



## City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, December 5, 2017  
Location: Council Chamber  
City Hall, 1435 Water Street

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

Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming, Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; Planner Emily Williamson\*; Planner Specialist, Adam Cseke\*; Planner, Lydia Korolchuk\*; Legislative Coordinator (Confidential), Arlene McClelland

(\*Denotes partial attendance)

### 1. Call to Order

Mayor Basran called the meeting to order at 6:36 p.m.

### 2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Sieben.

### 3. Confirmation of Minutes

Moved By Councillor Given/Seconded By Councillor Gray

**R1007/17/12/05** THAT the Minutes of the Public Hearing and Regular Meeting of November 21, 2017 be confirmed as circulated.

**Carried**

### 4. Bylaws Considered at Public Hearing

4.1 1083-1089 KLO Rd, OCP17-0017 (BL11512) - Sole on KLO Developments LTD

Moved By Councillor Gray/Seconded By Councillor Given

**R1008/17/12/05** THAT Bylaw No. 11512 be read a second and third time.

**Carried**

**4.2 1083-1089 KLO Rd, TA17-0011 (BL11513) - Section 14 - Commercial Zones**

Moved By Councillor Gray/Seconded By Councillor Given

**R1009/17/12/05** THAT Bylaw No. 11513 be read a second and third time.

**Carried**  
Councillor Stack - Opposed

**4.3 1083-1089 KLO Rd, Z17-0069 (BL11514) - Sole on KLO Developments LTD**

Moved By Councillor Given/Seconded By Councillor Gray

**R1010/17/12/05** THAT Bylaw No. 11514 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 mailing 1218 statutory notices to the owners and occupiers of surrounding properties on Tuesday, November 21, 2017.

Notice of a Liquor Primary Licence was advertised by being posted on the Notice Board at City Hall on Tuesday, November 21, 2017, and by being placed in the Kelowna Daily Courier issues on Friday, November 24 and Wednesday, November 29 and by sending out or otherwise mailing 13 statutory notices to the owners and occupiers of surrounding properties on Tuesday, November 21, 2017.

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 1481 Water St, LL17-0019 - 0724591 BC Ltd**

Staff:

- Displayed 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 anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

The Applicant is present and available for questions.

No one from the Gallery came forward.

There were no further comments

Moved By Councillor Stack/Seconded By Councillor Singh

**R1011/17/12/05** 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:

Council recommends support of an application from 0724591 B.C. LTD., INC. No. 0724591 for Lot A District Lot 1 ODYD Plan 27756 located at 1481 Water Street, Kelowna, BC, for a Liquor Primary license with a capacity of 95 persons and hours of sales from 9:00 AM to 1:00 AM Sunday to Saturday for License Number 159496 (Sturgeon Hall Pub).

That Council's comments on the prescribed considerations are as follows:

The impact of noise on the community in the immediate vicinity of the establishment if the application is approved;

The potential impact for noise is minimal and would be compatible with surrounding land uses.

The impact on the community if the application is approved:

The potential for negative impacts is considered to be minimal.

THAT Council's comments on the views of residents are 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 and Procedures".

**Carried**

## **7. Development Permit and Development Variance Permit Reports**

### **7.1 1915 Enterprise Way, (Z17-0001) BL11487 - Kelowna East Investments Ltd**

Councillor DeHart declared a conflict of interest as her employer is located on Enterprise Way and departed the meeting at 6:47 p.m.

Moved By Councillor Given/Seconded By Councillor Gray

**R1012/17/12/05** THAT Bylaw No. 11487 be adopted.

**Carried**

### **7.2 1915 Enterprise Way, DP17-0001 & DVP17-0002 - Kelowna East Investments Ltd**

Staff:

- Displayed 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 anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Robert Lee, Burnaby B.C., Project Architect

