



**City of Kelowna  
Regular Council Meeting  
Minutes**

Date: Tuesday, October 27, 2020  
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 Participating Remotely Councillor Charlie Hodge

Staff Present City Manager, Doug Gilchrist; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton; Urban Planning Manager, Jocelyn Black\*; Planner Specialist, Alex Kondor\*; Planner Specialist, Adam Cseke\*

Staff Participating Remotely Legislative Coordinator (Confidential), Arlene McClelland

(\* Denotes partial attendance)

**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. Confirmation of Minutes**

Moved By Councillor Donn/Seconded By Councillor Wooldridge

R0704/20/10/27 THAT the Minutes of the Public Hearing and Regular Meeting of October 6, 2020 be confirmed as circulated.

Carried

**4. Liquor License Application Reports**

**4.1 START TIME 7:00 PM - McCurdy Rd 130-948 - LL20-0007 - Victor Projects Ltd., Inc.**

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 Wooldridge/Seconded By Councillor Donn

**R0705/20/10/27** THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB):

In accordance with Section 71 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Energyplex Family Recreation Centre Kelowna Inc. for a liquor primary license for Lot 1 District Lot 143 Osoyoos Division Yale District Plan KAP65021, located at #130-948 McCurdy Road, Kelowna, BC with a capacity of 60 persons and hours of sales from 10:00 AM to Midnight, Sunday to Saturday for the following reasons:
  - o The maximum occupancy of the space is 60 persons, and it is perceived to have minimal impact on the community and surrounding properties

2. Council's comments on LCLB's prescribed considerations are as follows:

- a. The location of the establishment:

The proposal will see a portion of an existing business converted to a bar/lounge area.

- b. The proximity of the establishment to other social or recreational facilities and public

buildings:

The location of the proposed liquor primary establishment is compatible with the existing commercial and retail businesses located on the subject property and within the McCurdy Corner shopping area.

- c. The person capacity and hours of liquor service of the establishment:

The bar/lounge has a capacity of 60 persons. The hours of operation would be between 10 am – 12 am (Sunday – Saturday).

- d. The number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location:

Freddy's Brew Pub and McCurdy Corner Bowling Centre are liquor primary establishments on the same subject property.

- e. The impact of noise on the community in the immediate vicinity of the establishment:

The potential for noise is minimal and would be compatible with the surrounding community as the immediate neighbourhood is mainly retail/commercial businesses within a primarily industrial district.

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

The potential for negative impacts is considered minimal as the business is located within an existing commercial and retail area.

AND 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**

## 5. Development Permit and Development Variance Permit Reports

### 5.1 START TIME 7:00 PM - Cara Glen Crt 1450,1430,1420 - DP20-0061 DVP20-0062 - Ryan Peak ULC, Inc. No Aoo66628

Mayor Basran declared a conflict of interest due to owning property near the proposed application and departed the meeting at 7:08 p.m.

Deputy Mayor Wooldridge took over as Chair at 7:08 p.m.

Staff:

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

#### Leonard Kerkhoff, Kerkhoff Development Ltd., Applicant

- Displayed a PowerPoint Presentation.
- Spoke to other projects Kerkhoff Development is working on in Kelowna.
- Spoke to the Vision of the project:
- Displayed photos of what the site currently looks like and the intent of the site layout.
- Spoke to the development highlights that include 238 apartment units in four buildings; private amenities; prewiring for some electric vehicle plug ins; energy efficient buildings and high end condo finishes.
- Highlighted community benefits;
  - Land dedicated to the city for the expansion of Knox Mountain Park;
  - Upgrades to the Knox mountain pathway behind the site;
  - Upgrades to the intersection and crosswalk at Clifton and Cara Glen Way.
- Spoke to the requested height variance and noted that the density of the site has been allocated to the back of the site; overall site density does not exceed zoning and no variances are being requested on density.
  - The length and depth of the buildings are to ensure that ample parking is provided.
- Spoke to community engagement and advised that a mass mailer to over 400 residents in the immediate affected area was sent out to engage a thought exchange.
- The community engagement report noted top topics that were brought forward were:
  - Additional traffic;
  - Density;
  - Parking; and
  - Colour and appearance.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

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

Gallery:

#### Corey Wilson, Boynton Avenue

- Raised concern with the grand scale of the development.
- The context of the neighbourhood is 3 storey and this development will block views.
- Raised concern that all trails on Knox Mountain will be in constant shade.
- Raised concern with lack of parking across the site and transit being 1.2 km away.
- Raised concern with the lack of infrastructure to support the density and parking demand.
- Questioned whether there is enough greenspace.
- Opposed to height variance.
- Responded to questions from Council.

#### Sam Fisher, Boynton Avenue

- Opposed to the proposed variances.

- Questioned the need for 5 storeys and believes it does not add anything to the character of the neighbourhood.
- This proposal restricts access for many residents in the area.
- Believes that not enough is being done by the developer to respond to the community.
- Raised concern regarding sufficient parking as this is a car dependent area with a walk score of 5 out of 100.
- Believes that amenities and infrastructure do not support this level of density.
- The neighbourhood needs to have accessible greenspace.
- Responded to questions from Council.

