



**City of Kelowna
Regular Meeting
Minutes**

Date:	Tuesday, November 16, 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	Councillor Charlie Hodge
Members Absent	Councillors Ryan Donn and Brad Sieben
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; Planner, Tyler Caswell; Legislative Technician, Rebecca Van Huizen
Staff participating remotely	Legislative Coordinator (Confidential), Arlene McClelland

(* partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:51 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Wooldridge.

3. Confirmation of Minutes

Moved By Councillor Given/Seconded By Councillor Wooldridge

R1048/21/11/16 THAT the Minutes of the Public Hearing and Regular Meeting of October 26, 2021 be confirmed as circulated.

Carried

4. Development Permit and Development Variance Permit Reports

4.1 START TIME 7:00 PM – Guisachan Rd 1240 – DVP20-0068 – Sami Olof Valkama and Sun Mi Kweon

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The Applicant was 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 wished to speak.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R1049/21/11/16 THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0068 for Lot A, District Lot 136, Section 19, Township 26, ODYD, Plan 31279, located at 1240 Guisachan Road, Kelowna, BC;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted in accordance with Schedule "A":

Section 9.5b.1(j): Specific Use Regulations, Carriage House Regulations – Development Regulations in Residential, Health District and Comprehensive Development Zones

To vary the rear yard setback from 1.5 m required to 0.82 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

4.2 START TIME 7:00 PM – Mayfair Crt 734 – DVP20-0199 – Adam Wladyslaw Zurek

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The Applicant was not in attendance.

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 on line or in the gallery wished to speak.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Given

R1050/21/11/16 THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0199 for Lot 18, District Lot 143, ODYD, Plan 43270, located at 734 Mayfair Court, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted in accordance with Schedule "A":

Section 9.5b.1(j): Specific Use Regulations, Carriage House Regulations – Development Regulations in Residential, Health District and Comprehensive Development Zones

To vary the rear yard setback from 1.5 m required to 1.38 m proposed.

Section 9.5b.1(k): Specific Use Regulations, Carriage House Regulations – Development Regulations in Residential, Health District and Comprehensive Development Zones

To vary the minimum distance to a principal dwelling from 3.0 m required to 1.16 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

4.3 START TIME 7:00 PM – Patterson Ave 575 – BL12244 (Z21-0004) – Dream Chaser Management and Development Ltd., Inc. No. C1120607

Moved By Councillor Stack/Seconded By Councillor DeHart

R1051/21/11/16 THAT Bylaw No. 12244 be adopted.

Carried

4.4 START TIME 7:00 PM – Patterson Ave 575 – DP21-0009 DVP21-0012 – Dream Chaser Management and Development Ltd., Inc. No. C1120607

Staff:

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

Birte Decloux, Urban Option Planning, Applicant Representative

- Displayed a PowerPoint Presentation.
- Spoke to form and character of the project and believes the proposed form is consistent with the neighbourhood with only four units.
- There has been a transition from older stock to modern contemporary buildings on both sides of the subject property.
- Spoke to the requested variances and commented that the variances are not unique in context of this neighbourhood and is consistent with the rhythm of the street that also has setbacks.
- Responded to questions from Council.

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 wished to speak.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Wooldridge

R1052/21/11/16 THAT final adoption of Rezoning Bylaw No. 12244 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP21-0009 for Lot 13 District Lot 14 ODYD Plan 3249, located at 575 Patterson 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. DVP21-0012 for Lot 13 District Lot 14 ODYD Plan 3249, located at 575 Patterson Avenue, Kelowna, BC;

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

Section 8.2.19(a): Section 8 – Parking and Loading, Off-Street Parking Regulations, Accessible Parking Standards:

To vary the required accessible stall from 1 required to 0 proposed.

Table 8.3.1: Section 8 – Parking and Loading, Required Off-Street Parking Requirements, Residential Parking:

To vary the minimum required parking stalls from 9 required to 4 proposed (including visitor parking).

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

To vary the required side yard setback from 4.5m required to 2.0m proposed.

