



City of Kelowna Regular Council Meeting Minutes

Date:	Tuesday, December 13, 2016
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Ryan Donn, Gail Given, Tracy Gray*, Charlie Hodge, Brad Sieben, Mohini Singh and Luke Stack
Members Absent	Councillor Maxine DeHart
Staff Present	Acting City Manager, Joe Creron; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; Suburban & Rural Planning, Manager, Todd Cashin; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Policy & Planning Department Manager, James Moore*; Community Planning Supervisor, Ryan Roycroft*; Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 8:45 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Stack.

3. Confirmation of Minutes

Moved By Councillor Donn/Seconded By Councillor Gray

R982/16/12/13 THAT the Minutes of the Public Hearing and Regular Meeting of November 29, 2016 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 Sensitive Infill Housing (Low Density) - BL11310 (OCP16-0015)

Councillor Gray declared a conflict of interest for Items 4.1 to 4.5 as she lives in the area and departed the meeting at 8:47 p.m.

Moved By Councillor Stack/Seconded By Councillor Singh

R983/16/12/13 THAT Bylaw No. 11310 be read a second and third time.

Carried
Councillor Hodge - Opposed

4.2 Single/Two Unit Residential to Sensitive Infill Housing (Low Housing) - BL11311 (OCP16-0015)

Moved By Councillor Donn/Seconded By Councillor Singh

R984/16/12/13 THAT Bylaw No. 11311 be read a second and third time.

Carried
Councillor Hodge - Opposed

4.3 Infill - Removal of Development Permit Areas- BL11312 (OCP16-0025)

Moved By Councillor Stack/Seconded By Councillor Singh

R985/16/12/13 THAT Bylaw No. 11312 be read a second and third time.

Carried

4.4 RU7 - Infill Housing Zone, BL11313 (TA16-0010)

Moved By Councillor Sieben/Seconded By Councillor Stack

R986/16/12/13 THAT Bylaw No. 11313 be read a second and third time.

Carried
Councillor Hodge - Opposed

4.5 Rezone Various Properties to RU7 - Infill Housing Zone, BL11314 (Z16-0053)

Moved By Councillor Sieben/Seconded By Councillor Singh

R987/16/12/13 THAT Bylaw No. 11314 be read a second and third time.

Carried
Councillor Hodge - Opposed

Councillor Gray rejoined the meeting at 9:02 p.m.

4.6 2280 Baron Rd, BL11315 (Z16-0057) - Victor Projects Ltd

Moved By Councillor Singh/Seconded By Councillor Sieben

R988/16/12/13 THAT Bylaw No. 11315 be read a second and third time.

Carried

4.7 604 Old Meadows Rd, BL11317 (Z16-0049) - Tony Pulice Construction Ltd

Moved By Councillor Gray/Seconded By Councillor Given

R989/16/12/13 THAT Bylaw No. 11317 be read a second and third time.

Carried

4.8 4125 & 4193 Gordon Dr, BL11318 - Thomson Farm House and Tobacco Barn on G. Thomson Farm Heritage Designation Bylaw

Moved By Councillor Given/Seconded By Councillor Gray

R990/16/12/13 THAT Bylaw No. 11318 be read second and third time.

Carried

4.9 4125 & 4193 Gordon Dr, BL11319 (HRA16-0002) - Colin Thomson

Moved By Councillor Gray/Seconded By Councillor Donn

R991/16/12/13 THAT Bylaw No. 11319 be read a second and third time.

Carried

4.10 1893 Ethel St, BL11320 (OCP16-0018) – Michael Ohman

Moved By Councillor Donn/Seconded By Councillor Gray

R992/16/12/13 THAT Bylaw No. 11320 be read a second and third time.

Carried

4.11 Health Services Amendment, BL11321 (TA16-0013)

Moved By Councillor Hodge/Seconded By Councillor Donn

R993/16/12/13 THAT Bylaw No. 11321 be read a second and third time.

