

Regular Meeting – P.M.December 20, 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, December 20, 2004.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blaneil, 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*; Manager of Development Services, A.V. Bruce*; Subdivision Approving Officer, R.G. Shaughnessy*; Manager of Community Development & Real Estate, D.L. Shipclark*; Special Projects Planning Manager, H.M. Christy*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:34 p.m.

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

3. DEVELOPMENT APPLICATIONS

- 3.1 (a) Planning & Corporate Services Department, dated December 6, 2004 re: Rezoning Application No. Z04-0068 – RAH Investments (Protech Consultants) – 644 Mugford Road (B/L 9343)

Staff:

- The rezoning is requested to facilitate an 18 lot single family residential subdivision and 0.6 ha neighbourhood park.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R1213/04/12/20 THAT Rezoning Application No Z04-0068 to amend the City of Kelowna Zoning Bylaw No 8000 by changing the zoning classification of Lot 5, Sec. 25, Twp. 26, ODYD Plan 439, located on Mugford Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1 - Large Lot Housing and the P3 - Parks and Open Space, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated December 6, 2004 be considered by Council;

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

Carried

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

Bylaw No. 9343 (Z04-0068) – RAH Investments (Protech Consultants) – 644 Mugford Road

Moved by Councillor Given/Seconded by Councillor Horning

R1214/04/12/20 THAT Bylaw No. 9343 be read a first time.

Carried

Regular Meeting – P.M.

December 20, 2004

- 3.2 (a) Planning & Corporate Services Department, dated December 13, 2004 re: Rezoning Application No. Z04-0070 – Peter & Cornelia Gevers (Tony Markoff/PSC Planning Solutions) – 1240 Neptune Road (B/L 9342)

Staff:

- The rezoning is requested to facilitate subdivision of the property to create two single family residential lots.
- Subdivision approval would be withheld until such time as the property has been connected to sanitary sewer.

Moved by Councillor Day/Seconded by Councillor Given

R1215/04/12/20 THAT Rezoning Application No. Z04-0070 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Sec. 14, Twp. 26, ODYD Plan 27837, located on Neptune Road, Kelowna, B.C., from the RR1 - Rural Residential zone to the RR2 - Rural Residential 2 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. 9342 (Z04-0070) – Peter & Cornelia Gevers (Tony Markoff/PSC Planning Solutions) – 1240 Neptune Road

Moved by Councillor Horning/Seconded by Councillor Given

R1216/04/12/20 THAT 9342 be read a first time.

Carried

- 3.3 (a) Planning & Corporate Services Department, dated December 6, 2004 re: Rezoning Application No. Z04-0076 – Susan Walker – 3240 McCulloch Road (B/L 9341)

Staff:

- The rezoning is requested to allow the applicant to convert a portion of the existing dwelling unit into a secondary suite.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R1217/04/12/20 THAT Rezoning Application No. Z04-0076 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot C, Section 10, Township 26, ODYD Plan 33487, located on McCulloch Road, Kelowna, B.C. from the RR3 – Rural Residential 3 zone to the RR3s – Rural Residential 3 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 adoption of the zone amending bylaw be withheld pending approval by the Public Health Officer for septic system upgrades;

AND FURTHER THAT final adoption of the zone amending bylaw be withheld pending approval by the South East Kelowna Irrigation District for water service upgrades.

Carried

Regular Meeting – P.M.December 20, 2004(b) **BYLAW PRESENTED FOR FIRST READING**Bylaw No. 9341 (Z04-0076) – Susan Walker – 3240 McCulloch RoadMoved by Councillor Shepherd/Seconded by Councillor Clark**R1218/04/12/20** THAT 9341 be read a first time.Carried

- 3.4 (a) Planning & Corporate Services Department, dated December 10, 2004 re: Official Community Plan Amendment No. OCP04-0013 and Rezoning Application No. Z04-0053 and Heritage Revitalization Agreement Application No. HRA04-0003 – School District No. 23 (Protech Consultants Ltd.) – 780 Rutland Road North (B/Ls 9344; 9345 and 9346)

Staff:

- The applicant is proposing to remove all buildings from the former Rutland Elementary school site with the exception of the heritage brick school building in order to redevelop the site in two phases. A Heritage Revitalization Agreement (HRA) would allow the brick heritage building to be converted into a total of eight one bedroom apartment units, and would facilitate a proposed lot line adjustment by allowing for variances to internal rear and side yard setbacks for the school building. The HRA also controls the phasing of the development.
- In the first phase, the northern portion of the property would be split zoned to allow for the construction of 16 townhomes on the lands backing onto existing residential development and a 4-storey, 56-unit apartment building on the balance of the site. The southern portion of the property would be developed in the second phase with the brick heritage building being retained and rehabilitated and the construction of two additional 4-storey apartment buildings.
- The Advisory Planning Commission recommends support.
- The Community Heritage Commission recommends support with suggestions that would be taken into consideration through the Development Permit and HRA.
- Between 160-180 units are proposed in total. Walkway connections would be preserved through the site to tie into existing dedicated walkways.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R1219/04/12/20 THAT OCP Bylaw Amendment No. OCP04-0013 to amend Map 19.1 of the *Kelowna 2020* Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 48, Sec. 26, Twp. 26, ODYD Plan 426 except Parcel A (Plan B3687) and Lot 1, Sec. 26, Twp. 26, ODYD Plan 2166 located on Rutland Road North, Kelowna, B.C., from the Education & Major Institutional designation to the Low Density Multiple Unit Residential and Medium Density designations, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated December 10, 2004, be considered by Council;

