

Regular MeetingOctober 20, 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, October 20th, 2009.

Council members in attendance: Mayor Sharon Shepherd, Councillors Brian Given, Robert Hobson, Charlie Hodge, Graeme James, and Angela Reid.

Council members absent: Councillors Andre Blanleil, Michele Rule and Luke Stack.

Staff members in attendance were: Acting City Manager, Paul Macklem; 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 7:21 p.m.

2. A Prayer was offered by Councillor Hobson.

3. CONFIRMATION OF MINUTES

Regular A.M. Meeting - October 5, 2009
 Regular P.M. Meeting - October 5, 2009
 Public Hearing - October 6, 2009
 Regular Meeting - October 6, 2009
 Special Meeting - October 8, 2009

Moved by Councillor Reid/Seconded by Councillor Hodge

R995/09/10/20 THAT the Minutes of the Regular Meeting of October 5th, 2009 and October 6th, 2009 and the Public Hearing Meeting of October 6th, 2009 and the Special Meeting of October 8th, 2009 be confirmed as circulated.

Carried

4. Councillor Hobson 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. 10218 (Z09-0031) - Louis Spartin, Tracey Spartin, Gary Taylor & Maureen Ryan (Troika Developments Inc.) - 3975 & 3985 Lakeshore Road

MOTION ON THE FLOOR FROM THE SEPTEMBER 8, 2009 REGULAR MEETING:

Moved by Councillor Hodge/Seconded by Councillor James

R996/09/10/20 THAT Bylaw No. 10218 be read a second and third time.

Carried

5.2 Bylaw No. 10244 (Z09-0037) - Clarence Breitreutz & Margaret Davidson - 1377 Mountain Avenue

Regular MeetingOctober 20, 2009Moved by Councillor Hodge/Seconded by Councillor James

R997/09/10/20 THAT Bylaw No. 10244 be read a second and third time and be adopted.

Carried(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS AND ADOPTION)

5.3 Bylaw No. 10243 (Z09-0042) - James & Sandra East - 557 McWilliams Road

Moved by Councillor Reid/Seconded by Councillor Hobson

R998/09/10/20 THAT Bylaw No. 10243 be read a second and third time and be adopted.

Carried6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

6.1 Community Sustainability Division, dated September 11, 2009 re: Development Permit Application No. DP09-0099 and Development Variance Permit Application No. DVP09-0100 - National Society of Hope (New Town Architectural Services) - 2059-2129 Benvoulin Court 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 once the surrounding area develops, there will be an additional access to the site.
- Advised that there are still significant capabilities for walkability in the area as there is still an active pedestrian crossing on Springfield Road.
- Confirmed that there is a pedestrian-activated crossing on Mayer Road.

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.

Pat McCusker, New Town Architectural Services, Applicant's Representative

- Advised that this is the 1st phase of a multi-phase project.
- Advised that as the development phases occur, a more detailed landscape plan will be developed for the site.
- Most of the buildings on the site will be 4-storeys, except for the 1st phase as a 5-storey building is required in order to accommodate the amenities for the entire development.
- Will be providing a gravel trail around the site.
- Is considering LEED aspects for the building, but not necessarily LEED certification due to the financial constraints of the applicant.

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Gallery:

Barry Wise, Representative of the National Society of Hope

- Advised that the vacancy rate for subsidized housing is typically 1.5%.
- Believes that the community is in desperate need of seniors' housing.

There were no further comments.

Moved by Councillor Hodge/Seconded by Councillor James

R999/09/10/20 THAT the Council authorize the issuance of Development Permit No. DP09-0099 for Part of Lot A, DL 128 & 142, O.D.Y.D., Plan KAP85660, Exc. Plan KAP86951, located on Benvoulin Court, Kelowna B.C., subject to the following:

- a) The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
- c) Landscaping to be provided on the land be in general accordance with Schedule "C";
- d) 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 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. DVP09-0100; for Part of Lot A, DL 128 & 142, O.D.Y.D., Plan KAP85660, Exc. Plan KAP86951, located at 2059-2129 Benvoulin Court, Kelowna, B.C.;

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

Section 8.1 - Off Street Vehicle Parking - Parking Schedule (Table 8.1)
Vary the parking stalls from 87 required to 72 proposed.

Section 13.11.6 (c) - Development Regulations - Height
Vary the height of the building from 16.5m / 4 storeys permitted to 16.5m / 5 storeys proposed

Carried

7. REMINDERS

Staff:

- Advised that the CD21 Zone Public Hearing was held on October 20, 2008 and that the Bylaws received 2nd & 3rd readings on October 27, 2008.
- Advised that there will be a report from the Land Use Management Department on the October 26th Council Meeting Agenda requesting that Council extend the deadline for adoption of the CD21 Zone bylaws.

8. TERMINATION

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The meeting was declared terminated at 7:54 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld