

Regular Meeting – P.M.June 7, 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, June 7, 2004.

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\*; Planner-Long Range, G. Stephen\*; Director of Works & Utilities, J. Vos\*; Transportation Manager, R.W. Westlake\*; Civic Properties Manager, J. Waugh\*; Inspection Services Manager, K. Skinner\*; Licensing & Bylaw Enforcement Supervisor, A. Dixon\*; 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 Day was requested to check the minutes of the meeting.

Mayor Gray read a letter from Jim Hayes, one of two veterans who travelled from Kelowna to Veendam, courtesy of the Veendam City Council, to attend their May 4<sup>th</sup> liberation ceremonies.

3. UNFINISHED BUSINESS

**(BYLAW PRESENTED FOR 2<sup>ND</sup> & 3<sup>RD</sup> READINGS AND ADOPTION)**

- 3.1 Bylaw No. 9234 (OCP04-0008) - Cedar Avenue Land Use Review requires majority vote of Council (5) - reading consideration deferred from May 18, 2004 Regular Meeting.

Councillor Hobson declared a conflict of interest because direct members of his family live in the area and left the Council Chamber at 1:40 p.m.

Councillor Shepherd declared a conflict of interest because she owns a business adjacent to this area and left the Council Chamber at 1:41 p.m.

Moved by Councillor Given/Seconded by Councillor Horning

THAT Bylaw No. 9234 be read a second and third time and be adopted.

Council:

- The boundaries on the map attached to the bylaw showing future land uses for the City-owned properties along the foreshore to be altered to expand the area indicated as park and open space.
- Staff to report back regarding Council's ability to restrict the height and use of a potential hotel use to a boutique hotel with a limitation on the number of rooms, no liquor primary license and no power boat marina.
- Staff to recommend a future use for the three City-owned lots to the north, taking into consideration the desire to inform potential purchasers of how the area to the south could develop and the need to provide an appropriate buffer between existing residential and the area to the south.

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Moved by Councillor Clark/Seconded by Councillor Horning

**R545/04/06/07** THAT further consideration of Bylaw No. 9234 be tabled for staff to report back with potential amendments to the bylaw that could be made without requiring a new Public Hearing, taking into consideration Council's desire to alter the ratio of commercial and green space indicated for the City-owned lots along the foreshore, and for staff to bring forward a draft Council policy for imposing restrictions on potential uses that could be considered in conjunction with a future hotel.

Carried

Councillor Cannan opposed.

Councillors Hobson and Shepherd returned to the Council Chamber at 2:13 p.m.

Mayor Gray altered the order of business and advised that agenda item No. 7.1 would be dealt with next.

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR ADOPTION)**

7.1 Bylaw No. 9227 – Second Hand Dealer and Pawnbroker Regulation Bylaw

Mayor Gray invited anyone in the public gallery who deemed themselves affected by the proposed bylaw amendments to come forward.

Jeremy Kamoschinski, 753 Cadder Avenue:

- Has been in the industry for 19 years.
- Is already using data entry on the computer.
- Concerned that the promise of a level playing field is not being met.
- If this bylaw is adopted and data input is changed to the electronic form, then concerned about what could come next.
- Pawnbrokers probably get greater majority of the second hand clientele but there are other levels of second hand dealers such as private goldsmiths who deal in jewellery and the businesses who advertise for payroll advances, etc. It is unfair to single out pawnbrokers.
- Lack of ability to control their finances or have sustainable finances does not make individuals criminal and those are the people who make up the majority of pawnbrokers' clientele.
- Need interaction between the RCMP and the business owner on a more personal level.

Martin Strasser, Premier Jewellery and Loans, Springfield Road:

- The proposed bylaw attacks the fundamental right of public freedom.
- The RCMP are collecting the names and personal information in order to profile for criminal activity.
- The RCMP do not have access to personal information from hospitals, banks or other institutions yet they do from this industry.
- Read a letter expanding on his concerns and asking for a solution that allows the RCMP to deter crime yet still respects the dignity and rights of the clientele.

