



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, June 12, 2018
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Basran; Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Mohini Singh and Brad Sieben

Members Absent Councillor Luke Stack

Staff Present Acting City Manager, Joe Creron; City Clerk, Stephen Fleming; Divisional Director, Community Planning & Strategic Investments, Doug Gilchrist; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; Community Planning Supervisor, Laura Bentley; Policy & Planning Department Manager, Danielle Noble-Brandt*; Sustainability Coordinator, Tracey Guidi*; Park and Landscape Planner, Melanie Steppuhn*; Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:59 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Singh.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Donn

R589/18/06/12 THAT the Minutes of the Public Hearing and Regular Meeting of May 29, 2018 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 Holland Rd 3010, Z18-0010 (BL11620) - Scott and Chandra Payer & John and Alexandra Woodfield

Moved By Councillor Singh/Seconded By Councillor DeHart

R590/18/06/12 THAT Bylaw No. 11620 be read a second and third time.

Carried

4.2 Pacific Ave 1145, Z17-0118 (BL11621) - Anagram Properties

Moved By Councillor Singh/Seconded By Councillor Sieben

R591/18/06/12 THAT Bylaw No. 11621 be read a second and third time.

Carried

4.3 Taylor Cr 2424, Z18-0024 (BL11622) - Kerry and Nicole Begrand Fast

Moved By Councillor Singh/Seconded By Councillor DeHart

R592/18/06/12 THAT Bylaw No. 11622 be read a second and third time.

Carried

4.4 OCP18-0003 (BL11616) - Amendments to Address the Agriculture Plan

Moved By Councillor DeHart/Seconded By Councillor Singh

R593/18/06/12 THAT Bylaw No. 11616 be read a second and third time.

Carried

4.5 TA18-0002 (BL11617) - Agricultural Amendments based on the Agricultural Plan

Moved By Councillor Gray/Seconded By Councillor Hodge

R594/18/06/12 THAT Bylaw No. 11617 be read a second and third time.

Carried

4.6 OCP18-0004 (BL11618) - Amendments to Address the Agriculture Plan

Moved By Councillor Gray/Seconded By Councillor Hodge

R595/18/06/12 THAT Bylaw No. 11618 be read a second and third time.

Carried

4.7 TA18-0003 (BL11619) - Agricultural Amendments based on the Agricultural Plan

Moved By Councillor Hodge/Seconded By Councillor Gray

R596/18/06/12 THAT Bylaw No. 11619 be amended at first reading by removing all amendments for Part 3 and 4 and the associated Schedules A, B and C.

Carried

Moved By Councillor Hodge/Seconded By Councillor Donn

R597/18/06/12 THAT Bylaw No. 11619 as amended 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 339 statutory notices to the owners and occupiers of surrounding properties on Tuesday, May 29, 2018.

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 Richter St, Z17-0104 (BL11553) - 1139096 BC Ltd

Moved By Councillor Hodge/Seconded By Councillor Given

R598/18/06/12 THAT Bylaw No. 11553 be amended at third reading in order to change the legal description.

Carried

Moved By Councillor Hodge/Seconded By Councillor Given

R599/18/06/12 THAT Bylaw No. 11553 as amended be adopted.

Carried

6.2 Richter Street 1304 and 1308, DP17-0249 & DVP17-0250 - 1139096 BC Ltd

Staff:

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

The City Clerk advised that the following correspondence was received:

Letters of Opposition and Concern:

Steve Malekow –Shoreacres Rd, Castlegar, BC

Petition of Opposition

Emilio Samtor - signed by 11 owners/occupants of the surrounding properties

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

Bob Guy, 1292 Richter Consultant for Applicant

- Available for questions.

David Watkin, Architect, Calgary, Alberta

- Displayed artist conceptual rendition of the project on the ELMO.
- Made comment that the site has been challenging due to the small size as well as the high water table; all development for this project is above grade.
- The variances requested are to make the project fit onto the site.
- Displayed an illustration of the building height compared with the building height of the neighbouring property.
- The project does not exceed maximum site coverage nor building height.
- The intent of the centre courtyard is to provide more open access to the units; a sidewalk is located in the middle and flanked with landscaped areas to create a private gathering space for residents.
- Responded to questions from Council.

Gallery:

Carlos Samur, Richter Street

- Opposed to the variances where the two buildings meet but not against the project.
- Believes that stakeholders were not engaged with this application and that concerns have not been addressed by the Applicant.
- Raised concern that reducing the distance between the two buildings will create a fire hazard and potentially negatively impact their insurance coverage.
- Responded to questions from Council.

Steve Malekow, Castlegar BC, property owner on Richter Street

- Believes the building is far too large for the lot size.
- Opposed to the variances being requested.
- Raised concerns with the impacts this building will have on the privacy of residents in the neighbouring Cambridge building.
- Raised concerns that the new structure will block views and create poor visibility for pedestrian and vehicular traffic.
- Raised concerns with lack of space for snow removal and for visitor parking.
- Raised concerns that this building will block sunlight for residents in the Cambridge building and block the views to the north.
- Believes this project is not good for the neighbourhood nor downtown Kelowna.
- Responded to questions from Council.

David Watkin and Bob Guy, Applicant

- Had three meetings with members of the Cambridge building and expressed our plans for the lot and they were familiar with the requested variances; they expressed it was a great project but did have some concerns with visibility.
- Displayed artist conceptual rendition on the ELMO showing the distance between the two buildings and commented that there is substantial distance between the two buildings.
- Previously there were large trees on the subject site that ran along the north property line of the Cambridge building and with their removal the view from Cambridge improved.
- This project brings more than adequate parking and functional unit sizes
- Believes there will be no site line issues regarding traffic visibility.
- Responded to questions from Council.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Hodge

R600/18/06/12 THAT Council authorizes the issuance of Development Permit No. DP17-0249 for Lot A District Lot 139 ODYD Plan EPP81393, located at 1308 and 1304 Richter 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";
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 DVP17-0250 Lot A District Lot 139 ODYD Plan EPP81393, located at 1308 and 1304 Richter St, Kelowna, BC;

Section 13.11.6 (d) Development Regulations – Front Yard Setback

To vary the front yard setback for a portion of the building above 2 ½ storeys (3rd storey) from 6.0m required to 4.18m proposed.

