



## City of Kelowna Regular Council Meeting Minutes

Date:	Tuesday, November 7, 2017
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart*, Ryan Donn, Gail Given Tracy Gray, Mohini Singh and Luke Stack
Members Absent	Councillors Charlie Hodge and Brad Sieben
Staff Present	City Manager, Ron Mattiussi; City Clerk, Stephen Fleming, Divisional Director, Community Planning & Strategic Investments, Doug Gilchrist; Urban Planning Manager, Terry Barton; Community Planning Department Manager, Ryan Smith; Suburban & Rural Planning Manager, Todd Cashin; Legislative Coordinator (Confidential), Arlene McClelland

(\* denotes partial attendance)

### 1. Call to Order

Mayor Basran called the meeting to order at 6:33 p.m.

### 2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Given.

### 3. Confirmation of Minutes

Moved By Councillor Stack/Seconded By Councillor DeHart

R912/17/11/07 THAT the Minutes of the Public Hearing and Regular Meeting of October 17, 2017 be confirmed as circulated.

Carried

### 4. Bylaws Considered at Public Hearing

4.1 934 Grenfell Rd, Z17-0058 (B11494) - Allan and Annette Lipkovits

Moved By Councillor Gray/Seconded By Councillor Given

R913/17/11/07 THAT Bylaw No. 11494 be read a second and third time.

Carried

4.2 486 Cadder Ave, HRA17-0002 (BL11495) - Dr. Alan Broome Inc.

Moved By Councillor Given/Seconded By Councillor Gray

R914/17/11/07 THAT Bylaw No. 11495 be read a second and third time.

Carried

4.3 440 Edith Gay Rd, Z17-0030 (BL11496) - Harbrinder Khangura

Moved By Councillor Gray/Seconded By Councillor Given

R915/17/11/07 THAT Bylaw No. 11496 be read a second and third time.

Carried

4.4 1869 Maple St, Z17-0045 (BL11499) - Gregory and Linda Bauer

Moved By Councillor Given/Seconded By Councillor Gray

R916/17/11/07 THAT Bylaw No. 11499 be read a second and third time.

Carried

4.5 9590 McCarthy Rd, Z17-0074 (BL11501) - 0954717 BC Ltd Inc

Moved By Councillor DeHart/Seconded By Councillor Singh

R917/17/11/07 THAT Bylaw No. 11501 be read a second and third time.

Carried

4.6 1257 Rio Dr, Z17-0064 (BL11502) - Scott and Shelley LaHay

Moved By Councillor DeHart/Seconded By Councillor Singh

R918/17/11/07 THAT Bylaw No. 11502 be read a second and third time.

Carried

4.7 4623 Gordon Dr, Z17-0052 (BL11505) - 1104166 BC Ltd Inc.

Moved By Councillor Singh/Seconded By Councillor DeHart

R919/17/11/07 THAT Bylaw No. 11505 be read a second and third time and be adopted.

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 98 statutory notices to the owners and occupiers of surrounding properties on Tuesday, October 24, 2017.

Notice of these Temporary Use Permits were advertised by being posted on the Notice Board at City Hall on Tuesday, October 24, 2017, and by being placed in the Kelowna Daily Courier issues on Friday, October 27, 2017 and Wednesday, November 1, 2017 and by sending out or

otherwise mailing 48 statutory notices to the owners and occupiers of surrounding properties on Tuesday, October 24, 2017.

Notice of these Liquor Primary Licences were advertised by being posted on the Notice Board at City Hall on Tuesday, October 24, 2017, and by being placed in the Kelowna Daily Courier issues on Friday, October 27, 2017 and Wednesday, November 1, 2017 and by sending out or otherwise mailing 623 statutory notices to the owners and occupiers of surrounding properties on Tuesday, October 24, 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. Liquor Licence Application Reports

### 6.1 3762 Lakeshore Rd, LL17-0017 - Manteo Resort Ltd

Councillor DeHart declared a conflict of interest as her employer operates a hotel and bar and departed the meeting at 6:41 p.m.

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.

The Applicant was present and available for questions.

No one from the Gallery came forward.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Singh

**R920/17/11/07** THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):  
In accordance with Section 53 of the Liquor Control and Licensing Regulation and Council Policy #359, BE IT RESOLVED THAT:

1. Council comments on LCLB's prescribed considerations for the application from Manteo Resort Limited Partnership to add Patron Participation Entertainment to an existing Food Primary license for Lot1 District Lot 134 and Section 6 Township 26 ODYD Plan EEP55101, located at 3762 Lakeshore Rd, Kelowna, BC are as follows:

The potential for noise if the application is approved:

The potential impact for noise is minimal and would be compatible with surrounding land uses.

The impact on the community if the application is approved:

The potential for negative impacts are considered to be minimal.

If the amendment may result in the establishment being operated in a manner is contrary to its primary purpose:

The endorsement is being sought to offer an additional level of service to the food primary establishment. The focus of the establishment will be as a food primary establishment. Council's comments on the views of residents (if applicable) are as contained within the minutes of the meeting at which the application was considered by Council.

**Carried**

Councillor DeHart rejoined the meeting at 6:45 p.m.

**7. Development Permit and Development Variance Permit Reports**

**7.1 775 Rose Ave, BL11412 (Z17-0013) - Wes and Tammy Jones**

Moved By Councillor DeHart/Seconded By Councillor Singh

**R921/17/11/07** THAT Bylaw No. 11412 be adopted.

**Carried**

**7.2 775 Rose Ave, DP17-0031 and DVP17-0032 - Wes and Tammy Jones**

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.

The Applicant was present and available for questions.

No one from the Gallery came forward.

There were no further comments

Moved By Councillor Donn/Seconded By Councillor Gray

**R922/17/11/07** THAT final adoption of Rezoning Bylaw No. 11412 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0031 and DVP17-0032 for Lot 7 DL 136 ODYD Plan 11487, located at 775 Rose 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 sections of Zoning Bylaw No. 8000 be granted:

**Section 8.1.9(c) Parking and Loading: Location**

To allow two required parking stalls to be located within 1.5m of the side property lines on the east and west sides;

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

**Carried**

**7.3 861 Rose Ave, BL11411 (Z17-0012) - Pillar West Developments Inc.**

Moved By Councillor Singh/Seconded By Councillor DeHart

R923/17/11/07 THAT Bylaw No. 11411 be adopted.

**Carried**

**7.4 861 Rose Ave, DP17-0036 and DVP17-0037 - Pillar West Developments Inc.**

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.

The Applicant was present and available for questions.

No one from the Gallery came forward.

There were no further comments

Moved By Councillor DeHart/Seconded By Councillor Given

R924/17/11/07 THAT final adoption of Rezoning Bylaw No. 11411 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0036 and DVP17-0037 for Lot 7 DL 136 ODYD Plan 8116, located at 861 Rose 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 sections of Zoning Bylaw No. 8000 be granted:

**Section 8.1.9(c) Parking and Loading: Location**

To allow two required parking stalls to be located within 1.5m of the side property lines on the east and west sides;

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

**Carried**

**7.5 4646 McClure Rd, DVP16-0241 - Pillar West Developments Inc.**

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

City Manager:

- Confirmed that the matter before Council this evening is whether or not to grant a variance for a minimum lot width for Lot B and not those matters under the purview of the Subdivision Approving Officer.

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

**Letters of Opposition:**

Darrell & Carrie Skinner, Needham Ct.  
Elaine Johnston, Needham Ct.  
Bill and Ursula Thiessen, Needham Ct.  
Gary Maeers, Needham Ct.  
Tim Sullivan and Karen Smart, McClure Rd  
Carrie Skinner, Needham Ct..

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.

Gallery:

**Darrell Skinner, Needham Court**

- Opposed to this application.
- Raised concerns with boulevard trees that had been cut down earlier today by the City.
- The neighbourhood believed the decision regarding this application was already made and there was no point in attending this evening.
- Raised concerns with amount of trees to be removed for a three lot subdivision.
- In support of a 2 lot subdivision but believes a three lot subdivision is squeezing too many into one area.
- Raised concerns with the impact this development will have on the environment.
- Responded to questions from Council.

**Max Boake, McClure Road**

- Opposed to this application.
- Resided here for 44 years.
- Not opposed to change but this application is not in keeping with the neighbourhood.
- In support of a 2 lot subdivision.

**Carrie Skinner, Needham Court**

- Opposed to this application.
- Raised the question whether the riparian area would be kept with the Parks designation or would it become a grass staging area.
- In support of a 2 lot subdivision and believes it would be in keeping with the neighbourhood.
- Would like more greenspace to be preserved.
- Raised concerns with students hanging out at the trails and leaving garbage.
- Opposed to a public access pathway right-of-way.

**Sid Molenaar, Henderson Drive and Ron Cannon Redrock Court, Applicant**

- While some trees will be removed the large cedar trees will be kept.
- The client purchased the area for the view of the riparian area and wants it preserved.
- Thanked staff for their work and assistance with this application.
- Met with many of the immediate neighbours and understand their concerns and their preference of 2 lots as the 3<sup>rd</sup> lot has triggered a variance.
- Made comment to the benefits to the City should this application move forward.
- Responded to questions from Council.

Staff:

- Responded to questions from Council regarding the recent removal of boulevard trees on Needham Court.
- Advised that tree pruning and removal had been undertaken by the Parks Department crews as a result of damage during the recent snow storm.
- Advised that the removed trees will be replaced.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Given

**R925/17/11/07** THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0241 for Lot 2 Section 25 TWP 28 SDYD Plan 29484, located on McClure Road, Kelowna, BC;

AND THAT variance to the following section[s] of Zoning Bylaw No. 8000 be granted:  
**13.1.5 Subdivision Regulations**

(a) The minimum **lot width** is 16.5 m permitted to:  
Lot B – 15.72 m proposed on the subject property.

AND THAT Council's consideration of the Development Variance Permit be considered whereby the Bellevue Creek Floodplain and Riparian Management Area be dedicated to the City of Kelowna as a lot as a condition of and concurrent to subdivision, and the installation of a 1.2m tall black chain link fence be installed 150mm inside the owner's new property line adjacent to the dedicated area; and the registration on title of a 3.5 m wide Statutory Right of Way in favour of the City for flood protection and public access from McClure Road to Bellevue Creek; and the installation of a 1.2m tall black chain link fence be installed at the edge of the Statutory Right of Way, in accordance with Attachment A;  
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**

**7.6 4610 Darin Pl, DVP17-0144 - Randall Schmidt & Josephine Piroli**

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.

The Applicant was not present.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Donn

**R926/17/11/07** THAT final adoption of Rezoning Bylaw No. 11463 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0144 for Lot 5 District Lot 357 ODYD Plan KAP57058, located at 671 Darin Place, Kelowna, BC;

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

**Section 9.5b.14: Carriage House Development Regulations**

To vary the required minimum side yard from 2.0 m permitted to 1.06 m proposed;

**Section 9.5b.15: Carriage House Development Regulations**

To vary the required minimum rear yard from 2.0 m permitted to 1.47 m 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**

**7.7 204 Poplar Point Dr, DVP17-0167 - Rodney & Jody Hazard**

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.

The Applicant was present and available for questions.

No one from the Gallery came forward.

There were no further comments

Moved By Councillor Stack/Seconded By Councillor DeHart

**R927/17/11/07** THAT Council authorize the issuance of Development Variance Permit No. DVP17-0167 for Lot 1, District Lot 219, O.D.Y.D., Plan 4561, located on 204 Poplar Point Drive, Kelowna BC;

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

Section 6.11.1 – Okanagan Lake Sight Lines –

To vary the required Okanagan Lake 120° Panoramic Sight Line to 86 proposed, resulting from the west sight line being reduced from 60° required, to 26° proposed as shown on Schedule "A".

