



City of Kelowna Regular Council Meeting Minutes

Date:	Tuesday, March 21, 2023
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Tom Dyas, Councillors Ron Cannan, Maxine DeHart*, Charlie Hodge*, Gord Lovegrove*, Luke Stack, Rick Webber and Loyal Wooldridge
Members participating Remotely	Councillor Mohini Singh
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith; Community Planning & Development Manager, Dean Strachan; Planner Specialist, Adam Cseke*, Planner II, Trisa Atwood*; Legislative Coordinator Confidential (FOI), 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 4:00 p.m.

Mayor Dyas advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend Kelowna 2040- Official Community Plan Bylaw No. 12300 and 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 Hodge.

Councillor Lovegrove joined the meeting at 4:02 p.m.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

THAT the Minutes of the Public Hearing and Regular Meeting of February 14, 2023 be confirmed as circulated.

Carried

4. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 4:03 p.m.

5. Individual Bylaw Submissions

5.1 START TIME 4:00 PM - Gordon Dr 4998 – OCP22-0007 (BL12474) – 0954654 BC LTD

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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.

There were no further comments.

6. Termination

The Hearing was declared terminated at 4:07 p.m.

7. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 4:07 pm

8. Bylaws Considered at Public Hearing

8.1 START TIME 4:00 PM - Gordon Dr 4998 BL12474 (OCP22-0007) - 0954654 BC LTD

Moved By Councillor Cannan/Seconded By Councillor Wooldridge

THAT Bylaw No. 12474 be read a second and third time.

Carried

9. Termination

The meeting was declared terminated at 4:07 p.m.

10. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 4:08 p.m.

11. Individual Bylaw Submissions

11.1 START TIME 4:00 PM - Lochview Rd 380 - TA21-0014 (BL12487) - Michael Georg Anton Holzhey

Councillor DeHart declared a conflict of interest as her employer rents rooms and is in direct conflict with the applicant and left the meeting at 4:08 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Birte Decloux, Urban Options Planning, Applicant's Agent

- Displayed a PowerPoint Presentation.
- Reviewed reasons why the type of accommodation is appropriate for Kelowna.
- Reviewed the amenities the property would provide.
- Spoke to the park dedication.

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

Dr. F. Theriault, Lochview Rd

- Is the adjacent neighbour.
- Displayed a PowerPoint presentation.
- Referenced previously submitted correspondence and stated reasons for opposition.
- Went through objections.
- Outlined requests to reject the proposal and respect the privacy of the residential zone that the neighbours have chosen to live in.

Fred Barrett, Prince Edward Dr

- Adjacent property owner.
- The general manager has kept them informed as neighbours.
- No noticeable noise level increase.
- Do not see any issues with increasing the size.
- Supports the application.

Gordon Fitzpatrick, Cassiar Dr

- Supportive of the application.
- Great asset to help promote the Okanagan Valley as a tourist destination.

Peter Hughes, McKenzie Ct, Revelstoke

- Supportive of the application.
- Commented on the similarities between their chateau and the proposed application.
- It will be a huge asset to the community with a significant impact on the economy.

City Clerk advised Council of the correspondence received.

Birte Decloux, Applicant in Response:

- Spoke to filming on the location and the owners' commitment to not having another film production.
- Spoke to letters of support from local businesses.
- Responded to questions from Council.

Staff responded to questions from Council.

There were no further comments.

12. Termination

The Hearing was declared terminated at 4:55 p.m.

13. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 4:55 p.m.

14. Bylaws Considered at Public Hearing

14.1 START TIME 4:00 PM - Lochview Rd 380 - BL12487 (TA21-0014) - Michael Georg Anton Holzhey

Moved By Councillor Hodge/Seconded By Councillor Cannan

THAT Bylaw No. 12487 be read a second and third time.

Carried

15. Termination

The meeting was declared terminated at 4:56 p.m.

Councillor Dehart returned to the meeting at 4:56 p.m.

The meeting recessed at 4:56 p.m.

The meeting reconvened at 5:03 pm.

16. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 5:03 p.m.

17. Individual Bylaw Submissions

17.1 START TIME 4:45 PM - Multiple Properties - Z22-0056 (BL12483, 12490, 12491, 12492) - Various Owners

Staff:

- Displayed a PowerPoint Presentation summarizing the application.
- Spoke to the Zoning Bylaw Transition Plan.
- Identified the proposed changes.

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 came forward.

There were no further comments.

18. Termination

The Hearing was declared terminated at 5:10 pm.

19. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 5:10 p.m.

20. Bylaws Considered at Public Hearing

20.1 START TIME 4:45 PM - Multiple Properties - BL12483 (Z22-0056) - Various Owners

Moved By Councillor Cannan/Seconded By Councillor Wooldridge

THAT Bylaw No. 12483 be read a second and third time.

