



City of Kelowna

Date: Tuesday, April 14, 2015
Location: Council Chamber
City Hall, 1435 Water Street

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

Staff Present City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Agriculture and Environment Manager, Todd Cashin*; Urban Planning Manager, Ryan Smith; Urban Planning Supervisor, Lindsey Ganczar; Council Recording Secretary, Arlene McClelland

*(Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 6:38 p.m.

2. Prayer

A Prayer was offered by Councillor Singh.

3. Confirmation of Minutes

Moved By Councillor DeHart/Seconded By Councillor Gray

R278/15/04/14 THAT the Minutes of the Public Hearing and Regular Meeting of March 31, 2015 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 4975 Buckhaven Court, BL11072 (OCP15-0003) - Vincent & Pamela Blaskovich

Moved By Councillor Given/Seconded By Councillor Hodge

R279/15/04/14 THAT Bylaw No. 11072 be read a second and third time.

Carried

4.2 4975 Buckhaven Court, BL11073 (Z14-0057) - Vincent & Pamela Blaskovich

Moved By Councillor Hodge/Seconded By Councillor Gray

R280/15/04/14 THAT Bylaw No. 11073 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 176 statutory notices to the owners and occupiers of surrounding properties, and 4997 informational notices to residents in the same postal delivery route, between March 31 and April 3, 2015. Notice of this (amendments to Manufacturer Distillery Lounge Area endorsement application) were advertised by being posted on the Notice Board at City Hall on March 31, 2015, and by being placed in the Kelowna Capital News issues on April 3 and April 8, 2015 and by sending out or otherwise delivering 24 statutory notices to the owners and occupiers of surrounding properties, and 500 informational notices to residents in the same postal delivery route, between March 31 and April 3, 2015.

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

6.1 267 Bernard Avenue, LL15-0003 - Dutchcad B.I.L. Investments Ltd.

Staff:

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

The Deputy City Clerk advised that no correspondence was received.

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

Tyler Dyck, Herbert Heights, Applicant

- Want to provide a tasting room experience for tourists and residents to taste local spirits.

There were no further comments

Moved By Councillor Sieben/Seconded By Councillor Gray

R281/15/04/14 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 359, BE IT RESOLVED THAT:

1. Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application from at address: 267 Bernard Ave., Kelowna BC, (legally described as Amended Lot 14 (DD142773F), Block 13, District Lot 139, ODYD, Plan 462, for a Manufacturer Distillery Lounge Area endorsement, are as follows:
 - a) The Manufacturer Distillery Lounge Area is located within the building located at 267 Bernard Ave. and the associated patio area.

- b) The proximity of the Manufacturer Distillery Lounge 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 Manufacturer Distillery Lounge Area;
Interior retail area - 10 persons
Outdoor patio area - 13 persons
Total capacity - 23 persons
- d) Hours of liquor service on the Lounge Area are proposed to be 11:00 AM to 1:00 AM Sunday to Saturday.
- e) Traffic, noise, parking and zoning: There is minimal increase in traffic or parking associated with this application. The parking meets zoning bylaw regulations for the proposed use. The use is permitted under the current C7 -

Central Business Commercial 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 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 Manufacturer Distillery Lounge Area Endorsement be approved for a total 23 person capacity.

Carried

7. Development Permit and Development Variance Permit Reports

7.1 1449 Velocity Street, DVP15-0006 - 0871545 BC Ltd.

Staff:

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

The Deputy City Clerk advised that no correspondence was received.

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

Neil Jaud, Distefano Architecture, Ellis Street, Applicant

- Described exterior finishes to the building.
- The variance has been requested in order to meet operational requirements, including safety, for operating equipment within the site.

There were no further comments

Moved By Councillor Stack/Seconded By Councillor Given

R282/15/04/14 THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0006, for Lot 6, SEC. 11, TWP. 23, O.D.Y.D., Plan EPP12718, located on 1449 Velocity Street, Kelowna, BC;

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

Section 18: CD 15: Airport Business Park:

- a) Sub-Section 1.5.1: Development Regulations
To vary the front yard setback for HWY 97 frontage from 7.0m required to 6.4m proposed.
- b) Sub-Section 1.5.3(c): Development Regulations
To vary the front yard setback for Velocity Street frontage from 6.0m required to 3.9m proposed.

Section 8: Parking and Loading

Table 8.1: (Off-Street Vehicle Parking)

To vary number of parking stalls from 59 stalls required to 56 stalls proposed.

AND FURTHER THAT this Development Variance Permit be valid for two (2) years from the date of Council approval, with no opportunity for extension.

Carried

7.2 635 Roanoke Avenue, DP15-0001 & DVP15-0002 - Linda Smith & Richard Nathorst

Staff:

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

The Deputy City Clerk advised that no correspondence was received.

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

Applicant:

- Present and available for questions.

There were no further comments

Moved By Councillor DeHart/Seconded By Councillor Hodge

R283/15/04/14 THAT Council authorizes the issuance of Development Permit No. DP15-0001 for Lot 9, Block, 1, District Lot 9, ODYD, Plan 1306, located on 635 Roanoke Avenue, 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. Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied as described in the attached report dated January 15th 2015";

AND THAT Council authorize the issuance of Development Variance Permit No. DVP15-0002 for Lot 9, Block, 1, District Lot 9, ODYD, Plan 1306, located on 635 Roanoke Avenue, Kelowna, BC

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

Section 13.6.6 (d) Development Regulations

Vary the west side yard setback requirement from 2.3 metre required setback to 0.73 metre proposed.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit / Development Variance Permit Applications in order for the permit to be issued.

AND FURTHER THAT this Development Permit / Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

7.3 WITHDRAWN - 120 Homer Road, DP14-0137 & DVP10-0076 - Nathan Morden

7.4 850 Saucier Avenue, DVP15-0023 - Murano Strata KAS 3577

Staff:

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

The Deputy City Clerk advised that the following correspondence was received:

Letters of Opposition or Concern
Robert A. Holden, Saucier Avenue
Jennie Kostyc, Saucier Avenue

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

John Klempner, Leon Avenue, Applicant, Murano Strata Representative:

- Currently three visitor parking spots are rented out to tenants. Asking for the variance to convert these three designated visitor parking stalls to tenant use.
- Believes that by converting the three visitor parking stalls there will be three less vehicles parking on the street; tenants parking on street for longer periods of time than visitors.
- Confirmed owner of one unit but does not reside in the unit.
- Stated that during the day at any given time the visitor parking spaces are vacant. The only time visitor parking is full is on moving day.
- Responded to questions from Council.

Staff:

- Clarified that two letters of support were submitted with the application.

Gallery:

Marie Cult, on behalf of mother, Jennie Kostyc

- Advised her mother owns a unit but is not well enough to attend the meeting.
- Mother receives IHA care and care aides spend more time trying to find on-street parking due to full visitor parking stalls that it lessens her mother's services and all her needs are not met.
- At the time of purchasing mother's unit it was explained that there were 10 visitor parking stalls. Strata keep advising that there are only 7 visitor parking stalls.

John Klempner, Applicant

- Owners have been informed that Strata controls the three visitor parking stalls in question.
- Over half the units are rentals and due to the demographics there can be 3 vehicles per unit.

- Commented that at some point Strata started to rent out the three designated parking stalls.
- There is currently a waiting list for parking.
- Tenants not using their parking space may rent it out and use the waiting list compiled by Strata.

Council

- Encouraged Strata to re-examine their parking allocation to see if there is an opportunity to meet the needs of their residents.

There were no further comments

Moved By Councillor Stack/Seconded By Councillor Hodge

R284/15/04/14 THAT Council NOT authorize the issuance of Development Variance Permit No. DVP15-0023, Plan KAS3577, located on 850 Saucier Avenue, Kelowna, BC.

Carried
Councillors Donn and Given - Opposed

8. Resolutions

8.1 TO BE DEFERRED - 4962 Lakeshore Road, DP15-0009 & DVP15-0008 - Shane Jones

Deputy City Clerk:

- Clarified that there was an outstanding condition that had not been met by this evening and therefore are unable to defer this item to a specific meeting. The item was removed and will be brought back to Council.

9. Reminders - Nil.

10. Termination

The meeting was declared terminated at 7:51 p.m.

Mayor

Deputy City Clerk

/acm