

Regular MeetingJanuary 10, 2006

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, January 10, 2006.

Council members in attendance: Mayor Sharon Shepherd, Councillors B.A. Clark, C.B. Day, B.D. Given, C.M. Gran, R.D. Hobson, N.J. Letnick and M.J. Rule.

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; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 6:29 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, December 12, 2005
Public Hearing, December 13, 2005
Regular Meeting, December 13, 2005
Regular Meeting, December 19, 2005

Moved by Councillor Day/Seconded by Councillor Hobson

R040/06/01/10 THAT the Minutes of the Regular Meetings of December 12, 13 and 19, 2005 and the Minutes of the Public Hearing of December 13, 2005 be confirmed as circulated.

Carried

4. Councillor Given 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. 9429 (OCP04-0018) - Kirschner Mountain Estates Ltd. (New Town Planning Services Inc./Keith Funk) – 2980 Gallagher Road, 2045 & 2061 Garner Road and 1625 Verdure Road **Requires majority vote of Council (5)**

Moved by Councillor Day/Seconded by Councillor Rule

R041/06/01/10 THAT Bylaw No. 9429 be read a second and third time.

Carried

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- 5.2 Bylaw No. 9430 (Z04-0075) - Kirschner Mountain Estates Ltd. (New Town Planning Services Inc./Keith Funk) – 2980 Gallagher Road, 2045 & 2061 Garner Road and 1625 Verdure Road

Moved by Councillor Rule/Seconded by Councillor Day

R042/06/01/10 THAT Bylaw No. 9430 be read a second and third time.

Carried

- 5.3 Bylaw No. 9501 (Z05-0057) – Nagina & Kuldip Johal (United Homes) – 570 Bach Road

Moved by Councillor Day/Seconded by Councillor Rule

R043/06/01/10 THAT Bylaw No. 9501 be read a second and third time.

Carried

- 5.4 Bylaw No. 9530 (TA05-0009) – City of Kelowna

Moved by Councillor Hobson/Seconded by Councillor Rule

R044/06/01/10 THAT Bylaw No. 9530 be amended at first reading by deleting subsection (vii) of Section 7 and replacing it with the following:

“(vii) deleting sub-paragraph (e) drive-in food services from Section 14.9 C9 - Tourist Commercial/C9rls-Tourist Commercial (Retail Liquor Sales)/C9lp-Tourist Commercial (Liquor Primary)/C9lp/rls-Tourist Commercial (Liquor Primary/Retail Liquor Sales) sub-section 14.9.2 Principle Uses” and renumbering the subsequent sub-paragraphs.

Carried

Moved by Councillor Clark/Seconded by Councillor Letnick

R045/06/01/10 THAT Bylaw No. 9530, as amended, be read a second and third time.

Carried

- 5.5 Bylaw No. 9532 (TA05-0010) – City of Kelowna

Moved by Councillor Clark/Seconded by Councillor Gran

R046/06/01/10 THAT Bylaw No. 9532 be read a second and third time.

Carried

- 5.6 Bylaw No. 9535 (Z05-0071) – Todd & Cheryl Blasco (Todd Blasco) – 2330 Silver Place

Moved by Councillor Given/Seconded by Councillor Letnick

R047/06/01/10 THAT Bylaw No. 9535 be read a second and third time.

Carried

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- 5.7 Bylaw No. 9536 (Z05-0069) – Jud & Karen Wickwire – 1281 Highway 33 East

Moved by Councillor Given/Seconded by Councillor Letnick

R048/06/01/10 THAT Bylaw No. 9536 be read a second and third time.

Carried

6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Planning & Corporate Services Department, dated November 30, 2005 re: Development Variance Permit Application No. DVP05-0201 – The BC Conference of the Mennonite Brethren Churches Inc. (Garden Valley Community Church) – 228 Valley Road

Staff:

- A pre-plan for the area included the continued development of the “flower streets” theme so that a lot of the stub-end roads would be built out as looped or cul-de-sac roads. Now the church wants to develop a few of the lots that are available within the boundary of their property and finish off the Marigold Crescent. To do that they have to rectify a non-conforming setback to the resulting property line which would be the four R1b lots.
- The applicant has submitted signed letters from the abutting properties indicating no concerns with the proposed variance.

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

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

Ben Nyland, applicant:

- Indicated he had nothing to add at this time.

Moved by Councillor Hobson/Seconded by Councillor Letnick

R049/06/01/10 THAT Council authorize the issuance of Development Variance Permit No. DVP05-0201 for Lot B, Section 4, Township 23, ODYD Plan 30013 located on Valley Road, Kelowna, B.C.;

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

Section 16.2: P2 – Education and Minor Institutional: 16.2.5(d):
Vary the front yard setback from 6.0 m required to 4.5 m to accommodate a proposed subdivision.

Carried

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- 6.2 Planning & Corporate Services Department, dated November 18, 2005 re: Development Variance Permit Application No. DVP05-0165 – R469 Enterprises Ltd., et al – 2131 Scenic Road

Staff:

- The subject property backs onto the future Glenmore Bypass. A Development Permit was issued a while ago for a 24-unit multi-family complex.
- The lot in front of the development is a utility site for the Glenmore-Ellison Irrigation District (GEID) and a portion of one of the buildings on the subject property compromises the required setback.
- Normally staff would have reservations about supporting this type of variance, but GEID required that the meter housing be added after the fact rather than when they were asked for technical comments. The meter housing structure is not obtrusive and the applicant has the signatures of all owners in the strata property to make this application.

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

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

There was no response.

