



## City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, August 23, 2016  
Location: Council Chamber  
City Hall, 1435 Water Street

Council 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: Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Corporate & Protective Services, Rob Mayne\*; Community Planning Department Manager, Ryan Smith; Suburban & Rural Planning Manager, Todd Cashin; Planner Specialist, Melanie Stepphun\*; Bylaw Services Manager, Greg Wise\*; and Council Recording Secretary, Arlene McClelland

(\* Denotes partial attendance)

### 1. Call to Order

Mayor Basran called the meeting to order at 9:35 p.m.

### 2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Given.

### 3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor DeHart

R624/16/08/23 THAT the Minutes of the Public Hearing and Regular Meeting of August 9, 2016 be confirmed as circulated.

Carried

### 4. Bylaws Considered at Public Hearing

4.1 BL11265 (TA16-0006) - Amendments to the A1t - Agriculture 1 with Agri-

Moved By Councillor Hodge/Seconded By Councillor Donn

R625/16/08/23 THAT Bylaw No. 11265 be read a second and third time.

Carried  
Councillors Hodge and Singh - Opposed

4.2 Upper Mission Drive (E of), BL11266 (OCP16-0011) - Calcan Investments Inc.

Moved By Councillor Gray/Seconded By Councillor Hodge

R626/16/08/23 THAT Bylaw No. 11266 be read a second and third time.

Carried

4.3 Upper Mission Drive (E of), BL11267 (Z16-0041) - Calcan Investments Ltd.

Moved By Councillor Gray/Seconded By Councillor Given

R627/16/08/23 THAT Bylaw No. 11267 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 delivering 146 statutory notices to the owners and occupiers of surrounding properties between August 9 and August 12.

Notice of Council's consideration of these Temporary Use Permit Applications was given by sending out or otherwise delivering 8 statutory notices to the owners and occupiers of surrounding properties between August 9 and August 12.

146

Notice of these (amendments to Liquor Primary Licences) were advertised by being posted on the Notice Board at City Hall on August 9, and by being placed in the Kelowna Capital News issues on Friday, August 12 and Wednesday, August 17, 2016 and by sending out or otherwise delivering 44 statutory notices to the owners and occupiers of surrounding properties between August 9 and 12.

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 1470-1476 Water Street, LL16-0002 - 1324632 Alberta Ltd.

Councillor Dehart declared a conflict of interest due to her employment is in the same industry and departed the meeting at 10:15 p.m.

Staff:

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

The City Clerk advised that no correspondence or petitions had been received.

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 Gray**

**R628/16/08/23** THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 10 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

Council recommends support of an application from Rising Tide Consultants for a license amendment for Lot A, DL 139, ODYD, Plan EPP43122 located at 1470-1476 Water Street, Kelowna, BC for the following reasons:

a) The location of the establishment

The location is in a commercial area that is removed from nearby residences and is suitable for a late night entertainment venue where some street noise at closing time can be anticipated.

(b) The proximity of the establishment to other social or recreational facilities and public buildings

The only nearby social, recreational and public buildings do not conflict with the operation of a late night entertainment venue.

(c) The person capacity and hours of liquor service of the establishment

The maximum person capacity is not being amended as part of this application. The later hours of service, from 23:00 to 02:00 are appropriate.

(d) The number and market focus or clientele of liquor-primary licence establishments within a reasonable distance of the proposed location

The existing establishments are large pub style establishments that focus on entertainment or are nightclubs that attract patrons 19 to 25 years of age. The proposed establishment is a local pub style facility with an extensive menu and is designed to appeal primarily to guests at the hotel and their visitors.

(e) The impact of noise on the community in the immediate vicinity of the establishment, and

The site is far removed from any residential areas. There are no noise impacts expected as a consequence of extending hours.

(f) The impact on the community if the application is approved

If the application is approved, the impact is expected to be positive in that it will support the successful operations of a major downtown hotel and continue to draw business and activity to the city's downtown core.

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 DeHart rejoined the meeting at 10:21 p.m.

**7. Development Permit and Development Variance Permit Reports**

**7.1 845 Kinnear Court, BL11242 (Z15-0050) - Carol Kerga**

**Moved By Councillor Singh/Seconded By Councillor DeHart**

**R629/16/08/23** THAT Bylaw No. 11242 be adopted.

**Carried**

**7.2 845 Kinnear Court, DP16-0154 & DVP15-0232 - Carol Kergan**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence or petitions had been received.

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

Applicant was not present.

No one from the gallery came forward.

There were no further comments.

