

Regular Meeting – P.M.

July 12, 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, July 12, 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: Acting City Manager, R.L. Mattiussi; Acting City Clerk, S.C. Fleming; Manager of Development Services, A.V. Bruce*; Manager of Policy, Research and Strategic Planning, S.K. Bagh*; Manager, Community Development and Real Estate, D.L. Shipclark*; Acting Council Recording Secretary, I.M. Tilstra.

(* denotes partial attendance)

1. CALL TO ORDER

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

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

3. UNFINISHED BUSINESS

3.1 (a) Director of Planning and Corporate Services, dated July 6, 2004 re: Cedar Avenue Land Use Review (BL9234; 6520-20)

Councillors Hobson and Shepherd declared a conflict of interest for this portion of the agenda and left the meeting.

Staff:

- As the public hearing on this item has closed, staff is only able to recommend certain options for restrictions on hotel use on properties owned by the City at the foot of Cedar Avenue; no changes can be made that would increase the density of any of the land within the study area and no changes can be made that would alter the currently permitted land use.
- Without reopening the public hearing, those areas anticipated to be medium density multi family could be changed to low density multi family. This change requires the permission of the property owner; none of these parcels are owned by the City.
- In cases where the anticipated designation is mixed medium density and commercial, the land use designation could be changed to increase the portion of residential versus commercial on each lot. Commercial designation must be retained in some form. This change requires the permission of the property owner; none of these parcels are owned by the City.
- Of the lots with a mixed park and commercial designation, in this case those along the waterfront, a change could be made to increase the park use portion; any increase to the commercial designation would be considered an increase in density.
- Staff is recommending that Council consider increasing the portion allotted to park space on the four properties between Cedar and Meikle.
- Earlier bylaw versions indicated that these lots would be one-quarter park; this bylaw shows half of these lots as park.
- Any change in designation of northerly lots from commercial to single-family to allow for transition to the single family residential area to the north would require another public hearing, as it would affect the land use designation.
- An alternative way to deal with the transition between the two zones would be to introduce appropriate additional wording to current Council policy.

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- Draft wording was presented to Council, relating to limitations on hotel size, disallowing a liquor primary license at that location and preventing installation of a powerboat marina. These restrictions would only apply in the case of a hotel on property owned by the City. There is no specific hotel proposal at this point.
- With respect to the transition from waterfront single family homes not owned by the City, staff is recommending the addition of wording to Council policy No. 76 limiting buildings within 25 metres of the single family zone to no more than 2½ storeys in height. Any development in the area would require rezoning as well as a development permit and the concurrent public processes.

Council:

- Add the Abbott Street corridor to a future Council agenda to discuss a possible extension.

Moved by Councillor Blanleil/Seconded by Councillor Given

R688/04/07/12 THAT the map attached to the Cedar Avenue OCP Amendment Bylaw No. 9234 be revised to reflect an increase in the Major Park/Open Space designated portion on those City owned properties between Cedar Avenue and Meikle Avenue as shown in Appendix 2 attached to the report dated July 6, 2004 from the Director of Planning & Corporate Services;

AND THAT the revised Cedar Avenue OCP Amendment Bylaw No. 9234, as outlined in the Planning and Corporate Services Department's report of July 6, 2004, be considered for 2nd and 3rd readings and final adoption;

AND FURTHER THAT Council Policy No. 76 be amended to include restrictions on disposition and development of City owned property in the Cedar Avenue area as indicated in Appendix 1 attached to the report dated July 6, 2004 from the Director of Planning & Corporate Services.

Carried

Councillor Cannan opposed.

(b) **(BYLAW PRESENTED FOR 2ND & 3RD READINGS AND ADOPTION)**

Bylaw No. 9234 (OCP04-0008) - Cedar Avenue Land Use Review requires **majority vote of Council (5)** - reading consideration deferred from May 18, 2004 Regular Meeting.

Moved by Councillor Given/Seconded by Councillor Horning

R689/04/07/12 THAT Bylaw No. 9234, as amended, be read a second and third time and be adopted.

Carried

Councillor Cannan opposed.

Councillors Hobson and Shepherd returned to the Council Chamber.

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4. DEVELOPMENT APPLICATIONS

- 4.1 Planning & Corporate Services Department, dated July 7, 2004 re: Rezoning Application No. Z04-0027 – Sundowner Holdings Ltd & Woodlawn Projects Inc. (Protech Consultants Ltd./Grant Maddock) – 5377 Chute Lake Road

Staff:

- The rezoning is requested to facilitate a 16 lot single family residential subdivision that would be developed in stages.

Council:

- Concern about continuing development in the Mission without transit support.

Moved by Councillor Given/Seconded by Councillor Shepherd

R690/04/07/12 THAT Rezoning Application No. Z04-0027 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot 2, Sec. 24, Twp. 28, SDYD, Plan 41091 located on Hedeman Court, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone as shown on Map "A" attached to the report of Planning & Corporate Services Department dated July 7, 2004, be considered by Council;

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

Carried

- 4.2 Planning & Corporate Services Department, dated July 5, 2004 re: Rezoning Application No. Z01-1018 – Terry Robertson and Kelly Lawrence – 300 Dundas Road

Moved by Councillor Hobson/Seconded by Councillor Day

R691/04/07/12 THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 8698 (Z01-1018, original applicant Tracy Arnold), 300 Dundas Road, be extended for a twelve-month period to July 17, 2005.

Carried

- 4.3 Planning & Corporate Services Department, dated June 30, 2004 re: Rezoning Application No. Z03-0069 – Mary Cresswell – 902 Skyline Street

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R692/04/07/12 THAT Rezoning Application No. Z03-0069 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 20, Sec. 30, Twp. 26, O.D.Y.D., Plan 11261, located on Skyline Street, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large 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;

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AND 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;

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

Carried

4.4 Planning & Corporate Services Department, dated March 25, 2004 re: Rezoning Application No. Z04-0029 – Thomas Gaffney Architect Inc (City of Kelowna) – 285 & 301 Glenmore Road

Staff:

- The applicant is proposing to develop the site with 42 units of row housing.
- Access for the proposed series of units would be from Glen Park Drive, with a potential emergency access to the future Glenmore bypass.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R693/04/07/12 THAT Rezoning Application No. Z04-0029 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Sec. 4 Twp. 23 O.D.Y.D. Plan 18662 except Plan KAP48643 and That Part of Lot 9 Blk. 6 Sec. 4 Twp. 23 O.D.Y.D. Plan 896 except Plans 13346, 13644, 14579, and 23927 shown as Parcel 3 on Plan H8323, located at 285 and 301 Glenmore Road, Kelowna, B.C. from A1 – Agriculture 1 zone to RM3 – Low Density Multiple Housing 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 Permit on the subject property

Carried

4.5 Planning & Corporate Services Department, dated July 2, 2004 re: Rezoning Application No. Z04-0036 – Paul and Donna Robinson – 1216 Graf Road North

Moved by Councillor Hobson/Seconded by Councillor Day

R694/04/07/12 THAT Rezoning Application No. Z04-0036 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Section 25, Township 26, ODYD Plan 35198, located on Graf Road North, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large 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 THAT final approval of the zone amending bylaw be withheld pending confirmation of connection to the sanitary sewer system;

AND FURTHER THAT final approval of the zone amending bylaw be withheld pending the approval of a related development variance permit.

Carried

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5. BYLAWS (ZONING & DEVELOPMENT) – see 3.1(b)

6. REPORTS

6.1 Inspection Service Manager, dated July 5, 2004 re: Administrative Agreement – Gas Inspection

Withdrawn from the agenda.

6.2 Community Planning Manager, dated June 23, 2004 re: Community Indicators Report No. 2 (5080-20)

Staff:

- External groups found the information in the previous report valuable in their planning.
- The report has been extensively reviewed with staff from a variety of departments in arriving at the recommendations included in the motion.

Council:

- Suggested some integration of longevity data, health indicators and quality of life information into the report.

Moved by Councillor Given/Seconded by Councillor Horning

R695/04/07/12 THAT Council accept the Community Indicators Report No. 2 for information, publication and use by agencies in the city that provide services to address social and economic needs in the community;

AND THAT Council approve the recommendations from the Community Indicators Report No. 2 as follows:

1. That Council support the continuation of the monitoring of quality of life in Kelowna, by using the work of the Federation of Canadian Municipalities (FCM) Quality of Life Reporting System as a measure to compare against Kelowna;
2. That a partnership between RCMP and planning staff continue to be pursued to correlate crime statistics with socio-economic indicators and make use of community assets and facilities to establish effective crime prevention programs;
3. Due to the consistent patterns of indicators that show economic challenges for the central corridor of the city, some of the policy direction in the OCP be strengthened to address this need and continue to facilitate socio-economic improvements in these areas, as follows:
 - 3.1. That policy 6.1.9 of the Urban Centre Chapter of the OCP be re-worded (new wording underlined), as follows:
Transit Service. Encourage frequent and convenient bus service between Urban Centres and surrounding urbanized, central areas, as well as institutional and community services such as the hospital, the college and park facilities, with a particular view of servicing lower income populations that live and work in these areas and may have limited alternate means of transportation;

- 3.2. That policy 6.1.31 of the Urban Centre Chapter of the OCP be re-worded as follows:
Employment Opportunities. Encourage increased employment opportunities within Urban Centres to support the Transportation Demand Management (TDM) strategies of Chapter 12 – Transportation, and to continue to improve the economic health of the labour force residing within and adjacent to the Urban Centres;
- 3.3. That Policy 8.1.37 be amended to read as follows:
Family Housing. Encourage family-oriented townhouses or apartment housing, and work to achieve some family housing that conforms to the City's definitions of affordability (see 8.1.16), especially within, and in proximity to, Urban Centre areas;
- 3.4. That Policy 8.1.47 be amended to read as follows;
Housing for Lower Income Singles. Actively encourage affordable housing in accordance with the City's definitions for lower income singles, in response to the documented shortage of housing for this particular group and focus on locating housing for this population both within and in proximity to Urban Town Centres;
- 3.5. That the following policy be added to the Housing Chapter of the OCP:
Housing in the Urban Corridor: *A more varied housing supply and means of increasing affordability should be actively sought for the neighbourhoods surrounding and including the Urban Town Centres and the Highway 97 corridor extending to the north boundary of the city, north, south; and east of Highway 97 as it changes to a northerly direction;*
4. That the City continue to use socio-economic indicators to illustrate patterns by census tracts across the city and to measure change over time; and that this information be available to use as part of the budget and work program planning process;
5. That, as part of the various grant programs administered by the City, support programs and projects that serve to improve the socio-economic health of the Urban Town Centres and surrounding neighbourhoods be supported, wherever feasible.

Carried

6.3 Development Services Manager, dated June 29, 2004 re: Extension of Dispersal Times for Liquor Primary Licensees in the Downtown Area

Staff:

- Only Flashbacks responded to the City's invitation to all 'lp' license holders to be included in for extended dispersal hours.
- Liquor sales would still end at 2:00 a.m., with the dispersal deadline extended from 2:30 to 3:00 a.m. New patrons would not be allowed to enter once liquor sales have stopped.
- A signed Good Neighbour Agreement (GNA) between potential applicants and the City is required for the extension.
- Granting extended dispersal would be at the discretion of the General Manager of the LLCB; a review in six months is included in the recommendation. Feedback from the RCMP regarding the trial period will be requested.

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- Enforcement would be the responsibility of the liquor inspector. The City would have the option of a “show cause” hearing under the GNA.
- Further applicants would be reported to Council, but would be included under this resolution.
- The RCMP indicated their support for this initiative through the Mayor’s Entertainment District Task Force process.

Moved by Councillor Blanche/Seconded by Councillor Hobson

R696/04/07/12 THAT Council receive an information report from the Development Services Manager relating to increased dispersal times for liquor primary licensees as supported by the Mayor’s Entertainment District Task Force;

AND THAT Council support an extra half hour of dispersal time for Flashback’s Nightclub from 2:30 existing to 3:00 a.m. proposed;

AND FURTHER THAT Council direct staff to forward the appropriate resolution to the Liquor Control and Licensing Board in Victoria.

Carried

6.4 Director of Financial Services, dated July 7, 2004 re: The Community Foodbank – Request for Tax Relief (1970-50)

Moved by Councillor Given/Seconded by Councillor Hobson

R697/04/07/12 THAT Council approve a refund of the municipal portion of 2004 property taxes for Roll No. 16620 - The Kelowna Community Foodbank located at 1265 Ellis Street – in the amount of \$5,660.92;

AND THAT funding be made available from Council Contingency.

Carried

6.5 Acting City Clerk, dated June 29, 2004 re: Alternative Approval Process Watson Road Community School Agreement with School District No. 23 (2280-20-853)

Moved by Councillor Hobson/Seconded by Councillor Day

R698/04/07/12 THAT an alternative approval process opportunity open to all electors within the City of Kelowna be initiated subject to the report of the Recreation Services Manager dated June 21, 2004;

AND THAT 4:00 p.m. Monday, August 23, 2004 be set as the deadline for receipt of elector responses in the form attached to the June 29, 2004 report of the Acting City Clerk in relation to the Joint Use Agreement between the City of Kelowna and School District No. 23;

AND FURTHER THAT following the close of the alternative approval process the Acting City Clerk make a determination and certification as to the results of the alternative approval process

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- 6.6 Acting City Clerk, dated June 30, 2004 re: Local Area Service Bertram Street (5320-20) (File No. 653)

Moved by Councillor Hobson/Seconded by Councillor Day

R699/04/07/12 THAT the petition received June 23, 2004 from Callahan Construction Company Ltd. and 3719 Investments Ltd for local area service improvements to include road drainage, road widening, concrete curb and gutter and landscape of the boulevard on Bertram Street along the east side south from Doyle Avenue along the frontage of Lot A, District Lot 139, ODYD, Plan 29818 be received and referred to the Transportation Manager and be placed in its order of construction priority;

AND THAT Council receive the Certificate of Sufficiency dated June 30, 2004 pertaining to the Bertram Street Local Area Service File No. 653.

Carried

- 6.7 Transportation Manager, dated June 28, 2004 re: Bertram Street Local Area Service (File 653) (5320-20)

Moved by Councillor Clark/Seconded by Councillor Hobson

R700/04/07/12 THAT Council approve the local area service improvements for 1425 Bertram Street as outlined in the report dated June 28, 2004 from the Transportation Manager;

AND THAT Bylaw No. 9264 be advanced for reading consideration by Council.

Carried

- 6.8 Transportation Manager, dated June 28, 2004 re: 635 Report for 2004 Local Area Service Improvements (5320-02)

Moved by Councillor Hobson/Seconded by Councillor Clark

R701/04/07/12 THAT the 635 Report for 2004 Local Area Service Improvements be received.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 9264 – Bertram Street Local Area Service (Construction) Bylaw (File 653)

Moved by Councillor Day/Seconded by Councillor Hobson

R702/04/07/12 THAT Bylaws No. 9264 and 9266 be read a first, second and third time.

Carried

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7.2 Bylaw No. 9266 – Amendment No. 10 to City of Kelowna Electricity Regulation Bylaw No. 7639

See resolution under 7.1 above.

8. COUNCILLOR ITEMS

- (a) Missile Defence In response to a letter from Mr. Bill Boyd requesting Council's support for a resolution opposing Canada's participation in a missile defence space preservation conference, Councillor Shepherd has suggested that Mr. Boyd get information out to the community, in order that Council can gauge the community's perspective. Council would also require reaction from the broader community regarding a request from Vancouver's Peace and Justice committee, asking Kelowna to join the network of "peace cities".
- (b) Canada Day Councillor Given was concerned about security at checkpoints into Waterfront Park for the fireworks in the evening. Some people were made to dump out water bottles, yet there was open consumption of alcohol in the park during the fireworks. As well, exiting crowds were forced through one lock at the south end of the park, despite the fact that the second could have been opened as well. Councillor Cannan said that an email has been received from the organizer, stating that she is aware of these concerns and will ensure that improvements are made for next year's fireworks.

Better coordination is needed between the organizers of the three events that take place on that same weekend (advertising, equipment rental, etc.). Information about Kelowna's fireworks bylaw should be made available to residents prior to Canada Day.

9. TERMINATION

The meeting was declared terminated at 3:36 p.m.

Certified Correct:

Mayor

Acting City Clerk

IMT/ps