

Regular MeetingSeptember 16, 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, September 16, 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, A.M. Flack; Director of Manager of Development Services, A.V. Bruce; and Council Recording Secretary, B.L. Harder.

1. CALL TO ORDER

Mayor Gray called the meeting to order at 7:20 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Public Hearing, September 2, 2003  
Regular Meeting, September 2, 2003  
Regular Meeting, September 8, 2003

Moved by Councillor Given/Seconded by Councillor Day

**R790/03/09/16** THAT the Minutes of the Regular Meetings of September 2 and September 8, 2003 and the Minutes of the Public Hearing of September 2, 2003 be confirmed as circulated.

Carried

4. Councillor Blanleil 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. 9064 (OCP03-0008) – Telus Communications (Kasian Kennedy, P.J. Mallen) – 1500 Hardy Street, and City of Kelowna Official Community Plan Amendment **Requires majority vote of Council (5)**

Moved by Councillor Hobson/Seconded by Councillor Day

**R791/03/09/16** THAT Bylaw No. 9064 be read a second and third time.

Carried

5.2 Bylaw No. 9073 (Z03-0027) – Telus Communications (Kasian Kennedy, P.J. Mallen) – 1500 Hardy Street

Moved by Councillor Hobson/Seconded by Councillor Day

**R792/03/09/16** THAT Bylaw No. 9073 be read a second and third time.

Carried

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- 5.3 Bylaw No. 9075 (TA03-0006) – OK Corral (Gerald Bruggera) – 1978 Kirschner Road

Moved by Councillor Blanleil/Seconded by Councillor Day**R793/03/09/16** THAT Bylaw No. 9075 be read a second and third time.Carried

- 5.4 Bylaw No. 9076 (Z03-0029) - OK Corral (Gerald Bruggera) – 1978 Kirschner Road

Moved by Councillor Day/Seconded by Councillor Blanleil**R794/03/09/16** THAT Bylaw No. 9076 be read a second and third time.Carried**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)**

- 5.5 Bylaw No. 9074 (Z03-0038) – Rancar Services Ltd. – Randy Villeneuve – 644 Lequime Road

Moved by Councillor Given/Seconded by Councillor Horning**R795/03/09/16** THAT Bylaw No. 9074 be read a second and third time, and be adopted.Carried6. PLANNING

- 6.1 Planning & Corporate Services Department, dated August 11, 2003 re: Development Variance Permit Application No. DVP03-0080 – Rancar Services Ltd. (Randy Villeneuve) – 644 Lequime Road

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

- Letter of support from the Ashbury Strata Council, 634 Lequime Road.

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

Randy Villeneuve, applicant:

- Indicated he had nothing to add at this time.

Moved by Councillor Hobson/Seconded by Councillor Cannan**R796/03/09/16** THAT Council authorize the issuance of Development Variance Permit No. DVP03-0080; Lot A, Plan 24496, Sec. 6, Twp. 26, ODYD , located on Lequime Road, Kelowna, B.C.;

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

**Section 13: RM3 – Low Density Multiple Housing: Subsection 13.9.5(e):**

- Vary side yard setback from 4.5 m required to 2 m existing.

Carried

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6.2 Planning & Corporate Services Department, dated August 28, 2003 re: Development Permit Application No. DP03-0050 and Development Variance Permit Application No. DVP03-0058 – R93 Enterprises Ltd. (Water Street Architecture) – 500 Cook Road

Staff:

- The owner of the Hotel Eldorado is proposing to expand the hotel facility with a 5-storey apartment hotel addition and some minor additions to the existing main hotel building. The existing "Roundhouse" building would be removed as well as some of the connecting verandas and be replaced by the apartment-hotel structure. The applicant is also proposing to add a one level parkade over the existing parking lot along the front of the hotel property. Elevation drawings indicate that the main entrance of the building will still be visible over the parkade. The applicant has been looking at ways to put a parking structure on the adjacent boat launch site rather than on the hotel site, but the staff position has been that there cannot be any compromise to the parking lot function of the public boat launch for any reason.
- Another major component of the application includes relocating the existing boardwalk about 12 feet further out into the water and developing a gazebo at the south end of the relocated boardwalk, a new covered patio, and a swimming pool addition but these are not being presented for consideration at this time because there are environmental issues that have yet to be addressed and required approvals from Provincial and Federal agencies are still outstanding.
- The applicant has recently advised that only 4-storeys of the apartment hotel are proposed for construction at this time.

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

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

Jim Nixon, owner of Eldorado Hotel:

- Parking has always been a problem. Did not see how the 100+ parking stalls that it looked like he was going to have to provide could be accommodated on site without a parkade. However a parkade was never his choice and having it in front of the hotel will take away from the site. Now the staff report indicates the current required parking is 75 stalls so no need for the parkade. Displayed a proposed parking layout showing how 75 stalls can be accommodated on the site.
- Parking is only an issue for 8 or 10 weekends a year and that is no different that in downtown Kelowna.
- Users of the boat launch park in the hotel parking lot first.

