



City of Kelowna Regular Meeting Minutes

Date:	Tuesday, July 12, 2022
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran*, Councillors Maxine DeHart, Ryan Donn, Charlie Hodge, Mohini Singh, Luke Stack and Loyal Wooldridge
Members Absent	Councillors Gail Given and Brad Sieben
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; Planner, Mark Tanner*; Planner, Tyler Caswell*; Planner Specialist, Wesley Miles*
Staff participating Remotely	Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:39 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Donn.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R0555/22/07/12 THAT the Minutes of the Public Hearing and Regular Meeting of June 21, 2022 be confirmed as circulated.

Carried

4. Liquor License Application Reports

4.1 **START TIME 6:30PM - Ward Rd 2287 - LL22-0002 - Canada West Tree Fruits Ltd., Inc. No. 114,6628**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Jennifer Turton-Molgat, Applicant

- Did not have a formal presentation.
- Provided a brief overview of operations and noted they offer a very authentic experience for their guests as an estate winery and cidery.
- 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 Hodge/Seconded By Councillor Wooldridge

R0556/22/07/12 THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB):

In accordance with 'Division 9 (71)' of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Canada West Tree Fruits dba The View Winery for a special event area endorsements for Lot B Section 4 Township 26 ODYD Plan KAP78689 Except Plan KAP88849, located at 2287 Ward Rd, Kelowna, BC for the following reasons:
 - the special event area does not negatively impact farming operations.
2. Council's comments on LCLB's prescribed considerations are as follows:

Criteria for a winery lounge or special event area endorsement:

- a. **The location of the winery's special event area endorsement:** SEA 1 is in close proximity to main building. SEA 2 is near middle of the site. SEA 3 overlaps the Picnic Endorsement Area adjacent to the main building.
 - b. **The proximity of the winery's special event area endorsement to other social or recreational facilities and public buildings:** The subject property is rural in nature and not in close proximity to other social or public buildings.
 - c. **The person capacity of the winery lounge:** The maximum person capacity for each Special Event Area would be 50 persons.
 - d. **Traffic, noise, parking and zoning:** Special event areas have been strategically placed to be mindful of neighbouring properties. Parking is proposed in existing parking area and along established farm roads onsite. No loss to active farming will take place.
 - e. **The impact on the community if the application is approved:** Minimal impact to the community if Special Event Areas are approved.
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 6:30 PM - Sadler Rd 145 - BL11957 (Z18-0117) - Studio 33 Properties Ltd., Inc No.BC1137489**

Moved By Councillor Donn/Seconded By Councillor DeHart

R0557/22/07/12 THAT Bylaw No. 11957 be amended at third reading by deleting the Legal Description and the Civic Address that read:

"Lot 1 Section 26 Township 26 ODYD Plan 10045"

"Lot 2 Section 26 Township 26 ODYD Plan 10045"

"Lot 3 Section 26 Township 26 ODYD Plan 10045"

And replacing it with:

"Lot A Section 26 Township 26 ODYD Plan EPP96765:

AND THAT the bylaw title be amended by deleting:

"145 Sadler Road and 180 & 190 Highway 33 East"

And replacing it with:

"145 Sadler Road"

Carried

Moved By Councillor Donn/Seconded By Councillor DeHart

R0558/22/07/12 THAT Bylaw No. 11957, as amended, be adopted.

Carried

5.2 START TIME 6:30 PM - Sadler Rd 145 - DP19-0195 DVP19-0196 - Studio 33 Properties Ltd., Inc. No. BC1137489

Staff:

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

Online:

Patrick Yang, Architect, Studio 33 Properties Ltd.

- 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 DeHart/Seconded By Councillor Donn

R0559/22/07/12 THAT Rezoning Bylaw No. 11957 be amended at third reading to revise the legal description of the subject properties from Lots 1, 2 & 3, Section 26, Township 26, ODYD, Plan 10045 to Lot A, Section 26, Township 26, ODYD, Plan EPP96765;

AND THAT final adoption of Rezoning Bylaw No. 11957 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0195 for Lot A, Section 26, Township 26 ODYD, Plan EPP96765, located at 145 Sadler 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 the building to be constructed on the land be in accordance with Schedule "B";
3. Landscaping to be provided on the land 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 the applicant be required to have a Heritage Monitor to oversee and approve all on-site construction.

AND THAT Council authorizes the issuance of a Development Variance Permit No. DVP19-0196 for Lot A, Section 26, Township 26, ODYD, Plan EPP96765, located at 145 Sadler Road, Kelowna, BC;

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

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

To vary the required maximum height from 15.0 m or 4 storeys permitted to 17.7 m and 5 storeys proposed.

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

To vary the required minimum side yard from 8.71 m permitted to 4.5 m proposed.

Section 14.4.5(h)(i): C4 – Urban Centre Commercial Development Regulations

To vary the required minimum setback for a portion of a building above 16.0 m or 4 storeys from 3.0 m permitted to 0.0 m proposed on the east side of the building and 1.0 m proposed on the west side of the building.

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

To vary the required functional commercial space on the first floor from 75% required to 16.4% proposed.

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

Carried
Councillor Hodge - Opposed

5.3 START TIME 6:30 PM - Boynton PI 630 - DP22-0054 DVP22-0056 - 1288666 BC Ltd., Inc. No. BC1288666

Mayor Basran declared a conflict of interest as he owns property directly next door to this proposal and left the meeting at 8:06 p.m.

Deputy Mayor Singh took the Chair.

City Clerk:

- The applicant requested late this afternoon that the application be withdrawn.
- The intent is to bring forward an amended application.
- A future Council date for this item would be advertised.

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

R0560/22/07/12 THAT Development Permits DP22-0054/DVP22-0056, at 630 Boynton Place be deferred.

Carried

Mayor Basran returned to the meeting at 8:09 p.m.

5.4 START TIME 7:15 PM - Richter St 2590 - BL12282 (Z21-0040) - Linguo Zhang

Moved By Councillor Donn/Seconded By Councillor DeHart

R0561/22/07/12 THAT Bylaw No. 12282 be adopted.

Carried

5.5 START TIME 7:15 PM - Richter St 2590 - DP21-0098 DVP21-0099 - Linguo Zhang

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Online:

Nick Han, Consultant, Applicant Representative

- 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:

Mark Hansen, Wardlaw Street

- Confirmed the tree on the neighbouring lot was cut down by the owner of that parcel.
- Had been approached by the Applicant to purchase his lot.
- Raised concerns with the large size of the proposed application and being extremely close to his property.
- Believes the application does not fit the land or the neighbourhood.
- The application will negatively impact his view and privacy.
- Raised concern with the landscape plan and questioned whether an appropriate fence would be placed along his property line and along the proposed walkway to block out pedestrian traffic, as well, to support the green trees that will be planted.
- Believes this should be a smaller development.
- Responded to questions from Council.

Joy Russell, Richter Street

- Resident since 2017.
- Raised concern with the height of the proposed application.
- Raised concern with the rooftop patios and loss of privacy for homeowners.
- Believes a four unit dwelling would be more aesthetically pleasing in the neighbourhood and more appropriate.
- Inquired about the landscape plan and how large the trees will be that are to be planted.
- Raised concerns with on-site and off-site parking.
- Believes there was a dishonest approach of what was planned for this site.
- Responded to questions from Council.

Online:

Nick Han, Applicant in Response to Intervenors

- Unable to share screen to display PowerPoint presentation due to technical difficulties.
- Provided comments in response using slides from the staff presentation.
- Made comment on the placement of a solid wall with no windows to provide neighbours with privacy; roof top patio will have filmed glass as privacy screening.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Stack

R0562/22/07/12 THAT Council authorizes the issuance of Development Permit No. DP21-0098 for Lot 28 District Lot 14 ODYD Plan 3249, located at 2590 Richter 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 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 landscaping, as determined by a Registered Landscape Architect;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0099 for Lot 28 District Lot 14 ODYD Plan 3249, located at 1290 Richter Street, Kelowna, BC;

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

Section 8.2.2 – Off-Street Parking Regulations – Parking Setbacks:

To vary the required side yard and rear yard parking setback from 1.5 m required to 0.0 m proposed.

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

To vary the rear yard setback from 7.5 m required to 5.08 m 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.

Defeated

Councillors DeHart, Hodge, Singh, Stack and Wooldridge - Opposed

5.6 START TIME 7:15 PM - Nathan Rd 766 - BL12337 (Z21-0091) - Donya J. Epp

Moved By Councillor DeHart/Seconded By Councillor Singh

R0563/22/07/12 THAT Bylaw No. 12337 be adopted.

Carried

5.7 START STIME 7:15 PM - Nathan Road 766 - DVP22-0037 - Donya Epp

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Donya Epp, 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 Stack/Seconded By Councillor Singh

R0564/22/07/12 THAT final adoption of Rezoning Bylaw No. 12337 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0037 for Lot A District Lot 358 Osoyoos Division Yale District Plan 18535, located at 766 Nathan Road, Kelowna, BC;

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

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

To vary the required maximum net floor area of a carriage house from 100 m² to 180 m².

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

5.8 START TIME 7:15 PM - Coronation Ave 1036 - BL11731 (Z17-0117) - 1028 Coronation Ave Development Ltd., Inc. No. BC 1337899

Moved By Councillor DeHart/Seconded By Councillor Wooldridge

R0565/22/07/12 THAT Bylaw No. 11731 be amended at third reading by deleting the Legal Description and the Civic Address that read:

Lot 9 and 10 District Lot 138 and Section 30 Township 26 ODYD Plan 3763 and Lot 1 District Lot 138 ODYD Plan 4282"

And replacing it with:

"Lot 1 District Lot 138 and Section 30 Township 26 ODYD Plan EPP97719"

AND THAT the bylaw title be amended by deleting:

"1028, 1036 and 1044 Coronation Avenue"

And replacing it with:

"1036 Coronation Avenue"

Carried

Moved By Councillor DeHart/Seconded By Councillor Wooldridge

R0566/22/07/12 THAT Bylaw No. 11731, as amended, be adopted.

Carried

**5.9 START TIME 7:15 PM - Coronation Ave 1036 - DP22-0086 DVP22-0087 - 1028
Coronation Ave Development Ltd., Inc. No. BC 1337899**

Staff:

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

Jesse Alexander, New Town Architecture & Engineering Inc., Applicant

- Did not have a formal presentation.
- Made comment that the location is great for this type of density being along an active transportation corridor.
- Spoke to the landscaping plan and various trees and shrubs that will be planted.
- Commented that the setbacks are providing more buffering to the neighbouring homes.
- 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 DeHart/Seconded By Councillor Donn

R0568/22/07/12 THAT Rezoning Bylaw No. 11731 be amended at third reading to revise the legal description of the subject properties from Lot 9 & 10 District Lot 138 and of Section 30 Township 26 ODYD Plan 3763 and Lot 1 District Lot 138 ODYD Plan 4282 to Lot 1 District Lot 138 and Section 30 Township 26 ODYD Plan EPP97719;

AND THAT final adoption of Rezoning Bylaw No. 11731 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP22-0086 for Lot 1 District Lot 138 and Section 30 Township 26 ODYD Plan EPP97719, located at 1036 Coronation 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".
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. DVP22-0087 for Lot 1 District Lot 138 and Section 30 Township 26 ODYD Plan EPP97719, located at 1036 Coronation Avenue, Kelowna, BC;

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

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

To vary the required maximum site coverage of the building from 40% permitted to 55.6% proposed and to vary the required maximum site coverage of buildings, driveways and parking area from 65% permitted to 67.3% proposed;

AND THAT Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "B" attached to the Report from the Development Planning Department dated July 12, 2022;

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

6. **Reminders – Nil.**

7. **Termination**

The meeting was declared terminated at 9:13 p.m.

Mayor Basran

/acm

City Clerk