

Regular Meeting – P.M.

November 4, 2002

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, November 4, 2002.

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*; Subdivision Approving Officer, R.G. Shaughnessy*; Community Planning Manager, T. Eichler*; Water Manager, D. Degen*; Wastewater Manager, W.J. Berry*; 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 Allyson Fagan-Graf, Manager, YMCA-YWCA of the Central Okanagan re: Asset Building

Allyson Fagan-Graf:

- Talked about the Youth Asset project that the YMCA-YWCA of the Central Okanagan has been working on for the last few years to ensure healthy development of youth in our community.
- Presented each member of Council with poster that the 'Y' developed to educate the community on Asset Building.

4. UNFINISHED BUSINESS

4.1 Water Manager, dated October 23, 2002 re: Okanagan Lake Limnology Study – Water Quality Task Force (5260-02)

Staff:

- Displayed a computer animation to show graphically the impact of surface water influences on the water intakes in Okanagan Lake between March 15 and October 30, 1998.

Moved by Councillor Hobson/Seconded by Councillor Day

R929/02/11/04 THAT the report dated October 23, 2002 from the Water Manager on the Water Quality Task Force Okanagan Lake Limnology Study be received for Council's' information.

Carried

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5. PUBLIC MEETING TO RECEIVE INPUT ON LIQUOR LICENCE APPLICATION:

- 5.1 Planning & Development Services Department, dated October 18, 2002
re: Liquor Licencing Application No. LL02-0009 – Fairhaven Enterprises
(David Habib) – 1255/1265 Ellis Street

Mayor Gray:

- Read a prepared statement outlining Council's options for dealing with this application and stating for the record that Council members will not allow the outstanding litigation between the City and Mr. Habib regarding outstanding tipping fees at the landfill to intrude into their consideration of the subject liquor licence application.

Staff:

- Explained how it was that the requirement to post a sign on the subject property was not met.
- Outlined the requirements for public notification of liquor licencing applications.

Moved by Councillor Shepherd/Seconded by Councillor Given

R930/02/11/04 THAT the requirement under Council Policy No. 255 to post a Cabaret Proposal sign on the property at least 10 days prior to the date of this public meeting be waived.

DEFEATED

Councillors Blanleil, Cannan, Clark, Day, Hobson and Nelson opposed.

Council:

- Staff to verify that the applicant has the permission of the existing licensee to apply for the licence transfer when this application is considered on November 18th.

Moved by Councillor Hobson/Seconded by Councillor Day

R931/02/11/04 THAT the application to transfer a Class "C" cabaret license to allow for the relocation of the Snooty Fox from 540 Leon Avenue to 1255 Ellis Street be readvertised at City expense for the November 18, 2002 Regular Meeting.

Carried

6. PLANNING

- 6.1 Planning & Development Services Department, dated October 29, 2002
re: Options for 2490 Richter Street (Richter/Morrison) (5040-20)

Council:

- Agreed to add 'and/or affordable' to the wording in #1 of the recommendation.

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Moved by Councillor Given/Seconded by Councillor Shepherd

R932/02/11/04 THAT Council proceed as follows to realize special needs housing for the City-owned land at 2490 Richter Street, based on the content of the Community Planning Manager's report dated October 29, 2002:

- 1) By the means of advertising, invite groups or agencies to come forward with expressions of interest for special needs and/or affordable housing proposals for 2490 Richter by January 31, 2003;
- 2) Allow until January 31, 2003 to determine if a proposal that has been received will secure funding under the Shelter Enhancement Program to build a shelter on the north part of the site;
- 3) Depending on the outcome of the invitation for expressions of interest received by January 31, 2003, if no proposal is acceptable to Council, consider a flex housing project on a portion of the property, or on the entire site, as outlined in the August 7, 2002 Planning report.

Carried

- 6.2 Planning & Development Services Department, dated October 28, 2002 re: Rezoning Application No. Z01-1019 – Emil Anderson Construction Co. Ltd., et al (Mike Jacobs/Emil Anderson Construction Co. Ltd.) – 902 Summit Drive (B/L 8734)

Moved by Councillor Nelson/Seconded by Councillor Given

R933/02/11/04 THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for adoption of Zone Amending Bylaw No. 8734 (Z01-1019 – Emil Anderson Construction et al) Summit Drive be extended to April 30, 2003.