- Displayed a 3-D rendition of the Project.
- The two buildings are strategically located so that the primary building is pinned at the prominent southeast corner of Enterprise Way and Spall Road.
- The corner is physically accentuated by the pool room and its sweeping curved colonnade-like façade with tall windows between the colonnade structure and capped with painted steel columns and wood appeared trellis beams.
- The mixed use building is located east of the hotel fronting Enterprise Way and stepping back as the street bends southward.
- The hotel façade is articulated with red brick, grey Hardie panels and white acrylic stucco.
- Spoke to the Variances requested:
  - o Total Parking stalls required is 242 and will be providing 231;
    - Hotel will provide shuttle bus service to the Airport;
    - Guest will arrive by taxi;

- Some residents will not require vehicles as this location has easy access to public transit including a bus stop along Enterprise Way.
  - Total Loading Bays required for the Hotel is 3 and providing 1; Total Bays required for mixed use is 1 and will be providing 1.
    - The Hotel will only need one loading bay as most deliveries will primarily be food for breakfast and the pantry.
  - Maximum site coverage permitted is 75% and providing 78.2%
    - Will provide more onsite containment of rainwater via storm water management when the site is designed with the Engineer;
    - Will explore the possibility of providing water retention via underground piping to store stormwater in the pool at the centre of the hotel roundabout which will reduce the impact of the impervious surface.
- Responded to questions from Council.

Gallery:

Kelly Hutchinson, Kelowna

- Raised traffic concerns not identified in the Traffic Impact Study
- Was supportive of the application initially however raised concerns with traffic issue on the intersections.

Moved By Councillor Sieben/Seconded By Councillor Given

**R1013/17/12/05** THAT final adoption of Rezoning Bylaw No. 11487 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. 17-0001 and Development Variance Permit No. DVP17-0002 for Lot A District Lot 140 ODYD Plan KAP58184, located at 1915 Enterprise Way, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in 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 Registered Landscape Architect;
5. The completion of the outstanding requirements set out in Schedule 'A' attached the Report from the Community Planning Department dated September 18, 2017;
6. The height restricting covenant, to a maximum of six (6) storeys and 26.5 metres, be registered on title.

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

**Section 18 CD17 – Mixed Use Commercial – High Density Subsection 1.4(b):  
Development Regulations**

To vary the maximum site coverage including parking areas and driveways from 75% to 78.2% proposed;

**Section 8: Parking and Loading, Table 8.1: Parking Schedule**

To vary the required number of parking stalls from 242 required to 231 proposed;

**Section 8: Parking and Loading, Table 8.2: Loading Schedule**

To vary the required number of loading spaces from 5 required to 2 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**

There were no further comments

Councillor DeHart rejoined the meeting at 7:03 p.m.

**7.3 1373 Tanemura Cr, (Z17-0046) BL11480 - Philip Zurrin**

Moved By Councillor Stack/Seconded By Councillor DeHart

**R1014/17/12/05** THAT Bylaw No. 11480 be adopted.

**Carried**

**7.4 1373 Tanemura Cr, DVP17-0131 - Philip Zurrin**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence had been received.

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

The Applicant is present and available for questions.

No one from the Gallery came forward.

There were no further comments

Moved By Councillor Gray/Seconded By Councillor Given

**R1015/17/12/05** THAT final adoption of Rezoning Bylaw No. BL11480 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0131 for Lot 1 Section 13 Township 26 ODYD Plan KAP86150, located at 1373 Tanemura Cr, Kelowna, BC to allow the construction of a carriage house;

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

**Section 9.5b.1(f): Carriage House Regulations**

To vary the upper floor area of a carriage house from 75% of the carriage house footprint to 87% proposed.

**Section 9.5b.1(g): Carriage House Regulations**

To vary the maximum height for a carriage house from 4.8m required to 8.05m 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**

**7.5 1350 & 1370 KLO Rd, OCP1-0010 (BL11433) - Summerwood Retirement Resort Holding Corporation**

Moved By Councillor DeHart/Seconded By Councillor Stack

**R1016/17/12/05** THAT Bylaw No. 11433 be adopted.

**Carried**

**7.6 1350 & 1370 KLO Rd, Z17-0026 (BL11434) - Summerwood Retirement Resort Holding Corporation**

Moved By Councillor Stack/Seconded By Councillor DeHart

**R1017/17/12/05** THAT Bylaw No. 11434 be adopted.

**Carried**

**7.7 1360 KLO Rd, DP17-0068 & DVP17-0069 - Summerwood Retirement Resort Holding Corporation Inc.**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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

**Letter of Concern:**

Barbara Deanne Goebel, Raymer Avenue

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

**Jordan Hettinga, Kent Macpherson, Applicant Representative**

- Displayed a PowerPoint Presentation, re: Regency Retirement Resort
- Seeking support for a 154 unit Independent Seniors Living Facility located at 1360 KLO Road.
- Have worked with City staff to protect the 1.4 acres in the rear of the property; recently registering a Restrictive covenant.
- In addition to the Restrictive Covenant the rear of the property has recently been rezoned to Major Park and Open Space.
- Moved the building south and east away from the residential houses on Holland Road.
- The height of the building has been increased in the middle of the site and increased it from the permitted 4.5 stories and 18 meters, to 5 stories within the 18 meters.
- The second variance comes from the need to push the east wing of the development away from the environmental area, but still trying to develop a functional wing of the building. The sideyard setback in this area is reduced from 7.0 meters to 4.5 meters.
- As a condition of rezoning, we offered to register a no-build on the rear 1.4 acres of the site, with the ability to construct an amenity walkway for our residents.
- Displayed an image that shows the proposed walkway that has been agreed to a part of the Environmental DP and believes will be a great amenity for clients.
- Responded to questions from Council.

No one from the Gallery came forward.

There were no further comments

Moved By Councillor Stack/Seconded By Councillor Sieben

**R1018/17/12/05** THAT final adoption of OCP Bylaw No. 11433 and Rezoning Bylaw No. 11434 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0068 for Lot A District Lot 131 ODYD Plan EPP76548, located at 1360 KLO Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"

2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in 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 Registered Landscape Architect;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0069 for Lot A District Lot 131 ODYD Plan EPP76548, located at 1360 KLO Road, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:  
**Section 13.11.6(c): RM5– Medium Density Multiple Housing Development Regulations**  
 To vary the required maximum height from 4.5 storeys permitted to 5 storeys proposed;

**Section 13.11.6(e): RM5– Medium Density Multiple Housing Development Regulations**  
 To vary the required minimum side yard for portions of a building in excess of 2.5 storeys from 7.0 m permitted to 4.5 m proposed.

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated (insert date);

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit Applications in order for the permits to be issued;

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**

**7.8 437 Bay Ave, TA17-0007 (BL11428) - Carbon Capture Mini Storage GP**

Moved By Councillor Singh/Seconded By Councillor DeHart

**R1019/17/12/05** THAT Bylaw No. 11428 be adopted.

**Carried**

**7.9 437 Bay Ave, DP17-0073 & DVP17-0074 - Carbon Capture Mini Storage GP**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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

**Letters in Support:**

Gustav van Niekerk, SSA/QS Richter St  
 Willie Joubert, HIMI, Solerno Court  
 Grant Bond, Merrifield Court

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

Don Redden, Delta BC, Applicant

- Displayed a PowerPoint Presentation, re: ECOLOCK Self Storage
- Spoke to people living in smaller residences as a result of affordability and in need of storage units.

- Spoke to carbon emissions and the ways in which their high performance building will be energy efficient and will meet sustainability goals.
- Introduced Architect Carlo DiStefano.
- Have the intention to activate the sidewalk with landscaping and planting along Ellis Street.
- Spoke to the variances requested:
  - o Currently there is no specific parking requirement for a modern self-storage building model and the 206 stalls required is a result of a general industrial use.
  - o The Ecolock development with its occupancy of the self-storage component will be intermittently visited and occupied by few users at any given time and as a result the 206 stall requirement does not correspond to the use and requirements for the project.
  - o Proposing 36 Class 1 bike parking spaces that are covered and secured and 8 Class 2 spaces with end trip change room, lockers and shower facilities that should be effective in encouraging bike trips to the building.
- Spoke to the Co-work office space and noted that with the high density in the area people living in the area could use office space and reduce traffic congestion.
- Responded to questions from Council.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor DeHart

**R1020/17/12/05** THAT final adoption of Text Amendment Bylaw No.11428 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0073 for Lot 2 District Lot 139, ODYD, Plan KAP68693, located at 437 Bay Ave, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in 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 Registered Landscape Architect;

AND THAT Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" connected to the Report from the Community Planning Department dated December 5<sup>th</sup> 2017;

AND THAT Council authorize the issuance of Development Variance Permit DVP17-0074 for Lot 2 District Lot 139, ODYD, Plan KAP68693, located at 437 Bay Ave, Kelowna, BC;

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

**S.8 Table 8.1 Parking Schedule**

To vary the minimum number of parking stalls provided from 204 stalls to 13 stalls.

**S.8 Table 8.2 Loading Schedule**

To vary the minimum number of loading stalls provided from 6 stalls to 3 stalls.

**S.8 Table 8.3 Bicycle Parking Schedule**

To reduce the minimum number of class 2 bicycle parking stalls provided from 31 stalls to 8 stalls.



AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" connected to the Report from the Community Planning Department dated December 5<sup>th</sup> 2017;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

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

**Carried**

**7.10 1094 Westpoint Dr, DVP17-0227 - Kathleen Vance**

Staff:

- Displayed a PowerPoint Presentation summarizing the application and provided rationale for non-support.
- Responded to questions from Council.

The City Clerk advised that no correspondence had been received.

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

Keith Funk New Town Planning, Applicant

- Displayed a PowerPoint Presentation, re: West Point Drive
- Advised that the Applicant met with City staff in July 2017 and showed the wall design by Interior Testing Geotechnical Engineers.
- The Applicant did not clearly understand the need for a Development Permit and proceeded to construct the engineered wall assuming it was reviewed and endorsed.
- There was a communication error and not a flagrant disregard for regulation.
- Displayed photos of adjacent neighbouring walls in relation to the subject site that are similar.
- A terraced wall would significantly damage the natural tree cover and landscape.
- Confirmed that all the neighbours have no objection to the existing wall.
- The wall faces an ALR vineyard and does not have any negative visual impact; the closest residential view exposure is from Crawford Road which is 250 m from the wall.
- Request that Council supports the alternative recommendation stating:
  - o Will preserve the natural vegetation and trees;
  - o There is no public safety risk or neighbourhood objection;
  - o Minimal visual impact;
  - o Adjacent to farmland for perpetuity.
- Responded to questions from Council.

No one from the Gallery came forward.

There were no further comments

Moved By Councillor Sieben/Seconded By Councillor Stack

**R1021/17/12/05** THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0227 for Lot 6, Section 31, Township 29, ODYD, Plan KAP87220, located at 1094 Westpoint Drive, Kelowna, BC;

AND THAT variances to the following section[s] of Zoning Bylaw No. 8000 be granted:

**Section [7.5.9]: Fencing and Retaining Walls**

To vary the required retaining wall from 1.2 m permitted to 5.03 m proposed.

AND THAT the applicant be required to complete the noted conditions of Council's approval of the Development Variance Permit Application in order for the permits to be issued;

- The retaining wall be signed off by a qualified geotechnical professional.
- The landscaping to be completed to the satisfaction of the Suburban and Rural Planning Manager.

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 DeHart and Gray - Opposed

#### **7.11 1250-1298 Ellis St, DP17-0204 & DVP17-0235 - Whitworth Holdings Ltd**

Councillor Sieben declared a conflict of interest as he is a shareholder in a business that is in the building under consideration and departed the meeting at 8:26 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence had been received.

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

Jim Meiklejohn, Ellis Street, Applicant

- Advised that this application is for the improvement of safety and accessibility of the building.
- Available for questions.

No one from the Gallery came forward.

There were no further comments

Moved By Councillor Given/Seconded By Councillor Gray

**R1022/17/12/05** THAT Council authorizes the issuance of Development Permit No. DP17-0204 for Lot 1 District Lot 139 ODYD Plan 660, located at 1250-1598 Ellis Street, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0235 for Lot 1 District Lot 139 ODYD Plan 660, located at 1250-1598 Ellis Street, Kelowna, BC;

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

**Section 14.10.5(d): C10 – Service Commercial Development Regulations**

To vary the required minimum front yard from 2.0 m permitted to 0.0 m proposed.

