

Regular MeetingMarch 18, 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, March 18, 2003.

Council members in attendance were: Mayor Walter Gray, Councillors R.D. Cannan, B.A. Clark, C.B. Day, B.D. Given, R.D. Hobson, E.A. Horning and S.A. Shepherd.

Council members absent: Councillor A.F. Blanleil.

Staff members in attendance were: Acting City Manager/Director of Planning & Development Services, R.L. Mattiussi; City Clerk, D.L. Shipclark; Subdivision Approving Officer, R.G. Shaughnessy; and Council Recording Secretary, B.L. Harder.

1. CALL TO ORDER

Mayor Gray called the meeting to order at 10:04 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, February 17, 2003
Public Hearing, February 18, 2003
Regular Meeting, February 18, 2003
Regular Meeting, February 24, 2003
Regular Meeting March 3, 2003
Regular Meeting, March 10, 2003

Moved by Councillor Given/Seconded by Councillor Day

R230/03/03/18 THAT the Minutes of the Regular Meetings of February 17, February 18, February 24, March 3 and March 10, 2003 and the Minutes of the Public Hearing of February 18, 2003 be confirmed as circulated.

Carried

4. Councillor Hobson 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. 8964 (TA02-0006) – Text Amendment to Zoning Bylaw No. 8000

- Ministry of Transportation approval of the bylaw was received subsequent to the agenda being printed and it would now be appropriate for the bylaw to also be considered for adoption.

Moved by Councillor Given/Seconded by Councillor Horning

R231/03/03/18 THAT Bylaw No. 8964 be read a second and third time, and be adopted.

Carried

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- 5.2 Bylaw No 8976 (Z02-1024) – Tysen Properties Ltd. (Grant Maddock/Protech Consultants Ltd.) – 5109 Killdeer Road

Moved by Councillor Given/Seconded by Councillor Horning

R232/03/03/18 THAT Bylaw No. 8976 be read a second and third time.

Carried

- 5.3 Bylaw No. 8978 (Z02-1056) - 417860 Alberta Ltd. (Robert Bennett) – 5065 Frost Road

Moved by Councillor Day/Seconded by Councillor Horning

R233/03/03/18 THAT Bylaw No. 8978 be read a second and third time.

Carried

- 5.4 Bylaw No. 8979 (Z02-1046) - Starline Enterprises Ltd. (Wes Friesen/Points West Architecture) – 2260-2270 Haynes Road

Council:

- The rezoning is appropriate but concerned with the form and character of the proposed development.
- Put the developer on notice that Council will be expecting a significant change to get approval of a Development Permit.
- Encouraged the applicant to talk to the neighbours and provide them with more details of his proposal and to meet with City staff to discuss variances that could allow for redesign of the project and provide for more green space.

Staff:

- If there was a significant change in the proposed form and character of the development, the Development Permit application would be referred back to the Advisory Planning Commission to allow the public another opportunity for input.

Moved by Councillor Day/Seconded by Councillor Horning

R234/03/03/18 THAT Bylaw No. 8979 be read a second and third time.

Carried

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)

- 5.5 Bylaw No. 8977 (Z99-1060) - Maranda Estates, et al (Grant Maddock/Protech Consultants Ltd.) – 4654 Westridge Drive and 980 Maranda Court

Staff:

- Clarified that the City gained control of the bridal path lots by title in a tax sale. The paths are not dedicated roads and the City assumes liability by allowing the residents to drive there. These property owners have all approached the City to acquire the bridal path and then make their own mutual access agreement with this development and achieve their own access to the rear of their properties. Staff are working with them on that.

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Council:

- Staff to inform Council of how the properties affected by this development will continue to gain access to their rear yards once the issue is resolved.
- Staff to ensure there is no disturbance of the slope during development of Lot 3.
- Staff to report back to Council once all of the issues surrounding the bridal paths in Crawford Estates have been resolved.

Moved by Councillor Day/Seconded by Councillor Cannan

R235/03/03/18 THAT Bylaw No. 8977 be read a second and third time, and be adopted.

Carried

Councillor Clark opposed.

5.6 Bylaw No. 8984 (Z03-0002) - Fred Geismayr – 2085 Inkar Road

Moved by Councillor Cannan/Seconded by Councillor Day

R236/03/03/18 THAT Bylaw No. 8984 be read a second and third time, and be adopted.

Carried

6. PLANNING REPORTS

6.1 Planning & Development Services Department, dated February 18, 2003 re: Development Variance Permit Application No. DVP03-0013 – Andrew & Louise Griffin – 4186 Lakeshore Road

Staff:

- The variance is requested to accommodate a building addition to the single family dwelling which would result in an infringement of the sight lines for the neighbour to the north.
- The neighbour has provided a written submission indicating no concern with the variance because her sight line is already impeded by a cedar hedge on her property.
- Last week staff learned that the proposed building addition had proceeded beyond what was allowed by the permit they had been issued. A stop work order was put on and they owners complied with that immediately.

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

Gord Wilson:

- He is building the addition. Here to apologize for inadvertently proceeding beyond what was allowed under the permit.

Andrew Griffin, applicant:

- Read the letter from his neighbour, Andrea Carter, saying she has no objection because her hedge already impedes her sight lines.

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R237/03/03/18 THAT Council authorize the issuance of Development Variance Permit No. DVP03-0013 for Lot A, Sec. 6, Twp. 26, D.L. 5040, ODYD, Plan KAP71152, located on Lakeshore Road, Kelowna, B.C. ;

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

Section 6.11 Okanagan Lake Sight Lines

Vary the sight line from 60° required to 30° proposed with respect to the southwest corner of the existing single family dwelling located on the lot to the north of the subject property.

Carried

6.2 Planning & Development Services Department, dated February 18, 2003 re: Development Variance Permit Application No. DVP03-0014 – Mark Krehel – 4674 Fuller Road

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

Moved by Councillor Shepherd/Seconded by Councillor Given

R238/03/03/18 THAT Council authorize the issuance of Development Variance Permit No. DVP03-0014 for Lot A, Sec. 25, Twp. 28, ODYD, Plan 37707, located on Fuller Road, Kelowna, B.C.;

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

Section 6.11 Okanagan Lake Sight Lines

Vary the sight line from 60° required to 25° proposed with respect to the northwest corner of the existing single family dwelling on the lot to the south of the subject property.

Carried

7. BYLAWS

(BYLAWS PRESENTED FOR FIRST READING)

7.1 Bylaw No. 8986 (Z02-1060) – Ian & Marguerite Sisett – 518 McKay Avenue

Moved by Councillor Shepherd/Seconded by Councillor Clark

R239/03/03/18 THAT Bylaws No. 8986, 8987, 8988, 8989, 8991 and 8992 be read a first time.

Carried

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- 7.2 Bylaw No. 8987 (OCP02-0013) – Ivanhoe Cambridge Inc. (IBI Group) – 2430 Highway 97 North **requires majority vote of Council (5)**

See resolution adopted under agenda item No. 7.1.

- 7.3 Bylaw No. 8988 (Z02-1045) – Ivanhoe Cambridge Inc. (IBI Group) – 2430 Highway 97 North

See resolution adopted under agenda item No. 7.1.

- 7.4 Bylaw No. 8989 (Z02-1059) – Mission Shores Developments (David Tyrell Architect) – 3866-3884 Truswell Road

See resolution adopted under agenda item No. 7.1.

- 7.5 Bylaw No. 8991 (OCP02-0015) – The Kirschner Family (Allan Kirschner and Dan Middal) – 2045, 2053 and 2061 Garner Road, 1625 Verdure Road and 2980 Gallagher Road **Requires majority vote of Council (5)**

See resolution adopted under agenda item No. 7.1.

- 7.6 Bylaw No. 8992 (Z02-1015) - The Kirschner Family (Allan Kirschner and Dan Middal) – 2045, 2053 and 2061 Garner Road, 1625 Verdure Road and 2980 Gallagher Road

See resolution adopted under agenda item No. 7.1.

8. REMINDERS

- Mayor Gray to send a letter of congratulations to Summerhill Winery for their wine being chosen to be the only wine served at the Oscars this year.

9. TERMINATION

The meeting was declared terminated at 10:39 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am