



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, August 11, 2015
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Deputy Mayor Luke Stack, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben and Mohini Singh

Members Absent Mayor Colin Basran

Staff Present Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Community Planning Manager, Ryan Smith; Community Planning Supervisor, Lindsey Ganczar*; Council Recording Secretary, Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Deputy Mayor Stack called the meeting to order at 9:32 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Gray.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Donn

R623/15/08/11 THAT the Minutes of the Public Hearing of July 28, 2015 be confirmed as circulated.

Carried

Moved By Councillor Hodge/Seconded By Councillor DeHart

R624/15/08/11 THAT the Minutes of the Regular Meeting of July 28, 2015 be confirmed as circulated.

Carried

Moved By Councillor Donn/Seconded By Councillor Hodge

R625/15/08/11 THAT Council move Items 6.2 and 6.3 before Item 4 on the Agenda.

Carried

6. Development Permit and Development Variance Permit Reports

6.2 1280 Highway 33 East, BL11095 (Z15-0011) - Imre & Jennifer Csorba

Moved By Councillor Singh/Seconded By Councillor DeHart

R626/15/08/11 THAT Bylaw No. 11095 be adopted.

Carried

6.3 1280 Highway 33 East, DP15-0078 & DVP15-0059 - Imre & Jennifer Csorba

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence had been received.

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

Imre Csorba, Applicant

- The staff presentation covered all of his comments.
- Available for questions.

There were no further comments

Moved By Councillor Hodge/Seconded By Councillor Donn

R627/15/08/11 THAT Council authorizes the issuance of Development Permit No. DP15-0078 for Lot B Section 13 Township 26 ODYD Plan 25650, located at 1280 Highway 33 East, 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. DVP15-0059, for Lot B Section 13 Township 26 ODYD Plan 25650, located at 1280 Highway 33 East, Kelowna, BC;

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

Section 13.1.6 (b): RU1- Large Lot Housing Development Regulations

To vary the height of a carriage house from 4.8 m maximum to 5.75 m proposed.

Section 13.1.6 (c): RU1- Large Lot Housing Development Regulations

To vary the required front yard setback from 4.5 m required to 3.66 m proposed.

Section 9.5b.1 9d): Carriage House Regulations

To vary the upper storey floor area from the maximum 75% of the carriage house footprint to 76.55% proposed.

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

4. Bylaws Considered at Public Hearing

- 4.1 BL11114 (TA15-0006) - New C3rls - Community Commercial (Retail Liquor Sales) and C3lp - Community Commercial (Liquor Primary)**

Moved By Councillor Hodge/Seconded By Councillor Gray

R628/15/08/11 THAT Bylaw No. 11114 be read a second and third time.

Carried

- 4.2 561 McKay Avenue, BL11120 (OCP15-0009) - City of Kelowna**

Moved By Councillor Given/Seconded By Councillor Donn

R629/15/08/11 THAT Bylaw No. 11120 be read a second and third time.

Carried

- 4.3 561 McKay Avenue, BL11121 (Z15-0026) - City of Kelowna**

Moved By Councillor Gray/Seconded By Councillor Hodge

R630/15/08/11 THAT Bylaw No. 11121 be read a second and third time.

Carried

- 4.4 310 Mugford Road, BL11122 (Z15-0017) - Harjinder, Jaswinder & Swaran Mahli**

Moved By Councillor Given/Seconded By Councillor Donn

R631/15/08/11 THAT Bylaw No. 11121 be read a second and third time.

Carried

Deputy Mayor Stack and Councillors DeHart and Hodge - **Opposed.**

- 4.5 140 Mugford Road, 405 & 425 Rutland Road, BL11123 - RA Quality Homes Ltd.**

Moved By Councillor Singh/Seconded By Councillor DeHart

R632/15/08/11 THAT Bylaw No. 11123 be read a second and third time.

Carried

4.6 2124 Pandosy Street, BL11124 (HRA15-0001) - F. Devillier Medical Prof. Corp. et al

Moved By Councillor Sieben/Seconded By Councillor Singh

R633/15/08/11 THAT Bylaw No. 11124 be read a second and third time.

Carried
Councillor Gray - Opposed.

6. Development Permit and Development Variance Permit Reports

6.1 128 Clifton Road, DVP15-0125 - James Burkell & Brenda Mounce

Staff:

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

The City Clerk advised that no correspondence had been received.

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

Gallery:

Eric Zvaniga, Clifton Road

- Raised concerns with location of workshop and that it will tower over his property.
- Acknowledged that it's difficult to locate the building anywhere else on the site.

Kevin Edgecombe, Applicant

- The configuration of the property creates challenges to the design and location of the workshop.
- The garage is a low single storey structure which is half buried in the ground and is tastefully done as is the main house.
- Will continue to take the good neighbour approach.

There were no further comments

Moved By Councillor Given/Seconded By Councillor Donn

R634/15/08/11 THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0125 for Lot A, Section 6, Township 23, ODYD, Plan KAP68067, located at 128 Clifton Road, Kelowna, BC;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A":

Section 6.5.8(a): Accessory Development

To vary the minimum front yard for an accessory building from two times the distance of the required front yard setback, 9.0 m, permitted to 6.0 m proposed.

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

Carried

6.4 1683 Ethel Street, DP15-0127 & DVP15-0128 - Boardwalk Housing Corp.

Staff:

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

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

Letters of support

O. Lillie Randa, Leon Avenue

Letters of Concern or Opposition

Garth Thomson, Lawrence Avenue
Leigh Krupinski (for Pat Kitsch), Leon Avenue
Iris Jensen, Harvey Avenue
Carlo DiStefano, Leon Avenue

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

Jim Meiklejohn, Meiklejohn Architects Inc., Applicant Representative

- Displayed a PowerPoint presentation summarizing the application and rationale behind the design and variances.
- Confirmed the building will be constructed of wood.
- Confirmed there will be 24 hour security on site.
- Responded to questions from Council.

Moved By Councillor DeHart/Seconded By Councillor Given

R635/15/08/11 THAT in accordance to Council Procedure Bylaw No. 9200, Council agrees the meeting proceed past 11:00 p.m.

Carried

Gallery:

Chris Walker, Ethel Street

- Raised concern regarding the footprint.
- Would prefer the building to be higher and narrower.
- Raised concerns with parking and increased traffic.
- Noted that there is no guarantee the business model will work over the expected life of the building and that future uses may require more parking than is being proposed.
- Raised concern with the lack of response to their inquiries to the company behind this application. Did not receive a public consultation package.
- Responded to questions from Council.

Judy Burtchwall, across the street from Copperstone Gate

- Raised concerns with increase in vehicles and modes of transportation to and from UBCO and Okanagan College.
- Raised concerns with incompatible neighbouring land uses and noise levels as there is senior residences nearby.
- Responded to questions from Council.

Jim Meiklejohn & Jim Marcott, Applicant Representative

- Reiterated that the variances required are due to parking not to the lower height proposed.
- The building is in compliance with coverage and setbacks.
- Units are unique to student housing market.
- Complied with city's neighbourhood consultation policy.

- This is a privately managed business and tenants will be managed to minimize impact on the neighbourhood.
- Responded to questions from Council.

There were no further comments

Moved By Councillor Given/Seconded By Councillor DeHart

R636/15/08/11 THAT Council authorizes the issuance of Development Permit No. DP15-0127 and DVP15-0128 for the following lots:

- Lot 2, District Lot 138, ODYD, Plan 3007 Except Plan 36604, located on 942 Harvey Avenue, Kelowna, BC;
- Lot 1, District Lot 138, ODYD, Plan 3007 Except Plan 36604, located on 932 Harvey Avenue, Kelowna, BC;
- Lot 2, District Lot 138, ODYD, Plan 3133 Except Plan 36604, located on 1683 Ethel Street, Kelowna, BC;
- Lot 1, District Lot 138, ODYD, Plan 3133, located on 1681 Ethel Street, Kelowna, BC;
- Lot 2, District Lot 138, ODYD, Plan 6535, located on 1667 Ethel Street, Kelowna, BC;
- Lot 1, District Lot 138, ODYD, Plan 6535, located on 1659 Ethel Street, Kelowna, BC;
- Lot 3, District Lot 138, ODYD, Plan 6535, located on 931 Leon Avenue, Kelowna, BC;
- Lot 4, District Lot 138, ODYD, Plan 6535, located on 941 Leon Avenue, Kelowna, BC; AND
- The to be closed lane right-of-way that is adjacent to 932 Harvey Ave, 1683 Ethel Street, 1681 Ethel Street, 1667 Ethel Street, 1659 Ethel Street, and 931 Leon Avenue;

AND THAT the Development Permit be subject to the following conditions:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A" as presented at the Council Meeting;
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B" as presented at the Council Meeting;
3. Landscaping to be provided on the land be in general accordance with Schedule "C" as presented at the Council Meeting;
4. 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;
5. That all the properties be consolidated into one parcel;

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", "B", & "C":

Section 13.12.6 (b) Development Regulations

Vary the maximum site coverage for principal buildings, accessory structures, parking areas and driveways from 50% allowed to 62.5% proposed.

Section 13.12.6 (d) Development Regulations

Vary the minimum front yard setback from 6.0m required to 3.2m proposed.

Section 13.12.6 (f) Development Regulations

Vary the minimum rear yard setback from 9.0m required to 7.92m proposed.

Section 8.5 (Table 8.1) General Provisions

To vary the minimum parking stalls from 139 parking stalls required to 126 parking stalls 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, the requirements of the Development Engineering Branch dated June 26th 2015 be satisfied;

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
Councillors Gray, Hodge and Sieben - Opposed.

7. Reminders - Nil.

8. Termination

The meeting was declared terminated at 12:19 a.m.

Deputy Mayor Stack

City Clerk

/acm/scf/slh