

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, May 16, 2017
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. **Call to Order**
2. **Reaffirmation of Oath of Office**

The Oath of Office will be read by Mayor Basran.
3. **Confirmation of Minutes** 1 - 25

Public Hearing - April 25, 2017
Regular Meeting - April 25, 2017

Public Hearing - May 2, 2017
Regular Meeting - May 2, 2017
4. **Bylaws Considered at Public Hearing**
 - 4.1 **1065 Guisachan Rd, Z17-0022 (BL11390) - Bridget McKittrick-Gillberg & Michael Gillberg** 26 - 26

To give Bylaw No. 11390 second and third readings and be adopted in order to rezone the subject property from RU1 – Large Lot Housing to RU1c – Large Lot Housing with Carriage House to facilitate the future construction of a carriage house.
 - 4.2 **140 Mills Road, Z17-0003 (BL11391) - Derer's Tile Haus Inc. No. BC917501** 27 - 27

To give Bylaw No. 11391 second and third readings in order to rezone the subject property from RU1 – Large Lot Housing to RM3 – Low Density Multiple Housing to facilitate the development of multiple dwelling housing.
 - 4.3 **849 Raymer Road, Z17-0017 (BL11392) - Sascha and Margaret Heinrich** 28 - 28

To give Bylaw No. 11392 second and third readings and be adopted in order to rezone the subject from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone.

4.4	1920-1936 Summit Drive, TA17-0006 (BL11393) - Lindy Holdings Ltd	29 - 29
	To give Bylaw No. 11393 second and third readings in order to allow a limited amount of retail liquor sales in the CD ₃ zone.	
4.5	242 Clifton Road, Z17-0016 (BL11399) - James and Nelly Oostenbrink	30 - 30
	To give Bylaw No. 11399 second and third readings in order to rezone the subject property to facilitate construction of a second dwelling.	
4.6	4491 Nottingham Road, Z17-0004 (BL11400) - Christine Reimann	31 - 31
	To give Bylaw No. 11400 first second and third readings in order to facilitate a two lot subdivision.	
4.7	547 Osprey Avenue, Z16-0033 (BL11401) - Lok Tien Enterprises Ltd	32 - 32
	To give Bylaw No. 11401 second and third readings to rezone the subject property from the RU6 – Two Dwelling Housing zone to the C ₄ – Urban Centre Commercial zone.	

5. Notification of Meeting

The City Clerk will provide information as to how the following items on the Agenda were publicized.

6. Development Permit and Development Variance Permit Reports

6.1	905 Kennedy Street, DVP17-0063 - Calla-Syna Dreyer	33 - 41
	City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.	
	To consider a Staff recommendation to NOT issue a Development Variance Permit to vary the maximum fence height from permitted 2.0 m to 2.75 m proposed on the subject property.	

7. Reminders

8. Termination



City of Kelowna Public Hearing Minutes

Date: Tuesday, April 25, 2017
 Location: Council Chamber
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Brad Sieben, Mohini Singh and Luke Stack

Members Absent Councillor Charlie Hodge

Staff Present City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith, Urban Planning Manager, Terry Barton; Suburban & Rural Planning Manager, Todd Cashin*; Divisional Director, Community Planning and Strategic Investments, Doug Gilchrist; Legislative Coordinator (Confidential), Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the Hearing to order at 6:01 p.m.

Mayor Basran advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030 - Official Community Plan Bylaw No. 10500" and Zoning Bylaw No. 8000", 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. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on Wednesday, April 12, 2017 and by being placed in the Kelowna Daily Courier issues on Friday April 14 and Wednesday April 19 and by sending out or otherwise mailing 57 statutory notices to the owners and occupiers of surrounding properties on April 12, 2017.

The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

3. Individual Bylaw Submissions

3.1 TA16-0007 (BL11376) - Medical Marihuana Amendments

Staff:

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

The City Clerk advised that the following correspondence had been received:

Letters of Opposition or Concern:

Mark Conlin, Webber Rd, West Kelowna

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Gallery:

Mark Conlin, Webber Rd, West Kelowna

- Speaking as a medical marijuana user, advocate and media representative for Starbuds Canada.
- Opposed to this application.
- Referenced correspondence previously submitted including a summary of court rulings; the end of status quo – the current system of cannabis prohibition is failing our communities; patients need access to medicine.
- Provided comment on why the current federal regulations are discriminatory and cumbersome.

Robert Duncan Kay, Highway 33

- Owner of a local compassion club and grower under license for 8 years.
- Believes more time is required to compile further information to determine the implications this amendment will have.
- Noted that access is an important factor to consider; access should not be denied.
- Many patients have mobility and isolation issues and may not have credit cards as a form of payment.
- Recognizes that the recreation market will change the playing field dramatically.
- Responded to questions from Council.

Simon Grant, Swainson Road

- Spoke to the medical effectiveness of medical marijuana for patients with specific illnesses and diseases.
- Raised concern with denying patient access to cannabis dispensaries.
- Suggested Council delay their decision and take a tour of a modern dispensary.
- Believes that if dispensaries are closed it will increase more black market access.

Wayne Baron, Gordon Drive

- Is a member and patient of the local Compassion Club and praised Mr. Kay for his efforts.
- Spoke to the benefits to his health and pain management that medical marijuana provides him.
- Spoke to the compassion and support that staff at the Compassion Club provide.

Michelle Thiessen, Badke Road

- Registered student at UBCO and working on a Masters regarding clinical psychology on cannabis and harm reduction.
- Spoke to studies that show lower opiate deaths in States that allow marijuana dispensaries.
- Spoke to the benefits of substituting medical cannabis for prescription drugs.
- Spoke to a study on dispensaries that will be published shortly that details the community benefit of neighbourhood dispensaries and the social support for community members that it provides.

There were no further comments.

3.2 1225 Hwy 33 W, OCP16-0024 (BL11380) and Z16-0071 (BL11381) - Seventh Day Adventist Church

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence had been received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

The Applicant was not present.

Gallery:

James Daily, Morgan Road

- Lives in direct proximity to the subject property.
- Spoke to previous and current issues with this property.
- Spoke to the noise, nuisances and property damage previous tenants have created.
- Opposed to this rezoning.

There were no further comments.

3.3 Arab Ct, Appaloosa Rd and Sexsmith Rd, OCP17-0008 (BL11382)- Various Owners

Staff:

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

The City Clerk advised that the following correspondence had been received:

Letters of Opposition or Concern:

Darcy Holloway, Angus Aitken and Jim Harder, Concerned Owners Group
 Ken Bach, Appaloosa Road
 Darcy Holloway, Appaloosa Road
 Susan Hayes, Arab Road
 Peter Bouchard, Appaloosa Road
 Dora and Todd Gronsdahl, Appaloosa Road
 Sara and Angus Aitken, Appaloosa Road
 Chris and Rebecca Kellerman, 2870 Sexsmith Road
 Evan A. Cooke, Eyford Macaulay Shaw & Padmanabhan LLP – Concerned Owners Group
 Greg and David Kornell, Appaloosa Road
 Chantelle Kshyk and Curtis Froats, Appaloosa Road
 Dora & Todd Gronsdahl, Appaloosa Road

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Gallery:

Evan Cooke, Carrington Road, Legal Representative, West Kelowna

- Lawyer retained by a group of property owners.
- Referenced correspondence that had been submitted.
- Spoke to the various attempts to implement land use plans for the area.
- Spoke to the various staff reports and objectives stated in each of the reports.
- Spoke to the reasons that Council should retain the land use designations that are already in place.
- Questioned the boundary of the survey and noted that they don't all have the same properties or interest.
- Requested that Council retain existing land designations and have owners work with staff to determine best future of these lands.

- Responded to questions from Council.

