



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, July 16, 2019
Time: 6:00 pm
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine Dehart, Gail Given, Charlie Hodge, Mohini Singh, Luke Stack and Loyal Wooldridge

Members Absent Councillors Brad Sieben and Ryan Donn

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton; Suburban & Rural Planning Manager, Dean Strachan; Legislative Coordinator (Confidential), Clint McKenzie

1. Call to Order

Mayor Basran called the meeting to order at 6:32 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor DeHart.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R700/19/07/16 THAT the Minutes of the Public Hearing and Regular Meeting of June 18, 2019 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 **Commerce Ave 1675-1677, BL11855 (Z19-0004) - Braemar Properties Ltd, Inc No BC1023360**

Moved By Councillor Hodge/Seconded By Councillor Singh

R701/19/07/16 THAT Bylaw No. 11855 be read a second and third time.

Carried

4.2 Benvoulin Ct 2175, BL11856 (Z18-0091) - Jabs Construction Ltd., Inc. No. BC0060327

Councillor Stack declared a conflict of interest and left the meeting at 6:34 p.m.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R702/19/07/16 THAT Bylaw No. 11856 be read a second and third time.

Carried

Councillor Stack returned to the meeting at 6:36 p.m.

5. Notification of Meeting

The notification of meeting is no longer read as per the recent amendment to the Council Procedures Bylaw No. 9200.

6. Liquor License Application Reports

6.1 ITEM WITHDRAWN - Baillie Ave 727, LL19-0005 - Acoma Holdings Ltd

Mayor Basran advised that this item was withdrawn by the applicant.

7. Development Permit and Development Variance Permit Reports

7.1 Bryden Rd 155, OCP18-0007 (BL11638) - Kelowna Christian Centre Society Inc. No. S-0017232

Moved By Councillor Stack/Seconded By Councillor DeHart

R703/19/07/16 THAT Bylaw No. 11638 be amended at 3rd reading by:

a) deleting the title that reads:

- Official Community Plan Amendment No. OCP18-0007 – 905-907 Badke Rd, 155 Bryden Rd & 907 Hwy 33 W

And replacing it with:

- Official Community Plan Amendment No. OCP18-0007 – 155 Bryden Rd

b) deleting the following:

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "Kelowna 2030 – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of Lot B, Section 27, Township 26, ODYD, Plan 38076 located on Bryden Rd, Kelowna, B.C., from the MRL - Multiple Unit Residential (Low Density) designation to the MRM - Multiple Unit Residential (Medium Density) designation;
2. AND THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "Kelowna 2030 – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of Lot 18, Section 27, Township 26, ODYD, Plan 11286 Except Plan 39705, located on Hwy 33 W, Kelowna, B.C., from the MRL - Multiple Unit Residential (Low Density) designation to the MRM - Multiple Unit Residential (Medium Density) designation;
3. AND THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "Kelowna 2030 – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of a portion of Lot 1, Section 27, Township 26, ODYD, Plan

KAP55260 located at Badke Road, Kelowna, B.C., from the EDINST - Education/Major Institutional designation to the MRM - Multiple Unit Residential (Medium Density) designation as shown on Map "A" attached to and forming part of the bylaw.

And replacing it with:

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "Kelowna 2030 – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of Lot A, Section 27, Township 26, ODYD, Plan EPP85221 located on Bryden Rd, Kelowna, B.C., from the MRL - Multiple Unit Residential (Low Density) designation and the EDINST - Education/Major Institutional designation to the MRM - Multiple Unit Residential (Medium Density) designation;

Carried

Moved By Councillor Stack/Seconded By Councillor DeHart

R704/19/07/16 THAT Bylaw No. 11638 be adopted.

Carried

7.2 Bryden Rd 155, Z18-0027(BL11639) - Kelowna Christian Centre Society Inc. No. S-0017232

Moved By Councillor DeHart/Seconded By Councillor Stack

R705/19/07/16 THAT Bylaw No. 11639 be amended at 3rd reading by deleting:

a) the title that reads:

- Z18-0027 – 905-907 Badke Rd, 155 Bryden Rd & 907 Hwy 33 W

And replacing it with:

- Z18-0027 – 155 Bryden Rd

b) the following:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, Section 27, Township 26, ODYD, Plan 38076 located on Bryden Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RM5 - Medium Density Multiple Housing zone;
2. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 18, Section 27, Township 26, ODYD, Plan 11286 except Plan 39705 located on Hwy 33 W, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RM5 - Medium Density Multiple Housing zone;
3. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of a portion of Lot 1, Section 27, Township 26, ODYD, Plan KAP55260 located at Badke Road, Kelowna, B.C., from the P2 – Education and Minor Institutional zone to the RM5 – Medium Density Multiple Housing zone as shown on Map "B" attached to and forming part of the bylaw.

And replacing it with:

THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A Section 27 Township 26 ODYD Plan EPP85221 located on Bryden Road,

Kelowna, B.C., from the RU1 – Large Lot Housing zone and P2 – Education and Minor Institutional zone to the RM5 - Medium Density Multiple Housing zone;

Moved By Councillor DeHart/Seconded By Councillor Stack

R706/19/07/16 THAT Bylaw No. 11639 be adopted.

Carried

7.3 Bryden Rd 155, DP18-0062 and DVP18-0063 - Kelowna Christian Center Society Inc. No. S-0017232

Staff displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

Jesse Alexander, Applicant's representative, New Town Architecture:

- Displayed a PowerPoint presentation.
- Spoke to variety in heights and establishing the visual interest in the site.
- Spoke to the traffic review conducted by CTQ Consultants.
- Spoke to the groundwater concerns and the hiring of Geotech firm Ecora to conduct groundwater study. The report is not showing any significant readings.
- Spoke to the interface of the buildings and their stepping back in consideration to adjacent single story neighbours.
- Responded to questions from Council.

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

Gallery:

Lisa Simone, 875 Badke:

- Spoke to concerns regarding the groundwater. Pumps running under existing church.
- Indicated residents currently check-in regularly with surveyors on shifting buildings for adjacent residences.
- Concerned about traffic; Bryden Rd. is a small residential road, Badke Rd. is a cul de sac that runs into a school.
- Raised concerns over parking.

Applicant:

- Geotech report was robust and will be subject to geotechnical monitoring during construction.
- Spoke to traffic concerns; none of the traffic flows north to Badke Rd. or connects with the church parking lot at all.
- Responded to questions from Council.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Given

R707/19/07/16 THAT Official Community Plan Amending Bylaw No. 11638 be amended at third reading to revise the legal description of the subject properties from Lot B Section 27 Township 26 ODYD Plan 38076, Lot 18 Section 27 Township 26 ODYD Plan 11286 Except Plan 39705, and a part of Lot 1 Section 27 Township 26 ODYD Plan KAP55460 to Lot A Section 27 Township 26 ODYD Plan EPP85221.

AND THAT Rezoning Bylaw No. 11639 be amended at third reading to revise the legal description of the subject properties from Lot B Section 27 Township 26 ODYD Plan 38076, Lot

18 Section 27 Township 26 ODYD Plan 11286 Except Plan 39705, and a part of Lot 1 Section 27 Township 26 ODYD Plan KAP55460 to Lot A Section 27 Township 26 ODYD Plan EPP85221.

AND THAT final adoption of Official Community Plan Amending Bylaw No. 11638 and Rezoning Bylaw No. 11639 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP18-0062 and Development Variance Permit No. DVP18-0063 for Lot A Section 27 Township 26 ODYD Plan EPP85221 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 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 maximum height from the lesser of 18.0 m or 4.5 storeys, to 20.2 m and 6 storeys.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Variance Permit Application 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

7.4 Abbott St 2787, Z18-0038 - AJ Wiens Development Group Ltd., Inc. No. BCo798391

Moved By Councillor DeHart/Seconded By Councillor Given

R708/19/07/16 THAT Council waives the requirement that Final Adoption of Rezoning Bylaw No. 11703 be considered subsequent to the demolition of existing dwellings on the subject property.

Carried

7.5 Abbott St 2787, BL11703 (Z18-0038) - AJ Wiens Development Group Ltd., Inc. No. BCo798391

Moved By Councillor Stack/Seconded By Councillor DeHart

R709/19/07/16 THAT Bylaw No. 11703 be amended at 3rd reading by deleting the legal description that reads:

- Lots A, B, and C District Lot 14 ODYD Plan 15324
And replacing it with:
- Lot 1 District Lot 14 ODYD Plan EPP91422

Carried

Moved By Councillor Stack/Seconded By Councillor DeHart

R710/19/07/16 AND THAT Bylaw No. 11703 be adopted.

