



## City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, August 29, 2017  
Location: Council Chamber  
City Hall, 1435 Water Street

Members Present Mayor Colin Basran\*, Councillors Maxine DeHart, Ryan Donn. Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben\* and Luke Stack

Members Absent Councillor Mohini Singh

Staff Present Deputy City Manager, Joe Creron; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; Planner, Adam Cseke; Divisional Director, Community Planning & Strategic Investments, Doug Gilchrist; Legislative Coordinator (Confidential), Arlene McClelland

(\* denotes partial attendance)

### 1. Call to Order

Mayor Basran called the meeting to order at 6:16 p.m.

### 2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor DeHart.

### 3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Gray

R693/17/08/29 THAT the Minutes of the Public Hearing and Regular Meeting of August 15, 2017 be confirmed as circulated.

Carried

### 4. Bylaws Considered at Public Hearing

#### 4.1 Bennett Rd and Paly Rd, LUCT16-0002 (BL11404) - Various Owners

Moved By Councillor Donn/Seconded By Councillor Given

R694/17/08/29 THAT Bylaw No. 11404 be read a second and third time and be adopted.

Carried

**4.2 Clifton Rd N, Lynn Ct, Tina Ct and Kyndree Ct, LUCT17-0002 (BL11451) - Various Owners**

Moved By Councillor Donn/Seconded By Councillor Given

**R695/17/08/29** THAT Bylaw No. 11451 be read a second and third time and be adopted.

**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 268 statutory notices to the owners and occupiers of surrounding properties on August 15, 2017.

Notice of a Liquor Primary Licences was advertised by being posted on the Notice Board at City Hall on August 15, 2017, and by being placed in the Kelowna Daily Courier issues on Friday August 18, 2017 and Wednesday August 23, 2017 and by sending out or otherwise mailing 38 statutory notices to the owners and occupiers of surrounding properties on August 15, 2017.

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. Liquor License Application Reports**

**6.1 109-590 KLO Rd, LL17-0009 - Simple Pursuits Inc**

Staff:

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

The City Clerk advised that no correspondence had been received.

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

Craig Moore and Dawne Russell, Applicants

- Responded to questions from Council.
- Confirmed that liquor service will be provided only those hours the establishment is open.
- Explained that there may be some occasions when they host a customer appreciation event and that is the reasoning for the difference between hours of operation and hours requested in licensing application; want to be within the guidelines of licensing so there would never be any infractions.

No one from the Gallery came forward.

There were no further comments

Moved By Councillor Sieben/Seconded By Councillor DeHart

**R696/17/08/29** THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 10 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Boutique Esthetics & Tanning Lounge Ltd. for a liquor primary license for Lot A, District Lot 14, ODYD, Plan KAP68556, Except Plan EPP52684, located at 109 – 590 KLO Road, Kelowna, BC for the following reasons:

New Liquor Licensing Laws allow for barbershops, salons, and other establishments to apply for a liquor primary license;

Council Policy No. 359 recommends supporting alternative entertainment options and/or establishments which are less focused on alcohol consumption;

The maximum occupancy is 30 persons which will have minimal on the community

2. Council's comments on LCLB's prescribed considerations are as follows:  
Criteria for new liquor primary:

- a. **The location of the establishment:** The location of the establishment is suitable for a small establishment liquor primary license (not located next to any other licensed establishment), and is located within an Urban Centre;
  - b. **The person capacity and hours of liquor service of the establishment:** The hours of liquor service is suitable given the low occupancy of 30 persons;
  - c. **The impact of noise on the community in the immediate vicinity of the establishment:** There is minimal risk of an impact of noise on the community;
  - d. **The impact on the community if the application is approved:** The overall impact on the community will be minimal;
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

## 7. Development Permit and Development Variance Permit Reports

### 7.1 WITHDRAWN BY APPLICANT - 4646 McClure Rd, DVP16-0241 - Pillar West Developments Inc.

Mayor Basran advised that this application was withdrawn by the Applicant.

City Clerk advised that public notifications will be re-sent at the applicant's expense.

### 7.2 614 Barnaby Rd, Z16-0070 (BL11417) - Brent Hancock and Whitney Smith

Moved By Councillor Stack/Seconded By Councillor DeHart

R697/17/08/29 THAT Bylaw No. 11417 be read adopted.

Carried

### 7.3 614 Barnaby Rd, DVP16-0266 - Whitney Smith

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence had been 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.



Gallery:

Ken Capos, Casorso Road

- Advised that he has submitted an application as a volunteer on the Board of Variance Committee.
- Not opposed to this application, however, believes the lot size is strange from front to rear and suggested that in the future if there are any such significant changes that Council take that into consideration.

There were no further comments

Moved By Councillor Given/Seconded By Councillor Gray

**R698/17/08/29** THAT final adoption of Bylaw No. 11417 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0094 for Lot 2 District Lot 357 SDYD Plan 17353, located at 614 Barnaby Rd, Kelowna BC to allow the construction of a carriage house;

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

**Section 9.5b.1(c): Carriage House Regulations**

To vary the location of a carriage house from the rear yard (permitted) to the front yard (proposed).

**Section 9.5b.1(e): Carriage House Regulations**

To vary the upper floor area of a carriage house from 75% of the carriage house footprint to 106% proposed.

**Section 12.1.6(a): RR1 – Rural Residential 1 Development Regulations**

To vary the maximum floor area of a carriage house from 90m<sup>2</sup> permitted to 106m<sup>2</sup> 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**

**7.4 3450 McKinley Beach Dr, DVP17-0104 - Acorn Resorts GP**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that the following correspondence had been received:

**Letters of Comment:**

Jonathan Little, Chocolate Lily Lane  
Richard Drinnan, Greene Rd

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 DeHart/Seconded By Councillor Stack

**R699/17/08/29** THAT Council authorize the issuance of Development Variance Permit DVP17-0104, for Lot B, Section 29, Township 23, ODYD, Plan EPP67208, located on 3450 McKinley Beach Dr, Kelowna, BC,

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

**Schedule 'B' Comprehensive Development Zones – CD18 – 1.3(g) Development Regulations**  
To vary the required maximum Type 'A' unit size of 150 m<sup>2</sup> net floor area to 217 m<sup>2</sup>;

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

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

**Carried**

**7.5 781 Bay Ave, DVP17-0128 - Folio Building Group Inc**

Mayor advised that the application has been withdrawn by the Applicant.

Moved By Councillor Stack/Seconded By Councillor Hodge

**R700/17/08/29** THAT Council defer Development Variance Permit No. DVP17-0128, 781 Bay Avenue to the Regular Meeting of September 12, 2017.

**Carried**

**7.6 1187 Sunset Dr, BL11423 (Z16-0077) - Sunset Drive Properties Ltd**

Councillor Sieben declared a conflict of interest for items 7.6 and 7.7 concurrently as the proposal is in close proximity of a family owned business and departed the meeting at 6:38 p.m.

Moved By Councillor DeHart/Seconded By Councillor Stack

**R701/17/08/29** THAT Bylaw No. 11423 be adopted.

**Carried**

**7.7 1187 Sunset Dr, DVP17-0157 & DP17-0154 - Sunset Drive Properties Ltd**

Staff:

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

Mayor Basran departed the meeting at 7:13 p.m. and Deputy Mayor Stack to the Chair.

Mayor Basran returned to the meeting at 7:16 p.m.

The City Clerk advised that the following correspondence had been received:

**Letters of Concern:**

Larry Lefebvre, Sunset Drive

**Letters in Support:**

Darren Schlamp, Argus Properties Ltd. Manhattan Drive

**Letters of Opposition:**

John Gough, Sunset Drive

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

Leonard Kerkhoff and Russ Watson, Applicant Representatives

- Displayed a PowerPoint presentation re: One Water Street
  - Spoke to the vision and providing:
    - o Significant sense of place, welcoming and interactive in its neighbourhood;
    - o Mixed-use;
    - o Transitional between cultural core and the premium properties of the Sunset Drive residential district.
  - Spoke to the Streetscape Highlights:
    - o Commercial/Residential façade on entire frontage on all 3 major streets;
    - o Plaza at entrances/restaurant spaces;
    - o Innovative treatment of commercial retail storefronts;
    - o Live/work units on Ellis Street.
  - Spoke to The Bench Amenities and Greenspace:
    - o Over 1.3 acres of greenspace and landscape features;
    - o 2 swimming pools and 1 hot tub;
    - o BBQ and gathering areas;
    - o Pickleball court
    - o Dog park.
  - Provided rationale for the height variances in relationship to the building design and noted that:
    - o Improves views from units within the building;
    - o Reduces shadowing on the neighbours compared to shorter wider buildings;
    - o There are no technical engineering restrictions limiting taller buildings;
    - o Provides more greenspace;
    - o Increases the view corridors between the buildings compared to having shorter and wider towers;
    - o Architecturally appealing to have a variety in heights;
    - o This is a key downtown site and by increasing the height allows the development to utilize the site to the highest and best use within the context of the City.
  - Spoke to the economic benefits:
    - o Development Cost Charges in excess of \$6,000,000 to the City of Kelowna;
    - o Local employment during construction and on completion;
    - o Generate more business for local businesses, shops, restaurants and services in the area by promoting the City centre;
    - o Attraction of new services and business professionals to the new office spaces;
    - o Keep local residents wishing to downsize into downtown.
- Spoke to the benefits to the community;
- o Mixed-use provides affective retail commercial space;
  - o Improvements to City infrastructure;
  - o Fills shortage of residential housing;
  - o Animates the Cultural District;
  - o Professional, licensed childcare facility.
- Architect and Marketing Consultant are available for questions.
  - Responded to questions from Council.

