

Regular MeetingMarch 7, 2006

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 7, 2006.

Council members in attendance: Mayor Sharon Shepherd, Councillors A.F. Blanleil, B.A. Clark, C.B. Day, B.D. Given, C.M. Gran, R.D. Hobson, N.J. Letnick and M.J. Rule.

Staff members in attendance were: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi; Deputy City Clerk, S.C. Fleming; Manager of Development Services, A.V. Bruce; Subdivision Approving Officer, R.G. Shaughnessy*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 7:22 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, February 20, 2006
Public Hearing, February 21, 2006
Regular Meeting, February 21, 2006
Regular Meeting, February 27, 2006

Moved by Councillor Day/Seconded by Councillor Hobson

R225/06/03/07 THAT the Minutes of the Regular Meetings of February 20, February 21 and February 27, 2006 and the Minutes of the Public Hearing of February 21, 2006 be confirmed as circulated.

Carried

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

5. BYLAWS CONSIDERED AT PUBLIC HEARING

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)

5.1 Bylaw No. 9556 (Z05-0076) - Emil Anderson Construction Co. Ltd. (Greg Asling) – East of South Crest Drive

Moved by Councillor Given/Seconded by Councillor Letnick

R226/06/03/06 THAT Bylaw No. 9556 be read a second and third time, and be adopted.

Carried

Regular MeetingMarch 7, 20066. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Planning & Corporate Services Department, dated February 14, 2006 re: Development Variance Permit Application No. DVP05-0219 – Paul & Miranda Berisoff (Worman Resources Inc.) – 1029 Paret Crescent

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

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

Shane Worman, applicant:

- What was done to resolve the grading issues between the subject property and the neighbouring property was beneficial to both properties.
- Did not realize the change to retaining would result in the need for a height variance.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R227/06/03/07 THAT Council authorize the issuance of Development Variance Permit No. DVP05-0219 for Lot 12, District Lot 579, S.D.Y.D. Plan KAP74401, located on Paret Crescent, 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";

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

Section 13.2.6 (d) – RU2 Medium Lot Housing (side yard setbacks):

Vary the minimum side yard setback on the east side of the subject property from 1.5 m for 1 or 1½ storey portion, and 1.8 m for 2 or 2½ storey portion to allow a setback of 1.45 m for both the first and second storey.

Carried

- 6.2 Planning & Corporate Services Department, dated February 16, 2006 re: Development Variance Permit Application No. DVP06-0036 – 448473 BC Ltd. (Gary Tebbutt) – 440 Hartman Road

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

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

Regular Meeting

March 7, 2006

Gary Tebbutt, applicant:

- Indicated he had nothing to add at this time.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Day

R228/06/03/07 THAT Council authorize the issuance of Development Variance Permit No. DVP06-0036; Lot 1, Section 26, Township 26, ODYD, Plan KAP80079, located on Hartman Road, Kelowna, B.C.;

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

Section 13.9.6 (E) – RM3 – Low Density Multiple Housing:

A variance to allow an east side yard setback of 3.5 m where 4.5 m 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

6.3 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 9516 (Z05-0056) - Henry & Zofia Dalba – 3464 Casorso Road

Moved by Councillor Day/Seconded by Councillor Hobson

R229/06/03/07 THAT Bylaw No. 9516 be adopted.

Carried

6.3 (b) Planning & Corporate Services Department, dated February 10, 2006 re: Development Variance Permit Application No. DVP05-0137 – Henry & Zofia Dalba – 3464 Casorso Road

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

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

Applicant:

- Indicated they had nothing to add at this time.

Regular MeetingMarch 7, 2006Moved by Councillor Blanleil/Seconded by Councillor Day

R230/06/03/07 THAT Council authorize the issuance of Development Variance Permit No. DVP05-0137 for Lot 14, District Lot 135, O.D.Y.D. Plan 3886 located on Casorso 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";

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

Section 13.6.5 (b) RU6 – Two Dwelling Housing (minimum lot width for duplex housing)

Vary the minimum lot width for duplex housing from 18.0 m to 15.0 m.

Carried

- 6.4 Planning & Corporate Services Department, dated February 10, 2006 re: Development Variance Permit Application No. DVP06-0027 – R 521 Enterprises Ltd. (Protech Consultants Ltd.) – 4450 Gordon Drive

Staff:

- The variance is similar to what was approved for the Balmoral development as a test case.

The Deputy City Clerk advised that the following correspondence and/or petitions had been received:

- letter of opposition from Bruce Brown, 4488 Gordon Drive, concerned about negative impact on property values and the character of the neighbourhood.

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

Grant Maddock, applicant:

- The variance to the side yard setbacks worked well in the Balmoral project.
- One reason why this project has taken so long to get to this point is because it is a geothermal project and that required the installation of a lot of infrastructure.
- Changes to the City's setback requirements would probably be in order for bareland strata developments such as this in order to negate the need for this variance.

Moved by Councillor Given/Seconded by Councillor Blanleil

R231/06/03/07 THAT Municipal Council authorize the issuance of Development Variance Permit No. DP06-0027; Protech Consultants Ltd.; Strata Lots 1 – 44, DL 358, O.D.Y.D., Plan KAS2901, located on Gordon Drive, Kelowna, B.C.;

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

Vary Section 13.5.6(f) Development Regulations of the City of Kelowna Zoning Bylaw No. 8000 to reduce the side yard setback requirements for bareland strata lots where there is no semi-detached housing from the 3.0 m required to 2.4 m, and to reduce the side yard setback requirements for bareland strata lots that abut an internal roadway from the 3.0 m from a flanking roadway required to 1.7 m and the sum of both side yards from the 4.5 m required to 2.9 m.

Carried

Regular MeetingMarch 7, 2006

- 6.5 Planning & Corporate Services Department, dated February 3, 2006 re: Development Variance Permit Application No. DVP06-0009 – Brian & Donna Widrick (Brian Widrick) – 136 Clifton Road

Withdrawn from the agenda.

- 6.6 Planning & Corporate Services Department, dated February 14, 2006 re: Development Variance Permit Application No. DVP05-0218 – Jim & Jackie Bernhardt (Ian Paine) – 3908 Bluebird Road

Staff:

- The property is currently vacant. The proposed building will impose on the sightline for the property to the south.
- The applicant has a letter from the neighbour to the south indicating no opposition to the variance.

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

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

Applicant:

- Indicated he had nothing to add at this time.

Moved by Councillor Given/Seconded by Councillor Letnick

R232/06/03/07 THAT Council authorize the issuance of Development Variance Permit No. DVP05-0218 for Lot 4, Sec. 1, Twp. 25, O.D.Y.D. Plan 3107, located at 3908 Bluebird 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";

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

Section 6.11 – Okanagan Lake Sight Lines

Vary the Okanagan Sight Lines from 60 degrees required to 40 degrees proposed.

Carried

7. BYLAWS

(BYLAWS PRESENTED FOR ADOPTION)

- 7.1 Bylaw No. 9564 – Road Closure and Removal of Highway Dedication Bylaw – Part of Lakeshore and Barnaby Roads

The Deputy City Clerk advised that one letter had been received from the solicitor for Alfred & Renatta Gleisner, 4729 Lakeshore Road, indicating interest in purchasing a portion of the "closed road".

Regular MeetingMarch 7, 2006

Staff:

- Explained what the City's practice is when dealing with road closures and noted that the proposed disposition of the land would create a safer access for the packing house proposed for the site.
- The bylaw deals only with the closure of the road; the bylaw does not deal with the disposition of the closed road.

Mayor Shepherd invited anyone in the public gallery who deemed themselves affected by the proposed road closure to come forward.

Tony Arden, son-in-law of Mr. & Mrs. Gleisner:

- At no time was the land in question offered to Mr. & Mrs. Gleisner to purchase. They did not know the property was offered for sale and they only recently learned of the neighbour's plans for a packing plant on the site.
- The closure equates to about 1 acre of land. It would be advantageous to Mr. & Mrs. Gleisner to purchase the portion of road immediately abutting their property.
- There is already an access easement to allow farm vehicles to go between the properties without going onto Lakeshore Road.
- The original property owners should, out of respect, have equal opportunity to buy the land. The other people have only been there for a year.

Gordon Sandhu, neighbour:

- Indicated which of the neighbouring properties he has acquired.
- Mr. Gleisner would have the same access to his property as he had before the road was closed.
- The land was determined by the City to be surplus and he asked the City what could be done with it.
- The proposed packing plant would be built in accordance with City bylaws.

Moved by Councillor Gran/Seconded by Councillor Clark**R233/06/03/07** THAT Bylaw No. 9564 be adopted.CarriedMoved by Councillor Day/Seconded by Councillor Blanleil**R234/06/03/07** THAT the disposition of the land resulting from this road closure and all relevant issues be brought back for discussion by Council in 'closed session' at the March 13, 2006 Regular Meeting.Carried8. REMINDERS – Nil.9. TERMINATION

The meeting was declared terminated at 8:21 p.m.

Certified Correct:_____
Mayor_____
Deputy City Clerk

BLH/am