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Doug McIntyre, Save More Pawnbrokers, Asher Road:

- The RCMP are phoning customers and are giving computerized lists to private detectives.
- Council and the RCMP promised the pawnbrokers a level playing field; however, the proposed bylaw is basically for pawnbrokers. Second Hand dealers were not even notified about the bylaw.
- Has had one seizure a year for the past 3 years and in each instance the stolen goods came to the attention of the RCMP from the data sheets.
- The information now being asked for is unconstitutional and against the Charter of Rights.
- Pawnbrokers need some respect and fair treatment from City Hall. Bringing in 5 and as many as 7 people to compare what is on the shelves to the inventory lists is intimidating.
- The pawnbrokers have given the RCMP many suggestions and concerns. Nothing changes but the bylaw keeps getting stiffer.
- The pawnbrokers were required to buy photocopiers to meet requirements of the last bylaw. Now they are being asked to do the reporting on-line. Not all of the pawnbrokers are computer literate; this requirement could put some out of business.
- Will collect the data on items pawned but do not want to release the people's name, address and phone number to the RCMP unless there is a problem with an item in which case the RCMP are welcome to take the item and to have the relevant personal information. The majority of the clientele are honest, hard working people. Would like to see the requirement to supply personal information on every client removed from the bylaw.
- The RCMP can also come in and confiscate any item and paperwork on the item and hold them for as long as they want.
- Going to this new system gets away from the person to person relationship with the RCMP and will not be efficient.
- The concerns about the transaction fee that was being charged to search RCMP records to see if items are stolen have been resolved.

Staff:

- The main change between the previous and proposed bylaw is the move from a paper reporting system to an electronic reporting system.
- The requirement for paper and now electronic reporting is directed at both Pawnbrokers and Second Hand Dealers.
- There has been some liaison between the second hand dealers and RCMP.

Wayne Taylor, Ellis Used Goods and Pawnshop, Ellis Street:

- The proposed bylaw is discriminatory on pawnshops; the bylaw is not enforced for used goods or jewellery stores.
- Is not on the internet now so the proposed bylaw would force him to go on the internet.
- The pawnbrokers have always complied with giving the RCMP information they require.

Martin Strasser again:

- The RCMP can call any of the pawnbrokers with the name of an individual and they will be told if that name is on file. The intent is not to block the recovery of stolen items. However, the majority of the customers are legitimate and it is their names and personal information that is being bandied about.

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- The proposed bylaw grants the RCMP powers that are not upheld by the Province. This is evidenced by a court ruling in Fredericton, NB regarding a bylaw that is similar.
- Pawnshop customers are embarrassed to be in the financial situation that took them to the pawnshop. They have not committed a crime and they have a right to privacy.
- It is the link between the people and the object that is being pawned, and the RCMP tracking of people instead of goods that is of concern. The personal information should not go to the police unless it relates to an item that has been stolen.

Barry Williamson, City Solicitor:

- Clarified that the degree of information that is required from the pawnbrokers is not personal enough to be unconstitutional.
- Has reviewed the Fredericton decision and, in his opinion, it is unlikely a B.C. court would follow that decision.

Police Supt. Bill McKinnon:

- Inputting the data of second hand goods was too big a burden for volunteers and so it was necessary for staff to do it. Therefore the reporting process has not yet been expanded to take in the second hand dealers and jewellery stores.
- The RCMP are dealing with a complaint about an officer who phoned a client's home about an item that was pawned; the action was inappropriate and the member will be disciplined.

Sgt. Doug Fisher, Vancouver Police Dept.

- Explained how the results from the current Extract system being used by the RCMP to electronically collect the data in the bylaw will be enhanced with the on-line reporting from pawnbrokers and second hand dealers.
- Theft and robbery are a significant problem for the RCMP. The vast majority of the goods are disposed of by ebay or other electronic classified ads. Only a small percentage goes to pawnshops and second hand dealers.
- Any place that legally buys something across the counter can take in stolen goods.
- The RCMP see a need to investigate this industry in order to solve and prevent crime. The data collected by the bylaw is lawfully done and handled in a lawful manner.
- Gave examples of how the information the RCMP collect has helped locate stolen goods, at times before they were reported as stolen.
- The RCMP did not have the resources to check the entire second hand industry under the paper reporting system, but they will under the electronic reporting system.

Moved by Councillor Day/Seconded by Councillor Cannan

**R546/04/06/07** THAT Bylaw No. 9227 be adopted.

Carried

Councillor Horning opposed.

