

Regular MeetingFebruary 10, 2004

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, February 10, 2004.

Council members in attendance were: Mayor Walter Gray, Councillors R.D. Cannan, B.A. Clark, C.B. Day, B.D. Given, R.D. Hobson and S.A. Shepherd.

Council members absent: Councillors A.F. Blanleil and E.A. Horning.

Staff members in attendance were: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi; Deputy City Clerk, S.C. Fleming; Manager of Development Services, 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 9:20 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, January 26, 2004
Public Hearing, January 27, 2004
Regular Meeting, February 2, 2004

Moved by Councillor Given/Seconded by Councillor Day

R131/04/02/10 THAT the Minutes of the Regular Meetings of January 26 and February 2, 2004 and the Minutes of the Public Hearing of January 27, 2004 be confirmed as circulated.

Carried

4. Councillor Hobson 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. 9148 (Z03-0062) – Robtree Enterprises Ltd. (Robert Gaspari)
– 2629 Richter Street

Councillor Blanleil advised that he would not be participating in the vote on this bylaw because he missed the Public Hearing on the rezoning application and left the Council Chamber at 9:22 p.m.

Council:

- Generally agreed that with the neighbourhood concerns about dust and traffic congestion in the rear lane, the full length of the lane from Kinnear to Wardlaw needs to be paved before completion of this project.
- City Works & Utilities staff to consider adding the remainder of this section of lane to this year's lane paving program.

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Staff:

- The applicant is paying cash in lieu for the required Richter Street improvements, and providing a bond which gets held until the applicant completes the works in the lane. If the section of lane abutting his property has not been paved within a year, the City is in a position to call the bond and have the work done.

Moved by Councillor Given/Seconded by Councillor Clark**R132/04/02/10** THAT Bylaw No. 9148 be read a second and third time.Carried

Councillor Clark opposed.

Councilor Blanleil returned to the Council Chamber at 9:36 p.m. and took his place at the Council Table.

- 5.2 Bylaw No. 9150 (Z03-0057) – Professional Diving Technology Ltd. (Vern Johnston/Diving Dynamics) – 1884 Ambrosi Road

Moved by Councillor Clark/Seconded by Councillor Given**R133/04/02/10** THAT Bylaw No. 9150 be read a second and third time.Carried

- 5.3 Bylaw No. 9157 (Z03-0058) – Victor Projects Ltd. (Pelman Architecture Inc.) – 1835 Leckie Road

Moved by Councillor Hobson/Seconded by Councillor Day**R134/04/02/10** THAT Bylaw No. 9157 be read a second and third time.Carried

- 5.4 Bylaw No. 9158 (TA03-0012) – City of Kelowna Zoning Bylaw Amendment

Moved by Councillor Day/Seconded by Councillor Hobson**R135/04/02/10** THAT Bylaw No. 9158 be read a second and third time.Carried

- 5.5 Bylaw No. 9159 (OCP99-009) – 454979 BC Ltd. (FWS Construction Ltd.) – 1570 KLO Road **Requires majority vote of Council (5)**

Moved by Councillor Hobson/Seconded by Councillor Day**R136/04/02/10** THAT Bylaw No. 9159 be read a second and third time.Carried

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- 5.6 Bylaw No. 9160 (Z99-1025) – 454979 BC Ltd. (FWS Construction Ltd.) – 1570 KLO Road

Moved by Councillor Day/Seconded by Councillor Cannan

R137/04/02/10 THAT Bylaw No. 9160 be read a second and third time.

Carried

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)

- 5.7 Bylaw No. 9149 (Z03-0068) – Patricia Veitch – 1336 Mountainview Street

Moved by Councillor Day/Seconded by Councillor Cannan

R138/04/02/10 THAT Bylaw No. 9149 be read a second and third time, and be adopted.

Defeated Unanimously

- 5.8 Bylaw No. 9161 (Z03-0052) – Bell Mountain Estates Ltd. – Swainson Road

Councillor Day declared a conflict of interest as an adjacent property owner and left the Council Chamber at 9:51 p.m.

Councillor Blanleil advised the he would not be participating in the vote because he was absent for the portion of the Public Hearing dealing with this item at left the Council Chamber 9:51 p.m.

Moved by Councillor Cannan/Seconded by Councillor Hobson

R139/04/02/10 THAT Bylaw No. 9161 be read a second and third time, and be adopted.

Carried

Councillors Blanleil and Day returned to the Council Chamber at 9:52 p.m. and took their respective place at the Council Table.

6. PLANNING

- 6.1 Planning & Corporate Services Department, dated January 22, 2004 re: Development Variance Permit Application No. DVP03-0176 – 634562 BC Ltd. and Corcoran Industries Ltd. (Ken Corcoran) – 4104 Lakeshore Road

Staff:

- The subject property is deep and narrow with a beach access along the north boundary. The requested variance is to the setback from the beach access.
- City Parks department staff recommend that a the portion of fence along the northerly boundary be chain link fence in order to maintain sight lines into the park and enhance safety and security. However, the applicant would prefer that the entire length of the fence be solid. The chain link fence has not been included as a condition for issuance of the Development Variance Permit, but can still be added as a requirement if that is Council's wish.

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

Support:

- letter from Manley & Joanne March, abutting neighbours to the south, supporting the requested variance to the side yard setback, and indicating preference for a finished cinder block wall as opposed to a chain link fence.

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

Ken Corcoran, 3456 Lakeshore Road:

- In the event that Lakeshore Road is widened to 4-lanes in future, a solid fence would provide better sound attenuation than a chain link fence.

Moved by Councillor Given/Seconded by Councillor Shepherd

R140/04/02/10 THAT Council authorize the issuance of Development Variance Permit No. DVP03-0176 for Lot A, Sec. 6, Twp. 26 and of District Lot 5040, ODYD Plan 36499, located on Lakeshore Road, Kelowna, B.C.;

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

Section 13.1 – Large Lot Housing, Subsection 13.1.5 (d),
Vary the minimum side yard requirement of 4.5 m to 3.0 m proposed along the flanking street (beach access), subject to adequate planting and screening along beach access, as per design recommendations of parks planner.

Carried

7. BYLAWS

(BYLAWS PRESENTED FOR FIRST READING)

- 7.1 Bylaw No. 9120 (TA02-0005) – Amendments to City of Kelowna Zoning Bylaw No. 8000

Moved by Councillor Shepherd/Seconded by Councillor Clark

R141/04/02/10 THAT Bylaw No. 9120, 9163, 9164, 9165, 9166 and 9170 be read a first time.

Carried

- 7.2 Bylaw No. 9163 (Z03-0061) – Scandilog Homes Ltd. – 1937-1939 Harvey Avenue

See resolution adopted under agenda item No. 7.1 above.

- 7.3 Bylaw No. 9164 (Z03-0074) – Aberdeen Holdings Ltd. (Pupus Enterprises) – 2355-2395 Gordon Drive

See resolution adopted under agenda item No. 7.1 above.

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- 7.4 Bylaw No. 9165 (OCP04-0002) – Amendment to Kelowna 2020 - Official Community Plan Bylaw No. 7600 **Requires majority vote of Council (5)**

See resolution adopted under agenda item No. 7.1 above.

- 7.5 Bylaw No. 9166 (TA03-0013) – Amendment to City of Kelowna Zoning Bylaw No. 8000

See resolution adopted under agenda item No. 7.1 above.

- 7.6 Bylaw No. 9170 (Z03-0060) – D. Gerald Sager and Sylvia Wearne – 255 Lake Avenue

See resolution adopted under agenda item No. 7.1 above.

8. REMINDERS – Nil.

9. TERMINATION

The meeting was declared terminated at 10:04 p.m.

Certified Correct:

Mayor

BLH/am

Deputy City Clerk