

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, April 14, 2015
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. **Call to Order**
2. **Prayer**

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

Public Hearing - March 31, 2015
Regular Meeting - March 31, 2015
4. **Bylaws Considered at Public Hearing**
 - 4.1 **4975 Buckhaven Court, BL11072 (OCP15-0003) - Vincent & Pamela Blaskovich** 9 - 10

Requires a majority of all members of Council (5).
To give Bylaw No. 11072 second and third readings in order to change the future land use designations of portions of the subject property.
 - 4.2 **4975 Buckhaven Court, BL11073 (Z14-0057) - Vincent & Pamela Blaskovich** 11 - 12

To give Bylaw No. 11073 second and third readings in order to rezone portions of the subject property.
5. **Notification of Meeting**

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

6. Liquor License Application Reports

- 6.1 267 Bernard Avenue, LL15-0003 - Dutchcad B.I.L. Investments Ltd. 13 - 19**

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 to add a Manufacturer Distillery Lounge Area endorsement to an existing Manufacturer License.

7. Development Permit and Development Variance Permit Reports

- 7.1 1449 Velocity Street, DVP15-0006 - 0871545 BC Ltd. 20 - 27**

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

To seek a Development Variance Permit to vary required setbacks and parking on the subject property.

- 7.2 635 Roanoke Avenue, DP15-0001 & DVP15-0002 - Linda Smith & Richard Nathorst 28 - 50**

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

To consider a Development Permit and Development Variance Permit for a second storey addition to an existing dwelling on the subject property.

- 7.3 WITHDRAWN - 120 Homer Road, DP14-0137 & DVP10-0076 - Nathan Morden**

Application withdrawn by staff.

- 7.4 850 Saucier Avenue, DVP15-0023 - Murano Strata KAS 3577 51 - 60**

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 number of visitor parking stalls on the subject parcel.

8. Resolutions

- 8.1 TO BE DEFERRED - 4962 Lakeshore Road, DP15-0009 & DVP15-0008 - Shane Jones**

To defer consideration of the Development Permit and Development Variance Permit with respect to the subject property.

9. Reminders

10. Termination



City of Kelowna Public Hearing Minutes

Date: Tuesday, March 31, 2015
 Location: Council Chamber
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran*, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Brad Sieben and Luke Stack

Members Absent Councillors Charlie Hodge and Mohini Singh

Staff Present Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Subdivision, Agriculture and Environment Manager, Todd Cashin; Urban Planning Supervisor, Lindsey Ganczar; Urban Planner, Ryan Roycroft; Council Recording Secretary, Arlene McClelland

(* Denotes Partial Attendance)

1. Call to Order

Mayor Basran called the Hearing to order at 6:02 p.m.

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

2. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on March 17, 2015 and by being placed in the Kelowna Capital News issues on March 20 and 25, 2015 and by sending out or otherwise delivering 252 statutory notices to the owners and occupiers of surrounding properties, and 3334 informational notices to residents in the same postal delivery route, between March 17 and March 20, 2015. The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

3. Individual Bylaw Submissions

3.1 4360-4390 Gallaghers Dr. E, BL11066 (OCP14-0026) - GolfBC Holdings Inc.

Staff:

- Provided a PowerPoint Presentation summarizing the application and responded to questions from Council.

The City Clerk advised that no correspondence was received.

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

Christine Brown, GolfBC Holdings Inc. West Gordon Street, Vancouver, Applicant

- Have been working closely with the Gallagher's Golf Club Association and they are in support of this application.

There were no further comments.

Mayor Basran declared a conflict of interest as the Applicant is the Basran family Realtor and left the meeting at 6:10 p.m. Deputy Mayor Sieben took over as Chair.

3.2 3528 Landie Road, BL11067 (Z14-0058) - Jesse East

Staff:

- Provided a PowerPoint Presentation summarizing the application and responded to questions from Council.

The City Clerk advised that the following correspondence was received:

Letters of Opposition or Concern
Tracy Hansford & Sean Richardson, Landie Road
Eugene Krupa & Kate Woodman, Landie Road

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

Jesse East, Landie Road, Applicant

- Present and available for questions.

Gallery:

Eugene Krupa, Landie Road

- I am the neighbour to the north of this property.
- Raised concern with two residences on such a narrow lot.
- Raised concern that a huge wall would abut against his property causing shading issues.
- Suggested that restrictions to depth be considered if there had to be two homes.
- Raised concern with the amount of parking that would be required.
- Made reference to his previously submitted correspondence indicating concerns with potential wood smoke nuisance as was the case with the previous owner.
- Responded to questions from Council.

Jesse East, Applicant

- Reluctant to restrict setbacks as that would negatively affect the structure that could be constructed on this lot.
- Confirmed that the lot will be sold to a developer.

There were no further comments.

Mayor Basran rejoined the meeting at 6:24 p.m. and resumed the Chair.

3.3 4962 Lakeshore Road, BL11068 (Z15-0001) - Shane Jones

Staff:

- Provided a PowerPoint Presentation summarizing the application and responded to questions from Council.

The City Clerk advised that the following correspondence was received:

Letters of No Objection

Frank Bechard, Okaview Road

Letters of Opposition or Concern

Gord Nykiforuk, Lakeshore Road

David Rhine & Shonna Fox, Lakeshore Road

Ron Erickson, Sheila Crescent

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

Sid Molenaar, Henderson Drive, Applicant Representative

- Displayed a PowerPoint Presentation.
- Confirmed that the current owners recently purchased the property. A condition of sale was based on the garage could be turned into a suite.
- Confirmed that the carriage house is strictly for family visitors and not to be used as a vacation rental property.
- Confirmed there is sufficient on-site parking and no need for on street parking.

Gallery:

David Rhine & Shonna Fox, Lakeshore Road

- Discussed the history behind the October 16, 2012 development variance application and the understanding that the building would not be used as a carriage house.
- Raised privacy concerns the carriage house would impose upon their property.
- Raised concern with the balcony being considered outdoor living space when there is ample space on the ground.

Staff:

- Confirmed the regulations of the Zoning Bylaw do not stipulate on what level the outdoor living space must be located.

Sid Molenaar, Henderson Drive, Applicant Representative

- The owner is open to other options but would like a balcony that overlooks the lake. The owner also wants to work with the neighbours to reach a mutually agreeable solution.
- The new owners are not aware of what occurred two years with this property.
- The courtyard is open and has no privacy from the adjoining lot.
- Responded to questions from Council.

There were no further comments.

3.4 1890 Baron Road, BL11069 (LUC15-0001) - SD-39 Ventures Ltd.

Staff:

- Provided a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence was received.

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

Damian McGuinness, Dickson Avenue, Applicant
- Available to answer questions.

There were no further comments.

4. **Termination**
The Hearing was declared terminated at 6:57 p.m.

Mayor

/acm



City Clerk

DRAFT



City of Kelowna

Date: Tuesday, March 31, 2015
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran*, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Brad Sieben and Luke Stack

Members Absent Councillors Charlie Hodge and Mohini Singh

Staff Present Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Subdivision, Agriculture and Environment Manager, Todd Cashin; Urban Planning Supervisor, Lindsey Ganczar*; Urban Planner, Ryan Roycroft*; Council Recording Secretary, Arlene McClelland

(* Denotes Partial Attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:04 p.m.

2. Prayer

A Prayer was offered by Councillor DeHart

3. Confirmation of Minutes

Moved By Councillor Stack/Seconded By Councillor DeHart

R242/15/03/31 THAT the Minutes of the Public Hearing and Regular Meeting of March 17, 2015 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 4360-4390 Gallaghers Dr. E, BL11066 (OCP14-0026) - GolfBC Holdings Inc.

Moved By Councillor Donn/Seconded By Councillor Gray

R243/15/03/31 THAT Bylaw No. 11066 be read a second and third time.

Carried

Mayor Basran declared a conflict of interest as the Applicant is the Basran family Realtor and left the meeting at 7:06 p.m. Deputy Mayor Sieben took over as Chair.

4.2 3528 Landie Road, BL11067 (Z14-0058) - Jesse East

Moved By Councillor Gray/Seconded By Councillor Donn

R244/15/03/31 THAT Bylaw No. 11067 be read a second and third time.

Carried

Mayor Basran rejoined the meeting at 7:06 p.m. and resumed the Chair.

4.3 4962 Lakeshore Road, BL11068 (Z15-0001) - Shane Jones

Moved By Councillor Given/Seconded By Councillor Gray

R245/15/03/31 THAT Bylaw No. 11068 be read a second and third time.

Carried

Moved By Councillor Stack/Seconded By Councillor Sieben

R246/15/03/31 THAT Council directs Staff to report back prior to final adoption of Bylaw No. 11068 (Z15-0001) regarding the balcony location and outdoor living space issues raised at the Public Hearing of March 31, 2015.

Carried

4.4 1890 Baron Road, BL11069 (LUC15-0001) - SD-39 Ventures Ltd.

Moved By Councillor Sieben/Seconded By Councillor DeHart

R247/15/03/31 THAT Bylaw No. 11069 be read a second and third time.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise delivering 237 statutory notices to the owners and occupiers of surrounding properties, and 993 informational notices to residents in the same postal delivery route, between March 17 and March 20, 2015. The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

6. Development Permit and Development Variance Permit Reports

6.1 403 Eldorado Road, DVP15-0010 - Michael & Laurie Koss

Staff:

- Provided a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence was received.

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

Lee Mullins, Applicant Representative

- Confirmed the setback is 2.5 m not 2.9 m as indicated in the staff Power Point presentation.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor DeHart

R248/15/03/31 THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0010, for Lot 12, DL 167, O.D.Y.D., Plan 1990, located on 403 Eldorado Road, Kelowna, BC;

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

Section 13.1.6 (d) RU1 Development Regulations To vary flanking sideyard setback from 4.5m required to 2.5m proposed

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

Carried

6.2 1290 St. Paul Street, DVP15-0029 - Sole on St. Paul Developments Ltd.

Staff:

- Provided a PowerPoint Presentation summarizing the application and responded to questions from Council.

The City Clerk advised that no correspondence was received.

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

Kevin Edgecombe, SOLE, Applicant

- There is no electrical connection to the signs and will be as shown this evening.
- Strata Council will adopt bylaws to enforce the look of the signs as shown this evening. I am also a member of the Strata Council and we all want consistency with the signs.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Gray

R249/15/03/31 THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0029 for Lot A, District Lot 139 ODYD Plan KAP91449, located on 1290 St. Paul Street, Kelowna, BC;

AND THAT variances to the following sections of Sign Bylaw No. 8235 be granted:

Section 5.5.3

To vary the maximum height of a fascia sign from 1.0 m above the second storey to up to 3.5 m above the second storey.

Section 6.1

Major Commercial (C3, C4, C6, C7, C8, CD22 Sub-Areas A&B and CD24 Sub Area A)

To vary the number of fascia signs allowed per business frontage from 2 permitted to 6 proposed.

To vary the number of identification signs allowed per building face from 1 permitted to 2 proposed.

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

AND FURTHER THAT the general form and character of the signs remain as presented at the March 31, 2015 Regular Meeting and not be illuminated.

Carried

6.3 3785 Casorso Road, DVP15-0040 - The BC SPCA

Staff:

- Provided a PowerPoint Presentation summarizing the application and responded to questions from Council.

The City Clerk advised that no correspondence was received.

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

Applicant

- Present and available for questions.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Sieben

R250/15/03/31 THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0040, for a variance for Lot 11 Block 1 District Lot 133 ODYD Plan 515 located at 3785 Casorso Rd, Kelowna, BC, as shown in Schedule 'A'; AND THAT Council considers the neighbourhood consultation process outlined in the Staff Report dated March 9, 2015 to be appropriate consultation for the purpose of Section 879 of the Local Government Act;

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

Section 11.1.6 (f) A1- Agriculture 1 (Development Regulations)

To vary the site front yard from 15 m permitted to 3.0 m proposed for a building housing more than 4 animals, and a confined livestock fenced outdoor area to 0 m to property line.

Carried

7. Reminders

Mayor Basran:

- No meeting on Monday.

8. Termination

The meeting was declared terminated at 7:39 p.m.

Mayor

/acm

City Clerk

CITY OF KELOWNA

BYLAW NO. 11072

Official Community Plan Amendment No. OCP15-0003 - Vincent and Pamela Blaskovich 4975 Buckhaven Court

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 portions of Lot A, Sections 20 and 29, Township 29, SDYD, Plan KAP44335, Except Plans KAP92565, EPP23066 and EPP31364, located on Buckhaven Court, Kelowna, B.C., from the MRC - Multiple Unit Residential - Cluster Housing designation to the PARK - Major Park/Open Space designation, the PSU - Public Services/Utilities designation and the S2RES - Single/Two Unit Residential designation, from the S2RES - Single/Two Unit Residential designation to the PARK - Major Park/Open Space designation and the PSU - Public Services/Utilities designation and from the S2RESH - Single/Two Unit Residential - Hillside designation to the PARK - Major Park/Open Space designation and 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 30th day of March, 2015.

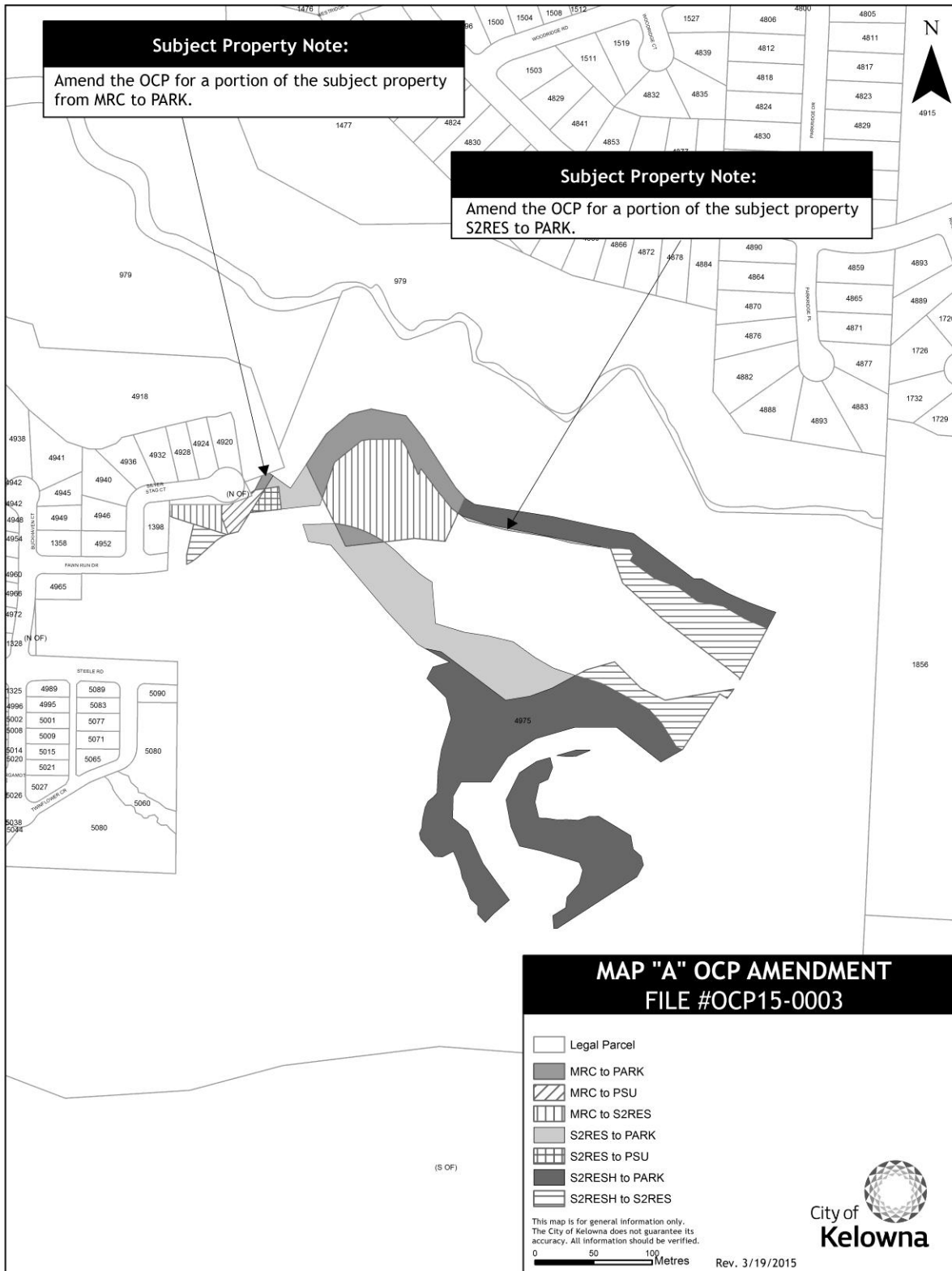
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



CITY OF KELOWNA
BYLAW NO. 11073
Z14-0057 - Vincent and Pamela Blaskovich
4975 Buckhaven Court

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 portions of Lot A, Sections 20 and 29, Township 29, SDYD, Plan KAP44335, Except Plans KAP92565, EPP23066 and EPP31364, located on Buckhaven Court, Kelowna, B.C., from the A1 - Agriculture 1 zone to the P3 - Parks and Open Space zone, the P4 - Utilities zone and the RU1 - Large 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 30th day of March, 2015.

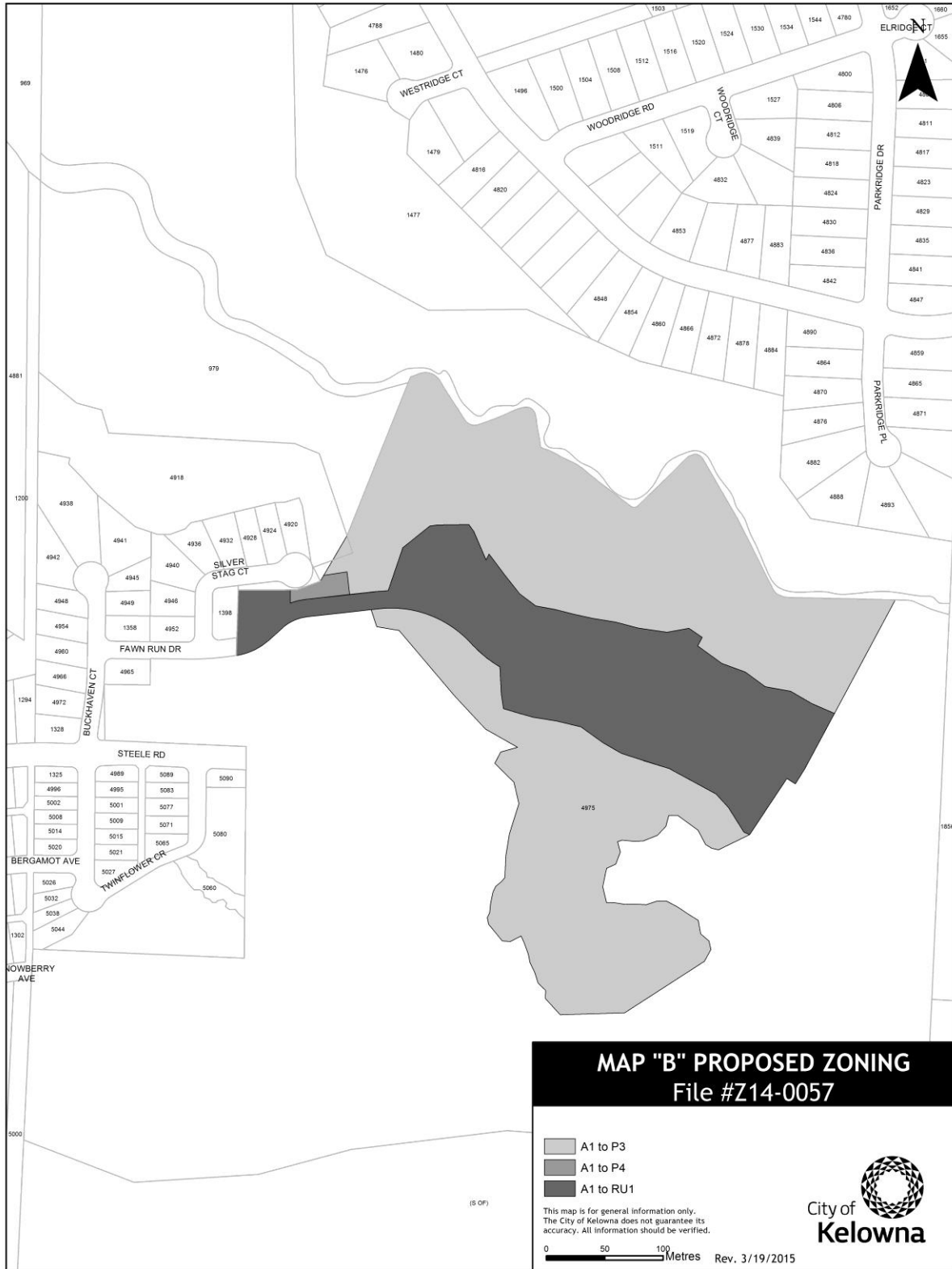
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



REPORT TO COUNCIL



Date: 3/4/2015

RIM No. 0930-50

To: City Manager

From: Community Planning and Real Estate (PMc)

Application: LL15-0003

Owner: Dutchcad B.I.L. Investments Ltd.

Address: 267 Bernard Ave.

Applicant: Okanagan Spirits Craft Distillery (Tyler Dyck)

Subject: Liquor License Application

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

Existing Zone: C7 - Central Business Commercial

1.0 Recommendation

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

In accordance with Section 18 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application from at address: 267 Bernard Ave., Kelowna BC, (legally described as Amended Lot 14 (DD142773F), Block 13, District Lot 139, ODYD, Plan 462, for a Manufacturer Distillery Lounge Area endorsement, are as follows:

- a) The Manufacturer Distillery Lounge Area is located within the building located at 267 Bernard Ave. and the associated patio area.
- b) The proximity of the Manufacturer Distillery Lounge Area to other social or recreational facilities and public buildings are as noted on the attached map. The potential for negative impacts is considered to be minimal.
- c) The person capacity of the Manufacturer Distillery Lounge Area;
Interior retail area - 10 persons
Outdoor patio area - 13 persons
Total capacity - 23 persons
- d) Hours of liquor service on the Lounge Area are proposed to be 11:00 AM to 1:00 AM Sunday to Saturday.

- e) Traffic, noise, parking and zoning: There is minimal increase in traffic or parking associated with this application. The parking meets zoning bylaw regulations for the proposed use. The use is permitted under the current C7 - Central Business Commercial zone.
- f) The impact on the community if the application is approved: is not anticipated to be major, as the proposed development is expected to add more options to the downtown area, and is expected to benefit other downtown tourist related businesses. Surrounding social or recreational facilities will not conflict with the proposed establishment.
- g) Recommendation:
Council recommends that the application for a Manufacturer Distillery Lounge Area Endorsement be approved for a total 23 person capacity.

2.0 Purpose

To seek Council's support to add a Manufacturer Distillery Lounge Area endorsement to an existing Manufacturer License.

3.0 Urban Planning

This application proposes to add a modest sized Lounge Area endorsement to the existing tasting area associated with the boutique distillery operated on the site. The proposed Lounge Area endorsement will create greater opportunities to serve a range of patrons, and compliment existing licensed establishments in the area. The small scale, niche market that is proposed through this business operation meets the intent of the City fostering the provision of facilities which diversify the selection of venues and entertainment opportunities throughout the Downtown.

Given the above considerations, the Urban Planning Department supports the addition of a Lounge Area endorsement to their existing manufacturer license. Procedurally, the LCLB requires a resolution from City Council as part of the liquor license review process to add a Lounge endorsement. In addition, the RCMP have no concerns with the proposal.

4.0 Proposal

4.1 Background

The subject property had been the location of Okanagan Spirits Craft Distillery since 2011.

4.2 Project Description

The operator of the distillery has applied to the Provincial Liquor Control and Licensing Branch (LCLB) to add a Lounge Area endorsement to their existing manufacturer license.

