



City of Kelowna Regular Meeting Minutes

Date:	Tuesday, May 12, 2020
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart, Mohini Singh and Luke Stack
Members Participating Remotely	Councillors Ryan Donn, Gail Given, Charlie Hodge and Brad Sieben and Loyal Wooldridge
Staff Present	City Manager, Doug Gilchrist*; City Clerk, Stephen Fleming, Divisional Director, Planning & Development Services, Ryan Smith*; Development Planning Department Manager, Terry Barton*; Urban Planning & Development Policy Manager, James Moore*; Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:03 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor DeHart.

3. Development Permit and Development Variance Permit Reports

3.1 START TIME - 7:00 P.M. - Radant Rd 588, DVP18-0224 - Craig B. Bulawka Professional Corporation

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The Applicant was not present due to COVID-19 concerns.

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

Gallery:

Rachel Petrie, Radant Road

- Opposed to this application.
- Made reference to correspondence and petition previously submitted.

- Believes this application will create a lack of privacy and obstruction of view.
- Believes this application will negatively affect neighbouring property value.
- Read a letter from neighbours who own homes on Radant Road that were unable to attend.
- Responded to questions from Council.

There were no further comments

Moved By Councillor Donn/Seconded By Councillor Wooldridge

R0357/20/05/12 THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0224 for Lot 3, Section 6, Township 26, Osoyoos Division Yale District, Plan 9002, located at 588 Radant Road, Kelowna, BC;

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

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

To vary the required minimum separation between two single detached houses from 4.5 m permitted to 1.8 m proposed.

AND 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;

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 Stack – Opposed

The meeting recessed at 7:25 p.m.

The meeting reconvened at 7:30 p.m. with the City Manager absent and the Divisional Director, Planning & Development Services, Ryan Smith acting for the City Manager.

3.2 START TIME - 7:30 P.M. - Valley Rd 728, DP19-0152 DVP19-0153- 1138742 B.C. Ltd, Inc. No. 1138742

Staff:

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

The City Manager returned to the meeting at 7:50 p.m.

Jordan Hettinga, Kent-Macpherson

- Displayed a PowerPoint Presentation summarizing the application.
- Spoke to the amount of private open space per unit.
- Clarified that the Applicant owns the Creek which provides an additional 15 m to the subject parcel.
- Displayed an image of the overall site with the different phases on the property.
- Sussex Retirement specializes in state-of-the-art Memory Care, Independent Living and Assisted Living.
- Spoke to the height and rear yard setback variances and provided rationale.
- 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 Stack/Seconded By Councillor Sieben

R0358/20/05/12 THAT Council authorizes the issuance of Development Permit No. DP19-0152 for Lot D, Section 29, Township 26 Osoyoos Division Yale District Plan EPP75038 located at 728 Valley Rd, 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 a reciprocal access easement be registered on the subject property and 726 Valley Rd to allow for vehicular and pedestrian access;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0153 for Lot D, Section 29, Township 26 Osoyoos Division Yale District Plan EPP75038 located at 728 Valley Rd, Kelowna, BC;

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

Section 1.6(c): CD27 – Valley Land Subdivision Development Regulations

To vary the maximum height as permitted in the RM5- Medium Density Multiple Housing zone from the lesser of 18.0m or 4.5 storeys permitted to 26.5m or 7 storeys proposed.

Section 1.6(e): CD27 – Valley Land Subdivision Development Regulations

To vary the side yard setback from 7.0m to 0.0m for a portion of the south property line for the property located at 726 Valley Rd.

Section 1.6(f): CD27 – Valley Land Subdivision Development Regulations

To vary the rear yard setback from 9.0m permitted to 7.0m proposed for a portion of the north property line, and from 9.0m to 0.0m for a portion of the north property line.

AND THAT Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated April 7, 2020

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 Hodge - Opposed

3.3 START TIME - 8:00 P.M. - Valley Rd 726, DP17-0197 DVP20-0040, The Vineyards Community Land Holdings Inc. No. BC1106986

Staff:

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

Jordan Hettinga, Kent-Macpherson

- Displayed a PowerPoint Presentation.
- Spoke to the parking and landscaping variances and provided rationale for each variance.

- Spoke to the landscape plan and green roof.
- 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 Hodge

Ro359/20/05/12 THAT Council authorizes the amendment of Development Permit No. DP17-0197-02 for Lot 1, Section 29, Township 26 Osoyoos Division Yale District Plan EPP80501, located at 726 Valley Rd, Kelowna, BC subject to the following:

1. Parking to be provided on the land be in accordance with Schedule "A",

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0040 for Lot 1, Section 29, Township 26 Osoyoos Division Yale District Plan EPP80501, located at 726 Valley Rd, Kelowna, BC;

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

Table 8.3.1.1 Residential Parking- Supportive Housing

To vary the minimum spaces per sleeping unit from 0.35 required to 0.11 proposed.

Carried

The meeting recessed at 8:17 p.m.

The meeting reconvened at 8:26 p.m.

3.4 START TIME - 8:15 P.M. - Adams Road 105, DP19-0199; DVP19-0200 - Central Valley Truck Services Ltd. Inc.No.BCo288380

Staff:

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

Laura Jones, Pacific Land Group, Mark Reso and Michael Rizzo, Parkland Fuel

- Provided a Corporate overview of the companies operated within the City.
- Spoke to points raised in the staff report and presentation.
- Spoke to the extensive landscape proposed and that it is over and above the usual landscaping for such a project.
- Committed to offering an electric charging station for free to reward customers for coming to our site.
- Identified other nearby food service outlets with drive throughs.
- Spoke to the form and character of the operation using high quality building design materials.
- Committed to building the site in 2021 as proposed today.
- Spoke to the moratorium on drive throughs.
- Displayed a PowerPoint Presentation and spoke to the Development Permit and Development Variance Permit being requested.
- Responded to questions from Council.

Mark Reso, Parkland Fuel

- Spoke to the local media stories regarding this application and read from the media forum postings that a majority of residents were in favour of a drive through.
- Made comment that drive throughs are more ideal for some with disabilities.

Staff:

- 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 Stack/Seconded By Councillor Singh

R0360/20/05/12 THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0200 for Lot A Section 2 Township 23 ODYD Plan EPP84870, located at 105 Adams Road, Kelowna, BC;

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

Section 15.2.6(f): I2 – General Industrial, Other Regulations

To vary the requirement prohibiting drive-in food services in the zone.

AND THAT Council authorizes the issuance of Development Permit No. DP19-0199 for Lot A Section 2 Township 23 ODYD Plan EPP84870, located at 105 Adams 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";

Carried
Councillor Donn - Opposed

3.5 START TIME - 8:40 P.M. - Abbott St 2455, DVP20-0029, Susan E. Jaeger and David J. Miller

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 Hodge/Seconded By Councillor Donn

R0361/20/05/12 THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0029 for Lot 5 District Lot 14 ODYD Plan 5101, located at 2455 Abbott Street, Kelowna, BC;

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

Section 13.1.6(c) -RU1 – Large Lot Housing Development Regulations

To vary the required minimum front yard from 6.0 m required to 4.0 m proposed.

Section 13.1.6(d) -RU1 – Large Lot Housing Development Regulations

To vary the required minimum side yard from 4.5 m required to 3.1 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

3.6 START TIME - 9:00 P.M. - Francis Ave 615, BL11635 (Z18-0058) - John Thomas Hodges

Moved By Councillor Stack/Seconded By Councillor DeHart

R0362/20/05/12 THAT Bylaw No. 11635 be adopted

Carried

3.7 START TIME - 9:00 P.M. - Francis 615, DP18-0111 and DVP20-0033, John Hodges

Staff:

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

Birte Decloux, Urban Options Planning & Permits, John Hodges, Owner

- Displayed a PowerPoint Presentation summarizing the application.
- Addressed concerns raised in correspondence received.
- Spoke to the two consultations with neighbours.
- Spoke to the neighbourhood context and provided a photo of the current dwelling.
- Spoke to the landscape and site plan.
- Commented that all the parking and traffic can access the building from the lane.
- There are connective pathways linking the front and rear of the site leading to entrance ways and outdoor open spaces.
- Noted that the RM₃ zone required a 4.0 m setback versus the current RU6 zone which requires a 2.3 m setback at most.
- A variance is sought to reduce the east side yard to 2.04 m for the closest section of the building and 2.6 m for the west side yard.
- The building is articulated on the west side to allow for an outdoor courtyard for the ground floor unit.
- The building is stepped back from the front elevation on each level.
- The window places, size and form on each elevation is varied breaking up the side walls.
- Apart from the variances requested the project meets the requirements of the Zoning Bylaw for the RM₃ zone.
- 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:

Paul Van Gemst, Francis Avenue

- Opposed to this application.
- Raised concern with the east elevation looking like a blank wall and the closeness to the road; believes the blank wall will block neighbours yard from sunshine.
- Raised concern with the front of the building looking too much like a storefront.
- Opposed to the siting of the building and the height in a residential neighbourhood.
- Raised concern that this building does not fit into the neighbourhood.

