



City of Kelowna Regular Council Meeting Minutes

Date:	Tuesday, November 15, 2022
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Tom Dyas, Councillors Ron Cannan, Maxine DeHart, Charlie Hodge, Gord Lovegrove, Mohini Singh, Luke Stack, Rick Webber and Loyal Wooldridge
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton; Urban Planning Manager, Lydia Korolchuk*; Deputy City Clerk, Laura Bentley
Staff participating Remotely	Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call To Order

Mayor Dyas called the Hearing to order at 6:01 p.m.

Mayor Dyas advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend Zoning Bylaw No. 12375, and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Cannan.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

Ro8o8/22/11/15 THAT the Minutes of the Regular Meeting of October 4, 2022 be confirmed as circulated.

Carried

4. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 6:03 p.m.

5. Individual Bylaw Submissions

5.1 START TIME 6:00 PM - O'Reilly Road 2605 - TA22-0003 - William and Maria Kitsch

Staff:

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

Sydney Platz, Founder, Wild Things Rehabilitation Society and Maria Kitsch, Applicant/Owner

- Displayed a PowerPoint Presentation outlining the project and the operations on site.
- Spoke to the need of such a clinic noting there is no organization in Kelowna that treats injured or orphaned wildlife.
- Spoke to concerns raised and noted there will be no increase of traffic as they are not open to the public and have only 1 to 3 people on site at a time.
- Will be focusing on small mammals and song birds native to the area; not large animals or predators.
- Under the current zoning they could place a dog daycare or animal clinic that would be much bigger and much more disruptive than the size of the proposed facility.
- Staff advised that a text amendment was the appropriate avenue for this application.
- A certified civil engineer was hired to design a small access road and building footprint that aligns with areas cleared by previous owners that respects the ecology of the site.
- The access road aligns with the previously built tote road; with the proposed wildlife rehab site located on the previously cleared area in the central bowl.
- The large, cleared area allows for structures to be placed away from the slope in the Central Bowl.
- The site location was recommended by hired environmental and geotechnical experts.
- Stated that there are no active coyote dens on the property.
- Responded to questions from Council.

Mayor Dyas 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 indicated they wished to speak.

Gallery:

Ken Buhler, Neighbouring Farmer

- Resides two blocks away from the subject site.
- Opposed to this application.
- Provided history of the subject property and stated that there was never a house on this property, nor was the road ever a road for vehicles.
- Commented that the property is an environmental gem and referenced previously submitted correspondence
- Stated that the forested area up O'Reilly lane has one of four coyote dens in the area.
- There's a natural water source and water course where the applicant wants to run a culvert.
- Raised concerns with impacts on drainage and impacts on the ecosystem.
- Read from his previously submitted correspondence.

Sydney Platz and Maria Kitsch Applicant/Owner in Response

- The scope of the facility will take up less than 10% of the site.
- The property will be left as natural as possible as it is the ecology of the site that makes it so well suited to this project.
- Spoke to the onsite drainage and noted that the water way will not be affected by the culvert.
- Believes this project will have a low impact on the subject site.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments.

The hearing was declared terminated at 6:51 p.m.

7. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 6:51 p.m.

8. Bylaws Considered at Public Hearing

8.1 START TIME 6:00 PM - O'Reilly Rd 2605 - BL12434 (TA22-0003) - William and Maria Kitsch

Moved By Councillor Wooldridge/Seconded By Councillor Stack

Ro809/22/11/15 THAT Bylaw No. 12434 be read a second and third time and adopted.

Carried
Councillors Cannan and Lovegrove - Opposed

9. Liquor Licence Application Reports

9.1 START TIME 6:45 PM - McCurdy Road 948 - LL22-0011 - Victor Projects Ltd., Inc. No. BC1326399

Staff:

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

Online:

PJ Mallen, Architect, Applicant Representative

- Staff presentation was comprehensive and sufficient, want to note that this is not an increase in capacity for the venue, this is merely a displacement of 108 of the total 448 occupants inside the general pub that can use the outdoor space in better weather times; overall number of seats are not increasing just where they are located.
- Responded to questions from Council.

Mayor Dyas 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 Wooldridge/Seconded By Councillor DeHart

Ro810/22/11/15 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 Norson Construction for a liquor primary license amendment for Lot 1 District Lot 143 ODYD Plan KAP65021, located at 948 McCurdy Road, Kelowna, BC for the following reasons:
 - Expansion of an existing patio is perceived to have a minimal impact on the community and surrounding properties as this is an existing business that is changing the layout of the establishment with no perceivable changes to operation.

1. Council's comments on LCRB's prescribed considerations are as follows:

a. The potential for noise if the application is approved:

The location is in close proximity to other commercial and industrial uses and there is no residential use in close proximity to the subject site.

b. The impact on the community if the application is approved:

The potential impact for noise is minimal and would be compatible with surrounding land uses.

2. 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

10. Development Permit and Development Variance Reports

10.1 START TIME 6:45 PM - Borden Ave 921, DP22-0148 DVP22-0149 - 1317535 B.C LTD., INC. NO. BC1317535

Staff:

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

Clark Web, Designer of Project, Applicant

- Preferred the parallel parking scheme versus parking perpendicular to the alley as it was the more generous lot width we had to work with which provided private front and rear yard space, and a shared courtyard for all 4 people living there and that is why we chose this route.
- Responded to questions from Council.

Mayor Dyas 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 Cannan/Seconded By Councillor Lovegrove

Ro811/22/11/15 THAT Council authorizes the issuance of Development Permit No. DP22-0148 and Development Variance Permit No. DVP22-0149 for Lot 1 District Lot 138 ODYD PLAN 3242 located at 921 Borden Avenue, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 12375 be granted:

Section 8.1.5: General Provisions and Development Standards

To vary the required physical barrier screen for parallel parking on the flanking lane.

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

10.2 START TME 7:15 PM - Bertram St 1319, 1325, 1329 - BL12348 (Z21-0022) - BERTRAM - MISSIONGROUP RENTALS LTD., INC.NO. BC1268483

Moved By Councillor Wooldridge/Seconded By Councillor Stack

Ro812/22/11/15 THAT Bylaw No. 12348 be rescinded at first, second and third reading.

Carried

10.3 START TIME 7:15 PM - Bertram St 1333 - DP21-0065 DVP21-0066 - BERTRAM - MISSION GROUP RENTALS LTD., INC.NO. BC1268483

Staff:

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

Luke Turri, 1631 Dickson Avenue, Applicant

- Displayed a PowerPoint Presentation.
- Spoke to the project highlights that will add 157 purpose-built rental homes, affordable rentals; generous amenity space and prioritizing bicycle users.
- Spoke to key design features using high quality materials, modest parking podium and sensitive massing.
- The common amenity space has an outdoor roof terrace, indoor lounge, co-work space, fitness studio, balcony for each home, community gardens, kids play area, BBQ area, dining and lounge areas.
- Provided a comparative analysis of height ratios in the area.
- Provided rationale for the five requested variances.
- Spoke to the financial contributions for the Bertram Bikeway, Height bonus payment program and development cost charges program.
- Responded to questions from Council.

Mayor Dyas 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 indicated they wished to speak.

Gallery

Susan Ames, Abbott Street

- Referenced previously submitted correspondence.
- This is a single family area and not an appropriate location for a tower.
- Believes this proposal will have a negative impact on the quality of life for those living in the neighbourhood.
- Raised concern that there is no greenspace.
- Asked Council to turn this application down.
- Opposed to the height variance.

Luke Turri, Applicant in Response

- Commented that they care deeply regarding the impacts on the community and strive to ensure they have the right balance for the community; we live and operate here and do not take shortcuts.
- Believes this neighbourhood is appropriate for this height and is a good area to have rental housing.
- Responded to questions from Council.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor DeHart

Ro813/22/11/15 THAT Council authorizes the issuance of Development Permit No. DP21-0065 and Development Variance Permit No. DVP21-0066 for LOT 1 DISTRICT LOT 139 OSOYOOS DIVISION YALE DISTRICT PLAN EPP118647, located at 1333 Bertram 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. 12375 be granted:

Table 8.2.7.b: Parking and Loading – Ratio of Parking Space Sizes

To vary the required regular size vehicle parking spaces from 50% minimum to 30% minimum and the small size vehicle parking spaces from 50% maximum to 70% maximum.

Section 8.5.6(d): Parking and Loading - Off-Street Bicycle Parking

To vary the required minimum of long-term bicycle parking located at grade or within one storey of finished grade from 75% required to 7.5% proposed.

Section 9.11: Specific Use Regulations - Tall Buildings Regulations

To vary the required tower setback above podium, including balconies, on the front building facade and flanking building facade (minimum) from 3.0 m permitted to 0.75 m proposed

Section 14.11.11: Core Areas and Other Zones - Commercial and Urban Centre Zone Development Regulations

To vary the required minimum common and private amenity space from 2,850.0 m² required to 2,256.5 m² proposed

Section 14.14: Core Areas and Other Zones - Density and Height

To vary the required maximum height from 12 storeys/44.0 m (base), plus 3 storeys/12.0 m (bonus) permitted to 19 storeys / 56.0 m proposed

AND THAT the applicant be required to make a payment into the Public Amenity & Streetscape Capital Reserve Fund as established by Bylaw No. 12386 in accordance with Table 6.8.a. in Zoning Bylaw No. 12375;

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
Councillor Cannan - Opposed

11. Termination

This meeting was declared terminated at 9:15 p.m.

Mayor Dyas

City Clerk

/acm