



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, April 25, 2017
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; Suburban & Rural Planning Manager, Todd Cashin*; Divisional Director, Community Planning and Strategic Investments, Doug Gilchrist; Legislative Coordinator (Confidential), Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 8:50 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Singh.

3. Confirmation of Minutes

Moved By Councillor Given/Seconded By Councillor Donn

R297/17/04/25 THAT the Minutes of the Public Hearing and Regular Meeting of April 4, 2017 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 BL11376 (TA16-0007) - Medical Marihuana Amendments

Moved By Councillor Donn/Seconded By Councillor Gray

R298/17/04/25 THAT Bylaw No. 11376 be read a second and third time.

Carried

4.2 1225 Hwy 33 W, BL11380 (OCP16-0024) - Seventh Day Adventist Church

Moved By Councillor Gray/Seconded By Councillor Donn

R299/17/04/25 THAT Bylaw No. 11380 be read a second and third time.

Carried

4.3 1225 Hwy 33 W, BL11381 (Z16-0071) - Seventh Day Adventist Church

Moved By Councillor Singh/Seconded By Councillor DeHart

R300/17/04/25 THAT Bylaw No. 11381 be read a second and third time.

Carried

4.4 Arab Ct, Appaloosa Rd and Sexsmith Rd, BL11382 (OCP17-0008) - Various Owners

Moved By Councillor Sieben/Seconded By Councillor Singh

R301/17/04/25 THAT Bylaw No. 11382 be read a second and third time.

Defeated

Mayor Basran, Councillors DeHart, Given, Gray and Sieben - Opposed

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 240 statutory notices to the owners and occupiers of surrounding properties on April 12, 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. Development Permit and Development Variance Permit Reports

6.1 1511 Tower Ranch Drive, DVP16-0304 - Parkbridge Lifestyle Communities Inc.

Mayor Basran declared a conflict of interest as an immediate family member purchased property within the strata and departed the meeting at 9:36 p.m.

Deputy Mayor Sieben presided at 9:36 p.m.

Staff:

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

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

Letters of Opposition or Concern:

Tom Light and Jean Russell, 1683 Tower Ranch Drive

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

Davin Shillong, MMM Group Ltd., Applicant Representative

- Parkridge Lifestyle Communities is creating a multi-phase development with Phase 1 completed and currently working through Phase 2. This Council granted the exact same DVP for Phase 1 and now asking for, as well, in Phase 2.
- With respect to the concern raised by owners of Lot 28 all information was made available to owners at time of sale regarding the common drive way through easement as it was registered that way. Assured that mitigation measures will be taken now and in the future to alleviate concerns and noted that the common driveway is not yet complete.
- Applied for relocation of park space originally proposed in Phase 2 as part of that development; there will be a small piece of park space dedicated in Phase 3 and 4.

Gallery:

Randy MaCallister, Tower Ranch Boulevard

- Displayed a photograph of the view from his property that was purchased 2.5 years ago.
- Displayed calculations of the number of truck trips on the access road.
- Commented that residents on his street did not receive notice of this application.
- Opposed to the application due to traffic safety, dust control, truck noise, restriction for EMS services into our neighbourhood and general nuisances caused by the use of the unfinished road.
- Raised concerns with health and safety of residents.
- Played audio of one truck passing his property and advised that 30 trucks had passed his property that day.
- Would like Council to impose truck route requirements as part of the variance.
- Responded to questions from Council.

Susan Barnabe, Tower Ranch Boulevard

- Raised concern with lack of accessible greenspace.
- Raised concern with the amount of dust they are subjected to and noted that they are unable to use their front porch because of the activity.
- Responded to questions from Council.

John Durkin, Tower Ranch Boulevard

- Resident of the neighbourhood since January 2015.
- Raised concern with construction hours six days a week and its effect on his quality of life.
- Raised concern with amount of dust and it being left on the road.
- Encouraged an alternate paved route be used for trucks that is on a non-development route.
- Raised concern with the lack of communication from the developer with the neighbourhood and not cleaning up on a regular basis.
- Made comment that there aren't any parks in the area only a golf course that the public cannot access.

Davin Shillong, Applicant Representative and Regional Project Manager

- Have met the requirements of Council Policy 367 for pre-meeting public notification.
- Commented that the road connection will be completed mid-2018 and this will divert the construction traffic.
- Expressed empathy for the residents concerning construction traffic but noted that other construction companies are also using the same road for unrelated construction work.
- Spoke to the notification sign placement and noted their challenge of not impeding the Tower Ranch entry sign; however, signage was in keeping with Bylaw requirements.
- Advised that the networks of walking trails and pathways will be part of the completed development.
- Committed to being good neighbours and will provide a high quality map of the area for residents to alleviate their concerns or questions.
- Will implement some mitigating measures immediately regarding construction traffic and noted that heavy traffic will cease once the foundation is poured; the velocity and size of trucks will be reduced.
- Responded to questions from Council.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Given

R302/17/04/25 THAT Council authorize the issuance of Development Variance Permit No. DVP16-0304, for variances for a portion of Lot 3, Plan KAP80993, Section 31, TWP 27, ODYD, except strata plan EPS2195 (Phase 1) located at 1511 Tower Ranch Drive, Kelowna, BC;

AND THAT Council considers the public process outlined in the Staff Report dated April 4, 2017 to be appropriate consultation for the purpose of Section 879 of the Local Government Act;

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

Section 13.5.6 (c) RU5 – Bareland Strata Housing (Development Regulations)

To vary the lot front yard from 4.5 m permitted to 3.0m proposed for Lots 29-57, 71-73, and 76-90, with the exception that a garage or carport shall be no less than 6.0 metres from a curb or sidewalk; and

To vary the lot front yard from 4.5 m permitted to 1.5m proposed Lots 61-62, and 74-75; with the exception that a garage or carport shall be no less than 6.0 metres from a curb or sidewalk.

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

Mayor Basran resumed the Chair at 10:23 p.m.

6.2 225 Rutland Road South, DVP16-0298 - Suntec Holdings Corporations Inc. No. BC0995201

Staff:

- Displayed a PowerPoint Presentation summarizing the application and 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.

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

R302/17/04/25 THAT Council authorizes the issuance of Development Permit No. DP16-0297 for Lot A Section 23 Township 26 ODYD Plan KAP84050, located at 225 Rutland Road S, Kelowna, BC subject to the following:

1. The dimensions and siting of the buildings to be constructed on the land be in accordance with Schedule "A";

2. The exterior design and finish of the buildings 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. DVP16-0298 for Lot A Section 23 Township 26 ODYD Plan KAP84050, located at 225 Rutland Road S, Kelowna, BC;

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

Section 14.4.5(e): C4 – Urban Centre Commercial Development Regulations

To vary the required minimum side yard from 4.5 m permitted to 2.0 m proposed

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department date January 31, 2017;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

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

Carried

6.3 990 Guisachan Rd DVP15-0308 - GDI BC Projects Inc.

Staff:

- Displayed a PowerPoint Presentation summarizing the application and 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.

The Applicant was present and available for questions.

Gallery:

Allan Craig, Gordon Drive

- Home is on the south west corner of the subject property and is greatly affected by this development.
- Opposed to this application.
- Reiterated concerns previously expressed at a Public Hearing in 2016; concerns with increase in laneway traffic; loss of privacy and loss of views; the structure is not in keeping with the neighbourhood.
- Raised concerns with the site preparation including the removal of hedges on city property.
- Requested that Council defeat or defer this application and have the developer devise another plan in keeping with the neighbourhood.

Steve Nicholson, Strandhaus Developments

- Confirmed the hedges that were removed were on city property, however, as part of the bonding agreement for the proposed development the landscape plans provided must be adhered to.
- The building will be screened as much as possible with greenery as well as landscape screening with neighbours.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Given

R302/17/04/25 THAT Council authorizes the issuance of Development Permit No. DP15-0307 for Lot A District Lot 136 ODYD Plan EPP64719, located at 990 Guisachan 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 installed on the land 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. DVP15-0308 for Lot A District Lot 136 ODYD Plan EPP64719, located at 990 Guisachan Road, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted as noted on attached Schedule "A":

Section 13.9.6(b): RM3 – Low Density Multiple Housing Development Regulations
To vary the maximum site coverage from 50% permitted to 53% proposed;

Section 13.9.6(e): RM3 – Low Density Multiple Housing Development Regulations
To vary the required minimum side yard setback from 4.0 m required to 0.75 m proposed (west);
To vary the required minimum side yard setback from 1.2 m required to 0.9 m proposed (east).

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. **Reminders** - Nil.

8. **Termination**

The meeting was declared terminated at 10:51 p.m.

Mayor

/acm

City Clerk