

Regular Meeting – P.M.

July 7, 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, July 7, 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.

Staff members in attendance were: City Manager, R.A. Born; Deputy City Clerk, S.C. Fleming; Manager of Development Services, A.V. Bruce\*; Subdivision Approving Officer, R.G. Shaughnessy\*; Community Planning Manager, T. Eichler\*; Director of Financial Services, P.A. Macklem\*; Director of Parks & Leisure Services, D.L. Graham\*; Civic Properties Manager, J. Waugh\*; Transportation Manager, R.W. Westlake\*; 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 Day was requested to check the minutes of the meeting.

3.0 City of Kelowna Float – Calgary Stampede

Miss Kelowna Princess Colleen Fenton presented the Mayor with a plaque and trophy, awarded to the City of Kelowna when the Ogopogo float placed first out of 154 entries in the municipal government category in the Calgary Stampede parade last weekend.

3. UNFINISHED BUSINESS

- 3.1 **Adjourned from May 27 and June 9, 2003** - Planning & Corporate Services Department, dated July 3, 2003 re: Development Permit Application No. DP03-0011 and Development Variance Permit Application No. DVP03-0012 – The Grand Okanagan Resort Ltd. (Brian Kilpatrick/BKDI Architects) – 1310 Water Street

Staff:

- The applicant has met on three occasions with the Dolphin's strata group since this item was deferred. The latest revisions to the plans were made over the weekend and so are not included in the supplemental report circulated in Council's agenda package.

Councillor Blanleil entered the Council Chamber at 1:40 p.m. and took his place at the Council Table.

- The proposal now calls for a 4-storey building with revised loft areas and a new location for the dome feature. The plans now call for a pool deck on the top of the 4<sup>th</sup> floor and the dome would be used for recreation facilities and a spa.
- All of the building is now within the required setbacks with the exception of a corner at the 4<sup>th</sup> storey level.
- A height variance is still required for the proposed parkade.

Mayor Gray invited the applicant or anyone who deemed themselves affected by the requested variances to come forward.

Regular Meeting – P.M.

July 7, 2003

John Gough, 804-1160 Sunset Drive:

- Speaking on behalf of the Dolphins strata council, advised they now fully support the final design.
- Suggested that in future the 30 m notification radius be expanded for large projects, particularly when they include high rise development and where it is obvious that an adjacent development would be affected.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R592/03/07/07** THAT Council authorize the issuance of Development Permit No. DP03-0011 for Lot B, D.L. 139, 3454 and 4082, O.D.Y.D., Plan KAP47378, located on Water Street, 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 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;

AND THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP03-0012; BKDI Architects; Lot B, D.L. 139, 3454 and 4082, O.D.Y.D., Plan KAP47378, located on Water Street, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

- (a) Vary Section 14.8.5(e) from 15.0 m required to 5.5 m proposed for the North Side Yard for a 4-storey portion of a building for the apartment hotel;
- (b) Vary Section 14.8.5(e) from 26.0 m required to 15.0 m proposed for the North Side Yard for any portion of a building over 4 storeys for the apartment hotel;
- (c) Vary Section 14.8.5(e) from 15.0 m required to 9.0 m proposed for the North Side Yard for a 4 storey portion of a building for the parking structure;
- (d) Vary Section 14.8.5(f) from 30.0 m required to 5.0 m proposed for the Rear Yard for a 4 storey portion of a building for the apartment hotel;
- (e) Vary Section 14.8.5(f) from 41.0 m required to 26.0 m proposed for the Rear Yard for any portion of a building over 4 storeys for the apartment hotel;

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

Regular Meeting – P.M.

July 7, 2003

4. PLANNING

- 4.1 Planning & Corporate Services Department, dated June 30, 2003 re: Rezoning Application No. Z01-1065 – William Harassin – 235 Langford Road

Moved by Councillor Horning/Seconded by Councillor Given

**R593/03/07/07** THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 8858 - William Harassin – 235 Langford Road be extended from May 28, 2003 to November 28, 2003;

AND THAT Zone Amending Bylaw No. 8858 be advanced for adoption consideration by Council.

