



City of Kelowna Regular Meeting Minutes

Date: Tuesday, January 12, 2021
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart*, Ryan Donn, Gail Given, Mohini Singh, Loyal Wooldridge

Members Participating Remotely Councillors Charlie Hodge, Luke Stack

Members Absent Councillor Brad Sieben

Staff Present City Manager, Doug Gilchrist; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith; Urban Planning Manager, Jocelyn Black; Development Planning Department Manager, Terry Barton; Legislative Technician, Rebecca Van Huizen

Staff Participating Remotely Legislative Coordinator (Confidential) Clint McKenzie

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:41 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Given.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

(R0047/21/01/12) THAT the Minutes of the Public Hearing and Regular Meeting of November 17, 2020 be confirmed as circulated.

Carried

4. Development Permit and Development Variance Permit Reports

4.1 START TIME - 7:40 PM - Mugford Rd 595 - BL12088 (Z19-0143) - Corey Knorr Construction Ltd., Inc. No. BC0380398

Moved By Councillor Wooldridge/Seconded By Councillor Singh

(R0048/21/01/12) THAT Bylaw No. 12088 be adopted.

Carried

4.2 START TIME - 7:40 PM - Mugford Rd 595 - DVP19-0243 - Corey Knorr Construction Ltd., Inc. No. BCo380398

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Corey Knorr, Fitzpatrick Road, Kelowna, Applicant:

-The Applicant participated online and was available for questions.
-Indicated the intent to renovate the existing house and build a new house on the other lot.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online indicated they wished to speak.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

(R0049/21/01/12) THAT final adoption of Rezoning Bylaw No. 12088 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0243 for Lot 1 Section 26 Township 26 ODYD Plan 17560, located at 595 Mugford Road, Kelowna, BC;

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

Section 13.2.5(a): RU2 – Medium Lot Housing Subdivision Regulations

To vary the minimum lot width from 13.0 m required to 12.85 m proposed for Lot A

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

4.3 START TIME 7:40 PM - Tataryn Rd 916 - BL12105 (Z20-0056) - Tomasius Floire Phoebus

Moved By Councillor Wooldridge/Seconded By Councillor Singh

(R0050/21/01/12) THAT Bylaw No. 12105 be adopted.

Carried

4.4 START TIME - 7:40 PM - Tataryn Rd 916 - DVP20-0143 - Tomasius Floire Phoebus

Staff:

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

Tomasius Phoebus, Orchard Drive, Kelowna Applicant:

-Intends to keep the existing dwelling and build a new carriage house.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online indicated they wished to speak.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Donn

(Ro051/21/01/12) THAT final adoption of Rezoning Bylaw No. 12105 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0143 for Lot 6 District Lot 137 Osoyoos Division Yale District Plan 17047, located at 916 Tataryn Road, Kelowna, BC;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted in accordance with Schedule A:

Section 9.5b.1(h): Carriage House Regulations - Development Regulations in Residential, Health District and Comprehensive Development Zones

To vary the required minimum front yard from 9.0 m required to 5.92 m proposed.

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

Carried

4-5 START TIME - 7:40 PM - Applebrooke Cres 154 - DVP20-0172 - John and Cynthia Smit and Isaac Smit

Staff:

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

Jonathan Austin, McElhanney Ltd. Nanaimo Ave West, Penticton, Applicant:

The Applicant participated online and was available for questions.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Online Participants:

Wayne Johnson, Applebrook Crescent, Kelowna

- Opposed to the application.
- Subject property is not suitable for subdivision given the narrow driveway.
- Previous damage to adjacent property when exiting the driveway.
- Spoke to the number of renters in the existing building.
- Concerned regarding the quietness and traffic increase of the neighbourhood and children walking to school in the area.

Gary Brucker, Applebrook Crescent, Kelowna

- Does not support the three variances on the subject property.

- Variances do not fit well into the neighbourhood.

Adam Pfitzenmaier, Applecrest Court, Kelowna:

- Opposed to the application.
- Concerned with overall number of variances and inconsistency with subdivision regulations.
- Indicated existing house is being operated as rooming house for short-term rentals.
- Would like to see specific plans for proposed development of subdivided lot.
- Concerned with use of property, lot layout and impact on neighbourhood.
- Responded to questions from Council.

