



City of Kelowna Regular Meeting Minutes

Date:	Tuesday, January 19, 2021
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given and Loyal Wooldridge*
Members participating remotely	Councillors Charlie Hodge, Brad Sieben* and Luke Stack
Members Absent	Councillor Mohini Singh
Staff Present	City Manager, Doug Gilchrist*; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith; Urban Planning Manager, Jocelyn Black*; Development Planning Department Manager, Terry Barton*; Planner, Kimberly Brunet*; Legislative Technician, Rebecca Van Huizen
Staff participating remotely	Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 4:47 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Wooldridge.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

Ro094/21/01/19 THAT the Minutes of the Public Hearing and Regular Meeting of January 12, 2021 be confirmed as circulated.

Carried

4. Liquor License Application Reports

4.1 **START TIME 4:45 PM - Clement Ave 880, 206 and 207 - LL20-0008 - 1568447 Alberta Ltd**

Councillor Sieben declared a conflict of interest as he has an interest in BNA Brewing Company in close proximity to the proposed establishment and departed the meeting at 4:49 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Birte Decloux, Urban Options Planning & Permits, Applicant

- Staff provided all details of the plans but commented on the emerging brewery district in the north end.
- Spoke to the proposed brand.
- Available for questions.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online indicated they wished to speak.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

R0095/21/01/19 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 Unleashed Brewing Company for Lot 1 Section 30 Township 26 Osoyoos Division Yale District Plan EPP34493, located at 880 Clement Avenue, Units 206 and 207, Kelowna, BC for a Lounge Endorsement from:
 - a. "9:00am to 11:00pm Sunday to Thursday" and "9:00am to Midnight Friday and Saturday" for the Indoor Service Areas; and
 - b. "9:00am to 10:00pm Sunday to Saturday" for the Patio Service Areas.
2. Council's comments on LCLB's prescribed considerations are as follows:
 - a. The location of the lounge endorsement area: The brewery is located on an industrial property to the east of the City Centre Urban Centre on a 4-lane arterial road;
 - b. The proximity of the lounge endorsement area to other social or recreational facilities and public buildings: The north end industrial area has a number of small-scale breweries and wineries within the immediate area and it is within walking distance of the downtown City Centre Urban Centre. The site is walking distance to multiple recreation facilities, which includes the Kelowna Badminton Club, The Curling Club and Elks Stadium ballpark;
 - c. The person capacity of the lounge endorsement: The person capacity is 99 persons for the indoor service area and 30 persons for the patio service area;
 - d. Traffic, noise, parking and zoning: The brewery is located in an industrial area and any impacts of traffic, noise or parking can be absorbed by the surrounding neighbourhood. Due to the location of residential home nearby to the south, the recommendation is to limit the patio's hours to 10:00 p.m. as noise could be a nuisance;
 - e. The impact on the community if the application is approved: The potential for negative impact is considered to be minimal. The addition of this business will aid in the redevelopment and activation of the industrial neighbourhood beyond the standard workday hours.
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

Councillor Sieben rejoined the meeting at 4:56 p.m.

5. Development Permit and Development Variance Permit Reports

Councillor Wooldridge declared a conflict of interest due to owning property in the notification area and departed the meeting at 4:57 p.m.

5.1 START TIME 4:45 PM - Lawson Ave 1094 - BL11916 (Z19-0058) - 1094 Lawson Avenue Ltd. Inc. No. BC1176688

Moved By Councillor DeHart/Seconded By Councillor Donn

Ro096/21/01/19 THAT Bylaw No. 11916 be adopted.

Carried

5.2 START TIME 4:45 PM - Lawson Ave 1094 - DP19-0094 DVP20-0195 - 1094 Lawson Avenue Ltd., Inc. No. 1176688

Staff:

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

Jesse Alexander, New Town Architecture & Engineering, Applicant

- Commented on parking regulations and visitor parking and noted that more parking has been provided than the previous bylaw mandated.
- Available for questions.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online indicated they wished to speak.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Given

Ro097/21/01/19 THAT Rezoning Bylaw No. 11916 be amended at third reading to revise the legal description of the subject properties from Lot 1 District Lot 138 ODYD Plan 3809 and Lot 2 District Lot 138 ODYD Plan 3809 to Lot A District Lot 138 ODYD Plan EPP95336;

AND THAT final adoption of Rezoning Bylaw No. 11916 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0094 and Development Variance Permit No. DVP20-0195 for Lot A District Lot 138 ODYD Plan EPP95336, located at 1094 Lawson Avenue, 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 7.6.1(c): Landscaping and Screening, Minimum Landscape Buffers – Level 3

To vary the minimum landscape buffer for the rear yard (north lot line) from 3.0m required to 0.0m proposed.

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

Carried

Councillor Wooldridge rejoined the meeting at 5:09 p.m.

5.3 START TIME 4:45 PM - McCurdy Rd 1085 - BL11969 (Z19-0110) - Amandeep and Manpreet Sidhu

Moved By Councillor Donn/Seconded By Councillor DeHart

Ro098/21/01/19 THAT Bylaw No. 11969 be adopted.

Carried

5.4 START TIME 4:45 PM - McCurdy Rd 1085 - DVP19-0160 - Amandeep and Manpreet Singh

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The applicant did not participate on line.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online indicated they wished to speak.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Sieben

Ro099/21/01/19 THAT Council authorizes issuance of Development Variance Permit No. DVP19-0160 for Lot 1 District Lot 143 ODYD Plan 10792 located at 1085 McCurdy Road, Kelowna, BC;

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

Section 15.2.5(d): I2 – General Industrial Development Regulations

To vary the minimum front yard setback from 7.5m required to 6.65m proposed for the existing structure.

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

The meeting adjourned at 5:14 p.m.

The meeting reconvened at 6:50 p.m.

The City Manager left the meeting and the Divisional Director, Planning & Development Services acted as City Manager.

5.5 START TIME 6:50 PM - Mills Rd 320 - DP19-0214 DVP19-0215 - 1186276 BC Ltd., Inc. No. BC1186276

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Wendy Rempel, BlueGreen Architecture Inc.

- Available to answer any questions.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online indicated they wished to speak.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0100/21/01/19 THAT Council authorizes the issuance of Development Permit No. DP19-0214 for Lot A District Lot 125 ODYD Plan 4709, located at 320 Mills Road, 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. DVP19-0215 for Lot A District Lot 125 ODYD Plan 4709, located at 320 Mills Road, Kelowna, BC;

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

Section 13.9.6(c): RM3r – Low Density Multiple Housing (Residential Rental Tenure Only), Development Regulations

To vary the maximum height from 10.0m permitted to 11.5m proposed.

Section 13.9.6(b): RM3r – Low Density Multiple Housing (Residential Rental Tenure Only), Development Regulations

To vary the maximum site coverage from 65% permitted to 71.6% proposed.

Section 8.2.3: Parking and Loading, Off-Street Parking Regulations, Parking Setbacks

To vary the parking setback from a side yard from 1.5m permitted to 1.0m proposed.

Section 8.2.3: Parking and Loading, Off-Street Parking Regulations, Parking Setbacks

To vary the parking setback from a rear yard from 1.5m permitted to 0.0m proposed.

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

The meeting adjourned at 7:08 p.m.

The meeting reconvened at 7:31 p.m.

5.6 START TIME 7:30 PM - Gordon Dr 4382 - BL12049 (Z20-0015) - Donald and Amanda Maccormack

Moved By Councillor DeHart/Seconded By Councillor Donn

R0101/21/01/19 THAT Bylaw No. 12049 be adopted.