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- 4.1 Planning & Corporate Services Department, dated May 18, 2004 re: Rezoning Application No. Z04-0021 and OCP04-0007 – Aberdeen Holdings Ltd. (Grant Maddock/Protech Consultants Ltd.) – 2350 Byrns Road

Councillor Day declared a conflict of interest because immediate family owns property in the area and left the Council Chamber at 3:39 p.m.

Staff:

- The subject application would facilitate a 50-unit bareland strata subdivision.
- The applicant has also submitted a Development Variance Permit application to vary the side yard setbacks. Without the variance the result would be 3 units less density per acre yield.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R547/04/06/07** THAT OCP Bylaw Amendment No. OCP04-0007 to amend Map 19.1 of the *Kelowna2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 2, DL 136, ODYD, Plan KAP72184, located on Bryns Road, Kelowna, B.C., from the Multiple Unit Residential – low density designation to the Single/Two Unit designation, as shown on Map “A” attached to the report of Planning & Corporate Services Department dated May 18, 2004 be considered by Council;

AND THAT Rezoning Application No. Z04-0021 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, DL 136, ODYD, Plan KAP72184, located on Byrns Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU5 – Bareland Strata Housing zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP04-0007 and zone amending bylaw be forwarded to a Public Hearing for further consideration.

Carried

- 4.2 Planning & Corporate Services Department, dated May; 10, 2004 re: Agricultural Land Reserve Appeal No. A04-0004 – Mike & Josephine Schleppe and Rashwa & Sarita Gopal (Keith Funk/New Town Planning Services Inc.) – 4215 Wallace Hill Road

Staff:

- The applicant’s intent is to remove the north half of the property from the Agricultural Land Reserve (ALR) to accommodate a 6 lot subdivision, and to subdivide the southerly portion to create 2 lots within the ALR.
- The land is mostly treed with the exception of the southeast corner which was at one time used for Hay production.
- The Agricultural Advisory Committee recommends non-support because the application fails to comply with the primary goal of the ALR to preserve agricultural land, the proposed development would change the character of the rural area, and the potential negative impact on the water and wetland environment. Staff do not recommend support for the same reasons.
- The soil classification of the land is mostly Class 3 with an irrigated improved rating to Class 2.

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Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R548/04/06/07** THAT hear from the applicant.

Carried

Keith Funk, applicant:

- The property has never been farmed. One crop of hay was planted but it was drowned out. The land is sprinkled with wetlands. The portion that is proposed for the 6 lots is riveted with gulleys, estuaries and ponds, and is not conducive to agriculture. The portion of land with agricultural potential would remain in the ALR.
- Because the land is currently in the ALR is not reason for it to stay within the ALR.
- There are already a number of smaller lot developments within the area. Six more lots would not change the character of the area nor would it open up the area to all be subdivided.

Councillor Day returned to the Council Chamber at 3:51 p.m.

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R549/04/06/07** THAT Council hear from the public gallery.

DEFEATED

Mayor Gray and Councillors Given, Hobson, Horning and Shepherd opposed.

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R550/04/06/07** THAT Agricultural Land Reserve Appeal No. A04-0004, Lot 2, D.L. 360, ODYD, Plan 1734, located on Wallace Hill Road, Kelowna, B.C. for partial exclusion from the Agricultural Land Reserve pursuant to Section 30(1) of the Agricultural Land Commission Act, and for partial subdivision within the Agricultural Land Reserve pursuant to Section 21(2) of the Agricultural Land Commission Act, **not** be supported by Municipal Council.

Carried

4.3 Planning & Corporate Services Department, dated May 10, 2004 re: Agricultural Land Reserve Appeal No. A04-0005 – R & B Construction/R. & B. Poonian (Tony Markoff/Planning Solutions Consulting) – 908 El Paso Road

Staff:

- The application is to exclude the 7.7 ha (11.5 acre) property from the ALR on the basis that the land is too steep and dangerous to farm. Showed photos of the property.
- The Agricultural Advisory Committee recommends support subject to provision of a suitable buffer for the agricultural operations to the north.
- Staff do not recommend support because the relevant planning documents do not support exclusion of the property from the ALR.
- The property was subject of a non-farm use application for a golf course in 1999 but the Land Reserve Commission felt the land should be preserved and refused the application.

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Moved by Councillor Cannan/Seconded by Councillor Horning

**R551/04/06/07** THAT hear from the applicant.

Carried

Tony Markoff, applicant:

- Was encouraged to proceed with this application after talking to Agricultural Land Reserve Commission staff.
- The site was farmed years ago but every effort failed. Half the site is over 30% slope and too steep to farm.
- The part of the property that was most viable was excluded for subdivision in the last 2 years.
- The site is surrounded by urban development.

Staff:

- Clarified that it was a boundary adjustment rather than a subdivision that was done. The majority of the property to the west was never in the ALR.
- The toe of the slope of McKenzie Bench is the boundary for lands being in and out of the ALR.

Moved by Councillor Blanleil/Seconded by Councillor Given

**R552/04/06/07** THAT Agricultural Land Reserve Appeal No. A04-0005, Lot 15, Sec. 25, Twp. 26, ODYD, Plan KAP73538, located on El Paso Road, B.C. for exclusion from the Agricultural Land Reserve pursuant to Section 30(1) of the Agricultural Land Commission Act, be supported by Municipal Council.

Carried

Councillors Hobson and Shepherd opposed.

4.4 Planning & Corporate Services Department, dated May 19, 2004 re: Rezoning Application No. Z04-0016 – Gary Grant and Joyce Decock (Tony Lockhorst/Emeral Developments Inc.) – 993 & 1003 Harvey Avenue

Staff:

- The rezoning would facilitate construction of a 4-storey, 47-unit apartment building.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R553/04/06/07** THAT Rezoning Application No. Z04-0016 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 1 & 2, DL 138, ODYD, Plan 2769, located at 993 and 1003 Harvey Avenue, Kelowna, B.C. from RU6 – Two Dwelling Housing zone to RM5 – Medium Density Multiple Housing zone 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 in conjunction with Council's consideration of a Development Permit on the subject property.

Carried

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- 4.5 Planning & Corporate Services Department, dated May 25, 2004 re: Rezoning Application No. Z01-1063 – Luigi Giovanni Russo (Tom Smithwick) – 982 & 1040 Old Vernon Road (B/L 8832; B/L8833)

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R554/04/06/07** THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for adoption of Official Community Plan Amending Bylaw No. 8832 and Zone Amending Bylaw No. 8833 (Tom Smithwick/Porter Ramsay for Russo) Old Vernon Road be considered for extension from April 30, 2004 to October 23, 2004.

Carried

Councillor Cannan opposed.

- 4.6 Planning & Corporate Services Department, dated May 27, 2004 re: Rezoning Application No. Z04-0031 – Candace & Andrew Wheeler – 3195 Hall Road

Staff:

- The applicant is proposing to develop a secondary suite above a garage attached to the existing single family dwelling.

Moved by Councillor Given/Seconded by Councillor Shepherd

**R555/04/06/07** THAT Rezoning Application No. Z04-0031 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 16, Township 26, ODYD Plan 15811, located on Hall 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 FURTHER THAT final adoption of the zone amending bylaw be withheld pending approval by the Public Health Officer for septic system upgrades and the existing well water system.

Carried

- 4.7 Planning & Corporate Services Department, dated June 1, 2004 re: Rezoning Application No. Z04-0026 – Mailey Developments Ltd. (John Mailey) – 518 & 548 McKay Avenue

Staff:

- Later in the agenda for this meeting, there is a bylaw to defeat a rezoning on one of the two subject properties.
- The intent is to consolidate the lots and develop the site with a 4-storey mixed use building with commercial tenant space on the main level and residential above.



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Moved by Councillor Hobson/Seconded by Councillor Day

**R556/04/06/07** THAT Rezoning Application No. Z04-0026 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 10 & 11, D.L. 14, Plan 3769, ODYD located on McKay Avenue, Kelowna, B.C. from the RU6 - Two Dwelling Housing zone to the C4 - Urban Centre Commercial 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 Works & Utilities Department being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered following the consolidation of the lots;

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 in conjunction with Council's consideration of a Development Variance Permit on the subject property.

Carried

4.8 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 9176 (Z03-0055) – Maxwell House Developments Ltd.  
– 245 Glenmore Road

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R557/04/06/07** THAT Bylaw No. 9176 be adopted.

Carried

(b) Planning & Corporate Services Department, May 31, 2004 re:  
Development Permit Application No. DP03-0126 – Maxwell House  
Developments Ltd. – 245 Glenmore Road

Staff:

- The site is proposed for development of 24 townhouse units, intended as housing for younger families or the first time buyers market.

