



City of Kelowna
Regular Council Meeting
Minutes

Date: Tuesday, July 31, 2018
Location: Council Chamber
City Hall, 1435 Water Street

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

Council Members Absent: Councillor Ryan Donn

Staff Present: City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Acting Divisional Director, Community Planning and Strategic Investments, Derek Edstrom; Urban Planning Manager, Terry Barton; Suburban and Rural Planning Manager, Dean Strachan*; Planner Specialist, Adam Cseke; and Acting Legislative Services Supervisor, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 9:38 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor DeHart.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Sieben

R722/18/07/31 THAT the Minutes of the Public Hearing and Regular Meeting of July 17, 2018 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 Lakeshore Rd 5165, Z18-0036 (BL11634) - Kenneth & Darlene Therrien

Moved By Councillor Stack/Seconded By Councillor DeHart

R723/18/07/31 THAT Bylaw No. 11634 be read a second and third time and be adopted.

Carried

4.2 Francis Ave 615, Z18-0058 (BL11635) - John Thomas Hodges

Moved By Councillor DeHart/Seconded By Councillor Stack

R724/18/07/31 THAT Bylaw No. 11635 be read a second and third time.

Carried

4.3 Pacific Ave 1211, 1221-1223, 1237 & 1239 and Pasnak St 1929 & 1933, Z18-0026 (BL11636) - Pacific Pasnak Holdings Ltd.

Moved By Councillor Stack/Seconded By Councillor DeHart

R725/18/07/31 THAT Bylaw No. 11636 be read a second and third time.

Carried

4.4 Badke Rd 905-907, Bryden Rd 155 & Hwy 33 W 970, OCP18-0007 (BL11638) - Kelowna Christian Centre Society

Moved By Councillor Sieben/Seconded By Councillor Singh

R726/18/07/31 THAT Bylaw No. 11638 be read a second and third time.

Carried

- 4.5 Badke Rd 905-907, Bryden Rd 155 & Hwy 33 W 970, Z18-0027(BL11639) - Kelowna Christian Centre Society

Moved By Councillor Sieben/Seconded By Councillor Singh

R727/18/07/31 THAT Bylaw No. 11639 be read a second and third time.

Carried

- 4.6 Hawes Ct 526, Z18-0032 (BL11640) - David Nicholds

Moved By Councillor Sieben/Seconded By Councillor Singh

R728/18/07/31 THAT Bylaw No. 11640 be read a second and third time.

Carried

- 4.7 OCP18-0016 (BL11643) Amendments to Chapter 6 - Environment - City of Kelowna

Moved By Councillor Hodge/Seconded By Councillor Gray

R729/18/07/31 THAT Bylaw No. 11643 be read a second and third time and be adopted.

Carried

- 4.8 Cedar Ave 414 & 420, Z18-0021 (BL11644) - Albert Weisstock

Moved By Councillor Given/Seconded By Councillor Gray

R730/18/07/31 THAT Bylaw No. 11644 be read a second and third time;

AND THAT the following condition for final adoption of Bylaw No. 11644 be deleted:

"AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the final lot consolidation with the closure and sale of the adjacent laneway to the applicant;"

and replaced with:

"AND THAT final adoption of the Rezoning Bylaw be considered subsequent to final lot consolidation;"

Carried

4.9 St Paul St 1471, Z18-0002 (BL11646) - Mission Group Holdings Ltd

Moved By Councillor Hodge/Seconded By Councillor Gray

R731/18/07/31 THAT Bylaw No. 11646 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 429 statutory notices to the owners and occupiers of the surrounding properties on Tuesday, July 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. Development Permit and Development Variance Permit Reports

6.1 Findlay Rd 1297, Z16-0083 (BL11430) - Radec Group

Moved By Councillor Given/Seconded By Councillor Gray

R732/18/07/31 THAT Bylaw No. 11430 be amended at third reading by:

- deleting "Lot A Section 35 Township 26 ODYD Plan 18811" and replace it with "Lot 1, Section 35, Township 26, ODYD, Plan EPP69228"; and
- deleting "1287 &" in the title;

Carried

Moved By Councillor Given/Seconded By Councillor Gray

R733/18/07/31 THAT Bylaw No. 11430, as amended, be adopted.

