

Regular MeetingOctober 2, 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, October 2, 2007.

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

Council members absent: Councillors Gran and Given

Staff members in attendance were: City Manager, R.L. Mattiussi; City Clerk, Allison Flack; Director of Corporate Services/Acting Director of Planning and Development Services, David Shipclark; Current Planning Manager, Shelley Gambacort; Planner, Alec Warrender* and Council Recording Secretary, Arlene McClelland.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 6:41 p.m.

2. Prayer was offered by Councillor Letnick.

3. CONFIRMATION OF MINUTES

Regular Meeting A.M. – September 17, 2007

Regular Meeting P.M. – September 17, 2007

Public Hearing – September 18, 2007

Regular Meeting – September 18, 2007

Moved by Councillor Day/Seconded by Councillor Hobson

R938/07/10/02 THAT the minutes of the Regular Meetings of September 17th, 2007 and September 18th, 2007 and the Minutes of the Public Hearings of September 18th, 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)

5.1 (a) Bylaw No. 9858 (OCP07-0018) – Peter & Patricia Mosychuk (Peter Mosychuk) – 620-622 Wardlaw Avenue

Moved by Councillor Rule/Seconded by Councillor Clark

R939/07/10/02 THAT Bylaw No. 9858 be read a second and third time.

Carried

(b) Bylaw No. 9859 (Z07-0053) – Peter & Patricia Mosychuk (Peter Mosychuk) – 620-622 Wardlaw Avenue

Moved by Councillor Rule/Seconded by Councillor Clark

R940/07/10/02 THAT Bylaw No. 9859 be read a second and third time.

Carried

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- 5.2 Bylaw No. 9863 (Z07-0061) – Ranjit & Onkar Dhillon (Surej Dhillon) – 456 Stetson Street

Moved by Councillor Clark/Seconded by Councillor Rule

R941/07/10/02 THAT Bylaw No. 9863 be read a second and third time.

Carried

- 5.3 Bylaw No. 9864 (Z07-0065) – John Gorges & Patricia Gorges (Oasis Design) – 1989 Knox Crescent

Moved by Councillor Clark/Seconded by Councillor Rule

R942/07/10/02 THAT Bylaw No. 9864 be read a second and third time.

Carried

- 5.4 Bylaw No. 9865 (Z07-0014) – 1314694 Alberta Ltd. (Tessco Inc.) – 1923, 1937, 1979 Ambrosi Road & 1926 Barlee Road

Moved by Councillor Clark/Seconded by Councillor Rule

R943/07/10/02 THAT Bylaw No. 9865 be read a second and third time.

Carried

6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Planning & Development Services Department, dated September 6, 2007 re: Development Variance Permit Application No. DVP07-0092 – Sheila McDonald & Cam Wieser – 4656 Wallace Hill Road

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

Letters of Support

Package from applicant consisting of 3 letters of support from adjacent neighbours, a letter of support from the Agricultural Land Commission, and a letter from the Planning Department received by the applicant prior to purchase of the property.

Fred & Penny Gubbles, 4494 Wallace Hill Road

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

Applicant - Sheila McDonald 516 Caramillo Court

- Present to answer any questions.

There were no further comments.

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THAT Council authorize the issuance of Development Variance Permit No. DVP07-0092 for Lot 178, District Lot 359, O.D.Y.D., Plan 1247, located on Wallace Hill Road, Kelowna, B.C.;

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

Section 11.1.6 (f) A1 – Agriculture 1 Zone, Development Regulation (setback to building housing animals)

A variance to allow a reduction in the setback requirement for buildings housing more than four animals, from 15.0 m to 5.0 m proposed.

Carried

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

Bylaw No. 9812 (Z07-0028) – Pentar Homes Ltd. (Meiklejohn Architects Ltd. – 2138, 2140, 2142 & 2150 Vasile Road

Moved by Councillor Rule/Seconded by Councillor Clark

R945/07/10/02 THAT Bylaw No. 9812 be adopted.

