

Regular MeetingNovember 13, 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, November 13th, 2012.

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

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 7:43 p.m.

2. PRAYER

A Prayer was offered by Councillor DeHart.

3. CONFIRMATION OF MINUTES

Public Hearing - October 30, 2012
Regular Meeting - October 30, 2012

Moved by Councillor Hobson/Seconded by Councillor Singh

R991/12/11/13 THAT the Minutes of the Public Hearing of October 30, 2012 and Regular Meeting of October 30, 2012 be confirmed as circulated.

Carried

4. BYLAWS CONSIDERED AT PUBLIC HEARING

4.1 Bylaw No. 10768 (Z12-0047) - 0872645 BC Ltd. and Onkar Singh & Ranjit Kaur Dhillon - 857 & 885 Mayfair Road

Moved by Councillor Basran/Seconded by Councillor Singh

R992/12/11/13 THAT Bylaw No. 10768 be read a second and third time.

Carried

4.2 Bylaw No. 10771 (Z12-0051) - Heinz Strege - 1460 Graham Road

Moved by Councillor Hobson/Seconded by Councillor Singh

R993/12/11/13 THAT Bylaw No. 10771 be read a second and third time.

Carried

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Moved by Councillor Blanleil/Seconded by Councillor Hobson

R994/12/11/13 THAT, prior to final adoption of Bylaw No. 10771, a Section 219 Restrictive Covenant be registered on title, in a form acceptable to the Land Use Management Department, restricting the use of the subject property to a seniors (55+) development only.

Carried

- 4.3 Bylaw No. 10772 (OCP12-0013) - Paul Hesketh (Garry Tomporowski Architect Ltd.) - 551 Glenwood Avenue - **Requires a majority of all Members of Council (5)**

Moved by Councillor Blanleil/Seconded by Councillor Basran

R995/12/11/13 THAT Bylaw No. 10772 be read a second and third time.

Carried

- 4.4 Bylaw No. 10773 (Z12-0054) - Paul Hesketh (Garry Tomporowski Architect Ltd.) - 551 Glenwood Avenue

Moved by Councillor Stack/Seconded by Councillor Given

R996/12/11/13 THAT Bylaw No. 10773 be read a second and third time.

Carried

- 4.5 Bylaw No. 10775 (OCP12-0008) - Heinz Strege - 2219 Mayer Road - **Requires a majority of all Members of Council (5)**

Moved by Councillor Given/Seconded by Councillor Zimmermann

R997/12/11/13 THAT Bylaw No. 10775 be read a second and third time.

Carried

Councillors Given, Hobson, Singh and Stack - Opposed.

- 4.6 Bylaw No. 10776 (Z12-0052) - Heinz Strege - 2219 Mayer Road

Moved by Councillor Zimmermann/Seconded by Councillor DeHart

R998/12/11/13 THAT Bylaw No. 10776 be read a second and third time.

Carried

Councillors Given, Hobson, Singh and Stack - Opposed.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R999/12/11/13 THAT, prior to final adoption of Bylaw No. 10776, a Section 219 Restrictive Covenant be registered on title, in a form acceptable to the Land Use Management Department, restricting the use of the subject property to a seniors (55+) development only.

Carried

5. **THE CITY CLERK WILL PROVIDE INFORMATION AS TO HOW THE FOLLOWING ITEMS ON THE AGENDA WERE PUBLICIZED.**

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The City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise delivering 1,332 letters to the owners and occupiers of the surrounding properties between October 26, 2012 and November 2, 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.

6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Land Use Management Department, dated October 15, 2012 re: Development Variance Permit Application No. DVP12-0176 - Todd DeWolfe (Chris Vickery) - 801 Saucier 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 Concern:
 - Dr. Martin Blum & Dr. Daniela Hempen, 768 DeHart Avenue

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

Todd DeWolfe, Owner

- Advised that he has reviewed the Letter of Concern submitted by Drs. Blum & Hempen. Based on the contents of the letter, he believes that the Drs. are actually concerned about the carriage house and not the variance being requested.

Gallery:

Rich Turley, 809 Saucier Avenue

- Advised that the proposed driveway will run parallel to his property line.
- Advised that Mr. DeWolfe has been working with him throughout the application process in order to keep him informed and mitigate any privacy concerns he may have.
- Advised that he fully supports the requested variance.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R1000/12/11/13 THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0176 for Lot 9, Block 2, District Lot 138, ODYD, Plan 7117, located at 801 Saucier Avenue, Kelowna, BC;

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

Section 13.6.6(d): Development Regulations

To vary the minimum required side yard from 3.0m required to 2.88m proposed (as per Schedule A).

Carried

- 6.2 Land Use Management Department, dated October 17, 2012 re: Development Variance Permit Application No. DVP12-0164 - Ondrej & Jennifer Par - 964 Coronation 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.

Staff:

- Advised that since the drafting of the Report to Council, structural issues were discovered and subsequently the old residence was demolished. A new structure is being constructed on the site using the existing foundation.

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.

Jennifer Par, Applicant

- Advised that she purchased the property in the spring of 2012.
- Advised that she applied for the variance with the intention of legalizing the non-conforming west side yard setback.
- Advised that during construction of the renovations, it was discovered that there was severe structural issues with the structure and subsequently the structure had to be demolished. A new structure will be constructed using the old foundation.
- Confirmed that she canvassed the neighbourhood and obtained signatures in support of the proposal.
- Displayed the Petition of Support and indicated where the signatories on the Petition reside. Submitted the Petition of Support for the record.
- Responded to questions from Council.

