



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, May 2, 2017
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh and Luke Stack

Staff Present Deputy 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*; Policy & Planning Department Manager, Danielle Noble-Brandt*; Legislative Coordinator (Confidential), Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 11:35 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Stack.

Moved By Councillor Stack/Seconded By Councillor Hodge

R333/17/05/02 THAT Council continue the Regular Meeting past 11:00 p.m.

Carried

3. Minutes of Meetings

April 25, 2017 Public Hearing and Regular Meeting Minutes to be adopted May 16, 2017.

4. Bylaws Considered at Public Hearing

4.1 **BL11373 (OCP16-0022) - Temporary Farm Worker Housing OCP Amendments - City of Kelowna**

4.2 **BL11374 (TA16-0015) - Temporary Farm Worker Housing Amendments**

Moved By Councillor Singh/Seconded By Councillor Stack

R334/17/05/02 THAT Council defer giving 2nd and 3rd reading considerations to Bylaw 11373 and Bylaw 11374;

AND THAT Council direct staff to bring back to a Monday afternoon meeting options for amendments to Bylaw 11373 and Bylaw 11374;

AND THAT Council continue to receive representations from the public on this application.

Carried
Councillor Donn - Opposed

**4.3 550 Truswell Road, 3814, 3820, 3828, 3832, 3838 Capozzi Road, 3786 Lakeshore Rd
BL11384 (Z16-0069) -Aqua Resort Ltd and City of Kelowna**

Moved By Councillor Given/Seconded By Councillor Gray

R335/17/05/02 THAT Bylaw No. 11384 be read a second and third time.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise mailing 280 statutory notices to the owners and occupiers of surrounding properties on April 18, 2017.

Notice of these (amendments to Liquor Primary Licences) were advertised by being posted on the Notice Board at City Hall on April 19, 2017, and by being placed in the Kelowna Daily Courier issues on Friday, April 21, 2017 and Wednesday, April 26, 2017 and by sending out or otherwise mailing 52 statutory notices to the owners and occupiers of surrounding properties on April 18, 2017.

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. Liquor License Application Reports

6.1 248 Leon Avenue, LL16-0006 - JQ Developments Inc.

Staff:

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

The City Clerk advised that no correspondence had been received.

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

The applicant is present and available for questions.

No one from the Gallery came forward.

Quinn Best, Applicant

- Confirmed that the patron scan has been implemented and works well.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Donn

R336/17/05/02 In accordance with Section 53 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from The Habitat for a liquor primary license amendment for Lots 6, BLK 10, DL139, O.D.Y.D., Plan 462, located at 248 Leon Avenue, Kelowna, BC for a change in licensed area to add the outdoor patio area to the current Liquor Primary located at 248 Leon Avenue with a maximum capacity of 34 persons to the patio area, and limit the licensed hours of the patio to 11:00AM to 10:00PM, seven days a week for the following reasons:

The addition of the outdoor patio area to the existing liquor license will allow more options to utilize the space during the day, as well as to provide a venue for summer time events oriented to the outdoors.

2. Council's comments on LCLB's prescribed considerations are as follows:
Criteria for license amendment:

a. The potential for noise if the application is approved:

There is the potential for an increase in noise, but closing the outdoor patio entertainment at 10:00 PM should limit that potential impact.

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

The potential for negative impacts to public safety and policing costs are minimized by the early closing hours for the patio space. No conflict with the bar flush, which is normally a concern for the Downtown. The addition of the patio area to the existing Liquor License will allow more opportunity to utilize the outdoor space with different user groups, and provide additional flexibility for events.

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

7. Development Permit and Development Variance Permit Reports

7.1 664 Roanoke Avenue, DVP17-0020 - Sally Rose

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence had been received.

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

The applicant was not present.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Hodge

R337/17/05/02 THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0020 for Lot 23, Block 9, DL9, ODYD, Plan 1306, located at 664 Roanoke Avenue, Kelowna, BC;

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

Section 13.6.6(G): RU6 – Two Dwelling Housing Development Regulations

To vary the required minimum east side yard from 2.0 m permitted to 1.8 m proposed.

Section 13.6.6(G): RU6 – Two Dwelling Housing Development Regulations

To vary the required minimum west side yard from 2.0 m permitted to 1.76 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

7.2 1920 Enterprise Way, DVP16-0240 - 1920 Enterprise Way - Mission Group Rentals Ltd

Staff:

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

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

Letters of Opposition or Concern:

Dave Sackman, Enterprise Way
Dorothy & Ralph Northrup, Enterprise Way
Shirley Walker, Enterprise Way
Yoshiko Ishikawa, Enterprise way
Erhard and Lynn Pedde, Enterprise Way
Gilles and Lynda Daoust, Enterprise Way
Robert M. Sloper, Enterprise Way
Darren Schlamp, Manhattan Drive (Argus)

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

Luke Turri, Mission Group Ltd.

- Displayed a PowerPoint Presentation, re: 1920 Enterprise Way
- Provided a Project Summary:
 - o 87 units of purpose-built rental housing
 - o 17 one bedroom homes
 - o 51 two bedroom homes
 - o 19 studios
 - o Detailed architectural design
 - o Mix of under-building parking as well as surface parking.
- Locations benefits as it is central with transit-oriented location; bus stop at front door plus within walking distance to 97 Express BRT; high amenity location with close proximity to the Parkinson Recreation Centre and Landmark employment hub; as well as excellent cycling location.
- Required parking is 117 stalls and proposing 95.
- Parking Variance Rationale;
 - o Highly walkable, bicycle and transit orientated location;
 - o Enhanced bicycle storage and facilities
 - o Over-supply of secure bicycle storage
 - o Bike wash/repair facility
 - o Dedicated parking for electric scooters
 - o Electric vehicle charging stations
 - o Parking sharing agreement with Mill Creek Crossing.
- Responded to questions from Council.

Gallery:

Darren Schlamp, Manhattan Drive (Argus)

- Opposed to this application.

- Recommended a deferral of this application until a parking study could be conducted and all data is collected.
- Responded to questions from Council.

Luke Turri and Randy Shier, Applicant

- Anticipate that micro suites rented to those who do not have vehicles.
- This is a high transit area which helps significantly.
- Responded to questions from Council.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Sieben

R338/17/05/02 THAT Council authorizes the issuance of Development Variance Permit DVP16-0240 for Lot C District Lot 140 ODYD Plan KAP58184, located at 1920 Enterprise Way, Kelowna, BC subject to receiving the final parking agreement.

Defeated

Mayor Basran, Councillors Gray, Hodge, Given and Singh

Moved By Councillor Given/Seconded By Councillor Hodge

R339/17/05/02 THAT Council authorizes the issuance of Development Permit No. DP16-0239 and Development Variance Permit DVP16-0240 for Lot C District Lot 140 ODYD Plan KAP58184, located at 1920 Enterprise Way, 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 section of Zoning Bylaw No. 8000 be granted:

Section 8.1.2: Off-Street Vehicle Parking, Table 8.1: Parking Schedule

To vary the required number of parking stalls from 117 (required) to 95 (proposed);

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated November 10, 2016;

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 is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

8. Reminders – Nil.

9. Termination

The meeting was declared terminated at 12:55 a.m.

Mayor

City Clerk

/acm