

Regular MeetingMay 27, 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, May 27, 2003.

Council members in attendance were: Deputy Mayor S.A. Shepherd, Councillors A.F. Blangleil, R.D. Cannan, C.B. Day and B.D. Given.

Council members absent: Mayor Walter Gray and Councillors B.A. Clark, R.D. Hobson and E.A. Horning.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, A.M. Flack; Director of Planning & Corporate Services, R.L. Mattiussi; Manager of Development Services, A.V. Bruce; Council Services Supervisor, S. Fleming; and Council Recording Secretary, B.L. Harder.

1. CALL TO ORDER

Deputy Mayor Shepherd called the meeting to order at 8:53 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, May 12, 2003
Public Hearing, May 13, 2003
Regular Meeting, May 13, 2003

Moved by Councillor Day/Seconded by Councillor Cannan

R506/03/05/27 THAT the Minutes of the Regular Meetings of May 12 and May 13, 2003 and the Minutes of the Public Hearing of May 13, 2003 be confirmed as circulated.

Carried

4. Councillor Given 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. 9038 (Z01-1050) – Dale Draper (Pauline Draper) – 2034 Pandosy Street

Council:

- The residents in the Abbott Street Heritage Conservation Area, the Community Heritage Commission (CHC), and the Advisory Planning Commission (APC) have indicated that they would support the development proceeding under a Heritage Revitalization Agreement (HRA). The applicant can achieve what is proposed under an HRA.
- Staff to prepare a Heritage Revitalization Agreement for the proposed development.
- Since the applicant was pursuing the rezoning on advice from City staff, advertising for the Public Hearing on the HRA is to be borne by the City.

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Staff:

- There will be no need to circulate the HRA application for review by the CHC or the APC since it was their recommendation for the proposal to proceed under an HRA.

Moved by Councillor Blanleil/Seconded by Councillor Given

R507/03/05/27 THAT Bylaw No. 9038 be ***defeated*** and that staff be directed to bring back an application for a Heritage Revitalization Agreement dealing with the proposed development at 2034 Pandosy Street for Council's consideration.

Carried

5.2 Bylaw No. 9041 (TA03-0001) – City of Kelowna Zoning Bylaw Text Amendment

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R508/03/05/27 THAT Bylaw No. 9041 be read a second and third time.

Carried

6. PUBLIC MEETING TO RECEIVE INPUT ON LIQUOR LICENCE APPLICATION:

6.1 Planning & Corporate Services Department, dated April 11, 2003 re: Liquor Licensing Application No. LL03-0005 – Brandt's Creek Neighbourhood Pub (Ken Hutchinson) – 435 Glenmore Road

The City Clerk advised that notice of this amendment to a Liquor Primary Licence was advertised by being posted on the Notice Board at City Hall on May 9, 2003 and by being placed in the Kelowna Daily Courier issues of May 20 & 21, and by sending out or otherwise delivering 262 letters to the owners and occupiers of surrounding properties between May 9 & 12, 2003.

The City Clerk advised that the following correspondence had been received:

- late letter from Bonnie Wyatt, 430 Ballou Place, expressing concern about increased noise.

Deputy Mayor Shepherd invited anyone in the public gallery who deemed themselves affected by this liquor licence application to come forward.

Ken Hutchinson, applicant:

- The existing outdoor patio is used as a smoking area. The new patio area would accommodate the non-smokers who wish to sit outside.

Moved by Councillor Blanleil/Seconded by Councillor Given

R509/03/05/27 THAT Council support a licensed person capacity increase from 118 seats (98 seats inside the pub and 20 seats on patio) to 138 seats (98 seats inside the pub and 40 patio seats) proposed by Brandt's Creek Neighbourhood Pub for #100 - 435 Glenmore Road.

