

Regular Meeting – P.M.

August 18, 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, August 18, 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: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi; City Clerk, A.M. Flack; Manager of Development Services, A.V. Bruce\*; Subdivision Approving Officer, R.G. Shaughnessy\*; Director of Parks & Leisure Services, D.L. Graham\*; Civic Properties Manager, J. Waugh\*; Cultural District Project Manager, L. Gunn\*; Cultural Services Coordinator, S. Olcen\*; Recreation Supervisor, R. Forbes\*; Transportation Manager, R.W. Westlake\*; Licence & 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 1:30 p.m.

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

3. PLANNING

3.1 Planning & Corporate Services Department, dated August 13, 2003 re: Rezoning Application No. Z03-0027 and OCP03-0008 – Telus Communications (Kasian Kennedy/P.J. Mallen) – 1500 Hardy Street

Staff:

- The applicant is seeking to rezone the northern portion of the property in order to subdivide off and sell the Telus building. The switching station would remain on the southern lot and continue to be operated by Telus.

Council:

- Staff to report at the Public Hearing on what is envisaged for improvements to the linear park access along this section of Mill Creek, now and in the future.

Moved by Councillor Given/Seconded by Councillor Shepherd

**R725/03/08/18** THAT OCP Bylaw Amendment No. OCP03-0008 to amend Map 19.1 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the Future Land Use designation of part of Lot A, Plan 35845, DL 140, ODYD, located on Hardy Street, Kelowna, B.C., from the Public Services/Utilities designation to the Commercial designation, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated August 13, 2003, be considered by Council;

AND THAT Rezoning Application No. Z03-0027 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot A, Plan 35845, DL 140, ODYD, located on Hardy Street, Kelowna, B.C., from the P4 - Utilities zone to the C4 –Town Centre Commercial zone as shown on Map "A" attached to the report of Planning & Corporate Services Department dated August 13, 2003, be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP03-0008 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

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AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the resolution of the encroachments onto the Mill Creek Right-of-Way.

Carried

3.2 Planning & Corporate Services Department, dated August 6, 2003 re: Bylaw No. 9063 - Housing Agreement Authorization Bylaw – R.S.S.D. Ventures Ltd. and R434 Enterprises Ltd. (Tony Lockhorst) – 1959-1971 Pandosy Street (DP03-0029; DVP03-0030)

Staff:

- One of the terms and conditions for issuance of the development permit, which has already been approved by Council, was that the applicant enter into a Housing Agreement.
- The Housing Agreement before Council satisfies the requirement for special needs housing.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R726/03/08/18** THAT Council forward Bylaw No. 9063, authorizing a Housing Agreement between the City of Kelowna and R.S.S.D Ventures Ltd. and R434 Enterprises Ltd. which would require the owners to designate a total of 8 units for rental or ownership by senior citizens (persons over the age of 65) on Lots 2 & 3, Block 19, DL 14, ODYD, Plan 830 and Lot A, DL 14, ODYD, Plan KAP56528, for reading consideration.

Carried

3.3 Planning & Corporate Services Department, dated July 17, 2003 re: Rezoning Application No. Z03-0029 and Text Amendment No. TA03-0006 – OK Corral (Gerald Bruggera) – 1978 Kirschner Road

Staff:

- The applicant proposes to renovate a portion of the cabaret/nightclub building to include the retail liquor store.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R727/03/08/18** THAT Zoning Bylaw Text Amendment No. TA03-0006 to amend City of Kelowna Zoning Bylaw No. 8000 by adding Liquor Primary Establishment, Major and Retail Liquor Sales establishment as permitted uses in the C10 - Service Commercial Zone (with rezoning to LP/RLS designation) as outlined in the report of the Planning & Development Services Department dated July 17, 2003 be considered by Council;

AND THAT Rezoning Application No. Z03-0029 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Block 129, Plan 23146, ODYD, located at Kirschner Road, Kelowna, B.C., from the C10 - Service Commercial Zone to the C10 - Service Commercial (LP/RLS) zone be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA03-0006 and the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT the Zone amending bylaw be with held until the applicant has received final approval for the Licensee Retail Store from the British Columbia Liquor Control and Licensing Branch.

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- 3.4 Planning & Corporate Services Department, dated July 22, 2003 re: Rezoning Application No. Z01-1018 – Terry Robertson and Kelly Lawrence – 300 Dundas Road

Moved by Councillor Shepherd/Seconded by Councillor Given

**R728/03/08/18** THAT in accordance with the Development Application Procedures Bylaw No. 8698 the deadline for the adoption of Zone Amending Bylaw No. 8698 (Z01-1018, original applicant Tracy Arnold), 300 Dundas Road, be extended for a twelve-months period to July 17, 2004.

Carried

- 3.5 Planning & Corporate Services Department, dated August 12, 2003 re: Rezoning Application No. Z03-0038 – Rancar Services Ltd. (Randy Villeneuve) – 644 Lequime Road

Staff:

- The dwelling has been used as a group home. The applicant wishes to expand the number of people permitted by their license for care at this facility from 6 to 8 people.
- A development permit is not being processed in conjunction with this rezoning because no structural changes are proposed to the building.

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R729/03/08/18** THAT Rezoning Application No. Z03-0038 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Plan 24496, Sec. 6, Twp. 26, ODYD, located at 644 Lequime Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple 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 bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property.

Carried

- 3.6 Planning & Corporate Services Department, dated August 13, 2003 re: Rezoning Application No. Z03-0031 and Heritage Alteration Permit Application No. HAP03-0004 – Charlie Roberts – 1969 Knox Crescent

Staff:

- The subject property is within the Abbott Street Heritage Conservation Area and therefore a Heritage Alteration Permit (HAP) will also be required to deal with form and character issues. The HAP meets the requirements to be approved by the Director of Planning & Corporate Services.
- The rezoning is requested to permit the construction of a suite in an accessory building in the rear yard.
- The Community Heritage Commission reviewed the application and put forward a recommendation of non-support.

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Moved by Councillor Given/Seconded by Councillor Hobson

**R730/03/08/18** THAT Rezoning Application No. Z03-0031 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, District Lot 14, ODYD, Plan 2767, located on Knox 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

Councillors Cannan, Clark and Shepherd opposed.

3.7 Planning & Corporate Services Department, dated July 30, 2003 re: Development Permit Application No. DP03-0054 – Costco Wholesale Canada Ltd. (Dan Huang/Urban Systems) – 2479 Highway 97 North

Staff:

- The application is for an expansion to the north side of the Costco building. The parking area in that portion of the site will be reconfigured with no net loss to parking.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R731/08/18** THAT Council authorize the issuance of Development Permit No. DP03-0054 for Lot 2, District Lot 125 and Section 22, Township 26, ODYD Plan KAP45081 Except Plan KAP47345 located on Highway 97 North, 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.

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- 3.8 Planning & Corporate Services Department, dated July 29, 2003 re: Development Permit Application No. DP02-0109 – Sandra & Thomas Greenough (Water Street Architecture) – 199 Pinto Road

Staff:

- The proposed 2-storey industrial office building would be constructed in 2 phases with development at the rear of the building being in future.

Moved by Councillor Given/Seconded by Councillor Clark

**R732/03/08/18** THAT Council authorize the issuance of Development Permit No. DP02-0109 for Lot 19, Section 2, Township 23, ODYD, Plan 18861, located on Pinto 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 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;
5. The applicant be required to register a covenant in favour of the City of Kelowna agreeing that in the event of the closure of Appaloosa road, the access may be rescinded with no compensation to the owner of the property;

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

- 3.9 Planning & Corporate Services Department, dated August 11, 2003 re: (Multi-Family) Development Permit Application No. DP03-0055 and (Natural Environment/Hazardous Condition) Development Permit Application No. DP03-0095 – Kennedy Construction Ltd., et al – (West of) Quail Ridge Drive

Staff:

- The applicant is proposing a 25-unit conventional strata development. Five of the dwellings would be located in an area with slopes 30% or greater.
- The applicant has resisted staff recommendations to consider an alternative design to address concerns with development in steep slope areas and to include an open space component.
- Do not recommend support of the development proposed on the 30%+ sloped areas.

Moved by Councillor Blanleil/Seconded by Councillor Given

**R733/03/08/18** THAT Council hear from the applicant's representative.

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Grant Maddock, representing the applicant:

- The 30% sloped areas were protected by covenant when the original concept plan was prepared for Quail Ridge because of the need to accommodate septic fields.
- Housing can be sensitively integrated into the minor 30% sloped areas which are no longer required.
- The original concept plan indicated a viewing park for the southwest corner of the subject property; however, the applicant is concerned about safety because the location is within range of errant golf balls from fairway 13.

