



City of Kelowna Regular Meeting Minutes

Date: Tuesday, June 13, 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 City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith; Divisional Director, Community Planning & Strategic Investments, Doug Gilchrist; Urban Planning Manager, Terry Barton; Legislative Coordinator, (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 6:31 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Donn.

3. Confirmation of Minutes

Moved By Councillor Dehart/Seconded By Councillor Donn

R471/17/06/13 THAT the Minutes of the Public Hearing and Regular Meeting of May 30, 2017 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 434 Sarsons Rd, (BL11410) Z17-0020 - James Northrop

Moved By Councillor Gray/Seconded By Councillor Given

R472/17/06/13 THAT Bylaw No. 11410 be read a second and third time.

Carried

4.2 185 Clifton Rd N, (E of) Upper Canyon Dr N and (W of) Union Rd, (BL11414) OCP17-0011 - Glenwest Properties Ltd

Moved By Councillor Gray/Seconded By Councillor Given

R473/17/06/13 THAT Bylaw No. 11414 be read a second and third time and be adopted.

Carried

4.3 185 Clifton Rd N, (E of) Upper Canyon Dr N and (W of) Union Rd, (BL11415) Z170028 - Glenwest Properties Ltd

Moved By Councillor Given/Seconded By Councillor Gray

R474/17/06/13 THAT Bylaw No. 11415 be read a second and third time and be adopted.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of the Development Variance Permit Applications was given by sending out or otherwise mailing 386 statutory notices to the owners and occupiers of surrounding properties on Tuesday, May 30, 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

6.1 140 Mugford Rd, DP16-0014 & DVP16-0144 - RA Quality Homes Ltd & 1052192 B.C. 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 and Concern:

Rick Martin & Nancy Ryan, Rutland Rd. N.

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

The Applicant's representative was present and available for questions.

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Hodge

R475/17/06/13 THAT Council authorizes the issuance of Development Permit No. DP16-0014 for Lot 2 Section 26 Township 26 ODYD Plan EPP62746 located at 140 Mugford Road, Kelowna, BC and for Lot 1 Section 26 Township 26 ODYD Plan EPP62746 located at 415 Rutland 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 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. DVP16-0144 for Lot 2 Section 26 Township 26 ODYD Plan EPP62746 located at 140 Mugford Road, Kelowna, BC;

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

Section 13.8.6(e): RM2 – Low Density Row Housing Development Regulations

To vary the required minimum side yard from 4.0 m permitted to 0.83 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 Community Planning Department dated April 18, 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 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

6.2 4377 Kensington Drive, BL11361 (Z16-0042) - Gary Lupul

Moved By Councillor DeHart/Seconded By Councillor Stack

R476/17/06/13 THAT Bylaw No. 11361 be adopted.

Carried

Councillor Sieben - Opposed

6.3 4377 Kensington Dr, DVP16-0168 - Gary Lupul

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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

Letters of Opposition:

Marion and Graham Bender, Sarsons Road
Quentin Dyck and Alison Cook, Kensington Dr.

Letters of Concern:

Bonnie and Steve Reily, Sarsons Road
Greg Kletke & Carmen Colborne, Sarsons Road.

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

Gary Lupul, Applicant

- Made reference to the concerns identified in the correspondence that the plans had changed to build a 2 storey home rather than a one storey rancher; confirmed that the house plans have not changed.

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Gray

R477/17/06/13 THAT final adoption of Rezoning Bylaw No. 11361 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0268 for Lot 21 District Lot 167 ODYD Plan 27559, located at 4377 Kensington Drive, Kelowna, BC;

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

Section 13.6.5(b): RU6 – Two Dwelling Housing Subdivision Guidelines

To vary the required minimum lot width from 18.0 m required to 17.03 m proposed

AND THAT Council's consideration of this 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 July 25, 2016;

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.

Carried
Councillor Sieben - Opposed

6.4 238 Queensway Ave, OCP16-0026 and Z16-0074 - City of Kelowna

Councillor DeHart declared a conflict of interest due to her employment in the hotel industry, the fact that her employer collects the MRDT tax, and that a colleague is a member of the Tourism Kelowna Board and departed the meeting at 6:50 p.m.

Moved By Councillor Stack/Seconded By Councillor Donn

R478/17/06/13 THAT Council receives the report of the City Clerk dated June 13, 2017 for information;

AND THAT Bylaw No. 11335 be amended at third reading by deleting "from the P3 – Parks and Open Spaces designation to the P1 – Major Institutional designation" and replacing it with "from the Major Park / Open Space (PARK) designation to the Educational / Major Institutional (EDINST) designation";

AND THAT final adoption of Bylaw No. 11335 (OCP16-0026), as amended and Bylaw No. 11336 (Z16-0074) be considered by Council.

Carried
Councillor Hodge – Opposed

6.5 238 Queensway Ave, BL11335 (OCP16-0026) - City of Kelowna

Moved By Councillor Stack/Seconded By Councillor Singh

R479/17/06/13 THAT Bylaw No. 11335 be amended at third reading.

Carried
Councillor Hodge – Opposed

6.6 238 Queensway Ave, BL11336 (Z16-0074) - City of Kelowna

Moved By Councillor Stack/Seconded By Councillor Singh

R480/17/06/13 THAT Bylaw No. 11336 as amended at third reading be adopted.

Carried
Councillor Hodge – Opposed

6.7 238 Queensway Ave, DP16-0275 & DVP16-0276 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:

James McMullan, Ellis St
Chrissy & Steve Marston, Horizon Dr
Peter Dill, Swaisland Court
Gord Marshall, Arab Road
Laurie Barry, Bartholomew Crt
Dianne Varga, Haynes St, Penticton

Letters of Comment/Concern:

Richard Drinnan, Greene Road
Yvonne Pinder, Carriage Court
Brenda Gloster, Coronado Cr

Letters in Favour or Support:

Lynne Anderson, Lanfranco Rd
Linda Laidlaw, Sunset Dr
Hans Birker, (Bohemian Café), Bernard Ave
UBC Okanagan Conference & Accommodation (Suzanne Nazareno), International Mews
Mission Villas (R. Michael Wynne), Gordon Dr
Stan Martindale, Harvey Ave
Daniel Tassoni, Lakeshore Rd
Tracey Fredrickson - Thayer Court
Cindy Cinkant-Hill, Apple Way Blvd, West Kelowna
Harvest Golf Club (Gilles Dufort), KLO Rd
Danielle Lister, Longley Cres
Okanagan Pride Society (Dustyn Baulkham), PO Box 20132, RPO Town Centre

In Favor Form Letter 1:

(29 form letters submitted individually)

Penny Gambell, Bond Rd, Lake Country
Donna Faigaux, Powell Rd, Peachland
Hotel Eldorado (Sean Coward), Cook Rd
Prestige Hotels (Brandi Ripel), Abbott Street
Casa Loma Lakeshore Resort (Heather Schaub) –Casa Loma Rd, West Kelowna
Jeff Schaub, Benedick Rd, West Kelowna
Dr. Kyleen K Myrah, High Rd
Manteo Resort (Heather Schroeter), Lakeshore Rd
Holiday Inn Express (Brent Lavery), Hwy 97 N
Emily Cobb, Woods Rd
Prestige Hotels (Amy Nunn), Abbott St
Dana Crichton, Long Ridge Dr
Wilbur Turner, Mission Springs Dr
Mark Filatow, Eldorado Rd
Best Western (Rosemary Paterson), Aster Rd
Danielle Ing, Loseth Rd
Nathan Flavel, Ellis St
Sarah Wallace, Celano Cres
Manteo Resort (Mercedes Wright), Lakeshore Rd
Jeff Olensky, Cobblestone Rd
Budget Car & Truck Rentals (Danny Coyne), Highway 97 N
Sean Blake, 805 Martin Ave
Ramada Hotel (Mike Isaac), Pandosy St
Accent Inns/Hotel Zed (Lindsay Rainbird), Harvey Ave
Sandhill Winery (Patricia Leslie), Richter St
Matt McSweeney, Boynton Place
Alexander Melnyk, Pandosy St
Deena Lewis, Schaad Rd, Lake Country
Lori Shoaf, Shannon Lake Rd, West Kelowna

In Favor Form Letter 2:

(20 form letters submitted individually)

Prestige Hotels (Joe Huber), Abbot St
Rotary Centre for the Arts (Patrick LeBlanc), Cawston Ave
Fairfield Inn & Suites (Liz Klingbell), Powick Road
Kristen Harder, Sunset Dr
Dr. Janet Heaveyside, Postill Lake Rd
Kanina Wright, Vineyard View Dr, West Kelowna
WildPlay Element Parks (Amber Hall), Hwy 33
Derek Ripel, Olympus Way, West Kelowna
Nicole Dykeman, Mills Rd
Roger Sellick, Mount Royal Dr
Shelley Torres, Steele Rd
Peter Brady, Bernard Ave
Debbie Dupasquier, Cobblestone Rd, West Kelowna
Amber O'Sullivan, Old Okanagan Hwy, West Kelowna
Sarah Holowaty, Spencer Rd
Michelle Tinkley, Yates Rd
Julian Helman, Buckland Ave
Meghan Stephen, Martin Ave
Min Li, 112-515 Gerstmar Rd
David McFadden, Takla Rd

In Favor Form Letter 3:

(28 form letters submitted individually)

Lynne Patacairk, Boucherie Rd, West Kelowna
Prestige Hotels (Terry Schneider), Abbot St
Royal Anne Hotel (Christa Park), Bernard Ave
Warren Carr, Manhattan Drive
Travis Schneider, Wren Pl
Helmsbriscoe(Leanne Calderwood), Hyak Rd
Monica Leggett, Glenmeadows Rd
Kelly Watt, Sutherland Ave
Big White Ski Resort (Katie Balkwill), Alta Vista Rd
Lake City Casino (Clarissa Pruden), Water St
Amanda Johnston, Findlay Rd
Prestige Hotel (Tanya Stroinig), Abbott St
Amy Martens, Kelglen Cres
Warren & Mavis Horsnell, Casorso Rd
Kathryn Parkhill, Goldfinch Place
Heather Bodnarchuk, Abbott St
Heather Hoskins, Stillwater Crt, Lake Country
Denise Herrington, Lakepointe Dr
Chris Bingham, Drummond Crt
IJ Management Consulting (Ingrid Jarrett), Eastwood Dr
Okanagan Spirits Distillery (Tyler Dyck), Bernard Ave
Chris Pinkerton, Terrace Drive
Michelle Appleton, Old Vernon Rd (**submitted a Package of 6 form letters*)

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

Nancy Cameron, Tourism Kelowna, Applicant and Jim Meiklejohn, Meiklejohn Architects

- Displayed a PowerPoint Presentation demonstrating the form and character of the proposed building.
- The design objective is to construct a vibrant landmark centre that:
 - o Attracts large numbers of visitors and residents;
 - o Activates the area creating a safe and energetic people place;
 - o Provides sufficient space to implement the programs required.
- The design process consisted of researching of similar facilities worldwide, consulting with city staff and addressing community concerns to:
 - o Reduce the footprint;
 - o Remove second floor and office space;
 - o Maximize glass utilization to minimize obstruction of views.
- The design was inspired by the Downtown Marina, Stuart Park, Kelowna Yacht Club as well as international examples.
- This building will be a prominent landmark that compliments its surroundings.
- The interior size is 2,750 sq. ft,
 - o 1,750 sq. ft of customer service and year-round special event space;
 - o 1,000 sq. ft of public washrooms (5), utilities, storage and staff meeting place;
 - o 400 sq ft Mezzanine for mechanical equipment and storage.
- The need for a variance is to reduce the eastern setback from 6 meters to 3.8 meters.
- No part of the building, including the roof overhangs, will be in the Sawmill Community Trust.
- Allows for 15-meter setback on west side for large public area, environmental protection and waterfront walkway.
- The adjoining lot is owned by the City; no one else will be affected by the variance.
- A large section of road right-of-way that will function as parkland will remain between the building and future Queensway cul de sac.
- Responded to questions from Council.

