

City of Kelowna Regular Meeting Minutes

Date: Tuesday, August 9, 2022
Location: Council Chamber
City Hall, 1435 Water Street

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

Members Absent Councillor Mohini Singh

Staff Present Acting City Manager, Ryan Smith; Deputy City Clerk, Laura Bentley; Community Planning & Development Manager, Dean Strachan; Planner, Jason Issler*; Planner, Tyler Caswell*; 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 6:04 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Wooldridge.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R0637/22/08/09 THAT the Minutes of the Public Hearing and Regular Meeting of July 26, 2022 be confirmed as circulated.

Carried

4. Liquor License Application Reports

4.1 START TIME 6:00 PM - Clement Ave 740 - LL22-0006 - Cap J Lodges Ltd., Inc. No. BC 1099980

Staff:

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

Lee Agur, Lakeshore Drive N., Summerland, B.C., Applicant

- Had applied originally for a food primary license for expediency as the building had already been completed and has now been in operation for over a year, there are no changes to our operation.
- The change in licensing is to better suit our customers and business.
- Available for any 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 Online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R0638/22/08/09 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 Brown Beverage Consulting Inc. for a Lounge Endorsement for a Manufacturer's License for Strata Lot 1 Section 30 Township 26 ODYD Strata Plan EPS7013 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 1-740 Clement Avenue, Kelowna, BC for the following reasons:
 - o The addition of Lounge Endorsement to the Manufacturer License is perceived to have a minimal impact on the community and surrounding properties as this is an existing business that is changing the type of liquor license with no perceivable changes to operation.
2. Council's comments on LCLB's prescribed considerations are as follows:
 - o The location of the establishment:
The proposed location is suitable for manufacturer with lounge endorsement as the property is in close proximity to the Downtown Urban Centre and near a medium density (multi-family) residential area.
 - a. The proximity of the establishment to other social or recreational facilities and public buildings:
The location is in close proximity to other small social gatherings establishments and the RCMP building.
 - b. The person capacity and hours of liquor service of the establishment:
The proposed capacity is 157 persons. The inside areas will be open until midnight while the outdoor patio area will comply with outdoor patio standards and shut down at 11:00pm.
 - c. The number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location:
The location is in close proximity to other small establishment Manufacturer with Lounge Endorsements.
 - d. 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.
 - e. The impact on the community if the application is approved:
The potential for negative impact is minimal as this is an existing business.

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

4.2 START TIME 6:00 PM - Vaughan Ave 109-889 - LL22-0010 -1568447 Alberta Ltd., Inc. No. A0093042

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Online:

Rochelle Minagawa, Applicant and Rebecca Hardin, Thrive Liquor & Cannabis Advisors

- Staff displayed a PowerPoint Presentation on behalf of the applicant who then summarized the application.
- Spoke to the company's background noting it was incorporated in 2016 and the company's core value of health and wellness.
- Provided an overview of the proposal that includes a tasting room with non-alcoholic and alcoholic options on tap and for purchase, small retail space and lounge area with a capacity of 30 patrons; noted hours of operation and job creation.
- Provided an overview of products currently produced; beverages that are organic and low in sugar.
- Displayed photos of the tasting room.
- Spoke to community involvement and donating to local charities and events.
- 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 Online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Stack

R0639/22/08/09 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 Thrive Liquor & Cannabis Advisors for a lounge endorsement for Strata Lot 9 Section 30 Township 26 ODYD Strata Plan EPS7283, located at 109-889 Vaughan Ave, Kelowna, BC for the following reasons:
 - Establishment will have a small occupancy and appropriate hours for its location.
2. Council's comments on LCLB's prescribed considerations are as follows:
 - a. The location of the winery/special event area:
The proposed location is suitable for a manufacturer - lounge endorsement as the property is in close proximity to Downtown Urban Centre and in a medium density residential area.
 - b. The proximity of the winery/special event area to other social or recreational facilities and public buildings:
The location is near other small social/recreational facilities and the RCMP building.
 - c. The person capacity of the winery lounge:
Occupancy will be minimal at 30 persons.
 - d. Traffic, noise, parking and zoning:

- The potential impact for traffic, noise and parking is minimal. Zoning supports land use.
- e. The impact on the community if the application is approved:
The potential for negative impact 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 Sieben joined the meeting at 6:24 p.m.

5. Development Permit and Development Variance Permit Reports

5.1 START TIME 6:00 PM - Wardlaw Ave 640 - BL12345 (Z21-0077) - Innascore Developments Inc., Inc. No. BC1161787

Mayor Basran noted an amendment to the bylaw at third reading.

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R0640/22/08/09 THAT Bylaw No. 12345 be amended at third reading by deleting the legal description that reads:

"Lot 26 District Lot 14 ODYD Plan 3249"

And replacing it with:

"Lot A District Lot 14 ODYD Plan EPP119942".

