

Regular MeetingJune 27, 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 27, 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: City Manager, R.L. Mattiussi; City Clerk, A.M. Flack; Acting Director of Planning & Development Services, S.K. Bagh; Acting Manager of Development Services, S. Gambacort; Planner, N. Wight*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 7:27 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, June 12, 2006
Public Hearing, June 13, 2006
Regular Meeting, June 13, 2006
Regular Meeting, June 19, 2006

Moved by Councillor Given/Seconded by Councillor Rule

R638/06/06/27 THAT the Minutes of the Regular Meetings of June 12, June 13 and June 19, 2006 and the Minutes of the Public Hearing of June 13, 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 SEOND AND THIRD READINGS)

5.1 Bylaw No. 9619 (OCP06-0001) - Rose Enterprises Ltd. (Doug Clark) – 2480 & 2490 Richter Street **requires majority vote of Council (5)**

Moved by Councillor Given/Seconded by Councillor Letnick

R639/06/06/27 THAT Bylaw No. 9619 be read a second and third time.

Carried

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- 5.2 Bylaw No. 9620 (Z06-0012) - Rose Enterprises Ltd. (Doug Clark) – 2480 & 2490 Richter Street

Moved by Councillor Letnick/Seconded by Councillor Given

R640/06/06/27 THAT Bylaw No. 9620 be read a second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 5.3 Bylaw No. 9615 (Z06-0002) - Robert, Roger and Darlene Ducharme (Robert Ducharme) – 3059 Gordon Drive

Moved by Councillor Day/Seconded by Councillor Rule

R641/06/06/27 THAT Bylaw No. 9615 be adopted.

Carried

- 5.4 Bylaw No. 9616 (Z06-0015) - Helga Rochford (Helga & Leslie Rochford) – 498 Okaview Road

Moved by Councillor Rule/Seconded by Councillor Day

R642/06/06/27 THAT Bylaw No. 9616 be adopted.

Carried

- 5.5 Bylaw No. 9617 (Z05-0084) - Brian and Cheryl Kokayko (Brian Kokayko) – 4523 Gordon Drive

Moved by Councillor Hobson/Seconded by Councillor Rule

R643/06/06/27 THAT Bylaw No. 9617 be adopted.

DEFEATED

Mayor Shepherd and Councillors Clark, Hobson and Letnick opposed.

6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Planning & Corporate Services Department, dated June 2, 2006 re: Development Variance Permit Application No. DVP06-0096 – Andrew & Shuzuka Giffin – 1891 Bowes Street

The City Clerk advised that no correspondence had been received.

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

Andrew Giffin, applicant:

- Purchased the property as a future investment. Was told that it would be easy to convert what was then a photo studio into a rental dwelling unit but then found out about the non-conforming setbacks.
- Do not want to have to evict the young family that is living in the main house while renovating because they are good tenants.

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Peter Newton, 1301 Glenmore Road North:

- Owns a property (Lot 4) on Bowes Street near this property.
- Has no problems with the application but wonders where the parking for the carriage house will be.

Applicant:

- Indicated the location of the on-site parking, noting that an agreement has been reached with the neighbour for one of the parking stalls that vehicles would not back into his yard where there is no fence.

Moved by Councillor Clark/Seconded by Councillor Letnick

R644/06/06/27 THAT Council authorize the issuance of Development Variance Permit No. DVP06-0096; Lot 1, District Lot 138, ODYD, Plan 8210, located on Bowes Street, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted in accordance with Schedule "A" attached to this permit;

Section 13.6.6 (d): RU6 – Two Dwelling Housing – Development Regulations

- Vary the side yard setback from 2.0 m required to 1.85 m proposed to allow for the encroachment of an accessory building;

Section 13.6.6 (d): RU6 – Two Dwelling Housing – Development Regulations

- Vary the required side yard setback from 4.5 m required from a flanking street to 4.26 m proposed to allow for the encroachment of an accessory building.

Carried

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

Bylaw No. 9588 (Z06-0001) – 0727568 BC Ltd. (New Town Architectural Services Ltd. – 130, 140 Barber Road and 795 Highway 33 West

Moved by Councillor Clark/Seconded by Councillor Letnick

R645/06/06/27 THAT Bylaw No. 9588 be adopted.

Carried

- (b) Planning & Corporate Services Department, dated June 2, 2006 re: Development Permit Application No. DP06-0002 and Development Variance Permit Application No. DVP06-0003 – 0727568 BC Ltd. (New Town Architectural Services Ltd.) - 130 & 140 Barber Road and 795 Highway 33 West

Staff:

- The applicant is proposing to construct a 4-storey, 34-unit apartment building on top of a parkade structure.

The City Clerk advised that no correspondence 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.

Pat McCusker, project architect:

- The setback variance is for patios that allow for access to the ground-oriented units along Barber Road.
- The 60% allowable site coverage would be met if the grasscrete surfacing could be considered landscaping.
- The height of the building has been dropped such that the ramp to the parking garage is at a 12.5% grade.
- The units would be strata titled.

Moved by Councillor Hobson/Seconded by Councillor Day

R646/06/06/27 THAT Council authorize the issuance of Development Permit No. DP06-0002 for Lots 1, 2 & 3, Section 22, Township 26, ODYD, Plan 25464 located on Barber Road and 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;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP06-0003 for Lots 1, 2 & 3, Section 22, Township 26, ODYD, Plan 25464 located on Barber Road and Highway 33 West, Kelowna, B.C.;

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

Section 13.11.6(b) – RM5 – Medium Density Multiple Housing

A variance to allow site coverage for buildings, driveways, and parking of 63.4% where a site coverage of 60% is permitted;

Section 13.11.6(c) – RM5 – Medium Density Multiple Housing

A variance to allow the building to be 4½ storeys in height where a height of only 4 storeys is permitted;

Section 6.4.2 – General Development Regulations – Projection into Yards

A variance to allow projections of 1.62 m into a required side yard where a projection of only 0.6 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 permit application in order for the permit to be issued.

Carried

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7. REMINDERS – Nil.

8. TERMINATION

The meeting was declared terminated at 8:05 p.m.

Certified Correct:

Mayor

BLH/am

City Clerk