Carried

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7. PLANNING

- 7.1 Planning & Corporate Services Department, dated April 10, 2003 re: Development Variance Permit Application No. DVP03-0032 – Campion Marine Inc. (Paul Papove) – 200 Campion Street

Staff:

- The requested variance would allow a proposed addition to the Campion boat manufacturing facility to be constructed in alignment with the existing building which is at a 3.5 m non-conforming setback.
- The applicant's neighbour to the west has signed a statement indicating he has no objection to the addition being constructed at the same setback as the main building.

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

Deputy Mayor Shepherd invited anyone in the public gallery who deemed themselves affected by the required variance to come forward.

Brock Elliott, General Manager, Campion Marine:

- The existing building was in compliance with the setback requirements of the day. The setback requirements have since changed from 3.5 m to 6 m and the variance would allow the addition to be contiguous with the existing building.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R510/03/05/27 THAT Council authorize the issuance of Development Variance Permit No. DVP03-0032 for Lot 1, Sec. 34, Twp. 26, ODYD, Plan 37936, located on Campion Street, Kelowna, B.C.;

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

Section 15.2 – General Industrial Zone: Subsection 15.2.5 (f):

Vary the rear yard setback from 6 m required to 3.5 m proposed.

Carried

- 7.2 Planning & Corporate Services Department, dated April 17, 2003 re: Development Variance Permit Application No. DVP03-0015 – Dilworth Shopping Centre Ltd. (Carole Grimes/Rio Can Property Services Inc.) – 2339 & 2385 Highway 97 North

The City Clerk advised that the following correspondence had been received:

- letter of support from Medi-Kel Family Practice & Walk-In Clinic, a tenant in Dilworth Shopping Centre.

Deputy Mayor Shepherd invited anyone in the public gallery who deemed themselves affected by the required variance to come forward.

Robert Turik, HMT Architects, representing the applicant:

- The request is for an infill of 8.36 m² in the existing Staples pillar sign at the mall. The height of the pillar would not be affected.
- The variance has received the support of the Advisory Planning Commission.
- There is minimal pedestrian flow on Harvey Avenue at this location. The additional signage would provide highway exposure for five additional businesses in the mall.
- Showed photos of other major signs in close proximity that also exceed current Sign Bylaw requirements.

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Mike McLoughlin, Manager, Medi-Kel Family Practice & Walk-In Clinic:

- Medi-Kel is a relatively small medical clinic that opened in October 2001.
- Small tenants do not have the big marketing budgets to advertise their business.
- There are a number of small tenants in the mall that would greatly benefit by signage with highway exposure.

Moved by Councillor Blanleil/Seconded by Councillor Day

R511/03/05/27 THAT Council authorize the issuance of Development Variance Permit No. DVP03-0015, Rio Can Property Services (BC) Inc., Lot A, D.L. 126 & 532, ODYD, Plan 40108, on Highway 97 North, Kelowna, B.C.;

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

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

- Vary the Maximum sign area for a freestanding sign from 12.0 m² to 27.6 m².

Carried

- 7.3 (a) Planning & Corporate Services Department, dated May 21, 2003 re: Development Permit Application No. DP03-0011 – The Grand Okanagan Resort Ltd. (Brian Kilpatrick/BKDI Architects) – 1310 Water Street

Staff:

- The applicant is proposing to construct a 5-storey, 61-unit apartment hotel with a 60-seat restaurant on the 5th storey and to construct a new 3-storey parkade and add a partial 4th storey to the existing parkade.
- The requested variances are for reduced setbacks that are triggered by the additional level to the phase 2 parking structure and by adding the 5th storey for the restaurant which would be for the exclusive use of the residents in the building.
- This is the final phase of development for The Grand Okanagan Resort.

The City Clerk advised that the following correspondence had been received:

- 20 similar form letters from the owners in the strata development at 1160 Sunset Drive (The Dolphins) opposed for reasons to do with the DP not the DVP.

