

Regular MeetingNovember 2, 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, November 2nd, 2010.

Council members in attendance: Mayor Sharon Shepherd, Councillors Kevin Craig, Robert Hobson, Graeme James, Angela Reid, Michele Rule and Luke Stack.

Council members absent: Councillors Andre Blanleil and Charlie Hodge.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; 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 6:22 p.m.

Mayor Shepherd advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio feed is being broadcast and recorded by CastaNet.

2. PRAYER

A Prayer was offered by Councillor Rule.

3. CONFIRMATION OF MINUTES

Regular A.M. Meeting - October 18, 2010
 Regular P.M. Meeting - October 18, 2010
 Public Hearing - October 19, 2010
 Regular Meeting - October 19, 2010
 Regular A.M. Meeting - October 25, 2010
 Regular P.M. Meeting - October 25, 2010

Moved by Councillor Craig/Seconded by Councillor James

R1051/10/11/02 THAT the Minutes of the Regular Meetings of October 18, 2010, ~~October 19, 2010~~ and October 25, 2010 and the Public Hearing Meeting of October 19, 2010 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)

5.1 Bylaw No. 10427 (Z10-0069) - Balbir and Baldev Kang (DE Pilling and Associates Ltd.) - 435 Gerstmar Road

Moved by Councillor James/Seconded by Councillor Rule

R1052/10/11/02 THAT Bylaw No. 10427 be read a second and third time.

Carried

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- 5.2 Bylaw No. 10428 (Z10-0076) - Hugh and Bernice Westen - 1070 Henderson Drive

Moved by Councillor Rule/Seconded by Councillor James

R1053/10/11/02 THAT Bylaw No. 10428 be read a second and third time.

Carried

- 5.3 Bylaw No. 10429 (Z10-0063) - Morley and Lorraine Soltys (Wolverine Construction) - 1549 Blondeaux Crescent

Moved by Councillor James/Seconded by Councillor Rule

R1054/10/11/02 THAT Bylaw No. 10429 be read a second and third time.

Carried

- 5.4 Bylaw No. 10431 (Z10-0066) - Parmajit and Kiranjit Gill (Axel Hilmer Planning Consultant) - 1331 Samurai Court

Moved by Councillor Hobson/Seconded by Councillor Reid

R1055/10/11/02 THAT Bylaw No. 10431 be read a second and third time.

Carried

- 5.5 Bylaw No. 10432 (Z10-0072) - Darren and Geralyn Turner (Billeck Construction dba New Kastle Homes) - 2575 Grenfell Road

Moved by Councillor Reid/Seconded by Councillor Hobson

R1056/10/11/02 THAT Bylaw No. 10432 be read a second and third time.

Carried

6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Land Use Management Department, dated September 30, 2010 re: Development Variance Permit Application No. DVP10-0114 - Timothy and Elaine Murphy - 1723 Marona 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.

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

- Letter of Support:
 - o Adele & Guenther Barwitzki, 617 Spruceview Place South

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

Tim Murphy, Applicant

- Advised that without the spiral staircase, the addition to the deck will not work.

There were no further comments.

Regular MeetingNovember 2, 2010Moved by Councillor Hobson/Seconded by Councillor Stack

R1057/10/11/02 THAT Council authorize the issuance of Development Variance Permit No. DVP10-0114 for Lot 17, Sec. 32, Twp. 26, O.D.Y.D., Plan KAP68018, located at 1723 Marona Ct., Kelowna, B.C. subject to the following:

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

Section 13.1.6(d) Development Regulations

To vary the minimum side yard setback for the southeast property line from 2.0m required to 0.1m proposed to accommodate the deck and spiral stairway, as shown on Schedule "A".

Carried

- 6.2 Land Use Management Department, dated October 6, 2010 re: Development Variance Permit Application No. DVP10-0127 - Ronald Seich - 4160 Mahonia Drive South **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:

- Letter of Opposition:
 - o Mike & Jacqueline Schleppe, 4050 Miller Road

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

Ron Seich, Applicant

- Is aware of the letter of concern submitted by Mr. & Mrs. Schleppe. Advised that he did not consult with Mr. & Mrs. Schleppe as he did not feel that they were close enough to the subject property to be affected by the variance being requested; however he did consult with the abutting neighbours.
- When he purchased the property, he was unaware that the existing placement of the garage was not legal. The non-conformity was brought to his attention by City staff when he decided to expand the existing garage to the north.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Craig

R1058/10/11/02 THAT Council authorize the issuance of Development Variance Permit No. DVP10-0127, Lot 7, Section 2, Township 26, ODYD Plan KAP58554, located on Mahonia Drive South, Kelowna, BC;

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

Section 12.2.6(f): To vary the minimum rear yard set back for accessory buildings from 3.0m permitted to 1.4m proposed.

