



City of Kelowna Regular Council Meeting Minutes

Date: Monday, April 20, 2020
 Location: Council Chamber
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Gail Given, and Mohini Singh

Members Participating Remotely Councillors Ryan Donn, Charlie Hodge, Brad Sieben*, Luke Stack and Loyal Wooldridge

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming, Deputy City Clerk, Laura Bentley*; Director, Planning & Development Services, Ryan Smith*; Community Planning & Development Manager, Dean Strachan*; Financial Services, Genelle Davidson*; Corporate Finance Manager, Shelly Little*; Revenue Supervisor, Angie Schumacher*; Financial Planning Manager, Melanie Antunes*; Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:32 p.m.

Mayor Basran advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio and video feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

2. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor DeHart

R0286/20/04/20 THAT the Minutes of the Regular Meetings of April 6, 2020 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

Councillor Sieben declared a conflict of interest as he has recently been engaged to provide insurance services at 1100 Lawrence Avenue in the future and left the meeting remotely at 1:34 p.m.

3.1 1729-1835 Gordon Dr, TA20-0011 Z20-0012, RG Properties Ltd., Inc. No. BCo812619

Staff:

- Displayed a PowerPoint Presentation summarizing the application and providing rationale for non-support responded to questions from Council.

Mayor Basran invited the Applicant to come forward.

Jordan Hettinga, Kent-MacPherson

- Displayed a PowerPoint Presentation.
- Presenting today on behalf of the Heartland Group that has over 30 years of experience in the liquor industry with 10 stores throughout BC and employs 80 staff; they own and operate the Mission Liquor Store and also recently the Glenmore Liquor Store in Kelowna.
- Believes this is the right location for a cannabis retail store.
- Looked for appropriate locations and sites that are setback from Schools and Parks and that are appropriately rezoned by staff; displayed a map identifying Major Parks, Primary Elementary Schools, Middle and High School locations.
- Spoke to the location being outside of the major mall with significant parking stalls on the property.
- Made comment on the support and positive feedback received in having a cannabis store at this location.
- Spoke to the 500 meter setback that had been determined; believes urban centres should be looked at differently than the rural sprawl areas and should be site specific rather than grid zoning.
- Reasons we feel this location could be supported; it is separated by Highway 97 from the Lawrence Avenue site which causes a large pedestrian separation and not in competition with the proposed Burtch store to the East as there is 625 meters between stores.
- The variance is being requested as the subject property being the Capri Mall is 14 acres which causes property line to property line of 400 m opposed to 625 m.
- Displayed a site map identifying the number of liquor stores in Kelowna with a majority in the urban area and are much closer than 500 m.
- Would like public feedback on this location for a cannabis store and requested that Council approve the alternate recommendation and to advance this application to a Public Hearing.

Moved By Councillor Donn/Seconded By Councillor DeHart

R0287/20/04/20 THAT Zoning Bylaw Text Amendment Application No. TA20-0011 to amend City of Kelowna Zoning Bylaw No.8000 as outlined in Schedule "A" attached to the Report from the Development Planning Department dated Lot A, District Lot 137, Osoyoos Division Yale District Plan KAP64836, Except Plan EPP33990, located at 1729-1835 Gordon Dr, Kelowna, BC, NOT be considered by Council;

AND THAT Rezoning Application No. Z20-0012 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 137, Osoyoos Division Yale District Plan KAP64836, Except Plan EPP33990, located at 1729-1835 Gordon Dr, Kelowna, BC from the CD26- Capri Centre Comprehensive Development zone to the CD26rcs- Capri Centre Comprehensive Development zone (Retail Cannabis Sales) NOT be considered by Council.

Defeated

Mayor Basran, Councillors Given, Hodge and Wooldridge - Opposed

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0288/20/04/20 THAT Zoning Bylaw Text Amendment Application No. TA20-0011 to amend City of Kelowna Zoning Bylaw No.8000 as outlined in Schedule "A" attached to the Report from the Development Planning Department dated Lot A, District Lot 137, Osoyoos Division Yale District Plan KAP64836, Except Plan EPP33990, located at 1729-1835 Gordon Dr, Kelowna, BC, be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Rezoning Application No. Z20-0012 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 137, Osoyoos Division Yale District Plan KAP64836, Except Plan EPP33990, located at 1729-1835 Gordon Dr, Kelowna, BC from the CD26- Capri Centre Comprehensive Development zone to the CD26rcs- Capri Centre Comprehensive Development zone (Retail Cannabis Sales) be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT if the Rezoning Bylaw is adopted, Council direct Staff to send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch that they support issuance of a non-medical cannabis retail store license for this legal lot with the following comments:

- The proposed location meets amended site-specific local government bylaw requirements and as such, no negative impact is anticipated;
- The views of the residents were captured during a public hearing process for the rezoning of the property and Council meeting minutes summarizing those views are attached; and
- Local government recommends that the application be approved because of compliance with local regulations and policies.

Carried
Councillor Donn – Opposed

Councillor Sieben rejoined the meeting at 2:01 p.m.

3.2 Ponto 290, Z19-0063 (BL12021), 1135072 B.C. Ltd, Inc. No. BC1135072

Staff:

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

Moved By Councillor Given/Seconded By Councillor Singh

R0289/20/04/20 THAT Rezoning Application No. Z19-0063 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 14, Section 26, Township 26 Osoyoos Division Yale District Plan 4414, located at 290 Ponto Rd, Kelowna, BC from the RU1-Large Lot Housing zone to the RM3- Low Density Multiple Housing zone, be considered by Council;

AND THAT Council, in accordance with Local Government Act s. 464(2), waive the Public Hearing for the Rezoning Bylaw;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in "Schedule A" attached to the Report from the Development Planning Department dated April 20, 2020.

Carried

3.3 Ponto 290, BL12021 (Z19-0063), 1135072 B.C. Ltd, Inc. No. BC1135072

Moved By Councillor Singh/Seconded By Councillor Given

R0290/20/04/20 THAT Bylaw No. 12021 be read a first time.

Carried

3.4 TA19-0020 CD2 Kettle Valley Comprehensive Residential Development Zone

Staff:

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

Moved By Councillor Hodge/Seconded By Councillor Stack

R0291/20/04/20 THAT Zoning Bylaw Text Amendment Application No. TA19-0020 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing Section 18 Schedule 'B' – CD2 Kettle Valley Comprehensive Residential Development Zone as identified in Schedule "A" and outlined in the Report from the Development Planning Department dated April 20, 2020 be considered by Council;

AND THAT the Text Amendment Bylaw be forwarded to a Public Hearing for further consideration.

Carried

3.5 BL12016 - TA19-0020 CD2 Kettle Valley Comprehensive Residential Development Zone

Moved By Councillor Given/Seconded By Councillor Singh

R0292/20/04/20 THAT Bylaw No. 12016 be read a first time.

Carried

3.6 Springfield Rd 3054, Z17-0078 (BL11573) - Hyung Ja Eo

Staff:

- Provided reasons for the Rezoning Bylaw to be rescinded and the file closed and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Singh

R0293/20/04/20 THAT Council receives, for information, the Report from the Development Planning Department dated April 20, 2020, with respect to Rezoning Application No. Z17-0078 for the property located at Lot 171 Section 23 Township 26, ODYD, Plan 22418 for 3054 Springfield Road Kelowna BC;

AND THAT Bylaw No. 11573 be forwarded for rescindment consideration and the file be closed.

Carried

3.7 Springfield Road 3054 BL11573 (Z17-0078) - Hyung Ja Eo

Moved By Councillor Singh/Seconded By Councillor Given

R0294/20/04/20 THAT first, second and third readings given to Bylaw No. 11573 be rescinded;

AND THAT the file for Rezoning Application Z17-0078, for the property location at 3054 Springfield Road be closed.

Carried

4. Bylaws for Adoption (Development Related)

4.1 BL11970 (TA19-0004) - Amendment to Section 7 of Zoning Bylaw No. 8000 - Landscaping & Screening

Moved By Councillor Given/Seconded By Councillor Singh

R0295/20/04/20 THAT Bylaw No. 11970 be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1 Revenue Anticipation Borrowing Bylaw

Staff:

- Displayed a PowerPoint Presentation outlining the reasons for the establishment of the Revenue Anticipation Borrowing Bylaw.

Moved By Councillor Given/Seconded By Councillor DeHart

R0296/20/04/20 THAT Council receives, for information, the report from Financial Services, dated April 20, 2020 with respect to establishing a Revenue Anticipation Borrowing Bylaw.

AND THAT Bylaw No. 12026 being the Revenue Anticipation Borrowing Bylaw be forwarded for reading consideration.

Carried

5.2 BL12026 - 2020 Revenue Anticipation Borrowing Bylaw

Moved By Councillor Given/Seconded By Councillor Singh

R0297/20/04/20 THAT Bylaw No. 12026 be read a first, second and third time and be adopted.

Carried

5.3 2020 Tax Distribution Policy

Staff:

- Displayed a PowerPoint Presentation summarizing the proposed tax class ratios to be used in preparation of the 2020 tax rates.

Moved By Councillor Stack/Seconded By Councillor Given

R0298/20/04/20 THAT Council approve a Municipal Tax Distribution Policy as outlined in the Report dated April 20, 2020, for the year 2020 that will result in a modification of the 2019 Tax

Class Ratios to reflect the uneven market value changes which have been experienced between property classes, as follows:

Property Class	2019 Tax Class Ratios	2020 Tax Class Ratios
Residential/Rec/NP/SH	1.0000:1	1.0000:1
Utilities	5.4690:1	4.9211:1
Major Industrial	6.4174:1	6.0425:1
Light Industrial/Business/Other	2.3555:1	2.1724:1
Farm Land	0.1523:1	0.1706:1
Farm Improvements	0.4980:1	0.5096:1

AND THAT Council approve development of 2020 tax rates to reflect the 2020 assessment changes in property market values.

Carried

5.4 Amendment No. 1 to the Five Year Financial Plan 2019-2023

Staff:

- Displayed a PowerPoint Presentation identifying the proposed amendments to the Five Year Financial Plan.

Moved By Councillor Donn/Seconded By Councillor Wooldridge

R0299/20/04/20 THAT Council receives, for information, the Report from Financial Services dated April 20, 2020 with respect to amendments to the Five Year Financial Plan 2019-2023 Bylaw;

AND THAT Bylaw No. 12010 being Amendment No. 1 to the Five Year Financial Plan 2019-2023 Bylaw No. 11805 be advanced for reading consideration.

Carried

5.5 BL12010 - Amendment No. 1 to the Five Year Financial Plan 2019-2023

Moved By Councillor Given/Seconded By Councillor DeHart

R0300/20/04/20 THAT Bylaw No. 12010 be read a first, second and third time and be adopted.

Carried

5.6 2019 Sterile Insect Release (SIR) parcel tax

Staff:

- Displayed a PowerPoint Presentation summarizing the 2020 Sterile Insect Release parcel tax levy and responded to questions from Council.

Moved By Councillor Singh/Seconded By Councillor Hodge

R0301/20/04/20 THAT Council approve the Sterile Insect Release Program as outlined in the report of the Revenue Supervisor dated April 20, 2020, charging the 2020 Sterile Insect Release (SIR) Parcel Tax to individual property tax rolls in accordance with the 2020 SIR Parcel Tax Assessment Roll provided to the City of Kelowna by SIR administration.

AND THAT Bylaw No. 12020 being the Sterile Insect Release Program Parcel Tax Bylaw 2020 be forwarded for reading consideration.

Carried**5.7 BL12020 - Sterile Insect Release Program Parcel Tax Bylaw**Moved By Councillor Singh/Seconded By Councillor GivenR0302/20/04/20 THAT Bylaw No. 12020 be read a first, second and third time and be adopted.Carried**5.8 Public Hearing Options**

Staff:

- Displayed a PowerPoint Presentation outlining options for holding the May 12, 2020 Public Hearing during the pandemic and responded to questions from Council.

Moved By Councillor Singh/Seconded By Councillor WooldridgeR0303/20/04/20 THAT Council receive, for information, the report from the Office of the City Clerk dated April 20, 2020 with respect to Public Hearing Options;

AND THAT Council direct staff to hold the Tuesday, May 12, 2020 Public Hearing and Regular Meeting in accordance with Option 1 described in the report from the Office of the City Clerk dated April 20, 2020.

Carried**6. Bylaws for Adoption (Non-Development Related)****6.1 BL11979 - Road Closure at Dall Road Western Corner**Moved By Councillor Singh/Seconded By Councillor GivenR0304/20/04/20 THAT Bylaw No. 11979 be adopted.Carried**7. Mayor and Councillor Items**

Council:

- Expressed appreciation for the community's efforts in remaining home during this pandemic crisis.

City Clerk:

- Spoke to a housekeeping request regarding a License of Occupation with the Province.

Moved By Councillor Given/Seconded By Councillor DeHartR0305/20/04/20 THAT Council approve amending the License of Occupation with the Province with respect to Hydraulic Creek by replacing the wording License of Occupation with "Lease".Carried

Mayor Basran:

- Noted that Flags at City Hall and other Cities will be at half-mast due to the horrible event and loss of life in Nova Scotia and expressed condolences to all those impacted.

8. Termination

This meeting was declared terminated at 3:05 p.m.

Mayor Basran

/acm



City Clerk

DRAFT