



**City of Kelowna
Regular Meeting and Public Hearing
Minutes**

Date:	Tuesday, August 24, 2021
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart, Gail Given, Mohini Singh, Luke Stack and Loyal Wooldridge
Members participating remotely	Councillors Charlie Hodge and Brad Sieben
Members Absent	Councillor Ryan Donn
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith; Community Planning & Development Manager, Dean Strachan*; Urban Planning Manager, Jocelyn Black*; Divisional Director, Infrastructure, John Vos*; Divisional Director, Partnership & Investments, Derek Edstrom*
Staff participating remotely	Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:45 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read remotely by Councillor Sieben.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor DeHart

Ro837/21/08/24 THAT the Minutes of the Public Hearing and Regular Meeting of August 10, 2021 be confirmed as circulated.

Carried

4. Liquor License Application Reports

4.1 START TIME 7:15 PM - Lakeshore Rd 3477-3499 - LL21-0007 - 0984342 BC Ltd., Inc. No. BCog84342

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Lenny Cabrera Holguin, Applicant

- Present and available for questions.

Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online or in the gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

Ro838/21/08/24 THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB):

In accordance with Section 10 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from The Sweet Spot Beauty Bar Ltd. for a liquor license application for Lot A District Lot 134 ODYD Plan EPP65105, located at 3477-3499 Lakeshore Road, Kelowna, BC for the following reasons:
 - a. Liquor Licensing Laws allow for barbershops, salons, and other establishments to apply for a liquor primary license;
 - b. Council Policy No. 359 recommends supporting alternative entertainment options and/or establishments which are less focused on alcohol consumption;
 - c. The maximum capacity is 50 persons which will have minimal impact on the community.
2. Council's comments on LCRB's prescribed considerations are as follows:
 - a. The location of the establishment:
The proposal of the establishment is suitable for a small establishment liquor primary license.
 - b. The person capacity and hours of liquor service of the establishment:
The hours of liquor service is suitable given the low occupancy of 50 persons;
 - c. The impact of noise on the community in the immediate vicinity of the establishment:
There is a minimal risk of an impact of noise to the community;
 - d. The impact on the community if the application is approved:
The overall impact on the community will 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

5. Development Permit and Development Variance Permit Reports

5.1 START TIME 7:15 PM - Glenmore Dr 888 - BL12184 (Z20-0071) - 1296423 B.C. Ltd., Inc. No. BC1296423

Moved By Councillor DeHart/Seconded By Councillor Stack

Ro839/21/08/24 THAT Bylaw No. 12184 be amended at third reading by deleting the legal description that reads:

- Lot 12 Section 29 Township 26 ODYD Plan 4101 & Lot 13 Section 29 Township 26 ODYD Plan 4101.

And replacing with:

- Lot A Section 29 Township 26 ODYD Plan EPP110821.

Carried

Moved By Councillor DeHart/Seconded By Councillor Stack

Ro840/21/08/24 THAT Bylaw No. 12184 as amended, be adopted.

Carried

5.2 START TIME 7:15 PM - Glenmore Dr 888 - DP20-0164 DVP21-0052 - 1296423 B.C. Ltd., Inc. No. BC1296423

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Jesse Alexander, New Town Architecture & Engineering, Applicant

- Present and available for questions.

Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online or in the gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Given

Ro841/21/08/24 THAT Rezoning Bylaw No. 12184 be amended at third reading to revise the legal description of the subject properties from Lot 12 Section 29 Township 26 ODYD Plan 4101 & Lot 13 Section 29 Township 26 ODYD Plan 4101 to Lot A Section 29 Township 26 ODYD Plan EPP110821;

AND THAT final adoption of Rezoning Bylaw No. 12184 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP20-0164 and Development Variance Permit DVP21-0052 for Lot A Section 29 Township 26 ODYD Plan EPP110821, located at 888 Glenmore 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;

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

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

To vary the minimum rear yard setback from 7.5 m required to 3.04 m proposed.

Section 8.2.3: Section 8 – Parking and Loading, Off-Street Parking Regulations, Parking Setbacks

To vary the minimum side yard parking setback from 1.5 m required to 0.5 m proposed.

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 was declared terminated at 7:57 p.m.

6. Re-Opening of Public Hearing

- 6.1 Call to Order the Public Hearing - START TIME 7:30 PM - McKinley Rd 1890 1988 Glenmore Rd N 3850 3912 - OCP21-0004 (BL12251) TA21-0002 (BL12252) Z21-0005 (BL12253) - Kinnikinnik**

Mayor Basran called the Hearing to order at 7:57 p.m.

Mayor Basran made introductory comments on the continuation of the Public Hearing.

7. Individual Bylaw Submissions

- 7.1 START TIME 7:30 PM - McKinley Rd 1890 1988 Glenmore Rd N 3850 3912 - OCP21-0004 (BL12251) TA21-0002 (BL12252) Z21-0005 (BL12253) - Kinnikinnik**

Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Online Participants

Rosa Perretta, Glenmore Road

- Unable to unmute microphone due to technical difficulties at their end.

Scott Anderson, Wild Rose Road

- As a resident of the community am directly impacted by the proposed amendments.
- Opposed to this application.
- Raised concerns with impacts of ongoing construction.
- Raised concerns with traffic on Glenmore Road and parking impacts.
- Raised environmental concerns.
- Raised concerns with clearcutting.
- In favour of the neighbourhood becoming higher density.
- Asked Council to consider four terms to be imposed should the development proceed:
 1. More significant contribution to Glenmore Road.
 2. No further subdivision until amenities are constructed.
 3. New construction be phased.
 4. Neighbourhood specific construction bylaw.

Robert Stupka, Scott Road

- Shared a PowerPoint Presentation.
- Addressed impacts of change from multi-family to single family neighbourhoods.
- Believes the ecological impact of developing additional lands is far greater than the benefits of the gifted land.
- Made comment that the applicant has acknowledged the existing plan with multi-family units is feasible.
- Believes the Applicant's information letter to homeowners was misleading as density has changed and was not stated.
- Made comment that greenhouse gas, environmental and transportation impacts to single family homes would be multiple times greater.
- Asked Council to reject this proposal and stay with the original plan for this area.
- Opposed to this application.

Tracey Davis, Lake Avenue

- Spoke to the benefits of her energy efficient apartment downtown that allows walking access to transportation and shops and noted that McKinley Beach has none of that.
- Believes the proposed application is not in line with the Official Community Plan or Growth Strategy.
- Made reference to development denied in the District of Lake Country near the City boundary to avoid urban sprawl.
- Believes a forest is being sacrificed for the proposed development.
- Also representing Okanagan Climate Hub that are requesting Council to vote against this Official Community Plan amendment.
- Opposed to this application.

Rosa Perretta, Glenmore Road

- Comments read by staff due to technical issues at the speakers end.
- Supportive of the proposed application.

Gallery

Nicholas Wall, Edgewood Drive

- Referenced the City's Climate Action Plan; this proposal is at odds with this plan.
- This proposed application is not in line with the Official Community Plan.
- Raised concerns with negative environmental impacts and urban sprawl.
- Raised concern with GHG emissions.
- Opposed to this proposed application.
- Responded to questions from Council.

Rob Bedsworth, McKliney Beach

- President of Strata in their neighbourhood.
- Local business owner and operator in Kelowna.
- Spoke to reasons they chose to live at McKinley Beach and desire to live in a single family residence.
- Believes the City owning the parkland and having control over it is a win.
- Supportive of the proposed application.

Brad Dahl, Past President McKinley Landing Residents Association

- Displayed pages from the Residents Association website.
- Raised concerns with estimated costs of road improvements and the apparent veto of the 2009 Service Agreement.
- Raised concerns with the traffic impacts and assumptions that went into the Traffic Impact Assessment.
- Made comment on impacts to annual city property tax and property value.
- Made comment that many access routes to public beaches have been privatized and with the future moorage scenario restricts access and usability.
- Raised concerns with renting of the founders' units.

- Made comment that McKinley beach is being advertised as a community and residential area and not as a Resort.
- Opposed to this proposed application.

Stephen Vallentyne, Cook Road

- Raised concerns with impacts to climate change.
- Asked Council to reaffirm their commitment to sustainability and optimize densification and minimize unnecessary transportation.
- Opposed to this proposed application.

