

Regular MeetingJanuary 12, 1999

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, January 12, 1999.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, M.I. Bremner, R.D. Cannan, C.B. Day, R.D. Hobson, J.D. Leask, J.D. Nelson and S.A. Shepherd.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi; Current Planning Manager, F.B. Pritchard; Long Range Planner, G. Stephen*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 9:50 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

3.1 Regular Meeting, December 14, 1998

Moved by Councillor Blanleil/Seconded by Councillor Day

R15/99/01/12 THAT the minutes of the Regular Meeting of December 14, 1998 be confirmed as circulated.

Carried

3.2 Public Hearing, December 15, 1998

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R16/99/01/12 THAT the minutes of the Public Hearing of December 15, 1998 be confirmed as circulated.

Carried

3.3 Regular Meeting, December 15, 1998

Moved by Councillor Nelson/Seconded by Councillor Leask

R17/99/01/12 THAT the minutes of the Regular Meeting of December 15, 1998 be confirmed as circulated.

Carried

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3.4 Regular Meeting, December 21, 1998

Moved by Councillor Leask/Seconded by Councillor Bremner

R18/99/01/12 THAT the minutes of the Regular Meeting of December 21, 1998 be confirmed as circulated.

Carried

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

5. PLANNING BYLAWS CONSIDERED AT PUBLIC HEARING

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)

5.1 Bylaw No. 8336 (Z98-1026) – Avtar & Darshan Lot – 1212 Friesen Road

Moved by Councillor Nelson/Seconded by Councillor Cannan

R19/99/01/12 THAT Bylaw No. 8336 be read a second and third time.

Carried

Councillors Bremner and Cannan opposed.

5.2 Bylaw No. 8337 – City of Kelowna Zoning Bylaw Text Amendment No. TA98-008 – To Add the CD11 – Comprehensive Seniors Housing & Care Zone

Moved by Councillor Cannan/Seconded by Councillor Bremner

R20/99/01/12 THAT Bylaw No. 8337 be read a second and third time.

Carried

5.3 Bylaw No. 8338 (Z98-1031) – Fydell Properties Ltd. [CPAC (Care) Holdings Ltd. – McAfee] – 654 Cook Road, and City of Kelowna Official Community Plan Amendment No. OCP98-014 **requires majority vote of full Council (5)**

Moved by Councillor Cannan/Seconded by Councillor Bremner

R21/99/01/12 THAT Bylaw No. 8338 be read a second and third time.

Carried

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)

5.4 Bylaw No. 8311 – Official Community Plan Amendment No. OCP98-019 (Agriculture Plan) **requires majority vote of full Council (5)**

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R22/99/01/12 THAT Bylaw No. 8311 be read a second and third time, and be adopted.

Carried

Council indicated that the text of the Agriculture Plan needs to be amended to indicate that the City would entertain applications coming forward for the exclusion of the Tanaka

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and Bennett properties (on Springfield and Cooper Roads) from the Agricultural Land Reserve, as well as for subdivision of the Glenmore Valley properties on the east side of Valley Road between the Summit Drive extension and Cross Road within the ALR. It was agreed that staff would bring back a report for Council providing maps of the properties and identifying the proposed wording and the section of the Agriculture Plan that would be amended.

The Long Range Planner left the Council Chamber at 10:15 p.m.

- 5.5 Bylaw No. 8333 – City of Kelowna Zoning Bylaw Text Amendment No. TA98-009 – To Add the RU2s ‘Secondary Suite’ Designation to the RU2 Zone

Moved by Councillor Leask/Seconded by Councillor Nelson

R23/99/01/12 THAT Bylaw No. 8333 be read a second and third time, and be adopted.

Carried

- 5.6 Bylaw No. 8334 (Z98-1033) – Rob Richardson/Shada Enterprises Ltd. – 432 Christleton Avenue

Moved by Councillor Nelson/Seconded by Councillor Leask

R24/99/01/12 THAT Bylaw No. 8334 be read a second and third time, and be adopted.

Carried

- 5.7 Bylaw No. 8335 (Z98-1041) – Ed Fenwick – 774 Barnaby Road

Moved by Councillor Nelson/Seconded by Councillor Leask

R25/99/01/12 THAT Bylaw No. 8335 be read a second and third time, and be adopted.

Carried

6. PLANNING

- 6.1 Planning & Development Services Department, dated December 22, 1998, re: Development Variance Permit Application No. DVP98-10,092 – Kelowna & District Society for the Mentally Retarded (Royal Canadian Legion) – 1380 Bertram Street (3090-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and presented the report outlining the variances required to allow the Legion to relocate their facility to the existing building on the site. The Liquor Licensing Review Committee supports the relocation and licensing of the facility for an “A” liquor license.

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

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The applicant indicated he was available to answer questions of Council. There was no other response.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R26/99/01/12 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP98-10,092; Royal Canadian Legion; Lot 1, D.L. 139, O.D.Y.D., Plan 22678, located on Bertram Street, Kelowna, B.C.;

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

1. Section 8.3.2(b) **Development Standards** be varied to allow backing exit from parking lot on to lane;
2. Section 8.5.3 **General Provisions** sub-section 8.1.10 (b)(i) off-street vehicle parking be varied to allow a deficiency in off-street parking to be addressed by provision of parking on an adjacent lot referenced by means of Restrictive Covenant registered on title of the subject property;
3. Section 16.2.5(e) of the P2 - Education and Minor Institutional zone, **Development Regulations**, from minimum 4.5 m north side yard setback required to the 1.2 m setback existing;
4. Section 16.2.5(e) of the P2 - Education and Minor Institutional zone, **Development Regulations**, from minimum 4.5 m south side yard setback required to the 1.8 m setback existing;

AND THAT the applicant be required to register a restrictive covenant on title of the subject property to acknowledge that the occupant load for 124 persons is predicated on the provision of 31 parking stalls, and that in the event that this number of parking stalls is no longer available, the area used for the Canadian Legion will be reduced to conform to bylaw requirements, or "cash in lieu" to the extent of the parking deficiency;

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. REPORTS

- 7.1 Inspection Services Manager, dated January 5, 1999 re: Relocation of "Class A" Club Liquor Licence for the Royal Canadian Legion Branch No. 26 from 115-1634 Harvey Avenue to 1380 Bertram Street (4020-12)

Moved by Councillor Bremner/Seconded by Councillor Cannan

R27/99/01/12 THAT the Liquor Control and Licensing Branch be advised that Council supports the relocation of the "Class A" Club Liquor Licence from 115 – 1634 Harvey Avenue to 1380 Bertram Street proposed by the Royal Canadian Legion Branch No. 26 subject to the use complying with off-street parking and loading requirements of the Zoning Bylaw.

Carried

8. BYLAWS

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- 8.1 Bylaw No. 8327 – Official Community Plan Amendment No. OCP98-025 – Wetland Habitat Management Strategy **requires majority vote of full Council (5)**

Council agreed to a friendly amendment of the bylaw to amend item No. 3 on Schedule A of the bylaw to insert “other than for agricultural purposes,” before the bullet.

Moved by Councillor Shepherd/Seconded by Councillor Day

R28/99/01/12 THAT Bylaw No. 8327 be read a first time.

Carried

- 8.2 Bylaw No. 8339 – Official Community Plan Amendment No. OCP98-024 – Fascieux Creek **requires majority vote of full Council (5)**

Moved by Councillor Hobson/Seconded by Councillor Day

R29/99/01/12 THAT Bylaw No. 8339 be read a first time.

Carried

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 8.3 Bylaw No. 8343 – Provisional Budget Bylaw 1999

Moved by Councillor Hobson/Seconded by Councillor Day

R30/99/01/12 THAT Bylaw No. 8343 be read a first, second and third time.

Carried

- 8.4 Bylaw No. 8344 – A Bylaw to Provide for the Procedures for the Use of Automated Voting Machines

Moved by Councillor Hobson/Seconded by Councillor Day

R31/99/01/12 THAT Bylaw No. 8344 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 8.5 Bylaw No. 8317 – Road Exchange Bylaw – Portion of Leon Avenue at Ellis Street

Moved by Councillor Day/Seconded by Councillor Hobson

R32/99/01/12 THAT Bylaw No. 8317 be adopted.

Carried

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8.6 Bylaw No. 8325 – Amendment No. 7 to Local Improvement Charges
Bylaw No. 6600-90 (replaces Schedules 'A' and 'B')

Moved by Councillor Day/Seconded by Councillor Hobson

R33/99/01/12 THAT Bylaw No. 8325 be adopted.

Carried

9. REMINDERS

- Snowfest this weekend
- Civic Awards nomination forms are now available

10. TERMINATION

The meeting was declared terminated at 10:34 p.m.

Certified Correct:

Mayor

BLH/am

City Clerk