Peter Bouchard, Sarsons Road

- Owner of property on Appaloosa Road.
- Opposed to this application.
- Spoke to the wording and boundary of the survey conducted and noted the percentage in favour.
- Spoke to the correspondence submitted.
- Made reference to the positive consolidation of owners who are more organized than they have been over the last several years.
- As a commercial realtor, spoke to the low availability and high demand for commercial lands and current designations increase the amount of commercial and industrial land inventory.
- Responded to questions from Council.

Dora Gronsdaahl, Appaloosa Road

- Made reference to the correspondence submitted.
- Opposed to this application.
- Believes that changes made to the OCP for Appaloosa Road would mean a tremendous loss in their property value.
- Made comment that they had not been provided an estimate of their cost for servicing.
- Responded to questions from Council.

Darcy Holloway, Appaloosa Road

- Opposed to this application.
- Spoke to correspondence and video previously submitted.
- Believes the area is no longer a low impact area as the traffic volume has increased substantially.
- Believes the Appaloosa area will never be suitable for the REP designation and will make their properties undesirable.
- Raised concerns with relocation of their businesses and loss of livelihood.
- Encouraged Council to recognize the majority vote on the LAS decision.

George Trautmann on behalf of Gerta Trautmann, Appaloosa Road

- Speaking on behalf of his mother.
- Property was purchased in 1983 and is compliant with the current zone.
- No objection to zoning but raised concerns with the cost implications of a successful LAS.
- Currently has suitable water and sewer and would like to remain in her residence and not be forced to move.
- Responded to questions from Council.

Martha Harder, Appaloosa Road

- Has resided at this property for 36 years.
- Made comment on the increased traffic since opening of Commercial at the east end of Appaloosa Road
- Raised concerns with traffic using Appaloosa Road as a means to avoid congestion of Sexsmith Road as well as the residents of Sol Terra using Appaloosa Road to exit their area with their loss of access from Arab Road.
- Conducted her own traffic count on April 10th between 8:30 and 8:40 a.m. and 70 vehicles passed.
- Raised safety concerns for pedestrians and cyclists in the area.
- Opposed to this application.
- Responded to questions from Council.

Angus Aitken, 3156 Appaloosa Road

- Made reference to a rezoning application he submitted to I6 in 2012; currently operating a business from his property.
- Many residents were confused with the original survey but with the second survey residents were more organized.
- Would like to have more dialogue with staff and Council.
- Opposed to this application.
- Responded to questions from Council.

Kevin Kellerman, Sexsmith Road

- Speaking on behalf of his son Chris Kellerman who owns property on Sexsmith Road.
- Purchased property in 2016 on the understanding from the Planning Department that the land purchased was zoned I6.
- Made comment that 80% response to the survey was in favour of paying for servicing and proceeding with a formal LAS.
- Advised that his son did not receive a registered letter.
- Would like more discussion between staff and property owners.
- Responded to questions from Council.

Jim Harder, Appaloosa Road

- Member of the committee working with legal counsel.
- Lived in this area for 36 years and has been working with the City for several years on land use initiatives.
- Many developments are occurring with heavy traffic onto our road and believes it will only get worse.
- Spoke to his frustration with the changing of city staff reports over the past several years.
- Believes a majority vote should win and the majority of owners want the LAS.
- Asked Council to not change the OCP so that property owners can continue to work with staff.

Verne Kroschinsky, Appaloosa Road

- Advised that he never received a registered letter.
- Spoke with staff and was told that properties fronting Sexsmith Road would pay for Palamino Road.
- Questioned upfront servicing requirements that staff have stated are required.

Chantelle Kshyk, Appaloosa Road

- Over the last year the community has rallied together over the application.
- Inquired if there has been discussion on any other option other than the REP designation; believes the REP designation has no relevance.
- Encouraged Council to proceed with the LAS as per the majority preference.
- Opposed to this application.
- Believes the OCP designation will destroy the value of their land.

Sara Aitken, 3156 Appaloosa Road

- Advised that she has a home based business and never received a registered letter.
- Made comment that she is aware of the estimated cost for her property.
- Employees would have to be laid off if this application proceeds.
- Opposed to this application.

Bruce Aitken, Hemlock Road

- Son and daughter-in-law purchased property in the area and before subjects were removed was told by previous staff it was designated I6; when the new OCP came out we submitted an application and it has been there for years.
- Feels like we are now in limbo.

There were no further comments.

4. Termination

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

Mayor

/acm

A. McCallum
City Clerk



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, April 25, 2017
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran*, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Brad Sieben, Mohini Singh and Luke Stack

Members Absent Councillor Charlie Hodge

Staff Present City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith, Urban Planning Manager, Terry Barton; Suburban & Rural Planning Manager, Todd Cashin*; Divisional Director, Community Planning and Strategic Investments, Doug Gilchrist; Legislative Coordinator (Confidential), Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 8:50 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Singh.

3. Confirmation of Minutes

Moved By Councillor Given/Seconded By Councillor Donn

R297/17/04/25 THAT the Minutes of the Public Hearing and Regular Meeting of April 4, 2017 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 BL11376 (TA16-0007) - Medical Marihuana Amendments

Moved By Councillor Donn/Seconded By Councillor Gray

R298/17/04/25 THAT Bylaw No. 11376 be read a second and third time.

Carried

4.2 1225 Hwy 33 W, BL11380 (OCP16-0024) - Seventh Day Adventist Church

Moved By Councillor Gray/Seconded By Councillor Donn

R299/17/04/25 THAT Bylaw No. 11380 be read a second and third time.

Carried

4.3 1225 Hwy 33 W, BL11381 (Z16-0071) - Seventh Day Adventist Church

Moved By Councillor Singh/Seconded By Councillor DeHart

R300/17/04/25 THAT Bylaw No. 11381 be read a second and third time.

Carried

4.4 Arab Ct, Appaloosa Rd and Sexsmith Rd, BL11382 (OCP17-0008) - Various Owners

Moved By Councillor Sieben/Seconded By Councillor Singh

R301/17/04/25 THAT Bylaw No. 11382 be read a second and third time.

Defeated

Mayor Basran, Councillors DeHart, Given, Gray and Sieben - Opposed

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise mailing 240 statutory notices to the owners and occupiers of surrounding properties on April 12, 2017.

The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

6. Development Permit and Development Variance Permit Reports

6.1 1511 Tower Ranch Drive, DVP16-0304 - Parkbridge Lifestyle Communities Inc.

Mayor Basran declared a conflict of interest as an immediate family member purchased property within the strata and departed the meeting at 9:36 p.m.

Deputy Mayor Sieben presided at 9:36 p.m.

Staff:

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

The City Clerk advised that the following correspondence had been received:

Letters of Opposition or Concern:

Tom Light and Jean Russell, 1683 Tower Ranch Drive

Deputy Mayor Sieben invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Davin Shillong, MMM Group Ltd., Applicant Representative

- Parkridge Lifestyle Communities is creating a multi-phase development with Phase 1 completed and currently working through Phase 2. This Council granted the exact same DVP for Phase 1 and now asking for, as well, in Phase 2.
- With respect to the concern raised by owners of Lot 28 all information was made available to owners at time of sale regarding the common drive way through easement as it was registered that way. Assured that mitigation measures will be taken now and in the future to alleviate concerns and noted that the common driveway is not yet complete.
- Applied for relocation of park space originally proposed in Phase 2 as part of that development; there will be a small piece of park space dedicated in Phase 3 and 4.

Gallery:

Randy MaCallister, Tower Ranch Boulevard

- Displayed a photograph of the view from his property that was purchased 2.5 years ago.
- Displayed calculations of the number of truck trips on the access road.
- Commented that residents on his street did not receive notice of this application.
- Opposed to the application due to traffic safety, dust control, truck noise, restriction for EMS services into our neighbourhood and general nuisances caused by the use of the unfinished road.
- Raised concerns with health and safety of residents.
- Played audio of one truck passing his property and advised that 30 trucks had passed his property that day.
- Would like Council to impose truck route requirements as part of the variance.
- Responded to questions from Council.

Susan Barnabe, Tower Ranch Boulevard

- Raised concern with lack of accessible greenspace.
- Raised concern with the amount of dust they are subjected to and noted that they are unable to use their front porch because of the activity.
- Responded to questions from Council.

John Durkin, Tower Ranch Boulevard

- Resident of the neighbourhood since January 2015.
- Raised concern with construction hours six days a week and its effect on his quality of life.
- Raised concern with amount of dust and it being left on the road.
- Encouraged an alternate paved route be used for trucks that is on a non-development route.
- Raised concern with the lack of communication from the developer with the neighbourhood and not cleaning up on a regular basis.
- Made comment that there aren't any parks in the area only a golf course that the public cannot access.

Davin Shillong, Applicant Representative and Regional Project Manager

- Have met the requirements of Council Policy 367 for pre-meeting public notification.
- Commented that the road connection will be completed mid-2018 and this will divert the construction traffic.
- Expressed empathy for the residents concerning construction traffic but noted that other construction companies are also using the same road for unrelated construction work.
- Spoke to the notification sign placement and noted their challenge of not impeding the Tower Ranch entry sign; however, signage was in keeping with Bylaw requirements.
- Advised that the networks of walking trails and pathways will be part of the completed development.
- Committed to being good neighbours and will provide a high quality map of the area for residents to alleviate their concerns or questions.
- Will implement some mitigating measures immediately regarding construction traffic and noted that heavy traffic will cease once the foundation is poured; the velocity and size of trucks will be reduced.
- Responded to questions from Council.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Given

R302/17/04/25 THAT Council authorize the issuance of Development Variance Permit No. DVP16-0304, for variances for a portion of Lot 3, Plan KAP80993, Section 31, TWP 27, ODYD, except strata plan EPS2195 (Phase 1) located at 1511 Tower Ranch Drive, Kelowna, BC;

AND THAT Council considers the public process outlined in the Staff Report dated April 4, 2017 to be appropriate consultation for the purpose of Section 879 of the Local Government Act;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted;

Section 13.5.6 (c) RU5 – Bareland Strata Housing (Development Regulations)

To vary the lot front yard from 4.5 m permitted to 3.0m proposed for Lots 29-57, 71-73, and 76-90, with the exception that a garage or carport shall be no less than 6.0 metres from a curb or sidewalk; and

To vary the lot front yard from 4.5 m permitted to 1.5m proposed Lots 61-62, and 74-75; with the exception that a garage or carport shall be no less than 6.0 metres from a curb or sidewalk.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Variance Permit Application in order for the permits to be issued;

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

Mayor Basran resumed the Chair at 10:23 p.m.

6.2 225 Rutland Road South, DVP16-0298 - Suntec Holdings Corporations Inc. No. BC0995201

Staff:

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

The City Clerk advised that no correspondence had been received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

The Applicant was present and available for questions.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Gray

R302/17/04/25 THAT Council authorizes the issuance of Development Permit No. DP16-0297 for Lot A Section 23 Township 26 ODYD Plan KAP84050, located at 225 Rutland Road S, Kelowna, BC subject to the following:

1. The dimensions and siting of the buildings to be constructed on the land be in accordance with Schedule "A";

2. The exterior design and finish of the buildings 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 Council authorizes the issuance of Development Variance Permit NO. DVP16-0298 for Lot A Section 23 Township 26 ODYD Plan KAP84050, located at 225 Rutland Road S, Kelowna, BC;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 14.4.5(e): C4 – Urban Centre Commercial Development Regulations

To vary the required minimum side yard from 4.5 m permitted to 2.0 m proposed

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department date January 31, 2017;

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

6.3 990 Guisachan Rd DVP15-0308 - GDI BC Projects Inc.

Staff:

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

The City Clerk advised that no correspondence had been received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

The Applicant was present and available for questions.

Gallery:

Allan Craig, Gordon Drive

- Home is on the south west corner of the subject property and is greatly affected by this development.
- Opposed to this application.
- Reiterated concerns previously expressed at a Public Hearing in 2016; concerns with increase in laneway traffic; loss of privacy and loss of views; the structure is not in keeping with the neighbourhood.
- Raised concerns with the site preparation including the removal of hedges on city property.
- Requested that Council defeat or defer this application and have the developer devise another plan in keeping with the neighbourhood.

Steve Nicholson, Strandhaus Developments

- Confirmed the hedges that were removed were on city property, however, as part of the bonding agreement for the proposed development the landscape plans provided must be adhered to.
- The building will be screened as much as possible with greenery as well as landscape screening with neighbours.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Given

R302/17/04/25 THAT Council authorizes the issuance of Development Permit No. DP15-0307 for Lot A District Lot 136 ODYD Plan EPP64719, located at 990 Guisachan Road, 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 installed on the land 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 Council authorizes the issuance of Development Variance Permit No. DVP15-0308 for Lot A District Lot 136 ODYD Plan EPP64719, located at 990 Guisachan Road, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted as noted on attached Schedule "A":

Section 13.9.6(b): RM3 – Low Density Multiple Housing Development Regulations
To vary the maximum site coverage from 50% permitted to 53% proposed;

Section 13.9.6(e): RM3 – Low Density Multiple Housing Development Regulations
To vary the required minimum side yard setback from 4.0 m required to 0.75 m proposed (west);
To vary the required minimum side yard setback from 1.2 m required to 0.9 m proposed (east).

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

7. **Reminders** - Nil.

8. **Termination**

The meeting was declared terminated at 10:51 p.m.

Mayor

/acm

City Clerk



City of Kelowna Public Hearing Minutes

Date: Monday, May 2, 2017
 Location: Council Chamber
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh and Luke Stack

Staff Present Deputy City Manager, Joe Creron, City Clerk, Stephen Fleming, Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton*; Suburban & Rural Planning Manager, Todd Cashin*; Policy & Planning Department Manager, Danielle Noble-Brandt*; Legislative Coordinator (Confidential), Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the Hearing to order at 6:04 p.m.

Mayor Basran advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030 - Official Community Plan Bylaw No. 10500" and Zoning Bylaw No. 8000", 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. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on April 19, 2017 and by being placed in the Kelowna Daily Courier issues on Friday, April 21, 2017 and Wednesday, April 26, 2017 and by sending out or otherwise mailing 311 statutory notices to the owners and occupiers of surrounding properties on April 18, 2017.

The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

3. Individual Bylaw Submissions

Councillor Donn joined the meeting at 6:07 p.m.

3.1 Temporary Farm Worker Housing Bylaw Amendments OCP16-0022 (BL11373) TA16-0015 (BL11374) - City of Kelowna

Staff:

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

The City Clerk advised that the following correspondence had been received:

Letters of Opposition or Concern:

Norm and Tasha Melnichuk, Shanks Road
Lynn Lashuk, Seaton Road, Winfield
Glen Lucas, BC Fruit Growers' Association

Letters of Support or No Objection:

Martin Collins, ALC
Kevin Edgecombe, Urban Development Institute Okanagan Chapter
Elizabeth Heier, McKenzie Road

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Gallery:

Glen Lucas, General Manager, BC Fruit Growers

- Displayed a PowerPoint Presentation, re: Temporary Farm Worker Housing Bylaw, May 2, 2017
- The BC Fruit Growers' Association was established in 1889 and represents 520 commercial tree fruit growers from the Canada-US Border to Salmon Arm.
- The Thompson-Okanagan Tree Fruit area cultivated a total of 14,766 acres.
- Each year the BC Tree Fruit Industry contributes consistently to the economy with an economic activity contribution of \$552 million.
- The Seasonal Agriculture Worker Program has a requirement to provide housing for foreign workers.
- Mexico and Caribbean Commonwealth Nations fill a labour shortage and the Industry would not be growing without the SAWP Program.
- Workers and employers prefer on farm housing.
- There is a short supply of rental housing off-site and not available for short-term or summer only.
- BCFGA agrees that a housing bylaw is needed and undertakes to work with the city for a long-term solution to non-compliant rentals to non-employees.
- BCFGA requests:
 1. The farm unit definition: contiguous parcels.
 2. Threshold for a public hearing to be held on the housing project be increased from 40 to 60 workers.
 3. Term of occupation: 10 months per year.
 4. Undertaking of staff city that agricultural capability and minimization of impact on neighbours can be factors in locating TFWH more than 30 meters from the road.
- Specific changes proposed for Schedule B – TA16-0015
- Responded to questions from Council.

