



City of Kelowna

Date: Tuesday, October 21, 2014
Location: Council Chamber
City Hall, 1435 Water Street

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

Staff Present City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Manager, Urban Planning, Ryan Smith; Manager, Divisional Director, Community Planning & Real Estate, Doug Gilchrist; and Council Recording Secretary, Arlene McClelland

(*denotes partial attendance)

1. Call to Order

Mayor Gray called the meeting to order at 11:21 p.m.

2. Prayer

A Prayer was offered by Councillor DeHart.

3. Confirmation of Minutes

Moved By Councillor Zimmermann/Seconded By Councillor DeHart

R756/14/10/21 THAT the Minutes of the Public Hearing and Regular Meeting of October 7, 2014 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1. Bylaw No. 10997 (TA14-0016) - Amendments to Health District Zone in the City of Kelowna Zoning Bylaw No. 8000

Moved By Councillor DeHart/Seconded By Councillor Zimmermann

R757/14/10/21 THAT Bylaw No. 10997 be read a second and third time.

Carried

- 4.2. Bylaw No. 11005 (OCP14-0013) - 310 and 320 Strathcona Avenue, Dr. Heather Martin Inc. and City of Kelowna

Moved By Councillor Stack/Seconded By Councillor Given

R758/14/10/21 THAT Bylaw No. 11005 be read a second and third time.

Carried

- 4.3. Bylaw No. 11006 (Z14-0027) - 310 and 320 Strathcona Avenue, Dr. Heather Martin Inc. and City of Kelowna

Moved By Councillor Given/Seconded By Councillor Stack

R759/14/10/21 THAT Bylaw No. 11006 be read a second and third time.

Carried

Item 4.4 was deferred to the November 4, 2014 Public Hearing.

- 4.4. Bylaw No. 11012 (TA14-0017) - Vintage Landing Comprehensive Resort Development

- 4.5. Bylaw No. 11013 (TA14-0018) - Amendments to the Zoning Bylaw No. 8000 - Section 16 - Public and Institutional Zones

Moved By Councillor Zimmermann/Seconded By Councillor DeHart

R760/14/10/21 THAT Bylaw No. 11013 be read a second and third time.

Carried

- 4.6. Bylaw No. 11014 (Z13-0044) - Various Addresses, City of Kelowna

Moved By Councillor Hobson/Seconded By Councillor Singh

R761/14/10/21 THAT Bylaw No. 11014 be read a second and third time.

Carried

- 4.7. Bylaw No. 11015 (Z14-0030) - 519, 529 and 539 Truswell Road, MKS Resources Inc.

Moved By Councillor Singh/Seconded By Councillor Hobson

762/14/10/21 THAT Bylaw No. 11015 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 27 statutory notices to the owners and occupiers of surrounding properties, and 591 informational notices to residents in the same postal delivery route, between October 7, 2014 and October 10, 2014.

Notice of these (amendments to Liquor Primary Licences) were advertised by being posted on the Notice Board at City Hall on October 7, 2014, and by being placed in the Kelowna Capital News issues on October 10, 2014 and October 15, 2014 and by sending out or otherwise delivering 195 statutory notices to the owners and occupiers of surrounding properties, and 479 informational notices to residents in the same postal delivery route, between October 7, 2014 and October 10, 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. LL14-0009 - 1585 Springfield Road, Chances Kelowna

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence was received.

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

There were no further comments.

Moved By Councillor Zimmermann/Seconded By Councillor Blanleil

R763/14/10/21 THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

"Be it resolved that:

1. Council recommends support of the application from Goldwing Investments (dba Chances Kelowna) at 1585 Springfield Road, (legally described as Lot A, District Lot 129, ODYD, Plan KAP70110) for a change to licensed hours of sale from 9:00 AM to 11:59 PM Monday to Sunday to 9:00 AM to 1:00 AM Monday to Sunday, as the hours would be consistent with other gaming facilities, and there is no record of complaints.
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 due to the additional hour of service. However, noise has not been an issue at this location in the past.
 - b. The impact on the community if the application is approved:
Significant negative community impacts are not anticipated.
3. 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 and Procedures".

Councillor Basran left the meeting at 12:04 a.m.

