



City of Kelowna Regular Meeting Minutes

Date: Tuesday, June 4, 2019
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Ryan Donn, Gail Given, Mohini Singh and Loyal Wooldridge

Members Absent Councillors Maxine DeHart, Charlie Hodge, Brad Sieben, Luke Stack

Staff Present Acting City Manager, Derek Edstrom; City Clerk, Stephen Fleming; Development Planning Department Manager, Terry Barton; Planner Specialist, Adam Cseke; Planner, Lydia Korolchuk*; Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 8:06 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Given.

3. Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R582/19/06/04 THAT the Minutes of the Public Hearing and Regular Meeting of May 21, 2019 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 TA18-0007 (BL11672) - Energy Step Code Amendment - City of Kelowna

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R583/19/06/04 THAT Bylaw No. 11672 be read a second and third time.

Carried

4.2 West Ave 454-464, OCP18-0021 (BL11826) - West Avenue - Mission Group Rentals Ltd.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R584/19/06/04 THAT Bylaw No. 11826 be read a second and third time.

Carried

4.3 West Ave 454-464, Z18-0118 (BL11827) - West Avenue - Mission Group Rentals Ltd

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R585/19/06/04 THAT Bylaw No. 11827 be read a second and third time.

Carried

4.4 Sexsmith Rd 3130, Z18-0049 (BL11832) - DL Capital Inc., Inc. No. BCo820774

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R586/19/06/04 THAT Bylaw No. 11832 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 109 statutory notices to the owners and occupiers of surrounding properties on Tuesday, May 21, 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 Black Mountain Dr 1150 - DP18-0103 & DVP19-0088 - 1152712 B.C. Ltd.

Staff:

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

The City Clerk advised that no correspondence was received.

Patrick McCusker Architecture Inc.

- Displayed rendering on the computer showing how the design works with the slope.
- Spoke to tandem parking on the site and noted the pads were designed large enough for a full size car.
- 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.

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Given

R587/19/06/04 THAT Council authorizes the issuance of Development Permit No. DP18-0103 for Lot 1 Section 19 Township 27 Osoyoos Division Yale District Plan KAP81890, located at 1150 Black Mountain 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 Council authorizes the issuance of Development Variance Permit No. DVP19-0088 for Lot 1 Section 19 Township 27 Osoyoos Division Yale District Plan KAP81890, located at 1150 Black Mountain Drive, Kelowna, BC;

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

Section 7.5.9: Fencing and Retaining Walls

To vary the maximum height of a retaining wall from 1.2 metres to 2.5 metres 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 Schedule "A" attached to the Report from the Community Planning Department dated June 4, 2019;

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
Councillor Wooldridge - Opposed

6.2 Lindahl St. 2005 - DVP18-0154 - Nicholas and Cheryl Kirschner

Staff:

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

The City Clerk advised that no correspondence was received.

Birte Decloux, Urban Options Planning and Permits

- Commented that cul-de-sacs create irregular shaped lots; as is the subject property as well as the property to the rear that shares the lot line.
- Displayed images of the subject property as well as images of a neighbouring property zoned RU6 with two homes.
- This proposal is consistent with the rear neighbour.
- 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.

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Donn

R588/19/06/04 THAT final adoption of Rezoning Bylaw No. 11654 (Z18-0039) be considered by Council

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0154 for Lot 4, Section 19, Township 26, ODYD, Plan 19208, located at 2005 Lindahl Street, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted as identified within Schedule 'A':

Section 13.6.6 (h): [RU6 – Two Dwelling Housing Development Regulations]

To vary the required minimum rear yard setback from 7.5 m permitted to 3.0 m proposed.

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 permit to be issued;

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

Carried

6.3 Aberdeen St 2331 - DVP19-0025 - Gary Carpendale, Ruth Carpendale, Riley Darke and Casey Darke

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letters of Opposition and Concern:

Peter Jmaeff, Grenfell Avenue

Gary Carpendale, Applicant

- This site is larger than most RU7 lots so it can accommodate larger parking spaces.

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 Singh

R589/19/06/04 THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0025 for Lot 1, District Lot 136, ODYD, Plan 9138, located at 2331 Aberdeen Street, Kelowna, BC;

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

Section 6.5.3 (a): General Development Regulations - Accessory Buildings in Residential Zones

To vary the maximum site coverage for accessory buildings from 90m² permitted to 97.2m² 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

6.4 Pooley Rd 3060 - DVP19-0080 - Michael Neid

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letters of Concern:

Rosemarie Hawkins, Dall Road.

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 Wooldridge/Seconded By Councillor Donn

R590/19/06/04 THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0080 for Lot 2 Section 15, Township 26 ODYD Plan 6585, located at 3060 Pooley Rd, Kelowna, BC;

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

Section 11.1.5(b): A1 – Agriculture 1 Subdivision Regulations

To reduce the minimum lot area from 4.0 ha required to 0.6 ha 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

6.5 Airport Way 5505-5507 - DVP19-0086 - Midwest Ventures Ltd. BC0046021

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 no correspondence was received.

Darren Schlamp, Argus Properties Ltd.

- Displayed a PowerPoint Presentation.
- Attended Council meetings in 2017 when Council discussed and commented on the new sign bylaw; his personal notes indicated that off-site signs were not an issue.
- Spoke to concerns noted in staff's report; believes concerns are not valid or a public issue.
- Advised of a correction and noted that this application is specifically for 1708 Innovation Drive to be advertised on the existing pylon sign at Airport Way; any additional variances would require another variance to be considered by Council.
- The purpose of signs is to help people find things and that is why we are asking for this sign.

- Considers the area one development; building and colour schemes are consistent as well as signage.
- Not asking for additional signage; what signage is there today will be there tomorrow.
- 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.

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Given

R591/19/06/04 THAT Council NOT authorize the issuance of Development Variance Permit DVP19-0086 for Lot A, Section 14, Township 23, ODYD, Plan EPP23036, located at 5505-5507 Airport Way, Kelowna, B.C.

Defeated

Mayor Basran, Councillors Singh and Wooldridge - Opposed

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R592/19/06/04 THAT Council authorize the issuance of Development Variance Permit DVP19-0086 for Lot A, Section 14, Township 23, ODYD, Plan EPP23036, located at 5505-5507 Airport Way, Kelowna, BC;

AND THAT the variances to the following sections of Sign Bylaw No. 11530 be granted, as shown on Schedule "A":

Section 2.3.2 Prohibitions

To vary the prohibitions for off-site signs to allow a tenant from 1708 – 1720 Innovation Drive to locate a sign on a communal pylon sign located on 5505-5507 Airport Way.

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

Councillors Donn and Given - Opposed

Councillor Donn left the meeting at 9:32 p.m.

The meeting terminated at 9:32 p.m. with loss of quorum.

Mayor Basran

City Clerk

/acm