Bunvir Nijjer, Corporate Secretary and Seasonal Agriculture Worker Program, BC Fruit Growers

- Displayed a PowerPoint Presentation, re: Labour General Introduction.
- Provided a summary of BCFGA labour recruitments, regulations and audits.
- Confirmed the Seasonal Agricultural Worker Program (SWAP) has an annual inspected housing requirement.
- The SAWP program has been the key to a thriving tree fruit industry.
- Maintaining a temporary foreign worker housing program is crucial.

Fred Steele, President BC Fruit Growers

- Made comment on previous cutting edge initiatives brought forward and supported by the industry and local governments.

- Made comment on the potential federal tree fruit funding program that may be announced soon with infrastructure to support the new improvements.
- Requested the opportunity to work with City staff to come up with a mutually agreeable plan based on anticipated future massive growth in the industry.
- Responded to questions from Council.

Sukhpaul Bal, BC Cherry Association

- Made comment on having a policy that meets the needs of the industry and currently the policy will not work for the anticipated growth in this area.
- Will need labour to go with acquiring and increasing farm land; ideally 1 worker per acre at harvest time.
- Has travelled to many companies and noted that Okanagan cherries are very well received on an international scale.
- Responded to questions from Council.

Amarjit Lalli, McKenzie Road

- Farming activity will increase if we receive federal funding and the need to bring in farm workers will be that much greater.
- Made comment on the land use process and how few respond and that there is a need to get people more engaged.
- Believes BCFGA proposals were made under a rushed time limit.
- Recommended that Council defer further consideration in order for homeowners, farmers and all partners to become more engaged in the process to find a rationale outcome.
- Responded to questions from Council.

Christine Denby, Pooley Road

- Displayed a PowerPoint Presentation re: Pooley Farm – Then
- Family has been farming here since 1903.
- Now modern commercial cherry farming, production, packing and sales are integrated.
- Modern BC Cherry Industry is growing and flourishing
- We require short term employees, and employ 120-150 for a 5-week period.
- During Kelowna's peak tourist season there are no options for cheap motel rentals, house rentals, or even public campgrounds where workers can stay.
- Having seasonal employees on site makes control and supervision possible; workers save money and time with minimal commuting (public transit does not go to orchards) and minimal issues with neighbours.
- Opposed to bylaw as it is presented.
- Supportive of the BCFGA's amendments.
- Responded to questions from Council.

Norm Melnichuk, Shanks Road

- Not an orchardist but a neighbor of an orchard.
- The need for foreign workers is real but there has to be mediation of where they will reside and the size of the temporary farm worker housing as it has real impacts on neighbouring property owners.
- Spoke to concerns raised in correspondence that was previously submitted
- Spoke to noise and nuisances that a large worker housing compound can create for adjacent property owners and neighbourhood and noted that a 10-foot landscape buffer will do very little to stop the noise.
- Responded to questions from Council.

Resident, Dunster Road

- Farming family for many years.
- Agrees there needs to be a suitable setback from neighbouring properties.
- Believes that not all farmers provide adequate facilities for their temporary workers and that should be covered in the bylaw.
- Would like camps included in this bylaw to ensure that all farm workers have proper facilities as well.
- There needs to be an appropriate complaint system in place to include noise and trespass.

- Responded to questions from Council.

David Geene, Lake Country

- Owner of 28 acres in the north end of Kelowna.
- Spoke to the flaws in staff report pertaining to impact, BCFGA and Work BC numbers.
- Believes the bylaw should apply to all farm workers.
- Questioned the definition of farm unit the bylaw.
- Believes that city regulations currently make using housing year round problematic.
- Opposed to an 8 month residency limit.
- Raised concern with impacts the bylaw will have on the cherry industry in the Valley.
- Responded to questions from Council.

Resident, Lake Country

- Used to be part of the SAWP program and immigrated to Canada from Mexico.
- Commented that this program provides an important source of income for many Mexican families.
- Many workers are only here for harvest time and would like to stay longer but there is not enough housing.
- Responded to questions from Council.

Alex Geene, Lake Country

- Fifth generation farmer and involved with family business for several years.
- Opposed to the bylaw amendments
- Made comment that farming is a business and adequate labour is needed.
- Agrees that some regulation is required.
- Believes that those purchasing property in the agricultural area should know the implications of buying land next to farms.

Domenic Rampone, Kelowna BC

- Family has farmed in the area since 1893.
- Believes it's important for the City to support the large farming industry.
- The 40 worker threshold does not work for a large portion of growers.
- Believes more discussion should take place before an exact number of workers is determined.
- There are no tax payer dollars being spent to support this industry.
- Responded to questions from Council.

Alfred Kempf, Mathews Road

- Opposed to this bylaw and any restrictions for these large growers that in turn help the smaller growers.

Resident, Molnar Road

- Opposed to the bylaw amendments.
- Difficult to communicate and resolve issues with workers if they are spread out and living in various locations.
- There are issues with transportation of workers.

Mike Bylands, Bylands Road

- Opposed to the bylaw.
- Believes the 40 worker threshold is too low to trigger a Public Hearing process.
- Suggested cycling workers through 11 months of the year but no worker stays for more than 8 months.
- There is a lot consolidation occurring in this industry and to be a player and support large growers the workers are needed.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments.

The meeting recessed at 8:54 p.m.

The meeting reconvened at 9:06 p.m.

3.2 550 Truswell Road, 3814, 3820, 3828, 3832, 3838 Capozzi Road, 3786 Lakeshore Road, Rezoning Application Z16-0069 (BL11384) - Aqua Resort Ltd and City of Kelowna

Staff:

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

The City Clerk advised that the following correspondence had been received:

Letters of Opposition or Concern:

Pamela Beck, Cook Road
 Mark and Doreen Watson Cook Road
 Douglas Cebryk P Eng, Truswell Road, letters)
 Tony and Bev Walls, Cook Road
 Darryl and Sharyn Ruff, Truswell Rd.
 Angela McManus, Lequime Rd
 LJ Hornby, Truswell Road
 John and Evelyn Lorraine Schenk, Truswell Road
 Mike and Janet Smith, Trowel Road
 Thomas and Florence Steven, Truswell Rd
 John Matthews, Cook Road
 Julia Waddell, Truswell Road
 Geoff and Judith Sutherland, Truswell Road
 Cathy and Barry Dorin, Truswell Road
 Ron and Maureen Darnbrough, Truswell Road
 Larry McGuire, Truswell Road
 Carol Stein, Bird Place
 Murray Patterson, Truswell Rd
 Lesley Eames, Truswell Road

Letters of Comment:

Brent Pay, Okanagan Mission Residents Association

Letters in Favour/Support or Support with concerns:

Catherine and Barry Jaenen, Abbott Street
 Brad Pelletier, Radant Road
 Daniel Lobsinger, APM, St. Paul St. Associated Property Management Ltd.
 David Atkins, Selkirk Drive
 Bill Hardy, Campbell Place
 Dr. Paul Clark, KLO Neighbourhood Association
 Michelle Lemoine, Glacier Court
 Tony Markoff, Barnaby Road
 Laverne and Marianne Hannotte, 2 Evergreen Estates Dr, Meadow Lake, Saskatchewan
 John Link, Tanager Ct.
 Irving Goldenberg, Almandine Ct
 Peter Brady, Bernard Ave
 Murray Patterson, Truswell Rd

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Luke Turri, Mission Group, Applicant Representative

- Displayed a PowerPoint Presentation summarizing their application.
- Spoke to required approvals and proposed rezoning of five Capozzi Road waterfront lots from the RU1 zone to the C9 zone; Aqua Marine Valet lot is currently zoned C9.
- Made comment on the OCP 2030 vision regarding Mixed-Use Tourism.
- Spoke to the floor area ratio, maximum floor area, number of homes, vehicle parking on site and maximum height of the C9 zone and Aqua proposal.
- Spoke to the design process and community engagement.
- Spoke to the land exchange, foreshore dedication and site access.
- Spoke to the land exchange agreement that includes the Capozzi Road closure, improved parcel layouts and the Cook Road extension.
- Made comment on the foreshore dedication of 1.3 acres dedicated for environmental protection and public use.
- Spoke to key concerns identified from stakeholder engagements being, traffic; parking; height and boat storage.
- Displayed photos of key community benefits including lakefront boardwalk, dedicated foreshore, Greenway connection, lack of marina, public launch upgrade, Cook Road extension and public spaces that will provide economic benefits.

Gallery:

Darren Schlamp, Argus Properties Ltd.

- Displayed a PowerPoint presentation summarizing road alignment changes since 2008.
- Raised concern with reduction in parking for public vehicles and boat trailer parking spaces.
- Noted a net loss of 57 parking spaces for the neighbourhood and raised concern where people will park once the development is complete.
- Made comment to Council's parking principles regarding protection of on street parking.
- Recommended alternate road improvements to improve parking in the area.
- Not opposed to the rezoning, however, have parking concerns.
- Responded to questions from Council.

Cheri Fennel-Saundry, Appleridge Road

- Mission area resident.
- In support of the rezoning and believes this is an appropriate use of land as well supports the waterfront access for residents and visitors.
- Raised concern with the height that is being proposed.
- Would like to see a notable waterfront restaurant.

Jake Thiessen, Truswell Road

- Raised concerns with the development in terms of number of units.
- Raised concerns with traffic implications.
- Raised concerns with foreshore access and implications of the constant changing of sand and silt deposits from Mission Creek.
- Believes the existing and future boat launch is in the wrong area.
- Raised concern with the Cook Road extension and parking layout.

Barry McDonald, Raymer Road

- Opposed to the land use change and believes the conceptual plan grossly over uses the area.
- Raised concerns with the high water mark, creek water flows and lack of riparian zones.
- Raised concerns regarding parking implications.

Douglas Cebryk, P. Eng., Truswell Road

- Displayed a PowerPoint presentation outlining reasons for his opposition.
- Opposed to this application.
- Made reference to previously submitted correspondence.
- Opposed to variances to increase the building height.
- Made comment on various OCP bylaw policies that this application is at odds with.

- This development is not compatible with the character of the neighbourhood and will obstruct views of the lake and mountains.
- Raised concerns with the impact of increased traffic.

Joanna Chase, Lakeshore Road

- Long- time resident of the Mission with a young family.
- In favour of this application.

Charles Fipke, Capozzi Road

- Owns a neighbouring property for the past 12 years.
- Moved to this location to have a nice quiet place to live
- Displayed photos of birds who live, nest or feed near the water and concerned they will be driven away due to the development.
- Believes that he is being driven out of his home due to this development.
- Raised concerns with increased traffic from this development.
- Raised concerns with access for EMS services.
- Responded to questions from Council.

Lloyd Manchester, Stockwell Avenue

- Opposed to this application as it is beyond what is stated in the OCP.
- Raised concerns with environmental impacts of this development on the watershed and air shed.
- Raised concerns with how these environmental impacts will be mitigated and believes more research should be done first.
- Believes this development is short sighted and not dealing with future community needs.

Diane MacDonald, Radant Road

- Opposed to this application.
- Raised concerns with traffic impacts and the number of boats causing congestion.

Ken Cappals, Casorso Road

- Opposed to this application.

Darren Brams, Truswell Strata President

- Opposed to this application.
- Raised concerns with increased traffic, parking and congestion.
- Raised concerns with the current Truswell Road intersection that will only get worse with an additional 350 units.
- Raised concerns that the C9 Tourist Commercial zone will allow for short term rentals and believes that will not benefit the community or local business except for 2 months of the year.

Irving Goldenburg, Almandine Court

- In favour of this application.
- This development provides the opportunity for people to downsize and remain in the neighbourhood.

Moved By Councillor Hodge/Seconded By Councillor Singh

R366/17/05/02 THAT Council continue the Public Hearing past 11:00 p.m.

Carried

Adrian Skinner, Kensington Drive

- Opposed to this application.
- Believes this development is too dense and should be scaled back.
- Believes there isn't the appropriate infrastructure in this area to support such densification.
- Raised concerns regarding parking issues.
- Responded to questions from Council.

Domenic Rampone, Kelowna BC

- In favour of this rezoning.
- Believes the project is an elegant design and will make the waterfront very interacting.

John Mulner, Truswell

- Opposed to this application.
- Raised concerns with traffic impacts on Truswell Road.
- Believes Truswell Road is not wide enough for parked vehicles.

Resident, Dundee Court

- Likes that Kelowna is becoming a large city.
- Recommended the City should have a long term development plan.
- Believes that alternate modes of transportation need to be looked at and implemented.

Luke Turri, Mission Group, Applicant Representative

- Confirmed that the number of boats stored is 200 which is a replication of what's currently there.
- Confirmed that Truswell Road on the north side would be developed as a full urbanized street with curb and gutter, sidewalk and landscaping.
- The majority of all areas would be parallel parking.
- Valet for boats for the general public will still be accessible as well as new condo owners; spots will be available for condo owners on an annual basis as it is for the general public.
- Met a number of times with Argus Properties regarding removal of the Cook Road extension however there would be concerns with doing that.
- The only commercial component is a small retain space that is not on the waterfront.
- A restaurant component creates site design challenges and parking challenges.

There were no further comments.

4. Termination

The Hearing was declared terminated at 11:26 p.m.

Mayor

/acm



City Clerk



City of Kelowna Regular Council Meeting Minutes

Date: Monday, May 2, 2017
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh and Luke Stack

Staff Present Deputy City Manager, Joe Creron, City Clerk, Stephen Fleming, Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton*; Suburban & Rural Planning Manager, Todd Cashin*; Policy & Planning Department Manager, Danielle Noble-Brandt*; Legislative Coordinator (Confidential), Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 11:35 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Stack.

Moved By Councillor Stack/Seconded By Councillor Hodge

R333/17/05/02 THAT Council continue the Regular Meeting past 11:00 p.m.

Carried

3. Minutes of Meetings

April 25, 2017 Public Hearing and Regular Meeting Minutes to be adopted May 16, 2017.

4. Bylaws Considered at Public Hearing

4.1 BL11373 (OCP16-0022) - Temporary Farm Worker Housing OCP Amendments - City of Kelowna

4.2 BL11374 (TA16-0015) - Temporary Farm Worker Housing Amendments

Moved By Councillor Singh/Seconded By Councillor Stack

R334/17/05/02 THAT Council defer giving 2nd and 3rd reading considerations to Bylaw 11373 and Bylaw 11374;

AND THAT Council direct staff to bring back to a Monday afternoon meeting options for amendments to Bylaw 11373 and Bylaw 11374;

AND THAT Council continue to receive representations from the public on this application.

Carried
Councillor Donn - Opposed

**4.3 550 Truswell Road, 3814, 3820, 3828, 3832, 3838 Capozzi Road, 3786 Lakeshore Rd
BL11384 (Z16-0069) -Aqua Resort Ltd and City of Kelowna**

Moved By Councillor Given/Seconded By Councillor Gray

R335/17/05/02 THAT Bylaw No. 11384 be read a second and third time.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise mailing 280 statutory notices to the owners and occupiers of surrounding properties on April 18, 2017.

Notice of these (amendments to Liquor Primary Licences) were advertised by being posted on the Notice Board at City Hall on April 19, 2017, and by being placed in the Kelowna Daily Courier issues on Friday, April 21, 2017 and Wednesday, April 26, 2017 and by sending out or otherwise mailing 52 statutory notices to the owners and occupiers of surrounding properties on April 18, 2017.

The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

6. Liquor License Application Reports

6.1 248 Leon Avenue, LL16-0006 - JQ Developments Inc.

Staff:

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

The City Clerk advised that no correspondence had been received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

The applicant is present and available for questions.

No one from the Gallery came forward.

Quinn Best, Applicant

- Confirmed that the patron scan has been implemented and works well.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Donn

R336/17/05/02 In accordance with Section 53 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from The Habitat for a liquor primary license amendment for Lots 6, BLK 10, DL139, O.D.Y.D., Plan 462, located at 248 Leon Avenue, Kelowna, BC for a change in licensed area to add the outdoor patio area to the current Liquor Primary located at 248 Leon Avenue with a maximum capacity of 34 persons to the patio area, and limit the licensed hours of the patio to 11:00AM to 10:00PM, seven days a week for the following reasons:

The addition of the outdoor patio area to the existing liquor license will allow more options to utilize the space during the day, as well as to provide a venue for summer time events oriented to the outdoors.

2. Council's comments on LCLB's prescribed considerations are as follows:
Criteria for license amendment:

a. The potential for noise if the application is approved:
There is the potential for an increase in noise, but closing the outdoor patio entertainment at 10:00 PM should limit that potential impact.

b. The impact on the community if the application is approved:
The potential for negative impacts to public safety and policing costs are minimized by the early closing hours for the patio space. No conflict with the bar flush, which is normally a concern for the Downtown. The addition of the patio area to the existing Liquor License will allow more opportunity to utilize the outdoor space with different user groups, and provide additional flexibility for events.

3. Council's comments on the views of residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures."

Carried

7. Development Permit and Development Variance Permit Reports

7.1 664 Roanoke Avenue, DVP17-0020 - Sally Rose

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence had been received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

The applicant was not present.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Hodge

R337/17/05/02 THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0020 for Lot 23, Block 9, DL9, ODYD, Plan 1306, located at 664 Roanoke Avenue, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 13.6.6(G): RU6 – Two Dwelling Housing Development Regulations

To vary the required minimum east side yard from 2.0 m permitted to 1.8 m proposed.

Section 13.6.6(G): RU6 – Two Dwelling Housing Development Regulations

To vary the required minimum west side yard from 2.0 m permitted to 1.76 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

7.2 1920 Enterprise Way, DVP16-0240 - 1920 Enterprise Way - Mission Group Rentals Ltd

Staff:

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

The City Clerk advised that the following correspondence had been received:

Letters of Opposition or Concern:

Dave Sackman, Enterprise Way
Dorothy & Ralph Northrup, Enterprise Way
Shirley Walker, Enterprise Way
Yoshiko Ishikawa, Enterprise way
Erhard and Lynn Pedde, Enterprise Way
Gilles and Lynda Daoust, Enterprise Way
Robert M. Sloper, Enterprise Way
Darren Schlamp, Manhattan Drive (Argus)

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Luke Turri, Mission Group Ltd.

- Displayed a PowerPoint Presentation, re: 1920 Enterprise Way
- Provided a Project Summary:
 - o 87 units of purpose-built rental housing
 - o 17 one bedroom homes
 - o 51 two bedroom homes
 - o 19 studios
 - o Detailed architectural design
 - o Mix of under-building parking as well as surface parking.
- Locations benefits as it is central with transit-oriented location; bus stop at front door plus within walking distance to 97 Express BRT; high amenity location with close proximity to the Parkinson Recreation Centre and Landmark employment hub; as well as excellent cycling location.
- Required parking is 117 stalls and proposing 95.
- Parking Variance Rationale;
 - o Highly walkable, bicycle and transit orientated location;
 - o Enhanced bicycle storage and facilities
 - o Over-supply of secure bicycle storage
 - o Bike wash/repair facility
 - o Dedicated parking for electric scooters
 - o Electric vehicle charging stations
 - o Parking sharing agreement with Mill Creek Crossing.
- Responded to questions from Council.

Gallery:

Darren Schlamp, Manhattan Drive (Argus)

- Opposed to this application.

- Recommended a deferral of this application until a parking study could be conducted and all data is collected.
- Responded to questions from Council.

Luke Turri and Randy Shier, Applicant

- Anticipate that micro suites rented to those who do not have vehicles.
- This is a high transit area which helps significantly.
- Responded to questions from Council.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Sieben

R338/17/05/02 THAT Council authorizes the issuance of Development Variance Permit DVP16-0240 for Lot C District Lot 140 ODYD Plan KAP58184, located at 1920 Enterprise Way, Kelowna, BC subject to receiving the final parking agreement.

Defeated

Mayor Basran, Councillors Gray, Hodge, Given and Singh

Moved By Councillor Given/Seconded By Councillor Hodge

R339/17/05/02 THAT Council authorizes the issuance of Development Permit No. DP16-0239 and Development Variance Permit DVP16-0240 for Lot C District Lot 140 ODYD Plan KAP58184, located at 1920 Enterprise 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 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 variances to the following section of Zoning Bylaw No. 8000 be granted:

Section 8.1.2: Off-Street Vehicle Parking, Table 8.1: Parking Schedule

To vary the required number of parking stalls from 117 (required) to 95 (proposed);

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated November 10, 2016;

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

Carried

8. Reminders – Nil.

9. Termination

The meeting was declared terminated at 12:55 a.m.

Mayor

/acm

Amelia

GN City Clerk

DRAFT

CITY OF KELOWNA
BYLAW NO. 11390
Z17-0022 – 1065 Guisachan Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 16, District Lot 136, ODYD, Plan 38928 located on Guisachan Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1c – Large Lot with Carriage Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 24th day of April, 2017.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11391
Z17-0003 – 140 Mills Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 3, District Lot 125, ODYD, Plan 9286 located on Mills Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 24th day of April, 2017.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11392
Z17-0017 – 849 Raymer Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, District Lot 580A, SDYD, Plan KAP73736 located on Raymer Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1C – Large Lot Housing with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 24th day of April, 2017.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11393

TA17-0006 – CD3 – Comprehensive Development Three Zone

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT **Section 18 – CD3 – Comprehensive Development Three Zone, 1.2 Permitted Uses**, Permitted Principal uses in Area 2, be amended by adding in its appropriate location a new subparagraph "retail liquor sales" and renumbering subsequent sub-paragraphs;
2. AND THAT **Section 18 – CD3 – Comprehensive Development Three Zone, 1.5 Other Regulations**, be amended by adding in its appropriate location the following new subsections:
 - "(f) Only one Retail Liquor Sale business is permitted in Area 2.
 - (g) Retail Liquor Sales within Area 2 shall be limited to a maximum Gross Floor Area of 185 m²"
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 24th day of April, 2017.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11399
Z17-0016 – 242 Clifton Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 10, Section 6, Township 23, ODYD, Plan 30121 located on Clifton Road, Kelowna, B.C., from the RR3 – Rural Residential 3 zone to the RU6 – Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 1st day of May, 2017.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11400

Z17-0004 – 4491 Nottingham Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 6, District Lot 358, ODYD, Plan 19200 located on Nottingham Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 1st day of May, 2017.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11401
Z16-0033 – 547 Osprey Avenue

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 23, District Lot 14, ODYD, Plan 3769 located on Osprey Avenue, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the C4 – Urban Centre Commercial zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 1st day of May, 2017.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: May 16, 2017

RIM No. 0940-00

To: City Manager

From: Community Planning Department (EW)

Application: DVP17-0063 **Owner:** Calla-Syna Douglas Dreyer

Address: 905 Kennedy St **Applicant:** Calla-Syna Dreyer

Subject: Development Variance Permit Application

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

1.0 Recommendation

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP17-0063 for Lot 2 Section 29 Township 26 ODYD Plan 14046, located at 905 Kennedy St, Kelowna, BC.

