



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, July 30, 2013
 Time: 9:13 pm
 Location: Council Chamber
 City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Colin Basran, Andre Blanleil Maxine DeHart*, Gail Given, Robert Hobson, Mohini Singh and Luke Stack.

Council Members Absent: Councillor Gerry Zimmermann

Staff Present: Acting City Manager, Doug Gilchrist; Deputy City Clerk, Karen Needham; Manager, Urban Planning, Danielle Noble; Planner, James Moore*; Development Engineering/Subdivision Manager, Steve Muenz; and Council Recording Secretary, Arlene McClelland.

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the meeting to order at 9:13 p.m.

2. Prayer

A Prayer was offered by Councillor DeHart.

3. Confirmation of Minutes

Moved By: Councillor Hobson/Seconded By: Councillor Stack

R529/13/07/30 THAT the Minutes of the Public Hearing and Regular Meeting of July 16, 2013 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

- 4.1. Bylaw No. 10864 (OCP13-0013) - 459 Groves Avenue and 437 & 442 Newsom Avenue, P218 Enterprises Ltd.

Council:

- Suggested staff speaks with the Applicant regarding the use of bollards as a temporary barricade for privacy at Newsom Avenue.

Moved By: Councillor Stack/Seconded By: Councillor Given

R530/13/07/30 THAT Bylaw No. 10864 be read a second and third time.

Carried

- 4.2. Bylaw No. 10865 (Z13-0021) - 459 Groves Avenue and 437 & 442 Newsom Avenue, P218 Enterprises Ltd.

Moved By: Councillor Given/Seconded By: Councillor Stack

R531/13/07/30 THAT Bylaw No. 10865 be read a second and third time.

Carried

- 4.3. Bylaw No. 10869 (OCP13-0009) - 434, 442 & 458 Royal Avenue, Interior Health Authority

Moved By: Councillor DeHart/Seconded By: Councillor Stack

R532/13/07/30 THAT Bylaw No. 10869 be read a second and third time.

Carried

- 4.4. Bylaw No. 10870 (Z13-0015) - 434, 442 & 458 Royal Avenue, Interior Health Authority

Moved By: Councillor Given/Seconded By: Councillor DeHart

R533/13/07/30 THAT Bylaw No. 10870 be read a second and third time.

Carried

5. Notification of Meeting

The Deputy City Clerk advised that Notice of Council's consideration of these Temporary Use Permit and Development Variance Permit Applications was given by sending out or otherwise delivering 977 letters to the owners and occupiers of the surrounding properties between July 16, 2013 and July 19, 2013.

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. Development Variance Permit Application No. DVP13-0032 - 2273 Aberdeen Street, Valerie Spring

Staff:

- Summarized the application before Council and staff position of non-support.

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

- **Letter of Support:**
 - Joanne Bayley, 22667 Aberdeen Street

Mayor Gray invited the applicant or anyone in the public gallery who deemed to come forward, followed by comments from Council.

Valerie Spring, Applicant, 2273 Aberdeen Street

- Understood originally from City staff that there was sufficient parking for a home based business.
- Commented that the property is one of the nicest homes on the block which has encouraged others in the neighbourhood to consider xeriscaping and other improvements along the street.

Staff:

- Confirmed that Council can waive home base business parking and that there is no minimum stall length.

There were no further comments.

Moved By Councillor Blanleil/Seconded By Councillor Basran

R534/13/07/30 THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0032 for Strata Lot 1, DL 136, ODYD, Strata Plan KAS3174 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V, located on located on 2273 Aberdeen Street, Kelowna, BC;

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

Table 8.1: Parking Schedule

Vary the parking required for a Home Based Business, Major, from "1 in addition to that required for the principal dwelling" to "zero additional parking stalls to that required for the principal dwelling."

Carried

6.2. Development Permit Application No. DP13-0052 and Development Variance Permit Application No. DVP13-0094 - 2280 Baron Road, Victor Projects Ltd.

Staff:

- Summarized the application before Council.

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

- **Letters of Concern:**
 - Grant Gair, 316 Durnin Road
 - Janeen Driedger, 507 - 1947 Underhill Street
- **Letter of Conditional Support:**
 - Phyllis Andersen, 105 - 1950 Durnin Road
- **Letter of Support:**
 - Dave Skoglund, 1820B Benvoulin Road

Mayor Gray invited the applicant or anyone in the public gallery who deemed to come forward, followed by comments from Council.

