



**City of Kelowna**  
**Regular Council Meeting**  
**Minutes**

Date: Tuesday, May 17, 2016  
Location: Council Chamber  
City Hall, 1435 Water Street

Council Members Present: Mayor Colin Basran and Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Brad Sieben, Mohini Singh and Luke Stack

Council Members Absent: Councillor Charlie Hodge

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; and Legislative Systems Coordinator, Sandi Horning

(\* denotes partial attendance)

**1. Call to Order**

Mayor Basran called the meeting to order at 6:26 p.m.

**2. Reaffirmation of Oath of Office**

The Oath of Office was read by Councillor Gray.

**3. Confirmation of Minutes**

Moved By Councillor DeHart/Seconded By Councillor Donn

R429/16/05/17 THAT the Minutes of the Public Hearing and Regular Meeting of May 3, 2016 be confirmed as circulated.

Carried

**4. Bylaws Considered at Public Hearing**

4.1 268 Lake Avenue, BL11240 (Z16-0005) - Frank Renou & Joan Capman

Moved By Councillor Gray/Seconded By Councillor Given

R430/16/05/17 THAT Bylaw No. 11240 be read a second and third time.

Carried

4.2 330 Merrifield Road, BL11241 (Z16-0011) - Corey Knorr Construction Ltd.

Moved By Councillor Given/Seconded By Councillor Gray

R431/16/05/17 THAT Bylaw No. 11241 be read a second and third time.

Carried

4.3 845 Kinnear Court, BL11242 (Z15-0050) - Carol Kergan

Moved By Councillor DeHart/Seconded By Councillor Singh

R432/16/05/17 THAT Bylaw No. 11242 be read a second and third time.

Carried

4.4 135 Mugford Road & 345 Rutland Road N, BL11243 (Z15-0059) - City of Kelowna

Moved By Councillor Singh/Seconded By Councillor DeHart

R433/16/05/17 THAT Bylaw No. 11243 be read a second and third time.

Carried

**4.5 820 Finns Road, BL11246 (OCP15-00016) & BL11247 (Z15-0053) - Raif Holdings Ltd.**

**Moved By Councillor Donn/Seconded By Councillor Gray**

**R434/16/05/17** THAT Council defers consideration of Bylaw No. 11246 (OCP15-0016) and Bylaw No. 11247 (Z15-0043), for the property located at 820 Finns Road, to the May 31, 2016 Public Hearing.

**Carried**

**5. Notification of Meeting**

The City Clerk advised that Notice of Council's consideration of the Development Variance Permit Applications was given by sending out or otherwise delivering 246 statutory notices to the owners and occupiers of the surrounding properties, and 2241 informational notices to residents in the same postal delivery route, between May 3 and May 6, 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 2673 Bath Street, DVP15-0253 - Tara Henderson**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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

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

The Applicant was present, but did not have anything further to add to staff's comments.

No one came forward from the gallery.

**Moved By Councillor Donn/Seconded By Councillor Given**

**R435/16/05/17** THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0253 for Strata Lot 1 District Lot 14 ODYD Strata Plan KAS2976 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 2673 Bath Street, Kelowna, BC;

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

**Section 6.5.8 (a) General Development Regulations - Accessory Development**

To vary the required front yard setback for an accessory structure from 18.0 m required to 0.1 m proposed as noted on Schedule "A".

**Section 6.5.8 (b) General Development Regulations - Accessory Development**

To vary the required side yard setback for an accessory structure from 1.2 m required to 0.6 m proposed as noted on Schedule "A".

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**

**6.2 1382 Graham Street, DP15-0321 & DVP16-0031 - 476462 BC Ltd.**

Staff:

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

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

**Letters of Support**

Jessica Burke, Stockwell Avenue

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

The Applicant was not present. No one came forward from the gallery.

**Moved By Councillor Stack/Seconded By Councillor Sieben**

**R437/16/05/17** THAT Council authorizes the issuance of Development Permit No. DP15-0321 for Lot 6 District Lot 138 ODYD Plan 16006 located at 1382 Graham 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 Council authorizes the issuance of Development Variance Permit No. DVP16-0031 for Lot 6 District Lot 138 ODYD Plan 16006 located at 1382 Graham Street, Kelowna BC;

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

**Section 9.5b.1(d): Carriage House Regulations**

To vary the maximum height to the peak of the roof of the carriage house from 5.72m required to 6.11m proposed.

AND THAT Council's consideration of this Development 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 February 29, 2016;

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 permit 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**

**6.3 615 McClure Road, DVP16-0105 - Robert & Sharon Clarke**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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

**Letters of Opposition or Concern**

Joan Needham, McClure Road

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

The Applicant was not present. No one came forward from the gallery.

**Moved By Councillor Given/Seconded By Councillor Singh**

**R437/16/05/17** THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0105 for Lot A, District Lot 357, Similkameen Division Yale District, Plan 31865, located at 615 McClure Road, Kelowna, BC;

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

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

To vary the required minimum rear yard from 7.5 m permitted to 3.039 m proposed.

**Carried**

**6.4 1350 St. Paul Street, DP16-0017 & DVP16-0019 - Sole Downtown Developments Ltd.**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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

**Letters of Opposition or Concern**

Daniel Yacucha, 1331 Ellis Street

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

**Kevin Edgecombe, Applicant's Representative:**

- Provided additional comments regarding the application including the pedestrian walkway.
- Provided an explanation why the construction crane is already on site.
- Planning on reaching out to the arts community to promote a competition for the proposed artwork on the building.
- Provided an overview of the development and the proposed variances.
- Responded to questions from Council.

No one came forward from the gallery.

There were no further comments.

**Moved By Councillor Donn/Seconded By Councillor Gray**

**R438/16/05/17** THAT Council authorizes the issuance of Development Permit No. DP16-0017 for Lot 1, DL 139, ODYD Plan KAP 68461 located at 1350 St. Paul 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";
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. DVP16-0019 for Lot 1, DL 139, ODYD Plan KAP 68461, located at 1350 St. Paul Street, Kelowna, BC;

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

**Section 8.1.11.(a)(h) Width of two-way drive aisle serving 90 degree parking**

To vary the required minimum width from 7.0 m permitted to 6.0 m proposed.

**Section 8.2.2 Minimum number of loading spaces for a commercial use**

To vary the required number of loading spaces from 1 to 0.

**Section 14.7.5(e) Setback for portions of the building above 15.0 m (front yard)**

To vary the required minimum setback from 3.0m to 0.1m.

**Section 14.7.5(f) Setback for portions of the building above 15.0 m (side yard)**

To vary the required minimum setback from 4.0m to 3.7 m.

**Section 14.7.5(g) Angle of Incidence from fronting street**

To vary the required minimum angle of incidence from a fronting street from 80° to 88.5°.

**Section 14.7.5(h) Maximum floorplate area above 15.0 m**

To vary the required maximum floorplate area for floors above 15.0 from 676m<sup>2</sup> to 956.7m<sup>2</sup>

**Section 14.7.5(j) Maximum floorplate area above 15.0 m**

To vary the required maximum floorplate dimension for floors above 15.0 m from 39m to 48.1m.

AND FURTHER 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 permits to be issued.

**Carried**

**7. Reminders**

Mayor Basran:

- Reminded Council and the public of the Rutland May Days Parade on Saturday.

**8. Termination**

The meeting was declared terminated at 7:02 p.m.

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Mayor

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City Clerk

/slh