



**City of Kelowna
Regular Council Meeting
Minutes**

Date:	Tuesday, August 23, 2022
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran*, Councillors Ryan Donn, Gail Given, Charlie Hodge, Mohini Singh, Luke Stack* and Loyal Wooldridge
Members participating Remotely	Councillor Brad Sieben
Members Absent	Councillor Maxine DeHart
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith; Community Planning and Development Manager, Dean Strachan; Planner, Kimberly Brunet*; Legislative Coordinator (Confidential), Rebecca Van Huizen
Staff participating Remotely	Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 6:04 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Stack.

3. Confirmation of Minutes

Moved By Councillor Donn/Seconded By Councillor Hodge

Ro670/22/08/23 THAT the Minutes of the Public Hearing and Regular Meeting of August 9, 2022 be confirmed as circulated.

4. Development Permit and Development Variance Permit Reports

4.1 START TIME 6:00 PM - Belaire Ave 1365 and Chandler St 1840-1850, BL12127 (Z20-0045) - 1291224 BC Ltd., Inc. No. BC1291224

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

Ro671/22/08/23 THAT Bylaw No. 12127 be adopted.

Carried

**4.2 START TIME 6:00 PM - Belaire Ave 1365 and Chandler St 1840-1850 - DP20-0122
DVP20-0123 - 1291224 BC Ltd., Inc. No. BC1291224**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Online:

Patrick Yang, Pacific West Architecture, Applicant

- Available to answer 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 Online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Singh/Seconded By Councillor Wooldridge

Ro672/22/08/23 THAT Council authorizes the issuance of Development Permit No. DP20-0122 and Development Variance Permit No. DVP20-0123 for LOT 21 District Lot 137 Osoyoos Division Yale District Plan 10011, Located At 1365 Belaire Ave, Kelowna, BC And For Strata Lot 1 District Lot 137 Osoyoos Division Yale District Strata Plan K25 Together With An Interest In The Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown On Form 1 And Strata Lot 2 District Lot 137 Osoyoos Division Yale District Strata Plan K25 Together With An Interest In The Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown On Form 1, Located At 1840-1850 Chandler St, 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 13.12.6(b): RM6 – High Rise Apartment Housing, Development Regulations

To vary the required maximum site coverage for principal buildings, accessory structures, and parking areas and driveways from 50% permitted to 61% proposed.

Section 13.12.6(e): RM6 – High Rise Apartment Housing, Development Regulations

To vary the required minimum flanking side yard (north) from 6.0 m permitted to 4.3 m proposed.

Section 13.12.6(e): RM6 – High Rise Apartment Housing, Development Regulations

To vary the required minimum flanking side yard (south) from 6.0 m permitted to 4.0 m proposed.

AND THAT lot consolidation be completed in order for the permits to be issued;

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

4.3 START TIME 6:00 PM - Boynton Pl 630 - DP22-0054 DVP22-0056 - 1288666 BC Ltd., Inc. No. BC1288666

Mayor Basran declared a conflict of interest as he owns a home within the notification area and departed the meeting at 6:18 p.m.

Deputy Mayor Hodge took the Chair.

Staff:

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

Karl Miller, CEO Meridian Development Corp., Applicant and Dave Cullen, CTO Consultants

- Displayed an updated PowerPoint Presentation from the one in the agenda package.
- Introduced the applicant team in the gallery.
- Provided details of the form and character of the buildings.
- Spoke to the requested variances for retaining wall height from 1.2 m to a maximum of 3 m and building frontage length.
- Provided a neighbourhood consultation summary; 232 brochures sent to neighbours within a 100 m radius which is double the 50 m requirement.
- Spoke to changes made to the building design and massing; building height reduction, increased parking, retaining wall height reduction and decreased density, based on community feedback.
- Spoke to the access to Knox Mountain Park and the lands being dedicated.
- 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.

Gallery:

Marshall Mcanerney, Groves Avenue

- Have been involved with previous sales of this property.
- Spoke to market conditions and noted that this property was always meant for density.
- Responded to questions from Council.

Wesley Shields, Boynton Place

- Has lived in the subdivision for the past 12 years and a resident in Kelowna for 30 years.
- Referenced correspondence received in opposition and commented that those in support do not live in the area.
- Believes this is not the appropriate area for such a development; it is a very unique area with 7 acres of land against Knox Mountain where there is only single family and townhome dwellings.
- Made comment that the proposed form and character does not fit within the neighbourhood.
- Referenced his previously submitted correspondence and attachment of the most recent development proposal in 2018 which proposed townhouses on the subject property that was approved by staff.
- Opposed to this application.
- Responded to questions from Council.

