



City of Kelowna
Regular Council Meeting
Minutes

Date: Tuesday, July 12, 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, Charlie Hodge, Brad Sieben, Mohini Singh and Luke Stack

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

1. Call to Order

Mayor Basran called the meeting to order at 7:02 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Mayor Basran.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Gray

R545/16/07/12 THAT the Minutes of the Public Hearing and Regular Meeting of June 28, 2016 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 5080 Lakeshore Road, BL11255 (Z16-0009 & LUC16-0001) - James Sharko

Moved By Councillor Hodge/Seconded By Councillor Gray

R546/16/07/12 THAT Bylaw No. 11255 be read a second and third time.

Carried

4.2 815 Rose Avenue, BL11256 (Z16-0022) - Paul Neufeld & Douglas Kirk

Moved By Councillor Given/Seconded By Councillor Gray

R547/16/07/12 THAT Bylaw No. 11256 be read a second and third time.

Carried

4.3 1251 Ladner Road, BL11257 (Z16-0021) - John Hodges

Moved By Councillor DeHart/Seconded By Councillor Singh

R548/16/07/12 THAT Bylaw No. 11257 be read a second and third time.

Carried

Councillors Hodge & Singh- Opposed.

5. Notification of Meeting

Notice of Council's consideration of these Temporary Use Permit Applications were advertised by being posted on the Notice Board at City Hall on June 28, 2016 and by being placed in the Kelowna Capital News issues on Thursday, June 30, 2016 and Wednesday, July 6, 2016 and by sending out or otherwise delivering 104 statutory notices to the owners and occupiers of surrounding properties between June 28, 2016 and June 30, 2016.

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise delivering 73 statutory notices to the owners and occupiers of the surrounding properties between June 28, 2016 and June 30, 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

6.1 278 Leon Avenue and 1620 & 1630 Water Street, TUP13-0002 - Kelowna Motors Holdings Limited

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

Letters of Support

13 letters of support submitted by the Applicant

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

Lynn Welder, on behalf of the Property Owners

- Commented that the 3-year extension would be greatly appreciated by both the landowner and the tenant.
- Responded to questions from Council.

Gallery:

Chad Abougoush, Rocky Point Drive

- Leases the subject property and would really like to remain at that location.

Arlene Sloan, Okanagan Falls

- Father started Kelowna Motors in 1945.
- Believes that the business is an important part of downtown.
- Supports the application.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor DeHart

R549/16/07/12 THAT Council authorizes an extension of Temporary Use Permit No. TUP13-0002 to allow 'Automotive and Equipment Repair Shop use for North ½ Lot 1 & 2, Block 10, District Lot 139, ODYD, Plan 462. And South ½ Lot 1 & 2, Block 10, District Lot 139 ODYD, Plan 462, and South ½ Lot 1 & 2, Block 10, District Lot 139, ODYD, Plan 462, and Lot 3 Block 10, District Lot 139, ODYD, Plan 462, located at 1620 & 1630 Water Street and 278 Leon Avenue, Kelowna, BC as shown on Map 'A' attached to the Report from Community Planning Department for a three (3) year period commencing from Council approval subject to the following conditions:

1. No expansion of the existing facility (or any additional buildings/structures) or parking is permitted during the term of the Temporary Use Permit.
2. The Temporary Use Permit will expire on July 12, 2019.

AND THAT Council direct staff to not accept any further extension requests.

Carried

6.2 1629-1649 KLO Road, TUP16-0001 - Western Global Enterprises Inc.

Staff:

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

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

Mayor Basran invited the applicant or anyone in the public gallery who deemed themselves affected by the proposed temporary use to come forward, followed by comments from Council. The Applicant was present, but did not have anything to add to staff's comments.

Gallery:

Alan Walisser, Kelowna Resident

- In the process of purchasing the business at the location and will be seeking a 10-year lease agreement with the existing landowner.
- Supportive of the application.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Given

R550/16/07/12 THAT Council authorizes the issuance of Temporary Use Permit No. TUP16-0001 to allow a Non-Farm Use of agricultural land in the Agricultural Land Reserve as per ALC Resolution #67/2015 for Parcel A (Plan B1813) Block 57 District Lot 131 ODYD Plan KAP186, Except Parcels C and D Plan B1813 and Plan KAP78678, located at 1629 - 1649 KLO Road, Kelowna, BC, and Parcel A (DD146178F & PL B6796) Block 58 District Lot 131 ODYD Plan DAP186, located at 3350 Benvoulin Road, Kelowna BC for a three (3) year period ending October 1, 2019 subject to the following condition:

1. The use on the land be in accordance with Schedule "A" (Better Earth Garden Site Plan);
2. The use on the land be in accordance with Schedule "B" (ALC File 54508, Resolution #67/2015)

AND THAT any application to extend the permit must be approved by the Agricultural Land Commission and by Council prior to this permit expiring.

