

Regular MeetingDecember 3, 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, December 3, 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, E.A. Horning 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 Council Recording Secretary, B.L. Harder.

1. CALL TO ORDER

Mayor Gray called the meeting to order at 8:47 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, November 18, 2002
Public Hearing, November 19, 2002
Regular Meeting, November 19, 2002
Regular Meeting, November 25, 2002

Moved by Councillor Day/Seconded by Councillor Hobson

R453/02/12/03 THAT the Minutes of the Regular Meetings of November 18, November 19 and November 25, 2002 and the Minutes of the Public Hearing of November 19, 2002 be confirmed as circulated.

Carried

4. Councillor Blanleil 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. 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)**

Council:

- Staff to address the concern regarding public access to the pond (for skating during winter months) with the applicant before this comes back to Council.

Moved by Councillor Day/Seconded by Councillor Hobson

R454/02/12/03 THAT Bylaw No. 8905 be read a second and third time.

Carried

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

Moved by Councillor Hobson/Seconded by Councillor Day

R455/02/12/03 Bylaw No. 8906 be read a second and third time.

Carried

- 5.3 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)**

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R456/02/12/03 THAT Bylaw No. 8932 be read a second and third time.

Carried

- 5.4 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

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R457/02/12/03 THAT Bylaw No. 8933 be read a second and third time.

Carried

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

Moved by Councillor Shepherd/Seconded by Councillor Clark

R458/02/12/03 THAT Bylaw No. 8935 be read a second and third time.

Carried

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

Moved by Councillor Clark/Seconded by Councillor Shepherd

R459/02/12/03 THAT Bylaw No. 8936 be read a second and third time.

Carried

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

Moved by Councillor Horning/Seconded by Councillor Given

R460/02/12/03 THAT Bylaw No. 8931 be read a second and third time, and be adopted.

DEFEATED UNANIMOUSLY6. PLANNING

- 6.1 Planning & Development Services Department, dated November 5, 2002 re: Development Variance Permit Application No. DVP02-0097 – Randy Haverchuck – 510 Dougall Road North

Staff:

- The applicant would like to add 2 dormers on either side of the house but because the existing house is a non-conforming building City Building Inspections staff are unable to authorize a Building Permit for the addition.
- Allowing the reduced setback would add to the existing non-conforming situation but City Planning staff have no concerns with doing that.

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

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R461/02/12/03 THAT Council authorize the issuance of Development Variance Permit No. DVP02-0097; Randy Haverchuck, Lot 18, Section 26, Township 26, ODYD, Plan 3476;

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

Section 13: Specific Zone Regulations: RU1 – Large Lot Housing

- Vary the side yard setback from 2.3 m required to 1.25 m existing.

Carried

- 6.2 Planning & Development Services Department, dated October 29, 2002 re: Development Variance Permit Application No. DVP02-0091 – Alan O'Brien – 799 Elliot Avenue

Staff:

- The subject property is double fronting but slightly short of the lot width required for duplex housing.
- The applicant is proposing to construct a new one-storey dwelling at the rear with access from Copeland Avenue.
- Approval of the requested variance would allow the buildings to be stratified. Otherwise, the applicant could still build an accessory building with a secondary suite under the existing RU6 zoning but would not have the opportunity to stratify.

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

Moved by Councillor Hobson/Seconded by Councillor Day

R462/02/12/03 THAT Council authorize the issuance of Development Variance Permit No. DVP02-0091; Alan O'Brien, Lot 5, District Lot 138, ODYD, Plan 4505;

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

Section 13: Specific Zone Regulations: RU6 – TWO DWELLING HOUSING

- Vary the frontage from 18 m required to 17.5 m existing for duplex housing.

Carried

7. REPORTS

7.1 City Clerk, dated November 19, 2002 re: Repeat Applications – Proposed Council Policy

Staff:

- The proposed policy would extend the 'no repeat applications for 6 months' rule in the Development Application Procedures Bylaw to applications or matters such as liquor licencing or heritage items in order to give members of the public who have taken the time to put their opinions to Council in a public forum on these types of applications the same assurance that they will not have to do so repeatedly as those who speak on items specifically covered by the Development Application Procedures Bylaw.
- The policy indicates that Council would not consider any application or matter put before them, of a category which would ordinarily involve receiving written or verbal input from the public during a Council meeting or hearing, if that application and its corresponding recommendation from staff is the same in all material facts as one considered by Council within the immediately preceding six months.
- The policy is intended as a guide to staff when dealing with applicants immediately coming back. Staff can always recommend the policy be waived and the application be reconsidered.
- The policy would not affect Council's ability to bring a matter back for reconsideration under the provisions of Council Bylaw No. 7906.

Moved by Councillor Hobson/Seconded by Councillor Day

R463/02/12/03 THAT Council Policy No. 308 - Repeat Applications, as attached to the report from the City Clerk dated November 21, 2002, be approved by Council.

Carried

Regular MeetingDecember 3, 20028. BYLAWS**(BYLAWS PRESENTED FOR FIRST READING)**

- 8.1 Bylaw No. 8938 (Z02-1043) – 569726 BC Ltd. (Hans Newmann) – 1358 St. Paul Street

Moved by Councillor Horning/Seconded by Councillor Given**R464/02/12/03** THAT Bylaw No. 8938, 8941, 8942 and 8943 be read a first time.Carried

- 8.2 Bylaw No. 8941 (Z02-1034) – Markui Contracting Ltd. (David Pauls/D.E. Pilling & Associates Ltd.) – 1504 Highway 33 East

See resolution under agenda item No. 8.1.

- 8.3 Bylaw No. 8942 (Z02-1033) – Robert (Bob) Harasin – 1665 Begley Road

See resolution under agenda item No. 8.1.

- 8.4 Bylaw No. 8943 (Z02-1041) – Peter & Marlene Sieben (M105 Enterprises Ltd.) – 1915 Enterprise Way

See resolution under agenda item No. 8.1.

(BYLAWS PRESENTED FOR ADOPTION)

- 8.5 Bylaw No. 8911 - Sewer Specified Area No. 22B (Vista Road)

Moved by Councillor Given/Seconded by Councillor Horning**R465/02/12/03** THAT Bylaw No. 8911 be adopted.Carried

- 8.6 Bylaw No. 8937 – Road Exchange Bylaw – Westpoint Drive

Moved by Councillor Clark/Seconded by Councillor Shepherd**R466/02/12/03** THAT Bylaw No. 8937 be adopted.Carried

- 8.7 Bylaw No. 8939 – Capital Works, Machinery and Equipment Reserve Fund Expenditure Bylaw, 2002 **requires 2/3 majority vote of Council (6)**

Moved by Councillor Day/Seconded by Councillor Hobson**R467/02/12/03** THAT Bylaw No. 8939 be adopted.Carried

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8.8 Bylaw No. 8940 – Sewerage System User Bylaw, 1972, No. 3480, Amendment Bylaw No. 8940

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R468/02/12/03 THAT Bylaw No. 8940 be adopted.

Carried

9. REMINDERS

- Tuesday, December 10 – 11:00 a.m. to 1:00 p.m. - BC Transit Meeting – Council Chamber, City Hall

10. TERMINATION

The meeting was declared terminated at 9:34 p.m.

Certified Correct:

Mayor

BLH/am

City Clerk