



## City of Kelowna Regular Council Meeting Minutes

Date:	Tuesday, September 10, 2019
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Charlie Hodge, Brad Sieben*, Luke Stack* and Loyal Wooldridge
Members Absent	Councillor Mohini Singh
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming, Divisional Director, Planning & Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton; Community Planning & Development Manager, Dean Strachan*; Legislative Coordinator (Confidential), Arlene McClelland

(\* Denotes partial attendance)

### 1. Call to Order

Mayor Basran called the meeting to order at 6:02 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 Hodge

R919/19/09/10 THAT the Minutes of the Public Hearing and Regular Meeting of August 27, 2019 be confirmed as circulated.

Carried

### 4. Liquor License Application Reports

4.1 1250 Ellis St - LL19-0016 - Whitworth Holdings Ltd.

Staff:

- Displayed a PowerPoint presentation summarizing the application.

Kyle Nixon, Applicant

- 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 Donn/Seconded By Councillor DeHart

**R920/19/09/10** 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 Whitworth Holding Ltd., Inc. No. 1059455 for Lot 1, District Lot 139, ODYD, Plan 660 located at 1250 Ellis Street, Kelowna, BC, for a Manufacturers Lounge with a capacity of 163 persons and hours of sales from 9:00 AM to Midnight Sunday to Saturday for License Number 306426.
2. That Council's comments on the prescribed considerations are as follows:
  - a. 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.

- b. The impact on the community if the application is approved:

The potential for negative impacts is considered to be minimal.

3. 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**

Councillor Sieben joined the meeting at 6:07 p.m.

Councillor Stack joined the meeting at 6:07 p.m.

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

### **5.1 Lawson Ave 922, DVP18-0253 - Emily and Wendy Galic**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

Jamela Van Steinburg, Applicant

- Noted that staff's report covered everything well and that guidelines are being met.
- 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 Wooldridge/Seconded By Councillor Donn

**R921/19/09/10** THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0253 for Lot 3, District Lot 138 Osoyoos Division Yale District Plan 3388, located at 922 Lawson Ave, Kelowna, BC;

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

Section 13.17: RU7- Infill Housing- Development Regulations

To vary the required minimum side yard setback from 2.0m permitted to 1.2m 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**

**5.2 Union Rd 1550, BL11824 (OCP18-0014) - Glenwest Properties Ltd., Inc. No. CO889227**

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

**R922/19/09/10** THAT Bylaw No. 11824 be adopted.

**Carried**

**5.3 Union Rd 1550, BL11825 (Z18-0070) - Glenwest Properties Ltd., Inc. No. CO889227**

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

**R923/19/09/10** THAT Bylaw No. 11825 be adopted.

**Carried**

**5.4 Union Rd 1550 - DP19-0001 DVP19-0002 - Glenwest Properties Ltd.**

Staff:

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

Cameron Dodd, Wilden Development Manager

- Responded to questions from Council regarding construction of the proposed wall; there will be formal landscaping and will blend in well with the surroundings.

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

Gallery:

Richard Sobczak, Union Road

- Raised concern with the visual impact the proposed wall would have on the neighbouring park; inquired whether something could be used to hide it.

Cameron Dodd, Wilden Development Manager

- Advised that the wall will be constructed of natural materials.
- Responded to questions from Council.

There were no further comments

Moved By Councillor Given/Seconded By Councillor Hodge

**R924/19/09/10** THAT final adoption of Official Community Plan Bylaw No.11824 and Rezoning Bylaw No.11825 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP18-0129 for Lot 4 Section 9 Township 23 ODYD Plan KAP86750 located at 1550 Union 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. DVP19-0001 for Lot 4 Section 9 Township 23 ODYD Plan KAP86750 located at 1550 Union Road Drive, Kelowna, BC;

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

**Section 7.5.9: Fencing and Retaining Walls**

To vary the maximum height of a retaining wall from 1.2 metres to 7.0 metres proposed.

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**

**5.5 West Ave 464, OCP18-0021 (BL11826) - West Avenue - Mission Group Rentals Ltd**

Moved By Councillor Donn/Seconded By Councillor Hodge

**R925/19/09/10** THAT Bylaw No. 11826 be amended at third reading to revise the legal description.

**Carried**

Moved By Councillor Donn/Seconded By Councillor Hodge

**R926/19/09/10** THAT Bylaw No. 11826 as amended be adopted.

**Carried**

**5.6 West Ave 464, Z18-0118 (BL11827) - West Avenue - Mission Group Rentals Ltd**

Moved By Councillor Donn/Seconded By Councillor Hodge

**R927/19/09/10** THAT Bylaw No. 11827 be amended at third reading to revise the legal description.

Carried  
Councillor Hodge - Opposed

Moved By Councillor Donn/Seconded By Councillor Hodge

R928/19/09/10 THAT Bylaw No. 11827 as amended be adopted.

Carried  
Councillor Hodge - Opposed

**5.7 West Ave 464, DP19-0105 and DVP19-0106 -West Avenue - Mission Group Rentals Ltd., Inc. No. BC1151526**

Staff:

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

Luke Turri, Mission Group Enterprises

- Displayed a PowerPoint Presentation, re: West Avenue Apartments
- Made comment on the Public Hearing held this past June regarding the OCP and Rezoning of the subject property and that discussions were had then concerning variances.
- Spoke to the vision of the South Pandosy village being a vibrant urban centre; a village by the lake with unique eclectic design; with a range of commercial amenities and a mix of housing options.
- Displayed a rendering of the proposed boutique apartment building with 48 apartment suites consisting of 1, 2 and 3 bedrooms.
- The building is steel and concrete construction with a unique design and transitional massing.
- The building will have a textured material palette with a featured roofline as well as a landscaped terrace.
- Spoke to the building height and noted the meters and number of storeys of other buildings in the area with similar profiles.
- Spoke to the footprint of neighbouring properties that are using a larger proportion of the site where this proposal is creating a slender footprint.
- Displayed photos of surrounding context in order to illustrate the height that is being proposed in comparison.
- In summary, a lot of thought has been put into massing context; providing ample open space and limited setback impacts.
- 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:

Caio Silveir Santos, West Avenue

- Opposed to the variances.
- Raised concern that the side variance will result in an encroachment onto their property.
- Raised concern with the number of parking stalls and suggested having co-op cars to reduce parking space.
- Responded to questions from Council.

