

Regular MeetingJuly 3, 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, July 3, 2001.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blancheil, R.D. Cannan, B.A. Clark, C.B. Day*, J.D. Nelson and S.A. Shepherd.

Council members absent: Councillors B.D. Given and R.D. Hobson.

Staff members in attendance were: Acting-City Manager/ Director of Planning & Development Services, R.L. Mattiussi; Deputy City Clerk, A. Flack; Current Planning Manager, A.V. Bruce; Subdivision Approving Officer, R.G. Shaughnessy; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 7:24 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, June 18, 2001
Public Hearing, June 19, 2001
Regular Meeting, June 19, 2001
Regular Meeting, June 25, 2001

Moved by Councillor Day/Seconded by Councillor Nelson

R537/01/07/03 THAT the Minutes of the Regular Meetings of June 18, June 19 and June 25, 2001 and the Minutes of the Public Hearing of June 19, 2001 be confirmed as circulated.

Carried

4. Councillor Nelson 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. 8696 (Z01-1009) – Robert J. Ohlmann – 1316 Bernard Avenue

Moved by Councillor Nelson/Seconded by Councillor Shepherd

R538/01/07/03 THAT Bylaw No. 8696 be read a second and third time.

Carried

Regular Meeting

July 3, 2001

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)

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

Moved by Councillor Nelson/Seconded by Councillor Shepherd

R539/01/07/03 THAT Bylaw No. 8695 be read a second and third time, and be adopted.

Carried

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

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R540/01/07/03 THAT Bylaw No. 8697 be read a second and third time, and be adopted.

Carried

Councillor Clark opposed.

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

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R541/01/07/03 THAT Bylaw No. 8699 be read a second and third time, and be adopted.

Carried

6. PLANNING

- 6.1 Planning & Development Services Department, dated June 26, 2001 re: Development Permit Application No. DP01-10,025 – Lakeshore Place Holdings Inc. (David Kornell) – 3200 Lakeshore Road (3060-20)

Councillor Shepherd advised that she owns Lot A, Plan 35059 which is two properties removed from the subject property and asked if she would be in a conflict of interest on this application. Staff did a quick calculation and determined that Councillor Shepherd's property is 104 m away. The notification radius for development permit applications is 100 m and therefore Councillor Shepherd was not deemed to be in a conflict.

Staff:

- The applicant is proposing exterior renovations to update the façade of the Lakeshore Place seniors congregate housing development.

Regular MeetingJuly 3, 2001Moved by Councillor Nelson/Seconded by Councillor Clark

R542/01/07/03 THAT Municipal Council authorize the issuance of Development Permit No. DP01-10,025; for Lot A, DL 14, O.D.Y.D., Plan 38840, located on Lakeshore 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. The applicant register a 5.0 meter statutory right of way from the north edge of the existing bank or retaining wall in the name of the City of Kelowna to the satisfaction of the Works and Utilities Department;

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

- 6.2 Planning & Development Services Department, dated June 8, 2001 re: Development Variance Permit Application No. DVP01-10,017 – David & Sandra Marshall (David Marshall) – 4611 Gordon Drive (3090-20)

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

Moved by Councillor Nelson/Seconded by Councillor Cannan

R543/01/07/03 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP01-10,017; David Marshall; Lot A, District Lot 357, O.D.Y.D., Plan 41826, located on Gordon Drive, Kelowna, B.C.;

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

Section 13.1.5(e) Development Regulations, Rear Yard Setback: a 4.38 m variance to the required rear yard setback of 7.5 m to 3.12 m as proposed for the existing principal dwelling.

Carried

- 6.3 (i) Planning & Development Services Department, dated June 6, 2001 re: Development Permit Application No. DP01-10,020 – 423183 BC Ltd. (Bob Turik/Turik McKenzie Architects Inc.) – 1912 Enterprise Way (3060-20)

Staff:

- The Development Permit is for construction of a 3-storey professional office building over a concrete parking structure for 56 vehicles. The ground floor would be designed for retail activities.
- The required parking would be at grade and the excess parking would be in the underground structure.

Regular MeetingJuly 3, 2001Moved by Councillor Shepherd/Seconded by Councillor Nelson

R544/01/07/03 THAT Municipal Council authorize the issuance of Development Permit No. DP01-10,020; for Lot B, DL 140, O.D.Y.D., Plan KAP58184, located on Enterprise Way, 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 Signage to be constructed on the land be in general conformance with Schedule "D";
5. 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

- (ii) Planning & Development Services Department, dated June 6, 2001 re: Development Variance Permit Application No. DVP01-10,021 – 423183 BC Ltd. (Bob Turik/Turik McKenzie Architects Inc.) – 1912 Enterprise Way (3090-20)

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

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R545/01/07/03 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP01-10,021; Turik McKenzie Architects Inc.; Lot B, DL 140, O.D.Y.D., Plan KAP58184, located on Enterprise Way, Kelowna, B.C.;

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

Section 8.1.2 Off-Street Parking - Number of Spaces be varied from a maximum of 125% of required parking permitted to a maximum of 202% of required parking proposed.

Carried

Regular Meeting

July 3, 2001

- 6.4 Planning & Development Services Department, dated May 24, 2001 re: Development Variance Permit Application No. DVP00-10,075 – Corneil Russell (Ed Fenwick) – 5570 Lakeshore Road (3090-20)

Staff:

- A new home is in the process of being built on the subject property. Occupancy of the new house would be contingent on the existing dwelling being removed or decommissioned.
- The pump house is a concrete structure set 3.3 m back from the high water mark of the lake. These structures are supposed to be set back at least 10 m from the foreshore.
- The Planning Department does not recommend support for variances when construction proceeds without the required building permit.
- The Ministry of Environment (MOE) has determined that removal of the building would cause more damage to the environment than leaving it in place and has approved retaining the building with the applicant providing additional plantings of natural species.

Moved by Councillor Shepherd/Seconded by Councillor Blangleil

R546/01/07/03 THAT Council hear from the applicant.

Carried

Ed Fenwick, applicant:

- Apologized for proceeding with construction of the pump house without the required permits.
- It would be devastating to have to pull the pump house out. Considerable concrete and steel was used in its construction in order to prevent erosion from the bank.
- The building cannot be seen by any other properties around.
- Submitted a petition of support from the neighbours in the area.
- The new pump house is in the same location as the old pump house but larger in size in order to have some storage area for kayaks and the like.

Council:

- Staff to ensure that the applicant plants the additional landscaping requested by the Ministry of Environment.

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

Moved by Councillor Nelson/Seconded by Councillor Blangleil

R547/01/07/03 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP00-10,075; Ed Fenwick, Lot B, Sec. 15, Twp. 28, SDYD Plan KAP59239, located on Lakeshore Road, Kelowna, B.C., subject to the following:

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

Section 6.14.1 Stream Protection Leave Strips: A 6.7 m variance to vary the leave strip setback from the 10 m required to the 3.3 m proposed.

Carried

Regular Meeting

July 3, 2001

- 6.5 Planning & Development Services Department, dated June 13, 2001 re: Development Permit Application No. DP01-10,022 and Development Variance Permit Application No. DVP01-10,023 – Tower Ranch Holding Corporation (Larry Serko/Serko Properties Ltd.) – 975 Rutland Road North (3060-20; 3090-20)

Staff:

- The applicant is proposing to construct 4 separate dwellings on the property, essentially in a small rowhousing development.
- Access would be from a lane with no vehicular access from the frontage roads.
- The units would be 2½ storeys fronting McCurdy Road and 3-storeys in the rear to accommodate the garage entry.

Larry Serko, applicant:

- Submitted a petition of support bearing 11 signatures of area residents.

The Deputy City Clerk confirmed that the following correspondence had been received with respect to the subject applications:

- statement of support from Priscilla Corrie, 935 Rutland Road North
- statement of support from Ray Dubrule, 970 Duggan Court
- late letter of support from the Rutland Residents Association.

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

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R548/01/07/03 THAT Council authorize the issuance of Development Permit No. DP01-10,022; Serko Property Services (Larry Serko), Lot 17, Section 26, Township 26, ODYD, Plan KAP65904, located on Rutland Road North, 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;

AND THAT Council authorize the issuance of a Development Variance Permit No. DVP01-10,023; Serko Property Services (Larry Serko), Lot 17, Sec. 26, Twp. 26, ODYD Plan KAP65904, located on Rutland Road North, Kelowna, B.C.;

Regular MeetingJuly 3, 2001

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

13.7.5 (c) Maximum height: A variance for the maximum height of the building from 2 ½ storeys to 3 storeys;

13.7.5 (f) Minimum site rear yard: A variance for the minimum site rear yard from 7.5 m for a 2 or 2 ½ storey portion of a building to 4.5 m.

