

Regular MeetingNovember 28, 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, November 28, 2006.

Council members in attendance: Mayor Sharon Shepherd*, Deputy Mayor N.J. Letnick; Councillors A.F. Blanleil, B.A. Clark, C.B. Day, C.M. Gran and M.J. Rule.

Council members absent: Councillors B.D. Given and R.D. Hobson.

Staff members in attendance were: City Manager, R.L. Mattiussi; Deputy City Clerk, S.C. Fleming; Acting Manager of Development Services, S. Gambacort; Development 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 6:18 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Public Hearing, November 14, 2006
Regular Meeting, November 14, 2006
Regular Meeting, November 20, 2006

Moved by Councillor Day/Seconded by Councillor Gran

R1063/06/11/28 THAT the Minutes of the Regular Meetings of November 14 and November 20, 2006 and the Minutes of the Public Hearing of November 14, 2006 be confirmed as circulated.

Carried

4. Councillor Blanleil 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. 9684 (Z06-0039) – George Hall and Roy Lazic (Kim McKechnie) – 3998 Highway 97 North

Moved by Councillor Day/Seconded by Councillor Rule

R1064/06/11/28 THAT Bylaw No. 9684 be read a second and third time.

Carried

5.2 Bylaw No. 9685 (Z06-0055) – Vernon Arumugam – 1572 Kloppenburg Road

Moved by Councillor Rule/Seconded by Councillor Day

R1065/06/11/28 THAT Bylaw No. 9685 be read a second and third time.

Carried

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- 5.3 Bylaw No. 9686 (Z06-0053) – Karen Wells and Ruby Gale – 1240 Gaggin Road

Moved by Councillor Day/Seconded by Councillor Rule**R1066/06/11/28** THAT Bylaw No. 9686 be read a second and third time.Carried

6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

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

Bylaw No. 9640 (Z05-0077) - Maclean Homes (New Town Architecture) – 3416 Scott Road

Mayor Shepherd declared a conflict of interest because her husband is part owner of a property that is within close proximity of the subject property and left the Council Chamber at 6:21 p.m.

Deputy Mayor Letnick assumed the Chair.

Moved by Councillor Gran/Seconded by Councillor Letnick**R1067/06/11/28** THAT Bylaw No. 9640 be adopted.Carried

- 6.1 (b) Planning & Development Services Department, dated November 3, 2006 re: Development Permit Application No. DP05-0216 and Development Variance Permit Application No. DVP06-0001 – Maclean Homes (Pat McCusker/New Town Architecture) – 3416 Scott Road

Staff:

- The property is at the end of Scott and Patsy Roads near the intersection of Richter Street and Lakeshore Road.
- The Development Permit is for the construction of 26 units of row housing in five buildings. The Development Variance Permit addresses building height and the internal drive aisle width. The Advisory Planning Commission did not support either application.
- Access to the site would be off Scott Road with an additional gated emergency access off Patsy Road.
- Displayed an artist's rendering to show what the proposed buildings would look like from the west side of the property.
- Staff have no concerns with the requested variances.

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

- letter of opposition from Elli Daminato, 3419 Moberly Road
- letter of opposition from C. Keith Robinson, 3432 Scott Road
- letter of opposition from Rick Ikebuchi, 3411 Moberly Road.

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

Pat McCusker, project architect:

- Went to 3 storeys instead of 2.5 because the water table prohibits sinking the building further down. A 2.5 storey building with a sloped roof would result in a higher building than the proposed 3-storey building with a flat roof.
- The reduced drive aisle width allows for more green space and landscaping and helps mitigate the impact on adjacent residential property.
- Allowing full time access from Patsy Road as well as Scott Road could result in vehicles using the private road to short-cut through the subject property and so would want to control that by putting in a gate that would be controlled by the residents of the proposed development.

David Webster, Maclean Homes, applicant:

- FortisBC was asked if they would allow use of their property for access to the proposed development from Richter Street. Fortis had no interest in allowing access over their property.

John Przywara, 3431 Scott Road:

- A petition of opposition was circulated in the neighbourhood. The majority of homeowners within two blocks of the proposed development are opposed and concerned about the access route to the development.
- Opposed to granting the variances and concerned that the singular access from Scott/Moberly would compromise the neighbourhood. There are no sidewalks and people use the streets to walk. Traffic flow would be increased tremendously.
- Not opposed to development but do not want to compromise the existing way of life or the safety of the neighbourhood.
- Too many units are proposed on too narrow a piece of land.
- There should also be an access off Patsy Road to split the traffic generated by the proposed development onto two roads.
- Speaking on behalf of the neighbourhood, too much is going forward too quickly. There is a development coming forward soon on the west side of Patsy and this application should have to wait for that.
- The neighbourhood should have the right of having their views respected.
- The existing condominiums on the northwest side of the property are 2.5 storeys and they were able to put their parking underground.
- The neighbourhood would like the proposed building to be 2.5 storeys and setback from the adjacent residential properties. They do not want to have a 3 storey building towering over them and staring into their living rooms.
- Tandem parking is inappropriate. It results in people parking on the street in front of neighbouring properties.

