

Regular Meeting – P.M.November 14, 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, November 14, 2005.

Council members in attendance were: Mayor Walter Gray, Councillors R.D. Cannan, B.A. Clark, C.B. Day\*, B.D. Given, R.D. Hobson and S.A. Shepherd.

Council members absent: Councillor A.F. Blanleil.

Staff members in attendance were: City Manager, R.A. Born; Deputy City Clerk, S.C. Fleming; Director of Planning & Corporate Services, R.L. Mattiussi\*; Manager of Development Services, A.V. Bruce\*; Manager of Policy, Research & Strategic Planning, S.K. Bagh\*; 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 Clark was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Downtown Kelowna Association (DKA) re: Back Alley Garbage Solutions

Mike Gilmore, president-elect, DKA:

- Introduced the committee members who worked together to find back alley garbage solutions that would provide an alternative to dumpsters.
- The CleanScapes model used to remove dumpsters from the Pioneer Square Market in Seattle is achievable in Kelowna.
- Outlined the BFI service plan for removal of dumpsters from the public rights-of-way in the downtown core.

Moved by Councillor Given/Seconded by Councillor Shepherd

**R1099/05/11/14** THAT the Downtown Kelowna Association's report regarding back alley garbage solutions be received;

AND THAT the City of Kelowna, on a proactive basis, prohibit and enforce removal as necessary of all garbage containers within the public right-of-way within the phase 1 area of the downtown (roughly bounded by Abbott Street, Pandosy Street, Harvey Avenue and Bernard Avenue) effective March 1, 2006; and within the phase 2 area (the rest of the downtown) effective October 1, 2006;

AND FURTHER THAT the City of Kelowna notify in writing all business licensees within the phase 1 and 2 boundaries that the applicable bylaws prohibiting garbage containers within the public right-of-way will be enforced as of the dates set out.

Carried

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4. DEVELOPMENT APPLICATION REPORTS

4.1 Rezoning Application No. Z05-0067 – Dilworth Shopping Centre Ltd. (Rising Tide Consultants Ltd.) – 2339-2397 Highway 97 North (BL9529)

(a) Planning & Corporate Services report dated November 1, 2005

Staff:

- The rezoning is requested to accommodate a proposed private liquor store in the Dilworth Mall.
- The application is consistent with the policies that came out of the Mayor's Entertainment District Task Force.

Moved by Councillor Hobson/Seconded by Councillor Given

**R1100/05/11/14** THAT Rezoning Application No. Z05-0067 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot A, District Lots 126 and 532, ODYD Plan 40108, located on Highway 97 North, Kelowna, B.C., from the C4 – Urban Centre Commercial zone to the C4rls – Urban Centre Commercial (Retail Liquor Sales) zone as shown on Map "A" attached to the report of Planning & Corporate Services Department dated November 1, 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 requirements of the Ministry of Transportation and the Liquor Control and Licensing Branch being completed to their satisfaction.

Carried

Councillors Cannan and Given opposed.

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

Bylaw No. 9529 (Z05-0067) - Dilworth Shopping Centre Ltd. (Rising Tide Consultants Ltd.) – 2339-2397 Highway 97 North

Moved by Councillor Given/Seconded by Councillor Clark

**R1101/05/11/14** THAT Bylaw No. 9529 be read a first time.

Carried

Councillors Cannan and Given opposed.

4.2 Planning & Corporate Services Department, dated November 3, 2005 re: Development Permit Application No. DP05-0156 – Mill Creek Developments Ltd. (Jeremy Shelton, Harold Schneider, Rene Dureault) – 205 Rutland Road South

Staff:

- The property is currently used as a surface parking lot.
- The applicant is proposing to develop the site with a 3-storey building with commercial/retail and a residential lobby at grade, two floors of residential above and a roof top deck area.

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Moved by Councillor Day/Seconded by Councillor Shepherd

**R1102/05/11/14** THAT Council authorize the issuance of Development Permit No. DP05-0156 for Lot 7, Section 23, Township 26 ODYD Plan 10372 Except Plan KAP52614, located on Rutland Road South, 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;

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.

