

Regular MeetingMay 10, 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, May 10, 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: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi; Acting City Clerk, S.C. Fleming; Manager of Development Services, A.V. Bruce; and Council Recording Secretary, B.L. Harder.

1. CALL TO ORDER

Mayor Gray called the meeting to order at 10:48 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, May 2, 2005
Public Hearing, May 3, 2005
Regular Meeting, May 3, 2005

Moved by Councillor Given/Seconded by Councillor Day

R457/05/05/10 THAT the Minutes of the Regular Meetings of May 2 and May 3, 2005 and the Minutes of the Public Hearing of May 3, 2005 be confirmed as circulated.

Carried

4. Councillor Given was requested to check the minutes of this meeting.

5. BYLAWS CONSIDERED AT PUBLIC HEARING**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)**

5.1 Bylaw No. 9378 (OCP04-0023) - Bellasera Land Corporation (New Town Planning) – 1795 Country Club Drive **Requires majority vote of Council (5)**

Staff:

- The applicant has withdrawn this application in order to have more dialogue with the neighbourhood. If the project proceeds, it will be under a new application.

Moved by Councillor Shepherd/Seconded by Councillor Given

R458/05/05/10 THAT first reading given Bylaw No. 9378 (OCP04-0023 – Bellasera Land Corporation – 1795 Country Club Drive) on March 7, 2005 under Resolution No. R201/05/03/07 be rescinded and the file closed.

Carried

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- 5.2 Bylaw No. 9402 (OCP05-0001) – The Roman Catholic Bishop of Nelson (Immaculate Conception Church) – 790, 796-798, and 804 Elliot Avenue
Requires majority vote of Council (5)

Moved by Councillor Given/Seconded by Councillor Horning

R459/05/05/10 THAT Bylaw No. 9402 be read a second and third time.

Carried

Councillors Clark and Hobson opposed.

- 5.3 Bylaw No. 9403 (Z05-0004) - The Roman Catholic Bishop of Nelson (Immaculate Conception Church) – 790, 796-798, and 804 Elliot Avenue

Moved by Councillor Horning/Seconded by Councillor Given

R460/05/05/10 THAT Bylaw No. 9403 be read a second and third time.

Carried

Councillors Clark and Hobson opposed.

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)

- 5.4 Bylaw No. 9399 (TA05-0003) – Secondary Suites in Accessory Buildings

Moved by Councillor Shepherd/Seconded by Councillor Clark

R461/05/05/10 THAT Bylaw No. 9399 be read a second and third time, and be adopted.

Carried

- 5.5 Bylaw No. 9400 (OCP05-0006) – Amends Section 8.3 – Development Permit Guidelines for the Form & Character of Secondary Suite and Two Dwelling Housing Development **requires majority vote of Council (5)**

Moved by Councillor Shepherd/Seconded by Councillor Clark

R462/05/05/10 THAT Bylaw No. 9400 be read a second and third time, and be adopted.

Carried

- 5.6 Bylaw No. 9407 (Z05-0010) – Tescos Inc. – 1327 St. Paul Street

Moved by Councillor Day/Seconded by Councillor Cannan

R463/05/05/10 THAT Bylaw No. 9407 be read a second and third time, and be adopted.

Carried

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Staff:

- The applicant is proposing to construct a mixed use building with 54 residential units above four units of commercial space on the street side.
- The Zoning Bylaw does not require a loading zone for the residential uses; the loading dock requirement is triggered only for the commercial uses.
- The applicant is requesting a variance because it would be necessary to notch out an area of the concrete deck to create the vertical clearance necessary to create a loading zone.
- Staff do not recommend support for the variance because the loading zone requirement has already been reduced for the C7 zone and concern that a precedent could be set by reducing it further. Having said that, in this instance a loading dock at the lane probably would not get used by the commercial tenants what with their businesses being street-side.

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.

Donna Thomson, Bristol Gardens on Durnin Road:

- In most condominiums, the residents move their belongings in the front door off the street; there is no loading zone.

Moved by Councillor Shepherd/Seconded by Councillor Given

R464/05/05/10 THAT Council authorize the issuance of Development Variance Permit No. DVP05-0068 for Lot A, District Lot 139 Plan KAP77613, located on St. Paul Street, Kelowna, B.C.;

AND THAT a variance to the following sections of the City of Kelowna Zoning Bylaw No. 8000 be granted:

Section 8.2.2 – Off-Street Loading (Number of Spaces)

Vary the requirement for off-street loading, such that no loading space be required.

Carried

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- 6.2 Planning & Corporate Services Department, dated May 4, 2005 re: Development Permit Application No. DP05-0015 – Tessco Inc. (Ross Manning) – 1327 St. Paul Street

Moved by Councillor Shepherd/Seconded by Councillor Given

R465/05/05/10 THAT Council authorize the issuance of Development Permit No. DP05-0015 for Lot A, District Lot 139 Plan KAP77613, located on St. Paul Street, 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. The landscaping 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.

Carried

7. REMINDERS – Nil.

8. TERMINATION

The meeting was declared terminated at 11:24 p.m.

Certified Correct:

 Mayor

BLH/am

 Acting City Clerk