Michael Russello, Dewdney Road

- Professor of Biology at UBCO.
- Opposed to this application.
- Spoke to habitat fragmentation, species and ecosystems at risk in the Okanagan.
- Raised concern that multi-family housing will further urban sprawl.
- Made comment that the City would receive a park that is already designated ALR land that cannot be developed.
- Responded to questions from Council.

Ralph Stapleton, Swan Drive

- Owns property at McKinley Landing.
- Will be opening a café in the McKinley neighbourhood; people need to be there before businesses succeed.
- Believes that cleaning up the brush and developing will assist in not having forest fires.
- Made comment that the Marina has no impact on that beach and sees people on the beach every day.
- Fully supportive of the proposed application.
- Responded to questions from Council.

Mathieu Bourbonnais, Ranchhill Court

- Professor at UBCO and former firefighter.
- Spoke to this year's fire season and the urgent need to mitigate wildfires.
- Spoke to the importance of the fire resistance of the flora currently existing on the subject property.
- Made comment that the proposed development contains several wetlands, which is a natural fire break when a fire occurs.
- Focus should be on retaining rather than removing such landscape.
- Asked Council to lead by example and not support the suggested OCP amendment.
- Opposed to this application.

Lael Parrott, Kyndree Court

- Professor at UBCO and Director of Okanagan Institute for Biodiversity.
- Displayed a PowerPoint Presentation.
- Raised concern that the ecological corridor that runs through the lands will be fragmented and cannot be replaced.
- Spoke to the ecological impacts of the proposed development and the importance of preserving the ecosystems for the future; the connectivity of the ecosystems need to be saved.
- This proposal is contrary of the vision expressed in the 2030 OCP and Draft 2040 OCP.
- Asked Council to be progressive and oppose this OCP amendment.
- Opposed to this proposed application.
- Responded to questions from Council.

Paresa Rosamenti, Clifton Road N

- Made reference to the 107 letters in opposition of the OCP amendment.
- Raised concerns with global warming and GHG emissions.
- Made comment that thought has to be given to the future and younger generation.
- Urged Council to reject the proposed OCP amendment.
- Opposed to this proposed application.

Olson Russello, Dewdney Road

- Raised concern with global warming and the effects on younger generations.
- Spoke to the importance of keeping the existing Ponderosa Pine forest.
- Asked Council to be progressive and oppose this OCP amendment.
- Opposed to this proposed application.

Hugh Falloon, McKinley Beach

- Moved to Kelowna in 2017 and purchased a 1 acre lot at McKinley Beach.
- Spoke to the restrictive covenant on his property that restricts the building envelope and preserves the ecosystem.
- Have walked most of the area the developer wants to expand and noted there is a lot of open area; some trees need to be removed but expressed doubts there will be clear cutting of this area.
- Raised concerns regarding potential fires at McKinley and believes there are benefits of more development spread out with better road systems to provide access to extinguish any fires.
- Made comment that not everyone wants to live in a highrise and need homes that attract appropriate families.
- Supportive of the proposed application.

Scott Gerla, McKinley Beach

- Moved from Calgary in 2020 to McKinley Beach and the family loves the area.
- Have no concerns at this time with the lack of retail space and realize it is a work in progress.
- Supportive of a City Park in the neighbourhood.
- Supportive of the proposed application.

Glen Snowden, Blue Grass Lane

- Resides in McKinley Beach neighbourhood.
- Spoke in response to some of the previous comments made.
- Made comment that this proposal is not urban sprawl, the development already exists and this is just an amendment; no additional housing is going in.
- Believes the applicant cares about the environment by limiting the types of plants that can be grown on our properties.
- Believes dedicated parkland run by the city will benefit McKinley Beach and all of Kelowna.
- McKinley is close to some of the city's biggest employers; there are opportunities for suites in this area to assist with housing needs.
- Made comment that people are now looking for a place to work from home.
- Supportive of this proposed application.

Chris Vasenko, Valley Road

- Believes housing diversity is greatly needed.
- Supportive of the proposed application.
- Responded to questions from Council.

