



City of Kelowna Regular Meeting Minutes

Date: Tuesday, April 17, 2018
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 Acting City Manager, Joe Creron; Deputy City Clerk, Karen Needham; Urban Planning Manager, Terry Barton; Divisional Director, Community Planning & Strategic Investments, Doug Gilchrist; Legislative Coordinator (Confidential), Arlene McClelland

(*Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:27 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Given.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Gray

R395/18/04/17 THAT the Minutes of the Public Hearing and Regular Meeting of April 10, 2018 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 Cantina Ct 680 & (S of) South Crest Dr - OCP17-0020 (BL11577) - Gillen Investments Inc. and Emil Anderson Construction Co

Moved By Councillor Hodge/Seconded By Councillor Donn

R396/18/04/17 THAT Bylaw No. 11577 be read a second and third time.

Carried

4.2 Cantina Ct 680 & (S of) South Crest Dr- Z17-0091 (BL11578) - Gillen Investments Inc. and Emil Anderson Construction Co

Moved By Councillor Donn/Seconded By Councillor Hodge

R397/18/04/17 THAT Bylaw No. 11578 be read a second and third time.

Carried

4.3 Lakeshore Rd 4329, Z17-0027 (BL11579) - William Bruce Povah

Moved By Councillor Donn/Seconded By Councillor Hodge

R398/18/04/17 THAT Bylaw No. 11579 be read a second and third time.

Carried

4.4 McClain Rd 4185, Z18-0009 (BL11580) - Bruce Merz

Moved By Councillor Hodge/Seconded By Councillor Donn

R399/18/04/17 THAT Bylaw No. 11580 be read a second and third time.

Carried

4.5 Ziprick Rd 255, Z17-0081 (BL11581) - Gurdeep Chahal and Palwinder Pannu

Moved By Councillor Singh/Seconded By Councillor DeHart

R400/18/04/17 THAT Bylaw No. 11581 be read a second and third time.

Carried

4.6 Laurier Ave 1018 and 1024, Z18-0006 (BL11588) - Mottram Holdings Ltd.

Moved By Councillor Dehart/Seconded By Councillor Singh

R401/18/04/17 THAT Bylaw No. 11588 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 mailing 179 statutory notices to the owners and occupiers of surrounding properties on Tuesday, April 17, 2018.

Notice of this Liquor Primary Licence was advertised by being posted on the Notice Board at City Hall on Tuesday, April 17, 2018, and by being placed in the Kelowna Daily Courier issues on Friday, April 6 and Wednesday, April 11 and by sending out or otherwise mailing 36 statutory notices to the owners and occupiers of surrounding properties on Tuesday, April 17, 2018.

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 Water St 1524, LL18-0005 - Viewcrest Estates Ltd.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence was received.

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

The Applicant was present and available for questions.

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Donn

R402/18/04/17 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 recommends support of an application from Plan B. Barbers Inc. for Lot 11 Block 13 District Lot 139 ODYD Plan 462 located at 1524 Water Street, Kelowna, BC, for a Liquor Primary License with a capacity of 30 persons and hours of sales from 9:00 AM to 7:00 PM Monday to Wednesday, 9:00 AM to 9:00 PM Thursday and Friday, and 9:00 AM to 6:00 PM Saturday for the following reasons:

The new liquor licensing regulations allow for barbershops, salons and other establishments to apply for a new liquor primary license;
The maximum occupancy of the space is 30 persons, which will have minimal impact on the community.

That Council's comments on the prescribed considerations are as follows:

The impact of noise on the community in the immediate vicinity of the establishment if the application is approved;

The potential impact for noise is minimal and would be compatible with surrounding land uses.
The impact on the community if the application is approved:
The potential for negative impacts is considered to be minimal.

THAT 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

7. Development Permit and Development Variance Permit Reports

7.1 Richter St 2825, Z17-0057 (BL11479) - AJH Developments

Councillor Gray declared a conflict of interest as she lives in the notification area of this application and departed the meeting 7:59 p.m.

Moved By Councillor DeHart/Seconded By Councillor Singh

R403/18/04/17 THAT Bylaw No. 11479 be adopted.

Carried

7.2 Richter Street 2825 DP17-0150 & DVP17-0151 - AJH Developments

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence was received.

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

Kevin Johnson, Hughs Road, Applicant

- Responded to questions from Council.
- Confirmed private rooftop patios on main residential structure; working with staff on the change of design.
- Community space located on rooftop area of garage structure.
- Confirmed there is no parking on Richter Street frontage; existing driveway will be removed and access will be from the lane.

Gallery:

Ian Sissett, Watt Road

- Appearing as a community member and as the Director of the KLO Neighbourhood Association.
- Believes this is a great project and will liven up the street; is in favour of roof decks.
- As the Director of the KLO Neighbourhood Association; referenced a previously submitted letter for another application in the area that is on this evening's Agenda.
- On behalf of the KLO Neighbourhood Association this proposal highlights the need for an overall community plan and guidance from Council so this neighbourhood does not turn into a hodgepodge of buildings that may look good on their own but not with a different development next to it.
- Commented that the Capri area plan has better guidelines.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Hodge

R404/18/04/17 THAT Council authorizes the issuance of Development Permit No. DP17-0150 and DVP17-0151 for Lot 10 District Lot 135 ODYD Plan 22856, located at 2825 Richter Street, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in 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 Registered Landscape Architect;

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

Section 13.8.6(e): RM2 – Low Density Row Housing Development Regulations

To vary the required minimum side yard setbacks to a garage from 6.0 m required, to 1.5 m (west) and to 4.0 m (east) proposed.

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

Carried

Councillor Gray rejoined the meeting at 8:13 p.m.

7.3 Rialto Dr 261 DVP17-0196 - Israel and Mila Shapiro

Staff:

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

The City Clerk advised that the following correspondence was received:

Letters of Opposition and Concern:

Sheila Cox, Rialto Drive
Haylie Hamilton, Terrace Drive
Jessica Orłowski, Terrace Drive

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

Israel Shapiro, Applicant

- Purchase property 10 years ago and provided explanation for construction delays.
- Have been working with city staff for 1.5 years to determine the best options; thanked staff for their help.
- The plan is to hire professionals to complete the work.
- The current option is the better option than the one that complies with the zoning bylaw requirements.
- Believes the aesthetics is much nicer for the neighbourhood.
- Confirmed that the addition is to the existing home.
- Responded to questions from Council.

Gallery:

Jessica Orłowski, Terrace Drive

- Believes she is most affected by this proposed application.
- Referenced previously submitted correspondence expressing concern that her view will be negatively affected.
- Raised concerns that two trees will be removed from the Applicant's property for this addition and that the root network of the tree on her property will be hurt by that.
- Raised concerns with rain run-off and slope stability with the removal of the trees.
- Displayed a photo of the current view of her property and believes there will be a loss of privacy.
- Believes her property will become a boxed-in property and will diminish property value.
- Raised concerns with debris in the Applicant's yard; there are existing open building related permits and Bylaw Enforcement is unable to take action.
- Responded to questions from Council.

Jeff McEwen, Terrace Drive

- Agrees with the previous speaker's comments and believes his view will also be negatively affected.
- The rendering of the renovation shows a more contemporary design and the neighbourhood is more classic; believes the proposed style is out of character with the rest of the neighbourhood.

Israel Shapiro, Applicant

- Received a professional certificate last year stating that the trees are not healthy and need to be removed.
- Displayed a rendering of what is able to be built without a variance which would make the view worse.
- There have been new houses built in the area that look modern and contemporary and believes his home will fit in with the neighbourhood.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Singh/Seconded By Councillor Given

R405/18/04/17 THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0196 for Lot 37 Section 6 TWP 23 ODYD Plan 19808 located at 261 Rialto Drive, Kelowna, BC, to allow the construction of a carriage house subject to the following:

1. The dimensions and siting of the buildings to be constructed on the land be in accordance with Schedule "A";
2. The elevations of the single family dwelling to be constructed on the land be in accordance with Schedule "B".

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

Section 12.1.6(b): RR1 – Rural Residential 1 - Development Regulations

To vary the height of the proposed addition from 2 ½ storeys permitted to 3 storeys proposed.

Section 12.1.6(d): RR1 – Rural Residential 1 - Development Regulations

To vary the side yard setback from 3.0m required to 1.8m 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
Councillor Sieben - Opposed

7.4 Bath St 2630, Z17-0108 (BL11550) - Greencorp Ventures Inc.

Moved By Councillor Singh/Seconded By Councillor DeHart

R406/18/04/17 THAT Bylaw 11550 be adopted.

Carried

7.5 Bath St 2630, DP17-0259 & DVP17-0260 - Greencorp Ventures Inc., Inc. No. BC 0987730

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letters of Opposition and Concern:

Paul Clark - co-chair KLO Neighbourhood Association, 3002 Abbott Street
Carolyn Russo, Bath Street
Luigi and Anne Bassani, Wardlaw Avenue
Colin Smith, Bath Street

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

The Applicant was present and available for questions.

