

Regular Meeting – P.M.January 23, 2007

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, January 23, 2007.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil; Barrie Clark, Colin Day, Brian Given, Carol Gran, Robert Hobson, Norm Letnick and Michele Rule.

Council members absent: None

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Allison Flack; Director of Planning & Development Services, Mary Pynenburg; Acting Manager of Development Services, Shelley Gambacort; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 6:04 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, January 8, 2007
Public Hearing, January 9, 2007
Regular Meeting, January 9, 2007
Affordable Housing Workshop, January 15, 2007
Regular Meeting, January 15, 2007

Moved by Councillor Hobson/Seconded by Councillor Gran

R104/07/01/23 THAT the Minutes of the Regular Meetings of January 8, January 9, and January 15, 2007, the Minutes of the Affordable Housing Workshop of January 15, 2007 and the Minutes of the Public Hearing of January 9, 2007 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 AND ADOPTION)

5.1 Bylaw No. 9708 (OCP06-0024) – R354 Enterprises Ltd. (Aberdeen Hall Preparatory School) – 2355-2455 Acland Road **requires majority vote of Council (5)**

This item was withdrawn from the agenda.

Regular Meeting – P.M.

January 23, 2007

6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Planning & Development Services Department, dated December 12, 2006 re: Development Variance Permit Application No. DVP 06-0182 – Christine Nicholls – 880 Paret Road

The City Clerk advised that no correspondence had been received.

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

Moved by Councillor Given/Seconded by Councillor Letnick

R105/07/01/23 THAT Council authorize the issuance of Development Variance Permit No. DVP06-0182 for Lot 2 District Lot 579 Similkameen Division Yale District Plan 17060 except Plan KAP78324 located at 880 Paret Road, Kelowna, B.C.

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

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

Vary the rear yard setback from 7.5m required to 4.3m proposed for the existing house to allow subdivision of the property into two lots; one fronting Paret Road and one fronting Gordon Drive.

Carried

- 6.2 Planning & Development Services Department, dated December 12, 2006 re: Development Variance Permit Application No. DVP06-0186 – Tyler Van Nice – 674 Armour Crescent

The City Clerk advised that no correspondence had been received.

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

Moved by Councillor Given/Seconded by Councillor Hobson

R106/07/01/23 THAT Council authorize the issuance of Development Variance Permit No. DVP06-0186 for Lot 8 Section 6 Township 26 Osoyoos Division Yale District Plan 18510 located at 674 Armour Crescent, Kelowna, B.C.

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

- 1) Section 13.1: RU1 – Large Lot Housing: 13.1.6(c): Vary the front yard setback of a garage from 6.0m required to 3.8 m;
- 2) Section 13.1 RU1 – Large Lot Housing: 13.1.6(d): Vary the side yard setback from 2.0m to 1.5 m.

- 6.3 Planning & Development Services Department, dated December 12, 2006 re: Heritage Alteration Permit Application No. HAP06-0011 – Robert & Mary Runnalls – 2095 Abbott Street

The City Clerk advised that no correspondence had been received.

Regular Meeting – P.M.

January 23, 2007

Robert Runnalls, owner of 2095 Abbott Street:

- The new garage will be an additional 6m from the sidewalk and the variance required deals with a request for more open yard space surrounding the garage.

Mayor Shepherd invited everyone in the public gallery who deemed themselves affected by the required heritage alteration permit to come forward. There was no response.

Moved by Councillor Given/Seconded by Councillor Day

R107/07/01/23 THAT Council authorize the issuance of Heritage Alteration Permit No. HAP06-0011 for Lot 4, D.L. 14, ODYD, Plan 2579, 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 building to be constructed on the land be in general accordance with Schedule "B";

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

Section 13.1.6 (d) – to vary the sideyard setback from a flanking street to a garage or carport which is accessed from that street from 6.0m required to 5.0m proposed.

AND FURTHER that the applicant be required to complete the above-noted conditions within 180 days of Council approval of the Heritage Alteration Permit application in order for the permit to be issued.

Carried

- 6.4 Planning & Development Services Department, dated December 5, 2006 re: Development Permit Application No. DP06-0181 and Development Variance Permit Application No. DVP06-0214 – Simple Pursuits Inc. (Worman Resources Inc.) – 1660 Pandosy Street

This item was withdrawn from the agenda.

- 6.5 Planning & Development Services Department, dated December 14, 2006 re: Development Permit Application No. DP06-0200 and Development Variance Permit Application No. DVP06-0205 – Lynn & Timothy Hale – 2174 Richter Street

Staff:

- The carriage house already existed on the property.

The City Clerk advised that no correspondence had been received.

Lynn Hale, owner of 2174 Richter Street

- The driveway in the front already existed when she purchased the house 12 years ago.
- The driveway in the back was created because of the business being run from the carriage house.
- All the necessary permits required to construct the carriage house were obtained.
- Confirmed that she backs into her driveway so that she does not have to back out on to Richter Street when leaving.

Regular Meeting – P.M.