Carried

6.6 Planning & Development Services Department, dated June 22, 2001 re: Rezoning Application No. Z92-1016 – Colin Day (Earth Tech Canada Inc) – Toovey Road (3360-20)

Councillor Day advised that he was in a conflict of interest as owner of the subject property and left the Council Chamber at 8:22 p.m.

Staff:

- The applicant is requesting that Council review the Toovey Road upgrading requirements in the 1994 Voluntary Gifting Agreement.
- A 1993 traffic study recommended improvements to Toovey Road to address safety concerns and the applicant did those improvements at double the estimated cost.
- Toovey Road is not scheduled for construction until 2013. All technical traffic information from 3 traffic impact studies verifies that the upgrade of Toovey Road is not needed at this time.
- The Area Structure Plan (ASP) would determine the trigger point for the Toovey Road construction.

Moved by Councillor Nelson/Seconded by Councillor Blancheil

R549/01/07/03 THAT Council approve the request by Earth Tech Canada Inc. (Colin Day – Z92-1016) to amend the Voluntary Cost Contribution Agreement dated May 6, 1994 by deleting Item D.(i)(b).2 and deferring it to the future, and incorporating this road construction requirement into Area Structure Plan 11 for the subject property and surrounding lands.

Carried

7. DRAFT RESOLUTIONS

7.1 Draft Resolution re: Cancellation of July 31, 2001 Public Hearing and Regular Meeting (0550-01)

Moved by Councillor Shepherd/Seconded by Councillor Clark

R550/01/07/03 THAT the Public Hearing and Regular Meeting scheduled for Tuesday, July 31, 2001 be cancelled.

Carried

Regular MeetingJuly 3, 20017.2 Draft Resolution re: Appointments to Kelowna Arts Foundation (7780-01)Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R551/01/07/03 THAT Council Resolution No. R448/01/06/04 adopted at the Regular Meeting of June 4, 2001 appointing Roger Setka and Gary Taylor to the Board of Directors of the Kelowna Arts Foundation **be amended** to change their term of appointment to a full 3-year term commencing June 8, 2001 and ending June 8, 2004.

Carried8. BYLAWS**(BYLAWS PRESENTED FOR FIRST READING)**8.1 Bylaw No. 8698 (Z01-1018) – Tracy Arnold – 300 Dundas RoadMoved by Councillor Day/Seconded by Councillor Cannan**R552/01/07/03** THAT Bylaw No. 8698 be read a first time.Carried8.2 Bylaw No. 8700 (Z01-1004) – W.H. & M.W. Reid (Wally Reid) – 659 & 687 Dehart Road, and City of Kelowna Official Community Plan Amendment No. OCP01-001 **requires majority vote of Council (5)**Moved by Councillor Day/Seconded by Councillor Cannan**R553/01/07/03** THAT Bylaw No. 8700 be read a first time.Carried9. REMINDERS(a) Frost Road

Councillor Shepherd asked what the future plans are for Frost Road now that the new road has been built to provide access to Neighbourhood Two which is now under development in the Southwest Mission area. Referred to staff.

(b) Parking – Canada Day

Councillor Nelson reported on complaints he received about parking during the evening of the Canada Day celebrations on July 1st. Apparently people were unsure whether or not the Symphony concert held at Skyreach from 8 p.m. to 10 p.m. constituted an event night and some people missed the fireworks so as not to risk getting a ticket.

Councillor Day advised he would follow-up on this with the Parking Committee and make sure parking is clarified for next year.

Regular Meeting

July 3, 2001

(c) Interim Proposals for Waterfront – Kerry Park

Councillor Cannan noted that about a month ago Councillor Shepherd had asked whether any consideration had been given to providing a temporary dock facility for the boating community now that the Pier Project has been put on hold.

Mayor Gray advised that to his recollection, staff were going to check with the Yacht Club to see if some arrangement could be worked out with them for use of their visitor's wharf.

Councillor Cannan advised that he was aware of individuals interested in submitting a bid for an interim use along the waterfront at Kerry Park and asked for a status update from staff on this matter.

10. TERMINATION

The meeting was declared terminated at 8:53 p.m.

Certified Correct:

Mayor

BLH/am

Deputy City Clerk