

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, August 14, 2018
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. **Call to Order**
2. **Reaffirmation of Oath of Office**
The Oath of Office will be read by Councillor Donn.
3. **Confirmation of Minutes** 1 - 18
Public Hearing - July 31, 2018
Regular Meeting - July 31, 2018
4. **Bylaws Considered at Public Hearing**
 - 4.1 **Curlew Dr 521, Z17-0049 (BL11467) - Derek and Tammy Cartier** 19 - 19
To give Bylaw No. 11467 second, third readings and adopt in order to rezone the subject property from the RR1 - Rural Residential 1 zone to the RU1c - Large Lot Housing with Carriage House zone.
 - 4.2 **Valley Rd 244, 252, 260 & 268, OCP18-0008 (BL11641) - Vanmar Developments 2 Ltd** 20 - 20
Requires a majority of all Council (5).
To give Bylaw No. 11641 second and third readings in order to change the Future Land Use Designation on the subject properties from the S2RES - Single / Two Unit Residential, EDINST – Educational/Major Institutional designation and S2RES - Single / Two Unit Residential designations to the MRL – Multiple Unit Residential (Low Density) designation.
 - 4.3 **Valley Rd 244, 252, 260 & 268, Z18-0042 (BL11642) - Vanmar Developments 2 Ltd** 21 - 21
To give Bylaw No. 11642 second and third readings in order to rezone the subject properties from the RU2 – Medium Lot Housing, P2 – Education and Minor Institutional and RR3 – Rural Residential zones to the RM3 – Low Density Multiple Housing zone.

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|-----|--|---------|
| 4.4 | Taylor Rd 235, Z17-0088 (BL11648) - 0725353 BC Ltd., No. BCo725353 | 22 - 22 |
| | <p>To give Bylaw No. 11648 second and third readings in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RM3 - Low Density Multiple Housing zone.</p> | |
| 4.5 | McCarthy Rd 9570 & 9580, Z18-0050 (BL11649) - The Flowr Group (Okanagan) Inc., Inc. No. BCo974062 | 23 - 23 |
| | <p>To give Bylaw No. 11649 second and third readings in order to rezone the subject property from the A1 - Agriculture 1 zone to the I2 - General Industrial zone.</p> | |
| 4.6 | Paret Rd 820, Z18-0046 (11650) - Lisa and Edward Berk | 24 - 24 |
| | <p>To give Bylaw No. 11650 second and third readings and adopt in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.</p> | |
| 4.7 | Raymer Rd 4624, Z18-0035 (BL11652) - Montemurro Industries Inc | 25 - 25 |
| | <p>To give Bylaw No. 11652 second and third readings in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone.</p> | |
| 5. | Notification of Meeting | |
| | <p>The City Clerk will provide information as to how the following items on the Agenda were publicized.</p> | |
| 6. | Liquor License Application Reports | |
| 6.1 | Lakeshore Rd 4629, LL18-0013 - Mod Salon Surtees Inc | 26 - 31 |
| | <p>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.</p> | |
| | <p>To consider a Liquor Primary License for a personal service establishment with an occupant load of 29 persons.</p> | |
| 7. | Reminders | |
| 8. | Termination | |



City of Kelowna

Public Hearing

Minutes

Date: Tuesday, July 31, 2018
 Location: Council Chamber
 City Hall, 1435 Water Street

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

Council Members Absent: Councillor Ryan Donn

Staff Present: City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Acting Divisional Director, Community Planning and Strategic Investments, Derek Edstrom; Urban Planning Manager, Terry Barton; Suburban and Rural Planning Manager, Dean Strachan*; Planner Specialist, Adam Cseke; Policy & Planning Department Manager, Danielle Noble-Brandt*; Sustainability Coordinator, Tracy Guidi*; and Acting Legislative Services Supervisor, Sandi Horning

(* denotes partial attendance)

1. Call to Order

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

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

2. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board of City Hall on July 17, 2018 and by being placed in the Daily Courier issues of Friday, July 20, 2018 and Wednesday, July 25, 2018, and by sending out or otherwise delivering 551 statutory notices to the owners and occupiers of surrounding properties on Tuesday, July 17, 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.

3. Individual Bylaw Submissions

3.1 Lakeshore Rd 5165, Z18-0036 (BL11634) - Kenneth & Darlene Therrien

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence was received.

The Applicant was present and available for questions.

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

3.2 Francis Ave 615, Z18-0058 (BL11635) - John Thomas Hodges

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letter of Concern

Jim & Beryl Cooke, Francis Ave

Birte Decloux, Urban Options Planning & Permits, Applicant's Representative

- Displayed a PowerPoint presentation summarizing the rationale for the rezoning application.
- Spoke to the application within the neighbourhood context.
- Spoke to the neighbour's concerns.

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

3.3 Pacific Ave 1211, 1221-1223, 1237 & 1239 and Pasknak St 1929 & 1933, Z18-0026 (BL11636) - Pacific Pasknak Holdings Ltd., Inc. No. BC1051633

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letters of Opposition and Concern

Patrick Bailey, Pacific Ave
Betty Geddes, Paskin St
Kenneth P. Capps, Casorso Rd

Jesse Alexander, New Town Architecture & Engineering, Applicant's Representative

- Displayed a PowerPoint presentation summarizing the rationale for the rezoning.
- Spoke to the application within the neighbourhood context.
- Spoke to the form and character of the development and the rationale for the requested variances.