Murray Porubanec, Boynton Place

- Raised doubt with some of the developer's presentation slides and does not think they capture the full magnitude of the project; this is a unique site and challenges were known prior to purchase by the developer.
- Spoke against the variance request on the frontage and height being proposed.
- Believes this development does not belong in this tiny community and referenced malls that have a lesser span than what the developer is suggesting for these apartment buildings.
- Believes this will be an unlicensed hotel with an Air B&B.
- Raised concern with the lack of greenspace or amenities.
- Opposed to this application.

Carol Miller, Banjou Court, Kelowna Tree Protectors

- Believes this development would negatively impact the City tree canopy with the removal of many trees.
- Raised concerns with slope stability and the proposed large retaining wall.
- The large buildings proposed are too much for this site.
- Opposed to this application.
- Responded to questions from Council.

Online:

Matt Gunn, Martin Avenue

- Has lived in Kelowna for 20 years.
- Spoke to the lack of affordable housing in Kelowna and its impacts.
- In support of more affordable and attainable housing.
- Supportive of this application.

Nikki Csek, Westpoint Drive

- Advised that her marketing agency is not under any retainer with the applicant.
- Made comment that the need for housing is negatively impacting staffing in many businesses.
- Commented that there is a national need for additional housing stock.
- Believes the developer has listened to the community and has made significant changes to the proposal.
- In support of this application.

Wes Rota, Traditions Way

- In support of housing but do not support the variances on the project.
- Believes this development does not fit in the neighbourhood.
- The applicant has not stated that this is an affordable housing project and they can go to market pricing; a price point was never indicated by the developer.
- Believes the applicant did not listen to the neighbours.
- Opposed to this application.

Gallery:

Susan Smith, Boynton Place

- Referenced previously submitted correspondence.
- This is a 4 storey building and raised concern that the required variance has not been requested.
- Questioned the number of curb cuts stated for parking lots.
- Raised concern with lack of green space.
- Raised concern with managing a construction site when it takes up every inch of flat land.
- Questioned the accuracy of some statements by the developer.
- Opposed to this application.

Chris Collins, Boynton Place

- Raised concern with slope stability and noted previous developments in the area that had issues.
- The proposal will not be affordable or accessible to transit.
- Believes this proposal changes the visible environment in a negative way.

- Spoke to mental wellbeing with nature and trees and removing this has a negative impact on their health.
- Opposed to this application.

Lyndsay Porubanec, Boynton Place

- This proposal will negatively change the character of the neighbourhood.
- Believes the south side of the proposal will be well over variance height.
- A park space is needed in the area.
- Raised concerns with slope stability impacts; tree retention is important for slope stability.
- Believes the environment will be negatively impacted.
- Not opposed to development on this site but not in support of what is being proposed.

Susan Ames, Abbott Street

- Agrees with those who raised concerns with tree retention and slope stability.
- Has a geotechnical background and has referenced documents regarding the site and according to the Official Community Plan this site is located in a hazardous area due to steep slopes and slope stability concerns; no reports have stated this is a hazardous site.
- Spoke to the indemnity clause and that the city has no liability for building on this site and that the developer will carry all damages if this site fails.
- Asked that Council decline this proposal.
- Opposed to this application.

Shawna Gersbach, Boynton Place

- Referenced the Official Community Plan policies that do not support this application.
- Believes this development does not fit in the neighbourhood and does not sensitively transition into the neighbourhood.
- Believes this proposal encroaches on a highly sensitive area.
- Opposed to this application.
- Responded to questions from Council.

Kristi Langlois, Sladen Crescent

- Referenced the Official Community Plan policies that do not support this application.
- Commented that there is no transit in the area for such density.
- Raised concern with increased vehicles and pollution and that this proposal does not fit in with the City's future plan.
- Raised concern with the applicant's donation of land as it is barely walkable and not a park use; there isn't one greenspace for children to play.
- Raised concern with the geotechnical report.
- Opposed to this application.

Online:

Scott Lougheed, Boynton Place

- Questioned whether this development is affordable housing.
- Raised concern with no transit in the area and no expansion in the future plan for transit.
- Referenced the 2005 memorandum of land uses.
- Believes the dedicated land is not that usable except for steep trails.
- Raised concern with no traffic impact study.
- Opposed to this application.

