



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, March 18, 2014
Location: Council Chamber
City Hall, 1435 Water Street

Members Present: Mayor Walter Gray and Councillors Colin Basran, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, and Gerry Zimmermann

Members Absent: Councillors Andre Blanleil and Luke Stack

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming*; Deputy City Clerk, Karen Needham; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Subdivision, Agriculture & Environment Director, Shelley Gambacort*; Urban Planning Manager, Ryan Smith; Bylaw Services Manager, Greg Wise*; and Council Recording Secretary, Tania Tishenko

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the meeting to order at 8:49 p.m.

2. Prayer

A Prayer was offered by Councillor Singh.

3. Confirmation of Minutes

Moved By Councillor DeHart/Seconded By Councillor Hobson

R175/14/03/18 THAT the Minutes of the Public Hearing and Regular Meeting of March 4, 2014 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1. Bylaw No. 10917 (TA14-0002) - City of Kelowna Medical Marihuana Production Facilities - Industrial Zones

Moved By Councillor Zimmerman/Seconded By Councillor DeHart

R176/14/03/18 THAT Bylaw No. 10917 be read a second and third time.

Carried

Moved By Councillor Zimmerman/Seconded By Councillor DeHart

R177/14/03/18 THAT Council direct staff to bring forward an amendment to the Zoning Bylaw to permit Medical Marihuana Production Facilities in the I1 - Business Industrial Zone

Carried

4.2. Bylaw No. 10919 (TA14-0003) - City of Kelowna Medical Marihuana Production Facilities in Agriculture 1 Zones

Moved By Councillor Basran/Seconded By Councillor Zimmermann

R178/14/03/18 THAT first reading given to Bylaw No. 10919 be rescinded;

Carried

Councillors Hobson and Given - Opposed.

Moved By Councillor Basran/Seconded By Councillor Zimmermann

R179/14/03/18 AND THAT Council direct staff to bring forward an amendment to the Zoning Bylaw to permit Medical Marihuana Production Facilities in the A1 -Agriculture 1 Zone on a site by site basis.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of the following Application was given by sending out 118 Statutory Notices or otherwise delivering 1565 letters to the owners and occupiers of the surrounding properties between March 4, 2014 and March 7, 2014. Also was advertised by being posted on the Notice Board of City Hall on March 4, 2014 and by being placed in the Kelowna Capital News issues of March 7th, 2014 and March 11th, 2014. The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

6. Liquor License Application Reports

6.1. Liquor License Application No. LL13-0013 - 1125 Richter Street, Canrim Packaging Ltd. (Calona Wines)

Staff:

- Displayed a PowerPoint for subject property including a site plan.

The Deputy City Clerk advised that there was no correspondence received.

Mayor Gray invited the applicant or anyone in the public gallery who deemed to come forward. The Applicant was present, but did not have anything further to add to staff's comments. No one came forward.

Moved By Councillor Given/Seconded By Councillor Hobson

R180/14/03/18 That Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB): In accordance with Section 18 of the Liquor Control and Licensing Regulation,

BE IT RESOLVED THAT:

Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application from at address: 1125 Richter St., Kelowna BC, (legally described as Lot A, Sections 30, Township 26, ODYD, Plan 30665, Except Plan M15406) for a Special Event Area endorsement, are as follows:

- a) The Winery Special Event Area is located within the building located at 1125 Richter St. in the south end of the building. There are no exterior areas proposed for the Special Event Area.
- b) The proximity of the Special Event Area to other social or recreational facilities and public buildings are as noted on the attached map. The potential for negative impacts is considered to be minimal.

- c)The person capacity of the Special Event Area; Interior overlapping retail area - 110 persons; Interior overlapping barrel room - 79 persons; Interior overlapping viewing area - 18 persons; Any combination of rooms cannot exceed 110 persons.
- d)Hours of liquor service on the Special Event Area are proposed to be 9:00 AM to 12:00 midnight, Sunday to Saturday.
- e)Traffic, noise, parking and zoning: There is minimal increase in traffic or parking associated with this application. The parking provided on site meets zoning bylaw regulations for the proposed use. The use is permitted under the current I4 - Central Industrial Zone
- f)The impact on the community if the application is approved: is not anticipated to be major, as the proposed development is expected to add more options for wine tour/tasting to the downtown area, and is expected to benefit other downtown tourist related businesses. Surrounding social or recreational facilities will not conflict with the proposed establishment.
- g)Recommendation: Council recommends that the application for a Special Event Areas Endorsement be approved for a total 110 person capacity.

Carried

7. Development Permit and Development Variance Permit Reports

7.1. Development Variance Permit Application DVP14-0002 - 815 Burne Avenue, Daljit Dhani

Staff:

- Displayed a PowerPoint presentation summarizing the application before Council.

The City Clerk advised that there was no correspondence received.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward. The Applicant was present, but did not have anything further to add to staff's comments. No one came forward.

Moved By Councillor Hobson/Seconded By Councillor Basran

R181/14/03/18 THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0002 for Lot 75, Section 19, Township 26, ODYD, Plan 700, located at 815 Burne Avenue, Kelowna, BC;

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

Section 13.6.6 - RU6 Zone Development RegulationsTo vary the maximum height for accessory buildings from 4.5 m permitted to 4.58 m proposed, as per Schedule

'A'; Section 9.5b.1(d) - Carriage House Regulations To vary the maximum permitted height for a carriage house from the lesser of 4.5 m or the height of the existing principal dwelling unit to 4.58 m proposed, as per Schedule 'A'.

Carried

7.2. Development Permit Application No. DP13-0195 and Development Variance Permit No. DVP13-0196 - 2105 Benvoulin Court, National Society of Hope

Staff:

- Displayed a PowerPoint presentation summarizing the application before Council.

The City Clerk advised that the following correspondence and/or petitions had been received:

- Letter of Opposition:
 - Frank and Anne Jefferies

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

Paul Shuster, Applicant

- Displayed a PowerPoint presentation and provided an overview of the project to Council

There were no further comments.

Moved By Councillor Hobson/Seconded By Councillor Singh

R182/14/03/18 THAT Council authorize the issuance of Development Permit No. DP13-0195 for Lot C D.L. 128 and 142 ODYD Plan KAP89861, located at 2105 Benvoulin Court, Kelowna B.C., subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general 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 professional landscaper;
5. Registration of a plan of subdivision to subdivide the property into legal lots at the Land Titles Office prior to issuance of the Development Permit;

AND THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the Development Permit application in order for the permit to be issued.

AND THAT Council authorize the issuance of Development Variance Permit No. DVP13-0196 for Lot C D.L. 128 and 142 ODYD Plan KAP89861, located at 2105 Benvoulin Court, Kelowna, B.C.;

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

Section 13.11.6 - Development Regulations Vary the height from 4.5 storeys permitted to 5.0 storeys proposed. Table 8.1 - Parking Schedule Vary the required parking from 162 stalls required to 117 stalls proposed.

Carried

8. Reminders - Nil

9. Termination

The meeting was declared terminated at 9:39 p.m.

Mayor

Deputy City Clerk