

Regular MeetingMarch 23, 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, March 23, 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 and S.A. Shepherd.

Council members absent: Councillor J.D. Nelson.

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; Subdivision Approving Officer, R.G. Shaughnessy\*; Long Range Planning Manager, L.V. Foster\*; Planning & Development Officer, D. Huang\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 9:33 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

3.1 Public Hearing, February 23, 1999

Moved by Councillor Hobson/Seconded by Councillor Day

**R216/99/03/23** THAT the minutes of the Public Hearing of February 23, 1999 be confirmed as circulated.

Carried

3.2 Regular Meeting, February 23, 1999

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

**R217/99/03/23** THAT the minutes of the Regular Meeting of February 23, 1999 be confirmed as circulated.

Carried

3.3 Regular Meeting, March 1, 1999

Moved by Councillor Cannan/Seconded by Councillor Leask

**R218/99/03/23** THAT the minutes of the Regular Meeting of March 1, 1999 be confirmed as circulated.

Carried

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3.4 Regular Meeting, March 8, 1999

Moved by Councillor Cannan/Seconded by Councillor Bremner**R219/99/03/23** THAT the minutes of the Regular Meeting of March 8, 1999 be confirmed as circulated.Carried

3.5 Public Hearing, March 9, 1999

Moved by Councillor Blanleil/Seconded by Councillor Leask**R220/99/03/23** THAT the minutes of the Public Hearing of March 9, 1999 be confirmed as circulated.Carried

3.6 Regular Meeting, March 9, 1999

Moved by Councillor Hobson/Seconded by Councillor Day**R221/99/03/23** THAT the minutes of the Regular Meeting of March 9, 1999 be confirmed as circulated.Carried

3.7 Regular Meeting, March 15, 1999

Moved by Councillor Day/Seconded by Councillor Leask**R222/99/03/23** THAT the minutes of the Regular Meeting of March 15, 1999 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. 8368 (Z98-1053) – Stephen Vines – 624 McClure RoadMoved by Councillor Day/Seconded by Councillor Shepherd**R223/99/03/23** THAT Bylaw No. 8368 be read a second and third time.Carried5.2 Bylaw No. 8369 (Z98-1048) – Vaughan Hooper – 428 Christleton AvenueMoved by Councillor Cannan/Seconded by Councillor Bremner**R224/99/03/23** THAT Bylaw No. 8369 be read a second and third time.Carried

Regular MeetingMarch 23, 1999**(BYLAW PRESENTED FOR AMENDMENT AT FIRST READING, AND TO CONSIDER SECOND & THIRD READINGS AND ADOPTION)**

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

Moved by Councillor Hobson/Seconded by Councillor Shepherd

THAT Bylaw No. 8327 (OCP 98–025 – Wetland Habitat Management Strategy) be amended as follows:

- Change the wording of policy .15 being added as 1(e) of Bylaw 8327 to read as follows:  
**“Wetland Guidelines.** Where a Natural Environment/Hazardous Condition Development Permit is required for land disturbances within the leave strip of a Protected Wetland, the development shall comply with the Wetland Guidelines, attached as Appendix 16 to this OCP.”;
- Delete “Lots 31 & 42, Sec. 35, Twp. 26, O.D.Y.D. Plan 425 both located on Cornish Road, Kelowna, B.C., and” from 2(c)(iv) of the bylaw (leaving Lot 43, Plan 425 as the only property under this section).
- Revise Map 2.1 to reflect new boundaries of wetland site 110, 124a and 124b;
- Revise Map 4 to remove two properties (Lots 31 & 42, Plan 425);
- Revise Map 7 to reduce the size of the wetland area for 124a and 124b.

The Long Range Planning Manager and the Planning & Development Officer reviewed the proposed amendments for Council.

Council discussed also deleting Lot 43, Plan 425 (wetland No. 110) from the bylaw and excluding wetland No. 123 from being defined as a stream so that it would not be subject to the wetland guidelines in the OCP. Council agreed they would like more information from staff before deciding whether to exclude wetland No. 123.

The public was reminded that Council cannot receive information other than through staff now that the Public Hearing is closed on this bylaw.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R225/99/03/23** THAT the proposed amendments to OCP Amending Bylaw No. 8327 (OCP98-025 – Wetland Habitat Management Strategy - City of Kelowna) and further reading consideration of the bylaw be deferred to the Regular Meeting of April 6, 1999.

Carried**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)**

- 5.4 Bylaw No. 8370 (Z98-1020) – Clark Smith (J.E. Arthur & Associates) – 2730 Arthur Road

Moved by Councillor Bremner/Seconded by Councillor Cannan

**R226/99/03/23** THAT Bylaw No. 8370 be read a second and third time, and be adopted.

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The Subdivision Approving Officer entered the Council Chamber and the Long Range Planning Manager and the Planning & Development Officer left at 9:51 p.m.

- 5.5 Bylaw No. 8371 (Z98-1047) – Kenneth Stocks and Randall Scott – 55 Caramillo Road

Councillor Cannan declared a conflict of interest because a direct family member owns adjacent property and left the Council Chamber at 9:51 p.m.

Moved by Councillor Leask/Seconded by Councillor Bremner

**R227/99/03/23** THAT Bylaw No. 8371 be read a second and third time, and be adopted.

Carried

Councillor Cannan returned to the Council Chamber at 9:51 p.m. and took his place at the Council Table.

## 6. PLANNING

- 6.1 Planning & Development Services Department, dated March 4, 1999 re: Development Permit Application No. DP98-10,094 and Development Variance Permit Application No. DVP98-10,095 – DRI Properties Ltd. Inc. (Ed Kennedy/R-370 Enterprises Ltd.) – 2253-2365 Capistrano Drive (0360-20; 0390-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and reviewed the report for Council. The Development Permit would enable construction of 22 semi-detached townhomes developed over 7 phases to the standards of the Quail Ridge concept plan prepared in 1994. The Development Variance Permit would allow for a reduce the front yard setback. Staff recommend favourable consideration.

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

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

**R228/99/03/23** THAT Municipal Council authorize the issuance of Development Permit No. DP98-10,094; Lot 4, Secs. 15 and 22, Twp. 23, O.D.Y.D., Plan KAP52038 Except Plan KAS1627 (Phase 1) for Kennedy Homes Ltd., located on Capistrano Drive, 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";

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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 Municipal Council authorize the issuance of Development Variance Permit No. DVP98-10,095; Lot 4, Secs. 15 and 22, Twp. 23, O.D.Y.D., Plan KAP52038 Except Plan KAS1627\_(Phase 1); for Kennedy Homes Ltd., located on Capistrano Drive, Kelowna, B.C.;

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

**Section 13.9.5 (d) – (RM3) Development Regulations**

To reduce the minimum front yard requirements for a garage or carport from 6.0 m required to 4.5 m proposed;

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

The Subdivision Approving Officer left the Council Chamber at 10:04 p.m.

- 6.2 Planning & Development Services Department, dated February 24, 1999 re: Development Permit Application No. DP98-10,096 and Development Variance Permit Application No. DVP98-10,097 – Springdale Properties/Carolco Developments (Water Street Architecture) – 562 Yates Road (0360-20; 0390-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report for Council. The Development Permit would permit construction of a 4-storey, 192 bed congregate care facility. The architect's rendering indicates that the building would be about 1 metre above grade to accommodate the below grade parking, then 3 storeys of typical multi-family development above with a fourth level contained within the roof structure. No Development Cost Charge concessions are being requested for special needs housing and therefore no Housing Agreement is required. Staff recommend support.

Mayor Gray invited anyone in the public gallery who deemed themselves affected by the requested variance to come forward. There was no response from the gallery.

Responding to questioning by Council, the Current Planning Manager clarified that the proposed building would be ½ storey above the permitted height in the zone instead of ½ storey above the height of adjacent buildings. Requiring that the height of the building be stepped up would not result in any different site lines than what is proposed by this development. There would be a walkway encircling the development and Brandt Creek will be kept open rather than fenced. Staff would not support relaxation of the parking requirements should the use of the building change from congregate care to typical apartments. Changing the use to typical apartments would also require a housing agreement.

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**R229/99/03/23** THAT Municipal Council authorize the issuance of Development Permit No. DP98-10,096; for Lot B, Sec. 32, Twp. 26, O.D.Y.D., Plan KAP54403, located on Yates 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 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 Municipal Council authorize the issuance of Development Variance Permit No. DVP98-10,097; Water Street Architecture (Dave Lane); Lot B, Sec. 32, Twp. 26, O.D.Y.D., Plan KAP54403, located on Yates Road, Kelowna, B.C.;

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

Section 13.11.6(b) **Other Regulations** "The building must be designed so the portion adjacent to neighbouring development is no more than ½ storey higher" be varied to permit a four storey building height proposed;

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. BYLAWS

### **(BYLAWS PRESENTED FOR FIRST READING)**

- 7.1 Bylaw No. 8367 – City of Kelowna Zoning Bylaw Text Amendment No. TA99-005 (miscellaneous city-initiated amendments)

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

**R230/99/03/23** THAT Bylaw No. 8367 be read a first time.

Carried

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- 7.2 Bylaw No. 8383 – Text Amendment No. TA99-006 (amendments re pawnshops)

The City Clerk advised that the bylaw has been amended since yesterday's Council meeting to make the definition for "flea market" and "thrift stores" consistent with the definitions in the City's Business License bylaw.

Moved by Councillor Leask/Seconded by Councillor Cannan

**R231/99/03/23** THAT Bylaw No. 8383 be read a first time.

Carried

**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

- 7.3 Bylaw No. 8374 – Amendment No. 1 to Sign Bylaw No. 8235 (replace I6 zone with CD12 zone)

Moved by Councillor Cannan/Seconded by Councillor Leask

**R232/99/03/23** THAT Bylaw No. 8374 be read a first, second and third time.

Carried

- 7.4 Bylaw No. 8377 – A bylaw to further amend Sewerage System User Bylaw, 1982, No. 3480 (1999 rates)

Moved by Councillor Day/Seconded by Councillor Hobson

**R233/99/03/23** THAT Bylaw No. 8377 be read a first, second and third time.

Carried

- 7.5 Bylaw No. 8380 – Amendment No. 2 to Sign Bylaw No. 8235 (fascia signs for upper storey premises)

Moved by Councillor Hobson/Seconded by Councillor Day

**R234/99/03/23** THAT Bylaw No. 8380 be read a first, second and third time.

Carried

- 7.6 Bylaw No. 8381 – Amendment No. 6 to Kelowna Development Cost Charge Bylaw No. 7728 (revised Schedule E to replace I6 zone with CD12 zone)

Moved by Councillor Leask/Seconded by Councillor Cannan

**R235/99/03/23** THAT Bylaw No. 8381 be read a first, second and third time.

Carried

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- 7.7 Bylaw No. 8382 – Amendment No. 1 to Subdivision, Development and Servicing Bylaw No. 7900 (revised Schedule 1 to replace I6 zone with CD12 zone)

Moved by Councillor Cannan/Seconded by Councillor Leask**R236/99/03/23** THAT Bylaw No. 8382 be read a first, second and third time.Carried**(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS)**

- 7.8 Bylaw No. 8353 (Z98-1006) – Gallaghers Canyon Land Developments Ltd., (CRC Developments Ltd.) – Field Road, and Area Structure Plan Amendment No. ASP98-001, and City of Kelowna Official Community Plan Amendment No. OCP98-001 **requires majority vote of full Council (5)** – *see letter dated March 5, 1999 requesting deferral*

The City Clerk advised that following close of the Public Hearing on February 23, 1999, Council deferred second and third readings of the subject bylaw to this meeting to allow the applicant and residents to resolve concerns raised at the Public Hearing. A letter has now been received asking for a further deferral.

Moved by Councillor Leask/Seconded by Councillor Bremner

**R237/99/03/23** THAT second and third reading consideration of Zone Amending Bylaw No. 8353 (Z98-1006 – Gallaghers Canyon Land Developments Ltd./CRC Developments Ltd. – Field Road) be deferred until the developer and the residents have resolved the concerns raised at the public hearing.

Carried8. REMINDERS – Nil.9. TERMINATION

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

Certified Correct:\_\_\_\_\_  
Mayor\_\_\_\_\_  
City Clerk

BLH/bn