



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, August 25, 2015
Location: Council Chamber
City Hall, 1435 Water Street

Council Members Present: Mayor Colin Basran, 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; Urban Planning Supervisor, Lindsey Ganczar; Planner II, Adam Cseke; Development Engineering Manager, Steve Muenz; Divisional Director Community Planning & Real Estate, Doug Gilchrist; and Acting Council Recording Secretary, Tania Tishenko

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 6:16 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Sieben.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Given

R662/15/08/25 THAT the Minutes of the Public Hearing and Regular Meeting of August 11, 2015 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 1285 Graham Road, BL11126 (Z15-0029) - W-Ten Development Ltd.

Moved By Councillor Hodge/Seconded By Councillor Donn

R663/15/08/25 THAT Bylaw No. 11126 be read a second and third time.

Carried

4.2 1457 Highway 33 East, BL11129 (Z15-0020) - Francesco Guarini

Moved By Councillor Donn/Seconded By Councillor Hodge

R664/15/08/25 THAT Bylaw No. 11129 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/Heritage Alteration Permit Applications was given by sending out or otherwise delivering 130 Statutory Notices to the owners and occupiers of the surrounding properties, and 4031 informational notices to residents in the same postal delivery route, between August 11 and August 14, 2015.

Notice of these (amendments to Liquor Primary Licenses) were advertised by being posted on the Notice Board at City Hall on August 11, 2015, and by being placed in the Kelowna Capital News issues on August 14 and August 19, 2015 and by sending out or otherwise delivering 98 statutory notices to the owners and occupiers of surrounding properties, and 1071 informational notices to residents in the same postal delivery route, between August 11 and August 14, 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. Liquor License Application Reports

6.1 315 Lawrence Avenue, LL15-0012 - City of Kelowna

Staff:

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

The City Clerk advised that the following correspondence had been received:

Letter of Opposition

William Zheng, Director of O-Lake Cafe & Bistro, Lawrence Avenue

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

Marni Manegre, Wine & Art Kelowna Inc , Applicant

- Made general comment on purpose of application.
- Want to expand people's horizons with wine and art education.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor DeHart

R665/15/08/25 THAT Council directs Staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 53 of the *Liquor Control and Licensing Regulation* and Council Policy #359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Wine & Art Kelowna Inc. for a liquor primary license for Lot A, District Lot 139, Osoyoos Division Yale District, Plan 39412 except Air Space Plan KAP86153, located at 315 Lawrence Avenue, Kelowna, BC for the following reasons:
 - The application complies with Council Policy #359 guidelines for the siting and density of Liquor Primary Establishments, it is a modest size liquor primary establishment, caters to a niche market new to Kelowna and no concerns have been raised by the RCMP.
2. Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations are as follows:
 - a) The location of the establishment:

The property is located within the Downtown core and is suitable for the proposed small-scale Liquor Primary license.
 - b) The proximity of the establishment to other social or recreational facilities and public buildings:

No negative impact on surrounding facilities/ buildings is anticipated.
 - c) The person capacity and hours of liquor service of the establishment:

The capacity and hours are deemed appropriate based on other establishments in the immediate area.
 - d) The number and market focus or clientele of liquor primary license establishments within a reasonable distance of the proposed location:

The size and focus of the establishment would complement the existing establishments in the Downtown area.
 - e) The impact on the community in the immediate vicinity of the establishment:

The potential for noise would be compatible with surrounding land uses.
 - f) The impact on the community if the application is approved:

The proposed license would add to the continued development of a safe, vibrant Downtown area.
3. Council's comments of the views of residents area as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy & Procedures."

Carried

7. Development Permit, Development Variance Permit and Heritage Alteration Permit Reports

7.1 902 Clifton Road, BL11107 (Z15-0008) - Dan & Mary Cresswell

Moved By Councillor Singh/Seconded By Councillor Sieben

R666/15/08/25 THAT Bylaw No. 11107 be adopted.

Carried

7.2 902 Clifton Road, DP15-0057 & DVP15-0056 - Dan & Mary Cresswell

Staff:

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

The City Clerk advised that no correspondence 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.

Dan and Mary Cresswell, Applicant

- Present and available for questions.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Hodge

R667/15/08/25 THAT Council authorizes the issuance of Development Permit No. DP15-0057 for Lot 20 Section 30 Township 26 ODYD Plan 11261, located at 902 Clifton Rd, 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. DVP15-0056, for Lot 20 Section 30 Township 26 ODYD Plan 11261 located at 902 Clifton Road, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted:
Section 13.1.7(c): RU1 - Large Lot Housing - Other Regulations

To vary the distance from a Carriage House to the principal dwelling from 3.0m permitted to 2.08m proposed.

