



City of Kelowna Regular Meeting Minutes

Date:	Tuesday, January 21, 2020
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Ryan Donn, Gail Given, Mohini Singh, Brad Sieben*, Luke Stack and Loyal Wooldridge
Members Absent	Councillors Maxine DeHart and Charlie Hodge
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton; Planner Specialist, Jocelyn Black*; Planner Specialist, Adam Cseke*; Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 6:13 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Wooldridge.

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Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor Donn

R0040/20/01/21 THAT the Minutes of the Public Hearing and Regular Meeting of December 3, 2019 be confirmed as circulated.

Carried

Mayor Basran advised that Item 5.9 would be withdrawn and heard at a later date.

4. Bylaws Considered at Public Hearing

4.1 Ellis St. 1095, BL11962 (Z19-0071) - BMK 140 Holdings Inc., Inc. No. BC0748760

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R0041/20/01/21 THAT Bylaw No. 11962 be read a second and third time.

Carried

- 4.2 Hunter Rd 2280-2290, BL11964 (LUC19-0003) - Hillahan Holdings Inc. & Go West Investments Inc.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0042/20/01/21 THAT Bylaw No. 11964 be read a second and third time.

Carried

- 4.3 Hunter Rd 2280-2290, BL11965 (Z19-0111) - Hillahan Holdings Inc. & Go West Investments Inc.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0043/20/01/21 THAT Bylaw No. 11965 be read a second and third time.

Carried

5. Development Permits and Development Variance Permit Reports

- 5.1 Groves Ave 450, BL11801 (OCP18-0019) - Abbott Park Holdings Inc., Inc No. BC1096096

Moved By Councillor Donn/Seconded By Councillor Stack

R0044/20/01/21 THAT Bylaw No. 11801 be amended at third reading to revise the legal description.

Carried

Councillor Singh - Opposed

Moved By Councillor Donn/Seconded By Councillor Stack

R0045/20/01/21 THAT Bylaw No. 11801 as amended be adopted.

Carried

Councillor Singh - Opposed

- 5.2 Groves Ave 450, BL11802 (Z17-0032) - Abbott Park Holdings Inc., Inc No. BC1096096

Moved By Councillor Donn/Seconded By Councillor Stack

R0046/20/01/21 THAT Bylaw No. 11802 be amended at third reading to revise the legal description.

Carried

Councillor Singh - Opposed

Moved By Councillor Donn/Seconded By Councillor Stack

R0047/20/01/21 THAT Bylaw No. 11802 as amended be adopted.

Carried

Councillor Singh - Opposed

Councillor Sieben joined the meeting at 6:21 p.m.

5.3 Groves Ave 450, DP17-0075 and DVP17-0076 - Abbott Park Holdings Inc, Inc. No. BC1096096

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.
- Spoke to the amendment to the Restrictive Covenant and responded to questions from Council.

City Clerk:

- Confirmed that Council should consider the amendment to the Restrictive Covenant prior to any consideration of the development permit and development variance permit.

Moved By Councillor Sieben/Seconded By Councillor Wooldridge

R0048/20/01/21 THAT Council approves the Restrictive Covenant being amended from six to six and one half storeys.

Carried
Councillors Stack and Singh - Opposed

Jean Guy Beliveau, Applicant

- Displayed a PowerPoint Presentation.
- Spoke to the form and character of the building.
- Confirmed there is no retail component to this development.
- There will be significant upgrades to Groves Avenue that includes a new sidewalk and new street lighting; through the development permit process the owner has funded the closure of the lane and will remove all asphalt and will use this area as a landscaped park.
- Spoke to the Landscape Plan; will maximize the landscaping on site and will integrate into the park. Tiered planters along Groves Avenue will help mitigate the parkade as well as provide additional privacy.
- Spoke to the proposed variances; noted the difficulties in creating a low grade parkade due to the high water table and that the extent of the variance required for site coverage is related to the above grade parking structure.
- Displayed images showing how this development fits into the overall neighbourhood.
- Spoke to the community benefits this development will provide including increased security with cameras in the lane and subject property along with the many upgrades to Groves Avenue.
- 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:

Cathy Richards, Groves Avenue

- Was previously opposed to this application; the Applicant has made some improvements.
- Now in support of this development as it will increase the value of my property.
- Made three requests of Council regarding this and future developments in this neighbourhood; to ensure density is 22 units; this height variance does not set a precedence; to consider the value for the neighbourhood not just the developer.