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

3.4 Badke Rd 905-907, Bryden Rd 155 & Hwy 33 W 970, OCP18-0007 (BL11638), Z18-0027 (BL11639) - Kelowna Christian Centre Society

Staff:

- Displayed 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 and Concern

Kenneth P. Capps, Casorso Rd

Jesse Alexander, New Town Architecture & Engineering, Applicant's Representative

- Displayed a PowerPoint presentation summarizing the rationale for the requested rezoning.
- Spoke to the application within the neighbourhood context.
- Spoke to the form and character of the development and the rationale for the requested variances.
- Responded to questions from Council

Pastor David Kalamen, Founding Pastor, Kelowna Christian Centre

- Provided background information regarding the Kelowna Christian Centre.
- Spoke to the rationale behind the application and the need for a new school.
- Responded to questions from Council.

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

Lisa Simone, Badke Road

- Opposed to the application.
- Believes that the proposed height is in the wrong area of the neighbourhood.
- Raised concerns regarding the underground stream in the area and commented on how it has impacted structures on Badke Road.

- Expressed a concern that this development will impact the underground water flows resulting in additional shifts to structures in the area.
- Expressed a concern with traffic impacts on the area.
- Expressed a concern with the additional traffic to and from the site.

Andrew Stanley, Bryden Road

- Expressed a concern with traffic in the area as there is already traffic congestion as a result of the Highway 33 intersection and the school.
- Expressed a concern with the lack of sidewalks in the area.
- Noted that the traffic count was conducted during the summer which doesn't account for school traffic.
- Expressed a concern with pedestrian safety.

Sheila Johnston, Badke Road

- Expressed a concern with the lack of parking in the area, particularly during church and school days.
- Expressed a concern with the water flow issues identified by the previous speaker and the impact it may have on her financially. She has already spent a lot of money fixing her foundation as a result of the groundwater issues.
- Expressed a concern with the requested height variance.

Jesse Alexander, New Town Architecture & Engineering, Applicant's Representative

- The developer is actively working on obtaining a geotechnical report to address the groundwater concerns in the area.
- Advised that the Ministry of Transportation and Infrastructure has not raised any concerns with the capacity of the Highway 33 and Bryden Road intersection.
- Believes there is adequate parking available and noted that the existing locations are being restructured to expand capacity.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments.

3.5 Hawes Ct 526, Z18-0032 (BL11640) - David Nicholds

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letters of Support

Derek Hyde, Treadgold Crt

The Applicant was present and available for questions.

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

Gallery:

Todd Penkala, Hawes Court

- Doesn't have an issue with the development.
- Noted that there is an access easement through the subject property which allows him to access the bottom portion of his property and expressed a concern that this development could impact his access.
- His property is greatly impacted by the development and wants assurances that access to his property is maintained.
- Wants to ensure his property interests and values are maintained and does not want to incur any additional legal fees.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments.

3.6 Updating the Official Community Plan's GHG Targets, OCP18-0016 (BL11643) - City of Kelowna

Staff:

- Spoke to the legislative requirements and provided the rationale for amending the Official Community Plan to update the targets.

The City Clerk advised that no correspondence was received.

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

3.7 Cedar Ave 414 & 420 Z18-0021 (BL11644) - Albert Wisestock

Staff:

- Displayed 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 and Concern

Colin & Lynn Banfield, Pandosy St
 Michael & Annalee LeFeuvre, Groves Ave
 Cliff Andrusko, Cedar Ave
 Kenneth P. Cappos, Casorso Rd
 Pandosy Village Business Association, Richter St
 Jack & Carol Campos, Newsom Ave

Letters of Support

Andre Comeau, Meikle Ave
 Campbell Ingle, Raymer Ave
 Patricia Oliveira, Raymer Ave
 Francisco Merinero – Hector's Casa, Pandosy St
 Ray Balank, Meikle Ave
 Scott Fader, Richter St
 Mike Bishop, Meikle Ave
 Bob Bishop, Meikle Ave
 Kay Moldovan, Walnut St
 Ken Moldovan, Walnut St
 Roger Gabel, Abbott St
 KLO Neighbourhood Association, Abbott St

Keith Funk, New Town Architecture & Engineering, Applicant's Representative

- Displayed a PowerPoint presentation summarizing the rationale for the rezoning application.
- Spoke to the application with the neighbourhood context.
- Spoke to the rationale behind the design and the height.

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

Gallery:

Amanda, Works on Cedar Ave, Lives on Harbour Rd

- Expressed a concern regarding parking.

Milan Boric, Abbott Street

- Not opposed to the rezoning or the development; Opposed to the height variance.
- Expressed a concern with parking in the area.

Cindy Loo, KLO Road

- Supports the rezoning.
- The City needs more housing stock, particularly in this area.

Brent Basil, Patterson Avenue

- Expressed concerns regarding the location of the proposed development.
- Expressed a concern with traffic impacts.
- Expressed a concern with parking.
- Expressed a concern with how this will impact public transit in the area as it is already at capacity.

Robert Moor, Mason Avenue

- Supports increasing density, but does not support the proposed rezoning.
- Questioned whether the development will fit into the neighbourhood.
- Believes that the value to the owner is much greater than the value to the community.
- Does not support the C4 zone due to the potential permitted uses.
- Responded to questions from Council.

Paul Clark, Co-Chair of the KLO Neighbourhood Association

- In favour of the rezoning with some major concerns.
- Would like to see a Pandosy Neighbourhood Plan implemented in order to put these types of applications into an area context. Would like the area to be rezoned for C4 with some guidelines for character and livability.
- Would like the City to develop Cedar Ave Park and spoke to the Memorandum of Understanding the Association proposed.
- Concerned that there is a lack of funding for development of parks in the area.

Joyce McDonald, Cedar Avenue

- Expressed a concern with the lack of an urban plan for the area.
- Believes that Newsom Avenue is already congested with traffic.
- Does not want a repeat of SOPA Square.

Michael Neil, Watt Road

- Has lived in the area for 23 years.
- Fully supportive of the project.
- Expressed a concern with the lack of development of parkland in the area due to the lack of funding.
- Believes the City needs to raise funds to develop parks through the development/redevelopment process.
- Responded to questions from Council.

Robert Stupka, Scott Road

- Spoke to the infrastructure deficit in the City as identified in a Report to Council a few weeks ago.
- Made comments on growth and amenities and encouraged Council to have developers pay for area amenities.
- Noted there are different principle uses in the C4 zone and expressed a concern with those uses should this project not come to fruition.
- The requested variances do not provide a benefit to the community.
- Responded to questions from Council.
- Confirmed he is supportive of the rezoning for this project only.

Representative of 0965534 BC Ltd., Timberline Road

- Owns 417 Cedar Ave.
- Supportive of the rezoning.
- The project will add to the quality of life in the area and would bring immediate improvements such as sidewalks.

Staff:

- Responded to questions from Council.

There were no further comments.

3.8 St Paul St, 1471, Z18-0002 (BL11646) - Mission Group Holdings Ltd

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letters of Opposition and Concern:

Amanda Poon, Ethel St
Lori Renwick, St. Paul St
Peter Kerr, Gordon Dr
Kelly Hutchinson, Glen Park Dr
Kenneth P. Cappos, Casorso Rd
BCGEU, Canada Way, Burnaby, BC

Luke Turri, Mission Group Holdings Ltd., Applicant's Representative

- Commented that Staff has summarized the proposed rezoning application accurately.
- Provided the rationale for the proposed rezoning.
- Spoke to the short term rental issues raised in the community over the past two weeks.
- The Mission Group did include short term rentals in some of its marketing materials and will make it clear that these regulations are currently under review by the City.

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

Gallery:

Win, Pemberton Road, on behalf of the BCGEU

- Read the letter on behalf of the BCGEU that had been circulated to Council as part of the Public Hearing correspondence.

Dianne Varga, Lake Avenue

- Displayed images on the ELMO
- Opposed to the rezoning application.
- Opposed to short term rentals.
- Spoke to the general Zoning Bylaw and its failure when it comes to regulating short term rentals.

Amanda Poon, Ethel Street

- Opposed to the rezoning application if the prime usage is for a short-term rental type hotel.
- Made comments based on the submitted correspondence.
- Questioned whether the C7 zone is the appropriate zone for this project.
- Responded to questions from Council.

Marty Enns, Leon Avenue

- Opposed to the rezoning.
- Made comments on affordability and the impact of short term rentals.
- There is a need for both rental and home ownership affordability.

Christine Mettle, Lindahl Street

- Opposed to the rezoning.
- Does not like the ability to allow for short-term rentals as the C7 zone would allow the property to be turned into short term rentals.

- Made comment on a McGill University study that determined short term rental impacts vacancy rates and rents negatively.
- Responded to questions from Council.

Robert Stupka, Scott Road

- Expressed a concern with allowing short term rentals and their impact on real estate costs.
- Responded to questions from Council.

Andrea Hess, Wyndam Crescent

- Opposed to the rezoning.
- Opposed to short term rentals.
- Believes new developments need to be for local people to live in.

Dianne Varga, Lake Avenue

- Provided further comments regarding her opposition to short-term rentals.

Luke Turri, Mission Group Holdings Ltd., Applicant's Representative

- Made reference to the passion displayed during the Public Hearing, particularly regarding short term rental regulation development.
- Responded to the concerns raised by the intervenors regarding short-term rentals.
- The project viability does not depend on the ability to provide short-term rentals.
- The Mission Group wants to build homes for residents and is not specifically designing the project as a short-term rental. The focus of this project is on making units livable for the downtown.
- Believes the C7 zoning is the correct zoning for the property.
- Responded to questions from Council.

City Clerk:

- Made comment on section 528 of the *Local Government Act* and spoke in general terms on how non-conforming status is determined when zoning regulations are amended.

There were no further comments.

4. Termination

The Hearing was declared terminated at 9:23 p.m.

Mayor Basran

/slh

City Clerk



City of Kelowna
Regular Council Meeting
Minutes

Date: Tuesday, July 31, 2018
Location: Council Chamber
City Hall, 1435 Water Street

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

Council Members Absent: Councillor Ryan Donn

Staff Present: City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Acting Divisional Director, Community Planning and Strategic Investments, Derek Edstrom; Urban Planning Manager, Terry Barton; Suburban and Rural Planning Manager, Dean Strachan*; Planner Specialist, Adam Cseke; and Acting Legislative Services Supervisor, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 9:38 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor DeHart.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Sieben

R722/18/07/31 THAT the Minutes of the Public Hearing and Regular Meeting of July 17, 2018 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 Lakeshore Rd 5165, Z18-0036 (BL11634) - Kenneth & Darlene Therrien

Moved By Councillor Stack/Seconded By Councillor DeHart

R723/18/07/31 THAT Bylaw No. 11634 be read a second and third time and be adopted.

Carried

4.2 Francis Ave 615, Z18-0058 (BL11635) - John Thomas Hodges

Moved By Councillor DeHart/Seconded By Councillor Stack

R724/18/07/31 THAT Bylaw No. 11635 be read a second and third time.

