

Regular MeetingJuly 17, 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 17, 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: 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.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 7:51 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Public Hearing, July 3, 2001
Regular Meeting, July 3, 2001

Moved by Councillor Nelson/Seconded by Councillor Day

R571/01/07/17 THAT the Minutes of the Public Hearing of July 3, 2001 and of the Regular Meeting of July 3, 2001 be confirmed as circulated.

Carried

4. Councillor Given 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. 8698 (Z01-1018) – Tracy Arnold – 300 Dundas Road

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R572/01/07/17 THAT Bylaw No. 8698 be read a second and third time.

Carried

Regular Meeting

July 17, 2001

- 5.2 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)**

Council:

- Would like to hear back on the following before final reading of the zone amending bylaw for this application:
 - indication that a pedestrian access would be achieved through the proposed medium density, multi-family development at the northeast corner of the site when that stage of the development occurs.
 - Transportation staff to consider extending the proposed sidewalk further to connect with the school; whether the additional traffic that will be generated by the proposed development and the recently approved Stoneybrook development would warrant replacing the 4-way stop with a traffic light at the Dehart/Gordon intersection; and determine the location and type of transit stop that would be on Gordon Drive adjacent to the proposed bareland strata development.
 - If an emergency entrance is required and it is not the intent for the emergency access to become a pedestrian access, then staff to ensure the access is designed to keep people out.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R573/01/07/17 THAT Bylaw No. 8700 be read a second and third time.

Carried

- 5.3 Bylaw No. 8701 (Z00-1033) – Brad Bennett/Eldorado Ranch Ltd. – End of Jim Bailey Road **The Public Hearing was waived on this application.**

Moved by Councillor Nelson/Seconded by Councillor Given

R574/01/07/17 THAT Bylaw No. 8701 be read a second and third time.

Carried

6. PLANNING

- 6.1 Planning & Development Services Department, dated June 6, 2001 re: Development Variance Permit Application No. DVP01-10,027 – George & Eunice Mitchell (Marv Jeske) – 744 Martin Avenue (3090-20)

Staff:

- The application is for a variance of the rear yard setback to permit the conversion of an existing single storey garage into a secondary suite. Half of the building would be retained as a single car garage and the remainder of the building would be developed as a secondary suite.
- The garage met the setback requirements of the day when it was originally constructed and there is adequate on-site parking.
- The applicant has garnered support from the area residents.

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

Regular Meeting

July 17, 2001

Sture Gustaffson, 765 Stockwell Avenue:

- Concerned about increasing traffic in the back alley and potentially vehicles parking in the alley.
- Concerned that if this setback variance is approved, it would set a precedent for applications to convert other garages along the lane into secondary suites.

There were no further comments.

Moved by Councillor Nelson/Seconded by Councillor Given

R575/01/07/17 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP01-10,027; Merv Jeske; Lot 6, District Lot 138, ODYD, Plan 1346, located on Martin Avenue, Kelowna, B.C.;

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

Section 13.6.5(d) Development Regulations, Side Yard Setback: a 0.3 m variance to the required side yard setback of 2.0 m to 1.7 m as proposed for the west side yard of the accessory building.

Carried

- 6.2 (i) Planning & Development Services Department, dated July 11, 2001 re: Development Permit Application No. DP00-10,072 – Ed Fenwick/R640 Holdings Ltd. (Turik Neumann Architects Inc.) - 3320 Richter Street (3060-20)

Mayor Gray advised that the applications under this agenda item would be presented concurrently.

Staff:

- The applicant is proposing to construct a 4-storey office and commercial building.
- This is the same developer as did the professional building to the south.
- The zone allows the 4-storey height but with the design of the floors the measured height of the building exceeds the 15 m permitted.

The City Clerk advised that the following correspondence was received with respect to these applications:

- letter of support from Rick & Virginia Trueman, 310-3335 Richter Street
- letter of concern from Brenda Trainor, 306-3330 Richter Street, asking that Council ensure that adequate parking is available, particularly during summer months.
- letter from E. Premachuk, Pandosy Inn, opposing the application because the building would hide the Pandosy Inn sign identify from Richter Street, the building height is out of character with the neighbourhood and would block mountain views, and the development would add to existing parking problems in the area.

Staff:

- The applicant has maximized the on-site parking permitted.

Regular MeetingJuly 17, 2001

The City Clerk noted that technically the Development Variance Permit application should be considered before approval of the Development Permit application in this case and asked that the resolutions be voted on in that order.

- (ii) Planning & Development Services Department, dated June 27, 2001 re: Development Variance Permit Application No. DVP00-10,082 – Ed Fenwick/R640 Holdings Ltd. (Turik Neumann Architects Inc.) – 3320 Richter Street (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 Hobson

R576/01/07/17 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP00-10,082; Turik Neumann Architects Inc.; Lot 3, DL 14 & 135, O.D.Y.D., Plan 42579, located on Richter Street, Kelowna, B.C.;

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

Section 14.4.5(c) Development Regulations be varied from 15.0 m maximum building height permitted to 19.4 m building height proposed.

Carried

Moved by Councillor Nelson/Seconded by Councillor Hobson

R577/01/07/17 THAT Municipal Council authorize the issuance of Development Permit No. DP00-10,072; for Lot 3, D.L. 14 & 135, O.D.Y.D., Plan 42579, 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;
5. The applicant register a reciprocal access easement on title to the satisfaction of the Development Engineer;

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

Regular Meeting

July 17, 2001

7. BYLAWS

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

7.1 Bylaw No. 8705 – Gas Distribution Service Establishment Bylaw

Moved by Councillor Hobson/Seconded by Councillor Day

R578/01/07/17 THAT Bylaw No. 8705 be read a first, second and third time.

Carried

8. REMINDERS

(a) Surrey Bylaw

Mayor Gray remarked on the number of phone calls he had received as a result of his comment that the City of Kelowna should look into the bylaw that the City of Surrey was implementing whereby landlords could be fined for grow operations on their rental properties.

The Director of Planning & Development Services advised that the Surrey bylaw designates the RCMP as building inspectors and they have broader access to entering properties. That provision could be abused and could also be challenged. The Director of Planning & Development Services acknowledged that the safety issues surrounding grow operations need to be addressed but did not recommend using the Surrey bylaw as a model.

9. TERMINATION

The meeting was declared terminated at 8:50 p.m.

Certified Correct:

Mayor

BLH/am

City Clerk