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

**R734/03/08/18** THAT Council authorize the issuance of Development Permit No. DP03-0055, Lot 3, Section 22, Township 23, ODYD, Plan KAP52038 located on Quail Ridge Boulevard, 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. All retaining walls required to support building envelopes, landscaped areas and internal driveways must meet the requirements of Section 7.5 of the City of Kelowna Zoning Bylaw 8000;
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 be required to release the existing R2A – Comprehensive Residential Development zoning covenant and register the RM2 – Low Density Row Housing designation, as outlined in Zoning Bylaw 8000, as a covenant on title;
7. Any retaining wall, others than natural cut banks, must not exceed a height of 1.2 metres measured from grade on the lower side, and must be constructed so that any retaining walls are spaced to provide at least a 1.2 metre horizontal separation between them as per Section 7.5.7 of Zoning Bylaw 8000;

AND THAT Council authorize the issuance of Development Permit No. DP03-0095, Lot 3, Section 22, Township 23, ODYD, Plan KAP52038 located on Quail Ridge Boulevard, Kelowna, B.C.

Carried

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4. BYLAWS (ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR ADOPTION)**

- 4.1 Bylaw No. 9019 (Z03-0021d) - K & J Noble Holdings Ltd. (Willow Inn) –  
235 Queensway Avenue

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R735/03/08/18** THAT Bylaw No. 9019 be adopted.

Carried

Councillor Clark opposed.

- 4.2 Bylaw No. 9054 (OCP03-0009) – Glenwest Properties (Paul Rosenau/  
Ekistics Town Planning Inc.) – Glenmore Highlands **requires majority  
vote of full Council (5)**

Moved by Councillor Day/Seconded by Councillor Cannan

**R736/03/08/18** THAT Bylaw No. 9054 be adopted.

Carried

- 4.3 Bylaw No. 9055 (TA03-0007) - Glenwest Properties (Paul Rosenau/  
Ekistics Town Planning Inc.) – Glenmore Highlands

Moved by Councillor Day/Seconded by Councillor Cannan

**R737/03/08/18** THAT Bylaw No. 9055 be adopted.

Carried

- 4.4 Bylaw No. 9056 (Z02-1061) - Glenwest Properties (Paul Rosenau/Ekistics  
Town Planning Inc.) – Glenmore Highlands

Moved by Councillor Day/Seconded by Councillor Cannan

**R738/03/08/18** THAT Bylaw No. 9056 be adopted.

Carried

**(BYLAWS PRESENTED FOR DEFEAT AT FOURTH READING)**

- 4.5 Bylaw No. 8386 (Z98-1045) – The Okanagan Sikh Temple and Cultural  
Society, Kelowna (R. Turik/Turik Neumann Architects) – 1125 & 1145  
Rutland Road North

Moved by Councillor Given/Seconded by Councillor Horning

**R739/03/08/18** THAT Bylaw No. 8386 be **defeated**;

AND THAT the file for Rezoning Application No. Z98-1045 be closed.

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- 4.6 Bylaw No. 8785 (Z01-1054) – CPAC (Lakeshore Gardens) Inc. (Doug Lane/Water Street Architecture) – 654 Cook Road

Moved by Councillor Horning/Seconded by Councillor Given

**R740/03/08/18** THAT Bylaw No. 8785 be **defeated**;

AND THAT the files for Rezoning Application No. Z01-1054 and Development Permit Application No. DP01-10,073 be closed.

Carried

5. REPORTS

- 5.1 Licence & Bylaw Enforcement Supervisor, dated August 8, 2003 re: Amendments to City of Kelowna Parks Bylaw No. 6819-91 (BL9071; 3760-00)

Moved by Councillor Hobson/Seconded by Councillor Day

**R741/03/08/18** THAT Bylaw No. 9071 to amend the City of Kelowna Parks Bylaw No. 6819-91 to prohibit camping in City parks and provide for seizure of camping equipment as outlined in the report from the Licence and Bylaw Enforcement Supervisor dated August 8, 2003, be advanced for reading consideration by Council.

Carried

- 5.2 Recreation Supervisor, Administration/Marketing, dated August 8, 2003 re: Parkinson Recreation Centre Sign Renovations (3090-20)

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R742/03/08/18** THAT the electronic reader display component of the sign at the Parkinson Recreation Centre be replaced with a larger more readable electronic sign at a cost of \$26,000 to be funded from the Civic Facilities Reserve;

AND THAT the Financial Plan be amended appropriately.

Carried

- 5.3 Transportation Manager, dated August 11, 2003 re: Roads Overlay Program (5400-10; 5340-09-20)

Moved by Councillor Hobson/Seconded by Councillor Day

**R743/03/08/18** THAT Council approve an amendment of the 2003 Financial Plan to include an additional \$200,000 from the Overlay Reserve (10-3301-R9998) to allow full road rehabilitation work in conjunction with the Rutland Sanitary Sewer Specified Area No. 20 project and effective reuse of asphalt grindings from this project.

