



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, May 27, 2014
Location: Council Chamber
City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Colin Basran, Andre Blanleil, Mohini Singh, Luke Stack and Gerry Zimmermann

Council Members Absent : Councillors Maxine DeHart, Gail Given and Robert Hobson

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Manager, Urban Planning Ryan Smith; Manager, Subdivision, Agriculture & Environment Services, Todd Cashin; Manager, Long Range Policy Planning, Gary Stephen; Supervisor, Urban Planning, Lindsey Ganczar; and Council Recording Secretary, Tania Tishenko

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the meeting to order at 6:29 p.m.

2. Prayer

A Prayer was offered by Councillor Stack.

3. Confirmation of Minutes

Moved By Councillor Zimmermann/Seconded By Councillor Basran

R37514/05/27 THAT the Minutes of the Public Hearing and Regular Meeting of May 13, 2014 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1. Bylaw No. 10943 (OCP14-0009) - Miscellaneous Housekeeping Amendments, City of Kelowna

Moved By Councillor Zimmermann/Seconded By Councillor Stack

R376/14/05/27 THAT Bylaw No. 10943 be read a second and third time and be adopted.

Carried

4.2. Bylaw No. 10959 (Z14-0005) - 669 McClure Road, Heritage Log Structures Inc.

Moved By Councillor Stack/Seconded By Councillor Zimmermann

R377/14/05/27 THAT Bylaw No. 10959 be read a second and third time.

Carried

4.3. WITHDRAWN BY THE APPLICANT - Bylaw No. 10960 (OCP13-0003) - 1800 Crosby Road, DRS Ventures Ltd.

4.4. WITHDRAWN BY THE APPLICANT - Bylaw No. 10961 (Z13-0004) - 1800 Crosby Road, DRS Ventures Ltd.

4.5. Bylaw No. 10956 (OCP14-0001) - Various Addresses Richter Street, City of Kelowna & Miles Vucicevic

Moved By Councillor Singh/Seconded By Councillor Basran

R378/14/05/27 THAT Bylaw No. 10956 be read a second and third time.

Carried

4.6. Bylaw No. 10957 (Z14-0001) - Various Addresses on Clement Avenue, St. Paul Street and Richter Street, City of Kelowna & Miles Vucicevic

Moved By Councillor Blanche/Seconded By Councillor Basran

R379/14/05/27 THAT 10957 be read a second and third time.

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 delivering 272 Statutory Notices to owners and occupiers of adjacent and adjoining properties, and 892 Informational Notices to residents in the same postal delivery route between May 13, 2014 and May 16, 2014.

Notice of these (amendments to Liquor Primary Licenses) were advertised by being posted on the Notice Board at City Hall on May 13, 2014, and by being placed in the Kelowna Capital News issues on May 16, 2014 and May 20, 2014 and by sending out or otherwise delivering 17 statutory notices to the owners and occupiers of surrounding properties, and 379 informational notices to residents in the same postal delivery route, between May 13, 2014 and May 16, 2014.

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. 369.

6. Liquor License Application Reports

6.1. Liquor License Application No. LL14-0003 - 1978 Kirschner Road - Argo Investment Corporation Inc.

Staff:

- Displayed a PowerPoint Presentation summarizing the application before Council.

The City Clerk advised that no correspondence and/or petitions had been received.

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

The Applicant was present, but did not have anything further to add to staff's comments. No one came forward. There were no further comments.

Moved By Councillor Zimmermann/Seconded By Councillor Stack

R380/14/05/27 In accordance with Section 53 of the Liquor Control and Licensing Regulation and Council Policy #359, be it resolved THAT:

Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application from OK Corral Cabaret 1978 Kirschner Road, Kelowna BC, (legally described as Lot A, DL 129, O.D.Y.D., Plan 23146 for an expansion of the existing Liquor Primary license with a revised capacity of 355 persons and hours of service from 7:00pm-2:00am daily are as follows:

- a) The potential for noise if the application is approved:
The expansion is limited to indoor areas. It is anticipated that only incremental increases in noise from the existing operation are anticipated.
- b) The impact on the community if the application is approved:
The potential for negative impacts is considered to be minimal.
- c) View of residents. The Council's comments on the views of residents (if applicable) 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 & Procedures.
- d) The person capacity and hours of liquor service of the establishment:
The total person capacity proposed for liquor primary service is 355 seats with operating hours of 7:00pm to 2:00 am 7 days a week.
- e) Traffic and parking:
There is no increase in traffic or parking associated with this application, as no additional space or seating is being added as part of the application. Therefore the parking and traffic situation should remain unchanged.
- f) The proximity of the establishment to other social or recreational facilities and public buildings:
Surrounding social or recreational facilities would not conflict with the proposed establishment.

g) Recommendation:

Council recommends that the application for a structural change to increase the capacity of the existing Liquor Primary establishment be approved.