Carried

5.7 START TIME 7:30 PM - Gordon Dr 4382 - DVP20-0063 - Donald and Amanda Maccormack

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Mack and Amanda MacCormack, Applicant

- Available to answer questions.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online indicated they wished to speak.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Sieben

R0102/21/01/19 THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0063 Lot 1 District Lot 358 ODYD Plan 15098, located at 4382 Gordon Drive, Kelowna, BC;

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

Section 13.6.5(c): RU6 – Two Dwelling Housing, Subdivision Regulations

To vary the minimum lot depth from 30.0 m required to 23.3 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

5.8 START TIME 7:30 PM - Valley Rd 276 - DP20-0094 DVP20-0193 - Vanmar Developments Glenpark Ltd. Inc. No BC1150883

Staff:

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

Matthew Carter, VanMar Construction 1075 Inc., Applicant Representative

- Spoke to the project history and timing of the application brought forward to Council.
- Commented on discussions with staff and the neighbour with respect to the new road being built across the subject property and the neighbour's property which is almost complete; believes this road creates a much better connection into Glenmore.
- This project is substantially identical to what was presented to Council in 2018 without variances; commented on bylaw changes and reasons for variances.
- Spoke to the small community greenspace and noted that each home has a private yard area and rear deck; commented that the city is building a large recreational park directly across from this project.
- Responded to questions from Council.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online indicated they wished to speak.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Given

R0103/21/01/19 THAT Council authorizes the issuance of Development Permit No. DP20-0094 and Development Variance Permit No. DVP20-0193 for Lot A Section 33 Township 26 ODYD Plan EPP80045 Except Plan EPP94225, located at 276 Valley Road, 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 in accordance with Schedules A, B and C:

Section 7.6.1(b): Section 7 – Landscaping and Screening, Minimum Landscape Buffers

To vary the required minimum landscape buffer for the front yard from 3.0 m required to 0.51 m proposed.

Section 7.6.1(c): Section 7 – Landscaping and Screening, Minimum Landscape Buffers

To vary the required minimum landscape buffer for the side yard from 3.0 m required to 0.66 m proposed.

Section 7.6.1(c): Section 7 – Landscaping and Screening, Minimum Landscape Buffers

To vary the required minimum landscape buffer for the rear yard from 3.0 m required to 2.3 m proposed.

Section 8.2.3: Parking and Loading, Off-Street Parking Regulations

To vary the required minimum setback from any side or rear lot line from 1.5m required to 0.66 m proposed.

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

To vary the maximum height for any portion of a building within 7.5 m of an abutting lot with a Single/Two Unit designation in the City's Official Community Plan from 9.5 m or 2 ½ storeys permitted to 10.0 m or 3 storeys.

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
Councillor Hodge - Opposed

The meeting adjourned at 7:51 p.m.

The meeting reconvened at 8:16 p.m.

5.9 START TIME 8:15 PM - Aurora Cres 230 - BL12116 (Z20-0088) - Lambert and Paul Construction Ltd., Inc. No. 80191

Moved By Councillor Donn/Seconded By Councillor DeHart

R0104/21/01/19 THAT Bylaw No. 12116 be adopted.

Carried

5.10 START TIME 8:15 PM - Aurora Cres 230 - DP20-0147 DVP20-0148 - Ironclad Developments Aurora Inc., Inc. No. A0113910

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

David Marsh, Iron Clad Developments, Applicant

- Shared a PowerPoint Presentation outlining the project context and development plans.
- Spoke to the Official Community Plan policies and demand for rental housing.
- Commented on exceeding onsite vehicle parking for residents and visitors and bicycle spaces being provided.
- Outlined indoor and outdoor amenity spaces; including gym, business centre, rooftop patios and dog run onsite.
- Made comment on the building design and changes from the initial application after receiving feedback.
- Spoke to neighbourhood consultation and concerns related to the plans and variances.
- Responded to questions from Council.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online indicated they wished to speak.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Given

R0105/21/01/19 THAT Council authorizes the issuance of Development Permit No. DP20-0147 and Development Variance Permit No. DVP20-0148 for Lot 8 Section 26 Township 26 Osoyoos Division Yale District Plan KAP46961, located at 230 Aurora Crescent, 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 14.4.5(c): C4 – Urban Centre Commercial Development Regulations

To vary the required maximum height from 15.0 m or 4 storeys permitted to 22.0 m or 6 storeys proposed.

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

6. **Reminders – Nil.**

7. **Termination**

The meeting was declared terminated at 8:51 p.m.

Mayor Basran

Deputy City Clerk

lb/acm