

Regular Meeting – P.M.

October 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, October 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 and S.A. Shepherd.

Staff members in attendance were: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi*; Deputy City Clerk, S.C. Fleming; Manager of Development Services, A.V. Bruce*; Subdivision Approving Officer, R.G. Shaughnessy*; Director of Works & Utilities, J. Vos*; Director of Financial Services, P.A. Macklem*; Director of Parks & Leisure Services, D.L. Graham*; Financial Planning Manager, K. Grayston*; Inspection Services Manager, R. Dickinson*; Public Consultation & Performance Strategist, C. Stephens*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

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

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

3. PUBLIC IN ATTENDANCE

3.1 Michael Lowen, United Way re: Presentation - United Way

Michael Lowen, United Way:

- Presented a Certificate of Recognition to Barb Watson, Employee Campaign Coordinator for City of Kelowna staff.

3.2 Presentation by Ian Graham, Chair, Kelowna Homelessness Steering Committee re: Homelessness Awareness Week 2005

Ian Graham:

- Spoke of the committee's efforts to meet the needs of the homeless in Kelowna, and encouraged everyone to be part of the solution.
- Played a short slide show feature the photography of Michele Rule and the music of Even Jeffrey.
- Played a short video on the storey of a man who lived on the streets with addictions for two years and found what he needed to turn his life around with the help of the Gospel Mission and the life skills program they offer.
- Introduced a young woman who gave her storey of overcoming an addiction to alcohol with the help of Harmony House, a facility for women in crisis.

4. DEVELOPMENT APPLICATIONS

4.1 Rezoning Application No. Z05-0051 – Irandokht Khodarahmi (Grant Maddock/Protech Consultants Ltd.) – 5110 Frost Road (BL9512)

(a) Planning & Corporate Services report dated September 22, 2005.

Staff:

- The rezoning would facilitate a proposed 18 lot single family subdivision.

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Council:

- Staff to clarify at the Public Hearing the design of the linear corridor under the power line and the ownership/maintenance of the corridor.

Moved by Councillor Given/Seconded by Councillor Cannan

R965/05/10/17 THAT Rezoning Application No. Z05-0051 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Part of Lot B, DL 1688s, SDYD, Plan 23489, located on Frost Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU2 – Medium Lot Housing zone and the P3 – Parks & Open zone as shown on Map "A" attached to the report of Planning & Corporate Services Department dated September 22, 2005, 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 provision of an executed Servicing Agreement to the satisfaction of the Works & Utilities Department.

Carried

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

Bylaw No. 9512 (Z05-0051) – Irandokht Khodarahmi (Grant Maddock/ Protech Consultants Ltd.) – 5110 Frost Road

Moved by Councillor Given/Seconded by Councillor Clark

R966/05/10/17 THAT Bylaw No. 9512 be read a first time.

Carried

4.2 Rezoning Application No. Z05-0044 – Giovanni & Michelina Molinaro – 4002 Santa Anita Place (BL9513)

(a) Planning & Corporate Services report dated September 22, 2005.

Moved by Councillor Given/Seconded by Councillor Blanleil

R967/05/10/17 THAT Rezoning Application No. Z05-0044 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 5, Section 6, Township 26, O.D.Y.D. Plan 40896, located on Santa Anita Place, Kelowna, B.C. from the RU2 – Medium Lot Housing zone to the RU2s – Medium 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.

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

Bylaw No. 9513 (Z05-0044) - Giovanni & Michelina Molinaro –
4002 Santa Anita Place

Moved by Councillor Shepherd/Seconded by Councillor Given

R968/05/10/17 THAT Bylaw No. 9513 be read a first time.

Carried

4.3 Rezoning Application No. Z05-0030 – Jarnail and Gurmej Khun-Khun (Madan Kanda) – 740 Tartan Road (BL9514)

(a) Planning & Corporate Services report dated September 22, 2005.

Staff:

- The rezoning would allow a second principal residence on the property. The second house would be the subject of a Development Permit if the zoning proceeds.

Moved by Councillor Hobson/Seconded by Councillor Day

R969/05/10/17 THAT Rezoning Application No. Z05-0030 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 69, Section 26, Township 26, O.D.Y.D. Plan 22239, located on Tartan Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling 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. 9514 (Z05-0030) - Jarnail and Gurmej Khun-Khun
(Madan Kanda) – 740 Tartan Road

Moved by Councillor Shepherd/Seconded by Councillor Clark

R970/05/10/17 THAT Bylaw No. 9514 be read a first time.

