

City of Kelowna
Regular Council Meeting
AGENDA



Tuesday, October 7, 2014
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order
2. Prayer

A Prayer will be offered by Councillor Stack.
3. Confirmation of Minutes 1 - 8

Public Hearing - September 9, 2014
Regular Meeting - September 9, 2014
4. Bylaws Considered at Public Hearing
 - 4.1 Bylaw No. 11001 (TA14-0012) - Text Amendment to City of Kelowna Zoning Bylaw No. 8000 9 - 9

To give Bylaw No. 11001 second and third readings in order to amend Section 13 - Urban Residential Zones in City of Kelowna Zoning Bylaw No. 8000.
 - 4.2 Bylaw No. 11002 - Rescind Heritage Revitalization Agreement Authorization Bylaw No. 8753 - 2056 Pandosy Street 10 - 10

To give Bylaw No. 11002 second and third readings in order to rescind the Heritage Revitalization Agreement on the subject property.
 - 4.3 Bylaw No. 11003 (OCP14-0017) - 3020, 3030, 3040, 3050, 3060, 3070, & 3080 Abbott Street and (W of) Cedar Avenue, 3090, 3096, & 3098 Walnut Street and 252 Meikle Avenue, City of Kelowna 11 - 12

Requires a majority of all members of Council (5).
To give Bylaw No. 11003 second and third readings, and adoption consideration, in order to amend the Kelowna 2030 - Official Community Plan No. 10500.
 - 4.4 Bylaw No. 11004 (Z14-0032) - 3020, 3030, 3040, 3050, 3060, 3070, & 3080 Abbott Street and (W of) Cedar Avenue, 3090, 3096, & 3098 Walnut Street 13 - 14

and 252 Meikle Avenue, City of Kelowna

To give Bylaw No. 11004 second and third readings, and adoption consideration, in order to rezone the subject properties from the RU1 - Large Lot Housing zone to the P3 - Parks and Open Space zone; from the RU3 - Small Lot Housing Zone to the P3 - Parks and Open Space zone.

- 4.5 Bylaw No. 11007 (OCP14-0012) - 1650 KLO Road, Danco Developments Ltd. 15 - 16

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

To give Bylaw No. 11007 second and third readings in order to amend the Future Land Use designation of a portion of the subject property from the Resource Protection Area designation to the Single/Two Unit Residential designation.

- 4.6 Bylaw No. 11008 (Z14-0025) - 1650 KLO Road, Danco Developments Ltd. 17 - 18

To give Bylaw No. 11008 second and third readings in order to rezone a portion of the subject property from the RR3 - Rural Residential 3 zone to the RU3 - Small Lot Housing zone.

5. Notification of Meeting

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

6. Liquor License Application Reports

- 6.1 Liquor License Application No. LL14-0012 - 1423 Ellis Street. Luigi Coccoaro 19 - 39

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

To seek Council's support for a Liquor Primary License for a new liquor primary establishment located on the subject property.

7. Development Permit and Development Variance Permit Reports

- 7.1 Development Variance Permit Application No. DVP14-0080 - 940 Bartholomew Court, Dr. M. H. Rajabally 40 - 48

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 staff recommendation NOT to vary the lot depth from the required 30 metres to 28.03 metres in order to facilitate a two lot subdivision.

- 7.2 Development Variance Permit Application No. DVP14-0101 - 229 Carlon Road, Norsteel Building Systems 49 - 59

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.

The purpose of the Development Variance Permit is to vary the rear yard setback from 7.5m required to 1.16m proposed to allow an expansion to the rear of the existing building.

- 7.3 Development Permit Application No. DP14-0130 & Development Variance Permit Application No. DVP14-0131 - 730-760 McCurdy Road, Midwest Ventures Ltd.

60 - 74

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 demolish an existing industrial building and to consider the form and character of a new industrial building and associated landscaping/site works on the subject property.

- 7.4 Development Variance Permit Application No. DVP14-0145 - 5162 Chute Lake Road, Scott Michael Butler

75 - 84

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.

The purpose of the Development Variance Permit is to allow the construction of a fence on top of a retaining wall within 0.9m of a retaining wall located on the property line.

8. Reminders

9. Termination



City of Kelowna Public Hearing Minutes

Date: Tuesday, September 9, 2014
Location: Council Chamber
City Hall, 1435 Water Street

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

Staff Present: Acting City Manager, Jim Gabriel; City Clerk, Stephen Fleming; Manager, Urban Planning, Ryan Smith; Supervisor, Urban Planning, Lindsey Ganczar; Development Engineering Manager, Steve Muenz; and Council Recording Secretary, Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the Hearing to order at 6:02 p.m. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030 - Official Community Plan Bylaw No. 10500" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

2. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on August 26, 2014 and by being placed in the Kelowna Capital News issues on August 29 and September 2, 2014 and by sending out or otherwise delivering 49 statutory notices to the owners and occupiers of surrounding properties, and 2360 informational notices to residents in the same postal delivery route, between August 26 and August 29, 2014.

The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy No. 369.

3. Individual Bylaw Submissions

3.1. Bylaw No. 10996 (TA14-0015) - 1975 Union Road, 657139 BC Ltd.

Councillor Stack declared a conflict of interest as he is Executive Director of Society of HOPE and adjacent property owner and left the meeting at 6:05 p.m.

Staff:

- Displayed a Power Point Presentation summarizing the application and responded to questions from Council.

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

Letters of Support

Dan Midtdal, Valley Road N.
Pat Bechard, Yates Road
Michele, Ritchie Court
Nannette Jeffrey, Ritchie Court

Letters of Concern

Denise Scott, Celano Crescent
John and Judy Suttie, Kerr Road
James & Robynn Robertson, Terrace Hill Place
Pru Bernhardt, Millard Crt. W.
Wendy Hirowatari, Wyndham Crescent
Tracy and John Huggan, Summerhill Place
Eugene and Julie Moskal, Summerhill Place

Background Correspondence Submitted by the Applicant

Form letter circulated within the neighbourhood

Conditional Letter of Support

The Society of HOPE, Benvoulin Court

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

Applicant, Phil DeClerk, White Rock, BC

- Believes this is a good site for a car wash.
- Confirmed that this development is not a service station but is 100% a car wash.
- A caretaker will always be on site.
- Operating hours will probably range from 7:00 a.m. to 10:00 p.m. but will not operate 24 hours.
- Confirmed that there will be no vacuums located outside.
- Access will be right-in and right-out on Union Road and will be safer and calmer.
- Appropriate buffering along Society of HOPE property line will be installed in cooperation with the property owner.

Gallery:

Warren Postnikoff, Property Portfolio Manager, Society of HOPE

- Offered conditional support as per the correspondence submitted as part of the application.
- Spoke to the concerns that were identified in the correspondence dated May 8, 2014.
- Acknowledged that the Applicant has already addressed most of these concerns.

Amanda Martin, Verna Court, Society of HOPE Housing

- Raised concern with the intersection and limited site lines.
- Raised concern with the increased traffic and speed of traffic and children walking to Glenmore Elementary School.
- Raised concern with noise impact on adjacent property.

Davin Overland, Southview Avenue:

- Not opposed to development on this lot but am opposed to this development on this lot.
- Raised concerns with traffic impacts and sight lines to the sidewalks.
- Raised safety concerns with children walking to school.
- Suggested the car wash be constructed with three bays rather than the proposed five bays.
- Not supportive of this application as it stands.

Applicant, Phil DeClerk

- Will be working with the City to improve intersection sight lines.
- Will work with the Society of HOPE regarding the fence along the common property line.
- The business plan is based on construction of five car washing bays.

Staff:

- Confirmed the trees on the property will be removed for better site lines so that pedestrians will be seen standing at the controlled intersection.
- Confirmed that many of the concerns raised this evening will be addressed at the development permit stage.

There were no further comments.

4. Termination

The Hearing was declared terminated at 6:51 p.m.

Mayor



City Clerk



City of Kelowna

Date: Tuesday, September 9, 2014
Location: Council Chamber
City Hall, 1435 Water Street

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

Staff Present: Acting City Manager, Jim Gabriel; City Clerk, Stephen Fleming; Manager, Urban Planning, Ryan Smith; Supervisor, Urban Planning, Lindsey Ganczar; Development Engineering Manager, Steve Muenz; and Council Recording Secretary, Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the meeting to order at 6:51 p.m.

2. Prayer

A Prayer was offered by Councillor Singh.

3. Confirmation of Minutes

Moved By Councillor Basran/Seconded By Councillor Blanleil

R640/14/09/09 THAT the Minutes of the Public Hearing and Regular Meeting of August 26, 2014 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1. Bylaw No. 10996 (TA14-0015) - 1975 Union Road, Dawn Williams

Moved By Councillor Blanleil/Seconded By Councillor Basran

R641/14/09/09 THAT Bylaw No. 10996 be read a second and third time.

Carried

Councillor Stack joined the meeting at 6:53 p.m.

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 147 statutory notices to the owners and occupiers of surrounding properties, and 3229 informational notices to residents in the same postal delivery route, between August 26 and August 29, 2014.

The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 369.

6. Development Permit and Development Variance Permit Reports

6.1. Bylaw No. 10901 (OCP12-0017) - 1215 St. Paul Street and 557 & 567 Clement Avenue, Joseph Higgins et al

Moved By Councillor Stack/Seconded By Councillor Given

R642/14/09/09 THAT Bylaw No. 10901 be adopted.

Carried

6.1.1. Bylaw No. 10902 (Z12-0069) - 1215 St. Paul Street and 557 & 567 Clement Avenue, Joseph Higgins et al

Moved By Councillor Given/Seconded By Councillor Stack

R643/14/09/09 THAT Bylaw No. 10902 be adopted.

Carried

6.1.2. Development Permit Application No. DP14-0058 & Development Variance Permit Application No. DVP14-0059 - 1215 St Paul Street and 557 & 567 Clement Avenue, Joseph Higgins et al

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

Applicant:

- Available to answer questions.

There were no further comments.

Moved By Councillor Singh/Seconded By Councillor Hobson

R644/14/09/09 THAT final adoption of OCP Amending Bylaw No. 10901 and Zone Amending Bylaw No. 10902 be considered by Council;

THAT Council authorizes the issuance of Development Permit No. DP14-0058 for Lot 26, District Lot 139, ODYD, Plan 1303, located at 1215 St. Paul Street, and Lot 27 & 28, District Lot 139, ODYD, Plan 1303, located at 557 & 567 Clement Avenue, Kelowna, BC subject to the following:

1. The dimensions and siting of the buildings to be constructed on the land be in general accordance with Schedule 'A';
2. The exterior design and finish of the buildings 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', which is to be sealed by a Landscape Architect in good standing prior to permit issuance;
4. Prior to issuance of the Development and Development Variance Permit applications, 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 Landscape Architect (BCSLA), and as shown in general accordance with Schedule 'C';

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0059 for Lot 26, District Lot 139, ODYD, Plan 1303, located at 1215 St. Paul Street, and Lot 27 & 28, District Lot 139, ODYD, Plan 1303, located at 557 & 567 Clement Avenue;

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

Section 7.6.1(c) - Minimum Landscape Buffers

To vary the minimum required landscape buffer from 3.0 m to 0.6 m, as per Schedule 'A';

Section 8.2.9 - Off-Street Loading - Size and Access

To vary the minimum size of a required loading space from 28 m² required to 20 m² proposed and the minimum width from 3.0 m required to 2.9 m proposed, as per Schedule 'A';

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

Carried

6.2. Development Permit Application No. DP14-0109 & Development Variance Permit Application No. DVP14-0110 - 1226 St Paul Street, Stelwill Holdings Inc.

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

Applicant:

- Summarized the application and proposed use of the building.
- Confirmed that the building is being constructed with an option to add a third floor in the future.

There were no further comments.

Moved By Councillor Hobson/Seconded By Councillor Blanleil

R645/14/09/09 THAT Council authorizes the issuance of Development Permit No. DP14-0109 for Lot 22, District Lot 139, ODYD, Plan 1303 located at 1226 St. Paul Street, Kelowna, BC subject to the following:

That the dimensions, siting, exterior design, and landscaping of the building be constructed on the land in general accordance with Schedule "A".

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0110 for Lot 22, District Lot 139, ODYD, Plan 1303 located at 1226 St. Paul Street, Kelowna, BC;

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

Section 15.2.5 - Development Regulations

Vary the front yard setback for the proposed building from 7.50m to 1.50m.

Carried

6.3. Bylaw No. 10991 (Z14-0024) - 505 Doyle Avenue, Interior Health Authority

Moved By Councillor Basran/Seconded By Councillor Blanleil

R646/14/09/09 THAT Bylaw No. 10991 be adopted.

Carried

6.3.1. Development Variance Permit Application No. DVP14-0103 - 505 Doyle Avenue, Interior Health Authority

Staff:

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

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

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

Applicant:

- Available to answer questions.

There were no further comments.

Moved By Councillor Blanleil/Seconded By Councillor Zimmermann

R647/14/09/09 THAT Final Adoption of Zone Amending Bylaw No. 10991 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0103 for Lot A, District Lot 139, ODYD Plan EPP25652 located at 505 Doyle Avenue, Kelowna, BC.

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

Section 14.7.5 (e) - C7 Development Regulations

Vary the 3.00m setback from a street requirement from 15m above grade to 19m above grade.

Section 14.7.5 (g) - C7 Development Regulations

Vary the 80 degree building incline requirement from 15m above grade to 19m above grade.

Section 14.7.5 (h) - C7 Development Regulations

Vary the maximum floor plate areas above 15m from 676m² to 3541m² on the fourth floor, and from 676m² to 1879m² on the fifth floor.

Section 14.7.5 (i) - C7 Development Regulations

Vary the maximum continuous horizontal dimension above 15m from 26m to 62m and 92m on the fourth floor, and from 26m to 54m and 52m on the fifth floor.

Section 14.7.5 (j) - C7 Development Regulations

Vary the maximum horizontal diagonal dimension of a floor plate above 15.0m from 39m to 100m on the fourth floor, and from 39m to 80m on the fifth floor.

Section 14.7.5 (l) - Development Regulations

Vary the minimum south setback above 22m adjacent to a property from 15m to 9.60m. Vary the minimum south setback above 22m adjacent to a lane from 10m to 9.60m.

Section 14.7.6 (d) - C7 Other Regulations

Vary the required first floor commercial space frontage on Ellis Street from 90% to 0%.

Section 14.7.6. (f) - C7 Other Regulations

Vary the required first floor commercial space frontage on St. Paul Street from 75% to 36%.

Section 8.1.2 - Off-Street Vehicle Parking (Number of Spaces)

Vary the maximum number of parking stalls from 266 stalls to 492 stalls.

Section 8.2.2 - Off-Street Loading (Number of Spaces)

Vary the minimum number of loading stalls from 9 stalls to 2 stalls.

Section 8.2.12 - Off-Street Loading (Size & Access)

Vary permitted access into loading stalls to allow for backing movements.

Section 8.4.2 - Off-Street Bicycle Parking (Number of Spaces)

Vary the minimum number of Class II bicycle parking stalls from 84 stalls to 10 stalls.

Carried

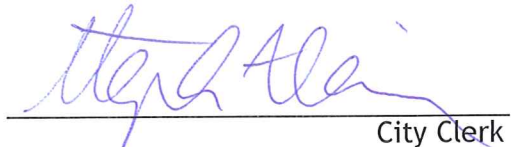
7. Reminders - Nil.

8. Termination

The meeting was declared terminated at 7:22 p.m.

Mayor

/acm



City Clerk

CITY OF KELOWNA
BYLAW NO. 11001
TA14-0012 - Amendment to Section 13-Urban Residential Zone

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

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

1. THAT **Section 13 - Urban Residential Zones, 13.3 RU3 - Small Lot Housing/RU3h - Small Lot Housing (Hillside Area), 13.3.7 Other Regulations** be amended by:

- a) Deleting sub-paragraph (b) that reads:

"(b) Where the development has access to a rear lane, vehicular access to the development is only permitted from the rear lane, except for developments in hillside areas where the topography would require the slope of such access to exceed 15%."

And replacing it with:

"(b) Development must have vehicular access to a rear side lane. Vehicles may only access a lot from a fronting street when the lot meets the subdivision regulations for the RU2 – Medium Lot Housing zone."

- b) Deleting sub-paragraph (j) in its entirety that reads:

"(j) A bed and breakfast home is only permitted when vehicular access and parking are via a rear lane."

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 8th day of September, 2014.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11002
Repeal Heritage Revitalization Agreement Authorization
Bylaw No. 8753 - 2056 Pandosy Street

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

1. THAT Bylaw No. 8753 - Heritage Revitalization Agreement Authorization - 2056 Pandosy Street, and all amendments thereto, be repealed.
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 September, 2014.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11003

Official Community Plan Amendment No. OCP14-0017 - City of Kelowna

3020, 3030, 3040, 3050, 3060, 3070 and 3080 Abbott Street, (W OF) Cedar Avenue,
3090, 3096 and 3098 Walnut Street and 252 Meikle 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 the subject properties as set out in Table 1 attached to and forming part of this bylaw, from the MXR - Mixed Use (Residential/Commercial) designation to the PARK - Major Park and Open Space 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 15th day of September, 2014.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Table 1: List of Subject Properties	
Address	Legal
3020 Abbott Street	Lot 1, District Lot 14, ODYD, Plan KAP53240
3030 Abbott Street	Lot 2, District Lot 14, ODYD, Plan KAP53240
3040 Abbott Street	Lot 3, District Lot 14, ODYD, Plan KAP53240
3050 Abbott Street	Lot B, District Lot 14, ODYD, Plan 10727
3060 Abbott Street	Lot 12, District Lot 14, ODYD, Plan 2708
3070 Abbott Street	Lot 13, District Lot 14, ODYD, Plan 2708
3080 Abbott Street	Lot 14, District Lot 14, ODYD, Plan 2708
(W OF) Cedar Ave	That Part of District Lot 14, ODYD, Plan KAP91868
3090 Walnut Street	Lot 1, District Lot 14, ODYD, Plan 7832
3096 Walnut Street	Lot 2, District Lot 14, ODYD, Plan 7832
3098 Walnut Street	Lot 2, District Lot 14, ODYD, Plan 7187
252 Meikle Ave	Lot 3, District Lot 14, ODYD, Plan 7187

CITY OF KELOWNA

BYLAW NO. 11004

Z14-0032 - City of Kelowna

3020, 3030, 3040, 3050, 3060, 3070 and 3080 Abbott Street, (W OF) Cedar Avenue,
3090, 3096 and 3098 Walnut Street and 252 Meikle 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 the subject properties as set out in Table 2 attached to and forming part of this bylaw from the RU1 - Large Lot Housing zone to the P3 - Parks and Open Space zone.
2. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of the subject properties as set out in Table 3 attached to and forming part of this bylaw from the RU3 - Small Lot Housing zone to the P3 - Parks and Open Space zone.
3. 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 September, 2014.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Table 2: List of Subject Properties	
Address	Legal
3050 Abbott Street	Lot B, District Lot 14, ODYD, Plan 10727
3060 Abbott Street	Lot 12, District Lot 14, ODYD, Plan 2708
3070 Abbott Street	Lot 13, District Lot 14, ODYD, Plan 2708
3080 Abbott Street	Lot 14, District Lot 14, ODYD, Plan 2708
(W OF) Cedar Ave	That Part of District Lot 14, ODYD, Plan KAP91868
3090 Walnut Street	Lot 1, District Lot 14, ODYD, Plan 7832
3096 Walnut Street	Lot 2, District Lot 14, ODYD, Plan 7832
3098 Walnut Street	Lot 2, District Lot 14, ODYD, Plan 7187
252 Meikle Ave	Lot 3, District Lot 14, ODYD, Plan 7187

Table 3: List of Subject Properties	
Address	Legal
3020 Abbott Street	Lot 1, District Lot 14, ODYD, Plan KAP53240
3030 Abbott Street	Lot 2, District Lot 14, ODYD, Plan KAP53240
3040 Abbott Street	Lot 3, District Lot 14, ODYD, Plan KAP53240

CITY OF KELOWNA

BYLAW NO. 11007

Official Community Plan Amendment No. OCP14-0012 - Danco Developments Ltd. 1650 KLO Road

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of a portion of Lot 3, District Lot 131, ODYD, Plan KAP77109, located on KLO Road, Kelowna, B.C., from the REP - Resource Protection Area designation to the S2RES - Single/Two Unit Residential designation as per Map "A" attached to and forming part of this bylaw;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 29th day of September, 2014.

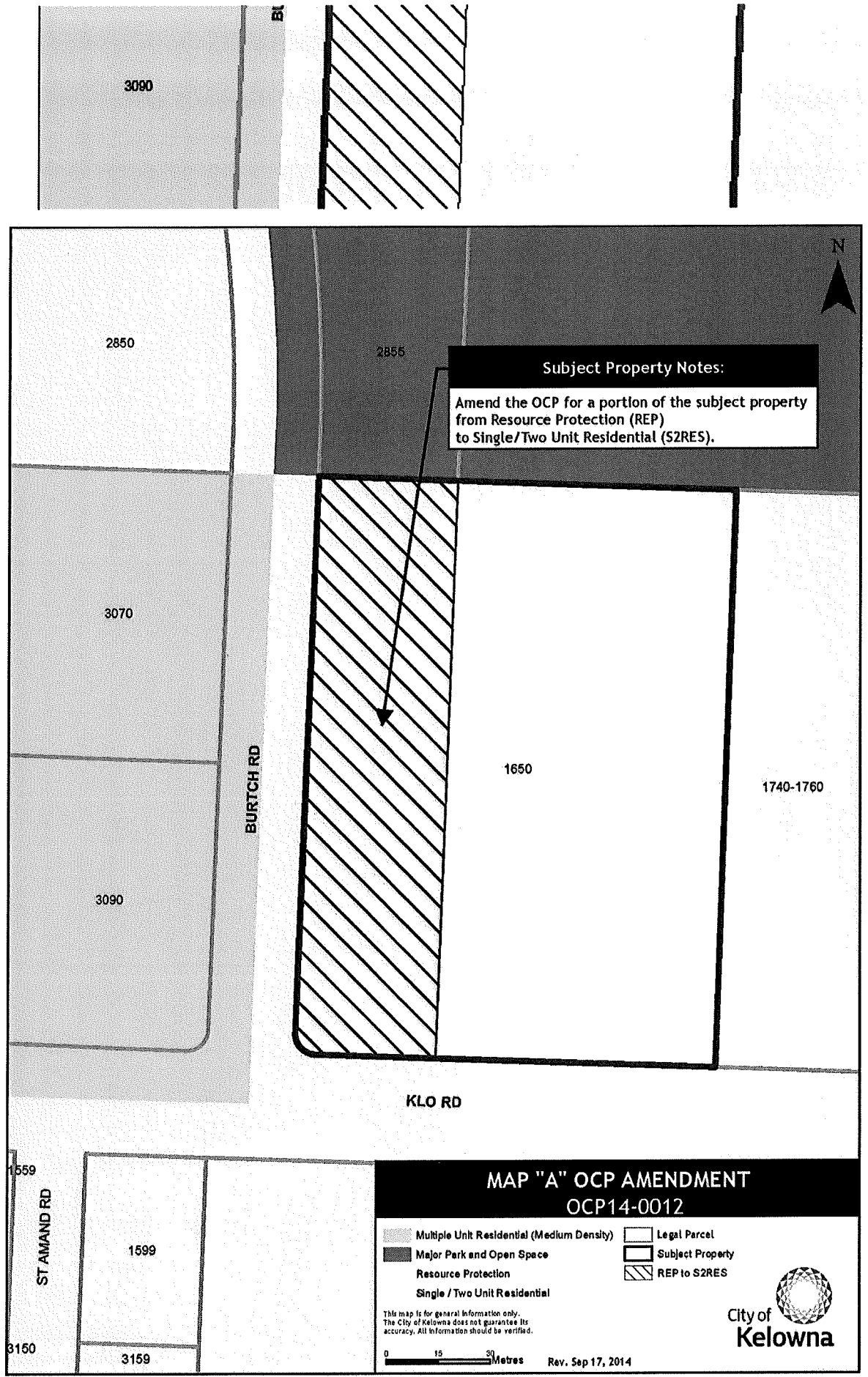
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



CITY OF KELOWNA
BYLAW NO. 11008
Z14-0025 - Danco Developments Ltd.
1650 KLO Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of a portion of Lot 3, District Lot 131, ODYD, Plan KAP77109 located on KLO Road, Kelowna, B.C., from the RR3 - Rural Residential 3 zone to the RU3 - Small Lot Housing zone as per Map "B" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 29th day of September, 2014.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



REPORT TO COUNCIL



Date: 8/28/2014
RIM No. 0930-50
To: City Manager
From: Urban Planning, Community Planning and Real Estate (PMc)
Application: LL14-0012 **Owner:** George Peter Boychuk
Address: 1423 Ellis St. **Applicant:** Luigi Coccoaro
Subject: Liquor License Application
Existing OCP Designation: Mixed Use (Residential/Commercial)(MXR)
Existing Zone: C7 - Central Business Commercial

1.0 Recommendation

In accordance with Section 53 of the Liquor Control and Licensing Regulation and Council Policy #359, be it resolved THAT:

Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application from Coccoaro & Associates Enterprises Ltd. 1423 Ellis Street, Kelowna BC, (legally described as Lot 1, DL 139, O.D.Y.D., Plan 2733) for a Liquor Primary license with a capacity of 38 persons and hours of service from 9:00am - 3:00am daily are as follows:

- a) The location of the establishment:
The property is located within the Downtown core, and is suitable for the proposed small-scale Liquor Primary license.
- b) The proximity of the establishment to other social or recreational facilities and public buildings:
No negative impact on surrounding facilities/buildings is anticipated.
- c) The person capacity and hours of liquor service of the establishment:
The capacity and hours are deemed appropriate based on other establishments in the immediate area.
- d) The number and market focus of liquor-primary license establishments within a reasonable distance of the proposed location:
The size and focus of the establishment would complement existing establishments in the Downtown area.
- e) The impact of noise on the community in the immediate vicinity of the establishment:

The potential for noise would be compatible with surrounding land uses.

- f) The impact on the community if the application is approved:
The proposed license would add to the continued development of a safe, vibrant Downtown area.
- g) View of residents:
The Council's comments on the views of residents (if applicable) are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy & Procedures."
- h) Recommendation:
Council recommends that the application for a Liquor Primary license be approved.

2.0 Purpose

This application seeks Council's support for a Liquor Primary License for a new liquor primary establishment located on the subject property.

3.0 Urban Planning

Council Policy #359 specifies guidelines for the siting and density of Liquor Primary Establishments. These parameters are designed to help control the density of late-night establishments with a focus on alcohol (nightclubs, pubs, etc.). Given the location of existing of establishments in the area, the application complies with Policy #359.

The application represents a modest sized liquor primary establishment, to be located within a new food primary establishment, currently under construction. The proposed liquor primary license will create greater opportunities to serve a range of patrons, and compliment existing licensed establishments. Given the small scale, niche market that is proposed through this business operation, this meets the intent of the City fostering the provision of facilities which diversify the selection of venues and entertainment opportunities throughout the Downtown.

The C7 parking requirements are calculated based on gross floor area, regardless of use (or occupant load). There is no increase in floor area proposed with this application. Therefore, the existing onsite parking is considered compliant to the C7 zone regulations.

Given the above considerations, the Urban Planning Department is supportive of the proposed Liquor Primary establishment. In addition, the RCMP have no concerns with the proposal.

4.0 Proposal

4.1 Background

An application has been forwarded by the licensee to the Provincial Liquor Control and Licensing Branch (LCLB) for their approval. Procedurally, all new Liquor Primary license requests require Local Government comment.

4.2 Project Description

The applicant is renovating the subject property to develop a new food primary establishment with an adjoining "VIP Prohibition themed" lounge room with a liquor primary license. There is no outdoor seating proposed with this application.

The majority of the floor space it to be operated as a food primary.

Proposed Hours of Sale:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	9:00am	9:00am	9:00am	9:00am	9:00am	9:00am	9:00am
Close	3:00am	3:00am	3:00am	3:00am	3:00am	3:00am	3:00am

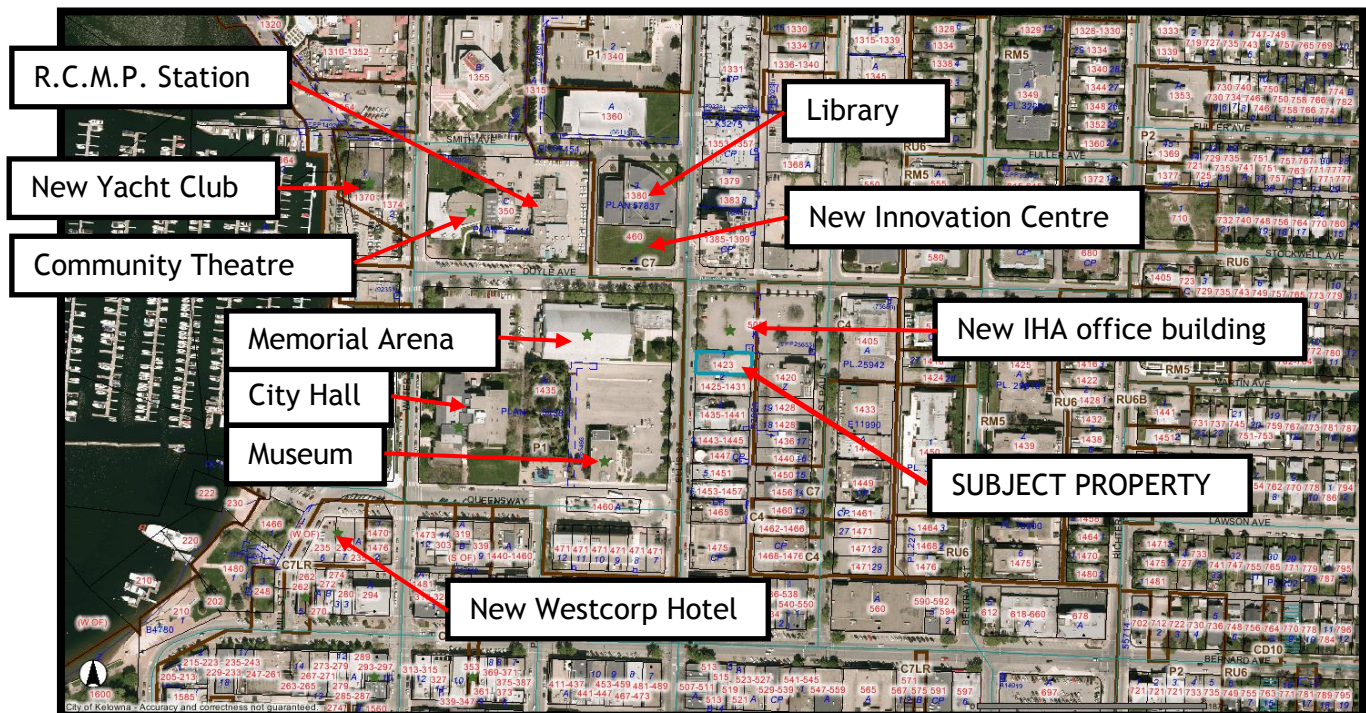
Licensed Areas	Capacity
Food Primary capacity	105
Proposed Person Capacity LP area	38*

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

4.3 Site Context

The subject property is located on the east side of Ellis Street, south of Doyle Ave., adjacent to the proposed location of the Interior Health Community Health and Services Centre building.

Subject Property Map: 1423 Ellis Street



5.0 Current Development Policies

5.1 Council Policy #359 - Liquor Licensing Policy and Procedures

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

- Small establishments (with person capacity less than 100 persons):
 - i) Should not be located beside an existing Small establishment.

5.2 Kelowna Official Community Plan (OCP)

Entertainment Venues.¹ Within designated Urban Centres, encourage private-sector provision of facilities which diversify the selection of venues and entertainment opportunities throughout the city.

Downtown.² The City of Kelowna recognizes that a unique, attractive, thriving and livable downtown is strategically important to Kelowna's overall prosperity and success. Towards this end, the City will plan and manage the Downtown as a single and special entity and will take a proactive, comprehensive, integrated and collaborative approach towards providing services and infrastructure, delivering programs, and developing a supportive regulatory and financial environment.

6.0 Technical Comments

6.1 Building & Permitting Department

No comment,

6.2 Bylaw Services

No concerns,

6.3 Fire Department

No concerns,

6.4 R.C.M.P.

Given the venue size and stated market objectives, the RCMP have no concerns regarding this application.

7.0 Application Chronology

Date of Application Received: July 22, 2014

Report prepared by:

Paul McVey, Urban Planner

Reviewed by:

☐

Lindsey Ganczar, Urban Planning Supervisor

Approved for Inclusion:

☐

Ryan Smith, Manager, Urban Planning

¹ Policy 5.17.1 (Development Process Chapter 5, page 5.21)

² Policy 8.9.2 (Economic Development Chapter8, page 8.4)

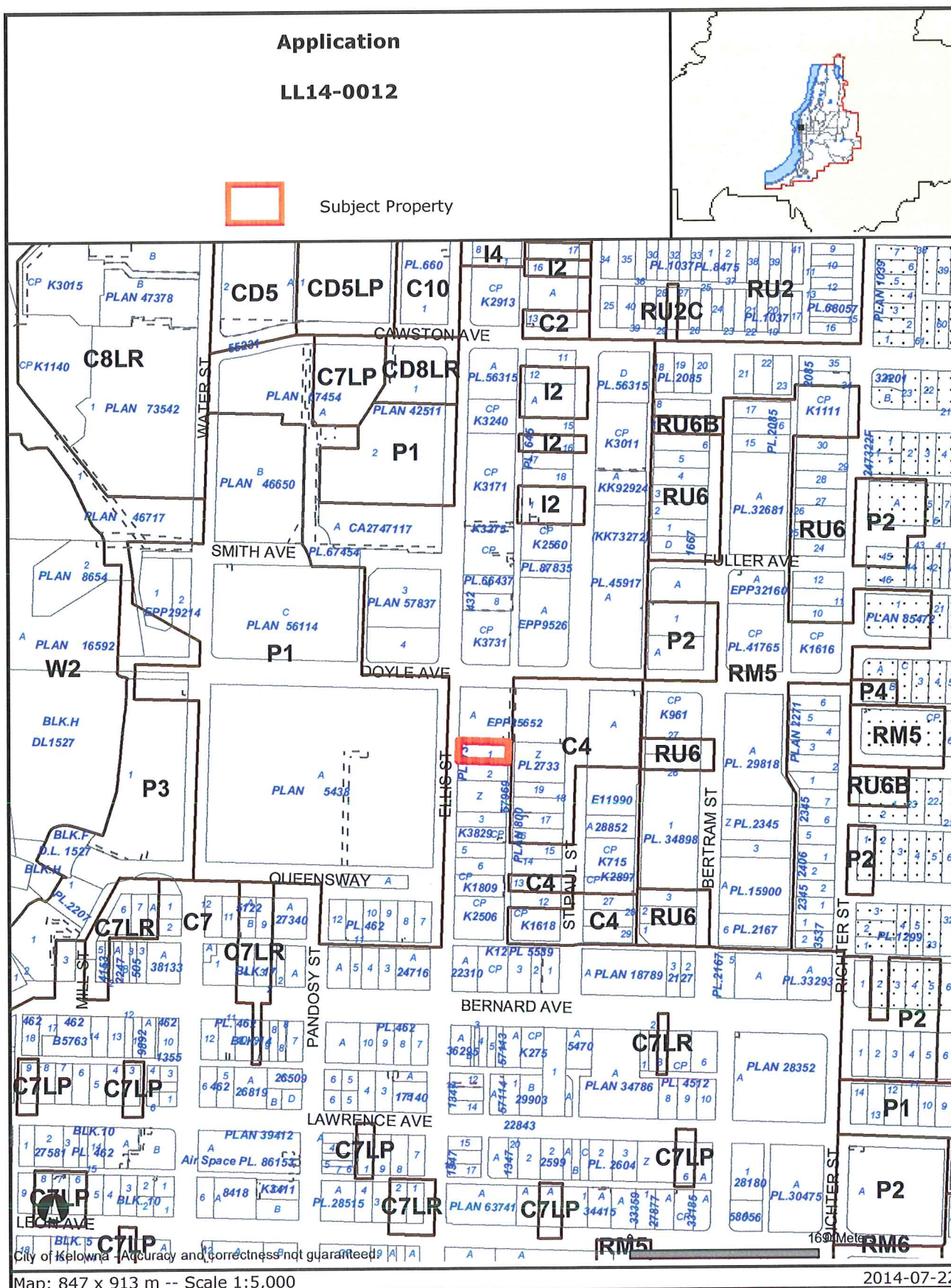
Attachments:

Subject Property Map

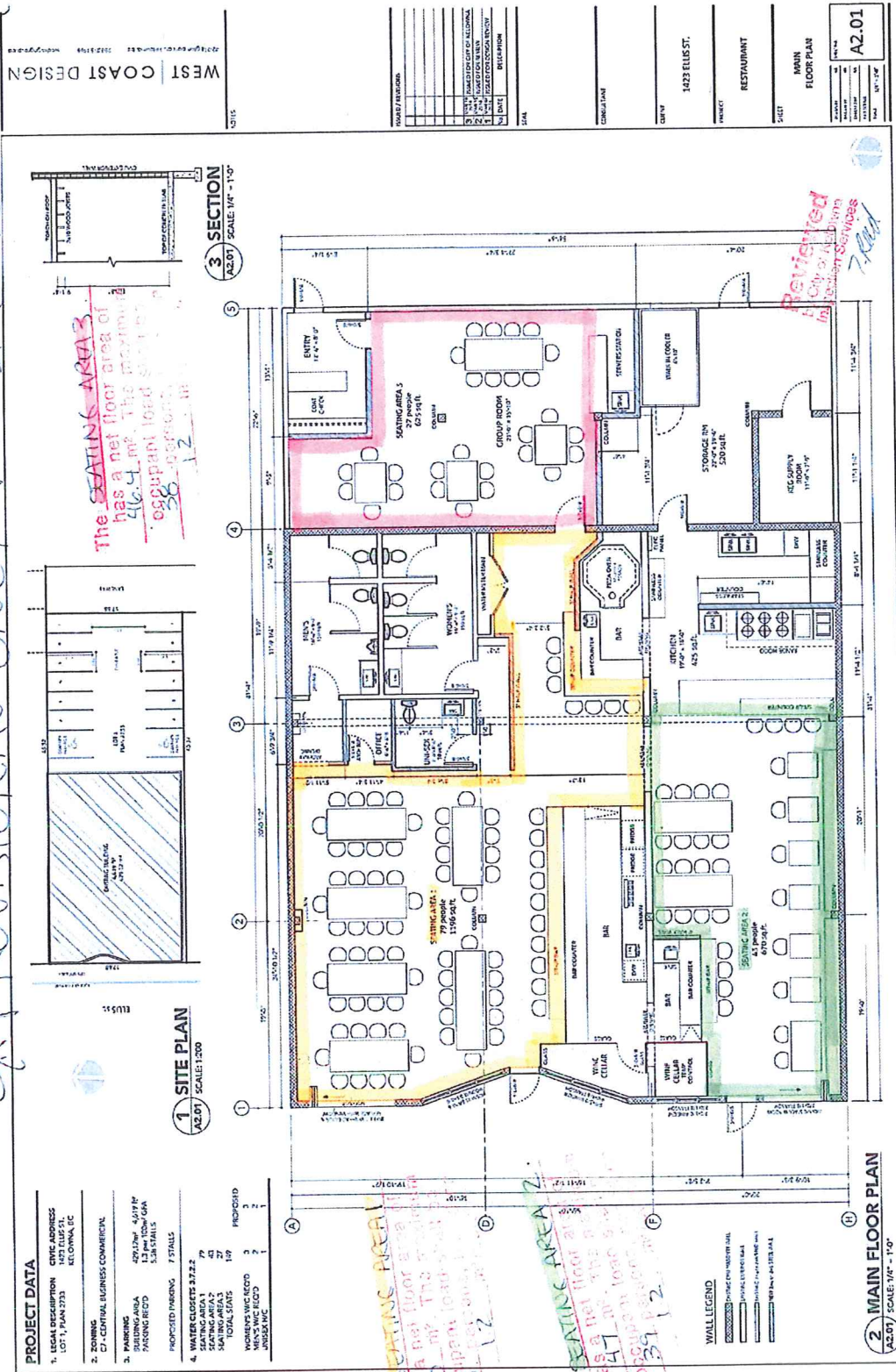
Occupant Load Floor Plan

Applicant Community Impact Statement

LCLB License Application Package



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.



COMMUNITY IMPACT STATEMENT

FOR: APPLICATION FOR A LIQUOR PRIMARY LICENSE

**AT: "1423"
1423 ELLIS STREET,
KELOWNA, B.C. V1Y 2A3**

APPLICANT: COCCARO & ASSOCIATES ENTERPRISES LTD

COMMUNITY IMPACT STATEMENT

Submitted to:

**City of Kelowna
1435 Water Street
Kelowna, B.C.
V1Y 1J4**

Submitted by:

**Rising Tide Consultants Ltd.
1090-1130 West Pender Street
Vancouver, BC V6E 4A4**

**Phone: (604) 669-2928
Fax: (604) 669-2920**

COMMUNITY IMPACT STATEMENT

FOR: APPLICATION FOR A LIQUOR PRIMARY LICENSE

**AT: "1423"
1423 ELLIS STREET,
KELOWNA, B.C. V1Y 2A3**

APPLICANT: COCCARO & ASSOCIATES ENTERPRISES LTD

COMMUNITY IMPACT STATEMENT

INTRODUCTION

This Community Impact Statement is provided in support of the application submitted to the City of Kelowna and the Liquor Control & Licensing Branch by Coccaro & Associates Enterprises Ltd for a new liquor primary license for "1423" at 1423 Ellis Street, Kelowna, B.C. V1Y 2A3

The applicant is seeking a 38 person capacity for this liquor primary licensed establishment.

The hours of licensing requested are 9.00 am to 3.00 am Monday to Sunday.

BENEFITS TO THE COMMUNITY

The applicant's establishment will benefit the community in the following ways:

- Employment opportunities for residents of the area;
- Provide a source of additional tax revenue for the city, the provincial and federal governments;
- Further diversify the hospitality venues available to the residents, business people and tourists in Kelowna;
- Provides an additional venue for community events, fundraisers and special events;

- Involvement in community sponsorships and activities;
- Compliments other nearby businesses in the area
- Provides a venue for local musicians to perform and therefore supports local artists.

HOSPITALITY/TOURISM DEVELOPMENT FACTORS

1423 will contribute to the hospitality/tourism development in the city by adding a new liquor primary licensed lounge experience to the area. This upscale lounge will provide a venue for patrons to attend for a chic lounge experience..

TRAFFIC IN THE VICINITY

The establishment will not impact negatively on traffic. The primary purpose of 1423 is to cater to persons who can easily walk and drive to the establishment from nearby residences and businesses. Therefore, there will be no impact on the traffic in the vicinity. This location is also well serviced by main roads and public transportation. The establishment will also be licensed with a food primary liquor license and it is envisaged that traffic will not be an issue.

NOISE IN THE COMMUNITY

As the proposed liquor primary licensed establishment is located adjoining the proposed food primary licensed establishment called "The Curious Artistry & Alchemy Café" it is not a venue that will create any more noise in the community. This establishment is a small, quintessential liquor primary licensed establishment and noise is not anticipated to be a problem. The applicant will comply with the City of Kelowna noise by-law.

PARKING

There are many parking spots located near the proposed establishment. There is street meter parking available nearby.

Most of the patrons of the lounge will walk from nearby businesses and residential areas. Therefore, parking should not be a factor because of the ease of access via public transportation and the available timed and meter parking in the surrounding area of Kelowna.

OTHER FACTORS

The applicant also submits the following additional factors for consideration:

- This is a relatively small liquor primary licensed establishment of 38 persons so it is smaller than most liquor primary licensed establishments in the area.
- The venue is for an upscale Prohibition themed room with food and beverage service and will not be a nightclub.
- This will not be operated as a pub or neighbourhood house.
- The experience is that lounge venues tend not to create problems in the community.

- There is a need for more small liquor primary licensed establishments to service this area of Kelowna.
- There will be an adjoining food primary licensed establishment at the site.
- The principle of this application and his family already own another food primary liquor licensed establishment close by which has a favourable record with the Liquor Branch, the City of Kelowna and the RCMP.

Coccaro & Associates Enterprises Ltd does not envisage any adverse impacts on the community with the liquor license as it is a small 38 person establishment which lends itself to a lounge environment. . Indeed, it will have very positive impacts and benefits as mentioned above.

All of which is respectfully submitted this 16th day of July, 2014.

Rising Tide Consultants Ltd.
1090-1130 West Pender Street
Vancouver BC V6E 4A4



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

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

PART 1: Type of Application

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

Office use only

Job No. _____

☒ **New Liquor Primary Licence**

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

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

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

☐ Casino ☐ Community gaming centre ☐ Commercial bingo hall

☐ **New Liquor Primary Club Licence**

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

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

PART 2: Applicant

Applicant name: Coccoaro & Associates Enterprises Ltd

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

Applicant phone: 250-864-6110

Applicant fax: _____

Applicant email: lcoccoaro@me.com

Business Number*: 828126177

Mailing address: Apt 402-1331 Ellis Street
(All correspondence will go to this address)

Kelowna

City

B.C.

Province

V1Y 1Z9

Postal Code

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

PART 3: Application Contact Information

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

Name: Rising Tide Consultants

Phone number: 604-669-2928

Fax number: 604-669-2920

E-mail address: risingtide@shawcable.com

PART 4: Applicant Information

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

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

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

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

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

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

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

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

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

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

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

Legal Name of Resident Manager:

(Last) (Given Names)

Contact telephone with area code:

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

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

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

PART 6: Type of Business

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

☐ Partnership

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

List Partners in the space provided below:

PARTNER 1: Percentage of Ownership: Legal Name:

PARTNER 2: Percentage of Ownership: Legal Name:

PARTNER 3: Percentage of Ownership: Legal Name:

PARTNER 4: Percentage of Ownership: Legal Name:

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

Plus, each partner (Individual) must submit:

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

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

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

☐ Statement of Registration of General Partnership, OR

☐ Partnership Agreement or Joint Venture Agreement.

