

Regular MeetingAugust 9, 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, August 9, 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\*; Special Projects Planning Manager, H.M. Christy\*; Inspection Services Manager, K. Skinner\*; Civic Properties Manager, H.R. Hyatt\*; Properties Supervisor, J. Waugh\*; Drainage/Solid Waste Manager, A. Newcombe\*; Transportation Planner, K. Gauthier\*; Recreation Manager, R. Oddleifson\*; 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 Day was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Steven Graham re: Trans Canada Trail – Update on Development Process

Withdrawn.

The Civic Properties Manager and the Director of Planning & Development Services entered the Council Chamber at 1:31 p.m.

Mayor Gray noted that the Military Museum representatives were available in the gallery and altered the order of business to deal with agenda item No. 5.1 at this time.

5.1 Civic Properties Manager, dated August 4, 1999, re: Okanagan Military Museum Society - Lease of Space at Memorial Arena (2380-20-876, 7930-20)

The Civic Properties Manager presented the report outlining the major terms of the agreement.

Mr. Bob Hadgraft, president of the Okanagan Military Museum showed the proposed floor plan and the proposed set up for the various rooms on overheads displayed on the projector and advised that the facility can be ready for November 11th, 1999.

Moved by Councillor Leask/Seconded by Councillor Nelson

**R675/99/08/09** THAT City Council approve a lease with the Okanagan Military Museum Society for the upper floor of the Centennial Hall addition (4,980 sq. ft.) at the Memorial Arena at a cost of \$1 for a term of 5 years commencing September 1, 1999, to establish a Military Museum on an interim basis;

AND THAT the Mayor and Clerk be authorized to execute the lease agreement.

Carried

The Civic Properties Manager left the Council Chamber at 1:46 p.m.

4. PLANNING

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- 4.1 Planning & Development Services Department, dated August 4, 1999 re: Development Permit Application No. DP99-10,034 – Foxglove Enterprises Ltd. (Sallywags Design Ltd.) – 2903 Pandosy Street (3060-20)

The Special Projects Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report noting the applicant proposes to demolish the existing building and construct a new 2-storey mixed commercial building. Parking would be off the rear lane and the second floor of the building would cantilever over the parking.

Councillor Bremner entered the Council Chamber at 1:47 p.m. and took her place at the Council Table.

The Special Projects Planning Manager advised that the plan referenced in the staff report was only received over the lunch hour today. A preliminary look at the plans by engineering staff indicates concerns with manoeuvrability and sight lines. In order that the application can move forward, staff recommend Council's resolution include an amendment to condition #1 to deal with garbage pick-up and other engineering concerns, and an amendment to the second last paragraph of the recommendation to indicate a \$3,000 per stall payment in lieu of parking in case there is a change in the number of parking stalls.

Council expressed concern that although the proposed building design is attractive and will be a landmark building, it is a different style from other buildings in the area. Staff were urged to bring forward design guidelines for the South Pandosy area as soon as possible.

Moved by Councillor Nelson/Seconded by Councillor Shepherd

**R676/99/08/09** THAT Municipal Council authorize the issuance of Development Permit No. 99-10,034, for Sallywags Design Ltd., on Lot 14, D.L. 14, O.D.Y.D., Plan 3292, except Plan KAP59103, located on Pandosy 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" with amendments as necessary to deal with garbage pick-up and other engineering concerns such as sight lines and transformer location;
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";

AND THAT a Plan of Subdivision dedicating the lane and receipt of corresponding bonding for land upgrades of \$2,000.00 be registered in the Kamloops Land Titles office;

AND THAT the applicant provide to the City a \$3,000.00 cash payment per stall in lieu of required parking stalls;

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

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- 4.2 Planning & Development Services Department, dated August 5, 1999 re: Development Permit Application No. DP99-10,066 – City of Kelowna & R.G. Arena (Kelowna) Ltd. – 1223 Water Street (3060-20)

The Special Projects Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report for Council. The development permit includes minor revisions to the site layout and addresses proposed signage for Skyreach Place.

Council deferred further consideration of this application to later in the agenda to allow staff to investigate and report back on the proposed surface treatment of the parking lot adjacent to Water Street which is intended as an interim parking area for the multi-purpose facility. (See after 4.4 in the minutes)

- 4.3 Planning & Development Services Department, dated August 4, 1999 re: Rezoning Application No. Z97-1021 – Marona Estates Ltd. (Warren Neufeld) – 720 Valley Road and 780 Glenmore Road, City of Kelowna Zoning Bylaw Text Amendment No. 99-009 and City of Kelowna Official Community Plan Amendment No. OCP97-024

Councillor Day declared a possible conflict of interest as direct family members are owners of this property and left the Council Chamber at 2:11 p.m.

The Director of Planning & Development Services advised this is a supplemental report to advise that the housing agreement that had to be completed before this application could advance to public hearing has been completed.

The City Clerk advised the public hearing for this application will be September 21, 1999.

Staff were asked to provide the following information at the public hearing:

- explain how the density bonusing was calculated;
- explain the proposed Stream Protection measures;
- explain what is meant by “the great majority of parking shall be located underground”; and
- advise what will be used as the ‘yardstick/baseline” for measuring the affordability of the affordable housing.

A member of Council suggested that the definition of affordable housing in draft bylaw No. 8449 be forwarded for adoption by the Community Housing Needs Committee.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

**R677/99/08/09** THAT Bylaw No. 8448 (OCP97-024 – Marona Estates Ltd. – Valley/Glenmore Roads); Bylaw No. 8449 (TA99-009 – to add the CD3 – Comprehensive Development 3 Zone); and Bylaw No. 8450 (Z97-1021 – Warren Neufeld/Marona Estates Ltd. – Valley/Glenmore Roads) be considered for first reading and advanced to a Public Hearing.

Carried

Councillor Cannan opposed.

Councillor Day returned to the Council Chamber at 2:27 p.m. and took his place at the Council Table.

- 4.4 Planning & Development Services Department, dated August 3, 1999 re: Area Structure Plan Application No. ASP95-002, Official Community Plan

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Amendment No. OCP98-010, Rezoning Applications No. Z98-1021, Z98-1029 and Z98-1032 - 369736 B.C. Ltd, Emil Anderson Construction, Gilmar Management Ltd, Gillen Investments, Pendulum Enterprises Ltd. and Hilltop Sand & Gravel (Grant Gaucher & New Town Planning) - 5065, 5120, & 5150 Frost Road and 611 & 625 Barnaby Road/Southwest Mission Neighbourhood 2

The Special Projects Planning Manager presented the report aided by charts and maps displayed on the overhead projector. The area structure plan (ASP) anticipates approximately 4,000 new units within the 20 year timeframe and of those about 1,200 are within the boundaries of Neighbourhood 2. A school site would be required for this number of units and the School District has confirmed that the proposed location would be appropriate. The entire area would be rezoned but development would proceed in phases; the subdivision application for phase 1 (along Frost Road) has already been submitted.

The Special Projects Planning Manager briefly outlined each of the three rezoning applications and advised that Frost Road would have to be upgraded after completion of 100 units and those units could be from any of the 3 applications.

The City Clerk advised that the public hearing date for this application will be September 7, 1999.

Staff were asked to provide the following information at the public hearing:

- The extent to which Neighbourhood 1 has developed, what its total build-out was to be, and how the staging of the various neighbourhoods was to occur;
- Staging of development - generally within the SW Mission Area and specifically in Neighbourhood 2;
- The rationale for triggering of servicing requirements including water, roads and sidewalks;
- What road upgrades would be required before the 100 units are developed;
- Provide information re the Frost Road intersection;
- At what point in time would the alternate access along Raymer from Gordon be provided;
- Clarify whether the land owners intend to make their intended use of utility corridors for public rights-of-way accessible to the public and that the utility company would agree to that;
- Clarify that the trail network would be paved and would connect into Neighbourhood 1 as well as other trails beyond;
- Clarify if studies would be done to address the problems with washouts sloughing down onto properties on Barnaby Road;
- Are there any endangered species (plants or otherwise) that will have to be protected?
- Bring forward relevant information from the traffic impact study that was done as part of the Southwest Mission Sector Plan planning process for consideration at the public hearing.

A member of Council commented that the heritage community needs to be involved in decisions regarding the irrigation flume at Fraser Lake.

The Properties Supervisor and the Inspection Services Manager entered the Council Chamber at 3:13 p.m.

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**R678/99/08/09** THAT the draft Neighbourhood Two Area Structure Plan (Schedules "A" & "A<sub>1</sub>"), prepared by New Town Planning Inc., and dated June 1, 1998, be amended as per the report from the Planning & Development Services Department dated August 4, 1999;

AND THAT the amended Area Structure Plan be adopted by Municipal Council;

AND THAT Section 15.1 of Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 be amended to acknowledge the adoption of the Neighborhood Two Area Structure Plan;

AND THAT City of Kelowna Zoning Bylaw 8000 be amended by changing the zoning classification of the subject lands in accordance with Schedules "B", "C" and "D";

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

AND THAT final adoption of the individual zone amending bylaws be considered subsequent to the approval of the neighbourhood pre-plans by the Approving Officer;

AND THAT the owners be responsible for all Land Title Office fees and charges resulting from the road reserves, subdivisions, rights-of-way, road dedications, and road widenings associated with these applications;

AND FURTHER THAT the applicants enter into Servicing Agreements with the City of Kelowna prior to final adoption of the respective zone amending bylaws.

Carried

4.2 Planning & Development Services Department, dated August 5, 1999 re: Development Permit Application No. DP99-10,066 – City of Kelowna & R.G. Arena (Kelowna) Ltd. – 1223 Water Street (3060-20)

The City Manager clarified that the surface treatment of the temporary parking area by Skyreach Place would be crushed gravel.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R679/99/08/09** THAT Municipal Council authorize the issuance of Development Permit No. DP99-10,066; Lot 1, D.L. 139, O.D.Y.D., Plan KAP60698 except Air Space Plan KAP60701 and Air Space Parcel A, D.L. 139, O.D.Y.D., Air Space Plan KAP60701; for ICR Projects Ltd., located on Water 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, finish and location of signs on 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

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- 5.1 Civic Properties Manager, dated August 4, 1999, re: Okanagan Military Museum Society - Lease of Space at Memorial Arena (2380-20-876, 7930-20)

Dealt with after agenda item No. 3.1.

The Director of Planning & Development Services and the Special Projects Planning Manager left the Council Chamber at 3:18 p.m.

- 5.2 Properties Supervisor, dated July 29, 1999 re: City Works Yard Generator Set and Y2K Backup

The Properties Supervisor outlined the report for Council.

Moved by Councillor Blanleil/Seconded by Councillor Nelson

**R680/99/08/09** THAT City Council approve an increase in the cost of a back-up generator set for the Works Yard from the original approved \$35,000 to \$52,000 with appropriation of the additional \$17,000 in funding from the Equipment Replacement Reserve;

AND THAT the 1999 budget document be so amended.

Carried

The Transportation Planner entered the Council Chamber and the Properties Supervisor left at 3:19 p.m.

- 5.3 Inspection Services Manager, dated July 19, 1999 re: Proposed Class "D" Brew Pub with Restaurant located on Lot 3, Plan KAP57139 – 3699 Highway 97 North (0540-20)

The Inspection Services Manager reviewed the report for Council. The proposal is to construct a 65 seat neighbourhood brew pub with a 20 seat outdoor patio area and a 50 seat restaurant. Public input would be obtained at a regular meeting of Council rather than holding a referendum.

Council asked that the newspaper advertisements indicate that written submissions would also be received.

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

**R681/99/08/09** THAT Council approve the holding of a Public Meeting of Council to determine if the majority of residents are in favour of the granting of the Class "D" Neighbourhood Public House Liquor License at 3699 Highway 97 North;

AND THAT the applicant be required to place "Pub Proposal" signs on the property in accordance with Development Application Procedures Bylaw No. 8140 at least ten days prior to the date of the Public Meeting of Council;

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AND THAT abutting property owners, within a distance of 100 metres of the property, be notified in writing at least ten days prior to the Public Meeting of Council;

AND THAT newspaper advertisements shall take place in at least two consecutive issues of a local newspaper with the last publication to appear not less than three and not more than ten days prior to the Public Meeting of Council;

AND FURTHER THAT all the expenses for notifying the public about the Public Meeting of Council be the responsibility of the applicant.

Carried

The Drainage/Solid Waste Manager entered the Council Chamber and the Inspection Services Manager left at 3:31 p.m.

5.4 Transportation Manager, dated July 26, 1999 re: Agreement for Cost Sharing – Cycling Network Program (5400-18)

The Transportation Planner presented the report for Council.

Moved by Councillor Nelson/Seconded by Councillor Cannan

**R682/99/08/09** THAT the Mayor and City Clerk be authorized to execute an agreement with the B.C. Transportation Financing Authority for a Cycling Network Program conditional grant in the amount of \$200,000.00 which will be used to partially fund the construction of bike lanes on Glenmore Road from Scenic Road to the Shady Rest Mobile Home Park;

AND THAT the 1999 Longhill Road Budget be amended to include an additional \$56,000.00 from the Rural Roads Budget (3326-R2240) for shoulder widening and construction.

Carried

The Recreation Manager entered the Council Chamber and the Transportation Planner left at 3:34 p.m.

5.5 Drainage/Solid Waste Manager, dated August 4, 1999 re: Ogogrow Site Relocation (5380-03)

The Drainage/Solid Waste Manager briefly outlined the report for Council.

Moved by Councillor Nelson/Seconded by Councillor Bremner

**R683/99/08/09** THAT Council approve an amendment to the 1999 Budget by providing \$6,700 from the unspent sewer budget reserve and \$3,300 from the sewer DCC's into the Biosolids Site Relocation program in order to undertake a capital and operational cost analysis of potential sites and select the future facility location.

Carried

Councillor Cannan left the Council Chamber at 3:36 p.m.

The Drainage/Solid Waste Manager left the Council Chamber at 3:36 p.m.

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5.6 Recreation Manager, dated July 29, 1999 re: Helicopter Landings within City of Kelowna for Budweiser Thunderfest (8100-20)

The Recreation Manager outlined the report and advised that two helicopters would be used on Sunday August 15<sup>th</sup> only rather than using one helicopter each day. He also asked that Council's resolution include a requirement for insurance.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R684/99/08/09** THAT City Council authorize the Thunderfest contracted helicopters to land within City Park during Thunderfest on August 15, 1999, pending approval of the Ministry of Transportation and compliance with all related flight requirements;

AND THAT the approval include the following conditions:

- Take off and landing direction must be over the lake;
- Flight paths must focus over the lake and racecourse and not residential areas;
- No flying over the Rotary Marsh area;
- The landing pad must be separated (i.e. rope or fence) from the spectator area;
- No low level passage over the spectator area; and
- Provision of adequate insurance, acceptable to the City.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR ADOPTION)**

6.1 Bylaw No. 8345 – A bylaw to provide for the procedures for the conduct of the 1999 general local government elections and other voting

Moved by Councillor Nelson/Seconded by Councillor Leask

**R685/99/08/09** THAT Bylaw No. 8345 be adopted.

Carried

The Recreation Manager left the Council Chamber at 3:39 p.m.

6.2 Bylaw No. 8356 – A bylaw to establish Nomination Deposits

Moved by Councillor Leask/Seconded by Councillor Nelson

**R686/99/08/09** THAT Bylaw No. 8356 be adopted.

Carried

Mayor Gray opposed.

Councillor Cannan returned to the Council Chamber at 3:39 p.m.



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7. COUNCILLOR ITEMS

(a) Referendum – Public Reaction to Big Box Businesses Locating in Kelowna

Councillor Cannan reported that a local business person is concerned about the big box retailers coming into the community and eating away the small enterprises and family oriented businesses. This individual is willing to pay up to \$50,000 for the advertising and the holding of a referendum to poll the community to see if they have had enough of these big boxes or not. Councillor Cannan suggested that the City Manager take note of this request and asked for comments from Council as to whether they would like to take on this challenge.

Members of Council voiced their individual opinions. There was no support for holding such a referendum.

(b) Signage for Ball Parks at Edith Gay Park

Councillor Blanleil noted there is still no sign to indicate where the turn off is to access the ball diamonds at Edith Gay Park in Rutland. Councillor Day advised that there is a sign that says Edith Gay Park but it is set back from Rutland Road and is difficult to see. Councillor Blanleil suggested that the ball park also needs to be referenced on the sign. Councillor Hobson added that signs are also needed to direct the public to the Community Theatre and Parkinson Recreation Centre.

(c) Local Government Student Awareness Program

Councillor Shepherd announced that the City of Kelowna has won an award for this year's Local Government Student Awareness program.

8. TERMINATION

The meeting was declared terminated at 4:08 p.m.

Certified Correct:

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Mayor

City Clerk

BLH/bn