

Regular Meeting – P.M.

February 11, 2002

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 Monday, February 11, 2002.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanche, R.D. Cannan, C.B. Day, B.D. Given, R.D. Hobson and J.D. Nelson.

Council members absent: Councillors B.A. Clark and S.A. Shepherd.

Staff members in attendance were: City Manager, R.A. Born; Deputy City Clerk, A. Flack; Director of Planning & Development Services, R.L. Mattiussi*; Special Projects Planning Manager, H.M. Christy*; Current Planning Manager, A.V. Bruce*; Parks Manager, J. Creron*; former Acting Director of Parks & Leisure Services, H.R. Hyatt*; Development Engineering Manager, S. Muenz*; Environmental Manager, M. Watt*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:30 p.m.

2. Councillor Cannan was requested to check the minutes of the meeting.

3. UNFINISHED BUSINESS

PLANNING BYLAWS FROM FEBRUARY 5, 2002 PUBLIC HEARING

Councillor Hobson advised that he was absent from the February 5, 2002 Public Hearing but that he has read the minutes of the Public Hearing and therefore will participate in the vote on the bylaws from the Public Hearing.

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)

3.1 Bylaw No. 8760 (TA01-005) – City of Kelowna Zoning Bylaw Text Amendment

Moved by Councillor Nelson/Seconded by Councillor Given

R137/02/02/11 THAT Bylaw No. 8760 be read a second and third time.

Carried

3.2 Bylaw No. 8761 (Z01-1060) – City of Kelowna - Miscellaneous rezonings from the A2 – Agriculture 2 zone to the A1 – Agriculture 1 zone

Moved by Councillor Given/Seconded by Councillor Nelson

R138/02/02/11 THAT Bylaw No. 8761 be read a second and third time.

Carried

3.3 Bylaw No. 8786 (Z01-1055) – Laurie Anne MacKay (John MacKay) – 608 Coronation Avenue

Moved by Councillor Nelson/Seconded by Councillor Given

R139/02/02/11 THAT Bylaw No. 8786 be read a second and third time.

Carried

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- 3.4 Bylaw No. 8791 (OCP01-018) – Glenwest Properties Ltd. (Paul Rosenau/ Ekistics Town Planning Inc.) – Northwest of Begbie/Union Roads **requires majority vote of full Council (5)**

Moved by Councillor Blanleil/Seconded by Councillor Day

R140/02/02/11 THAT Bylaw No. 8791 be read a second and third time.

Carried

Councillors Cannan and Hobson opposed.

- 3.5 Bylaw No. 8792 (TA01-015) – City of Kelowna Zoning Bylaw Text Amendment

Moved by Councillor Blanleil/Seconded by Councillor Day

R141/02/02/11 THAT Bylaw No. 8792 be read a second and third time.

Carried

- 3.6 Bylaw No. 8793 (Z01-1016) – Glenwest Properties Ltd. (Paul Rosenau/ Ekistics Town Planning Inc.) – Northwest of Begbie/Union Roads

Staff:

- The applicant's engineers have provided an e-mail clarifying that the flow rates at the outlet of Still Pond border on insignificant, it is a ground water outflow and observations indicate that the high water levels in 1998 were an anomaly. The area where ground water surfaces was not identified by the Ministry of Water, Land and Air Protection as a permanent stream.
- The outlet of Still Pond will be piped into the City's storm drainage system and that area will not be developed.
- Parks are determined based on the number of DCC credits. Through negotiation with the developer, parks were identified for the entire Glenmore Highlands development. The reservoir ridge was selected as a park site over the Walroy knoll because the ridge offers more significant views and has less developable area and therefore required less DCC credits to acquire. The steeper slopes of Walroy knoll will be protected by covenant.
- Approximately 50% of the total Glenmore Highlands land area will be open space (including the privately owned land protected by no-disturb covenants and the public open space areas).
- The conceptual plan for the filling and reconstruction of the pond shows no net loss of wetland. Through the Development Permit process, the applicant will be required to post a large bond to ensure survival of the wetland planting. The pond edges will be of higher habitat value than what exists.
- The initial application was changed as a result of comments at the 1999 Public Hearing on the ASP. One change was to go from almost entirely filling Still Pond to just a slight modification at one end of the pond. The Ministry of Water, Land and Air Protection did not support the conceptual plan from 1999; however, their position changed to support after reviewing the Development Permit application which provided engineering drawings and more specific information.

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Moved by Councillor Blanleil/Seconded by Councillor Day

R142/02/02/11 THAT Bylaw No. 8793 (Z01-1016 – Paul Rosenau/Ekistics Town Planning Inc., for Glenwest Properties Ltd. - northwest of Begbie/Union Roads) be amended at first reading by reducing the area being rezoned to the RU2h – Medium Lot Housing (Hillside Area) zone as requested by the applicant in their correspondence of January 31, 2002 and by replacing Map “A” attached to the bylaw with a new Map “A” showing the reduced area.

Carried

Moved by Councillor Blanleil/Seconded by Councillor Day

R143/02/02/11 THAT Bylaw No. 8793, as amended, be read a second and third time.

Carried

Councillors Cannan and Hobson opposed.

3.7 Bylaw No. 8797 (OCP01-012) – Canada Lands Company CLC Limited (Dale Knowlan) – 1175 Sunset Drive **requires majority vote of full Council (5)**

Moved by Councillor Given/Seconded by Councillor Nelson

R144/02/02/11 THAT Bylaw No. 8797 be read a second and third time.

Carried

3.8 Bylaw No. 8798 (Z01-1047) – Canada Lands Company CLC Limited (Dale Knowlan) – 1175 Sunset Drive

Moved by Councillor Day/Seconded by Councillor Cannan

R145/02/02/11 THAT Bylaw No. 8798 be read a second and third time.

Carried

(BYLAW PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)

3.9 Bylaw No. 8800 (TA01-016) – City of Kelowna Zoning Bylaw Text Amendment

Moved by Councillor Hobson/Seconded by Councillor Day

R146/02/02/11 THAT Bylaw No. 8800 be read a second and third time, and be adopted.

Carried

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4. PLANNING

- 4.1 Planning & Development Services Department, dated February 5, 2002 re: Development Permit Application No. DP01-10,078 – Ed Kennedy – 700 South Crest Drive

Staff:

- The subject property is part of Neighbourhood Two off Frost Road and fronts onto three separate roads.
- The applicant is proposing to construct 8 duplex units with access from one common road off South Crest Drive.

Moved by Councillor Cannan/Seconded by Councillor Hobson

R147/02/02/11 THAT Municipal Council authorize the issuance of Development Permit No. DP01-10,078, Summit South Joint Ventures (Ed Kennedy), on lands described as Lot 1, DL 1688S, SDYD, Plan KAP68647, located on South Crest Drive, Kelowna, BC, subject to the following terms and conditions:

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.

Carried

5. REPORTS

- 5.1 Civic Properties Manager, dated January 31, 2002 re: Foreshore Lease Renewal with BC Assets and Land Corporation – File No. 3407115 and Corresponding Sub-Lease to the Grand Okanagan Resort (2380-20-775

Moved by Councillor Nelson/Seconded by Councillor Blancheil

R148/02/02/11 THAT City Council approve the renewal of a Licence of Occupation for moorage from B.C. Assets and Land Corporation for the foreshore lot immediately adjacent to the promenade boat lock;

AND THAT City Council also approve the renewal of the sub-lease for the same foreshore area to the Grand Okanagan Resort Ltd.;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the legal agreements on behalf of the City of Kelowna.

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- 5.2 City Clerk, dated February 5, 2002 re: Marshall Street Local Improvements Security Issuing Bylaw No. 8787 (B/L 8787)

Moved by Councillor Nelson/Seconded by Councillor Day

R149/02/02/11 THAT second and third readings given Marshall Street Local Improvements Security Issuing Bylaw No. 8787 be rescinded and the bylaw file be closed.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 6.1 Bylaw No. 8802 – Housing Agreement – Provincial Rental Housing Corporation (Joel & Marie Prichard) – 547 Caramillo Court

Moved by Councillor Hobson/Seconded by Councillor Day

R150/02/02/11 THAT Bylaw No. 8802 be read a first, second and third time.

Carried

BYLAW PRESENTED TO RESCIND 2ND & 3RD READINGS AND CLOSE THE FILE)

- 6.2 Bylaw No. 8787 – Marshall Street Local Improvements Security Issuing Bylaw

Moved by Councillor Day/Seconded by Councillor Hobson

R151/02/02/11 THAT second and third readings given Bylaw No. 8787 on January 7, 2002 under Resolution No. R20/02/01/07 be rescinded and the bylaw file be closed.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 6.3 Bylaw No. 8780 – Sewer Specified Area No. 22A – Gerstmar Road Security Issuing Bylaw

Moved by Councillor Blanleil/Seconded by Councillor Day

R152/02/02/11 THAT Bylaw No. 8780 be adopted.

Carried

7. COUNCILLOR ITEMS

- (a) Dilworth Restaurant Proposal

Councillor Given asked when Council will hear back on the public response to the Dilworth restaurant proposal. The City Manager advised that staff are preparing a report for presentation to the Parks & Facilities Committee who will be bringing forward a recommendation to Council.

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8. TERMINATION

The meeting was declared terminated at 2:54 p.m.

Certified Correct:

Mayor

BLH/am

Deputy City Clerk