



## City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, April 23, 2013  
Location: Council Chamber  
City Hall, 1435 Water Street

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

Members Absent: Councillor Andre Blanleil.

Staff Present: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Manager, Urban Land Use, Danielle Noble; Manager, Development Engineering, Steve Muenz\*; and Council Recording Secretary, Arlene McClelland.

(\* denotes partial attendance)

### 1. Call to Order

Mayor Gray called the meeting to order at 10:00 p.m.

### 2. Prayer

A Prayer was offered by Councillor Given.

### 3. Confirmation of Minutes

Moved by: Councillor DeHart/Seconded by: Councillor Singh

R295/13/04/23 THAT the Minutes of the Public Hearing and Regular Meeting of April 9, 2013 be confirmed as circulated.

Carried

### 4. Bylaws Considered at Public Hearing

4.1. Bylaw No. 10837 (OCP13-0001) - Graeme James, 1242-1244 Pheasant Street

Moved by: Councillor Stack/Seconded by: Councillor Given

R296/13/04/23 THAT Bylaw No. 10837 be read a second and third time.

4.2. Bylaw No. 10838 (Z13-0002) - Graeme James, 1242-1244 Pheasant Street

Moved by: Councillor Given/Seconded by: Councillor Stack

R297/13/04/23 THAT Bylaw No. 10838 be read a second and third time.

Carried

4.3. Bylaw No. 10839 (Z13-0012) - Blenk Development Corp, Various Wilden Properties

Moved by: Councillor DeHart/Seconded by: Councillor Zimmermann

R298/13/04/23 THAT Bylaw No. 10839 be read a second and third time and be adopted.

Carried

4.4. Bylaw No. 10832 (OCP13-0002) - Protech Consultants Ltd., 1760, 2025 and 2137 Quail Ridge Road

Moved by: Councillor Stack/Seconded by: Councillor DeHart

R299/13/04/08 THAT the Public Hearing be kept open with respect to Bylaw Nos. 10832 (OCP13-0002), 10833 (TA13-0004) and 10834 (Z13-0003) 1760, 2025 and 2137 Quail Ridge Road;

AND THAT staff report back with information from the completed Traffic Impact Assessment prior to further consideration.

Carried

4.5. Bylaw No. 10833 (TA13-0004) - Protech Consultants Ltd., CD15 Airport Business Park

Bylaw No. 10833 was deferred to a future Public Hearing.

4.6. Bylaw No. 10834 (Z13-0003) - Protech Consultants Ltd., 1760, 2025 and 2137 Quail Ridge Road

Bylaw No. 10834 was deferred to a future Public Hearing.

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 1404 letters to the owners and occupiers of surrounding properties between April 9 and April 12, 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. Bylaw No. 10822 (OCP13-0004) - Simple Pursuits Inc. - 641, 683 Osprey Avenue, 600 Raymer Avenue and 2764 Richter Street

Moved by: Councillor Hobson/Seconded by: Councillor Singh

R300/13/04/08 THAT Bylaw No. 10822 be adopted.

Carried

6.1.1. Bylaw No. 10823 (Z13-0005) - Simple Pursuits Inc. - 641 and 683 Osprey Avenue, 600 Raymer Avenue and 2764 Richter Street

R301/13/04/08 THAT Bylaw No. 10823 be adopted.

Carried

6.1.2. Development Permit Application No. DP13-0016 and Development Variance Permit Application No. DVP13-0017 - Simple Pursuits Inc. - 641 and 683 Osprey Avenue, 600 Raymer Avenue and 2764 Richter Street

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

Letter of Concern:  
Ron Vaage, 2725 Richter Street

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

Shane Worman, Simple Pursuits, Applicant:  
- Present and available to answer questions.

There were no further comments.

Moved by: Councillor Stack/Seconded by: Councillor Basran

R302/13/04/08 THAT Final Adoption of Official Community Plan Amending Bylaw No. 10822 and the Zoning Amending Bylaw No. 10823 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP13-0016 for Lot C, D.L. 14, ODYD, Plan EPP15783, located at 641 Osprey Avenue, Lot D, D.L. 14, ODYD, Plan EPP15783, located at 600 Raymer Avenue, Lot 2, D.L. 14, ODYD, Plan EPP16791, located at 2764 Richter Street and Lot 1, D.L. 14, ODYD, Plan EPP16791 located at 683 Osprey Avenue, Kelowna B.C., 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. 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;
5. Registration of a plan of subdivision at Land Titles Office to consolidate the four subject properties into a single title prior to issuance of the Development Permit;

AND THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the Development Permit application in order for the permit to be issued;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP13-0017 for Lot C, D.L. 14, ODYD, Plan EPP15783, located at 641 Osprey Avenue, Lot D, D.L. 14, ODYD, Plan EPP15783, located at 600 Raymer Avenue, Lot 2, D.L. 14, ODYD, Plan EPP16791, located at 2764 Richter Street and Lot 1, D.L. 14, ODYD, Plan EPP16791 located at 683 Osprey Avenue, Kelowna, B.C.;

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

Section 14.4.5 (c) Development Regulations - Height:

To vary the height from 15.0m / 4 storeys permitted to 19.4m / 5 storeys proposed as shown on Schedule "A".