Brian Kilpatrick, project architect:

- Gave a power point presentation showing the existing development on the site, the proposed new building, and where the variances are required.
- Noted that the concept model showing full build-out of the resort property was done in 1989.
- No matter what is developed on this portion of the site, the view of the lagoons from the lower floors of the adjacent buildings will be impacted.

Deputy Mayor Shepherd invited anyone in the public gallery who deemed themselves affected by the required variance to come forward.

John Gough, 1160 Sunset Drive:

- Is speaking on behalf of the strata council for the Dolphins and they have no concerns about the parkade but are opposed to the apartment hotel going from 3 storeys to 5 storeys.
- The proposed development will impact the lake view and property values of the Dolphins residents from the 6th floor down, and will add to the traffic problems in an already congested area.

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- The residents of the Dolphins are party to the maintenance and operation of the lagoons with the City and The Grand and are the closest neighbours to the subject property but were never consulted about this development proposal and only recently found out about it when a resident spotted the Development Notice sign posted on the property.

Staff:

- The applicant was advised to contact the Dolphins residents but apparently there was not the level of dialogue everyone expected.
- Notices are not sent out to surrounding owners for APC meetings or Development Variance Permit applications. Both are advertised in newspapers and through signage posted on the site.

Larry Lefebure, 1160 Sunset Drive:

- Found out about this when he saw the Development Notice signs. The residents at the Dolphins should have been notified, as the closest neighbours to this development. Had they been notified they could have been more prepared for this meeting.
- Realized that the property would be developed but did not think they would have to accept anything more than what the Zoning Bylaw would allow.
- Page 4 of the staff report mentions setback requirements for different building heights; assumed from the report that the building would be 3 storeys.

Pat Doyle, 1160 Sunset Drive:

- Regardless of how great a variance is being requested, the City was morally responsible for notifying the residents of the Dolphins, being the closest neighbours to the subject property. Feels like the residents of the Dolphins are getting hosed.

Art Koss, 1160 Sunset Drive:

- Objects to anything that will take away from his enjoyment and the proposed building will take away some of his view. The reduced view will also have an impact on the price for his apartment when he sells.

Charlotte Scofield:

- Strongly opposed to the variance. Interferes with the rights of the residents.
- It is difficult to tell what the impact would be from the artist's renderings shown by the developer.

Brian Kilpatrick again:

- The Land Titles Office in Kamloops was satisfied that phase 11 is consistent with what was planned in the original concept. The change in form and character from phase 1 is so small it did not seem to be an issue. With or without the dome, the view will be impacted for residents on the 6th floor of the Dolphins and below.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R512/03/05/27 THAT further consideration of Development Permit Applications No. DP03-0011 and DVP03-0012 for Lot B, DLs 139, 3454 & 4082, O.D.Y.D., Plan KAP47378 (The Grand Okanagan Resort), located on Water Street, Kelowna, B.C. be adjourned to the Regular Meeting of Monday, June 9, 2003 for the applicant to meet with the residents of the Dolphins to explain the proposal.

Carried

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- 8.1 Bylaw No. 9044 (OCP03-0004) – Monashee Financial Corporation – 632 Craig Road

Moved by Councillor Day/Seconded by Councillor Given**R513/03/05/27** THAT Bylaws No. 9044, 9045, 9046, 9047 be read a first time.Carried

- 8.2 Bylaw No. 9045 (Z03-1013) – Monashee Financial Corporation – 632 Craig Road

See resolution adopted under item No. 8.1

- 8.3 Bylaw No. 9046 (Z03-0011) – VGM Holdings Ltd. (Axel Hilmer) – 1250 Gaggin Road

See resolution adopted under item No. 8.1

- 8.4 Bylaw No. 9047 (Z03-0023) – Sue & Jayson Gordon – 3522 Landie Road

See resolution adopted under item No. 8.1

9. REMINDERS - Nil.10. TERMINATION

The meeting was declared terminated at 10:23 p.m.

Certified Correct:_____
Deputy Mayor Shepherd_____
City Clerk

BLH/am