



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, January 10, 2017
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 City Manager, Ron Mattiussi City Clerk, Stephen Fleming; Urban Planning Manager, Terry Barton; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Planner, Adam Cseke; Planner, Lydia Korolchuk*; Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 10:25 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 Singh

R013/17/01/10 THAT the Minutes of the Public Hearing and Regular Meeting of December 13, 2016 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 160 Hwy 33 W, BL11334 (Z16-0020) - 661682 BC Ltd

Moved By Councillor Gray/Seconded By Councillor Donn

R014/17/01/10 THAT Bylaw No. 11334 be read a second and third time.

Carried

4.2 3031 Abbott St, BL11337 (Z16-0048) - Calvin and Sunok Condy

Moved By Councillor Given/Seconded By Councillor Gray

R015/17/01/10 THAT Bylaw No. 11337 be read a second and third time.

Carried

4.3 410 Providence Ave & 347 Quilchena Dr, (BL11328) OCP16-0013 - Kettle Valley Holdings Ltd

Moved By Councillor Stack/Seconded By Councillor Singh

R016/17/01/10 THAT Bylaw No. 11328 be read a second and third time.

Defeated

Councillors Stack, Sieben, Singh, Donn, Gray and Hodge - Opposed

4.4 410 Providence Ave and 347 Quilchena Dr, (BL11329) TA16-0008 - Kettle Valley Holdings Ltd

Bylaw No. 11329 (TA16-0008) was not considered due to the OCP Bylaw being defeated.

Moved By Councillor Donn/Seconded By Councillor Sieben

R017/17/01/10 THAT Council continue with the January 10, 2017 Regular Meeting past 11:00 p.m.

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 75 statutory notices to the owners and occupiers of surrounding properties on December 20, 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 1665 & 1697 Innovation Drive, BL11296 (OCP16-0014) - Midwest Ventures Ltd

Moved By Councillor Sieben/Seconded By Councillor Stack

R018/17/01/10 THAT Bylaw No. 11296 be adopted.

Carried

6.2 1665 & 1697 Innovation Drive, BL11297 (Z16-0036) - Midwest Ventures Ltd

Moved By Councillor Gray/Seconded By Councillor Donn

R019/17/01/10 THAT Bylaw No. 11297 be adopted.

Carried

6.3 1665 & 1697 Innovation Drive, DP16-0188 & DVP16-0189 - Midwest Ventures 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.

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

Darren Schlamp, Argus Properties Ltd., Applicant:

- Commented that there is a design guideline book that has to be adhered to for this hotel.
- Responded to questions from Council.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Gray

R020/17/01/10 THAT final adoption of OCP Amendment Bylaw BL11296 and Rezoning Bylaw BL11297 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP16-0188 for Lot 13 Section 14 Township 23 ODYD Plan KAP82802 and Lot 14 Section 13 Township 23 ODYD Plan KAP82802 except Plan EPP23036, located at 1665 and 1697 Innovation Dr, Kelowna, BC), located at 1665 Innovation Drive, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in 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 Council authorizes the issuance of Development Variance Permit No. DVP16-0189 for Lot 13 Section 14 Township 23 ODYD Plan KAP82802 and Lot 14 Section 13 Township 23 ODYD Plan KAP82802 except Plan EPP23036, located at 1665 and 1697 Innovation Dr, Kelowna, BC), located at 1665 Innovation Drive, Kelowna, BC;

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

Section [14.9.5 (b)]: [C9 Tourist Commercial Development Regulations]

To vary the required maximum height from the lessor of 22.0 m or 6 storeys to the lessor of 23.5 m or 6 storeys.

AND THAT variances to the following section of Signage Bylaw No. 8235 be granted:

Section [6.1]: [C9 Tourist Commercial Signage Regulations]

To vary the maximum number of Awning, Fascia, Canopy, Under canopy/awning signs from 2 per business to 5 per business

AND THAT Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated November 29, 2016;

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 THAT prior to the Issuance of the Development Permit, that the subdivision consolidating Lots 13 and 14 be completed;

AND THAT prior to the Issuance of the Development Permit, a covenant be registered on the neighbouring property dedicating parking subject to 8.1.10 (a) of the City of Kelowna Zoning Bylaw No. 8000;

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
Councillor Hodge - Opposed

6.4 755 Academy Way, DP16-0206 / DVP16-0207 & DP16-0210/DVP16-0211 - Watermark Developments 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.

