

Regular MeetingFebruary 21, 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, February 21, 2006.

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

Council members absent: Councillor B.A. Clark.

Staff members in attendance were: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi; Deputy 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 Shepherd called the meeting to order at 7:19 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, February 6, 2006  
Public Hearing, February 7, 2006  
Regular Meeting, February 7, 2006  
Regular Meeting, February 13, 2006

Moved by Councillor Day/Seconded by Councillor Blanleil

**R166/06/02/21** THAT the Minutes of the Regular Meetings of February 6, February 7 and February 13, 2006 and the Minutes of the Public Hearing of February 7, 2006 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. 9551 (Z05-0080) – Ray Bergen – 4150 Seddon Road

Moved by Councillor Gran/Seconded by Councillor Given

**R167/06/02/21** THAT Bylaw No. 9551 be read a second and third time.

Carried

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- 5.2 Bylaw No. 9432 (OCP05-0004) – Gazelle Enterprises (Grant Gaucher) – 565 South Crest Drive **Requires majority vote of Council (5)**

Moved by Councillor Rule/Seconded by Councillor Day

**R168/06/02/21** THAT Bylaw No. 9432 be read a second and third time, and be adopted.

Carried

- 5.3 Bylaw No. 9433 (Z05-0016) – Gazelle Enterprises (Grant Gaucher) – 565 South Crest Drive

Moved by Councillor Day/Seconded by Councillor Rule

**R169/06/02/21** THAT Bylaw No. 9433 be read a second and third time, and be adopted.

Carried

- 5.4 Bylaw No. 9548 (Z05-0068) – Don Robinson – 758 Favell Court

Moved by Councillor Day/Seconded by Councillor Rule

**R170/06/02/21** THAT Bylaw No. 9548 be read a second and third time, and be adopted.

Carried

6. **DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS**

- 6.1 Planning & Corporate Services Department, dated January 27, 2006 re: Development Variance Permit Application No. DVP05-0203 – Gazelle Enterprises Inc. – 3175-3275 Lakeshore Road

Staff:

- The subject property is the Save On foods store site. Recently a free standing building was added to the site for Tim Hortons and a variance is requested to allow an additional free standing sign.
- There are two existing signs; one at the southeast corner of the property and the other near the northwest corner of the property. The new free-standing sign would be located adjacent to Lakeshore Road near the southern driveway access to the site.
- Displayed a photo with the requested sign superimposed to show that the new free-standing sign would replicate the form and character of the existing free-standing signs but at a smaller scale.

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

- letter of opposition from Jean Lees-Miller, 3335 Richter Street, who feels there are already enough signs along this section of road.

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Mayor Shepherd invited anyone in the public gallery who deemed themselves affected by the required variances to come forward. There was no response.

Moved by Councillor Blanleil/Seconded by Councillor Letnick

**R171/06/02/21** THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP05-0203; Gazelle Enterprises Ltd.; Lot A, DL 14 & 135, O.D.Y.D., Plan KAP47364, located on Lakeshore Road, Kelowna, B.C.;

AND THAT variances to the following sections of Sign Bylaw No. 8235 be granted:

**Section 6 – Specific Zone Regulations:**

- Vary the number of free standing signs for Major Commercial Zones (C4) from “a lot may have 1 additional (sign) for every additional 150 m frontage over 150 m” to permit a second sign on a street frontage that is 139 m.;
- Vary the maximum permitted sign area from 3.0 m<sup>2</sup> permitted to the 4.0 m<sup>2</sup> proposed;

Subject to the location of the sign complying with the other applicable siting provisions of Sign Bylaw 8235, and a commitment by the applicant that no additional free-standing signs will be proposed for the site.

Carried

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

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

Moved by Councillor Letnick/Seconded by Councillor Given

**R172/06/02/21** THAT Bylaw No. 9528 be adopted.

Carried

- (b) Planning & Corporate Services Department, dated January 12, 2006 re: Development Permit Application No. DP05-0151 and Development Variance Permit Application No. DVP05-0152 – 448473 BC Ltd. (Gary Tebbutt) – 440 & 460 Hartman Road

Staff:

- The applicant is proposing to develop the site with 32 units of 3-storey row housing to be constructed in eight 4-plex buildings. The development would be complimentary to Capstone Estates which is directly adjacent.
- The requested variances are due to design elements that are supported by staff.
- One additional variance for a reduced side yard setback was discussed in the report but not clearly noted and therefore not advertised. A separate report will be coming forward for approval of that variance.

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

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Mayor Shepherd invited anyone in the public gallery who deemed themselves affected by the required variances to come forward. There was no response.