Section 13.11.6 (e) Development Regulations – Side Yard Setback (South)

To vary the side yard setback for portions of the building below 2 ½ storeys from 4.5 m required to 2.76 m proposed.

To vary the side yard setback for portions of the building above 2 ½ storeys from 7.0 m required to 2.7 m for the 3rd storey and 4.05 m for the 4th storey.

Section 13.11.6 (e) Development Regulations – Side Yard Setback (North)

To vary the side yard setback for portions of the building below 2 ½ storeys from 1.5 m required to 0.47 m proposed.

To vary the side yard setback for portions of the building above 2 ½ storeys from 6.0 m required to 0.47 m for the 3rd and 4th storeys.

Section 13.11.6 (f) Development Regulations – Rear Yard Setback

To vary the rear yard setback from 7.0m required to 1.19m 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

6.3 Stremel Road 730, DVP17-0278 - Goode Properties Inc

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence was 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 DeHart

R601/18/06/12 THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0278 for Lot 1 Section 34 Township 26 ODYD Plan KAP88474 located at 730 Stremel Road, Kelowna, BC, subject to the following:

1. The dimensions and siting of the buildings to be constructed on the land be in general accordance with Schedule "A";
2. The project meets the minimum landscaping requirements for portions of the property where the proposed buildings aren't located;
3. The Statutory Right of Way (LB39142) along Francis Brook in favour of the City of Kelowna, as shown on Plan KAP83571, be dedicated, at no cost to the City, as a titled fee simple parcel prior to issuance of the Development Variance Permit;

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

Section 15.2.5 (e): Development Regulations

To vary the eastern side yard setback from 4.5m required to 0.0m proposed.

Section 15.2.5 (f): Development Regulations

To vary the rear yard from 6.0m required to 0.0m 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

6.4 McInnes Ave 1385 DVP18-0013 - OK Pacific Consulting Services LTD., INC.NO. BC1097988

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence was 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.

Gallery:

Mehdi Tehrani, Arbourview Road

- In support of the application.
- Inquired if decisions on variances are precedent setting.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Gray

R602/18/06/12 THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0013 for Lot 7 District Lot 137 ODYD Plan 3317, located at 1385 McInnes Avenue, Kelowna, BC;

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

Section 13.6.5(b)]: RU6 – Two Dwelling Housing Subdivision Regulations

To vary the required minimum parcel width from 18.0 m permitted to 15.61 m proposed;

Section 13.6.6(a)]: RU6 – Two Dwelling Housing Development Regulations

To vary the maximum site coverage from 50% permitted to 58.24% 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

6.5 Union Rd 1931, DP18-0042 - DVP18-0043 - Kirvi Construction Development Company Ltd Inc. No BCo640835

Staff:

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

The City Clerk advised that no correspondence was received.

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

Pat McCusker, Architecture Inc.

- Available for questions.

Gallery:

Jackie St. Georges, Wyndham Crescent

- Resides directly across from the proposal.
- Questioned the adequacy regarding the number of on-site parking allocation.
- Raised concerns with current on-street parking volumes and that it will increase due to the lack of parking on-site.
- Believes most garages are used for storage and not parking.
- Raised increased traffic concerns this development will bring to the neighbourhood.
- Raised concerns with aesthetics of Wyndham Crescent as there are mostly single detached homes and questions this development fitting in with the existing neighbourhood.

Pat McCusker, Architecture Inc.

- Spoke to meeting parking requirements and referenced the Official Community Plan.
- Spoke to having each unit face the street to avoid driveways-onto the street; parking in garages from internal road network.
- Each unit has a 4-foot crawl space for storage and won't be necessary to use garages only as storage units.
- Believes the aesthetics of the building fits into the neighbourhood and is a more appropriate transition for this zone rather than an apartment building.

There were no further comments.

Moved By Councillor Singh/Seconded By Councillor Sieben

R603/18/06/12 THAT Council authorizes the issuance of Development Permit No. DP18-0042 and Development Variance Permit No. DVP18-0043 for Lot 9 Section 4 Township 23 Osoyoos Division Yale District Plan KAP52773, located at 1931 Union Road, 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 variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 13.8.6(b): RM2 – Low Density Row Housing Housing Development Regulations

To vary the required maximum site coverage of buildings, driveways and parking areas from 60 % permitted to 69 % 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

6.6 Cross Rd 1981, DVP18-0078 - Suresh Kumar Khurana

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence was 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.

Gallery:

Mehdi Tehrani, Arbourview Road

- Questioned what the rationale is to justify the requested variances.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Sieben

R604/18/06/12 THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0078 for Lot 2 Section 4 Township 23 ODYD Plan 10134 Except Plan H8323, located at 1981 Cross Road, Kelowna, BC;

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

Section 13.2.5 (b): RU2 - Medium Lot Housing Subdivision Regulations

To vary the required minimum lot depth from 30.0 m permitted to 28.5 m (for future Lot 7) and 25.0 m (for future Lot 8) and 27.3 m (for future Lot 10) proposed, as shown on the attached Schedule A.

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

Carried

7. **Reminders – Nil.**

8. **Termination**

The meeting was declared terminated at 9:38 p.m.

Mayor Basran

/acm

City Clerk