Carried

4.12 1893 Ethel St, BL11322 (Z16-0059) - Michael Ohman

Moved By Councillor Hodge/Seconded By Councillor Donn

R994/16/12/13 THAT Bylaw No. 11322 be read a second and third time.

Carried

4.13 380 Hardie Rd, BL11323 (Z16-0032) - Rukhmani & Shivnesh Reddy and Praneeta & Sinesh Naidu

Moved By Councillor Donn/Seconded By Councillor Hodge

R995/16/12/13 THAT Bylaw No. 11323 be read a second and third time.

Carried

4.14 1985 Knox Cres, BL11324 (Z16-0061) - Sheldon and Heather Upshaw

Moved By Councillor Hodge/Seconded By Councillor Donn

R996/16/12/13 THAT Bylaw No. 11324 be read a second and third time.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of the WAIVED PUBLIC HEARING Application was advertised by being posted on the Notice Board at City Hall on November 29, 2016 and by being placed in the Kelowna Daily Courier issues on Friday, December 2 and Wednesday, December 7, 2016 and by sending out or otherwise delivering 436 statutory notices to the owners and occupiers of surrounding properties between November 29 and December 2, 2016.

Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise delivering 24 statutory notices to the owners and occupiers of surrounding properties between November 29 and December 2, 2016.

Notice of these amendments to Liquor Primary Licences were advertised by being posted on the Notice Board at City Hall on November 29, and by being placed in the Kelowna Daily Courier issues on Friday, December 2 and Wednesday, December 7, 2016 and by sending out or otherwise delivering 9 statutory notices to the owners and occupiers of surrounding properties between November 29 and December 2, 2016.

The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

6. Bylaws for Second and Third Reading

6.1 3150 & 3170 Sexsmith Rd, BL11316 (Z16-0062) - Palomino Developments Ltd

Moved By Councillor Stack/Seconded By Councillor Sieben

R997/16/12/13 THAT Bylaw No. 11316 be read second and third time.

Carried

7. Liquor License Application Reports

7.1 3240 Pooley Rd, LL16-0001 - Wyn & Marion Lewis

Staff:

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

The City Clerk advised that the following correspondence or petitions had been received:

Letters of Opposition or Concern:
Simon and Pam Pethick, Pooley Rd
Darcel and Frieda Markgraf, Pooley Rd
Hank Markgraf, Pooley Rd

Mayor Basran invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Applicant Agent, Dennis Coates, Lawyer, Kamloops, BC

- Prepared to respond to issues raised in correspondence.
- Spoke to the application and commented that the lounge and tasting are two different things happening in one place.
- Spoke to parking lot requirements and discussions with ALC with respect to parking. A parking lot has not been activated; an area not being used for agriculture is being used for parking.
- Would like to add a fourth function to the current three functions on the property, being; special events area, picnic area out front and tasting room.

- Responded to questions from Council.

Gallery:

Simon Pethick, Pooley Road

- The neighbourhood is well served currently with two pub establishments.
- Lives 250 yards away from the Vibrant Vine and has had many evenings disrupted by live music; living closer would have a more severe noise impact.
- Believes noise and live music would increase with this application.
- Opposed to this application.

Darcel Markgraf, Pooley Road

- Representing her mother-in-law.
- Property was purchased in 1969 and the land has been held to farming; others should do the same.
- Did not receive a letter regarding this application.
- Raised concern regarding noise impacts and believes will only get worse with later opening hours.
- Played video-audio of late night noise from August 2016, heard and recorded from 5 orchards away.
- Opposed to this application.
- Responded to questions from Council.

Henry Markgraf, Pooley Road

- Lives 4 farms away from the Vibrant Vine.
- Family has farmed the land since late 1960's and the area has always been agriculture and now the farming aspect of the neighbourhood has been changing.
- Believes that selling alcohol is at odds with the neighbourhood.
Believes that this application is not agri-tourism it is a business in a farming family neighbourhood.
- Raised concern that orchard was removed to allow for parking.
- Opposed to this application.