Moved by Councillor Hobson/Seconded by Councillor Day

**R173/06/02/21** THAT Council authorize the issuance of Development Permit No. DP05-0151 for Lots A & B, Section 26, Township 26, ODYD, Plan KAP46388 located on Hartman 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;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP05-0152; Lots A & B, Section 26, Township 26, ODYD, Plan KAP46388 located on Hartman Road, Kelowna, B.C.;

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

**Section 2.3.3 – Definitions - Private Open Space**

A variance to allow the open space to be located in the required front and rear yards where private open space is required to be exclusive of the required yard setbacks;

**Section 6.4.1 Projection into Yards**

A variance to allow projections of 2.2 m into the required side yard where only 0.6 m is permitted;

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

A variance to allow a site coverage of 55.72% where only 50% including building, driveways, and parking is permitted;

**Section 13.9.6 (c) – RM3 – Low Density Multiple Housing**

A variance to allow a height of 3 storeys/9.55 m in height where only 2½ storeys/9.5 m in height 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

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- 6.3 Planning & Corporate Services Department, dated January 26, 2006 re: Development Permit Application No. DP05-0220 and Development Variance Permit Application No. DVP05-0221 – North Ellis Street Developments Ltd. (Steve Hyndman) – 510 Doyle Avenue and 1385-1387 Ellis Street

Councillor Given declared a conflict of interest because one of the proponents solicited funds on his behalf in the recent civic election campaign and left the Council Chamber at 7:36 p.m.

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

- letter from Barbara Bailey
  - letter from John Zeger, Citizen for Responsible Community Planning
- Opposed to the parking and height variances on the basis that views would be negatively impacted and parking would be inadequate.

Staff:

- The applicant is proposing to develop the site with a 15 storey mixed use building.
- Displayed a drawing showing commercial at grade along the Ellis frontage and residential with direct access to the street along the Doyle frontage; the main entry feature in a recessed plaza area at the corner; two levels of enclosed parking above the commercial; and residential starting at the fourth floor.
- An 8-9 storey office tower is envisaged for the vacant City-owned lot across Ellis Street from the project so some views would be impacted in the long term.

Steve Hyndman, applicant:

- The site is a gateway to the cultural district and as such the project has been designed as a signature building comprised mostly of larger residential units 1,600-1,800 sq. ft. in size. The design encourages extensive use of outdoor space in large open terraced areas and the street front townhomes will help create vibrancy in the downtown area.

Brian Kilpatrick, architect:

- Displayed colour renderings of different views of the proposed building and described the merits of the building.

Mayor Shepherd invited anyone in the public gallery who deemed themselves affected by the required variances to come forward. There was no response.

Moved by Councillor Letnick/Seconded by Councillor Hobson

**R174/06/02/21** THAT Council authorize the issuance of Development Permit No. DP05-0220 for Lot 7, District Lot 139, ODYD Plan 432 and Lot 1, District Lot 139, ODYD Plan KAP71017, located on Ellis Street and Doyle 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. Landscaping to be provided on the land be in general accordance with Schedule "C";

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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. DVP05-0221; for Lot 7, District Lot 139, ODYD Plan 432 and Lot 1, District Lot 139, ODYD Plan KAP71017 located on Ellis Street and Doyle Avenue, Kelowna, B.C.;

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

**Section 14.7: Development Regulations: 14.7.5(f):**

Vary the setback requirement of 4 m for portions of the building above 15 m in height to allow for a small encroachment measuring 9 m in length on the north side of the building;

**Section 14.7: Development Regulations: 14.7.5(a):**

Vary the maximum height from 44.0 m permitted to 51.3 m proposed;

**Section 14.7: Development Regulations: 14.7.5(h):**

Vary the maximum floor plan size for portions of the building above 15 m in height from 676 m<sup>2</sup> permitted to 800 m<sup>2</sup> proposed;

**Section 14.7: Other Regulations: 14.7.6(d):**

Vary the minimum amount of commercial building frontage on a secondary street from 75% required to 31% proposed;

**Section 8.1 – Off-Street Vehicle Parking: 8.1.2:**

Vary the maximum number of parking spaces permitted from 125% of the minimum number required to 196% of the minimum number required;

**Section 14.7: Development Regulations: 14.7.5(g):**

Vary the 80° setback requirement above 15 m in height for a trellis projection of 1.2 m at the 12<sup>th</sup> storey on the building's west elevation;

AND 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;

AND FURTHER THAT staff work with the applicant to ensure that potential purchasers are aware that the lawn space on the northwest corner of Ellis and Doyle is not designated for park use.

Carried

8. REMINDERS – Nil.

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9. TERMINATION

The meeting was declared terminated at 8:09 p.m.

Certified Correct:

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Mayor

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Deputy City Clerk

BLH/am