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**R558/04/06/07** THAT Council authorize the issuance of Development Permit No. DP03-0126 for Lot B, Sec. 4, Twp. 23, O.D.Y.D. Plan 23927, located on Glenmore 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;

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

4.9 (a) **BYLAWS PRESENTED FOR ADOPTION**

- (i) Bylaw No. 9186 (LUC78-1009) – Vincent & Giovannina Magaldi (R469 Enterprises Ltd.) – 2131 Scenic Road

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R559/04/06/07** THAT Bylaw No. 9186 be adopted.

Carried

- (ii) Bylaw No. 9187 (Z03-0063) – Vincent & Giovannina Magaldi (R469 Enterprises Ltd.) – 2131 Scenic Road

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R560/04/06/07** THAT Bylaw No. 9187 be adopted.

Carried

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- (b) Planning & Corporate Services Department, June 1, 2004 re: Development Permit Application No. DP03-0159 – Vince & Giovannina Magaldi (Barb Danielsen/R469 Enterprises Ltd.) – 2131 Scenic Road

Staff:

- The applicant is proposing development of a 16-unit townhouse complex.
- Concerns raised at the Public Hearing on the rezoning application regarding potential trespass have been addressed; the applicant has agreed to fence and landscape the south property boundary.

Moved by Councillor Hobson/Seconded by Councillor Day

**R561/04/06/07** THAT Council authorize the issuance of Development Permit No. DP03-0159 for legal description Lot A, Secs. 4 & 9, Twp. 23, O.D.Y.D., Plan KAP61644, located on Scenic 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. Registration of a Section 219 Restrictive Covenant to prohibit vehicular access from the site onto the future Glenmore By-pass;
5. 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

4.10 (a) **BYLAWS PRESENTED FOR ADOPTION**

- (i) Bylaw No. 9207 (Z04-0009) – Mamre Holdings Inc. (Renee Wasylyk) – 1832/1844 Ambrosi Road

Moved by Councillor Hobson/Seconded by Councillor Day

**R562/04/06/07** THAT Bylaw No. 9207 be adopted.

Carried

- (ii) Bylaw No. 9100 (Z03-0041) – Mamre Holdings Inc. (Renee Wasylyk) – 1856 Ambrosi Road

Moved by Councillor Hobson/Seconded by Councillor Day

**R563/04/06/07** THAT Bylaw No. 9100 be adopted.

Carried

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- (b) Planning & Corporate Services Department, May 31, 2004 re: Development Permit Application No. DP04-0012 – Mamre Holdings Inc. – 1832/1844/1856 Ambrosi Road

Staff:

- The applicant is proposing to develop the site with a 2-storey mixed use commercial/residential building with office space at grade and 5 residential units above.

Moved by Councillor Cannan/Seconded by Councillor Shepherd

**R564/04/06/07** THAT Council authorize the issuance of Development Permit No. DP04-0012 for Lots 4, 5 & 6, Block 1, District Lot 129, ODYD Plan 5109, located on Ambrosi 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;

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

- 4.11 Planning & Corporate Services Department, dated May 25, 2004 re: Text Amendment No. TA04-0002 – City of Kelowna

Moved by Councillor Hobson/Seconded by Councillor Day

**R565/04/06/07** THAT Zoning Bylaw Text Amendment No. TA04-0002 to amend Section 6.4.1 of City of Kelowna Zoning Bylaw No. 8000 with respect to maximum permitted projections in required yards as outlined in Schedule "A" of the report of the Planning & Corporate Services Department dated May 25, 2004 be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA04-0002 be forwarded to a Public Hearing for further consideration.

Carried

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- 4.12 Planning & Corporate Services Department, dated June 1, 2004 re: Text Amendment No. TA04-0003 – City of Kelowna – Large Lot Housing and Medium Lot Housing Zones

Staff:

- Staff are initiating this text amendment in order to correct inconsistencies in the setback requirements and building height requirements between the RU1 and RU2 zones.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

**R566/04/06/07** THAT Zoning Bylaw Text Amendment No. TA04-0003 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" of the report of the Planning & Corporate Services Department dated June 1, 2004 be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA04-0003 be forwarded to a Public Hearing for further consideration.

