

Regular MeetingMarch 23, 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, March 23, 2004.

Council members in attendance were: Mayor Walter Gray, Councillors R.D. Cannan\*, B.A. Clark, B.D. Given, R.D. Hobson, E.A. Horning and S.A. Shepherd.

Council members absent: Councillors A.F. Blanleil and C.B. Day.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, A.M. Flack; Director of Planning & Corporate Services, R.L. Mattiussi; Manager of Development Services, A.V. Bruce; Subdivision Approving Officer, R.G. Shaughnessy\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 10:08 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, March 8, 2004  
Public Hearing, March 9, 2004  
Regular Meeting, March 9, 2004  
Regular Meeting, March 15, 2004

Moved by Councillor Given/Seconded by Councillor Hobson

**R288/04/03/23** THAT the Minutes of the Regular Meetings of March 8, March 9 and March 15, 2004 and the Minutes of the Public Hearing of March 9, 2004 be confirmed as circulated.

Carried

4. Councillor Clark 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. 9188 (Z03-0064) – Robert Bennett – 5065 Frost Road

Moved by Councillor Shepherd/Seconded by Councillor Given

**R289/04/03/23** THAT Bylaw No. 9188 be read a second and third time.

Carried

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- 5.2 Bylaw No. 9189 (Z03-0072) – Okanagan Sikh Temple and Cultural Society – 1145 & 1125 Rutland Road North

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R290/04/03/23** THAT Bylaw No. 9189 be read a second and third time.

Carried

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R291/04/03/23** THAT staff be instructed to make no move toward closure of the access from Rutland Road to the Okanagan Sikh Temple site without further consultation with Council.

Carried

- 5.3 Bylaw 9191 (Z04-0003) – 684761 BC Ltd. (new owner) - (D.E. Pilling & Associates) – 5127 Chute Lake Road

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R292/04/03/23** THAT Bylaw No. 9191 be read a second and third time.

Carried

- 5.4 Bylaw No. 9194 (OCP00-010) – Romesha Ventures Inc. – 1374 Highway 33 East **requires majority vote of Council (5)**

Moved by Councillor Given/Seconded by Councillor Horning

**R293/04/03/23** THAT Bylaw No. 9194 be read a second and third time.

Carried

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R294/04/03/23** THAT staff be instructed to review the park options within the neighbourhood and report back to Council.

Carried

- 5.5 Bylaw No. 9195 (Z00-1059) – Romesha Ventures Inc. – 1374 Highway 33 East

Moved by Councillor Horning/Seconded by Councillor Given

**R295/04/03/23** THAT Bylaw No. 9195 be read a second and third time.

Carried

Moved by Councillor Shepherd/Seconded by Councillor Cannan

**R296/04/03/23** THAT staff be instructed to evaluate the number of new residential units that Council has agreed to that are out of the transit-serviced area, to assist Council when considering future expansions to the transit system.

Carried

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- 5.6 Bylaw No. 9192 (OCP04-0003) – Tae Bong Yoo – 633 Lequime Road requires majority vote of Council (5)

Moved by Councillor Given/Seconded by Councillor Horning

**R297/04/03/23** THAT Bylaw No. 9192 be read a second and third time, and be adopted.

Carried

- 5.7 Bylaw No. 9193 (Z04-0001) – Tae Bong Yoo – 633 Lequime Road

Moved by Councillor Horning/Seconded by Councillor Given

**R298/04/03/23** THAT Bylaw No. 9193 be read a second and third time, and be adopted.

Carried6. PLANNING

- 6.1 Planning & Corporate Services Department, dated March 3, 2004 re: Development Variance Permit Application No. DVP04-0006 – Roseanne Peterson (Gordon Turner) – 4576 Fuller Road

Staff:

- The property is developed with a single family house and an existing garage. The applicant is proposing to construct another garage for storage use but the size of the building exceeds the maximum size permitted.
- At time of application letters of support were provided from the abutting property owners that would be affected.

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 variance to come forward.

