



City of Kelowna Regular Meeting Minutes

Date: Tuesday, April 9, 2019

Location: Council Chamber
City Hall, 1435 Water Street

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

Staff Present City Manager, Doug Gilchrist; Deputy City Clerk, Karen Needham; Acting Divisional Director, Community Planning & Strategic Investments, Derek Edstrom; Community Planning Department Manager, Ryan Smith; Suburban and Rural Planning Manager, Dean Strachan; Legislative Coordinator (Confidential), Rebecca Van Huizen

(*denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:54 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Donn.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

(R0395/19/04/09) THAT the Minutes of the Public Hearing and Regular Meeting of March 26, 2019 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 Hall Rd, Fairhall Rd and Packers Rd, BL11761 (LUCT18-0011) - Various Owners

Moved By Councillor Stack/Seconded By Councillor DeHart

(R0396/19/04/09) THAT Bylaw No. 11761 be read a second and third time and be adopted.

Carried

- 4.2 Bernard Ave 547-559, BL11775 (Z19-0005) - Salco Management Ltd, Inc. No. BCo744182**

Councillor Sieben declared a conflict of interest on items 4.2 and 4.3 as he provides insurance services for the applicants and left the meeting at 7:56 p.m.

Moved By Councillor Singh/Seconded By Councillor Hodge

(R0397/19/04/09) THAT Bylaw No. 11775 be read a second and third time.

Carried

- 4.3 Glenmore Rd 401, BL11778 (Z19-0006) - 653332 BC Ltd, Inc. No. 653332**

Moved By Councillor DeHart/Seconded By Councillor Stack

(R0398/19/04/09) THAT Bylaw No. 11778 be read a second and third time.

Carried

Councillor Sieben returned to the meeting at 8:02 p.m.

- 4.4 Rutland Rd S 140-160, BL11779 (Z19-0026) - Canada West Realty Ltd, Inc. No. 71313**

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

(R0399/19/04/09) THAT Bylaw No. 11779 be read a second and third time.

Carried

- 4.5 Springfield Rd 2121, BL11780 (Z19-0029) - 417414 BC Limited, Inc No 417414**

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

(R0400/19/04/09) THAT Bylaw No. 11780 be read a second and third time.

Carried

- 4.6 Gordon Drive 3818, BL11782 (TA19-0008) - Save on Shoes Ltd Inc No 397854**

Moved By Councillor Hodge/Seconded By Councillor Singh

(R0401/19/04/09) THAT Bylaw No. 11782 be read a second and third time.

Carried

- 4.7 Gordon Dr 3818, BL11783 (Z19-0013) - Save on Shoes Ltd Inc No 397854**

Moved By Councillor Stack/Seconded By Councillor DeHart

(R0402/19/04/09) THAT Bylaw No. 11783 be read a second and third time.

Carried

- 4.8 Kyndree Ct 1222, BL11787 (Z19-0042) - Hans and Krystyna Schubel**

Moved By Councillor DeHart/Seconded By Councillor Stack

(Ro403/19/04/09) THAT Bylaw No. 11787 be read a second and third time.

Carried

4.9 Via Centrale 3200, BL11789 (OCP18-0020) - 0971205 B.C. Ltd.

Moved By Councillor Donn/Seconded By Councillor Sieben

(Ro404/19/04/09) THAT Bylaw No. 11789 be read a second and third time.

Carried

Councillors Hodge, Sieben, Singh and Stack – Opposed

4.10 Via Centrale 3200, BL11791 (Z18-0113) - 0971205 B.C. Ltd.

Moved By Councillor Donn/Seconded By Councillor Sieben

(Ro405/19/04/09) THAT Bylaw No. 11791 be read a second and third time.

Carried

Councillors Hodge, Sieben, Singh and Stack – Opposed

4.11 McCarthy Rd 9670, BL11790 (Z18-0122) - The Flowr Group (Okanagan) Inc., Inc. No. BC0974062

Moved By Councillor Wooldridge/Seconded By Councillor Given

(Ro406/19/04/09) THAT Bylaw No. 11790 be read a second and third time.

Carried

4.12 Harvey Ave 1455-1475, BL11792 (Z19-0010) - 449048 British Columbia Ltd, 1145399

Moved By Councillor Singh/Seconded By Councillor Hodge

(Ro407/19/04/09) THAT Bylaw No. 11792 be read a second and third time.

Carried

4.13 Harvey Ave 2090, BL11793 (Z19-0008) - T 252 Enterprises Ltd Inc No BC1184462

Moved By Councillor Given/Seconded By Councillor Wooldridge

(Ro408/19/04/09) THAT Bylaw No. 11793 be read a second and third time.

Carried

5. Notification of Meeting

The Deputy City Clerk advised that Notice of Council's consideration of this Liquor License Application was advertised by being posted on the Notice Board at City Hall on Tuesday, March 26, 2019 and by being placed in the Kelowna Daily Courier issues on Friday, March 29 and Wednesday, April 3 and by sending out or otherwise delivering 10 statutory notices to the owners and occupiers of the surrounding properties on Tuesday, March 26, 2019.