Paul Clark, Abbott Street

- Read a letter on behalf of Marie and Peter Baigent, West Avenue.
- Letter was in opposition to the variances due to the negative impacts on the neighbouring park and impact to unit views.

Paul Clark, KLO Neighbourhood Association

- Opposed to the variances.
- Believes the density is too much for the site.
- Raised questions regarding the height and if the applicant will return asking for another height variance.
- Raised questions for Council and staff regarding some developers not following guidelines and requesting extreme variances.

Jean Guy Beliveau, Applicant

- The design process is long, includes pre-application meetings with planning to determine what appears to be an appropriate solution to designer problems; setbacks around the parkade is unfortunate but is due to water table issues. Do not think variances will be detrimental to the overall development.

There were no further comments

Moved By Councillor Wooldridge/Seconded By Councillor Sieben

R0049/20/01/21 THAT Council authorizes the issuance of Development Permit No. DP17-0075 for Lot 1, District Lot 14, Osoyoos Division Yale District Plan EPP89203 located at 450 Groves 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 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 DVP17-0076 for Lot 1, District Lot 14, Osoyoos Division Yale District Plan EPP89203 at 450 Groves Ave, Kelowna, BC;

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

Section 13.12.6 RM6 High Rise Apartment Housing Development Regulations

(b) to vary the maximum site coverage for principal buildings, accessory structures, and parking areas and driveways from 50% permitted to 83% proposed.

(d) to vary the minimum site front yard from 6.0m permitted to 0.97m proposed.

(e) to vary the minimum site side yards (east and west) from 4.5m permitted to 1.53m proposed.

(f) to vary the minimum site rear yard from 9.0m permitted to 0.0m proposed.

Section 6.1.2 (c)- Daylighting Standards

To vary the points along the side lot line of the lot from an angle of 65 degrees to the horizontal permitted to 72.5 degrees proposed for the west building section.

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

Carried
Councillor Singh - Opposed

5.4 Hein Rd 365-367, BL11737 (Z18-0066) - 1918951 Alberta Ltd

Moved By Councillor Donn/Seconded By Councillor Stack

R0050/20/01/21 THAT Bylaw No. 11737 be adopted.

Carried

5.5 Hein Rd 365-367, DP18-0120 DVP18-0121 - 1918951 Alberta Ltd., Inc. No. 2019189519

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Jesse Alexander, Applicant

- Spoke to the variances required are due to the water table.
- Every unit will have a parking stall and there is at least one bike stall per unit along with four visitor parking stalls.

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 Singh/Seconded By Councillor Sieben

R0051/20/01/21 THAT Council authorizes the issuance of Development Permit No. DP18-0120 for Strata Lots 1 & 2 Section 27 TWP 26 ODYD Strata Plan KAS2718 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V, located at 365-367 Hein 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" or certified cheque 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 a Development Variance Permit No. DVP18-0121 for Strata Lots 1 & 2 Section 27 TWP 26 ODYD Strata Plan KAS2718 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V, located at 365-367 Hein Road, Kelowna, BC;

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

Section 13.11.6(b): RM5 – Medium Density Multiple Housing Development Regulations

To vary the maximum site coverage from 40% permitted to 47.3% proposed.

Table 8.3.1 Required Off-Street Parking Requirements - Residential Parking

To vary the number of parking spaces from 30 required to 28 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 are valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

5.6 Bernard Ave 541-545, DP19-0019 DVP19-0020 - 1016006 BC Ltd

Staff:

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

Shane Worman, Applicant

- Available for questions.

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

Gallery:

George Barnes, Lawrence Avenue

- Immediate neighbouring property owner.
- Opposed to the variance
- Raised concerns with side yard setbacks; creates a hardship to adjacent properties
- Would like similar considerations and assurances applied to his property as both properties are the same.
- Displayed a map and front building sketch of the building on the ELMO and spoke to the setbacks.
- Responded to questions from Council.

Staff:

- Responded to questions from Council regarding the side and front setback variances.

