

City of Kelowna Regular Council Meeting Minutes

Date:

Tuesday, February 20, 2018

Location:

Council Chamber City Hall, 1435 Water Street

Members Present

Mayor Colin Basran, Councillors Maxine DeHart*, Ryan Donn, Gail Given,

Charlie Hodge, Brad Sieben, Mohini Singh and Luke Stack

Members Absent

Councillor Tracy Gray

Staff Present

Deputy City Manager, Joe Creron; City Clerk, Stephen Fleming, Urban Planning Manager, Terry Barton; Divisional Director, Community Planning & Strategic Investments, Doug Gilchrist; Director, Strategic Investments, Derek Edstrom*; Planner Specialist, Laura Bentley*; Planner Specialist, Adam Cseke; Legislative Coordinator (Confidential), Arlene McClelland

(*Denotes partial attendance)

Call to Order 1.

Mayor Basran called the meeting to order at 8:19 p.m.

Reaffirmation of Oath of Office 2.

The Oath of Office was read by Councillor Stack.

Confirmation of Minutes 3.

Moved By Councillor Hodge/Seconded By Councillor Donn

R178/18/02/20 THAT the Minutes of the Public Hearing and Regular Meeting of February 6, 2018 be confirmed as circulated.

Carried

Bylaws Considered at Public Hearing 4.

Eldorado Rd 485, BL11544 (Z17-0085) - Chris and Shanna Roworth

Moved By Councillor Hodge/Seconded By Councillor Given

R179/18/02/20 THAT Bylaw No. 11544 be read a second and third time and be adopted.

Carried

4.2 Knowles Rd 504, BL11545 (Z17-0095) - David and Jennifer Rolleston

Moved By Councillor Given/Seconded By Councillor Hodge

R180/18/02/20 THAT Bylaw No. 11545 be read a second and third time and be adopted.

Carried

4.3 Taylor Rd 255, BL11547 (Z17-0092) - 0725353 BC Ltd Inc.

Moved By Councillor Hodge/Seconded By Councillor Given

R181/18/02/20 THAT Bylaw No. 11547 be read a second and third time.

Carried

4.4 Barton St 4658, Z17-0115 (BL11549), Jason and Vicki Dreger

Moved By Councillor Stack/Seconded By Councillor DeHart

R182/18/02/20 THAT Bylaw No. 11549 be read a second and third time and be adopted.

Carried

4.5 Bath St 2630, Z17-0108 (BL11550) - Greencorp Ventures Inc.

Moved By Councillor Singh/Seconded By Councillor Sieben

R183/18/02/20 THAT Bylaw No. 11550 be read a second and third time.

Carried

4.6 Shanks Rd 4085 & 4133, TA18-0001 (BL11551) - Geen Family Holdings Ltd

Moved By Councillor Singh/Seconded By Councillor Sieben

R184/18/02/20 THAT Bylaw No. 11551 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 384 statutory notices to the owners and occupiers of surrounding properties on Tuesday, February 7, 2018.

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 Queensway Ave 289 DP17-0191 DVP17-0192 - Westcorp Projects

Councilor DeHart declared a conflict of interest as her employer is a major Hotel chain with conference capacity and departed the meeting at 8:44 p.m.

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 Opposition:

Paul Mick - Richter St Randy Woodside –Poplar Point Dr Dee Capozzi - Cadder Ave Richard Drinnan –Greene Rd Walley Lightbody –Abbott St Birte Decloux, Urban Options –Rialto Dr

Letters of Comment:

Tom Dyas, President - Kelowna Chamber of Commerce - Harvey Ave

Letters in Support:

Marshall McAnerney - Patterson R & J Agur –North Lakeshore Dr, Summerland

Wade Jenson, Jenson & Co. Criminal Law – Dickson Ave

Brad Klassen - Troika - Leon Ave

Rudy Schoenfeld - Maple St

Jim Leask -Ellis St

Robyn Gregori –Lodge Rd

Lynn Archibald - Capistrano

R.G (Bob) Brown –Bertram St

Richard Kuprowsky –Pandosy St

Tracy Medve - Okaview Rd

Dave and Jen Rolleston – Lakeshore Rd

David MacLean –Edgemont Ct

Kurt Jory - St. Paul St

John and Kate Mulvaney – Almandine Ct

Todd Gillick -St. Paul St

Shannon Styles - Christleton Ave

Bonnie Houston – Sutherland Ave

Ingo Grady -Black Sage Rd, Oliver, BC

Jeff Robinson – Woodpark Cr

Kyle Blanleil – Monashee Place

Rick Verwold – Wilson Ave

R.G. Goldsmith -Abbott St

Kevin Weston -del Monte Ct

Sam Fisher –Bertram St

Peter Brady -Bernard Ave

Rod and Dianne Friesen – Ellis St

Marshall McAnerney – HM Commercial Group –Richter St

Rick Pushor – Poplar Point Dr

Bruce Davis - Viewcrest Ct

Meghan O'Mara – Bay Ave

Timothy J Spiegel – Carona Cr (2)

Kyle James, CEO - Impact Builders Inc - Spall Rd

Alex Lambert – Capozzi Rd

Holly MacDougall and Don Warkentin, Fortune Marketing Inc –Lawrence Ave

Chris Roworth, Okanagan Appraisals - Sunset Dr

Gavin Hamilton, Kelowna Rockets Hockey Enterpises – Water St

Jim Meiklejohn, Meiklejohn Architects Inc – Bernard Ave

Brad Dahl - Arthur Rd

John Bachelder - Southwind Dr Stanley Walt -Lindsay Dr and 1585 Springfield Rd Mitch Carefoot - Cawston Ave Mona Swikert - Doyle Ave Chad Verwold –Richmond St Scott Locke, General Manager – Cedar Creek Estate Winery – Lakeshore Rd Barry Ward, President – Bardel Entertainment Inc. –West 3rd Ave, Vancouver, BC Jorin Wolf - Sutherland Ave Rod Butters, RauDZ Creative Concepts Ltd. –Water St Lyle Kallis - Coral Beach Rd, Lake Country, BC Barry C Johnson, Watt Rd Linda Winnick, Picture Perfect -Lawrence Ave Rhonda Wehrhahn - Siverado Pl Garry F Benson, Benson Law LLP -Highway 33 W Michele Showalter - McAllister Rd, West Kelowna, BC Shawn Spelliscy –Parkridge Pl Dustin Sargent - Borden Ave Bob Elliott - Cameron Ave Mary Jo Schnepf – Breckenridge Ct Dr. Ronald & lane Shupe, Dr. Ronald J Shupe Prosthodonics - Cooper Rd Christa Kueber – Dunvegan Ct Kevin Johnson - Hughes Rd Theresa Arsenault – Ellis St Giuseppe Simpatico - Terrace Dr Barry Lapointe - Francis Ave Don Wikenheiser - Hollywood Ct Diane Moore –Vintage Terrace Ct Angela and Uldis Bokis – Pandosy St Darryl Ruff - Truswell Rd Collin & Paula Garrecht - St Paul St Taylor Musseau -Rosealee Lane Cal McCarthy -Bay Ave Sarah Jones - Lakeshore Rd Les Gordichuk –Westpoint Dr Ray Mitchell, A-Direct Access Glass Ltd – Dolphin Ave Kevin Isabey, President and Owner - Rayburns Marine - Enterprise Way David Skoglund, Skogies Carwashes - Underhill St Art Huber – Dunster Rd, Campbell Rd, St. Paul St, and Lawrence Ave Jason Richards, Change Gamers - Ellis St Richard and Maureen McIntyre – Denali Ct Doug Levell – Sunset Dr Dave and Julie Marks – Drummond Ave Matt Simpson - Camelot Ct

Gail Temple, WestCorp, Matt Kokan, Geotechnical Consultant and Lluís Escarmís, GCA Architects

Displayed a PowerPoint Presentation.

- Provided background information to current project and realization that a new design was needed.

The vision is that the site remain a people place with an interface with Kerry Park. The vision was about placemaking and outstanding public venues.
 Spoke to the form and character of the contemporary building including 12 residential floors;

20,000 square feet of conference space, restaurants and coffee bistros.