Chris Ritter, Applebrook Crescent, Kelowna

- Opposed to application.
- Agrees with previous speakers who have expressed concern.
- Proposal does not fit with neighbourhood.
- Concerned with renters in new house in addition to existing renters on property.
- Chose to live in neighbourhood for family reasons needing peace and quiet.

Annette Isbester, Applebrook Crescent, Kelowna

- Lives adjacent to the property.
- Opposed to application.
- Feels that residents of Applebrooke Cres have not been considered.
- Proposal will not improve community and will have a negative impact.
- Concerned with parking and requested variances.
- Concerned with narrow driveway and vehicles damaging on her property.
- Feels there are other variances that weren't applied for.
- Responded to questions from Council.

Staff responded to questions from Council and clarified the role of the Subdivision Approving Officer on subdivision applications.

Jonathan Austin, Applicant:

- Spoke to separate process for subdivision approval if variances are approved.
- Not applying to change the use of the property and no changes proposed to existing house on the property.
- Each property is subject to complying with existing zone.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.
- Confirmed the last bylaw complaint is from 2010 and there are no current open bylaw files on the property.
- Confirmed there is no business license on the subject property to operate a short-term rental property.

There were no further comments.

Moved By Councillor Singh/Seconded By Councillor Donn

(R0052/21/01/12) THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0172 for Lot 46, Section 5, Township 23, ODYD, Plan KAP47769, located at 154 Applebrooke Crescent, Kelowna, BC;

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

Section 13.2.5(a): RU2- Medium Lot Housing Subdivision Regulations

To vary the required minimum lot width from 13.0m permitted to 11.52m proposed for the proposed Lot A.

Section 13.2.6(a): RU2- Medium Lot Housing Development Regulations

To vary the required maximum site coverage from 50% permitted to 57% proposed for the remainder Lot 46.

Section 13.2.6(e): RU2- Medium Lot Housing Development Regulations

To vary the required minimum rear yard setback from 7.5m permitted to 4.34m proposed for the remainder Lot 46 on the existing dwelling.

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

Defeated

Opposed - Mayor Basran, Councillors DeHart, Donn, Given, Hodge, Singh, Stack, Wooldridge

4.6 START TIME - 8:00 PM - St. Paul St 1193 - BL12080 (Z18-0011) - Evergreen Lands Ltd, Inc. No. BC0382754

Councillor DeHart declared a conflict as because her employer is a major hotel in Kelowna and left the meeting at 8:56 p.m.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

(R0053/21/01/12) THAT Bylaw No. 12080 be adopted.

Carried

4.7 START TIME - 8:00 PM - St Paul St 1193 - DP19-0218 DVP18-0029 - Evergreen Lands Ltd, Inc. No. BC0382754

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Jim Meiklejohn, Ellis St, Kelowna, Applicant:

- Shared a PowerPoint Presentation showing the proposed building design.
- Spoke to the building's form and character.
- Commented on how the area has changed and continues to change.

Ken Webster, Bay Ave, Kelowna, Owner:

- Spoke to the site context and uses in the downtown.
- Commented on proposed hotel operations.
- Spoke to parking for the building and in the surrounding area.
- Responded to questions from Council.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online indicated they wished to speak.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Given

(R0054/21/01/12) THAT final adoption of Rezoning Bylaw No. 12080 (Z18-0011), be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0218 for Lot 1, District Lot 139, ODYD, Plan EPP54107 located at 1193 St. Paul Street, 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. That a 3.0 metre no build restrictive covenant be registered on the adjacent parcel to ensure necessary fire separation and proposed openings to the building envelope.

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0029 for Lot 1, District Lot 139, ODYD, Plan EPP54107 located at 1193 St. Paul Street, Kelowna, BC;

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

Section 14.7.5 (h) – C7 – Central Business Commercial - Development Regulations

To vary the maximum height before a 3.0 metre setback is required from any property line abutting a street from 16.0 metres to 18.0 metres.

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 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 DeHart returned to the meeting at 9:29 p.m.

**4.8 START TIME - 8:45 PM - Leon Ave 234-278 and Water St 1620-1660 - DP20-0011
DVP20-0013 - 1157695 BC Ltd., Inc.No.BC1157695**

Staff:

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

Anthony Beyrouti, North Vancouver, Applicant:

- Shared a PowerPoint Presentation.
- Read letters of support from neighbouring properties and businesses.
- Spoke to tower design and amenities.
- Commented on project benefits to community.
- Commented on potential for post-secondary space in one tower.
- Spoke to interest in developing site quickly.
- Provided comment on landscaping, bicycle parking, and amenity plan.
- Responded to questions from Council.
- Displayed the proposed plan for the resident's amenity space.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online indicated they wished to speak.

Staff responded to questions from Council.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Singh

(R0055/21/01/12) THAT Council authorizes the issuance of Development Permit No. DP20-0011 for:

- Lot 4, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 266 Leon Ave, Kelowna, BC;

- Lot 5, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 264 Leon Ave, Kelowna, BC;
- Lot A, District Lot 139, Osoyoos Division Yale District, Plan 22722 located at 1660 Water St, Kelowna, BC;
- North ½ Lot 2, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 1630 Water St, Kelowna, BC;
- South ½ Lot 2, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 1630 Water St, Kelowna, BC;
- North ½ Lot 1, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 1620 Water St, Kelowna, BC;
- South ½ Lot 1, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 1620 Water St, Kelowna, BC;
- Lot 3, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 278 Leon Ave, Kelowna, BC;
- Lot 6, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 248 Leon Ave, Kelowna, BC;
- Lot 7, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 238 Leon Ave, Kelowna, BC; and
- Lot 8, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 234-236 Leon Ave, 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. That a Building Permit is not issued until the rear lane has a public statutory right-of-way registered on the northern 0.8 metres of the lot.
4. That the Development Permit is not issued until the City and the applicant has resolved the proposed air space parcel accommodating the bridge across Leon Avenue.
5. That a Building Permit is not issued until the modified compact stalls are labelled and signed as "small vehicle parking only".

AND THAT Council authorize the issuance of Development Variance Permit DVP20-0013 for:

- Lot 4, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 266 Leon Ave, Kelowna, BC;
- Lot 5, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 264 Leon Ave, Kelowna, BC;
- Lot A, District Lot 139, Osoyoos Division Yale District, Plan 22722 located at 1660 Water St, Kelowna, BC;
- North ½ Lot 2, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 1630 Water St, Kelowna, BC;
- South ½ Lot 2, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 1630 Water St, Kelowna, BC;
- North ½ Lot 1, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 1620 Water St, Kelowna, BC;
- South ½ Lot 1, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 1620 Water St, Kelowna, BC;
- Lot 3, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 278 Leon Ave, Kelowna, BC;
- Lot 6, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 248 Leon Ave, Kelowna, BC;
- Lot 7, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 238 Leon Ave, Kelowna, BC; and
- Lot 8, Block 10, District Lot 139, Osoyoos Division Yale District, Plan 462 located at 234-236 Leon Ave, Kelowna, BC;

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

Section 14.7.5 (b) – C7 – Central Business Commercial - Development Regulations

To vary the maximum height from 76.5 metres (approx. 26 storeys) to 80 metres for Tower 'A' (24 storeys), 135.0 metres for Tower 'B' (42 storeys), and 92.0 metres for Tower 'C' (28 storeys).

Section 8 – Parking and Loading - Table 8.2.7 (b) Ratio of Parking Space Sizes

To vary the maximum small vehicle stall size from 0.0% to 3.3% (24 stalls).

Section 8 – Parking and Loading - Table 8.5 Minimum Bicycle Parking Required

To vary the minimum amount of short-term bicycle parking stalls from 122 stalls to 28 stalls.

AND THAT the Development Permit and Development Variance Permit is issued subsequent to the outstanding conditions set out in Attachment "A" attached to the Report from the Development Planning Department dated February 6th 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
Opposed Councilors Given and Hodge

5. Reminders

There were no reminders.

6. Termination

The meeting was declared terminated at 10:58 p.m.

Mayor Basran

/cm



Deputy City Clerk