Mr. Miller, Victor Projects, Applicant

- Provided a brief history of site. The site was originally leased to Loblaws. In 2002 Loblaws expanded the store; lands have been turned back to Victor Projects to develop originally planned infill.
- Commented that the original site was oriented and developed as an auto intense site.
- Provided information on discussions with staff and enhancements that are meant to integrate and provide more pedestrian interface, including benches, weather protection, change in materials, and improvements to front of buildings.
- Indicated that the proposal would complete the site to its 1996 vision.

Gary, PC Urban, Development Manager

- Stated the primary focus for the proposal is to ensure that upon completion it works for the tenants.
- Believes the location is a key factor as it is an established destination location that has been densified with similar developments.
- Commented on the strength of the tenants, TJ Max family, the Keg.
- Believes over 95% will come to the site by car and that there is little pedestrian flow.
- Commented that they are maximizing density without underparking and that parking must be convenient to the tenants' door.
- Noted that there is no street parking on Baron Rd.
- Provided information on the challenges and proposed landscaping and treatments for the Baron Rd corner.
- Commented on the existing trees, which are on private property, will provide an enhanced buffer.
- Suggested the plans were not large enough to show the pedestrian linkages, the height of the trees over and above the building height; and landscaping detail.
- Believes concerns for a stronger urban design that residents will be more proud of is possible.
- Indicated there are plans for re-designing the parking lot with Loblaws and that the goal was to redo the parking lot at the same time as this development permit.

Andrea Jansen, on behalf of The Keg Restaurant

- Noted that the Keg standard for parking is 125 stalls, however the ratio of 97 proposed is acceptable as there is a joint and shared parking agreement with Loblaws and Marshalls.
- Confirmed there will be approximately 300 seats in the restaurant and the Keg will employ between 70 and 80 people.
- Parking is required for both customers and staff.
- Concerned with safety of staff following the late night closure of the restaurant and lack of transit options in the area.

Gallery:

John, #6 - 3775 Springbrook Road

- Not supportive of the proposal.
- Supports the Keg restaurant but believes the rest of the site plan is very dismal.
- Suggested they need to do what they did for the Keg on the corner.
- Suggested they redevelop the shared parking area.

Donna Thompson, #102 - 1964 Durnham Road

- Believes part of the problem with the application is poor drawings.
- Suggested the applicant needed to show the design better.

There were no further comments.

Moved By Councillor Blanleil/Seconded By Councillor Basran

R535/13/07/30 THAT Council defer authorization of Development Permit No. DP13-0052 for Lot 6, D.L. 126, ODYD, Plan KAP59534, located at 2280 Baron Road;

AND THAT staff forward an amended application of Development Permit No. DP13-0052 for consideration at a future Monday, Regular PM meeting of Council

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0094 for Lot 6, D.L. 126, ODYD, Plan KAP59534, located at 2280 Baron Road, Kelowna, B.C.;

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

Table 8.1 - Parking Schedule

Vary parking from 100 stalls permitted to 231 proposed as shown on Schedule A.

Carried

6.3. Temporary Use Permit Application No. TUP13-0004 - 3050 Abbott Street, City of Kelowna

Councillor Hobson declared a conflict of interest as family members live in the area and departed the meeting at 11:17 p.m.

Staff:

- Summarized the application before Council.

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

- **Letter of Conditional Support:**
 - Chris Greenway, 453 Groves Avenue
- **Letters of Concern:**
 - Bob and Rachel Whitehead, 3010 Abbott Street
 - Chris Sjodin, 3060 Abbott Street
 - Jacinta Adam, 3070 Abbott Street
- **Letters of Opposition:**
 - Brian Sprout, 3020 Abbott Street (2)
 - Carol and Joe Czech, 431 Newsom Avenue

- **Letters of Support:**
 - Don Mulhall, 860 Argyle Street, Penticton, BC, Penticton Racing Canoe Club
 - John Edwards, #705-2197 promenade Riverside Drive, Ottawa, Canoe Kayak Canada
 - Lynda Roberts, 6449 Crowchild Trail SW, Calgary, Calgary Canoe Club
 - Leanne Stanley, 2481 Alexandria Way
 - Mary Jane Abbott, 102A - 11410 Kingston Street, Maple Ridge, Canoe Kayak BC
 - Steve Frisch, 115 - 2940 Jutland Road, Victoria, Go Rowing and Paddling Association of Canada
 - Gayle Hertz, 2691 Casa Loma Road
 - Shane Worman, 340 West Avenue
 - Kevin Kingston, 1870 Maple Street
 - Lynne Baillie, 486 Bayhill Place
 - Cindy Wright, 745 Ardmore Drive North Saanich, Canadian Outrigger
 - Peter Schultz, PO Box 24076 Kelowna, Rotary Club of Kelowna

- **Form Letters of Support:**
 - 212 Submitted by the applicant.