☐ Society

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

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

☐ Certificate of Incorporation under the Society Act,

☐ current list of officers and directors,

Plus the top four executive officers must submit:

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

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

☒ **Private Corporation**

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

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

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

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

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

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

☐ **Public Corporation**

Check box ☒ If your shares are publicly traded: ☐

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

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

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

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

☐ **Sole Proprietorship**

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

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

☐ **Other**

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

PART 7: Establishment Information

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

Proposed establishment name:	"1423"			
Proposed establishment physical address:	1423 Ellis Street	Kelowna	B.C.	V1Y 2A3
	Street	City	Province	Postal Code
Proposed establishment mailing address:	As Above			
	Street	City	Province	Postal Code
Establishment Phone # with area code and extension:	250-864-6110		Establishment fax with area code:	
Business e-mail:	lcoccaro@me.com			

Local police jurisdiction:	Kelowna Detachment of RCMP	Local government or First Nation:	City of Kelowna
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Legal description of site: PID 010-971-777, Lot 1, Plan KAP2733, District Lot 139, Osoyoos Div of Yale District

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

PART 8: Establishment Proposal

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

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

1. Proposed interior licensed area(s)

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

Area 1	Area 2	Area 3	Area 4	Area 5	Area 6
38					

2. Proposed patio(s)

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

Patio 1	Patio 2	Patio 3	Patio 4

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

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

- c) For information on patio policy, please see the Licensing Policy Manual: <http://www.pssg.gov.bc.ca/lclb/docs-forms/lclb207-policy-licensing.pdf#page=85>

2. Proposed hours of sale: Complete the table below by entering the opening and closing times proposed for the establishment. Hours requested must fall between 9:00 am and 4:00 am of each business day. All requested hours will be reviewed by your local government/First Nation for consideration:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
OPEN	9 am	9 am	9 am	9 am	9 am	9 am	9 am
CLOSE	3 am	3 am	3 am	3 am	3 am	3 am	3 am

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

This site is zoned C7 with the City of Kelowna and permits a liquor primary licensed establishment up to 100 patrons.

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

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

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

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

PART 9: Letter of Intent and Site Map

1. **Letter of Intent** - Attach a detailed letter describing the functions and services your facility or venue will provide. The information you provide must address all of the categories below.
 - a) **Purpose:** Describe the purpose and business focus of your establishment. If you intend to offer entertainment in your establishment, please describe the types you intend to offer. The business focus must fall within beverage service, entertainment and hospitality services and must not be youth-oriented.
 - b) **Target market:** Describe the target market your proposed establishment will serve (e.g., urban locals, suburban locals, rural locals, neighbouring communities, tourists, etc.).
 - c) **Composition of the neighbourhood:** Describe the composition of the neighbourhood surrounding the establishment location (e.g., commercial, residential, industrial, light industrial, urban, downtown, rural, ALR, First Nations' Land, etc.).
 - d) **Benefits of the proposed establishment to the community:** Describe the community/market need you are addressing by providing an additional licensed establishment in the community (e.g., the proposed establishment will be located in a new mixed-use development where businesses, government offices, residences and sports facilities are located and the LP will be meeting a food and beverage need, there are currently no licensed establishments in the area, etc.).
 - e) **Impact of noise on the community:** Describe the potential for noise impacts on the community from your proposed establishment and the measures that you intend to implement so that others are not disturbed by your establishment (e.g., entertainment involving amplified music will be addressed by soundproofing walls; noise from outdoor patio will be addressed by closing the patio by 10 p.m., outdoor entry lineups will be monitored according to our security plan by trained door security and outdoor lighting and cameras will be installed, etc.).
 - f) **Other impacts on the surrounding community:** Describe any other issues expected from your establishment and the measures you will take to address them (e.g., late night community disturbance).
 - g) **Other:** Any other relevant information or details you wish to provide.
 - h) **Additional requests:** Detail any additional requests that you may have.
 2. **Site Map** - Provide a site map (can be a tourist map, golf course layout, zoning map of the site, google map, etc.) and detail the following:
 - a) Provide a site map of the area surrounding your proposed location identifying the following within a reasonable distance* of the proposed establishment:
 - Site location
 - Road access, egress, parking and all residential areas
 - All other licensed liquor primary or liquor primary club establishments and liquor primary applications in progress
 - Churches
 - Clubs
 - Schools (K-12, colleges, universities)
 - Preschools
 - Day care centres
 - Health care facilities
 - Seniors facilities
 - Recreational/sports facilities
 - Police stations
 - Fire halls
 - Libraries
 - Government buildings
 - Any other social, public or private facilities
- *Reasonable Distance Guidelines**
- What constitutes a reasonable distance will vary depending on individual circumstances.
- In a densely populated city or municipality, reasonable distance is probably a 2 block radius;
 - In a pocket community having no adjacent developed regional areas (e.g. Gold River, Tumbler Ridge, Whistler, Valemont) reasonable distance is probably the whole community;
 - In a rural area having large acre parcels, reasonable distance is probably up to 8 km (5 miles);
 - In a moderately populated area of developed subdivisions, suburbs, reasonable distance is probably 1.5 or 2 km (1 mile).
- b) On the same map, please mark the boundaries of the neighbourhood of the proposed location as per the reasonable distance guidelines above. State what distance measure you chose and explain your logic.

PART 10: Required Documents

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

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

- ☒ 1. Completed *Liquor Primary Licence Application* (LCLB001).
- ☒ 2. Letter of Intent (See Part 9)
- ☒ 3. Site Map (See Part 9)
- ☒ 4. Application fee. See Part 12 of this application form.
- ☒ 5. Completed *Consent for Disclosure of Criminal Record information* (RCMP GRC3584) for all required individuals. (Please note, you must complete Part 1, 4 and 5 of the *Consent for Disclosure* form and all category boxes must be initialled in section 5.) Refer to the LCLB web page for information on criminal record searches:
http://www.pssg.gov.bc.ca/lclb/L1inBC/criminal_record_search.htm
- ☒ 6. Completed *Personal History Summary and Consent for Criminal Record Search* (LCLB004) forms for all required individuals.
- ☐ 7. Statutory Declaration must be completed by all individuals that answered "Yes" to 2, 3 or 10 in the *Personal History Summary and Consent for Criminal Record Search* form (LCLB004)
- ☐ 8. Driver's abstract (driving record) by all individuals that answered "Yes" to 9 or 10 in the *Personal History Summary and Consent for Criminal Record Search* form (LCLB004)
- ☒ 9. Relevant business documents as identified in Part 6 of this application form. These documents will vary according to applicant type: public corporation, private corporation, partnership, sole proprietorship, society or other.
- ☒ 10. Preliminary floor plan drawings that show access/egress, kitchen, washrooms, bar, stairs, patio(s), unlicensed areas and proposed occupant load determinations for all the licensed area(s).
- ☒ 11. If you intend to advertise your business with a sign that includes graphics, please provide a sketch of the proposed signage for Branch approval. Refer to Section 13 of the Licensing Policy Manual (<http://www.pssg.gov.bc.ca/lclb/docs-forms/lclb207-policy-licensing.pdf#page=159>) for more information on signage. The graphics and/or name cannot be directed at minors, associate liquor with driving or show people drinking liquor or being intoxicated or behaving irresponsibly.
If your signage simply displays your "establishment name", there is no need to submit a sketch of the sign. Staff will advise you if the establishment name is not acceptable.

Motor vessels, also provide:

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

Golf courses, also provide:

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

PART 11: Declaration of Signing Authority Including Valid Interest

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

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

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

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

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

Name of Official: COCCARO, Luigi Position: Owner Date: 16.4.14
(last / first / middle) (Day/Month/Year)

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

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

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

Signature: _____

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

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

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

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

Payment is by (check ☒ one):

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

☐ Money order, payable to Minister of Finance

☒ Credit card: ☒ VISA ☐ MasterCard ☐ AMEX

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

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

Liquor Control and Licensing Branch

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

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

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

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

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

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

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

LCLB 001

8 of 8

Liquor Primary - Licence Application

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

Name of cardholder (as it appears on card): Rising Tide Consultants/Walter A.E. Hick

Credit card number: 4520 7100 0061 7024

Expiry date: 05 / 16
(Month) (Year)

Signature: _____

APPLICATION FEE

Enclosed is a credit card payment for the application fee of \$2,200.00 for a liquor primary license being paid by way of a credit card payment.

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

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

Payment is by (check ☒ one):

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

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LCLB 001

8 of 8

Liquor Primary - Licence Application

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

Name of cardholder (as it appears on card): Rising Tide Consultants/Walter A.E. Hick

Credit card number: 4520 7100 0061 7024

Expiry date: 05 / 16
(Month) (Year)

Signature: _____

REPORT TO COUNCIL



Date: 9/2/2014

RIM No. 1940-50

To: City Manager

From: Subdivision, Agriculture & Environment Services (DB)

Application: DVP14-0080 **Owner:** Maryse Rajabally
Mohammad Rajabally

Address: 940 Bartholomew Court **Applicant:** Dr. M. H. Rajabally

Subject: Development Variance Permit for Lot Depth

Existing OCP Designation: S2RES - Single / Two Unit Residential

Existing Zone: RU1 - Large Lot Housing

1.0 Recommendation

THAT Council not authorize the issuance of Development Variance Permit No. DP14-0080, for Lot 1, Section 31, Township 29, ODYD, Plan 41690, located on 940 Bartholomew Court, Kelowna, BC.

2.0 Purpose

To consider a variance to lot depth from the required 30 metres to 28.03 metres in order to facilitate a two lot subdivision.

3.0 Subdivision, Agriculture and Environment Services

The subject property is situated on the southeast corner of Dehart Road and Bartholomew Court in the North Mission/Crawford sector area of the City. The applicant is proposing to subdivide and construct a one storey single detached house on the proposed lot.

The applicant has previously submitted three (3) subdivision applications for Preliminary Layout Review (PLR) and two (2) previous Development Variance Permit applications (DVP). All of the previous PLR applications were refused by the Approving Officer and none of the previous DVP applications were supported by Council. All previous applications have been for the same two lot configuration.

As identified above, the Preliminary Layout Reviews (submitted in 1998, 2004 and 2005) were not supported by the Subdivision Approving Officer. The rationale provided is that the proposals were considered to be contrary to the public interest, pursuant to Section 85 (3) of the Land Title Act. More specifically, given the subject property's location relative to the character of the surrounding neighbourhood, the proposed subdivision was considered unsuited to the configuration of the property being subdivided or to the use intended. Principally, the proposed

subdivision does not conform to the RU1-Large Lot Housing zoning requirements with regards to the lot depth.

As for the previous Development Variance Permit applications to vary the lot depths (submitted in 1999 and 2004), these applications were referred to both the Advisory Planning Commission and Council. At that time, the applications were not supported by either the Advisory Planning Commission or City Council.

Given this information, the recommendation from staff regarding the current DVP and concurrent PLR applications to vary the lot depth in order to facilitate the proposed two lot subdivision remains unchanged from the previous applications.

4.0 Proposal

The applicant is requesting a two (2) lot subdivision (RU1-Large Lot Housing) with lot sizes of 628m² and 707m² for proposed Lot A and Lot B respectively. To allow this subdivision to proceed, the applicant is requesting that the minimum lot depth of 30m be varied. The specific variance request is to allow for a lot depth of 28.03 metres for Lot A (see attached survey plan).

4.1 Site Context

The subject property is situated on the southeast corner of Dehart Road and Bartholomew Court in the North Mission/Crawford sector area of the City. The existing single detached house (proposed Lot B) and the access from the north side of Bartholomew Court would remain unchanged. The applicant is proposing to build a one storey single detached house (on proposed Lot A). Access to the newly created lot is proposed on the east side of Bartholomew Court at the south side of the new lot.

Subject Property Map: 940 Bartholomew Court



Adjacent zones and uses are:

Orientation	Zoning	Land Use
North	A1 - Agriculture 1	Farm
East	RU1 - Large Lot Housing	Single Detached Housing
South	A1 - Agriculture 1	Rural Residential
West	A1 - Agriculture 1	Rural Residential

Zones Analysis:

Zoning Analysis Table		
CRITERIA	Proposal Lot A/Lot B	RU1 ZONE REQUIREMENTS
Existing Lot/Subdivision Regulations		
Lot Area	628 m ² / 707 m ²	550 m ²
Lot Width	22.6 m / 22.6 m	16.5 m
Lot Depth (1)	28.03 m / 31.45m	30 m
Development Regulations		
Max Site Coverage (buildings)	Not specified / 27%	40%
Single Family Dwelling		
Max Height	Not specified / 1 storey	2 ½ storeys / 9.5 m
Min Front Yard	Not specified / 6.94 m	6.0 m
Min Side Yard (w)	Not Specified / 5.6 m	4.5 m (Flanking street)
Min Side Yard (e)	Not specified / 1.93 m (2)	2.0 m
Min Rear Yard	Not specified / 7.5 m	7.5 m
(1) A Variance is requested for the front yard setback.		
(2) Existing legal non conforming. Proposed subdivision will not worsen existing non conformity.		

5.0 Technical Comments

5.1 Development Engineering

Should the Development Variance Permit be approved by Council the following will be required:

As existing Lots 2, 3 and 4 (of Plan 41690) may also have future subdivision potential a 6 meter wide right-of-way agreement must be registered across proposed Lot A, and or on the remainder of Lot 1 for future vehicular access as no direct access is permitted onto Dehart Road.

6.0 Application Chronology

Date of Application Received:	May 5 th , 2014
Referral Comments Received:	May 13 th , 2014
Confirmation of Public Notification Received:	September 5 th , 2014

7.0 Alternate Recommendation

Should Council choose to support the variance the following recommendations would apply:

THAT Council authorize the issuance of Development Variance Permit No. DVP14-0080; Lot 1, Sec. 31, Twp. 29, ODYD, Plan 41690

AND THAT a variance to Section 13.1.5 (b) of City of Kelowna Zoning Bylaw No. 8000 be granted that varies the required lot depth from 30.0 metres to 28.03 metres.

Report prepared by:

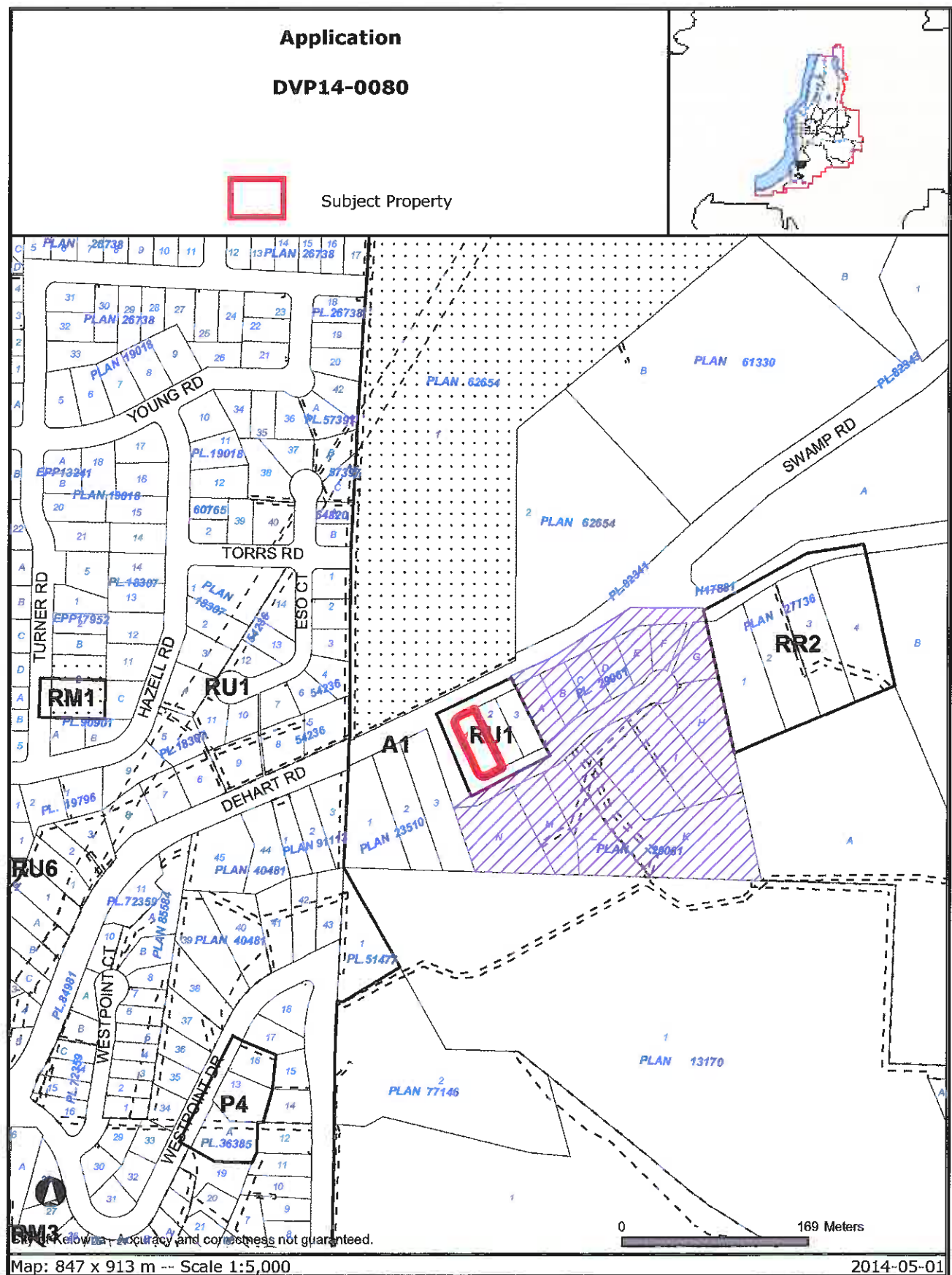
Damien Burggraave, Land Use Planner

Approved for Inclusion:

☐ Shelley Gambacort
Director of Subdivision, Agriculture & Environment

Attachments:

Subject Property Map
Proposed Subdivision Plan

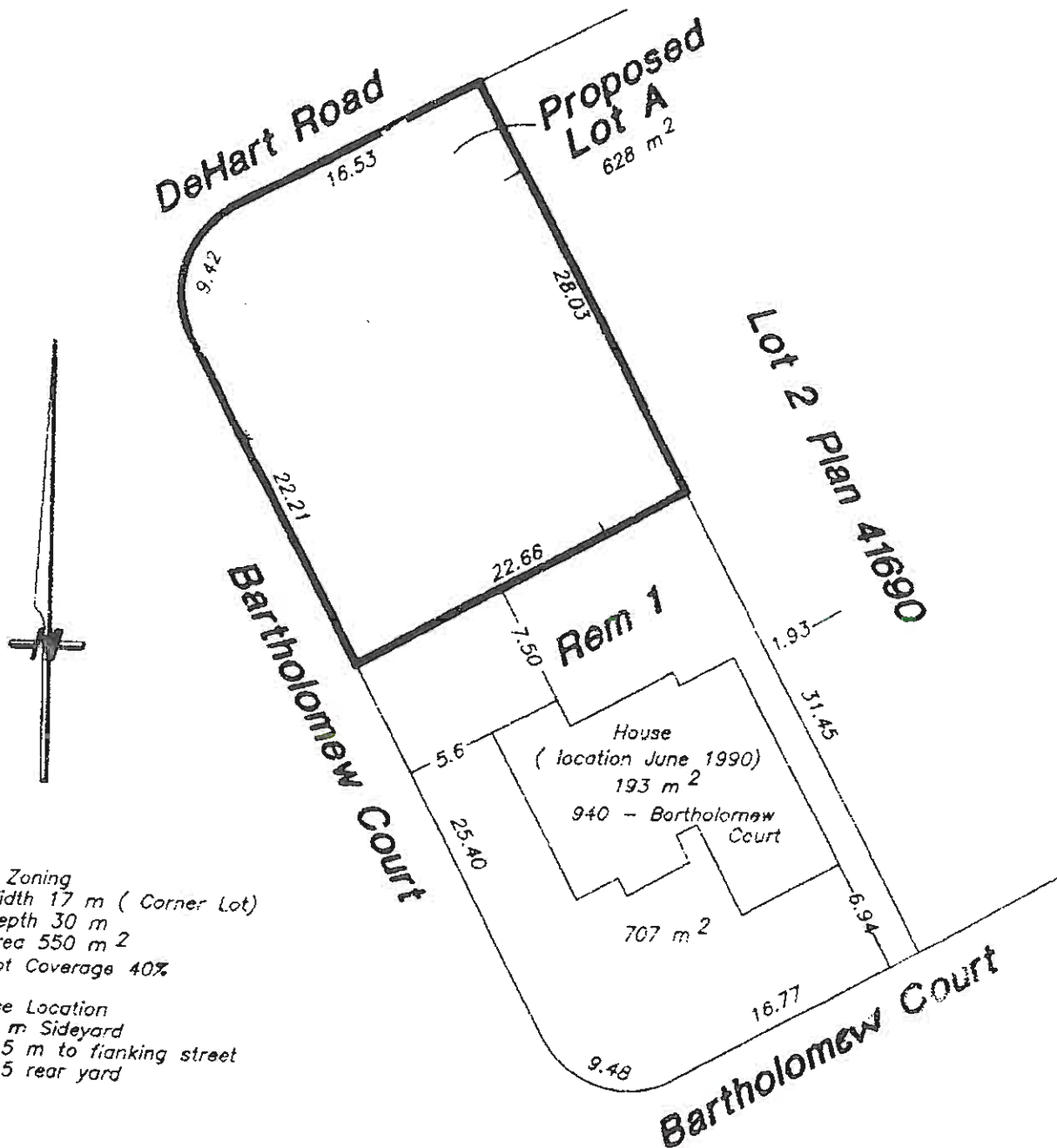


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

Proposed Subdivision Plan Of Part Of Lot 1, Sec.31, Tp.29, ODYD, Plan 41690.

Scale 1:400 Metric.

Present Zoning RU1



RU1 Zoning

- Width 17 m (Corner Lot)
- Depth 30 m
- Area 550 m²
- Lot Coverage 40%

House Location

- 2 m Sideyard
- 4.5 m to flanking street
- 4.5 rear yard

Fritsch Land Surveying Inc.
British Columbia & Canada Lands Surveyors

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Permit No.: DVP14-0080

EXISTING ZONING DESIGNATION:

RU1 - Large Lot Housing

ISSUED TO:

Maryse Rajabally & Mohammad Rajabally

LOCATION OF SUBJECT SITE:

940 Bartholomew Court

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	1	31		29	ODYD	41690

SCOPE OF APPROVAL

- ☐ This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- ☐ This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- ☐ Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

- a) AND THAT a variance to Section 13.1.5 (b) of City of Kelowna Zoning Bylaw No. 8000 be granted that varies the required lot depth from 30.0 metres to 28.03 metres.
- b) As existing Lots 2, 3 and 4 (of Plan 41690) may also have future subdivision potential a 6 meter wide right-of-way agreement must be registered across proposed Lot A, and or on the remainder of Lot 1 for future vehicular access as no direct access is permitted onto Dehart Road.

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

3. PERFORMANCE SECURITY:

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

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

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

4. DEVELOPMENT:

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

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

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

THIS Permit IS NOT A BUILDING Permit.

5. APPLICANT'S AGREEMENT:

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

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

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

Should there be any change in ownership or legal description of the property, I undertake to notify the Community Planning & Real Estate Department immediately to avoid any unnecessary delay in processing the application.

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

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

6. APPROVALS:

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

Doug Gilchrist
Divisional Director of Community Planning & Real Estate

REPORT TO COUNCIL



Date: 9/9/2014
RIM No. 0940-50
To: City Manager
From: Urban Planning, Community Planning & Real Estate (PMc)
Application: DVP14-0101 **Owner:** All Cat Services Inc.
Address: 229 Carion Road **Applicant:** Norsteel Building Systems
Subject: Development Variance Permit
Existing OCP Designation: Industrial (IND)
Existing Zone: I3 - Heavy Industrial

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP14-0101 for Lot 9, Section 2, Township 20, O.D.Y.D., Plan KAP57943, located on 229 Carion Road, Kelowna, BC subject to the following:

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

Section 15.3.5(e): Development Regulation

To vary the rear yard setback from 7.5 m required to 1.16m proposed, as shown on Schedule "A".

2.0 Purpose

To seek a Development Variance Permit to vary the rear yard setback from 7.5m required to 1.16m proposed, to allow an expansion to the rear of the existing building.

3.0 Urban Planning

The Urban Planning department supports this application to vary the rear yard setback for the building addition. The location of the proposed building expansion to the south (rear) of the building is the logical location for the addition. An expansion in this location does not impact the outdoor yard space, which is a major component of the operation of the business. It should be noted that if this property had been zoned "I2 - General Industrial" as is the property immediately to the west, the rear yard setback would be 0.0m.

The applicant has provided notification information to the neighbouring properties, with the exception of the property located at 230 Carion Road. Several attempts were made to access the property to speak with the operator. However, contact was not successful.

4.0 Proposal

4.1 Background

All Cat Services Inc. is an independent parts and service company that provides sales and repair services for "Snow-Cat" type of equipment. The company has been located on the subject property since 2004 when the company moved into a new building they constructed on site.

4.2 Project Description

The company now wishes to expand their building to accommodate business growth. Owing to the orientation of the building on the property, the logical location for the building expansion is towards the south, to occupy the vacant area adjacent to the south property line.

The subject property is zoned I3 - Heavy Industrial, which requires a rear yard setback of 7.5m. This application for a Development Variance Permit has been made to reduce the rear yard setback to 1.16m in order to allow the expansion of the building to the rear of the property.

The proposed addition will be finished with the same materials as the existing industrial building. The subject property is not located within a form and character development permit area.

4.3 Site Context

The subject property is located within an industrial area located near the northern limits of the City of Kelowna, in the area of the former Hiram Walker site.

Subject Property Map: 229 Carion Road



Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I3 - Heavy Industrial	Manufacturer
East	I3 - Heavy Industrial	Office trailer sales and rental
South	I3 - Heavy Industrial	Metal Recycling
West	I2 - General Industrial	Manufacturer

4.4 Zone analysis table

Zoning Analysis Table		
CRITERIA	I3 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area (no sewer)	10,000m ²	4046m ²
Lot Width	40.0m	80 m
Lot Depth	n/a	50 m
Development Regulations		
Floor Area Ratio	0.75	0.15
Height	18m	7m
Front Yard	10.0m	25.2 m
Side Yard (west)	7.5m	47.7m
Side Yard (east)	7.5m	8.0m
Rear Yard	7.5m	1.16m ●
● Indicates a requested variance to vary the rear yard setback from 7.5m required to 1.16m proposed.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Industrial Land Use Policies

Objective 5.28¹ Focus industrial development to areas suitable for industrial use.

Policy .3 Location of Heavy Industry². Direct heavy industries to area that would not negatively affect existing neighbourhoods or businesses and the natural environment.

6.0 Technical Comments

6.1 Building & Permitting Department

- 1 Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s) for new construction.
- 2 Full Plan check for Building Code related issues will be done at time of Building Permit applications.

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

² City of Kelowna Official Community Plan, Page 5.30 (Development Process Chapter).

6.2 Development Engineering Department

The Development Engineering Services comments and requirements regarding this application for a rear yard setback variance from 7.5 m. to 1.16 m. are as follows:

- a) The requested rear yard variance setback does not compromise any Municipal Infrastructure Services.
- b) This application does not trigger any offsite upgrades.

6.3 Fire Department

No concerns

6.4 Real Estate Department

No comment

7.0 Application Chronology

Date of Application Received: May 29, 2014

Final notification received: September 3, 2014

Report prepared by:

Paul McVey, Urban Planner

Reviewed by:



Lindsey Ganczar, Urban Planning Supervisor

Approved for Inclusion



Ryan Smith, Urban Planning Manager

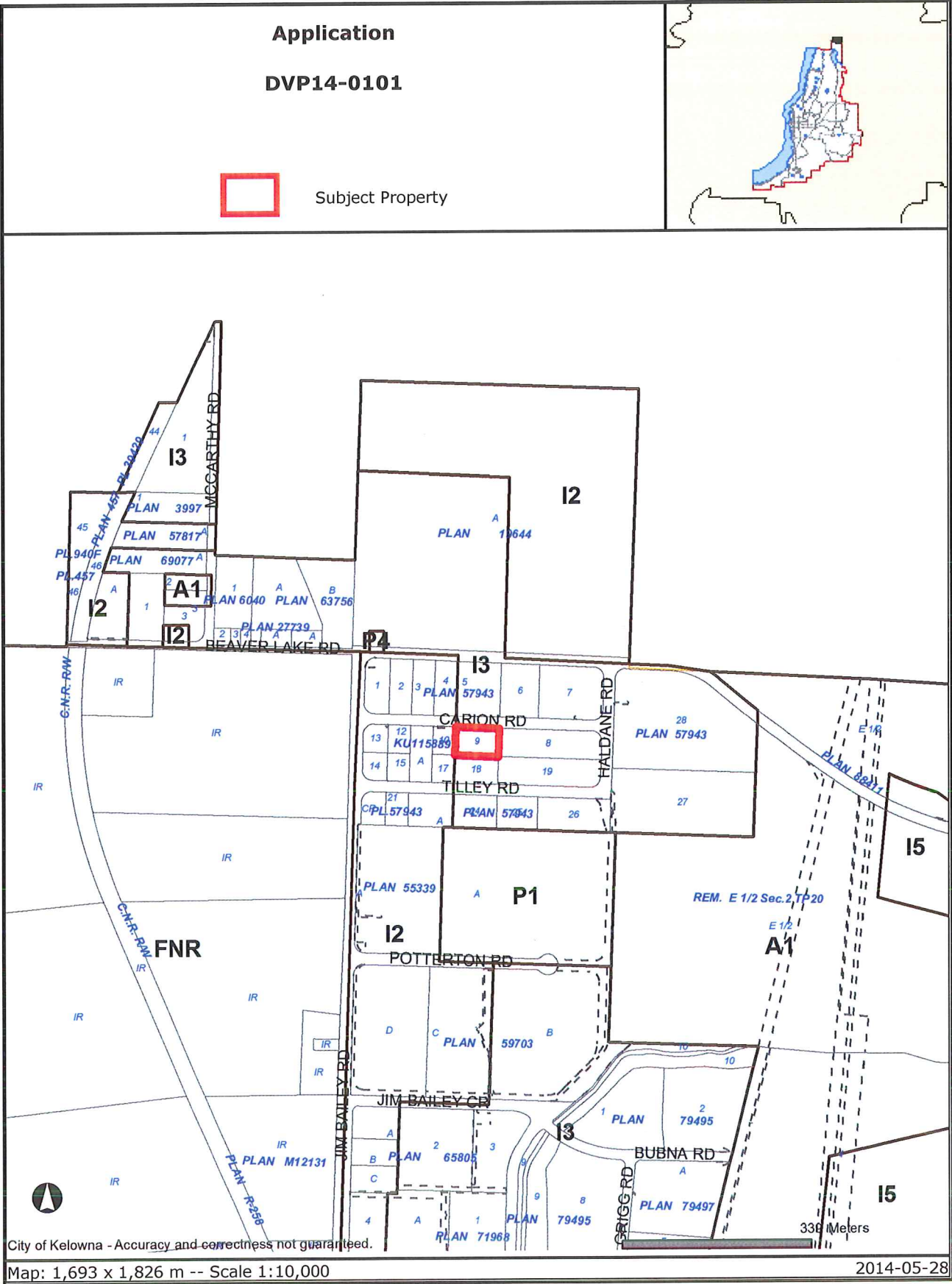
Attachments:

Subject Property Map

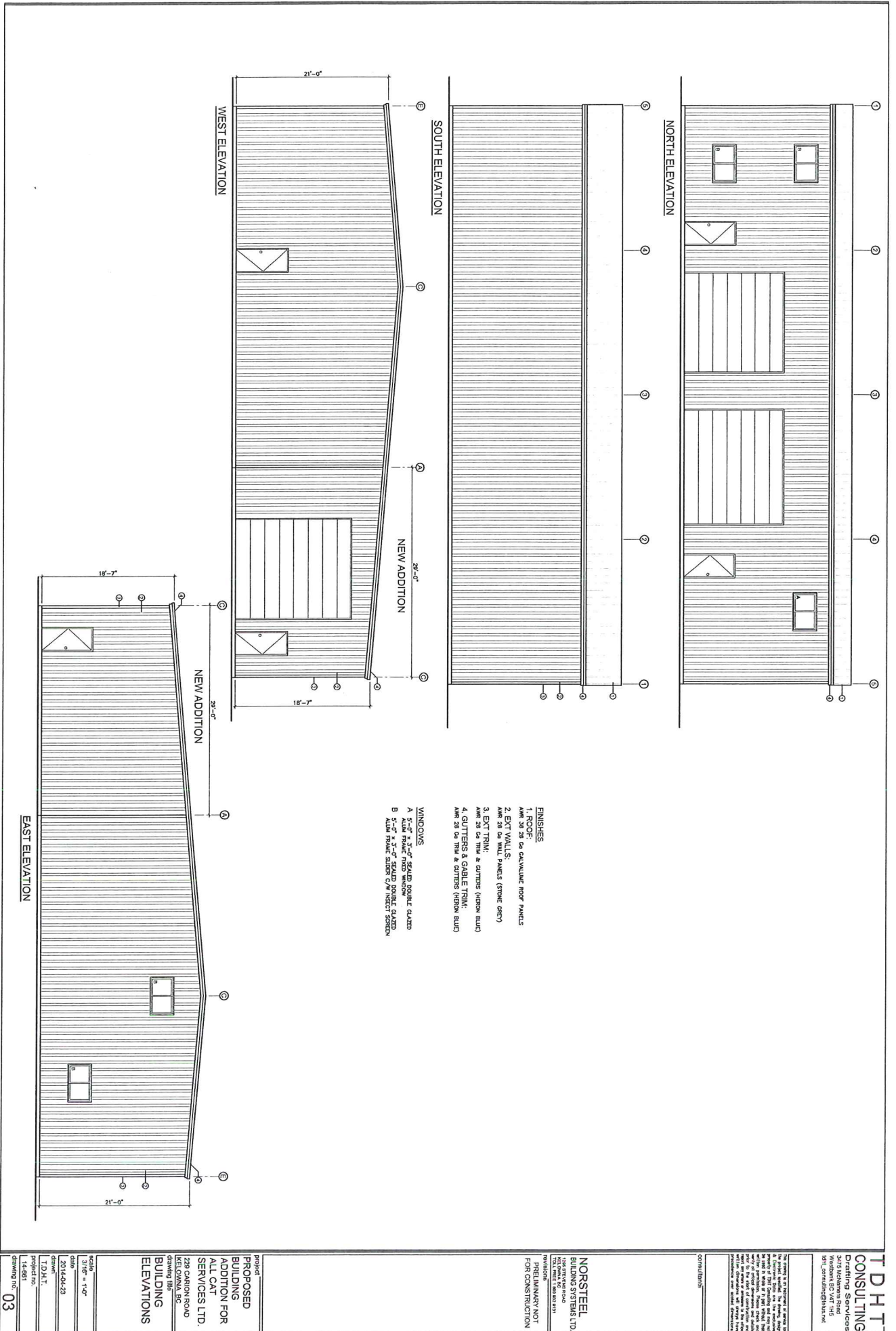
Site Plan

Draft Development Variance Permit

Conceptual building plans and elevations



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.



No portion of this document is to be used for any other project without the written consent of T.D.H.T. CONSULTING. The drawings are prepared for the project and site conditions shown. The drawings are not to be used for any other project without the written consent of T.D.H.T. CONSULTING. The drawings are not to be used for any other project without the written consent of T.D.H.T. CONSULTING.

Contributors

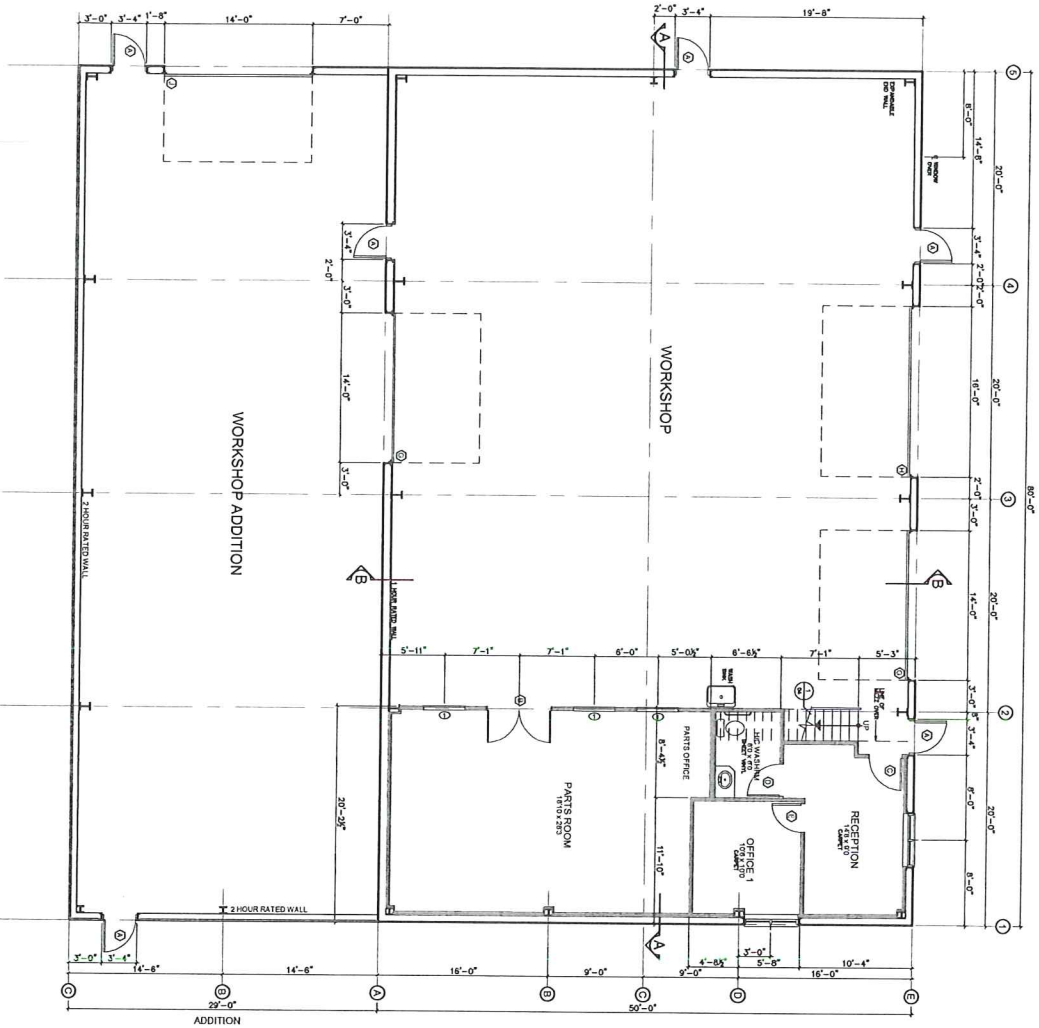
NORSTEEL
BUILDING SYSTEMS LTD.
10000 101st Avenue
Edmonton, Alberta T5A 0A1
Tel: 780-443-8888
Fax: 780-443-8889
Email: info@norsteel.com

PRELIMINARY NOT FOR CONSTRUCTION

PROPOSED BUILDING ADDITION FOR ALL CAT SERVICES LTD.
229 CARON ROAD
KEDLOVA, BC

DRAWING NO. FLOOR PLAN

Scale: 3/16" = 1'-0"
Date: 2014-04-23
Title: FLOOR PLAN
Project No: 14-061
Drawing No: 02



CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP14-0101

EXISTING ZONING DESIGNATION: I3 - Heavy Industrial

WITHIN DEVELOPMENT PERMIT AREA: N/A

ISSUED TO: Jason Eising (Norsteel Building Systems)

LOCATION OF SUBJECT SITE: 2282 Aberdeen Street

	LOT	SECTION	TOWNSHIP	PLAN	DISTRICT
LEGAL DESCRIPTION:	9	2	20	KAP57943	ODYD

SCOPE OF APPROVAL

- ☐ This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- ☐ This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- ☐ Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

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

Section 15.3.5(E): Development Regulation

To vary the rear yard setback from 7.5 m required to 1.16m proposed, as shown on Schedule "A".

3. PERFORMANCE SECURITY: None Required.

4. DEVELOPMENT:

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

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

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

THIS Permit IS NOT A BUILDING Permit.

5. APPLICANT'S AGREEMENT:

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

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

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

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

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

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

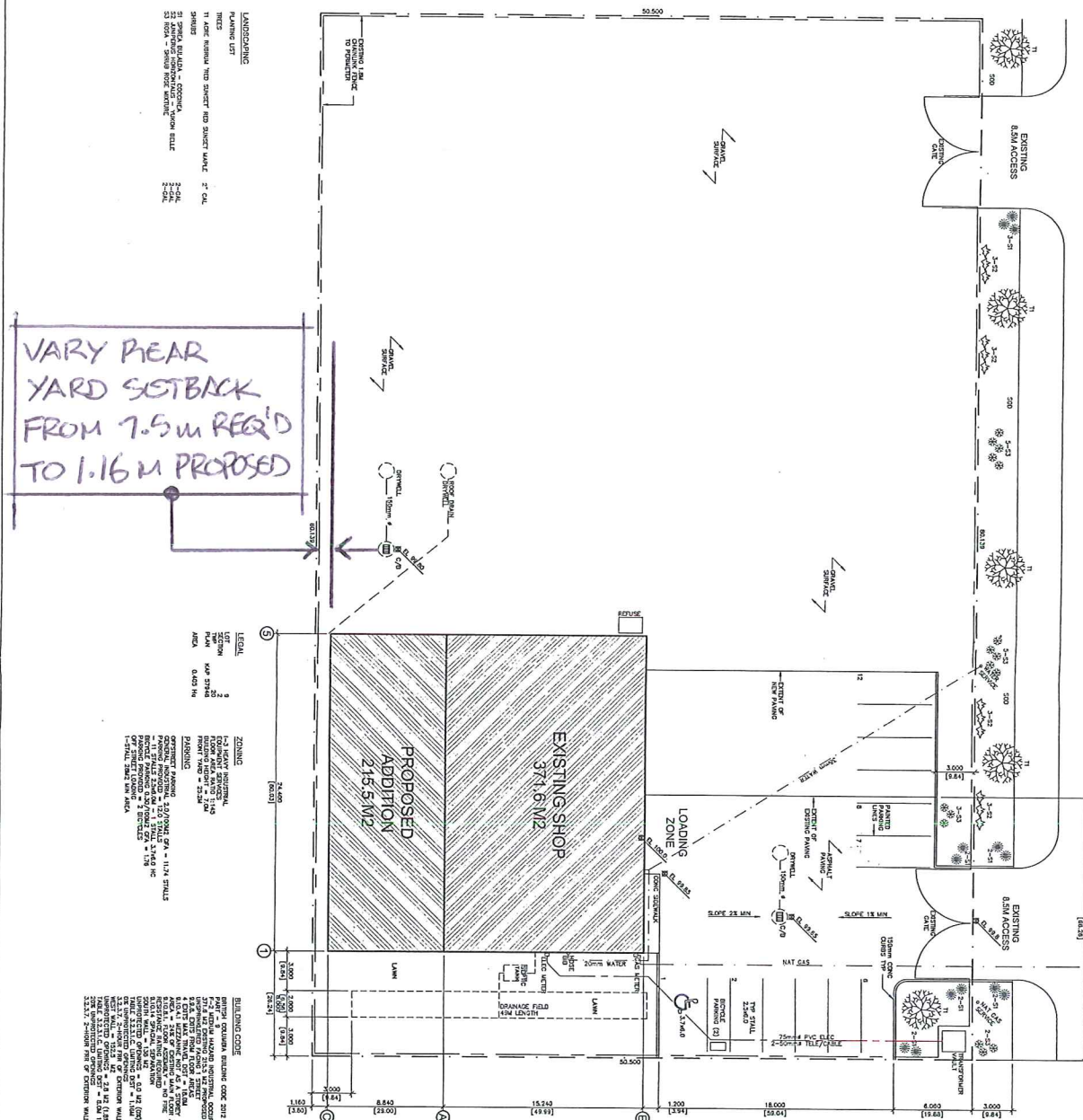
Telephone No.

6. APPROVALS:

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

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

Doug Gilchrist, Divisional Director - Community Planning & Real Estate



SCHEDULE "A"
This forms part of development
Permit # **DVPI4-0101**

REPORT TO COUNCIL



Date: August 20, 2014
RIM No. 0940-40
To: City Manager
From: Urban Planning, Community Planning & Real Estate (AC)
Application: DP14-0130 & DVP14-0131 **Owner:** Midwest Ventures Ltd., Inc.
No. 46021
Address: 730-760 McCurdy Rd **Applicant:** Christina Wilson
Subject: Development Permit and Development Variance Permit
Existing OCP Designation: IND - Industrial
Existing Zone: I2 - General Industrial

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP14-0130 and Development Variance Permit DVP14-0131 for Lot 63, District Lot 143, ODYD, Plan 426 Except Plans 15819 and A12969, located at 730-760 McCurdy Road, Kelowna, BC, subject to the following:

1. The dimensions, siting, and exterior design / finish of the building as well as the landscaping to be constructed on the land be in general accordance with Schedule "A";
2. 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;

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

Section 15.2.5 (e) - Development Regulations

vary the side yard setback requirement from 4.5m except when abutting a C or I zoned properties to 0.0m for the portions of the side yard that abut an I, C or A zone.

2.0 Purpose

To demolish an existing industrial building and to consider the form and character of a new industrial building and associated landscaping / site works on the subject property.

