

Regular MeetingMay 10, 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 Monday, May 10, 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. Leask, 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*; Acting-Current Planning Manager, A. Bruce*; Long Range Planning Manager, L.V. Foster*; Planning & Development Officer, G. Routley*; Director of Parks & Leisure Services, D.L. Graham*; Parks Manager, J. Creron*; Civic Properties Manager, H.R. Hyatt*; Facilities Supervisor, J. Gabriel*; Drainage/Solid Waste Manager*; Inspection Services Manager, K. Skinner*; Deputy Director of Finance, P.A. Macklem*; Financial Planning & Systems Manager, K. Grayston*; Environment 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 Blanleil was requested to check the minutes of the meeting.

Mayor Gray read a proclamation declaring May 10-16, 1999 as Rodeo Week.

3. PLANNING

- 3.1 Planning & Development Services Department, dated April 29, 1999 re: Rezoning Application No. Z99-1019 – Alfons Schoenherr (Bromley Equity Ltd. – 3618 Luxmoore Road (3360-20)

The Acting-Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report for Council. The applicant is proposing to construct a secondary suite within the lower level of the existing single family dwelling. A variance would be required for the additional floor area of the secondary suite.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R385/99/05/10 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, Sec. 34, Twp. 29, O.D.Y.D., Plan 28161, located on Luxmoore Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the A1s – Agriculture 1 with Secondary Suite zone;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property.

Carried

Councillor Leask opposed.

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- 3.2 Planning & Development Services Department, dated April 28, 1999 re: Rezoning Application No. Z99-1015 – Kooger Holdings Ltd. (Craig Koop) – 465 Wigglesworth Crescent (3360-20)

The Acting-Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report for Council. The secondary suite would be in the lower level of the residence which is now under construction.

Moved by Councillor Nelson/Seconded by Councillor Day

R386/99/05/10 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 10, Sec. 26, Twp. 26, O.D.Y.D., Plan KAP52738, located on Wigglesworth Crescent, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration.

Carried

- 3.3 Planning & Development Services Department, dated April 28, 1999 re: Rezoning Application No. Z99-1003 – 554764 BC Ltd. (D.E. Pilling & Associates) – 170 Nickel Road (3360-20)

The Acting-Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report for Council. A 19-bed seniors congregate care facility is proposed including 12 congregate care bed units and 6 apartment style units as well as one managers unit. The 12 beds would be at-grade and the suites would be on the lower floor in a walk-out basement. The requested RM4 zone allows up to 3 storeys above grade. Once rezoned, the property becomes a mandatory development permit area. The application was reviewed and supported by the Advisory Planning Commission subject to conditions that would be addressed at the Development Permit stage.

Moved by Councillor Day/Seconded by Councillor Shepherd

R387/99/05/10 THAT the Future Land Use Designation on Map 15.1 of the City of Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600, be amended by changing the designation of part of Lot B, Sec. 27, Twp. 26, O.D.Y.D., Plan 25115, as shown on Map "A" attached to the Planning & Development Services Department report dated April 28, 1999, located on Nickel Road, Kelowna, B.C., from the Multi-Family Residential – low density designation to the Multi-Family Residential – low density transitional designation;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot B, Sec. 27, Twp. 26, O.D.Y.D., Plan 25115, as shown on Map "A" attached to the Planning & Development Services Department report dated April 28, 1999, located on Nickel Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RM4 – Transitional Low Density Housing zone;

AND THAT the Official Community Plan and zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of Preliminary Layout Review Letter by the Approving Officer;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property;

AND FURTHER THAT subsequent to final adoption of the zone amending bylaw, the Mayor and City Clerk be authorized to sign and seal, on behalf of the City of Kelowna, a Servicing Agreement to the applicant's credit.

Carried

- 3.4 Planning & Development Services Department, dated May 5, 1999 re: Rezoning Application No. Z99-1014 – The Roman Catholic Bishop of Nelson (Porter Ramsay Barristers & Solicitors) – 620 Rutland Road North, 170 Leathead Road and 605 Ford Road (3360-20)

The Acting-Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report noting a multi-level care facility is proposed comprising 42 independent living units, 36 congregate care units and a 123-bed licensed care facility.

Councillor Hobson realized that as a Director on the Regional Health Board he may be in a conflict of interest for this application and left the Council Chamber at 1:52 p.m.

The Acting-Current Planning Manager showed a site concept plan and advised that only 75 beds would be built in the first phase of development. The buildings would be maximum 3 storeys in height, stepping down to 2 storeys abutting adjacent single family units. The site is in a mandatory development permit area. The Advisory Planning Commission reviewed and supported the application subject to a traffic impact study; however, the City's Works & Utilities have not indicated a traffic study is necessary. A letter has been received from the Rutland Residents Association indicating general support with some concern about servicing and traffic.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R388/99/05/10 THAT Map 15.1 – *General Future Land Use* of Schedule "A" of the Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600, be amended by changing the Future Land Use designation of; Lot D, Sec. 26, Twp. 26, O.D.Y.D., Plan 34969, located on Rutland Road North, Kelowna, B.C., from Multiple Family Residential – Low Density to Multiple Family Residential – Low Density Transition as shown on Map "A";

AND THAT Map 15.1 – *General Future Land Use* of Schedule "A" of the Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600, be amended by changing the Future Land Use designation of Lot E, Sec. 26, Twp. 26, O.D.Y.D., Plan 34969, and Lot F, Sec. 26, Twp. 26, O.D.Y.D., Plan 34969, located on Ford Road and Leathead Road, Kelowna, B.C., from Single/Two Family Residential to Multiple Family Residential – Low Density Transition as shown on Map "A";

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot D, Sec. 26, Twp. 26, O.D.Y.D., Plan 34969, Lot E, Sec. 26, Twp. 26, O.D.Y.D., Plan 34969, and Lot F, Sec. 26, Twp. 26, O.D.Y.D., Plan 34969, located on Rutland Road North, Ford Road, and Leathead Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RM4 – Transitional Low Density Housing zone;

AND THAT the Official Community Plan and zone amending bylaw be forwarded to a Public Hearing for further consideration;

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AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

AND FURTHER THAT subsequent to final adoption of the zone amending bylaw, the Mayor and City Clerk be authorized to sign and seal, on behalf of the City of Kelowna, a Servicing Agreement to the applicant's credit.

Carried

Councillor Hobson returned to the Council Chamber at 2:00 p.m. and took his place at the Council Table.

- 3.5 Planning & Development Services Department, dated May 5, 1999 re: Development Permit Application No. DP99-10,027 – Oxford Properties and Omers Realty Corp. (Mac MacCormack/Design Tech) – 2271 Harvey Avenue (3060-20)

The Acting-Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report for Council. The applicant is requesting permission to remove a significant amount of mature landscaping along the highway frontage of Orchard Park Mall. The landscaping would be replaced with younger stock that is more appropriate for enhancing view corridors and providing for improved pedestrian access to the mall.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R389/99/05/10 THAT Municipal Council authorize the issuance of Development Permit No. DP99-10,027 (Design Tech), on lands described as part of Lot 1, D.L. 127, ODYD, Plan KAP53260, as shown on Map "A" attached to the report of the Planning and Development Services Department, dated May 5, 1999, located on Harvey Avenue, Kelowna, B.C., subject to the following terms and conditions:

1. Landscaping to be provided on the land be in general accordance with Schedule "A";
2. 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;

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3. The applicant makes appropriate arrangements with the Works & Utilities Department for any structures that are proposed to be located within the City of Kelowna road right-of-way;

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.

Carried

The Director of Parks & Leisure Services and the Planning & Development Officer entered the Council Chamber and the Director of Planning & Development Services and the Acting-Current Planning Manager left at 2:16 p.m.

- 3.6 Planning & Development Services Department, dated May 6, 1999 re: Former Growers Supply Building – Heritage Recognition (6800-04)

The Long Range Planning Manager reviewed the report noting the Growers Supply company occupied this structure from the mid-1960s to the early 1990s when they moved to their current location. The building is approximately 25,000 sq. ft. in size. City staff suggest that the building warrants inclusion in the City's Heritage Register to recognize the historical part the company played in the development of this area of the city. At the same time, it is necessary to provide the latitude for the architectural changes that will be required to enhance the building for Community Arts Centre purposes.

A member of Council noted the report does not recognize the thriving vegetable industry (packing and canning of vegetables) that was a substantial contributor to the economy of the area in the early days and is part of the heritage of that area of the city.

Moved by Councillor Cannan/Seconded by Councillor Hobson

R390/99/05/10 THAT the City of Kelowna endorses the former Growers Supply Building as a significant heritage feature within the evolving Cultural Precinct and designates the structure as a component of an integrated heritage site, reflecting the areas former agricultural focus, in Kelowna's Heritage Register.

Carried

The Director of Parks & Leisure Services and the Planning & Development Officer left the Council Chamber at 2:29 p.m.

4. BYLAWS (ZONING & DEVELOPMENT)

(BYLAW PRESENTED FOR ADOPTION)

- 4.1 Bylaw No. 8367 – City of Kelowna Zoning Bylaw Text Amendment No. TA99-005 (miscellaneous amendments)

Moved by Councillor Nelson/Seconded by Councillor Leask

R391/99/05/10 THAT Bylaw No. 8367 be adopted.

Carried

The Inspection Services Manager entered the Council Chamber and the Long Range Planning Manager left at 2:30 p.m.

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- 5.1 Inspection Services Manager, dated May 4, 1999 re: Cidery Liquor Licence for East Kelowna Cider Company – 2981 East Kelowna Road (0540-20)

The Inspection Services Manager outlined the report noting there has been no response to the notice placed in the citizen information section of the newspapers advising of this application.

Moved by Councillor Nelson/Seconded by Councillor Hobson

R392/99/05/10 THAT the Liquor Control and Licensing Branch be advised that Council supports the licensing of a winery (cidery) proposed by Dave Ross of East Kelowna Cider Company at 2981 East Kelowna Road.

Carried

- 5.2 Inspection Services Manager, dated May 3, 1999 re: Hours of Sale – Brandt's Creek Neighbourhood Pub (0540-20)

The Inspection Services Manager outlined the report noting a previous resolution of Council approved the requested change in hours during the period May 15 to September 15 of each year. However, the Liquor Control Branch will not approve a seasonal change of hours.

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R393/99/05/10 THAT the Liquor Control and Licencing Branch be advised that Council has no objection to the application from Brandt's Creek Neighbourhood Pub to change the hours of sale for Friday and Saturday from a 12:00 am closing to a 1:00 am closing.

Carried

The Civic Properties Manager and the Facilities Supervisor entered the Council Chamber and the Inspection Services Manager left at 2:33 p.m.

- 5.3 Facilities Supervisor, dated April 14, 1999 re: Kelowna Grizzlies Management Agreement for Elks Stadium (7900-20; 2380-20-776a)

The Facilities Supervisor advised the E-License agreement is the same as in the past where the City receives 25% of the sales. The License to Use is a 3-year agreement based on \$2,550 rent in the first year, which is what they paid last year, and rent to be negotiated for subsequent years.

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R394/99/05/10 THAT City Council approve the Kelowna Grizzlies Management Agreement for the "E" Licence for Elks Stadium as per the terms and conditions of the Agreement attached to the report dated April 14, 1999 from the Facilities Supervisor;

AND THAT City Council approve the License to Use Agreement for Elks Stadium with the Kelowna Grizzlies for the 1999-2001 seasons as per the terms of the Agreement attached to the report dated April 14, 1999 from the Facilities Supervisor.

Carried

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The Deputy Director of Finance, the Financial Planning & Systems Manager and the Drainage/Solid Waste Manager entered the Council Chamber and the Civic Properties Manager and the Facilities Supervisor left at 2:37 p.m.

5.4 Deputy Director of Finance, verbal presentation re: 1999 Taxation Impacts

The Deputy Director of Finance advised the purpose of this presentation is to keep the taxpayers informed about the budget and taxation process. Each property owner will be impacted differently, depending on their assessment change from the previous year and any charges that are specific to their property such as those associated with local improvements, specified areas and water and sewer parcel taxes. Tax notices should be in the mail on May 20th and the deadline for payment is Friday, July 2nd. After that date, a 10% penalty is applicable. Taxpayers are encouraged to pay their taxes by mail, using the drop-box at City Hall, or through any of the banking institutions in order to avoid parking and line-up problems at City Hall.

Councillor Blanleil left the Council Chamber at 2:50 p.m.

The Financial Planning & Systems Manager referred to slides displayed on the overhead projector to assist with a short presentation to highlight and compare changes that residential and business property owners can expect to see on their 1999 tax notices.

Moved by Councillor Nelson/Seconded by Councillor Cannan

R395/99/05/10 THAT the verbal report from the Deputy Director of Finance and the Financial Planning & Systems Manager regarding 1999 taxation impacts be received for Council's information.

Carried

The Parks Manager entered the Council Chamber and the Deputy Director of Finance and the Financial Planning & Systems Manager left at 2:54 p.m.

5.5 Drainage/Solid Waste Manager, dated May 5, 1999 re: Landfill Staff Facility (5360-03)

The Drainage/Solid Waste Manager presented the report and advised that approximately 1,000 sq. ft. of additional space is required to meet new Workers' Compensation Board regulations for the staff facility at the landfill.

Councillor Blanleil returned to the Council Chamber at 3:00 p.m. and took his place at the Council Table.

The Drainage/Solid Waste Manager responded to questions of Council regarding the number of staff working at the landfill and the changes that are required.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R396/99/05/10 THAT \$56,450 be provided from the landfill reserve for the supply of landfill staff facilities necessary to meet the new WCB regulations;

AND THAT the 1999 Budget be amended to provide for this capital project.

Carried

The Director of Parks & Leisure Services returned to the Council Chamber with the Environment Manager, and the Drainage/Solid Waste Manager left at 3:01 p.m.

5.6 Parks Manager, dated May 3, 1999 re: Bylaw No. 8378 – Amendment No. 5 to City of Kelowna Parks Bylaw No. 6819-91

The Parks Manager reviewed the report and advised the proposed changes would permit horses in designated parks and clarify park hours. He also pointed out a typographic error in Schedule B of the bylaw which should read that City Park, Kerry Park and Waterfront Park are closed between the hours of 11 p.m. and 6 a.m. rather than 7 a.m.

Members of Council suggested that the Mill Creek Master Plan include providing dual paths along Mill Creek, one that would be hard surfaced to accommodate rollerbladers, skateboarders and wheelchairs and one with a soft surface, and that cyclists be required to have bells that they can ring when approaching pedestrians.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R397/99/05/10 THAT the report dated May 3, 1999 from the Parks Manager outlining proposed amendments to City of Kelowna Parks Bylaw No. 6819-91 be received for Council's information;

AND THAT Bylaw No. 8378 (Amendment No. 5 to City of Kelowna Parks Bylaw No. 6819-91) be advanced for reading consideration by Council.

Carried

5.7 Environment Manager, dated May 3, 1999 re: Fuel Storage Tank Policy (B/L 8389)

The Environment Manager advised the proposed amendments are of a housekeeping nature to correct bylaw language.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R398/99/05/10 THAT Petroleum Products Storage Tank Bylaw No. 8267 be amended as outlined in the report from the Environment Manager dated May 3, 1999;

AND THAT Bylaw No. 8389 (Amendment No. 1 to Petroleum Products Storage Tank Bylaw No. 8267) be advanced for reading consideration by Council.

Carried

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Council asked that if any additional meetings are required during the months of July and August, the meetings be held in the same week as the scheduled meetings rather than in the alternating weeks where there are no meetings.

Moved by Councillor Nelson/Seconded by Councillor Leask

R399/99/05/10 THAT an additional Public Hearing and Special Meeting be scheduled for Tuesday, June 22, 1999 at 7:00 p.m. in the Council Chamber at City Hall.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**7.1 Bylaw No. 8378 – Amendment No. 5 to City of Kelowna Parks Bylaw No. 6819-91

Moved by Councillor Cannan/Seconded by Councillor Bremner

R400/99/05/10 THAT Bylaw No. 8378 be read a first, second and third time.

Carried

7.2 Bylaw No. 8389 – Amendment No. 1 to Petroleum Products Storage Tank Bylaw No. 8267 (Update requirement for installation permit under Fire Code)

Moved by Councillor Cannan/Seconded by Councillor Bremner

R401/99/05/10 THAT Bylaw No. 8389 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)7.3 Bylaw No. 8226 – Amendment No. 12 to Garbage Collection Bylaw No. 7173 (amend garbage pick-up rates for 1999)

Moved by Councillor Bremner/Seconded by Councillor Cannan

R402/99/05/10 THAT Bylaw No. 8226 be adopted.

Carried

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- 7.4 Bylaw No. 8374 – Amendment No. 1 to Sign Bylaw No. 8235 (replace I6 zone with CD12 zone)

Moved by Councillor Leask/Seconded by Councillor Nelson

R403/99/05/10 THAT Bylaw No. 8374 be adopted.

Carried

- 7.5 Bylaw No. 8381 – Amendment No. 6 to Kelowna Development Cost Charge Bylaw No. 7728 (replace Schedule E – I6 zone with CD12 zone)

Moved by Councillor Nelson/Seconded by Councillor Leask

R404/99/05/10 THAT Bylaw No. 8381 be adopted.

Carried

- 7.6 Bylaw No. 8382 – Amendment No. 1 to Subdivision, Development and Servicing Bylaw No. 7900 (replace I6 zone with CD 12 zone)

Moved by Councillor Leask/Seconded by Councillor Nelson

R405/99/05/10 THAT Bylaw No. 8382 be adopted.

Carried

- 7.7 Bylaw No. 8409 - 1999 Tax Structure Bylaw

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R406/99/05/10 THAT Bylaw No. 8409 be adopted.

Carried

- 7.8 Bylaw No. 8410 – 1999 Annual Budget Bylaw

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R407/99/05/10 THAT Bylaw No. 8409 be adopted.

Carried

- 7.9 Bylaw No. 8411 – 1999 Annual Rates Bylaw

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R408/99/05/10 THAT Bylaw No. 8411 be adopted.

Carried

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Councillor Hobson advised that some of the twinkle lights that are in the South Pandosy Revitalization area have never worked and asked that staff investigate and ensure all the lights are working.

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9. TERMINATION

The meeting was declared terminated at 3:37 p.m.

Certified Correct:

Mayor

City Clerk

BLH/bn