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

Carried

7.3 277 Mathison Place, HAP15-0005 - David & Claire Beedle

Staff:

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

The City Clerk advised that no correspondence 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.

David and Claire Beedle, Applicant

- Present and available for questions.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Donn

R668/15/08/25 THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP15-0005 for Lot 4, District Lot 14, ODYD, Plan 7769, located at 277 Mathison Place, 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";

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "C":

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

To vary the minimum front yard from 4.5 m permitted to 3.0 m proposed.

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

To vary the minimum side yard from a flanking street from 4.5 m permitted to 2.8 m proposed.

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

Carried

7.4 505 Doyle Avenue, DVP15-0168 - Doyle Avenue Holdings Ltd.

Staff:

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

The City Clerk advised that the following correspondence had been received:

Letter of Support or Conditional Support
Beryl Itani, Richter Street

Letter of Concern
Lloyd Pederson, Ellis Street

Letter of Opposition
Dianne Kapy, Ellis Street

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

David Roche, Bentall Kennedy

- Spoke to variances being applicable to 5th floor only.
- Confirmed that 5th floor expansion has been part of the plan since conception and was clearly outlined in submission in 2014, and is not something new as has been reported in the media.
- Interior Health Authority initiated the expansion to accommodate already growing needs and for future use.
- Spoke to landscaping requirements and how these have altered due to changing City road requirements.
- Plans have been altered to accommodate wider sidewalk and landscaping improvements, which include benches and six trees along Doyle Avenue.
- Responded to questions from Council.

Gallery:

Lloyd Pederson, Doyle Avenue

- Displayed PowerPoint presentation summarizing his comments, concerns and recommendations for additional variances and landscaping additions.

David Roche; Bentall Kennedy

- Did consider notched corners for 5th floor, but they were rejected due to architectural reasons.
- Not possible to include additional trees due to obstructions by gas lines.
- 5th floor will have more steel and glass rather than be a "concrete wall".
- Responded to questions from Council.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Given

R669/15/08/25 THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0168 for Lot A, District Lot 139, ODYD Plan EPP25652 located at 505 Doyle Avenue, Kelowna, BC;

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

Section 14.7.5 (e) - C7 Development Regulations

To vary the approved 3.00 m setback from a street requirement from 19 m to 21.14 m above grade (DVP14-0103 previously varied from 15 m above grade permitted to 19 m).

Section 14.7.5 (h) - C7 Development Regulations

To vary the approved maximum floor plate areas above 15 m from 1879 m² to 2842 m² on the fifth floor (DVP14-0103 previously varied from 676.0 m² permitted to 1879 m²).

Section 14.7.5 (i) - C7 Development Regulations (on the fifth floor)

- a) To vary the maximum continuous horizontal dimension above 15 m from 26 m allowed to 38.3 m proposed (east elevation);

- b) To vary the maximum continuous horizontal dimension above 15 m from 52 m allowed to 59.2 m proposed (north elevation) (DVP14-0103 previously varied from 26 m permitted to 52m); and
- c) To vary the maximum continuous horizontal dimension above 15 m from 54 m allowed to 65 m proposed (south elevation) (DVP14-0103 previously varied from 26 m permitted to 54 m).

Section 14.7.5 (j) - C7 Development Regulations

To vary the maximum diagonal dimension of a floor plate above 15.0 m from 80 m to 90.2 m on the fifth floor (DVP14-0103 previously varied from 39.0 m permitted to 80 m).

AND THAT Council considers the Public Consultation Process outlined in the Report from the Community Planning Department for DVP14-0103 dated August 19, 2014 to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*;

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

8. Reminders - Nil.

9. Adjournment

The meeting was declared adjourned at 7:21 p.m.

The meeting reconvened to an open session at 7:29 p.m. in Knox Mountain Meeting Room 4A.

10. Resolution Closing the Meeting to the Public

Moved By Councillor Sieben/Seconded By Councillor Donn

R670/15/08/25 THAT this meeting be closed to the public pursuant to Section 90(1) (e) of the Community Charter for Council to deal with matters relating to the following:

- Acquisition, Disposition or Expropriation of Land or Improvements.

Carried

11. Adjourn to Closed Session

The meeting adjourned to a closed session at 7:29 p.m.

Mayor

/tt/scf/am

City Clerk