Mayor Gray invited the applicant or anyone in the public gallery who deemed to come forward, followed by comments from Council.

Joey Hertz, Applicant

- Provided background on the initiative involving three disciplines, with the outrigger canoe club taking the lead.
- Long term goal to include dragon boat, rowing and Kelowna canoe and kayak communities.
- Noted this is a community request that is based on a pilot project to confirm proof of the concept.
- Believes the center will evolve over time and that this is the best temporary location as it is already fenced for equipment that needs to be on site, it provides a level entry into the lake, is a central location.
- Provided a summary of the public engagement process undertaken by the proponents of the proposal and displayed a map of area residents consulted.
- Read a letter of support from the Rotary Club of Kelowna and submitted it as correspondence.
- Addressed concerns raised by some of the residents.
- Washrooms on site will not be open to the public; be primarily for changing and emergency use;
- Use new chemicals that reduce odour in hot temperatures; and will be emptied weekly
- 18 onsite parking stalls will be supplemented by off site parking and member support to use alternate transportation, including "peddle to paddle";
- Conditions of the temporary use permit include signing a good neighbour policy, adherence to an 8am-8pm quiet time; and keyless lock systems.
- Will be a community facility open to different paddling disciplines and the public through memberships and rentals.

Gallery:

Rachel Whitehead 3010 Abbott Street

- Wanting to save this beautiful site to the best of their ability.
- Concerned with potential growth of the centre and extra demand for parking.
- Commented on the size of the outrigger canoes, and the situation on the site of storage and parking that may affect mature trees on the site.
- Raised concern with increased traffic and safety.
- Feels this is the wrong location.
- Believes this area is owned by, and should be used for, all members of the community.
- Suggested Kinsmen Park as an alternative to the proposed site

- Concerned the temporary use may become permanent.

Michael Neill, Watt Road

- Kayak daily thru the summer and supports this activity.
- Is opposed to this proposal due to the location.
- Noted that the proposed lot has been vacant and fenced for many years.
- Believes this is delaying another 3 to 6 years any plans for the area.
- Recommended Kinsmen Park as a great location for this project.

Richard Burroughs, KLO Residents

- The KLO Residents Association executive met with the proponents and attended the open house
- Commented on the future of Pandosy village by the Lake.
- Believes this group is a potential neighbour and partner in the area.
- Noted the limitations of a temporary use and indicated concern with a 3yr-6yr plan.
- Suggested a longer term vision and plan be accelerated to provide for these type of opportunities
- Sees this proposal as reinforcement for the need of a better plan and new vision for the area.
- Commented on some relationship and stewardness issues; parking.
- Is supportive of the proposal.

Brian Sprout, 3020 Abbott Street

- Owns property at Spiers road.
- Opposed to the proposed location in the neighbourhood.
- As a kayaker, believes a longer term plan is required to manage potential growth and events.
- Believes Kinsmen is underutilized and noted that when kayaking earlier, there were no other people in Kinsmen park between 9:00 am and 11:00 a.m.
- Believes the \$2500 being spent for parking could be used to get the sea wall down at Kinsmen.
- Suggested this site be made a public beach access.
- Believes putting 2 containers on the site will be noisy for the neighbours.
- Suggested the club start off on right foot in Kinsmen Park.

Bob Purdy 1360 Glenmore Drive

- Involved with stand up paddling, racing and surfing for many years and provided background on the growth of the sport for kids and adults.
- Supportive of the Temporary Use Permit.
- Believes the proposal makes great sense and provides an opportunity for shared resources.
- Suggested Kinsmen as a temporary location, with the removal of the rock sea wall may result in environmental damage.
- Would like to see a long term plan for Cedar ave include a permanent facility for paddling.
- Feels the centre is a place to gather and provides a sense of community.
- Believes in this concept very much and will donate a board for the kids programs.

Sandra Mowat, .2265 Shannon Lake Drive

- Supports the application.
- Noted that seven people in the gallery compete on the world stage in paddling
- Has found a community with the paddling group in Kelowna and they need a home.

Bob Whitehead 3010 Abbott Street

- Questioned the temporary permit for this site if the group is planning to expand.
- Questioned off site parking demand, and future requirements
- Believes there is a lack of vision and planning for this property.

