



## City of Kelowna

Date: Tuesday, May 12, 2020  
Time: 7:00 pm  
Location: Council Chamber  
City Hall, 1435 Water Street

Members Present  
Mayor Colin Basran  
Councillor Maxine DeHart  
Councillor Ryan Donn  
Councillor Gail Given  
Councillor Charlie Hodge  
Councillor Brad Sieben  
Councillor Mohini Singh  
Councillor Luke Stack  
Councillor Loyal Wooldridge

Staff Present  
City Clerk, Stephen Fleming  
Council Recording Secretary, Arlene McClelland  
Doug Gilchrist

### 1. Call to Order

Mayor Basran called the meeting to order at 7:02 p.m.

### 2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor DeHart.

### 3. Development Permit and Development Variance Permit Reports

3.1 START TIME - 7:00 P.M. - Radant Rd 588, DVP18-0224 - Craig B. Bulawka  
Professional Corporation

Staff:

- Displayed a PowerPoint Presentation summarizing the application..

The Applicant was not present

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

Gallery:

Rachel 582 Radant Road

- Believes this application is disturbing.
- Opposed to this DVP application

Councillor Sieben lost video for a moment.

- Spoke to a fire that occurred.
- lack of privacy and obstruction of view.
- will negatively affect neighbouring property value.
- when zoning changed to RU6 was done in spite of every homes on this street signing a petition on this change. despite the tax paying will of all people.

Reading for persons who own 563 and 581 Radant Road

This speaker has a carriage home herself.

- Opposed
- Responded to questions from Council.

There were no further comments

**Opposed - Stack**

**Moved By** Councillor Donn

**Seconded By** Councillor Wooldridge

THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0224 for Lot 3, Section 6, Township 26, Osoyoos Division Yale District, Plan 9002, located at 588 Radant Road, Kelowna, BC;

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

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

To vary the required minimum separation between two single detached houses from 4.5 m permitted to 1.8 m proposed.

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 Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

**3.2 START TIME - 7:30 P.M. - Valley Rd 728, DP19-0152 DVP19-0153- 1138742 B.C. Ltd, Inc. No. 1138742**

Began at 7:30 p.m.

Staff:

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

Ryan Smith sat in for the CM at ?

The City Manager resumed the seat at 7:50 p.m.

Applicant, Jordan Hettinga Kent-Macpherson

- Displayed a PowerPoint Presentation.

- private open space, 7.5 sq m of open space, 15 sq m for 1 bedroom,

- clarified ownership of creek, we own the creek. 15 m creek adds to our FAR and no disturb, creek owned by subject parcel,

- tried to cause some consistency. Blank wall, project to the north under construction, each floor has a different level of care, we have same footprint,

- Responded to Council's questions to staff.

- Provided photo slide of overall site-

- Noted timelines of this application from 2016 - mixture of products on site, spoke to down zoning.

- Displayed image of overall site, displayed visual of the different phases on the property;

- Spoke to timeline of 720 Valley Road.

- Sussux Retirement is a seniors housing developer specializing in state of the art Memory care, independent living and assisted living.

- Displayed a You Tube video on the site, purpose built rentals, 1 bd 2 bd 1 bd and den, building is setback on brandt's creek, has a walking path between building and creek, pushed density away from Chartwell, 2 floors of parkade.

2 variance one for height and setback. show architectural features

Rear yard Setback, reducing north end of building, 9m to 7m purpose of walkway to provide connection to 2 buildings. partners may require different care and noted various amenities.

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

#### **OPPOSED - HODGE**

**Moved By** Councillor Stack

**Seconded By** Councillor Sieben

THAT Council authorizes the issuance of Development Permit No. DP19-0152 for Lot D, Section 29, Township 26 Osoyoos Division Yale District Plan EPP75038 located at 728 Valley 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 a reciprocal access easement be registered on the subject property and 726 Valley Rd to allow for vehicular and pedestrian access;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0153 for Lot D, Section 29, Township 26 Osoyoos Division Yale District Plan EPP75038 located at 728 Valley Rd, Kelowna, BC;

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

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

To vary the maximum height as permitted in the RM5- Medium Density Multiple Housing zone from the lesser of 18.0m or 4.5 storeys permitted to 26.5m or 7 storeys proposed.

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

To vary the side yard setback from 7.0m to 0.0m for a portion of the south property line for the property located at 726 Valley Rd.

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

To vary the rear yard setback from 9.0m permitted to 7.0m proposed for a portion of the north property line, and from 9.0m to 0.0m for a portion of the north property line.

AND THAT Council's consideration of this Development 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 April 7, 2020

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 and Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

**3.3 START TIME - 8:00 P.M. - Valley Rd 726, DP17-0197 DVP20-0040, The Vineyards Community Land Holdings Inc. No. BC1106986**

Staff:

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

Applicant, Jordan Hettinga; Spoke to reasons for variances

existing parking ,reduce parking lots for easement? part of parking 1.5 stall per unit is an oversupply.

Yakked about a link -can barely hear him, poor presenter,

Responded to questions from Council.

- questions regarding parking.

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 Hodge

THAT Council authorizes the amendment of Development Permit No. DP17-0197-02 for Lot 1, Section 29, Township 26 Osoyoos Division Yale District Plan EPP80501, located at 726 Valley Rd, Kelowna, BC subject to the following:

1. Parking to be provided on the land be in accordance with Schedule "A",

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0040 for Lot 1, Section 29, Township 26 Osoyoos Division Yale District Plan EPP80501, located at 726 Valley Rd, Kelowna, BC;

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

Table 8.3.1.1 Residential Parking- Supportive Housing

To vary the minimum spaces per sleeping unit from 0.35 required to 0.11 proposed.

**Carried**

**3.4 START TIME - 8:15 P.M. - Adams Road 105, DP19-0199; DVP19-0200 - Central Valley Truck Services Ltd. Inc.No.BCo288380**

The meeting started at 8:26 p.m.

Staff:

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

Applicant, Laura Jones, Pacific Land Group Michael Risen CALGARY

- .hear to receive dvp for anew gas statin and convince store

- provided background in Canada, and US and Chevron and Esso, etc. Parkland has 5 chevrons in Kelowna area and committed member of Kelowna community. Thanks staff for their work on the application.

Spoke to staff report comments, Kelowna gateway looking at applying for, first major development when driving into the city. Will see current context of the site. Some items we added in that, is landscape, do 35 developments a year in Canada, landscaping is extensive here. Currently across the street is a McDonalds and Tim Hortons with a drive thru - location of the site is not residential. Other items is charging station that is not a requirement today. Committed to offering station for free, promote people to visit our site, reward them for coming to our site. None of our development have gone into such detail. Economic impact will have on the community. Drove to Kelowna from Calgary rather than flying. Committed to building the site in 2021 as we propose today. Won't be run by Parkland, triple O's down the road will be same franchise running the restaurant down the road. More than ever for drive thrus, site specific that proper planning is being done. Believe working together with community and staff that community can be proud of

Laura Jones,

objective to show the merits of the proposal.

Displayed photos of the area. Site context photos displayed.

- Proposed building and hardy plank siding.

Starter gate sign station away from main entrance

- Key points on project, lack of residential land use in area; ideal location for land use.

Service use, existing employment within industrial area, high quality building design materials chosen to highlight the building design. Electric charge station proposed intended to offset the drive thru. Demonstrates the importance of drive thrus. Sidewalks will be installed frontages will be improved. Drive throughs generate emissions, hybrids and full electric and cars with auto stop functions, many benefits, improving overall appearance of the area, it will provide 25 local jobs

No doubt climate action plans are important by recommending banning drive thru restaurants, give site specific recommendation.

Responded to questions from Council.

No traffic modelling has been done.

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

Gallery:

Mike Risso Kirschner Mtn area

- spoke to a number member of council, heard that they wanted to hear what the people had to say. Anecdotal evidence but hot topic on social media, Castanet Kelowna Now and Capital News media pages, 4 to 10,000 views, over 400 people commenting on them, 97% commenting on those posts were in favour of council approving the variance. many noted COVID 19 and not many dine in options. Big issue. Three sample comments Jeff Hudson, Real Estate Group, lack of residential thinks Drive thru should be supported here. Drive thru's are more ideal for some with disabilities. Many residents of Kelowna seem to support this via social media.

Staff;

- Responded to questions from Council.

Access on Sexsmith Road can it be blocked off so only access from Adams Road. Staff noted that this is a variance application not a rezoning.

There were no further comments

Stack - Gateway into our City - impressed with landscape plan. will beautify entrance to our city.

Hodge - Support

Wooldridge - Support

Donn - Not Support

DeHart - Support

Singh - Support - Hope that what we see is what we get.

