



City of Kelowna

Regular Council Meeting Minutes

Date: Tuesday, April 26, 2016
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 Councillor Brad Sieben

Staff Present Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; Planner, Adam Cseke; Council Recording Secretary, Arlene McClelland

(* Denotes partial attendance)

1. **Call to Order**

Mayor Basran called the meeting to order at 7:04 p.m.

2. **Reaffirmation of Oath of Office**

The Oath of Office was read by Councillor Given.

3. **Confirmation of Minutes**

Moved By Councillor Hodge/Seconded By Councillor Singh

R331/16/04/26 THAT the Minutes of the Public Hearing and Regular Meeting of April 5, 2016 be confirmed as circulated.

Carried

4. **Bylaws Considered at Public Hearing**

4.1 889 McCurdy Place, BL11217 (Z16-0003) - P J S Holdings Ltd.

Moved By Councillor Hodge/Seconded By Councillor Gray

R332/16/04/26 THAT Bylaw No. 11217 be read a second and third time.

Carried

4.2 190 Homer Road, BL11218 (Z15-0044) - Kaskade Developments Group Inc.

Moved By Councillor Donn/Seconded By Councillor Hodge

R333/16/04/26 THAT Bylaw No. 11218 be read a second and third time.

Carried

4.3 2970 Shayler Court, BL11219 (Z15-0056) - Bruce & Helga Morris

Moved By Councillor Donn/Seconded By Councillor Given

R334/16/04/26 THAT Bylaw No. 11219 be read a second and third time.

Carried

4.4 990 Guisachan Road, BL11220 (OCP15-0019) - Strandhaus Developments Inc.

Moved By Councillor Donn/Seconded By Councillor Hodge

R335/16/04/26 THAT Bylaw No. 11220 be read a second and third time.

Carried

4.5 990 Guisachan Road, BL11221 (Z15-0065) - Strandhaus Developments Inc.

Moved By Councillor Singh/Seconded By Councillor DeHart

R336/16/04/26 THAT Bylaw No. 11221 be read a second and third time.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of these (*amendments to Liquor Primary Licences*) were advertised by being posted on the Notice Board at City Hall on April 12, 2016, and by being placed in the Kelowna Capital News issues on April 15 and April 20, 2016 and by sending out or otherwise delivering 442 statutory notices to the owners and occupiers of surrounding properties, and 963 informational notices to residents in the same postal delivery route, between April 12 and April 15, 2016.

Notice of Council's consideration of the Development Variance Permit Applications was given by sending out or otherwise delivering 145 statutory notices to the owners and occupiers of surrounding properties, and 3730 informational notices to residents in the same postal delivery route, between April 12 and April 15, 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. Liquor License Application Reports

6.1 1310-1352 Water Street, LL16-0003 - Delta Hotels No. 48 Holdings 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 Concern

Keith & Susan Waker, Water Street
Ian & Jan Thompson, Water Street
Valerie & Rod Ball, Water Street
John & Barb Taylor, Water Street

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

Bert Hick, Rising Tide Consultants, Applicant Representative

- The Delta Hotel has a Convention Centre and would like to be competitive with other hotels and convention centres.
- The request for change in hours is mainly event driven; Hotel mainly wants to have this as an amenity for room service.
- Advised that the liquor primary area is decreasing in size.
- The Hotel would like added flexibility and would not do anything to upset their core business.

Gallery:

John Taylor, Water Street

- Raised concerns regarding noise from the proposed patio and wine bar adjacent to his property.
- Recommended patio hours be restricted to 10 p.m. every evening.
- Believes the Applicant did not provide appropriate consultation with the neighbours.
- There is barely any separation from the proposed wine bar patio and our patios.
- Responded to questions from Council.

Bert Hick, Rising Tide Consultants, Applicant Representative

- Displayed floor plans and clarified the wine bar is on the other side of the Hotel and not where Mr. Taylor suggested.
- Clarified that the 9th floor lounge is exclusive to members.
- Spoke to interactions with the public prior to this meeting; believed that since there was a reduction in liquor primary license there was no need for public consultation, however, assured they want to address concerns and want to be good neighbours.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Given

R337/16/04/26 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:

Council recommends support for the application from Delta Hotels No. 48 Holdings Ltd. No. A74658 at 1310-1352 Water St. Kelowna BC, legally described as Lot B, District Lots 139, 3454 and 4082, ODYD, Plan KAP47378 Except Plans KAP73543 and KAP76701, for a permanent change to a liquor primary licensed hours of sales for License Number 148683 (Vines Lounge) from '11:00 am to 1:00 AM Monday to Saturday and 11:00AM to 12:00AM Sunday' to '9:00 AM to 2:00 AM Monday to Sunday'.