Paul

- Suggested there is a misunderstanding between the public as to why this spot has been chosen and not Kinsmen.

Eric Prehoffer, West Kelowna

- Lives on westside but tax payer in Kelowna.
- As a Paddler, believes the sport culture promotes teamwork, and good community values.
- Noted that this is not a long term plan today, as the club needs to grow.
- Paddle club been running since 2000, has some funding available, and needs a home.
- Proposed location allows for walking or riding to the site.
- Suggested the benefit to the community is not having to buy their own canoe as you can use a club canoe.
- Noted that both Penticton and Vernon have clubs with lake access.
- Commented that the club will be good neighbours.

Leanne Stanley, 1041 Alexandria Way

- Is a paddler with 16 world championship medals.
- Came to Kelowna in 2009 to race and train, came here because of the lake.
- Noted that as a teacher by trade her goal is to get kids in boats.
- Supports to proposal.

Jeff Fink 357 Uplands Drive

- Clarified that events with 300 paddlers would not happen at this location.
- Commented on club activities in different areas of the city.
- Noted the club members are quiet and focused on safety.
- Noted the location is perfect but it is temporary.
- Believes the rocks at Kinsmen are unsafe; that there is more wind in that area; and that the rock wall was put up for a reason.

Mona Toth 3060 Abbott Street

- Strongly opposed.
- Lived on Abbott Street for 16 years.
- Believes this conflicts with tenants' rights; read an excerpt regarding the right to quiet enjoyment.
- Believes there is a lack of parking, insufficient safety for paddlers.
- Was initially in support but found that the Applicant down played the negative impacts on residents.
- Believes this use does not fit within the character of this area.

Rachel Whitehead 3010 Abbott Street

- Noted that she is in support of the club not the location.

Joey Hertz, Applicant

- Suggested parking concerns are legitimate and provided details on available public parking in the area.
- Reconfirmed that the location is too small to hold a regatta or festival and that they will use a major park to hold larger events.
- Will relocate the washroom on the lot where there is the least impact.
- Confirmed that development of the club is the primary focus, and that they will welcome the need to change locations as the club grows.
- Confirmed the Temporary Use Permit requires that the property be left the way it was prior to the temporary use.

Staff:

- Spoke to the community benefit.
- Believes the group is well organized, but is a small group of between 20 to 30 members.
- Suggested 300 members is a misleading number at this time.

- Staff support this type of activity as it fits perfectly with sport development mandate, and is available to all ages and skill levels.
- Clarified the amount of insurance liability is 5 million dollars.

There were no further comments.

Moved By Councillor Blanleil/Seconded By Councillor Given

R536/13/07/30 THAT Council authorize the issuance of Temporary Use Permit No. TUP13-0004 to allow a paddle centre for Lot B, District Lot 14, ODYD, Plan 10727, located at 3050 Abbott Street, Kelowna, BC, for a three (3) year period commencing from the date of Council consideration, subject to the following conditions:

- a) That the subject site be fenced and treated in accordance with Schedule 'A', and that opaque fencing be provided along the north and south property boundaries, where appropriate for residential privacy;
- b) That a dust-free surface be maintained for the parking area, and that an asphalt apron be provided back of sidewalk for access from Abbott Street, in accordance with the Development Engineering Branch Memorandum dated June 26, 2013;
- c) That eighteen (18) parking spaces meeting the minimum dimension requirements of the Zoning Bylaw be maintained on site, in accordance with Schedule 'A'; and
- d) That the total number of storage containers be limited to two (2) and that such containers conform to the dimensions and placement shown on Schedule 'A', and be maintained in a manner to minimize visual presence.

Carried

6.3.1. Licence of Occupation - 3050 Abbott Street, Kelowna Outrigger Racing Canoe Association

Staff:

- Summarized the application before Council.

Moved By Councillor Stack/Seconded By Councillor Basran

R537/13/07/30 THAT Council approves the City entering into a three (3) year Licence of Occupation, with the Kelowna Outrigger Racing Canoe Association ("Association"), for the Association's use of City-owned property for the operation of a paddling centre, in the form attached to the Report of the Manager, Property Management, dated July 24, 2013;

AND THAT the 2013 Financial Plan be amended for \$25,000 to provide for the parking site with funding from the Parks Purchase and Development Reserve.

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the Licence of Occupation.

Carried

7. Reminders - Nil.

8. Termination

The meeting was declared terminated at 1:12 a.m.

Mayor

Deputy City Clerk

/kn