Carried

- 6.3 Planning & Development Services Department, dated October 30, 2002 re: Rezoning Application No. Z98-1032 – Hilltop Sand & Gravel Co. Ltd. (Mike Young/Protech Consultants Ltd.) – 5065 Frost Road (B/L 8460)

Moved by Councillor Nelson/Seconded by Councillor Blanleil

R934/02/11/04 THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for adoption of Zone Amending Bylaw No. 8460 (Z98–1032) be extended to April 25, 2003.

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- 6.4 Planning & Development Services Department, dated October 30, 2002 re: Rezoning Application No. Z02-1047 – David & Joan Poole (Rob Richardson) – 464 Morrison Avenue

Staff:

- The applicant intends to develop a secondary suite in a 1-storey accessory building proposed for construction in the rear yard of the site.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R935/02/11/04 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of that part of Lot 6, DL 14, ODYD, Plan 3398, located on Morrison Avenue, 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

- 6.5 Planning & Development Services Department, dated October 30, 2002 re: Rezoning Application No. Z02-1038 – Salem's Developments Ltd., et al (MKS Resources Inc.) – 1075/1095 Highway 33 West and 145/165/175 Gerstmar Road

Staff:

- The rezoning would permit development of the site with a proposed 4½ storey, 89-unit strata apartment building.
- Height and setback requirements would be required.

Council:

- Concerned about the position the Ministry of Transportation is taking regarding access from this and other properties onto Highways 97 and 33 and the negative impact that position is having on redevelopment particularly along Highway 33.

Moved by Councillor Nelson/Seconded by Councillor Given

R936/02/11/04 THAT OCP Application No. OCP02-0011 to amend City of Kelowna Official Community Plan (1994-2013) Bylaw No. 7600 by changing the Generalized Future Land Use Map 15.1 designation of Lots 3, 4 & 5, Sec. 22, Twp. 26, Plan 3401; Lot A, Secs. 22 & 27, Twp. 26, Plan 11038 and Lot 3, Secs. 22 & 27, Twp. 26, Plan 2082, ODYD, Kelowna, B.C. from Residential-Low Density to Multiple Unit Residential (Low Density-Transitional) be considered by Council;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of 145/165/175 Gerstmar Road, Lots 3, 4 & 5, Plan 3401, Sec. 22, Twp. 26; and 1075/1095 Highway 33 West, Lot A, Plan 11038 and Lot 3, Plan 2082, Secs. 22 & 27, Twp. 26, ODYD, Kelowna, BC, from an RU1 – Large Lot Housing zone to an RM4 – Medium Density Multiple Housing zone;

AND FURTHER THAT OCP Bylaw Text Amendment No. OCP02-0011 and the zone amending bylaw be forwarded to a Public Hearing for further consideration.

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Moved by Councillor Hobson/Seconded by Councillor Clark

R937/02/11/04 THAT staff prepare a strategy for the City accepting responsibility from the Ministry of Highways for review and approval of development applications within 800 m of Highways 33 and 97 and report back to Council.

Carried

6.6 Planning & Development Services Department, dated October 29, 2002 re: Rezoning Application No. Z02-1018 – Lutheran Church (Brian Quiring/MQLN Architects) – 4091 Lakeshore Road

Staff:

- The application would rezone a large portion of the former Fairview Golf Course site to accommodate a church and school fronting onto Lakeshore Road, lower density multi-family residential on the land to the southeast and higher density multi-family on the land to the east.
- A panhandle access from Lequime would provide secondary access to the development.
- A Development Permit is not required for the Institutional uses (school/church).

Council:

- Frustrated at their inability to control the form and character of development in Institutional zones. Asked that the applicant provide something for the Public Hearing to show how the property being zoned Institutional would be developed.
- Staff to pursue a public walkway from the park site down to Lequime with the land owners.

