

Regular MeetingNovember 29, 2005

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 29, 2005.

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

Council members absent: Councillor A.F. Blanleil.

Staff members in attendance were: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi; City Clerk, A.M. Flack; Manager of Development Services, A.V. Bruce; Traffic & Transportation Engineer, H. Thompson*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 10:09 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, November 7, 2005
 Regular Meeting, November 14, 2005
 Public Hearing, November 15, 2005
 Regular Meeting, November 15, 2005

Moved by Councillor Given/Seconded by Councillor Day

R1165/05/11/29 THAT the Minutes of the Regular Meetings of November 7, November 14 and November 15, 2005 and the Minutes of the Public Hearing of November 15, 2005 be confirmed as circulated.

Carried

4. Councillor Day 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. 9526 (Z05-0048) – The Board of School Trustees of School District No. 23 (Central Okanagan) – 2058 Cross Road and 106 Valley Road

Council:

- City Transportation and Parks staff to bring back the Drysdale Boulevard extension and the potential for further community use of the school facilities for further discussion with Council.

Moved by Councillor Clark/Seconded by Councillor Given

R1166/05/11/29 THAT Bylaw No. 9526 be read a second and third time.

Carried

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- 5.2 Bylaw No. 9528 (Z05-0059) - 448473 BC Ltd. (Gary Tebbutt) – 440 & 460 Hartman Road

Moved by Councillor Clark/Seconded by Councillor Shepherd

R1167/05/11/29 THAT Bylaw No. 9528 be read a second and third time.

Carried

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)

- 5.3 Bylaw No. 9527 (Z05-0040) - Northland Properties Ltd. (Scott Thomson) – 2130 Harvey Avenue

Moved by Councillor Day/Seconded by Councillor Hobson

R1168/05/11/29 THAT Bylaw No. 9527 be read a second and third time, and be adopted.

Carried

6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

Mayor Gray altered the order of business and advised that agenda item No. 6.3 would be dealt with next.

- 6.3 Planning & Corporate Services Department, dated October 21, 2005 re: Development Variance Permit Application No. DVP05-0176 – Todd & Sharon Cashin – 535 Cambridge Avenue

Staff:

- Staff are not as concerned about the minor increases in site coverage for the accessory building or the overall site coverage as with the height of the accessory building in relation to the principal residence. Staff do not recommend support for the height variance, primarily because Council put the height restriction into the Zoning bylaw to make sure carriage houses do not exceed the height of the principal building.
- The principal dwelling is a single storey building. The intent is to remove the existing garage and replace it with a 1½ storey accessory building with secondary suite.
- The applicant has the support of his neighbours.
- The existing house fronts onto Cambridge Avenue. The proposed carriage house would be accessed from the lane.

The City Clerk advised that no correspondence and/or petitions had been received.

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

Todd Cashin, applicant:

- Indicated he had nothing to add at this time.

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R1169/05/11/29 THAT Council authorize the issuance of Development Variance Permit No. DVP05-0176 for Lot 13, DL 9, ODYD, Plan 3710 located on Cambridge 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 "B";

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

Section 9.5.1 (e) – Secondary Suites

A variance to allow the height of the building to be 4.5 m where the height of the principal dwelling unit is 3.7 m;

Section 6.5.7 - Accessory Buildings

A variance to allow a lot coverage of 15.1% for an accessory building where only 14.0% is permitted;

Section 13.6.6 (a) – RU6 – Two Dwelling Housing Zone

A variance to allow a site coverage for buildings of 40.6% where only 40.0% is permitted;

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

6.1 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 9293 (Z03-0043) – WGP-246 Holdings Ltd. (formerly City of Kelowna) – 260 Franklyn Road

Moved by Councillor Hobson/Seconded by Councillor Day

R1170/05/11/29 THAT Bylaw No. 9293 be adopted.

Carried

- (b) Planning & Corporate Services Department, dated November 7, 2005 re: Development Permit Application No. DP05-0159 and Development Variance Permit Application No. DVP05-0200 – WGP-246 Holdings Ltd. (HMA Architects) – 260 Franklyn Road

Staff:

- The subject property is long and narrow with three flanking streets that limit the building envelope opportunity.
- The applicant is proposing to develop the site with a 2½ storey, 42-unit apartment building with 63 parking spaces in an underground parkade. The proposal is the most efficient use of the site.
- Displayed an artist's rendering of the building.

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The City Clerk advised that no correspondence and/or petitions had been received.

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

Applicant:

- Indicated he had nothing to add at this time.

Moved by Councillor Shepherd/Seconded by Councillor Given

R1171/05/11/29 THAT Council authorize the issuance of Development Permit No. DP05-0159 for Lot A, Section 27, Township 26, ODYD, Plan KAP77915 located on Franklyn Road, 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 "B";
3. Landscaping to be provided on the land be in general 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 professional landscaper;
5. The applicant be required to pay the City the Sewer Specified Area # 20 Cash Commute Charge;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP05-0200; Lot A, Section 27, Township 26, ODYD, Plan KAP77915 located on Franklyn Road, Kelowna, B.C.;

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

Section 13.9.6(b) – RM3 – Low Density Multiple Housing

A variance to allow site coverage of 43.7% including buildings where 40% is permitted;

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.

