



**City of Kelowna
Regular Council Meeting
Minutes**

Date:	Tuesday, January 17, 2023
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Tom Dyas, Councillors Ron Cannan, Charlie Hodge, Gord Lovegrove, Mohini Singh, Luke Stack, Rick Webber and Loyal Wooldridge
Members Absent	Councillor Maxine DeHart
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Development Planning Department Manager, Terry Barton; Urban Planning Manager, Community Planning & Development Manager, Dean Strachan*; Legislative Coordinator (Confidential), Rebecca Van Huizen
Staff participating Remotely	Legislative Coordinator (Confidential), Clint McKenzie

(* Denotes partial attendance)

1. Call to Order

Mayor Dyas called the meeting to order at 6:00 p.m.

Mayor Dyas advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend Zoning Bylaw No. 12375, and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Cannan.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Lovegrove

R0040/23/01/17 THAT the Minutes of the Public Hearing and Regular Meeting of November 29, 2022 be confirmed as circulated.

Carried

4. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 6:03 p.m.

5. Individual Bylaw Submissions

5.1 START TIME 6:00 PM - Tanager Ct 5428 - Z22-0052 (BL12449) - Dianne and George Kamoschinski

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Diane Kamoschinski, Tanager Ct, Applicant

- Provided rationale for the variance.

- Spoke to the history of construction of the auxiliary building, and how this changed into a carriage house.

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

Gallery:

Pieter Botha, Tanager Ct

- Opposed to the application.

- Not an appropriate location for increased density.

- Raised concerns with negative impacts on their privacy.

- Related conversation with property owner that intent was to have a carriage home from the beginning.

- Concerned with the application setting a precedent in the neighbourhood.

Matty Bowtha, Tanager Ct

- Opposed to the application.

- Concerned with negative impacts on their privacy.

- Concerned with height of the structure.

- Felt their neighbours were not forthcoming with their intent.

- Spoke to interactions with City staff and subsequent City warnings pertaining to use of the structure.

Andrea Kamoschinski, Tanager Ct

- Daughter of the applicant.

- Example of affordable, stable housing which is needed in the City.

- Provided history of the intended use of the auxiliary structure and why the intended use has changed.

- Spoke to parents good character as members of the neighbourhood for 35 years.

- Agreed privacy impacts are a valid concern; existing trees would negate this or window coverings

Diane Kamoschinski, Applicant in response:

- Reiterated the reasons for the changing needs for the accessory building to become a carriage house.

- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments.

6. Termination

The Hearing was declared terminated at 6:45 p.m.

7. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 6:45 p.m.

8. Bylaws Considered at Public Hearing

8.1 START TIME 6:00 PM - Tanager Ct 5428 - BL12449 (Z22-0052) - Diane and George Kamoschinski

Moved By Councillor Wooldridge/Seconded By Councillor Webber

R0041/23/01/17 THAT Bylaw No. 12449 be read a second and third time.

Carried
Councillor Hodge - Opposed

9. Termination

The regular meeting was declared terminated at 6:53 pm

10. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 6:53 p.m.

11. Individual Bylaw Submissions

11.1 START TIME 6:00 PM - Barnaby Rd 741 - Z22-0005 (BL12458) - Haidong Liu

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Richard Delaurier, Applicant's Agent

-Other nearby properties have rezoned to a similar land use.

-Available to answer questions.

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

Gallery:

Kevin Hanson, Drummond Ct

-Opposed to the application.

-Concerned with removal of large trees from the lot.

-Property owner does not live in the area and doesn't care about the neighborhood.

-Over density of the lot being proposed.

-Spoke to the steep slopes on the property.

-Requested if panhandle access required that it be on the east side of the property.

Dave and Julie Marks, Drummond Ct

-Opposed to the rezoning.

-Concerned with too much density.

-Identified and spoke to ways the application is inconsistent with City's plans and policies.

-Referenced correspondence previously submitted.

-Raised concerns with traffic impacts.

-Property will increase the nuisances already occurring in the neighbourhood.

Tony Markoff, Barnaby Rd

-Opposed to the application.

-Panhandle "epidemic" on Barnaby Road.

-Application against any type of planning rationale.

-Raised concerns with the Approving Officer approval of the subdivision.

-Opposed to the manner in which this has been brought forward.

Richard Delaurier, Applicant's agent in response:

-Approving officer has already made their decision regarding the lot configuration.

-Proposed density is permitted under the OCP, and the application aligns with other lots in the immediate neighbourhood.

- Spoke to not constructing on the hillside.
- Spoke to the drive aisle being only for two properties not four.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments.

12. Termination

The Hearing was declared terminated at 7:37 p.m.

13. Call to Order the Regular Meeting

Mayor Dyas called the regular meeting to order at 7:37 p.m.

14. Bylaws Considered at Public Hearing

14.1 START TIME 6:00 PM - Barnaby Rd 741 - BL12458 (Z22-0005) - Haidong Liu

Moved By Councillor Webber/Seconded By Councillor Wooldridge

R0042/23/01/17 THAT Bylaw No. 12458 be read a second and third time.

Mayor Dyas and Councillors Cannan, Hodge, Lovegrove, Singh, Webber & Wooldridge - **Defeated**
- Opposed

15. Termination

The meeting recessed at 7:49 p.m.

The meeting reconvened at 7:57 p.m.

16. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 7:58 pm.

