



City of Kelowna Regular Meeting

Minutes

Date: Tuesday, May 7, 2019
Time: 6:00 pm
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Brad Sieben*, Mohini Singh, Luke Stack and Loyal Wooldridge

Members Absent Councillor Charlie Hodge

Staff Present City Manager Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Community Planning & Development, Ryan Smith; Urban Planning Manager, Terry Barton; Planner Specialist, Adam Cseke; Legislative Coordinator (Confidential) Clint McKenzie

(*denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 8:18 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Sieben.

3. Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor Sieben

(R500/19/05/07) THAT the Minutes of the Public Hearing and Regular Meeting of April 23, 2019 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 Rutland Rd S 330, BL11794 (Z18-0115) - Keith Robertson

Moved By Councillor Wooldridge/Seconded By Councillor Singh

(R501/19/05/07) THAT Bylaw No. 11794 be read a second and third time.

Carried

4.2 Laurier Ave 913, BL11798 (Z18-0105) - 1128826 B.C. Ltd, Inc.No. BC1128826

Moved By Councillor Stack/Seconded By Councillor DeHart

(R502/19/05/07) THAT Bylaw No. 11798 be read a second and third time.

Carried

4.3 Laurier Ave 934, BL11799 (Z18-0103) - 1079687 B.C. Ltd, Inc.No. BC1079687

Moved By Councillor DeHart/Seconded By Councillor Stack

(R503/19/05/07) THAT Bylaw No. 11799 be read a second and third time.

Carried

4.4 Farris Rd 454, BL11812 (Z19-0048) - Scott Cramp and Lei Zhang

Bylaw was not considered as public hearing remains open.

4.5 Froelich Rd 540, BL11813 (Z18-0125) - Gurvinder Singh Dhanwant

Moved By Councillor Singh/Seconded By Councillor Wooldridge

(R504/19/05/07) THAT Bylaw No. 11813 be read a second and third time.

Carried

6. Liquor License Application Reports

6.1 Water St 1481, LL19-0003 - 0724591 B.C. Ltd., Inc.No. 0724591

Councillor Sieben declared a direct pecuniary conflict of interest as he is a shareholder in the applicant company and left the meeting at 8:31 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.

Carolyn Nixon, Applicant:

- Commented on a name change to the venue.
- Expressed that the expansion of 29 people upstairs will create better flow from one space to another.
- The space was storage for the former restaurant.
- Commented on the investment in the building as exterior renovations currently taking place.

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

Gallery:

No one from the gallery came forward.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Donn

(R505/19/05/07) 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:

1. Council recommends support of an application from 0724591 B.C. LTD., Inc. No. 0724591 for Lot A District Lot 139 ODYD Plan 27756 located at 1481 Water Street, Kelowna, BC, for a Liquor Primary License with a capacity of 124 persons and hours of sales from 9:00 AM to 1:00 AM Sunday to Saturday for License Number 307841.
2. 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.
3. 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

Councillor Sieben returned to the meeting at 8:36 p.m.

7. Development Permit and Development Variance Permit Reports

7.1 Clement Ave 726, OCP17-0021 (BL11604) - PC Urban Clement Holdings Ltd., Inc.No.BC1099980

Moved By Councillor Singh/Seconded By Councillor Wooldridge

(R506/19/05/07) THAT Bylaw No. 11604 be amended at third reading by deleting the legal descriptions that read:

- Block 29, Section 30, Township 26, ODYD Plan 202 Except Plans 5011 and KAP55948
- Lot A, Section 30, Township 26, ODYD Plan KAP55948,

And replacing it with:

- Lot A, Section 30, Township 26, ODYD Plan EPP83554

And updating 'Map A' attached to and forming part of this bylaw to reflect the lot amalgamation.

Carried

Moved By Councillor Singh/Seconded By Councillor Wooldridge

(R507/19/05/07) THAT Bylaw No. 11604 as amended, be adopted.

Carried

7.2 Clement Ave 726, Z17-0093 (BL11605) - PC Urban Clement Holdings Ltd., Inc.No. BC1099980

Moved By Councillor Singh/Seconded By Councillor Wooldridge

(R508/19/05/07) THAT Bylaw No. 11604 be amended at third reading by deleting the legal descriptions that read:

- Block 29, Section 30, Township 26, ODYD Plan 202 Except Plans 5011 and KAP55948
- Lot A, Section 30, Township 26, ODYD Plan KAP55948,

And replacing it with:

- Lot A, Section 30, Township 26, ODYD Plan EPP83554

And updating 'Map B' attached to and forming part of this bylaw to reflect the lot amalgamation.

Carried

Moved By Councillor Singh/Seconded By Councillor Wooldridge

(R509/19/05/07) THAT Bylaw No. 11605 as amended, be adopted.

Carried

7.3 Clement Ave 726, DP17-0212 DVP17-0213 - PC Urban Clement Holdings Ltd., Inc.No. BC1099980

Staff:

- Displayed a PowerPoint presentation summarizing the reasons for non-support of the application and responded to questions from Council.

