City of Kelowna

Regular Council Meeting
Minutes

Date:	Tuesday, May 3, 2016
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart*, Ryan Donn, Gail Given, Tracy Gray, Brad Sieben, Mohini Singh and Luke Stack
Members Absent	Councillor Charlie Hodge
Staff Present	City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; Council Recording Secretary, 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 Gray.

3. Confirmation of Minutes

Moved By Councillor Gray/Seconded By Councillor Given

R380/16/05/03 THAT the Minutes of the Public Hearing and Regular Meeting of April 26, 2016 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 477 Christleton Avenue, BL11222 (Z16-0007) - Legault Enterprises Ltd.

Moved By Councillor Donn/Seconded By Councillor Given

R381/16/05/03 THAT Bylaw No. 11222 be read a second and third time.

Carried

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4.2 200 Clarissa Road, BL11225 (Z16-0002) - David & Margaret Ward

Moved By Councillor Donn/Seconded By Councillor Gray

R382/16/05/03 THAT Bylaw No. 11225 be read a second and third time.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of the Development Variance Applications was given by sending out or otherwise delivering 328 statutory notices to the owners and occupiers of surrounding properties, and 1842 informational notices to residents in the same postal delivery route, between April 19 and April 22, 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. Development Permit and Development Variance Permit Reports

6.1 733 Forestridge Lane, DVP16-0038 - J.M. Wood Investments Ltd.

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.

Stephen Baldwin, Applicant Representative
- Intention is to minimize disruption on the site; this application does not impact any of the neighbouring views.
- Commented that the lot size is quite large and away from property lines.

Jedd Wood, Forestridge Lane, Owner
- Purchased the property as vacational, however, circumstances changed and this home will now be the primary residence and needed an office space.
- Believed this proposal had the lowest impact to the area and received neighbour support.

No one came forward from the Gallery.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Gray

R383/16/05/03 THAT Council authorizes the issuance of Development Variance permit No. DVP16-0038 for Strata Lot 51 Section 30 Township 26 ODYD Strata Plan KAS3162, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V; located at 733 Forestridge Lane;

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

Section 13.1.6(a): RU1 - Large Lot Housing Development Regulations
To vary the area of an accessory building from 90 m^2 maximum to 176.4 m^2 proposed;

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Section 13.1.6(b) iii.: RU1 - Large Lot Housing Development Regulations
To vary the height of an accessory building from 4.5 m maximum to 8.33 m proposed.

Carried

6.2 160 Gibbs Road West, BL11183 (Z15-0055) - Lance Johnson & Tracey Skulmoski

Moved By Councillor Gray/Seconded By Councillor Given

R384/16/05/03 THAT Bylaw No. 11183 be adopted.

Carried

6.3 160 Gibbs Road West, DP15-0251 & DVP15-0252 - Lance Johnson & Tracey Skulmoski

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.

Paul Schuster, Applicant Representative
- Responded to earlier question regarding business licenses associated with this address and confirmed no businesses with customers are operated from this property.

Gallery:

Janice Wheeler, Gibbs Road
- Confirmed that a concrete business is being operated from the property with several commercial vehicles coming and going throughout the day.
- Raised concern with increased volume of vehicles as well as parking issues.
- Confirmed that no complaints had been filed with Bylaw Enforcement.

Staff:
- Will alert Bylaw Enforcement staff to investigate whether the property owner's home based business license is in compliance or not and take appropriate action.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Donn

R385/16/05/03 THAT final adoption of Rezoning Bylaw No. 11183 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP15-0251 for Lot 4 Section 26 Township 26 ODYD Plan 12452, Located at 160 Gibbs Road W, 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";

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AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0252 for Lot 4 Section 26 Township 26 ODYD Plan 12452, Located at 160 Gibbs Road W, Kelowna, BC;

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

Section 9.5b.15: Carriage House Regulations
To vary the required minimum rear yard setback from 2.0 m permitted to 1.5 m proposed.

