

Regular MeetingMarch 9, 1999

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, March 9, 1999.

Council members in attendance were: Acting-Mayor M.I. Bremner, Councillors A.F. Blanleil, R.D. Cannan, C.B. Day, R.D. Hobson, J.D. Leask and J.D. Nelson.

Council members absent: Mayor Walter Gray and Councillor S.A. Shepherd.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi; Current Planning Manager, F.B. Pritchard; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Acting-Mayor Bremner called the meeting to order at 8:20 p.m.

2. PRAYER

The meeting was opened with a prayer offered by Councillor Hobson.

3. CONFIRMATION OF MINUTES

3.1 Regular Meeting, February 22, 1999

Moved by Councillor Cannan/Seconded by Councillor Nelson

R180/99/03/09 THAT the minutes of the Regular Meeting of February 22, 1999 be confirmed as circulated.

Carried

4. Councillor Hobson was requested to check the minutes of this meeting.

5. PLANNING BYLAWS CONSIDERED AT PUBLIC HEARING

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)

5.1 Bylaw No. 8354 (Z98-1044) – Wenson Holdings Ltd. (Ken Dempsey) - 304 Hartman Road

Moved by Councillor Nelson/Seconded by Councillor Leask

R181/99/03/09 THAT Bylaw No. 8354 be read a second and third time, and be adopted.

Carried

5.2 Bylaw No. 8359 (Z98-1043) – Wenson Holdings Ltd. (Ken Dempsey) – 316 Hartman Road

Moved by Councillor Leask/Seconded by Councillor Nelson

R182/99/03/09 THAT Bylaw No. 8359 be read a second and third time, and be adopted.

Regular Meeting

March 9, 1999

Carried

5.3 Bylaw No. 8361 (Z98-1049) – Orval & Lynn Kutny – 2202 Bennett Road

Moved by Councillor Nelson/Seconded by Councillor Leask

R183/99/03/09 THAT Bylaw No. 8361 be read a second and third time, and be adopted.

Carried

5.4 Bylaw No. 8362 (Z98-1051) – Wayne & Patricia Presley and Donald Reilly (Lynn Welder Consulting) – 760 Highway 33 West, and Official Community Plan Amendment No. OCP98-012 **requires majority vote of full Council (5)**

Moved by Councillor Day/Seconded by Councillor Blanleil

R184/99/03/09 THAT Bylaw No. 8362 be read a second and third time, and be adopted.

Carried

5.5 Bylaw No. 8363 (Z98-1025) – Frank & Florinda Manfredi – 312 Uplands Drive

Moved by Councillor Day/Seconded by Councillor Blanleil

R185/99/03/09 THAT Bylaw No. 8363 be read a second and third time, and be adopted.

Carried

Councillor Hobson opposed.

6. PLANNING

6.1 Planning & Development Services Department, dated February 9, 1999 re: Development Permit Application No. DP98-10,085 and Development Variance Permit Application No. DVP98-10,087 – Dr. F. De Freitas Inc. (Garry's Contracting Ltd.) – 2417 Richter Street (3060-20; 3090-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report noting that in April 1998 Council approved a proposal by the applicant to add 2 dwellings to the rear of the existing dwelling on the site. Since then, the applicant has changed his plans and now proposes to demolish the existing home and garage and construct a new 3-unit, 2-storey building with a 3-car garage at the rear. The form and character is consistent with the development in the area and retains more open space than the initial proposal. The variance is required to allow for reduced setbacks for the north and south side yards. Staff recommend favourable consideration.

Acting-Mayor Bremner invited anyone in the public gallery who deemed themselves affected by the requested variance to come forward. There was no response.

Regular MeetingMarch 9, 1999

In response to questioning by a member of Council, the Current Planning Manager advised that paving the rear lane is not a requirement of the application.

Moved by Councillor Nelson/Seconded by Councillor Blanleil

R186/99/03/09 THAT Municipal Council authorize the issuance of Development Permit No. DP98-10,085; for Lot 2, D.L. 136, O.D.Y.D., Plan 4103, located on Richter 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 Municipal Council authorize the issuance of Development Variance Permit No. DVP98-10,087; Garry's Contracting Ltd.; Lot 2, D.L. 136, O.D.Y.D., Plan 4103, located on Richter Street, Kelowna, B.C.;

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

Section 13.7.5.(e) Development Regulations, vary the minimum 2.5 m required side yard setback for 2 or 2½ storeys to 2.0 m proposed for north and south side yards;

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

- 6.2 Planning & Development Services Department, dated February 9, 1999 re: Development Variance Permit No. DVP99-10,004 – Wayne & Patricia Presley (Lynn Welder Consulting) – 760 Highway 33 West (3090-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and advised the requested variance would authorize the existing non-conforming east yard setback of the apartment building proposed for use as a detoxification facility in conjunction with the Crossroads Treatment Centre. Staff recommend support.

Acting-Mayor Bremner invited anyone in the public gallery who deemed themselves affected by the requested variance to come forward. There was no response.

Regular MeetingMarch 9, 1999Moved by Councillor Leask/Seconded by Councillor Cannan

R187/99/03/09 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP99-10,004; Lynn Welder Consulting; Lot D, Sec. 27, Twp. 26, O.D.Y.D. Plan 22268, located on Highway 33 West, Kelowna, B.C.;

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

Section 16.1.5(e) – Development Regulations: be varied from minimum 4.5 m required east side yard to 3.16 m existing.

Carried7. BYLAWS**BYLAWS PRESENTED FOR FIRST READING**

7.1 Bylaw No. 8368 (Z98-1053) -Stephen Vines – 624 McClure Road

Moved by Councillor Cannan/Seconded by Councillor Leask

R188/99/03/09 THAT Bylaw No. 8368 be read a first time.

Carried

7.2 Bylaw No. 8369 (Z98-1048) -Vaughan Hooper – 428 Christleton Avenue

Moved by Councillor Leask/Seconded by Councillor Cannan

R189/99/03/09 THAT Bylaw No. 8369 be read a first time.

Carried

7.3 Bylaw No. 8370 (Z98-1020) – Clark Smith (J.E. Arthur & Assoc.) –2370 Arthur Road

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R190/99/03/09 THAT Bylaw No. 8370 be read a first time.

Carried

7.4 Bylaw No. 8371 (Z98-1047) – Kenneth Stocks & Randall Scott – 55 Caramillo Road

Councillor Cannan declared a conflict of interest because a member of his family owns adjacent property and left the Council Chamber at 8:36 p.m.

Moved by Councillor Blanleil/Seconded by Councillor Day

R191/99/03/09 THAT Bylaw No. 8371 be read a first time.

Carried

Regular Meeting

March 9, 1999

Councillor Cannan returned to the Council Chamber at 8:36 p.m. and took his place at the Council Table.

8. REMINDERS - Nil.

9. TERMINATION

The meeting was declared terminated at 8:37 p.m.

Certified Correct:

Acting-Mayor Bremner

City Clerk

BLH/am