Jack <mark>T Houston - Suth</mark>erland Ave Ian Mac<mark>Leo</mark>d –Almandine Ct Brent Lobson – Richter St

Worked with staff on this project and noted a 3-month delay to move the building north

Spoke to the floor plate and noted the previously approved floor plates was 804 m2 and current proposed Hotel floor plate is 933 m2; believes the change is not that great.

- The Queensway view corridor is unchanged; slimness of tower will ensure the view corridor is not interrupted.

The new location of the tower creates a soft and sensitive transition between building and

pedestrian realm.

- The podium has been improved with the new design along with attention to human scale in the park area.

Believes this will stand out as a landmark building with world class architecture.

Believes this building fits into a rhythm and is not out of place.

- Spoke to the setbacks providing more human scale.

- Spoke to underground parking and the water table level and advised of evolved technology used successfully in the lower mainland.

Responded to questions from Council.

Gallery:

Nicole Rustand, Merlin Court

- Developing upward like this protects the fragile eco systems for future generations.

- Should be supportive of development in urban density areas protecting natural spaces that wrap around the city and believes the city should no longer build with sprawl.

- In support of this application.

Frank Muscall, Kelowna Resident

The building is too tall and out of character with the surroundings.
 Believes there are other areas of the city suited for these buildings.

Preferred the original 19 storey proposal.

Dora Wahl, Sutherland Avenue

- Has lived and worked uptown for the past 24 years.

- Believes this is a good location for this project.

- In support of this application.

Jody Schwidt on behalf of friends, Bernie Wilson and Lois Drummond, owners Sturgeon Hall

In support of this application.

- Believes their business will be impacted positively with this ground breaking development.

- Believes this project will be a landmark for Kelowna.

Submitted speaking notes.

Kevin Johnson, Hughs Road

- Hosts a conference annually in Kelowna.

- Noted OCP policies that support this application that had not been mentioned.

- In support of this application.

Chris Lapointe, Kelowna Resident

Local businessman that works for Flair Airlines and spoke to the benefits of the Airport.

- Believes this is a world class development and will be important to the tourism infrastructure.

- Believes the inclusion of a destination restaurant is a great public amenity.

The height is not a concern.

- In support of this application.

Theresa May, St. Paul Street

- In support of this application.

- Believes this is a world class accommodation that will put Kelowna on the map.

- Believes this high rise building will define downtown Kelowna skyline.

Rene Blanleil, Viewpoint Drive, on behalf of Andre Blanleil

Read a letter in support of this application.

- Made reference to previous Councils' support of an earlier application.

- Believes recent changes to podium takes into account staff's input.

Believes the hotel use will create the greatest public benefit.

Believes the form and character is fantastic.

Alan Burke, Morgan Road

In support of this application.

Believes this is a world class hotel with great economic impact to this city.

Ray Burke, Morgan Road

In support of this application.

Believes this project will provide a boost to the community businesses and industry and will be important for the future of the city.

Brad Dahl, Arthur Road

Noted that 43% of land is in the ALR and that development needs to go up to avoid sprawl.

Does not believe that view corridors will be impacted from most parts of downtown.

Believes this will be a beautiful addition and fits well with what the city is creating on the waterfront.

Believes the conference centre is a huge addition.

In support of this application.

Kelly Hutchinson, Glen Park Drive

Appreciates efforts of staff on this project.

Does not believe this development will be housing for the next generation or reduce sprawl as those in the suburbs will not move to live there.

Believes that those who purchase condos usually do not live in their unit full time.

Believes the proposed building is not in context with the area and the height and mass is too large.

Opposed to this application.

Lesley Spiegel, Kelowna Resident

Event Producer in Kelowna.

Believes the new design of conference and hotel space is world class

Believes this first class venue will bring world class conferences to Kelowna.

In support of this application.

Jim Meiklejohn, Bernard Avenue

In strong support of this application.

Speaking as an architect, this is a signature site and is an example of development that will define the future of the city.

Dan Allen, President Downtown Kelowna Association

Thanked Council, staff and others for improvements to the downtown over the past few years.

Supportive of the continued growth of Downtown.

Supportive of this application.

Spoke to the ben<mark>efits</mark> the proposal will bring to downtown.

Encouraged by the progress of our city.

Peter Haubrich, Pinehurst Crescent, on behalf of Raghwa Gopal, CEO Accelerate Okanagan

In support of this application.

Believes this is the right project at the right location.

Cheryl Damara, Kelowna Resident

Displayed a photograph from 1904 showing her great grandfather in City Park.

Displayed additional historic photographs of the original Willow Inn Hotel and Lodge built by her great grandmother.

Opposed to the height variance proposed.

Believes the development is out of scale with the area and will change the appearance of downtown Kelowna.

Believes this type of development belongs further back from the beach and lake front.

Peter Brady, Bernard Avenue

- In support of this application.

- Resident of Kelowna for 10 years.

- Fully endorse this project for the community benefits and the numerous jobs it will create.

- Believes this project is an important catalyst to the downtown area.

- Believes the project fits in well with the area.

Lisanne Ballantyne, Tourism Kelowna President

- In support of this application.

- This project ties in with the Tourism mandate for growth.

- Believes the conference space will help entice 3rd party meeting planners across Canada and North America to this city.

Anne Laurie, Abbot Street

- Made reference to speaking at an earlier Public Hearing in 2017 on C7 amendments to the City civic block.
- Raised concerns with maximum building height, large mass and failure to taper as height increases.

- Referenced the concepts raised in the Happy City book by Charles Montgomery.

- Urged Council to support staff recommendation of non-support.

Mark Thompson, Leon Avenue

- Former Vice Chair for the City's Advisory Planning Committee.

- The Official Community Plan encourages increasing density in urban areas and to encourage growth in the town centres.

This is a contemporary multi use development that has density and mixed use.

- Believes this project will be a landmark for the city and will be an anchor to downtown.

In support of this application.

Moved By Councillor Stack/Seconded By Councillor Sieben

R185/18/02/20 THAT Council continue the Regular Meeting past 11:00 p.m.

Carried

Doug Laval, Sunset Drive

- Moved to Kelowna in 1978 and remembers when the Capri Hotel was the premier Hotel.
- In support of this application.

Yarden Gershony, Vice President, Downtown Kelowna Association

- Does not believe there is a reason for Council to doubt Westcorp economic analysis.
- Believes this project is an opportunity for multiple generations.
- In support of this application.

AJ Chahal, Magic Drive

- In support of this application.

- Believes this is an iconic project for the city and entire valley.

- Believes this is a world class hotel and will complement our great wine tourism.

Dustin Sargent, Lakeshore Road

- In support of this application.

- Referenced the Downtown Plan supporting the development at this site.

Gail Temple, WestCorp

- Acknowledged respect for this site and its history.

- Have taken staff concerns into consideration.

Assured commitment to developing a world class project and greatest public benefit.

Responded to questions from Council.

There were no further comments

Moved By Councillor Stack/Seconded By Councillor Singh

<u>R186/18/02/20</u> THAT Council authorizes the issuance of Development Permit No. DP17-0191 for Lot 1, District Lot 139, ODYD, Plan EPP77920, located at 289 Queensway Ave, 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,";

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;

5. That the outstanding conditions set out in Attachment "A" attached to the Report from the

Community Planning Department dated February 20th 2017;

AND THAT Council authorize the issuance of Development Variance Permit DVP17-0192 for Lot 1, District Lot 139, ODYD, Plan EPP77920, located at 289 Queensway Ave, Kelowna, BC, subject to the following:

1. A maintenance agreement with associated bonding be signed and submitted with the City of Kelowna to ensure the upgraded off-sites improvements along Queensway Ave and Water St are provided for and maintained for in perpetuity.

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

Section 14.7.5 Development Regulations (h)i.

To vary the maximum height of a building before a 3 metre setback is required from 16 metres to 20.25 metres for the Queensway frontage as per A-54 drawing attached to Schedule 'A'.

Section 14.7.5 Development Requiations (h)iii.

To vary the maximum floorplate for any building above 16.0m from 1,221m² to 3,130m² limited to the seventh floor as per A-56 drawing attached to Schedule 'A'.

Section 14.7.5 Development Regulations (b)

To vary the maximum height of a building from 76.5 metres to 131 metres.

Section 8 Parking and Loading – Table 8.2 Loading Schedule

To vary the number of loading spaces from 6 spaces to 3 spaces.

