

Regular MeetingSeptember 22, 2009

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, September 22nd, 2009.

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

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 8:13 p.m.

2. PRAYER

2. A Prayer was offered by Councillor Rule.

3. CONFIRMATION OF MINUTES

Public Hearing - September 8, 2009
 Regular Meeting - September 8, 2009
 Regular A.M. Meeting - September 14, 2009
 Regular P.M. Meeting - September 14, 2009

Moved by Councillor Hobson/Seconded by Councillor Stack

R941/09/09/22 THAT the Minutes of the Regular Meeting of September 8th, 2009 and September 14th, 2009 and the Public Hearing Minutes of September 8th, 2009 be confirmed as circulated.

Carried

4. Councillor Rule 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. 10227 (OCP09-0004) - Condor Holdings Ltd. (Worman Resources Inc.) - 480 Osprey Avenue - **Requires a majority of all Members of Council (5)**

Moved by Councillor Hodge/Seconded by Councillor Rule

R942/09/09/22 THAT Bylaw No. 10227 be read a second and third time and be adopted.

Carried
 Councillors Hodge and James - Opposed.

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- 5.2 Bylaw No. 10228 (Z09-0013) - Condor Holdings Ltd. (Worman Resources Inc.) - 480 Osprey Avenue

Moved by Councillor James/Seconded by Councillor Hodge

R943/09/09/22 THAT Bylaw No. 10228 be read a second and third time and be adopted.

Carried
Councillors Hodge and James - Opposed.

6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Community Sustainability Division, dated August 28, 2009 re: Development Permit Application No. DP09-0019 and Development Variance Permit Application No. DVP09-0097 - Condor Holdings Ltd. (Worman Resources Inc.) - 480 Osprey Avenue 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 Concern:
 - Denton Powles, KLO Neighbourhood Association
- Letters of Opposition:
 - Alan Carter, 2700 Abbott Street
 - Colleen Nikon, 2663 Gore Street
 - Mae Saby, 2653 Gore Street
 - Helen Eden, 2664 Gore Street
- Letter of Support:
 - Sheri Graham, 467 Osprey Avenue & 459 Osprey Avenue

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

Shane Worman, Worman Resources Inc., Applicant's Representative

- Believes that the area in the laneway that is designated for loading and off-loading would accommodate the size of the trucks.

Gallery:

Mary Jane Addison, 2678 Gore Street

- Advised that the dumpster in the back laneway is currently being used by other commercial merchants in the area and wanted to know what was being proposed for this development.

Maryann Ingraham, 2627 Gore Street

- Because Gore Street is a dead-end, she is concerned that vehicles will need to travel to the end of the street in order to turn around so that they leave the area.

Doug Ingraham, 2627 Gore Street

- Believes that the parking issues can be dealt with if the design/footprint of the building is changed.
- Does not believe that there is adequate parking for the development, especially for the commercial component.
- Believes that the design of the building is "institutional".

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Shane Worman, Worman Resources Inc., Applicant's Representative

- Advised that there will be three (3) roll out bins provided for the commercial component of the development (1 for garbage; 1 for recycling; 1 for yard waste).
- Would be willing to request that commercial operators encourage their employees to use the Osprey parking lot for their employee parking.

There were no further comments.

Moved by Councillor Blanleil/Seconded by Councillor Stack

R944/09/09/22 THAT Final Adoption of OCP Amending Bylaw No. 10227 and Zone Amending Bylaw No. 10228 be considered by Council;

THAT Council authorize the issuance of Development Permit No. DP09-0019 for Lot 12, DL 14, O.D.Y.D., Plan 7927, located on Osprey 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
5. The applicant provide payment of \$37,500.00 which represents payment of cash in lieu of parking for 5 parking stalls.

THAT Council authorize the issuance of Development Variance Permit No. DVP09-0097 for Lot 12, DL 14, O.D.Y.D., Plan 7927, located at 480 Osprey Avenue, Kelowna, B.C.;

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

Section 8.2.2 Number of Loading Stalls: to vary the loading stall requirement from 1 stall per 1,900 m² GFA required to 0 stalls proposed.

Carried
Councillor Hodge - Opposed.

Staff:

- Advised that the Residential Parking Permit Program, Council Policy No. 107, deals with restricted parking.

Moved by Councillor Rule/Seconded by Councillor Hobson

R945/09/22/09 THAT Council directs staff to explore appropriate signage for Gore Street in order to advise the public that it is not a thru road;

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AND THAT Council directs staff to investigate options for a pedestrian crossing from the west side of Osprey Avenue to the east side of Osprey Avenue.

Carried

- 6.2 Community Sustainability Division, dated August 25, 2009 re: Development Variance Permit Application No. DVP09-0048 - Rodney & Jody Hazard (Andrew Bruce) - 204 Poplar Point 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.

Andrew Bruce, Applicant

- Voluntarily registered a Covenant on title to protect the foreshore area.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R946/09/09/22 THAT Council authorize the issuance of Development Variance Permit No. DVP09-0048 for Lot 1, DL 219, ODYD, Plan 4561, located at 204 Poplar Point Drive, Kelowna, BC:

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

Section 6.11.1 - Okanagan Lake Sight Lines - To vary the required Okanagan Lake 120° Panoramic Sight Line to 86° proposed, resulting from the north sight line being reduced from 60° required, to 26° proposed.

Carried

7. REMINDERS

Staff:

- Advised that the cost for the installation of an additional microphone to the public podium in Council Chamber is \$2,200, plus taxes; and that there are no funds in the maintenance budget.

Moved by Councillor Stack/Seconded by Councillor Hodge

R947/09/22/09 THAT Council authorizes staff to add an additional microphone to the public podium in Council Chambers;

AND THAT the installation and programming of the additional microphone be paid from Council Contingency.

Carried

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8. TERMINATION

The meeting was declared terminated at 9:17 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk