

Regular MeetingMarch 20, 2012

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, March 20<sup>th</sup>, 2012.

Council members in attendance: Mayor Walter Gray, Councillors Colin Basran, Maxine DeHart, Gail Given, Robert Hobson, Luke Stack and Gerry Zimmermann.

Council members absent: Councillors Andre Blanleil and Mohini Singh.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Manager, Urban Land Use, Danielle Noble; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 7:04 p.m.

2. PRAYER

2. A Prayer was offered by Councillor Hobson.

3. CONFIRMATION OF MINUTES

Regular A.M. Meeting - March 5, 2012  
 Regular P.M. Meeting - March 5, 2012  
 Public Hearing - March 6, 2012  
 Regular Meeting - March 6, 2012  
 Regular A.M. Meeting - March 12, 2012  
 Regular P.M. Meeting - March 12, 2012

Moved by Councillor Zimmermann/Seconded by Councillor Basran

R261/12/03/20 THAT the Minutes of the Regular Meetings of March 5, 2012 and March 2, 2012 and March 12, 2012 and the minutes of the Public Hearing of March 6, 2012 be confirmed as circulated.

Carried

4. Councillor Given 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. 10661 (Z12-0003) - Avtar & Ramandeep Pannu (DE Pilling & Associates) - 482 Knowles Road

Council:

- Expressed concerns regarding the provision of tandem parking.
- Expressed a concern that the house may evolve into having an additional, second secondary suite.

Regular MeetingMarch 20, 2012Moved by Councillor Stack/Seconded by Councillor GivenR262/12/03/20 THAT Bylaw No. 10661 be read a second and third time.CarriedMoved by Councillor Hobson/Seconded by Councillor StackR263/12/03/20 THAT Council directs staff to require that the Applicant provide additional screened parking on site prior to final adoption of Zone Amending Bylaw No. 10661.Carried5.2 Bylaw No. 10663 (Z12-0004) - Brad & Tricia Westen - 2496 Loseth RoadMoved by Councillor Zimmermann/Seconded by Councillor DeHartR264/12/03/20 THAT Bylaw No. 10663 be read a second and third time.Carried6. THE CITY CLERK WILL PROVIDE INFORMATION AS TO HOW THE FOLLOWING ITEMS ON THE AGENDA WERE PUBLICIZED.

The City Clerk advised that Notice of Council's consideration of the Development Variance Permit Applications was given by sending out or otherwise delivering 2,400 letters to the owners and occupiers of the surrounding properties between March 2, 2012 and March 9, 2012.

The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

7. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

7.1 Land Use Management Department, dated February 23, 2012 re: Development Variance Permit Application No. DVP12-0024 - Christopher & Catherine Jennens - 1180 Pinecrest Lane 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 Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Cathy Jennens, Applicant

- Advised that the house was constructed by her father in 1948.

There were no further comments.

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**R265/12/03/20** THAT Council authorize the issuance of Development Variance Permit No. DVP12-0024, for Lot A, Section 29, Township 26, O.D.Y.D., Plan 22609, located on Pinecrest Lane, Kelowna, BC;

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

Section 13.1.6 (c) Development Regulations - front yard setback:  
To vary the minimum permitted front yard setback to a garage from 6.0m to 4.0 m for a portion of the site as shown in Schedule A.

Carried

- 7.2 Land Use Management Department, dated February 23, 2012 re: Development Variance Permit Application No. DVP12-0019 - 642073 BC Ltd. (Priority Permits Ltd.) - 858 McCurdy Place 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 Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Alan Harvey, Owner, Kelowna Honda Power House

- Advised that in order to meet Honda's corporate office sign requirements, a sign variance is required.
- Displayed photos of the proposed signage.

There were no further comments.

Moved by Councillor Stack/Seconded by Councillor Zimmermann

**R266/12/03/20** THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0019, for Strata Lot 12, DL 124, O.D.Y.D., Strata Plan KAS3323 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V, located on 858 McCurdy Place, Kelowna, BC;

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

Section 6.1 - Number of Signs and maximum permitted area of signs in the I2 zone:  
To vary the permitted number of signs per business from 2 signs permitted to 5 signs proposed, as per schedule "A".

Carried

- 7.3 Land Use Management Department, Draft Resolution, dated March 14, 2012 re: Development Variance Permit Application No. DVP11-0191 - Joseph & Stephanie Fesik (Jules Kenwood) - 1407 Kendra Court

Moved by Councillor DeHart/Seconded by Councillor Given

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**R267/12/03/20** THAT Council defers consideration of Development Variance Permit Application No. DVP11-0191 to the April 3, 2012 Regular Meeting at 6:00 pm in the Council Chamber.

Carried

- 7.4 Land Use Management Department, dated February 24, 2012, re: Development Permit Application No. DP12-0017 and Development Variance Permit No. DVP12-0027 - Manteo Beach Club Ltd. - 3762 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 no correspondence and/or petitions had been received.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicant was present, but did not have anything further to add to staff's comments.

