



**City of Kelowna
Regular Council Meeting
Minutes**

Date: Tuesday, September 19, 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

City Manager, Ron Mattiussi; City Clerk, Stephen Fleming, Divisional Director, Community Planning & Strategic Investments, Doug Gilchrist; Community Planning Department Manager, Ryan Smith, Urban Planning Manager Terry Barton; Suburban & Rural Planning Manager, Todd Cashin*; Planner Specialist, Adam Cseke*; Development Engineering Manager, James Kay*; Bylaw Enforcement Officer, Chris Choy*; Legislative Coordinator (Confidential), Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 10:33 p.m. and moved up Items 4.1 and 4.2.

4. Bylaws Considered at Public Hearing

4.1 130 McCurdy Rd, BL11460 (OCP17-0007) - Father Delestre Columbus (2009) Society Inc.

Moved By Councillor Hodge/Seconded By Councillor Given

R766/17/09/19 THAT Bylaw No. 11460 be read a second and third time.

Carried
Councillors Hodge, Sieben and Singh - Opposed

Moved By Councillor Donn/Seconded By Councillor Gray

R767/17/09/19 THAT Council continue meeting and Public Hearing, once reconvened, past 11:00 p.m.

Carried

4.2 130 McCurdy Rd, BL11461 (Z17-0021) - Father Delestre Columbus (2009) Society Inc

Moved By Councillor Hodge/Seconded By Councillor Donn

R768/17/09/19 THAT Bylaw No. 11461 be read a second and third time.

Carried
Councillors Hodge, Sieben and Singh - Opposed

The meeting adjourned at 11:17 p.m.

The meeting reconvened at 12:50 a.m.

3. Confirmation of Minutes

Moved By Councillor DeHart/Seconded By Councillor Given

R769/17/09/19 THAT the Minutes of the Public Hearing and Regular Meeting of September 12, 2017 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.3 840 Mayfair Rd, BL11452 (Z17-0033) - Benjamin Page-et

Moved By Councillor DeHart/Seconded By Councillor Given

R770/17/09/19 THAT Bylaw No. 11452 be read a second and third time.

Carried

4.4 4653 Raymer Rd, BL11458 (Z15-0013) - Ronald Egert

Moved By Councillor Gray/Seconded By Councillor Hodge

R771/17/09/19 THAT Bylaw No. 11458 be read a second and third time.

Carried

4.5 3511 Landie Rd, BL11459 (Z17-0043) - David Dombowsky

Moved By Councillor Donn/Seconded By Councillor Gray

R772/17/09/19 THAT Bylaw No. 11459 be read a second and third time and be adopted.

Carried

4.6 3050 Sexsmith Road, BL11465 (Z17-0060) - CK16 Property Group Ltd. BC1098771

Moved By Councillor Gray/Seconded By Councillor Donn

R773/17/09/19 THAT Bylaw No. 11465 be read a second and third time.

Carried

4.7 4609 Lakeshore Road - BL11468 (OCP16-0023) - Novation Design Studio

Moved By Councillor Gray/Seconded By Councillor Donn

R774/17/09/19 THAT Bylaw No. 11468 be read a second and third time.

Carried

4.8 4609 Lakeshore Road - BL11469 (Z16-0068) - Novation Design Studio

Moved By Councillor Stack/Seconded By Councillor DeHart

R775/17/09/19 THAT Bylaw No. 11469 be read a second and third time.

Carried

4.9 2755 McCurdy Road, BL11472 (OCP16-0004) - Prodev GP Ltd. and 1378310 Alberta Ltd.

Moved By Councillor Singh/Seconded By Councillor Sieben

R776/17/09/19 THAT Bylaw No. 11472 be read a second and third time.

Carried

4.10 BL10876 (TA11-0010) - Amendment to City of Kelowna Zoning Bylaw No. 8000, RHM4 - Hillside Cluster Multiple Housing

Moved By Councillor DeHart/Seconded By Councillor Stack

R777/17/09/19 THAT Bylaw No. 10876 be read a second and third time.

Carried

4.11 2755 McCurdy Road, BL11473 (Z16-0030) - Prodev GP Ltd and 1378310 Alberta Ltd.