Carried

6.2 Findlay Rd 1297, DP16-0295 & DVP16-0296 - TMI Properties Ltd

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:

Steve Kraushar, Findlay Road

Polly, Ron Hart Architecture, Applicant's Representative

- Responded to questions from Council.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Sieben

R734/18/07/31 THAT Rezoning Bylaw No. 11430 be amended at third reading to revise the legal description of the subject properties from Lot A Section 35 Township 26 ODYD Plan 18811, located at 1297 Findlay Road, Kelowna, BC, and Lot B Section 35 Township 26 ODYD Plan 18811, located at 1287 Findlay Road, Kelowna, BC to Lot 1, Section 35, Township 26, ODYD, Plan EPP69228, located at 1297 Findlay Road;

AND THAT final adoption of Rezoning Bylaw No. 11430 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP16-0295 for Lot 1, Section 35, Township 26, ODYD, Plan EPP69228, located at 1297 Findlay Road, 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, as shown on Schedule "A":

Section 8.9.1(c): Parking and Loading – Off Street Vehicle Parking Location

To vary the required rear yard setback for off-street parking from 1.5m required to 0.0m proposed;

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

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

Carried

6.3 Drysdale Blvd 333, DP18-0037 & DVP18-0038 - OCORP Developments

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letters of Opposition and Concern:

Suzanne and Jim McKay, Whitman Road (2 pieces)
Marie Rolfe, Whitman Road
Richard and Marlene Wright, Whitman Road
John and Donna Harling, Whitman Road
Mr. and Mrs. Smart, Whitman Road
Sheila Dunn, Whitman Road
Joel and Cheryl Kuyvenhoven, Drysdale Blvd
Harry and Lesley Osachoff, Whitman Road
Barry and Cheryl Bashutski, Whitman Road
Jennifer Woods, Whitman Road

John Guy Beliveau, Zeidler Architecture, Applicant's Representative

- Displayed a PowerPoint presentation summarizing the rationale for the development.
- Spoke to the form and character of the buildings and the rationale for the requested variances.

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

Gallery:

Greg Baytalan, Valley Road

- Lives adjacent to the subject property.
- Not opposed to the application, but does have some concerns.
- Inquired as to how the height is determined.
- Expressed a concern with the landscaping on the site and whether he should increase his plantings to ensure his privacy.
- He has had no dialogue regarding the proposed development, despite attempts to contact both the developer and the architect.
- Expressed a concern with parking in the area.

John Guy Beliveau, Zeidler Architecture, Applicant's Representative

- Responded to the intervenors concerns.

- Advised that the existing vegetation will remain and there will be additional landscaping on the subject property.
- Neither he or his client have engaged directly with the intervenor; only the developer's notification letter was sent out to the surrounding property owners.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Given

R735/18/07/31 THAT Council authorizes the issuance of Development Permit No. DP18-0037 for Lot 2, Section 33, Township 26, Plan EPP48909, located at 333 Drysdale Boulevard, 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 as described in Schedule 'A' and according to the following:

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

To vary the required maximum height from 18.0 m or 4.5 storeys permitted to 17.0 m or 5 storeys proposed

Section 8 Parking and Loading - Table 8.1 Parking Schedule

To vary the minimum amount of parking stalls from 242 to 237 parking stalls.

Section 7.6.1 (c): Minimum Landscape Buffers

To vary the minimum landscape buffer from 3.0 m to 1.5 m along the northern property line.

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

Moved By Councillor Sieben/Seconded By Councillor Singh

R736/18/07/31 THAT the meeting be continued past 11:00 p.m. in accordance with Section 5.4 of *Council Procedure Bylaw No. 9200*.

Carried

6.4 Innovation Dr 1665, DP18-0100 & DVP18-0101 - Midwest Ventures Ltd

Councillor DeHart declared a conflict of interest as her employer is a major hotel chain and in competition with the applicant and left the meeting at 11:04 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence was received.

Darren Schlemp, Applicant's Representative

- Made comments on the form and character of the building.
- Spoke to the rationale for the requested variances.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward. There were no further comments.

Moved By Councillor Singh/Seconded By Councillor Gray

R737/18/07/31 THAT Council authorizes the issuance of Development Permit No. DP18-0100 and DVP18-0101 for Lot 1, Section 14, Township 23, Plan EPP64815, located at 1665 Innovation Drive, 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 14.9.5 (B): C9 - Tourist Commercial Regulations

To vary the required maximum height from 22.0 m or 6 storeys permitted to 25.3 m or 6 storeys proposed

Section 14.9.5 (E): C9 -Tourist Commercial Regulations

To vary the required minimum rear yard from 15.0 m permitted to 11.5 m proposed

AND THAT variances to the following sections of Sign Bylaw No. 8235 be granted:

Section 6.1 (Industrial and Commercial Zones): Specific Zone Regulations

To vary the maximum awning, fascia, canopy, under canopy/awning from 2 signs to 5 signs 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

7. Reminders – Nil.

8. Termination

The meeting was declared terminated at 11:13 p.m.

Mayor Basran

City Clerk

/slh