Proposed License Summary:

Hours of Sale:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	11:00am	11:00am	11:00am	11:00am	11:00am	11:00am	11:00am
Close	1:00am	1:00am	1:00am	1:00am	1:00am	1:00am	1:00am

Capacity:

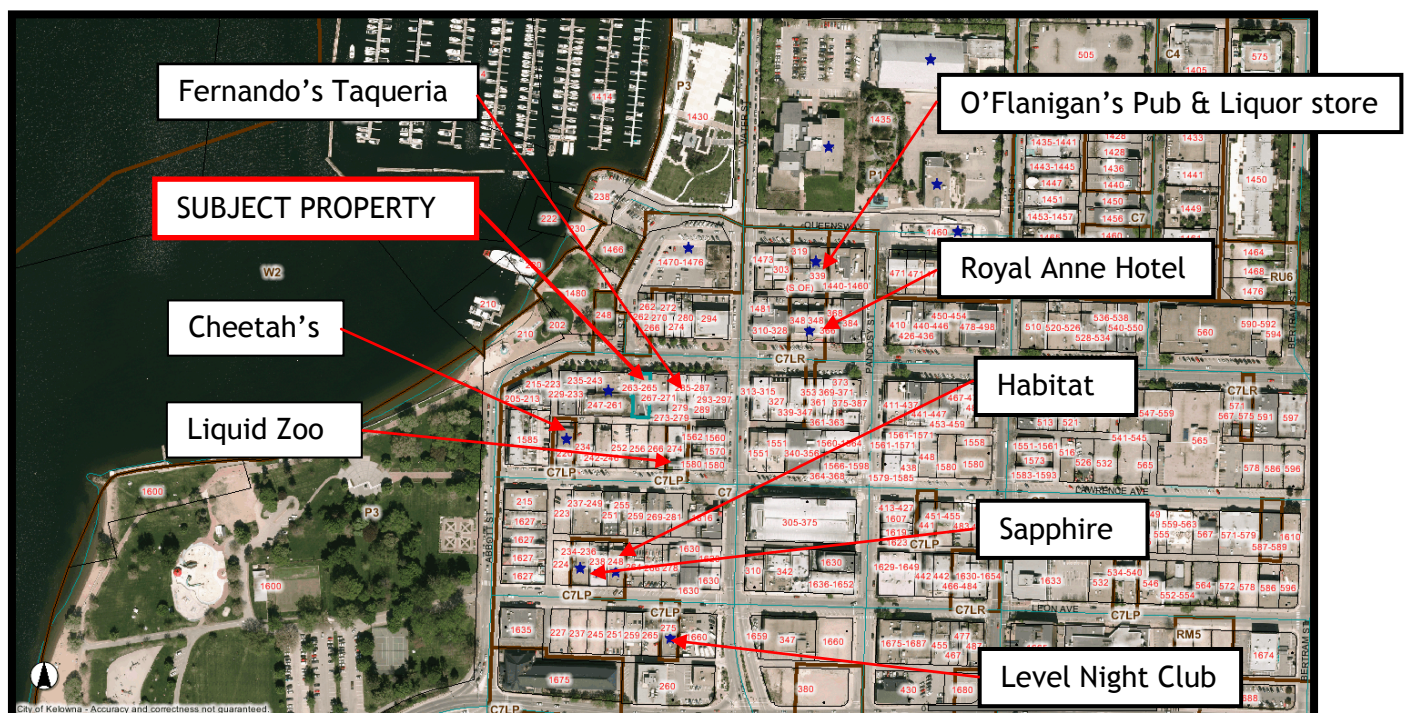
Licensed Area	Capacity
Interior Lounge Area	10 persons
Patio Area	13 persons
Total Proposed Person Capacity	23 persons

4.3 Site Context

The subject property is located on the south side of Bernard Ave., east of City Park, across from the end of Mill St.

Subject Property Map:

267 Bernard Ave.

**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:

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

5.2 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 RCMP

No concerns.

7.0 Application Chronology

Date of Application Received: February 4, 2015

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

Applicant letter of intent

Certified Floor Plan

¹OCP Objective 5.17, Policy .1., Page 5.21

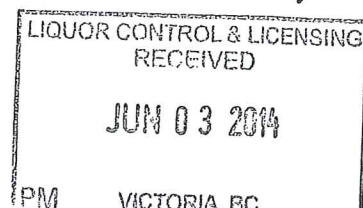
² OCP Objective 8.9, Policy .2, Page 8.4



Lounge and/or Special Event Area Endorsement
Liquor Control and Licensing Form LCLB049a
Lounge and Special Events Area Application for
Okanagan Spirits Distillery Kelowna

Part 5: Letter of Intent

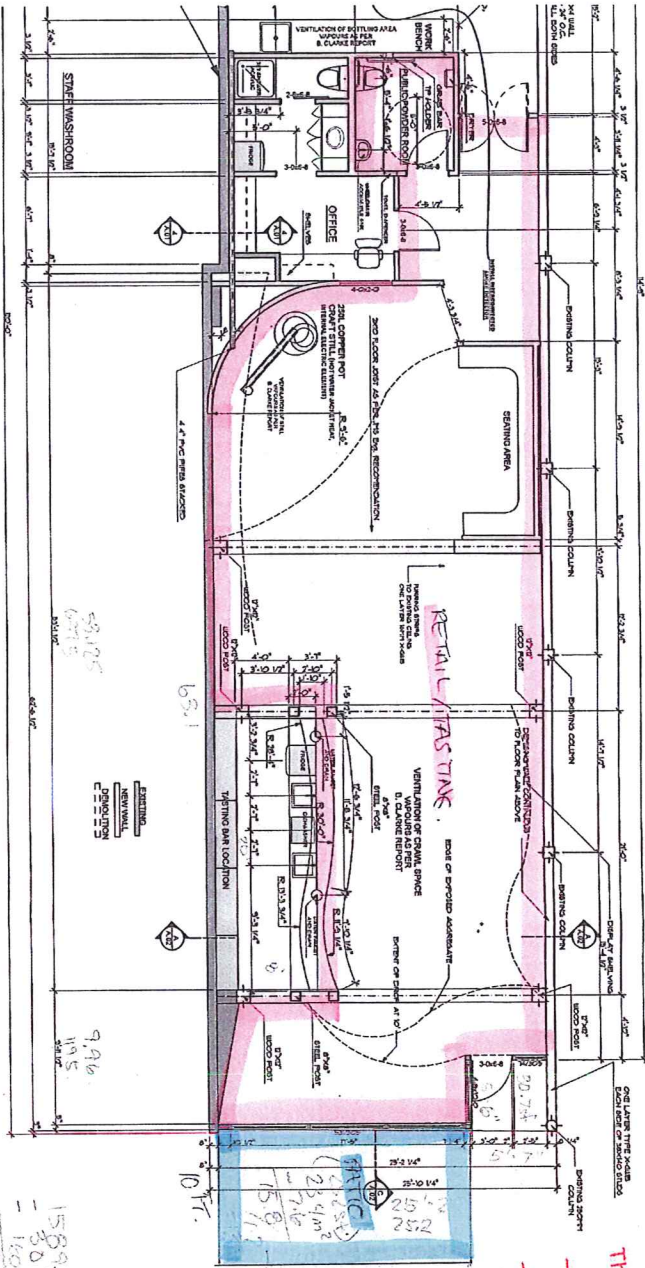
1. **Purpose of Endorsement area:** The purpose of the endorsement area is to be able to provide domestic, and international tourists, along with our local customers an area where they can come and enjoy and offering of Okanagan Spirits made beverages. It also gives us an opportunity to promote our specialty spirits and educate the consumer on their uses in cocktails and different beverages. This is a seasonal opportunity for our business to offer beverage service throughout the summer and fall months on our patio. We also wish to hold small intimate cocktail parties, cocktail evenings and spirit paired dinners throughout the year.
5. **Benefits for the community:** With this approved application we will become the only Craft Distillery within the Okanagan Valley to have a patio lounge in a downtown setting where our patrons can enjoy a distillery tour and a handmade specialty cocktail that is made from start to finish with 100% BC ingredients right on site. There is currently no business that can offer such a service where their drinks are fermented, distilled, bottled, and then prepared into cocktails right on the premises. We are already a key contributor to the local agri-tourism market complimenting the very popular Okanagan wine experience. This application will only improve our offering, making our distillery a "must visit" destination for the visitors and residents of the Okanagan Valley.
6. **Impact of noise on the surrounding community:** We expect that there will be little to no noise impact on the surrounding community due to the relatively low numbers of patrons that we expect to serve. The external patio area is limited to an extremely low number of patrons (13), and the internal space is limited to 10. Local current bylaw prevents amplified music on the patio. All patrons must leave the patio area by 12 midnight. The city of Kelowna is also heavily promoting the implementation and use of sidewalk patios as part of their extensive downtown Kelowna revitalization and re-development plan which was started three years ago with a massive multi-million dollar re-design of the main street (Bernard) which our patio will be on. We have been told by the city that a distillery with lounge facilities is exactly what they were looking for in creating entertainment and tourism options to the residents and visitors of Kelowna.
7. **Other Impacts of the Surrounding Community:** There will be no negative impact to the surrounding community with the approval of this application. The city of Kelowna is actively encouraging Bernard Avenue businesses to apply for patio licenses after a multi-million dollar revitalization project to the downtown core. They are going out of their way to facilitate the expansion of tourism and culinary experience options in their downtown core.



The RETAIL / INSTORE AREA
 has a net floor area of
 90 m². The maximum
 occupant load shall be
 10 ~~15~~ persons, maximum.
 ONE (1) BATHROOM

The ratio has a net floor area of 15.8 m². The maximum occupant load shall be 13 persons, based on 1.2 m²/person.

Reviewed
by City of Kelowna
Inspection Services
APR 23/14
7-14421



BERNARD AVE. (ROAD)

OKANAGAN SPIRITS DISTILLERY
265 BERNARD AVE. 716.759.m2

1589.7 ENTRY
- 307
- 160.0 EAP

1379 sf (130m²)
- 130m
- 80m

= 90m² / 4 = 22.5
NEAR 30. 200/c

[illegible]

REPORT TO COUNCIL



Date: 2/26/2015

RIM No. 0940-50

To: City Manager

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

Application: DVP15-0006 Owner: 0871545 B.C. Ltd.

Address: 1449 Velocity St. Applicant: DiStefano Architecture

Subject: Development Variance Permit

Existing OCP Designation: Industrial (IND)

Existing Zone: CD15 - Airport Business Park (Industrial)

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0006, for Lot 6, SEC. 11, TWP. 23, O.D.Y.D., Plan EPP12718, located on 1449 Velocity Street, Kelowna, BC;

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

Section 18: CD 15: Airport Business Park:

a) Sub-Section 1.5.1: Development Regulations

To vary the front yard setback for HWY 97 frontage from 7.0m required to 6.4m proposed.

b) Sub-Section 1.5.3(c): Development Regulations

To vary the front yard setback for Velocity Street frontage from 6.0m required to 3.9m proposed.

Section 8: Parking and Loading

Table 8.1: (Off-Street Vehicle Parking)

To vary number of parking stalls from 59 stalls required to 56 stalls proposed.

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

2.0 Purpose

To seek a Development Variance Permit to vary required setbacks and parking on the subject property.

3.0 Urban Planning

The variances under application are not considered to be major, and are supportable by Urban Planning Staff. The subject property is impacted by the location of cul-de-sac vehicle turn-

around at both ends of the Velocity Street frontage which reduces the lot depth of the subject property at both ends. The applicant has reviewed the situation with the Development Engineering Department of the City, and there were no concerns identified.

The applicant has submitted a copy of the information package used to contact the adjacent property owners regarding the proposed variances. The applicant has also provided copies of the responses received, and there was no record of any concerns.

Urban Planning has received a staff level Development Permit application to address the form and character of the proposed development which will be processed should the variances be approved.

4.0 Proposal

4.1 Background

The applicant is proposing to construct a new acoustic sound control panel production facility on the subject property.

