



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, July 29, 2014
Location: Council Chamber
City Hall, 1435 Water Street

Council 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: Deputy City Manager, Paul Macklem; City Clerk, Stephen Fleming; Manager, Urban Planning, Ryan Smith; Manager, Subdivision, Agriculture & Environment Services, Todd Cashin*; Manager, Development Engineering, Steve Muenz*; Supervisor, Urban Planning, Lindsey Ganczar; Manager, Policy Planning, Danielle Noble-Brandt*; Planner 1, Laura Bentley*; and Council Recording Secretary, Tania Tishenko

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the meeting to order at 8:55 p.m.

2. Prayer

A Prayer was offered by Councillor DeHart.

3. Confirmation of Minutes

Moved By Councillor Basran/Seconded By Councillor Given

R558/14/07/29 THAT the Minutes of the Public Hearing and Regular Meeting of July 15, 2014 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1. Bylaw No. 10979 (Z14-0019) - 260 Ponto Avenue, Alexander Ryan Tull

Moved By Councillor Zimmermann/Seconded By Councillor DeHart

R559/14/07/29 THAT Bylaw No. 10979 be read a second and third time.

Carried

4.2. Bylaw No. 10986 (TA14-0007) - Amendments to Carriage House and Accessory Building Regulations

Moved By Councillor Stack/Seconded By Councillor Hobson

R560/14/07/29 THAT Bylaw No. 10986 be read a second and third time.

Carried

4.3. Bylaw No. 10875 (OCP11-0011) - 2755 McCurdy Road - PRODEV GP Ltd. & 1378310 Alberta Ltd.

Councillor Blanleil declared a conflict of interest as his son owns property adjacent to the subject land and left the meeting at 8:58 pm.

Moved By Councillor Given/Seconded By Councillor DeHart

R561/14/07/29 THAT Bylaw No. 10875 be read a second and third time.

Carried

4.4. Bylaw No. 10876 (TA11-0010) - Amendment to City of Kelowna Zoning Bylaw No. 8000, RHM4 - Hillside Cluster Multiple Cluster Housing Zone

Moved By Councillor Stack/Seconded By Councillor Given

R562/14/07/29 THAT Bylaw No. 10876 be read a second and third time.

Carried

- 4.5. Bylaw No. 10877 (Z11-0069) - 2755 McCurdy Road, PRODEV GP Ltd. & 1378310 Alberta Ltd.

Moved By Councillor Given/Seconded By Councillor Stack

R563/14/07/29 THAT Bylaw No. 10877 be read a second and third time.

Carried

- 4.6. Bylaw No. 10984 (Z13-0030) - (S of), 823 & 890-950 Academy Way, Watermark Developments Ltd., City of Kelowna & Aberdeen Hall Senior School Society

Councillor Blanleil rejoined the meeting at 9:07 pm.

Moved By Councillor Given/Seconded By Councillor Stack

R564/14/07/29 THAT Bylaw No. 10984 be read a second and third time.

Carried

- 4.7. Bylaw No. 10980 (OCP14-0014) - Amendment to Chapter 4, Future Land Use for a new Health District (HLTH) Designation

Moved By Councillor Hobson/Seconded By Councillor Singh

R565/14/07/29 THAT Bylaw No. 10980 be read a second and third time.

Carried

- 4.8. Bylaw No. 10981 (TA14-0010) - City of Kelowna, Adding a new HD3 - Health Services Zone to Section 17 - Health District Zone

Moved By Councillor Hobson/Seconded By Councillor Singh

R566/14/07/28 THAT Bylaw No. 10981 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 88 Statutory Notices to owners and occupiers of adjacent and adjoining properties, and 2682 "It's Your Neighbourhood" Informational Notices to residents in the postal delivery area between July 14, 2014 and July 18, 2014.

Notice of these (Temporary Use Permits) were advertised by being posted on the Notice Board at City Hall on July 14, 2014, and by being placed in the Kelowna Capital News issues on July 18 and July 22, 2014 and by sending out or otherwise delivering 24 statutory notices to the owners and occupiers of surrounding properties, and 539 informational notices to residents in the same postal delivery route, between July 14 and July 18, 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. Development Permit and Development Variance Permit Reports

6.1. Development Variance Permit Application No. DVP14-0032 - 552-554 Leon Avenue, Troika Developments

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 Support
 - 0871089 B.C. Ltd

Mayor Gray invited the applicant or anyone in the public gallery who deems themselves affected by the proposed variance to come forward, followed by comments from Council.

