



## City of Kelowna Regular Meeting Minutes

Date: Tuesday, January 29, 2019

Location: Council Chamber  
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Charlie Hodge, Mohini Singh, Luke Stack and Loyal Wooldridge

Members Absent Councillor Brad Sieben

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Suburban and Rural Planning Manager, Dean Strachan; Planner Specialist, Adam Cseke and Legislative Coordinator (Confidential), Clint McKenzie

### 1. Call to Order

Mayor Basran called the meeting to order at 6:27 p.m.

### 2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Singh.

### 3. Confirmation of Minutes

Moved By Councillor Donn/Seconded By Councillor Wooldridge

**Ro093/19/01/29** THAT the Minutes of the Public Hearing and Regular Meeting of January 15<sup>th</sup> and 17<sup>th</sup>, 2019 be confirmed as circulated.

**Carried**

Councillor Stack was absent from the public hearing for Items 4.1 and 4.2 and consequently did not vote on either bylaw.

### 4. Bylaws Considered at Public Hearing

#### 4.1 Drummond Court & Barnaby Road, BL11718 (LUC18-002) - Various Owners

Moved By Councillor Hodge/Seconded By Councillor DeHart

Ro094/01/29 THAT Bylaw No. 11718 be read a second and third time and be adopted.

Carried

**4.2 Drummond Court & Barnaby Road, BL11719 (Z18-0089) - Various Owners**

Moved By Councillor Hodge/Seconded By Councillor DeHart

Ro095/19/01/29 THAT Bylaw No. 11719 be read a second and third time and be adopted.

Carried

**4.3 Coronation Avenue 1028, 1036, 1044, BL11731 (Z17-0117) - 1136605 BC Ltd., Inc No. BC1136605**

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

Ro096/19/01/29 THAT Bylaw No. 11731 be read a second and third time.

Carried

**4.4 Taylor Crescent 2414, BL11735 (Z18-0100) - Mark E. A. Danielson and Erin A. Cram**

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

Ro097/19/01/29 THAT Bylaw No. 11735 be read a second and third time.

Carried

## **5. Notification of Meeting**

Notice of these *Liquor Licence Applications* were advertised by being posted on the Notice Board at City Hall on Tuesday, January 15, 2019, and by being placed in the Kelowna Daily Courier issues on Friday, January 18 and Wednesday, January 23 and by sending out or otherwise mailing 134 statutory notices to the owners and occupiers of surrounding properties on Tuesday, January 15, 2019.

Notice of Council's consideration of the *Development Variance Permit Application* was given by sending out or otherwise mailing 43 statutory notices to the owners and occupiers of surrounding properties on Tuesday, January 15, 2019.

Notice of Council's consideration of the *Provincial Dock Referral* was given by sending out or otherwise mailing 77 statutory notices to the owners and occupiers of surrounding properties on Tuesday, January 15, 2019.

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 Lakeshore Rd 4629, LL18-0030 - City of Kelowna**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised the following correspondence was received:

**Letters of Support:**

Denton and Nicole Elliot, Farron Place  
Steve & Lorrie Wright, Seon Crescent  
Kim Jollymore, McClure Road  
Michael Montpetit, Woodhaven Court  
Colleen and John Whidden, Medicine Hat, AB  
Mitch Carefoot, Richter Street  
Lisa and Michael Montpetit, Woodhaven Court  
Patrick Garuk, Woodhaven Court  
Kelli Lethbridge, Marin Crescent  
Brian Lyall, Richter Street  
Taylor and Caroline Sebastian, Scenic Rd.  
Robin Smith, Sherwood Road  
Cheryl and Sean Armstrong, Cascia Drive  
Christian Kirschke, Quarry Avenue and Lakeshore Road  
Alyse & Robbie Franklin, Goldfinch Place  
Jessica Jensen, Sherwood Road  
Chris Showler, Lakeshore Road  
David and Elaine Shipclark, Lequime Road  
Clay Scott, Sherwood Road  
Tim Sced, Eso Court  
Sundeep Singh, Quilchena Drive  
Inga Wheeler, Providence Ave  
Alex Kramer, Eldorado Road  
Dave Needham, Cobble Crescent  
Eric Thorsteinson, McCarren Avenue  
Kyle Lethbridge, Marin Crescent  
Mark and Julie Krehel, Fuller Road  
Jim Van Dam, Lawrence Avenue  
Jackie and Dave Pattison, Nottingham Road  
Susan Noble, Darin Place  
Rafael Perini, Lakeshore Place  
Matt Roadhouse, Steele Road

**Letters of Concern/Opposition:**

Paul & Carol Young, McClure Road  
Ken Cappos, Casorso Road  
Gary Brooker, Applebrook Crescent:

**Gary Broker, Applicant:**

-Provided overview of application.

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

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Singh

**Ro098/19/01/29** THAT Council directs Staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 71 of the *Liquor Control and Licensing Regulation* and Council Policy #359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Barn Owl Brewing Company located at 4629 Lakeshore Rd, Kelowna, BC, legally described as Lot A, Section 25, Township 28, SDYD, Plan KAP71341, for a manufacturer lounge and special event area endorsement from the hours of 9:00 AM to Midnight Sunday to Saturday for the main floor and loft floor Service Areas; and 9:00 AM to 11:00 PM Sunday to Saturday for the Patio Service Areas.

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

- a) The location of the brewery: The brewery is located in a commercial village setting along an arterial route;
- b) The person capacity of the brewery lounge: The person capacity is 36 persons on the main floor, 24 persons on the loft area, and 27 persons on the exterior patio;
- c) Traffic, noise, parking and zoning: The brewery is located in a commercial village and will have minimal negative impact on traffic, noise, parking, and the property is properly zoned. The exception is in regards to the patio. There are residential homes nearby and the noise from the patio could be a nuisance, therefore, the recommendation is to limit the patio's hours to 11:00pm;
- d) The impact on the community if the application is approved: The potential for negative impact is considered to be minimal;

AND 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

## **6.2 Lakeshore Rd 3477, LL18-0033 - 0984342 BC Inc. No. BC0984342**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised the following correspondence was received:

### **Letter of Concern/Opposition:**

Ken Cappos, Casorso Road

Dallas Manning, Applicant:

- Displayed a PowerPoint presentation and provided background to the application. Spoke about how the brewery will interact within the community.

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

No one from the gallery came forward.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Hodge

**R0099/19/01/28** THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 71 of the *Liquor Control and Licensing Regulation* and Council Policy #359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Shoreline Brewing Co. Inc. located at 3461 Lakeshore Rd, Kelowna, BC, legally described as Lot A, District Lot 134, ODYD, Plan EPP65105, for a manufacturer lounge and special event area endorsement from 10:00 AM to Midnight Sunday to Saturday for the interior floor area; and 10:00 AM to 11:00 PM Sunday to Saturday for the Patio Service Areas.

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

- a) The location of the brewery: The brewery is located in an Urban Centre setting along an arterial route and adjacent to a major park;
- b) The person capacity of the brewery lounge: The person capacity is 95 persons indoor and 92 persons on the exterior patio;
- c) Traffic, noise, parking and zoning: The brewery is located in an Urban Centre and will have minimal negative impact on traffic, noise, parking, and the property is properly zoned. The exception is in regards to the patio. There are residential homes nearby and the noise from the patio could be a nuisance, therefore, the recommendation is to limit the patio's hours to 11:00pm;
- d) The impact on the community if the application is approved: The potential for negative impact is considered to be minimal;

AND 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 Rutland Rd N 375, DVP18-0054 - Richard Martin and Nancy Ryan**

Staff:

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

The City Clerk advised that no correspondence was received.

The applicant was not present.

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

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Hodge

**Ro100/19/01/29** THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0054 for Lot 1 Section 26 Township 26 ODYD Plan 3513 except Plan 37956, located at 375 Rutland Road N, Kelowna, BC;

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

Section 6.5.3(g): Accessory Development

To vary the required minimum distance to the principal dwelling from 3.0 m permitted to 1.0 m proposed;

Section 13.1.6(d): RU1 – Large Lot Housing Development Regulations

To vary the required minimum side yard from 4.5 m permitted to 4.11 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 Abbott Street 2900, PR18-0001 - K599 Dock Group**

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 Support:**

Roland Harvey, Abbott Street

Ian Cheyne, Abbott Street (Brakenridge Street, Vancouver)

Lynn Cheyne, Abbott Street (Ocean Park Road, Surrey)

Bob Cheyne, Abbott Street

Dr. John A. Cheyne, Abbott Street (E5th Avenue, Vancouver)

Robert Bruce Cheyne, Abbott Street (Tall Tree Lane, North Vancouver)

Applicant, Bob Shayney:

- Spoke about original dock being approved in 1996 by the Province.
- Spoke about Westbank First Nations and surrounding neighbours support.
- Spoke about working with Province to ensure they comply to their regulations.
- Parallel dock was not supported by the Province, they were also requested to reduce their footprint.
- Dock was destroyed in 2017 by flooding. Members had to rebuild the dock.
- Mentioned this will only be a strata dock facility, no outside moorage.

Responded to questions from Council.

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

Gallery:

Ann Petroni, Abbott St:

- Lived in complex for last 30 years.
- Spoke to benefits of having boat slips available to strata owners and new owners coming in.

Gordon Shaffer, Abbott St.:

- Lived in the complex for a long time, extension will allow people on the wait list to enjoy the dock.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor DeHart

**R0101/19/01/29** That Provincial Referral No. PR18-0001 for Lot CP, Plan K599, District Lot 14, ODYD located at 2900 Abbott Street, Kelowna, BC for a shared dock, be supported by Council;

AND THAT Council directs staff to forward the subject application to the Province for consideration.

**Carried**  
Councillor Hodge - Opposed


**8. Reminders**

There were no reminders.

**9. Termination**

The meeting was declared terminated at 7:31 p.m.

\_\_\_\_\_  
Mayor Basran

  
\_\_\_\_\_  
City Clerk

sf/rvh

DRAFT