

Regular MeetingJune 13, 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, June 13, 2000.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, 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: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi; Current Planning Manager, A.V. Bruce; Subdivision Approving Officer, R.G. Shaughnessy\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 9:14 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, May 29, 2000  
Public Hearing, May 30, 2000  
Regular Meeting, May 30, 2000

Moved by Councillor Nelson/Seconded by Councillor Given

**R535/00/06/13** THAT the minutes of the Regular Meetings of May 29 and May 30, 2000 and the Public Hearing of May 30, 2000 be confirmed as circulated.

Carried

4. Councillor Hobson 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. 8561 (HRA00-002) – City of Kelowna Heritage Revitalization Agreement Authorization Bylaw – Knowles House – 855 & 865 Bernard Avenue

Moved by Councillor Shepherd/Seconded by Councillor Given

**R536/00/06/13** THAT second and third reading consideration of Bylaw No. 8561 (HRA00-002 – City of Kelowna - 865 Bernard Avenue) be deferred pending a lot consolidation of the homesite and finalization of the terms of the lease agreement between the proposed tenant (KSAN) and the City as landlord.

Carried

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- 5.2 Bylaw No. 8568 (Z00-1029) – Fredrick Marin (Marnie Skobalski/Gryphus Land Use Planning Corp.) – 3584 Scott Road

Council:

- Staff to look into the comment made at the Public Hearing that secondary suites should not be encouraged near elementary schools and if there is a concern bring that back to Council.

Moved by Councillor Day/Seconded by Councillor Blanleil**R537/00/06/13** THAT Bylaw No. 8568 be read a second and third time.Carried

Councillor Clark opposed.

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

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

Moved by Councillor Cannan/Seconded by Councillor Blanleil**R538/00/06/13** THAT Bylaw No. 8567 be read a second and third time, and be adopted.Carried

- 5.4 Bylaw No. 8569 (Z99-1066) – Hume-Smith Contracting & Development Co. Ltd., et al (George Hume-Smith) – 510 & 550 Pearson Road

Moved by Councillor Shepherd/Seconded by Councillor Blanleil**R539/00/06/13** THAT second and third reading consideration of Bylaw No. 8569 (Z99-1066 – Hume-Smith Contracting & Development, et al – 510 & 550 Pearson Road) be deferred pending receipt of further information from staff with respect to access options to the proposed subdivision and subsequent to issuance of a Preliminary Subdivision Review Letter by the City's Approving Officer.Carried6. PLANNING

- 6.1 Planning & Development Services Department, dated May 23, 2000 re: Development Permit Application No. DP00-10,002 and Development Variance Permit Application No. DVP00-10,025 – Army, Navy, Air Force Veterans in Canada, Central Okanagan Unit No. 376 (Ray Bernard) – 225-275 Froelich Road and 220-270 Dougall Road North (3060-20; 3090-20)

Staff:

- The applicant is proposing to construct a new single storey clubhouse along with an 88-unit congregate housing component. Phase 1 would include construction of the new clubhouse on Dougall Road and 45 dwelling units in a 4½ storey building on the east side of the lane. The remaining 43 dwelling units would be developed as phase 2 in a 3½ storey building on the west side of the lane.

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- A variance is requested to increase the permitted building height from 4-storeys to 4½ storeys.
- Daylighting standards predominantly apply to buildings over 4 storeys; there would be no impact from the 4½ storey building.
- The Advisory Planning Commission recommends support provided there be only one access from Dougall Road and the proposal has been changed to a single access.

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

Myrtle Schmidt, 205 Dougall Road North

- Dougall Road is very narrow and becomes very congested with on-street vehicle parking. Would like on-street parking restricted to residential only or alternatively no on-street parking at all. Submitted photos and a petition with respect to the parking issue.
- The proposed development would block their view of the Glenmore mountains.

Council:

- One of the letters received on this item was from a gentleman who said he was out of town and his concern was view as well.

There were no further comments.

Moved by Councillor Blanleil/Seconded by Councillor Given

**R540/00/06/13** THAT Municipal Council authorize the issuance of Development Permit No. DP00-10,002; for Lots 12, 13, 14, 15, 16, and 17, Sec. 26, Twp. 26, O.D.Y.D., Plan 5494 Lots A, Sec. 26, Twp. 26, O.D.Y.D., Plan 33964, and Lots 5 9 & 10, Sec. 26, Twp. 26, O.D.Y.D., Plan 4677, located on Froelich Road and Dougall 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. That the applicant register a plan of subdivision satisfactory to the City of Kelowna, for the lot consolidation and all required road dedications;

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;

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AND THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP00-10,025; Army Navy Air Force Veterans In Canada – Central Okanagan Unit No. 376; for Lots 12, 13, 14, 15, 16, and 17, Sec. 26, Twp. 26, O.D.Y.D., Plan 5494 Lot A, Sec. 26, Twp. 26, O.D.Y.D., Plan 33964, and Lots 5 and 9, Sec. 26, Twp. 26, O.D.Y.D., Plan 4677, located on Froelich Road and Dougall Road, Kelowna, B.C.;

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

Section 14.4.5(c) Development Regulations, be varied from the maximum building height of the lessor of 15.0 m or 4 storeys permitted to the proposed building height of 4½ storeys.

Carried7. BYLAWS**BYLAWS PRESENTED FOR FIRST READING**

7.1 Bylaw No. 8573 (Z00-1026) – Total Mechanical Systems Inc. – 700 McCurdy Road

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R541/00/06/13** THAT Bylaw No. 8573 be read a first time.

Carried8. REMINDERS(a) Proposed Changes to the Criminal Code re Home Invasion

Councillor Clark advised that proposed new legislation was recently introduced in the House of Commons for a number of amendments to the Criminal Code to strengthen the justice system. One of the proposed amendments makes provision for tougher sentencing for home invasions which are an issue in the City of Kelowna. Councillor Clark suggested that Council consider sending a letter of support for that amendment.

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R542/00/06/13** THAT Council write a letter to M.P. Werner Schmidt expressing support of legislative changes proposed in an omnibus bill introduced in the House of Commons on June 12, 2000, that would amend the Criminal Code to specifically identify home invasion as an aggravating circumstance to be considered by the judge at time of sentencing and provide judges with clear direction that home invasions are to be viewed as serious criminal conduct that should be met with significant penalties;

AND THAT the letter further advise that Kelowna City Council would support enactment of this new legislation in advance of the fall session.

Carried

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(b) Folkfest – Skyreach Place

Mayor Gray noted that according to the media Folkfest cannot be held in Skyreach Place this year, as was hoped, because the ethnic food fair part of the event would not be permitted in that facility. Preliminary enquiries indicate that the food fair is not an issue and Folkfest could still be in Skyreach Place this July.

9. TERMINATION

The meeting was declared terminated at 10:09 p.m.

Certified Correct:

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Mayor

City Clerk

BLH/bn