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

Michael Bacon, Applicant

- Present and available for questions.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Given

R021/17/01/10 THAT Council authorize the issuance of Development Permits No. DP16-0206 & DP16-0210 for Lot 3, Section 3, Township 23, ODYD, Plan EPP53793, located at 755 Academy Way, 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 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 Permits DVP16-0207 for Lot 3, Section 3, Township 23, ODYD, Plan EPP53793, located at 755 Academy Way, Kelowna, BC, subject to the following:

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

Section 13.10.6 (c) Development Regulations:

To increase the maximum height from 13.0m / 3 storeys to 14.0m / 4 ½ storeys.;

Section 8.1 Parking Schedule:

To reduce the minimum number of required parking stalls from 155 stalls to 108 stalls;

AND THAT Council authorize the issuance of Development Variance Permit DVP16-0211 for Lot 3, Section 3, Township 23, ODYD, Plan EPP53793, located at 755 Academy Way, Kelowna, BC,

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

Section 13.10.6 (c) Development Regulations:

To increase the maximum height from 13.0m / 3 storeys to 11.0m / 3 ½ storeys;

Section 8.1 Parking Schedule:

To reduce the minimum number of required parking stalls from 120 stalls to 86 stalls

AND THAT Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" in the Report from the Community Planning Department dated June 10th 2017;

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 permits 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

6.5 332 Lake Ave, DP16-0258 & DVP16-0259 - Windmill Ventures Ltd & 0797989 BC Ltd

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 or Concern:
Ronald Posein, 1820 Water Street
Nicola Estrada, 279 Lake Avenue

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

Simon Ho, Applicant

- Present and available for questions.

Gallery:

Dr. Lerner, Water Street

- Displayed a PowerPoint Presentation.
- Owner of a single family unit right next door to this development.
- Opposed to this application.
- Believes the massing and building is too large for this site and is imposing on his property.
- Raised concern with the number of requested variances; including sub-variances that totals 19.
- Raised concern that the parkade completely surrounds his property.
- Raised concern with lack of sunlight to his home due to the massing of the building.
- Believes this development is incompatible with neighbouring properties and neighbourhood.
- Responded to questions from Council.

Ian MacKay, Lake Avenue

- Opposed to this application.
- Believes the development does not fit the lot and will be overbearing.
- Raised concern with the number of variances requested.
- Raised concern with the additional on-street parking this development will bring.

Matthew Brodie, Thalia Street

- Inquired as to the unit breakdown by number of bedrooms.

Andrew Meiklejohn, Water Street

- Opposed to this application.
- Raised concern with the number of variances requested.
- Raised specific concern with side yard setback variances.
- Raised concern that the building is too dense for the lot size and would negatively impact the neighbourhood.
- Raised environmental impact concerns.
- Believes this is not a sensitive infill.
- Responded to questions from Council.

Simon Ho, Applicant

- Provided break down of units per number of bedrooms.
- Acknowledged this site is unusual in an attempt to build around an existing single family house.
- The intent of this development is to promote family living in the area and to maintain density.
- Advised that the soil conditions and high water table dictate and limit parking depth.
- Attempted to limit the impacts on the single family home.
- Responded to questions from Council.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Donn

R022/17/01/10 THAT Council authorize the issuance of Development Permit No. DP16-0258 for Lot A, District Lot 14, ODYD, Plan KAP90495, located at 332 Lake Ave, 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 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 DVP16-0259 for Lot A, District Lot 14, ODYD, Plan KAP90495, located at 332 Lake Ave, Kelowna, BC,

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

Section 13.11.6 (d) Development Regulations:

To decrease the front yard setback for the parkade from 6.0m to 3.0m;

Section 13.11.6 (e) Development Regulations:

To decrease the side yard setbacks for the eastern property: From 1.5m for the parkade to 0.22m; From 4.5m (up to 2 ½ stories) to 1.6m (up to 2 ½ stories); From 7.0m (above to 2 ½ stories) to 1.6m (above to 2 ½ stories). To decrease the side yard setbacks (south) facing the adjacent single family dwelling: From 4.5m (for the parkade & up to 2 ½ stories) to 2.8m (for the parkade & up to 2 ½ stories); From 7.0m (above to 2 ½ stories) to 1.6m (above to 2 ½

stories). To decrease the side yard setbacks (west) facing the adjacent single family dwelling: From 4.5m (for the parkade & up to 2 ½ stories) to 2.8m (for the parkade & up to 2 ½ stories); From 7.0m (above to 2 ½ stories) to 5.2m (for the 3rd level) and 6.2m (for the 4th level); To decrease the flanking side yard setbacks (facing Water St): From 6.0m for the parkade to 1.5m; From 6.0m to 3.7m (for the 1st & 2nd levels); From 6.0m to 5.8m (for the 3rd level);

Section 13.11.6 (f) Development Regulations:

To decrease the rear yard setbacks (north): From 7.0m to 6.7m (for the 1st, 2nd, & 3rd levels).

Section 13.11.6 (b) Development Regulations:

To increase the maximum site coverage from 40% to 80%; To increase the maximum site coverage of buildings, driveways, and parking areas from 65% to 80%.

Section 8.1.11 (a)(Parking)Size and Ratio:

To reduce the minimum extra width for a parking stall when it abuts an obstruction on one side from 0.2m to 0.0m.

Section 8.1.11 (b)(Parking)Size and Ratio:

To reduce the minimum percentage of full sized parking stalls for Apartment Housing from 50% to 48%;

To increase the maximum percentage of medium sized parking stalls for Apartment Housing from 40% to 43%.

AND THAT Council's consideration of the Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" in the Report from the Community Planning Department dated June 10th 2017;

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 permits to be issued;

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

Carried

Councillors Sieben, Hodge and Singh - Opposed

7. Reminders

8. Termination

The meeting was declared terminated at 12:27 a.m.

Mayor

City Clerk

/acm