Moved by Councillor Given/Seconded by Councillor Letnick

R050/06/01/10 THAT Council authorize the issuance of Development Variance Permit No. DVP05-0165; For Common Property, Sections 4 & 9, Township 23, O.D.Y.D., Strata Plan KAS2768, located on Scenic Road, Kelowna, B.C.;

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

Section 13.9.6(d), Development Regulations - be varied from minimum 4.5 m site front yard required to 3.3 m front yard existing.

Carried

- 6.3 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 9410 (Z04-0087) – JJW Holdings Ltd./Jacob Warkentin (New Town Planning Services Inc.) – 921, 923 Richter Street

Moved by Councillor Letnick/Seconded by Councillor Given

R051/06/01/10 THAT Bylaw No. 9410 be adopted.

Carried

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- (b) Planning & Corporate Services Department, dated December 2, 2005 re: Development Permit Application No. DP05-0016 and Development Variance Permit Application No. DVP05-0017 – JJW Holdings Ltd./Jake Warkentin (New Town Planning Services Inc.) – 921, 923 Richter Street

Staff:

- Originally the applicant came in to rezone all four properties to the north of their existing site. The application was subsequently changed to rezoning two of the lots.
- The applicant has been using the City-owned land to the south for storage and that arrangement has now been formalized by purchasing property from the City.
- The property to the north would be used for vehicle parking with a landscape buffer and privacy fencing.
- The applicant also proposes to expand the existing building in order to internalize activities that were being carried out outdoors that should have been indoors. The requested variance would allow the existing non-conforming setback to continue for the building addition.

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

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

Keith Funk, applicant:

- Met with the adjacent neighbourhood last week to inform them of the land purchase and that the operation would be moving onto the land to the south.
- The neighbours will be asking the City to consider protecting their area from further encroachment of Industrial uses through an amendment to the OCP future land use boundary for Industrial.

Moved by Councillor Hobson/Seconded by Councillor Letnick

R052/06/01/10 THAT Council authorize the issuance of Development Permit No. DP05-0016 for Lots 4 and 5, Section 30, Township 26 ODYD Plan 1304, located on Richter Street, 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;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP05-0017; Lots 4 and 5, Section 30, Township 26 ODYD Plan 1304, located on Richter Street, Kelowna, B.C.;

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

Section 15.4.5: Central Industrial: Development Regulations: (c)

- Vary the front Yard Setback from 6.0 m required to 0.0 m proposed;

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

Moved by Councillor Letnick/Seconded by Councillor Hobson

R053/06/01/10 THAT staff proceed with an amendment to the Official Community Plan to change the northern boundary of the future "Industrial" land use designation for lands east of Richter Street to the north boundary of Lot 4, Plan 1304 and the lane south of Bay Avenue; and for the lands north of the new Industrial boundary be designated for future Single/Two Unit Residential.

Carried

6.4 Planning & Corporate Services Department, dated November 18, 2005 re: Development Variance Permit Application No. DVP05-0196 – Helen Graham – 1055 Westpoint Drive

Staff:

- There is room for the house on the lot in a conforming situation.
- The garage is off Westpoint Drive and it is that front yard setback that staff do not support.
- Displayed a table of setbacks the marketing company of the day for this subdivision was giving to purchasers of the lots.

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

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

Byron Graham, applicant:

- When they purchased the lot the house was designed well within the setback requirements. It was not until the house was almost completed that they found out about the discrepancy in setbacks.
- The new marketing company is now giving out a new table that shows the correct setbacks.

Moved by Councillor Given/Seconded by Councillor Letnick

R054/06/01/10 THAT Council authorize the issuance of Development Variance Permit No. DVP05-0196; Lot 14, Section 31, Township 29, ODYD Plan KAP74540, located on Westpoint Drive, Kelowna, B.C.;

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

Section 13.1.6 (c): Front Yard Setback

Vary the front yard setback from 4.5 m required to 3.45 m proposed;

Section 13.1.6 (d): Side Yard Setback

Vary the eastern side yard setback from 2.0 m required to 1.98 m proposed.

Carried

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- 6.5 Planning & Corporate Services Department, dated November 28, 2005 re: Development Permit Application No. DP04-0078 and Development Variance Permit Application No. DVP05-0164 – 622623 BC Ltd. (HMA Architects) – 110, 150-154 Highway 33 West

Staff:

- The subject property is the former location of the 4-way food store at the corner of Rutland Road and Highway 33.
- There is a liquor primary establishment at the rear of the site. The applicant is proposing to redevelop the front portion of the site with an 8-storey building with 4 storeys of commercial and 4 storeys of residential above.

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

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

Clive McKenzie, HMA Architects:

- The roof top will have landscaping in large scale planters and patios for all the residential tenants and a common space for the commercial tenants.
- Implementing geothermal technology is being considered.
- Including low cost housing in the project is not feasible because of the cost of the parkade structure. However, not all the suites are high end.

John Vielvoye, president of Rutland Residents Association:

- The Association is in support of this development.

Moved by Councillor Hobson/Seconded by Councillor Day

R055/06/01/10 THAT Council authorize the issuance of Development Permit No. DP04-0078 for Lot 1, Section 26, Township 26, ODYD Plan 37305 and Lot 1 Section 26, Township 26, ODYD Plan 2073 Except Plan 15675, located on Highway 33 West, 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 consolidate the subject properties;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP05-0164; for Lot 1, Section 26, Township 26, ODYD Plan 37305 and Lot 1 Section 26, Township 26, ODYD Plan 2073 Except Plan 15675, located on Highway 33 West, Kelowna, B.C.;

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

Section 14.4.5: Urban Centre Commercial: Development Regulations (c):

Vary the maximum height from four storeys permitted to eight storeys proposed;

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

7. REMINDERS – Nil.

8. TERMINATION

The meeting was declared terminated at 7:23 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am