Carried

- 4.2 Planning & Corporate Services Department, dated June 19, 2003 re: Development Permit Application No. DP03-0037 – Norman & Susan Sawatsky – 1310-1314 Lawson Avenue

Staff:

- The applicant is proposing an addition to the Lombardy Park apartment complex to create two additional dwelling units and a storage shed.

Moved by Councillor Given/Seconded by Councillor Cannan

**R594/03/07/07** THAT Council authorize the issuance of Development Permit No. DP03-0037 for Lot 2, D.L. 137, ODYD, Plan 30388, located on Lawson Avenue, 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";

AND 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

Regular Meeting – P.M.

July 7, 2003

- 4.3 Planning & Corporate Services Department, dated June 19, 2003 re: Rezoning Application No. Z03-0030 - Jaskaran Kandola (Axel Hilmer) – 934 Ackerman Crescent

Councillor Day declared a conflict of interest because he owns property within the notification radius for this application and left the Council Chamber at 1:52 p.m.

Moved by Councillor Given/Seconded by Councillor Cannan

**R595/03/07/07** THAT Rezoning Application No. Z03-0030 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, Sec. 24, Twp. 26, ODYD, Plan 48233, located on Ackerman Crescent, 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

Councillor Day returned to the Council Chamber at 1:55 p.m. and took his place at the Council Table.

- 4.4 Planning & Corporate Services Department, dated June 10, 2003 re: Rezoning Application No. Z03-0019 and OCP03-0005 – George Kasdorf – 1038-1040 Cawston Avenue

Staff:

- Do not recommend in support of the rezoning because the applicant was told well in advance of starting construction that secondary suites would not be supported yet each side was built with a suite, without the required zoning or permits.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R596/03/07/07** THAT Council hear from the applicant.

Carried

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R597/03/07/07** THAT further consideration of Rezoning Application No. Z03-0019 (George Kasdorf – 1038-1040 Cawston Avenue) be deferred to the next available Council meeting when the applicant can be in attendance.

Carried

Mayor Gray and Councillors Clark and Given opposed.

Regular Meeting – P.M.

July 7, 2003

- 4.5 Planning & Corporate Services Department, dated June 3, 2003 re: Rezoning Application No. Z03-0017 – Syrina Pidwebesky & Derek Klask – 681 Paret Place

Staff:

- The applicant has already converted the accessory building from a garage into a gym, office and bedroom and now would like to include a kitchen facility which is what has triggered the need to rezone for a secondary suite.
- Variances will be required and the APC recommends against the variances based on comments they received from the public.

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R598/03/07/07** THAT Rezoning Application No. Z03-0017 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, DL 358, ODYD, Plan 26534 located on Paret Place, 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

- 4.6 Planning & Corporate Services Department, dated June 24, 2003 re: Rezoning Application No. Z01-1061 – Georg-Michael Holzhey Ltd. – 200 Block of Hollywood Road North (West of)

Staff:

- The original plan of subdivision included a 74-lot modular home park on the westerly portion of the property and two industrial lots. The applicant proposes to just proceed with the 74-lot strata for now and will submit a new rezoning application if and when he decides to proceed with the two industrial lots.

Moved by Councillor Hobson/Seconded by Councillor Horning

**R599/03/07/07** THAT Zone Amending Bylaw No. 8825 (Z01-1061 – Georg-Michael Holzhey Ltd. - Hollywood Road North) be advanced for amendment at third reading to exclude the proposed I1 – Business Industrial zoned property shown on Map “A” attached to the Planning & Corporate Services’ report dated June 24, 2003, and adoption consideration by Council.

Carried

Councillor Clark opposed.

Regular Meeting – P.M.

July 7, 2003

- 4.7 Planning & Corporate Services Department, dated June 24, 2003 re: Agricultural Land Reserve Appeal No. A03-0009 – Henry & Tobe Wiebe – 2340 Silver Place

Moved by Councillor Cannan/Seconded by Councillor Day

**R600/03/07/07** THAT Agricultural Land Reserve Appeal No. A03-0009, Lot B, Sec. 33, Twp. 26, ODYD, Plan KAP61113, located on Silver Place, Kelowna, B.C. for a homesite severance subdivision within the Agricultural Land Reserve be supported by the Municipal Council;

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

Carried

- 4.8 Planning & Corporate Services Department, dated June 30, 2003 re: Agricultural Land Reserve Appeal No. A03-0008 – Raymond & Rosalinda Rampone – 3443-3527 Benvoulin Road

Staff:

- The applicant is proposing to subdivide the property into two parcels, both approximately 20 acres in size in order to sell one parcel and semi-retire on the other.
- Cannot recommend support of the appeal because the relevant planning documents do not support the creation of additional lots within the Agricultural Land Reserve other than for a homesite severance.

Moved by Councillor Hobson/Seconded by Councillor Horning

**R601/03/07/07** THAT Council hear from the applicant.

Carried

Raymond Rampone, applicant:

- The property has been in the family since the early 1900s.
- The owner of farm property across Benvoulin Road was allowed to subdivide into two parcels.
- 20 acres is a good size for a viable farming operation.

Moved by Councillor Horning/Seconded by Councillor Shepherd

**R602/03/07/07** THAT Agricultural Land Reserve Appeal No. A03-0008, Parcel A, Lot 67, Plan 186, DL 132, ODYD, Except Plans 11569, KAP45322 and KAP62074, located on Benvoulin Road, Kelowna, B.C., for subdivision within the Agricultural Land Reserve be supported by the Municipal Council;

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

Carried

Regular Meeting – P.M.

July 7, 2003

- 4.9 Planning & Corporate Services Department, dated June 23, 2003 re: Request for Start-Up Grant by McKinley Landing Residents' Association (0230-20)

Staff:

- Recommend that Council decline the request for a start-up grant on the basis that the area to be represented is too small in terms of population and area to receive recognition as a Residents Association, and the request is premature because the majority of the area is not projected for development within the 20-year timeframe of the Official Community Plan.
- If Council wishes to approve the request, then consideration should be given to expanding the boundaries.

Council:

- Staff to encourage the Association to change their boundaries to the approximate boundaries of Dissemination Area No. 22.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

**R603/03/07/07** THAT City Council approve the request for a \$500 start-up grant for the McKinley Landing Residents' Association;

AND THAT the funds be appropriated from Council Contingency.

Carried

Mayor Gray and Councillor Blanleil opposed.

5. BYLAWS (ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR AMENDMENT AT 3<sup>RD</sup> READING AND ADOPTION, AS AMENDED)**

- 5.1 Bylaw No. 8825 (Z01-1061) – Georg-Michael Holzhey Ltd. (John Hertay)  
– West of Hollywood Road North

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R604/03/07/07** THAT Bylaw No. 8825 be amended at third reading by excluding that part of Lot A, Sec. 2, Twp. 23, ODYD Plan KAP55855 except Plans KAP63299 and KAP63302 located on Hollywood Road North, Kelowna, B.C., being rezoned to I1 – Business Industrial.

Carried

Moved by Councillor Blanleil/Seconded by Councillor Horning

**R605/03/07/07** THAT Bylaw No. 8825 be adopted, as amended.

Carried

Councillor Clark opposed.

Regular Meeting – P.M.

July 7, 2003

**(BYLAWS PRESENTED FOR ADOPTION)**

- 5.2 Bylaw No. 8530 (Z99-1002)- Excalibur Enterprises Ltd. and Carey Road Properties (Al Kleinfelder) – 2650, 2658, 2260 & 2590 Highway 97 North and North of Cary Road, and City of Kelowna Official Community Plan Amendment No. OCP99-003 **requires majority vote of Council (5)**

Moved by Councillor Day/Seconded by Councillor Cannan

**R606/03/07/07** THAT Bylaw No. 8530 be adopted.

Carried

- 5.3 Bylaw No. 8858 (Z01-1065) – Bill Harasin – 235 Langford Road

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R607/03/07/07** THAT Bylaw No. 8858 be adopted.

Carried

6. REPORTS

- 6.1 Civic Properties Manager, dated July 7, 2003 re: Martin Education Centre RFP (0870-20)

Staff:

- The proposed lease would be for the building and adjacent parking lot on the east side. The parking lot on the west side and the playing fields would remain in the control of the City.

Moved by Councillor Day/Seconded by Councillor Hobson

**R608/03/07/07** THAT City Council instruct staff to negotiate a lease with the Okanagan Boys and Girls Clubs to lease the Martin Education Centre building.

