



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, July 28, 2015
Location: Council Chamber
City Hall, 1435 Water Street

Council Members Present: Mayor Colin Basran and Councillors Maxine DeHart, Gail Given, Charlie Hodge, Brad Sieben, Mohini Singh and Luke Stack

Council Members Absent: Councillors Ryan Donn and Tracy Gray

Staff Present: Acting City Manager, Joe Creron; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith; Urban Planning Supervisor, Lindsey Ganczar; Planner, Damian Burggraeve*; and Legislative Systems Coordinator, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 6:15 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Hodge.

3. Confirmation of Minutes

Moved By Councillor DeHart/Seconded By Councillor Sieben

R585/15/07/28 THAT the Minutes of the Public Hearing and Regular Meeting of July 14, 2015 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 5267 Chute Lake Road, BL11110 (Z15-0021) - David Rolleston

Moved By Councillor Hodge/Seconded By Councillor Given

R586/15/07/28 THAT Bylaw no. 11110 be read a second and third time.

Carried

4.2 3699 Highway 97 North, BL11111 (Z15-0028) - University Business Park Ltd.

Moved By Councillor Hodge/Seconded By Councillor Given

R587/15/07/28 THAT Bylaw No. 11111 be read a second and third time.

Carried

4.3 225 Clifton Road and (W of) Union Road, BL11112 (OCP15-0012) - Glenwest Properties Ltd.

Moved By Councillor Sieben/Seconded By Councillor Singh

R588/15/07/28 THAT Bylaw No. 11112 be read a second and third time.

Carried

4.4 225 Clifton Road and (W of) Union Road, BL11113 (Z15-0016) - Glenwest Properties Ltd.

Moved By Councillor Stack/Seconded By Councillor DeHart

R589/15/07/28 THAT Bylaw No. 11113 be read a second and third time.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of the Development Variance Permit Applications was given by sending out or otherwise delivering 79 statutory notices to the owners and occupiers of the surrounding properties, and 1,781 informational notices to residents in the same postal delivery route, between July 14, 2015 and July 17, 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. Heritage Alteration Permit, Development Permit and Development Variance Permit Reports

6.1 2072 Abbott Street, HAP15-0004 - CEI Architecture Planning

Moved By Councillor Hodge/Seconded By Councillor Given

R590/15/07/28 THAT Council defers consideration of Heritage Alteration Permit No. HAP15-0004 for Lot B, District Lot 14, ODYD, Plan KAP47142, located at 2072 Abbott Street, Kelowna, BC. to the September 15, 2015 Regular Meeting.

Carried

City Clerk:

- Confirmed the correspondence received for this evening's meeting has been circulated to Council.
- Any correspondence received after today will be circulated through Council correspondence and correspondence received during the notification period prior to the September 15th Council meeting will be read for that meeting.

6.2 650 Clement Avenue, DP15-0132 & DVP15-0133 - City of Kelowna

Staff:

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

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

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council. No one came forward.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor DeHart

R591/15/07/28 THAT Council authorizes the issuance of Development Permit No. DP15-0132 for Lot A, District Lot 139, ODYD, Plan EPP39101 except Plan EPP50977, located on 650 Clement 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 be in general accordance with Schedule "C";
4. Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied as described in the attached report dated June 26th 2015";
5. 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. DVP15-0133 for Lot A, District Lot 139, ODYD, Plan EPP39101 except Plan EPP50977, located on 650 Clement Avenue, 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 "D":

Section 8.5 (Table 8.1) General Provisions

To vary the minimum parking stalls from 954 parking stalls required to 289 parking stalls proposed.

Section 7.6.1 (b & c) Minimum Landscape Buffers

To vary the minimum level 2 and level 3 landscape buffer width from 3.0m required to between 1.6m and 3.0m as proposed and described within schedule "D".

Section 8.3.5 Development Standards - Vehicle Parking and Loading

To vary the minimum required landscape island area from 2m² per parking stall and loading bay (totaling 1,916 m²) to 115m² total area.

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

6.3 3470 Shayler Road, DP15-0086 & DVP15-0087 - Kinnikinnik Developments Inc.

Staff:

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

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

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

Andrew Gaucher, Applicant

- Advised that the development team is available to respond to any questions.

Gallery:

Brad Dahl, Arthur Road

- Inquired as to length of the building.
- Made comment on the beach accesses in the McKinley area and raised concern with impacts of development on neighbouring beaches.
- Raised concerns with the ability of beach developments to adequately deal with projected OCP population growth in the McKinley area as it will become the 'go-to' beach in future years.
- Raised a concern with insufficient parking.

Staff:

- Advised that the building is 220 feet in length.

Doris Findlay

- Expressed a concern with traffic impacts.
- Inquired as to the tourism component of the development.

Shayne Jamieson, Dewdney Road

- Made comment on correspondence sent to staff.
- Expressed a concern that the Developer did not address the residents at the AGM as claimed.
- Expressed a concern that the Development Notice Sign had been knocked down.
- Expressed a concern that the statutory notification does not clearly state what the mixed use will be.
- Expressed a concern that the structure may be within the riparian area.
- Believes that this development has 'morphed' over time.
- Opposed to the application and encouraged Council to vote against it.
- Responded to questions from Council.

Staff:

- Advised that there is a 15m riparian setback and that an Environmental Development Permit is currently being considered at a staff level.

Bob Campbell, Bennett Road

- Inquired as to the mixed-use component of the development.
- Inquired as to whether the variance was for the entire site or just this particular area.
- Believes that 54 parking stalls is not enough.

Andrew Gaucher, Applicant

- Confirmed the building is used as a retaining wall and for kayak storage.
- Future tourism and wellness uses are permitted in zoning and are being pursued.
- Clarified that an elaborate presentation was not made at the AGM as most of the time was spent addressing construction traffic concerns.
- Will be erecting a notice board sign in McKinley.
- Responded to questions from Council.
- Once constructed, the McKinley Beach Drive will remain a private road.
- Provided the rationale for the parking variance being requested and confirmed that the parking will be developed on the site before the entire site is fully developed.
- Confirmed that McKinley Beach Drive will be maintained by the Developer.
- As the development is built-out, there will be more opportunity to provide for more parking on site.
- Provided an explanation of the zoning on the site.
- Confirmed that the beach will be 'public'.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Stack

R592/15/07/28 THAT Council authorizes the issuance of Development Permit No. DP15-0086 for the property legally known as Lot 7, Section 29, Township 23, ODYD, Plan EPP8753 located at 3470 Shayler Road, 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. Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied;
5. 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 authorizes the issuance of Development Variance Permit No. DVP15-0087 for the property legally known as Lot 7, Section 29, Township 23, ODYD, Plan EPP8753 located at 3470 Shayler Road, Kelowna, BC;

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

Table 8.1 - Parking Schedule (Commercial Use Parking Rates)

To vary the minimum required parking stalls from 52 requires to 45 proposed.

AND THAT the applicant be required to complete the above-noted conditions of Council's approval of the Development Permit Application in order for the permit 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. Reminders - Nil.

8. Termination

The meeting was declared terminated at 7:28 p.m.

Mayor

City Clerk

/slh