

Regular MeetingMarch 19, 2002

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, March 19, 2002.

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

Council members absent: Councillor A.F. Blanleil.

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 7:24 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, March 4, 2002
Public Hearing, March 5, 2002
Regular Meeting, March 5, 2002
Regular Meeting, March 11, 2002

- Amend the first bullet under 5.1(a) on page 157 of the Regular Meeting minutes of March 5, 2002 to delete the word "complete".

Moved by Councillor Nelson/Seconded by Councillor Hobson

R252/02/03/19 THAT the first bullet under 5.1(a) on page 157 of the Regular Meeting minutes of March 5, 2002 be amended to delete the word "complete", and the minutes be confirmed, as amended;

AND THAT the minutes of the Regular Meetings of March 4 and March 11, 2002 and the minutes of the Public Hearing of March 5, 2002 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. 8814 (Z01-1070) – Ivan & Nada Vidovic – 278 Temple Court

Staff responding to questions of Council:

- There is further subdivision potential on Lot 19 at the end of Temple Court. The City's intent would be to construct a cul-de-sac on that property when it redevelops.

Moved by Councillor Given/Seconded by Councillor Nelson

R253/02/03/19 THAT Bylaw No. 8814 be read a second and third time.

Carried

Councillors Clark, Day and Hobson opposed.

Regular MeetingMarch 19, 2002Moved by Councillor Shepherd/Seconded by Councillor Cannan

R254/02/03/19 THAT staff investigate the potential for posting a 'No Thru Road' sign at the entrance to Temple Court.

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

5.2 Bylaw No. 8812 (Z01-1064) – Good Samaritan Society (FWS Community Partners Inc.) – 1540 KLO Road

Moved by Councillor Shepherd/Seconded by Councillor Clark

R255/02/03/19 THAT Bylaw No. 8812 be read a second and third time, and be adopted.

Carried6. PLANNING

6.1 Planning & Development Services Department, dated March 6, 2002 re: Development Permit Application No. DP01-10,094 – The Good Samaritan Society – 1540 KLO Road (3060-20)

Staff:

- The Development Permit would authorize use of the relocated residential building as a group home for patients with various forms of dementia.

Moved by Councillor Hobson/Seconded by Councillor Nelson

R256/02/03/19 THAT Municipal Council authorize the issuance of Development Permit No. DP01-10,094; for Lot A, D.L. 131, O.D.Y.D., Plan KAP70104, located on KLO 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

Regular MeetingMarch 19, 2002

- 6.2 Planning & Development Services Department, dated February 28, 2002 re: Development Variance Permit Application No. DVP02-10,009 – Peter Werry/Ken Corcoran – 4190 Lakeshore Road (3090-20)

Staff:

- The application is to reduce the interior side yard between two lots in a 6-lot bareland strata development in order to allow the lots to be developed with a courtyard design. A covenant would be required to ensure the variance is tied to the proposed design.

The City Clerk stated for the record that no written representations were received relevant to this application.

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

Moved by Councillor Nelson/Seconded by Councillor Given

R257/02/03/19 THAT Council authorize the issuance of Development Variance Permit No. DVP02-10,009, Peter Werry and Ken Cocorane, Strata Lots 1 and 2, Sec. 6, Twp. 26 and D.L. 5040, ODYD, Strata Plan KAS2157, located on Lakeshore Road, Kelowna, B.C.;

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

Section 13.1.5 (d): Minimum side yard:

- To reduce the minimum south side yard on Lot 1 from 2.0 m required to 0.9 m proposed for a 1 or 1½ storey portion of a building and from 2.3 m required to 0.9 m proposed for a 2 or 2½ storey portion of a building;
- To reduce the minimum north side yard on Lot 2 from 2.0 m required to 1.5 m proposed for a 1 or 1½ storey portion of a building and from 2.3 m required to 1.5 m proposed for a 2 or 2½ storey portion of a building.

Carried

- 6.3 Planning & Development Services Department, dated February 22, 2002 re: Development Variance Permit Application No. DVP01-10,093 – Kevin Smith – 330 Penno Road (3090-20)

Staff:

- The subject property is in an area supported for the future Industrial land use designation.
- The applicant lives in the house on the property and is an avid car collector. The shop would be constructed at the rear of the property. The ground level would be used for storing his car collection and doing minor work on the vehicles; the upper storey would be for storage and parts rooms.
- Recommend non-support because the future land use may be compromised through the granting of this variance and because if the current owner sells, the oversized garage could lead to a bylaw enforcement issue.
- The property abuts a lumber storage yard to the north, the Kelowna Springs Golf Course to the east.
- The applicant has provided letters of support from his adjacent neighbours.

Regular Meeting

March 19, 2002

The City Clerk stated for the record that no written representations have been received relevant to this application.

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

A young man who advised he does not live in the neighbourhood commented that in his opinion, allowing the extra space would be nice and would not be in conflict with the neighbourhood.

Kevin Smith, applicant:

- Was told by City staff the maximum size of building permitted, based on the lot size, but half way through drawing up the plan was told that he was showing the wrong setbacks on the plan.
- Has 4 or 5 different car related companies none of which are home-based, and he races cars and collects race cars and exotic cars as a hobby. The bottom floor of the building would just be for the vehicles and second floor would be for parts and storage.
- The abutting properties include a lumber yard to the rear, a golf course putting green area to the east, and the lot to west is used as a storage area for an industrial use.
- None of the three neighbours opposed the size of the building; their only concern was the appearance of the building and when they were told it would be stucco they were happy.

Council:

- Agreed to the applicant registering a covenant to ensure future potential owners of the property are aware that the accessory building cannot be used for industrial or commercial purposes, and that the covenant be worded such that it would no longer be binding should the property be rezoned to Industrial.

Moved by Councillor Nelson/Seconded by Councillor Hobson

R258/02/03/19 THAT Council authorize the issuance of Development Variance Permit No. DVP01-10,093, Kevin Smith, Lot B, D.L. 123, ODYD, Plan 22129, located on Penno Road, Kelowna, B.C.;

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

Section 12.3.5 (b) maximum height of an accessory building: To increase the maximum height of an accessory building from 4.5 m permitted to 9.44 m requested;

Section 12.3.5 (d) Side yard for accessory building: To reduce the side yards for an accessory building from 2.0 m required to 1.5 m requested;

Section 6.4.2 Projection of unenclosed steps: To increase the projection of two unenclosed staircases into the side yards from 0.6 m permitted to 0.9 m requested;

AND FURTHER THAT a covenant be registered on title, at the applicant's expense, to inform potential future purchasers of the property that the accessory building cannot be used for industrial or commercial purposes, and that the covenant be worded such that it would no longer be binding should the property be rezoned to Industrial.

Carried

Regular Meeting

March 19, 2002

7. BYLAWS

(BYLAWS PRESENTED FOR FIRST READING)

- 7.1 Bylaw No. 8815 (Z01-1066) – Gerald & Helena Doeksen (Grant Maddock/Protech Consultants Inc.) – 759 Dehart Road

Moved by Councillor Hobson/Seconded by Councillor Day

R259/02/03/19 THAT Bylaw No. 8815 be read a first time.

Carried

- 7.2 Bylaw No. 8817 (Z01-1067) – Deby Helpard & David Gelpke – 956 Ryder Drive

Moved by Councillor Hobson/Seconded by Councillor Day

R260/02/03/19 THAT Bylaw No. 8817 be read a first time.

Carried

- 7.3 Bylaw No. 8820 (TA02-001) – Miscellaneous Amendments to City of Kelowna Zoning Bylaw 8000

Staff:

- Notices have been mailed to all the current Bed & Breakfast license holders, the Chamber of Commerce, the Kelowna Hotel/Motel Association, and it turned out there is no Bed & Breakfast Association in Kelowna but a notice was sent to an individual who apparently is planning to start a Bed & Breakfast Association in the region.

Moved by Councillor Hobson/Seconded by Councillor Day

R261/02/03/19 THAT Bylaw No. 8820 be read a first time.

Carried

- 7.4 Bylaw No. 8821 – Heritage Designation Bylaw – 721 Bernard Avenue

Moved by Councillor Hobson/Seconded by Councillor Day

R262/02/03/19 THAT Bylaw No. 8821 be read a first time.

Carried

(BYLAW PRESENTED FOR FIRST THREE READINGS)

- 7.5 Bylaw No. 8826 – Amendment No. 25 to Traffic Bylaw No. 4495-78

Moved by Councillor Day/Seconded by Councillor Cannan

R263/02/03/19 THAT Bylaw No. 8826 be read a first, second and third time.

Carried

Councillor Given opposed.

Regular Meeting

March 19, 2002

8. REMINDERS – Nil.

9. TERMINATION

The meeting was declared terminated at 8:17 p.m.

Certified Correct:

Mayor

BLH/am

City Clerk