



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, June 4, 2013
Time: 6:00 pm
Location: Council Chamber
City Hall, 1435 Water Street

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

Staff Present: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Manager, Urban Land Use, Danielle Noble; Manager, Council Recording Secretary, Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the meeting to order at 6:00 p.m.

2. Prayer

A Prayer was offered by Councillor Singh.

3. Confirmation of Minutes

Moved By: Councillor Zimmermann/Seconded By: Councillor Blanleil

R390/13/06/04 THAT the Minutes of the Public Hearing and Regular Meeting of May 21, 2013 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1. Bylaw No. 10847 (Z12-0064) - Parminder & Kulwant Hans and Gurdev & Kamalpreet Gill, 275 Petch Road

Moved By: Councillor Zimmermann/Seconded By: Councillor DeHart

R391/13/06/04 THAT Bylaw No. 10847 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 258 letters to the owners and occupiers of surrounding properties between May 21, 2013 and June 4, 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. 10809 (Z12-0068) - 1121, 1131, 1141 and 1151 Brookside Avenue

Moved By: Councillor Given/Seconded By: Councillor Stack

R392/13/06/04 THAT Bylaw No. 10809 be adopted.

Carried

6.1.1. Bylaw No. 10800 - Housing Agreement - City of Kelowna and Evergreen Lands Ltd. - 1121, 1131, 1141 and 1151 Brookside Avenue

Moved By: Councillor Given/Seconded By: Councillor Stack

R393/13/06/04 THAT Bylaw No. 10800 be adopted.

Carried

6.1.2. Development Permit Application No. DP12-0212 and Development Variance Permit Application No. DVP12-0213 - 1121, 1131, 1141 & 1151 Brookside Avenue

Staff:

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

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

Letter of Concern
Milton Black, 1111 Brookside Avenue

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

Ken Webster, Applicants' Representative and Jim Meiklejohn, Meiklejohn Architects Inc.

- Noted that there no longer is a pinch point as the street is being widened as part of the development.
- In terms of parking on the street, the frontage upgrades are being constructed to Gordon Drive with 400 feet of curb, gutter and sidewalks.
- Between 14 and 18 stalls will be provided along that street. The street will become more defined as it's urbanized.
- Believe from our experience we have more than enough parking for this product in this location. The City provided us with a street design and believe it will accommodate parking and shared vehicular and carriage way.

- The Traffic Engineering Analysis concluded that the street is relatively low volume and does not need to be a wider carriage way.
- These are 1 and 2 bedroom units in an urban area and are not large suites. The units are not designed to accommodate large groups of people.
- Since the Public Hearing the units were reduced from 72 to 70 units.

Jim Meiklejohn, Meiklejohn Architects Inc.

- Described materials used for the building.
- The basic concept and forms are the same but added detail to break up the massing and roof line.

Staff:

- Confirmed it was not feasible as noted in the traffic engineering analysis to connect Brookside Avenue to the other cul-de-sac.

Gallery:

Monica Black, 1111 Brookside Avenue

- Raised concern with parking; requesting a variance for 14 parking spaces but has not created more parking spaces. Feels that by reducing parking spaces within the property and charging tenants for spaces will only encourage on street parking.
- Concerned with amount of traffic on Brookside Avenue. Believes there will be bumper to bumper parked cars along the street.
- Concerned that the active bike path will be impacted.
- Inquired if it were possible to lower the number of units and put required parking on site.
- Downsizing number of units would benefit future tenants, residents and the city.
- Believes the development needs to compromise its size to fit the street.

Barbara Hay, 267 Brookside Avenue

- Inquired where waste disposals will be placed in this development.
- Noted that Council raised concerns with traffic safety and congestion at the Public Hearing and inquired the outcome.

Staff:

- Confirmed that a traffic analysis was done prior to the Public Hearing as part of the rezoning deliberations. Staff has done further analysis and for environmental safety and engineering reasons staff does not support changes to the cul de sac.

Milton Black, 1111 Brookside Avenue

- Provided measurements of street front and average parking spot; displayed potential u-turn if one way out.
- Inquired if a Manager would be on site.

Staff:

- Clarified regular stall length being 6 meter length and 2.5 meter width.

Council:

- Raised concern regarding sightlines for 2021 and 2025 Gordon Drive.

Staff:

- Will investigate the sightlines.

Ken Webster, Applicant

- The waste disposal will be located on the east side in an enclosed building and buffered by landscaping. Located and detailed in way so that large vehicles can maneuver. In an ideal spot to provide a cross walk feature.
- Cannot commit that management will be on site however do expect a manager to be on site as the company is local and is hands on with management.

