

Regular MeetingApril 30, 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, April 30, 2002.

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; 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 9:39 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, April 15, 2002
Public Hearing, April 16, 2002
Regular Meeting, April 16, 2002
Regular Meeting, April 22, 2002

Councillor Cannan entered the Council Chamber at 9:41 p.m. and took his place at the Council Table.

Councillor Hobson referred to the minutes of the April 16, 2002 Regular Meeting (agenda item No. 61 – transfer of a night club liquor licence) and advised that according to a member of the executive of the Running Club, although a gentleman had stated to Council that the Running Club was 100% in favour of the licence transfer, no meeting was held to get a club position.

Moved by Councillor Nelson/Seconded by Councillor Given

R388/02/04/30 THAT the Minutes of the Regular Meetings of April 15, April 16 and April 22, 2002 and the Minutes of the Public Hearing of April 16, 2002 be confirmed as circulated.

Carried

4. Councillor Blanleil was requested to check the minutes of this meeting.

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5. PLANNING BYLAWS CONSIDERED AT PUBLIC HEARING

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)

- 5.1 Bylaw No. 8831 (Z02-1006) – Jozsef & Elizabeth Csiki – 455 Hollywood Court

Moved by Councillor Given/Seconded by Councillor Nelson

R389/02/04/30 THAT Bylaw No. 8831 be read a second and third time.

Carried

Councillors Cannan and Clark opposed.

- 5.2 Bylaw No. 8832 (OCP01-019) – Luigi Russo (Tom Smithwick/Porter Ramsay) – 982 & 1040 Old Vernon Road requires **majority vote of Council (5)**

Moved by Councillor Clark/Seconded by Councillor Given

R390/02/04/30 THAT Bylaw No. 8832 be read a second and third time.

Carried

- 5.3 Bylaw No. 8833 (Z01-1063) – Luigi Russo (Tom Smithwick/Porter Ramsay) – 982 & 1040 Old Vernon Road

Moved by Councillor Clark/Seconded by Councillor Given

R391/02/04/30 THAT Bylaw No. 8833 be read a second and third time.

Carried

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)

- 5.4 Bylaw No. 8834 (Z01-1051) – 434003 BC Ltd., Singla Bros. Holdings Ltd., South Okanagan Construction Ltd. (Tony Markoff/Planning Solutions Consulting Inc.) – 4639 Lakeshore Road

Staff in response to questions of Council:

- The City is looking at ways to provide a walkway and make the road safer. This may include parking restrictions on Vintage Terrace Road. Over half of the lots required to trigger the road improvements have already been approved for development.
- The site-grading plan would respect the slopes over 30% and address selective tree removal for building sites and driveways and for view corridors.
- There would be opportunity to extend a linear walkway east to Gordon Drive.

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R392/02/04/30 THAT Bylaw No. 8834 be read a second and third time, and be adopted.

Carried

Councillor Shepherd opposed.

Regular MeetingApril 30, 20025.5 Bylaw No. 8835 (Z02-1003) – Steven Keeley – 142 Kathler Road

Staff:

- Confirmed that the applicant has agreed to construct a 6-ft. high fence along his north property boundary.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R393/02/04/30 THAT Bylaw No. 8835 be read a second and third time and be adopted.

Carried6. PLANNING6.1 Planning & Development Services Department, dated April 11, 2002 re: Development Variance Permit Application No. DVP02-0016 – Karl Schoene (Prince Karl August of Sayn-Wittgenstein) (Reiner Teschinsky) – 1283 Bernard Avenue

Staff:

- There is a 13-unit walk-up apartment on the subject property. The applicant is proposing to construct an open carport structure over the existing paved parking stalls along the west property boundary.
- The structure would result in a solid block wall along the property line; however, existing landscaping would screen a good portion of the structure and the applicant has provided letters of support from adjoining property owners.

The City Clerk stated for the record that no correspondence was received on this application.

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

There were no further comments.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R394/02/04/30 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP02-0016; Reiner Teschinsky for Karl Shoene (Prince Karl August of Sayn-Wittgenstein); for Lot_10, Block 1, District Lot 137, ODYD, Plan 427 except: (1) Plans 11823 and 11824 (2) Shown as a 39/1000 acre parcel on Plan A2371, located on Bernard Avenue, Kelowna, BC;

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

1. Section 13.9.5(e) – vary the side yard setback requirement of 4.0 m to 0.0 m in order to facilitate a carport structure over the parking area for a length of 71.1 m.

