

Regular MeetingMarch 8, 2005

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 8, 2005.

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

Council members absent: Councillor A.F. Blanleil.

Staff members in attendance were: City Manager, R.A. Born; Acting 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 7:16 p.m.

2. PRAYER

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

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. 9458 (Z04-0081) – Elizabeth Csiki and Lisa & Doug Lundquist
– 713 Royal Pine Drive

Moved by Councillor Day/Seconded by Councillor Cannan

R208/05/03/08 THAT Bylaw No. 9458 be read a second and third time.

Carried

Councillor Clark opposed.

- 4.2 Bylaw No. 9365 (Z04-0062) - 694230 B.C. Ltd. (Harold Schneider/Mill
Creek Developments Ltd.) – 3301 Appaloosa Road

Moved by Councillor Cannan/Seconded by Councillor Day

R209/05/03/08 THAT Bylaw No. 9365 be read a second and third time.

Carried

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)

- 4.3 Bylaw No. 9367 (OCP04-0022) - Ravinderdeep Poonian – 908 El Paso
Road **Requires majority vote of Council (5)**

Moved by Councillor Day/Seconded by Councillor Cannan

R210/05/03/08 THAT Bylaw No. 9367 be read a second and third time, and be adopted.

Carried

Regular Meeting

March 8, 2005

- 4.4 Bylaw No. 9368 (Z04-0079) - Ravinderdeep Poonian – 908 El Paso Road

Moved by Councillor Day/Seconded by Councillor Cannan

R211/05/03/08 THAT Bylaw No. 9368 be read a second and third time, and be adopted.

Carried

- 4.5 Bylaw No. 9459 (Z04-0072) - Richard & Linda Monti (Rob Webster/D.E. Pilling & Associates Ltd.) – 1160 Band Road

Councillor Day declared a conflict of interest as a property owner in the general vicinity and left the Council Chamber at 7:22 p.m.

The Acting City Clerk advised that the letter from Anita Whitehouse, 1170 Band Road, was read into the record under agenda item No. 3.2 of tonight's Public Hearing as being a letter of opposition. However, the applicant's husband has since clarified that his wife is not opposed to the subdivision but just has some concerns about the road.

Moved by Councillor Clark/Seconded by Councillor Given

R212/05/03/08 THAT Bylaw No. 9459 be read a second and third time, and be adopted.

Carried

Councillor Day returned to the Council Chamber at 7:26 p.m.

- 4.6 Bylaw No. 9366 (Z05-0001) - Chris Young and Nadia Spodarek (Peter Chataway) – 358 Cadder Avenue

Moved by Councillor Day/Seconded by Councillor Cannan

R213/05/03/08 THAT Bylaw No. 9366 be read a second and third time, and be adopted.

DEFEATED by a tie vote

Councillors Cannan, Clark, Hobson and Shepherd opposed.

- 4.7 Bylaw No. 9369 (TA05-0001) – City of Kelowna Zoning Bylaw Amendment (Mixed Use Developments)

Councillor Shepherd declared a conflict of interest as part owner of a property that is zoned C4 and left the Council Chamber at 7:28 p.m.

Moved by Councillor Hobson/Seconded by Councillor Day

R214/05/03/08 THAT Bylaw No. 9369 be read a second and third time, and be adopted.

Carried

Councillor Shepherd returned to the Council Chamber at 7:30 p.m.

Regular Meeting

March 8, 2005

- 4.8 Bylaw No. 9361 (OCP04-0024) - Stream Harbor Enterprises Ltd. – 2767 Saucier Road **Requires majority vote of Council (5)**

Moved by Councillor Day/Seconded by Councillor Hobson

R215/05/03/08 THAT Bylaw No. 9361 be read a second and third time, and be adopted.

Carried

- 4.9 Bylaw No. 9362 (Z04-0084) - Stream Harbor Enterprises Ltd. – 2767 Saucier Road

Moved by Councillor Cannan/Seconded by Councillor Day

R216/05/03/08 THAT Bylaw No. 9362 be read a second and third time, and be adopted.

Carried

5. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 5.1 Planning & Corporate Services Department, dated January 26, 2005 re: Development Variance Permit Application No. DVP04-0152 – Stream Harbor Enterprises Ltd. – 2767 Saucier Road

Staff:

- The subject property is an existing lot on septic and the use has been there as long as staff can track it back.

The Acting 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 Cannan/Seconded by Councillor Hobson

R217/05/03/08 THAT Council authorize the issuance of Development Variance Permit No. DVP04-0152; Lot 1, Sec. 4, Twp. 26, ODYD Plan 17319, located on Saucier Road, Kelowna, B.C.;

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

Section 12.3 – Rural Residential 3: Subsection 12.3.5(c):

To vary the minimum lot area requirement for lots not connected to a community sanitary sewer system from 1 ha required to 0.193 ha proposed.

Carried

Regular Meeting

March 8, 2005

- 5.2 Planning & Corporate Services Department, dated February 11, 2005 re: Development Variance Permit Application No. DVP04-0150 – False Creek Design/William Chan (WB-133 Holdings/Prospera Credit Union) – 2106-2112 Harvey Avenue

Staff:

- The City of Kelowna Zoning Bylaw limits the size of financial service establishments outside the downtown town centre if they do not have a larger branch in the downtown. This requirement was carried forward from Zoning Bylaw 4500 into the current Zoning Bylaw to encourage financial services to locate within the downtown town centre.
- The applicants want to expand the Prospera Credit Union into second floor mezzanine space within the footprint of the existing building in order to put an arms length insurance operation into that space.
- The Advisory Planning Commission recommends that Council revisit the Bylaw requirement in question rather than granting the requested variance.
- Staff feel strongly that the Zoning bylaw requirement should remain as is and do not support granting the variance as that would undermine the very rationale for the policies that are intended to encourage a concentration of financial services in the city centre.

