

Regular MeetingApril 18, 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, April 18, 2006.

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

Council members absent: Councillors A.F. Blanleil and C.M. Gran.

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

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 6:25 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, April 3, 2006
Public Hearing, April 4, 2006
Regular Meeting, April 4, 2006
Regular Meeting, April 10, 2006

Moved by Councillor Day/Seconded by Councillor Hobson

R334/06/04/18 THAT the Minutes of the Regular Meetings of April 3, April 4 and April 10, 2006 and the Minutes of the Public Hearing of April 4, 2006 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. 9579 (Z06-0008) – Jennifer Shanko – 226 Poonian Street

Moved by Councillor Letnick/Seconded by Councillor Given

R335/06/04/18 THAT Bylaw No. 9579 be read a second and third time.

Carried

5.2 Bylaw No. 9584 (Z05-0078) - Siegfried & Gerda Walter (Country Ventures Ltd.) – 456 McPhee Street

Moved by Councillor Letnick/Seconded by Councillor Given

R336/06/04/18 THAT Bylaw No. 9584 be read a second and third time.

Carried

Regular MeetingApril 18, 2006**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)**

- 5.3 Bylaw No. 9582 (OCP06-0002) – Pier Mac Petroleum Installation Ltd. – 5520 Highway 97 North **requires majority vote of Council (5)**

Moved by Councillor Day/Seconded by Councillor Rule

R337/06/04/18 THAT Bylaw No. 9582 be read a second and third time, and be adopted.

Carried

- 5.4 Bylaw No. 9583 (TA06-0002) - Pier Mac Petroleum Installation Ltd. – 5520 Highway 97 North

Moved by Councillor Day/Seconded by Councillor Rule

R338/06/04/18 THAT Bylaw No. 9583 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 March 28, 2006 re: Development Permit Application No. DP05-0226 – Gazelle Enterprises, et al (Emil Anderson Construction) – 696 Kuipers Crescent

Staff:

- The property is zoned RM2h – Low Density Town Housing (Hillside).
- The intent is to develop the property with five bungalow style duplex units.
- The property will be fenced for separation from the adjacent park.

Council:

- Reminder for the staff reports to also include the reasons why the Advisory Planning Commission recommends support or opposition.

Moved by Councillor Day/Seconded by Councillor Hobson

R339/06/04/18 THAT Council authorize the issuance of Development Permit No. DP05-0226 for Lot 11, DL 1688S, SDYD, Plan KAP76064 located on Kuipers Crescent, 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 fence the property lines bordering the future parkland with minimum 1.2 m (4'0") high black chain link fence;

Regular Meeting

April 18, 2006

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;

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.

Carried

- 6.2 Planning & Corporate Services Department, dated March 16, 2006 re: Development Variance Permit Application No. DVP06-0010 – University of British Columbia – Okanagan – 3333 & 3140 University Way and 4990 Highway 97 North

Staff:

- UBC-O has applied for a site specific zone for the campus to accommodate their master plan. The requested height variance will allow them to carry on with their master plan until the rezoning can be processed.
- Clarified that the requested variances would apply to any buildings within the P2 part of the campus, subject to meeting airport boundary zoning layer regulations.

Nancy Knight, Associate Vice-President of Planning, UBC:

- Power Point presentation with an overview of the campus master plan. The anticipated expansion would add over 1 million sq. ft. at a cost of \$460,000,000.
- UBC-O hopes to have all of the proposed buildings in place before fall of 2009.

The Deputy 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 Hobson/Seconded by Councillor Given

R340/06/04/18 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP06-0010; University of British Columbia - Okanagan; Lot A, Secs. 10 & 11, Twp. 23, O.D.Y.D., Plan 38917 Exc. Plan KAP57788, and Lots A and B, Secs. 10 & 11, Twp. 23, O.D.Y.D., Plan KAP5778, located on University Way, Kelowna, B.C.;

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

Section 16.2.5(c), Development Regulations - be varied from maximum height of 13.5 m or 3 storeys permitted to 27 m or 6 storeys proposed for buildings in the P2 – Education and Minor Institutional part of the campus, subject to approval by Transport Canada to vary “Kelowna Airport Zoning Regulations” which limit building heights adjacent to the airport.

Carried

Regular MeetingApril 18, 2006

- 6.3 Planning & Corporate Services Department, dated March 16, 2006 re: Development Variance Permit Application No. DVP06-0011 – Prospero Canadian Land Investment (Best Canadian Lighting & Signs Ltd.) – 1835 Gordon Drive

The Deputy 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 Hobson/Seconded by Councillor Rule

R341/06/04/18 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP06-0011; Best Canadian Lighting and Signs Ltd.; Lot A, DL 137, ODYD, Plan KAP64836, located on Gordon Drive, Kelowna, B.C.;

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

Section 6 – Specific Zone Regulations: Vary the maximum total area permitted for Fascia signs from 0.8 m² per lineal m of building frontage of 1.0 m² per lineal m of building frontage to a maximum of 20% of the wall it is attached to.

