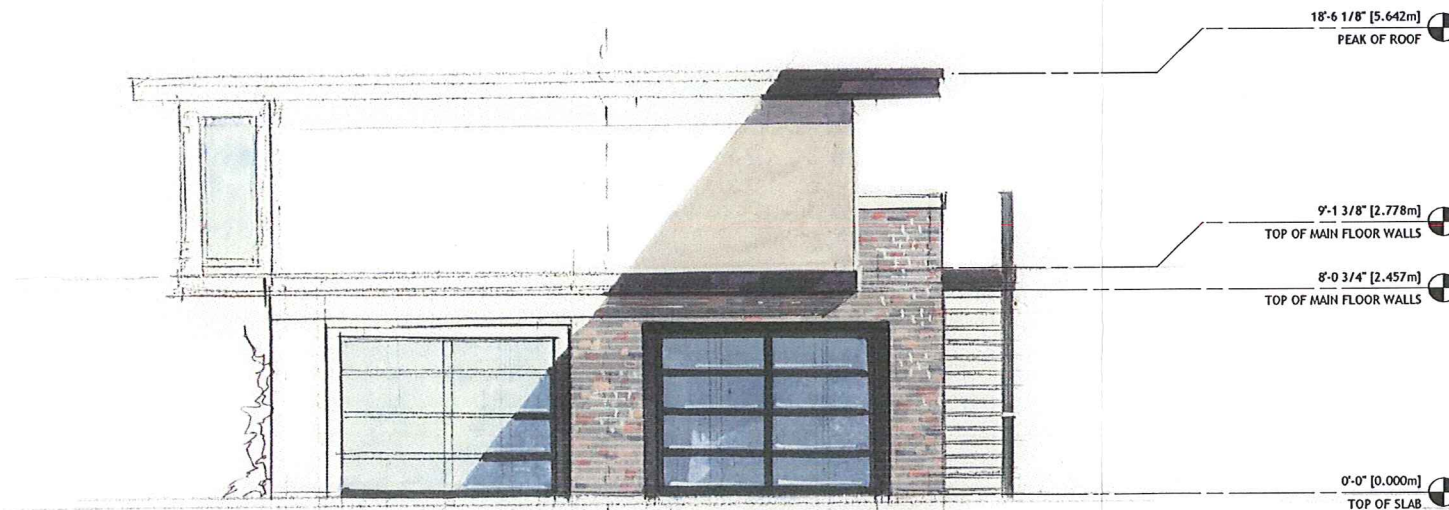
EAST ELEVATION
3/16" - 1'0"



SOUTH ELEVATION
3/16" - 1'0"

Note: East elevation to be referenced for colour and materials only.
Revised design provided on separate drawing.

ELEVATIONS - GARAGE. 3/16" TO 1'0"



WEST ELEVATION
3/16" - 1'0"



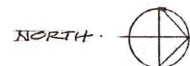
NORTH ELEVATION

18'-6 1/8" [5.642m]
PEAK OF ROOF

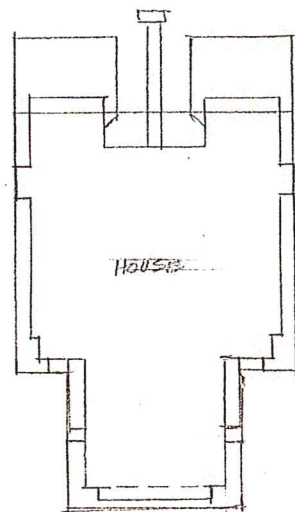
9'-1 3/8" [2.778m]
TOP OF MAIN FLOOR WALLS

8'-0 3/4" [2.457m]
TOP OF MAIN FLOOR WALLS

0'-0" [0.000m]
TOP OF SLAB

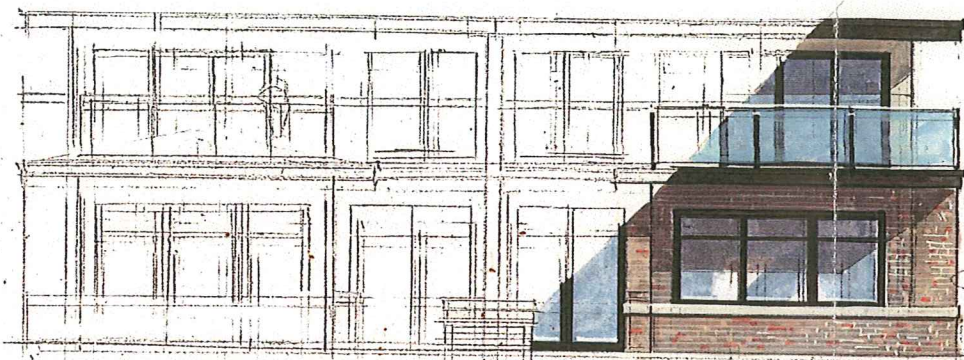


ROOF PLAN
N.T.S.

