



**City of Kelowna
Regular Council Meeting
Minutes**

Date: Tuesday, September 20, 2022
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Ryan Donn, Gail Given, Charlie Hodge, Brad Sieben*; Mohini Singh, Luke Stack and Loyal Wooldridge

Members Absent Councillor Maxine DeHart

Staff Present Acting City Manager, Mac Logan; City Clerk, Stephen Fleming; Divisional Director, Partnership & Investment, Derek Edstrom; Real Estate Department Manager, Johannes Saufferer; Divisional Director, Planning & Development Services, Ryan Smith; Park & Landscape Planner, Melanie Steppuhn; Legislative Coordinator (Confidential), Rebecca Van Huizen

Staff participating Remotely Legislative Coordinator (Confidential), Clint McKenzie

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 4:06 p.m.

2. Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor Donn

Ro678/22/09/20 THAT the Minutes of the Regular AM Meeting and Regular PM Meeting of August 22, 2022 be confirmed with an amendment to reflect Deputy Mayor Hodge.

Carried

Moved By Councillor Wooldridge/Seconded By Councillor Donn

Ro679/22/09/20 THAT the Minutes of the Regular Meeting of August 23, 2022 be confirmed as circulated.

Carried

3. Resolution Closing the Meeting to the Public

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

Ro680/22/09/20 THAT this meeting be closed to the public pursuant to Section 90(1) (e) of the Community Charter for Council to deal with matters relating to the following:

- Acquisition and Disposition of Land

Carried

4. Adjourn to Closed Session

The meeting adjourned to a closed session at 4:08 p.m.

5. Reconvene to Open Session

The meeting reconvened to an open session at 4:27 p.m.

6. Reports & Related Bylaws

6.1 2023 Permissive Tax Exemption - Bylaw 12408

Councillor Stack provided an explanation as to why he previously declared a conflict on permissive tax exemptions and why this is no longer the case.

Staff displayed a PowerPoint Presentation summarizing the changes to the permissive tax exemptions and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Donn

Ro681/22/09/20 THAT Council receives, for information, the Report from the Revenue Supervisor dated September 20, 2022 with respect to the 2023 Permissive Tax Exemption Bylaw;

AND THAT Bylaw No. 12408, being the Permissive Tax Exemption Bylaw be forwarded for reading consideration.

Carried

6.2 BL12408 - 2023 Permissive Tax Exemption Bylaw

Moved By Councillor Wooldridge/Seconded By Councillor Sieben

Ro682/22/09/20 THAT Bylaw No. 12408 be read a first, second and third time.

Carried

6.3 Collett Road 467 - Z22-0018 (BL12425) - Peter Blom - Supplemental Report

Moved By Councillor Wooldridge/Seconded By Councillor Singh

Ro683/22/09/20 THAT Council receives, for information, the report from the Office of the City Clerk dated September 20, 2022 with respect to Zoning Bylaw No. 12425;

AND THAT Rezoning Bylaw No.12425 be forwarded for further reading consideration.

Carried

6.4 Collett Road 467 - BL12425 (Z22-0018) - Peter Blom

Moved By Councillor Wooldridge/Seconded By Councillor Sieben

Ro684/22/09/20 THAT Bylaw No. 12425 be read a first, second and third time and be adopted.

Carried

6.5 Doyle Ave 550 - BL12415 (TA22-0013) - Multiple Owners

Moved By Councillor Wooldridge/Seconded By Councillor Given

Ro685/22/09/20 THAT Bylaw No. 12415 be adopted.

Carried
Councillor Hodge - Opposed

6.6 Doyle Ave 550 - BL12416 (Z21-0110) - Multiple Owners

Moved By Councillor Stack/Seconded By Councillor Sieben

Ro686/22/09/20 THAT Bylaw No. 12416 be adopted.

Carried
Councillor Hodge - Opposed

6.7 Doyle Ave 550 - DP21-0285 - Multiple Owners

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Donn/Seconded By Councillor Wooldridge

Ro687/22/09/20 THAT final adoption of Text Amending Bylaw No. 12415 be considered by Council;

AND THAT final adoption of Rezoning Bylaw No. 12416 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP21-0285 for PARCEL A (KK73272) DL 139 ODYD PLAN KAP45917, located at 550 Doyle Ave, 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 the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

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

Carried
Councillor Hodge - Opposed

7. Adjourn the Meeting

The meeting adjourned at 5:14 pm

8. Reconvene the Meeting

The meeting reconvened at 6:02 p.m.

9. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Wooldridge.

10. Liquor License Application Reports

10.1 START TIME 6:00 PM - Ellis Street 1383 - LL21-0009 - Revelry Holdings Ltd., Inc.No. BC1239987

Councillor Sieben declared a conflict of interest as he has an interest in a number of downtown liquor establishments and left the meeting at 6:06 p.m.

Staff:

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

Lee Simon, Applicant

- Provided an overview of the application and how the venue would operate.
- Confirmed it is a casual cafe and it also a music venue.
- Responded to questions from Council.
- Confirmed that fully enclosed space on the deck.
- Confirmed the third floor is now taken away.

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

Gallery:

Lloyd Peterson, Doyle Ave

- Displayed a PowerPoint presentation.
- Opposed to the application.
- Raised concerns with noise impacts on neighbours as patrons enter and exit the venue during the day and night.
- Made comments on anticipated new development that will add residential units to the immediate area.
- Raised concerns with public drunkenness and the social disorder it can create.
- Made reference to correspondence previously submitted by the applicant.
- Questioned whether Council policies were followed and if all relevant information was made available.
- Raised concerns with safety implications.

Max Vanlon, Doyle Ave

- Opposed to the application.
- Spoke to the previous licence turned down by Council in downtown area.

Ezra Cipes, Ellis St.

- Supportive of the application as it is a positive step to building the area and cultural district.

Noel Wentworth, Glenpine Court

- Supportive of the application.
- Venue will support artists and performers under 19.

Online:

Sophia Fusco, Corgans Court

- Supportive of the application.
- Venue will provide the much needed space for high school aged artists and performers.
- This type of venue is needed in the downtown.

Applicant in response

- Responded to questions from Council.
- Spoke to the differences between a music hall and a nightclub.

- Spoke to the neighbourhood consultation.
- Spoke to fire exits and building permit regulations being met.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

Ro688/22/09/20 THAT Council direct Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB):
 In accordance with 'Division 9 (71)' of the Liquor Control and Licensing Regulation and Council Policy no. 359, BE RESOLVED THAT:

1. Council recommends support of an application from Lee Simon for a liquor primary license for Lot 8 District Lot 139 ODYD Plan 432, located at 1383 Ellis Street, Kelowna, BC for the following reasons:
 - a. Council Policy No. 359, recommends the large establishments should be located within Urban Centres.
2. Council's comments on LCLB's prescribed considerations are as follows:

Criteria for new liquor primary:

a. The location of the establishment:

The subject property is located within the Downtown Urban Centre and is surrounded by a variety of other commercial, residential, and mixed-use developments.

b. The proximity of the establishment to other social or recreational facilities and public buildings:

The site is located near the Kelowna Downtown Library, Kelowna Community Theatre, Kasugai Gardens and City Hall. In addition, the Kelowna's Actor's Studio is directly to the North.

c. The person capacity and hours of liquor service of the establishment:

The business proposes a total capacity of 685 persons as follows: Main Floor – 418 persons, Second Floor – 267 persons; with hours of service as follows:

- a. 7:00am to 12:00am Sunday to Thursday.
 - b. 7:00am to 1:00am Friday to Saturday.
- d. The number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location:

The location is next door to another liquor primary, however, there are no others in the vicinity.

e. The impact of noise on the community in the immediate vicinity of the establishment:

The proposal does not include any outdoor activities, and all activities will be contained within the structure. The applicant has introduced noise mitigating factors like ending any live music one hour before the end of the proposed hours of liquor sales.

f. The impact on the community if the application is approved:

Staff do not anticipate any negative impacts to the community.

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 returned to the meeting at 6:55 p.m.

11. Development Permit and Development Variance Permit Reports

11.1 START TIME 6:00 PM - Abbott St 1986 - HAP22-0008 - Skill-Tech Builders Inc

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Applicant

- Applicant was present and available for questions.

Mayor Basran 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 Online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Donn

Ro689/22/09/20 THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP22-0008, for LOT 1 DL 14 ODYD PLAN KAP70173, located at 1986 Abbott St, Kelowna, BC subject to the following:

1. The dimensions and siting of the stairs to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the stairs to be constructed on the land, be in accordance with Schedule "B";

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

Section 13.1.6(d): RU1 – Large Lot Housing, Development Regulations

To vary the required minimum side yard from 2.3 m permitted for a 2 or a 2 ½ storey portion of a building to 1.15 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

11.2 START TIME 6:00 PM - McDougall St 1978 - HAP22-0009 - Terry Jennens

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Applicant

- Applicant was present and available for questions.

Mayor Basran 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 Online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Singh

Ro690/22/09/20 THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP22-0009 for LOT A DL 14 ODYD PLAN EPP38244, located at 1978 McDougall St, 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 a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 13.1.6(d): RU1 – Large Lot Housing Development Regulations

To vary the required minimum side yard from 2.0 m for a 1 or 1 ½ storey building permitted to 1.3 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

At the request of Council, the applicant provided background to the "Viking ship" that was located on the property.

11.3 START TIME 6:45 PM - Drysdale Blvd 305 - BL12332 (Z21-0059) - Will McKay and Co Ltd., Inc.No. BCo306923

Moved By Councillor Donn/Seconded By Councillor Given

Ro691/22/09/20 THAT Bylaw No. 12332 be amended at third reading by deleting the Legal Description that reads:

"a) Lot 5 Section 33, Township 26 ODYD, Plan EPP 48909 located at 301 Drysdale Boulevard, Kelowna, BC; and

b) Lot 4 Section 33, Township 26, ODYD, Plan EPP48909 located at 305 Drysdale Boulevard, Kelowna, BC"

And replacing it with:

"Parcel A (Being a Consolidation of Lots 4 and 5, See CA9869654) Section 33 Township 26 ODYD Plan EPP48909"

AND THAT "301 and" be deleted from the title.

Carried

Moved By Councillor Donn/Seconded By Councillor Singh

Ro692/22/09/20 THAT Bylaw No. 12332, as amended, be adopted.

Carried

11.4 START TIME 6:45 PM - Drysdale Blvd 305 - DP21-0130 DVP21-0131 - Will McKay and Co. Ltd., Inc.No. BCo306923

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Applicant' Agent, Jordan Hettinga, Hemlick Rd

- Applicant was present and available for questions.

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

Online:

Ben Hansford, Drysdale Blvd.

- Opposed to the application.
- Concerned for safety and traffic increase in the neighbourhood.
- Questioned what parking facilities are being provided onsite.
- Made reference to previously submitted correspondence in opposition.

Applicant's Agent

- Spoke to the traffic calming being implemented.
- Spoke to additional bike parking being provided.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Sieben

Ro693/22/09/20 THAT Rezoning Bylaw No. 12332 be amended at third reading to revise the legal description of the subject property from LOT 5 SECTION 33 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN EPP48909 and LOT 4 SECTION 33 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN EPP48909 to PARCEL A (BEING A CONSOLIDATION OF LOTS 4 AND 5, SEE CA9869654) SECTION 33 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN EPP48909;

AND THAT final adoption of Rezoning Bylaw No. 12332 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP21-0130 and Development Variance Permit No. DVP21-0131 for PARCEL A (BEING A CONSOLIDATION OF LOTS 4 AND 5, SEE CA9869654) SECTION 33 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN EPP48909, located at 305 Drysdale Blvd, 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 13.11.6(c): RM5 – Medium Density Multiple Housing Development Regulations

To vary the required maximum height from 18.0 m or 4.5 storeys permitted to 17.8 m or 6 storeys proposed.

Section 13.11.6(e): RM5 – Medium Density Multiple Housing Development Regulations

To vary the required minimum side yard (east) from 7.0 m permitted to 6.01 m proposed.

Section 13.11.6(f): RM5 – Medium Density Multiple Housing Development Regulations

To vary the required minimum rear yard from 9.0 m permitted to 6.02 m 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

11.5 START TIME 6:45 PM - Cariboo Rd 200 - DVP22-0114 - Genevieve Schulz and Nicolas Schulz

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Applicant

-Applicant was present and available for questions.

Mayor Basran 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 Online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Stack

Ro694/22/09/20 THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0114 for Lot A Section 4 Township 23 ODYD Plan EPP85121, located at 200 Cariboo 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 4.5 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

11.6 START TIME 6:45 PM - 1746 Tronson Drive - DVP22-0131 - Marino Bigattini and Bernadette Bigattini

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Applicant

-Available was present and available for questions.

