

Regular Meeting – P.M.

January 17, 2005

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, January 17, 2005.

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*; Manager of Development Services, A.V. Bruce*; Subdivision Approving Officer, R.G. Shaughnessy*; Director of Parks & Leisure Services, D.L. Graham*; Financial Planning Manager, K. Grayston*; Parks Manager, J. Creron*; Water Manager, D. Degen*; Traffic & Transportation Engineer, H. Thompson*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:30 p.m.

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

3. DEVELOPMENT APPLICATIONS

3.1 Planning & Corporate Services Department, dated December 15, 2004 re: Agricultural Land Reserve Appeal No. A04-0013 – Phillip & Gerti Bachmann – 3753 East Kelowna Road

Staff:

- The property was subject of a homesite severance in 1976.
- The property is not being farmed and has an existing single family residence in the gabled barn. The applicant wants to use the second floor for a suite.

Moved by Councillor Horning/Seconded by Councillor Day

R031/05/01/17 THAT Agricultural Land Reserve Appeal No. A04-0013, Lot A Sec. 14 Twp. 26 O.D.Y.D. Plan KAP72697, located on East Kelowna Road, Kelowna, B.C. for non-farm use within the Agricultural Land Reserve pursuant to Section 20(3) of the Agricultural Land Commission Act, be supported by Municipal Council.

Carried

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3.2 (a) Planning & Corporate Services Department, dated January 7, 2005 re: Rezoning Application No. Z04-0090 – Okana Masonry Ltd. (Greg Asling/Emil Anderson Construction Co. Ltd.) – That Portion of 5077 Chute Lake Road south of Cobble Crescent

- The property is in the Neighbourhood 2 of the SW Mission Sector Plan.
- Hillside guidelines came into effect after this property was zoned. The applicant is now wanting to incorporate the hillside guidelines into the last phase of the development in order that the hillside building setback and road cross section regulations apply to the proposed 29 lot single family residential subdivision.

Moved by Councillor Given/Seconded by Councillor Shepherd

R032/05/01/17 THAT Rezoning Application No. Z04-0090 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Sec. 24, Twp. 28, SDYD, Plan KAP59499, except Plans KAP69262 and KAP73174, located on Cobble Crescent, Kelowna, BC from the RU1 – Large Lot Housing Zone and the RU2 – Medium Lot Housing zone to the RU1h – Large Lot Housing (Hillside Area) and the RU2h – Medium Lot Housing (Hillside Area) zones as shown on Map "A" attached to the report of Planning & Corporate Services Department dated January 7, 2005, 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. 9351 (Z04-0090) – Okana Masonry Ltd. (Emil Anderson Construction Co. Ltd.) – That Part of 5077 Chute Lake Road south of Cobble Crescent

Moved by Councillor Given/Seconded by Councillor Horning

R033/05/01/17 THAT Bylaw No. 9351 be read a first time.

Carried

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- 3.3 (a) Planning & Corporate Services Department, dated January 5, 2005 re: Rezoning Application No. Z04-0065 and OCP04-0016 – Simple Pursuits Inc. – 1007 Rutland Road North (BL9349; BL9350)

Staff:

- When the subject property was originally zoned, a building scheme was registered by restrictive covenant to ensure a mixed use development and to prevent a gas bar on the property.
- The applicant is now proposing to develop a second small commercial building toward the north side of the site and 8-units of 2½ storey row housing adjacent to the east boundary of the site. The design addresses the original intent of the building scheme but in a different way.
- The Advisory Planning Commission recommends support.

Moved by Councillor Given/Seconded by Councillor Shepherd

R034/05/01/17 THAT OCP Bylaw Amendment No. OCP04-0016 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of a part of Lot 1, Sec. 26, Twp. 26, O.D.Y.D., Plan KAP65904, located on Rutland Road N., Kelowna, B.C., from the existing "Commercial" designation to the proposed "Multiple Unit Residential – Low Density" designation, as shown on Map "A" attached to the report of Planning & Corporate Services Department, dated January 5, 2005, be considered by Council;

THAT Rezoning Application No. Z04-0065 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot 1, Sec. 26, Twp. 26, O.D.Y.D., Plan KAP65904, located on Rutland Road N., Kelowna, B.C., from the existing C2 – Neighbourhood Commercial zone to the proposed RM3 – Low Density Multiple Housing zone as shown on Map "B" attached to the report of Planning & Corporate Services Department, dated January 5, 2005, be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP04-0016 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 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, and has discharged the Restrictive Covenant for the Building Scheme.

Carried

- (b) Bylaw No. 9349 (OCP04-0016) – Simple Pursuits Inc. – 1007 Rutland Road North **Requires majority vote of Council (5)**

Moved by Councillor Blanleil/Seconded by Councillor Day

R035/05/01/17 THAT Bylaw No. 9349 be read a first time.

Carried

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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.

3.3 (c) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 9350 (Z04-0065) – Simple Pursuits Inc. – 1007 Rutland Road North

Moved by Councillor Day/Seconded by Councillor Blanleil

R036/05/01/17 THAT Bylaw No. 9350 be read a first time.

Carried

3.4 Planning & Corporate Services Department, dated January 10, 2005 re: Development Application No. DP04-0132 – Springdale Properties Ltd. (HMA Architects Inc. – 532 and 538 Yates Road

Staff:

- The applicant proposes to consolidate the two properties and develop the site with a one-storey commercial plaza in two buildings.

Moved by Councillor Given/Seconded by Councillor Horning

R037/05/01/17 THAT Council authorize the issuance of Development Permit No. DP04-0132 for Lot C, Section 32, Township 26, ODYD Plan KAP54403 and Lot D, Section 32, Township 26, ODYD Plan 54403, located on Yates Road, 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 consolidate the subject properties;

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.

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3.5. Planning & Corporate Services Department, dated January 12, 2005 re: Mayfair Road Extension

Staff:

- Recommend that Council endorse the principles of Scenarios 2 and 4 in the report, both of which include extending Mayfair Road north of Stremel Road, when reviewing any future rezoning applications within the area bounded by Finns, Fitzpatrick, Stremel and Findlay Roads.

Council:

- Concerned that because the one-way couplet issue dominated the January 2004 OCP Public Hearing, the public did not have adequate opportunity to comment on the change in future land use designation from Multi-Family Residential to Industrial west of the future Hollywood Road arterial or to comment on the road map showing a Mayfair Road connection from McCurdy Road north to Fitzpatrick Road.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R038/05/01/17 THAT further consideration of the report dated January 12, 2005 from the Planning & Corporate Services Department regarding the proposed Mayfair Road extension north of Stremel Road be deferred to a future meeting;

AND THAT staff be instructed to mail the information provided to Council for this agenda item to the affected property owners and adjacent residential area with a covering letter inviting them to a meeting to discuss and offer feedback on the staff recommendation, and report back to Council.

Carried

4. NON-DEVELOPMENT APPLICATION REPORTS

4.1 Parks Manager, dated January 13, 2005 re: Pre-Loading for East Approach to Okanagan Lake Bridge (2240-20)

Staff:

- The preload area would be on the north side of the bridge.
- The preload area would be fenced and potentially be tarped.
- There are Cottonwood Trees that would have to be removed.
- The Ministry of Transportation seemed not to have a problem with the conditions outlined in the report.
- A Development Permit would be required to ensure all environmental approvals are in place.

Moved by Councillor Day/Seconded by Councillor Blanleil

R039/05/01/17 THAT the City of Kelowna allow access through City Park and the preloading of the east approach of the Okanagan Lake Bridge by the Ministry of Transportation as outlined by the Parks Managers report dated January 13, 2005, amended to add the following to the list of conditions:

- Preparation of a traffic management plan
- Consider the option of bringing the preload material to the site by barge
- The Ministry of Transportation remove everything from the park that is not used in the construction of the highway when they are done.

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4.2 Water Manager, dated January 12, 2005 re: 2005 Water Rates

Staff:

- The proposed change would phase out the parcel tax. Low to average users would experience no significant change in their billing. The redistribution of charges would be on the basis of usage; rates would increase for the high consumption customers.
- Outlined the impact on customer classes, including bulk water users who require bulk water seasonally.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R040/05/01/17 THAT Council approve the concept of a revised water rate structure that incorporates an increasing block rate for residential customers and an increasing volume charge for multi-family and commercial water utility customers;

AND THAT Council authorize staff to prepare a more detailed report outlining the implementation and impacts of this revised structure on all customer classes within the water utility for implementation in early spring of 2005.

Carried

4.3 Acting City Clerk, dated January 13, 2005 re: Regional District of Central Okanagan Security Alarm Systems Regulation Service Establishment Bylaw No. 1080 (BL9147)

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R041/05/01/17 THAT Kelowna City Council consents to the Regional District of Central Okanagan adopting Security Alarm Systems Regulation Service Establishment Bylaw No. 1080.

Carried

5. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

5.1 Bylaw No. 9329 – Amendment No. 1 to Municipal Properties Tree Bylaw No. 8042

Moved by Councillor Clark/Seconded by Councillor Shepherd

R042/05/01/17 THAT Bylaw No. 9329 be adopted.

Carried

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6. COUNCILLOR ITEMS

(a) Crossroads Detox Facility

Councillor Shepherd commented that there has been a lot in the media lately about the uncertainty of the future of the Crossroads Detox facility. She noted that loss of the facility would have a huge impact and suggested that the Mayor write a letter to the Interior Health Authority reminding them of the extensive history behind keeping the facility open and asking that City Council be a part of any decisions regarding the future of Crossroads.

Mayor Gray noted that Interior Health has extended the contract for Crossroads for one year and advised that he was planning to call Interior Health about Crossroads. Will follow-up the phone call with a letter if anything new comes up.

(b) Homebuilders' Association Awards

Councillor Given advised that noticeably absent at the awards banquet on Saturday night was the lack of entrants for the Affordable Housing awards category. He asked that the Mayor write a letter expressing Council's disappointment.

7. TERMINATION

The meeting was declared terminated at 3:57 p.m.

Certified Correct:

Mayor

Acting City Clerk

/blh