

Regular Meeting – P.M.

August 27, 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, August 27, 2001.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, R.D. Cannan, B.A. Clark, C.B. Day, J.D. Nelson and S.A. Shepherd.

Council members absent: Councillors B.D. Given and R.D. Hobson.

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*; Community Planning Manager, T. Eichler*; Acting Director of Parks & Leisure Services, H.R. Hyatt*; Parks Manager, J. Creron*; Acting Cultural Services Manager, R. Oddleifson*; 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. PUBLIC IN ATTENDANCE

3.1 Presentation by Mission District Park Development Committee re: Proposed Development of Mission District Park

- The Parks Manager presented the concept plan for the Mission District Park on behalf of the Mission District Park Development Committee along with the proposed phasing and timelines for development.
- The Committee is taking the plan to Orchard Park Mall this weekend to obtain feedback from the general public.

4. PLANNING

4.1 Planning & Development Services Department, dated August 22, 2001 re: Glenmore Ellison Improvement District Water Service Boundary Amendment (Z01-1016)

Staff:

- Rezoning and subdivision applications are in-stream for the first phase of the Glenmore Highlands development. It is anticipated that the remaining phases of development would be serviced by the City.

Moved by Councillor Nelson/Seconded by Councillor Shepherd

R660/01/08/27 THAT City Council support the application by the Glenmore Ellison Improvement District to amend their water service boundary to include the first phase of the Glenmore Highlands development to facilitate approximately 314 lots.

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- 4.2 Planning & Development Services Department, dated August 9, 2001 re: Rezoning Application No. Z00-1012 – Edward & Kazimere Surowiec (Exclusive Investments) – 145, 1555, 165 Taylor Road and 1315, 1325, 1345 Highway 33 West (3360-20)

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R661/01/08/27 THAT Municipal Council authorize an extension to Rezoning Application No. Z00-1012 (Bylaw No. 8587) for a period of not more than 180 days from September 12, 2001.

Carried

- 4.3 Planning & Development Services Department, dated August 21, 2001 re: Rezoning Application No. Z00-1052 – Bradshaw Enterprises Ltd. (Rob Archibald) – 1561 Sutherland Avenue (3360-20)

Staff:

- The applicant is proposing to construct a 1-storey office building on the site.
- A Development Variance Permit would be required to reduce the parking requirements by 1 stall because health services requires more parking and applicant would like to keep the option open for tenants providing health services.

Moved by Councillor Cannan/Seconded by Councillor Day

R662/01/08/27 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 7, DL 141, ODYD, Plan 3736, located on Sutherland Avenue, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the C3 – Community Commercial zone;

AND THAT the zone amending bylaw be forward to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the applicant dedicating a lane widening by means of subdivision;

AND FURTHER THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property.

Carried

- 4.4 Planning & Development Services Department, dated August 22, 2001 re: Rezoning Application No. Z01-1038 – Shaida Langley (Shaida & Jim Langley) – 1930 Abbott Street (3360-20)

Staff:

- The property is located within the Abbott and Marshall Street Heritage Conservation Area and a major rather than minor Heritage Alteration Permit (HAP) is required because a variance is being requested for a reduced rear yard setback.
- In addition to the main dwelling on the property, there is a secondary 1-storey cottage on the site and that would be removed.
- The rezoning would facilitate development of a secondary suite above a garage proposed as part of a 2-storey building addition to the main dwelling on the property.

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Council:

- Staff to clarify at the Public Hearing whether, if the applicant was to operate a bed and breakfast on the site, the number of people permitted would be affected by the secondary suite.
- The Community Heritage Commission supports the rezoning for the secondary suite but they are concerned about the impact of the proposed changes to the main dwelling because of the massiveness of the building which would be more than double the size of the present building.

Staff:

- Any physical changes to the main dwelling would require an HAP. If Council approves the rezoning but does not approve the HAP as submitted, the zoning would still be in place but the applicant would have to come back with a different HAP before commencing construction.

