

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

**TUESDAY, MAY 4, 2004**

**5:00 P.M.**

(following the Public Hearing)

1. CALL TO ORDER
2. Prayer will be offered by Councillor Given
3. CONFIRMATION OF MINUTES  
Regular Meeting, April 5, 2004  
Public Hearing, April 6, 2004  
Regular Meeting, April 6, 2004  
Regular Meeting, April 19, 2004  
Regular Meeting, April 26, 2004
4. Councillor Horning 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. 9207 (Z04-0009) – Mamre Holdings Inc. (Renee Wasyluk) – 1832/1844 Ambrosi Road  
*To rezone the properties at 1832 and 1844 Ambrosi from RU1 – Large Lot Housing to C5 – Transition Commercial in order to facilitate a mixed use commercial/residential development that will also include the property at 1856 Ambrosi Road which is being rezoned to C5 under a separate application.*
- 5.2 Bylaw No. 9208 (Z03-0066) – Bell Mountain Estates Ltd./Black Mountain Irrigation District (Marlin Weninger/Bell Mountain Estates) – Swainson and Joe Riche Roads  
*To rezone a portion of the property from A1 – Agriculture 1 to RU1h – Large Lot Housing (Hillside), RU1hs – Large Lot Housing (Hillside/Suite), RU4 – Low Density Cluster Housing, RM3 – Low Density Multiple Housing, and P3 – Parks and Open Space in order to facilitate a residential golf development.*
- 5.3 Bylaw No. 9211 (OCP03-0014) – John & Ingrid Paavilainen (Keith Funk/New Town Planning) – 1170 Band Road **requires majority vote of Council (5)**  
*To amend the OCP designation on a portion of the property from “Single/Two Unit Residential” to “Multiple Unit Residential (Low Density) in order to reactivate a congregate housing facility that at one time operated on the property as a legally non-conforming use.*
- 5.4 Bylaw No. 9212 (Z03-0071) - John & Ingrid Paavilainen (Keith Funk/New Town Planning) – 1170 Band Road  
*To rezone a portion of the property from A1 – Agriculture 1 to RM3 – Low Density Multiple Housing in order to reactivate a congregate housing facility that at one time operated on the property as a legally non-conforming use.*

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

- 5.5 Bylaw No. 9214 (Z03-0033) – John, Patricia, Walter and Henk Verwoerd; Romesha Ventures Inc., and John & Sarina Weisbeck (David Pauls/D.E. Pilling & Associates Ltd.) – 1374, 1494 Highway 33 East and 1177 Oswell Drive  
*To rezone the properties from A1 – Agriculture 1, RR3 – Rural Residential 3 and RU1 – Large Lot Housing to RU1h – Large Lot Housing (Hillside Area) in order to facilitate subdivision to create about 65 single family residential lots.*

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

- 5.6 Bylaw No. 9206 (Z04-0005) – Ronald Egert – 1441 Springfield Road  
*To rezone the property from RU2 – Medium Lot Housing to RU2s – Medium Lot Housing with Secondary Suite to allow for development of a suite in the basement of the dwelling.*
- 5.7 Bylaw No. 9213 (Z04-0017) – Edgar Fenwick and Corneil Therrien – 5570 Lakeshore Road  
*To rezone the property from A1 – Agriculture 1 to A1s – Agriculture 1 with Secondary Suite to allow for a secondary suite within an accessory building.*

6. PLANNING6.1 (a) BYLAW PRESENTED FOR ADOPTION

Bylaw No. 9199 (Z03-0039) – Eldon James Veitch – 1301 Lewis Road  
*To rezone the property from RR2 – Rural Residential 2 to RR2s – Rural Residential 2 with Secondary suite to allow for construction of an accessory building that would be used as the primary dwelling and use of the existing house as a secondary suite.*

- (b) Planning & Corporate Services Department, dated February 27, 2004 re: Development Variance Permit Application No. DVP03-0082 – Eldon James Veitch (Terry Peters) – 1301 Lewis 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 variances to come forward**  
*To consider a staff recommendation to **not** grant variances to increase the maximum floor area for a secondary suite, and the maximum permitted lot coverage for an accessory building, from 90 m<sup>2</sup> to 111 m<sup>2</sup>.*

6.2 (a) BYLAW PRESENTED FOR ADOPTION

Bylaw No. 9099 (Z03-0036) – Royce & Leeann Dockrill – 3517 Lakeshore Road  
*To rezone the property from RU1-Large Lot Housing to RU6 – Two Dwelling Housing zone in order to remove the existing house and construct a 2-storey, semi-detached building on the site.*

- (b) Planning & Corporate Services Department, dated March 30, 2004 re: Development Variance Permit Application No. DVP03-0074 – Royce & Leeann Dockrill – 3517 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(s) to come forward**  
*To consider a staff recommendation to **not** vary the required lot width from 18.0 m to 17.6 m to allow for a duplex to be constructed on the property.*

