



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, October 18, 2016
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh and Luke Stack

Members Absent Councillor Maxine DeHart

Staff Present Acting City Manager, Joe Creron; City Clerk, Stephen Fleming; Suburban & Rural Planning Manager, Todd Cashin; Urban Planning Manager, Terry Barton; Planner, Adam Cseke; Divisional Director, Community Planning & Real Estate, Doug Gilchrist* Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:15 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Hodge.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Gray

R773/16/10/18 THAT the Minutes of the Public Hearing and Regular Meeting of October 4, 2016 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 196 Cariboo Road, BL11288 (Z16-0018) D & S Schulz Enterprises Ltd

Moved By Councillor Gray/Seconded By Councillor Given

R774/16/10/18 THAT Bylaw No. 11288 be read a second and third time.

Carried

- 4.2 3580 Casorso Road, BL11289 (Z16-0050) - Lonewolf Homes Ltd and Andrew Paterson

Moved By Councillor Given/Seconded By Councillor Gray

R775/16/10/18 THAT Bylaw No. 11289 be read a second and third time.

Carried

- 4.3 5100 Gordon Drive, BL11291 (OCP16-0008) - No. 21 Great Projects Ltd.

Moved By Councillor Hodge/Seconded By Councillor Gray

R776/16/10/18 THAT Bylaw No. 11291 be read a second and third time.

Carried

- 4.4 5100 Gordon Drive, BL11292 (Z16-0045) - No. 21 Great Projects Ltd.

Moved By Councillor Hodge/Seconded By Councillor Donn

R777/16/10/18 THAT Bylaw No. 11292 be read a second and third time.

Carried

- 4.5 2980 Gallagher Road, BL11293 (OCP16-0051) - Gordon, Heidi-Sabine, Donald, Amy, Allen

Moved By Councillor Gray/Seconded By Councillor Hodge

R778/16/10/18 THAT Bylaw No. 11293 be read a second and third time.

Carried

- 4.6 2980 Gallagher Road, BL11294 (Z16-0051) - Gordon, Heidi-Sabine, Donald, Amy, Allen & Angelica Kirschner

Moved By Councillor Singh/Seconded By Councillor Stack

R779/16/10/18 THAT Bylaw No. 11294 be read a second and third time.

Carried

- 4.7 752 & 760 Bechard Road, BL11295 (Z16-0047) - Elda & Louis Pagliaro

Moved By Councillor Singh/Seconded By Councillor Sieben

R780/16/10/18 THAT Bylaw No. 11295 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 239 statutory notices to the owners and occupiers of surrounding properties between October 4 and October 7, 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 1547 & 1543 Bedford Ave, BL11262 (Z16-0019) - Al Stober Construction

Moved By Councillor Singh/Seconded By Councillor Gray

R781/16/10/18 THAT Bylaw No. 11262 be adopted.

Carried

6. Development Permit and Development Variance Permit Reports

6.2 1545 Bedford Road & 1525 Dickson Avenue, DP16-0091, DVP16-0092, DP14-0197-01 & DVP16-0217 - Al Stober Construction Ltd.

Staff:

- Displayed a PowerPoint Presentation summarizing the application and advised of the numerous design changes to reduce the number of variances identified at Public Hearing.
- Responded to questions from Council.

Council:

- Discussed whether to defer the application due to the amendments to the development permit identified by staff this evening and the incomplete landscape plan.

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

Letters of Concern:
Heather Brewer, Bedford Avenue
Monica McArthur, Dunn Street

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

Jim Meiklejohn, Applicant Representative

- Displayed a PowerPoint Presentation summarizing the development permit and variances.
- The design changes have been made by working with staff in effort to improve the project, stairwell and being sensitive to the neighbour to the east.
- The following changes have been made since the last Public Hearing:
 - o Add texture/pattern to the East parkade wall;
 - o Add 6 foot high privacy screen to parkade;
 - o Relocate staircase to Bedford Road side;
 - o Added Planter reduces height of the wall;
 - o Add trees to create buffer to neighbour;
 - o Reduce length of wall: redesign corner;
 - o Removed mechanical systems from east wall.

