



City of Kelowna Regular Meeting Minutes

Date: Tuesday, February 4, 2020
Location: Council Chamber
City Hall, 1435 Water Street

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

Members Absent Councillors Maxine DeHart and Ryan Donn

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton; Planner Specialist, Wesley Miles; Planner, Planner Specialist Adam Cseke; Hailey Rilkoff*; Legislative Coordinator (Confidential), Clint McKenzie

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:26 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Sieben.

3. Confirmation of Minutes

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0094/20/02/04 THAT the Minutes of the Public Hearing and Regular Meeting of January 21, 2020 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

Councillor Sieben was absent from the Public Hearing for Item 4.1 and consequently did not vote on the bylaw.

4.1 Stockley St 1075, BL11968 (Z19-0057) - Melcor Lakeside Inc.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0095/20/02/04 THAT Bylaw No. 11968 be read a second and third time.

Carried

4.2 McCurdy Rd 1085, BL11969 (Z19-0110) - Amandeep & Manpreet Sidhu

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R0096/20/02/04 THAT Bylaw No. 11969 be read a second and third time.

Carried

4.3 Nickel Rd 300, BL11972 (Z19-0104) - Okanagan Valley Construction Ltd., Inc. No. BC0665697

Moved By Councillor Wooldridge/Seconded By Councillor Given

R0097/20/02/04 THAT Bylaw No. 11972 be read a second and third time.

Carried

4.4 Vaughan Ave 760, BL11973 (TA19-0019) - 760 Vaughan Inc., Inc. No. BC1148021

Councillor Sieben declared a conflict as he provides insurance services to the applicant and left the room at 7:31 p.m.

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0098/20/02/04 THAT Bylaw No. 11973 be read a second and third time and be adopted.

Carried

Councillor Sieben returned to the meeting at 7:32 p.m.

4.5 Speer St 2257-2263, BL11974 (Z19-0102) - Jesse David East and John Thomas Hodges

Moved By Councillor Sieben/Seconded By Councillor Stack

R0099/20/02/04 THAT Bylaw No. 11974 be read a second and third time.

Carried

4.6 Mugford Rd 550, BL11975 (Z19-0122) - Dr. A Ravindran Inc., Inc. No. B.C. 0814175

Moved By Councillor Stack/Seconded By Councillor Sieben

R0100/20/02/04 THAT Bylaw No. 11975 be read a second and third time.

Carried

5. Liquor License Application Reports

5.1 Wallace Hill Rd 4380 - 4400, LL19-0010 - Blair Wilson

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Blair Wilson, Applicant

- Responded to questions from Council.
- Reviewed products made on-site from local fruit.

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 Singh

R0101/20/02/04 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 Forbidden Spirits Distilling Co. for a Lounge and Patio for Lot 2 District Lot 360 ODYD Plan 39632 located at 4380-4400 Wallace Hill Road, Kelowna, BC, for the following reasons;
 - a. the requested change of hours introduces maximum person capacity for patio and lounge addition.
2. 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

5.2 Richter St 1080-1090 - LL19-0033 - Bromaxx Property Group Ltd., Inc No. BC1021305

Councillor Sieben declared a conflict on Items 5.2 and 6.1 as his business is within proximity and he also has financial interest in a business at 1481 Water Street and left the meeting at 7:38 p.m.

Staff:

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

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 Wooldridge/Seconded By Councillor Stack

R0102/20/02/04 THAT Council directs Staff to forward the following recommendation to the Provincial Liquor & Cannabis Regulation Branch (LCRB):
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 Red Bird Brewing for Lot 1, District Lot 139, ODYD, Plan 7858, located at 1080-1090 Richter St, Kelowna, BC, for a manufacturer lounge and special event area endorsement license with a capacity of 79 persons for License Number 307477.
2. That Council's comments on the prescribed considerations are as follows:
 - a. The location of the lounge/special event area:

The property is located adjacent to Recreation Avenue Park but is not in close proximity to any residential uses other than 740 Clement Ave (zoned for mixed-use residential/commercial)

which is located approximately 160.0 m to the south. There are a number of other existing breweries and distilleries within the area. The location of the subject property is suitable for a lounge/special event area and the impacts from this use are considered to be minimal.

- b. The proximity of the lounge/special event area to other social or recreational facilities and public buildings:

The subject property is located adjacent to Recreation Avenue Park which includes recreational facilities and public buildings. The potential for negative impacts on the adjacent park is considered to be minimal.

- c. The person capacity of the lounge/special event area:

The maximum person capacity of the existing licensed areas are as follows: lounge area (indoor) – 30 persons and lounge area (outdoor patio) – 10 persons for a total of 40 persons. The applicant is proposing to increase the lounge area (indoor) from 30 to 60 persons and the lounge area (outdoor patio) from 10 to 19 persons for a total of 79 persons.

- d. Traffic, noise, parking and zoning

The existing Red Bird business has been in operation since 2017 and has not generated any traffic, noise or zoning complaints. One issue was reported to Bylaw with respect to parking but has since been resolved. The impacts to traffic, noise, parking and zoning are considered to be minimal, even with a larger lounge/special event capacity.

- e. The impact on the community if the application is approved:

The potential for negative impacts is considered to be minimal.

3. Council's comments on the view of the residents are 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 Queensway 289, DP19-0237 DVP19-0238 - 1324632 Alberta Inc., Inc No. A72431

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Gail Temple, Westcorp Properties, Applicant

- Provided a PowerPoint presentation summarizing the project status and application.
- March 25th they will be announcing the hotel brand partner and presentation beta suite will be at 327 Bernard Avenue.
- Reviewed features of the development and architecture.
- Reviewed the variances for the application.
- Reviewed the increase in the Floor Area Ratio due to the reclassification of space.
- Reviewed the reduction in the height of the proposed tower.
- Presented a video of the proposed landscaping and building.

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 Given/Seconded By Councillor Wooldridge

R0103/20/02/04 THAT Council authorizes the issuance of Development Permit No. DP19-0237 for Lot 1, District Lot 139, ODYD, Plan EPP77920, located at 289 Queensway, 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;
5. That the outstanding conditions set out in Attachment "A" attached to the Report from the Community Planning Department dated February 20th 2017;
6. A maintenance agreement with associated bonding be signed and submitted with the City of Kelowna to ensure the upgraded off-sites improvements along Queensway and Water St are provided for and maintained for in perpetuity.

AND THAT Council authorize the issuance of Development Variance Permit DVP19-0238 for Lot 1, District Lot 139, ODYD, Plan EPP77920, located at 289 Queensway, Kelowna, BC, subject to the following:

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

Section 14.7.5 (h)l C7 – Central Business Commercial Development Regulations.

To vary the maximum height of a building before a 3 metre setback is required from 16 metres to 18.8 metres as per A-3.16 drawing attached to Schedule 'A'.

Section 14.7.5 (h)iii C7 – Central Business Commercial Development Regulations.

To vary the maximum floorplate for any building above 16.0m from 1,221m² to 3,130m² as per A-3.18 drawing attached to Schedule 'A'.

Section 14.7.5 (b) C7 – Central Business Commercial Development Regulations.

To vary the maximum height of a building from 76.5 metres permitted to 127 metres proposed.

Section 8 Parking and Loading – Table 8.4 Minimum Loading Required

To vary the number of loading spaces from 8 spaces to 3 spaces.

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 permits to be issued;

AND THAT the applicant be required to complete the following conditions prior to a building permit being issued:

1. That a subdivision be registered with the land titles office completing the land exchange and lane dedication;
 - a. As part of the new registered plans, the vehicular right-of-way and turn around within the lane be amended to reflect the updated plans; and
 - b. A statutory right-of-way be registered on the property guaranteeing public access between the proposed building and Queensway / Kerry Park.
2. That a license of occupation be signed by the City of Kelowna to permit the canopy encroachments across the property lines.
3. That a license of occupation be registered for the Hotel permitting the portions of Queensway to be used for Hotel purposes such as valet services.

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
Councillor Hodge - Opposed

7. Reminders – Nil.

8. Termination

The meeting was declared terminated at 8:10 p.m.

Mayor Basran

/cm



Deputy City Clerk

DRAFT