City of Kelowna

Regular Meeting

Minutes

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Date:	Tuesday, May 15, 2018
Location:	Council Chamber City Hall, 1435 Water Street
Council Members Present:	Deputy Mayor Given and Councillors Maxine DeHart*, Ryan Donn, Tracy Gray, Charlie Hodge, Brad Sieben*, Mohini Singh and Luke Stack
Council Members Absent:	Mayor Colin Basran
Staff Present:	Acting City Manager, Joe Creron; City Clerk, Stephen Fleming; Divisional Director, Community Planning & Strategic Investments, Doug Gilchrist; Urban Planning Manager, Terry Barton; Suburban and Rural Planning Manager, Dean Strachan; and FOI Legislative Coordinator, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Deputy Mayor Given called the meeting to order at 6:40 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Hodge.

3. Confirmation of Minutes

Moved By Councillor Gray/**Seconded By** Councillor DeHart

R510/18/05/15 THAT the Minutes of the Public Hearing and Regular Meeting of May 1, 2018 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 Cross Rd 1967, 1969 & 1973 Z17-0083 (BL11603) - Maxwell House Developments Ltd, Glen Park Village Inc & City of Kelowna

Moved By Councillor Gray/**Seconded By** Councillor Hodge

R511/18/05/15 THAT Bylaw No. 11603 be read a second and third time.

Carried

4.2 Clement Ave 726 OCP17-0021 (BL11604) - PC Urban Clement Holdings Ltd

Moved By Councillor Gray/**Seconded By** Councillor Donn

R512/18/05/15 THAT Bylaw No. 11604 be read a second and third time.

Carried

4.3 Clement Ave 726 Z17-0093 (BL11605) - PC Urban Clement Holdings Ltd

Moved By Councillor Singh/**Seconded By** Councillor DeHart

R513/18/05/15 THAT Bylaw No. 11605 be read a second and third time.

Carried

4.4 Casorso Rd 3596 Z18-0012 (BL11608) - Cheryl & Enzo Nanci

Moved By Councillor Stack/**Seconded By** Councillor DeHart

R514/18/05/15 THAT Bylaw No. 11608 be read a second and third time and be adopted.

Carried

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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 68 statutory notices to the owners and occupiers of surrounding properties on Tuesday, May 1, 2018.

Notice of these *(amendments to Liquor Primary Licences)* were advertised by being posted on the Notice Board at City Hall on Tuesday, May 1, 2018, and by being placed in the Kelowna Daily Courier issues on Friday, May 4 and Wednesday, May 9 and by sending out or otherwise mailing 479 statutory notices to the owners and occupiers of surrounding properties on Tuesday, May 1, 2018.

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 Water St 1300-1306, LL18-0002 - DHL No. 48 Holdings LTD., INC. NO. C1105825

Councillor Sieben declared conflict of interest as the subject property is in close proximity to another liquor establishment he has an ownership interest in and left the meeting at 6:58 p.m.

Staff:

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

The City Clerk advised that no correspondence was received.

Deputy Mayor Given 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 Hodge/**Seconded By** Councillor DeHart

R515/18/05/15 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:

1. Council recommends support of an application from DHL NO. 48 Holdings LTD., INC. No. C1105825 for Lot 1 District Lots 139, 4041 and 4082 ODYD Plan KAP73542 located at 1310 Water Street, Kelowna, BC, for a Liquor Primary license with a capacity of 199 persons and hours of sales from 10:00 AM to 2:00 AM Sunday to Saturday for License Number 301837 (Match Eatery & Public House).

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

    a) The impact of noise on the community in the immediate vicinity of the establishment if the application is approved;

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

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

    The potential for negative impacts is considered to be minimal.

AND FURTHER THAT 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

Councillor Sieben rejoined the meeting at 7:05 p.m.

6.2 Hwy 97 North 2629 LL18-0003 - SKJJ Holdings Inc.

Councillor DeHart declared a conflict of interest as the Applicant is part of the same ownership group as her employer and left the meeting at 7:06 p.m.

Staff:
- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence was received.

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

Saudagar Sekhon, Applicant
- Spoke to the hours of operation and how the area will be utilized.

No one from the gallery came forward. There were no further comments.

Moved By Councillor Sieben/**Seconded By** Councillor Stack

R516/18/05/15 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:

1. Council recommends support of an application from SKJJ Holdings Inc. for Lot 2, District Lot 125, ODYD, Plan 3246 Except Plans H8110, 9504 and EPP47107 located at 2629 Hwy 97 North, Kelowna, BC, for a new Liquor Primary license with a capacity of 100 persons and hours of sales from 9:00 AM to 1:00 AM, 7 days a week.

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

    a) The location of the establishment:

    The application is for a new Liquor Primary License to be associated with a new hotel development located on Highway 97 North.

    b) The proximity of the establishment to other social or recreational facilities and public buildings:

    The subject property is located on the Highway 97 corridor and isn't near any social or recreational facilities and public buildings.

    c) The person capacity and hours of liquor service of the establishment:

    The application is for a 100 seat establishment open 7 days a week from 9:00am to 1:00am.

    d) The number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location:

    There aren't any other Liquor Primary facilities nearby, the closest facilities are also associated with hotel operations.

    e) The impact of noise on the community in the immediate vicinity of the establishment if the application is approved;

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

    f) The impact on the community if the application is approved:

    The potential for negative impacts is considered to be minimal.

AND FURTHER THAT 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

Councillor DeHart rejoined the meeting at 7:10 p.m.

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7. Development Permit and Development Variance Permit Reports

7.1 Flemish St 1320, DVP18-0027 - Oliver Bailey Balske and Anne Christine Balske

Staff:
- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

The City Clerk advised that the following correspondence was received:

Letters of Opposition or Concern:
- Chris Bowerman, Flemish Street

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

Oliver Balske, Applicant
- Responded to questions from Council.

No one from the gallery came forward. There were no further comments.

Moved By Councillor Hodge/**Seconded By** Councillor Donn

R517/18/05/15 THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0027 for Lot 20, District Lot 137, Osoyoos Division Yale District, Plan 15035, located at 1320 Flemish Street, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted in accordance with Attachment A:

Section 13.6.6(g)(i.): RU6 – Two Dwelling Housing Development Regulations
To vary the required minimum side yard for a garage accessed from a flanking street from 6.0 m permitted to 4.8 m proposed.

Section 13.6.6(h): RU6 – Two Dwelling Housing Development Regulations
To vary the required minimum rear yard from 7.5 m permitted to 3.5 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 St Paul St 1215, Clement Ave 557 & 567 DP18-0044 & DVP18-0045 - Joseph Higgins, Retaine Financial Corporation Inc. & Fresh Start Enterprises Inc.

Staff:
- Displayed a PowerPoint presentation summarizing the application and responded to question from Council.

The City Clerk advised that no correspondence was received.

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

Paul Pasutto, Applicant's Representative

- The development team is present and available for questions.
- Advised that this development grew out of their experiences with their development on Stockwell Avenue.
- Responded to questions from Council.
- Spoke to the rationale for the public space on top of the parking area.
- Provided the rationale for the requested parking variance.

No one from the gallery came forward. There were no further comments.

Moved By Councillor Singh/**Seconded By** Councillor Donn

R518/18/05/15 THAT Council authorizes the issuance of Development Permit No. DP18-0044 and DVP18-0045 for the following properties:

a) Lot 26, DL 139, ODYD, Plan 1303, Except Plan EPP40116, located at 1215 St Paul Street, Kelowna, BC;
b) Lot 27, DL 139, ODYD, Plan 1303, Except Plan EPP40116, located at 557 Clement Avenue, Kelowna, BC;
c) Lot 28, DL 139, ODYD, Plan 1303, Except Plan EPP40116, located at 567 Clement Avenue, 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 sections of Zoning Bylaw No. 8000 be granted:

Section 14.7.5 (h.i): Central Business Commercial Development Regulations
To vary the minimum setback along the north flanking street (Clement Ave) for portions of a building over 16.0 m from 3.0 m required to 0.1 m proposed;

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Section 14.7.5 (h.ii): Central Business Commercial Development Regulations
To vary the minimum setback along a property line (east) for portions of a building over 16.0 m from 4.0 m required to 0.0 m proposed;

Section 8.1.11 (b): Parking and Loading Size and Ratio
To vary the maximum ratio of compact stalls from 10% to 20.3%;

AND THAT Council authorizes issuance of this Development Permit and Development Variance Permit subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated May 15, 2018;

AND THAT Council authorizes issuance of this Development Permit and Development Variance Permit subsequent to consolidation of the subject properties;

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 permit 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

8. **Reminders** – Nil.

9. **Termination**

The meeting was declared terminated at 8:03 p.m.

Deputy Mayor Given

City Clerk

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