Sorma Amadi, Clifton Road

- Raised concerns with the impacts on the environment.
- Raised concerns with the impact of GHG emissions in the future that will affect younger generations.
- Asked Council to reject this OCP amendment.
- Opposed to this proposed application.

Russ Watson, Blue Grass Lane

- Works for the developer but speaking as a resident of McKinley Beach.
- Made comment that Ponderosa Pines and wildlife corridors will be preserved.
- Supportive of the proposed park.
- Supportive of the proposed application.

Kalyen Wong, Traditions Crescent

- Made comment that protection of this land and environment is very important and that densifying is required to stop urban sprawl.
- Believes the proposal is not aligned with the City's policies.
- Strongly opposed to this application.

Peter Trusch, Coulter Court

- Displayed a PowerPoint Presentation.
- Raised concerns with public consultation process and believed elements were misleading.
- Raised concerns with transportation impacts and traffic volumes.
- Strongly recommend that Council vote against this proposed application.

Grace Pointer, Craig Road

- Opposed to this proposed application.

Shayne Meechan, Verde Vista Road

- Representing Green Okanagan.
- Referenced the almost 200 emails sent in opposition.
- Asked Council to show leadership in opposing this bad deal development.
- Believes support of this OCP amendment will set a precedent for future decisions.
- Thanked Council for the opportunity to speak on this matter.
- Opposed this proposed application.

Tom Warshawski, McKenna Road

- Displayed a PowerPoint Presentation.
- Provided comments on the McKinley Biologist report and questioned the conclusions.
- Displayed a map outlining proposed development through wildlife corridors.
- Spoke to the importance of adhering to City policies regarding climate action and environmental policy.
- Opposed to this proposed application.

Gord Lovegrove, Abbott Street

- Professor in Civil Engineering.
- Believes that Council's decision on this proposal will leave a legacy
- Made reference to the recent Code Red report on environment.
- Believes that unless a developer has a net positive to the climate these types of applications need to be turned down.
- Made reference to an exploratory cost benefit analysis report submitted by Professor of Economics John Janmaat as correspondence.
- Believes this housing the applicant is proposing is not the missing middle and is not necessary to expand into this area.
- Opposed this proposed application.

Andrew Gaucher, Applicant

- Read a prepared response regarding concerns raised.
- Made comment that there are no suites planned for this proposed area.
- Committed to any increase in Service Agreement contribution for Glenmore Road upgrades should there be one determined between their traffic consultant and the city.
- Made comment that they pay for offsite upgrades in the Service Agreement as well have paid for all DCC's for the units that have been developed.
- Clarified that the proposed parkland would extend and protect Knox Mountain corridor to the north and when designed there is a literal connection for both pedestrians and wildlife between the two parks.
- Responded to questions from Council.

Trevor Ward, Traffic Engineer

- Author of several traffic studies on this project since 2003.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

8. Termination

The Hearing was declared terminated at 10:54 p.m.

9. Call to Order the Regular Meeting

Mayor Basran called the meeting to order at 10:54 p.m.

Moved By Councillor DeHart/Seconded By Councillor Singh

Ro842/21/08/24 THAT Council approves the Regular Meeting to continue past 11:00 p.m.

Carried

10. Bylaws Considered at Public Hearing

10.1 START TIME 7:30 PM - McKinley Rd 1890 1988 Glenmore Rd N 3850 3912 - BL12251 (OCP21-0004) - Kinnikinnik

Moved By Councillor Stack/Seconded By Councillor DeHart

Ro843/21/08/24 THAT Bylaw No. 12251 be read a second and third time.

Defeated

Councillors Hodge, Singh, Stack and Wooldridge - Opposed

10.2 START TIME 7:30 PM - McKinley Rd 1890 1988 Glenmore Rd N 3850 3912 - BL12252 (TA21-0002) - Kinnikinnik

Bylaw was not considered due to OCP Bylaw being defeated.

10.3 START TIME 7:30 PM - McKinley Rd 1890 1988 Glenmore Rd N 3850 3912 - BL12253 (Z21-0005) - Kinnikinnik

Bylaw was not considered due to OCP Bylaw being defeated.

11. Termination

The meeting was declared terminated at 11:40 p.m.

Mayor Basran

City Clerk

/acm