Carried

7. Development Permit and Development Variance Permit Reports

7.1. Development Variance Permit Application No. DVP14-0055 - 423 Christleton Avenue - Islam Mohamed & Janet Evans

Staff:

- Displayed a PowerPoint Presentation summarizing the application before Council.

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

- Letter of Opposition
 - C. Gunn

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

Mr. Chattaway, Applicant

- Displayed map showing neighbourhood support and opposition.
- Spoke to design of structure.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Blanleil

R381/14/05/27 That Council authorizes the issuance of Development Variance Permit No. DVP14-0055 for Lot B, District Lot 14, ODYD, Plan KAP55329, located at 423 Christleton Ave, Kelowna, BC;

AND THAT the variance to the following section Zoning Bylaw No. 8000 be granted;

To vary Section 6.5.8

- (a) (Accessory Development) from a twelve (12) metre front yard setback for an accessory building to a six (6) metre front yard setback for a detached garage or carport that meets the principal building's side yard setback requirements (as per schedule 'A');

AND THAT the "FortisBC Energy Inc. - Gas" requirements be met prior to issuance of a building permit.

Carried

**7.2. Development Variance Permit Application No. DVP14-0051 - Richter Street
- Simple Pursuits Inc.**

Staff:

- Displayed a PowerPoint Presentation summarizing the application before Council.

The City Clerk advised that no correspondence and/or petitions had been received.

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

Shane Worman, Applicant

- Spoke to the merits of the application.

There were no further comments.

Moved By Councillor Blanleil/Seconded By Councillor Singh

R382/14/05/27 THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0051 for Lot 1, District Lot 14, ODYD, Plan EPP29295, located at 2700-2790 Richter Street, Kelowna, BC;

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

Section 8.1.2 - Off-Street Vehicle Parking - Number of Spaces:
Table 8.1 Parking Schedule

To vary the maximum number of permitted commercial parking spaces from 130 spaces permitted to 193 spaces proposed, as per Schedule 'A'.

Carried

7.3. Development Variance Permit Application No. DVP14-0057 - 1829 Chandler Avenue - Chandler Management Group Ltd.

Staff:

- Displayed a PowerPoint Presentation summarizing the application before Council.
- Responded to questions from Council.

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

- Letters of Opposition
 - Matt Summers
 - Donna Summers
 - Deborah Summers
 - Jesse Gazel
 - Tracey Waldherr
 - Lena (Lee) Pawlitsky
 - Cindy Finnigan
 - M. Wollenberg
 - Christopher Freeman
 - Derek Moc
 - Jill and Derek Moc
 - RJ Koehle
 - Marcel Pawlitsky
 - Majid Noorani
 - Stefanie Duran
 - John Fajnor
 - Mark Anthony Yanga
 - Carly Chute
 - Chris Maxwell
 - Eva Sidorowicz
 - Colin Wales
 - Cody Henderson
 - D. Smith
 - Bill Vassar
 - Paul Embregts
 - Claudia Embregts
 - Ivan Sexsmith
 - Liz Demer
 - Brian Large

- Letter of Support
 - Kim Froom

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

Tara Tschritter, Inn From the Cold Co-ordinator, Applicant,

- Summarized to Council the reasons for DVP requested, and the misrepresentation of “Inn From the Cold” by different people and groups in the community.

- Spoke of efforts of communication with neighbours within close proximity and solutions to fencing issues.
- Spoke to Inn from the Cold housing program and support system it provides to the homeless community.
- Submitted additional letters of support.

Gallery:

Brian Large, Resident of Abbott Street

- Opposed to variance.
- Inquired if Inn From the Cold is acting as agent for Chandler Management.
- Inquired as to City Public Notification process.
- Inquired as to applicant neighbourhood consultation.

City Clerk summarized notification process and boundaries for public notification circulation.

Jamie Dale Walraven, Resident of Belaire Avenue

- In favor of variance.
- Manages a recovery house in Kelowna, and encourages community discussion on homelessness and addiction within the neighbourhood.

Kim Stanyour, Resident of Sutherland Avenue

- Supports this variance, and in favour of supplying this type of housing.

Peggy Salavari, Resident of Springfield Road

- Has been a volunteer with Inn From the Cold since 2001.
- Supportive of variance.

Matt Summers, Resident of Chandler Avenue

- Spoke to challenges of having such a facility in his neighbourhood.
- Against variance.

Reverend Heather Karabelas, Deacon, Cathedral Church of St. Michael and All Angels, Sutherland Avenue

- Supportive of variance.
- Spoke of outreach committee in their church and that they are in favour of housing proposal that Inn From the Cold has put forward.
- There are numerous homeless people on grounds of cathedral each evening, and they would rather they be in a facility.

Morgan Summers, Resident of Chandler Street

- In opposition of variance.
- Has had issues with homeless individuals in his neighbourhood previously.

