



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, September 12, 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, Brad Sieben*, Mohini Singh and Luke Stack

Staff Present City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Community Planning Department Manager, Ryan Smith*; Urban Planning Manager, Terry Barton*; Legislative Coordinator (Confidential), 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 Stack.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor DeHart

R731/17/09/12 THAT the Minutes of the Public Hearing and Regular Meeting of August 29, 2017 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 TA15-0008 (BL11369) - Miscellaneous Housekeeping Text Amendments

Councillor Gray declared a perceived conflict of interest as she is currently constructing a carriage home and departed the meeting at 6:27 p.m.

Moved By Councillor Given/Seconded By Councillor Hodge

R732/17/09/12 THAT Bylaw No. 11369 be read a second and third time.

Carried

Councillor Gray rejoined the meeting at 6:27 p.m.

4.2 2240, 2250 & 2260 Ethel St, Z17-0035 (BL11453) - JD Nelson & Associates Ltd

Moved By Councillor Gray/Seconded By Councillor Given

R733/17/09/12 THAT Bylaw No. 11453 be read a second and third time.

Carried

4.3 4610 Darin Place, Z17-0054 (BL11463) - Randall Schmidt and Josephine Pirolli

Moved By Councillor Stack/Seconded By Councillor DeHart

R732/17/09/12 THAT Bylaw No. 11463 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 306 statutory notices to the owners and occupiers of surrounding properties on Tuesday, August 29, 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 1330 St. Paul St, Z16-0067 (BL11338) - Burro Developments Ltd

Moved By Councillor DeHart/Seconded By Councillor Stack

R734/17/09/12 THAT Bylaw No. 11338 be adopted.

Carried

6.2 1330 St. Paul St, DP16-0246 and DVP16-0247- Burro Developments Ltd

Staff:

- Displayed a PowerPoint Presentation summarizing the application.
- Clarified a correction to the rezoning chart in the staff report which states a minimum parking requirement of 33 stalls and there are 32 stalls with cash in lieu for one less stall.
- 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.

Andrew Gaucher G Group Developments & Hans Neumann, Architect:

- Displayed a rendering of the proposal.
- Displayed a PowerPoint Presentation displaying rendering of proposal and noted that if approved there will be a mix of for sale and for lease units with a technology company, law firm and real estate firm.
- Providing rooftop garden, shower, change rooms and bike storage for building occupants.

- Listened to concerns brought forward and revised the plan accordingly; the car elevator was implemented to densify the project.
- The 16 m setback has to do with the boutique style podium and to create a pedestrian friendly environment.
- The Architect discussed the challenges with the narrow 50 ft lot and trying to accommodate all functions such as access, Fortis transformer, vehicle clearance and provide required parking; will be tenant parking only not for public parking.
- Considerations for setbacks in this zone included sun angles in order to receive sun from the laneway and sidewalk; believes there will not be an impact as it is a smaller building.
- Noted that some variances are required for the stairwells and circulation on the north side.
- Confirmed that 2 units at the front and will be subdivided into 2 strata lots but are small units and probably too small for retail.
- Majority of second floor parking is private parking for owner but some spots will be used for tenant parking as well; majority of tenants will park on the first floor.
- Couriers and deliveries would use street parking.
- Discussed setbacks to the property line and windows facing future development and noted there would be no windows in that area of the setback.
- Responded to questions from Council.

Gallery:

Maggie O'Neal and Trish Smith, Ellis Street

- Read from a statement and commented that they are in support of economic development and a vibrant downtown, however, there is a difference between vibrant and congested.
- Raised concern with the laneway being so narrow and vehicles currently driving too fast in both directions.
- Recommended a one-way laneway to mitigate issues.
- Raised concern with the proposals garage entrance and the elevator lift blocking laneway traffic.
- Raised concern that trucks currently park in the lane way which hinders exiting.
- Questioned whether the 16 m variance impacts moving trucks and if there is enough clearance.
- Questioned whether the city had considered settlement issues with current buildings.
- Believes this development will negatively impact buildings already there.

Andrew Gaucher G Group Developments & Hans Neumann, Architect:

- Advised that laneway traffic was discussed at the rezoning stage and noted the setbacks from the rear lane and will also be widening the laneway as requested.
- Confirmed geotechnical reports have been completed on this soil for constructability and there are no concerns.
- Respects concerns but advised there are no issues with functionally fitting.
- The elevator is ready to receive the vehicle; there is no loading station and confirmed only one vehicle at a time.
- Responded to questions from Council.

Staff:

- Confirmed that independent of the application laneway issues can be reviewed by the Traffic Operations Division at any time.
- Confirmed the variance on parking is size of stall, not the number of stalls and is meeting the requirements through the parking in lieu.
- Confirmed the C7 zone was updated in March and that the maximum height is 26 storeys for that lot.
- Confirmed services bays are dealt with on a case by case requirement and believe professional offices will not require a lot of loading requirements.

Moved By Councillor Given/Seconded By Councillor Sieben

R735/17/09/12 THAT final adoption of Rezoning Bylaw No. 11338 (Z16-0067) be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP16-0246 for Lot 16, District Lot 139, ODYD Plan 645, located at 1330 St Paul St, 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 Council authorize the issuance of Development Variance Permit DVP16-0247 for Lot 16, District Lot 139, ODYD Plan 645, located at 1330 St. Paul Street, Kelowna, BC;

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

Section 14.7.5 Development Regulations (h)

1. To vary the setback above the 16.0 height mark for the front yard from 3.0 metres to 0.77 metres.
2. To vary the setback above the 16.0 height mark for the side yard (north) from 4.0 metres to 0.025 metres.
3. To vary the setback above the 16.0 height mark for the side yard (south) from 4.0 metres to 2.72 metres.
4. To vary the setback above the 16.0 height mark for the rear yard from 3.0 metres to 0.61 metres.

Section 8.1.11 Size and Ratio (a)

5. To vary the two-way drive aisle with from 7.0m to 6.0m.

Section 8.1.11 Size and Ratio (a)

6. To vary the extra width of a parking stall when the parking stall abuts an obstruction from 0.2m to 0.0m.

Section 8.1.11 Size and Ratio (b)

7. To vary the maximum ratio of compact car parking spaces from 10% to 24.2%.

Section 8 Table 8.2 Loading Schedule

8. To vary the required number of loading spaces from 2 spaces to zero spaces.

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
Councillor Hodge - Opposed

6.3 781 Bay Ave, DVP17-0128 - Folio Building Group Inc

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letters of Concern:
Sheila Prichard, Pettigrew St.

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

The Applicant was present and available for questions.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Gray/Seconded By Councillor Given

R736/17/09/12 THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0128 for Lot 28 & 29, Section 30, Township 26, ODYD, Plan 1304, located at 781 Bay Avenue, Kelowna, BC;

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

Section 13.6.6: RU6 – Two Dwelling Housing Development Regulations

To vary the required side yard setback (adjoining lot line) on each property from 2-2.3m permitted to 1.2m 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

7. Reminders

Moved By Councillor Stack/Seconded By Councillor Hodge

R737/17/09/12 THAT Council direct staff to advise of any planned review of downtown laneways.

Carried

8. Termination

The meeting was declared terminated at 7:59 p.m.

Mayor

Deputy City Clerk

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