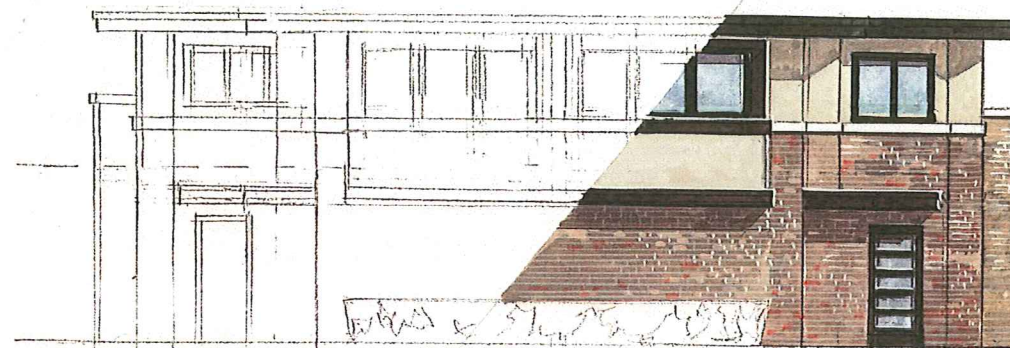


HOUSE

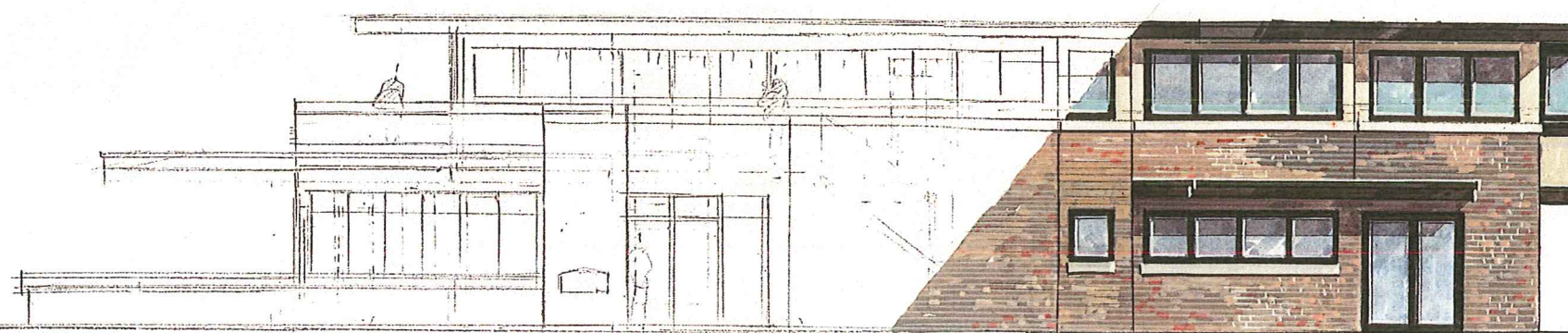
GARAGE



WEST ELEVATION (WEST)



STREET ELEVATION (EAST)



TYPICAL SIDE ELEVATION (SOUTH)

SCALE 3/16" = 1'-0"

20'-6 1/8" (6.252m)
PEAK OF ROOF

19'-2 1/8" (5.845m)
TOP OF MAIN FLOOR WALLS

11'-1 1/8" (3.380m)
TOP OF MAIN FLOOR WALLS

10'-0 3/4" (3.067m)
TOP OF MAIN FLOOR WALLS

0'-0" (0.000m)
TOP OF SLAB



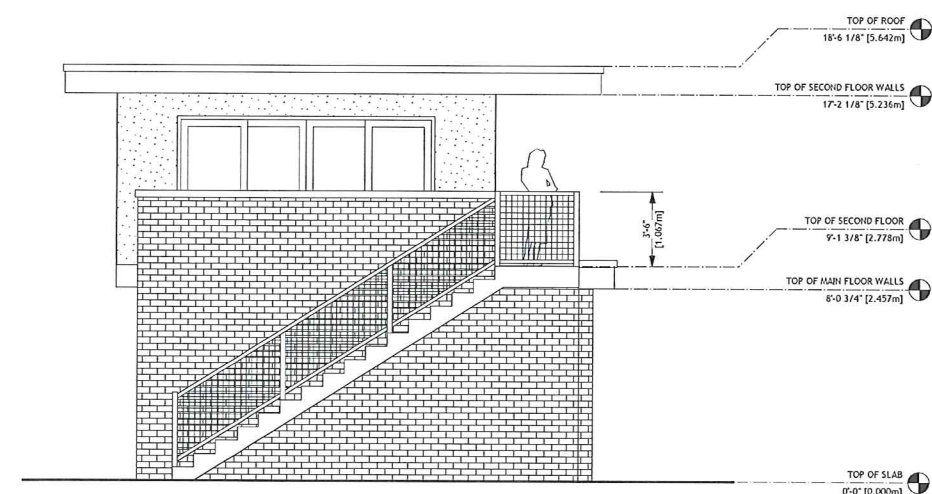
SCHEDULE B

This forms part of development

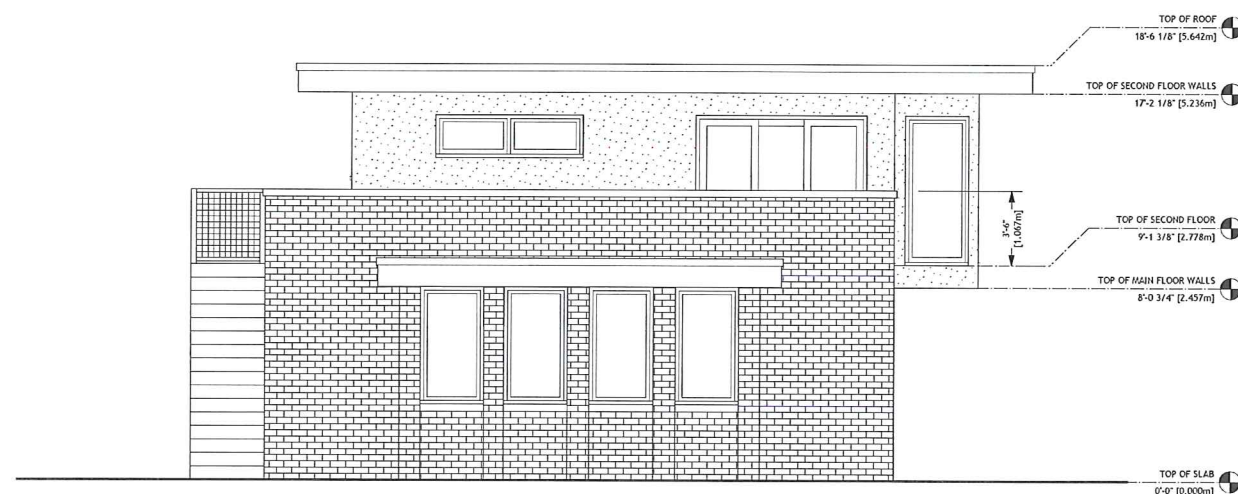
Permit # HAP14-0014



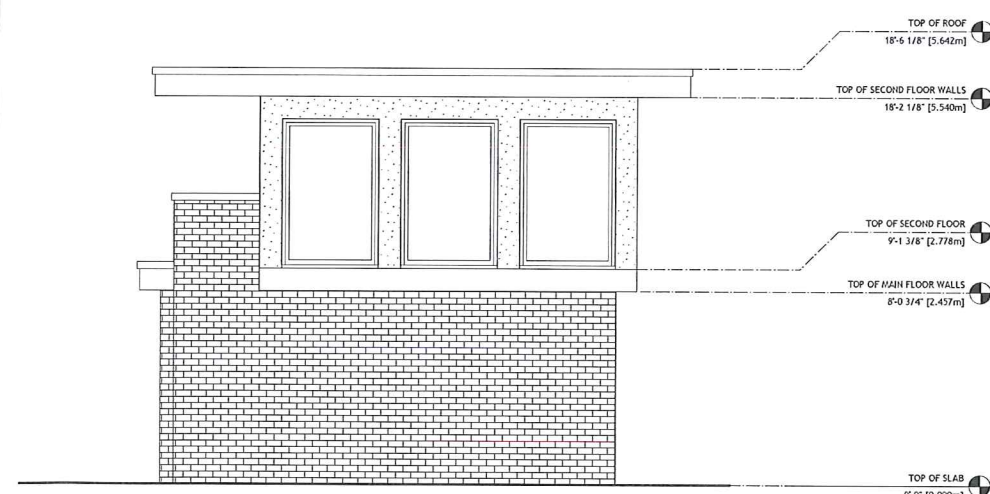
1 WEST ELEVATION
Scale: 1/4" = 1'-0"