There were no further comments

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0052/20/01/21 THAT Council authorizes the issuance of Development Permit No. DP19-0019 and Development Variance Permit DVP19-0020 for Lot 1 District Lot 139 ODYD Plan 2599, located at 541-545 Bernard 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 variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 14.7.5 (h)i: C7 – Central Business Commercial Development Regulations

To vary the setback on the portion of the building above 16.0m in height from 3.0m to 0.9m abutting a street;

Section 14.7.5 (h)ii: C7 – Central Business Commercial Development Regulations

To vary the setback on the portions of the building above 16.0m in height from 4.0m to 0.1m abutting the east and west adjacent properties;

AND THAT a commercial lane between Bernard Avenue and Lawrence Avenue be dedicated to the City of Kelowna as shown on Schedule A;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit Application 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

5.7 Balsar Ct 9380 - DVP19-0141 - Taz Holdings LTD., INC. No. A0083372

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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 Singh/Seconded By Councillor Donn

R0053/20/01/21 THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0141 for Lot 7 Section 2 Township 20 Osoyoos Division Yale District Plan EPP66963, located at 9380 Balsar Court, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted as described in the proposed Site Plan in Schedule "A":

Section 15.2.5(c): I2 – General Industrial Development Regulations

To vary building height from 14.0 m required to 15.85 m proposed

Table 8.3.4 – Required Off-Street Parking Requirements - Industrial

To vary the total number of parking stalls from 44 required to 26 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

5.8 Grenfell Rd 934, DVP19-0158 - Allan Roderick and Annette Lee Lipkovits

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The Applicant was not present.

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 Stack

R0054/20/01/21 THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0158 for Lot 2 District Lot 136 Osoyoos Division Yale District Plan 39171, located at 934 Grenfell Road, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted in accordance with 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 required to 6.0 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

5.9 Water St 1659, DP19-0161 DVP19-0162 - MJI Contracting Inc

Item 5.9 was withdrawn.

5.10 Yates Rd 532-538, DP19-0191 DVP19-0192 - Carolco Developments Ltd., Inc. No. BC0291464

Staff:

- Displayed a PowerPoint Presentation summarizing the application and 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 Stack/Seconded By Councillor Sieben

R0055/20/01/21 THAT Council authorizes the issuance of Development Permit No. DP19-0191 for Lot 1 Section 32 Township 26 ODYD Plan KAP77456, located at 532-528 Yates 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. DVP19-0192 for Lot 1 Section 32 Township 26 ODYD Plan KAP77456, located at 532-538 Yates Road, Kelowna, BC;

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

Section 14.2.6(g): C2 – Neighbourhood Commercial Other Regulations

To permit drive-in food services as a form of development.

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

Carried
Councillor Wooldridge – Opposed

5.11 Francis Ave 345, DVP19-0194 - Heather Martin

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Heather Martin, 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 Stack/Seconded By Councillor Singh

R0056/20/01/21 THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0194 for Lot 1, District Lot 14 Osoyoos Division Yale District Plan KAP70822, located at 345 Francis Avenue, Kelowna, BC;

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

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

To vary the required minimum rear yard setback from 4.5 m permitted to 2.0 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

5.12 Lakeshore Rd 3596, DVP19-0207 - Bob Pollock

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Bob Pollock, Applicant

- Available for questions.

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

Gallery:

Adriano Aprile, Lakeshore Road

- Made comment on correspondence submitted to Council with concerns and opposition.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Donn

R0057/20/01/21 THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0207 for Lot A, District Lot 134, Osoyoos Division Yale District, Plan 15007, located at 3596 Lakeshore Road, Kelowna, BC;

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

Section 6.11.1: Okanagan Lake Sight Lines

To vary the Okanagan Lake Sight Line regulation from 60 degrees permitted to 38 degrees proposed along the north side;

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. Reminders

Councillor Stack:

- Raised a question on whether the Zoning Bylaw should be amended in light of the many similar variances that come forward due to the impact of the water table on parkades.

Staff:

- Provided comment on the use of variances.

7. Termination

The meeting was declared terminated at 8:15 p.m.

Mayor Basran

City Clerk

/acm