Gallery:

Stuart Lang, Smile Cycle Tours

- Supportive of the application.
- Believes the location is in a high traffic area which makes sense.
- Believes the building will be a strong attraction for residents and tourists.

Lake Country Resident

- Supportive of the application.
- Believes tourism is an important industry and this will benefit tourism and downtown.
- Likes the design of the building.

Chris Johnson, Resident

- Supportive of the application.
- Believes the design of the building is attractive and appropriate.
- Believes this tourism centre will add to the energy of our downtown.

Ian Robertson, Lost Creek Court

- Supportive of the application.
- Believes the design of the building has struck a nice balance and will serve the community well.

Gail Wright, Bray Street

- Opposed to the application.
- Believes the building will be a white elephant on park land.
- This is not a good legacy for this Council.
- Believes the 30 to 40 year olds make up the largest group of tourists and they go on line to search activities.

Gord Hotchkiss, Walker Drive

- Supportive of the application
- Believes interactivity in tourism is needed.

Richard Hewitt, Drummond Court

- Supportive of the application.
- Believes the building looks wonderful and will be a good addition to the city.
- Believes the tower does not fit into the excellent design and suggested a re-design.

Richard Drinnan, Greene Road

- Opposed to the application.
- Raised concerns with the environmental condition of the site.
- Made reference to the federal and provincial guidelines for waterfront development.
- This application does not allow for riparian setback of 15 m identified in the Official Community Plan; riparian area is needed to provide food for fish and ducks.
- Believes this setback is taking away public land and asked Council to respect OCP Policies.
- Stated that the Department of Fisheries and Oceans is not aware of an application and has not approved this.

Alan Wright, Barnaby Road

- Raised concerns with environmental impacts over the next 30 years and greenhouse gas implications as the building is made of glass and does not have solar panels.

Don Henderson, Cameron Avenue

- Opposed to the application.
- Raised concern with the site elevation.
- Raised concern with the building being in close proximity to the waterfront and potential for site flooding.
- Encouraged Council to take the concerns of those opposed more seriously.
- Believes this proposal would better suit tourists if placed on Bernard Avenue.
- Believes this proposal is changing the look of the waterfront.

Pat Munro, Cadder Avenue

- The design of the building is beautiful but raised concerns with the location as the waterfront belongs to the public.
- Believes the area should be more greenspace.
- Responded to questions from Council.

Nancy Cameron, Tourism Kelowna, Applicant and Jim Meiklejohn, Meiklejohn Architects

- We have worked this plan many ways for the tower but could redesign it.
- Confirmed that a hazardous assessment has been conducted on the site as that is common practice for urban waterfront re-development.
- A lot of research has been done with the city on the flood plain elevation and it's about a foot and half higher than the surface of the parking lot.
- Aware of greenhouse gas implications and tried to balance the design as well as possible.
- Provincial and Federal approvals were sought by the city and was taken care prior to our application.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Donn

R481/17/06/13 THAT final adoption of OCP Amendment Bylaw No. 11335 (OCP16-0026) & Rezoning Bylaw No. 11336 (Z16-0074) be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No **Error! Reference source not found.** for Block F, District Lot 1527, ODYD located at **Error! Reference source not found.**, 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";

AND THAT Council authorize the issuance of Development Variance Permit **Error! Reference source not found.** for Block F, District Lot 1527, ODYD, located at **Error! Reference source not found.**, Kelowna, BC;

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

S.16.1.5 (d) Error! Reference source not found. Development Regulations

To vary the front yard setback from 6.0m to 3.8m.

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 Hodge – Opposed

Councillor DeHart rejoined the meeting at 8:31 p.m.

The meeting recessed at 8:31 p.m.

The meeting reconvened at 8:40 p.m.

6.8 Upper Canyon Drive (E of), DP16-0301 & DVP16-0302- Glenwest Properties 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 and/or Concern:

Steve and Blake McAllister, 294 Upper Canyon Drive

Brandy Clevette, 246 Lost Creek Lane

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

Cameron Dodd, Development Manager of Wilden

- Displayed artist renderings of old and revised layouts on the computer.
- Held several meetings with neighbours who had raised concerns at the previous Public Hearing.
- Majority of concerns were proximity of buildings, retaining wall height and existing slopes along Lost Creek Lane; the revised layout incorporates amendments from those consultations.
- Spoke to the rationale of design changes to the landscaping plan.
- Spoke to the changes in housing types and reconfiguration of buildings to assist with reducing retaining wall height and length.
- Responded to questions from Council.

Gallery:

Jack Saunders, Lost Creek Place

- Purchasing a property on the boundary of this development and interested in mitigation measures for privacy and/or setbacks from the building.

Russ Foster, Project Manager of Wilden

- Displayed a landscape plan and advised the neighbouring parcel will be landscaped and screened as privacy measures.

There were no further comments.

Moved By Councillor Gray/Seconded By Councillor Donn

R482/17/06/13 THAT Council authorize the issuance of Development Permit No. DP16-0301 for a portion of The South West 1/4 of Section 5 Township 23 ODYD Except Plans KAP83526, KAP88266, EPP9195, EPP24895, EPP24897 and EPP55131, located at Upper Canyon Dr (E of), Kelowna, BC, subject to the following:

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

The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";

Landscaping to be provided on the land be in accordance with Schedule "C";

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

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0302 for a portion of The South West 1/4 of Section 5 Township 23 ODYD Except Plans KAP83526, KAP88266, EPP9195, EPP24895, EPP24897 and EPP55131, located at Upper Canyon Dr (E of), Kelowna, BC;

AND THAT a variance to the following section of Subdivision, Development & Servicing Bylaw No. 7900 be granted, as shown on Schedule "D":

Schedule 4, Section 4.6: Design Standards – Highway – Curb and Gutter, Sidewalks and Bike Lanes

To vary the maximum number of driveway accesses per road frontage from one (1) permitted to 8 (eight) proposed.

AND FURTHER THAT a variance to the following section of Zoning Bylaw No. 8000 be granted, as shown on Schedule "D":

Section 7.5.9: Landscaping and Screening – Fencing and Retaining Walls

To vary the maximum height of retaining walls on residential lots from 1.2 m permitted to 4.5 m, 6.0 m and 6.5 m proposed.

Carried

6.9 651 Oxford Ave DVP17-0009 - Jeremy Kling

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:

Letter of Opposition:

Janice and Martin de Heer, Okanagan Boulevard

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

Birte Decloux, Urban Options Planning & Permits and Jeremy Kling Property Owner

- Displayed a PowerPoint Presentation displaying photos of the subject property.
- The property was recently purchased and the owner has plans to redevelop the principal dwelling within the next 5 years.
- The new dwelling will be greater than 1 ½ storeys in height and at that time the carriage house would conform the Zoning Bylaw requirements.
- The existing dwelling has a converted attached garage which limits the space available to develop a one storey carriage house with adequate parking. The 1 ½ storey carriage house provides for parking and better living space.
- The proposed building is designed to ensure that the neighbour's privacy is maintained.
- The bedroom windows are the smallest size to meet the Building Codes egress requirements.
- Rooms are designed so that beds are located on the window wall and focuses attention inward rather than the neighbours yard.
- Displayed a map and photos of carriage houses in the immediate neighbourhood; although rules have changed, for many the peak is higher than the principal dwelling and does not appear to negatively affect the neighbourhood.
- Displayed a photo of the lane-scape showing that the carriage house does not adversely affect it.
- The proposed project is based on a carriage house development on Bath Street with similar conditions that also required a variance that had been supported by staff and Council.

