



City of Kelowna Regular Meeting Minutes

Date:	Tuesday, February 12, 2019
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine Dehart, Gail Given, Charlie Hodge, Brad Sieben and Luke Stack
Members Absent	Councillors Ryan Donn, Mohini Singh and Loyal Wooldridge
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Acting Divisional Director, Community Planning & Strategic Investments, Derek Edstrom; Community Planning Department Manager, Ryan Smith; Suburban and Rural Planning Manager, Dean Strachan*; Planner Specialist, Alex Kondor*; Legislative Coordinator (Confidential), Clint McKenzie; Legislative Coordinator (Confidential), Rebecca Van Huizen

(*denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:21 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Stack.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Given

R0140/19/02/12 THAT the Minutes of the Public Hearing and Regular Meeting of January 29, 2019 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 Barnaby Rd 751, BL11728 (Z18-0073) - Kristine Sales and Dustin Sales

Moved By Councillor Dehart/Seconded By Councillor Sieben

R0141/19/02/12 THAT Bylaw No. 11728 be read a second and third time and be adopted.

Carried

4.2 Cadder Ave 418-422, BL11736 (Z18-0083) - Geoffrey & Michelle Couper and Friedrich & Evelyn Wille

Moved By Councillor Dehart/Seconded By Councillor Sieben

R0142/19/02/12 THAT Bylaw No. 11736 be read a second and third time.

Carried

4.3 Hein Rd 365-367, BL11737 (Z18-0066) - 1918951 Alberta Ltd

Moved By Councillor Dehart/Seconded By Councillor Sieben

R0143/19/02/12 THAT Bylaw No. 11737 be read a second and third time.

Carried

4.4 Kneller Rd 210, BL11738 (Z18-0099) - Gurdev and Kamalpreet Gill

Moved By Councillor Stack/Seconded By Councillor Dehart

R0144/19/02/12 THAT Bylaw No. 11738 be read a second and third time.

Carried

4.5 Creekside Rd 1200, BL11742 (Z18-0095) - 0806568 BC Ltd

Moved By Councillor Dehart/Seconded By Councillor Sieben

R0145/19/02/12 THAT Bylaw No. 11742 be read a second and third time and be adopted.

Carried

4.6 Dehart Rd 894, BL11748 (Z18-0119) - Stephen Edward Sai-Wung Cheung

Moved By Councillor Dehart/Seconded By Councillor Stack

R0146/19/02/12 THAT Bylaw No. 11748 be read a second and third time.

Carried

4.7 Venus Rd 165, BL11749 (Z18-0120) - Andrew Bergestad

Moved By Councillor Stack/Seconded By Councillor Dehart

R0147/19/02/12 THAT Bylaw No. 11749 be read a second and third time and be adopted.

Carried

4.8 Sexsmith Rd 2960, BL11750 (Z18-0061) - Stuart McMillan and Jackie-Lynn Large

Moved By Councillor Stack/Seconded By Councillor Dehart

R0148/19/02/12 THAT Bylaw No. 11750 be given second and third readings.

Carried

4.9 Penno Rd 360, BL11751 (Z18-0086) - New North West Trading

Council Sieben declared a conflict as the applicant is a client and left the meeting at 7:34 p.m.

Moved By Councillor Hodge/Seconded By Councillor Given

R0149/19/02/12 THAT Bylaw No. 11751 be given second and third readings.

Carried

Council Sieben returned to the meeting at 7:34 p.m.

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 261 statutory notices to the owners and occupiers of surrounding properties on Tuesday, January 29, 2019. 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 Dougall Rd N 345, BL11528 (Z17-0041) - Unik-Town Development Inc

Moved By Councillor Hodge/Seconded By Councillor Given

R0150/19/02/12 THAT Bylaw No. 11528 be amended at third reading by deleting the legal descriptions that read:

- Lot A Sec 26 Twn 26 ODYD Plan 6977
- Lot B Sec 26 Twn 26 ODYD Plan 6977
- Lot C Sec 26 Twn 26 ODYD Plan 6977

And replacing it with:

- Lot 1 Sec Twn 26 ODYD Plan EPP84282

Carried

Moved By Councillor Hodge/Seconded By Councillor Given

R0151/19/02/12 THAT Bylaw No. 11528 as amended, be adopted.