Bob Dejanier, Al Stober Construction

- Believes the development permit changes are minimal and creates a better landscape privacy buffer with the neighbouring property.
- The landscaping plan for Phase 1 is to add pergolas and more flexible greenspace to the roof deck.
- Advised that in Phase 1 of the development will be building popular micro units to increase number of rental units.
- Responded to questions from Council.

Gallery:

Heather Brewer, Bedford Avenue and Jackie Davis, Windermere Road

- Displayed a PowerPoint Presentation summarizing concerns with the development.
- Advised that she bought her property as an investment as well as her home and has lived there for the past 16 years.
- Believed this development would include her property but doesn't; leaving her property an orphaned property.
- Raised concerns with the number of variances being requested.
- Raised concerns with health and safety with the exhaust from parkade venting to the east side of the property and would like it moved.
- Raised concerns with privacy and lighting issues.
- Raised concerns with the high wall overshadowing the area.
- Responded to questions from Council.

Jim Meiklejohn, Applicant

- Advised that two views of the building parkade wall were presented and is done this way as a formality to show the design with and without trees.
- The six-foot fence was put in at the neighbour's request and can be designed to accommodate.
- Confirmed the mechanical room and east side staircase have been moved.
- Responded to questions from Council.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Donn

R782/16/10/18 THAT Council waives the requirement for the area wide Traffic Study be completed by the applicant to the satisfaction of the City's Development Engineering Department to be considered in conjunction with Final Adoption of Rezoning Bylaw No. 11262;

AND THAT Council directs Staff to provide recommendations of non-support for any future rezonings that increase density and/or FAR within the expanded Town Centre area until such time as an area transportation plan is completed.

AND THAT Council authorize the issuance of Development Permit DP16-0091 for Lots 9, 10 and 11, District Lot 141, ODYD, Plan KAP10012, located on 1545 Bedford Ave, Kelowna, BC, with amendments to drawings and east side landscaping details as shown by staff during this evenings meeting and 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 to 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 DVP16-0092 for, located on Lots 9, 10 and 11, District Lot 141, ODYD, Plan KAP100121545, Bedford Ave, Kelowna, BC;

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

Section 13.11.6 (b) Development Regulations

- Increase the maximum Site coverage from 40% to 69.7%;
- Increase the maximum Site coverage of buildings, driveways, and parking areas from 65% to 85.0%;

Section 13.11.6 (d) Development Regulations

- Decrease the minimum site front yard setback (only for portions of the parkade) from 6.0m to 2.8m;

Section 13.11.6 (e) Development Regulations

- Decrease the eastern side yard setback (only for portions of the parkade) from 4.5m to 1.5m;

Section 13.11.6 (f) Development Regulations

- Decrease the rear yard setback (only for portions of the parkade) from 9.0m to 3.0m);

Section 8.1.9 Location

- Decrease the minimum setback of any parking stalls to the western side yard property line from 1.5 m to 0.0 m.

Section 8.1.11 Size and Ratio

- Increase the maximum percentage of medium sized parking stalls (from 40% to 47%);
- Decrease the minimum percentage of full sized parking stalls (from 50% to 42%);

Section 7.6.1 Minimum Landscape Buffers

- Decrease the Level 3 minimum landscape buffer from 3.0 m to 0.0 m along the western side yard property line.

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

Schedule 5 Drawings Road Works (SS-R7)

- Decrease the SS-R7 Collector-Class 2 right of way width from 18m to 15m.

AND THAT Council authorize the issuance of Development Permit DP14-0197-01 for Lot A, District Lot 141, ODYD, Plan EPP48886 located on 1525 Dickson Ave, Kelowna, BC, subject to the following:

1. Landscaping to be provided on the land to be in general accordance with Schedule "C";
2. That the Landscape Performance Security deposit from DP14-0197 be used to ensure the landscaping is completed as per the amended landscape plans identified in Schedule "C" of DP14-0197-01;

AND THAT Council authorize the issuance of Development Variance Permit DVP16-0217 for Lot A, District Lot 141, ODYD, Plan EPP48886 located on 1525 Dickson Ave, Kelowna, BC.

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

Section 8.1.9 Location

- Decrease the minimum setback of any parking stalls to the eastern side yard property line from 1.5 m to 0.0 m.

Section 8.1.11 Size and Ratio

- Increase the maximum percentage of compact sized parking stalls (from 10% to 14.4%);

Section 7.6.1 Minimum Landscape Buffers

- Decrease the Level 3 minimum landscape buffer from 3.0 m to 0.0 m along the eastern side yard property line.

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

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

Carried
Councillor Hodge - Opposed

6.3 9595 Bottom Wood Lake Road, DVP16-0100 - BC Tree Fruits Cooperative

Councillor Donn declared a perceived conflict of interest due to his employment with the District of Lake Country and departed the meeting at 9:11 p.m.

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.

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

Applicant was present and available for questions.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Stack

R783/16/10/18 THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0100 for Lot 44, DL 118 ODYD Plan 457 Except Plans 20108, 36673 and 39429, located at 9595 Bottom Wood Lake Road Kelowna, BC;

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

1. Section 15.2 .5 (d): I2 General Industrial Front Yard Setback
2. To vary the required minimum front yard from 7.5 m permitted to 1.32 m proposed.

AND THAT the developer be required to construct a black chainlink fence along the Bottom Wood Lake frontage of the site restricting vehicle access to the road outside of approved entrances;

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

Carried

Councillor Donn rejoined the meeting at 9:18 p.m.

6.4 1160 McKenzie Road, DP16-0044 & DVP16-0045 - Karmjit, Balvir & Avineet Gill

Item withdrawn by Applicant.

6.5 2161 Belgo Road, DVP16-0128 - Sydney Wray Kincaid

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 Opposition:

Janice Richardson and Carol Koga, Belgo Rd
Robert and Kathy Stearns, Belgo Rd
Barbara Conn, Belgo Rd
Raman and Sarwan Nijjar, Belgo Rd

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

Sydney Kincaid, Belgo Road, Owner/Applicant

- Provided background information on her application and history of the property.
- The height of the building provides ventilation for drying herbs and the windows open which provides energy efficiency.
- Believes this business is well suited in the surrounding area and is adding to the agricultural sector in a positive way.
- Believes the building does not interfere with neighbouring views as the topography will hide the height of the barn.
- Advised that at the request of staff she provided door to door consultation with the neighbours.
- Responded to questions from Council including actions following receipt of Stop Work Order.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Sieben

R784/16/10/18 THAT Council NOT authorize the issuance of Development Variance Permit No. DVP16-0128 for Lot A, Section 14, Township 26, Osoyoos Division Yale District Plan KAP73861, located at 2161 Belgo Road, Kelowna, BC.

Carried

6.6 1975 Kane Road, BL11261 (Z16-0026) - Terrance and Joan Raisanen

Item was withdrawn by the Applicant

6.7 1975 Kane Road, DP16-0117 & DVP16-0118 - Terrance and Joan Raisanen

Item was withdrawn by the Applicant

7. Reminders

City Clerk:

- Confirmed there was a wireless router outage Monday afternoon that impacted those using iPads.
- Staff have developed a protocol to address such instances should another occur during a Council meeting.

Council:

- Made comment on the late changes on the Development Permit for 1545 Bedford Road.
- Made comment on the development of the Landmark Town Centre

8. Termination

The meeting was declared terminated at 9:52 p.m.

Mayor

/acm

City Clerk