

Regular Meeting – P.M.

February 17, 2003

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, February 17, 2003.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, R.D. Cannan, C.B. Day*, B.D. Given, R.D. Hobson*, E.A. Horning* and S.A. Shepherd.

Council members absent: Councillor B.A. Clark.

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*; Long Range Planning Manager, S.K. Bagh*; Planner-Long Range, G. Routley*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:31 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Heritage Week – February 17-23, 2003

- overview of events scheduled for Heritage Week 2003
- presentations on the history of Kelowna
- acknowledgement of 2002 Kelowna Heritage Foundation Grant Recipients

Karen Alexander, Central Okanagan Heritage Society:

- Gave an overview of the events scheduled for Heritage Week.

Councillors Day, Hobson and Horning entered the Council Chamber at 1:34 p.m. and took their respective place at the Council Table.

John Vielvoye, Rutland Residents' Association:

- Gave a photo presentation showing some of the history of Rutland.

Malcolm Broxham, Chair of Rutland Residents' Association Historical Committee:

- Spoke of the efforts through the Rutland Residents' Association to spearhead a preservation program for St. Aidan's Church on Mugford and Rutland Roads.

Alice Lundy and Dorothy Zoellner, Okanagan Historical Society:

- Gave a photo presentation and commentary on some of the historical sites in Kelowna.

Councillor Shepherd, Council's representative on the Kelowna Heritage Foundation:

- Outlined how the 2002 grants were allocated.
- Told of a plaque program that was implemented this year. There are 25 plaques in total and they will be put on important buildings that have been identified throughout the city. The first 4 will go on the downtown Fire Hall, the Laurel Building, the Benvoulin Church and Guisachan House.

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4. PLANNING

- 4.1 Planning & Development Services Department, dated February 12, 2003
re: Agricultural Advisory Committee Replacement Members

Moved by Councillor Hobson/Seconded by Councillor Given

R129/03/02/17 THAT Pierre Calissi and Hong-Hee Chuah be appointed to the City of Kelowna Agricultural Advisory Committee for the term ending November 30, 2005.

Carried

- 4.2 Planning & Development Services Department, dated February 12, 2003
re: Rezoning Application No. Z02-1056 – 417860 Alberta Ltd. (Robert Bennett) – 5065 Frost Road

Staff:

- Showed the proposed subdivision layout to create 15 single family lots.
- The extension of Gordon Drive from Stoneybrook to Frost Road would be triggered at the 950th unit. City Transportation staff estimate that trigger point could occur within a couple of years.

Moved by Councillor Day/Seconded by Councillor Given

R130/03/02/17 THAT Rezoning Application No. Z02-1056 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, DL357, SDYD, Plan KAP47764, located on Frost Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone be considered by Council;

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

AND FURTHER THAT final adoption of the 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

- 4.3 Planning & Development Services Department, dated February 12, 2003
re: Rezoning Application No. Z02-1024 – Tyson Properties Ltd. (Grant Maddock/ Protech Consultants Ltd.) – 5109 Killdeer Road

Staff:

- The proposed 24-lot single family subdivision is in conformity with the Neighbourhood Two Neighbourhood Structure Plan.

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Moved by Councillor Given/Seconded by Councillor Shepherd

R131/03/02/17 THAT Rezoning Application No. Z02-1024 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot C, Plan 30848, Twp. 28, Sec. 24, SDYD, located on Killdeer Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone be considered by Council;

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

AND FURTHER THAT final adoption of the 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

4.4 Planning & Development Services Department, dated February 12, 2003 re: Rezoning Application No. Z99-1060 – Maranda Estates, et al (Grant Maddock/Protech Consultants Ltd.) – 4654 Westridge Drive and 980 Maranda Court

Staff:

- Showed the proposed subdivision layout noting the proposed 3 rural residential lots would be panhandle lots off Westridge Drive. The park lot would form part of the Coronado slope.
- Areas in excess of 30% slopes will be protected by covenant.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R132/03/02/17 THAT Rezoning Application No. Z99-1060, to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 7, D.L. 580 A, S.D.Y.D., Plan 28238; Lot 8, D.L. 580 A, Sec. 29, Twp. 29, S.D.Y.D., Plan KAP62399; and part of Lot 141, Sec. 29, Twp. 29, S.D.Y.D., Plan 24972, located on Westridge Drive and Maranda Court, Kelowna, B.C., from the A1 – Agriculture 1 zone and the RR3 – Rural Residential 3 zone to the RR 2 – Rural Residential 2 zone, the RU1 – Large Lot Housing zone and the P3 – Parks & Open Space zone, be considered by Council;

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration.

Carried

4.5 Planning & Development Services Department, dated February 10, 2003 re: Rezoning Application No. Z01-1055 – Laurie Mackay (John Mackay) – 608 Coronation Avenue (B/L 8786)

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R133/03/02/17 THAT Municipal Council authorize an extension to Rezoning application No. Z01-1055 (Bylaw No. 8786) for a period of not more than 180 days from February 11, 2003.

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- 4.6 Planning & Development Services Department, dated February 12, 2003
re: Rezoning Application No. Z02-1046 – Starline Enterprises Ltd. (Wes Friesen/Points West Architecture) – 2260-2270 Haynes Road

Staff:

- The application would rezone the site to facilitate development of two 9-storey apartment buildings with underbuilding parking that would link the 2 buildings.
- Showed an artist's rendering of the proposed plan of development.

Moved by Councillor Given/Seconded by Councillor Shepherd

R134/03/02/17 THAT Rezoning Application No. Z02-1046 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, DL 142, O.D.Y.D., Plan 15378 Exc. Plan KAP59549, located on Haynes Road, Kelowna, B.C., from the A1 – Agricultural 1 zone to the RM6 – High Rise Apartment Housing zone 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 and a Development Variance Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a plan of subdivision in the Land Titles Office in Kamloops for the required Haynes Road reconfiguration;

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.

Carried

- 4.7 Planning & Development Services Department, dated February 12, 2003
re: City of Kelowna Zoning Bylaw Text Amendment No. TA02-0007 – City of Kelowna

Withdrawn from the agenda.

- 4.7.1 Planning & Development Services Department, dated February 14, 2003
re: Rezoning Application No. Z03-0007 – Multiple Owners (City of Kelowna)

Staff:

- The proposed rezonings are for properties that will become non-conforming with amendments to the City of Kelowna Zoning Bylaw No. 8000 that are required in response to Provincial Government changes to liquor licensing regulations. The text amending bylaw with these changes to the Zoning Bylaw would be processed concurrently with the subject rezoning application.

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- The process for handling these LP (Liquor Primary) and RLS (Retail Liquor Sales) rezonings would be similar to rezonings to the 's' zone designation.
- Doc Willoughby's is not listed in the report but they had applied for a retail outlet sometime ago and their approval was granted by Victoria on January 21st which was the date that the Text Amendment was brought forward to Council. Since they had their approval on January 21st, recommend Doc Willoughby's be included on the list of properties to allow the RLS designation.
- Recommend that the rezoning of all of the subject properties be done in one bylaw. As such, staff would notify all the listed businesses and the rezonings would be advertised in the normal way through the papers and over the internet. There are more than 10 owners involved and so notices would not be sent to everyone within 100 m of the properties being rezoned.

Moved by Councillor Shepherd/Seconded by Councillor Given

R135/03/02/17 THAT Table 1 of the Planning Department's report dated February 14, 2003 (Z03-0007) be amended by adding Doc Willoughby's to the list of properties being rezoned to add the RLS designation;

AND THAT Rezoning Application No. Z03-0007 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of those properties listed in Table 1, as amended, and in Table 2 (to add the LP designation) be considered by Council;

AND FURTHER THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration in conjunction with TA02-0007.

Carried

4.8 Planning & Development Services Department, dated February 10, 2003 re: Kelowna Downtown Sign Plan Status Report (6441-20)

Michelle Cloghesy, consultant:

- Presented her recommendations for directional and interpretive signage in the study area.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R136/03/02/17 THAT staff prepare detailed design/construction drawings for Downtown signs, based on the concepts summarized in the Planning and Development Services' report of February 10, 2003;

AND THAT staff work with the Public Art Committee to carry out a design competition to select "activity-based" images as identified in the Planning and Development Services' report of February 10, 2003;

AND FURTHER THAT staff report back to Council with recommendations prior to proceeding with Sign Plan implementation.

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5. REPORTS

- 5.1 Deputy Director of Finance, dated February 6, 2003 re: 2003 Residential Assessment Analysis (1950-01)

Staff:

- Explained how assessment value increases affect municipal taxes noting that the fact that the assessment is based on the average of the sale of properties in the particular neighbourhood is key.
- In Kelowna, the average assessment increase for residential is 5.8% and that is market to market change from 2002 to 2003.
- Outlined the tax deferral program, a program intended for seniors, widows or widowers or people who are disabled.

Moved by Councillor Shepherd/Seconded by Councillor Given

R137/03/02/17 THAT Council receive the report from the Deputy Director of Finance titled, '2003 Residential Assessment Analysis' dated February 5, 2003 for information.

Carried

- 5.2 Civic Properties Manager, dated February 10, 2003 re: Award of Construction Contract - Simpson Pavilion at Knox Mountain (0760-20)

Staff:

- Explained what the project will include. Showed an artist's rendering of the proposed pavilion, public washrooms and caretaker's residence.
- Over \$450,000 will come from the Simpson family trust and that will essentially close out the trust.
- Project completion will probably be sometime in June.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R138/03/02/17 THAT the tender for the construction of the Simpson Pavilion at Knox Mountain Park be awarded to the low bidder, Sawchuck Developments Ltd. in the amount of \$689,130.