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

- package submitted by the applicant consisting of 41 letters of support from business associates and community leaders, and a 123 signature petition of support signed by Prospera Credit Union members.

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

Peter Wright, Chief Operating Officer, Prospera Credit Union:

- Prospera initially leased sufficient space to launch an insurance operation adjacent then subsequently changed how they would offer insurance and are now faced with having 100 m² under lease that they are not able to use under the current requirements. Prospera's lease is for 10 years.
- The growth that Prospera is experiencing in Kelowna means they need to add more staff to their operation and they do not want to infringe on the space dedicated for public use.
- Economics do not support adding a branch in excess of 500 m² in the downtown in order to do what they want at the current site. Prospera would look to expanding to Westbank or Rutland before coming into the downtown core; it would probably be 5 years or so before coming into the downtown depending on the success of the revitalization of the downtown.
- They are looking to utilize space that already exists in a more efficient and effective fashion.

Jim Toye, False Creek Design Group, applicant:

- Talked about consumer trends in banking and how Prospera has responded to those trends.

Lorraine McGrath, Regional Vice President, Prospera Credit Union:

- Talked about how Prospera has shown their support of the community.

Clint McKenzie, Executive Director, Downtown Kelowna Association (DKA):

- The DKA Board of Directors does not support an amendment of the bylaw or the requested variance. Either could be setting a precedent of eroding the financial institutions in the downtown.

Regular MeetingMarch 8, 2005

Karl Schnupf:

- Owns an office building on Ellis Street in the downtown and is already faced with challenges in keeping the space rented.
- Does not support either amending the bylaw or granting this variance.
- Every business has to change their business strategy for the future, not just banks.
- Prospera knew the bylaw requirements when they decided to commence business in Kelowna.
- Council would lose the trust of a lot of the property owners in the downtown if the bylaw was changed.

Peter Chataway, on behalf of Karl Schnupf:

- Read and submitted a letter from Mr. Schnupf articulating his reasons for objecting.

Peter Chataway, speaking for himself:

- Read and submitted a letter from himself stating his reasons for opposition.
- The more Prospera expands at its existing facility the less viable it will be in the future to locate in the downtown.

Margo McMahan, 1302 Toovey Road:

- As a business person, does not understand the logic in forcing banks to have their largest space in the downtown.
- The existing bylaw is archaic and takes a big-stick approach.
- If Council does not approve this variance, the bylaw at least needs to be revisited.

Peter Wright, Prospera Credit Union, continued:

- A downtown bank presence adds nothing to the downtown street presence/vibrancy after 6:30 p.m.

Council:

- General agreement to only consider a review of the bylaw requirement for the headquarters of local financial institutions to be located in the downtown if asked to by the banks that are in the downtown.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R218/05/03/08 THAT Council authorize the issuance of Development Variance Permit No. DVP04-0150 for Lot A, D.L. 127, O.D.Y.D. Plan 24849, located on Harvey Avenue, 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";

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

Section 14.4.6 (d) – Restriction on G.F.A. of Financial Services

Vary the maximum total gross floor area for a financial services branch from 500 m² to 732 m² proposed, where that financial services establishment does not have a larger branch located within the C7 zone.

Carried

Councillors Given and Hobson opposed.

Regular MeetingMarch 8, 20055.3 Planning & Corporate Services Department, dated January 31, 2005 re: Development Variance Permit Application No. DVP05-0013 – Gary Gaspari – 441 Knowles Road

Staff:

- The property has been subdivided into two lots. The front yard is considered to be the side of the lot with the narrowest frontage which in this case would be Walker Road.
- The applicant wishes to orient the home such that the front yard would be off Knowles Road.

The Acting City Clerk advised that no correspondence and/or petitions had been received.

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

Tony Gaspari, applicant:

- Indicated he had nothing to add at this time.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R219/05/03/08 THAT Council authorize the issuance of Development Variance Permit No. DVP05-0013; for Lot 1, ODYD Plan 77280 located on Knowles Road, Kelowna, B.C.;

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

Section 13.1.6(e): Development Regulations:

Vary the rear yard setback from 7.5 m required to 2.3 m proposed.

Carried5.4 Planning & Corporate Services Department, dated February 3, 2005 re: Development Variance Permit Application No. DVP04-0151 – Okanagan University College (HMA Architects) – 3333 University Way

Staff:

- The variances would apply to two building additions at the OUC campus; the Arts Building and the Science building.

The Acting 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.

Applicant:

- Indicated he had nothing to add at this time.

Regular Meeting

March 8, 2005

Moved by Councillor Hobson/Seconded by Councillor Given

R220/05/03/08 THAT Council authorize the issuance of Development Variance Permit No. DVP04-0151; Lot A, Sec 10 & 11, Twp 23, O.D.Y.D., Plan KAP57788, located on College Way, Kelowna, B.C.;

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

Section 16.2.5(c), Development Regulations - be varied from maximum height of 13.5 m or 3 storeys permitted to 14.4 m or 3 storeys proposed for the arts building;

Section 16.2.5(c), Development Regulations - be varied from maximum height of 13.5 m or 3 storeys permitted to 16.3 m or 3 storeys proposed for the science building.

Carried

6. REMINDERS – Nil.

7. TERMINATION

The meeting was declared terminated at 9:03 p.m.

Certified Correct:

Mayor

BLH/am

Acting City Clerk