



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, April 5, 2016
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Deputy Mayor Luke Stack, Councillors Maxine DeHart*, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben and Mohini Singh,

Members Absent Mayor Colin Basran

Staff Present City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Council Recording Secretary, Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Deputy Mayor Stack called the meeting to order at 7:57 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Donn.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Given

R247/16/04/05 THAT the Minutes of the Public Hearing and Regular Meeting of March 15, 2016 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 909 Juniper Road (formerly known as 1035 Hollywood Road South), BL11194 (OCP15-0014) - Seventh Day Adventist Church (British Columbia Conference)

Moved By Councillor Gray/Seconded By Councillor Given

R248/16/04/05 THAT Bylaw No. 11194 be read a second and third time.

Carried

- 4.2 909 Juniper Road (formerly known as 1035 Hollywood Road South), BL11195 (Z15-0043) - Seventh Day Adventist Church (British Columbia Conference)

Moved By Councillor Hodge/Seconded By Councillor Given

R249/16/04/05 THAT Bylaw No. 11195 be read a second and third time.

Carried

- 4.3 468 Barkley Road, BL11208 (Z15-0067) - Wayne & Lisa Heinen

Moved By Councillor DeHart/Seconded By Councillor Singh

R250/16/04/05 THAT Bylaw No. 11208 be read a second and third time.

Carried

5. **Notification of Meeting**

The Deputy City Clerk advised that Notice of Council's consideration of the Development Variance Permit Applications was given by sending out or otherwise delivering 1646 statutory notices to the owners and occupiers of surrounding properties, and 3514 informational notices to residents in the same postal delivery route, between March 22 and March 25, 2016.

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 1960 Water Street, HAP15-0012 - Christina & Kelly Donovan

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The Deputy City Clerk advised that the following correspondence or petitions had been received:

Letters of Support

Sean Upshaw, Knox Crescent
Beryl Itani, Rosemead Avenue

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

Peter Chataway, Applicant Representative

- Commented that staff provided a clear report.
- Provided history of the area in relation to zoning.
- This is a rehabilitation project in order to upgrade the existing building.
- This is a modest dwelling with a modest addition.

- Advised that 10 out of 12 neighbours signed a form letter of support for the application but missed connecting with 2 neighbours.

Kelly Donovan, Owner

- Purchased the house in 2005 and since the purchase more room is needed for their growing family.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Given

R251/16/04/05 THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP15-0012 for Lot 11 District Lot 14 ODYD Plan 1406, located at 1960 Water 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";

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted as shown on Schedule "C":

Section 13.1.6 (d): RU1 - Large Lot Housing Development Guidelines

To vary the required minimum side yard from 2.3 m permitted to 1.52 m proposed.

Section 13.1.6 (e): RU1 - Large Lot Housing Development Guidelines

To vary the required minimum rear yard from 7.5 m permitted to 4.2 m proposed.

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

Carried

Councillor DeHart declared a conflict of interest as she owns property in the north tower on Sunset Drive and departed the meeting at 8:41 p.m.

6.2 1088 Sunset Drive, DVP15-0301 - Strata Corp. KAS2503

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The Deputy City Clerk advised that the no correspondence or petitions had been received.

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

Applicant:

- Present and available for questions.

No one came forward.

There were no further comments.

Councillor Donn/Seconded By Councillor Hodge

R252/16/04/05 THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0301 for Common Property Strata Plan KAS2503, located at 1088 Sunset Dr., Kelowna, BC;

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

Section 8.1.11 (i) Drive Aisle Width

To vary the required drive aisle width from 6.0 m to 5.3 m as 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

Councillor DeHart rejoined the meeting at 8:45 p.m.

6.3 540 Osprey Avenue, BL11133 (Z15-0005) - 0958123 BC Ltd.

Councillor Singh/Seconded By Councillor DeHart

R253/16/04/05 THAT Bylaw No. 11133 be adopted.

Carried

6.4 540 Osprey Avenue, DP15-0020 & DVP15-0021 - 0958123 BC Ltd.

Staff:

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

The Deputy City Clerk advised that the no correspondence or petitions had been received.

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

Garry Tomporowski, Architect, Applicant Representative

- This is a form of infill housing.
- Believes this is a much needed rental option in the Pandosy area; a benefit with KGH and the College being in the vicinity.
- This project is incorporating unique design elements not seen in Kelowna.
- Respecting the environment by using green design concept and initiatives.
- The idea behind the mural is to mitigate the effect of the blank mass wall and to provide some interest. There is room for discussion regarding the design of the mural.
- Responded to questions from Council.

Anthony Yskes, U-neek Thinking Building Designer

- Advised that it's a zero lot line wall and displayed a picture as an example of the mural.
- The mural will have some interest, however, will be low key with not a great deal of investment as it could be covered up at some time.

