

Regular Meeting – P.M.

March 1, 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, March 1, 2004.

Council members in attendance were: Deputy Mayor R.D. Hobson, Councillors A.F. Blanleil, R.D. Cannan, B.A. Clark and B.D. Given.

Council members absent: Mayor Walter Gray, Councillors C.B. Day, 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\*; Roadways Engineer, F. Klotzbach\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Deputy Mayor Hobson 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 February 24, 2004 re: Rezoning Application No. Z00-1059 and OCP00-010 – Romesha Ventures Inc. (Gordon Hirtle/Terre Consultants Ltd. – 1374 Highway 33 East

Staff:

- The applicant has applied to have the Institutional future land use designation removed from the property. The designation is no longer required by the School District.

Council:

- Staff to clarify at the Public Hearing whether the City and the School District have entered into an agreement for joint purchase of school sites.

Moved by Councillor Cannan/Seconded by Councillor Given

**R203/04/03/01** THAT OCP Bylaw Amendment No. OCP00-010 to amend Map 19.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of Lot 3, Sec. 13, Twp. 26, ODYD, Plan 14039, located on Highway 33 East, Kelowna, B.C., from the Educational/Major Institutional designation to the Single/Two Unit Residential designation, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated February 24, 2004, be considered by Council;

AND THAT Rezoning Application No. Z00-1059 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Part of Lot 3, Sec. 13, Twp. 26, ODYD, Plan 14039, located on Highway 33 East, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone, as shown on Map "B" attached to the report of Planning & Corporate Services Department dated February 24, 2004, be considered by Council;

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AND THAT the OCP Bylaw Amendment No. OCP00-010 and 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 issuance of a Preliminary Layout Review Letter by the Approving Officer;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to approval by the Ministry of Transportation (File Nos. 02-081-19006/ 19007/19008).

Carried

3.2 Planning & Corporate Services Department, dated February 24, 2004 re: Rezoning Application No. Z04-0003 – T206 Enterprises (Murray Noble/D.E. Pilling & Associates Ltd.) – 5127 Chute Lake Road

Staff:

- The applicant is proposing to rezone the northern portion of the property to facilitate a 43-lot subdivision. This is the only portion of the property designated for development within the 20 year planning horizon.

Moved by Councillor Blanleil/Seconded by Councillor Given

**R204/04/03/01** THAT Rezoning Application No. Z04-0003 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot 1, Sec. 24, Twp. 28, SDYD, Plan 5485 except Plans 18646, KAP49406, KAP50989 and KAP64523, located on Chute Lake Road, Kelowna, B.C., 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 February 24, 2004, 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 withheld pending the execution and registration, by the owner of the subject property, of a Servicing Agreement acceptable to the City of Kelowna.

Carried

3.3 Planning & Corporate Services Department, dated February 19, 2004 re: Rezoning Application No. Z04-0001 and OCP04-0003 – Tae Bong Yoo (Doug Lane/Water Street Architecture) – 633 Lequime Road

Staff:

- The applicant proposes to develop the site with a 3-storey, 25-unit condo/apartment building. Parking would be below the building and at-grade, accessed off Lequime Road.
- The form and character of the project is in keeping with the guidelines for the proposed type of housing, but the rezoning is needed in order to achieve the density.
- Do not recommend support of the rezoning because the density is greater than what is projected in the Official Community Plan.
- The applicant had not yet submitted the OCP amendment application when the rezoning was considered by the Advisory Planning Commission (APC). The APC recommendation is for non-support, although they may have reacted differently to the rezoning had the OCP amendment been considered concurrently.

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Doug Lane, applicant:

- The proposed development would be a low density, low rise form of housing, of the same scale and height as the development to the north.
- The OCP indicates that the density can be increased by one increment without requiring an OCP amendment.
- The owner is not interested in entering into a housing agreement in order to get density bonusing.

Staff:

- The OCP provides for staff to recommend support to Council for increases in density through a change in the land use category. However, with the existing RM3 zoning to the immediate north and south in staff's opinion going to the next increment would not be consistent with the surrounding land uses.

Moved by Councillor Blanleil/Seconded by Councillor Given

**R206/04/03/01** THAT OCP Bylaw Text Amendment No. OCP04-0003 to amend Kelowna Official Community Plan (2000-2020) Bylaw No. 7600 by changing the future land use designation on the subject property from Multiple Unit Residential Low Density to Multiple Unit Residential Medium Density as outlined in the report of the Planning & Corporate Services Department dated February 19, 2004 be considered by Council;

AND THAT Rezoning Application No. Z04-0001 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Section 6, Township 26, ODYD Plan 4912, located on Lequime Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RM4 – Transitional Low Density Housing zone be considered by Council;

AND FURTHER THAT the OCP Bylaw Amendment No. OCP04-0003 and zone amending bylaw be forwarded to a Public Hearing for further consideration.

Carried

#### 4. BYLAWS (ZONING & DEVELOPMENT)

##### **(BYLAWS PRESENTED FOR FIRST READING)**

#### 4.1 Bylaw No. 9188 (Z03-0064) – Robert Bennett – 5065 Frost Road

Moved by Councillor Clark/Seconded by Councillor Given**R207/04/03/01** THAT Bylaws No. 9188 and 9189 be read a first time.Carried

#### 4.2 Bylaw No. 9189 (Z03-0072) – Okanagan Sikh Temple and Cultural Society – 1145 & 1125 Rutland Road North

See resolution adopted under 4.1 above.

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- 4.3 Bylaw No. 9183 (HRA03-0002) – Robert & Beninga Cummings – 2034 Pandosy Street

Moved by Councillor Clark/Seconded by Councillor Given

**R208/04/02/01** THAT Bylaw No. 9183 be amended at first reading to append Schedule 1'a', Schedule 1'b', Schedule 2 and Schedule 3 to the Heritage Revitalization Agreement.

Carried

- 4.4 Bylaw No. 9184 (HRA03-0003) – Oak Lodge Centre Ltd. (Wayne Ross) – 2124 Pandosy Street

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R209/04/03/01** THAT Bylaw No. 9184 be amended at first reading to append Schedules A, B and C to the Heritage Revitalization Agreement.

Carried5. REPORTS

- 5.1 Airport General Manager, dated February 20, 2004 re: Consent to Commercial Mortgage of Sub-Lease – A.O.G Air Support Inc. – Kelowna International Airport (0550-05; 2380-20-8089)

Moved by Councillor Cannan/Seconded by Councillor Given

**R210/04/03/01** THAT Council consent to a Commercial Mortgage of Sub-Lease between A.O.G. Air Support Inc., Debra Lynn Barron, and the Business Development Bank of Canada;

AND THAT the Mayor and City Clerk be authorized to execute the Consent to Mortgage of Sub-Lease on behalf of the City.

Carried

- 5.2 Transportation Manager, dated February 20, 2004 re: Tender T04-16 – 2004 Asphalt Overlay Contract (5400-10)

Moved by Councillor Blanleil/Seconded by Councillor Given

**R211/04/03/01** THAT the tender for the 2004 Asphalt Overlay Contract be awarded to the low bidder Emil Anderson Construction Ltd. in the amount of Six Hundred Seventy Thousand, Six Hundred Seventy-three dollars & Thirty-three cents (\$670,673.33) including GST.

Carried

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- 5.3 Roadways Engineer, dated February 20, 2004 re: Tender T04-010 – Micro Surfacing Program 2004 (5400-10)

Moved by Councillor Given/Seconded by Councillor Cannan

**R212/04/03/01** THAT the tender for the 2004 Micro Surfacing Program be awarded to the low bidder, McAsphalt Western Ltd. in the amount of Two Hundred Eighty-seven Thousand, Three Hundred Fifty-eight Dollars and Ninety-six Cents (\$287,358.96 including GST).

Carried

6. RESOLUTIONS

- 6.1 Draft Resolution re: Cancellation of April 20, 2004 Public Hearing/Regular Meeting (0550-01)

Moved by Councillor Given/Seconded by Councillor Clark

**R213/04/03/01** THAT the Public Hearing and Regular Council Meeting scheduled for Tuesday, April 20, 2004 be cancelled.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

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

- 7.1 Bylaw No. 9142 – Amendment No. 9 to Sign Bylaw No. 8235

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R214/04/03/01** THAT Bylaws No. 9142 and 9190 be read a first, second and third time.

Carried

- 7.2 Bylaw No. 9190 – Amendment No. 12 to Sewer Connection Charge Bylaw No. 8469

See resolution adopted under 7.1 above.

8. COUNCILLOR ITEMS – Nil.

9. TERMINATION

The meeting terminated at 2:12 p.m.

Certified Correct:

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Deputy Mayor Hobson

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Deputy City Clerk

BLH/am