

Regular MeetingDecember 12, 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, December 12, 2006.

Council members in attendance: Mayor Sharon Shepherd, Councillors A.F. Blanleil, B.A. Clark, C.B. Day, C.M. Gran, N.J. Letnick 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; City Clerk, A.M. Flack; Director of Planning & Development Services, M. Pynenburg; Subdivision Approving Officer, R.G. Shaughnessy; Development Planner, R. Smith; and Council Recording Secretary, B.L. Harder.

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 6:38 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

November 27, 2006 Regular Meetings (a.m. and p.m.)
November 28, 2006 Public Hearing
November 28, 2006 Regular Meeting
December 4, 2006 Regular Meeting

Moved by Councillor Rule/Seconded by Councillor Day

R1118/06/12/12 THAT the Minutes of the Regular Meetings of November 27, November 28 and December 4, 2006 and the Minutes of the Public Hearing of November 28, 2006 be confirmed as circulated.

Carried

4. Councillor Gran 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. 9690 (Z06-0021) - R219 Enterprises Ltd. (Mark Whittle) – 747 Fitzpatrick Road

Moved by Councillor Day/Seconded by Councillor Rule

R1119/06/12/12 THAT Bylaw No. 9690 be read a second and third time.

Carried

5.2 Bylaw No. 9691 (Z05-0041) - Georg-Michael Holzhey (John Hertay) – 2630 Hollywood Road North

Moved by Councillor Clark/Seconded by Councillor Gran

R1120/06/12/12 THAT Bylaw No. 9691 be read a second and third time.

Carried

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- 5.3 Bylaw No. 9688 (OCP06-0019) – Various Owners (Neil Denby) – Shayler Court **requires majority vote of Council (5)**

Moved by Councillor Clark/Seconded by Councillor Letnick

R1121/06/12/12 THAT Bylaw No. 9688 be read a second and third time, and be adopted.

Carried

- 5.4 Bylaw No. 9689 (Z06-0050) – Various Owners (Neil Denby) – Shayler Court

Moved by Councillor Clark/Seconded by Councillor Letnick

R1122/06/12/12 THAT Bylaw No. 9689 be read a second and third time, and be adopted.

Carried6. LIQUOR LICENSE APPLICATION REPORTS

- 6.1 Planning & Development Services Department, dated November 14, 2006 re: Liquor Licensing Application No. LL06-0011 – Mijarasa Enterprises Ltd. (Garry Benson) – 230 Highway 33 East

Staff:

- The patio is on the south side of the building adjacent to the highway. There is a fence and walkway between the pub and the adjacent residential area.

Mayor Shepherd invited anyone in the public gallery who deemed themselves affected by the liquor license application to come forward. There was no response.

Andrew Slater, General Manager, Post Haus Pub:

- Was approved to be open until midnight on a temporary basis. Would now like that to be made permanent.
- The owners next door are supportive.

Moved by Councillor Letnick/Seconded by Councillor Day

R1123/06/12/12 THAT Council support a permanent extension to the hours of liquor sale for the patio area from 10 a.m. to 11 p.m. existing to 10 a.m. to 12 a.m. proposed by the Post Haus Pub located on Lot 8, Sec. 26, Twp. 26, ODYD Plan 25529, being 230 Highway 33 East, Kelowna, B.C.;

AND THAT Council direct staff to forward the appropriate resolution to the Liquor Control and Licensing Board in Victoria.

Carried

Councillor Gran opposed.

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- 7.1 Planning & Development Services Department, dated November 20, 2006 re: Development Variance Permit Application No. DVP06-0224 – Theodore Taylor (Sierra West Homes & Construction Corp. - 883 Kuipers Crescent

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. There was no response.

Moved by Councillor Letnick/Seconded by Councillor Day

R1124/06/12/12 THAT Council authorize the issuance of Development Variance Permit No. DVP06-0224; Lot 1, District Lot 1688s, SDYD Plan KAP79204, located on Kuipers Crescent, Kelowna, B.C.;

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

Section 13.1.6(e) – RU1 – Large Lot Housing Zone – Development Regulations:

Vary the rear yard setback from 7.5 m required to 3.04 m proposed.

Carried

7.2 (a) **BYLAWS PRESENTED FOR ADOPTION**

- (i) Bylaw No. 9694 – Housing Agreement Authorization Bylaw – Invue Developments Corporation – 2040 Springfield Road

Moved by Councillor Blanleil/Seconded by Councillor Rule

R1125/06/12/12 THAT Bylaw No. 9694 be adopted.

Carried

- (ii) Bylaw No. 9669 (OCP06-0009) - Kelowna Elks Lodge No. 52 of the Benevolent and Protective Order of Elks of Canada (Herman Design Group Inc.) – 2040 Springfield Road **requires majority vote of Council (5)**

Moved by Councillor Day/Seconded by Councillor Rule

R1126/06/12/12 THAT Bylaw No. 9669 be adopted.

