

Regular MeetingDecember 15, 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, December 15th, 2009.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Kevin Craig, 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 7:13 p.m.

2. A Prayer was offered by Councillor Hodge.

3. CONFIRMATION OF MINUTES

Regular A.M. Meeting - November 30, 2009
 Regular P.M. Meeting - November 30, 2009
 Public Hearing - December 1, 2009
 Regular Meeting - December 1, 2009
 Regular A.M. Meeting - December 7, 2009
 Regular P.M. Meeting - December 7, 2009

Moved by Councillor Rule/Seconded by Councillor Stack

R1182/09/12/15 THAT the minutes of the Regular Meeting of November 30, 2009, December 1, 2009 and December 7, 2009 and the Public Hearing Meeting of December 1, 2009 be confirmed as circulated.

Carried

4. Councillor Hodge 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. 10264 (Z09-0063) - Joan Needham - 4646 McClure Road

Moved by Councillor Stack/Seconded by Councillor Hobson

R1183/09/12/15 THAT Bylaw No. 10264 be read a second and third time.

Carried

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- 5.2 Bylaw No. 10265 (OCP07-0022) - Al Stober Construction Ltd. (Meiklejohn Architects Inc.) - 477 Osprey Avenue - **Requires a majority of all Members of Council (5)**

Moved by Councillor Stack/Seconded by Councillor HobsonR1184/09/12/15 THAT Bylaw No. 10265 be read a second and third time.Carried

- 5.3 Bylaw No. 10266 (Z07-0073) - Al Stober Construction Ltd. (Meiklejohn Architects Inc.) - 477 Osprey Avenue

Moved by Councillor Blanleil/Seconded by Councillor ReidR1185/09/12/15 THAT Bylaw No. 10266 be read a second and third time.Carried

- 5.4 Bylaw No. 10259 (Z09-0055) - Arnaldo and Norberta Magsajo - 1294 Black Mountain Crescent

Moved by Councillor Craig/Seconded by Councillor JamesR1186/09/12/15 THAT Bylaw No. 10259 be read a second and third time;

AND THAT Council directs staff to look into restricting, and/or prohibiting, on-street parking from the applicant's driveway located at 1294 Black Mountain Crescent to the end of the applicant's property;

AND THAT Council directs staff to look into restricting, and/or prohibiting, on-street parking on the side of Black Mountain Crescent that borders the park;

AND FURTHER THAT staff report back to Council with respect to possible on-street parking restrictions prior to adoption of Bylaw No. 10259.

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

- 5.5 Bylaw No. 10268 (HD09-0001) - Heritage Designation - 0847922 BC Ltd. - 520 Clement Avenue - CN Train Station

Moved by Councillor James/Seconded by Councillor CraigR1187/09/12/15 THAT Bylaw No. 10268 be read a second and third time and be adopted.Carried

Regular MeetingDecember 15, 20096. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS6.1 (a) BYLAW PRESENTED FOR ADOPTION

Bylaw No. 10218 (Z09-0031) - Louis Spartin, Tracey Spartin, Gary Taylor & Maureen Ryan (Troika Developments Inc.) - 3975 & 3985 Lakeshore Road

Councillor Stack previously declared a conflict of interest with respect to this item as he is a personal friend of one of the former owners of the property. Even though the subject property has now changed ownership, Councillor Stack decided not to take part in Council's consideration of the adoption of Bylaw No. 10218 and left the meeting at 7:33 p.m.

Moved by Councillor Rule/Seconded by Councillor Hodge

R1188/09/12/15 THAT Bylaw No. 10218 be adopted.

Carried

Councillor Stack rejoined the meeting at 7:34 p.m.

- (b) Community Sustainability Division, dated November 4, 2009, re: Development Permit Application No. DP09-0061 and Development Variance Permit Application No. DVP09-0062 - Louis Spartin, Tracey Spartin, Gary Taylor & Maureen Ryan (Troika Developments Inc.) - 3975 & 3985 Lakeshore 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:

- o Letter of Opposition:
 - Terry Bond and Terry Flanagan, #304-650 Lexington Drive
- o Additional Information Submitted by Applicant:
 - Additional information submitted by Troika Developments Inc. including letters of support, form letters of support and a petition of support.

