



## City of Kelowna Regular Council Meeting Minutes

Date:	Tuesday, October 8, 2024
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Tom Dyas, Councillors Maxine DeHart, Charlie Hodge, Gord Lovegrove, Mohini Singh* and Luke Stack
Members Participating Remotely	Councillors Ron Cannan and Rick Webber
Members Absent	Councillor Loyal Wooldridge
Staff Present	City Manager, Doug Gilchrist; City Clerk, Laura Bentley; Development Planning Manager, Trisa Atwood; Development Planning Department Manager, Nola Kilmartin; Divisional Director, Planning, Climate, Action & Development Services, Ryan Smith, Legislative Coordinator (Confidential), Rebecca Van Huizen
Staff Participating Remotely	Legislative Coordinator (Confidential), Clint McKenzie

### 1. Call to Order

Mayor Dyas called the meeting to order at 4:00 p.m.

### 2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor DeHart.

Councillor Singh joined the meeting at 4:02 p.m.

### 3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Lovegrove

THAT the Minutes of the Public Hearing and Regular Meeting of September 10, 2024 be confirmed as circulated.

Carried

#### 4. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 4:02 p.m.

#### 5. Individual Bylaw Submissions

- 5.1 **START TIME 4:00 PM - Cara Glen Way 1490 - OCP24-0010 (BL12700) TA24-0007 (BL12701) Z24-0013 (BL12702) - Rutherford Crestview Developments Ltd. Inc. No. A008590**

##### Staff:

- Displayed a PowerPoint Presentation summarizing the application.

##### Theo Finseth, Partner, Placemark Design + Development, Applicant:

- Displayed a PowerPoint presentation outlining the application.
- Spoke to the site and neighbourhood context and the changes in the neighbourhood with recent residential construction.
- Spoke to Knox Mountain access.
- Provided the history to the site including Cara Glen Phase One and Cara Glen Active Park.
- Spoke to working towards meeting the density requirements and future areas for park with approximately 60% of the site being a park dedication.
- Spoke to the zoning application being compliant with the OCP and the dedication of the natural parklands needing an OCP amendment.
- Spoke to the development of the comprehensive development zone with approximately 40% of the site being the zone.
- Spoke to the floor area ratio and parking requirements.
- Spoke to the three subzones of the site plan.
- Displayed the development concept for the application.
- Spoke to prioritization of connecting to nature in adjacent parklands.
- Spoke to the housing diversity of the proposed application.
- Spoke to the parkland dedication requirements including fencing and geoscaling of area.
- Spoke to the contribution to the Housing Opportunities Reserve.

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

##### Gallery:

##### Dirk Van Hees, Cara Glen Way:

- Spoke to the notification sent to residents within 100m of the subject property.
- Submitted petition to Council on behalf of 64 residents.
- Opposed to commercial uses and 5-storey buildings.
- Would support townhouse development.
- Commented on cliffs and steep slopes making up the portion proposed as park.
- Concerned with the lack of recreational value and potential of lawsuits and injury with steep slopes.
- Concerned with the City taking on the natural area dedication.
- Spoke to the lack of transit service in the area and number of vehicles.

##### Candace Van Hees, Cara Glen Way:

- Concerned about access at intersection of Cara Glen Way and Clifton Rd.
- Concerned there will be too many people in a small area. Concerned with the apartment buildings putting a strain on the area.
- Concerned with construction parking.
- Spoke to the lack of accessibility to the parkland.

##### Trent Daniels, Cara Glen Way:

- Owns a rental property in the new developments of Cara Glen Ct.

- Commented on the steep slopes behind the development area and parkland dedication access.
- Played a video showing drone footage of the subject property and surrounding area.
- Concerned with slope stability.

Kari Daniels, Cara Glen Way:

- Spoke to their strata council being concerned about the application and voiced opposition.
- Concerned about safety and liability of the natural area dedication to the City.
- Spoke to resident concerns with existing developments and parking.
- Concerned the steep slopes proposed as park provide no recreational value and create a liability.
- Concerned with amount of traffic, particularly at intersection and on Spruceglen Dr.
- Concerned with the lack of on-street parking for development and other recreational uses.
- Spoke to winter conditions due to the elevation and the strain on pedestrians, bicycles and scooters.
- Referenced the large number of calls to Bylaw regarding parking concerns in the area to date.
- Spoke to evacuation concerns as Clifton Rd provides limited exits from the area.

Helen O'Malchuck, Cara Glen Way:

- Concern with the lack of safety of the application with the increase in residents.
- Spoke to the large number of residents that would need to exit the area during an emergency.
- Opposed to the scale of the development.
- Concerned with too much congestion in a small area.

Applicant in Response:

- Commented on purposes of area as natural parkland for trail access, natural habitat and tree canopy retention.
- Spoke to clustering development on flat portion of the site.
- Stated an expected 112 units for the development.
- More than 50 on-street parking spaces along Cara Glen Way.
- Not seeking parking variances.
- Detailed Geotech is complete, and all development is below steep slopes.
- Expressed that the development will not affect the steep slopes. Staff have reviewed and approved the grading plan.
- Displayed a PowerPoint presentation.
- Spoke to Knox Mountain being adjacent to the park dedication.
- Spoke to the park dedication being in keeping with the natural areas of Knox Mountain.
- Confirmed the OCP amendment is for the park dedication not the development itself.
- Spoke to the transportation concerns.

Staff:

- Responded to questions from Council.

Applicant:

- Responded to questions from Council.

There were no further comments.

**6. Termination**

The Hearing was declared terminated at 5:40 p.m.

**7. Call to Order the Regular Meeting**

Mayor Dyas called the meeting to order at 5:40 p.m.

**8. Bylaws Considered at Public Hearing**

**8.1 START TIME 4:00 PM - Cara Glen Way 1490 - BL12700 (OCP24-0010) - Rutherford Crestview Developments Ltd. Inc. No. Aoo8590**

Moved By Councillor Stack/Seconded By Councillor DeHart

THAT Bylaw No. 12700 be read a second and third time.

**Carried**

Councillors Cannan and Hodge - Opposed

**8.2 START TIME 4:00 PM – Cara Glen Way 1490 - BL12701 (TA24-0007) - Rutherford  
Crestview Developments Ltd. Inc. No. A008590**

Moved By Councillor Stack/Seconded By Councillor DeHart

THAT Bylaw No. 12701 be read a second and third time.

**Carried**

Councillors Cannan and Hodge - Opposed

**8.3 START TIME 4:00 PM - Cara Glen Way 1490 - BL12702 (Z24-0013) - Rutherford  
Crestview Developments Ltd. Inc. No. A008590**

Moved By Councillor Stack/Seconded By Councillor DeHart

THAT Bylaw No. 12702 be read a second and third time.

**Carried**

Councillors Cannan and Hodge - Opposed

The meeting recessed at 5:57 p.m.

The meeting reconvened at 6:04 p.m.

## **9. Liquor License Application Reports**

**9.1 START TIME 4:45 PM - Baillie Ave 731 - LL24-0015 - Edward Albert Fuhrmann**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Chris Dedinsky, Partner, Kettle River Brewing, Applicant:

- Spoke to the previous temporary increase and the need for a permanent licensed addition.
- Expressed they have not received any concerns from their neighbours.

City Clerk 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 from the Gallery or Online came forward.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Lovegrove

THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB):

In accordance with Division 9 (71) of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Kettle River Brewing Co. Ltd for a lounge endorsement amendment for Lot 37 Section 30 Township 26 ODYD Plan 1014, located at 731 Baillie Ave, Kelowna, BC for the following reasons:

- The proposed structural change is perceived to be minor in nature and the RCMP does not have any concerns.

2. Council's comments on LCRB's prescribed considerations are as follows:

a. The potential for noise if the application is approved:

The potential impact for additional noise is minimal as the patio has been existing for several years in the present location on a temporary basis without issues.

b. The impact on the community if the application is approved:

The potential for negative impacts is minimal as the area supports several similar land uses and peak hours of operations occur when several of the surrounding business are not operating.

3. Council's comments on the views of residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures."

Carried

**10. Heritage Alteration Permit**

**10.1 START TIME 4:45 PM - Pandosy St 2124 - BL12699 (Z24-0027) - Necessary Homes Ltd., Inc.No. BCo850280**

Moved By Councillor DeHart/Seconded By Councillor Stack

THAT Bylaw No. 12699 be adopted.

Carried

**10.2 START TIME 4:45 PM - Pandosy St 2124 - HAP23-0015 - Necessary Homes Ltd., Inc.No. BCo850280**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

David Sargent, Necessary Homes Ltd., Borden Ave, Applicant:

- Displayed a PowerPoint presentation outlining the application.
- Displayed renderings of other similar projects completed.
- Spoke to the site's history and development of the area.
- Displayed the historical survey plans and subdivision plans.
- Described the proposed site development.
- Displayed a video rendering of the project.
- Spoke to the retention of mature trees and the preservation of open space
- Spoke to the letter of support from the adjacent neighbours.



City Clerk 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 from the Gallery or Online came forward.

Staff:

- Responded to questions from Council.

Applicant:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor DeHart

THAT final adoption of Rezoning and Repeal Bylaw No. 12699 be considered by Council;  
AND THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP23-0015 for Lot 1 District Lot 14 ODYD PLAN EPP129773, located at 2124 Pandosy St, 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 amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect.

AND THAT variances to the following sections of Zoning Bylaw No. 12375 be granted:

**Table 8.2.7.b.: Ratio of Parking Space Sizes, Footnote 3:**

To vary that all parking spaces that are configured in tandem must be regular sized vehicle parking spaces to permit five small sized vehicle parking spaces proposed;

**Section 13.5: Infill Housing Development Regulations, MF1:**

To vary the maximum gross floor area of a third storey relative to the second storey from 70% required to 87% proposed;

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

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

**Carried**

**11. Termination**

The meeting was declared terminated at 6:39 p.m.

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Mayor Dyas

lb/cm

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 City Clerk