Carried

6.2 Dougall Rd N 345, DP17-0118 DVP17-0119 - Unik-Town Development Inc

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.
- Confirmed applicant has committed to a carshare program onsite.

The City Clerk advised that the following correspondence was received:

Letters of Opposition and Concern:

Ron & Tammie Clarke, McIntosh Rd
Peter Oostlander & Ingrid Enns, McIntosh Road

Sheldon Dee, Applicant's Marketing Representative:

- Here on behalf of applicant as flight was cancelled due to weather.
- Confirmed cars will be purchased and provided to Modo Car Share onsite.
- Responded to questions from Council.

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

Gallery:

Steve Jancikic, Dougall Rd North:

- In support but concerned with visitor parking.
- Agreed with Councillor Hodge's earlier comments on long term parking implications.

Matthew Engel, Asher Road:

- Raised concerns with lack of parking stalls for visitors and tenants.
- Raised concerns with lack of storage for each micro unit.
- Raised concerns with existing transit service in the City and variances to parking won't help.

Christian Brandt, Modo representative:

- Provided details of agreement with the developer regarding car share.

Michael Edmunds, Dougall Road North:

- Concerned about reduced parking and that it will create overspill parking on the road.

Staff responded to questions from Council.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Given

R0152/19/02/12 THAT Rezoning Bylaw No. 11528 be amended at third reading to revise the legal description of the subject properties from:

1. Lot A Sec 26 Twn 26 ODYD Plan 6977, located at 360 McIntosh Road, Kelowna, BC;
2. Lot B Sec 26 Twn 26 ODYD Plan 6977, located at 345 Dougall Road, Kelowna, BC
3. Lot C Sec 26 Twn 26 ODYD Plan 6977, located at 365 Dougall Road, Kelowna, BC;
to Lot 1 Sec 26 Twn 26 ODYD Plan EPP84282;

AND THAT final adoption of Rezoning Bylaw No. 11528 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0118 and Development Variance Permit DVP17-0119 for Lot 1 Section 26 Township 26 ODYD Plan EPP84282, located at 345 Dougall Rd, 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 8: Table 8.1 Parking Schedule

To vary the number of parking stalls from 96 (required) to 66 (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 Roanoke Ave 660, DVP18-0217 - Nathan Peters

This item was withdrawn from the agenda and will be advertised to a future meeting.

6.4 Fuller Rd 4663, DVP18-0245 - Jason and Amanda Schindel

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence was received.

The applicant was not in attendance.

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

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Hodge

R0153/19/02/12 THAT Council authorizes the issuance of Development Variance Permit No. DVP18 - 0245 for Lot B, Section 25, Township 28, SDYD Plan EPP 81401, located at 4663 Fuller Rd, Kelowna, BC;

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

Section 13.1.6(d): RU1 – Large Lot Housing Development Regulations

To vary the required minimum north side yard set-back from 2.0m required to 1.5m proposed.

Section 7.6.1(e): Minimum Landscape Buffers

To vary the required combined south side yard setback (2.0m) and landscape buffer (3.0m) from a total of 5.0m required to 3.0m proposed.

AND THAT Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated February 12, 2019;

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

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

6.5 Clement Ave 599, OCP17-0028 (BL11563) - Okanagan Opportunity GP Inc.

Moved By Councillor Given/Seconded By Councillor Hodge

R0154/19/02/12 THAT Bylaw No. 11563 be amended at third reading by deleting the legal descriptions that read:

- Lot 29 District Lot 139 ODYD Plan 1303
- Lot 56 District Lot 139 ODYD Plan 1037
- Lot 57 District Lot 139 ODYD Plan 1037
- Lot 58 District Lot 139 ODYD Plan 1037
- Lot 59 District Lot 139 ODYD Plan 1037
- Lot 1 District Lot 139 ODYD Plan 11327
- Lot 2 District Lot 139 ODYD Plan 11327

And replacing it with:

- Lot A District Lot 139 ODYD Plan EPP82176

Carried

Moved By Councillor Hodge/Seconded By Councillor Given

R0155/19/02/12 THAT Bylaw No. 11563 as amended, be adopted.

