

Regular MeetingJanuary 21, 2003

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, January 21, 2003.

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; Subdivision Approving Officer, R.G. Shaughnessy; and Assistant City Clerk, L.M. Taylor acting as Council Recording Secretary.

1. CALL TO ORDER

Mayor Gray called the meeting to order at 7:45 p.m.

2. Prayer will be offered by Councillor Horning.

3. CONFIRMATION OF MINUTES

January 6, 2003
January 13, 2003

Moved by Councillor Given/Seconded by Councillor Day

R58/03/01/21 THAT the Minutes of the Regular Meetings of January 6 and January 13, 2003 be confirmed as circulated.

Carried

4. Councillor Horning requested to check the minutes of this meeting.

5. PLANNING BYLAWS CONSIDERED AT PUBLIC HEARING**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)**5.1 Bylaw No. 8881 – Zoning Bylaw Text Amendment No. TA02-0003

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R59/03/01/21 THAT Bylaw No. 8881 be read a second and third time, and be adopted.

Carried

5.2 Bylaw No. 8949 (OCP02-0012) – Kiyomatsu & Toshiye Yamaoka & R & B Construction Ltd. (Protect Consultants) – 908 El Paso Road

Moved by Councillor Day/Seconded by Councillor Hobson

R60/03/01/21 THAT Bylaw No. 8949 be read a second and third time, and be adopted.

Carried

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- 5.3 Bylaw No. 8950 (Z02-1039) – Kiyomatsu & Toshiye Yamaoka & R & B Construction Ltd. (Protect Consultants) – 908 El Paso Road & 650 McKenzie Road

Moved by Councillor Day/Seconded by Councillor Hobson

R61/03/01/21 THAT Bylaw No. 8950 be read a second and third time, and be adopted.

Carried

- 5.4 Bylaw No. 8947 (Z02-1055) – David & Monica Russelle – 510 El Camino Road

Moved by Councillor Shepherd/Seconded by Councillor Clark

R62/03/01/21 THAT Bylaw No. 8947 be read a second and third time, and be adopted.

Carried

- 5.5 Bylaw No. 8948 (Z02-1040) – Antony & Tracy Hutton – 3668 Luxmoore Road

Moved by Councillor Clark/Seconded by Councillor Shepherd

R63/03/01/21 THAT Bylaw No. 8948 be read a second and third time, and be adopted.

Carried

- 5.6 Bylaw No. 8951 (Z02-1053) – Ned & Stana Kos – 662 McClure Road

Moved by Councillor Given/Seconded by Councillor Horning

R64/03/01/21 THAT Bylaw No. 8951 be read a second and third time, and be adopted.

Carried

6. PLANNING

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

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

Moved by Councillor Given/Seconded by Councillor Horning

R65/03/01/21 THAT Bylaw No. 8943 be adopted.

Carried

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- (b) Planning & Development Services Department, dated December 20, 2002 re: Development Permit Application No. DP02-0089 and Development Variance Permit Application No. DVP02-0098 - Peter & Marlene Sieben (M105 Enterprises Ltd.) - 1915 Enterprise Way

Staff:

- Approve the form and character of the proposed 2½ storey commercial building built over a concrete parking structure that is partially buried in the ground.
- Vehicle access to site is from Enterprise Way and there is a substantial amount of surface parking between the road and the front of the building.
- Since Council originally considered the rezoning application, the applicant has increased the size of the building which increases the amount of required parking.
- Require variance to permit an increase in the maximum number of parking stalls from the 98 required to 172 provided.
- Applicants propose to use the underground parking for tenants of the building leaving the surface parking for the public.
- Planning & Development Services support both the development permit and the development variance permit.

