

Regular MeetingNovember 2, 2004

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Tuesday, November 2, 2004.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blaneil, R.D. Cannan, B.A. Clark, C.B. Day, B.D. Given, R.D. Hobson, E.A. Horning and S.A. Shepherd.

Staff members in attendance were: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi Acting City Clerk, S.C. Fleming; Manager of Development Services, A.V. Bruce; Subdivision Approving Officer, R.G. Shaughnessy*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 7:50 p.m.

2. PRAYER

The meeting was opened with a prayer offered by Councillor Hobson.

3. CONFIRMATION OF MINUTES

Regular Meeting, October 18, 2004
Public Hearing, October 19, 2004
Regular Meeting, October 19, 2004
Regular Meeting, October 25, 2004

Moved by Councillor Given/Seconded by Councillor Horning

R1047/04/11/02 THAT the Minutes of the Regular Meetings of October 18, 19 and 25, 2004 and the Minutes of the Public Hearing of October 19, 2004 be confirmed as circulated.

Carried

4. Councillor Hobson was requested to check the minutes of this meeting.

5. BYLAWS CONSIDERED AT PUBLIC HEARING

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)

5.1 Bylaw No. 9313 (Z04-0020) - 417860 Alberta Ltd., et al (Grant Maddock/Protech Consultants Ltd.) – 5050 McCulloch Road

Moved by Councillor Horning/Seconded by Councillor Given

R1048/04/11/02 THAT Bylaw No. 9313 be read a second and third time.

Carried

Councillors Clark, Hobson and Shepherd opposed.

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Bylaw No. 9246 (Z04-0026) – Mailey Developments Ltd. – 518, 548 McKay Avenue

Moved by Councillor Clark/Seconded by Councillor GivenR1049/04/11/02 THAT Bylaw No. 9246 be adopted.Carried

- (b) Planning & Corporate Services Department, dated September 17, 2004 re: Development Permit Application No. DP04-0043 and Development Variance Permit Application No. DVP04-0046 – Mailey Developments Ltd. (John Mailey) – 518 & 548 McKay Avenue

Staff:

- Displayed an artist's rendering of the proposed 4 storey building with commercial uses on the main floor and 3 storeys of multi-family above, and parking partially below building in the rear and partially at-grade.
- Landscaping is limited because much of the property is covered by buildings but the plan shows an adequate buffer along the parking area adjacent to McKay Avenue and along the rear of the property.
- Because of the limited lot size, there is a shortfall in parking. The applicant is requesting a variance to allow 17 stalls where 23 stalls are required. A reduced side yard setback is also required for the surface parking stalls along McKay Avenue.
- Staff feel the parking variance is appropriate for the Pandosy Town Centre and if the parking variance is supported by Council, staff's intent would be to bring forward an amendment to the C4 zone to reduce the parking requirement for mixed use developments to 1 stall per residential unit as has been done in the C7 zone downtown.
- The Advisory Planning Commission does not recommend support because of the shortfall in parking.

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

- Letter from Resham Sandhu, owner of property on Wardlaw Avenue, supporting the application provided that the developer does not use the laneway between McKay and Wardlaw for the extra parking.
- Letter from Elizabeth Jarvos, 560 McKay Avenue, opposing the application because of lack of parking and concern that the building will cast a shadow on her home.

Mayor Gray invited anyone in the public gallery who deemed themselves affected by the required variances to come forward.

Resham Sandhu, 720 Valley Road:

- Owns two rental properties at 517 and 541 Wardlaw Avenue and both have on-site parking for the tenants. It is already difficult to find a spot to park when visiting because of all the vehicles parking on the street.
- Concerned that the developer may be planning to use the laneway to make up for the shortfall in parking.
- Supports the application but feels that the developer should be required to meet on-site parking requirements.

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Staff:

- Parking has been the main issue of concern in this area; however, parking is permitted on residential streets. Use of Osprey Park exacerbates the parking situation in the summer months but traffic congestion goes hand in hand with an urban environment and town centre setting.

John Mailey, applicant:

- Indicated he had nothing to add at this time.

Moved by Councillor Day/Seconded by Councillor Hobson

R1050/04/11/02 THAT Council authorize the issuance of Development Permit No. DP04-0043 for Lots 10 & 11, DL 14, ODYD Plan 3769, located on McKay Avenue, Kelowna, B.C subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "A";
3. The design and finish of the signage to be constructed on the land be in general accordance with Schedule "A";
4. Landscaping to be provided on the land be in general accordance with Schedule "A";
5. 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 professional landscaper;
6. The applicant be required to complete the registration of the required road dedications prior to obtaining a Building Permit;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP04-0046; Lot 10 & 11, DL 14, ODYD Plan 3769 located on McKay Avenue, Kelowna, B.C.;

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

Section 8.1.10 – Parking and Loading

- A variance to allow a side yard setback of 1.7 m where 2.0 m from a flanking street is required;

Section 8.0 – Table 8.1 – Parking and Loading

- A variance to allow 17 parking spaces where 23 parking spaces are required;

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

Councillor Cannan opposed.

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7. REMINDERS – Nil.

8. TERMINATION

The meeting was declared terminated at 8:37 p.m.

Certified Correct:

Mayor

Acting City Clerk

BLH/am