



**City of Kelowna
Regular Meeting
Minutes**

Date: Tuesday, February 8, 2022
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Deputy Mayor Loyal Wooldridge, Councillors Maxine DeHart, Ryan Donn, Gail Given and Luke Stack

Members participating remotely Councillors Charlie Hodge and Mohini Singh

Members Absent Mayor Colin Basran and Councillor Brad Sieben

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Deputy City Clerk, Laura Bentley; Divisional Director Planning & Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton

Staff participating remotely Legislative Coordinator (Confidential), Clint McKenzie

1. Call to Order

Deputy Mayor Wooldridge called the meeting to order at 7:39 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Given.

3. Confirmation of Minutes

Moved By Councillor DeHart/Seconded By Councillor Hodge

Ro097/22/02/08 THAT the Minutes of the Public Hearing and Regular Meeting of January 18, 2022 be confirmed as circulated.

Carried

4. Liquor License Application Reports

4.1 START TIME 6:20 PM - High Rd 1170-1186 - LL21-0010 - Paul Leinemann Construction Ltd., Inc. No. 13163

Staff:

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

The applicant was present and available to answer questions.

Deputy Mayor Loyal Wooldridge invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online wished to speak.

Gallery:

Randy Maradyn, High Rd

- Spoke to being proponents of the City infill challenge.
- Owns property directly across the street from the subject property.
- Supports the development.
- Concerned with impacts on traffic and parking in the neighbourhood.
- Raised concerns with the capacity limit of 100 for the establishment.

There were no further comments.

Rob Leinemann, Applicant, in response

- Spoke to the parking available to the brewery. There are 16 stalls available on site and 40 adjacent on street stalls.
- Area business parking empties out after 4:00 p.m.
- Provided anecdotal comments on area parking.
- Emphasis on adding bike racks and being advocates of cycling to the establishment.
- There will be a skateboard rack for patrons as well.
- Advised the name of the establishment will be RAILSIDE BREWERY.

Moved By Councillor Given/Seconded By Councillor Stack

Ro098/22/02/08 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 RAILSIDE BREWING for a Liquor Primary License for Lot 3 Section 30 Township 26 ODYD Plan 19104, located at 1170-1186 High Road, Kelowna, BC for the following:

1. 2:00 pm to 9:00 pm Tuesday to Wednesday
2. 12:00 pm to 10:00 pm on Thursday
3. 11:00 am to 11:00 pm on Friday and Saturday
4. 11:00 am to 9:00 pm on Sunday

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 which consists of two separate buildings. The business is located in the eastern-most building which fronts onto High Road and the Okanagan Rail Trail, and backs onto Clement Ave. The property is east of the City Centre Urban Centre;

b. The proximity of the establishment to other social or recreational facilities and public buildings: The north-end industrial area is becoming a destination with it being home to multiple small-scale wineries, cideries and breweries. The area is within walking distance of the downtown City Centre Urban Centre, it is situated on the Rail Trail and near the Ethel Street, and Cawston Avenue Active Transportation Corridors (ATC).

The site is in close proximity to multiple recreation facilities which includes Lombardy Park, Parkinson Recreation Centre, the Curling Club, and the Kelowna Badminton Club.

c. The person capacity and hours of liquor service of the establishment: The business proposes an indoor capacity of 77 persons and an outdoor capacity of 38 persons. the total capacity at

any given time may not exceed 100 persons, as per the occupant load calculations based on BC Building Code.

d. Traffic, noise, parking and zoning: The brewery is proposed in an area with a mix of residential, industrial and commercial uses adjacent to Clement Avenue, a 4-lane arterial roadway. The south side of Clement is primarily single-family dwellings with a small amount of multi-family residential. Any impacts of traffic, parking and associated noise already exist due to the industrial nature of the area on the north side of Clement Ave and the proximity to Clement Avenue. To minimize additional noise a sound barrier fence along the south side patio is being proposed.

e. The impact on the community if the application is approved: The negative impact the business poses is considered minimal due to the existing nature of the area. The brewery would aide in activating the Clement Streetscape beyond the hours of a standard workday.

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

5. Development Permit and Development Variance Permit Reports

5.1 START TIME 6:20 PM - Speer St 2257 - BL11974 (Z19-0102) - Speer Street Developments Ltd., Inc. No. BC1280555

Moved By Councillor Given/Seconded By Councillor Donn

Ro099/22/02/08 THAT Bylaw No. 11974 be amended at 3rd reading by deleting from the legal descriptions that read:

- "Lot 34, District Lot 14, ODYD Plan 413" and
- "Lot 35, District Lot 14, ODYD Plan 413"

And replacing it with:

- "Lot A District Lot 14, ODYD Plan EPP116552"

AND by deleting "& 2263" from the title.

Carried

Moved By Councillor Given/Seconded By Councillor Donn

Ro100/22/02/08 THAT Bylaw No. 11974, as amended, be adopted.

Carried

5.2 START TIME 6:20 PM - Speer St 2257 - DP19-0146 DVP19-0147 - Speer Street Developments Ltd., Inc. No. BC1280555

Staff:

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

Birte Decloux, Urban Options, Applicant's Agent

-Displayed a PowerPoint presentation.

-Spoke to the reduction in unit count.

-Confirmed there is not a height variance.

Deputy Mayor Loyal Wooldridge invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online wished to speak.

No one in the gallery wished to speak.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Donn

Ro101/22/02/08 THAT Rezoning Bylaw No. 11974 be amended at third reading to revise the legal description of the subject property from Lot 34 District Lot 14 ODYD Plan 413, located at 2257 Speer Street, Kelowna, BC and Lot 35 District Lot 14 ODYD Plan 413, located at 2263 Speer Street, Kelowna, BC to Lot A District Lot 14 ODYD Plan EPP116552, located at 2257 Speer Street, Kelowna, BC;

AND THAT final adoption of Rezoning Bylaw No. 11974 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0146 & Development Variance Permit DVP19-0147 for Lot A District Lot 14 ODYD Plan EPP116552, located at 2257 Speer 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 17.2.5.1(b): HD2 – Hospital and Health Support Services, Development Regulations

To vary the maximum site coverage from 55% permitted to 67.36% proposed.

Section 17.2.5.1(d): HD2 – Hospital and Health Support Services, Development Regulations

To vary the front yard setback from 4.5m required to 3.0m proposed.

Section 17.2.5.1(e): HD2 – Hospital and Health Support Services, Development Regulations

To vary the north side yard setback from 4.5m required to 1.5m proposed and south side yard setback from 4.5m required to 1.5m proposed for a 7.6m portion of the side yard.

Section 17.2.5.1(e): HD2 – Hospital and Health Support Services, Development Regulations

To vary the north and south side yard setbacks for portions of the building above 12.0m in height from 6.0m required to 4.4m proposed.

Section 17.2.5.1(f): HD2 – Hospital and Health Support Services, Development Regulations

To vary the rear yard setback from 3.0m required to 1.52m 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 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

5.3 START TIME 6:45 PM - Clifton Rd N 122 - DVP21-0046 - Peter and Wen Finamore

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The applicant was not present.

Deputy Mayor Loyal Wooldridge invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online wished to speak.

No one in the gallery wished to speak.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Singh

Ro102/22/02/08 THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0046 for Lot 16 Section 6 Township 23 ODYD Plan 25017 located at 122 Clifton Road North, Kelowna, BC;

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

Section 12.1.6(d) – RR1 - Rural Residential 1 Development Regulations:

To vary the required minimum side yard setback from 2.0m permitted to 1.9m 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

5.4 START TIME 6:45 PM - Lakeshore Road 5147 - DVP21-0216 - Mark J. Walker and Francine C. Walker

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Applicant

The applicant was present and available to answer questions.

Deputy Mayor Wooldridge invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online wished to speak.

No one in the gallery wished to speak.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor DeHart

Ro103/22/02/08 THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0216 for Lot 7 Section 23 Township 28 SDYD Plan 8976, located at 5147 Lakeshore Road, Kelowna, BC

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

Section 12.2.6(d): RR2 –Rural Residential 2, Development Regulations

To vary the required minimum side yard from 3.0 m permitted to 1.7 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

6. Reminders

There were no reminders.

7. Termination

The meeting was declared terminated at 8:22 p.m.

Deputy Mayor Woolridge

City Clerk

/cm