



## City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, August 9, 2016  
Location: Council Chamber  
City Hall, 1435 Water Street

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

Members Absent: Mayor Colin Basran

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 Council Recording Secretary, Arlene McClelland

(\* Denotes partial attendance)

### 1. Call to Order

Deputy Mayor Sieben called the meeting to order at 8:24 p.m.

### 2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Donn.

### 3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor DeHart

R601/16/08/09 THAT the Minutes of the Public Hearing and Regular Meeting of July 26, 2016 be confirmed as circulated.

Carried

The City Manager left the meeting at 8:33 p.m. and the Divisional Director, Community Planning & Real Estate acted in place of the City Manager for the remainder of the meeting.

### 4. Bylaws Considered at Public Hearing

4.1 1975 Kane Road, BL11261 (Z16-0026) - Terrance & Joan Raisanen

Moved By Councillor Donn/Seconded By Councillor Given

R601/16/08/09 THAT Bylaw No. 11261 be read a second and third time.

Carried

4.2 1555, 1547 & 1543 Bedford Avenue (now known as 1545 Bedford Avenue),  
BL11262 (Z16-0019) - Al Stober Construction Ltd.

Moved By Councillor Hodge/Seconded By Councillor Gray

R602/16/08/09 THAT Bylaw No. 11262 be read a second and third time.

Carried

Councillor Stack - Opposed

**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 delivering 66 statutory notices to the owners and occupiers of surrounding properties between July 26 and July 29.

Notice of these Temporary Use Permits were advertised by being posted on the Notice Board at City Hall on July 26, and by being placed in the Kelowna Capital News issues on July 29 and August 3 and by sending out or otherwise delivering 84 statutory notices to the owners and occupiers of surrounding properties between July 26 and July 29.

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**

6.1 945 Guy Street, TUP16-0003 - Tolko Industries Ltd.

Staff:

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

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

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

Leonard Kirkoff, Applicant Representative

- Believes this is the perfect fit for a presentation centre.
- Spoke to construction timelines.
- Responded to questions from Council.

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Given

R603/16/08/09 THAT Council authorize the issuance of Temporary Use Permit. No. TUP16-0003 to allow for the existing building to be used as a marketing and sales centre for the proposed adjacent Grace Development (former Lucaya Development)

under construction for Lot D, District Lot 139, ODYD, Plan KAP71362 located at 945 Guy Street, Kelowna, BC, for a one (1) year period commencing from the date of Council approval, subject to the following conditions:

1. The dimensions and siting of the temporary use on the land be in general accordance with Schedule "A";

AND FURTHER THAT any application to extend the permit must be approved by Council prior to this permit expiring.

**Carried**

**6.2 2284 & 2292 Speer Street, TUP14-0003 - Interior Health Authority & City of Kelowna**

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:

**Letter of Opposition:**  
Birgit Santana, Speer Street

Deputy Mayor Sieben 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 in attendance.

No one from the gallery came forward.

There were no further comments.

**Moved By Councillor Donn/Seconded By Councillor DeHart**

**R604/16/08/09** THAT Council authorize an extension of Temporary Use Permit No. TUP14-0003 to allow the continued use of the subject property for Contractor Service, General for Lots A and B, District 14, ODYD, Plan EPP28861, located at 2284 and 2292 Speer Street, Kelowna, BC, for another two (2) year period commencing from July 29, 2016.

**Carried**

**6.3 150 Homer Road, BL11186 (OCP15-0004) - The BC Muslim Association**

**Moved By Councillor DeHart/Seconded By Councillor Singh**

**R605/16/08/09** THAT Bylaw No. 11186 be adopted.

**Carried**

**6.4 150 Homer Road, BL11187 (Z15-0018) - The BC Muslim Association**

**Moved By Councillor Singh/Seconded By Councillor DeHart**

**R606/16/08/09** THAT Bylaw No. 11187 be adopted.

**Carried**

**6.5 150 Homer Road & 1120 Highway 33 W, DVP16-0145 - The BC Muslim Association**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

**Letter of Concern/Opposition:**  
Donald & Carol Craske, Homer Rd

**Letter of Opposition:**  
Marina Hailey, Homer Rd

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

Steve Shoranick, Applicant Representative

- Advised that there have been no changes since the rezoning was approved at a previous Public Hearing.
- Will be looking for other properties nearby to accommodate additional parking.
- Willing to demolish existing house on property in the future if parking needs increase.

No one from the gallery came forward.

There were no further comments.

**Moved By Councillor Donn/Seconded By Councillor Stack**

**R607/16/08/09** THAT Final Adoption of Zoning Amending Bylaw No. 11187 and OCP Amending Bylaw No. 11186 be considered by Council;  
AND THAT Council authorize the issuance of Development Variance Permit for proposed Lot 2, Section 27, Township 26, ODYD, Plan EPP63747, located on 150 Homer Road, Kelowna, BC.

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

Section 13.1.6 (e) Development Regulations

- Reduce the minimum rear yard setback from 7.5m to 1.5m.

AND THAT Council authorize the issuance of Development Variance Permit for proposed Lot 1, Section 27, Township 26, ODYD, Plan EPP63747, located on 1120 Hwy 33 W, Kelowna, BC.

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

Section 6.5.3 Accessory Buildings in non-residential zones

- Reduce the setback distance from 1.5m to 0.75m.

Table 8.1 - Parking Schedule

- Reduce the minimum number of parking stalls required from 57 stalls to 29 stalls.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Variance Permit Applications in order for the permit to be issued.

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

Carried

#### 6.6 2215 Speer Street, DVP16-0132 - Marliea Sharpe

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:

Letter of Opposition:

Joanne and Fred Shura, Speer St

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

Marliea Sharpe, Applicant

- Owner of the property since December 1997.
- Advised that since 2010, 2-hour handicap parking has been permitted in front of her house. The sign was replaced and the time restriction removed. It has now become impossible to park in front of her house.
- Spoke to the reasons for the requested variances.
- Advised that two other properties on Speer Street have front driveways with back lane access as do other properties in the immediate neighbourhood.
- Disagrees with Restrictive Covenant requirement to remove driveway upon sale of property.
- Responded to questions from Council.

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Given

**R608/16/08/09** THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0132 for Lot 29, District Lot 14, ODYD, Plan 413, located at 2215 Speer Street, Kelowna, BC;

AND THAT variances to the following section of Subdivision, Development, and Servicing Bylaw No. 7900 be granted:

**Schedule 4: Design Standards - Highways: Section 4.6 Curb and Gutter, Sidewalks and Bike Lanes**

To allow a second driveway with access from the higher classification of road when there is an existing driveway with lane access.

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

**Section 8.1.9(b): Parking and Loading**

To allow parking in the required front yard setback (4.5m).

AND THAT Council's consideration of this Development Variance Permit be considered subsequent to the registration of a Section 219 Restrictive Covenant on the subject

property indicating that the second driveway is for the sole benefit of the current registered owner, is non-transferable, and shall be removed upon change of ownership;

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 2 (two) years from the date of Council Approval, with no opportunity to extend.

Carried  
Councillors Gray, Singh and Stack - ~~Opposed~~

7. Reminders - N/A

8. Termination

The meeting was declared terminated at 10:02 p.m.

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Mayor

\_\_\_\_\_  
City Clerk

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