January 23, 2007

Council:

- Concerned that this area of Richter Street may be widened in the future and that there is an alternate source of parking off of the lane.
- Concerned that the driveway width may not be sufficient enough to allow for a vehicle to turn around.

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

Moved by Councillor Day/Seconded by Councillor Blanleil

THAT Council authorize the issuance of Development Permit No. DP06-0200 and Development Variance Permit No. DVP06-0205 for Lot 2, District Lot 14, O.D.Y.D., Plan 3750, located at Richter 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 on the subject property to be permitted on the land be in general accordance with annotated Schedule "C";

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

Section 8.1.11 (a) – Off Street Vehicle Parking-Size

To vary the off street parking space size from 6.0m required to 5.9m proposed.

Section 8.3.3 – Development Standards-Vehicle Parking

To vary the off street parking space setback where a lane is used for aisle access from 1.2m permitted to 0.0m proposed.

Section 9.5.4 – Secondary Suites-Maximum Floor Area

To vary the maximum floor area for the secondary suite located in an accessory building to 64 m² or 79% of the principal building floor area proposed where the maximum floor area permitted is 61 m² or 75% of the principal building.

AND THAT a variance to the following section of Zoning Bylaw No. 8000 NOT be granted:

Section 8.1.9(b) – Off Street Vehicle Parking-Location

A variance is required to allow for proposed vehicle access to a surface parking space in the front yard where none is permitted.

Section 13.6.7 (f) – Two Dwelling Housing-Other Regulations

A variance is required to allow for proposed vehicle access to a surface parking space in the front yard where none is permitted if the development has access to a rear lane.

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.

Regular Meeting – P.M.

January 23, 2007

Amendment Moved by Councillor Rule/Seconded by Councillor Gran

R108/07/01/23 THAT the issuance of Development Variance Permit No. DVP-06-0205 be subject to the provision of an on-site vehicle turnaround to be accommodated within the allowable site coverage.

Carried

The original motion as amended was voted on and carried, as follows:

Moved by Councillor Day/Seconded by Councillor Blanleil

R109/07/01/23 THAT Council authorize the issuance of Development Permit No. DP06-0200 and Development Variance Permit No. DVP06-0205 for Lot 2, District Lot 14, O.D.Y.D., Plan 3750, located at Richter 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 on the subject property to be permitted on the land be in general accordance with annotated Schedule "C";
4. An on-site vehicle turnaround to be accommodated within the allowable site coverage.

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

Section 8.1.11 (a) – Off Street Vehicle Parking-Size

To vary the off street parking space size from 6.0m required to 5.9m proposed.

Section 8.3.3 – Development Standards-Vehicle Parking

To vary the off street parking space setback where a lane is used for aisle access from 1.2m permitted to 0.0m proposed.

Section 9.5.4 – Secondary Suites-Maximum Floor Area

To vary the maximum floor area for the secondary suite located in an accessory building to 64 m² or 79% of the principal building floor area proposed where the maximum floor area permitted is 61 m² or 75% of the principal building.

AND THAT a variance to the following section of Zoning Bylaw No. 8000 NOT be granted:

Section 8.1.9(b) – Off Street Vehicle Parking-Location

A variance is required to allow for proposed vehicle access to a surface parking space in the front yard where none is permitted.

Section 13.6.7 (f) – Two Dwelling Housing-Other Regulations

A variance is required to allow for proposed vehicle access to a surface parking space in the front yard where none is permitted if the development has access to a rear lane.

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

Regular Meeting – P.M.

January 23, 2007

- 6.6 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

The City Clerk advised that no correspondence had been received.

James Haasdyk, Oasis Design:

- The colour of the subject premises duplicates the carriage home colour in the back of the property.
- Confirmed that he does not have any issue with the change to the window area.

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

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R110/07/01/23 THAT Council authorize the issuance of Development Variance Permit No. DVP06-0162 for Lot 11, Block 12, District Lot 138, ODYD, Plan 202, located at Bernard 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 the annotated Schedule "B";
3. Signage to be permitted on the land be in general accordance with Schedule "C";
4. Free-standing signage to be permitted on the property be subject to the following conditions:
 - a. limit height to no more than 1.5 m (5 feet) above sidewalk elevation;
 - b. limit sign area to a maximum of 1.0 m² (3.2 ft²);
 - c. setback from property line at least 1.0 m;
 - d. ensure no backlit signage, allowing only low-watt ground lighting or pendant lighting;
 - e. ensure high-quality materials in heritage colours, and consistent with the architectural style of the home, which occupies the home-based business.

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

Section 13.6.6 (d) Side Yard Setback

A variance to the side yard setback requirement for the second storey, allowing a setback from 1.9m on the west side of the property where 2.3m is required;

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

Section 6.1 Specific Zone Regulations – Residential Zones

A variance to allow free-standing signage on this property, where it otherwise would not be 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

Regular Meeting – P.M.

January 23, 2007

Moved by Councillor Hobson/Seconded by Councillor Given

R111/07/01/23 THAT Council authorize staff to pursue design guidelines for this block of Bernard Avenue and report back to Council.

- 6.7 Planning & Development Services Department, dated December 15, 2006 re: Development Permit Application No. DP06-0210 and Development Variance Permit Application No. DVP06-0211 – Shell Canada Products Ltd. (CTM Designs) – 634 Harvey Avenue

Staff:

- The Advisory Planning Committee's concerns have been addressed by the applicant.

The City Clerk advised that no correspondence had been received.

Gord Cleton, Shell Canada:

- Shell Canada is looking to replace the structure that was originally there and has expressed an openness to work with communities regarding their gas station design guidelines.
- The City paid full market value for the property.

Mayor Shepherd invited everyone in the public gallery who deemed themselves affected by the required development permit and variances to come forward. There was no response.

Moved by Councillor Letnick/Seconded by Councillor Blanleil

R112/07/01/23 THAT Council authorize the issuance of Development Permit No. DP06-0210 for Lot A, DL 139, O.D.Y.D., Plan 36779, located on Harvey 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. DVP06-0211; Lot A, DL 139, ODYD, Plan 36779, located on Harvey Avenue, Kelowna, B.C.;

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

Section 6.10.1 – Setback from Provincial Highways be varied from the required 4.5m setback from a provincial highway located in an urban area to the 3.0m setback proposed,

Section 9.7.5(a) – Vehicular Oriented Uses – siting of the pump island be varied from 6.0m set back from property line required to 4.37m setback from rear property line proposed,

Regular Meeting – P.M.

January 23, 2007

Section 9.7.5(b) – Vehicular Oriented Uses – siting of a canopy over a pump island be varied from the required 3.0m setback from property line to the 1.5m setback from rear property line 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

Moved by Councillor Letnick/Seconded by Councillor Hobson

R113/07/01/23 THAT Council authorize and direct staff to review and develop commercial design guidelines for the Highway 97 corridor.

Carried

6.8 Planning & Development Services Department, dated December 21, 2006 re: Development Variance Permit Application No. DVP06-0175 – Valendas Enterprises Ltd. (Jonathan Friesen/The Mission Group) – 180 Clifton Road North

The City Clerk advised that no correspondence had been received.

Joanne Adamson, The Mission Group

- Confirmed that Federal approval has already been obtained for the placement of the dock.
- Confirmed that a covenant is registered on the remaining lots so that future owners cannot build individual docks.
- The developer is committed to a study over the next 5 years to ensure that what is in place is best for the environment.

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

Fred Barrett, Clifton Highlands Subdivision:

- Concerned that there was no apparent attempt by the applicant to contact the homeowners to speak to this matter.

Ken Campbell, Bopart Court, Member of the Clifton Highlands Community Organization:

- Concerned that 2/3 of the lakefront of the property is kokanee spawning grounds.
- Suggested that the dock should be reduced in size by half (12 slips and not 23) to reduce the environmental impact.

Barry McCulloch, 150 Clifton Road South:

- Feels a dock license from the Province is a privilege, not a right and any profit made by the developer for “sale” of the dock spaces to lot owners should be returned to the public purse.

Clare Hare, Knox Mountain Park

- Requested clarification regarding the visitor docks and was advised that the visitor spaces would be on a first come, first serve basis for visitor day use only (no long term rentals).

Joanne Adamson, The Mission Group:

- Confirmed that this project is a bare land strata and a strata council will be responsible for maintaining the dock.
- Confirmed that the boat slips will not be sold individually and will be included in the price of the lot being purchased. They will not be permitted to be rented out.

Regular Meeting – P.M.

January 23, 2007

- The dock will be strictly a strata moorage facility, which will mean parking only. No commercial activity will be allowed whatsoever.
- Confirmed that the Environmental and Hazardous Condition Development Permit Area restricts property owners from building anything without coming back to Council first.

Jonathan Friesen, The Mission Group:

- Confirmed that the environmental study did not cover the issue of increased boat traffic in the area affecting the spawning of kokanee.

Moved by Councillor Blanleil/Seconded by Councillor Gran

R114/07/01/23 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP06-0174; The Mission Group; The Fractional N.E. ¼, Sec. 6, Twp. 23, O.D.Y.D., Except Plans 25017 & KAP82511, located on Clifton Road N., Kelowna, B.C.;

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

Section 9.9.5(a) Dock and Boatlift Regulations; vary maximum separation of dock from the natural boundary of upland parcel from 40.0m permitted to 40.7m proposed,

Section 9.9.5(c) Dock and Boatlift Regulations; vary maximum length of dock parallel to shoreline from 10m permitted to 98.9 m length proposed,

AND THAT variances to the following sections of the Official Community Plan Bylaw No. 7600 be granted:

Section 7.11 Environment – DP Guidelines for Protection of the Natural Environment – Table 7-1 Riparian Management Area Setbacks; Vary setback from Okanagan Lake from a minimum setback of 15m required to 12m for viewing platforms and trail located at top of bank,

Subject to issuance of Environmental Development Permit DP06-0206.

Carried

Councillors Clark, Given and Letnick opposed.

7. REMINDERS – Nil.

8. TERMINATION

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

Certified Correct:

Mayor

City Clerk

SLH/am