4.2 Project Description

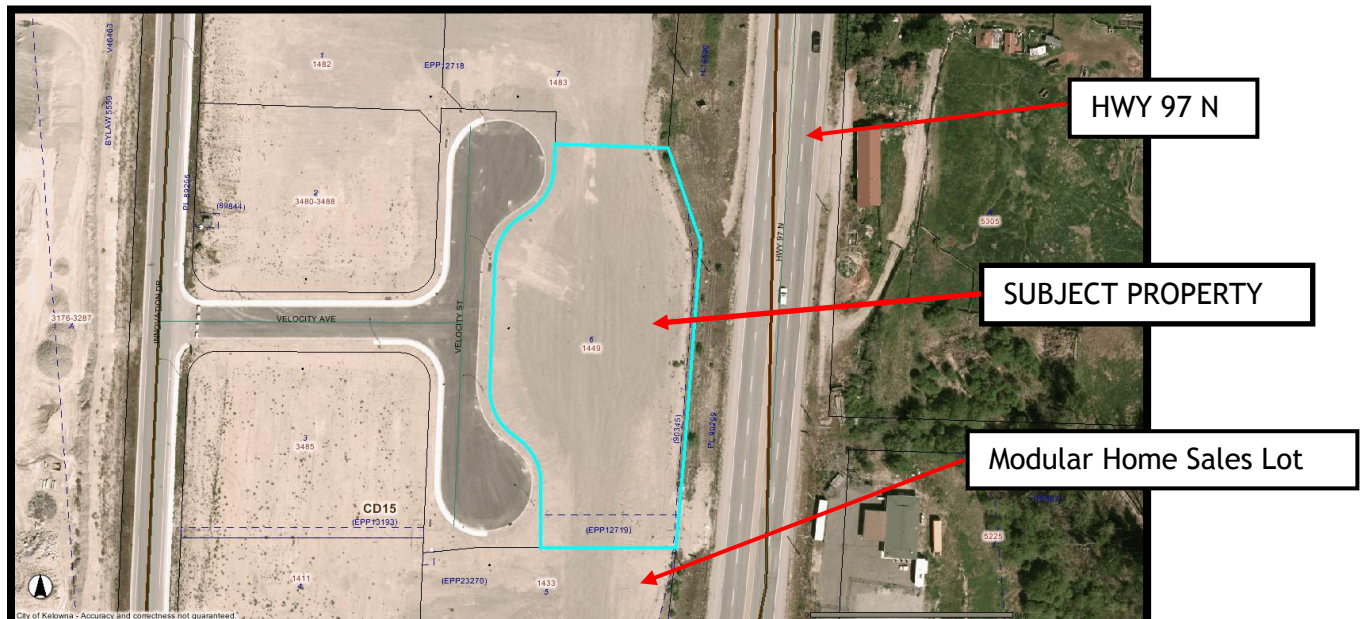
The new building is designed as a 2,770m² industrial building. Owing to the size and orientation of the proposed building, the resulting footprint has two minor encroachments into the required front yard setbacks. The south west corner of the building is proposed to be located 3.98m from the Velocity Street property line, where the zone requires a 6.0m setback. The north east corner of the proposed building is to be located 6.4m from the Highway 97 N property line, where the zone requires a 7.0m setback in this location.

The applicant is also seeking to vary the parking requirements for this development from 59 stalls required to 56 stall proposed.

4.3 Site Context

Subject Property Map:

1449 Velocity Street



The subject property is located within the Airport Business Park, in an area shown as “Industrial” land use. This property was created in May 2011, and is the largest lot located at the end of Velocity Avenue. The property is fronted along the west side by Velocity Street, which is terminated at both ends with a vehicle turn-around.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	CD15 - Airport Industrial Park (Industrial)	Vacant
East	A1 - Agriculture 1	Agriculture
South	CD15 - Airport Industrial Park (Industrial)	Modular Home sales lot
West	CD15 - Airport Industrial Park (Industrial)	Vacant

4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	CD15 (Industrial) ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	4,000.0m ²	6,227m ²
Lot Width	40.0m	120m
Lot Depth	35.0m	60m
Development Regulations		
Floor Area Ratio	Max 1.5	FAR = 0.44
Gross Floor Area	Max 9,340m ²	2,770m ²
Height	4 storeys/18.0m	2 storeys/8.0m
Front Yard (Velocity St.)	6.0m	3.9m ^①
Side Yard (south)	0.0m adj. to industrial use	16.1m
Side Yard (north)	0.0m adj. to industrial use	24.9m
Front Yard (HWY 97)	Min. 7.0m Max. 10.0m	6.4m ^②
Other Regulations		
Minimum Parking Requirements	Office uses. 2.5 per 100m ² Industrial 2.0 per 100m ² 59 stalls required	56 stalls provided ^③
Loading Space	1 space per 1900 m, 2 required	2 loading stalls provided
^① Indicates a requested variance to Velocity St. Front yard from 6.0m required to 3.9m proposed for south west corner ^② Indicates a requested variance to HWY 97 Front yard from 7.0m required to 6.4m proposed for north east corner ^③ Indicates a requested variance to off-street parking from 59 stalls required to 56 stalls provided		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Policy 5.11.1 - Parking Relaxations.¹ Consider parking requirements relaxation, in areas that are not part of a cash-in-lieu program, where an approved TDM strategy indicates a lower use of vehicles and the City is satisfied that parking relaxations would not create a parking spill-over problems on adjoining neighbourhood streets, Parking relaxations will not be considered in hillside areas (as defined on Map 4.1 - Future Land Use).

¹ City of Kelowna Official Community Plan, Policy 5.11.1 (Development Process Chapter 5, Page 5.13).

6.0 Technical Comments

6.1 Development Engineering Department

The Development Engineering Branch comments for the development variances application are as follows:

1. Front yard setback

The requested variance from 6.0 m. to 3.9 m. does not compromise any Municipal infrastructure or services.

2. Rear Yard setback

The requested variance from 7.0 m. to 6.4 m. does not compromise any Municipal infrastructure or services.

3. Parking reduction.

The developer must be made aware that the road standard within the industrial subdivision has been reduced and precludes on-street parking. The requested variance to reduce the on-site parking from 59 stalls to 56 stalls is tolerable as long as there are sufficient spaces for all the anticipated workforce and customers

Application Chronology

Date of Application Received: January 9, 2015

Report prepared by:

Paul McVey, Urban Planner

Reviewed by:

☐

Lindsey Ganczar, Urban Planning Supervisor

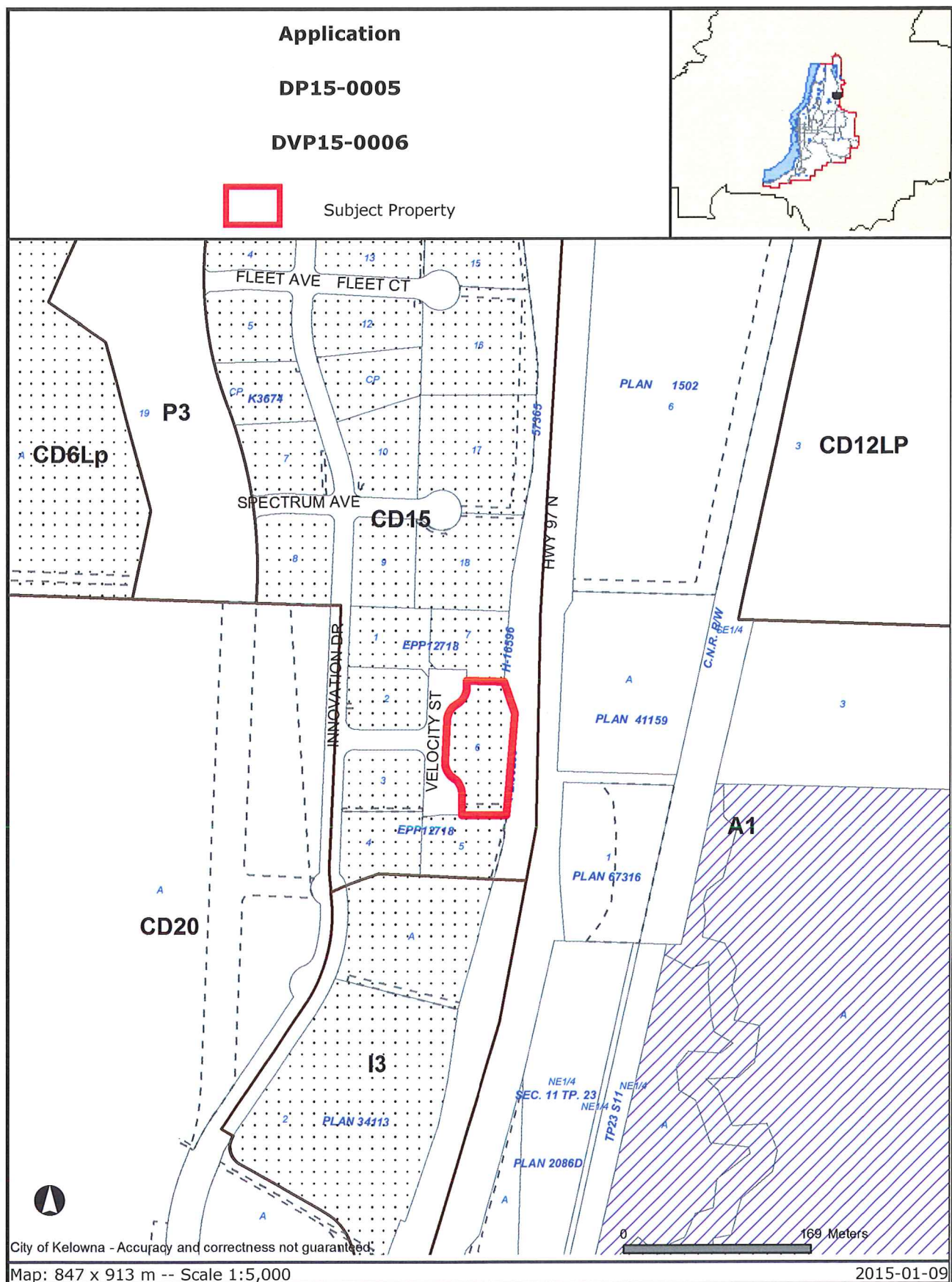
Approved for Inclusion:

☐

Ryan Smith, Urban Planning Manager

Attachments:

Location Map
Site Plan



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

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP15—0006

EXISTING ZONING DESIGNATION:	CD15 - Airport Business Park (Industrial)
WITHIN DEVELOPMENT PERMIT AREA:	Comprehensive Development Permit Area (Highway 97)

ISSUED TO:	DiStefano Architecture
LOCATION OF SUBJECT SITE:	1449 Velocity Street

	LOT	Section	Township	PLAN	DISTRICT
LEGAL DESCRIPTION:	6	11	23	EPP12718	ODYD

SCOPE OF APPROVAL

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

1. TERMS AND CONDITIONS:

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

Section 1.5.1: (CD15 Development Regulations)

To vary the front yard setback for HWY 97 frontage from 7.0m required to 6.4m proposed.

Section 1.5.3(c): (CD15 Development Regulations)

To vary the front yard setback for Velocity Street frontage from 6.0m required to 3.9m proposed.

Section 8.1: (Off-Street Vehicle Parking)

To vary number of parking stalls from 59 stalls required to 56 stalls proposed.

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

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 _____, 2015.

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

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

REPORT TO COUNCIL



Date: 2/26/2015

RIM No. 0940-00 & 0940-50

To: City Manager

From: Urban Planning Department (AC)

Application: DP15-0001 & DVP15-0002 **Owner:** Linda Smith & Richard Nathorst

Address: 635 Roanoke Avenue **Applicant:** Richard Nathorst

Subject: Development Permit and Development Variance Permit Application

Existing OCP Designation: S2RES - Single / Two Unit Residential

Existing Zone: RU6 - Two Dwelling Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP15-0001 for Lot 9, Block, 1, District Lot 9, ODYD, Plan 1306, located on 635 Roanoke Avenue, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied as described in the attached report dated January 15th 2015";

AND THAT Council authorize the issuance of Development Variance Permit No. DVP15-0002 for Lot 9, Block, 1, District Lot 9, ODYD, Plan 1306, located on 635 Roanoke Avenue, Kelowna, BC

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

Section 13.6.6 (d) Development Regulations

Vary the west side yard setback requirement from 2.3 metre required setback to 0.73 metre proposed.

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

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

2.0 Purpose

To consider a Development Permit and Development Variance Permit for a second storey addition to an existing dwelling on the subject property.

3.0 Urban Planning

Urban Planning Department is supportive of the proposed Development Permit and Development Variance Permit. A Development Permit is necessary in this case as the subject property is located within a Character Neighbourhood. Character neighbourhoods are experiencing intensive residential development pressures due to their centrality and zoning to predominately allow two units per lot. These areas are therefore subject to Design Guidelines to ensure that the form and character, siting, exterior design, and finish of the buildings and landscaping of new and infill housing creates a lasting, quality addition to the area that is representative of the redeeming attributes of the established neighbourhood character.

The form and character of the proposed development matches the existing house and the surrounding area. The massing in the surrounding area has existing two storey examples massing which is consistent with the two storey proposal. Further, the front yard maintains a similar setback distances as other homes on the street. The extended porch and house design is conforming with the style of homes on the block.