2.0 Purpose

To consider a Staff recommendation to NOT issue a Development Variance Permit to vary the maximum fence height from permitted 2.0 m to 2.75 m proposed on the subject property.

3.0 Community Planning

Community Planning Staff are not supportive of this application as fences exceeding height regulations are not something Staff would like to see in residential neighbourhoods. The proposed over height fence is along a portion of the north and south property line and the entirety of the eastern property line. The interface along the public lane would be a 2.75 m solid fence. While Staff can appreciate the applicant's desire for additional privacy many people have similar site configurations including a sloped lot and a pool and are able to comply with the fencing regulations in the Zoning Bylaw.

In fulfillment of Council Policy No. 367, the applicant submitted a neighbour consultation summary form on March 16, 2017 outlining that neighbours within 50 m of the subject property were notified.

4.0 Proposal

4.1 Project Description

The applicant wants to construct a vinyl fence to provide privacy from the neighbouring properties and the laneway for an above ground pool in the backyard (Schedule A).

The slope of the backyard is approximately 10% and drops roughly 1.5 metres from the rear of the house to the eastern property line along the lane. The fence along the north and south parcel lines would gradually step up from 2.0 m to 2.75 m and along the lane (the eastern property line) would be 2.75 m.

The applicant has provided a rationale letter (Attachment A) stating that the slope of the backyard and the active alley as reasons for the variance request. The letter also states granting the variance would replace the



Figure 1. View of the subject property from the lane.

need to infill the pool and build a retaining wall. At the time of writing this report no concerns from the neighbourhood have been raised and the applicant has been in discussions with the neighbour to the north and will agree to share the proposed fence.

4.2 Site Context

The subject property is located in the Glenmore – Clifton – Dilworth city sector south of High Rd. The property is 850 m² and is zoned Ru1 – Large Lot Housing, in a primarily residential neighbourhood. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	Ru1 – Large Lot Housing	S2RES – Single/Two Unit Residential
East	Ru1 – Large Lot Housing	S2RES – Single/Two Unit Residential
South	Ru1 – Large Lot Housing	S2RES – Single/Two Unit Residential
West	Ru1 – Large Lot Housing	S2RES – Single/Two Unit Residential

Subject Property Map: 905 Kennedy St**4.3 Zoning Analysis Table**

Zoning Analysis Table		
CRITERIA	RESIDENTIAL ZONE REQUIREMENTS	PROPOSAL
Other Regulations		
Maximum Fence Height	2.0 m	2.75 ^❶
^❶ Indicates a requested variance to the maximum fence height from 2.0 m to 2.75 m.		

5.0 Technical Comments**5.1 Building & Permitting Department**

- No comment.

5.2 Development Engineering Department

- Does not compromise municipal services.

5.3 Fire Department

- No issue with the variance of the fence height.

5.4 FortisBC - Electric

- There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Kennedy Street and within the lane adjacent the subject's east property line. Based on the plans provided the existing overhead service to the house will be situated overtop the proposed swimming pool and represents a serious safety hazard. The proposed design should not be approved unless the applicant is willing to reconfigure their existing service. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.
- The applicant is working with FortisBC to reconfigure their existing service.

6.0 **Application Chronology**

Date of Application Received: March 7, 2017

Date Public Consultation Completed: March 16, 2017

7.0 **Alternate Recommendation**

THAT Development Permit No. DP17-0063 for Lot 2 Section 29 Township 26 ODYD Plan 14046, located at 905 Kennedy St, Kelowna, BC to allow the construction of a fence be approved subject to the following:

- a) The dimensions, siting, and exterior finish of the fence to be constructed on the land be in accordance with Schedule "A";

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A":

Section 7.5.3: Fencing and Retaining Walls Regulations

To vary the maximum fence height in a residential zone from 2.0 m permitted to 2.75 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

Report prepared by: Emily Williamson, Planner I

Reviewed by: Ryan Smith, Community Planning Manager

Approved for Inclusion: Doug Gilchrist, Divisional Director Community Planning & Strategic Investments

Attachments:

Draft DVP17-0063

Schedule 'A' – Site Plan and Conceptual Elevation

Attachment 'A' – Applicant's Rationale

DEVELOPMENT VARIANCE PERMIT



APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT NO. DVP17-0063

Issued To: Calla-Syna Douglas Dreyer
Site Address: 905 Kennedy St
Legal Description: Lot 2 Section 29 Township 26 ODYD Plan 14046
Zoning Classification: RU1 – Large Lot Housing

SCOPE OF APPROVAL

This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.

The issuance of a Permit limits the Permit Holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

1. TERMS AND CONDITIONS

THAT Development Permit No. DP17-0063 for Lot 2 Section 29 Township 26 ODYD Plan 14046, located at 905 Kennedy St, Kelowna, BC to allow the construction of a fence be approved subject to the following:

- a) The dimensions, siting, and exterior finish of the fence to be constructed on the land be in accordance with Schedule "A";

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A":

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To vary the maximum fence height in a residential zone from 2.0 m permitted to 2.75 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.

2. PERFORMANCE SECURITY

None required.

3. DEVELOPMENT

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit that shall form a part hereof.

If the Permit Holder does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

This Permit IS NOT a Building Permit.

4. Indemnification

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.
- b) All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