Council recommends support for the application from Delta Hotels No. 48 Holdings Ltd. No. A74658 at 1310-1352 Water St. Kelowna BC, legally described as Lot B, District Lots 139, 3454 and 4082, ODYD, Plan KAP47378 Except Plans KAP73543 and KAP76701, for a permanent change to a food primary licensed hours of sales for

License Number 148264 (Grand Bay Cafe) from '11:00 am to 1:00 AM Monday to Saturday and 11:00AM to 12:00AM Sunday' to '9:00 AM to 2:00 AM Monday to Sunday' and to include a patron participation entertainment endorsement.

The Council's comments on the prescribed considerations 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 is considered to be minimal.

It is unlikely that the change in hours may result in the establishment being operated contrary to its primary purpose.

The Council's comments on the views of residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures".

Carried

7. Development Permit and Development Variance Permit Reports

7.1 800 Academy Way, DP16-0027 & DVP16-0028 - 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.

Tim McLennan, Lakeshore Road, Applicant

- Displayed a PowerPoint presentation providing additional information regarding the application.
- Advised that 65% of the units are rented.
- Advised there will be a professional operator for this facility.
- Responded to questions from Council.

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Donn

R338/16/04/26 THAT Council authorizes the issuance of Development Permit No. DP16-0027 for Lot 1, Sections 3 & 10, Township 23, ODYD, Plan EPP45918, located on 800 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 be in general accordance with Schedule "C";

4. Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied as described in the report's "Attachments";
5. 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 No. DVP16-0028, Lot 1, Sections 3 & 10, Township 23, ODYD, Plan EPP45918, located on 800 Academy Way, Kelowna, BC.

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

Section 8.1 - Parking Schedule

Vary the parking requirements from 316 parking stalls required to 174 parking stalls proposed.

Carried

7.2 580 Patterson Avenue, BL11170 (Z15-0034) - Teresa Corea-Gaspari

Moved By Councillor Singh/Seconded By Councillor DeHart

R339/16/04/26 THAT Bylaw No. 11170 be adopted.

Carried

7.3 580 Patterson Avenue, DP15-0149 & DVP15-0206 - Teresa Corea-Gaspari

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.

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 Given

R340/16/04/26 THAT final adoption of Rezoning Bylaw No. 11170 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP15-0149 for Lot 3 District Lot 14 ODYD Plan 3249, located at 580 Patterson Avenue, 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 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;
5. That a section 219 flood restrictive covenant be registered on the subject parcel to restrict the area located below a geodetic elevation of 344.7 as non-habitable, and that no furnace or other fixed mechanical equipment damageable by flood waters will be located below the stated flood elevation;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0206 for Lot 3 District Lot 14 ODYD Plan 3249, located at 580 Patterson Avenue, Kelowna, BC;

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

Section 8.1.9 (c): Parking and Loading Regulations

To vary the location of off-street parking to the side property line from 1.5 m required to 1.0 m proposed.

Section 13.7.6 (d): Four Dwelling Housing Development Regulations

To vary the minimum site front yard from 4.5 m required to 3.75 m proposed.

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

7.4 3957 Lakeshore Road, DVP15-0043 - 678222 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

Bill Edgington, Lexington Drive
G Lotochinski, Lexington Drive

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

Applicant was not present.

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Donn

R341/16/04/26 THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0043, for Lot A, Section 6, Township 26, ODYD Plan KAP76555, located at 3957 Lakeshore Rd.

AND THAT variances to the following sections of Sign Bylaw No. 8235 be granted:

Section 6.1: Local Commercial Zones (C1, C2 and C5) - Free-standing signs

To vary the maximum height from 3.0 m permitted to 5.5 m as proposed.

To vary the maximum area from 3.0 m² permitted to 8.5 m² as 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
Councillor Gray - Opposed

7.5 305 Homer Road, BL11166 (Z15-0049) - Davara Holdings Ltd.

Moved By Councillor Singh/Seconded By Councillor DeHart

R342/16/04/26 THAT Bylaw No. 11166 be adopted.

Carried

7.6 305 Homer Road, DP15-0221 & DVP15-0222 - Davara Holdings 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 Support

Mike Guzzi, CEO Studio 9 Independent School of the Arts, 1180 Houghton Road

Letters of Opposition or Concern

Tanice & Bruce Fadden, 1033 Houghton Road

Trudy Hurst, 401 - 780 Houghton Road

Chris Lown, 364 Hein Road

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

Dave Sargent, Applicant

- Present and available for questions.

Gallery:

Peter Harshenin, Houghton Road

- Lives adjacent to this proposal.
- This project is overkill for the lot size.
- Believes the petition with 304 signatures was completely dismissed.
- Raised concern with this application and how the rezoning was handled by Council and City staff.
- Complaint has been submitted to the Office of the Ombudsperson; has also been in contact with the City Clerk.

Mary Robinson, Houghton Road

- Opposed to this application.
- Raised concern that the application has lowered her property value.
- Raised concern that the application does not fit in with the rest of the neighbourhood.
- Raised concern with increased traffic.

Keith Antonson, Fleming Road

- Opposed to this application.
- Raised concern with impacts on street parking.
- Raised concern with tax revitalization deferment for development.
- Questioned whether the development will benefit the neighbourhood.
- Recommended traffic calming on Fleming Road if the development proceeds.
- Raised concern that the developer will not construct what is shown to Council and the neighbourhood.

Margaret Wouters, Kneller Road

- Made reference to and read aloud a letter submitted to the media and Council at the December 1, 2015 Public Hearing.
- Very disappointed in the process.
- Opposed to this application.

David Sargent, Applicant

- Made comment to the petition that had been submitted and noted that some signatures were from citizens that did not live in the vicinity.
- Displayed a photo showing the 7.5 m setback to ensure privacy; believes a good job has been done with landscaping and privacy.
- Believes opposition is fear based and concern that we will not follow through on what we say.
- Clarified that there is a 2 vehicle space maximum not a maximum of 3 persons allowed; a family of 5 could potentially live there.
- Advised that the city promotes these types of developments.
- Believes this development will be a benefit to the neighbours; We will be a responsible landlord.
- Confirmed storage is underground.
- Responded to questions from Council.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Donn

R343/16/04/26 THAT Final Adoption of Zoning Amending Bylaw No. 11166 be considered by Council;

AND THAT Council authorize the issuance of Development Permit DP15-0221 for Lot 1, Section 27, Township 26, ODYD, Plan 18004, located at 305 Homer Road, 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 DVP15-0222 for Lot 1, Section 27, Township 26, ODYD, Plan 18004, located at 305 Homer Road, Kelowna, BC;

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted in accordance with the drawings attached to DP15-0221:

Section 13.9.6(b) Development Regulations

To vary the site coverage of buildings, driveways, and parking areas when permeable drive surfaces and parking are provided from 65% to 76.4%.

Section 8.1.9(c) Off-Street Vehicle Parking - Location

To vary the minimum side yard parking setback from a 1.5m to 0.3m.

Section 6.4.1 Projections Into Yards

To vary the maximum permitted projections into a required yard from 0.6m to 1.3m.

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 permit to be issued;

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

Councillor Hodge - Carried
Opposed

7.7 120 Homer Road, BL10403 (Z10-0044) - Nathan Morden

Moved By Councillor Singh/Seconded By Councillor DeHart

R344/16/04/26 THAT Bylaw No. 10403 be adopted.

Carried

7.8 120 Homer Road, DP14-0137 & DVP10-0076 - Nathan Morden

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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.

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 DeHart

R345/16/04/26 THAT Final Adoption of Zoning Amending Bylaw No. 10403 be considered by Council.

AND THAT Council authorize the issuance of Development Permit DP14-0137 for Lot 13 Section 27 Township 26 ODYD Plan 14897, except Plans 39705 and EPP43967, located at 120 Homer Road, 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";

AND THAT Council authorize the issuance of Development Variance Permit No. DVP10-0076 for Lot 13 Section 27 Township 26 ODYD Plan 14897, except Plans 39705 and EPP43967, located at 120 Homer Road, Kelowna BC, subject to the following:

Section 13.7.6(f) - Development Regulations
Vary the rear yard setback from 7.5m to 3.2m;

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 permit to be issued.

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

Carried

8. Reminders - Nil

9. Termination

The meeting was declared terminated at 9:57 p.m.

Mayor

/acm



City Clerk