Carried

20.2 START TIME 4:45 PM - Multiple Properties - BL12490 (Z22-0056) - Various Owners

Moved By Councillor Cannan/Seconded By Councillor Stack

THAT Bylaw No. 12490 be read a second and third time.

Carried

20.3 START TIME 4:45 PM - Multiple Properties - BL12491 (Z22-0056) - Various Owners

Moved By Councillor Cannan/Seconded By Councillor Webber

THAT Bylaw No. 12491 be read a second and third time.

Carried

20.4 START TIME 4:45 PM - Multiple Properties - BL12492 (Z22-0056) - Various Owners

Moved By Councillor Cannan/Seconded By Councillor Webber

THAT Bylaw No. 12492 be read a second and third time.

Carried

21. Termination

The meeting was declared terminated at 5:11 pm

22. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 5:12 p.m.

23. Individual Bylaw Submissions

23.1 START TIME 4:45 PM - Multiple Properties - Z22-0081 (BL12493, 12494, 12495) - Various Owners

Staff:

- Displayed a PowerPoint Presentation summarizing the proposed rezonings.
- Spoke to the Zoning Bylaw Transition Plan.
- Identified proposed changes.

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 came forward.

There were no further comments.

24. Termination

The Hearing was declared terminated at 5:17 p.m.

25. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 5:17 p.m.

26. Bylaws Considered a Public Hearing

26.1 START TIME 4:45PM - Multiple Properties - BL12493 (Z22-0081) - Various Owners

Moved By Councillor Cannan/Seconded By Councillor Stack

THAT Bylaw No. 12493 be read a second and third time.

Carried

26.2 START TIME 4:45 PM - Multiple Properties - BL12494 (Z22-0081) - Various Owners

Moved By Councillor Cannan/Seconded By Councillor Wooldridge

THAT Bylaw No. 12494 be read a second and third time.

Carried

26.3 START TIME 4:45 PM - Multiple Properties - BL12495 (Z22-0081) - Various Owners

Moved By Councillor DeHart/Seconded By Councillor Wooldridge

THAT Bylaw No. 12495 be read a second and third time.

Carried

27. Termination

The meeting was declared terminated at 5:18 p.m.

28. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 5:18 p.m.

29. Individual Bylaw Submissions

29.1 START TIME 4:45 PM - OCP Amendment regarding Temporary Use Permit Designation - OCP23-0003 (BL12496) - City of Kelowna

Staff:

- Spoke to the TUP.

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 came forward.

There were no further comments.

Staff responded to questions from Council.

30. Termination

The Hearing was declared terminated at 5:20 p.m.

31. Call to order the Regular Meeting

Mayor Dyas called the meeting to order at 5:20 p.m.

32. Bylaws Considered at Public Hearing

32.1 START TIME 4:45 PM - OCP Amendment regarding Temporary Use Permit Designation - OCP23-0003 (BL12496) - City of Kelowna

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

THAT Bylaw No. 12496 be read a second and third time.

Carried

33. Temporary Use Permit

33.1 START TIME 5:15 PM - Willits Rd 500 and Springfield Rd 3330 - TUP22-0002 - City of Kelowna

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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 came forward.

There were no further comments.

Staff:

- Responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Wooldridge

THAT Council authorizes the issuance of Temporary Use Permit No. TUP22-0002 to allow for temporary staging, storage, and off-site operations at two properties: Lot A, Section 23, Township 26, Osoyoos Division, Yale District, Plan 17856, located at 500 Willits Rd, Kelowna, BC.; and Lot B, Section 23, Township 26, Osoyoos Division, Yale District, Plan EPP23792, located at 3330 Springfield Rd, Kelowna, BC for a 3 (three) year period commencing from Council approval subject to the following conditions:

- a. The dimensions and siting of the temporary use on the land be in general accordance with Schedule "A";

AND FURTHER THAT any application to extend the permit must be approved by Council prior to this permit expiring.

Carried

34. Development Permit and Development Variance Permit Reports

34.1 START TIME 5:15 PM - Tanager Ct 5428 - BL12449 (Z22-0052) - Diane and George Kamoschinski

Moved By Councillor Webber/Seconded By Councillor Wooldridge

THAT Bylaw No. 12449 be adopted.

Carried

34.2 START TIME 5:15 PM - Tanager Ct 5428 - DVP22-0189 - George and Dianne Kamoschinski

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Diane Kaminski, Tanager Court Applicant

- Spoke to the variance requested.
- They have addressed the side balcony by screening it in.

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 came forward.

