

Regular MeetingSeptember 11, 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, September 11, 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; 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 8:17 p.m.

2. PRAYER

The meeting was opened with a prayer offered by Councillor Day followed by a moment of silence in memory of the lives lost through terrorist activities in the United States today.

3. CONFIRMATION OF MINUTES

Regular Meeting, August 27, 2001  
Public Hearing, August 28, 2001  
Regular Meeting, August 28, 2001

Moved by Councillor Nelson/Seconded by Councillor Given

**R704/01/09/11** THAT the Minutes of the Regular Meetings of August 27, 2001 and August 28, 2001 and the Minutes of the Public Hearing of August 28, 2001 be confirmed as circulated.

Carried

4. Councillor Day 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. 8719 (Z01-1034) – Ruby Holdings Ltd. (New Town Planning Services) – Gordon Drive at Lequime Road, and City of Kelowna Official Community Plan Amendment No. OCP01-006 **Requires majority vote of Council (5)**

Moved by Councillor Day/Seconded by Councillor Hobson

**R705/01/09/11** THAT Bylaw No. 8719 be read a second and third time.

Carried

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**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)**

- 5.2 Bylaw No. 8720 (OCP01-007) – Marona Estates Ltd. (Warren Neufeld/Red & Gold Properties) – Glenmore Road, Summit Drive and Valley Road **Requires majority vote of Council (5)**

Councillor Day declared a conflict of interest because direct family members own the property and left the Council Chamber at 8:22 p.m.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R706/01/09/11** THAT Bylaw No. 8720 be read a second and third time, and be adopted.

Carried

- 5.3 Bylaw No. 8721 (TA01-007) – City of Kelowna Zoning Bylaw Text Amendment

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R707/01/09/11** THAT Bylaw No. 8721 be read a second and third time, and be adopted.

Carried

- 5.4 Bylaw No. 8722 (Z01-1035) – Marona Estates Ltd. (Warren Neufeld/Red & Gold Properties) – Glenmore Road, Summit Drive and Valley Road

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R708/01/09/11** THAT Bylaw No. 8722 be read a second and third time, and be adopted.

Carried

6. PLANNING

- 6.1 Planning & Development Services Department, dated September 5, 2001 re: Development Permit Application No. DP01-10,038 – Vintage Properties Inc. for Marona Estates Ltd. (Red & Gold Properties) – Glenmore Road/Summit Drive/Valley Road

Staff:

- The Development Permit is for phase 1 of the Conservatory development.

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R709/01/09/11** THAT Municipal Council authorize the issuance of Development Permit No. DP01-10,038; for part of Lot C, Sec. 29, Twp. 26, O.D.Y.D., Plan KAP55671; and part of Lot 4, Block 7, Secs. 29 & 32, Twp. 26, O.D.Y.D., Plan 896, located on Glenmore 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";

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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. Confirmation that the requirements of the Glenmore Ellison Improvement District have been met;

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

Councillor Day returned to the Council Chamber at 8:27 p.m. and took his place at the Council Table.

#### 6.2 BYLAW PRESENTED FOR ADOPTION

- (a) Bylaw No. 8586 (Z00-1037) – Gellini Holdings Inc. and McTavish Holdings Ltd. (Lynn Welder Consulting) – 519 & 543 McKay Avenue

Moved by Councillor Nelson/Seconded by Councillor Given

**R710/01/09/11** THAT Bylaw No. 8586 be adopted.

Carried

- (b) Planning & Development Services Department, dated August 20, 2001 re: Development Permit Application No. DP00-10,043 and Development Variance Permit Application No. DVP00-10,044 – Gellini Holdings Inc., and McTavish Holdings Ltd. (Lynn Welder Consulting) – 519 & 543 McKay Avenue (3060-20; 3090-20)

Staff:

- The Development Permit authorizes improvements to landscaping.
- The Development Variance Permit grants variances to acknowledge existing non-conformities.

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

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**R711/01/09/11** THAT Municipal Council authorize the issuance of Development Permit No. DP00-10,043 for Lots 16 & 17, DL 14, O.D.Y.D., Plan 3769, located on McKay 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";
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 Municipal Council authorize the issuance of Development Variance Permit No. DVP00-10,044; Lynn Welder; Lot 16, DL 14, O.D.Y.D., Plan 3769, located on McKay Avenue, Kelowna, B.C.;

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

**Section 14.4.4 (b) Subdivision Regulations**, minimum lot depth be varied from minimum 30.0 m required to 21.8 m lot depth existing after required road widening;

**Section 14.4.5 (e) Development Regulations**, east side yard be varied from the minimum required 2.0m setback adjacent to an RU6 zone to the 1.81 m setback existing;

AND THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP00-10,044; Lynn Welder; Lot 17, DL 14, O.D.Y.D., Plan 3769, located on McKay Avenue, Kelowna, B.C.;

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

**Section 14.4.4 (b) Subdivision Regulations**, minimum lot depth be varied from minimum 30.0 m required to 21.8 m lot depth existing after required road widening;

**Section 14.4.4 (c) Subdivision Regulations**, minimum lot area for lots with lane access be varied from minimum required 460.0 m<sup>2</sup> lot area to 399 m<sup>2</sup> lot area after required road widenings;

AND FURTHER 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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- 6.3 Planning & Development Services Department, dated August 23, 2001 re: Development Variance Permit Application No. DVP01-10,060 – Derek & Shannon Scherk (Mike Jacobs/Dilworth Quality Homes Inc.) – 743 South Crest Drive (3090-20)

Staff:

- The variance would increase the maximum height for a single detached house by ½ storey to facilitate the construction of a single family dwelling with a walk-out basement facing South Crest Drive.

Mike Jacobs, Dilworth Quality Homes:

- The home is being built as originally designed using good architectural principles.
- In order to meet bylaw requirements and eliminate the need for a variance, the right hand side of the rear of the home would have to be backfilled up to a 3 ft. level and while that is neither practical nor desired, that is what would be done if the requested variance is not approved.
- Has a letter signed by the majority of the property owners on South Crest Drive stating they agree with the variance and acknowledging that the rear elevation would have the additional exposure at the walk-out level.

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

Moved by Councillor Given/Seconded by Councillor Nelson

**R712/01/09/11** THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP01-10,060; Dilworth Quality Homes Inc. (Mike Jacobs); Lot 50, DL 1688S, SDYD, Plan KAP68647; located on South Crest Drive, Kelowna, BC;

AND THAT the variance to the following section of Zoning Bylaw No. 8000 be granted:

1. Section 13.1.5(b) – RU1 – Large Lot Housing maximum height

The maximum height for a single detached house be increased from the lessor of 9.5 m or 2½ storeys to 3 storeys at 9.1 m for a variance of ½ a storey.

Carried

## 7. BYLAWS

### **(BYLAWS PRESENTED FOR FIRST READING)**

- 7.1 Bylaw No. 8726 (Z00-1052) – Bradshaw Enterprises Ltd. (Rob Archibald) – 1561 Sutherland Avenue

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R713/01/09/11** THAT Bylaw No. 8726 be read a first time.

Carried

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- 7.2 Bylaw No. 8727 (Z01-1038) – Shaída Langley (Shaída & Jim Langley) –  
1930 Abbott Street

Moved by Councillor Clark/Seconded by Councillor Given

**R714/01/09/11** THAT Bylaw No. 8727 be read a first time.

Carried

8. REMINDERS – Nil.

9. TERMINATION

The meeting was declared terminated at 8:43 p.m.

Certified Correct:

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Mayor

BLH/am

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City Clerk