Carried

4.4 Planning & Corporate Services Department, dated October 4, 2005 re: Rezoning Application No. Z05-0062 – Jack Peters and Cynthia Waldek-Peters (Jack Peters) – 1857 Barlee Road

Staff:

- The rezoning is requested to allow the legalization of an existing suite.
- The lot is large. Staff do not recommend support for the rezoning because although legalizing a suite is the right thing to do, this property has significant redevelopment potential to multi-family housing at the medium or transitional density level. The Official Community Plan designates the property for medium density multi-family. Legalizing the suite could defer eventual redevelopment of the site to the density designated in the plan.
- If the rezoning is supported, a Development Variance Permit would be required to deal with the size of the suite.

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Moved by Councillor Given/Seconded by Councillor Blanleil

R971/05/10/17 THAT Council hear from the applicant.

Carried

Jack Peters, applicant:

- The subject property is part of a land assembly plan to achieve a large enough land base to create a higher density development. In the interim legalizing the suite would allow two families who cannot afford to buy a house to live in a house.
- Would upgrade the suite to meet all requirements.

Moved by Councillor Given/Seconded by Councillor Shepherd

R972/05/10/17 THAT Rezoning Application No. Z05-0062 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, District Lot 129, ODYD Plan 12956, located on Barlee Road, 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 subsequent to the requirements of the Inspection Services Department being completed to their satisfaction;

AND FURTHER THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property.

Carried

5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS – Public Hearing Waived)

- 5.1 Bylaw No. 9492 (Z04-0082) - 298874 BC Ltd., Jorde Holdings Ltd., 218555 BC Ltd., and P & D Logging Ltd. (Lynn Welder Consulting) – 3260 Highway 97 North

Moved by Councillor Clark/Seconded by Councillor Shepherd

R973/05/10/17 THAT Bylaw No. 9492 be read a second and third time.

Carried

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- 6.1 Inspection Services Manager, dated October 12, 2005 re: ST05-15 – Application for Stratification of Four-Plex at 265 Fir Court

Mayor Gray invited anyone in the public gallery who deemed themselves affected by the proposed stratification to come forward. There was no response.

Moved by Councillor Hobson/Seconded by Councillor Day

- R974/05/10/17** THAT the application to stratify the four unit row housing at 265 Fir Court be approved in the name of Ian Palmer with no conditions.

Carried

- 6.2 Inspection Services Manager, dated October 3, 2005 re: File a Notice Against the Land Title of 577 Rose Avenue

Staff:

- The building was a house and then was rezoned for a day care facility. At that time, City staff discovered the building did not meet Building Code standards for the large number of occupants.
- The owner did not bring the building up to the proper standard and the building is not being used as a day care now.
- The notice would advise any perspective buyer that the building would have to be brought up to standard to continue with the day care use.
- The safety concerns relate more to the spread of smoke and fire in an emergency.
- The applicant understood that he had the right to appear before Council but waived that right.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

- R975/05/10/17** THAT Council authorize the City Clerk to file a Notice in the Land Title Office against Lot 5, RP1246, as permitted by Section 57(1) of the Community Charter, regarding the construction required for a change of occupancy from residential to school use.

The notice filed stating that:

1. A resolution relating to Lot 5, RP 1246 has been made under Section 57(1) of the Community Charter, and;
2. Further information respecting the resolution may be inspected at the office of the municipality;

AND THAT the City be responsible for the costs involved.

Carried

- 6.3 Director of Planning & Corporate Services, dated October 12, 2005 re: Budget Transfer – Planning & Development Services

Moved by Councillor Shepherd/Seconded by Councillor Given

- R976/05/10/17** THAT the 2005 Financial Plan be amended by \$61,891.00 to allow the creation of two new supervisor positions and two additional Inspectors and an additional Planning and Development Officer with funding from an increase in Rezoning Fee and Building Permit revenues.

Carried

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- 6.4 Planning & Corporate Services, dated October 7, 2005 re: Nuisance Controlled Substance Property Bylaw No. 9510

Moved by Councillor Given/Seconded by Councillor Clark

R977/05/10/17 THAT Nuisance Controlled Substance Property Bylaw No. 9510 be amended to change the length of time an owner has to clean up the property from 14 days to 30 days;

AND THAT Bylaw No. 9510 as amended, be advanced for reading consideration by Council;

AND THAT Notice of Council's intent to adopt Nuisance Controlled Substance Property Bylaw No. 9510 at the Regular Meeting of October 31, 2005 be published in the Capital News and Daily Courier and on the City web site;

AND FURTHER THAT Council hear from the public at the October 31, 2005 Regular Meeting prior to considering Bylaw No. 9510 for adoption.

