



## City of Kelowna Regular Meeting Minutes

Date:	Tuesday, November 17, 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
Members Participating Remotely	Councillors Charlie Hodge, Luke Stack and Loyal Wooldridge
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton; Urban Planning Manager, Jocelyn Black; Planner Specialist, Adam Cseke; Planner, Aaron Thibeault*; Legislative Coordinator, Clint McKenzie

(\* Denotes partial attendance)

### 1. Call to Order

Mayor Basran called the meeting to order at 6:46 p.m.

### 2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Donn.

### 3. Confirmation of Minutes

Moved By Councillor DeHart/Seconded By Councillor Hodge

**(R0743/20/11/17)** THAT the Minutes of the Public Hearing and Regular Meeting of October 27, 2020 be confirmed as circulated.

**Carried**

### 4. Development Permit and Development Variance Permit Reports

**4.1 START TIME - 6:45 PM -Harvey Ave 969 - BL11989 (OCP19-0009) - The Evangel Family Rental Housing Society Inc. No. 516918**

Moved By Councillor Sieben/Seconded By Councillor DeHart

**(R0744/20/11/17)** THAT Bylaw No. 11989 be adopted.

Carried

**4.2 START TIME - 6:45 PM - Harvey Ave 969 - BL11990 (Z19-0119) - The Evangel Family Rental Housing Society Inc. No. 516918**

Moved By Councillor Sieben/Seconded By Councillor DeHart

**(R0745/20/11/17)** THAT Bylaw No. 11990 be adopted.

Carried

**4.3 START TIME - 6:45 PM - Harvey Ave 969 - DP19-0197 DVP19-0198 - The Evangel Family Rental Housing Society, Inc. No. S16918**

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

Paul Schuster, Novation Architecture, Byrns Road, Applicant's Architect

- Displayed a PowerPoint presentation.
- Provided details on the form and character.
- Spoke to the reasons for the variances requested.
- 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.

Staff responded to questions from Council.

The Architect confirmed the colour palate for the building.

Moved By Councillor Donn/Seconded By Councillor Singh

**(R0746/20/11/17)** THAT final adoption of Official Community Plan Map Amendment Bylaw No. 11989 (OCP19-009) and Rezoning Bylaw No. 11990 (Z19-0119), be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0197 for Lot A District Lot 138 Osoyoos Division Yale District Plan 31933 Except Plan 36604, located at 969 Harvey 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;
5. That an arborist be retained during construction to ensure the foundation and backfilling are monitored and any necessary steps are taken to ensure the survivability of the trees on the neighbouring property in which the proposed property may affect the Tree Protection Zone.

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0198 for Lot A District Lot 138 Osoyoos Division Yale District Plan 31933 Except Plan 36604, located at 969 Harvey Avenue, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A, B and C":

**Section 13.12.6 (b) – RM6r – High Rise Apartment Housing (Residential Rental Tenure Only) - Development Regulations**

To vary the maximum site coverage for principal buildings, accessory structures, and parking areas and driveways from 50% required to 70% proposed.

**Section 13.12.6 (e) – RM6r – High Rise Apartment Housing (Residential Rental Tenure Only) - Development Regulations**

To vary the minimum site side yard from 4.5 m required to 3.6 m proposed for the western property line.

**Section 8 – Parking and Loading - Table 8.3 – Required Off-Street Parking Requirements**  
To vary the minimum parking from 78 stalls required to 52 stalls proposed.

**Section 6.1.2 (c) General Development Regulations – Daylight Standards**

To vary the inclined angle of 65° required to 75° proposed to the horizontal for all points along the western side property line.

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 Development Planning Department dated November 17<sup>th</sup> 2020;

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 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 Sieben - Opposed

4.4 **START TIME - 7:30 PM - Lakeshore Rd 4071 - BL12091 (OCP19-0013) - Greencorp Ventures Inc., Inc. No. BC0987730**

Moved By Councillor Donn/Seconded By Councillor Sieben

**(R0747/20/11/17)** THAT Bylaw No. 12091 be adopted.

**Carried**

4.5 **START TIME - 7:30 PM - Lakeshore Rd 4071 - BL12092 (Z19-0144) - Greencorp Ventures Inc., Inc. No. BC0987730**

Moved By Councillor Donn/Seconded By Councillor Sieben

**(R0748/20/11/17)** THAT Bylaw No. 12092 be adopted.

**Carried**  
Councillor Hodge - Opposed

**4.6 START TIME - 7:30 PM - Lakeshore Rd 4071 - DP19-0248 DVP19-0249 - Greencorp Ventures Inc., Inc.No. BC0987730**

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.

Moved By Councillor Donn/Seconded By Councillor DeHart

**(R0749/20/11/17)** THAT final adoption of Official Community Plan Amending Bylaw No. 12091 and Rezoning Bylaw No. 12092 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0248 for Lot A Section 6 Township 26 ODYD Plan 10613, located at 4071 Lakeshore 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. DVP19-0249 for Lot A Section 6 Township 26 ODYD Plan 10613, located at 4071 Lakeshore Road, Kelowna, BC;

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

**Section 13.11.6(f): RM5 – Medium Density Multiple Housing, Development Regulations**

To vary the minimum rear yard setback from 9.0m required to 6.8m proposed.