Carried

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R0641/22/08/09 THAT Bylaw No. 12345, as amended, be adopted.

Carried

5.2 START TIME 6:00 PM - Wardlaw Ave 640 - DP21-0190 DVP21-0191 - Innascore Development INC., INC.NO. BC1161787

Staff:

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

John Saliken, SUVA Architecture Inc., Okanagan Falls, Representative

- 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 Online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Sieben

R0642/22/08/09 THAT Rezoning Bylaw No. 12345 be amended at third reading to revise the legal description of the subject property from Lot 26 District Lot 14 ODYD Plan 3249 to Lot A District Lot 14 ODYD Plan EPP119942;

AND THAT final adoption of Rezoning Bylaw No. 12345 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP21-0190 for Lot A District Lot 14 ODYD Plan EPP119942, located at 640 Wardlaw Ave, 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 variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 8.2.3: Parking and Loading

To vary the required minimum 1.5m setback from rear property line.

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

To vary the required minimum side yard from 4.0 m permitted to 2.48 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

5.3 START TIME 6:30 PM - McClure Rd 634 - BL12370 (Z22-0008) - McClure Road Development Ltd., Inc. No. BC1284976

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R0643/22/08/09 THAT Bylaw No. 12370 be adopted.

Carried

5.4 START TIME 6:30 PM - McClure Rd 634 - DVP22-0026 - McClure Road Development Ltd., Inc. No. BC1284976

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Birte Decloux, Urban Options Planning Corp. Applicant

- Present 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 Online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Donn

Ro644/22/08/09 THAT final adoption of Rezoning Bylaw No. 12370 be considered by Council;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP22-0026 for Lot 13 District Lot 357 SDYD Plan 18280, located at 634 McClure Road, Kelowna, BC;

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

Section 13.6.5(a): RU6 – Two Dwelling Housing, Subdivision Regulations

To vary the required lot width from 18.0m required to 17.67m 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

5.5 START TIME 6:30 PM - Findlay Rd 1300 - DP22-0091 DVP22-0092 - R 547 Enterprises Ltd., Inc. No. BCo822036

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Jim Meiklejohn, Meiklejohn Architects Inc, Representative

- Displayed a PowerPoint Presentation.
- Provided a brief description of the building noting it is a repair/maintenance shop for European and Asian automotive products; the design is centered on improving conditions than what is in the current MW Motor facility.
- Provides a bright welcoming feature to the public and neighbourhood with a glass office reception area with wood detailing and guest visitor parking with charging stalls.
- Spoke to parking concerns and noted the Landscape Plan that includes five shade trees along Findlay Road to help mitigate the variance and break up the parking; as well made comment on the 30 feet of property that will be a future road reserve.
- 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 Online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Donn

Ro645/22/08/09 THAT Council authorizes the issuance of Development Permit No. DP22-0091 for Lot A Section 34 Township 26 ODYD Plan EPP107390, located at 1300 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 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. DVP22-0092 for Lot A Section 34 Township 26 ODYD Plan EPP107390 located at 1300 Findlay Road, Kelowna, BC;

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

Section 7.6.1(b): Minimum Landscape Buffer Treatment Levels Schedule
To vary the required landscape buffer from 3.0m required to 2.0m proposed.

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

5.6 START TIME 6:30 PM - Cameron Ave 1201 - DVP22-0126 - Various Owners

Councillor Stack declared a conflict of interest as he lives within the notification area of the subject property and departed the meeting at 7:01 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Terry Bracewell, Sandstone Strata Council President

- The request for a variance is to continue on with a project that started in 2019 to replace a concrete fence that fell down.
- 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.

Gallery:

Tammy Wyatt, Cameron Avenue

- Bought her home in 2020 and was told there would be a 6 foot fence to provide privacy and reduce the noise level.
- Made comment that it's been difficult to sell her home as the fence is not in good condition and not high enough.
- Would like the fence increased to 6 feet as well as for others to the south.

No one Online indicated they wished to speak.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

Ro646/22/08/09 THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0126 for properties identified in 'Schedule A', located at 1201 Cameron Ave, Kelowna, BC;

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

Section 7.5.3 – Fencing and Retaining Walls:

To vary the maximum fence height in urban residential zones in a front yard from 1.2m permitted to 1.83m 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

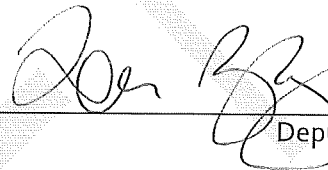
6. Reminders - Nil.

7. Termination

The meeting was declared terminated at 7:04 p.m.

Mayor Basran

/acm



Deputy City Clerk

DRAFT