



City of Kelowna Regular Council Meeting Minutes

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| Date: | Monday, May 30, 2017 |
| Location: | Council Chamber City Hall, 1435 Water Street |
| Members Present | Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Mohini Singh and Luke Stack |
| Members Absent | Councillors Charlie Hodge, Tracy Gray and Brad Sieben |
| Staff Present | Deputy City Manager, Joe Creron; Deputy City Clerk, Karen Needham; Community Planning Department Manager, Ryan Smith; Divisional Director, Community Planning & Strategic Investments, Doug Gilchrist; Urban Planning Manager, Terry Barton; Planner, Adam Cseke; Legislative Coordinator, (Confidential), Arlene McClelland |

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:44 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor DeHart.

3. Confirmation of Minutes

Moved By Councillor Donn/Seconded By Councillor DeHart

R436/17/05/30 THAT the Minutes of the Public Hearing and Regular Meeting of May 16, 2017 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 280 Nickel Road, BL11403 (Z16-0064) - Clinton and Barry Senko

Moved By Councillor DeHart/Seconded By Councillor Given

R437/17/05/30 THAT Bylaw No. 11403 be read a second and third time.

Carried

4.2 2800 Hwy 97 N - BL11405 (OCP16-0021) - o802333 BC Ltd

Moved By Councillor Singh/Seconded By Councillor DeHart

R438/17/05/30 THAT Bylaw No. 11405 be read a second and third time.

Defeated
Councillors Stack, Singh, DeHart and Donn – Opposed

4.3 2800 Hwy 97 N, BL11406 (Z16-0072) - o802333 BC Ltd

Bylaw No. 11406 was not read due to the defeat of Bylaw No. 11405.

4.4 105-115 Hwy 33 W, BL11407 (Z16-0080) - Chi Quang Ly

Moved By Councillor Stack/Seconded By Councillor DeHart

R439/17/05/30 THAT Bylaw No. 11407 be read a second and third time.

Carried

4.5 4629 Lakeshore Rd, BL11408 (HRA17-0001) - City of Kelowna and JEM HTB Properties Inc.

Moved By Councillor Given/Seconded By Councillor DeHart

R440/17/05/30 THAT Bylaw No. 11408 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 45 statutory notices to the owners and occupiers of surrounding properties on Tuesday, May 16, 2017.

Notice of these amendments to Liquor Primary Licences were advertised by being posted on the Notice Board at City Hall on Wednesday, May 17, 2017, and by being placed in the Kelowna Daily Courier issues on Friday, May 19, 2017 and Wednesday, May 24, 2017 and by sending out or otherwise mailing 13 statutory notices to the owners and occupiers of surrounding properties on Tuesday, May 16, 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 2270 Garner Rd, LL17-0002 - Aura Rose & Wouter Van der Hall

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:

Letter of Opposition
Iyas & Eva Abbas, Belgo Rd.

Letters of Support

Terry and Barbara Conn, Belgo Rd.
Vicki and Peter Kascak, Perth Rd.

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

Aura Rose, Garner Road, Applicant:

- Purchased the Winery in 2009 and have been operating since that time.
- We host summer music events and hire local musicians which consists generally of a 3-piece band; the events are family oriented and free.
- Some events are also fundraisers for the local Food Bank.
- This application is to ensure we comply with the new liquor regulations in order to hold the various community and tourist oriented events.

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Singh

R441/17/05/30 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 of an application from the House of Rose Vineyards Ltd. for a special event area endorsements for Lot C Section 13 and 14 TWP 26 ODYD Plan 14119, located at 2270 Garner Road, Kelowna, BC for the following reasons:
the use of the Special Event Area Endorsement will be used for no more than 10 music events per year, in addition to several harvest or seasonal events; and
the conditions noted above will form a part of their annual business license issuance.
2. Council's comments on LCLB's prescribed considerations are as follows:
Criteria for a Special Event Area Endorsement:

The location of the establishment. The location at 2270 Garner Road does not have a park, house of worship, school of worship or daycare within 500 metres.

The proximity of the establishment to other social or recreational facilities and public buildings: Within 1 kilometre, are four parks including the Mountain Bike Skills Park, Mission Creek Regional Park, Scenic Canyon Regional Park and Bella Vista Park.

Within 2 kilometres are the Black Mountain Elementary School and Rutland Preschool, Treasure Box Daycare and Ridgeview Evangelical Church, Lil Wildings Daycare, Mountain Montessori Preschool, Gopher Creek Linear Park and Loseth Park.

Within 3 kilometres are the Montesori Elementary School, RCMP and Firehall Station #3, Camelot Winery, Double Cross Winery, Black Mountain Pub and Lund Park.

The person capacity and hours of liquor service of the establishment: 150 persons during the hours noted below:

| Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|----------|----------|-----------|----------|----------|----------|----------|
| 10:00 AM | 10:00 AM | 10:00 AM | 10:00 AM | 10:00 AM | 10:00 AM | 10:00 AM |
| 6:00 PM | 6:00 PM | 6:00 PM | 9:30 PM | 9:30 PM | 9:30 PM | 6:00 PM |

Traffic, noise, parking and zoning:

The impact of traffic will be that of 150 people, with minors permitted when accompanied with adults, attending 13 events per year as proposed, in the early evening and leaving before 9:30 PM. Access to the property is provided along an easement through 2288 Garner Road, to the south of the property.

The noise on the community in the immediate vicinity will be due to amplified sound during the special events to the hours noted. The ALC has provided correspondence that special events, not including harvest and seasonal festivals, are limited to 10 events per year outside the lounge winery licensed area. The noise impact will be for this number of events to the times stated in the application, a maximum of 9:30 pm. The applicant has been holding these events for the past several years under the Picnic Area Endorsement, but seeks to change this endorsement in accordance with new LCLB regulations. The noise is not expected to be additional to what has been conducted over the last several years under the Picnic Area Endorsement. In addition, the City of Kelowna Noise and Disturbances Control Bylaw No. 6647 will apply.

Parking will be provided on site in grassed areas and along internal roadways. Permanent hard surfacing is not proposed.

Zoning of A1 – Agriculture permits wineries and cideries within the zone.

The impact on the community if the application is approved:

The impact to the community will be the amplified sound and traffic for up to 13 events per year. Parking is not expected to impact the community, as sufficient room for parking is available on site. The impacts will be similar to those experienced under the Picnic Area Endorsement over the last several years.

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 applicant distributed an information package to properties within 300m of the subject parcel. A sign was posted on the property notifying neighbours 10 days in advance of the Council Meeting. 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 **2273-2275 Aberdeen St, BL11332 (Z16-0056) - Robert & Lynn Anderson and Alexander & Margaret Kramar**

Moved By Councillor Donn/Seconded By Councillor DeHart

R442/17/05/30 THAT Bylaw No. 11332 be adopted.

Carried

- 7.2 **2273-2275 Aberdeen St, DVP16-0216 - Robert & Lynn Anderson & Alexander & Margaret Kramar**

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.

Applicant was present and available to answer questions.

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Donn

R443/17/05/30 THAT final adoption of Rezoning Bylaw No. 11332 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP15-0000 and Development Variance Permit DVP16-0216 for Strata Lot 1, District Lot 136, ODYD, Strata Plan KAS3174 Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V; and Strata Lot 2, District Lot 136, ODYD, Strata Plan KAS3174 Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V, located at 2273-2275 Aberdeen Street, 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";

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

Section 13.7.6(F): RM1 – Four Dwelling Housing Development Regulations

To vary the required minimum rear yard from 6.0m required to 1.5m proposed.

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

To vary the required number of parking stalls from 6 required to 4 proposed.

AND FURTHER THAT the Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

7.3 1610 McKenzie Rd, DVP17-0022 - Justin SchneiderKramar

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.

Justin Schneider, Sandy Ackert, Applicant and Robin Wellman, Wellman Homes

- Provided form letters of support from neighbours and a letter from a Surveyor.
- Spoke to their rationale for the variance requested and indicated that having a larger back yard, as opposed to a larger front yard, would be better for their children and is their preferred option.
- The landscape buffer suggested would limit access to their suite and would also be costly.
- Would rather increase the density on a 3 m buffer and not have a 6 m buffer.
- The 6 m buffer will affect the planned parking for the suite.
- The home has been designed to ensure that neighbours views were not impacted.

- Both have grown up in an Orchard environment and understand the ALR.
- Excited about a private backyard that is surrounded by agriculture to raise our family.
- Confirmed the need for access along the house to the suite for a walkway.
- Confirmed the foundation and pillars are currently 12 feet down and a result of a mistake.
- Responded to questions from Council.

Gallery:

Jan Schultz, McKenzie Road

- Lives directly across the street from this development.
- In support of this application.
- The applicants have been respectful of views for surrounding neighbours throughout the planning development process.
- Believes this is a minor issue that only affects the front porch not the house and garners support.
- Raised concern with doubling the size of the buffer as it will affect views for surrounding neighbours.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Given

R444/17/05/30 THAT Development Variance Permit No. DVP17-0022 for Lot A Section 36 Township 26 ODYD Plan KAP80055, located at 1610 McKenzie Rd, Kelowna, BC, to vary the following section of Zoning Bylaw No. 8000 be granted in accordance with Schedule "A":

Section 6.4.2.: Projections Into Yards

To vary the maximum projection into a required front yard from 0.6 m permitted to 2.18 m proposed.

AND THAT Development Variance Permit DVP17-0022 be granted subject to the following:

- Agricultural landscaping buffer of 3.0m be provided on the land to an enhanced standard in accordance with Schedule "B"
- 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 professional landscaper;

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

8. Reminders

9. Termination

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

Mayor

Deputy City Clerk

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