

Regular MeetingAugust 5, 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, August 5, 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: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi; City Clerk, A.M. Flack; Development Services Manager, A.V. Bruce; and Acting Recording Secretary, I. Tilstra.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 8:43 P.M.

2. PRAYER

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

3. Councillor Given was requested to check the minutes of this meeting.

4. UNFINISHED BUSINESS

(BYLAW PRESENTED FOR SECOND & THIRD READING)

- 4.1 **Deferred from July 22, 2003 Regular Meeting** – Bylaw No. 9057 (HRA03-0001) – Heritage Revitalization Agreement – Cheryl and David Negrin – 2094 Abbott Street

Staff:

- HRA revolves around proposal to move the existing Hughes-Games house to a new location on the subject property in order to subdivide into two lots, and build a new house on the second lot.
- Essential premise is the relocation to new foundation prior to subdivision being granted, along with the formal designation under the Local Government Act of the Hughes-Games house as a permanently protected Heritage Property.
- There is a provision that if the house is destroyed during the relocation process, the applicants will rebuild an exact replica on the new foundation.
- Staff have consulted the City solicitor and have briefed Council on the provisions of the Kelowna Heritage Bylaw, the Local Government Act, and the potential implications of involuntary heritage designation.
- Staff recommendation is to support the HRA as amended.

Council:

- Councillor Given was not present at the previous public hearing, but has been briefed by staff as required by the Local Government Act, and has read the draft minutes of the July 22, 2003 public hearing and regular meeting.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R701/03/08/05 THAT Bylaw No. 9057 be deferred to give staff the opportunity to examine the option of adding a carriage house to the lot without moving the Hughes-Games House, and to allow for the exploration of possible tax incentives.

DEFEATED

Councillors Blanleil, Clark, Day, Given and Horning opposed.

Regular MeetingAugust 5, 2003Moved by Councillor Given/Seconded by Councillor Horning**R702/03/08/05** THAT Bylaw No. 9057 be read a second and third time.Carried

Councillors Cannan, Hobson and Shepherd opposed.

5. PLANNING BYLAWS CONSIDERED AT PUBLIC HEARING**(BYLAW PRESENTED FOR SECOND & THIRD READING)**

- 5.1
- Bylaw No. 9059 (Z03-0030)
- Jaskaran Kandola (Axel Hilmer) – 934 Ackerman Crescent

Councillor Day declared that he was in a conflict of interest, as he owns property within the notification area, and left the Council Chamber at 9:30 p.m.

Moved by Councillor Given/Seconded by Councillor Horning**R703/03/08/05** THAT Bylaw No. 9059 be read a second and third time.Carried

Councillors Cannan and Clark opposed.

Councillor Day returned to Council Chamber at 9:31 p.m. and took his place at the Council Table.

(BYLAW PRESENTED FOR SECOND & THIRD READING AND ADOPTION)

- 5.2
- Bylaw No. 9060 (Z03-0017)
- Syrina Pidwebesky & Derek Klask – 681 Paret Place

Moved by Councillor Horning/Seconded by Councillor Given**R704/03/08/05** THAT Bylaw No. 9060 be read a second and third time, and be adopted.**DEFEATED**

Councillors Blanleil, Cannan, Clark, Day, Given, Hobson and Shepherd opposed.

6. PLANNING

- 6.1
- Planning & Corporate Services Department, dated June 3, 2003 re: Development Variance Permit Application No. DVP03-0040 – Syrina Pidwebesky and Derek Klask – 681 Paret Place

Item 6.1 on the agenda was not considered due to the defeat of Bylaw No. 9096 under item 5.2.

Regular MeetingAugust 5, 2003

- 6.2 Planning & Corporate Services Department dated June 25, 2003 re: Heritage Alteration Permit Application No. HAP03-0003 – Moira & Michael Willmott – 1824 Maple Street

Staff:

- The HAP is required because the existing house does not meet required side yard setbacks.
- The Community Heritage Commission recommends support for the application, with the comment that the wood steps and lattice indicated on the plan would actually be stone, as requested by the applicant.
- Recommend support for the application, including the requested variances.

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

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

Elise Clark, 1847 Maple Street

- Supports the application, believes the neighbourhood is accepting.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R705/03/08/05 THAT Municipal Council authorize the issuance of Heritage Alteration Permit No. HAP03-0003; Michael and Moira Willmott, Lot 13, Block B, D.L. 14, ODYD, Plan 2220, located on Maple Avenue, Kelowna, B.C., subject to the following:

- (a) The dimensions and siting of the building addition shall be in general accordance with Schedule "A" to the report of the Planning & Corporate Services Department dated June 25, 2003;
- (b) The exterior design and finish of the accessory building shall be in general accordance with Schedule "B" to the report of the Planning & Corporate Services Department dated June 25, 2003, except that the planned wood steps and lattice be replaced by stone stairs and stone planters respectively;

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

Section 13.2 - Medium Lot Housing: Subsection 13.1.5(d):

- Vary southern side yard setback from 2 m required to 1.53 m proposed.

Carried

- 6.3 Planning & Corporate Services Department, dated June 17, 2003 re: Development Variance Permit Application No. DVP03-0052 – Okanagan University College – 3333 College Way

Staff:

- A variance is requested to allow for a proposed addition to the 3rd floor and a new 4th floor addition to the Library building (three floors are permitted by bylaw).
- Staff have confirmed that the height variance does not trigger a federal approval process regarding proximity to the airport.
- The Planning Department has no concerns about the proposal.

Regular MeetingAugust 5, 2003

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

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

Moved by Councillor Clark/Seconded by Councillor Shepherd

R706/03/08/05 THAT Council authorize the issuance of Development Variance Permit No. DVP03-0052; Lot A, Secs. 10 & 11, Twp. 23, O.D.Y.D., Plan KAP57788, located on College Way, Kelowna, B.C.;

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

Section 16.2.5(c), Development Regulations - be varied from maximum height of 13.5 m or 3 storeys permitted to 17.4 m or 4 storeys proposed.

Carried

6.4 Planning & Corporate Services Department, dated June 24, 2003 re: Development Variance Permit Application No. DVP03-0064 – Doug Wood – 1785 Harvey Avenue

Staff:

- The property is located on Harvey Avenue, between Spall and Kirschner, and is an oil-change business.
- The building is set back from the street; the applicant is requesting the variance to allow signage across the fascia beam closer to the street.
- Staff recommend support for the requested sign variance on the condition that existing signage be removed from the building.

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

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

Moved by Councillor Clark/Seconded by Councillor Given

R707/03/08/05 THAT Council authorize the issuance of Development Variance Permit No. DVP03-0064 for Lot 7, District Lot 129, ODYD, Plan 4738 except Plan KAP47177, located on Harvey Avenue, Kelowna, B.C., subject to the following:

1. The removal of any fascia signs of the business frontage;

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

Section 5: Specific Regulations: Subsection 5.5.2

- Vary provision requiring that fascia signs only be permitted on walls that are a business frontage.

Carried

Regular MeetingAugust 5, 2003

- 6.5 Planning & Corporate Services Department dated July 3, 2003 re: Development Variance Permit Application No. DVP03-0056 – Shonna Fox and David Rhine – 113 - 440 Cascia Drive

Staff:

- The subject property is within a fairly recent strata development accessed via Cascia Drive.
- The unit in question is located right next to the common property area.
- One condition of approving the variance permit is that a no-build covenant be added to the adjacent open space, in order to provide proper fire separation. The Strata Corporation is willing to do this.
- Staff is recommending support of this application.

The City Clerk reported the following correspondence had been received:

- letter of support from the applicant.

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

Moved by Councillor Hobson/Seconded by Councillor Day

R708/03/08/05 THAT Council authorize the issuance of Development Variance Permit No. DVP03-0056 for Strata Lot 30, D.L. 167, 5284 & 5285, ODYD, District Strata Plan KAS2393 located on Cascia 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" attached to the report of the Planning & Corporate Services Department dated July 3, 2003;
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B" attached to the report of the Planning & Corporate Services Department dated July 3, 2003;
3. The developer be required register a "No Build" Covenant on title of the adjacent common property (Clubhouse) south of the subject property (Lot CP, K2393) or alternatively, that the plans are revised to remove windows from the south elevation of the proposed building, as per the requirements of the Inspection Services Department to meet the BC Building Code requirements;

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

Section 6.4.1 Projections Into Yards

- To allow a cantilevered section of a building to project into a required yard by 1.37 metres where a projection of only 0.60 metres is permitted.

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

Regular MeetingAugust 5, 2003

- 6.6 Planning & Corporate Services Department, dated July 16, 2003 re: Development Variance Permit Application No. DVP03-0067 – Kelowna Central Properties Ltd. (Rick Arndt Architect) – 1500 Banks Road

Staff:

- The subject property is on land being developed adjacent to the Home Depot.
- The proposed signage would consist of four different fascia signs, separated by architectural features of the building.
- The APC recommends support of this application as do staff.

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

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

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R709/03/08/05 THAT Council authorize the issuance of Development Variance Permit No. DVP03-0067; Lot 1, DL 125, O.D.Y.D., Plan KAP67601, located on Banks Road, Kelowna, B.C.;

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

SECTION 6.1 SPECIFIC ZONE REGULATION; Vary Number of signs from 2 per business frontage permitted to 4 signs proposed.

Carried

- 6.7 Planning & Corporate Services Department, dated July 3, 2003 re: Development Permit Application No. DP00-10,067 and Development Variance Permit Application No. DVP03-0049 – Rose Enterprises (Doug Clark) – 1939-1945 Richter Street

Moved by Councillor Shepherd/Seconded by Councillor Given

R710/03/08/05 THAT consideration of Development Permit Application No. DP00-10,067 and Development Variance Permit Application No. DVP03-0049 – Rose Enterprises (Doug Clark) – 1939-1945 Richter Street be deferred to the August 19, 2003 Regular Meeting of Council.

Carried

- 6.8 Planning & Corporate Services Department, dated July 17, 2003 re: Development Variance Permit Application No. DVP02-0029 – Christian & Missionary Alliance – Canadian Pacific District (Keith Stutters/Stutters Construction Restorations) – 2091 Springfield Road

Staff:

- The applicant is waiting to sell property in order to finance the development; there are no changes to the original application.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R711/03/08/05 THAT Council authorize the extension of the 180 day period for issuance of Development Variance Permit DVP02-0029 for Lot A, DL 128, ODYD, Plan 20452 except Plan 43402, Springfield Road, for a period of 180 days to February 13, 2004.

Carried

Regular MeetingAugust 5, 20037. BYLAWS**(BYLAWS PRESENTED FOR FIRST READING)**

- 7.1 Bylaw No. 9065 (Z03-0032) – David and Karen Desjardins – 5399 Chute Lake Road

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R712/03/08/05 THAT Bylaws No. 9065, 9066, 9067, 9068 and 9069 be read a first time.

Carried

- 7.2 Bylaw No. 9066 (Z03-0020) – D.E. Piling and Associates Ltd. (John & Sarina Weisbeck and Romesha Ventures Inc.) – 1494 and 1374 Highway 33 East

See resolution under 7.1 above.

- 7.3 Bylaw No. 9067 (OCP03-0006) – Gazelle Enterprises Inc., R265 Enterprises Ltd., Emil Anderson Construction Co. Ltd., Gilmar Management Ltd., Gillen Investments Inc. (Summit South Developments Joint Venture/Mike Jacobs) – 5198 South Ridge Drive

See resolution under 7.1 above.

- 7.4 Bylaw No. 9068 (Z03-0025) – Gazelle Enterprises Inc., R265 Enterprises Ltd., Emil Anderson Construction Co. Ltd., Gilmar Management Ltd., Gillen Investments Inc. (Summit South Developments Joint Venture/Mike Jacobs) – 5198 South Ridge Drive

See resolution under 7.1 above.

- 7.5 Bylaw No. 9069 (Z03-0026) – New Town Planning Services (Norkum/Redston) – 587 Fitzpatrick Road

See resolution under 7.1 above.

(BYLAW PRESENTED FOR FIRST THREE READINGS)

- 7.6 Bylaw No. 9070 – Repeal Wild or Exotic Animal Prohibition Bylaw No. 8318

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R713/03/08/05 THAT Bylaw No. 9070 be read a first, second and third time.

Carried

Regular Meeting

August 5, 2003

(BYLAWS PRESENTED FOR ADOPTION)

7.7 Bylaw No. 9061 – Amendment No. 6 to City of Kelowna Parks Bylaw No. 6819-91

Moved by Councillor Day/Seconded by Councillor Hobson

R714/03/08/05 THAT Bylaw No. 9061 be adopted.

Carried

8. REMINDERS - Nil

9. TERMINATION

The meeting was declared terminated at 10:05 p.m.

Certified Correct:

Mayor

IT/am

City Clerk