

Regular Meeting – P.M.

December 17, 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, December 17, 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; Deputy City Clerk, A. Flack; 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, S.K. Bagh\*; Planner-Long Range, G.L. Stephen\*; Planner-Long Range, G. Routley\*; Deputy Director of Finance, P.A. Macklem\*; Information Services Manager, D. Rasmussen\*; Transportation Demand Supervisor, J. Dombowsky\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:30p.m.

2. Councillor Cannan was requested to check the minutes of the meeting.

3. PLANNING

3.1 Planning & Development Services Department, dated November 29, 2001 re: Agricultural Land Reserve Appeal No. A01-109 – Alan & Rita Clarke (D.E. Pilling & Associates Ltd.) – 1952 Union Road

Staff:

- The applicant is seeking permission to exclude the .7 ha property from the Agricultural Land Reserve on the basis that the property is too small to be agriculturally viable and it will be located on the corner of two future major roads.
- The applicant proposes to develop the lot for a future urban use.
- The application was reviewed by the Agricultural Advisory Committee who passed a recommendation of non-support as they felt the exclusion was premature.
- Staff agree this application is premature and recommend non-support.

Moved by Councillor Blanleil/Seconded by Councillor Nelson

**R1016/01/12/17** THAT Council hear from the applicant.

Carried

Dale Pilling, representing the owner:

- The owner is asking for Council support to take the application to the Land Reserve Commission.
- The applicant has no intention of developing the property until such time as the Glenmore Bypass is built. However, he would like the property excluded from the Land Reserve now, because the land is worth more money when out of the ALR.
- To use the property for anything other than its current use would require rezoning.

Regular Meeting – P.M.

December 17, 2001

Moved by Councillor Shepherd/Seconded by Councillor Day

**R1017/01/12/17** THAT Agricultural Land Reserve Appeal No. A01-109; Lot 1, Section 4, Township 23, ODYD, Plan KAP60991, located on Union Road, Kelowna, B.C., for exclusion from the Agricultural Land Reserve pursuant to Section 15(1) of the Agricultural Land Reserve Act **not** be supported by the Municipal Council;

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

Carried

3.2 (a) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 8600 (OCP01-017) – City of Kelowna

Moved by Councillor Given/Seconded by Councillor Nelson

**R1018/01/12/17** THAT Bylaw No. 8600 be read a first time.

Carried

- (b) Planning & Development Services Department, dated December 11, 2001 re: Official Community Plan Amendment No. OCP01-017 (B/L 8600)

Staff:

- The Public Hearing for this bylaw amendment is tentatively set for March 5, 2002.
- Comments regarding the Road Network and Future Land Use Map will be precluded from the March Public Hearing.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R1019/01/12/17** THAT OCP Bylaw Amendment No. OCP01-017 be forwarded to a Public Hearing for further consideration;

AND THAT Council confirms that OCP Amendment Bylaw 8600 has been considered in conjunction with the existing Financial Plan;

AND THAT Council confirms that OCP Amendment Bylaw 8600 has been considered in conjunction with the existing Waste Management Plan;

AND FURTHER THAT OCP Amendment Bylaw 8600 be referred to the Regional District of Central Okanagan, the Land Reserve Commission and the District of Lake Country.

Carried

Regular Meeting – P.M.

December 17, 2001

3.3 Planning & Development Services Department, dated December 12, 2001 re: Kelowna Heritage Register (6800-02)

Staff:

- Reviewed the purpose of the heritage register and the process for evaluating the 70 properties proposed for inclusion in the register.

Council:

- The subject properties were designated as class 'C' on the 1983 inventory of properties identified with heritage value.
- With the 70 properties proposed for inclusion on the register, the total number of properties listed on the register would be 203.
- Letters of opposition have been received from two owners of properties proposed for inclusion in the register.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R1020/01/12/17** THAT Council hear from anyone in the public gallery who deems themselves negatively affected by the inclusion of their property in the heritage register.

Carried

There was no response.

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R1021/01/12/17** THAT the properties listed in Appendix 1 of the Planning and Development Services report dated December 12, 2001 be added to the Kelowna Heritage Register;

AND THAT the owners of the properties be notified in accordance with Sections 954 and 974 of the *Local Government Act*,

AND FURTHER THAT the Minister responsible for the Heritage Conservation Act be notified in accordance with Sections 954 and 977 of the *Local Government Act*.

Carried

Councillors Blanleil, Cannan and Nelson opposed.

