



City of Kelowna Regular Meeting Minutes

Date: Tuesday, April 20, 2021
Time: 6:20 pm
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart*, Ryan Donn, Gail Given, Mohini Singh and Loyal Wooldridge

Members participating remotely Councillors Charlie Hodge and Luke Stack

Members Absent Councillor Brad Sieben

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith; Community Planning & Development Manager, Dean Strachan*, Planner II, Tyler Caswell*

Staff participating remotely Legislative Coordinator (Confidential), Clint McKenzie

(*Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 6:15 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Given.

3. Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

Ro437/21/04/20 THAT the Minutes of the Public Hearing Meeting of April 6, 2021 be confirmed as circulated.

Carried

The meeting recessed at 6:17 p.m.

The meeting reconvened at 6:20 p.m.

4. Liquor License Application Reports

- 4.1 START TIME 6:20 PM - Clement Ave 890 301 - LL21-0003 - 1568447 Alberta Ltd., Inc. No. A0093042

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Dillian Crema & Bruce McKay, Applicant:

- Provided background to the proposed brewery.
- Provided details regarding the application.
- Spoke to the size of the proposed establishment.
- Spoke to the hours of operation and how they are compatible with neighbours hours.
- Spoke to the excitement of being in the neighbourhood with other breweries.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online indicated they wished to speak.

Moved By Councillor Donn/Seconded By Councillor Singh

Ro438/21/04/20 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 The Office Brewery Corp. for a manufacturer lounge endorsement area for Strata Lot 19 Section 30 Township 26 ODYD Plan EPS7283 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 Unit 301, 890 Clement Avenue, Kelowna, BC for the following:
 - a. 9:00 am to 11:00 pm Sunday to Thursday for indoor service areas;
 - b. 9:00 am to midnight Friday and Saturday for indoor service areas.
 - c. 9:00 am to 10:00 pm daily for the outdoor patio service area.
2. Council's comments on LCLB's prescribed considerations are as follows:
 - a. The location of the lounge endorsement area: The brewery is located on an industrial property which consists of three separate buildings. The business is located in the eastern-most building which fronts onto Clement Ave. The property is east of the City Centre Urban Centre on a 4-lane arterial roadway;
 - b. The proximity of the establishment to other social or recreational facilities and public buildings: The north-end industrial area is becoming a destination with it being home to a number of small-scale wineries, cideries and breweries. The area is within walking distance of the downtown City Centre Urban Centre, it is close to the Rail Trail and the Ethel Street Active Transportation Corridor (ATC).

The site is within walking distance to multiple recreation facilities which includes Elks Stadium Ballpark, the Curling Club, and the Kelowna Badminton Club. Earlier this year, a lounge endorsement area for another brewery was approved on the subject site. This would be the second small capacity lounge with an outdoor patio on the site.

c. The person capacity and hours of liquor service of the establishment: The business proposes a total capacity of 89 persons as follows: Main Floor – 27 persons, Mezzanine – 30 persons, Outdoor Patio – 32 persons;

d. Traffic, noise, parking and zoning: The brewery is proposed in an industrial area adjacent to Clement Avenue, a 4-lane arterial roadway. The south side of Clement is primarily single-family dwellings with a small amount of multi-family residential. Any impacts of traffic, parking and associated noise already exist due to the industrial nature of the area on the north side of Clement Ave and the proximity to Clement Avenue. To minimize additional noise the outdoor patio would close at 10:00 pm nightly;

e. The impact on the community if the application is approved: The negative impact the business poses is considered minimal due to the existing nature of the area. The brewery would aide in activating the Clement Streetscape beyond the hours of a standard workday.

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. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures."

Carried

5. Development Permit and Development Variance Permit Reports

5.1 START TIME 6:20 PM - Walrod St 758 - DVP20-0214 - Darryl John Reuter

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Birte Decloux, Urban Options & Planning, Applicant:

Available for questions.

No one participating online indicated they wished to speak.

Moved By Councillor Donn/Seconded By Councillor Stack

R0439/21/04/20 THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0214 for Lot 4 Section 30 Township 26 ODYD Plan 8373, located at 758 Walrod Street, Kelowna, BC;

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

Section 13.6.6(g): RU6 – Two Dwelling Housing, Development Regulations

To vary the side yard setback from a flanking street from 4.5m required to 3.24m proposed.

Section 13.6.6(g)(i): RU6 – Two Dwelling Housing, Development Regulations

To vary the side yard setback from a garage off a flanking street from 6.0m required to 3.91m 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

5.2 START TIME 6:20 PM - Ladd Ct 4303 - DVP21-0031 - Kevin Bruce Nichol and Valerie Virginia Nichol

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Birte Decloux, Urban Options, Applicant,

- Provided reasons for the variances being requested.
- Displayed a PowerPoint presentation providing an overview of the application.
- Showed the ALR buffers and how it restricts the portion of the lot that can be built on.

No one participating online indicated they wished to speak.

Moved By Councillor Wooldridge/Seconded By Councillor Donn

Ro440/21/04/20 THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0031 for Lot 19 Section 31 Township 29 ODYD Plan EPP94940, located at 4303 Ladd Court, Kelowna, B.C.;

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

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

To vary the front yard setback from 6.0m required to 3.0m proposed.

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

To vary the side yard setback from 2.3m required to 1.5m proposed.

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

To vary the rear yard setback from 7.5m required to 6.0m 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

The meeting recessed at 6:42 p.m.

The meeting reconvened at 6:46 p.m.

5.3 START TIME 6:45 PM - Ellis St 1383 - DP20-0155 DVP20-0156 - 1383 Developments Inc., Inc.No. BC1100537

Councillor DeHart declared a conflict of interest as her employer has event and ballroom space, restaurants and liquor licence and left the meeting at 6:47 p.m.

Staff:

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

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Birte Decloux, Urban Options & Planning, Applicant's agent:

- Introduced the applicant team.

- Displayed a PowerPoint presentation presenting the proposed application.
- Provided a concept overview of the music hall, urban ballroom and cafe.
- Spoke to the extensive experience of the applicant.
- Provided comments on food primary versus a liquor primary classifications.
- Identified and spoke to the three requested variances.
- Provided comments on the proposed design.

Responded to questions from Council.

Lee Simon, Applicant

- Responded to questions from Council.

Online Participants:

Soren Stenback, McIntosh Rd.

- Provided comments on concerns with what the City is doing to ensure those working on the project are protected from COVID-19.

Hazel Christy, representing the Madison Strata, Ellis St.

- Shared a PowerPoint presentation.
- Made reference to previously circulated letter of opposition.
- Provided comments on the Madison Strata concerns:
 - scale and intensity of development on small, mid-block lot
 - removal of loading bay and inadequate lane width
 - lack of clarity on liquor application
 - sideyard setback variances do not address the impacts on the Madison
- Provided concluding remarks highlighting concern regarding the scale and intensity of the operation of the proposed facility.

Doryan Elliott

- Technical issues at their end. Did not speak.

George Tozer, Guisachan Rd.

- Supportive of the application.
- Appropriate location for the Cultural District and neighbourhood.
- State of the art sound deadening will alleviate neighbourhood noise concerns.

Lloyd Peterson, representing Strata KAS 3731, Ellis St.

- Shared a PowerPoint presentation.
- Opposed to the application.
- Displayed a map showing the existing and approved residential developments in the immediate area.
- Concerned with a liquor primary entering the neighbourhood.
- Confirmed he met with the applicant.
- Concerned with laneway encroachment and loading bay of the existing building.
- Encouraged Council to read the correspondence letters submitted for the application.
- Requested covenants be placed on the property should variances be granted.

Sheila French, Guisachan Rd.

- Supportive of the application.
- Spoke to being a KSS music instructor and the student groups who would make use of the facility.
- Spoke to the need for such a music venue to support the community's needs for rising youth artists.
- Responded to questions from Council.

Walter Gray, Ellis St.

- Supportive of the application.

- Made reference to previously circulated correspondence.
- Made reference to the few private sector cultural businesses in the Cultural District.
- Provided reasons he is supporting the application.

Vic Pollen, Ellis St.

- Opposed to the application given its scale and use.
- Raised doubts on the ability to make the structure soundproof.
- Referenced similar type urban ballrooms in other communities such as the Commodore in Vancouver.
- Raised concern as other urban ballrooms in other communities are not in residential areas.

Kris Hargrace, Christleton

- Supportive of the application
- Need for more venue spaces such as this in the community.
- The facility will assist in the recovery of the local music industry.

Nathan Flavel, Modern Place

- Owner of neighbouring Actor's Studio.
- Supportive of the application.
- Responded to questions from Council.
- Has spoke to the applicant and will work together to address any street issues in front of their venues.

Doryan Elliott

- Unable to speak a second time as video and audio are not working on their computer.
- Gave a "thumbs up" in support of the application.

Birte Decloux, Applicant in response

- Presentation addressed many of the concerns raised.
- Appropriate location for the business.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

Re 441/21/04/20 THAT Council authorizes the issuance of Development Permit No. DP20-0155 for Lot 8, District Lot 139 ODYD Plan 432, located at 1383 Ellis Street, 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 be constructed on the land be in accordance with Schedule "B"

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0156 for Lot 8, District Lot 139 ODYD Plan 432, located 1383 Ellis Street, Kelowna, BC;

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

Section 14.7.6(f): C7 – Central Business Commercial: Civic Precinct Development Regulations

To vary the setback for the portion of the building above the 9.0m height mark from any property line abutting a street from 3.0m required to 0.0m proposed.

Section 14.7.6(g): C7 – Central Business Commercial: Civic Precinct Development Regulations

To vary the setback for the portion of the building above the 9.0m height mark from any property line abutting another property from 4.0m required to 0.0m proposed.

Section 14.7.6(l): C7 – Central Business Commercial: Civic Precinct Development Regulations

To allow for the portion of the building above 12.0m in height to exceed a continuous exterior horizontal dimension of 40.0m.

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

Carried

6. Reminders

There were no reminders.

7. Termination

The meeting was declared terminated at 8:49 p.m.

Mayor Basran

/cm

City Clerk