

Regular MeetingJuly 27, 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, July 27, 2004.

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

Council members absent: Councillor B.D. Given.

Staff members in attendance were: City Manager, R.A. Born; Acting Deputy City Clerk, D.M. Fediuk; 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 9:10 p.m.

2. PRAYER

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

3. Councillor Day was requested to check the minutes of this meeting.

4. BYLAWS CONSIDERED AT PUBLIC HEARING

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)

- 4.1 Bylaw No. 9257 (TA04-0004) – A bylaw to add permitted uses to the C3 – Community Commercial Zone

Moved by Councillor Clark/Seconded by Councillor Horning

R736/04/07/27 THAT Bylaw No. 9257 be read a second and third time.

Carried

- 4.2 Bylaw No. 9268 (Z04-0013) - 672499 BC Ltd (Don Lloyd) – 3690 Gordon Drive

Councillor Blanleil noted that he missed some of the public input on this application because he arrived at the Public Hearing late and for that reason he would not participate in the vote. Councillor Blanleil left the meeting at 9:11 p.m.

Moved by Councillor Horning/Seconded by Councillor Clark

R737/04/07/27 THAT Bylaw No. 9268 be read a second and third time.

Carried

Councillor Blanleil returned to the Council Chamber at 9:18 p.m.

- 4.3 Bylaw No. 9270 (Z04-0024) – Eugene Weisbeck and Katherine Kraushar (Peter Chataway) – 1324 St. Paul Street

Moved by Councillor Shepherd/Seconded by Councillor Clark

R738/04/07/27 THAT Bylaw No. 9270 be read a second and third time.

Carried

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- 4.4 Bylaw No. 9272 (Z04-0025) – Donald & Rosemary Bigham – 160 Bryden Road

Moved by Councillor Horning/Seconded by Councillor Shepherd**R739/04/07/27** THAT Bylaw No. 9272 be read a second and third time.Carried

- 4.5 Bylaw No. 9273 (Z04-0033) – Michael Reibin (City of Kelowna) – 345-365 Mills Road

Moved by Councillor Clark/Seconded by Councillor Shepherd**R740/04/07/27** THAT Bylaw No. 9273 be read a second and third time.Carried

- 4.6 Bylaw No. 9274 (HRA04-0002) – Cheryl McKenzie (Tammy Moore/Scott Davis) – 770 Bernard Avenue

Moved by Councillor Day/Seconded by Councillor Cannan**R741/04/07/27** THAT Bylaw No. 9274 be read a second and third time.Carried**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)**

- 4.7 Bylaw No. 9267 (Z04-0038) – Dawn & Darryl Cairney – 3588 Spiers Road

Council:

- Agreed to only consider the bylaw for second and third readings at this time

Moved by Councillor Horning/Seconded by Councillor Cannan**R742/04/07/27** THAT Bylaw No. 9267 be read a second and third time.**DEFEATED**

Councillors Cannan, Clark, Day, Hobson and Shepherd opposed.

- 4.8 Bylaw No. 9269 (Z04-0015) – Maurice & Marlene Hitchcock – 850 Kinnear Court

Moved by Councillor Day/Seconded by Councillor Cannan**R743/04/07/27** THAT Bylaw No. 9269 be read a second and third time, and be adopted.Carried

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Councillor Day declared a conflict of interest because he owns property within the notification area for this application and left the Council Chamber at 9:36 p.m.

Moved by Councillor Cannan/Seconded by Councillor Hobson

R744/04/07/27 THAT Bylaw No. 9271 be read a second and third time, and be adopted.

Carried

Councillor Day returned to the Council Chamber at 9:37 p.m.

5. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS5.1 Planning & Corporate Services Department dated July 5, 2004 re: Development Variance Permit Application No. DVP04-0077 – Pointe of View Marketing BC Ltd (SSE Architecture) – 3101 Country Club Drive

Staff:

- A variance was previously granted to allow a corner of the building to be setback 7.0 m where 7.5 m is required. An error during the construction process, however, resulted in the construction of the building with a side yard setback of 6.5 m. A new variance is therefore required to legalize this setback.

The Acting Deputy City Clerk advised that no correspondence or petitions 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 Blanleil/Seconded by Councillor Day

R745/04/07/27 THAT Council authorize the issuance of Development Variance Permit No. DVP04-0077 for Lot 4, Plan KAP54660, Sec. 15, Twp. 23, ODYD, located on Country Club Drive, Kelowna, B.C.;

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

Section 13.11.6(e) – RM5- Medium Density Multiple Housing

A variance to allow the southwest corner of Building 2000 to have a side yard setback of 6.5 m where a 7.5 m side yard is required;

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

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6. REPORTS

- 6.1 Inspection Services Manager, dated July 13, 2004 re: ST02-03 – Application for Stratification of Four-Plex at 240-252 Briarwood Road on Lot A, Plan 20270, Section 26, Township 26 (3760-10)

Staff:

- The applicant is proposing to add a single family dwelling unit to the west end of the existing 4-plex, maximizing the development permitted on the site as a result of the property becoming serviced with sanitary sewer.
- The applicant is also proposing to stratify the units in two phases: the existing 4-plex (phase 1) and the additional 5th unit (phase 2).
- The existing development is non-conforming re off-street parking (accessed from Briarwood to parking stalls at the front of the property) but is consistent with other developments on Briarwood. The applicant just wants to continue the form of development established in the past and that triggers the variance for off-street parking and access.

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

Moved by Councillor Blanleil/Seconded by Councillor Day

R746/04/07/27 THAT the application to stratify the existing four-plex (Phase 1) and the proposed additional 5th unit (Phase 2) on Lot A, Plan 20270, located at 240–252 Briarwood Road be approved in the name of Andre de Zwaan with no conditions.

Carried

- 6.1 (a) Planning & Corporate Services Department dated July 7, 2004 re: Development Permit Application No. DP04-0021 and Development Variance Permit Application No. DVP04-0022 – Andre & Nancy Dezwaan – 240-252 Briarwood Road

The Acting Deputy City Clerk advised that no correspondence or petitions 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 Shepherd/Seconded by Councillor Horning

R747/04/07/27 THAT Council authorize the issuance of Development Permit No. DP04-0021 for Lot A. Sec. 26, Sec. 26, O.D.Y.D., Plan 20270, located on Briarwood 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. DVP04-0022; Lot A. Sec. 26, Sec. 26, O.D.Y.D., Plan 20270, located on Briarwood Road, Kelowna, B.C.;

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

Section 8.1.9(b) Off-Street Vehicle Parking Development Standards - To permit parking located within a required front yard;

Section 8.3.3 Off-Street Vehicle Parking Development Standards - To permit the use of a street as an aisle access to parking spaces;

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

7. BYLAWS

(BYLAWS PRESENTED FOR FIRST READING)

- 7.1 Bylaw No. 9276 (Z03-0069) – Mary Cresswell – 902 Skyline Street

Moved by Councillor Hobson/Seconded by Councillor Cannan

R748/04/07/27 THAT Bylaws No. 9276, 9277, 9278 and 9279 be read a first time.

Carried

- 7.2 Bylaw No. 9277 (Z04-0027) – Sundowner Holdings Ltd and Woodlawn Projects Inc. (Protech Consultants Ltd./Grant Maddock) – 5377 Hedeman Court

See resolution adopted under agenda item no. 7.1 above.

- 7.3 Bylaw No. 9278 (Z04-0029) – Robert Bartz/City of Kelowna (Thomas Gaffney Architect Inc.) – 285 & 301 Glenmore Road

See resolution adopted under agenda item no. 7.1 above.

- 7.4 Bylaw No. 9279 (Z04-0036) – Paul & Donna Robinson – 1216 Graf Road

See resolution adopted under agenda item no. 7.1 above.

8. REMINDERS – Nil.

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9. TERMINATION

The meeting was declared terminated at 9:46 p.m.

Certified Correct:

Mayor

Acting Deputy City Clerk

BLH/am