

Regular Meeting – P.M.September 13, 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, September 13, 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: City Manager, R.A. Born; Acting City Clerk, S.C. Fleming; Director of Planning & Corporate Services, R.L. Mattiussi\*; Director of Parks & Leisure Services, D.L. Graham\*, Director of Financial Services, P.A. Macklem\*, Manager of Development Services, A.V. Bruce\*, Communications Manager, K. Cairns\*, Recreation Manager, R. Oddleifson\*, Environmental Manager, M. Watt\*, Assistant Fire Chief, S. LeBeau\*; and Acting Council Recording Secretary, I. Tilstra.

(\* denotes partial attendance)

1. CALL TO ORDER

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

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

2.1 Councillor Clark introduced visitors to Kelowna from Holland.

3. PUBLIC IN ATTENDANCE

3.1 Cale Lewis, Discovery Research re: 2004 Citizen Survey (1470-20)

Staff:

- The 2004 Citizen Survey is the eighth conducted since 1995.
- This year the response rate was 38%, compared to the industry standard of 14%.
- The full report is available on the City's website and in the City Clerk's office at City Hall. The report has also been distributed to all Okanagan Regional Library branches.

Cale Lewis, Discovery Research:

- Presented the results of the 2004 citizen survey.

Council:

- A breakdown of the correlation between rates of in-home water treatment systems owned by residents in each of the five water purveyors to be passed on to staff for sharing with the Water Districts.
- Questions designed to elicit more specific information about the bridge/second bridge question could be used in 2005.
- The survey sends a consistent message that residents are concerned about bylaw enforcement and policing.
- Staff to forward a copy of the survey results to the Minister of Transportation.

Moved by Councillor Hobson/Seconded by Councillor Day

R854/04/09/13 THAT Council accept the 2004 Citizen Survey from Discovery Research.

Carried

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4. DEVELOPMENT APPLICATION REPORTS

- 4.1 (a) Planning & Corporate Services Department, dated August 20, 2004 re: Rezoning Application No. Z04-0050 – Caroline Kaltenhauser – 3473 Moberly Road

Staff:

- The subject property fronts on both Moberly and Casorso Roads. All access to the property is from Moberly Road.
- The applicant intends to add a secondary suite in an accessory building in the rear of the existing house, facing Moberly Road.

Moved by Councillor Hobson/Seconded by Councillor Day

**R855/04/09/13** THAT Rezoning Application No. Z04-0050 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 13, DL 135, ODYD, Plan 3886 located on Moberly Rd 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 FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the removal of the second kitchen to the satisfaction of the Inspection Services Department.

Carried

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

Bylaw No. 9302 (Z04-0050) – Caroline Kaltenhauser – 3473 Moberly Road

Moved by Councillor Day/Seconded by Councillor Cannan

**R856/04/09/13** THAT Bylaw No. 9302 be read a first time.

Carried

- 4.2 (a) Planning & Corporate Services Department, dated August 26, 2004 re: Rezoning Application No. Z04-0045 – Okanagan Manufacturer's BC Ltd. (Grant Maddock/Protech Consultants Ltd.) – 3724 Highway 97 North

Staff:

- A property directly to the north is also the subject of a rezoning application, currently at third reading.
- The applicant intends to develop the subject property and the property to the north concurrently, likely for a recreational vehicle sales lot.
- A Development Permit application for the entire consolidated property would come forward with adoption consideration of the zone amending bylaw.

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Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R857/04/09/13** THAT Rezoning Application No. Z04-0045 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Parcel A (DD118746F & Plan B5762) of Lot 2, Sec 35, Twp 26, ODYD, Plan 2980 Except Plan H8110, located on Highway 97 North, Kelowna, B.C., from the A1 - Agriculture 1 zone to the I2 - General Industrial zone be considered by Council;

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

AND THAT final adoption of the zone amending bylaw be considered following registration of a Road Reservation Agreement (on Section 1 of Appendix "A") in the Land Title Office;

AND THAT final adoption of the zone amending bylaw be considered following registration of a Road Reservation Agreement and "No Disturb" Covenant (on Section 2 of Appendix "A") in the Land Title Office;

AND THAT final adoption of the zone amending bylaw be considered following registration of an Easement (on Section 3 of Appendix "A") in the Land Title Office;

AND THAT final adoption of the zone amending bylaw be considered following the dedication of Section 3 of Appendix "A" (to the specifications of the Ministry of Transportation);

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department and Ministry of Transportation being completed to their satisfaction;

AND FURTHER THAT final adoption of the zone amending bylaw be withheld pending Council's consideration of a development permit on the subject property.

Carried

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

Bylaw No. 9301 (Z04-0045) - Okanagan Manufacturer's BC Ltd.  
(Grant Maddock/Protech Consultants Ltd.) – 3724 Highway 97  
North

Moved by Councillor Cannan/Seconded by Councillor Day

**R858/04/09/13** THAT Bylaw No. 9301 be read a first time.

Carried

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- 4.3 (a) Planning & Corporate Services Department, dated August 19, 2004 re: Official Community Plan Application No. OCP04-0011, Text Amendment Application No. TA04-0005 and Rezoning Application No. Z04-0046 – Lake Placid Developments(BKDI Architects) – 120/1134/1148/1158/1168 Bernard Avenue

**Staff:**

- The subject property is a consolidated site located between Bernard and Lawson Avenues on the east side of Gordon Drive. The majority of the site was previously developed as an IGA site. Additional sites have been added to the development proposal, including a former funeral home site and three single-family housing lots.
- The applicant is proposing to develop the site under the comprehensive development zone.
- The overall site plan includes ground-level retail, a spa orientated to Lawson Avenue (one storey with a pool deck), a pharmacy in addition to a number of other commercial units, including potentially second floor commercial.
- Ground-oriented townhomes are planned, between seven and nine units.
- A residential tower is included, stepping up from 10 storeys to 16 storeys in the middle of the site. The tower would be orientated to Bernard Avenue.
- An underground parking lot is proposed, with commercial parking on the interior surface of the site.
- A pedestrian plaza at Bernard and Gordon is included in the plan.
- The commercial spa would be open to the public as well as to on-site residents.
- The landscape plans indicate that green roof technology would be used on most of the site—the terraces created by the stepped-back floors of the tower and on the main commercial building. In addition to providing additional green space, green roof technology assists with the provision of efficient heating and cooling for buildings.
- The Advisory Planning Commission recommends support for the development application, although it raised the issue of site coverage.
- The proposed minimum lot size has been reduced from that originally circulated with the staff report in order to provide a buffer for road widening on Bernard Avenue and a potential corner rounding on Lawson Avenue and Gordon Drive.
- The project has been designed with many OCP guidelines in mind—mixed use, high-quality building design and materials, ground-oriented residential and commercial space, pedestrian friendly, and open at grade. However, the height and density of the proposed development in this location are not supported by the Official Community Plan (OCP).
- Should Council support the creation of a Lawrence/Leon/Bernard Heritage Conservation Area (HCA), density planned in the OCP for that area would no longer be possible. A formal transfer of density from the potential HCA to the subject property has not occurred.
- The Kiwanis tower located across the street from the subject property is 14 storeys high, built under a land use contract and therefore outside of zoning jurisdiction. Sixteen storeys is the most allowed in the RM6 zone without a variance.
- Staff are putting forward a negative recommendation based on policy review. An alternate recommendation and a list of items in support of the application are included in the staff report.

Moved by Councillor Cannan/Seconded by Councillor Hobson

**R859/04/09/13** THAT Council hear from the applicant.

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Michael Obsinger, President, Lake Placid Developments:

- The application is a vision tailored to and affected by the City of Kelowna's OCP and strategic plan. Over seven months have been spent working with Planning staff to bring this high-quality, mixed-use development to Kelowna.
- Gordon Drive and Bernard Avenue are the gateway to the downtown core. The public would be welcomed with open spaces and meeting places, public art in the form of statues and foundations, dense landscaping and roofscaping.
- The development meets the requirement that 67% of new residential should be apartments or multi-family units.
- Infrastructure is already in place.
- Neither the APC nor Planning department staff have expressed significant concerns about the development. While it is not in an urban centre, this village centre location is appropriate for the proposed development due to the size of the lot and the location and proximity to the downtown core.
- The name Centuria has been chosen as it is hoped that the development will be completed by the end of 2005, Kelowna's centennial year.

Kim McKechnie, consultant:

- Outlined the public consultation process which included contacting 75% of the 575 registered owners within 400 metres of the development site, meetings with two neighbourhood associations, and a public information meeting.
- Since the canvassing of the neighbourhood, an unsolicited petition bearing over 18 names has been received in support of the proposal.
- Letters of support have been forwarded to the City Clerk's office; the City Planning department has received emails, calls and letters of support.

Brian Kilpatrick, BKDI Architects:

- This is a unique site, large and connected to the downtown through a two-block historic strip that is worth preserving. The development would provide an anchor at the Gordon/Bernard intersection.
- The townhouses would have a small forecourt and street-level entrance.
- Features such as boulevard trees along the entire boundary of the site and decorative lamps with hanging flower baskets are planned.
- Landscaping and a brick wall would screen the entrance to the parkade.
- Because the size of the site makes it possible to set the tower in the centre, daylight angles on Bernard Avenue are easily satisfied. The stepped-up height contains the shadow impact of the higher building.
- Ten percent of the residential units in the tower are designed to be smaller and more affordable, beginning at \$200,000, with the intention to concentrate as many as possible in the low \$200,000s.
- The building footprint is about 46% of the site; open space, landscaped green area and plazas are 31% of the site; parking for commercial retail is only 25% of the site.
- Green roof technology moderates storm water run off and allows for heat control in summer. This development is an excellent opportunity to go forward with this type of technology.
- Brick, concrete and stone will be the finishing materials for the development.

Moved by Councillor Day/Seconded by Councillor Cannan

**R860/04/09/13** THAT OCP Bylaw Amendment No. OCP04-0011 to amend Map 15.1 of Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the Future Land Use designation Lot 3, D.L. 137, ODYD Plan 17333 and Lot 2, D.L. 137, ODYD Plan 17857 and Lot B, D.L. 137, ODYD Plan 18052, located on Bernard Avenue, Kelowna, B.C., from the Single/Two Unit Residential designation to the Commercial designation, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated August 10, 2004, be considered by Council;

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AND THAT Rezoning Application No. Z04-0046 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, D.L. 137, ODYD Plan 31667/Lot A, D.L. 137, ODYD Plan 31666/ Lot 2, D.L. 137, ODYD Plan 17333, located on Bernard Avenue, Kelowna, B.C. from the C4 – Urban Centre Commercial zone to the CD17 – Mixed Use Commercial – High Density zone and by changing the zoning classification of Lot 3, D.L. 137, ODYD Plan 17333 and Lot 2, D.L. 137, ODYD Plan 17857 and Lot B, D.L. 137, ODYD Plan 18052, located on Bernard Avenue, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the CD17 – Mixed Use Commercial – High Density zone, be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA04-0005 to amend City of Kelowna Zoning Bylaw No. 8000 by adding the CD17 – Mixed Use Commercial High Density Zone as outlined in the report of the Planning & Corporate Services Department dated August 10, 2004 be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA04-0005 and the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT OCP Bylaw Text Amendment No. OCP04-0011 be forwarded to a Public Hearing for further consideration;

AND THAT 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 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, Works & Utilities Department, and Ministry of Transportation being completed to their satisfaction.

Carried

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

- (i) Bylaw No. 9303 (OCP04-0011) - Lake Placid Developments (BKDI Architects) – 120/1134/1148/1158/1168 Bernard Avenue

Moved by Councillor Cannan/Seconded by Councillor Day

**R861/04/09/13** THAT Bylaw No. 9303 be read a first time.

Carried

Staff:

- Now that Council has given this OCP amendment first reading, in accordance with the Local Government Act this will confirm that the OCP amendment was considered in conjunction with the City's financial plan and waste management plan and staff have agreed that the application can go forward without affecting either of those two plans.