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

Carried

Councillor Sieben rejoined the meeting at 8:31 p.m.

**7.12 180 Rutland Rd N, DP17-0230 & DVP17-0233 - Rutland Park Society Inc.**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence had been received.

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

The Applicant is present and available for questions.

No one from the Gallery came forward.

There were no further comments

Moved By Councillor Stack/Seconded By Councillor Sieben

**R1023/17/12/05** THAT Council authorizes the issuance of Development Permit No. DP17-0230 for Lot 2, Section 26, Township 26, ODYD, Plan EPP46594, located at 180 Rutland Rd N, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in 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 Registered Landscape Architect;

AND THAT Council authorize the issuance of Development Variance Permit DVP17-0233 for Lot 2, Section 26, Township 26, ODYD, Plan EPP46594, located at 180 Rutland Rd N, Kelowna, BC;

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

**S.16.2.5 Development Regulations**

To vary the maximum site coverage for buildings, parking areas, and roads from 60% to 82.6%.

AND THAT Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated December 5<sup>th</sup> 2017;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit applications in order for the permits to be issued;

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**

**7.13 720-724 Valley Rd, DP17-0197 & DVP17-0198 - Valley Land Subdivision Ltd**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence had been received.

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

Jordan Hettinga, Applicant

- Displayed a PowerPoint Presentation, re: Sussex Retirement Living
- The proposed project is for a 134-unit memory care facility.
- The master DP was brought forward last fall; made an OCP amendment to downzone the strip of land adjacent to Chartwell and push the density and height towards the Conservatory building.
- To reach the FAR of 1.2 for the CD27 zone a gradual increase in height occurred as the building moved away from Chartwell.
- Sussex Retirement is a Memory Care Facility for seniors living with Alzheimer's disease or other forms of dementia.
- Noted design constraints with integrating "institutional" within "residential":
  - o No balcony;
  - o No opening windows;
  - o Familiar room layout (repetition)
  - o Secured floor areas.
- The building has a daylight basement and faces Valley Road; the basement is considered a floor, causing the variance to be for 6 storeys.
- Displayed a rendering of the landscape feature at the south east corner of the project. The engineered retaining walls are 0.3m above permitted height, with 2.0 meter area that is 1.8 meters over permitted height.
- To vary the maximum height for a retaining wall as part of our landscape feature from 1.2 meters to 1.5 meters for 56 linear meters, and 3 meters for 2 linear meters.

No one from the Gallery came forward.

There were no further comments

Moved By Councillor Singh/Seconded By Councillor Stack

**R1024/17/12/05** THAT Council authorizes the issuance of Development Permit No. DP17-0197 for a portion of Lot A Sections 32 and 29 Township 26 ODYD Plan EPP54061, located at 720-724 Valley Road, Kelowna, BC, subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in 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 Registered Landscape Architect;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0198 for a portion of Lot A Sections 32 and 29 Township 26 ODYD Plan EPP54061, located at 720-724 Valley Road, Kelowna, BC;

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

**Section 7.5.6: Fencing and Retaining Walls**

To vary the required retaining wall height from 1.2 m to 1.5 m and 3.0 m.

**Section 13.11.6(c): RM5 – Medium Density Multiple Housing Development Regulations**

To vary the required height from 18.0 m or 4.5 storeys permitted to 23.4 m or 6 storeys proposed.

**Section 18 CD27 1.6(e): CD27 – Valley Land Subdivision Development Regulations**

To vary the required side yard from 7.0 m permitted to 4.3 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**

**7.14 DP17-0016 / DVP17-0019 & DP17-0207 / DVP17-0208, 650 & 700 Swordy Rd - FortisBC Inc and 0984342 BC Ltd Inc.**

Staff:

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

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

**Letters of Opposition:**

Tom Treadgold, Uplands Drive 9 (2 letters submitted)  
Lorraine Hladik, Richter St.

