



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, September 29, 2015
Location: Council Chamber
City Hall, 1435 Water Street

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

Members Absent Councillor Mohini Singh

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

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 6:40 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Stack.

3. Confirmation of Minutes

Moved By Councillor Gray/Seconded By Councillor DeHart

R740/15/09/29 THAT the Minutes of the Public Hearing and Regular Meeting of September 15, 2015 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 1981 Cross Road, BL11134 (Z15-0030) - Lorne Pearson

Moved By Councillor Gray/Seconded By Councillor Given

R741/15/09/29 THAT Bylaw No. 11134 be read a second and third time.

Carried

4.2 4619 Gordon Drive, BL11135 (Z15-0036) - Reza Atri & Soraya Shidarian-Atri

Moved By Councillor Hodge/Seconded By Councillor Gray

R742/15/09/29 THAT Bylaw No. 11135 be read a second and third time and be adopted.

Carried

4.3 4077 Lakeshore Road, BL11136 (OCP15-0011) - Greencorp Ventures Inc.

Moved By Councillor Stack/Seconded By Councillor DeHart

R743/15/09/29 THAT Bylaw No. 11136 be read a second and third time.

Carried

4.4 4077 Lakeshore Road, BL11137 (Z15-0031) - Greencorp Ventures Inc.

Moved By Councillor DeHart/Seconded By Councillor Stack

R744/15/09/29 THAT Bylaw No. 11137 be read a second and third time.

Carried

5. Bylaws to be Rescinded at First Reading

5.1 605 Stirling Road, BL11142 (Z15-0024) - 1009440 BC Ltd.

Moved By Councillor Sieben/Seconded By Councillor DeHart

R745/15/09/29 THAT Bylaw No. 11142 be rescinded at first reading;

AND THAT the Rezoning Application No. Z15-0024 file be closed.

Carried

6. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications / Temporary Use Permits was given by sending out or otherwise delivering 70 statutory notices to the owners and occupiers of surrounding properties, and 866 informational notices to residents in the same postal delivery route, between September 15 and September 18, 2015.

The City Clerk advised that Notice of these (amendments to Liquor Primary Licences) were advertised by being posted on the Notice Board at City Hall on September 15, 2015, and by being placed in the Kelowna Capital News issues on September 18 and September 23, 2015 and by sending out or otherwise delivering 1999 statutory notices to the owners and occupiers of surrounding properties, and 2786 informational notices to residents in the same postal delivery route, between September 15 and September 18, 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.

7. Liquor License Application Reports

7.1 4320 Gallaghers Drive W, LL15-0009 - GolfBC Holdings 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:

Letter of Support

Vernon & Raia Boyko, Gallaghers Drive W.
Julie & Bob Hepburn, Gallaghers Crescent
Rand Stuart, Gallaghers Blvd

Letter of Opposition or Concern

Martin Mills, Gallaghers Parkway
Grace & Albert Popoff, Gallaghers Circle
Larry Erickson, Gallaghers Fairway S.
Ken & Wendy Hague, Gallagher's Drive E.
Raymond Wiebe, Gallagher's Lookout
Doug Wise, Gallaghers Crescent
Carla and Peter Cormier, Gallaghers Circle
Barbara Brookes, Gallaghers Parkway
William & Wanda Grevatt, Gallagher's Parkland Drive

Petition of Opposition

Contains approximately 19 signatures

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

Bert Hick, Rising Tide Consultants

- Provided rationale for the extension in hours with a few being Sunday Brunch, golf tournaments and to synchronize the hours with certain events.
- Advised that many other golf courses in the region have longer servicing hours.
- Responded to questions from Council.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Given

R746/15/09/29 THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 10 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of the application from GolfBC Holdings Inc. (dba Gallagher's Canyon Golf Resort) at 4320 Gallagher's Dr. W., (legally described as Lot 2, Section 2 Township 26, ODYD, Plan KAP82463 and an undivided 1/32 share in Common Lot 1, Plan KAP63646 (See Plan as to Limited Access) and an Undivided 1/384 share in Common Lot G Plan KAP53116 (See Plan as to Limited Access) and an undivided 1/24 Share in Common Lot 7 Plan KAP71295 (See Plan as to Limited Access)) for a change to licensed hours of sale from 10:00 AM to 12:00 AM Monday to Saturday and 11:00 AM to 12:00 AM Sunday, to 9:00 AM to 12:00 AM Monday to Sunday to better serve the golf playing public.

2. The Council's comments on the prescribed considerations are as follows:
 - (a) The potential for noise if the application is approved;
The potential for noise may increase due to the additional hours of service. However, noise has not been an issue at this location in the past.
 - (b) The impact on the community if the application is approved:
Significant negative community impacts are not anticipated.
 - (c) It is unlikely that the change in hours may result in the establishment being operated contrary to its primary purpose.
3. The Council's comments on the views of residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures".

Carried

7.2 3200 Via Centrale, LL15-0010 - GolfBC Holdings Ltd.

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

Letter of Support

Dave Moon, Country Club Drive
Anthony & Harmina Jansen, Quail Ridge Blvd
Murray Allen, Pinnacle Way

Letter of Opposition or Concern

Philip L. Gardner, Capistrano Drive

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

Bert Hick, Rising Tide Consultants

- Provided rationale for the extension in hours.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor DeHart

R747/15/09/29 THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 10 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of the application from GolfBC Holdings Ltd. (dba The Okanagan Golf Club) at 3200 Via Centrale, (legally described as Lot C, Sections 22 and 23, ODYD, Plan 1632 Exc. Plan KAP47192) for a change to licensed hours of sale from 10:00 AM to 12:00 AM Monday to Saturday and 11:00 AM to 12:00 AM Sunday, to 9:00 AM to 12:00 AM Monday to Sunday to better serve the golf playing public.
2. The Council's comments on the prescribed considerations are as follows:
 - (a) The potential for noise if the application is approved;

- The potential for noise may increase due to the additional hour of service. However, noise has not been an issue at this location in the past.
- (b) The impact on the community if the application is approved:
Significant negative community impacts are not anticipated.
 - (c) It is unlikely that the change in hours may result in the establishment being operated contrary to its primary purpose.

- 3. The Council's comments on the views of residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures".

8. Development Permit and Development Variance Permit Reports

8.1 710 Stockwell Avenue, DP14-0205 & DVP15-0158 - Valleywest Homes 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:

Letter of Support or Conditional Support Beryl Itani, 1380 Richter Street

Letter of Opposition or Concern Maria Tokarchuk, 767 Fuller Avenue

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

Garry Tomporowski, Applicant Representative

- Pleased to bring this project to fruition and improve the neighbourhood as well as provide much needed rental housing to the area and community.
- Confirmed the main entrance is on Richter Street.
- Responded to questions from Council.

Gallery:

Steve Makar, Fuller Avenue

- Home is adjacent to the development.
- Spoke with both staff and applicant regarding this application.
- Do not have an issue regarding the form and character or variance.
- Raised concern regarding location of the parking garage door access and the garbage dumpster location as they are directly opposite his property and believes it negatively impacts his property.
- Suggested the parking garage door access and garbage dumpster be moved closer to Richter Street.
- Responded to questions from Council.

Laurie Baird, Richter Street

- Raised concern with parking in the neighbourhood.

Liza Painter, Stockwell Avenue

- Raised concern with lack of parking as well as construction worker parking.
- Raised concern with increased traffic.
- Raised concern with alignment of Doyle Road, Stockwell Avenue and Richter Street.

Mark Friesen, Applicant

- Read a response provided to Steve Makar that was believed to have adequately addressed Mr. Makar's concerns.
- With the new zoning the building is moving farther away from Mr. Makar's house.
- Noted the challenges with moving the garage parking access and garbage location.
- The development has more parking than what is required.
- Confirmed that decorative fencing would be placed around the garbage bins.
- Responded to questions from Council.

Staff:

- Clarified that 51 parking stalls would be provided.
- Clarified that the laneway in front of proposed development would be repaved by the applicant.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Donn

R748/15/09/29 THAT Council authorizes the issuance of Development Permit No. DP14-0205 for Lot 1, D.L. 138, O.D.Y.D., Plan KAP85472, located at 710 Stockwell Ave., Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land to 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. 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 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 THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0158 for Lot 1, D.L. 138, O.D.Y.D., Plan KAP85472, located at 710 Stockwell Ave., Kelowna, BC;

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

1. **Section [2.3.3 General Definitions]: [Lot Line, Front - Urban and Rural Residential]**
To vary the definition of Lot Line, Front - Urban and Rural Residential to allow the larger of the street frontages to be considered as the front lot line.
2. **Section [13.11.6(b)]: [RU5 - Medium Density Multiple Housing Development Regulations]**
To vary the maximum site coverage from 40% permitted to 57.7% 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

8.2 360 Penno Road, TUP15-0002 - Ian Robertson

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.

Ian Robertson, Applicant

- Available to answer questions.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor DeHart

R749/15/09/29 THAT Council authorize the issuance of Temporary Use Permit No. TUP15-0002 to allow an outdoor storage area for Lot 2, District Lot 123, ODYD, Plan 4183 EXCEPT: (1) PARCEL A (DD 131560F) (2) PLANS 4784, 22129 AND H8110, located at 360 Penno Road, Kelowna, BC, for a three (3) year period commencing from the date of Council approval, subject to the following conditions:

- a) The dimensions and siting of the temporary use on the land be in general accordance with Schedule "A";
- b) That no permanent structures be erected on the subject property in relation to the outdoor storage temporary use.

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

Carried

8.3 774 Barnaby Road, DVP15-0162 - Gary & Tina Gaspari

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.

Gary Gaspari, Applicant

- Available to answer questions.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Given

R750/15/09/29 THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0162 for the property legally known as Lot B, District Lot 357, SDYD, Plan KAP65931, located on 774 Barnaby Road, Kelowna, BC;

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

Section 7.5.9 - Fencing and Retaining Walls Regulations

To vary the height of a retaining wall from 1.2 metres to 1.5 metres in accordance with the drawings attached to the Development Variance Permit described in Schedule "A".

Carried

9. Resolutions

9.1 (S of) Academy Way, Draft Resolution, BL11143 (Z15-0006) - Watermark Developments Ltd. & City of Kelowna

Moved By Councillor Stack/Seconded By Councillor Hodge

R751/15/09/29 THAT Council defers consideration of Bylaw No. 11143 (Z15-0006), for the property located (South of) Academy Way, to the October 6, 2015 Public Hearing.

Carried

10. Reminders

Councillor Hodge:

- Expressed condolences to the family of former Mayor William Treadgold who passed away earlier this week. A service to be held November 28th, 2:00 p.m. at St. Michaels Cathedral.

11. Termination

The meeting was declared terminated at 8:22 p.m.

Mayor

/acm

City Clerk