



City of Kelowna Public Hearing Minutes

Date: Tuesday, June 23, 2020
 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 Loyal Wooldridge

Members Absent Councillor Luke Stack

Staff Present City Manager, Doug Gilchrist; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith; Community Planning & Development Manager, Dean Strachan*; Planner Specialist, Wesley Miles*; Environmental Coordinator, Arlene Janousek*; Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. **Due to COVID-19 a Public Hearing Agenda will also include Regular Council Meeting Items**
2. **Call to Order the Public Hearing - START TIME - 4:00 PM - Zoning Bylaw No. 8000 Text Amendment No. TA19-0009 (BL12027)– Fencing and Retaining Walls**

Mayor Basran called the Hearing to order at 4:03 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.

3. Individual Bylaw Submissions

- 3.1 **START TIME - 4:00 PM - Zoning Bylaw No. 8000 Text Amendment No. TA19-0009 (BL12027)– Fencing and Retaining Walls**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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

No one from the Gallery came forward.

There were no further comments.

4. Termination

The Hearing was declared terminated at 4:06 p.m.

5. Call to Order the Regular Meeting

Mayor Basran called the meeting to order at 4:06 p.m.

6. Bylaws Considered at Public Hearing

6.1 START TIME 4:00 PM - BL12027 - Zoning Bylaw No. 8000 Text Amendment No. TA19-0009 – Fencing and Retaining Walls

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

Ro484/20/06/23 THAT Bylaw No. 12027 be read a second and third time.

Carried

7. Termination

The meeting was declared terminated at 4:07 p.m.

Councillor Donn joined the meeting at 4:07 p.m.

8. Call to Order the Public Hearing - START TIME - 4:00 PM - Water Street 1570-1580, Z19-0098 (BL12037) - Tri-Moor Holdings Ltd., Inc. No. 1050685; Rayal Enterprises Ltd., Inc. No. 70

Mayor Basran called the Hearing to order at 4:07 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.

8.1 START TIME - 4:00 PM - Water Street 1570-1580, Z19-0098 (BL12037) - Tri-Moor Holdings Ltd., Inc. No. 1050685; Rayal Enterprises Ltd., Inc. No. 70194

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Randy Fox, Fox Architecture, Applicant

- Responded to questions from Council.

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

Gallery:

Mark Betteridge, Okaview Road

- In favour of the application.
- Spoke to the project's economic development opportunity.

Ian Thomas, West Vancouver

- In favour of the application.
- Spoke to the opportunity this project brings as a catalyst for further investment development and tourism.
- Believes this project will add further appeal to a downtown that is gaining traction for the city.

Randy Fox, Fox Architecture, Applicant

- Responded to questions from Council regarding next steps and provided more detail about operations.

There were no further comments.

9. Termination

The Hearing was declared terminated at 4:22 p.m.

10. Call to Order the Regular Meeting

Mayor Basran called the meeting to order at 4:22 p.m.

11. Bylaws Considered at the Public Hearing

11.1 START TIME - 4:00 PM - Water Street 1570-1580, BL12037 (Z19-0098) - Tri-Moor Holdings Ltd., Inc. No. 1050685; Rayal Enterprises Ltd., Inc. No. 70194

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

Ro485/20/06/23 THAT Bylaw No. 12037 be read a second and third time.

Carried

12. Termination

The meeting was declared terminated at 4:27 p.m.

13. Call to Order the Public Hearing - START TIME - 4:00 PM - (W OF) Union Road and 2025 Begbie Road, OCP20-0008 (BL12040) and Z20-0030 (BL12041) - Glenwest Properties Ltd

Mayor Basran called the Hearing to order at 4:27 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.

14. Individual Bylaw Submissions

14.1 START TIME - 4:00 PM - (W OF) Union Road and 2025 Begbie Road, OCP20-0008 (BL12040) and Z20-0030 (BL12041) - Glenwest Properties Ltd.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The Applicant was present and available for questions.