Carried

- 6.5 Director of Financial Services, Director of Works & Utilities, and Director of Parks & Leisure Services, dated October 12, 2005 re: 20-Year Servicing Plan and Financing Strategy (3150-20)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R978/05/10/17 THAT Council adopt the revised 20 Year Servicing Plan and Financing Strategy for the infrastructure financing plan for new growth within the City of Kelowna as projected in the Official Community Plan to the year 2020;

AND THAT Council receive staff information regarding the public and stakeholder consultation process including the 'Public and Stakeholder Input' document dated October 2005;

AND THAT Bylaw No. 9515, being Amendment No. 2 to Development Cost Charge Bylaw No. 9095 be advanced for reading consideration by Council, with implementation of the new DCC rates effective January 1, 2006 or the date of final adoption whichever is later;

AND FURTHER THAT an information package be submitted to the Inspector of Municipalities for approval prior to 4th reading and adoption of Bylaw No. 9515.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 9510 – Nuisance Controlled Substance Bylaw

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R979/05/10/17 THAT Bylaws No. 9510 and 9515 be read a first, second and third time.

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- 7.2 Bylaw No. 9515 – Amendment No. 2 to Kelowna Development Cost Charge Bylaw No. 9095

See resolution adopted under item No. 7.1.

(BYLAW PRESENTED TO RESCIND ADOPTION AND AMEND THE BYLAW AT THIRD READING)

- 7.3 Bylaw No. 9487 – Amendment No. 2 to Kelowna Memorial Park Cemetery Bylaw No. 8807

Moved by Councillor Hobson/Seconded by Councillor Day

R980/05/10/17 THAT final adoption given Bylaw No. 9487 being “Amendment No. 2 to Kelowna Memorial Park Cemetery Bylaw No. 8807” on October 3, 2005 be rescinded;

AND THAT Bylaw No. 9487 be amended at third reading as outlined in the report from the City Clerk dated October 12, 2005;

AND FURTHER THAT Bylaw No. 9487 be advanced to the October 24, 2005 Regular Meeting for adoption consideration by Council.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 7.4 Bylaw No. 9381 – Miscellaneous Fees and Charges Bylaw

Moved by Councillor Hobson/Seconded by Councillor Day

R981/05/10/17 THAT Bylaw No. 9381 be adopted.

Carried

- 7.5 Bylaw No. 9474 – Amendment No. 1 to Kelowna Development Cost Charge Bylaw No.9095

Moved by Councillor Day/Seconded by Councillor Hobson

R982/05/10/17 THAT Bylaw No. 9474 be adopted.

Carried

8. COUNCILLOR ITEMS

- (a) Safety Concerns – Gordon Drive/Bernard Avenue Area

Councillor Given advised that apparently some of the drug activity that has been displaced from the downtown is now occurring outside the 7-Eleven convenience store at the corner of Gordon and Bernard. The store is open all night and noise levels and the drug activity are making people not feel safe. Councillor Given added that increased police presence on that corner could help and asked that the RCMP be made aware of the concern.

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(b) Dogs in City Park – Trial Basis

Councillor Cannan noted the Parks & Facilities Committee was going to consider allowing dogs in City Park on a trial basis later this week but the meeting has been cancelled and the committee may not meet again this year. Councillor Given (Chair, Regional Dog Committee) advised that the intent is to allow a trial period during a time of year when the park is not busy and agreed to bring a report directly to Council.

(c) Linear Trail Along Bellevue Creek

Councillor Cannan asked whether the linear trail that is proposed along Bellevue Creek will be on one side or both sides of the creek and what the trail width will be. The Acting City Manager advised that Parks staff are working on some of those details and that whatever they have so far can be relayed to Council.

(d) Pedestrian Safety – Glenmeadows/Glenmore Drive

Councillor Cannan commented on a recent near fatality at Glenmeadows/Glenmore Drive. He noted there is a high population of seniors in the area and they are asking for a pedestrian light and stepped up police enforcement of speed at that intersection.

(e) Election Signs

Councillor Hobson noted that election signs are now going up for the pending civic election and suggested that the candidates be reminded not to attach election signs to utility poles and of the safety danger to their volunteers putting signs in medians in the middle of highways. The Deputy City Clerk advised that if a sign impacts on sight safety and the City is made aware of that, the sign is taken down right away and the candidate is notified.

(f) Start Time Changed for November 15th Public Hearing

Mayor Gray informed the public that due to the length of the agenda for the November 15th Public Hearing, at the Regular Meeting held this morning Council agreed to change the start time for the November 15th meeting from 7:00 p.m. to 5:00 p.m.

9. TERMINATION

The meeting was declared terminated at 4:06 p.m.

Certified Correct:

Mayor

Deputy City Clerk

BLH/am