Gallery:

Paul Clark, Co-Chair KLO Neighbourhood Association

- It is a concern of all neighborhoods when more site coverage is requested.
- Not against development but believes there is a need for a better urban centre plan as the Official Community Plan does not address these issues appropriately.
- Would like to have a concept of what an urban centre should look like and encouraged Council to help City Planners create such a plan.
- Made comment on city owned properties on Cedar Avenue that are not very well kept and would like to see those properties cleaned.

Richard Drinnan, Greene Road

- Raised concern with this non-conforming application and inconsistency with design of this project and appearance in the surrounding neighbourhood.
- Believes the public will pay subsidy to this development.
- Raised concern with cutting down all trees as the site plans shows almost all hard surface and buildings.
- Raised concerns that there is no water infiltration on site and water will run into the street and storm drains.
- With 8 parking stalls on site the carbon footprint is not being reduced.
- Raised concerns that family housing issues are not being addressed; there is no yard for children to play in this development
- Infilling with dense buildings and tearing down trees is not ecologically sound and additional trees need to be planted.

Shane Worman, Applicant

- Explained the challenges with this small site and the need for a side yard variance; allows interior access from the garages.
- If one unit is removed, then we're not fully densifying the site.
- The FAR is being met and building maximum amount of building that can be there.
- Four new trees will be placed on site; currently there are none.
- Water infiltration within City bylaw; rain is collected and stored on site and is engineered to leak out into groundwater.
- This is the first RM3 zone on the street and acknowledges it is difficult to be the first.
- Believes design is subject to opinions and that designs are changing.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Donn

R407/18/04/17 THAT Council authorizes the issuance of Development Permit No. DP17-0259 and Development Variance Permit No. DVP17-0260 for Lot 1 District Lot 14 Osoyoos Division Yale District Plan 3785, located at 2630 Bath Street, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in 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 Registered Landscape Architect;

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

Section 13.9.6(b): RM3 – Low Density Multiple Housing Development Regulations

To vary the required maximum building site coverage from 50 % permitted to 53.7 % proposed.

Section 13.9.6(b): RM3 – Low Density Multiple Housing Development Regulations

To vary the required maximum site coverage of buildings, driveways and parking areas from 60 % permitted to 65.3 % proposed.

Section 13.9.6(e): RM3 – Low Density Multiple Housing Development Regulations

To vary the required minimum side yard from 4.0 m permitted to 2.79 m proposed.

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

Carried

7.6 Wyndham Cr 129, DP17-0262 & DVP17-0263 - 1125532 BC Ltd., INC.NO. BC1125532

Councillor Stack declared a conflict of interest as his employer is in the notification area and departed the meeting at 9:20 p.m.

Staff:

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

The City Clerk advised that no correspondence was received.

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

Garry Dombrowsky, Applicant Agent

- Confirmed that the number of units from previous application has increased by four but were required in order to support the project.
- Provided an overview of the landscape plan and common space area.
- Responded to questions from Council.

Gallery:

Jackie St. Georges, Wyndham Crescent

- Raised concern with density based on the size of the building on this lot.
- The neighborhood around this building is single detached homes and townhomes; this building is not in keeping with the neighbourhood.
- Raised concern with increased traffic and inquired why the entrance to this development is not from Union Road.
- Wyndham Street is highly used by children due to the school being so near and raised concerns for children's safety.

- Suggested the City consider adding speed bumps on Wyndham Street as there are only 12 homes on this street and now considering adding 54 units.
- Raised concerns with construction traffic and parking.
- Believes this proposal lacks creativity and design.

Patrick Cook, Wyndham Crescent

- Believes the development is fairly attractive but uncertain why entrance couldn't be off of Union Road.
- Raised concerns with increased traffic and children's safety.
- Believes the development should have sufficient parking on site so on street parking isn't affected.
- Would like to see less units and more parking.
- Believes this development cannot be looked at in isolation of the new townhomes being developed.

Garry Dombrowsky, Applicant Agent

- Have been working on this project for 12 years and the zoning has been approved; uncertain why there is a concern with density when everyone knew what was being built.
- Empathize with the neighbour's concerns with more units but are within the FAR.
- There were no options to have the entrance off of Union Road.
- Confirmed a letter of support was received by the new townhomes that are being built next to this development.

