

Regular Meeting – P.M.

March 3, 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, March 3, 2003.

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* and E.A. Horning.

Council members absent: Councillor S.A. Shepherd.

Staff members in attendance were: City Manager, R.A. Born; Deputy City Clerk, A.M. Flack; Director of Planning & Development Services, R.L. Mattiussi*; Current Planning Manager, A.V. Bruce*; Special Projects Planning Manager, H.M. Christy*; Wastewater Manager, W.J. Berry*; Civic Properties Manager, J. Waugh*; Roadways Engineer, G. Parker*; 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 Given was requested to check the minutes of the meeting.

3. PLANNING

3.1 Planning & Development Services Department, dated February 24, 2003 re: Rezoning Application No. Z03-0001 – Darrell Helfrich – 240 Sadler Road

Staff:

- The rezoning is requested to facilitate development of a suite in the basement of the existing dwelling.

Moved by Councillor Horning/Seconded by Councillor Given

R183/03/03/03 THAT Rezoning Application No. Z03-0001 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Section 26, Township 26, ODYD, Plan 13119, located on Sadler 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 forwarded to a Public Hearing for further consideration.

Carried

3.2 Planning & Development Services Department, dated February 25, 2003 re: Rezoning Application No. Z01-1043 – Marlene Collinson (William Collinson) – 551 Sherrydale Crescent (BL8776; BL8777)

Staff:

- A requirement of a previously adopted resolution was for consideration of a Development Variance Permit to vary the standards of improvements on Sherrydale Crescent concurrent with adoption of the subject bylaw. However, it has since been determined that a formal variance is not required. All other outstanding issues have been resolved.

Regular Meeting – P.M.

March 3, 2003

Moved by Councillor Given/Seconded by Councillor Blanleil

R184/03/03/03 THAT Council Resolution No. R25/02/01/08 adopted January 8, 2002 pertaining to the requirement for a Development Variance Permit be rescinded,

AND THAT Final Adoption of Official Community Plan Amending Bylaw No. 8776 be considered by the Municipal Council,

AND FURTHER THAT Final Adoption of Zone Amending Bylaw No. 8777 be considered by the Municipal Council.

Carried

3.3 Planning & Development Services Department, dated February 26, 2003 re: Rezoning Application No. Z03-0004 – Stober Construction – 1699 Powick Road

Staff:

- The applicant is seeking the rezoning to allow for more office type uses within the existing development.
- As the proposed zone is consistent with the future land use designation in the Official Community Plan there is no requirement to hold a Public Hearing.

Moved by Councillor Blanleil/Seconded by Councillor Day

R185/03/03/03 THAT Rezoning Application No. Z03-0004 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, DL 125, O.D.Y.D., Plan 34283, Exc. Plans 38593 and KAP72833, located on Powick Road, Kelowna, B.C. from the I2 – General Industrial zone to the I1 – Business Industrial zone be considered by Council;

AND THAT pursuant to the provisions of the City of Kelowna Council Policy #307 and section 890 of the *Local Government Act*, the requirement for the public hearing be waived;

AND FURTHER THAT final adoption of the zone amending bylaw No. 8985 be considered subsequent to the requirements of the Works & Utilities Department and Environment Division being completed to their satisfaction.

Carried

Councillor Hobson entered the Council Chamber at 1:38 p.m. and took his place at the Council Table.

3.4 Planning & Development Services Department, dated February 26, 2003 re: Rezoning Application No. Z02-1059 – Mission Shores Developments (David Tyrell Architect) – 3866-3884 Truswell Road

Staff:

- The five subject properties front onto Okanagan Lake and are currently developed with three buildings; the buildings would be removed if this application is successful.
- Proposing to develop a resort style 54-unit townhouse intended for apartment-hotel use with 32 common boat slips on a shared dock.
- The applicant would also be dedicating and developing a boardwalk along the lake frontage of the site.

Regular Meeting – P.M.

March 3, 2003

- The application is consistent with the general land use supported by the OCP and the South Pandosy/KLO Sector Plan.
- Would require variances to sightline provisions, and side and front yard setbacks.
- Showed a site plan for the project noting the main entrance would be off Truswell Road.

Council:

- Should register a covenant or find some other means of notifying potential purchasers in the proposed subject development of the potential for future hotel/motel type development on adjacent properties.
- Clarified that if Council did not grant the sightline variance on the south side, development could not infringe on that sightline.
- Need to consider the potential impact on the proposed boardwalk along the foreshore if the accretion deposits changed and the accreted foreshore eroded.

