

Regular Meeting – P.M.

April 23, 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, April 23, 2001.

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\*; Special Projects Planning Manager, H.M. Christy\*; Director of Works & Utilities, J. Vos\*; Director of Parks & Leisure Services, D.L. Graham\*; Parks Manager, J. Creron\*; Wastewater Manager, W.J. Berry\*; Cemetery Manager, D. Radford\*; 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 Cannan was requested to check the minutes of the meeting.

3. PLANNING

3.1 Planning & Development Services Department, dated April 9, 2001 re: Rezoning Application No. Z01-1014 – Joe Pagliaro – 1281 Monterey Crescent (3360-20)

Staff:

- The requested zoning would permit the continuing use of an existing suite located within the lower level of the home.

Moved by Councillor Given/Seconded by Councillor Nelson

**R300/01/04/23** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 10, Section 30, Township 26, ODYD, Plan 16843, located on Monterey Crescent, 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 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

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- 3.2 Planning & Development Services Department, dated April 4, 2001 re: Rezoning Application No. Z01-1008 – Board of School Trustees, School District No. 23 (Judy Shoemaker) – 805-815, 895 Craig Road; 621 Hartman Road and 650 Webster Road (3360-20)

Staff:

- The rezoning is requested to facilitate construction of a new elementary school to replace Rutland Elementary School.
- The School Board have made it clear from the outset that their funding does not include a budget for off-site services.
- Obligations for off-site services triggered by the proposed school development would have to be paid by the taxpayer.

Council:

- At the Public Hearing on this application, potential joint uses and how conflict between buses and cars would be minimized are to be addressed.

Moved by Councillor Nelson/Seconded by Councillor Cannan

**R301/01/04/23** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Sec. 25, Twp. 26, O.D.Y.D. Plan 5136 except Plan 21455; Lot A, Sec. 25, Twp. 26, O.D.Y.D. Plan 21455; Lot 1, Secs. 25 & 26, O.D.Y.D. Plan 14324; and Lot 2, Sec. 26, Twp. 26, O.D.Y.D. Plan 14324; located on Hartman Road, Craig Road, and Webster Road, Kelowna, B.C., from the RU1 – Large Lot Housing, RR2 – Rural Residential 2, RU6 – Two Family Dwelling, and A1 – Agriculture 1 zone to the P2 – Education and Minor Institutional 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 subsequent to the registration of the required road dedications and lot consolidation;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a Section 219 Restrictive Covenant to the satisfaction of the Land Reserve Commission to accommodate the required agricultural buffer;

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

Carried

- 3.3 Planning & Development Services Department, dated April 18, 2001 re: Rezoning Application No. Z01-1021 – 482627 BC Ltd., Envirotech Real Estate Inc., Gordon & Emelie Wallace, Dorothy & Elizabeth Howe and W & S Bernard Investments Ltd. (Envirotech Real Estate Inc.) – 1681, 1683, 1659 & 1667 Ethel Street, 931 & 941 Leon Avenue, 932 & 942 Harvey Avenue (3360-20)

Staff:

- A 12-storey seniors congregate housing facility is proposed for construction.
- The RM6 zone allows up to a 16-storey building.
- Access to the development would be from Leon Avenue.
- The applicant has had one meeting with the neighbourhood and plans to have another meeting before the Public Hearing on this application.

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Council:

- Concerned that once the zoning is in place, there would be nothing to prevent a 16-storey building being developed on the site.

Moved by Councillor Given/Seconded by Councillor Nelson

**R302/01/04/23** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, DL 138, O.D.Y.D., Plan 3133, Lot 2, DL 138, O.D.Y.D., Plan 3133 Exc. Plan 36604, Lots 1,2,3, & 4, DL 138, O.D.Y.D., Plan 6535, and Lots 1 & 2, DL 138, O.D.Y.D., Plan 3007 Exc. Plan 36604, located on Harvey Avenue, Ethel Street, & Leon Avenue, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the RM6 – High Rise Apartment Housing 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 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 Highways being completed to their satisfaction;

AND FURTHER THAT final adoption of the zone amending bylaw be withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna, and has registered a plan of subdivision for road exchange, road reserve and lot consolidation.

Carried

3.4 Planning & Development Services Department, dated April 18, 2001 re: Liquor License Application No. LL01-001 – Gordon Fitzpatrick/Cedar Creek Estate Winery (Ross Fitzpatrick) – 5445 Lakeshore Road

Staff:

- The request is to expand the current liquor license for Cedar Creek Estate Winery to allow for a winery lounge.
- The winery lounge would be an out-door patio with capacity for 60 people and would be open 7 days a week from 10 a.m. to 10 p.m.

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

**R303/01/04/23** THAT Council support the following amendments to the current operating restrictions as requested by the Cedar Creek Estate Winery:

- To extend the current winery license to allow for a winery lounge for the premises at 5445 Lakeshore Road;
- To permit a maximum seating capacity of 60 patrons in the winery lounge, located on the future patio;
- To allow the hours of use for the winery lounge to be the same as those of the winery agency store: 10:00 a.m. to 6:00 p.m., 7 days a week, with the option of occasionally staying open until sunset;

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AND THAT Council direct staff to forward the appropriate resolution to the Liquor Control and Licensing Board in Victoria.

Carried

4. BYLAWS (ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR ADOPTION)**

- 4.1 Bylaw No. 8353 (Z98-1006) – Gallaghers Canyon Land Developments Ltd. (CRC Developments Ltd.) – Field Road, and ASP98-001, and Kelowna Official Community Plan Amendment No. OCP98-001 **requires majority vote of full Council (5)**

Moved by Councillor Day/Seconded by Councillor Blanleil

**R304/01/04/23** THAT Bylaw No. 8353 be adopted.

Carried

- 4.2 Bylaw No. 8654 (TA00-003) – Miscellaneous Amendments to City of Kelowna Zoning Bylaw No. 8000

Moved by Councillor Given/Seconded by Councillor Nelson

**R305/01/04/23** THAT Bylaw No. 8654 be adopted.

Carried

5. REPORTS

- 5.1 Licensing & Bylaw Enforcement Supervisor, dated April 18, 2001 re: Amendment to City of Kelowna Unsightly Premises and Visual Nuisance Bylaw No. 8217 (B/L 8547; 4000-00)

Staff:

- Proposed amendments would revise the definitions in the bylaw for “derelict motor vehicle” and “discarded material”.

Moved by Councillor Nelson/Seconded by Councillor Cannan

**R306/01/04/23** THAT City Council approve the amendments to the Unsightly Premises and Visual Nuisance Bylaw No. 8217 as outlined in the Inspection Services Manager’s report of April 18, 2001;

AND THAT the required amending bylaw be advanced for reading consideration by Council.

Carried

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- 5.2 Licensing & Bylaw Enforcement Supervisor, dated April 18, 2001 re: Amendment to City of Kelowna Dog Control Bylaw No. 5880 (B/L 8675; 4000-00)

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R307/01/04/23** THAT City Council approve changes in the Dog Control Bylaw No. 5880 that would clarify the issue of impounding dogs on private properties and bring the City of Kelowna legislation in line with that of the Regional District of Central Okanagan;

AND THAT the amending bylaw be advanced for reading consideration by Council.

Carried

- 5.3 Cemetery Manager, dated April 11, 2001 re: Kelowna Memorial Park Cemetery – Promontory Green (4100)

Moved by Councillor Cannan/Seconded by Councillor Shepherd

**R308/01/04/23** THAT the City of Kelowna proceed with the design and construction of a major interment facility at Kelowna Memorial Park Cemetery subject to Council approval of the project at Final Budget;

AND THAT the proposed project be funded by borrowing \$1,000,000 from existing reserves.

Carried

- 5.4 Director of Works & Utilities, dated April 19, 2001 re: Federal/Provincial Infrastructure Grants – 2001 Applications (0410-01)

Staff:

- The Fitzpatrick (20A) Sewer Specified Area and the Abbott Street Revitalization were approved by Council and submitted as first priority areas in different categories.
- The City has now been asked to identify the first priority between the two projects.
- Recommend Fitzpatrick as the first priority for 2001.

Moved by Councillor Shepherd/Seconded by Councillor Given

THAT Council endorse the following revised order of priorities for projects submitted for consideration of Federal/Provincial Infrastructure Grant applications:

- 1) Fitzpatrick(20A) Sewer Specified Area
- 2) Abbott Street Revitalization
- 3) McCurdy (21B) Sewer Specified Area
- 4) Rutland Arena Common Plant.

Council:

- There are septic tanks that are failing in the McCurdy area.
- The grant money would be used for extras in the Abbott revitalization.

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Amendment Moved by Councillor Day/Seconded by Councillor Blanleil

**R309/01/04/23** THAT the proposed revised order of priorities for projects submitted for consideration of Federal/Provincial Infrastructure Grants be accepted but with McCurdy (21B) Sewer Specified Area ahead of Abbott Street Revitalization.

Carried

Mayor Gray and Councillor Clark and Shepherd opposed.

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

Moved by Councillor Shepherd/Seconded by Councillor Given

**R310/01/04/23** THAT Council endorses the following revised order of priorities for projects submitted for consideration of Federal/Provincial Infrastructure Grant applications:

- 1) Fitzpatrick(20A) Sewer Specified Area
- 2) McCurdy (21B) Sewer Specified Area
- 3) Abbott Street Revitalization
- 4) Rutland Arena Common Plant.

Carried

Mayor Gray and Councillors Clark and Shepherd opposed.

## 6. RESOLUTIONS

- 6.1 Draft Resolution re: 2001 Family Court Youth Justice Conference - Vancouver

Councillor Nelson withdrew his request to attend this 1-day conference.

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

### **(BYLAWS PRESENTED FOR ADOPTION)**

- 7.1 Bylaw No. 8651 – Amendment No. 9 to Kelowna Development Cost Charge Bylaw No. 7728

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R311/01/04/23** THAT Bylaw No. 8651 be adopted.

Carried

- 7.2 Bylaw No. 8665 – Amendment No. 4 to Sewer Connection Charge Bylaw No. 8469

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R312/01/04/23** THAT Bylaw No. 8665 be adopted.

Carried

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8. COUNCILLOR ITEMS

(a) One-Way Couplet

Councillor Shepherd noted staff had organized a meeting on April 27<sup>th</sup> to discuss the proposed one-way couplet with members of the business and residential community. She further noted the meeting has now been cancelled and asked if the meeting could be more open instead of invitation only and enquired whether any members of Council would be participating. The City Manager confirmed that the meeting has been postponed and agreed to review the potential of opening up the meeting with staff.

(b) Bush Parties

Councillor Shepherd noted bush parties have already started and suggested that the Fire Chief or a designate be asked to speak to the students in senior high schools to caution them on associated fire hazards.

(c) Sister City Relationship – Veendam, Holland

Councillor Clark reported that the Veendam Council has already voted in support of a Sister City relationship with Kelowna and two local war veterans will be representing Kelowna at the May 5 & 6, 2001 celebrations in Veendam at which time they will hand deliver a letter from Mayor Gray proposing that relationship.

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R313/01/04/23** THAT Kelowna City Council endorses reinstating a Sister City Relationship between Kelowna and Veendam, Holland.

Carried

9. TERMINATION

The meeting was declared terminated at 3:43 p.m.

Certified Correct:

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Mayor

BLH/am

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City Clerk