

Regular MeetingApril 20, 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, April 20, 1999.

Council members in attendance were: Mayor Walter Gray, Councillors M.I. Bremner, R.D. Cannan, C.B. Day, R.D. Hobson, J.D. Nelson and S.A. Shepherd.

Council members absent: Councillors A.F. Blanleil and J.D. Leask.

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; Long Range Planning Manager, L.V. Foster*; Planning & Development Officers, A. Bruce and G. Routley*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 7:43 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

3.1 Public Hearing, April 6, 1999

Moved by Councillor Shepherd/Seconded by Councillor Day

R312/99/04/20 THAT the minutes of the Public Hearing of April 6, 1999 be confirmed as circulated.

Carried

3.2 Regular Meeting, April 6, 1999

Moved by Councillor Cannan/Seconded by Councillor Bremner

R313/99/04/20 THAT the minutes of the Regular Meeting of April 6, 1999 be confirmed as circulated.

Carried

3.3 Regular Meeting, April 12, 1999

Moved by Councillor Nelson/Seconded by Councillor Shepherd

R314/99/04/20 THAT the minutes of the Regular Meeting of April 12, 1999 be confirmed as circulated.

Carried

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

Regular MeetingApril 20, 19995. PLANNING BYLAWS CONSIDERED AT PUBLIC HEARING**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)**

- 5.1 Bylaw No. 8367 – City of Kelowna Zoning Bylaw Text Amendment No. TA99-005 (miscellaneous amendments)

Moved by Councillor Nelson/Seconded by Councillor Bremner**R315/99/04/20** THAT Bylaw No. 8367 be read a second and third time.Carried

- 5.2 Bylaw No. 8384 (Z98-1046) – William & Lise Sinclair – 1506 Dickson Avenue

Moved by Councillor Bremner/Seconded by Councillor Nelson**R316/99/04/20** THAT Bylaw No. 8384 be read a second and third time.Carried

- 5.3 Bylaw No. 8385 (Z98-1052) – Lakeshore Dental Centres Inc. (Stacey March) – 1255 Gaggin Road

Moved by Councillor Day/Seconded by Councillor Cannan**R317/99/04/20** THAT Bylaw No. 8385 be read a second and third time.Carried

- 5.4 Bylaw No. 8387 (Z99-1022) – Shato Holdings Ltd. (City of Kelowna) – 2190 Harvey Avenue

The City Clerk advised that the outstanding conditions have been completed allowing the bylaw to also be considered for adoption at this time.

Moved by Councillor Shepherd/Seconded by Councillor Day**R318/99/04/20** THAT Bylaw No. 8387 be read a second and third time and be adopted.Carried**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)**

- 5.5 Bylaw No. 8323- City of Kelowna Official Community Plan Amendment No. OCP98-022 (amendment to Abbott & Marshall Street Heritage Conservation Area Development Guidelines) **requires majority vote of full Council (5)**

Moved by Councillor Shepherd/Seconded by Councillor Day**R319/99/04/20** THAT Bylaw No. 8323 be read a second and third time, and be adopted.Carried

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The Long Range Planning Manager and Planning & Development Officer Greg Routley left the Council Chamber at 7:47 p.m.

6. PLANNING

- 6.1 Planning & Development Services Department, dated April 14, 1999 re: Development Permit Application No. DP99-10,018 – Shato Holdings Ltd. (Gordon Wilson/Team Construction Management Ltd.) – 2190 Harvey Avenue (3060-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and advised this is the Development Permit application from White Spot that spawned the rezoning at the Public Hearing portion of this evening's proceedings. He showed a photo of the existing building and indicated where the proposed outdoor patio for up to 32 seats would be constructed west of the main entry to the restaurant.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R320/99/04/20 THAT Municipal Council authorize the issuance of Development Permit No. 99-10,018; for Lot 2, D.L. 127, O.D.Y.D., Plan 35133, located on Harvey Avenue, 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".

Carried

- 6.2 Planning & Development Services Department, dated March 1, 1999 re: Development Variance Permit Application No. DVP99-10,008 – Bill & Lise Sinclair – 1506 Dickson Avenue (3060-20)

The City Clerk advised that the zone amending bylaw for the subject property could not be adopted earlier in the agenda because Ministry of Transportation and Highways' approval of the bylaw has not yet been received. Since the bylaw must be adopted for Council to consider the Development Variance Permit, it would be appropriate for Council to simply hear the presentations regarding this application, but to defer authorizing issuance of the DVP pending adoption of the bylaw.

The Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report noting that a rezoning application to permit a secondary suite within the single family dwelling unit was discussed at this evening's Public Hearing. Development of the subject property was initiated under Zoning Bylaw 4500 and at that time the plans conformed to bylaw requirements. However the proposed plans do not conform to the new zoning bylaw which specifies that where the development has access to a rear lane, vehicular access is only permitted from the rear lane. The applicant is proposing to retain an existing garage that is accessed from the rear lane. The Development Variance Permit would allow the development to proceed as originally proposed with access to the proposed second garage from Dickson Avenue.

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Mayor Gray invited anyone in the public gallery who deems themselves affected by the requested variance to come forward. There was no response.

Council will deal with the resolution authorizing issuance of the Development Variance Permit once the zone amending bylaw for the subject property has been adopted.

7. PUBLIC IN ATTENDANCE

7.1 Kelowna 2000 Logo Contest Winners Award Presentations

Prior to convening the Public Hearing, Mayor Gray congratulated the finalists of the Kelowna 2000 Logo competition and presented them with their framed artwork as a thank-you from the City and the Kelowna 2000 Committee. The winners were Landon and Austin Mendes, ages 12 and 9 years old; runners-up were Shauna Grobowsky – 11 years old, Britney Stewart – 10 years old, and Leyna Dosch – 12 years old; with honourable mention for Amanda Foster – 10 years old.

8. BYLAWS

BYLAWS PRESENTED FOR FIRST READING)

- 8.1 Bylaw No. 8390 (Z99-1008) – Braunfel Engineering & Construction Ltd. (New Town Planning) – 8038 Highway 97 North

Moved by Councillor Shepherd/Seconded by Councillor Day

R321/99/04/20 THAT Bylaw No. 8390 be read a first time.

Carried

- 8.2 Bylaw No. 8392 (Z99-1001) – Petro-Canada Inc. (Eric Fefer) – 735 Harvey Avenue, and City of Kelowna Official Community Plan Amendment No. OCP99-002 **requires majority vote of full Council (5)**

Moved by Councillor Day/Seconded by Councillor Shepherd

R322/99/04/20 THAT Bylaw No. 8392 be read a first time.

Carried

- 8.3 Bylaw No. 8399 – City of Kelowna Official Community Plan Amendment No. OCP99-001 (dock regulations) **requires majority vote of full Council (5)**

Moved by Councillor Bremner/Seconded by Councillor Nelson

R323/99/04/20 THAT Bylaw No. 8399 be read a first time.

Carried

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- 8.4 Bylaw No. 8400 – City of Kelowna Zoning Bylaw Text Amendment No. TA99-002 (dock regulations)

Moved by Councillor Nelson/Seconded by Councillor Bremner

R324/99/04/20 THAT Bylaw No. 8400 be read a first time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 8.5 Bylaw No. 8388 – Amendment No. 1 to Provisional Budget Bylaw, 1999 No. 8343

Moved by Councillor Bremner/Seconded by Councillor Nelson

R325/99/04/20 THAT Bylaw No. 8388 be adopted.

Carried

9. REMINDERS

- Thursday, April 22, 1999 - City of Kelowna Civic Awards - live on Shaw Cable 11 starting at 8:00 p.m.

10. TERMINATION

The meeting was declared terminated at 8:02 p.m.

Certified Correct:

Mayor

City Clerk

BLH/bn