2 SOUTH ELEVATION
Scale: 1/4" = 1'-0"



3 EAST ELEVATION
Scale: 1/4" = 1'-0"



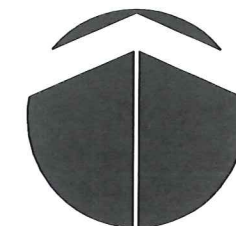
4 NORTH ELEVATION
Scale: 1/4" = 1'-0"

SCHEDULE B
This forms part of development
Permit # HAP14 0014



IHS DESIGN
644 ARROWLEAF LANE
KELOWNA, BC
V1W 4Y5

THESE DRAWINGS ARE THE EXCLUSIVE PROPERTY OF IHS
DESIGN AND MAY NOT BE REPRODUCED OR USED WITHOUT
EXPRESSED WRITTEN PERMISSION FROM THE SAME.



PROJECT NORTH

REVISION	DATE	DESCRIPTION

PROJECT
MULTIFAMILY DEVELOPMENT
2210 ABBOTT STREET
KELOWNA, BC V1Y 1E1
LOT 27 PLAN 535

DRAWING TITLE
GARAGE ELEVATIONS

DATE
SEPTEMBER 8, 2014

DRAWING NUMBER
2
— of —
6

REPORT TO COUNCIL



Date: February 4, 2015
RIM No. 0940-50
To: City Manager
From: Urban Planning, Community Planning & Real Estate (TY)
Application: DVP15-0003 **Owner:** Cavan & Stefanie Loughran
Address: 1091 Westpoint Drive **Applicant:** Cavan & Stefanie Loughran
Subject: Development Variance Permit
Existing OCP Designation: S2RES - Single / Two Unit Residential
Existing Zone: RU1 - Large Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0003, for Lot 11, Section 31, Township 29, ODYD Plan KAP87220, located at 1091 Westpoint Drive, Kelowna, BC;

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

Section 13.1.6 (c) - RU1 Development Regulations

To vary the minimum required front yard setback to a garage or carport from 6.0m required to 3.0m proposed.

AND FURTHER THAT the applicant be required to complete the above-noted condition within two years of Council's approval of the Development Variance Permit application in order for the permit to be issued.

2.0 Purpose

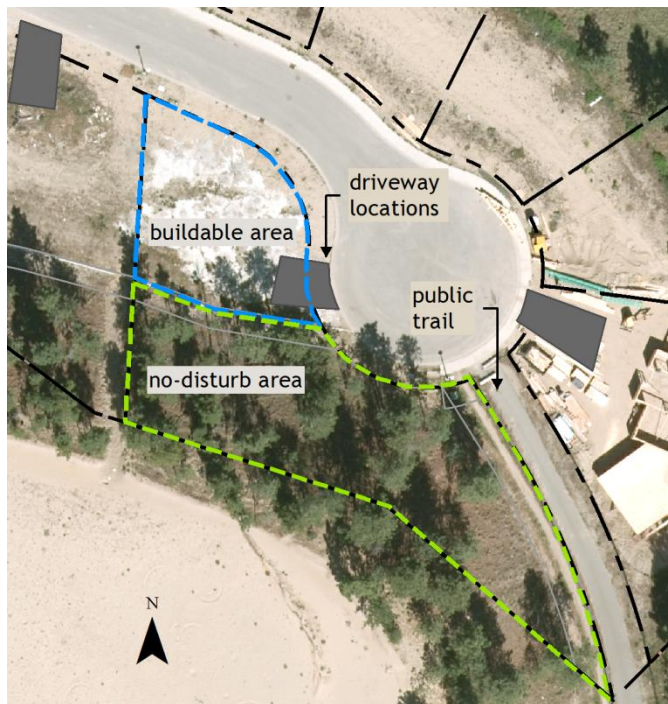
To consider a Development Variance Permit to vary the front yard setback to a garage from 6.0m required to 3.0m proposed.

3.0 Urban Planning

Urban Planning supports the proposed variance to reduce the front yard setback. The proposed variance is to allow a garage to encroach in the 6.0m front yard setback. The proposed site plan complies with all other requirements of the Zoning Bylaw No. 8000 such as site coverage, remaining setbacks and no-build covenants.

A no-disturb covenant and Wildland Fire Protection right of way cover a substantial portion of the property which limits the buildable area and the rear yard. The applicant worked with Staff to

find a balance between siting the garage back from the front property line while leaving usable space for a rear yard. The proposed usable space in the rear yard is 52m².



The applicant has submitted a design that places the driveway in the most suitable location in terms of sightlines. The proposed location sits along the east portion of the front property line, bringing the driveway farther into the cul-de-sac which maintains visibility when driving on Westpoint Drive.

The proposed garage is a typical two vehicle garage. The nearest driveways are 52m to the west and 28m to the east. A public trail entrance is located on the cul-de-sac 18m away from the edge of the proposed driveway.

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 Project Description

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. The applicant is proposing to construct a garage with vehicle access from the front at a setback of 3.0m from the front property line.

4.2 Site Context

The subject property is located in the Westpoint Drive cul-de-sac in the North Mission - Crawford sector. The property is designated S2RES - Single / Two Unit Residential in the Official Community Plan and is within the Permanent Growth Boundary. The area surrounding the property is zoned RU1.

