



## City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, July 14, 2015  
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: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Community Planning Department Manager, Ryan Smith; Planner II, Adam Cseke; and Acting Council Recording Secretary, Tania Tishenko

(\* denotes partial attendance)

### 1. Call to Order

Mayor Basran called the meeting to order at 6:57 p.m.

### 2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Given.

### 3. Confirmation of Minutes

Moved By Councillor Gray/Seconded By Councillor Singh

R540/15/07/14 THAT the Minutes of the Public Hearing and Regular Meeting of June 30, 2015 be confirmed as circulated.

Carried

### 4. Bylaws Considered at Public Hearing

- 4.1 505-525 Snowsell Road North, BL11105 (OCP14-0027) - Garoslav & Catherine Maruszczak

Moved By Councillor Hodge/Seconded By Councillor Gray

R541/15/07/14 THAT Bylaw No. 11105 be read a second and third time.

Carried

- 4.2 505-525 Snowsell Road North, BL11106 (Z14-0059) - Garoslav & Catherine Maruszczak

Moved By Councillor Hodge/Seconded By Councillor Gray

R542/15/07/14 THAT Bylaw No. 11106 be read a second and third time.

Carried

- 4.3 902 Clifton Road, BL11107 (Z15-0008) - Dan & Mary Cresswell

Moved By Councillor Gray/Seconded By Councillor Hodge

R543/15/07/14 THAT Bylaw No. 11107 be read a second and third time.

Carried

- 4.4 1936-1940 Kane Road & 437 Glenmore Road, BL11108 (Z15-0009) - Glen Park Village Inc. et al

Moved By Councillor Donn/Seconded By Councillor Given

R544/15/07/14 THAT Bylaw No. 11108 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 delivering 356 statutory notices to the owners and occupiers of the surrounding properties, and 6758 informational notices to residents in the same postal delivery route, between June 30 and July 3, 2015.

Notice of these (amendments to Liquor Primary Licenses) were advertised by being posted on the Notice Board at City Hall on June 30, 2015, and by being placed in the Kelowna Capital News issues on July 3 and July 8, 2015 and by sending out or otherwise delivering 89 statutory notices to the owners and occupiers of surrounding properties, and 630 informational notices to residents in the same postal delivery route, between June 30 and July 3, 2015.

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 3929-3933 Lakeshore Road, LL15-0006 - Mission Creek Holdings Ltd.

Staff:

- Provided a PowerPoint Presentation summarizing the application

The City Clerk advised that no correspondence was received.

Mayor Basran 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 and had no comment.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Donn

R545/15/06/30 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 614540 BC Ltd. (dba Creekside Pub Restaurant, and Cold Beer and Wine Store at 3929-3933 Lakeshore Road, (legally described as Lot A, Section 6, Township 26, ODYD, Plan 36411) for a change to licensed hours of sale from 10:00 AM to 12:00 AM Monday to Thursday, 11:00 AM to 1:00 AM Friday and Saturday and 11:00 AM to 12:00 AM Sunday to 10:00 AM to 12:00 AM Monday to Thursday, 10:00 AM to 1:00 AM Friday and Saturday and 10:00 AM to 12:00 AM to allow for consistent opening times during the week.
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 for Friday, Saturday and Sunday mornings. 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".

Carried

7. Development Permit and Development Variance Permit Reports

7.1 2265 Wilkinson Street, BL11093 (Z15-0015) - Jacob & Julie Cruise

Moved By Councillor Donn/Seconded By Councillor Given

R546/15/07/14 THAT Bylaw No. 11093 be adopted.

Carried

7.2 2265 Wilkinson Street, DP15-0067 & DVP15-0068 - Jacob & Julie Cruise

Staff:

- Provided a PowerPoint Presentation summarizing the application and responded to questions from Council.

The City Clerk advised that the following correspondence was received:

Letters of Opposition or Concern  
Cal Fortnum, Nelson Road  
Judith Bell, Wilkinson Street

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

Randy Born Delta BC, on behalf of applicant

- No secondary suite at present.
- Garage was constructed by previous owner before purchasing the property.
- Ample room for three parking spots.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Hodge

R547/15/07/14 THAT Council authorizes the issuance of Development Permit No. DP15-0067 for Lot 2 District Lot 136 ODYD Plan KAP89721, located on 2265 Wilkinson Street, Kelowna, BC subject to the following:

1. The dimensions and siting of the building and landscaping to be constructed on the land, be in general accordance with Schedule 'A';
2. The exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule 'B';

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0068 for Lot 2 District Lot 136 ODYD Plan KAP89721, located on 2265 Wilkinson Street, Kelowna, BC;

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

Section 13.2.6 (a) - RU2 - Medium Lot Residential - Development Regulations  
Vary the maximum site coverage together with driveways and parking areas from a maximum of 50% required to a maximum of 62% proposed.

