

Regular MeetingJuly 16, 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 Tuesday, July 16, 2002.

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 7:21 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, June 24, 2002
Public Hearing, June 25, 2002
Regular Meeting, June 25, 2002

Moved by Councillor Given/Seconded by Councillor Nelson

R624/02/07/16 THAT the Minutes of the Regular Meetings of June 24, 2002 and June 25, 2002, and the Minutes of the Public Hearing of June 25, 2002 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. 8870 (Z02-1016) – Gordon Zarr – 1045 Elwyn Road

The City Clerk advised that subsequent to circulation of Council's agenda package, Ministry of Transportation approval was received and the bylaw could now also be considered for adoption.

Moved by Councillor Shepherd/Seconded by Councillor Given

R625/02/07/16 THAT Bylaw No. 8870 be read a second and third time and be adopted.

Carried

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(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)

- 5.2 Bylaw No. 8869 (Z02-1014) – Hernani & Willa-Mae Silva – 308 Uplands Drive

Council:

- Discussed the merits of appearing in person as opposed to submitting petitions and letters at Public Hearings.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R626/02/07/16 THAT Bylaw No. 8869 be read a second and third time, and be adopted.

Carried

Councillor Clark opposed.

6. PLANNING

- 6.1 Planning & Development Services Department, dated June 26, 2002 re: Development Variance Permit Application No. DVP02-0035 – Thirteenth Avenue Holdings Inc. (Adrian Block/Bellevue Creek Ltd. Partnership (440 Cascia Drive & 4566 Fuller Road

Staff:

- The applicant is seeking approval to reduce the minimum front yard building setback requirements for a 30-lot bareland strata subdivision.
- The public walkway would be gated and the strata would control the opening and closing.
- The applicant is providing more than adequate parking.
- The requested variance would allow better utilization of the building envelopes and provide more usable rear yard open space.

City Clerk stated for the record that no correspondence had been received regarding this application.

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

Adrian Block applicant,

- Indicated he had nothing to add at this time.

There were no further comments.

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Moved by Councillor Blanleil/Seconded by Councillor Cannan

R627/02/07/16 THAT Council authorize the issuance of Development Variance Permit No. DVP02-0035; Lot 7, D.L. 167, 5284 and 5285, ODYD, Plan 70756, except Strata Plan KAS2393 (Phase 1) and Strata Lots 1 to 13, D.L. 167, ODYD, Strata Plan KAS2393, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V; located on Cascia Drive, Kelowna, B.C.;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 13.1.5 (c): Development Regulations, Minimum front yard from a garage or carport having vehicular entry from the front from 6.0 m to 4.5 m for each of the 30 strata lots within the bareland strata subdivision;

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

Mayor Gray altered the order of business and advised that agenda item No. 6.3 would be dealt with next.

6.3 Planning & Development Services Department, dated June 25, 2002 re: Development Variance Permit Application No. DVP02-0034 – Ed & Evelyn Henkel – 202 Drake Road

Staff:

- The applicant is proposing a homesite severance of a lot on the west end of the parent parcel; there are two existing single family dwellings on the parcel remainder.
- The requested variance would reduce the rear yard building setback for the two existing homes and would allow the applicant to retain two mature Ponderosa Pines and a mature Oak tree on the property.

City Clerk stated for the record that no correspondence had been received regarding this application.

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

Ed Henkel, applicant:

- Indicated he had nothing to add at this time.

There were no further comments.

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Moved by Councillor Nelson/Seconded by Councillor Shepherd

R628/02/07/16 THAT Council authorize the issuance of Development Variance Permit No. DVP02-0034, Lot 9, Block 4, Section 4 & 9, Township 23, ODYD, Plan 896, located on Drake Road, Kelowna, B.C.;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 11.1.5 (e) – Development Regulations, Minimum rear yard from 10.0 m to 7.0 m and 8.0 m respectively, for two existing single family dwellings;

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

6.2 Planning & Development Services Department, dated July 3, 2002 re: Development Variance Permit Application No. DVP02-0052 – Rita, James & Jason Milne (Rita Milne) – 873 Grenfell Avenue

Staff:

- The subject property is a corner lot and is zoned for two dwelling housing. There is one dwelling on the property now and the applicant proposes to add a second house.
- The applicant is seeking approval to reduce the lot width requirements for a corner lot with a duplex.
- With or without a variance, the applicant could still construct a second house, it would just be smaller.

City Clerk stated for the record that no correspondence had been received regarding this application.

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

Rita Milne, applicant:

- Advised she had nothing to add at this time.

There were no further comments.

Moved by Councillor Shepherd/Seconded by Councillor Given

R629/02/07/16 THAT Council authorize the issuance of Development Variance Permit No. DVP02-0052 for Lot 18, D.L. 136, ODYD, Plan 9138, located on Grenfell Avenue, Kelowna, B.C.;

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

Section 13.6.4 (b): Vary the minimum lot width for a corner lot with semi-detached or duplex housing from 20.0 m required to 19.5 m existing.