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

Mayor to ask applicant if he wants to make comment or comments form the gallery

There was no response.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R66/03/01/21 THAT Municipal Council authorize the issuance of Development Permit No. DP02-0089; for Lot A, DL 140, O.D.Y.D., Plan KAP58184, located on Enterprise Way, 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 Municipal Council authorize the issuance of Development Variance Permit No. DVP02-0098; M105 Enterprises Ltd.; Lot A, DL 140, O.D.Y.D., Plan KAP58184, located on Enterprise Way, Kelowna, B.C.;

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

Section 8.1.2 Off-Street Parking - Number of Spaces be varied from a maximum of 125% of required parking permitted to a maximum of 232% of required parking proposed

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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

6.2 Planning & Development Services Department, dated December 20, 2002 re: Development Variance Permit Application No. DVP02-0095 – Vincent & Brenda Spilak (Lynn Welder Consulting) – 712 Bernard Avenue

Staff:

- Single detached dwelling on property is to be used as a home-based business.
- Sideyard setbacks of existing house do not meet the current requirements of the zoning bylaw. Applicant has constructed a veranda across the front of the dwelling and seeks to vary the sideyard setbacks from the 2.0 metres required to 1.47 metres for the west side and 1.91 metres for the east side.
- Variance to the Sign Bylaw is required to permit a free-standing sign that is not attached to the principal residence and is larger than the maximum size permitted for a home based business.
- Planning & Development Services support the variances.

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

Mayor to ask applicant if he wants to make comment or comments form the gallery

There was no response.

Moved by Councillor Shepherd/Seconded by Councillor Clark

R67/03/01/21 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP02-0095; Lynn Welder Consulting; Lot 2, Blk 2, SL 138, O.D.Y.D., Plan 202, located on Bernard Ave., Kelowna, B.C.;

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

Section 13.6.5(d) Development Regulations minimum side yard for west side yard be varied from minimum 2.0 m required to 1.47 m existing and for east side yard be varied from minimum 2.0 m required to 1.91 m existing.

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

Section 5.9.2 Signs For Home Based Business, major home based business sign, maximum size of sign be varied from 0.15 m² permitted to 1.0 m² proposed, and location be varied from attached to principal residence permitted be varied to allow a free-standing sign to a maximum of 1.7 m high.

Carried

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- 6.3 Planning & Development Services Department, dated December 20, 2002 re: Development Variance Permit Application No. DVP02-0112 – Emil Anderson Construction Co. Ltd. (Mike Jacobs) – Denali Drive and Denali Court

Staff:

- Applicant has recently registered a 51-lot residential hillside subdivision.
- Because of the topography of the land, Lots 29 to 39 and 44 to 50 can only be accessed from the lane. The homes will front on the lane and the rear of the home will be towards the street and because of this orientation the applicant is requesting the setback from the lane be treated as the front yard setback which requires a variance of the zoning bylaw.
- Lots 40 to 43 can only be accessed be from Denali Court as access from the lane is not possible. This requires a second variance as the zoning bylaw restricts access by way of the lane only where lanes are provided.

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

Mayor to ask applicant if he wants to make comment or comments form the gallery

There was no response.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R68/03/01/21 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP02-0112, Emil Anderson Construction Co. Ltd.; Lots 29 – 50, Secs. 28 & 33, Twp. 26, ODYD, Plan KAP72143, located on Denali Drive and Denali Court, Kelowna, BC;

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

- a) Section 13.1.5(e) – minimum rear yard setback requirement for the RU1 – Large Lot Housing (Hillside Area): To vary the 7.5 m required minimum rear yard setback to allow for a minimum rear yard setback of 6.0 m, or a minimum 3.0 m for a garage or carport that has vehicular entry from the side for Lots 29 to 39, and Lots 44 to 50 inclusive, Plan KAP72143;
- b) Section 13.1.6 (d), Access to RU1 - Large Lot Housing (Hillside Area): To vary the requirement restricting on-site access by way of the rear lane only, to allow vehicular access from Denali Court for Lots 40 to 43 inclusive, Plan KAP72143.

Carried

7. BYLAWS

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 8959 – Water Specified Area No. 16 (Byrns/Benvoulin Road) Parcel Tax Bylaw

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R69/03/01/21 THAT Bylaw No. 8959 be read a first, second and third time.

Carried

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8. REMINDERS

Nil

9. TERMINATION

The meeting was declared terminated at 8:20 p.m.

Certified Correct:

Mayor

LMT/am

City Clerk