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 THAT the applicant be required to complete the following conditions prior to a building permit being issued:

- 1. That a subdivision be registered with the land titles office completing the land exchange and lane dedication;
 - a. As part of the new registered plans, the vehicular right-of-way and turn around within the lane be amended to reflect the updated plans; &
 - b. A statutory right-of-way be registered on the property guaranteeing public access between the proposed building and Queensway Rd / Kerry Park.
- 2. That a license of occupation be signed by the City of Kelowna to permit the canopy encroachments across the property lines.

3. That a license of occupation be registered for the Hotel permitting the portions of Queensway Ave to be used for Hotel purposes such as valet services.

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

Councillors Donn and Hodge - Opposed

Moved By Councillor Given/Seconded By Councillor Stack

<u>R187/18/02/20</u> THAT Council direct staff to bring forward an amended Development Permit that reflects the podium changes shown by the applicant during their presentation.

Carried

Councillor Hodge - Opposed

The meeting recessed at 11:56 p.m.

The meeting reconvened at 12:03 a.m.

6.2 Poplar Point Dr. 380, DVP17-0254 - Darlene Ramsay

Staff:

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

The City Clerk advised that no correspondence was 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 Stack/Seconded By Councillor Hodge

R188/18/02/20 THAT Council authorize the issuance of Development Variance Permit No. DVP17-0254 for Lot 5, District Lot 219, ODYD, Plan 6511, located on 380 Poplar Point Drive, Kelowna, BC;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted: Section 6.11.1 — Okanagan Lake Sight Lines — To vary the required Okanagan Lake 120° Panoramic Sight Lines to 87° 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

6.3 St Paul St 1350, DVP17-0280 - Sole Downtown Developments Ltd Inc. No BC1057689

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letters of Opposition:
Jo Scott Baxendale – Ellis St

Letters of Comment:

Cheryl McFarlen -St. Paul St

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 Hodge

R189/18/02/20 THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0280 for Strata Lot 1 District Lot 139 Osoyoos Division Yale District Strata Plan EPS4599 Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V, located at 1350 St. Paul Street, Kelowna, BC;

AND THAT variances to the following sections of Sign Bylaw No. 8235 be granted:

Section 5.5.3: Specific Regulations

To vary the maximum height of fascia signs from 1.0 m above the second storey (permitted) to up to 3.5 m above the second storey (proposed).

Section 6.1: Specific Zone Regulations

Major Commercial (C3, C4, C6, C7, C8, CD22 Sub-Areas A&B and CD24 Sub Area A, CD25)
To vary the number of fascia signs per business frontage from 2 (permitted) to 6 (proposed).
To vary the number of identification signs per business from 1 (0.5 m² maximum area) permitted to 2 (1.74 m² total maximum area) 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

6.4 Academy Way 695, DVP18-0002 - Watermark Developments Ltd Inc. No BC0642787

Staff:

Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence was 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 Sieben/Seconded By Councillor Hodge

<u>R190/18/02/20</u> THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0002 for Lot 4 Section 3 Township 23 Osoyoos Division Yale District Plan EPP53793, located at 695 Academy Way, Kelowna, BC;

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

Section 13.10.6(c): RM4 – Transitional Low Density Housing Development Regulations
To vary the required maximum height from 13.0 m or 3 storeys (permitted) to 13.0 m or 3 ½ storeys (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

6.5 Academy Way 655, DP18-0003 DVP18-0004 - Watermark Developments Ltd Inc. No BC0642787

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence was 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 DeHart

R191/18/02/20 THAT Council authorizes the issuance of Development Permit No. DP18-0003 for Lot 5 Section 3 Township 23 Osoyoos Division Yale District Plan EPP53793, located at 655 Academy 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 the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

AND THAT 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. DVP18-0004 for Lot 5 Section 3 Township 23 Osoyoos Division Yale District Plan EPP53793, located at 655 Academy Way, Kelowna, BC;

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

Section 13.10.6(c): RM4 – Transitional Low Density Housing Development Regulations
To vary the required maximum height from 13.0 m or 3 storeys (permitted) to 13.0 m or 3 ½ storeys (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

City Clerk

- 7. Reminders
- 8. Termination

The meeting was declared terminated at 12:16 a.m.

Mayor Basran

/acm