



## City of Kelowna

Date: Tuesday, December 9, 2014  
Location: Council Chamber  
City Hall, 1435 Water Street

Council Members Present: Mayor Colin Basran and Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben\*, Mohini Singh and Luke Stack

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Urban Planning Manager, Ryan Smith; Urban Planning Supervisor, Lindsey Ganczar; Manager, Subdivision, Agriculture & Environment, Todd Cashin\*; and Council Recording Secretary, Arlene McClelland

(\* denotes partial attendance)

### 1. Call to Order

Mayor Basran called the meeting to order at 8:01 p.m.

### 2. Prayer

A Prayer was offered by Councillor DeHart.

### 3. Confirmation of Minutes

Moved By Councillor Given/Seconded By Councillor Stack

R877/14/12/09 THAT the Minutes of the Public Hearing and Regular Meeting of November 4, 2014 be confirmed as circulated.

Carried

### 4. Bylaws Considered at Public Hearing

4.1. Bylaw No. 11025 (Z14-0044) - 1250-1298 Ellis Street, Whitworth Holdings Ltd.

Councillor Sieben declared a conflict of interest as his in-laws are the Applicant and departed the meeting at 8:04 p.m.

Moved By Councillor Hodge/Seconded By Councillor Given

R878/14/12/09 THAT Bylaw No. 11025 be read a second and third time and be adopted.

Carried

- 4.2. Bylaw No. 11026 (TA14-0019) - Breweries and Distilleries, Minor in C3, C6 and C10 Zones

Moved By Councillor DeHart/Seconded By Councillor Stack

R879/14/12/09 THAT Bylaw No. 11026 be read a second and third time.

Carried

Councillor Sieben rejoined the meeting at 8:09 p.m.

- 4.3. Bylaw No. 11027 (OCP14-0019) - (W of) Mountainside Drive, Cedar Creek Developments Ltd.

Moved By Councillor Stack/Seconded By Councillor Given

R880/14/12/09 THAT Bylaw No. 11027 be read a second and third time.

Carried

- 4.4. Bylaw No. 11028 (Z14-0036) - (W of) Mountainside Drive, Cedar Creek Developments Ltd.

Moved By Councillor DeHart/Seconded By Councillor Singh

R881/14/12/09 THAT Bylaw No. 11028 be read a second and third time.

Carried

- 4.5. Bylaw No. 11029 (OCP14-0021) - 5505 Chute Lake Road, Calcan Investments Ltd.

Moved By Councillor DeHart/Seconded By Councillor Given

R882/14/12/09 THAT Bylaw No. 11029 be read a second and third time.

Carried

- 4.6. Bylaw No. 11030 (Z14-0041) - 5505 Chute Lake Road, Calcan Investments Ltd.

Moved By Councillor Donn/Seconded By Councillor Singh

R883/14/12/09 THAT Bylaw No. 11030 be read a second and third time.

Carried

- 4.7. Bylaw No. 11031 (OCP14-0015) - 1501 & 1511 Tower Ranch Drive and 2160 Tower Ranch Boulevard, Parkbridge Lifestyle Communities Inc., City of Kelowna & 0977415 BC Ltd.

Moved By Councillor Given/Seconded By Councillor Singh

R884/14/12/09 THAT Bylaw No. 11031 be read a second and third time.

Carried

4.8. Bylaw No. 11032 (OCP14-0011) - 1280 Glenmore Drive, 561655 BC Ltd.

Moved By Councillor Stack/Seconded By Councillor DeHart

R885/14/12/09 THAT Bylaw No. 11032 be read a second and third time.

Councillor Hodge - Carried  
Opposed

4.9. Bylaw No. 11033 (Z14-0026) - 1280 Glenmore Road, 561655 BC Ltd.

Moved By Councillor Donn/Seconded By Councillor Singh

R886/14/12/09 THAT Bylaw No. 11033 be read a second and third time.

Councillor Hodge - Carried  
Opposed

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit/Temporary Use Permit Applications was given by sending out or otherwise delivering 257 statutory notices to the owners and occupiers of surrounding properties, and 1062 informational notices to residents in the same postal delivery route, between November 25 and November 28, 2014.

Notice of these (amendments to Liquor Primary Licences) were advertised by being posted on the Notice Board at City Hall on November 25, 2014, and by being placed in the Kelowna Capital News issues on November 28 and December 3, 2014 and by sending out or otherwise delivering 172 statutory notices to the owners and occupiers of surrounding properties, and 1101 informational notices to residents in the same postal delivery route, between November 25 and November 28, 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. LL14-0014 - 1250 Ellis Street, Whitworth Holdings Ltd.

Councillor Sieben declared a conflict of interest as his in-laws are the Applicant and departed the meeting at 8:30 p.m.

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

Letters of Support

Stacy Lynn Zeman, Bowes Street  
Robin Durrant, Poplar Point Drive  
Randy & Traci Scott, Ellis Street  
Jacqueline Jones, Abbott Street  
James B. Ramsay, Poplar Point Drive  
Jim Meiklejohn - Meiklejohn Architects Inc, Bernard Avenue  
Shanna & Ryan Whittle, Clement Avenue  
Jean & Gavin Hamilton, Ellis Street

Barbie & Ken Ross, Manhattan Drive  
Keith Crigger, Sunview Drive, West Kelowna

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

Kyle Nixon, Applicant

- Spoke to the merits of the application.
- Available to answer questions.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Gray

**R887/14/12/09** 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 the proposed brew pub at 1250 Ellis Street, Kelowna BC, (legally described as Lot 1, District Lot 139, ODYD, Plan 660 for a liquor primary application to add a brew pub, with an interior capacity of 292 persons and a patio capacity of 38 persons, and hours of service from 9:00am-12:00am Sunday to Wednesday and from 9:00am-1:00am Thursday to Saturday, are as follows:

- a) The potential for noise if the application is approved:  
The space had previous industrial uses. The change in use to a brew pub with a liquor primary license is anticipated to have a minor impact in noise in comparison to the previous operation. However, noise will increase in the evening hours but there is a significant distance (~85 metres) between the proposed brew pub and the closest residential dwelling units (Cannery Lofts). Additionally, those residents will not notice any increase in noise relative to the proposed brew pub as the Flashbacks nightclub (Liquor Primary establishment with a 2am closing) is located between the proposed brew pub and the closest residents.
- b) The impact on the community if the application is approved:  
The potential for negative impacts is considered to be minimal. Noise will increase in the evening hours but the location is appropriate for this land use and will occupy a vacated portion of a building. Similar to the Train Station Pub across the intersection of Clement Ave and Ellis Street, a liquor licensed establishment and restaurant will increase the vibrancy of the streetscape from a vacated parcel.
- 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 interior capacity is 292 persons with a patio capacity of 38 persons, and hours of service from 9:00am-midnight Sunday to Wednesday and from 9:00am-1:00am Thursday to Saturday.
- e) Traffic and parking:  
There is ample parking in adjacent private parking lot and surrounding public parking facilities.

- 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. The proposed brew pub would support the cultural district in which it is located. The purpose of the cultural district is to develop and to enhance the cultural district as a centre for arts and entertainment, and a catalyst for community cultural development. The proposed brew pub would complement and enhance the entertainment and service value of the area.
- g) Recommendation:  
Council recommends that the application for the addition of a liquor primary license to operate a brew pub be approved.

Carried

## 7. Development Permit and Development Variance Permit Reports

### 7.1. Development Permit Application No. DP14-0183 - 1250 Ellis Street, Whitworth Holdings Ltd.

Staff:

- Displayed a PowerPoint presentation summarizing the application.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Hodge

**R888/14/12/09** THAT Council authorize the issuance of Development Permit No. DP14-0183 for the property legally known as Lot 1, District Lot 139, ODYD, Plan 660, located on 1250 Ellis St., Kelowna, BC., 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. Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied;
5. 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 FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council's approval of the Development Permit Application in order for the permit to be issued.

Carried

Councillor Sieben rejoined the meeting at 8:42 p.m.

### 7.2. Development Variance Permit Application No. DVP14-0219 - 1511 Tower Ranch Drive (Phase 1), Parkbridge Lifestyle Communities Inc.

Staff:

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

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

Davin Shillong, Applicant

- Commented that the staff report was well composed and is available for questions.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor DeHart

**R889/14/12/09** THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0219, for a variance for a portion of Lot 3, Plan KAP80993, Section 31, TWP 27, ODYD, located at 1511 Tower Ranch Drive, Kelowna, BC, as shown in Schedule 'A' as 'Phase I' for the development;

AND THAT Council considers the public process outlined in the Staff Report dated November 10, 2014 to be appropriate consultation for the purpose of Section 879 of the Local Government Act;

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

**Section 13.5.6: RU5 - Bareland Strata Housing (*Development Regulations*)**

To vary the site front yard from 4.5 m permitted to 3.0 m proposed, for

- proposed Lots 1 to 12 and
- Lots 14 to 28, as per Schedule 'A' attached; and

To vary the site front yard from 4.5 m permitted to 1.5 m proposed, for

- proposed Lot 13, per Schedule 'A', attached.

Carried

**7.3. Temporary Use Permit Application No. TUP14-0005 - 2092 Enterprise Way, 0838232 BC Ltd.**

Staff:

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

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

Letters of Support

Amanda Schwab, 1899 Barlee Road

Roy Sommerey, 2200 Dewdney Road

S. Mengede, Habitat for Humanity Okanagan, 1793 Ross Road West Kelowna

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

Darren Schleb - Applicant Argus Properties, Manhattan Drive

- Commented that staff did a good job summarizing the application and had no further comments.

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor DeHart

**R890/14/12/09** THAT Council authorize Temporary Use Permit No. TUP14-0005 to allow the use of a portion of the subject property for Thrift Store for Lot 3, District Lots 127 & 531, ODYD, Plan KAP54290, located at 2092 Enterprise Way, Kelowna, BC, for a three (3) year period commencing from Council approval subject to the following;

1. The dimensions and siting of the temporary use space to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the temporary use space to be constructed on the land be in general accordance with Schedule "B";

AND THAT issuance of the Temporary Use Permit be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

Carried

**7.4. Development Variance Permit Application No. DVP14-0233 - 204 Poplar Point Drive, Rodney & Jody Hazard**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

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

Rod Hazard, Applicant

- Discussed that agreed upon sight lines with neighbor was part of the sales agreement.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Given

**R891/14/12/09** THAT Council authorize the issuance of Development Variance Permit No. DVP14-0233 for Lot 1, District Lot 219, ODYD, Plan 4561, located on 204 Poplar Point Dr., Kelowna, BC;

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

Section 6.11.1 - Okanagan Lake Sight Lines

To vary the required Okanagan Lake 120° Panoramic Sight Line to 86° proposed, resulting from the north sight line being reduced from 60° required, to 26° proposed as shown on Schedule "A".

Carried

**7.5. Development Variance Permit Application No. DVP14-0179 - 1886 Parkview Crescent, Lifestyles Strata Management**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

Letters of Support

Elfriede Frink, Parkview Crescent

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

Kevin Carlson, President of Strata Council, Applicant  
- Confirmed that the fence needs to be replaced.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Hodge

**R892/14/12/09** THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0179, for the Common Property of Strata Plan KAS885, Section 21, Township 26, ODYD, located on 1886 Parkview Crescent, Kelowna, BC;

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

Section 7.5.11: Fencing and Retaining Walls

To vary the maximum combined height of a fence on top of a retaining wall from 2.0 m permitted to 3.2 m proposed.

Carried

**7.6. Development Permit Application No. DP14-0192 & Development Variance Permit Application No. DVP14-0241 - 1982 Kane Road, Raisanen Construction Ltd.**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

Letters of Support

MDC Property Services Ltd.  
Allan Okabe, Kane Road  
OCORP Development, Drysdale Blvd.

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

Robert Spencer, BC Urban Properties, Applicant

- Worked well with staff and with property owners in the area for the development of Phase 1 and Phase 2 is a continuation.  
- Confirmed the future tenants will be a Financial Institution and Pet Store.  
- Responded to questions from Council.

Gallery:

Greg Baytalan, Valley Road

- Raised concern regarding parking.  
- Raised concern with commercial encroachments on City sidewalk as a result of Phase 1 of the development.  
- Raised concerns with future commercial encroachments if a traffic circle is still being considered at Kane and Valley Road.  
- Raised concern regarding noise.  
- Raised concern regarding increased traffic.

Staff:

- Confirmed that a traffic circle is still in the plan and will be pushed further to the south so there should be no impact to this property.



Applicant:

- Responded to questions from intervener and Council.

There were no further comments.

Moved By Councillor Singh/Seconded By Councillor Donn

**R893/14/12/09** THAT Council authorizes the issuance of Development Permit No. DP14-0192 for Lot 1, Section 33, Township 26, ODYD, Plan 4043, located on 1982 Kane Road, Kelowna, BC 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. Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied;
5. 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 FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council's approval of the Development Permit Application in order for the permit to be issued.

THAT Council authorize the issuance of Development Variance Permit No. DVP14-0241, Lot 1, Section 33, Township 26, ODYD, Plan 4043, located on 1982 Kane Road, Kelowna, BC.

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

Section 14.3.5 - Development Regulations

To vary the front yard setback from 3.0 m to 1.5 m; and

Section 14.3.6 - Other Regulations

To vary the parking requirements from 63 parking stalls to 60 parking stalls.

Carried

**7.7. Development Variance Permit Application No. DVP14-0166 - 924 Fairway Crescent, Jocelyn & Bradley Airey**

Staff:

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

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

Package of Additional Information Submitted by the Applicant

Jocelyn & Bradley Airey, 924 Fairway Crescent

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

Brad Airey, 1924 Fairway Crescent, Applicant

- Displayed photos of the driveway and street.
- Searching for a design to fit in and work and not negatively impact the neighbourhood.
- Personally met with 16 of the 18 homeowners in the area and only one homeowner raised concern that it could set a precedence.
- Willing to work with staff on a smaller variance.
- Addressed concerns that staff have with the application.
- Responded to questions from Council.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Hodge

R894/14/12/09 THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0166, for Lot B, Section 29, Township 26, ODYD, Plan 22497, located on 924 Fairway Crescent, Kelowna, BC;

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

Section 13.1.6(c): RU1 - Large Lot Housing Development Regulations  
To vary the front yard from 6.0 m permitted to 3.0 m proposed.

Carried

**7.8. Development Variance Permit Application No. DVP14-0170 - 1085 Westpoint Drive, Joshua Richmond**

Staff:

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

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

Late Letter of Opposition  
Glenda McCleary, Westpoint Drive

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

There were no further comments.

Moved By Councillor Given/Seconded By Councillor DeHart

R895/14/12/09 THAT Council authorize the issuance of Development Variance Permit No. DVP14-0170, for Lot 12, Section 31, Township 29, ODYD Plan KAP87220, located at 1085 Westpoint Drive, Kelowna, BC, 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";

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

Section 13.1.6 (d) - RU1 Development Regulations  
To vary the minimum permitted side yard setback from 2.0m required to 0.0m proposed.

AND FURTHER THAT the applicant be required to complete the above-noted condition within 1 year of Council's approval of the Development Variance Permit Application, in order for the permit to be issued.

Carried

**7.9. Development Variance Permit Application No. DVP14-0229 - 3358 Larkspur Court, Peter Schumann & Nada Critchlow**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

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

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Sieben

R896/14/12/09 THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0229, for Lot 9 Section 3 Township 26 ODYD Plan KAP62126, located on 3358 Larkspur Court, Kelowna, BC;

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

Section 7.5.3: Fencing and Retaining Walls

To vary the maximum fence height from 2.0 m permitted to 3.1 m proposed.

Carried

8. Reminders - Nil

9. Termination

The meeting was declared terminated at 10:29 p.m.

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Mayor

/acm

\_\_\_\_\_  
City Clerk