



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, July 30, 2019
Time: 6:00 pm
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine Dehart, Ryan Donn, Gail Given, Brad Sieben, Mohini Singh, Luke Stack and Loyal Wooldridge

Members Absent Councillor Charlie Hodge

Staff Present Deputy City Manager, Joe Creron; Deputy City Clerk, Karen Needham; Divisional Director, Planning & Development Services, Ryan Smith; Urban Planning & Development Policy Manager, Laura Bentley; Suburban & Rural Planning Manager, Dean Strachan; Planner Specialist, Adam Cseke, Legislative Coordinator (Confidential), Clint McKenzie

1. Call to Order

Mayor Basran called the meeting to order at 6:23 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Donn.

3. Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor Given

(R741/19/07/30) THAT the Minutes of the Public Hearing and Regular Meeting of July 16, 2019 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 Hwy 97 N 5269, BL11857 (Z19-0081) - City of Kelowna

Moved By Councillor Stack/Seconded By Councillor DeHart

R742/19/07/30 THAT Bylaw No. 11857 be read a second and third time.

Carried

4.2 Gordon Drive 4633, BL11867 (Z19-0044) - Gail Negus and Daniel Crothers

Moved By Councillor DeHart/Seconded By Councillor Stack

R743/19/07/30 THAT Bylaw No. 11867 be read a second and third time and be adopted.

Carried

4.3 Rains Rd, 195 - BL11868 (Z17-0034) - Andrea Harrison

Moved By Councillor Stack/Seconded By Councillor DeHart

R744/19/07/30 THAT Bylaw No. 11868 be read a second and third time.

Carried

4.4 Rutland Rd N 515, BL11869 (Z19-0040) - 1918951 Alberta Ltd.

Moved By Councillor Donn/Seconded By Councillor DeHart

R745/19/07/30 THAT Bylaw No. 11869 be read a second and third time.

Carried

4.5 KLO Rd 710, 720 and Richter St 2959, 2963, BL11870 (OCP19-0003) - KGI Kingsway Homes Ltd.

Moved By Councillor Donn/Seconded By Councillor DeHart

R746/19/07/30 THAT Bylaw No. 11870 be read a second and third time;

Carried

4.6 KLO Rd 710, 720 and Richter St 2959, 2963, BL11871 (Z19-0055) - KGI Kingsway Homes Ltd.

Moved By Councillor DeHart/Seconded By Councillor Donn

R747/19/07/30 THAT Bylaw No. 11871 be read a second and third time.

Carried

5. Development Permit and Development Variance Permit Reports

**5.1 Rutland Rd N 615, BL11821 (TA19-0002) - Bharosa Developments Ltd.
Inc.No.BC1177705**

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R748/19/07/30 THAT Bylaw No. 11821 be adopted.

Carried

**5.2 Rutland Rd N 615, BL11815 (OCP19-0001) - Bharosa Developments Ltd.
Inc.No.BC1177705**

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R749/19/07/30 THAT Bylaw No. 11815 be amended at 3rd reading by deleting the legal descriptions that read:

- "Lot 25, Section 26, Township 26, ODYD, Plan 19679 except Plan 41879, located on Bach, Kelowna, BC
- Lot 26, Section 26, Township 26, ODYD, Plan 19679 except Plan 41879, located on Rutland Rd N, Kelowna, BC;
- Lot A, Section 26, Township 26, ODYD, Plan 5624 except Plan 41879, located on Rutland Rd N, Kelowna, BC "

And replacing it with:

- "Lot 1, Section 26, Township 26, ODYD, Plan EPP90266 on Rutland Rd, Kelowna, BC."

AND THAT Bylaw No. 11815 be adopted.

Carried

**5.3 Rutland Rd N 615, BL11819 (Z19-0039) - Bharosa Developments Ltd.
Inc.No.BC117705**

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R750/19/07/30 THAT Bylaw No. 11819 be amended at 3rd reading by deleting the legal descriptions that read:

- "Lot 25, Section 26, Township 26, ODYD, Plan 19679 except Plan 41879, located on Bach, Kelowna, BC
- Lot 26, Section 26, Township 26, ODYD, Plan 19679 except Plan 41879, located on Rutland Rd N, Kelowna, BC;
- Lot A, Section 26, Township 26, ODYD, Plan 5624 except Plan 41879, located on Rutland Rd N, Kelowna, BC "

And replacing it with:

- "Lot 1, Section 26, Township 26, ODYD, Plan EPP90266 on Rutland Rd, Kelowna, BC."

AND THAT Bylaw No. 11819 be adopted.

Carried

**5.4 Rutland Rd N 615, DP19-0009 DVP19-0010 - Bharosa Developments Ltd.
Inc.No.BC117705**

Staff presented a PowerPoint presentation.