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

No one from the Gallery came forward.

There were no further comments.

15. Termination

The Hearing was declared terminated at 4:29 p.m.

16. Call to Order the Regular Meeting

Mayor Basran called the meeting to order at 4:29 p.m.

17. Bylaws Considered at the Public Hearing

17.1 START TIME - 4:00 PM - (W OF) Union Road and 2025 Begbie Road, BL12040 (OCP20-0008) - Glenwest Properties Ltd

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

Ro486/20/06/23 THAT Bylaw No. 12040 be read a second and third time and be adopted.

Carried

17.2 START TIME - 4:00 PM - (W OF) Union Road and 2025 Begbie Road, BL12041 (Z20-0030) - Glenwest Properties Ltd

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

Ro487/20/06/23 THAT Bylaw No. 12041 be read a second and third time and be adopted.

Carried

18. Termination

The meeting was declared terminated at 4:30 p.m.

The meeting adjourned at 4:30 p.m.

19. Call to Order the Public Hearing - START TIME - 4:45 PM - Gallagher Road 2980, Z20-0021(BL 12042)- Kirschner Mountain Joint Venture

Mayor Basran called the Hearing to order at 4:45 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.

19.1 START TIME - 4:45 PM - Gallagher Road 2980, Z20-0021 (BL 12042)- Kirschner Mountain Joint Venture

Staff:

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

Dave Cullen CTO Consultants, Applicant

- Displayed a video of the model for the proposed development
- Spoke to the extension of Loseth Road to Gallagher Road as an emergency route at minimum or at maximum a full public access way; currently working with the Engineering Department and will reach a resolution soon.
- Spoke to the potential density and site layout.
- Provided rationale for the requested variances and described the unit design.
- Responded to questions from Council regarding the original intent for multi-family under the Area Structure Plan.

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

Gallery:

Susan Ames, Abbott Street

- Opposed to this application as a former soil specialist in agriculture.
- Raised concern with removing land from agriculture and being another example of urban sprawl.
- Raised concern that this application promotes more vehicle use in an agriculture area.
- Raised concern with environmental impacts on runoff.
- Opposed to building more housing on ALR land.
- Made comment that there was no input from the Agriculture Advisory Committee in the staff report.

Staff:

- Confirmed that the subject property is not in the ALR.

Peter Turgoose, Loseth Road

- Identified that the subject property is zoned agricultural land but is not in the ALR.
- Raised concern with the notification process and identifying the site on Loseth Road as many residents were unaware of these proceedings.
- Raised concern with the high density and would prefer to see this area multi-family low density.
- Asked Council to reject this application and make it more of a single family residential.
- Raised concern with the lack of parks and amenities.
- Raised concern with increased traffic, speeding, safety and construction control.
- Raised concern there is no engineering plan on traffic calming.
- Responded to questions from Council regarding the notification process and site address.

Staff:

- Clarified the notification process and site addressing.

John Berta, Loseth Road

- Speaking on behalf of a majority of residents in Phase 4 of Kirschner Mountain named in the petition submitted.
- Completely opposed to this rezoning application of a multi-family development directly adjacent to their single-family properties.
- Requested that this proposal be tabled for residents, planning and engineering staff and the developer to have time to discuss this project.
- Spoke to the previous Kirschner Mountain Area Structure Plan from 2000.
- Requested information regarding traffic flow and transportation details.
- Local residents are extremely opposed with rezoning agricultural land.
- Believes the area is being inundated with multi-family construction.
- Raised concern with the lack of egress other than Loseth Road.
- Responded to questions from Council regarding the proposed zone and information in the petition.

Staff:

- Confirmed the RH3 zone accommodates lower density multi-family development although it is the highest density of the RH zones available.

