



City of Kelowna Regular Meeting Minutes

Date: Tuesday, March 26, 2019

Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxines DeHart, Ryan Donn, Charlie Hodge, Luke Stack and Loyal Wooldridge

Members Absent Councillors Gail Given, Brad Sieben and Mohini Singh

Staff Present Acting City Manager, Genelle Davidson; City Clerk, Stephen Fleming; Suburban and Rural Planning Manager, Dean Strachan; Community Planning Supervisor, Laura Bentley; Legislative Coordinator (Confidential), Rebecca Van Huizen

1. Call to Order

Mayor Basran called the meeting to order at 7:22 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 Donn

(R0324/19/03/26) THAT the Minutes of the Public Hearing and Regular Meeting of March 12, 2019 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 HWY 97 N 7770, 7782, 7800 and 7810, LUCT18-0006 (BL11762) - Multiple Owners

Moved By Councillor Stack/Seconded By Councillor DeHart

(R0325/19/03/26) THAT Bylaw No. 11762 be read a second and third time.

Carried

- 4.2 Pioneer Rd 1485 & 1535, LUCT18-0008 (BL11764) - Patricia Phelan and Michael & Cathy Kosick

Moved By Councillor DeHart/Seconded By Councillor Stack

(R0326/19/03/26) THAT Bylaw No. 11764 be read a second and third time and be adopted.

Carried

- 4.3 Slater Rd 3308 & 3318, LUCT18-0004 (BL11765) - Steven & Adele Williams and Gerald Bugera and Sandra Cooney

Moved By Councillor Donn/Seconded By Councillor DeHart

(R0327/19/03/26) THAT Bylaw No. 11765 be read a second and third time and be adopted.

Carried

- 4.4 Snowsell St 155, LUCT18-0010 (BL11767)- Joanne & Kevin Tribiger

Moved By Councillor Donn/Seconded By Councillor DeHart

(R0328/19/03/26) THAT Bylaw No. 11767 be read a second and third time and be adopted.

Carried

- 4.5 Tronson Ct 841, LUCT18-0005 (BL11768) - Isaac Potash & Jennifer Large

Moved By Councillor Donn/Seconded By Councillor DeHart

(R0329/19/03/26) THAT Bylaw No. 11768 be read a second and third time and be adopted.

Carried

- 4.6 Yates Rd 373 & 379, LUCT18-0009 (BL11769) - Kenneth & Holly Finney and Jordan Huculak & Kayla Madsen

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

(R0330/19/03/26) THAT Bylaw No. 11769 be read a second and third time and be adopted.

Carried

- 4.7 Nickel Rd 240, 250, 260, Z18-0033 (BL11772) - 1129410 BC Ltd.

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

(R0331/19/03/26) THAT Bylaw No. 11772 be read a second and third time.

Carried

4.8 Union Rd (W of), Clifton Rd N 225, Begbie Rd 2025, OCP17-0023 (BL11781) - Blenk Development Corp

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

(R0332/19/03/26) THAT Bylaw No. 11781 be read a second and third time.

Carried

4.9 Union Rd (W of), Clifton Rd N 225, Begbie Rd 2025, Z17-0098 (BL11785) - Blenk Development Corp

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

(R0333/19/03/26) THAT Bylaw No. 11785 be read a second and third time.

Carried

5. Notification of Meeting

Notice of these Liquor License Applications were advertised by being posted on the Notice Board at City Hall on Tuesday, March 12, 2019, and by being placed in the Kelowna Daily Courier issues on Friday, March 15 and Wednesday, March 20 and by sending out or otherwise mailing 48 statutory notices to the owners and occupiers of surrounding properties on Tuesday, March 12, 2019.

The City Clerk advised that Notice of Council's consideration of the Development Variance Permit Application was given by sending out or otherwise mailing 19 statutory notices to the owners and occupiers of surrounding properties on Tuesday, March 12, 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 Kirschner Rd 1851, LL18-0034 - Whitworth Holdings Ltd., Inc. No. 1059455

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 Donn/Seconded By Councillor Hodge

(R0334/19/03/26) THAT Council directs Staff to forward the following recommendation to the Provincial Liquor & 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 Copper Brewing Company Ltd. located at #102 – 1851 Kirschner Road, Kelowna, BC, legally described as Lot 1 District Lot 129 ODYD Plan EPP18842, for a manufacturer lounge from:

(a) "9:00 AM to Midnight Sunday to Saturday" for the indoor service areas; and

(b) "9:00 AM to 11:00 PM Sunday to Saturday" for the patio service areas

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

(a) The location of the brewery: The brewery is located in a mixed-use urban centre along a collector route;

(b) The person capacity of the brewery lounge: The person capacity is 70 persons for the indoor area, and 40 persons on the exterior patio;

(c) Traffic, noise, parking and zoning: The brewery is located in an urban centre and will have minimal negative impact on traffic, noise, parking, and the property is zoned appropriately. There are minimal residential dwellings nearby and the noise from the patio should not be a nuisance. The recommendation is to allow the patio's hours to 11:00pm;

(d) 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 view of residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures".

Carried

6.2 Richter St 1033, LL19-0001 - Cellar-Tek Development Ltd., Inc. No. BCo880427

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 DeHart

(R0335/19/03/26) THAT Council directs Staff to forward the following recommendations to the Provincial Liquor and Cannabis Regulation Branch (LCRB):

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

1. Council recommends support of an application from Cellar-Tek Developments Ltd., Inc. No. BCo880427 located at 1033 Richter St, Kelowna, BC, legally described as Parcel B (Being a Consolidation of Lots 41 and 42, See LB356341) Section 30 Township 26 ODYD Plan 1014, for a structural change to an existing manufacturer lounge from:

(a) "10:00 AM to 11:00 PM Sunday to Saturday" for the patio service area

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

(a) The location of the brewery: The brewery is located in a mixed-use area across from an urban centre along a major collector route;

(b) The person capacity of the brewery lounge patio: The person capacity is 22 persons on the exterior patio;

(c) Traffic, noise, parking and zoning: The brewery is located across the street from the City Centre urban centre boundary in a general industrial area and will have minimal negative impact on traffic, noise, parking, and the property is zoned appropriately. There are minimal residential dwellings nearby and the noise from the patio should not be a nuisance. The recommendation is to allow the patio's hours to 11:00pm;

(d) 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 view of residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures"

Carried

7. Development Permit and Development Variance Permit Reports

7.1 Venus Rd 165, DVP18-0246 - Andrew Bergestad

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence was received.

The applicant was not present.

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

Michael Horvat, Venus Rd:

- Not opposed to building a carriage house.
- Raised concern with increase in footprint size being requested.
- Concerned the variance will negatively impact their privacy, due to the size of what is being proposed.

Sheri Nelson, Venus Rd:

- Raised concern with size of variance being requested as this will negatively impact their privacy.
- Feels this will set a precedent for the neighbourhood.
- Read letter of opposition from neighbour unable to attend.
- Read letter also from herself and Michael Horvak.

Staff:

- Responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Stack

(R0335/19/03/26) THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0246 for Lot 62, Section 23, Township 26, ODYD, Plan 22418, located at 165 Venus Rd, Kelowna, BC;

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

Section 9.5b.1(b): RU1C – Carriage House Development Regulations

To vary the required maximum combined site coverage of a carriage house and all other accessory buildings or structures from 90m² to 114.5m²;

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

Defeated

Mayor Basran, Councillors DeHart, Hodge, Stack and Wooldridge - Against

8. Reminders – none

9. Resolution Closing the Meeting to the Public

Moved By Councillor Donn/Seconded By Councillor DeHart

(R0336/19/03/26) THAT this meeting be closed to the public pursuant to Section 90(1)(j) and (k) of the Community Charter for Council to deal with matters relating to the following:

- confidential third-party business information.
- proposed municipal service.

10. Adjourn to Closed Session

The meeting adjourned to a closed session at 8:07 p.m.

11. Reconvene to Open Session

The meeting reconvened to an open session at 8:20 p.m.

12. Termination

The meeting was declared terminated at 8:20 p.m.

Mayor Basran

City Clerk

sf/rvh