

Regular MeetingApril 15, 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, April 15, 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; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 9:25 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, March 31, 2003
Public Hearing, April 1, 2003
Regular Meeting, April 1, 2003
Regular Meeting, April 7, 2003

Moved by Councillor Given/Seconded by Councillor Day

R338/03/04/15 THAT the Minutes of the Regular Meetings of March 31, April 1, and April 7, 2003 and the Minutes of the Public Hearing of April 1, 2003 be confirmed as circulated.

Carried

4. Councillor Clark 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. 8460 (Z98-1032) – Hilltop Sand & Gravel Co. Ltd. (New Town Planning Services) – 5065 Frost Road and 611 & 625 Barnaby Road

Moved by Councillor Clark/Seconded by Councillor Given

R339/03/04/15 THAT Bylaw No. 8460 be read a second and third time.

Carried

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5.2 Bylaw No. 8960 (TA02-0007) – City of Kelowna Zoning Bylaw Text Amendment

Councillor Shepherd declared a conflict of interest because one of the properties which is the subject of the concurrent rezoning Bylaw No. 8980 is adjacent to a property she owns and left the Council Chamber at 9:27 p.m.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R340/03/04/15 THAT further consideration of Bylaw No. 8960 (TA02-0007) and Bylaw No. 8980 (Z03-0007) be deferred to the Regular Meeting of April 28, 2003 in order for staff to consider and report back to Council on the following:

- how to proceed with the 11 establishments identified on the list provided by the Liquor Control Board as establishments that could expand to licensee retail sales but that have not yet received LCB approval to do so;
- how to proceed with the 2 establishments that got missed (Senor Frogs and Rascals);
- options for local control of hours of operation and size of sales area for 'URLs' licensees (private liquor stores).

Carried

5.3 Bylaw No. 8980 (Z03-0007) – Various Properties (City of Kelowna)

See resolution under 5.2.

Councillor Shepherd returned to the Council Chamber at 10:14 p.m. and took her place at the Council Table.

5.4 Bylaw No. 8990 (Z03-0001) – Darrell Helfrich – 240 Sadler Road

Moved by Councillor Given/Seconded by Councillor Horning

R341/03/04/15 THAT Bylaw No. 8990 be read a second and third time.

Carried

5.5 Bylaw No. 8996 (Z03-0005) – Jean-Anne Copley and Joseph Popoff – 477 Osprey Avenue

Moved by Councillor Given/Seconded by Councillor Clark

R342/03/04/15 THAT Bylaw No. 8996 be read a second and third time.

Carried

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- 5.6 Bylaw No. 8999 (TA03-0003) - Al Stober Construction (Mark Stober) – 1620/1632 Dickson Avenue

Moved by Councillor Horning/Seconded by Councillor Given

R343/03/04/15 THAT Bylaw No. 8999 be read a second and third time.

Carried

- 5.7 Bylaw No. 9000 (Z03-0006) – Bob Volk – 795 Hollywood Road

Moved by Councillor Horning/Seconded by Councillor Given

R344/03/04/15 THAT Bylaw No. 9000 be read a second and third time.

Carried

6. PLANNING

- 6.1 Planning & Development Services Department, dated February 24, 2003 re: Development Permit Application No. DP03-0002 and Development Variance Permit Application No. DVP03-0003 – Jacqueline & Paul Kurkjian – 4480 Lakeshore Road

Staff:

- The subject property is an acreage and the applicant wants to be able to construct a small storage shed on the waterfront. The requested variance would allow the setback requirement from the high water mark to be reduced from 15 m to 5 m.
- The applicant will bond for the mitigation work until our Environmental Manager signs off that the work has been completed in accordance with the conditions in the report.

The City Clerk advised that no correspondence had been received.

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

There was no response.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R345/03/04/15 THAT Council authorize the issuance of Development Permit No. DP03-0002 for Lot 3, Section 25, Township 28, SDYD, Plan 1722 except Plans B5804, 33821& H563, located on Lakeshore Drive, 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 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;

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AND THAT Council authorize the issuance of Development Variance Permit No. DVP03-0003; for Lot 3, Section 25, Township 28, SDYD, Plan 1722 except Plans B5804, 33821 & H563, located on Lakeshore Drive, Kelowna, B.C.:

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

Section 6.14: Stream Protection Leave Strips

- Vary the setback from Okanagan Lake from the 15.0 m required to 5.0 m

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 (a) **BYLAWS PRESENTED FOR ADOPTION**

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

Moved by Councillor Given/Seconded by Councillor Horning

R346/03/04/15 THAT Bylaw No. 8932 be adopted.

Carried

- (ii) 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

R347/03/04/15 THAT Bylaw No. 8933 be adopted.

Carried

- (b) Planning & Development Services Department, dated February 20, 2003 re: Development Permit Application No. DP02-0083 and Development Variance Permit Application No. DVP02-0084 – Salem’s Developments Ltd., Abougoush Holdings Ltd., T. Abougoush (MKS Resources Inc.) – 1075 & 1095 Highway 33 and 145, 165 & 175 Gerstmar Road

Staff:

- The Development Permit is for a proposed 89-unit strata apartment building.
- The variances are to increase the building height from 3 storeys to 4.5 storeys and reduce the side yard setback to zero for an open parking garage on the site.

The City Clerk advised that no correspondence had been received.