- 6.3 (a) BYLAWS PRESENTED FOR ADOPTION – Staff recommendation is for adoption of the following two bylaws to ***not*** be considered
- (i) Bylaw No. 9135 (OCP03-0011) – LCC Holdings Inc. – 1094 Lawson Avenue **Requires majority vote of Council (5)**  
*To amend the OCP designation on the property from Multiple Unit Residential Low Density to Multiple Unit Residential Low Density Transition.*
  - (ii) Bylaw No. 9136 (Z03-0047) – LCC Holdings Inc. – 1094 Lawson Avenue  
*To rezone the property from RU6 – Two Dwelling Housing to RM4 – Transition Low Density Housing to accommodate a proposed 3.5 storey, 15 unit condominium/apartment building.*
- (b) Planning & Corporate Services Department, dated April 1, 2004 re: Development Permit Application No. DP03-0099 and Development Variance Permit Application No. DVP03-0142 – LCC Holdings Inc. (Colin Darrow/Denver Carrington Developments Inc.) – 1094 Lawson 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 variance(s) to come forward**  
*To consider a staff recommendation to ***not*** authorize issuance of a DP for construction of a 15-unit condo/apartment building on the property and to ***not*** authorize issuance of a DVP to grant variances to the required lot width, building height, front yard setback, minimum drive aisle width, setback for refuse/recycling bins, and the maximum projection into a required side yard.*
- 6.4 Planning & Corporate Services Department, dated March 18, 2004 re: Development Variance Permit Application No. DVP99-10,077 – Suzan Einerssen (John & Suzan Einerssen) – 2420 Pandosy 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 variance(s) to come forward**  
*To consider a staff recommendation to ***not*** grant variances to the required side yard setback and the maximum permitted area for accessory buildings in order to legalize an addition that was constructed without being in compliance with the building permit that was issued.*
- 6.5 Planning & Corporate Services Department, dated March 31, 2004 re: Development Variance Permit Application No. DVP03-0177 – Peter & Patricia Cook (Tim Young/Sunshine Pools & Spas) – 2109 Capistrano 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(s) to come forward**  
*To consider a staff recommendation to ***not*** vary the maximum permitted height for retaining walls from 1.2 m to 2.9 m in height in order to legalize the existing retaining wall that was constructed to facilitate the construction of a swimming pool.*

- 6.6 Planning & Corporate Services Department, dated March 30, 2004 re: Development Variance Permit Application No. DVP04-0011 – Lisa Johnson (Bill Heidt/Sunshine Pools & Spas) – 748 Cantina Court **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(s) to come forward**

*To consider a staff recommendation to **not** vary the maximum permitted height for retaining walls from 1.2 m to 4.4 m in height in order to legalize the existing retaining that was constructed to facilitate the construction of a swimming pool.*

## 7. BYLAWS

### **(BYLAWS PRESENTED FOR FIRST READING)**

*Note: Agenda Items No. 7.1 to 7.7 **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. 9217 (Z04-0018) – Kelowna Speedometer Ltd (664918 BC Ltd) – 441 Lawrence Avenue  
*To rezone the property from C7 – Central Business Commercial to C7LP – Central Business Commercial – Liquor Primary in order to accommodate a liquor primary licence for the Blue Gator.*
- 7.2 Bylaw No. 9219 (Z04-0008) – Freda & David Shanko (Freda Shanko) – 840 Princess Court  
*To rezone the property from RU1 – Large Lot Housing to RU1s – Large Lot Housing with Secondary Suite to legalize an existing secondary suite within an existing single detached dwelling.*
- 7.3 Bylaw No. 9229 (Z03-0022) - R 354 Enterprises Ltd. – 2355/2455 Acland Road  
*To rezone the property from P1 – Major Institutional and P2 – Education and Minor Institutional to I1 – Business Industrial in order that the property may be used as a major warehouse and office facility for the Interior Health Authority.*
- 7.4 Bylaw No. 9230 (OCP04-0001) – Canada Lands Company – 1187 Sunset Drive  
**Requires majority vote of Council (5)**  
*To amend the OCP Future Land Use designation of a portion of the property “Commercial” to “Multiple Unit Residential – High Density”*
- 7.5 Bylaw No. 9231 (Z04-0004) – Canada Lands Company – 1187 Sunset Drive  
*To rezone from C4 – Town Centre Commercial to RM6 – High Rise Apartment Housing in order to facilitate a lot line adjustment.*
- 7.6 Bylaw No. 9232 (HD04-0001) - G.D. Loane House – 1858 Abbott Street  
*To consider the designation of the G.D. Loane House as a Municipal Heritage Site.*
- 7.7 Bylaw No. 9234 (OCP04-0008) - Cedar Avenue Land Use Review **requires majority vote of Council (5)**  
*To endorse the recommendations from the Cedar Avenue land use review and proceed with a bylaw to amend the long term future land use designations in the Official Community Plan of the properties within the review area.*
- 7.8 Bylaw No. 9235 (OCP03-0002) – 622664 BC Ltd. (Grant Gaucher) – Finch/Slater/Glenmore North/McKinley Roads **requires majority vote of Council (5)**  
*To amend the future land use designation of the properties in the OCP from Future Urban Reserve to Area Structure Plan.*

8. REMINDERS
9. TERMINATION