

Regular MeetingMay 4, 2010

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, May 4<sup>th</sup>, 2010.

Council members in attendance: Mayor Sharon Shepherd, Councillors Kevin Craig, Charlie Hodge, Graeme James, and Luke Stack.

Council members absent: Councillors Angela Reid and Michele Rule, Andre Blanleil and 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, Arlene McClelland.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 6:18 p.m.

2. PRAYER

Prayer will be offered by Councillor Hodge.

3. CONFIRMATION OF MINUTES

Regular A.M. Meeting - April 19, 2010  
 Regular P.M. Meeting - April 19, 2010  
 Special A.M. Meeting- April 20, 2010  
 Special P.M. Meeting - April 20, 2010  
 Public Hearing - April 20, 2010  
 Regular Meeting - April 20, 2010  
 Regular A.M. Meeting - April 26, 2010  
 Regular P.M. Meeting - April 26, 2010

Moved by Councillor Craig/Seconded by Councillor Stack

R409/10/05/04 THAT the Minutes of the April 19, 2010, April 20, 2010 and April 26, 2010 and the Public Hearing Meeting of April 20, 2010 and the Special Meeting of April 20, 2010 be confirmed as circulated.

Carried

4. Councillor Hodge is 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. 10320 (TA10-0004) - T252 Enterprises Ltd. (John Adams) - 435 Harvey Avenue

Moved by Councillor Stack/Seconded by Councillor James

R410/10/05/04 THAT Bylaw No. 10320 be read a second and third time.

Carried

Regular MeetingMay 4, 2010

- 5.2 Bylaw No. 10311 (Z10-0001) - T252 Enterprises Ltd. (John Adams) - 435 Harvey Avenue

Moved by Councillor Stack/Seconded by Councillor James

R411/10/05/04 THAT Bylaw No. 10311 be read a second and third time.

Carried

- 5.3 Bylaw No. 10321 (Z10-0014) - Zhen Hong Lou and Min He (Robert Zhen Hong Lou) - 471 Fiset Avenue

Moved by Councillor Hodge/Seconded by Councillor James

R412/10/05/04 THAT Bylaw No. 10321 be read a second and third time.

Carried

6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Community Sustainability Division, dated April 8, 2010 re: Development Variance Permit Application No. DVP10-0032 - Wladimir & Helene Gering - 1207 Morrison Road

The City Clerk advised that no correspondence and/or petitions had been received.

Applicant:

- Present and available to answer any questions.

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

There were no further comments.

Moved by Councillor Stack/Seconded by Councillor Craig

R413/10/05/04 THAT Council authorize the issuance of Development Variance Permit No. DVP10-0032 for Lot C, Section 36, Township 26, Osoyoos Division Yale District Plan 17689 located at Morrison Road, Kelowna, B.C.

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

Section 11.1.6(a) Development Regulations

To vary the maximum site coverage from 10% permitted to 15.5% requested.

Carried

6.2 (a) BYLAWS PRESENTED FOR ADOPTION

- (i) Bylaw No. 10297 (OCP09-0017) - Natisa Development Corporation & City of Kelowna (Meiklejohn Architects Inc.) - 3441 & 3451 Lakeshore Road

Regular MeetingMay 4, 2010Moved by Councillor James/Seconded by Councillor CraigR414/10/05/04 THAT Bylaw No. 10297 be adopted.Carried

- (ii) Bylaw No. 10298 (Z09-0079) - Natisa Development Corporation & City of Kelowna (Meiklejohn Architects Inc.) - 3441, 3451 & 3471 Lakeshore Road

Moved by Councillor Craig/Seconded by Councillor JamesR415/10/05/04 THAT Bylaw No. 10298 be adopted.Carried

- (b) Community Sustainability Division, dated April 9, 2010 re: Development Permit Application No. DP09-0160 and Development Variance Permit Application No. DVP09-0161 - Natisa Development Corp. & City of Kelowna (Meiklejohn Architects Inc.) - 3441, 3451, 3461 & 3471 Lakeshore Road

Staff:

- Staff are unable to recommend the development variance from 6 storeys to 7 ½ storeys in height until the OCP review has been completed. Staff is supportive of the form and character. This would qualify for the iconic type of building we are looking for.

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

**Petition of Opposition:**

A petition of opposition signed by 38 owners/occupiers of 3335 Richter Street as submitted by Greg Bickert of Okanagan Strata Management.

Council:

- Confirmed with staff that the justification in rendering support for the setback variances is due to the site configuration and being adjacent to the Fortis substation.
- Confirmed that the east side setback variance is against the power station.

Applicant: Jim Meicklejohn and Vince Ferndandez

- We are here to provide an update on 3 major points since our last presentation to Council as well as our efforts since that date. At the March 23<sup>rd</sup> meeting we were encouraged to engage with the neighbourhood; we followed up with a public meeting and advertised for an Open House at Manteo on April 1<sup>st</sup>. The neighbours and community generally provided positive feedback. There was universal appreciation for the architecture and quality of materials and green features. Most neighbours were pleased and thought the development had the least impact on the neighbourhood. However, there was some concern regarding the height. We showed the minor impact that the 2 m height variances would have on the views of the surrounding neighbourhood. We are targeting a LEED building and have a low energy footprint. We are in keeping with City Policies. City Policy does not discourage higher storeys at key intersections and this is a gateway building. It was noted that a considerable amount of the property, 50 to 70 feet, has been dedicated to road reserve which makes the project quite challenging. The building is not as big as we are allowed to build but feel the proposed building is the appropriate shape for the site.

Regular MeetingMay 4, 2010Council:

- Confirmed with the Applicant that there are two types of roofs. The roof over the residential units will have a reflective membrane and the landscaped deck over the covered parking which is heavily landscaped. The Applicant noted there are insurance issues with green roofs over residential units.
- Confirmed that the photo displayed showing a 24 m height does not show the stairwells and elevator shafts that will be above it.

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

Gallery:Lorraine Hladik, 3335 Richter Street:

- Concerned with what is happening in this area.
- Concerned with height of the building. There will be less opportunities to enjoy the beach with enclosed areas.
- Concerned with the glass and how much reflection there will be for drivers and those citizens enjoying the beach. Would like more green along the beach sidewalks.

Ian Atkin 3442 Moberly:

- Concerned with height of building.
- Biggest concern is Swordy Road itself. All the access from this building is on the Swordy side. If the traffic enters on Swordy you create more traffic. Entrance of vehicles is a safety concern.

Tracy MacGregor, 3523 Landie Road

- Concerned with parking issues. In the summer time the area is bumper to bumper for parking.
- Concerned with potential issue of people speeding down Landie.
- Traffic control and direction the vehicles will be going is a major concern. Vehicles will be parked in front of her home on a regular basis.

Tenant, 3453 Moberly

- Opposed to the height variance.
- Concerned with parking.

Colleen Golik, 3452 Scott Road:

- Concerned with parking proposed.
- Concerned with sun shadow created by this building which may affect the solar energy that warms my house in the winter.

Keith and Kelly Robinson, 3434 Scott Road (3432 and 3431 Scott Road):

- Concerned with sun shadow.
- Opposed to height variance.
- Opposed to east side setback variance.

John Przywara, 3431 Scott Road:

- Concerned with the height variance that would affect the amount of sunlight received.
- Concerned with parking.
- Opposed to the variance on the east side as it would reduce the amount of sunlight.
- Opposed to this development.

Regular MeetingMay 4, 2010Gerry Bleiler, 765 Swordy Road:

- Concerned with amount of traffic coming up Swordy Road rather than turning at Lakeshore. Will increase traffic on Swordy Road. Concerned with large foot print on adjacent property that will impact increased traffic.
- Concerned with condition of Swordy Road and requires upgrading.

Applicant:

- Acknowledged that the design was not his but confirmed that even though the photos do not show it, the elevator shaft would penetrate through the roof and would be a little bump on the roof.
- Did not agree with the remarks made about loss of open space and lack of green space on sidewalks. The plan is showing 50 to 70 feet taken for road reserve. You could fit a parking lot in front of that building and we landscaped all of that. This is a green space.
- The concern with regards to reflecting glass; the depths of balconies will make a lot of that glass somewhat hidden. My guess is that it would not be a hazard.
- The height of this building does not make it a high rise or tall building. A high rise would consist of 16 to 25 storeys.
- Traffic issue concern; The current zone would allow for a much larger building with many more units so we do not believe the nature of this proposal is creating a traffic problem, it is actually making life a little more easy for the residents. The site has access from both Richter Street and Swordy Road.
- With respect to the sun shadow concerns, I would not think the impact on neighbours would be that great because the neighbours are not that close.

There were no further comments.

Moved by Councillor Stack/Seconded by Councillor Craig

**R416/10/05/04** THAT Council authorize the issuance of Development Permit No. DP09-0160 for Lot 3, District Lot 134, ODYD, Plan 38150; Lot 39, District Lot 134, ODYD, Plan 3886; Lot 38, District Lot 134, ODYD, Plan 3886 except Plan 40525; Lot 37, District Lot 134, ODYD, Plan 3886 except Plan 40525; Lot 36, District Lot 134, ODYD, Plan 3886; located at 3441, 3451, 3461 & 3471 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. DVP09-0161 for Lot 3, District Lot 134, ODYD, Plan 38150; Lot 39, District Lot 134, ODYD, Plan 3886; Lot 38, District Lot 134, ODYD, Plan 3886 except Plan

Regular MeetingMay 4, 2010

40525; Lot 37, District Lot 134, ODYD, Plan 3886 except Plan 40525; Lot 36, District Lot 134, ODYD, Plan 3886; located at 3441, 3451, 3461 & 3471 Lakeshore Road, Kelowna, BC;

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

Section 14.9.5(b) - C9 Development Regulations

Vary the maximum height from 22.0m/6 storeys required to 25.0m/7.5 storeys proposed.

Section 14.9.5(d) - C9 Development Regulations

Vary the minimum side yard setback (east) from 3.0m required to 0.0m proposed.

Section 14.9.5(e) - C9 Development Regulations

Vary the minimum rear yard setback from 15.0m required to 5.0m proposed.

Carried

Council:

- Commented that it is City Policy to increase density in Town Centers and this is consistent with the direction the city is going.
- The mixed use and pedestrian use is appropriate.
- The height variance is minor.

7. REMINDERS

Council is invited to the Emergency Preparedness Event on Wednesday, May 5<sup>th</sup> at the UBC-Okanagan campus.

8. TERMINATION

The meeting was declared terminated at 8:24 p.m.

Certified Correct:

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Mayor

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City Clerk

ACM/dld