Bill Heimbecker, president of KLO Central Neighbourhood Association:

- The Advisory Planning Commission did not support the application and encouraged the developer to get together with the neighbours and the neighbourhood association. The applicant agreed that a community meeting was warranted but it never happened.
- At the rezoning stage, City Council suggested that the developer get together with the neighbourhood regarding the access problem but at no time has the developer tried to contact the area residents or the association.
- Without the increased height, parking requirements would not be met.
- Tandem parking in the City of Seattle is considered as 1.5 parking spaces instead of 2. On that basis, the proposed development would be 13 spaces short of parking. Allowing 100% tandem parking in this development could be precedent setting.
- Narrowing the drive aisle width could create a public safety problem because with the tandem parking arrangement some people may temporarily park their vehicles in the drive aisle.

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- The developer has not been fair dealing with the neighbourhood.
- The impact of the tandem parking is going to be disastrous for the neighbourhood with the overflow parking ending up in front of their properties and they already get that from beach parking in the summer.

Staff:

- Confirmed that the proposed building meets the maximum permitted height standard of 9.5 m but is 3 storeys rather than the 2.5 storeys permitted by the bylaw.

Pat McCusker, applicant, continued:

- Started out with proposal for a 26 unit apartment building with underground parking. Decided that was not a good transition for the residential neighbourhood and so changed the project to row housing.
- Other developments have tandem parking with no problems.
- Parking requirements are exceeded with the proposed 6 visitor stalls.

Moved by Councillor Blanleil/Seconded by Councillor Day

R1068/06/11/28 THAT Council authorize the issuance of Development Permit No. DP05-0216 for Lot 4, Section 7, Township 26, ODYD, Plan 3886, located on Scott 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. DVP06-0001 for Lot 4, Section 7, Township 26, ODYD, Plan 3886, located on Scott Road, Kelowna, B.C.;

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

Section 8.1.12 Parking and Loading

A variance to allow a two-way driving aisle to be 6.0 m in width where 7.0 m is required;

Section 13.9.6 (c) Low Density Multiple Housing

A variance to allow a building height of 3 storeys where only 2½ storeys are permitted;

AND FURTHER THAT the applicant be permitted to use the Patsy Road access, gated or not gated, as a full-time access as opposed to only for emergency access.

Carried

Councillor Clark opposed.

Mayor Shepherd returned to the Council Chamber at 7:09 p.m. and resumed the Chair.

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- 6.2 Planning & Development Services Department, dated November 2, 2006 re: Development Variance Permit Application No. DVP06-0202 – Navigator Development Icon Corporation (Victor Tam/The Hulbert Group) – 1151 Sunset Drive

Staff:

- A previously approved Development Permit and Development Variance Permit issued in May 2006 authorized a 20 storey building with a 73° daylighting angle.
- The revised drawings are now for a 21 storey building and 74° daylighting angle. The additional storey allows the mechanical equipment and storage areas to now be positioned on top of the parking structure which is the ground floor level of the building and provides sufficient floor area to achieve four additional units.
- Displayed a computer generated rendering showing the buildings superimposed for this project and the other development in the area.
- Staff recommend support.

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

- letter of opposition from Dr. & Mrs. Vincent Hayes, 801-1160 Sunset Drive.

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

Tom Smithwick, representing the applicant:

- The zoning and previous development permits were approved with a prior developer. The present owner purchased the property earlier this year and was told by City staff that what had been approved still held.
- At the building permit stage it was discovered that although the approved Development Permit showed the mechanical equipment and storage area underground, a Section 219 covenant that had been registered on the title precluded that because of the high water table in the area. To resolve the situation, the developer is proposing to move the mechanical/storage from the basement to the first floor and to lower the ceiling height in the foyer area and some of the upper levels. In doing this, an additional storey is achieved with only a 2 m difference in height allowing for another 4 units to be developed.
- The developer will be contributing funds to the City for providing affordable housing in some other location in order to qualify for the density bonus.

Moved by Councillor Blanleil/Seconded by Councillor Letnick

R1069/06/11/28 THAT Council authorize the issuance of Development Variance Permit No. DVP06-0202; Lot 5, DL 139, O.D.Y.D. Plan KAP76304, located on Sunset Drive, Kelowna, B.C.;

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

- a) Section **6.1.2(b)&(c) Daylighting Standards** – from the Daylighting Standard Vertical Angle for the east side lot line and the rear lot line of 65° required to 74° proposed;
- b) Section **13.12.6(c)** – High Rise Apartment Housing zone, **Development Regulations**, from the maximum permitted building height of 16 storeys or 55 m to 21 storeys or 66.8 m proposed.

Carried

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Council:

- Staff to look at the broader question of building height for all areas of the city as part of the next OCP review. In the short term, staff to prepare for public information an outline of the planning principles used in determining building height and demonstrate (i.e. computer modeling) how application of those principles can result in instances where higher would be considered appropriate.

7. BYLAWS – Nil.

8. REMINDERS – Nil.

9. TERMINATION

The meeting was declared terminated at 7:31 p.m.

Certified Correct:

Mayor

Deputy Mayor Letnick

Deputy City Clerk

BLH/am