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: 1091 Westpoint Drive



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550m ² min	1,806m ²
Lot Width	16.5m min	62m
Lot Depth	30m min	30m
Development Regulations		
Height	9.5m max	7.0m
Front Yard	4.5m to house 6.0m to garage	4.5m to house 3.0m to garage ❶
Side Yard (west)	2.3m min	2.3m
Side Yard (east)	2.0m min	n/a
Rear Yard	7.5m min	9.1m
Other Regulations		
Maximum site coverage	40% max	14%
Maximum site coverage with driveways and parking	50% max	16%
❶ Requested Front Yard Setback to a garage facing the street		

5.0 Technical Comments

5.1 Development Engineering Department

See attached Development Engineering Memo dated January 26, 2015

6.0 Application Chronology

Application Received: January 6, 2015
Neighbourhood Consultation Completed: January 16, 2015

Report prepared by:

Tracey Yuzik, Planner

Reviewed by:



Lindsey Ganczar, Urban Planning Supervisor

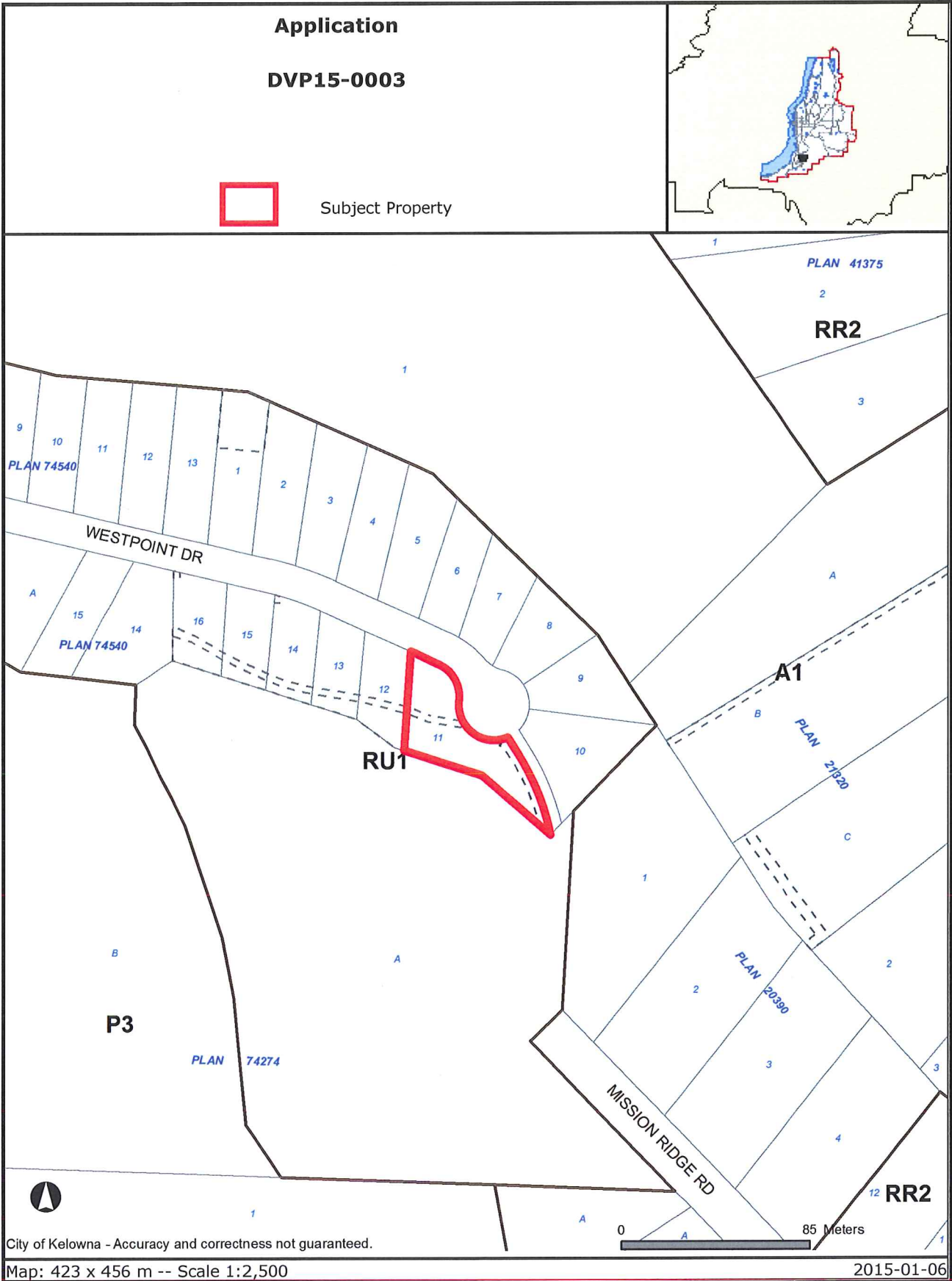
Approved for Inclusion:



Ryan Smith, Urban Planning Manager

Attachments:

Subject Property Map
Schedule "A" - Site Plan
Schedule "B" - Elevations
Development Engineering Memorandum
Draft Development Variance Permit DVP15-0003



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.

1091 Westpoint Drive

Side yard setback 2.3m

Front yard setback 4.5m

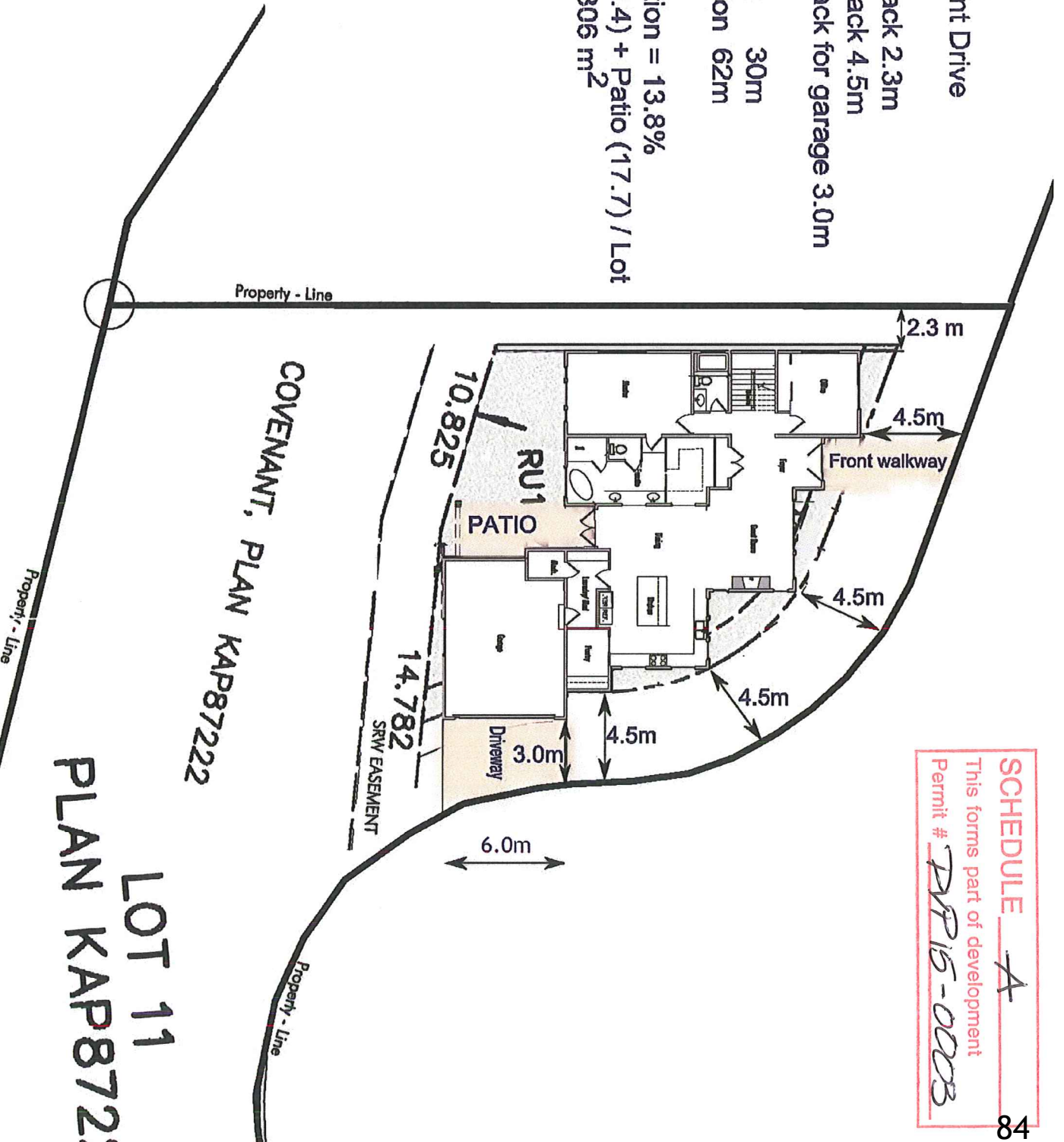
Reduced Front yard setback for garage 3.0m

Lot Dimension 30m

Width Dimension 62m

Coverage Calculation = 13.8%

House (186.4) + Garage (45.4) + Patio (17.7) / Lot
249.5 m² / 1806 m²



SCHEDULE A

This forms part of development

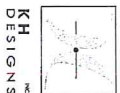
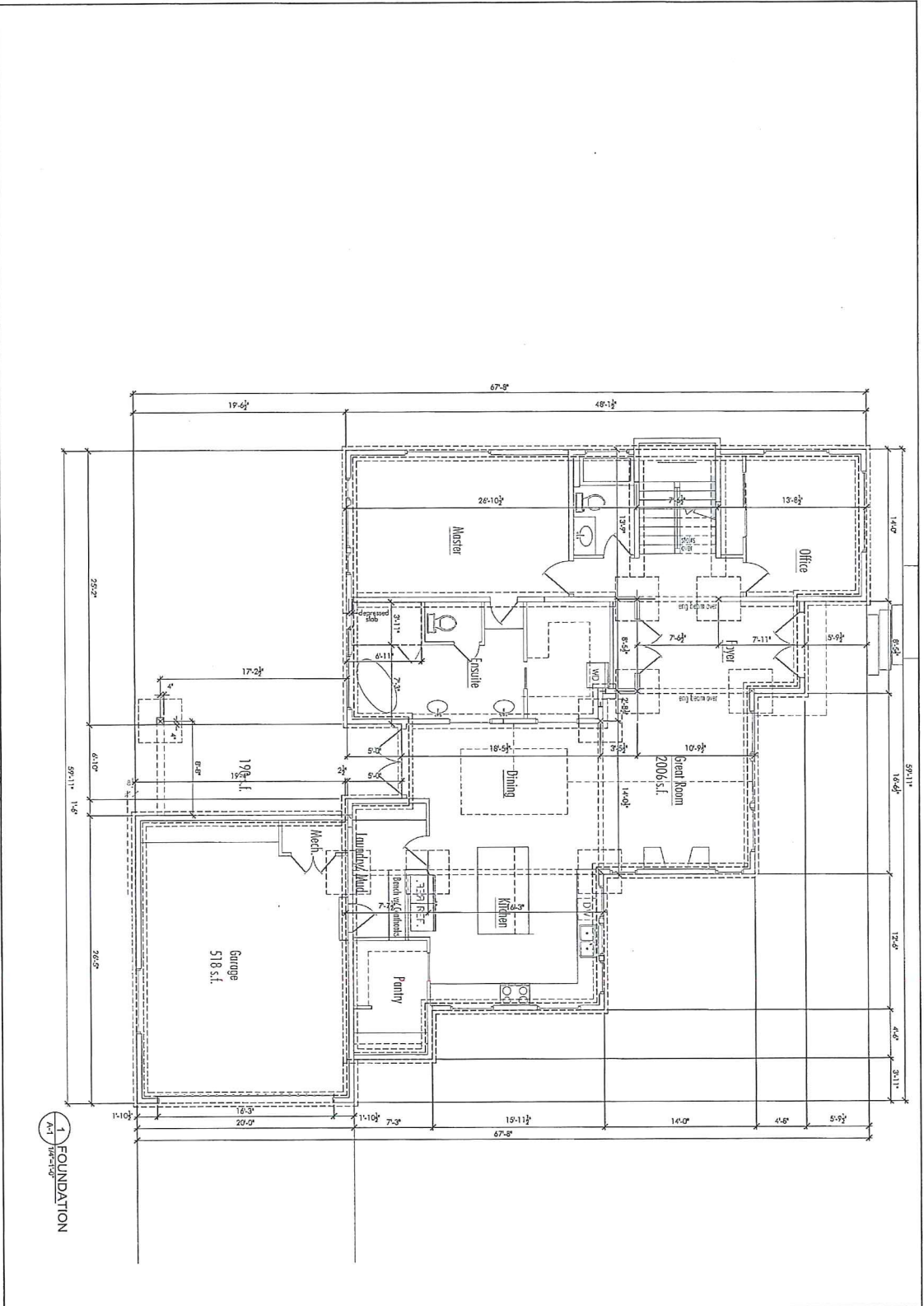
Permit # DP15-0003

SCHEDULE 4

This forms part of development

Permit # DVP15-0003

85



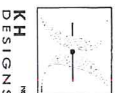
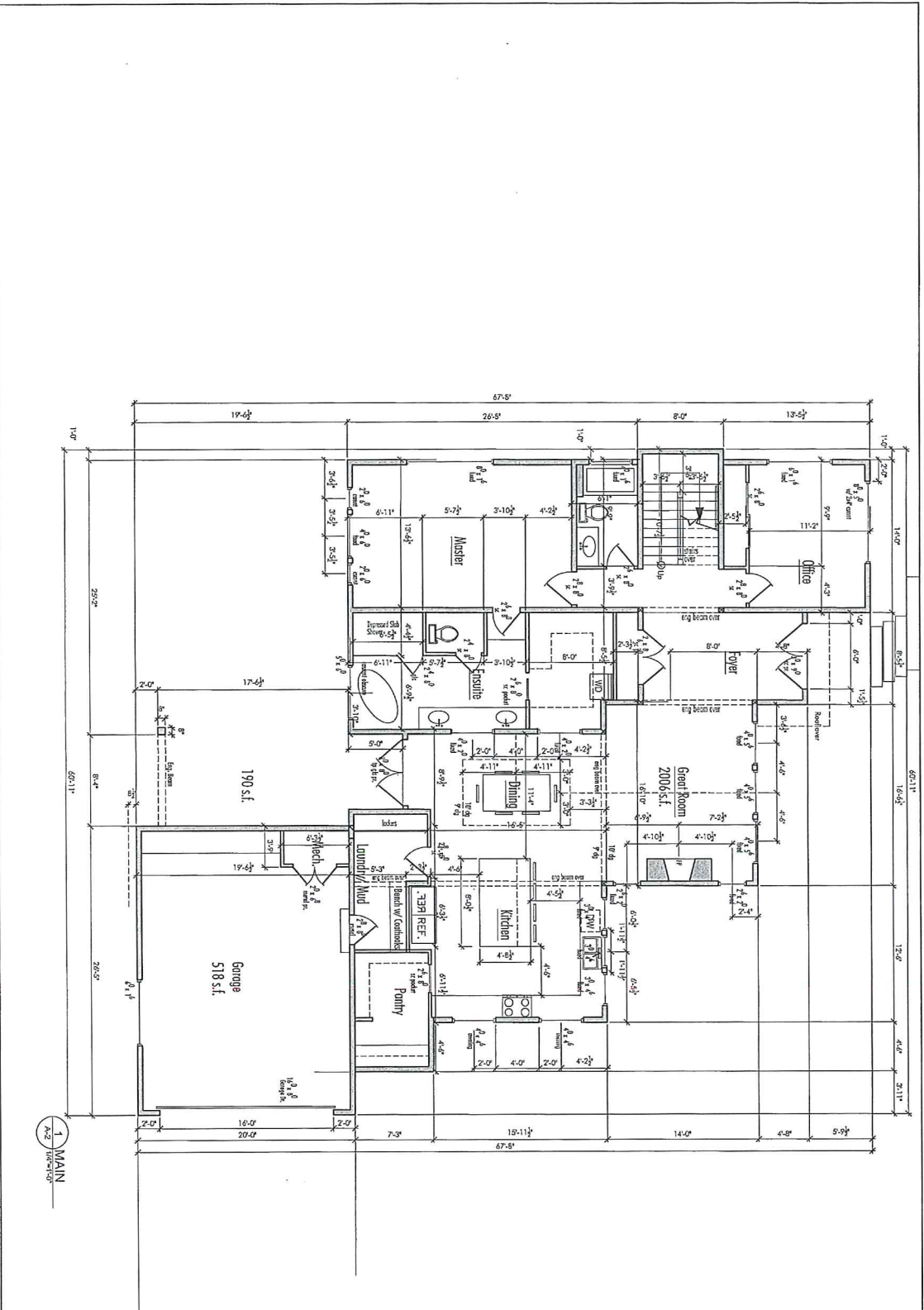
2165 Main Street
West Kelowna
BC V4T 3H5
250-575-0590

1091 Westport
Kelowna BC

DRAWN BY: KH
PROJECT: 1014
FILE: 1014-01
DATE: 11/27/14
Drawing Title: Foundation Plan

