



City of Kelowna

Date: Tuesday, June 18, 2019
Time: 6:00 pm
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran
Councillor Maxine DeHart
Councillor Ryan Donn
Councillor Gail Given
Councillor Charlie Hodge
Councillor Brad Sieben
Councillor Mohini Singh
Councillor Luke Stack
Councillor Loyal Wooldridge
Staff Present City Clerk, Stephen Fleming
Legislative Coordinator (Confidential)
Doug Gilchrist

1. Call to Order

Mayor Basran called the meeting to order at 6:31 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Wooldridge.

3. Confirmation of Minutes

Moved By Councillor Wooldridge

Seconded By Councillor Donn

THAT the Minutes of the Public Hearing and Regular Meeting of June 4, 2019 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 Clement Ave 816, BL11711 (TA18-0006) - PC Urban Clement Holdings Ltd., Inc. No. BC1099980

Moved By Councillor Wooldridge

Seconded By Councillor Hodge

THAT Bylaw No. 11711 be read a second and third time.

Carried

4.2 Clement Ave 816, BL11712 (Z18-0059) - PC Urban Clement Holdings Ltd., Inc. No. BC1099980

Moved By Councillor Hodge

Seconded By Councillor Wooldridge

THAT Bylaw No. 11712 be read a second and third time.

Carried

4.3 St. Paul St 1310, BL11822 (Z19-0024), Vibona Enterprises LTD., Inc. No. BCo458875

Moved By Councillor Hodge

Seconded By Councillor Wooldridge

THAT Bylaw No. 11822 be read a second and third time.

Carried

4.4 Valley Rd 330, BL11830 (OCP19-0002) - Springdale Properties Ltd., Inc. No. BCo864963

Moved By Councillor Wooldridge

Seconded By Councillor Hodge

THAT Bylaw No. 11830 be read a second and third time.

Carried

4.5 Valley Rd 330, BL11831 (Z19-0041) - Springdale Properties Ltd., Inc. No. BCo864963

Moved By Councillor Wooldridge

Seconded By Councillor Singh

THAT Bylaw No. 11831 be read a second and third time.

Carried

4.6 Lawrence Ave 1100, BL11846 (LUC19-0001) - M.R.D. Holdings Inc. No. BCo681200

Moved By Councillor Singh

Seconded By Councillor Hodge

THAT Bylaw No. 11846 be read a second and third time.

Carried

4.7 Lawrence Ave 1100, BL 11847 (Z19-0031) - M.R.D. Holdings Inc. No. BCo681200

Moved By Councillor Donn

Seconded By Councillor Stack

THAT Bylaw No. 11847 be read a second and third time.

Carried

6. Development Permit and Development Variance Permit Reports

6.1 Dougall Rd N 300 & 310, BL11413 (Z17-0014) - Nadeem Hussain

Moved By Councillor Donn

Seconded By Councillor Stack

THAT Bylaw No. 11413 as amended be adopted.

6.2 Dougall Road N 310, DP17-0033 and DVP17-0034 - Nadeem Hussain

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 Coe, 403-265 Froelich Road

Jessie Alexander, Nu-Town Architect, Agents Applicant was present and available for questions.

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 DeHart

Seconded By Councillor Sieben

THAT Rezoning Bylaw No. 11413 be amended at third reading to revise the legal description of the subject properties from Lot 20 Section 26 Township 26 ODYD Plan 5494 and Lot 21 Section 26 Township 26 ODYD Plan 5494 to Lot A Section 26 Township 26 ODYD Plan EPP75524;

AND THAT final adoption of Rezoning Bylaw No. 11413 (Z17-0014) be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0033 for Lot A Section 26 Township 26 ODYD Plan EPP75524, located at 310 Dougall Road N, 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 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 THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0034 for Lot A Section 26 Township 26 ODYD Plan EPP75524, located at 310 Dougall Road N, Kelowna, BC;

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

Section 14.4.4.5(c): C4 – Urban Centre Commercial Development Regulations

To vary the required maximum building height from the lessor of 15.0 m or 4 storeys permitted to 15.5 m and 5 storeys 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

6.3 Vaughan Ave 889, BL11676 (Z17-0094) - 1568447 Alberta Ltd

Moved By Councillor Donn

Seconded By Councillor DeHart

THAT Bylaw No. 11676 be adopted.

Carried

6.4 Vaughan Ave 889, DP17-0214 and DVP17-0215 - 1568447 Alberta Ltd

Staff:

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

The City Clerk advised that no correspondence was received.

Gary Tebutt, Applicant was present and available for questions.

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 Wooldridge

THAT final adoption of Rezoning Bylaw No. 11676 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0214 for Lot 1 Section 30 Township 26 ODYD Plan EPP34493, located at 889 Vaughan 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 authorizes the issuance of Development Variance Permit No. DVP17-0215 for Lot 1 Section 30 Township 26 ODYD Plan EPP34493, located at 889 Vaughan Avenue, Kelowna, BC;

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

Section 15.4.5(c): I4 – Central Industrial Development Regulations

To vary the required minimum front yard from 6.0 m permitted to 1.5 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 May 7, 2019;

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

6.5 Westpoint Dr. 872, DVP17-0218 - Derek Elmer & Wai Wah Wong

Staff:

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

The City Clerk advised that no correspondence was received.

The Applicant was present and available for questions.

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.

Staff:

Responded to questions from Council.

Darryl Woitas, Applicant:

- built the wall due to safety concerns; fire.
- have engineering stamp on the addition.
- poured the wall, as it was filling in.
- matched the wall that has been there since 1991.

There were no further comments

Responded to questions from Council.

