

Regular Meeting – P.M.

June 21, 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, June 21, 2004.

Council members in attendance were: Deputy Mayor E.A. Horning, Councillors A.F. Blanleil, R.D. Cannan, B.A. Clark, C.B. Day, B.D. Given, R.D. Hobson* and S.A. Shepherd*.

Council members absent: Mayor Walter Gray.

Staff members in attendance were: City Manager, R.A. Born; Acting City Clerk, S.C. Fleming; Director of Planning & Corporate Services, R.L. Mattiussi*; Manager of Development Services, A.V. Bruce*; Manager of Policy, Research & Strategic Planning, S.K. Bagh*; Subdivision Approving Officer, R.G. Shaughnessy*; Urban Design Planner, P.J. McCormick*; Fire Chief, G. Zimmermann*; Wastewater Manager, W.J. Berry*; Water Manager, D. Degen*; Traffic & Transportation Engineer, H. Thompson*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Deputy Mayor Horning called the meeting to order at 1:31 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Mayor Gray and Councillor Robert Hobson re: Go Green Commuter Challenge Award Presentations

Deputy Mayor Horning and Councillor Hobson, Chair of the Regional District, presented the 2004 Go Green Commuter Challenge awards.

3.2 Dr. Paul Hasselbach, Medical Health Officer re: West Nile Problem

Dr. Paul Hasselbach:

- Anticipate the West Nile problem will reach British Columbia this year.
- The vast majority who contract the virus will have no symptoms at all.
- 1 in 300 who are bitten by a mosquito carrying the West Nile virus will experience symptoms such as confusion, headache, difficulty walking, fatigue, weakness, fever and neurological conditions some of which can be debilitating. The mortality rate is anticipated to be 1:1,000.
- The senior population is at greatest risk; as the age increases over age 55 the risk becomes higher.
- Surveillance, mosquito control, personal protection and coordination of efforts are the 4 management options.
- A surveillance program is already in place – the mosquitoes that carry the West Nile virus need stagnant water to propagate and then prefer hot and dry weather.
- Mosquito Control has to be a collective effort: drain standing waters, fill in depressions that could collect water, and use product to kill off larvicides.
- A public education program is underway to inform the public on what they can do to protect themselves.

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4. PLANNING

- 4.1 Planning & Corporate Services Department, dated June 14, 2004 re: Agricultural Land Reserve Appeal No. A04-0006 – Michael Dapavo (Grant Maddock/Protech Consultants) – 644 Mugford Road

Moved by Councillor Shepherd/Seconded by Councillor Given

R618/04/06/21 THAT Agricultural Land Reserve Appeal No. A04-0006, Lot 5, Sec. 25, Twp. 26, ODYD, Plan 439, located on Mugford Road, Kelowna, B.C. for exclusion from the Agricultural Land Reserve pursuant to Section 30(1) of the Agricultural Land Commission Act, be supported by Municipal Council.

Carried

- 4.2 Planning & Corporate Services Department, dated June 16, 2004 re: Development Permit Application No. DP04-0029 – R 243 Enterprises Ltd. (David Low) – 230 Highway 33 East

Staff:

- The applicant is proposing substantial renovations to turn the former 'Red Rooster' building into a Bavarian style pub.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R619/04/06/21 THAT Council authorize the issuance of Development Permit No. DP04-0029, for Lot 8, Section 26, Township 26, ODYD, Plan 25529, located on Highway 33 E, 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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- 4.3 Planning & Corporate Services Department, dated June 15, 2004 re: Development Permit Application No. DP04-0041 – 578222 BC Ltd. (William Morel) – 3945-3957 Lakeshore Road

Staff:

- The applicant is proposing to construct a building with commercial on the ground floor and 11 residential units above.

Moved by Councillor Shepherd/Seconded by Councillor Given

R620/04/06/21 THAT Council authorize the issuance of Development Permit No. DP04-0041 for Lot 1, Section 6, Township 26, ODYD, Plan KAP54650, 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 provide, by way of registered plan, the required widening of Lakeshore Road and the closure of a portion of Haug Road.

Carried

- 4.4 Planning & Corporate Services Department, dated June 10, 2004 re: Rezoning Application No. Z04-0028 – Isha Blue (Peter Chataway) – 822 Lawrence Avenue

Staff:

- The rezoning would facilitate a 7 bedroom boarding and lodging house.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R621/04/06/21 THAT Rezoning Application No. Z04-0028 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 42, Block 15, DL 138, ODYD Plan 262, located on Lawrence Avenue, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the RU6b – Two Dwelling Housing with Boarding House 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

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- 4.5 Planning & Corporate Services Department, dated June 16, 2004 re: Rezoning Application No. Z04-0039 – Beverly & Gary Billings (Liz Bennett) – 142 Celano Crescent

Staff:

- The rezoning is requested to accommodate an unauthorized suite in the lower floor of the building.

Moved by Councillor Hobson/Seconded by Councillor Given

R622/04/06/21 THAT Rezoning Application No. Z04-0039 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 30, Section 4, Township 23, ODYD, Plan KAP46412, located on Celano Crescent, Kelowna, B.C. from the RU2 – Medium Lot Housing zone to the RU2s – Medium 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;

AND FURTHER THAT final adoption of the zone amending bylaw be withheld pending inspection and approval of the proposed secondary suite by the Inspection Services Department.

Carried

- 4.6 Planning & Corporate Services Department, dated June 16, 2004 re: Rezoning Application No. Z04-0012 and OCP04-0005 – J97 Construction Ltd. (Gary Tebbutt) – 914 Craig Road

Staff:

- The rezoning would facilitate development of the site with up to 60 townhouse units located in buildings of 4 and 6 units.

Moved by Councillor Hobson/Seconded by Councillor

R623/04/06/21 THAT OCP Bylaw Amendment No. OCP04-0005 to amend Map 15.1 of *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of Lot A, Section 26, Township 26, Plan 19712, ODYD, located on Craig Road, Kelowna, B.C., from the Single/Two Unit Residential designation to the Low Density Multiple Unit Residential designation, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated June 16, 2004, be considered by Council;

AND THAT Rezoning Application No. Z03-042 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 26, Township 26, Plan 19712, ODYD located on Craig Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RM3 – Low Density Multiple Housing zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP04-0005 and 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 Development Variance Permit on the subject property;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction.

Carried

- 4.7 Planning & Corporate Services Department, dated June 16, 2004 re: Rezoning Application Nb. Z02-1012 and OCP02-0003 and TA04-0004 – Gazelle Enterprises Inc./Green Projects Ltd. (Grant Gaucher) – 530 Sarsons Road, 4392 and 4388 Lakeshore Road

Councillor Hobson declared a conflict of interest because in the past there have been land trades between the subject property and his family property. The family property is outside the notification radius for this application today, but the property was within the notification radius when this project was first proposed. The family property is mentioned in the staff report and the family does not wish to in any way fetter the development potential of their property. Councillor Hobson added that he did not participate in the Sector Plan either and left the Council Chamber at 2:38 p.m.

Councillor Shepherd declared a conflict of interest because her parents live directly across from the subject property and left the Council Chamber at 2:38 p.m.

