



**City of Kelowna
Regular Council Meeting
Minutes**

Date: Tuesday, August 13, 2024
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Tom Dyas, Councillors Maxine DeHart, Charlie Hodge, Gord Lovegrove, Mohini Singh, Luke Stack, Rick Webber and Loyal Wooldridge

Members Participating Remotely Councillor Ron Cannan

Staff Present City Manager, Doug Gilchrist*; City Clerk, Laura Bentley; Housing Policy and Programs Manager, James Moore; Development Planning Department Manager, Nola Kilmartin; Planner Specialist, Adam Cseke; Legislative Coordinator Confidential (FOI), Rebecca Van Huizen

Staff Participating Remotely Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

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

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Wooldridge.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Lovegrove

THAT the Minutes of the Public Hearing and Regular Meeting of July 23, 2024 be confirmed as circulated.

Carried

4. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 4:05 p.m.

5. Individual Bylaw Submissions

5.1 START TIME 4:00 PM - Updates to Various Sections - TA24-0009 (BL12682) - 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 from the Gallery or Online came forward.

Staff:

- Responded to questions from Council.

There were no further comments.

6. Termination

The Hearing was declared terminated at 4:19 p.m.

7. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 4:19 p.m.

8. Bylaws Considered at Public Hearing

8.1 START TIME 4:00 PM - Updates to Various Sections - BL12682 (TA24-0009) - City of Kelowna

Moved By Councillor DeHart/Seconded By Councillor Webber

THAT Bylaw No. 12682 be read a second and third time.

Carried

9. Development Permit and Development Variance Permit Reports

9.1 START TIME 4:00 PM - Bertram St 1451 - DP23-0203 DVP23-0204 - Provincial Rental Housing Corporation, Inc. No. BC0052129

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Simon Ho, S2 Architecture, Applicant

- Displayed a PowerPoint Presentation.
- Commented on the sustainable design intent for families and developing community in the area.
- Spoke to the affordable non-market and market rental units, outdoor amenities, daycare plus outdoor play area, and electric vehicle charging stations.
- Spoke to the site context and the recent and proposed developments in the area.
- Commented that the walkout townhomes create a residential feel and implement crime prevention through environmental design techniques and provide pedestrian access through the site.
- The project layout intends to reduce the effects on nearby properties; the apartment is setback from neighbours toward the middle of the site and building heights are lower or one storey higher than adjacent apartments.
- This development could have been built to zero lot line along the north and south property lines; the building was purposely setback on the north and south property lines by 3 meters or equivalent of 12 feet.
- Commented that mature street trees will be preserved and new trees will be planted.

- Spoke to sidewalk and lighting improvements that will create a welcoming and safe space.
- Commented that the parkade is limited to 3 storeys and hidden from Bertram Street.
- Commented that landscaping, paving and fencing along shared property lines had been designed in consultation with neighbours.
- Spoke to the various amenities for residents including a child play area, common use BBQ area, urban agriculture area and a dog run area.
- Displayed renderings of the south and north-east views as well the south and north-west views and commented on the façade materials being used.

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:

Zeljka, Bertram Street

- Commented on statements that the development provided sunshine for children and gardens within the development.
- Raised concerns that the development would remove sunlight from their property.
- Raised concern with not enough water supply for the growth and development in Kelowna.

Applicant in Response

- Part of the concessions that were made on the north property line was to setback the parkade by 3 meters which is more than required by the Zoning Bylaw.
- Townhomes placed around the perimeter with the intention to soften the transition to the adjacent properties.

Staff:

- Responded to questions from Council.

Applicant:

- Responded to questions from Council.

Robin Gary, Kingsway Drive, Burnaby, B.C., Applicant Representative

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Lovegrove

THAT Council authorizes the issuance of Development Permit No. DP23-0203 and Development Variance Permit No. DVP23-0204 for Lot 1 District Lot 139 ODYD Plan EPP113832, located at 1451 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 amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;

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

Table 8.3 - Required Residential Off-Street Parking Requirements

To vary the minimum number of off-street parking spaces from 154 permitted to 141 proposed.

Table 9.11 – Tall Building Regulations

To vary the maximum floor plate above the sixth storey from 750 m² permitted to 932 m² proposed for the seventh storey.

Table 9.11 – Tall Building Regulations

To vary the maximum podium height from 16.0 m permitted to 16.11 m proposed.

Section 14.11 – Core Area and Other Zones, Commercial and Urban Centre Zone Development Regulations

To vary the minimum setback for any portion of a building above 16.0 m in height abutting another property from 4.0 m permitted to 3.65 m proposed.

Section 14.11 – Core Area and Other Zones, Commercial and Urban Centre Zone Development Regulations

To vary the minimum building setback from 3.0 m permitted to 2.75 m proposed.

Section 14.11 – Core Area and Other Zones, Commercial and Urban Centre Zone Development Regulations

To vary the maximum parkade exposure to the primary street from 0% permitted to 7% proposed.

Section 14.14 – Core Area and Other Zones, Density and Height

To vary the maximum base height from 12 storeys and 44.0 m permitted to 20 storeys and 63.0 m proposed.

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

Carried

9.2 START TIME 4:00 PM - Sadler Rd 210 - BL12627 (Z23-0084) - Dominion (Sadler) Inc., Inc. No. A0128728

Moved By Councillor DeHart/Seconded By Councillor Webber

THAT Bylaw No. 12627 be amended at 3rd reading as follows:

By deleting the Legal Description that reads:

- "1. That Part of Lot 3 Lying East of a Line Drawn Parallel to and 155.1 Feet Distant from the Westerly Boundary of said Lot; Section 26 Township 26 ODYD Plan 2773 located on Sadler Rd, Kelowna, BC;
2. The East ½ of Lot 4 Section 26 Township 26 ODYD Plan 2773 Except Plan 5971, located on Sadler Rd, Kelowna, BC;
3. Lot B Section 26 Township 26 ODYD Plan 12323, located on Sadler Rd, Kelowna, BC;"

And replacing it with:

"Lot A Section 26 Township 26 ODYD Plan EPP137037";

And by deleting "200, 210, 230 Sadler Rd,";

And replacing it with "210- Sadler Rd"

Carried

Moved By Councillor DeHart/Seconded By Councillor Webber

THAT Bylaw No. 12627, as amended, be adopted.

Carried

9.3 START TIME 4:00 PM - Sadler Rd 210 - DP23-0228 DVP24-0052 - Dominion (Sadler) Inc., Inc. No. A0128728

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Jeff Nishimura, Lakeshore Road, Greenstone Developments Ltd., Applicant

- Displayed a PowerPoint Presentation.
- Spoke to the property location with many amenities in the area.
- Provided an overview of the project noting the number of various units, parking spaces as well as bike stalls, compliance with landscape requirements and amenity space.
- Spoke to building setbacks and proposed variance, noting that more setbacks were provided than zoning requirements.
- Commented on the development timeframe and the variance as a result of an amendment to the Zoning Bylaw.

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 from the Gallery or Online came forward.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Wooldridge

THAT Rezoning Bylaw No. 12627 be amended at third reading to revise the legal description of the subject properties from:

- a. That Part of Lot 3 Lying East of a Line Drawn Parallel To And 155.1 Feet Distant from the Westerly Boundary of Said Lot; Section 26 Township 26 ODYD Plan 2773, located at 200 Sadler Rd, Kelowna BC;
- b. The East ½ of Lot 4 Section 26 Township 26 ODYD Plan 2773 Except Plan 5971, located at 210 Sadler Rd, Kelowna BC; and
- c. Lot B Section 26 Township 26 ODYD Plan 12323, located at 230 Sadler Rd, Kelowna BC;

to lot A Section 26 Township 26 ODYD Plan EPP137037, located at 210 Sadler Rd, Kelowna BC;

AND THAT final adoption of Rezoning Bylaw No. 12627 be considered by Council

AND THAT Council authorizes the issuance of Development Permit No. DP23-0228 and Development Variance Permit No. DVP24-0052 for Lot A Section 26 Township 26 ODYD Plan EPP137037, located at 210 Sadler Rd, 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 section of Zoning Bylaw No. 12375 be granted:

Section 14.11: Commercial and Urban Centre Zone Development Regulations

To vary the minimum front yard stepback from 3.0 m required to 0.0 m proposed.

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

The meeting recessed at 5:28 p.m.

The meeting reconvened at 5:38 p.m. with James Moore acting as the City Manager.

10. Development Variance Permit and Liquor License Application Reports

10.1 START TIME 4:45 PM - Richter St 1080-1090 - DVP24-0087 - LL23-0007 - Bromaxx Property Group Ltd., Inc. No. BC1021305

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Perry Maxfield, Fuller Avenue, Applicant Representative

- Available for questions.

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:

Deanne Collinson, Richter Street

- In general supportive of Red Bird Brewing.
- Family owns the building adjacent to the Applicant's building.
- Raised concern with additional capacity for more events and the effects on their tenants and smaller businesses in the area.
- Believes parking is currently a huge issue in the north end already with impacts to small businesses.
- The success of their business should not come at the expense of other businesses.
- Commented that the Applicant's proposal of 900 people in their venue is more than the Community Theatre capacity and the Theatre has a parkade located adjacent to it.
- Existing and new tenants in their building would be negatively impacted by a 900 person capacity.

Applicant in Response:

- Have been in the neighbourhood for a long time.
- Owns the building across the street and are friends with other breweries in the neighbourhood.
- Believes Red Bird brings more people to the neighbourhood than it would detract from the area.
- Acknowledged parking issues for other area businesses especially with 2 hour parking maximum; suggested reducing on-street parking to 15 to 30 minutes maximum to allow customers to come and go as they please.
- Hired a permanent Events Coordinator and planning to have more family friendly events during the day.

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 defer consideration of Development Variance Permit No. DVP24-0087 and Liquor License-LL23-0007 located at 1080-1090 Richter St, Kelowna, B.C.

Carried

11. Termination

The meeting was declared terminated at 6:22 p.m.

Mayor Dyas

lb/acm

City Clerk