**Section 13.11.6(e): RM5 – Medium Density Multiple Housing, Development Regulations**

To vary the minimum side yard setback for a portion of a building below 2 1/2 storeys from 4.5m required to 2.9m proposed.

**Section 13.11.6(c): RM5 – Medium Density Multiple Housing, Development Regulations**

To vary the maximum height from 4.5 storeys permitted to 5 storeys 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**

**4.7 START TIME - 7:30 PM - Lapointe Dr 5800 and 5930 - DP20-0178 DVP20-0179 - City of Kelowna**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Jim Meiklejohn, Ellis Street, Applicant's Agent

- Displayed a PowerPoint presentation outlining the Centre for Excellence.
- Provided details of the form and character of the proposed building.
- Provided details of the purpose of the building.

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.

Moved By Councillor Singh/Seconded By Councillor DeHart

**(R0750/20/11/17)** THAT Council authorizes the issuance of Development Permit No. DP20-0178 for Lot 5, District Lot 32, Osoyoos Division Yale District, Plan EPP65593, located at 5800 Lapointe Drive and Lot 4, District Lot 32 and District Lot 120, Osoyoos Division Yale District, Plan EPP65593, located at 5930 Lapointe Drive, 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;
5. The two lots are consolidated into one lot.

AND THAT Council authorize the issuance of Development Variance Permit DVP20-0179 for Lot 5, District Lot 32, Osoyoos Division Yale District, Plan EPP65593, located at 5800 Lapointe Drive and Lot 4, District Lot 32 and District Lot 120, Osoyoos Division Yale District, Plan EPP65593, located at 5930 Lapointe Drive, 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 18 1.5(b): CD12 – Airport - Development Regulations**

To vary the maximum height from 12.0m / 3 storeys required to 14.0m / 2 storeys 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**

The meeting recessed at 8:20 p.m.

The meeting reconvened at 8:28 p.m.

**4.8 START TIME - 8:15 PM - Lakeshore Rd 3101 - DP19-0168 DVP19-0169 - 1080426  
B.C. Ltd Inc.No. BC1080426**

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

Margaret Lucas, PARC Retirement Living, Alberni St., Vancouver, Applicant

- Displayed a PowerPoint presentation outlining the application.
- Spoke to the history of the land.
- Spoke to the design features of the building.
- Provided comments on the landscaping.
- 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:

Jill B., Geen Rd, Kelowna

- Supports the project.
- Read a letter of support on behalf of PARC resident in North Vancouver.

Brent Warne, KLO Neighbourhood Association

- Displayed a PowerPoint presentation.
- Displayed results of a recent KLONA survey and spoke to reasons and methodology of the survey.
- Identified KLONA concerns with respect to the application.
- Asked Council to conduct an a Pandosy area plan and spoke about "Smart Density" or "Dispersed Density".
- Responded to questions from Council.

Larry Kelly, Pandosy St, Kelowna

- Spoke to the importance of new development.
- Identified alternate approaches to height and density, based on research from Ryerson University.

Linda Pew, Pandosy St, Kelowna

- Read letter of support.

Colleen Fitzpatrick, Executive Director RCA, Cawston Ave, Kelowna

- In support of the application.

Peter Sherba, Birch Ave, Kelowna

- Read letter of support from Ernie Klassen, Past President, White Rock Business Improvement Area.

Jackson Jerome, Lakeshore Rd, Kelowna .

- Read a letter on behalf of resident, Terry Fischer .

JoAnne Warren, Bowes St, Kelowna

- Opposed to the application.
- Supports the KLONA position.

Chris, Cassiar Drive, Kelowna

- In support of the application.
- Believes it will be a good fit for the neighbourhood.

Staff made comments with respect to the City's general approaches to density and sprawl.

Moved By Councillor Given/Seconded By Councillor Donn

**(R0751/20/11/17)** THAT Council authorizes the issuance of Development Permit No. DP19-0168 for Lot 2, District Lot 14, Osoyoos Division Yale District Plan 2863 Except Plans 36584 and 40362, located at 3101 Lakeshore 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;
5. A car share program at the development be operated in accordance with the Agreement included as Schedule "D".

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0169 for Lot 2, District Lot 14, Osoyoos Division Yale District Plan 2863 Except Plans 36584 and 40362, located at 3101 Lakeshore Road, Kelowna, BC;

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

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

To vary the maximum allowable height from the lesser of 15.0m or 4 storeys in the South Pandosy Urban Centre to 30.2m or 9 storeys.

**Section 8.2.11 (b) Car Share Incentives**

To vary the allowable distance of an off-site car share from within 100m to +/- 205m and to allow for a car share stall to be located in a parkade structure.

AND THAT the applicant be required to register a Section 219 covenant for a public right of way over the driveway access from Lakeshore Road to allow for future access to lands beyond;

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. Reminders**

There were no reminders.

**6. Termination**

The meeting was declared terminated at 10:20 p.m.

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Mayor Basran

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City Clerk

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