The Development Variance Permit is proposed to permit a side yard setback reduction from 2.3 metres to 0.73 metres along the west property line. The existing building has a non-conforming setback of 0.73 metres. The properties to the west and east of the subject property are currently vacant.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by individually contacting the neighbours as described in the attached *Schedule 'A'*. No major issues were identified during the initial consultation with neighbouring parcels

4.0 Proposal

4.1 Project Description

The proposal is to add a 4.6 metres addition to the rear of the house and add a second storey. The proposal is to remove the existing roof and add a second storey (including over the new addition). This will provide the proponent with a 3 bedroom and 2 bathroom living area on the second floor. Additionally, the front porch will be replaced with a full length porch.

4.2 Site Context

The subject property is located in the 'North End' neighbourhood. The property has a Future Land Use designation of S2RES - Single / Two Unit Residential in the Official Community Plan and is within the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 - Two Dwelling Housing	Residential
East	RU6 - Two Dwelling Housing	Residential
South	RU6 - Two Dwelling Housing	Residential
West	RU6 - Two Dwelling Housing	Residential

4.3 Subject Property Map: 635 Roanoke Avenue



5.0 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Height	9.5 m / 2.5 storeys	7.9 m / 2 storeys
Front Yard (north)	4.5 m	10.9 m
Side Yard (west)	2.0 m (first storey portion) 2.3 m (second storey portion)	0.73 m ●
Side Yard (east)	2.0 m (first storey portion) 2.3 m (second storey portion)	> 2.3 m
Rear Yard (south)	6.0 m (first storey portion) 7.5 m (second storey portion)	13.2 m

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Site coverage of buildings	40 %	32 %
Site coverage of buildings, driveways & parking	50 %	34 %
Other Regulations		
Minimum Parking Requirements	2 parking stalls	2 parking stalls
● Indicates a requested variance to reduce the side yard setback requirement.		

6.0 Current Development Policies

6.1 Kelowna Official Community Plan (OCP)

Development Process

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

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

7.0 Technical Comments

Building & Permitting

- Structural Engineer may be required to review load path of structural framing for 2nd floor addition.
- Drawings submitted for Building Permit to address Spatial issues of the reduced side yard per the requirements of BCBC 2012.

Development Engineering

- See attached memorandum dated January 15th 2015.

8.0 Application Chronology

Date of Application Received: January 5th 2015

Date of Neighbourhood Consultation Received (re: variance): January 20th 2015

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

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

Report prepared by:

Adam Cseke, Planner

Reviewed by:



Ryan Smith, Urban Planning Manager

Attachments:

Subject Property Map

Development Engineering Memo

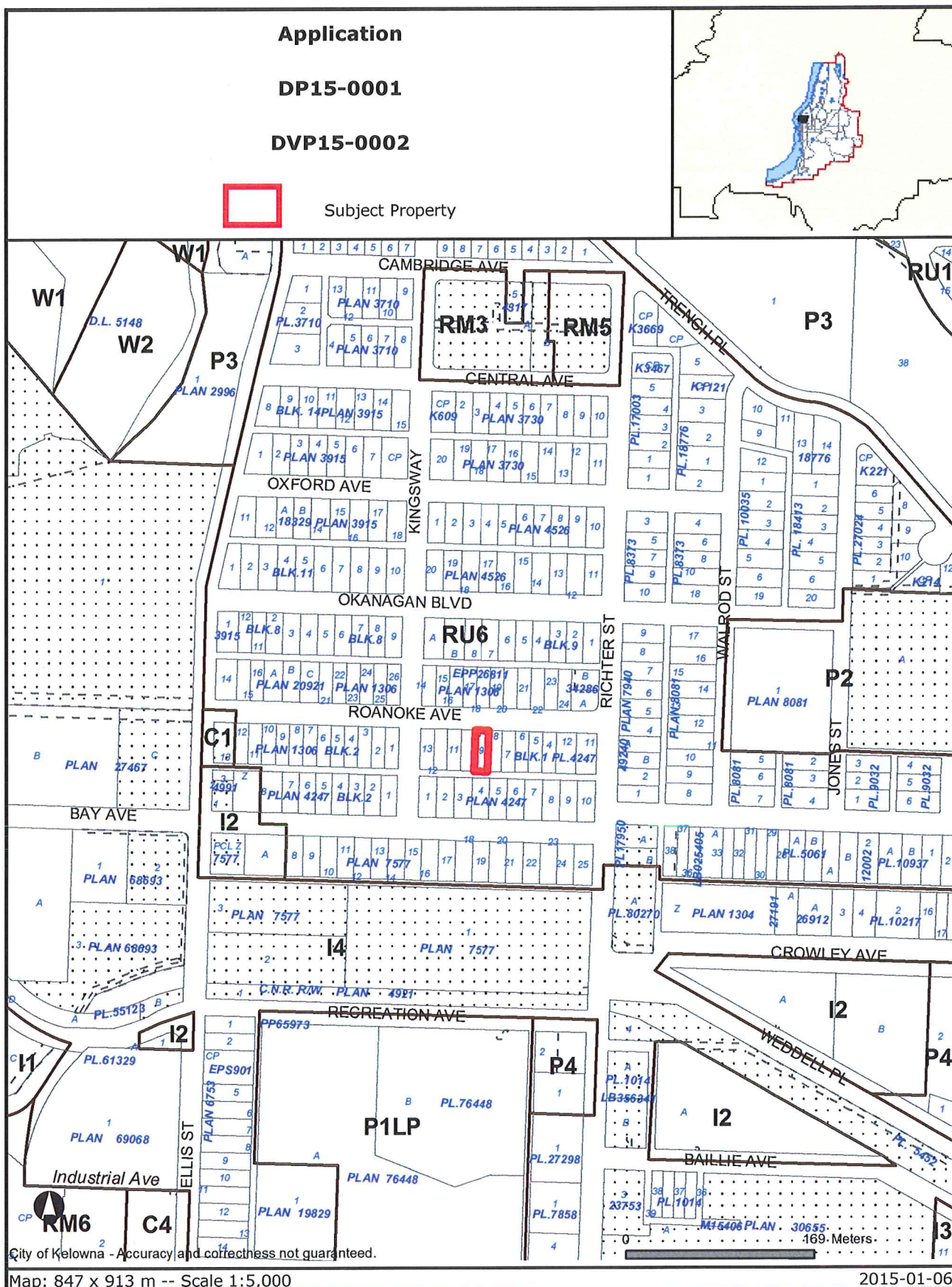
Applicant Rationale

Neighbourhood Consultation

Site Photos

Draft Development Permit / Development Variance Permit

- Schedule 'A'
 - Site Plan
 - Floor Plan
- Schedule 'B'
 - Elevations
 - Colour Board



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

CITY OF KELOWNA

MEMORANDUM

Date: January 15, 2015
File No.: DP15-0001
To: Urban Planning (AC)
From: Development Engineering Manager
Subject: 635 Roanoke Ave Renovations

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

1. Domestic Water and Fire Protection

Our records indicate that this property is currently serviced with a 25mm-diameter water service which is adequate for this application.

2. Sanitary Sewer

Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service. An inspection chamber (IC) complete with brooks box should be installed on the service at the owner's cost. Service upgrades can be provided by the City at the applicant's cost. **The applicant will be required to sign a Third Party Work Order for the cost of the service upgrade.** For estimate inquiry's please contact Sergio Sartori, by email ssartori@kelowna.ca or phone, 250-469-8589.

3. Development Permit and Site Related Issues

Direct the roof drains into on-site rock pits.
Driveway access will be permitted from the lane only.

4. Electric Power and Telecommunication Services

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

Steve Muenz, P. Eng.
Development Engineering Manager

SS

Development Proposal

Currently the house has an attic that does not have enough height to develop into living space.

There is also an attached covered porch in the rear that will be removed because it lacks a concrete foundation.

We propose to add on an addition (15 FT 4.57m) to rear of house.

We also propose to remove existing roof. build four foot (1.21m) walls around perimeter of the top plate (including new addition) then add engineered trusses.

This will give enough space for 3 bedrooms and 2 bathrooms up

We will also remove small front porch and build a full length porch.

This proposed house design is a heritage style home with an inviting front porch in keeping with the character of the neighborhood.

Neighbour Consultation Form
(Council Policy No.367)



A summary of neighborhood consultation efforts, feedback and response must be provided to City staff, identifying how the efforts meet the objectives of this Policy. This form must be filled out and submitted to the File Manager a minimum of 20 days prior to initial consideration by Council. JP 15-0001

I, RICK NATHORST, the applicant for Application No. DVP 15-0002
for VARIANCE
(brief description of proposal)

at 635 ROANDKE AVE have conducted the required neighbour
(address)
consultation in accordance with Council Policy No. 367.

- ☐ My parcel is located **outside** of the Permanent Growth Boundary and I have consulted all owners & occupants within a 300m radius
- ☒ My parcel is located **inside** of the Permanent Growth Boundary and I have consulted all owners & occupants within a 50m radius

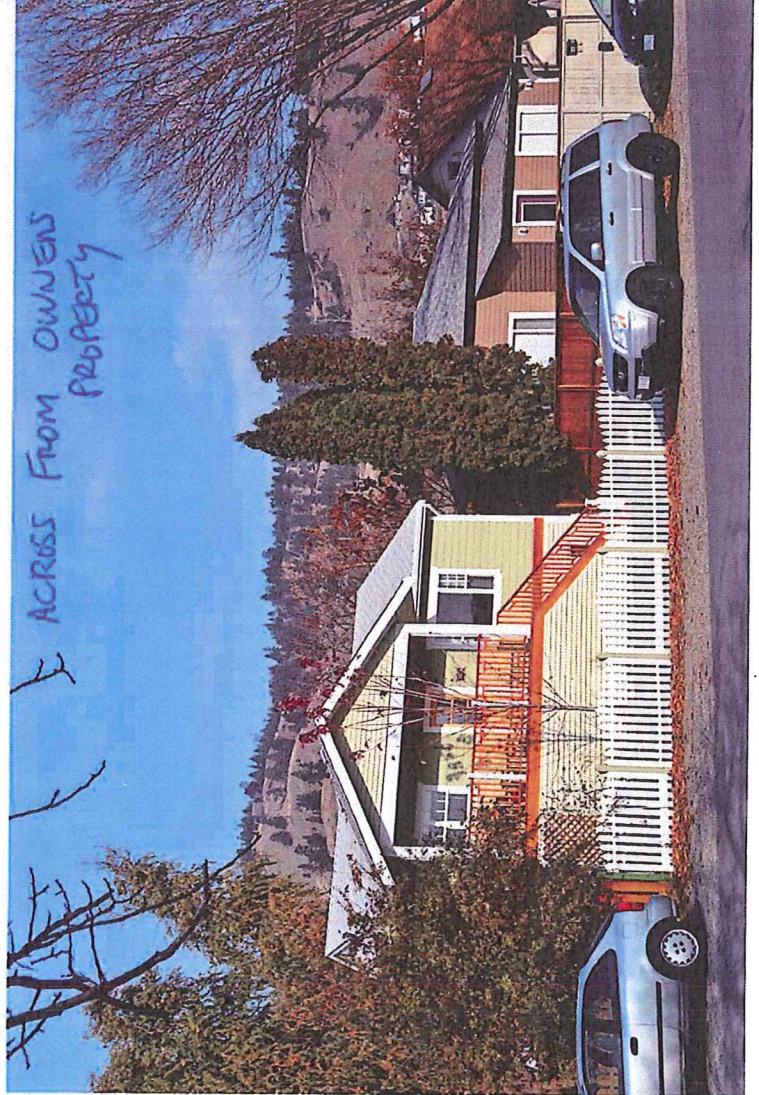
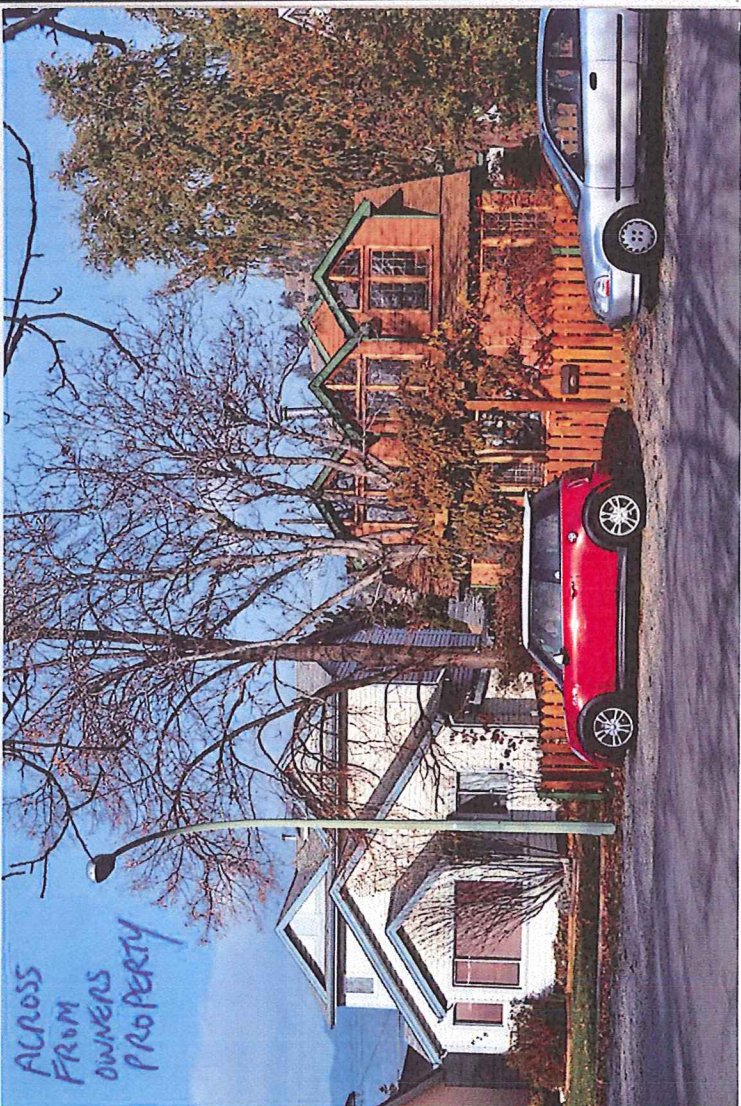
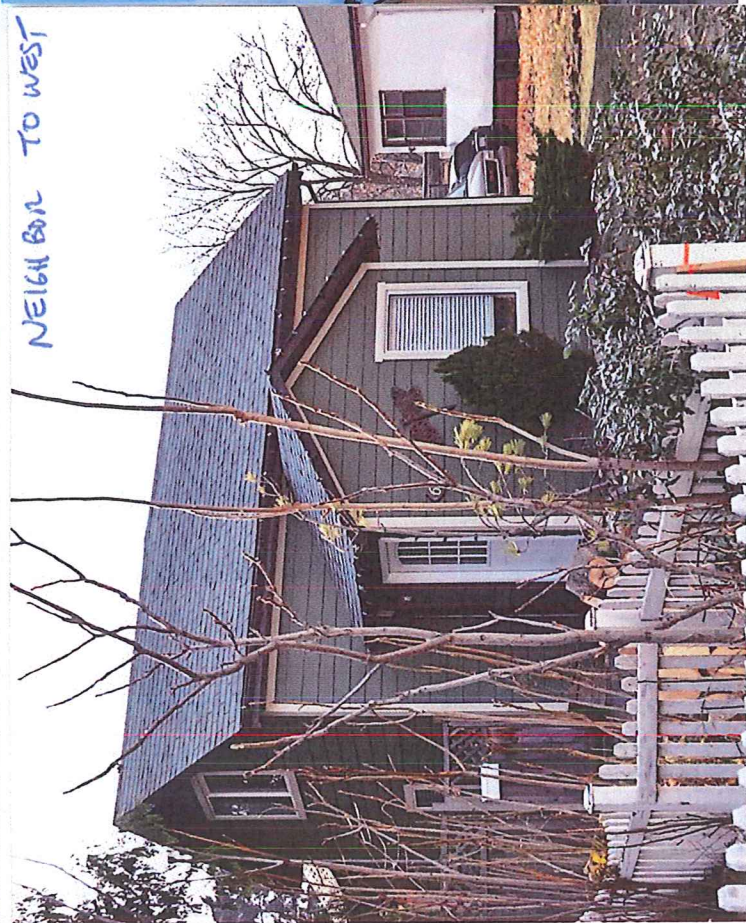
I have consulted property owners and occupants by doing the following: GOING DOOR TO DOOR
AND SPEAKING WITH MOST NEIGHBORS AND LEAVING
DOCUMENTS WITH THE FEW THAT WERE NOT HOME.

Please initial the following to confirm it has been included as part of the neighbour consultation:

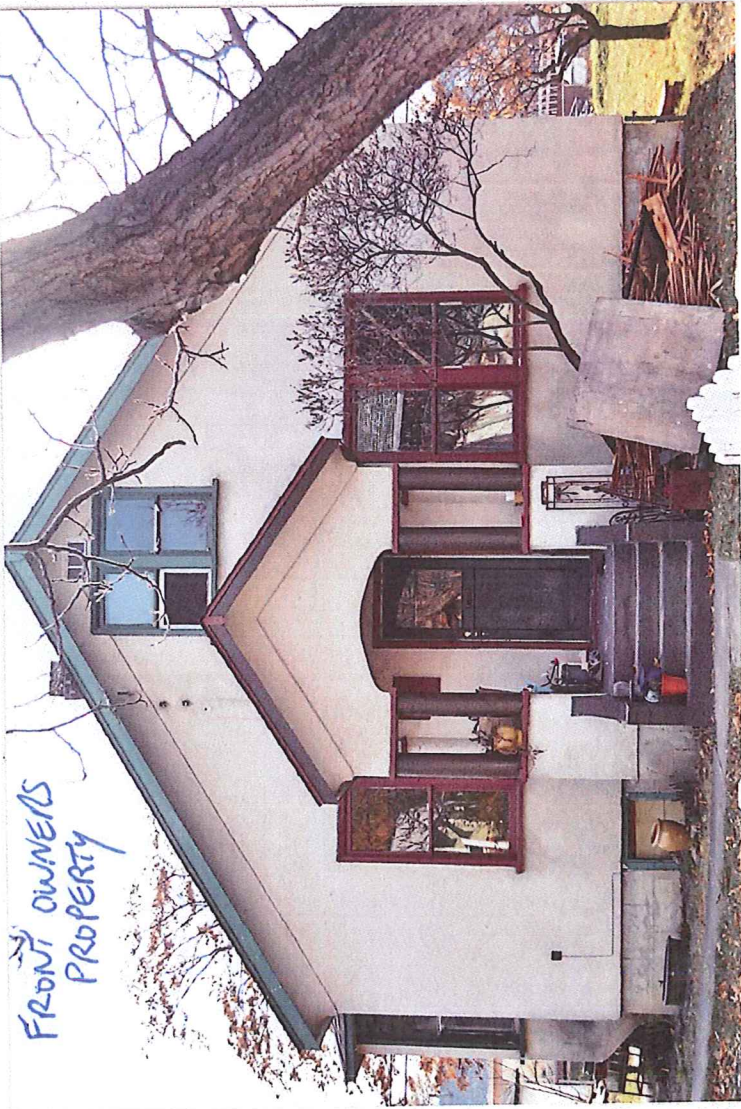
- ☒ Location of the proposal;
- ☒ Detailed description of the proposal, including the specific changes proposed;
- ☒ Visual rendering and/or site plan of the proposal;
- ☒ Contact information for the applicant or authorized agent;
- ☒ Contact information for the appropriate City department;
- ☒ Identification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

Please return this form, along with any feedback, comments, or signatures to the File Manager 20 days prior to the anticipated initial consideration by Council date. On the back of this form please list those addresses that were consulted.

City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4
TEL 250 469-8600
FAX 250 862-3330
kelowna.ca



FRONT OWNERS
PROPERTY



WEST OWNERS
PROPERTY



CITY OF KELOWNA

APPROVED ISSUANCE OF A:

- ☐ Development Permit No.: DP15-0001
- ☐ Development Variance Permit No.: DVP14-0002

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

ISSUED TO: Linda Smith & Richard Nathorst

LOCATION OF SUBJECT SITE: 635 Roanoke Ave

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	9		9		ODYD	1306

SCOPE OF APPROVAL

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

1. TERMS AND CONDITIONS:

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

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

Section 13.6.6 - Development Regulations

To vary west side yard setback requirement from 2.3 metres setback to 0.73 metres.

2. PERFORMANCE SECURITY:

None

4. DEVELOPMENT:

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

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

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

THIS Permit IS NOT A BUILDING Permit.

5. APPLICANT'S AGREEMENT:

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

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

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

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

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

Signature of Owner/Authorized Agent

Date

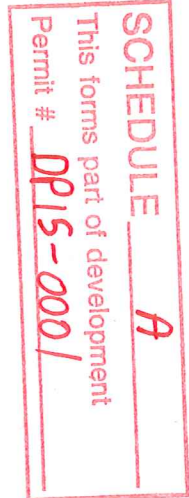
Print Name in Bold Letters

Telephone No.

6. APPROVALS:

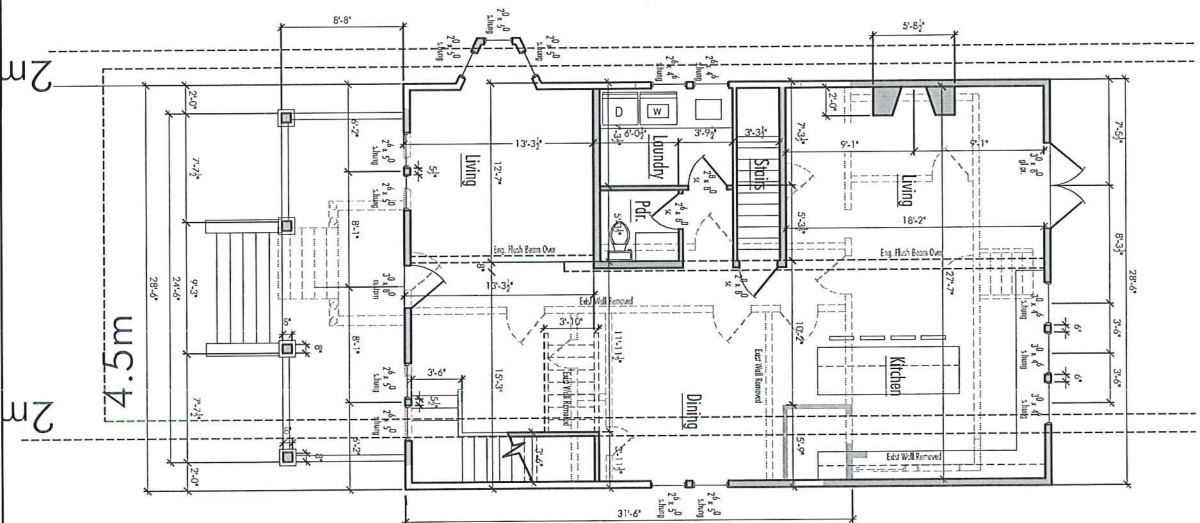
ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF _____, 2015 BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

Doug Gilchrist
Divisional Director of Community Planning & Real Estate





SCHEDULE A
This forms part of development
Permit # **DR15-0001**



PROPOSED
1
K2 14-11-14



K&H
DESIGNS
CUSTOM
RESIDENTIAL
DESIGN
2140-1100
WEST KELLOWNA
BC V4T 3M5
250-579-0590

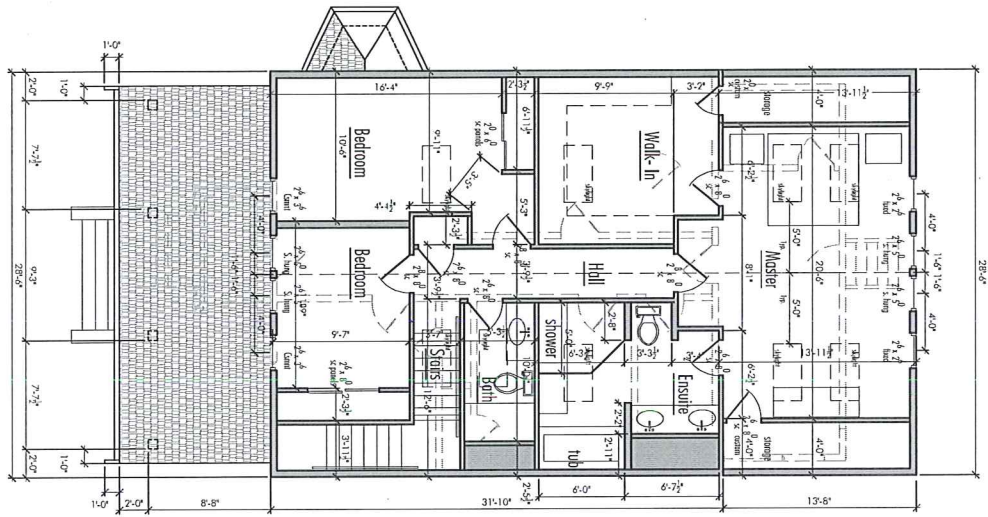
SSS
Roanoke Ave.
Kelowna BC

DRAWN BY: K&H
PROJECT: 12.14
FILE:
ISSUE: DATE
11/10/14

**Main
Plan**

A-2

SCHEDULE A
 This forms part of development
 Permit # **DP15-0001**



1 PROPOSED
 A-3 11/24/10



K&H DESIGNS
 CUSTOM
 RESIDENTIAL
 DESIGN
 214 KILBURN RD. S. UNIT 10
 WEST KILBURN, BC V4T 3M5
 250-575-0510

SSS
 Roanoke Ave.
 Kelowna BC

DRAWN BY: K&H
 PROJECT: 1214
 FILE:
 ISSUE: DATE: 3/02/15

Upper
 Plan

A-3

SCHEDULE A
This forms part of development
Permit # DR 15-0001



Roanoke Ave.
Kelowna BC

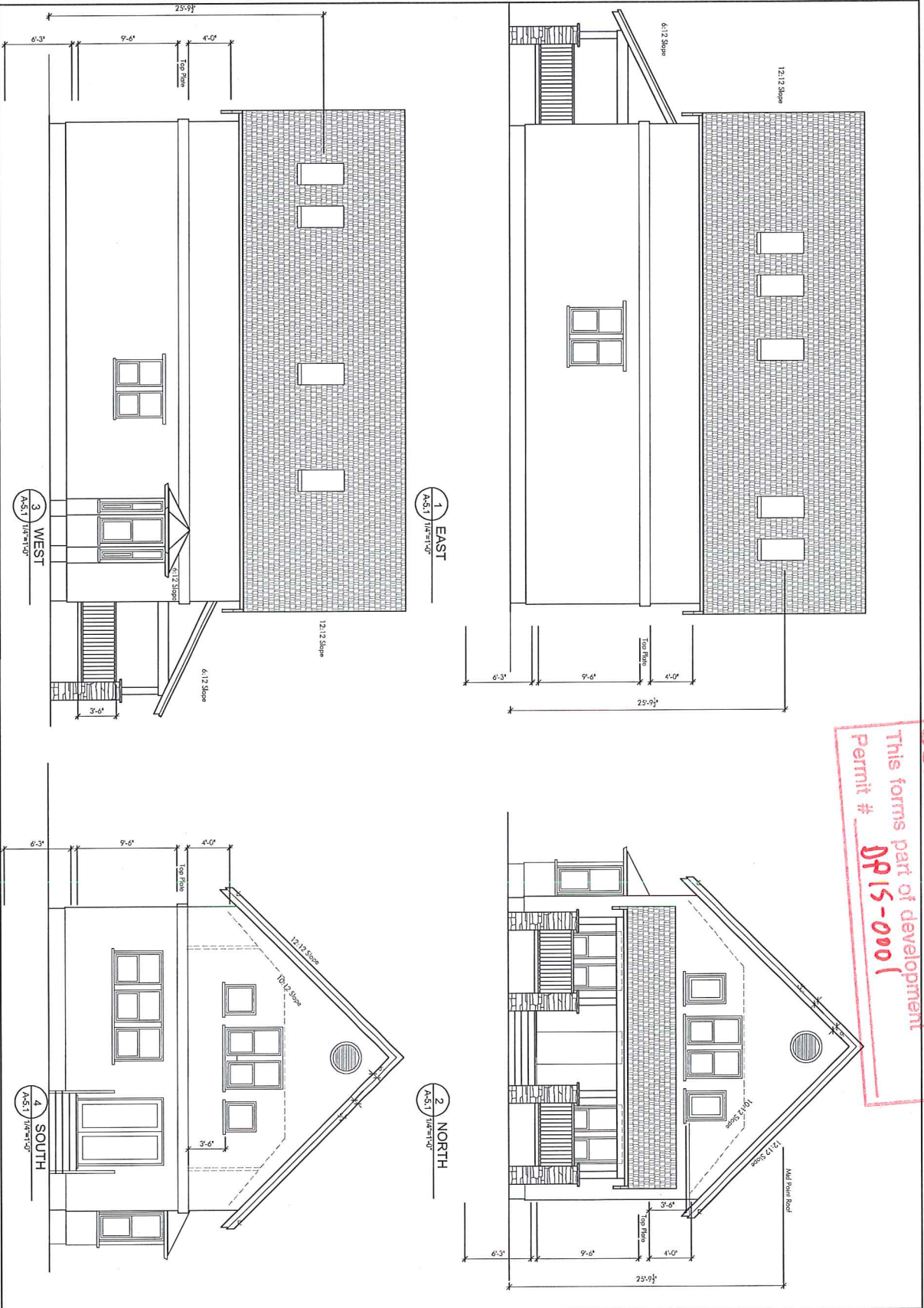
DRAWN BY:	KJH
PROJECT:	12-14
FILE:	
ISSUE	DATE
	11/10/14

Roof Plan

A-4

SCHEDULE B

This forms part of development
Permit # **DP15-0001**

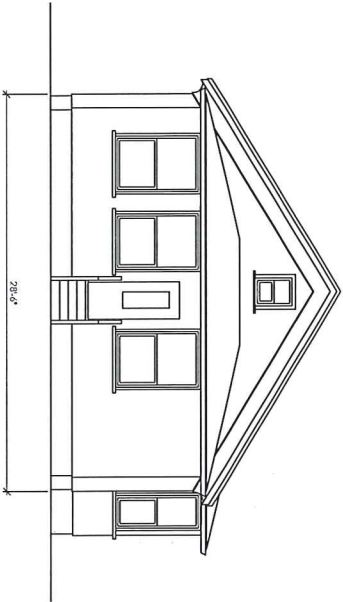


KH
DESIGNS
CUSTOM
RESIDENTIAL
DESIGN
2500 BROADVIEW AVE
SUITE 101
VANCOUVER, BC V6K 4T1
250-575-0590

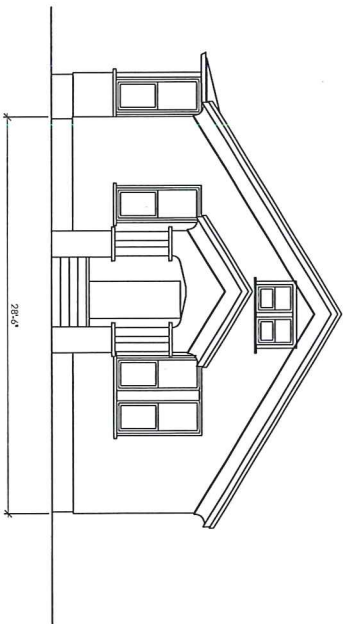
Proposed Elevations
A-5.1
DRAWN BY: KCH
PROJECT: 12.14
FILE: 12.14
ISSUE: DATE 11/07/4
A-5.1 / 12.14-10"

335
Roanoke Ave.
Kelowna BC

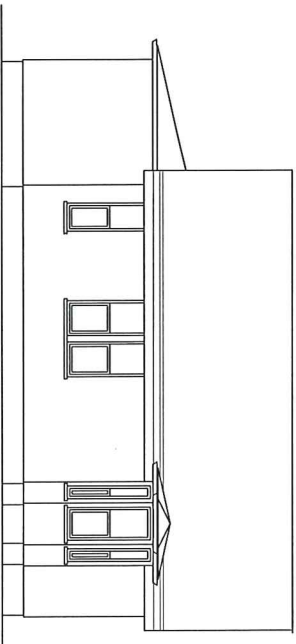
SCHEDULE B
 This forms part of development
 Permit # DP15-0001



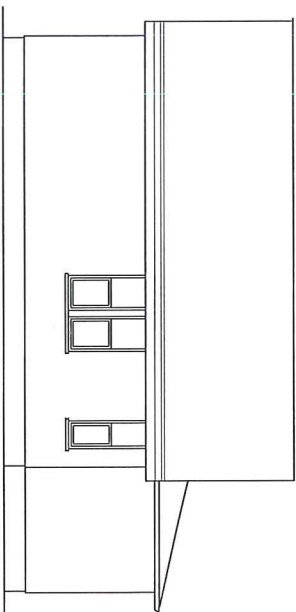
1 SOUTH
A-5 1/8"=1'-0"



2 NORTH
A-5 1/8"=1'-0"



3 EAST
A-5 1/8"=1'-0"



4 WEST
A-5 1/8"=1'-0"

KH
 THE
 DESIGNS
 CUSTOM
 RESIDENTIAL
 DESIGN
 2014 MCLENNAN BUILDING AND
 DESIGN INC.
 WEST KELLOWNA
 B.C. V1P 3K5
 250-375-8590

SSS
 Roanoke Ave.
 Kelowna BC

DRAWN BY: KJH
 PROJECT: 12-14
 FILE:
 ISSUE: DATE: 10/28/14

Existing
 Elevations

A-5

SCHEDULE " "

This forms part of development
Permit # DP0__-0__

SCHEDULE B

This forms part of development
Permit # **DP15-0001**

The following finishes are proposed for the Principal and Secondary Dwellings:

Roofing Material:
Colour:

CHARCOAL

Attach a colour photo here
of roofing material

Main Body:

Material:
Colour:

CA149

14-8

Second Colour/Accent Colour:
(If applicable):

Material:
Colour:

CA083

13-9

Window/Door/Trim Colour:

Material:
Colour:

CA085

6-2

REPORT TO COUNCIL



Date: March 10, 2015

RIM No. 0940-50

To: City Manager

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

Application: DVP15-0023

Owner: Murano Strata KAS 3577

Address: 850 Saucier Avenue

Applicant: John Klemptner for Murano Strata KAS 3577

Subject: Development Variance Permit

Existing OCP Designation: MRM - Multiple Unit Residential

Existing Zone: RM5

1.0 Recommendation

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP15-0023, Common Property Strata Plan KAS3577, located on 850 Saucier Avenue, Kelowna, BC.

2.0 Purpose

To vary the number of visitor parking stalls on the subject parcel.

3.0 Urban Planning

The proposed variance request was initiated by a Bylaw complaint on November 14, 2014 regarding the on site visitor parking. A Bylaw Officer visited the parcel and determined that the amount of visitor parking approved by the Development Permit and Development Variance Permit applications was not being provided on the parcel.

In 2007, Council approved DP06-0242 and DVP06-0243 on the subject parcel. The DVP approved a variance request to vary the building height from the Zoning Bylaw maximum of 4 storeys to 4 ½ storeys. The parking requirements, at the time of the original application approval, were satisfied.

The Strata council is asking for the amount of visitor parking to be reduced to accommodate more assigned parking for specific units. This would eliminate three of the required on-site visitor parking stalls and relocate them on to the street.

The first phase of the Ethel Street Multi-use Corridor design proposal is under review. This will require the removal of the majority of parking on Ethel Street. This will, in turn, push all current parking from Ethel onto the side streets (including Saucier Avenue).

For these reasons, Staff does not support the request to reduce the amount of visitor parking on the subject parcel. The requirement of 96 on site parking stalls, of which 10 must be designated as visitor parking, meets the Zoning Bylaw minimum parking requirements. By reducing this requirement, Staff would be setting a precedent for similar future developments, which may, in turn, add to parking congestion on neighbourhood streets.

4.0 Proposal

4.1 Background

The original development included the minimum required number of parking spaces for 68 units, which works out to 96 parking stalls required. The following breakdown is indicated in Table 4.4 Zoning Analysis. The requirement varies based on the number of bedrooms a unit provides. A one bedroom unit requires 1.25 stalls, therefore, 24 one bedroom units, require 30 parking stalls. Two bedroom units require 1.5 stalls. With 44 two bedroom units, this requires 66 stalls for a total of 96 parking stalls.

One stall for every seven dwelling units shall be designated as visitor parking. Therefore, for 68 units, 10 of the 96 required stalls must be designated as visitor parking. The allocated stalls were not specifically indicated on the approved drawings.

4.2 Project Description

The subject parcel is located on the north side of Saucier Avenue, between Ethel Street and Richter Street. The parcel fronts onto both Saucier Avenue and Harvey Avenue. There are 76 underground parking stalls and 20 at-grade parking stalls. Currently, only seven of the at-grade stalls are designated for visitors parking.

