

Regular MeetingMay 30, 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, May 30, 2006.

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

Council members absent: Councillor C.M. Gran.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, A.M. Flack; Manager of Development Services, A.V. Bruce; Current Planning Supervisor, S. Gambacort; and Council Recording Secretary, B.L. Harder.

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 6:01 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, May 15, 2006

Public Hearing, May 16, 2006

Regular Meeting, May 16, 2006

Moved by Councillor Given/Seconded by Councillor Rule

R503/06/05/30 THAT the Minutes of the Regular Meetings of May 15 and May 16, 2006 and the Minutes of the Public Hearing of May 16, 2006 be confirmed as circulated.

Carried

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

5. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

5.1 Planning & Corporate Services Department, dated April 26, 2006 re: Development Variance Permit Application No. DVP06-0054 – Kelowna Ready Mix Inc. (Hank Neufeld) – 1123,1131 Ellis Street

Staff:

- The requested height variance would apply only to the silos.

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

Hank Neufeld, applicant:

- Has no plans to relocate the plant from its existing site.
- The proposed upgrades will allow the plant to function more efficiently and reduce the amount of dust that is produced on-site.
- All the silos would be raised to the same height.

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Fred Pritchard, representing Ledingham McAllister Communities Ltd.:

- Ledingham McAllister is purchasing land across from Kelowna Ready Mix from Canada Lands and is planning a residential development for the site with residential above commercial uses along Ellis Street.
- Ledingham McAllister is disappointed that the City is considering granting a variance of zoning standards to allow enhancement of industrial activity in an area that is identified in the Downtown North Area Structure Plan for transition to commercial/residential uses.
- If the variance is to be approved, would like the approval to be conditional upon the applicant providing an enhanced landscape buffer along Ellis Street and that the variance be limited to a specific portion of the subject property.

Ray Lewis, North End Residents Association:

- Recognizes the need for businesses in the area but wants them to be friendly to the neighbourhood.
- The Association supports what is proposed by this application but is concerned about future growth and that appropriate action is taken to continue to mitigate its impacts on the surrounding area.

Hank Neufeld, in response to questions:

- Will be providing a landscape strip including trees and shrubbery along the 1123 Ellis Street frontage from the corner of the building to Gaston Avenue.
- Trucks unload into the silos 24-hours per day.

Moved by Councillor Given/Seconded by Councillor Blanleil

R504/06/05/30 THAT Council authorize the issuance of Development Variance Permit No. DVP06-0054 Parcel A on Plan B667, Block 42, District Lot 139, ODYD Plan 462 and Parcel E on Plan B703 Block 42, District Lot 139, ODYD Plan 462 located on Ellis Street, Kelowna, B.C.;

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

Section 15.4 – Central Industrial: 15.4.5(b):

Vary the maximum height for buildings and structures from 18.0 m permitted to 27.43 m proposed, for the silos located within the portion of the Kelowna Ready Mix site shown crosshatched on the map attached to the Planning & Corporate Services report dated April 26, 2006;

AND FURTHER THAT the applicant be restricted from placing any signage on the silos.

Carried

5.2 Planning & Corporate Services Department, dated May 4, 2006 re: Development Variance Permit Application No. DVP05-0153 – Greg & Cheryl Caldwell (Gorio Enterprises Ltd.) – 1355 Dehart Road

Staff:

- The applicant is proposing to use a newly constructed addition to the single family dwelling as a sculpture studio.

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

Greg Caldwell, applicant:

- Indicated he had nothing to add at this time.

Moved by Councillor Letnick/Seconded by Councillor Rule

R505/06/05/30 THAT Council authorize the issuance of Development Variance Permit No. DVP05-0153 for Lot B, Section 32, Township 29, ODYD, Plan 34931, located on Dehart Road, Kelowna, B.C.:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";

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

Section 9.3.3 – Home Based Businesses, Major – maximum allowable area

To vary the maximum allowable floor area for a major home based business to allow one that:

- (a) occupies 45% of the dwelling, where the bylaw requires that no more than 25% of the floor area of the dwelling unit be used for the home-based business; and
- (b) has 84 m² of floor area, where the bylaw requires that the home-based business not exceed a floor area of 50 m².

Carried

- 5.3 Planning & Corporate Services Department, dated April 28, 2006 re: Development Variance Permit Application No. DVP06-0044 – Dr. J. Scott Williamson (Homequest Construction Ltd.) – 5432 Lakeshore Road

Staff:

- The zero setback is because the setback is measured from the top of the bank. The actual setback of the house to the natural boundary of the lake is approximately 30 m.

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

Dr. J. Scott Williamson, applicant:

- Is proposing to build a new home using some of the footprint of the former dwelling. Although the setback from the lake is considered to be zero, the house is actually 30 m away from the lake.
- The proposed mitigation plan is acceptable to all the parties involved, including planting of 29 trees. Bonding is in place for the landscaping mitigation plan.
- Immediately adjacent neighbours have all submitted written endorsements of the development proposal.

Regular MeetingMay 30, 2006Moved by Councillor Blanleil/Seconded by Councillor Day

R506/06/05/30 THAT Council authorize the issuance of Development Variance Permit No. DVP06-0044; Lot 3, Section 22, Township 28, SDYD Plan 7912, located on Lakeshore 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. Landscaping to be provided on the land be in general accordance with Schedule "C";
3. The applicant be required to post with the City a Landscape Restoration Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the environmental mitigation, as determined by a qualified professional;

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

6.14 Riparian Management Area Setbacks

Vary the required setback from Top of Bank (from Okanagan Lake) from 15.0 m required to 0.0 m proposed;

AND THAT the applicant be required to adopt the recommendations contained in the Environmental Assessment and Mitigation Plan completed by EBA Engineering Consultants Ltd., April 6, 2006 together with an addendum submitted on April 26, 2006;

AND THAT an Environmental Monitor be retained for the duration of the proposed development to ensure compliance with the recommendations of the assessment report by EBA Engineering Consultants Ltd. (April 6, 2006 and addendum submitted April 26, 2006);

AND THAT the applicant be required to register a Section 219 restrictive "no-disturb" covenant on the area identified as the Stream Protection and Enhancement Area (SPEA) as identified by EBA's Environmental Assessment and Mitigation Plan of April 6, 2006 together with an addendum submitted on April 26, 2006;

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 360 days of Council approval of the development permit application in order for the permit to be issued.

Carried

- 5.4 Planning & Corporate Services Department, dated May 8, 2006 re: Development Variance Permit Application No. DVP06-0075 – Ralph & Denise Kristensen – 4482 Nottingham Road

Staff:

- The applicant is proposing to construct an accessory building with a bonus room in the upper level. The bonus room is intended for additional living and storage space given the limited square footage of the existing house.
- Recommend against the proposed breezeway connection between the house and accessory building because of the impact of the breezeway on the adjacent residential property.

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

Ralph Kristensen, applicant:

- The elevated walkway (breezeway) would allow his parents, when they are staying there, to access the house where the washroom and other amenities are without having to walk down the stairs.
- The way the land is contoured, the bonus room is at the same elevation as the main floor in the house. The breezeway would tie into an existing deck at the back of the house.
- Has talked to the neighbours and they are aware of what is proposed including the breezeway and none have objected. The property is well screened.

Council:

- Agreed not to prohibit the breezeway.

Moved by Councillor Hobson/Seconded by Councillor Day

R507/06/05/30 THAT Council authorize the issuance of Development Variance Permit No. DVP06-0075 for Lot 3, D.L. 358, ODYD Plan 19200, located on Nottingham 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" with the exception of the side yard setback requirement increased to 2.3 m;
2. The exterior design and finish of the building to be constructed on the land be consistent with and complimentary to the existing principle house;
3. That no 220 w wiring be permitted to be installed in either the garage or the gallery (bonus room) living space;
4. That the proposed bathroom (not cited on the plans) be restricted to sink and toilet amenities only;

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

Section 13.1.6.(b) – RU1- Large Lot Housing

- To obtain a variance to allow the maximum height of an accessory building to be 5.94 m where 4.5 m is permitted;

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

Carried

6. REMINDERS – Nil.

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7. TERMINATION

The meeting was declared terminated at 6:47 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am