

Regular MeetingMay 24, 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 24, 2005.

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

Council members absent: Mayor Walter Gray and Councillors A.F. Blanleil and B.A. Clark.

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

Deputy Mayor Hobson called the meeting to order at 7:20 p.m.

2. PRAYER

The meeting opened with a prayer offered by Councillor Shepherd.

3. CONFIRMATION OF MINUTES

Regular Meeting, May 9, 2005
Public Hearing, May 10, 2005
Regular Meeting, May 10, 2005
Regular Meeting, May 16, 2005

Moved by Councillor Given/Seconded by Councillor Day

R485/05/05/24 THAT the Minutes of the Regular Meetings of May 9, May 10 and May 16, 2005 and the Minutes of the Public Hearing of May 10, 2005 be confirmed as circulated.

Carried

4. Councillor Shepherd 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. 9412 (Z04-0091) – Pier Mac Petroleum Installation (Hank Neufeld) – 5220 Highway 97 North

Moved by Councillor Given/Seconded by Councillor Horning

R486/05/05/24 THAT Bylaw No. 9412 be read a second and third time.

Carried

Regular MeetingMay 24, 20056. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Planning & Corporate Services Department, dated April 19, 2005 re: Development Variance Permit Application No. DVP05-0059 – Lienne & William Cook – 440 Mugford Road

Staff:

- The variance is requested to accommodate a proposed addition on the rear of the dwelling.

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

Deputy Mayor Hobson 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 Given

R487/05/05/24 THAT Council authorize the issuance of Development Variance Permit No. DVP05-0059 for Lot B, Section 26, Township 26, ODYD Plan 14835 Except Plan 17525 located on Mugford Road, Kelowna, B.C.;

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

Section 13.1.6(d): Development Regulations:

Vary the side yard setback from 2.0 m required to 1.92 m proposed.

Carried

- 6.2 Planning & Corporate Services Department, dated April 14, 2005 re: Development Variance Permit Application No. DVP05-0040 – Tony Timbury & Michele Villeneuve (Tony Timbury) – 539 Radant Road

Staff:

- The variance is requested to allow for the construction of a garage on the south side of the property.
- The adjacent neighbour has provided written support for the application.

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

Deputy Mayor Hobson invited anyone in the public gallery who deemed themselves affected by the required variance to come forward. There was no response.

Regular MeetingMay 24, 2005Moved by Councillor Cannan/Seconded by Councillor Day

R488/05/05/24 THAT Council authorize the issuance of Development Variance Permit No. DVP05-0040; Lot 4, Section 1, Township 25, ODYD Plan 8768, located on Radant Road, Kelowna, B.C.;

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

Section 13.1: RU1 – Large Lot Housing: Subsection: 13.1.6(d):

To vary the side yard setback from 2.0 m required to 1.5 m proposed to accommodate the addition of a garage;

AND FURTHER THAT the applicant be required to setback the railing of the rooftop patio a distance of 2.3 m from the property line and provide a vegetative buffer in this area as shown on Schedule “A”.

Carried

6.3 Planning & Corporate Services Department, dated April 14, 2005 re: Development Variance Permit Application No. DVP05-0053 – Michael & Nichola Platt (Mike Platt) – 369 Braeloch Road

Staff:

- The applicant recently purchased the property and, not aware that the first level of the house was at non-conforming setbacks, unknowingly used that setback for a 2-storey building addition.
- The adjacent neighbour has provided written support for the application.

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

Deputy Mayor Hobson invited anyone in the public gallery who deemed themselves affected by the required variance to come forward. There was no response.

Moved by Councillor Given/Seconded by Councillor Shepherd

R489/05/05/24 THAT Council authorize the issuance of Development Variance Permit No. DVP05-0053; Lot 2, Section 23, Township 28, SDYD Plan 17017 except Plan 22996, located on Braeloch Road, Kelowna, B.C.;

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

Section 12.2: RR2 – Rural Residential 2: Subsection: 12.2.6(d):

- To vary the side yard setback from 3.0 m required to 1.8 m proposed to accommodate an existing addition to the east side of the first storey of the existing building

Section 12.2: RR2 – Rural Residential 2: Subsection: 12.2.6(d):

- To vary the side yard setback from 3.0 m required to 2.8 m proposed to accommodate a second floor addition to the eastern side of the existing single family dwelling.

Carried

Regular MeetingMay 24, 2005

6.4 Planning & Corporate Services Department, dated April 29, 2005 re: Development Variance Permit Application No. DVP05-0032 – Robert & Laurie Gibson (Gord Turner) – 2384 Dewdney Road

Staff:

- The applicant is proposing to enclose a portion of deck that exists on the front of the house and create some additional deck space at the northwest corner of the house.
- The area between the house and the lake is relatively natural and it is deemed this project would have minimal impact on the riparian management area.

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

Deputy Mayor Hobson invited anyone in the public gallery who deemed themselves affected by the required variance to come forward. There was no response.

Moved by Councillor Given/Seconded by Councillor Horning

R490/05/05/24 THAT Council authorize the issuance of Development Variance Permit No. DVP05-0032 for Lot 8, Sec. 20, Twp. 23, O.D.Y.D. Plan 10626, located on Dewdney 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 proposed mitigation work to be done on the land be in general accordance with Schedule "B";
3. The *Section 6.0 Recommendations for Mitigation and Enhancement* of the EBA Engineering Consultants Ltd. report (File No: 0808-8840220) dated March 21, 2005 be implemented;
4. The Applicant provide a letter from EBA Consultants Ltd., certifying that the recommendations of the above-mentioned report have been satisfactorily implemented prior to issuance of an occupancy permit;

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

Section 6.14 – Riparian Management Area (RMA) Setbacks

Vary the required riparian management setback from Okanagan Lake from the 15.0 m required to 5.45 m proposed;

Section 12.3.6(e) – RR3 Zone Development Regulations (Rear Yard Setback)

Vary the required rear yard setback from 7.5 m required to 5.45 m proposed.

Carried

Regular MeetingMay 24, 2005

- 6.5 Planning & Corporate Services Department, dated April 15, 2005 re: Development Variance Permit Application No. DVP05-0048 – David & Stacey Grimes – 466 Carona Crescent

Staff:

- The requested variance would allow for the construction of a swimming pool in the rear yard within the riparian management area of the creek.
- A landscape mitigation plan has been provided to enhance the area between the pool and the north arm of Bellevue Creek.

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

- letter of support from Wallace & Phyllis Burron, 463 Carona Crescent.

Deputy Mayor Hobson 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 Cannan

R491/05/05/24 THAT Council authorize the issuance of Development Variance Permit No. DVP05-0048; for Lot 37, District Lot 167, ODYD Plan KAP45849, located on Carona Crescent, Kelowna, B.C., subject to the following;

1. The dimensions and siting of the pool to be constructed on the land be in general accordance with Schedule "A";
2. Landscaping to be provided on the land be in general accordance with Schedule "B";
3. 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 variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 6.14 Riparian Management Area Setbacks: Subsection: 6.14.1:
Vary the Riparian Management Area Setback from 10.0 m required for the North Arm of Bellevue Creek to 5.40 m proposed.

Carried

- 6.6 (a) **BYLAWS PRESENTED FOR ADOPTION**

- (i) Bylaw No. 9392 (OCP04-0025) – Al Stober Construction Ltd. and T 186 Enterprises Ltd. – 1610 Dickson Avenue
Required majority vote of Council (5)

Moved by Councillor Cannan/Seconded by Councillor Day

R492/05/05/24 THAT Bylaw No. 9392 be adopted.

Carried

Regular MeetingMay 24, 2005

- (ii) Bylaw No. 9393 (TA04-0013) – Al Stober Construction Ltd. and T 186 Enterprises Ltd. – 1610 Dickson Avenue

Moved by Councillor Day/Seconded by Councillor Cannan**R493/05/05/24** THAT Bylaw No. 9393 be adopted.Carried

- (iii) Bylaw No. 9394 (Z04-0088) – Al Stober Construction Ltd. and T 186 Enterprises Ltd. – 1607 Sutherland Avenue and 1610 & 1620-1632 Dickson Avenue

Moved by Councillor Day/Seconded by Councillor Cannan**R494/05/05/24** THAT Bylaw No. 9394 be adopted.Carried

- 6.6 (b) Planning & Corporate Services Department, dated May 3, 2005 re: Development Variance Permit Application No. DVP04-0159 and Development Permit Application No. DP04-0158 – Al Stober Construction Ltd. & T 186 Enterprises Ltd. – 1607 Sutherland Avenue and 1610 & 1620-1632 Dickson Avenue

Staff:

- Council's adoption of the bylaws accommodates the completion of the high tech campus. Two buildings have been constructed and the rezoning just adopted will allow the third building.
- All three buildings were shown in the site plans to have a signature observation deck which is not habitable space and therefore not calculated into the height provisions. However, in the phase two building, the elevator shaft was extended beyond the observation deck making it another floor of habitable area which when calculated into the height provisions resulted in the need for a height variance.

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

Deputy Mayor Hobson 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

R495/05/05/24 THAT Council authorize the issuance of Development Variance Permit No. DVP04-0159; part of Lot A, DL 129, O.D.Y.D. Plan KAP68674, located on Dickson Avenue and Harvey Avenue, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 (CD14 – Comprehensive High Tech Business Campus Zone) be granted:

Section 1.5 (c) Development Regulations be varied from 22 m or 6 storeys permitted to 26 m or 7 storeys existing, as shown on the revised CD 14 Map B, for the Phase II building only.

Carried

Regular MeetingMay 24, 2005

Staff:

- Minor changes to the proposed phase three building include removal of the deck area that was initially shown a floor above grade and relocation of the driveway.
- No elevator access is contemplated to the observation deck.

Moved by Councillor Given/Seconded by Councillor Horning

R496/05/05/24 THAT Council authorize the issuance of Development Permit No. DP04-0158 for Lots A & D, DL 141, O.D.Y.D. Plan 20443; and Lot A, DL 129, O.D.Y.D. Plan KAP68674, located on Sutherland and Dickson Avenues, 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;

AND 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.

Carried7. BYLAWS**(BYLAWS PRESENTED FOR ADOPTION)**7.1 Bylaw No. 9209 – Road Closure Bylaw – 2285 Rhondda Court

Deputy Mayor Hobson 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 Shepherd/Seconded by Councillor Given

R497/05/05/24 THAT Bylaw No. 9209 be adopted.

Carried7.2 Bylaw No. 9352 – Road Closure Bylaw – 570 Sarsons Road

Deputy Mayor Hobson 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 Day/Seconded by Councillor Cannan

R498/05/05/24 THAT Bylaw No. 9352 be adopted.

Carried

Regular Meeting

May 24, 2005

- 7.3 Bylaw No. 9426 – Amendment No. 3 to Local Service Area (Sewer Specified Area) No. 20, Bylaw No. 8929 (North Rutland)

Moved by Councillor Day/Seconded by Councillor Cannan

R499/05/05/24 THAT Bylaw No. 9426 be adopted.

Carried

8. REMINDERS - Nil.

9. TERMINATION

The meeting was declared terminated at 7:47 p.m.

Certified Correct:

Deputy Mayor Hobson

Acting City Clerk

BLH/am