Applicant responded to questions from Council.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Lovegrove

THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0189 for Lot 13 Section 23 Township 28 SDYD PLAN 35953, located at 5428 Tanager Court, Kelowna, BC;

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

Section 11.5: RU1- Large Lot Housing, Development Regulations

To vary the required maximum net floor area of a two (2) storey carriage house from 90.0 m² to 96.52 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

34.3 START TIME 5:15 PM - Stonepointe Ct 1160 - DVP22-0216 - James Hiebert

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Birte Decloux, Urban Options, Applicant's Agent

- Displayed a PowerPoint Presentation.

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 came forward.

There were no further comments.

Staff responded to questions from Council.

Moved By Councillor Lovegrove/Seconded By Councillor Cannan

THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0216 for Strata Lot 32 Section 30 Township 26 ODYD Strata Plan KAS3162, located at 1160 Stonepointe Ct, Kelowna, BC;

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

Section 11.5: RU1 – Large Lot Housing, Development Regulations

To vary the maximum principal building height from 10.0 m permitted to 13.56 m 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

Councillor Hodge declared a conflict of interest as he lives within the notification area and indicated he will not be participating in the last two items.

The meeting recessed at 5:41 p.m.

The meeting reconvened at 6:30 p.m.

Councillor Hodge reiterated his conflict with the next two items as he lives within the notification area and left the meeting at 6:30 p.m.

34.4 START TIME 6:30 PM - Gordon Dr 1603-1615 - BL12430 (Z22-0020) - PC Urban (1605 Gordon Drive) Holdings Corp. Inc. No. BC1316531

Moved By Councillor Webber/Seconded By Councillor Wooldridge

THAT Bylaw No 12430 be adopted

34.5 START TIME 6:30 PM - Gordon Dr 1603-1615 - DP22-0063 DVP22-0064 - PC Urban (1605 Gordon Drive) Holdings Corp. Inc. No. BC1316531

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Chris Karu, PC Urban, Applicant

- Displayed a PowerPoint Presentation.
- Reviewed the timeline of the development process of the subject property.
- Highlighted items on the site plan.
- Reviewed the variances being requested.

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

Eric Hall, Gordon Dr

- Made reference to previously circulated correspondence.
- Raised concerns with the lack of a public hearing for the rezoning.
- Concerned with the size of the building and reducing the setbacks.
- Spoke to the safety of Gordon Drive currently for cyclists.
- Concerned with the size of the building.
- Spoke to the need for a zone for drop off/pick up in front of the building.
- Supports the rental aspect but believes the building is a bit too big.

Indi Dihal, Hollywood Rd

- Spoke in favour of the childcare component of the application as there is a need for more childcare spots in the community.

The applicant did not wish to speak to the concerns raised.

Responded to questions from Council.

City Clerk outlined the process of the rezoning and DP/DVP for the application.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

THAT Council authorizes the issuance of Development Permit No. DP22-0063 and Development Variance Permit DP22-0064 for Lot 1 DL 137 ODYD Plan 8837 Except Plan H16278, located at 1603-1615 Gordon Dr, 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 amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;
5. 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 variances to the following sections of Zoning Bylaw No. 12375 be granted:

- a. **Section 14.11: CA1- Commercial and Urban Centre Zone Development Regulations**
To vary the required maximum site coverage of all buildings from 75% required to 83.9% proposed;
- b. **Section 14.11: CA1- Commercial and Urban Centre Zone Development Regulations**
To vary the required maximum site coverage of all buildings, structures, and impermeable surfaces from 85% required to 86.4% proposed;
- c. **Section 14.11: CA1- Commercial and Urban Centre Zone Development Regulations**
To vary the minimum front yard setback (west) from 2.0 m required to 0.0 m proposed;
- d. **Section 14.11: CA1- Commercial and Urban Centre Zone Development Regulations**
To vary the minimum flanking side yard setback (north) from 2.0 m required to 0.0 m proposed;
- e. **Section 14.11: CA1- Commercial and Urban Centre Zone Development Regulations**
To vary the minimum building setback from front yard (west) from 3.0 m required to 1.1 m proposed;
- f. **Section 14.11: CA1- Commercial and Urban Centre Zone Development Regulations**
To vary the minimum side yard setback (south) from 3.0 m required to 0.2 m proposed;
- g. **Section 14.11: CA1- Commercial and Urban Centre Zone Development Regulations**
To vary the minimum rear yard setback (east) from 6.0 m required abutting an RU1 property to 3.0 m proposed;
- h. **Section 14.11: CA1- Commercial and Urban Centre Zone Development Regulations**
To vary the corner lot setback from a 4.5 m triangle to 0.0 m.

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

35. Reminders

There were no reminders.

36. Termination

The meeting was declared terminated at 7:10 p.m.

Mayor Dyas

City Clerk

/cm