**Letter in Support:**

Jeff Hancock, Jewel Lane

**Letter of Comment:**

Tom Cerajeski, Zeidler Architecture, 8<sup>th</sup> Ave SW, Calgary

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

**Tom Cerajeski, Zeidler Architects, Applicant**

- Displayed a PowerPoint Presentation, re: The Shore
- Displayed a site map and spoke to the contextual nature and architectural merits.
- Believes this is a landmark development in a growing neighbourhood of existing residential and multi-family housing.
- The building has a retail base, a dedicated office-oriented second floor and four levels of residential housing comprising 103 rental units.
- The massing of the upper levels is stepped back allowing the retail area to frame the public courtyard, create ample amenity space and created views from most the units toward the lake.
- Believes the public realm is vibrant; worked extensively to maintain the look and feel of this public realm with consistent landscape treatment and pavement treatment.
- Spoke to the variety of mixed uses in the development.
- Created standardized signage regulation that all tenants would have to conform to in order to ensure the building aligns with the rest of the aesthetics.
- Addressed lighting concerns with lighting on trees and pole lighting in the middle of the plaza.
- Vehicular access to the site is provided from Richter and Swordy Road.
- Spoke to parking and noted that 27 public parking stalls were not offered in the previous application, however, extending full count to include Fortis site and added 27 stalls to coincide with the entry off of Richter to reduce congestion on Swordy Road.

- Seeking a variance for a setback on the Fortis site for safety concerns and commented that Fortis expressed a desire to not have parking stalls under power lines.

Greg Appelt

- Spoke to the design options and challenges for this site and the need to work with Fortis.
- Confirmed that a 9-year lease with Fortis has been secured which allowed them to maintain the epic and aesthetics of the building.
- Responded to questions from Council.

Gallery:

Andre Therien, Landie Road

- Raised concern with increased traffic and the lack of parking spaces.
- Opposed to reduction in parking stalls.
- Raised safety concerns with pedestrian traffic and no crosswalk from Swordy Road to Gyro Park.

Connie Delisle, Landie Road

- Worked as a security consultant and offered comments and services directly to the architect.
- Recommended that on-street parking be removed from Swordy Road in the interest of public safety.
- Raised concerns with the amount of density in a condensed area and safety concerns for drivers, cyclists and pedestrians.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Sieben

**R1025/17/12/05** THAT Council authorizes the issuance of Development Permit No. DP17-0016 for Part of Lot 2, Outlined Red on Plan A917, District Lot 134, ODYD, Plan 2864, located at 700 Swordy Rd, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in 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 Registered Landscape Architect;
5. The applicant enter in a public parking agreement with the City of Kelowna for 27 stalls on evenings and weekends at 700 Swordy Road.

AND THAT Council authorize the issuance of Development Variance Permit DVP17-0019 for Part of Lot 2, Outlined Red on Plan A917, District Lot 134, ODYD, Plan 2864, located at 700 Swordy Rd, Kelowna, BC;

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

**Section 7.6 Minimum Landscape Buffers: 7.6.1 (c):**

To vary the minimum 3.0m landscape buffer from 3.0 m to 2.0 m.

AND THAT Council authorizes the issuance of Development Permit No. DP17-0207 for Lot A, District Lot 134, ODYD, Plan EPP65105, located at 650 Swordy Rd, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"

2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in 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 Registered Landscape Architect;

AND THAT Council authorize the issuance of Development Variance Permit DVP17-0208 for Lot A, District Lot 134, ODYD, Plan EPP65105, located at 650 Swordy Rd, Kelowna, BC;

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

**Section 8: Parking and Loading: Table 8.1 Parking Schedule**

To vary the required parking from 161 parking stalls permitted to 97 parking stalls proposed.

**Section 14 – Commercial Zones: 14.4.5 (c) Development Regulations**

To vary the maximum height from '15.0m or 4 stories' permitted '22.1m or 6 stories' proposed.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit applications in order for the permits to be issued;

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**

**8. Reminders – Nil.**

**9. Termination**

The meeting was declared terminated at 9:44 p.m.

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Mayor

\_\_\_\_\_  
City Clerk

/acm