



City of Kelowna Regular Council Meeting Minutes

Date:	Tuesday, March 21, 2017
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge Mohini Singh and Luke Stack
Members Absent	Councillors Brad Sieben
Staff Present	Deputy City Manager, Joe Creron; City Clerk, Stephen Fleming, Community Planning Department Manager, Ryan Smith*; Urban Planning Manager, Terry Barton*; Divisional Director, Community Planning & Strategic Investments, Doug Gilchrist*; Legislative Coordinator (Confidential), Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 6:56p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Hodge.

3. Confirmation of Minutes

Moved By Councillor Donn/Seconded By Councillor Gray

R208/17/03/21 THAT the Minutes of the Public Hearing and Regular Meeting of March 7, 2017 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 **BL11363 (TA16-0018) - C7 - Central Business Commercial Zone**

Moved By Councillor Hodge/Seconded By Councillor Given

R209/17/03/21 THAT Bylaw No. 11363 be read a second and third time.

Carried
Councillor Hodge – Opposed

4.2 BL11364 (TA17-0003) - Section 16 - Public and Institutional Zones

Moved By Councillor Hodge/Seconded By Councillor Given

R210/17/03/21 THAT Bylaw No. 11364 be read a second and third time.

Carried

4.3 BL11365 (Z17-0009) - 700 Swordy Road - FORTISBC Inc.

Moved By Councillor Given/Seconded By Councillor Hodge

R211/17/03/21 THAT Bylaw No. 11365 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 mailing 149 statutory notices to the owners and occupiers of surrounding on March 8, 2017.

Notice of Council's consideration of these Heritage Alteration Permit Application was given by sending out or otherwise mailing 27 statutory notices to the owners and occupiers of surrounding on March 8, 2017.

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

6.1 140 Mugford Rd, 405 and 425 Rutland Rd, BL11123 (Z15-0010) - RA Quality Homes Ltd

Moved By Councillor Singh/Seconded By Councillor DeHart

R212/17/03/21 THAT Bylaw No. 11123 be adopted.

Carried

6.2 140 Mugford Rd & 415 Rutland Rd, DVP16-0144 - RA Quality Homes Ltd

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:

Nancy Ryan and Richard Martin, Rutland Rd N.
Jody Dais and Leroy Chase, Mugford Road

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

Ben Rowlinson, Applicant Representative

- Displayed a new drawing on ELMO and advised that aspects of the development permit had changed.
- Spoke to the relocation of the driveway.

Mayor Basran:

- Recommended that Council defer this application as the development permit is incomplete.

Moved By Councillor Hodge/Seconded By Councillor Stack

R213/17/03/21 THAT Council defer development applications DP16-0014 and DVP16-0144, 140 Mugford Road and 405 and 425 Rutland Road.

Carried

6.3 370 Burne Ave, HAP16-0005 - Anil and Zulekha Bharwani

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence had been received.

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

Staff advised that the Applicant's Architect was unable to attend due to winter weather conditions blocking road access between North Vancouver and Kelowna.

Gallery:

Gail Wright, Bray Street

- Inquired how this modern home design fits into a heritage area.

Staff:

- Made comment on how this new style is appropriate and noted that the Heritage Advisory Committee appreciated the adaptive reuse and giving the building new life.
- Confirmed the house was not on the Heritage Registry.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Given

R214/17/03/21 THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP16-0005 for Lot 6, District Lot 14, ODYD, Plan 1178, located at 370 Burne Avenue, 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";

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

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

To vary the required minimum side yard from 2.3 m permitted to 1.73 m (east) and 1.82 m (west) proposed.

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

Carried

6.4 629 Greene Rd, DVP14-0149 - Garth Coxford & Gillian Krol

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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

Letters of Opposition or Concern:

Gordon Froese, Greene Road
Cynthia Hoffman, Greene Road

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

Garth Coxford, Greene Road, Applicant

- Confirmed the 2 car garage and driveway will house 3 vehicles with sufficient parking for the suite.
- Responded to questions from Council.