Foundation Plan

A-1



2415 Kennedy Rd. Unit 100
West Kelowna
BC V4T 3H5
250-575-0590

1091
KOOWNA WESTPORT

DATE: 11/20/14
DRAWING: 11/20/14
PROJECT: 10-14
TITLE: 10-14
ISSUE: 10-14
DATE: 11/20/14

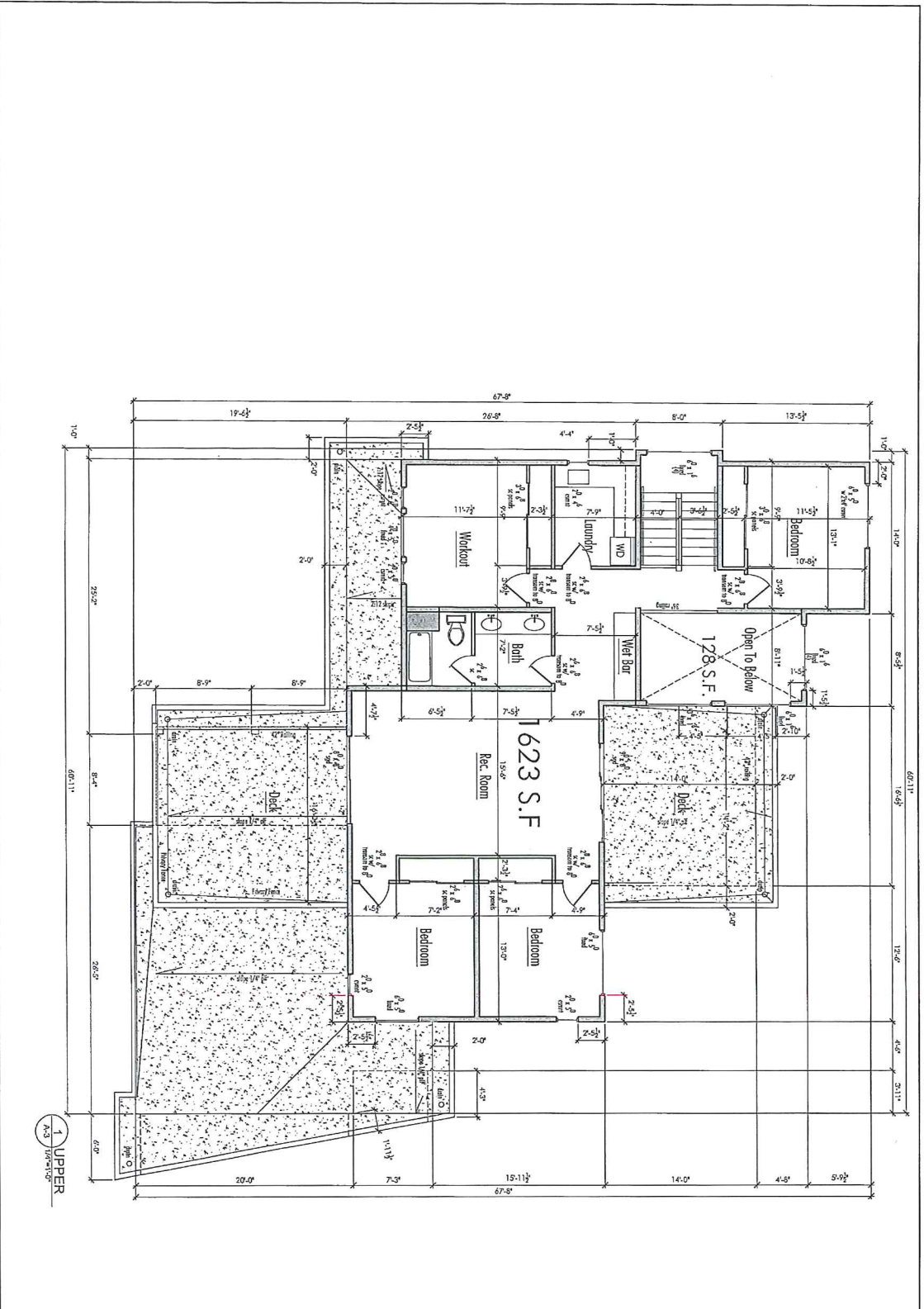
Main
Plan

A-2

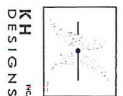
SCHEDULE A

This forms part of development

Permit # **IRP15-0003**



1 UPPER
A-3 1/4"=1'-0"



K.H.
DESIGNS
2015 (Kalamazoo) Kalamazoo, MI
Vernon Kalamazoo
BC V4T 2H5
250-575-0590

1051 WESTPORT
Kalamazoo BC

DOWN BY: GH
PROJECT: 1014
FILE: 1014
DATE: 11/27/14
Drawing based on 11/27/14

Upper
Plan

A-3



KH
DESIGNS

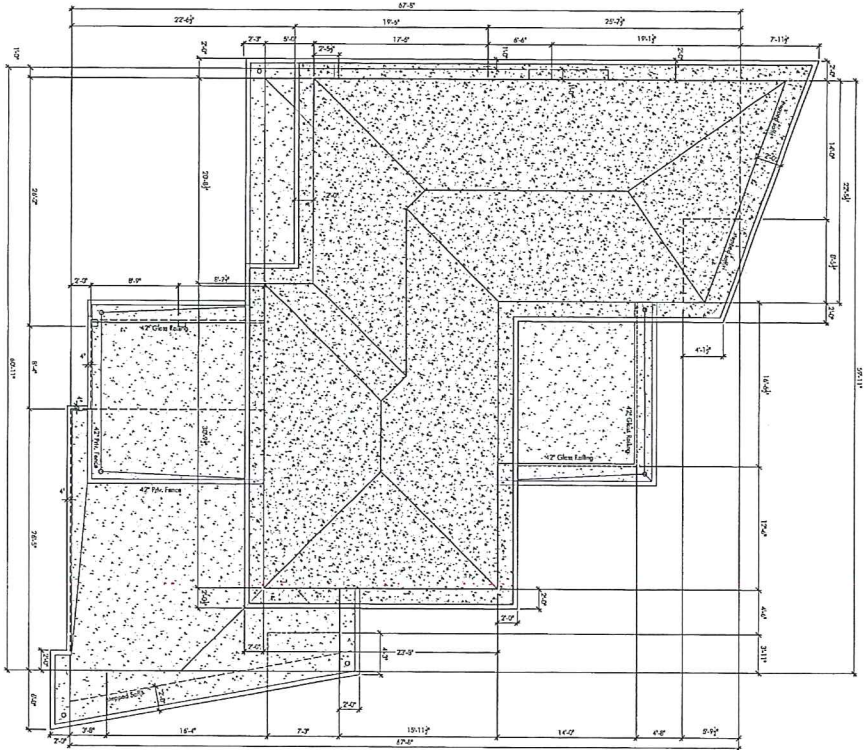
2011 Skagitway, 1850a Ave
Victoria, BC V8T 3H5
250-575-5590

