

Regular MeetingMarch 6, 2007

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Kelowna Community Theatre, 1375 Water Street, Kelowna, B.C., on Tuesday, March 6, 2007.

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

Council members absent: Councillor Carol Gran

Staff members in attendance were: Acting City Manager, David Graham; Deputy City Clerk, Stephen Fleming; Director of Planning & Development Services, Mary Pynenburg; Acting Manager of Development Services, Shelley Gambacort; Community Planning Manager, Theresa Eichler; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

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

2. A prayer was offered by Councillor Hobson.

3. CONFIRMATION OF MINUTES

Regular Meeting A.M. – February 19, 2007

Regular Meeting P.M. – February 19, 2007

Public Hearing – February 20, 2007

Regular Meeting – February 20, 2007

Regular Meeting A.M. – February 26, 2007

Regular Meeting P.M. – February 26, 2007

Moved by Councillor Given/Seconded by Councillor Day

R266/07/03/06 THAT the Minutes of the Regular Meetings of February 19, February 20 and February 26, 2007 and the Minutes of the Public Hearing of February 20, 2007 be confirmed as circulated.

Carried

4. Councillor Day 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. 9648 (OCP06-0016) – Amendment to Chapter 8 – Housing

Moved by Councillor Hobson/Seconded by Councillor Day

R267/07/03/06 THAT Bylaw No. 9648 be read a second and third time, and be adopted.

Carried

5.2 Bylaw No. 9739 (LUC06-0002) – Shaw Cablesystems Ltd. (Gordon McKenzie Architect Inc.) – 2300 Leckie Road – Discharge of Land Use Contract LUC77-1085 (P1869))

Regular MeetingMarch 6, 2007Moved by Councillor Hobson/Seconded by Councillor Day**R268/07/03/06** THAT Bylaw No. 9739 be read a second and third time, and be adopted.Carried

- 5.3 Bylaw No. 9740 (Z06-0029) – Shaw Cablesystems Ltd. (Gordon McKenzie Architect Inc.) – 2300 Leckie Road

Moved by Councillor Hobson/Seconded by Councillor Day**R269/07/03/06** THAT Bylaw No. 9740 be read a second and third time, and be adopted.Carried

6. LIQUOR LICENSE APPLICATION REPORTS

- 6.1. Planning & Development Services Department, dated February 8, 2007 re: Liquor Licensing Application No. LL05-0010 – Grand Okanagan Resort Ltd. (Lake City Casino Ltd.) – 1300 Water Street

This item was withdrawn from the Agenda.

7. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 7.1 Planning & Development Services Department, dated February 9, 2007 re: Development Permit Application No. DP06-0149 and Development Variance Permit No. DVP06-0150 – Gordon McKenzie Architect Inc. (Shaw Cablesystems Ltd.) – 2300 Leckie Road.

The Deputy City Clerk advised that the following correspondence and/or petitions had been received:

- 9 Letters in Favour:
 - o Delivered by John Strotzki, Co-founder of Move Kelowna Forward
- 1 Letter of Concern:
 - o Wasa Developments Inc., 109-2303 Leckie Road

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected by the requested variances to come forward. No one from the gallery stepped forward.

Moved by Councillor Letnick/Seconded by Councillor Day**R270/07/03/06** THAT final adoption of Zone Amending Bylaw No. 9739 be considered by Council;

AND THAT final adoption of Land Use Discharge Bylaw No. 9740 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP06-0149 for Lot 1, District Lot 125, O.D.Y.D. Plan KAP80864, located on Leckie 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";

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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. DVP06-0150 for Lot 1, District Lot 125, O.D.Y.D. Plan KAP80864, located on Leckie Road, Kelowna, B.C.;

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

Section 8.1.2 Off-Street Vehicle Parking (Number of Spaces)

A variance to allow 193 vehicle parking spaces, which exceeds the maximum number of spaces allowed (max. 136 spaces or 125% of minimum number required).

Section 8.2.2 Off-Street Loading (Number of Spaces)

A variance to allow three (3) loading spaces, where eight (8) spaces are required.

Section 8.4.2 Off-Street Bicycle Parking (Number of Bicycle Spaces for Visitors)

A variance to allow 10 bicycle stalls for visitors, where 69 are required.

Section 14.4.5 (c) C4 – Urban Centre Commercial Development Regulation (Height)

A variance to allow a building height of 23.5 m or 5-storeys, where the height cannot exceed the lesser of 15.0 m or 4-storeys.

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

Councillor Rule opposed.

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

- (i) Bylaw No. 9684 (Z06-0039) – George William Hall & Roy Lazic (Kim McKenzie) – 3998 Highway 97 North

This item was withdrawn from the Agenda.

- (b) Planning & Development Services Department, dated January 29, 2007 re: Development Permit Application No. DP07-0036 and Development Variance Permit No. DVP06-0133 – George William Hall & Roy Lazic (Kim McKenzie) – 3998 Highway 97 North.

This item was withdrawn from the Agenda.

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

- (i) Bylaw No. 9664 (OCP06-0007) – 0701849 BC Ltd. – (Herman Planning Group Inc. – 1094 Lawson Avenue

Moved by Councillor Given/Seconded by Councillor Letnick

R271/07/03/06 THAT Bylaw No. 9664 be adopted.

Carried

- (ii) Bylaw No. 9665 (Z06-0028) – 0701849 BC Ltd. – (Herman Planning Group Inc. – 1094 Lawson Avenue

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Moved by Councillor Given/Seconded by Councillor Letnick

R272/07/03/06 THAT Bylaw No. 9665 be adopted.

Carried

- (iii) Bylaw No. 9713 – Housing Agreement - – 0701849 BC Ltd. – (Herman Planning Group Inc. – 1094 Lawson Avenue

Moved by Councillor Letnick/Seconded by Councillor Given

R273/07/03/06 THAT Bylaw No. 9713 be adopted.

Carried

- (b) Planning & Development Services Department, dated February 8, 2007 re: Development Permit Application No. DP06-0092 and Development Variance Permit No. DVP06-0093 – 0701849 BC Ltd. – (Herman Planning Group Inc.) – 1094 Lawson Avenue.

The Deputy City Clerk advised that no correspondence and/or petitions had been received.

Mayor Shepherd invited the applicant or anyone from the public gallery who deemed themselves affected by the requested variance to come forward. No one from the public gallery stepped forward.

Applicant:

- Confirmed that this is a strata building and that they are working with the City staff on the determination of who the affordable housing component will be available to.

Moved by Councillor Letnick/Seconded by Councillor Hobson

R274/07/03/06 THAT Final Adoption of Zone Amending Bylaw No. 9665 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP06-0092 for Lot 2, District Lot 138, ODYD Plan 3908, located at 1094 Lawson 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. DVP06-0093; Lot 2, District Lot 138, ODYD Plan 3908, located at 1094 Lawson Avenue, Kelowna, B.C.;

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

Section 13.10 - RM4 – Transitional Low Density Housing: 13.10.5(a):
Vary the lot width in the RM4 zone from 30.0m required to 27.48m proposed.

Section 13.10 - RM4 – Transitional Low Density Housing: 13.10.6(b):

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Vary the site coverage for buildings, parking and paved areas from 60% permitted to 61.4% proposed.

Section 13.10 - RM4 – Transitional Low Density Housing: 13.10.6(c):

Vary the proposed height from 3 storeys permitted to 3.5 storeys proposed.

Section 13.10 - RM4 – Transitional Low Density Housing: 13.10.6(d):

Vary the front yard setback for the encroachment of the top of the parkade structure from 6.0m required to 3.92m proposed.

