

Regular MeetingJune 28, 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, June 28, 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; Acting-City Clerk, G.D. Matthews; Director of Planning & Development Services, R.L. Mattiussi*; Current Planning Manager, A. Bruce*; Long Range Planning Manager, L.V. Foster*; Special Projects Planning Manager, H.M. Christy*; Subdivision Approving Officer, R.G. Shaughnessy*; Planning & Development Officer, G. Routley*; Director of Parks & Leisure Services, D.L. Graham*; Civic Properties Manager, H.R. Hyatt*; Facilities Supervisor, J. Gabriel*; Director of Works & Utilities, J. Vos*; Water Manager, D. Degen*; 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 Blanleil was requested to check the minutes of the meeting.

3. PLANNING

- 3.1 Planning & Development Services Department, dated June 17, 1999 re: Rezoning Application No. Z96-1028 – Barrie & Ingrid Clark and No. 21 Great Projects Ltd. (Bob Runnalls/R.R. Runnalls & Associates) – 902 & 908 Paret Road and 845 & 850 Steele Road (3360-20)

The Subdivision Approving Officer indicated the property on maps displayed on the overhead projector and outlined the report for Council. The applicant is proposing to subdivide the property to create 17 single family residential lots and 3 rural residential lots. The property is undeveloped with the exception of one dwelling on one of the lots. The application was reviewed by the Advisory Planning Commission in April 1996 and supported with no conditions. The application was not advanced to Council until now because it has taken this long for the applicant to upgrade the water system. The City has agreed to limited cost sharing of the water system upgrade because the system upgrading will also benefit other existing homes in the immediate area. The subject properties are identified as potential infill development in the area sector plan and therefore a Concept Development Plan is not required prior to rezoning.

Regular MeetingJune 28, 1999Moved by Councillor Hobson/Seconded by Councillor Shepherd

R565/99/06/28 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 1 and 2, D.L. 579, S.D.Y.D., Plan 23033; and Lots 5 and 6, D.L. 579, S.D.Y.D., Plan 26238, located on Steele Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing, RR1 – Rural Residential 1, and the RR2 – Rural Residential 2 zones as shown on Map "A" attached to the report of the Planning & Development Services Department dated June 17, 1999;

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

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 Development Servicing Agreement to the applicant's credit.

Carried

The Subdivision Approving Officer left the Council Chamber at 1:40 p.m.

- 3.2 Planning & Development Services Department, dated June 23, 1999 re: Extension of Council Approval for Issuance of DP98-10,081 – Perth Developments Inc.(Ted Thomas/International Land Corp.) – 1965 Durnin Road (3060-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report for Council noting there are still terms and conditions pending.

Moved by Councillor Cannan/Seconded by Councillor Leask

R566/99/06/28 THAT Municipal Council authorize the extension of the 180 day period of issuance of Development Permit DP98-10,081 (International Land Corp. for Perth Developments Inc.) for Lot 1, Sec. 21, Twp. 26, O.D.Y.D., Plan KAP47514 Except Strata Plan KAS1157 (Phases 1 and 2), for a period of 180 days.

Carried

- 3.3 Planning & Development Services Department, dated June 23, 1999 re: Development Permit Application No. DP99-10,045 – Jabs Construction Ltd. et al (Harvey Benson) – 1260, 1270, 1276 & 1286 Brookside Avenue (3060-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report advising that in September 1998 a Development Permit was authorized for issuance for development of 48 condo strata units on the site. The plans have now been revised to develop 60 rental units and parking has been increased proportionately. The building is being modelled after another building by the same developer on Cooper Road. The initial stepping down of the end units on the third floor have been changed and they will not be stepped back now.

Regular MeetingJune 28, 1999Moved by Councillor Leask/Seconded by Councillor Nelson

R567/99/06/28 THAT Municipal Council authorize issuance of Development Permit No. DP99-10,045 (Jabs Construction) for Lot 1 and 3, Plan 4148 and Lots A and B, Plan 21823, all of Sec. 19, Twp. 26, ODYD, located on Brookside Avenue, Kelowna, B.C. subject to the following:

1. The siting and dimensions of the building to be constructed on the land be in accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
3. Landscaping to be provided on the land in 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. The applicant register a plan of subdivision that addresses the consolidation of the subject properties, the dedication of the Mill Creek stream protection corridor as indicated on Schedule "A", and the road exchanges as shown on Schedule "A";
6. The applicant apply for and receive approval from the Ministry of Environment, Parks and Lands for the construction of the new bridge access at the east end of the subject properties;

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

- 3.4 Planning & Development Services Department, dated June 23, 1999 re: Development Permit Application No. DP99-10,037 – Kettle Valley Holdings Ltd. (Steve Hale/Septra Projects Ltd. – 5305-5309 Main Street (3060-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report for Council. The applicant is requesting changes to the second phase of the commercial development of the Kettle Valley Village Centre to increase the floor area slightly and to add a commercial floor at the basement level of Building "B". An indoor fitness facility is proposed in the basement area. Staff have no concerns and recommend support.

Regular MeetingJune 28, 1999Moved by Councillor Hobson/Seconded by Councillor Shepherd

R568/99/06/28 THAT Municipal Council authorize the issuance of Development Permit No. DP99-10,037; Lot 1, Sec. 23, Twp. 28, S.D.Y.D., Plan KAP63414; for Kettle Valley Holdings Ltd., located on Main Street, 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".

Carried

- 3.5 Planning & Development Services Department, dated June 22, 1999 re: Rezoning Application No. Z97-1021 – Marona Estates Ltd. (Warren Neufeld) – 720 Valley Road and 780 Glenmore Road (3360-20)

Councillor Day advised that he is in a conflict of interest because the subject property is owned by a direct family member and left the Council Chamber at 1:55 p.m.

The Current Planning Manager indicated the property on maps displayed on the overhead projector and reviewed the highlights of the report for Council. The proposed development is known as The Conservatory and the overall development projects beyond what the City's Official Community Plan and Transportation Plan projects for the subject property. Therefore, the intent is to phase the project and rezone only the land required for phase 1 at this time. Phase 1 includes the commercial development area at the corner of Glenmore Road and Summit Drive, approximately 240 residential units, the Winter Garden, landscaped open space and the associated underground parking facilities for phase 1. The Current Planning Manager showed a conceptual plan of the overall project and advised that if this phase proceeds, then phases 2 to 4 would all require rezoning applications as they proceeded.

The Current Planning Manager advised that the Advisory Planning Commission reviewed a slightly different version of phase 1 of the project and recommended support in principle with suggestions that specific elements be refined. Since then several of the issues have been addressed including a housing agreement that will require 15% of the residential units in each phase to be provided as special needs housing. The housing agreement allows for the floor area ratio of the buildings and structures within the zone to be increased from 1.0 to 1.5 as a form of density bonusing. The Current Planning Manager showed artist's renderings of some of the proposed building images noting the overall project is based on the "aging in place" philosophy and would include independent living units, special needs housing, congregate care housing, and licensed care facilities in order to accommodate the residential needs of an aging population without the residents having to relocate.

Regular Meeting

June 28, 1999

The Current Planning Manager advised that the land uses and densities are all relatively consistent with the sector plan but building height was to be held to maximum 4 storeys and development view corridors were to be preserved before and after this development. The tower features in future phases are proposed to be 6 and 8 storeys. Staff recommend forwarding the subject application to public hearing provided the issues identified at the end of the staff report are concluded prior to the bylaws being presented for first reading. He added that this proposal has been developed under the guidance of the City and applicant's legal counsel.

The Long Range Planning Manager entered the Council Chamber at 2:20 p.m.

The Current Planning Manager responded to questions of Council clarifying aspects of the proposal.

The Director of Planning & Development Services advised that the Official Community Plan indicates a 2-storey building height for the subject property but that does not take into consideration the potential for bonusing. The sector plan indicates maximum 4-storey buildings would be permitted. Planning Department staff decided the net benefit to the community from the special needs housing to be gained through the housing agreement warranted a density increase to 1.5 FAR. Staff also decided that a variety of building heights averaging out at 4-storeys would be more architecturally pleasing than a wall of nothing but 4-storey buildings on the site. Council has the option to support or not support the positions taken by the Planning Department.

Council suggested that the applicant consider providing a model of the overall development for the public hearing to show massing and impacts on view corridors.

Moved by Councillor Leask/Seconded by Councillor Nelson

R569/99/06/28 THAT City of Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600 be amended as described in Appendix 1 attached to the report of the Planning & Development Services Department dated June 22, 1999;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by adding the CD3 – Comprehensive Development Three zone as described in Appendix 2 attached to the report of the Planning & Development Services Department dated June 22, 1999;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of a portion of Lot 4, Block 7, Secs. 29 and 32, Twp. 26, O.D.Y.D., Plan 896 and Lot C, Sec. 29, Twp. 26, O.D.Y.D., Plan KAP55671, as shown on Figure "A" attached to the report of the Planning & Development Services Department dated June 22, 1999, located on Valley and Glenmore Roads, Kelowna, B.C., from the A1 – Agriculture 1 and the RU1 – Large Lot Housing zones to the CD3 – Comprehensive Development Three zone;

AND THAT the Official Community Plan and zone amending bylaws be forwarded for consideration subject to the applicant addressing the "Requirements for First Reading of Bylaws" as detailed in the report from the Planning & Development Services Department prior to Council advancing the Rezoning, Text Amending and OCP Amending Bylaws to first reading;

Regular MeetingJune 28, 1999

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a plan of subdivision that creates the lands proposed to be rezoned CD3 – Comprehensive Development Three zone;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department and Ministry of Highways being completed to their satisfaction.

Carried

Councillors Cannan and Shepherd opposed.

Councillor Day returned to the Council Chamber at 2:57 p.m. and took his place at the Council Table.

The Planning & Development Officer entered the Council Chamber and the Current Planning Manager left at 2:57 p.m.

3.6 Planning & Development Services Department, dated June 23, 1999 re: Draft Kelowna Heritage Register (6800-02)

The Long Range Planning Manager used slides displayed on the overhead projector to assist with presentation of the report. He advised that the owners of all 131 properties were notified that their property was proposed to be included in the register and on June 16th a public open house was held for the owners to meet and discuss the proposed registry. Letters have been received requesting that 5 properties not be included in the registry. The Community Heritage Commission have passed a resolution of support for adoption of the register as the official listing of heritage properties within the city. The registry is a listing of resources seen as having heritage value and imposes no major impediment to the property owners. If the Heritage Register is adopted by Council, then official notification would be sent to each property owner and to the provincial government.

Members of Council expressed concern about including properties on the heritage register without the consent of the property owner, and the delay that would result in processing applications for a building permit or demolition permit for these properties. Staff were requested to see how other communities that have adopted a heritage register are dealing with requests for removal of property from the list and what they are doing to fast-track dealing with requests for building permits on these properties. Staff were also requested to provide criteria as to what would be considered reasonable for Council to grant a request for removal of a property from the registry and explain how the City of Kelowna could fast-track applications.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R570/99/06/28 THAT further Council consideration of the Planning Department's report dated June 23, 1999 regarding adoption of the Kelowna Heritage Register dated December 1998 be deferred pending a further report from staff to address the concerns raised by Council at the Regular Meeting of June 28, 1999.

Carried

The Civic Properties Manager entered the Council Chamber and the Long Range Planning Manager and the Planning & Development Officer left at 4:13 p.m.

Regular Meeting

June 28, 1999

- 3.7 Planning & Development Services Department, dated June 16, 1999 re: Public Art Committee Recommendation Regarding the Library Plaza Public Art Competition (2300)

The Special Projects Planning Manager, staff liaison with the public art committee, presented the report and drew Council's attention to the model display of the art work considered by the committee for the Library Plaza. She announced that the winning art work is entitled "Natural Language" and that there would be a plaque to explain the symbolism of the two pieces.

Moved by Councillor Hobson/Seconded by Councillor Leask

R571/99/06/28 THAT City Council approve the recommendation of the Public Art Committee to award the commission for the Library Plaza artwork to Jennifer Macklem and Kip Jones of Kelowna;

AND THAT the Mayor and City Clerk be authorized to sign a contract with Ms. Macklem and Mr. Jones to supply and install the artwork on site for an amount not to exceed \$35,000.00 inclusive of all fees and taxes, from the Public Art Reserve Fund pursuant to Council Policy 208.

Carried

The Facilities Supervisor entered the Council Chamber and the Special Projects Planning Manager left at 4:20 p.m.

- 3.8 Planning & Development Services Department, dated June 25, 1999 re: Funding for Conceptual Designs for Old Vernon Road Extension to Beaver Lake Road (6850-01)

The Director of Planning & Development Services spoke briefly to the report noting the designs for the road work are needed so that the final road siting can be submitted to the Agricultural Land Commission because they want to move the road as far east as possible.

Councillors Bremner and Leask left the Council Chamber at 4:22 p.m.

Moved by Councillor Day/Seconded by Councillor Cannan

R572/99/06/28 THAT costs totalling \$150,000 to review potential servicing options and complete conceptual design to provide roads, water, sewer and drainage infrastructure (Old Vernon Road extension to Beaver Lake Road – Western Star High Tech Industrial Park) be funded from the Amalgamation Grant Reserve;

AND THAT the 1999 budget be amended to reflect these costs and funding requirements.

Carried

The Director of Parks & Leisure Services entered the Council Chamber and the Director of Planning & Development Services left at 4:25 p.m.

Regular MeetingJune 28, 19994. REPORTS

- 4.1 Inspection Services Manager, dated June 18, 1999 re: Revocation of Business License No. 33512 (Transfer of Business License No. 24527) – Weathermark Management Ltd.; Gurchetan Singh Kandola and Ajit Kandola – Mission Market – 4624 Lakeshore Road (4320)

Withdrawn from the agenda.

- 4.2 Civic Properties Manager, dated June 24, 1999 re: Modification Agreement – Amendment to Increase Moorage Area Licence of Occupation No. 336940 (Grand Hotel) (6340-30)

The Civic Properties Manager outlined the report for Council.

Councillor Leask returned to the Council Chamber at 4:28 p.m. and Councillor Day left at 4:29 p.m.

Moved by Councillor Nelson/Seconded by Councillor Blanleil

R573/99/06/28 THAT City Council approve an amendment of the existing Lease Agreement dated August 10, 1996 and further modified on May 10, 1998, between the City of Kelowna and the Ministry of Environment, Lands and Parks, to increase the area of the Licence for Aquatic Lands, Licence of Occupation No. 336940 used as temporary moorage;

AND THAT Council approve an amendment of the existing Sub-Lease Agreement between the City of Kelowna and The Grand Okanagan Resort to increase the area of the same Licence-Aquatic Lands used as temporary moorage; and to extend the term to August 9, 2001;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute these Lease documents on behalf of the City.

Carried

- 4.3 Facilities Supervisor, dated June 22, 1999 re: Jubilee Bowl Demolition (6140-20)

The Facilities Supervisor presented the report for Council recommending the remaining Jubilee Bowl foundation be removed and replaced with turf. The grandstand seating, concrete pad, washrooms and power supply would be retained and continue to be available for events.

Councillor Bremner returned to the Council Chamber at 4:34 p.m. and took her place at the Council Table.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R574/99/06/28 THAT City Council approve the demolition of the remaining Jubilee Bowl foundation in City Park.

Carried

Regular MeetingJune 28, 1999

The Director of Works & Utilities, the Water Manager and the Environmental Manager entered the Council Chamber and the Civic Properties Manager and the Properties Supervisor left at 4:39 p.m.

- 4.4 Director of Parks & Leisure Services, dated June 21, 1999 re: Arts Development Office – Future Status (1700-02; 8200-02)

The Director of Parks & Leisure Services outlined the report advising that it would be premature to determine how to allocate the unspent budgeted funds that are accumulating since the departure of the Arts Development Officer until further progress is made toward start-up of the new Community Arts Centre, completion of the Cultural District Implementation Strategy, and completion of the study regarding funding tourism initiatives.

Councillor Day returned to the Council Chamber at 4:43 p.m. and took his place at the Council Table.

Council agreed that this was a matter for debate at budget discussions.

Moved by Councillor Leask/Seconded by Councillor Nelson

R575/99/06/28 THAT the staff recommendation for the \$48,228 in unspent budget in the 1999 Arts Development Office budget and the year 2000 base budget allocation of \$62,782 to be appropriated to and held in a new reserve called the Arts Development Reserve be brought forward for debate at the year 2000 budget discussions.

Carried

Councillors Blanleil, Bremner, Cannan and Shepherd opposed.

The Director of Parks & Leisure Services left the Council Chamber at 4:52 p.m.

- 4.5 Councillor Hobson, Chair, Council Water Committee, dated June 9, 1999 re: Implementation of Water Quality Task Force Recommendations (0360-20)

Councillor Hobson introduced the report and advised that the recommendations are supported by the Water Board Committee.

The Water Manager reviewed each of the 13 recommendations from the Task Force and the recommended action for its implementation. He advised that a long-range water quality improvement plan would be completed by mid-2001 from information received over the next two year period.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R576/99/06/28 THAT Council approve the strategies outlined in the report dated June 9, 1999 from the Council Water Committee for implementation of the Water Quality Task Force recommendations that will ultimately lead to a long-range water quality improvement plan for the Water Utility;

AND THAT Council approve the expenditure of \$315,000 funded from the Water Quality Enhancement reserve to implement the recommendations outlined in this strategy;

Regular MeetingJune 28, 1999

AND FURTHER THAT the 1999 Budget be amended to incorporate these initiatives.

Carried

- 4.6 Environment Manager, dated June 17, 1999 re: Watershed Partnership Programs (5280-15)

The Environment Manager presented the report outlining the 1999 programs that are partnership related for protecting water quality.

Moved by Councillor Day/Seconded by Councillor Shepherd

R577/99/06/28 THAT Council receive as information the Environmental Manager's report dated June 17, 1999 regarding Watershed Partnership Programs;

AND THAT the Environmental Manager provide a report back to Council when the 1999 program initiatives are complete.

Carried

The Director of Works & Utilities, the Water Manager and the Environmental Manager left the Council Chamber at 5:35 p.m.

5. RESOLUTIONS

- 5.1 Draft Resolution re: Highway Reserve Agreement – McKinley Landing Road (Regional District of Central Okanagan) (0910-20)

The Acting-City Clerk read the resolution for the benefit of Council and the viewing audience.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R578/99/06/28 THAT Municipal Council enter into a Highway Reserve Agreement in the standard City of Kelowna format, pursuant to Section 539(1) of the Municipal Act, with the registered owners of Lot 1, Section 21, Township 23, Osoyoos Division Yale District, Plan KAP_____ for consideration of \$1.00;

AND THAT the Mayor and City Clerk be authorized to sign the agreement and affix the corporate seal of the City of Kelowna to same.

Carried

6. COUNCILLOR ITEMS

- (a) Handling of Complaints on Weekends re Bylaw Infractions

Councillor Shepherd advised that when people phone to report bylaw infractions on weekends the message they receive advises they can phone the administration number at the Fire Hall for emergencies. She asked that the City Manager consider having the message changed so that it does not discourage people from pursuing their complaint.

Regular Meeting

June 28, 1999

7. TERMINATION

The meeting was declared terminated at 5:43 p.m.

Certified Correct:

Mayor

BLH/bn

Acting-City Clerk