Staff:

- Confirmed that access is controlled by the Subdivision Bylaw; Union is a major collector road, so access is prohibited. Access from local roads is a requirement across the City.
- Confirmed that speed bumps to mitigate traffic can be requested through the City's Traffic Department for traffic calming.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Given

R408/18/04/17 THAT Council authorizes the issuance of Development Permit No. DP17-0262 for Lot 26 Section 4 Township 23 ODYD Plan KAP51847, located at 129 Wyndham Crescent, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in 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 Registered Landscape Architect;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0263 for Lot 26 Section 4 Township 23 ODYD Plan KAP51847, located at 129 Wyndham Crescent, Kelowna, BC;

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

Section 13.11.6(e): RM5 – Medium Density Multiple Housing Development Regulations

To vary the required minimum side yard for portions of a building over 2 ½ storeys from 7.0 m permitted to 4.5 m proposed;

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated December 4, 2017;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Applications in order for the permits to be issued;

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

Carried

Councillor Stack rejoined the meeting at 9:51 p.m.

7.7 Bernard 809 DVP17-0298 - Sandy Point Development Corp

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence was received.

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

The Applicant was present and available for questions.

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor DeHart

R409/18/04/17 THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0298 for Lot 21 Block 15 District Lot 138 ODYD Plan 262 located at 809 Bernard Avenue, Kelowna, BC, to allow the construction of a carriage house subject to the following:

The dimensions and siting of the buildings to be constructed on the land be in accordance with Schedule "A";

The elevations of the single family dwelling to be constructed on the land be in accordance with Schedule "B".

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

Section 9.5b.1 (i): Carriage House Regulations

To vary the side yard setback from 1.5m required to 0.5m proposed.

Section 9.5b.1 (j): Carriage House Regulations

To vary the rear yard setback from 0.9m required to 0.3m 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

7.8 Dubbin Rd 2510, DVP18-0035 - David and Linda Ross

Councillor Singh declared a conflict of interest as she resides in the region and departed the meeting at 9:54 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letters of Opposition and Concern:

Andy Chouinard, Dubbin Road (3 submissions)

Debbie Chouinard, Dubbin Road

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

Birte Decloux, Urban Options Planning & Permits

- The land owner is present this evening.
- Displayed a PowerPoint Presentation, re: 2510 Dubbin Road
- Clarified that this addition will not be a suite or carriage suite and willing to register a covenant on the property.
- Seeking a variance for the height of the garage addition and permission for second driveway access for the garage.
- There are no plans to park on the driveway, it is only an access to the garage
- Timeline of work was questioned; committed to move forward quickly if this is approved.
- Spoke to neighbours concerns with slope stabilization and noted that in order for foundation and footings to work from an engineer perspective it has to have many layers of cement and that is the reason there are 3 storeys.
- Provided an orientation of how the property interacts with the neighbor and they are not within riparian area.
- Confirmed that the existing retaining wall was engineered and constructed with City staff approval.
- Noted an error in the notice that was provided by the Applicant to the neighbours and the City that incorrectly stated the site variance location.
- Believes this is the best location for the garage.

Gallery:

Andrew Chouinard, Dubbin Road

- Raised concerns that the location of this proposed garage will negatively impact his site lines and will be looking at a huge blank wall at his front entrance.
- The driveway will block their view when having coffee on their deck.
- Raised concern that the retaining wall crosses the road access.
- Raised concerns that the entrance to this proposed garage will only be 6 feet from his driveway and believes it's an accident waiting to happen.
- Commented that the garage will be where the septic field is located and questioned whether there really is a septic field.
- Biggest concern is the size of the building and where it is constructed as it will completely hinder their view to the south; the view will be lost.

Staff:

- Garage access and driveway need to meet City engineer requirements; the City's staff engineering objective is public safety with a focus on public streets.
- Confirmed that Interior Health regulates and controls septic fields.
- Confirmed no landscaping is required with this application.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Given

R410/18/04/17 THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0035 for That Part of Lot 2 Section 20 Township 23 ODYD Plan 3252 Lying North West of Road Shown on Said Plan, located at 2510 Dubbin Road, Kelowna, BC;

AND THAT variances to the following sections of Subdivision, Development & Servicing Bylaw No. 7900 be granted:

Section 4.6: Curb and Gutter, Sidewalk and Bike Lanes Design Standards

To vary the driveway access to a residential property from one (1) driveway per road frontage allowed to two (2) driveways per road frontage proposed.

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

Section 12.3.6(b): RR3 – Rural Residential 3 Development Regulations

To vary the maximum height from 9.5 m or 2 ½ storey permitted to 11.77 m and 3 storeys 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

8. **Reminders – Nil.**

9. **Termination**

The meeting was declared terminated at 10:27 p.m.

Mayor Basran

/acm

Deputy City Clerk