17. Individual Bylaw Submissions

17.1 START TIME 6:30 PM - Bernard Ave 1575 - OCP22-0006 (BL12454) Z22-0041 (BL12455) - 1575 Bernard Projects Ltd.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Corey Mackiss, Granite Close, Kelowna, Applicant

- Introduced applicant team present to answer questions.
- Displayed a PowerPoint presentation.
- Noted neighbouring properties already have existing zoning being sought in the application.
- Provided history of lot and previous land uses.
- Reviewed the public consultation that took place.
- This will be their third project in Kelowna.
- Reviewed the attributes of how the property will function.

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

Gallery:

Alex Krowlack, Noble Ct

- Opposed to the application.
- Concerned with size of the project due to scale of the neighbourhood and traffic congestion issues.
- Application is too big for the neighbourhood and for the road system.
- Proposed application is out of place for the neighbourhood.
- Opposed to the proposed height and density.
- Not opposed to development of the site; this is too much.

Loretta Klammer, Lawrence Ave

- Opposed to the application.
- Concerned with construction vibration.
- Application not sensitive to the neighbouring low density buildings, and isn't a fit in this neighbourhood.
- Concerned with impacts on traffic.

Raymond Raif, Lawrence Ave

- Opposed to the application.
- Concerned with increased traffic and pedestrian safety.
- Concerned with the proposed height of the development and its impacts on neighbourhood.

Maureen Nestman, Noble Ct

- Opposed to the application.
- In favour of the lot being developed.
- Concerned with too much density and too high a building.
- Concerned with traffic impacts and cycling and pedestrian safety.
- Concerned with noise and nuisance impacts.
- Concerned that application is out of character with the immediate neighbourhood.

Corey Mackiss, Applicant in response:

- OCP supports the proposed size and height.
- Demolition permit taken out and no complaints received.
- Neighbourhood concerns were taken into consideration with respect to impacts on views when designing their project, will take shadow impacts into consideration at Development Permit stage.
- Applicant traffic engineer indicated any traffic improvements will be made that come out of traffic studies.
- Pet area one of the amenities being provided.
- On-site loading zone for tenants moving in or out.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments.

18. Termination

The Hearing was declared terminated at 9:14 p.m.

19. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 9:14 p.m.

20. Bylaws Considered a Public Hearing

20.1 START TIME 6:30 PM - Bernard Ave 1575 - BL12454 (OCP22-0006) - 1575 Bernard Projects Ltd.

Moved By Councillor Lovegrove/Seconded By Councillor Stack

R0043/23/01/17 THAT Bylaw No. 12454 be read a second and third time.

Carried
Councillors Cannan & Lovegrove - Opposed

20.2 START TIME 6:30 PM - Bernard Ave 1575 - BL12455 (Z22-0041) - 1575 Bernard Projects Ltd.

Moved By Councillor Lovegrove/Seconded By Councillor Stack

R0044/23/01/17 THAT Bylaw No. 12455 be read a second and third time.

Carried
Councillors Cannan & Lovegrove - Opposed

21. Liquor License Application Reports

21.1 START TIME 7:15 PM - Lakeshore Rd 4629-4649 - LL22-0021 - City of Kelowna

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Gary Brucker, Tim Kramer, Barn Owl Brewing Company, Applicant

- Provided the history to the site and business.
- Spoke to the circumstances behind the patio expansion.
- Displayed a PowerPoint presentation.

City Clerk 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 from the gallery or online came forward.

Applicant:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Singh

R0045/23/01/17 THAT Council directs 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 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from 1139646 B.C Ltd dba Barn Owl Brewing Company for an amendment to a lounge endorsement for Lot A Section 25 Township 28 SDYD Plan KAP71341 Except Plan EPP76702, located at 4629-4649 Lakeshore Rd, Kelowna, BC for the following reasons:
 - Council Policy No. 359 recommends supporting alternative entertainment options, and/or establishments which are less focused on alcohol consumption;
2. Council's comments on LCLB's prescribed considerations are as follows:
 - a. The potential for noise if the application is approved:

The potential impact for noise is minimal as the occupancy is increasing by 13 patrons within the building and 41 patrons on an existing patio.
 - b. The impact on the community if the application is approved:

The potential for negative impacts is minimal as the area is primarily commercial to the West and South, with a church to the North. The residential to the south is separated by commercial buildings and existing mature landscaping.

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

22. Development Permit and Development Variance Permit Reports

22.1 START TIME 7:15 PM - Wardlaw Ave 727 - DP22-0032 DVP22-0033 - Cellar Door Developments Ltd., Inc.No. BC1292607

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Kelly McQuiggan, West Ave, Vancouver, Applicant participating remotely

-Identified the applicant team
-Available to answer questions.

City Clerk 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 from the gallery or online came forward.

Kelly McQuiggan, Applicant participating remotely in response:

-Responded to questions from Council.

There were no further comments.

Moved By Councillor Lovegrove/Seconded By Councillor Webber

R0046/23/01/17 THAT Council authorizes the issuance of Development Permit No. DP22-0032 and Development Variance Permit No. DVP22-0033 for Lot B District Lot 135 ODYD Plan 32260, located at 727 Wardlaw 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 a variance to the following section of Zoning Bylaw No. 12375 be granted:
Table 14.11: UC5 - Commercial and Urban Centre Zone Development Regulations
To vary the minimum front yard setback for ground-oriented housing from 2.0m permitted to 1.5m proposed.

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.

22. Development Permit and Development Variance Permit Reports

22.2 START TIME 7:15 PM - Stonepointe Ct 1160 - DVP22-0216 - James Hiebert

The item was withdrawn by the applicant.

23. Reminders

There were no reminders.

24. Termination

The meeting was declared terminated at 10:06 p.m.

Mayor Dyas

sf/cm

City Clerk