There were no further comments.

Councillor Sieben/Seconded By Councillor DeHart

R254/16/04/05 THAT final adoption of Rezoning Bylaw No. 11133 (Z15-0005) be considered by Council;

AND THAT Council Authorizes the issuance of Development Permit No. DP15-0020 for Lot A District Lot 14 ODYD Plan EPP14200, located at 540 Osprey 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 amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;
5. The Development Permit not be issued until the lot consolidation is register at the Land Title Office;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0021 for Lot A District Lot 14 ODYD Plan EPP14200, located at 540 Osprey Ave, Kelowna, BC;

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

Section 14.4.5 (b) - C4 - Urban Centre Commercial Development Regulations
To vary the required maximum site coverage from 75 % permitted to 91% proposed.

Section 14.4.5 (c) - C4 - Urban Centre Commercial Development Regulations
To vary the required maximum height from the lesser of 15.0 m or 4 storeys permitted to 17.8 m or 5 storeys proposed.

AND THAT this Development Permit and Development Variance Permit be subsequent to the payment of cash-in-lieu payment in the amount of \$45,000.00 for six parking stalls.

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

6.5 206 Lochview Road, DVP15-0293 - Norval Bradley

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The Deputy City Clerk advised that the no correspondence or petitions had been received.

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

Dan Francoeur, Applicant Representative

- Advised the application relates to safety and aesthetics.

There were no further comments.

Councillor Gray/Seconded By Councillor Hodge

R255/16/04/05 THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0293 for Lot 2 Section 7 Township 23 ODYD Plan 18805, located at 206 Lochview Road, Kelowna, BC;

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

Section 11.1.6 (c): A1 - Agricultural 1 Development Regulations

To vary the required minimum front yard from 6.0 m permitted to 1.3 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

6.6 332 Lake Avenue, DP15-0173 & DVP15-0174 - Windmill Ventures Ltd. & 0797989 BC Ltd.

Staff:

- Displayed a PowerPoint presentation summarizing the application.
- Confirmed this is not in the Abbott Street Heritage Conservation area, however it is across the street from the boundary
- Responded to questions from Council.

The Deputy City Clerk advised that the following correspondence or petitions had been received:

Letters of Support

Sean Upshaw, Knox Crescent
Beryl Itani, Rosemead Avenue

Letters of Opposition or Concern

Rudy Schoenfeld, Maple Street
Michael & Moira Willmott, Maple Street
Richard & Carole Denison, Maple Street
Heather Marshall, Water Street
Paddy Hall on behalf of the Board of Directors of FRAHCAS

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

Neil Jaud, Architect Inc., Applicant Representative

- Displayed a PowerPoint presentation noting the concept of a residential community within a community.
- Provided a history of development plans for the site including sustainability aspect.
- Displayed an image of a 2009 application that had been approved consisting of 32 bachelor suites. Clarified that in 2009 the height requested was 17.58 m and now requesting 20.1 m with fewer suites.
- Sill require outdoor surface parking.
- Has explored an L-shaped building but was not feasible.
- Has performed a shadowing exercise in the neighbourhood.
- Highlighted a sheltered and central communal entrance with secure landscaped yards that ties to the park and Mill Creek Greenway.
- Believes the design reflects residential scale and massing defined by layered building planes, balcony niches, windows and colours.
- Worked with images in the local area to show multi-faceted façade.

- Residential roof top garden is an asset.
- Sustainability materials used such as solar panels and magnesium wall panels.
- Responded to questions from Council.

Gallery:

Paddy Hall, President of FRAHCAS

- Speaking on behalf of residents in the area and those that are immediately impacted.
- Provided information on society boundaries on both west and east sides of Water Street.
- There are 182 homes in the boundary area and 100 households are active in the society; commented that there is strong membership and participation.
- Referenced correspondence submitted by FRAHCAS noting opposition to the height that far exceeds what is appropriate for the site; surface parking lot not conducive to a community of single family dwellings; no consideration given for the architecture or streetscape to the heritage characteristics of the surrounding residences; and the significant shadowing effect.
- Having a surface parking lot as an entry way into this neighbourhood is the least preferred concept. Referenced inviting entry way off of Highway 97 to Abbott Street Conservation area.
- FRAHCAS would like to work collaboratively with development community.
- Does not believe the proposed development is an Art Deco style and does not represent local character.
- The Society supports staff recommendation of non-support for this application.
- The Martin Lofts noted in the Applicant's PowerPoint Presentation is in a completely different neighbourhood with different zoning and cannot be compared to the heritage area.
- A residential community within a community does not reflect being a part of the neighbourhood.