Carried

- (b) Planning & Development Services Department, dated August 31, 2007 re: Development Permit Application No. DP07-0066 and Development Variance Permit Application No. DVP07-0067 – Pentar Homes Ltd. – 2142 Vasile Road

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

- Nil

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

There was no response.

Council:

- Questioned the reasoning behind the parking variance requirement.

Moved by Councillor Letnick/Seconded by Councillor Hobson

R946/07/10/02 THAT Council authorize the issuance of Development Permit No. DP07-0066 for Lot A, DL 129, O.D.Y.D., Plan KAP84193 (revised legal description), located on Vasile 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";

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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. DVP07-0067; Lot A, DL 129, O.D.Y.D., Plan KAP84193 (revised legal description), located on Vasile Road, Kelowna, B.C.;

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

Section 8.1 – Off-Street Vehicle Parking, from 81 stalls required to 76 stalls proposed,

Section 13.11.6(b) – Development Regulations, vary site coverage for buildings, driveways and parking areas from 60% permitted to 65.7% proposed,

Section 13.11.6(c) – Development Regulations, vary building height from 16.5 m or 4 storeys permitted to 17.9m or 5 storeys 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.

Moved by Councillor Rule/Seconded by Councillor Blanleil

R947/07/10/02 THAT Council defer consideration of the above motion to the October 16th Regular Meeting so that the Applicant can speak to the parking variance.

Carried

Councillors Letnick and Clark - Opposed

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

- (i) Bylaw No. 9832 (OCP07-0010) – T186 Enterprises Ltd. (The Mission Group) – 1550, 1560, 1570, 1580 & 1596 Dickson Avenue

Moved by Councillor Hobson/Seconded by Councillor Day

R948/07/10/02 THAT Bylaw No. 9832 be adopted.

Carried

- (ii) Bylaw No. 9850 – Housing Agreement – T186 Enterprises Ltd. (The Mission Group) – 1550, 1560, 1570, 1580 & 1596 Dickson Avenue

Moved by Councillor Hobson/Seconded by Councillor Day

R949/07/10/02 THAT Bylaw No. 9850 be adopted.

Carried

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- (iii) Bylaw No. 9833 (Z07-0027) – T186 Enterprises Ltd. (The Mission Group) – 1550, 1560, 1570, 1580 & 1596 Dickson Avenue

Moved by Councillor Hobson/Seconded by Councillor Day**R950/07/10/02** THAT Bylaw No. 9833 be adopted.Carried

- (b) Planning & Development Services Department, dated September 4, 2007 re: Development Permit Application No. DP07-0063 and Development Variance Permit Application No. DVP07-0064 – T186 Enterprises Ltd. (The Mission Group) – 1550, 1560, 1570, 1580 & 1596 Dickson Avenue

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

Letters of Opposition

Monica Black, 1920 Dunn Street

Thomas & Jane Smart, 1540 Dickson Avenue

Karl Loncaric, representing the owners of the commercial building on 1551 Sutherland Ave.

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

Applicant, JoAnne Adamson, The Mission Group

- Available for questions.
- Reason site coverage increase due to pushing the town homes forward, traditionally they would be built on top of parking area. A lot of yard space in front of town homes and there is outdoor space in the back.
- Site coverage is the foot print of the building.

Council:

- The site coverage provided is actually more than the bylaw states. It does not reflect the fact that there is extra open space on rooftops gardens and decks.

Sylvia Loncaric, Representing the owners of 1551 Sutherland Avenue

- Has geophysical study been done?
- Likes the fact that the applicant is using heat form Landmark building.
- Concerned that the tenants or owners of the building will use neighboring property for parking.
- I believe this is too much for traffic to bare with the whole infrastructure the way it is.

Applicant, JoAnne Adamson, The Mission Group

- We are aware of the water table and we have hired a geotechnical engineer.
- We meet the requirements in the parking bylaw.
- We are providing 13 guest parking stalls on site. Located along the east side of the property and a few stalls off of the lane.

There were no further comments.

Moved by Councillor Letnick/Seconded by Councillor Hobson

R951/07/10/02 THAT Council authorize the issuance of Development Permit No. DP07-0063 for Lots 12, 13, 14, 15, & 16, D.L. 141, O.D.Y.D, Plan 3736, and part of Lot A, DL 141, Plan 20443 located on Dickson 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. DVP07-0064; Lots 12, 13, 14, 15, & 16, D.L. 141, O.D.Y.D, Plan 3736, and part of Lot A, DL 141, Plan 20443 located on Dickson Avenue, Kelowna, B.C.;

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

- a) Section 13.11.6(b) Urban Residential Zones: RM5 Medium Density Multiple Housing: – Development Regulations.
To vary maximum site coverage from 40% permitted to 61.6% proposed, and to vary maximum site coverage for buildings, driveways, and parking areas from 60% permitted to 71.6% proposed,
- b) Section 13.11.6(c) Urban Residential Zones: RM5 Medium Density Multiple Housing: – Development Regulations.
To vary maximum building height from 4 storeys permitted to 4½ storeys proposed,
- c) Section 13.11.6(d) Urban Residential Zones: RM5 Medium Density Multiple Housing: – Development Regulations.
To vary minimum site front yard along Dickson Avenue from 6.0 m required to 4.9 m proposed,
- d) Section 13.11.6(e) Urban Residential Zones: RM5 Medium Density Multiple Housing: – Development Regulations.
To vary minimum southwest site side yard from 4.5 m required for portion of buildings less than 2 ½ storeys high to 1.5 m proposed to parking structure, and from 7.5 m required for portions of buildings over 2 ½ storeys high to 7.3 m proposed,
- e) Section 13.11.6(f) Urban Residential Zones: RM5 Medium Density Multiple Housing: – Development Regulations.
To vary minimum rear yard to accessory building from 6.0 m required to 1.24 m proposed,
- f) Section 13.11.7(b) Urban Residential Zones: RM5 Medium Density Multiple Housing: – Other Regulations.

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To vary maximum continuous building frontage from 40.0 m permitted for a 3 or 4 storey building to 102 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

The Mayor then returned to Item 6.2(b)

6.2 (b) Planning & Development Services Department, dated August 31, 2007 re: Development Permit Application No. DP07-0066 and Development Variance Permit Application No. DVP07-0067 – Pentar Homes Ltd. – 2142 Vasile Road

Moved by Councillor Day/Seconded by Councillor Hobson

R952/07/10/02 THAT the deferral of the consideration of the motion put forward under Item 6.2(b) earlier in the meeting be rescinded.

Carried

Applicant, Fred Parent

- Apologized for arriving late.
- Confirmed he requires the variance to reduce the number of parking stalls by 5. There is a large area designated as visitor parking (16 stalls vs. 8 required). Outside of the building there are spots that are not being used.

Moved by Councillor Rule/Seconded by Councillor Letnick

R953/07/10/02 THAT the main motion be amended to allocate 8 stalls of visitor parking to residential parking.

Defeated

Councillors Clark, Letnick, Day and Blanleil - Opposed

Council:

- The Building's Strata Council will manage how parking spaces are used at the end of the day.

The main motion was then voted upon as originally put:

Moved by Councillor Letnick/Seconded by Councillor Hobson

R954/07/10/02 THAT Final Adoption of Zone Amending Bylaw No. 9812 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP07-0066 for Lot A, DL 129, O.D.Y.D., Plan KAP84193 (revised legal description), located on Vasile 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. DVP07-0067; Lot A, DL 129, O.D.Y.D., Plan KAP84193 (revised legal description), located on Vasile Road,, Kelowna, B.C.;

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

Section 8.1 – Off-Street Vehicle Parking, from 81 stalls required to 76 stalls proposed,

Section 13.11.6(b) – Development Regulations, vary site coverage for buildings, driveways and parking areas from 60% permitted to 65.7% proposed,

Section 13.11.6(c) – Development Regulations, vary building height from 16.5 m or 4 storeys permitted to 17.9m or 5 storeys 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

Mayor Shepherd and Councillor Rule - Opposed

7. REMINDERS

8. TERMINATION

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

Certified Correct:

Mayor

City Clerk

ACM/dd