Carried

6.3 565 Coronation Avenue, BL11184 (Z15-0025) - Christian Lee Bond

Moved By Councillor Stack/Seconded By Councillor DeHart

R551/16/07/12 THAT Bylaw No. 11184 be adopted.

Carried

6.4 565 Coronation Avenue, DP15-0112 & DVP15-0113 - Christian Lee Bond

Staff:

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

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

Mayor Basran invited the applicant or anyone in the public gallery who deemed themselves affected by the proposed variance(s) to come forward, followed by comments from Council. The Applicant was present, but did not have anything further to add to staff's comments. No one came forward.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Gray

R552/16/07/12 THAT final adoption of Rezoning Bylaw No. 11184 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP15-0112 for Lot 36 District Lot 139 ODYD Plan 1303, located at 565 Coronation Avenue, Kelowna, BC subject to the following:

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule 'A';
- b) 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. DVP15-0113 for Lot 36 District Lot 139 ODYD Plan 1303, located at 565 Coronation Avenue, Kelowna, BC;

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

Section 9.5b.14: Carriage House Regulations

To vary the required minimum side yard from 2.0 m permitted to 1.46 m and 1.81 m proposed.

Section 13.2.6(d): RU2 - Medium Lot Housing Development Regulations

To vary the required minimum side yard from 1.5 m permitted to 1.41 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 Schedule 'A' attached to the Report from Community Planning Department dated July 3, 2015;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit in order for the permits to be issued;

AND THAT the applicant be required to register on the subject property a section 219 no occupancy covenant to not allow the dwellings to be habitable until all building permit life safety requirements have been completed;

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 3077 Lowe Court, DVP15-0081 - Scott Grant

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

Mayor Basran invited the applicant or anyone in the public gallery who deemed themselves affected by the proposed variance(s) to come forward, followed by comments from Council. The Applicant was present, but did not have anything further to add to staff's comments. No one came forward.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Hodge

R553/16/07/12 THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0081 for Lot 6 District Lot 135 ODYD Plan 30518, located at 3077 Lowe Court, Kelowna, BC;

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

Section 8.1.2: Parking and Loading - Number of Spaces

To vary the minimum number of parking spaces required from 4 stalls required to 2 stalls proposed.

Section 8.1.9(b): Parking and Loading - Location

To allow required off-street parking to be located within the required front yard.

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 1800 Gallagher Road, DVP16-0049 - Arthur & Una Mak

Staff:

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

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

Mayor Basran invited the applicant or anyone in the public gallery who deemed themselves affected by the proposed variance(s) to come forward, followed by comments from Council. The Applicant was present, but did not have anything to add to staff's comments. No one came forward.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor DeHart

R554/16/07/12 THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0049 for Lot B Section 18 Township 27 ODYD Plan KAP46685, located at 1800 Gallagher Road, Kelowna, BC;

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

Section 12.2.6(b) RR2 - Rural Residential 2, Development Regulations

To vary the maximum allowable height of an accessory structure from 4.5 m permitted to 6.0 m proposed.

AND THAT Council's consideration of this Development Variance Permit be considered subsequent to compliance with Subdivision, Development and Servicing Bylaw No. 7900, Section 4.6 with respect to "the restriction of one (1) driveway access per road frontage" on the subject property;

AND THAT the applicant be required to complete the above noted condition of Council's approval of this Development Variance Permit Application in order for the permits to be issued;

AND THAT Council's consideration of this Development Variance Permit be considered subsequent to the issuance of a demolition permit with a bond amount of \$12,000 for the removal of the un-permitted storage structures on the subject parcel;

AND THAT the applicant will have 30 days from partial occupancy of the proposed structure to fulfil the demolition permit;

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

7. Reminders - Nil.

8. Resolution Closing the Meeting to the Public

Moved By Councillor Sieben/Seconded By Councillor Singh

R555/16/07/12 THAT this meeting be closed to the public pursuant to Section 90(2) (b) of the *Community Charter* for Council to deal with matters relating to the following:

- Negotiations with another level of Government (Province).

Carried

9. Adjourn to Closed Session

The meeting adjourned to a closed session at 7:56 p.m.

10. Termination

The meeting was declared terminated at 8:04 p.m.

Mayor

City Clerk

/slh