



City of Kelowna Regular Meeting Minutes

Date: Tuesday, June 18, 2019
Location: Council Chamber
City Hall, 1435 Water Street

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

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith; Suburban & Rural Planning Manager, Dean Strachan Planning Manager, Laura Bentley; Planner Specialist, Adam Cseke; Planner, Lydia Korolchuk*; Legislative Coordinator (Confidential), Clint McKenzie

(* Denotes partial attendance)

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

R640/19/06/18 THAT the Minutes of the Public Hearing and Regular Meeting of June 4, 2019 be confirmed as circulated.

Carried

Councillor Sieben was absent for the public hearing and did not vote on the bylaws considered at the public hearing.

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

R641/19/06/18 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

R642/19/06/18 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

R643/19/06/18 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

R644/19/06/18 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

R645/19/06/18 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

R646/19/06/18 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

R647/19/06/18 THAT Bylaw No. 11847 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 421 statutory notices to the owners and occupiers of surrounding properties on Tuesday, June 4, 2019.

Notice of Council's consideration of the Heritage Alteration Permit Application was given by sending out or otherwise mailing 30 statutory notices to the owners and occupiers of surrounding properties on Tuesday, June 4, 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 300 & 310, BL11413 (Z17-0014) - Nadeem Hussain

Moved By Councillor Donn/Seconded By Councillor Stack

R648/19/06/18 THAT Bylaw No. 11413 as amended at 3rd reading by deleting the legal description that read:

- Lot 20 Section 26 Township 26 ODYD Plan 5494
- Lot 21 Section 26 Township 26 ODYD Plan 5494.

And replacing it with:

- Lot A Section 26 Township 26 ODYD Plan EPP75524

AND THAT Bylaw No. 11413, as amended, be adopted.

Carried

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, New Town Services, Applicant's Agent

- 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

R649/19/06/18 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

R650/19/06/18 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
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

R651/19/06/18 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:

- Responded to questions from Council.
- Commented that the new wall was built due to safety concerns. He has an engineering stamp on the addition.
- The new wall was built to match an adjacent wall that had been there since 1991.

Responded to questions from Council.

There were no further comments

Moved By Councillor Sieben/Seconded By Councillor Stack

R652/19/06/18 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

R653/19/06/18 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, as amended, 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.

The City Clerk advised that no correspondence was received.

Joe Walters, Applicant

- 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

R654/19/06/18 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. BC0449611

Councillor Stack declared a conflict of interest as his employer's offices are directly across the street from the application site and departed the meeting at 7:17 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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.
- The Youth Advocates for Housing group was utilized for a design lab to help provide input on the project.
- Still looking for a service provider for the housing agreement.
- The building will be to Step Code 4.
- Spoke to the European influenced styling.

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 Sieben/Seconded By Councillor Wooldridge

R655/19/06/18 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

Councillor Stack returned to the meeting.

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

The Item was deferred.

6.10 Ethel St 1368, DVP19-0091 - Lois McCloskey

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letters of Support:

Amanda Poon, Kelowna.

Birte Decloux, Urban Options, Applicant's agent:

- Commented that the house was built in 1923 and is being rescued and relocated to the site requiring minor setback variance

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

R656/19/06/18 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, Applicant

- 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

R657/19/06/18 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

There were no reminders.

8. Termination

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

Mayor Basran

City Clerk

/cm