Bob Guy, Applicant

- Provided history of attempts to secure off-site parking

- Confirmed future development on site will accommodate this parking as well as any parking required for the new development.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Zimmermann

R567/14/07/29 THAT Council authorize the issuance of Development Variance Permit No. DVP14-0032 for Lot A, District Lot 139, ODYD, Plan 34415, located at 552 - 554 Leon Ave, Kelowna, B.C., subject to the following:

1. Landscaping to be provided on the offsite parking lot be in general accordance with Schedule "C";
2. 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;
3. Offsite parking covenant to be registered on the title of 264, 266 & 554 Leon Avenue parcels prior to issuance of the Development Variance Permit.
4. Legal Agreement to allow stalls 14-18 to encroach over the property line.

AND THAT the applicant be required to complete the above-noted condition No. 2 within 180 days of Council approval of the Development Permit application in order for the permit to be issued.

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

Section 8.1.10 (a)

To permit remote offsite parking at a distance in excess of 200m (approximately 420m) from the development site where the maximum distance for remote parking is 200m.

Carried

6.1.1. Correspondence - Item 6.1 (DVP14-0032)

6.2. Bylaw No. 10860 (OCP13-0010) - Various Addresses on Central Avenue, Richter Street & Cambridge Avenue, Provincial Rental Housing Corporation

Councillor Stack declared a conflict of interest as he is the Director of the Society of Hope, who are involved with the project and left the meeting 9:39 pm.

Moved By Councillor Hobson/Seconded By Councillor Singh

R568/14/07/29 THAT Bylaw No. 10860 be adopted.

Carried

6.2.1. Bylaw No. 10861 (Z13-0018) - Various Addresses on Central Avenue, Richter Street & Cambridge Avenue, Provincial Rental Housing Corporation

Moved By Councillor Blanleil/Seconded By Councillor Basran

R569/14/07/29 THAT Bylaw No. 10861 be adopted.

Carried

6.2.2. Development Permit Application No. DP13-0048 & Development Variance Permit Application No. DVP13-0049 - Various Addresses on Central Avenue, Richter Street & Cambridge Avenue, Provincial Rental Housing Corporation

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 deems themselves affected by the proposed variance(s) to come forward, followed by comments from Council.

Bryce Tupper, Agent for Applicant

- Discussed rationale for Development Permit and Variances.

Tess LeTailleur, Roanoke resident

- In support of high density housing.
- Against height of building, number of trees being removed.
- Concerned with increased traffic.

Juliet Anderson, BC Housing Consultant

- Discussed public involvement process.
- Felt that BC Housing went above and beyond in the public involvement process.

Bryce Tupper, Agent for Applicant

- Confirmed that BC Housing has been very involved and covered moving and other expensed for those in need.

There were no further comments.

Moved By Councillor Basran/Seconded By Councillor Hobson

R570/14/07/29 THAT Final Adoption of Official Community Plan Amending Bylaw No. 10860 and the Zoning Amending Bylaw No. 10861 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP13-0048 for Lot A, District Lot 9, ODYD, Plan 13927, located at 602-650 Central Avenue, Lot 1, District Lot 9, ODYD, Plan 4317, located at 603-607 Cambridge Avenue, Lot 2, District Lot 9, ODYD, Plan 4317, located at 609-611 Cambridge Avenue, Lot 3, District Lot 9, ODYD, Plan 4317, located at 621-631 Cambridge Avenue, Lot 1, District Lot 9, ODYD, Plan 7822, located at 661-663 Cambridge Avenue, Lot 2, District Lot 9, ODYD, Plan 7822, located at 671-673 Cambridge Avenue, Lot 3, District Lot 9, ODYD, Plan 7822, located at 681-689 Cambridge Avenue, Lot 4, District Lot 9, ODYD, Plan 7822, located at 648-650 Richter Street, Lot 5, District Lot 9, ODYD, Plan 7822, located at 668-670 Richter Street, Lot 6, District Lot 9, ODYD, Plan 7822, located at 680-692 Richter Street, Lot 13, District Lot 9, ODYD, Plan 4317, located at 678 Central Avenue, Lot 4, District Lot 9, ODYD, Plan 4317, located at 641 Cambridge Avenue, Lot 14, District Lot 9, ODYD, Plan 4317, located at 668 Central 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 subject properties as shown in Schedule 'A' 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. DVP13-0049 for Lot A, District Lot 9, ODYD, Plan 13927, located at 602-650 Central Avenue, Lot 1, District Lot 9, ODYD, Plan 4317, located at 603-607 Cambridge Avenue, Lot 2, District Lot 9, ODYD, Plan 4317, located at 609-611 Cambridge Avenue, Lot 3, District Lot 9, ODYD, Plan 4317, located at 621-631 Cambridge Avenue, Lot 1, District Lot 9, ODYD, Plan 7822, located at 661-663 Cambridge Avenue, Lot 2, District Lot 9, ODYD, Plan 7822, located at 671-673 Cambridge Avenue, Lot 3, District Lot 9, ODYD, Plan 7822, located at 681-689 Cambridge Avenue, Lot 4, District Lot 9, ODYD, Plan 7822, located at 648-650 Richter Street, Lot 5, District Lot 9, ODYD, Plan 7822, located at 668-670 Richter Street, Lot 6, District Lot 9, ODYD, Plan 7822, located at 680-692 Richter Street, Lot 13, District Lot 9, ODYD, Plan 4317, located at 678 Central Avenue, Lot 4, District Lot 9, ODYD, Plan 4317, located at 641 Cambridge Avenue, Lot 14, District Lot 9, ODYD, Plan 4317, located at 668 Central Avenue, Kelowna, B.C.;