Staff:

- The proposed development site consists of three lots that recently were subject of a lot line adjustment to create three new lots. The rezoning application applies to both Lots 1 and 2; the OCP amendment only applies to Lot 1; and Lot 3 is a single family residential lot created for the existing Sarsons family residence.
- Primary access to the site would be from two locations off Lakeshore Road. The proposed access off Sarsons Road is intended primarily for the residential portions of the property but also would be used as an access to the commercial development.
- The project includes a mixed use commercial/residential component and a multiple unit residential component.
- The apartment style building would be 3 storeys of residential units above underground parking. The units on the third level would be stepped back.
- The townhouses would comprise 4 buildings, each with two 2storey units with vehicular access to garages along the back.
- The site plan indicates 5 building footprints for the commercial portion of the development. This proposal would provide for 52,000 sq. ft. of ground floor commercial. The applicant was trying to secure the library as a tenant in building 'D' but that is no longer an option. The applicant is now considering developing townhouses in place of building 'D' and staff would support that.
- The applicant commissioned a land use study which concluded that commercial usage can be supported.
- The Advisory Planning Commission (APC) recommends support for the rezoning; however, they did not support the request for a height variance and therefore the overall DP was not considered by the APC.

Council:

- Concerned about the extent of commercial that is proposed, and the 16,000 sq. ft. footprint proposed for one of the commercial buildings.

Staff:

- Council could limit the size of the commercial/retail units through a Comprehensive Development zone, or alternatively the applicant could voluntarily register a covenant prior to the Public Hearing indicating restricted floor sizes. Floor layouts could also be addressed in the Development Permit.

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Moved by Councillor Blanleil/Seconded by Councillor Cannan

R624/04/06/21 THAT OCP Bylaw Amendment No. OCP02-0003 to amend Map 19.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of part of Lot 1, DL 167, O.D.Y.D., Plan KAP75687, located on Lakeshore Road, Kelowna, B.C., from the "Multiple Unit Residential – low density" designation to the "Commercial" designation, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated June 16, 2004, be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA04-0004 to amend City of Kelowna Zoning Bylaw No. 8000 by adding "Public Libraries and Cultural Exhibits" to the list of permitted principal uses in the C3 – Community Commercial zone, and by adding "Community Recreation Services" to the list of permitted secondary uses in the C3 – Community Commercial zone as outlined in the report of the Planning & Corporate Services Department dated June 16, 2004 be considered by Council;

AND THAT Rezoning Application No. Z02-1012 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, DL 167, O.D.Y.D., Plan KAP75687, located on Lakeshore Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the C3 – Community Commercial zone, and by changing the zoning classification of Lot 2, DL 167, O.D.Y.D., Plan KAP75687, located on Sarsons Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing as shown on Map "B" attached to the report of Planning & Corporate Services Department dated June 16, 2004 be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP02-0003, Zoning Bylaw Text Amendment No. TA04-0004, 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 and a Development Variance Permit on the subject property;

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

Councillor Clark opposed.

Councillors Hobson and Shepherd returned to the Council Chamber at 3:29 p.m.

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5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

5.1 Bylaw No. 9203 (Z03-0075) – Frost Park Holdings Ltd. – 5010 Frost Road

Moved by Councillor Day/Seconded by Councillor Hobson

R625/04/06/21 THAT Bylaw No. 9203 be adopted.

Carried

6. REPORTS

6.1 Water Manager, dated June 4, 2004 re: 2004 Water Conservation Program (5600-08)

Neil Klassen, WaterSmart Coordinator:

- Outlined the highlights of the 2004 Watersmart program.

Bruce Wilson, Chair of the Kelowna Joint Water Committee:

- Brought Council up to date on the Joint Water Committee activities.

Moved by Councillor Shepherd/Seconded by Councillor Clark

R626/04/06/21 THAT the report dated June 4, 2004 from the Water Manager outlining the 2004 Water Conservation and Public Education Program for the City of Kelowna Water Utility be received for Council's information;

AND THAT the verbal report on water conservation within the City of Kelowna, presented to Council by Bruce Wilson, Chair of the Kelowna Joint Water Committee at the Regular Meeting of June 21, 2004, be received by Council.

Carried

6.2 Transportation Manager, dated June 16, 2004 re: Award of Contract TE04-08 – 2004 Traffic Signal Program (5460-03)

Moved by Councillor Given/Seconded by Councillor Hobson

R627/04/06/21 THAT the Contract for installing two (2) new traffic signals, installation of communication conduit and cable and upgrading traffic signals at seven (7) intersections be awarded to Trans-Western Electric Ltd. for the amount of \$388,167.11 which includes contingency and GST;

AND THAT the Mayor and City Clerk be authorized to execute the Contract on behalf of the City.

Carried

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- 6.3 Wastewater Manager, dated June 16, 2004 re: Award of Construction Contract TE04-07 – North Rutland Local Sewer Service Area #20 – Zone D, Contract #2 (5340-09-20)

Moved by Councillor Given/Seconded by Councillor Shepherd

R628/04/06/21 THAT the Contract for the construction of Local Sewer Service Area No. 20 – **Zone D, Contract #2** be awarded to Bennett Contracting Ltd. for the amount of \$2,388,163.55, which includes GST that will be fully rebated;

AND THAT the Mayor and City Clerk be authorized to execute the Contract on behalf of the City.

Carried

- 6.4 Fire Chief, dated June 17, 2004 re: Westside Ladder Agreement (7201-30)

Moved by Councillor Shepherd/Seconded by Councillor Given

R629/04/06/21 THAT the City of Kelowna enter into an agreement with the Westside Fire Protection District for the use of Kelowna Fire Department's 100' ladder truck, at the cost of \$17,749 per year (amended annually), plus costs of operation.

Carried

- 6.5 Fire Chief, dated June 17, 2004 re: Peachland Ladder Agreement (7201-30)

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R630/04/06/21 THAT the City of Kelowna enter into an agreement (amended from last year) with the District of Peachland for the use of Kelowna Fire Department's 100' ladder truck, at the cost of \$2,444 per year (amended annually), plus costs of operation.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 9249 – Road Closure Bylaw – Redlich Road

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R631/04/06/21 THAT Bylaw No. 9249 be read a first, second and third time.

Carried

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Councillor Cannan referred to an information package circulated to members of Council last week from Division 7 of Kiwanis International and put forward the following notice of motion for consideration by Council at the Regular Meeting of June 28, 2004:

THAT the brief compiled by Kiwanis Family Against Drunk Driving (KFADD), a Task Force committee struck by Kiwanis International Pacific Northwest District – Division 7 to ensure that justice is served when dealing with alcohol/drug impaired drivers, be received;

AND THAT Kelowna City Council provide Division 7 of Kiwanis International Pacific Northwest District with a letter of support for the KFADD brief.

(b) Washroom Study for the Downtown Area

Councillor Day noted that the Downtown Plan identifies the need for public washrooms in the downtown area and staff are now prepared to proceed with a study in that regard.

The Manager of Policy, Research and Strategic Planning confirmed that the need for public washrooms in the downtown area was brought forward as a project for the 2004 workplan. A local consulting team has submitted a bid of \$7,800 and, given the low cost of the project, staff would like to accept the bid to conduct this study with completion by year end. Some of the things that would be looked at as part of the strategy include the issues surrounding providing washrooms in the downtown and locations for future washrooms, ensuring they are safe to use, easy to clean, easily identifiable, available when needed, and cost efficient to build and maintain.

Moved by Councillor Day/Seconded by Councillor Shepherd

R632/04/06/21 THAT the consulting assignment to study issues surrounding the provision of public washrooms in the downtown area be awarded to Integra Planning Services at a cost of approximately \$7,800 to be funded from Account #311-10-162-0-371.

Carried

(c) Plan Checker Position

The City Manager advised that the Manager of Inspection Services needs to hire another full time and that requires a resolution to amend the financial plan.

Moved by Councillor Day/Seconded by Councillor Hobson

R633/04/06/21 THAT the 2004 financial plan be amended to add a full time Plan Checker position, funded from Building Permit Revenues.

Carried

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9. TERMINATION

The meeting was declared terminated at 4:18 p.m.

Certified Correct:

Deputy Mayor Horning

Acting City Clerk

BLH/am