

Regular Meeting – P.M.

September 15, 2008

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 September 15, 2008.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Barrie Clark, Colin Day, Brian Given, Carol Gran, Robert Hobson, Norm Letnick* and Michele Rule.

Staff members in attendance were: Acting City Manager, Paul Macklem; City Clerk, Stephen Fleming; Planner, Birte Decloux*; Planner Nelson Wight*; Airport General Manager, Sam Samaddar*; Inspection Services Manager, Ron Dickinson*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

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

2. Councillor Letnick to check the minutes of the meeting.

3. UNFINISHED BUSINESS

3.1 Planning & Development Services Department, dated September 1, 2008, re: Rezoning Application No. Z07-0082 and Development Variance Permit Application No. DP07-0247 – Bruckal Developments Corp. (New Town Architectural Services) – 443 Christleton Avenue (B/L 10031)

(a) Planning & Development Services report dated September 1, 2008.

Councillor Letnick declared a conflict of interest as his family has a direct relationship with the Applicant's family and left the meeting at 1:32 p.m.

City Clerk:

- Provided background regarding this matter and clarified the process that Council should consider.

Staff:

- There was no City representation at the meeting with the Applicant and the neighbourhood.
- Confirmed receipt of written correspondence from both the Applicant and the neighbourhood regarding the meeting; however there is a difference of opinion as to the outcome of the meeting.

Moved by Councillor Hobson/Seconded by Councillor Given

R819/08/09/15 THAT Council re-open the Public Hearing for Rezoning Application No. Z07-0082.

Carried

(b) **BYLAW PRESENTED FOR SECOND & THIRD READINGS**

DEFERRED MOTION (from Regular Meeting of July 8, 2008) Deferred pending discussions between the Applicant and the neighbourhood residents with respect to how the property development could be changed in order to be more sensitive to the neighbourhood.

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Moved by Councillor Blanleil/Seconded by Councillor Gran

THAT Bylaw No. 10031 be read a second and third time.

As Council has re-opened the Public Hearing for Rezoning Application No. Z07-0082, the motion to have Bylaw No. 10031 read a second and third time is still on the table.

Councillor Letnick rejoined the meeting at 1:47 p.m.

4. DEVELOPMENT APPLICATION REPORTS

4.1 Planning & Development Services Department, dated August 28, 2008, re: Official Community Plan Amendment Application No. OCP07-0024 and Rezoning Application No. Z07-0074 – Baljit & Manjit Shokar and The Owners, Strata Plan KAS1411 (City of Kelowna) – East of Spencer Road/6060 Spencer Road (Various Addresses) (B/L 10080 & B/L 10081)

(a) Planning & Development Services report dated August 28, 2008.

Moved by Councillor Given/Seconded by Councillor Hobson

R820/08/09/15 THAT Official Community Plan Amendment Application No. OCP07-0024 to amend City of Kelowna Zoning Bylaw No. 8000 by applying the future land use designations of Lot B, District Lot 120, O.D.Y.D., Plan KAP51562, That Part of District Lot 119, Shown on Plan B3553, O.D.Y.D., Plan H17738, Strata Lots 1 – 133, District Lot 144, O.D.Y.D., Strata Plan KAS1411 together with an interest in the common property in proportion to the unit entitlement of the strata, and the Park Dedication, in accordance with Map 19.1, attached to the Planning and Development Services Department report dated August 28, 2008 be considered by Council;

AND THAT Council considers the Advisory Planning Commission public process to be appropriate consultation for the purpose of section 879 of the Local Government Act, as outlined in the report of the Planning and Development Services Department, dated August 28, 2008.

AND THAT the necessary changes or additions to relevant Maps within the Kelowna 2020 – Official Community Plan be completed on Lot B, District Lot 120, O.D.Y.D., Plan KAP51562, That Part of District Lot 119, Shown on Plan B3553, O.D.Y.D., Plan H17738, Strata Lots 1 – 133, District Lot 144, O.D.Y.D., Strata Plan KAS1411 together with an interest in the common property in proportion to the unit entitlement of the strata, and the Park Dedication, in accordance with the maps attached to the report of the Planning and Development Services Department, dated August 28, 2008.