Jennifer Eaton, Aldon Road

- Owns a unit on West Avenue.
- Opposed to the side yard variance as the proposed building will be too close to the existing neighbouring building.
- Raised concerns that there would be a loss of privacy and patio enjoyment to their unit.
- Responded to questions from Council.

#### Don Maclean, Richter Street

- Opposed to the proposed variances.
- Raised concerns with the height and density of the proposal and how it effects affordability in the neighbourhood; creates expensive high rise rentals.
- Raised concerns that this height variance could set a precedence.
- Believes a 5 storey building would be a viable project and suggested the proposal be scaled back.

#### Larry Kelly, Pandosy Resident

- Has lived in the area since 2005.
- Opposed to the proposed variances.
- Suggested that Council should follow the Official Community Plan.
- Believes the direction of development is ruining the form and character of our community.
- Raised questions regarding tandem parking and whether units will be used for short term rentals.

#### Resident, West Avenue

- Opposed to the height variance.
- In agreement with previous speakers.

#### Paul Clark, Abbott Street

- Opposed to any variance given to this development.
- The Official Community Plan was changed for this site which changes a residential area to a commercial zone.
- Believes the sense of community is reduced with the increased height over 4 stories.
- Referenced many OCP Policy Objectives that the development has not met.
- Residents are accepting of density along Pandosy Street, but this development pushes commercial and height into a residential neighbourhood.
- Referenced a staff memo regarding planning in the Pandosy area over the past several years which cited 3-4 storeys near the lake and up to 6 storeys to be considered.
- Responded to questions from Council.

#### Jackie Ozuba, West Avenue

- Opposed to the height variance.
- Believes this proposed building will have a negative impact on their property.

#### Resident, Abbott Street

- Opposed to the proposed application.
- Questioned what the applicant is giving to the community in return for the rezoning change and requested variances.

#### Kendra Bennett, Kloppenburg Court

- Speaking on behalf of their brother who lives on West Avenue.
- Opposed to the variances.
- Raised concerns with the proposed building being too close to the neighbouring building.

#### Luke Turri, Mission Group Enterprises

- Clarified that the setback variance is on the proposed development side of the property; designed the building to not have any impacts to the neighbouring property and will use fencing or vegetation to resolve any issues.
- Spoke to the building's transitional architecture and design in order to have limited impact on the neighbouring property.
- Made comments on the OCP Policies raised by intervenors, specifically the density, and noted that they are not asking for density anywhere near what the OCP calls for.
- This proposal is adding to the mix of housing options and we are proud and feel we are meeting the intentions of what the South Pandosy area is meant to be.
- Confirmed the units are rentals and will not be an Air B & B.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments

Moved By Councillor Donn/Seconded By Councillor Wooldridge

**R929/19/09/10** THAT Official Community Plan Map Amendment Bylaw No. 11826 and Rezoning Bylaw No. 11827 be amended at third reading to revise the legal description of the subject properties from Amended Lot 3 (DD 138121F) and Amended Lot 4 (DD 138122F) District Lot 14 ODYD Plan 3056 to Lot A District Lot 14 ODYD Plan EPP92146;

AND THAT final adoption of Official Community Plan Map Amendment Bylaw No. 11826 and Rezoning Bylaw No. 11827 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0105 for Lot A District Lot 14 ODYD Plan EPP92146, located at 454-464 West Avenue, 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. DVP19-0106 for Lot A District Lot 14 ODYD Plan EPP92146, located at 454-464 West Avenue, Kelowna, BC;

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

**Section 14.4.5(c): C4 – Urban Centre Commercial Development Regulations**

To vary the required maximum height from 15.0 m or 4 storeys permitted to 18.3 m and 6 storeys proposed;

**Section 14.4.5(e): C4 – Urban Centre Commercial Development Regulations**

To vary the required minimum side yard from 2.0 m permitted to 0.30 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 Schedule "A" attached to the Report from the Community Planning Department dated September 10, 2019;

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**  
Councillor Hodge – Opposed

**5.8 Fitzpatrick Rd 249, DVP19-0116- Patrick and Hendrika Hayden**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

Birte Decloux, Urban Options Planning & Permits

- Advised that two variances are being sought.
- Available for questions.

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 Wooldridge/Seconded By Councillor Stack

**R930/19/09/10** THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0116 for Lot 1, Section 35, Township 26, Osoyoos Division Yale District Plan KAP55899, located at 249 Fitzpatrick Rd, Kelowna BC;

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

Section 9.5b.1(b) and section 9.5b.1(f)- Carriage Housing Regulations

To vary the maximum combined site coverage or a carriage house and all accessory buildings or structures from the lesser of 14% or 90 m<sup>2</sup> permitted to 10.4% or 102.32m<sup>2</sup> proposed, and;

To vary the maximum upper storey floor area from 75% of the carriage house footprint area permitted to 100% 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. Reminders**

Nil.

**7. Termination**

The meeting was declared terminated at 8:18 p.m.

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Mayor Basran

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City Clerk