Carried

- 6.4 Planning & Corporate Services Department, dated March 21, 2006 re: Development Variance Permit Application No. DVP06-0004 – Lisa Worman (Shane & Lisa Worman) – 340 West Avenue

Staff:

- The property fronts on Okanagan Lake.
- The variances would allow the owners to replace the existing 1-storey house with a new 3-storey house.

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

- letter of opposition from Ritchie family, 2764 Abbott Street

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

Shane Worman, applicant:

- The 2 m setback would be for the house.
- The setback for the existing garage is 1.8 m.

Mike Ritchie, neighbours to the Wormans:

- Clarified that their letter is not opposing the application, it is more resigned to the fact that redevelopment of the site is going to happen. After 43 years of living there, they find themselves resistant to change but are not against the proposed new home being built.

Joanne Ritchie:

- Clarified that their opposition is to the 1.8 m variance for the accessory building. If the garage is to ever be renovated, they would want it to have to meet the 2.0 m setback requirement.

Regular Meeting

April 18, 2006

Shane Worman, continued:

- The variance is required to make the existing garage legally conforming. They do not have any plans to change the garage at present and would not object to adding a condition to require the 2.0 m setback if the garage is ever redeveloped.

Moved by Councillor Hobson/Seconded by Councillor Day

R342/06/04/18 THAT Council authorize the issuance of Development Variance Permit No. DVP06-0004; Lot 8, District Lots 14 and 135, ODYD Plan 14499, located on West Avenue, Kelowna, B.C.;

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

Section 13.1 – Large Lot Housing: 13.1.6(e):

Vary the rear yard setback from 4.5 m required to 2.0 m proposed;

Section 13.1 – Large Lot Housing: 13.1.6(c):

Vary the front yard setback from 4.5 m required to 2.0 m proposed;

Section 6.5 – Accessory Development: 6.5.7(a) and (b):

Vary the front yard setback from 9.0 m required to 6.02 m proposed (existing) and side yard setbacks from 2.0 m required to 1.8 m proposed (existing) – Note: if the existing accessory building is ever redeveloped the new structure would have to meet the setback requirement of the bylaw;

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

6.5 Planning & Corporate Services Department, dated March 10, 2006 re: Development Permit Application No. DP06-0028 and Development Variance Permit Application No. DVP06-0029 – Gary Dober/Pasadena Estates Ltd. (John Schlosser/Canwest Design Group) – 4427, 4431 and 4433 Gordon Drive

Staff:

- Drew Council's attention to a model showing the original development which Council has already supported.
- The overall project is the same. The modified variances are a result of minor adjustments that staff see as improvements to the project.

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

- letter from the applicant setting out the rationale for why they want the variances.

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

Regular MeetingApril 18, 2006

Mat Dober, Pasadena Development team:

- Advised that as a result of agreements they have made with neighbours, the variance they now require for the south side yard setback for Units 28, 29, 34 and 35 is 3.0 m. The 2.18 m setback is still requested for Unit 36.
- They have also committed, at the request of a neighbour, to create about a 3 ft. high berm planted with a minimum 7 ft. high cedar hedge along the southern property line.
- Recently a new neighbour has purchased the adjacent property to the north and they still have a few technical concerns.

Don White, owner of the adjacent property to the immediate north:

- Was aware that this application was in-stream when he and his wife purchased their property. Appreciates the quality of the proposed development.
- The City Clerk did not mention the email he sent to the Planning Department stating his concerns. Met with Gary Dober, applicant, yesterday and some of the concerns have been dealt with.
- Still has three main points of issue: the zero setback for the underground parking structure, vehicles parking on Gordon Drive because of the reduced parking requirement, and does not think that single family is the best use of land in this area so concerned that this development could restrict future development opportunities for his property.

Staff:

- The zero setback for the underground parking structure has already been approved by Council.
- There will no parking permitted on Gordon Drive once the full travel lanes have been opened up.

