



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, February 6, 2018
Location: Council Chamber
City Hall, 1435 Water Street

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

Staff Present Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming, Community Planning Department Manager, Ryan Smith; Planner Emily Williamson; Planner Specialist, Adam Cseke; Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 6:43 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Singh.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Gray

R132/18/02/06 THAT the Minutes of the Regular Meeting of January 23, 2018 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 Various Addresses, BL11527 (OCP17-0027) - City of Kelowna

Councillor Singh declared a conflict of interest for items 4.1 and 4.2 as one of the impacted properties is in her immediate neighbourhood and departed the meeting at 6:45 p.m.

Moved By Councillor Gray/Seconded By Councillor Hodge

R133/18/02/06 THAT Bylaw No. 11527 be read a second and third time.

Carried

4.2 Various Addresses, BL11536 (Z17-0107) - City of Kelowna

Moved By Councillor Hodge/Seconded By Councillor Gray

R134/18/02/06 THAT Bylaw No. 11536 be read a second and third time.

Carried

Councillor Singh rejoined the meeting at 6:46 pm

4.3 McIntosh Rd 360, Dougall Rd N 345 & 365 - BL11528 (Z17-0041) - Unik-Town Development Inc.

Moved By Councillor Gray/Seconded By Councillor Hodge

R135/18/02/06 THAT Bylaw No. 11528 be read a second and third time.

Carried

4.4 Lakeshore Rd 5076, BL11529 (LUCT16-0001) - Stewart Storie and Gloria Heung

Moved By Councillor Given/Seconded By Councillor Donn

R136/18/02/06 THAT Bylaw No. 11529 be read a second and third time and be adopted.

Carried

4.5 Lakeshore Rd 5076, BL11531 (Z16-0027) - Stewart Storie and Gloria Heung

Moved By Councillor Donn/Seconded By Councillor Given

R137/18/02/06 THAT Bylaw No. 11531 be read a second and third time and be adopted.

Carried

4.6 DeHart Rd 644, BL11533 (Z17-0097) - Ricardo & Patricia Tomic

Moved By Councillor Given/Seconded By Councillor Donn

R138/18/02/06 THAT Bylaw No. 11533 be read a second and third time.

Carried

4.7 Glenmore Rd 621, BL11535 (Z17-0106) - Mehdi Tehrani and Mandana Ghanyei

Moved By Councillor Stack/Seconded By Councillor DeHart

R139/18/02/06 THAT Bylaw No. 11535 be read a second and third time.

Carried

4.8 Rutland Rd N 1308 & 1324, BL11537 (Z17-0047) - 1121911 BC Ltd

Moved By Councillor DeHart/Seconded By Councillor Stack

R140/18/02/06 THAT Bylaw No. 11537 be read a second and third time.

Carried

4.9 Moberly Rd 3439, BL11538 (Z17-0090) - Steven and Colleen Hall

Moved By Councillor Stack/Seconded By Councillor DeHart

R141/18/02/06 THAT Bylaw No. 11538 be read a second and third time and be adopted.

Carried

4.10 Christleton Ave 344, BL11539 (Z17-0102) - Christopher and Sara Eddy

Moved By Councillor DeHart/Seconded By Councillor Stack

R142/18/02/06 THAT Bylaw No. 11539 be read a second and third time.

Carried

4.11 Maple St 1847, BL11541 (Z17-0070) - Robert and Marianne Law

Moved By Councillor Stack/Seconded By Councillor Singh

R143/18/02/06 THAT Bylaw No. 11541 be read a second and third time.

Carried

4.12 Pitcairn Ct 911, BL11542 (Z17-0084) - Glen and Charmaine Manlove

Moved By Councillor DeHart/Seconded By Councillor Singh

R144/18/02/06 THAT Bylaw No. 11542 be read a second and third time.

Carried

4.13 Treadgold Ct 5059, BL11543 (Z17-0029) - Travis Shipka

Moved By Councillor DeHart/Seconded By Councillor Singh

R145/18/02/06 THAT Bylaw No. 11543 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 mailing 184 statutory notices to the owners and occupiers of surrounding properties on Tuesday, January 23, 2018.

Notice of these Liquor Primary Licences were advertised by being posted on the Notice Board at City Hall on Tuesday, January 23, 2018, and by being placed in the Kelowna Daily Courier issues on Friday, January 26 and Wednesday, January 31 and by sending out or otherwise

mailing 23 statutory notices to the owners and occupiers of surrounding properties on Tuesday, January 23, 2018.

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. Liquor License Application Reports

6.1 Richter St 1033, LL17-0018 - Cellar-Tek Developments Ltd

Councillor Sieben declared a perceived conflict of interest as he has an interest in a brewery in proximity of the subject property and departed the meeting at 7:02 p.m.