4.2 Zoning Analysis

The proposal compares to the RM4 zone requirements as follows:

Zoning Analysis Table		
CRITERIA	I2 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	4,000 m ²	23,512 m ²
Lot Width	40 m	91 m
Lot Depth	35 m	258 m
Development Regulations		
Floor Area Ratio	1.5	0.2
Height	14.0 m	10.6 m
Front Yard	7.5 m	23.5 m
Side Yard (west)	0.0 m	n/a
Side Yard (east)	4.5 m	0 m *
Rear Yard	0.0 m	198 m
Other Regulations		
Min. Parking Requirements	22 spaces	22 spaces
Min. Setback for Vehicular Parking	3.0 m from any street 1.5 m from any side property line	Meets requirements
Bicycle Parking	Class 2: 0.3/100m ² (4 spaces)	Class 2: 0.3/100m ² (4 spaces)
Loading Space	1 space	Meets requirements
*Variance requested		

5.0 Technical Comments

5.1 Building & Permitting Department

- a. Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- b. 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):
- c. Hard surface paths are to be provided from the exit stairwells to the street
- d. Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
- e. Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
- f. Fire department to comment of driveway access and turn radius requirements.
- g. A Geotechnical report is required to address the sub soil conditions and site drainage.
- h. Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located.
- i. Washroom requirements for base building are too addressed in permit application.
- j. 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.
- k. Full Plan check for Building Code related issues will be done at time of Building Permit applications.

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

5.2 Development Engineering Department

See Attached.

6.0 Application Chronology

Date of Application Received: July 8, 2014

Date of Landscape Estimate Received: July 8, 2014

Report prepared by:

Adam Cseke, Planner

Reviewed by: ☐ Lindsey Ganczar, Urban Planning Supervisor

Approved for Inclusion: ☐ Ryan Smith, Urban Planning Manager

Attachments:

Subject Property Map

Development Engineering Memo

Development Permit (DP14-0130)

Development Variance Permit (DP14-0131)

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Permit No.: DP14—0130 DVP14-0131

EXISTING ZONING DESIGNATION: I2 - General Industrial
WITHIN DEVELOPMENT PERMIT AREA: Comprehensive Development Permit Area

ISSUED TO: Midwest Ventures Ltd., Inc. No. 46021
LOCATION OF SUBJECT SITE: 730-760 McCurdy Road

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	63		426 Except Plans 15819 & A12969			ODYD

SCOPE OF APPROVAL

- ☐ This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- ☐ This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- ☐ Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

- a) the dimensions and siting of the buildings, the landscaping, and the exterior design / finish of the single family dwelling be constructed on the land be in general accordance with Schedule "A";
- b) That the variance to the following section Zoning Bylaw No. 8000 be granted:

Section 15.2.5 (e) - Development Regulations

To vary the side yard setback requirement from 4.5m except when abutting a C or I zoned properties to 0m for the portions of the side yard that abut an I, C or A zone.

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

3. PERFORMANCE SECURITY:

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

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

- (a) Cash in the amount of \$ \$15,475.00 ; or
- (b) A Certified Cheque in the amount of \$15,475.00 ; or
- (c) An Irrevocable Letter of Credit in the amount of \$15,475.00

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

4. DEVELOPMENT:

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

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

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

THIS Permit IS NOT A BUILDING Permit.

5. APPLICANT'S AGREEMENT:

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

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

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

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

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

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

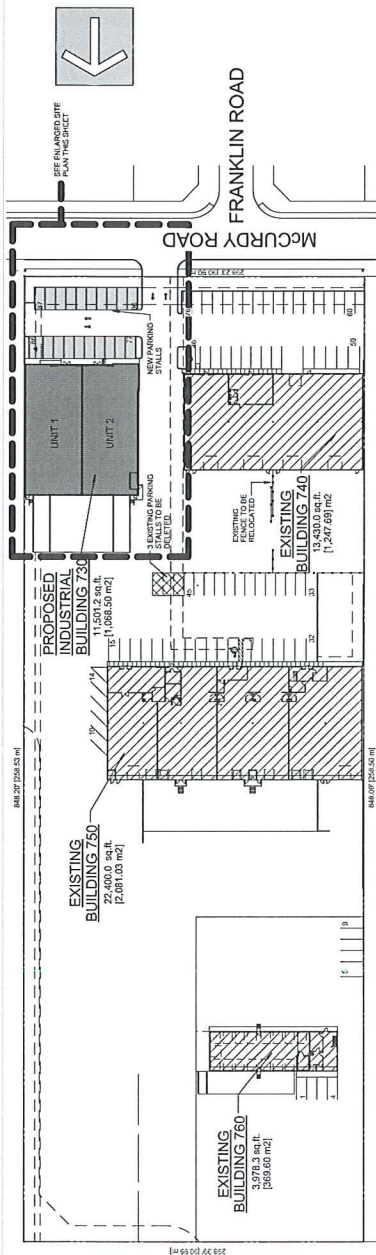
6. APPROVALS:

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

Ryan Smith for:

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

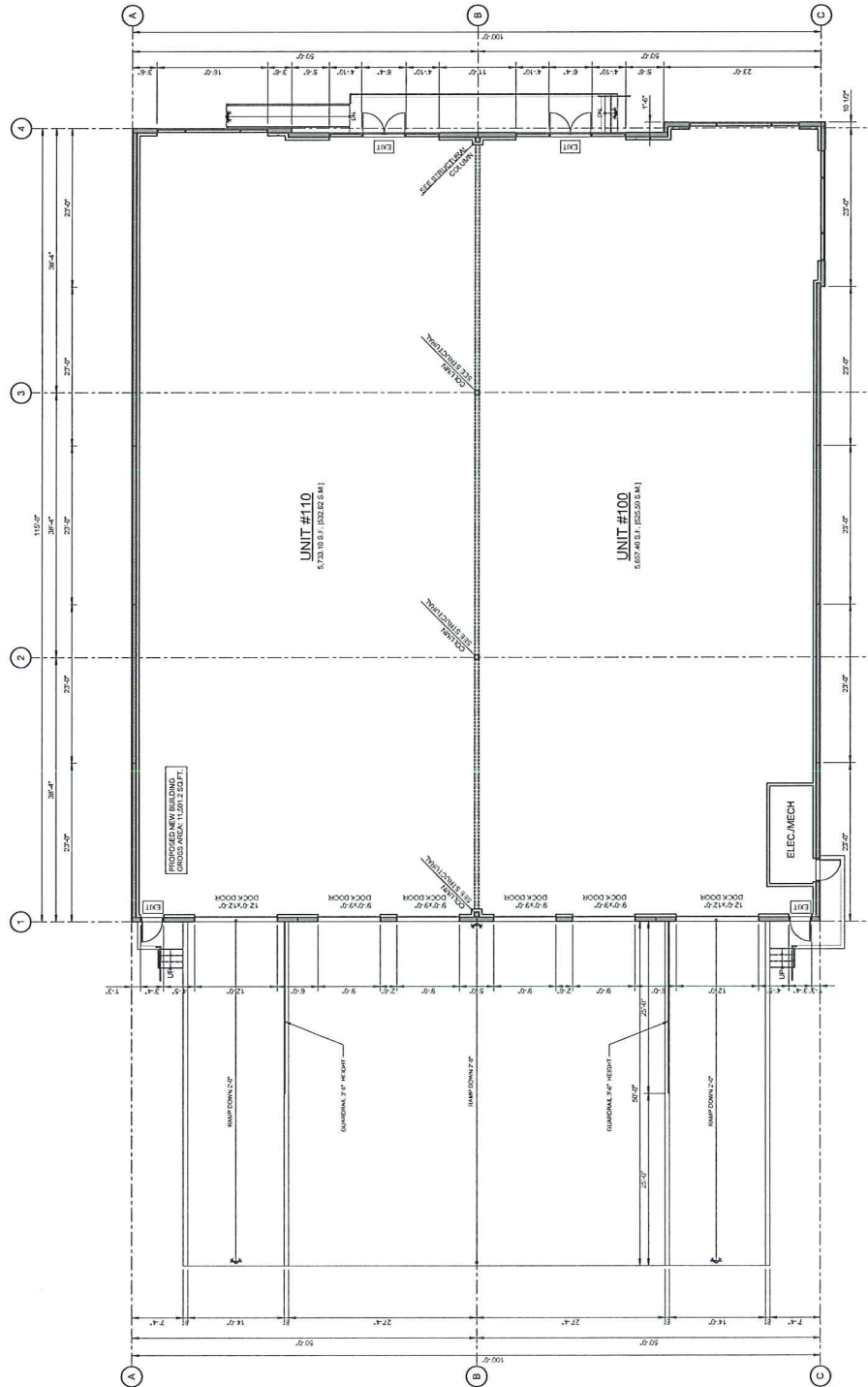
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2 | ENLARGED SITE PLAN



SCHEDULE A
This forms part of development
Permit # **DP 14-0130** & **DMP 14-0131**



1 | MAIN FLOOR

SCHEDULE A

This forms part of development

Permit # DP 14-0130 ÷ DVP 14-0131

BROCK CROOME ARCHITECT
ARCHITECTURAL PLANNING REALITY DESIGN PROGRESS

400 • 3411114 AVINAF, A502-EPQ05 B.C. Vol. 194
T 024 803 5431 F 604 030 1000 www.b717.com

PROJECT NAME
McCLIBBY ROADMCCURDY ROAD
SERVICE

COMMERCIAL

PROJECT ADDRESS:

730 McCURDY ROAD, KELOWNA,
BC

TITLE

SCALE	1/8" = 1'-0"	
DRAWN	Author	
CHECKED	Checker	
PROJECT NO.	A1215	
DRAWING NO.		

A3.1

SCHEDULE A
This forms part of development
Permit # DP14-0130 ; DVP14-0131



1 | STREETSCAPE
SCALE: 3/32" = 1'-0"



Krahn
GROUP OF COMPANIES

ARGUS/STAFF OFFICE
1100 WEST 10TH AVENUE, SUITE 200
VANCOUVER, BC V6H 2Y9
TEL: 604.681.1100 FAX: 604.681.1101
WWW.KRAHN.COM



ARGUS
PROPERTIES LTD.

ARGUS/STAFF OFFICE
1100 WEST 10TH AVENUE, SUITE 200
VANCOUVER, BC V6H 2Y9
TEL: 604.681.1100 FAX: 604.681.1101
WWW.ARGUS.COM

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Brock Croome Architect

PROJECT ADDRESS: 730 MCCURDY ROAD, KELOWNA, BC
PROJECT PHONE: 250.860.1100
PROJECT FAX: 250.860.1101
PROJECT EMAIL: info@brockcroome.com

PROJECT NAME:
**MCCURDY ROAD
SERVICE
COMMERCIAL**

PROJECT ADDRESS:
**730 MCCURDY ROAD, KELOWNA,
BC**

DRAWING TITLE:
STREETSCAPE

SCALE:
3/32" = 1'-0"

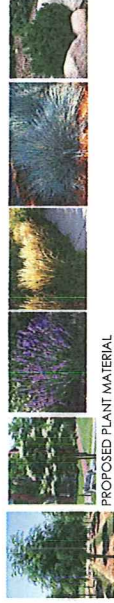
DRAWN:
A. Smith

CHECKED:
C. Smith

PROJECT NO.:
A14-11

DRAWING NO.:
A4.2

THIS DRAWING IS THE PROPERTY OF BROCK CROOME ARCHITECT. NO PART OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM BROCK CROOME ARCHITECT.

[illegible][illegible]

Notes

1. All plants, materials and planting practices to conform to the BCIMA "BC Landscape Standard" – 7th Edition
2. Contractor to provide a warranty and maintenance period of 1 year on all plants and materials.
3. Plants or materials that fall before end of warranty period shall be replaced by the contractor.
4. Contractor to specify the location of all existing utilities on site
5. All planting beds to receive 450 mm of topsoil
6. All planting beds to be mounded 1 in 10 slope to avoid flat appearance.
7. Prior to delivery to site, a representative sample and test results of topsoil should be made available to the consultant for approval
8. No plant specific substitution will be accepted without written consent of the contractor
9. All planting areas to receive landscape fabric and 75 mm rock mulch
10. An automatic timed drip irrigation system to be installed in all planting areas.



730 McFURDY ROAD
ARGUS[®] PROPERTIES LTD.

CONCEPTUAL LANDSCAPE PLAN

SCHEDULE

This forms part of development

Permit # DP14-0130 & DP14-0131

444



ENGINEERING PLANNING URBAN DESIGN



Project No.: 14128

July 4, 2014

Attention: Ms. Christina Wilson
Project Manager - Argus Properties Ltd
300-1060 Manhattan Dr. Kelowna BC V1Y 9X9

Dear Ms. Wilson:

Re: 730 McCurdy Road - Landscape

Please find below, our preliminary landscape cost estimate for 730 McCurdy Road, based on the Landscape Concept Plan, prepared by CTQ Consultants Ltd.

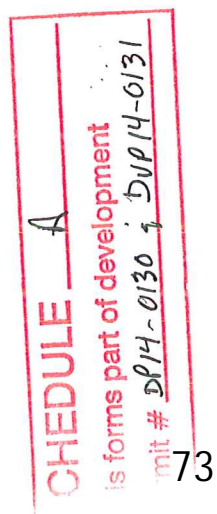
ITEM	UNIT PRICE	UNIT	QTY	SUB-TOTAL
Trees				
Skyline Honeylocust	\$500.00	each	2	\$1,000.00
Japanese Tree Lilac	\$350.00	each	3	\$1,050.00
Tree Root Guard	\$40.00	lm	40	\$1,600.00
Massed Shrubs, Perennials and Ornamental Grass Planting inc 450 mm depth topsoil	\$55.00	m2	40	\$2,200.00
River Rock Mulch and Landscape Fabric	\$15.00	m2	35	\$525.00
Sodded Lawn on 150mm depth topsoil	\$20.00	m2	155	\$3,100.00
Irrigation	ls	1	1	\$3,000.00
TOTAL				\$12,475.00

Should you have any questions regarding the foregoing, or require additional information, please contact the undersigned.

CTQ CONSULTANTS LTD.



Frank Pohland, BES
Designer



CITY OF KELOWNA
MEMORANDUM

Date: July 22, 2014
File No.: DP14-0130
To: Urban Planning (AC)
From: Development Engineer Manager (SM)
Subject: 730 McCurdy Rd., Lot 63 Plan 426, Section 27, Township 27, ODYD

The Development Engineering Branch comments and requirements regarding this application for a development Permit are as follows:

1. General.

- a) Provide easements as may be required.
- b) The ultimate width of McCurdy Road between Hollywood Road and Hwy 97 is established as a 4 lanes arterial roadway complete with a 30.00 m. Road Right of Way (ROW). The ROW in the front of the subject property is deficient by approximately 5.0m. It is recommended that the additional Right of Way be dedicated by sale of the land to the City of Kelowna, provided sufficient funds are available in the City's current budget. Contact Mr. Jeff Hancock, the City's Real Estate Services Manager, if this is a desired option.

2. Water Servicing Requirements.

This development is within the service area of the Black Mountain Irrigation District (BMID). The developer is required to make satisfactory arrangements with the BMID for these items. All charges for service connection and upgrading costs are to be paid directly to the BMID.

3. Stormwater Management plan.

A comprehensive site drainage management plan and design to comply with the City's drainage design policies is required along with the site grading plan at the building permit.

Steve Muenz, P. Eng.
Development Engineering Manager

B²

cc: Real Estates Services Manager (JH) – item 2b)

REPORT TO COUNCIL



Date: 9/9/2014

RIM No. 0940-50

To: City Manager

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

Application: DVP14-0145 **Owner:** Scott Michael Butler, Melisa Anne Butler

Address: 5162 Chute Lake Cr. **Applicant:** Scott Michael Butler

Subject: Development Variance Permit

Existing OCP Designation: Single/Two Unit Residential (S2RES)

Existing Zone: CD2 - Kettle Valley Comprehensive Residential Development (Type II - Estate Single Family)

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0145 for Lot B, Section 24, Township 28, S.D.Y.D., Plan KAP84608, located on 5162 Chute Lake Road, Kelowna, BC subject to the following:

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

Section 7.5.11: Fencing and Retaining Walls

To vary the minimum setback of a fence on top of a retaining wall from 1.2 m required to 0.9m proposed.