Moved by Councillor Clark/Seconded by Councillor Hobson

R343/06/04/18 THAT Council authorize the issuance of Development Permit No. DP06-0028 for Lot 4, DL 358, ODYD Plan 8074, Lot A, DL 358, ODYD Plan 21226 and Lot 1, DL 358, ODYD Plan 9844 located on Gordon Drive, 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. DVP06-0029 for Lot 4, DL 358, ODYD Plan 8074, Lot A, DL 358, ODYD Plan 21226 and Lot 1, DL 358, ODYD Plan 9844, located on Gordon Drive, Kelowna, B.C.;

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

Section 13.9: RM3 – Low Density Housing: 13.9.6(d):

The applicant is seeking to vary the front yard setback from 4.5 m required to 3.9 m proposed;

Section 13.9: RM3 – Low Density Housing: 13.9.6(e):

Vary the northern side yard setback from 4.0 m required to 2.5 m proposed for units 3 and 4;

Vary the northern side yard setback from 4.0 m required to 2.4 m proposed for units 11, 12, 13, 53, 54, 55 and 56;

Vary the southern side yard set back from 4.0 m required to 2.5 m proposed for units 18-24;

Vary the southern side yard setback from 4.0 m required to 3.0 m proposed for units 28, 29, 34 and 35;

Vary the southern side yard setback from 4.0 m required to 2.18 m proposed for unit 36;

Vary the western side yard set back from 4.0 m required to 2.5 m proposed for units 25-27;

Section 13.9: RM3 – Low Density Housing: 13.9.6(f):

Vary the eastern rear yard setback from 7.5 m required to 2.8 m proposed for units 14, 15, 51, 52 and 53;

Vary the eastern rear yard setback from 7.5 m required to 2.5 m proposed for cottages 3 and 4;

Section 13.9: RM3 – Low Density Housing: 13.9.6(g):

Vary the setback between buildings from 3.0 m required to 2.0 m proposed for the separation between cottages 3 and 4, cottages 6 and 7 and cottage 2 and the manor house;

Section 8: Parking and Loading: Table 8.1:

Vary the parking from the 76 stalls required to the 47 stalls proposed;

Section 6: General Development Regulations: 6.4 - Projections Into Yards: 6.4.1:

Vary the maximum projection for unenclosed stairs into a required side yard setback from 0.6 m maximum permitted to 2.4 m proposed (along the northern property line);

Vary the maximum projection for unenclosed stairs into a required rear yard setback from the 0.6 m maximum permitted to 1.82 m proposed (along the eastern property line);

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

Regular Meeting

April 18, 2006

- 6.6 Planning & Corporate Services Department, dated March 15, 2006 re: Development Permit Application No. DP05-0210 and Development Variance Permit Application No. DVP05-0211 – 425434 BC Ltd. and Giovanni & Sandra Gasparetto (J. Herman Group Inc.) – 140 & 160 Mallach Road

Staff:

- The staff recommendation is negative because in the opinion of staff, the requested variances are an indication that the site is being overbuilt. A better design with better orientation to Mallach Road could be achieved on the site.

The Deputy 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.

Lynn Horicks, representing J. Herman Group:

- Described the proposed 19 unit townhouse development that would be constructed in a total of four buildings.

Roland Nadan, on behalf of the developer:

- To keep the site more affordable, require a certain number of units on the site. Anticipate the units will sell in the \$230,000 to \$260,000 range.
- Over half the units back onto the school ground.

Council:

- Supported all the requested variances except site coverage.

Moved by Councillor Letnick/Seconded by Councillor Hobson

R344/06/04/18 THAT Council authorize the issuance of Development Permit No. DP05-0210 for Lot A, Section 23, Township 26, ODYD Plan 6431 and Lot B, Section 23, Township 26, ODYD Plan 6431, located on Mallach 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. DVP05-0211; for Lot A, Section 23, Township 26, ODYD Plan 6431 and Lot B, Section 23, Township 26, ODYD Plan 6431, located on Mallach Road, Kelowna, B.C.;

Regular MeetingApril 18, 2006

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

13.9.6 – Development Regulations: (c):

The applicant is seeking to vary the maximum height from 2.5 storeys permitted to 3 storeys proposed;

13.9.7 – Other Regulations: (c):

The applicant is seeking to vary the private open space from 475 m² required to 412 m² proposed;

AND THAT the applicant be required to provide low level lighting on all walkways on-site;

AND THAT the applicant be required to place an address/identification sign on the Mallach Road frontage;

AND THAT the applicant be required to consolidate the subject properties and perform the required road dedication by Technical Subdivision prior to issuance of this development permit;

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 Rule opposed.

7. BYLAWS

(BYLAWS PRESENTED FOR ADOPTION)

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

Moved by Councillor Clark/Seconded by Councillor Letnick

R345/06/04/18 THAT Bylaw No. 9532 be adopted.

Carried

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

Moved by Councillor Letnick/Seconded by Councillor Given

R346/06/04/18 THAT Bylaw No. 9535 be adopted.

Carried

8. REMINDERS

- Staff to look into the way appointments are being electronically communicated to members of Council.

Regular Meeting

April 18, 2006

9. TERMINATION

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

Certified Correct:

Mayor

Deputy City Clerk

BLH/am