

Regular Meeting – P.M.May 8, 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, May 8, 2000.

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: City Manager, R.A. Born; City Clerk, D.L. Shipclark; 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\*; Deputy Director of Finance, P.A. Macklem\*; Financial Planning & Systems Manager, K. Grayston\*; Parks Manager, J. Creron\*; Inspection Services Manager, K. Skinner\*; Transportation Manager, R.W. Westlake\*; Roadways Supervisor, T. Dunham\*; 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. CONFIRMATION OF MINUTES

April 10, 2000

Moved by Councillor Cannan/Seconded by Councillor Nelson

**R421/00/05/08** THAT the minutes of the April 10, 2000 Meeting be confirmed as circulated.

Carried

4. PLANNING

4.1 Planning & Development Services Department, dated May 2, 2000 re: Development Permit Application No. DP00-10,035 – Dilworth Shopping Centre (Kenneth Takeuchi Architect Inc.) – 2339 Highway 97 North (3060-20)

Staff:

- The applicant is proposing to remove the foyer of the former Brick Store and replace it with a façade consistent with the remaining mall store fronts in Dilworth Centre.

Moved by Councillor Nelson/Seconded by Councillor Given

**R422/00/05/08** THAT Municipal Council authorize the issuance of Development Permit No. DP00-10,035; for Lot A, D.L. 126 and 532, O.D.Y.D., Plan 40108, located on Highway 97 North, 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".

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- 4.2 Planning & Development Services Department, dated May 2, 2000 re: Rezoning Application No. Z00-1029 – Fredrick Marin (Gryphus Land Use Planning Corp.) – 3584 Scott Road (3360-20)

Staff:

- The applicant is proposing to convert a summer kitchen area into a secondary suite for rental purposes.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

**R423/00/05/08** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, D.L. 134, O.D.Y.D., Plan KAP57403, located on Scott Road, 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;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Inspection Services Department being completed to their satisfaction.

Carried

- 4.3 Planning & Development Services Department, dated May 1, 2000 re: Rezoning Application No. Z00-1027 – Myles Bruckal (Karen Neal/Comfort Living for Seniors) – 962 Laurier Avenue (3360-20)

Staff:

- The applicant is proposing to develop a boarding and lodging house on the site, for a maximum of 10 residents including the manager, with one kitchen facility.
- The same owner has developed a similar facility on the property adjacent and there is a similar application in process on the property one lot to the east.
- The proposed building would be a mirror design of the adjacent facility so as to maximize the adjoining open space area between the two facilities.

Moved by Councillor Blanleil/Seconded by Councillor Nelson

**R424/00/05/08** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, D.L. 138, O.D.Y.D., Plan KAP64260, located on 962 Laurier Avenue, Kelowna, B.C., from the RU6 – Two Dwelling 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.

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- 4.4 Planning & Development Services Department, dated May 1, 2000 re: Major Heritage Alteration Permit HAP00-004 With a Variance – Alexander & Jocelyn Campbell – 443 Cadder Avenue (3090-20)

Staff:

- The property is located within the Abbott Street Heritage Conservation Area.
- The Heritage Alteration Permit would facilitate the replacement of an existing double carport and shed with a single car garage/storage shed connected to the principal building by way of a carport/breezeway structure.
- The HAP would allow variances to reduce the rear yard setback for the new addition from 7.5 m to 2.0 m and the west side yard setback from 2.0 m to 1.52 m.

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward. There was no response.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R425/00/05/08** THAT Municipal Council authorize the issuance of Major Heritage Alteration Permit No. HAP00-004, Alexander Campbell & Jocelyn Campbell, for Lot 2, D.L. 14, O.D.Y.D., Plan 3910, located on Cadder Avenue, 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";

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

**Section 13.1.5(d) Development Regulations: side yard setback:** A 0.48 metre variance is requested from the minimum side yard setback of 2.0 metres to 1.52 metres as proposed;

**Section 13.1.5(e) Development Regulations: rear yard setback:** A 5.5 metre variance is requested from the minimum rear yard setback of 7.5 metres to 2.0 metres as proposed.

Carried

- 4.5 Planning & Development Services Department, dated April 26, 2000 re: Agricultural Land Reserve Appeal No. A00-103 – Frank & Eileen Teather – 1485 McKenzie Road (6635-20)

Staff:

- The applicant is seeking permission from the Land Reserve Commission to subdivide the 4 ha (10 acre) property into 2 lots for a homesite severance.
- The homesite severance lot is proposed to be 1.4 ha in size and be located in the southeast corner of the property.
- City Planning staff and the Agricultural Advisory Committee have concerns about the proposed size and location of the homesite severance lot and recommend a revised panhandle layout for the existing dwelling and yard area that would reduce the size of the homesite parcel to .40 ha.
- The applicant supports the revised panhandle layout.

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Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R426/00/05/08** THAT Agricultural Land Reserve Appeal No. A00-103, Lot 2, Sec. 36, Twp. 26, O.D.Y.D., Plan 23935 except Plan KAP53090, located on McKenzie Road, Kelowna, B.C., for subdivision within the Agricultural Land Reserve pursuant to Section 22(1) of the Agricultural Land Commission Act as shown on Schedule “A” attached to the report of the Planning & Development Services Department dated April 26, 2000, be supported by the Municipal Council with the revised panhandle subdivision layout;

AND THAT Municipal Council forward the subject application to the Land Reserve Commission.

Carried

4.6 Planning & Development Services Department, dated May 3, 2000 re: Agricultural Land Reserve Appeal No. A99-111 – John & Joyce Clarke (Alan Clarke) – 1980 Union Road (6635-20)

Staff:

- The applicant is seeking permission from the Land Reserve Commission for a non-farm use within the Agricultural Land Reserve to develop a 20-unit RV campsite and fruit stand with a tea room on a portion of the property.
- The proposed uses would comprise approximately 18% of the subject property.
- Water, cable and electrical services would be provided to each RV campsite and a sani-dump is also proposed on-site.
- The applicant is also proposing to install 5 lamp standards for night lighting and a swimming pool/patio area.
- The form of spray management for pest control could be controlled by a section 219 covenant.
- Planning Department staff and the Agricultural Advisory Committee suggest that a limited campsite and the fruit stand with tea room would provide a net benefit through the Buy BC program.
- The property would be monitored by the Land Reserve Commission every 2 years to ensure it is being used for what it was approved for.
- If the appeal is supported by the Land Reserve Commission, a text amendment would be required to the City's Zoning Bylaw. This being the application that triggered the text amendment, the owners within 100 m of the subject property would receive notification of the public hearing.

Council:

- The preliminary layout plan indicates some RV sites in the orchard yet the integrated pest management program allows some spraying and that could create a conflict.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R427/00/05/08** THAT Council hear from the applicant.

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Alan Clarke, applicant:

- Views the proposed campsite as more of a glorified parking lot for RVs than as an RV park.
- The pads are 70 ft. deep and 35 ft. wide and are intended to cater to the oversize units that are seen camping in shopping centre parking lots because they cannot be accommodated in any other campsites.
- The putting green and swimming pool have been dropped from the proposal and servicing is debatable.
- The roads and pads would be crushed gravel and the balance of the campground would be turfed.
- Only product produced on site would be sold from the fruit stand/tea house.
- Very little spraying is done during the summer and what spraying is done, is done at night because of the school next door.
- Other than the school site, there are only hayfields around the subject property.
- The RV campsite would be open from the start of the harvest season to October.
- Maximum length of stay would likely be a week or less.

Moved by Councillor Blanleil/Seconded by Councillor Nelson

**R428/00/05/08** THAT Agricultural Land Reserve Appeal No. A99-111, Lot 2, Sec. 4, Twp. 23, O.D.Y.D., Plan KAP60991, located on Union Road, Kelowna, B.C., for the development of a limited RV Campsite and a Fruit Stand/Tea-room be supported by Municipal Council subject to compliance with the Land Reserve Commission's policies and directives for agri-tourism and agri-tourist accommodation;

AND THAT Municipal Council forward the subject application to the Land Reserve Commission.

Carried

Councillor Shepherd opposed.

4.7 Planning & Development Services Department, dated May 1, 2000 re: Rezoning Application No. Z99-1066 – Hume-Smith Contracting & Development Co. Ltd., et al (George Hume-Smith) – 510 & 550 Pearson Road (3360-20)

Staff:

- The requested zoning would facilitate development of a 29-lot single family residential subdivision of the subject property.
- The difference in lot yield under the existing zoning versus the requested zoning would be 4 lots.
- The proposed infill development is consistent with City development policies.
- The application was reviewed and supported by the Advisory Planning Commission with suggestions that have been addressed by the applicant.

Moved by Councillor Hobson/Seconded by Councillor Day

**R429/00/05/08** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Sec. 26, Twp. 26, O.D.Y.D., Plan 33327 except Plan 37708; and Lot 9, Sec. 26, Twp. 26, O.D.Y.D., Plan 25504, located on Pearson Road and Josselyn Court, Kelowna, BC, from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone;

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

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- 4.8 Planning & Development Services Department, dated May 2, 2000 re: Public Art Committee Recommendation Regarding the South Pandosy Square Public Art Competition (2300-20)

Staff:

- The art work would be located in South Pandosy Square beside Kelowna Cycle and across from Ski World.

Council:

- Parks staff to investigate potential for including a water feature to provide relief from the heat at this location and report back to Council.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R430/00/05/08** THAT City Council approve the recommendation of the Public Art Committee to award the commission for the South Pandosy Square artwork to Mr. Byron Johnston of Kelowna;

AND THAT the Mayor and City Clerk be authorized to sign a contract with Mr. Johnston to supply and install the artwork on site for an amount not to exceed \$18,000 inclusive of all fees and taxes.

Carried

## 5. BYLAWS (ZONING & DEVELOPMENT)

### **(BYLAWS PRESENTED FOR FIRST READING)**

- 5.1 Bylaw No. 8553 (z00-1024) – Egon & Rita Kulak – 593 Sherwood Road

Moved by Councillor Given/Seconded by Councillor Nelson

**R431/00/05/08** THAT Bylaw No. 8553 be read a first time.

Carried

## 6. REPORTS

- 6.1 Inspection Services Manager, dated April 27, 2000 re: ST00-01 – Application for Stratification of a Semi-Detached Dwelling at 486/488 Stanley Crescent (3760-10)

Mayor Gray invited anyone in the public gallery who deemed themselves affected by this stratification to come forward. There was no response.

Moved by Councillor Nelson/Seconded by Councillor Given

**R432/00/05/08** THAT the application to stratify the semi-detached dwelling on Lot 33, Plan 21834 – 486 488 Stanley Crescent be approved in the name of Jamey and Noreen Wilcox with no conditions.

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- 6.2 Deputy Director of Finance, dated May 3, 2000 re: Amendment No. 2 to 1999 Annual Budget Bylaw 8410 (1700-20; B/L 8559)

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R433/00/05/08** THAT Council approve Amendment No. 2 to the Annual Budget Bylaw 8410 as required by the Municipal Act, to reflect an increase in the Operating Budget and Capital Expenditure Program for 1999.

Carried

- 6.3 Transportation Manager, dated May 3, 2000 re: Award of Tender T00-27 – New Single & Tandem Axle Trucks (1280-01)

Moved by Councillor Nelson/Seconded by Councillor Given

**R434/00/05/08** THAT Council approve awarding the purchase of one tandem axle truck to Kelowna Western Star Truck Sales for an all-inclusive cost of \$135,011.10;

AND THAT Council approve awarding the purchase of two single axle trucks to Cookson Motors Ltd. for a total all-inclusive cost of \$138,226.78.

Carried

- 6.4 RCMP, dated May 2, 2000 re: Draft RCMP Policy - Video Surveillance Cameras (7400)

Inspector Green and Downtown Turf Constable Brecknell:

- The policy is for the operation of the CCTV program which at this time includes one video surveillance camera at Kasugai Gardens.
- Anticipate that the program will be operational in June.
- The camera would not be monitored 24 hours per day.

Moved by Councillor Nelson/Seconded by Councillor Hobson

**R435/00/05/08** THAT Council receive for information, the Kelowna RCMP policy for the operation of the CCTV program (video surveillance cameras).

Carried

- 6.5 Recreation Manager, dated May 3, 2000 re: Overnight Parking During Events and Tournaments in District Parks (5480-02)

Withdrawn.

## 7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

### **(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

- 7.1 Bylaw No. 8559 – Amendment No. 2 to Annual Budget Bylaw 1999 No. 8410

Moved by Councillor Nelson/Seconded by Councillor Given

**R436/00/05/08** THAT Bylaw No. 8559 be read a first, second and third time.

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Carried

**(BYLAWS PRESENTED FOR ADOPTION)**

7.2 Bylaw No. 8538 – Five Year Financial Plan, 2000-2004

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R437/00/05/08** THAT Bylaw No. 8538 be adopted.

Carried

7.3 Bylaw No. 8539 – Tax Structure Bylaw, 2000

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R438/00/05/08** THAT Bylaw No. 8539 be adopted.

Carried

7.4 Bylaw No. 8540 – Annual Rates Bylaw, 2000

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R439/00/05/08** THAT Bylaw No. 8540 be adopted.

Carried

7.5 Bylaw No. 8555 – Parking Reserve Fund Expenditure Authorization Bylaw, 2000 **requires 2/3 majority vote of Council (6)**

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R440/00/05/08** THAT Bylaw No. 8555 be adopted.

Carried

7.6 Bylaw No. 8556 – Development Cost Charge Reserve Fund Expenditure Authorization Bylaw, 2000 **requires 2/3 majority vote of Council (6)**

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R441/00/05/08** THAT Bylaw No. 8556 be adopted.

Carried

7.7 Bylaw No. 8557 – Capital Works, Machinery & Equipment Reserve Fund Expenditure Authorization Bylaw, 2000 **requires 2/3 majority vote of Council (6)**

Moved by Councillor Day/Seconded by Councillor Cannan

**R442/00/05/08** THAT Bylaw No. 8557 be adopted.

Carried



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- 7.8 Bylaw No. 8558 – City-Owned Land Reserve Fund Expenditure Authorization Bylaw, 2000 **requires 2/3 majority vote of Council (6)**

Moved by Councillor Day/Seconded by Councillor Cannan

**R443/00/05/08** THAT Bylaw No. 8558 be adopted.

Carried

- 7.9 Bylaw No. 8560 – Road Exchange Bylaw No. 8560

Moved by Councillor Cannan/Seconded by Councillor Day

**R444/00/05/08** THAT Bylaw No. 8560 be adopted.

Carried

- 7.10 Bylaw No. 8562 – Amendment No. 24 to City of Kelowna Traffic Bylaw No. 4495-78 (sidewalk/roadway occupancy permits)

Moved by Councillor Cannan/Seconded by Councillor Day

**R445/00/05/08** THAT Bylaw No. 8562 be adopted.

Carried

## 8. COUNCILLOR ITEMS

### (a) Request for Crosswalk

Councillor Shepherd noted that Strathcona Park is heavily used by patients and visitors of Kelowna General Hospital and the Cancer Clinic and asked that staff consider installation of a crosswalk across Abbott Street to Strathcona Park.

### (b) Petition – City Park Parking Lot

Councillor Shepherd advised that there is a petition in the community, opposing changes to the location of the parking lot in City Park. Mayor Gray clarified that City Park was not part of the Downtown Plan and advised that the letter and petition have been referred to staff and the Parking Committee. The City Manager advised that staff will provide an update report for Council.

### (c) Delegations – Okanagan University College and University 2000 Committee

Mayor Gray recalled that at the May 1<sup>st</sup> Regular Meeting, Council adopted a resolution to extend an invitation to OUC to make a presentation to Council on their funding needs and aspirations for the future. Mayor Gray advised that he has subsequently been in communication with both the president of the OUC and the U2000 committee and one of the proponents is suggesting that Council hear from both U2000 and OUC in back to back presentations.

The consensus was to invite OUC for June 12<sup>th</sup> and U2000 for June 19<sup>th</sup> and that their presentations would be restricted to no more than 15 minutes, as dictated by the Council Bylaw.

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9. TERMINATION

The meeting was declared terminated at 3:34 p.m.

Certified Correct:

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Mayor

City Clerk

BLH/bn