Mayor Basran 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 Online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Wooldridge

Ro695/22/09/20 THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0131 for Lot 1 Section 29 Township 26 ODYD Plan 24924, located at 1746 Tronson Drive, Kelowna, BC;

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

Section 13.1.6(c): RU1 – Large Lot Housing, Development Regulations

To vary the required minimum front yard from 4.5 m permitted to 2.47 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

11.7. START TIME 7:15 PM - Queensway 289 - DP22-0079 DVP22-0080 - 1324632 Alberta Inc., Inc.No. A72431

Councillor Sieben Declared a conflict of interest as he is a part owner of 1481 water Street and left the meeting at 7:39 p.m.

Staff:

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

Applicant, Gail Temple, West Corp and Lauren Macaulay, IBI Architects

- Displayed a PowerPoint presentation.

- Provided rationale for the delay in bringing the project forward since the previous permits were issued.

- Provided comments on small changes to previously submitted permits.

- Spoke to form and character and proposed variances.

- Spoke to amenities provided and the interface with Kerry Park.

- Responded to questions from Council.

Mayor Basran 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 Online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Wooldridge

Ro696/22/09/20 THAT Council authorizes the issuance of Development Permit No. DP22-0079 for Lot 1 District Lot 139 ODYD Plan EPP77920, located at 289 Queensway, Kelowna, BC subject to the following:

The dimensions 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";

Landscaping to be provided on the land be in accordance with Schedule "C";

The outstanding conditions set out in Attachment "B" attached to the Report from the Community Planning Department dated February 20th, 2017, including a maintenance agreement with associated bonding be signed and submitted with the City of Kelowna to

ensure the upgraded off-sites improvements along Queensway Ave and Water St are provided for and maintained for in perpetuity.

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0080 for Lot 1 District Lot 139 ODYD Plan EPP77920, Kelowna, BC;

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

Section 14.7.5(a): C7 – Central Business Commercial, Development Regulations

To vary the maximum allowable height from 26 storeys / 76.5 m to 33 storeys / 131.0 m proposed.

Section 14.7.5(h)i: C7 – Central Business Commercial, Development Regulations

To vary the setback for the north and east side of the building above 16.0 m or 4 storeys from 3.0 m required to 0.0 m proposed

Section 14.7.5(h)ii(a): C7 – Central Business Commercial, Development Regulations

To vary the maximum floor plate size above 4 storeys from 750 m² permitted to 2,912 m² proposed for the podium and to 917 m² proposed for the tower.

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 THAT the applicant be required to complete the following conditions prior to a building permit being issued:

1. That a subdivision be registered with the land titles office completing the land exchange and lane dedication;
 - a. As part of the new registered plans, the vehicular right-of-way and turn around within the lane be amended to reflect the updated plans; and
 - b. A statutory right-of-way be registered on the property guaranteeing public access between the proposed building and Queensway / Kerry Park.
2. That a license of occupation be signed by the City of Kelowna to permit the canopy encroachments across the property lines.
3. That a license of occupation be registered for the Hotel permitting the portions of Queensway to be used for hotel purposes such as valet services.

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

Councillor Sieben rejoined the meeting at 8:11 p.m.

12. Reminders

There were no reminders.

12.1 Resolution Closing the Meeting to the Public

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

Ro697/22/09/20 THAT this meeting be closed to the public pursuant to Section 90(1) (e) of the Community Charter for Council to deal with matters relating to the following:

- Acquisition and Disposition of Land

Carried

12.2. Adjourn to Closed Session

The meeting adjourned to a closed session at 8:15 p.m.

12.3. Reconvene to Open Session

The meeting reconvened to an open session at 8:32 p.m.

12.4 Issues Arising from Correspondence & Community Concerns

Councillor Singh – Kinsmen Club Relocation

-Raised concerns on behalf of the Kinsmen Club regarding relocation and the use of alternate City space.

Councillor Donn – Carney Park

-Quail Ridge correspondence regarding the cancelled swing set.

-Disappointed with staff response.

13. Termination

The meeting was declared terminated at 7:56 p.m.

Mayor Basran

City Clerk

/cm