AND THAT Rezoning Application No. Z04-0053 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 48, Sec. 26, Twp. 26 ODYD Plan 426 except Parcel A (Plan B3687) and Lot 1, Sec. 26, Twp. 26, ODYD Plan 2166 located on Rutland Road North, Kelowna, B.C., from the P2 - Education & Major Institutional zone to the RM3 – Low Density Multiple Housing and RM5 – Medium Density Multiple Housing zones as shown on Map "A" attached to the report of Planning & Corporate Services Department dated December 10, 2004, be considered by Council;

Regular Meeting – P.M.December 20, 2004

AND THAT Council authorize the City of Kelowna to enter into a Heritage Revitalization Agreement for Lot 48, Sec. 26, Twp. 26, ODYD Plan 426 except Parcel A (Plan B3687) and Lot 1, Sec. 26, Twp. 26, ODYD Plan 2166, located on Rutland Road North, in the form of such agreement attached to and forming part of Bylaw No. 9346 as "Schedule A";

AND THAT the Official Community Plan Bylaw Amendment, Zone Amending Bylaw, and Heritage Revitalization Agreement Authorizing Bylaw be forwarded to a Public Hearing for further consideration;

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 THAT final adoption of the Zone Amending Bylaw be considered subsequent to the adoption of the Heritage Revitalization Agreement Authorizing Bylaw;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Permit for the Phase 1 of the development, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated December 10, 2004, on the subject property.

Carried

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

- (i) Bylaw No. 9344 (OCP04-0013) – School District 23 (Protech Consultants Ltd.) – 780 Rutland Road North
Requires majority vote of Council (5)

Moved by Councillor Clark/Seconded by Councillor Shepherd

R1220/04/12/20 THAT Bylaw No. 9344 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) Bylaw No. 9346 (HRA04-0003) - School District 23 (Protech Consultants Ltd.) – 780 Rutland Road North

Moved by Councillor Hobson/Seconded by Councillor Day

R1221/04/12/20 THAT Bylaw No. 9346 be read a first time.

Carried

Regular Meeting – P.M.December 20, 2004

- (iii) Bylaw No. 9345 (Z04-0053) - School District 23 (Protech Consultants Ltd.) – 780 Rutland Road North

Moved by Councillor Day/Seconded by Councillor Cannan**R1222/04/12/20** THAT Bylaw No. 9345 be read a first time.Carried4. NON-DEVELOPMENT APPLICATION REPORTS

- 4.1 Manager of Community Development & Real Estate, dated December 15, 2004 re: Rutland Community Connections Initiative – Consulting Assignment (0917-20-054)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R1223/04/12/20 THAT Council engage Stantec Consulting Ltd. to undertake the process of preparing a plan for the multi-purpose linear network proposed to link the various neighbourhoods of Rutland for an amount not to exceed \$53,000 (inclusive of GST);

AND THAT the funding source be from the Community Development and Real Estate Consultant Services account for this project, budget line item 311-10-070-0-001.

Carried

- 4.2 Water/Drainage Manager, dated December 17, 2004 re: Water Smart Program Overview (5600-08)

Withdrawn from the agenda.

- 4.3 Assistant Airport General Manager, dated December 16, 2004 re: Airport Use Agreement for Jetsgo (2380-20-8129)

Moved by Councillor Cannan/Seconded by Councillor Given

R1224/04/12/20 THAT Council authorize the Mayor and City Clerk to sign the Air Carrier Airport Use Agreement allowing Jetsgo to operate at the Kelowna International Airport.

Carried

- 4.4 Acting City Clerk, dated December 2, 2004 re: Guidelines for Development Application Written Public Submissions (0550-06)

Council:

- Gave indication that there may be willingness to entertain a deadline of 4:00 p.m. on the Thursday prior to the date of the Public Hearing for receiving correspondence from the public so that the submissions could be copied into Council's agenda packages, allowing them the weekend to read and absorb the information submitted.
- Written submissions are welcome, but people should be encouraged to attend the meeting to express their view in person.
- Staff to consider providing a pamphlet in the lobby of the Council Chamber explaining the Public Hearing process and the different ways of communicating with Council.

Regular Meeting – P.M.December 20, 2004Moved by Councillor Given/Seconded by Councillor Day

R1225/04/12/20 THAT the Acting City Clerk's report dated December 2, 2004 outlining proposed guidelines for handling of written submissions from the public regarding development applications be received;

AND THAT Council Policy No. 309 – Submissions to Council, be amended to include a requirement that the name and civic address be provided on all correspondence, including emails, submitted to any Public Hearing or Council Meeting.

Carried

Council:

- The policy needs to be clear that people expressing opinions at Public Hearings cannot say they also represent a third party without a written statement to that effect.
- People asking Members of Council to relay their comments should be told to contact the Clerk's office.
- Staff to bring forward recommendations to streamline the process for receiving and disseminating correspondence addressed to Mayor and Council.

Moved by Councillor Shepherd/Seconded by Councillor Day

R1226/04/12/20 THAT Council Policy No. 309 – Submissions to Council, be amended to set 4:00 p.m. the business day prior to the Public Hearing or Meeting as the deadline for correspondence circulated to Council.

Carried

Councillors Clark, Given, Hobson and Horning opposed.

5. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)**(BYLAWS PRESENTED FOR ADOPTION)**

- 5.1 Bylaw No. 9340 – Amendment No. 18 to Solid Waste Management Bylaw No. 7173

Moved by Councillor Day/Seconded by Councillor Cannan

R1227/04/12/20 THAT Bylaw No. 9340 be adopted.

Carried6. COUNCILLOR ITEMS – Nil.7. TERMINATION

The meeting was declared terminated at 3:20 p.m.

Certified Correct:_____
Mayor_____
Acting City Clerk

BLH/