Carried

4.3 Pacific Ave 1211, 1221-1223, 1237 & 1239 and Pasnak St 1929 & 1933, Z18-0026 (BL11636) - Pacific Pasnak Holdings Ltd. ,

Moved By Councillor Stack/Seconded By Councillor DeHart

R725/18/07/31 THAT Bylaw No. 11636 be read a second and third time.

Carried

4.4 Badke Rd 905-907, Bryden Rd 155 & Hwy 33 W 970, OCP18-0007 (BL11638) - Kelowna Christian Centre Society

Moved By Councillor Sieben/Seconded By Councillor Singh

R726/18/07/31 THAT Bylaw No. 11638 be read a second and third time.

Carried

- 4.5 Badke Rd 905-907, Bryden Rd 155 & Hwy 33 W 970, Z18-0027(BL11639) - Kelowna Christian Centre Society

Moved By Councillor Sieben/Seconded By Councillor Singh

R727/18/07/31 THAT Bylaw No. 11639 be read a second and third time.

Carried

- 4.6 Hawes Ct 526, Z18-0032 (BL11640) - David Nicholds

Moved By Councillor Sieben/Seconded By Councillor Singh

R728/18/07/31 THAT Bylaw No. 11640 be read a second and third time.

Carried

- 4.7 OCP18-0016 (BL11643) Amendments to Chapter 6 - Environment - City of Kelowna

Moved By Councillor Hodge/Seconded By Councillor Gray

R729/18/07/31 THAT Bylaw No. 11643 be read a second and third time and be adopted.

Carried

- 4.8 Cedar Ave 414 & 420, Z18-0021 (BL11644) - Albert Weisstock

Moved By Councillor Given/Seconded By Councillor Gray

R730/18/07/31 THAT Bylaw No. 11644 be read a second and third time;

AND THAT the following condition for final adoption of Bylaw No. 11644 be deleted:

"AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the final lot consolidation with the closure and sale of the adjacent laneway to the applicant;"

and replaced with:

"AND THAT final adoption of the Rezoning Bylaw be considered subsequent to final lot consolidation;"

Carried

4.9 St Paul St 1471, Z18-0002 (BL11646) - Mission Group Holdings Ltd

Moved By Councillor Hodge/Seconded By Councillor Gray

R731/18/07/31 THAT Bylaw No. 11646 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 429 statutory notices to the owners and occupiers of the surrounding properties on Tuesday, July 17, 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. Development Permit and Development Variance Permit Reports

6.1 Findlay Rd 1297, Z16-0083 (BL11430) - Radec Group

Moved By Councillor Given/Seconded By Councillor Gray

R732/18/07/31 THAT Bylaw No. 11430 be amended at third reading by:

- deleting "Lot A Section 35 Township 26 ODYD Plan 18811" and replace it with "Lot 1, Section 35, Township 26, ODYD, Plan EPP69228"; and
- deleting "1287 &" in the title;

Carried

Moved By Councillor Given/Seconded By Councillor Gray

R733/18/07/31 THAT Bylaw No. 11430, as amended, be adopted.

Carried

6.2 Findlay Rd 1297, DP16-0295 & DVP16-0296 - TMI Properties Ltd

Staff:

- Displayed 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 and Concern:

Steve Kraushar, Findlay Road

Polly, Ron Hart Architecture, Applicant's Representative

- Responded to questions from Council.

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

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Sieben

R734/18/07/31 THAT Rezoning Bylaw No. 11430 be amended at third reading to revise the legal description of the subject properties from Lot A Section 35 Township 26 ODYD Plan 18811, located at 1297 Findlay Road, Kelowna, BC, and Lot B Section 35 Township 26 ODYD Plan 18811, located at 1287 Findlay Road, Kelowna, BC to Lot 1, Section 35, Township 26, ODYD, Plan EPP69228, located at 1297 Findlay Road;

AND THAT final adoption of Rezoning Bylaw No. 11430 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP16-0295 for Lot 1, Section 35, Township 26, ODYD, Plan EPP69228, located at 1297 Findlay Road, 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, as shown on Schedule "A":

Section 8.9.1(c): Parking and Loading – Off Street Vehicle Parking Location

To vary the required rear yard setback for off-street parking from 1.5m required to 0.0m proposed;

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

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

Carried

6.3 Drysdale Blvd 333, DP18-0037 & DVP18-0038 - OCORP Developments

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letters of Opposition and Concern:

Suzanne and Jim McKay, Whitman Road (2 pieces)
Marie Rolfe, Whitman Road
Richard and Marlene Wright, Whitman Road
John and Donna Harling, Whitman Road
Mr. and Mrs. Smart, Whitman Road
Sheila Dunn, Whitman Road
Joel and Cheryl Kuyvenhoven, Drysdale Blvd
Harry and Lesley Osachoff, Whitman Road
Barry and Cheryl Bashutski, Whitman Road
Jennifer Woods, Whitman Road

John Guy Beliveau, Zeidler Architecture, Applicant's Representative

- Displayed a PowerPoint presentation summarizing the rationale for the development.
- Spoke to the form and character of the buildings and the rationale for the requested variances.

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

Gallery:

Greg Baytalan, Valley Road

- Lives adjacent to the subject property.
- Not opposed to the application, but does have some concerns.
- Inquired as to how the height is determined.
- Expressed a concern with the landscaping on the site and whether he should increase his plantings to ensure his privacy.
- He has had no dialogue regarding the proposed development, despite attempts to contact both the developer and the architect.
- Expressed a concern with parking in the area.

John Guy Beliveau, Zeidler Architecture, Applicant's Representative

- Responded to the intervenors concerns.

- Advised that the existing vegetation will remain and there will be additional landscaping on the subject property.
- Neither he or his client have engaged directly with the intervenor; only the developer's notification letter was sent out to the surrounding property owners.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Given

R735/18/07/31 THAT Council authorizes the issuance of Development Permit No. DP18-0037 for Lot 2, Section 33, Township 26, Plan EPP48909, located at 333 Drysdale Boulevard, 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 section of Zoning Bylaw No. 8000 be granted as described in Schedule 'A' and according to the following:

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

To vary the required maximum height from 18.0 m or 4.5 storeys permitted to 17.0 m or 5 storeys proposed

Section 8 Parking and Loading - Table 8.1 Parking Schedule

To vary the minimum amount of parking stalls from 242 to 237 parking stalls.

Section 7.6.1 (c): Minimum Landscape Buffers

To vary the minimum landscape buffer from 3.0 m to 1.5 m along the northern property line.

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

Carried

Moved By Councillor Sieben/Seconded By Councillor Singh

R736/18/07/31 THAT the meeting be continued past 11:00 p.m. in accordance with Section 5.4 of *Council Procedure Bylaw No. 9200*.

Carried

6.4 Innovation Dr 1665, DP18-0100 & DVP18-0101 - Midwest Ventures Ltd

Councillor DeHart declared a conflict of interest as her employer is a major hotel chain and in competition with the applicant and left the meeting at 11:04 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence was received.

Darren Schlemp, Applicant's Representative

- Made comments on the form and character of the building.
- Spoke to the rationale for the requested variances.

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

Moved By Councillor Singh/Seconded By Councillor Gray

R737/18/07/31 THAT Council authorizes the issuance of Development Permit No. DP18-0100 and DVP18-0101 for Lot 1, Section 14, Township 23, Plan EPP64815, located at 1665 Innovation Drive, 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 14.9.5 (B): C9 - Tourist Commercial Regulations

To vary the required maximum height from 22.0 m or 6 storeys permitted to 25.3 m or 6 storeys proposed

Section 14.9.5 (E): C9 - Tourist Commercial Regulations

To vary the required minimum rear yard from 15.0 m permitted to 11.5 m proposed

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

Section 6.1 (Industrial and Commercial Zones): Specific Zone Regulations

To vary the maximum awning, fascia, canopy, under canopy/awning from 2 signs to 5 signs proposed

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

Carried

7. Reminders – Nil.

8. Termination

The meeting was declared terminated at 11:13 p.m.

Mayor Basran

/slh



City Clerk

CITY OF KELOWNA
BYLAW NO. 11467
Z17-0049 – 521 Curlew Drive

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 15 Section 24 Township 28 SDYD Plan 32591 located on Curlew Drive, Kelowna, B.C., from the RR1 – Rural Residential 1 zone to the RU1c – Large Lot Housing with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 28th day of August, 2017.

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. 11641

Official Community Plan Amendment No. OCP18-0008 244, 252, 260 & 268 Valley 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 Lot 2 Section 4 Township 23 ODYD Plan EPP64488 located at Valley Road, Kelowna, BC from the S2RES - Single / Two Unit Residential and EDINST – Educational/Major Institutional designations to the MRL – Multiple Unit Residential (Low Density) designation.
2. AND 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 Lots 6, 5 & 4 Section 4 Township 23 and of Section 33 Township 26 ODYD Plan 18062 located at Valley Road, Kelowna, BC from the S2RES - Single / Two Unit Residential designation to the MRL – Multiple Unit Residential (Low Density) designation.
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 16th day of July, 2018.

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. 11642

Z18-0042 – 244, 252, 260 & 268 Valley 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 Lot 2 Section 4 Township 23 ODYD Plan EPP64488, located at Valley Road, Kelowna, BC from the RU2 – Medium Lot Housing and P2 – Education and Minor Institutional zones to the RM3 – Low Density Multiple Housing zone.
2. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 6, 5 & 4 Section 4 Township 23 and of Section 33 Township 26 ODYD Plan 18062, located at Valley Road, Kelowna, BC from the RR3 – Rural Residential zone to the RM3 – Low Density Multiple Housing 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 16th day of July, 2018.

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. 11648
Z17-0088 – 235 Taylor 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 by changing the zoning classification of Lot 1, Section 22, Township 26, ODYD, Plan 10497 located on Taylor Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 30th day of July, 2018.

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. 11650
Z18-0046 – 820 Paret 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 by changing the zoning classification of Lot 3 District Lot 579 SDYD Plan 15130 , located on Paret Road, Kelowna, BC from the RU1 Large Lot Housing zone to the RU1C Large Lot Housing with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 30th day of July, 2018.

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. 11649
Z18-0050 – 9570 & 9580 McCarthy 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 by changing the zoning classification of The Northerly 92.5 feet of Lot 3 measured along the east boundary of the said lot by the full depth thereof shown on Plan B15892 Section 11 Township 20 ODYD Plan 4273 and Lot 2 Section 11 Township 20 ODYD Plan 4273, located on McCarthy Road, Kelowna, BC from the A1 – Agriculture 1 zone to the I2 – General Industrial zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 30th day of July, 2018.

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. 11652
Z18-0035 – 4624 Raymer 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 Lot 6, District Lot 357, ODYD, Plan 17105, located on Raymer Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 30th day of July, 2018.

