

Regular MeetingJune 19, 2001

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, June 19, 2001.

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: Acting-City Manager/Director of Planning & Development Services, R.L. Mattiussi, City Clerk, D.L. Shipclark; 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 7:23 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, June 4, 2001
Public Hearing, June 5, 2001
Regular Meeting, June 5, 2001
Regular Meeting, June 11, 2001

Moved by Councillor Given/Seconded by Councillor Day

R503/01/06/19 THAT the Minutes of the Regular Meetings of June 4, June 5, and June 11, 2001 and the Minutes of the Public Hearing of June 5, 2001 be confirmed as circulated.

Carried

4. Councillor Cannan 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. 8692 (Z01-1025) - Steve & Jolan Panta - 380 Viewcrest Court

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R504/01/06/19 THAT Bylaw No. 8692 be read a second and third time and be adopted.

Carried

Councillor Clark opposed.

5.2 Bylaw No. 8693 (Z01-1015) – Jag Ventures Inc. (Ray Gagnon) - 809 Finns Road

Moved by Councillor Day/Seconded by Councillor Cannan

R505/01/06/19 THAT Bylaw No. 8693 be read a second and third time and be adopted.

Carried

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Bylaw No. 8483 (Z99-1011) – Douglas and Alfred Appel (Tom Smithwick) – 3205 Highway 33 East, and City of Kelowna Official Community Plan Amendment No. OCP99-007 requires majority vote of Council (5)

Moved by Councillor Cannan/Seconded by Councillor Blanleil**R506/01/06/19** THAT Bylaw No. 8483 be adopted.Carried

Mayor Gray noted that the next 2 items would be presented concurrently.

- (b) Planning & Development Services Department, dated June 11, 2001 re: Development Permit Application No. DP99-10,053 – Douglas and Alfred Appel (Tony Markoff/Planning Solutions Consulting Inc.) – 3205 Highway 33 East (3060-20)

Staff:

- The Development Permit application is for development of the site with a truck repair shop, administration office and truck storage yard.
- The Development Variance Permit application is to waive the requirement for a community water system. As an alternative, the applicant proposes on-site storage of water that would be filled by tanker truck on a regular basis and a dry chemical fire suppression system for fire protection.

Moved by Councillor Day/Seconded by Councillor Blanleil

R507/01/06/19 THAT Municipal Council authorize the issuance of Development Permit No. DP99-10,053; for Lot A, Sec. 17, Twp. 27, ODYD, Plan 20065, located on Highway 33 East; 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 conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

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- 6.1 (c) Planning & Development Services Department, dated May 22, 2001 re: Development Variance Permit Application No. DVP01-10,026 – Douglas and Alfred Appel (Tony Markoff/Planning Solutions Consulting Inc.) – 3205 Highway 33 East (3090-20)

Mayor Gray invited the applicant or anyone who deemed themselves affected by the requested variance to come forward. There was no response.

Moved by Councillor Cannan/Seconded by Councillor Hobson

R508/01/06/19 THAT Municipal Council authorize the issuance of Development Variance Permit No. 01-10,026; Planning Solutions Consulting Inc. (Tony Markoff); Lot A, Plan 20065 Sec. 17, Twp. 27, ODYD, located on Highway 33, Kelowna, B.C.;

AND THAT variances to the following sections of Subdivision, Development & Servicing Bylaw No. 7900 be granted:

- Schedule 1, Works & Services Requirements – to waive the requirement for a community water system in conjunction with a rezoning to the I2 – General industrial zone.

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

AND THAT the applicant register a Section 219 Restrictive Covenant as per the terms and conditions of the letter from the Planning and Development Services Department dated April 24, 2001, attached to the report from the Planning and Development Services Department dated May 22, 2001.

Carried

- 6.2 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 8626 (Z00-1048) – Yellow Rose Ventures Ltd. (FWS Construction) – 2260 Benvoulin Road

Moved by Councillor Hobson/Seconded by Councillor Day

R509/01/06/19 THAT Bylaw No. 8626 be adopted.

Carried

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Mayor Gray noted that the next 2 items would be presented concurrently.

- 6.2 (b) Planning & Development Services Department, dated June 6, 2001 re: Development Permit Application No. DP00-10,073 – Yellow Rose Ventures Ltd. (De Juba/FWS Construction Ltd.) – 2260 Benvoulin Road (3060-20)

Staff:

- The Development Permit application is for construction of a 58-unit multi-family residential development comprised of 5 buildings; 4 in townhouse format and 1 in low-rise apartment building format. The low rise apartment building would have underground parking. The townhouses would be 2½ storeys with front and rear direct access to the units.
- The project would provide special needs housing for physically disabled and financially disadvantaged residents, and is sponsored by the Father DeLestre Housing Society with financing by BC Housing.
- The Society has provided a Housing Agreement agreeing that 10 units would be provided at below-market rent (the price of which is set by an independent appraiser). (That agreement is under agenda item No. 7.5 for approval later tonight.)
- The Development Variance Permit is for reduced on-site parking from 97 to 80 stalls and for the low rise apartment building height to be increased to 3½ storeys.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected by the requested variance. There was no response.

Moved by Councillor Hobson/Seconded by Councillor Day

R510/01/06/19 THAT Municipal Council authorize the issuance of Development Permit No. DP00-10,073; for Lot 3, DL 128, O.D.Y.D., Plan 8771 Exc. Plan KAP61007, located on Benvoulin Road, 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 conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

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- 6.2 (c) Planning & Development Services Department, dated May 23, 2001 re: Development Variance Permit Application No. DVP00-10,074 – Yellow Rose Ventures Ltd. (De Juba/FWS Construction Ltd.) – 2260 Benvoulin Road (3090-20)

Mayor Gray invited the applicant or anyone who deemed themselves affected by the requested variance to come forward. There was no response.

Moved by Councillor Given/Seconded by Councillor Nelson

R511/01/06/19 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP00-10,074; FWS Construction Ltd.; Lot 3, DL 128, O.D.Y.D., Plan 8771 Exc. Plan KAP61007, located on Benvoulin Road, Kelowna, B.C.;

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

Section 8.1 Off-Street Vehicle Parking, Parking Schedule (Table 8.1) be varied from 97 stalls required to 80 stalls provided;

Section 13.9.5(c) Development Regulations the maximum height is the lesser of 9.5 m or 2 ½ storeys be varied to lesser of 11 m or 3 ½ storeys.

Carried

- 6.3 Planning & Development Services Department, dated May 25, 2001 re: Development Variance Permit Application No. DVP01-10,010 – Ray Gagnon/Jag Ventures Ltd. – 809 Finns Road (3090-20)

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected by the requested variances to come forward. There was no response.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R512/01/06/19 THAT the portion of Council Resolution No. R386/01/05/14 dealing with the requirement for the registration of a reciprocal access and parking easement in relation to Rezoning Application No. Z01-1015 be rescinded;

AND THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP01-10,010; Jag Ventures; Lot 1, Sec. 34, Twp. 26, O.D.Y.D., Plan 16944, located on Finns Road, Kelowna, B.C.;

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

Section 15.1.4(c) Subdivision Regulations, be varied from the minimum lot area of 4,000 m² required to the existing lot area of 1,477 m²;

Section 15.1.5 (d) Development Regulations be varied from the 6.0 m setback required to 0.0 m setback proposed to east side yard.

Carried

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7. BYLAWS

(BYLAWS PRESENTED FOR FIRST READING)

- 7.1 Bylaw No. 8695 (Z01-1031) – Arlex Enterprises Ltd., et al (Michael Gaspari) – 4541 Gordon Drive

Moved by Councillor Nelson/Seconded by Councillor Given

R513/01/06/18 THAT Bylaw No. 8695 be read a first time.

Carried

- 7.2 Bylaw No. 8696 (Z01-1009) – Robert J. Ohlmann – 1316 Bernard Avenue

Moved by Councillor Given/Seconded by Councillor Nelson

R514/01/06/18 THAT Bylaw No. 8696 be read a first time.

Carried

- 7.3 Bylaw No. 8697 (Z01-1024) – David & Sandra Marshall (David Marshall) – 4611 Gordon Drive

Moved by Councillor Shepherd/Seconded by Councillor Given

R515/01/06/18 THAT Bylaw No. 8697 be read a first time.

Carried

- 7.4 Bylaw No. 8699 (Z01-1023) – Oracle Investments Inc. (Runnalls, Denby & Associates) – 4752 Stewart Road West

Moved by Councillor Shepherd/Seconded by Councillor Clark

R516/01/06/18 THAT Bylaw No. 8699 be read a first time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 7.5 Bylaw No. 8625 – Housing Agreement Authorization Bylaw – Yellow Rose Ventures Ltd. – 2260 Benvoulin Road

Moved by Councillor Shepherd/Seconded by Councillor Clark

R517/01/06/18 THAT Bylaw No. 8625 be adopted.

Carried

8. REMINDERS

- June 20 - Opening of the renovated Museum
- June 21-24 - Festival of Japan events
- June 24 - Ben Lee Park Grand Opening
- July 1 - Folkfest at Skyreach at 10 a.m. and Canada Day ceremonies at 1 p.m. at the Dolphins water fountain.

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9. TERMINATION

The meeting was declared terminated at 8:04 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am