

Regular Meeting – P.M.

January 19, 2004

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, January 19, 2004.

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; City Clerk, A.M. Flack; Director of Planning & Corporate Services, R.L. Mattiussi*; Manager of Development Services, A.V. Bruce*; Subdivision Approving Officer, R.G. Shaughnessy*; Manager of Policy, Research & Strategic Planning, S.K. Bagh*; Planner-Long Range, G. Stephen*; Director of Financial Services, P.A. Macklem*; Director of Works & Utilities, J. Vos*; Transportation Manager, R.W. Westlake*; Traffic & Transportation Engineer, H. Thompson*; Parks Manager, J. Creron*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 7:28 p.m.

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

3.0 UNFINISHED BUSINESS

PLANNING BYLAW CONSIDERED AT JANUARY 15, 2004 AND JANUARY 19, 2004
PUBLIC HEARING

(BYLAW PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)

3.0.1 Bylaw No. 9096 (OCP03-0013) – Official Community Plan Amendments

Council:

- Agreed that a Task Force be struck and that the Terms of Reference for the Task Force be to investigate alternatives to the One-Way Couplet and also include taking another look at whether Lakeshore Road needs to be 4-laned north of Old Meadows Road. The Terms of Reference are to also identify a timeline (i.e. 2 years) for completion of their mandate. Representation on the Task Force is to include members of the Downtown Kelowna Association, the Kelowna Chamber of Commerce, the Urban Development Institute, and public at large from areas of the city including the Okanagan Mission area, as well as City of Kelowna staff.
- Staff to identify a new project for the funding that is included in the 20 year servicing plan for the Water/Pandosy Street connection. The project would need to address access improvements to the east approach to Okanagan Lake bridge.

Moved by Councillor Hobson/Seconded by Councillor Given

R047/04/01/19 THAT Schedule 4 (Map 12.1 – 20 Year Major Roads Network Plan) of Bylaw No. 9096 be amended by removing the one-way couplet designation from Richter and Pandosy/Water Streets and designating those portions of those streets as 2-way arterials with no alignment change from the present configuration for Pandosy or Water Street.

Carried

Councillor Day opposed.

Regular Meeting – P.M.

January 19, 2004

Moved by Councillor Clark/Seconded by Councillor Hobson

R048/04/01/19 THAT Schedule 6 (Map 19.1 – Generalized Future Land Use) of Bylaw No. 9096 be amended, and any applicable text be amended, to remove the Major Park/Open Space designation for the proposed waterfront walkway on the properties between Royal Avenue and Kinsmen Park.

DEFEATED

Mayor Gray and Councillors Blanleil, Cannan, Day, Given, Hobson and Horning opposed.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R049/04/01/19 THAT Schedule 6 (Map 19.1 – Generalized Future Land Use) of Bylaw No. 9096 be amended to show the Rural/Agricultural designation on that portion of the Boppart property (Lot NE ¼, except Plan 25017, Twp. 23, Sec. 6) which is not designated Major Park/Open Space.

Carried

Moved by Councillor Hobson/Seconded by Councillor Cannan

THAT the 4-laning of Lakeshore Road north of Old Meadows Road be removed from Bylaw No. 9096.

The above motion was withdrawn on the understanding that the Terms of Reference for the Task Force to be established to investigate alternatives to the one-way couplet also include taking another look at whether Lakeshore Road needs to be 4-laned north of Old Meadows Road.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R050/04/01/19 THAT Bylaw No. 9096, as amended, be read a second and third time, and be adopted.

Carried

Councillor Clark left the Council Chamber at 9:07 p.m.

3. PLANNING

- 3.1 Planning & Corporate Services Department, dated January 12, 2004 re: Rezoning Application No. Z03-0052 – Bell Mountain Estates Ltd. (Marlin Weninger) – Swainson Road

Councillor Day declared a conflict of interest because he owns adjoining property and left the Council Chamber at 9:38 p.m.

Staff:

- The application is to rezone 1.2 ha (3 acres) in order to accommodate 17-lot subdivision.

Regular Meeting – P.M.

