



City of Kelowna Regular Meeting Minutes

Date:	Tuesday, March 12, 2019
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Ryan Donn, Gail Given, Charlie Hodge, Brad Sieben*, Luke Stack and Loyal Woolridge
Members Absent	Councillors Maxine DeHart and Mohini Singh
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; Business License Manager, Greg Wise*; Legislative Coordinator (Confidential), Rebecca Van Huizen

(*denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 11:33 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Mayor Basran.

Moved By Councillor Stack/Seconded By Councillor Donn

(R0254/19/03/12) THAT the Public Meeting continue past 11:00 p.m.

Carried

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Woolridge

(R0255/19/03/12) THAT the Minutes of the Public Hearing and Regular Meeting of February 26, 2019 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 Altura Rd 30, BL11759 (Z18-0102) - David & Camille Harkins

Moved By Councillor Donn/Seconded By Councillor Stack

(R0256/19/03/12) THAT Bylaw No. 11759 be read a second and third time.

Carried

4. Bylaws Considered at Public Hearing

4.2 Short Term Rental Accommodation, BL11766 (TA19-0007) - City of Kelowna

Moved By Councillor Given/Seconded By Councillor Stack

(R0257/19/03/12) THAT Bylaw No. 11766 be read a second and third time.

Carried

Councillor Hodge – Opposed

Moved By Councillor Woolridge/Seconded By Councillor Hodge

(R0258/19/03/12) THAT Council directs staff to prepare, for Council's consideration, a text amendment to Zoning Bylaw No. 8000 to permit short term rental accommodation as a permitted use in secondary suites and carriage houses.

Carried

Meeting recessed at 12:23 a.m.

Meeting reconvened at 12:24 a.m.

5. Notification of Meeting

Notice of the Liquor Licence Application was advertised by being posted on the Notice Board at City Hall on Tuesday, February 26, 2019, and by being placed in the Kelowna Dairy Courier issues on Friday, March 1 and Wednesday, March 6 and by sending out or otherwise mailing 280 statutory notices to the owners and occupiers of surrounding properties on Tuesday, February 26, 2019.

The City Clerk advised that Notice of Council's consideration of the Development Variance Permit Applications and Heritage Alteration Permit Application was given by sending out or otherwise delivering 277 letters to the owners and occupiers of the surrounding properties on Tuesday, February 26, 2019.

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 Academy Way 122 - 975, LL18-0020 - Academy Apartments Ltd., Inc.No BCo868449

Councillor Seiben declared a conflict of interest as his employer provides insurance to the applicant and left the meeting at 12:25 a.m.

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that the following correspondence was received.

Letter of Opposition and Concern:

- Janet Ingram and Ken Love, Academy Way

Dan Allen, Applicant, Base Camp Brewing:

- Mentioned the name will be changing from Base Camp Brewing to Kelowna Brewing Company (KBC).
- Food focused pub near UBCO.
- Keeps students on campus, eliminates drunk driving.

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

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Woolridge

(R0259/19/03/12) THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB):

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

1. Council recommends support of an application from Base Camp Brewing (Brewery), Strata Lot 1, Section 10, Township 23, Osoyoos Division Yale District, Strata Plan EPS1461 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 122-975 Academy Way, Kelowna, BC for a Liquor Primary license with a capacity of 180 persons and hours of sales from 10:00 AM to 12:00 AM Monday to Wednesday, 10:00 AM to 1:00 AM Thursday to Saturday, and 10:00 AM to 10:00 PM on Sunday for the following reasons:
2. Council's comments on LCLB's prescribed considerations are as follows:
 - a. The location of the establishment:
The Brewery is located in a community commercial setting near the University of British Columbia Okanagan (UBCO) campus, within the University South Village Centre.
 - b. The proximity of the establishment to other social or recreational facilities and public buildings:
The property is located at the corner of John Hindle Dr. and Academy Way, is adjacent to a vacant Agricultural land to the east, UBCO Campus to the north, and predominantly student residential area to the south. Kelowna International Airport is located approximately 1.5 km to the northeast.
 - c. The person capacity and hours of liquor service of the establishment:
The person capacity is 120 persons inside, and 60 persons on exterior patio. Hours of operation will be from 10:00 AM to 12:00 AM Monday to Wednesday, 10:00 AM to 1:00 AM Thursday to Saturday, and 10:00 AM to 10:00 PM on Sunday.
 - d. The number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location:
The clientele focus is intended to attract the students enrolled at the UBCO, to act as a place to hold events for local businesses and students, and to provide a social setting that is remotely convenient.

- e. The impact of noise on the community in the immediate vicinity of the establishment if the application is approved:
The impact of noise on the surrounding community should be minimal as City Staff are recommending restrictions on amplified music as detailed in this report. The Brewery is located in a commercial area and will have minimal negative impact on traffic and parking, and the property is properly zoned.
- f. The impact on the community if the application is approved:
The potential for negative impact is considered to be minimal.

AND THAT 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 returned to the gallery at 12:29 a.m.

7. Development Permit and Development Variance Permit Reports

7.1 Richter St 2529, Z18-0056 (BL11655) - Karambir Singh Kler and Amarjit Kaur Kler

Moved By Councillor Given/Seconded By Councillor Woolridge

(R0260/19/03/12) THAT Bylaw No. 11655 be adopted.

Carried

7.2 Richter St 2529, DP18-0108 DVP18-0109 - Karambir Singh Kler and Amarjit Kaur Kler

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:

- Mike Brownlee, Morrison Ave

Jesse Alexander, Applicant, New Town Architectural and Engineering:

- Displayed a PowerPoint presentation.
- Spoke to the request for the site coverage and variances requested.
- Responded to questions from Council.

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

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Hodge

(R0261/19/03/12) THAT final adoption of Rezoning Bylaw No. 11655 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP18-0108 and

Development Variance Permit No. DVP18-0109 for Lot 9 District Lot 136 Osoyoos Division Yale District Plan 3506, located at 2529 Richter 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 8.1.9(b): Off-Street Vehicle Parking

To vary the required front yard to allow for one off-street vehicle parking stall from 4.5 m permitted to 3.85 m proposed.

Section 13.9.6(b): RM3 – Low Density Multiple Housing Development Regulations

To vary the required maximum site coverage of buildings, driveways, and parking areas from 65 % permitted to 73.3 % proposed.

AND THAT a Section 219 Restrictive Covenant requiring on-site snow management and removal be registered on title to the satisfaction of the City of Kelowna Approving Officer prior to Development Permit and Development Variance Permit issuance;

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

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

7.3 Hwy 33 E 1759, Z17-0065 (BL11625) - Ki-Low-Na Friendship Society, Inc. No. S-10638

Moved By Councillor Given/Seconded By Councillor Woolridge

(R0262/19/03/12) THAT Bylaw No. 11625 be adopted.

Carried

7.4 Hwy 33 E 1759, DP17-0162 DVP17-0163 - Ki-Low-Na Friendship Society, Inc. No. S-10638

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 from 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 Hodge

(Ro263/19/03/12) THAT final adoption of Rezoning Bylaw No. 11625 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0162 and Development Variance Permit No. DVP17-0163 for Lot B, Section 18, Township 27, ODYD, Plan 29386, located at 1759 Highway 33 E, 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:

Section 13.9.6(c): RM3 – Low Density Multiple Housing Development Regulations

To vary the maximum height from 10.0m permitted to 11.0m proposed for the proposed apartment building as referenced in Schedule "B"

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

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

Carried

7.5 Ethel St 1259-1265 and Ethel St 1269-1275, DVP18-0165 - 1114140 BC Ltd, Inc No. BC1114140

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that the following correspondence was received.

Letters of Opposition and Concern:

Robert Barr, Morrison Ave

The owner was present and available for comment.

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

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Sieben

(R0264/19/03/12) THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0165 for Lot A District Lot 138 Osoyoos Division Yale District Plan EPP77036, located at 1259-1265 Ethel Street, Kelowna, BC; and Development Variance Permit No. DVP18-0165 for Lot B District Lot 138 Osoyoos Division Yale District Plan EPP77036, located at 1269-1275 Ethel Street, Kelowna BC;

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

Section 13.17.6(e): RU7 – Infill Housing Development Regulations

To vary the required minimum front yard from 4.0 m permitted to 2.1 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

7.6 Darin Pl 4627, BL11702 (Z18-0090) - Calvin Meldrum & Barbara Laupitz

Moved By Councillor Donn/Seconded By Councillor Stack

(R0265/19/03/12) THAT Bylaw No. 11702 be adopted.

Carried

7.7 Darin Pl 4627, DVP18-0171 - Calvin Meldrum & Barbara Laupitz

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence was received.

The applicant was present and available for comment.

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

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Donn

(R0266/19/03/12) THAT final adoption of Rezoning Bylaw No. 11702 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0171 for Lot 12 District Lot 357 ODYD Plan KAP 57058, located at 4627 Darin Place, Kelowna, BC;

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

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

To vary the required minimum side yard from 1.5m permitted to 1.2m 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

7.8 Roanoke Ave 660, DVP18-0217 - Nathan Peters

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 from 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

(R0267/19/03/12) THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0217 for Lot 22, Block 9, DL9, ODYD Plan 1306, located at 660 Roanoke Ave, Kelowna, BC;

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

Section 13.6.6 g: RU6 – Two Dwelling Housing Development Regulations

To vary the required minimum east side yard from 2.0 m to 1.8, and the west side yard from 2.0m to 1.3.

AND THAT Council's consideration of this Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated March 12, 2019.

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

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

7.9 Abbott St 2195, HAP18-0008-01 - Gordon Richard Lovegrove and Karen Lorraine Lovegrove

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence was received.

The applicant was present and available for comment.

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

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Sieben

(Ro268/19/03/12) THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP18-0008-01 for Lot 4 District Lot 14 Osoyoos Division Yale District Plan 3393, located at 2195 Abbott 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";

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted in accordance with Schedules "A" and "B":

Section 6.4.2: Projections Into Yards

To vary the required maximum projection of an eaves into a required side yard from 0.6 m (permitted) to 1.22 m (proposed).

Section 9.5b.1(g): RU1 – Carriage House Regulations

To vary the required maximum height from 4.8 m or the height of the principal dwelling (permitted) to 6.1 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

8. Reminders

9. Termination

The meeting was declared terminated at 12:59 a.m.

Mayor Basran

City Clerk

sf/rvh