- Believes this is a benefit to the community as it is a great infill.
- Responded to questions from Council.

No one from the gallery came forward.

Staff responded to questions from Council.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Stack

R483/17/06/13 THAT Council NOT authorize the issuance of Development Variance Permit No. DVP17-0009 for Lot 6, District Lot 9, ODYD, Plan 4526, located at 651 Oxford Avenue, Kelowna, BC.

Carried

6.10 4760 Lakeshore Rd DP17-0043 & DVP17-0044 - Ca'Solare Developments Inc

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 Concern:

Terry Kilshaw, Avery Road
Rafael and Milena Perini, Lakeshore Place
Roger Cumming, Crighton Road

Letter of Opposition:

Don Cowie and Varina Russell, Crighton Road
John and Lynda Noble, Crighton Road
Sunny Singh, Quilchena Dr.
Carter Waite, Avery Road
Carolyn Hayman, Lakeshore Place
Mike and Val Embury, Barnaby Road
Richard Hewitt, Drummond Court
Diane Drummond, Lakeshore Rd.
Ruth Benedict, Barnaby Rd.
Graham Chambers, Lakeshore Road
Peter Morrison and Evelyn Barton, Renwick Ct.

Petition submitted by Rafael F. Perini, 4807 Lakeshore Place (60 signatures)

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

Keith Funk Newtown Planning and Architecture Agent for Applicant

- Displayed a PowerPoint Presentation displaying photos of the proposal and speaking to the identified variances.
- Acknowledged the land was rezoned.
- The variance for building height in storeys is 8 m front to back.
- Confirmed this is a 3 storey residential building not a 4 storey.
- Displayed photo of the front façade and noted that the Lakeshore streetscape retains human scale.
- Displayed a photo of the ethereal streetscape to demonstrate that the variance for height is not publicly exposed and no different from the RM3 zone and at human scale.
- Have made a mid-front yard landscape amendment that will replace a 3.0 m retaining wall with a 1.0 m stepped retaining eliminating the variance for retaining walls.

- Spoke to farmland separation and staff's request to provide a 15 m buffer to control urban and rural interfaces.
- Displayed a landscape plan and noted that the sewer line required a utility alignment for the right-of-way and all landscaping was compressed into a more intensive buffer.
- The Ministry of Agriculture Guideline reduced the amount of developable land significantly.
- Advised that Sun City Farm supports the development.
- Spoke to the land use and design and identified buildings and structures permitted.
- Responded to questions from Council.

Gallery:

Rafael Perini, Lakeshore Place

- Resides across from this proposed development.
- Believes this application is an intrusion of rural area and is not a minor variance.
- Provided a brief history of the site and the opposition to the rezoning of the property in 2007.
- Referenced plans of the time and displayed photos.
- Opposed to the application.

Doug Muholland, Crighton Road

- Made reference to a letter he submitted several weeks ago.
- Opposed to the application.
- Believes this is an inappropriate development and massive in a rural area.
- Raised concern regarding increased traffic.
- Raised concern with cyclists safety.
- Agrees with staff's non-support recommendation.

Pam Bullock, Highway 33

- Advised that she is a cherry grower.
- Opposed to the application.
- Raised concern with development immediately adjacent to agricultural lands.
- Raised concern with impacts on lake views.
- Believes there will be complaints with noise, mowing and spray drifts.
- Believes this development will put agriculture at risk.
- Responded to questions from Council.

Lynda Noble, Crighton Road

- Resides on the west side of this development.
- Believes the spray and noise from farm workers will become an issue.
- Believes this proposal does not blend in with the community.
- Raised concern with loss of lake view.
- Opposed to the application.

