



City of Kelowna Regular Meeting Minutes

Date: Tuesday, March 17, 2020
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Gail Given, Mohini Singh, Brad Sieben* and Luke Stack

Members Absent Councillor Ryan Donn, Charlie Hodge and Loyal Wooldridge

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Deputy City Clerk, Laura Bentley; Divisional Director, Planning and Development Services, Ryan Smith; Community Planning & Development Manager, Dean Strachan; Legislative Coordinator (Confidential), Clint McKenzie

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 6:50 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Stack.

3. Confirmation of Minutes

Moved By Councillor Given/Seconded By Councillor Sieben

R0220/20/03/17 THAT the Minutes of the Public Hearing and Regular Meeting of February 25, 2020 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 Yates Rd 538, BL11991 (Z19-0140) - Carolco Developments Ltd. Inc. No. B0291464

Councillor Sieben declared a conflict of interest for Item 4.1 as in the past he has provided insurance services for the Agent representing this group and departed the meeting at 6:52 p.m.

Moved By Councillor Stack/Seconded By Councillor DeHart

R0221/20/03/17 THAT Bylaw No. 11991 be read a second and third time.

Carried

Councillor Sieben rejoined the meeting at 6:54 p.m.

4.2 Fenwick Rd 2840, BL11992 (Z19-0061) - Odermatt Otto, Odermatt Paul

Moved By Councillor DeHart/Seconded By Councillor Stack

R0222/20/03/17 THAT Bylaw No. 11992 be read a second and third time.

Carried

4.3 Clement Ave 816, BL11993 (TA19-0022) - PC Urban Clement Holdings Ltd. Inc. No. BC110007

Moved By Councillor Stack/Seconded By Councillor DeHart

R0223/20/03/17 THAT Bylaw No. 11993 be read a second and third time.

Carried

4.4 McCurdy Rd 925-929, BL11994 (LUC20-0001) - NT Properties Ltd.

Moved By Councillor DeHart/Seconded By Councillor Stack

R0224/20/03/17 THAT Bylaw No. 11994 be read a second and third time.

Carried

4.5 McCurdy Rd 925-929, BL11995 (Z19-0132) - NT Properties Ltd.

Moved By Councillor Stack/Seconded By Councillor DeHart

R0225/20/03/17 THAT Bylaw No. 11995 be read a second and third time.

Carried

4.6 Alsgard St, McCurdy Rd, Leathead Rd - BL11996 (LUCT20-0001) - City of Kelowna

Moved By Councillor Stack/Seconded By Councillor Sieben

R0226/20/03/17 THAT Bylaw No. 11996 be read a second and third time.

Carried

4.7 Alsgard St, McCurdy Rd, Leathead Rd - BL11997 (Z20-0004) - City of Kelowna

Moved By Councillor DeHart/Seconded By Councillor Sieben

R0227/20/03/17 THAT Bylaw No. 11997 be read a second and third time.

Carried

4.8 Primrose Rd 435, BL11998 (Z19-0142) - Shaida Langley

Moved By Councillor Sieben/Seconded By Councillor Stack

R0228/20/03/17 THAT Bylaw No. 11998 be read a second and third time.

Carried

4.9 Francis Ave 460, BL11999 (Z19-0138) - John Hodges

Moved By Councillor Sieben/Seconded By Councillor DeHart

R0229/20/03/17 THAT Bylaw No. 11999 be read a second and third time.

Carried

4.10 BL11988 (TA20-0007) - Rental Sub-Zones addition to Zoning Bylaw No. 8000

Moved By Councillor Singh/Seconded By Councillor Given

R0230/20/03/17 THAT Bylaw No. 11988 be read a second and third time.

Carried

4.11 Harvey Ave 969, BL11989 (OCP19-0009) - The Evangel Family Rental Housing Society Inc. No. 516918

Moved By Councillor Given/Seconded By Councillor Singh

R0231/20/03/17 THAT Bylaw No. 11989 be read a second and third time;

Carried

4.12 Harvey Ave 969, BL11990 (Z19-0119) - The Evangel Family Rental Housing Society Inc. No. 516918

Moved By Councillor Given/Seconded By Councillor Singh

R0232/20/03/17 THAT Bylaw No. 11990 be read a second and third time.

Carried

4.13 Uplands Dr 368, BL12002 (Z19-0141) - Nicole Gosselin

Moved By Councillor Singh/Seconded By Councillor Given

R0233/20/03/17 THAT Bylaw No. 12002 be read a second and third time.

Carried

4.14 Spiers Rd, 3652 BL12003 (HD20-0001) - Request for Heritage Designation - Sue Haley

Moved By Councillor Given/Seconded By Councillor Singh

R0234/20/03/17 THAT Bylaw No. 12003 be read a second and third time.

Carried

5. Liquor License Application Reports

5.1 Appaloosa Rd 1-3314, LL19-0034 - 1124770 B.C. Ltd., Inc. No. BC1124770

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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.

Moved By Councillor Sieben/Seconded By Councillor Given

R0235/20/03/17 THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and 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 Wild Ambitions Brewing Inc. (Brewery), Strata Lot 66, Section 2, Township 23, ODYD, Strata Plan KAS2842 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 1-3314 Appaloosa Road, Kelowna, BC for a manufacturer lounge for the hours of 9:00AM to 11:00PM Monday to Sunday;

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

- a. The proximity of the establishment to other social or recreational facilities and public buildings:

The brewery (with person capacity less than 100 persons) is located within an industrial development near the corner of Appaloosa Road and Hollywood Road North and is not located beside another liquor primary establishment.

- b. The person capacity and hours of liquor service of the establishment:

The proposed person capacity is 30 persons inside. Proposed hours of operation will be from 9:00AM to 11:00Pm Monday to Sunday.

- c. The impact of noise on the community in the immediate vicinity of the establishment if the application is approved:

The impact of noise on the surrounding community should be minimal as City Staff are recommending restrictions on amplified music as detailed in this report. The Brewery is located in an industrial area and will have minimal negative impact on traffic and parking, and the property is properly zoned.

- 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 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

6. Development Permit and Development Variance Permit Reports

6.1 Taylor Rd 235, BL11648 (Z17-0088) - 0725353 BC Ltd Inc No. BCo725353

Moved By Councillor Given/Seconded By Councillor Singh

R0236/20/03/17 THAT Bylaw No. 11648 be adopted.

Carried

6.2 Taylor Rd 235, DP17-0205 and DVP18-0110 - 1219204 B.C. Ltd

Staff:

- Displayed a PowerPoint Presentation summarizing the application.
- Confirmed the mid peak of the roof meets zoning requirements.

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.

Gallery:

Ty Wilkinson 219 Taylor Road:

- Opposed to the application.
- Too many units for the site.
- Lack of limited space.

Staff

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Singh

R0237/20/03/17 THAT final adoption of Rezoning Bylaw No. 11648 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0205 for Lot A Section 22 Township 26 ODYD Plan EPP89943, located at 235 Taylor Rd, 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. DVP18-0110 for Lot A Section 22 Township 26 ODYD Plan EPP89943, located at 235 Taylor Rd, Kelowna, BC;

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

Section 13.9.6(f): RM3 – Low Density Multiple Housing Development Regulations

To vary the required minimum rear yard from 7.5 m required to 6.5 m proposed.

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

Carried

6.3 Water St 1659, DP19-0161 and DVP19-0162 - MJI Contracting

Staff:

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

Matthew Isabel, MJI Contracting, Applicant:

- Spoke to unique design of building.
- Spoke to alternate transportation on site.
- Petitioned the neighbours.
- Can secure 13 stalls in the Chapman Parkade, on wait list and anticipate these being available by the time building is ready for occupancy.
- Responded to snow loads on the property to the east and the snow load model being completed.
- 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.

Gallery:

Marion and Ted Grimwood, adjacent property owners:

- Opposed to the application.
- Referred to correspondence submitted previously.
- Opposed to the parking variance as applicant should be paying parking in lieu instead.
- Opposed to the number of variances.
- Raised concerns with snow load issue addressed in correspondence.
- Raised doubts whether applicant could secure parking by the time the building is occupied.

Matthew Isabel, MJI Contracting, Applicant:

- Confirmed consultant has been retained regarding snow load issues, and that neighbor is aware of this.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Given

R0238/20/03/17 THAT Council defer further consideration of DP19-0161 and DVP19-0162 for staff to undertake further investigation of parking options with the applicant.

Carried

Councillor Stack – Opposed

8. Termination

The meeting was declared terminated at 8:05 p.m.

Mayor Basran

City Clerk

/cm/rvh