



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, July 23, 2024
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Tom Dyas, Councillors Ron Cannan, Maxine DeHart, Charlie Hodge, Gord Lovegrove, Mohini Singh, Luke Stack, Rick Webber and Loyal Wooldridge

Staff Present City Manager, Doug Gilchrist; Deputy City Clerk, Michael Jud; City Clerk, Laura Bentley; Divisional Director, Planning, Climate Sustainability and Development Services, Ryan Smith; Development Planning Department Manager, Nola Kilmartin; Community Planning & Development Manager, Dean Strachan; Planner II, Jason Issler*

Staff Participating Remotely Legislative Coordinator (Confidential), Clint McKenzie

(* Denotes partial attendance)

1. Call to Order

Mayor Dyas called the meeting to order at 4:00 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Webber.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

THAT the Minutes of the Public Hearing and Regular Meeting of June 18, 2024 be confirmed as circulated.

Carried

4. Call to order the Regular Meeting

Mayor Dyas called the meeting to order at 4:02 p.m.

5. Liquor License Application Reports

5.1 **START TIME 4:00 PM - Ellis St 1250, 1250-1298 - LL24-0006 - Whitworth Holdings Ltd., Inc.No. 1059455**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

- Responded to questions from Council.

Brad Sieben, Gordon Dr, Kyle Nixon, Applicants

- Displayed a PowerPoint presentation summarizing the application.
- Spoke to the history of the location on Ellis St. including a cigar factory and former cannery.
- Spoke to the concept for Hello Darlin.
- Reviewed the capacity and number of employees of the facility
- Spoke to taxi and ride sharing.
- Spoke to demand for a variety of entertainment options more options including late-night venues in a growing community.
- Spoke to concerns raised via public correspondence.
- Spoke to garbage collection and coordination of pick-up time being considered.

Deputy 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 came forward from the Gallery or online.

Staff:

- Responded to questions from Council.

Applicant:

- Responded to questions from Council.
- There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

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 BNA Hospitality Inc. for a licence amendment for Lot 1 District Lot 139 ODYD Plan 660, located at 1250 – 1298 Ellis St, Kelowna, BC for the following reasons:
 - o The proposed structural change and increased hours for a portion of the liquor area are compliant with Council Policy 359.
2. Council's comments on LCLB's prescribed considerations are as follows:
 - o The potential for noise if the application is approved:

The potential for noise is minimal as the proposed addition will have different proposed hours of closing and a separate exit than the rest of the business.

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

The potential for negative impacts is minimal as the hours are consistent with other establishments in the Downtown Urban Centre and the capacity is not exceeding 500 patrons.

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

6. Development Permit and Development Variance Permit Reports

- 6.1 STARTTIME 4:00 PM - Hilltop Cr 1870 - DP22-0186 DVP24-0089 - AP3240 Developments Ltd., Inc.No. BC1338385**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Japleen Bhandar, Applicant Representative

- Displayed a PowerPoint presentation.
- Provided an overview of the proposed development.
- Spoke to siting and context, materials and the landscape plan.
- Principles of the development were reviewed.
- Discussed the variances being requested.
- Spoke to efforts made to ensure the building fits into the surrounding neighbourhood.

Deputy 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 came forward from the Gallery or online.

Staff:

- Responded to questions from Council.

Applicant:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

THAT Council authorizes the issuance of Development Permit No. DP22-0186 and Development Variance Permit No. DVP24-0089 for Lot 8 Section 28 Township 23 ODYD PLAN EPP76020, located at 1870 Hilltop 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 amount off 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect.

AND THAT variances to the following section of Zoning Bylaw No. 12375 be granted:

Section 15.4.5.[3]: Comprehensive Development Zones, CD18 McKinley Beach, CD18 Development Regulations

To vary the minimum amount of habitable space within an exposed storey from 60% required to 0% 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
Councillor Cannan - Opposed

6.2 START TIME 4:00 PM - Cara Glen Ct 1402 - DP23-0214 DVP23-0215 - Prime Clifton Homes Inc., Inc.No. A0116073

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Joshua Lunn, Vernon, Applicant Representative

- Available to respond to any questions.

Deputy 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:

Devon Paisley, Cara Glen Court

- Concerned with overcrowding of residential in the area with almost no public parking.
- Concerned with fire lane issues and congestion in the area.

Kari Daniels, Cara Glen Way

- Opposed to the application.
- Concerned that the variances requested will set a dangerous precedent.
- Concerned the variances do not benefit the community.
- Discussed specific concerns regarding building massing and other design elements.
- Concern regarding the shadowing effect of the building.

Applicant Representative:

- Responded to questions from the public.
- Stated that improved pedestrian facilities would be constructed.
- Discussed the rationale for the building height.

Staff:

- Responded to questions from Council.

Applicant:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Lovegrove/Seconded By Councillor Stack

THAT Council authorizes the issuance of Development Permit No. DP23-0214 for Lot 1 Section 31 Township 26 ODYD Plan EPP100150, located at 1402 Cara Glen Ct, 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 in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP23-0215 for Lot 1 Section 31 Township 26 ODYD Plan EPP100150, located at 1402 Cara Glen Ct, Kelowna, BC;

AND THAT variances to the following sections of the Zoning Bylaw No. 12375 be granted as shown on Schedule "B":

Section 13.5 – Multi-Dwelling Zones – Development Regulations

To vary the minimum building setback from a flanking side yard from 3.0 m required to 0.0 m proposed.

Section 13.5 – Multi-Dwelling Zones – Development Regulations

To vary the minimum building setback from a front yard from 3.0 m required to 0.0 m proposed.

Section 13.6 – Multi-Dwelling Zones – Density and Height Development Regulations

To vary the maximum allowable height from 4 storeys permitted to 5 storeys proposed.

AND THAT the applicant be required to complete the above noted condition 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 are valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried
Councillor Cannan - Opposed

7. Termination

Staff provided a brief update on planned revisions to the Council Liquor Licensing Policy.

The meeting was declared terminated at 5:36 p.m.

Mayor Dyas

mj/cm

Deputy City Clerk