Kevin Edgecombe 2275 KLO Road, Applicant:

- Indicated the intent of the application is to provide attainable housing in a great location.
- Units will range in size from 400 square feet to 1041 square feet.
- A high percentage of owner/occupier purchases is expected for the development.
- Expressed the variance is needed to make the density in the project work.
- Spoke to the challenges with the right in right out - a lot of planning to get enough density on the property to make it work.
- Noted that the application is requesting less than the allowable FAR for the site.
- Believe they have been favourable to neighbours to the east with the additional setback on that side.
- Believe will be a good development for Rutland.

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

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R751/19/07/30 THAT OCP Amendment Bylaw No. 11815 (OCP19-0001) and Rezoning Bylaw No. 11819 (Z19-0039) be amended at Third Reading to reflect the updated legal description from:

- Lot 25, Section 26, Township 26, ODYD, Plan 19679 except Plan 41879, located at 140 Bach, Kelowna, BC from the S2RES (Single Two Unit Residential) designation to the MXR – Mixed Use (Residential/Commercial) designation;
- Lot 26, Section 26, Township 26, ODYD, Plan 19679 except Plan 41879, located at 615 Rutland Rd N, Kelowna, BC from the MRL – Multiple Residential (Low Density) designation to the MXR – Mixed Use (Residential/Commercial) designation; and
- Lot A, Section 26, Township 26, ODYD, Plan 5624 except Plan 41879, located at 625 Rutland Rd N, Kelowna, BC from the MRL – Multiple Residential (Low Density) designation to the MXR – Mixed Use (Residential/Commercial) designation.

to:

- Lot 1, Section 26, Township 26, ODYD, Plan EPP90266 at 615 Rutland Rd, Kelowna, BC.

AND THAT final adoption of Text Amendment Bylaw No. 11821 (TA19-0002), OCP Amending Bylaw No. 11815 (OCP19-0001) & Rezoning Bylaw No. 11819 (Z19-0039) be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0009 for Lot 1, Section 26, Township 26, ODYD, Plan EPP90266 at 615 Rutland 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 DVP19-0010 for Lot 1, Section 26, Township 26, ODYD, Plan EPP90266 at 615 Rutland 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 14.4.5 (c) C4 Urban Centre Commercial Development Regulations

To vary the maximum height from 4 storeys to 5 storeys.

Table 8.1 Parking Schedule

To vary the minimum parking requirements from 83 stalls to 81 stalls;

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

5.5 Lost Creek 248, DVP19-0114 - Heidi and Jarvis Gatti

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The Applicant was present and available for questions.

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

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Donn

R752/19/07/30 THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0114 for Lot 40 Section 5 Township 23 ODYD Plan EPP9195, located at 248 Lost Creek Ct, Kelowna, BC;

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

Section 7.5.9 – Landscaping and Screening Fencing and Retaining Walls

- a. To vary the maximum height of the retaining wall from 1.2 m required to 1.8 m proposed in accordance with Attachment "A".

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

5.6 Ellis St 677, DVP19-0072 - Richard and Marie Dempster

Staff:

- Displayed a PowerPoint presentation summarizing the application.

Felix Weterkamp, Westerkamp Design Inc., Applicant's agent:

- Spoke to working to offset the site coverage by providing greenspace. Also worked to create more privacy from the lane and adjacent neighbour.

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

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Wooldridge

R753/19/07/30 THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0072 for Lot B District Lot 9 ODYD Plan EPP52340, located at 677 Ellis Street, Kelowna, BC;
AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted in accordance with Schedule "A":

Section 13.6.6 (a): RU6 – Two Dwelling Housing Development Regulations

To vary the maximum site coverage from 40% permitted to 42.7% 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

5.7 Sexsmith Rd 2960, BL11750 (Z18-0061) - Stuart McMillan and Jackie-Lynn Large

Moved By Councillor Wooldridge/Seconded By Councillor Given

R754/19/07/30 THAT Bylaw No. 11750 be adopted.

Carried

5.8 Sexsmith Rd 2960, DP19-0127 DVP19-0128 - Stuart McMillan and Jackie-Lynn Large

Staff:

- Displayed a PowerPoint presentation summarizing the application

The Applicant was present and available for questions.

