



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, August 15, 2017
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Mohini Singh and Luke Stack

Members Absent Councillors Maxine DeHart and Brad Sieben

Staff Present City Manager, Ron Mattiussi; City Clerk, Stephen Fleming, Urban Planning Manager, Terry Barton; Divisional Director Community Planning & Strategic Investments, Doug Gilchrist; Community Planning Department Manager, Ryan Smith; Legislative Coordinator (Confidential) Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 6:42 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Stack.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Donn

R634/17/08/15 THAT the Minutes of the Public Hearing and Regular Meeting of July 25, 2017 be confirmed as circulated.

Carried

Mayor Basran advised that Item 7.7 has been deferred.

4. Bylaws Considered at Public Hearing

4.1 TA16-0002 (BL11440) - General Housekeeping Amendments to Zoning Bylaw No. 8000

Moved By Councillor Hodge/Seconded By Councillor Gray

R635/17/08/15 THAT Bylaw No. 11440 be read a second and third time.

Carried

4.2 4264 Lakeshore Rd, Z17-0037 (BL11444) - Joseph Crosara & Elizabeth Shelton

Moved By Councillor Gray/Seconded By Councillor Hodge

R636/17/08/15 THAT Bylaw No. 11444 be read a second and third time.

Carried

4.3 2355 Acland Rd and 333 Penno Rd, Z17-0061 (BL11446) - 0837937 BC Ltd

Moved By Councillor Donn/Seconded By Councillor Given

R637/17/08/15 THAT Bylaw No. 11446 be read a second and third time.

Carried

4.4 (W of) Loseth Dr, OCP17-0016 (BL11447) - City of Kelowna

Moved By Councillor Donn/Seconded By Councillor Given

R638/17/08/15 THAT Bylaw No. 11447 be read a second and third time and be adopted.

Carried

4.5 1330 & 1340 Mine Hill Dr, OCP17-0013 (BL11448) - Starland Development Company Ltd

Moved By Councillor Singh/Seconded By Councillor Stack

R639/17/08/15 THAT Bylaw No. 11448 be read a second and third time.

Carried

4.6 1330 & 1340 Mine Hill Dr, Z16-0079 (BL11449) - Starland Development Company

Moved By Councillor Stack/Seconded By Councillor Singh

R640/17/08/15 THAT Bylaw No. 11449 be read a second and third time.

Carried

4.7 482 Clifton Rd N, LUC17-0001 (BL11450) - Dennis & Denise Campbell

Moved By Councillor Stack/Seconded By Councillor Singh

R641/17/08/15 THAT Bylaw No. 11450 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 Permit Applications* was given by sending out or otherwise mailing 209 statutory notices to the owners and occupiers of surrounding properties on Tuesday, August 1, 2017.

Notice of these Liquor Primary Licences and Temporary Use Permits were advertised by being posted on the Notice Board at City Hall on Tuesday, August 1, 2017 and by being placed in the Kelowna Daily Courier issues on Friday, August 4, 2017 and Wednesday, August 9, 2017 and by

sending out or otherwise mailing 220 statutory notices to the owners and occupiers of surrounding properties on Tuesday, August 1, 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. Liquor License Application Reports

6.1 1959 KLO Road, LL17-0012 - Abbott Street Holdings Ltd

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

Letters of Opposition:

Trisha Eddy-Wright, Jim Wright, KLO Rd

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:

Karen White, Benvoulin Road

- Property resides west of the golf course.
- Inquired as to the details including hours of sale for the previous license that has expired.

Staff:

- Advised that to the best of staff's knowledge the permitted hours under consideration are the same as those from the expired permit or very similar to those hours.

There were no further comments

Moved By Councillor Hodge/Seconded By Councillor Donn

R642/17/08/15 THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 10 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1 Council recommends support for the application from R&S Enterprise Ltd (dba Fore Restaurant and Lounge, Mission Creek Golf Club) at 1959 KLO Road, legally described as Lot A, District Lot 131, and of Section 8, Township 26, ODYD, Plan 35770, for a new liquor primary license with hours of sale from 10:00 am to 10:00 pm Sunday to Wednesday and 10:00 am to 12:00 am (midnight) Thursday to Saturday, to serve the golf playing public.

2. The Council's comments on the prescribed considerations are as follows:

(a) The potential for noise if the application is approved;

The potential for noise may increase with the Liquor Primary License. However, noise has not been an issue at this location in the past.

(b) The impact on the community if the application is approved:

There will be minimal impact on the community as this location has been licensed in the past.

(c) It is unlikely that the approval of this license may result in the establishment being operated contrary to its primary purpose.

3. 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

7.1 388 Viewcrest Ct, DVP17-0060 - Grant and Jamie Menzies

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.

Jamie Menzies, Viewcrest Court, Applicant

- Advised that they do not have a giant flat backyard.
- Were unaware the wall did not have a building permit and would like to do things properly and have paperwork in order.
- Responded to questions from Council.

No one from the Gallery came forward.

There were no further comments

Moved By Councillor Hodge/Seconded By Councillor Stack

R643/17/08/15 THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0060 for Lot 26, Section 23, Township 28, Similkameen Division Yale District, Plan KAP53664, located at 388 Viewcrest Court, Kelowna, BC;

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

Section 7.5.9: Fences and Retaining Walls

To vary the maximum height of a retaining wall from 1.2m (required) to 2.5m (existing);

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

7.2 460 Doyle Ave, DVP17-0086 - City of Kelowna

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 is based in Ontario and was not present.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Gray

R644/17/08/15 THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0086 for Lot 1, District Lot 139, ODYD, Plan EPP44677 except air space plan EPP44678, located at 460 Doyle Ave, Kelowna, BC;

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

Section 4.1.2: General Regulations

To vary the location of a canopy sign to be on a different floor of the building than the floor which the related business occupies;

Section 5.3.1(c): Canopy Signs

To vary the maximum height of a canopy sign from 300mm required to 914mm 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.

Defeated

Councillors Donn, Hodge, Stack and Singh - Opposed

Moved By Councillor Given/Seconded By Councillor Donn

R645/17/08/15 THAT Council direct staff to have the Innovation Centre provide an overall Sign Plan including signage location before further sign permits be considered.

Carried

7.3 520 Stanley Cr, DVP17-0094 - Chris Busch

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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 Stack/Seconded By Councillor Donn

R646/17/08/15 THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0094 for Lot 13 Section 24 Township 28 SDYD Plan 21834, located at 520 Stanley Cr, Kelowna, BC to allow the construction of a detached garage:

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A":

Section 6.5.8(a): Accessory Development

To vary the minimum front yard setback for a detached garage from 12.0m permitted to 7.0m 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

7.4 2206 Woodlawn St, DVP17-0103 - Janice Mosychuk

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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.

Birte Decloux, Urban Options Planning Permits, Application Representative

- Confirmed that the Applicant plans to live in one unit and rent the other and has no intention to stratify.

Gallery:

Lorena Poitras, Woodland Street

- In support of the application.

There were no further comments

Moved By Councillor Given/Seconded By Councillor Hodge

R646/17/08/15 THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0103 for Lot 3, District Lot 136, ODYD, Plan 3238, located at 2206 Woodlawn Street, 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,"

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

Section 13.6.6(j): Two Dwelling Housing Development Regulations

To vary the minimum distance between two single detached housing units from 4.5m required to 2.15m 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

7.5 328 Poplar Point Dr, DVP17-0109 - Armin & Helena Gottschling

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 in Support:

Duncan Kippan, Poplar Point Dr.

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.

Moved By Councillor Hodge/Seconded By Councillor Donn

R647/17/08/15 THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0109 for Lot 1 District Lot 219 ODYD Plan 9404, located at 328 Poplar Point Drive, Kelowna, BC:

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

Section 13.1.6(c): RU1 – Large Lot Housing Development Regulations

To vary the required minimum front yard from 4.5 m permitted to 1.0 m 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

7.6 9305 & 9325 Balser Ct, DVP17-0115 - Sea Lion Holdings Ltd

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

R648/17/08/15 THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0115 for Lots 3 & 4, Section 2, Township 20 ODYD Plan EPP66963, located at 9305 & 9325 Balser Court, Kelowna, BC;

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

Section 15.2.5(b): I2 – General Industrial Development Regulations

To vary the required maximum site coverage from 60% permitted to 65.4% proposed;

Section 15.2.5(c): 12 – General Industrial Development Regulations

To vary the required maximum height from 14.0 m permitted to 14.63 m 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

7.7 945 Guy St, TUP16-0003-01 - Tolko Industries Ltd

Moved By Councillor Donn/Seconded By Councillor Hodge

R649/17/08/15 THAT Council defer Temporary Use Permit No. TUP16-0003-01 located on 945 Guy Street to the August 29, 2017 Regular Meeting.

Carried

7.8 1700 Tower Ranch Blvd, TUP17-0001 - Emil Anderson Construction

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.

Matt Temple, Emil Anderson Construction, Applicant Representative

- Confirmed hours of operation from 7:00 a.m. to 5:00 p.m. week days only. There is no proposal to do work outside of those hours.
- Material would take three weeks to crush and would then be stored on site until used in the next phase of Tower Ranch construction.
- Confirmed that there is no intention to extend the permit.
- Managing dust with water truck which is always on site.
- The noise level is no greater than current construction noise.
- Responded to questions from Council.

Gallery:

Ross Kennedy, Tower Ranch Boulevard

- Raised concerns with dust control and impacts on health and accumulation of dust on houses.
- Raised questions on how operations will occur with respect to additional trucks and whether the timeframe will exceed three weeks.

Liana Perran, Tower Ranch Boulevard

- Raised concerns regarding noise and fumes.
- Inquired if any additional rock will be brought on site.

Jeff Hirschman, Tower Ranch Boulevard

- Questioned why so few people were notified about this permit.

Matt Temple, Emil Anderson Construction, Applicant Representative

- Confirmed that there will not be any more aggregate brought on site, however, does not mean that there will be no more trucks brought in for other purposes.
- Confirmed measures are in place to handle dust concerns and that a water truck is always on site.
- Confirmed that notification letters were hand delivered to all neighbours and strata that fronts our project; at the request of city staff the notification area was expanded.
- Responded to questions from Council.

There were no further comments

Moved By Councillor Stack/Seconded By Councillor Donn

R650/17/08/15 THAT Council authorize the issuance of Temporary Use Permit No. TUP17-0001 to allow processing of existing materials from nearby projects for use at Tower Ranch for Lot 2, Section 31, Township 27, ODYD, Plan KAP80993, Except Plans KAP85114, KAP90346, EPP50442 and EPP64271 located at 1700 Tower Ranch Boulevard, Kelowna, BC, for a three (3) week period commencing from applicants start date, to be confirmed with Community Planning Staff upon date where the permit will be released, subject to the following conditions:

The dimensions and siting of the temporary use on the land be in general accordance with Schedule "A";

AND FURTHER THAT any application to extend the permit must be approved by Council prior to this permit expiring.

Carried

8. Reminders – Nil.

9. Termination

The meeting was declared terminated at 8:21 p.m.

Mayor

/acm



City Clerk