



City of Kelowna Regular Council Meeting Minutes

Date:	Tuesday, November 28, 2023
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Tom Dyas, Councillors Ron Cannan,, Mohini Singh, Luke Stack, Rick Webber and Loyal Wooldridge
Members Participating Remotely	Councillors Charlie Hodge and Gord Lovegrove
Members Absent	Councillor Maxine DeHart
Staff Present	City Manager, Doug Gilchrist; City Clerk. Stephen Fleming; Urban Planning Manager, Jocelyn Black; Planner, Barbara Crawford*; Planner Specialist, Adam Cseke*; Planner, Jason Issler*; Legislative Coordinator (Confidential), Rebecca Van Huizen
Staff Participating Remotely	Divisional Director, Planning, Climate Action & Development Services, Ryan Smith; Legislative Coordinator (Confidential) Arlene McClelland

(* Denotes partial attendance)

1. **Call to Order**

Mayor Dyas called the meeting to order at 4:00 p.m.

2. **Reaffirmation of Oath of Office**

The Oath of Office was read by Councillor Singh.

3. **Call to Order the Public Hearing**

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

4. **Individual Bylaw Submissions**

4.1 **START TIME 4:00 PM - Ellis St 1175-1177 - HRA22-0001 (BL12588) - Kelowna Train Station Inc., Inc. No. BCo847922**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Perry Freeman, Okanagan Commercial Realty Group, Applicant Participating Remotely and Katherine Robertson, Kasian Architecture, in the Gallery

- Shared a PowerPoint Presentation.
- Provided a brief background regarding the Heritage Revitalization Agreement.
- Provided neighborhood context in relation to the site location.
- Indicated that future development had always been envisioned for the site with pre-load material deposited on the site well over 10 years ago in anticipation of a 3 storey building.
- Commented that the Gingko tree on site would be preserved.
- Made comment that the parking lot will remain gravel and unpaved in anticipation of future development and not offered for use by tenants of the complex.
- Determined that the current HRA was entered into a very long time ago and should be revisited to determine more appropriate uses of the surplus lands.
- Displayed a summary of project statistics between the existing HRA and new HRA.
- Displayed renderings of the proposed buildings and provided rationale for the site design; worked with a Heritage Consultant on the re-design to ensure cohesiveness and centered around the train station asset.

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:

Beverly Kalmakoff, Kelowna Tree Protectors

- Thanked Council and staff for their increasing protection of trees.
- Thanked the Applicant for protecting the Gingko tree on site.
- Raised concerns that the Gingko tree remains protected in its location during construction as this sometimes does not occur.

Will Born, Ellis Street

- Raised safety concerns with the zero setback allowance being very close to the Sport Complex.

Applicant in Response:

- Confirmed the tree report sets out construction protection requirements.
- Regarding zero setback; the BC Building Code requirements address fire safety for adjacent buildings which will be followed.
- Responded to questions from Council.

There were no further comments.

5. Termination

The Hearing was declared terminated at 4:45 p.m.

6. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 4:45 p.m.

7. Bylaws Considered at Public Hearing

7.1 START TIME 4:00 PM - Ellis St 1175-1155 - BL12588 (HRA22-0001) - Kelowna Train Station Inc., Inc. No. BCo847922

Moved By Councillor Singh/Seconded By Councillor Cannan

THAT Bylaw No. 12588 be read a second and third time.

Carried

8. Termination

The meeting was declared terminated at 4:46 p.m.

9. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 4:46 p.m.

10. Individual Bylaw Submissions

10.1 START TIME 4:00 PM - Amendments to Multiple Sections of Zoning Bylaw - TA23-0010 (BL12594) - 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 Online or in the Gallery came forward.

Staff::

- Responded to questions from Council.

There were no further comments.

11. Termination

The Hearing was declared terminated at 5:05 p.m.

12. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 5:05 p.m.

13. Bylaws Considered at Public Hearing

13.1 START TIME 4:00 PM - Amendments to Multiple Sections of Zoning Bylaw - BL12594 (TA23-0010) - City of Kelowna

Moved By Councillor Singh/Seconded By Councillor Cannan

THAT Bylaw No. 12594 be read second and third time.