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

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R348/03/04/15 THAT Council authorize the issuance of Development Permit No. DP02-0083, MKS Resources, for Lot A, Sec. 22, Twp. 26, ODYD, Plan 11038 except Plan 39705; Lot 3, Secs. 22 & 27, Twp. 26, ODYD, Plan 2082 except Plan 39705; and Lots 3, 4 and 5, Sec. 22, Twp. 26, ODYD, Plan 3401; located on Highway 33 and Gerstmar 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;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP02-0084, MKS Resources, for Lot A, Sec. 22, Twp. 26, ODYD, Plan 11038 except Plan 39705; Lot 3, Secs. 22 & 27, Twp. 26, ODYD, Plan 2082 except Plan 39705; and Lots 3, 4 and 5, Sec. 22, Twp. 26, ODYD, Plan 3401; located on Highway 33 and Gerstmar Road, Kelowna, B.C.;

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

Section 13: Specific Zone Regulations: Urban Residential Zones:

- To vary the maximum allowable building height from 3 storeys to 4.5 storeys;
- To vary the minimum allowable accessory building setback from 2.3 m to 0.0 m.

Carried

- 6.3 Planning & Development Services Department, dated February 18, 2003 re: Development Variance Permit Application No. DVP03-0008 – Brad Garth – 739 South Crest Drive

Withdrawn.

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- 6.4 Planning & Development Services Department, dated February 29, 2003 re: Development Variance Permit Application No. DVP03-0001 – Prospero Canadian Land Investment (Kildare Sign Service & Installation Ltd.) – 1835 Gordon Drive

Staff:

- Do not recommend in support of the application because the existing sign already exceeds the permitted height and sign area for free-standing signs.

The City Clerk advised that no correspondence had been received.

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

David Chapman, Kildare Sign Service & Installation:

- The sign is about 20 years old. Trying to refurbish and make the sign complementary to the other signage for Capri Centre.
- The top section would now be neon. The rest of the sign would be consistent with what the original sign looked like but with a more modern look.
- The sign would remain in its existing location.

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R349/03/04/15 THAT Council authorize the issuance of Development Variance Permit No. DVP03-0001, Kildare Sign Services & Installation Ltd. (David Chapman), for Lot A, Plan 64836, Sec. 19, Twp. 26, ODYD, located on Harvey Avenue, Kelowna, B.C.;

AND THAT a variance to the following section of Zoning Bylaw No. 8235 be granted:

Section 5: Specific Zone Regulations: Town Centre Commercial (C4)

- Vary the maximum permitted height for a freestanding sign from 8.0 m to 11.5 m;
- Vary the Maximum sign area for a freestanding sign from 12.0 m” to 35 m”.

Carried

Councillor Hobson opposed.

7.0 REPORTS

- 7.0.1 City Clerk, dated March 26, 2003 re: Local Improvement – Dease Road Bylaw No. 8963

Moved by Councillor Given/Seconded by Councillor Horning

R350/03/04/15 THAT Council receive the Certificate of Sufficiency dated March 26, 2003 pertaining to the Dease Road Local Improvement;

AND THAT Bylaw No. 8963 – Dease Road Local Improvement Construction Bylaw (File 652) be advanced for adoption consideration.

Carried

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7. BYLAWS

(BYLAWS PRESENTED FOR FIRST READING)

7.1 Bylaw No. 9002 (Z03-0010) – Kevin & Janet Hertz – 2337 Abbott Street

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R351/03/04/15 THAT Bylaws No. 9002, 9003 and 9004 be read a first time.

Carried

7.2 Bylaw No. 9003 (TA03-0002) – To amend the A1s Zone

See resolution adopted under item No. 7.1.

7.3 Bylaw No. 9004 (Z03-0008) - Wendy Cunningham – 2290 Saucier Road

See resolution adopted under item No. 7.1.

(BYLAWS PRESENTED FOR ADOPTION)

7.4 Bylaw No. 8962 – Sewer Specified Area No. 22E – Dease Road

Moved by Councillor Hobson/Seconded by Councillor Day

R352/03/04/15 THAT Bylaw No. 8962 be adopted.

Carried

7.4.1 Bylaw No. 8963 – Dease Road Local Improvement Construction Bylaw
(L.I. File 652)

Moved by Councillor Hobson/Seconded by Councillor Day

R353/03/04/15 THAT Bylaw No. 8963 be adopted.

Carried

7.4.2 Bylaw No. 8965 – Sewer Specified Area No. 22F (Mills Road)

Moved by Councillor Hobson/Seconded by Councillor Day

R354/03/04/15 THAT Bylaw No. 8965 be adopted.

Carried

7.5 Bylaw No. 8997 – Sewer Specified Area No. 22E (Dease Road) Parcel
Tax Bylaw

Moved by Councillor Day/Seconded by Councillor Hobson

R355/03/04/15 THAT Bylaw No. 8997 be adopted.

Carried

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- 7.6 Bylaw No. 8998 – Amendment No. 9 to Sewer Connection Charge Bylaw No. 8469

Moved by Councillor Day/Seconded by Councillor Hobson

R356/03/04/15 THAT Bylaw No. 8998 be adopted.

Carried

- 7.7 Bylaw No. 9001 – Amendment No. 10 to Sewer Connection Charge Bylaw No. 8469

Moved by Councillor Day/Seconded by Councillor Hobson

R357/03/04/15 THAT Bylaw No. 9001 be adopted.

Carried

8. REMINDERS – Nil.

9. TERMINATION

The meeting was declared terminated at 10:42 p.m.

Certified Correct:

Mayor

BLH/am

City Clerk