

Regular MeetingDecember 20, 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, December 20, 1999.

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: Acting-City Manager/Director of Works & Utilities, J. Vos; City Clerk, D.L. Shipclark; Current Planning Manager, A.V. Bruce*; Long Range Planning Manager, L.V. Foster*; Community Planning Manager, T. Eichler*; RCMP Supt. G. Forbes*, Recreation Manager, R. Oddleifson*; Director of Finance & Corporate Services, C.P. Kraft*; Wastewater Manager, W.J. Berry*; Parks Design & Construction Supervisor, J. Kunow*; 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. PUBLIC IN ATTENDANCE

3.1 Wendy Falkowski, Chair, Kelowna 2000 Committee re: Update Report

Wendy Falkowski circulated and reviewed handouts outlining the events at the various outdoor and indoor venues organized by the committee as part of the Kelowna 2000 Millennium Celebration on December 31, 1999.

The Recreation Manager, City liaison to the committee, added that other events are also going on at Skyreach Place, the Yacht Club, the Seniors Centre, and The Grand Hotel that night; however, the committee is satisfied that all details have been covered for security and traffic control.

4. CORRESPONDENCE

4.1 Regional District of Central Okanagan, dated December 13, 1999 re: Growth Management Strategy Bylaw No. 851

The Long Range Planning Manager advised that all three Council's within the Regional District provided resolutions of support for the strategy prior to first reading of the bylaw. The bylaw was subjected to a Public Hearing with minimal response by the public. The Regional District is now seeking a final endorsement by the respective Councils before proceeding with adoption of the bylaw.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R1004/99/12/20 THAT the City of Kelowna express its concurrence with the proposed Regional Growth Management Strategy Bylaw, as required by Section 857 of the Municipal Act respecting the bylaw approval process, and advise the Regional District of Central Okanagan accordingly.

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The Long Range Planning Manager left the Council Chamber at 1:44 p.m.

5. PLANNING

- 5.1 Planning & Development Services Department, dated December 14, 1999 re: Rezoning Application No. Z99-1057 and OCP99-020 – Nirmal & Madan Kanda and Devinder & Narinder Johal (Len Suchocki/ Chriscan Enterprises Ltd.) – 4049 Lakeshore Road (3360-20)

The 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 six 2-bedroom townhomes as one linked building on the property. Of the 6 units, four are 2-storeys in height and two are 1-storey. Nine parking spaces are proposed, 6 in single car garages with the 3 remaining parking stalls located at the rear of the development. The units would be accessed from an internal courtyard. The Advisory Planning Commission (APC) recommends non-support for the application on the basis that the density would be too high in relation to the surrounding area. Staff would have preferred to see the site developed with 4 units but if there is not a significant negative neighbourhood response at the public hearing, staff would recommend support of the application.

Responding to questions of Council, the Current Planning Manager advised that the units would be stratified but the project would be used for rental purposes, occupied by family members of the developer. City Transportation staff have raised no concerns with the Lakeshore Road access to the property, and the 9 parking stalls that are proposed meet zoning requirements.

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R1005/99/12/20 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 Lot A, Sec. 6, Twp. 26, O.D.Y.D, Plan 38749, located on 4049 Lakeshore Road, Kelowna, B.C., from the Single/Two Family Residential designation to the Multiple Family Residential – Low Density designation;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, Sec. 6, Twp. 26, O.D.Y.D, Plan 38749, located on 4049 Lakeshore Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RM2 – Low Density Row Housing zone;

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

Carried

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Bylaw No. 8315 (Z98-1014) – Kenneth and Colin Thomson (New Town Planning Services) – 4091 Lakeshore Road, and City of Kelowna Official Community Plan Amendment No. OCP98-023 **requires majority vote of full Council (5)**

Responding to questioning by Council, the Current Planning Manager confirmed that the terms and conditions for adoption of the zone amending bylaw have been met, including site drainage. He discussed the storm drainage plan proposed by the applicant for the entire property and advised that a number of professional engineers have given the plan their stamp of approval and City Works & Utilities staff are satisfied that the system will work.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R1006/99/12/20 THAT Bylaw No. 8315 be adopted.

Carried

- (b) Planning & Development Services Department, dated December 15, 1999 re: Development Permit Application No. DP99-10,095 – Kenneth and Colin Thomson (New Town Planning Services) – 4091 Lakeshore Road (3060-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report for Council. The first phase of construction would consist of four 4-plex buildings located adjacent to Lakeshore Road north of Lequime Road. Access during construction of this phase would be from Lakeshore Road. Additional phases would proceed as the market demands. Plans for the first phase indicate a private access road within the site that would be operated and maintained by the developer. The applicant has provided cross-sections to show the building height after placement of fill would not exceed the maximum 3½ storeys. Staff recommend favourable consideration of the application.

Moved by Councillor Nelson/Seconded by Councillor Given

R1007/99/12/20 THAT Municipal Council authorize the issuance of Development Permit No. DP99-10,095; for Lot 4, Sec. 6, Twp. 26, O.D.Y.D., Plan KAP46027 (New Town Planning), located on Lakeshore Road, 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";
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;

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5. The applicant register a plan of subdivision at the land titles office in Kamloops for the necessary creek dedication, required road widenings, and road reserve;
6. The applicant register a plan of subdivision at the land titles office in Kamloops to create a title for the new City parkland;

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

- 5.3 Planning & Development Services Department, dated December 15, 1999 re: Development Permit Application No. DP99-10,104 – City of Kelowna (John Kunow/Parks Department) – 5200 Lakeshore Road (3060-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report for Council. The property is within an environmentally sensitive/hazardous condition area in Cedar Creek Park. The two existing bank areas are failing and some trees are diseased. Recontouring of the site and the removal of diseased trees would occur in two phases. The Current Planning Manager displayed an artist's rendering showing both phases and advised that during phase 1 an estimated 1,400 truck loads of material would be removed from the site at a rate of about 40 truck loads per day over 5 to 6 weeks. Weather conditions permitting, phase 1 should be completed by mid to late February. Approximately 2,000 truck loads of material would be removed in phase 2. The phase 2 work has not been budgeted to date. For the interim, the excavated material would be placed on the Mission Sportsfields next to the BMX Club area. If plans for the Mission Sportsfields get approved, then the fill material would remain there.

A member of Council noted that Cedar Creek is a dog walking park and the City's Parks Design & Construction Supervisor advised that the intent is to shut down half of the park and keep the other half open to the public. The total cost for both phases of the project is \$253,000. Funding is already in place for phase 1; funding for phase 2 will be considered in the 2000 budget. The neighbourhood had input into the preliminary plan and they will be informed about the estimated number of trips for hauling material out by a mailout.

Moved by Councillor Nelson/Seconded by Councillor Given

R1008/99/12/20 THAT Municipal Council authorize the issuance of Development Permit No. DP99-10,104; for City of Kelowna Parks Department, for Lot 1, Sec. 23, Twp. 28, S.D.Y.D., Plan 2647; located on Lakeshore Road, Kelowna, B.C., subject to the following:

1. That the bank restoration and landscaping to be provided on the land be in general accordance with Schedule "A".

Carried

Councillor Shepherd opposed.

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- 5.4 Planning & Development Services Department, dated December 15, 1999 re: Rezoning Application No. Z99-1042 – John Arnold, Arnold Properties Ltd. and Terilyn Eidse (Ed Friesen/Connector Construction) – 4896 Lakeshore Road (3360-20)

The 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 double garage with a secondary suite on the upper level. The applicant has also submitted an application to vary the minimum lot width. Staff have no concerns and recommend advancing the application to a Public Hearing.

Council expressed concern about approving this application given that the property is not serviced with sanitary sewer and is on the lakeshore.

Moved by Councillor Cannan/Seconded by Councillor Shepherd

R1009/99/12/20 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, Secs. 25 & 26, Twp. 28, S.D.Y.D., Plan 18016 and part of that part of the SW ¼ of Sec. 25 shown on Plan B3047, Twp. 28, S.D.Y.D. except Parcel 2 (Plan DD22438) thereof (2) Plan H563, as shown on Map "A" attached to the report of the Planning & Development Services Department dated December 15, 1999, located on Lakeshore Road, Kelowna, B.C., from the RR2 – Rural Residential 2 zone to the RR3s – Rural Residential 3 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 subsequent to the registration of subdivision in Land Titles Office in Kamloops;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Inspection Services Department, Medical Health Officer, Works & Utilities Department and Ministry of Highways, being completed to their satisfaction;

AND FURTHER 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

The Community Planning Manager and RCMP Superintendent Forbes entered the Council Chamber at 3:01 p.m.

- 5.5 Planning & Development Services Department, dated December 15, 1999 re: Rezoning Application No. Z99-1026 – Dale Draper and Park Avenue Properties Inc. (Pauline Draper) – 2034, 2046 & 2056 Pandosy Street (3360-20)

The Current Planning Manager indicated the properties on maps displayed on the overhead projector and reviewed the report for Council. This is the third proposal by the applicant for development of these properties, and the first to be presented to Council. The other two proposals were withdrawn by the applicant because of non-support by the Advisory Planning Commission and the Community Heritage Commission. The three lots are adjacent and are within the Abbott and Marshall Street Heritage Conservation Area.

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Two of the three lots contain dwellings identified as class “b” and “c” in the 1983 heritage resource inventory. If this application is approved, the applicant intends to remove or demolish all the buildings and construct a boarding and lodging house on each of the three properties. The building facades would be different but each building would have a standardized floor plan with nine bedrooms for rental purposes and a manager’s unit upstairs. The proposed building design incorporates features consistent with the heritage conservation area guidelines. A common parking area providing a total of 21 parking stalls would be developed between the buildings and Pandosy Street and be shared amongst the 3 properties. A tree retention/removal plan would form part of the Heritage Alteration Permit application.

The Current Planning Manager advised that the Community Heritage Commission does not support the subject application because it does not conform to the objectives of the Abbott and Marshall Street Heritage Conservation Areas. The Advisory Planning Commission also does not support this application because they feel the class “b” heritage building should be preserved and that sensitive redevelopment can occur within the guidelines of the Heritage Conservation Bylaw. The owners are willing to donate the existing buildings to anyone prepared to move them off the site. The requested zoning is consistent with the future land uses identified in the Official Community Plan. Staff recommend forwarding the application to Public Hearing.

A member of Council noted that if this application is advanced to Public Hearing, the area residents request that the date of the Public Hearing be delayed to February to provide more time for neighbourhood input.

Responding to questions of Council, the Current Planning Manager explained that the RU6b zone was created in order to provide a public process for the boarding and lodging home use. Through the public process, Council can determine whether or not three boarding and lodging homes in a row are too many at the proposed location.

The Community Planning Manager clarified that a 10 person boarding home is not the same as a 10 unit dwelling. A boarding and lodging home is considered to be one dwelling unit for zoning purposes. The zoning bylaw limits the number of people in a dwelling unit who are not related to one another to 5. If each of the three lots were developed with a side by side duplex, there could be 10 people on each property and the development would still be consistent with the single and two family residential zoning supported in the Heritage Conservation Area development guidelines. Typically the residents of boarding and lodging homes do not own a vehicle.

The Current Planning Manager clarified that Works & Utilities staff have not yet determined that the right-of-way dedication along Pandosy will be required.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R1010/99/12/20 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Block 8, D.L. 14, O.D.Y.D., Plan 348 except Plan 14193; Lot 2, Block 8, D.L. 14, O.D.Y.D., Plan 348; and Lot 16, Block 6, D.L. 14, O.D.Y.D., Plan 348, located on 2034, 2046, and 2056 Pandosy Street, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU6b – Two Dwelling Housing with Boarding and Lodging House zone;

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

Carried

Councillors Clark, Hobson and Shepherd opposed.

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Council considered delaying the Public Hearing for this application to a date in February 2000 but were advised that the applicant will be out of the country for the month of February. Under the normal processing time the Public Hearing date would be January 25th and so the first possible date for deferral would have to be March 7th, 2000.

Moved by Councillor Shepherd/Seconded by Councillor Clark

R1011/99/12/20 THAT the Public Hearing for Rezoning Application No. Z99-1026 (Dale Draper and Park Avenue Properties Inc. – 2034, 2046 & 2056 Pandosy Street) be delayed to March 7, 2000, to provide more time for neighbourhood input.

DEFEATED

Mayor Gray and Councillors Blanleil, Cannan, Day, Given and Nelson opposed.

5.6 Planning & Development Services Department, dated December 16, 1999 re: Community Indicators Report (5080-03)

The Community Planning Manager introduced the report and displayed details on the overhead projector of the research undertaken and the findings and recommendations from the study. She advised that once received by Council, the report would be made available to the public on the Internet by as early as next week.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R1012/99/12/20 THAT City Council receive the report entitled “Community Indicators – Report No. 1 – A Benchmark for Kelowna” as information and for public distribution.

Carried

The Director of Finance & Corporate Services entered the Council Chamber and the Community Planning Manager and Supt. Forbes left at 4:30 p.m.

6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST READING)

6.1 Bylaw No. 8490 (Z99-1055) – Jeanine Reiss – 372 Christleton Avenue

Moved by Councillor Clark/Seconded by Councillor Shepherd

R1013/99/12/20 THAT Bylaw No. 8490 be read a first time.

Carried

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- 6.2 Bylaw No. 8491 (Z99-1052) – 447402 BC Ltd. (Al Lawrence) – 3989 Bluebird Road

Councillor Day declared a possible conflict of interest as the owner of property within the notification area and left the Council Chamber at 4:31 p.m.

Moved by Councillor Shepherd/Seconded by Councillor Clark

R1014/99/12/20 THAT Bylaw No. 8491 be read a first time.

Carried

Councillor Day returned to the Council Chamber at 4:32 p.m. and took his place at the Council Table.

(BYLAW PRESENTED FOR ADOPTION)

- 6.3 Bylaw No. 8484 (Z99-1054) – Fred & Dianna Behrner – 119 McTavish Avenue

Moved by Councillor Shepherd/Seconded by Councillor Given

R1015/99/12/20 THAT Bylaw No. 8484 be adopted.

Carried

7. REPORTS

- 7.1 Director of Finance & Corporate Services, dated December 15, 1999 re: Provision of Inspection Services – District of Peachland (2240-20)

The Director of Finance & Corporate Services briefly outlined the report for Council.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R1016/99/12/20 THAT Council authorize the City of Kelowna Fire Department to provide Fire Inspection Services to the District of Peachland on a fee-for-service basis;

AND THAT Council authorize the Mayor and City Clerk to execute the agreement outlining the terms and conditions with respect to delivery of this service, as attached to the report dated December 15, 1999 from the Director of Finance & Corporate Services.

Carried

The Director of Finance & Corporate Services left the Council Chamber at 4:33 p.m.

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- 7.2 Director of Parks & Leisure Services, dated December 14, 1999 re: Kelowna Arts Foundation Bylaws (0230-20)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R1017/99/12/20 THAT City Council approve the changes to the Bylaws of the Kelowna Arts Foundation, as outlined in the letter from the Kelowna Arts Foundation dated November 25, 1999, expanding the membership criteria to allow up to 25% membership to be resident of the regional district;

AND THAT City Council request that the Bylaws of the Kelowna Arts Foundation be further amended to add that any future changes to the Constitution or Bylaws of the Society require the prior approval of the City of Kelowna.

Carried

- 7.3 Director of Parks & Leisure Services, dated December 16, 1999 re: Kelowna Arts Foundation Appointments (0230-20)

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R1018/99/12/20 THAT City Council appoint Ian Hunter, Robert Turik and Jack Mighton to the Board of Directors of the Kelowna Arts Foundation for a 3 year term, commencing January 1, 2000.

Carried

The Wastewater Manager entered the Council Chamber at 4:35 p.m.

- 7.4 Wastewater Manager, dated December 15, 1999 re: Sewer Connection Charge Bylaw (5340-07; B/L 8469)

The Wastewater Manager reviewed his report responding to questions raised by Council when this bylaw was initially considered.

Councillor Hobson left the Council Chamber at 4:38 p.m.

The Wastewater Manager advised that it would cost in excess of \$14 million to service the proposed sewer connection area and staff have learned that the Province has not awarded a grant to a project cost over \$4 million. Also, grant applications must include proof of 25% failure of the septic fields within the area to be serviced. The subject bylaw proposes a service area boundary that includes over 1,500 properties and with that number of properties it would be difficult to get that 25% assured failure rate. Therefore, staff are now considering creating a service area reduced in size to only include the properties along the major roads where the sewer main would go. That would reduce the cost of the project to just over \$3 million and increase the City's chances of getting the 25% assured failure rate and Provincial grant assistance. That would get the problematic areas of the Rutland bench serviced with sanitary sewer and bring sewer within a feasible distance of connection for the remaining area at a reduced cost. The application for Provincial grant assistance for the smaller service area would be made in January 2000. If approved, because the work would be done in 2000, the cost could be tracked and a one-time rebate could be considered.

The Wastewater Manager asked that Council adopt the bylaw as proposed and if the grant application is approved, then the service area boundary would be amended and the connection charges adjusted to accommodate the reduction.

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A member of Council expressed concern about giving rebates for extending services and asked that staff investigate that further.

Councillor Blanleil left the Council Chamber at 4:52 p.m.

Responding to questions of Council, the Wastewater Manager explained why the proposed service area could not be considered for latecomer provisions.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R1019/99/12/20 THAT the report dated December 15, 1999 from the Wastewater Manager concerning Sewer Connection Charge Bylaw No. 8469 be received for the information of Council;

AND THAT Sewer Connection Charge Bylaw No. 8469 be advanced for adoption consideration by Council.

Carried

The Wastewater Manager left the Council Chamber at 5:00 p.m.

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

8.1 Bylaw No. 8469 – Sewer Connection Charge Bylaw

Moved by Councillor Cannan/Seconded by Councillor Day

R1020/99/12/20 THAT Bylaw No. 8469 be adopted.

Carried

8.2 Bylaw No. 8487 – Unexpended Funds Bylaw – Water System Improvements – Poplar Point

Moved by Councillor Nelson/Seconded by Councillor Day

R1021/99/12/20 THAT Bylaw No. 8487 be adopted.

Carried

8.3 Bylaw No. 8488 – Unexpended Funds Bylaw – Water System Improvements – Poplar Point and Highway 97 North

Moved by Councillor Clark/Seconded by Councillor Day

R1022/99/12/20 THAT Bylaw No. 8488 be adopted.

Carried

8.4 Bylaw No. 8489 – Unexpended Funds Bylaw – Water System Improvements – Central Mission, Uplands Drive and Highway 97 North

Moved by Councillor Day/Seconded by Councillor Cannan

R1023/99/12/20 THAT Bylaw No. 8489 be adopted.

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Councillor Shepherd asked for a staff report on the potential signalization of the crosswalk for the safety of pedestrians crossing Lakeshore Road from Lakeshore Place to Mission Park Shopping Centre.

(b) Sightlines at Intersections

Councillor Shepherd asked for a staff report to address a complaint she has received from a resident in the Abbott/Marshall Street Heritage Conservation Area about the City's enforcement of sightlines at intersections on internal streets. The resident is disputing the need to trim back a high, mature hedge on a property and is questioning whether it is necessary to have the same standards for internal streets as for arterial roads.

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10. TERMINATION

The meeting was declared terminated at 5:12 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am