Carried

6.6 Clement Ave 599, Z17-0103 (BL11564) - Okanagan Opportunity GP Inc.

Moved By Councillor Stack/Seconded By Councillor Dehart

R0156/19/02/12 THAT Bylaw No. 11564 be amended at third reading by deleting the legal descriptions that read:

- Lot 29 District Lot 139 ODYD Plan 1303
- Lot 56 District Lot 139 ODYD Plan 1037
- Lot 57 District Lot 139 ODYD Plan 1037
- Lot 58 District Lot 139 ODYD Plan 1037
- Lot 59 District Lot 139 ODYD Plan 1037
- Lot 1 District Lot 139 ODYD Plan 11327
- Lot 2 District Lot 139 ODYD Plan 11327

And replacing it with:

- Lot A District Lot 139 ODYD Plan EPP82176

Carried

Moved By Councillor Hodge/Seconded By Councillor Given

R0157/19/02/12 THAT Bylaw No. 11564 as amended, be adopted.

Carried

6.7 Clement Ave 599 DP17-0247 DVP17-0248 - Okanagan Opportunity GP Inc

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

Dr. S Ames, Abbott Street
Nicole & Jake Pesta, Coronation Avenue

Applicant, Roger Green, MQN Architects:

- Spoke to addressing the colours of the original design and changing to more natural colours in response to neighbourhood concerns.

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

Gallery:

Clarke Van Peteghem, Clement Ave:

- Adjacent property owner.
- Raised concerns with impacts on his property and surrounding neighbourhood.
- Opposed to all variances.
- Design has been improved, concerned with the concrete wall height with the parkade on the west property line facing his property.
- Concerned with the transition to adjacent lots.
- Alley clearances are tight.

Nicole Elliott, Coronation Avenue:

- Raised concerns with negative impact vacant buildings owned by the applicant.
- Concerns with the size of the building for the size of the lot.
- Concerns with finish of the building, does not fit into the area.
- Parking should be increased rather than reduced.

Brody Dap, Clement Ave:

- Opposed to variances; building will dwarf the single family houses in the neighbourhood.
- Concerns with the width of the alley.

Christopher Szymberski, Coronation Ave:

- Opposed to form and character of the proposed building, large wall to the west faces his property.
- Concerns with lane and traffic increases.
- Commented on whether the developer is giving something back to community in conjunction with the variances.

Stephanie, Coronation Ave:

- Opposed to setback variances.
- Commented on need for more trees and vegetation adjacent to other properties.
- Setbacks negate options to transition from site to neighbourhood properties.

Jacob Pesta, Coronation Ave:

- Opposed to variances.
- Noted the developer can do a better job at addressing the issues and impacts to adjacent properties.

Applicant's Representative, Kevin Edgecombe, Edgecombe Builders response to questions raised:

- Spoke to efforts at keeping homeless from vacant buildings on site.
- Spoke to the height of the development for a purpose built rental project and the need for variances.
- Confirmed that offsite improvements will be addressed as part of this development.

Applicant, Roger Green, MQN Architects:

- Spoke to transition from neighbouring C-7 zoned building into the subject property.
- Commented on the colours and theme of the exterior.
- Responded to questions from Council.

Staff responded to questions from Council.

There were no further comments.

Staff confirmed that the power lines in the lane will be put underground.

Moved By Councillor Given/Seconded By Councillor Sieben

R0158/19/02/12 THAT OCP Amendment Bylaw No. 11563 and Rezoning Bylaw No. 11564 be amended at third reading to revise the legal description of the subject property from:

1. Lot 29 District Lot 139 ODYD Plan 1303, located at 573 Clement Ave, Kelowna, BC
2. Lot 56 District Lot 139 ODYD Plan 1037, located at 577 Clement Ave, Kelowna, BC
3. Lot 57 District Lot 139 ODYD Plan 1037, located at 581 Clement Ave, Kelowna, BC
4. Lot 58 District Lot 139 ODYD Plan 1037, located at 581 Clement Ave, Kelowna, BC
5. Lot 59 District Lot 139 ODYD Plan 1037, located at 589 Clement Ave, Kelowna, BC
6. Lot 1 District Lot 139 ODYD Plan 11327, located at 599 Clement Ave, Kelowna, BC
7. Lot 2 District Lot 139 ODYD Plan 11327, located at 603 Clement Ave, Kelowna, BC

To Lot A, District Lot 139, ODYD, Plan EPP82176

AND THAT final adoption of OCP Amendment Bylaw No. 11563 and Rezoning Bylaw No. BL11564 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. 17-0247 and Development Variance Permit No. DVP17-0248 for Lot A, District Lot 139, ODYD, Plan EPP82176, located at 599 Clement Ave, 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;

5. That a car-share agreement and any necessary covenants and/or easements be registered on the property to ensure a car-share program is provided onsite.