Sieben - Support- concerns with access on sexsmith rd remain

Given - Support

Mayor - Support

#### **OPPOSED - DONN**

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP19-0200 for Lot A Section 2 Township 23 ODYD Plan EPP84870, located at 105 Adams Road, Kelowna, BC;

AND THAT Council NOT authorize the issuance of Development Permit No. DP19-0199 for Lot A Section 2 Township 23 ODYD Plan EPP84870, located at 105 Adams Road, Kelowna, BC.



## **ALTERNATE**

**Moved By** Councillor Stack

**Seconded By** Councillor Singh

THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0200 for Lot A Section 2 Township 23 ODYD Plan EPP84870, located at 105 Adams Road, Kelowna, BC;

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

### **Section 15.2.6(f): I2 – General Industrial, Other Regulations**

To vary the requirement prohibiting drive-in food services in the zone.

AND THAT Council authorizes the issuance of Development Permit No. DP19-0199 for Lot A Section 2 Township 23 ODYD Plan EPP84870, located at 105 Adams 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";

**Carried**

### **3.5 START TIME - 8:40 P.M. - Abbott St 2455, DVP20-0029, Susan E. Jaeger and David J. Miller**

Staff:

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

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 Donn

THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0029 for Lot 5 District Lot 14 ODYD Plan 5101, located at 2455 Abbott Street, Kelowna, BC;

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

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

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

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

To vary the required minimum side yard from 4.5 m required to 3.1 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**

**3.6 START TIME - 9:00 P.M. - Francis Ave 615, BL11635 (Z18-0058) - John Thomas Hodges**

Staff:

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

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.

Gallery:

@

-

No one from the Gallery came forward.

There were no further comments

**Moved By** Councillor Stack

**Seconded By** Councillor DeHart

THAT Bylaw No. 11635 be adopted

**Carried**

**3.7 START TIME - 9:00 P.M. - Francis 615, DP18-0111 and DVP20-0033, John Hodges**

Staff:

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

Applicant, Birte Declous

- Displayed a PP

- several letters of concern were recieved today.

-spoke to the Neighbourhood context 1950 s and 1970's bi level, 1940 s home and then a new build, a variety of homes on that street. there are other RM3 in the area.

Noted permitted housing types in this area.

2 consultations with neighbours, provided contact information. critizne that hte building desing was not updated, but went back and forth with Planning staff.

Spoke to Landscape plan, different types big patio for gorund level apartment , parking to hte rear of the site, no additionl vehicle traffic will result, kids can still run across the street, connecting pathways througout the development. SPOKE TO HIGHLIGHTS

Site plan details west side variance 2.6 m, east side, 2 m variance nad rest of building articulated with 3.2 m

Noted More Highlights.

Incorporated, deeper front yard than proposed, larger setbacks for better pedestrian feels, change colour palate to lighter tones, use brick on lower levels, make front window big and inviting, three different materials are being used, stepping back balcony on second floor to mitigate privacy concerns, mitigate the involvement of patio to disturb neighbours. worked with staff to design something to compliment the neighbourhood.

- Responded to questions from Council.

Exceeds parking spaces.

Hodge spoke to lack of landscaping.

John Hodges, Francis Ave

- this plan there is planters on second and third floor patios, not on landscape plan as not required to do so. There is a roof top patio and think owners will do planters there to keep space private.

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

Gallery:

Paul van 645647 Farnciis ave

concern with east elavatrion and closeness to the road

- looks like a storefront.

- will block neighbours yard from sunshin with big blank wall.

- awful height and mass in a residential neighbourhood.

- beautiful appeal with the green street - this will be 15 feet closer to the road will stick out like a sore thumb, no sidewalk.

- Roof deck is 30 feet high and could cause issue with neighbours

- should be smaller lower height, sent in letter. too much building for this neighbourhood.

- Opposed.

Bruce Greenway, 633 Francis Ave

- Born and raised in Kelowna. Parents and children live in Kelowna and very connected with the community

- purchased a home on Francis Ave, number of concerns regarding DVP, lack of consultation with neighbours, he was not consulted and lives directly across the street from the property. In 2 years no concerns have been acted on.

Concerned the additional of people and demand on parking and with increased vehicles increased traffic and speeding.

- proposed structure does not fit in with the neighbourhood, too big and too much, a complete eye sore.

In summary, variance is not well thought out. Will change the fabric of the neighbourhood.

- Opposed

Matt Dillon 673 Francis Ave

- sent in correspondence with 9 points concerned about.
- this is an intrusion into our home.
- density is fine, everyone has invested in the property and aesthetics of the neighbourhood.
- city has a different vision for the neighbourhood than the owners do.
- nice design that doesn't work in this location as it is too big.
- 100% bigger than all the houses on the street.
- there is nothing sensitive about this proposal.
- The neighbourhood does not support this and believes the variances should be denied.
- This is a 4 storey building.
- Opposed to this application.

Daniel tomlin corner of francis and richter.

- Struggled with sidewalks on Richter Street
- raised concerns with parking
- It is a wonderful street, 20 trees have been lost due to development.
- Trees and green space is important
- Opposed to this application.

Woman Resident 670 Francis

- Will affect sunshine into her property.
- So offended to hear that it is only a matter time that more building like this will occur
- Pictures shown by applicant did not give a full picture of what our street looks like.
- Opposed to this application.

Mayor - approx. 10 years the vision for this area is for multiple family and wondered if she were aware of that.

- There are carriage homes in the area and thought that was multi family.

matt 604 Francis

- lived here for 26 years.
- spoke to types of housing allowed on his street.
- This is too much for this area.
- The prices they are asking for these units are shocking.
- Asking for variances to stretch their limites.
- Opposed to this application.

There were no further comments

Applicant, Birte Decloux

- thanked community for coming out.
- Building is 30 feet in height, 9.5 m is max height for townhome. 3 parking stalls, and 2 surface stalls are there to accomodate.5 stalls, high walkable scores hoping 1 vehicle per unit. the proposal does not maximize all the zoning bylaw allows. it could have had potnetila to put more building on the site but would have lost green space. Privacy is very important in this development. the building is 6 m from the gravel shoulder.

Responded to questions from Council.

13.7 height at the peak.

Sieben - uncertain

Dehart - Non Support

Stack - Non Support this is not sensitive infill this is too high in the middle of a block on a street.

Hodge - Non Support

Wooldridge - Non Support

Singh- Non Support

Given - Support

Donn - Support

Mayor - Support

**OPPOSED - dehart stack sieben hodge wooldridge singh**

**Moved By** Councillor Donn  
**Seconded By** Councillor Given

THAT final adoption of Rezoning Bylaw No. 11635 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP18-0111 for Lot 15, District Lot 14, Osoyoos Division Yale District Plan 1141, located at 615 Francis 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 and 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. DVP20-0033 for Lot 15, District Lot 14, Osoyoos Division Yale District Plan 1141, located at 615 Francis Ave, Kelowna, BC;

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

Section 13.9.6(e) RM3- Low Density Multiple Housing Development Regulations

To vary the side yard setback from 4.0m permitted to 2.0m and 2.6m proposed

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 Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

**Defeated**

**3.8 START TIME - 9:30 P.M. - Barnaby Rd 691, DVP20-0050 - Andrew Kaiser and Panagiota Athanasopoulos**

M - STACK

S - DEHART

THAT COUNCIL GO PAST 11 PM

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 Donn

**Seconded By** Councillor Singh

THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0050 for Lot 9 District Lots 357 and 358 ODYD Plan 31179, located at 691 Barnaby Road, Kelowna, BC;

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

**Section 13.1.6(e): RU1 – Large Lot Housing – Development Regulations**

To vary the required minimum rear yard setback from 7.5m permitted to 6.2m 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**

**3.9 START TIME - 9:45 P.M. - Graham Road 1310, DVP20-0054, Peter and Elisabeth Burnett**

Staff:

- Displayed a PowerPoint Presentation summarizing the application

The Applicant was NOT present

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 Singh

THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0054 for Lot 33 Section 22 Township 26 ODYD Plan 19162, located at 1310 Graham Road, Kelowna, BC;

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

**Table 8.3 Required Off-Street Parking Requirements**

To vary the required minimum number of parking stall spaces as follows:

8.3.1 Single Detached Housing from 2.0 spaces per dwelling unit required to 1.0 spaces proposed; and

8.3.6 Child Care Centre, Minor from 2.0 spaces required to 1.0 spaces 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**

**4. Reminders**

ANNOUNCEMENT TOMORROW AT 11:30 A.M. COK RESTART FOLLOWING THE PROVINCIAL GOVERNMENTS TIMELINES FOR VARIOUS OPENINGS AND INITIATIVES.

**5. Termination**

The meeting was declared terminated at 11:03 p.m.

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City Clerk

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Mayor