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

To vary the minimum distance between two principal dwellings from 3.0m required to 2.0m 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

4.5 START TIME 7:45 PM - Scott Rd 3521 - DVP21-0011 - John Kovacic and Christine Kovacic

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The Applicant was 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 wished to speak.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Stack

R1053/21/11/16 THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0011 for Lot 4 District Lot 134 ODYD Plan 30577, located at 3521 Scott Road, Kelowna, BC;

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

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

To vary the required minimum side yard from 2.3 m permitted to 2.0 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

4.6 START TIME 7:45 PM - Upper Mission Dr 5308 - DVP21-0096 - Jason Robert Gill

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The Applicant was participating remotely 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 wished to speak.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R1054/21/11/16 THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0096 for Lot 1, Section 24, Township 28, SDYD, Plan KAP87908, located at 5308 Upper Mission Drive, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw 8000 be granted:

Section 12.2.6(f): RR2c - Rural Residential 2 with Carriage House – Development Regulations

To vary the rear yard setback from 9.0 m required to 2.5 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

4.7 START TIME 7:45 PM - Bryden Rd 155 - DP21-0112 DVP21-0113 - 1297889 BC Ltd., Inc. No. BC1297889

Staff:

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

Sarah Alexander, Director Westurban Development Ltd., via Teams

- Shared a PowerPoint Presentation.
- Spoke to the form and character of the buildings noting that high quality finishing's will be used; form and character is consistent with Development Permit guidelines.
- Spoke to the various on-site amenities the purpose built rentals will provide along with easy access to transit, shopping and community amenities.
- Spoke to the benefit of a rental only zone that allows for a 20% reduction in parking which enables a landscape plan that prioritizes pedestrian safety and dramatically increases the amount of open greenspace and also provides security as a majority of parking is underground.
- Confirmed that there are 2 elevators in each building; the parkade is connected to both buildings.
- Spoke to the landscape plan that includes many plantings, trees, multi-use courts, benches and outdoor gym as well as private amenity space with balconies or patios.
- Spoke to the Crime Prevention through Environment Design features and noted that an active property manager will live on site.
- Spoke to the rationale of the requested height variance.
- Responded to questions from Council.

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 on line wished to speak.

Gallery:

Lisa Simone, Badke Road

- Lives adjacent to the subject property.
- Made reference to three previous submissions regarding this property noting the development has changed immensely from the first application.
- The quality of lifestyle and safety of the community is primary concern and secondary concern is water issues.
- Opposed to the variances.
- Opposed to the form and character and noted the view is like looking at a long wall.
- Raised concern with increased traffic the development would bring as there is already increased traffic with the nearby school using Bryden Road as a drop off route.

Sarah Alexander, Applicant

- Considered the neighbouring properties and tried to increase setbacks from the property lines as much as possible as well as make sure the project is economically viable.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Given

R1055/21/11/16 THAT Council authorizes the issuance of Development Permit No. DP21-0112 and Development Variance Permit No. DVP21-0113 for Lot A Section 27 Township 26 Osoyoos Division Yale District Plan EPP85221, located at 155 Bryden 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 variances to the following section of Zoning Bylaw No. 8000 be granted:

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

To vary the required maximum height from 18.0 m or 4.5 storeys permitted to 18.8 m or 6 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
Mayor Basran, Councillor Wooldridge - Opposed

4.8 START TIME 8:30 PM - Fuller Rd 4574 - DVP21-0158 - Andrew and Brandy Ladd

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The Applicant was 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 wished to speak.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor DeHart

R1056/21/11/16 THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0158 for Lot 8, District Lot 167, Osoyoos Division Yale District, Plan KAP70756, located at 4574 Fuller Road, Kelowna, BC;

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

Section 6.11.1: General Development Regulations – Okanagan Lake Sight Lines

To vary the Okanagan Lake Sight Line regulation from 60 degrees permitted to 8 degrees proposed along the south side;

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

4.9 START TIME 8:30 PM - Springfield Rd 1994 - BL12269 (OCP21-0009) - 1295991 B.C. Ltd., Inc. No. BC1295991

Moved By Councillor DeHart/Seconded By Councillor Stack

R1057/21/11/16 THAT Bylaw No. 12269 be adopted.

