



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, October 22, 2013
Location: Council Chamber
City Hall, 1435 Water Street

Council Members Present: Deputy Mayor Luke Stack and Councillors Colin Basran, Andre Blanleil, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, and Gerry Zimmermann

Council Members Absent: Mayor Walter Gray

Staff Present: Acting City Manager, Joe Creron; City Clerk, Stephen Fleming; Manager, Urban Planning, Danielle Noble-Brandt; and Council Recording Secretary, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Deputy Mayor Stack called the meeting to order at 6:08 p.m.

2. Prayer

A Prayer was offered by Councillor Hobson.

Deputy Mayor Stack recognized Councillor Blanleil for being named "Business Leader of the Year for 2013" by the Kelowna Chamber of Commerce.

3. Confirmation of Minutes

Moved By Councillor Basran/Seconded By Councillor Zimmermann

R670/13/10/22 THAT the Minutes of the Regular Meeting of September 24, 2013 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1. Bylaw No. 10890 (Z13-0031) - 260 Lake Avenue, Marianne Hill

Moved By Councillor Zimmermann/Seconded By Councillor DeHart

R671/13/10/22 THAT Bylaw No. 10890 be read a second and third time.

Carried

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 7,676 letters to the owners and occupiers of the surrounding properties between October 8, 2013 and October 11, 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. 10874 (Z13-0025) - 2253 Wilkinson Street, Sharon & Thomas Matthes and Caroline & Carl Maloney

Moved By Councillor Blanleil/Seconded By Councillor Basran

R672/13/10/22 THAT Bylaw No. 10874 be adopted.

Carried

6.1.1. Development Variance Permit Application No. DVP13-0091 - 2253 Wilkinson Street, Sharon & Thomas Matthes and Caroline & Carl Maloney

Staff:

- Summarized the application before Council and responded to questions from Council.

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

- o Letter of Opposition:
 - Dr. Brian Bittle, 1360 Guisachan Road

Deputy Mayor Stack invited the applicant or anyone in the public gallery who deemed themselves affected by the proposed variance(s) to come forward, followed by comments from Council.

Tom Matthes, Applicant

- Advised that it wasn't until he applied for a permit to construct an office over the garage that he was advised that the property had too much site coverage.
- Advised that he has read the letter in opposition and provided comments with respect to the concerns expressed.

There were no further comments.

Moved By Councillor Basran/Seconded By Councillor Blanleil

R673/13/10/22 THAT final adoption of Zone Amending Bylaw No. 10874 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0091, for Lot 5, District Lot 136, ODYD, Plan KAP89721, located at 2253 Wilkinson Street, Kelowna, BC;

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

Section 13.2.6 (a): Site Coverage

To vary the permitted site coverage of buildings and hard surfaces from 50% permitted to 75% proposed (as per Schedule A).

Carried

6.2. Development Variance Permit Application No. DVP13-0122 - 4052 Finch Road, Paul & Leeann Payne

Staff:

- Summarized the application before Council.

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

- o Letter of Support:
 - Denise & Gary Blake, 4072 Finch Road

Deputy Mayor Stack invited the applicant or anyone in the public gallery who deemed themselves affected by the proposed variance(s) to come forward, followed by comments from Council.

Jeff Corrin, Applicants' Representative

- Agrees with staff's comments.
- Advised that once the deck was constructed, it was noticed that it was built out too far and he is now trying to fix the issue with the requested variance.

There were no further comments.

Moved By Councillor Hobson/Seconded By Councillor Singh

R674/13/10/22 THAT Council authorizes the issuance of Development Variance Permit Application No. DVP13-0122 for Lot 13, Section 32 and 33, Township 23, ODYD, Plan 13462, located at 4052 Finch Road, Kelowna, BC;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 6.4.2: Development Regulations

To vary maximum permitted projection into rear yard from 2.5m permitted to 3.3m proposed, as per Schedule 'A'.

Carried

**6.3. Development Variance Permit Application No. DVP13-0130 -1191
Kelview St, Brian & Susie Reese**

Staff:

- Summarized the application before Council.

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

Deputy Mayor Stack invited the applicant or anyone in the public gallery who deemed themselves affected by the proposed variance(s) to come forward, followed by comments from Council.

Brian Reese, Applicant

- Displayed photos of the existing residence prior to moving into the property.
- Provided an overview of the history of the site.
- Advised that regardless of the subdivision, the existing site will require a variance.
- Displayed photos of the existing residence as it looks today.
- Agrees with staff's comments.
- Advised that the lots are bigger than what is required in the City's Bylaws, however, there are still siting challenges.
- The properties that will be mostly affected by the variances are the proposed new lots that will be created by the subdivision.

There were no further comments.

Moved By Councillor Hobson/Seconded By Councillor Blanleil

R675/13/10/22 THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0130, for Lot 1, Section 30, Township 26, ODYD Plan 4411, located at 1191 Kelview Street, Kelowna, BC;

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

Section 13.1.5(b) Subdivision Regulations

To vary the minimum lot depth from 30.0 m required to 29.49 m proposed for proposed Lot B;

Section 13.1.5(b) Subdivision Regulations

To vary the minimum lot depth from 30.0 m required to 22.02 m proposed for proposed Lot C.

Carried

6.4. Bylaw No. 10885 (Z13-0028) - 3935 Lakeshore Road and adjacent Bed of Mission Creek, Braniff Real Estate Services Inc. et al

Moved By Councillor Zimmermann/Seconded By Councillor Given

R676/13/10/22 THAT Bylaw No. 10885 be adopted.

Carried

6.4.1. Development Permit Application No. DP13-0105 and Development Variance Permit Application No. DVP13-0148 - 3935 Lakeshore Road and adjacent Bed of Mission Creek, Braniff Real Estate Services Inc. et al

Staff:

- Summarized the application before Council and responded to questions from Council.

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

- o Letter of Opposition
 - Janine Demidoff, 635 Pimlico Road

Deputy Mayor Stack invited the applicant or anyone in the public gallery who deemed themselves affected by the proposed variance(s) to come forward, followed by comments from Council.

Tim McClennan, Braniff Real Estate Services Inc., Applicant's Representative

- Advised that the brick wall will be painted.
- Addressed the concerns raised by Ms. Demindoff.
- Advised that the frontage of the site complies with the City's Zoning Bylaws.
- Responded to questions from Council.
- Confirmed that all permits will be obtained prior to any work being conducted on the site.

There were no further comments.

Moved By Councillor Basran/Seconded By Councillor Hobson

R677/13/10/22 THAT final adoption of Zone Amending Bylaw No. 10885 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP13-0105 for Lot A, Section 6, Township 26, ODYD, Plan 12477, Except Plan KAP92361, located on 3935 Lakeshore 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 Landscape Architect;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0148, for Lot A, Section 6, Township 26, ODYD, Plan 12477, Except Plan KAP92361, located on 3935 Lakeshore Road, Kelowna, BC;

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

Section 14.3.5(e): Development Regulations

To vary minimum side yard setback from 2.0m permitted to 0.0m proposed, as per Schedule 'A'.

Section 8.1.10(d): Off-Street Vehicle Parking

To vary the minimum side yard setback for off-street vehicle parking in non-residential zones from 1.5m permitted to 0.0m proposed, as per Schedule 'A'.

Table 7.1: Minimum Landscape Buffer Treatment Levels Schedule

To vary the minimum side yard landscape buffer from Level 3 permitted to Level 1 proposed, as per Schedule 'A'.

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council's approval of the Development Permit & Development Variance Permit Applications, in order for the permits to be issued.

Carried

6.5. Development Variance Permit Application No. DVP13-0143 - 1125 Richter St, Canrim Packaging Ltd. Inc.

Staff:

- Summarized the application before Council.

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

Deputy Mayor Stack invited the applicant or anyone in the public gallery who deemed themselves affected by the proposed variance(s) to come forward, followed by comments from Council.

Zinia, Applicant's Representative

- Agrees with staff's comments.
- Responded to questions from Council.

There were no further comments.

Moved By Councillor Zimmermann/Seconded By Councillor DeHart

R678/13/10/22 THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0143 for Lot A, Section 30, Township 26, ODYD, Plan 30655, except Plan M15406, located at 1125 Richter Street, Kelowna, BC;

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

Section 7.6: Minimum Landscape Buffers, Table 7.1 Treatment Levels Schedule, Industrial Zones and Sections 7.6.1(c) & 7.6.9(h)

To vary the minimum required landscaped buffer on Vaughan Avenue from 3.0 m required to 0.1 m proposed, as per Schedule 'A';

Section 8.1.10(c) - Off Street Vehicle Parking

To vary the minimum required parking setback on Vaughan Avenue from 2 m required to 0.1 m proposed, as per Schedule 'A'.

Carried

6.6. Development Permit Application No. DP13-0131 and Development Variance Permit Application No. DVP13-0132 - Buckland and Rowcliffe Ave, City of Kelowna/Meiklejohn Architects Inc.

Staff:

- Summarized the application before Council.

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

- o Letters of Support:
 - Sharon Shepherd, 410 Viewcrest Road
 - Liz Talbott, 2970 Tutt Street (NOW Canada Society)
 - Shelagh Turner, 504 Sutherland Avenue (Canadian Mental Health Association)
 - Lynton Shardelow (Freedom's Door)
 - Debbie Wilkison (Building Healthy Families Society)
 - Ron Cartmell (The Salvation Army)
 - Elaine Anderson, 940 Graham Road
- o Petition of Support:
 - A Petition of Support with 81 signatures as submitted by the Applicant
- o Letters of Conditional Support:
 - I. Buckland, 3-1869 Marshall Street
 - Randy Barthel, 535 Buckland Avenue
- o Letters of Objection:
 - Deborah Helf, KSAN, 865 Bernard Avenue
 - Bev Kalmakoff, 534 Rowcliffe Avenue

Deputy Mayor Stack invited the applicant or anyone in the public gallery who deemed themselves affected by the proposed variance(s) to come forward, followed by comments from Council.

David Sargent, Davara Holdings Inc., Applicant's Representative

- Agrees with staff's comments and available to answer any questions.

Gallery:

Bev Kalmakoff, 534 Rowcliffe Avenue

- Believes that she is the most impacted by the development.
- Advised that she has spoken with the developer regarding her concerns.
- Expressed a concern with the parking on the site and how it will impact her residence.
- Expressed a concern that the balcony being proposed over the entrance will affect her privacy.
- Would like an eight (8) foot wall constructed between her property and the subject property in order to minimize noise and privacy concerns.
- Expressed a concern with the existing foliage (grape vine) on the site and requested that it be preserved.
- Advised that she has provided a Right-of-Way to FortisBC so that a natural gas line could be installed to service the site.
- Would prefer that the form and character be more like the Marshall Street residences than what is currently being proposed.
- Advised that she is looking forward to working with the developers to mitigate her concerns.
- Responded to questions from Council.
- Confirmed that she would prefer that the access to the development be under the building (underground parking).

David Sargent, Davara Holdings Inc., Applicant's Representative

- Responded to questions from Council.
- Displayed a proposed concept plan to clarify the dimensions for the site.
- Willing to apply for a variance for an eight (8) foot fence.
- Willing to provide buffering similar to currently surrounding the Costco site (i.e. berm with a fence).
- Would be willing to commit to an eight (8) foot fence with established planting.
- Would be willing to keep as many of the mature trees on the site as possible.
- Clarified the proposed use of the balcony above the entrance and displayed a concept drawing of the proposed balcony.
- Agreed to attempt to preserve the grape vine.
- Provided the rationale for not providing underground parking for the site.
- Confirmed that the proposed driveway/laneway will be one-way in/one-way out and that the laneway will be wider than required in order to ensure fire truck access to the site.

Due to new information provided by the Applicant's Representative, Deputy Mayor Stack invited anyone in the public gallery who deemed themselves affected by the proposed variance(s) to come forward.

There were no further comments.

Moved By Councillor Zimmermann/Seconded By Councillor Hobson

R679/13/10/22 THAT Council authorizes the issuance of Development Permit No. DP13-0131 for Lot 5 D.L. 14 ODYD Plan KAP92715, located at 555 Buckland Avenue, Lot 6 D.L. 14 ODYD Plan KAP92715, located at 550 Rowcliffe Avenue, Kelowna, BC, 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;
5. Consolidation of the subject properties into a single title prior to issuance of the Development Permit;

AND THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council 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. DVP13-0132 for Lot 5 D.L. 14 ODYD Plan KAP92715, located at 555 Buckland Avenue, Lot 6 D.L. 14 ODYD Plan KAP92715, located at 550 Rowcliffe Avenue, Kelowna, BC, Kelowna, B.C.;

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

Schedule 'B' Comprehensive Development Zones: CD22 - Central Green
Comprehensive Development Zone, Section 1.5.3 (after Table 1 - Parking)
To permit surface parking and loading where below grade and screened parking
and loading are required.

Carried

7. Reminders - Nil.

8. Termination

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

Deputy Mayor Stack

City Clerk

/slh