**Moved By Councillor Hodge/Seconded By Councillor Donn**

**R630/16/08/23** THAT final adoption of Rezoning Bylaw No. 11242 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP16-0154 for Lot 6 District Lot 135 ODYD Plan 25798, located at 845 Kinnear Court, Kelowna, BC subject to the following:

The dimension 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 Council authorizes the issuance of Development Variance Permit No. DVP15-0232 for Lot 6 District Lot 135 ODYD Plan 25798, located at 845 Kinnear Court, Kelowna, BC;

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

**Section 9.5b.14: Carriage House Regulations**

To vary the required minimum side yard setback from 2.0 m required to 1.17 m proposed.

AND THAT Council's consideration of this Development Permit & 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 October 15, 2015;

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**

**7.3 785 Packinghouse Road, TUP16-0002 - Frank & Helen Klimes**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that the following correspondence or petitions had been received:

**Letter of Support**

Bert and Judi Chapman, Curtis Road

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

**Birte Decloux Urban Options Planning & Permits**

- Displayed a PowerPoint presentation summarizing the application.
- Advised that the elderly family member been a resident for 30 years and is not a revenue property.
- Advised that the suite will be decommissioned when no longer needed by this family member.

No one from the gallery came forward.

There were no further comments.

**Moved By Councillor Hodge/Seconded By Councillor Given**

**R631/16/08/23** THAT Council authorizes the issuance of Temporary Use Permit No. TUP16-0002 to allow for a suite in an accessory building for Lot 27, Block 10, Sections 3, 4, and 10, Township 23, ODYD Plan 1068 Except Plan H8323, located at 785 Packinghouse Rd, Kelowna, BC for a three (3) year period commencing from Council approval subject to the following conditions:

1. The residential use is restricted to the current tenant of record on the date of Council approval;
2. At the end of the three (3) year period, or at the end of the occupation of the dwelling by the tenant, whichever is sooner, the suite is to be decommissioned within sixty (60) days; and
3. Obtaining a Delayed Demolition Permit through the City of Kelowna Building Department for the suite removal, complete with a \$20,000 decommissioning bond as part of that permit.

AND FURTHER THAT any application to extend the permit must be approved by Council prior to the Temporary Use Permit expiring on August 23, 2019.

**Carried**

**7.4 960 Mayfair Road, DP16-0113 & DVP16-0058 - Justin & Rebecca Bullock**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence or petitions had been received.

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

Birte Decloux Urban Options Planning & Permits

- Displayed a PowerPoint presentation summarizing the application.
- Ensured there is vegetative matter for screening.
- Advised there would be a maple tree planted to act as a screen to the neighbouring home for privacy.
- Responded to questions from Council.

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Given

**R632/16/08/23** THAT Council authorizes the issuance of Development Permit No. ~~DP16-0113~~ for Lot 2 District Lot 143 ODYD Plan EPP62178, located at 960 Mayfair 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";

THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0058 for Lot 2 District Lot 143 ODYD Plan EPP62178, located at 960 Mayfair Road, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted:  
**Section 13.6.6(h): RU6 - Two Dwelling Housing Development Regulations**  
To vary the required minimum rear yard from 7.5 m permitted to 2.3 m proposed.

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

**7.5 145 Dougall Road, BL11193 (Z15-0052) - Narish Kathpal**

Carried

Moved By Councillor Dehart/Seconded By Councillor Singh

**R633/16/08/23** THAT Bylaw No. 11193 be adopted.

**7.6 340 Highway 33 West, DP15-0235 & DVP15-0236 - Zsy Holdings Ltd.**

Carried

Staff:

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

The City Clerk advised that the following correspondence or petitions had been received:

**Letter of Opposition or Concerns**  
Ted Gabor, Dougall Rd  
Sherri Ducholke, Asher Road

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

Birte Decloux Urban Options Planning & Permits

- Displayed a PowerPoint presentation summarizing the application.
- Responded to questions from Council.

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Given

R634/16/08/23 THAT final adoption of Rezoning Bylaw No. 11193 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP15-0235 for Lot 1 Section 26 Township 26 ODYD Plan EPP62403 located at 340 Highway 33 West, 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 the Development Variance Permit No. DVP15-0236 for Lot 1 Section 26 Township 26 ODYD Plan EPP62403, located at 340 Highway 33 East, Kelowna, BC;

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

Section 14.4.5 (f) C4 - Urban Centre Commercial Development Regulations

To vary the required minimum rear yard from 6.0 m permitted to 0.20 m proposed;

Section 7.6.1 (c) - Landscaping and Screening Minimum Landscape Buffers

To vary the required minimum landscape buffer from 3.0 m permitted to 1.40 m proposed and 0.0 m proposed.

AND THAT Council's consideration of this Development Permit and 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 October 29, 2015;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit Applications 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.

Councillor Hodge - Carried  
Opposed

8. Reminders - Nil.

**9. Termination**

The meeting was declared terminated at 10:59 p.m.

\_\_\_\_\_  
Mayor

/acm

\_\_\_\_\_  
City Clerk