Moved By Councillor Sieben/Seconded By Councillor Singh

R778/17/09/19 THAT Bylaw No. 11473 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 816 statutory notices to the owners and occupiers of surrounding properties on Tuesday, September 5, 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

6.1 815 Rose Ave, Z16-0022 (BL11416)- Paul Neufeld and Douglas Kirk

Moved By Councillor Stack/Seconded By Councillor DeHart

R779/17/09/19 THAT Bylaw No. 11416 be adopted.

Carried

6.2 815 Rose Avenue, BL11256 (Z16-0022) - Paul Neufeld & Douglas Kirk

Moved By Councillor DeHart/Seconded By Councillor Stack

R780/17/09/19 THAT first, second and third readings of Bylaw No. 11256 be rescinded and the file closed.

Carried

6.3 815 Rose Avenue - DP16-0101 and DVP17-0108 - Douglas Richard Kirk

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 present and available for questions.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Donn

R781/17/09/19 THAT final adoption of Rezoning Bylaw No. 11416 be considered by Council;

AND THAT first, second and third readings of Rezoning Bylaw No. 11256 be rescinded and the file closed;

AND THAT Council authorizes the issuance of Development Permit No. DP16-0101 and Development Variance Permit DVP17-0108 for Lot 2, District Lot 136, ODYD, Plan 8116, located at 815 Rose Avenue, 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";

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

Section 8.1.9(c) Parking and Loading: Location

To allow two required parking stalls to be located within 1.5m of the side property lines on the east and west sides;

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

Carried

6.4 2350 Norris Road S, Z17-0061 (BL11446) - 0837937 BC Ltd Inc

Moved By Councillor Singh/Seconded By Councillor Stack

R782/17/09/19 THAT Bylaw No. 11446 be adopted.

Carried

6.5 2350 Norris Road S - DP17-0111 and DVP17-0112 - R354 Enterprises Ltd

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 present and available for questions.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Sieben

R783/17/09/19 THAT final adoption of Rezoning Bylaw No. 11446 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0111 and Development Variance Permit No. DVP17-0112 for Lot 3, Section 2, Township 23, ODYD, Plan EPP67824, located at 2350 Norris Road S, 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 15.2.5(e): I2 – General Industrial Development Regulations

To vary the required minimum flanking side yard from 6.0 m permitted to 0.0 m proposed.

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

Carried

6.6 3626 Mission Springs Drive, DP17-0125 and DVP17-0126 - Green Square Development Ltd

Staff:

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

The City Clerk advised that the following correspondence was received:

Letters of Concern:

Marketa and Joe Kraus, Mission Springs Drive
Nola Wurtele, Mission Springs Drive
Kevin Vanstone, Springside Court
Laurie Cole, Mission Springs Drive
Lisa Vanstone, Springside Court
Patrick Dessaulles, Springwood Crt.
Joan Bolen, Casorso Rd
Mike Griffiths, Mission Springs Dr
Mrs. Robyn Griffiths, Mission Springs Dr

Letters of Comments:

Bernie and Shirley Przybyl, Casorso Rd
Ken Capps, Casorso Rd.

Letters of Opposition:

Doug Andrews, Mission Springs Drive
Jeff Gyle, Green Square

Alexander Omelchenko & Lioudmila Kozlova
 Dr. Andre & Merryl Hugo, Barnes Avenue
 Sharon Graham, Barnes Avenue
 Glenn Kohaly, Wintergreen Dr
 Jacqueline Adkins, Wintergreen Dr
 Lawrence & Simona Grundy, Casorso Rd
 Isa Fredrickson, Springside Crt
 Larry Brisbin, Springside Court
 Bill and Kathy Gerk, Casorso Road
 Ken & Teresa Erickson, Casorso Rd.
 Annette Rudyk, Mission Springs Drive
 Richard Drinnan, M.Sc., Greene Road
 Audrey M. Clark, Casorso Rd
 Sandra and Roy Hogarth, Springside Court
 Suzanne Shaw, Casorso Rd
 Rob Boyd, Mission Springs Drive
 Ken Watters, Springside Court
 Barbara J. Gibb, Casorso Rd
 Grant Long & Katie Lebedow, Missions Springs Dr
 Anne Boyd, Mission Springs Drive.

Petition – Opposition:

Anne Boyd (Main Petitioner), Mission Springs Drive
 -226 Complete names & address
 -2 Incomplete address
 John R Eakins (Main Petitioner), Woodlawn St
 -103 Complete names & address

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

Brad Klassen, CFO and Partner at Troika Developments, Applicant

- Displayed a PowerPoint Presentation re: Green Square Vert.
- This project is the final phase of the entire parcel. Green Square is a single parcel with mixed zoning. The zoning has been in place for 6 years, with the townhomes completed from 2012-2016. The townhomes were on the RM3 portion of the site, while Vert is on the RM5 portion.
- Vert was designed in consultation with City staff. As the RM5 bylaw will be undergoing some changes, we made sure to fit into the newest draft, as best practices and changes in the building code had allowed for advances. This will make Vert the first 6-story wood frame building in Kelowna.
- This is the final Development Permit/Development Variance Permit application for this site.
- The townhomes in the RM3 site have all been completed, and this application is for remainder RM5 lands in the centre of this diagram.
- This plan achieves less site coverage, a greater diversity of modes of housing, more green space, greener buildings and a better flow through and around the development.
- Able to plan a community that is:
 - o Sustainable by adding more green features like green roofs, solar shading, and multi-generational appeal and orientation;
 - o Pedestrian oriented with a walkable community and townhomes entering off of the sidewalk;
 - o Family oriented with 1, 1+den, 2, 2+den, 3, and 4 bedroom units;
 - o Walkable where families will reside while close to all amenities: H2O, beach, greenway, schools, parks;
 - o Private open space that exceeds the requirement by 45%;
 - o Site coverage that reduced the site coverage by 10%;
 - o Great architecture.
- Not seeking more density and cannot without a rezoning application. Looking to change how our density looks on the site to open the site to the neighborhood, create a larger green space, and give greater views to the neighborhood.

- Parking is almost what is required; to get the green space with connections through all of the buildings, could not have an above ground parkade on the entire site.
- To achieve less cars and more encouragement of active transportation:
 - o Introducing the first electric OGO Car Share program with membership for our owners;
 - o Required 87 bike stalls, providing 216 (184 secure)
- Variances are required to provide architectural design with flat roofs, open view lines and view corridors, with family styled units and connection to green space and future park.
- Landscaping Features
 - o Community gardens
 - o Tot lot
 - o Green Roof
 - o Green corridors
 - o Green walkways
 - o Drought tolerant species
- Responded to questions from Council.

Gallery:

Bruce McDonald, Barnes Avenue

- Opposed to density and variances.
- Believes variances should not be granted due to the existing density of the development.
- Raised concerns with on street parking all night long with request for reduction in parking stalls.
- Raised concerns of impeding emergency vehicles.
- Inquired if there would be a traffic caution light at Barnes Avenue and Gordon Drive.

Resident, Lakeshore Road

- In support of this application.
- Believes that most young families would only have single vehicle.
- Believes there is a need in this particular area for family growth.

Andrea Bretherick Mission Springs Drive

- Resident for past 40 years.
- Opposed to this application.
- Raised concerns with current traffic and increase in traffic this development would bring.
- Against parking variance as it is unrealistic to expect buyers to have one vehicle per family.
- Raised concern with wood frame construction and fire safety as well as access for fire trucks.
- Commented that Casorso Elementary is at capacity and children living in this development would have to attend a different school.

Marketa Kraus, Mission Springs Drive

- Displayed a PowerPoint Presentation, re: Green Square Phase 2
- Opposed to the variance being requested and believes will cause a hardship for all involved.
- Raised concerns with parking variance and believes will create even further neighbourhood parking issues.
- Believes 3 visitor parking spots is insufficient.
- Raised concern with current high volume of traffic and the increased traffic the development would bring to the area.
- Raised concerns with lack of sidewalks in the area.
- Believes bike use on a significant scale is unrealistic and noted there are a lack of bike lanes in the area.
- Raised concern with lack of landscaping and greenspace.
- Raised concerns with limited space between buildings and fire safety.

Joe Kraus, Mission Springs Drive

- Opposed to the application.
- Raised concern with lack of greenspace.
- Raised concerns with current traffic volume and parking issues and believes this development will only escalate that.
- Believes the development internal roadways would be unable to withstand the weight of emergency vehicles and garbage trucks.

Ken Capos, Casorso Road

- Displayed a PowerPoint slide show of photos from the Truswell Road Fire
- Made reference to his earlier submitted correspondence.
- Raised concerns with form and character.
- Raised concerns with fire safety due to height of buildings.
- Opposed to the variances.

Rosann Nanci-Carl, Invermere Road

- Opposed to the variances.
- Raised concerns with the current heavy traffic that goes through her subdivision and that the proposed variances would add to that.
- Raised concern with vehicular speed and noise in her subdivision.
- Raised concern with the current on street parking in front of her home and already congested parking in the area.
- Raised concerns with pedestrian safety as there are no sidewalks.
- Responded to questions from Council.

Resident, Kelowna

- Father of young family and immigrant and if attainable would like to live in this development.
- Travels by bicycle and sees the benefit in the proposed car sharing program.
- Supportive of the development and variances.

Mark Holland, Casorso Road

- Opposed to the variances.
- Raised concern with setbacks and fire safety as well as fire department access.
- Raised concerns with the height variances as it does not fit within the neighbourhood.
- Raised concerns with the parking variances as there currently is congestion and issues with parking in the neighbourhood and will put neighbours at conflict with each other.
- Believes that year round bicycle use is unrealistic.
- Responded to questions from Council.

Rick Simpson, West Kelowna

- Supportive of the application.
- Read letter of support by neighbour Greg Hawkins on Mission Springs Crescent.

Sandra Hogarth, Springside Court

- Opposed to the variance and particularly the parking variance.
- Believes this is a car dominated area.
- Opposed to the height variances and encouraged Council to adhere to the existing Bylaw development regulations.

Lucas Miller, Wintergreen Drive

- Has resided in Green Square for 3 years.
- Supportive of the application and variances.
- The Fire Department requirements are not subject to any variances and the Fire Department noted no issues with fire separations.
- Responded to questions from Council.

Bruce McDonald, Barnes Avenue

- Commented that the design is for another 300 people plus their visitors and the parking is being reduced by 45% which will burden on street parking.
- Made comment that the height could be reduced and still maintain 3 bedroom units.

Ken Capos, Casorso Road

- Raised further concerns with fire safety and that there is no fire lane in this project.

Brad Klassen, Applicant

- Commented that narrowing the buildings removes view blocking.
- Commented that parking in the parkade will alleviate cars that need to park on street; and the extension of Mission Springs Road will add more street parking.

- Commented that there will be no additional traffic to the school as the development is immediately beside the school and the sidewalk down Barnes Avenue to enter the school can be used.
- Commented that the Fire Department has reviewed and accepted all plans and that the plans exceed the Fire Code.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Donn

R784/17/09/19 THAT Council authorizes the issuance of Development Permit No. DP17-0125 and DVP17-0126 for Lot 1 DL 134 ODYD Plan EPP23035, located at 3626 Mission Springs Drive, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant 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[s] of Zoning Bylaw No. 8000 be granted in accordance with Schedule "D":

Section 13.11.6(D): RM5 – Medium Density Multiple Housing Development Regulations

To vary the maximum height from 18.0 m or 4 ½ storeys required to 21.7 m or 6 storeys proposed;

Section 13.11.6(c): RM5 – Medium Density Multiple Housing Development Regulations

To vary the front yard setback for portions of a building over 2 ½ storeys from 6.0 m required to 1.5 m proposed;

Section 13.11.6(e): RM5 – Medium Density Multiple Housing Development Regulations

To vary the side yard setback for portions of a building over 2 ½ storeys from 7.0 m required to 4.5 m proposed;

Section 8: Parking and Loading, Table 8.1: Parking Schedule

To vary the required number of parking stalls from 209 stalls required to 198 stalls proposed;

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

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

Defeated

Councillors Hodge, DeHart, Gray, Sieben and Stack - Opposed

6.7 671 Ellis Street, DVP17-0148 - Angelo Kokonas

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 present and available for questions.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Given

R785/17/09/19 THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0148 for Lot A District Lot 9 ODYD Plan EPP52340, located at 671 Ellis Street, Kelowna, BC;

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

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

To vary the required maximum site coverage from 40% permitted to 43.54% proposed;

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

To vary the required maximum lot coverage from 14% permitted to 15.18% 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. **Reminders – Nil.**

8. **Termination**

The meeting was declared terminated at 3:14 a.m.

Mayor

/acm

City Clerk