

Regular MeetingJune 13, 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, June 13, 2006.

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

Staff members in attendance were: City Manager, R.L. Mattiussi; Deputy City Clerk, S.C. Fleming; 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 7:17 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, May 29, 2006

Regular Meeting, May 30, 2006

Moved by Councillor Given/Seconded by Councillor Day

R545/06/06/13 THAT the Minutes of the Regular Meetings of May 29 and May 30, 2006 be confirmed as circulated.

Carried

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

5. BYLAWS CONSIDERED AT PUBLIC HEARING**(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS)**

5.1 Bylaw No. 9581 (Z05-0039) – City of Kelowna – Various Park Sites

Moved by Councillor Hobson/Seconded by Councillor Day

R546/06/06/13 THAT Bylaw No. 9581 be read a second and third time.

Carried

5.2 Bylaw No. 9608 (Z05-0072) – George Boychuk (Jim Herman) -1855
Watson Road

Moved by Councillor Day/Seconded by Councillor Hobson

R547/06/06/13 THAT Bylaw No. 9608 be read a second and third time.

Carried

5.3 Bylaw No. 9610 (Z06-0022) – City of Kelowna – Various Properties

Withdrawn from the agenda; Public Hearing remains open on this application.

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- 5.4 Bylaw No. 9611 (Z06-0020) - Steve Giesbrecht and James Paterson (Steve Giesbrecht) – 180 & 200 Pearson Road

Moved by Councillor Blanleil/Seconded by Councillor Rule**R548/06/06/13** THAT Bylaw No. 9611 be read a second and third time.Carried

6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Planning & Corporate Services Department, dated May 19, 2006 re: Development Variance Permit Application No. DVP06-0084 – Deborah Bailey (Carl Scholl Design) – 107-440 Cascia Drive

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

Carl Scholl, applicant:

- The requested variance would simply allow the existing house on Lot 6 to line up with the adjacent three homes to the west to keep a more consistent streetscape.
- Construction has not yet started on the proposed dwelling.
- The property has been staked to show the proposed siting of the house; the four immediate neighbours have provided letters approving the siting of the house.

Moved by Councillor Hobson/Seconded by Councillor Given

R549/06/06/13 THAT Council authorize the issuance of Development Variance Permit No. DVP06-0084 for Strata Lot 6, D.L 16, ODYD, District Strata Plan KAS2393 located on Cascia 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 existing turn-around fronting this property be maintained as an approved fire access;

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

Section 13.1.6 (c) RU1 – Large Lot Housing

A variance to allow a front yard setback of 1.0 m where 4.5 m is required;

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

Moved by Councillor Letnick/Seconded by Councillor Clark**R550/06/06/13** THAT Bylaw No. 9584 be adopted.Carried

- (b) Planning & Corporate Services Department, dated May 17, 2006 re: Development Permit Application No. DP05-0214 and Development Variance Permit Application No. DVP06-0023 – County Ventures Ltd. – 456 McPhee Street

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

- letter of opposition from Shauneen Kitsul, 467 Fleming Road.

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

Larry Salloum, applicant:

- The project may set the standard for others in the area; there is nothing like it around and it has been well received by anyone who has seen it.
- The 3-storey elevation is internal to the development; externally the building elevation meets bylaw requirements.
- Is anxious to proceed with the development.

Moved by Councillor Blanleil/Seconded by Councillor Given

R551/06/06/13 THAT Council authorize the issuance of Development Permit No. DP05-0214 for Lot 9, Sec. 27, Twp. 26, O.D.Y.D., Plan 33454, located on McPhee 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. DVP06-0023; Lot 9, Sec. 27, Twp. 26, O.D.Y.D., Plan 33454, located on McPhee Street, Kelowna, B.C.;

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

Section 2.3 **Definitions** for "**Private Open Space**" be varied to allow the use of the required building setback areas to be included in the calculation for Private Open Space,

Section 13.9.6.(b) **Development Regulations** be varied from maximum site coverage of buildings, driveways, and parking areas of 50% permitted, to 53.4% proposed,

Section 13.9.6.(c) **Development Regulations** be varied from the maximum height of the lesser of 9.5 m or 2 ½ storeys permitted to the proposed height of 9.5 m or 3 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

6.3 Planning & Corporate Services Department, dated May 8, 2006 re: Development Variance Permit Application No. DVP06-0069 – City of Kelowna (YMCA/YWCA of Central Okanagan) – 375 Hartman Road

Staff:

- Do not recommend support for the variances because it is felt that the 4 m allowable height is adequate and the additional height would not increase the sign visibility from Hartman Road.

The Deputy City Clerk advised that no correspondence had been received.

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

Doug Pumphrey, applicant:

- Gave a PowerPoint presentation with photos showing the main entry to the site from Bachman Road with the proposed sign superimposed at the 4 m height and the proposed 6.5 m height. The sign would be 5' x 6' in size and the proposed height would increase visibility.
- The sign is a significant investment for the 'Y' and they would like to be able to protect that investment. The sign would have no impact on the view beyond the site.
- A neighbouring property has a sign attached to the facility. It is 6.5 m to the top of their sign and they have had vandalism to the sign. Concerned that if the proposed sign has to be down that low the 'Y' will encounter vandalism too, particularly tagging since the sign is illuminated so tags would be very visible.
- The sign illumination would be turned off at facility closing time.

Regular MeetingJune 13, 2006Moved by Councillor Given/Seconded by Councillor Hobson

R552/06/06/13 THAT Council authorize the issuance of Development Variance Permit No. DVP06-0069; Lot A, Section 26, Township 26, ODYD Plan 21551, located on Hartman Road, Kelowna, B.C.;

AND THAT a variance to the following section of Sign Bylaw No. 8235 be granted:

Section 6.1: Specific Zone Regulations:

Vary the maximum height for a free standing sign from 4.0 m permitted to 6.5 m proposed.

CarriedMoved by Councillor Hobson/Seconded by Councillor Blanleil

R553/06/06/13 THAT staff consider ways for improving the City of Kelowna's 'way-finding' signage to City recreation facilities in general, paying particular attention to the signage leading to the sports complex in Rutland.

Carried

6.4 Planning & Corporate Services Department, dated May 8, 2006 re: Heritage Alteration Permit No. HAP06-0002 – Ron Lutz & Myrtle Pierce (Ron Lutz) – 1858 Abbott Street

Staff:

- Do not recommend support for the requested side yard variance because the applicant could easily facilitate a side yard setback that conforms to the existing non-conforming setback of the house.

The Deputy City Clerk advised that no correspondence had been received.

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

Ron Lutz, applicant:

- The house is situated in the back half of the property with a little corner for a yard in the back. The front is basically waste.
- They cannot park on Abbott Street so they park in the back lane.
- The house has been designated as a municipal heritage building.
- All of his neighbours are here in support of this application.

Carol Bridges:

- Her property is directly across the lane from the subject property.
- The applicant is doing a magnificent job of restoring his house. Has no doubt that the improvements he is proposing will improve her view.
- Supports granting the variances; cannot see that the setback between the two properties would make any difference to anyone.

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Wally Lightbody, newly elected president of Friends & Residents of the Abbott Street Heritage Conservation Area Society (FRAHCAS):

- The FRAHCAS Board of Directors unanimously supports this application. The proposed design will enhance the property.

Moved by Councillor Given/Seconded by Councillor Hobson

R554/06/06/13 THAT Council authorize the issuance of Heritage Alteration Permit No. HAP06-0002 for Lot 18, Blk 3, DL 14, ODYD, Plan 1395, located on Abbott 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 buildings to be constructed on the land be in general accordance with Schedule "B";
3. The exterior finish of the accessory building to be finished in accordance with Schedule "B" prior to issuance of an Occupancy Permit;
4. Landscaping to be provided on the land in general accordance with Schedule "C";

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

Section 13.1.6 (d)

- To allow a side yard setback of 1.0 m where 2.0 m is required;

Section 13.1.6 (e)

- To allow a rear yard setback of 1.5 m where 7.5 m is required;

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

Carried

7. REMINDERS – Nil.

8. TERMINATION

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

Certified Correct:

Mayor

BLH/am

Deputy City Clerk