Moved by Councillor Shepherd/Seconded by Councillor Given

R938/02/11/04 THAT Map 19.1 – *General Future Land Use* of Schedule “A” of the Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600 be amended by changing the Future Land Use designation of; Lot 2, Sec. 6, Twp. 26, O.D.Y.D., Plan KAP66568, located on Lakeshore Road, Kelowna, B.C., from Multiple Unit Residential – low density and Multiple Unit Residential – medium density future land use designation to Education/Major Institutional, Multiple Unit Residential – low density, and Multiple Unit Residential – medium density future land use designations as shown on Map “A” attached to the report of the Planning and Development Services Department dated October 29, 2002;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, Sec. 6, Twp. 26, O.D.Y.D., Plan KAP66568, located on Lakeshore Road, Kelowna, B.C. from the RM3 – Low Density Multiple Housing and RM5 – Medium Density Multiple Housing zones to the RM3 – Low Density Multiple Housing, RM5 – Medium Density Multiple Housing, and P2 – Education and Minor Institutional zones as shown on Map “B” attached to the report of the Planning and Development Services Department dated October 29, 2002;

AND THAT the Official Community Plan and zone amending bylaws be forwarded to a Public Hearing for further consideration;

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

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

AND 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 FURTHER THAT final adoption of the zone amending bylaw be withheld until the owner has registered plan of subdivision for lot line adjustment, and discharged existing road reserve.

Carried

6.7 Planning & Development Services Department, dated October 29, 2002 re: Rezoning Application No. Z02-1035 – 352039 BC Ltd. (Kim McKechnie/PSC Planning Solutions Consulting Inc.) – 1850/1910 KLO Road

Staff:

- The applicant is proposing to redevelop the expanded site with a new convenience store, gas bar and an automated car wash.
- Planning Department staff do not support expanding commercial activities into the adjacent residential neighbourhood and would be concerned about the negative impact of noise from the car wash and light spillage from the canopy lighting on the residential properties.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R939/02/11/04 THAT Map 19.1 – *General Future Land Use* of Schedule “A” of the Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600 be amended by changing the Future Land Use designation of; Lot 1, DL 131, O.D.Y.D., Plan 17608, located on KLO Road, from Single/Two Unit Residential to Neighbourhood Commercial as shown on Map “A” attached to the Planning Department’s report dated October 29, 2002;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, DL 131, O.D.Y.D., Plan 17608, located on KLO Road, Kelowna, B.C., from the A1 – Agricultural 1 zone to the C2 – Neighbourhood Commercial zone;

AND THAT the Official Community Plan and zone amending bylaws 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 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.

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- 6.8 Planning & Development Services Department, dated October 3, 2002 re: Development Variance Permit Application No. DVP02-0081 – Interior Health Authority – 135 Davie Road

Staff:

- Recommend a further deferral of DVP02-0081 to Tuesday, November 19, 2002 to give the applicant additional time to meet Ministry of Transportation requirements for their approval of the zone amending bylaw that is to be adopted concurrent with Council's consideration of the DVP.

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R400/02/11/04 THAT Council consideration of Development Variance Permit Application No. DVP02-0081 (Interior Health Authority – 135 Davie Road) be further deferred to the Regular Meeting of November 19, 2002.

Carried

7. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST READING)

- 7.1 Bylaw No. 8921 (Z02-1044) – Progressive Lands Ltd. (Protech Consultants Ltd.) – 5065 Frost Road

Moved by Councillor Nelson/Seconded by Councillor Given

R401/02/11/04 THAT Bylaw No. 8921, 8925 and 8928 be read a first time.

Carried

- 7.2 Bylaw No. 8925 (Z02-1036) – Double-Day Development Corporation (City of Kelowna) – 1585 Lewis Road

See resolution adopted under agenda item No. 7.1 above.

- 7.3 Bylaw No. 8928 (HRA02-0001) – Kelowna Thoracic Surgical Group Ltd. (Brian Quiring/MQLN Architects) – 2178 Pandosy Street

See resolution adopted under agenda item No. 7.1 above.

(BYLAWS PRESENTED FOR ADOPTION)

- 7.4 Bylaw No. 8894 (OCP01-009) – City of Kelowna (Mission District Park) – Gordon Drive **requires majority vote of Council (5)**

Moved by Councillor Hobson/Seconded by Councillor Day

R402/02/11/04 THAT Bylaw No. 8894 be adopted.

Carried

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- 7.5 Bylaw No. 8895 (TA01-008) – City of Kelowna (Mission District Park) – Gordon Drive

Moved by Councillor Day/Seconded by Councillor Hobson

R403/02/11/04 THAT Bylaw No. 8895 be adopted.

Carried

- 7.6 Bylaw No. 8896 (Z01-1040) – City of Kelowna (Mission District Park) – Gordon Drive

Moved by Councillor Day/Seconded by Councillor Hobson

R404/02/11/04 THAT Bylaw No. 8896 be adopted.

