



City of Kelowna Regular Council Meeting Minutes

Date:	Tuesday, June 18, 2024
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Tom Dyas, Ron Cannan, Maxine DeHart, Charlie Hodge, Gord Lovegrove, Mohini Singh*, Luke Stack and Rick Webber
Members Absent	Councillor 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 Specialist, Adam Cseke
Staff Participating Remotely	Legislative Coordinator (Confidential), Clint McKenzie

(* Denotes partial attendance)

1. Call to Order

Mayor Dyas called the meeting to order at 4:01 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Stack.

3. Confirmation of Minutes

Moved By Councillor DeHart/Seconded By Councillor Cannan

THAT the Minutes of the Public Hearing and Regular Meeting of May 14, 2024 be confirmed as circulated.

Carried

4. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 4:03 p.m.

Councillor Singh joined the meeting at 4:04 p.m.

5. Individual Bylaw Submissions

5.1 START TIME 4:00 PM - Bennett Rd 1602, 1855 - OCP23-0008 (BL12664) Z23-0047 (BL12665) - Lakeside Communities Inc.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

PJ Prescott , Melcor Developments, Applicant Representative

- Available for 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.

No one On-line or in the Gallery came forward.

Staff:

- Responded to questions from Council.

There were no further comments.

6. Termination

The Hearing was declared terminated at 4:18 p.m.

7. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 4:18 p.m.

8. Bylaws Considered at Public Hearing

8.1 START TIME 4:00 PM - Bennett Rd 1602, 1855 - BL12664 (OCP23-0008) - Lakeside Communities Inc.

Moved By Councillor Webber/Seconded By Councillor DeHart

THAT Bylaw No. 12664 be read a second and third time.

Carried

8.2 START TIME 4:00 PM - Bennett Rd 1602, 1855 - BL12665 (Z23-0047) - Lakeside Communities Inc.

Moved By Councillor Webber/Seconded By Councillor Stack

THAT Bylaw No. 12665 be read a second and third time.

Carried

9. Termination

The meeting was declared terminated at 4:22 p.m.

10. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 4:22 p.m.

11. Individual Bylaw Submissions

11.1 START TIME 4:00 PM - Water St 1570-1580 - TA24-0006 (BL12668) - Mark Anthony Group Inc., Inc.No. BC1202243

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Slava Korshunov, Water St., Mark Anthony Group Inc., Applicant Representative

- Displayed a PowerPoint presentation providing future details of the proposed development.
- Spoke to the intended uses of the development.
- Displayed renderings of the facade elements and spoke to how the development will fit into the heritage of the neighbourhood.
- Displayed preliminary drawings of each floor and spoke to the amenities.

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:

Dennis Hildebrand, Kelowna business owner

- Kelowna business owner.
- Concerned that the rentals will be short term rental leases versus long term rentals.

Applicant:

- Confirmed rental units will be for sale or long-term rentals with a minimum of a one year lease.

Staff:

- Responded to questions from Council.

Applicant:

- Responded to questions from Council.

There were no further comments.

12. Termination

The Hearing was declared terminated at 4:39 p.m.

13. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 4:39 p.m.

14. Bylaws Considered at Public Hearing

14.1 START TIME 4:00 PM - Water St 1570-1580 - BL12668 (TA24-0006) - Mark Anthony Group Inc., Inc.No. BC1202243

Moved By Councillor Webber/Seconded By Councillor Stack

THAT Bylaw No. 12668 be read a second and third time.

Carried

The meeting recessed at 4:43 p.m.

The meeting reconvened at 4:45 p.m.

15. Liquor License Application Reports

15.1 START TIME 4:45 PM - Ellis St 1559 - LL24-0004 - 612385 B.C. Ltd., Inc.No. 612385

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Karyn Mackenzie, DunnEnzies Pizza Co., Applicant

- Available for 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:

Jeff Marsh, Ellis St

- Spoke to concerns with patrons spilling out onto the street after close as they live downtown.
- Suggested a compromise to reduce hours of operation down to 11 p.m.

Applicant:

- Reduced hours to close at midnight a couple of years ago.
- No intent to go back to 3 a.m. closing time.

Deputy City Clerk:

- Noted that the application, if successful, will not result in a change to the existing hours of sale.

There were no further comments.