Staff:

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

The City Clerk advised that the following correspondence was received:

Letter of Conditional Support:
Ken Cappos, Casorso Rd

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

The Applicant was not present.

No one from the Gallery came forward.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Donn

R146/18/02/06 THAT Council directs Staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

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

Council recommends support of an application from Matthew Jewell (Omen Brewing Co. Ltd.) located at 1033 Richter St., Kelowna, BC, legally described as Parcel B (being a consolidation of lots 41 and 42, see LB35641), Section 30, Township 26, ODYD, Plan 1014, for a manufacturer lounge and special event area endorsement from '10:00 AM to 12:00 AM Monday to Sunday. That Council's comments on the prescribed considerations are as follows:

- (a) The potential for noise if the application is approved;

The potential impact for noise is minimal and would be compatible with surrounding land uses.

- (b) The impact on the community if the application is approved;

The potential for negative impacts is considered to be minimal.

THAT Council's comments on the view of residents 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 and Procedures".

Carried

Councillor Sieben rejoined the meeting at 7:16 p.m.

7. Development Permit and Development Variance Permit Reports

7.1 Ethel St 1740, Z16-0081 (BL11353) - New Town Services Inc.

Moved By Councillor Hodge/Seconded By Councillor Gray

R147/18/02/06 THAT Bylaw No. 11353 be amended at third reading to update bylaw title and legal description.

Carried

Moved By Councillor Hodge/Seconded By Councillor Gray

R148/18/02/06 THAT Bylaw No. 11353 as amended be adopted.

Carried

7.2 Ethel St 1740, DP16-0289 & DVP16-0290 - New Town Services Inc.

Staff:

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

The City Clerk advised that the following correspondence was received:

Letter of Opposition:

Harvey Benson, Cameron Ave

Letter in Support:

Ken Cappos, Casorso Rd

Form Letters of Opposition:

A & A Ventures, Saucier Ave
Alice Klempler, Saucier Ave
Manhattan Ventures Inc., Saucier Ave
Nola Klempler, Saucier Ave
John Klempler, Saucier Ave

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

Keith Funk, Newtown Planning Services, Applicant

- Displayed a PowerPoint Presentation, re: Ethel Street Redevelopment
- Spoke to the surrounding context and that this project is sensitive to the surrounding community.
- The built form is consistent with the surrounding properties and the intent of the Official Community Plan.
- This project provides diverse housing mix.
- Commented that the high ground water table creates construction challenges.
- Spoke to the reasons for the variances requested this evening.
- Made comment that there will be an over-supply in bicycles parking stalls.

- Advised that there are no parking variances being sought.
- An Arborist has been retained to advise on maintaining the heritage tree on site during construction.
- Aware of and sensitive to the concerns of the neighbours on Saucier Avenue.

No one from the Gallery came forward.

There were no further comments

Moved By Councillor Donn/Seconded By Councillor Hodge

R149/18/02/06 THAT Rezoning Bylaw No. 11353 be amended at third reading to revise the legal description of the subject properties from Lot 2 District Lot 138 ODYD Plan 1942 and Lot 3 District Lot 138 ODYD Plan 1942 to Lot 1 District Lot 138 ODYD Plan EPP71627;

AND THAT final adoption of Rezoning Bylaw No. 11353 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP16-0289 for Lot 1 District Lot 138 ODYD Plan EPP71627, located at 1940 Ethel Street, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

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

Section 13.11.6(b): RM5 – Medium Density Multiple Housing Development Regulations

To vary the required maximum site coverage from 40% permitted to 45% proposed and the maximum site coverage of buildings, driveways, and parking areas from 65% permitted to 73% proposed;

Section 13.11.6(d): RM5 – Medium Density Multiple Housing Development Regulations

To vary the required minimum site front yard from 6.0 m permitted to 1.5 m proposed;

Section 13.11.6(e): RM5 – Medium Density Multiple Housing Development Regulations

To vary the required minimum site side yard from 6.0 m permitted to 1.5 m proposed;

Section 13.11.6(f): RM5 – Medium Density Multiple Housing Development Regulations

To vary the required minimum site rear yard from 9.0 m permitted to 7.0 m proposed;

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

Carried

8. Reminders

Mayor Basran requested the Community Planning Department Manager provide comments on yesterday's Provincial announcement regarding cannabis.

Staff:

- Advised that a Policy discussion with Council is tentatively scheduled for March 12, 2018.

9. Termination

The meeting was declared terminated at 7:36 p.m.

Mayor Basran

/acm

City Clerk