

City of Kelowna Regular Meeting Minutes

Date: Tuesday May 31, 2022
Location: Council Chamber
City Hall, 1435 Water Street

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

Members participating Remotely Councillors Charlie Hodge and Mohini Singh

Members Absent Councillor Brad Sieben

Staff Present City Manager, Doug Gilchrist; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton; Legislative Coordinator (Confidential), Rebecca Van Huizen

Staff participating Remotely Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 10:00 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor DeHart.

3. Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

Ro402/22/05/31 THAT the Minutes of the Public Hearing and Regular Meeting of May 10, 2022 be confirmed as circulated.

Carried

4. Liquor License Application Reports

4.1 START TIME 7:20 PM - Dilworth Dr 1865 - LL22-0003 - R 252 Enterprises Ltd., Inc. No. 480003

Councillor DeHart declared a conflict of interest as her place of employment is in close proximity and has several liquor licenses on their premises and departed the meeting at 10:01 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Andre Henry and Jody Batisse, Applicants

- Owner and partner of hair salon.
- Commented that many University students and other customers across Kelowna are patrons and would like to enhance customer service and business by adding a liquor primary.
- Responded to questions from Council.

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

No one participating online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Stack

R0403/22/05/31 THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB):

In accordance with 'Division 9 (71)' of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Dre's Hair Salon and Beauty Supply for a liquor primary license for Strata Lot 3 District Lot 127 ODYD Strata Plan KAS2071 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as shown on Form 1, located at 102 – 1865 Dilworth Drive, Kelowna, BC for the following reasons:
 - o Liquor licensing regulations allow for barbershops, salons and other establishments to apply for a new liquor primary license;
 - o Council Policy No. 359 recommends supporting alternative entertainment options and/or establishments which are less focused on alcohol consumption;
2. Council's comments on LCLB's prescribed considerations are as follows:
Criteria for new Liquor Primary:

- o The location of the establishment:

The proposed location is suitable for a small establishment liquor primary license as the property is within an Urban Centre.

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

The location is adjacent to major shopping center and a mixture of medium and high density residential.

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

The hours are consistent with the existing salon hours of operation and other businesses within the commercial plaza with an occupancy of 30 persons.

- o The number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location:

This location is not in close proximity to other liquor primary establishments.

- o The impact of noise on the community in the immediate vicinity of the establishment:

The potential impact for noise is minimal and would be compatible with surrounding land uses.

- o The impact on the community if the application is approved:

The potential for negative impacts is minimal.

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

Councillor DeHart returned to the meeting at 10:09 p.m.

5. Development Permit and Development Variance Permit Reports

5.1 START TIME - 7:20 PM - Gallagher Road 2980, BL12042 (Z20-0021) - Kirschner Mountain Development Inc

Moved By Councillor Donn/Seconded By Councillor DeHart

R0404/22/05/31 THAT Bylaw No. 12042 be amended at third reading by deleting from the legal description that read:

Lot 1, Section 12 and 13, Township 26 and Sections 7 and 18 Township 27 ODYD, Plan KAP71697 Except Plans KAP84278, KAP86315, KAP86363, KAP88598, EPP36504, EPP69212, EPP74058 and EPP84892

And replacing it with:

Lot 1, Section 12 and 13, Township 26 and Sections 7 and 18 Township 27 ODYD, Plan KAP71697 Except Plans KAP84278, KAP86315, KAP86363, KAP88598, EPP36504, EPP69212, EPP74058 and EPP84892, EPP101217 and EPP107886.

Carried

Moved By Councillor Donn/Seconded By Councillor DeHart

R0405/22/05/31 THAT Bylaw No. 12042, as amended, be adopted.

Carried

5.2 START TIME 7:20 PM - Gallagher Road 2980 - DP20-0083_DVP20-0084 Kirschner Mountain Development Inc

Staff:

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

Dave Cullen, CTO Consultants, Applicant Agent

- Made comment that the process of planning for this site is in keeping with the Kirschner Mountain Area Structure Plan.
- Spoke to the changing density in the existing neighbourhood as this site creates a transition from single family to multi-family development.
- Displayed a video showing a fly through of the proposed development site.
- Made comment that open greenspace on the north side of Loseth provides connection to trails.
- Spoke to the proposed setback variance and noted that bringing the townhomes closer to the road reduces impacts on greenspace and also helps encourage lower vehicular speeds; the proposed height variance is a function of the type of townhome forms that are being built.

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

Gallery:

Brenda Bradley, Verde Vista Road

- Raised concern that walkways and greenspace will increase traffic along their property line.
- Would like the ALC buffer that was previously committed to by the City.

