City of Kelowna
Regular Council Meeting
Minutes

Date: Tuesday, March 12, 2013
Location: Council Chamber
City Hall, 1435 Water Street

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

Staff members in attendance: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Manager, Urban Land Use, Danielle Noble; Council Recording Secretary, Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the meeting to order at 7:26 p.m.

2. Prayer

A Prayer was offered by Councillor Stack.

3. Confirmation of Minutes

Moved by Councillor Given/Seconded by Councillor DeHart

R161/13/03/12 THAT the Minutes of the Public Hearing and Regular Meeting of February 26, 2013 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1. Bylaw No. 10804 (TA12-0012) - Amendment to the City of Kelowna Zoning Bylaw No. 8000 - Care Centre Text Amendments

Moved by Councillor Blanleil/Seconded by Councillor Given

R162/13/03/12 THAT Bylaw No. 10804 be read a second and third time.

Carried

4.2. Bylaw No. 10806 (OCP12-0009) - 2980 Gallagher Road

Moved by Councillor Singh/Seconded by Councillor Hobson

R163/13/03/12 THAT Bylaw No. 10806 be read a second and third time.

Carried

4.3. Bylaw No. 10807 (Z12-0055) - 2980 Gallagher Road

Moved by Councillor Hobson/Seconded by Councillor Singh

R164/13/03/12 THAT Bylaw No. 10807 be read a second and third time.

Carried

4.4. Bylaw No. 10808 (TA13-0002) - Amendment to the City of Kelowna Zoning Bylaw No. 8000 - RM3 - Low Density Multiple Housing Zone

City Clerk advised that Item 4.4 has been withdrawn by the Applicant.

4.5. Bylaw No. 10809 (Z12-0068) - 1121, 1131, 1141 and 1151 Brookside Avenue

City Clerk advised that Item 4.5 has been withdrawn by the Applicant.

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise delivering 1828 letters to the owners and occupiers of surrounding properties between February 26, 2013 and March 1, 2013.

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. Bylaw No. 10810 (OCP12-0014) - 3762-3766 and 3756 Lakeshore Road

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 to come forward, followed by comments from Council. No one came forward.

Moved by Councillor Basran/Seconded by Councillor Blanleil

R165/13/03/12 THAT Bylaw No. 10810 be read a second and third time and be adopted.

Carried

6.1.1. Development Permit Application No. DP12-0177 and Development Variance Permit Application No. DVP12-0178 - 3762-3766 & 3756 Lakeshore Road

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

Letters of Opposition:
Becky and Murray Rothlander, 305-654 Cook Road
L. Hornby, 185-609 Truswell Road
Michael Luchak, 654 Cook Road
Lynne Heidt, 3-2368 Abbott Street (civic) 435-654 Cook Road (owner)
Diane Visser and Kurt Knibutat, 302-654 Cook Road
Anna Molbak, 427-654 Cook Road
Veronica Eischen, 611-654 Cook Road

Mayor Gray invited the applicant or anyone in the public gallery who deemed to come forward, followed by comments from Council. No one came forward.

There were no further comments.

Moved by Councillor Zimmermann/Seconded by Councillor Hobson

R166/13/03/12 THAT Final Adoption of the Official Community Plan Amending Bylaw be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP12-0177 for Lot 2, District Lot 134, ODYD, Plan 2912 Except Plan H9673, located at 3756 Lakeshore Road and Lot A, District Lot 134 and Section 6, Township 26, ODYD, Plan KAP56428 Except Strata Plan KAS1776 (PH1), located at 3762-3766 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";

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;

6) The registration of a titled lot to dedicated the equivalent of 12m along Okanagan Lake in front of the existing ‘Lakeshore Inn’ for a Riparian Management Area and Public Trail to the City as shown on Schedule ‘C’;

7) he completion of a Purchase / Sale Agreement with the City involving an excess portion of Lakeshore Road and the Wilson Creek corridor;

8) The execution of the Servicing Agreement and associated bonding for the Development Engineering requirements;

9) Issuance of a Natural Environment Development Permit including RMA restoration, trail construction and maintenance for 5 years of the Okanagan Lake and Wilson Creek trail be authorized for issuance to the satisfaction of the Environment and Land Use Branch;

10) Registration of a Covenant against Lot A, District Lot 134 and Section 6, Township 26, ODYD, Plan KAP56428 Except Strata Plan KAS1776 (PH1), located at 3762-3766 Lakeshore Road ensuring that 51% of the total built floor area of Phase 2 & 3 are constructed as dedicated 'Hotel' space as defined in Zoning Bylaw No. 8000;

11) Phase 1 of the project starting construction within two years and Phase 2 starts within 10 years of Council approval of the form and character Development Permit.

AND FURTHER THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the Development Permit in order for the permit to be issued.

AND THAT Council authorize the issuance of Development Variance Permit No. DVP12-0178 for Lot 2, District Lot 134, ODYD, Plan 2912 Except Plan H9673, located at 3756 Lakeshore Road and Lot A, District Lot 134 and Section 6, Township 26, ODYD, Plan KAP56428 Except Strata Plan KAS1776 (PH1), located at 3762-3766 Lakeshore Road, Kelowna, B.C.;

AND THAT variances for Phase 1 of the development proposal to the following sections of Zoning Bylaw No. 8000 be granted:

Section 14.9.5 (c) Development Regulations – Front Yard Setback To vary the required front yard setback from 6.0m required to 2.18m proposed, as per Schedule 'A'.

Section 14.9.5 (d) Development Regulations – Side Yard Setback To vary one of the required side yard setbacks (South) from 3.0m required to 0.0m proposed, as per Schedule 'A'.

AND FURTHER THAT variances for Phase 2 and 3 of the development proposal to the following sections of Zoning Bylaw No. 8000 be granted:

Section 14.9.5 (b) Development Regulations - Height To vary the maximum height from 22m / 6 stories permitted to 39m / 12 storeys (Phase 2) and 36m / 10 storeys (Phase 3) proposed, as per Schedule 'A'.

Section 14.9.5 (c) Development Regulations – Front Yard Setback To vary the required front yard setback from 6.0m required to 0.7m proposed, as per Schedule 'A'. Table 8.1 Parking Schedule To vary the maximum parking stalls from 294 permitted (125%) to 313 proposed (133%). Table 8.2 Loading Schedule To vary the required loading spaces from 4 required to 2 proposed, as per Schedule 'A'.

Carried

6.2. Bylaw No. 10745 (Z12-0027) - 1954, 1956, 1960, 1970 and 1974 KLO Road

Moved by Councillor Given/Seconded by Councillor Stack

R167/13/03/12 THAT Bylaw No. 10745 be adopted.

Carried

6.2.1. Development Permit Application No. DP12-0061 and Development Variance Permit Application No. DVP12-0083 - 1954, 1956, 1960, 1970 and 1974 KLO Road

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

Letter of Opposition:
Rita Parker and Walter Viita, 1358 Ladner Road

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

Applicant present and available for questions.

There were no further comments.

Moved by Councillor Stack/Seconded by Councillor Zimmermann

R168/13/03/12 THAT final adoption of Zone Amending Bylaw No. 10745 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP12-0061 for Lot 1, DL 131, ODYD, Plan 12786, Lot 64, DL 131, ODYD, Plan 186 except plans 8012 and 8472, Lot 1, DL 131, ODYD, Plan 8760, Lot 2, DL 131 ODYD Plan 8760, and Lot 2,DL 131, ODYD Plan 8472 located on 1954, 1956,1960,1970, and 1974 KLO Road, Kelowna, BC 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";

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 the issuance of the Development Permit be subject to the registration of the subdivision consolidation plan;

AND THAT the applicant be required to complete the above-noted conditions within 180 days of Council's approval of the Development Permit Application in order for the permit to be issued;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0083 for Lot 1, DL 131, ODYD, Plan 12786, Lot 64, DL 131, ODYD, Plan 186, Except Plans 8012 & 8472, Lot 1, DL 131, ODYD, Plan 8760, Lot 2, DL 131, ODYD, Plan 8760, Lot 2, DL 131, ODYD, Plan 8472, located on 1954, 1956,1960, 1970, and 1974 KLO Road, Kelowna, BC;

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

Section 13.5.6(g): Minimum rear yard To vary the required rear yard of the strata lots located on the north and south side of Lane A from 6.0m permitted to 1.6m proposed (as per schedule "AA").

Section 13.5.6(c): Minimum front yard To vary the required front yard of the strata lots located on the south side of Road 1 from 4.5m permitted to 2.99m proposed (as per schedule "AA").

Carried

6.3. Development Variance Permit Application No. DVP13-0001 - 988 and 989 Frost Road

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 to come forward, followed by comments from Council.

Applicant present and available to answer questions.

Moved by Councillor Stack/Seconded by Councillor Blanleil

R169/13/03/12 THAT Council authorize the issuance of Development Variance Permit No. DVP13-0001 for Lot 1, D.L. 579, SDYD, Plan EPP22118 Except Plan EPP24124, located at 988 Frost Road and Lot 2, D.L. 579, SDYD, Plan EPP22118 Except Plan EPP24124, located at 989 Frost Road, Kelowna, B.C;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted: Section 14.3.5 (d) Development Regulations To vary the front yard setback from 3.0m required to 0.5 m proposed for both 988 &989 Frost Road, as per Schedule 'A'.

Carried

7. Reminders - Nil.

8. Termination

The meeting was declared terminated at 8:01 p.m.

Mayor

City Clerk

/acm