



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, February 17, 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; Urban Planning Supervisor, Lindsey Ganczar*; Planner, Adam Cseke*; Development Engineering Manager, Steve Muenz*; Planner, Damien Burggraeve*; and Council Services Coordinator, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:44 p.m.

2. Prayer

A Prayer was offered by Councillor Stack.

3. Confirmation of Minutes

Moved By Councillor Singh/Seconded By Councillor Gray

R107/15/02/17 THAT the Minutes of the Public Hearing and Regular Meeting of February 3, 2015 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 1539-1541 Bedford Avenue, 1507-1511 Dickson Avenue & 1517-1521 Dickson Avenue, BL11051 (Z14-0050) - Dickson Avenue Holdings Ltd.

Moved By Councillor Donn/Seconded By Councillor Hodge

R108/15/02/17 THAT Bylaw No. 11051 be read a second and third time.

Carried

Moved By Councillor Stack/Seconded By Councillor Sieben

R109/15/02/17 THAT staff report back to Council regarding parking issues in the alley between Dickson Avenue and Sutherland Avenue and whether or not speed bumps would be effective in the alley to reduce vehicle speed.

Carried

4.2 BL11054 (TA14-0020) - Amendment to City of Kelowna Zoning Bylaw No. 8000, Adding Analytical Testing of Medical Marihuana as a Principal Use

Moved By Councillor Singh/Seconded By Councillor Sieben

R110/15/02/17 THAT Bylaw No. 11054 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 85 statutory notices to the owners and occupiers of surrounding properties, and 1301 informational notices to residents in the same postal delivery route, between February 3, 2015 and February 6, 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. Development Permit and Development Variance Permit Reports

6.1 509 Okanagan Boulevard, DVP14-0264 - Edward Plotnikoff & Elizabeth Freedman

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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 of Council. The Applicant was present, but did not have anything further to add to staff's comments. There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Hodge

R111/15/02/17 THAT Council authorize the issuance of Development Variance Permit No. DVP14-0264 for Lot 1, Block 8, District Lot 9, ODYD, Plan 3915, located on 509 Okanagan Boulevard, 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 east sideyard setback from 2.0m required to 1.2m proposed.

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

Carried

6.2 130, 5505-5507 Airport Way, DVP14-0257 - Priority Permits Ltd.

Councillor Sieben declared a conflict of interest as potential tenant in a neighbouring building is a family member and left the meeting at 8:01 p.m.

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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 of Council. The Applicant was not present. There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Gray

R112/15/02/17 THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0257, for Lot A District Lot 14 Township 23 ODYD Plan EPP23036, located on #130, 5505 - 5507 Airport Way, Kelowna, B.C.;

AND THAT a variance to the following section of Sign Bylaw No. 8235 be granted:

Section 6.1: Specific Zone Regulations Industrial and Commercial Zones:

Fascia Signage 2 Per Business - To vary the total number of allowable fascia signs for a business from two (2) permitted to four (4) proposed.

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

Carried

6.3 840 Academy Way, DP14-0198 & DVP14-0199 - Watermark Developments Ltd.

Councillor Sieben rejoined the meeting at 8:04 p.m.

Staff:

- Displayed a PowerPoint presentation summarizing the application.
- Clarified that the Section 219 No-Build Covenant will be registered on the title to 755, 800 and 825 Academy Way.
- Responded to questions from Council;

Divisional Director, Community Planning & Real Estate:

- Spoke to the challenges with micro-suites as they are not defined in the City's Zoning Bylaw.
- 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 of Council.

Tim McLennon, Eidos Architecture, Applicant's Representative

- Advised that Watermark Developments is the 'parent' developer of this development and that his client has the property under contract.
- Confirmed that his client is a student housing provider and that the proposal is for a purpose-built student housing development.
- Explained the difference between bachelor suites and micro-suites. Micro-suites are 'single-occupant' suites only.
- Displayed a PowerPoint presentation summarizing the application before Council.
- Responded to questions from Council;

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Singh

R113/15/02/17 THAT Council authorizes the issuance of Development Permit No. DP14-0198 for Lot 2, Section 10, Township 23, ODYD, Plan EPP45918, located on 840 Academy Way, 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 November 3rd 2014";
5. That a section 219 no build restrictive covenant be registered on the remainder lots being:
 - a) Lot 1, Township 23, Land District 41, ODYD, Plan EPP45918, located on 800 Academy Way, Kelowna, BC;
 - b) Lot 3, Township 23, Land District 41, ODYD, Plan EPP45919, located on 825 Academy Way, Kelowna; BC; and
 - c) Lot 1, Township 23, Land District 41, ODYD, Plan EPP45919, located on 755 Academy Way, Kelowna, BC

until such time as the GEID water reservoir can be upgraded and that Academy Way road connection is completed to Sexsmith Road;

6. 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. DVP14-0199 for Lot 2, Section 10, Township 23, ODYD, Plan EPP45918, located on 840 Academy Way, Kelowna, BC.

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

Section 8 Parking & Loading: Table 8.1 - Parking Schedule

Vary the parking requirements from a ratio of one parking stall per one unit (251 parking stalls) required to one parking stall per 0.59 units (148 parking stalls) proposed.

Carried

6.4 5505 Chute Lake Road, DVP14-0185 - Calcan Investments Ltd.

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 of Council.

Dave Lange, Land Manager, Trestle Ridge, Applicant's Representative

- Displayed a PowerPoint presentation outlining the requested variances.
- Would like a slightly larger accessible building in order to utilize it as RV or 'toy' storage.
- The accessory buildings could also be used as a yoga studio or games room.
- Confirmed that there will only be 16 units in this strata development.
- Believe there is a site specific need for this type of accessory building.
- Responded to questions from Council.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Singh

R114/15/02/17 THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0185 for part of the North East 1/4, Section 14, Township 28, SDYD, Except Plan KAP57304, located on 5505 Chute Lake Road, Kelowna, BC, as shown on Map "A" attached to the Report of the Subdivision, Agriculture & Environment Department dated January 21, 2015;

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

Section 6.5.7: Accessory Development - Maximum Area

To vary the maximum area for an accessory building from 90 m² permitted to 140 m² proposed.

Section 13.14.8(a) and (e): Hillside Large Lot Residential - Building Form and Massing

To vary the maximum height for an accessory building from 4.5 m permitted to 7.5 m proposed.

Section 6.5.8(a): Accessory Development - Front Yard

To vary the front yard for an accessory building from 12.0 m permitted to 3.0 m or 6.0 m (to a garage or carport with access fronting the lane) proposed.

Section 6.5.11: Accessory Development - Bathroom

To vary the bathroom in an accessory building from one bathroom with a toilet and sink, up to 3 m² permitted to one bathroom with a toilet, sink, shower and bathtub, up to 5 m² proposed.

AND THAT the subdivision be registered prior to the Development Variance Permit being issued;

AND FURTHER THAT the applicant be required to complete the above-noted conditions within one (1) year of Council's approval of the Development Variance Permit Application, in order for the permit to be issued.

Carried

7. Reminders - Nil.

8. Termination

The meeting was declared terminated at 9:01 p.m.

Mayor

City Clerk

/slh