Carried

7.6 Abbott St 2787, DP18-0220 DVP18-0221 - AJ Wiens Development Group Ltd., Inc.No. BC0798391

Staff:

- Displayed a PowerPoint presentation summarizing the application.

Birte Decloux, Urban Options, Applicant's representative:

- Introduced Applicant AJ Wiens who is a long-time builder in the community:
- Spoke to removal of mature trees to be replaced with 20+ new trees. Many of the existing plants were saved and moved to neighbours.
- Spoke to variance being required to accommodate large garages 110 sq. ft. larger than normal garages.
- Confirmed the existing house was relocated to Glenmore
- Spoke to permanent pergolas and storage provided on the rooftops.
- Spoke to form and character.

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

Gallery:

Wendy Chamberlain, 2752 Abbott Street:

- In support of the project. Happy to hear large garages are being built; had concerns regarding parking.
- Abbott street corridor very busy and concerned with construction parking.

Applicant:

- Reviewed construction parking Osprey Ave indentation for parking and off the lane from the site. Intention is to develop one building at a time so there will also be onsite parking.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Wooldridge

R711/19/07/16 THAT Rezoning Bylaw No. 11703 be amended at third reading to revise the legal description of the subject property from Lots A, B, and C District Lot 14 ODYD Plan 15324 to Lot 1 District Lot 14 ODYD Plan EPP91422;

AND THAT final adoption of Rezoning Bylaw No. 11703 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP18-0220 for Lot 1 District Lot 14 ODYD Plan EPP91422, located at 2783-2787 Abbott 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";
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. DVP18-0221 for Lot 1 District Lot 14 ODYD Plan EPP91422, located at 2783-2787 Abbott Street, Kelowna, BC;

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

Section 13.9.6 (b): RM3 – Low Density Multiple Housing Development Regulations

To vary the maximum building site coverage from 50% permitted to 57.9% 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 Application 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

7.7 Rose Ave, 865, DVP19-0044 - Colin & Nanci Macdonald

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 Hodge/Seconded By Councillor DeHart

R712/19/07/16 THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0044 for Lot 8, District Lot 136, ODYD, Plan 8116, located at 865 Rose Avenue, Kelowna, BC

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

Section 9.5b.1(i): RU1 – Specific Use Regulations

To vary the required minimum side yard from 1.5 m permitted to 0.99 m proposed.

Section 9.5b.1(j): RU1 – Specific Use Regulations

To vary the required minimum rear yard from 0.9 m permitted to 0.75 m proposed.

Carried

7.8 Adams Court 716, DP19-0048 and DVP19-0049 - J-4 Holdings Ltd., Inc. No. BC0261294

Staff:

- Displayed a PowerPoint presentation summarizing the application.

Paul Shuster, Applicant:

- Spoke to variance to the setback requested from the highway.

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 Stack/Seconded By Councillor DeHart

R713/19/07/16 THAT Council authorizes the issuance of Development Permit No. DP19-0048 and Development Variance Permit DVP19-0049 for Lot 6, Section 2, Township 23, Osoyoos Division Yale District, Plan 29524, located at 716 Adams Court, 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; and
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.

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

Section 15.2.5(e): I2 – General Industrial Development Regulations

To vary the required minimum side yard setback flanking a street for an industrial building from 6.0 m permitted to 5.0 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

7.9 Bay Ave 731, DVP19-0075 - Alan and Adrienne Adair

Staff:

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

Zsolt Ketesdi, Harmony Homes, Applicant:

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 Hodge/Seconded By Councillor Wooldridge

R714/19/07/16 THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0075 for Lot 38 Section 30 Township 26 ODYD Plan 1304, located at 731 Bay Avenue, Kelowna, BC;

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

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

To vary the maximum combined site coverage of a carriage house and all accessory buildings or structures from 14% to 14.6%.

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

To vary the maximum height of the carriage house from the lesser of 4.8 m or the height of the principal dwelling to 0.94 m higher than the midpoint of the principal dwelling.
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

There were no reminders.

9. Termination

The meeting was declared terminated at 7:35 p.m.

Mayor Basran

sf/cm

City Clerk