Brett Schafer, Loseth Rd

- Owned property for just one year.
- Raised concern with variances creating tunnel effect on Loseth Drive.
- Raised concern with density and additional traffic
- Believes this is an overly dense development near a luxury development.

No one participating online indicated they wished to speak.

Dave Cullen Applicant Agent in Response

- Spoke to the ALC buffer not being installed until the adjacent land is rezoned for development.
- Made comment that the amount of density is less than what the Official Community Plan and Rezoning allowed; density was reduced to better fit the townhomes into the site and less intrusion in the greenspace.
- Commented that the emergency access will be provided from paved portion of Loseth Road to Gallagher Road with full connection in the future.
- Responded to questions from Council.

Staff:

- Responded to questions from Council

There were no further comments.

Moved By Councillor Given/Seconded By Councillor DeHart

Ro406/22/05/31 THAT Rezoning Bylaw No.12042 be amended at third reading to revise the legal description of the subject property from Lot 1, Sections 12 and 13, Township 26 and Sections 7 and 18 Township 27, ODYD, Plan KAP71697, Except Plans KAP84278, KAP86315, KAP86363, KAP88598, EPP36504, EPP69212, EPP74058 and EPP84892 to Lot 1, Sections 12 and 13, Township 26 and Sections 7 and 18 Township 27, ODYD, Plan KAP71697, Except Plans KAP84278, KAP86315, KAP86363, KAP88598, EPP36504, EPP69212, EPP74058, EPP84892, EPP101217 and EPP107886;

AND THAT final adoption of Rezoning Bylaw No.12042 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP20-0083 for a portion of Lot 1, Sections 12 and 13, Township 26 and Sections 7 and 18 Township 27, ODYD, Plan KAP71697, Except Plans KAP84278, KAP86315, KAP86363, KAP88598, EPP36504, EPP69212, EPP74058, EPP84892, EPP101217 and EPP107886 located at 2980 Gallagher Road, 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 12.5% 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. DVP20-0084 for a portion of Lot 1, Section 12 and 13, Township 26 and Sections 7 and 18 Township 27, ODYD, Plan KAP71697, Except Plans KAP84278, KAP86315, KAP86363, KAP88598, EPP36504, EPP69212, EPP74058, EPP84892 EPP101217 and EPP107886 located at 2980 Gallagher Road, Kelowna, BC;

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

Section 13.16.8(a): RH3 – Hillside Cluster Housing Development Regulations

To vary the maximum height of the principal building from 9.5 m to 10.5 m; and

Section 13.16.7(b)(iii): RH3 – Hillside Cluster Housing Development Regulations

To vary the minimum setback from the rear property line from 4.5 m to 3.0m.

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 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

5.3 START TIME 8:00 PM - Rutland Rd 155 -179 - BL12325 (TA21-0017) - ASI CENTRAL GP INC., INC.NO. A0117887

Moved By Councillor DeHart/Seconded By Councillor Donn

R0407/22/05/31 THAT Bylaw No. 12325 be amended at third reading by deleting the Legal Description and the Civic Address that read:

	Legal Description	Civic Address
1.	Lot 2 Section 26 Township 26 ODYD Plan 11269 Except Plan 37956, The North ½ of Lot 2 Section 26 Township 26 ODYD Plan 2478 Except Plans B7413 and 37956, That Part of the North ½ of Lot 2 Shown on Plan B7413; Section 26 Township 26 ODYD Plan 2478 Except Plan 37956 and Lot 1 Section 26 Township 26 ODYD Plan 2773 Except: (1) Part Outlined Red on Plan B5413 (2) Plan 8824 (3) Plan 37956.	155 Rutland Rd N165 Rutland Rd N175-179 Rutland Rd N179 Rutland Rd N

And replacing it with:

	Legal Description	Civic Address
1.	Lot A Section 26 Township 26 ODYD Plan EPP117920	155-179 Rutland Rd N

Carried

Moved By Councillor DeHart/Seconded By Councillor Donn

R0408/22/05/31 THAT Bylaw No. 12325, as amended, be adopted.

Carried

5.4 START TIME 8:00 PM - Rutland Rd N 155-179, DP21-0223 DVP21-0224 - ASI Central GP Inc, Inc No A0117887

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Kim McKechnie, Applicant's Agent

- Online and available for questions.

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

No one participating online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

R0409/22/05/31 THAT Zoning Bylaw Text Amending Bylaw No. 12325 be amended at third reading to revise the legal description of the subject property from Lot 2 Section 26 Township 26 ODYD Plan 11269 Except Plan 37956, The North ½ of Lot 2 Section 26 Township 26 ODYD Plan 2478 Except Plans B7413 and 37956, That Part of the North ½ of Lot 2 Shown on Plan B7413; Section 26 Township 26 ODYD Plan 2478 Except Plan 37956 and Lot 1 Section 26 Township 26 ODYD Plan 2773 Except: (1) Part Outlined Red on Plan B5413 (2) Plan 8824 (3) Plan 37956 to Lot A Section 26 Township 26 Osoyoos Division Yale District Plan EPP117920;

AND THAT final adoption of Zoning Bylaw Text Amending Bylaw No. 12325 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP21-0223 for Lot A Section 26 Township 26 Osoyoos Division Yale District Plan EPP117920, located at 155-179 Rutland Rd N, 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. DVP21-0224 for Lot A Section 26 Township 26 Osoyoos Division Yale District Plan EPP117920, located at 155-179 Rutland Rd N, Kelowna, BC;

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

Section 14.4.5(h)(i): C4 – Urban Centre Commercial Development Regulations

To vary the requirement for any portion of a building above 16.0 m or 4 storeys (whichever is lesser) in height to be setback a minimum of 3.0 m from all sides (required) to 0.2 m on the north side and to 0.09 m on the south side (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 Attachment "B" attached to the Report from the Development Planning Department dated May 31, 2022;

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

Moved By Councillor Donn/Seconded By Councillor DeHart

R0410/22/05/31 THAT the Regular Meeting proceed past 11:00 p.m.

Carried

5.5 START TIME 8:00 PM - Findlay Rd 1225 - BL12323 (Z21-0088) - Findlay Development Inc., Inc. No. BC1302254

Moved By Councillor Donn/Seconded By Councillor DeHart

R0411/22/05/31 THAT Bylaw No. 12323 be adopted.

Carried

5.6 START TIME 8:00 PM - Findlay Rd 1225 - DP21-0207 DVP21-0208 - Findlay Development Inc, Inc No BC1302254

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Matt Johnston, Lime Architecture, Applicant's Agent

- Provided opening remarks.
- Available for questions.

Ryan Tamblyn, CEO of Millennial Developments, Applicant

- Displayed a PowerPoint Presentation summarizing the development.
- Made comment on the 2021 Census Families that highlighted the need for family focused developments in this area.
- Spoke to detailed analysis that had been completed that contributed to the development type and target market.

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

No one participating online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor DeHart

R0412/22/05/31 THAT final adoption of Rezoning Bylaw No. 12323 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP21-0207 for Lot A Section 35 Township 26 Osoyoos Division Yale District Plan EPP115452, located at 1225 Findlay Road, 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. DVP21-0208 for Lot A Section 35 Township 26 Osoyoos Division Yale District Plan EPP115452, located at 1225 Findlay Road, Kelowna, BC;

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

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

To vary the required maximum building site coverage from 40 % permitted to 42 % proposed

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

To vary the required minimum rear yard from 7.5 m permitted to 6.0 m proposed

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

5.7 START TIME 8:00 PM - Enterprise Way 2002 - DVP22-0050 - Telus Communications Inc., Inc. No. BC1101218

Councillor DeHart declared a perceived conflict of interest as her spouse works for a Telus dealer and departed the meeting at 11:15 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application and provided rationale for non-support.

Jeff Cruickshank and Rommel Palanca, Applicant

- Displayed a PowerPoint Presentation.
- Outlined Telus Communication operations in Kelowna and the proposed electronic message centre.
- Spoke the role Telus plays in the community with donations to grassroots projects, charities and organizations as well as local teams providing community support with installs and ongoing technical support.
- Spoke to their existing sign that promotes social impact programs and proposed digital display sign enabling art and community messaging.

- Outlined the digital display content and local digital art partnerships.
- Confirmed that Telus does not intend to use the display for product advertising or billboard purposes.
- Provided similar examples of outdoor art displays from Calgary and Vancouver.
- Made comment on content, intended digital outcomes and operational controls.
- Responded to questions from Council.

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

No one participating online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Donn

R0413/22/05/31 THAT Council NOT authorize the issuance of a Development Variance Permit No. DVP22-0050 for Lot B, District Lot 140, ODYD, Plan KAP76401, located at 2002 Enterprise Way, Kelowna, BC.

Carried
Councillor Hodge - Opposed

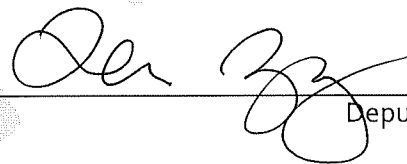
6. Reminders – Nil.

7. Termination

The meeting was declared terminated at 11:39 p.m.

Mayor Basran

/acm



Deputy City Clerk