



City of Kelowna Regular Meeting Minutes

Date:	Tuesday, March 1, 2022
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Brad Sieben, Luke Stack* and Loyal Wooldridge
Members participating remotely	Councillors Charlie Hodge and Mohini Singh
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton; Community Planning & Development Manager, Dean Strachan
Staff participating remotely	Legislative Coordinator (Confidential), Arlene McClelland

(* 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 Sieben.

3. Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

R0145/22/03/01 THAT the Minutes of the Public Hearing and Regular Meeting of February 8, 2022 be confirmed as circulated.

Carried

4. Development Permit and Development Variance Permit Reports

4.1 START TIME 7:00 PM - KLO Rd 2085 - TUP19-0001-01 - Irene Ruth Marie Lee

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Cindy Mymka, Cook Road, Applicant (Participating Online)

- 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 Stack/Seconded By Councillor Wooldridge

R0146/22/03/01 THAT Council authorize the extension of Temporary Use Permit No. TUP19-0001-01 to allow for intensive agricultural to continue for Lot A District Lot 131 ODYD Plan 8888, located at 2085 KLO Road, for a three (3) year period commencing from the date of Council approval subject to the following conditions:

- a. The intensive agriculture use shall be limited to a maximum of 80 rabbits;
- b. The dimensions and siting of the buildings remain at what was previously approved as per Schedule "A"

AND FURTHER THAT there is no opportunity to extend the Temporary Use Permit.

Carried

4.2 START TIME 7:00 PM - Manhattan Dr 955 - BL12227 (OCP21-0007) - MCMI Developments Ltd., Inc. No. BC1239530

Councillor Stack declared a conflict of interest for items 4.2 and 4.3 as his employer had a development in the North End Neighbourhood when the Public Hearing was held and departed the meeting at 7:13 p.m.

Moved By Councillor Donn/Seconded By Councillor Wooldridge

R0147/22/03/01 THAT Bylaw No. 12227 be rescinded at first, second and third reading and the file be closed.

Carried

4.3 START TIME 7:00 PM - Manhattan Dr 955 - BL12228 (Z21-0018) - MCMI Developments Ltd., Inc. No. BC1239530

Moved By Councillor Donn/Seconded By Councillor Wooldridge

R0148/22/03/01 THAT Bylaw No. 12228 be adopted.

Carried

Councillor Stack returned to the meeting at 7:14 p.m.

4.4 START TIME 7:00 PM - Manhattan Dr 955 - DP21-0042 and DVP21-0043 - MCMI Developments Ltd. Inc. No. BC1239530

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Gary McEwan, MCMI Developments Ltd. and Jim Meiklejohn, Meiklejohn Architects Inc.

- Displayed a PowerPoint Presentation.
- Made comment on housing supply and affordability in the Province.
- Made comment that the site is very interesting and located in an established neighbourhood.
- Spoke to the original plan of having one building on site and then the changes that were made to incorporate two buildings with a duplex of similar size and massing to neighbouring properties at street level; and the apartment tucked into the rear of the property.
- Spoke to the timelines of the application.
- Spoke to the form and character of the buildings.
- Spoke to building design noting that it will provide access for able bodied and persons with disabilities as well as the ability to age in place.
- Made comment that the project will be designed and constructed in an environmentally, socially and economically responsible manner.
- Spoke to the 21 on-site parking stalls with no street parking required by the proposed development.
- Made comment that the project will comply with the BC Energy Step Code which results in a building that has a reduced heating and cooling demand.
- 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 indicated they wished to speak.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Donn

Ro149/22/03/01 THAT Bylaw No. 12227 be forwarded for rescindment consideration and the file be closed.

AND THAT final adoption Rezoning Bylaw No. 12228 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP21-0042 for Lot 2 Section 30 Township 26 ODYD Plan 2559, located at 955 Manhattan 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 Council authorizes the issuance of Development Variance Permit No. DVP21-0043 for Lot 2 Section 30 Township 26 ODYD Plan 2559, located at 955 Manhattan Drive, Kelowna, BC.

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

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

To vary the required maximum height from 10.0 m / 3 storeys permitted to 16.0m / 4 storeys proposed.

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

To vary the east side yard setback from 4.0m required to 3.7m proposed and the west side yard setback from 4.0m required to 2.3m.

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 7:52 p.m.

The meeting reconvened at 8:02 p.m.

