



City of Kelowna Regular Council Meeting Minutes

Date:	Monday, August 14, 2023
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Tom Dyas, Councillors Ron Cannan, Maxine DeHart, Gord Lovegrove, Mohini Singh, Luke Stack*, Rick Webber and Loyal Wooldridge
Members Participating Remotely	Councillor Charlie Hodge
Staff Present	City Manager, Doug Gilchrist; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith*; Planner Specialist, Wesley Miles*; Urban Planning Manager, Jocelyn Black*; Planner, Jason Issler*; Planner, Tyler Caswell*; City Clerk, Stephen Fleming*; Revenue Supervisor, Patrick Gramiak*; Planner Specialist, Trisa Atwood*; Planner, Breanna Sartori*; Planner Specialist, Daniel Sturgeon*; Infill Housing Planning Manager, James Moore*; Legislative Technician, Natasha Beauchamp*; Development Services Clerk, Anita Gruendel
Staff Participating Remotely	Legislative Coordinator (Confidential) Arlene McClelland
Public Participating Remotely	Greg Appelt*, Appelt Properties
Guests	Renata Mills* and Mark Burley*, Downtown Kelowna Association

(* Denotes partial attendance)

1. Call to Order

Mayor Dyas called the meeting to order at 1:30 p.m.

I would like to acknowledge that we are gathered today on the traditional, ancestral, unceded territory of the syilx/Okanagan people.

This Meeting is open to the public and all representations to Council form part of the public record. A live audio-video feed is being broadcast and recorded on kelowna.ca and a delayed broadcast is shown on Shaw Cable.

2. Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

THAT the Minutes of the Regular Meetings of July 24, 2023 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 Walburn Rd 2015 - A23-0003 - Kamaljit Boparai and Mukhtiar Boparai

Staff:

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

Moved By Councillor Singh/Seconded By Councillor Hodge

THAT Agricultural Land Reserve Application No. A23-0003 for Lot 2, Section 13, Township 26, ODYD, Plan 4119, Except Plans 20534 and 34516 located at 2015 Walburn Road, Kelowna, BC for a Non-Adhering Residential Use pursuant to Section 25 of the *Agricultural Land Commission Act*, be supported by Council;

AND THAT Council directs Staff to forward the subject application to the Agricultural Land Commission for consideration.

Carried

3.2 Mayfair Rd 870-872 - Z23-0032 (BL12569) - Brian Banman and Megan Banman

Staff:

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

Moved By Councillor Cannan/Seconded By Councillor Wooldridge

THAT Rezoning Application No. Z23-0032 to amend the City of Kelowna Bylaw No.12375 by changing the zoning classification of LOT 7 DISTRICT LOT 143 ODYD PLAN 24833, located at 870-872 Mayfair Rd, Kelowna, BC from the RU4 – Duplex Housing zone to the MF1 – Infill Housing zone, be considered by Council;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Development Planning Department dated August 14, 2023;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.

Carried

3.3 Horak Rd 4519 - Z23-0030 (BL12570) - 2457853 Alberta Ltd

Staff:

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

Moved By Councillor Wooldridge/Seconded By Councillor Stack

THAT Rezoning Application No. Z23-0030 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 1 District Lot 358 ODYD Plan 17432, located at 4519 Horak Rd, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU4 – Duplex Housing zone be considered by Council;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Development Planning Department dated August 14, 2023;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer.

Carried**3.4 Gordon Dr 1459 1467, Lawson Ave 1104-1130, Aspen Ct 1488 - Z23-0022 (BL12571) - HPG Development Ltd., Inc. No. BCo897381**

Staff:

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

Moved By Councillor Wooldridge/Seconded By Councillor Singh

THAT Council hear from the Applicant regarding public engagement process.

Defeated

Councillors Cannan, DeHart, Hodge, Singh, Stack and Webber - Opposed

Moved By Councillor Cannan/Seconded By Councillor Stack

THAT Rezoning Application No. Z23-0022 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of:

1. Lot 7 District Lot 137 ODYD Plan 14393, located at 1459 Gordon Dr, Kelowna, BC;
2. Lot 8 District Lot 137 ODYD Plan 14393, located at 1467 Gordon Dr, Kelowna, BC;
3. Lot 9 District Lot 137 ODYD Plan 14393, located at 1104 – 1110 Lawson Ave, Kelowna, BC;
4. Lot 10 District Lot 137 ODYD Plan 14393, located at 1120 – 1130 Lawson Ave, Kelowna, BC;
5. Lot 11 District Lot 137 ODYD Plan 14393, located at 1488 Aspen Ct, Kelowna, BC;

from the RU4 – Duplex Housing zone to the MF3r – Apartment Housing with Rental Only zone, be considered by Council;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Development Planning Department dated August 14, 2023;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit for the subject property.

Carried

3.5 Cara Glen Way 1691 - Z23-0033 (BL12573) TA23-0008 (BL12574) - Rutherford Crestview Developments Ltd., Inc. No. Aoo8598o

Staff:

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

Moved By Councillor Cannan/Seconded By Councillor Wooldridge

THAT Rezoning Application No. Z23-0033 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of portions of Lot 20 Section 32 Township 26 ODYD Plan KAP60008 Except Plans KAP77707, KAP87078 and KAP91641, located at 1691 Cara Glen Way, Kelowna, BC from the RR1 – Large Lot Rural Residential zone to the MF2 – Townhouse Housing zone as shown on Map “A” attached to the Report from the Development Planning Department dated August 14, 2023, be considered by Council;

AND THAT Zoning Bylaw Text Amendment Application No. TA23-0008 to amend City of Kelowna Zoning Bylaw No. 12375 as outlined in the Report from Development Planning Department dated August 14, 2023, for Lot 20 Section 32 Township 26 ODYD Plan KAP60008 Except Plans KAP77707, KAP87078 and KAP91641, located at 1691 Cara Glen Way be considered by Council;

AND THAT the Rezoning Bylaw and Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw and Zoning Bylaw Text Amending Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment “A” attached to the Report from the Development Planning Department dated August 14, 2023;

AND FURTHER THAT final adoption of the Rezoning Bylaw and Zoning Bylaw Text Amending Bylaw be considered subsequent to the portion of the property being rezoned to MF2 – Townhouse Housing zone as shown on Map “A”, attached to the Report from the Development Planning Department dated August 14, 2023, being consolidated with Lot 1 Section 32 Township 26 ODYD Plan KAP91641, located at 530 Caramillo Ct, Kelowna, BC.

Carried

3.6 Cara Glen Way 1691 - BL12573 (Z23-0033) - Rutherford Crestview Developments Ltd., Inc. No. Aoo8598o

Moved By Councillor Wooldridge/Seconded By Councillor Webber

THAT Bylaw No. 12573 be read a first time.

Carried

3.7 Cara Glen Way 1691 - BL12574 (TA23-0008 - Rutherford Crestview Developments Ltd., Inc. No. Aoo8598o

Moved By Councillor Webber/Seconded By Councillor Wooldridge

THAT Bylaw No. 12574 be read a first time.

Carried

3.8 Rezoning Bylaws Supplemental Report to Council

Deputy City Clerk:

- Commented on notice of first reading and correspondence received.

3.9 Rezoning Applications

- 3.9.1 Holland Rd 3010 - BL12554 (Z23-0006) - Fryer Holdings Inc. and Lipkovits Holdings Ltd.
- 3.9.2 Lakeshore Rd 4529 - BL12556 (Z23-0027) - Chunshuang Liu
- 3.9.3 McCurdy Rd 775 - BL12558 (Z23-0004) - 1187118 B.C. Ltd., Inc. No. BC1187118
- 3.9.4 Lawson Ave 1021 - BL12559 (Z23-0015) - 1288384 B.C. Ltd., Inc. No. BC1288384

Moved By Councillor Stack/Seconded By Councillor DeHart

THAT Bylaw Nos. 12554, 12556, 12558 and 12559 each be read a first, second and third time.