(ii)

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Bylaw No. 9304 (TA04-0005) - Lake Placid Developments (BKDI Architects) – CD17 – Mixed Use Commercial – High Density zone

Moved by Councillor Cannan/Seconded by Councillor Day

**R862/04/09/13** THAT Bylaw No. 9304 be read a first time.

Carried

(iii) Bylaw No. 9305 (Z04-0046) - Lake Placid Developments (BKDI Architects) – 120/1134/1148/1158/1168 Bernard Avenue

Moved by Councillor Cannan/Seconded by Councillor Day

**R863/04/09/13** THAT Bylaw No. 9305 be read a first time.

Carried

4.4 Planning & Corporate Services Department, dated August 26, 2004 re: ASP04-0001 – 622664 BC Ltd. [Grant Gaucher and Glenhigh Estates (Bob Evans/True Consulting Group)] - McKinley Landing

Staff:

- Additional land has been added to the Area Structure Plan boundaries to allow a more complete review of transportation, environmental and drainage issues. No further change to land use other than that in the initial OCP amendment is anticipated.
- The next step is to sit down with stakeholders such as utility providers to work out detailed Terms of Reference for the first draft.
- Staff are generally agreeable to the general outline of that which will be covered off by the Area Structure Plan submitted by the applicant; an internal review process will generate much more detail.
- Staff will review the first draft; the applicant will hold a public meeting and the draft will be forwarded to Council for their consideration.
- If supported, the Area Structure Plan would result in an OCP amendment formally designating future land uses. Rezoning could be dealt with concurrently.
- It is intended that the development be neutral to the 20-year development plan, proceeding on Council's previous deliberation with regard to the Area Structure Plan process.
- Other than the golf course, vineyard and wellness centre, the remainder of the site is to be designated Future Urban Reserve, with a potentially higher standard of protection than under the current OCP designation. Other lands in the area, preserved for future development, could participate in the broader sector plan process as this development proceeds.
- A link from the development to the airport will be considered through the transportation modeling process.
- Application fees are reflective of the amount of staff time needed, especially in such a large area with so many variables.

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Moved by Councillor Given/Seconded by Councillor Blanleil

**R864/04/09/13** THAT Municipal Council approve the authorization for True Consulting Group to prepare an Area Structure Plan for the properties identified in Schedule “A” attached to the report of the Planning and Corporate Services Department dated August 26, 2004;

AND THAT preparation of the Area Structure Plan take into consideration the items identified in the report of the Planning and Corporate Services Department dated August 26, 2004 and the various Terms of Reference provided by the following City Departments to the applicant;

- Transportation
- Environment
- Drainage
- Parks
- Works and Utilities
- Finance;

AND FURTHER THAT the applicant be advised that support to prepare the Area Structure Plan does not necessarily embody support to adoption of the plan to be presented.

Carried

Councillors Cannan, Clark, Hobson and Shepherd opposed.

5. **BYLAWS (ZONING & DEVELOPMENT)**

**(BYLAWS PRESENTED FOR ADOPTION)**

5.1 **Bylaw No. 9251 (TA04-0003)** – City of Kelowna

Moved by Councillor Given/Seconded by Councillor Horning

**R865/04/09/13** THAT Bylaw No. 9251 be adopted.

Carried

6. **NON-DEVELOPMENT APPLICATION REPORTS**

6.1 Cemetery Manager, dated September 7, 2004 re: **Cemetery Bylaw 8807 Amendments**

Deferred to a future agenda.

6.2 Environment & Solid Waste Manager, dated September 2, 2004 re: **Garbage Levy Amendment, Solid Waste Management Bylaw No. 7173**

Staff:

- The proposed amendment would make solid waste billings consistent with other billing dates.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R866/04/09/13** THAT staff prepare the necessary bylaw to amend Schedule B of Solid Waste Management Bylaw No. 7173 for initiation of billing at the “request for final inspection” stage of development.

Carried



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- 6.3 Environment & Solid Waste Manager, dated September 7, 2004 re:  
Mixed Paper & Plastic Recycling: Solid Waste Management Bylaw No.  
7173

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R867/04/09/13** THAT staff prepare the necessary bylaw to amend Solid Waste Management Bylaw No. 7173 to ban “mixed waste paper” from the landfill;

AND THAT staff set-up recycle containers at Regional landfills and recycle depots for collection of household plastic containers and plastic film (#3 through #7 plastics).