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP17-0218 for the property known as Lot 40 District Lot 358 Osoyoos Division Yale District Plan 40481, located at 872 Westpoint Drive, Kelowna, BC.

Alternate

Moved By Councillor Sieben

Seconded By Councillor Stack

THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0218 for Lot 40 District Lot 358 Osoyoos Division Yale District Plan 40481, located at 872 Westpoint Drive, Kelowna BC;

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

Section [7.5.9]: [RU1 – Large Lot Housing Development Regulations]

To vary the required retaining wall from 1.2 m permitted to 3.1m proposed.

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

- The retaining wall be signed off by a qualified professional.
- The landscaping to be completed to the satisfaction of the Suburban and Rural Planning Manager.

Carried

6.6 Nickel Rd 280, BL11403 (DP18-0237, DVP18-0238) - 1126112 Alberta Ltd., Inc. No. A0084599

Moved By Councillor Donn

Seconded By Councillor DeHart

THAT Bylaw No. 11403 be amended at 3rd reading and adopted by deleting the legal description that reads:

- Lot 4 Section 27 Township 26 ODYD Plan 8839

And replacing it with:

- Lot A Section 27 Township 26 ODYD Plan EPP87929

AND THAT Bylaw No. 11403 be adopted.

Carried

6.7 Nickel Rd 280, DP18-0237 DVP18-0238 - 1126112 Alberta Ltd., Inc. No. Aoo84599

Staff:

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

The City Clerk advised that no correspondence was received.

Joe Walters, Applicant was present and available for questions.

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 DeHart

Seconded By Councillor Donn

THAT Rezoning Bylaw No. 11403 be amended at third reading to revise the legal description of the subject property from Lot 4 Section 27 Township 26 ODYD Plan 8839 to Lot A Section 27 Township 26 ODYD Plan EPP87929;

AND THAT final adoption of Rezoning Bylaw No. 11403 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP18-0237 for Lot A Section 27 Township 26 ODYD Plan EPP87929, located at 280 Nickel Road, 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. DVP18-0238 for Lot A Section 27 Township 26 ODYD Plan EPP87929, located at 280 Nickel Road, Kelowna, BC;

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

Section 13.7.6(a): RM1 – Four Dwelling Housing Development Regulations

To vary the required maximum site coverage of buildings, driveways and parking areas from 50% to 59% 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 June 4, 2019;

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 is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

6.8 Benvoulin Ct 2080, DP19-0045 and DVP19-0046 - Simple Pursuits Inc. No. BCo449611

Councillor Stack declared a direct conflict as his employer's offices are directly across the street from the application.

left the chambers at 7:17p.m.

Staff:

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

The City Clerk advised that no correspondence was received.

Shane Worman, West Avenue, Applicant:

- Working to provide 16 units of youth housing in the development.
- YAFH group - Youth Advocates for Housing was brought to provide input on the project. Looking to secure a housing agreement with a service provider.

Responded to questions from Council.

The Applicant was present and available for questions.

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 Sieben

Seconded By Councillor Wooldridge

THAT Council authorizes the issuance of Development Permit No. DP19-0045 for Lot B District Lot 128 ODYD Plan KAP83889, located at 2080 Benvoulin Court, 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. DVP19-0046 for Lot B District Lot 128 ODYD Plan KAP83889, located at 2080 Benvoulin Court, Kelowna, BC;

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

Section 8.1: Parking and Loading – Parking Schedule

To vary the number of parking stalls from 82 stalls required to 72 stalls provided;

AND THAT the Applicant be required to register on title a Section 219 Covenant to require the main floor (16 dwelling units) be used for supportive housing purposes;

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

6.9 865 Rose Ave, DVP19-0044 - Colin & Nanci Macdonald - TO BE DEFERRED DUE TO LACK OF SIGNAGE to the July 16th Council meeting

Item deferred. City clerk confirmed the applicant needs to comply with signage.

THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0044 for Lot 8, District Lot 136, ODYD, Plan 8116, located at 865 Rose Avenue, Kelowna, BC

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

Section 9.5b.1(i): RU1 – Specific Use Regulations

To vary the required minimum side yard from 1.5 m permitted to 0.99 m proposed.

Section 9.5b.1(j): RU1 – Specific Use Regulations

To vary the required minimum rear yard from 0.9 m permitted to 0.75 m proposed.

6.10 Ethel St 1368, DVP19-0091 - Lois McCloskey

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 Support:

Amanda Poon, Kelowna.

Birte Decloux, Urban Options, Applicant's agent:

- house from 1923 being rescued with minor setback variances.

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 Sieben

Seconded By Councillor Donn

THAT Council authorizes the issuance of Development Permit No. DVP19-0091 for Lot 2, District Lot 138, ODYD, Plan 31153, located at 1368 Ethel Street, Kelowna, BC;

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

Section 13.6.6(f): RU6 – Two Dwelling Housing Development Regulations

To vary the minimum front yard from 4.5m permitted to 3.3m proposed.

Section 13.6.6(g): RU6 – Two Dwelling Housing Development Regulations

To vary the minimum flanking street side yard from 4.5m permitted to 4.3m proposed.

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

To vary the minimum rear yard from 7.5m permitted to 7.39m 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

6.11 Abbott Street 1983, HAP18-0014 - Robert B. Wall and Hilda A. Wall

Staff:

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

The City Clerk advised that no correspondence was received.

Bob Wahl, Ethel Street, Applicant was present and available for questions.

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 Singh

THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP18-0014 for Lot 2, District Lot 14, Osoyoos Division, Yale District, Plan 3998, located at 1983 Abbott 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;

Carried

7. Reminders

8. Termination

The meeting was declared terminated at 7:46 p.m.

City Clerk

Mayor