Carried

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- 6.3 Planning & Development Services Department, dated June 25, 2002 re: Development Variance Permit Application No. DVP02-0034 – Ed & Evelyn Henkel – 202 Drake Road

Dealt with after agenda item No. 6.1.

- 6.4 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 8806 (Z01-1056) – BHF Building Healthy Families Society (Tom Smithwick/Porter Ramsay, Barristers & Solicitors) – 1390 KLO Road **Public Hearing waived on this application**

Councillor Cannan declared a conflict of interest (because he and his wife are on the fund raising committee for this facility) and left the Council Chamber at 7:49 p.m.

Moved by Councillor Day/Seconded by Councillor Hobson

R630/02/07/16 THAT Bylaw No. 8806 be adopted.

Carried

- (b) Planning & Development Services Department, dated July 2, 2002 re: Development Variance Permit Application No. DVP01-10,092 – BHF Building Healthy Families Society Inc. (Tom Smithwick/Porter Ramsay Barristers & Solicitors) – 1390 KLO Road

Staff:

- The site was developed prior to the property being included within the City Limits.
- The west side yard setback became non-conforming with the adoption of City of Kelowna Zoning Bylaw 4500.

City Clerk stated for the record that no correspondence had been received regarding this application.

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

A representative of BHF indicated he was in the gallery but had nothing to add at this time.

There was no response.

Moved by Councillor Nelson/Seconded by Councillor Shepherd

R631/02/07/16 THAT Municipal Council authorize the issuance of Development Variance Permit No. DP01-10,092; BHF Building Healthy Families Society; Lot 1, DL 131, O.D.Y.D., Plan 15596, located on KLO Road, Kelowna, B.C.;

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

Section 16.2.5(e) Development Regulations minimum side yard for west side yard be varied from minimum 4.5 m required to 1.03 m existing.

Carried

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Mayor Gray asked Council whether they wished to deal with the first reading bylaws under agenda items No. 7.1 to 7.8 in one resolution. Council agreed to deal with agenda item No. 7.7 separately.

- 7.1 Bylaw No. 8871 (Z02-1013) – Brenda Csolle (Leslie Csolle) – 1124 Kelview Street

Moved by Councillor Nelson/Seconded by Councillor Given

R632/02/07/16 THAT Bylaws No. 8871, 8872, 8873, 8874, 8875, 8876 and 8879 be read a first time.

Carried

- 7.2 Bylaw No. 8872 (Z02-1020) – Jeremy & Amanda Welder (Lynn Welder Consulting Ltd.) – 1627 Blondeaux Crescent

Dealt with under agenda item No. 7.1.

- 7.3 Bylaw No. 8873 (Z02-1001) – Ranjit and Gurnam Padda (Grant Maddock/Protech Consultants) – 339-349 Fitzpatrick Road

Dealt with under agenda item No. 7.1.

- 7.4 Bylaw No. 8874 (Z02-1017) – John, Jeanne and James Petals – 2402 Harvard Road

Dealt with under agenda item No. 7.1.

- 7.5 Bylaw No. 8875 (Z02-1022) – Christiaan & Alice Greenway – 453 Groves Avenue

Dealt with under agenda item No. 7.1.

- 7.6 Bylaw No. 8876 (Z02-1008) – John & Christine Hawkins – 4042 Finch Road

Dealt with under agenda item No. 7.1.

- 7.7 Bylaw No. 8878 (OCP02-0002) – Cukhbir & Charnjit Sandhu – 1386 & 1388 Highland Drive South **requires majority vote of Council (5)**

Deferred to after the other first reading bylaws so that it could be considered separately.

- 7.8 Bylaw No. 8879 (Z02-1004) – Sukhbir & Charnjit Sandhu – 1386 & 1388 Highland Drive South

See agenda item No. 7.7 below.

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7.7 Bylaw No. 8878 (OCP02-0002) – Cukhbir & Charnjit Sandhu – 1386 & 1388 Highland Drive South requires majority vote of Council (5)

Staff:

- The intent of a Housing Agreement is to allow bonusing in exchange for provision of special needs housing. The type of clients that would be staying on this property would qualify as special needs and therefore a Housing Agreement could be considered.
- The owner and the current operator have verbally agreed that a Housing Agreement would be acceptable provided that it allowed up to 10 people per side or, if the building was modified, 20 people in total.
- The owner has indicated he would do the improvements triggered by Building Code requirements himself and estimates the cost at \$15,000 to \$25,000.
- Summarized the bylaw enforcement history associated with the subject property.
- Advised that staff still recommend non-support because the use is contrary to the Official Community Plan and the building is not well suited for a congregated facility and is not compatible with the neighbourhood.

Moved by Councillor Nelson/Seconded by Councillor Cannan**R633/02/06/16** THAT Council hear from the applicant.Carried

Gary Enns, Shepherd's Reach Ministries:

- The number of residents on the Friendship Centre side of the duplex varies from 7 to 12 on weekends and 5 to 7 during the week. Shepherd's Reach does not send any clients to the Friendship Centre side of the building.
- Both agencies provide temporary shelter in their half of the duplex but the two agencies are separate.
- Shepherd's Reach sub-leases to Friendship Centre and as landlord has access to that half of the building at any time but does not have any control over who comes and goes.
- Shepherd's Reach intends to expand to the other side of the building once it is vacated by the Friendship Centre.

The City Clerk advised that the bylaws under agenda item 7.7 and 7.8 relate to the same application and both should have been removed from the first reading bylaws that were considered together. Since it was procedurally incorrect to consider the zone amending bylaw before the OCP amending bylaw, the City Clerk asked that Council rescind their first reading of the zone amending bylaw (item 7.8) so that the OCP amending bylaw (item 7.7) could be considered first.

Moved by Councillor Nelson/Seconded by Councillor Given**R634/02/06/16** THAT first reading given Bylaw No. 8879 in the first-reading resolution adopted under agenda item No. 7.1 be rescinded.CarriedMoved by Councillor Nelson/Seconded by Councillor Given**R635/02/06/16** THAT Bylaw No. 8878 be read a first time.Carried

Councillors Blanleil, Clark and Hobson opposed.

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Moved by Councillor Nelson/Seconded by Councillor Given

R636/02/06/16 THAT Bylaw No. 8879 be read a first time.

Carried

Councillors Blanleil, Clark and Hobson opposed.

(BYLAW PRESENTED FOR AMENDMENT AT FIRST READING)

7.9 Bylaw No. 8840 (Z02-1005) – David & Gertrude DeGroot (Robert Edwards) – 3933 Bluebird Road

Councillor Day declared a conflict of interest because he owns property within the notification radius of the subject property and left the Council Chamber at 8:07 p.m.

Staff:

- Confirmed that the applicant has responded to the concerns of the neighbourhood by committing to register a covenant requiring that the suite be in the addition to the house and not in an accessory building.

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R637/02/07/16 THAT Bylaw No. 8840 be amended at first reading to change the requested zoning designation from RU6 –Two Dwelling Housing to RU1s – Large Lot Housing with Secondary Suite.

Carried

Councillor Day returned to the Council Chamber at 8:09 p.m. and took his place at the Council Table.

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

Council agreed to deal with the bylaws presented for first 3 readings under agenda items No. 7.10 to 7.12 in one resolution.

7.10 Bylaw No. 8818 – Road Exchange Bylaw – 5440 Chute Lake Road

Moved by Councillor Hobson/Seconded by Councillor Day

R638/02/07/16 THAT Bylaws No. 8818, 8877 and 8880 be read a first, second and third time.

Carried

7.11 Bylaw No. 8877 – Amendment No. 15 to Development Application Fees Bylaw No. 8034

Dealt with under agenda item No. 7.10.

7.12 Bylaw No. 8880 – Road Exchange Bylaw – 2365 Stillingfleet Road

Dealt with under agenda item No. 7.10.

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- 7.13 Bylaw No. 8864 - Aberdeen Holdings Limited Tenancy Agreement Approval Bylaw – 2350 Burtch Road

Councillor Day declared a conflict of interest because direct family members own adjoining property and left the Council Chamber at 8:10 p.m.

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R639/02/07/16 THAT Bylaw No. 8864 be adopted.

Carried

Councillor Day returned to the Council Chamber at 8:10 p.m.

8. REMINDERS

Stop Light at Intersection of Creighton/Lakeshore

- The traffic light at Creighton/Lakeshore has been upgraded and the people in the area are upset about the size and cost of the light, particularly when they feel that the Barnaby/Chute Lake/Lakeshore intersection needs a traffic signal.
- Installation of the traffic light was a condition of an agreement for a property purchase that occurred 15-20 years ago. The City has an obligation to live up to that commitment. The traffic signal was upgraded based on the volumes of traffic coming down the hill and the need to provide a safe crossing for the farmer in that location.
- Staff will report to Council with the proposed timing for installation of a signal light at Barnaby and Lakeshore.

Letter from Council to Telus

- Mayor Gray asked for Council's support to send a draft letter circulated to members of Council to the CEO of Telus expressing concern about the large number of employee layoffs proposed for Kelowna compared to the company average, and the impact of the lost jobs in Kelowna.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R640/02/07/16 THAT the draft letter to the President and CEO of Telus regarding proposed company layoffs in Kelowna be finalized as presented.

Carried

9. TERMINATION

The meeting was declared terminated at 8:28 p.m.

Certified Correct:

Mayor

City Clerk

BLH/pp