

Regular Meeting – P.M.May 16, 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, May 16, 2005.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, R.D. Cannan, C.B. Day, R.D. Hobson, E.A. Horning and S.A. Shepherd.

Council members absent: Councillors B.A. Clark and B.D. Given.

Staff members in attendance were: City Manager, R.A. Born; Acting City Clerk, S.C. Fleming; Director of Financial Services, P.A. Macklem\*; Director of Parks & Leisure Services, D.L. Graham\*; Director of Human Resources, R.W. Baker\*; Police Administration Services Manager, S. Meadows\*; Manager of Development Services, A.V. Bruce\*; Community Planning Manager, T. Eichler\*; Cultural Services Manager, L. Gunn\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:33 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Lynn Burgat, Executive Director, Kelowna Child Care Society re: Recognition of May as Child Care Month

Lynn Burgat, Kelowna Child Care Society:

- The Month of May is Child Care Month.
- Talked about the importance of delivering quality child care, and the programs the Society operates for meeting child care needs in our community.

3.2 Emese Szucs, Manager of Parking Permit Program for People with Disabilities, Social Planning and Research Council of BC (SPARC BC) re: Access Awareness

Emese Szucs, SPARC BC:

- The first Saturday in June is Access Awareness Day.
- Discussed the need for access awareness in the community and invited Council to partner in the SPARC BC programs.

3.3 Kelly Roth, Director of Inspection Services, Regional District of Central Okanagan (RDCO) re: Dog Control Service

Kelly Roth, Director of Inspection Services, RDCO:

- The RDCO provides dog control services on behalf of the City of Kelowna.
- Updated Council on the activities of the Dog Control service and the Dog Advisory Committee.

Dave Lange, City staff representative on the Dog Advisory Committee:

- Responded to questions of Council regarding on and off-leash parks in Kelowna.

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Staff:

- The rezoning is requested to accommodate a secondary suite in a proposed addition to the existing single family dwelling.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R470/05/05/16** THAT Rezoning Application No. Z05-0026 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 26, Township 26, ODYD Plan 5889, located on Dougall 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 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 and Works & Utilities Department being completed to their satisfaction.

Carried

- (a) Planning & Corporate Services report dated May 2, 2005

**BYLAW PRESENTED FOR FIRST READING**

- (b) Bylaw No. 9424 (Z05-0026) – Ronald Rutledge – 405 Dougall Road

Moved by Councillor Horning/Seconded by Councillor Shepherd

**R471/05/05/16** THAT Bylaw No. 9424 be read a first time.

Carried4.2 Rezoning Application No. Z05-0015 – P.R. Hotels (Kelowna) Ltd. (Garry Tomporowski Architect Ltd.) – 2480 Highway 97 North and 1651 Powick Road

- (a) Planning & Corporate Services report dated April 27, 2005

Staff:

- The applicant is proposing to rezone 1651 Powick Road from C9 – Tourist Commercial to C4 – Urban Centre Commercial in order that the two subject properties can be consolidated and developed with a 4-storey, 117-room hotel and a 6-storey, 94 room hotel.

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Moved by Councillor Hobson/Seconded by Councillor Horning

**R472/05/05/16** THAT Rezoning Application No. Z05-0015 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, District Lot 125, O.D.Y.D., Plan 18724, located on Powick Road, Kelowna, B.C. from the C9 – Tourist Commercial zone to the C4 – Urban Centre Commercial zone be considered by Council;

AND THAT pursuant to the provisions of the City of Kelowna Council Policy #307 and Section 890 of the Local Government Act the requirement for the public hearing be waived;

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 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 considered subsequent to the requirements of Rutland Water Works being completed to their satisfaction.

Carried

**BYLAW PRESENTED FOR FIRST READING**

(b) Bylaw No. 9425 – P.R. Hotels (Kelowna) Ltd. (Barry Tomporowski Architect Ltd.) – 1651 Powick Road

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R473/05/05/16** THAT Bylaw No. 9425 be read a first time.

Carried

4.3 Rezoning Application No. Z04-0077 and OCP04-0020 – Arnold & Melitta Frank – 1429 KLO Road

Staff:

- The applicant is pursuing an OCP amendment from multiple unit to single/two unit residential and rezoning to RU5 to facilitate 101 bareland strata units in the form of a gated development.
- Staff do not recommend support of either amendment because the OCP discourages the further creation of gated developments and the lower density that is proposed would not use the land as efficiently as would multi-family. The OCP envisages RM3 zoning which could allow up to 2 or 3 times the density of what is proposed.
- The adjacent property to the east may be coming in with a higher density application. Developing the two properties under a comprehensive plan would have been preferred.

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R474/05/05/16** THAT Council hear from the applicant.

Carried

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Arnold Frank, applicant:

- The demand is there for bareland strata development. Has considered a 4-plex/townhouse development under the current zoning but the increase in density is small with 101 versus 128 units at 30 ft. width housing. The only way to achieve a higher density under the current zoning would be to go to 20 ft. width with 2-storey units and that building height is not for seniors.
- Agrees it is important to make the best use of the land that is left, but apartments can be built anywhere and apartments are not for everyone. People in the surrounding area are waiting to move into this kind of development.
- He has lived on this property for 38 years and wants to down-size and keep living there in this type of housing.
- Is prepared to be flexible and consider putting apartments along KLO Road with bareland strata units on the balance of the site.
- The missing link for the Bothe Road extension is not likely to occur through redevelopment.

Moved by Councillor Hobson/Seconded by Councillor Day

**R475/05/05/16** THAT further consideration of OCP Amendment No. OCP04-0020 and Rezoning Application No. Z04-0077 (Arnold Frank – 1429 KLO Road) be deferred for the applicant to consider revising the application to include apartments along the KLO Road frontage.

Carried

4.4 Planning & Corporate Services report, dated May 11, 2005 re: Heritage Alteration Permit No. HAP05-0010 – Kane Resources (Protech Consultants Ltd.) – 780 Rutland Road North

Staff:

- The Heritage Revitalization Agreement (HRA) specifies that subdivision cannot occur until the brick school house (heritage building) has been revitalized and put to use. However, in order to stratify the townhouse and apartment building on the property to the north, the applicant needs to be able to subdivide.
- If Council supports this amendment to the HRA, the applicant has agreed to register a covenant on the southern portion of the site freezing that property from any development or transfer to a different owner until the restoration work has been done.
- The Community Heritage Commission supported that concept.

Moved by Councillor Hobson/Seconded by Councillor Day

**R476/05/05/16** THAT Council authorize the issuance of Heritage Alteration Permit No. HAP05-0010 to amend Heritage Revitalization Agreement HRA04-003 as outlined in Schedule "A" attached to the report of the Planning & Corporate Services Department dated May 11, 2005.

Carried

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5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 Director of Parks & Leisure Services, dated May 10, 2005 re: Kelowna Visual and Performing Arts Centre Loan and Agreements (0230-20)

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R477/05/05/16** THAT the City of Kelowna assume full responsibility for the capital loan from HSBC to the Kelowna Visual and Performing Arts Centre Society (KVPACS) for construction of the Rotary Arts Centre;

AND THAT the current agreements with KVPACS be amended as per the report from the Director of Parks and Leisure Services dated May 10, 2005;

AND THAT the City repay the loan from HSBC in its entirety through internal financing of \$100,000 from the Community Arts Centre Reserve and up to \$1,000,000 from the Major Facilities Reserve with repayment to the Major Facilities Reserve from taxation at approximately \$200,000 plus interest per year for the years 2006 to 2010;

AND FURTHER THAT the 2005 Financial Plan be amended to show the change in funding for the capital project from Community Contributions to Reserve Funding.

Carried

- 5.2 Director of Human Resources, dated May 5, 2005 re: Jail Services Contract

Staff:

- The contract is for three years with an approximate 2.2% increase built into each year of the contract.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R478/05/05/16** THAT the City of Kelowna renew the contract with the BC Corps of Commissionaires to provide Jail Guard Services for a three year period at a cost, excluding GST, of \$1,457,140 (based upon estimated actual hours of service).

Carried

- 5.3 Acting City Clerk, dated May 6, 2005 re: Local Area Service – Bothe Road (Gordon Drive East to Bothe Road)

Moved by Councillor Hobson/Seconded by Councillor Day

**R479/05/05/16** THAT the petition received May 3, 2005 from Mr. Bernie Siebring and others for the construction of road drainage, road widening, concrete (roll over) curb and gutter, asphalt pavement widening, and topsoil and seeding or sodding of the boulevards on both sides of Bothe Road 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 May 6, 2005 pertaining to the Bothe Road Local Area Service.

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- 5.4 Acting City Clerk, dated May 11, 2005 re: Alternative Approval Process – Future Legacy Aquatic Centre (BL9359; 6240-20)

Moved by Councillor Hobson/Seconded by Councillor Day

**R480/05/05/16** THAT an alternative approval process opportunity open to all electors within the City of Kelowna be initiated subject to the Report of the Recreation Manager dated April 11, 2005;

AND THAT 4:00 p.m. Thursday, June 30, 2005 be set as the deadline for receipt of elector responses in the form attached to the May 11, 2005 report of the Acting City Clerk in relation to the City of Kelowna proceeding with the Legacy Aquatic Centre Construction Loan Authorization Bylaw No. 9359; authorizing the borrowing of Twenty Million Dollars (\$20,000,000.00) to construct a 50 metre swimming pool and a leisure water-park facility to be located in the Mission Recreation Park which will limit the property tax increase required for the annual operating cost and capital cost debt financing to 4% or less as outlined in the Report of the Recreation Manager dated April 11, 2005;

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.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

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

- 6.1 Bylaw No. 9397 – Road Closure Bylaw – Union Road

Moved by Councillor Day/Seconded by Councillor Cannan

**R481/05/05/16** THAT Bylaws No. 9397 and 9426 be read a first, second and third time.

Carried

- 6.2 Bylaw No. 9426 – Amendment No. 3 to Local Service Area (Sewer Specified Area) No. 20, Bylaw No. 8929 (North Rutland)

See resolution adopted under item No. 6.1.

**(BYLAWS PRESENTED FOR ADOPTION)**

- 6.3 Bylaw No. 9422 – Amendment No. 6 to Kelowna Noise Control Bylaw No. 6647-90

Moved by Councillor Cannan/Seconded by Councillor Day

**R482/05/05/16** THAT Bylaw No. 9422 be adopted.

Carried

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- 6.4 Bylaw No. 9423 – A bylaw to rescind Swick Road Subdivision Water Parcel Tax Bylaw No. 5734-84

Moved by Councillor Horning/Seconded by Councillor Shepherd**R483/05/05/16** THAT Bylaw No. 9423 be adopted.Carried7. COUNCILLOR ITEMS

- (a)
- Parking – Eldorado/Manteo Hotels and Eldorado Boat Launch Area

Councillor Shepherd noted that the property owners in the Cook Road/Eldorado Road area were supposed to be getting together to find a way to better manage parking in the area and asked for a report from staff on what will be done differently to better manage the parking now that we are back into boating season. Councillor Blanleil commented that the problem goes beyond just parking and noted that a workshop was to be organized for staff, members of Council and representatives of Eldorado Hotel, Manteo Beach and others affected by the lack of parking in that area to not only look at the parking but to also consider the future of the area from a planning perspective but to his knowledge the workshop was never held. Councillor Day advised that the Cook Road parking facility does not generate positive cash flow and City staff have told the property owners that they would have to come up with a proposal that does not have the general taxpayer paying for parking for their adjoining commercial operations. Referred to staff for an update.

- (b)
- Year of the Veteran – Parking Passes

Moved by Councillor Cannan/Seconded by Councillor Shepherd

**R484/05/05/16** THAT the City of Kelowna issue parking passes to holders of Veteran vehicle license plates to allow free on-street parking to December 31, 2005 in honour of the Year of the Veteran.

Carried8. TERMINATION

The meeting was declared terminated at 4:45 p.m.

Certified Correct:


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 Mayor

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 Acting City Clerk

BLH/am