Gallery:

Patrick Doyle, Sunset Drive

- Opposed to this application.
- Raised serious concerns that there are more than 1,000 households within 400 m of the project and will be increasing the density with an additional 400 units by 50 to 60 percent.
- Raised concern that existing residential resident concerns are not being taken into account.
- Raised concerns with existing traffic volume that will increase with this development.
- Raised concerns with parking volume exiting onto Ellis Street or Sunset Drive.
- Raised concerns with shadowing and commented that the shadowing in real time opposed to video displayed goes a lot slower.
- Suggested that Council give more thought to the area residents.



Ken Capos, Casorso Road

- Complimented staff and developer on their presentations.
- Read from a previously submitted letter raising concerns with public notice.
- Made comment on having related items on the same Council agenda with presumption of approval by Council.
- Raised concerns the negative impact this development will have on Knox Mountain sight lines as well as flight paths and suggested Transport Canada should be consulted.
- Read from recent media articles regarding the application.
- Encouraged Council to defer the application to obtain additional information.
- Suggested the rental terms of units be increased to 3 months as opposed to a monthly rental.
- Encouraged Council to negotiate more favourable financial benefits for the City.

City Clerk:

- Confirmed that notification requirements had been met.
- Commented that public notice for development variance permit applications are different than those for Public Hearing applications.
- Commented that public and media often use the term "public hearing" when referring to both Public Hearing or a Regular Council meeting and that this can cause misunderstandings.

There were no further comments

Moved By Councillor Donn/Seconded By Councillor Stack

**R702/17/08/29** THAT final adoption of Rezoning Bylaw No. 11423 (Z16-0077) be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0154 for Lot 1, District Lot 139, ODYD Plan KAP76304, located at 1187 Sunset Dr, 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;
5. That the outstanding conditions set out in Attachment "A" attached to the Report from the Community Planning Department dated August 15<sup>th</sup> 2017;
6. That a land use covenant protecting the use of the daycare be registered on title.

AND THAT Council authorize the issuance of Development Variance Permit DVP17-0157 for Lot 1, District Lot 139, ODYD Plan KAP76304, located at 1187 Sunset Dr, Kelowna, BC;

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

**Section 14.7.5 Development Regulations (b)**

To vary the maximum height of a building from 22 metres to 119 metres for the south tower and 98 metres for the north tower.

**Section 14.7.5 Development Regulations (h)**

To vary the setback above the 16.0 height mark for the north tower from 3.0 metres to 0.56 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 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

Councillor Seiben rejoined the meeting at 8:08 p.m.

**7.8      2126 Long St, HAP17-0009 - Nicholas and Patricia Balfour**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence had been 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 Hodge

**R703/17/08/29** THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP17-0009 for Strata Lot 2 District Lot 14 ODYD Strata Plan EPS1754 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 2126 Long 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";

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted as shown on Schedule "A":

**Section 13.6.6 (h): RU6 – Two Dwelling Housing Development Regulations**

To vary the required minimum rear yard from 7.5 m permitted to 2.1 m proposed.

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

**7.9      945 Guy St, TUP16-0003-01 - Tolko Industries Ltd**

Staff:

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

The City Clerk advised that no correspondence had been 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.

Gallery:

Ken Capos, Casorso Road

- Made comment on the Agenda items and timing which give the impression that there is a bias for the applicants.
- Believes Development Variance applications should be advertised the same as Public Hearing items.
- Raised concerns that Council is holding meetings on such significant applications in late summer affecting public attendance.

City Clerk:

- Reviewed the process for Agenda items.

There were no further comments

Moved By Councillor Given/Seconded By Councillor Gray

**R704/17/08/29** THAT Council authorizes the extension of Temporary Use Permit No. TUP16-0003-01 to allow for the existing building to continue to be used as a marketing and sales centre for the proposed One Water Development under construction for Lot D, District Lot 139. O.D.Y.D., Plan KAP71362 located at 945 Guy Street, Kelowna, B.C. for a three (3) year period commencing from the date of Council approval, subject to the following conditions:

- a) The dimensions and siting of the temporary use on the land be in general accordance with Schedule "A";

AND FURTHER THAT there is no opportunity to extend the Temporary Use Permit.

**Carried**

## **8. Reminders**

Staff:

- Recommended that Council direct staff to place the Freedom's Door application as the first item on the September 19, 2017 Public Hearing Agenda.

Moved By Councillor Sieben/Seconded By Councillor Hodge

**R705/17/08/29** THAT Council direct staff to place the Freedom's Door application as the first item on the September 19, 2017 Public Hearing Agenda.

**Carried**

## **9. Termination**

The meeting was declared terminated at 8:24 p.m.

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Mayor

  
\_\_\_\_\_  
City Clerk

/acm