**Carried**

**7.8 3029 Appaloosa Rd, TUP17-0003 - T190 Enterprises Ltd**

Staff:

- Displayed a PowerPoint Presentation summarizing the application and providing rationale for non-support.
- 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.



Dora Gromsdahl, Appaloosa Road, Applicant

- Made reference to the OCP supporting an Industrial future land use.
- Using the property for storage as a source of income and believed it would be in compliance with the OCP.
- Raised concerns with how the Palamino Road improvements would impact her property.
- Raised concerns with how neighbouring properties negatively impact the subject property and that storage is one of the few land uses available; almost impossible to do anything with our property and is unsellable.
- Believes that it is unrealistic to ask area property owners to band together and hire consultants, engineers, planners and lawyers; we are not developers and a better solution is greatly needed for this neighbourhood.
- Responded to questions of Council.

Gallery:

Dave Cullen, CTQ Consultants

- Advised that he is not representing this application but rather the next application.
- Asked if Council would defer consideration of this TUP until after hearing input on the following application and consider both in whole.

Angus Aitken, Appaloosa Road

- Currently has an application in stream and advised that numerous property owners are working on applications and that it would have been useful to know that staff would prefer numerous applications be brought forward simultaneously.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Singh

**R928/17/11/07** THAT Council defer further consideration of Item 7.8 until after Item 7.9 has been heard.

**Carried**  
Mayor Basran - Opposed

**7.9 3128 Appaloosa Rd, TUP17-0004 - 1056175 BC Ltd**

Staff:

- Displayed a PowerPoint Presentation summarizing the application and providing rationale for non-support.

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

**Letters of Opposition:**  
Ballet Gill, Shetland Rd (2 letters submitted)

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

Darcy Holloway, Owner

- Advised that there is a modular home and 32 recreation vehicles currently on the property
- Purchased the property in 2015 for the potential of the I6 zone.
- Made comment on the years of confusion and failed planning initiatives for this area and that owners want to move forward; owners are not planners and developers.

- Believes rezoned lots would result in increased tax base for the City.
- Responded to questions from Council.

Gallery:

Dave Cullen, CTQ Consultants, St. Paul Street

- Has had discussions with the applicant but does not formally represent the applicant.
- Displayed a map of the overall area on the ELMO and the two subject properties being discussed.
- This is a complex issue and property owners are not developers. A developer would consolidate in this area, would take the lead and would be able to afford a latecomer program for servicing; what is being asked of these owners is beyond the usual purview of the neighbourhood.
- Believes the City needs to take a more active role to create a strategy for this area.
- It is difficult to bring a number of properties together for the whole neighbourhood as they do not have the same goal.
- The City will have an increased tax base if the area is rezoned to I6.
- Responded to questions from Council.

Darcy Holloway, Owner

- There are 9 or 10 property owners willing to proceed with local area service or latecomer and ask the city to work with the rest of these properties so we can move forward with the I6 zone.

There were no further comments

Moved By Councillor Stack/Seconded By Councillor Donn

**R929/17/11/07** THAT Council NOT authorize the issuance of Temporary Use Permit No. TUP17-0004 to allow outdoor storage (RV's & boat storage) for Lot 11, Section 3, Township 23, ODYD, Plan 18861, located at 3128 Appaloosa Rd, Kelowna, BC

**Carried**

Deferred Item 7.8 - 3029 Appaloosa Rd, TUP17-0003 - T190 Enterprises Ltd was now considered by Council.

Moved By Councillor Donn/Seconded By Councillor Stack

**R930/17/11/07** THAT Council NOT authorize the issuance of Temporary Use Permit No. TUP17-0003 to allow outdoor storage for Lot 41 Section 3 Township 23 ODYD Plan 18861, located at 3029 Appaloosa Rd, Kelowna, BC.

**Carried**

**8. Reminders – Nil.**

**9. Termination**

The meeting was declared terminated at 8:51 p.m.

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Mayor

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City Clerk

/acm