Section 13.10 - RM4 – Transitional Low Density Housing: 13.10.6(f):

Vary the rear yard setback for the encroachment of the top of the parkade structure from 9.0m required to 7.95m proposed.

Section 13.10 - RM4 – Transitional Low Density Housing: 13.10.6(e):

Vary the northern side yard setback for the encroachment of the top of the parkade structure from 4.5m required to 1.89m proposed.

Section 13.10 - RM4 – Transitional Low Density Housing: 13.10.7(a):

Vary the private open space from 290m² required to 190.01m² 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

- 7.4 Planning & Development Services Department, dated January 26, 2007 re: Development Variance Permit Application No. DVP06-0215 – Pattie Lee Leigh (Worman Resources Inc.) – 380 Braeloch Road.

The Deputy City Clerk advised that no correspondence and/or petitions had been received.

Mayor Shepherd invited the applicant or anyone from the public gallery who deemed themselves affected by the requested variance to come forward. No one from the public gallery stepped forward.

Moved by Councillor Hobson/Seconded by Councillor Day

R275/07/03/06 THAT Council authorize the issuance of Development Variance Permit No. DVP06-0215; Lot A, Sec.23, Twp.28, SDYD Plan 26731, located on Braeloch Road, 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 report:

Section 6.5.4:

Vary the restriction of accessory buildings within the front yard setback to allow an accessory building in the required front yard.

Section 6.5.8 (a):

Vary the front yard setback from 18.0m required to 3.32m proposed to allow for the construction of an accessory building.

AND THAT the applicant be required to register a restrictive covenant on title to the effect that "No vehicular garage doors can be added to the south (street) side of the garage at any point in the future".

Carried

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- 7.5. Planning & Development Services Department, dated January 26, 2007 re: Development Variance Permit Application No. DVP06-0236 – Brandon Barrett Thompson & Corinne Marti Thompson (Authentech Homes Ltd.) – 449 Still Pond Place.

The Deputy City Clerk advised that no correspondence and/or petitions had been received.

Mayor Shepherd invited the applicant or anyone from the public gallery who deemed themselves affected by the requested variance to come forward. No one from the public gallery stepped forward.

Moved by Councillor Letnick/Seconded by Councillor Given

R276/07/03/06 THAT Council authorize the issuance of Development Variance Permit No. DVP06-0236; Lot C, Section 9, Township 23, ODYD Plan KAP79018, located on Still Pond Place, Kelowna, B.C.;

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

Section 13.2 – RU2 – Medium Lot Housing: 13.2.6(d):

Vary the northern side yard setback from 1.5m required to 1.02m proposed.

Carried

- 7.6. Planning & Development Services Department, dated January 30, 2007 re: Development Variance Permit Application No. DVP06-0161 – Alan Schuler (Alan & Tracy Schuler) – 5118 Lakeshore Road.

Staff:

- Advised that the Planning Department received a letter from the neighbour in favour of this variance.

The Deputy City Clerk advised that no correspondence and/or petitions had been received.

Mayor Shepherd invited the applicant or anyone from the public gallery who deemed themselves affected by the requested variance to come forward. No one from the public gallery stepped forward.

Moved by Councillor Letnick/Seconded by Councillor Given

R277/07/03/06 THAT Council authorize the issuance of Development Variance Permit No. DVP06-0161 for Lot 15, Sec. 23, Twp. 28, O.D.Y.D., Plan 9531 located at 5118 Lakeshore Road; Kelowna, B.C.

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

Section 12.2.6: RR2 – Rural Residential 2:

1. 12.2.6(c): Vary the south front yard setback from 6.0 m required to 3.5 m proposed,
2. 12.2.6(d): Vary the west side yard setback from 3.0 m required to 1.5 m proposed,

Carried

8. BYLAWS – Nil.

9. REMINDERS – Nil.

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10. TERMINATION

The meeting was declared terminated at 7:26 p.m.

Certified Correct:

Mayor

Deputy City Clerk

SLH/am