Section 13.2.6 (d) - RU2 - Medium Lot Residential - Development Regulations  
Vary the minimum side yard setback for a 1 ½ storey portion of a building from 1.5 m required to 1.0 m proposed.

AND FURTHER THAT this Development Permit and Development Variance Permit be valid for two (2) years from the date of Council approval with no opportunity to extend.

Carried

### 7.3 300 Glen Park Drive, DP15-0083 & DVP15-0084 - OCORP Development Ltd.

#### Staff:

- Provided a PowerPoint Presentation summarizing the application and responded to questions from Council.

The City Clerk advised that the following correspondence was received:

Letters of Opposition or Concern  
Nicky Siegner, Whitman Road  
Donna & John Harling, Whitman Road  
Shannon Croft, Whitman Road

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

Tom Gaffney, Architect West Kelowna on behalf of applicant

- Responded to questions from Council.

#### Gallery:

Joel Kuyvenhoven, 284 Drysdale Blvd

- Stated he was not contacted by the applicant, only by the City.
- Large parcel could build to a high density without any variances.
- Concerned with parking overflowing onto street.
- Concerns with safety.
- Opposed to this development.

Lyle Paulhus, Whitman Road

- Opposed to this Development
- Large parcel that could accommodate many units without variances.

Tom Gaffney, applicant representative

- Project has surplus of resident and visitor parking to requirements.
- Has safer and more generous area for loading and unloading.
- Increased green space and setbacks.

There were no further comments.

**Moved By Councillor Given/Seconded By Councillor DeHart**

**R548/15/07/14** THAT Council authorizes the issuance of Development Permit No. DP15-0083 for Lot A, Section 33, Township 26, ODYD, Plan EPP18422, located on 300 Glen Park Drive, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building 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";
4. That consolidation of the subject property occurs with a portion of the lot addressed as 302 Glen Park Drive that is adjacent to the subject property.

5. That the restrictive no build covenant (CA2463559) registered on the subject property be discharged.
6. Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied as described in the attached report dated May 1<sup>st</sup> 2015”;
7. That 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 landscaper;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP15-0084 for Lot A, Section 33, Township 26, ODYD, Plan EPP18422, located on 300 Glen Park Drive, Kelowna, BC.

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted in accordance with the drawings attached to the Development Variance Permit described in Schedule “A”:

Section 13.9.6 (f) Development Regulations

Vary the rear yard setback requirement from 7.5 metres required setback to 4.0 metres proposed.

AND THAT the applicant be required to complete the above noted conditions of Council’s approval of the Development Permit / Development Variance Permit Applications in order for the permit to be issued.

AND FURTHER THAT this Development Permit / Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

**7.4 595 Josselyn Court, DVP15-0145 - Catherine & David Thompson**

Staff:

- Provided a PowerPoint Presentation summarizing the application and responded to questions from Council.

The City Clerk advised that no correspondence was received.

Mayor Basran 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 and had no further comment.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Sieben

R549/15/07/14 THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0145 for Lot 18 Section 26 Township 26 ODYD Plan 29389, located at 595 Josselyn Court, Kelowna, BC;

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

Section 6.5.8 (a): General Development Regulations - Accessory Development

To vary the location of an accessory building within the front yard setback from 9.0m required to 1.52m proposed.

AND FURTHER THAT this Development Variance Permit be valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

7.5 1432 McInnes Avenue, BL11094 (Z15-0014) - Caroline Kaltenhauser

Moved By Councillor DeHart/Seconded By Councillor Stack

R550/15/07/14 THAT Bylaw No. 11094 be adopted.

Carried

7.6 1432 McInnes Avenue, DP15-0061 & DVP15-0062 - Caroline Kaltenhauser

Staff:

- Provided a PowerPoint Presentation summarizing the application and responded to questions from Council.

The City Clerk advised that the following correspondence was received:

Letters of Opposition/Concern  
Sheila Seweryn, McInnes Avenue  
Ken Work, McInnes Avenue

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

Marlin Weninger, Applicant

- Responded to questions from Council.

