



City of Kelowna Regular Council Meeting Minutes

Date:	Tuesday, October 9, 2018
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben*, Mohini Singh and Luke Stack
Members Absent	Councillor Maxine DeHart
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*, Urban Planning Manager, Terry Barton; Legislative Coordinator (Confidential), Clint McKenzie

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:46 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Sieben.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Singh

R973/18/10/09 THAT the Minutes of the Public Hearing and Regular Meeting of September 18, 2018 and September 25, 2018 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 Lougheed Rd 205, Z18-0016 (BL11681) - Mission Group Commercial Ltd., Inc. No. BC0933421

Moved By Councillor Donn/Seconded By Councillor Given

R974/18/10/09 THAT Bylaw No. 11681 be read a second and third time.

Carried

4.2 Thompson Rd 1260, Z18-0080 (BL11682) - Karoly Gabor and Cristeta Pastorin Gabor

Moved By Councillor Donn/Seconded By Councillor Given

R975/18/10/09 THAT Bylaw No. 11682 be read a second and third time.

Carried

4.3 Moraine Ct 675, Z18-0085 (BL11683) - Aislinn and Michale O'Grady

Moved By Councillor Donn/Seconded By Councillor Gray

R976/18/10/09 THAT Bylaw No. 11683 be read a second and third time and be adopted.

Carried

4.4 McBride Rd 1180, Z18-0082 (BL11685) - Gerard Charles Feist

Moved By Councillor Donn/Seconded By Councillor Gray

R977/18/10/09 THAT Bylaw No. 11685 be read a second and third time and be adopted.

Carried

4.5 Fitzpatrick Rd 425, Z18-0079 (BL11686) - Harpal Singh Kohri and Kirandeep Kohri

Moved By Councillor Stack/Seconded By Councillor Sieben

R978/18/10/09 THAT Bylaw No. 11686 be read a second and third time.

Carried

4.6 Union Rd 2053 and Summerhill Pl 148, Z18-0060 (BL11687) - 1119422 BC Ltd. & City of Kelowna

Council:

- Satisfied neighbourhood received adequate notification of the application.

Moved By Councillor Sieben/Seconded By Councillor Stack

R979/18/10/09 THAT Bylaw No. 11687 be read a second and third time and be adopted.

Carried

Councillors Hodge and Stack - Opposed

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit/Heritage Alteration Permit Applications was given by sending out or otherwise mailing 195 statutory notices to the owners and occupiers of surrounding properties on Tuesday, September 25, 2018.

The City Clerk advised that Notice of this *amendment to Food Primary Licence* was advertised by being posted on the Notice Board at City Hall on Tuesday, September 25, 2018, and by being placed in the Kelowna Daily Courier issues on Friday, September 28 and Wednesday, October 3

and by sending out or otherwise mailing 88 statutory notices to the owners and occupiers of surrounding properties on Tuesday, September 25, 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 Bernard Ave 257, LL18-0011 - Paramount Court Inc., Inc. No. Aoo86803

Councillor Sieben declared conflict of interest as he is a shareholder in a rival company referenced in the staff report and left the meeting at 8:05 p.m.

Staff:

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

The City Clerk advised that no correspondence was received.

PJ L'Heureux, Owner/Applicant

- Confirmed current hours are to 12 midnight.
- Would like to be similar to other food primaries in the downtown area.
- Believes staff recommendation on closing time is not consistent with other establishments.

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 Hodge/Seconded By Councillor Given

R980/18/10/09 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 Regulation and Council Policy 359, BE IT RESOLVED THAT:

Council recommends support of an application from Craft Beer Market (Kelowna) Ltd for Parcel Z (Plan B5763) Block 13 District Lot 139 ODYD Plan 462 located at 257 Bernard Avenue, Kelowna, BC, for a Food Primary license with a capacity of 465 persons and hours of sales for License Number 792247124 from:

9:00 AM to 1:00 AM for the interior (Seven days per week) and
9:00 AM to 12:00 AM for the rooftop patio (Seven days per week);

That Council's comments on the prescribed considerations are as follows:

The impact of noise on the community in the immediate vicinity of the establishment if the application is approved;

The potential impact for noise from the rooftop patio may be disruptive and would not be compatible with surrounding land uses.

The impact on the community if the application is approved:

The potential for negative impacts on the community is increased due to the size and capacity of the food primary's rooftop patio.

If the amendment may result in the establishment being operated in a manner that is contrary to its primary Purpose:

The permanent extension of hours to 1 am are consistent with other food primary establishments within the downtown urban centre, but the scale of the business raises concerns due to the rooftop patio.

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

Councillor Sieben rejoined the meeting at 8:33 p.m.

7. Development Permit and Development Variance Permit Reports

7.1 Hollywood Rd South 191, DP18-0031 & DVP18-0032 - 1110720 BC LTD., Inc. No. BC1110720

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:
Larry Burnett, Hollywood Road S

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:

Mike Wasilenkoff, Petch Road

- Opposed to the application.
- Canvassed the neighbourhood with a petition of opposition.
- Raised concerns with traffic impacts on Petch Road.
- Submitted his petition.