Andrew Meiklejohn, Water Street

- Lives directly across from proposed front entrance.
- Agrees with staff's non-support for this application.
- In favour of something occurring on this site as it is an eyesore; however, this proposal is the wrong solution.
- Believes the number of variances indicates this proposal is the wrong solution.
- Concerned with the excessive surface parking.
- Consider future potential impacts of the neighbourhood.
- Opposed to this application.

Leonard Lermer, Water Street

- Agrees with staff's non-support for this application.
- Raised concerns with the height variances and the height impact.
- Indicated would support development that meets the requirements of the RM5 zone only.
- Commented that the 30-foot cedar hedges bordering between his property and the applicants were ruined but was advised this was a civil matter.

Neil Jaud, Architect Inc., Applicant Representative

- Advised that reference to the Martin Lofts development was to provide a sense of scale.
- Advised he had spent a number of years on the West Vancouver's Heritage Advisory Commission and is well aware of concerns in the Abbott area; believes the design treated the area and heritage with sensitivity.

Tim Walchuck, Developer

- The previous building concept was contemplated with the future purchase of the Water Street corner lot therefore the design was higher due to the water table. Stated the corner lot will never be acquired.

Staff:

- Clarified that the height is measured from natural grade; where the ground is today. In 2009 the grade was measured from the fill on site. This was further clarified in the 2011 Rezoning Bylaw.

There were no further comments.

Councillor Hodge/Seconded By Councillor Singh

R256/16/04/05 THAT Council NOT authorize the issuance of Development Permit DP15-0173 and Development Variance Permit DVP15-0174 for Lot A, District Lot 14, ODYD, Plan KAP90495, located at 332 Lake Ave, Kelowna, BC.

Carried

6.7 775 Academy Way, DP15-0314 & DVP15-0315 - Watermark Developments Ltd.

Staff:

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

The Deputy City Clerk advised that the no correspondence or petitions had been received.

Deputy Mayor read aloud Item 6.8 to be heard in concurrence with the Applicant providing an overview of both applications.

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

Moved By Councillor Given/Seconded By Councillor DeHart

R257/16/02/16 THAT Council continue the Tuesday, April 5, 2016 Regular Meeting past 11:00 p.m.

Carried

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

Luke Turri, Mission Group Homes, Applicant Representative

- Displayed a PowerPoint presentation re: U-Three @ University District
- Have been in the area for quite some time and will further develop student oriented housing and some housing units will go to market.
- Provided a rationale for the U3A variance;
 - o Affordability;
 - o Constructability;
 - o Parking-pool efficiency;
 - o Demand (U-District Experience)
- Comfortable with the amount of parking stalls that are being presented as not all stalls have been used in other phases. There are 8 parking stalls available in the U-One phase and 17 stalls available in U-Two phase.
- U-Three design improvements consist of streetscape; planting areas; pedestrian network; linear greenspace; building entry and visitor parking.
- There will be an electric vehicle charging system paid by the Mission Group. As well, a fully funded car share vehicle and bike maintenance areas.
- Rental fees and parking fees will remain separate.

No one came forward.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Singh

R258/16/02/16 THAT Council authorizes the issuance of Development Permit No. DP15-0314 for Lot 2, Section 3 & 10, Township 23, ODYD, Plan EPP53793, located on 775 Academy Way, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. An updated Landscape Plan be provided on the land in general accordance with Schedule "C" and to the satisfaction of the Community Planning Director;
4. Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied as described in the report's "Attachments";
5. 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 professional landscaper;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0315, Lot 2, Section 3 & 10, Township 23, ODYD, Plan EPP53793, located on 775 Academy Way, Kelowna, BC.

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

Section 8.1 - Parking Schedule

Vary the parking requirements from 152 parking stalls required to 103 parking 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 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

6.8 805 Academy Way, DP15-0316 & DVP15-0317 - Watermark Developments Ltd.

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.
- Confirmed that structure parking preferred, however, compromised with trees, landscaping and other amenities.

The Deputy City Clerk advised that the no correspondence or petitions had been received.

Deputy Mayor Stack invited the applicant or 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 Sieben/Seconded By Councillor DeHart

R259/16/02/16 THAT Council authorizes the issuance of Development Permit No. DP15-0316 for Lot 1, Section 3 & 10, Township 23, ODYD, Plan EPP53793, located on 805 Academy Way, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied as described in the report's "Attachments";
5. 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 professional landscaper;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP15-0317, Lot 1, Section 3 & 10, Township 23, ODYD, Plan EPP53793, located on 805 Academy Way, Kelowna, BC.

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

Section 8.1 - Parking Schedule

Vary the parking requirements from 93 parking stalls required to 69 parking 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 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. Reminders - Nil.

8. Termination

The meeting was declared terminated at 11:16 p.m.

Deputy Mayor

/acm

Deputy City Clerk