Carried

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6.2 Planning & Development Services Department, dated April 10, 2002 re: Development Variance Permit Application No. DVP02-0019 – City of Kelowna (Kelowna Flightcraft) – 5655 Kelowna Airport

Staff:

- The variance is requested to facilitate the construction of a new warehouse building on the property. The variance would allow reduced setbacks from an unconstructed, dedicated road along the frontage.

The City Clerk stated for the record that no correspondence was received on this application.

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

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Day

R395/02/04/30 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP02-0019; Kelowna Flightcraft Ltd.; Part of Lot 18, Sec. 14, Twp. 23 and of D.L. 32, O.D.Y.D., Plan 1502, Exc. Plans H16596 and KAP59550, and Lot A, Sec. 14, Twp. 24 and D.L. 32, O.D.Y.D., Plan KAP59550, located on Airport Way, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted, subject to the registration of a plan of subdivision at the land titles office in Kamloops for the required lot line adjustment:

CD12 – Airport zone Development Regulations Section 1.5(b) minimum front yard be varied from 6.0 m required to 1.07 m proposed;

CD12 – Airport zone Development Regulations Section 1.5(c) minimum west side yard be varied from 4.5 m required to 0.0 m proposed;

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

6.3 Planning & Development Services Department, dated April 4, 2002 re: Development Variance Permit Application No. DVP02-0014 – David Ackermann & Glynis Marks – 710 Sutherland Avenue

Staff:

- There is a single family house with an existing secondary suite on the property and the applicant wishes to run a homebased business from the premises.
- The City's Zoning Bylaw requires 2 parking stalls for the residence, 1 stall for the suite, and 1 stall for the homebased business. The applicant is proposing to provide the parking in tandem in one long driveway along the east side of the property.
- The applicant has committed to manage the parking situation.

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The City Clerk stated for the record that no correspondence was received on this application.

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

There were no further comments.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R396/02/04/30 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP02-0014; David Ackermann & Glynis Marks; Lot 1, District Lot 138, ODYD, Plan 38712; located on Sutherland Avenue, Kelowna, BC;

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

Section 2.3 General Definitions - Section 2.3.3, which states that Tandem Parking means two parking spaces, one behind the other, be varied to allow for four parking spaces in tandem.

Carried

7. BYLAWS

(BYLAWS PRESENTED FOR FIRST READING)

7.1 Bylaw No. 8840 (Z02-1005) – David & Gertrude DeGroot (Robert Edwards) – 3933 Bluebird Road

Councillor Day declared a conflict of interest because he owns property within the notification area for this application and left the Council Chamber at 10:12 p.m.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R397/02/04/30 THAT Bylaw No. 8840 be read a first time.

Carried

Councillors Clark, Hobson and Shepherd opposed.

Councillor Day returned to the Council Chamber at 10:14 p.m.

7.2 Bylaw No. 8841 (Z02-1010) – Edward Weiss (Royce Dockrill) – 3525 Lakeshore Road

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R398/02/04/30 THAT Bylaw No. 8841 be read a first time.

Carried

Councillor Shepherd opposed.

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- 7.3 Bylaw No. 8842 (OCP01-016) – Christian & Missionary Alliance (Art Huber Architect Inc.) – 3690 Gordon Drive requires **majority vote of Council (5)**

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R399/02/04/30 THAT Bylaw No. 8842 be read a first time.

Carried

- 7.4 Bylaw No. 8843 (Z01-1058) – Christian & Missionary Alliance (Art Huber Architect Inc.) – 3690 Gordon Drive

Council:

- Expressed frustration that the Local Government Act does not empower the City to require a Development Permit process when Institutionally zoned properties are redeveloped. Particularly in instances such as this where the property is on a prominent corner and an extremely imposing structure is proposed for development, building, siting, design and landscaping issues are significant.

Staff:

- The purpose of the Public Hearing is to consider the land use that is proposed. Conceptual plans are just to show Council that it would be possible to develop the site as proposed. Once the zoning is adopted, applicants are in no way obligated to do what they showed conceptually at the Public Hearing.
- The applicants have been working with City staff and staff will continue to work with them to hopefully be able to assure Council that what is being proposed will actually get built.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R400/02/04/30 THAT Bylaw No. 8843 be read a first time.

Carried

8. REMINDERS

9. TERMINATION

The meeting was declared terminated at 10:27 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am