



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, May 9, 2023
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Tom Dyas, Councillors Ron Cannan, Maxine DeHart, Charlie Hodge, Gord Lovegrove, Mohini Singh, Luke Stack*, Rick Webber and Loyal Wooldridge

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Community Planning & Development Manager, Dean Strachan, Urban Planning Manager, Jocelyn Black, Legislative Coordinator (Confidential), Rebecca Van Huizen

Staff participating Remotely Legislative Coordinator (Confidential), Clint McKenzie

(* Denotes partial attendance)

1. Call to Order

Mayor Dyas called the meeting to order at 4:00 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Singh.

3. Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

THAT the Minutes of the Public Hearing and Regular Meeting of April 18, 2023 be confirmed as circulated.

Carried

4. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 4:00 p.m.

5. Individual Bylaw Submissions

5.1 START TIME 4:00 PM - Barber Rd 135, 155 and Hwy 33 W 765 - TA22-0018 (BL12514) - ASI Barber Road GP Inc., Inc.No. A0122606

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The applicant was not present.

City Clerk 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 present or online indicated they wished to speak.

Staff responded to questions from Council.

There were no further comments.

6. Termination

The Hearing was declared terminated at 4:09 p.m.

7. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 4:09 p.m.

8. Bylaws Considered at Public Hearing

8.1 START TIME 4:00 PM - Barber Rd 135, 155 and Hwy 33W 765 - BL12514 (TA22-0018) - ASI Barber Road GP Inc., Inc.No. A0122606

Moved By Councillor Lovegrove/Seconded By Councillor Webber

THAT Bylaw No. 12514 be read a second and third time.

Carried

9. Termination

The meeting was declared terminated at 4:09 p.m.

10. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 4:10 p.m.

11. Individual Bylaw Submissions

11.1 START TIME 4:00 PM - Ethel St 2473 - TA23-0003 (BL12515) - B.C. Life Builders Rehabilitation Society, Inc.No.S-0037307

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The applicant was present and available for questions.

City Clerk 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 present or online indicated they wished to speak.

Tom Smithwick, Chairman of B.C. Life Builders Rehabilitation Society, Applicant:

- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments.

12. Termination

The Hearing was declared terminated at 4:13 p.m.

13. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 4:13 p.m.

14. Bylaws Considered at Public Hearing

- 14.1 START TIME 4:00 PM - Ethel St 2473 - BL12515 (TA23-0003) - B.C. Life Builders Rehabilitation Society, Inc.No. S-0037307**

Moved By Councillor Cannan/Seconded By Councillor Hodge

THAT Bylaw No. 12515 be read a second and third time.

Carried

15. Termination –[not applicable – meeting continued]

16. Liquor License Application Reports

- 16.1 START TIME 4:00 PM - Lapointe Dr 5800 - LL22-0007 - City of Kelowna**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The applicant was present and available to answer questions.

City Clerk 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 present or online indicated they wished to speak.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

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 KF Aerospace Centre for Excellence for a liquor primary license for Lot A, District Lot 32, ODYD, Plan EPP106690, located at 5800 Lapointe Drive, Kelowna, BC for the following reasons:
 - 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:
 - o The location of the establishment:

The location is in the Gateway, adjacent to Kelowna International Airport and Highway 97 which is intended to be an important regional hub primarily centered around the airport, UBC Okanagan, and adjacent industrial development.

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

The proposed establishment is directly adjacent to Kelowna International Airport which is considered to be a compatible use.

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

The proposed 127 person capacity and hours of 12:00 PM to 5:00 PM ensures that the proposed liquor primary license is secondary to the use of the building as an aviation museum and will limit any impact on adjacent properties.

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

The closest licensed establishments are greater than 800 m from the subject property and consist of a manufacturing facility (cidery) to the north and establishments within the airport terminal building which primarily serve travelers.

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

The potential impact of noise is minimal given the limited hours and surrounding land uses.

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

The potential for negative impact on the community is considered minimal.

3. Council's comments on the views of 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

16.2 START TIME 4:00 PM - Baillie Ave 727 - LL23-0001 - Acoma Holdings Ltd., Inc.No. 132091

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The applicant was present and available to answer questions.

City Clerk 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 present or online indicated they wished to speak.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

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 Jackknife Brewing Inc. for a manufacturer with lounge endorsement liquor license amendment for Lot 38 Section 30 Township 26 Osoyoos Division Yale District Plan 1014, located at 727 Baillie Ave, Kelowna, BC for the following reasons:
 - The applicant is proposing an increase to the approved occupant load from 70 persons to 84 persons for the indoor service area and 21 persons to 66 persons for the exterior patio service area. The requested amendment will have negligible impact to the neighbourhood.

2. Council's comments on LCLB's prescribed considerations are as follows:
 - o The potential for noise if the application is approved:
 The brewery is located in an industrial area within the City's Core Area and the increased occupant load for the indoor service area and expanded patio service area are not expected to increase current noise levels. The property is zoned appropriately for this type of use (alcohol production facilities). There are no residential dwellings in the immediate vicinity and the noise from the patio is not anticipated to be a nuisance.
 - o The impact on the community if the application is approved:
 The potential for negative community impact is considered minimal. The increased occupant load for this business will aid in the redevelopment and activation of the industrial neighbourhood beyond the standard workday hours.
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

17. Development Permit and Development Variance Permit Reports

17.1 START TIME 4:00 PM - Bay Ave 845 - DVP22-0223 - David Tribiger

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Dave Tribiger, Bay Avenue, Applicant

- Available to answer questions.

City Clerk 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 present or online indicated they wished to speak.

There was no questions of the Applicant by Council.

Staff:

- Responded to questions from Council.

The City Clerk confirmed Council received one letter of concern regarding parking impacts to the area.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Lovegrove

THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0223 for Lot 2 Section 30 Township 26 ODYD Plan 10292, located at 845 Bay Avenue, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 12375 be granted as shown on Schedule "A":

Section 11.5: RU4 – Duplex Housing Development Regulations

To vary the required minimum west side yard setback from 2.1 m permitted to 2.0 m proposed and the required minimum east side yard setback from 2.1 m permitted to 1.48 m proposed.

Section 11.5: RU4 – Duplex Housing Development Regulations

To vary the required minimum rear yard setback from 7.5 m permitted to 3.35 m 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

18. Reminders

There were no reminders.

19. Termination

The meeting was declared terminated at 4:26 p.m.

Mayor Dyas

sf/cm

AmcClallan

per City Clerk

DRAFT