City of Kelowna

Regular Council Meeting

Minutes

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Date:	Tuesday, July 25, 2017
Location:	Council Chamber City Hall, 1435 Water Street
Council Members Present:	Mayor Colin Basran and Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh and Luke Stack
Staff Present:	Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; Planner Specialist, Adam Cseke; and FOI-Legislative Coordinator, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 8:33 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Hodge.

3. Confirmation of Minutes

Moved By Councillor Hodge/**Seconded By** Councillor Sieben

R606/17/07/25 THAT the Minutes of the Public Hearing and Regular Meeting of July 11, 2017 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 2800 Hwy 97 N - BL11405 (OCP16-0021) - 0802333 BC Ltd

Moved By Councillor Hodge/**Seconded By** Councillor Gray

R607/17/07/25 THAT Bylaw No. 11405 be read a second and third time.

Defeated
Councillors DeHart, Donn, Gray, Sieben and Stack – Opposed.

4.2 2800 Hwy 97 N, BL11406 (Z16-0072) - 0802333 BC Ltd

Bylaw No. 11406 was not read as the OCP Amending Bylaw No. 11405 was defeated by Council.

4.3 2673 Gore St, TA17-0009 (BL11426) - Multiple Dwelling Housing Amendments

Moved By Councillor Given/**Seconded By** Councillor Donn

R608/17/07/25 THAT Bylaw No. 11426 be read a second and third time.

Carried
Councillors Donn & Stack – Opposed.

4.4 2673 Gore St, Z17-0025 (BL11427) - Stanley Tessmar

Moved By Councillor Given/**Seconded By** Councillor Donn

R609/17/07/25 THAT Bylaw No. 11427 be read a second and third time.

Carried

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4.5 1350 and 1370 KLO Rd, BL11433 (OCP17-0010) - Summerwood Retirement Resort Holding Corporation

Moved By Councillor Sieben/**Seconded By** Councillor Singh

R610/17/07/25 THAT Bylaw No. 11433 be read a second and third time.

Carried

4.6 1350 and 1370 KLO Rd, BL11434 (Z17-0026) - Summerwood Retirement Resort Holding Corporation

Moved By Councillor Sieben/**Seconded By** Councillor Singh

R611/17/07/25 THAT Bylaw No. 11434 be read a second and third time.

Carried

4.7 2375 Abbott St, Z17-0038 (BL11442) - Aurora Exteriors Ltd

Moved By Councillor Stack/**Seconded By** Councillor DeHart

R612/17/07/25 THAT Bylaw No. 11442 be read a second and third time and be adopted.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of these Development Variance Permits was given by sending out or otherwise mailing 85 statutory notices to the owners and occupiers of the surrounding properties on Tuesday, July 11, 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

6.1 135 Rutland Rd N, DVP16-0076 - W620 Holdings Ltd

Staff:

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

The City Clerk advised that no correspondence and/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.

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Gary Tebbutt, Applicant's Representative

- Displayed a PowerPoint presentation setting out the rationale for the requested variance.
- Provided background information regarding the site.
- Noted that the sign base was engineered and inspected, but was not permitted.
- The encroachment onto the Fortis right-of-way is 11" and he believes he can work with Fortis to overcome their concerns.
- Responded to questions from Council

No one from the gallery came forward.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Stack/**Seconded By** Councillor Sieben

R613/17/07/25 THAT Council NOT authorize the issuance of Development Variance Permit No. DVP16-0076 for Lot 1, Section 26, Township 26, ODYD, Plan KAP62924, located at 135 Rutland Road N, Kelowna, BC

Defeated

Mayor Basran and Councillors DeHart, Given, Gray, Hodge, Sieben & Singh – Opposed.

Moved By Councillor Given/**Seconded By** Councillor Hodge

R614/17/07/25 THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0076 for Lot A, Section 26, Township 26, ODYD, Plan EPP60238 located at 135 Rutland Rd N, Kelowna, BC, subject to the following:

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

2. A 219 Restrictive Covenant is registered on title requiring the sign to conform to the bylaws of the day if the City of Kelowna or Ministry of Transportation widen or develop the highway in the future; and

3. Confirmation of Forts' approval of the location of the sign within 180 days from the date of Council approval;

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

Section 5.6.1(d) Free-Standing Sign Regulations

To vary the required minimum setback for a free-standing sign from 1.5m permitted to 0.0m proposed.

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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

6.2 1580 & 1558 Ellis St, DP17-0066 & DVP17-0067 - City of Kelowna

Staff:
- Displayed a PowerPoint presentation summarizing the application.
- Noted an error in the report and clarified that bike parking is required and provided the details.
- Responded to questions from Council.

The City Clerk advised that no correspondence and/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.

Luke Turri, Mission Group, Applicant's Representative
- Displayed a PowerPoint presentation setting out the rationale for the proposed development and requested variances.

Gallery:
Landon Bradshaw, President, Kelowna Area Cycling Coalition
- Not opposed to the application.
- Requested that Attachment "B" be removed from the Development Permit as it is at odds with the OCP with respect to how bike lanes and traffic lanes are displayed in the drawings.
- Requested that a 'fresh' look at the bike lane widths is in the best interests of bike safety.
- Responded to questions from Council.

Acting City Manager:
- Provided comment regarding the City's standards with respect to bike lanes.

Darren Schlamp, Kelowna Area Cycling Coalition
- Raised concerns with Attachment "B" depictions of infrastructure on Ellis Street.
- Displayed a PowerPoint presentation illustrating his concerns with the design of the bike lanes.
- Responded to questions from Council.

Resident, Scott Road
- Raised issues with the design of the bike lanes, particularly the width of the lanes in the downtown.
- Concerned that the Active Transportation Guidelines and Pedestrian and Cycling Master Plan is not being followed.
- Concerned with parking minimum standards in the downtown and believes they should be reviewed.
- Expressed sightline safety concerns.

Luke Turri, Mission Group, Applicant's Representative
- Attachment "B" can be amended to incorporate larger bike lanes and is willing to work with staff.

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Staff:
- Responded to questions from Council.

There were no further comments.

Moved By Councillor Sieben/**Seconded By** Councillor Stack

R615/17/07/25 THAT the meeting be continued past 11:00 p.m. in accordance with Section 5.4 of Council Procedure Bylaw No. 9200.

Carried

Moved By Councillor Sieben/**Seconded By** Councillor Given

R616/17/07/25 THAT Council authorizes the issuance of Development Permit No. DP17-0066 for Lot 3, Block 15, District Lot 139, ODYD, Plan 462, located at 1580 Ellis St, Kelowna, BC, & Lot A, District Lot 139, ODYD, Plan 17140, located at 1588 Ellis 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;

5. That the Development Permit and Development Variance Permit is issued subsequent to the outstanding conditions set out in Attachment "A" attached to the Report from the Community Planning Department dated July 25th 2017;

6. That a Servicing Agreement be completed and bonded for prior to the issuance of the Development Permit that includes the enhanced streetscape as described in Attachment "B";

AND THAT Council authorize the issuance of Development Variance Permit DVP17-0067 for Lot 3, Block 15, District Lot 139, ODYD, Plan 462, located at 1580 Ellis St, Kelowna, BC, & Lot A, District Lot 139, ODYD, Plan 17140, located at 1588 Ellis St, Kelowna, BC;

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

Section 14.7.5 Development Regulations (h)
To vary the maximum height of a building before a 3 metre setback is required from 16 metres to 17.1 metres.

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Section 14.7.5 Development Regulations (a)
To vary the maximum height from 58 metres to 61 metres.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit applications in order for the permits 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. **Reminders** – Nil.

8. **Termination**

The meeting was declared terminated at 11:09 p.m.

Mayor

City Clerk

/slh

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