Bruce Greenwood, Francis Avenue

- Commented that he was born and raised in Kelowna and is very connected with the Community.
- Opposed to this application.
- Spoke to the lack of consultation and communication by the Applicant with the neighbourhood.
- Raised concern with additional three families and the strains on infrastructure and demand of parking.
- Raised concern with increased vehicles, increased traffic and speeding on Francis Avenue.
- Believes the proposed structure does not fit in with the neighbourhood.
- Opposed to the size of the proposed structure and associated variances.

Matt Dillon, Francis Avenue

- Referenced correspondence that had been submitted earlier.
- The submitted correspondence listed nine reasons for opposition and spoke to them.
- The design is nice but does not work in this location as it is too big.
- There is nothing sensitive about this proposal.
- The neighbourhood does not support this application and believes the variances should be denied.
- Opposed to this application.

Daniel Tomlin, Richter Street

- Raised concerns with demand on parking on Francis Avenue.
- Raised concerns with loss of trees and greenspace in the neighbourhood.
- Opposed to this application.

Helen Ann Dillon, Francis Avenue

- Raised concern that this development will block the sun to her property and will negatively impact the view.
- Opposed to this application.
- Responded to questions from Council.

Matthew Barlow, Francis Avenue

- Raised concern that this development is too much for the area.
- Commented on the outrageous prices for these units.
- Believes by asking for variances is an attempt to stretch their limits.
- Opposed to this application.

There were no further comments

Birte Decloux, Urban Options Planning & Permits

- Thanked the community for attending.
- Spoke to how the proposed building does not maximize all the Zoning Bylaw regulations.
- Addressed the setback concerns.
- Responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Given

R0363/20/05/12 THAT final adoption of Rezoning Bylaw No. 11635 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP18-0111 for Lot 15, District Lot 14, Osoyoos Division Yale District Plan 1141, located at 615 Francis 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 be in accordance with Schedule "C",

4. The applicant be required to post with the City and 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. DVP20-0033 for Lot 15, District Lot 14, Osoyoos Division Yale District Plan 1141, located at 615 Francis Ave, Kelowna, BC;

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

Section 13.9.6(e) RM3- Low Density Multiple Housing Development Regulations

To vary the side yard setback from 4.0m permitted to 2.0m and 2.6m proposed

AND 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;

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

Defeated

Councillors DeHart, Hodge, Singh, Stack and Wooldridge

The meeting recessed at 10:50 p.m.

The meeting reconvened at 10:57 p.m.

Moved by Councillor Stack/Seconded by Councillor DeHart

R0364/20/05/12 THAT Council continue the Regular Meeting past 11:00 p.m.

Carried

3.8 START TIME - 9:30 P.M. - Barnaby Rd 691, DVP20-0050 - Andrew Kaiser and Panagiota Athanasopoulos

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 Donn/Seconded By Councillor Singh

R0365/20/05/12 THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0050 for Lot 9 District Lots 357 and 358 ODYD Plan 31179, located at 691 Barnaby Road, Kelowna, BC;

AND THAT variance 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 setback from 7.5m permitted to 6.2m 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

3.9 START TIME - 9:45 P.M. - Graham Road 1310, DVP20-0054, Peter and Elisabeth Burnett

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 DeHart/Seconded By Councillor Singh

R0366/20/05/12 THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0054 for Lot 33 Section 22 Township 26 ODYD Plan 19162, located at 1310 Graham Road, Kelowna, BC;

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

Table 8.3 Required Off-Street Parking Requirements

To vary the required minimum number of parking stall spaces as follows:

8.3.1 Single Detached Housing from 2.0 spaces per dwelling unit required to 1.0 spaces proposed; and

8.3.6 Child Care Centre, Minor from 2.0 spaces required to 1.0 spaces 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

4. Reminders

Mayor Basran advised of an announcement at 11:30 a.m. tomorrow morning regarding the City's Restart Plan following the Provincial Governments timelines for various openings and initiative.

5. Termination

The meeting was declared terminated at 11:03 p.m.

Mayor Basran
/acm

City Clerk