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: August 14, 2018

RIM No. 0930-50

To: City Manager

From: Community Planning Department (TA)

Application: LL18-0013 **Owner:** City of Kelowna
Worman Homes

Address: 4629-4649 Lakeshore Road **Applicant:** Mod Salon Inc & Style Bar

Subject: Liquor License Application

Existing OCP Designation: PARK – Major Park / Open Space (Public)

Existing Zone: P3 – Parks & Open Space

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 10 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Mod Salon Inc & Style Bar for a liquor primary license for Lot A, Section 25, Township 28, SDYD, Plan KAP71341, Except Plan EPP76702, located at 4629-4649 Lakeshore Road, Kelowna, BC for the following reasons:
 - New Liquor Licensing Laws allow for barbershops, salons, and other establishments to apply for a liquor primary license;
 - Council Policy No. 359 recommends supporting alternative entertainment options and/or establishments which are less focused on alcohol consumption;
 - The maximum occupancy is 29 persons which will have minimal impact on the community
2. Council's comments on LCLB's prescribed considerations are as follows:

Criteria for new liquor primary:

 - a. The location of the establishment:** The location of the establishment is suitable for a small establishment liquor primary license (not located next to any other licensed establishment);
 - b. The person capacity and hours of liquor service of the establishment:** The hours of liquor service is suitable given the low occupancy of 30 persons;

c. The impact of noise on the community in the immediate vicinity of the establishment:

There is minimal risk of an impact of noise on the community;

d. The impact on the community if the application is approved:

The overall impact on the community will be minimal;

3. Council's comments on the views 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."

2.0 Purpose

To consider a Liquor Primary License for a personal service establishment with an occupant load of 29 persons.

3.0 Community Planning

Community Planning supports the requested Liquor Primary License for the establishment known as Mod Salon Inc & Style Bar. This is the third establishment in Kelowna that has applied under the new Provincial Liquor Licensing Regulations that allow other types of businesses to apply for a liquor primary license including barbershops, salons, bookstores, galleries, and a variety of others. The impacts on the community will be minimal due to the context of the subject property and noise is not anticipated to be an issue due to the low maximum occupancy of 29 persons including staff. The establishment is located on the Surtees Property within a heritage building that was recently restored under a Heritage Revitalization Agreement. A new commercial building will also be developed on the site with ample parking for the businesses and park use. Council Policy No. 359 recommends supporting alternative entertainment options and establishments which are less focused on alcohol and provide a variety of other uses and services.

4.0 Proposal**4.1 Background**

The subject property is known as the Surtees Property and was recently redeveloped into a commercial and heritage property under Heritage Alteration Permit HRA17-0001. Allowable uses include park, retail stores, community garden, participant recreation services, offices, and liquor primary establishment minor.

4.2 Project Description

The applicant has applied for a Liquor Primary License under the new modern Provincial Liquor Licensing Regulations that allow a wider variety of businesses to apply for a liquor primary license. The proposal does not require any rezoning as the application falls under Liquor Primary Minor (less than 100-person occupancy) which is a permitted use under HRA17-0001 (Bylaw No. 11408).

Mod Salon Inc & Style Bar is a full service salon and plans to offer a variety of dry hand snacks as well as food from the surrounding cafes.

Hours of Business for Mod Salon Inc & Style Bar:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	-	10:00 am	10:00 am	10:00 am	10:00 am	10:00 am	10:00 am
Close	-	6:00 pm	8:00 pm	8:00 pm	8:00 pm	6:00 pm	4:00 pm

Proposed Hours of Liquor Sales for Mod Salon Inc & Bar:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	-	10:00 am	10:00 am	10:00 am	10:00 am	10:00 am	10:00 am
Close	-	6:00 pm	8:00 pm	8:00 pm	8:00 pm	6:00 pm	4:00 pm

The BC Building Code regulates occupant loads based on number of bathrooms and area of each establishment, and the occupant load for this space is 29 persons. As this is a relatively low occupant load, it is anticipated that the liquor license will not have a negative impact on the community in terms of noise, activity, or safety. Further, the relatively low occupant load ensures that liquor service will remain a secondary service within the business.

The location is suitable for this type of license as there are no other licensed establishments located beside this business, and it is situated on a large public property that will feature commercial uses and park uses. It is located on Lakeshore Road, making access to taxi service and bus service possible and there is ample parking on site.

Council Policy No. 359 recommends supporting establishments which are less focused on alcohol consumption to add a mix of entertainment options. This establishment will remain primarily a hair salon and therefore is an establishment less focused on alcohol and will add to the mix of entertainment options in the Lower Mission.