Section 14.4.6 (b) Development Regulations - Private Open Space:

To vary the private open space for the 8 residential units from 120sq.m required to 32sq.m proposed.

Carried

6.2. Bylaw No. 10825 (OCP12-0015) - 0754028 BC Ltd., 526 Doyle Avenue and 1368 St. Paul Street

Moved by: Councillor Hobson/Seconded by: Councillor Singh

R303/13/04/08 THAT Bylaw No. 10825 be read a second and third time and be adopted.

Carried

6.2.1. Development Permit Application No. DP12-0198 and Development Variance Permit Application No. DVP12-0199 - Doug Dueck - 526 Doyle Avenue and 1368 St. Paul Street

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

Letters of Support:

Tyler Dyck, 1468 St. Paul "Street  
Amanda Zais, 767 Leon Ave  
Trevor Morhaliek, 100-1475 Ellis Street  
Maria Graziano, 618 Bernard Ave  
Linda Winnick, 339 Bernard Avenue  
Gloria and Max Sloan, 1598 Pandosy Street  
Wendy Turcotte, 541 Bernard Ave  
Jan Johnson/ Lori Burns, 575 Bernard Ave  
Ryan Hunter, 543 Bernard Ave

Letters of Opposition:

Janice Roy, #401 1331 Ellis Street  
Laurence Marshall, 307-1349 Bertram Street  
Dr. Luigi Rossi, 1402-1395 Ellis Street  
Bob Heyworth, #703 - 1395 Ellis Stree  
Linda Heyworth #703 - 1395 Ellis Street

Mayor Gray invited the applicant or anyone in the public gallery who deemed to come forward, followed by comments from Council. No one came forward.

There were no further comments.

Moved by: Councillor Stack/Seconded by: Councillor Zimmerman

R304/13/04/08 THAT Final Adoption of the Official Community Plan Bylaw Amendment Bylaw be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP12-0198 for Lot A, District Lot 139, ODYD, Plan EPP9526, located at 526 Doyle Avenue and Lot A, District Lot 139, ODYD, Plan KAP87835 located at 1368 St. Paul Street, Kelowna, B.C. 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) 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 for the public art program;
- 5) The registration of a covenant on title limiting the use of CRU #6 as a Major Child Care Centre including dedicated play space on top of the podium to the satisfaction of the Interior Health Authority as shown on Schedule "A";
- 6) The execution of the Servicing Agreement and associated bonding for the Development Engineering requirements;
- 7) Registration of a plan of subdivision at Land Titles Office to consolidate the two subject properties into a single title prior to issuance of the Development Permit;
- 8) That Cash-in-Lieu of the required parking (35 x \$22,500.00 = \$787,500.00) be provided prior to issuance of the Development Permit.
- 9) Prior to issuance of a Building Permit the applicant be required to design the building to accommodate Fortis BC's anticipated District Energy system;
- 10) Prior to issuance of a Building Permit the applicant be required to provide plans for two electric car charging stations and a bike share program including 10 bikes;

AND FURTHER THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the Development Permit Application in order for the permit to be issued;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP12-0199 for Lot A, District Lot 139, ODYD, Plan EPP9526, located at 526 Doyle Avenue and Lot A, District Lot 139, ODYD, Plan KAP87835 located at 1368 St. Paul Street, Kelowna, B.C.;

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

Section 14.7.5 (a) Development Regulations - Height:

To vary the height from 44m permitted to 65m (Tower #1) and 88m (Tower #2) proposed;

Section 14.7.5 (e) Development Regulations - Setbacks above 15m:

To vary the building setback for Tower #1 along Doyle Avenue from 3.0m required to 1.24m proposed for portions of a building above 15m;

Section 14.7.5 (g) Development Regulations - 80° Inclined Angle:

To vary the inclined plane above 15m from 80° permitted for Tower #1 to 85.58° for western elevation and 88.65° for the eastern elevation and from 80°

for Tower #2 to 87.07° for the western elevation and 83.09° for the eastern elevation.

Section 14.7.5 (h) Development Regulations - Floor Plate Area:

To vary the maximum floor plate area for Tower #2 from 676m<sup>2</sup> to 822.65m<sup>2</sup> (Floors 5-13) - 770.63m<sup>2</sup> (Floors 14-21) - 695.85m<sup>2</sup> (Floors 22-28);

Section 14.7.5 (i) Development Regulations - Horizontal Dimension Above 15m:

To vary the maximum horizontal dimension above 15m for Tower #2 from 26m permitted to 37.8m x 31.24m proposed;

Section 14.7.5 (l) (i) Development Regulations - Setbacks above 22m:

To vary the building setback from an interior lot line for Tower #2 from 15m required to 4.0m proposed for portions of a building above 22m;

Section 14.7.5 (l) (ii) Development Regulations - Setbacks above 22m:

To vary the building setback from a lot line abutting a lane for Tower #2 from 10m required to 3.6m proposed for portions of a building above 22m.

Carried

**8. Termination**

The meeting was declared terminated at 10:32 a.m.

Certified Correct:

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Mayor

/acm

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Deputy City Clerk