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R186/03/03/03 THAT Rezoning Application No. Z02-1059 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots A, B, C, D, E; Sec.1; Twp.25; ODYD; Plan KAP67760, located on Truswell Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the C9 Tourist 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 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 in conjunction with Council's consideration of a Development Variance Permit on the subject property;

AND FURTHER THAT final adoption of the zone amending bylaw be withheld pending the approval of a technical subdivision dedicating a portion of the foreshore to the City of Kelowna and the subsequent registration of this foreshore dedication at the Land Titles Office in Kamloops.

Carried

3.5 Planning & Development Services Department, dated February 26, 2003 re: Rezoning Application No. Z02-1015 and OCP02-0015 – Kirschner Family (Allan Kirschner) – 2045 Garner Road

Staff:

- The OCP amendment adds some areas for cluster housing types of single-two family and townhouse development. The amendment also reduces the area shown as major park and open space. Open space protection will be achieved through a covenant.
- The rezoning application is for phase one of development of the site to create 108 single family lots plus about 20 units of cluster housing.
- The application was reviewed by the Advisory Planning Commission and supported with no conditions.
- The application was reviewed by the Agricultural Advisory Committee and the AAC reminds us of our policy of buffering development lands from ALR lands.

Regular Meeting – P.M.March 3, 2003Moved by Councillor Hobson/Seconded by Councillor Day

R187/03/03/03 THAT OCP Bylaw Amendment No. OCP02-0015 to amend Map 19.1 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the Future Land Use designation of Lots A, C & D, Sec. 13, Twp. 26, ODYD, Plan KAP48770; Lot 3, Sec. 13, Twp. 26, & Sec. 18, Twp. 27, ODYD, Plan KAP44995; Lot 1, Secs. 12 & 13, Twp. 26 & Secs. 7 & 18, Twp. 27, ODYD, Plan KAP71697, located on Loseth Road, Kelowna, B.C., from the Single/Two Unit Residential designation to the Multiple Unit Residential – medium density designation, as shown on Map “A” attached to the report of Planning & Development Services Department dated February 26, 2003, be considered by Council;

AND THAT Rezoning Application No. Z02-1015, to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Sec. 13, Twp. 26, ODYD, Plan KAP48770, located on Loseth Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1h – Large Lot Housing (Hillside Area), RU4h – Low Density Cluster Housing (Hillside Area), RU6h – Two Dwelling Housing (Hillside Area) and P3 – Parks & Open Space zones, as shown on Map “B” attached to the report of the Planning & Development Services Department dated February 26, 2003, be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP02-0015 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the zone amending bylaw 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. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST READING)

- 4.1 Bylaw No. 8964 (TA02-0006) – Text Amendment to Zoning Bylaw No. 8000

Moved by Councillor Horning/Seconded by Councillor Given

R188/03/03/03 THAT Bylaws No. 8964, 8976, 8977, 8978, 8979, 8984 and 8985 be read a first time.

Carried

- 4.2 Bylaw No .8976 (Z02-1024) – Tysen Properties Ltd. (Grant Maddock/Protech Consultants Ltd.) – 5109 Killdeer Road

See resolution under 4.1 above.

- 4.3 Bylaw No. 8977 (Z99-1060) - Maranda Estates, et al (Grant Maddock/Protech Consultants Ltd.) – 4654 Westridge Drive and 980 Maranda Court

See resolution under 4.1 above.

Regular Meeting – P.M.

March 3, 2003

- 4.4 Bylaw No. 8978 (Z02-1056) - 417860 Alberta Ltd. (Robert Bennett) – 5065 Frost Road

See resolution under 4.1 above.

- 4.5 Bylaw No. 8979 (Z02-1046) - Starline Enterprises Ltd. (Wes Friesen/Points West Architecture) – 2260-2270 Haynes Road

See resolution under 4.1 above.

- 4.6 Bylaw No. 8984 (Z03-0002) - Fred Geismayr – 2085 Inkar Road

See resolution under 4.1 above.

- 4.7 Bylaw No. 8985 (Z03-0004) – Al Stober Construction Ltd. & R.A. McKenzie Enterprises Ltd. – 1699 Powick Road

See resolution under 4.1 above.

(BYLAWS PRESENTED FOR ADOPTION)

- 4.8 Bylaw No. 8776 (OCP01-010) – Marlene Collinson (William Collinson) – 551 Sherrydale Crescent **requires majority vote of Council (5)**

Moved by Councillor Day/Seconded by Councillor Blanleil

R189/03/03/03 THAT Bylaw No. 8776 be adopted.

Carried

- 4.9 Bylaw No. 8777 (Z01-1043) – Marlene Collinson (William Collinson) – 551 Sherrydale Crescent

Moved by Councillor Blanleil/Seconded by Councillor Day

R190/03/03/03 THAT Bylaw No. 8777 be adopted.