Carried

- 4.13 Planning & Corporate Services Department, dated May 17, 2004 re: Proposed Amendment to Official Community Plan – Restricting Development in Areas Designated for Future Urban Reserve

Staff:

- At present, it is difficult to refuse subdivision of lands designated as Future Urban Reserve in the Official Community Plan when water, septic, road, etc. requirements can be met. The proposed amendment allows Council to determine whether 10 acre parcels are in the City's best interest in Future Urban Reserve areas.
- Alternatively, the minimum parcel size could be changed to something larger than 10 acres.
- The intent of the amendment is to alleviate the threat of lands designated for future urban reserve being subdivided into minimum permitted lot sizes after the opportunity to develop the land prematurely has been denied.

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R567/04/06/07** THAT Municipal Council direct staff to prepare an amendment to the Official Community Plan to further restrict development potential on lands designated as Future Urban Reserve on Map 19.1 of the current Official Community Plan.

Carried

- 4.14 Planning & Corporate Services Department, dated May 6, 2004 re: Council Policy No. 315 – Liquor Licensing Procedures – Liquor Primary (lp) and Retail Liquor Sales (rls)

Moved by Councillor Blanleil/Seconded by Councillor Clark

**R568/04/06/07** THAT Council Policy No. 255 Liquor Licensing Procedures for a Cabaret or Neighbourhood Pub be rescinded and replaced with a new Council Policy No. 315 - Liquor Licensing Procedures for - Liquor Primary (lp) and Retail Liquor Sales (rls), attached as Schedule A to the report of the Planning and Corporate Services Department dated May 6, 2004.

Carried

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5. BYLAWS (ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED TO RESCIND FIRST READING AND CLOSE THE FILE)**

- 5.1 Bylaw No. 8842 (OCP01-016) – Christian & Missionary Alliance (Art Huber Architect Inc.) – 3690 Gordon Drive **requires majority vote of Council (5)**

Moved by Councillor Hobson/Seconded by Councillor Day

**R569/04/06/07** THAT first reading given Bylaw No. 8842 under Resolution No. R399/02/04/30 on April 30, 2002 be **rescinded** and file closed.

Carried

- 5.2 Bylaw No. 8843 (Z01-1058) – Christian & Missionary Alliance (Art Huber Architect Inc.) – 3690 Gordon Drive

Moved by Councillor Hobson/Seconded by Councillor Day

**R570/04/06/07** THAT first reading given Bylaw No. 8843 under Resolution No. R400/02/04/30 on April 30, 2002 be **rescinded** and file closed.

Carried

**(BYLAW PRESENTED FOR DEFEAT AT FOURTH READING)**

- 5.3 Bylaw No. 8986 (Z02-1060) – Ian & Marguerite Sisett – 518 McKay Avenue

Moved by Councillor Given/Seconded by Councillor Horning

**R571/04/06/07** THAT Bylaw No. 8986 be **defeated** at fourth reading.

Carried

**(BYLAWS PRESENTED FOR ADOPTION)**

- 5.4 Bylaw No. 9016 (Z03-0021a) – Willcliff Holdings Ltd. (RJ McMasters Pub) – 1992 Dilworth Drive

Moved by Councillor Given/Seconded by Councillor Horning

**R572/04/06/07** THAT Bylaw No. 9016 be adopted.

Carried

- 5.5 Bylaw No. 9024 (Z03-0021i) – Grand Okanagan Resort – 1310 Water Street

Moved by Councillor Horning/Seconded by Councillor Given

**R573/04/06/07** THAT Bylaw No. 9024 be adopted.

Carried

Regular Meeting – P.M.

June 7, 2004

6. REPORTS

- 6.1 Civic Properties Manager, dated May 26, 2004 re: Sails Dock Moorage Space – Licence to Use (0710-40)

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R574/04/06/07** THAT staff be authorized to rent moorage space at the City dock next to the Sails Fountain to Lake Okanagan Resort for the term May 15, 2004 to September 15, 2004;

AND THAT the Civic Properties Manager be authorized to sign the Licence to Use.