- Charging for parking is to be competitive and to control parking spaces. Our price in total is competitive with rent and parking.
- Clarified that it is not low income rental it is market rental. There is a Housing Agreement in place so that this will remain rental housing.
- Advised that they are not willing to reduce the number of units.
- Advised that there will be 325 feet of parkable frontage.
- Do not screen potential tenants by ownership of vehicle but tenants will be informed there is only 1 stall.
- Believes there will be a handful of tenants that do not have vehicles.
- Confident that there will be extra stalls available.
- Confirmed with Council that their strategy is to manage vehicles on site through the rental process. Have chosen sites for development near city centres which lowers the number of vehicles.
- Believe parking requirements should be lowered downtown and zoning could be changed in certain areas to reduce parking requirements.
- Believe are leaders and doing a good thing.
- The RM3 zone changed during the process so the design evolved. The last change was to provide on site storage, to improve pedestrian circulation, and also to add two more parking stalls.

Council:

- Suggested the area be monitored for any parking concerns at the end of the cul de sac.

There were no further comments.

Moved By: Councillor Hobson/Seconded By: Councillor Basran

R394/13/06/04 THAT Final Adoption of the Zoning Amending Bylaw No. 10809 be considered by Council;

AND THAT Final Adoption of the Housing Agreement Bylaw No. 10800 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP12-0212 for Lot 9 Section 19 Township 26 ODYD Plan 2704, located at 1121 Brookside Avenue, Lot 10 Section 19 Township 26 ODYD Plan 2704, located at 1131 Brookside Avenue, Lot 11 Section 19 Township 26 ODYD Plan 2704, located at 1141 Brookside Avenue, Lot 12 Section 19 Township 26 ODYD Plan 2704, located at 1151 Brookside 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 authorize the issuance of Development Variance Permit No. DVP12-0213 for Lot 9 Section 19 Township 26 ODYD Plan 2704, located at 1121 Brookside Avenue, Lot 10 Section 19 Township 26 ODYD Plan 2704, located at 1131 Brookside Avenue, Lot 11 Section 19 Township 26 ODYD Plan 2704, located at 1141 Brookside Avenue, Lot 12 Section 19 Township 26 ODYD Plan 2704, located at 1151 Brookside Avenue, Kelowna, BC, Kelowna, B.C.;

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

Section 13.9.6 (b) Development Regulations - Site Coverage:

To vary the site coverage for buildings from 40% permitted to 41.6% proposed and for buildings, driveways and parking from 60% permitted to 62.6% proposed Table 8.1 - Parking Schedule To vary the parking from 97 stalls required to 83 stalls proposed.

Carried

6.2. Development Variance Permit Application No. DVP13-0027 - 5330 Signet Crescent, Craig Mohr

Staff:

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

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

Letters of Concern:

Terry Hoppe, 5332 Signet & 468 Cob Lane
Pat & Jerry Desjarlais, 5332 Signet Crescent

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

Ted Moore, Applicant 5223 Signet

- Letters of concern were regarding site lines and that change has been made.
- Clarified that one area of encroachment near light standard still exists. A licence of occupation would ensure a future property owner is aware of this.
- Advised the erosion is on the Applicant's property. The down spouts have since been connected and do not foresee an issue in the future.
- Advised that the City asked that rock be used when landscaping.

Gallery:

Jerry Desjarlais, 5332 Signet Crescent

- Raised concern with drainage on the property.
- Concerned with erosion to own retaining wall and would therefore prefer drainage off of the south end.

Ted Moore, Applicant 5223 Signet

- The City was on site today and will be addressing the area of concern as required by the City.

There were no further comments.

Moved By: Councillor Blanleil/Seconded By: Councillor Zimmermann

R395/13/06/04 THAT Final Adoption of the Zoning Amending Bylaw No. 10809 be considered by Council;

THAT Council authorize the issuance of a Development Variance Permit No. DVP13-0027, for Lot 5, Section 24, Township 28, SDYD, Plan KAP87210, located on 5330 Signet Crescent, Kelowna, BC;

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

Section 7.5.9 - Fencing and Retaining Walls:

To vary the south portion of the east rock wall from 1.2 m permitted to 2.0 m proposed. To vary the lower portion of the two tiered portion of the rock wall from 1.2 m permitted to 1.6 m proposed. To vary the minimum vertical distance between the rock walls from 1.2 m permitted to 0.1 m proposed.

AND THAT a building permit for the rock retaining walls be applied for prior to issuance of the Development Variance Permit;

AND THAT a licence of occupation be applied for prior to issuance of the Development Variance Permit;

AND FURTHER THAT the wall be rebuilt to meet the City of Kelowna Traffic Bylaw 8120 sightline requirements as approved through the corresponding Building Permit.

Carried

6.3. Development Variance Permit Application No. DVP13-0042 - 1-2368 Abbott Street, Patricia Evans

Staff:

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

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

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

There were no further comments.

Moved By: Councillor Singh/Seconded By: Councillor Stack

R396/13/06/04 THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0042, for Strata Lot 1, District Lot 14, ODYD Plan K721 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1 located on 2368 Abbott Street, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted: Section 13.1.6 (e) Development Regulations: To vary the rear yard setback from 7.5 m permitted to 5.0m proposed (as per Schedule "A").

Carried

7. Reminders - Nil.

8. Termination

The meeting was declared terminated at 7:17 p.m.

Mayor

/acm

Deputy City Clerk