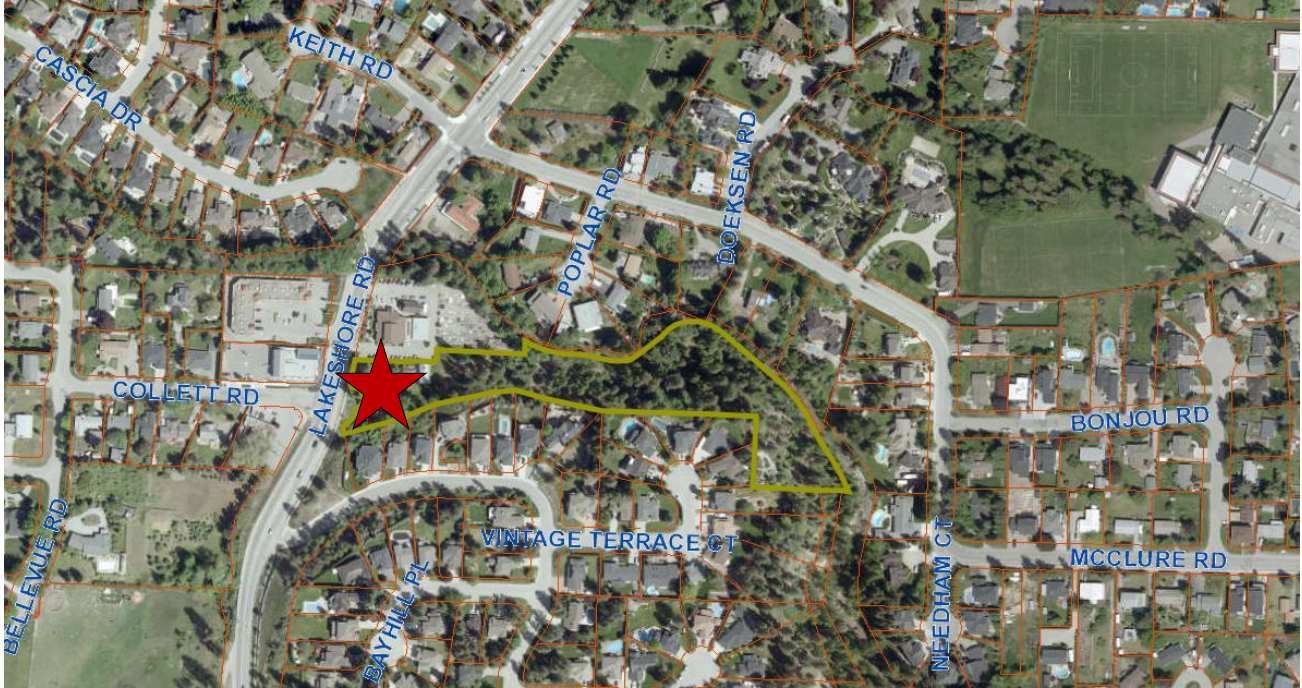
4.3 Site Context

The subject property is located in the Lower Mission near the roundabout at Collett Road and Lakeshore Road. It is known as the Surtees Property and is bordered by Bellevue Creek to the north and Single Family Residential to the south.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P2 – Educational & Minor Institutional	Religious Assembly
East	P3 – Parks & Open Space	Park
South	RU1 – Large Lot Housing	Residential
West	C2 – Neighbourhood Commercial	Commercial

Subject Property Map: 4629-4649 Lakeshore Road



5.0 Current Development Policies

Council Policy No. 359

Small establishments (with person capacity less than 100 persons) should not be located beside another liquor primary establishment.¹

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.).²

6.0 Technical Comments

6.1 Building & Permitting Department

No concerns.

6.2 Development Engineering Department

No concerns.

6.3 Bylaw Services

No open bylaw files.

¹ Council Policy No. 359 Section B.1.d.i

² Council Policy No. 359 Section B.2.a

6.4 Fire Department

No concerns.

6.5 RCMP

The RCMP requests for consideration of the Planning Department/City the establishment of a comprehensive policy to address new liquor primary and manufacturer lounge endorsement license applications. Such a policy would facilitate a consistent, guided response to applications. Input from the RCMP in the creation of the policy can be provided if so desired

7.0 Application Chronology

Date of Application Received: May 26, 2018

Date Public Consultation Completed: Not required

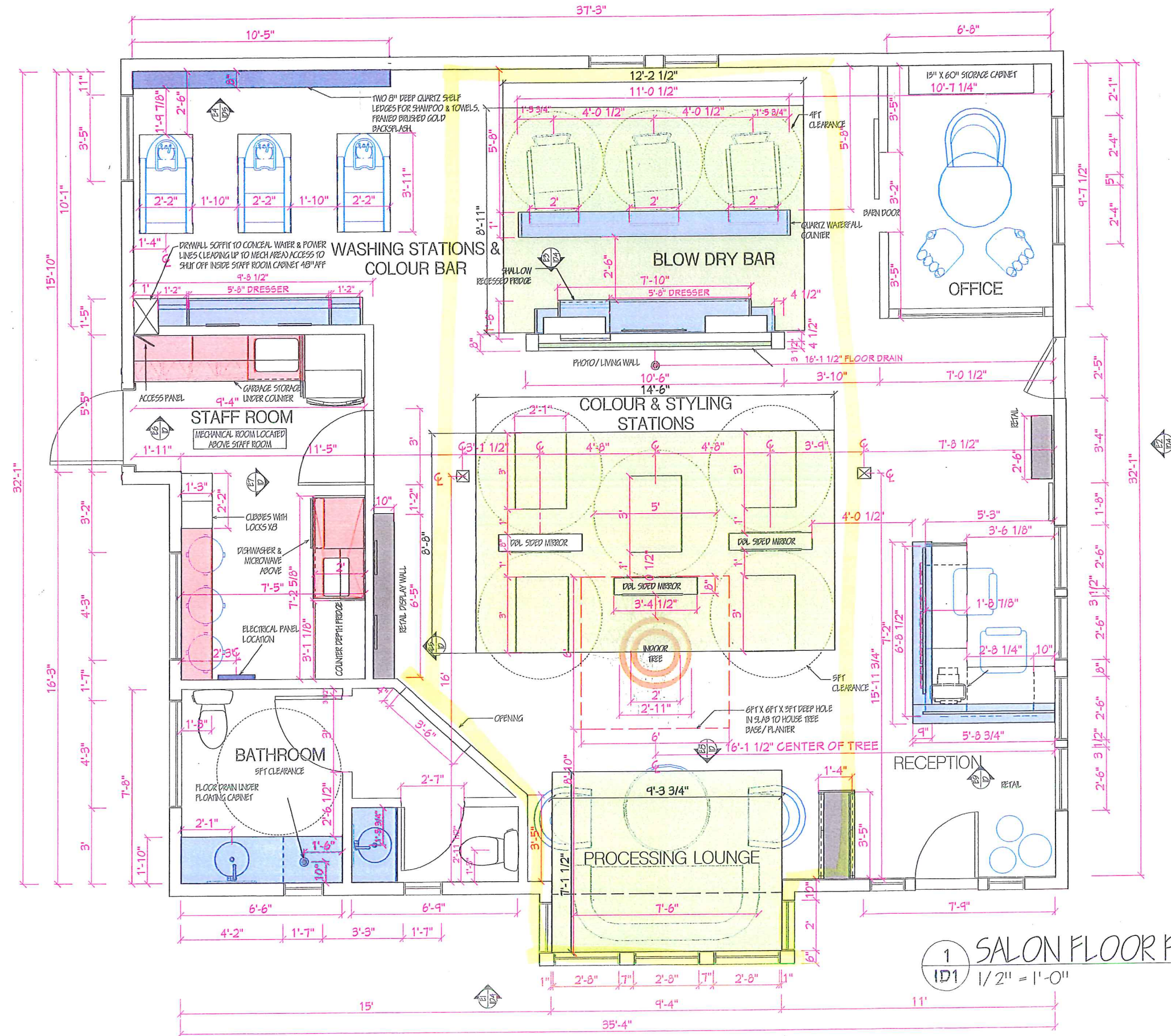
Report prepared by: Trisa Atwood, Planner II

