

Regular Meeting – P.M.

September 25, 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 25, 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 and S.A. Shepherd.

Council members absent: Councillor J.D. Nelson.

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*; Long Range Planning Manager, L.V. Foster*; Planner-Long Range, G.L. Stephen*; Director of Works & Utilities, J. Vos*; Transportation Manager, R.W. Westlake*; Development Engineering Manager, S. Muenz*; Drainage Manager, A. Newcombe*; Deputy Director of Finance, P.A. Macklem*; Financial Planning & Systems Manager, K. Grayston*; Airport General Manager, R. Sellick*; Licensing & Bylaw Enforcement Supervisor, A. Dixon*; 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. UNFINISHED BUSINESS

3.1 Planning & Development Services Department, dated September 21, 2000 re: OCP Amendment for the Conservatory - Marona Estates Ltd. (Warren Neufeld) – 780 Glenmore Road (3360-20)

Councillor Day declared a conflict of interest on this item and the bylaws under this item because the property is owned by direct family members and left the Council Chamber at 1:31 p.m.

Staff:

- Due to public concern about having too much approved at this stage, the applicant has agreed to reduce the Development Permit boundary to coincide with the boundary of the rezoning. The balance of the property will remain zoned A1 but some conceptual drawings showing the four phases of development will still be included in the OCP.
- Phase 1 is for construction at the southwest corner of Summit Drive and Glenmore Road and it is only the phase 1 development that is under consideration at this time. Phase 1 provides for 240 development units and up to 10,000 sq. ft. of commercial space along with a covered winter garden in the centre and related parking. Up to a 6½ storey building height is permitted in phase 1.

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Moved by Councillor Hobson/Seconded by Councillor Given

R792/00/09/25 THAT Municipal Council amend Bylaw No. 8448, currently at third reading, to incorporate the following changes:

- The boundary of the Conservatory Development Permit Area is reduced from the whole property as originally indicated in Section 3, to only the first phase area as shown on Figure A attached to rezoning bylaw No. 8450;
- Section 2 of Bylaw 8448 is amended by changing the reference in Section 13.9.1 from Figure CDPA.1 to CDPA.1.1 and Figure CDPA.1.1 is added as attached;
- Section 2 of Bylaw No. 8448 is amended by changing the wording of Section 13.9.4 to read as follows:

Sequence of Development

The adoption of zoning and OCP amendment bylaws to permit the Conservatory development shall proceed in four stages, in accordance with the guidelines of this section;

AND THAT Bylaws No. 8448 (as amended), No. 8449 and No. 8450 be advanced for adoption consideration by Council.

Carried

Councillor Cannan opposed.

(BYLAWS PRESENTED FOR ADOPTION)

- 3.1.1 Bylaw No. 8448 (OCP97-024) – Official Community Plan Amendment – Marona Estates Ltd. (The Conservatory) **Requires majority vote of full Council (5)**

Moved by Councillor Blanleil/Seconded by Councillor Given

R793/00/09/25 THAT Bylaw No. 8448, as amended, be adopted.

Carried

Councillor Cannan opposed.

- 3.1.2 Bylaw No. 8449 (TA99-009) – City of Kelowna Zoning Bylaw Text Amendment – Marona Estates Ltd. (The Conservatory)

Moved by Councillor Blanleil/Seconded by Councillor Clark

R794/00/09/25 THAT Bylaw No. 8449 be adopted.

Carried

Councillor Cannan opposed.

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3.1.3 Bylaw No. 8450 (Z97-1021) – Marona Estates Ltd. (Warren Neufeld) – 780 Glenmore Road

Moved by Councillor Given/Seconded by Councillor Clark

R795/00/09/25 THAT Bylaw No. 8450 be adopted.

Carried

Councillor Cannan opposed.

Councillor Day returned to the Council Chamber at 1:48 p.m. and took his place at the Council Table.

3.2 Planning & Development Services Department, dated September 21, 2000 re: Rezoning Application No. Z99-1049; Official Community Plan Amendment No. OCP99-015 and Mission Ridge Area Structure Plan No. ASP99-001 – R127 Enterprises Ltd. (Lynn Welder Consulting Ltd.) – Mission Ridge Road and Westpoint Drive (3360-20)

Staff:

- The subject application was considered 2 weeks ago and deferred because staff had just received the drainage report and a revised geotechnical report which they had not yet had time to review.
- Staff now recommend a further deferral because during the review of the reports with the technical representatives of the applicant it became clear that there had been additional regrading work since June 2000 when the contour map was done and so there are still some unanswered questions, particularly with respect to drainage. The applicant needs to provide an updated contour plan that is accurate so that staff can complete their review.

Council:

- Pointed out comments that they had made at a previous meeting, and that are referenced in a letter from Lynn Welder Consulting on behalf of the applicant, that appear to have been misinterpreted by the consultant.
- Concern about the interface of the proposed development with the adjacent park site.
- Staff to comment at the Public Hearing on Westpoint and its capacity to accommodate an additional 51 lots also taking into consideration the additional traffic that will be generated by another recently approved subdivision off Westpoint near Dehart.

Moved by Councillor Day/Seconded by Councillor Shepherd

R796/00/09/25 THAT initial consideration of applications ASP99-001, OCP99-015, Z99-1049 (R127 Enterprises Ltd.) for the SE ¼ of Sec. 31, not included within the limit of D.L. 580a, S.D.Y.D., Twp. 29, O.D.Y.D., except Plans B3677, 3092, 13170, 17707, 18684, 20390, 32874 and 36632, between Westpoint Drive and Mission Ridge Road, Kelowna, B.C., be deferred until revised topographic information and site grading plans that reflect what has occurred and will occur on site, are submitted and reviewed by staff;

AND THAT the applicant be encouraged to quickly complete and forward their site grading plans and then suspend all operations under the Mining Permit, as offered in the letter dated September 20, 2000 from Lynn Welder Consulting Ltd. until the application is considered at a Public Hearing.

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- 3.3 Licensing & Bylaw Enforcement Supervisor, dated September 19, 2000 re: Amendment to Rotational Towing List Criteria (Draft Council Policy No. 291) (4000-00)

Staff:

- The rotation changes every week and presently there are 4 operators in the city that are on the rotation; if they meet all the criteria, they will be placed on the rotation.
- Towing service providers removed from the rotational towing list would go back into their normal place of rotation once re-instated.
- Investigational towing is not part of this policy.

Moved by Councillor Cannan/Seconded by Councillor Day

R797/00/09/25 THAT draft Council Policy No. 291 (City of Kelowna Rotational Towing List) initially considered by Council on August 14, 2000 be amended as follows:

Preamble:

- ◆ Change the date the initial Rotational Towing List is to be compiled by from August 31, 2000 to September 30, 2000;

Part B:

- ◆ Replace #4 with the following:
“Any individual or firm wishing to be placed on the Rotational Towing List (including any individual or firm who has provided towing services to the City in the past, or is presently providing towing services to the City) must provide to the City’s Purchasing and Stores Manager at 1435 Water Street, Kelowna, B.C. V1Y 1J4, within 15 days of being requested to do so, proof of all conditions listed in Section 6. An individual or firm who provides satisfactory proof of those conditions shall be placed on the Rotational Towing List.”;
- ◆ 6(h) - Change the first sentence from “Exclusive use of at least:” to “Each towing service provider must own/operate at least:”;

Part C:

- ◆ Replace #9 with the following:
“Any service provider removed from the Rotational Towing List in a given calendar year for any reason, will have 30 days from the date of their removal to rectify the condition, reason or circumstance which caused their removal and upon correction will be returned to the Rotational Towing List. If the towing service provider has not rectified the situation within the 30 day period, that service provider will not be eligible to return to the Rotational Towing List until the next calendar year.

These Criteria Are Subject to Review and Change at Any Time”;

AND THAT draft Council Policy No. 291, as amended, be adopted by Council.

Carried

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4. PLANNING

- 4.1 Planning & Development Services Department, dated September 19, 2000 re: Agricultural Land Reserve Appeal No. A00-106 – Richard George Day, Elinor & Albert Van Beest and E. Arthur & Louise C. Day (Richard George Day) – 1251 & 1271 McKenzie Road (6635-20)

Councillor Day declared conflict of interest because the application concerns property owned by direct family members and left the Council Chamber at 2:32 p.m.

Staff:

- The applicant is proposing to subdivide two parcels totalling 32 ha in size into 3 parcels with a portion of each of the two existing parcels forming the proposed new parcel.
- The proposed subdivision would formally separate the 2 farming units and eliminate the need for trespass.
- The Agricultural Advisory Commission reviewed and supported the application subject to a no-disturb restrictive covenant being registered over the wetland portion of the property.

Council:

- Staff to ask the owner to register the covenant over the entire wetland instead of just the portion included within the subject property.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R798/00/09/25 THAT Agricultural Land Reserve Appeal No. A00-106, Lot 1, Sec. 24 and 25, Twp. 26, O.D.Y.D., Plan KAP62397 and Lot A, Sec. 24 and 25, Twp. 26, O.D.Y.D., Plan KAP58478, located on McKenzie Road, Kelowna, B.C., for subdivision within the Agricultural Land Reserve pursuant to Section 22(1) of the Agricultural Land Reserve Act be supported by Municipal Council subject to a restrictive covenant being registered concurrently with the subdivision regarding the protection of the wetland portion of the property;

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

Carried

Councillor Day returned to the Council Chamber at 2:38 p.m. and took his place at the Council Table.

- 4.2 Planning & Development Services Department, dated September 20, 2000 re: Rezoning Application No. Z00-1043 – Judith, John and Hazel Varey (Len Rubeniuk) – 4379 Gordon Drive (3360-20)

Staff:

- There are existing accessory buildings on the site that are proposed to be removed through this application.
- Access to the proposed accessory dwelling at the rear of the property would be along the north side of the lot.
- The suite would be on the main level and the upper level would be open air patio along with additional storage area. The upper floor would be accessed via an exterior stairway.

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Moved by Councillor Given/Seconded by Councillor Blanleil

R799/00/09/25 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 3, D.L. 358, O.D.Y.D., Plan 21365, located on Gordon Drive, 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.

Carried

- 4.3 Planning & Development Services Department, dated September 20, 2000 re: Rezoning Application No. Z99-1033 – Barbara Lane, Derrick Elliott and Sharon Loudoun – 1193 Cerise Drive (3360-20)

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R800/00/09/25 THAT an extension of Zone Amending Bylaw 8438 (Z99-1033 – Barbara Lane, Derrick Elliott and Sharon Loudoun – 1193 Cerise Drive) be approved by Municipal Council for a first extension of 180 days from July 13, 2000.

Carried

- 4.4 Planning & Development Services Department, dated September 7, 2000 re: Hi-Tech Gateway Initiative (6850-20)

Moved by Councillor Clark/Seconded by Councillor Given

R801/00/09/25 THAT the City of Kelowna in co-operation with Okanagan University College, Pier Mac Sand and Gravel and the Central Okanagan Economic Development Commission agree to form the “Highway 97 Hi-Tech Gateway Task Force” whose primary objective is to jointly plan for the development of a Hi-Tech Hub at the gateway of our City;

AND THAT the Mayor and Clerk be authorized to execute the Memorandum of Understanding attached to the Director of Planning & Development Services’ report dated September 7, 2000.

Carried

Mayor Gray altered the order of business and advised that agenda items 5.1 and 5.2 would be dealt with next.

- 5.1 Airport General Manager, dated September 18, 2000 re: Improvements to Instrument Landing System (ILS) – Kelowna International Airport (8430-01; 0550-05) and consultant presentation of Airside Capacity Study

Mike Matthews, InterVISTAS Consulting Inc.:

- The objective of the Airside Capacity Study was to determine what was needed to improve accessibility of the airport in providing services to the region.
- The study included a review of traffic characteristics and forecasts, the runway/taxiway system, airport usability, runway capacity, and instrument approach procedures.

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- Recommendations from the study include proceeding with installation of ILS on Runway 15 as soon as possible, a new taxiway, creating a new straight-in approach to eliminate circling, and installation of a non-directional beacon to the west of the airport.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R802/00/09/25 THAT Council authorize airport management to conclude an agreement with NAV CANADA for the installation of a full instrument landing system (ILS) on Runway 15.

Carried

Councillor Given left the meeting at 3:26 p.m.

- 5.2 Airport General Manager, dated September 20, 2000 re: Award of Design/Build Contract for Vehicle Rental Service Centre – Kelowna International Airport (6640-20; 0550-05)

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R803/00/09/25 THAT Council authorize the administration to enter into a design/build contract with Southbend Construction Company Ltd. in the amount of \$612,082.25 for construction of a consolidated quick-turn vehicle rental service centre at Kelowna International Airport;

AND THAT Council approve amending the airport's 2000 capital budget for this project to total \$770,000 with funding from the Airport Building Reserve.

Carried

- 4.5 Planning & Development Services Department, dated September 19, 2000 re: Draft Official Community Plan – Policy Review (6480-30)

Staff:

- Highlighted the Transportation policies in Chapter 12 of the Draft OCP.

Council:

- The TDM initiatives to reduce parking standards and increase parking costs could push office uses out of the town centres.
- Staff to invite the Chamber of Commerce to participate in discussions with respect to the Pandosy one-way couplet.

5. REPORTS

- 5.1 Airport General Manager, dated September 18, 2000 re: Improvements to Instrument Landing System (ILS) – Kelowna International Airport (8430-01; 0550-05) and consultant presentation of Airside Capacity Study

Dealt with after agenda item No. 4.4.

- 5.2 Airport General Manager, dated September 20, 2000 re: Award of Design/Build Contract for Vehicle Rental Service Centre – Kelowna International Airport (6640-20; 0550-05)

Moved to after agenda item No. 4.4 along with agenda item No. 5.1.

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5.3 Director of Finance & Corporate Services, dated September 7, 2000 re: Density Gradient Methodology for Residential DCCs (3150-01)

Staff:

- Worked with Urban Systems to come up with a more fair and equitable way to allocate DCCs for multi-family development.
- The same density gradient is used for establishing DCCs for water, sewer and road infrastructure.
- Residential 1 (single family) is always used as the base for calculating DCCs for higher density residential developments.
- Implementation would not occur until completion of the new 20 year Servicing Plan and Financing Strategy, targeted for late Spring 2001.

Council:

- The Town Centre Implementation Committee and Neighbourhood Associations should also be consulted for input.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R804/00/09/25 THAT Council receive the report and presentation on the application of a density gradient methodology for residential DCC's as part of the 20 Year Servicing Plan and Financing Strategy review currently in progress;

AND THAT Council direct staff to review the density gradient methodology with the City's major development stakeholders (Urban Development Institute and the Kelowna Homebuilders Association) and the Town Centres Implementation Committee and provide the information to the Neighbourhood Associations for comment;

AND FURTHER THAT staff report back to Council on the results of the stakeholder review and prepare a recommendation that considers the input received.

Carried

5.4 Drainage/Solid Waste Manager, dated September 20, 2000 re: Environmental Drainage Credits (5225-00)

Staff:

- The proposed change would encourage use of ground disposal for storm drainage.

Council:

- The Town Centre Implementation Committee and Neighbourhood Associations should also be consulted for input.

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R805/00/09/25 THAT Council receive the report on the application of environmental drainage credits for DCC's as part of the 20 Year Servicing Plan and Financing Strategy review currently in progress;

AND THAT Council direct staff to review the environmental drainage credit methodology with the City's major development stakeholders (Urban Development Institute and the Kelowna Homebuilders Association) and the Town Centres Implementation Committee and provide the information to the Neighbourhood Associations for comment;

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AND FURTHER THAT staff report back to Council on the results of the stakeholder review and prepare a recommendation that considers the input received.

Carried

5.5 Development Engineering Manager, dated September 21, 2000 re: Hillside Development Guidelines and Glenmore Highlands Street Standards (3900-20)

Staff:

- The Development Guidelines for Kelowna's Hillside was prepared by City staff with the help of Ekistics Town Planning Inc. and is intended to be adopted as an addendum to the Subdivision Bylaw.
- The guidelines address subdivision planning, roads and driveways, grading and earthworks, municipal services and utilities, building design and structures, and landscape character.

Paul Rosenau, Ekistics Town Planning Inc.:

- Presented the proposed hillside road standards designed specifically for the Glenmore Highlands to balance level of service against the livability of streets.
- The matrix of road standards proposed for the Glenmore Highlands are each triggered by criteria on either side of the street and are designed to fit the natural topography and meet their function.

Council:

- Staff to forward a copy of documents to the Regional Environment Advisory Committee.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R806/00/09/25 THAT Council receive the Development Guidelines for Kelowna's Hillside document, dated February 2000, and the Glenmore Highlands Hillside Street Standards document, dated August 28, 2000;

AND THAT Council direct staff to meet with the various public interest groups and report back to Council with a recommendation to include these documents as part of Subdivision, Development and Servicing Bylaw No. 7900.

Carried

6. RESOLUTIONS

6.1 Draft Resolution re: 'Making Cities Livable' Conference – Savannah, Georgia (1800-01)

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R807/00/09/25 THAT Mayor Gray be authorized to attend the Making the Cities Livable Conference being held in Savannah, Georgia on March 4-8, 2001, with expenses paid in accordance with Council Remuneration and Expense Bylaw No. 7547, using funds from Account No. 351-10-011-0-001.

Carried

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7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

7.1 Bylaw No. 8601 – Road Exchange Bylaw

Moved by Councillor Shepherd/Seconded by Councillor Clark

R808/00/09/25 THAT Bylaw No. 8601 be adopted.

Carried

8. COUNCILLOR ITEMS

(a) Kelowna Rockets Express Bus

Councillor Cannan enquired whether the express bus service would be re-instated for this year's hockey season. Referred to staff.

(b) Panhandle Bylaw

Councillor Cannan noted that the City of Winnipeg lost a court challenge of their Panhandle bylaw and suggested the City of Kelowna's bylaw may require revisions as a result. Referred to staff.

9. TERMINATION

The meeting was declared terminated at 6:12 p.m.

Certified Correct:

Mayor

City Clerk

BLH/bn