4.5 START TIME 8:00 PM - Rowcliffe Ave 844 - DVP21-0259 - Bradley James Letkeman

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Applicant was present in the Gallery 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 Stack/Seconded By Councillor DeHart

R0150/22/03/01 THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0259 for Lot 7 District Lot 138 ODYD Plan 1407 located at 844 Rowcliffe Ave, Kelowna, BC;

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

Section 13.6.6 – RU6 – Two Dwelling Housing: Development Regulations

To vary the side yard setback from 2.0m permitted to 1.2m proposed.

AND THAT a Section 219 Covenant be registered on the Title protecting the western trees prior to issuance of the Development Variance Permit.

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 8:00 PM - Lake Ave 114 - DVP21-0271 - Henryk and Bozena Wanczyk

Staff:

- Displayed a PowerPoint Presentation summarizing the application and reasons for non-support and responded to questions from Council.

Birte Decloux, Urban Options Planning, Applicant Representative

- Displayed a PowerPoint Presentation.
- The subject property is located on a small parcel of land close to Mill Creek.
- Provided historical photos and site plans of the subject property and spoke to uses and construction efforts over the past decades.

- Displayed a 1990 site plan when the new home was built after the original home burned in a fire in 1989; the 1990 built home remains much the same today.
- Noted that the drawings for the new home built in 1990 were different, with two variances for reduction in front yard setback and rear yard setback, that were approved by the Board of Variance.
- Spoke to previous business licenses issued for Bed and Breakfast on the subject property and a recent business license denied for Short-Term Rental use.
- Spoke to the rationale behind the variance to eliminate parking for short term rental.
- Displayed a diagram on the ELMO projector showing neighbourhood support of this application.
- 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 indicated they wished to speak.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0151/22/03/01 THAT Council NOT authorize the issuance of Development Variance Permit No. DVP21-0271 for Lot A District Lot 14 ODYD Plan 6424, located at 114 Lake Avenue, Kelowna, BC.

Carried

4.7 START TIME 8:00 PM - Hwy 33 E 365 - DP21-0172 DVP21-0173 - 1258105 BC Ltd., Inc. No. BC1258105

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Applicant was present in the Gallery 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 indicated they wished to speak.

Gallery:

Daniela Eremia, Hwy 33

- Inquired how the building is oriented on this parcel.
- Asked which side yard is receiving the variance.
- Raised concern with potential fire emergency vehicle access.
- Raised concern with parking as currently parking is an issue in the area.

Matt Johnston, Lime Architecture, Applicant Agent

- Confirmed there is no variance being sought for parking and that all parking requirements have been met including visitor parking.
- There is no issue with fire emergency vehicles accessing the site.
- The side yard setback is in response to provide parking for minimum drive aisle.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Given

R0152/22/03/01 THAT Council authorize the issuance of Development Permit No. DP21-0172 for Lot C Section 23 Township 26 ODYD District Plan 5012, located at 365 Hwy 33 E, 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. DVP21-0173 for Lot C Section 23 Township 26 ODYD Plan 5012, located at 365 Hwy 33 E, Kelowna, BC;

AND THAT variances to the following sections 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 required to 1.5m proposed.

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

Carried

4.8 START TIME 8:00 PM - Valley Rd 340 DP21-0276 DVP21-0279 - Valleywood Retirement BT Ltd., Inc. No. BC1321914

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Ed Hall, Springdale Properties and Valleywood Retirement, Applicant

- Provided background to the Development Permits and noted this is the same plan approved over two years ago.
- 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 indicated they wished to speak.

Gallery:

Liz Talbot, Executive Director NOW Canada Society

- In support of this application.
- We are neighbours operating adjacent to the subject property.
- Spoke to the good cooperation and collaboration between the two sites and operations and believes this development is very good for the community.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Stack

R0153/22/03/01 THAT Council authorizes the issuance of Development Permit No. DP21-0276 and Development Variance Permit No. DVP21-0279 for Lot B Section 33 Township 26 ODYD Plan EPP107918, located at 340 Valley 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 is 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 13.11.6(c): RM5 – Medium Density Multiple Housing, Development Regulations

To vary the maximum number of storeys from 4.5 permitted to 5 proposed.

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

To vary the minimum site front yard from 6.0 m permitted to 4.2 m proposed.

Section 7.6.1: Landscaping and Screening, Minimum Landscape Buffers

To vary the minimum required landscape buffer along portions of the rear property line from 3.0 m permitted to 1.2 m proposed.

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 – Nil.**

6. **Termination**

The meeting was declared terminated at 8:44 p.m.

Mayor Basran

/acm

City Clerk