Applicant Agent, Dennis Coates, Lawyer, Kamloops, BC

- Advised that 24 of the 26 properties within the required range had been notified and it had been explained what was happening.
- Noted all the local wineries in the area that are all agri-tourism but in varying scales.

Owner, Wyn Lewis, Pooley Road

- Resides on the property year round and knows all of the customers.
- His family has 3 generations of farming grapes.
- The current liquor license extends to 11 p.m. and it will now be reduced to 10 p.m. The time set out is standard licensing hours in BC, however, have no intention of being open till that time.
- Most events cease around 6:00 p.m.
- The intervenor that displayed an audio/video of an event ended approximately at 9:15 p.m.
- Reiterated that the footprint of the liquor lounge endorsement is exactly the same footprint of the current license.
- Confirmed there would be no outdoor amplified music; music will be moved indoors. There is no choice in the matter as rules have changed.
- Responded to questions from Council.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Given

R998/16/12/13 THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 10 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support for the application from Okanagan Villa Vineyards and Events Corp. at 3240 Pooley Road, legally described as *Lot 2, Section 15, Township 26, ODYD, Plan KAP3379, DL 41*, for a Winery Lounge Endorsement with hours of operation from 11:00 am to 10:00pm, seven days a week subject to the following conditions:
 - a. The licenced area supported be restricted to the "general seating area" as outlined on the floor plan submitted numbered 3240 Pooley Road (March 11, 2016) with permanent signs.
 - b. The maximum occupant load is 30 inside and 40 outside during licensing hours.
 - c. Minors are permitted at the manufacturing site. Minors are also permitted in the sampling room, lounge and special event area, when accompanied by a parent or guardian. No liquor will be permitted outside of the permitted licenced area within the floor plan.

2. The Council's comments on the prescribed considerations are as follows:
 - a. The location of the establishment.

The location of the establishment is within the current footprint of the wine tasting license area, in Southeast Kelowna.
 - b. The proximity of the manufacturer lounge to other recreational facilities and public buildings.

The proposed lounge is 930 metres from a City of Kelowna ball field area and 1200 metres from a Community Hall. It is 1200 metres from the next liquor primary and liquor retail sales license.
 - c. The person capacity and hours of liquor service of the lounge.

The occupant load was calculated by an on-site visit from our Building and Permitting Department. The capacity was determined to be 30 persons inside and 40 persons outside on the patio. This does not include any calculation of the current picnic endorsement on the lawn area adjacent the patio. The hours of liquor service proposed is 11 AM to 10 PM, seven days/week.
 - d. The impact for noise in the immediate vicinity of the lounge.

The potential for noise may increase. However, there is currently music on the weekends on the picnic endorsement area. Noise with the upgrade of the lounge endorsement is not expected to be significantly increased due to the lounge license endorsement over what it is currently.
 - e. The impact on the community if the application is approved.

The impact on the community is not expected to significantly increase from the existing wine tasting area.

Carried

8. Development Permit and Development Variance Permit Reports

8.1 910 Manhattan Drive, DVP16-0257 - Charles Watt

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence or petitions had been received.

Mayor Basran invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

The Applicant was present and available for questions.

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Donn

R999/16/12/13 THAT Council authorize the issuance of Development Variance Permit No. DVP16-0257 for Lot E, District Lot 9, ODYD, Plan KAP39322, located on 910 Manhattan Drive, Kelowna, BC;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:
Section 6.11.1 – Okanagan Lake Sight Lines – To vary the required Okanagan Lake 120° Panoramic Sight Lines to 74.4° proposed.

Carried

9. Reminders

City Clerk:

- Advised Council on the various development applications scheduled for the January 10, 2017 Public Hearing and Regular Meeting.

Moved By Councillor Stack/Seconded By Councillor Singh

R1000/16/12/13 THAT Council directs staff to split the Kettle Valley and Tourism Kelowna development applications and other applications between the January 10 and 24, 2017 Public Hearings.

Carried

Councillor Donn - Opposed

10. Termination

The meeting was declared terminated at 10:36 p.m.

Mayor

City Clerk

/acm