



**City of Kelowna
Regular Meeting
Minutes**

Date: Tuesday, July 27, 2021
Time: 7:00 pm
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Brad Sieben, Maxine DeHart, Ryan Donn, Gail Given, Mohini Singh, Luke Stack

Members Participating remotely Councillor Charlie Hodge

Members Absent Councillor Loyal Wooldridge

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton; Community Planning & Development Manager, Dean Strachan*; Planner II, Kimberly Brunet*

Staff participating remotely Legislative Coordinator (Confidential), Clint McKenzie

(* Denotes partial attendance)

1. **Call to Order**
Mayor Basran called the meeting to order at 8:58 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 Sieben

R0768/2021/07/27 THAT the Minutes of the Public Hearing and Regular Meeting of July 13, 2021 be confirmed as circulated.

Carried

4. Development Permit and Development Variance Permit Reports

4.1 START TIME 7:00 PM - Toovey Rd 1175 - DVP21-0061 - Douglas Marlton Carey

Staff:

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

The Applicant was present and available for questions.

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

No one participating online or in the gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Stack

R0769/2021/07/27 THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0061 for Lot 16 Section 24 Township 26 ODYD District Plan 23445, located at 1175 Toovey Road, Kelowna BC;

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

Section 6.5.3(c): General Development Regulations, Accessory Development, Accessory Buildings in Residential Zones

To vary the height of an accessory building from 4.8m permitted to 5.3m proposed.

Section 6.5.3(d): General Development Regulations, Accessory Development, Accessory Buildings in Residential Zones

To vary the front yard setback of an accessory building from 9.0m required to 6.15m 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

4.2 START TIME 7:00 PM - Shayler Ct 2890 - BL12214 (Z21-0023) - Erwin Victor Braun and Connie Teresa Braun

Moved By Councillor Given/Seconded By Councillor Singh

R0770/2021/07/27 THAT Bylaw No. 12214 be adopted.

Carried

4.3 START TIME 7:00 PM - Shayler Ct 2890 - DVP21-0069 - Erwin Victor Braun and Connie Teresa Braun

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The applicant was present and available for questions.

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 or in the gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Singh

R0771/2021/07/27 THAT final adoption of Rezoning Bylaw No. 12214 be considered by Council;

AND THAT Council authorizes issuance of Development Variance Permit No. DVP21-0069 for Lot A Sections 20 and 29 Township 23 ODYD Plan KAP89180 located at 2890 Shayler Court, Kelowna, BC;

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

Section 9.5b.1(f): Carriage House Development Regulations

To vary the upper floor storey area from 75% of the footprint permitted to 82% 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

4.4 START TIME 7:20 PM - Pacific Ave 1220 1230 - BL12191 (Z20-0094) - Great A and A Properties Ltd., Inc.No. BCo888141

Moved By Councillor Given/Seconded By Councillor Singh

R0772/2021/07/27 THAT Bylaw No. 12191 be amended at 3rd reading by deleting the legal description(s) that read:

- "Lot 2, Section 19 Township 26 ODYD Plan 6634"; and
- "Lot 3 Section 19 Township 26 ODYD Plan 6634"

And replacing it with:

- "Parcel A (Being a Consolidation of Lots 2 and 3, see CA9109487) Section 19 Township 26 ODYD Plan 6634"

Carried

Moved By Councillor Given/Seconded By Councillor Singh

R0773/2021/07/27 THAT Bylaw No. 12191 as amended, be adopted.

Carried

4.5 START TIME 7:20 PM - Pacific Ave 1220 1230 - DP20-0196 DVP20-0197 - Great A and A Properties Ltd., Inc.No. BCo888141

Staff:

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

Jamela Van Steinberg, Applicant

-Displayed a PowerPoint presentation.
-Provided rationale for the application.

- Spoke to form and character of the building.
- Spoke to the bike friendly aspects of the proposal.
- Spoke to the variances being requested.

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

Renee Denadi, Burtch Ave.

- Raised concerns with older maple tree that would be removed.
- Referred to the arborist's report that the tree can be removed.
- Opposed to the removal of the tree.