4.3 Site Context

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM6	The Dorchester - Supportive Housing
East	RM5, RU6	Medium Density Multiple Housing, Single Family Dwelling
South	RU6	Single Family Dwelling
West	RU6	Single Family Dwelling

4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM5 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Floor Area Ratio	1.26	1.2
Height	The lessor of 18m or 4 storeys	15.7m (4.5 storeys)
Front Yard (Saucier Av)	6.0m	6.0m
Front Yard (Harvey Av)	6.0m	8.5m
Side Yard (east)	7.5m	7.5m
Side Yard (west)	7.5m	7.5m
Other Regulations		
Minimum Parking Requirements	1.25/ 1-bedroom unit & 1.5/2-bedroom unit (24 x 1.25 = 30) + (44 x 1.5 = 66) = 96 Total Stalls Req.	96 spaces
Visitor Parking Stalls	Of the total req. spaces, 1 space for every 7 units shall be designated as visitor parking (68 units / 7 = 9.71, therefore 10 stalls req.)	7 visitor parking spaces●
Bicycle Parking	Inside: 0.5 / unit = 34 Outside: 0.1 / unit = 7	Inside: 64 provided Outside: 7 provided
● Indicates a requested variance to vary the number of required visitor parking spaces from 10 spaces required to 7 spaces provided.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Parking Relaxations.¹ Consider parking requirement relaxations in areas that are not part of a cash-in-lieu program, where an approved TDM strategy indicates a lower use of vehicles and the City is satisfied that parking relaxations would not create parking spill-over problems on adjoining neighbourhood streets.

Multi-Unit Residential Parking.² Encourage developers/ landlords to unbundle parking price from the multi-family housing or rental price.

6.0 Technical Comments

6.1 Development Engineering Department

See attached Memorandum dated February 4, 2015

7.0 Alternate Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0023, Common Property Strata Plan KAS3577, located on 850 Saucier Avenue, Kelowna, BC subject to the following:

¹ City of Kelowna Official Community Plan, Policy 5.11.1 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.11.4 (Development Process Chapter).

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

Section 8: Parking and Loading , Table 8.1 - Parking schedule

To vary the required visitor parking stalls from 10 required to 7 proposed.

8.0 Application Chronology

Date of Application Received:	January 28, 2015
Date of Public Consultation:	November 6, 2014

Report prepared by:

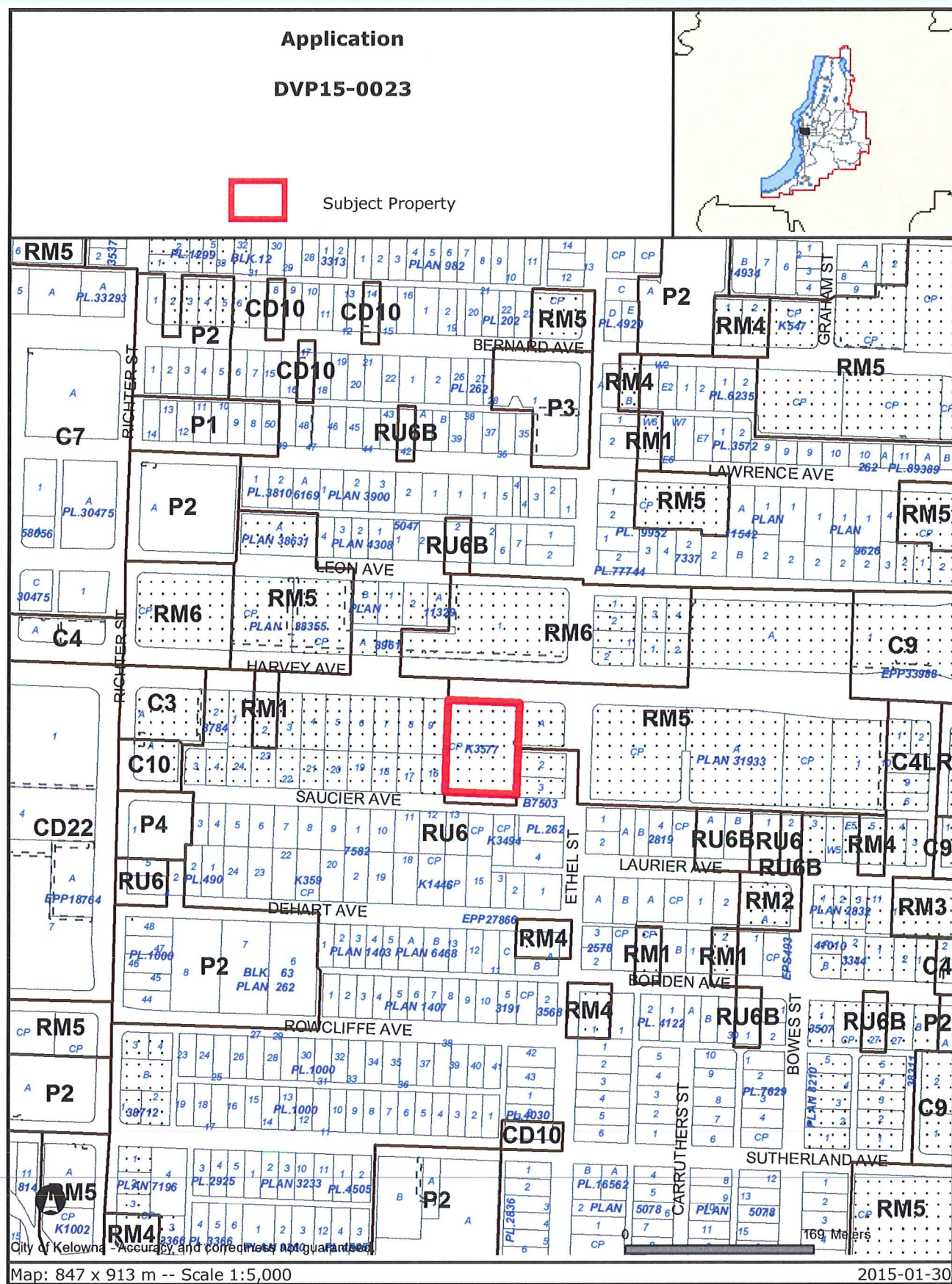
Lydia Korolchuk, Planner

Reviewed by: ☐ Lindsey Ganczar, Urban Planning Supervisor

Reviewed by: ☐ Ryan Smith, Urban Planning Manager

Attachments:

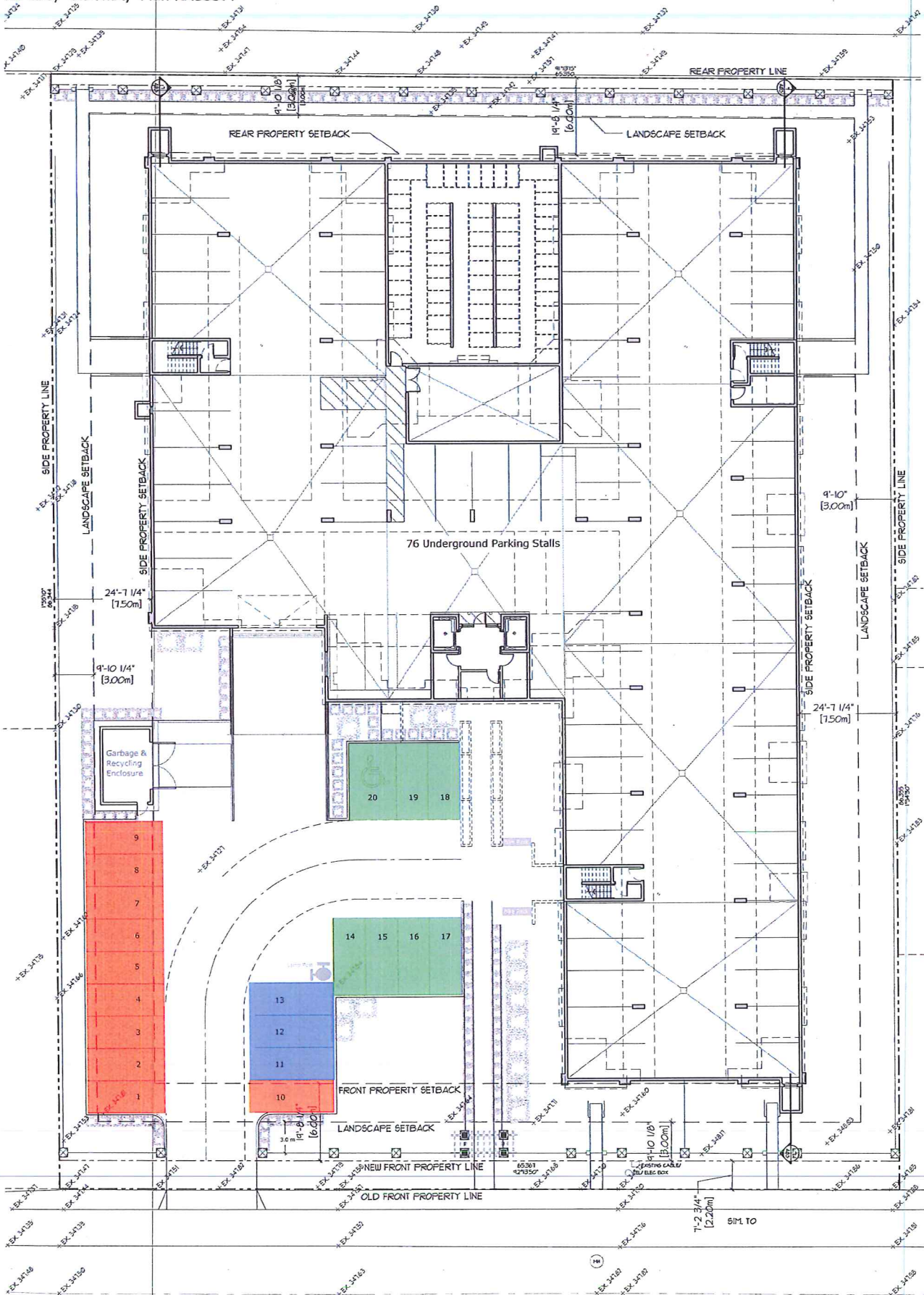
Site Plan
Development Engineering Memorandum



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.

urano, KAS3577
50 Saucier Avenue, Kelowna, BC
.L. 138, O.D.Y.D., Plan KAS3577

HARVEY AVENUE (HIGHWAY 97)



Bylaw Restricted Visitor Parking Designation

Green & Blue Shade - 10 Visitor Parking Stalls
Red Shade - 10 Murano Resident Parking Stalls

Proposed Visitor Parking Variance

Green Shade - 7 Visitor Parking Stalls
Blue & Red Shade 13 Murano Resident Parking Stalls

SCHEDULE 'A'

This forms part of development
Permit # DVP15-0023


CITY OF KELOWNA
MEMORANDUM

Date: February 4, 2015
File No.: DVP15-0023
To: Urban Planning (LK)
From: Development Engineering Manager
Subject: 850 Saucier Ave

Development Engineering comments and requirements regarding this development variance permit application are as follows:

The request to vary the parking requirements from 10 visitor stalls required to the 7 stalls proposed can be supported by Development Engineering based on the "Purpose of Parking Variance" document provided by the applicant.

It should be noted that the parking will be reduced on Ethel Street as part of the Active Transportation Corridor upgrade scheduled to be constructed in phases between 2015 & 2020.



Steve Muenz, P. Eng.
Development Engineering Manager
SS

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No. DVP15-0023

EXISTING ZONING DESIGNATION: RM5 - Medium Density Multiple Housing
WITHIN DEVELOPMENT PERMIT AREA: Comprehensive Development Permit Area

ISSUED TO: Priority Permits
LOCATION OF SUBJECT SITE: #130, 5505 - 5507 Airport Way

	LOT	DISTRICT LOT	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:					Common Property Strata KAS3577

SCOPE OF APPROVAL

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

1. TERMS AND CONDITIONS:

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

Section 8: Parking and Loading, Table 8.1 - Parking Schedule

Vary the required visitor parking stalls from ten (10) to seven (7).

2. The development shall commence by and in accordance with an approved Building Permit within TWO YEARS of the date of the Municipal Council authorization resolution.
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 two years of the date of this Permit, this Permit shall lapse.

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

THIS Permit IS NOT A BUILDING Permit.

5. APPLICANT'S AGREEMENT:

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

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

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

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

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

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY COUNCIL ON THE _____

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

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