January 19, 2004

Moved by Councillor Horning/Seconded by Councillor Shepherd

R051/04/01/19 THAT Rezoning Application No. Z03-0052 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot B, Sec. 19, Twp. 27, ODYD, Plan 31717, located on Swainson Road, Kelowna, BC, from the A1 – Agriculture 1 zone to the RU1h – Large Lot Housing (Hillside Area) zone as shown on Map "A" attached to the report of Planning & Corporate Services Department, dated January 12, 2004 be considered by Council;

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

Carried

3.2 Planning & Corporate Services Department, dated January 12, 2004 re: Area Structure Plan Application No. ASP03-0001 – No. 21 Great Projects, et al (Marnie Skobalski/Stantec Consulting Ltd.) – Ivens and Paret Roads

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R052/04/01/19 THAT Municipal Council approve the authorization for Stantec Consulting Ltd. to prepare an Area Structure Plan for the properties identified in Schedule "A" attached to the report of the Planning & Corporate Services Department dated January 12, 2004;

AND THAT preparation of the Area Structure Plan take into consideration the items identified in the report from the Planning & Corporate Services Department dated January 12, 2004 and the various Terms of Reference provided by the following City Departments to the applicant:

- Transportation
- Environment
- Drainage
- Parks
- Works & Utilities;

AND FURTHER THAT the applicant be advised that support to prepare the Area Structure Plan does not necessarily embody support for adoption of the Plan to be presented.

Carried

Regular Meeting – P.M.

January 19, 2004

- 3.3 Planning & Corporate Services Department, dated January 9, 2004 re: Rezoning Application No. Z03-0058 – Victor Projects Ltd. (Neil Pelman/Pelman Architecture Inc.) – 1835 Leckie Road

Staff:

- To rezone the property to pursue a 3-storey, 103-unit senior's congregate housing development on the westerly portion of the site and 31 stacked row townhouses on the eastern portion of the site.

Moved by Councillor Cannan/Seconded by Councillor Shepherd

R053/04/01/19 THAT Rezoning Application No. Z03-0058 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot C, Plan KAP56817, DL 126, ODYD, located on Leckie Road, Kelowna, B.C. from the A1 - Agriculture 1 zone to the RM5 – Medium Density Multiple Housing zone, and the RM4 – Transitional Low Density Housing zone;

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 subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of Preliminary Layout Review Letter by the Approving Officer and the registration of a Block Plan to create separate titles for the RM5 – Medium Density Multiple Housing, and the RM4 – Transitional Low Density Housing zoned portions of the property;

AND FURTHER THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property.

Carried

- 3.4 Planning & Corporate Services Department, dated January 13, 2004 re: Rezoning Application No. Z99-1025 and OCP99-009 – 454979 BC Ltd. (Brian Harrison/FWS Construction Ltd.) – 1570 KLO Road

Staff:

- The applicant is trying to create a village with a range of different unit types for people in the community who desire congregate care type facilities.
- The first phase would be a 59-unit addition to the existing 105 unit Mountainview Village seniors congregate housing and care facility.
- The 192-unit congregate housing development, which would front onto the Burtch Road extension, would proceed as a future phase.
- The Land Reserve Commission agreed to the Burtch Road extension to the south conditional on the land to the east being consolidated with the adjacent land to the south. The applicant has been able to make that arrangement.

Regular Meeting – P.M.

January 19, 2004

Moved by Councillor Given/Seconded by Councillor Horning

R054/04/01/19 THAT OCP Bylaw Amendment No. OCP99-009 to amend Map 19.1 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the Future Land Use designation of a portion of Lot B, DL 131, O.D.Y.D., Plan KAP70104, located on KLO Road, Kelowna, B.C., from the Multiple Unit Residential (Low Density) designation to the Multiple Unit Residential (Medium Density) designation, as shown on Map "A" attached to the report of Planning & Development Services Department dated January 13, 2004, be considered by Council;

AND THAT Rezoning Application No. Z99-1025 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot B, DL 131, O.D.Y.D., Plan KAP70104, located on KLO Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RM4 – Transitional Low Density Housing zone as shown on Map "B" attached to the report of Planning & Development Services Department dated January 13, 2004, be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP99-009 and 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 subsequent to the issuance of Preliminary Layout Review Letter by the Approving Officer;

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

3.5 Planning & Corporate Services Department, dated January 12, 2004 re: Development Permit Application No. DP03-0157 – Kettle Valley Holdings Ltd. – 380 Providence Avenue

Staff:

- This is the first multi-family project for the Kettle Valley development. The site plan indicates 32-units of row housing to be constructed in eight 4-plex buildings.

Regular Meeting – P.M.