Staff:

- Advised that any environmental monitoring will be dealt with as part of the Environmental Development Permit conditions.

Adrian Block, Manteo Beach Club Ltd., Applicant's Representative

- Advised that the underlying reason for the variance application is to accommodate a proposed "breakfast room".
- Advised that there will be 48 seats in the breakfast room area.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Zimmermann

**R268/12/03/20** THAT Council authorize the issuance of Development Permit No. DP12-0017 for Lot A, District Lot 134, Section 6, Twp. 26, ODYD, Plan KAP56428 Except Strata Plan KAS1776 (PH1), located at 3762 Lakeshore Road, 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";

AND THAT Council authorize the issuance of Development Variance Permit No. DVP12-0027 for Lot A, District Lot 134, Section 6, Twp. 26, ODYD, Plan KAP56428 Except Strata Plan KAS1776 (PH1), located at 3762 Lakeshore Road, Kelowna, B.C.;

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

Section 14.9.5(e) Development Regulations

To vary the required rear yard for a hotel from 15m required to 10.76m proposed.

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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

7.5 (a) BYLAWS PRESENTED FOR ADOPTION

- (i) Bylaw No. 10617 (OCP11-0003) - OCORP Development Ltd. (PC Urban Properties) - 1966-1968 Kane Road - Requires a majority of all Members of Council (5)

Moved by Councillor Hobson/Seconded by Councillor Basran

R269/12/03/20 THAT Bylaw No. 10617 be adopted.

Carried

- (ii) Bylaw No. 10618 (Z11-0033) - OCORP Development Ltd. (PC Urban Properties) - 1966-1968 Kane Road

Moved by Councillor Hobson/Seconded by Councillor Basran

R270/12/03/20 THAT Bylaw No. 10618 be adopted.

Carried

- (b) Land Use Management Department, dated February 24, 2012, re: Development Permit Application No. DP11-0099 and Development Variance Permit Application No. DVP11-0115 - OCORP Development Ltd. (PC Urban Properties) - 1966-1968 Kane 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:

- Letter of Concern:
  - Greg Baytalan, 368 Valley Road
- Letter of Opposition:
  - Marc Whittemore on behalf of Glen Park Village Inc., Marc R.B. Whittemore Law Corporation, 830 Bernard Avenue

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicant's Representative was present, but did not have anything further to add to staff's comments.

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Gallery:

Gordon Lewis, President, Strata at Brandt's Crossing

- Has lived in the area for the past 20 years.
- Strongly opposed to the requested setback variances.
- Believes that the setback variances will have a negative impact on the area.
- Opposed to the requested parking variance.
- Expressed a concern with traffic impacts as a result of the proposed development.
- Inquired if the proposed landscaping is to be erected as part of Phase 1 of the development as opposed to Phase 2.

Greg Baytalan, 368 Valley Road

- Has lived at 368 Valley Road since 1994.
- Not opposed to the development, but would like a traffic circle constructed in order to mitigate any traffic concerns on Valley Road.
- Expressed a concern as to the future development potential of his property.
- Suggested that the developer purchase his entire site and use it for additional parking for the proposed development.

Garry Fawley, PC Urban Properties, Applicant's Representative

- Believes that the parking being supplied will more than adequately accommodate the proposed development.
- Advised that the development was designed to be closer to the street in order to enhance the pedestrian experience.
- Advised that the landscaping will be planted when the shopping centre is constructed (Phase 1).

Staff:

- Confirmed that Land Use Management staff has worked extensively with the Applicant's development team in determining the proposed setbacks for the development.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Given

**R271/12/03/20** THAT Final Adoption of OCP Amending Bylaw No. 10617 and Zone Amending Bylaw No. 10618 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP11-0099 for Lot 44, Section 33, Township 26, ODYD, Plan KAP48643, located at 1966-1968 Kane Road, 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;

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AND THAT issuance of the Development Permit be subject to the registration of the plan of subdivision for the three legal parcels, and associated road dedications;

AND THAT issuance of the Development Permit be subject to a storm drainage plan being submitted to the satisfaction of the Development Engineering Branch, and associated bonding submitted;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP11-0115 for Lot 44, Section 33, Township 26, ODYD, Plan KAP48643, located at 1966-1968 Kane Road, Kelowna, BC;

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

**Section 8 (Table 8.1) - Parking Schedule:** To vary the minimum total parking requirements from 184 spaces required to 169 spaces proposed.

**Section 14.3.5(d) - C3 Development Regulations:** To vary the minimum front yard setback from 3.0m required to 1.5m proposed.

**Section 14.3.5(e) - C3 Development Regulations:** To vary the minimum setback from a flanking street from 2.0m required to 1.5m 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

8. REMINDERS - Nil.

9. TERMINATION

The meeting was declared terminated at 8:08 p.m.

Certified Correct:

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Mayor

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City Clerk

SLH/dld