

Regular MeetingNovember 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, November 19, 2002.

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

Council members absent: Mayor Walter Gray and Councillors A.F. Blanleil and B.D. Given.

Staff members in attendance were: City Manager, R.A. Born; Deputy City Clerk, A.M. Flack; Director of Planning & Development Services, R.L. Mattiussi; Subdivision Approving Officer, R.G. Shaughnessy*; Special Projects Planning Manager, H.M. Christy*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Deputy Mayor Hobson called the meeting to order at 7:16 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, October 21, 2002
Public Hearing, October 22, 2002
Regular Meeting, October 22, 2002
Regular Meeting, October 28, 2002
Regular Meeting, November 4, 2002

Moved by Councillor Day/Seconded by Councillor Cannan

R428/02/11/19 THAT the Minutes of the Regular Meetings of October 21, 22, 28 and November 4, 2002 and the Minutes of the Public Hearing of October 22, 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. 8925 (Z02-1036) – Double-Day Development Corporation (City of Kelowna) – 1585 Lewis Road

Staff:

- Ministry of Transportation approval of this bylaw was received subsequent to agenda preparation and the bylaw can now be also considered for adoption.

Moved by Councillor Nelson/Seconded by Councillor Clark

R429/02/11/19 THAT Bylaw No. 8925 be read a second and third time and be adopted.

Carried

Regular Meeting

November 19, 2002

- 5.2 Bylaw No. 8928 (HRA02-0001) – Kelowna Thoracic Surgical Group Ltd. (Brian Quiring/MQLN Architects) – 2178 Pandosy Street

Staff:

- Ministry of Transportation approval of this bylaw was received subsequent to agenda preparation and the bylaw can now be also considered for adoption.

Moved by Councillor Shepherd/Seconded by Councillor Clark

R430/02/11/19 THAT Bylaw No. 8928 be read a second and third time and be adopted.

Carried

6. PLANNING

- 6.1 Planning & Development Services Department, dated October 30, 2002 re: Development Permit Application No. DP02-0060 and Development Variance Permit Application No. DVP02-0061 – R640 Holdings Ltd. (Clive McKenzie/Turik McKenzie Architects Inc.) – 3320 Richter Street

Staff:

- The Development Variance Permit is required to increase the building height in order to add a 5th floor over a portion of the building for use as 2 apartment housing units. The Development Permit recognizes the addition of the 5th floor.
- Staff support for the height variance is based on the mixed use concept with the residential on top. If that changed, an amendment to the Development Permit would be required.

The Deputy City Clerk stated for the record that the following correspondence had been received:

- Letter of support from Rick & Virginia Trueman, 310-3335 Richter Street
- Letter from the President of the KLO Neighbourhood Association questioning the need for the DVP when the fifth storey appears to have already been built.

Staff:

- Responded to the letter questioning whether there is already 5 storeys explaining that a previously approved variance was required to allow the existing measured height to the top of the elevator shaft. The variance requested with the subject application would allow the residential addition.

Deputy Mayor Hobson invited anyone in the public gallery who deemed themselves affected by the required variance(s) to come forward.

There was no response.

Regular MeetingNovember 19, 2002Moved by Councillor Day/Seconded by Councillor Cannan

R431/02/11/19 THAT Municipal Council authorize the issuance of Development Permit No. DP02-0060; for Lot 3, DL 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";

AND THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP02-0061; Turik McKenzie Architects Inc. (Clive McKenzie); 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 the lesser of 4 storeys or 15.0 m maximum building height permitted to the 5 storey 21.56 m building height 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

- 6.2 Planning & Development Services Department, dated October 11, 2002 re: Development Permit Application No. DP02-0024 and Development Variance Permit Application No. DVP02-0071 – Karl Schoene (Reiner Teschinsky) – 1283 Bernard Avenue

Staff:

- The existing development of the subject property already exceeds maximum site coverage permitted by the Zoning Bylaw.
- Site coverage was not an issue when a previous Development Permit was considered for the existing carport structure because the surface parking area used for the carport structure had already been included in site coverage calculations.
- The applicant is now proposing to add 2 single vehicle garages at the north end of the existing building.
- Do not recommend approval of either permit because maximum site coverage requirements are already exceeded and the proposed design does little to mitigate the requested variances.

Regular Meeting

November 19, 2002

Deputy Mayor Hobson invited anyone in the public gallery who deemed themselves affected by the required variance(s) to come forward.

Reiner Teschinsky, representing the applicant:

- Has canvassed the area and obtained signatures on a petition of support for construction of the 2 garages.
- There is already a shortage of parking and some tenants are parking their extra vehicles on the street.
- One of the 2 garages proposed for construction would also be used for a utility shed.
- A previous application for construction of carports respected setbacks and met site coverage requirements. That application also included the future addition of 2 new suites. Still wish to build the 2 additional suites at a later date and would prefer to be able to start with the 2 garages but if not, would like to be able to at least provide one garage. It would be an improvement over the existing blank wall.

Council:

- Concerned that the allowable site coverage is already exceeded and at the loss of greenspace.

Moved by Councillor Clark/Seconded by Councillor Shepherd

R432/02/11/19 THAT Council not authorize the issuance of Development Variance Permit No. DVP02-0071, Reiner Teschinsky, Lot 10, Section 19, TWP 26, Plan 427, located on Bernard Avenue, Kelowna, B.C.;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 not be granted:

Section 13: Specific Zone Regulations: Urban Residential Zones:

- Vary the Maximum Allowable Site Coverage (including buildings and driveways from 50% required to 59% proposed;
- Vary the Minimum Allowable Front Yard Setback from 6.0 m required to 4.73 m proposed;

AND THAT Council not authorize the issuance of Development Permit No. DP02-0024, Reiner Teschinsky, Lot 10, Section 19, TWP 26, Plan 427, located on Bernard Avenue, Kelowna, B.C., for the construction of two attached single car garages.

DEFEATED by a Tie Vote

Councillors Clark, Hobson and Shepherd opposed.

Regular MeetingNovember 19, 2002Moved by Councillor Cannan/Seconded by Councillor Day

R433/02/11/19 THAT Council authorize the issuance of Development Permit No. DP02-0024, Reiner Teschinsky, Lot 10, BLK. 1, DL. 137, ODYD, Plan 427 Except: 1) Plans 11823 and 11824 and 2) Shown as 39/1000 Acre Parcel on Plan A2371, located on Bernard Avenue, Kelowna, B.C., for the construction of one attached single car garage subject to the following conditions:

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 Council authorize the issuance of Development Variance Permit No. DVP02-0071, Reiner Teschinsky, Lot 10, BLK. 1, DL. 137, ODYD, Plan 427 Except: 1) Plans 11823 and 11824 and 2) Shown as 39/1000 Acre Parcel on Plan A2371, located on Bernard Avenue, Kelowna, B.C.;

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

Section 13: Specific Zone Regulations: Urban Residential Zones:

- Vary the Maximum Allowable Site Coverage (including buildings and driveways) from 50% required to 59% proposed;
- Vary the Minimum Allowable Front Yard Setback from 6.0 m required to 4.73 m proposed.

Carried

6.3 (a) **BYLAW PRESENTED FOR ADOPTION**

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

Moved by Councillor Shepherd/Seconded by Councillor Clark

R434/02/11/19 THAT Bylaw No. 8907 be adopted.

Carried

Regular Meeting

November 19, 2002

- (b) Planning & Development Services Department, dated October 3, 2002 re: Development Variance Permit Application No. DVP02-0081 – Interior Health Authority – 135 Davie Road

Staff:

- The variance is to acknowledge a reduced side yard setback for an existing building being retrofitted for a changed use.
- Council consideration of this application has been held up waiting for Ministry of Transportation approval of the zone amending bylaw which has now been obtained.

The Deputy City Clerk stated for the record that no correspondence had been received.

Deputy Mayor Hobson invited anyone in the public gallery who deemed themselves affected by the required variance(s) to come forward. There was no response.

Moved by Councillor Shepherd/Seconded by Councillor Day

R435/02/11/19 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP02-0081; Interior Health Authority; Lot 14, Sec. 22, Twp. 26, O.D.Y.D., Plan 18085, located on Davie Road, Kelowna, B.C.;

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

Section 16.1.5(e) Development Regulations, minimum east side yard from 4.5 m required to 1.5 m existing.

Carried

7. BYLAWS

(BYLAWS PRESENTED FOR FIRST READING)

- 7.1 Bylaw No. 8905 (OCP02-0010) – Lutheran Church of Canada, The Alberta-British Columbia District (Brian Quiring, MQLN Architects) – 4091 Lakeshore Road **requires majority vote of Council (5)**

Moved by Councillor Day/Seconded by Councillor Cannan

R436/02/11/19 THAT Bylaws No. 8905, 8906, 8931, 8932, 8933, 8935 and 8936 be read a first time.

Carried

- 7.2 Bylaw No. 8906 (Z02-1018) – Lutheran Church of Canada, The Alberta-British Columbia District (Brian Quiring, MQLN Architects) – 4091 Lakeshore Road

See resolution adopted under agenda item No. 7.1

- 7.3 Bylaw No. 8931 (Z02-1047) – David & Joan Poole (Rob Richardson) – 464 Morrison Avenue

See resolution adopted under agenda item No. 7.1

Regular Meeting

November 19, 2002

- 7.4 Bylaw No. 8932 (OCP02-0011) – Salem's Developments Ltd., et al (MKS Resources Inc.) – 1075/1095 Highway 33 West **requires majority vote of Council (5)**

See resolution adopted under agenda item No. 7.1

- 7.5 Bylaw No. 8933 (Z02-1038) – Salem's Developments Ltd., et al (MKS Resources Inc.) – 1075/1095 Highway 33 West and 145/165/175 Gerstmar Road

See resolution adopted under agenda item No. 7.1

- 7.6 Bylaw No. 8935 (OCP02-0009) – 352039 BC Ltd. (PSC Planning Solutions Consulting Inc.) – 1910 KLO Road **requires majority vote of Council (5)**

See resolution adopted under agenda item No. 7.1

- 7.7 Bylaw No. 8936 (Z02-1035) – 352039 BC Ltd. (Kim McKechnie/PSC Planning Solutions Consulting Inc.) – 1910 KLO Road

See resolution adopted under agenda item No. 7.1

8. REMINDERS - Nil

9. TERMINATION

The meeting was declared terminated at 8:00 p.m.

Certified Correct:

Deputy Mayor Hobson

Deputy City Clerk

BLH/am