

Regular MeetingOctober 5, 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, October 5, 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. Nelson and S.A. Shepherd.

Council members absent: Councillor J.D. Leask.

Staff members in attendance were: City Manager, R.A. Born; Acting-City Clerk, G.D. Matthews; Director of Planning & Development Services, R.L. Mattiussi; Current Planning Manager, A.V. Bruce; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 10:40 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

3.1 Public Hearing, September 7, 1999

Moved by Councillor Nelson/Seconded by Councillor Cannan

**R821/99/10/05** THAT the minutes of the Public Hearing of September 7, 1999 be confirmed as circulated.

Carried

3.2 Regular Meeting, September 7, 1999

Moved by Councillor Cannan/Seconded by Councillor Nelson

**R822/99/10/05** THAT the minutes of the Regular Meeting of September 7, 1999 be confirmed as circulated.

Carried

3.3 Regular Meeting, September 13, 1999

Moved by Councillor Cannan/Seconded by Councillor Bremner

**R823/99/10/05** THAT the minutes of the Regular Meeting of September 13, 1999 be confirmed as circulated.

Carried

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3.4 Regular Meeting, September 20, 1999

Moved by Councillor Nelson/Seconded by Councillor Shepherd

**R824/99/10/05** THAT the minutes of the Regular Meeting of September 20, 1999 be confirmed as circulated.

Carried

3.5 Public Hearing, September 21, 1999

Moved by Councillor Bremner/Seconded by Councillor Blancheil

**R825/99/10/05** THAT the minutes of the Public Hearing of September 21, 1999 be confirmed as circulated.

Carried

3.6 Regular Meeting, September 21, 1999

Moved by Councillor Nelson/Seconded by Councillor Cannan

**R826/99/10/05** THAT the minutes of the Regular Meeting of September 21, 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. 8391 (Z99-1006) – Eric & Lidia Baumgart – 1024 Laurier Avenue, and City of Kelowna Official Community Plan Amendment No. OCP99-005 **requires majority vote of full Council (5)**

Moved by Councillor Nelson/Seconded by Councillor Cannan

**R827/99/10/05** THAT Bylaw No. 8391 be read a second and third time.

Carried

Councillors Bremner, Cannan and Shepherd opposed.

5.2 Bylaw No. 8467 (Z99-1007) – Aberdeen Holdings Ltd. (Grant Maddock/Protech Consultants Ltd.) – 2350 Burtch Road, and City of Kelowna Official Community Plan Amendment No. OCP99-006 **requires majority vote of full Council (5)**

Councillor Day declared a conflict of interest because direct family members own property in the area and left the Council Chamber at 10:45 p.m.

Council directed the City's transportation engineers to consider options to using Byrns Road as a connector to Benvoulin and report back to Council.

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EXTENSION OF MEETING:

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R828/99/10/05** THAT the Rules of Procedure be suspended and the meeting be continued beyond 11:00 p.m.

Carried

Moved by Councillor Nelson/Seconded by Councillor Cannan

**R829/99/10/05** THAT Bylaw No. 8467 be read a second and third time.

Carried

Councillor Day returned to the Council Chamber at 11:15 p.m. and took his place at the Council Table.

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

5.3 Bylaw No. 8466 (Z99-1048) – John & Jacqueline Garcha (Ian Watson) – 344 Rio Drive South)

Councillor Bremner declared a conflict of interest because she is a resident of Magic Estates and left the Council Chamber at 11:15 p.m.

Moved by Councillor Cannan/Seconded by Councillor Nelson

**R830/99/10/05** THAT Bylaw No. 8466 be read a second and third time, and be adopted.

DEFEATED

Mayor Gray and Councillors Blanleil, Day, Hobson, Leask, Nelson and Shepherd opposed.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R831/99/10/05** THAT staff investigate ways to allow a homeowner to have a secondary suite restricted to family members within a single family dwelling and report back to Council.

Carried

Councillor Bremner returned to the Council Chamber at 11:27 p.m. and took her place at the Council Table.

5.4 Bylaw No. 8468 (Z99-1047) – Richard & Lorna Highfield and Sylvia & James McCormack (Tom Smithwick/Porter Ramsay) – 665A and 625 Ford Road, and City of Kelowna Official Community Plan Amendment No. OCP99-017 **requires majority vote of full Council (5)**

Councillor Hobson declared a conflict of interest as a director of the board that approved the contract for this facility and left the Council Chamber at 11:27 p.m.

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

**R832/99/10/05** THAT Bylaw No. 8468 be read a second and third time, and be adopted.

Carried

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- (i) Bylaw No. 8428 (Z99-1014) – The Roman Catholic Bishop of Nelson (Porter Ramsay) 620 Rutland Road North, 170 Leathead Road and 605 Ford Road, and City of Kelowna Official Community Plan Amendment No. OCP99-008 **requires majority vote of full Council (5)**

Moved by Councillor Shepherd/Seconded by Councillor Blanleil**R833/99/10/05** THAT Bylaw No. 8428 be adopted.Carried

- (ii) Bylaw No. 8451 – Road Exchange Bylaw – Portion of Lane Adjacent to 665A Ford Road for a Portion of 620 Rutland Road North

Moved by Councillor Day/Seconded by Councillor Shepherd**R834/99/10/05** THAT Bylaw No. 8451 be adopted.Carried

- (b) Planning & Development Services Department, dated September 13, 1999, re: Development Permit Application No. DP99-10,061 and Development Variance Permit Application No. DVP99-10,062 – The Roman Catholic Bishop of Nelson, Sylvia & James McCormack and Richard & Lorna Highfield (Porter Ramsay Barristers & Solicitors) – Leathead Road/ Rutland Road North (3060-20; 3090-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report for Council. A seniors development is proposed with 3 storeys of independent living to the north, 4 storeys of assisted living in the middle of the site and licensed care to the south. The independent living portion of the project would be under separate title but there would be a physical link between the buildings. If the entire project was developed on a single lot, all requirements would be met. The need for the Development Variance Permit is as a result of the separate title for the independent living units. The application was reviewed by the Advisory Planning Commission and supported subject to conditions that have been addressed by the applicant. Staff recommend support.

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

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**R835/99/10/05** THAT Municipal Council authorize the issuance of Development Permit No. DP99-10,061; for Lot 8 and Lot 9, Sec. 26, Twp. 26, O.D.Y.D., Plan 9958, and Lot D, Lot E, and Lot F, Sec. 26, Twp. 26, O.D.Y.D., Plan 34969, located on Rutland Road North, Leathead Road and Ford 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;
5. The applicant enter into a Housing Agreement satisfactory to the City of Kelowna, to authorize a "group home – major" as a permitted secondary use;

AND THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP99-10,062; Porter Ramsay Barristers and Solicitors (Tom Smithwick); Lot 8 and Lot 9, Sec. 26, Twp. 26, O.D.Y.D., Plan 9958, Lot D, Lot E, and Lot F, Sec. 26, Twp. 26, O.D.Y.D., Plan 34969, located on Rutland Road North, Leathead Road and Ford Road, Kelowna, B.C.;

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

- (a) Section 13.10.5(c) **Development Regulations** be varied from maximum building height of the lessor of 13 m or three storeys permitted to 14.6 m or four storeys proposed;
- (b) Section 13.10.5(e) **Development Regulations** be varied from min. side yard setback of 4.5 m for buildings over 2 storeys required to 0.0 m proposed;
- (c) Section 13.10.5(f) **Development Regulations** – from the minimum 9.0 m required or a rear yard setback for a building over 2 storeys to the 7.5 m proposed for the Independent Living (north) portion of the development;
- (d) Section 13.10.5(f) **Development Regulations** – from the 9.0 m required for a rear yard setback for a building over 2 storeys to the 0 m proposed for the Assisted Living (middle) portion of the development;

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

Councillor Hobson returned to the Council Chamber at 11:37 p.m. and took his place at the Council Table.

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- 6.2 Planning & Development Services Department, dated September 8, 1999 re: Development Variance Permit Application No. DVP99-10,065 and Heritage Alteration Permit Application No. HAP99-006 – Mungo Collins and Caryl Horan (Ed Allan) – 1912 Abbott Street (3090-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report for Council. The applicants propose to remove an existing shed and construct a 2-car garage at the rear of the property. The variance would allow access to the garage from the street rather than from the rear lane. The minor Heritage Alteration Permit is for the style of the garage. The applications were reviewed and supported by the Heritage Advisory Committee. Staff recommend support.

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

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

**R836/99/10/05** THAT Municipal Council authorize the issuance Heritage Alteration Permit No. HAP99-006, as outlined in the report dated September 8, 1999 from the Planning & Development Services Department on lands described as Lot 4, D.L. 14, Sec. 24, Twp. 25, O.D.Y.D., Plan 2069, located on 1912 Abbott Street, Kelowna, B.C., subject to the following:

1. The landscaping and 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";

AND THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP99-10,065, as outlined in the report dated September 8, 1999 from the Planning & Development Services Department on lands described as Lot 4, D.L. 14, Sec. 24, Twp. 25, O.D.Y.D., Plan 2069, located on 1912 Abbott Street, Kelowna, B.C.;

AND FURTHER THAT a variance to the following section of Zoning Bylaw No. 8000 be granted in order to allow for the continued use of the existing front driveway off Abbott Street:

1. Section 13.1.6(d) RU1 – Large Lot Housing zone – Where a development has access to a rear lane, vehicular access to the development is only permitted from the rear lane.

Carried

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7. BYLAWS

**BYLAWS PRESENTED FOR FIRST READING)**

- 7.1 Bylaw No. 8470 (Z99-1039) – Berndt & Bettina Breitkreuz (Peter Klimuk/Milagro Advisory Service) - 3753 Lakeshore Road

Moved by Councillor Cannan/Seconded by Councillor Nelson

**R837/99/10/05** THAT Bylaw No. 8470 be read a first time.

Carried

- 7.2 Bylaw No. 8474 (Z99-1045) – James & Terricia Anderson – 2495 Maquinna Road

Moved by Councillor Cannan/Seconded by Councillor Nelson

**R838/99/10/05** THAT Bylaw No. 8474 be read a first time.

Carried

8. REMINDERS - Nil.

9. TERMINATION

The meeting was declared terminated at 11:44 p.m.

Certified Correct:

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Mayor

BLH/bn

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Acting-City Clerk