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

Renee Wasylyk, Troika Developments Inc., Applicant

- Gave presentation to regarding the proposed development.
- Based on the comments received by the public, the building has been redesigned.
- The only variance being requested is for the front façade of the building so that the design of the development can be more pedestrian-friendly.
- The development incorporates a transit shelter that will be located directly in front of the proposed building. The transit shelter was designed in conjunction with City staff.
- Advised that a "green plan" has been created for the development of the site.
- Advised that the guidelines set out by Council with respect to urban centres have been followed.
- Confirmed that extensive community consultation was done with respect to the project.

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There were no further comments.

Moved by Councillor Hodge/Seconded by Councillor Hobson

R1189/09/12/15 THAT final adoption of Zone Amending Bylaw No. 10218 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP09-0061 for Lots 7 & 8 Section 6 Township 26 ODYD Plan 8758, located on 3975 & 3985 Lakeshore Road, Kelowna, BC subject to the following:

- a) THAT the dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- b) THAT 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
- e) The registration of the consolidation plan at the Land Titles Office prior to issuance of the Development Permit;
- f) The applicant be required to satisfy the Development Engineering Branch requirements prior to issuance of the Development Permit;

AND 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;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP09-0062 for Lots 7 & 8 Section 6 Township 26 ODYD Plan 8758, located on 3975 & 3985 Lakeshore Road, Kelowna, BC;

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

Section 14.3.5(d) - Front Yard

Vary the front yard from 3.0 m required to 0.15 m proposed.

Carried

- 6.2 Community Sustainability Division, dated November 16, 2009 re: Development Variance Permit Application No. DVP09-0148 - WB-133 Holdings Ltd. & Tafco Realty Corp. (Tom Jessop) - 2106-2112 Harvey 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 no correspondence and/or petitions had been received.

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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 Stack/Seconded by Councillor Craig

R1190/09/12/15 THAT Council authorize the issuance of Development Variance Permit No. DVP09-0148 for Lot A, District Lot 127, Osoyoos Division Yale District Plan 24849 except plans KAP73626 and KAP88861 located at Harvey Avenue (Highway 97), Kelowna, B.C.

AND THAT variances to the following sections of Sign Bylaw No. 8235 be granted:

Section 5.6.1 (d) - Free-standing Signs

To vary the siting of the free-standing sign from 1.5m setback permitted to 0.5 m setback proposed from the lot line.

AND FURTHER THAT the proposed free-standing sign has a minimum clearance of 1.5m in accordance with the attached Schedule "B".

Carried

- 6.3 Community Sustainability Division, dated November 19, 2009 re: Development Variance Permit Application No. DVP09-0147 - Jeffrey James Krivoshen & Patricia Dawne Rychjohn (Jeff Krivoshen & Patricia Krivoshen Rychjohn) - 626 Arbor View 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 the following correspondence and/or petitions had been received:

- o Letter of Support:
 - Denis Davis, 629 Almandine Court

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 Hodge/Seconded by Councillor Hobson

R1191/09/12/15 THAT Council authorize the issuance of Development Variance Permit No. DVP09-0147 for Lot 11 District Lot 357 SDYD Plan KAP75136, located at 626 Arbor View Drive, Kelowna, BC;

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

Section 7.5.9 Horizontal Separation between Retaining Walls - To vary the required horizontal separation between retaining walls from 1.2 m required to 0.5 m proposed.

Carried

Regular MeetingDecember 15, 20096.4 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 10267 - Housing Agreement Authorization Bylaw - M19 Holdings Ltd. - Hartman & Rutland Roads

Moved by Councillor Hodge/Seconded by Councillor Rule

R1192/09/12/15 THAT Bylaw No. 10267 be adopted.

Carried

- (b) Community Sustainability Division, dated November 20, 2009 re: Development Permit Application No. DP09-0134 and Development Variance Permit Application No. DVP09-0135 - M19 Holdings Ltd. (Worman Commercial) - 130 Hartman Road, 915A-B, 925 & 935 Rutland 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:

- o Letter of Support:
 - Josh Goode, 778 Rutland Road North

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 Commercial, Applicant

- Advised that the project is designed to be phased in over time.
- Would like to sell the properties at a reasonable cost. The target market will likely be young families with affordable pricing of approximately \$129,000.00.
- Advised that there will be bachelor suites included in the development, together with 2 bedroom suites, as well as 3 and 4 bedroom units.
- Confirmed that the Housing Agreement stipulates that three (3) of the units are to be designated as affordable rental units.
- The development has been designed with ground-level patio spaces which will be landscaped.
- There will be a public space along the back of the property, which is designated as a "play area"; however that space could be converted to a community garden area for the residents.

Gallery:

Craig, Resident of Kelowna

- Advised that there is a large community garden just down the street from this development which is not being fully utilized.
- Believes that a lot of thought and consideration was put into the design of the development.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Stack

R1193/09/12/15 THAT Development Permit No. DP07-0208 for Lot 1, Sec. 26, Twp. 26, ODYD, Plan KAP66718, located at 925 Rutland Road, Lot 13, Sec. 26, Twp. 26, ODYD, Plan KAP65904, located at 925 Rutland Road, Lot 3, Sec. 26, Twp. 26, ODYD Plan 15222, located at 915A-915B Rutland Road, Lot 2, Sec. 26,

Twp. 26, ODYD, Plan 15222, located at 130 Hartman Road, Kelowna B.C., be rescinded by Council;

AND THAT Final Adoption of Housing Agreement Bylaw No. 10267, authorizing a Housing Agreement between the City of Kelowna and M19 Holdings Ltd., which requires the owners to designate *three (3) dwelling units for rental housing* on Lot 1, Sec. 26, Twp. 26, ODYD, Plan KAP66718, located at 925 Rutland Road, Lot 13, Sec. 26, Twp. 26, ODYD, Plan KAP65904, located at 925 Rutland Road, Lot 3, Sec. 26, Twp. 26, ODYD Plan 15222, located at 915A-915B Rutland Road, Lot 2, Sec. 26, Twp. 26, ODYD, Plan 15222, located at 130 Hartman Road, Kelowna, B.C., be considered by Council.

AND THAT Council authorize the issuance of Development Permit No. DP09-0134 for Lot 1, Plan KAP66718; Lots 2 & 3, Plan 15222; Lot 13, Plan KAP65904; Section 26, Township 26, ODYD, located at 130 Hartman Road, 915, 925, & 935 Rutland Road, Kelowna, BC subject to the following:

- a) THAT the dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- b) THAT 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;
- e) The registration of the consolidation plan at the Land Titles Office be executed prior to issuance of the Development Permit;
- f) The applicant be required to satisfy the Development Engineering Branch requirements prior to issuance of the Development Permit;

AND 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.

AND THAT Council authorize the issuance of Development Variance Permit No. DVP09-0135 for Lot 1, Plan KAP66718; Lots 2 & 3, Plan 15222; Lot 13, Plan KAP65904; Section 26, Township 26, ODYD, located at 130 Hartman Road, 915, 925, & 935 Rutland Road, Kelowna, BC;

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

Section 13.9.6 (b) Development Regulations - RM3

Vary the maximum site coverage including buildings, driveways and parking areas from 50% allowed to 59.4% proposed.

Carried

7. REMINDERS

Councillor Rule advised that Skate Canada has established a Centre for Excellence at the Capital News Centre.

Regular Meeting

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Councillor Stack complimented the Council Recording Secretary, Sandi Horning, for her excellent work in preparing the Council Minutes.

8. TERMINATION

The meeting was declared terminated at 8:06 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld