



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, July 15, 2014
Location: Council Chamber
City Hall, 1435 Water Street

Council Members Present: Deputy Mayor Maxine DeHart, Councillors Colin Basran, Andre Blanleil, Gail Given, Robert Hobson*, Luke Stack and Gerry Zimmermann

Council Members Absent: Mayor Walter Gray and Councillor Mohini Singh

Staff Present: Acting City Manager, Rob Mayne; City Clerk, Stephen Fleming; Manager, Urban Planning, Ryan Smith; Manager, Development Engineering, Steve Muenz*; Manager, Park & Building Planning, Terry Barton*; Manager, Long Range Policy Planning, James Moore*; Manager, Transportation & Mobility, Moudud Hasan*; Supervisor, Urban Planning, Lindsey Ganczar; and Council Recording Secretary, Tania Tishenko

(* denotes partial attendance)

1. Call to Order

Deputy Mayor DeHart called the meeting to order at 9:15 pm.

2. Prayer

A Prayer was offered by Councillor Stack.

3. Confirmation of Minutes

Moved By Councillor Hobson/Seconded By Councillor Given

R515/14/07/15 THAT the Minutes of the Public Hearing and Regular Meeting of June 24, 2014 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1. TO BE DEFERRED - Draft Resolution, Bylaw No. 10975 (TA14-0003) - Adding A1m - Agriculture 1 with Medical Marihuana Production Facility Designation to the A1 - Agriculture 1 Zone

Moved By Councillor Given/Seconded By Councillor Basran

R516/14/07/15 THAT Council defers consideration of Bylaw No. 10975 with respect to Text Amendment Application No. TA14-0003 pending further discussion with the Minister of Agriculture;

AND THAT Council direct staff to report back with any amendments to the A1m Bylaw.

Carried

4.2. Bylaw No. 10978 (OCP13-0019) - 1855 Bennett Road, 1005 Clifton Road North and (E of) Paly Road

Moved By Councillor Stack/Seconded By Councillor Given

R517/14/07/15 THAT Bylaw No. 10978 be read a second and third time and be adopted.

Carried

Moved By Councillor Blanleil/Seconded By Councillor Hobson

R518/14/07/15 THAT Council direct staff to bring back a report for Council's consideration regarding issues raised during the Public Hearing.

Carried

- 4.3. Bylaw No. 10976 (OCP13-0017) - 901-911 Stremel Road, Tamdan Ventures Ltd.

Moved By Councillor Basran/Seconded By Councillor Hobson

R519/14/07/15 THAT Bylaw No. 10976 be read a second and third time.

Carried

- 4.4. Bylaw No. 10977 (Z13-0040) - 901-911 Stremel Road, Tamdan Ventures Ltd.

Moved By Councillor Hobson/Seconded By Councillor Basran

R520/14/07/15 THAT Bylaw No. 10977 be read a second and third time.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise delivering 537 Statutory Notices to owners and occupiers of adjacent and adjoining properties and 2411 Informational Notices to residents in the postal delivery area between June 30, 2014 and July 4, 2014.

Notice of these (amendments to Liquor Primary Licences) were advertised by being posted on the Notice Board at City Hall on June 30, 2014, and by being placed in the Kelowna Capital News issues on July 4, 2014 and July 8, 2014 and by sending out or otherwise delivering 479 statutory notices to the owners and occupiers of surrounding properties, and 2359 informational notices to residents in the same postal delivery route, between June 30, 2014 and July 4, 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. 369.

6. Liquor License Application Reports

- 6.1. Liquor License Application No. LL14-0004 - 1346 Water Street, Fireweed Brewing Corporation

Staff:

- Provided a PowerPoint presentation summarizing the application before Council and responded to questions from Council.

The City Clerk advised that no correspondence and/or petitions had been received.

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

Moved By Councillor Blanleil/Seconded By Councillor Given

R521/14/07/15 THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 53 of the Liquor Control and Licensing Regulation and Council Policy #359, be it resolved THAT:

Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application from Fireweed Brewing Corp. at 1346 Water Street, Kelowna BC, (legally described as Lot 1, DL 139, 4041, & 4082, O.D.Y.D., Plan KAP73542) for an application to add a lounge endorsement to the brewers manufacturer license, with an interior capacity of 86 persons and a patio capacity of 86 persons, and hours of service from 11:00am-8:00pm Monday to Wednesday, from 11:00am-9:00pm Thursday to Saturday, and from 11:00am-6:00pm Sunday are as follows:

- a) The potential for noise if the application is approved:
The space was previously a food primary establishment. The change in use to a brewery with a lounge endorsement is anticipated to have a minor, incremental increase in noise from the previously existing operation.
- b) The impact on the community if the application is approved:
The potential for negative impacts is considered to be minimal.
- c) View of residents.
Council's comments on the views of residents (if applicable) 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 & Procedures."
- d) The person capacity and hours of liquor service of the establishment:
The total person capacity proposed for the lounge endorsement is interior capacity of 86 persons with a patio capacity of 86 persons, and hours of

service from 11:00am-8:00pm Monday to Wednesday, from 11:00am-9:00pm Thursday to Saturday, and from 11:00am-6:00pm Sunday.

e) Traffic and parking:

There is no anticipated increase in traffic or parking associated with this application. The previous food primary establishment was licensed for a total capacity of 163 persons, and there is no additional space or seating is being added as part of the application. Therefore the parking and traffic situation should remain unchanged.

f) The proximity of the establishment to other social or recreational facilities and public buildings:

Surrounding social or recreational facilities would not conflict with the proposed establishment.

g) Recommendation:

Council recommends that the application for the addition of a manufacture lounge endorsement to the brewers manufacturing license be approved.

Carried

6.2. Liquor License Application No. LL13-0013 - 1125 Richter Street, Calona Wines

Staff:

- Provided a PowerPoint presentation summarizing the application before Council and responded to questions from Council.

The City Clerk advised that no correspondence and/or petitions had been received.

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

There were no further comments.

Moved By Councillor Blanleil/Seconded By Councillor Stack

R522/14/07/15 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 and Council Policy No. 359 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, Section 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 - 210 persons
 - Interior overlapping barrel room - 30 persons
 - Interior overlapping viewing area - 9 persons
 - Any combination of rooms cannot exceed 210 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 210 person capacity.

Carried

7. Development Permit and Development Variance Permit Reports

7.1. NEW ITEM - Bylaw No. 10918 (Z13-0042) - 3112 Watt Road, Ian Sisett

Councillor Hobson declared a conflict of interest as a family member lives close to the proposed area and left the meeting at 9:54 pm.

Moved By Councillor Stack/Seconded By Councillor Zimmermann

R523/14/07/15 THAT Bylaw No. 10918 be adopted.

Carried

7.1.1. Development Variance Permit Application No. DVP13-0185 - 3112 Watt Road, Ian and Marguerite Sissett

Staff:

- Provided a PowerPoint presentation summarizing the application before Council and responded to questions from Council.

The City Clerk advised that no correspondence and/or petitions had been received.

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

There were no further comments.

Moved By Councillor Basran/Seconded By Councillor Zimmermann

R524/14/07/15 THAT Council authorize the issuance of Development Variance Permit No. DVP13-0185, for Lot 9, District Lot 14, ODYD, plan 6069, located on 3112 Watt Road, Kelowna, BC;

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

Section 9.5b.1 (d) - Carriage House Regulations

To vary the permitted height of a proposed carriage house from 4.5m to 6.19m.

Carried

Councillor Hobson rejoined to the meeting at 9:58 pm.

7.2. Development Variance Permit Application No. DVP14-0100 - 1346 Water Street, Tod Melnyk (Delta Hotels)

Staff:

- Provided a PowerPoint presentation summarizing the application before Council and responded to questions from Council.

The City Clerk advised that no correspondence and/or petitions had been received.

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

There were no further comments.

Moved By Councillor Basran/Seconded By Councillor Blancheil

R525/14/07/15 THAT Council authorize the issuance of Development Variance Permit No. DVP14-0100, Lot 1, District Lots (139, 4041, & 4082), ODYD, Plan KAP73542 located on 1346 Water Street, Kelowna, BC;

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

Section 14.8.5 - Development Regulations

To vary the side yard setback for a trellis structure from 4.5m to 0.07m; and

To vary the front yard setback for a weather protection entry roof feature from 4.5m to 1.79m

Carried

7.3. Development Permit Application No. DP14-0093 and Development Variance Permit Application No. DVP14-0094 - 460 Doyle Avenue, Meiklejohn Architects

Staff:

- Provided a PowerPoint presentation summarizing the application before Council and responded to questions from Council.