Moved by Councillor Cannan/Seconded by Councillor Nelson

R663/01/08/27 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of that part Lot 9 shown on Plan B2020, D.L. 14, ODYD, Plan 1782, located on Abbott Street, 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 zoning bylaw be considered in conjunction with Council's consideration of Major Heritage Alteration Permit HAP01-009.

Carried

4.5 Planning & Development Services Department, dated August 15, 2001 re: Agricultural Land Reserve Appeal No. A01-107 – Adrian Block – 4800 Lakeshore Road (6635-20)

Staff:

- The applicant owns both lots. One of the two lots is undevelopable due to its 0.16 ha size the other lot is 10.2 ha in size. The applicant is proposing a subdivision within the Agricultural Land Reserve to change the lot configuration and size and create parcel sizes of 2.8 ha and 7.4 ha.
- The applicant has volunteered to put up bonding to ensure that an orchard or vineyard would be planted on the smaller size lot.
- The Agricultural Advisory Committee recommends non-support based on the agricultural merits but recognizes that the application contains issues that go beyond their mandate which is to comment on the agricultural capability of the property.

Moved by Councillor Cannan/Seconded by Councillor Day

R664/01/08/27 THAT Agricultural Land Reserve Appeal No. A01-107, Lot 1, Plan 1722 and Lot 1, Plan 1743, Sec. 25, Twp. 26, SDYD (Adrian Block), located on Lakeshore 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 the Municipal Council;

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

Carried

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- 4.6 Planning & Development Services Department, dated August 22, 2001 re: Agricultural Land Reserve Appeal No. A01-104 – George Hall and Roy Lazic (Kim Rosner/Gryphus Land Use Planning Corp.) – 5225 Highway 97 North (6635-20)

Staff:

- The subject application is for exclusion of the 1.2 ha property from the Agricultural Land Reserve.
- There is an existing building on the property and a Building Permit issued to the applicant indicates the building would be used as a fruit stand; however, the building exceeds the 100 m size allowed for a fruit stand.
- An agrologist's report concludes that over half the property has no agricultural capability while the remainder has limited capability at best. This conflicts with assessment information provided by the Ministry of Environment (MOE).
- Based on the agrologist's report, staff recommend support, but recognizing that the poor rating of the agricultural capability of the land came about only because of alterations made to the site (construction of the building and a hard surface parking area) since the agricultural capability was assessed by the MOE.

Moved by Councillor Nelson/Seconded by Councillor Blanleil

R665/01/08/27 THAT Agricultural Land Reserve Appeal No. A01-104; Lot 1, Sec. 11, Twp. 23, ODYD, Plan KAP67316, located on Highway 97, 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

- 4.7 Community Planning Manager, dated August 22, 2001 re: Child Care Guidelines (4750-02)

Staff:

- The City cannot legally impose conditions on developers to require child care as a condition of development.
- The document provides the background of the City's role with respect to child care and provides guidance on how to meet requirements for those wishing to establish child care facilities.

Council:

- Suggested that a copy of the document be forwarded to the Urban Development Institute, the District of Lake Country, the District of Peachland and the Regional District of Central Okanagan.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R666/01/08/27 THAT Council accept the "Guidelines for Child Care" as attached to the Community Planning Manager's report of August 22, 2001 as an information resource document to be used primarily to assist those interested in establishing a child care facility.

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5. REPORTS

- 5.1 Acting Director of Parks & Leisure Services, dated August 23, 2001 re: Rotary Centre for the Arts (0870-20)

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R667/01/08/27 THAT City Council approve the Tripartite Agreement between HSBC Bank Canada, the Kelowna Visual and Performing Arts Centre Society and the City of Kelowna pertaining to the bridge financing in the amount of \$1,100,000 for the Rotary Centre for the Arts at 421 Cawston Avenue, Kelowna, B. C.;

AND THAT Council approve the City of Kelowna entering into an agreement with HSBC Bank Canada to guarantee the \$1,100,000 loan taken out by the Kelowna Visual and Performing Arts Centre Society for the Rotary Centre for the Arts;

AND THAT the Mayor and Deputy Director of Finance be authorized to execute the agreements on behalf of the City of Kelowna.

Carried

- 5.2 Acting Cultural Services Manager, dated August 21, 2001 re: Rotary Centre for the Arts – Award of Contract (0760-20)

Moved by Councillor Cannan/Seconded by Councillor Nelson

R668/01/08/27 THAT Council approve the award of a contract for wall and ceiling related construction at the Rotary Centre for the Arts to Sid's Drywall Ltd. in the amount of \$291,575.

Carried

6. RESOLUTIONS

- 6.1 Draft Resolution re: Travel Authorization – St. John, New Brunswick (1800-01)

- Councillor Cannan asked that the dates be changed from September 21-22 (which are the dates of the actual ceremonies) to September 19-23 to allow a day for travelling each way.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R669/01/08/27 THAT Councillor Cannan be authorized to travel to attend the National Awards Ceremonies of Communities in Bloom being held in Saint John, New Brunswick on September 19-23, 2001, with expenses paid in accordance with Council Remuneration and Expense Bylaw No. 7547, using funds from Account No. 351-10-015-0-001.

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7. COUNCILLOR ITEMS

(a) Bed & Breakfasts

Councillor Shepherd expressed concern, as a result of complaints she has received, about the impact on privacy, noise and parking for adjacent properties when bed and breakfast operations are created. She suggested that staff revisit current regulations for licensing to ensure that traffic, noise and privacy are taken into consideration for the immediate neighbours. Councillor Cannan added that Niagara on the Lake has strict guidelines in place for licensing bed and breakfast operations and suggested that staff get a copy.

(b) Designation of School Sites as Heritage Sites

Councillor Cannan noted that there is provision in the *Local Government Act* for municipalities to request the Provincial Government to designate school properties as heritage sites and asked whether anyone is following up on Councillor Hobson's concern for the Rutland Elementary School to be designated as a heritage site. Councillor Shepherd advised that the Community Heritage Advisory Committee has not been asked to look into the matter.

Councillor Day commented that Peachland, Ellison and Lake Country have all acquired ownership of former school sites on the basis that the taxpayers had paid for the property. The Rutland heritage school site was also purchased by the local residents before it became part of the City of Kelowna.

Moved by Councillor Cannan/Seconded by Councillor Day

R670/01/08/27 THAT staff investigate the City's ability through the *Local Government Act* to request the Provincial Government to designate school properties as heritage sites and report back with a recommendation for Council.

Carried

(c) Dispute Resolution Process

Councillor Cannan noted that there is not a mechanism in place for dispute resolution for times when the general public disagrees with City staff's interpretation of existing zones, policies or bylaws, other than going to a lawyer. The City Manager clarified that the City has a dispute resolution process in place for dealing with development servicing issues. Referring too many decisions to dispute resolution would be cumbersome and slow down the process and staff have to be consistent in what they support. When people are not happy with the staff interpretation, if warranted, staff will obtain an opinion on their interpretation from a solicitor to ensure consistency. If there are a lot of requests for interpretation of the same section of a bylaw, the bylaw is forwarded to the next bylaw review. It is not possible to satisfy everyone and this is the process that most municipalities typically use.

Councillor Day commented that if the dispute resolution mechanism does not resolve the issue, before going the legal route people could always appeal to Council. Councillor Shepherd added that the Ombudsmen's office is another avenue for the public when they feel that City employees are not doing the right thing.

(a) Bed & Breakfasts – Cont'd

The City Manager reported that City staff have informed him that two complaints have been received relating to bed and breakfast operations.

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8. TERMINATION

The meeting was declared terminated at 3:16 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am