

Regular Meeting – P.M.April 26, 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, April 26, 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: Deputy City Manager/Director of Parks & Leisure Services, D.L. Graham, City Clerk, A.M. Flack; Manager of Development Services, A.V. Bruce*; Director of Financial Services, P.A. Macklem; Financial Planning Manager, K. Grayston*; Financial Accounting & Systems Manager, R. Mayne*; Revenue Supervisor, G. Davidson*; Manager of Community Development & Real Estate, D.L. Shipclark*; Community Planning Manager, T. Eichler*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:32 p.m.

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

3. UNFINISHED BUSINESS

- 3.1 Planning & Corporate Services Department, dated April 21, 2004 re: Official Community Plan Amendment No. OCP03-0002 – Bertha & Douglas Flintoft (Grant Gaucher) – McKinley Road/Finch Road - Supplemental Information Requested by Council

Staff:

- The subject application was originally considered at the Regular Meeting of September 29, 2003 when it was deferred to the Regular Meeting of October 6, 2003 pending further information with regard to capital costs and infrastructure funding for the project. At the October 6, 2003 Regular Meeting, the application was further deferred for the applicant to supply additional information primarily regarding infrastructure requirements for water, sewer and transportation impacts.
- Staff have reviewed the additional information provided by the applicant and the findings of that work are outlined in the report which also identifies what is beyond what is planned for in the City's 20 year servicing plan.
- The applicant is proposing an 18-hole golf course, resort and wellness centre, and vineyard. The balance of the property would remain future urban reserve.
- The report does not take into account the modelling for other development that is anticipated to take place within the 20 year servicing plan that would trigger demand for services earlier.
- Any works over and above what would be called for by the City's capital and 20-year servicing financing plan would be at the sole cost of the applicant and would not qualify for DCCs.
- Staff continue to recommend non-support for the application.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R382/04/04/26 THAT Council hear from the applicant.

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Bob Evans, TRUE Consulting:

- The vision of the Vintage Landing Proposal is for a world-class development encompassing 713 acres of property. Environmentally sensitive areas would be preserved including wildlife corridors. The concept plans include approximately 60 acres for the resort component and associated amenities.
- All servicing costs would be borne by the development. The applicant is prepared to undertake the road and sewer works. GEID is prepared to provide a supply from the lake.
- Gave an overview of communications and community liaison with the McKinley Landing residents to date.
- The caliber of people involved speaks to the viability of the project as do the market studies.
- Would do the golf course and the winery at this time. There is potential for redevelopment of the golf course and the vineyard lands for future urban uses if there is a need for that in the future.

Grant Gaucher, applicant:

- Oversizing of the sewer main would be to accommodate the 180 existing homes in McKinley Land and for 1,000 to 1,100 additional homes.
- Has been talking with City staff for 3 years about the project and is anxious to get an indication from Council that they support an OCP amendment for the land use concept for the property. Could put an area structure plan together for the entire 700 acres very quickly and get on with rezoning.

Trevor Ward, Ward Consulting Group:

- Outlined what would be done for road upgrades.

Tim Alexander, Global Group:

- Each component of the project has been proven to work in Kelowna and so do not foresee any difficulty in seeing the project through to build-out.

Staff:

- Do not recommend support for this application because in order to have control over where growth happens, growth should be in an area identified within the 20 year servicing plan. Lands have already been identified to accommodate the growth that is forecast in the 20-year timeframe. This development proposal represents a land use that may be very successful but it may not be the best use in 20 years time and it puts a large amount of land currently identified as future urban reserve into development now. Need time for future planning of what can occur on the site.

