



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, June 27, 2017
Location: Council Chamber
City Hall, 1435 Water Street

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

Staff Present City Manager, Ron Mattiussi; City Clerk, Stephen Fleming, Community Planning Department Manager, Ryan Smith; Suburban & Rural Planning Manager, Todd Cashin*; Urban Planning Manager, Terry Barton; Divisional Director, Community Planning & Strategic Investments, Doug Gilchrist; Legislative Coordinator (Confidential), Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 8:40 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Given.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Donn

R523/17/06/27 THAT the Minutes of the Public Hearing and Regular Meeting of June 12, 2017 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 861 Rose Ave, Z17-0012 (BL11411) - Pillar West Developments Inc.

Moved By Councillor Gray/Seconded By Councillor Hodge

R524/17/06/27 THAT Bylaw No. 11411 be read a second and third time.

Carried

4.2 775 Rose Ave, Z17-0013 (BL11412) - Wes and Tammy Jones

Moved By Councillor Gray/Seconded By Councillor Hodge

R525/17/06/27 THAT Bylaw No. 11412 be read a second and third time.

Carried

Mayor Basran moved Item 4.4. to be heard after Item 4.2.

4.4 815 Rose Ave, Z16-0022 (BL11416)- Paul Neufeld and Douglas Kirk

Moved By Councillor Hodge/Seconded By Councillor Gray

R526/17/06/27 THAT Bylaw No. 11416 be read a second and third time

Carried

4.3 300 & 310 Dougall Rd N, Z17-0014 (BL11413) - Nadeem Hussain

Moved By Councillor Hodge/Seconded By Councillor Gray

R527/17/06/27 THAT Bylaw No. 11413 be read a second and third time

Carried

4.5 614 Barnaby Rd, Z16-0070 (BL11417) - Brent Hancock and Whitney Smith

Moved By Councillor Given/Seconded By Councillor Donn

R528/17/06/27 THAT Bylaw No. 11417 be read a second and third time

Carried

4.6 1700 & 1638 Tower Ranch Blvd, OCP16-0005 (BL11418) - Emil Anderson Construction Inc. 0935343 BC Ltd

Moved By Councillor Given/Seconded By Councillor Donn

R529/17/06/27 THAT Bylaw No. 11418 be read a second and third time

Carried

4.7 1700 & 1638 Tower Ranch Blvd, Z16-0078 (BL11419) - Emil Anderson Construction Inc. 0935343 BC Ltd

Moved By Councillor Donn/Seconded By Councillor Given

R530/17/06/27 THAT Bylaw No. 11419 be read a second and third time

Carried

4.8 1420 Inkar Rd, Z17-0008 (BL11420) - Bruno and Christine Cloutier

Moved By Councillor Singh/Seconded By Councillor DeHart

R531/17/06/27 THAT Bylaw No. 11420 be read a second and third time

Carried

4.9 1360 Belaire Ave, Z17-0023 (BL11421) - Gurpreet Pannu

Moved By Councillor Singh/Seconded By Councillor Sieben

R532/17/06/27 THAT Bylaw No. 11421 be read a second and third time

Carried

4.10 2446 Harvard Rd, Z17-0011 (BL11422) - Wayne and Denise Henney

Moved By Councillor Singh/Seconded By Councillor DeHart

R533/17/06/27 THAT Bylaw No. 11422 be read a second and third time

Carried

Councillor Donn - Opposed

4.11 1187 Sunset Dr, Z16-0077 (BL11423) - Sunset Drive Properties Ltd

Moved By Councillor DeHart/Seconded By Councillor Stack

R534/17/06/27 THAT Bylaw No. 11423 be read a second and third time

Carried

4.12 4975 Buckhaven Ct, OCP16-0017 (BL11424) - Vincent and Pamela Blaskovich

Moved By Councillor Stack/Seconded By Councillor DeHart

R535/17/06/27 THAT Bylaw No. 11424 be read a second and third time

Carried

4.13 4975 Buckhaven Ct, Z16-0058 (BL11425) - Vincent and Pamela Blaskovich

Moved By Councillor DeHart/Seconded By Councillor Stack

R536/17/06/27 THAT Bylaw No. 11425 be read a second and third time

Carried

4.14 437 Bay Ave, TA17-0007 (BL11428) - Carbon Capture Mini Storage

Moved By Councillor Stack/Seconded By Councillor DeHart

R537/17/06/27 THAT Bylaw No. 11428 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 49 statutory notices to the owners and occupiers of surrounding properties on Tuesday, June 13, 2017.

Notice of these *Liquor Primary Licences* were advertised by being posted on the Notice Board at City Hall on Tuesday, June 13, 2017, and by being placed in the Kelowna Daily Courier issues on Friday, June 16, 2017 and Wednesday, June 21, 2017 and by sending out or otherwise mailing 82 statutory notices to the owners and occupiers of surrounding properties on Tuesday, June 13, 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

6.1 731 Baillie Ave, LL17-0004 - Edward Fuhrmann

Councillor Sieben declared a conflict of interest on Items 6.1, 6.3 and 7.1 due to his interest in a family owned business that includes a craft brewery and departed the meeting at 9:22 p.m.

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 in Support:
Sarah Stang, Spall Road

Mayor Basran invited 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 Donn/Seconded By Councillor Gray

R538/17/06/27 THAT Council directs Staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):
In accordance with Section 53 of the *Liquor Control and Licensing Regulation* and Council Policy #359, BE IT RESOLVED THAT:

Council recommends support of an application from Kettle River Brewing Company Ltd. located at 731 Baillie Ave, Kelowna, BC, legally described as Lot 37, Section 30, Township 26, ODYD, Plan 1014, for a manufacturer lounge and special event area endorsement from '10:00 AM to 10:00PM Monday to Sunday.

That Council's comments on the prescribed considerations are as follows:

The potential for noise if the application is approved;
The potential impact for noise is minimal and would be compatible with surrounding land uses.
The impact on the community if the application is approved;
The potential for negative impacts is considered to be minimal.

THAT Council's comments on the view 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

Councillor Sieben rejoined the meeting at 9:26 p.m.

6.2 551 Recreation Ave, LL17-0011 - City of Kelowna

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.

Jock Tyre, General Manager Kelowna Curling Club

- Advised that the Curling Club is celebrating its 75th Anniversary this year.
- Spoke to the benefits the amended license would have for the Club based on the provincial liquor laws.
- This liquor license would enable the Club to gain additional revenue.
- Responded to questions from Council.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Singh

R539/17/06/27 THAT Council directs Staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 53 of the *Liquor Control and Licensing Regulation* and Council Policy #359, BE IT RESOLVED THAT:

Council recommends support of an application from Kelowna Curling Club. located at 551 Recreation Ave, Kelowna, BC, legally described as Lot A, District Lot 139, ODYD, Plan 76448, for an application to transition from a 'Liquor Primary Club License' to a 'Liquor Primary License'.

That Council's comments on the prescribed considerations are as follows:

The potential for noise if the application is approved;
The potential impact for noise is minimal and would be compatible with surrounding land uses.
The impact on the community if the application is approved;
The potential for negative impacts is considered to be minimal.

THAT Council's comments on the view 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

6.3 1080-1090 Richter St, LL17-0010 - Bromax Property Group Ltd.

Councillor Sieben declared a conflict of interest due to his interest in a family owned business that includes a craft brewery and departed the meeting at 9:30 p.m.

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.

Adam Semeniuk, Ellis Street, Applicant

- Advised that the plan is not to always be open to midnight however just want to have the option.

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor DeHart

R540/17/06/27 THAT Council directs Staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 53 of the *Liquor Control and Licensing Regulation* and Council Policy #359, BE IT RESOLVED THAT:

Council recommends support of an application from Red Bird Brewing located at 1080-1090 Richter St, Kelowna, BC, legally described as Lot 1, District Lot 139, ODYD, Plan 7858, for a manufacturer lounge and special event area endorsement from "4:00 PM to Midnight Thursday to Friday" and "Noon to Midnight on Saturdays".

That Council's comments on the prescribed considerations are as follows:

The potential for noise if the application is approved;

The potential impact for noise is minimal and would be compatible with surrounding land uses.

The impact on the community if the application is approved;

The potential for negative impacts is considered to be minimal.

THAT Council's comments on the view 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 1232 Ellis St, DVP17-0012 - RG Lot 3., Ltd

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.

Leo Mariotto RG Lot 3 Ltd. New Westminster, Applicant

- Made comment on the small size of the lot and that they've been working with staff for several months on a design for the building, noting there have been 3 or 4 changes to the design due to parking.

- Spoke to the form and character of the building and noted that due to the small size of the lot they have elaborated the landscaping and balconies.
- Spoke to parking and parking requirements and advised they would be paying cash in lieu of parking.
- Responded to questions from Council.

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Given

R541/17/06/27 THAT Council authorizes the issuance of Development Permit No. DP17-0011 for Lot 3, District Lot 139, ODYD, Plan KAP60698, located at 1232 Ellis St, 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;
5. Payment-in-Lieu of parking be provided for 39 stalls according to the fee structure in Bylaw No. 8358 prior to building permit issuance.

AND THAT Council authorize the issuance of Development Variance Permit DVP17-0012 for Lot 3, District Lot 139, ODYD, Plan KAP60698, located at 1232 Ellis St, Kelowna, BC;

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

Schedule 'B' – Comprehensive Development Zones (CD5 – Multi-Purpose Facility)

Section 1.6 [Maximum Height of Buildings and Structures]:

To vary the maximum height from 12 storeys or 37 metres to 14 storeys or 49 metres.

Section 1.4 (b) [Conditions of Use]:

To vary the minimum amount of commercial frontage on the front lot line from 90% to 67%; &

To vary the minimum ratio of commercial floor area on the first floor from 50% to 39%

AND THAT the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated June 27 2017 be completed prior to Building Permit issuance.

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

Carried
Councillors Gray, Hodge and Singh - Opposed

Councillor Sieben rejoined the meeting at 10:15 p.m.

7.2 1994 Ethel St, DVP17-0026 - Sandra Morris

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 present and available for questions.

No one from the gallery came forward

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor DeHart

R542/17/06/27 THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0026 for Lot A District Lot 138 ODYD Plan EPP72690, located at 1994 Ethel St, Kelowna BC to allow the construction of an attached garage;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A":

Section 13.6.6.(h) RU6 – Two Dwelling Housing Development Regulations
To vary the minimum site rear yard from 7.5m required to 1.5m 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

8. Reminders – Nil.

9. Termination

The meeting was declared terminated at 10:19 p.m.

Mayor

/acm

City Clerk