Gallery:

- Gillian Krol, McInnes Ave
- In opposition of this application.
  - Raised concerns with parking.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Donn

R551/15/07/14 THAT Council authorizes the issuance of Development Permit No. DP15-0061 for Lot 3 District Lot 137 ODYD Plan 3756, located at 1432 McInnes Avenue, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land, be in general accordance with Schedule 'A';
2. The exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule 'B';
3. Landscaping to be provided on the land to be in general accordance with Schedule 'C';
4. Prior to the issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied;

5. Prior to the issuance of the Building Permit, the requirements of the Zoning Application (Z15-0014) must be satisfied; and
6. The applicant is 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;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0062 for Lot 3 District Lot 137 ODYD Plan 3756, located at 1432 McInnes Avenue, Kelowna, BC;

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

**Section 13.7.6 (a): RM1- Four Dwelling Housing Development Regulations**  
To vary the maximum site coverage from 50% to 61% proposed.

**Section 13.7.6 (c): RM1- Four Dwelling Housing Development Regulations**  
To vary the building height from 2 ½ storeys maximum to 3 storeys proposed.

AND THAT the applicant be required to complete the above noted conditions of Council's Approval of the Development Permit and Development Variance Permit in order for the Permit to be issued;

AND FURTHER THAT this Development Permit and Development Variance Permit be valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

7.7 370 Fleming Road, BL10849 (Z13-0011) - Wendy Cullen & Michael Anderson

Moved By Councillor Stack/Seconded By Councillor DeHart

R552/15/07/14 THAT Bylaw No. 10849 be adopted.

Carried

7.8 370 Fleming Road, DP13-0034 & DVP13-0003 - Wendy Cullen & Michael Anderson

Staff:

- Provided a PowerPoint Presentation summarizing the application and responded to questions from Council.

The City Clerk advised that no correspondence was received.

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

Wendy Cullen, Fleming Road, Applicant  
- Responded to questions from Council.

There were no further comments.



Moved By Councillor Stack/Seconded By Councillor Given

R553/15/07/14 THAT Council authorizes the issuance of Development Permit No. DP13-0034 for Lot B, Section 27, Township 26, ODYD Plan 11730, located at 370 Fleming Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the building and landscaping to be constructed on the land, be in general accordance with Schedule 'A';
2. The exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule "B";

AND THAT Council authorizes the issuance of Development Variance Permit DVP13-0033 for Lot B, Section 27, Township 26, ODYD Plan 11730, located at 370 Fleming Road, Kelowna, BC;

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

Section 9.5b.14 Carriage House Regulations

To vary the minimum side yard setback for a Carriage House from 2.0m required to 1.50m proposed.

AND THAT Council direct Staff to ensure that parking in tandem is not used to meet the off-street vehicle parking requirements as per Council Directive from May 27, 2013 Regular Meeting;

AND THAT Council direct Staff to ensure the attic space above the Carriage House remains as a storage space only and that the exterior access door does not become balcony access as per Council Directive from May 27, 2013 Regular Meeting;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and the Development Variance Permit 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

7.9 459 Groves Avenue and 437 & 442 Newsom Avenue, BL10864 (OCP13-0013) - P218 Enterprises Ltd.

Moved By Councillor Sieben/Seconded By Councillor Singh

R554/15/07/14 THAT Bylaw No. 10864 be adopted.

Carried

7.10 459 Groves Avenue and 437 & 442 Newsom Avenue, BL10865 (Z13-0021) - P218 Enterprises Ltd.

Moved By Councillor Sieben/Seconded By Councillor Singh

R555/15/07/14 THAT Bylaw No. 10865 be adopted.

7.11 459 Groves Avenue, 3030 Pandosy Street and 437 & 442 Newsom Avenue, DP15-0100 & DVP15-0102 - AD SOPA Holdings Inc.

Staff:

- Provided a PowerPoint Presentation summarizing the application and responded to questions from Council.

The City Clerk advised that the following correspondence was received:

Letters of Opposition or Concern

Michael Le Feuvre & Annalee De Rosa, Groves Avenue  
Crosland Doak, Lawrence Salloum & Al Galbraith for KVG Joint Venture, Alta Vista Road, Whistler BC

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

Kevin Hoffman, Aquilini Development, Vancouver, Applicant

- Spoke to rationale behind height variance request.
- Shift in density as opposed to an increase in density compared with previous design.
- Confirmed shadow study did not increase the shadow impact from previous design.
- Redesigned building for more efficiency and marketability.

