

Regular MeetingOctober 1, 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, October 1, 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; Director of Planning & Development Services, R.L. Mattiussi; Current Planning Manager, A.V. Bruce; and Assistant City Clerk, L.M. Taylor as Acting-Council Recording Secretary.

1. CALL TO ORDER

Mayor Gray called the meeting to order at 7:18 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, September 16, 2002
Public Hearing, September 17, 2002
Regular Meeting, September 17, 2002

Moved by Councillor Hobson/Seconded by Councillor Nelson

R841/02/10/01 THAT the Minutes of the Regular Meetings of September 16 and 17, 2002 and the Minutes of the Public Hearing of September 17, 2002 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. 8903 (OCP02-0008) - H. Benson Electric Ltd. (Patrick McCusker) – 1229 & 1239 KLO Road **requires majority vote of full Council (5)**

Council:

- Expressed concerns about the traffic load on KLO Road and requested that staff look at scheduling improvements to KLO from Gordon to Benvoulin as soon as possible.

Moved by Councillor Nelson/Seconded by Councillor Clark

R842/02/10/01 THAT Bylaw No. 8903 be read a second and third time.

Carried

Regular Meeting

October 1, 2002

- 5.2 Bylaw No. 8904 (Z02-1031) - H. Benson Electric Ltd. (Patrick McCusker)
- 1229 & 1239 KLO Road

Moved by Councillor Nelson/Seconded by Councillor Clark

R843/02/10/01 THAT Bylaw No. 8904 be read a second and third time.

Carried

6. PLANNING

- 6.1 Planning & Development Services Department, dated August 26, 2002 re:
Development Variance Permit Application No. DVP02-0046 – City of
Kelowna (Kate Gerson/Hotson Bakker Architects) – 421 Cawston Avenue

Staff:

- Sign Bylaw does not permit fascia signs to extend above the roofline.
- Proposed sign facing Cawston Avenue is designed to project 1.5 metres above the top of the wall to which it is attached.
- Proposed sign facing south is designed to project 0.6 metres above the top of the wall.
- Signs add some architectural elements to the building.

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

The City Clerk advised that no correspondence or petitions had been received.

Moved by Councillor Given/Seconded by Councillor Nelson

R844/02/10/01 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP02-0046; Hotson Bakker Architects; Lot A, DL 139, O.D.Y.D., Plan KAP67454, located on Cawston Avenue, Kelowna, B.C.;

AND THAT variances to the following section of Sign Bylaw No. 8235 be granted:

Section 5.5.1(a) be varied to permit a fascia sign to project a maximum of 1.5 m above the roofline or parapet to which it is attached.

Carried

- 6.2 Planning & Development Services Department, dated September 16,
2002 re: Development Permit Application No. DP02-0062 and
Development Variance Permit Application No. DVP02-0063 – Witmar
Holdings Ltd. – 3193 and 3195 Walnut Street

Staff:

- Applicant wishes to construct a new 50-unit, 4-storey apartment building over a parking structure and add a third storey addition consisting of 7-units to the existing building.
- Form and character is consistent with existing development on site.
- Variance is required to increase the height from 4 storeys to 4½ storeys and to reduce the rear yard setback from 9 metres to 0.9 metres from the parkade structure.
- Parking structure is designed to be partially above ground due to the high water table so it adds ½ storey to height of the building.
- Parking level would extend beyond footprint of the building and the building itself meets the 9 metre setback requirement.
- Terrace on the parkade structure would have landscaping elements incorporated into it.

Regular Meeting

October 1, 2002

The City Clerk advised that the following correspondence had been received:

- Letter from Tim Kornell, owner Lakeshore Place, 3200 Lakeshore Road, concerned that the variances proposed would impact on privacy and limit the view from their buildings.

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

Walter Weistock, Witmar Holdings, applicant:

- Have provided rental accommodation at this particular property for 30 years.
- 12 of the new units are designated as assisted living.

Tom Smithwick, agent for applicant:

- With the new development the entire development will be fenced and limited access to the site should reduce the number of people jumping the fence to Lakeshore Place.
- Walkway corridor is provided for residents of the development on the north side of Tiny Town through a verbal agreement with the owners of that property.
- Building an underground parkade structure will eliminate some of the surface parking and will enhance the landscaping of the site.
- Density provisions in zoning bylaw permit the number of dwelling units proposed.

Tim Kornell, owner Lakeshore Place, 3200 Lakeshore Road:

- Variances would have economic impact on Lakeshore Place by making it a less desirable place to live and impact their ability to lease the suites.
- Height variance would mean greater massing in close proximity to their property.
- Parking structure located five feet above grade would make the fence between the properties easier to jump and would impact on the privacy of their rear yard.