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

- Letters of Concern
 - Maxwell Mosley (Madison Strata Council President)
 - Neil Thomson

- Robert and Barbara Cartwright
- Wendy Jewell
- Robert Heyworth
- Roy and Carol Quade

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

Lay Murreyfield, Applicant, Entrepreneur and business owner (Accelerate Okanagan)

- Purpose of centre is to bring groups together to establish future business growth for the community
- We want to show new graduates that they will have opportunities if they stay in Kelowna.
- A place to start and grow your business.
- Held very successful open house which was quite favourable.

Stoke Tonne, Meiklejohn Architects

- Provided an overview of the project.
- Retrieved archived files of library and parkade projects and found that there was always in intent for future office space in this area.

Gallery:

Stephanie Hall, Executive Director, Okanagan Regional Library

- In support of application
- Spoke of advantages to the Library in partnering with project.

There were no further comments.

Moved By Councillor Basran/Seconded By Councillor Zimmermann

R526/14/07/15 THAT Council authorize the issuance of Development Permit No. DP14-0093 for Lot 4 District Lot 139, ODYD, Plan KAP57837, located at 460 Doyle Avenue, 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 and for the public art program;
5. The execution of the Servicing Agreement and associated bonding to the satisfaction of the Development Engineering Department prior to issuance of a Development Permit;
6. The Library Laneway along the western edge of the subject property is designed to a standard that functions to the satisfaction of the Development Engineering Department prior to issuance of a Development Permit;
7. Upon confirmation of a detailed survey the building be adjusted so as not to trespass over the subject property lines at grade;
8. Any requirements of the Ministry of Transportation and Infrastructure being completed to their satisfaction;
9. The execution of an air space parcel agreement to accommodate the building encroachment over the City's lane;
10. The execution of a parkade license agreement with the City to accommodate the off-site parking ;
11. The execution of a public access easement and a tri-party agreement between the Developer, the Okanagan Regional Library and the City of Kelowna to ensure public access between the proposed development and the library should it prove feasible;
12. That Cash-in-Lieu of the required parking (\$3,417,500.00) be provided prior to issuance of the Development Permit.

AND FURTHER 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. DVP14-0094 for Lot 4 District Lot 139, ODYD, Plan KAP57837, located at 460 Doyle Avenue, Kelowna, B.C.;

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

Table 8.2 - Loading Schedule:

Vary the loading stall requirement from 4 stalls required to 0 stalls provided.

Section 14.7.5 (d) Development Regulations - Rear Yard Setback:

Vary the rear yard (lane) setback from 0.0 m permitted to -4.4 m proposed.

Section 14.7.5 (e) Development Regulations - Setbacks above 15m:

Vary the setback for portions of a building above 15 m along Doyle Avenue from 3.0 m required to 0.0 m proposed.

Section 14.7.5 (f) Development Regulations - Setbacks above 15m:

Vary the setback for portions of a building above 15 m abutting another property from 4.0 m required to 0.0 m.

Section 14.7.5 (g) Development Regulations - 80° Inclined Angle:

Vary the inclined plane above 15 m from 80° permitted to 90° for the south and east elevations.

Section 14.7.5 (h) Development Regulations - Floor Plate Area:

Vary the maximum floor plate area above 15 m from 676 m² permitted to 1760.52 m² proposed.

Section 14.7.5 (i) Development Regulations - Horizontal Dimension Above 15m:

Vary the maximum horizontal dimension above 15 m from 26 m permitted to 64.5 m proposed.

Section 14.7.5 (j) Development Regulations - Diagonal Dimension Above 15m:

Vary the maximum diagonal dimension above 15 m from 39 m permitted to 70.18 m proposed.

Section 14.7.5 (l) (i) Development Regulations - Setbacks above 22m:

Vary the building setback from an interior lot line for portions of a building above 22 m from 15 m required to 0.0 m proposed.

Section 14.7.5 (l) (ii) Development Regulations - Setbacks above 22m:

Vary the building setback from a lot line abutting a lane for portions of a building above 22 m from 10m required to -4.4 m proposed.

Carried

9. Termination

The meeting was declared terminated at 10:36 pm.

Deputy Mayor DeHart

City Clerk

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