Gordon Turner, applicant:

- Expressed frustration, as a renovation contractor in the city, with the length of time it takes to process applications for minor variances such as this.

Staff:

- Explained the notification requirements that take a large portion of the time but that are prescribed by legislation for requests for variances.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R299/04/03/23** THAT Council authorize the issuance of Development Variance Permit No. DVP04-0006 for Lot 1, District Lot 167, ODYD Plan KAP45776, located on Fuller Road, Kelowna, B.C.

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

Section 6.5.7 – Accessory Development  
Vary the maximum area of accessory buildings from 90 m<sup>2</sup> to 106.37 m<sup>2</sup>.

Carried

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- 6.2 Planning & Corporate Services Department, dated March 2, 2004 re: Development Variance Permit Application No. DVP04-0007 – Charles Delorme – 752 Raymer Avenue

Staff:

- A building permit was issued for the accessory building which is already under construction. Due to some confusion with the building permit, the footprint for the accessory building was larger than permitted by the zoning bylaw, triggering the need for a variance.

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 variance to come forward. There was no response.

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R300/04/03/23** THAT Council authorize the issuance of Development Variance Permit No. DVP04-0007 for Lot F, District Lot 135, ODYD Plan 12249, located at 752 Raymer Avenue, Kelowna, B.C.;

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

Section 6.5 – Accessory Development, Subsection 6.5.7,  
Vary the maximum area from 90 m<sup>2</sup> to 114.1 m<sup>2</sup> for an accessory building in a Residential Urban zone.

Carried

- 6.3 Planning & Corporate Services Department, dated February 17, 2004 re: Development Permit Application No. DP03-0174 and Development Variance Permit Application No. DVP03-0175 – University Business Park Ltd. (Tony Gaspari/Tatus Properties Ltd.) – 3699 Highway 97 North

Staff:

- The Development Permit is for a 2-storey commercial building.
- Variances are required for the landscape buffer width, the location of the off-street parking, and to increase the amount of parking permitted.

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 Cannan

**R301/04/03/23** THAT Council authorize the issuance of Development Permit No. DP03-0174, located on 3699 Highway 97 North, Lot 3, Section 35, Township 26, ODYD Plan KAP57139, 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";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";

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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;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP03-0175, located on 3699 Highway 97 Nbrth, Lot 3, Section 35, Township 26, ODYD Plan KAP57139, Kelowna, B.C.;

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

Section 8.1.10 (c) – Parking and Loading

A variance is required to allow off-street parking to be setback 1.5 metres from any street, where a setback of 2.0 metres is required;

Section 8.1.2 – Parking and Loading

A variance is required to allow 40 parking spaces, where only 18 parking spaces are required, thus exceeding the maximum number of parking spaces, which is 125% of the minimum required (max.: 23 parking spaces);

Section 7.6.5 – Minimum Landscape Buffers

A variance is required to allow a reduced buffer width of 1.5 metres, where 2.0 metres is required.

Carried

- 6.4 Planning & Corporate Services Department, dated February 16, 2004 re: Development Permit Application No. DP03-0073 and Development Variance Permit Application No. DVP04-0010 – GAV Enterprises Ltd. (Pal Singla) – 1810-1824 Gordon Drive

Staff:

- The property is current developed as a motel site. The intent is to redevelop the site with a 6-storey hotel development with rooms that are mostly suites and no bar. Access would be off Borden Avenue and off a lane that would be dedicated from Laurier Road.
- Variances are required to reduce the width of the landscape buffer, vary the requirement that off-street loading be oriented away from residential development; allow for a reduced number of parking stalls; and vary the landscape requirements within the parking lot.
- Staff are concerned about the precedent that would be set and therefore do not recommend support of the variance to the parking requirements. The applicant can only provide 63 of the required 65 on-site stalls and cash in lieu is not an option. The two additional stalls are triggered by proposed amenity space in the building. Parking requirements could be met by reducing the size of the building.

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

- letter from Isao Terai, on behalf of the Kelowna Buddhist Temple, 1089 Borden Avenue, opposed to the parking variance because of concern that overflow parking would be directed to the Temple parking lot since there is currently a lack of parking in the area.

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

Gary Marvin, architect:

- If they would not have had to dedicate half the width of the rear lane, they could have met the parking requirements.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R302/04/03/23** THAT Council authorize the issuance of Development Permit No. DP03-0073 for Lot A, District Lot 138, ODYD Plan KAP73230, located on Gordon 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";
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. The applicant be required to register the road dedications (as required by the Works and Utilities Department) at the Land Titles Office in Kamloops;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP04-0010; Lot A, District Lot 138, ODYD Plan KAP73230 located on Gordon Drive, Kelowna, B.C.;

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

Section 7: Landscaping and Screening: Subsection: 7.6.1(c)

Vary the level 3 (3 m) landscape buffer required to a 2m landscape buffer proposed;

Section 8: Parking and Loading: Subsection: 8.2.8:

Vary the requirement that off-street loading be oriented away from residential development;

Section 8: Parking and Loading: Subsection: 8.3.5:

Vary the landscape island requirement from 2.0 m<sup>2</sup> per stall to 0.0 m<sup>2</sup> per stall for 63 proposed parking stalls;

Section 8: Parking and Loading: Table 8.1: Hotels (1 per sleeping unit + other required uses):

Vary the required parking from 65 stalls required to 63 stalls proposed.

Carried

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- (i) Bylaw No. 9140 – Road Closure and Removal of Highway Dedication Bylaw – 415 Glenmore Road

Councillor Cannan declared a conflict of interest because he lives in the neighbourhood and left the Council Chamber at 10:55 p.m.

Mayor Gray invited anyone in the public gallery who deemed themselves affected by the proposed road closure to come forward. There was no response.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R303/04/03/23** THAT Bylaw No. 9140 be adopted.

Carried

- (ii) Bylaw No. 9177 (Z03-0070) – 653332 BC Ltd. (George Barnes) – 415 Glenmore Road

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R304/04/03/23** THAT Bylaw No. 9177 be adopted.

Carried

- (b) Planning & Corporate Services Department, dated March 3, 2004 re: Development Permit Application No. DP03-0171 and Development Variance Permit Application No. DVP03-0172 – 653332 BC Ltd. – 415 Glenmore Road

Staff:

- The applicant proposes to develop the site with a 2-storey commercial building.
- The required variances are to setback requirements.

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

- letter of support from Kenneth Sabey, 1940 Kane Road.

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 Shepherd/Seconded by Councillor Horning

**R305/04/03/23** THAT Council authorize the issuance of Development Permit No. DP03-0171 for Lot 1, Sec. 32, Twp. 26, O.D.Y.D., Plan 10842, located on Glenmore 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";
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";

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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;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP03-0172; Lot 1, Sec. 32, Twp. 26, O.D.Y.D., Plan 10842, located on Glenmore Road, Kelowna, B.C.;

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

- a) Vary Section 6.14.2 **Stream Protection Leave Strips** from 15 m required to 7.5 m proposed for commercial areas where there is previous land disturbance and fish present;
- b) Vary Section 14.3.5.(d) **Development Regulations** from minimum required 3.0 m to the 1.88 m proposed for the Front Yard setback (to second storey);
- c) Vary Section 14.3.5.(e) **Development Regulations** from minimum required is 2.0 m to 0.94 m proposed for the Flanking Street Side Yard setback (to second storey);

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

Councillor Cannan returned to the Council Chamber at 10:59 p.m. and took his place at the Council Table.

7. BYLAWS

**(BYLAWS PRESENTED FOR FIRST READING)**

- 7.1 Bylaw No. 9203 (Z03-0075) – Frost Park Holdings Ltd. – 5010 Frost Road

Moved by Councillor Shepherd/Seconded by Councillor Given

**R306/04/03/23** THAT Bylaw No. 9203 be read a first time.

Carried

8. REMINDERS – Nil.

9. TERMINATION

The meeting was declared terminated at 11:00 p.m.

Certified Correct:

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Mayor

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City Clerk

BLH/am