Debbie Duncan, New Westminster:

- Mother lives at Lakeshore Place and the 4½ storey building would impact the view from the 4th floor of Lakeshore Place.

Councillor Shepherd indicated she owns property in the area but that she is not in conflict as it is outside the 30-metre notification radius.

There were no further comments.

Moved by Councillor Blanleil/Seconded by Councillor Nelson

R845/02/10/01 THAT Municipal Council authorize the issuance of Development Permit No. DP02-0062; for Lot 3, DL 14, O.D.Y.D., Plan 22522 except Plan 23004, located on Walnut 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;

Regular Meeting

October 1, 2002

AND THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP02-0063; Witmar Holdings Ltd.; Lot 3, DL 14, O.D.Y.D., Plan 22522 except Plan 23004, located on Walnut Road, Kelowna, B.C.;

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

- i. **Section 13.11.5(c) Development Regulations** maximum height of buildings be varied from 4 storeys permitted to 4½ storeys proposed;
- ii. **Section 13.11.5(f) Development Regulations** minimum site rear yard be varied from minimum 9.0 m required to 0.9 m proposed to the parking structure;

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 August 27, 2002 re: Development Variance Permit Application No. DVP02-0068 – Board of School Trustees, School District No. 23 (Judy Shoemaker) – 1555 Burch Road

Staff:

- Variance is for a 13-foot, free-standing reader board sign at Dr. Knox Middle School.
- Height of 3.96 metres exceeds the maximum height under the Sign Bylaw.
- Staff do not recommend support.

The City Clerk advised that the following correspondence had been received:

- Letter from the Parent's Advisory Council, Dr. Knox Middle School;
 - Letter from Jon Rever, Principal, Dr. Knox Middle School;
- submitting that vandalism is a concern and raising the sign would deter vandals and the higher sign would make it more visible and easier to read.

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

Judy Shoemaker, School District No. 23, applicant:

- Currently there are 5 schools in Kelowna with overheight signs.
- Lower signs are vandalized more and the degree of vandalism is higher on lower signs.

Jon Rever, Principal, Dr. Knox Middle School:

- Height of sign would enhance ability to communicate with the community.
- Money for sign has been raised by the Parent's Advisory Council.

Sheila Clark, Co-President, Parent's Advisory Council, Dr. Knox Middle School:

- Sign could potentially be used for advertizing events and activities at Apple Bowl.

There were no further comments.

Regular Meeting

October 1, 2002

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R846/02/10/01 THAT Council authorize the issuance of Development Variance Permit No. DVP02-0068, School District No. 23, Lot 1, Section 20, Township 26, ODYD, Plan 32159, Except Plan KAP65468;

AND THAT variances to the following section of Sign Bylaw No. 8235 be granted:

Section 6: Specific Zone Regulations: Public and Institutional Zones: To vary the height of a free-standing sign from the 2.5 m maximum height permitted to the 3.96 m requested.

Carried

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R847/02/10/01 THAT staff review the Sign Bylaw No. 8235 provisions as they pertain to all institutional zones.

Carried

7. BYLAWS

(BYLAWS PRESENTED FOR FIRST READING)

- 7.1 Bylaw No. 8894 (OCP01-009) – City of Kelowna (Mission District Park) – Gordon Drive **requires majority vote of Council (5)**

Moved by Councillor Nelson/Seconded by Councillor Given

R848/02/10/01 THAT Bylaws No. 8894, 8895, 8896 and 8907 be read a first time.

Carried

- 7.2 Bylaw No. 8895 (TA01-008) – City of Kelowna (Mission District Park) – Gordon Drive

See resolution under agenda item No. 7.1.

- 7.3 Bylaw No. 8896 (Z01-1040) – City of Kelowna (Mission District Park) – Gordon Drive

See resolution under agenda item No. 7.1.

- 7.4 Bylaw No. 8907 (Z02-1026) – Interior Health Authority (Norm Hatlevik) – 135 Davie Road

See resolution under agenda item No. 7.1.

Regular Meeting

October 1, 2002

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.5 Bylaw No. 8908 – Amendment No. 7 to City of Kelowna Electricity Regulation Bylaw No. 7639

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R849/02/10/01 THAT Bylaw No. 8908, 8909 and 8910 be read a first, second and third time.

Carried

- 7.6 Bylaw No. 8909 – Amendment No. 14 to Solid Waste Management Bylaw No. 7173

See resolution under agenda item No. 7.5.

- 7.7 Bylaw No. 8910 – Amendment No. 7 to Sign Bylaw No. 8235

See resolution under agenda item No. 7.5.

8. REMINDERS – Nil.

9. TERMINATION

The meeting was declared terminated at 9:14 p.m.

Certified Correct:

Mayor

LMT/am

City Clerk