

Regular Meeting – P.M.September 18, 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, September 18, 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, J.D. Nelson and S.A. Shepherd.

Council members absent: Councillor R.D. Hobson.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Long Range Planning Manager, L.V. Foster*; Subdivision Approving Officer, R.G. Shaughnessy*; Community Planning Manager, T. Eichler*; Spatial Data Analyst, D. Huang*; Urban Design Planner, P. McCormick*; Planner-Long Range, G. Stephen*; Roadways Engineer, M. Duggan*; 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 Nelson was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Terry Flannigan, President/Chair, Kelowna 2000 Seniors Games re: Presentation to Council

Terry Flannigan:

- Acknowledged each Director and Chairperson who headed up the various committees.
- Acknowledged the significant contribution by volunteers and City staff.
- Advised that the legacy funds from the Games will be available to seniors groups in the form of an endowment.
- Presented the Mayor with a photo album with an historical review of the 2000 Games.
- The Mayor accepted an Alex Fong print entitled "Forever Young" on behalf of the City of Kelowna for having been a corporate sponsor of the Games.
- The Mayor accepted the first medals from the 2000 Games on behalf of the citizens of Kelowna.

Council:

- The City of Kelowna has been invited to consider hosting the Canada Seniors Games.

Terry Flannigan:

- Communities hosting the Canada Seniors Games are expected to raise all the money for the games themselves. Would not recommend considering the request without the Federal Government first contributing an appropriate amount of money.

3.2 Constable Glen Richmond, Chairperson, Crime Free Multi-Housing Committee, B.C. Crime Prevention Association re: Crime Free Multi-Housing Program

Const. Glen Richmond:

- Showed a short video on how building good neighbours can help keep illegal activity out of rental property and reduce police workload and costs.

Regular Meeting – P.M.

September 18, 2000

4. UNFINISHED BUSINESS

- 4.1 Rezoning Application No. Z00-1039 – Envirotech Real Estate Inc., et al – Ethel Street/Leon Avenue/Harvey Avenue re: Return of Resolution for Reconsideration (B/L 8583; 3360-20)

Staff:

- Seven members of Council participated in the vote when the bylaw was defeated at 2nd & 3rd readings on August 29, 2000 by a vote of 5 to 2. Staff have obtained legal advice on the process to follow and if the reconsideration is supported, the application would go to a new public hearing on October 17th.
- If the applicant intends to register a covenant with respect to the building height, then a new Public Hearing is required and the covenant has to be in place before the new Public Hearing.

Councillor Blanleil:

- Advised that having been absent from the August 29, 2000 Public Hearing, he has since viewed a video of the portion of the Public Hearing dealing with this item and is now in a position to vote on the application.

Moved by Councillor Cannan/Seconded by Councillor Blanleil and Mayor Gray

R769/00/09/18 THAT Resolution No. R724/00/08/29 adopted by Kelowna City Council on Tuesday, August 29, 2000 defeating Bylaw No. 8583 (Z00-1039 – Envirotech Real Estate Inc., et al – Harvey/Ethel/Leon) at second and third readings be reconsidered by Council.

Carried

Councillors Clark and Shepherd opposed.

Moved by Councillor Blanleil/Seconded by Councillor Given

R770/00/09/18 THAT Bylaw No. 8583 (Z00-1039 – Envirotech Real Estate Inc., et al - Ethel Street/Leon Avenue/Harvey Avenue) considered at the public hearing on August 29, 2000 be advanced to a new public hearing on October 17, 2000;

AND THAT consideration of second and third readings of Bylaw No. 8583 (Z00-1039 – Envirotech Real Estate Inc., et al - Ethel Street/Leon Avenue/Harvey Avenue) be deferred until after the Public Hearing on October 17, 2000;

AND THAT the applicant be responsible for costs associated with processing the application to the new Public Hearing.

Carried

Councillors Clark and Shepherd opposed.

Moved by Councillor Clark/Seconded by Councillor Shepherd

R771/00/09/18 THAT Rezoning Application No. Z00-1039 – Envirotech Real Estate Inc., et al – Harvey/Ethel/Leon (Bylaw No. 8583) be referred back to the Advisory Planning Commission for review of the applicant's revised proposal at their October 10, 2000 meeting.

Carried

Councillor Blanleil and Nelson opposed.

Regular Meeting – P.M.September 18, 20005. PLANNING

- 5.1 Planning & Development Services Department, dated August 31, 2000 re: Agricultural Land Reserve Appeal No. A99-107 – Gordon A. Douglas – 2900 Gallagher Road (6635-20)

Staff:

- The applicant is seeking approval to exclude a 10.9 ha portion of the property from the Agricultural Land Reserve (ALR) for a use to be determined at a future date.
- The area to be excluded from the ALR has limited agricultural capability.
- The applicant proposes to supply water to the ALR lands and the surrounding lands.
- The addition of an irrigation system will result in a net benefit to agriculture on the area to be retained within the ALR.
- The application was reviewed and supported by the Agricultural Advisory Committee with no conditions.

Moved by Councillor Given/Seconded by Councillor Nelson

R772/00/09/18 THAT Agricultural Land Reserve Appeal No. A99-107; Lot A, Sec. 7, Twp. 27, O.D.Y.D., Plan KAP48383, located on Gallagher Road, Kelowna, B.C., for exclusion from the Agricultural Land Reserve pursuant to Section 15(1) of the Agricultural Land Reserve Act be supported by the Municipal Council;

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

Carried

- 5.2 Planning & Development Services Department, dated September 12, 2000 re: HRA00-001 – Heritage Revitalization Agreement – Martin D. Johnson & D. Glen Einfeld – 830 Bernard Avenue

Staff:

- The applicant is seeking approval to enter into a Heritage Revitalization Agreement (HRA) with the City of Kelowna to permit the use of the heritage home on the property as a law office with a residential unit for a caretaker.
- The building was constructed in 1912 and is included in the Kelowna Heritage Register.
- The HRA also includes variances to the Zoning Bylaw requirements to reduce the number of park stalls from 8 to 7, to eliminate the loading bay requirement, and to allow a sign that exceeds the limitations of the Sign Bylaw.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R773/00/09/18 THAT Kelowna City Council authorize entering into a Heritage Revitalization Agreement between the City of Kelowna and Martin Drew Johnson and D. Glenn Einfeld Law Corporation for the property known as the J.W. Jones House located at 830 Bernard Avenue, Kelowna, B.C., Lot 1, D.L. 138, O.D.Y.D., Plan 3081, in the form of such Agreement attached as Schedule "A" to the Planning Department's report dated September 12, 2000;

AND THAT the Heritage Revitalization Agreement be forwarded to a Public Hearing.

Carried

Regular Meeting – P.M.

September 18, 2000

- 5.3 Planning & Development Services Department, dated September 13, 2000 re: Development Permit Application No. DP00-10,054 – Bank of Montreal Real Estate (Ron Chikmoroff, Art Huber Architect Inc.) – 282/294 Bernard Avenue (3060-20)

Staff:

- A new 3-storey bank building is proposed for construction on the site with office space for associated financial uses. The two existing buildings on the site would be demolished.
- The most westerly building is included in the Kelowna Heritage Register.
- The application was reviewed and supported by the Advisory Planning Commission with suggestions toward maintaining the heritage character of the building.
- The Community Heritage Commission (CHC) does not support this application because it does not retain the actual front façade of the westerly building. The committee also felt that there should be an element to give emphasis to the corner. The applicant contends that neither are economically feasible.
- A total of 23 parking stalls are required; 16 on-site parking stalls would be provided and a cash in lieu payment would be required for the 7 stall shortfall.
- Under the current zoning up to a 6 storey structure would be acceptable on the site.
- The architect's drawing requires amendment to indicate only dark buff coloured brick rather than two colours of brick, and a sample of the darker brown colour brick will be required.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R774/00/09/18 THAT Council hear from the architect.

Carried

Ron Chikmoroff, architect:

- The brick colour shown at the rear of the building in the artist's rendering is closest to the actual taupe brick colour that is proposed.
- The bank has not budgeted funds for a 4-storey corner feature and such a feature is not in keeping with the corporate image the bank wants to project.
- The bank has not promoted the addition of landscape features to the 2nd or 3rd storeys of the building.

Amendment Moved by Councillor Shepherd/Seconded by Councillor Given

R775/00/09/18 THAT Schedule "B" be revised to remove reference to two colours of brick and indicate the correct dark taupe colour for the bricks.

Carried

Council:

- Disappointment that the bank did not make more of an effort to make the building design more exciting and complementary to the heritage character of existing buildings in the block.

Amendment Moved by Councillor Shepherd/Seconded by Councillor Given

R776/00/09/18 THAT the design plans be amended to incorporate an additional architectural feature into the southeast corner of the building and place more emphasis into the vertical rhythm of the window and column elements of the building.

DEFEATED

Mayor Gray and Councillors Blanleil, Clark, Day and Nelson opposed.

Regular Meeting – P.M.September 18, 2000

The motion, as amended, was then voted on and carried as follows:

Moved by Councillor Nelson/Seconded by Councillor Blanleil

R777/00/09/18 THAT Municipal Council authorize the issuance of Development Permit No. DP00-10,054; for Lot A, D.L. 139, O.D.Y.D., Plan 38133, located on Bernard 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", revised to remove reference to two colours of brick and indicate the correct dark taupe colour for the bricks;
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;
5. Applicant to provide \$52,500.00 payment as cash in lieu of parking;

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

Councillor Shepherd opposed.

- 5.4 Planning & Development Services Department, dated September 11, 2000 re: Lake Okanagan Shore Zone Plan – Update for Council (6740-20)

Staff:

- Outlined the advantages and disadvantages of establishing a Head Lease of Okanagan Lake for the City of Kelowna noting there will be financial, enforcement and legal issues associated with a Head Lease.
- Requested direction from Council for staff to continue negotiations with the Province toward achieving a Head Lease.

Moved by Councillor Shepherd/Seconded by Councillor Clark

R778/00/09/18 THAT the September 11, 2000 report of the Planning & Development Services Department regarding the Lake Okanagan Shore Zone Plan be received for information;

AND THAT Council direct staff to continue to pursue a Head Lease of Okanagan Lake with B.C. Assets and Land Corporation, and report back to Council with the financial, enforcement, and legal ramifications of the Head Lease.

Carried

Regular Meeting – P.M.

September 18, 2000

- 5.5 Planning & Development Services Department, dated September 13, 2000 re: Draft Official Community Plan – Policy Review (6480-30)

Staff:

- Highlighted OCP policies from Chapter 9 – Commercial; Chapter 10 – Industrial and Chapter 11 – Agriculture for discussion.

6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 6.1 Bylaw No. 8568 (Z00-1029) – Fredrick Marin (Marnie Skobalski/Gryphus Land Use Planning Corp.) – 3584 Scott Road

Moved by Councillor Nelson/Seconded by Councillor Given

R779/00/09/18 THAT Bylaw No. 8568 be adopted.

Carried

7. REPORTS

- 7.1 Transportation Manager, dated September 13, 2000 re: Tender Award – Banks/Baron Intersection Upgrade (TE00-04) (5400-20)

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R780/00/09/18 THAT the tender for the Banks/Baron Intersection Upgrade be awarded to the low bidder Peter's Bros. Construction Ltd., in the amount of Four Hundred Ninety-One Thousand, Six Hundred Eighty-Three Dollars and Nineteen cents (\$491,683.19) including GST.

Carried

8. RESOLUTIONS

- 8.1 Draft Resolution re: Distribution of Council Meeting Agendas/Packages to the Public (0110)

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R781/00/09/18 THAT Council Policy No. 88 be amended to indicate that Council meeting agendas will be posted to the Internet by 4:00 p.m. on the Thursday preceding the Council Meeting and full agenda package will be available to the public after 1:00 p.m. on the Friday preceding the Council Meeting.

Carried

Regular Meeting – P.M.

September 18, 2000

8.2 Draft Resolution re: Discharge of Mortgage (B/L 8225)

Staff:

- Part of the Skyreach development agreements required RG Properties to register a mortgage in favour of the City against their Capri Centre mall and hotel development.
- The mortgage was to remain in place until RG Properties' obligations with respect to the Skyreach development were satisfied.

Moved by Councillor Blanleil/Seconded by Councillor Nelson

R782/00/09/18 THAT subject to approval by the City's Solicitors, the Mayor and City Clerk be authorized to execute the City Capri Mortgage discharge documents.

Carried

9. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 9.1 Bylaw No. 8598 – Amendment No. 4 to City of Kelowna Electricity Regulation Bylaw No. 7639

Moved by Councillor Clark/Seconded by Councillor Shepherd

R783/00/09/18 THAT Bylaw No. 8598 be read a first, second and third time.

Carried

- 9.2 Bylaw No. 8601 – Road Exchange Bylaw

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R784/00/09/18 THAT Bylaw No. 8601 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 9.3 Bylaw No. 8519 – Amendment No. 4 to Sign Bylaw No. 8235

Moved by Councillor Blanleil/Seconded by Councillor Nelson

R785/00/09/18 THAT Bylaw No. 8519 be adopted.

Carried

- 9.4 Bylaw No. 8595 – Cannery Lane Naming Bylaw

Moved by Councillor Day/Seconded by Councillor Cannan

R786/00/09/18 THAT Bylaw No. 8595 be adopted.

Carried

Regular Meeting – P.M.

September 18, 2000

- 9.5 Bylaw No. 8597 – Amendment No. 1 to Five Year Financial Plan Bylaw, 2000-2004, No. 8538

Moved by Councillor Day/Seconded by Councillor Cannan

R787/00/09/18 THAT Bylaw No. 8597 be adopted.

Carried

10. COUNCILLOR ITEMS

(a) Regatta

Mayor Gray commended the Regatta Committee for continuing to organize a family Regatta event in Kelowna after the International Regatta event was discontinued and suggested it may be timely with the advent of Sports Tourism in Kelowna to challenge the Committee to consider expanding the Regatta back to its former status as a major water festival in Kelowna.

11. ADJOURNMENT (5:02 p.m.)

Moved by Councillor Day/Seconded by Councillor Blanleil

R788/00/09/18 THAT the meeting be adjourned to “closed session” pursuant to Sec. 242.2(1)(c) of the Local Government Act for Council to deal with a labour relations matter.

Carried

Certified Correct:

Mayor

City Clerk

BLH/bn