Moved By Councillor Singh/Seconded By Councillor Lovegrove

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 Karyn Mackenzie for a Patron Participation Entertainment Endorsement to an existing Food Primary license for Lot 12 District Lot 139 ODYD PLAN 1347, located at 1559 Ellis St, Kelowna, BC for the following reasons:
 - o The Patron Participation Entertainment Endorsement is perceived to have minimal impact on the community and surrounding properties.
2. Council's comments on LCRB's prescribed considerations are as follows:

Criteria for new food primary with Patron Participation Entertainment Endorsement:

 - o The potential for noise if the application is approved:The potential impact for noise is minimal as the Patron Participation Entertainment Endorsement would be limited to the existing hours of operation and be located indoors.
 - o The impact on the community if the application is approved:The potential for negative impact on the community is considered minimal as it is an existing establishment.
 - o If the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose:The operations would be consistent with the primary purpose of food primary establishment.
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

15.2 STARTTIME 4:45 PM - Lakeshore Rd 4638 - LL24-0005 - 1188283 B.C. Ltd., Inc.No. BC1188283

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Karyn Mackenzie, DunnEnzies Pizza Co., Applicant Representative

- Spoke to the application process starting one and a half years ago with issues with the online submission portal.

- Spoke to the high cost of the application and the cumbersome application for a simple change to the liquor licence.
- No capacity being requested or extension of hours should allow a simpler process.
- Requested a more straightforward process for simple liquor changes for those moving forward with applications in the future.

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 On-line or in the Gallery came forward.

Staff:

- Responded to questions from Council.

Applicant:

- Responded to questions from Council.

Deputy City Clerk:

- Noted that the application, if successful, will not result in a change to the existing hours of sale.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Lovegrove

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 Karyn Mackenzie for a Patron Participation Entertainment Endorsement to an existing Food Primary license for Lot 1 Section 25 Township 28 SDYD PLAN EPP68343, located at 4638 Lakeshore Rd, Kelowna, BC for the following reasons:
 - The Patron Participation Entertainment Endorsement is perceived to have minimal impact on the community and surrounding properties.
2. Council's comments on LCRB's prescribed considerations are as follows:

Criteria for new food primary with Patron Participation Entertainment Endorsement:

 - The potential for noise if the application is approved:The potential impact for noise is minimal as hours of the Patron Participation Entertainment Endorsement would be limited to 11:00 PM on the outdoor patio which is consistent with other licensed patioed areas in the City and compatible with adjacent land uses.
 - The impact on the community if the application is approved:The potential for negative impact on the community is considered minimal as it is an existing establishment.
 - If the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose:The operations would be consistent with the primary purpose of food primary establishment.
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

16. Development Permit and Development Variance Permit Reports

16.1 START TIME 4:45 PM - Belaire Ave 1330, 1340, 1350 -1352 - DP23-0141 DVP23-0243 - Resurrection Recovery Resources Society, Inc.No. S0045391

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Tom Smithwick, Applicant Representative

- Available for 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.

No one On-line or in the Gallery came forward.

There were no further comments.

Moved By Councillor Lovegrove Seconded By Councillor Singh

THAT Council authorizes the issuance of Development Permit No. DP23-0141 for:

- Lot 31 District Lot 137 ODYD Plan 10011 located at 1330 Belaire Ave, Kelowna, BC;
- Lot 32 District Lot 137 ODYD Plan 10011 located at 1340 Belaire Ave, Kelowna, BC; and
- Lot 33 District Lot 137 ODYD Plan 10011 located at 1350-1352 Belaire Ave, Kelowna, BC;

subject to the following:

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP23-0243 for:

- Lot 31 District Lot 137 ODYD Plan 10011 located at 1330 Belaire Ave, Kelowna, BC;
- Lot 32 District Lot 137 ODYD Plan 10011 located at 1340 Belaire Ave, Kelowna, BC; and
- Lot 33 District Lot 137 ODYD Plan 10011 located at 1350-1352 Belaire Ave, Kelowna, BC;

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

Section 6.4.1 – General Development Regulations, Setback from Provincial Highways

To vary the required distance to any lot line abutting the highway for all buildings and structures on lots abutting Highway 97 or Highway 33 from 4.5 m required to 3.0 m proposed.

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

17. Development Variance Permit and Liquor License Application Reports

17.1 START TIME 5:00 PM - Richter St 1080-1090 - DVP24-0087 LL23-0007 - Bromaxx Property Group Ltd., Inc.No. BC1021305

The Deputy City Clerk advised the item is deferred to a future Tuesday regular meeting.

18. Termination

The meeting was declared terminated at 5:18 p.m.

Mayor Dyas

mj/cm

Deputy City Clerk