



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, September 15, 2015
Council Chamber
Location: City Hall, 1435 Water Street

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

Members Absent Councillors Charlie Hodge and Brad Sieben

Staff Present Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming, Community Planning Manager, Ryan Smith; Urban Planning Manager, Terry Barton; Urban Planner, Adam Cseke*; Council Recording Secretary, Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 6:25 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Singh.

3. Confirmation of Minutes

Moved By Councillor Singh/Seconded By Councillor Given

R713/15/09/15 THAT the Minutes of the Public Hearing and Regular Meeting of August 25, 2015 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 285 Sadler Road, BL11132 (Z15-0032) - Thorsten Tropic

Moved By Councillor Gray/Seconded By Councillor Donn

R714/15/09/15 THAT Bylaw No. 11132 be read a second and third time.

Carried

4.2 540 Osprey Avenue, BL11133 (Z15-0005) - 958123 BC Ltd.

Moved By Councillor Donn/Seconded By Councillor Gray

R715/15/09/15 THAT Bylaw No. 11133 be read a second and third time.

Carried

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 309 statutory notices to the owners and occupiers of surrounding properties, and 2223 informational notices to residents in the same postal delivery route, between September 1 and September 4, 2015.

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. Heritage Alteration Permit, Development Permit and Development Variance Permit Reports

6.1 ITEM WITHDRAWN BY APPLICANT - 2072 Abbott Street, HAP15-0004 - Resear Ltd.

Mayor Basran advised that the Heritage Alteration Permit Application was withdrawn by the Applicant.

6.2 3320 Jackson Ct, DVP15-0143 - Richard Skurzyk & Patricia Walker

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence 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.

Richard Skurzyk, Jackson Court, Applicant

- The purpose of the building is to enable us to house a motor home as well as a hoist.
- The accessory building roofline will match that of the house. It will not look oversized and will match the house nicely.
- Confirmed there was neighbour consultation and blueprints were provided.
- Confirmed that all neighbours were supportive of the project.
- Responded to questions from Council.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Gray

R716/15/09/15 THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0143, for Lot 24 Section 16 Township 26 ODYD Plan 24182, located at 3320 Jackson Court, Kelowna, BC;

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

Section 12.3.6(b): Rural Residential 3 - Development Regulations

To vary the accessory building height from 4.5 m maximum to 5.17 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

6.3 621 Roanoke Avenue, DP15-0147 & DVP15-0148 - Darla Kopp

Staff:

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

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

Letter of Support or Conditional Support

Clark Webb, 618 Roanoke Avenue

Letter of Opposition or Concern

Audrey Dunne, 602 Bay Avenue

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

Applicant:

- Present and available for questions.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor DeHart

R717/15/09/15 THAT Council authorizes the issuance of Development Permit No. DP15-0147 for Lot 11 Block 1 District Lot 9 ODYD Plan 1306, located at 621 Roanoke Avenue, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule "B";

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0148 for Lot 11 Block 1 District Lot 9 ODYD Plan 1306, located at 621 Roanoke Avenue, Kelowna, BC;

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

Section 13.6.6(a): RU6 - Two Dwelling Housing - Development Regulations

To vary the maximum lot coverage of a carriage house from 14% to 16%;

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

6.4 561 McKay Avenue, BL11120 (OCP15-0009) - City of Kelowna

Moved By Councillor Stack/Seconded By Councillor DeHart

R718/15/09/15 THAT Bylaw No. 11120 be adopted.

Carried

6.5 561 McKay Avenue, BL11121 (Z15-0026) - City of Kelowna

Moved By Councillor DeHart/Seconded By Councillor Stack

R718/15/09/15 THAT Bylaw No. 11121 be adopted.

Carried

6.6 561 McKay Avenue, DP15-0118 & DVP15-0119 - 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 had been received:

Letter of Opposition or Concern
Dr Crawford & Dr. Wade, McKay Avenue

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

No one came forward.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Stack

R719/15/09/15 THAT Council authorizes the issuance of Development Permit No. DP15-0118 for Lot 1 District Lot 14 ODYD Plan EPP45951, located at 561 McKay Avenue, Kelowna, BC subject to the following:

1. The dimensions and siting of the works to be constructed on the land be in accordance with Schedule "A,"
2. Landscaping to be provided on the land be in accordance with Schedule "B";

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0119 for Lot 1 District Lot 14 ODYD Plan EPP45951, located at 561 McKay Avenue, Kelowna, BC;

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

Section 7.6.9 (e): Landscaping and Screening Minimum Landscape Buffers

To vary the required minimum front yard for a surface parking lot from Level 2 landscape buffer permitted to Level 1 landscape buffer zone proposed.

To vary the required minimum side yard (west) for a surface parking lot from Level 2 landscape buffer permitted to Level 1 landscape buffer zone proposed.

To vary the required minimum side yard (east) for a surface parking lot from Level 2 landscape buffer permitted to Level 1 landscape buffer zone proposed.

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

6.7 15-2368 Abbott Street, DVP15-0166 - Randall & Cecilia Gossen

Staff:

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

The City Clerk advised that no correspondence 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.

Applicant:

- Present and available for questions.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor DeHart

R720/15/09/15 THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0166 for Strata Lot 15, District Lot 14, ODYD, Strata Plan K721, together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as shown on Form 1, located at 15-2368 Abbott Street, Kelowna, BC;

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

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

To vary the required minimum side yard from 2.0 m permitted to 1.5 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

6.8 519, 529 and 539 Truswell Road, BL11015 (Z14-0030) - MKS Resources Inc.

Moved By Councillor Stack/Seconded By Councillor DeHart

R721/15/09/15 THAT Bylaw No. 11015 be adopted.

Carried

6.9 529 Truswell Road, DP14-0132 & DVP14-0133 - MKS Resources Inc.

Staff:

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

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

Letters of Opposition or Concern

M. Hanak, Truswell Road
Douglas Cebryk, Truswell Road
Leslie Eames, Truswell Road
Royce & Merle Hetherington, Truswell Road
Jake Thiessen, Strata Corp KAS 4004 Truswell Road
Linda & Rene Hantelmann, Truswell Road
James & Claire Steinback, Truswell Road
Ray & Pat Putnam, Truswell Road
Bernice Hanson, Truswell Road
Jack & Mary Jane Patterson, Truswell Road
Marianne & Jim Lynn, Truswell Road
Robert & Diane Silk, Truswell Road
Julee Poole, Truswell Road
Donald & Maureen Anderson, Truswell Road
Marlene Dunlop, Truswell Road
Judy & Dennis Kalynchuk, Truswell Road
Robert & Karen Millar, Truswell Road
Ann & Randy Leavitt, Truswell Road
George Mapson & Heather McLaren, Truswell Road

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

Steve Shoranick, MKS Resources Applicant

- Spoke to the nine year history of the process and the phasing of the development.
- Spoke to full disclosure to owners of Phase 1 and that nothing has changed since that disclosure.
- Displayed site plan on the overhead projector.
- Confirmed that the lane will not be used or changed.
- Spoke to the parking space history.
- Acknowledged that concerns from the last Public Hearing were taken into consideration.
- Responded to questions from Council.

Gallery:

Jake Thiessen, Strata Corp KAS 4004 President, Truswell Road

- Spoke with 65 owners and received supporting emails and signatures from half of those owners who are opposed to the variances.
- Owners of Phase 1 are not opposed to the development but to the variances especially related to the setbacks.
- Spoke to the distribution of parking stalls between Phase 1 and Phase 2 as outlined in the Strata's correspondence to Council.
- Raised concern with the narrow lane and the impact on fire safety, traffic flow, snow and garbage removal.

Ray Putnam, Truswell Road

- New owner of property which faces the proposed construction.
- Raised concern with variance on the lane that will impede his privacy.
- Raised concern that the landscaping will be different and would prefer consistency.
- Responded to questions from Council.
- Opposed to the variances.

George Mapson, Truswell Road

- Raised concern that there is a lack of hardship demonstrated in support of the variances.
- Raised concern with the lane between the 2 buildings being too close and emitting noise from garbage removal as well as pedestrian activity.
- Supportive of as much green space as possible.

Bernice Hanson, Truswell Road

- Spoke to zoning standards and bylaws that should be adhered as outlined in the correspondence submitted to Council.
- Raised concern that there is no demonstration of hardship to support these variances.
- Opposed to the variances.

Valems Liber, Truswell Road

- Raised concern with emergency services access in the lane.
- Supportive of more green space provided.
- Responded to questions from Council.

Staff:

- Clarified the Fire Department comments regarding impact of access lane with response to and fighting fires.

Steve Shoranick, Applicant

- Confirmed that the lane would not be used and will only be used for emergency.
- Stated that the lane would have access closed by way of a gate.
- Confirmed that the footprint and location of Phase 2 has not changed and neither has the lane. Will create a 5 foot landscape strip to mitigate view of a concrete wall.
- Responded to questions from Council.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Given

R722/15/09/15 THAT Council authorize the issuance of Development Permit DP14-0132 for Lot A, Section 1, Township 25, ODYD, Plan EPP52732, located on 529 Truswell Road, Kelowna, BC, subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. That 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 professional landscaper;

AND THAT Council authorize the issuance of Development Variance Permit DVP15-0080 for Lot A, Section 1, Township 25, ODYD, Plan EPP52732, located on 529 Truswell Road, Kelowna, BC;

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

Section 8.1.2 Off-Street Vehicle Parking

Vary the maximum number of parking spaces permitted from 125% of the required minimum (33 parking stalls) to 200% of the required minimum (52 parking stalls).

Section 14.9.5 (c) Development Regulations

Vary the front yard setback requirement from 6.0 metre required to 2.5 metre proposed.

Section 14.9.5 (d) Development Regulations

Vary the north flanking side yard setback requirement from 4.5 metre required setback to 1.8 metre proposed.

Section 14.9.5 (d) Development Regulations

Vary the south side yard setback requirement from 3.0 metre required setback to 0.0 metre proposed.

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

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

Carried

7. Reminders - Nil.

8. Termination

The meeting was declared terminated at 8:13 p.m.

Mayor

/acm

City Clerk