

Regular MeetingJuly 24, 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, July 24th, 2007.

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

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Stephen Fleming; Director of Corporate Services/Acting Director of Planning and Development Services, David Shipclark; Current Planning Manager, Shelley Gambacort; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 6:29 p.m.

2. Prayer was offered by Councillor Given.

3. CONFIRMATION OF MINUTES

Regular Meeting A.M. – July 9, 2007
 Regular Meeting P.M. – July 9, 2007
 Public Hearing – July 10, 2007
 Regular Meeting – July 10, 2007

Moved by Councillor Given/Seconded by Councillor Letnick

R731/07/07/24 THAT the Minutes of the Regular Meetings of July 9th and 10th, 2007 and the Minutes of the Public Hearings of July 10th, 2007 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. 9816 (Z07-0042) – Roland and Audrey Wheeler (Okanagan Sunrise Construction Ltd.) – 345 Hardie Road

Moved by Councillor Clark/Seconded by Councillor Rule

R732/07/07/24 THAT Bylaw No. 9816 be read a second and third time.

Carried

5.2 Bylaw No. 9821 (Z07-0035) – Pardeep and Savita Sharma (Lynn Welder Lalonde) – 1918 Kloppenburg Court

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Moved by Councillor Given/Seconded by Councillor Letnick

R733/07/07/24 THAT Bylaw No. 9821 be read a second and third time.

Carried
Councillor Clark – Opposed

5.3 Bylaw No. 9822 (OCP07-0012) – No. 21 Great Projects Ltd. (Runnalls Denby & Associates) – 865 Paret Road

This item has been deferred to the September 18, 2007 Public Hearing.

5.4 Bylaw No. 9823 (Z07-0031) – No. 21 Great Projects Ltd. (Runnalls Denby & Associates) – 865 Paret Road

This item has been deferred to the September 18, 2007 Public Hearing.

5.5 Bylaw No. 9825 (Z07-0032) – Melcor Lakeside Inc. (Stantec Consulting Ltd.) – West of Black Mountain Drive

Councillor Day declared a conflict of interest as he owns an adjacent property and left the Council Chamber at 6:32 p.m.

Moved by Councillor Given/Seconded by Councillor Letnick

R734/07/07/24 THAT Bylaw No. 9825 be read a second and third time.

Carried

Councillor Day re-entered the Council Chamber at 6:33 p.m.

5.6 Bylaw No. 9827 (Z07-0023) – Ed and Christina Schnellert – 170 Hardie Road

Moved by Councillor Clark/Seconded by Councillor Rule

R735/07/07/24 THAT Bylaw No. 9827 be read a second and third time.

Carried

5.7 Bylaw No. 9830 (Z07-0045) – Rafael Augusto Carreras and Cornelia Bujara – 2575 Harvard Road

Moved by Councillor Gran/Seconded by Councillor Day

R736/07/07/24 THAT Bylaw No. 9830 be read a second and third time.

Carried

(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS AND ADOPTION)

5.8 Bylaw No. 9829 (Z07-0033) – Elizabeth and Roy Lycar – 577 Rose Avenue

Regular MeetingJuly 24, 2007Moved by Councillor Day/Seconded by Councillor Gran

R737/07/07/24 THAT Bylaw No. 9829 be read a second and third time and be adopted.

Carried

6. BYLAWS PRESENTED FOR ADOPTION

- 6.1 Bylaw No. 9763 (Z07-0006) – Donald Gordon (Philip Macdonald Architect Inc.) – 734 Martin Avenue

Moved by Councillor Blanleil/Seconded by Councillor Gran

R738/07/07/24 THAT Bylaw No. 9763 be adopted.

Carried

7. LIQUOR LICENSE APPLICATION REPORTS

- 7.1 Planning & Development Services Department, dated June 25, 2007 re: Liquor Licensing Application No. LL07-0002 – M.V. The Boardroom – Executive Houseboat Charters (Tina Rathwell) – Berthed at the Kelowna Passenger Ship Pier at the foot of Bernard Avenue

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

- Letters of Opposition:
 - William Sharpe, #404 – 1585 Abbott Street
 - Kirk Stott, #204 - 1585 Abbott Street
 - J. Otto, 1585 Abbott Street
 - Norman Gardnea, 1585 Abbott Street
 - Maria Schenk, #205 – 1585 Abbott Street

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

J.C. Rathwell, Applicant

- Advised that the application is required pursuant to the Rule and Regulations of the Liquor Licensing Branch.
- Confirmed that the music will only be played while the boat is sailing. Once the boat is docked, the music is turned off.

Pete Swaisland, 1441 Richter Street

- Noise from the lake often travels and can be very annoying.

There were no further comments.

Moved by Councillor Letnick/Seconded by Councillor Given

R739/07/07/24 THAT Council support a Patron Participation Entertainment Endorsement for existing Food Primary Liquor License Number 302016 located on the M.V. The Boardroom berthed at 100 Bernard Avenue;

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

Carried

Regular MeetingJuly 24, 20078. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 8.1 Planning & Development Services Department, dated June 28, 2007 re: Development Variance Permit Application No. DVP07-0006 – Jason Handley (Joe Rood) – 614 Armour Court

Staff:

- Confirmed that letters of support were submitted with the application.

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

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Joe Rood, Applicant

- The variance is required in order to accommodate an addition to the house for family members.

There were no further comments.

Moved by Councillor Gran/Seconded by Councillor Letnick

R740/07/07/24 THAT Council authorize the issuance of Development Variance Permit No. DVP07-0006, Lot 2, Sec. 6, Twp. 26, O.D.Y.D., Plan 18510 located on Armour Court, Kelowna, B.C.;

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

Section 13.1.6(d) - RU1 – Large Lot Housing - Development Regulations
Vary the side yard setback from 2.0 m required to 1.5 m proposed.

Section 13.1.6(e) - RU1 – Large Lot Housing - Development Regulations
Vary the rear yard setback from 7.5 m required to 3.8 m proposed

Carried

- 8.2 Planning & Development Services Department, dated June 21, 2007 re: Development Permit Application No. DP07-0007 and Development Variance Permit Application No. DVP07-0008 – Windmill Ventures Ltd. (Philip MacDonald Architect Inc.) – 700 and 734 Martin Avenue

Staff:

- Advised that the variance to the height will no longer be required.

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

- Letter of Opposition:
 - Trevor Wright and Tracy Hamilton, 744 Martin Avenue

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Regular MeetingJuly 24, 2007Philip MacDonald, Philip MacDonald Architect Inc.

- Gave a PowerPoint presentation regarding the proposed development.
- The units will be priced between \$197,000 and \$450,000, with the majority priced at \$350,000.
- Provided drawings to show the landscaping being proposed for the site.
- There were concerns expressed regarding shadowing of other adjacent properties. A demonstration of the shadowing that could potentially occur was presented which indicated that the shadowing of adjacent properties should not be an issue.

Pauline Leskosek, 1422 Richter Street

- Does not support this application.
- Opposed to the 5 storey height of the structure.
- Opposed to the siting of the building on the property.

Connie Swaisland, 1441 Richter Street

- Concerned about the height of the building.
- Opposed to this application as there are a number of heritage-type homes in the neighbourhood and this development does not appear to fit in.

Liza Painter, 729 Stockwell Avenue

- Concerned about the shadowing to her property.
- Concerned about the height of the building.

Trevor Wright, 744 Martin Street

- Uncertain about the variances being requested.
- Inquired if the cedar hedges are being saved that border the subject property and his property.

Wayne Morstad, 750 Martin Street

- Likes the look of the building.
- Concerned about privacy due to the patio decks on the upper floors.

Philip MacDonald, Philip MacDonald Architect Inc.

- If the variances are not approved, it would comprise the design of the building.
- Provided further details and explanations regarding the shadowing from the site.
- A Strata Council will be established once the units are sold to deal with the limited common property areas and the maintenance of them.
- Trying to use longer-durability materials during the construction of the building.

There were no further comments.

Moved by Councillor Blanleil/Seconded by Councillor Gran

R741/07/07/24 THAT Final Adoption of Zone Amending Bylaw No.9763 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP07-0007 for Lot 5, D.L. 138, ODYD, Plan 1346, & Lot A, D.L. 138, ODYD, Plan KAP80311, located on Martin 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 Attachment "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Attachment "C" and "D";
3. Landscaping to be provided on the land be in general accordance with Attachment "E";

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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 estimate value of the landscaping, as determined by a professional landscaper;
5. That the letter of undertaking provided by Windmill Ventures, dated July 15, 2007, is fulfilled and that the plan of lot consolidation be registered at the Land Titles Office.

AND THAT the applicant be required to complete #4 and #5 of the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

AND THAT Council authorize the issuance of Development Variance Permit No. DVP07-0008 for Lot 5, D.L. 138, ODYD, Plan 1346, & Lot A, D.L. 138, ODYD, Plan KAP80311, located on Martin Avenue, Kelowna, B.C.;

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

Section 13.11.6(b) – Development Regulations

To vary the maximum site coverage to 46% proposed where 40% is permitted.

Section 13.11.6(c) – Development Regulations

A variance to allow a building height of 5 storeys, where the height cannot exceed the lesser of 16.5m or 4 storeys.

Section 13.11.6(e) – Development Regulations

To vary the minimum site side yard to 4.5m proposed where 7.5m is required.

Carried

Councillor Clark left the Council Chamber at 7:48 p.m.

- 8.3 Planning & Development Services Department, dated June 21, 2007 re: Development Variance Permit Application No. DVP07-0126 – Dennis Canuel – 390 Wardlaw Avenue

Staff:

- Advised that vehicle access should be eliminated from Abbott Street and that all vehicle access be from the lane.

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

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

Moved by Councillor Letnick/Seconded by Councillor Rule

R742/07/07/24 THAT Council authorize the issuance of Development Variance Permit No. DVP07-0126, Lot 2, District Lot 14, O.D.Y.D., Plan 4276 located at 390 Wardlaw Avenue; Kelowna, B.C. subject to:

1. Vehicle access to the property from Abbott Street be removed;

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2. All vehicle access be via the rear lane; and
3. The small addition to the garage within the proposed 1.9m setback be removed.

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

Section 13.6.6(d) - RU6 – Two Dwelling Housing Development Regulations.

Vary the flanking side yard setback from 6.0m to 3.0m.

Section 13.6.6(e) - RU6 – Two Dwelling Housing Development Regulations.

Vary the rear yard setback from 6.0m to 1.9m.

Carried

9. REMINDERS

10. TERMINATION

The meeting was declared terminated at 7:51 p.m.

Certified Correct:

Mayor

SLH/dld

Deputy City Clerk