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

6.4 630 Beaver Lake Road, DVP15-0212 - Silverado Crane & Equipment

Staff:
- Displayed a PowerPoint presentation summarizing the application.

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

Letters of Opposition or Concern
John Hintz, Beaver Lake Road

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 came forward from the Gallery.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Singh

R386/16/05/03 THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0212 for Lot 1 Section 11 Township 20 ODYD Plan 4273, Except Plan KAP89924, located at 630 Beaver Lake Road, Kelowna, BC;

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

Section 15.3.5(d): I3 - Heavy Industrial Development Regulations
To vary the required minimum side yard from 7.5m required to 0.61m 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

Moved By Councillor Stack/Seconded By Councillor Donn

R387/16/05/03 THAT Council directs staff to inform the Applicant, Silverado Crane & Equipment, the fence issue was noted by Council;

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AND THAT Council expects the issue be resolved amicably by the Applicant.

Carried

6.5 644 Lequime Road, DP15-0303 & DVP15-0304 - 1043718 BC Ltd.

Councillor DeHart declared a conflict of interest as she resides in a neighbouring property and departed the meeting at 7:00 p.m.

Staff:
- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

City Clerk:
- Clarified the Notification process.

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

Letters of Opposition or Concern
Borys Sorokopud, Lequime Road
Rachel Sorokopud, Lequime Road
Elaine Lovecky & David Shearing, Lequime Road
Ian Mosher, Lequime Road
Beverly Taylor, Lequime Road
Gerty Parker, Lequime Road
Bill Winters, Lequime Road

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

Jeff Michaud, Applicant
- Spoke to the public meeting that was held regarding the variances; some concerns raised were regarding parking and height. Informed those in attendance that the application met all requirements with respect to those concerns. General feedback was positive.
- Believes this project has a very high standard and provides a significant upgrade to the area.
- Clarified that the sidewalks that will be built are part of the site coverage.
- Responded to questions from Council

Gallery:

Jimmy Gandevia, Lequime Road
- Raised concern with the variances being requested due to the close proximity of the building to his property.

Rachel Sorokopud, Lequime Road
- Raised concerns with the requested variances due to the proximity to a nearby school and well used bus stop.
- Raised safety concerns with sight lines being hindered due to proposed building and newly planted trees.
- Raised concerns with overuse and congestion of laneway.
- Raised concern with density of the proposal.
- Raised concern with Fire Department vehicular access.
- Responded to questions from Council.

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Jeff Michaud, Applicant
- Responded to issues raised by the intervenors and commented that every facet of this project has been researched.
- Confirmed that the plans submitted to staff will not change.
- Responded to questions from Council.

Dave Gervais, Gervais Contracting Ltd.
- Spoke to access issues and inability to use the private road.
- To provide more separation from the property to the west the laneway was made narrower; buildings were moved to the centre of the lot.
- Confirmed the square footage of the buildings are within the zoning bylaw requirements.
- Responded to questions from Council.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Donn

R388/16/05/03 THAT Council authorize the issuance of Development Permit DP15-0303 for Lot A, Section 6, Township 26, ODYD, Plan 24496, located on 644 Lequime Rd, 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 DVP15-0304 Lot A, Section 6, Township 26, ODYD, Plan 24496, located on 644 Lequime Rd, Kelowna, BC;

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

Section 13.10.6(b) Development Regulations
To vary the maximum site coverage of buildings, driveways, and parking areas from 60% to 69.5% subject to general conformance with the drawings (Schedule "A", "B", & "C") attached to DP15-0303.

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.

Carried

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7. Reminders

Councillor Donn:
- Will be meeting with the Jaycees Thursday and welcome any topics of discussion from fellow Councillors.

Mayor Basran:
- Expressed thoughts to the citizens of Fort McMurry who are being evacuated due to a significant forest fire.

8. Termination

The meeting was declared terminated at 7:43 p.m.

Mayor

City Clerk

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