Carried

4.10 START TIME 8:30 PM - Springfield Rd 1994 - BL12270 (Z21-0035) - 1295991 B.C. Ltd., Inc. No. BC1295991

Moved By Councillor DeHart/Seconded By Councillor Stack

R1058/21/11/16 THAT Bylaw No.12270 be adopted.

Carried

4.11 START TIME 8:30 PM - Springfield Rd 1994 - DP21-0194 DVP21-0195 - 1295991 BC Ltd., Inc. No. BC1295991

Staff:

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

Corey Makus, Director West Point Projects, Applicant

- Displayed a PowerPoint Presentation.
- Spoke to form and character of the buildings with high quality materials, modern expressions and a jewel box lobby that connects the two buildings.
- Provided background information on WestPoint and noted they are locally owned and they invest in the City of Kelowna.
- Believes this proposal is a gateway at Midtown Urban Centre.
- Spoke to their approach to rentals as a lifestyle choice with a secure and safe living environment; want people to live and stay for many years.
- Spoke to the wide variety of housing options in the proposal.
- Spoke to project highlights with 182 new rental homes added to Midtown Urban Centre to be enrolled in the Revitalization Tax Exemption program; large outdoor gathering terrace; extensive amenities and EV charging stations.
- Spoke to the rationale for the site area coverage and commercial frontage variances.
- Responded to questions from Council.

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 wished to speak.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Hodge

R1059/21/11/16 THAT final adoption of the Official Community Plan Amendment Bylaw No. BL12269 and Rezoning Bylaw No. 12270 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP21-0194 for Lot 1 District Lot 129 ODYD Plan KAP47562, located at 1994 Springfield 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. DVP21-0195 for Lot 1 District Lot 129 ODYD Plan KAP47562, located at 1994 Springfield Road, Kelowna, BC;

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

Section 14.4.5(b): C4 – Urban Centre Commercial, Development Regulations

To vary the site coverage requirements from 75% permitted to 88% proposed.

Section 14.4.6(e): C4 – Urban Centre Commercial, Other Regulations

To vary the total functional commercial space requirements from 90% required to 15% proposed on Springfield Road and from 90% required to 10% proposed on Ambrosi Road.

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

4.12 START TIME 8:30 PM - Sutherland Ave 508 - DVP21-0198 - Jason Cory Marzinik

Staff:

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

Jason Marzinik, Applicant

- Displayed a PowerPoint Presentation.
- Spoke to the development process timeline working towards the goal of building a carriage house on this property since 2003 when the main house was purchased to date.
- Spoke to land purchase and lot consolidation of a portion of back lane in order to facilitate construction of a carriage house with appropriate setbacks.
- The proposed carriage house will meet or exceed the required setbacks and includes on site parking, plenty of outdoor greenspace, and a deck with views to Mill Creek and its riparian area.
- Provided rationale for the two requested variances.
- Displayed photographs of the subject property for site context and show the density and massing of the buildings surrounding the subject property; the property is unique and not located in a typical single family residential setting.
- Displayed photographs of the impacts of flooding on the subject property and spoke to the flood history via Mill Creek.
- Spoke to neighbour consultation and received no concerns or objections to the two requested variances.
- Believes this proposal is a good fit within the fabric of the neighborhood and will contribute to positive infill density in this area of downtown Kelowna.
- Responded to questions from Council.

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 wished to speak.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Hodge

R1060/21/11/16 THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0198 for Lot A District Lot 139 ODYD Plan EPP73205, located at 508 Sutherland Avenue, Kelowna, BC;

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

Section 9.5b.1(f): Carriage House Regulations, Development Regulations in Residential, Health District and Comprehensive Development Zones

To vary the maximum upper floor area from 75% permitted to 100.4% proposed.

Section 9.5b.1(g): Carriage House Regulations, Development Regulations in Residential, Health District and Comprehensive Development Zones

To vary the maximum height of a carriage house from 4.8m permitted to 6.65m 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. Reminders – Nil.

6. Termination

The meeting was declared terminated at 9:38 p.m.

Mayor Basran

/acm

City Clerk