Carried

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- 6.4 Fire Chief, dated September 8, 2004 re: Fire Prevention Bylaw No. 6110-88 – Amendments for Fuel Reduction and Burning (3900-20)

Moved by Councillor Hobson/Seconded by Councillor Day

**R868/04/09/13** THAT staff prepare the necessary bylaw to amend Section 6.1(b) of Fire Prevention Bylaw No. 6110-88 to include authorization for the Chief to issue a special permit to allow burning of woody debris for the process of fuel reduction or hazard abatement on private or public property; and to amend Section 6.1(i) of the bylaw by changing the dates for the burning period from October 15 to April 15 to September 1 to April 30;

AND THAT Council direct staff to bring forward a phased strategy, including financial implications, moving towards alternate disposal methods and the elimination of burning.

Carried

Councillors Clark and Given opposed.

- 6.5 Recreation Manager, dated September 7, 2004 re: Future Aquatic Facility (6240-20)

Staff:

- The public survey indicates that residents are split almost equally between the 25-metre pool and the 50-metre pool options.
- Presented the three options: Option 1 - a major leisure waterpark with a 25-metre, 10-lane pool; Option 2 – a major leisure waterpark with a 50-metre, 8-lane pool; and Option 3 – leisure waterpark only.
- Option 1 is recommended.
- Recommend a June 2005 referendum date with only one clear question on the referendum ballot, asking permission to borrow a certain amount of money for a specific purpose. Alternatively, the referendum could be combined with the municipal election in November 2005.
- Six million dollars from reserve funds would be utilized in funding the project.
- Kelowna may be eligible for some funding from the Olympic Legacy Fund.

Moved by Councillor Hobson /Seconded by Councillor Shepherd

**R869/04/09/13** THAT further discussion of the conceptual design for the future aquatic centre be deferred to the Regular Meeting of Monday, September 27, 2004.

Carried

- 6.6 Acting City Clerk, dated September 8, 2004 re: Alternative Approval Process – Additional Land Sub-Lease Area – 600897 B.C. Ltd (Carson Air) (2280-20-8057)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R870/04/09/13** THAT Council receive the Certificate of Sufficiency dated September 8, 2004 pertaining to an additional Land Sub-Lease Agreement [expiring at the same time as the existing sub-lease with 600897 B.C. Ltd. (Carson Air) on December 31, 2030] with 600897 BC Ltd. (Carson Air) at the Kelowna International Airport for the purpose of increasing the lease by approximately 26,479.44 sq. ft. of airport land.

Carried

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- 6.7 Acting City Clerk, dated September 8, 2004 re: Alternative Approval Process – Additional Land Sub-Lease Area Agreement – Northern Air Support Ltd – Kelowna International Airport (2280-20-8024)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R871/04/09/13** THAT Council receive the Certificate of Sufficiency dated September 8, 2004 pertaining to an additional Land Sub-Lease Agreement [expiring at the same time as the existing sub-lease (Northern Air Support Ltd.) on December 30, 2019] with Northern Air Support Ltd. at the Kelowna International Airport for an increase of approximately 5,372.31 sq. ft. of airport land to accommodate additional aircraft parking.

Carried

- 6.8 Acting City Clerk, dated September 8, 2004 re: Alternative Approval Process – Proposed License for Long Term Private Crossing Agreement with the City of Kelowna and Kelowna Pacific Railway Ltd. (2380-20-8024)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R872/04/09/13** THAT Council receive the Certificate of Sufficiency dated September 8, 2004 pertaining to the proposed License for Long Term Private Crossing Agreement, twenty-five (25) years, with the City of Kelowna and Kelowna Pacific Railway Ltd at the Kelowna International Airport.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

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

- 7.1 Bylaw No. 9289 - Amendment No. 1 to Kelowna Memorial Park Cemetery Bylaw No. 8807

Deferred to a future agenda.

**(BYLAWS PRESENTED FOR ADOPTION)**

- 7.2 Bylaw No. 9296 – Amendment No. 14 to Sewer Connection Bylaw No. 8469

Moved by Councillor Given/Seconded by Councillor Shepherd

**R873/04/09/13** THAT Bylaw No. 9296 be adopted.

Carried

8. COUNCILLOR ITEMS – Nil.

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9. TERMINATION

The meeting was declared terminated at 5:45 p.m.

Certified Correct:

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Mayor

IMT/am

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Acting City Clerk