

Regular MeetingJuly 25, 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, July 25, 2006.

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

Council members absent: Councillor A.F. Blanleil.

Staff members in attendance were: City Manager, R.L. Mattiussi; City Clerk, A.M. Flack; Acting Director of Planning and Development Services, S.K. Bagh; Acting Manager of Development Services, S. Gambacort; and Acting Council Recording Secretary, A.M. Rathbone.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 7:23 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, July 10, 2006  
Public Hearing, July 11, 2006  
Regular Meeting, July 11, 2006

Moved by Councillor Given/Seconded by Councillor Day

**R753/06/07/25** THAT the Minutes of the Regular Meetings of July 10 and July 11, 2006 and the Minutes of the Public Hearing of July 11, 2006 be confirmed as circulated.

Carried

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

5. BYLAWS CONSIDERED AT PUBLIC HEARING

**(BYLAW PRESENTED FOR SECOND AND THIRD READINGS)**

5.1 Bylaw No. 9636 (Z06-0027) – Richard Beavington – 510 Rutland Road North

Moved by Councillor Given/Seconded by Councillor Letnick

**R754/06/07/25** THAT Bylaw No. 9636 be read a second and third time.

Carried

Councillors Clark and Gran opposed.

Regular Meeting

July 25, 2006

**(BYLAW PRESENTED FOR SECOND AND THIRD READINGS AND ADOPTION)**

- 5.2 Bylaw No. 9635 (TA06-0003) – City of Kelowna – Zoning Bylaw Text Amendment (hillside zones)

Withdrawn from the agenda.

6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Planning & Development Services Department, dated June 22, 2006 re: Development Permit Application No. DP06-0083 and Development Variance Permit Application No. DVP06-0085 – Simple Pursuits Inc. – 1626-1636 Pandosy Street

Staff:

- The requested loading stall variance will have to be readvertised to a future meeting as the variance should be for 0 loading stalls rather than 1 stall as advertised.

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.

Shane Worman, applicant:

- Bicycles will be secured underneath in the parking area. It is envisioned that lockers will be built for the residential units near stall #6.
- The geotechnical engineer recommended that the building not go any higher. As it is, the pre-loading will cause the building next door to sink.
- Residential units were included strictly for the parking credits.
- Considered developing three large, expensive units but decided to go with five smaller, more affordable units.

Moved by Councillor Hobson/Seconded by Councillor Day

**R755/06/07/25** THAT Council authorize the issuance of Development Permit No. DP06-0083 for Lot A, District Lot 139, ODYD, Plan 5934, located on Pandosy 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. Council Authorization of the issuance of an amended Development Variance Permit No. DVP06-0085; for Lot A, District Lot 139, ODYD, Plan 5934, located on Pandosy Street, Kelowna, BC to vary the number of loading stalls from 2 stalls required to 0 loading stalls proposed.

AND THAT Council authorize the issuance of Development Variance Permit No. DVP06-0085; for Lot A, District Lot 139, ODYD Plan 5934, located on Pandosy Street, Kelowna, B.C.;

Regular Meeting

July 25, 2006

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

**Section 14.7 – Central Business Commercial: 14.7.5(f):**

The applicant is seeking to vary all setbacks above 15 m in height from 4.0 m required to 0.0 m.

**Section 8 – Parking and Loading: Table 8.1 – Parking Schedule:**

The applicant is seeking to vary a portion of the required commercial parking from 33 stalls required to 6 stalls proposed.

Carried

- 6.2 Planning & Development Services Department, dated June 12, 2006 re: Development Permit Application No. DP06-0079 and Development Variance Permit Application No. DVP06-0078 – 409729 BC Ltd. (Worman Resource Inc.) – 474 West Avenue

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.

Shane Worman, applicant:

- A brick exterior was chosen as it fits in better with the character of the area.