Reviewed by: Terry Barton, Urban Planning Manager

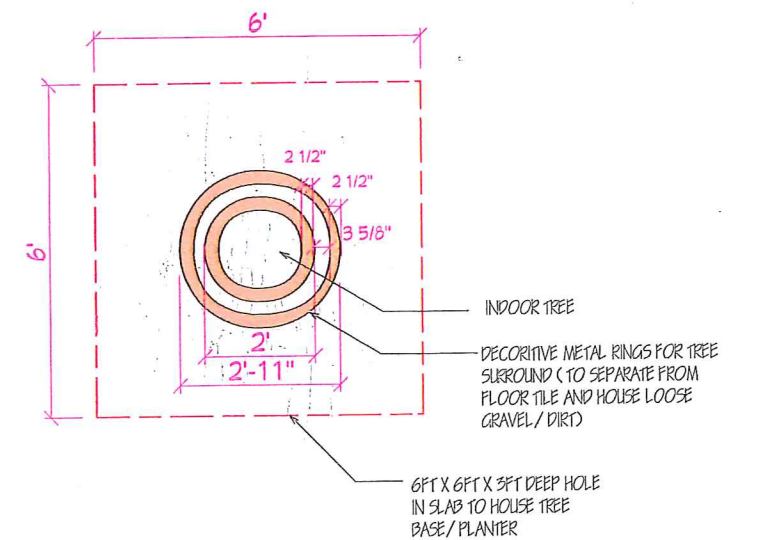
Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

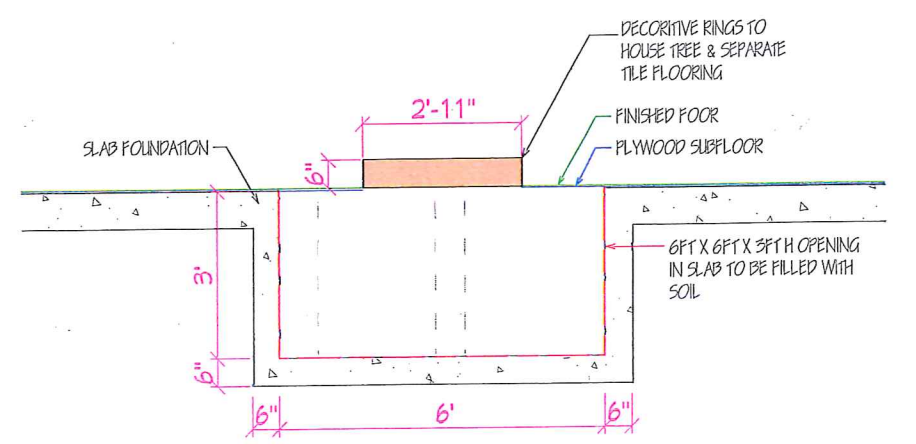
Floor Plan and Occupant Load



1 SALON FLOOR PLAN
ID1 1/2" = 1'-0"



2 INDOOR TREE FLOOR PLAN
ID2 5/8" = 1'-0"



3 INDOOR TREE DETAIL
ID2 5/8" = 1'-0"

Reviewed
by City of Kelowna
Inspection Service
MAY 17/18
J.W.

The HAIR SALON
has a net floor area of
35.67 m². The maximum
occupant load shall be
29 persons, based on
1.2 m²/person

ID1

CONSTRUCTION PLAN

Scale: See Drawing Labels
Date: 2018-05-10
Sheet: 1 OF 1
Drawn By: Hannah McNee, DIAD

MOD SALON INC. & style bar
4649 LAKESHORE ROAD
KELOWNA, BC

GENERAL NOTES:

1. Do not scale from drawings.
2. All work to conform to the applicable building code.
3. Report any errors or discrepancies to designer prior to construction.
4. Verify all dimensions on site and information prior to construction.
5. These drawings are published and owned by Creative Touch Interiors Inc., all rights are reserved including but not limited to rights of reproduction.