Brian Large, Resident of Abbott Street

- Inquired as to whether “Group Home - Major” use is permitted on top floor.

Mark Dixon, President Board of Directors, Inn From the Cold

- Responded to questions raised by interveners.
- Confirmed fence along property line with 1839 Chandler will be constructed prior to building being used as group home at owner/applicant expense.

Staff:

- Confirmed use is permitted on this site.
- Confirmed applicant would have to undertake building renovations prior to building being used, and follow process of appropriate city departments should variance application be successful.

There were no other questions.

Moved By Councillor Basran/Seconded By Councillor Zimmermann

R383/14/05/27 That Council authorizes the issuance of Development Variance Permit No. DVP14-0057 for Lot 36, District Lot 137, ODYD, Plan 10011, Except Plan KAP54078 located at 1829 Chandler Street, Kelowna, BC;

AND THAT the variance to the following section Zoning Bylaw No. 8000 be granted;

Section 14.3.6 (a) - Other Regulations

To vary the regulation that only permits commercial uses on the first floor to allow a caretaker suite for supportive housing purposes on the first floor.

Carried

7.4. Development Variance Permit Application No. DVP14-0049 - 935 Academy Way - U One Mission Group Homes Ltd.

Staff:

- Displayed a PowerPoint Presentation summarizing the application before Council.
- Responded to issues raised by Mr. Serwa in his correspondence and confirmed concerns will be passed along to appropriate staff.

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

- Letters of Support
 - John Hertay, Academy Apartments

- John Hertay, Watermark Developments Ltd.
- Christopher Grieve, Aberdeen Hall Preparatory School
- Letters of Opposition
 - Dario Russo
 - Cliff Serwa

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

Michael Bacon, Development Manager with Mission Group

- Had no further comments.

Moved By Councillor Stack/Seconded By Councillor Singh

R384/14/05/27 THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0049 for Lot B, Section 10, Township 23, ODYD, Plan EPP16167, located at 935 Academy Way, Kelowna, BC;

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

Section 8.1.2 - Off-Street Vehicle Parking - Number of Spaces

To vary the minimum number of required parking spaces from 100 spaces required to 93 spaces proposed, as per Schedule 'A';

Section 13.10.6 (c) - RM4 Zone Development Regulations

To vary the maximum permitted height from 3 storeys permitted to 3½ storeys proposed, as per Schedule 'A'.

Carried

7.5. Development Variance Permit Application No. DVP14-0067 - 609 Burne Avenue - Craig Abernathy

Staff:

- Displayed a PowerPoint Presentation summarizing the application before Council.

The City Clerk advised that no correspondence and/or petitions had been received.

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

Craig Abernathy the Applicant was present and had no further comment.

Moved By Councillor Blanche/Seconded By Councillor Zimmermann

R385/14/05/27 THAT Council authorize the issuance of Development Variance Permit No. DP14-0067, for Lot 1, District Lot 14, ODYD, Plan KAP54306 located on 609 Burne Ave, Kelowna, BC;

AND THAT the variance to the following section Zoning Bylaw No. 8000 be granted;

Section 19.5b.1 - Carriage House Regulations

To vary the permitted height of a carriage house from 4.5m to 5.5m.

Section 6.5.7 - Accessory Development

To vary the maximum site coverage of accessory buildings from 14% to 15.4%.

Carried

7.6. Temporary Use Permit Application No. TUP14-0001 - 459 Groves Avenue and 437 & 442 Newsom Avenue - Meiklejohn Architects Ltd.

Staff:

- Displayed a PowerPoint Presentation summarizing the application before Council.

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

- Letters of Opposition
 - Brenda Wilkinson
 - Jim Lawrence

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

Calvin Meiklejohn, Applicant

- Provided an update on status of subject properties

There were no further comments.

Moved By Councillor Blanleil/Seconded By Councillor Basran

R386/14/05/27 THAT Council authorize Temporary Use Permit No. TUP14-0001 to allow construction staging and preparation on Lots 14 & 19, District Lot 14, ODYD, Plan 3856, except Plan KAP90797, and Lot 11, Block 2, District Lot 14, ODYD, Plan 4743 except Plan KAP90797, located at 459 Groves Avenue, 442 Newsom Avenue, and 437 Newsom Avenue, Kelowna, BC, for a three (3) year period commencing from March 8, 2014, subject to the following conditions:

1. Construction of temporary fencing including a visual/noise barrier to the satisfaction of the Director of Community Planning & Real Estate, as shown on "Schedule A";
2. The entire area to be surfaced with a suitable dust free material;
3. The properties to be remediated with suitable vegetation and street trees upon the expiration of the Temporary Use Permit.

Carried

9. Termination

The meeting was declared terminated at 8:29 p.m.

Mayor

City Clerk

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