Carried

- 6.2 Recreation & Cultural Services Manager, dated July 2, 2003 re: Memorial Arena Playing Surface (7900-20)

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

**R609/03/07/07** THAT the Memorial Arena be renovated (in 2004) with the same size playing surface as currently exists (190 ft. x 80 ft.).

Carried

Regular Meeting – P.M.

July 7, 2003

- 6.3 Transportation Manager, dated July 2, 2003 re: Award of Waste-Derived Transportation Bio-Fuels Study (8500-07; 5280-02)

Moved by Councillor Hobson/Seconded by Councillor Day

**R610/03/07/07** THAT Council award a feasibility study to research the production and use of waste-derived transportation bio-fuels to CH2M Hill for the amount of one hundred twenty thousand dollars (\$120,000) plus taxes;

AND THAT the City of Kelowna's share of the costs for this consulting assignment be appropriated from funding sources within the Works & Utilities department budget.

Carried

- 6.4 Fire Chief, dated June 26, 2003 re: Peachland Ladder Truck Agreement (0482-50)

Moved by Councillor Hobson/Seconded by Councillor Day

**R611/03/07/07** THAT the City of Kelowna enter into an agreement with the District of Peachland for the use of the Kelowna Fire Department's 100 ft. ladder truck, at a cost of \$2,427 per year (amended annually) plus actual costs of operation.

Carried

## 7. RESOLUTIONS

- 7.1 Draft Resolution re: Deputy City Engineer (0570-01)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R612/03/07/07** THAT Harry Thompson be appointed Deputy City Engineer for the purposes of issuing Traffic Orders under Traffic Bylaw No. 8120.

Carried

- 7.2 Draft Resolution re: Helicopter Landing Request (8400-01)

Moved by Councillor Shepherd/Seconded by Councillor Given

**R613/03/07/07** THAT Council grant approval to Royal Inland Hospital in Kamloops for the Shock Trauma Air Rescue Society (STARS) from Calgary, Alberta to fly a BK 117 Helicopter over the City and land in the Kelowna General Hospital physician's parking lot on Sunday, August 17, 2003, subject to the approval of Transport Canada and compliance with all related flight requirements.

Carried

Regular Meeting – P.M.

July 7, 2003

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

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

8.1 Bylaw No. 9053 – Additional Hotel Room Tax

Moved by Councillor Horning/Seconded by Councillor Given

**R614/03/07/07** THAT Bylaw No. 9053 be read a first, second and third time.

Carried

9. COUNCILLOR ITEMS

(a) Councillor Shepherd re: National Housing Policy Options Team (1610-01)

Moved by Councillor Shepherd/Seconded by Councillor Given

**R615/03/07/07** THAT Council authorize a \$0.015 per capita contribution to the National Housing Policy Options Team, toward the City of Kelowna's membership on the NHPOT Team and its 2003/2004 budget;

AND THAT the funds be appropriated from Account No. 4105-10-170-0-001.

Carried

(b) Extension of Nearby Services to Adjacent Properties

Councillor Shepherd mentioned that a new house is under construction on a lot in the South Mission where sanitary sewer is nearby. The owners purchased assuming they could connect but were told that they would have to petition their neighbourhood to get support for having sewer extended to their area. She suggested that the City's policy be reviewed with a view to allowing the owners of properties next door to specified areas to pay the same per unit charge as was paid for the properties within the specified area and be connected to the service.

The City Manager advised that an exhaustive review of the City's policy for the extension of services into new areas was just carried out earlier this year but agreed to review the case in question with staff. Councillor Shepherd to provide the City Manager with the specifics of the circumstance in question.

(c) Parking at Strathcona Park

Councillor Given advised that Parks Alive will be holding two events at Strathcona Park this summer. Parking is a major problem at Strathcona Park, with vehicles crowding into the parking lot by the park and on the street while, at the same time, the adjacent parking lot behind Kelowna General Hospital is generally almost empty. Councillor Given suggested that KGH be asked to allow public access to their parking lot at least during evenings and weekends for the summer months. Referred to staff.

Regular Meeting – P.M.

July 7, 2003

10. TERMINATION

The meeting was declared terminated at 3:49 p.m.

Certified Correct:

---

Mayor

BLH/bn

---

Deputy City Clerk