Graham Par, Applicant's Father-in-Law

- Provided an overview of the proposed design of the new structure.
- Responded to questions from Council

There were no further comments.

Moved by Councillor Zimmermann/Seconded by Councillor Stack

R1001/12/11/13 THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0164, for Lot 30, District Lot 139 and of Section 30, Township 26, ODYD District Plan 1271, located on Coronation Avenue, Kelowna, BC;

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

Section 13.1.6(d) Development Regulations:

To vary the west side yard setback from 2.0m required to 1.2m proposed, as per schedule "A".

Carried

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- 6.3 Land Use Management Department, dated October 17, 2012 re: Development Variance Permit Application No. DVP12-0156 - Stephen & Donna Krysko (Davara Holdings Ltd.) - 5462 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. No one came forward.

Moved by Councillor Blanleil/Seconded by Councillor Basran

R1002/12/11/13 THAT Council authorize the issuance of Development Variance Permit No. DVP12-0156 for Lot 1, Section 22, Township 28, SDYD Plan EPP15367 located at 5462 Lakeshore Road, Kelowna, BC;

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

Section 12.1.6(a) RR1 Development Regulations

Vary the maximum site coverage from 10% permitted to 17% proposed, as per schedule "A";

Section 12.1.6(d) RR1 Development Regulations

Vary the minimum side yard setback from 3.0m required to 1.2m proposed as per schedule "A"; and

Section 7.5.9 Fencing and Retaining Walls

Vary the maximum height of a retaining wall from 1.2m permitted to 2.4m proposed as per schedule "B".

Carried

- 6.4 Land Use Management Department, dated October 18, 2012 re: Development Variance Permit Application No. DVP12-0159 - Green Projects Ltd. - 570-600 Sarsons 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.

Councillor Hobson advised that when the subject property was being rezoned, he had declared a conflict of interest as he owned property within the notification area of the subject application, however, he has since sold the property and therefore he no longer has a conflict of interest.

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

- Letters of Concern:
 - Ted Vardalos, 203 - 600 Sarsons Road
 - Darlene Loughlean, 6 - 570 Sarsons Road

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

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Andrew Gaucher, Applicant's Representative

- Advised that the variances being proposed are driven by market changes.
- Provided an overview of the requested variances.
- Provided an overview of the public consultation process followed with respect to the requested variances.
- Confirmed that the development originally contained 3 phases, however, due to market conditions, it has been determined that the development will now require 5 phases.

Gallery:

Property Owner, 600 Sarsons Road

- Expressed a concern that the proposed new townhomes will not be of the same quality as what has already been constructed.
- Advised that this is the first time has he seen a rendering of the proposed townhomes.

Ksenia Beaumier, 13 - 570 Sarsons Road

- Expressed a concern that the proposed new phases may de-value her property.
- Expressed a concern with the proposed density.
- Believes that what is being proposed is not what the developer promised when she purchased her property.
- Expressed a concern with drainage in the area.
- Expressed a concern that the new townhomes will not be of the same quality as what has already been constructed.
- Advised that this is the first time has he seen a rendering of the proposed townhomes.

Darlene Loughlean, 6 - 570 Sarsons Road

- Believes that there has been a total lack of communication between the developer and the strata property owners.
- Expressed a concern that the new townhomes may not be on a geothermal system as the present geothermal system is not functioning properly.
- Expressed a concern with the signage on the property.
- Advised that she is not concerned about the setback variances, but that she is concerned with the proposed selling price for the new townhomes as she fears a lower selling price will de-value her property.
- Expressed a concern that the proposed townhomes are smaller and more compact than the other townhomes on the site.

Andrew Gaucher, Applicant's Representative

- Addressed some of the concerns raised by the interveners as they relate to the form and character, and the proposed phases, of the development.
- Responded to questions from Council.

Staff:

- Advised that the Development Permit for the additional townhomes will be handled at a staff level and will be dealt with as a minor amendment to the original Development Permit that was previously issued.

Ksenia Beaumier, 13 - 570 Sarsons Road

- Expressed a concern regarding the amenities for the site as she believes that a higher density should require more amenities.

There were no further comments.

Moved by Councillor Blanleil/Seconded by Councillor Zimmermann

R1003/12/11/13 THAT Council authorize the issuance of Development Variance Permit No. DVP12-0159, for Lot A, District Lot 167, ODYD Plan

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KAP78531 except Strata Plan KAS3313 (Phases 1 and 2), located on Sarsons Road, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted (as per schedule "A"):

Section 13.9.6(e): Development Regulations (RM3 zone)

To vary the west side yard setback from 4.5m permitted to 1.5m proposed;

Section 13.9.6(e): Development Regulations

To vary the north side yard setback from 4.5m permitted to 4.47m proposed;

Section 13.9.6(d): Development Regulations

To vary the front yard setback from 4.5m permitted to 2.2m proposed;

Section 7.6(b): Minimum Landscape Buffer

To vary the required minimum landscape buffer from 3.0m to 2.2m proposed for the east side yard.

AND FURTHER THAT the Development Variance Permit issuance be withheld pending a revised phasing plan to the satisfaction of the Subdivision Approving Officer.

Carried

7. REMINDERS

Mayor Gray:

- Advised that the 2014 Budget meeting has been tentatively scheduled for December 19, 2013 and inquired if Council wishes to change the date to December 12, 2013.
- The 2013 Council Meeting Schedule will be considered by Council on Monday, November 19, 2012, and requested that Council consider changing the Budget meeting date from December 19, 2013 to December 12, 2013.

8. TERMINATION

The meeting was declared terminated at 8:51 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk