

Regular Meeting – P.M.

February 9, 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, February 9, 2004.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blaneil, R.D. Cannan*, B.A. Clark, C.B. Day, B.D. Given, R.D. Hobson and S.A. Shepherd.

Council members absent: Councillor E.A. Horning.

Staff members in attendance were: City Manager, R.A. Born; Deputy City Clerk, S.C. Fleming; 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*; Urban Design Planner, P.J. McCormick*; Inspection Services Manager, K. Skinner*; 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 Hobson was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Presentation by Sharron Simpson, Chair, 2003 Disability Games re: Final Report

Sharron Simpson:

- Presented the final report of the 2003 Disability Games, hosted in Kelowna on July 9-13th, 2003.

Councillor Cannan entered the Council Chamber at 1:38 p.m.

Moved by Councillor Shepherd/Seconded by Councillor Given

R118/04/02/09 THAT the disbursement of \$9,180 in legacy funds from the 2003 BC Disability Games be approved as indicated in the letter dated February 6, 2004 from Sharron Simpson, Chair of the 2003 BC Disability Games.

Carried

4. PLANNING

4.1 Planning & Corporate Services Department, dated January 29, 2004 re: Agricultural Advisory Committee Appointment (0540-20)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R119/04/02/09 THAT Municipal Council appoint David Hamilton to the City of Kelowna Agricultural Advisory Committee, for the remainder of the term ending December 2, 2005.

Carried

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4.2 Planning & Corporate Services Department, dated February 2, 2004 re:
Rezoning Application No. Z03-0070 – 653332 BC Ltd. (George Barnes) –
415 Glenmore Road

Councillor Cannan declared a conflict of interest as a resident of the development across Glenmore Road from the subject property and left the Council Chamber at 1:53 p.m.

Staff:

- The applicant is proposing to develop the site with a 2-storey commercial building that would be accessed off Kane Road.
- Have determined that there would be no benefit to either property to require a cross connection with the development to the south and so reconsidering that requirement.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R120/04/02/09 THAT Rezoning Application No. Z03-0070 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Sec. 32, Twp. 26, O.D.Y.D., Plan 10842, located on Glenmore Road, Kelowna, B.C. from the RR3 – Rural Residential 3 zone to the C3 – Community 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 and a Development Variance Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered following registration of a plan of Subdivision for the Road Exchange in the Land Title Office;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department and the Parks 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

Councillor Cannan returned to the Council Chamber at 2:00 p.m. and took his place at the Council Table.

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- 4.3 Planning & Corporate Services Department, dated February 2, 2004 re: Rezoning Application No. Z03-0055 – Maxwell House Developments Ltd. (Ken Gulenchyn) – 245 Glenmore Road

Staff:

- The applicant is proposing to develop the site with 24 townhouse units in a series of four-plexes and duplexes.

Moved by Councillor Hobson/Seconded by Councillor Day

R121/04/02/09 THAT Rezoning Application No. Z03-0055 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Sec. 4, Twp. 23, O.D.Y.D. Plan 23927, located on Glenmore Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RM3 – Low Density Multiple Housing and P3 – Parks and Open Space zones, as shown on Map "A" attached to the report of Planning & Corporate Services department dated February 2, 2004, 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 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 Parks Department and 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

- 4.4 Planning & Corporate Services Department, dated January 29, 2004 re: Development Permit Application No. DP03-0170 – Cedar Grove Developments Corp. (Fintry Developments) – 710 Rutland Road North

Staff:

- A Development Permit was previously approved by Council for the independent living component of the multi-level care facility proposed as part of the Sun Point development. That DP was rescinded at the applicant's request in order to free up some securities.
- The DP under consideration is for the independent living component and is unchanged from what was approved for the previous owner.
- The connecting bridge between the two developments that is shown on the original DP will still be provided for but is not a requirement.

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R122/04/02/09 THAT Council authorize the issuance of Development Permit No. DP03-0170 for Lot 1, Sec. 26, Twp. 26, O.D.Y.D., Plan KAP65999, located on Rutland Road 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;

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

- 4.5 Planning & Corporate Services Department, dated January 26, 2004 re: Outdoor Food and Beverage Programs (BL9129; 6530-12)

Council:

- Directed staff to obtain comments on the proposed changes from the Downtown Kelowna Association prior to the bylaw being advanced for adoption.

Moved by Councillor Hobson/Seconded by Councillor Day

R123/04/02/09 THAT Council endorse revisions to the City's outdoor food and beverage programs including revisions to the Terms of Reference for a Program for Seasonal Extension for Sidewalk Cafes, as set out in the Planning and Corporate Services department report of January 26, 2004, subject to approval from the Downtown Kelowna Association;

AND THAT the necessary amendments to Traffic Bylaw No. 8120 to accommodate the revisions be forwarded for reading consideration.

Carried

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5. REPORTS

- 5.1 Inspection Services Manager, dated January 22, 2004 re: Application for Stratification of Four Residential Units and One Commercial Unit at 1329-1333 Sutherland Avenue (ST03-10)

Mayor Gray invited anyone in the public gallery who deemed themselves affected by the requested stratification to come forward. There was no response.

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R124/04/02/09 THAT the application to stratify the four residential units and one commercial unit at 1329 – 1333 Sutherland Avenue be approved in the name of Ted Risko with no conditions.

Carried

- 5.2 City Clerk, dated February 3, 2004 re: Amendment No. 1 to Sewer Specified Area No. 30 Bylaw No. 8917 (Acland Road) (BL9085)

Moved by Councillor Clark/Seconded by Councillor Blanleil

R125/04/02/09 THAT Council receive the Certificate of Sufficiency dated February 3, 2004 pertaining to Amendment No. 1 to Bylaw No. 8917;

AND THAT Bylaw No. 9085 be advanced for reading consideration.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 6.1 Bylaw No. 9085 – Amendment No. 1 to Sewer Specified Area No. 30, Bylaw No. 8917 (Acland Road)

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R126/04/02/09 THAT Bylaws No. 9085, 9129, 9171 and 9172 be read a first, second and third time.

Carried

- 6.2 Bylaw No. 9129 – Amendment No. 3 to Traffic Bylaw No. 8120

See resolution adopted under agenda item No. 6.1.

- 6.3 Bylaw No. 9171 – Dease Road Local Improvement Parcel Tax Bylaw

See resolution adopted under agenda item No. 6.1.

- 6.4 Bylaw No. 9172 – Hein Road Local Improvement Parcel Tax Bylaw

See resolution adopted under agenda item No. 6.1.

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(BYLAWS PRESENTED FOR ADOPTION)

6.5 Bylaw No. 9167 – Amendment No. 4 to Traffic Bylaw No. 8120

Moved by Councillor Cannan/Seconded by Councillor Day

R127/04/02/09 THAT Bylaw No. 9167 be adopted.

Carried

6.6 Bylaw No. 9168 – Amendment No. 11 to Sewer Connection Charge
Bylaw No. 8469

Moved by Councillor Day/Seconded by Councillor Cannan

R128/04/02/09 THAT Bylaw No. 9168 be adopted.

Carried

6.7 Bylaw No. 9169 – Amendment No. 10 to Fire Prevention Bylaw No.
6110-88

Moved by Councillor Cannan/Seconded by Councillor Day

R129/04/02/09 THAT Bylaw No. 9169 be adopted.

Carried

7. COUNCILLOR ITEMS

(a) Kelowna Women's Centre

Councillor Shepherd advised that the information in support of this request was included in Council's agenda packages and noted that the request for the letter from Council came from the North Okanagan Labour Council.

Members of Council commented that it is difficult to ask the Province to continue funding the Kelowna Women's Centre without knowing the reasons for deciding to discontinue the funding. Council agreed to send a letter with emphasis on the direct services that the Centre provides to women in Kelowna, and asking that the Province take a second look at providing the Kelowna centre with some level of core funding, provided that they are not duplicating services.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R130/04/02/09 THAT Kelowna City Council show support for the Women's Resource Centre in Kelowna by forwarding a letter to The Hon. Murray Coell, Minister of Community Aboriginal and Women's Services, asking the Province to reconsider its decision to discontinue providing core funding to the Centre.

Carried

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(b) Public Access Along the Foreshore of Okanagan Lake

Councillor Cannan asked that staff provide an update report on the progress being made with the Provincial Government for getting rid of large piers that are blocking public access along the foreshore.

8. TERMINATION

The meeting was declared terminated at 3:06 p.m.

Certified Correct:

Mayor

Deputy City Clerk

BLH/am