Leonard Kerkhoff, Applicant Response

- Spoke to the proposal response being about form and character and how the density is allocated on site which drives the 5 storeys.
- The building is technically 4 storeys at the back and steps up to 5 storeys in the front so it follows the grade.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Given

**R0706/20/10/27** THAT Council authorizes the issuance of Development Permit No. DP20-0061 for Lot 4, Section 31, Township 26, ODYD, Plan EPP100150; Lot 5, Section 31, Township 26, ODYD, Plan EPP100150; and, Lot 6, Section 31, Township 26, ODYD, Plan EPP100150, located at 1450,1430,1420 Cara Glen 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";
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. DVP20-0062 for Lot 4, Section 31, Township 26, ODYD, Plan EPP100150; Lot 5, Section 31, Township 26, ODYD, Plan EPP100150; and, Lot 6, Section 31, Township 26, ODYD, Plan EPP100150, located at 1450,1430,1420 Cara Glen Court Kelowna, BC;

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

**Section 13.10.6: RM4 – Transitional Low Density – Development Regulations**

- (c) To vary the maximum height from the lesser of 13.0m or 3 storeys permitted to the lesser of 19m or 5 storeys proposed;
- (d) To vary the minimum front yard setback from 6.0m permitted to 3.0m proposed;
- (e) To vary the minimum side yard setback from 2.3m permitted to 0.0m proposed.

**Section 13.10.7(b): RM4 – Transitional Low Density – Other Regulations**

To vary the continuous building frontage from 40.0m required to 62.0m proposed.

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

**Carried**  
Councillor Hodge – Opposed

Mayor Basran returned to the meeting and resumed the Chair at 8:38 p.m.

**5.2 START TIME 7:45 PM - Park Ave 374, BL12087 (Z20-0039) - Kevin L. Fierbach and Jacqueline A. Fierbach**

Moved By Councillor Stack/Seconded By Councillor DeHart

R0707/20/10/27 THAT Bylaw No. 12087 be adopted.

Carried  
Councillor Hodge - Opposed

**5.3 START TIME 7:45 PM - Park Ave 374 - HAP20-0003 - Kevin L. Fierbach and Jacqueline A. Fierbach**

Staff:

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

Birte Decloux, Urban Options Planning & Permits, Applicant

- Displayed a PowerPoint Presentation.
- Displayed a site plan with the existing and proposed homes along with a photo showing the view from Park Avenue with the proposed second dwelling.
- Spoke to the form and character highlights including
  - Gable roof and dormer forms;
  - Up to 2.5 storey massing and noting the proposed building is 2 storeys in height similar to the existing home.
  - Vertical double-hung window openings; multiple pane windows
  - Side or rear yard parking.
- Spoke to the Heritage Consultants professional report.
- Spoke to the two trees being removed to accommodate the second dwelling; a large Maple tree has a split base and is deemed unsafe.
- 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.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0708/20/10/27 THAT final adoption of Rezoning Bylaw No. 12087 be considered by Council;

AND THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP20-0003 for Lot 4 District Lot 14 ODYD Plan 482, located at 374 Park 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";

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

**Section 6.5.3(g): General Development Regulations, Accessory Development, Accessory Buildings in Residential Zones**

To vary the minimum distance from an accessory building to a principal dwelling from 3m required to 1.2m proposed.

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

**Carried**

The meeting adjourned at 8:58 p.m.

The meeting reconvened at 9:04 p.m.

**5.4 START TIME 8:30 PM - Underhill St 1960 - DP18-0132 DVP18-0133 - 1940 Underhill Developments Corp., Inc. No. BC1159386**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Brandon Crema, Executive VP & COO, District Properties, Applicant

- Displayed a PowerPoint Presentation.
- Displayed photos of similar projects created by the developer in other cities.
- Displayed renderings and described the site layout and spoke to the design rationale for the project.
- Spoke to the Landscape Plan and believes the heavily landscaped area will be an amenity to residents and the community; 106 trees will be replanted on a concrete deck.
- Responded to questions from Council.
- Confirmed that this project is a dedicated long term rental property.

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

Gallery:

Laura Doncom, Underhill Street

- Speaking on behalf of neighbours not in attendance due to COVID-19.
- Referenced a previously submitted petition of residents opposed to the height and parking variances.
- Spoke to the current challenges of exiting the area at Underhill Street and Baron Road.
- Spoke to the lack of transit and commented that most residents are still using a vehicle.
- Raised concerns with the current and future traffic volumes.
- Requested that the development be held at 4 storeys in order to make it more manageable.

Donna Markin, Okanagan Centre Road West, Lake County

- General Manager of Orchard Parking Shopping Centre.
- Read a letter from the CEO of Primaris.
- Raised concern with the variance sought for reduced parking.
- In favour of residential densification but it must support its own parking requirements.
- Orchard Park Mall is already experiencing challenges with parking spaces during peak periods and this proposal could have overflow impacts on the Mall parking lot and operations.
- Responded to questions from Council.

Brandon Crema, Applicant Response

- There has been significant traffic engineering completed as part of the rezoning application.
- Added height is good land use providing density close to amenities, employment and transit
- Providing more parking with this project than in other similar types of projects in other cities.
- Parking can be adjusted in future phases based on demand.
- Responded to questions from Council.

Staff

Responded to questions from Council.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Donn

**R0709/20/10/27** THAT Council authorizes the issuance of Development Permit No. DP18-0132 for Lot A, District Lots 4646 & 127, ODYD, Plan EPP104418, located at 1960 Underhill 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 authorize the issuance of Development Variance Permit DVP18-0133 for Lot A, District Lots 4646 & 127, ODYD, Plan EPP104418 located at 1960 Underhill Street, 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 15.0m / 4 storeys permitted to 19.0m / 6 storeys proposed.

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

To vary the minimum parking requirements from 315 stalls permitted to 295 stalls 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 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**  
Councillors Hodge and Singh - Opposed

6. **Reminders – Nil.**

7. **Termination**

The meeting was declared terminated at 10:47 p.m.

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Mayor Basran

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Deputy City Clerk

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