

Regular Meeting – P.M.

March 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, March 17, 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, E.A. Horning and S.A. Shepherd.

Council members absent: Councillor A.F. Blanleil.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi*; Subdivision Approving Officer, R.G. Shaughnessy*; Long Range Planning Manager, S.K. Bagh*; Licensing & Bylaw Enforcement Supervisor, A. Dixon*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:32 a.m.

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

3. PLANNING

3.1 (i) **(BYLAW PRESENTED TO RESCIND 2ND & 3RD READINGS AND AMEND THE BYLAW AT 1ST READING)**

Bylaw No. 8460 (Z98-1032) – Hilltop Sand & Gravel Co. Ltd. (New Town Planning Services) – 5065 Frost Road and 611 & 625 Barnaby Road

Staff:

- Since initial consideration of the zone amending bylaw, the developer has changed and the new developer has made changes to the subdivision layout.
- The initial proposal was for 207 single family residential lots and the current proposal is for the same number of lots.
- Showed the initial and revised subdivision layouts and pointed out the zoning boundary changes.

Moved by Councillor Clark/Seconded by Councillor Shepherd

R221/03/03/17 THAT second and third readings given Bylaw No. 8460 (Z98-1032 - Hilltop Sand & Gravel Co. Ltd. - Frost Road) on October 25, 1999 under resolution No. R874/99/10/25 be rescinded.

Carried

Moved by Councillor Clark/Seconded by Councillor Shepherd

R222/03/03/17 THAT Bylaw No. 8460 be amended at first reading by replacing Map "A" with a new Map "A" as attached to the Planning Department's report dated March 12, 2003 and by adding the P4 – Utilities and RU4 – Low Density Cluster Housing zones to the list of proposed zones in the text of the bylaw.

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- (ii) Planning & Development Services Department, dated March 12, 2003 re: Rezoning Application No. Z98-1032 – Hilltop Sand & Gravel Co. Ltd. (Mike Young/Protech Consultants Ltd.) – 5065 Frost Road

Moved by Councillor Horning/Seconded by Councillor Given

R223/03/03/17 THAT Bylaw No. 8460 (Z98-1032 – Hilltop Sand & Gravel Co. Ltd. – 5065 Frost Road), as amended at first reading, be forwarded to a Public Hearing for further consideration.

Carried

- 3.2 Planning & Development Services Department, dated March 12, 2003 re: Development Permit Application No. DP03-0010 – Kelowna Central Park Properties Ltd. (Rick Arndt Architect Inc.) – 1551 Banks Road

Staff:

- The subject property was part of the former Central Park Golf Course. The Area Structure Plan for the property identifies this portion of the site for Commercial.
- Phase 1 on this portion of the site was Home Depot and phase 2 was the 6 auto dealerships. This is phase 3 and is for development of 3 buildings creating a total of 8,431 m² of commercial space as the first phase of 5 buildings proposed on this portion of the site.
- Showed the location for the 3 buildings and identified the proposed tenants of the lease spaces in the buildings.
- The applicant has committed to adhere to the original approved landscape plan reviewed by Council as part of the overall Area Structure Plan application.

Council:

- Staff to explore the possibility of negotiating a developer contribution toward benches and a transit shelter if there is a transit stop nearby.

Moved by Councillor Day/Seconded by Councillor Hobson

R224/03/03/17 THAT Council authorize the issuance of Development Permit No. DP03-0010 for Lot 1, DL 125, O.D.Y.D., Plan KAP67601, located on Banks Road, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The Signage to be constructed on the land be in general conformance with Schedule "D";
5. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;
6. The applicant register a Sec. 219 Restrictive Covenant in favour of the City of Kelowna to limit the potential use of the property by the maximum vehicle trip generation allowance as determined by a traffic impact study;

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AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

Councillor Cannan opposed.