The City Clerk advised that the following correspondence was received:

Letters of Support:

Raymond Kwong, BC Housing
Tim McLennan, Faction Project, Lakeshore Road

Brent Sawshun, Applicant:

- Project provides the opportunity to deliver 158 rental housing homes that will assist to activate the north-end of town.
- Continue to work with staff to improve the project.
- Retail elements will need surface parking.
- There is 2000 lineal feet of streetfront improvements.
- The context of this site is different, industrial site, certificate of compliance does not allow for residential at grade.
- Highlighted the improvements to greenspace.
- Mixed use project targeted to middle income families, supports the creation of more rental housing.
- The project supports active transportation,
- A total of \$2.3 million in offsite upgrades.
- 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:

Brian Chu, BC Housing:

- Provide a letter of support from BC Housing.
- Expressed there is excitement from BC Housing as the project focusing on housing the missing middle, the average family housing spectrum.
- The project meets all the principles for BC Housing.
- Responded to questions from Council.

Jill Buffy, Kelowna:

- Fully supports the project.
- There is room for improvement in the Clement area. Downtown will be available for these residents.
- the rail trail at the doorstep to this vibrant building.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

(R510/19/05/07) THAT Official Community Plan Map Amendment Bylaw No. 11604 (OCP17-0021) and Rezoning Bylaw No. 11605 (Z17-0093) be amended at third reading to revise the legal description of the subject property(ies) from: 1. Lot A, Section 30, Township 26, ODYD Plan KAP55948, located at 726 Clement Ave, Kelowna, BC; and 2. Block 29, Section 30, Township 26, ODYD Plan 202 Except Plans 5011 and KAP55948 located at 726 Clement Ave, Kelowna, BC; To: 1. Lot A, Section 30, Township 26, ODYD Plan KAP83554, located at 726 Clement Ave, Kelowna, BC.

AND THAT final adoption of OCP Amending Bylaw No. 11604 (OCP17-0021) and Rezoning Bylaw No. 11605 (Z17-0093) be considered by Council; AND THAT Council authorizes the issuance of Development Permit No. DP17-0212 for Lot A, Section 30, Township 26, ODYD Plan KAP83554, located at 726 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;

AND THAT Council authorize the issuance of Development Variance Permit DVP17-0213 for Lot A, Section 30, Township 26, ODYD Plan KAP83554, located at 726 Clement Ave, Kelowna, BC; AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A, B, & C": Section 14.4.5 (c) Development Regulations To vary the maximum height from 15.0m / 4storeys to 20.52m / 6 storeys. Table 8.1 Parking Schedule To vary the minimum number of parking stalls from 213 stalls to 190 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 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

7.4 Stellar Dr 392, DVP18-0215 - Steve Moore and Elizabeth Moore

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letters of Opposition and Concern:
Sviatlana Brazinski, Stellar Drive
John & Marianne Revers, Okaview Road

Steve Moore, Mountainside Drive, Applicant:

- Made comments on previous unsuccessful application and how it relates to the current application.

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

Gallery:

Marianne Revers, Oakaview:

- Opposed to the application, it will be considerably higher than the existing houses in the area.
- Will impact them directly by reducing the amount of sunlight in the winter.
- Raised concern with parking, it is necessary to have a spot for the secondary suite.
- Requested that the house be constructed within the existing Bylaw regulations.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Given

(R511/19/05/07) THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0215 for Lot A Section 23 Township 28 SDYD Plan KAP81216, located at 392 Stellar Drive, Kelowna, BC;

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

Section 7.5.9 – Landscaping and Screening Fencing and Retaining Walls

- a. To vary the maximum height of the retaining wall from 1.2 m required to 3.4 m proposed in accordance with Schedule "A" and Schedule "B".

Section 8.1 – Parking and Loading Parking Schedule

- a. To vary the designated secondary suite parking space from one required to none proposed in accordance with Schedule "A".

Section 13.1.6(c) – RU1 – Large Lot Housing Large Lot Housing Development Regulations

- a. To vary the minimum front yard setback from 4.5 m required to 3.5 m proposed in accordance with Schedule "A".
- b. To vary the minimum front yard setback from a garage having vehicular entry from the front from 6.0 m required to 3.75 m proposed in accordance with Schedule "A".

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

7.5 Richter St 2428-2430, DVP18-0216 - Christopher J. Roth and Jennifer L. Roth

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence was received.

Urban Options, Birte Decloux, Applicant's agent:

- Displayed photographs of existing buildings onsite.
- The application will connect the two houses by constructing a solarium dining room.

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 Donn/Seconded By Councillor DeHart

(R512/19/05/07) THAT Council authorize the issuance of Development Variance Permit DVP18-0216 for Lot 8, District Lot 14, Osoyoos Division, Yale District, Plan 1141, located on 2428-2430 Richter Street, Kelowna, BC.

AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted, as shown in Schedule "A":

Section 13.6.6(h) – Development Regulations:

To vary the required minimum rear yard setback of an existing building from 7.5 m permitted, to 3.05 m 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

There were no reminders.

9. Termination

The meeting was declared terminated at 9:43 p.m.

Mayor Basran

sf/cm

City Clerk