The Deputy City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise mailing 159 statutory notices to the owners and occupiers of surrounding properties on Tuesday, March 26, 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 Pooley Rd 3240, LL18-0019 - Wyn and Marion Lewis

Staff:

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

The Deputy City Clerk advised that the following correspondence was received

Letters of Opposition and Concern:

- Lucinda and Amandio Costa, Pooley Rd
- Tony Costa, McCulloch Rd

Applicant, Wyn Lewis, Pooley Rd:

- Provided background on the winery.
- Spoke to the various events they hold at the winery.
- Mentioned the changes will not impact the neighbourhood.
- Spoke to the changes and why they are being requested.
- Responded to questions from Council.

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

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Hodge

(Ro409/19/04/09) THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor & Cannabis Regulation Branch (LCRB):

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 MJB Lawyers for a Special Event Area (SEA) Endorsement Change for Lot 2 Section 15 Township 26 ODYD Plan 3379, located at 3240 Pooley Road, Kelowna, BC for the following reasons:
 - a. The change of hours for SEAs 2 and 3 does not increase the total area on the property that can be used for special events;
 - b. The requested change of hours introduces a maximum person capacity for the SEAs; and
 - c. The requested change of hours is in keeping with how the licensee has previously operated special events.
2. Council's comments on the LCRB's prescribed considerations are as follows:
 - a. **The location of the special event area:** SEA 2 is within 60 m of a neighbouring residence, and SEA 3 is within 70 m of a neighbouring residence.

- b. **The proximity of the special event area to other social or recreational facilities and public buildings:** The subject property is within 1 km of East Kelowna Park, East Kelowna Hall, Harvest Golf Club, Orchard Greens Golf Club, McCulloch Station Pub, and Okanagan Montessori School. It is also within 1 km of several wineries and cideries.
 - c. **The person capacity of the winery related uses on the subject parcel:** Existing maximum person capacities for the licenced areas are as follows: tasting room and retail sales area – 40 persons; lounge (indoor) – 78 persons; and lounge (outdoor patio) – 60 persons. These are in addition to the proposed person capacities for the SEA endorsements: SEA 1 – 75 persons; SEA 2 – 300 persons; and SEA 3 – 75 persons. The total person capacity of the winery related uses is 628 when events are taking place.
 - d. **Traffic, noise, parking and zoning:** The subject parcel has generated numerous noise complaints from neighbouring residents regarding amplified music and voice. Parking has also been an issue, with cars impeding regular two-way traffic along Pooley Road during events. These impacts are expected to continue though not likely increase significantly with this application to change hours. A 2,990 m² area was converted from agriculture to permanent parking to add parking for the winery and associated uses. This was permitted to be overflow parking only and was not to be a permanent (e.g. gravel or paved) surface.
 - e. **The impact on the community if the application is approved:** The existing SEAs and other ancillary winery uses generate noise and parking concerns and impacts to the community. These impacts are expected to continue if the requested change in hours is approved.
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. 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 Cawston Ave 1044-1074, OCP18-0002 (BL11595) - Sukhdarshan Singh Pannu

Moved By Councillor Donn/Seconded By Councillor Sieben

(Ro410/19/04/09) THAT Bylaw No. 11595 be amended at third by deleting the legal descriptions that read:

- Lot 1 District Lot 138 ODYD Plan 4315
- Lot 2 District Lot 138 ODYD Plan 4315
- Lot 2 District Lot 138 ODYD Plan 3857

And replacing it with:

- Lot A District Lot 138 ODYD Plan EPP85234

Carried

Moved By Councillor Donn/Seconded By Councillor Sieben

(R0411/19/04/09) THAT Bylaw No. 11595 as amended, be adopted.

Carried

7.2 Cawston Ave 1044-1074, Z18-0008 (BL11596) - Sukhdarshan Singh Pannu

Moved By Councillor Donn/Seconded By Councillor Sieben

(R0412/19/04/09) THAT Bylaw No. 11596 be amended at third by deleting the legal descriptions that read:

- Lot 1 District Lot 138 ODYD Plan 4315
- Lot 2 District Lot 138 ODYD Plan 4315
- Lot 2 District Lot 138 ODYD Plan 3857

And replacing it with:

- Lot A District Lot 138 ODYD Plan EPP85234

Carried

Moved By Councillor Donn/Seconded By Councillor Sieben

(R0413/19/04/09) THAT Bylaw No. 11596 as amended, be adopted.

Carried

7.3 Cawston Ave 1044-1074, DP18-0018 DVP18-0019 - Sukhdarshan Singh Pannu

Staff:

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

The Deputy City Clerk advised that no correspondence was received.

The applicant was present and available for questions.

