



**City of Kelowna
Regular Council Meeting
Minutes**

Date:	Tuesday, November 29, 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; Development Planning Department Manager, Terry Barton; Urban Planning Manager, Community Planning & Development Manager, Dean Strachan*; Legislative Coordinator (Confidential), Rebecca Van Huizen
Staff participating Remotely	Legislative Coordinator (Confidential), Clint McKenzie

(* Denotes partial attendance)

1. Call To Order

Mayor Dyas called the Meeting to order at 6:00 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 DeHart.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Lovegrove

Ro862/22/11/29 THAT the Minutes of the Public Hearing and Regular Meeting of November 15, 2022 be confirmed as circulated.

Carried

4. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 6:02 p.m.

5. Individual Bylaw Submissions

5.1 **START TIME 6:00 PM - Upper Mission Ct 5639 - OCP21-0021 (BL12439) Z21-0079 (BL12440) - Calcan Investments Inc., Inc.No. BC0383776**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Andrew Bruce, Keith Rd, Applicant

- Displayed a PowerPoint presentation.
- Spoke to reasons for the application.
- Confirmed trees would be replaced at a 3 to 1 ratio.
- Displayed overall park and green space map of the neighbourhood.
- No new interface required. played the proposed site layout.
- Spoke to the infrastructure requirements.

City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Online:

Andy & Janet Kluftringer, The Edge Place

- Opposed to the application.
- Example of suburban sprawl.
- Development is in the fire interface area.
- No need for such large lots on the edge of the city.
- Referenced submitted correspondence.

Andre Beaulieu, Upper Mission Dr

- Opposed to the application.
- Concerned with negative impacts on wildlife.

Andrew Bruce, Applicant in Response

- Spoke to environmental considerations and regulations and topography when making development considerations.

Staff:

- Responded to questions from Council.

There were no further comments.

6. Termination

The Hearing was declared terminated at 6:34 p.m.

7. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 6:34 p.m.

8. Bylaws Considered at Public Hearing

8.1 START TIME 6:00 PM - Upper Mission Ct 5639 - BL12439 (OCP21-0021) - Calcan Investments Inc., Inc.No. BC0383776

Moved By Councillor Hodge/Seconded By Councillor Lovegrove

Ro863/22/11/29 That Bylaw No. 12439 be read a second and third time and be adopted.

Carried

Councillors Cannan, Hodge and Lovegrove - Opposed

8.2 START TIME 6:00 PM - Upper Mission Ct 5639 - BL12440 (Z21-0079) - Calcan Investments Inc., Inc.No. BC0383776

Moved By Councillor Lovegrove/Seconded By Councillor Hodge

Ro864/22/11/29 THAT Bylaw No. 12440 be read a second and third time and be adopted.

Carried
Councillors Cannan, Hodge and Lovegrove - Opposed

9. Termination

The regular meeting terminated at 6:38 pm

10. Call to Order the Public Hearing

The public hearing was called to order at 6:38 p.m.

11. Individual Bylaw Submissions

11.1 START TIME 6:00 PM - Upper Mission Dr 5548 - OCP21-0015 (BL12442) Z21-0051 (BL12443) - Calcan Investments Inc., Inc. No. BCo383776

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Andrew Bruce, Applicant

- Displayed a PowerPoint presentation.
- Spoke to the reasons for the application.
- Provided details of the proposed lot layouts.
- Spoke to the support from the rock climbing community.
- Spoke to it being more of a boundary adjustment than a new rezoning.
- Spoke to the public consultation efforts.

City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Gallery:

Mike Greer, Trevor Dr, West Kelowna, Vice-President, Central Okanagan Climbing Association

- Speaking on behalf of the regional rock climbing community.
- Supportive of the application.
- Support based on three conditions being met: access to climbing wall and the climbing area gets turned over to public access and that the access trail to the climbing remains open.
- Raised concerns with parking availability, for both the City and RDCO parks in the immediate area.

Online:

Andy & Janet Kluftringer, The Edge Place

- Opposed to the application.
- Spoke to the need for parking in the neighbourhood for recreational users.
- Spoke to the negative impacts on the wildlife corridor running through the subject property.

Andrew Bruce, Applicant in Response

- Spoke to suitable lot for parking that is in the Regional District, have discussed with RDCO.
- Committed to the three conditions within their control the climbing representative raised.
- Responded to questions from Council.

Staff

- Responded to questions from Council.

There were no further comments.

12. Termination

The Hearing was terminated at 7:14 p.m.

13. Call to Order the Regular Meeting

The regular meeting was called to order at 7:14 p.m.

14. Bylaws Considered at Public Hearing

14.1 START TIME 6:00 PM - Upper Mission Dr 5548 - BL12442 (OCP21-0015) - Calcan Investments Inc., Inc. No. BCo383776

Moved By Councillor Hodge/Seconded By Councillor Lovegrove

Ro865/22/11/29 THAT Bylaw No. 12442 be read a second and third time.

Carried
Councillors Hodge and Lovegrove - Opposed

14.2 START TIME 6:00 PM - Upper Mission Dr 5548 - BL12443 (Z21-0051) - Calcan Investments Inc., Inc. No. BCo383776

Moved By Councillor Lovegrove/Seconded By Councillor Hodge

Ro866/22/11/29 THAT Bylaw No. 12443 be read a second and third time.

Carried
Councillors Hodge and Lovegrove - Opposed

15. Termination

The meeting was declared terminated at 7:16 p.m.

The meeting recessed at 7:16 p.m.

The meeting reconvened at 7:22 p.m.

16. Call to Order the Public Hearing

17. Individual Bylaw Submission

17.1 START TIME 7:00 PM – Glenmore Rd N 2340 – OCP22-0005 (BL12446) Z22-0033 (BL12447) – City of Kelowna

Application withdrawn.

18. Termination

19. Call to Order the Regular Meeting

20. Bylaws Considered at Public Hearing

Bylaws withdrawn.

21. Termination

22. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 7:22 p.m.

23. Individual Bylaw Submissions

23.1 START TIME 7:00 PM - Miller Rd 3940 - HD22-0001 (BL12450) - Shona Renay Harrison

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Dr. Shona Harrison, Miller Rd, Applicant

- Displayed a PowerPoint presentation.
- Provided historical context and history of the J.N. Thompson House.

City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Gallery:

Mike Sheleppe, Miller Rd

- Opposed to the application.
- Referenced petition of opposition submitted previously.
- Provided history of development of Miller Road.
- Concerned with parking impacts of those who visit the heritage house.
- Raised concerns regarding shared access to the site.
- Made comment on legal actions between himself and the applicant.
- Inappropriate location for a heritage home.

Janice Henry, Mountain Ave

- Supportive of the application.
- Made comments regarding the heritage value of the house.
- Spoke to other heritage homes that have moved sites and maintained or achieved heritage designation at the new location.
- Raised doubts many members of the public will venture to Miller Road to view the house.
- Referenced the Miller Road counterpetition.

Pam Nicolas, June Springs Road

- Supportive of the application.
- Enhances the existing neighbourhood.

Tanya James, Westwick Rd

- Supportive of the application.
- Read a letter of support from a previous owner.

Lucy Ford, Matthews Rd

- Not concerned with traffic impacts not being as they will be minimal.
- Supportive of the application.
- Read comments of support from the Southeast Kelowna Facebook page.

Gillian Friesen Jaud Rd

- Supportive of the application.
- Does not believe traffic will be an issue.

Tyler Forgurth, legal representative for Mike Schleppe

- Supportive of heritage homes in general.
- Home is sited a distance from the road, concerned with trespass implications of members of the public parking on private lands.

Hannah Tran, Francis Ave

- Support of the application.
- Made reference to the South East Kelowna Facebook page and read posts from the page.

Applicant's daughter:

- Addressed some of the concerns raised in opposition.
- Provided reasons for choosing the move the house to Miller Road.

Hailey Reimer, Wallace Hill Rd

- Support the application.

Dallas Krick, Miller Rd

- Concerned with access to the property.

Applicant in Response

- Displayed a legal sketch on the ELMO.
- spoke to the driveway easement.
- Addressed the shared driveway access and trespass issues raised.
- Spoke to siting of the house on the property.
- Provided comments on the petition of opposition submitted.
- Responded to questions from Council.

Moved By Councillor Singh/Seconded By Councillor Cannan

Ro867/22/11/29 THAT the item be deferred until legal action has been resolved.

Defeated

Mayor Dyas and Councillors DeHart, Hodge, Lovegrove, Stack, Webber and Wooldridge-Opposed

24. Termination

The hearing was declared terminated at 8:37 p.m.

25. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 8:37 p.m.

26. Bylaws Considered at Public Hearing

**26.1 START TIME 7:00 PM - Miller Rd 3940 - BL12450 (HD22-0001) - Shona Renay
Harrison.docx**

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

Ro868/22/11/29 THAT Bylaw No. 12450 be read a second and third time and be adopted.

Carried

Councillors Cannan and Singh -Opposed

27. Development Permit and Development Variance Permit Reports

**27.1 START TIME 7:45 PM - Clement Ave 647 - BL12336 (Z21-0066) - Madison Avenue
Clement GP Inc., Inc.No. A0117433**

Moved By Councillor DeHart/Seconded By Councillor Stack

Ro869/22/11/29 THAT Bylaw No. 12336 be rescinded at first, second and third reading.

Carried

**27.2 START TIME 7:45 PM - Clement Ave 647 - DP21-0150 DVP22-0042 - Madison Avenue
Clement GP Inc., Inc. No. A0117433**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Dave Lewis, Ellis St, Applicant

- Displayed a PowerPoint presentation.
- Spoke to design choices and variances requested.
- Displayed renderings from different perspectives.
- Responded to questions from Council.

Staff

- Responded to questions from Council .

City Clerk 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.

Staff;

- Responded to questions from Council.

Applicant

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

Ro870/22/11/29 THAT Council authorizes the issuance of Development Permit No. DP21-0150 for Lot 1, District Lot 1039, ODYD, Plan EPP121801, located at 647 Clement 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 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 THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0042 for Lot 1, District Lot 1039, ODYD, Plan EPP121801, located at 647 Clement Avenue, Kelowna, BC:

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

Section 14.11.2: UC1 – Core Area & Other Zones, Commercial and Urban Centre Zone Development Regulations

To vary the required minimum upper floor setback for a portion of the building above 16.0 m abutting the east property line from 4.0 m permitted to 0.0 m proposed.

Section 14.11.2: UC1 – Core Area & Other Zones, Commercial and Urban Centre Zone Development Regulations

To vary the required minimum upper floor setback for a portion of the building above 16.0 m abutting the west property line from 4.0 m permitted to 3.0 m 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

27.3 START TIME 7:45 PM - HWY 97 N 2339-2397 - DVP22-0134 - Dilworth Shopping Centre Ltd., Inc.No. 319846

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Alexis Tanner, Applicant Remote

-Spoke to the variances requested.

-Provided rationale for the signage.

City Clerk 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.

Staff;

- Responded to questions from Council.

-Applicant responded to questions from Council.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Wooldridge

Ro871/22/11/29 THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0134 for Lot A District Lots 126 and 532 ODYD Plan 40108, located at 2339-2397 HWY 97 N, Kelowna, BC;

AND THAT variances to the following sections of Sign Bylaw No. 11530 be granted:

Section 3.5.2 (c): Signs Not Requiring a Permit, Directional Sign, Regulations

To vary directional sign regulations to allow for lit directional signs.

Section 9.3 (b) h: Urban Commercial Zones, Signage Regulations

To vary the maximum number of permanent illuminated fascia signs per business from two (2) permitted to three (3) 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

27.4 START TIME 7:45 PM - LakeAve274 - HAP22-0010 - Aleksandra Dulic

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Miles Thorogood, Applicant

-Provided rationale for the project.

-Spoke to the requested variance.

City Clerk 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.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Singh/Seconded By Councillor Hodge

Ro872/22/11/29 THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP22-0010 for Lot B District Lot 14 ODYD PLAN 42536, located at 274 Lake 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";

AND THAT a variance to the following section of Zoning Bylaw No. 12375 be granted:

Section 11.5: RU1 – Large Lot Housing, Development Regulations

To vary the required minimum side yard from 1.5 m permitted to 1.0 m proposed;

AND FURTHER THAT this Heritage Alteration Permit is valid for two (2) years from date of Council approval, with no opportunity to extend.

Carried

28. Reminders

Councillor Hodge -

Made a statement of apology for comments made during the previous public hearing.

29. Termination

The meeting was declared terminated at 9:49 p.m.

Mayor Dyas

City Clerk

/cm