



## City of Kelowna Regular Meeting Minutes

Date: Tuesday, June 28, 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, Brad Sieben, Mohini Singh and Luke Stack

Staff Present Acting City Manager, Joe Creron; 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 6:16 p.m.

### 2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Stack.

### 3. Confirmation of Minutes

Moved By Councillor DeHart/Seconded By Councillor Singh

R530/16/06/28 THAT the Minutes of the Public Hearing and Regular Meeting of June 14, 2016 be confirmed as circulated.

Carried

### 4. Bylaws Considered at Public Hearing

4.1 564 Coryell Road, BL11254 (Z16-0012) - Andrew Pilarski

Moved By Councillor Gray/Seconded By Councillor Donn

R531/16/06/28 THAT Bylaw No. 11254 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 Permit Applications was given by sending out or otherwise delivering 121

statutory notices to the owners and occupiers of surrounding properties between June 14, 2016 and June 17, 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 1281 Highway 33 East, DP16-0071 & DVP16-0072 - Judston & Karen Wickwire**

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 Representative

- Present and available for questions.

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Donn

**R532/16/06/28** THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0072 for Lot 2 Section 13 Township 26 ODYD Plan 15924 Except Plans 22851, H8383 and KAP88682, located at 1281 Highway 33 East, Kelowna, BC;

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

#### **Section 9.5b.1(e): Specific Use Regulations - Carriage House Regulations**

To vary the size of upper floor area of a carriage house from a maximum of 75% of the building footprint to the 100% of the building footprint as shown on Schedule "A."

AND THAT Council authorizes the issuance of Development Permit No. DP16-0071 for Lot 2 Section 13 Township 26 ODYD Plan 15924 Except Plans 22851, H8383 and KAP88682, located at 1281 Highway 33 East, 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's consideration of this Development Variance Permit and Development Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "C" attached to the Report from the Community Planning Department dated June 28, 2016.

AND THAT Council's consideration of this Development Variance Permit and Development Permit be considered subsequent to the registration of a Right of Way for sewer connection with neighbouring property located at 1301 Lewis Road, Kelowna, BC, in favour of the subject property;

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

Carried

## **6.2 925 Leon Avenue, DP16-0074 & DVP16-0075 - Boardwalk Housing Corp.**

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:

### **Informational Package received from the Applicant**

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

Jim Meiklejohn, Meiklejohn Architects, Ellis Street

- Displayed a PowerPoint presentation.
- Spoke to the history of the project and the reasons for the requested variances.
- Spoke to the parkade and issues with the high water table.
- Spoke to the high quality urban materials and colours of the façade and believes it provides more character; an enhancement to the neighbourhood.
- Spoke to the landscape requirements and size of trees being planted.
- Responded to questions from Council.

Kevin Bird, Owner, Boardwalk Housing Corporation

- Spoke to the ratio between rental and ownership of the units.
- Preference would be to have all units owned, however, believes the market will determine the breakdown.
- Believes there will be a high percentage of rental units; although, not willing to impose any owner/rental breakdowns.
- Advised that any unsold units will be rented.
- Responded to questions from Council.

Gallery

Robert Higger, Sales & Marketing Manager

- Noted involvement with rental units for students attending UBCO.
- Believes this project will be looked upon positively by students as there are many amenities and students want to be downtown.
- Believes there will be a high percentage of rentals.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Sieben

**R533/16/06/28** THAT Council authorize the issuance of Development Permit DP16-0074 for Lot A, District Lot 138, ODYD, Plan EPP54864, located on 925 Leon Ave, 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 DVP16-0075 for Lot A, District Lot 138, ODYD, Plan EPP54864, located on 925 Leon Ave, Kelowna, BC;

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted subject to general conformance with the drawings (Schedule "A", "B", & "C") attached to DP16-0074:

Section 13.12.6 (b) Development Regulations

To vary the maximum site coverage of buildings, driveways, and parking areas from 50% to 83.4%.

Section 13.12.6 (d) Development Regulations

To vary the minimum front yard (west) setback from 6.0m to 2.9m.

Section 13.12.6 (e) Development Regulations

To vary the minimum flanking yard (south) setback from 6.0m to 3.3m.

Section 6.10 Setback from Provincial Highways

To vary the minimum setback from 4.5m to a Provincial Highway to 3.3m to a Provincial Highway.

Section 13.12.6 (f) Development Regulations

To vary the minimum rear yard (east) setback from 9.0m to 2.2m.

Section 8.1.14 Tandem Parking

To vary the number of parking spaces that may be configured in tandem from 0 to 8 parking stalls.

Section 8.1.11 (b) Size and Ratio Parking

To vary the minimum portion of full sized parking spaces from 50% to 45% and to vary the maximum portion of medium sized parking spaces from 40% to 46.5%.

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

**6.3 2486 Hwy 97 N, DP16-0001 & DVP16-0002 - Kelowna Hwy 97/33 Holdings Ltd.**

Councillor DeHart declared a conflict of interest as she is employed by a hotel in close proximity to the subject property and departed the meeting at 7:31 p.m.

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.

Jeff Crib, Applicant and Ed Calnitsky, Architect Inc.

- Intent of the proposal was to provide visual interest from the Highway with access contained to the inner courtyard.
- Spoke to the process of providing accessibility to the site; Ministry of Transportation have no issue at this time.
- Responded to questions from Council.

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Donn

**R534/16/06/28** THAT Council authorizes the issuance of Development Permit No. DP16-0001 for Lot 1 DL 125 ODYD Plan 18724 Except Plans KAP78413 and KAP80632 located at 2486 Hwy 97 North, 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 authorizes the issuance of Development Variance Permit No. DVP16-0002 for Lot 1 DL 125 ODYD Plan 18724 Except Plans KAP78413 and KAP80632 located at 2486 Hwy 97 North, Kelowna, BC;

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

**Section 14.9.5 (c)**

To vary the required minimum front yard setback from 6.0 m to 3.0 m as shown on the attached Schedule "A"

**Section 14.9.5 (d)**

To vary the required minimum front yard setback from 4.5 m to 2.25 m along the southern property line as shown on the attached Schedule "A"

**Section 14.9.5 (d)**

To vary the required minimum front yard setback from 3.0 m to 0.00 m along the northern property line as shown on the attached Schedule "A"

**Section 8.1.2**

To vary the required minimum number of parking spaces from 206 as prescribed by Table 8.1 to 184.

AND FURTHER 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.

Carried

Councillor DeHart rejoined the meeting at 7:52 p.m.

**6.4 477 Christleton Avenue, DP16-0029/DVP16-0030 - Legault Enterprises 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.

Applicant

- Present and available for questions.

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor DeHart

**R535/16/06/28** THAT Council authorizes the issuance of Development Permit No. DP16-0029 for Lot 1, District Lot 14, ODYD, Plan 8009 located at 477 Christleton 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 Council authorizes the issuance of Development Variance Permit No. DVP16-0030 for Lot 1, District Lot 14, ODYD, Plan 8009, located at 477 Christleton Avenue, Kelowna, BC;

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

**Section [13.6.6(G)]: [RU6 - Two Dwelling Housing]**

To vary the required minimum side yards from 2.3m required to 2.0m proposed for the second storey portion of the buildings.

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** - Nil.

8. **Termination**

The meeting was declared terminated at 7:57 p.m.

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Mayor

/acm

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City Clerk