Carried

- 6.2 Director of Works & Utilities, dated May 28, 2004 re: Electric Poles and Wires Removal – Highway 97, Spall to Leckie Roads (5520-01)

Moved by Councillor Shepherd/Seconded by Councillor Given

**R575/04/06/07** THAT Council approve the under grounding of electrical wires to allow removal of poles and wires on Highway 97 from Spall to Leckie Roads, as outlined in the report of the Director of Works and Utilities dated May 28<sup>th</sup>, 2004;

AND THAT Council approves a budget amendment to the 2004 Financial Plan in the amount of \$120,373.74 with funding from the Electrical Accumulated Surplus Account.

Carried

- 6.3 Inspection Services Manager, dated June 2, 2004 re: Application for Stratification of Four-Plex (ST03-21) – 1151-1157 Houghton Road (3760-10)

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 Blanleil

**R576/04/06/07** THAT the application to stratify the four plex at 1151 – 1157 Houghton Road be approved in the name of L & M Marketing Ltd. with no conditions.

Carried

- 6.4 Transportation Manager, dated May 31, 2004 re: Temporary Closure of Paret Road South of Barnaby Road (5400-04)

Councillor Clark declared a conflict of interest because he owns one of the two homes serviced by this road and left the Council Chamber at 5:07 p.m.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R577/04/06/07** THAT Council approve the temporary closure of Paret Road between Barnaby Road/Steele Road and Arborview Drive to motor vehicle traffic.

Carried

Councillor Clark returned to the Council Chamber at 5:08 p.m.

Regular Meeting – P.M.

June 7, 2004

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR ADOPTION)**

- 7.1 Bylaw No. 9227 – Second Hand Dealer and Pawnbroker Regulation Bylaw

Dealt with after agenda item No. 3.1.

- 7.2 Bylaw No. 9242 – MTI New Pawnbroker Bylaw Amendment No. 63

Moved by Councillor Day/Seconded by Councillor Cannan

**R578/04/06/07** THAT Bylaw No. 9242 be adopted.

Carried

8. COUNCILLOR ITEMS

- (a) Notice of Motion – Councillor Shepherd re: Public Review Process – Designation of Heritage Conservation Area (6800-05)

Deferred to the Regular Meeting of June 14, 2004.

- (b) Bylaw No. 9211 (OCP03-0014) – John & Ingrid Paavilainen – 1170 Band Road

Councillor Cannan advised that subsequent to close of the Public Hearing on this application the applicant's agent confirmed that the applicant was willing to commit to connect the property to sanitary sewer. Without the benefit of this information, Council defeated the OCP amending bylaw and as a consequence the Zone Amending Bylaw could not be considered. Councillor Cannan asked whether, based on the new information received, Council would be willing to reconsider this application.

Councillor Day declared a conflict of interest because he owns property within the notification radius for this application and left the Council Chamber at 5:11 p.m.

Councillor Hobson advised that he was not in attendance at the Public Hearing for this application but has read the minutes of the meeting and therefore is able to participate in the decision whether to reconsider the application.

Councillors Blanleil and Shepherd commented that they would only be willing to consider the application if easement issues raised at the Public Hearing are addressed by the applicant.

Moved by Councillor Cannan/Seconded by Councillor Horning

**R579/04/06/07** THAT, based on new information provided by the applicant, Council agrees to reconsider Resolution No. R498/04/05/18 defeating OCP Amending Bylaw No. 9211 at second reading.

Carried

Councillor Day returned to the Council Chamber at 5:14 p.m.



Regular Meeting – P.M.

June 7, 2004

(c) Queensway Bus Terminal

Councillor Cannan advised that he has received complaints about the lack of security at the Queensway bus terminal and suggested that the RCMP consider reactivating a surveillance camera at that location.

Mayor Gray advised that the Regional Transportation Committee is aware of the concern and will be discussing the matter at their meeting later this week.

(d) DVP04-0036 – MKS Resources – 1895-1905 Pandosy Street

Mayor Gray noted that the staff recommendation which Council adopted at the Regular Meeting of Tuesday, June 1, 2004, did not include approval of the requested variance to parking requirements. Mayor Gray asked that Council confirm whether it was their intent to also approve the 4 stall parking shortfall.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R580/04/06/07** THAT the following variance to Zoning Bylaw No. 8000 be granted:

Section 8: Table 8.1: Parking Schedule:

Vary the required parking from 43 stalls required to 39 stalls proposed.

Carried

9. TERMINATION

The meeting was declared terminated at 5:18 p.m.

Certified Correct:

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Mayor

Acting City Clerk

BLH/am