Gallery

Leah West, St Paul Street

- In support of this application.
- I am a local licensed realtor and not a stakeholder in this land.
- The applicant has listened to community concerns and has made changes to the proposal.
- Made comment that this land was never a public park but privately owned land next to a park.
- Commented that a townhome project is no longer a viable option during these times.

Sarah Wandy, Boynton Place

- Lives directly across the street from this proposal.
- Thanked the applicant for their responses to previous questions.
- Raised concerns that her townhome will be facing a massive wall.
- Referenced the Official Community Plan policies that this application is at odds with; believes there are discrepancies with the recommendations to approve the variances.
- Referenced the 2005 memorandum of intended land uses.
- Raised concern with the environmental, geotechnical and fire reports, although not tied to the variances, the variances have impacts on those reports.
- Opposed to this application.

Alex McClain, Boynton Place

- Kelowna resident for 2 years and chose to live in this quiet neighbourhood.
- Raised concern with the increased number of vehicles that will be commuting from this area.
- Believes townhomes would better match the character of the community.
- Believes this proposal will negatively affect Boynton Place as well as surrounding areas.
- Opposed to this application.

John Kinloch, Blain Crescent

- In favour of this application.
- I am a licensed Realtor in Kelowna but knew the applicant in Saskatoon.
- Claims the smallest units will be affordable housing based on the current market comparables.
- Spoke favourably of previous developments by the applicant in Saskatoon.

Megan Purnell, Sladen Crescent

- Referenced the Official Community Plan policies and suggested they be followed.
- Raised concern with parking and roadway congestion.
- Raised concern with the proposed frontage and believes it will change the feel of the neighbourhood.
- Raised concern with the lack of family sized units in a family oriented neighbourhood.
- Raised concern that there is no parkland in this area.
- Would be in support if the proposal was 2 to 4 bedroom townhomes with greenspace.
- Opposed to this application.

Drew Gersbach, Boynton Place

- Referenced previously submitted correspondence.
- The new Zoning Bylaw calls for townhomes in the area which is why the applicant is before Council at this time.
- Questioned the applicant's community consultation timeline and process.
- Raised concern that there is no allowance for any usable green space.
- Believes nothing is being offered for community amenities.
- Opposed to this application.

Dan Rogers, Executive Director, Kelowna Chamber of Commerce

- The Chamber does not normally speak on individual applications.
- Commented that the land in this area has been proposed development for decades.
- Spoke to the benefits of growth and the Development Cost Charges paid by the applicant that will include contributions to the Park DCC; that will create more amenities that are being sought by those here in opposition.
- Spoke to the need for market based attainable housing.
- Has heard positive comments on the quality of the applicant's projects in Saskatoon and elsewhere.
- Spoke to the benefits that flow from an investment like this for the entire community not just this area.
- Responded to questions from Council.

Erin Crowe, Sladen Crescent

- Commented that the donated land from the applicant is not very accessible due to steepness.
- Questioned the risk the city would be taking on with this proposal.
- Raised concern that there are no parks or playgrounds for children in the area.
- Raised concern that this proposal does not have enough parking spaces.
- Raised concern that there is no transit in the area to accommodate such density.
- Opposed to this application.

Online:

Tracey Davis, Lake Avenue

- Reiterated comments from intervenor Susan Ames.
- Need to take into consideration people who have the expertise; if it is not geotechnically feasible to develop this land and will result in damage to the community and exacerbates climate change it should not be developed.
- Raised concern that the slope could destabilize once the trees are removed and questioned what would happen to the retaining walls.
- Opposed to this application.

Gallery:

Peter Matejcek, Highland Drive

- Has lived in Kelowna since 2004 and currently lives in Old Glenmore for the past 10 years.
- This is a form of housing that is needed in the city.
- In support of this application.

Online:

Jeff Krivoshen, Arbourview Drive

- Commented that he has worked with the applicant and stated they are excellent developers and builders and they keep their promises.
- Confirmed he has no financial interest in this project.
- Believes the applicant will do an excellent job of keeping the site clean and mitigate noise.
- Spoke to housing affordability and that this is an appropriate development that is needed in Kelowna.
- In support of this application.

Karl Miller, Applicant in response to Intervenor

- Stated that many things said by intervenors were untrue or misleading.
- Confirmed there are 30 visitor parking stalls on site.
- Spoke to price points for unit type and that these units are attainable market housing not affordable housing.
- Commented that a townhouse development would take up almost as much land as what is being proposed.
- The donation of land came from meetings with several residents that are here this evening, they mentioned this was important and we made changes and submitted those drawing changes the same day.
- Proposed building is taking place on the low part of the site which protects the environmental area, so preserving as much land as possible.
- Intervenor want access to this land but this is private land and not accessible, however, we are giving 1.27 acres to make Knox Mountain Park bigger as well providing access to Knox Mountain through this site.
- Spoke to letters of support and non-support received out of 230 brochures within a 100 m radius of this site; there is no majority here tonight with only 32% who are opposed out of 230 brochures.
- Spoke to community benefit such as the expansion of Knox Mountain Park, traffic calming measures, additional parking stalls, retention of natural and environmentally sensitive areas and retention of a large number of trees on site.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Stack

Ro673/22/08/23 THAT Council authorizes the issuance of Development Permit No. DP22-0054 for a portion of Lot A Section 31 Township 26 ODYD Plan EPP98227 located at 630 Boynton Place, 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. DVP22-0056 for a portion of Lot A Section 31 Township 26 ODYD Plan EPP98227 located at 630 Boynton Place, Kelowna, BC;

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

Section 13.10.7(b): RM4 –Transitional Low Density Housing, Other Regulations

To increase the maximum permitted length of building frontage from 40.0 m required to 90.0 m proposed.

Section 7.5.9: Landscaping and Screening, Fencing and Retaining Walls

To increase the maximum height of a retaining wall from 1.2 m required to 3.0 m 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 in order for the permits to be issued;

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

Deputy Mayor Hodge and Councillor Sieben - Opposed

The meeting recessed at 9:52 p.m.

The meeting reconvened at 10:01 p.m. with Mayor Basran in attendance.

4.4 START TIME 7:00 PM - Eldorado Rd 442 - BL12303 (Z21-0084) - Paul Neufeld, Meghan Neufeld and Pillar West Developments Inc., Inc. No. BC1066488

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

Ro674/22/08/23 THAT Bylaw No. 12303 be adopted.

Carried

4.5 START TIME 7:00 PM - Eldorado Rd 442 - DVP21-0202 - Paul and Meghan Neufeld and Pillar West Developments Inc., Inc. No. BC1066488

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Birte Decloux, Urban Options Planning Corp, 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 Online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Wooldridge

Ro675/22/08/23 THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0202 for Lot 6 District Lot 167 ODYD Plan 10989, located at 442 Eldorado Rd, Kelowna, BC;

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

Section 13.2.5(a): RU2 – Medium Lot Housing, Subdivision Regulations

To vary the required lot width from 15.0m required to 14.56m 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 7:00 PM - Springfield Rd 2241 - BL12333 (Z21-0099) - Ironclad Developments Mission Heights Holdings Inc., Inc. No. Ao119488

Councillor Stack declared a conflict of interest on items 4.6 and 4.7 as his previous employer owns an adjacent property and left the meeting at 10:04 p.m.

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

Ro676/22/08/23 THAT Bylaw No. 12333 be adopted.

Carried

4.7 START TIME 7:00 PM - Springfield Rd 2241 - DP21-0231 DVP21-0232 - Ironclad Developments Mission Heights Holdings Inc., Inc. No. Ao119488

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Marshall Kirton, Ironclad Developments Inc., Architect

- Displayed a PowerPoint Presentation.
- Provided background on Ironclad Developments noting they are a multi-disciplinary team that focuses on the design, development and construction of purpose-built rentals across Canada.
- Spoke to the development process and timelines of this application.
- Spoke to the development permit for 5 mid-rise multi-family buildings including ground floor commercial uses and the development variance permit for the reduction of commercial frontage along Springfield Road.

- Spoke to the Traffic Impact Assessment from May 2022 and the required improvements.
- Made comment on the proposed density with a total of 401 rental units.
- The proposed development exceeds vehicular and bicycle parking requirements.
- Identified outdoor amenity space that includes entrance plaza, roof top patio, secured pet relief area, leisure area connecting to walking garden and a play berm.
- 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 Online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Singh

Ro677/22/08/23 THAT Council authorizes the issuance of Development Permit No. DP21-0231 and Development Variance Permit No. DVP21-0232 for Lot B District Lots 128 And 142 Osoyoos Division Yale District Plan Kap85660, Located at 2241 Springfield Rd, 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 14.4.6(e): C4 – Urban Centre Commercial, Other Regulations

To vary the required minimum amount of functional commercial space for the Springfield Rd frontage from 90% required to 19.12% 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

5. **Reminders – Nil.**

6. **Termination**

The meeting was declared terminated at 10:22 p.m.

Mayor Basran

City Clerk

/acm