Carried

5. BYLAWS (ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED TO RESCIND READINGS AND CLOSE THE FILE)**

- 5.1 Bylaw No. 9211 (OCP03-0014) – John & Ingrid Paavilainen (Keith Funk/New Town Planning) – 1170 Band Road **requires majority vote of Council (5)**

Councillor Day declared a conflict of interest because he owns property within the notification radius for the subject application and left the Council Chamber at 2:18 p.m.

Staff:

- The applicants have decided they do not want to comply with the conditions required to support the rezoning and have abandoned the idea of the group home on the property.

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R1103/05/11/14** THAT second and third readings given Bylaw No. 9211 under Resolution No. R817/04/08/24 on August 24, 2004 be rescinded and the file closed.

Carried

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- 5.2 Bylaw No. 9212 (Z03-0071) - John & Ingrid Paavilainen (Keith Funk/New Town Planning) – 1170 Band Road

Moved by Councillor Clark/Seconded by Councillor Given

**R1104/05/11/14** THAT second and third readings given Bylaw No. 9212 under Resolution No. R818/04/08/24 on August 24, 2004 be rescinded and the file closed.

Carried

Councillor Day returned to the Council Chamber at 2:21 p.m.

## 6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 Planning & Corporate Services Department, dated November 8, 2005 re: Council Policy No. 329 – Downtown Commercial Building Encroachment Policy (0550-06)

Staff:

- Many of the older buildings in the downtown area have either zero setbacks or minor projections encroaching into the City right-of-way.
- The proposed policy provides the tool under which Council can consider encroachments for buildings being renovated in the downtown urban centre.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R1105/05/11/14** THAT Council Policy No. 329 (Downtown Commercial Building Encroachment Policy) be approved by Council, as attached to the Planning Department's report dated November 8, 2005, to clarify the criteria that must be met for the City to consider allowing building encroachments onto City land for commercial buildings being renovated in the downtown urban centre.

Carried

- 6.2 City Clerk, dated November 4, 2005 re: Dog Walking and Dog Off-Leash Parks – Council Policy No. 258 (BL9524; 6130-02; 0550-06)

Staff:

- Clarified that the owner has to have been convicted of harbouring a dangerous or aggressive dog to be prohibited from entering City Parks.

Moved by Councillor Given/Seconded by Councillor Cannan

**R1106/05/11/14** THAT Council Policy No. 258 - Dog Walking and Dog Off-Leash Parks, be amended to add the following:

### **TEMPORARY ON-LEASH FROM NOVEMBER 1, 2005 TO APRIL 30, 2006**

- |                            |                    |
|----------------------------|--------------------|
| • City Park                | 1600 Abbott Street |
| • Kerry Park               | 1480 Mill Street   |
| • Queensway Boat Launch    | 238 Queensway      |
| • Rotary Marsh             | 1050 Sunset Drive  |
| • Stuart Park              | 1420 Water Street  |
| • Water Street Boat Launch | 1354 Water Street  |
| • Waterfront Park          | 1200 Water Street; |

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AND THAT City of Kelowna Parks and Public Spaces Bylaw No. 6819-91 be amended to prohibit dangerous or aggressive dogs from entering City parks and the amending bylaw, No. 9524, be advanced for reading consideration by Council.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

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

7.1 Bylaw No. 9524 – Amendment No. 10 to City of Kelowna Parks and Public Spaces Bylaw No. 6819-91

Moved by Councillor Day/Seconded by Councillor Cannan

**R1107/05/11/14** THAT Bylaw No. 9524 be read a first, second and third time.

Carried

8. COUNCILLOR ITEMS – Nil.

9. TERMINATION

The meeting was declared terminated at 2:41 p.m.

Certified Correct:

\_\_\_\_\_  
Mayor

BLH/am

\_\_\_\_\_  
Deputy City Clerk