

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

TUESDAY, FEBRUARY 24, 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, February 9, 2004
Public Hearing, February 10, 2004
Regular Meeting, February 10, 2004
Regular Meeting, February 16, 2004
4. Councillor Blanleil 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. 9120 (TA02-0005) – Amendments to City of Kelowna Zoning Bylaw No. 8000
For amendments intended to clarify sections of the bylaw and correct omissions and inconsistencies that have been noticed through daily application of the bylaw.
- 5.2 Bylaw No. 9163 (Z03-0061) – Scandilog Homes Ltd. – 1937-1939 Harvey Avenue
To rezone the property from C10 – Service Commercial to C3 – Community Commercial to facilitate development of a 1-storey commercial building proposed for retail use.
- 5.3 Bylaw No. 9166 (TA03-0013) – Amendment to City of Kelowna Zoning Bylaw No. 8000
To amend the existing definition of ‘Public Education Services’ in Zoning Bylaw No. 8000.

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)

- 5.4 Bylaw No. 9164 (Z03-0074) – Aberdeen Holdings Ltd. (Pupus Enterprises) – 2355-2395 Gordon Drive
To rezone the property from C3 – Community Commercial to C3rls (Community Commercial (Retail Liquor Sales) to accommodate a new licensee retail store on the SE corner of Gordon Drive and Guisachan Road.
- 5.5 Bylaw No. 9165 (OCP04-0002) – Amendment to Kelowna 2020 - Official Community Plan Bylaw No. 7600 **Requires majority vote of Council (5)**
To make the OCP policy direction consistent with Housing Reserve Fund Bylaw 8593.

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION) – Cont'd

- 5.6 Bylaw No. 9170 (Z03-0060) – D. Gerald Sager and Sylvia Wearne – 255 Lake Avenue
To rezone the property from RU1 – Large Lot Housing to RU1s – Large Lot Housing with Secondary Suite to accommodate a proposed addition to the existing heritage house that would include a single vehicle garage, a secondary suite, and additional living space for the principal dwelling. Side and rear yard setbacks are being requested through the Heritage Alteration Permit.

6. PLANNING

NOTE: The following report was adjourned from the Regular Meeting of Tuesday, January 27, 2004 to this date at the applicant's request.

- 6.1 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 and Gebhard Wager (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.
- 6.2 Planning & Corporate Services Department, dated January 22, 2004 re: Development Variance Permit Application No. DVP03-0148 – M. Erica Leach and Karen Etheridge (Erica Leach) – 5550 Lakeshore 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 allow the riparian management area setback requirement for the side yard to be reduced from 15 m to 10 m.

NOTE: The following application can only be considered if the bylaw under agenda item No. 5.6 was adopted.

- 6.3 Planning & Corporate Services Department, dated January 14, 2004 re: Heritage Alteration Permit Application No. HAP03-0017 – Sylvia Wearne and Gerald Sager – 255 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 consider a staff recommendation to not authorize issuance of an HAP for the proposed addition to the heritage dwelling on the property which would include a single vehicle garage, a secondary suite, and additional living space for the principal dwelling, with reduced side and rear yard setbacks.
- 6.4 Planning & Corporate Services Department, dated January 26, 2004 re: Development Variance Permit Application No. DVP03-0125 – Robert Gaspari – 447 Cascia 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 variance to come forward**
To consider a staff recommendation to not authorize issuance of the DVP which would permit the front yard setback to be reduced from 6.0 m to 4.5 m in order to accommodate a new single family dwelling proposed for construction on the property.

- 6.5 Planning & Corporate Services Department, dated January 28, 2004 re: Development Variance Permit Application No. DVP03-0152 – George Kasdorf – 988 Wilson 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 consider a staff recommendation to **not** authorize issuance of the DVP which would grant variances to address parking setbacks, parking stall size and a front yard setback which are required to allow the applicant to replace the single family dwelling that straddles the two lots with a single family dwelling on each lot.*

7. BYLAWS

(BYLAWS PRESENTED FOR FIRST READING)

*Note: Agenda Items No. 7.1 to 7.6 **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. 9182 (HRA03-0001) – Hughes-Games House Heritage Designation Bylaw – 2094 Abbott Street
To designate the Hughes-Games house a Municipal Heritage Building.
- 7.2 Bylaw No. 9183 (HRA03-0002) – Robert & Beninga Cummings – 2034 Pandosy Street
To allow the site to be developed as if it was zoned RU6 – Two Dwelling Housing by constructing a second dwelling unit at the rear of the property currently occupied by the Dr. J.W.N. Shepherd heritage dwelling.
- 7.3 Bylaw No. 9184 (HRA03-0003) – Oak Lodge Centre Ltd. (Wayne Ross) – 2124 Pandosy Street
To designate the ‘Cadder House’ a Municipal Heritage Building and allow the building to be renovated to create two dwelling units on the main floor and two dwelling units on the second floor, to develop a fifth unit in the existing accessory building at the rear of the property, and to preserve the option for adding two additional units in the basement of the heritage house in future.
- 7.4 Bylaw No. 9185 – Brent’s Mill Heritage Park Designation Bylaw
To designate the future “Brent’s Mill Heritage Park” a Municipal Heritage Site.
- 7.5 Bylaw No. 9186 (LUC78-1009) – Vince & Giovannina Magaldi (R469 Enterprises Ltd.) – 2131 Scenic Road
To discharge the existing Land Use Contract currently governing use of the property.
- 7.6 Bylaw No. 9187 (Z03-0063) – Vince & Giovannina Magaldi (R469 Enterprises Ltd.) – 2131 Scenic Road
To rezone the property from A1 – Agriculture 1 to RM3 – Low Density Multiple Housing to facilitate the construction of 16 two-storey townhouse units developed in two 3-unit buildings and one 10-unit building.

8. REMINDERS

9. TERMINATION