Carried

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- (iii) Bylaw No. 9670 (Z06-0031) - Kelowna Elks Lodge No. 52 of the Benevolent and Protective Order of Elks of Canada (Herman Design Group Inc.) – 2040 Springfield Road

Moved by Councillor Rule/Seconded by Councillor Blanleil**R1127/06/12/12** THAT Bylaw No. 9670 be adopted.Carried

- (b) Planning & Development Services Department, dated November 17, 2006 re: Development Permit Application No. DP06-0100 and Development Variance Permit Application No. DVP06-0152 – Kelowna Elks Lodge No. 52 (Herman Design Group Inc.) – 2040 Springfield Road

Staff:

- The applicants propose to redevelop the site with a 13-storey, 90-unit mixed use building. The first floor would be commercial retail space and there would be space for the Elks Lodge on the second floor. Floors 3-13 would be apartment units and 4 of the units would be designated for affordable housing.
- Showed artist's renderings of the proposed building and the overall site plan.
- Staff support the variances including the 1 storey increase in building height in return for the affordable housing units.

The City Clerk advised that no correspondence had been received.

Jim Herman, Herman Planning Group:

- PowerPoint presentation giving more detail of what is proposed.

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

Moved by Councillor Letnick/Seconded by Councillor Clark

R1128/06/12/12 THAT Council authorize the issuance of Development Permit No. DP06-0100 for Lot A, District Lot 129, ODYD Plan 30261, located on Springfield 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;

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AND THAT Council authorize the issuance of Development Variance Permit No. DVP06-0152; for Lot A, District Lot 129, ODYD Plan 30261, located on Springfield Road, Kelowna, B.C.;

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

Section 8.1.2:

To vary the maximum number of parking stalls from 125% of the minimum requirement to 143% of the minimum requirement;

Section 8.10.1(c):

To vary the required front yard setback for parking from 2.0 m required to 0.0 m proposed;

Section 8.10.1(d):

To vary the required rear yard setback for parking from 1.5 m required to 0.6 m proposed;

Section 14.4(c):

To vary the maximum number of storeys from 12 permitted to 13 proposed;

Section 14.4(c):

To vary the maximum building height from 37.0 m permitted to 42.24 m 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

7.3 Planning & Development Services Department, dated November 1, 2006 re: Development Variance Permit Application No. DVP06-0111 – 448473 BC Ltd. and 550410 BC Ltd. (Eidse Builders) – 914 Craig Road

Staff:

- When the Development Permit was approved, the applicant committed to grass crete some of the parking stalls. Now that construction is completed, the strata decided it did not want the grass crete and it was removed.
- Staff thought the grass crete was a good compromise and would like to see the grass crete replaced.

Gary Tebbutt, applicant:

- Clarified that they never put the grass crete in. The strata council was concerned that grass crete would be unattractive and asked for something else. The paver stones are very attractive.
- Have yet to find anyone who recommends using grass crete in Kelowna.

Mayor Shepherd invited anyone in the public gallery who deemed themselves affected by the required variance to come forward. There was no response.

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R1129/06/12/12 THAT Council authorize the issuance of Development Variance Permit No. DVP06-0111; Lot 1 Section 26 Township 26 Osoyoos Division Yale District Plan KAP76513, located at 914 Craig Road, Kelowna, B.C.;

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

Section 13.9.6(b): Vary the maximum site coverage for buildings and parking from 50% permitted to 52.04% proposed.

Carried

Councillor Rule opposed.

7.4 Planning & Development Services Department, dated November 17, 2006 re: Development Variance Permit Application No. DVP06-0073 – Anita Fee and Leanne Hopegood (Tom Smithwick/Porter Ramsay) – 768 Copeland Place

Staff:

- The subject property is a double fronting lot facing Copeland and Elliot Avenue.
- The applicant is seeking to reduce the lot width requirement. There is an existing single family dwelling with attached suite on the rear of the property. The proposed building addition would convert the dwelling into a front and back style duplex.
- Staff found the proposed garages unattractive and had concern about the Copeland elevation. The plans were revised and staff are now coming forward with a neutral recommendation with regard to the variance for the reduced lot width.
- The applicant submitted a petition of support from the neighbourhood for the proposal before the enhancements.

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

Jerry Fee, applicant:

- Bought the property about 12 years ago and renovated the house and built the suite addition. The plan has always been to make a retirement home for him and his wife.

Moved by Councillor Blanleil/Seconded by Councillor Day

R1130/06/12/12 THAT Council authorize the issuance of Development Permit No. DP06-0073 for Lot 8, Section 19, Township 26, ODYD Plan 3233, located at 768 Copeland Place, Kelowna, B.C. subject to the following:

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

Section 13.6: RU6 – Two Dwelling Housing:13.6.5 Subdivision Regulations:

- Vary the lot width for duplex housing from 18 m required to 15.24 m proposed.

Carried

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- 7.5 Planning & Development Services Department, dated November 17, 2006 re: Development Variance Permit Application No. DVP06-0162 – Michael Ohman (James Haasdyk/Oasis Design) – 784 Bernard Avenue

Withdrawn from the agenda at the request of the applicant.

8. BYLAWS – Nil.
9. REMINDERS – Budget deliberations next Wednesday.
10. TERMINATION

The meeting was declared terminated at 7:33 p.m.

Certified Correct:

Mayor

BLH/am

City Clerk