



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, September 18, 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 City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Acting Divisional Director, Community Planning & Strategic Investments, Derek Edstrom; Community Planning Department Manager, Ryan Smith; Suburban and Rural Planning Manager, Dean Strachan*; Community Planning Supervisor, Laura Bentley*; Planner, Kim Brunet*; Legislative Coordinator (Confidential), Clint McKenzie

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:48 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Gray.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Donn

R886/18/09/18 THAT the Minutes of the Public Hearing and Regular Meeting of August 28, 2018 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 Text Amendment for Cannabis Production and Retail Cannabis Sales TA18-0008 (BL11659) - City of Kelowna

Moved By Councillor Stack/Seconded By Councillor DeHart

R887/18/09/18 THAT Bylaw No. 11659 be read a second and third time.

Carried
Mayor Basran, Councillors Hodge and Sieben - Opposed

4.2 Text Amendment for Cannabis Production and Retail Cannabis Sales TA18-0008 (BL11678) - City of Kelowna

Moved By Councillor Stack/Seconded By Councillor Singh

R888/18/09/18 THAT Bylaw No. 11678 be read a second and third time.

Defeated
Mayor Basran, Councillors Given, Donn, Gray, Hodge, Sieben, Singh, DeHart and Stack - Opposed

4.3 Text Amendment for Cannabis Production and Retail Cannabis Sales TA18-0008 (BL11679) - City of Kelowna

Moved By Councillor Stack/Seconded By Councillor Singh

R889/18/09/18 THAT Bylaw No. 11679 be read a second and third time.

Carried
Councillor Hodge - Opposed

4.4 Enterprise Way 2092, TA18-0004 (BL11668) - 0838232 BC Ltd

Moved By Councillor Stack/Seconded By Councillor DeHart

R890/18/09/18 THAT Bylaw No. 11668 be read a second and third time.

Carried

4.5 Cary Rd 1639, Z18-0053 (BL11673) - 1124478BC Ltd

Moved By Councillor Hodge/Seconded By Councillor Gray

R891/18/09/18 THAT Bylaw No. 11673 be read a second and third time.

Carried

4.6 Harvey Ave 1717 LUC18-0005 (BL11675) - Al Stober Construction Ltd

Moved By Councillor Given/Seconded By Councillor Gray

R892/18/09/18 THAT Bylaw No. 11675 be read a second and third time.

Carried

4.7 Cawston Ave 540, Z18-0087 (BL11677) - Cawston 540 Holdings Inc.

Moved By Councillor Gray/Seconded By Councillor Hodge

R893/18/09/18 THAT Bylaw No. 11677 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 457 statutory notices to the owners and occupiers of surrounding properties on Tuesday, September 4, 2018.

The City Clerk advised that Notice of this *amendment to a Liquor Primary Licence* was advertised by being posted on the Notice Board at City Hall on Tuesday, September 4, 2018, and by being placed in the Kelowna Daily Courier issues on Friday, September 7 and Wednesday, September 12 and by sending out or otherwise mailing 73 statutory notices to the owners and occupiers of surrounding properties on Tuesday, September 4, 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 Chute Lake Rd 4870. LL18-0012 - Stephen Cipes

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letters of Opposition and Concern:

Ken Cappos, Casorso Rd

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 from the Gallery came forward.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Given

R894/18/09/18 THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 71 of the Liquor Control and Licensing Regulations and Council Policy #359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Summerhill Estate Winery/ Ezra Cipes for a winery lounge area endorsement for Lot 1 Sections 24 and 25 Township 28 SDYD Plan KAP78562, located at 4870 Chute Lake Road, Kelowna, BC for the following reasons:

The use of the Winery Lounge Endorsement Area is to license an existing outdoor space on the existing winery property.

2. Council's comments on LCLB's prescribed considerations are as follows:
 - a. **The location of the winery/special event area:** The location of the winery is at 4870 Chute Lake Road, the proposed licensed areas are for an existing gazebo and outdoor space on the site.

- b. The proximity of the winery/special event area to other social or recreational facilities and public buildings:** Within 1 kilometre are four parks including Quarry Park, Powerline Park, Curlew Park and the Kettle Valley Sports field.

Within 2 kilometres are the Anne McClymont Elementary School, Okanagan Mission Secondary School, Chute Lake Elementary School and St Hubertus and Oak Bay Estate Wineries.

- c. The person capacity of the winery lounge:** The proposed service areas have a total capacity of 88 people in total (53 people for the gazebo, 35 people for the courtyard).
- d. Traffic, noise, parking and zoning:** The impact of noise on the surrounding community should be minimal as the areas are within the existing winery site and will be in operation between the hours of 9 am – 9pm daily. The addition of the lounge endorsement areas will not directly increase the amount of traffic to the area. All parking is contained on site in the existing designated parking areas. The property is A1 – Agriculture, which permits wineries and cideries within the zone.
- e. The impact on the community if the application is approved:** The impacts to the community will be similar to those experienced under the current business over the last several years.
- 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."

Carried

7. Development Permit and Development Variance Permit Reports

7.1 Wilkinson St 2220, DVP18-0131 - Susanna Viola-Reczka and Antonio Viola

Moved By Councillor Sieben/Seconded By Councillor Donn

R894/18/09/18 THAT Council defer Development Variance Permit No. DVP18-0131 for Lot 4, District Lot 136, ODYD, Plan KAP20116, located at 2220 Wilkinson Street, Kelowna, BC to Tuesday, September 25, 2018.