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

Section 6.4.3 Projections Into Yards

Vary the permitted entrance canopy projection from 3.0m to 1.8m proposed.

Section 13.11.6 (b) Site Coverage

Vary the site coverage from 65% permitted to 65.7% proposed for buildings, driveways and parking areas.

Carried

6.3. Temporary Use Permit Application No. TUP14-0003 - 2284 & 2292 Speer Street, Interior Health & City of Kelowna

Councillor Stack rejoined the meeting at 9:56 pm.

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 deems themselves affected by the proposed variance(s) to come forward, followed by comments from Council.

Rupert Marshall, Project Manager

- Explained rationale for needing the Temporary Use Permit.

There were no further comments.

Moved By Councillor Hobson/Seconded By Councillor Given

R571/14/07/29 THAT Council authorize Temporary Use Permit No. TUP14-0003 to allow the use of the subject property for Contractor Service, General for Lots A and B, District Lot 14, ODYD, Plan EPP28861, located at 2284 and 2292 Speer Street, Kelowna, BC, for a two (2) year period commencing from July 29, 2014.

Carried

6.4. Bylaw No. 10837 (OCP13-0001) - 1242-1244 Pheasant Street, Geoff & Leanne Proteau

Moved By Councillor Basran/Seconded By Councillor Blanleil

R572/14/07/29 THAT Bylaw No. 10837 be adopted.

Carried

6.4.1. Bylaw No. 10838 (Z13-0002) - 1242-1244 Pheasant Street, Geoff & Leanne Proteau

Moved By Councillor Blanleil/Seconded By Councillor Basran

R573/14/07/29 THAT Bylaw No. 10838 be adopted.

Carried

6.4.2. Development Variance Permit Application No. DVP13-0003 & Development Permit Application No. DP13-0002 - 1242-1244 Pheasant Street, Geoff & Leanne Proteau

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 deems themselves affected by the proposed variance(s) to come forward, followed by comments from Council.

Nobody came forward and there were no further comments.

Moved By Councillor Zimmerman/Seconded By Councillor Stack

R574/14/07/29 THAT Final Adoption of Official Community Plan Bylaw No. 10837 and the Zoning Amending Bylaw No. 10838 be considered by Council;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP14-0003, for Strata Lot 1, District Lot 137, ODYD Strata plan KAS1353 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1 located on 1242-1244 Pheasant Street, Kelowna, BC;

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

Section 13.7.6 (f) - Development Regulations

To vary the permitted rear yard setback from 7.5m to 3.35m.

Section 8.1.9 (c) - Off-Street Vehicle Parking

To vary the off-street parking rear yard setback requirement from 1.5 metres to 0.85 metres.

AND THAT Council authorize the issuance of Development Permit No. DP14-0002, for Strata Lot 1, District Lot 137, ODYD Strata plan KAS1353 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1 located on 1242-1244 Pheasant Street, Kelowna, BC;

AND THAT the dimensions, siting, landscaping, exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "A".

7. Reminders - nil

8. Termination

The meeting was declared terminated at 10:05 pm.

Mayor
/tt

City Clerk