Staff:

- Explained how the hotel is in a legally conforming situation with regard to parking and agreed that provided the 75 stall layout shown tonight can be achieved on-site, that would technically meet parking requirements for the 4-storey building now proposed for construction.
- Explained that the Advisory Planning Commission recommendation for no commercial use of the relocated boardwalk was in response to the desire on behalf of the City to achieve free and unimpeded pedestrian access along the boardwalk.

Jim Nixon:

- Initially, he owned the water lot and the public had no rights of access over the boardwalk. However, in order to build the round-house facility, he had agreed to dedicate part of the boardwalk for walkway and part for continued commercial use. Would hear from his guests or the public if using the boardwalk was a problem.
- Any credibility of environmental concerns was lost when the City put in the boat launch next door. This is beaurocracy at its worst.

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Council:

- Agreed to approve the proposed 75 parking stalls, support commercial use on the boardwalk provided that a right-of-way is registered to allow continued public access over the new boardwalk, and for the City to send a letter to the appropriate Ministries asking that they expedite their approvals for this development.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R797/03/09/16** THAT Municipal Council authorize the issuance of Development Permit No. DP03-0050; for Lot 1, Secs. 1 & 12, Twp. 25 and D.L. 134 & 5225, O.D.Y.D., Plan KAP67232, located on Cook 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", as amended to include only 75 parking stalls and a boardwalk with commercial use;
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;
5. Written approval from Ministry of Water Land and Air Protection for the reduced Leave Strip adjacent to the proposed Apartment Hotel addition;
6. A right-of-way for public access over the new boardwalk being registered;

AND THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP03-0058; Water Street Architecture; Lot 1, Secs. 1 & 12, Twp. 25 and D.L. 134 & 5225, O.D.Y.D., Plan KAP67232, located on Cook Road, Kelowna, B.C.;

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

- a) Vary Section 6.14.2 **General Development Regulations – Stream Protection Leave Strips**, To vary leave strip required for Commercial development where there is fish present from the minimum 15.0 m to 8.76 m proposed;
- b) Vary Section 14.9.5(c) **Development Regulations** from 6.0 m required to 3.0 m proposed for the Front Yard setback to the proposed parking structure;
- c) Vary Section 14.9.5(d) **Development Regulations** from 4.5 m required to 3.0 m proposed for the South Flanking Side Yard setback to the proposed parking structure;

AND THAT a letter be sent to the Ministry of Water Land and Air Protection and Lands and Water B.C. indicating Council's support for the project and asking that they expedite their approvals;

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.

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Moved by Councillor Blanleil/Seconded by Councillor Shepherd

**R798/03/09/16** THAT a workshop be organized for staff, members of Council and representatives of Eldorado Hotel, Manteo Beach and others affected by the lack of parking in that area to come up with a parking management plan for the area.

Carried

6.3 Planning & Corporate Services Department, dated August 28, 2003 re: Development Variance Permit Application No. DVP03-0016 – Legum Management Ltd. (Dena Abrahamse/Access Signs) – 1665 Ellis Street

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 Blanleil

**R799/03/09/16** THAT Council authorize the issuance of Development Variance Permit No. DVP03-0016, Access Signs (Dena Abrahamse), Strata Lot 1, D.L. 139, Plan KAS999, ODYD, located on Ellis Street, Kelowna, B.C.;

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

**Section 5: Specific Zone Regulations: Urban Town Centre (C7)**

- Section 5.5.3 (c) - Vary the maximum number of fascia signs permitted more than 1.0 m above the second storey to allow two fascia signs on the south elevation where only one fascia sign more than 1.0 m above the second storey is permitted;
- Section 5.5.3 (c) - Vary the requirement that signage located more than 1.0 m above the second storey to allow a total of five fascia signs advertising two different company to be located more than 1.0 m above the second storey where four identical signs from the same business are permitted;

**Section 6: Specific Zone Regulations: Major Commercial - C7**

- Section 6 (C7) - Vary the maximum number of fascia signs permitted to allow three fascia signs on the West elevation where two fascia signs per business face are permitted.

Carried

7. BYLAWS

**(BYLAWS PRESENTED FOR FIRST READING)**

7.1 Bylaw No. 9078 (Z03-0031) – Charlie Roberts – 1969 Knox Crescent

Moved by Councillor Given/Seconded by Councillor Horning

**R800/03/09/16** THAT Bylaw No. 9078 be read a first time.

Carried

Councillor Shepherd opposed.

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8. REMINDERS – Nil.

9. TERMINATION

The meeting was declared terminated at 8:28 p.m.

Certified Correct:

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Mayor

BLH/am

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City Clerk