Carried

7. Development Permit and Development Variance Permit Reports
7.1. Bylaw No. 10895 (Z13-0020) - 3131 Lakeshore Road, Trustees of the
Congregation of St. Paul's United Church

Moved By Councillor Singh/Seconded By Councillor Hobson

R764/14/10/21 THAT Bylaw No. 10895 be adopted.

Carried

- 7.1.1. Development Permit Application No. DP14-0074 and Development
Variance Permit Application No. DVP14-0075 - 3131 Lakeshore Road,
Trustees of the Congregation of St. Paul's United Church

Staff:

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

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

Letters of Support:

A.B Reynolds, Richter Street
Rev. Dr. Fred Speckeen, Sunset Drive
Linda Hutchinson, Gallagher's Fairway South
Richard Chung, Chute Lake Road
Ingrid Hartloff Brown, Abbey Lane, Coquitlam
Judy McAulay, Gosnell Road
Judy Kent, Alice Road, West Kelowna
Robert N. Plank, Altura Road
Robert Sherman, Quilchena Drive
Rev. Foster Freed, Spartan Road, Nanaimo
Rev. Dr. Keith Howard, Juno Street, Victoria
Beryl Baldeo, Lanfranco Road
Barb Watts, Wallace Hill Road
Alms & Ernie Burnett, West Avenue

Letters of Opposition:

Pandosy Village Business Association, Pandosy Street
Dan Chun, Rhondda Crescent
Bob Callahan, Callahan Property Group, Richter Street

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

Rob Couch and Jim Meiklejohn, Applicant Representatives:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.
- Confirmed that an Agreement has been reached with 595 KLO Road with respect to traffic flow and entry issues at KLO Road. Easements will be registered.
- Confirmed a License Agreement with ESSO is in place until the end of construction.

Gallery:

Bob Callahan, Callahan Property Group, Richter Street

- Raised concern with implications of the parking variance on neighbouring businesses. The variance is too large and will put pressure on our tenants.

- Raised concern with the 70% variance reduction requested.

Orison Wood, Coronation Avenue

- Supportive of the variance.
- Average 75 to 100 members in attendance and if there are 2 people per vehicle there is more than enough parking.

Rob Couch, Applicant Representative

- Raised issue with the current Zoning Bylaw parking requirements as being excessive for use and the basis for the variance request.
- Approximately 40 to 50 cars will require stalls on a Sunday. The access and parking agreement with 595 KLO allows us to share their parking stalls on weekends.

There were no further comments.

Moved By Councillor Hobson/Seconded By Councillor Stack

R765/14/10/21 THAT final adoption of Zone Amending Bylaw No. 10895 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP14-0074 for Lot 1, D.L. 14 & 135, ODYD, Plan 34984 Except Plans 35454 and KAP67299, located at 3131 Lakeshore Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the buildings to be constructed on the land be in general accordance with Schedule 'A';
2. The exterior design and finish of the buildings to be constructed on the land be in general accordance with Schedule 'B';
3. Landscaping to be provided on the land be in general accordance with Schedule 'C', which is to be sealed by a Landscape Architect in good standing prior to permit issuance;
4. Prior to issuance of the Development and Development Variance Permit applications, 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 professional Landscape Architect (BCSLA), and as shown in general accordance with Schedule 'C';

AND THAT Council authorize the issuance of Development Variance Permit No. DVP14-0075 for Lot 1, D.L. 14 & 135, ODYD, Plan 34984 Except Plans 35454 and KAP67299, located at 3131 Lakeshore Road, Kelowna, B.C.;

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

Section 14.4.4 (a) - Subdivision Regulations

Vary the lot width for the existing KLO frontage from 40m required to 18.0m proposed.

Section 14.4.5 (c) - Development Regulations

Vary the building height from 4 storeys / 15m permitted to 6 storeys / 23.2m proposed.

Section 8: Table 8.1 Parking Schedule

To vary the parking for the religious assemblies land use from 168 stalls required to 53 stalls (1 per 5 seats) proposed.

Carried

8. Reminders - Nil.

9. Termination

The meeting was declared terminated at 1:04 a.m.

Mayor

City Clerk

/acm