3.4 Planning & Development Services Department, dated December 12, 2001 re: Rezoning Application No. Z01-1049 – Nino & Aimee Giammarino (Nino & Denise Giammarino) – 874 Raymer Road

Moved by Councillor Hobson/Seconded by Councillor Given

**R1022/01/12/17** THAT Rezoning Application No. Z01-1049 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot F, D.L. 580A, SDYD, Plan 25951, located on Raymer Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone be considered by Council;

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

Carried

Regular Meeting – P.M.

December 17, 2001

- 3.5 Planning & Development Services Department, dated December 4, 2001  
re: Rezoning Application No. Z01-1055 – Laurie Anne MacKay (John MacKay) – 608 Coronation Avenue

Moved by Councillor Hobson/Seconded by Councillor Given

**R1023/01/12/17** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 49, Plan 1037, DL 139 ODYD, located on Coronation Avenue, Kelowna, B.C., from the RU2 – Medium Lot Housing zone to the RU2s – Medium 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 and the Works & Utilities Department being completed to their satisfaction.

Carried

- 3.6 Planning & Development Services Department, dated December 6, 2001  
re: Rezoning Application No. Z01-1053 – Fred Sherbinin – 975 Guisachan Road

Moved by Councillor Hobson/Seconded by Councillor Given

**R1024/01/12/17** THAT Rezoning Application No. Z01-1053 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, D.L. 136, ODYD, Plan 30065, located on Guisachan Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone be considered by Council;

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 requirements of the Inspection Services Department being completed to the Department's satisfaction.

Carried

- 3.7 Planning & Development Services Department, dated December 11, 2001  
re: Rezoning Application No. Z01-1042 – Paul Leinemann Construction Ltd. (Gordon Hartley) – 2999 Tutt Street

Staff:

- The rezoning would facilitate an addition to an existing commercial property that is developed with professional offices on the second floor.

Regular Meeting – P.M.

December 17, 2001

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R1025/01/12/17** THAT Rezoning Application No. Z01-1042 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, D.L. 135, ODYD, Plan 9308, located on Tutt Street, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the C4 – Town Centre Commercial zone be considered by Council;

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

AND THAT final adoption the zone amending bylaw be considered subsequent to the registration of a consolidation of the two lots ;

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

Carried

3.8 Planning & Development Services Department, dated December 12, 2001 re: Rezoning Application No. Z01-1054 – CPAC (Lakeshore Gardens) Inc. (Doug Lane/Water Street Architecture) – 654 Cook Road

Staff:

- A portion of the property is being rezoned so that the property can be subdivided into 2 legal titles to facilitate a development with an apartment hotel on the westerly lot fronting Lakeshore Road and seniors' congregate housing on the easterly lot.
- On-street parking on Lakeshore Road is an issue but the proposed development meets on-site parking requirements.

Council:

- Staff to have a cross-section available for the public hearing showing the proposed urbanization along Lakeshore Road.

Moved by Councillor Nelson/Seconded by Councillor Blanleil

**R1026/01/12/17** THAT Rezoning Application No. Z01-1054 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot A, DL 134, O.D.Y.D., Plan 34182, located on Cook Road, Kelowna, B.C. from the C9 – Tourist Commercial zone to the RM5 – Medium Density Multiple Housing zone as shown on Map "A" attached to the report of Planning and Development Services Department dated December 12, 2001 be considered by Council;

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;

Regular Meeting – P.M.

December 17, 2001

AND THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of Preliminary Layout Review Letter by the Approving Officer;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department, 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.

Carried

3.9 Planning & Development Services Department, dated December 11, 2001 re: Liquor Licencing Application No. LL01-011 – Grand Okanagan Lakefront Resort & Conference Centre (Rose Sexsmith, Rose's) – 1310 Water Street

Staff:

- If this application is approved, the inside seating would increase from 180 to 195. The patio calculation is excluded from the overall capacity number so the patio seating is a mute point. The only change would be to increase inside capacity by 15 persons. This triggers demand for another 4 parking stalls.
- The Grand Okanagan Resort is currently about 400 parking stalls short of today's requirements, although there are future plans to expand the parking with the final phase of development.
- From a technical standpoint, staff have to recommend non-support because the resort is already in a parking shortfall.

A member of Council advised on behalf of Councillor Day, who was temporarily out of the Council Chamber, that he does not support this application because of the parking shortfall.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R1027/01/12/17 THAT Council support amending the current operating restrictions for Rose's Waterfront Pub (Grand Okanagan Resort), as follows:

- To increase the current person capacity from 180 persons to 195 persons inside;
- To no longer deduct the patio capacity from the overall person capacity and allow 45 persons on the patio in addition to the 195 persons inside;

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

Carried

Regular Meeting – P.M.