AND THAT Rezoning Application No. Z07-0074 to amend City of Kelowna Zoning Bylaw No. 8000 by applying the zoning classifications of Lot B, District Lot 120, O.D.Y.D., Plan KAP51562, That Part of District Lot 119, Shown on Plan B3553, O.D.Y.D., Plan H17738, Strata Lots 1 – 133, District Lot 144, O.D.Y.D., Strata Plan KAS1411 together with an interest in the common property in proportion to the unit entitlement of the strata, and the Park Dedication, in accordance with Map "A" be considered by Council;

AND FURTHER THAT the OCP Bylaw Amendment No. OCP07-0024 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

Carried

Regular Meeting – P.M.September 15, 2008(b) **BYLAWS PRESENTED FOR FIRST READING**

- (i) Bylaw No. 10080 (OCP07-0024) – Baljit & Manjit Shokar and The Owners, Strata Plan KAS1411 (City of Kelowna) – East of Spencer Road/6060 Spencer Road (Various Addresses) – **Requires a majority of all Members of Council (5)**

Moved by Councillor Given/Seconded by Councillor Letnick**R821/08/09/15** THAT Bylaw No. 10080 be read a first time;

AND THAT the bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

- (ii) Bylaw No. 10081 (Z07-0074) - Baljit & Manjit Shokar and The Owners, Strata Plan KAS1411 (City of Kelowna) – East of Spencer Road/6060 Spencer Road (Various Addresses)

Moved by Councillor Letnick/Seconded by Councillor Given**R822/08/09/15** THAT Bylaw No. 10081 be read a first time.Carried

4.2 Planning & Development Services Department, dated September 2, 2008, re: Rezoning Application No. Z08-0051 – Terry & Lynae Igel – 391 Yates Road (B/L 10085)

- (a) Planning & Development Services report dated September 2, 2008.

Moved by Councillor Gran/Seconded by Councillor Hobson

R823/08/09/15 THAT Rezoning Application No. Z08-0051 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 14, Section 32, Township 26, O.D.Y.D., Plan 15293, located on Yates Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to RU1(s) Large Lot Housing with a 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 Works & Utilities Department and the Glenmore-Ellison Improvement District being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit;

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

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Bylaw No. 10085 (Z08-0051) – Terry & Lynae Igel – 391 Yates Road

Moved by Councillor Rule/Seconded by Councillor Clark

R824/08/09/15 THAT Bylaw No. 10085 be read a first time.

Carried

4.3 Planning & Development Services Department, dated August 20, 2008 re: Rezoning Application No. Z08-0056 – Jason Moore & Yvette Toews – 5110 Chute Lake Crescent (B/L 10084)

(a) Planning & Development Services report dated August 20, 2008.

Staff:

- Confirmed that access to the property will be off of Chute Lake Road.

Moved by Councillor Given/Seconded by Councillor Letnick

R825/08/09/15 THAT Rezoning Application No. Z08-0056 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 12, Section 24, Township 28, Similkameen Division Yale District, Plan 24416, located at 5110 Chute Lake Cr, Kelowna BC from the RR2 – Rural Residential 2 zone to the RU1 – Large Lot Housing 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 Works & Utilities requirements being satisfied.

Carried

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

Bylaw No. 10084 (Z08-0056) – Jason Moore & Yvette Toews – 5110 Chute Lake Road

Moved by Councillor Rule/Seconded by Councillor Clark

R826/08/09/15 THAT Bylaw No. 10084 be read a first time.

Carried

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5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 5.1 (a) Bylaw No. 10045 (OCP08-0006) – Black Mountain Irrigation District (New Town Planning Services Inc.) – North of Joe Rich Road – **Requires a majority of all Members of Council (5)**

Moved by Councillor Clark/Seconded by Councillor Rule

R827/08/09/15 THAT Bylaw No. 10045 be adopted.

Carried

- (b) Bylaw No. 10046 (Z08-0029) – Black Mountain Irrigation District (New Town Planning Services Inc.) – North of Joe Rich Road

Moved by Councillor Gran/Seconded by Councillor Blanleil

R828/08/09/15 THAT Bylaw No. 10046 be adopted.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 Assistant General Manager, Airport Operations, dated September 3, 2008, re: Ground Handler Licence Agreement – 442929 B.C. Ltd. dba Kelowna Shell Aerocentre – Kelowna International Airport

Moved by Councillor Given/Seconded by Councillor Hobson

R829/08/09/15 THAT Council authorize the Mayor and City Clerk to sign the Ground Handler Licence Agreement allowing 442929 B.C. Ltd. doing business as Kelowna Shell Aerocentre, to operate at the Kelowna International Airport.

Carried

- 6.2 Inspection Services Manager, dated September 4, 2008, re: Stratification of 1777 Water Street, Kelowna, BC – Lot A, Plan KAP87204

Staff:

- Advised that the requested stratification is a bit unusual, which is why he is requesting certain conditions be met in order for the stratification to be approved.
- The Developer has agreed to enter into a Housing Agreement.

Moved by Councillor Day/Seconded by Councillor Hobson

R830/08/09/15 THAT the application to stratify the 30 units at the noted property be approved in the name of Transport Services International Corporation Inc. provided the following conditions are completed to the satisfaction of the Manager of Inspection Services:

- The work authorized in Building Permit Number 35464 must be completed as required in the City of Kelowna Building Bylaw.
- One 3 bedroom apartment and one 1 bedroom apartment be registered as affordable ownership dwellings through the City's ownership housing agreement.
- A minimum of 18 bicycle parking spaces be provided.