Dave Johnstone representing Mary Brebric 454/464 West Avenue

- The owner of 454/455 West Avenue had applied for a Development Permit and Development Variance Permit, but was turned down because the alley was too narrow and it would be difficult for trucks to maneuver. Why is the alley so unnecessary for this application but not for the Brebric application?
- At the time of the Brebric application, the Advisory Planning Commission would not support a square building, but now they are. It does not seem fair.
- Does not support the variance to Section 14.4.

Staff:

- The City Transportation Division is requesting a road reserve in order to protect the opportunity to have the lane continue through the area. This will allow commercial traffic to be moved off Pandosy Street.

Carol Halton, Pope's Photography, 2820 Pandosy Street:

- Concerned that all the traffic emissions will be trapped in Pope's outdoor studio.
- Concerned that there are not enough parking stalls.
- Is opposed to the variance.

Shane Worman, applicant:

- Half of the laneway has been given up, so it is fair to the Brebric application.
- All the zoning requirements have been met. Pope's Photography does not provide any on-site parking; this application provides some stalls. Staff will be expected to use the City parking lot and not the on-site parking.
- The variance for zero loading stalls is because a loading stall would be empty most of the day it would be more useful to have another parking stall.

Regular MeetingJuly 25, 2006Moved by Councillor Clark/Seconded by Councillor Hobson

**R756/06/07/25** THAT further consideration of Development Permit Application No. DP06-0079 and Development Variance Permit Application No. DVP06-0078 – Worman – 474 West Avenue) be **DEFERRED** to the Regular Meeting of Tuesday, August 8, 2006 to allow staff to clarify with Works & Utilities the width of the road reserve requirement from the applicant and from 454/464 West Avenue.

Carried

6.3 Planning & Development Services Department, dated July 4, 2006 re: Development Permit Application No. DP06-0106 and Development Variance Permit Application No. DVP06-0107 – North Ellis Street Developments Ltd. (Steve Hyndman) – 510 Doyle Avenue

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.

Staff:

- A Development Permit was approved in February for a 15-storey mixed use development on the subject property. Minor changes have been made, but they are significant enough to require the application to come back to Council.

Steve Hyndman, applicant:

- The units have been re-worked so the first 3 floors are lined up.
- Construction should begin in 2007.

Moved by Councillor Hobson/Seconded by Councillor Day

**R757/06/07/25** THAT Council authorize the issuance of Development Permit No. DP06-0106 for Lot A District Lot 139 OSOYOOS DIVISION YALE DISTRICT Plan KAP81002 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";
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. DVP06-0107; for Lot A District Lot 139 OSOYOOS DIVISION YALE DISTRICT Plan KAP81002 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 to 0.0 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 (similar to a daylighting standard);

**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 1300 m<sup>2</sup> proposed (floors 4-7) and 815 m<sup>2</sup> (floors 8-15);

**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 164% of the minimum number required;

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

Vary the 80° building 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 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

- 6.4 Planning & Development Services Department, dated June 28, 2006 re: Heritage Alteration Permit Application HAP06-0006 – Elizabeth Jane Matejka (Peter J. Chataway) – 278 Beach Avenue

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 variance to come forward.

Peter Chataway, applicant:

- The variance is to the existing building and it will not encroach into the rear yard setback.
- May be back in future for a voluntary heritage designation.
- The house was built in 1905-1909 and was a good example of the shingle craftsman style. In the 1960's, the home was "tudorized", which is not compatible with the original form and character. The cantilever section will be removed.
- The neighbourhood supports the application.

Regular Meeting

July 25, 2006

Moved by Councillor Gran/Seconded by Councillor Given

**R758/06/07/25** THAT Council authorize the issuance of Heritage Alteration Permit No. HAP06-0006; for Lot B, District Lot 14, ODYD Plan 43495, located on Beach 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";

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

**Section 13.1 – RU1 – Large Lot Housing: 13.1.6(e):**

Vary the rear yard setback from 7.5 m required to 6.3 m proposed.

Carried

7. BYLAWS – Nil.
8. REMINDERS – Nil.
9. TERMINATION

The meeting was declared terminated at 8:36 p.m.

Certified Correct:

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Mayor

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City Clerk

AMR/BLH/am