

Regular MeetingMay 30, 2000

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 30, 2000.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blaneil, R.D. Cannan, B.A. Clark, C.B. Day, B.D. Given, R.D. Hobson, J.D. Nelson and S.A. Shepherd\*.

Staff members in attendance were: Acting-City Manager/Director of Planning & Development Services, R.L. Mattiussi, Deputy City Clerk, G.D. Matthews; 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 8:15 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, May 15, 2000

Moved by Councillor Nelson/Seconded by Councillor Blaneil

**R493/00/05/30** THAT the minutes of the Regular Meetings of May 15 and May 16, 2000 and the Public Hearing of May 16, 2000 be confirmed as circulated.

Carried

4. Councillor Clark 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. 8550 (Z00-1005) – Christian Bond – 565 Coronation Avenue

Council:

- Classic absentee landowner allowing property to deteriorate in hopes of future profit brought about by rezoning.

Moved by Councillor Nelson/Seconded by Councillor Cannan

**R494/00/05/30** THAT Bylaw No. 8550 be read a second and third time.

DEFEATED UNANIMOUSLY

Regular MeetingMay 30, 2000

- 5.2 Bylaw No. 8561 (HRA00-002) – Heritage Revitalization Agreement Authorization Bylaw – 865 Bernard Avenue

A resolution was adopted at the Public Hearing adjourning further consideration of this item to the Public Hearing of June 13, 2000.

- 5.3 Bylaw No. 8565 (Z00-1011) – University Business Park Ltd. (Grant Maddock/ Protech Consultants) – 149 Commercial Drive

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R495/00/05/30** THAT Bylaw No. 8565 be read a second and third time.

Carried

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

- 5.4 Bylaw No. 8549 (Z00-1009) – Fernbrae Holdings Ltd. (Janet Wilson) – 295 Gerstmar Road, and City of Kelowna Official Community Plan Amendment No. OCP00-001 **requires majority vote of full Council (5)**

Moved by Councillor Shepherd/Seconded by Councillor Given

**R496/00/05/30** THAT Bylaw No. 8549 be revised at first reading to indicate that the Future Land Use Designation of the subject property is being changed to Multiple Family Residential-Low Density **and** Major Park/Open Space;

AND THAT Bylaw 8549 be further revised to change the zoning boundaries shown on Map “A” to indicate that the easterly 0.62 ha portion of the site adjacent to Davie Road is being rezoned to P3 – Parks and Open Space.

Carried

Moved by Councillor Given/Seconded by Councillor Nelson

**R497/00/05/30** THAT Bylaw No. 8549, as amended, be read a second and third time, and be adopted.

Carried

- 5.5 Bylaw No. 8552 (Z00-1021) – K. Perry & Noemi Koleba – 1085 Waldie Court

Council:

- Staff to ensure adequate screening of the parking lot area.

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R498/00/05/30** THAT Bylaw No. 8552 be read a second and third time, and be adopted.

Carried

Councillor Clark opposed.

Regular MeetingMay 30, 20006. PLANNING

6.1 Planning & Development Services Department, dated May 5, 2000 re: Development Permit Application No. DP00-10,012 and Development Variance Permit Application No. DVP00-10,018 – Fernbrae Holdings Ltd. – 295 Gerstmar Road (3060-20; 3090-20)

## Staff:

- A 3-storey, 183-unit congregate care facility is proposed for development on the site.
- The development will no longer be phased as the City has negotiated acquisition of the easterly portion for park site.
- The building design has been turned 180 degrees from the original proposal so that the development now fronts onto Gerstmar Road rather than Davie Road. This allows the applicant to provide 86 on-site parking stalls instead of 78.
- The entire building is wheelchair accessible and a number of units have been customized for use by the handicapped.
- Requesting approval of variances to permit the 3-storey building height and to reduce the bicycle parking requirements.
- A revised landscape plan indicates the common areas outside the building will be landscaped to include a looping pedestrian walk feature around the building.
- Ask that Council's resolution include an additional condition for issuance of the Development Permit to provide for potential revisions to the landscape plan to address fire fighting issues.

## Council:

- Friendly amendment to the motion for staff to secure a legal right-of-way that would provide a pedestrian walkway along the northerly portion of the property to link into the park site.
- Staff to consider allowing fire trucks to access the alleyways between the 3 wings of the proposed building by way of the park.

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

Janet Wilson, applicant:

- A chainlink fence is proposed between the subject property and the park site.
- Prefer to have the pedestrian walkway on the north side of the property rather than through the property.
- Willing to do what is necessary to link the walkway to the park.
- Anticipate that construction would be completely finished by January or February, 2001.

Moved by Councillor Nelson/Seconded by Councillor Given

**R499/00/05/30** THAT Municipal Council authorize the issuance of Development Permit No. DP00-10,012; for Lot 1, Sec. 22, Twp. 26, O.D.Y.D., Plan 27366, located on Gerstmar 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";

Regular MeetingMay 30, 2000

3. Landscaping to be provided on the land be in general accordance with Schedule "C", revised as necessary following review of the landscape plan by City Planning & Fire Department staff to address safety issues;
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. DVP00-10,018; Fernbrae Holdings Ltd.; Lot 1, Sec. 22, Twp. 26, O.D.Y.D., Plan 27366, located on Gerstmar Road, Kelowna, B.C.;

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

- (a) Section 8.4.2 Off-Street Bicycle Parking (Table 8.3) be varied from; Class I: 0.5 stalls per dwelling unit, and Class II: 0.1 stalls per dwelling unit, to Class I: 0.032 stalls per dwelling unit and Class II: 0 stalls per dwelling unit (to provide a total of six bike stalls),
- (b) Section 13.9.5(c) Development Regulations be varied from maximum height 9.5 m or 2½ storeys permitted to the 9.5 m or 3 storey building height proposed;

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;

AND FURTHER THAT a right-of-way be registered for pedestrian access along the northerly portion of the subject property to connect into the park site.

Carried

- 6.2 Planning & Development Services Department, dated May 5, 2000 re: Development Variance Permit Application No. DVP00-10,030 – R93 Enterprises Ltd. – 500 Cook Road (3090-20)

Councillor Shepherd declared a conflict of interest because her son is an employee of Eldorado Hotel and left the Council Chamber at 8:51 p.m.

Staff:

- The variance are requested to address non-conforming building setbacks of deck and patio areas from the leavestrip from Okanagan Lake and from the south property line at the Hotel Eldorado.

Regular MeetingMay 30, 2000

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 Hobson/Seconded by Councillor Cannan

**R500/00/05/30** THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP00-10,030; Allan Kube Assoc. Inc., c/o Jim Nixon; Lot 3, DL 134, O.D.Y.D., Plan 15208 Exc. Plan H18110, located on Cook Road, Kelowna, B.C.;

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

- (a) Section 6.14.2 Stream Protection Leave Strips be varied from the 15 m leave strip required to the 4.8 m leave strip proposed to the patio,
- (b) Section 14.9.5(d) Development Regulations be varied from the 4.5 m flanking side yard required to the 3.0 m flanking side yard existing.

Carried

Councillor Shepherd returned to the Council Chamber at 8:55 p.m.

## 7. BYLAWS

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

- 7.1 Bylaw No. 8567 (Z00-1027) - Myles Bruckal (Karen Neal/Comfort Living for Seniors) - 962 Laurier Avenue

Moved by Councillor Given/Seconded by Councillor Nelson

**R501/00/05/30** THAT Bylaw No. 8567 be read a first time.

Carried

- 7.2 Bylaw No. 8568 (Z00-1029) - Frederick Marin (Gryphus Land Use Planning Corp., Marnie Skolbalski) - 3584 Scott Road

Moved by Councillor Given/Seconded by Councillor Nelson

**R502/00/05/30** THAT Bylaw No. 8568 be read a first time.

Carried

- 7.3 Bylaw No. 8569 (Z99-1066) - Hume-Smith Contracting & Development Co. Ltd, Larry Shoemaker, Varitec Enterprises Ltd. and Dorothea Leguilloux George Hume-Smith) - 510 & 550 Pearson Road

Moved by Councillor Nelson/Seconded by Councillor Given

**R503/00/05/30** THAT Bylaw No. 8569 be read a first time.

Carried

Regular Meeting

May 30, 2000

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

7.4 Bylaw No. 8554 – Road Exchange Bylaw

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R504/00/05/30** THAT Bylaw No. 8554 be read a first, second and third time.

Carried

8. REMINDERS

- Area residents are registering concerns with members of Council about a midway that is setting up on a property behind the Great Canadian Super Store. The site is adjacent to multi-family housing on three sides.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

**R505/00/05/30** THAT staff draft a policy to deal with issues such as parking, proximity to residential properties, hours of operation, etc., when handling requests for 'Midway' events within the City of Kelowna.

Carried

9. TERMINATION

The meeting was declared terminated at 9:09 p.m.

Certified Correct:

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Mayor

BLH/bn

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Deputy City Clerk