Joan Berta, Loseth Road

- Raised safety concerns with lack of egress not being addressed in the event of an emergency.
- Believes continuous development is occurring on Kirschner Mountain with no direction.
- Would like a paved connection between Loseth Road and Gallagher Road completed before further development.
- Raised concern with additional blasting and grading that may cause issues in homes in the area.
- Raised concern that very few residents were aware of this application.
- Responded to questions from Council.

Gerry Deleurme, Gallagher Road

- Has resided on Gallagher Road the past 36 years.
- Noted that the proposal sign was not posted on the property as long as what was indicated.
- Displayed a map of Gallagher Road area on the ELMO.
- Raised concern with the additional traffic with the blind corner on Gallagher Road.
- Not opposed to the subdivision but would like the blind corner and safety concerns addressed.
- Responded to questions from Council regarding the blind corner on Gallagher Road.

Ron Ruck, Gallagher Road

- Not opposed to the development but have concerns with the blind corner on Gallagher Road.
- Several driveways at the blind corner and sharp turn cause safety issues.
- Believes the road cannot support increased traffic.

Brenda Bradley, Verde Vista Road

- Raised safety concern with the poor condition of Gallagher Road and in particular the blind corner.
- Property borders Kirschner Mountain for several hundred meters.
- Raised concern with hundreds of residents beside sensitive agricultural property causing further urban/rural conflict.
- Would like the developer to install an agricultural buffer between the proposed development and her property prior to development immediately along the property line.
- Responded to questions from Council.

Dave Cullen CTO Consultants, Applicant

- There has been no ALR report due to previous disturbance and no requirement to provide one either.
- Spoke to the cluster housing as low density form of development.
- Advised that there will be quality control guidelines for construction.
- Confirmed that a playground is planned for the subject property although not a requirement.
- Have not identified a need for traffic calming at this point, however, continuing to review with city staff.
- Have discussed improvements to Gallagher Road with the City's Engineering Department.
- Confirmed the Developer is responsible for the connection between Loseth and Gallagher Roads and acknowledged improvements on Gallagher Road.
- Spoke to developer regarding not authorizing people to access woodlands adjacent to Verde Vista agricultural land; as the mountain develops toward that property there will be a buffer but at this time the woodland is the buffer.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.
- Working to determine if the extension of Loseth Road will be an emergency access only or fully opened to regular traffic.
- If the road between Loseth and Gallagher is to be opened to the public it would be built to City standards.

- Confirmed that the buffer between agricultural land would be the responsibility of the Applicant at a future development phase.

There were no further comments.

20. Termination

The Hearing was declared terminated at 6:09 p.m.

21. Call to Order the Regular Meeting

Mayor Basran called the meeting to order at 6:09 p.m.

22. Bylaws Considered at the Public Hearing

22.1 START TIME - 4:45 PM - Gallagher Road 2980, BL12042 (Z20-0021) - Kirschner

Moved By Councillor Sieben/Seconded By Councillor Hodge

Ro488/20/06/23 THAT Bylaw No. 12042 be read a second and third time.

Carried
Councillors Hodge and Singh - Opposed

Moved By Councillor DeHart/Seconded By Councillor Donn

Ro489/20/06/23 THAT Council direct staff to investigate the timing and standard for upgrades to Gallagher Road, in proximity to Loeth Road, and report back to Council prior to the development permit report for 2980 Gallagher Road.

Carried

23. Termination

The meeting was declared terminated at 6:31 p.m.

24. Development Permit and Development Variance Permit Reports

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

24.1 START TIME - 5:30 PM - Rutland Rd N 1354, Z18-0097 (BL11723) - Parminder Singh Kindhra and Sheetu Kindhra

Moved By Councillor Sieben/Seconded By Councillor DeHart

Ro490/20/06/23 THAT Bylaw No. 11973 be amended at third reading by deleting the legal description that read:

Lot 1 Section 35 Township 26 Osoyoos Division Yale District Plan 14663

And replacing it with:

Lot A Section 35 Township 26 ODYD Plan EPP98949;

AND THAT Bylaw No. 11973 as amended be adopted.

Carried

24.2 START TIME - 5:30 PM - Rutland Rd 1354 - DP18-0181 DVP18-0182 - Parminder Singh Kindhra and Sheetu Kindhra

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Birte Decloux, Urban Options Planning & Permits, Applicant

- Displayed a PowerPoint Presentation.
- Spoke to the side yard setback variance reduction for the south property line to accommodate a proposed trellis structure for the amenity space.
- Spoke to the rear yard setback reduction variance and outdoor space.
- Spoke to the intensive landscaping and site layout.
- Spoke to the materials to be used on the proposed development.
- Responded to questions from Council regarding the site layout and outdoor space.

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

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Wooldridge

Ro491/20/06/23 THAT Rezoning Bylaw No. 11723 be amended at third reading to revise the legal description of the subject property from Lot 1 Section 35 Township 26 Osoyoos Division Yale District Plan 14663 to Lot A Section 35 Township 26 ODYD Plan EPP98949;

AND THAT final adoption of Rezoning Bylaw No. 11723 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP18-0181 for Lot A Section 35 Township 26 ODYD Plan EPP98949 located at 1354 Rutland Road North, 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. DVP18-0182 for Lot A Section 35 Township 26 ODYD Plan EPP98949 located at 1354 Rutland Road North, Kelowna, BC;

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

Section 13.9.6(e): RM3 – Low Density Multiple Housing Development Regulations

To vary the minimum south site side yard from 4.0 m permitted to 2.04 m proposed.

Section 13.9.6(f): RM3 – Low Density Multiple Housing Development Regulations

To vary the minimum site rear yard from 7.5 m permitted to 4.94 m proposed.

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

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

Carried

24.3 START TIME - 5:30 PM - Nickel Rd 300 - BL11972 (Z19-0104) - Okanagan Valley Construction Ltd., Inc. No. BCo665697

Moved By Councillor DeHart/Seconded By Councillor Sieben

R0492/20/06/23 THAT Bylaw No. 11972 be amended at third reading by deleting the legal description that read:

Lot 6 Section 27 Township 26 ODYD Plan 8839

And replacing it with:

Lot A Section 27 Township 26 ODYD Plan EPP102148

AND THAT Bylaw No. 11972 as amended be adopted.

Carried

24.4 START TIME - 5:30 PM - Nickel Rd 300, DP20-0064 DVP20-0065 - Okanagan Valley Construction Ltd., Inc. No. BCo665697

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The Applicant was not present.

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

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor DeHart

R0493/20/06/23 THAT Rezoning Bylaw No. 11972 be amended at third reading to revise the legal description of the subject property from Lot 6 Section 27 Township 26 ODYD Plan 8839 to Lot A Section 27 Township 26 ODYD Plan EPP102148;

AND THAT final adoption of Rezoning Bylaw No. 11972 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP20-0064 for Lot A Section 27 Township 26 ODYD Plan EPP102148, located at 300 Nickel 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. DVP20-0065 for Lot A Section 27 Township 26 ODYD Plan EPP102148, located at 300 Nickel Road, Kelowna, BC;

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

Section 13.7.6(a): RM1 – Four Dwelling Housing Development Regulations

To vary the maximum site coverage of buildings, driveways, and parking areas from 50% permitted to 59.24% proposed.

Table 7.1 – Minimum Landscape Buffer Treatment Levels Schedule

To remove the requirement for a level 3 landscape buffer along a portion of the south side yard.

Table 8.2.7(a): Size & Ratio – Dimensions of Parking Spaces and Drive Aisles

To vary the width of two-way drive aisles serving 90 degree parking from 7.0 m required to 6.0 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 for the Development Planning Department dated January 20, 2020;

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

25. Termination

The meeting was terminated at 6:50 p.m.

Mayor Basran

/acm



Deputy City Clerk