January 19, 2004

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R055/04/01/19 THAT Council authorize issuance of Development Permit No. DP03-0157, located on Providence Avenue, Lot 1, Section 23, Township 28, SDYD, Plan KAP71865 except Plans KAP71954, KAP72416, KAP73329, 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 of 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. Registration of the subdivision at Lands Titles as per subdivision application S03-0101;
6. Any retaining wall, other 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 No. 8000;

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

- 3.6 Planning & Corporate Services Department, dated January 12, 2004 re: Text Amendment No. TA03-0012 – City of Kelowna

Staff:

- The text amendment would remove the size restriction currently placed on Licencee Retail Stores.

Moved by Councillor Horning/Seconded by Councillor Blanleil

R056/04/01/19 THAT Zoning Bylaw Text Amendment No. TA03-0013 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" attached to the report of the Planning & Corporate Services Department dated January 8, 2003 be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA03-0012 be forwarded to a Public Hearing for further consideration.

Carried

Regular Meeting – P.M.

January 19, 2004

4. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 4.1 Bylaw No. 9018 (Z03-0021c) – R93 Enterprises Ltd. (Hotel Eldorado) – 500 Cook Road

Moved by Councillor Hobson/Seconded by Councillor Given

R057/04/01/19 THAT Bylaw No. 9018 be adopted.

Carried

5. REPORTS

- 5.1 Licence & Bylaw Enforcement Supervisor, dated January 12, 2004 re: Security Alarm Reduction Bylaw Review (4000-01)

Staff:

- The intent of the bylaw is to reduce the number of false alarms the RCMP respond to in Kelowna.

Council:

- Staff to circulate the bylaw to the alarm companies, the Chamber of Commerce, and the Downtown Kelowna Association for feedback and the public should also have an opportunity to have input. Staff to report on the input received when the bylaw is brought back for reading consideration by Council.
- Business and residential should be treated the same as far as fee for service goes.

Moved by Councillor Shepherd/Seconded by Councillor Day

R058/04/01/19 THAT the report of the Licence and Bylaw Enforcement Supervisor dated January 12, 2004 be received for information of Council;

AND THAT staff prepare a bylaw based on the draft Security Alarm System Bylaw attached to the staff report, for reading consideration by Council.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 6.1 Bylaw No. 9134 – Parcel Tax Bylaw - Sewer Specified Area No. 29 (Campion Street/Campro Road)

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R060/04/01/19 THAT Bylaws No. 9134, 9146, 9151, 9152, 9153, 9154, 9155 and 9156 be read a first, second and third time.

Carried

Regular Meeting – P.M.

January 19, 2004

- 6.2 Bylaw No. 9146 – Parcel Tax Bylaw - Sewer Specified Area No. 30
(Acland Road)

See resolution adopted under agenda item No. 6.1.

- 6.3 Bylaw No. 9151 – Parcel Tax Bylaw - Sewer Specified Area No. 22B
(Vista Road)

See resolution adopted under agenda item No. 6.1.

- 6.4 Bylaw No. 9152 – Parcel Tax Bylaw - Sewer Specified Area No. 22C
(Hein Road)

See resolution adopted under agenda item No. 6.1.

- 6.5 Bylaw No. 9153 – Parcel Tax Bylaw - Sewer Specified Area No. 22D
(Elwyn Road)

See resolution adopted under agenda item No. 6.1.

- 6.6 Bylaw No. 9154 – Parcel Tax Bylaw - Sewer Specified Area No. 22E
(Dease Road)

See resolution adopted under agenda item No. 6.1.

- 6.7 Bylaw No. 9155 – Parcel Tax Bylaw - Sewer Specified Area No. 22F
(Mills Road)

See resolution adopted under agenda item No. 6.1.

- 6.8 Bylaw No. 9156 – Parcel Tax Bylaw – Water Specified Area – South
Lakeshore Road

See resolution adopted under agenda item No. 6.1.

7. COUNCILLOR ITEMS

- (a) Logging Trucks on McCulloch Road

Councillor Shepherd commented that the logging trucks using McCulloch Road are making the residents feel unsafe and suggested a flag person may be needed. Referred to staff.

- (b) Okanagan Lake Bridge - 2:00 P.M. Opening of Lift Span

Moved by Councillor Cannan/Seconded by Councillor Day

R061/04/01/19 THAT the Mayor write a letter on behalf of Council to the Minister of Transportation to ask that the 2 p.m. lift span option be removed from the schedule for Okanagan Lake Bridge.

Carried

Regular Meeting – P.M.

January 19, 2004

8. TERMINATION

The meeting was declared terminated at 10:40 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am