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- 5.4 Civic Properties Manager, dated August 6, 2003 re: Proposed Glenmore Community Police Office Lease (2380-20-1168; 1710-20)

Moved by Councillor Hobson/Seconded by Councillor Given

**R744/03/08/18** THAT City Council approve a five year lease with Glenmore Store Limited to provide lease space for the new Glenmore Community Police Office located at 1014 Glenmore Road, as summarized in the report from the Civic Properties Manager dated August 6, 2003;

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

Carried

- 5.5 Civic Properties Manager, dated August 12, 2003 re: City Park Pavilion Building (0710-20)

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R745/03/08/18** THAT the RFP for the lease of City Park Pavilion be cancelled;

AND THAT staff enter into negotiations for a lease of the Pavilion building based on the criteria outlined in the RFP;

AND FURTHER THAT staff negotiate firstly with the Okanagan Nature Centre Society, and failing a successful negotiation with this party, then negotiate with Foundation 2000 Plus.

Carried

Councillor Horning left the meeting at 3:17 p.m.

- 5.6 Director of Parks & Leisure Services, dated August 13, 2003 re: Mission District Park Recreation and Sports Facility Energy Efficient Systems (6240-20)

Staff:

- Gross energy cost savings as a result of implementing the energy efficient alternatives to traditional mechanical designs are estimated at \$63,979 per year.
- The energy savings will be realized by RG Construction as operator of the building; however they have agreed to add \$43,000 per year to their annual payment to allow the City to recover its increased capital costs.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R746/03/08/18** THAT City Council authorize a change order in the Mission District Park Recreation & Sports Centre "Design Build Contract" with RG Construction (Mission) Ltd. to incorporate certain design changes intended to increase the energy efficiency of the completed facility, as outlined in the report from the Director of Parks & Leisure Services dated August 13, 2003;

AND THAT City Council authorize an increase in the contract price under the Design Build Contract by an amount equal to the additional capital costs to construct the facility due as a result of the change order, but in any event not to exceed \$600,000;

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AND THAT the additional costs be funded from the Civic Facilities Reserve;

AND THAT City Council authorize an amendment to the Mission District Park Recreation & Sports Centre "Operating, Maintenance and Management Agreement" so as to require RG Facilities (Mission) Ltd. to make, in addition to any payments already required under that agreement, a payment to the City in the amount of \$43,000 per annum, beginning in the first year following the Commencement Date of the agreement and indexed annually to inflation to a maximum of 5%;

AND FURTHER THAT Council instruct staff to prepare the necessary amendments to the noted agreements and authorize the Mayor and City Clerk to execute them.

Carried

5.7 Cultural District Project Manager, dated August 13, 2003 re: Market Research Study Results – Cultural District (8205-20)

Staff:

- Gave a powerpoint presentation on the results of the market research study.
- The survey results will be used as a benchmark to measure increased awareness of the cultural district in similar studies over the next 2 years.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R747/03/08/18** THAT Council receives for information the Final Report of the Market Research Study conducted by ImagiNetworks and submitted to the Cultural District Office as attached to the report dated August 13<sup>th</sup>, 2003 from the Cultural District Project Manager.

Carried

5.8 Cultural District Project Manager, dated August 13, 2003 re: Sunshine Theatre Company (1853-20)

Moved by Councillor Hobson/Seconded by Councillor Day

**R748/03/08/18** THAT Council approve release of the 2003 budgeted grant of \$25,000 for Sunshine Theatre Company to use for purposes other than the 2003 Comedy Festival which did not occur;

AND THAT the \$25,000 be funded from Account No. 466-10-192-0-7879.

Carried

Councillors Blanche, Cannan and Clark opposed.

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

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

6.1 Bylaw No. 8971 – Road Exchange Bylaw – 3974 Todd Road

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R749/03/08/18** THAT Bylaws No. 8971, 9062, 9063 and 9071 be read a first, second and third time.

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6.2 Bylaw No. 9062 – Road Exchange Bylaw – Findlay Road

See resolution adopted under agenda item No. 6.1.

6.3 Bylaw No. 9063 – Housing Agreement Authorization Bylaw – RSSD Ventures Ltd. and R484 Enterprises Ltd. – 1959-1971 Pandosy Street Bylaw

See resolution adopted under agenda item No. 6.1.

6.4 Bylaw No. 9071 – Amendment No. 7 to City of Kelowna Parks Bylaw No. 6819-91

See resolution adopted under agenda item No. 6.1.

7. COUNCILLOR ITEMS

(a) City Water Utility

Councillor Shepherd suggested the Mayor consider putting out a message to inform the public that it is because of the ongoing water conservation program that the City has implemented that people on the City's water utility are not under water restrictions this summer.

8. TERMINATION

The meeting was declared terminated at 4:41 p.m.

Certified Correct:

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Mayor

BLH/am

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City Clerk