



## City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, February 26, 2013  
Time: 6:00 pm  
Location: Council Chamber  
City Hall, 1435 Water Street

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

Staff members in attendance: Acting City Manager, John Vos; Deputy City Clerk, Karen Needham; Manager, Urban Land Use, Danielle Noble; and Council Recording Secretary, Arlene McClelland

(\* denotes partial attendance)

### 1. Call to Order

Mayor Gray called the meeting to order at 6:24 p.m.

### 2. Prayer

A Prayer was offered by Councillor Singh.

### 3. Confirmation of Minutes

Moved by Councillor Basran/Seconded by Councillor Singh

R120/13/02/26 THAT the Minutes of the Public Hearing and Regular Meeting of January 15, 2013 and January 29, 2013 be confirmed as circulated.

Carried

### 4. Bylaws Considered at Public Hearing

4.1. Bylaw No. 10796 (TA12-0013) - City of Kelowna - Text Amendments to Zoning Bylaw No. 8000

Moved by Councillor Stack/Seconded by Councillor Given

R121/13/02/26 THAT Bylaw No. 10796 be read a second and third time.

Carried

4.2. **Bylaw No. 10801 (TA12-0010) - Amending Section 14 - Commercial Zone - 1310-1352 Water Street**

Councillor DeHart declared a conflict of interest as she is employed in the industry and departed the meeting at 6:27 p.m.

Moved by Councillor Basran/Seconded by Councillor Blanleil

R122/13/02/26 THAT Bylaw No. 10801 be read a second and third time.

Carried

4.3. **Bylaw No. 10802 (Z12-0071) - 1789 KLO Road**

Moved by Councillor Blanleil/Seconded by Councillor Basran

R123/13/02/26 THAT Bylaw No. 10802 be read a second and third time and be adopted.

Carried

Councillor DeHart rejoined the meeting at 6:33 p.m.

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 3283 letters to the owners and occupiers of surrounding properties between February 12, 2013 and February 19, 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. **Development Variance Permit Application No. DVP12-0185 - 2600 Dubbin Road**

Staff:

- Clarified that the variance is requested for the back of the garage.
- Not considered detached structure as technically it's attached to the house.
- Clarified that the two access roads used as a reciprocal access to the other homes.

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

Letter of Opposition:

Chris Stevens, 2597 Dubbin Road

Letter of Support:

Brad Dahl, 2670 Arthur Road

Additional Information:

Package of additional information as submitted by the owner, Dany Laliberte, containing information on the background, purpose, variance, neighbours, open

house, photos and drawings of the project, and a letter that was sent to neighbours Christopher and Linda Stevens.

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

Matt Doder, 1593 Ellis Street, Lawyer Representing Applicant

- Advised that the owner is in attendance.
- Garage would conform if it were not stacked.
- Stated that Council had been invited to an Open House at the Applicant's home. Confirmed that the owner wishes to have more secured enclosed parking on his property; provide safety as upper parking area is not adequately secured; there is no increase in footprint or change in use.
- Confirmed that the second road is the neighbours driveway behind the Applicant's property.
- Have the support of 4 neighbours with 3 providing written support. The 5<sup>th</sup> neighbour opposed due to sight lines.
- Not concerned with setting precedence due to the uniqueness of the subject property.
- Asked that Council consider the alternate recommendation with covenant.

Council:

- Confirmed there is adequate turning range without hindering retaining wall.

Gallery:

Wayne Leonard, 2630 Dubbin Road

- Owns property immediately North of the subject property.
  - Asked Council to consider the alternative recommendation as current state with orange tarps is unsightly.
  - Believes the garage would be a neighbourhood improvement.
- There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R124/13/02/26** THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0185 for Lot A, Section 20, Township 23, O.D.Y.D., Plan KAP92774, located at 2600 Dubbin Road, Kelowna, BC;

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

1. Section 6.4.1: Projections into Yards: To vary the maximum permitted projection into a required front yard from 0.6 m permitted to 1.2 m proposed (as per Schedule A).
2. Section 12.3.6(b): Development Regulations: To vary the maximum permitted height from the lesser of 9.5 m or 2½ storeys permitted to 16.27 m and 4 storeys proposed (as per Schedule A);