Gallery:

Gail Wright, Bray Street

- Property backs onto Greene Road but not onto the subject property; the variance will not impact her property.
- Here to support, in principle, the setbacks as indicated in the Zoning Bylaw and commented that there must be value purposes for the zoning setbacks and should not be so readily amended.
- Opposed to the variance.
- The variance has no impact on density and there are other land use options the owners could pursue.
- Spoke to parking issues and pedestrian safety implications created by Dorothea Walker Elementary School.

Richard Drinnan, Greene Road

- Opposed to the variance.
- Believes this will increase on street parking on an already dangerous corner of Greene Road.
- Displayed a map and photos on ELMO depicting the narrow width of the Road.
- Displayed a photo of the Applicant's home showing that there are currently 5 vehicles parked there and noted that the garage is used for storage and not parking.
- Made comment on parking restriction where there is no curb as a matter of public safety.
- Raised concerns on parking and asked Council to add covenants on title to ban off street parking as there are for other properties on Greene Road.

Staff:

- Advised that a restrictive covenant cannot be registered on a city street.

Garth Coxford, Applicant

- Agreeable to the City adding additional on-street parking restrictions on Greene Road.
- Responded to questions from Council.

Deputy City Manager:

- Will have staff look at Greene Road to see if there are any improvements that the City could make.

Moved By Councillor Given/Seconded By Councillor Donn

R215/17/03/21 THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0149 for Lot 6 District Lot 358 ODYD Plan 9564, located at 629 Greene Road, Kelowna, BC;

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

Section 13.1.6 (c): Large Lot Housing Development Regulations

To vary the required minimum side setback from 2.3 m permitted to 1.8 m proposed.

AND THAT Council's consideration of this Development Variance 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 September 8, 2014;

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

Carried

6.5 (650 Swordy Rd) 3441, 3451, 3461 & 3471 Lakeshore Road, BL11280 (OCP16-0007) - 0984342 BC Ltd.

Moved By Councillor Singh/Seconded By Councillor DeHart

R216/17/03/21 THAT Bylaw No. 11280 be adopted.

Carried

6.6 (650 Swordy Rd) 3441, 3451, 3461 & 3471 Lakeshore Road, BL11281 (Z16-0040) - 0984342 BC Ltd. & City of Kelowna

Moved By Councillor DeHart/Seconded By Councillor Singh

R217/17/03/21 THAT Bylaw No. 11281 be adopted.

Carried

6.7 650 Swordy Rd, DVP16-0161 - 0984342 BC Ltd

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 anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Jean Guy Beliveau, Zeidler BKDI Architects

- Displayed an aerial photo of the subject property and provided a brief overview of the site.
- Believes the key elements are a true mixed use component with retail, office space and residential.
- The Central Plaza area helps to break down the large mass.
- Parking is located in the back of the site with access off of Swordy Road.
- Materials being used are high quality and the colour palate will create a vibrancy.
- Believes this project is a Gateway to Lakeshore and commercial corridor.
- Responded to questions from Council.

Gallery:

Ellen Churchill, Coldwell Banker Horizon Realty, Lakeview Road, West Kelowna

- Representing clients who own property in the area.
- Raised questions regarding the lease term with Fortis BC.
- Raised questions regarding intentions for greenspace and landscaping proposed as this may impact her client's site lines long term.

Jean Guy Beliveau, Zeidler BKDI Architects

- Provided details of the landscape plan indicating mixed vegetation that will not be extensive and displayed drawings in support.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Donn

R217/17/03/21T THAT final adoption of Rezoning Bylaw No. 11281 (Z16-0040) & OCP Amendment Bylaw No. 11280 (OCP16-0007) be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP16-0160 for Lot A, District Lot 134, ODYD, Plan EPP65105, located at 650 Swordy Rd, 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 authorize the issuance of Development Variance Permit DVP16-0161 for Lot A, District Lot 134, ODYD, Plan EPP65105, located at 650 Swordy Rd, Kelowna, BC;

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

Table 8.1 Parking Schedule

To vary the required parking from 145 parking stalls permitted to 144 parking stalls proposed.

S.14.4.5 (c) Development Regulations

To vary the maximum height from '15.0m or 4 stories' permitted to '20.55m or 6 stories' proposed.

AND THAT Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated March 21 2017;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit applications in order for the permits to be issued;

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

7. Reminders - Nil

8. Termination

The meeting was declared terminated at 8:42 p.m.

Mayor

City Clerk

/acm