Carried

Regular MeetingNovember 2, 20106.3 (a) BYLAW PRESENTED FOR ADOPTION

Bylaw No. 10401 (Z10-0060) - Chlojo Investments Inc. (Edgecombe Builders) - 1290 & 1298 St. Paul Street

Moved by Councillor Hobson/Seconded by Councillor Reid

R1059/10/11/02 THAT Bylaw No. 10401 be adopted.

Carried

- (b) Land Use Management Department, dated October 8, 2010 re: Development Permit Application No. DP10-0093 and Development Variance Permit Application No. DVP10-0094 - Edgecombe Enterprises Ltd. (Chlojo Investments Inc.) - 1290 & 1298 St. Paul Street 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 Applicant has made significant changes to the development in order to meet the parking requirements for the project. The Applicant has worked with staff since the Advisory Planning Commission meeting in order to address the concerns raised with respect to the variances being requested.
- Confirmed that the majority of changes to the development occurred subsequent to the Advisory Planning Commission meeting.

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.

Kevin Edgecombe, Edgecombe Enterprises Ltd., Applicant

- Displayed a schematic of the proposed development and variances being requested.
- Advised that the development will include a "car share program".
- Advised that there is a portion of the building that is required to be within the 15m buffer and that is why the variance is being requested.
- Displayed a schematic of the "daylight shadowing" that could occur as a result of the development.
- Believes that the Applicant has made enough changes to the development in order for Council to support the development and the variances being requested.
- Addressed the variances being requested for the length of the parking stalls.
- Believes that this is a great project that meets the needs of the City of Kelowna.

Gallery:

Heather McNaughton, on behalf of the Kelowna Yoga House

- Supports the idea of the project; however, she would like the City to ensure that that the parking regulations in the area are enforced during construction.

Kevin Edgecombe, Edgecombe Enterprises Ltd., Applicant

- Advised that the Applicant has leased the adjacent property and will be using that space for parking. The Applicant will ensure that there is off-site parking for the construction workers in case the adjacent property cannot accommodate all of the parking needs during construction.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Rule

R1060/10/11/02 THAT Final Adoption of Zone Amending Bylaw No. 10401 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP10-0093 for Lots 14 & 15, District Lot 139, ODYD, Plan 1303, located at 1290/1298 St. Paul Street, Kelowna BC, subject to the following:

1. The dimensions of 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 THAT Council authorizes the issuance of Development Variance Permit No. DVP10-0094 for Lots 14 & 15, District Lot 139, ODYD, Plan 1303, located at 1290/1298 St. Paul Street, Kelowna BC;

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

Section 8.1.2 - Number of Parking Spaces: To vary required amount of parking spaces (as per Table 8.1) from 59 required to 56 proposed (as per Council Policy #314);

Section 8.1.11(a) - Parking Stall Size: To vary the amount of parking spaces permitted which are of a length shorter than 6.0m from a maximum of 40% allowed to 75% proposed;

Section 8.1.12 - Parking Aisle Width: To vary the minimum two-way aisle width from 7.0m allowed to 6.0m proposed;

Section 8.2.2 - Number of Loading Spaces: To vary the required number of off-street loading spaces (as per Table 8.2) from 1 to 0 proposed;

Section 14.7.5 - C7 Development Regulations: To vary minimum setback requirement for any portion of a building above 15.0m from 3.0m required to 0.0m proposed.

AND FURTHER 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.

Carried

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Moved by Councillor Hobson/Seconded by Councillor Stack

R1061/10/11/02 THAT Council directs staff to review Section 14.7.5 - C7 Development Regulations of Zoning Bylaw No. 8000 with respect to the setback requirements for a six-storey wood framed structure;

AND THAT Council directs staff to review the parking requirements within urban centres.

7. REMINDERS - Nil.

8. TERMINATION

The meeting was declared terminated at 7:22 p.m.

Certified Correct:

Mayor

SLH/dld

Deputy City Clerk