December 17, 2001

- 3.10 Planning & Development Services Department, dated December 12, 2001 re: Rezoning Application No. Z01-1016 – Glenwest Properties Ltd. and Glenmore-Ellison Improvement District (Paul Rosenau/Ekistics Town Planning Inc.) – Northwest of Begbie/Union Roads

Staff:

- The phase 1 lands represent about 200 acres or 10% of the Glenmore Highlands property and is for development of approximately 457 units.
- Access to this phase would be off Union Road.
- The application includes an amendment to the Official Community Plan to reflect changes from cluster type housing to the fee simple residential lots now proposed.
- An application has been made to Municipal Affairs to expand the Glenmore-Ellison Improvement District boundary to include the phase 1 lands. Adoption of the amending bylaws would be withheld pending confirmation that Municipal Affairs have agreed to the boundary adjustment to confirm there is a water supply.
- A portion of the phase 1 development can be serviced with sanitary sewer by gravity through the Union Road sewer main. Staff recommend the Begbie Road portion of the development be sewered by a gravity main that would run alongside the two ponds rather than down Begbie Road. That would provide a pathway around the ponds but would result in a changed shoreline as there would be some cutting and retaining walls required.
- A traffic signal light would likely be required at the Glenmore/Union Road intersection at around 100 units.
- All of the parks needs for the entire Area Structure Plan area have been identified.
- An environmental Development Permit (DP) has been approved by the Director of Planning & Development Services, as a direct DP, and it will be issued as soon as bonding is in place. The applicant will be encouraged to start the environmental mitigation measures as soon as possible in order to ensure they do take.
- A small bay at the end of Still Pond will be filled and 4 corresponding areas would be enhanced as compensation for the filled-in area.
- The adjacent land owner of the panhandle lot accessed from Begbie Road has concerns about potential conflicts as a result of the dog kennel operation on his property; however, staff would not recommend holding up this application for resolution of that issue.
- Traffic would be monitored to determine when 4-laning of Glenmore Road from Glenmeadows to Dallas is required.
- Within the 20-year time frame, about 2,000 units are proposed for development in the Glenmore Highlands.

Council:

- Consider placing the sewer line for the Begbie Road properties under the ponds rather than alongside the ponds in order to keep the pond edges natural.
- Staff to provide, at the Public Hearing, details about the proposal for the wetland areas, more detailed information about the proposed sewer line adjacent to the ponds (i.e. depth of the sewer line, etc.), and plans for the Union Road widening.

Regular Meeting – P.M.

December 17, 2001

Moved by Councillor Blanleil/Seconded by Councillor Nelson

**R1028/01/12/17** THAT Map 15.1 Generalized Future Land Use Map of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 be amended by deleting the Multi-family Residential – low density and Multi-family Residential – low density transition designations and replacing with the Single/Two Family Residential, Commercial and Public Services Utilities designations, from that Part of Lot A, Sections 4, 5, 8 and 9, Township 23, ODYD, Plan KAP69724, as shown on Map “A” attached to the report of Planning & Development Services Department dated December 12, 2001, located off Union Road and Begbie Road, Kelowna, BC;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by adding the RU2h – Medium Lot Housing (Hillside Area) and the RU2hs – Medium Lot Housing (Hillside Area) with Secondary Suite as outlined in the report of the Planning & Development Services Department dated December 12, 2001;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot A, Sections 4, 5, 8 and 9, Township 23, ODYD, Plan KAP69724; Lot 1, Section 4, Township 23, ODYD, Plan KAP47867 located on Union Road, Kelowna, BC from the A1 – Agriculture 1, P3 – Parks & Open Space, P4 - Utilities, RU1 – Large Lot Housing, RU4 – Low Density Cluster Housing and the RM3 – Low Density Multiple Housing zones to the P3 – Parks & Open Space, P4 – Utilities, RU1h – Large Lot Housing (Hillside Area), RU2h – Medium Lot Housing (Hillside Area), RU2hs – Medium Lot Housing (Hillside Area) with Secondary Suite, RU4 – Low Density Cluster Housing, RM2 – Low Density Row Housing, RM5 – Medium Density Multiple Housing and the C3 – Community Commercial zones as shown on Map "A" attached to the report of the Planning & Development Services Department dated December 12, 2001;

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

AND THAT final adoption of the OCP and zone amending bylaws be withheld pending confirmation of Municipal Affairs approval of the GEID boundary amendment application;

AND FURTHER THAT final adoption of the OCP amendment, text amendment and zone amending bylaws be withheld pending the execution and registration, by the owner of the subject property, of a Servicing Agreement acceptable to the City of Kelowna.

Carried

Councillor Hobson opposed.

