

Regular MeetingApril 18, 2000

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 18, 2000.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, R.D. Cannan, B.A. Clark, C.B. Day, B.D. Given, R.D. Hobson, J.D. Nelson and 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, A.V. Bruce; and Council Recording Secretary, B.L. Harder.

1. CALL TO ORDER

Mayor Gray called the meeting to order at 9:50 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

3.1 Regular Meeting, April 3, 2000

Moved by Councillor Day/Seconded by Councillor Blanleil

R356/00/04/18 THAT the minutes of the Regular Meeting of April 3, 2000, the Public Hearing of April 4, 2000 and the Regular Meeting of April 4, 2000 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)**

5.1 Bylaw No. 8528 (TA99-011) – Miscellaneous Amendments to Zoning Bylaw 8000

Moved by Councillor Clark/Seconded by Councillor Shepherd

R357/00/04/18 THAT Bylaw No. 8528 be read a second and third time.

Carried

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- 5.2 Bylaw No. 8529 (Z00-1002) – Brian & Lillian Berry (New Town Planning Services) – 1571 Sutherland Avenue

Moved by Councillor Shepherd/Seconded by Councillor Clark**R358/00/04/18** THAT Bylaw No. 8529 be read a second and third time.CarriedMoved by Councillor Clark/Seconded by Councillor Shepherd

R359/00/04/18 THAT staff initiate discussions with all abutting property owners to explore avenues for upgrading the entire lane between Sutherland Avenue and Dickson Avenue, east of Burtch Road.

Carried

- 5.3 Bylaw No. 8530 (Z99-1002) – Excalibur Enterprises Ltd. and Carey Road Properties (A. Kleinfelder) – 2650, 2658, 2260 and 2590 Highway 97 North and north of Cary Road, and City of Kelowna Official Community Plan Amendment No. OCP99-003 **Requires majority vote of full Council (5)**

Moved by Councillor Hobson/Seconded by Councillor Cannan

R360/00/04/18 THAT second and third reading consideration of Bylaw No. 8530 (Z99-1002 – Excalibur Enterprises Ltd. and Carey Road Properties – Highway 97 North and north of Cary Road) be deferred to allow staff time to arrange a meeting with Ministry of Transportation and Highways officials and all land owners affected, to achieve consensus on the location of the proposed mid-line road.

Carried

- 5.4 Bylaw No. 8537 [Z99-1028(a)] – Cambridge Shopping Centre Ltd. and Shaw Cablesystems Company – 2350 Hunter Road and 2430 Highway 97 North

Withdrawn from the agenda.

6. PLANNING

- 6.1 Planning & Development Services Department, dated Marcy 30, 2000 re: Development Variance Permit Application No. DVP99-10,089 – People's Food Market (Dwayne & Verna Parker) – 1073 Lawson Avenue (3090-20)

Staff:

- The site was previously used as a parking area for Peoples IGA and is now vacant.
- The applicant is proposing to develop the site with a single family home with a secondary suite above a garage.
- The property is a corner lot and as such the City requires dedications to widen both Lawson Avenue and Gordon Drive. Without these dedications the site could be developed with relatively few variances. However, with the dedications and setback requirements, the building envelope is considerably diminished.
- The requested variances are deemed to be reasonable and staff recommend support.

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Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward.

Dwaine Parker, applicant:

- Indicated he was available to answer questions of Council.

Larry Jackson, resident of the adjacent apartment building to the south (1490 Gordon Drive):

- Concerned about the height of the parapet design element to the roof and the distance between the proposed building and the apartment building.

Anne Luchak, resident of 1490 Gordon Drive:

- Upset that she will now be looking at a building instead of over a parking lot.

Staff:

- The lot across Lawson Avenue from the subject property was also a parking lot and is no longer needed for parking and therefore will likely also be developed in future.

A gentlemen in the gallery:

- Advised he was representing the owners of 9 units in the adjacent apartment block at 1490 Gordon Drive and that 5 of the 9 units would face the proposed building.
- Opposed the requested variances because of concerns about fire protection, loss of view, and the garage would result in reduced sight lights from the lane onto Lawson.

Staff:

- The applicant is not requesting a variance of the garage setback from the lane.
- The side yard variance adjacent to the apartment building would be roughly 1 foot.
- The Fire Department have indicated no concerns with the requested variances; however they may have to modify the landscaping if there is inadequate space for firefighting access from the north side yard.

Larry Jackson again:

- There is a transformer on that corner of the apartment block property.

There were no further comments.

Moved by Councillor Blanleil/Seconded by Councillor Given

R361/00/04/18 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP99-10,089; Dwaine & Verna Parker; Lot A, D.L. 138, O.D.Y.D., Plan 21577, located on Gordon Drive, Kelowna, B.C.;

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

Section 13.6.5(a) Development Regulations: site coverage: A variance from the required 40% site coverage to permit the proposed 44% site coverage;

Section 13.6.5(c) Development Regulations: front yard setback: A 1.54 m variance is requested from the minimum front yard setback of 4.5 m to 2.96 m as proposed;

Section 13.6.5(d) Development Regulations: side yard setback to flanking street for a principal dwelling: A 3.16 m variance is requested from the minimum north side yard setback of 4.5 m to 1.34 m as proposed;

Section 13.6.5(d) Development Regulations: side yard setback to flanking street for a garage: A 2.5 m variance is requested from the minimum north side yard setback of 4.5 m to 2.0 m as proposed for a garage;

Section 13.6.5(d) Development Regulations: side yard setback: A 0.8 m variance is requested from the minimum south side yard setback of 2.3 m to 1.5 m as proposed for the garage;

Section 13.6.5(d) Development Regulations: side yard setback: A 0.32 m variance is requested from the minimum south side yard setback of 2.3 m to 1.98 m as proposed for the principal dwelling;

Section 13.6.6(f) Other Regulations: access to property: to vary the access requirement from the lane to permit access from Lawson Avenue for one parking stall.

Carried

Councillor Cannan opposed.

7. BYLAWS

BYLAWS PRESENTED FOR FIRST READING)

7.1 Bylaw No. 8541 (Z00-1017) – Shada Enterprises Ltd. and Robert Richardson – 442 Christleton Avenue

Moved by Councillor Nelson/Seconded by Councillor Given

R362/00/04/18 THAT Bylaw No. 8541 be read a first time.

Carried

7.2 Bylaw No. 8542 (Z00-1016) – Joseph & Kathryn Neilsen (Lawrence Josey) – 998 Laurier Avenue

Moved by Councillor Given/Seconded by Councillor Nelson

R363/00/04/18 THAT Bylaw No. 8542 be read a first time.

Carried

7.3 Bylaw No. 8543 (Z00-1008) – Brad Farrell – 927 Tataryn Road

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R364/00/04/18 THAT Bylaw No. 8543 be read a first time.

Carried

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- 7.4 Bylaw No. 8544 (Z00-1014) – Lance Pilott and Donalene Zacharias –
4632 Gordon Drive

Moved by Councillor Cannan/Seconded by Councillor Blanleil**R365/00/04/18** THAT Bylaw No. 8544 be read a first time.Carried**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

- 7.5 Bylaw No. 8545 – Airport Way Road Naming Bylaw

Moved by Councillor Day/Seconded by Councillor Hobson**R366/00/04/18** THAT Bylaw No. 8545 be read a first, second and third time.Carried**(BYLAWS PRESENTED FOR ADOPTION)**

- 7.6 Bylaw No. 8523 – Sterile Insect Release Program Parcel Tax Bylaw
(2000)

Moved by Councillor Hobson/Seconded by Councillor Day**R367/00/04/18** THAT Bylaw No. 8523 be adopted.Carried

Councillor Blanleil opposed.

8. REMINDERS

- Councillor Nelson displayed a plaque that he accepted on behalf of Council at the grand opening of the Dorchester senior's retirement residence on April 13 th.
- Mayor Gray reminded Council and the public that the B.C. Millennium Book would be at Jim Stuart Park this Thursday at 10 a.m. Former-Mayor Stuart and his wife will be first to sign and then others are invited to sign the book which will ultimately be on display in Ottawa.

9. TERMINATION

The meeting was declared terminated at 10:42 p.m.

Certified Correct:_____
Mayor

BLH/bn

City Clerk