Carried

14. Development Permit and Development Variance Permit Reports

14.1 START TIME 4:30 PM - High Rd 1885 and Glenmore Dr 810 - BL12522 (Z21-0060) - Polar Projects Development Group Ltd., Inc. No. 1287251

Moved By Councillor Singh/Seconded By Councillor Cannan

THAT Bylaw No. 12522 be adopted.

Carried

14.2 START TIME 4:30 PM - High Rd 1885 and Glenmore Dr 810 - DP21-0132 DVP21-0133 - Polar Projects Development Group Ltd., Inc. No. 1287251

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Dionne Delesalle, Polar Development Projects, Applicant, Participating Remotely

- Have been working with staff on this application for just over 2 years.
- Spoke to the site context and history of the property.
- Commented that a Certificate of Compliance issued for each lot only allows for surface parking.
- Spoke to the irregular shape of the site that has dictated the site plan and layout.
- Spoke to access and egress on the southern property line and closing the current access off of Glenmore Road; noted that Engineering was supportive of the Glenmore Road closure.
- Spoke to public engagement sessions discussing design form and character and overall density and there were no issues.
- Spoke to building amenities; roof top amenity with outdoor garden space and noted that each unit will have their own private space.
- There is a lot of bike parking and car-share for residents.
- Commented that this proposed building will be built to Step 3 Energy Code.
- Potential build out of the rental apartments would start in 2024 if approved.

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.

Staff:

- Responded to questions from Council.

Applicant:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Webber

THAT Council authorizes the issuance of Development Permit No. DP21-0132 and Development Variance Permit No. DVP21-0133 for Lot A Section 29 Township 26 ODYD Plan KAP58828, Lot 2 Section 29 Township 26 ODYD Plan 4101 and That Part Of Road Dedicated On Plan 896 Section 29 Township 26 ODYD Shown As Road To Be Closed On Plan EPP128151 located at, and adjacent to, 1885 High Road and 810 Glenmore Drive, 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 to 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 Council authorizes the variances to the following sections of Zoning Bylaw No. 12375 be granted:

Table 7.2: MF3 – Tree & Landscaping Planting Requirements

To vary the minimum growing medium area from 75% soil based landscaping required to 65% soil based landscaping proposed.

Section 7.2.3(a): Site Layout, Landscaping Standards

To vary a driveway within a landscape area from being permitted to cross the landscape area to being permitted to reduce a portion of the landscape area on the southern property line.

Section 13.5: MF3 – Development Regulations

To vary the minimum building setback from 3.0m required to 0.6m proposed.

AND THAT lot consolidation be completed prior to the issuance of the Development Permit and Development Variance Permit;

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

Carried
Councillor Cannan - Opposed

The meeting recessed at 5:46 p.m.

The meeting reconvened at 5:54 p.m.

14.3 START TIME 5:15 PM - Rutland Rd N 155-179 - BL12548 (Z23-0013) - ASI Central GP Inc., Inc. No. A0117887

Moved By Councillor Webber/Seconded By Councillor Stack

THAT Bylaw No. 12548 be amended at third reading by adding "Except Plan EPP119750" to the Legal Description.

Carried

Moved By Councillor Webber/Seconded By Councillor Stack

THAT Bylaw No. 12548, as amended, be adopted.

Carried

14.4 START TIME 5:15 PM - Rutland Rd N 155-179 - DP23-0038 DVP23-0039 - ASI Central GP Inc., Inc. No. A0117887

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Helen Bacharach, Project Architect

- Thanked staff for providing a thorough and competent report.
- Believes the building will animate the Rutland area and will contribute to the streetscape with a brick façade.
- Spoke to the number of rental units to be provided along with underground parking.
- Spoke to the 2 amenity areas indoors and outdoors.
- Spoke to the number of bike storage spaces and confirmed the bike room is on the main floor.
- Commented on the many changes this project has gone through.

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.

Applicant:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Wooldridge

THAT Council authorizes the issuance of Development Permit No. DP23-0038 and Development Variance Permit No. DVP23-0039 for Lot A Section 26 Township 26 Osoyoos Division Yale District Plan EPP117920 Except Plan EPP119750, located at 155-179 Rutland 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 and Screening Performance Security deposit in the amount of 125% of the estimated value of the Landscape and Screening Plan, as determined by a Registered Landscape Architect, and the estimated value of the mural on the north elevation;

AND THAT variances to the following sections of Zoning Bylaw No. 12375 be granted as shown on Schedule "A":

Section 14.11, Footnote ²: UC4r – Commercial and Urban Centre Zone Development Regulations

To vary the required minimum side yard for any portion of a building above 16.0 m in height from 4.0 m required to 0.25 m proposed (north side yard).

Section 14.11, Footnote ²: UC4r – Commercial and Urban Centre Zone Development Regulations

To vary the required minimum side yard for any portion of a building above 16.0 m in height from 4.0 m required to 0.13 m proposed (south side yard).

AND THAT the applicant be required to enter into a Car-Share Agreement for a minimum of two years from the date of Building Occupancy as set out in Attachment "C" attached to the Report from the Development Planning Department November 28, 2023;

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

Carried

14.5 START TIME 5:15 PM - Supplemental Report - 285 Robson Rd W - (BL12541) Z22-0035 - 1329606 B.C. Ltd., Inc. No. BC1329606

Staff:

- Provided rationale for deferring the requirements of the Development Engineering Memorandum to the time of building permit issuance.

Moved By Councillor Lovegrove/Seconded By Councillor Wooldridge

THAT Council waives the requirement for the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Development Planning Department dated June 12, 2023 to be considered in conjunction with final adoption of Rezoning Bylaw No. 12541;

AND THAT final adoption of Rezoning Bylaw No. 12541 be considered by Council.

Carried

14.6 START TIME 5:15 PM - Robson Rd W 285 - BL12541 (Z22-0035) - 1329606 B.C. Ltd., Inc. No. BC1329606

Moved By Councillor Stack/Seconded By Councillor Webber

THAT Bylaw No. 12541 be amended at third reading as follows:

Deleting " / 280 Rutland Road South" from the title, and
Deleting "and Rutland Road South".

Carried

Moved By Councillor Singh/Seconded By Councillor Cannan

THAT Bylaw No. 12541, as amended, be adopted.

Carried

14.7 START TIME 5:15 PM - Robson Rd W 285 - DP23-0046 DVP23-0047 - 1329606 B.C. Ltd., Inc. No. BC1329606

Staff:

- Displayed a PowerPoint Presentation summarizing the application..

Sara Johal, Meiklejohn Architects Inc., Applicant

- Displayed a PowerPoint presentation.
- Spoke to the positive feedback from neighbours for incorporating Murals into the building design; working with the Uptown Rutland Business Association to have a local artist paint the murals.
- Spoke to neighbourhood involvement from the beginning of the design phase and the incorporation of their feedback into the design.
- Provided details on the form and character aspect of the proposed building.
- Spoke to the location being perfect for public transit, connectivity to downtown Kelowna and to the UBCO Campus as well as being on a bike path.
- Commented that the adjacent Bus Stop will be enhanced due to this development.
- Spoke to the overall community and neighbourhood support for this project.

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.

Staff::

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Singh/Seconded By Councillor Hodge

THAT Council authorizes the issuance of Development Permit No. DP23-0046 and Development Variance Permit No. DVP23-0047 for Lot 1 Section 23 Township 26 ODYD Plan EPP120337, located at 285 Robson Rd W, 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 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 variances to the following section of Zoning Bylaw No. 12375 be granted as shown on Schedule "A":

Section 13.5: MF3 – Multi-Dwelling Zones, Development Regulations

To vary the required minimum flanking side yard from 4.5 m required to 2.1 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

15. **Reminders** - Nil.

16. **Termination**

The meeting was declared terminated at 6:31 p.m.

Mayor Dyas

City Clerk

/acm