Carried

- 5.3 Licence and Bylaw Enforcement Supervisor, dated February 10, 2003 re: Amendment to City of Kelowna Noise Control Bylaw No. 6647-90 (B/L 8969)

Staff:

- Proposed amendment would rename the bylaw and add a new section to the bylaw dealing with creating a disturbance from fighting.
- Enforcement would be by the RCMP through the MTI process; gives the RCMP an enforcement option separate from the Criminal Code.

Moved by Councillor Hobson/Seconded by Councillor Day

R139/03/02/17 THAT Bylaw No. 8969, being Amendment No. 1 to Kelowna Noise Control Bylaw No. 6647 be advanced for reading consideration.

Carried

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- 5.4 Transportation Manager, dated February 12, 2003 re: Temporary Closure of Spruceview Place South at Clifton Road (5460-04)

Staff:

- The requested temporary closure would likely be for 2-3 years; the intent would be for the road to be reopened at some point in time.

Moved by Councillor Hobson/Seconded by Councillor Simpson

R140/03/02/17 THAT Council supports the temporary closure of Spruceview Place South at Clifton Road;

AND THAT the necessary bylaw be forwarded for reading consideration by Council.

Carried

- 5.5 Wastewater Manager, dated February 12, 2003 re: Dease Road Sewer Specified Area No. 22E (5340-09-22E)

Moved by Councillor Horning/Seconded by Councillor Hobson

R141/03/02/17 THAT the City of Kelowna initiate a Sewer Specified Area project pursuant to Section 646 of the *Local Government Act*, for the area shown on Map A attached to the Wastewater Manager's report dated February 12, 2003, which indicates the proposed Specified Area for the installation of sewer on Dease Road;

AND THAT the City of Kelowna initiate a Local Improvement project as shown on Map B consisting of road widening, road drainage, concrete curb and gutter and boulevard landscaping in conjunction with the City funded sidewalk and street lighting on both sides of Dease Road from Leathead Road to the north end of Dease Road, pursuant to Section 629 of the *Local Government Act*;

AND THAT Council receive the report dated February 5, 2003 from the Transportation Manager, as attached to the Wastewater Manager's report of February 12, 2003, for the proposed Local Improvement project prepared under Section 635 of the *Local Government Act*;

AND THAT Council direct staff to take the necessary steps of advising and involving the affected property owners as required by the *Local Government Act*;

AND FURTHER THAT the 2003 Financial Plan be amended to provide for this additional project in the Wastewater budget and to fund the Local Improvement work within the Transportation Division budget from the 2002 Abbott Street project surplus.

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- 5.6 Councillor Day, Chair, Kelowna Parking Committee, dated February 12, 2003 re: Appointments to Kelowna Parking Committee (0540-20)

Moved by Councillor Day/Seconded by Councillor Hobson

R142/03/02/17 THAT the following individuals be appointed to the Kelowna Parking Committee for the current term ending in November 2005:

- Mr. Hans Van Leening representing the Access Awareness Team;
- Mr. Clay William representing the Downtown Kelowna Association replacing Mr. Clint McKenzie; and
- Ms. Myrna Park representing the Kelowna Chamber of Commerce.

Carried

6. RESOLUTIONS

- 6.1 Draft Resolution re: Cancellation of March 4, 2003 Council Meetings (0550-01)

Moved by Councillor Shepherd/Seconded by Councillor Given

R143/03/02/17 THAT the Public Hearing and Regular Meeting scheduled for Tuesday, March 4, 2003 be cancelled.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 8962 – Sewer Specified Area No. 22E – Dease Road

Moved by Councillor Given/Seconded by Councillor Horning

R144/03/02/17 THAT Bylaws No. 8962, 8963, 8967, 8969 and 8970 be read a first, second and third time.

Carried

- 7.2 Bylaw No. 8963 – Dease Road Local Improvement Construction Bylaw (L.I. File 652)

See resolution under 7.1 above.

- 7.3 Bylaw No. 8967 – Road Closure Bylaw – Spruceview Place South

See resolution under 7.1 above.

- 7.4 Bylaw No. 8969 – Amendment No. 1 to Kelowna Noise Control Bylaw No. 6647

See resolution under 7.1 above.

- 7.5 Bylaw No. 8970 – Amendment No. 60 to City of Kelowna Ticket Information Utilization Bylaw No. 6550-89

See resolution under 7.1 above.

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8. COUNCILLOR ITEMS – Nil.

9. TERMINATION

The meeting was declared terminated at 4:43 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am