Carried

Councillor Hobson opposed.

Mayor Gray altered the order of business and advised that agenda item No. 6.1 would be dealt with next.

6. DRAFT RESOLUTIONS

- 6.1 Draft Resolution re: Council Policy 101 – Conversion of Overhead Power Lines (BL 8966)

Moved by Councillor Given/Seconded by Councillor Day

R191/03/03/03 THAT the amendments to Council Policy 101 – Conversion of Overhead Power Lines be adopted as indicated in the proposed policy attached to the Draft Resolution dated February 26, 2003.

Carried

Regular Meeting – P.M.

March 3, 2003

5. REPORTS

- 5.1 Transportation Manager, dated February 26, 2003 re: Tender T03-12 – 2003 Asphalt Overlay Contract (5400-10)

Moved by Councillor Day/Seconded by Councillor Blanleil

R192/03/03/03 THAT the tender for the 2003 Asphalt Overlay Contract be awarded to the low bidder Emil Anderson Construction Ltd. in the amount of Five Hundred Twenty-three Thousand, Five Hundred Forty-two dollars and Sixty cents (\$523,542.60) including GST.

Carried

Mayor Gray altered the order of business and advised that agenda items 5.3 and 5.4 would be dealt with next.

- 5.3 Civic Properties Manager, dated February 26, 2003 re: Chapman Retail Commercial Space Lease – Okanagan Pilates and Health Inc. (2380-20)

Moved by Councillor Hobson/Seconded by Councillor Day

R193/03/03/03 THAT City Council approve a five year lease with Okanagan Pilates and Health Inc. for 874 square feet of commercial space on the ground floor of the Chapman Parkade located at 345 Lawrence Avenue, as summarized in the report from the Civic Properties Manager dated February 26, 2003;

AND THAT Council authorize the Mayor and City Clerk to execute the lease on behalf of the City of Kelowna;

AND FURTHER THAT the 2003 budget be so amended to reflect this increased revenue source.

Carried

- 5.4 Civic Properties Manager, dated February 26, 2003 re: Chapman Retail Commercial Space Lease – Mac & Klein Ltd. (2380-20)

Moved by Councillor Hobson/Seconded by Councillor Day

R194/03/03/03 THAT City Council approve a five year lease with Mac & Klein Ltd. for 1165 square feet of commercial space on the ground floor of the Chapman Parkade located at 345 Lawrence Avenue, as summarized in the report from the Civic Properties Manager dated February 26, 2003;

AND THAT Council authorize the Mayor and City Clerk to execute the lease on behalf of the City of Kelowna;

AND FURTHER THAT the 2003 budget be so amended to reflect this increased revenue source.

Carried

Regular Meeting – P.M.

March 3, 2003

- 5.2 Wastewater Manager, dated February 26, 2003 re: Award of Construction Contract TE03-04 - Byrns/Baron Trunk Sewer (5340-07)

Staff:

- The Byrns/Baron trunk sewer is one of the largest trunk mains to be installed in the city.

Andrew Ambrozy, Associated Engineering:

- Outlined the public process, project schedule and traffic management plans for minimizing disruption to property owners and businesses during construction.

Moved by Councillor Hobson/Seconded by Councillor Day

R195/03/03/03 THAT Contract No. 2 for the construction of the Byrns/Baron Trunk Sewer be awarded to Peters Bros. Construction Ltd. for the amount of \$1,965,843.90 which includes GST;

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

Carried

- 5.3 Civic Properties Manager, dated February 26, 2003 re: Chapman Retail Commercial Space Lease – Okanagan Pilates and Health Inc. (2380-20)

Agenda items No. 5.3 and 5.4 dealt with after item 5.1.

- 5.4 Civic Properties Manager, dated February 26, 2003 re: Chapman Retail Commercial Space Lease – Mac & Klein Ltd. (2380-20)

Agenda items No. 5.3 and 5.4 dealt with after item 5.1.

6. DRAFT RESOLUTIONS

- 6.1 Draft Resolution re: Council Policy 101 – Conversion of Overhead Power Lines (BL 8966)

Dealt with after item No. 4.9.

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 8966 – Amendment No. 8 to City of Kelowna Electricity Regulation Bylaw No. 7639

Moved by Councillor Clark/Seconded by Councillor Given

R196/03/03/03 THAT Bylaw No. 8966 be read a first, second and third time.

Carried

Regular Meeting – P.M.

March 3, 2003

8. COUNCILLOR ITEMS – Nil.

9. TERMINATION

The meeting was declared terminated at 2:47 p.m.

Certified Correct:

Mayor

Deputy City Clerk

BLH/am