Carried

3.10 Dougall Rd N 540 - BL 12530 (Z23-0010) - WCPG Lots 17 Ltd., Inc. No. BC1389104

Moved By Councillor DeHart/Seconded By Councillor Stack

THAT Bylaw No. 12530 be amended at third reading as follows:

By deleting the Legal Description that reads:

"a. Lot A Section 26 Township 26 ODYD Plan 17758, located on Dougall Rd N, Kelowna, BC;
 b. Lot B Section 26 Township 26 ODYD Plan 17758, located on Dougall Rd N, Kelowna, BC;
 c. Lot 19 Section 26 Township 26 ODYD Plan 3476 Except Plan A12943, located on Leathead Rd, Kelowna, BC;
 d. Lot A Section 26 Township 26 ODYD Plan KAP80294, located on Leathead Rd, Kelowna, BC;"

And replacing it with:

"Lot 1 Section 26 Township 26 ODYD Plan EPP128625, located on Dougall Road North, Kelowna, B.C.";

And by deleting "385, 405 Leathead Road & 530."

Carried

Moved By Councillor DeHart/Seconded By Councillor Stack

THAT Bylaw No. 12530, as amended, be adopted.

Carried

3.11 Dougall Rd N 540 - DP23-0028 - WCPG Lots 17 Ltd., Inc. No. BC1389104

Staff:

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

Moved By Councillor Cannan/Seconded By Councillor Wooldridge

THAT Rezoning Bylaw No. 12530 be amended at third reading to revise the legal description of the subject properties from Lot A Section 26 Township 26 ODYD Plan 17758, Lot B Section 26 Township 26 ODYD Plan 17758, Lot 19 Section 26 Township 26 ODYD Plan 3476 Except Plan A12943, and Lot A Section 26 Township 26 ODYD Plan KAP80294 to Lot 1 Section 26 Township 26 ODYD Plan EPP128625;

AND THAT final adoption of Rezoning Bylaw No. 12530 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP23-0028 for Lot 1 Section 26 Township 26 ODYD Plan EPP128625, located at 540 Dougall Rd N, 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 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 Application in order for the permits to be issued;

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

Carried
Councillor Hodge - Opposed

3.12 Pier Mac Way 2050 - DP22-0199 - Beedie (Pier Mac Way) Holdings Ltd., Inc. No. BC1344910

Staff:

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

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

THAT Council authorizes the issuance of Development Permit No. DP22-0199 for Lot B District Lot 32 and Section 14 Township 23 ODYD Plan EPP123820, located at 2050 Pier Mac Way, 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;

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 issuance of the Development Permit be considered subsequent to approval of the Ministry of Transportation and Infrastructure;

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

Carried

3.13 Highway 97 N 2727 - DP23-0071 - 389481 B.C. Ltd., Inc. No. BC1340661

Staff:

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

Moved By Councillor Cannan/Seconded By Councillor Webber

THAT Council authorizes the issuance of Development Permit No. DP23-0071 for Lot B District Lot 124 ODYD Plan 39765, located at 2727 Highway 97 North, 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;

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

Carried

3.14 350 Doyle - Rescindment of Development and Development Variance Permits

City Clerk:

- Displayed a PowerPoint Presentation.
- Provided a summary of the RFP, lease and Development Permit and Development Variance Permit timelines.
- Outlined the events and information leading to the recommendation to rescind the Development Permit and Development Variance Permit.
- Summarized the recommendations.

Greg Appelt, Applicant, participating remotely:

- Commented on the \$250.00 per diem reimbursement for students not being against any laws or policies.
- Spoke to challenging action should Council choose to rescind the Development Permit and Development Variance Permit.
- Referred to statement and submission to Council.
- Not prepared to accept any questions of Council.

Greg Appelt left the meeting at 2:49 p.m.

