

CITY OF KELOWNA  
REGULAR COUNCIL AGENDA  
COUNCIL CHAMBER - CITY HALL - 1435 WATER STREET

**TUESDAY, JANUARY 27, 2004**

**7:00 P.M.**

(following the Public Hearing)

1. CALL TO ORDER

2. Prayer will be offered by Councillor Given.

3. CONFIRMATION OF MINUTES

Regular Meeting, January 12, 2004

Public Hearing, January 13, 2004

Regular Meeting, January 13, 2004

Public Hearing (OCP), January 15, 2004

Public Hearing (OCP), January 19, 2004 (reconvened from January 15, 2004)

Regular Meeting, January 19, 2004

4. Councillor Given requested to check the minutes of this meeting.

5. PLANNING BYLAWS CONSIDERED AT PUBLIC HEARING

**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)**

5.1 Bylaw No. 9106 (Z03-0051) – David & Joan Poole (Rob Richardson) – 464 Morrison Avenue

*To rezone the property from RU1 – Large Lot Housing to RU1s – Large Lot Housing with Secondary Suite to allow for construction of a 1-storey accessory building that would be developed as a secondary suite.*

5.2 Bylaw No. 9144 (TA03-0011) – City of Kelowna Zoning Bylaw Amendment (Petro Canada Inc.) - 520 Cawston Avenue and 1265 Ellis Street

*Amends Diagram “A” which forms part of the C7 – Central Business Commercial zones to include 4 properties at the northeast corner of Cawston and Ellis.*

5.3 Bylaw No. 9145 (Z03-0056) – Petro Canada Inc. (Ken Webster/R492 Enterprises Ltd.) – 520 Cawston Avenue and 1265 Ellis Street

*Rezones the property from I2 – General Industrial and I4 – Central Industrial to C7 – Central Business Commercial to facilitate a proposed 4.5 storey, mixed-use commercial/residential development.*

6. PLANNING

6.1 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 9103 (Z03-0048) – Janet Dommasch (Peter Chataway) – 124 Lake Avenue

*To add the ‘s’ designation to the parent zone in order to allow for the existing dwelling to be used as a secondary suite and for the construction of a new primary dwelling.*

- 6.1 (b) Planning & Corporate Services Department, dated December 17, 2003 re: Heritage Alteration Permit Application No. HAP03-0011 – Jan Dommasch (Peter Chataway) – 124 Lake Avenue **City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variances to come forward**  
*To authorize issuance of the permit and consider a staff recommendation to **not** grant variances to the stream protection leave strip setback requirement from Mill Creek from 15 m to 5.9 m for the existing dwelling (which will become a secondary suite) and to 10.0 m for a new single family dwelling proposed for construction on the property.*

Note: The following report can only be considered if the bylaws under agenda item Nos. 5.2 and 5.3 were adopted.

- 6.2 Planning & Corporate Services Department, dated January 6, 2004 re: Development Permit Application No. DP03-0111 and Development Variance Permit Application No. DVP04-0002 – Petro-Canada (Ken Webster/R492 Enterprises Ltd.) – 520 Cawston Avenue and 1265 Ellis Street **City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variances to come forward**  
*To authorize issuance of the DP for a 4.5 storey, mixed use commercial/residential building proposed for construction at the NE corner of the site, and consider a staff recommendation to **not** grant a variance to the commercial parking requirements from 8 stalls to zero.*
- 6.3 Planning & Corporate Services Department, dated January 7, 2004 re: Development Variance Permit Application No. DVP03-0128 – Distinctive Developments – 576 Denali Drive **City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variances to come forward**  
*To consider a staff recommendation to **not** grant variances to decrease the side yard setbacks and increase the percentage of the wall that can be comprised of cantilevers.*
- 6.4 Planning & Corporate Services Department, dated January 5, 2004 re: Development Permit Application No. DP03-0143 and Development Variance Permit Application No. DVP03-0106 – Brian & Judy Proskiw – 398 Braeloch Road **City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance to come forward**  
*To consider a staff recommendation to **not** authorize issuance of a DP for the construction of a new single family dwelling that would encroach into the riparian management area, and to **not** grant variances to reduce the riparian management area setback requirement along Okanagan Lake from 15 m to 10.0 m.*
- 6.5 Planning & Corporate Services Department, dated December 16, 2003 re: Development Permit Application No. DP03-0130 and Development Variance Permit Application No. DVP03-0131 – Kenneth Dickson, Gebhard Wager and Cynthia Willison (Ernie Rempel/City Square Holdings) – 1451 Bertram Street **City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variances to come forward**  
*To consider a staff recommendation to **not** authorize issuance of the DP for construction of a 4.5-storey, 25-unit congregate care building, and to **not** grant variances to allow for reduced setbacks, reduced private open space, increased lot coverage, or a building height that exceeds 4 storeys.*

7. BYLAWS

**(BYLAWS PRESENTED FOR FIRST READING)**

*Note: Agenda Items No. 7.1 to 7.8 **may** be dealt with in one resolution. Mayor shall confirm with Council whether they wish to do so, or to remove one or more of the bylaws to be read individually.*

- 7.1 Bylaw No. 9148 (Z03-0062) – Robtree Enterprises Ltd. (Robert Gaspari) – 2629 Richter Street  
*To rezone the property from RU6 – Two Dwelling Housing to RM1 – Four-Plex Housing to accommodate construction of a 2-storey 4-plex.*
- 7.2 Bylaw No. 9149 (Z03-0068) – Patricia Veitch – 1336 Mountainview Street  
*To rezone the property from RU1 – Large Lot Housing to RU1s – Large Lot Housing with Secondary Suite to allow for a secondary suite in a 1.5 storey accessory building that is proposed for construction.*
- 7.3 Bylaw No. 9150 (Z03-0057) – Professional Diving Technology Ltd. (Vern Johnston/Diving Dynamics) – 1884 Ambrosi Road  
*To rezone the property from Ru1 – Large Lot Housing to C5 – Transition Commercial for development of the site with a 2-storey commercial building to be occupied by the 4 divisions of Diving Dynamics.*
- 7.4 Bylaw No. 9157 (Z03-0058) – Victor Projects Ltd. (Pelman Architecture Inc.) – 1835 Leckie Road  
*To rezone the property from A1 – Agriculture 1 to RM4 – Transitional Low Density Housing and RM5 – Medium Density Multiple Housing to allow for 103 units of seniors’ congregate housing to be developed on the portion of the property fronting Leckie Road and for the construction of 31 townhouse units on the balance of the site.*
- 7.5 Bylaw No. 9158 (TA03-0012) – City of Kelowna Zoning Bylaw Amendment  
*To remove the size restriction currently placed on Retail Liquor Stores*
- 7.6 Bylaw No. 9159 (OCP99-009) – 454979 BC Ltd. (FWS Construction Ltd.) – 1570 KLO Road **Requires majority vote of Council (5)**  
*To amend the OCP to change the future land use designation of the subject property from Multiple Unit Residential (Low Density) to Multiple Unit Residential (Medium Density).*
- 7.7 Bylaw No. 9160 (Z99-1025) – 454979 BC Ltd. (FWS Construction Ltd.) – 1570 KLO Road  
*To rezone a portion of the property from A1 – Agriculture 1 to RM4 – Transitional Low Density Housing to facilitate a new 192-unit congregate housing development along with a 59-unit addition to the existing 105-unit “Mountainview Village” seniors’ congregate housing and care facility.*
- 7.8 Bylaw No. 9161 (Z03-0052) – Bell Mountain Estates Ltd. – Swainson Road  
*To rezone part of the property from A1 – Agriculture 1 to RU1h – Large Lot Housing (Hillside) to accommodate a 17 lot subdivision.*

8. REMINDERS

9. TERMINATION