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- 6.2 (a) Planning & Corporate Services Department, dated November 4, 2005 re: Development Variance Permit Application No. DVP05-0119 – Northland Properties Ltd. (Scott Thomson) – 2130 Harvey Avenue

Staff:

- The Sandman Inn is proposing to construct an 11-storey, 82-unit tower feature in the northwest corner of the property.
- The Sign Bylaw limits signage to street frontages. The applicant wants east and west sides rather than north and south which are the street frontages. Staff do not recommend support for the required variance because of concern that approval could set a trend that could continue.
- Based on their other developments, the applicant claims there would be adequate parking and the Ministry of Transportation has agreed to the reduction in parking based on their standards.
- Staff support the variance in the number of loading zones because this is a single tenant operation with one management company managing the entire building.
- Not sure if they still need the variance for the free standing sign – if they do it would be because of the widening of the highway.

The City Clerk advised that no correspondence and/or petitions had been received.

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

Scott Thomson, applicant:

- Sandman Inn would like the signs on the east and west sides because they are the primary sides where the public would be looking when looking for the hotel, and to avoid impacting the residents on the north side.
- The one pylon sign has been position in a island to resolve concerns about minimum clearance under a sign.

Moved by Councillor Hobson/Seconded by Councillor Day

R1172/05/11/29 THAT Council authorize the issuance of Development Variance Permit No. DVP05-0119 for Lot A, D.L. 127 O.D.Y.D. Plan 12746, located on Harvey Avenue, Kelowna, B.C.;

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

Section 8.2.2 – Off-Street Loading (Number)

Vary the number of loading spaces to allow one (1) loading stall where five (5) are required, as per Table 8.2;

Section 8.1.2 – Off-Street Vehicle Parking (Number)

Vary the minimum number of vehicle parking stalls to allow 202 stalls where 221 are required as per Table 8.1;

Section 5.5.2 – Prohibits Signage on a Wall that is Not a Business Frontage

Vary Section 5.5.2 of the Sign Bylaw, in order to allow fascia signage on a wall that is not a business frontage (see Sign # 4 and Sign #5 on Sign Plan);

Section 5.5.3(a) – Restricts Fascia Signage Above 2nd Storey to Logo or Address Only

Vary Section 5.5.3(a) of the Sign Bylaw to allow signage on the parapet that exceeds the restrictions detailed in this section (see Sign #4 and Sign #5 on Sign Plan);

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Section 5.6.1(b) – Free-Standing Sign – Ensure Sight Line Triangle Maintained

Vary Section 5.6.1(b) to allow a free-standing sign to be located within the required sight-line triangle (Sign #2 on Sign Plan);

Section 5.6.1(c) – Free-Standing Sign – Minimum Clearance

Vary Section 5.6.1(c) to allow a free-standing sign having a minimum clearance above a vehicle traffic area of 3.9 m, where 4.4 m is required (see Sign # 3 on Sign Plan);

Section 5.6.1(d) – Free-Standing Sign – Setback to Street

Vary Section 5.6.1(d) to allow all three free-standing signs to be located within the required setback to the street, as follows: Sign #1 to be 0.4 m from Enterprise Way, where 1.5 m is required; Sign #2 to be 0.0 m from Harvey Avenue, where 1.5 m is required, and Sign #3 to be 0.1 m from Harvey Avenue, where 1.5 m is required;

Section 6.1 – Free-Standing Sign – Number

Vary the specific “Major Commercial (C3, C4, C6, C7 and C8)” zone regulations to allow two (2) free-standing signs where no more than one (1) is permitted.

Carried

Councillor Cannan opposed.

- (b) Planning & Corporate Services Department, dated November 23, 2005 re: Development Permit Application No. DP05-0090 – Northland Properties Ltd. (Scott Thomson) – 2130 Harvey Avenue

Moved by Councillor Hobson/Seconded by Councillor Day

R1173/05/11/29 THAT Council authorize the issuance of Development Permit No. DP05-0090 for Lot A, D.L. 127 O.D.Y.D. Plan 23746, located on Harvey 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 "B";
3. The landscaping be in general 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 professional landscaper;
5. There are to be no cooking facilities in any of the proposed hotel units.

Carried

Councillor Cannan opposed.

- 6.3 Planning & Corporate Services Department, dated October 21, 2005 re: Development Variance Permit Application No. DVP05-0176 – Todd & Sharon Cashin – 535 Cambridge Avenue

Dealt with after agenda item No. 5.3.

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7. BYLAWS

(BYLAWS PRESENTED FOR ADOPTION)

- 7.1 Bylaw No. 9521 – Road Closure Bylaw – Crowley Avenue at Richter Street

Mayor Gray invited anyone in the public gallery who deemed themselves affected by the proposed road closure to come forward. There was no response.

Moved by Councillor Day/Seconded by Councillor Hobson

R1174/05/11/29 THAT Bylaw No. 9521 be adopted.

Carried

8. REMINDERS – Nil.

9. TERMINATION

The meeting was declared terminated at 10:50 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am