AND THAT the above variances be granted subject to the applicant demonstrating that a no disturb/no build Section 219 Restrictive Covenant has been registered under the Land Title Act against the title of the subject property to preserve the Riparian Management Area, measuring 15 m upland of the Natural Boundary of Okanagan Lake on the subject property;

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

Carried

6.2. Development Permit Application No. DP12-0158 and Development Variance Permit Application No. DVP12-0218 - 1506 Harvey Avenue and 1544-1550 Harvey Avenue

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

Letter of Opposition:  
Bernie Kvamme, 1684 Bernard Avenue

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

Owner and Applicant present.  
- Available to answer questions.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R125/13/02/26 THAT Council authorizes the issuance of Development Permit No. DP12-0158 for Lot 5, Section 20, Township 26, ODYD, Plan 32159 except Plan KAP88859, located at 1506 Harvey Avenue, Kelowna, BC, and Lot 4, Section 20, Township 26, ODYD, Plan 32159, located at 1544-1550 Harvey Avenue, 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;
5. The Ministry of Transportation and Infrastructure requirements to be satisfied prior to the issuance of the Development Permit;
6. An access easement for access over Lot 5 (1506 Harvey Avenue) and Lot 4 (1544-1550 Harvey Avenue) in favour of each lot, and a cross-parking and loading agreement between Lot 5 (1506 Harvey Avenue) and Lot 4 (1544-1550 Harvey Avenue) in favour of each lot, to be registered on the titles of both Lots 5 and 4, to the satisfaction of the City of Kelowna and the Ministry of Transportation and Infrastructure, prior to the issuance of the Development Permit;
7. Development Engineering requirements to be satisfied prior to the issuance of the Building Permit;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0218 for Lot 5, Section 20, Township 26, ODYD, Plan 32159 except Plan KAP88859, located at 1506 Harvey Avenue, Kelowna, BC, and Lot 4, Section 20, Township 26, ODYD, Plan 32159, located at 1544-1550 Harvey Avenue, Kelowna, BC;

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

Section 6.10: Setback from Provincial Highways: To vary the minimum required setback from Highway 97 from 15.0 m required to 4.5 m 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 and Development Variance Permit applications, in order for the permits to be issued.

Carried

**6.3. Development Permit Application No. DP13-0010 and Development Variance Permit Application No. DVP13-0012 - 840 Stockley Street**

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.

Andrew Bruce, Melcor Developments, Applicant

- Commended staff for quick turn around with application.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Basran

**R126/13/02/26** THAT Council authorize the issuance of Development Permit No. DP13-0010 for That part of Section 19, Township 27, ODYD, Shown on Plan EPP18660, located at 840 Stockley Street, 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;

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 authorize the issuance of Development Variance Permit No. DVP13-0012 for That part of Section 19, Township 27, ODYD, Shown on Plan EPP18660, located at 840 Stockley Street, Kelowna, B.C.;

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

Section 8.1.9 (c) Parking Location - Setback from Parking: To vary the required flanking street setback for parking from 3.0m required to 0.7m proposed.

Section 13.9.6 (b) Development Regulations - Site Coverage: To vary the maximum site coverage from 50% permitted to 55% proposed.

Carried

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

Moved by Councillor Blanleil/Seconded by Councillor Basran

R127/13/02/26 THAT Council defer Development Variance Permit Application No. DVP13-0001 to the March 12, 2013 Public Hearing.

Carried

6.5. Bylaw No. 10778 (Z12-0061) - 424 Park Avenue

Moved by Councillor Given/Seconded by Councillor Stack

R128/13/02/26 THAT Bylaw No. 10778 be adopted.

Carried

6.5.1. Heritage Alteration Permit Application No. HAP12-0011 - 424 Park Avenue

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.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Stack

R129/13/02/26 THAT final adoption of Zone Amending Bylaw No. 10778 be considered by Council;

AND THAT Council authorize the issuance of a Heritage Alteration Permit No. HAP12-0011, for Lot 1, District Lot 14, ODYD, Plan 3878, located on 424 Park Avenue, 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".

AND FURTHER THAT a variance to the following section of Zoning Bylaw No. 8000 be granted: To vary regulation - Section 9.5b.1(c) To vary the location of a carriage house in an accessory building from the rear yard (permitted) to the front yard (proposed).

Carried

7. Reminders - n/a

8. Termination

The meeting was declared terminated at 7:30 p.m.

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Mayor

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City Clerk

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