Carried

8. REPORTS

- 8.1 Wastewater Manager, dated October 30, 2002 re: Award of Construction Contract TE02-12 – Acland Road Sanitary Sewer Specified Area No. 30 (5340-09-30)

Staff:

- The construction schedule for this project extends into December. If the good weather does not hold, the road paving may have to wait until spring.

Moved by Councillor Nelson/Seconded by Councillor Given

R405/02/11/04 THAT the Contract for construction of the Acland Road Sanitary Sewer Specified Area No. 30 be awarded to R & L Excavating for the amount of \$322,810.96 which includes GST;

AND THAT the Mayor and City Clerk be authorized to execute the Contract on behalf of the City.

Carried

- 8.2 City Clerk, dated November 4, 2002 re: New Hangar Development Land Sub-Lease – Kelowna T-Hangars Inc. (2380-20-8116)

Moved by Councillor Given/Seconded by Councillor Shepherd

R406/02/11/04 THAT Council receive the Certificate of Sufficiency dated November 4, 2002, in relation to the proposed land sub-lease with Kelowna T-Hangars Inc. for a new hangar facility at the Kelowna International Airport.

Carried

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9. RESOLUTIONS

- 9.1 Draft Resolution re: Proposed Council Policy No. 307 – Waiver of Public Hearing (B/L 8927)

Moved by Councillor Nelson/Seconded by Councillor Given

R407/02/11/04 THAT Council Policy No. 307 – Waiver of Public Hearing be adopted to permit Council the flexibility of waiving public hearing requirements for development applications that meet specific conditions.

Carried

10. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 10.1 Bylaw No. 8920 – Road Exchange Bylaw – Lane off Glenmore Road

Moved by Councillor Clark/Seconded by Councillor Shepherd

R408/02/11/04 THAT Bylaws No. 8920 and 8929 be read a first, second and third time.

Carried

- 10.2 Bylaw No. 8929 – Sewer Specified Area No. 20 – North Rutland

See resolution adopted under agenda item No. 10.1 above.

(BYLAWS PRESENTED FOR ADOPTION)

- 10.3 Bylaw No. 8926 – Amendment No. 3 to Five Year Financial Plan Bylaw, 2002-2006, No. 8788

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R409/02/11/04 THAT Bylaw No. 8926 be adopted.

Carried

- 10.4 Bylaw No. 8927 – Amendment No. 6 to Development Application Procedures Bylaw No. 8140

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R410/02/11/04 THAT Bylaw No. 8927 be adopted.

Carried

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11. COUNCILLOR ITEMS

(a) St. Aiden's Church

Councillor Shepherd advised that the Rutland Residents Association is concerned that Council will be considering a funding allocation for demolition of the St. Aiden's Church at budget time. The building is on the Kelowna Heritage Register and the Association is asking that the item be removed from budget discussions and that they be allowed a year to put together a plan for preserving the building.

The City Manager suggested that the Association provide a letter officially stating in writing, their interest in the property and then Council can decide if they want to delay demolition for a year.

(b) Fireworks

Councillor Given raised concern about the young man on the Westside who was hit in the face with fireworks and the fires that were started in various areas of the city from fireworks on Halloween.

Councillor Hobson advised he would raise this concern along with the issue of pawnshops at an upcoming meeting he has scheduled with Westbank First Nation Chief Louie. Mayor Gray will raise the concerns when he next meets with the Okanagan Valley mayors and regional districts.

(c) Traffic Light – Bertram Street/Bernard Avenue

Councillor Given commented that the new traffic signal at the crosswalk over Bernard Avenue at Bertram Street has solved the pedestrian problem but is now creating confusion for Bertram Street traffic trying to cross Bernard Avenue and head north.

(d) Stop Sign – Swamp Road at Casorso Road

Councillor Blanleil asked that staff see if there is a better location for the Stop sign on Swamp Road at Casorso to make it more visible for motorists.

(e) Leon and Lawrence Avenues

Councillor Cannan requested a report from staff on the implications of reverting both Leon and Lawrence Avenues back to two-way traffic. It was agreed that the matter would be more appropriately addressed when the Transportation component of the Official Community Plan comes forward.

12. TERMINATION

The meeting was declared terminated at 3:57 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am