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- The unused water service currently to the lot is to be disconnected by the City at the main at the owners expense.
- The owner is to provide a 6.0 meter radius property corner rounding at the road intersection.

Carried

- 6.3 Licence and Bylaw Enforcement Supervisor, dated August 28, 2008, re: Bylaw Enforcement on Arterial Highways

Staff:

- Confirmed that the Ministry of Transportation is required to sign off on this Bylaw prior to adoption.
- It is anticipated that enforcement of the Bylaw will not require additional staff. It will be make it easier for staff to prioritize the City's bylaw enforcement needs.

Moved by Councillor Given/Seconded by Councillor Gran

R831/08/09/15 THAT Bylaw No. 10071 being Amendment No. 12 to Traffic Bylaw No. 8120 be advanced to Council for reading consideration.

AND THAT final adoption of Bylaw No. 10071 be considered subsequent to the approval of the Minister of Transportation and Infrastructure.

Carried

- 6.4 Transportation Manager, dated September 3, 2008, re: Local Improvement Charges Bylaw No. 6600-90

Moved by Councillor Given/Seconded by Councillor Day

R832/08/09/15 THAT Bylaw No. 10072 to repeal Local Improvement Charges Bylaw No. 6600-90 be advanced to Council for reading consideration.

Carried

- 6.5 City Clerk, dated September 10, 2008, re: Kelowna Downtown Business Improvement Area – Renewal of the BIA

Moved by Councillor Given/Seconded by Councillor Hobson

R833/08/09/15 THAT Council receive the Certificate of Sufficiency dated September 10, 2008 pertaining to the proposed renewal of the Kelowna Downtown Business Improvement Area;

AND FURTHER THAT the Kelowna Downtown Business Improvement Area Bylaw No. 10010 be advanced for adoption consideration.

Carried

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7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

7.1 Bylaw No. 10071 – Amendment No. 12 to Traffic Bylaw No. 8120

Moved by Councillor Blanleil/Seconded by Councillor Letnick

R834/08/09/15 THAT Bylaw No. 10071 be read a first, second and third time.

Carried

7.2 Bylaw No. 10072 – A Bylaw to Repeal Local Improvement Charges Bylaw No. 6600-90.

Moved by Councillor Blanleil/Seconded by Councillor Letnick

R835/08/09/15 THAT Bylaw No. 10072 be read a first, second and third time.

Carried

7.3 Bylaw No. 10082 – Amendment No. 18 to Airport Fees Bylaw No. 7982

Moved by Councillor Blanleil/Seconded by Councillor Letnick

R836/08/09/15 THAT Bylaw No. 10082 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

7.4 Bylaw No. 10010 – Kelowna Downtown Business Improvement Area Establishment Bylaw 2009-2013

Moved by Councillor Day/Seconded by Councillor Gran

R837/08/09/15 THAT Bylaw No. 10010 be adopted.

Carried

8. COUNCILLOR ITEMS

8.1 Councillor Hobson, re: Federation of Canadian Municipalities (FCM) – Canadian Perceptions Toward the “New Realities of High Gas Prices” – Implications for Public Transit and Environment Policy

Moved by Councillor Hobson/Seconded by Councillor Rule

R838/08/09/15 THAT Council receive the Canadian Perceptions Towards the “New Realities of High Gas Prices” – Implications for Public Transit and Environment Policy from the Federation of Canadian Municipalities for information only.

Carried

8.2 Councillor Hobson, re: Request from the Federation of Canadian Municipalities (FCM) to hold an All Candidates Meeting for the Local Candidates running in the Upcoming Federal Election

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Councillor Hobson:

- Advised that the formal request from FCM has not been received yet, but should be forthcoming within the next week or so.

Moved by Councillor Hobson/Seconded by Councillor Letnick

R839/08/09/15 THAT Council endorses, in principal, the concept of an all candidates meeting for the local candidates running in the upcoming Federal Election;

AND THAT any request received from the Federation of Canadian Municipalities be forwarded to the local organizations already holding all candidates meetings with a request that those groups include questions directly related to municipal issues.

Carried

Councillor Hobson:

- Advised that the three (3) local Regional District Chairs are in support of the Agreement between the municipalities with respect to the harmonization of Bylaws.
- Advised that the City of Vernon has an excellent set of Hillside Development Guidelines.
- Advised that the work done last year on Knox Mountain with respect to hiking and mountain bike trail signage has been vandalized.

Acting City Manager:

- Advised that he would instruct the Parks Division to look into the vandalism on Knox Mountain.

Councillor Letnick:

- Advised that he will not be seeking re-election as a City Councillor during the upcoming election.

9. TERMINATION

The meeting was declared terminated at 2:27 p.m.

Certified Correct:

Mayor

City Clerk

SLH/hp