2.0 Purpose

To seek a development variance permit to allow the construction of a fence on top of a retaining wall within 0.9m of a retaining wall located on the property line.

3.0 Urban Planning

The Urban Planning department supports the proposal to construct a fence within 0.9m of a retaining wall on property line, where Section 7.5.11 of Zoning Bylaw 8000 requires a fence of this height to be constructed 1.2m from the property line. The applicant has notified their neighbours and has received written support from the immediately affected neighbours.

4.0 Proposal

4.1 Background

The applicant wishes to vary the siting requirements for a fence constructed above a retaining wall in order to provide a visual and safety buffer for garbage and recycling containers.

4.2 Project Description

The dwelling located on the subject property was constructed in 2008. The site was graded at that time. The applicant now wishes to fence in the walkway, as well as to provide a screened area for the garbage and recycling bins. The proposed location of the fence is less than the required 1.2m setback for a fence above a retaining wall.

4.3 Site Context

The subject property is located in the Southwest Mission sector, on Chute Lake Dr, adjacent to the Kettle Valley neighbourhood.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	CD2 (Type II-Estate Single Family)	Single Family Dwelling
East	RR2 - Rural Residential 2	Single Family Dwelling
South	CD2 (Type II-Estate Single Family)	Single Family Dwelling
West	RR1 - Rural Residential 1 (LUC77-1002)	Single Family Dwelling

Subject Property Map:

5162 Chute Lake Cr.



5.0 Technical Comments

5.1 Building & Permitting Department

No Comment.

5.2 Development Engineering Department

The Development Variance Permit to vary the minimum fence setback from retaining wall from 1.2m required to 0.9m proposed, does not compromise any municipal services.

5.3 Fire Department

No Concerns.

6.0 Application Chronology

Date of Application Received: August 8, 2014

Report prepared by:

Paul McVey, Urban Planner

Reviewed by:

☐

Lindsey Ganczar, Urban Planning Supervisor

Approved for Inclusion:

☐

Ryan Smith, Urban Planning Manager

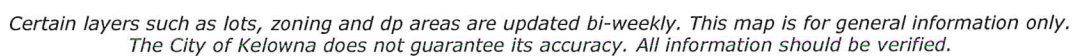
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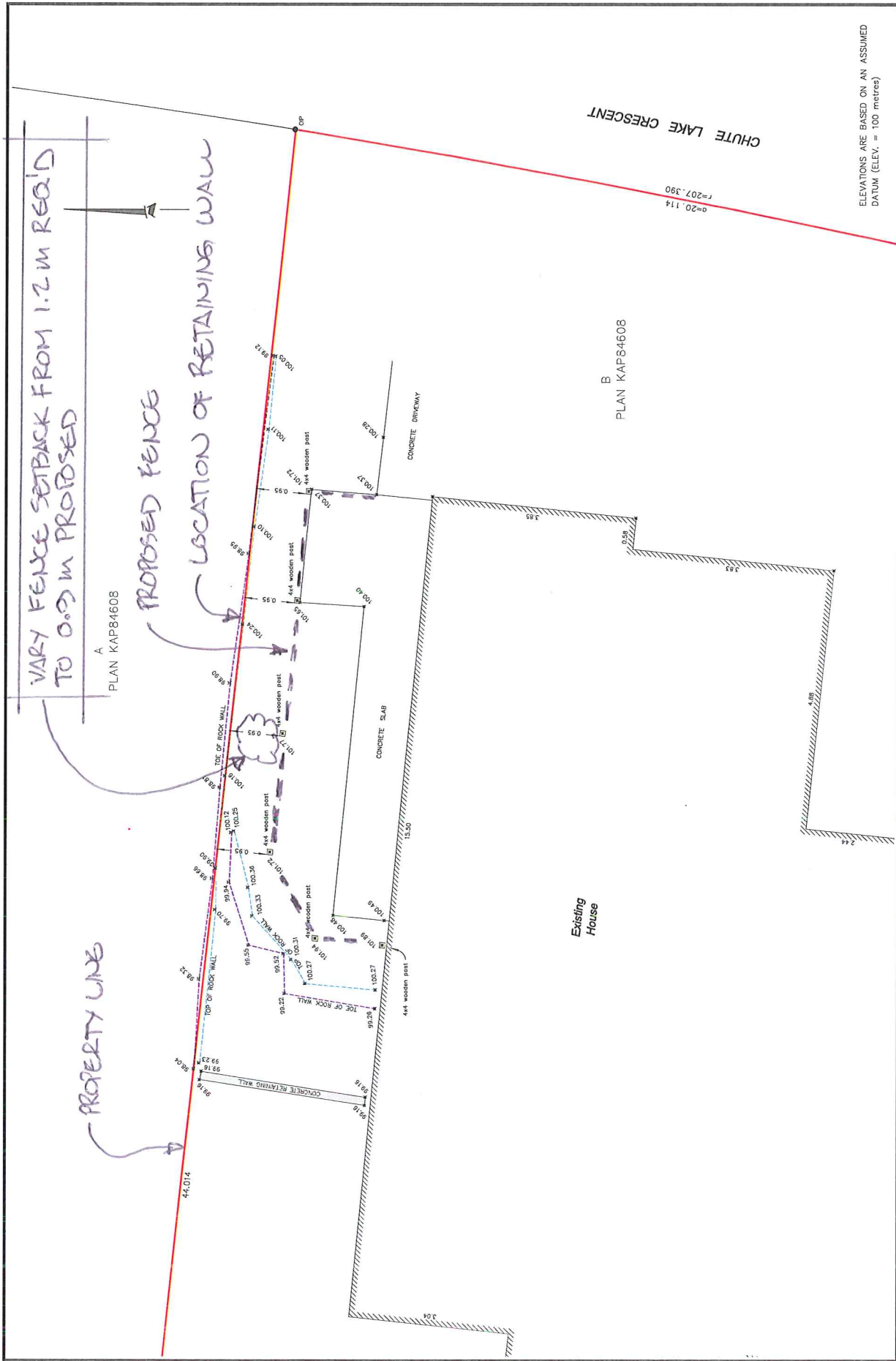
Subject Property Map

Site Plan

Cross-Section through fence/retaining wall

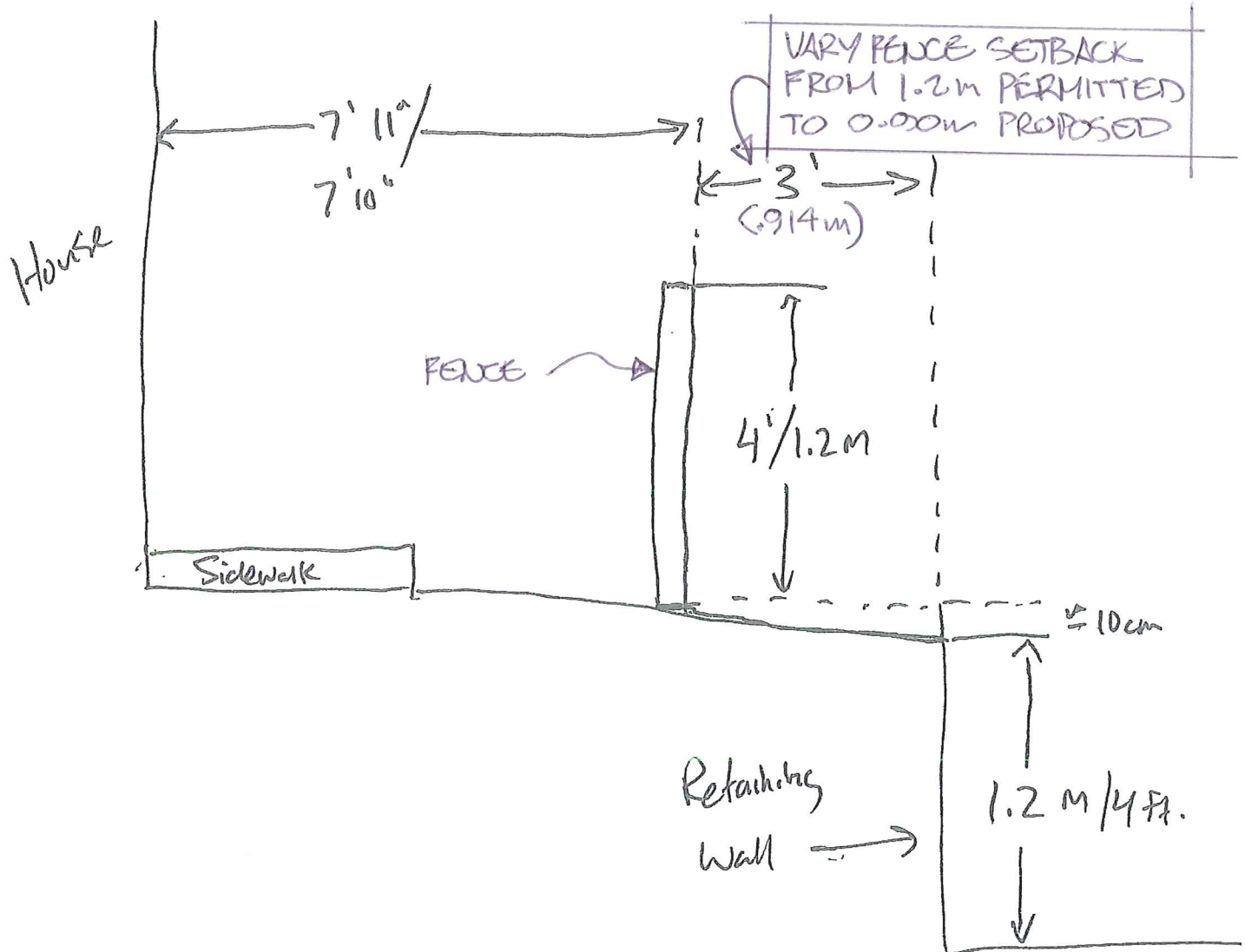
Street View photo





TITLE:	DRAWN BY: RUNNALLS DENBY	SCALE: 1:50
SITE PLAN OF PART OF LOT B, SECTION 24, TOWNSHIP 28, S.D.Y.D., PLAN KAP84608	british columbia land surveyors 255A Lawrence Avenue Kelowna, B.C. V1Y 6L2 Phone: (250)763-7322 Fax: (250)763-4413 Email: neil@runnallsdenby.com	DATE: APRIL 16, 2014
		DWG: 13229 SITE
		FILE NO: 13229
	CLIENT: SCOTT BUTLER	REV: 0

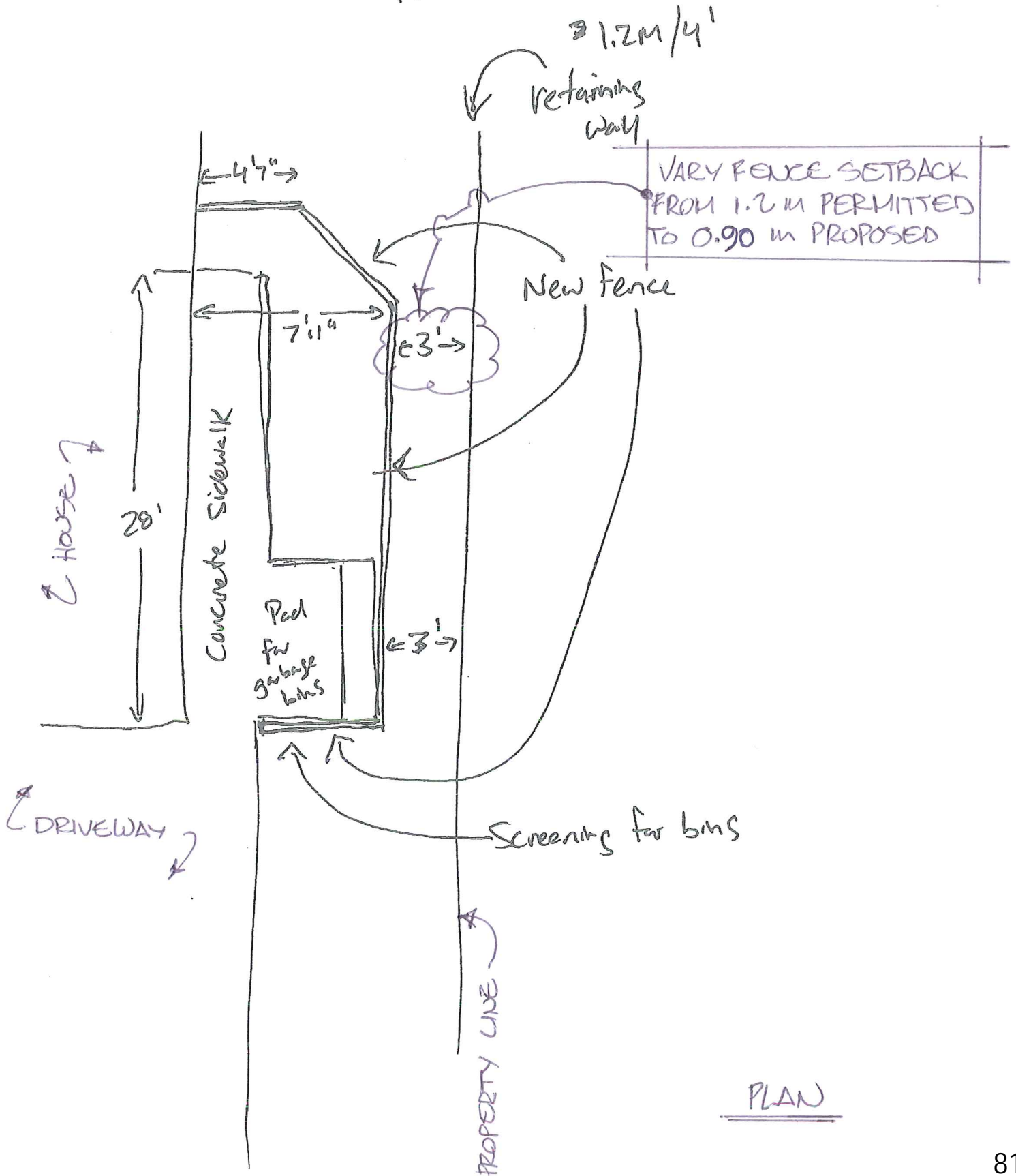
Figure 1
West Elevation



CROSS-SECTION

Figure 2

Plan View





VIEW OF RETAINING WALL AT 5162 CHUTE LAKE CR.

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP14-0145

EXISTING ZONING DESIGNATION: CD2 - Kettle Valley Comprehensive Residential Development
WITHIN DEVELOPMENT PERMIT AREA: N/A

ISSUED TO: Scott Butler
LOCATION OF SUBJECT SITE: 5162 Chute Lake Cr.

	LOT	Section	Township	PLAN	DISTRICT
LEGAL DESCRIPTION:	B	24	28	KAP84608	SDYD

SCOPE OF APPROVAL

- ☐ This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- ☐ This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- ☐ Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

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

Section 7.5.11: Fencing and Retaining Walls

To vary the minimum setback of fence on top of a retaining wall from 1.2 m required to 0.9m proposed.

3. PERFORMANCE SECURITY: None Required.

4. DEVELOPMENT:

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

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

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

THIS Permit IS NOT A BUILDING Permit.

5. APPLICANT'S AGREEMENT:

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

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

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

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

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

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

6. APPROVALS:

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

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

Doug Gilchrist, Divisional Director - Community Planning & Real Estate