Gallery:

Lawrence Salloum, on behalf of KVG Joint Venture Pandosy Street

- Stated subject property is in violation of building codes and that City should not issue any permits until this is resolved.
- Made reference to trespass of steel building anchors onto their property.
- Responded to questions from Council.

Bob Whitehead, on behalf of KLO Neighbourhood Association

- KLO Neighbourhood Association is in favour of project.
- Raised concerns with parking access off Newsom Avenue.
- Spoke to area traffic flow, congestion and parking concerns with the Paddle Club in the vicinity.
- Recommended bollards be placed on Newsom to restrict parking lot access to Fire and Emergency vehicles only.
- In support of height variance.

Robert Moore, Newsom Ave

- Supportive of Aquilini Group moving on with this project.
- Supportive of parking access restrictions off Newsom Ave.
- Lane between Groves and Newsom be closed.

Garth Vickers, Groves Ave

- In support of all comments made by previous speakers.

Applicant, Kevin Hoffman, Aquilini Development, Vancouver

- Responded to questions raised.
- Recently was made aware of soil anchor trespass issue, will work with neighbouring property owners to resolve.
- Not concerned with placement of Bollards along Newsom.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Sieben

R556/15/07/14 THAT Council authorize the issuance of Development Permit DP15-0100 for following properties:

- Lot A, District Lot 14, Section 13, Township 25, ODYD, Plan KAP90796, except Air Space Plan EPP17953, located at 3030 Pandosy Street, Kelowna, BC;
- Lot 14, District Lot 14, ODYD, Plan 3856 except Plan KAP90797, located at 459 Groves Avenue, Kelowna, BC;
- Lot 11, Block 2, District Lot 14, ODYD, Plan 4743 except Plan KAP90797, located at 437 Newsom Avenue, Kelowna, BC;
- Lot 19, District Lot 14, ODYD, Plan 3856 except Plan KAP90797, located at 442 Newsom Avenue, Kelowna, BC;
- Air Space Parcel A, Section 13, Township 25 and of District Lot 14, ODYD Air Space Plan EPP17953.

subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building 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";
4. That the previous landscape bonding amount (\$246,531.25) for DP07-0261 be transferred and applied to DP15-0100 as the Landscape Performance Security deposit;
5. That all the properties are consolidated into one parcel;

AND THAT Council authorizes the discharge of the previously approved Development Variance Permit (DVP08-0212) registered under No. LB392536 against Lot A, District Lot 14, Section 13, Township 25, ODYD, Plan KAP90796, except Air Space Plan EPP17953, and for Air Space Parcel A, Section 13, Township 25 and of District Lot 14, ODYD Air Space Plan EPP17953 located at 3030 Pandosy Street, Kelowna, BC, which varied Section 14.4.5(c) of Zoning Bylaw No. 8000 from 7 storeys and 25.0m to 11 stories and 36.5m in height;

AND THAT, in order to replace Development Variance Permit DVP08-0212, Council authorize the issuance of Development Variance Permit DVP15-0102 for Lot A, District Lot 14, Section 13, Township 25, ODYD, Plan KAP90796, except Air Space Plan EPP17953, and for Air Space Parcel A, Section 13, Township 25 and of District Lot 14, ODYD Air Space Plan EPP17953 located at 3030 Pandosy Street, Kelowna, BC;

AND THAT the variance to the following sections of Zoning Bylaw No. 8000 be granted in accordance with the drawings attached to the Development Variance Permit described in Schedule "A":

Section 14.4.5 (c) C4 Development Regulations:

To vary the maximum permitted height from 7 storeys and 25.0m allowed to 14 storeys and 43.0m proposed.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit / Development Variance Permit Applications in order for the permit to be issued.

AND THAT prior to issuance of the Building Permit, a Statutory Easement be registered over the courtyard to protect public usage of the space.

AND THAT prior to issuance of the Building Permit, the requirements of the Development Engineering Branch dated June 15<sup>th</sup> 2015 be satisfied.

AND FURTHER THAT this Development Permit and Development Variance Permit be valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

Moved By Councillor Stack/Seconded By Councillor Hodge

R557/15/07/14 THAT Council directs staff to ensure the applicant installs bollards at the Newsom Avenue parking lot access and lane access;

AND THAT these bollards be removable in case of emergency.

Carried

8. Reminders - Nil.

9. Termination

The meeting was declared terminated at 9:38 p.m.

\_\_\_\_\_  
Mayor

/tt/scf/slh

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City Clerk