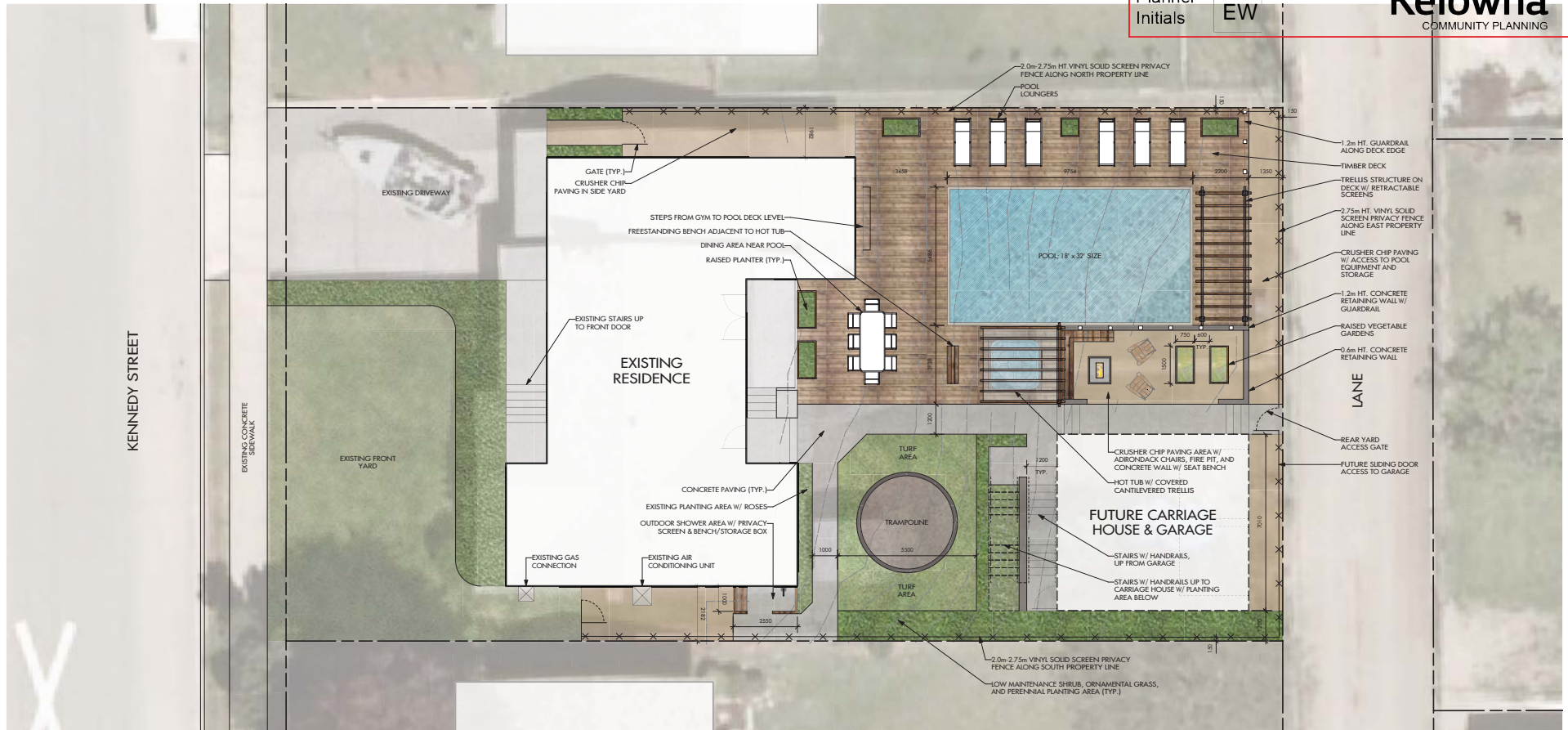
5. APPROVALS

Issued and approved by Council on the _____ day of _____, 2017.

 Ryan Smith, Community Planning Department Manager
 Community Planning & Real Estate

 Date

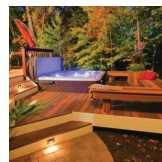
The PERMIT HOLDER is the CURRENT LAND OWNER.



ADIRONDACK CHAIRS AND FIRE PIT



OUTDOOR COUCH AND FIRE TABLE



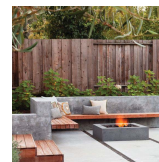
HOT TUB WITH SEAT BENCH



DINING AREA NEAR POOL



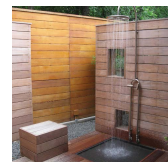
RAISED VEGETABLE GARDENS



CONCRETE WALL W/ SEAT BENCH



TRELLIS AND LOUNGERS BY POOL



OUTDOOR SHOWER W/ BENCH STORAGE



HOT TUB W/ CANTILEVERED TRELLIS

SCHEDULE

A

This forms part of application

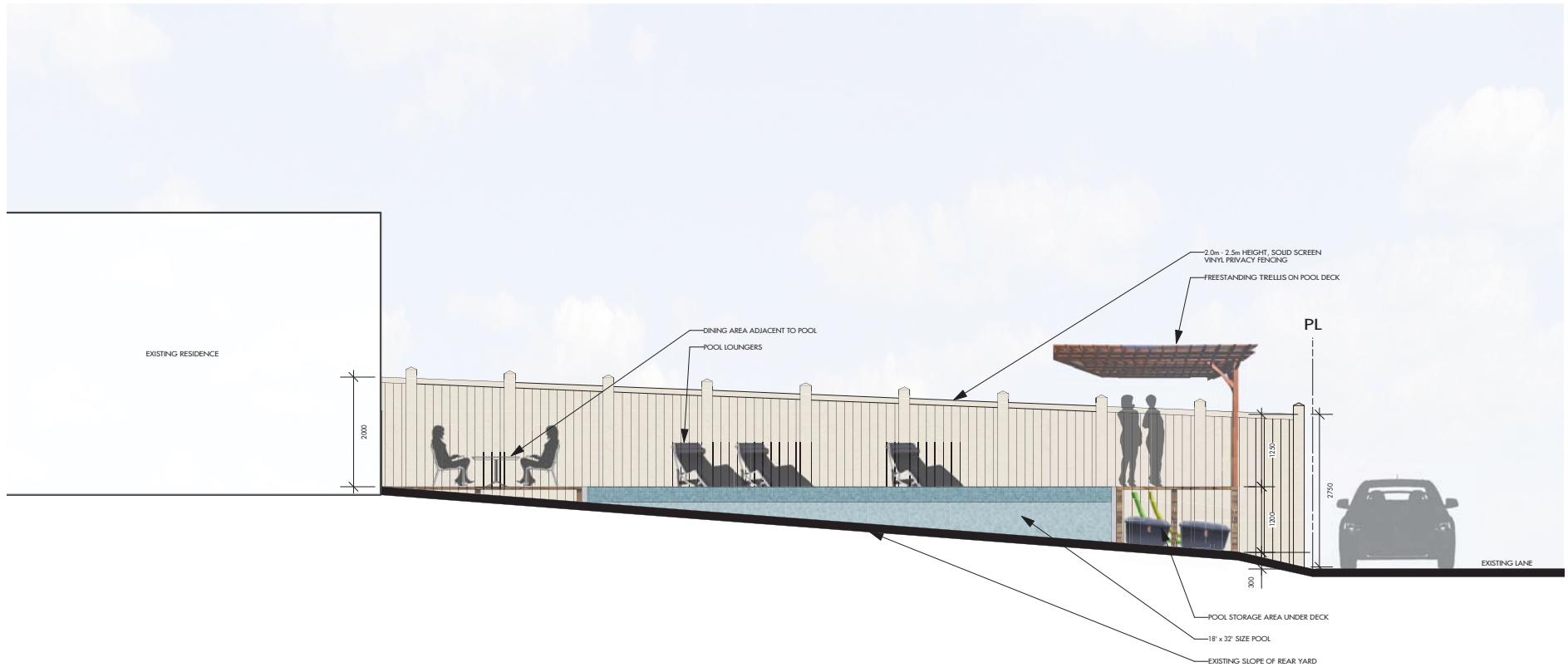
DVP17-0063

Planner
Initials

EW



City of
Kelowna
COMMUNITY PLANNING



March 3, 2017

City Council, Kelowna

Re: Request for fence height variance

ATTACHMENT		A
This forms part of application # DVP17-0063		
Planner Initials	EW	 City of Kelowna <small>COMMUNITY PLANNING</small>

I am writing to seek a fence variance for my single-family home at 905 Kennedy Street, Kelowna. Current zoning rules say that fences must be no more than 2 meters tall; I respectfully request to install a fence that is 2.75 meters tall at its highest point.

I am installing an above ground pool in my backyard which has a steep gradient across my backyard of 5 ft 6 inches and backs onto a very active alley way. A vinyl privacy fence (see attached photo for finished product look) that is 2.75 meters / 9 ft tall would replace the need to infill my pool and build a retaining wall. I have spoken to my neighbours about my fence variance request and have attached the 100% supportive petition.

I hope you agree that my request would produce an aesthetically proper addition if not enhancement to my neighbourhood. Please contact me at 604-760-6687 should you have any questions. Thank you for your thoughtful consideration of this request.

Sincerely,



Calla Syna Dreyer, Homeowner
905 Kennedy Street, Kelowna
604-760-6687