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

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Donn

R755/19/07/30 THAT final adoption of Rezoning Bylaw No. 11750 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0127 for Lot 33 Section 3 Township 23 ODYD Plan 18861, located at 2960 Sexsmith 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. DVP19-0128 for Lot 33 Section 3 Township 23 ODYD Plan 18861, located at 2960 Sexsmith Road, Kelowna, BC;

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

Section 15.6.9: Landscape, buffering and parking

To allow parking in the front yard setback (south) by reducing the front yard setback (from 4.5 m to 3.0 m);

To allow parking in the west side setback by reducing that side yard setback (from 4.5 m to 3.0 m);

To allow parking in the east side setback by reducing the side yard setback (from 4.5 m to 0.0 m);

To allow parking in the rear yard setback (north) by reducing the rear yard setback (from 7.5 m to 0.0 m);

Section 7.6.1 (c): Landscape, buffering and parking

To reduce the minimum landscape buffer on the east and north side from 3.0 m to 0.0 m;

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

5.9 Lakeshore Rd 4091, DVP19-0120 - First Lutheran Church of Kelowna

Staff:

- Displayed a PowerPoint presentation summarizing the application

Henri Cullinan, Old Meadows Road, Applicant's representative:

- Expressed that the school and church are the core of the neighbourhood with the school growing and the need to expand. The reason for the temporary nature of the portables is to develop a long term plan for funding for expansion of the wing on the church.

- Stated they will ensure landscaping especially on the lakeshore side, is pleasing.

- Portables have an interlinking doorway system to allow students to move between the units.

- Addressed parking – they have an arrangement with the church.

-The school has a traffic management plan on site and they also have an arrangement with the school on Lequime.

The Applicant responded to questions from Council.

-Provided details of student enrollment. Confirmed adequate parking for drop off of students with two drop off areas on site.

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

No one from the gallery came forward.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Stack

R756/19/07/30 THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0120 for Lot A, Section 6, Township 26, ODYD, Plan KAP76720 and a 1/3 interest in Lot D Plan KAP76720 Kelowna, BC;

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

Section 16.2.5 (d) : P2 – Education and Minor Institutional Development Regulations

To vary the required minimum front yard from 6.0m to 4.0m as proposed

Section 8 – Parking and Loading, Table 8.1 – Parking Schedule

To vary the required number of additional off-street vehicle parking spaces from eight (8) parking stalls to zero (0).

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

5.10 Clement Ave 1049, BL11814 (Z19-0045) - Gurpreet Pannu

Moved By Councillor Given/Seconded By Councillor Wooldridge

R757/19/07/30 THAT Bylaw No. 11814 be adopted.

5.11 Clement Ave 1049, DP19-0031 and DVP19-0032 - Gurpreet Pannu

Staff:

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

Jessie Alexander, New Town Planning and Architecture, Applicant's Agent:

- Expressed that the walking scores for the project are quite good being close to multi-use pathways and is the primary reason why they are confident with the parking variances requested.
- Reviewed the building materials and form and character of the building.
- Expressed they have made a point to providing over double what is required for greenspace on the site.
- Spoke to the site coverage variance. An underground parkade was not an option with water table in the downtown area and the variance is due to the parking area.
- Smaller parking stalls a function of offering one-bedroom units as they will likely not be family type vehicles.
- Spoke to form and character, using high quality materials chosen as a nod to the surrounding industrial area.
- Considered the context of surrounding area for the building footprint and scale similar to other homes in the area.
- Spoke to the landscaping design to limit view of parking area from the neighbours.
- All residents have options with ground level and third level outdoor space.
- Feel it is an appropriate infill project offering compact urban living.

Responded to questions from Council.

- Confirmed there is no dedicated bike storage, with a surface rack being provided for visitors and space to store bicycles available on the patios of each unit for owners.

- Confirmed the perimeter fence is a solid timber construction.

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

No one from the gallery came forward.
There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Donn

R758/19/07/30 THAT final adoption of Rezoning Bylaw No. 11814 (Z19-0045) be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0031 for Lot 3, District Lot 138 and of section 30 Township 26 ODYD, Plan 3763, located at 1049 Clement 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 the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permit to be issued;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0032 for

Lot 3, District Lot 138 and of section 30 Township 26 ODYD, Plan 3763, located at 1049 Clement Ave, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted in accordance with Schedule "D":

Section 8.1.9(c): Off-Street Vehicle Parking

To vary the required minimum side yard setback of parking from 1.5 m permitted to 0.36 m proposed.

Section 8.1.11(b): Off-Street Vehicle Parking

To vary the required parking stall size ratio of 50% full size vehicle parking and 50% medium size vehicle parking to 20% full size vehicle parking and 80% medium size vehicle parking.

Section 13.10.6(b): RM4 – Transitional Low Density Housing Development Regulations

To vary maximum site coverage of buildings, parking, and driveways from 60% to 67.4%.

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

6. Reminders

Councilor Stack:

Provided a summary of the units approved this evening - 170 households and all were multifamily.

7. Termination

The meeting was declared terminated at 7:19 p.m.

Mayor Basran

Deputy City Clerk

kn/cm