Milena Perini, Lakeshore Place

- Opposed to the application.
- Spoke to lack of communication with the applicant regarding this application.
- Raised concern with increased traffic on Lakeshore and Barnaby Roads.
- Raised concern with density and privacy impacts.

Ruth Benedict, Barnaby Road

- Opposed to the application.
- Raised concerns that a previous Council sold and rezoned this parcel as RM3; encouraged Council to purchase this parcel for park space

Sarah Jones, Lakeshore Road

- Opposed to the application.
- Raised concerns with development signage not seen by residents.
- Raised concerns with the density of this development and that it does not fit on this corner.

Maria Grant, Lakeshore Place

- Opposed to the application.
- Raised concerns that this building does not fit on this parcel and that an urban building is being placed in a rural setting.

Richard Hewitt, Drummond Court

- Opposed to the application.
- Believes the development is too massive and does not fit into the neighbourhood.
- Opposed to the height variance.
- Does not believe the building steps back in all directions as mentioned in the applicant's presentation.
- Believes it is possible to construct a building within the zone without any variances.

Barbara Hohmer, Avery Road

- Opposed to the application
- Believes this building is in the wrong location.
- Opposed to the height variance.
- Believes this is not the location for such high density.
- Believes the trees will impact sight lines.
- Raised traffic safety concerns.

Theresa Lucas, Lakeshore Road

- Opposed to the application and variances.
- Raised traffic safety concerns.

Glen Durrell, Bayhill Place

- Believes this proposal is out of character with the area especially with a 70% height variance.
- Opposed to the application.

Carolyn Hayman, Lakeshore Place

- Believes OCP regulations should be followed.
- Raised concern with impacts of spraying and buffering.
- Raised concern with erosion of agricultural areas.
- Opposed to the application.

Moved By Councillor Donn/Seconded By Councillor Gray

R484/17/06/13 THAT Council continue the Regular Meeting past 11:00 p.m.

Carried

Resident

- Resident in the neighbourhood for 2 years.
- Raised concerns with traffic in the neighbourhood and believes there are no provisions for emergencies.
- Believes this is the wrong development in this area.
- Raised concern that there would be no room for widening or changing angles of Lakeshore Road if this development proceeds.
- Opposed to the application.

Larry Bodner, Lakeshore Road

- Has resided in the area for over 40 years.
- This development does not fit into this area.
- Suggested the City buy back the property.
- Opposed to the application.

Mike Geddes, Bellevue Road

- Representing parents who live on Lakeshore Road.
- Raised concern with impact of farm spraying.
- Raised concern with increased traffic.
- Believes the infrastructure is not there to house this development.

- Opposed to the application.

Keith Funk Newtown Planning and Architecture Agent for Applicant

- Unable to respond to land use comments as what is before Council is a DP and DVP.
- There is an obligation and requirement to upgrade Lakeshore Road should the development be approved.
- Traffic impacts will be minimal. There are only 44 units and to trigger a traffic impact study there must be 100 units.
- Believes the variances have minimal impact to the neighbouring properties.
- Need to optimize land uses and densities to finance projects in today's development environment.
- Believes new residents would embrace the neighbourhood as do those who currently live there.
- We are sensitive to the community and their sense of place and how any changes are disruptive.
- Asked that the alternate recommendation be considered and will continue to evolve a landmark development that resembles a winery.
- Responded to questions from Council.

Staff responded to questions from Council.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Singh

R485/17/06/13 THAT Council NOT authorize the issuance of Development Variance Permit No. DVP17-0044 for Lot 1 Section 25 Township 28 SDYD Plan KAP86852, located at 4760 Lakeshore Rd, Kelowna, BC;

AND THAT Council NOT authorize the issuance of Development Permit No. DP17-0043, for Lot 1 Section 25 Township 28 SDYD Plan KAP86862, located at 4760 Lakeshore Rd, Kelowna, BC.

Carried

7. Reminders

8. Termination

The meeting was declared terminated at 11:46 p.m.

Mayor

City Clerk

/acm