

Regular MeetingJanuary 17, 2000

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, January 17, 2000.

Council members in attendance were: Mayor Walter Gray, Councillors R.D. Cannan, B.A. Clark, C.B. Day, B.D. Given, R.D. Hobson, J.D. Nelson and S.A. Shepherd.

Council members absent: Councillor A.F. Blanleil.

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.V. Bruce*; Subdivision Approving Officer, R.G. Shaughnessy*; Special Projects Planning Manager, H.M. Christy*; Long Range Planning Manager, L.V. Foster*; Planner – Long Range, G. Routley*; Director of Parks & Leisure Services, D.L. Graham*; Parks Manager, J. Creron*; Parks Operations & Maintenance Supervisor, D. Radford*; Civic Properties Manager, H.R. Hyatt*; 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 Clark was requested to check the minutes of the meeting.

3. PLANNING

3.1 Planning & Development Services Department, dated January 12, 2000 re: Rezoning Application No. Z99-1059 – Craig Kelley/Samesun International Travel Hostels Ltd. – 245 Harvey Avenue (3360-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report for Council. The property is currently split-zoned and the rezoning would facilitate redevelopment of the entire site with a 3-storey, 32-unit hostel facility with 21 parking stalls. Staff recommend advancing the application to public hearing.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R41/00/01/17 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot 3, Blk. 5, D.L. 139, O.D.Y.D., Plan 1395 except Plan KAP44425, as shown on Map "A" attached to the report of Planning & Development Services Department, dated January 12, 2000, located on Harvey Avenue, Kelowna, B.C., from the RM5 – Medium Density Multiple Housing zone to the C9 – Tourist Commercial 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 Permit and a Development Variance Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department and the Ministry of Environment, Lands, and Parks, being completed to their satisfaction;

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AND THAT final adoption of the zone amending bylaw be withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna.

Carried

- 3.2 Planning & Development Services Department, dated January 13, 2000 re: Development Permit Application No. DP99-10,097 – Hy Holdings (George Hyashi) – 1919 Bredin Road (3060-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report for Council. A commercial warehouse building is proposed for construction with office uses associated with the warehousing and storage uses. The property is legally non-conforming based on today's zoning bylaw. The Advisory Planning Commission recommends support of the application as do staff.

Moved by Councillor Hobson/Seconded by Councillor Given

R42/00/01/17 THAT Municipal Council authorize the issuance of Development Permit No. DP99-10,097; for Lot 2, D.L. 129, Sec. 20, Twp. 26, O.D.Y.D., Plan 30768; located on Bredin Road, Kelowna, B.C., subject to the following:

1. The dimensions and the siting of the building be constructed on the land 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. Registration of a reciprocal access agreement between the subject property and Lot A, D.L. 129, Sec. 20, Twp. 26, O.D.Y.D., Plan KAP46781 to facilitate shared driveway access between the two 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

The Current Planning Manager left the Council Chamber at 1:45 p.m.

- 3.3 Planning & Development Services Department, dated January 12, 2000 re: Rezoning Application No. Z98-1042 – Fredor Holdings Ltd. (Matt Cameron/Reid Crowther & Partners) – 1361 Mountain Avenue (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 develop the 12.8 ha parcel of land as a combined bareland strata and conventional subdivision, creating 65 residential units on 57 lots. The Advisory Planning Commission had concerns about the traffic impact of this development on High Road intersections; however, City Works & Utilities staff advise there should be no traffic problems. The proposal is consistent with planning documents and staff recommend support.

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Responding to questions of Council, the Subdivision Approving Officer advised that in 1993 preliminary layout review was given for 66 units in total and 18 lots were created off Cerise Drive as phase 1. The applicant did not proceed with further phases because he determined it was not economically viable to remove a large amount of wood waste material that was found buried on the site. The bulk of that fill material is in a gully on the site and that area would now be retained as private open space.

Council asked that staff consider the impact of the proposed left turn bay from High Road onto Cerise Drive on the safety of pedestrians using the crosswalk at that intersection.

Moved by Councillor Given/Seconded by Councillor Nelson

R43/00/01/17 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of a portion of Lot A, Sec. 30, Twp. 26, O.D.Y.D., Plan 16616 except Plans 40041, KAP53261, KAP53262 and KAP63287, located on Mountain Avenue, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU5 – Bareland Strata Housing and RU6 – Two Dwelling Housing zones and as shown on Map “A” attached to the report of the Planning and Development Services Department dated January 12, 2000;

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 withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna.

Carried

The Subdivision Approving Officer left the Council Chamber at 2:06 p.m.

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- 3.4 Planning & Development Services Department, dated January 12, 2000 re: Rezoning Application No. Z99-1049, OCP99-015 and Mission Ridge Area Structure Plan No. ASP99-001 – R127 Enterprises Ltd. (Keith Funk/New Town Planning Services) – Mission Ridge Road & Westpoint Drive (3360-20)

The Special Projects Planning Manager indicated the lands included within the Area Structure Plan on maps displayed on the overhead projector and reviewed the report for Council. The City of Kelowna Official Community Plan identifies the property for future single family residential development with the Coronado escarpment protected as public open space. The more soil that is removed from the site, the more development can be achieved and so grading is the determinant of what the future development options are for the site. In 1997, Preliminary Layout Review (PLR) was issued for 75 lots based on work done in the early 1990s through the Concept Development Plan process; however that application was never presented for consideration by the Council of the day.

The Special Projects Planning Manager showed pictures to visually illustrate the potential affect on the ridgeline of the escarpment if the 140,000 cubic metres of soil was removed from the site as allowed by the Mines Permit the applicant has obtained from the Ministry of Mines. She advised that staff do not want to forward to this application to public hearing until additional work is completed to identify the extent of regrading and number of lots proposed. The applicant wants some direction from Council before exploring the options for development.

The Special Projects Planning Manager responded to questions of Council regarding the City's hillside development guidelines and the impact of the proposed development on roads and drainage in the area. She clarified that in order for this application to proceed, staff would require consolidation and updating of the geotechnical work, and a grading plan that accompanies a development option for the site based on keeping as much of the material on site as possible.

Moved by Councillor Shepherd/Seconded by Councillor Clark

R44/00/01/17 THAT the report dated January 12, 2000 from the Planning & Development Services Department concerning the status of Rezoning Application No. Z99-1049; OCP99-015 and Mission Ridge Area Structure Plan No. ASP99-001 (New Town Planning for R127 Enterprises Ltd. – Mission Ridge Road and Westpoint Drive) be received for Council's information.

Carried

The Director of Parks & Leisure Services and the Civic Properties Manager entered the Council Chamber and the Director of Planning & Development Services and the Special Projects Planning Manager left at 3:30 p.m.

4. REPORTS

- 4.1 Parks Manager, dated January 12, 2000 re: Park Naming – Knowles Park (6140-20)

The Parks Manager presented the report outlining the many contributions to the community over the years by the Knowles family. He also advised when the property at 888 Lawrence Avenue was purchased by the City in 1981 a condition of sale was that the Bourke family name would be in some way recognized within the park site and that will be done.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

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R45/00/01/17 THAT the parkland at the southwest corner of Bernard Avenue and Ethel Street be named "Knowles Park".

Carried

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- 4.2 Civic Properties Manager, dated January 12, 2000 re: Construction of Phase 1 – North Spine Walkway (5400-11)

The Civic Properties Manager outlined the report for Council and advised that the dollar amount in the recommendation includes \$30,000 contingency funding which if not used would remain in the reserve for future works. It is anticipated that weather permitting, the north spine walkway would be complete by April 2000.

The Recreation Manager entered the Council Chamber at 3:40 p.m.

Moved by Councillor Nelson/Seconded by Councillor Cannan

R46/00/01/17 THAT City Council approve the low bid from Mailey Developments Ltd. for construction of Phase I of the north spine walkway and related works, for \$390,157.01 plus GST.

Carried

The Long Range Planning Manager and the Parks Operations & Maintenance Supervisor entered the Council Chamber and the Civic Properties Manager left at 3:46 p.m.

- 4.3 Recreation Manager, dated January 12, 2000 re: Civic Awards Changes (0360-01)

The Recreation Manager outlined the report for Council.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R47/00/01/17 THAT Council hear from Lois Serwa, representing the Central Okanagan Foundation.

Carried

Lois Serwa advised that the Central Okanagan Foundation is prepared to buy the trophy and pay for the annual engraving for the Volunteer Agency Award. The Foundation would never compete for the award and asks that the award be named the Central Okanagan Foundation award or something similar.

Moved by Councillor Given/Seconded by Councillor Shepherd

R48/00/01/17 THAT Council approve the City of Kelowna Civic Award's committee name change from the "Citizen of the Year Selection Committee" to "Civic Awards Steering Committee";

AND THAT Council authorize a new "Volunteer Agency Award" category for the Civic Awards, to be awarded by the City of Kelowna to the volunteer agency who has provided outstanding community service relating to actions having a direct beneficial effect on Kelowna residents;

AND FURTHER THAT Council agree in principle to recognizing the Central Okanagan Foundation in the naming of the "Volunteer Agency Award" with the details to be worked out between the Civic Awards Steering Committee and the Central Okanagan Foundation.

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The Planner – Long Range entered the Council Chamber and the Recreation Manager left at 3:53 p.m.

- 4.4 Planning & Development Services and Parks & Leisure Services Departments, dated January 13, 2000 re: Kelowna Memorial Park Cemetery – Heritage Register (4100-01; 6830-01)

The Parks Operations & Maintenance Supervisor reviewed the report explaining the historical significance of the Asian section of the cemetery.

Members of Council suggested that the existing monuments and other structures that are above ground be documented in photographs before proceeding with the restoration work, the Mandarin history on the headstones should be translated and posted in the cemetery for public interest, and that an improved mapping/signage guide is needed for the entire cemetery.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R49/00/01/17 THAT the City of Kelowna designate Section 'A' of the Kelowna Memorial Park Cemetery as an additional property on Kelowna's Heritage Register, acknowledging that the Section's monuments and other related structures recognize pioneers of the community and are components of an integrated heritage site.

Carried

The Director of Parks & Leisure Services, the Parks Operations & Maintenance Supervisor, the Long Range Planning Manager, and the Planner – Long Range left the Council Chamber at 4:10 p.m.

5. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 5.1 Bylaw No. 8498 – Amendment No. 1 to Provisional Budget Bylaw 2000, No. 8492

Moved by Councillor Given/Seconded by Councillor Nelson

R50/00/01/17 THAT Bylaw No. 8498 be adopted.

Carried

Councillor Cannan opposed.

6. COUNCILLOR ITEMS

- (a) Cedar Creek Park – Slope Recontouring

Councillor Shepherd questioned how the budget that was approved for phase 1 of the Cedar Creek Park slope recontouring project will be spent now that the soil that was to be removed cannot be placed on the Mission Sportsfields and asked whether that would change the concept plan approved by Council for the Cedar Creek Park site.

The Parks Manager and the Current Planning Manager returned to the Council Chamber at 4:20 p.m.

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The Parks Manager advised that the project involves moving 20,000 to 22,000 cubic metres of soil of which about half will be used on the Cedar Creek Park site. The balance will remain on-site until such time as approval is obtained from the Agricultural Land Commission for its removal. The contract for removal of the soil was worded such that the City would only pay for work performed. The Parks Manager noted that the concept plan shown to Council when the Development Permit was considered may not have indicated the full extent of the site regrading that was proposed and acknowledged that the site will look different than what was shown in the concept plan.

The Current Planning Manager confirmed that a Development Permit was required because the site is within an environmentally sensitive/hazardous condition area of the park and that Council authorized issuance of the permit just before the Christmas holidays.

(b) Drainage Study – Mission Sportsfields

Councillor Shepherd asked for a report from staff regarding the status of the drainage study on the Mission Sportsfields.

(c) Secondary Suites – Hartman Road Area

Councillor Shepherd noted that as a result of controversy surrounding secondary suite applications in the Hartman Road area, residents of the area are unsure as to whether Council will consider other applications for secondary suites in that area. She suggested that Council needs to make a statement so people know whether or not to apply for secondary suites in the Hartman Road area.

The Parks Manager and the Current Planning Manager left the Council Chamber at 4:22 p.m. and 4:26 p.m. respectively.

(d) Bylaw Enforcement Staff

Councillor Cannan noted that municipalities have the right to also designate City Bylaw Enforcement Officers as Peace Officers so that with proper safety equipment they can direct traffic without police vehicles being called to assist. Councillor Cannan suggested this be done as soon as possible.

7. TERMINATION

The meeting was declared terminated at 4:31 p.m.

Certified Correct:

Mayor

Acting-City Clerk

BLH/am