Moved by Councillor Horning/Seconded by Councillor Blanleil

R383/04/04/26 THAT Municipal Council consider OCP Bylaw Amendment No. OCP-0003 (Grant Gaucher for Bertha and Douglas Flintoff) on portions of: NW ¼ of Section 21, Township 23, ODYD, Except Plans DD24364 and 18403; SW ¼ of Section 28, Township 23, ODYD; NW ¼ of Section 28, Township 23, ODYD; and Fraction NE ¼ Section 29, Township 23, ODYD, Said to contain 91 Acres More or Less, as shown outlined on Schedule A attached to the report of the Planning and Corporate Services Department dated April 21, 2004 to change the Future Land Use Designation as shown on Map 19.1 of the City of Kelowna Official Community Plan from Future Urban Reserve to Area Structure Plan;

AND THAT Municipal Council forward OCP Bylaw Amending application OCP03-0002 to a Public Hearing for further consideration.

Carried

Councillors Clark and Hobson opposed.

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4. PLANNING

- 4.1 Planning & Corporate Services Department, dated April 14, 2004 re: Community Social Development Grants and Grants to Address the Sexual Exploitation of Youth for 2004 (1852-20)

Moved by Councillor Hobson/Seconded by Councillor Day

R384/04/04/26 THAT Council approve the recommendations from the Social Planning and Housing Committee for \$40,655 in grant allocations under the 2004 Community Social Development program and \$24,000 in grants to Address the Sexual Exploitation of Youth programs in 2004, as set out in the Tables within the report from the Community Planning Manager dated April 14, 2004 and in accordance with Council Policies 218 and 277.

Carried

Councillor Cannan opposed.

Moved by Councillor Cannan/Seconded by Councillor Blanche

THAT the fourth bullet under 'voting' on page 3 of the Terms of Reference for the Social Planning and Housing Committee be amended to remove the word 'not' in order to allow Council representatives to participate in discussions pertaining to the disbursement of the grant funds.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R385/04/04/26 THAT staff review the Terms of Reference for the Social Planning and Housing Committee to ensure that they are consistent with the way other Council committees operate and report back to Council with a recommendation as to whether the Council representatives should participate in discussions pertaining to the disbursement of funds.

Carried

- 4.2 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 9069 (Z03-0026) – Gary & Joan Norkum and William & Valerie Redston (New Town Planning Services) – 587 Fitzpatrick Road

Moved by Councillor Given/Seconded by Councillor Horning

R386/04/04/26 THAT Bylaw No. 9069 be adopted.

Carried

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- (b) Planning & Corporate Services Department, dated April 13, 2004 re: Development Permit Application No. DP03-0053 – Gary & Joan Norkum and William & Valerie Redston (New Town Planning Services) – 587 Fitzpatrick Road

Staff:

- Development of the site will be phased with the 4 single family residential lots on the north side of Francis Brook being developed first, followed by the 34 units of row housing on the south side of the creek.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R387/04/04/26 THAT Council authorize the issuance of Development Permit No. DP03-0088 for Lot 1, Sections 34 & 35, Township 26, ODYD, Plan 4705 except Plans 15281 & 18811, located on Fitzpatrick 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 registration of a plan of subdivision creating separate titles for the RU1s - Large Lot Housing with Secondary Suite, the RM3 - Low Density Multiple Housing, and the P3 – Parks and Open Space portions of the subject property.

Carried

- 4.3 Planning & Corporate Services Department, dated April 20, 2004 re: Rezoning Application No. Z03-0022 – R 354 Enterprises Ltd. – 2355/2455 Acland Road

Staff:

- The building is being used as a major warehouse and office facility by the Health Authority. The rezoning will accommodate continuation of that use.

Moved by Councillor Hobson/Seconded by Councillor Horning

R388/04/04/26 THAT Rezoning Application No. Z03-0022 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Sec. 2, Twp. 23, O.D.Y.D., Plan 11263, located on Acland Road, Kelowna, B.C. from the P1 – Major Institutional and P2 – Education and Minor Institutional zones to the I1 – Business Industrial zone be considered by Council;

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

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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

4.4 Planning & Corporate Services Department, dated April 21, 2004 re: Development Permit Application No. DP04-0027 – CPAC (Lakeshore Gardens) Inc. (Abugov Kaspar Architects) – 654 Cook Road

Staff:

- The intent is to develop the site with a 283-unit apartment hotel with commercial space adjacent to the Cook/Lakeshore Road intersection. Portions of the development will be 6-storeys while other portions will step down in height.
- The applicant is providing 437 on-site parking stalls for the 283 units and so should not be contributing to on-street parking problems in the area.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R389/04/04/26 THAT Council authorize the issuance of Development Permit No. DP04-0027 for Lot A, DL 134, O.D.Y.D., Plan 34182, located on Cook 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;

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

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4.5 Planning & Corporate Services Department, dated April 20, 2004 re: Text Amendment No. TA04-0001 and Rezoning Application No. Z04-0011 – Springfield Plaza Inc. – 1585 Springfield Road

Councillor Day declared a conflict of interest because a direct family member owns the adjoining property and left the Council Chamber at 4:44 p.m.

Councillor Given declared a conflict of interest because he works for an agency that derives money from this facility and left the Council Chamber at 4:44 p.m.

Staff:

- Expansion of the building was contemplated from the on-set and the applicant is now ready to proceed with a 2-storey addition to the existing facility in order to provide space for gaming facilities in addition to other bingo related activities.
- The requested text amendment would add gaming facilities as a secondary use in the C10 zone and the rezoning application would add the Liquor Primary (lp) designation to the C10 zone.
- Staff do not oppose expanding the building for the uses that are on site today; however staff are concerned about adding gaming facilities and a liquor primary license for this establishment. There is residential nearby and there is a lack of any policy direction on this issue. When the Bingo facility relocated to the subject property, the intent was to limit the location to bingo only and for gaming activities to be in the town centres.
- If the application is to proceed, staff recommend that it be under a Comprehensive Development zone that would be specific to this site.

Moved by Councillor Clark/Seconded by Councillor Shepherd

R390/04/04/26 THAT Council hear from the applicant.

Carried

Stan Walt, owner of Bingo Kelowna:

- This would be an expansion of the electronic bingo units that already exist in the Bingo Kelowna facility. The intent is to make the facility a community gaming centre with tele-theatre betting and slot machines.
- Have had success with Special Occasion Permits, without incident.
- The strata council of the adjacent residential development have indicated they will not take a position of either support or opposition to the application as a council.
- Bingo Kelowna has been in existence since September 2002 and provides around \$8.3 million a year to 119 non-profit organizations in the area. Peak performance volumes have been exceeded and the facility continues to grow in its second year. It is a trend-setting facility and will continue to act as a front-runner to bingo gaming in Canada and points beyond. Submitted a copy of a letter from the Central Okanagan Bingo Association Board expressing support on behalf of the 119 organizations for the proposed extension of gaming at Bingo Kelowna noting that expanding gaming would be beneficial to the charities and the City would also accrue additional revenues from the slots.
- Bingo Kelowna is locally owned and operated and employs about 75 people; those numbers would increase with the proposed expansion. This would finish the build-out of the subject property.

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Moved by Councillor Clark/Seconded by Councillor Shepherd

R391/04/04/26 THAT Council direct staff to create a comprehensive development zone for the Bingo Kelowna facility that will include both comprehensive gaming and liquor primary establishments as permitted uses and present the proposed zone to Council for further consideration.

Carried

Councillors Day and Given returned to the Council Chamber at 5:16 p.m. and took their respective place at the Council Table.

5. REPORTS

5.1 Director of Financial Services, dated April 16, 2004 re: Amendment No. 2 to Bylaw No. 9027 – Five Year Financial Plan, 2003-2007 (B/L 9215)

Staff:

- Provided copies of a revised Schedule "A" to the bylaw noting the first column of figures in the schedule circulated in the agenda packages are not accurate.

Moved by Councillor Hobson/Seconded by Councillor Clark

R392/04/04/26 THAT Council approve amendment #2 to the Five Year Financial Plan, 2003-2007 Bylaw 9215 as required by the Community Charter, to reflect changes in the Operating Budget and Capital Expenditure Program for 2003.

Carried

5.2 Mayor Gray, Chair of Audit Committee, dated April 16, 2004 re: Financial Statements for the Year Ending December 31, 2003 (1830-20; 0540-20)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R393/04/04/26 THAT the Statement of Financial Position, Statement of Financial Activities and Auditor's Report for the City of Kelowna for the year ending December 31, 2003 be received;

AND THAT Council approve the appropriation of \$2,190,000 of surplus generated from all general fund operations in 2003 to general reserves as detailed in the body of this report;

AND FURTHER THAT the Statement of Financial Position, Statement of Financial Activities and Auditor's Report be reprinted in booklet form.

Carried

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- 5.3 Director of Financial Services, dated April 22, 2004 re: 2004 Tax Distribution Policy (1970-01)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R394/04/04/26 THAT Council approve a Municipal Tax Distribution Policy for the year 2004 that will result in a modification of the 2003 Tax Class Ratios to reflect the uneven market value changes which have been experienced between property classes, as follows:

<u>Property Class</u>	<u>Description</u>	<u>2004 Tax Class Ratios</u>	<u>2003 Tax Class Ratios</u>
01/08	Residential/Recreation/Non-Profit	1:0000:1	1.0000:1
02	Utilities	4.3968:1	3.7613:1
04	Major Industrial	3.3888:1	2.9295:1
05/06	Light Industrial/Business/Other	2.2025:1	2.0430:1
09	Farm Land	.0887:1	.0806:1
91	Farm Improvements	.5247:1	.5083:1;

AND THAT Council approve development of 2004 tax rates to reflect the 2004 assessment changes in property market values.

Carried

6. RESOLUTIONS

- 6.1 Resolution to OMMA re: Support for Safe Street Act and Urban Trespass Act (0230-200)

Moved by Councillor Given/Seconded by Councillor Shepherd

R395/04/04/26 THAT the following resolution be endorsed by Kelowna City Council and forwarded for presentation as a late resolution at the 2004 Okanagan Mainline Municipalities Convention:

WHEREAS the increasing number of individuals creating disorder on streets (property crime/robberies, aggressive panhandlers/squeegee persons, graffiti and litter) is having a negative effect on the quality of life of citizens and visitors;

AND WHEREAS the existing legislative tools are inadequate to effectively deal with those issues;

NOW THEREFORE BE IT RESOLVED THAT the provincial government enact a "Safe Streets Act" similar to the legislation already in existence in Ontario to allow police and communities to more effectively deal with aggressive behaviour and to ensure that the penalties and laws are consistent throughout the province;

AND BE IT FURTHER RESOLVED THAT the provincial government amend the Trespass Act to provide useful statutory authority or enforcement action for businesses and private property owners in urban settings.

Carried

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7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 9215 – Amendment No. 2 to Five Year Financial Plan, 2003-2007 Bylaw No. 9027

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R396/04/04/26 THAT Bylaw No. 9215 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 7.2 Bylaw No. 9210 - Portion of Chute Lake Road Name Change to Hedeman Court

Moved by Councillor Hobson/Seconded by Councillor Day

R397/04/04/26 THAT Bylaw No. 9210 be adopted.

Carried

8. COUNCILLOR ITEMS

- (a) Townhall Meetings – UBC Okanagan

Councillor Blanleil advised that UBC-Okanagan officials will be holding a series of townhall meetings throughout the Valley in May to discuss changes to OUC. All of the meetings are being held in the evening except in Kelowna when it is scheduled for 7:30 a.m. Staff to investigate.

- (b) Royal Commission Report – Future of Health Care in Canada

Councillor Cannan referred to a letter received from the Council of Senior Citizens' Organizations of B.C. and put Council on notice that he will be bringing forward their request, as a Notice of Motion at the next Council meeting, for Council to adopt a resolution endorsing the recommendations of the Royal Commission on the future of health care in Canada.

- (c) Memorial Cup – Funding Assistance

Mayor Gray referred to a letter received from the Memorial Cup Committee asking for funding assistance. Referred to staff to bring forward a recommendation at the next Council meeting asking that Council consider a grant-in-aid from Council Contingency.

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9. TERMINATION

The meeting was declared terminated at 6:04 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am