#### 4. REPORTS

4.1 Deputy Director of Finance, dated December 11, 2001 re: Revision of Schedules ‘A’ and ‘B’ to Local Improvement Bylaw No. 6600-90

Moved by Councillor Hobson/Seconded by Councillor Given

**R1029/01/12/17** THAT Council approve the revised Schedules “A” and “B” which form part of bylaw 8779, amendment No. 12 to Local Improvement Charges Bylaw 6600-90.

Carried



Regular Meeting – P.M.

December 17, 2001

- 4.2 Information Services Manager, dated December 12, 2001 re: Metropolitan Area Data Network

Moved by Councillor Hobson/Seconded by Councillor Nelson

**R1030/01/12/17** THAT the City of Kelowna enter into a five year agreement with Telus to provide a Metropolitan Area Data Network to 14 sites at a total cost of \$5,600 per month.

AND THAT the Mayor and Clerk be authorized to sign the agreement on behalf of the City.

Carried

- 4.3 Transportation Manager, dated December 13, 2001 re: Support of Provincial Cycling Network Program (8320-00)

Moved by Councillor Shepherd/Seconded by Councillor Given

**R1031/01/12/17** THAT the City of Kelowna endorse the continuation of the Provincial Cycling Network Program and urge the Provincial Government to free it from the core review as soon as possible;

AND THAT all local MLA's be informed of this motion and the importance of keeping the program intact;

AND THAT a copy of this motion be circulated to other municipalities with a cycling plan in place urging them to pass similar motions;

AND FURTHER THAT the Cycling Coalition be advised of this motion.

Carried

## 5. RESOLUTIONS

- 5.1 Draft Resolution re: Appointment of 2002 Court of Revision (1950-20)

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R1032/01/12/17** THAT in accordance with the provisions of Section 361.1 of the *Local Government Act*, the appointees to the Local Court of Revision for 2002 for the City of Kelowna be confirmed as follows:

Councillor R.D. Cannan  
 Councillor J.D. Nelson  
 Councillor S.A. Shepherd  
 Councillor A.F. Blanleil (alternate)  
 Councillor C.B. Day (alternate)  
 Councillor R.D. Hobson (alternate).

AND THAT the Local Court of Revision be held at 9:00 a.m. on Wednesday, February 20, 2002 in Meeting Room 3, City Hall, 1435 Water Street, Kelowna, BC.

Carried

Regular Meeting – P.M.

December 17, 2001

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

- 6.1 Bylaw No. 8779 – Amendment No. 12 to Local Improvement Charges  
Bylaw No. 6600-90

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R1033/01/12/17** THAT Bylaw No. 8779 be read a first, second and third time.

Carried

- 6.2 Bylaw No. 8780 – Sewer Specified Area No. 22A – Gerstmar Road  
Security Issuing Bylaw

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R1034/01/12/17** THAT Bylaw No. 8780 be read a first, second and third time.

Carried

7. COUNCILLOR ITEMS

- (a) Councillor Cannan re: Treaty Negotiations

Councillor Cannan reiterated his reasons for not supporting the Province conducting a mail-in referendum on the proposed principles for guiding the treaty negotiations.

Councillor Hobson left the meeting at 3:55 p.m.

Councillor Cannan asked for Council support of his notice of motion put forward at the Regular Meeting of December 10, 2001 asking that Council to send a letter to the Premier stating non-support for the Province proceeding with a referendum vote on the provincial principles intended to guide treaty negotiations and asking that the money be spent more prudently. After a brief debate the motion was lost for lack of a seconder.

- (b) Procedures for Residents Associations

Councillor Shepherd advised that she had received a letter from a neighbourhood association asking for more time to get their comments to the City on the proposed Council policy outlining rules and procedures for communication between the City and residents associations. Councillor Shepherd added that the comments were to be submitted to the City by January.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R1035/01/12/17** THAT the January 2002 deadline for residents associations to provide their comments to the City regarding proposed rules and procedures for communication between the City and residents associations be extended.

Carried

Regular Meeting – P.M.

December 17, 2001

(c) Out-of-the-Cold Shelter

Councillor Cannan reported that the Come and C Board of Directors have determined that their facility cannot meet the community need for a 7-day per week shelter for the homeless, but that they could open their facility to the homeless in times of emergency.

Councillor Shepherd added that the Emergency Services Coordinator has learned that the Province does not have money available to help house the homeless. Provincial money is only available to help re-house people who have to be temporarily relocated from their house of residence.

8. TERMINATION

The meeting was declared terminated at 4:23 p.m.

Certified Correct:

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Mayor

Deputy City Clerk

BLH/am