

Regular Meeting – P.M.

January 8, 2001

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 8, 2001.

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 Deputy Clerk, L.M. Taylor; Director of Planning & Development Services, R.L. Mattiussi*; Current Planning Manager, A.V. Bruce*; Community Planning Manager, T. Eichler*; Deputy Director of Finance, P.A. Macklem*; Financial Planning & Systems Manager, K. Grayston*; 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 Shepherd was requested to check the minutes of the meeting.

3. PLANNING

3.1 Planning & Development Services Department, dated January 2, 2001 re: Rezoning Application No. Z00-1057 – Daniel Gagnon – 3544 Kimatouche Road (3360-20)

Staff:

- The rezoning is requested to accommodate a secondary suite in an accessory building proposed for construction in the rear yard.

Moved by Councillor Shepherd/Seconded by Councillor Given

R07/01/01/08 THAT the RR3 - Rural Residential 3/RR3s - Rural Residential 3 with Secondary Suite zone of the City of Kelowna Zoning Bylaw No. 8000 be amended by replacing the existing Section 12.3.5(b) with the following:

12.3.5(b) The maximum **height** is the lesser of 9.5 m or 2½ **storeys**, except it is 4.5 m for accessory **buildings** and accessory **structures** and a maximum of 6.0 m for accessory **buildings** containing a suite;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 17, Sec. 3, Twp. 26, O.D.Y.D., Plan KAP65948, located on Kimatouche Road, Kelowna, B.C., from the RR3 - Rural Residential 3 zone to the RR3s - Rural Residential 3 with Secondary Suite zone;

AND THAT the text amendment and zone amending bylaws be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT the applicant register a Section 219 Restrictive Covenant indicating the location of the future suite prior to final adoption of the rezoning bylaw.

Carried

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3.2 (a) BYLAWS PRESENTED FOR ADOPTION

- (i) Bylaw No. 8609 (TA00-004) – Zoning Bylaw Text Amendment to Add the CD14 – Comprehensive High Tech Business Campus zone

Moved by Councillor Cannan/Seconded by Councillor Day

R08/01/01/08 THAT Bylaw No. 8609 be adopted.

Carried

- (ii) Bylaw No. 8610 (Z00-1020) – Al Stober Construction (Doug Lane/Water Street Architecture) – 1621 Harvey Avenue, 1717 Harvey Avenue and 1624 Dickson Avenue, and Discharge a Portion of Mervyn Motors Ltd. Land Use Contract 76-1054 (M68950), Discharge a Portion of Inter City Ventures, et al Land Use Contract 71-1, and Official Community Plan Amendment No. OCP00-008 **Requires majority vote of full Council (5)**

Moved by Councillor Day/Seconded by Councillor Hobson

R09/01/01/08 THAT Bylaw No. 8610 be adopted.

Carried

- (b) Planning & Development Services Department, dated December 13, 2000 re: Development Permit Application No. DP00-10,020 – Al Stober Construction Ltd. (Doug Lane/Water Street Architecture) – Harvey/Dickson Avenues (3060-20)

Staff:

- The applicant is proposing two-phased development of the “Landmark Corporate Campus” to serve knowledge based and high tech businesses.
- Phase 1 consists of a 6-storey office building and related parking.
- Phase 2 is proposed as a 4-storey office building and related parking.

Moved by Councillor Nelson/Seconded by Councillor Cannan

R10/01/01/08 THAT Municipal Council authorize the issuance of Development Permit No. DP00-10,020; for Lot A, D.L. 129, O.D.Y.D., Plan 2742, located on Harvey Avenue and Dickson 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";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";

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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;

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

- (c) Planning & Development Services Department, dated December 6, 2000 re: Development Variance Permit Application No. DVP00-10,023 – Al Stober Construction Ltd. (Doug Lane/ Water Street Architecture) – Harvey/ Dickson Avenues (3090-20)

Staff:

- The requested variance would permit a reduced setback for the parking structure associated with the 4-storey office building proposed for construction as phase 2 of the Landmark Corporate Campus.

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

Moved by Councillor Nelson/Seconded by Councillor Cannan

R11/01/01/08 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP00-10,023; Al Stober Construction Ltd.; Lot A, D.L. 129, O.D.Y.D., Plan 2742, located on Harvey Avenue and Dickson Avenue, Kelowna, B.C.;

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

Section 6.10.1 **Setback from Provincial Highways** be varied from 15 m setback required to 4.5 m setback proposed.

Carried

- 3.3 Planning & Development Services Department, dated January 3, 2001 re: Appointment of Advisory Planning Commission Members (0360-20)

Moved by Councillor Hobson/Seconded by Councillor Day

R12/01/01/08 THAT Municipal Council appoint the following candidates to the Advisory Planning Commission for the respective terms, effective January 1, 2001:

John Welder	3 year term, expiring December 31, 2003
George Babcook	3 year term, expiring December 31, 2003
Philip Long	1 year term, expiring December 31, 2001;

AND THAT Municipal Council reappoint Vera Spika to the Advisory Planning Commission for a second term of three years, expiring December 31, 2003.

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- 3.4 Planning & Development Services Department, dated January 3, 2001 re: Request from the FCM to Join the National Housing Policy Options Team (5040-20)

Moved by Councillor Shepherd/Seconded by Councillor Given

R13/01/01/08 THAT Council authorize a \$0.02 per capita contribution to the National Housing Policy Options Team, which will enable the City of Kelowna to be included on the steering committee and work to achieve adequate and appropriate federal and provincial spending to address housing needs at the local level.

Carried

4. REPORTS

- 4.1 City Manager, dated January 2, 2001 re: 2001 Financial Plan (1700-20)

Moved by Councillor Nelson/Seconded by Councillor Day

R14/01/01/08 THAT the 2001 Financial Plan, as summarized on Schedule A attached to the City Manager's report of January 2, 2001, in the amount of \$164,412,350 be adopted, reflecting total operating and capital costs including changes made by Council during the financial plan review meeting of December 14, 2000.

Carried

- 4.2 Deputy Director of Finance, dated January 2, 2001 re: Revenue Anticipation Borrowing Bylaw (Bylaw 8611; 1760-02)

Moved by Councillor Nelson/Seconded by Councillor Hobson

R15/01/01/08 THAT Revenue Anticipation Borrowing Bylaw No. 8611 be advanced for reading consideration by Council, pursuant to Section 334.3 of the *Local Government Act*.

Carried

5. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 5.1 Bylaw No. 8611 – Revenue Anticipation Borrowing, 2001

Moved by Councillor Given/Seconded by Councillor Clark

R16/01/01/08 THAT Bylaw No. 8611 be read a first, second and third time.

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5.2 Bylaw No. 8614 – Amendment No. 1 to Council Bylaw No. 7906

Moved by Councillor Clark/Seconded by Councillor Given

R17/01/01/08 THAT Bylaw No. 8614 be read a first, second and third time.

Carried

5.3 Bylaw No. 8628 – Five Year Financial Plan, 2001 to 2005

Moved by Councillor Clark/Seconded by Councillor Shepherd

R18/01/01/08 THAT Bylaw No. 8628 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

5.4 Bylaw No. 8622 – Amendment No. 9 to Local Improvement Charges
Bylaw No. 6600-90

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R19/01/01/08 THAT Bylaw No. 8622 be adopted.

Carried

6. COUNCILLOR ITEMS

(a) Penalty for Late Payment of Property Taxes

Councillor Cannan noted that Council now has the authority to change the City of Kelowna's policy for application of tax penalties. Currently a 10% tax penalty is levied even if the payment is only a day late and regardless of whether the taxpayer has a history of always having paid on time. Councillor Cannan suggested that staff review potentially changing our policy to allow some leeway.

The City Manager advised that staff have been researching this and will have a report to Council before the end of January, 2001. Any changes approved by Council would be in effect for this taxation year.

7. TERMINATION

The meeting was declared terminated at 2:26 p.m.

Certified Correct:

Mayor

Acting Deputy Clerk

BLH/bn