Moved By Councillor Cannan/Seconded By Councillor Lovegrove

THAT Council receive, for information, the Report of the City Clerk dated August 14, 2023 regarding Rescindment of the Development and Development Variance Permits for 350 Doyle;

AND THAT Council rescind the authorization for issuance of Development Permit No. DP21-0136 and Development Variance Permit No. DVP21-0137 authorized for issuance by Council July 26, 2022;

AND THAT Appelt Properties be invited to submit a development permit for Lot C District Lot 139 Osoyoos Division Yale District Plan EP95954, located at 350 Doyle Ave, Kelowna, consistent with the legal agreements and Zoning Bylaw No. 12375;

AND THAT Council rescind Council resolution R0614/22/07/26 that authorized staff to amend any legal agreements associated with the long-term lease of 350 Doyle Avenue;

AND THAT the Lease Agreement deadlines for starting construction at 350 Doyle Ave be amended to January 20, 2025, with substantial completion by January 20, 2029.

Carried

The meeting adjourned at 2:51 p.m.

The meeting reconvened at 3:03 p.m.

4. Non-Development Reports & Related Bylaws

4.1 DKA BIA Renewal 2024-2028

Staff:

- Introduced the BIA Renewal Bylaw and DKA Members Renata Mills and Mark Burley.

Renata Mills, DKA President

- Have sat on the Board of Directors for eight years.
- Commented on the work of the DKA on behalf of members.

Mark Burley, DKA Executive Director

- Displayed a PowerPoint presentation summarizing the DKA BIA renewal.
- Provided comments on the history of the Downtown Kelowna Association and incorporation.
- Commented on membership and area of coverage.
- Spoke to programs, marketing and events.
- Outlined their 5-year Strategic Plan.
- Commented on their On-Street Services that run 7 days a week.
- Responded to questions from Council.

Moved By Councillor Webber/Seconded By Councillor Hodge

THAT Council approve the renewal of a specified area for the purpose of annually funding, over a 5-year period, the Downtown Kelowna Business Improvement Area pursuant to Sections 215 of the Community Charter, for the properties included within the boundary as outlined on Schedule "A" to the Report of the Revenue Supervisor dated August 14, 2023;

AND THAT Bylaw 12575 being Downtown Kelowna Business Improvement Area Bylaw be advanced for reading consideration;

AND FURTHER THAT 4:00 p.m., Friday, September 29, 2023 be set as the deadline for receipt of petitions against the proposed Downtown Kelowna Business Improvement Area renewal bylaw.

Carried

4.2 BL12575 - BIA Renewal Bylaw - Downtown Kelowna Association

Moved By Councillor Singh/Seconded By Councillor Hodge

THAT Bylaw No. 12575 be read a first, second and third time.

Carried

4.3 2023 Planning and Development Statistics - Quarter 1 and Quarter 2

Staff:

- Displayed a PowerPoint Presentation summarizing the first and second quarters of development statistics and comparisons in 2023.
- Commented on plans and policy project that are underway and responded to questions from Council.

Moved By Councillor DeHart/Seconded By Councillor Lovegrove

THAT Council receives, for information, the report from the Planning, Climate Sustainability and Development Services Division dated August 14, 2023, with information relating to Planning and Development Statistics.

Carried

4.4 Development Application Fees Bylaw

Staff:

- Displayed a PowerPoint Presentation outlining proposed changes to the Development Application Fees Bylaw and responded to questions from Council.

Moved By Councillor Cannan/Seconded By Councillor Lovegrove

THAT Council, receives, for information, the Report from the Development Planning Department dated August 14, 2023, recommending that Council adopt Development Application Fees Bylaw No. 12552;

AND THAT Development Application Fees Bylaw No. 12552 be forwarded for reading consideration.

Carried

4.5 BL12552 - Development Application Fees Bylaw

Moved By Councillor Lovegrove/Seconded By Councillor Singh

THAT Bylaw No. 12552 be read a first, second and third time.

Carried

4.6 Glenmore Landfill Road Closure - Portion of Land adjacent to 2105 Glenmore Road

Staff:

- Displayed a PowerPoint Presentation summarizing the road closure.

Moved By Councillor Stack/Seconded By Councillor Wooldridge

THAT Council receives, for information, the report from the Real Estate Department dated August 14, 2023, recommending that Council adopt the proposed closures of roads adjacent to 2105 – 2255 Glenmore Road to be consolidated into 1875 & 2105 – 2255 Glenmore Road;

AND FURTHER THAT Bylaw No. 12550, being a proposed road closure of a portion of road adjacent to 2105 – 2255 Glenmore Road, be given reading consideration.

Carried**4.7 BL12550 - Road Closure - Adjacent to 2105 Glenmore Road**Moved By Councillor Cannan/Seconded By Councillor Singh

THAT Bylaw No. 12550 be read a first, second and third time.

Carried**4.8 Revitalization Tax Exemption Program - Bylaw Changes**

Councillor Stack declared a perceived conflict of interest on items 4.8, 4.9 and 5.1 due to previous employer having contracts with people who have applied for housing agreements and departed the meeting at 4:13 p.m.

Staff:

- Provided comments on the Revitalization Tax Exemption Program.

Moved By Councillor Lovegrove/Seconded By Councillor Singh

THAT Council receives, for information, the report from the Policy and Planning Department dated August 14, 2023 with respect to repeal and replacement of Revitalization Tax Exemption Program Bylaw No. 9561;

AND THAT Council direct staff to bring forward an update report on the implementation of the Revitalization Tax Exemption Program in September, 2024.

Carried**4.9 BL12561 - Revitalization Tax Exemption Bylaw**Moved By Councillor Cannan/Seconded By Councillor Hodge

THAT Bylaw No. 12561 be read a first, second and third time.

Carried**5. Bylaws for Adoption (Non-Development Related)****5.1 Housing Agreement Bylaws**

5.1.1 BL12562 - Dougall Rd N 285 - Housing Agreement Authorization

5.1.2 BL12563 - Gordon Dr 1603-1615 - Housing Agreement Authorization

5.1.3 BL12564 - Royal Ave 416 - Housing Agreement Authorization

5.1.4 BL12565 - Lakeshore Rd 3773-3795 - Housing Agreement Authorization

- 5.1.5 **BL12566 - Bernard Ave 1575 - Housing Agreement Authorization**
- 5.1.6 **BL12567 - Hwy 97 N 2339-2397 - Housing Agreement Authorization**
- 5.1.7 **BL12568 - Richter St 1710 - Housing Agreement Authorization**

Moved By Councillor Cannan/Seconded By Councillor Singh

THAT Bylaw Nos. 12562,12563, 12564, 12565, 12566, 12567 and 12468 each be adopted.

Carried

Councillor Stack rejoined the meeting at 4:14 p.m.

- 5.2 **BL12555 - Amendment No. 24 to the Subdivision, Development and Servicing Bylaw No. 7900**

Moved By Councillor Lovegrove/Seconded By Councillor Singh

THAT Bylaw No. 12555 be adopted.

Carried

6. Resolutions

- 6.1 **Draft Terms of Reference - Community Task Force on Performing Arts**

City Manager:

- Introduced the Community Task Force on Performing Arts Terms of Reference.

Mayor Dyas:

- Provided remarks on the Terms of Reference and appointments.

Moved By Councillor Wooldridge/Seconded By Councillor Webber

THAT Council endorses the Community Task Force on Performing Arts Terms of Reference;

AND THAT recommendations for Task Force member appointments be brought forward for Council consideration.

Carried

7. Mayor and Councillor Items

Councillor Singh:

- Spoke to their attendance at the Jamaican Independence Day Celebration.

Councillor Hodge:

- Spoke to heat related affects and reminded residents to be cautious when outdoors.

Councillor Wooldridge:

- Spoke to their attendance at the Ballou Park re-opening.

Councillor Cannan:

- Spoke to their attendance at the Ballou Park re-opening.
- Commented on the heat warning this week and reminded everyone to be fire smart; acknowledged the 20th Anniversary of Okanagan Mountain Park fire.
- Requested an update regarding sheltering programs from the Province.

City Manager:

- Provided comments regarding the Provincial sheltering program.

8. Termination

This meeting was declared terminated at 4:30 p.m.

Mayor Dyas

lb/acm

Deputy City Clerk