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

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Donn

(R0414/19/04/09) THAT Official Community Plan Map Amending Bylaw No. 11595 be amended at third reading to revise the legal description of the subject property from Lot 2 District Lot 138 ODYD Plan 3857 to Lot A District Lot 138 ODYD Plan EPP85234;

THAT Rezoning Bylaw No. 11596 be amended at third reading to revise the legal description of the subject properties from Lot 1 & Lot 2 District Lot 138 ODYD Plan 4315 and Lot 2 District Lot 138 ODYD Plan 3857 to Lot A District Lot 138 ODYD Plan EPP85234;

AND THAT final adoption of Official Community Plan Map Amending Bylaw No. 11595 and Rezoning Bylaw No. 11596 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP18-0018 for Lot A District Lot 138 ODYD Plan EPP85234, located at 1044-1074 Cawston Ave, 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 Council authorizes the issuance of Development Variance Permit No. DVP18-0019 for Lot A District Lot 138 ODYD Plan EPP85234, located at 1044-1074 Cawston Ave, Kelowna, BC;

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

Section 13.11.6(b): RM5 – Medium Density Multiple Housing Development Regulations

To vary the maximum site coverage from 40% to 45.4% proposed; and the maximum site coverage of buildings, driveways and parking areas from 65% to 71.9% proposed;

Section 8.1.11(b): Parking and Loading Regulations

To vary the ratio of medium size parking stalls from 40% maximum to 48% 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 Schedule "A" attached to the Report from the Community Planning Department dated April 9, 2019;

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

Carried

7.4 Gore Street 2627-2643, Z18-0106 (BL11721) - Teano Holdings Ltd., Inc.No. BC1090038

Moved By Councillor Given/Seconded By Councillor Wooldridge

(R0415/19/04/09) THAT Bylaw No. 11721 be amended at third by deleting the legal descriptions that read:

- Lot 7 District Lot 14 ODYD Plan 7927
- Lot 8 District Lot 14 ODYD Plan 7927

And replacing it with:

- Lot A District Lot 14 ODYD Plan EPP89269

Carried

Moved By Councillor Given/Seconded By Councillor Wooldridge

(Ro416/19/04/09) THAT Bylaw No. 11721 as amended, be adopted.

Carried

7.5 Gore St 2627-2643, DP18-0196 DVP18-0197 - Teano Holdings Ltd., Inc.No. BC0190038

Staff:

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

The Deputy City Clerk advised that no correspondence was received.

The applicant was present and available for questions.

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

No one from the gallery came forward.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Wooldridge

(Ro417/19/04/09) THAT Rezoning Bylaw No. 11721 be amended at third reading to revise the legal description of the subject properties from Lot 7 & Lot 8 District Lot 14 ODYD Plan 7927 to *Lot A, District Lot 14, ODYD, Plan EPP89269*;

AND THAT final adoption of Rezoning Bylaw No. 11721 (Z18-0106) be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP18-0196 for *Lot A, District Lot 14, ODYD, Plan EPP89269*, located at 2627 – 2643 Gore St, Kelowna, BC, 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 the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0197 for *Lot A, District Lot 14, ODYD, Plan EPP89269*, located at 2627 – 2643 Gore St, Kelowna, BC;

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

Section 13.11.6(e): Side Yard Setbacks

- To vary the required side yard setback along the south property line, as described in Schedule 'A', only for the parkade from 4.5m to 1.52m;

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

Carried

7.6 Carion Rd 230, DVP18-0202 - Northok Properties Inc., Inc. No. BC1172950

Staff:

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

The Deputy City Clerk advised that no correspondence was received.

Applicant, Anderson Smith, representative of Valens Agritech:

- Spoke to the business and its' operations at the site.
- Noted that due to challenges of the industry, it can attract the wrong type of attention.
- Responded to questions from Council.

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

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

(R0418/19/04/09) THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0202 for Lot 5 Section 2 Township 20 ODYD Plan KAP57943, located at 230 Carion Road, Kelowna, BC;

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

Section 7.5.4: Landscaping and Screening – Fencing and Retailing Walls

To vary the maximum fence height in a Commercial, Public and Institutional or Industrial Zone from 2.4 m permitted to 3.66 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

7.7 Cadder Ave 869, DVP19-0053 - Chad Gould

Staff:

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

The Deputy City Clerk advised that no correspondence was received.

The applicant was not present.

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

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Sieben

(Ro419/19/04/09) THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0053 for Lot 30 Section 19 Township 26, ODYD, Plan 700, located at 869 Cadder Avenue, Kelowna, BC;

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

Section 8.1.9(c) Parking and Loading: Location

To allow two required parking stalls to be located within 1.5m of the west side property line and within 1.5m of the rear property line.

Section 8.1.9(e) Parking and Loading: Location

To remove the requirement to screen a parking stall parallel to and flanking a lane by a physical barrier.

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

Councillors DeHart, Given and Wooldridge – Opposed

7.8 Tronson Dr 904, DVP19-0054 - Ian Ferguson & Suzanne Thorpe

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The Deputy City Clerk advised that no correspondence was received.

Applicant, Ian Ferguson, Tronson Dr:

- Spoke to the rationale for the variance request.

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

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Hodge

(Ro420/19/04/09) THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0054 for Lot 26, Section 29, Township 26, ODYD Plan 24924, located at 904 Tronson Dr, Kelowna, BC;

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

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

To vary the required minimum north side yard setback from 2.0m permitted to 1.53m 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 - none**

9. **Termination**

The meeting was declared terminated at 9:19 p.m.

Mayor Basran

kn/rvh

Seedham

Deputy City Clerk