Hailey Schneider, Burtch Ave.

- Raised concerns with maple tree removal.
- Raised concerns with height being requested.
- Raised concern with reduction in parking stalls due to size of vehicles common in the City.
- Provided comments on reasons to retain trees.

Mitch Lang, Raymer Rd.

- Neighbourhood seems to be changing with greater heights and densities .
- Supportive of the application.

Applicant, in response

- Responded to questions from Council regarding the maple tree and other trees along the property line.

Moved By Councillor Donn/Seconded By Councillor Sieben

R0774/2021/07/27 THAT final adoption of Rezoning Bylaw No. 12191 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP20-0196 for Parcel A (Being a Consolidation of Lots 2 and 3, See CA9109487) Section 19 Township 26 ODYD Plan 6634, located at 1220-1230 Pacific 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";
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. DVP20-0197 for Parcel A (Being a Consolidation of Lots 2 and 3, See CA9109487) Section 19 Township 26 ODYD Plan 6634, located at 1220-1230 Pacific Avenue, Kelowna, BC;

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

Section 14.4.5(e): C4 – Urban Centre Commercial, Development Regulations

To vary the minimum side yard (east) where the site abuts a residential zone from 2.0m required to 0.62m proposed.

Section 14.4.5(f): C4 – Urban Centre Commercial, Development Regulations

To vary the minimum rear yard setback where abutting a residential zone from 6.0m required to 0.0m proposed.

Section 14.4.5(c): C4 – Urban Centre Commercial, Development Regulations

To vary the maximum height from 15.0m or 4 storeys permitted to 19.0m and 5 storeys proposed.

Section 8.2.7: Parking and Loading, Off-Street Parking Regulations, Table 8.2.7 (b) Ratio of Parking Space Sizes

To vary the required percentage of regular size vehicle parking stalls from 50% required to 39% 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.

Carried

4.6 | START TIME 7:20 PM - Lakeshore Rd 3377 - DP21-0040 DVP21-0041 - Cressey Lakeshore Holdings Ltd., Inc. No. 788131

Councillor DeHart declared a conflict of interest as the C9 designation is in direct conflict with her employment in the hotel industry and she also owns units in other C9 properties and left the meeting at 10:00 pm.

Staff:

-Displayed a PowerPoint Presentation summarizing the application.

Patrick Flannigan, Applicant

- Present and available for questions.
- Owned property for 14 years.
- Excited to bring the project forward.

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

No one participating online or in the gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Given

R0775/2021/07/27 THAT Council authorizes the issuance of Development Permit No. DP21-0040 and Development Variance Permit DVP21-0041 for Lot A District Lot 134 Osoyoos Division Yale District Plan EPP84686, located at 3377 Lakeshore 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 "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 sections of Zoning Bylaw No. 8000 be granted:

Section 14.9.5(c): C9 – Tourist Commercial Development Regulations

To vary the required minimum front yard (Lakeshore Road) from 6.0 m permitted to 0.0 m proposed.

Section 14.9.5(d): C9 – Tourist Commercial Development Regulations

To vary the required minimum flanking side yard (Richter Street) from 4.5 m permitted to 3.3 m proposed.

Section 14.9.5(d): C9 – Tourist Commercial Development Regulations

To vary the required minimum side yard from 3.0 m permitted to 1.0 m proposed.

Section 7.6.1(c): Section 7 – Landscaping and Screening, Minimum Landscape Buffers

To vary the required minimum landscape buffer for the side yard (north) from 3.0 m required to 0.0 m proposed.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application 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.

Carried

Councillor Given:

-Would like staff to bring forward a report regarding options for regulating future retail cannabis applications.

Moved By Councillor Given/Seconded By Councillor Hodge

R0776/2021/07/27 THAT Council direct staff to provide an information report that further considers cannabis restrictions in today's environment.

Carried

5. Reminders

There were no reminders.

6. Termination

The meeting was declared terminated at 10:26 p.m.

Mayor Basran

sf/cm



City Clerk