Wendy Remple, BlueGreen Architecture, Applicant

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Sieben

R981/18/10/09 THAT Council authorizes the issuance of Development Permit No. DP18-0031 for Lot 2 Section 22 Township 26 ODYD Plan EPP76208, located at 191 Hollywood Road South, 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 Council authorizes the issuance of Development Variance Permit No. DVP18-0032 for Lot 2 Section 22 Township 26 ODYD Plan EPP76208, located at 191 Hollywood Road South, Kelowna, BC;

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

Section 14.4.5(c): C4 – Urban Centre Commercial Development Regulations

To vary the required maximum height from the lesser of 15.0 m or 4 storeys permitted to 18.1 m or 5 storeys proposed;

Section 14.4.5(e): C4 – Urban Centre Commercial Development Regulations

To vary the required minimum side yard from the greater of 4.5 m or half the height of the building permitted to 4.5 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
Councillors Hodge - Opposed

7.2 Cadder Ave 450, HAP18-0011 - Laura Catherine Smith

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:
E. Van Peterhen, Doryan Street

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 Gray

R982/18/10/09 THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP18-0011 for Lot 4, District Lot 14, ODYD, Plan 1063 and Lot 5, Block 8, District Lot 14, ODYD, Plan 348 except Plan 10478, located at 450 Cadder Avenue, 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";

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

Section 13.1.6(d): RU1 – Large Lot Housing Development Regulations

To vary the required minimum side yard from 2.0 m permitted to 0.5 m proposed;

Section 13.1.6(e): RU1 – Large Lot Housing Development Regulations

To vary the required minimum rear yard from 7.5 m permitted to 4.6 m proposed;

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

Carried

7.3 Richter St 1229, BL11574 (OCP18-0001) - 1120797 BC Ltd., Inc. No. 1120797

Moved By Councillor Stack/Seconded By Councillor Sieben

R983/18/10/09 THAT Bylaw No. 11574 be amended at third reading by deleting the legal descriptions that read:

- Lot 8 District Lot 138 ODYD Plan 1039
- Lot 9 District Lot 138 ODYD Plan 1039
- Lot 10 District Lot 138 ODYD Plan 1039
- Lot 11 District Lot 138 ODYD Plan 1039
- Lot 12 District Lot 138 ODYD Plan 1039
- Lot 13 District Lot 138 ODYD Plan 1039

And replacing it with:

- Lot A, District Lot 138, ODYD, Plan EPP85357.

Carried

Moved By Councillor Stack/Seconded By Councillor Sieben

R984/18/10/09 THAT Bylaw No. 11574 as amended be adopted.

Carried

7.4 Richter St 1229, BL11575 (Z18-0003) - 1120797 BC Ltd., Inc. No. 1120797

Moved By Councillor Sieben/Seconded By Councillor Stack

R985/18/10/09 THAT Bylaw No. 11575 be amended at third reading by deleting the legal descriptions that read:

- Lot 8 District Lot 138 ODYD Plan 1039
- Lot 9 District Lot 138 ODYD Plan 1039
- Lot 10 District Lot 138 ODYD Plan 1039
- Lot 11 District Lot 138 ODYD Plan 1039
- Lot 12 District Lot 138 ODYD Plan 1039
- Lot 13 District Lot 138 ODYD Plan 1039

And replacing it with:

- Lot A, District Lot 138, ODYD, Plan EPP85357.

Carried

Moved By Councillor Sieben/Seconded By Councillor Stack

R986/18/10/09 THAT Bylaw No. 11575 as amended be adopted.

Carried

7.5 Richter St 1229, DP18-0006 & DVP18-0007 - 1120797 BC Ltd., Inc. No. 1120797

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letters of Opposition and Concern:

Tim and Andrea Shaw, Coronation Avenue

Leonard Kerkhoff, Applicant

- Displayed a PowerPoint Presentation.
- Confirmed that additional attention to the laneway has been addressed.
- Spoke to form and character and the variances.

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

Gallery:

Tim Shaw, Coronation Avenue

- Commented on communication with the applicant and that changes were made to the laneway based on their input.
- Raised concern with the impacts on their privacy.
- Raised concern that the proposed buffer is insufficient.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Donn

R987/18/10/09 THAT Council authorize the issuance of Development Permit No. DP18-0006 for: Lot A, District Lot 138, ODYD, Plan EPP85357, located at 1229 Richter Street, 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. Landscaping to be provided on the land to be in general accordance with Schedule "C";
4. That the applicant be required to post with the City, a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT Council authorize the issuance of Development Variance Permit DVP18-0007 for Lot A, District Lot 138, ODYD, Plan EPP85357, located at 1229 Richter Street, Kelowna, BC;

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted as described and shown in Schedule 'A':

Section 13.12.6 (b): RM6 - High Rise Apartment Housing Development Regulations

To vary the maximum site coverage for principal buildings, accessory structures, and parking areas and driveways from 50% to 74%.

Section 13.12.6 (d): RM6 - High Rise Apartment Housing Development Regulations

To vary the minimum front yard setback from 6.0m to 4.0m along Richter Street for levels 1 and 2.

Section 13.12.6 (e): RM6 - High Rise Apartment Housing Development Regulations

To vary the minimum flanking side yard setback from 6.0m to 3.9m along Clement Avenue for levels 1 and 2.

To vary the minimum flanking side yard setback from 6.0m to 2.1m / 3.8m along Coronation Avenue for levels 1 and 2.

Section 13.12.6 (f): RM6 - High Rise Apartment Housing Development Regulations

To vary the minimum rear yard setback from 9.0m to 0.0m / 5.2m along the Lane for levels 1 and 2.

AND THAT the Development Permit is issued subsequent to the outstanding conditions set out in Attachment "A" attached to the Report from the Community Planning Department dated January 16th 2018;

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 permit to be issued;

AND FURTHER THAT the Development Permit be 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 9:19 p.m.

Mayor Basran

City Clerk

/cm/acm