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

Section 13.12.6 (b) RM6 – High Rise Apartment Housing Development Regulations:

To vary the maximum site coverage including parking areas and driveways from 50% to 79% proposed;

Section 13.12.6 (e) RM6 – High Rise Apartment Housing Development Regulations:

To vary the minimum side yard setback from 4.5m to 1.5m on the east side yard and 0.2m on the west side yard.

Section 13.12.6 (f) RM6 – High Rise Apartment Housing Development Regulations:

To vary the minimum rear yard setback from 9.0m to 4.0m.

Section 8: Parking and Loading, Table 8.1: Parking Schedule

To vary the required number of parking stalls from 92 required stalls to 72 proposed stalls;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit Application 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 Hodge - Opposed

6.8 Pacific Ave 1145, Z17-0118 (BL11621) - Okanagan Opportunity (Pacific) GP Inc

Moved By Councillor Given/Seconded By Councillor Hodge

R0159/19/02/12 THAT Bylaw No. 11621 be adopted.

Carried

6.9 Pacific Avenue 1145 DP17-0296 DVP17-0297 Okanagan Opportunity (Pacific) GP Inc

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letters of Opposition and Concern:

Caroline Dacyk, Brookside Avenue
Iris Jones, Brookside Avenue
Irene Schoenfeld, Brookside Avenue
Thomas Illichmann, Gordon Drive
Debby Merkel, Brookside Avenue
Maria Franz, Pacific Avenue

Applicant was available for questions.

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

Gallery:

Maria Franz, Pacific Avenue:

- Adjacent property owner to development.
- Spoke to concerns with accuracy of recent survey and pin location as well as validity of variances required.
- Concerns with lack of landscaping to the entrance of the development.
- Concerns regarding spillover of road maintenance issues on her adjacent property due to difference in elevation between subject property and her own.
- Questioned whether there will be an onsite Manager.
- Spoke to variances due to high water table and her concerns with parking and commented on opportunity for underground parking.
- Noted that other nearby buildings have underground parking and that the applicant could pursue that and eliminate need for variances.

Applicant, Roger Green, MQN Architects:

- Spoke to survey being done by a registered surveyor, so isn't aware if it is misplaced.
- Spoke to challenges on the width of property and providing the parking obtained.
- Spoke to the introduction of townhouses in front of the parkade to address neighbourhood setback concerns.
- Consultants advised high water table negated underground parking option.
- Responded to questions from Council.

Staff responded to questions from Council.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Given

R0160/19/02/12 THAT final adoption of Rezoning Bylaw No. 11621 (Z17-0118) be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0296 Lot A District Lot 137 ODYD Plan EPP84914, located at 1145 Pacific Avenue, 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 authorize the issuance of Development Variance Permit No. DVP17-0297 for 0296 Lot A District Lot 137 ODYD Plan EPP84914, located at 1145 Pacific Avenue, Kelowna, BC;

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

Section 13.11.6 (b) Development Regulations – Site Coverage

To vary the site coverage (buildings) from 40% required to 57% proposed; and
To vary the site coverage (buildings, driveways & parking areas) from 65% required to 81% proposed.

Section 13.11.6 (c) Development Regulations – Height

To vary the height from 18m / 4.5 storeys proposed to 18.3m / 5 storeys proposed.

Section 13.11.6 (d) Development Regulations – Front Yard Setback

To vary the front yard setback for a portion of the building above 2 ½ storeys (3rd storey) from 6.0m required to 3.5m proposed.

Section 13.11.6 (e) Development Regulations – Side Yard Setback (East)

To vary the side yard setback (east) for portions of the building below 2 ½ storeys from 4.5 m required to 1.5 m proposed and from 7.0m required to 4.8m proposed for the 2nd – 4th storey portions of the building.

Section 13.11.6 (f) Development Regulations – Rear Yard Setback

To vary the rear yard setback from 9.0m required to 7.5m proposed.

Table 8.1 – Parking Schedule

To vary the minimum parking requirement from 48 stalls required to 36 stalls proposed.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit Application 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

7. Reminders

There were no reminders.

8. Termination

The meeting was declared terminated at 10:16 p.m.

Mayor Basran

City Clerk

sf/rvh