

Regular MeetingDecember 9, 2008

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 9th, 2008.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Brian Given, Charlie Hodge, Graeme James, Angela Reid, Michele Rule and Luke Stack.

Council members absent: Councillor Robert Hobson.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 7:02 p.m.

2. PRAYER

A Prayer was offered by Councillor Given.

3. CONFIRMATION OF MINUTES

Regular A.M. Meeting – November 24, 2008

Regular P.M. Meeting – November 24, 2008

Public Hearing – November 25, 2008

Regular Meeting – November 25, 2008

Inaugural Meeting – December 1, 2008

Moved by Councillor Given/Seconded by Councillor Blanleil

R1127/08/12/09 THAT the Minutes of the Regular Meeting of November 24, 2008 and November 25, 2008 and the Minutes of the Public Hearing of November 25, 2008 and the Minutes of the Inaugural Meeting of December 1, 2008 be confirmed as circulated.

Carried

4. Councillor Given was requested to check the minutes of this meeting.

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Mayor Shepherd and Councillors Given, James and Reid – Opposed.

(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS AND ADOPTION)5.2 Bylaw No. 10116 (Z08-0074) – Dale & Lisa Lamb – 4383 Hobson RoadMoved by Councillor Stack/Seconded by Councillor BlanleilR1129/08/12/09 THAT Bylaw No. 10116 be read a second and third time and be adopted.Carried6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

6.1 Community Sustainability Division, dated November 12, 2008 re: Development Variance Permit Application No. DVP08-0218 – Dale & Lisa Lamb – 4383 Hobson Road **City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward**

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

- Letters of Opposition:
 - Dorothy McKenzie, 4373 Hobson Road
 - Glen & Yvette Delcourt, 4389 Hobson Road (Opposed to the height variance only)

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

Shane Baxter, Applicant's Representative

- Advised that the height variance being requested deals with the "tower" structure only.
- Believes that the height of the structure is not an issue. The only concern is whether or not the addition is classified as an additional storey.

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- Expressed a concern about the wording and interpretation of "Height and Grade" in Zoning Bylaw No. 8000.

Council:

- Believe that staff need to clarify the actual definition of an "observation tower" within Zoning Bylaw No. 8000.

There were no further comments.

Moved by Councillor Blanleil/Seconded by Councillor Given

R1130/08/12/09 THAT Final Adoption of Zone Amending Bylaw No.10116 be considered by Council;

THAT Council authorize the issuance of Development Variance Permit No. DVP08-0218, for Lot A District Lot 167 Osoyoos Division Yale District Plan 17542, located on Hobson Rd, Kelowna, B.C.

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

Section 13.1.6 RU1 Development Regulations

To vary the maximum height from 2 ½ storeys allowed to 3 storeys for the principal building.

Carried

- 6.2 Community Sustainability Division, dated November 13, 2008 re: Development Variance Permit Application No. DVP08-0191 – Salco Management Ltd. – 2402 Highway 97 North **City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward**

Staff:

- Advised that the subject property is the site of the Best Western Hotel.
- Advised that the Easement Agreement registered on title deals with parking and cannot be discharged without the consent of the City.

The 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.

Greg Sloane, Applicant's Representative

- Confirmed that the City of Kelowna would have to agree to any change in land use with respect to the property as the City is a signatory to the Easement Agreement registered on title.
- Confirmed that the owner of the two (2) properties is the same; however the owner does not wish to consolidate the two (2) lots at this time.

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- Advised that there is a difference in setback requirements as they relate to hotels and motels.

There were no further comments.

Moved by Councillor Stack/Seconded by Councillor Reid

R1131/08/12/09 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP08-0191; Salco Management Ltd.; Lot A, DL 125, O.D.Y.D., Plan 19786 Exc. Plans H18058 and KAP44339, located on Highway 97 N., Kelowna, B.C.;

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

Sec. 14.9.5(e) Development Regulations;

Vary the rear yard setback for Hotels from 15.0m required to 0.60m proposed.

Carried

- 6.3 Community Sustainability Division, dated November 12, 2008 re: Development Permit Application No. DP08-0143 and Development Variance Permit Application No. DVP08-0144 – Melcor Lakeside Inc. (Front Street Equity Inc.) – 1150 Black Mountain Drive **City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward**

The 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.

Kelly Baumgartner, Applicant's Representative

- Advised that the façade has been revised in order to remedy the variety of concerns that were highlighted by the Advisory Planning Commission.
- Confirmed that the building is actually designed as a 2 ½ storey structure; however based on staff calculations, they consider it a 3 storey structure.
- Advised that he believes that the BC Building Code does not allow for 2 ½ storeys. He believes that it only allows for 2 or 3 storeys.
- Confirmed that parking will be entirely underground.
- Advised that extensive landscaping will be done, and retaining walls constructed along the back of the property.
- Have canvassed the area and have found that the residents are very supportive of the proposed development and variance being requested.

There were no further comments.

Moved by Councillor Given/Seconded by Councillor James

R1132/08/12/09 THAT Council authorize the issuance of Development Permit No. DP08-0143 for Lot 1, Section 19, Township 27, ODYD Plan KAP81890, located at 1150 Black Mountain Drive, 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 FURTHER THAT the applicant be required to complete the above-noted condition No. 4 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. DVP08-0144 for Lot 1, Section 19, Township 27, ODYD Plan KAP81890, located at 1150 Black Mountain Drive, Kelowna, B.C;

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

Section 13.9.6 (c) – To vary the maximum building height of 2½ storeys to 3 storeys;

AND THAT the Development Permit be issued subsequent to the requirements of Works and Utilities being completed to their satisfaction.

Carried

7. REMINDERS – Nil.

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8. TERMINATION

The meeting was declared terminated at 7:36 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld