

Regular Meeting – P.M.August 23, 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, August 23, 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/Director of Planning & Corporate Services, R.L. Mattiussi Acting Deputy City Clerk, D.M. Fediuk; Director of Parks & Leisure Services, D.L. Graham*; Subdivision Approving Officer, R.G. Shaughnessy*; Special Projects Manager, H.M. Christy*; Cultural Services Manager, L. Gunn; Planning & Development Officer, R. Smith*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:37 p.m.

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

2.1 Simpson Covenant

- Mayor Gray reported that Council had met with representatives of the Simpson family earlier today when it was agreed that the City would work with the Simpson family to hire the necessary professionals to determine the legal and policy status of the covenant. The public will be kept informed as matters progress.

3. PUBLIC IN ATTENDANCE

3.1 Lady of the Lake Royalty re: Presentation of Trophy – City of Kelowna Float

- Lady of the Lake Cherise Nielson and Kelowna Princess Donna Chase presented the Mayor with two trophies: the Mayor's Choice award and 1st place; awards that the Kelowna float won at the Omak Stampede last week.

3.1.1 Interior Drive for Life Blood Donor Competition

Steve Francis:

- The challenge between Prince George and Kelowna is at a tie with 3 wins each.
- The competition kicks off at 1:30 p.m. tomorrow, August 24, and ends October 2nd.
- Urged everyone to donate so that Kelowna can break the tie.
- The competition is going into its seventh year and now has achieved national recognition.

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3.2 Public Art Committee re: Stuart Park and Centennial Art Pieces

Judy Burns, representing the Public Art Committee:

- Reviewed the mandate of the committee, their terms of reference, summary of projects to date (11 pieces), and outlined the selection process noting all pieces were by local artists except four.
- The committee is a volunteer advisory committee appointed by Council and its members take a great deal of pride in the job they do.
- Stuart Park legacy project: The legacy is the park; the public art is to be a component of the park. The artist worked directly with the design team for the park in order to come up with a collaborative work. The committee received 32 submissions.
- There was a significant misunderstanding; the committee's perception was that the Stuart Park art piece would also be the legacy for 2005 and so a call for submissions was not put out for a centennial commemorative art piece. Once the misunderstanding was realized, the committee designed a very specific centennial project to deal with the centennial 2005 celebration.
- Centennial Project: The call for an art piece specific to the 2005 centennial went out with maps of potential locations. The artists were expected to visit the properties and then design something specific to the location of their choice. The art piece will be transitory and may be reconstructed in a permanent location on some other City-owned property after the centennial celebrations. The committee will be reviewing the submissions following this meeting.

Don McIntosh, Chair of the Public Art Committee:

- The committee's intent has been to get the best public art that can be achieved within the allotted budget.

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R798/04/08/23 THAT the Public Art Committee be directed to select a local artist for the 2005 Centennial art piece competition.

DEFEATED

Mayor Gray and Councillors Clark, Day, Given, Hobson, Horning and Shepherd opposed.

4. **UNFINISHED BUSINESS** – **decision deferred from the Regular Meeting of August 10, 2004**

4.1 Planning & Corporate Services Department, dated July 21, 2004 re: Liquor Licensing Application No. LL04-0002 – Springfield Plaza Inc. – 1585 Springfield Road

Councillor Given declared a conflict of interest because his employer receives funds from this gaming facility and left the Council Chamber at 2:40 p.m.

Councillor Day declared a conflict of interest because a direct family member owns adjoining property and left the Council Chamber at 2:40 p.m.

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Councillor Blanleil advised that he was not at the previous public meeting for this application but has read the minutes and so will be participating in the vote.

Moved by Councillor Clark/Seconded by Councillor Horning

R799/04/08/23 THAT Council support a liquor primary license with a capacity of 425 persons and hours of operation from 9 a.m. to 11:59 p.m. Monday to Sunday on Lot A, District Lot 129, ODYD Plan KAP70110 proposed by John McAfee of Springfield Plaza Inc. for 1585 Springfield Road;

AND THAT Council support six special occasion licenses per calendar year allowing the liquor primary license capacity to be increased to the buildings occupant load (1254) on Lot A, District Lot 129, ODYD Plan KAP70110 proposed by John McAfee of Springfield Plaza Inc. for 1585 Springfield Road;

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

Carried

Councillor Cannan, Hobson and Shepherd opposed.

Councillors Day and Given returned to the Council Chamber at 2:50 p.m.

5. DEVELOPMENT APPLICATION REPORTS

- 5.1 (a) Planning & Corporate Services Department, dated August 17, 2004 re: Rezoning Application No. Z04-0032 – Gerry Toye – 595 Ziprick Road

Staff:

- The property is about 4.27 acres in size. The rezoning would facilitate subdivision of the property to create two lots.

Moved by Councillor Cannan/Seconded by Councillor Given

R800/04/08/23 THAT Rezoning Application No. Z04-0032 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot C, Sec. 22, Twp. 26, ODYD, Plan 27790 located on Ziprick Road, Kelowna, B.C. from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone be considered by Council;

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

Carried

(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 9297 (Z04-0032) – Gerry Toye – 595 Ziprick Road

Moved by Councillor Horning/Seconded by Councillor Given

R801/04/08/23 THAT Bylaw No. 9297 be read a first time.

Carried

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- 5.2 (a) Planning & Corporate Services Department, dated August 11, 2004 re: Rezoning Application No. Z04-0030 – 427743 BC Ltd. (Mike Jacobs/Emil Anderson Construction Co. Ltd.) – 543 South Crest Drive

Staff:

- The property is situated in Neighbourhood Two in the Southwest Okanagan Mission sector of the city.
- The applicant is proposing a 30-lot subdivision, with the Fortis power line area being designated park and open space.

Moved by Councillor Hobson/Seconded by Councillor Day

R802/04/08/23 THAT Rezoning Application No. Z04-0030 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot B, Sec. 24, Twp. 28, ODYD, Plan 30848, located on South Crest Drive, Kelowna, B.C. from the A1 – Agriculture 1 zone to the P3 - Parks & Open Space and RU2 - Medium Lot Housing zones as shown on Map "A" attached to the report of Planning & Corporate Services Department dated August 11, 2004 be considered by Council;

AND THAT Rezoning Application No. Z04-0030 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot B, Sec. 24, Twp. 28, ODYD, Plan 30848, located on South Crest Drive, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RM3 - Low Density Multiple Housing zone, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated August 11, 2004 be considered by Council;

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

AND THAT final adoption of the zone amending bylaw for that part of Lot B, Sec. 24, Twp. 28, ODYD, Plan 30848, proposed for the RM3 – Low Density Multiple Housing zone be considered in conjunction with Council's consideration of a Development Permit on the subject property.

Carried

(b) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 9290 (Z04-0030) – 427743 BC Ltd. – 543 South Crest Drive

Moved by Councillor Given/Seconded by Councillor Horning

R803/04/08/23 THAT Bylaw No. 9290 be read a first time.

Carried

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- 5.3 (a) Planning & Corporate Services Department, dated August 16, 2004 re: Rezoning Application No. Z04-0041 – Allen & Debra Hignell (Grant Maddock/Protech Consultants Ltd.) – 5001 Chute Lake Road

Staff:

- The subject property is just north of the property in the previous application.
- The rezoning would facilitate a 14-lot single family residential subdivision. Access would be from the adjacent subdivision to the east.

Moved by Councillor Given/Seconded by Councillor Shepherd

R804/04/08/23 THAT Rezoning Application No. Z04-0041 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Sec. 24, Twp. 28, SDYD, Plan 33972, located on Chute Lake Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone be considered by Council;

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

Carried

(b) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 9298 (Z04-0041) – Allen & Debra Hignell – 5001 Chute Lake Road

Moved by Councillor Given/Seconded by Councillor Clark

R805/04/08/23 THAT Bylaw No. 9298 be read a first time.

Carried

5.4 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 9157 (Z03-0058) – MacLean Homes Ltd. (new owner) – 1835 Leckie Road

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R806/04/08/23 THAT Bylaw No. 9157 be adopted.

Carried

- (b) Planning & Corporate Services Department, dated August 17, 2004 re: Development Permit Application No. DP03-0136 – 687497 BC Ltd. and 687510 BC Ltd. (Lyle Richards/MacLean Homes Ltd.) – 1835 Leckie Road

Staff:

- The proposed development, Parkview Plaza, consists of one 3-storey, 92-unit building; three 1-story buildings containing a total of 11 garden suites; and 31 three-storey townhouse units.
- Showed an artist's rendering of the project and a conceptual landscape plan.

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Council:

- Staff to report back on how Development Permits (DPs) are advertised and what the Charter allows with respect to accepting input from the community on DPs.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R807/04/08/23 THAT Council authorize the issuance of Development Permit No. DP03-0136 for Lot C, Plan KAP56817, DL 126, ODYD, located on Parkview Crescent, 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 RM4 – Low Density Transitional Housing zone and RM5 - Medium Density Multiple Housing zone portions of the subject property;
6. The applicant be required to fulfill the requirements of Terasen Gas to their satisfaction;

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

6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

6.1 Bylaw No. 9250 (TA04-0002) – City of Kelowna

Moved by Councillor Shepherd/Seconded by Councillor Clark

R808/04/08/23 THAT Bylaw No. 9250 be adopted.

Carried

6.2 Bylaw No. 9272 (Z04-0025) – Donald & Rosemary Bigham – 160 Bryden Road

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R809/04/08/23 THAT Bylaw No. 9272 be adopted.

Carried

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- 6.3 Bylaw No. 9273 (Z04-0033) – Michael Reibin (City of Kelowna) – 345-365 Mills Road

Moved by Councillor Hobson/Seconded by Councillor Day

R810/04/08/23 THAT Bylaw No. 9273 be adopted.

Carried

7. NON-DEVELOPMENT APPLICATION REPORTS

- 7.1 Planning & Corporate Services Department, dated March 24, 2004 re: Agricultural Advisory Committee Appointment (0360-20)

Moved by Councillor Hobson/Seconded by Councillor Day

R811/04/08/23 THAT Council appoint Lorne Antle as an alternate member of the Agricultural Advisory Committee, effective immediately for the term expiring December 5, 2005.

Carried

8. RESOLUTIONS

- 8.1 Draft Resolution re: Deputy Approving Officer Appointments (2560-20)

Moved by Councillor Hobson/Seconded by Councillor Day

R812/04/08/23 THAT pursuant to Section 77 of the Land Title Act, the Development Services Manager (Andrew Bruce) and Planning & Development Officer Shelley Gambacort, be appointed as Deputy Approving Officers for the City of Kelowna;

AND THAT the appointment of the former Current Planning Manager (Hazel Christy) as Deputy Approving Officer be rescinded.

Carried

9. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 9.1 Bylaw No. 9287 – Road Closure Bylaw – Lane off Abbott Street Between Groves and West Avenues

Moved by Councillor Day/Seconded by Councillor Hobson

R813/04/08/23 THAT Bylaw No. 9287 be read a first, second and third time.

Carried

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10. COUNCILLOR ITEMS

(a) Request for Funding – BP Scouting Association

Councillor Shepherd advised that the Regional District of Central Okanagan is giving the BPSA-BC \$500 toward costs of hosting the Scout Camp and asked that Council consider matching the contribution.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R814/04/08/23 THAT \$500 be allocated to the B P Scouting Association (BPSA-BC) to assist with hosting a World Conference at Fintry Estates, September 23 - 27, 2004;

AND THAT the funds be appropriated from Council Contingency.

Carried

(b) Affordable Housing Component of Multiple Unit Housing Projects

Councillor Cannan noted that there are benefits to the developers of new multiple unit projects when they include an affordable housing component in their project. He questioned whether there is a process in place for ensuring that those units remain in the affordable housing stock in perpetuity or what happens if the developer removes the affordability component after the project is complete. Referred to staff for a report back.

11. TERMINATION

The meeting terminated at 3:41 p.m.

Certified Correct:

Mayor

BLH/am

Acting Deputy City Clerk