1091
Highway 1850a
Kelowna BC

DRAWN BY: KH
PROJECT: 10-14
FILE: 10-14
DATE: 11/17/14
Drawing Issue: 11/17/14

Roof
Plan

A-4



1 ROOF
A-4

SCHEDULE B

This forms part of development

Permit # *P16-0003*



KH
DESIGNS

3035 Glenridge Highway
West Kelowna
BC V4T 3H5
250-575-0590

DATE: 11/22/14

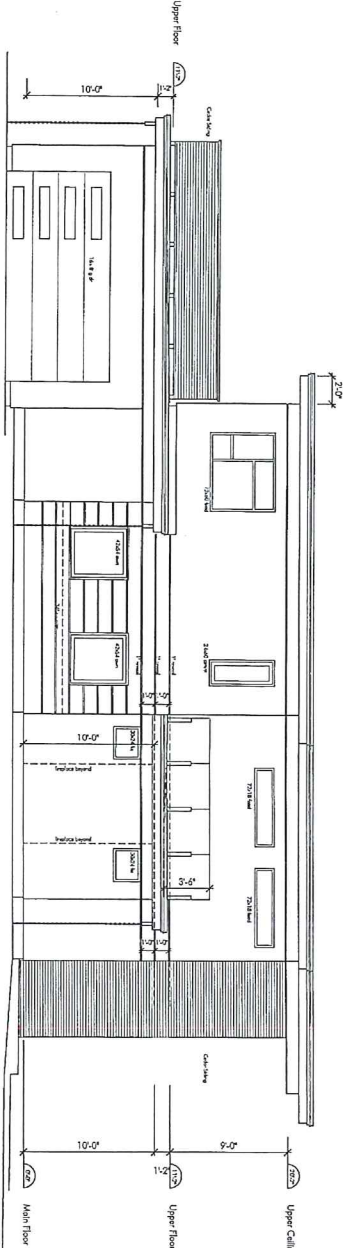
1001 WESTPOINT

1001
Westpoint
Kelowna BC

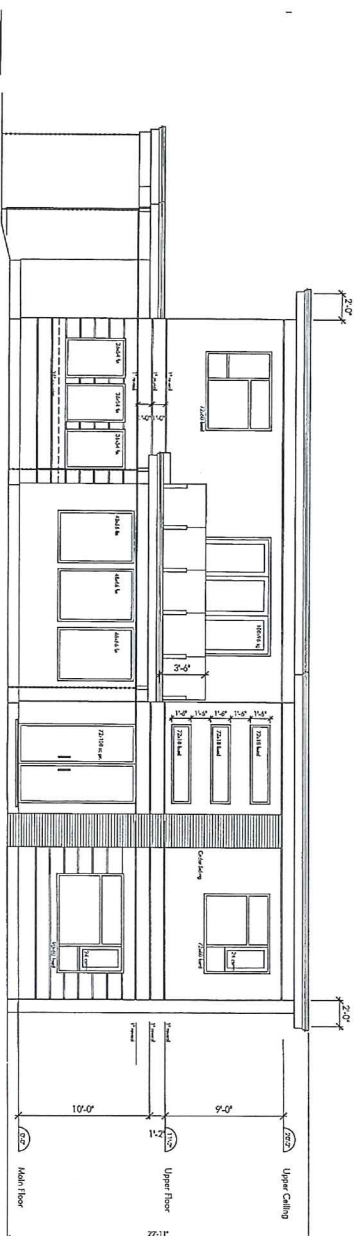
DOWN: B7
PROJECT: 10-14
FILE: 10-14
DATE: 11/22/14
Drawing issued: 11/22/14

Elevations

A-5



1 EAST
A-5 1/4"=1'-0"



2 NORTH
A-5 1/4"=1'-0"

SCHEDULE B

This forms part of development

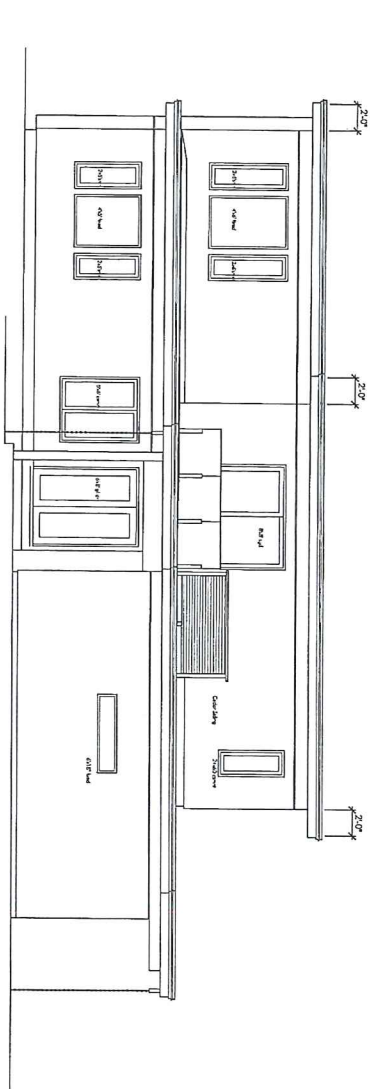
Permit # **DPP5-0003**

1001 Westport Kelowna BC

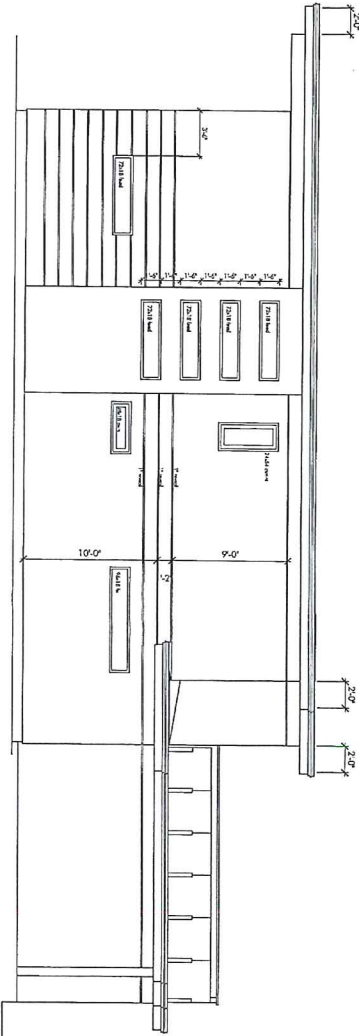


KH
DESIGNS

2014/2015 Kelowna
West Kelowna
B.C. V4T 3H5
250-575-0590



1 SOUTH
A-5 1/4"=1'-0"



2 WEST
A-5 1/4"=1'-0"

Elevations

A-6

1001 Westport Kelowna BC

DRAWN BY: KH
PROJECT: 1014
FILE:
DATE: 11/22/14
Drawing issued: 11/22/14

CITY OF KELOWNA
MEMORANDUM

Date: January 26, 2015
File No.: DVP15-0003
To: Land Use Management Department (TY)
From: Development Engineering Manager
Subject: 1091 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 to decrease the minimum front yard setback from 6.0m required to 3.0m proposed can be supported provided that the onsite parking requirements have been met.

A handwritten signature in black ink, appearing to read 'Steve Muenz', is written over a horizontal line.

Steve Muenz, P. Eng.
Development Engineering Manager
JF

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP15-0003

EXISTING ZONING DESIGNATION:	RU1 – Large Lot Housing
DEVELOPMENT VARIANCE PERMIT:	To vary the minimum front yard for a garage with vehicular entry from the front from 6.0m required to 3.0m proposed.

ISSUED TO:	Cavan & Stefanie Loughran
LOCATION OF SUBJECT SITE:	1091 Westpoint Drive

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	11	31	-	29	ODYD	87220

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";

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

Section 13.1.6 (c) - RU1 Development Regulations

To vary the minimum permitted front yard setback from a garage or carport having vehicular entry from the front from 6.0m required to 3.0m proposed.

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

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 two years 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 _____ 2015,
BY THE URBAN PLANNING MANAGER.

Ryan Smith
Urban Planning Manager