Carried

7.2 Sexsmith Rd 3300, TUP18-0001 - 689369 BC Ltd Inc. No. BCo689369

Staff:

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

The City Clerk advised that no correspondence was received.

Steve Lemke, Owner Prestige Landscape

- Business owner for 25 years and employs 30 people.
- Provided background to the Temporary Use Permit application.
- Spoke to challenges of landscaping as a use in the Zoning Bylaw.

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

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Singh

R895/18/09/18 THAT Council authorizes the issuance of Temporary Use Permit No. TUP18-0001 to permit a landscaping business to operate within a temporary structure as described within the conditions of the Permit for Lot 22, Section 2, Township 23, ODYD, Plan 18861 Except Plans 19637 and KAP55314, located at 3300 Sexsmith Rd, Kelowna, BC for three years' subject to the following conditions:

1. The dimensions and siting of the temporary use on the land be in general accordance with Schedule "A";

AND THAT Council's consideration of this Temporary Use Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated April 10th 2018;

AND FURTHER THAT any application to extend the permit must be approved by Council prior to this permit expiring.

Carried

- 7.3 Hollywood Rd S 191, DP18-0031 & DVP18-0032 - Unico One Developments LTD., Inc. No. BC0990537**

Item was Withdrawn.

- 7.4 Paret Rd 820, DVP18-0091 - Lisa and Edward Berk**

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 from the Gallery came forward.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor DeHart

R896/18/09/18 THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0091 for Lot 3 District Lot 579 SDYD Plan 15130, located at 820 Paret Road, Kelowna BC;

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

Section 9.5b.1 (a): Carriage House Development Regulations

To vary the maximum combined site coverage of all single storey carriage house or accessory structures from 130 sq.m. permitted to 184 sq.m. proposed.

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

Carried

7.5 Tower Ranch Dr. 1540-1568, DP17-0291 & DVP18-0140 - Parkbridge Lifestyle Communities Inc.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letters of Opposition and Concern:

Don McGuinness, Winter Lane (submitted 1 letter for 7.5 & 7.6)
David Hennerbichler, Winter Lane (submitted 1 letter for 7.5 & 7.6)
David and Lori Jordens, Winter Lane (submitted 1 letter for 7.5 & 7.6)

Matt Johnston, Architecturally Distinct Solutions, Applicant

- 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 from the Gallery came forward.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Given

R897/18/09/18 THAT Council authorizes the issuance of Development Permit No. DP17-0291 and DVP18-0140 for the following properties:

Strata Lot 63, Sec 31, TWP 27, ODYD, Strata Plan EPS2195, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V; located at 1540 Tower Ranch Dr, Kelowna, BC

Strata Lot 64, Sec 31, TWP 27, ODYD, Strata Plan EPS2195, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V; located at 1544 Tower Ranch Dr, Kelowna, BC

Strata Lot 65, Sec 31, TWP 27, ODYD, Strata Plan EPS2195, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V; located at 1548 Tower Ranch Dr, Kelowna, BC

Strata Lot 66, Sec 31, TWP 27, ODYD, Strata Plan EPS2195, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V; located at 1552 Tower Ranch Dr, Kelowna, BC

Strata Lot 67, Sec 31, TWP 27, ODYD, Strata Plan EPS2195, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V; located at 1556 Tower Ranch Dr, Kelowna, BC

Strata Lot 68, Sec 31, TWP 27, ODYD, Strata Plan EPS2195, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V; located at 1560 Tower Ranch Dr, Kelowna, BC

Strata Lot 69, Sec 31, TWP 27, ODYD, Strata Plan EPS2195, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V; located at 1564 Tower Ranch Dr, Kelowna, BC

Strata Lot 70, Sec 31, TWP 27, ODYD, Strata Plan EPS2195, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V; located at 1568 Tower Ranch Dr, Kelowna, BC

Subject to the following:

The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"

The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";

Landscaping to be provided on the land be in accordance with Schedule "C";

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 13.8.6(c): RM2 – Low Density Row Housing Development Regulations

To vary the required maximum height from 2 ½ storeys or 9.5m to 3 storeys or 10.1m 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

7.6 Tower Ranch Dr 1672-1680, DP17-0292 & DVP18-0141 - Parkbridge Lifestyle Communities Inc.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letters of Opposition and Concern:

Don McGuinness, Winter Lane (submitted 1 letter for 7.5 & 7.6)

David Hennerbichler, Winter Lane (submitted 1 letter for 7.5 & 7.6)

David and Lori Jordens, Winter Lane (submitted 1 letter for 7.5 & 7.6)

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 from the Gallery came forward.

There were no further comments.

Moved By Councillor Gray/Seconded By Councillor Hodge

R898/18/09/18 THAT Council authorizes the issuance of Development Permit No. DP17-0292 and DVP18-0141 for the following properties:

Strata Lot 58, Sec 31, TWP 27, ODYD, Strata Plan EPS2195, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V; located at 1672 Tower Ranch Dr, Kelowna, BC

Strata Lot 59, Sec 31, TWP 27, ODYD, Strata Plan EPS2195, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V; located at 1676 Tower Ranch Dr, Kelowna, BC

Strata Lot 60, Sec 31, TWP 27, ODYD, Strata Plan EPS2195, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V; located at 1680 Tower Ranch Dr, 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 13.8.6(c): RM2 – Low Density Row Housing Development Regulations

To vary the required maximum height from 2 ½ storeys or 9.5m to 3 storeys or 10.1m 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

8. **Reminders – Nil.**

9. **Termination**

The meeting was declared terminated at 9:05 p.m.

Mayor Basran

City Clerk

/cm/acm