3.3 Planning & Development Services Department, dated March 12, 2003 re: Development Permit Application No. DP03-0005 – Victor Projects Ltd. (Glen Carlberg/Loblaws Properties West Inc.) – 2280 Baron Road

Staff:

- The application is for permission to construct a temporary fenced sales area in the parking lot of the Real Canadian Super Store for the seasonal sale of plants and garden supplies.
- The development permit issued for the subject property also identified five development pad locations around the perimeter of the site. There has been no development on these pad locations to date. The undeveloped areas were to be grassed or planted with sod so as to be more aesthetically pleasing but that has not been done.
- Showed the site plan and location in the parking lot for the proposed garden sales area which would measure about 100 ft. wide by 100 ft. deep.
- Concerned that these outdoor structures are getting larger and more prominent and while they look temporary they are in place for the majority of the year. Because of this, staff feel that the appearance of the structure should be revised to appear more like they are part of the development site.
- The Director of Planning & Development Services has the authority to deal with this application but is not willing to approve it because the applicant has not agreed to revise the proposal as requested.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R225/03/03/17 THAT Council hear from the applicant.

Carried

Glen Carlberg, applicant:

- Proposing to build a temporary garden centre that would operate from April 1st to July 15th so it really would be a temporary structure.
- Willing to commit that the structure would be removed very soon after July 15th.
- The intent would be to use the existing garden centre area outside the store for patio furniture and move the garden centre to the proposed temporary structure during the garden season.
- Do not understand the issues about landscaping on the as yet undeveloped areas because they have been seeded and irrigated as required.

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Council:

- Staff to look for a way to grant a seasonal or temporary permit for requests such as this and Christmas tree sales, etc. in lieu of having to go through a Development Permit.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R226/03/03/17 THAT Council support, in principle, the Real Canadian Super Store's proposal for a temporary garden centre at Lot 6, DL 126, O.D.Y.D., Plan KAP59534, located on Baron Road, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. The applicant providing a guarantee that the structure will be removed by July 15th and provided that there is a mechanism in place for ensuring that the temporary structure is not used for storage of pesticides or other hazardous materials.

Carried

- 3.4 Planning & Development Services Department, dated March 12, 2003 re: Appointment of Community Heritage Commission Members (6800-02)

Staff:

- The Terms of Reference for the Commission provide for four City-at-Large members and half are vacant.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R227/03/03/17 THAT Council appoint David Morris and Colleen Cornock as City-at-Large members of the Community Heritage Commission for the balance of the 2003/04/05 term ending November 30, 2005.

Carried

4. BYLAWS (ZONING & DEVELOPMENT)

(BYLAW PRESENTED TO RESCIND 2ND & 3RD READINGS AND AMEND THE BYLAW AT 1ST READING)

- 4.1 Bylaw No. 8460 (Z98-1032) – Hilltop Sand & Gravel Co. Ltd. (New Town Planning Services) – 5065 Frost Road and 611 & 625 Barnaby Road

Dealt with under agenda item No. 3.1(i).

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5. REPORTS

- 5.1 Bylaw Enforcement Supervisor, dated March 11, 2003 re: Canadian Home Builders Association – Request for Waiver of Trade Show Business License Fee (3900-20)

Councillor Given declared a conflict of interest because he will be one of the vendors in the trade show through the CNIB who he works for and left the Council Chamber at 2:23 p.m.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R228/03/03/17 THAT the request from the Canadian Home Builders' Association of Kelowna to amend the business license fee as it applies to Trade Shows as outlined in their letter dated February 20, 2003 attached to the report from the Bylaw Enforcement Supervisor dated March 11, 2003, be received;

AND THAT City staff assist the Association by reviewing their list of participants in advance of the trade shows to help them determine which businesses require a business license.

Carried

Councillors Horning and Shepherd opposed.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R229/03/03/17 THAT the City of Kelowna Business License and Regulation Bylaw No. 7878 be brought forward for review of the fee schedule for business licensing once the Community Charter is in force.

Carried

Councillor Given returned to the Council Chamber at 2:41 p.m. and took his place at the Council Table.

6. COUNCILLOR ITEMS – Nil.

7. TERMINATION

The meeting was declared terminated at 2:56 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am